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SENATE—*Thursday, June 22, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Dr. Gus Roman, Canaan Baptist Church, Philadelphia, PA.

We are glad to have you with us.

PRAYER

The guest Chaplain, Rev. Dr. Gus Roman, offered the following prayer:

Let us bow our heads, please. Ask and you will receive; seek and you will find; knock and the door will be opened unto you. Let us pray:

In reverence we beseech You for Your presence, eternal God of love, justice, and power, whose providence and purpose have resulted in the emergence of the nations and governments. We thank You for this our country and for the inspired leaders of the past and present who have dedicated themselves and developed and shaped our Nation which has become a beacon for freedom, human rights, and justice. We thankfully present to You these men and women who continue the evolving legislative legacy of our Government to fulfill our national and global destiny to address the issues and challenges we face today.

O God, as they deliberate and make decisions, give them the awareness of Your presence, Your wisdom, understanding, and courage that with their determination, Your purpose will be accomplished. Keep before them Your mandate that justice must run down like water and righteousness like a mighty stream. Give them the assurance and confidence that truth and human rights will prevail in spite of the forces of injustice and evil. We offer our prayers in the spirit of Jesus. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BILL FRIST, a Senator from the State of Tennessee, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. FRIST). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before making opening announcements on behalf of the leader, I yield to my distinguished colleague from Pennsylvania, Senator SANTORUM. Then I will have a few comments about the Reverend after Senator SANTORUM concludes.

Mr. SANTORUM. I thank my colleague from Pennsylvania, Senator SPECTER.

REVEREND DR. GUS ROMAN

Mr. SANTORUM. Mr. President, I welcome Rev. Gus Roman from Canaan Baptist Church in Philadelphia. Reverend Roman is a giant among pastors in Philadelphia. He has held many leadership positions within the clergy, within the city of Philadelphia, and has been the right arm of Rev. Leon Sullivan, who may be a giant among giants within Philadelphia and around the world.

In particular, I refer to his work reaching into Africa, working on AIDS projects with the terrible scourge that is crossing Africa today. Reverend Roman is on the front line urging not only his church but other churches to respond to the need in America, as well as the wonderful things we have been able to accomplish—Reverend Roman and myself and others—in the community in Philadelphia. He has been a great leader, someone who has been a real tour de force not only in evangelizing the word of God but in putting God's will into action in the community.

It is an honor to have him here today. We certainly welcome him wholeheartedly to the Senate.

Mr. SPECTER. Mr. President, I join my distinguished colleague, Senator SANTORUM, in words of praise for Rev. Gus Roman. As a fellow Philadelphian, I have had an opportunity to watch his work. He has an outstanding record and an outstanding reputation.

It was very nice of him to come to Washington and lead the Senate in the opening prayer. When Senator SANTORUM makes comments about the work of Reverend Sullivan, that has been acclaimed nationally and internationally. I had my first opportunity to work with Reverend Sullivan many years ago when he took a deserted police station in north Philadelphia and turned it into the Opportunities Industrialization Corps, providing job training. It is worthy to note that Reverend Sullivan is in town today. There is an African American summit dinner tonight at the ballroom of the Washington Hilton—not to give too many advertisements in conjunction with the prayer.

Reverend Sullivan's work, as Reverend Roman's work, is very distinguished and a great contribution to America.

SCHEDULE

Mr. SPECTER. Mr. President, today the Senate will be in a period of morning business until approximately 10 a.m., with Senators AKAKA and LOTT in control of the time. Following morning business, the Senate will begin consideration of H.R. 4577, the Labor-Health Human Services appropriations bill. Amendments are expected to be offered and debated during this morning's session. At 1:20 p.m. today, the Senate will resume consideration of the foreign operations appropriations bill to debate final amendments. Votes will begin at 2 p.m. on the remaining amendments and on final passage of foreign operations and on any votes ordered in relation to the Labor appropriations bill. Further votes are expected throughout this evening's session. I thank my colleagues for their cooperation.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with the time to be equally divided between the Senator from Hawaii, Mr. AKAKA, and the majority leader, or his designee.

The Senator from Hawaii.

TRIBUTE TO ASIAN PACIFIC AMERICAN MEDAL OF HONOR WINNERS

Mr. AKAKA. Mr. President, I stand here today to pay tribute to the 22 men who received the Medal of Honor yesterday. As has been indicated by a number of my colleagues, one of those recipients is my dear friend and colleague from Hawaii, Senator DANIEL K. INOUYE. I extend my heartfelt congratulations to:

Senator DANIEL K. INOUYE, Second Lieutenant, 442nd Regimental Combat Team;

Rudolph Davila, Staff Sergeant, 3rd Army;

Barney Hajiro, Private First Class, 442nd RCT;

Mikio Hasemoto, Private, 100th Battalion;

Joe Hayashi, Private First Class, 442nd RCT;

Shizuya Hayashi, Private, 100th Battalion;

Yeiki Kobashigawa, Technical Sergeant, 100th Battalion;

Robert Kuroda, Staff Sergeant, 442nd RCT;

Kaoru Moto, Private First Class, 100th Battalion;

Kiyoshi Muranaga, Private First Class, 442nd RCT;

Masato Nakae, Private First Class, 100th Battalion;

Sinyei Nakamine, Private, 100th Battalion;

William Nakamura, Private First Class, 442nd RCT;

Joe Nishimoto, Private, 442nd RCT;

Allan Ohata, Staff Sergeant, 100th Battalion;

James Okubo, Technical Sergeant, 442nd RCT;

Yukio Okutsu, Technical Sergeant, 442nd RCT;

Frank Ono, Private First Class, 442nd RCT;

Kazuo Otani, Staff Sergeant, 442nd RCT;

George Sakato, Private, 442nd RCT;

Ted Tanouye, Technical Sergeant, 442nd RCT;

Francis Wai, Captain, 34th Division.

Mr. President, these 22 Medal of Honor recipients have joined an elite group of soldiers honored for exceptional valor in service to our country. It may have taken half a century, but the passage of time has not diminished the magnificence of their courage. These 22 men truly represent the best that America has to offer. They answered the call to duty and proved that patriotism is solely a circumstance of the heart. These men answered the call of duty with conviction and courage, at a time when these virtues were most in demand by a needy Nation. In the face of discrimination and injustice at home, these men set aside personal consideration to defend our great Nation on foreign battlefields. By their actions, these 22 men proved that patriotism is not based on the color of one's skin, but on the courage and strength of one's convictions.

I am pleased to have contributed to the process that finally led to the appropriate recognition of these soldiers. Legislation initiated by the Senate required the military to review the records of all Asian Pacific American recipients of the Navy Cross or Distinguished Service Cross during World War II to determine if any merit upgrade to the Medal of Honor.

Many times I have been asked why I thought review was necessary. The review provision was offered and adopted out of concern that Asian Pacific American veterans have never been fully recognized for their military contributions during the Second World War.

Many in Hawaii know of the exploits of the 100th Infantry Battalion, 442nd Regimental Combat Team. It came as a surprise that few on the mainland were familiar with the service of this famous all-Nisei, second generation Japanese unit, or of the secret Military Intelligence Service whose members served in the Pacific.

Twenty of the twenty two Medal of Honor recipients honored yesterday and today are from the 100th Infantry Battalion, 442nd Regimental Combat Team. Of the remaining two recipients, Sergeant Rudolph Davila served with the 7th Infantry and Captain Francis Wai served with the 34th Division.

Few people realize the history of the 442nd Regimental Combat Team. On December 7, 1941, during the attack on Pearl Harbor, a call went out for all University of Hawaii ROTC members to report for duty. These students, most of whom were Americans of Japanese ancestry, responded to the call and were fully prepared to defend the United States. 370 of the Japanese American ROTC cadets were sworn into the Hawaii Territorial Guard and guarded the most sensitive and important installations in Hawaii.

Due to the shock at the attack on Pearl Harbor and an unfortunate ignorance by some of the culture and racial makeup of the citizens of Hawaii, there were individuals who opposed Japanese Americans serving in the Territorial Guard. The 370 Japanese Americans who had served faithfully, willingly, and patriotically during the weeks following Pearl Harbor, were dismissed from the Territorial Guard because of their ancestry. Instead of rebelling, resigning, or protesting, these men wrote to the Commanding General of the Hawaiian Department and stated their "willingness to do their part as loyal Americans in every way" and offered themselves for "whatever you may see fit to use us."

These men formed the Varsity Victory Volunteers and worked at the quarries, constructed roads, helped construct warehouses, renovated quarters, strung barbed wire, and built chairs, tables, and lamps. They even donated blood and bought bonds. We cannot forget that these men were students and could have been making money in white collar jobs.

Instead, they devoted their time to doing what they could to help the military. It was this group of Japanese American volunteers, the Varsity Victory Volunteers, who were eventually given the authorization by the War Department to form the 442nd Regimental Combat Team, which would earn the distinction as the "most decorated unit for its size and length of service in the history of the United States."

Their motto, "Go for Broke," is a perfect description of their spirit and character as men and as a fighting unit. The 442nd and 100th Battalion captured enemy positions and rescued comrades. They completed missions that seemed impossible. Ignoring danger, they repeatedly placed themselves in harm's way, gaining a reputation for fearless and fierce fighting. Throughout the Army their bravery earned them the nickname the "Purple Heart Battalion."

In 1943, when the War Department decided to accept Nisei volunteers, over 1,000 Hawaii Nisei volunteered on the first day. The spirit and attitude of these volunteers is captured in the senior Senator from Hawaii's memoir, "Journey to Washington."

I want to read an excerpt from the book describing an exchange between young DAN INOUYE and his father as he left to report for induction.

> After a long period of silence between us, he said unexpectedly, "You know what 'on' means?"
>
> "Yes," I replied. On is at the very heart of Japanese culture. On requires that when one man is aided by another, he incurs a debt that is never canceled, one that must be repaid at every opportunity.
>
> "The Inouyes have great on for America," my father said. "It has been good to us. And now it is you who must try to return the goodness. You are my first son, and you are very precious to your mother and me, but you must do what must be done."

Mr. President, for over 60 years, my friend and colleague, the senior Senator from Hawaii, has returned to America the goodness and service to honor his father's admonition. On the field of battle in Italy, in the territorial legislature, and for over 40 years in Congress, DAN INOUYE has served his country with distinction and courage. His leadership on national defense, civil rights, and a host of other issues have made America a stronger and better country. I am proud to serve with him in the United States Senate.

Mr. President, the people of Hawaii are also very proud that 12 of the 22 men awarded the Medal of Honor are from Hawaii.

My Honolulu office received a call the other day from a constituent in Waianae, a small community on the leeward coast of Oahu, who wanted to make sure that people knew that three Medal of Honor recipients were from Waianae.

Indeed, the people of Hawaii are proud and grateful for all the local boys who have served in defense of our nation. They are well aware of the sacrifice and hardship endured by our men in uniform during World War II and subsequent conflicts.

Out of the 22 men honored, 10 were killed in battle. Five of the recipients survived World War II, but have passed on prior to knowing that their medals were upgraded. That leaves us with seven living recipients, five of whom, I am proud to say, are from the State of Hawaii.

I see this as an opportunity to inform the American public about the degree and level of participation of Asian Pacific Americans in the war effort. I thank President Clinton, Secretary of Defense William Cohen, and Secretary of the Army Louis Caldera for the painstaking and thorough manner in which the review and nomination process was conducted. I commend Secretary Caldera and all the Army personnel who conducted this review in a thorough and professional manner. They carried out the difficult task of identifying the records of more than one hundred veterans.

I would also like to acknowledge the 442nd Veterans Club, and Club 100 for their unwavering support and assistance in the review process. I want to thank Ed Ichiyama, Sakae Takahashi, and Iwao Yokooji for their tremendous work in recognizing the contributions of Asian Pacific Americans in military intelligence and the frontlines of battle. The accounts documented for each of the 104 Distinguished Service Cross recipients underscore our faith in a Nation that produces such heroes and are a wonderful legacy for our children and grandchildren.

I would also like to pay tribute to the Military Intelligence Service, whose unit citation was signed by Secretary Caldera last night, because in a profound way, my interest in this area began with the MIS.

About 10 years ago, I heard of the late Colonel Richard Sakakida's remarkable experiences as an Army undercover agent in the Philippines during World War II. His MIS colleagues worked to have his extraordinary service honored by our Government and the Government of the Philippines.

While working to have Colonel Sakakida's service acknowledged with appropriate decoration, I realized that there were many war heroes whose valiant service had been overlooked. I recalled that only two Asian Pacific Americans received the Medal of Honor for service during World War II. The number seemed too low when you consider the high-intensity combat experienced by the 100th and 442nd, the service of 12,000 Filipino Americans in the U.S. Army, and the dangerous assignments taken by the 6,000 members of the MIS.

President Truman recognized it for what it was on a rain-drenched day in 1945, when during a White House ceremony honoring the 100th and 442nd, he observed, "you fought not only the enemy, you fought prejudice, and you have won."

Mr. President, these men are not being awarded the Medal of Honor because of their race. They are being given their due recognition for their exceptional acts of valor. Fifty-five years ago, our country refused to appropriately recognize that these men distinguished themselves by gallantry and audacious courage, risking their lives in service above and beyond the call of duty.

This is a great day to be an American, and I am honored to stand before the Senate to pay tribute to these 22 men who fought to defend our great Nation. In their memory and in celebration of our Nation's everlasting commitment to justice and liberty, I honor these 22 men and their achievements and offer them the highest praise for all they have done to keep us free.

Mr. STEVENS. Mr. President, some people have inquired about why I have been so interested in the award of a Congressional Medal of Honor to our distinguished friend from Hawaii, Senator DANIEL INOUYE. I come to the floor to explain that.

As a young boy, I attended school in Redondo Beach, CA. That high school was also attended by a substantial number of Japanese students. On December 7 of 1941, we had the terrible attack on the United States. Following that attack, almost half of the young boys, young men of our high school class, did not return to school. They were Japanese young men.

Within a few weeks, they and their families were interned and taken to local racetracks and other places and put into internment camps. I never saw those young men again. They were young men with whom I played football and knew very well. Many of them joined the same unit Senator INOUYE was in, the 442nd.

It was not until 1996, when Senator AKAKA, Senator INOUYE's colleague, introduced an amendment, that I realized there had been probably one of the greatest mistakes made by the American military in its history. On February 10, 1996, Senator AKAKA offered an amendment that became section 524 of Public Law 104–106. It was for this purpose:

> Review regarding upgrading of Distinguished-Service Crosses and Navy Crosses awarded to Asian-Americans and Native American Pacific Islanders for World War II service.

It required the Secretary of the Army to review the records relating to the awards of the Distinguished-Service Cross and the Secretary of the Navy to review the records relating to the Navy Cross awarded to these people to determine whether or not the people who had received those awards should be upgraded to the Medal of Honor.

As a result of that review, as we all know, yesterday we attended, at the White House, the Medal of Honor ceremony that did result in the upgrading of these awards that had been previously made to 21 different individuals. One of them was to my great friend, the Senator from Hawaii.

The Senate will have a reception, sponsored by Senator BYRD and myself, for Senator INOUYE this afternoon. At this time, at noon, he is becoming a member of the Medal of Honor Society at the Offices of the Secretary of the Army. We have invited every Member of the Senate, and I do hope they will come by.

The ceremony will start at 4:30. The room will be opened at 4 o'clock. It is the Caucus Room in the Russell Building. At my request, Stephen Ambrose, who wrote the D-Day book and other books very well known to our people, will be there to make some remarks concerning Senator INOUYE.

I have decided this citation should appear in the RECORD. I ask unanimous consent that it be printed in the RECORD as it appears in the document presented by the President of the United States to those of us who attended the ceremony yesterday.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

CITATION

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to:

SECOND LIEUTENANT DANIEL K. INOUYE
UNITED STATES ARMY

for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty:

Second Lieutenant Daniel K. Inouye distinguished himself by extraordinary heroism in action on 21 April 1945, in the vicinity of San Terenzo, Italy. While attacking a defended ridge guarding an important road junction, Second Lieutenant Inouye skillfully directed his platoon through a hail of automatic and small arms fire, in a swift enveloping movement that resulted in the capture of an artillery and mortar post and brought his men to within 40 yards of the hostile force. Emplaced in bunkers and rock formations, the

> enemy halted the advance with crossfire from three machine guns. With complete disregard for his personal safety, Second Lieutenant Inouye crawled up the treacherous slope to within five yards of the nearest machine gun and hurled two grenades, destroying the emplacement. Before the enemy could retaliate, he stood up and neutralized a second machine gun nest. Although wounded by a sniper's bullet, he continued to engage other hostile positions at close range until an exploding grenade shattered his right arm. Despite the intense pain, he refused evacuation and continued to direct his platoon until enemy resistance was broken and his men were again deployed in defensive positions. In the attack, 25 enemy soldiers were killed and eight others captured. By his gallant, aggressive tactics and by his indomitable leadership, Second Lieutenant Inouye enabled his platoon to advance through formidable resistance, and was instrumental in the capture of the ridge. Second Lieutenant Inouye's extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit on him, his unit, and the United States Army.

Mr. STEVENS. Mr. President, we are all honored to serve with this Senator. I hope every Member of the Senate will attend the reception for him.

Mr. WELLSTONE. Mr. President, all of us thank Senator STEVENS and Senator BYRD for having a gathering this afternoon for Senator INOUYE.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I ask unanimous consent to be given 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT NORMAL TRADE RELATIONS WITH CHINA AND THE CHINA NONPROLIFERATION ACT

Mr. THOMPSON. Mr. President, we will shortly be taking up the matter of permanent normal trade relations with China.

Mr. President, normally, I do not think matters of trade should be encumbered by other non-trade considerations; however, in the case of China, the situation is different. Not only are we considering trade with someone other than an ally, someone other than a nation that shares our values and outlooks on life, but we are beginning a new relationship with a nation that is actively involved in activities that go against the national security of this nation, and go against the security of the entire world. China still is one of the world's leading proliferators of weapons of mass destruction. We are right now engaged in a debate in this country over a national missile defense because of the activities of certain rogue nations and the weapons of mass destruction that they are rapidly developing. They're developing those weapons, Mr. President, in large part because of the assistance they're getting from the Chinese.

The Rumsfeld Commission reported in July of 1998 that "China poses a threat as a significant proliferator of ballistic missiles, weapons of mass destruction, and enabling technology. It has carried out extensive transfers to Iran's solid fuel ballistic missile programs, and has supplied Pakistan with the design for nuclear weapons and additional nuclear weapons assistance. It has even transferred complete ballistic missile systems to Saudi Arabia and Pakistan. China's behavior thus far makes it appear unlikely it will soon effectively reduce its country's sizable transfers of critical technology, experts, or expertise, to the emerging missile powers.

Mr. President, I speak today not to get into the middle of the PNTR debate, because that is yet to come, but because something has come to my attention that I think deserves comment.

Under issue cover dated June 22—today—the Far Eastern Economic Review reports this:

> Robert Einhorn, the U.S. Assistant Secretary of State for Nonproliferation, left Hong Kong on June 11 with a small delegation bound for Beijing. Neither the American or Chinese side reported this trip. Einhorn is on a delicate mission to get a commitment from Beijing not to export missile technology and components to Iran and Pakistan. China has agreed in principle to resume nonproliferation discussions with the U.S. in July. But Einhorn's trip has an added urgency because recent U.S. intelligence reports suggest that China may have begun building a missile plant in Pakistan. If true, it would be the second Chinese-built plant there. A senior U.S. official declined comment on the report, but said that Washington is concerned that China has resumed work on an M-11 missile plant it started building in Pakistan in 1990. Work stopped in 1996 when Pakistan, facing U.S. sanctions, pledged itself to good behavior.

Mr. President, if this report is true, I must say it's totally consistent with everything else the Chinese have been doing over the past several years. In summary, they have materially assisted Pakistan's missile program; they have materially assisted North Korea's missile program; they have materially assisted Libya's missile program. They have now been responsible apparently for two missile plants in Pakistan. The India-Pakistan part of the world is a nuclear tinder box. They are going after one another with tests of missiles with the Indians saying they're responding to the Pakistanis' tests. The Pakistanis in turn are developing capabilities almost solely dependent on the Chinese. All of this activity by China is in clear violation of the Missile Technology Control Regime, which they have agreed to adhere to. In addition, they have assisted in the uranium and plutonium production in Pakistan. This is in violation of the Nuclear Non-Proliferation Treaty. They have been of major assistance to the Iranian missile program. They have supplied guidance systems to the Iranians. They have helped them test flight their Shahab-3 missile. They have now successfully conducted a test flight of that missile. They have supplied raw materials and equipment for North Korea's missile program. Plus, in addition, they have supplied cruise missiles to Iran, and they have supplied chemicals and equipment and a plant to Iran to help them produce chemical weapons.

Now, all of these have to do with reports, most have to do with intelligence reports, that we have received in open session before Congressional committees year after year after year where the Chinese have promised that they would do better, promised that they would adhere to international regimes and norms of conduct, and they have consistently violated them. We cannot turn a blind eye to these factors as we consider PTNR.

What is to happen to a nation that will not protect itself against obvious threats to its national security? That's why, Mr. President, we have introduced a bill that will establish an annual review mechanism that assesses China's behavior with regard to the proliferation of weapons of mass destruction. And if it is determined that they continue this conduct, we will have responses. They will be WTO-compliant; for the most part they will not be trade-related. They address things like Chinese access to our capital markets. They now are raising billions of dollars in our capital markets, and there's no transparency. We do not know what the monies are going for. We know precious little about the companies except that they are basically controlled by the Chinese government. Many people feel like the money is going back to enhance their military and other activities such as that. There needs to be transparency. They need to be told that if they continue with this pattern of making the world less safe, creating a situation where we even need to have to worry about a national missile defense system, assisting these rogue nations with the capability of hitting us with nuclear and biological and chemical weapons, that there's going to be a response by this country. It will be measured; it will be calculated; it will be careful; it will be tiered-up in severity based upon the level of their activities. And this is what we're going to be considering in conjunction with the PTNR debate.

I thought it was important that I bring this latest information concerning the Chinese activities in building apparently another missile plant in Pakistan, which is a nuclear tinder box, even at the time—even at the time—that we have under consideration permanent normal trade relations with them. That shows no respect for us; it shows no respect for the international regimes which seek to control such things, and it is time we got their attention. I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Delaware.

Mr. BIDEN. Mr. President, are we still in morning business?

The PRESIDING OFFICER. We are.

Mr. BIDEN. I ask unanimous consent if I could proceed in morning business for 10 minutes. If the committee is prepared to begin their deliberation, I will withhold.

Mr. SPECTER. We are prepared to begin our deliberations, but if the Senator from Delaware wants some time, I will defer to him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Before the Senator from Tennessee leaves, let me say that I think his rendition of Chinese behavior and proliferation is accurate. I remind all Members to keep that in mind when we vote on a national missile defense system.

Right now, I point out, as my friend on the Intelligence Committee knows, China has a total of 18 intercontinental ballistic missiles. If we go forward with the national missile defense system that we are contemplating, and if we must abrogate the ABM Treaty in order to do that, I am willing to bet any Member on this floor that China goes to somewhere between 200 and 500 ICBMs within 5 years.

It is bad that China still proliferates missile technology. It is even more awesome that they may decide they are no longer merely going to have a "city buster" deterrent, which is no threat to our military capability in terms of our hardened targets and silos. If we deploy a national missile defense, they may decide that they must become a truly major nuclear power.

I also point out that, notwithstanding that everything the Senator said is true, I do believe there is hope in engagement. There is no question that the reason North Korea is, at least at this moment—and no one knows where it will go from here—is withholding missile testing, at least at this moment adhering to the deal made with regard to not reprocessing spent nuclear fuel, at least has begun discussions with South Korea, is in no small part because of the intervention of China.

As the Senator from Tennessee and the rest of my colleagues know, foreign policy is a complicated thing. We may find ourselves having to balance competing interests. I am not defending China's action. As the Senator may know, I am the guy who, with Senator HELMS 5 years ago, attempted to sanction China for their sale of missile technology to Pakistan. However, I think that as this develops and we look at the other complicated issues we will have to vote on, we must keep in mind that, as bad as their behavior is, we sure don't want them fundamentally changing their nuclear arsenal. I don't want them MIRVing missiles. I don't want them deciding that they are to become a major nuclear power.

I respectfully suggest that before we make a decision on national missile defense, we should know what we are about to get, for what we are bargaining for. Maybe we can build a defensive system that could intercept somewhere between 5 and 8 out of 7 or 10 missiles fired from North Korea.

As they used to say in my day on bumper stickers, "One nuclear bomb can ruin your day."

I am not sure, when we balance all of the equities of the concerns about what is in the interest of those pages on the Senate floor and their children, that if deployment of a national missile defense starts an arms race in Asia, it is actually in their interest in the long run.

I thank the Senator for his pointing out exactly what China is doing.

NATIONAL SECURITY

Mr. BIDEN. Mr. President, I thank the managers from Foreign Operations Subcommittee of the Appropriations Committee for accepting my amendment yesterday, which was a resolution arguing that we should restore the moneys that we cut from the NADR funding line in the State Department. The Foreign Operations Appropriation bill cut a lot of money out of a proposal and recommendation from the authorizing committee, the Senate Foreign Relations Committee.

We cut a significant amount of money out of some vital programs that we have to support nonproliferation, antiterrorism, and related programs. As a matter of fact, the 10 programs in this category are all on the front line of protecting our people from terrorism and weapons of mass destruction. Unfortunately, the funding in the Foreign Operations bill for 7 of those 10 programs was 37 percent below the levels requested by the President. And that is without counting another $30 million that was cut because the Foreign Operations Subcommittee concluded that a new counterterrorism training center had to be funded in the Commerce-State-Justice appropriations bill instead.

The national security and the very things my friend from Tennessee is talking about require that we provide substantially more of those requested funds.

Let me describe the programs that are treated so badly. In the nonproliferation field, we have the Department of State's Export Control Assistance program, which helps foreign countries to combat the proliferation of weapons of mass destruction. Recently, Customs agents in Uzbekistan, for example, stopped the shipment of radioactive contraband to Kazakhstan, which was on its way to Iran with an official destination of Pakistan. Press stories suggest that the shipment was really intended for an Afghanistan terrorist group affiliated with Osama bin Laden, who would have used it to build a radiological weapon for use against Americans.

Those Customs agents were trained in the United States. The equipment they used to detect the radioactive material was provided by the United States. In that case, the funding came from the Cooperative Threat Reduction Program, which is in another appropriations bill. But the Export Control Assistance Program has provided the same sort of assistance when the Nunn-Lugar program could not be used, and it regularly helps other countries enact the laws and regulations they need in order to be effective in export control. The personal ties that are forged by this program with export officials in other countries are equally critical in improving other countries' export controls and their willingness to work with us.

I cite that as one example. We are cutting by 37 percent on average the non-proliferation and anti-terrorism programs. We are cutting by 37 percent on average those programs that allow us to train customs agents and others in detecting the transfer of the very material my friend from the State of Tennessee is talking about being transferred. None of that is transferred in the open. China doesn't say, "By the way, we are about to send to Pakistan the following." They don't do that. It is all done surreptitiously. How we are cutting funds to deal with the transport of materials that cause the proliferation to rise as it has is beyond me. It is absolutely beyond my comprehension.

There are many other aspects of the program. Last year Congress increased funding for this program from $10 million to $14 million. Indeed, the report for the Foreign Operations Appropriation bill takes credit for the increase. This year the President asked for $14 million to maintain the level we set up last year. But what happened? The appropriations bill cut it back down to $10 million. I don't get this. Hello? What is going on here? The committee takes credit for raising this program's budget and then cuts it back down? If there is a logic here, I fail to see it.

The fact is that last year, when it came to this program, the appropriators were right. This year they should do again just what they did last year. But they did not. That is why my cosponsors and I offered our amendment, and I am grateful to the managers for their acceptance of that amendment; I hope the conferees will take it to heart.

We need more export control assistance to help other countries keep nuclear materials out of the hands of their dangerous neighbors. Earlier this month the National Commission on Terrorism warned that it:

> . . . was particularly concerned about the persistent lack of adequate security and

safeguards for the nuclear material in the former Soviet Union.

That is a cogent concern, one my friend from Tennessee and I and others have talked about on this floor. Export control assistance is one of the programs that helps keep those dangerous materials from crossing the former Soviet borders.

The Foreign Relations Committee is on record as favoring full funding of the request for this program. Indeed, it was suggested by Senator HELMS we add another $5 million to our security assistance to support strategic cargo X-ray facilities that would be used in the free port of Malta. Malta is a crossroads for shipping in the Mediterranean area and sometimes it has been the doorway for contraband flowing to Libya. You might think appropriators would pay attention to such a sensible suggestion, but the Foreign Operations Appropriation bill did the opposite.

Another non-proliferation program, International Science and Technology Centers, would provide safe employment opportunities for former Soviet experts. There are thousands and thousands of Soviet experts, nuclear experts. They are not getting paid. They don't have housing. Their economy is in the toilet. We have a program: We want to hire them. We don't want Qadhafi hiring them. We don't want them being hired in Libya. We don't want them hired in North Korea. So we have a sensible program.

I will end with this. There are 4 more examples, but I will not take the time.

What do we do? We cut these programs. Then we all stand—and I am not speaking of any particular Senator—and say we are going to fight terrorism, and nonproliferation is our greatest concern, and we are worried about this technology changing hands. The bottom line is the programs that help to do that are cut. That is why it is so important that our amendment of yesterday be implemented in conference.

I yield the floor and thank my colleague from Pennsylvania.

Mr. SPECTER. Mr. President, before proceeding to the bill, I compliment my colleagues, the Senator from Tennessee and the Senator from Delaware, for their comments this morning, calling attention to the major international problems on nuclear proliferation. This body will soon be voting on legislation to have permanent normal trade relations with China. As noted by the Senator from Tennessee, the People's Republic of China happens to be a major violator in proliferating nuclear weapons. They sent the M-11 missiles to Pakistan, which have been the basis for the nuclear arms confrontation between India and Pakistan. They have helped to proliferate weapons in Iran and North Korea. It is my view that the best way to restrain the People's Republic of China from posing an enormous international threat is to continue to give them permanent trade relations on an annual basis.

I have discussed this many times with my distinguished colleague from Tennessee. I hope he will join me in ultimately opposing normal trade relations as the best leverage to try to keep the people's Republic of China in line.

We have seen, again and again, problems that the executive branch cannot be, candidly, relied upon, with waivers being granted. Separation of powers has been established. The Senate is here and the House is here in order to see that there is another view about what is happening with China. The most effective leverage is to have an annual checkup on them, and to have the normal trade relations as the leverage, which would be very, very important.

I urge my colleague from Tennessee and others to consider that when that vote comes up. There is more involved in that issue than just the money; the future of civilization may be on the line if we do not contain the People's Republic of China from proliferating weapons of mass destruction.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to H.R. 4577, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4577) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for fiscal year ending September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that all after the enacting clause be stricken, and the text of the S. 2553, as reported by the Senate Appropriations Committee, be inserted in lieu thereof, the bill as amended be considered as original text for the purpose of further amendment, and no points of order be waived by virtue of this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3590

(The text of the amendment (No. 3590) is printed in today's RECORD under "Amendments Submitted.")

Mr. SPECTER. Mr. President, I am pleased to make the opening statement on the pending appropriations bill for the Departments of Labor, Health, Human Services and Education. The subcommittee, which the distinguished Senator from Iowa and I work on, has the responsibility for funding these three very important and major departments. We have come forward with a bill which has program level funding of $104.5 billion. While that seems like a lot of money—and is a lot of money—by the time you handle the priorities for the nation's health, by the time you handle the priorities for the nation's education—and the Federal Government is a relatively minor participant, 7 percent to 8 percent, but an important participant—and by the time you take care of the Department of Labor and very important items on worker safety, it is tough to find adequate funding.

We have structured this bill in collaboration with requests from virtually all Members of the Senate who have had something to say about what the funding priorities should be based on their extensive experience across the 50 States of the United States. We have come forward on the Department of Education with a funding budget in excess of $40 billion, more than $4.6 billion more than last year, and some $100 million over the President's request. We have established the priorities which the Congress sees fit. We have increased the maximum Pell grants. We have increased special education by $1.3 billion, trying to do a share of the Federal Government on that important item. We have increased grants for the disadvantaged by almost $400 million.

We have moved on the Department of Health and Human Services for a total budget of over $44 billion, which is an increase of almost $2.5 billion over last year. We have increased Head Start by some $1 billion, so it is now in excess of $6 billion. We have structured a new drug demand reduction initiative, taking the very substantial funds which are available within our subcommittee, and redirecting $3.7 billion to try to deal with the demand reduction issue.

It is my view that demand reduction is the long-range answer—that and rehabilitation—to the drug problem in America. We may be spending in excess of $1 billion soon in aid to Colombia, and it is my view that there is an imbalance in the $18 billion which we now spend, with two-thirds—about $12 billion—going to so-called supply interdiction and fighting street crime. They are important. As district attorney of Philadelphia, my office was very active in fighting street crime against drug dealers.

In the long run, unless we are able to reduce demand for drugs in the United States, suppliers from Latin America will find a way to grow drugs, and sellers on America's street corners will find ways to distribute it, which is why we have made this initiative to try to come to grips with the demand side.

Last year, we structured a program to deal with youth violence prevention. We have increased the funding by some $280 million so that now it is being directed in a coordinated way against youth violence, and some substantial progress has been made in the almost intervening year since this program was initiated.

A very substantial increase in funding has been provided in this bill for the National Institutes of Health. I would suggest that of all the items for program level funding in this $104.5 billion bill, the funding for the National Institutes of Health may well be the most important.

I frequently say that the NIH is the crown jewel of the Federal Government, and add to that, in fact, it may be the only jewel of the Federal Government. Senator HARKIN and I, in conjunction with Congressman PORTER and Congressman OBEY on the House side, have taken the lead on NIH. Four years ago, we added almost $1 billion; 3 years ago we added $2 billion; last year we added $2.3 billion, which was cut slightly in across-the-board cuts to about $2.2 billion; and this year we are adding $2.7 billion.

There have been phenomenal achievements by NIH in a broad variety of maladies. There is nothing more important than health. Without health, none of us can function. It is so obvious and so fundamental.

These maladies strike virtually all Americans. I will enumerate the diseases which NIH is combating and making enormous progress: Alzheimer's disease, AIDS, amyotrophic lateral sclerosis, also known as Lou Gehrig's disease, Parkinson's disease, spinal cord injury, cancers—leukemia, breast, prostate, pancreatic, lung, ovarian—heart disease, stroke, asthma, multiple sclerosis, muscular dystrophy, autism, osteoporosis, hepatitis C, arthritis, cystic fibrosis, diabetes, kidney disease, and mental health.

I daresay that there is not a family in America not touched directly by one of these ailments. For a country which has a gross national product of $8 trillion and a Federal budget of $1.85 trillion, this is not too much money to be spending on NIH. We are striving to fulfill the commitment that the Senate made to double NIH funding in the course of 5 years. We are doing a lot. We are not quite meeting that target, but we are determined to succeed at it.

This bill also includes $11.6 billion for the Department of Labor, an increase for Job Corps, an increase for youth offenders, trying to deal with juvenile offenders to stop them from becoming recidivous. There is no doubt if one takes a functional illiterate without a trade or skill and releases that functional illiterate without a skill from prison, that illiterate, unable to cope in society, is likely to return to a life of crime. Focusing on youthful offenders, we think, is very important.

We have met the President's figures on occupational safety and health, NLRB, mine safety, and for a specific problem we have topped the President's figure slightly by $2.5 million, seeing the ravages of black lung and mine safety-related programs that I have personally observed both in Pennsylvania's anthracite region in the northeastern part of my State and the bituminous area in the western part of my State.

I was dismayed when the subcommittee came forward with its budget to have the President immediately articulate a veto message. I note my distinguished colleague from Iowa nodding in the affirmative. He did a little more during the Appropriations Committee markup and not in the affirmative. I left it to my colleague to have a comment or two about the President of his own party. I learned a long time ago, after coming to the Senate, that we have to cross party lines if we want to get anything done in this town.

I am pleased and proud to say Senator HARKIN and I have established a working partnership. When he chaired this subcommittee, I was the ranking member. I like it better when I chair and he is the ranking member. He spoke up in very forceful terms criticizing the President, the President's men, and the President's women for coming forward with that veto statement when we have strained to put together this total bill of $104.5 billion, and it has been tough going to get the allocations from the Appropriations Committee.

I thank Senator STEVENS, the chairman, and Senator BYRD, the ranking member, for coming up with this money. When the President asked for $1.3 billion for construction and $1.4 billion for additional teachers and class size, we put that money in the budget. We did add, however, that if the local boards make a determination, factually based, that the money is better used in some other line, the local school boards can spend the money in that line, giving priority to what the President has asked for, but recognizing that cookie cutters do not apply to all school districts in America.

We have structured some different priorities in this bill. The last time I read the Constitution, it was Congress who had the principal authority on appropriations. It is true the President must sign the bill, but to issue a veto threat after the subcommittee reports out a bill, before the full committee acts on it, before the full Senate acts on it, before there is a conference seems to me to be untoward.

Regrettably, in the past, this bill has not been finished until after the end of the fiscal year, so we have been unable to engage in a discussion with the President and a discussion with the American people about what are the priorities established by Congress. I emphasize that this is a bill which receives input from virtually all Members. We have hundreds of letters which pour into this subcommittee which we consider, and the same is true on the House side. This is no small matter as to who may be assessing the priorities for America. For the President to say his priorities are the only ones to be considered seems to me untoward.

That is as noncritical a word as I can fashion at the moment. I thank the majority leader, Senator LOTT, for scheduling this bill early. We intend to conference this bill promptly with the House and have a bill ready for final passage in July—hopefully in early July—and then let us see the President's reaction.

We are prepared to take to the American people the basic concept that if school districts do not need additional buildings, they ought to be able to use their share of the $1.3 billion for something else. If some school districts do not have a problem with the number of teachers they have, they ought to be able to use their share of the $1.4 billion for something else.

This is a very brief statement of a very complicated bill.

At the outset, I thank my colleague, Senator HARKIN, for his diligence and his close cooperation in bringing the bill to the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am pleased that the Labor-HHS bill has reached the floor relatively early this year. In the past few years, we have been sort of on the caboose end of the train.

It is an extremely important bill. It addresses many issues that are vital to the strength of our Nation—our health, education, job training, the administration of Social Security and Medicare, biomedical research, and child care, just to name a few.

Given its importance, I think it should be one of the first appropriations bills considered. But this is certainly the earliest this bill has gotten to the floor in many years. I am thankful for that.

At the outset, I thank my chairman, Senator SPECTER, and his great staff for their hard work in putting together this bill. As usual, Senator SPECTER has done so in a professional and bipartisan fashion. We all owe him a debt of gratitude for his patience.

This is always one of the most difficult bills to put together. This year the job has been especially difficult. I also thank the chairman of the full committee, Senator STEVENS, and the ranking member, Senator BYRD, for their support this year. Their help has been invaluable.

Before I say a few words about the contents of the bill, I think it is important to briefly discuss this year's budget resolution because we operate within its framework.

I believe this year's budget resolution shortchanged funding for important discretionary activities, including education, health, and job training. The funds were, instead, used to give tax cuts to the wealthy and to give the Department of Defense more money than it even requested. Our subcommittee's inadequate allocation was the inevitable result of that ill-advised budget resolution.

But that allocation forced our subcommittee to reach outside its normal jurisdiction to find mandatory offsets to fund the critical programs in this bill. Some may criticize the bill for that reason. Some of those criticisms are valid.

For example, I hope to work with my colleagues—hopefully when we get to conference—to reverse the reductions in social services block grants.

There are many good provisions in this bill. It increases funding for NIH, as Senator SPECTER said, by a historic amount, $2.7 billion. Education programs are increased by $4.6 billion. Head Start is increased by $1 billion.

The $2.7 billion increase for NIH will keep us on our way to doubling NIH funding over 5 years. We are on the verge of tremendous biomedical breakthroughs as we decode the mysteries of the human genome and explore the uses of human stem cells. We are doing the right thing by continuing to support important biomedical research.

The bill increases funding for child care from the $1.2 billion level last year to $2 billion this year. The availability, affordability, and quality of child care are major concerns for working families, and they desperately need these funds. Only about 1 in every 10 eligible children is served by this program. These dollars will go to working Americans who really need the help.

Again, I want to make sure the record reflects that last year, during our negotiations, our chairman, Senator SPECTER, guaranteed that we would have this increase this year. He lived up to that commitment. We had a tremendous increase in the child care program, and we thank Senator SPECTER for his commitment and for keeping his word to get that increase for child care this year.

I am proud we could also increase funding for education programs by, as I said, $4.6 billion. That includes a $350 increase in the maximum Pell grant to $3,650, the highest ever.

In this year that we celebrate the 10th anniversary of the Americans with Disabilities Act, the bill includes a $1.3 billion increase in funding for the Individuals with Disabilities Education Act, or IDEA.

We have also funded a new Office of Disability Policy at the Department of Labor: At HHS, we were able to add funds for several other programs funded under the Developmental Disabilities Act.

This bill also places great importance on women's health and includes over $4 billion for programs that address the health needs of women. I again might add that Senator SPECTER and I worked together on a women's health initiative that is part and parcel of this bill, and that is what that $4 billion is for.

The bill also includes a $50 million line item to address the issue of medical errors and to help health care practitioners and health care institutions, hospitals, and other health care facilities, to begin the process of developing methodologies and ways of cutting down on medical errors.

Medical errors are now the fifth leading cause of death in America. As we have looked at this, we found it is not just one person or one institution or one cause; there is a whole variety of different reasons. Quite frankly, I think our institutions and our practitioners have not kept up with the new technologies of today which in most of the private sector have helped us so much with productivity and which I believe in the health care sector can really help us cut down on medical errors. But that is what that $50 million is there to do.

The bill is not without its problems. As I mentioned, we do have a problem with the social services block grant. Hopefully, we will get this bill to conference and we will be able to fix that at that time.

Also, the provisions in the bill that have the money for school modernization and for class size reductions are not targeted enough. They are just broadly thrown in there. Again, we had this battle last year. When it finally came down to it, the Congress agreed with the White House, in a partnership, that we needed to put the money in there for class size reduction. I believe the same needs to be done for school modernization.

We only put in 7 cents out of every dollar that goes for elementary and secondary education in America. We only provide 7 cents. A lot of that goes for, as I said, the Individuals with Disabilities Education Act. A lot of that goes for title I programs to help low-income areas. When it is all over with, we have just a penny or two left of every dollar that we can give out to elementary and secondary schools.

So when we put in money for school modernization, we ought to make sure that is what it goes for. Schools desperately need this money. Our property taxpayers all over this country are getting hit, time and time again, to pay more in property taxes, which can be very regressive, to help pay for modernizing their schools.

As we know, most of the schools need to be modernized; they have leaky roofs, and toilets that won't flush, water that is bad, and air conditioning—a lot of times they don't even have air conditioning—heating plants that are inadequate. As I pointed out, one out of every four elementary and secondary schools in New York City today are still heated by coal. And again, these tend to be in the lowest income areas. So we need to target that money. It is not in this bill. That is one of the problems with it. Again, I hope we can work that out as we go to conference.

It is a national disgrace that the nicest places our children see are shopping malls, sports arenas, and movie theaters, and the most run down places they see are their public schools. Again, we have to fix these in conference.

I thank Senator SPECTER, once again, for being so open and working with us in a very strong bipartisan fashion.

We worked together to shape this bill. Overall, it is a good bill, with a few exceptions that we have to fix once we go to conference.

I want to make clear, I support the bill in its present form. I hope we get a good vote on it as it leaves here and goes to conference. I reserve my right, however, on the conference report, when it comes back. I am hopeful we can get it to conference with a strong vote, sit down with our House counterparts, and work out our differences. Hopefully, we can come back to the floor having fixed the class size, school modernization, and social services block grant problems we have in this bill.

I thank Chairman SPECTER for working in a bipartisan fashion. I hope we can get through this bill reasonably rapidly today, hopefully get to conference next week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 3593

(Purpose: To limit the use of funds for standards relating to ergonomic protection)

Mr. ENZI. Mr. President, I call up the amendment I have at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 3593.

Mr. ENZI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, between lines 12 and 13, insert the following:

SEC. . None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

Mr. HARKIN. I didn't hear the unanimous consent request.

The PRESIDING OFFICER. It was to dispense with the reading of the amendment.

The Senator from Arkansas.

AMENDMENT NO. 3594 TO AMENDMENT NO. 3593

(Purpose: To limit the use of funds for standards relating to ergonomic protection)

Mr. HUTCHINSON. Mr. President, I have a second-degree amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 3594 to amendment No. 3593.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word, and insert the following:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued the call of the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the amendment has been offered dealing with ergonomics, and it is not an unexpected amendment. This has been a contentious issue on this bill for many years. We have had the matter before. I have conferred with Senator HARKIN, and there is no doubt we ought to proceed with the debate and let people have their say and let us see how the debate progresses.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I want to make sure we understand late today that we are not the ones who have offered this contentious amendment. This is a very important bill that involves hundreds of billions of dollars. The two managers have worked on this, and they have a bill we can make presentable to the rest of the Senate. I just want to make sure, when I am called upon, and others are called upon, we are not the ones who offered this contentious amendment. We are not going to move off this amendment—that is the point I am making—until it is resolved one way or the other. If there is some concern about that, I think the people who want this bill moved should try to invoke cloture. It won't be invoked, but that is the only alternative.

AMENDMENT NO. 3594, AS MODIFIED

Mr. HUTCHINSON. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The amendment is modified.

The amendment (No. 3594), as modified, reads as follows:

Strike all after the first word, and insert the following:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

This amendment shall take effect October 2, 2000.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, let me just make an observation. I hear the threats that they are going to filibuster this amendment. This amendment deals with Labor-HHS appropriations. The Senate has the right to vote on whether or not we are going to spend the money in the Department of Labor to implement regulations that have a dramatic impact on business, on workers. We have a right to vote on it. The House voted on it; the Senate is going to vote on it.

We have voted on this amendment in one way or another almost every year since 1995. This is not a new issue. So now some people are saying, wait a minute, we are not going to take this tough vote. Didn't we just have a vote on hate crimes? I think we had two. Didn't we have a vote on campaign finance? Some people didn't want to vote on those two issues on this side of the aisle. Didn't we vote on a Patients' Bill of Rights?

Really, what the minority is saying is, we want to vote on our issues, but not on an issue that is relevant. Every amendment I just mentioned was not relevant to the underlying Department of Defense authorization bill. But still we ended up allowing those votes. We didn't have to. Now we have a relevant amendment to the underlying bill, Labor-HHS, the Department of Labor appropriations bill. We think the administration is going too far in the proposed regulations which they planned on having effective in December—these regulations the Clinton administration is trying to run through without significant hearings and without oversight and real analysis of how much it would cost.

Here is an example. On cost alone, the Department of Labor said—OSHA said—this regulation will cost $4 billion. The Small Business Administration, which they control, said the cost could be 15 times as much, or $60 billion a year. This Congress is not going to vote on a regulation that could cost $60 billion a year as estimated by the Small Business Administration? The private sector estimates range to over $100 billion per year. Wow, that is a lot of money. Shouldn't we vote on it?

Are these good regulations or not? Are we going to be able to stop them or not? Do we want to stop them? What are the regulations? They deal with ergonomics and with motion. OSHA—the Occupational Safety and Health Administration—is saying: We want to have some control over motion, and we think maybe this is harmful, and therefore we are going to control it. It may mean lifting boxes, or sitting at your desk, or anything minuscule, or something large.

The Department of Labor is coming in and saying: You need a remedy, you need to change the way you do business, because we know how to do your business better, and if it increases costs, that is too bad—not to mention the fact that they say we are going to change workers comp rules in every State in the Nation. I wonder what Senator BYRD from West Virginia thinks about changing workers comp rules in West Virginia.

I used to serve in the Oklahoma legislature. I worked on those laws and rules in our State. Are we going to have the Federal Government come up with a reimbursement rate of 90 percent when our State already passed a workers comp rule of 67 percent? Does the Federal Government know better?

My suggestion is that my colleagues from Arkansas and Wyoming, in introducing this amendment, have every right to offer an amendment that says: We are going to withhold funds on this regulation. We don't want a regulation to go into effect in December without us having additional time to consider it, without knowing how much it is going to cost. Maybe it should be postponed or suspended; maybe we should let the next administration deal with it. Let's vote on it.

For people to say, wait a minute, we don't like this amendment, so we are going to filibuster—there are probably a lot of amendments I don't like. Are we going to filibuster all of those? I think that would be grossly irresponsible. We need to let the Senate work its way.

Mr. HARKIN. Will the Senator yield for a question?

Mr. NICKLES. Yes.

Mr. HARKIN. Would the Senator tell us under which Secretary of Labor and how long ago this proposed ergonomics rule was promulgated? How many years of study have we put in on it?

Mr. NICKLES. The original rule came out, I believe, in 1995, and it made very little sense. The latest proposal had over 600 pages. The business community and others who looked at it said it was not workable. The Department of Labor has come back and said let's revise it and make it more workable. Did they show us results? No. They said let's overrule the States' workers comp.

If this went into effect—and I don't think it will, so maybe that is why people don't want to vote on it. But does this Congress really want to overrule every States' workers comp law? I don't think so. I think it would be a mistake.

To answer the question, this administration has been trying to promulgate this rule for about 5 years. We have been successful most of those years in putting in restrictions to stop them. Unfortunately, we didn't get it in last year. To me, it was one of the biggest mistakes Congress made last year—not stopping this administration. Now they are trying to promulgate the rule, I might mention, right after the elections, right before the next President. I think a delay is certainly in order.

Mr. HARKIN. Will the Senator yield for a further question on that?

Mr. NICKLES. Yes.

Mr. HARKIN. Again, it was my understanding that it was former Secretary of Labor Elizabeth Dole who first committed the Department to issue an ergonomic standard to protect workers on carpal tunnel syndrome and MSDs, as they are called. It has been under study for 10 years; is that right?

Mr. WELLSTONE. The Senator is right.

Mr. NICKLES. I think he asked me. They may have been working on this Department of Labor takeover of, I don't know what—workers involvement. But they issued the rule on November 23 of last year—a rule that has 600 pages. They may have been working on it for 10 years, but I doubt that. This administration hasn't been in office quite that long. But with enormous expense.

I think, again, we should have a vote. To give an example, I came from manufacturing, and we lifted and moved a lot of heavy things. I don't really think somebody from the Department of Labor could come into Nickles Machine Corporation and say: Hey, we know the limits on what somebody can lift as far as pistons and cylinders and bearings are concerned. Therefore, we suggest you put a maximum on it. Or maybe every Senator—everybody has a machine shop, or every Senator has a bottling company. Somebody comes into the Senate every day and loads the Coke machines and the Pepsi machines.

This rule says that you can't lift that many cases; that you can't lift two cases at once, or one case, or maybe you can only lift a six-pack or something. The net result would be an estimate that bottlers would have to hire twice as many people. Maybe this is an employment bill.

My point is you could increase costs dramatically with draconian results without even knowing what we are doing.

I think a delay and not to have a regulation with this kind of economic consequence coming right after the election and right before the swearing in of a new administration makes good sense.

Let's postpone this until the next administration.

I thank my colleagues for their efforts.

I yield the floor.

Mr. WELLSTONE. Mr. President, my colleague has the floor. But could I have my colleagues' forbearance for a 15-second request?

Mr. President, I would like to respond to some of what was said by the Senator from Oklahoma; in other words, after Senator ENZI, and go back and forth on this, pro-con.

Mr. ENZI. Mr. President, I ask unanimous consent that following my speech, Senator WELLSTONE be recognized as ranking member of the subcommittee that deals with this, and I ask unanimous consent that Senator HUTCHINSON be allowed to follow that.

The PRESIDING OFFICER (Mr. ALLARD). Is there objection?

Without objection, it is so ordered.

Mr. ENZI. Mr. President, I thank the ranking member. This is not a new issue for either of us. We have been holding hearings on it. It has been in the press. We both knew about it. He was here to debate it. This is not a surprise.

I am pleased that I am going to be able to make my floor statement. I think perhaps after the floor statement maybe the other side would like to join me in proposing this amendment. I think there will definitely be additional Members who will want to join me in this.

Mr. President, I rose today and offered an amendment that simply prohibits the Occupational Safety and Health Administration, OSHA, from expending funds to finalize its proposed ergonomics rule for 1 year. It was mentioned before that last year we didn't get a prohibition against them proceeding with it. You will hear in a bit how much that little error has cost us.

But before I tell you why this amendment is critically necessary, I want to tell you what this amendment is not about.

This amendment is not about whether or not OSHA should have any ergonomics rule. It is not a prohibition on ergonomics regulations generally. And it is most definitely not a dispute over the importance of protecting American workers. Clearly protecting workplace safety and health is of paramount importance.

As the chairman of the subcommittee that deals with worker safety, I feel a special responsibility to oversee the agency charged with safeguarding these workers. But I am not fulfilling this responsibility if I merely rubber stamp anything OSHA does just because OSHA says it is acting in the interest of worker safety and health. I have a duty to make certain that OSHA is acting responsibly, appropriately, and in the best interests of workplace safety and health. Sadly, OSHA has not done so with this proposed ergonomic rule. That is what this amendment is about.

Because of this rule and the way OSHA is going about it, the amendment merely requires that OSHA wait a reasonable 1-year period before issuing a final ergonomics rule. That is to keep OSHA from making drastic mistakes to add to those already made.

Let me tell you why it is imperative that Congress act now to require OSHA to take this reasonable additional amount of time for this rulemaking.

In a nutshell, OSHA is using questionable rulemaking procedures; OSHA omitted the analysis of the economic impact; OSHA hasn't resolved conflicting laws; and this rule infringes on State workers compensation—to name a few of the problems that riddle this overly ambitious rule. OSHA's haste to get through the rulemaking process is very clear. The rule OSHA has proposed is arguably the largest, broadest, most onerous and most expensive rule in the history of the agency—probably any agency. But OSHA has made it very clear that it intends to finalize the rule this year—just over a year from the time the proposed rule was published. This narrow-minded commitment to year's end can only mean that OSHA has already made up its mind in favor of the rule and thinks it will leave a mammoth and far-reaching legacy for the current Presidential administration. I would suggest it will be closer to the legacy of the OSHA home office inspections.

Perhaps you remember the letter issued by OSHA about the time we left for Christmas recess, the one that suggested OSHA was going to go into each home where people work and look for safety violations. From the time we found out about it, it only took 48 hours to see how far-reaching, imposing, and stupid that decision was. Of course, the whole Nation realized the implications of the home inspections even quicker.

I am extremely concerned that OSHA is blinded by the motivation to get it done during this administration and is not taking the time to carefully consider all the aspects and effects of this important rule.

For example, the public comment period for the proposed rule was much shorter than OSHA typically permits—even for much less significant rules. OSHA has never before finalized such a significant rule in a year's time. Moreover, in its haste to get through this rulemaking process, OSHA, until recently, omitted an analysis of the economic impact of the rule on the U.S. Postal Service, on State and local government employees in State plans, and on railroad employees—all together, over 10 million employees. These aren't optional economic impacts. These are mandatory, in light of the dollars involved. OSHA is apparently so busy with other things that it did not do the analysis for these entities until the end of last month, despite the fact that the Postal Service requested an analysis 5 months prior.

To add insult to injury, OSHA has only given these folks 2½ months to comment on the complex analysis that OSHA forgot to do, and OSHA won't even consider extending the overall comment deadline for these folks.

It is because they are trying to get it done this year. They have had 5 months to prepare it, and they tell the Postal Service that they have to analyze it in 2½ months—no extension.

Even more troubling than the fact that OSHA is rushing the rule is the way OSHA is going about it. OSHA's ambitions with this rule are so big and overreaching that OSHA has truly bitten off more than it can chew, and may be playing fast and loose with the rulemaking process and your tax dollars. In fact, OSHA has bitten off so much with this rule that it is apparently paying others to chew for it—too big a bite. They can't chew it all. So to make it happen in 1 year, they are going to pay others to do some of their chewing. I use the word "apparently" because of the difficulty getting answers.

Responding to inquiries first made by Congressman DAVID MCINTOSH, OSHA recently disclosed that it has paid at least 70 contractors a total of $1.75 million—almost $2 million—to help it with the ergonomics rulemaking. They are paying these contractors with our tax dollars in order to speed the process up on a bad rule. Congressman MCINTOSH's staff discovered that OSHA may have failed to disclose an additional 47 contracts for who knows how much more money. OSHA's own documentation reveals that it paid 28 contractors $10,000 each to testify at the public rulemaking hearing.

Going through some of the accounting information, I even noticed that one contractor had turned in an itemized bill for less—and was still paid the $10,000.

When I asked OSHA for evidence of public notification that it was paying these witnesses, OSHA gave me none. I am very concerned that OSHA is paying so much money for outside contracts for this rulemaking that I intend to hold a hearing to get to the bottom of this issue. Let me state things I already know. I think you will be convinced, as I am, that we absolutely need to put the brakes on this rulemaking and force OSHA to straighten this mess out before it finalizes the rule.

First, OSHA does not seem to want to have me have this information. Some of it is just good accounting stuff. As the only accountant in the Senate, I am really interested. I have requested documents from OSHA that would give a clear picture of its relationship with some of these contractors, but OSHA has so far refused to give them to me, claiming a "privilege." That applies to private citizens, not to Congress. We have the right to know where the dollars that we are spending go, unequivocally.

Now, Congressman MCINTOSH has been able to obtain some key documents from the contractors themselves, but OSHA placed strict constraints on Congressman MCINTOSH's ability to share them with fellow lawmakers. This is stuff that came from the contractors, and OSHA can still get its hands in and keep us from using it the way it ought to be used. OSHA did grudgingly agree that I could look at the documents—not take them or copy them or quote from them—but only in Congressman MCINTOSH's office. When I asked OSHA, as a courtesy, to permit Congressman MCINTOSH's staff member, Barbara Kahlow, to bring the documents to me, just to look at them, abiding by the rules, OSHA said no.

I am so concerned about this issue that I went over to Congressman MCINTOSH's office last night after I finished working at the Senate to look at these documents for myself. Now, fortunately, Congressman MCINTOSH's negotiations made that possible.

Can anyone believe that documents concerning money we are spending have to have special negotiations before I can look at them? It comes under my committee. I am in charge of the oversight on that committee. Let me recap that: I was told that the contracts and expenditures are privileged. I was told that information couldn't be brought to my office. I was told I could not copy any information. I was told I could not quote any information. I was told that I couldn't quote from the documents. I had to use extra time to go to the House side to even see those documents. I am not afraid of a little walk over to the House. I just couldn't understand why OSHA was going to so much trouble to keep the documents from me. I physically went to Congressman MCINTOSH's office last night and looked at the documents.

Because of OSHA, I can't quote these documents. I can't show you copies. But I can tell you what I saw. I saw that not only did OSHA pay 28 expert witnesses $10,000 a pop, and one of them didn't even ask for that much, it also appears that OSHA did the following: OSHA gave detailed outlines to at least some of the witnesses telling them what they were to say in the testimony; second, they had OSHA lawyers tell at least one expert witness that they wanted a stronger statement from the witness regarding the role of physical factors. That is an important scientific issue. These are supposed to be experts. They told him to make it stronger. Third, heavily edited testimony of at least some of the witnesses is evidenced. OSHA held practice sessions to coach the witnesses in their testimony. I have never heard of that around here. This sounds a lot like OSHA told its expert witnesses what to say. This sounds like OSHA made up its mind a long time ago in favor, and has been stacking the evidence to support its position.

I respect OSHA's need to enlist expert assistance in technical or scientific rulemaking. I expect them to get the right information. I would like to think it wasn't biased when they got it. And I have to say, I don't respect any agency paying witnesses to say what the agency tells them to say, and then holding the witnesses' testimony up as "best available evidence." Best available evidence is what the OSH Act requires to support this standard. It doesn't say anything about paying witnesses or coaching witnesses. It doesn't say anything about telling them to change their testimony.

How can OSHA expect the public and Congress to have any confidence that it is promulgating regulations in the best interest of worker safety and health if it is asking supposed experts to tell OSHA what it wants to hear, so OSHA can promulgate whatever rule the administration thinks is in its own interest?

That has been the problem with the past years of looking at regulating ergonomics. OSHA makes up the rules. OSHA does the tests. OSHA says their tests are good. OSHA gets ready to propose a rule and realizes they have made a drastic mistake. That has happened in the past. That is why this little document is the first published proposed ergonomics regulation. It didn't happen until November of last year. This document, this is the first time we have gotten a look at this document. It is the first time it has been officially printed.

How can OSHA expect the public and Congress to have any confidence in its promulgating regulations in the best interest of worker safety and health if it is asking supposed experts to tell OSHA what it wants to hear, and has already told them what to say, so that OSHA can promulgate whatever rule the administration thinks is in its own interest? No wonder OSHA has promulgated such a greedy, overreaching rule.

Maybe I could pass all the OSHA reform legislation I wanted if I could pay 28 witnesses $10,000 apiece to come in and say what I wanted them to say in my hearings. Does that seem like a conflict of interest?

I wouldn't do things that way. In fact, we had a hearing recently about one of the most objectionable parts of this rule, the work restriction protection provisions. I will talk about those in a few minutes. We had to tell one of the witnesses we selected that we couldn't pay his transportation costs—not a $10,000 bonus to testify; we couldn't pay his transportation costs. We did this in part for financial reasons and in part because we wanted to avoid the appearance of impropriety that can result from spending taxpayers' dollars on a witness who is supposed to be giving an unbiased opinion. This witness came to Washington anyway—on his own dime. He didn't have his State pay for it. He paid for it out of his pocket to testify at my hearing because he felt so strongly about the terrible effects of this ergonomics rule.

Needless to say, I am very disturbed by what I have seen to date about this issue. OSHA's response is that it has always paid witnesses for their testimony. I can't find that in any public documents. I can't find that disclosure. I can't find where they actually said that they were paying them, and this was paid testimony. It seems that ought to be disclosed. Whether or not this is true, it remains to be seen whether OSHA has ever paid this many witnesses this much money and participated this thoroughly in crafting the substance of a witness' testimony. OSHA has also tried to give me the typical excuse of a teenager caught doing something wrong: Hey, everybody is doing it.

To that, let me first respond with the typical, but sage parental response: If everybody were jumping off a bridge, would OSHA jump off a bridge, too? That doesn't sound like good safety to me.

Second, everybody is most certainly not doing it. Representatives of both the Department of Transportation and the Environmental Protection Agency, two agencies that promulgate lots of supertechnical regulations, dealing with scientific things, have stated publicly that they do not pay expert witnesses, except possibly for travel expenses.

Let me say that again. The Department of Transportation and the Environmental Protection Agency, agencies that promulgate lots of supertechnical regulations, have stated publicly—you can read it in the paper—that they do not pay expert witnesses, except possibly for travel expenses. As the DOT general counsel put it "Paying experts would not get us what we need to know."

Finally, just because OSHA may have these things in the past, in my book that does not make this practice OK in this instance. On the contrary, it makes any other instances of witness coaching equally objectionable. Two wrongs don't make a right. We can't do anything about past rulemakings, but we can do something about this one—if we act now.

Clearly, more needs to be learned about this subject, but if we don't pass this amendment, OSHA is going to forge ahead and finalize a document that they have already determined is the perfect answer even before the comments have been sifted through. They will finalize a possibly—no, almost assuredly—be a tainted rule, and we won't have another opportunity to stop them. A vote for this amendment makes certain that we will have sufficient time to conduct a thorough congressional investigation into this issue and force OSHA to clean up its rulemaking procedures if necessary.

Lest you think my concerns about this rule are only procedural, rest assured these procedural concerns are only half the problem here. This rule has serious substantive flaws. Much has been written and debated about the many problems with this rule—its vagueness, its coverage of preexisting and non-work related injuries, the harshness of its single trigger. I expect you have all heard something about these topics and my colleagues will talk more about these later today. In my investigation of the rule, I found two particularly troubling issues. Both involve the reach of the long arm of this overly ambitious rule into arenas outside of OSHA's jurisdiction—both with disastrous effects.

First, the rule will have a devastating effect on patients and facilities dependent on Medicaid and Medicare.

OSHA has created a potential conflict between the ergonomics rule and health care regulations. Congress recognized the importance to patient dignity of permitting patients to choose how they are moved and how they receive certain types of care when it passed the Nursing Home Act of 1987. This act and corresponding regulations mandate this important freedom of choice for patients. The ergonomics rule, on the other hand imposes many requirements on all health care facilities and providers concerning patient care and movement. Thus, these facilities and providers may be forced to choose between violating the ergonomics rule or violating both the Nursing Home Act and the patient dignity.

Moreover, OSHA's rule forces impossible choices about resource allocation between patient care versus employee care. The only way for businesses to absorb the cost of this rule under any situation is to pass the cost along to consumers. However, some "consumers" are patients dependent on Medicaid and Medicare. The Federal Government sets an absolute cap on what these individuals can pay for medical services. Thus, the facilities that provide care for these patients simply cannot charge a higher cost.

Simply put, these facilities and providers are unable to absorb the cost of the ergonomics rule. And there is no question these facilities will face a cost. OSHA's own estimate of the cost of compliance in the first year will total $526 million for nursing and personal care facilities and residential care. And you have to remember, we are saying that they really use conservative, from their point of view, estimates of costs. The industry estimates that the per-facility cost for a typical nursing home will be $60,000. But my issue with this rule is not that it will cost these facilities so much money—it is that it will cost elderly and poor patients access to quality care. You have probably heard about some of the facilities going out of business because of some appropriations measures we passed. We have corrected them a little bit. But my issue with this is not what it will cost these facilities, but what it will cost the elderly and the poor in access to quality care. Sadly these patients are already in danger of losing quality care. Many facilities dependent on Medicaid and Medicare are in serious financial straits due in part to the Balanced Budget Act of 1997. Ten percent of nursing homes are already in bankruptcy. And the Clinton administration just announced a request for an additional $20 billion for Medicaid and Medicare so that the reimbursement cap can be raised. All this is before the costly ergonomics rule places its additional tax on an already overtaxed system. Implementing this sweeping and expensive proposed ergonomics standard is simply more than this industry can bear.

Let me assure those who say this Medicaid/Medicare quandary will not have very broad impact—let me assure them that it will. Nearly 80 percent of all patients in Nursing Homes and over 8 million home health patients are dependent on Medicare or Medicaid. How will these patients receive health care if the ergonomics rule forces nursing homes and home health organizations out of business? The answer is, they won't. But it does not appear that OSHA has even considered that consequence. Perhaps OSHA is assuming that Congress will clean up after it by raising reimbursement rates to accommodate OSHA's rule? If this is the case, then OSHA itself has invited us to step in, prohibit OSHA from finalizing this rule and OSHA back to the drawing board. A vote in favor of this amendment will ensure that OSHA resolves the mess its rule creates for providers and patients before issuing a final rule. That ought to be a basic consideration for us in this body.

The second problem I am very concerned with is OSHA's encroachment into State workers' compensation. A provision of the rule would require employers to compensate certain injured employees 90 to 100 percent of their salary. OSHA calls this requirement "work restriction protection" or WRP. But it sounds an awful lot like workers' compensation doesn't it? They told us they don't have the money to do the job, and now OSHA apparently wants a new job—to be a Workers Compensation Administration. That is why we held a hearing, to see what was involved in that. But there are two problems with that. First, the statute that created OSHA tells us that OSHA is not to meddle with workers' compensation. Second, OSHA's intrusion into the world of workers' compensation will hinder its ability to perform its true and very important function—improving workplace safety and health. All of the States already do Workers Comp.

Thirty years ago, when Congress wrote the Occupational Health and Safety Act, it made an explicit statement about OSHA and workers' compensation. It wrote that the act should not be interpreted to:

> . . . supersede or in any manner affect any workmen's compensation law, or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.

Twice this provision uses the broad phrase "affect in any manner" to describe what OSHA should not do to State workers' compensation. As someone with the privilege of being one of this country's lawmakers, it is hard for me to imagine how Congress could have drafted a broader or more explicit prohibition on OSHA's interference with State workers' compensation.

Perhaps more importantly, this provision of the law makes good sense. All 50 States have intricate workers' compensation systems that strike a delicate balance between the employer and employee. Each party gives up certain rights in exchange for certain benefits.

For example, an employer gives up the ability to argue that a workplace accident was not its fault, but in exchange receives a promise that the employee cannot pursue any other remedies against it. The injury gets taken care of, the injury gets paid for, and the worker gets compensated.

Each State has reached its own balance through years of experience and trial and error. Many of us have served in State legislatures where one of the perpetual questions coming before the legislature is changes to workers compensation. It is a very intricate process.

Significantly, Congress has never taken this autonomy away from the States by mandating Federal workers compensation requirements and, in fact, put those statements in, to which I referred earlier, where they are clearly not to get into workers compensation. The States have special mechanisms set up for resolving disputes and vindicating rights under the workers compensation systems.

OSHA wants to create its own Federal workers compensation system, but only for musculoskeletal disorders, MSDs. But OSHA does not have the mechanisms or the manpower to decide the numerous disputes that inevitably will arise because of the WRP provision. I ask all Senators to talk with their State workers compensation people. I have not found any of them who did not think this was intrusive, who did not think this gets into their business which they have crafted for years and years.

OSHA does not have the mechanisms or the manpower these States have to decide the numerous disputes that will arise. All of a sudden, OSHA will have to decide disputes over the existence of medical conditions, the causation of the medical conditions, the right to compensation.

But what happens to workplace safety and health while OSHA is being a workers compensation administration? The devastating effect on workers compensation has been recognized by workers compensation commissioners across the country. The Western Governors' Association has issued a resolution harshly criticizing the WRP provisions. Moreover, Charles Jeffress met with a large group of workers compensation administrators, and when I asked him how many spoke in favor of this provision, he answered: None. It was not quite that definite, but he answered definitely none.

Significantly, this meeting took place before the proposed rule was published, so Mr. Jeffress obviously did not take their lack of support to heart in drafting the proposed rule.

If this lack of responsiveness is any indication, we can have no confidence OSHA will take this provision out of the final rule. A vote for this amendment ensures that OSHA will have to take additional time to consider all the negative feedback it has received on this issue alone. Hopefully, with this additional time, OSHA will recognize that it should stay out of the workers compensation business and get back to the important business of truly protecting this country's working men and women.

From all of these facts and circumstances, I hope it is as clear to you as it is to me that OSHA is not ready to take sensible, informed, reliable action on ergonomics. Unfortunately, it is equally clear that OSHA is going to push forward anyway unless we take some action. Because of the magnitude of this issue, it is absolutely imperative that cool heads prevail over politics. We must ensure that OSHA takes the time to investigate and solve problems with the rule without taking shortcuts. Nobody puts them under the deadline except themselves, but they are obviously convinced of the deadline.

If we do not act now to impose a reasonable 1-year delay of the finalization of the rule, OSHA will forge ahead and produce a sloppy final product that not only fails to advance worker health and safety, but also threatens the viability of State workers compensation, health care, the poor and elderly, not to mention businesses all across the country.

If even one of these issues I raised troubles you—and I think they should all trouble all of us deeply—then you must recognize the desperate need for a 1-year delay.

I urge your support of this amendment. I am joined in offering this amendment by my colleagues, Senators LOTT, NICKLES, JEFFORDS, BOND, HUTCHINSON, BROWNBACK, SESSIONS, HAGEL, DEWINE, CRAPO, BENNETT, THOMPSON, BURNS, COLLINS, FRIST, GREGG, COVERDELL, VOINOVICH, FITZGERALD, ABRAHAM, SNOWE, ASHCROFT, GRAMS, HUTCHISON, THOMAS, and ALLARD. I ask unanimous consent that they all be added to the amendment as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I urge my colleagues to vote in favor of the amendment that will ensure we have this delay to do it right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I do not know quite where to start. My colleague from Oklahoma had said earlier, and both my friends from Wyoming and Arkansas had said, we ought to have a debate. We will. We ought to be focusing on this issue. We will focus on this issue.

There are many important issues we should focus on in the Senate. This is an important issue. I want to speak about it. In my State, by the way, two-thirds of senior citizens have no prescription drug coverage at all. I would like to focus on that issue. I would like to make sure 700,000 Medicare recipients have coverage. Education, title I—I would like to talk about a lot of different issues, but this issue is before us. I hope we will be able to speak to many different issues in several months to come.

First, my colleague, Senator ENZI, complains about the rule, but there is no final rule. It is not final yet. That is the point. OSHA, which is doing exactly what it should do, Secretary Jeffress is doing exactly what he should do by law—holding hearings, getting input—they are going to issue a final rule. They have not issued a final rule.

My colleague jumps to conclusions and joins the effort over 10 years to block a rule, but the rule has not been made. There may be significant changes. When my colleague complains about the rule, let's be clear, they have not finished the process. We do not know what the final rule is yet. But for some reason, my colleagues on the other side of the aisle are so anxious to block this basic worker protection that they already feel confident about attacking a rule that does not exist.

Second, my colleagues say that OSHA is rushing.

Senator HARKIN was quite right in saying to Senator NICKLES: Wait a minute, didn't this go back to Secretary Elizabeth Dole? Wasn't Secretary Dole the first to talk about the problem of repetitive stress injury and the need to provide some protection for working men and women in our country? This has been going on for a decade. And Senator JEFFORDS and OSHA and the administration are rushing?

By the way, I say to my colleagues, time is not neutral. From the point of view of people—I am going to be giving some examples because this debate needs to be put in personal terms. It is about working people's lives, from the point of view of people who suffer from this injury, from the point of view of people who are in terrible pain, from the point of view of people who may not be able to work, from the point of view of people who can have their lives destroyed because of this injury, because of our failure to issue a standard. We are not rushing. Can I assure all Senators that we are not rushing from their point of view?

Then my colleague talks about home office inspections. This is a red herring. We agree, OSHA agrees, they are not going to be inspecting home offices. Why bring up an issue that is not an issue?

My colleagues talk about the WRP, the work restriction protection, and all about the ways in which it will undercut State worker comp laws. But you know what, in our committee hearing, we heard from witnesses that it has no effect on workers comp laws. We will debate that more. But no one, no Senator should be under the illusion that OSHA is about to issue a rule that is going to undercut or overturn State comp laws.

Then I hear my colleague, my good friend, complain about OSHA's use of contractors. They have hearings all across the country. They hire people to help them go through all of the paperwork. They hire people so that we do not have unnecessary delay. That is exactly what they should be doing. Frankly, I think these arguments that we hear on the floor of the Senate are just arguments in trying to prevent OSHA from doing exactly what its job is.

What is its job? There are today 1.8 million workers who suffer from work-related MSDs and 600,000 workers who have serious injuries and lost work time. That is a lot of men and women who are in pain and who struggle because of these workplace injuries.

Elizabeth Dole, a Republican, Secretary of Labor, recognized this 10 years ago. For 10 years, some of my colleagues have done everything they know how to do to block OSHA from issuing a rule to protect working people in this country. They come up with all these arguments, complaining about a rule—but we do not know what the rule is—saying that OSHA is rushing—when we have been at this for a decade—talking about the horror of home office inspections—which will not take place; there will be no home office inspections—and so on and so forth.

Frankly, I think this is nothing more than an effort to make sure there is no rule issued at all. Because you know what, we are not arguing about even what kind of rule. That is the irony of this debate. I hope it will not become a bitter irony. We are arguing over whether OSHA should be allowed to issue any rule. Some of my colleagues are so comfortable with the status quo.

We have 600,000 workers with serious injuries, lost work time, and there are those who do not want OSHA to issue any rule.

Women workers—when you vote on this, one way or the other, remember women workers are particularly affected by these injuries. Women make up 46 percent of the overall workforce, but in 1998 they accounted for 64 percent of repetitive motion injuries, and they accounted for 71 percent of the reported carpal tunnel syndrome cases—women in the workplace, in pain, injured. We do not want to provide any protection?

I say to my colleagues, the only rush I see here is not OSHA's rush to provide some protection for working men and women, the only rush I see is the rush on the part of my colleagues to block OSHA from providing any protection.

Why the rush to block protection for working people in our country? That is my question.

The cost of these injuries to workers, employers, and the country as a whole is enormous. The worker compensation costs are estimated to be about $20 billion annually; overall costs, $60 billion.

I will have more to say about this later on in the debate, but when I hear about the nursing homes, and how if we have any kind of ergonomic standard, the nursing homes will go out of existence, I think of two things. No. 1, I wonder how many of my colleagues voted for the 1997 balanced budget amendment. I did not. But if you did, you ought to talk about a piece of legislation that was destined, given the draconian reductions in Medicare reimbursement, to play havoc especially with our hospitals and our nursing homes in rural America, and that is it.

Actually ergonomics programs save employers money because you prevent injuries, you cut worker compensation costs, you increase productivity, and you decrease employee turnover. I do not think that is really very difficult to grasp.

Let me repeat it. Ergonomics programs save employers money, save nursing homes money, because if you can prevent the injuries, you can cut the worker comp costs, you can increase productivity, and you can decrease employee turnover, which, by the way, is a huge problem in our nursing homes, as is the case with child care workers.

OSHA's proposed ergonomics rule would prevent about 300,000 injuries each year and save about $9 billion in worker compensation and related costs. I don't know, maybe you can come out with a figure of a little less or a little more, but that is significant.

Ergonomic injuries can be prevented. That is what is so outrageous about this amendment. Ergonomics programs implemented by employers, such as Ford Motor Company, 3M in my State of Minnesota, and Xerox Corporation, have significantly reduced injuries, lowered worker comp costs, and improved worker productivity. But only one-third of employers currently have effective programs.

On the House side, first of all, we have had the debate about whether or not there would be good science. Initially, back in 1999, we had an agreement between the Republicans and the Democratic leaders and the Clinton administration, which would fund a scientific study by the National Academy of Sciences of the scientific evidence on ergonomics with the understanding that OSHA's ergonomics standard would proceed. That was the understanding. That understanding clearly no longer counts. All the discussion about how we needed good science obviously was not the issue. My colleagues are not interested in any of that. They are only interested in one thing: They want to block OSHA from issuing any kind of rule that would provide protection to these working people.

Again, 1.8 million workers suffer from work-related MSDs, 600,000 workers from serious injuries. My colleagues come out on the floor and make arguments that amount to nothing more than delay because they want to block OSHA from issuing any regulation. They don't even want to wait to see what the regulation is. They just want to block it. They are for the status quo, but the status quo is not acceptable because we ought to provide some protection for these women and men in the workplace.

I could, but I will not, spend time with a lot of stories. I want to give my colleagues some sense of what this debate means in personal terms. That is what it is really about. It is not about a rule because the rule has not been promulgated. We don't know what the rule is. It is not about a rush on the part of OSHA because, if we go back 10 years, it was Elizabeth Dole, a Republican, who was first talking about the problem with these injuries. It is not about the scope of the rule because we don't know what it is. It is about whether or not we are going to have political interference to block an agency which has the mandate and the mission of protecting working men and women in this country. It is also about people's lives.

I say this to my colleague from Wyoming, whom I like and enjoy as a friend, to the extent people get a chance to spend any time with one another here:

I think this debate will be a sharp debate because I think there are some real differences between Senators on this question that make a real difference. I cannot help but express my indignation on the floor of the Senate that when you have 600,000 workers seriously injured every single year because we have not issued any kind of ergonomic standard and because there is no protection for them, I find this effort to block OSHA from issuing any kind of rule or protection to be really unconscionable. I find it to be unconscionable because we are talking about people's lives.

Keta Ortiz is a New York City sewing machine operator. I will quote from her testimony, which was at one of the public hearings on OSHA's proposed ergonomic standard.

> My name is Keta Ortiz. I was sewing machine operator, a member of UNITE Local 89 for 24 years. I was 52 years old in 1992 when my whole life came crashing down around me.
>
> You know what a cramp is, right? A terrible pain, it lasts a couple of minutes. Imagine you got cramps so powerful and painful they woke you up every night.
>
> My cramps lasted one or two hours, without relief. I woke up with hands frozen like claws and I had to soak them in hot water to be able to move my fingers.
>
> I was awake two or three hours every night, often crying. Exhausted every day. But I had no choice but to work. In the beginning the pain got better on the weekend. Then it didn't.

By the way, Mr. President, I was just saying to a close friend this morning as I read Ms. Ortiz's testimony that having struggled with back pain, my definition of pain is when you can't sleep at night. That is the worst. You get through it during the day, but in the evening you can't sleep because of the pain, and that is real pain.

> This agony lasted months, then a year, and then five long years.
>
> There are not words to explain what went through my mind in those hours in the middle of the night. The desperation, the fear that eats at your mind. The terror I felt when I realized I was going to have to stop working and didn't have money to pay the rent.
>
> I thought, "When will this ever end? How can I support my child? God, why have you abandoned me?"
>
> I worked and worked through the pain, until I couldn't take it any more. Without work I was disoriented, very depressed, empty. I thought, "I am useless, a vegetable." Negative thoughts invaded my mind and took over my days.
>
> Who are these people who oppose an ergonomics standard? Have they ever worked in a factory?
>
> Tell them it took me two and a half years before I saw my first workers' comp check. Tell them the operation I needed was delayed over two years by the insurance company . . . that I lost my and my family's health insurance.
>
> Tell them that after dedicating so many years to my job, I destroyed my hands, damaged my mental health, and sacrificed the joy I felt in living. And I get barely $120 a week in workers' compensation payments.

Now, listening to Ms. Ortiz, I think this is a class issue. I think it is a class issue. I think that if these workers—these women and men like Ms. Ortiz—were sons and daughters, or brothers or sisters, or our mothers and fathers and they were in the upper-income class, or professional class, there would be a hue and cry for an immediate rule to be issued by OSHA to protect them. But they are not the givers, the heavy hitters. This is a reform issue, too. They are not the players. I doubt whether Ms. Ortiz has contributed $500,000 in soft money—to either party, I say to my colleagues, so that I can make it clear this isn't aimed at any one individual Senator. I doubt whether she is maxed out at $2,000 a year in the primary and general election. I doubt whether she is enlisted as somebody who contributes $200 a year. I doubt whether she hires any lobbyist. But I have no doubt that she is a hard-working factory worker whose life has been destroyed.

I have no doubt that we ought to pass this so OSHA should be able to do its work. OSHA should be able to perform its mission of providing protection for workers.

I remember when OSHA legislation first passed in the early 1970s. I remember that there was a book I used to assign to students, I think, by Paul Brodeur, called "Expendable Americans." I think it was about a group of chemical workers who were working and who basically lost their lives because of asbestos, and they struggled with asbestosis and other lung-related diseases. The author's thesis was that these were people who were expendable.

We should not make Ms. Ortiz and other working people expendable. We should pay attention when 1.8 million workers a year struggle because of this kind of disease, MSDs, and 600,000 workers are in real jeopardy, with serious injuries and lost work time. They should not be made expendable.

Janie Jones, UNITE Local 2645, Arkadelphia, AR, poultry plant worker:

> Good Morning, my name is Janie Jones. I'm President of Local 2645. I am also a member of the joint Union-Management safety Committee. I work at the Petit Jean Poultry de-boning facility, in Arkadelphia, Arkansas. I've been employed there for 7 years. In 1994, I was diagnosed with Carpal Tunnel Syndrome. At the time of my injury I was de-boning thighs, since then I have been placed on numerous other jobs.
>
> Let me describe a few of my previous jobs for you:
>
> Breast pulling: the birds come down the dis-assembly line, we pull the breast from the bird, removing the skin as we do this. Approximately 9 birds a minute is required of the workers: one every seven seconds.
>
> De-boning the thighs: six people used to do three different cuts to the thigh: arching, opening and de-boning. Now there are only three people doing these three cuts. Also, after the bone is taken from the thigh, a thigh-trimmer inspects and cuts out any bone that may be left. There used to be three people, and now one person cuts out the bone. But the line speed is still 28 per minute.
>
> Now, I load the line. This means picking up the birds from a metal bin to my right and placing them on cone on a conveyor belt to my left. We are required to put 28–32 birds a minute on these cones. These birds are cold, sometimes frozen and they can weigh as much as six pounds. That's about 67,500 pounds that I have to reach and stretch to lift about 2½–5 feet every day.
>
> When an injured worker goes to the nurse with pain and swelling, the nurse will usually treat the worker with a rub and arthritis cream and sends you back to your job. If you keep complaining, she'll also give you a heat pad, and then she'll send you back to your job. Then, if you still keep complaining, she'll do the rub, the heat pad, and send you to a light duty job. Sometimes, management then tells her they need this person on their old job, and she just agrees and they put the worker back on the job that injured them.
>
> When workers are diagnosed with CTS by their own doctors, company will move you to another job which is not as fast-paced. But as soon as the pain gets better, they send you back to your old job, only to get worse again. This goes on until people can't take it anymore, and then they quit.

I say to my colleague from Arkansas that this is not a filibuster and I will be finished in a few minutes. I know he is anxious to speak. I want to put his mind at rest.

Let me give one more example, although if the debate goes on I can give you many, many examples.

This is the testimony of Eugenia Barbosa, Randolph, MA, an assembly line worker. By the way, this is testimony before OSHA during their public hearings when working men and women came and talked about their own lives in the hope that OSHA would be able to perform or fulfill its mission by law of providing some protection, which means issuing an ergonomics standard that can provide people some protection. My colleagues, through this amendment, want to block OSHA from issuing any standard—no standard, no help, no protection.

If you are not working at this kind of job, and you are not the one who is suffering from stress injury, it is easy to do. But for these workers, these people—I am a Senator from Minnesota and they are a big part of my constituency. They need the protection. That is why this debate is so important. It really is in the words of an old labor song by Florence Reece, wrote it, "Which Side Are You On?" This is a classic example.

I am on the side of Keta Ortiz and Janie Jones.

Eugenia Barbosa, Randolph, MA an assembly line worker:

> Thank you for giving me this chance to come here today and share my story with all of you. My name is Eugenia Barbosa, an American citizen. I am an Injured Worker.
>
> I came to America from Cape Verde with my family and started working at age 17 to help my mother and father. For the last 28 years of my life, I have worked in a factory that manufactures parts for major car companies. I worked in an assembly line making dashboard switches.
>
> I produced 400 pieces or more per hour. To make the switches I used my thumb and forefinger to press and insert a rocker switch into the housing. To complete the dashboard switches, I assembled an additional piece using three springs, two pins, and plastic caps, also using my thumb and forefinger.
>
> In 1991 I started feeling severe and constant pain in my right wrist. I was sent to the company doctor. I was given a splint and Motrin, and placed on light duty for two weeks. After two weeks I was sent back to my original position with a wristband for my right wrist, which I wore every day.
>
> Between 1991 and 1995, I was in constant pain. When I spoke to management, they told me that they would decide when I was in enough pain to go to the doctor. The pain was so severe that I had to hang my arm while working to relieve some of the pain. I suffered emotionally and physically as the pain continued to get more severe.

That is what this debate is about.

> In October 1995 my life changed. The pain was no longer in my right wrist; it was also in my right shoulder, arm, back, and neck. I told management about the pain which was so severe I couldn't even move. I was ignored.
>
> Finally I was sent to the company doctor again. He gave me another splint to be used 24 hours a day, an elbow support and pain medication, and told me to do light modified work with my left hand. He also told me to rest my arm on an arm rest chair while working. The company was supposed to provide me with the arm rest chair but never did.
>
> After 5 weeks I was called into my manager's office and was told it was time to remove my splint and go back to the assembly line. I was in so much pain that I started to cry.
>
> The company put me on incentive work but with only my left hand to make 975 pieces an hour. I asked my manager why. He told me he didn't want to hear any garbage and that I should go back and do my job.
>
> In March 1996 I started having pain in my left wrist, arm, shoulder, back and neck. It became so severe that I was rushed to the Emergency Room. The company doctor said there is nothing wrong with me.
>
> I went to see another doctor who tested me and found that I had severe damage to my rotator cuff, radial nerve, and wrist. Since that time, I have had surgery three times, on my right shoulder, arm, and wrist. I still need surgery on my left shoulder and wrist. After my injury my life has complete changed for myself and for my family, and everyday I must deal with my pain. I am no longer able to work, I am now financially struggling to put my son through college, I'm unable to cook and clean for my family and even combing my hair and taking care of my own personal needs is now very difficult for me.

Their testimony was before an OSHA hearing on this ergonomics standard.

Elizabeth Dole, in 1990, tried to help these workers. We have been at it 10 years. Assistant Secretary Jeffress of OSHA is trying to move forward to issue a rule. They are doing the right thing. This is their mandate. This is what they are supposed to do under the law.

This amendment amounts to blatant political interference to prevent them from doing their job—which is to hold the hearings; which is to have careful deliberation; which is to decide on the final rule. They have not even decided on the final rule, but keep attacking a rule that doesn't exist, a final rule that will be reasonable and sensible but will provide protection to these workers—to these men and women all across the country.

Senators, Democrats and Republicans, there couldn't be a more important issue before us. This is a real clear question of where you stand. I think we ought to stand for these working people. I think we ought to make sure that OSHA can do its job. I think there should be a rule that provides these workers with some protection. That is the right thing to do.

I urge you to oppose this amendment.

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, the Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I wish to respond to a few things that my colleague from Minnesota said.

First of all, I mention that my father spent more than 20 years in the poultry plants of Arkansas, Alabama, and Mississippi doing exactly the kind of repetitive motion work that the Senator from Minnesota described. I believe, if my father were on the floor of the Senate today, that he would as vehemently and strongly and vigorously oppose this OSHA draconian power move as much as I am going to oppose it.

Senator WELLSTONE emphasized that it is not yet a final rule and therefore it is premature for us to act. I don't think so. I hardly think it would be prudent on our part to wait until after they enacted the rule, and then come back and try to change it when employers would have already faced the rule that was in place. It is anticipated, as I understand it, that the rule will be finally promulgated by the end of this year. If we are going to act, we must act now.

Again, Senator WELLSTONE said they are not done yet. This is the 600 pages that they are to right now. I am concerned if we wait much longer that it may be 900 pages before the end of the year. This is the time for us to act.

One of the things that I appreciate about my distinguished colleague from Minnesota is that he believes what he is saying, and he doesn't mince words about it. He made it very clear that from his viewpoint this is class warfare. It is those mean, uncaring employers; it is those managers; it is those businesspeople—they just don't care about their employees. Then we have anecdote after anecdote.

That assumption is wrong. I think OSHA will state that does not describe 99.9 percent of the employers in this country. They do care. They have every incentive in the world in caring for those who work for them, ensuring there is a healthy and safe workplace.

Beyond that, we ought to talk about the small business man or woman who are struggling to meet every other regulatory burden that this Government has placed upon them and meet all of the tax burdens we placed upon them, trying to keep their heads above water, trying to make ends meet, trying to provide jobs for their employees, and trying to make a contribution to their community. And a rule such as this will have some of the most dramatic effects upon business and upon the economy of any rule ever promulgated by any agency. What about them?

As Senator ENZI pointed out, what about the senior citizen on Medicare or those senior citizens on Medicaid or those poor people who are on Medicaid and dependent upon them? What will happen to their health care when we tell health care providers they have to meet the new requirement, they have to comply with the new rule?

There is no increase in their budget. There is no change in the reimbursement formulas. You will get what you got before, but now you will have to meet all of the additional burdens.

I suggest those who are going to be hurt the most by this rule are those who are the most vulnerable in our society.

The Enzi amendment would simply prevent OSHA from finalizing an ergonomics program in fiscal year 2001. That is all it does. It gives the National Academy of Sciences the time it deserves to complete its ongoing, taxpayer-funded study and allow the public to then evaluate the merits of the proposal as well as the NAS study.

On Friday, November 19, 1999, Congress adjourned for the year, having completed its work for the 1st session of the 106th Congress. After we left town to return home, OSHA announced the following Monday its new ergonomic proposal. As a member of the Senate authorizing committee and the Subcommittee on Employment Safety and Training, I received no notice, no advance warning, no copy of the proposal—nothing. None of my colleagues serving on the committee received that same courtesy, either. With Congress heading home, OSHA decided it was in America's best interest to launch the largest regulatory proposal ever to be put forth by an administration. Shotgunning the proposal through its hoops in less than 12 months, OSHA refused to wait for the completion of the $890,000 NAS study, bought and paid for with hard-earned tax dollars.

The Subcommittee on Employment, Safety and Training, chaired by Senator ENZI, reacted as it should have. After weeks of evaluating the impact this proposal would have if actually enforced, we held our first hearing in April, addressing just one of many portions of the OSHA proposal, the work restriction protections, WRP. The WRP provisions would require employers to provide temporary work restrictions up to and including complete removal from work, based either upon their own judgment or on the recommendation of a health care provider. If the employer places work restrictions upon an employee which would allow them to continue to perform some work activities, the employer must provide 100 percent of the employee's after-tax earnings and 100 percent of work benefits for up to 6 months. If the employee is completely removed from work, the employer must still provide 90 percent of the employee's after-tax earnings and 100 percent of benefits for up to 6 months.

The hearing revealed that the WRP provision is a direct violation of section 4b(4) of the 1970 OSH Act. There is no ambiguity in the wording. I have it on this chart.

> Nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of employment.

This is in reference to the State workers compensation act. When the OSH Act was enacted back in 1970, the clear intent, explicitly stated, was that OSHA was never to impact the State workers compensation laws. Believe me, what they are proposing in this rule would do so entirely. Congress specifically withheld OSHA having that right to supersede or affect those State workers compensation laws. Congress did this because State workers compensation systems are founded upon the principle that employers and employees have both entered into an agreement to give up certain rights in exchange for certain benefits in the area of work-related injury and illnesses. Most often, employers give up most of their legal defenses against liability for the employees' injuries, and the employees give up their right to seek punitive and other types of damages in turn.

The crucial factor that makes State workers compensation systems possible is that the remedies it provides to employees are the exclusive remedies available to them against their employers for work-related injuries and illnesses.

Anyone who served in the State legislature, as Senator ENZI and I have, knows that this is always one of the biggest issues of debate, discussion, and ultimately, hopefully, consensus between labor and management. It has been a workable system. But it is dependent upon that idea that this is the exclusive remedy.

WRP's provisions are in direct contradiction of section 4b(4) and will shake the foundation upon which the State workers systems rests because they will provide another remedy for employees for work-related injuries and illnesses. That is an absolute contradiction of what the OSH Act, establishing this agency, intended in 1970.

Since WRP provisions conflict with workers compensation systems, there will certainly be confusion to say the least as to who is liable. That is precisely why Congress put section 4b(4) in the act 30 years ago. To be sure, I dug deeper and found the conference report filed December 16, 1970, accompanying the act. As it pertains to section 4b(4) it reads:

> The bill does not affect any Federal or State workmen's compensation laws, or the rights, duties, or liabilities of employers and employees under them.

It is clear in the language of the statute as well as in the conference report, that Congress did not intend OSHA to have the power to affect and supersede State workmen's compensation laws. I say to my colleagues, it doesn't get any clearer. How can it be misconstrued by OSHA? And they are simply in violation of the act that established them.

OSHA is not listening to Congress. Frankly, it also is not listening, not paying any attention to what other Federal agencies are saying about their proposal. According to the Small Business Administration, OSHA has grossly underestimated the cost impact of its proposal. The SBA ordered an analysis of OSHA's Data Underlying the Ergonomics Standard and Possible Alternatives Discussed by the SBREFA Panel.

Policy Planning & Evaluation, Incorporated, PPE, prepared the analysis that was issued September 22, 1999. The PPE reported that:

> OSHA's estimates of the costs in its Preliminary Initial Regulatory Flexibility Analysis of the draft proposed ergonomics standard, as furnished to the SBREFA Panel, may be significantly understated, and that OSHA's estimates of the benefits of the proposed standard may be significantly overstated.

This is the conclusion that we find another Federal agency coming to that OSHA has overstated what the benefits will be and they have significantly understated what the costs are going to be. The PPE further reported that OSHA's estimates of capital expenditures on equipment to prevent MSDs—the musculoskeletal disorders—do not account for varying establishment sizes, and seem quite low even for the smallest establishment size category.

The PPE attributed the overstatement of benefits that the rule will provide to the fact that OSHA has not accounted for a potentially dramatic increase in the number of MSDs resulting in days away from work as workers take advantage of the WRP provisions.

OSHA estimated the proposal's cost to be $4.2 billion annually—that is OSHA's best estimate. That is their cost estimate upon the economy and upon American business, $4.2 billion annually. That is not insignificant. But the PPE estimates that the cost of the proposed standard could be anywhere from 2.5 to 15 times higher than OSHA's estimate. That moves the cost from $10.5 billion to as much as $63 billion or higher. That is just one Federal agency versus another. That is the Small Business Administration saying what OSHA is preparing to do is going to cost small business in this country $60 billion or more.

Whom are you going to believe? Are you going to believe OSHA's estimate of a minimal impact? Are you going to believe the Small Business Administration? I don't know, but I don't want to risk the jobs of the American people. I don't want to risk the economy on conflicting opinions by two Federal agencies.

Finally, the PPE report for the Small Business Administration shows that the cost-benefit ratio of this rule may be as much as 10 times higher for small businesses than for large businesses. It is very easy for the other side, the proponents of this drastic, dramatic rule change, to come down and rail against big business. Do they not realize that small businesses, the tiny businesses, the mom and pop operations struggling to exist in this country, are going to be impacted 10 times more than large businesses?

So if you don't care about the impact upon the economy as a whole, if you don't care about the impact upon large employers, then please consider the impact upon those small businesses out there and what they are going to have to pay to try to comply with this ill-advised rule. The cost disparity is not some slight discrepancy. We are talking about $60 billion a year.

Who covers that cost? Who is going to cover the $60-plus billion a year imposed upon the business community of this country? OSHA has an answer. OSHA's answer is: Pass it off on the consumer. Just pass on the cost. That is easy enough. Of course it is inflationary, of course it hurts the economy, but we can solve the problem of this added cost. Just let the consumer pay.

Senator ENZI has well noted that cannot be done in Medicare. It cannot be done in Medicaid. It cannot be done on those businesses reimbursed by the Federal Government, where their reimbursement is capped. There is nobody to pass the cost to. No bother, OSHA is going to push forward anyway, and that is what they have done.

I have listened to the opponents of the Enzi argument make the case that if this rule is delayed any longer, thousands of additional employees will suffer. Let's be clear, please, colleagues. Let's be clear. With or without this, with or without the 600-page—so far—proposed ergonomics regulation, rule, OSHA can still enforce its current law. The current law states this in the ergonomics proposal, on page 65774. It is on the chart before us. This is it. Let me quote what their proposed rule says. This is under the general duties provision. OSHA says:

> [Every employer] shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees; and shall comply with the Occupational Safety and Health Standards promulgated under this Act.

This is the general duty provision which OSHA has used widely in enforcing conditions in the workplace that they believe are detrimental to the worker. They already have that tool, and they are not hesitant about using that authority. They don't have to have a new ergonomics proposal. They don't have to have a new ergonomics regulation in order to protect the American worker.

By the way, this is not about whether or not we are going to address ergonomics at some point—we should. But we should do it in the right way. We should do it with due scientific study, based upon good scientific principles. It is not whether or not there is going to be an ergonomic standard. The issue is how it is going to be done and whether it is going to be done in a thoughtful way, respecting not only the worker but the needs of the employer. But I say again, OSHA currently has the authority under this general duty clause, and they can enforce ergonomics violations currently.

According to the proposal:

> OSHA successfully issued over 550 ergonomic citations under the general duty clause.

They even list a number of employers, too. They have the authority, and they are proud of the fact that over 550 times they have issued citations on ergonomics violations under the general duty clause.

The point is, OSHA is not a crippled agency—far from it. It is a full-fledged regulatory agency that has the power to put any business out of business.

This proposal contains serious flaws which just beg the question: Who is really calling the shots as OSHA? This is not the first regulatory blunder to come out of OSHA in recent days. Just last January, they announced their intention to regulate private residences, our homes. Perhaps my distinguished colleague, for whom I have the utmost respect, Senator WELLSTONE, would say whether they are just doing their job in that case?

The American people rightly rose in outrage that OSHA would think they have the authority to go into the American home and regulate it as a workplace. After being publicly ridiculed and repeatedly humiliated, OSHA dropped the issue. They didn't drop it, they said they want to talk about it next year. Good thing, too; since 10 percent of working Americans work from home at least part-time, and their pursuance would have caused a chilling effect on modern technology.

OSHA's home regulation should be mentioned during this debate because many of the hazards OSHA wanted to regulate would be ergonomic-regulated: keyboard height, monitor height, desk height, even the type of chair you might sit in, in your home workplace. The list doesn't stop there. It also includes other potential OSHA violations including the number of outlets, adequate lighting, exit signs, even the bannister height.

Neither OSHA nor the 1970 OSH Act provides any guidance as to how to carry out their responsibilities.

We raised even more questions: Are employers required to ensure that home offices remain clear of toys at all times so employees don't trip and fall? What about an employer's smoking policy? Does that apply to the home, too? Most important, what about liability for employees' accidents in their employees' homes? How could employers possibly monitor this based upon what OSHA was asking?

In that same vein of questions asked in January, we are here again questioning the validity of OSHA's ergonomics proposal: What statutory right does OSHA have to regulate State workers compensation?

Senator WELLSTONE says they are just doing their job. There is no doubt what they have proposed will impact State workers compensation law in violation of the 1970 OSH Act. What reason does OSHA give to why its WRP compensation package would not encourage fraud and abuse? Who would oversee fraud if it did occur? What about the cost estimates posed by another Federal agency, the Small Business Administration?

Again, it is not about how much we are willing to pay for an employee's safety but, rather, one agency's estimates being 15 times higher than another's, and then OSHA saying we have enough information, we have a solid basis to move forward.

Why are we funding the Small Business Administration if we are going to absolutely ignore their cost estimate in an area they ought to be experts? That is, experts on small business. They say it is 15 times higher than what OSHA says. If OSHA is going to shotgun an ergonomics proposal through the rulemaking process, at least I say they should do it right.

So I say to OSHA, put your love of regulating on hold and listen to what America is saying. You have 7,000 public comments submitted. Consider them all, not just a few that happen to support the agenda you seem to be pursuing.

Is it a love of regulating? This is a quote I think Senator ENZI used earlier. It is by Marthe Kent, who is the director of safety standards, the leader of OSHA's ergonomics effort, recently quoted in the Synergist magazine of May 2000. This is what was said:

> I love it; I absolutely love it. I was born to regulate. I don't know why, but that's very true. So long as I am regulating, I'm happy.

That is one person's statement, though they are deeply involved in the ergonomics issue and the drafting of the ergonomics rule. But I think that might well reflect the way a lot of regulators feel.

So, concluding my comments, I just believe there is something much deeper at stake here, a very genuine and real philosophical difference.

Senator WELLSTONE believes, and those on the other side who support this rule believe, OSHA is just doing their job, and I believe we need to do our job. OSHA was not elected by the people, we were.

Not a day goes by that I do not have constituents in Arkansas call our office and complain about some regulatory agency that has gone afield, that has gone off on their own agenda.

Thomas Jefferson well recognized that the great threat to freedom of any individual comes when power becomes concentrated. Concentration of power, whether in the private sector, public sector, in a regulatory agency, in a corporation, if there is enough power accumulated in a single place, it threatens the individual's liberty.

I believe regulatory agencies today have become a fourth branch of Government unto themselves, unresponsive to what we say, unresponsive to what we do, until we are forced into a position of having only one tool left, and that is to cut off the funding for the implementation of the rule. That is what Senator ENZI has sought to do. That is why I think, on a bipartisan basis, so many realize this step is necessary.

I say to Chairman ENZI of the Senate Subcommittee on Employment Safety and Training that I appreciate his dedication to worker safety—no one doubts it—and for taking the high road when dealing with such highly contentious issues. And he has. Nobody told me when I joined his subcommittee that these issues were going to be easy. They have not been. But that is no reason for us to avoid asking the tough questions and, when necessary, taking the tough votes.

Until we get the answers—and OSHA does not have them now—until we get the answers to these tough questions, I ask my colleagues to take a hard, hard look at this ill-advised proposal. Look through it. It may take a week or two, but look through it, and you may understand why the Enzi amendment is so essential.

I ask my colleagues on both sides of the aisle to simply postpone, delay OSHA moving forward in this fiscal year with an ergonomics proposal that is going to dramatically impact the economy of the United States, I believe, and negatively impact the safety and the health of senior citizens on Medicare and Medicaid. Delay it by supporting the Enzi amendment. Allow the NAS the time necessary to complete their study and then maybe move forward with a good ergonomics rule to protect the workplace for American workers on the basis of sound science.

I thank the Chair, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment offered by the Senator from Wyoming. This amendment would prevent the Occupational Safety and Health Administration (OSHA) from issuing ergonomic standards to protect workers from back injuries, carpal tunnel syndrome and other work-related musculoskeletal disorders (MSDs)

MSDs caused by ergonomic hazards are the most widespread safety and health problem in the workplace today. Every year 1.8 million workers suffer as a result of work-related MSDs bone or muscle disorders and one-third of those workers lose work time as result of these disorders.

These injuries are a burden on workers, and they are a burden on the economy. These injuries result in $20 billion per year in workers' compensation claims. OSHAs proposed ergonomic regulations would cut in half the cost of workers' compensation claims.

Ergonomic programs have slashed costs for businesses throughout California.

In 1997, Sun Microsystems average MSD disability claim dropped to $3,500, from $55,000, in 1993.

The Vale Health Care Center, in San Pablo, California, reduced the number of back injuries from ten per year to one per year.

The Fresno Bee, three years after establishing an ergonomics program, reduced workers' compensation costs by over 95 percent, and associated lost workdays and surgeries were eliminated.

Xandex, in Pentaluma, California; Silicon Graphics, in Mountain View, California; Rohm and Haas, in Hayward, Califoria; Blue Cross of California; Varin Associates, a California electronics manufacturing business, the city of San Jose, Pacific Bell, FMC Defense Systems Corporation, AT&T Global Information Systems, in San Diego, and Intel, in Santa Clara, California, have all implemented successful ergonomics programs.

Ergonomic standards have been studied ad nauseam.

There are more than 2,000 published studies on MSDs, and the scientific evidence strongly supports the conclusion that ergonomics programs can and do reduce MSDs.

In 1991, Secretary of Labor Elizabeth Dole believed there was sufficient scientific evidence that ergonomic injuries were a major problem in the workplace, and she committed the Labor Department to address the issue.

In 1991, Secretary of Labor Lynn Martin committed the Department of Labor to develop and issue a standard using normal rule-making procedures.

In 1998, at the request of the Representatives Livingston and BONILLA, the National Academy of Sciences (NAS) received a $490,000 grant to conduct a literature review of MSDs. Later in 1998, NAS released its findings. It concluded that "research clearly demonstrates that specific interventions can reduce the reported rates of musculoskeletal disorders for workers who perform high-risk tasks." In other words, workplace ergonomic factors cause MSDs, but specific interventions can reduce the number of cases.

Congress then appropriated another $890,000 for another NAS literature review on workplace-related MSDs. This study will be completed early next year.

If the results are the same as the previous study, and I assume they will be, we should not prevent the Department of Labor from issuing ergonomic standards.

Ergonomic programs have proven to be effective in reducing motion injuries and other MSDs, and suggest that OSHA must be permitted to go forward with sensible regulations to ensure a safe workplace.

The problem is real, but it is a problem we can fix, and we can save businesses billions of dollars in workers' compensation claims by doing so.

I strongly urge my colleagues to help improve workplace safety by joining me in opposing this amendment.

Mr. KERRY. Mr. President, I would like to spend a few minutes today talking about the importance of the Department of Labor's ergonomics regulation, which seeks to protect the health and safety of American workers. I'd like to urge my colleagues to vote against the amendment proposed by Senator ENZI that would prevent the Department of Labor's Occupational Safety and Health Administration from issuing any standard or regulation addressing ergonomics concerns in the workplace.

Mr. President, let's be very clear about the issue before us, about the ergonomics issue, about employer health and safety, about the number of people nationwide—600,000 each year—that suffer from musculoskeletal injuries. In my state of Massachusetts, last year nearly 21,000 workers suffered serious injuries from repetitive motion and overexertion. Mr. President, if this amendment were to be passed by this body, then hundreds of thousands of people will continue to needlessly suffer on the job. The solution to this problem is NOT doing nothing, Mr. President, and that is what the Enzi amendment purports to do. Ergonomics injuries are real. They are prevalent in the workplace. And we must respond to this treacherous workplace hazard.

Ergonomics is the science of fitting workplace conditions and job demands to the capabilities of the working population. Mr. President, the scientific community understands that effective and successful ergonomics programs assure high productivity, avoidance of illness and injury risks, and increased satisfaction among the workforce. Ergonomics disorders include sprains and strains, which affect the muscles, nerves, tendons, ligaments, joints, cartilage, or spinal discs; repetitive stress injuries, that are typically not the result of any instantaneous or acute event, but are usually chronic in nature, and precipitated by poorly designed work environments; and carpal tunnel syndrome.

Many businesses, both large and small, have already responded to the threat of ergonomics injuries in the workplace. Mr. President, when businesses ensure that their workplaces are safe and protect workers from these types of injuries, their productivity rises! When workers are healthy, employers lose far fewer hours in productivity. Last year Assistant Secretary of Labor Charles Jeffress testified before the House Committee on Small Business and he reported that programs implemented by individual employers reduce total job-related injuries and illnesses by an average of 45 percent and lost work time and illnesses by an average of 75 percent. Mr. President, these numbers mean something, they indicate results, and they prove that making the workplace safe is crucial to increasing worker safety. But let me explain what these numbers really mean.

Beth Piknik is a registered nurse at the Cape Cod hospital. Ms. Piknik's 21-year career as an intensive care unit nurse was cut short due to a preventable back injury. On February 17, 1992, she suffered a back injury while assisting a patient. The injury required major surgery—spinal fusion—and two years of major rehabilitation before and after surgery. The injury was devastating to Ms. Piknik, both professionally and personally. Prior to her injury, Beth led a very active life, enjoying competitive racquetball, waterskiing, and white-water rafting. But most importantly, she enjoyed her work as an ICU nurse, which had been her career since 1971. The loss of her ability to take care of patients led to a clinical depression, which lasted four and a half years. She now administers TB tests to employees at the hospital. Her ability to take care of patients—the reason she became a nurse—is gone. Ms. Piknik's injury could have been prevented and so can the crippling injuries suffered by hundreds of thousands of workers every year.

In fact, many employers have already taken action and put into place workplace ergonomics programs to prevent these injuries. For example, the Crane Paper Company in Massachusetts had a serious problem with ergonomics injuries. In 1990, they put in place an ergonomics program to identify and control hazards, to train workers and provide medical management to intervene before workers developed serious injuries. These efforts paid off. Within 3 years of starting their ergonomics programs, Crane reduced their ergonomic injury rate by more than 40 percent.

Mr. President, the Department of Labor took public comments on the proposed ergonomics regulation through 90 days of written comments and nine weeks of public hearings. During the hearings, OSHA heard from hundreds of workers and local union members and representatives from eighteen international unions. These workers and union members—who represent all sectors of the economy including auto workers, nurses and nurses aides, poultry workers, teachers and teachers aides, cashiers, office workers—told OSHA why an ergonomics standard is desperately needed and how ergonomics programs in their workplaces have worked to prevent injuries. I would like to share with my colleagues a couple of statements from some of the workers from my state of Massachusetts who appeared at the hearings.

This is what Nancy Foley, who is a journalist from South Hadley, MA, had to say at one of the hearings. "I am here today to strongly support an ergonomic standard. I suffer from serious injuries caused by a repetitive job. I want to see the ergonomics standard enacted so that others will not be injured as I have been. In 1988 I earned a masters degree in journalism from the University of Wisconsin-Madison. Most of my career was spent at the Union-News in Springfield, Massachusetts. As a reporter, I spent four to five hours a day typing on a computer keyboard. In 1993, I began having pain in my neck and weakness in my hands. I did not seek medical attention until 1995 when the pain had spread into my left shoulder and left arm, making it difficult for me to sit through the workday. Fear prevented me from seeking medical attention sooner. I was a part-time reporter, and I was afraid I would never be made full-time if my employer knew the job was hurting me. Even after seeking medical attention, I was afraid to go out of work to recover from the injuries. I thought that taking time out of work would hurt my career. In October 1998, I went out of work altogether and was never able to return. I settled my workers' compensation case in 1999, with the insurance company taking responsibility for my injuries and continuing medical payments. I have been diagnosed with repetitive strain injury, carpal tunnel syndrome, cervical strain, thoracic outlet syndrome, and medial epicondylitis. By the time I left the newspaper I was so severely injured, that my recovery has been very slow. I may never fully recover. I live with chronic pain every day. Sitting still triggers pain. I have trouble carrying groceries into my house and doing simple housekeeping tasks. I am trying to retrain to be a schoolteacher, but my injuries make the retraining difficult. I do my school work by lying in bed and talking into a voice-activated computer. That is the way I wrote this statement."

Mr. President, these are the real voices, the real people, the reality behind the 600,000 injuries. Unfortunately, gauging from the debate so far today my colleagues on the other side of the aisle seem uninterested in talking about how devastating musculoskeletal injuries are. They are content to lambaste the Department of Labor and OSHA. They are content to nitpick at the rulemaking process, Mr. President, because they are incapable of refuting the proposed rule on its merit. They cannot deny that 600,000 a year suffer from musculoskeletal injuries. They cannot deny that workplaces that have adopted good ergonomics policies have increased productivity.

Let's be clear about this Mr. President. These types of injuries are a real problem for American businesses and workers. Industry experts have estimated that injuries and illnesses caused by ergonomics hazards are the biggest job safety problem in the workplace today. The 600,000 workers who suffer from back injuries, tendinitis, and other ergonomics disorders cost over $20 billion annually in worker compensation.

What is most troubling to me, Mr. President, is that these types of injuries are preventable. Something can be done to protect the American worker. In drafting this proposed rule OSHA worked extensively with a number of stakeholders, including representatives from industry, labor, safety, and health organizations, State governments, trade associations, and insurance companies. OSHA is currently in the process of holding stakeholder meetings on the draft rule for all interested parties. These comments are made part of the rulemaking record and OSHA is required to review these comments as the final rule is prepared. Just a few months ago, OSHA's small business liaison met with small business representatives in an open roundtable format. Mr. President, this is not a "command and control" regulatory action.

Mr. President, this proposed rule has been criticized by those on the other side of the aisle as unfair, unnecessary, and prohibitively costly for businesses. I disagree. The proposed rule is drafted as an interactive approach between employee and manager to protect the assets of the company in ways that are either already being done, or should be done under existing rules. This new rule is a guide and a tool, not an inflexible mandate.

The rule is a flexible standard that allows employers to tailor their programs to their individual workplaces. Small employers are not expected to have the same kind of program as big employers. The proposed rule exempts small businesses from record keeping requirements, so it does not add to small businesses paperwork burdens. Moreover, OSHA is reaching out to small businesses to provide them information on how to control ergonomics hazards through meetings and conferences and by providing on-site compliance assistance.

According to the Department of Labor, thirty-two states have some form of safety and health program. Four states (Alaska, California, Hawaii, and Washington) have mandated comprehensive programs that have core elements similar to those in OSHA's draft proposal. In these four states, injury and illness rates fell by nearly 18 percent over the five years after implementation, in comparison with national rates over the same period. We are not talking about something that has come out of the blue—ergonomics programs are creating positive results for workers all over the country.

Mr. President, in spite of the arguments for the Enzi amendment, there bulk of the science and the research proves that an ergonomic standard is needed in the American workplace.

The National Academy of Sciences has compiled a report entitled Work-Related Musculoskeletal Disorders. This report summarized 6,000 scientific studies on ergonomics-related injuries and concluded that the current state of science reveals that workers exposed to ergonomic hazards have a higher level of pain, injury and disability, that there is a biological basis for these injuries, and that there exist today interventions to prevent these injuries.

In 1997, the National Institute for Occupational Safety and Health completed a critical review of epidemiologic evidence for work-related musculoskeletal disorders of the neck, upper extremity, and lower back. This critical review of 600 studies culled from a bibliographic database of more than 2,000 found that there is substantial evidence for a causal relationship between physical work factors and musculoskeletal disorders.

Furthermore, Mr. President, we are not talking about a new phenomenon, or the latest fad. Ten years ago in 1990 under a Republican President; Secretary of Labor Elizabeth Dole committed the Department of Labor to begin working on an ergonomics standard. Then-Secretary Dole was responding to a growing body of evidence that showed that repetitive stress disorders, such as carpal tunnel syndrome, were the fastest growing category of occupational illnesses. This rulemaking has been almost ten years in the making. Mr. President, it is time to put safeguards in place for the American worker, and this should not be a partisan issue.

This rule has been delayed for far too long. In 1996, the Senate and the House agreed to language in an appropriations conference report that would prevent OSHA from developing an ergonomics standard in FY 1997. In 1997, Congress prevented OSHA from spending any of its FY 1998 budget on promulgating an ergonomics standard. Last year, money in the FY 1999 budget was set aside for the new National Academy of Sciences study, and the then-Chairman and Ranking Members of the House Appropriations Committee sent a letter to Secretary of Labor Alexis Herman, stating that this study "was not intended to block or delay OSHA from moving forward with its ergonomics standard."

Mr. President, we should wait no longer for this standard to be proposed and we should certainly not prevent OSHA from issuing its final ergonomics rule. Workers should not have to wait any longer for safety on the job. The time to protect the American workplace is now.

This standard is a win-win for workers and management: the greater the safety workers have on the job, the more time they spend on the job. The more time they spend on the job, the more productive the workplace. And it is obvious, but it bears restating, that the more productive the workplace, the more productive this country. Workers want to be at work, and their bosses want them at work.

It's been 10 years, Mr. President, since Secretary Dole promised to take action to protect workers from ergonomics injuries and to issue an ergonomics standard. Since that time, more than 6.1 million workers have suffered from serious injuries as a result of ergonomics hazards—injuries that could have and should have been prevented. Workers have waited too long for protections from ergonomics hazards. It's time to stop breaking the promises made to American workers and to support the promulgation of a final OSHA ergonomics standard not to protect workers.

Mrs. MURRAY. Mr. President, I strongly oppose this amendment.

We should be reducing the hazards that America's workers face—not putting roadblocks in the way of increased worker safety.

Ergonomic injuries are the single-largest occupational health crisis faced by men and women in our work force today.

We should let OSHA—the Occupational Safety and Health Administration—issue an ergonomics standard.

Ergonomic injuries hurt America's workers and America's productivity.

Each year, more than 600,000 private sector workers in America are forced to miss time from work because of painful musculoskeletal disorders (MSDs).

These injuries also hurt America's companies because these disorders can cause workers to miss three full weeks of work or more.

Employers pay more than $20 billion annually in workers' compensation benefits due to MSDs and up to $60 billion in lost productivity, disability benefits and other associated costs.

The impact of MSDs on women workers is especially serious.

While women make up 46% of the total workforce and only make up 33% of total injured workers, they receive 63% of all lost work time from ergonomic injuries and 69% of lost work time because of carpal tunnel syndrome.

In addition, women in the health care, retail and textile industries are particularly hard hit by MSDs and carpal tunnel syndrome.

Women suffer more than 90% of the MSDs among nurses, nurse aides, health care aides and sewing machine operators.

Women also account for 91% of the carpal tunnel cases that occur among cashiers.

Despite the overwhelming financial and physical impact of MSDs and the disproportionate impact they have on our nation's women, there have been several efforts over the years to prevent OSHA from issuing an ergonomics standard.

This amendment is intended to stop OSHA from implementing its ergonomic standard, which is scheduled to take place by the end of this year. We have examined the merits of this rule over and over again.

Contrary to what those on the other side of this issue say, the science and data support the need for an ergonomics standard.

We shouldn't be placing roadblocks in the way of its implementation.

The National Institute for Occupational Safety and Health (NIOSH) studied ergonomics and concluded that there is "clear and compelling evidence" that MSDs are caused by work and can be reduced and prevented through workplace interventions.

The American College of Occupational and Environmental Medicine, the world's largest occupational medical society, agreed with NIOSH and saw no reason to delay implementation. The studies and science are conclusive.

Mr. President, the states are getting this right.

My state—the state of Washington—just one month ago became the second state along with California to adopt an ergonomics rule.

The rule will help employers in my state reduce workplace hazards that cripple and injure more than 50,000 Washington workers a year at a cost of more than $411 million a year.

The estimated benefits to employers from reducing these hazards are $340 million per year, with the estimated costs of compliance of only $80.4 million per year.

Now Washington and California both have ergonomic standards. North Carolina proposed an ergonomics standard and I understand that other states are also looking into the possibility of developing their own standards to benefit their workers.

We should take the cue from my state and others who have seen the wisdom of issuing ergonomics standards.

We cannot afford to delay an important standard which will greatly improve workplace safety.

Outside of ergonomics, I want to make one general statement about another provision of the underlying bill.

The Senate bill underfunds the Dislocated Worker programs by some $181 million dollars, and it underfunds vital re-employment services by $25 million.

This will mean that 100,000 dislocated workers will be denied training, job search and re-employment services.

In addition, the cuts in re-employment services would effectively deny 111,000 people seeking unemployment insurance from getting other vital re-employment services.

Last year these programs were very helpful to workers in my state who were laid off through no cause of their own.

For example, the Boeing company, the largest employer in my state, has been especially hard-hit by the trade consequences of overseas competition from Airbus. Thousands of workers have been laid off in the past few years.

Those workers who were laid off have been receiving benefits from these programs, and I think it's irresponsible to abandon these workers who were laid off through no fault of their own. We owe it to the workers of America to fully-fund those programs that benefit them and their families.

I urge my colleagues to correct this funding problem so these workers aren't left behind.

In closing, I urge my colleagues to oppose this amendment.

We should allow OSHA to issue an ergonomics standard.

It will be an important step forward in protecting our nation's workers from crippling injuries.

Mr. AKAKA. Mr. President, in 1970, Congress established the Occupational Safety and Health Administration (OSHA), to "assure so far as possible every working man and woman in the Nation safe and healthful working conditions." Therefore, OSHA is responsible for ensuring that both employers and employees have access to the necessary training, resources, and support systems to eliminate workplace injuries, illnesses, and deaths. To achieve a safe and healthy workplace, OSHA must be pro-active in identifying workplace safety and health problems.

We, in Congress, must not forget our commitment to America's workers. That is why I am here today to speak on behalf of OSHA's effort to establish ergonomic standards.

Each year more than 600,000 workers suffer serious injuries, such as back injuries, carpal tunnel syndrome, and tendinitis, as a result of ergonomic hazards. Last year, in my State of Hawaii, more than 4,400 private sector workers suffered serious injuries from ergonomic hazards at work. Another 700 workers in the public sector suffered such injuries. These injuries are a major problem not only in the State of Hawaii, but across the nation. It affects not just truck drivers and assembly line workers, but also nurses and computer users. Every sector of the economy is affected by this problem. The impact can be devastating for workers who suffer from these injuries.

It is important to note that ergonomics is not new. It has been around as early as World War II, where the designers of our small plane cockpits took into consideration the placement of cockpit controls for our pilots. And, for OSHA this matter is also not new. OSHA has been working on ergonomic standards for 10 years, of which, for the last five years, OSHA has been delayed from finalizing any ergonomic standard. Opponents of a standard have either prohibited OSHA from issuing its standard or delayed its work until such time as the National Institute for Occupational Safety and Health (NIOSH) and the National Academy of Sciences (NAS) can complete their studies and report to Congress. Although NIOSH and NAS completed their reports and both indicated that there was credible research showing a consistent relationship between musculoskeletal disorders and certain physical factors, critics were not satisfied and requested another NAS report in 1998; yet another delaying tactic.

It is unfortunate that OSHA has been prevented from issuing any ergonomic standard for the past five years. It is important to note that some of these delays were part of agreements and promises made to proponents for accepting some of these requests. As we see now, the promises made have been broken. More specifically, in 1997, the leadership of the Appropriations Committee in the House agreed that the coming fiscal year would be the last time in which OSHA would be prohibited from spending any of its funds on issuing proposed ergonomic standards, and again, in 1998, House Appropriations Chair ROBERT LIVINGSTON and Ranking Member DAVID OBEY sent a letter to Secretary of Labor Alexis Herman that stated, "it is in no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics." However, in 1999, legislation was introduced (H.R. 987 and S. 1070) to block OSHA's ergonomic standards, and the House Appropriations Committee adopted a rider that would shut down the rulemaking process and block OSHA's final rule.

American workers cannot afford any more delays. Injuries that result from ergonomic hazards are serious, disabling, and costly. Carpal tunnel syndrome results in workers losing more time from their jobs than any other type of injury. It is estimated that these injuries account for an estimated $20 billion annually in workers compensation.

The most compelling reason to allow OSHA to complete this process is that these injuries and illnesses can be prevented. In fact, some employers across the country have already taken action and put in place workplace ergonomics programs to prevent injuries. However, two-thirds of employers still do not have adequate ergonomic programs in place.

It has been 10 years since Labor Secretary Elizabeth Dole promised to take action to protect workers from ergonomic injuries and to issue an ergonomics standard. Since that time, more than 6.1 million workers have suffered serious injuries as a result of ergonomic hazards. OSHA's proposed rule would prevent 300,000 injuries each year and save $9 billion in workers' compensation and related costs. It is time for Congress to remember the commitment made to the nation's workforce when it established OSHA in 1970, and allow OSHA to continue its issuing of an ergonomics standard.

Mr. JEFFORDS. Mr. President, I rise to make a statement for myself as well as Senator EDWARD KENNEDY, Ranking Member of the Health, Education, Labor and Pensions (HELP) Committee; Senator SUSAN COLLINS; Senator CHRISTOPHER DODD; Senator OLYMPIA SNOWE; Senator DANIEL PATRICK MOYNIHAN; Senator CARL LEVIN; Senator CHARLES SCHUMER; Senator PAUL WELLSTONE; and Senator PATRICK LEAHY.

First, we would like to take this opportunity to commend the hard work and dedication of Senator ARLEN SPECTER. As Chairman of the Labor-HHS Appropriations Committee, he has the formidable task of crafting legislation which funds many of the programs under the jurisdiction of the HELP Committee, which I chair. This year's bill, like many in recent memory, has proven challenging for Chairman SPECTER and Ranking Member TOM HARKIN, and they have done their best to deliver a fair bill.

There is no doubt; funding is tight. However, we would like to make a plea to appropriators as they put the finishing touches on the Labor-HHS Appropriations bill.

This year, 46 Senators signed a letter in support of the Low Income Home Energy Assistance Program (LIHEAP). Specifically, we asked for $1.4 billion in regular LIHEAP funding, along with $300 million in emergency funding. In addition, we urged $1.5 billion in advance LIHEAP funding for fiscal year 2002. While funding was not as much as we had hoped for in FY2001, our concern centers around the lack of advance FY2002 LIHEAP funding.

As you know, the importance of LIHEAP funding has been demonstrated this past year as many states have faced extreme temperatures and high fuel costs. The clear need for timely energy assistance in the form of consistent regular LIHEAP funding has been demonstrated. For planning purposes, the states have come to rely on the knowledge that our advance funding mark provides them. An advance appropriation allows for orderly planning of programs, as well as creating administrative systems for more efficient program management.

Advance appropriations for LIHEAP has been an effective tool that allows states to determine eligibility, establish the size of the benefits, determine the parameters of the crisis programs and enable the states to properly budget for staffing needs. In addition, states need an idea of the anticipated program's size in order to effectively meet their obligations under the law.

In conclusion, we appreciate the difficult work facing the Appropriations Committee. However, we feel strongly that this advance funding allocation is a critical tool in assisting our states to have the most effective LIHEAP programs possible, and we look forward to working with Chairman SPECTER to restore this funding in conference.

Thank you, Mr. President.

Mrs. FEINSTEIN. Mr. President, the bill the Senate is considering today addresses some of the nation's most pressing problems and is very important to my state, the largest state in the nation, with a population of 34 million people.

California's schools face huge challenges—low test scores, crowded classrooms, teacher shortages, booming enrollments, decrepit buildings.

California has 5.8 million students, more students than 36 states have in total population and one of the highest projected enrollments in the US.

California has 40 percent of the nation's immigrants; we have 50 languages in some schools.

Many of California's students have low test scores and are taught by uncredentialed teachers.

At the college level, the University of California has the most diverse student body in the US. Federal programs provide nearly 55 percent of all student financial aid funding that UC students received. Our colleges and universities are facing "Tidal Wave II," the demographic bulge created by children of the baby boomers who will inundate California's colleges and universities between 2000 and 2010 because the number of high school graduates will jump by 30 percent.

Our needs are huge.

I am pleased that the bill before us increases education by $4.6 billion over last year. The federal share of elementary-secondary education funding has declined from 14 percent in 1980 to 6 percent in 1999.

Devoting more resources to education is critical in my state. On May 17, the American Civil Liberties Union filed a suit against the California Department of Education charging that many of our students do not have the bare essentials for getting an education, basics like textbooks, school supplies, libraries, computers, and credentialed teachers. In some classes, there are not enough seats or desks, the air conditioning and heating systems are broken and the roofs leak. I do not know what the outcome of this suit will be, but it is certainly a sad commentary on the state of our schools.

Clearly, we need to do more and this bill makes a start.

The bill increases the Title I program, the program for disadvantaged students, by $278 million. I am grateful that the committee included two of my requests relating to what is called the "hold harmless" provision.

In 1994, Congress put in the law a requirement that the Department of Education annually update the number of poor children so that the allocation of funds would truly reflect the most recent count of poor children. This is a very important provision to growing states like mine. However, despite my opposition, the hold harmless provision has been included in the last three annual appropriations bills and this bill today, effectively overriding the census update requirement and locking in historic funding amounts for states despite the change in the number of poor children.

Secretary Riley said—I wholeheartedly agree—that "a basic principle in targeting should be to drive funds to where the poor children are, not to where they were a decade ago." Because of the hold harmless, my state has lost over $120 million since 1998 and I am disappointed that my efforts to totally eliminate it were not successful. Nevertheless, I appreciate the inclusion of two provisions: (1) a provision that says that the Department of Education cannot apply the Title I "hold harmless" to other programs that use the Title I formula in whole or in part; and (2) a provision clarifying that the "hold harmless" will not apply to any "new" funds, funds exceeding the FY 2000 level. These are steps forward.

Head Start is one of the most important federal programs because it has the potential to reach children early in their formative years when their cognitive skills are just developing. Many studies have confirmed the significance of bringing positive influences to early brain development. But we know that poor children disproportionately start school behind their peers. They are less likely to be able to count or to recite the alphabet.

Providing low-income children with access to programs that encourage cognitive learning and prepare them to enter school ready to learn is important. Head Start has the potential to reach every low-income child, to help every eligible child learn in the preschool years.

The addition of $1 billion in this bill for Head Start could enroll 1 million more children by 2002, a 19 percent increase over last year. This is good first step. Nationwide, only 42 percent of eligible children participate in the Head Start program. I would like to see 100 percent of all eligible children enrolled. I think we can do it. California has 764,462 poor children age 5 and under in poverty, but we are only serving 13 percent of eligible children. We must do better.

The Rand Corporation has found that for every dollar invested in early childhood learning programs, taxpayers save between $4 and $7 later by reducing the need for alcohol and drug treatment programs, special education programs, mental health services, and the likelihood of incarceration. The proposed $1 billion increase is a good step to ensuring that every child gets a head start.

I firmly believe, however, that we must do more with the proposed $1 billion increase than merely enroll more children in the program. We must continue to improve the Head Start program such that children leave the program able to count to ten, to recognize sizes and colors, and can begin to recite the alphabet, to name a few indicators of cognitive learning. We must also continue to raise the standards and pay of Head Start teachers.

We also need to recruit qualified Head Start teachers who have demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of the preschool curriculum. Having qualified teachers is a critical way to jump-start cognitive learning and ensure that our youngsters start elementary school ready to learn.

I am disappointed that the bill "flat funds" (provides no increases) for helping newly immigrant children. Appropriations were $150 million in 1998, $150 million in 1999, and $150 million in 2000 and in this bill.

California receives $180.00 for each eligible immigrant child which hardly begins to address the needs these children bring to the classroom. These are the most at-risk of all children. They speak another language; their schooling has been interrupted and they have huge adjustment challenges. We can do better.

It is disappointing that the bill does not specifically include the President's initiatives on school construction and class size reduction. These are long overdue.

The bill does include in the Title VI block grant $2.7 billion that local districts can use to reduce class sizes and/or to build schools. This will help my state. California will need 300,000 new teachers by 2010. Eleven percent or 30,000 of our 285,000 teachers are on emergency credentials. For school construction, modernization and deferred maintenance, California needs $16.5 billion by 2004. Two million California children go to school today in 86,000 portable classrooms.

California started reducing class sizes in grades K–3 in the 1996–1997 school year. We had then and we still have some of the largest class sizes in the country. And every parent knows that the smaller the class the more individualized attention students receive and the more effective the teacher can be.

I am pleased to see the increase of $817 million for the Child Care and Development Block Grant. Quality, affordable child care helps keep low-income working parents employed and off welfare. The increase in child care funds will help increase the number of available child care "slots" and improve the quality of this care.

Health care is another important concern of Californians that is addressed in this bill in several ways.

The California health care system is on the brink of collapse. In my state, 38 hospitals have closed since 1996 and 15 percent more may close by 2005. Over half my state's hospitals are losing money. Seismic safety requirements add more cost strains.

We have an uninsured rate of 24 percent (7.3 million people), far above the national rate of 18 percent. Despite a thriving economy, the number of Californians without health insurance grows by 50,000 per month.

California has the second highest incidence of HIV/AIDS in the US. While the AIDS death rate has declined, it is still too high; 40,000 new infections develop each year. In California, 100,000 people are living with HIV/AIDS.

California ranks 37th overall among states having children immunized by the age of 18 to 24 months.

For NIH, with a 15 percent increase or $2.7 billion, this bill will keep us on the path toward doubling NIH over five years. Even though Congress has given NIH generous increases in the last two years, NIH in 2000 can only fund 31 percent of grant proposals.

Investing in biomedical research has given us longer lives, healthier lives, and cures and new treatments and insights into diseases ranging from asthma to Alzheimers. This is an area of governmental activity that Americans overwhelmingly support. Fifty-five percent of Californians said they would pay more in taxes for more medical research.

This bill increases cancer funding by almost $500 million, raising the National Cancer Institute to $3.8 billion. Dr. Richard Klausner, Director of NCI, indicated during the Subcommittee's hearing on funding for NIH that in order to fund all the meritorious grant applicants NCI would need a 20 percent increase in funding. I am hopeful that the increase in this bill will bring us closer to a cure and will give us the tools to better treat the 1.2 million Americans that will face cancer this year.

While the National Cancer Institute is making great strides in understanding cancer and how to treat cancer, cancer is still the second leading cause of death for all Americans, meaning that one of every four people dies of cancer. Fifty percent of Americans have had someone close them die from cancer.

There are 1.2 million new cases each year. Over 552,000 Americans will die from cancer this year. Because of the aging of our population, the incidence of cancer will continue to grow and reach staggering proportions by 2010, with a 29 percent increase in incidence and a 25 percent increase in deaths, at a cost of over $200 billion per year. The cancer burden will balloon especially in the next 10 to 25 years as the country's demographics change.

Why invest more in cancer research? The Cancer March Research Task Force said we could reduce cancer deaths from 25 to 40 percent over the next 20 year period, saving 150,000 to 225,000 lives each year. Other areas that could be enhanced are bringing new cancer drugs from the laboratory to clinical trials; continuing to identify genes involved in cancer; improving our understanding of the interaction between genes and environmental exposures; finding new ways to detect cancers earlier when they are small, not invasive and more easily treated.

We must also improve participation in cancer clinical trials. Medicare beneficiaries account for more than 50 percent of all cancer diagnoses and 60 percent of all cancer deaths, but only three to four percent participate in clinical trials. Hopefully, with the increases in this bill, NIH can improve recruitment into clinical trials to advance science toward more cures.

I am disappointed that the bill moves FY 1998 funds for the Children's Health Insurance Program to 2003. Unfortunately, 37 states, including mine, have not been able to enroll children as quickly as they had hope and have not used all the funds we provided. Without this bill, California's unspent CHIP funds would be redistributed to other states. Under this bill, states will have until October 1 to spend their 1998 CHIP funds and funds allotted to my state to insure children will not go to other states, as they would without this bill.

We must do more to ensure that all children are fully-immunized by the age of 2. While the bill has $524 million for CDC's program, a 14 percent increase over last year, it falls $75 million short of providing the resources necessary to conduct adequate community outreach in under-served areas, parental and provider education about new vaccines, and the development and operation of state-based immunization registries, and $10 million short of providing adequate funding for the purchase of vaccines.

Do we really want our children to get polio, measles, mumps, chicken pox, rubella, and whooping cough—diseases for which we have effective vaccines, diseases which we have practically eradicated by widespread immunization? My State ranks 37th overall among States having children fully immunized by the age of 18 to 24 months. According to an Annie E. Casey Foundation report, 28 percent of California's two-year old children are not immunized.

Every parent knows that vaccines are fundamental to a child's good health. However, some families do not have access to vaccines through health insurance. Congress must make certain there is adequate funding for immunization programs so that all children are immunized against disease.

The bill increases funds for the Ryan White CARE Act by $55 million, for a total of $1.6 billion. This is important to thousands of Americans with HIV/AIDS. Since 1990, the CARE Act has helped establish a comprehensive, community-based continuum of care for uninsured and under-insured people living with HIV and AIDS. People who would not otherwise have access to care are able to receive medical care, drugs, and support services.

The CARE Act is particularly important to communities of color. AIDS is the leading cause of death among African American men and the second leading cause of death among African American women between the ages of 25 and 44. By comparison, AIDS is the fifth leading cause of death among all Americans in this age group.

A disproportionate number of African Americans and Hispanic/Latinos are also living with AIDS. Whereas African Americans represent only 13 percent of the total U.S. population, they represent 36 percent of reported AIDS cases. Likewise, Latinos represent 9 percent of the population but 17 percent all of AIDS cases. We must do more to target prevention efforts and funding for CARE Act services to the communities most heavily impacted; minority and under-served communities.

Two of California's largest cities, Los Angeles and San Francisco, are among the top four metropolitan cites with the highest number of AIDS cases in the United States. Through the CARE Act, Los Angeles has provided services to over 43,160 clients since 1996. San Francisco has provided services to 47,440 since 1996. I am disappointed that the Committee's recommendation provides for $70 million less for Ryan White AIDS programs than requested by the administration. We should fully fund the CARE Act. The CARE Act is more important now than ever. The epidemic is not over. In fact, it is reaching into lower-income communities, affecting more women and minorities than previously. HIV/AIDS remains a health emergency in the United States. The Centers for Disease Control estimates that 40,000 new cases are reported annually. According to the Centers for Disease Control, between 650,000 and 900,000 Americans are currently infected with HIV while the number of AIDS cases has nearly doubled over the past five years.

Community health center programs are the "medical home" to millions of uninsured and low-income individuals. Current resources only allow health centers to serve 10 percent of the Nation's 44 million uninsured. This is troubling given that the number of our Nation's uninsured continues to grow at a rate of 100,000 per month. At this rate, by 2008 we can expect our nation's uninsured to reach 58 million. As the number of uninsured continues to grow, community health centers will become even more important as more people will rely on these centers to access health care.

Community health centers are the backbone of our Nation's safety-net. I am committed to doubling funding for these centers over the next five years. This requires an increase of at least 15 percent in each of the next five years, including an increase of $150 million in 2001. Although the $100 million increase in the bill is a good step, it is not enough. We need to add $50 million to the program to meet this goal.

Community health centers are vital to California's 7.3 million uninsured. Over 80 of California's clinics are located in under served areas and provide primary and preventive services to 10 percent of the uninsured people in the state. With a much needed increase in funding, these clinics could provide care to more of my State's uninsured. The care provided by health centers reduces hospitalizations and emergency room use, reduce annual Medicaid costs, and help prevent more expensive chronic disease and disability. Increasing appropriations to health centers makes good sense.

I am disappointed in the cuts in the bill to train health professionals. Almost one in five Californians lives in a health professions shortage area. We are facing a nursing shortage and will need 43,000 more nurses by 2010, which is a conservative estimate based on a projected 23 percent increase in the state's population. I hope these cuts will be restored.

The bill reported by the Committee funds the Social Services Block Grant at $600 million or 75 percent less than the authorized level of $1.7 billion. This drastic reduction in funding for SSBG will result in cuts to vital human services for our most vulnerable citizens. I hope we can restore these funds.

If the program were fully funded, California would receive $203.8 million in SSBG funds. If funding is cut to $600 million nationwide, California will receive $71.9 million. This is a reduction of $131.9 million.

California uses this money to fund its developmental disabilities program, which provides services and support to people with developmental disabilities and their families. The State also uses the funds to provide support for in-home care givers to the elderly, blind, and disabled. SSBG is a major source of funding for child protective services and for child care in every state.

This is a good bill, addressing many of the nation's critical human needs. The bill can be improved in several areas.

I hope the leadership and the bill's managers will work hard to restore the cuts I have cited and to send to the President a bill that addresses the nation's many critical health, education and human services needs.

Mr. FEINGOLD. Mr. President, I rise today to join a number of our colleagues in opposition to the amendment offered by the Senator from Wyoming [Mr. ENZI].

I strongly support the efforts of the Occupational Safety and Health Administration (OSHA) to promulgate fair and responsible ergonomics standards and regulations. I believe that such standards are instrumental in helping to reduce the occurrence of preventable workplace injuries.

More than 600,000 American workers suffer from workplace injuries caused by repetitive motions including typing, heavy lifting, and sewing. These injuries have an impact on every sector of our economy, and are particularly prevalent among women because many of the jobs held predominately by women require repetitive motions or heavy lifting. And these preventable injuries, including the painful and often debilitating carpal tunnel syndrome, cost more than $60 billion annually, $20 billion of which is from workers' compensation costs.

I want to say this again, Mr. President, repetitive stress injuries are particularly prevalent among women.

According to the Department of Labor, almost 230,000 women miss at least some time at work each year because of ergonomics injuries related to their jobs. To further emphasize the impact that these injuries have on women, let me cite the following statistics from the Department of Labor:

In 1997, women experienced 33 percent of all serious workplace injuries that required time off from work;

But women experienced 63 percent of all repetitive motion injuries, including 91 percent of injuries cause by repetitive typing or keying and 61 percent from repetitive placing;

These injuries include 62 percent of all work-related tendinitis cases and 70 percent of carpal tunnel syndrome cases; and

Recuperation from carpal tunnel syndrome, an often debilitating condition, requires an average of 25 days away from work.

The proponents of this amendment argue that further study is required before OSHA can promulgate its final ergonomics standard. I disagree. It is clear that more needs to be done to prevent these needless injuries, and that there is already a significant body of research outlining the need for national ergonomics standards from sources including the National Academy of Sciences, the National Institute for Occupational Safety and Health, and the General Accounting Office.

And further proof can be found in the existing ergonomics programs. Companies across the country have reduced the instances of preventable workplace injuries by designing and implementing their own ergonomics programs. In my home state of Wisconsin, the popular maker of children's clothing, OshKosh B'Gosh, redesigned its workstations. This common sense action cut the company's workers' compensation costs by one-third, which resulted in a savings of approximately $2.7 million.

Another Wisconsin company, Harley-Davidson, cut workplace ergonomics injuries by more than half after implementing an ergonomics program.

An employee of a health care facility in my hometown of Janesville, Wisconsin, said the following about the joint efforts between her management and fellow employees to design a program to combat injuries that are all too common among health care workers:

Quote—"I am here today to tell OSHA that working in a nursing home is demanding and hazardous work. Those hazards include back injuries as well as problems in the hands, arms, shoulders, and other parts of the body. . . . I am also here to testify that the injuries and pain do not have to be part of the job . . . Together [management and labor] have identified jobs where there are risks of back injuries. After getting input from employees, the employer has selected equipment that has improved the comfort [and] the safety of patients as well as the employees.

. . . What we are doing at the [nursing home] is proof that it is possible to prevent injuries with a commitment from management and the involvement of employees. Our injury prevention program is win-win for everybody: Management, labor, the patients, and their families. I urge OSHA to issue an ergonomics rule so that nursing home workers across the country will have the same protection that we have at the health care center."—End of quote.

And there are many other success stories in Wisconsin and around the United States.

I commend the efforts of those companies which have proven that responsible ergonomics programs can—and do—prevent injuries resulting from repetitive motions. Unfortunately, not all American workers are protected by ergonomics programs like those I have described.

For example, one of my constituents who testified at an ergonomics event in my state has endured three surgeries over a ten year period to repair damage to his spine caused by repetitive motions at his job. In his testimony, this man said, quote—"Pain is my constant companion and I still need pain medication to get through the day. It is an effort just to put my socks on in the morning. I will never be healthy and pain free."—End of quote.

Another one of my constituents described the impact that an injury he sustained at work while lifting a 60-80 pound basket of auto parts has had on his once active lifestyle. Quote—"This pain has limited me in many ways. . . . I used to teach soccer to kids. Now I can't walk more than half an hour without pain in my legs and spine. I have to prepare myself for fifteen minutes in the morning just to get out of bed."—End of quote.

Mr. President, injuries such as those suffered by my constituents—and indeed by workers in each one of our states—can be prevented through sensible and responsible national ergonomics standards.

Repetitive stress injuries are costing American businesses millions of dollars and are costing American workers their health and, in some cases, their mobility. This means that some workers will lose the ability to do certain activities—activities ranging from simple tasks like fastening buttons to more meaningful things including picking up a child or participating in sports.

These are real people, Mr. President. They are our constituents, our family, our friends, our neighbors. We should not block a regulation that will help to stop these preventable injuries from forever changing the lives of countless Americans who are working to provide their families and themselves with a decent standard of living.

I recognize that some industries and small businesses are concerned about the impact, financial and otherwise, that this proposed standard will have on them. I have written to OSHA on behalf of a number of my constituents to communicate their concerns. I hope that the public comment and hearing phases of this rule-making process have adequately brought these concerns to light. I also hope that OSHA will take these concerns into account as that agency continues the process of finalizing this important rule, taking seriously the concerns of employers who fear the new rule will be too burdensome. We need a new rule that protects workers and is fair to all.

Mr. President, repetitive motion injuries can and should be prevented. And I strongly believe that we should have a national standard that affords all workers the same protections from these debilitating injuries. We should not delay these efforts. The health and mobility of countless American workers is at stake.

I again urge my colleagues to defeat this amendment and allow OSHA to move forward in its efforts to promulgate fair and responsible ergonomics standards.

Thank you, Mr. President. I yield the floor.

Mr. INHOFE. Mr President, I am pleased to come to the floor of the Senate today to speak in support of the Enzi amendment to the Labor-HHS Appropriations bill. As my colleagues know, the Enzi amendment is necessary to prevent the Occupational Safety and Hazard Administration from enacting a costly regulation without adequate scientific understanding of the very problem they hope to prevent.

As chairman of the Environment and Public Works Subcommittee on Clean Air, I have seen first hand how this administration refuses to conduct the proper scientific study of regulations they propose to promulgate. The reason, I fear, its rather simple: the scientific evidence does not support their political agenda. Based on my observations, the rule of thumb with this administration is "if the scientific evidence does not support the goal, ignore the evidence." In this instance, we've been asking OSHA to do due diligence concerning the science behind this rule for five years.

I am not necessarily opposed to an ergonomics rule, I am simply opposed to this rule because it is not backed by sound science. I find it very interesting that the National Academy of Sciences is set to release its findings on ergonomics early next year. Why then the rush. The answer is obvious, OSHA fears the science will not support its proposal and wants to rush this into effect before the NAS finishes its work.

The speed at which OSHA is moving on this regulation is unprecedented; this is the single largest regulatory effort to date and OSHA appears to be bending over backwards to avoid congressional scrutiny, which of course is not new for this administration. In addition to dodging congressional scrutiny, OSHA is ignoring the over 7,000 public comments concerning the rule.

In addition to the process related flaws with this rule, another problem is its unrealistic cost estimate. OSHA estimates the rule will cost approximately $4.2 billion per year which is dramatically lower than all other estimates. For instance, the Small Business Administration estimates the cost is $60 billion per year or 15 times that of OSHA's estimate. The disparity of these figures alone should give plenty of reason to rethink this rule.

Yet another reason to oppose this rule is the effect of the rule on Medicare/Medicaid patients. OSHA has repeatedly stated that business should simply pass on the cost of compliance to consumers. Now, as I mentioned above, conservatively that cost will be in excess of $4.2 billion annually. Some of these "businesses" OSHA believes should pass on the cost of the rule are hospitals, nursing homes, home health care agencies, and other Medicare/Medicaid dependent health care providers. No where in the rule, has OSHA mentioned how these health care providers should deal with the newly imposed costs. They cannot simply pass on the cost as OSHA has stated so cavalierly.

Medicare/Medicaid providers in my state have been very clear about the existing problems associated with recent cuts in Medicare/Medicaid. I can only image what this new burden will mean for our health care providers.

In all fairness, OSHA has apparently thought about the cost to Medicare/Medicaid because they have done an estimate on the first year compliance cost of the rule. They estimate it will cost about $526 million for nursing and personal care facilities. Now, I don't know about my colleagues, but from the stories I've heard from my constituents, that $526 million could be much better spent providing care to patients. If OSHA implements this rule, we are setting the stage for a greater health care crisis in the country. Are health care providers going to be forced to choose between complying with OSHA regulations or providing health care for patients? I, for one, hope this is not the case.

Another of the significant problems with this rule is its vagueness. In fact, the rule's lack of clarity has prompted the Washington Post, clearly not a mouthpiece of conservative thinking, to say, that the rule is too vague and will cause problems.

There are many unanswered questions that OSHA readily admits it cannot answer and in all probability will never be able to answer. Among these now unanswered questions are: What is a definable ergonomics hazard? How can these undefined hazards be fixed? How will these undefined hazards be enforced?

Since OSHA cannot determine what the potential hazards are or how they can be fixed, it admits that actions that employers take to remedy supposed problems may actually make those problems worse. Since OSHA itself does not know what the extent of the problems are, it should come as no surprise that this is the only rule OSHA has ever put forward that does not provide employers some guidance for implementing appropriate measures to prevent injuries. Instead, the rule, as drafted, only sets forth penalties for employers if they fail to remedy these undefinable dangers.

Given these uncertainties, it is clear that the rule is flawed and should be stopped as is our prerogative. We have no choice. We must reject this rule and demand that OSHA conduct its due diligence before promulgating another. I hope my colleagues will join me in supporting the Enzi amendment.

Mr. KENNEDY. Mr. President, I strongly oppose this amendment to prohibit OSHA from moving forward with its ergonomics standard. OSHA has been attempting to implement an ergonomics standard for the past 10 years. But each year, Congress has delayed the standard.

As long ago as 1990, the Secretary of Labor Elizabeth Dole in the Bush Administration called ergonomic injuries "one of the nation's most debilitating across-the-board worker safety and health illnesses." Since that time, over 2,000 scientific studies have examined the issue, including a comprehensive review by the National Academy of Sciences.

All of these studies tell us the same thing—it's long past time to enact an ergonomics standard to protect the health of American workers and prevent these debilitating injuries in the workplace.

Each year, over 1.7 million workers suffer from ergonomic injuries and nearly 600,000 workers lose a day or more of work because of ergonomic injuries suffered on the job. Ergonomic injuries account for over one-third of all serious job-related injuries.

These injuries are painful and often crippling. They range from carpal tunnel syndrome, to severe back injuries, to disorders of the muscles and nerves.

Carpal tunnel syndrome keeps workers off the job longer than any other workplace injury. This injury alone causes workers to lose an average of more than 25 days, compared to 17 days for fractures and 20 days for amputations.

Ergonomics is also a women's issue, because women workers are disproportionately affected by these injuries. Women make up 46 percent of the overall workforce—but in 1998 they accounted for 64 percent of repetitive motion injuries and 71 percent of carpal tunnel cases.

The good news is that these injuries are preventable. The National Academy of Sciences and the National Institute of Occupational Safety and Health have both found that obvious adjustments in the workplace can prevent workers from suffering ergonomic injuries and illnesses.

Congress has a responsibility to ensure that the nation's worker protection laws keep pace with changes in the workforce. Early in this century, the industrial age created deadly new conditions for large numbers of the Nation's workers.

When miners were killed or maimed in explosion after explosion, we enacted the Federal Coal Mine Safety and Health Act. As workplace hazards became more subtle, but no less dangerous, we responded by passing the Occupational Safety and Health Act to address hazards such as asbestos and cotton dust. Now, as the workplace moves from the industrial to the information age, our laws must evolve again to address the emerging dangers to American workers. Ergonomic injuries are one of the principal hazards of the modern American workplace—and we owe it to the 600,000 workers who suffer serious ergonomic injuries each year to address this problem now.

Ergonomic injuries affect the lives of working men and women across the country. They injure nurses who regularly lift and move patients, and construction workers who lift heavy objects. They harm assembly line workers whose task consists of constant repetitive motions. They injure data entry workers who type on computer keyboards all day long. Even if we are not doing these jobs ourselves, we all know people who do. They are mothers and fathers, brothers and sisters, sons and daughters, and neighbors—and they deserve our help.

We need to help workers like Beth Piknick from Massachusetts, who was an intensive care nurse for 21 years before a preventable back injury required her to undergo a spinal fusion operation and spend two years in rehabilitation. Although she wants to work, she can no longer do so. In her own words, "The loss of my ability to take care of patients led to a clinical depression. * * * My ability to take care of patients—the reason I became a nurse—is gone. My injury—and all the losses it has entailed—were preventable."

We need to help workers like Elly Leary, an auto assembler at the now-closed General Motors Assembly plant in Framingham, Massachusetts. Like many, many of her co-workers, she received a series of ergonomic injuries—including carpal tunnel syndrome and tendinitis. Like others, she tried switching hands to do her job. She tried varying the sequence of the routine. She even bid on other jobs. But nothing helped. Today, years after her injury, when she wakes up in the morning, her hands are in a claw-like shape. To get them to open, she has to run hot water on them.

We need to help workers like Charley Richardson, a shipfitter at General Dynamics in Quincy, Massachusetts in the mid-1980's. He suffered a career-ending back injury when he was told to install a 75 pound piece of steel to reinforce a deck. Although he continued to try to work, he found that on many days, he could not endure the lifting and the use of heavy tools. For years afterwards, his injury prevented him from participating in basic activities. But the loss that hurt the most was having to tell his children that they couldn't sit on his lap for more than a few minutes, because it was too painful. To this day, he cannot sit for long without pain.

We need to protect workers like Wendy Scheinfeld of Brighton, Massachusetts, a model employee in the insurance industry. Colleagues say she often put in extra hours at work to "get the job done." She developed carpal tunnel syndrome from using the computer at work. As a result, Wendy has lost the use of her hands, and is now permanently unable to do her job, drive a car, play the cello, or shop for groceries.

Even though it may be too late to help Beth, Elly, Charley and Wendy, workers just like them deserve an ergonomics standard to protect them from such debilitating injuries.

Some in Congress argue that OSHA is rushing the process too much. But let's review the record. OSHA's rulemaking effort began ten years ago in the Bush Administration under Secretary of Labor Elizabeth Dole. Years of study and development have laid the groundwork for this proposed standard. OSHA held nine stakeholder meetings following its Advance Notice of Public Rulemaking in 1992. OSHA also held 11 best-practices conferences between 1997 and the end of 1999. Since November, 1999, there has been a 100-day pre-hearing comment period and nine weeks of public hearings.

The Agency is currently in the midst of a 30-day comment period on an economic analysis and a 60-day post-hearing comment period on the proposed standard. There will be another public hearing on July 7. All told, the public will have had over 8 months of opportunity for public comment since the publication of the proposed standard last November. After 10 years of attempting to address this serious problem, this amendment would delay OSHA's standard yet again.

Last fall, when we considered the Labor-HHS appropriations bill, opponents of an ergonomics standard wanted us to wait for the National Academy of Sciences to complete a further study before OSHA establishes a standard. But it was just another delaying tactic. As we said then, over 2,000 studies on ergonomics have already been carried out.

In 1997, the National Institute for Occupational Safety and Health reviewed 600 of the most important of those studies. In 1998, the National Academy of Sciences reviewed the studies again. Congress even asked the General Accounting Office to conduct its own study.

The National Academy of Sciences found that work clearly causes ergonomic injuries. They concluded that "the positive relationship between the occurrence of musculoskeletal disorders and the conduct of work is clear." The National Institute for Occupational Safety and Health agreed. They found "strong evidence of an association between MSDs and certain work-related physical factors."

The Academy also found that ergonomics programs are effective. As the Academy found, "Research clearly demonstrates that specific interventions can reduce the reported rate of musculoskeltal disorders for workers who perform high-risk tasks."

Finally, the GAO concluded that ergonomics is good business. Its report declared, "Officials at all the facilities we visited believed their ergonomics programs yielded benefits, including reductions in workers' compensation costs."

The truth is that the Labor Department's ergonomics rule is based on sound science. In addition to the National Academy of Sciences and the National Institute of Occupational Safety and Health, medical and scientific groups have expressed widespread support for moving forward with an ergonomics rule.

The American College of Occupational and Environmental Medicine, representing over 7,000 physicians, has stated that "there is * * * no reason for OSHA to delay the rule-making process while the NAS panel conducts its review." The American Academy of Orthopedic Surgeons, representing 16,000 surgeons, the American Association of Occupational Health Nurses, representing 13,000 nurses, and the American Public Health Association, representing 50,000 members, all agree that an ergonomics rule is necessary and based on sound science.

Many members of the business community support ergonomics protections, because good ergononics is good business. Currently, businesses pay out $15 to 20 billion each year in workers' compensation costs related to these disorders. Ergonomic injuries account for one dollar in every three dollars spent for workers' compensation. If businesses reduce these injuries, they will reap the benefits of lower costs, greater productivity, and decreased absenteeism.

That's certainly true for Tom Albin of Minnesota Mining and Manufacturing, who said, "Our experience has shown that incorporating good ergonomics into our manufacturing and administrative processes can be effective in reducing the number and severity of work-related musculoskeletal disorders, which not only benefits our employees, but also makes good business sense."

Similarly, Peter Meyer of Sequins International Quality Braid has said, "We have reduced our compensation claims for carpal tunnel syndrome through an effective ergonomics program. Our productivity has increased dramatically, and our absenteeism has decreased drastically."

This ergonomics rule is necessary, because only one-third of employers currently have effective ergonomics programs.

Further delay is unacceptable, because it leaves workers unprotected and open to career-ending injuries. Since OSHA began working on this standard in 1990, more than 6.1 million workers have suffered serious injuries from workplace ergonomic hazards.

It is time to stop these injuries—and stop all the misinformation too. This year's attack on OSHA's ergonomics standard is just the latest in a long series of attacks against this important worker protection measure.

American employees deserve greater protection, not further delay. It's time to stop breaking the promise made to workers, and start supporting this long overdue ergonomics standard now.

The PRESIDING OFFICER. The Senator from Virginia.

MOTION TO COMMIT WITH AMENDMENT NO. 3598

(Purpose: To amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program)

Mr. ROBB. Mr. President, this past April when the Senate was debating its annual budget resolution, I offered an amendment which stated that if Congress was going to consider massive tax cuts this year, it must first pass legislation that modernizes Medicare through the creation of a prescription drug benefit. Fifty-one Senators voted in favor of this amendment, in favor of putting our Nation's seniors before massive tax cuts, including six of our colleagues from the other side of the aisle—Senators CHAFEE, SPECTER, ABRAHAM, DEWINE, BURNS, and the distinguished occupant of the chair.

I rise today to follow up on the vote that we took in April and to urge a majority of our colleagues to, once again, come together across party lines for our Nation's seniors. Putting seniors before tax cuts was the first step.

Now the Senate needs to take up and pass a comprehensive affordable prescription drug benefit for all Medicare beneficiaries. Unfortunately, it is now mid-June and neither the Senate Finance Committee nor the Senate itself has considered a Medicare prescription drug benefit. With so few legislative days left in the year and so much work to be done, it is crucial that we take this issue up now.

The amendment I am offering today will commit this bill back to the Appropriations Committee with instructions that they report out a new bill that provides a universal, comprehensive, dependable prescription drug benefit for Medicare beneficiaries.

The Medicare Outpatient Drug Act, a bill that I introduced this week with Senators GRAHAM, BRYAN, CONRAD, CHAFEE, BAUCUS, ROCKEFELLER, and LINCOLN, is a moderate bipartisan, commonsense piece of legislation. It combines the best elements of prescription drug proposals offered by Members on both sides of the aisle.

More important, the Medicare Outpatient Drug Act will help every senior better afford the prescription drugs which they so badly need, and the need is real.

Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Objection.

The PRESIDING OFFICER. Is the Senator sending a motion to the desk?

Mr. ROBB. A motion to commit with instructions.

The PRESIDING OFFICER. Will the Senator send the motion to the desk?

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB] moves to commit H.R. 4577, the Labor-HHS appropriations, to the Appropriations Committee with instructions to report forthwith with the following amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. ENZI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. REID. I object.

The assistant legislative clerk read as follows:

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2522, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

HELMS amendment No. 3498, to require the United States to withhold assistance to Russia by an amount equal to the amount which Russia provides Serbia.

NICKLES amendment No. 3569, to provide that not less than $100,000,000 shall be made available by the Department of State to the Department of Justice for counternarcotic activity initiatives.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin, Mr. FEINGOLD, is recognized to call up an amendment relative to Mozambique.

The Senator from Wisconsin.

AMENDMENT NO. 3520

(Purpose: To increase amounts appropriated for international disaster assistance for Mozambique and Southern Africa and to offset such increase)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 3520.

The amendment is as follows:

On page 17, lines 1 and 2, strike "$220,000,000, to remain available until expended" and insert "$245,000,000, to remain available until expended: *Provided*, That, of the funds appropriated under this heading, $25,000,000 shall be available only for Mozambique and Southern Africa: *Provided further*, That, of the amounts that are appropriated under this Act (other than under this heading) and that are available without an earmark, $25,000,000 shall be withheld from obligation and expenditure".

AMENDMENT NO. 3520, AS MODIFIED

Mr. FEINGOLD. Mr. President, I ask unanimous consent to modify my amendment, and I send the modification to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 3520), as modified, is as follows:

At the appropriate place in the text, insert the following:

SEC. . SENSE OF THE CONGRESS REGARDING ADDITIONAL ASSISTANCE FOR MOZAMBIQUE AND SOUTHERN AFRICA

(a) FINDINGS.—The Congress finds that:

(1) In February and March of 2000, cyclones Gloria, Eline, and Hudah caused extensive flooding in southern Africa, severely affecting the Republic of Mozambique.

(2) The floods claimed at least 640 lives and left nearly 500,000 people displaced or trapped in flood-isolated areas.

(3) The floods contaminated water supplies, destroyed hundreds of miles of roads, and washed away homes, schools, and health clinics.

(4) This heavy flooding and the displacement it caused created conditions in which infectious disease has flourished.

(5) The southern African floods of 2000 washed previously identified and marked landmines to new, unmarked locations.

(6) Prior to the flooding, Mozambique has been making progress toward climbing out of poverty, enjoying economic growth rates of 10% per year.

(7) The World Bank estimates that the costs of reconstruction in Mozambique alone will be $430 million, with an additional $215 million in economic costs.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that an additional $168,000,000 should be made available for disaster assistance in Mozambique and Southern Africa.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I thank the managers of this bill for working with me to reach agreement on this modification. I thank them for cosponsoring it. I thank Senator FRIST for joining me in offering it.

This amendment expresses the sense of Congress that the administration's request for flood recovery in southern Africa, and particularly in the Republic of Mozambique, should be fully funded.

Right now the foreign operations bill falls far short of fulfilling the administration's request for flood relief in southern Africa. The floods that took so many lives there, and destroyed so many farms, businesses, schools, and hospitals there, have faded from our television screens. But Mr. President, the terrible destruction of these floods has not receded in Mozambique. On the contrary, the longer Mozambique waits for additional flood relief, the more severe the long-term damage of this disaster will become. In February and March Mozambique was in the news because it was devastated by flooding. But before that Mozambique made headlines with the highest economic growth rate in the world. The people of Mozambique have proven that they are fighters, who worked their way back from a terrible civil war to achieve impressive economic and social progress. But today the people of Mozambique are in a fight that they can't win without the help of their African neighbors, and the help of the United States.

It was not long ago that Americans saw dramatic images of daring rescues and remarkable perseverance in Mozambique. Massive rainstorms and furious cyclones inundated the low lands of Mozambique and flooded the rivers that meander through southeastern Africa. The region was ravage by not one, not two, but three cyclones. As we stand here, thousands of miles away on the floor of the Senate, it's hard to comprehend the human cost of this disaster. But these floods claimed the lives of 640 people, and displaced or trapped 491,000 others. Schools, business, and clinics were destroyed, and, in a devastating blow to rescue efforts and to prospects for economic recovery, hundreds of miles of the transportation system were destroyed.

The floods washed away roads, contaminated water supplies, and forced whole families onto rooftops—even into trees—for days on end. The people of Mozambique have seen their crops flooded, their homes destroyed, and their loved ones drowned by the worst flooding southern Africa has seen in the last 100 years. Yet, alongside these tragedies, we saw vivid images of hope as fellow African nations rose up to help their neighbors—most notably South Africa with its courageous helicopter pilots, but also Malawi and even tiny Lesotho, which helped to get supplies to those in need as quickly as possible. I was proud of the U.S. involvement in these efforts, and I know that many of my constituents shared that pride. It is my intent, with this amendment, to ensure that the people of southern Africa are not forgotten in this bill. The administration asked for $193 million to assist the flood-ravaged countries of southern Africa. This bill provides for only $25 million. That, Mr. President, is simply not good enough.

I urge my colleagues to remember that these floods are particularly tragic because the country most seriously affected by them, Mozambique, has made significant strides toward recovery from its long and brutal civil war. Though the country is still affected by extreme poverty, in recent years Mozambique has enjoyed exceptional rates of economic growth, and while more needs to be done, the country has improved its record with regard to basic human rights. It has been making great strides ever since the end of a civil war that ended in the early 1990's. Up until the flood, Mozambique was registering economic growth at a rate of 10 percent a year. That's an incredible achievement for any nation, Mr. President, and it deserves special recognition as a nation of sub-Saharan Africa, where some of its neighbors have struggled to achieve growth rates a fraction of that size.

The people of Mozambique have been working hard for a better future—too hard to see that future swept away by the floodwaters that have already destroyed so much. They need our help. Recovery assistance is critically needed to help the people of Mozambique to hold on to the opportunities that lay before them before the waters rose. The World Bank estimates that the cost of reconstruction in Mozambique alone will be $430 million. The floodwaters washed landmines into new, unmarked locations, and infectious diseases spread quickly in the wake of the disaster. In Mozambique, forecasts suggest that the floods have led to grain production shortfalls of more than 15 percent. And the outlook for the future could be even worse if we don't act. Without repaired roads, farmers and small businesses will be unable to function. Without working railroad lines, lost revenues will total an estimated $35 million per year. And without working hospitals and sanitation facilities, Mozambique will suffer further outbreaks of disease. If we don't reach out to help Mozambique now, it won't be long until were read about this nation again in headlines, as the people of Mozambique suffer the consequences of these floods alone without help, Mozambique may never be able to regain its footing on the road to stability and prosperity.

I am pleased that both Senators LEAHY and MCCONNELL intend to work to address this issue in conference. I thank them for their cosponsorship, their attention to this, and their assistance with this amendment.

Mr. President, it is my understanding that the managers intend to accept this amendment. With that understanding, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from California is to be recognized to call up two amendments, Nos. 3541 and 3542, on which there shall be a total of 40 minutes of debate.

Mr. LEAHY. If the Senator will yield, what was the disposition of the amendment of the Senator from Wisconsin? Was that accepted?

Mr. FEINGOLD. I think people had assumed there would have to be a vote. It is my understanding that the managers have no objection, and I suggest it be accepted at this point.

Mr. McCONNELL. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 3520), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3551, AS MODIFIED; 3553, AS MODIFIED; 3555, AS MODIFIED; AND 3569, AS MODIFIED

Mr. McCONNELL. Mr. President, I send a group of modified amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 3551, as modified; 3553, as modified; 3555, as modified; and 3569, as modified.

The amendments are as follows:

AMENDMENT NO. 3551, AS MODIFIED

(Purpose: To express the sense of the Senate that the United States should authorize and fully fund a bilateral and multilateral program of debt relief for the world's poorest countries)

On page 140, between lines 19 and 20, insert the following:

SEC. . SENSE OF SENATE ON DEBT RELIEF FOR WORLD'S POOREST COUNTRIES.

(1) the relevant committees of the Senate should report to the full Senate legislation authorizing comprehensive debt relief aimed at assisting citizens of the poor countries under the enhanced heavily indebted poor countries initiative;

(2) these authorizations of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) these authorizations should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these authorizations should promote debt relief agreements that are designed and implemented in a transparent manner so as to ensure productive allocation of future resources and prevention of waste;

(5) these authorizations should promote debt relief agreements that have the broad participation of the citizenry of the debtor country and should ensure that country's circumstances are adequately taken into account;

(6) these authorizations should ensure that no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in military or civil conflict that undermines poverty alleviation efforts or spends excessively on its military; and

(7) if the conditions set forth in paragraphs (1) through (6) are met in the authorization legislation approved by Congress, Congress should fully fund bilateral and multilateral debt relief.

AMENDMENT NO. 3553 AS MODIFIED

On page 33, line 6 strike "funds made available under this heading shall be available subject to authorization by the appropriate committees" and insert in lieu thereof, "funds made available to carry out the provisions of part V of the Foreign Assistance Act of 1961 or as a contribution to the Heavily Indebted Poor Countries Initiative (HIPC) or the HIPC Trust Fund shall be subject to authorization and approval by Congress".

AMENDMENT NO. 3555 AS MODIFIED

(Purpose: To provide funds for the President to direct the executive directors to international financial institution to prohibit funds to the Russian Federation if the Russian Federation delivers SN22 Missiles to the People's Republic of China)

At the appropriate place, add the following:

"SEC. . RUSSIAN MISSILE SALES TO CHINA

"It is the sense of the Senate that the Secretary of the Treasury should direct the executive directors to all international financial institutions to use the voice and vote of the United States to oppose loans, credits, or guarantees to Russian Federation, except for basic human needs, if the Russian Federation delivers any additional SS-N-22 missiles or components to the People's Republic of China.".

AMENDMENT NO. 3569 AS MODIFIED

On page 157, between lines 14 and 15, insert the following:

METHAMPHETAMINE PRODUCTION AND TRAFFICKING

For initiatives to combat methamphetamine production and trafficking, $40 million to be made available until expended: *Provided*, That entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Mr. BIDEN. Mr. President, I am pleased to be part of the effort here today—led by Senator CHAFEE—to put the Senate on record in support of United States' participation in an international program to lift the burden of debt from the poorest countries of the world. That is the HIPC program, named for the Heavily Indebted Poor Countries for which it is intended.

With this amendment the Senate is now on record in support of a simple, but powerful, idea.

Right now, in the poorest countries of the world, desperately needed resources—including both money and some of the best-educated public officials—are used to pay money to the richest industrial economies. That's right—they are sending money to us.

That is happening because, over the years, we and our allies have loaned substantial amounts to those countries, often to pursue our own goals of fighting communism during the Cold War or for other foreign policy purposes. That often meant that we turned a blind eye to the problems in those countries, including how their governments might spend the money, or if they had any hope of repayment.

The perverse result is that, while we seek to promote economic growth and opportunity in the least developed countries of the world, at the same time we continue to collect payments on those debts. At a time when foreign assistance of all kinds is shrinking, we continue to expect these countries to send money to us, most commonly to pay the interest to simply service their debts.

And this is no small problem for these poor countries. Many of them will spend more on just servicing the interest on their debts than they do on childhood immunizations, or education.

That is not just unconscionable, Mr. President, it is bad policy. It defeats many of our best efforts to help those countries turn the corner to more sustainable economic growth and development.

There is so little chance that these countries will ever be able to pay off the principal on these loans that we carry them on our own books at just a few cents on the dollar. That means that it will cost us very little to give a great deal of benefit to these countries.

Those benefits come not just from the lifting of the debt itself. The HIPC program requires that each country that is to receive debt relief must draw up and stick to a plan for social and economic development, reducing poverty and creating sustainable growth.

Banks here in the United States and all around the world know that when there is no chance that a loan will be repaid, you take it off the books.

But the HIPC program is more than just a bookkeeping matter—it is a way of leveraging money that we are unlikely to ever see into essential resources for the neediest countries.

Earlier this year, I made full authorization of the HIPC program my top priority when the Foreign Relations Committee passed its first foreign assistance authorization bill in fifteen years. With the cooperation of Senator HELMS, we reached agreement on all of the pieces needed for full U.S. participation in the HIPC program, participation which we have already pledged, along with our partners among the advanced industrial nations.

That legislation authorized full funding, at the levels requested by the Administration earlier this year, as well as the authorization needed from us to permit the International Monetary Fund to dedicate to the debt relief effort the proceeds from a revaluation of their gold holdings.

As it stands, the Foreign Operations Bill before us today cuts the Administration's request of $262 million for debt relief by $187 million—that's a cut of more than 70 percent. That affects both the HIPC program and another priority of mine, the Tropical Forest Protection Act, a debt-for-nature program that was established with strong bi-partisan support.

While this amendment will not change that situation, it does put the Senate on record in favor of changing it, when this process is once again engaged later on in this session.

Whatever disagreements we have about the IMF, the World Bank, or other aspects of foreign assistance, we should all be able to support this program. The HIPC program comes with its own strong program that the poor countries must comply with to be eligible for debt relief.

It stands on its own merits and should not be tangled up in other debates. Given the heavy burdens on these poor countries, relief delayed is relief denied. Every day that debt relief is put off, those obligations continue to sap their limited resources.

This is a program that has the support of a strong, ecumenical, interfaith effort by the world's major religions. The Pope, the Reverend Billy Graham, and other religious leaders have dedicated their time and effort to making debt relief a reality.

Considering the small and shrinking support we give to the poorest nations, and the importance to us of their economic health and stability, this is an issue where conscience and economic common sense agree.

Again, I want to thank Senator CHAFEE, Senator SARBANES, Senator HAGEL, and all of our cosponsors, for keeping this issue before us. I am confident that at the end of the day, we will do what is right, and fully fund this worthy program.

Thank you, Mr. President.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment sponsored by Senator CHAFEE from Rhode Island. This amendment expresses the sense that the United States should support bilateral and multilateral debt relief for the world's poorest countries with unsustainable debts, and provide the funding for bilateral and multilateral debt relief the Clinton administration has requested.

Last year, United States and other industrialized countries agreed to provide $27 billion in debt relief for heavily indebted poor countries that adopt sound economic policies and use the savings for health, education, and poverty reduction efforts, and the Clinton administration pledged to pay four percent of the total. The $435 million the administration requested for Fiscal Year 2001 is a down-payment on our $920 million pledge.

The countries that will benefit are classified by the World Bank and International Monetary Fund as Heavily Indebted Poor Countries (HIPCs), which means they have unsustainable debts and are extremely poor.

In these countries:

One in ten children dies before his or her first birthday;

One in three children is malnourished;

More than half of all citizens live on less than $1 per day; and

HIV infection rates are as high as 20 percent.

More than two out of three of these countries spend more on debt service than health care.

Every dollar in debt payments these countries make to the United States and other creditors is one fewer dollar to spend on education, health care, and other basic needs.

Many of these countries, including Zambia, Uganda, Togo, Cote d'Ivoire, Mozambique, and Tanzania, to name but a few, are in the midst of a HIV/AIDS pandemic. Every dollar in debt payments these countries make is one fewer dollar to spend on HIV/AIDS prevention and treatment programs.

This debt relief proposal will not solve every problem in these countries, but it will help. Bolivia, our democratic ally, began receiving debt relief in 1997. In 1999, Bolivia saved $77 million in debt service as a result of debt relief provided by multilateral institutions. Most of the savings went to increased spending on health care and education.

Uganda has also received multilateral debt relief. Uganda saved $45 million in debt service payments in 1999, and it increased spending on poverty reduction programs, primary education, and primary health care by $55 million. Since 1997, the primary school enrollment rate has increased by 50 percent.

Uganda is not the only country in desperate need of debt relief in Africa. The World Bank and International Monetary Fund list 33 countries in Africa as HIPCs, meaning they are extremely poor and have unsustainable debts.

As Dr. Jeffrey Sachs, the director of the Center for International Development at Harvard University, wrote in The Washington Post, on May 23, 2000, in regard to malaria, HIV/AIDS, and tuberculosis,

> Debt cancellation for Africa has come down to a matter of life and death. African leaders know very well that for their own countries to muster the internal resources to fight these dread diseases, they will have to be permitted by the creditor nations to shift the funds now spent on debt servicing into public health.

We must provide debt relief to accountable governments, not to dictatorial regimes that waste funds on the military and violate human rights.

This amendment urges the Senate to fund multilateral debt relief efforts carried out by the World Bank and the International Monetary Fund for countries that use the funds transparently, allow participation by civil society, do not grossly violate human rights, and do not spend excessively on the military.

Debt relief will allow Heavily Indebted Poor Countries, which use up to 60 percent of their budgets for debt service on loans made by the United States and other industrialized countries to dictators during the Cold War, to use these precious resources to meet basic needs.

The debt burden condemns these countries to poverty. Relieving the burden from these debts will give these countries a chance to develop. Relieving debts that can never be repaid is the humane thing to do.

The Clinton administration has requested $435 million for this initiative to help the world's poorest people. The United States has committed to this multinational debt relief plan, and we should live up to our commitment.

I urge my colleagues to support this amendment. I urge my colleagues to support funding for debt relief for the world's poorest people. I urge my colleagues to do the right thing.

The PRESIDING OFFICER. Without objection, the amendments, as modified, are agreed to.

The amendments (Nos. 3551, 3553, 3555, and 3569), as modified, were agreed to.

Mr. McCONNELL. Mr. President, that leaves amendments by Senator BOXER and Senator BYRD as the only amendments left to dispose of.

AMENDMENT NO. 3531, AS MODIFIED

(Purpose: To provide support for the Defense Classified Activities)

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. BYRD, proposes an amendment numbered 3531, as modified.

The amendment is as follows:

At the appropriate place in Title VI of the bill insert the following:

SEC. .In addition to amounts provided elsewhere in this Act, $8,500,000 is hereby appropriated to the Department of Defense under the heading, "Military Construction, Defense Wide" for classified activities related to, and for the conduct of a utility and feasibility study referenced under the heading of "Management of MASINT" in Senate Report 105-279 to accompany S. 2507, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request for $8,500,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Mr. BYRD. Mr. President, the amendment I am proposing would provide $8.5 million to the Department of Defense under the heading "Military Construction, Defense-wide" for classified activities, to remain available until expended. The entire amount would be designated as an emergency requirement and would be available only to the extent that an official budget request for $8.5 million is transmitted by the President to the Congress. These funds would be used for the conduct of a utility and feasibility study referenced under the heading of "Management of MASINT" in Senate Report

106–279. I am constrained from speaking further about this matter due to the nature of the classification of the amendment.

I urge my colleagues to support this amendment.

Mr. LEAHY. I urge adoption of the amendment, as modified.

The PRESIDING OFFICER. Is there objection?

The amendment (No. 3531), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3541, AS MODIFIED

Mrs. BOXER. Mr. President, I send a modification to my amendment No. 3541 to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3541), as modified, is as follows:

At the end, add the following:

SEC. . INTERNATIONAL HEALTH EMERGENCIES.

In addition to amounts otherwise appropriated in this Act, $40 million shall be available for necessary expenses to carry out the provisions of Chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health and related activities: *Provided*, That of the funds appropriated under this section, not less than $30 million shall be made available for programs to combat HIV/AIDS: *Provided further*, That of the funds appropriated under this section, not less than $10 million shall be made available for the prevention, treatment, and control of tuberculosis: *Provided further*, That amounts made available under this section are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amounts shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

On page 155, line 25, strike "$25,000,000" and insert "$35,000,000".

Mrs. BOXER. Mr. President, I thank the managers of this legislation on both sides for agreeing to this. It isn't everything I had asked for regarding tuberculosis and the HIV/AIDS fight, but it is helpful. It will also take into consideration Senator FEINGOLD's request on the flooding in Mozambique. It will give an additional $30 million for the worldwide fight against HIV/AIDS, an additional $10 million for the worldwide fight against tuberculosis, and $10 million for the flooding in Mozambique. I am proud that Senators FEINGOLD, LEAHY, DURBIN, DODD, and KERRY are sponsors of this amendment.

I want to take a moment of the Senate's time, because we won't need to have a rollcall on this, to simply say that if we are looking at a true emergency, we have one here. The U.N. Security Council met on the issue of HIV, and it was the first time the Security Council ever met on an international health issue.

Last month, our own National Security Council declared that the global spread of AIDS is a direct threat to U.S. national security because of the destabilizing impact of this deadly disease.

One of the reasons they so found was that the CIA did something they call the National Intelligence Estimate. They titled it "The Global Infectious Disease Threat and Its Implications for the United States." I am simply going to read a tiny bit from this report.

> New and reemerging infectious diseases will pose a rising global health threat and compromise U.S. and global security over the next 20 years. These diseases will endanger United States citizens at home and abroad, threaten U.S. Armed Forces deployed overseas, and exacerbate social and political instability and keep countries and regions in which the United States has significant interest.

I know that my colleagues are very aware of the horrific problem of AIDS in Africa, particularly sub-Saharan Africa. Mr. President, 84 percent of all the people in the world who have died of AIDS have been from that region. It is now predominantly a women's disease. Many children are left as orphans.

Lastly, as far as tuberculosis is concerned, this is a disease we thought we had eliminated in the 1950s. However, the disease is making a comeback. The World Health Organization estimates that nearly 2 million people die of tuberculosis-related conditions annually. One-third of the entire world's population is infected with tuberculosis—an extraordinary number when you think about it.

I am pleased we have this amendment and it is in agreement. I trust and hope and pray for the sake of people all across this world and in our own Nation that these numbers will hold up in the conference. Believe me, it means so much. We know how to treat tuberculosis. We know how to stop HIV transmission from mother to child. It would be a real sin, it seems to me, if we didn't push as hard as we could to fight these diseases.

I yield to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I took the floor to thank the Senator from California and to ask consent I be included as an original cosponsor. It is a very important amendment and directly connected to people's lives. I thank the Senator for her fine work.

Mrs. BOXER. I am happy for a voice vote, if the manager is ready to do that.

Mr. MCCONNELL. There is no objection.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3541, as modified.

The amendment (No. 3541), as modified, was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

Mrs. BOXER. I move to reconsider the vote.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3542, AS MODIFIED

Mrs. BOXER. How much time remains to explain this next amendment?

The PRESIDING OFFICER. The Senator from California has 35 minutes remaining.

Mrs. BOXER. I assure my friends I do not intend to take anything near that time.

Mr. President, I send my modified amendment to the desk on behalf of Mr. LEAHY and Mr. FEINGOLD.

The PRESIDING OFFICER. Is there objection to the modification of the amendment?

Mr. MCCONNELL. Reserving the right to object, could we see what is being modified?

Mrs. BOXER. This is, at the suggestion of my friend, for a sense of the Senate. It shows support of rules for engagement in Colombia for the Department of Defense.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the Senator being able to modify her amendment?

Without objection, the amendment is modified.

The amendment (No. 3542), as modified, is as follows:

At the appropriate place, insert:

SEC. . POLICY REGARDING DEPARTMENT OF DEFENSE RESOURCES AND ACTIVITIES IN COLOMBIA.

(a) AFFIRMATION OF POLICY.—The United States Senate affirms and supports the Department of Defense policy that United States Armed Forces personnel in Colombia should make every effort to minimize the possibility of confrontation, whether armed or otherwise, with civilians in Colombia, and that funds appropriated by this Act and other resources of the Department of Defense will not be used—

(1) to support the training of any Colombian security force unit that engages in counter-insurgency operations;

(2) to participate in any law enforcement activity in Colombia, including search, seizure and arrest;

(3) to permit any Department of Defense employee to accompany any United States drug enforcement agency personnel, or any law enforcement or military personnel of Colombia with counter-narcotics authority, on any counter-narcotics field operation; and

(4) to permit any Department of Defense employee to participate in any activity in which counter-narcotics related hostilities are imminent.

The PRESIDING OFFICER. The chair clarifies at this time the amount of time now evenly divided under previous agreement. The intention was to divide 20 minutes equally. The Senator from California has 10 minutes.

Mrs. BOXER. Mr. President, after I make just an opening remark, I will yield 5 minutes to my distinguished colleague from Vermont.

I am offering an amendment which is completely consistent with the Department of Defense guidelines on the activities of their own personnel in Colombia. It actually says that we support these guidelines, we think it is good to put limits on our involvement, and we should express ourselves on that point.

The first part of the amendment supports the prohibition of the DOD using its personnel, equipment, or other resources to get involved in the counterinsurgency; in other words, to get involved in what some call the civil war between the left and the right in that country.

Again, written by the Secretary of Defense in March 2000:

> I am directing that no DOD personnel, funds, equipment, or resources may be used to support any training program that engages solely in counterinsurgency operations.

That supports that DOD guideline.

The same thing occurs on the second part of my amendment; that we support the fact they shouldn't be involved, our own personnel, in law enforcement activities in Colombia. Again, that mirrors the position of our Secretary of Defense.

The third part of the amendment says we agree with the Secretaries that our personnel shouldn't conduct any counterdrug field operation in which counterdrug-related hostilities are imminent. That is to protect our people from harm.

Finally, we say we agree with the Secretary of Defense that U.S. military personnel should make every effort to minimize the possibility of confrontations with civilians.

Clearly, what we should do here is support our own Secretary of Defense and our own administration. I don't think it should be controversial.

I am hopeful it can be accepted because I believe we ought to go on record in support of these limits. I think it is sensible. I think the DOD is correct on this.

Yesterday, we voted millions and millions of dollars to send advisers. I think it would be wonderful if we stood with our own DOD and said there ought to be limits on the participation of our own personnel.

I yield 5 minutes to my friend from Vermont.

Mr. LEAHY. Mr. President, it is my understanding that there is another modification on the Boxer amendment.

Mrs. BOXER. That is correct. Senator McCONNELL has offered a modification.

Mr. LEAHY. Mr. President, I ask the Senator from California if it is her understanding that the most recent modification does not undercut or diminish in any way the so-called Leahy law that is in effect in Colombia and in U.S. operations in Colombia?

Mrs. BOXER. That is certainly my understanding.

I ask Senator McCONNELL if he would comment on that further.

Mr. McCONNELL. Mr. President, that is also the understanding of the Senator from Kentucky.

Mr. LEAHY. Mr. President, I hope we can just adopt this as it is and do so by voice vote.

Mr. McCONNELL. Has the further modification been sent to the desk?

AMENDMENT NO. 3542 AS FURTHER MODIFIED

Mr. LEAHY. Mr. President, I send the further modification we have just been discussing to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is further modified.

The amendment (No. 3542), as further modified, is as follows:

> At the appropriate place, insert:
>
> **SEC. . POLICY REGARDING DEPARTMENT OF DEFENSE RESOURCES AND ACTIVITIES IN COLOMBIA.**
>
> (a) AFFIRMATION OF POLICY.—The United States Senate afirms and supports the Department of Defense policy that United States Armed Forces personnel in Colombia should make every effort to minimize the possibility of confrontation, whether armed or otherwise, with civilians in Colombia, and that funds appropriated by this Act and other resources of the Department of Denfense should not be used—
>
> (1) to support the training of any Colombian security force unit that directly engages in counter-insurgency operations;
>
> (2) to directly participate in any law enforcement activity in Colombia, including search, seizure and arrest;
>
> (3) to permit any Department of Defense employee to accompany any United States drug enforcement agency personnel, or any law enforcement or military personnel of Colombia with counter-narcotics authority, on any counter-narcotics field operation; and
>
> (4) to permit any Department of Defense employee to directly participate in any activity in which counter-narcotics related hostilities are imminent.

Mr. McCONNELL. Mr. President, what we were hoping to achieve was to voice vote this. A number of Senators are missing important conferences.

The Senator from Florida is interested in seeing the modification.

Mr. GRAHAM. Mr. President, I would like to see the final language of this amendment before we vote on it. Would it be appropriate to suggest the absence of a quorum until we have that opportunity?

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I raise a point of order against the pending amendment that it violates rule XVI as legislation on an appropriations bill.

The PRESIDING OFFICER. The point of order must await the finalization of all time ordered. Is all time yielded back?

Mr. STEVENS. I apologize.

Mrs. BOXER. I do not yield my time back.

The PRESIDING OFFICER. The Senator from California has not yielded time back.

Mr. STEVENS. Mr. President, is there time left on this side?

The PRESIDING OFFICER. There are 9½ minutes remaining to the opponents and 5 minutes remaining to the sponsor.

Mr. STEVENS. Will the Senator yield me 3 minutes?

Mr. McCONNELL. I yield to the Senator from Alaska whatever time he may desire of our time.

Mr. STEVENS. Mr. President, this amendment covers resources in the Department of Defense and it deals with matters with which we are dealing in the supplemental right now. I do not want to mislead the Senate. We are trying to settle this matter in a conference on the military construction bill with the supplemental portions associated with it. I am perfectly happy to see the Senate express its point of view on the Colombia money, but in terms of the item as a place in the Department of Defense portion of the Colombia money, it really has been objected to by the Department of Defense, and as chairman of the Defense Subcommittee, I strenuously object to it.

We should be in the position of determining how defense money is spent, how Armed Forces personnel are governed when they are abroad, and we should not take the occasion now to put limitations on the use of defense assets in connection with the war on drugs.

I just returned from Key West, Tampa, and Alameda in California. I know some of the defense assets we are using to supplement the activities in the war on drugs. I am very reluctant to see the Senate act on a bill at this time like this to set down rules that apply to the use of defense personnel, defense assets, and defense money in connection with the war on drugs.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am deeply distressed that the Senator from Alaska raised a point of order. I want to explain why.

Yesterday we voted for almost $1 billion to get involved in a very serious problem in Colombia. Our people will be exposed to a lot of danger there. All we are simply trying to do with this sense-of-the-Senate amendment is to protect them. Further, all we are trying to do is say to Secretary Cohen: You are right on your guidelines that you have issued. And those guidelines simply say our people should not be involved in counterinsurgency, that our people should not be in the line of hostile fire. It is very straightforward, and it is very simple.

Frankly, the way the Senate has responded to this shows me I did the right thing when I never voted for this in the first place. If we cannot stand up in the Senate and support the Secretary of Defense in his very straightforward directive, then I am very concerned about what we are getting ourselves into. I hope I am wrong.

I am distressed the Senator from Alaska did this. When Senator SESSIONS from Alabama, from his side of the aisle, offered legislation on an appropriations bill yesterday, no one said the amendment of the Senator from Alabama, which dealt with this very same subject, was legislation on an appropriations bill. I do not think it is fair to have a double standard. If we are going to use that rule, we ought to use it.

I did not like Senator Sessions' amendment yesterday. Frankly, I viewed it as a way to get us far more involved in the counterinsurgency, but I did not make a point of order. The fact the Senator did this is distressing.

I am not going to ask for a vote on a procedural motion because that would not even be close to the kind of vote I think I could get on this sense-of-the-Senate amendment. That is what I fear is happening. People do not seem to want to vote on the sense-of-the-Senate amendment. It is not fair.

Mr. LEAHY. Will the Senator yield?

Mrs. BOXER. Yes, I will be happy to yield.

Mr. LEAHY. The Senator does make a good point about the point of order. We should either be consistent on these points of order or not have them, one or the other.

The Senator is correct that when a similar motion was made from the Republican side of the aisle yesterday, Senators on this side of the aisle who wanted to make a point of order refrained because there have been a number of amendments accepted on this bill by both Republicans and Democrats that were subject to the point of order of which the Senator from California speaks. We all refrained from making them.

The Senator from California raises a legitimate point that now, at the end of the bill, on her amendment, which is no more subject to a point of order than those other amendments where a point of order was waived, suddenly she faces the only point of order in this whole bill. I can understand her concern, and I share her concern.

Mrs. BOXER. I thank my friend. I believe it is not fair play, and if there is one thing I expect in the Senate—and I think we all stand for it—it is fair play. We voted huge amounts of money into this region of the world. We have horrible problems there. We have a few disagreements here, but I had hoped we could agree that the Secretary of Defense is correct when he puts limits on the use of DOD personnel.

I am very saddened by this. I do not want to keep repeating it, but it is sad. The people in this country are going to be upset about it. The people in this country, when we get involved in a foreign place, want to know that we in the Senate put restrictions on the use of our personnel.

We have had a lot of experience in this. We have had a lot of tears over this. Yet yesterday we had an amendment from Senator SESSIONS that was clearly legislation on an appropriations bill, which I believe gets us deeper involved because it says we should support the military and the political policies of the Government of Colombia, and no one raised a point of order. But a simple amendment supporting the Secretary of Defense, and where are we? We get a point of order.

I am not going to play that game. I am not going to get caught in a procedural vote. I will just let it go, but I want to make it clear that we have a lot of options later when this bill comes back. If there are going to be things in this bill that violate our parliamentary procedures, some of us are going to get tough on it. It is not right.

This is a sad day, frankly, for this Senate. It is also a sad day for our men and women in uniform that we cannot vote on a simple sense of the Senate supporting our own Secretary of Defense on his views as to how we can, in fact, make sure our people over there are as safe as they can be.

I thank the Chair. I have no need to retain any further time. We will await the decision of the Senator from Alaska.

The PRESIDING OFFICER. The time of the Senator from California has expired. Who yields time? Who seeks recognition?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I yield back the remainder of my time.

I make the point of order that the pending amendment No. 3542, as further modified, violates rule XVI as legislation on an appropriations bill.

The PRESIDING OFFICER. The Chair sustains the point of order. The amendment falls.

Mr. LEAHY. Regular order, Mr. President.

AMENDMENT NO. 3498, WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent that the Helms amendment No. 3498 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, by now it should come as no secret that I believe that the bill as it stands right now is inadequately funded. The foreign operations appropriation bill is one of the most important pieces of legislation we pass each year. Yet for the past several years Congress has not been devoting the necessary funds to this portion of the budget.

Due in large part to the crucial need for the Colombia supplemental I am going to vote yes on final passage. The Pastrana government urgently and desperately needs these funds to continue its fight against drug lords who are not only undermining the stability and viability of Colombia as a nation, but who are literally killing the people of two nations: Colombians through violence, and Americans through drugs. The government of Colombia deserves our help as they put their lives on the line to stop the production of illegal drugs. I think the outcome of the votes rejecting the Wellstone and Gorton amendments, which would have significantly decreased the amounts available in the supplemental, showed that the majority of my colleagues agree about the severity of the problem in that country and the necessity of U.S. aid.

During the course of this debate, we have been faced with having to make several other untenable decisions. I and my colleagues have had to come to the floor and in essence attempt to get blood from a rock. I believe that we need more money for non-proliferation, anti-terrorism, and de-mining. My colleague Senator FEINGOLD rightly believes that the amount designated for the Mozambique supplemental appropriation needs to be increased.

Senator BOXER has attempted to channel more funds towards combating HIV/AIDS and tuberculosis.

In every instance, each of us has been stymied by the fact that there is not enough money in this bill. It simply isn't there. So we are left with the option of either not attempting to raise the level of appropriations for programs that we think are important, or of using different political maneuvers, none of which is particularly effective, to get the money that we feel these programs need. We should not have to face a choice between helping victims of flooding in Mozambique, and preventing the spread of AIDS. The United States should be able to help with these activities as well as drug eradication and non-proliferation.

I spoke briefly this morning about the shortfall in the NADR accounts, and at length yesterday about Plan Colombia. These are not the only accounts about which I am concerned. Development assistance is shortchanged, funds for voluntary peacekeeping activities fall below requested amounts, and as the Senator from Wisconsin points out, the President's request for resources to aid victims of the flooding in Mozambique is virtually ignored. I will continue to go on record as being adamantly and staunchly opposed to any attempts to undertake diplomacy on the cheap. That is what the Senate is attempting to do here. By neglecting to grant the administration's request for development assistance and economic support, we are robbing ourselves.

According to a report published in April by a nonpartisan research organization called the Center on Budget and Policy Priorities, spending on development aid—defined as all international development and humanitarian assistance, as well as economic support fund monies—measured either as a share of the federal budget or as a share of the U.S. economy, will be lower than at any time in the fifty years before 1998. The report further states that out of the countries belonging to the Organization for Economic Co-operation and Development, the United States ranked "the lowest of all . . . OECD countries examined in the share of national resources devoted to development of poor countries." Some would argue that this is because the administration has not asked for enough money. I would answer that constitutionally, Congress controls the purse strings, thus we have only ourselves to blame. I suggest that we make a commitment to take corrective action, because our foreign assistance programs are vital to our national interests.

Foreign assistance helps us further international peace and security. U.S. citizens and citizens of the world benefit from programs that U.S. assistance pays for. I spoke before about programs aimed at keeping Russian scientists from being employed by states intent on developing nuclear and biological weapons of mass destruction. I am sure that we can all agree that keeping these scientists out of countries such as Iraq makes for a safer world.

When the United States provides assistance to Colombia for crop substitution programs, it is the citizens of the United States who benefit. Less drug production means less drugs on the streets of our neighborhoods. When the United States funds vaccines for infectious diseases such as tuberculosis, we are helping to protect our own citizens from being infected by these illnesses.

Every time United States economic support funds help bolster a new democracy, we widen America's sphere of influence in the hopes of increasing security for the United States. And the preceding represent only a few of the ways in which our foreign assistance aids in promoting our national security. I could go on at length about the positive effects of aid to the Middle East, Russia, and Eastern Europe. Programs in these regions have prevented conflict, helped build economic and financial infrastructure, and combated transnational crime and corruption.

Let me conclude by saying this: our foreign assistance is a preventative tool. The idea behind it is to aid in building a community of like-minded states, states free of internal conflict, states that get along with their neighbors. If we are able to do that, if we are successful with our preventative tools in increasing security, then we will never have to use our corrective tool—that of military action—to achieve security. Think about that. If prevention works, correction is not necessary. Given the sentiments of some Members of this chamber about the commitment of our soldiers overseas, doesn't it make sense to make every effort to prevent our troops from having to deploy?

Some of my colleagues urge frugality in our foreign assistance spending. I agree with the notion that Congress should spend wisely. However I would caution against an approach that is penny-wise and pound foolish. Mr. President, I cannot emphasize this point enough, and it brings back to what I said at the beginning of my remarks: We cannot obtain security on the cheap. By stinting on our foreign assistance programs we are shortchanging our national security.

As the administration indicated in their statement regarding this bill, if the sum appropriated for our foreign operations is not increased, the President will have no choice but to veto this legislation. I sincerely hope that as the fiscal year comes to a close, the allocation for the foreign operations appropriation is significantly increased, and conferees distribute any additional amounts wisely.

I yield the floor.

Mr. ROBERTS. Mr. President, I rise today in support of the Baucus-Roberts amendment to engage China on the important issue of rapid industrialization and the environment. The amendment would permit appropriated funds for the US-Asia Environmental Partnership (USAEP)—an initiative of the U.S. Agency for International Development (USAID)—to be used for environmental projects in the People's Republic of China (PRC). In other words, the U.S. government would finally be able to, for example, help U.S. businesses connect with provincial and municipal governments in China to initiate badly needed environmental engineering projects. This work is necessary to attempt to prevent a possible long-term environmental catastrophe resulting from intense industrialization and development in the PRC and Asia in general.

Why should one care whether Chinese or Asian people breath clean air or drink clean water? Besides the obvious humanitarian concern, a ruined environment throughout Asia will—at some point—effect us here in the United States and our interests. This is common sense.

The Baucus-Roberts amendment also sends a strong pro-engagement message to the PRC since the U.S. excluded de jure or de facto the PRC from U.S. foreign aid programs with passage and signing of the FY 90–FY 91 State Department Authorization, specifically section 902 of H.R. 3792.

Our government purports to be concerned about global environmental issues, Mr. President, about avoiding contamination of the world's water, air, and soil. Yet, we prohibit ourselves from consulting and cooperating on a government to government basis with the one nation with the greatest potential to impact the world's environment over the next 50 to 100 years. That makes no sense.

What is the United States-Asia Environmental Partnership? It is a public-private initiative implemented by the U.S. Agency for International Development (USAID). Its aim is to encourage environmentally sustainable development in Asia as that region industrializes at a phenomenal rate. By "environmentally sustainable development," we mean industrial and urban development that does not irreparably damage the air, water, and soil necessary for life. It's really that simple. US-AEP currently works with governments and industries in Hong Kong, India, Indonesia, Korea, Malaysia, Philippines, Singapore, Sri Lanka, Taiwan, Thailand, and Vietnam. In creating US-AEP, the U.S. government recognized the long-term environmental hazards of Asia's rapid industrialization and the need for the U.S. government to engage on the issue.

The program provides grants to U.S. companies for the purpose of facilitating the transfer of environmentally sound and energy-efficient technologies to the Asia/Pacific region. Again, the objective is to address the pollution and health challenges of rapid industrialization while stimulating demand for U.S. technologies. In cooperation with the U.S. Department of Commerce, US-AEP has placed Environmental Technology Representatives in 11 Asian countries to identify trade opportunities for U.S. companies and coordinate meetings between potential Asian and U.S. business partners.

Mr. President, on the basic issue of the global environmental impact of Asian industrialization, specifically Chinese modernization, the Senate has the responsibility to authorize at least some cooperation between Beijing and Washington. I ask for my colleague's support for this common sense amendment.

Mr. KENNEDY. Mr. President, I would like to speak about one of the most important parts of the proposed aid package for Colombia, the human rights conditions.

Narcotics traffickers, rebel forces, and paramilitary groups present a clear threat to democracy and economic development in Colombia. The bill before us provides $934 million to help the Colombian Government meet this threat. About 75 percent of this aid is for military equipment, training, and logistical support. The Colombian Government says it needs this military assistance—especially the helicopters—to enable its armed forces to retake the southern part of the country from the narcotraffickers and the rebel forces who protect and profit from their activities.

Like my colleagues, I am interested in ensuring that this aid does not contribute to human rights abuses. While allegations of human rights violations by military personnel have decreased in the past several years, the State Department's 1999 Country Report on Human Rights Practices concluded that the Colombian Government's human rights record "remained poor" and that "armed forces and the police committed numerous, serious violations of human rights throughout the year." The Colombian Armed Forces are consistently and credibly linked to illegal paramilitary groups, which are now responsible for the majority of serious human rights abuses in Colombia, including an estimated 153 massacres in 1999 which claimed 889 lives. These paramilitary groups have stepped up their own illegal narcotics operations, which, according to the Drug Enforcement Administration, include drug trafficking abroad.

When I met with President Pastrana last December, he emphasized his commitment to improving the human rights performance of the Colombian Armed Forces, which have a long history of human rights violations. The bill before us makes this commitment the basis for new military assistance to Colombia. The bill requires the Secretary of State to certify that the Colombian Government has met or is meeting four conditions before new military aid can be provided.

The first condition requires the Secretary of State to certify that the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional Court.

Currently, the military justice system does not aggressively or consistently pursue cases against high-ranking military personnel accused of human rights abuses. The 1999 State Department Human Rights Report states that "authorities rarely brought officers of the security forces and the police charged with human rights offenses to justice, and impunity remains a problem." It concludes that the "workings of the military judiciary lack transparency and accountability, contributing to a generalized lack of confidence in the system's ability to bring human rights abusers to justice."

To rectify this problem, in August 1997, Colombia's Constitutional Court ruled that "crimes against humanity" could never be considered acts of military service and that military personnel alleged to have committed such crimes must be prosecuted in civilian courts. However, the military has consistently challenged civilian court jurisdiction. The military has retained jurisdiction by threatening government investigators and by arguing that alleged violations of human rights, such as collusion with paramilitary groups, are simply acts of omission. Acts of omission are considered acts of military service, as if they were simple dereliction of duty. Most importantly, the military continues to retain jurisdiction in human rights by relying on the support of a pro-military block within the Superior Judicial Council, the body responsible for determining the jurisdiction of individual cases.

The U.S. Government has said that these practices undercut the intent of the Constitutional Court ruling. According to the 1999 State Department Human Rights Report, the Superior Judicial Council "regularly employed an extremely broad definition of acts of service, thus ensuring that uniformed defendants of any rank, particularly the most senior, were tried in military tribunals." In the 8 years the Superior Judicial Council has existed, it has never sent a case of a general accused of a human rights violation to a civilian court.

As a result of these practices, the military has retained jurisdiction even in cases of the most egregious atrocities. For example, dozens of civilians were killed, and thousands were forced to flee for their lives, in the town of Mapiripan in July 1997. The Superior Judicial Council ruled that the case involved an act of omission by General Jaime Uscategui. Therefore, as an act of military service, it belonged before a military court. The General was eventually forced to resign, but he has yet to be prosecuted for his crimes.

The Colombian Armed Forces have claimed that they are abiding by the Constitutional Court ruling and accepting civilian court jurisdiction in human rights cases. However, a careful analysis of the military's own statistics demonstrates the opposite. In a recent publication on human rights, Colombia's Defense Ministry asserts that, pursuant to the 1997 Constitutional Court ruling, the Colombian Armed Forces had turned over 576 cases of possible human rights violations to civilian courts for investigation and possible prosecution. For 3 months my office has tried to obtain a breakdown of this number in order to determine the nature of the crimes committed, the number of these cases that were actually prosecuted, and the rank of the personnel involved. To date, the Colombian Defense Ministry has only documented 103 of the 576 cases. Of these 103 cases, only 39 actually involved human rights violations by members of the Armed Forces. The highest ranking officials were two lieutenant colonels. The remaining 64 cases involved abuses by members of the Colombian National Police or common crimes. In other words, the Colombian Defense Ministry grossly misrepresented its record. In fact, the Colombian Armed Forces have transferred only 39 cases of human rights violations, committed by low level officials, to civilian courts in the past 2 years—not the 576 cases that the Colombian Defense Ministry claimed.

Colombian lawyers have analyzed this matter. The highly respected Colombian Commission of Jurists concluded that the requirement in the amendment that the President issue a written directive requiring the military to accept civilian jurisdiction in human rights cases is consistent with President Pastrana's role as Commander-in-Chief of the Armed Forces. In fact, the Commission recently filed a petition with President Pastrana requesting that, as Commander-in-Chief, he order the military to cease disputing jurisdiction in cases involving credible allegations of human rights abuse. This requirement does not compromise the integrity of Colombia's separation of powers or the independence of the executive and judiciary. To the contrary, it would uphold the judiciary's power by obligating the military to abide by civilian rule and the law.

The second condition contained in this bill requires the Secretary of State to certify that the Commander General of the Armed Forces is promptly suspending from duty any Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups.

Currently, there is no automatic process for suspending a member of the Colombian Armed Forces alleged to have violated human rights. The case of Colombian Senator Manuel Cepeda is illustrative. Senator Cepeda was murdered in 1994. The investigation carried out by the Attorney General's Office revealed that the murder had been carried out by the military in collusion with paramilitary groups. Nevertheless, the accused officers remained on active duty for five years, from 1994 until 1999, when they were finally suspended as a result of vigorous protests by the human rights community.

In contrast, General Serrano, who just recently resigned as head of the National Police, had the authority to suspend police suspected of corruption, human rights abuses, or other misconduct. To his credit, General Serrano discharged over 11,000 officers since taking command in 1994.

This condition supports the recent actions of the Colombian Congress. On March 15, the Colombian Congress passed a law to restructure the Armed Forces, including granting the Armed Forces Commander the authority to suspend Armed Forces personnel suspected of misconduct. President Pastrana was given 6 months, until September, to issue the necessary implementing decrees. If he does not, the law becomes null and void.

The third condition contained in the bill requires the Secretary of State to certify that the Colombian Armed Forces and its Commander General are fully complying with the provisions regarding prosecution and suspension of Armed Forces personnel credibly alleged to have committed gross violations of human rights. The Colombian Armed Forces must also cooperate fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed such crimes.

As I discussed earlier, the Colombian Armed Forces have consistently resisted the 1997 Constitutional Court's ruling that transfers jurisdiction for human rights cases from military to civilian courts. They have failed to ensure that Armed Forces personnel who are credibly alleged to have committed human rights abuses are investigated, prosecuted, and punished in the civilian courts. They have resisted suspending military personnel who are alleged to be involved in human rights violations or to have collaborated with paramilitary groups. And they have grossly misrepresented their record, claiming that 576 human rights cases involving Armed Forces personnel were transferred to civilian courts when, in fact, only 39 cases of human rights violations were transferred—and those cases involved low level officials.

The fourth condition contained in the bill requires the Secretary of State to certify that the Government of Colombia is vigorously prosecuting in the civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups.

According to the 1999 State Department Human Rights Report, paramilitary groups accounted for about 78 percent of human rights abuses in 1999. In a rare televised interview, notorious paramilitary leader Carlos Castaño recently admitted that cocaine and heroin fund an entire unit of 3,200 paramilitary fighters. Overall, he said that 70 percent of his war chest is culled from drug trafficking.

Despite President Pastrana's commitment to eliminate ties between the Colombian Armed Forces and paramilitary groups, the State Department, the United Nations, and human rights groups have documented continuing links. The 1999 State Department Human Rights Report stated that the Armed Forces and National Police sometimes "tacitly tolerated" or "aided and abetted" the activities of paramilitary groups. According to the report, "in some instances, individual members of the security forces actively collaborated with members of paramilitary groups by passing them through roadblocks, sharing intelligence, and providing them with ammunition. Paramilitary forces find a ready support base within the military and police." The report also concluded that "security forces regularly failed to confront paramilitary groups." The fact that Carlos Castano appeared on Colombian television in March, but remains invisible to Colombian law enforcement agencies, demonstrates the impunity with which he is able to operate in Colombia.

Human Rights Watch has documented links between military and paramilitary groups. These links are not only in isolated, rural areas but in Colombia's principal cities. According to evidence collected by Human Rights Watch, half of Colombia's 18 brigade-level units are linked to paramilitary activity.

The Colombian military has resisted investigating these links. Instead of investigating a credible allegation of military collaboration with paramilitary groups in a civilian massacre that occurred in the town of San Jose de Apartado on February 19, 2000, the Commander of the 17th Brigade filed suit against the non-governmental organization that made these allegations, charging that it had "impugned" the honor of the military. If the Colombian Government is serious about severing the links between military and paramilitary groups, it must demonstrate, at all levels of government and the military, that these allegations will be investigated promptly and punished seriously. These links must be severed if the Colombian Government, with United States assistance, is to mount a successful counternarcotics campaign and stop the violence committed by illegal paramilitary groups. If these links are not severed, our Government will be complicit in the abuses.

I recently met with Colombian Senator Piedad Cordoba, the chairman of the Colombian Senate's Human Rights Committee. She personally witnessed this military-paramilitary cooperation during her May 1999 kidnapping by paramilitary leader Carlos Castano. Senator Cordoba told me that the kidnappers' car passed through eight military roadblocks without being stopped or searched. She said that the helicopter that took her to the jungle camp where she was held landed at an airstrip just a few miles from a military base. She told me that Castano boasted when he showed her transcripts of her private telephone conversations, transcripts that he could have only obtained from military intelligence sources.

The strong human rights conditions contained in this bill will ensure that the Colombian Government takes concrete steps to prosecute and punish military personnel alleged to have committed human rights abuses or to have collaborated with paramilitary groups. I commend Senators McCONNELL and LEAHY for including this language in the bill. The conditions will also encourage the Colombian Government to arrest and prosecute at least some paramilitary leaders and members.

During the conference on this bill, I urge the Senate conferees to insist on retaining these strong and well-considered conditions. The conditions contained in the House version of the bill, while certainly well-intentioned, are both weak and inconsistent with Colombia's Constitution. For example, the requirement to create a Judge Advocate General Corps within the Armed Forces to investigate human rights abuses is contrary to the 1997 ruling of Colombia's Constitutional Court that requires the investigation and prosecution of these abuses in the civilian justice system. The House provision regarding a Presidential waiver of the human rights conditions in case of "extraordinary circumstances" seriously degrades the importance of human rights as a fundamental principle of U.S. foreign policy—a principle shared on a bipartisan basis over many years. The protection of human rights should not be a "waivable" foreign policy objective. It should be enforced with the same vigor as our anti-drug goals. I ask unanimous consent that a copy of a May 11 letter from Human Rights Watch on the House provisions be included in the RECORD at the end of my remarks. This letter reflects the strong opposition of the human rights community to these House provisions.

Two years ago, the Robert F. Kennedy Memorial presented its annual Human Rights Award to four Colombians who are leaders of grassroots efforts to defend human rights in Colombia. These Human Rights Laureates—Jaime Prieto Méndez, Mario Humberto Calixto, Gloria Inés Flórez Schneider, and Berenice Celeyta Alayón—represented groups that fight for human rights, the rights of displaced persons, and the rights of political prisoners. These courageous individuals, and thousands of others like them throughout Colombia, risk their lives every day. They need and deserve our support. The conditions included in this bill are for them. The conditions are also for us. They will guard against America's complicity in human rights violations in Colombia.

Mr. KERRY. Mr. President, I have followed the issue of narcotrafficking and other international crimes for years, particularly during my tenure as chairman of the Subcommittee on International Operations, Narcotics and Terrorism. Although I have many concerns about this piece of legislation, I believe we have a chance here to provide support to a Colombian administration trying to address its largest problem—drug trafficking.

The line between counternarcotics and counterinsurgency is not at all clear in Colombia, but we cannot let this stop our extension of aid. Withholding aid is not an option. In doing so, we would send the message to Colombia, our important ally in the war on drugs, that when the going gets tough, they must go it alone. We must be very clear: the terrible human rights conditions in Colombia are inextricably tied to the narcoterrorists. That won't change overnight with our support of this assistance package, but it won't change at all without our help. And just as important as our support for this package will be our continuing oversight of its implementation. If human rights abuses continue, or if we begin to get embroiled in the counterinsurgency efforts, the Senate must remain vigilant, ending the program if necessary. But we cannot simply turn our backs and walk away.

Civil conflict in Colombia has worn on for half a century as the government has fought narcoterrorists for control of the country. Opposition groups such as the Revolutionary Armed Forces of Colombia [FARC] and the National Liberation Army has made a business of guerrilla warfare and continue to terrorize the civilian population. Paramilitary groups, formed in the 1980's as anti-guerrilla forces, have resorted to many of the same terror tactics. Opposition and paramilitary groups control much of the country and the vast majority of the drug producing areas. It is clear that drug money fuels the fighting. In the last decade, this conflict has claimed over 35,000 lives and has created a population of over a million and a half internally displaced persons.

Colombian President Andres Pastrana, in sharp contrast to his recent predecessor, is trying to improve human rights conditions and promote democracy, under extremely difficult conditions. Under Pastrana, the Colombian Government has begun the first peace talks ever with the FARC. Though the talks have been slow moving and have encountered setbacks, Pastrana has clearly made the peace process a top priority.

Plan Colombia was developed by President Pastrana as a comprehensive approach to strengthening the Colombian economy and promoting democracy, with heavy emphasis on fighting drug trafficking. In my view, any successful approach to Colombia's myriad of problems will require a strong counterdrug effort. The United States contribution to Plan Colombia, as proposed by the administration, does this.

Let us be clear, however, that the drug trade in Colombia is not simply a Colombian problem. The United States is the largest and most reliable market for the Colombian cocaine and heroin that is at the center of this conflict. We have approximately 5.8 million cocaine users and 1.4. million heroin users. Based on the most recent National Household Survey on Drug Abuse estimates, fourteen million Americans are current drug users. Clearly we are making a large contribution to the problem and should therefore contribute to finding a solution.

The United States must seize the opportunity presented by President Pastrana's current efforts to fight drug trafficking and bring stability to Colombia. This legislation offers us a chance to play a constructive role in Colombia while simultaneously promoting American interests.

The Plan addresses the major components of the problem. "Push into Southern Colombia" is designated to affect the major growing and production areas in the South. It provides for the training of special dedicated narcotics battalions, and the purchase of helicopters for troop transport and interdiction. To complement this effort, interdiction tools will also be upgraded, including aircraft, airfields, early warning radar and intelligence gathering. The Plan also provides increased funding for eradication of coca and poppy, and the promotion of alternative crop development and employment. Perhaps most importantly, the Plan calls for and provides resources for increasing protection of human rights, expanding the rule of law, and promoting the peace process.

As I outlined earlier, Colombia's situation is bleak, and this may be its last chance to begin to dig its way out. If we fail to support aid to Colombia, we can only sit back and watch it deteriorate even further. This Plan presents a unique opportunity to support the Colombian Government's effort to address its problems while at the same time promoting U.S. interests. The Colombian Government, despite immense obstacles, has begun to address significant human rights concerns and is working to instill the rule of law and democratic institutions. Though the United States is not in the business of fighting insurgents, we are in the business of fighting drugs, and this is clearly an opportunity to work with a willing partner in doing so.

While I support a United States contribution to helping Colombia, I believe that if we are going to commit, we must do so in the context of an ongoing process under constant review to respond to changing needs.

My first concern is the fine line that exists between counternarcotics and counterinsurgency operations, particularly since they are so intertwined in Colombia. It is impossible to attack drug trafficking in Colombia without seriously undercutting the insurgents' operations. We must acknowledge that the more involved in Colombia's counternarcotics efforts we become the more we will become involved in its counterinsurgency, regardless of our intentions to steer clear of it. But, because the drug trade is the most destabilizing factor in Colombia, our cooperation with the government will over the long run, advance the development and expansion of democracy, and will limit the insurgents' ability to terrorize the civilian population. But our military involvement in Colombia should go no further than this. Efforts to limit number of personnel are designed to address this.

I appreciate the concerns expressed by my colleagues that the United States contribution to Plan Colombia is skewed in favor of the military, but we must keep in mind that our contribution is only a percentage of the total Plan. The total Plan Colombia price tag is approximately $7.5 billion. The Colombian Government has already committed $4 billion to the Plan, and has secured donations and loans from the International Monetary Fund, the Inter-American Development Bank, the World Bank, the Andean Development Corporation, and the Latin American Reserve Fund. As part of our contribution, and to balance military aid, the United States must continue to support Colombian requests for additional funding from international financial institutions and other EU donors. We must also continue to implement stringent human rights vetting and end-use monitoring agreements, and make sure that our Colombia policy does not end with the extension of aid.

Second, I am concerned that even if the Plan is successful at destroying coca production and reducing the northward flow of drugs, large numbers of coca farmers will be displaced, worsening the current crisis of internally displaced people in Colombia. Colombia has the largest population of internally displaced persons in the world, estimated at over one and half million in November 1999. Seventy percent of those displaced are children, and the vast majority of them no longer attend school. There is every indication that as Plan Colombia is implemented, this population may grow. This problem underscores the importance of supporting the Colombians in their efforts to secure economic aid for alternative development. Unless we strongly support loans and additional donations, the danger remains that desperate farmers will simply move across the borders into Peru and Bolivia, and undo all the eradication progress that has been made in those areas.

My third major concern with respect to this aid package is that it does not adequately address Colombia's human rights problem. The Colombian Government has made a real effort to address human rights and to promote the rule of law. Pastrana has worked to root out members of the military who have committed gross violations of human rights, and has suspended a number of high-level officers. He has also attacked corruption in the legislature, and has come under heavy fire for doing so. Despite this progress, there is no question that recent events in Colombia have raised some cause for concern. The Colombian Government's unfortunate decision to send back to the legislature a bill to criminalize genocide and forced disappearance was a significant setback for the promotion of human rights and the rule of law. I would like to commend my colleagues on the Foreign Operations Subcommittee for bolstering the human rights component of this legislation. In addition to requiring additional reporting from the Secretary of State on the human rights practices of the Colombian security forces, Senator LEAHY's provisions for human rights programs in the Colombian police and judiciary, a witness protection program and additional human rights monitors in our embassy and Bogota, and Senator HARKIN's provision to provide $5 million to Colombian NGOs to protect child soldiers, demonstrate our commitment to improving the human rights situation.

Despite my reservations, the potential benefits of this plan are too large to ignore. In light of the changes made by the committee, I believe the plan can help advance United States interests by reducing drug trafficking and thereby promoting stability and democracy in Colombia. We must now work to ensure that our concerns do not become realities. Recognizing that we are not the sole contributors to this Plan, we must support Colombia's requests for additional aid from our allies, and work closely with them to ensure that additional aid complements our efforts in the areas of human rights and strengthening the rule of law. The committee report recognizes the importance of reducing the drug trade first to build confidence among the Colombian people that progress can be made in other important areas such as economic development and democracy.

Plan Colombia's counterdrug focus will also benefit the United States by reducing the flow of drugs to the United States. The United States is faced with a serious drug problem which must be attacked at both ends—supply and demand. Our consideration of counterdrug aid to Colombia should force us to look inward, reexamine our domestic counterdrug plan, and find ways strengthen it.

The United States has long been the cocaine traffickers' largest and most reliable market, fueling continued and expanded cultivation and production. Without addressing the problem here at home, we present no reason to expect that the growers and traffickers will not continue to shift their operations to maintain access to their best market.

Increasing funding and expanding drug treatment and prevention programs are absolutely imperative if we are to coordinate an effective counterdrug campaign, particularly if we are to expect any real improvement in the situation in Colombia. Levels of drug abuse in the United States have remained unacceptably high, despite stepped-up interdiction efforts and increased penalties for drug offenders.

Our criminal justice system is flooded with drug offenders. Three-quarters of all prisoners can be characterized as alcohol or drug involved offenders. An estimated 16 percent of convicted jail inmates committed their offense to get money for drugs, and approximately 70 percent of prisoners were actively involved with drugs prior to their incarceration.

America's drug problem is not limited to our hardened criminals. The 1997 National Household Survey revealed that 77 million, or 36 percent of Americans aged 12 and older reported some use of an illicit drug at least once in their lifetime. The statistics in U.S. high schools are even more disturbing. According to a 1998 study by the National Institute on Drug Abuse, 54 percent of high school seniors reported that they had used an illicit drug at least once and 41.4 percent reported use of an illicit drug within the past year.

As we support Colombia's efforts to attack the sources of illegal drugs, we need to make sure we are addressing our own problems. According to recent estimates, approximately five million drug users needed immediate treatment in 1998 while only 2.1 million received it. It was also found that some populations—adolescents, women with small children, and racial and ethnic minorities—are badly underserved by treatment programs. Only 37 percent of substance-abusing mothers of minors received treatment in 1997. Drug offenders, when released from jail, are often not ready or equipped to deal with a return to social pressures and many return to their old habits if they are not provided with effective treatment while incarcerated and the social safety net they so desperately need upon release.

It is clear that drug treatment works, and there is no excuse for the high numbers of addicts who have been unable to receive treatment. As we increase funding for supply reduction programs in Colombia, we must increase funding for treatment to balance and complement it. Drug research has made significant strides in recent years, and there are a variety of treatment options now available to help even the most hardcore addicts. These treatments have been successful in the lab studies. Now we must allow these methods to be successful in helping the population for whom they were developed. Access to drug abuse treatment in the United States is abysmal when compared to the resources we have to provide it.

The administration's Office of National Drug Control Policy argues that a balanced approach that addresses both demand reduction and cutting off supply at the source is necessary to significantly reduce drug abuse in America. While Plan Colombia works to cut off the drug supply, we must balance that with increased funding for drug abuse prevention and better treatment programs that reach more of the population that so desperately needs it.

Plan Colombia is an opportunity to help an important ally attack the sources of illegal drug production reduce the flow of cocaine and heroin to the United States. The United States must stay engaged with the Pastrana government and support its critical efforts to combat drug trafficking. Instead of being limited by our reservations, we must use them to carefully craft a policy that addresses economic development, political stability, human rights and the rule of law. Drug trafficking is the major obstacle to the advancement of these goals, and it must be curbed if any progress is to be made in our drug war at home.

AMENDMENT NO. 3546

Mr. REID. Mr. President, in the capital city of India, a woman is burned to death every 12 hours. Earlier this week, NPR reported the story of a courageous survivor of a phenomenon that is commonly referred to as "dowry deaths." Joti Dowan was held prisoner by her husband and mother-in-law for two years because she refused to ask her mother for a $1,000 dowry.

Locked in a tiny room, isolated from friends and family, and rationed only two pieces of bread a day, Joti weighed only 55 pounds when authorities found her. Frequent beatings and malnutrition left her too weak to stand without help. A long scar covers her arm because, at one point during her torture, her husband and his family tried to kill her by dousing her with kerosene. It was only because they feared her screams would alert the neighbors that they extinguished the fire.

Shelanie Agerwall was shot and killed by her husband when he became dissatisfied with the new car that originally came with her dowry. He traded in the vehicle for a more expensive one and demanded his wife's family compensate him for the extra cost. When Shelanie Agerwall's family did not pay him quickly enough, he murdered her.

Death resulting from dowry disputes are on the rise. In 1998, 12,600 women in India were victims of dowry deaths—a 15 percent increase from the previous year. Burning a woman to death is the most common form of dowry death. Commonly referred to as "bride burning," women are doused with kerosene and lit on fire. In many cases, their murder is planned to look like a cooking accident.

The law provides little or no support for the victims of dowry disputes. Corruption is rampant throughout the system—police are bribed by the husbands' families to destroy evidence, doctors are persuaded to change their testimony, and the legal system rarely convicts husbands and families guilty of dowry deaths.

Dowry has evolved from a custom to a form of extortion. The demand for quick money to buy consumer goods has increased the demands for so-called "dowries" throughout India. As a result, the use of dowries has spread to communities which never before had a dowry custom. The growing middle class has been met by eager manufacturers. Conspicuous consumption demands greater dowry payments.

In April, a 29-year-old Pakistani woman was shot dead in the law office of a leading human rights activist. Her parents had ordered the killing because she had shamed the family by seeking a divorce.

Perveen Aktar, a 37-year-old woman living in Pakistan, was severely burned in September when her husband, a fruit peddler, threw acid on her. According to Aktar, whose face, back, and chest are badly scarred, her husband wanted to return to his first wife, and she refused. She went to the police, but her husband paid them a series of bribes, and they did not investigate.

These women's struggles are a part of a larger epidemic of "honor killings"—or culturally sanctioned killing of women in the name of preserving a family's honor. "Honor crimes" remain a serious problem in many countries, including: Pakistan, Saudi Arabia, Turkey and Egypt.

Few statistics are available on honor crimes, but the independent Human Rights Commission of Pakistan reported that in 1998 and 1999, more than 850 women were killed by their husbands, brothers, fathers or other relatives in Punjab, Pakistan's most populous province.

In many of those cases, the woman was suspected of what was considered "immoral behavior." According to lawyers and women's rights advocates, many such cases are never brought to trial. Police are easily bribed or persuaded by the men's families to dismiss the complaints as "domestic accidents."

Some say that the problems of "dowry deaths" and "honor killings" are cultural. These problems are criminal, not cultural, and we have an obligation to do something about it.

The amendment I offered would encourage the Secretary of State to meet with representatives from countries that have a high incidence of "dowry deaths" and "honor killings" to assess ways to work together to increase awareness about these problems and to develop strategies to end these practices.

The United States, as a world leader, needs to realize its influence in the world. I do not believe it is our place to go into other countries and dictate their traditions. But at the same time, we need to send a message to those countries that condone the brutal killings of innocent women.

INTERNATIONAL RULE OF LAW PROGRAM IN CHINA

Mr. SCHUMER. Mr. President, will my good friend, the senior Senator from Pennsylvania, yield for a question?

Mr. SPECTER. I am pleased to yield to my friend the Senator from New York.

Mr. SCHUMER. I note in the committee's report that $2 million is being designated for the creation of an International Rule of Law Program in China. The report states that the U.S. Agency for International Development is requested to give serious consideration to the proposal of Temple University Law School in cooperation with New York University Law School to establish a Business Law Center in China.

Mr. SPECTER. That is correct. It is the intention of the committee to support these two prestigious institutions in building upon the very important Temple University Masters of Law Program in Beijing, which is the first and only foreign law degree-granting program in China. After reviewing the case of Yongyi Song, a librarian at Dickinson College in Pennsylvania who was released in January after being held under dubious charges in China, I believe the U.S. Congress should support programs that advance the rule of law in China. At a time when the People's Republic of China is seeking permanent most-favored-nation status and seeking entry into the World Trade Organization, it is my hope that the government of the PRC will respect basic norms for due process such as an open public trial and the right to confer with counsel. International Rule of Programs such as the Temple University/NYU Program are important means to build understanding and respect for these basic norms in the Chinese legal community.

Mr. SCHUMER. I agree that this is an important program which the Congress should support, and it is my hope that this funding will be maintained as the bill goes to conference with the House. I have one further question. Is it the committee's intention that the U.S. Agency for International Development provide the full amount of this funding to an individual rule of law program in the People's Republic of China, such as the program by Temple University, in cooperation with New York University, for the creation of their Business Law Center in China?

Mr. SPECTER. That is correct. I certainly encourage AID to release the full funding as designated in the committee's report.

Mr. SCHUMER. I thank my good friend for his helpful clarification.

AMENDMENT NO. 3547

Mr. REID. Mr. President, over the years, I have come to the Senate floor on many occasions to talk about female genital mutilation (FGM). Still, it is very difficult for me to stand here and talk about something as repulsive, as cruel and as unusual as the practice of FGM. But ignoring this issue because of the discomfort it causes us does nothing but perpetuate the silent acquiescence of its practice.

For those who are unfamiliar with this ritual, FGM is the cutting away of the female genitals and then sewing up the opening, leaving only a small hole for urine and menstrual flow. In many cases, the girl's legs are bound together for weeks while a permanent scar forms. It is performed on girls between the ages of 4 and 12.

This is a practice that has been around for thousands of years and is not going to go away overnight. We need to continue to talk about it and insist upon aggressive education of the African communities that practice it, as well as the implementation of laws prohibiting it.

Several years ago, I passed legislation that requires the Health and Human Services Secretary to identify and compile data on immigrant communities in the United States who are practicing FGM. I worked to pass legislation, that is now law, to make criminal the practice of FGM in the United States.

I have offered two amendments that would keep the United States focused on its work to eliminate FGM abroad. One amendment would allow US AID (US Agency for International Development) to spend up to $1.5 million on its activities to eradicate FGM. My second amendment requires the Secretary of State to further study FGM and to submit her findings along with a set of recommendations on how the United States can best work to eliminate the practice of FGM to Congress by June 1, 2001.

US AID has a long history of supporting the eradication of FGM, however, it still has a long way to go. In 1995, Congress mandated that US AID dedicate one million dollars to efforts to end FGM. Since 1995, funding for this program has fluctuated from a low level of $500,000 per year to a high level of $800,000 per year. My amendment will restore funding to this important program.

It is estimated that 130 million girls are genitally mutilated. Every year, two million girls face FGM—that's 6,000 girls every day.

Last year, I met with Waris Dirie, an activist and supermodel, who serves as a special ambassador for the Elimination of FGM for the United Nations Population Fund. A native of Somalia and born to a nomadic family, Ms. Dirie survived the traditional form of FGM that kills hundreds of women every year—her younger sister and two cousins died from the procedure. At age 13, just before she was to be married off to an elderly man, Ms. Dirie ran away from home. She has left the glamour of the fashion world to speak out and work to eradicate this heinous procedure.

As Ms. Dirie will tell you, the initial operation leads to many health complications that will plague the girl throughout her life—if she does not bleed to death during the procedure. But the immediate health risks are not over after a couple of months or even a couple of years after the operation. When a girl is married, her husband either has to force himself upon her, or re-cut her in order to have sexual intercourse.

During child birth, additional cutting and stitching takes place with each birth. All of this re-cutting and stitching creates tough scar tissue. The procedure is usually performed by female laypeople and is most often performed with a razor, knife, or even a piece of glass.

Often, we refer to FGM as a women's issue, but this needs to be seen as a child abuse issue as well. A four year-old girl does not have the ability to consent or to understand the significance and the consequence this ritual will have on her life, on her health, or on her dignity. Young girls are tied and held down, they scream in pain and are not only physically scarred, they are emotionally scarred for life.

We know a lot about the psychological effects of child abuse from studying children of domestic abuse in the United States. Imagine the psychological effect this must have on children from the initial operation throughout adulthood. The health complications are a constant reminder of the mutilation they endured.

I understand that this custom is deeply embedded in African culture. However, that does not mean we should pretend it is not happening. According to a report by Amnesty International, FGM is practiced in African countries where it has already been criminalized. In some of these countries, over 90% of the women undergo FGM, in spite of laws prohibiting it.

This is a cruel and tortuous procedure performed on young girls against their will. The United States must make all efforts to condemn and to curb this practice.

Mr. LAUTENBERG. Mr. President, I rise to speak about the fiscal year 2001 Foreign Operations Appropriations bill, which has been moved to third reading.

Most immediately, the supplemental emergency funding for Assistance to Plan Colombia—requested by the President at the beginning of the year, and passed by the House months ago—can finally be included in the Military Construction Appropriations bill already in Conference.

In Colombia, we have a real opportunity to work with a democratically-elected government which is committed to combatting drug production and trafficking in a country which supplies most of the heroin and about 80 percent of the cocaine consumed in the United States.

Mr. President, I recently visited Colombia to assess what our aid could accomplish. I went to see the scope of drug crop cultivation and processing, to look into the political context, the human rights situation, the goals of the Pastrana Government, and to assess the capabilities of the military and the police.

I went with an open mind, though I was concerned about the horrendous abuses of human rights and with the effects of Colombian cocaine and heroin on the streets of New Jersey and other states.

I left Colombia convinced that we can help Colombia and help America by cooperating in the fight against drug production, trafficking, and use. Let me briefly share a few of my observations and conclusions:

Aid for Plan Colombia is strongly in the U.S. interest. While there can be legitimate differences of opinion about the exact content of the aid package, we must use the opportunity to cooperate with a fellow democracy to fight the scourge of drugs which harms both our people.

This is a genuine emergency and should be funded as such. Drug crop eradication, training, and counter-narcotics military and police operations have been curtailed for lack of funds. Other elements of the package—like helicopters and alternative development aid—have longer lead times, but the process cannot start until the funds are passed.

Every week we delay, 1,000 more acres of coca are planted, so the problem grows ever larger and narcotics-trafficking groups grow stronger.

Colombia's political will is strong. While the political situation in Colombia is uncertain, President Pastrana and the Colombian Congress have backed away from forcing early elections and appear to be working out their differences. But the Colombian people and their elected representatives want an end to the violence.

They support peace negotiations with the FARC and ELN guerrillas. And they know the violence will not end as long as it is fueled by drug trafficking and its dirty proceeds.

The U.S. and Colombia have a symbiosis of interest in combating drug production and trafficking.

While the Colombians mainly want to end financial support for various armed groups, they are highly motivated to cooperate with our main goal—eliminating a major source of narcotics destined for the United States.

Colombia's military and police need reform and assistance. I was appalled to learn that any conscript with a high school education is exempt from combat duty, so only the poorest, least-educated people serve in front-line units.

Moreover, the standards of training for most military personnel are quite low, and the NCO corps is particularly weak. Colombia needs to accelerate military reforms, some of which require legislation.

But the U.S. can also help a great deal by providing sound training to the Counter-Narcotics Battalions which will be most directly involved in operations supporting the Colombian National Police as they eradicate crops, destroy laboratories and processing facilities, and arrest traffickers.

We need to improve protection for human rights in Colombia. The Colombian people face very real risks of murder, kidnapping, extortion, and other heinous crimes, so they always live in fear. Hundreds of thousands of people have fled the violence. The Colombian Government—including the military and the police—take human rights issues very seriously.

We need to hold them to their commitments to make further progress, as the Senate bill language Senators KENNEDY and LEAHY and I authored would do. I was particularly impressed that the independent Prosecutor General's Office—known as the Fiscalia —is firmly committed to prosecuting criminals, particularly human rights violators.

But in meeting with Colombian human rights groups, I learned that the overwhelming majority of human rights abuses are committed by the paramilitary groups, followed by the guerrillas. Colombia must sever any remaining ties between its military and the paramilitary groups and treat them like the drug-running outlaws they are.

On the whole, winning the war on drugs in Colombia should do more to improve security and safeguard human rights than anything else we or the Colombian government can do.

Mr. President, I reluctantly opposed the Amendment offered by the Senator from Minnesota, Senator WELLSTONE.

I share his conviction that we as a country must do more to reduce the demand for illegal drugs in our society.

In 1998, the most recent year for which I have these statistics, more than 5 million Americans were chronic, hard-core users of illegal drugs.

Just over 2 million—less than half of them—received treatment. I firmly believe that we should provide drug treatment for every drug addict willing to make the tremendous effort to overcome his or her addiction. In my view, we should ensure that no one leaves our prisons—whether federal, state, or local—addicted to narcotics.

We absolutely must do more to reduce demand and thus reduce the use of dangerous drugs and reduce the terrible toll drug use and related crime takes on our society.

Where I differ with the Senator from Minnesota is that I do not believe we should undermine our Assistance for Plan Colombia to pay for increased domestic drug treatment and prevention programs.

Even if we were to fully fund the President's request for Assistance to Plan Colombia, our international programs would account for only about one-tenth of our counter-narcotics budget.

In Colombia, we have a real opportunity to work with a democratically-elected government which is committed to combating drug production and trafficking in a country which supplies most of the heroin and about 80 percent of the cocaine consumed in the United States.

In short, Mr. President, I opposed the Wellstone Amendment because I believe we need to keep working to reduce demand for drugs here in America, but not at the expense of cutting efforts to eliminate a major source of drugs to our country.

I also opposed the Amendment offered by the Senator from Washington, Senator Gorton. I voted against a similar Amendment in the Appropriations Committee, and my subsequent visit to Colombia leaves me more convinced than ever that I was right to do so.

Our vote on the Gorton Amendment was, quite simply, a vote on the proposed Assistance to Plan Colombia. We all know that President Pastrana's Plan Colombia—which includes an aggressive counternarcotics effort—could not go forward with only one hundred or two hundred million dollars in U.S. aid.

Even if the Gorton amendment had merely delayed funding, as its sponsor has argued, it would have prevented President Clinton from seizing the opportunity to act now. In my view, we have waited too long already to address a major source of the narcotics which bring so much harm on the American people.

We have a tremendous opportunity—if we are willing to devote a reasonable level of funding—to drastically curtail the production cocaine and heroin in Colombia while supporting democracy and the rule of law in that country.

I am concerned that other emergency needs have not been met.

The President requested emergency supplemental funds for Kosovo and the Southeast Europe Initiative to help bring peace and stability to that troubled region, but those funds have not been provided.

Funding for the Heavily Indebted Poor Countries, or HIPC, multilateral debt relief trust fund also was not provided, so we cannot fulfill our goals to help relieve the world's poorest countries from the crushing burdens of debt. I hope we will be able to address these deficiencies in Conference with the House on emergency supplemental appropriations.

Let me turn now to the underlying Foreign Operations Appropriations for fiscal year 2001.

As I noted when we considered this bill in Committee, I believe Subcommittee Chairman McCONNELL and Ranking Member LEAHY, working with other Senators and aided by their capable staff, have done a good job of allocating the resources available to them.

I particularly appreciate their help to include revised language to ensure our aid in Bosnia and elsewhere in the former Yugoslavia is used to help bring war criminals to justice. I also support the creation of an account for Global Health, with increased funding for tuberculosis, AIDS, and other health challenges. And the bill fully funds support for our ally Israel and peace in the Middle East.

That said, Mr. President, I am deeply concerned that the funds provided for the Foreign Operations Subcommittee simply are not sufficient to sustain America's global leadership as we begin a new century.

President Clinton requested increased funding for international programs in fiscal year 2001, though still far less in real terms than we spent in the mid-1980s.

But the bill before us today falls about $1.7 billion short of the President's request.

Let me cite just a few examples of the cuts:

Funding for the Global Environment Facility is more than $125 million below the President's request, so our arrears will continue to mount and environmentally-sustainable development projects in poor countries will not be funded. Even the International Development Association, or IDA—the main institution known as the World Bank—is funded below last year's level and more than $85 million below the Administration's request.

While I appreciate Chairman McCONNELL's strong funding for Central and Eastern Europe, it's not nearly enough to make up for the Kosovo supplemental which was apparently not funded.

Meanwhile, assistance to the Independent States of the former Soviet Union—many of them still at a critical stage in their economic and political transition—is $55 million below the level requested by the Administration.

The International Narcotics Control and Law Enforcement and Non-Proliferation, Anti-Terrorism and Demining accounts are each cut by nearly $100 million from the President's request.

I don't want to waste the Senate's time citing all the examples, but I hope I've made my point.

President Clinton sought a more responsible level of international affairs spending within his balanced budget, but this bill is more than 11 percent below the Administration's request.

Mr. President, I believe we need to strengthen Foreign Operations funding as this bill goes to Conference with the House. I look forward to working with my colleagues on the subcommittee to make that happen, so we can avoid having this bill vetoed.

We need to work together to achieve a responsible Foreign Operations funding level which will advance America's interest and reflect America's values around the world.

I thank the chair and yield the floor.

Mr. BYRD. Mr. President, the foreign operations appropriations bill that the Senate completed debate on today contains $934 million to launch a major counter-narcotics initiative in Colombia. Other financing attached to the Military Construction and Defense Appropriations bills boosts that total to well over a billion dollars.

This funding will enable the United States to embark on a massive ramping up of its counter-narcotics offensive in Colombia. But curiously enough, the bulk of this program is being implemented through a series of supplemental funding measures. A major anti-narcotics program in Central America, anchored on the provision of U.S. military equipment and U.S. military and State Department advisers, seems to me to be a policy issue that begs for in depth Congressional discussion and consideration. And yet, we are effectively creating it through supplemental appropriations. This may be an expedient way to deal with a difficult problem, but I question its efficacy. I wholeheartedly support aggressive counter-narcotics efforts. Illegal drugs and drug abuse are scourges on our society, and we cannot pretend that the problem will go away if we simply ignore it. But I am concerned about the large number of unanswered questions surrounding the President's plan.

I understand where the money is to be spent, and what it is to be spent on, but I am unclear as to what the results are expected to be. What precise impact is the U.S. assistance expected to have on the production of cocaine and heroin into the United States? What impact will massive U.S. assistance to Colombia have on drug production in other Andean Ridge nations? What impact will intensified U.S. assistance to the government of Colombia's have on Colombia's internal politics and simmering civil war? And, most importantly, what impact will this initiative have on reducing drug abuse and the toll of the illegal drug trade within the United States.

Providing answers to those, and other questions, is the primary intent of a provision that I added in Committee to the foreign operations appropriations bill. My provision requires the Administration to seek and receive congressional authorization before spending any money on U.S. support for the counter-narcotics program in Colombia, called Plan Colombia, beyond the funding contained in this and other relevant spending bills. If this funding is sufficient, all well and good. But if more money is needed to prolong or expand the anti-drug effort, then Congress has a responsibility to reevaluate the entire program. The purpose of my provision is to prevent the U.S. government from slowly but steadily increasing its participation in the anti-narcotics effort in Colombia until it finds itself embroiled in, at best, a costly and open-ended anti-drug campaign throughout the Andean Ridge, or, at worst, a bloody civil war in Colombia.

A secondary goal of my provision is to limit the number of U.S. personnel engaged in the counter-narcotics offensive in Colombia to specific levels unless Congress approves higher levels of U.S. personnel. The provision, which I modified to address concerns raised by the Defense Department, imposes a ceiling of 500 U.S. military personnel and 300 U.S. civilian contractors working on Plan Colombia in Colombia unless Congress authorizes higher levels.

In testimony before the Senate Armed Services Committee, the Defense Department indicated that it would not be opposed to troop caps. This is a prudent measure that Congress should endorse to ensure that U.S. involvement does not unwittingly spiral out of control in Colombia.

In an effort to ensure that my provision does not impede ongoing counternarcotics operations in Colombia, I amended it to address concerns raised by the Administration regarding the availability of funds provided in the FY 2001 Defense Appropriations Bill, and the availability of relevant unobligated balances in other spending bills. My amendment protects ongoing programs without giving the Administration the green light to begin empire building in Colombia.

There are those, I am sure, who will say that my provision is too cumbersome, that we should simply handle this huge counter-narcotics offensive in the normal course of business. That, I believe, would be a dangerous course of action, one that would invite mission creep and deep entanglement in the internal affairs of Colombia.

U.S. assistance to Plan Colombia is not, and should not be, business as usual. If the Administration is sincere in its commitment to launch a major, coordinated, inter-agency offensive against the burgeoning drug industry in Colombia, then the Administration should welcome the spotlight that my provision will shine on its efforts. The Administration should welcome the extra safeguards that this language provides against unintended consequences.

Mr. President, winning the war against illegal drugs is vitally important to the future of our nation and to the future of our neighbors, but it is the responsibility of Congress to ensure that we are allocating U.S. taxpayers dollars in the most effective manner possible. Congress cannot make that determination without fully exploring the goals and potential ramifications of this effort to provide assistance to Colombia. My provision provides the minimum necessary safeguards to ensure congressional oversight of Plan Colombia. I commend the Senate for maintaining the integrity and the intent of this provision.

Mr. SARBANES. Mr. President, I am pleased to join with several of my colleagues, including Senator CHAFEE, Senator MACK, Senator BIDEN, and Senator LEAHY in sponsoring this Sense of the Senate amendment to the Foreign Operations Appropriations Bill. I am also very pleased that agreement has been reached for the amendment to be accepted. The amendment calls on the Senate to support full authorization and funding for international debt relief. I worked with Senator MACK last year in introducing the "Debt Relief for Poor Countries Act of 1999," and am glad to work with him again on this important issue.

The purpose of this amendment is to highlight one of the major shortcomings in the Foreign Operations Appropriations Bill, as reported out of Committee, which only included $75 million for the purposes of debt relief. That allocation falls far short of what the Administration has requested and what is needed to meet our obligations to the HIPC (Heavily Indebted Poor Countries) trust fund and bilateral debt relief commitments. The Administration has requested $210 million for FY 2000 for HIPC and $225 million for FY 2001 ($150 million to HIPC and $75 million for bilateral debt relief). This money is necessary for us to meet our commitments to the HIPC trust fund, estimated at $600 million over the next three years, and our commitments to bilateral debt reductions, estimated at $375 million over the same period.

The Administration has also requested an authorization from Congress to support use for HIPC debt relief of the full earnings on profits from IMF off-market gold sales.

Why is debt relief so important? Many poor countries are saddled with large debt payments. All too often, payments on the foreign debt—which account for as much as 70 percent of government expenditures in some countries—mean there is little left to meet basic human needs of the population, such as health, education, nutrition, sanitation, and basic social services.

As a group, HIPCs post some of the world's lowest human development indicators: one in ten children dies before their first birthday; one in three children is malnourished; the average person attends only three years of school; half of all citizens live on less than $1 dollar a day; HIV infection rates are as a high as 20 percent.

In effect, debt service payments are making it even harder for the recipient governments to enact the kinds of economic and political reforms that the loans were designed to encourage, and that are necessary to ensure broad-based growth and future prosperity.

Last year, President Clinton pledged to cancel all $5.7 billion of debt owed to the U.S. government by 36 of the poorest countries. Canceling the debt will not cost the full $5.7 billion because many of the loans would never have been repaid and are no longer worth their full face-value. It does not make economic sense to keep these loans on the books.

Additionally, I believe U.S. leadership is at stake. As the richest country in the world and as one that has long been interested in the development of poor countries, we risk losing our moral authority in the international arena if we cannot, especially during our country's time of prosperity, alleviate the crushing debt burden of many poor countries.

Mr. MCCAIN. Mr. President, I would like once again to address the issue of unrequested and unnecessary earmarks in the annual foreign operations appropriations bill.

It is a constant struggle, Mr. President, to maintain a reasonable—if not always adequate—amount of funding for foreign operations when the public overwhelmingly opposes foreign aid programs. It is therefore incumbent upon those of us who believe that foreign aid programs are an important component of U.S. national security policy to spend that budget wisely. As usual, the foreign operations appropriations bill before us squanders vital financial resources for unnecessary, low-priority and unrequested programs. Once again, pressuring the Agency for International Development to fund research into the future welfare of the Waboom tree; providing millions of dollars for organizations like the Orangutan Foundation, the Peregrine Fund's Neotropical Raptor Center, the Missouri Botanical Garden, the Dian Fossey Gorrilla Fund, and the World Council of Hellenes—none of which was requested by the Agency for International Development or the Department of State—was deemed preferential to higher priority activities that unquestionably contribute to regional stability in less developed countries.

Mr. President, the notion that funding from the foreign aid budget not requested by the Administration should only go to organizations and programs following an objective, rigorous and competitive process eludes the Appropriations Committee. I am not reflexively opposed to all of the programs for which funding was added in this bill. I do take strong exception to the process by which funding is earmarked for parochial reasons. The bill before us today is replete with such examples. A long list of earmarks for university programs, the vast majority of which coincide with membership on the Appropriations Committee, is more evidence than even the O.J. Simpson jury would need that reasonable doubt exists as to whether such objective criteria are employed.

United States military forces are being deployed at record levels; conflicts in Africa and elsewhere are raging out of control, bringing with them untold misery, and we continue to pass spending bills of such dubious merit. I will support passage of the foreign operations appropriations bill, but only because it is imperative that funding for Israel, Egypt, refugee and migration assistance, and other vital programs receive the timely assistance they require. But to be forced to swallow such questionable earmarks as the $1 million for the Fort Valley State University agribusiness program in Georgia—and I should point out that the Republic of Georgia has no greater friend in the Senate than me—without the benefit of a competitive analytical process is more than a little painful. I suppose it is only appropriate that, once again, we are adding funding, this year to the tune of $4 million, for the International Fertilizer Development Center. There is something strangely appropriate that we spend tens of millions of dollars to fund the fertilizer center given the process by which this bill is put together every year.

Mr. President, I ask unanimous consent that this statement appear in the RECORD, accompanied by the list of earmarks and directive language that I have assembled.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT FOR FISCAL YEAR 2001 (S. 2522)

DIRECTIVE LANGUAGE AND EARMARKS

Report language provisions

Iodine Deficiency/Kiwanis: Recommends that AID provide at least $5 million to Kiwanis International via UNICEF

Streetwise Program: Encourages AID to provide $50,000 for the program

Morehouse School of Medicine: Expects AID to provide $5.5 million for the Morehouse School of Medicine's International Center for Health and Development

Iowa State University: Recommends that $1 million provided to support Iowa State University's International Women in Science and Engineering program

International Executive Service Corporation: Strongly supports the efforts of the IESC, believes that AID has underutilized the corporation, and urges AID to grant funds to IESC to expand its programs

International Rice Research Institute: Recommends $5 million for the institute

Donald Danforth Plant Science Center: Recommends up to $500,000 to train Thai researchers at the center, and recommends up to $500,000 for research into bacterial and virus problems related to rice

Tropical Plant and Animal Research Initiative: Urges AID to fund a joint Israel-State of Hawaii research and development project to enhance the competitiveness of the tropical fish and global plant market

Protea Germplasm: Urges AID to fund meritorious aspects of a joint South Africa-U.S. protea industry proposal to create a repository to safeguard protea germplasm

Missouri Botanical Garden: Directs AID to increase funding for biodiversity conservation above current level and to work with the Missouri Botanical Garden to protect biodiversity

Orangutan Foundation: Provides $1.5 million to support organizations such as the Orangutan Foundation

Dian Fossey Gorilla Fund International and the Karisoke Research Center: Provides $1.5 million to support the fund and the center

Peregrine Fund: Recommends $500,000 for the Peregrine Fund's Neotropical Raptor Center

Pacific International Center for High Technology Research: Encourages AID to provide up to $500,000 for the center

Soils Management Collaborative Research Support Program/Montana State University: Recommends that AID provide $3 million for the SM-CRSP, and encourages AID to provide $500,000 through the SM-CRSP to Montana State University-Bozeman

U.S./Israel Cooperative Development Program and Cooperative Development Research Program: Urges an increase in funding for CDP/CDR

Patrick J. Leahy War Victims Fund: Recommends that $11 million be made available to support the fund's work

American Schools and Hospitals Abroad: The Appropriations Committee regularly allocates funds for specific institutions, usually the same institutions every year, under the American Schools and Hospitals Abroad program. The following are specified as deserving of further support:

The Lebanese American University, International College

The Johns Hopkins University's Centers in Nanjing and Bologna

The Hadassah Medical Organization

The Feinberg Graduate School of the Weizmann Institute of Science

American University in Beirut: encourages consideration of a plan to establish a Palestinian scholarship and education initiative

City University-Bellevue, Washington: encourages AID to provide adequate resources to build a new administrative center and expand the program to educate Eastern European students in democratic practices and principles

University Development Assistance Programs: The Committee annually earmarks or "recommends" funding for specific universities around the United States without benefit of competitive analytical processes to determine the value of the activity and whether it can best be done in an alternate manner. The following universities are expected to continue to receive such funds:

University of Vermont, $500,000, to establish and advanced telecommunications link between three hospitals in Vietnam and the University of Vermont College of Medicine

Champlain College, for the U.S.-Ukraine Community Partnerships Project

American University in Bulgaria, to sustain the university's program

Utah State University, $1.1 million, for the university's proposed World Irrigation Applied Research and Training Center, and $1 million for the university to assist the Arab-American University of Jenin to establish a College of Agriculture of Jenin

University of Missouri, $2 million, for establishment of the Center for Livestock Infectious Disease

University of Mississippi, $2 million, for the National Center for Computational Hydroscience and Engineering, for the purpose of transferring technology to the Polish Academy of Sciences

Mississippi State University, $2 million, for the Office of International Programs

Boise State University, $2 million, to continue and expand the university's involvement with the National Economics University's Business School in Vietnam

University of Miami, $3.5 million, for the Cuban transition project

University of Northern Iowa, for the Orava Project in Slovakia

Washington State University, Purdue University, South Carolina University, and the University of Jordan, $1 million, for water research in the Middle East

Washington State University, $2.46 million, for research, education, and training in international food security in collaboration with the State of Washington, the International Center for Maize and Wheat Improvement, and institutions in Central Asia and the Caucasus

University of South Carolina, $1 million, for the International Urban Growth Network; $1 million, for the Earth Sciences and Resources Institute; $2.5 million, for joint Chernobyl-effect research with Texas Tech University

George Mason University, $2 million, for health care in developing countries

Loyola University, $1 million, for the Family Law Institute for Latin American Judges

Louisiana State University, $1 million, for the International Emergency Management Training Center

Historically Black Colleges, $1 million, for the Renewable Energy for African Development Program

St. Thomas University, $5 million, for the Institute for Democracy in Africa

University of Notre Dame, $1.2 million, to support human rights & democracy in Colombia in collaboration with Inter-American Dialogue and the Colombian Commission of Jurists

Western Kentucky University, $2 million, for an independent media initiative

University of Louisville, $1.5 million, to work with impoverished South African communities in partnership with Rand Afrikaans University

China Rule of Law/Temple Law School: Recommends $2 million for an International Rule of Law program and urges AID to consider a proposal for Temple Law School, in collaboration with New York University School of Law, to operate a Business Law Center in China

Tibet/Bridge Fund: Recommends $1.5 million to support development projects administered by the Bridge Fund

Sharada Dhanvantari Charitable Hospital: Recommends $250,000 for the Sharada Dhanvantari Charitable Hospital to administer health care in Karnataka, India

University of Chicago/Chicago House: Urges AID to continue to support the Chicago House in Luxor, Egypt

Northern Ireland Voluntary Trust: Urges the International Fund for Ireland to support the work of this organization

Academic Consortium for Global Education: Expects AID to continue funding the consortium at the current level

Florida State University: Recommends AID support a distance learning project being developed by the university

University of South Carolina: Directs AID to provide $750,000 for the University of South Carolina College of Criminal Justice's Moscow Police Command College

Magee Womancare International: Encourages AID to work with Magee Womancare International to distribute vitamins and educate at-risk Russian women on the importance of nutrition in pregnancy and infancy

World Council of Hellenes: Urges the Department of State to provide $1.5 million for the council's Primary Health Care Initiative

Rotary International/Anchorage Interfaith Council/Municipality of Anchorage: Supports $5 million for providing medical and other assistance to improve the lives of Russian orphans, and expects AID to work with Rotary International, the Anchorage Interfaith Council, and the Municipality of Anchorage to do so

International Republican Institute/National Democratic Institute: Directs AID to assure continuity in support for IRI & NDI efforts to contribute to political reforms in Ukraine

University of Louisville: Earmarks $1 million for training in water and wastewater management in the Republic of Georgia

Fort Valley State University: Earmarks $1 million for training in agribusiness in the Republic of Georgia

City University of New York: Earmarks $1 million for training in transportation in the Republic of Georgia

Colombia Child Soldiers: Instructs the Secretary of State to transfer $5 million to the Department of Labor for rehabilitation and demobilization of child soldiers, and urges the Department of Labor to work with the Colombia Coalition to Stop the Use of Child Soldiers, Justapaz, Asoda, Ceda Vida, and Defense for Children International to develop and fund programs to counsel, educate, and reintegrate former child soldiers

Bill Language

Substitutes 30 Blackhawk helicopters requested by the Administration and the Colombian Government for a total of 60 Huey II helicopters

University of Missouri: Earmarks $1 million for International Laboratory for Tropical Agriculture Biotechnology

University of California-Davis: Earmarks $1 million for research and training foreign scientists

Tuskegee University: Earmarks $1 million to support a Center to Promote Biotechnology in International Agriculture

International Fertilizer Development Center: Earmarks $4 million for the center

United States Telecommunication Institute: Earmarks $500,000 for the institute

American Schools and Hospitals Abroad: Earmarks $17 million for ASHA programs

International Media Training Center: Earmarks $2 million for the center

Carelift International: Provides up to $7 million for Carelift International

American Educational Institutions in Lebanon: Provides $15 million for scholarships and direct support of the American educational institutions in Lebanon

American University in Cairo: Provides up to $35 million for the relocation of the American University in Cairo

Egypt Endowment/Theban Mapping Project: Provides up to $15 million for the establishment of an endowment to promote the preservation and restoration of Egyptian antiquity, of which $3 million may be made available for the Theban Mapping Project

American Center for Oriental Research: Earmarks $2 million for the center

Cochran Fellowship Program in Russia: Earmarks $400,000 for the program

Moscow School of Political Science: Earmarks $250,000 for the school

University of Southern Alabama: Earmarks $1 million to study environmental causes of birth defects

Ukranian Land and Resource Management Center: Earmarks $5 million for the center.

Mr. ASHCROFT. Mr. President, the Senate today will pass the foreign operations appropriations bill and I rise to speak in support of the additional funding for the Drug Enforcement Administration (DEA) that is contained in this legislation. The bill makes additional FY2000 funds available for the DEA to step up efforts against the burgeoning epidemic of methamphetamine—commonly called "meth". This funding is needed for the DEA to combat the explosive meth problem which is emerging as one of the fastest growing threats in our country, especially in Missouri.

With its roots on the west coast, the meth epidemic has now exploded in middle America. Meth is today what cocaine was to the 1980s and heroin was to the 1970s—the hot, "in" drug with a catastrophic potential to destroy all those it comes in contact with—financially, spiritually, and physically. It is currently the largest drug threat we face in Missouri. Unfortunately, it is most likely coming soon to a city or town near you.

If one wanted to design a drug to have the worst possible effect on the community, one would make methamphetamine. It is highly addictive, highly destructive, cheap, and easy to manufacture.

To give my colleagues an idea on the scope of the problem in Missouri alone, let me share with you these frightening statistics: during the whole year of 1992, law enforcement seized two clandestine Meth labs in Missouri and in 1994, the number of Meth labs seized increased to 14. By 1998, the number of seized labs mushroomed to 679. Based on reports of the figures collected in 1999, that number jumped again last year to over 900 labs in Missouri alone. According to the latest national statistics from the DEA, reported meth lab seizures in 1999 for the entire United States totaled 6,438, up from 5,786 in 1998 and 3,327 in 1997. This is nearly a 100% increase in only two years.

The rapid increase and spread of meth across the country has brought with it the problems that we too often see with illegal drug use. As the "popularity" of meth has increased, we have seen the proportional increases in domestic abuse, child abuse, burglaries and drug related murders. In addition, from 1992 to 1998 meth-related emergency room incidents increased by 63 percent.

What is most unacceptable to me is that meth is ensnaring our children. In 1998, the percentage of 12th graders who used meth had doubled from the 1992 level. In recent conversations I have had with local law enforcement officers in Missouri, they estimated that as many as 10% of high school students know the recipe for meth. In fact, one need only log-on the Internet to find numerous web sites giving detailed instructions for setting up a meth lab. This is troublesome.

We in Congress have taken these indicators seriously. Despite yearly appropriations to combat meth abuse and trafficking, the meth problem continues to grow. I believe it is time to dedicate more resources to stopping this scourge once and for all. To that end, earlier this year I joined a number of my colleagues in the Senate in sending letters to President Clinton and Attorney General Reno requesting that at least $10,000,000 in additional funds be made available for the DEA to assist state and local law enforcement in the proper removal and disposal of hazardous materials recovered from clandestine methamphetamine laboratories. This funding would provide the necessary resources for the DEA and state and local law enforcement officials to combat this growing meth problem.

Meth presents us with a formidable challenge. We have faced other challenges in the past and we can face this one as well. In fact, the history of America is one of meeting challenges and surpassing people's highest expectations. Meth is no exception. All it takes is that we marshal our will and channel the great indomitable American spirit.

In order to successfully combat this growing meth problem, we must provide law enforcement officials with adequate resources to stifle this growing epidemic. To this end, I support the increased level of funding in this foreign operation bill, and I encourage the conferees to maintain adequate funding in the Supplemental appropriations measure for fighting the scourge of methamphetamine. Through legislative efforts like this to assist law enforcement efforts to combat meth, we will meet this new meth challenge and defeat it.

Mr. L. CHAFEE. Mr. President, I would like to thank the managers of this bill, Senators McCONNELL and LEAHY, for accepting a revised version of the amendment I submitted yesterday. This amendment addresses international debt relief.

Today we are at the dawn of the new millennium—2000 is the Year of Jubilee. It is in this year that people throughout the world have been inspired by the Book of Leviticus in the Hebrew Scriptures. This book describes a Year of Jubilee, in which slaves are freed, land is returned to original owners, and debts are canceled.

The Bible's teachings of the Year of Jubilee has led to a worldwide movement to have the world's wealthiest nations forgive the debt of the world's poorest nations. Great Britain, Canada, the Philippines, Australia, Ireland, Austria, Germany, Sweden, South Africa, and the United States have national campaigns in this regard. The most prominent churches and relief groups worldwide also endorse this goal.

This spiritual movement in turn is helping motivate the United States and our G–7 allies to put forth the heavily indebted poor countries ("HIPC") initiative. This groundbreaking effort will provide substantial debt relief to poor nations conditioned on making real progress towards economic growth and poverty reduction. It will also emphasize greater budget discipline within recipient countries so that scarce resources, rather than being wasted, are directed where they are needed most.

Although the President requested $435 million this year for the U.S. contribution to the HIPC initiative, the appropriations bill before the Senate today provides just $75 million. The amendment I have authored expresses the sense of the Senate that the United States should authorize and appropriate full funding. This amendment is cosponsored by seventeen of my colleagues, including those who have been leaders on this issue during the past several years. Cosponsors of my amendment are Senators MACK, SARBANES, BIDEN, HAGEL, WELLSTONE, LIEBERMAN, LANDRIEU, DODD, JEFFORDS, LAUTENBERG, GORDON SMITH, DEWINE, LUGAR, FEINSTEIN, GRAMS, INOUYE, and BRYAN.

I believe it is important to draw attention to this critical issue, and would again like to thank the bill's managers for accepting my amendment. I am hopeful that in the coming weeks, we will make further progress towards full U.S. participation in the HIPC initiative. Thank you.

Mr. JEFFORDS. Mr. President, as Americans, we have two vital tasks in our relations with Colombia. We are obligated to help a neighbor that is struggling to build democracy and civil society, and it is in our best interest to assist them in halting the flow of lethal narcotics from the Andean mountains of Colombia to American communities. These are the two underlying grounds for the Clinton Administration's "Plan Colombia," a request for $1.07 billion in emergency supplemental funds over the next two years to aid Colombia.

After a painful decade of violence, the Colombian people have boldly elected an unassailable ally of democracy and reconciliation, President Andres Pastrana, and they are demanding an end to human rights abuses and impunity by both the paramilitaries and the FARC guerillas. At the same time, the lawlessness and violence of southern Colombia have permitted the narcotics dealers to widen their cultivation and consolidate their delivery routes into the U.S. With the remarkable success of U.S. Government antinarcotics programs in Peru and Bolivia, eighty percent of the heroin consumed in the U.S. is now cultivated in Colombia. We have no choice now but to focus our anti-drug efforts in Colombia.

While I realize that we must bring pressure to bear on the drug cartels, my experience with Central America in the 1980s leads me to be very skeptical about the utility of the military response to social and political problems. I therefore have been wary of the Administration's Plan Colombia. My chief concerns with it have been the Colombian military campaign against narcotics cultivation, and the abysmal human rights record of paramilitary groups that have frequently been linked to the military forces. I am also concerned that we not get dragged into a major, long-term counter-insurgency effort which is not our fight.

In the end, though, I decided to go along with the Administration's proposal as significantly improved by the Senate Foreign Operations Subcommittee. The Subcommittee downsized the scale of the Colombian military effort, and shifted the funding from Blackhawk to Huey helicopters. Smaller and more agile, the Hueys are more suited to fighting narcotics cultivation, while the Blackhawks are more suited to counter-insurgency combat. The Subcommittee also increased the bill's sizable human rights component, including new programs to bolster the rule of law and fight corruption. The Subcommittee also shares my concern for U.S. Government responsibility for this expensive anti-narcotics effort by increased funding for end-use monitoring. Given the well-documented human rights problems in Colombia, heightened monitoring is an extremely important component of this program. Although we will be funding a military effort, I note that U.S. military personnel are barred from any military operation, and that the Leahy Amendment puts strict safeguards on the activities of any U.S. funded partner, so that the human rights behavior of the Colombian military will now be under a microscope.

An integral component of the final legislation is sizable funding to encourage judicial reform, strengthen the rule of law, and improve the quality of life for all Colombians. Without greater social and income equality and greater respect for human rights, all our efforts will fail. The military aid can only provide an opening for those who are trying to build the foundation for civil society. By electing President Pastrana, the Colombian people have indicated their desire for a future free of drugs and violence. We must ensure that U.S. assistance is instrumental in helping them achieve that goal.

Let's make no mistake. If this bill becomes law, the U.S. will have made a major commitment to helping Colombia eradicate the narco-business that plagues both it and us. We are pledging to stand beside President Pastrana, an enlightened and popular leader with a broad mandate to pursue this campaign, while he also resolutely holds negotiations with entrenched but highly unpopular insurgents. I think that, for his sake and ours, we must give him the tools and the confidence to see this through.

Mrs. BOXER. Mr. President, today I voted for S. 2522, the Senate version of the Fiscal Year 2001 Foreign Operations Appropriations Act. I voted for the bill despite serious reservations about parts of it because it also funds some very important priorities.

First, the bill provides economic and military assistance to some of America's most important allies, at the level requested by the President.

The bill includes $450 million for international family planning programs, less than requested by the President but more than last year.

S. 2522 also provides funding for many very important international programs, including the Peace Corps, U.N. peacekeeping operations, refugee assistance, and antiterrorism efforts.

I am especially pleased that, with the passage of my amendment to add $40 million, the final bill includes $51 million for international tuberculosis control and treatment and $255 million to fight HIV/AIDS in developing countries.

Unfortunately, attached to the foreign operations bill this year was almost $1 billion in emergency spending for counter-narcotics efforts in Colombia. I am disappointed that the Senate rejected an amendment offered by Senator WELLSTONE, which I cosponsored, which would have transferred the military aid portion—$225 million—to domestic drug treatment programs.

We would have done more to fight the so-called drug war by putting those dollars into proven drug treatment programs here to reduce demand. A Rand Corporation study found that for every dollar spent on demand reduction you have to spend 23 dollars on supply reduction in order to get the same decrease in drug consumption.

And because I fear that the military assistance may lead to further U.S. involvement in the 40-year-old civil war in Colombia, I tried to offer an amendment to simply affirm current Defense Department policy regarding activities of DoD personnel in Colombia. This policy states that DoD funds may not be used to support training for Colombian counter-insurgency operations, participate in law enforcement activities or counternarcotics field missions, or join in any activity in which counter-narcotics related hostilities are imminent.

I was not allowed a roll call vote on my amendment because the chairman of the Appropriations Committee made a point of order that it was legislation on an appropriations bill. However, less than 24 hours earlier, the Senator from Alabama, Senator SESSIONS, had an amendment accepted which also dealt with U.S. policy toward Colombia, and which was also subject to the very same point of order. But no senator objected to the Sessions amendment.

This selective enforcement of Senate rules is a double standard and is unfair. I am particularly bothered because I had strong concerns about the Sessions amendment. This is another breakdown in comity and civility in the Senate, and I am very troubled by it.

Mr. COVERDELL. Mr. President, I rise today in support of the amendment offered by my colleague from Connecticut, Senator DODD, to increase funding for the U.S. Peace Corps.

This amendment will increase funding for the Peace Corps by $24 million, restoring funding to the enacted FY2000 level of $244 million. Even with passage of this amendment, $244 million is well below the amount authorized under the four-year Peace Corps Authorization Act which I sponsored with Senator DODD and that passed Congress with overwhelming bipartisan support last year. The Act authorizes an FY2001 level of $298 million to expand the Peace Corps to 10,000 volunteers, just as President Reagan originally intended fifteen years ago. This amendment will allow the Peace Corps to keep pace in reaching this important goal of 10,000 Volunteers within the next five years.

I remind my colleagues that the Peace Corps represents just 1 percent of the international affairs account. Over the past several years the Peace Corps has worked to increase the number of Volunteers through modest increases in its budget and more efficient management that reduced costs and staff.

As former Director of the Peace Corps, I have learned first-hand of the tremendous impact that the relatively small amount we spend on the Peace Corps has throughout the world. Not only does the Peace Corps continue to be a cost effective tool for providing assistance and developing stronger ties with the international community, it has also trained over 150,000 Americans in the cultures and languages of countries around the world. Returned volunteers often use these skills and experiences to contribute to myriad sectors of our society—government, business, education, health, and social services, just to name a few.

This amendment will help put the Peace Corps on the firm footing it needs and deserves as we enter the 21st century. I firmly believe that a rejuvenated Peace Corps will help ensure that America continues to be an engaged world leader, and that we continue to share with other countries our own legacy of freedom, independence, and prosperity. This is an investment in our country and our world that we need to make.

Mr. STEVENS. Mr. President, I move we go to third reading.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, all Senators have worked very closely on this. We tried to accommodate Senators on both sides of the aisle. I hope we will go to third reading. I am waiting for the chairman of the subcommittee to come back to the floor. I see him on the floor now. We can go to third reading. I hope we will support this bill.

This is not a perfect bill, by any means. It does not do anywhere near enough on debt forgiveness, which is something we are going to have to address, I hope, in conference, and I hope we will have a larger allocation for that. It does not do enough on infectious diseases for the poorest of the poor countries, especially in Africa. It does not do enough for Mozambique and other areas. But it is a considerably well-balanced bill within the resources we had. I do compliment the senior Senator from Kentucky in working as hard as he has to accommodate Senators on both sides of the aisle to do that.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I extend my appreciation to my good friend from Vermont. I have enjoyed working with him on this bill. And I express my particular gratitude to Robin Cleveland, Billy Piper, Jennifer Chartrand, Jon Meek, Chris Williams, Cara Thanassi, and all of my staff involved in developing this measure.

Are we now ready for third reading?

Mr. President, I ask for the yeas and nays on third reading.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the bill be engrossed and advanced to third reading?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—95

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—4

Feingold
Smith (NH)
Thomas
Wellstone

NOT VOTING—1

Johnson

The bill was ordered to be read the third time.

The PRESIDING OFFICER (Mr. L. CHAFEE). The clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill is now returned to the calendar.

Mr. LOTT. I move to reconsider the vote.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I thank the managers of this very important legislation, the foreign operations appropriations bill. It has a lot of important provisions in it, funds that are critical to our foreign policy. We did have two very significant votes with regard to the Colombian aid. I think probably some Members were surprised by the show of support, with 89 votes against cutting the funds in one instance and maybe 79 in the other instance.

This has been good work. It did take patience by the managers and some cooperation on both sides of the aisle. We were able to get it done in a very short period of time. I thank all concerned for their good work. I hope we can continue that and make real progress on the Labor, HHS, and Education appropriations bill this week. After the work we have already done, I think we can show we are doing the people's business.

I commend Senator McCONNELL and I commend Senator LEAHY for being willing to stay here last night and suggest we were going to have more votes last night. That helped get this done. I thank the Senators.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. LEAHY. Mr. President, I want to also thank the distinguished majority leader for his work in bringing this up. This can sometimes be a contentious bill, as he knows. His efforts in working also with the distinguished Democratic leader, Senator DASCHLE, paid off. And the distinguished majority leader had the patience to allow Senator McCONNELL and me to work through an awful lot of amendments on both sides of the aisle.

I thank the distinguished Senator from Nevada, Mr. REID. We heard periodically the crunch in the Cloakroom as he broke a few arms, but we moved it through and got an overwhelming vote.

Senator McCONNELL showed close cooperation with me and with Senators on both sides of the aisle throughout the process. I enjoy working with him. I know he agrees we need more resources for some of these issues, and we will work together to get them.

We have many interests around the world. We know U.S. leadership costs money. I think Senator McCONNELL and I have tried to show a bipartisan cohesion on that.

I thank the staff. They spent many long days and late nights, many long weekends in getting this far. I appreciate that. Robin Cleveland, Senator McCONNELL's chief of staff on the Foreign Operations Subcommittee, as always, has been a pleasure to work with. She shows enormous competence and knowledge. I appreciate that. Her assistant, Jennifer Chartrand, was indispensable to this. Jay Kimmitt on the committee staff and Billy Piper on Senator McCONNELL's personal staff have all been of great help.

On the Democratic side, I mention several. First, I want to mention Cara Thanassi of my staff who was there from start to finish. Ms. Thanassi, on the floor now with me, is a Vermonter. She will be heading back to graduate school, only after she spends a month in East Timor. I am proud of her and what she has done for the Senate. She has shown the best attributes of a true Vermonter.

J.P. Dowd, my legislative director, helped on the Senate floor during the many busy times of the last few days. Of course, Tim Rieser, the Democratic clerk on the Foreign Operations Subcommittee, has worked on these issues in the Senate for nearly 15 years. He probably has as great an institutional memory on the foreign policy issues as anybody in the Senate staff or Senate and was truly indispensable.

Again, I thank the leader for his help in getting the Senate this far.

I yield the floor.

APPROPRIATIONS FOR THE DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES—Continued

MOTION TO COMMIT WITH AMENDMENT NO. 3598

Mr. LOTT. Mr. President, I ask for the yeas and nays on the pending motion.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I again ask for the yeas and nays on the pending motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3600 TO INSTRUCTIONS OF THE MOTION TO COMMIT

(Purpose: To limit the use of funds for standards relating to ergonomic protection)

Mr. LOTT. I send an amendment to the desk to the pending motion to commit with instructions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3600 to the instructions of the motion to commit.

Mr. LOTT. Mr. President, I ask consent that reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the amendment insert:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer any proposed, temporary, or final standard on ergonomic protection.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3601 TO AMENDMENT NO. 3600

(Purpose: To limit the use of funds for standards relating to ergonomic protection.)

Mr. LOTT. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3601 to amendment No. 3600.

Strike all after the first word, and insert the following:

"Of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

"This section shall take effect on October 4, 2000."

Mr. LOTT. Mr. President, I ask consent there be 2 hours equally divided in the usual form prior to a vote in relation to amendment No. 3599.

Mr. REID. I object.

Mr. LOTT. I ask there be 4 hours equally divided in the usual form prior to a vote in relation to amendment No. 3599 and the Democrats' motion to commit with instructions.

Mr. REID. Reserving the right to object, we have just finished several hours on other matters and we have a number of Senators with whom I need to check before we can agree to this unanimous consent agreement. Therefore, I object.

Mr. LOTT. Mr. President, I certainly understand that the Senator would want to consider the situation, where we are, and consult with a number of Senators. In fact, we need to do the same thing on our side.

I ask my colleagues on the Democratic side to see if we can't come to an agreement that is suitable on both sides of the aisle with regard to the amount of time and that we get a direct vote on this very important issue of ergonomics. It is germane to this Department of Labor, HHS, and Education appropriations bill.

We have had a good working relationship together over the past 2 weeks. There is no question we couldn't have made the progress on the appropriations bills if we hadn't had diligent work on the Republican side and a lot of cooperation on the Democratic side including, specifically, the Democratic leader, Senator DASCHLE, and the whip and assistant leader, HARRY REID. All have done good work.

I worry now that we are into a situation where we have an amendment that Members feel very strongly about, that is going to have dramatic impact on business and industry in this country, which is germane, and that we are being told we can't give you a time agreement, we are not going to give you a direct vote.

We have had direct votes over the past couple of weeks on the Patients' Bill of Rights issue, on hate crimes, on gun violence, on the Cuba commission, on abortion issues, on education class size—even though on some of the issues we would have preferred not to have voted or voted not on them with regard to that particular bill. It would also include, of course, the disclosure issue, which we think is a good issue, which should get voted on, but it was a problem being offered on the Defense authorization bill.

We were able to work through that. We got a reasonable agreement. We got a direct vote, and we moved on.

I have already talked with Senator DASCHLE. We are looking for a reasonable way to get this done. I hope we can find it because this is one of the biggest and one of the most important bills the Senate will consider this year. It is the funds for education, for the National Institutes of Health, for the Departments of Health and Human Services and Labor.

I would hate for it to stop at this point. We can make progress this afternoon. We can make progress on Friday. We can make progress on Monday. We could be having votes. With a little focus, maybe we can even finish this bill by Tuesday night or Wednesday. That is what I want to see happen, but we need to get it done and then go on to the Interior appropriations bill, a bill that also is very important and a bill, by the way, Senator GORTON has worked very hard to keep off controversial issues. The so-called rule XVI points will be objected to.

I urge Senator REID and my friend, Senator DASCHLE, to think about this. This is not the end of the trail, but we can have a vote on this important germane amendment, and then we can move on to other amendments and get our work done. I know we will be working together in the next few hours to see what we can come up with. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We have been able to complete, under great difficulty, five appropriations bills. They have had hundreds of amendments. We have been able to finish those bills.

I suggest the best thing to do, as I think the leader has already said he is going to do, is move forward with the debate on this amendment. There are tremendous feelings on both sides of the issue. People feel strongly about it. We should debate it for a while and see if something can be resolved. I hope, if we cannot do that, we might be able to move on to something else that needs to be completed.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 3594, AS MODIFIED

Mr. BOND. Mr. President, I rise today to support in the strongest possible way the Enzi-Bond amendment to the Labor-HHS appropriations bill relating to ergonomics. This amendment will save businesses, small businesses particularly, and other employers, and primarily their employees, from the ravages of OSHA's regulatory impulses running rampant.

As many in this body know, I have questioned OSHA's approach to formulating an ergonomics regulation for several years. Last year, I introduced a bill, which currently has 48 cosponsors, to force OSHA to wait for the results of the study that we and the President—and the President—directed the National Academy of Sciences to conduct on whether there is sufficient scientific evidence to support this regulation.

This measure is known as the Sensible Ergonomics Scientific Evidence Act, or the SENSE Act. Sadly, this issue, as administered by OSHA, has been lacking in common sense in the years that OSHA has been working on it.

We were not able to move the SENSE Act last year, nor were we able to convince OSHA they needed to put some common sense into their regulatory process before going forward with the proposed rule. At this time last year, we were fearful of what OSHA might come up with because it did not look as if they were going about it in a reasonable, responsible way. When the proposed rule was finally published in November and we found out what they wanted to do, it was worse than we could have imagined.

It is tragic that OSHA and this administration have all but disregarded the protections for the rulemaking process that are needed for sound regulations. They moved at an unprecedented pace, and it looked as if they were trying to get this regulation finalized before they even left office.

This is a classic example of ready, fire, aim. OSHA needs to be told they have gone too far and they must suspend the regulation so that it can be redrafted and put into some reasonable, workable approach.

The Enzi-Bond amendment to the Labor-HHS appropriations bill must be adopted, and I urge my colleagues to strongly support it.

I have the honor of serving as chairman of the Small Business Committee, and I have heard from literally thousands of small businesses and their representatives about the utter terror they face of having to comply with an impossible regulation that they cannot figure out and they cannot implement.

Let me be clear, their fear is not that they will have to protect their employees or even that they will have to spend some money to achieve that goal—they are doing that already because they do not want to see their employees have repetitive motion injuries or ergonomic injuries. They want to do what is right for their employees. In many cases, these employees in the smallest businesses are like family. They treat them like family members because they work closely with them.

Instead, this fear, this terror is that they will be forced to figure out what this regulation means, what is expected of them, whether they can satisfy the requirements, whether they will get any results from the huge costs of this regulation, and whether they can convince an OSHA inspector they have satisfied a regulation which gives no clear guidelines.

In some cases, the alternative to complying with the regulation may be to close the company or to move it to another country where they do not have such regulations, or, which is also extremely sad, they may be required to get rid of employees and buy equipment and replace their employees with equipment.

None of these regulatory efforts has to do with assuring protection for employees from repetitive motion injuries. The simple truth is, there is nothing the regulation says that will protect employees. It does not do what OSHA would have us believe it does. It does not tell employers how they can help their employees. On this basis alone, the proposed regulation fails and must be withdrawn.

OSHA likes to say this regulation is flexible. So is a bullwhip. What OSHA calls flexible is really a level of vagueness such that no employer, no matter how well intentioned, would be able to tell what is required of them or if they have done enough. Let me give a couple examples to help illustrate the degree of vagueness that permeates this proposal. These terms come directly from the language of the proposed rule:

Throughout the standard, employers are directed to implement provisions and establish program elements "promptly."

In analyzing a "problem job," employers are instructed to look for employees "exerting considerable physical effort to complete a motion," or employees "doing the same motion over and over again."

Engineering controls are to be used "where feasible." When implementing the "incremental abatement" provisions, employers are to "implement controls that reduce MSD hazards to the extent feasible."

For an employer to evaluate its ergonomics program, it is to "evaluate the elements of [its] program to ensure they are functioning properly; and evaluate the program to ensure it is eliminating or materially reducing MSD hazards."

Ergonomics risk factors are defined as: "(i) force (i.e., forceful exertions, including dynamic motions); (ii) repetition; (iii) awkward postures; (iv) static postures; (v) contact stress; (vi) vibration; and (vii) cold temperatures."

Anytime one lifts a garbage can outside in the winter, one probably goes through all those.

To be effective, however, this regulation must tell employers when their employees will be injured, when an employee will have lifted too much, when the employee will have done too many repetitions, what an employer can do to prevent injuries or to help an employee recover from an injury.

OSHA loves to say this proposal is supported by adequate science and many studies. Unfortunately, none of these studies have answered these critical questions, or at least OSHA has not bothered to include any of that information in this proposed rule.

All other OSHA regulations provide a threshold of exposure to a risk beyond which the employer must not let the employee be exposed without protection or taking a corrective measure.

This proposal is unique in its complete absence of any thresholds. I guess that is what they mean by "flexible." That bullwhip they use can come down at any time and give them the full benefits of flexibility. There is not a single threshold.

OSHA is telling employers: We think you have a problem. We cannot define it. We cannot tell you how to fix it. But you have to go fix it. We will hold you accountable for how well you fix it, even though we cannot tell you how to fix it.

This is absurd. It would be like driving down a highway where the sign said, "Don't drive too fast," but not specifying what the speed limit is. You would never know if you had gone too fast until the highway patrolman pulled you over and told you whether you had gone too fast, according to that patrol person's view of what was "too fast."

This is no way to create an enforceable, workable, worker safety regulation in a country that prides itself on being a country governed by laws, not people.

This proposal is simply unenforceable as it is written. It amounts to nothing more than a regulatory trap which will result in more citations, more fines, more litigation, more legal fees, more confusion, and more problems without protecting a single worker or making a single workplace safer. It is a big bullwhip to threaten employers without telling them how to avoid that which they seek to prevent.

Whatever other problems this regulation may cause for large employers, the problems will be catastrophic for many small businesses. It is impossible to overstate the complications and the burden this regulation could impose on small businesses. Small business owners simply do not have the time, expertise, resources, staff, or understanding of the issue to deal with this regulation while still performing all the other roles that are demanded of them as businesspeople as well as family members.

The same person who may handle sales, accounting, inventory, customer relations, and environmental compliance may also be responsible for safety compliance. With the vagueness of this proposal, the lack of a scientific consensus on what causes these injuries, the lack of a medical consensus on what is an effective remedy, and the naturally complicated nature of this issue, the typical small business owners will be so overwhelmed with this regulation, it will be a wonder if they decide they can both comply with the regulation and stay in business. Every hour they spend on this regulation—and despite OSHA's claims, there will be many—is an hour they will not use to do something that will further increase their business or create more jobs. For small business owners, time really is money. And if they are not dealing with all these roles in their business, they are probably trying to set aside a few hours a day to spend with their children and families.

The Small Business Administration did an analysis of this proposed rule. One of the points they made is that small businesses are not just large businesses with fewer employees, they function in an entirely different way. In addition to their lack of resources and staff, they may also have a different cash-flow structure, which means that the financial burden of this regulation cannot be absorbed as easily.

In many small businesses, they are more dependent on financing for their operating capital, so the cost of implementing this regulation will require the company to take on more debt, thus eroding further its opportunity to make a profit and grow and hire more employees.

Also, small businesses often exist as niche businesses to serve very special needs. They may not be able to pass costs along to their customer easily because the customer may be able to do without the niche product or be able to find it cheaper or more easily from a larger source.

Small businesses are the engine of this great economic expansion we have been enjoying recently. They are the ones that are creating the jobs. They are the ones that are creating the opportunity and creating the wealth for many families around this country. This rule will be sand that can cause this engine to seize up and stop dead in its tracks.

The Small Business Administration's study on this proposal found that OSHA underestimated the cost of this regulation by a factor of anywhere between 2 and 15 times. OSHA simply has no idea how much this regulation will cost businesses, and particularly small businesses. And businesses have no idea what they will get for the money they will be forced to spend.

Employers have no problem investing in safety to protect their employees, but when you ask them to spend excessive amounts, with no guarantee of what they will get in return, they are going to object, and object strenuously.

This weekend, when I was in Missouri, I talked to small businesses, small businesses that are very much concerned about this. Do you know what they said to me? They said to me: Look, we don't want to see repetitive motion injuries. We are very much concerned if one of our employees comes up with carpal tunnel syndrome.

One small business owner said: I have hired two different safety engineers to come in and work with the employees and me to find out where there might be an injury, to help us develop ways of preventing those injuries. We talk with and listen to our workers and say: What are we doing? What can we do differently?

He also said: I have paid a lot of money trying to find an answer. Wherever we can find an answer, we implement it, because it doesn't make any sense for me to lose good workers or to have them suffer the physical pain, which is great, or to have the loss of income which can come from one of these on-the-job injuries. And it certainly does my business no good to be without a valued employee.

And he said: When we look at what OSHA is telling us, how come, if they are so smart, they can't tell me what specific things I can do? What are the standards? I paid these safety engineers to come in and help me, and they have done everything they can. And OSHA doesn't even come close. They are not even trying. They are just going to pull out that big bullwhip and whack me across the back if there is something I missed and something nobody understands can be done to prevent it.

Small businesses are such a vital part of the economy that, 5 years ago this month, I introduced what we call the Red Tape Reduction Act, but it is technically known as the Small Business Regulatory Enforcement Fairness Act, or SBREFA. This act was passed by the Senate without a dissenting vote and signed by the President in March of 1996.

Among other provisions, the Red Tape Reduction Act requires OSHA to convene panels of small businesses to review regulations before they are proposed, at the time when their input can have the most impact.

OSHA convened their SBREFA panel for the ergonomics regulation in March 1999. It should be no surprise that the small businesses that reviewed this regulation thought it would be a nightmare to comply with. Even those businesses that were generally in favor of doing something about an ergonomics regulation, because of the possible ergonomics injuries and the pain they cause, believed that this proposal was seriously flawed and totally inadequate. In every category of question, the small businesses that reviewed this regulation found serious problems. The report was issued, and it contained many criticisms and complaints about the proposal. I will mention a few of them:

> Many [small businesses] felt that OSHA's preliminary cost estimates had underestimated costs.
>
> Some [small businesses] felt that there may be substantial costs for firms to understand the rule and to determine whether they are covered by the rule, even for firms not required to have a basic program and who have not had an MSD.
>
> Many [small businesses] expressed doubt over their capability to make either the initial determination about whether they need an ergonomics program or to implement an ergonomics program itself. Many [small businesses] felt that they would need the assistance of consultants to set up an ergonomics program and to assist them in their hazard identification and control activities.
>
> Almost all of the [small businesses] stated that they would not be able to pass on the costs of an ergonomics program to their customers. The ability to pass through costs may be dependent on the level of domestic and foreign competition.
>
> Many [small businesses] questioned OSHA's estimate that consultants would not be necessary for any element of the program except in 10% of those cases involving job fixes.
>
> Many [small businesses] had difficulty understanding OSHA's criteria for determining the work-relatedness of MSDs. Many [small businesses] interpreted OSHA's criteria for determining the work-relatedness of MSDs in such a way that, in practice, the two criteria in addition to a recordable MSD would be unworkable or ignored.
>
> Some [small businesses] expressed concerns about how certain terms and provisions of the draft rule would be interpreted and enforced by OSHA compliance personnel. Many [small businesses] found it difficult to apply the concepts of feasibility, similar jobs and manual handling, as these are defined in the draft rule.
>
> Many [small businesses] . . . were concerned about perceived overlaps between State workers' compensation laws and the draft standards' medical removal protection requirements.
>
> Some [small businesses] suggested that employers' increased concern about MSDs could create additional incentives for employers to discriminate against individuals who may be members of protected classes of employees based on the perceived likelihood that such workers would have more MSDs than other workers.
>
> Many [small businesses] suggested that non-regulatory guidance would be preferable to a rule.
>
> Some [small businesses] recommended that OSHA delay the ergonomics rule until the completion of the National Academy of Sciences study that is now underway.

Mr. President, those are some of the comments the small business panels offered when they looked at this atrocity. You would think with all these concerns and recommendations, OSHA would have made major changes to the proposed rule to take into account, as they were supposed to, the legitimate concerns of small business. Unfortunately, that was not the case. The changes that were made were merely cosmetic, not substantive, and did not address any of these issues raised by the small businesses. In fact, OSHA made so few changes to the draft that when thousands complained about the short comment period after it was published in November, OSHA claimed the fact that it had been released to the panel qualified as giving interested parties sufficient time to help them develop their comments. OSHA ignored the concerns raised by small businesses that gave up their time to participate in this process in the hopes of helping OSHA fashion a reasonable and responsible, better regulation.

They didn't want to know. They didn't pay attention. This is precisely what the Red Tape Reduction Act was meant to stop, when a Federal agency says: Ready, fire; we will worry about the aim later, and they didn't care about what aim they took. They didn't care about listening to the small businesses. This is a clear-cut example of abuse of the law that is designed to protect small businesses from excessive overreaching and inappropriate Federal regulation.

Unfortunately, this has been a consistent pattern of OSHA during the development of this regulation. There have been numerous stakeholder meetings and meetings with concerned businesses where OSHA received valuable guidance and suggestions that would have led to a better regulation. OSHA has not been willing to work with anyone from the employer community who would have to deal with this regulatory monstrosity. They have pursued their vision of this rule with a myopic tunnel vision that has shut out any and all recommendations that could make this regulation palatable and workable. The intransigence of OSHA in this rulemaking has been positively staggering. Unfortunately, this regulation threatens not only to stagger but to take the breath out of small businesses in the United States.

OSHA would have us believe that they must move forward because of the levels of musculoskeletal disorders occurring among employees. In fact, as employers have focused on MSDs, the numbers have been steadily declining, since 1994, by a total of 24 percent. These injuries now make up only 4 percent of all workplace injuries and illnesses. This progress has come about without an ergonomics regulation.

There is more that needs to be done, yes. We need to continue to work to find ways to reduce these painful and harmful injuries that cost time and pain to employees and deprive employers and small businesses of their ability to turn out product or a service and make a profit. Businesses are willing to consider what makes sense for their employees when there is a solution available.

I told you the story of one small business owner with whom I talked this week in Missouri. I have held conferences. At the National Women's Small Business Conference I held in Kansas City, they talked about problems facing women small business owners. They have problems with procurement. They have problems with access to capital. They are scared to death of what can happen to their businesses because they don't want to see their employees have MSDs or musculoskeletal disorders, injuries from repetitive motions.

They told me they are working on ways to minimize them and eliminate them, but this regulation gives them no help in moving forward in their efforts, which they intend to continue, which are voluntary, which are effective, unlike this rule. There is no help for them in this regulation, just a bull whip, if something goes wrong.

This regulation does not provide a solution or any guidance that would be helpful to employers. If OSHA were smart, they would take a look at what is happening and get out of the way, or offer constructive assistance, help figure out ways to prevent these injuries. OSHA is trying not to reinvent the wheel but telling the wheel which way to go without giving it any guidance.

OSHA will claim they have made changes in response to the concerns of the businesses. They will point to the grandfather clause they included. That is truly a laugh. The only problem is the grandfather clause is worthless. Not a single company in the country which currently has an ergonomics program could qualify for it. OSHA's grandfather clause requires a company to put OSHA's program in place so they can be relieved of having to comply with the OSHA program. That sounds absurd. It doesn't make any sense, but that is what they require. They said: If you will put into place this OSHA program, whatever it is—and nobody knows what it is—then you will have complied with the grandfather clause. But to our knowledge—and OSHA hasn't told us of any—nobody has one in place that meets the impossible and unworkable and unknowable standards of this rule and regulation. Grandfather? That looks like some other kind of relative, not often seen at a family picnic when you apply it to this clause.

OSHA's pursuit of this regulation has been so single minded, they have cut corners with the rulemaking process. Under the proposed regulation, an employer's obligation to implement the full ergonomics program is triggered when an employee has an OSHA-recordable MSD injury. OSHA's definition of a recordable MSD injury is one where "exposure to work caused, contributed to the MSD, or aggravated a pre-existing MSD." An employee could actually have an injury caused entirely by nonwork-related factors. This regulation would require the employer to implement a full-blown ergonomics program if the employee's job requires them to do something as simple as standing, which aggravates the injury.

I have had an ergonomic injury trying to pull up carpet tacks in a new house. I spent a weekend pulling up carpet tacks. I could not move my arm the next day. I went into work. I couldn't use the typewriter, even a pen, but I knew what caused that: pulling up the carpet tacks and ripping up the rug.

Under this rule, if I had gone in and told the employer, darn, I can't use the typewriter, I can't pick up a pencil today, I can't lift the law books, under this definition, that would have been a recordable MSD injury for my employer.

That would not have made him happy. What is even more remarkable about this regulation is that the language comes directly from OSHA's 1996 proposal to revise the recordkeeping standard which has not yet been finalized. OSHA is actually trying to finalize their proposed recordkeeping standard by inserting that language in the ergonomics proposal. That is an outrage and a clear violation of the principles of fairness and disclosure that underlie the rulemaking process that must be and should be subject to challenge under SBREFA and the appropriate procedures and actions.

The fact that OSHA has taken liberties with the rulemaking process is hardly new. Most of us remember in January when OSHA tried to impose on employers the obligation to check the homes of employees who telecommute for safety hazards. OSHA was attempting to do this through a letter of interpretation in response to a legitimate inquiry from an employer. The outcry over this move was so loud and so bipartisan that the Secretary of Labor herself had to withdraw that crazy idea the next day.

One of the reasons OSHA's attempts blew up in their face so badly was because of this ergonomics regulation. Employers immediately realized that if they were responsible for safety hazards in an employee's home, the ergonomics regulation would require them to intrude into their employees' private lives far too deeply. The regulation already expects employers to be responsible for injuries that are not caused by workplace exposures. If employers were to be responsible for safety issues at home, there would be no limit to what they would have to cover. Employers would never be able to control the exposure to ergonomic risk factors in the home, or distinguish which risks were part of work activities and which risks were part of everyday life like picking up their children.

This is the most expensive, complicated, expansive, burdensome, and destructive regulation that OSHA has ever proposed. That is no small title to achieve. When you are dealing with OSHA, that is a high stump to jump. But they have done it on this one. Indeed, it could be one of the most burdensome regulations ever proposed by the Federal Government. OSHA is pursuing this regulation with no concern for the impact it would have on employers, or the fact that employees will lose their jobs because of this regulation.

I call on my colleagues to pass the Enzi-Bond amendment to the Labor-HHS appropriations bill to stop OSHA from finalizing this horribly flawed regulation and force them to reconsider their approach and listen to the scientific evidence and to the people who are making their best efforts, successful in part already today, to reduce ergonomics injuries. To vote against this amendment is to say that an agency can promulgate a regulation without providing an adequate scientific foundation, and they can impose a crushing burden that would drive small businesses out of business and deprive employees of their jobs without considering the impact. That must not be the case.

I strongly urge and beseech my colleagues to support this amendment and put a stop to a terribly bad idea before OSHA takes the bull whip to small businesses throughout this country.

CLOTURE MOTION

Mr. REID. Mr. President, I send a motion to the desk.

Mr. BOND. Mr. President, I believe I have the floor.

Mr. REID. It is a cloture motion.

The PRESIDING OFFICER. The Chair will examine the motion.

The Senator has a right to send a cloture motion to the desk without having the floor.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to commit H.R. 4577 to the Appropriations Committee with instructions to report back forthwith with the amendment No. 3598:

Jeff Bingaman, Richard Bryan, Daniel Akaka, Joe Biden, Richard Durbin, Bob Graham, Barbara Boxer, Byron Dorgan, Max Cleland, Thomas Daschle, Daniel Inouye, Harry Reid, Paul Wellstone, Joseph Lieberman, Charles Robb, John Rockefeller.

Mr. REID. I express my appreciation to the Senator.

The PRESIDING OFFICER. The Senator from Missouri still has the floor.

Mr. BOND. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to share some thoughts on the OSHA regulations, these ergonomic regulations.

First, I want to say that it is a worthy goal to improve safety and health in the workplace, but we ought to look at it carefully and we ought to, as a representative body of the people, look at the democratic aspect of this process and be prepared to examine these regulations before we authorize them to go forward and make sure they meet a scientific standard, and in addition to the extraordinary costs we know they will cause, we need to know that they will actually improve safety and health in the workplace.

Last year, before OSHA published its proposed ergonomic rules, Senator BOND introduced a bill, which I supported, prohibiting OSHA from publishing its final ergonomics standard until the National Academy of Sciences completes a congressionally mandated peer-review of all the scientific literature concerning ergonomics.

Unfortunately, a minority number of Senators in this body were able to block its consideration. This year, I am pleased to join with Senator ENZI, who has tenaciously and effectively pointed out the problems with this rule and why it ought to be delayed.

I just believe that we have to remember that experts have characterized this legislation as "the costliest government job mandate since the founding of the United States." That is a matter that should give us all pause.

I believe it is important to base whatever regulations we have on sound science, and I don't believe that OSHA has done so. This is an important issue. I am going to talk about three cases in recent years in which OSHA has been found not to have based its regulations on sound science or justifiable procedures. I do that because a lot of people think, well, if OSHA says it, it must be good. Somehow they are blessed with "all-knowing wisdom." But you have already heard from Senators who pointed out a number of things that OSHA has done that are certainly not justifiable. It is not what I say to you today, but what the courts have said about this that is important.

Certainly, it is important to provide a safe environment. Ergonomics, though, are based upon decisions and recommendations made by ergonomists and/or engineers, and not physicians, and their medical theories have proven to be controversial.

OSHA has attempted to apply ergonomics in three legal cases that they litigated to judgment. In each instance, OSHA suffered major losses. These cases demonstrate the vast uncertainty surrounding these regulations and the science OSHA claims supports their implementation. Even the "experts" on ergonomics at OSHA admit there is a great deal of uncertainty in these regulations.

OSHA has litigated these claims under the "general duty" clause of the Occupational Safety and Health Act of 1970. This clause provides a general obligation on every business in America, all employers, to protect workers from "recognized hazards" of "death or serious physical harm" and functions as a catchall under which OSHA frequently attempts to expand its regulatory power.

One important aspect in the cases I will discuss is that OSHA had the burden of identifying hazardous job conditions. In the cases I am talking about, OSHA had to prove these were hazardous job conditions, and they have to show how they would be corrected. In the rule we are debating, the burden will be put on the employers to make these decisions. We are going to find out that OSHA could not do it. Yet they are going to demand that every employer in America—many of them small businesses—are to meet these kinds of standards.

No. 1, in the 1995 case, Secretary of Labor v. Beverly Enterprises, OSHA sought to prevent nursing home employees from lifting up residents in order to care for them and move them about the room. OSHA would have preferred carting the elderly residents about with mechanical hoists.

In a 31-day trial before a Federal administrative law judge, OSHA presented four expert witnesses, each with a Ph.D. in this field. These were some of the leading ergonomics theorists in the Nation, some of which had done extensive research on the practice of lifting in nursing homes.

The federal administrative law judge concluded "There is no reliable epidemiological evidence establishing lifting as a cause of low back pain. Science has not been successful in showing when and under what circumstances lifting presents a significant risk of harm, none of the experts could say with reasonable medical certainty that any injury claimed by Beverly employees was caused by their job tasks."

With all of the resources of the federal government, including numerous experts, the Department of Labor and OSHA were not able to fulfill their obligation to "define the hazard in such a way as to advise Beverly of its obligations and identify the conditions and practices over which Beverly may exercise control so as to reduce or eliminate the hazard." That is a direct quote from the judge. If a federal agency is unsuccessful, how are employers expected to meet this burden under the ergonomics rule.

The courts have also spoken in regards to the "flawed" science that is the basis for this proposed ergonomics rule. In the 1998 case Secretary of Labor v. Dayton Tire, OSHA launched an attack on 22 different manufacturing jobs in a single tire-manufacturing plant.

This is yet another case of the federal agency utilizing their large financial and personnel resources to prove their case. OSHA assigned three compliance personnel to a six-month inspection and investigation of the facility. At trial before the administrative law judge it called more than three dozen witnesses, including 31 employees, 4 doctors from the facility, 3 OSHA investigators, and 2 experts.

Thousands of man hours were spent in preparation for the trial, studying the jobs they claimed caused the injuries. The trial lasted 6 months, even though the company only called one witness.

The OSHA witnesses had extensive experience with ergonomics, with one having spent the last six years as an analyst for OSHA whose "primary job" was conducting ergonomic analysis.

OSHA's medical expert in the case was a university professor who was certified as an expert in ergonomics, who with the assistance of three other faculty members and six residents, had conducted extensive analysis of the medical records of the Dayton Tire employees who allegedly suffered from musculosketetal disorders. The Professor confessed during the trial that "if he had been the treating physician, he would not have felt comfortable making a diagnosis of the conditions, nature and cause" of those injuries.

This uncertainty is quite alarming coming from a man with expertise in the area. The fact that he conceded that his study did no more than "present a red flag that something may be wrong" at the plant concerned the judge.

The judge ruled and held that this method was "not trustworthy", "scientifically valid", or "scientifically reliable", stating that "Conjectures that are probably wrong are of little use".

Ultimately, the judge concluded that the expert's analysis "failed to meet the minimal requirements for evidentiary reliability established in Daubert v. Merrel Dow Pharmaceuticals, Inc., the 1993 Supreme Court decision that requires judges to exclude "expert" testimony that uses scientifically invalid methodology or reasoning. This standard is generally referred to as the "junk science" standard."

This testimony was rejected as not even valid testimony under the "junk science" doctrine. That is what OSHA was relying on in that case.

The fact that OSHA characterized the methods of their experts in the Dayton Tire as "widely used and generally accepted" among ergonomics experts, clearly shows that when scrutinized the science that is the basis of this ergonomics standard is fundamentally flawed.

In the 1997, Pepperidge Farm case, OSHA had its only opportunity to have an ergonomics case decided by the full Occupational Safety and Health Review Commission.

The risks that OSHA identified in the case were "capping" cookies—employees lifted the top of a sandwich cookie from one assembly line and placed it on top of the bottom of the cookie on another assembly line in a repetitious fashion.

To abate these conditions, OSHA ordered the company to increase its staff, slow assembly line speeds, increase rest periods, or simply automate the entire operation.

Automation means job loss. People complain that when we automate we are losing jobs. One reason that is happening is these kinds of regulations that drive up the costs; and to make it more economic for a company to avoid these kinds of lawsuits and Federal complaints, they could just go on and create some new form of a machine that could do the work without people.

While the commission did accept some of the major premises of ergonomics, such as repetitive workplace motions causing worker injuries—I am sure under the circumstances that can happen; I would not dispute that—the commission ruled that OSHA failed to show that its proposed ergonomics measures were appropriate means of reducing musculoskeletal disorders purportedly caused by the worksites.

The Commission found that some ergonomic measures had been implemented by the company and that the additional measures proposed by the agency's expert ergonomists were not shown to be feasible and effective.

The decision is particularly damaging because OSHA had enlisted enormous resources and leading experts to show what the company should have done to avoid worker injury. Yet OSHA and its experts could not prove in open court what works, again raising the question of how businesses can make such determinations when OSHA can't.

In these three cases OSHA deployed hundreds of experts and millions of dollars to target what they considered to be particularly hazardous worksites. But because of the flawed science the agency could not determine what if anything was wrong, or how to correct it. And the courts rejected their view. This is why business is concerned.

Some think just because they have the name OSHA, that they do everything right. They have been knocked down time and again by the courts. Businesses do not understand and do not have confidence that the 300 pages of these proposed regulations are going to apply fairly, and they do not believe it is scientifically based. I can understand their concerns. Employers should not be held to a standard that has consistently alluded the agency that seeks to regulate them.

I believe we should pass Senator ENZI's amendment and delay the ergonomics standards until the uncertainties regarding the science and implementation of this can be further explored. I don't know the answer. OSHA has, through these three cases, established that they don't have the answers either. Why don't we allow the National Academy of Sciences' study to be completed? Why don't we get opinions of the physicians and medical experts who can understand these issues before we rush to force these regulations into play?

That is what we should do. That is why I believe the amendment by Senator ENZI is the proper amendment.

Let's get the scientific basis before we act.

I thank the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senators on my side of the aisle who have spoken on the ergonomics amendment and the detrimental method by which OSHA is trying to force the standard through.

I ask unanimous consent Senator DOMENICI be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I thank Senator HUTCHINSON for his great delivery on the way the rulemaking process works and the way it has been forced in this instance. I thank Senator BOND not only for the speech he gave on the floor a while ago but for his continued interest and knowledge on the issue of ergonomics and his particular concern for the small businessman and how this rule and former "rumored" rules would affect them.

This is the furthest a standard has ever gotten on ergonomics. It has now been published. It is the first one to be published. Now people have an opportunity to see how harmful or damaging it can be.

I am the chairman of the subcommittee on workplace safety and training. I have worked a number of OSHA issues since I have been here. I have always tried to be reasonable on the issues on which I have worked. I appreciate comments from the other side of the aisle about the way I have worked with the other people.

I need to let everybody know what is happening. There are the votes to pass my amendment, so there is a filibuster to keep it from ever coming to a vote. There are people who would prefer not to vote on this measure at all. If they are listening to the debate, they should be interested in making sure that the rules get the full amount of time needed to decide properly whether that will provide the workplace safety about which we have been talking.

I offered an amendment, and there was a motion to commit. Some may not know what a motion to commit is, using another bill. It sends it back to committee to put in a completely different provision from ergonomics. There was an insistence it be read in full. It took only an hour and a half out of our day. That is Senate procedure.

Now we have an amendment on the bill again that brings us back to the ergonomics amendment. It is essential we get a vote on this ergonomics amendment. It is essential the Senators get an opportunity to say whether they think OSHA has been rushing a bad product. You will see a very conclusive vote on that when it comes to a vote.

This is a vote about how your Government, more specifically your bureaucracy, operates. This is not about safety necessarily, because if it was about safety, there are some other approaches OSHA would take. OSHA is not necessarily a safety organization. It is about fines, not necessarily prevention.

One of the things that has come up since I have been working on the OSHA issues is an explanation of how much injuries have increased since we passed the OSHA Act. I decided I would go back another 30 years before the OSHA Act and see what has been happening with injuries in this country. Do my colleagues know what I discovered? Injuries were decreasing at the same rate since 30 years before we thought of OSHA.

Do my colleagues know why that is? It is because businesses are concerned about their people. They are concerned about them. If they do not have a worker there, they are not getting the work done that they expect that person to do. Injuries cost money. Injuries are difficult to work with.

When we were doing the hearing on the work restriction protection—that is the part where workers comp will supersede State workers comp on the Federal level, which is poorly designed, very inadequate, and there is no money to do it—during that hearing, we received testimony from Under Secretary Jeffress. I was pleased to read his testimony. Witnesses get a short time before the committee to present testimony. During the course of that, I will read the rest of the testimony so I know what they intended to say if they could have said everything they wanted to say.

I ran into a paragraph about New Balance shoe manufacturing facilities. That caught my eye because for years my wife and I ran a shoe store in Gillette and in a couple of other places. New Balance was one of the shoes we sold. I was very pleased they make narrow shoes. It is a very good tennis manufacturing company.

In the statement, it said this New Balance shoe manufacturing company cut their workers compensation costs from $1.2 million to $89,000 a year and reduced their lost and restricted days from 11,000 to 549 during a 3-year period.

I asked Secretary Jeffress how much they had to fine this company to get them to do that fantastic work. They did not have to fine them. Of course not. Can you imagine the economics of reducing your cost from $1.2 million to $89,000 a year? That is good business. It also saves employees.

There are other examples of companies that have reduced their injuries dramatically. I said if OSHA was not there to fine them, how would that possibly have happened? Again, companies, for the most part, are extremely concerned about their employees. In fact, when the ranking member of our subcommittee spoke earlier, he mentioned that in his State of Minnesota, GM and 3M, and some other companies I did not get written down, are reducing their injuries dramatically. What I would like for him to do is to call those companies and see if they think this standard is essential to continue to do that.

The answer will be a resounding no, this will cost them a lot of money which will be diverted from the things they are already doing.

I wonder how many people know that ergonomic injuries, according to Department of Labor statistics, have gone down 24 percent since 1994. Imagine that. This rule was not in place. This rule is just proposed. Yet American business reduced ergonomic injuries 24 percent. There were no fines, no penalties, no standard, no rule, just concern for their employees. It is pretty amazing.

Can you imagine what those businesses would be able to do if OSHA saw as their mission preventing injuries—not fining, I did not say fining—preventing injuries and focused their efforts on helping businesses, particularly the small businesses for which Senator BOND expressed deep concern, the people who do not have all of the experts on board to make the best care possible? If the focus of OSHA helped those small businesses figure out what they could do differently, I bet we could get that decline rate up to about 50 percent, but it takes some experts helping out, not total concentration on a phony rulemaking procedure.

Oh, did I say "phony"? I am sorry, but not very sorry because when I explain how this rulemaking procedure is working this year, everybody in this Chamber might agree that it is a phony process.

OSHA is paying witnesses to testify. They are not paying expenses, they are paying them to testify. They are not just paying them to testify, they are even telling them other things they ought to say, ways they can beef up their testimony. If it is a $10,000 expert, don't you think he could write his own testimony? I do.

OK, a $10,000 expert, and then they have them come and do a mock hearing. An expert needs a mock hearing? I do not think the whole $10,000 goes to the testimony, because from some documents I have been able to look at, it appears to me $2,000 of that is really supposed to be to tear apart any testimony in opposition OSHA gets. They are paying people to tear other public testimony apart. Does that sound like something your Government ought to be doing? That is how badly OSHA wants this rule.

It was mentioned this morning that this is a proposed rule. Of course, it is a proposed rule. There is a process that it is supposed to go through, and it is not supposed to just take a year. That would be a record for OSHA even when they are doing much simpler rules. This is a very complicated one, a very expensive one, time consuming, and a damaging one. They are going to force it in a year. Every indication I find says they can do it unless we adopt this amendment. Is that why we are getting so much opposition through a filibuster to adopting this amendment?

Yes, this is about your Government, specifically your bureaucracy. This is about how your Government can control the business you work for without getting anything for the employee in return.

We heard some stories this morning about working people's lives, and we are concerned about those working people's lives. I was in small business, and when you work with people in small business, it is not a boss-employee relationship. If you cannot get along better than that, you probably will not have them as employees.

We had some examples of a few people, and there are many throughout the United States, who are being injured through repetitive motion. I am asking all of the businesses that deal with that to concentrate on eliminating the repetitive motion. I am asking OSHA to work with those businesses in finding ways to eliminate the repetitive motion.

Earlier we mentioned home office inspections, and everybody got up in an uproar saying that was already taken care of. Yes, this same department that we are talking about as proposing this rule—the same one—said that they had the right to go into homes and inspect. That raised a lot of interest, a lot of concern, and in about 48 hours—48 hours after we discovered it, not 48 hours after it was done—they discovered how terrible that was and they reversed it.

I really think if they think about the process that we are going through here, they would give some very serious consideration to reversing what is going on right now: Forcing a rule through, not giving any indication that any changes would be made, and part of that comes from this paying of witnesses.

Another issue we are dealing with around here is one about China, PNTR. I am getting a lot of letters on it. I am sure everybody here is. Half of those letters are talking about the way jobs are going to go overseas.

I am part of the NATO Parliament. I went to the last session of that. We talked about the way the Parliament changes. I was on the economic development committee for that. We talked about the ways that some of these other countries are having economic development. I saw some examples of how they were having economic development.

I saw a factory where people work for extremely long hours, every day, in complete body outfits, where only their eyes are visible. Their eyes are visible because they look into microscopes all day and weld on hard disc drives. It is an extremely tedious, repetitive motion. Those people get $350 a month. It should not happen.

But when we pass rules, by forcing rules through that greatly increases business costs, without protecting the worker at all, we are exporting jobs. The unions ought to be up in arms about this rule and what it will do in exporting American jobs. It concerns me. I hope it concerns everyone.

A lot of these things are interconnected. But the issue we are talking about here isn't as much what the rule is as it is the way it has been pursued.

I have asked questions to get information about how the process is working. I did not get the information. I found out the House had the information. I requested the ability to see it. I was told it could not be brought to my office. The House had fortunately made an arrangement by which I could look at it. But the arrangement did not say, "in my office," so I had to go over there. But I was willing to do that. I was astounded at what I found when I got over there and figured out why it was they wanted me to go to every last bit of effort to look at it that I possibly could.

I have shared some of that with you. I would have liked to have shared it with you in more detail, but the agreement they had for me to even look at it said there was privilege in this that keeps a Senator, in an appropriations process, from being able to see the documents he needs to be able to see to know how the money is being spent so he can make decisions about how it will be spent in the future. I think that is unbelievable and it is just not right.

We have had some testimony in committee. We found out how OSHA gathers its testimony. We have found out how the whole process works. That is why I have asked everybody to vote against this.

QUORUM CALL

Mr. ENZI. Mr. President, I could go into more examples of what has been happening. I could counter some of the things that have been said, but at this point I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Smith of Oregon). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ENZI. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 6]

Durbin
Enzi
Feingold
Gorton
Harkin
Kennedy
Kerry
Lott
Reid
Smith (OR)

The PRESIDING OFFICER. A quorum is not present.

Mr. LOTT. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Majority Leader.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.—

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—94

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—3

Breaux
Conrad
Murkowski

NOT VOTING—3

Boxer Inouye Johnson

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, in a moment I will put in another quorum call. I thought we should go ahead and conclude that vote. We have come up with a procedure that I think is fair which will allow the Senate to go forward on the two issues that are now pending before the Senate. We are working on both sides of the aisle to make sure Senators are aware of what we are proposing. If we are able to get that agreement, there would be a couple of votes stacked in an hour or so. If we cannot get it agreed to, then there will be a vote here in the next 15 minutes.

I am sorry I cannot give a more certain answer right now. We hope to have some agreement in the next few minutes. We will then put in that unanimous consent request and proceed to have some debate agreed to and the two votes, or go straight to the point of order on the pending motion.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that the pending motion to commit be withdrawn and amendment No. 3594 be withdrawn and the Enzi amendment No. 3593 be laid aside. I further ask consent that the Robb amendment to the instructions be drafted and offered as a first-degree amendment to the bill.

I further ask consent that there be 1 hour for debate equally divided on both issues to run concurrently, and that at the conclusion of the time, the Senate proceed to vote on the Enzi amendment No. 3593, to be followed by a vote on the prescription drug amendment, without any intervening action or debate.

Mr. DASCHLE. Mr. President, reserving the right to object, I assume that the majority leader is referring here to an up-or-down vote in both cases.

Mr. LOTT. Absolutely. That was the understanding that was reached.

Mr. DASCHLE. Right.

Mr. LOTT. Some on both sides had reservations about that, but that was the only way we could bring it to a conclusion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The motion to commit and the amendment (No. 3594) were withdrawn.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, just so we can have an understanding of this, on our side the time with regard to the Enzi amendment on ergonomics would be controlled by the Senator from Wyoming, and the time on our side against the Robb amendment would be controlled by Senator Roth.

I presume Senator ROBB would have the time on your side, I say to Senator DASCHLE. Who do you wish to control the time on the other issue?

Mr. DASCHLE. Mr. President, I designate Senator ROBB as our manager on the Robb amendment and in control of the time. The manager in opposition to the Enzi amendment will be the senior Senator from Massachusetts, Mr. KENNEDY.

Mr. LOTT. I believe we are ready to proceed with the debate. I yield the floor.

MODIFICATION TO AMENDMENT NO. 3598

The PRESIDING OFFICER. The clerk will report the Robb amendment.

The legislative clerk read as follows:

Amendment No. 3598 previously proposed by the Senator from Virginia [Mr. ROBB], as modified.

Mr. REID. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to the previous order, the modification to the amendment is as follows:

At the end of the bill add the following:

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I yield myself 2 minutes of the 15 minutes that are allocated to the affirmative position on this amendment.

Mr. President, for the benefit of our colleagues, I would like to summarize this amendment as succinctly as I can. It is a bipartisan bill that would guarantee access to a comprehensive, meaningful prescription drug benefit for all Medicare beneficiaries. Unlike other drug proposals, our bill would guarantee total coverage for seniors, without any limits or gaps.

Let me say, however, to my colleagues on the other side of the aisle, that this benefit is not some "big government" solution to the Medicare prescription drug problem. In putting this proposal together, our bipartisan group opted to rely on private sector, market-based mechanisms to deliver medications to seniors. Competition and choice are at the very essence of our bill. For those who suggest that we need to take a centrist approach, I say that this bill is that logical bipartisan compromise. And we need to act on it now.

Mr. President, today is June 22. With the Senate deep into the appropriations process, we have very few legislative days left in this session. If we are going to get a prescription drug bill to the President's desk, we need to consider one now.

Mr. President, I've spoken previously today about the stories I heard in a series of health care fora held in my state over the past month. In one of them, I spoke to a physician who was prescribing the drug Tamoxofin for women who had been diagnosed with breast cancer and who were Medicare eligible. One woman was sharing her prescription with two other women who simply could not afford it—a travesty by any health care standards. I've heard many other stories of similar magnitude.

Prescription drugs are clearly a part of modern medicine today. They are a necessity, not a luxury. I ask that our colleagues respond affirmatively to this chance to provide modern medicine to those who are eligible for Medicare.

I reserve any time not used.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I yield myself 3 minutes.

Mr. President, I rise in opposition to the so-called Robb amendment, not because I necessarily oppose its terms but because it affects, in an adverse manner, the possibility of getting legislation on prescription drugs enacted this year.

Prescription drugs is a matter before the Finance Committee. It is undoubtedly the most important domestic legislation that will be considered this year. Nothing will happen if we permit this legislation to become partisan. We do not need a Democratic bill. We do not need a Republican bill. We need legislation that represents a bipartisan consensus on both sides of the aisle.

We have worked very hard in the committee to develop the kind of information that is essential to design a bill that will meet the needs of the American people. We have spent something like 15 days on hearings, bringing before us experts as to what we should do to, frankly, modernize our Medicare legislation.

The last 2 weeks have been spent in meeting with Republicans and Democrats alike on the various proposals that have been made both by Republicans and Democrats in the House and the Senate.

We just completed that process this afternoon. I am very happy to say that I think the end results of these meetings give us a good chance to develop a bill that can be supported by both Republicans and Democrats.

I know there are people who want to make this a partisan issue. I know there are people who want to have a Republican issue on this matter, and the same is true on the Democratic side. But I say that this matter is too important—too important to our senior citizens—to try to rush it through in a political way rather than working together.

During our hearings, we had representatives of the AARP and other advocate groups. The one message they gave that came through loud and clear was: Do not rush something through. Make sure that whatever you do will meet the needs of the American people. They urged, time and again, that it is essential that we act with care.

Let me point out, to those who want to have a vote all of a sudden on a piece of legislation that has not been studied, that in 1987, the Congress voted for—and it was signed into law—catastrophic legislation. That was passed in 1987. In 1988, it was revoked because the legislation did not do what the people thought it would do. We must not make that mistake again.

It is critically important that as we move ahead, we move ahead with care and understanding. Let me say, I understand full well the importance of this legislation and want to get it done. But it does not help the process or the development of a good piece of legislation if it is handled in a partisan way.

This bill was only introduced 2 days ago on June 20. The text of the bill has not even been printed in the CONGRESSIONAL RECORD. Are we going to act on that today without an understanding of what it includes and what it means?

It is estimated this legislation would cost, over 10 years, something like $200 to $300 billion.

The PRESIDING OFFICER (Mr. SESSIONS). The time of the Senator has expired.

Mr. ROTH. I yield myself 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. In 5 years, it is estimated it would cost something like $75 billion. Under the budget resolution, we are allowed to spend $20 billion in 5 years, if we have no reform. If we have reform, our program can consume up to $40 billion. This piece of legislation would cost something like $75 billion. The last thing we need to do is move ahead on legislation that would put our Medicare program at greater risk. Its solvency is already estimated to last only until 2025. In adopting what will be admittedly an expensive new program, we want to make sure that it is fiscally sound.

I urge and hope my friends on both sides of the aisle will reject this legislation and give the Finance Committee, which has jurisdiction, the opportunity to develop a bill that will serve the needs of our senior generation.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Virginia.

Mr. ROBB. Mr. President, I yield 5 minutes to the Senator from Nevada, Mr. BRYAN.

Mr. BRYAN. I thank the Senator from Virginia.

Mr. President, I am pleased to join with my colleague from Virginia in offering a Medicare drug program.

For the 223,000 Nevadans who are Medicare recipients, no legislation we will debate in this Congress is more important for them. Two-thirds of them have either no prescription drug coverage at all or inadequate coverage—this at a time when prescription drug prices are increasing at a rate of nearly 20 percent a year.

I will talk about what this measure will do. First, it provides guaranteed and universal access to prescription drugs. Unlike some of the other proposals being debated, this benefit will actually be available because it is offered as an integral part of the Medicare program. Second—and this is important—the benefit is comprehensive and defined, simple. It is understandable. Beneficiaries understand what the coverage is, and it will not change from year to year or month to month. Moreover, this is the only proposal to offer complete coverage after the deductible. There are no gaps or limits. The bottom line: All seniors will be guaranteed access to affordable drugs and will have the peace of mind knowing that full coverage is provided for any and all expenses above $4,000. Any expenses for prescription medication above $4,000 are completely handled under this program. Third, this benefit is affordable for all beneficiaries. Those with the lowest incomes are provided the most assistance.

Finally, and critically, this proposal maximizes competition and provides choices. All of us who have been privileged to serve on the Finance Committee and to study this issue recognize the element of competition and choice as being an essential reform. This is not a one-size-fits-all program. Multiple private businesses are used to administer and deliver the benefit so there is competition at two levels: first, in terms of who are being chosen to provide the benefit and, second, those who are chosen compete and try to sign up beneficiaries for that program. So there is both competition and choice.

In sum, this amendment gives beneficiaries what they need most—long overdue coverage of prescription drugs—and it also injects competition into the program and provides choices for beneficiaries. It is the first proposal to offer universal, guaranteed, affordable, fully-defined comprehensive coverage, no limits, no gaps, no gimmicks. This proposal is for real. Beneficiaries will know what they are getting, and they will know without a doubt that the benefit will actually be provided.

I urge my colleagues to join me in supporting the proposal of the distinguished Senator from Virginia. The time to act is now.

I yield the remainder of my unused time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, does the Senator from Delaware or anyone opposing this particular bill wish to speak at this time?

Mr. ROTH. The Senator from Virginia may proceed.

Mr. ROBB. Mr. President, I yield 3 minutes to the Senator from Florida, Mr. GRAHAM.

Mr. GRAHAM. Mr. President, I commend our colleague, Senator ROBB, for the outstanding leadership he is providing on this critical issue. On Monday, Senator ROBB and I visited the Archbishop McCarthy Residences in Opa-Locka, FL. There I met an elderly lady who had this story to tell. She had purposefully joined an HMO in order to be able to get access to pharmaceutical coverage.

Two months ago, the HMO announced it was dropping all pharmaceutical coverage. This was the first month in which the impact of that was felt by this elderly American. What did it do to her? She has five medically necessary prescriptions. She had to decide to forgo three of those five because she could not afford them. The two she thought she could not omit cost her $168 a month out of her very limited income.

This is not a theoretical or conceptual issue. This is a real life-and-blood issue for millions of Americans.

It has become an issue, in part, because of our successes. When Social Security was established in the mid-1930s, the average American had a life expectancy after 65 of 7 years. Today, the average American has a life expectancy after 65 of 17 years. According to the Census Bureau, 100 years from today, the average American will have a life expectancy of 27 years after they reach 65.

Those numbers have fundamentally changed what constitutes effective, humane health care. It has meant that we need to be making an investment in prevention. If a person is only going to live a few years after retirement, one could argue, why spend the money on prevention. But if a person is going to live 17 or 27 years, that is a big share of their life.

In addition, because of that extended life, there is more emphasis on care for people who have chronic conditions that have to be managed for many years. Both of those, prevention and chronic care, necessitate access to prescription drugs. That is what this plan will do.

The year 2000, the beginning of the 21st century, will mark the year in which older Americans will no longer have to make the choice that the woman in Opa-Locka did, to drop three of her medically necessary prescriptions and then end up paying a very high part of her meager income to buy the two drugs she could not avoid.

I congratulate our colleague for bringing this amendment forth. I urge all of our colleagues to see this as a kind of opportunity and pass the Robb amendment.

Mr. McCAIN. Mr. President, it is simply wrong that many of our nation's seniors who live on fixed incomes must choose between medicine and food. Our seniors should not be forced to drive over the border to Canada to purchase affordable prescription drugs.

As I have said many times over, we must work together to develop an initiative for helping America's seniors obtain the prescription medication they so desperately need without forcing them to chose between groceries and vital medicines. Each of us must put aside partisan politics and work together to help our nation's seniors—many of whom are skipping or ignoring their medical needs because of the exorbitant prices they must pay for medication.

But I can not support the proposal before the Senate this evening. I can not support using parliamentary procedures and political posturing to force a vote on a proposal that has not been available for extensive review, analysis and input—particularly from our constituents and the very seniors we are trying to help. That is simply wrong.

Congress must take great pains to ensure that a Medicare prescription drug plan does not repeat the mistakes of Medicare Catastrophic legislation in the late 1980's. Medicare Catastrophic made broad, expensive reforms in the Medicare system which seniors saw as excessive, unnecessary and unviable. To truly help seniors obtain prescription drugs we need to take the time to engage in a thorough debate carefully scrutinizing and vetting the proposal. We must be conscious of what America's seniors want and need, and balance that with fiscal restraint and responsibility. We must find a method for helping our nation's seniors have access to prescription drugs that does not place an unfair and unexpected burden upon them or the taxpayers.

Mr. President, I respectfully request that my remarks be included in the RECORD with the debate regarding this amendment.

Mr. JEFFORDS. Mr. President, let me take just a brief moment to explain to my colleagues why they should join me in opposing the Robb amendment.

I am going to vote against this amendment because this amendment would stall a very important bill, the Labor, Health and Human Services Appropriations bill, and send it back to go through the process again. I have been meeting on a bipartisan basis in the Finance Committee, working in good faith, to come to an agreement to provide prescription drugs through Medicare. I am disappointed that my colleagues have decided to throw bipartisanship aside and offer this politically motivated amendment. The fact is, Mr. President, I got this amendment only a few minutes ago, and it has not even been printed in the CONGRESSIONAL RECORD.

I have always been very clear that I support a prescription drug benefit for Medicare beneficiaries, and I have several well drafted bills that would help seniors with their drug costs now. I have been working on a bipartisan basis to address the issue of coverage for seniors as well as the issue of the inequity of international pricing disparities for prescription drugs.

It is very difficult to understand this amendment because it is actually missing several pages, but from what I can tell, this bill has serious problems that need to be addressed. First, this amendment is drafted in such a way that would threaten the solvency of a Medicare program that is already in financial trouble. This proposal contains no reforms that would make the program more efficient, and in fact could cost as much as $300 billion over 10 years—far more than has been set aside in the Budget. The fact is, this amendment has not been considered by any Committee, and has only been considered for 30 minutes on this floor. In short, Mr. President, this is no way to pass landmark legislation that will affect all of our senior citizens.

For these and other reasons that I do not have time to list, I will join a bipartisan group of Senators in voting against this ill-advised procedure and against a politically motivated amendment that will keep us from accomplishing a real, bipartisan prescription drug benefit that will help our seniors right now. It is my intent to vote on a real prescription drug benefit that will benefit all seniors, and to complete legislation this year that will address the inequity of international pricing disparities.

Mr. ROBB. Mr. President, how much time remains on the side of the proponents?

The PRESIDING OFFICER. The Senator from Virginia has 6 minutes. The Senator from Massachusetts has 15 minutes. The Senator from Delaware has 11 minutes.

Mr. ROTH. Mr. President, I yield 3 minutes to the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am concerned about the need for prescription drug assistance to needy seniors. I have traveled all across my State and, frankly, I think there are many seniors in need of some stop-loss protection. Those without coverage want to be able to buy drugs at discounted prices like those with coverage can because they are part of a group. This measure brought before us today literally takes longer to read than we have allowed for debate in the Senate on it. My staff hasn't been able to get a copy of it, which doesn't provide us with an intelligent and responsible way of making decisions here.

I think there are some good concepts here. I like the concept of stop-loss protection. In talking to people in my State, they want that. They want some sort of copay for people, but they want this to be available for people at all income levels. We spend a lot of time here in the Senate trying to make it possible for people to make good decisions by mandating that there be plain language, or that there be time for people to read things, or time for people to consider things in making contracts or otherwise entering into agreements. Yet we are being asked today, without any strong, valid, and reliable estimation as to cost, without an opportunity to actually see what is being proposed, to make a commitment, or instruct the Congress to commit to the expenditure of funds that might invade the Social Security surplus, which might well impair the capacity of this Government to meet its other obligations. It is not responsible. It is not the way we ought to do business.

So while I very much appreciate the effort, and I believe that we ought to find ways to help needy seniors to get access to prescription drugs, which can frequently keep them out of the hospital and help them remain independent and can save what would be hospital costs under Medicare, I think it is reasonable that we would have an opportunity to read the legislation, an opportunity to know something about an accurate estimate of its cost.

So I have to say that I don't think we should pass that which we haven't read, or that which is not available for our inspection. For that reason, regrettably, I announce that I will have to vote against this legislation. I think its intention is good, and I think many of its proposals appear to be in line with what the people would want and expect but without having an opportunity to read it and inspect it, to understand it and understand its cost, I think it is unwise for us to vote in its favor.

The PRESIDING OFFICER. Who yields time?

Mr. ROBB. Mr. President, I yield 2 minutes to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I, too, commend my colleague from Virginia, Senator ROBB, for his wonderful leadership on this issue. My colleagues have already spoken eloquently about the need for prescription drug coverage among seniors and, certainly, the basic components of this amendment. I won't reiterate what they have said. We, as a body, must make this a priority, and we have not. I think this amendment is timely because the House is scheduled to act on it today. It is quickly becoming a crisis issue for many seniors in the country today, and that is why I am here as a supporter of a bipartisan plan in the Senate.

As a Senator who represents the State with the highest poverty rate among seniors, I am committed to seeing that the Senate act this year to implement a prescription drug plan. With all due respect to the chairman's comments in terms of timeliness and what must go through committee, the bottom line is that we are running out of time to do something on this issue.

This plan will provide immediate, affordable, and comprehensive drug coverage to seniors who often have to make the choice between buying food to eat or buying the prescription drugs they need. I want to emphasize the importance of the Medicare outpatient drug plan to rural seniors. In particular, this plan helps all seniors, particularly those who are low-income and living in rural areas. This is important because low-income and rural seniors are less likely to have adequate prescription drug coverage. Nationally, rural seniors are 60 percent more likely not to be able to buy needed prescription drugs due to their high cost. A greater proportion of rural elderly spend a large percentage of their income on prescription drugs. Rural beneficiaries need adequate coverage because they are more likely to have poor health and lower income than seniors living in urban areas. In Arkansas, 60 percent of the State's seniors live in rural areas.

This is a good prescription drug proposal. It is a fiscally sound proposal that offers free coverage to our Nation's poorest seniors and reasonable benefits to those who can better afford to pay for some of their benefits. Our seniors deserve to enjoy healthier, longer lives without having to worry about affording the medicine they need. The Senate must act this year and this is an excellent time to do it.

I thank the Chair.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, in a short time, we are going to have two votes that will define the difference in values between the two political parties in this Chamber. For 2 or 3 years now, President Clinton has been calling for a prescription drug benefit under Medicare. During that period of time, the Republicans were in control of the House of Representatives and the Senate, and a bill never came to the floor to deal with this issue, which is paramount in the minds of families across America. On the Democratic side, we have asked, from day 1, for a chance to bring the President's proposal or our own proposal to the floor. The only way this vote came about this evening on a prescription drug benefit under Medicare is because we had to tie this Chamber into procedural knots to achieve this vote.

Well, I commend the Republicans who are supporting this bipartisan measure, and I hope many of them will cross the aisle and join us in a bipartisan show of support for a prescription drug benefit. For those who think they can vote against this prescription drug benefit and go home and explain that it was such a new idea and they didn't have a chance to read it, I can tell them the President has had a proposal here for years. This idea has been out here for years. You have been in control of the committees and in control of the Senate. We have waited for your prescription drug benefit, but there is nothing for us to consider from the Republican side. The vote that we will cast in a few minutes will give Republicans and Democrats alike a chance to go on the record for a good prescription drug benefit bill under Medicare.

The second vote we will cast also defines the values of the parties. To think that each year over 600,000 workers in America get up and go to work and do their very best in the workplace and get injured because of these so-called musculoskeletal disorders, and they don't have the kind of protection they deserve from their Government. This is a call to action in this Chamber—a call to action that was heard by Elizabeth Dole when she was Secretary of Labor. She said we needed a standard, a call to action, which has been heard over and over again from working families across America.

The Republican position is to turn a deaf ear to these workers, ignore the fact that they are facing debilitating injuries and disorders in the workplace, which haunt them for the rest of their natural lives. It is the position of the Republican Party to stop this effort to bring safety to the workplace. This is nothing new. There has not been a single time in America's history when we have come forward with protection for workers that business interests didn't stand up and try to block it. Whether we are talking about child labor laws, safety in the workplace, time and time again, they have said it is too much Government, too much meddling, it will cost too much.

Well, I think the value on human life and the value on safety in the workplace is not too high a price to pay. We have an opportunity today to pass a prescription drug benefit that will truly help the seniors and the disabled, an opportunity to stand up for millions of workers across America who expect us to be sensitive to their needs. In my experience in life, years ago, I had one of those assembly line jobs. I saw injuries in the workplace. I saw people taken out of the workplace, down to the doctors office, and off the job for weeks at a time for injuries.

Perhaps there are some in the Chamber who have never seen that. But it is a memory that will be with you for a lifetime. Those workers—men and women—and their families expect us to stand up for safety in the workplace. That is our obligation. The response from the Republican side is, let's postpone this at least another year, and in another year there will be another 600,000 injured American workers. That is unacceptable.

The vote we will cast on these two issues really defines the values of our parties.

Mr. ROTH. Mr. President, I yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Thank you, Mr. President. I thank the chairman of Finance Committee for yielding me time to make a couple of brief comments on the issue that is before the Senate.

Let me suggest, first of all, that the issue in the Congress is not whether or not this Congress should be for providing prescription drugs under the Medicare program to seniors. There is no difference in that. I don't know of any Member of Congress to whom I have talked—either in the House or in the Senate—who is opposed to saying to the Nation's 39 million Medicare beneficiaries that they should be covered for prescription drugs. That is a given. The question is not whether they should be covered; the question is, How are we going to do it?

I suggest that this is a baby who is not ready yet to be born. What do I mean by that? What I mean is that we are taking 30 minutes to debate an attempt to pass a prescription drug proposal on which a national Medicare bipartisan commission spent a year and a half working. We are, in 30 minutes, trying to pass a bill which has never come through the appropriate committee of jurisdiction—the Finance Committee.

We have had 14 days of bipartisan hearings on this issue. This afternoon, in a bipartisan fashion in the Senate Finance Committee meeting room, we sat and discussed this same issue—this identical issue—on how to construct a Medicare prescription drug plan that can work. We met additionally another time this week on the same subject.

It is not the proper process to yank that work product out of the responsible committee and say we are going to have 15 minutes on this side to debate a new entitlement program being added to a Medicare program which is in danger of default. It is in danger of going bankrupt. And yet we are going to add a new entitlement program with 15 minutes of debate on this side, and 15 minutes of debate on that side, and say we have done what is right and proper for the Medicare beneficiaries of this country? I suggest that is not the right way to do it.

I commend Senator CHUCK ROBB, who is a member of our Finance Committee, and Senator BOB GRAHAM, who has spent a great deal of time crafting this amendment. This may be the right way to go, but it is not yet ready to get there. We need more analysis. We need to consider if you can do it through an insurance program.

Finally, I think it is incredibly important that, whatever we do, we do not just add an entitlement program without doing some real basic reform to the Medicare program.

We have a Medicare+Choice Program under Medicare right now. Does anyone in this body think it is working correctly? It is being micromanaged by HCFA with 4,000 employees, and it is a disaster. We should not be looking backward and doing things the old way. We are moving into the 21st century. We should not be acting as if it is the 19th century. We should be crafting new ways of solving these problems, and not going back to policies that have failed.

Medicare was a wonderful program in 1965. But it is frozen in the 1990s. The challenge we have is not to debate a political issue, but to come together to find a way to solve the problem.

There are interesting ideas that are being discussed by the Senator from Florida, by the Senator from Virginia, by myself, and others on the Democratic side, working with Members on the Republican side to come up with something that is creative. Are we not capable of thinking outside of the old style box of just adding another entitlement program to the Medicare program without reforming anything? I suggest we should not make that mistake.

If we want to put ourselves on the Record on prescription drugs, why not pass a Senate concurrent resolution that says, yes, we all think it is important that prescription drugs today are as important as a hospital bed was in the 1960s, and have a resolution that says that and says we are going to work in a bipartisan fashion to work out an agreement instead of debating an issue. I suggest that what we have is a very narrow opportunity to do that.

We are not going to be able to reform the whole program in the 30 days left in this session in a Presidential election year. That is not going to happen. But if we do prescription drugs, should we not do some reform attached to it? I think the suggestion and the answer is absolutely yes. Let the Finance Committee do our work, and bring something to the floor that is doable and passable. I suggest it is the right way to proceed.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I will be very brief. I just want to make a couple of points.

No. 1, prescription drugs, I believe—I say this not only as a Senator but also as a physician who has personally taken care of thousands and thousands of Medicare patients—that prescription drugs absolutely must be a part of our Medicare program and system if we are going to really provide health care security for our seniors.

The challenge we have is that, indeed, prescription drugs replace the surgeon's knife—which I have used my entire adult life—and replace the hospital bed, which are important dynamics of health care.

But the real challenge we have is including that new additional benefit—which, traditionally, over the last several years has been 17 to 18 percent a year—into a rigid, inflexible, outdated Medicare program that we have not been able to reform.

The challenge before this Congress is to very thoughtfully incorporate prescription drugs coupled with true Medicare reform, to bring it up to date, to modernize it in a way that we can truly guarantee health care security to our seniors.

This particular amendment has not gone through the committee process. I can tell you that I for one, having spent the last 7 hours working on health care in an adjacent room off this Chamber, have never seen this particular amendment nor had the opportunity to read this particular amendment. So I absolutely am going to oppose this particular amendment, which is brought to the floor outside of the committee process and outside of my having had the opportunity even to read the amendment.

I have been working on prescription drugs with my colleagues in a bipartisan fashion for the last 2 years. I was on the national bipartisan Medicare commission, where we talked about prescription drugs. There are other proposals being debated in the House.

We have not had the opportunity to see this particular amendment. It has not gone through committee. It should not be introduced tonight, I believe, and hopefully it will be defeated tonight.

Mr. ROBB. Mr. President, I yield myself 30 seconds, and then I will yield to the Senator from West Virginia.

I remind my good friends on the other side of the aisle that this bill was read in its entirety earlier today, and it has been available for several days. But it has been debated for a very long period of time, and the concept has been debated at length and discussed at length.

There was an attempt to put together a prescription drug bill in the House. The Health Insurance Association of America has stated many times that the particular proposal from the House simply will not work.

At this time, I yield 2 minutes to the distinguished Senator from West Virginia, Mr. ROCKEFELLER.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer and the Senator from Virginia.

This is really a moral issue, and the question is, Are we going to do it? We keep putting it off. We keep talking about it. We keep saying, let's have a commission, let's do a resolution, let's study it some more, let's make the process work perfectly.

I spent most of the afternoon in the Finance Committee trying to work out a resolution on this. Frankly, at the end, there was some hope. But there was also some discussion about what happens if we don't get to vote on prescription drugs. There was a discussion of that.

I don't want to see that happen. This will probably be our only vote on prescription drugs in this entire session. It is a bipartisan bill. I have made some compromises. Others have made compromises. It is a solid bill. It is probably the only vote we will have on it.

It is a moral issue, not a political issue, a moral issue that seniors don't have prescription drugs under Medicare. They ought to. JOHN BREAUX is right: Prescription drugs are like a bed in a hospital in 1965; now we are going to modernize it, it is available for all.

It is an amendment we should pass. It is a moral, not a political, issue. This will probably be the only vote on prescription drugs we will have in this session of the Senate.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise to support the Enzi amendment and to oppose the ergonomics rule that has been proposed by the Department of Labor. This is the rule: hundreds of pages long.

Senator DURBIN said a few minutes ago this vote will be about values. I will accept that challenge. It is demagoguery to say because we oppose this rule we are not for safety in the workplace. I don't think anybody sincerely believes that on the other side. I am for a safe and healthy workplace. If we want to talk about values, I hope Members will read this and realize what we are imposing on the businesses on this country. There are going to be workers who lose their jobs because of this rule. There will be small businesses that are going to go bankrupt because of this rule, if it is not stopped.

My colleagues, I am opposed to the ergonomics rules for three reasons: It is based upon uncertain science, at best. This body funded almost a $1 million study by the National Academy of Sciences, which is not yet complete. Why do we fund a study by the NAS and then allow OSHA to move forward with the rule before we have the scientific basis for the rule? The Enzi amendment simply says let's hold off and wait until the science is in.

CRS says there is great uncertainty about what OSHA has proposed. Not only is there uncertain science, there is uncertain cost. While OSHA says it is a $4 billion cost, the Small Business Administration says the cost will be 15 times what OSHA says it will be. I am inclined to believe the estimates of the Small Business Administration. Private groups believe the cost will be many times beyond that. But we know that it will be very expensive. There is uncertain cost involved.

Third, I oppose this rule because of its uncertain impact. It is 600 pages with many unintended consequences. Many times we allow things to go on in these agencies in which there are unintended consequences, but we know that the OSH Act says that OSHA is not to impact workers compensation laws in the States. This will most assuredly do that.

As Senator ENZI has rightly pointed out, it is going to negatively impact Medicare, health care dependent upon capped Federal reimbursement. They will have to absorb the costs of the ergonomics with no way to recapture those costs.

We also know that OSHA has proudly said they have already used their general duty clause with over 500 citations on ergonomics. They are not helpless to protect workers in the workplace now. We should not allow them to move forward with an ill-advised rule.

The issue is not safety. The issue is not OSHA doing their job. The issue is whether we will do our job and whether we will stop an agency that is unresponsive, arrogant, and out of control. I urge my colleagues to support the Enzi amendment.

I retain the remainder of the 5 minutes.

Mr. ROBB. Mr. President, I yield 1 minute to the distinguished Senator from Iowa, Mr. HARKIN.

Mr. HARKIN. Mr. President, in my State of Iowa, Sioux City, seniors regularly take bus trips to Mexico to get their drugs. Drugs that cost $68 in Sioux City are $7 in Mexico. Seniors in Waterloo, IA, are being bussed to Canada to buy their drugs. Seniors in Cedar Rapids, IA, are being forced to declare bankruptcy because they have run up their credit care debt so high just to pay for the drugs they need. Mr. President, $5,000 to $6,000 a year is being paid out of pocket by seniors who cannot afford it and are being forced into bankruptcy.

We are told this is not the time to do this, that we have to wait longer, that this baby is not ready to be born. The elderly have waited long enough, and they have been gouged deep enough, too deep, to pay for their prescription drugs. Now is the time to stand up for the seniors in our country and to vote aye on the Robb motion.

Mr. KENNEDY. I yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to have documents printed in the RECORD to respond to some of the accusations regarding the Labor Department.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OSHA'S USE OF CONTRACTORS DURING THE RULEMAKING PROCESS: EXPERT WITNESSES AND CONSULTANT SERVICES

OSHA's use of expert witnesses and consultants is authorized by Congress, approved by the Courts, affirmed by the General Accounting Office, and consistent with OSHA's past practice for over two decades, as well as that of other agencies.

1. OSHA's Use of Expert Witnesses and Consultants is Expressly Authorized by Congress.

In 1970, Congress passed, and President Nixon signed into law, the Occupational Safety and Health Act ("OSH Act" or "The Act") which expressly authorized OSHA to hire experts and consultants and to compensate them for their service. *See* 29 U.S.C. sec. 651 *et seq.* Specifically, Section 7(c)(2) of the Act, 29 U.S.C. sec. 656(c)(2) states:

"In carrying out his responsibilities under this Act, the Secretary is authorized to—(2) employ experts and consultants or organizations thereof as authorized by Section 3109 of Title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS–18 under section 5332 of Title 5, United States Code including travel time . . ." (emphasis added).

In addition to the Secretary's specific statutory authorization to hire experts for purposes of administering the OSH Act, Congress authorized the Department of Labor to employ consultants through procurement contracts in the Labor/HHS Appropriations bill (Pub. L. 102–394; 106 Stat. 1792, 1825).

2. OSHA's Use of Expert Witnesses and Consultants Has Been Affirmed by the Courts.

In 1980, the Lead industry made virtually the same challenge to OSHA's use of expert witnesses and consultants in a rulemaking that the opponents of the ergonomics rule are making now. See *United Steelworkers of America et al.* v. *Marshall*, 647 F.2d 1189 (D.C. Cir. 1980). In reviewing this challenge, the U.S. Circuit Court of Appeals for the District of Columbia recognized that OSHA is empowered to employ experts as part of the rulemaking process. The Court concluded that OSHA properly used its contracted experts and consultants for the following tasks: writing the preamble, on-the-record reports, testimony and posthearing reports. The Court stated that "The OSHA Act empowers the agency to employ expert consultants . . . and OSHA might have possessed that power even without express statutory authority . . ." *Id.* at 1217.

The Court found no problems with OSHA's contracting for the services of experts and consultants in the rulemaking process. *Id.* In fact, the Court stated that "we generally see no reason to force agencies to hire enormous regular staffs versed in all conceivable technological issues, rather than use their appropriations to hire specific consultants for specific problems." *Id.*

In fact, the Court praised agencies' use of experts and consultants as proof that the agencies have taken their statutory missions seriously. *Id.*

3. OSHA's Use of Expert Witnesses and Consultants is Authorized by the Federal Acquisition Regulations.

The Federal Acquisition Regulation ("FAR"), Office of Management and Budget Circular No. A–76 and the Federal Activities Inventory Reform Act also authorize agencies to contract for certain functions, including:

"Services that involve or relate to analysis, feasibility studies, and strategy options to be used by agency personnel in developing policy;

"Services which involve or relate to development of regulations; and

"Contractors providing legal advice and interpretation of regulations and statutes to federal officials."

OFFP Policy Letter 92–1, Appendix B numbers 3, 4, and 18; *see* FAR sec. 7.503(d)(4).

4. Experts on OSHA's Rulemaking Processes Recognize OSHA's Use of Expert Witnesses and Consultants in Rulemakings.

It is traditional practice for OSHA to hire expert witnesses to testify at its rulemaking hearings. Both of the principal treatises on OSHA law, OSHA, History, Law and Policy, by Benjamin W. Mintz, and Occupational Safety and Health Law, edited by Stephen A. Bokat and Horace A. Thompson III for the American Bar Association, refer to this practice, which goes back at least to 1980, when OSHA arranged for 46 well-known experts to testify on behalf of OSHA's Carcinogens Policy.

ABA's "Guide to Federal Agency Rulemaking" addresses the use of expert witnesses in OSHA rulemakings, and describes the use of consultants as "summarizing and evaluating data in the record, and helping draft portions of the final rule and its rationale." (Page 243)

5. The General Accounting Office Reviewed OSHA's Use of Expert Witnesses and Contractors in an Earlier Rulemaking.

In 1989, at the request of a House Subcommittee, GAO examined OSHA's use of contractors and expert witnesses and found that OSHA had used "over 35 expert witnesses" in the years 1986–1988, paying them generally "$10,000 or less," and using them to testify during OSHA public hearings on proposed standards and rules. The report said OSHA used its contractors to assist in developing final rules and that they contributed to 36 different rules over three years.

6. OSHA has Historically Used Experts to Testify at Public Hearings About Parts of Proposed Rules Which Fall Within Their Areas of Expertise.

Among the other OSHA hearings at which experts have been used by are: Lead (1980); Hazard Communications (1983); Ethylene Oxide (1984); a revised asbestos standard (1986); Benzene (1987); and Methylene Chloride (1977).

The number of OSHA experts has varied from as few as one in the Excavation in Construction standard to 46 experts in the Carcinogens Policy hearing. Twenty-eight experts will have testified on OSHA's behalf at the conclusion of the ergonomics hearings.

7. Other Federal Agencies Use Expert Witnesses and Consultants in Ways Similar to OSHA.

EPA, FDA, and DOT make extensive use of consultants in their rulemaking activities, though they do not have hybrid hearings like OSHA's, in which OSHA permits the public to cross-examine their witnesses. EPA's use of consultants has been challenged and upheld by the courts, BASF Wyandotte v. Costle, 598 F2d 637 (1st Cir 1979); Weyerhauser v. Costle, 590 F3d 1011 (DC Cir 1978). In the BASF Wyndotte case, the Court found no fault in EPA's use of a private contractor which "invested 16,500 man hours" in a rule making process.

OSHA's rulemaking process is more open than other agencies because the public can cross examine OSHA's expert witnesses in public hearings. Most other agencies engage experts to submit written testimony on a rule, but these experts do not participate in public hearings and are not available for cross examination as OSHA's expert witnesses are.

8. OSHA's Use of Expert Witnesses and Consultants Was Disclosed to the Public and Was Clearly Known to Parties Who Cross-Examined OSHA's Experts at Public Hearings.

All of OSHA's expert witnesses appeared on a witness list provided by OSHA under the heading "OSHA Witnesses."

It is clear that the parties who cross-examined OSHA's experts in the ergonomics hearings were aware that OSHA's experts were paid consultants.

When Mr. Sparlin questioned OSHA expert Mr. Oxenburgh, he referenced the "Expert Witness Contract for Dr. Maurice Oxenburgh." (pp. 2637–39).

When Ms. Holmes of Jones, Day, Reavis and Pogue made a statement regarding her ability to cross-examine OSHA's panel of experts, she referred to OSHA's "obviously having commissioned written testimony from all these individuals." (p. 1440).

In questioning Dr. Beale, one of OSHA's attorneys, Ann Rosenthal, clarified for the public record that Dr. Beale was hired as an economist, not as an enforcement expert. (p. 2524). Dr. Beale's own written testimony stated that his "clients in this regulatory work have included OSHA, MSHA, EPA, SBA, the FAA, the Department of Energy, and the IRS." (Ex. 37–22).

All of this material is part of the public docket and is available on OSHA's webpage.

9. OSHA's Expert Witnesses Have No Financial Conflict of Interest in the Outcome of the Ergonomics Rulemaking.

Conflict of interest laws and regulations apply only to employees of the federal government. In some instances, agencies hire consultants as "Special Government Employees" who are subject to certain provisions of the conflict of interest laws. However, the consultants hired by OSHA for the ergonomics standard were contractors and did not have federal employee status while providing their services. As such, they do not come within the coverage of the conflict of interest laws or regulations.

ACCESS TO DOCUMENT

1. OSHA recognizes the importance of Members of Congress understanding the rulemaking process. That is why we work so hard to provide information to Members of Congress as expeditiously as possible. For example, in response to a request from the House Government Reform Committee dated May 10, 2000, OSHA promptly provided a list of contractors who worked on the current ergonomics rulemaking.

2. Once the House Committee expressed an interest in reviewing other documents, OSHA worked with the House to provide them with full and complete access to the documents on a timely basis. The House Committee agreed to treat these documents the same way OSHA does, and in a manner that protects the integrity of an ongoing rulemaking.

3. Senator Enzi made his first request for information only nine days ago (June 13, 2000). Immediaately following his request, OSHA Assistant Secretary Jeffress talked with Senator Enzi twice about his request for documents. Department of Labor staff and Senator Enzi's staff also talked to figure out how to most expeditiously respond to his request and at the same time protect the integrity of an open and ongoing rulemaking by treating the documents exactly the same way that the House had already agreed to treat them.

4. Senator Enzi claimed that OSHA failed to provide him with any information, but just three days after his original request, on June 16, 2000, OSHA responded to Senator Enzi's request and produced two boxes full of documents.

5. OSHA offered to meet with Senator Enzi and offered repeatedly to brief Senator Enzi about OSHA's use of expert witnesses in rulemakings.

6. On Tuesday, June 20, 2000, Senator Enzi's staff requested, for the first time, access to the materials provided to the House Committee. Under the terms of OSHA's agreement with the House Committee, Senator Enzi always had access to the documents he requested to see.

7. In order to accommodate the Senator's desire to review the documents in his office, OSHA offered to photocopy a complete set of the same documents provided to the House Committee immediately. Senator Enzi's staff refused this request because they were unwilling to agree to treat the materials they had requested in the exact same way that the House Committee had already agreed to treat the documents—in a way that protects an open, public rulemaking process as authorized by Congress.

Mr. WELLSTONE. Mr. President, one problem with this debate is some of my colleagues come to the floor and make these points. Frankly, there does need to be a response.

My good friend from Arkansas says that what will happen with this OSHA rule, dealing with repetitive stress injury, is it will do severe damage to workers comp laws in our States.

There are some 12 attorneys general who have said in no way—including one who testified in our subcommittee—will that happen, including the attorney general from Arkansas who has said this will not impact workers compensation laws.

Then my colleagues say, this is a rush, they are rushing to promulgate a rule. It was Elizabeth Dole who, as Secretary of Labor, first pointed out that we needed to have an ergonomics rule because of the injuries taking place. My colleagues believe that this is a rush, though we have 600,000 workers every year who are severely injured.

I say to Senators, it is surprising to me when there is so much pain, when so many workers are injured, when they can no longer work, when they cannot sleep at night, when it has damaged families, when so many of the workers are women, that my colleagues don't want OSHA to do its job. The mission of OSHA is to protect workers. I am proud of the fact that OSHA is trying to promulgate this rule. I view this amendment as being nothing but blatant, political interference against this agency doing exactly the job it ought to do.

The same Senators who say OSHA is rushing after 10 years to promulgate a rule to protect workers, to have a safer workplace, they also believe we are rushing tonight to provide prescription drug benefits for senior citizens. Where have Senators been? On another planet? In Minnesota, 65 percent of senior citizens have no prescription drug coverage. It is an important issue to their lives, their children, and their grandchildren.

Do I need to come to the floor and tell Members about people who are paying 50 or 60 percent of their monthly budget because of prescription drug costs? And then Members come on the floor and say: It is not time; we are rushing; we better not support this legislation.

I don't know when Members think the time will come. I think the time has come. I think Democrats think the time has come. I agree with my colleague, Senator DURBIN, this is a values debate. This is about where we stand. As a Senator from Minnesota, I stand with working people. I stand for a safer workplace. And I certainly stand for trying to help senior citizens meet prescription drug costs so they are able to get the prescription drugs that are so essential for their health. I need not say anything else.

I yield the floor.

Mr. ENZI. Mr. President, I yield 1 minute to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire, Mr. SMITH.

Mr. SMITH of New Hampshire. I rise in support of the Enzi amendment.

Senator ENZI's amendment would delay the costliest mandate ever imposed on small businesses.

The Occupational Safety and Health Administration, OSHA, has published a rule that is the broadest and most expensive rule ever, let me say that again, ever proposed by OSHA. There needs to be more study of this rule before it is implemented.

Ergonomics is the science of fitting the job to the worker.

The OSHA proposed ergonomics rule would require employers to eliminate or materially reduce hazards in the workplace that lead to injuries such as carpal tunnel, tendinitis, and back injuries.

OSHA's cost estimate is $4.2 billion a year. Clinton administration's own Small Business Administration reports that the true cost would be $40–$60 billion a year—at least 10 times OSHA's estimate.

The Heritage Foundation estimates that the cost would be $5.7 billion to $10.8 billion per year without adding in the cost to state and local governments, and $6.6 billion to $12.5 billion per year if public-sector workers are included. Private industry estimates the bill's cost would be even higher.

OSHA expects that the proposed rule will significantly increase the number of requests for state compliance assistance and consultation services. That means this regulation will cost even more money.

The ergonomics rule probably would expand state workers' compensation systems, increasing claims and fraud.

This is yet again, an unfunded mandate on the states. Yet the OSHA has a limited public comment period that does not take into consideration the huge cost to business and the probable stress to the unprecedented economic growth that the U.S. is currently experiencing.

I urge your support for Senator ENZI's amendment, so that OSHA can reassess their proposed regulation that would burden the business community with a costly regulation.

On the prescription drug plan, I oppose the Robb plan. In my hand is a report, the actuarial report from Norman and Robinson, which says it will cost seniors $40 per month, up to almost $500 a year, and cost hundreds of billions of dollars to the taxpayers. That is the Robb plan.

Senator ALLARD and I have a plan and we want to try to get the attention of the Finance Committee. This plan has no premium increases on seniors. It saves seniors $550 a year. It is budget neutral. It covers 50 percent of the cost of drugs, up to $5,000.

Those are the two alternatives. This was done by King Associates. Guy King was a former actuary at HCFA.

I think the distinction is clear. How did we help seniors by raising premiums, when we don't have to raise premiums with this plan?

I hope my colleagues pay close attention to what Mr. King has said. This plan is sound.

I yield the floor.

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes, the Senator from Delaware 3 minutes, and the Senator from Wyoming has 8 minutes.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will sum up where we are on these two extremely important issues, one involving safety in the workplace.

The whole issue of ergonomics addresses the most important worker safety issue in the workplace. Now we have an amendment of the Senator from Wyoming, my dear friend, who wants to undermine what has been a 10-year review and a study about how we can provide protection for workers in the workplace who are affected by ergonomics.

As has been pointed out, this whole issue was raised by Secretary Dole in the Bush administration who called ergonomic injuries one of the Nation's most debilitating across-the-board worker safety and health issues. Since that time, there have been over 2,000 studies on ergonomics carried out.

In 1997, NIOSH, the principal agency of Government that studies these issues, reviewed 600 of the most important of these studies. They made recommendations. In 1998, the National Academy of Sciences reviewed the studies again and again, and they came to the same conclusion. The fact is, the science is clear. The question is whether we will have the will and the determination to take steps to protect our workers. We know what needs to be done. The subject has been studied. Now we have the chance to take a step to protect American workers.

These are the facts: 35 percent of the most harmful injuries in the workplace are ergonomic injuries. That is what is happening today. More than 600,000 workers are affected. When you look at who are disproportionately harmed by ergonomic hazards, in lost time, 67 percent who lost working time from repetitive motion injuries were women, and those who lost work time for carpal tunnel injuries were women again, 77 percent. This is a woman's issue; this is a worker's issue.

The science is overwhelming. The fact is, historically we have been prepared to take actions to make the workplace safe. We had the great development of our mining systems, and we passed mine safety legislation. Now we need to pass legislation to protect American workers in this area.

It has been studied, restudied, and studied again. Once again, we are being asked to discard the various studies and reviews and put the profits of the private sector ahead of the interests of the workers. That is wrong. That is the issue: Are we going to stand for workers or are we going to stand for the profits of the industries in this country?

On the second issue, Medicare, I was there, like most of the Members of the Senate, when the President of the United States, in his State of the Union Address, asked the Congress of the United States to pass a prescription drug program based upon Medicare that would deal with the incredible hardship of so many of our seniors.

I was also here in 1964 and 1965 when the Senate eventually passed the Medicare program. This issue was discussed during that period of time: Were we going to pass a prescription drug program. The judgment at that time was: Let's pass in Medicare what they are doing in the private sector. A great majority of the private sector, over 90 percent, did not include a prescription drug program, so we did not pass one in the Medicare program. At that time, less than 3 percent of every dollar expended was used for prescription drugs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I yield myself 2 more minutes.

Now it is 20 to 30 percent, as the Senator from Florida has pointed out. We now know this is absolutely an essential need for our seniors. How much more does it have to be studied?

With all due respect to the Finance Committee, they had a whole set of hearings last year. We did not have any legislation reported out from the Finance Committee. We have not had any legislation reported in the final weeks of this Congress. We have no commitment that the chairman of the Finance Committee or the Finance Committee members will say: We will have a prescription drug bill on the floor of the Senate for you in July—absolutely not.

We have a well-thought-out program that can make the difference for our senior citizens. When Medicare was passed, it was a fundamental commitment by the Federal Government to senior citizens: Work hard, play by the rules, and your health care needs will be attended to. That was the commitment in 1964 and 1965.

Every day we fail to pass a prescription drug benefit, we are violating that commitment. Every single day, we find our seniors are in pain and agony and suffering irreparable damage, in many cases because they cannot afford a prescription drug program. That is a fact. That promise is being broken every day because Medicare does not cover prescription drugs. This is wrong. This is fundamentally wrong. Every Member of the Senate knows it in their hearts. Every family in America knows it is wrong. Certainly, every senior citizen knows it is wrong.

We have a chance to do something right. We have a chance to put the health care of our senior citizens ahead of the profits of the private special interests.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I yield myself 1 more minute.

That is what this vote is all about. For whom are we going to stand? This is the vote on prescription drugs. This is a program that is tied to the Medicare system. Our elderly people understand Medicare. They believe in Medicare. They know the need for prescription drugs. It is as simple and fundamental as that. It is comprehensive, it is all inclusive, it is affordable, and it will meet the needs of our senior citizens.

That is the vote we are going to have in the Senate, and we should meet our commitments to our senior citizens. We know what their needs are. We should meet them. We have that opportunity tonight. Let us not fail them.

I withhold the remainder of my time.

Mr. ENZI. Mr. President, I yield 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I congratulate and compliment my friend and colleague from Wyoming, as well as the Senator from Arkansas, Mr. HUTCHINSON, because they have offered an amendment that is one of the most important amendments we are going to vote on this year. The Clinton administration is trying to push forward an ergonomics rule that will have a draconian, negative impact on every single business in America.

I want all my colleagues to know if this amendment is not adopted, if this ergonomics rule goes forward, there will be significant costs. Employers will be coming up to you asking: Why did you do this to me? I have some bureaucrat coming in and telling me how to run my business.

I have a quote given by the individual who wrote these regs. She said:

> I love it; I absolutely love it. I was born to regulate. I don't know why, but that's very true. So as long as I am regulating, I'm happy.

And she came up with the largest regulation in OSHA's history on business. The Small Business Administration estimated it will cost $60 billion a year, 15 times the cost that OSHA said. People in the private sector said it will cost over $100 billion a year. And the administration wants this to go forward right after the election, right before we have a change of administration.

Senator KENNEDY said this has been studied. Congress passed, in 1998, $890,000 for a study by the National Academy of Sciences. They are going to complete that study in January. We should let them do it. We should base this regulation on science, real science, not on a political agenda. They want to cram through an extensive regulation where bureaucrats are telling employees how to run their business, and to do that right before the election, before the next administration, will be a serious mistake.

We need to stop it, and the way to stop it is to adopt the Enzi amendment. I say to my colleagues, this is probably the most important free-enterprise, private-sector initiative you'll vote on this year: If this year you believe business should be making decisions, support the amendment.

I urge my colleagues to vote in favor of the Enzi amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I yield myself 3 minutes.

The other side today has spent most of the day avoiding the ergonomics debate. Part of the debate was on the floods in North Dakota. That is because they do not have an answer to what we have been saying all day. We, too, are concerned about worker safety. We have been doing things for worker safety. Companies in this country have been doing things for worker safety. In fact, I appreciate the ranking member of my subcommittee mentioning today a couple of companies in his State that have made tremendous strides in worker safety, including ergonomics.

I am so pleased to report that according to the Bureau of Labor Statistics, last year there was a 24-percent decrease in ergonomics accidents. Companies are doing something. They are doing what they can think of.

If the same $1.8 million that has been spent on getting testimony for this rule had been used and focused particularly on small business to make sure they had the information to make the ergonomics changes in their work site, we would have even more workplace safety.

But, no, we have been paying contractors to testify. Has the Department disclosed that? No. They think these people have been volunteering their time, just like everybody else. Not only that, they edited their text for them. They had mock sessions so these experts could do it correctly. Then they paid them to rip the opposition. That is not testimony. That is the expertise that we ought to have in the workers comp department.

This will have a drastic effect on Medicare and Medicaid. We place limits on what we pay on Medicare. We are not raising those caps through the rule. So we will force people to violate some of the Medicare and some of the nursing statutes that we already have.

Then the work restriction protection—my goodness, we want the United States to get into a workers comp program? Ask your States how much of a problem they are having administering workers comp, and see if you think that OSHA can do the job. See if you think they can.

Incidentally, it was mentioned that there was testimony in our committee in that there was no opposition from the States. I presented a letter. I ask unanimous consent the letter be printed in the RECORD. It is from the State of New York Department of Labor, saying they were opposed to it.

I also ask permission that a similar letter from the State of Pennsylvania, be placed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
DEPARTMENT OF LABOR,
Albany, NY, March 1, 2000.

OSHA Docket Office,
Docket No. S-777, Department of Labor, Washington, DC.

To whom it may concern:

Enclosed please find comments from the New York State Department of Labor concerning the proposed Ergonomics Standard, 29 CFR Part 1910, published Tuesday, November 23, 1999, in Federal Register, Volume 64, Number 225, at page 65768.

Sincerely,

CONNIE J. VARCASIA.

Enclosure.

This constitutes comments by the New York State Department of Labor (NYSDOL) regarding the proposed Ergonomics Standard 29 CFR Part 1910.

1. We note for the record that OSHA, in the Federal Register notice dated November 23, 1999, (hereinafter referred to as notice), at page 66,054, IX, states, "In addition, the agency has preliminarily concluded, based on a review of the rulemaking record to date, that few, if any, of the affected employers are state, local and tribal governments." Aside from the issue of how OSHA arrived at this conclusion, we agree with the statement. Therefore, we do not expect that the public sector programs of State Plan states' will be required to adopt the proposed standard.

2. If, however, OSHA intends to require adoption of this standard by State Plan public sector programs, we object. We object to the standard because OSHA excluded small public sector jurisdictions (small entities under the Small Business Regulatory Enforcement Fairness Act, hereinafter "SBREFA") from the SBREFA process and panel during the course of preparing this rulemaking.

3. OSHA's proposal may not be a "standard" as defined by the statute. It does not describe means, methods or practices reasonably necessary or appropriate to control occupational safety and health hazards. It is not a "standard" about workplace hazards; rather, it proposes to impose a particular management approach on employers.

4. OSHA has estimated the cost of initial compliance with this standard at $4.2 billion (OSHA's original estimate was $3.5 billion). Private sector businesses and trade associations have estimated this cost as high as $26 billion and the United States Small Business Administration (SBA) has estimated the same cost at more than $18 billion. A copy of the SBA report is annexed hereto and made a part hereof.

Given these disparity of costs, there is not consensus as to the costs of compliance with this proposed standard. It appears that a proper and accurate cost-benefit analysis has not been done, and that OSHA should, at a minimum, address the conclusion of the SBA regarding the cost of this proposal.

5. This rulemaking is completely devoid of any mention of the amount of funding that could be appropriated to State Plans for its enforcement. OSHA has not discussed the issue of funding this standard with State Plans in any other forum. Of particular concern are the following:

(a) Depending on which ergonomist one believes, ergonomics affects 30%, 40% or 50% of the jobs in America. As a regulatory agency, the NYSDOL can expect at least a 30% increase in the number of legitimate complaints (as well as countless unsubstantiated complaints) because of the new standard. Based on sheer numbers, caseload and volume, our public sector State Plan will require an increase in the amount of funding to respond to complaints.

(b) Ergonomics is a precise science where incorrect advice can do more damage than no advice at all. New York State does not currently have staff with ergonomics expertise, and we have serious concerns with its lack of availability. No mention is made in this rulemaking of how much money OSHA will provide for staff training in this field.

Note that a two-week training session on ergonomics is not sufficient to provide the professional level of service which the regulated community will demand. The number of professionally accredited ergonomists in the United States is wholly inadequate to meet the demand that will be engendered by adoption of this standard throughout the United States (see attached article).

(c) The proposed standard is unfair to public sector employers because some of the more frequently utilized abatement measures are not available to them. The public sector workplace is nearly 100% unionized in New York State. It is governed by civil service rules and collective bargaining agreements that describe in detail job tasks to be performed. Accordingly, redesigning a job for one person to include varied tasks not contained within the general job description for that position is not permitted. A public employer cannot change a job unilaterally; it must return to the collective bargaining table for job redesign. Many states have statutes such as our own Taylor Law, which expose an employer to improper practice (unfair labor practice) liability if it were to obey an order based upon the OSHA proposed standard. The employer would also be subject to grievance proceedings under the collective bargaining agreement with the union involved, as changing individual job requirements would constitute a breach of the contract.

(d) Another often recommended abatement measure is more frequent rest breaks. Rest breaks, and the timing and duration thereof, are also provided for in collective bargaining agreements and civil service rules. Any public employer altering such breaks unilaterally, without a return to the bargaining table, would again be subject to the sanctions of improper practice charges under the Taylor Law and union grievance for breach of the collective bargaining agreement. As such, these abatement measures are unavailable to public sector employers. The proposed OSHA standard is an infringement of rights granted under collective bargaining agreements and laws to public sector employers and employees.

(e) Should a public sector employer attempt to implement altered rest breaks or altered job tasks unilaterally in order to comply a violation of the OSHA standard, the state regulatory agency would be in the position of aiding and abetting the infringement of workers' rights guaranteed under the collective bargaining agreement and state statutes.

(f) Regarding the costs of implementing the standard for small public sector entities, the proposed standard would place a tremendous burden on the public sector employer. If one assumes that this will increase costs to public employers, the only way to pay for this will be to increase the taxes of the citizens in its jurisdiction. Public sector small entities include town, village and small city governments, as well as fire districts, volunteer fire departments, school districts, water districts, and many others that would not be able to sustain the cost of this proposed standard without increased taxation.

6. The proposed standard does not provide adequate notice to the affected employers or employees. A by-product of this uncertainty is likely to be increased litigation. Many terms are undefined or vague: "management leadership," "employee participation," "relevant," "become involved," "effective means," "reasonably likely," "promptly," "likely to cause," "likely to contribute," "similar jobs," "minimize," "try," "feasible," "medical management," "periodically as needed," "recovery period," "closely associated," "adequate," "excessive vibration," "recently," and "prolonged" are either poorly defined or not defined at all. While OSHA offers definitions of some of these terms, many are vague and will need to be defined—a task most likely to be accomplished by courts of competent jurisdiction over the next quarter century.

7. We agree with former Acting Assistant Secretary and OSHA Head, Greg Watchman, who said on November 30, 1999, that the proposed ergonomic standard is too broad, triggered too easily, and includes comprehensive requirements that may not be necessary to address one or two signs or symptoms of musculoskeletal disorders. We also agree with his statement that thousands or perhaps millions of employers would be required to implement programs regardless of whether workers are at risk.

8. We agree with the Small Business Administration that OSHA failed to fully examine other regulatory approaches, such as using the On Site Consultation Program to educate employers and the public as to precisely what ergonomics is and how studying ergonomics can help individual employers and their workforces.

9. We agree with the Women Constructors Forum's statement, "Women-owned companies are the fastest growing sector of our economy. What we need is information, not regulation. . . . The nature of this standard could force businesses to completely overhaul their safety and health practices and devote more resources to paperwork and compliance."

10. Attached and made a part of these comments are a number of articles and studies marked exhibits 1 through 7. The New York State Department of Labor requests that these be made a part of our comments and asks that OSHA respond to the concerns and questions addressed in them.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF LABOR AND INDUSTRY,
Harrisburg, PA, February 29, 2000.

Re Comments to the Proposed Ergonomic Standard.

OSHA Docket Office,
Docket No. S–777, Department of Labor, Washington, DC.

DEAR SIR/MADAM: Pursuant to the proposed rulemaking published in the Federal Register on November 23, 1999, Vol. 64, No. 225, the Commonwealth of Pennsylvania submits the attached comments in response to OSHA's "Proposed Ergonomics Standard."

The proposed standard conflicts with section 4(b)(4) of the OSHA Act, 29 U.S.C. §653(b)(4), in that it attempts to supersede and preempt state workers' compensation laws where the OSHA Act specifically prohibits such preemption. Specifically, the proposed standard intrudes upon the states' abilities to respond appropriately to issues of work-related illness and injury, including those relating to musculoskeletal disorders, heretofore addressed by each state's workers' compensation laws. OSHA proposes to replace these systems, which were custom tailored to the needs of the individual states, with a broad, uniform system which at best confuses and at worst conflicts with the various states' workers' compensation programs. Despite OSHA's recognition of its inability to regulate in areas of state workers' compensation law, it has, in the proposed rulemaking, failed to recognize that many issues addressed therein are, in fact, within the province of the states' workers' compensation systems, and are beyond the scope of OSHA's regulatory authority.

We believe that Pennsylvania, as well as the other states, will be negatively impacted by the standard which OSHA has proposed. The attached comments articulate in further detail the manner by which the proposed standard confuses issues regarding the provision of health care to injured workers, employers' abilities to adequately respond to workers' compensation claims, the provision of workers' compensation wage loss-benefits, the time for filing of workers' compensation claims, and issues of causation and pre-existing conditions.

In light of the foregoing, we ask that you reconsider the proposed rulemaking, as it poses substantial difficulties for the citizens of the Commonwealth of Pennsylvania. Thank you for your consideration of this matter.

Sincerely,

JOHNNY J. BUTLER.

Mr. ENZI. I have lots of letters from different groups that have said: Don't do work restriction protection. That's workers comp, and you're violating our right to do that.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. ENZI. I yield myself 1 additional minute.

Work restriction protection is prohibited by the OSHA Act. Very clear wording in the OSHA Act says you cannot get into workers comp, but they are going to with this rule they are trying to push through by December. I do not know why December is so critical to them. Maybe I do. They are trying to get this thing pushed through at all costs, and without paying attention to what people are saying to them about things that are wrong about the rule that they are doing.

We need a little time to take a look at the rule, particularly in light of how well businesses are doing at fixing ergonomics.

Again, I encourage the Department to help people figure out ways they can improve the safety. All we would be doing if we passed this rule is we would be giving OSHA a bigger club to beat people up with, not an answer to the ergonomics problem.

I reserve the remainder of my time.

The PRESIDING OFFICER. Under the previous agreement, the only time left is controlled by the Senator from Delaware, who has 3 minutes, and the Senator from Wyoming, who has 1 minute.

Mr. ROTH. I yield 3 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I say to Senator BREAUX, while I was not physically present on the floor when you made your speech, I was listening. I am very privileged and pleased to join you tonight in suggesting that this is not a real vote on Medicare.

Most of the time—in the past—Senator ROBB is a very realistic and forthright Senator. But somehow or other we are getting close to an election, and somebody has suggested to him that this is a way to get a real Medicare vote. The truth of the matter is, everybody listening should know this is not a real Medicare vote.

If anything, if we adopt this on an appropriations bill—that funds all of the priorities of the other side of the aisle—if they want to fund education, it is funded in this bill. If they want to fund community centers to treat the people that are poor, they are funded in this bill more than last year. But now they come along and ask us to attach an amendment, a huge bill that we have never had a hearing on, and we call it prescription drugs for America. We put it on with education, community centers, all the health programs for our seniors, and we say, just put it on there and tell the committee, that knows nothing about Medicare because they are not expected to, to bring back a comprehensive Medicare program on an appropriations bill. Then the suggestion to the American senior citizens is, we are doing something for you.

What we are doing is trying to force a vote before we have a bill. This is not a bill that has been considered. It is not going to be voted out by our bipartisan effort. A great bipartisan effort is taking place.

If I were a member of the Finance Committee—be it Dr. BILL FRIST or the Senator from Texas or the distinguished Senators on that side working on it—I would be ashamed today to say: I am going to vote to usurp and take away all your power and vote in a so-called prescription drug bill that a few of us have written up. And we are going to pass it on an appropriations bill where that committee does not know anything about prescription drugs.

They are sort of expected to robot out of here and robot back in with a great prescription drug bill.

I submit that we should not vote for it. We should not use our procedures and our processes in this perverted way.

I am going to ask five or six questions. They are not answered by this legislation, and they are not answered here.

Let me first ask: How does this amendment affect the solvency of Medicare? Nobody knows. What are the premiums for drug coverage? Nobody knows. I don't know that anybody knows the official cost estimate of this bill. But I know it is expensive. Don't you think we ought to know those answers before we try to convince Americans that we are passing a prescription drug bill which could not become law?

There are two more questions: Are there taxes in this proposal? If there are, the bill goes nowhere.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I think we are going to do the right thing and deny this effort to make an issue out of something that is not ready to have an issue.

The PRESIDING OFFICER. The Senator from Wyoming has 1 minute.

Mr. ENZI. I yield the final minute to the Senator from Texas.

Mr. REID. How much time do you yield?

Mr. ENZI. One minute.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. GRAHAM. Point of personal privilege.

Mr. GRAMM. I do not want my 1 minute to start until I start talking. If the Senator wants to talk, let him do it.

Mr. GRAHAM. I do not want to talk; I want to answer.

The Senator asked a series of questions, and I am prepared to answer them.

The PRESIDING OFFICER. The Senator from Texas has the floor. The Senator from Florida is not in order. The Senator from Texas has the floor.

Mr. GRAMM. Mr. President, we have been meeting on a bipartisan basis to try to put together a bill in the waning hours of this Congress that will provide for prescription drug insurance for senior Americans. We have been working in good faith.

This is a bad faith amendment. This is a politics-first amendment. Nobody knows what it costs. Nobody knows how it will work. Nobody knows what it does to the solvency of Medicare. This is politics at its worst.

I think this body ought to be offended by it. I am offended by it. I do not believe that voters are going to be impressed by circumventing the process. This does not speed it up. This makes it harder for people such as Senator ROTH and Senator BREAUX to bring us together to pass a bill. This needs to be rejected by an overwhelming vote.

I urge those who really want a prescription drug benefit—label this for what it is by voting no, and let's get on with trying to do this on a bipartisan basis.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Mr. ENZI. Mr. President, I ask unanimous consent to add Senators THURMOND and HELMS as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 3593

Mr. ENZI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 3593. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—57

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—41

Akaka
Baucus
Bayh
Biden
Bingaman
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—2

Boxer
Inouye

The amendment (No. 3593) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAHAM. Mr. President, I ask unanimous consent to have printed in the RECORD answers to the questions that were asked during the debate by the Senator from New Mexico.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR BOB GRAHAM'S ANSWERS TO SENATOR DOMENICI'S QUESTIONS CONCERNING THE ROBB AMENDMENT, JUNE 22, 2000

1. What is the score of this proposal?

Over 10 years the cost of this comprehensive package is approximately $242 billion.

2. What impact will this benefit have on the solvency of the Medicare program?

This program will not have a direct impact on the solvency of the Medicare program. In fact, the inclusion of a prescription drug benefit may lead to a decrease in hospital stays and other costly outpatient care, which may result in savings to the trust fund.

3. What will beneficiary premiums be?

In 2003, when the benefit begins, the beneficiary premiums will be approximately $38.50 per month.

4. How will this program impact the taxpayer?

This program will have no direct implications on the American taxpayer.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to file for the RECORD CBO estimates as promptly as I can get them.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, in a moment I believe we will be prepared to begin the vote on the second amendment in this series. I have discussed the schedule with Senator DASCHLE and the manager of the legislation. This will be the last vote of the night. We will be in session tomorrow.

We urge Senators who have amendments to offer them tonight—I understand one is already prepared for tonight—and to be prepared to be here and have amendments in the morning so that we can make progress. We will plan on stacking those votes next week at a time to be determined, and we will let the Members know sometime tomorrow when that will be. But this will be the last vote for tonight and for the week.

I yield the floor.

AMENDMENT NO. 3598, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to amendment No. 3598, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—3

Boxer
Campbell
Inouye

The amendment (No. 3598), as modified, was rejected.

Mr. ROBB. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Arizona.

AMENDMENT NO. 3610

(Purpose: To enhance the protection of children using the Internet)

Mr. MCCAIN. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 3610.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the purpose of this amendment is to protect America's children from exposure to obscene material, child pornography, or other material deemed inappropriate for minors while accessing Internet from a school or library receiving Federal universal service assistance by requiring such schools and libraries to deploy blocking or filtering technology on computers used by minors and to block general access to obscene material and child pornography on all computers. The amendment further requires that schools and libraries block child pornography on all computers.

The last few years have seen a dramatic expansion in Internet connection. The Internet connects more than 29 million host computers in more than 250 countries. Currently, the Internet is growing at a rate of approximately 40 percent to 50 percent annually. Some estimates have the number of U.S. Internet users as high as 62 million.

There are approximately 86,000 public schools in the United States. The first program year of the e-rate, 68,220 public schools participated in the program. That is approximately 68 percent of all public schools. Participation increased by 15 percent in the second year, from July 1, 1999, to June 30, 2000, with 78,722 public schools listed on funded applications. Statistics on libraries participating in the program mirror these dramatic numbers.

I lay out these statistics because they represent both the tremendous promise and the exponential danger that wiring America's children to the Internet poses. Certainly the Internet represents previously unimaginable education and information opportunities for our Nation's schoolchildren. However, there are also some very real risks. Pornography, including obscene material, child pornography, and indecent material is widely available on the Internet. This material may be accessed directly or may turn up as the product of a general Internet search.

Seemingly innocuous key word searches such as Barbie doll, playground, boy, and girl can turn up some of the most offensive and shocking pornography imaginable.

According to the National Journal, there are at least 30,000 pornographic web sites. This number does not include Usenet news groups and pornographic spam.

As we have seen through an increasing flurry of shocking media reports, the Internet has become the tool of choice for pedophiles who utilize the Internet to lure and seduce children into illegal and abusive sexual activity. Pedophiles are using this technology to trade in child pornography and to lure and seduce our children. In many cases, such activity is the product of individuals taking advantage of the anonymity provided by the Internet to stalk children through chatrooms and by e-mail. However, an increasingly disturbing trend is that of highly organized and technologically sophisticated groups of pedophiles who utilize advanced technology to trade in child pornography and to sexually exploit and abuse children.

As we wire America's children to the Internet, we are inviting these lowlifes to prey upon our children in every classroom and library in America. If this isn't enough, the Internet has now become a tool of choice for disseminating information and propaganda promoting racism, anti-Semitism, extremism, and how-to manuals on everything from drugs to bombs.

Rapid Internet growth has provided an opportunity for those promoting hate to reach a much wider and broader audience. Children are uniquely susceptible to these messages of hate, and make no mistake about it, they are the targets of these messages. According to the New York Times: "They, hate groups, peddle hatred to children, with brightly colored Web pages featuring a coloring book of white supremacist symbols and a crossword puzzle full of racist clues."

Media propaganda has always been used as a means for spreading the toxic message of hate. Magazines, pamphlets, movies, music and other media have been their traditional tools for those seeking to feed the darker side of our human nature. The Seattle Post-Intelligencer reported in an article entitled "Nazism on the Internet": "Many sites operated by neo-nazis, skinheads, Ku Klux Klan members and followers of radical religious sects are growing more sophisticated, offering inviting Web environments that are designed to be attractive to children and young adults."

The software filtering industry estimates that about 180 new hate or discrimination pages, 2,500 to 7,500 adult sites, 400 sites dedicated to violence, 1,250 dedicated to weapons, and 50 are murder-suicide sites are added to the Web every week.

Manuals on bomb-making, weapons purchases, drug making and purchasing, are widespread on the Internet. Simple word searches using "marijuana," enables kids to access Web sites instructing them on how to cultivate, buy, and consume drugs. Literature such as the "Terrorist's Handbook" is easily available on-line, and provides readers with instruction on everything from how to build guns and bombs, to lists of suppliers for the chemicals, and other ingredients necessary to construct such devices.

When a school or library accepts Federal dollars through the Universal Service fund, they become a partner with the federal government in pursuing the compelling interest of protecting children.

Mr. President, Dr. Carl Jung, in 1913, spoke of the importance of childhood in shaping values, and the implications for future generations. Jung said: "The little world of childhood with its familiar surroundings is a model of the greater world. The more intensively the family has stamped its character upon the child, the more it will tend to feel and see its earlier miniature world again in the bigger world of adulthood."

As I look upon the landscape of America today, of our children, growing up in a culture of violence, of a mass media that floods their innocent minds with images of gratuitous sex and senseless violence, as I contemplate the likes of predators who stalk our children through this new technology, of pornographers and hate mongers who seek to invade the sanctity of the innocence of childhood to stamp their dark values on our children, I wonder what the future world of adulthood will look like if we do not act swiftly and decisively to build an inviolable wall around our precious children.

Mr. President, I ask unanimous consent to print in the RECORD a letter from a group of people, including the American Family Association, Family Research Council, Republican Jewish Coalition, Traditional Values Coalition, many others in support of this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC, *June 22, 2000.*

Hon. JOHN MCCAIN,
Russell Senate Office Bldg., Washington, DC.

DEAR SEN. MCCAIN: We are writing to indicate our very strong support for the Children's Internet Protection Act, S. 97, which we believe offers a very effective solution to the growing problem of pornography accessible on the Internet by computers in schools and public libraries. Caring parents who wish to shield their children from sexually exploitive material should be able to trust that schools and public libraries are on their side in this battle. Yet, because of the influence of the American Library Association and their allies, which oppose filtering of any material, even illegal pornography, to children, such parents find they are fighting a losing battle. The Children's Internet Protection Act will go a long way in that battle by requiring that obscenity (hard-core pornography), child pornography, and other material inappropriate for minors be blocked when children access the Internet on school and library computers.

The Children's Internet Protection Act would help solve an additional problem occurring primarily in public libraries, the use of computers by pedophiles who access child pornography, and then seek to molest children. We are pleased that your bill, unlike some other Internet filtering bills introduced in Congress, requires that child pornography be blocked for all users, adults and children.

American needs the Children's Internet Protection Act. Thank you for your leadership on this important matter.

American Family Association, Family Research Council, Republican Jewish Coalition, Traditional Values Coalition, Morality in Media, National Law Cntr. for Children & Families, Family Friendly Libraries, Family Association of Minnesota, Family Policy Network, VA, Christian Action League, NC, Citizens for Community Values, OH, American Family Assoc., IN, American Family Assoc., MS, American Family Assoc., NY, American Family Assoc., PA, American Family Assoc., TX, American Family Assoc., AR, American Family Assoc., AL, American Family Assoc., KY, American Family Assoc., GA, American Family Assoc., MO, American Family Assoc., CO, American Family Assoc., OR, American Family Assoc., IA, American Family Assoc., MI, American Family Assoc., OH, American Family Assoc., NJ.

Mr. McCAIN. Mr. President, this is from Houston Reuters, Thursday, June 15:

A Georgia man has been arrested in Texas and charged with trying to buy two elementary school boys for sex after FBI agents monitoring the Internet identified him as a pedophile, the agency said on Thursday.

Jonathan Christopher Wood was arrested on June 3 after traveling to Houston from Perry, Georgia, with the intention of buying the boys and taking them back to Georgia for illegal sex, the FBI said in a statement.

Wood, 53, was arrested after arriving in an agreed-upon meeting place with $12,000 in cash for the purchase, the FBI said.

Brian Loader, assistant special agent in charge of the FBI's Houston field office, told Reuters the arrest came as a result of FBI monitoring of Internet chatrooms.

"He was identified by our Crimes against Children task force as a person who was actively seeking to purchase children for sexual exploitation. He was using the Internet," Loader said.

Loader declined to say whether an FBI agent had posed as a seller but he said that no other arrests had been made.

A Federal criminal complaint filed against Wood alleges that he traveled across States lines with intent to engage in prohibited sexual relations with a minor. Woods had recently moved to Georgia from Alabama, where he had owned a company that provided Internet access.

Also on Thursday, Texas Attorney General John Cornyn announced the arrest of five men charged with aggravated sexual assault for allegedly having sex with a 12-year-old girl they contacted through an Internet chatroom.

Mr. President, I will have a longer statement when we pursue this amendment later on. I hope we can have an up-or-down vote. Anyone who uses the Internet knows of this problem.

I am not advocating censorship. The fact is that when Federal dollars are used to wire schools and libraries in America, then it seems to me the schools and libraries have an obligation to provide Internet filters and use them according to community standards—only according to community standards, in the same fashion that a school or library filters printed material that comes into a school or library. Occasionally, a wrong book may be taken off the shelf in a library. But I know of no school board or library board that does not filter printed material.

How in the world can we sit still and have all of this stuff coming into our schools and libraries without the kind of filtering that is done with printed materials? A few years ago, a 13-year-old boy in the Phoenix library was viewing pornography on the Internet, and he walked out and sexually molested another young boy. This is rampant throughout this country.

Some argue that I can't stop everything over the Internet, nor do I wish to try that or to enter anybody's home; that is their private business. But schools and libraries in this country should exercise their responsibilities to screen this kind of material according to community standards.

Why in the world the American Library Association opposes this legislation is one of the great curiosities of my political career. I hope we can overcome that opposition. The overwhelming number of parents in America want their children protected in schools and libraries as they view the Internet.

Mr. President, I look forward to an overwhelming vote in favor of this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECTING CHILDREN ON THE INTERNET

Mr. SESSIONS. Mr. President, I appreciate Senator McCAIN for raising this important issue. I agree with him that is difficult to conceive that anyone would think that material that comes through the Internet which would not be allowed in the library in a book should be allowed to be in there electronically. It is frustrating to see the National Library Association, who I have observed over the years have a very radical view of absolutely no one telling a librarian what can be brought into a library. I don't think that is legitimate. Their salaries are paid by the taxpayers, and they receive money from the Federal Government. They don't have an absolute, unprotected right to select whatever they want in the library. It is not a healthy matter.

ELLSWORTH WOULD BE THE BEST HOME FOR THE NEW GLOBAL HAWK AIRCRAFT

Mr. DASCHLE. Mr. President, the Air Force is currently evaluating five military bases to see which would be the best home for its new unmanned surveillance craft, known as Global Hawk. Accordingly, the Air Force is using the final 2 weeks of June to send a team out to each of the five candidates to solicit public opinion on potential environmental impacts. The next such meeting occurs Friday in Rapid City, SD and focuses on Ellsworth Air Force Base.

For the past year or so, I have been making the case for Ellsworth to senior officials in the Department of Defense and the Air Force. Perhaps not surprisingly, I firmly believe Ellsworth represents the best choice for the Air Force to host this important new mission. As we approach the date of the Air Force's meeting in South Dakota, I thought I would say a few words here in the Senate about why I feel as strongly as I do. Although I am confident none of my colleagues will be surprised by this position, they may find some of what I have to say about Ellsworth surprising.

Friday's meeting moves the Air Force one step closer to a deployment decision on the Global Hawk system. I and the scores of other supporters of Ellsworth welcome a careful, objective review. We are confident that at the end of such a process the Air Force will conclude that Ellsworth is the most appropriate home for the Air Force's next generation of surveillance aircraft.

We hold this view for three very important reasons. First, geography. Ellsworth offers uncrowded airspace and largely open spaces. Such a setting is ideal for conducting the kinds of training missions necessary to ensure the Air Force maximizes the technological possibilities offered by Global Hawk.

The second reason Ellsworth has an edge over its competitors is base infrastructure. Many people who have never visited Ellsworth or who have not visited recently will be surprised to see the modern facilities at this base. Many people perceive Ellsworth as a sleepy, rundown former Strategic Air Command Base. Nothing could be further from the truth. As a result of years of effort, it now has the facilities to match the fine personnel it has always had.

The final advantage Ellsworth enjoys is community support that is as deep as it is widespread. From elected officials, to business owners, to hardworking South Dakotan families living in the surrounding area, all stand completely behind what Ellsworth does for South Dakota and our national security. The Air Force will be hard pressed to find a community more supportive of its mission.

For all of these reasons, I stand behind Ellsworth and welcome the Air Force to my state so they can see first hand what I have been talking about in meetings with defense officials and here today on the Senate floor.

FLOOD DISASTER

Mr. CONRAD. Mr. President, I rise today to alert my colleagues that another series of national disasters have hit my home State of North Dakota. This newspaper headline from the largest paper in our State says it best with the headline on the front page, "Swamped." The newspaper goes on to say NDSU, the State university, suffered millions in damage. In fact, I talked to the president of the university hours ago. He believes the damage is in excess of $20 million just at North Dakota State University. This newspaper indicated that the flood filled the Fargo dome where NDSU plays the football games. The dome was filled with over 8 feet of water.

This monsoon that hit Fargo, ND, on the night of June 19, absolutely flooded the entire town. It was an incredible series of circumstances. This is a picture that shows cars under water. We saw this all over the city of Fargo. Basements are flooded. Every kind of structure is flooded with 2 to 3 feet of water in the streets of the city of Fargo, the biggest city in my State.

We also saw massive flooding on the outskirts of town. This is the interstate. This is I–94 that connects Fargo to the rest of North Dakota. It is a major east-west highway in North Dakota. It was under water. Every part of town saw massive flooding. Homes and trailers are under water all across the city of Fargo.

North Dakota State University is one of the two major universities in our State. They suffered millions in damage, with very little flood insurance. The president of the university told me their insurance carrier tells them for this kind of event they only had $10,000 of insurance coverage—with losses of over $20 million. Even the president's house was wet. The newspaper says the president of the university was among many people dealing with the soggy conditions after fighting battles throughout the night, with 2 inches of sewage that entered the basement of the president's house through the failure of the sewer system.

This disaster was not confined to the city of Fargo, unfortunately. It spread throughout the area. Probably one of the great ironies is that until June 11 we were in a drought in much of eastern North Dakota. On June 12, 13, and 14, we had heavy rains in the northeastern part of the State.

I was there last week with FEMA officials assessing the damage. In that part of the State, they received 20 inches of rain in 2 days—absolutely Biblical. I have never seen anything like it—20 inches of rain in 2 days. The entire annual precipitation we receive in the State of North Dakota came in 2 days.

Over 150,000 acres of prime farmland flooded in that series of incidents. Of course, that was followed a week later, last Monday night, by this devastation hitting Fargo, ND, the largest city in the State. The mayor of Fargo said it perhaps best: "It's the worst rain flood we've ever had."

This is an event unparalleled in North Dakota history. There is something very odd going on with the weather pattern. I can only say in my State we have had eight Presidential disaster declarations in the last 7 years. We fully anticipate we will have number nine as a result of this series of incidents in northeastern North Dakota and then in southeastern North Dakota. Hundreds of thousands of acres of farmland were flooded. The major city of my State was very badly hurt by this massive flooding.

I have come before with requests for disaster assistance. I was very hopeful we weren't going to have a disaster this year. Until these devastating events, the worst thing happening was that we appeared to have a drought in part of the State. It is truly stunning to get 20 inches of rain in 2 days.

The damage is incalculable. In North Dakota State University, there wasn't a building on the campus that was not flooded. The president informed me today that the basement of the library was badly flooded where some of the archives were kept. They were in the basement because that is the safest place in a tornado. Fargo is a town that has previously been hit by tornadoes—not frequently, but on occasion.

So the most valuable materials were stored in the basement. Then we get hit by these massive monsoon rains that flooded every building on that campus, including devastating and destroying some of the archives of the State.

This is, again, a disaster of stunning proportion. Tomorrow, top officials of FEMA and I will be going to North Dakota, accompanied by top officials of the USDA, to further assess the damage. I talked to the Governor today. He tells me he is readying a request for disaster assistance. Without question, we will be coming to this body once again to ask for assistance for a remarkable set of what can only be described as almost unimaginable occurrences. It does make me wonder if there is something going on with global climate change that we don't fully understand, to have these extraordinary sets of circumstances 8 years in a row. That is the fact. That is the circumstance that we face.

I wanted to draw my colleagues' attention to it. We in North Dakota have expressed our thanks to our colleagues on repeated occasions for the assistance provided North Dakota in the face of these remarkable natural disasters. I regret very much standing here today again drawing my colleagues' attention to what has occurred in my home State. I think it is important for colleagues to know this has occurred, and that, once again, we will be asking for assistance.

I yield the floor.

HEADSTONES AND GRAVE MARKERS AMENDMENT TO DEFENSE BILL

Mr. DODD. Mr. President, I rise today to express my appreciation to the bill managers, Chairman WARNER and Senator LEVIN, for accepting my amendment (No. 3549) regarding headstones and grave markers for veterans.

This amendment entitles each deceased veteran to an official headstone or grave marker in recognition of that veteran's contribution to this nation.

This amendment is identical to a bill I introduced last year, S. 1215, which has the support of veterans groups such as The American Legion, The Retired Enlisted Association and the Veterans of Foreign Wars. It is cosponsored by Senators BYRD, KENNEDY, SANTORUM, CONRAD, LEAHY, KOHL, FEINGOLD and LIEBERMAN.

There is no more appropriate time for this amendment. Last month, we commemorated Memorial Day. In just a few days our nation will observe Independence Day. Each of these holidays reminds us of the sacrifices made by our veterans. Today our nation is losing one thousand World War II veterans each day. And although they do not boast or brag much, we are all well aware of their monumental contribution to America's remarkable history of freedom, prosperity and political stability.

This amendment would enable their country and their families to recognize that contribution.

As anyone who has made burial arrangements for a deceased veteran knows, the Department of Veterans Affairs must provide a headstone or grave market in recognition of that veteran's service.

What some may not know, and what this amendment would change, is that once a family places a private headstone on their veteran's grave, they forfeit their veteran's entitlement to the official VA headstone or marker.

This law has its origins in the period following the Civil War when our nation wanted to ensure that no veteran's grave went unmarked. Today, however, when virtually no one is buried in an unmarked grave, the VA headstone or grave marker serves to officially recognize a person's service in the U.S. armed forces.

The present policy generates more complaints to the VA than any other burial-related issue. About twenty thousand veterans' families contact the VA each year to register their belief that their family member is due some official recognition for his or her military service regardless of whether a private headstone has been placed on the grave.

A constituent of mine, Mr. Thomas Guzzo, first brought this matter to my attention. His father, Agostino, a U.S. army veteran, passed away in 1998.

Agostino Guzzo is interred in a mausoleum at Cedar Hill Cemetery in Hartford, but his final resting place does not bear any official military reference to his service in the U.S. Army. Agostino Guzzo's family wants an official VA marker, but, because of the policy I have described, they cannot receive one.

Faced with this predicament, Thomas Guzzo contacted me, and I attempted to straighten out what I thought to be a bureaucratic mix-up. I was surprised to realize that Thomas Guzzo's difficulties resulted not from some glitch in the system, but rather from the law itself.

I wrote to the Secretary of Veterans Affairs regarding Thomas Guzzo's very reasonable request. The Secretary responded that his hands were tied as a result of the obscure law to which I have just referred.

This amendment is a modest means of solving an ongoing problem that continues to be a source of irritation to the families of our veterans. The Congressional Budget Office has estimated that it would cost three million dollars during the first year it is in effect, and about two million dollars per year thereafter. That is a small price to pay to recognize our deceased veterans and put their families at ease.

Prior to November 1, 1990, when a veteran passed away, the VA was required to provide a headstone or grave marker unless a family bought a private headstone. For those families, the VA provided a check for the amount, about $77, it would have spent on a headstone. This amendment will not reenact that policy, which was discontinued due to cost considerations. It simply says that an official VA marker or headstone will be provided for those families that ask for one, and may be placed at a site that they deem to be appropriate. In most cases, families that have placed a private headstone will request a marker—a $20 brass plate—that would be mounted to the headstone. Surely we can do that much for our veterans in this time of budget surpluses.

This amendment allows the Department of Veterans Affairs to better serve veterans and their families, and I encourage my colleagues to listen to the thousands of veterans' families who simply hope to recognize a family member's military service.

The Greatest Generation gave so much to this country in life, this is the least we can do for them when that life comes to an end.

They did their duty and answered the call to serve. It is up to us to give them the modest recognition that they deserve.

Again, I want to thank the managers for their support and the Senate for adopting the amendment. I am hopeful that this provision will be maintained in the conference report.

COPING WITH A CHANGING KOREAN PENINSULA: AVOIDING RIGIDITY AND IRRATIONAL EXUBERANCE

Mr. BIDEN. Mr. President, I rise to begin a discussion of the tremendous strategic consequences which may flow from events now underway on the Korean Peninsula.

As we debate spending on non-proliferation programs—including support for the Korean Energy Development Organization created by the 1994 Agreed Framework, which was significantly reduced in the Foreign Operations Appropriations Bill just passed by the Senate—it is important to keep the big picture in mind. We need to remain flexible in the face of a changing world, avoiding the twin pitfalls of rigidity and what Fed Chairman Alan Greenspan refers to as "irrational exuberance."

Our decisions today will help shape the strategic environment that our children and grandchildren will live with tomorrow.

I don't pretend to have all the answers, but I think I have a good handle on some of the key questions, and I hope my colleagues will bear them in mind as we move forward.

A decade after the end of the cold war, the American people are entitled to feel puzzled and dismayed by the continued hostile division of the Korean peninsula along the 38th Parallel. More than a million soldiers, including 37,000 Americans, thousands of artillery tubes, and hundreds of tanks, are clustered along a heavily-fortified border 155 miles long. If ever a place were ill-named, it would be the so-called "Demilitarized Zone" on the Korean Peninsula.

Today, the two Koreas could not be more different.

North of the DMZ, people live in unimaginable poverty and hardship. As many as 2 million North Korean have perished as a result of famine and disease over the past 4 years.

The 22 million who have survived live under one of the most repressive and brutal regimes on the planet.

Their leader, Kim Jong-il, was, until recently, a recluse. We didn't know much about him, although there were plenty of rumors. He was said to be mad, irrational, a playboy obsessed by Hollywood movies. He was the "perfect rogue" in charge of the world's most dangerous "rougue" nation.

South of the DMZ, 47 million Koreans live in a flourishing democracy, one of the most productive societies on the planet. They enjoy one of the highest living standards in Asia, or indeed, in the world. Their country is completing a remarkable transformation from authoritarian rule to full-throated democracy.

They are a steadfast U.S. ally, and have shed blood and put their lives on the line alongside U.S. forces from Vietnam to the Middle East.

South Korea's leader, President Kim Dae-jung, is a visionary and a man of peace. Long imprisoned for his support for democracy and rapprochement with North Korea, Kim had the courage to extend a hand of peace and friendship across that DMZ, and the peninsula may never be the same.

Mr. President, the Korean Peninsula is hallowed ground.

This is where Americans of the 2nd Infantry division struggled their way up Heartbreak Ridge in order to help secure a defensive line which has remained static for the past 50 yrs. It is a battlefield on which 900,000 Chinese, 520,000 North Korean, 250,000 south Korean, and more than 33,000 American combatants lost their lives. It is ground on which as many as 3 million civilians—ten percent of the total population—perished during three years of desperate fighting.

The Korean Peninsula is also perilous ground.

The North has not withdrawn any of its heavy artillery poised along the Demilitarized Zone. It has not yet ended all of its support for terrorist organizations. And, perhaps of greatest concern to the U.S., North Korea has not stopped its development or export of long-range ballistic missile technology. The North's missile development poses a threat not only to our allies South Korea and Japan, but to others in regions destabilized by North Korean arms merchants.

In short, the North Korean threat remains today the most obvious strategic rationale for America's forward-deployed military forces in the Pacific Theater. Roughly 100,000 men and women of the armed forces safeguard U.S. interests in East Asia.

The North Korean threat is also the most obvious strategic rationale for those who advocate the development and deployment of a limited National Missile Defense. As the expression went back in the early 1980's, "One A-bomb can ruin your whole day."

Mr. President, it is too soon to pop the champagne corks. Euphoria is not an emotion that lends itself to sound foreign policy-making. As President Kim Dae-jung himself has said, we must approach North Korea with a "warm heart and a cool head."

Having said all of that, it would be the greatest folly for us not to consider the potential significance of what is happening on the Korean peninsula, not just for Northeast Asia, but for the future of United States strategic doctrine and our role in the Pacific.

Mr. President, the world does not stand still. The "plate-tectonics" of Northeast Asia are fluid. The realignments underway could have a profound impact on our force posture and role we will play, with out friends and allies, in helping to secure a peaceful and stable East Asian environment for our children and grandchildren.

With the emergency of Kim Jong-il from what he jokingly admitted was a "hermit's" existence in North Korea, we are beginning to see the rewards of patient diplomacy backed by strong deterrence. If implemented, the agreement reached in Pyongyang—especially provisions for family reunion visits, economic cooperation and eventual peaceful unification—promises to reduce tensions in this former war zone and enhance economic, cultural, environmental, and humanitarian cooperation on the peninsula.

In five year's time, we might be evaluating a new North Korean missile threat. Alternatively, we might be marveling at the creation of a genuine demilitarized zone linking, rather than separating, North and South.

North Korea appears to have made a strategic decision that reforming its moribund economy and normalizing relations with its neighbors are the keys to the survival of the regime.

This decision was not made at the summit. It has its origins in the collapse of the Soviet Union, the fall of the Berlin Wall, and the success of China's economic reforms. Absent Soviet subsidies and military, North Korea has become a desperately poor country, unable even to feed itself. It has begun to seek accommodation, even on tough issues involving national security.

Just yesterday, in response to President Clinton's decision to lift some economic sanctions on the North, the North Koreans agreed to extend the missile launch moratorium it has observed over the past year.

The North also agreed to engage in a new round of talks next week with the Administration. These talks will take time, but they could ultimately lead to a decision by North Korea to forego future missile exports and curtail its development of long range missiles.

What would be the consequences of a world in which North Korea no longer posed a significant threat to its neighbors? Where would our interests lie?

It's hard to answer the first question without first engaging in thorough deliberations not only with our allies South Korea and Japan, but also with others with a stake in preserving peace and stability in northeast Asia, most notably China and Russia. I believe those deliberations should begin now. We should not wait for events to dictate an answer to us, as occurred in the Philippines when we suddenly found ourselves without bases on which we had staked much of our future in Southeast Asia.

It's a little bit easier to answer the second question. I believe our enduring interests are clear.

First and foremost, will be our desire to preserve peace and stability. There are regional tensions beyond the division of the peninsula.

Japan and South Korea have unresolved territorial disputes and a historical legacy of war and mistrust. The Perry Initiative has helped forge a remarkable trilateral spirit of cooperation, and we should seek to ensure that spirit lives on even after the threat of a second Korean War is laid to rest.

Japan and Russia have much the same difficulties as do Japan and South Korea, and we should do our part to help them to resolve their differences peacefully.

Second, we must pursue non-proliferation. The danger of nuclear proliferation will not evaporate just because North and South Korea are reconciled. U.S. strategic doctrine—especially our decision on whether to proceed with the development and deployment of a National Missile Defense—will have a huge impact on whether Japan goes nuclear, which would immediately trigger a Korean response, and whether China builds more ICBMs or decides to MIRV a future generation of missiles.

The North Korean threat is literally and figuratively a "moving target." We should make sure that our aim is true, and that we do not inadvertently cause more problems than we solve in our haste to address it.

Third, we will want to foster respect for international norms in the areas of human rights and the environment. This will be particularly important in our relationship with China.

Fourth, we will continue to seek economic openness, including securing sea lanes of communication. A decision looms before the Senate on whether to extend permanent normal Trade Relations to China.

I support PNTR for China, in part because I believe it is an essential ingredient of an overall strategy which secures a place for us in more prosperous and economically integrated East Asia.

For all of these objectives, maintenance of robust U.S. military capabilities, forward deployed in the region, will be essential, although the composition of those forces is likely to change as their roles and missions evolve. Our forward-deployed forces and the maintenance of strong strategic airlift capabilities at home enable us to respond swiftly and effectively to regional contingencies, humanitarian disasters, and political instability which might impact our vital interests.

Mr. President, as I said at the outset, I think we may be witnessing something extraordinary underway in Northeast Asia. We don't know exactly how it is all going to play out. But we had best begin now to discuss the potential implications. The decisions we make today will shape the strategic environment and the tools we have to advance our interests in East Asia tomorrow.

Mr. President, I yield the floor.

GUN VIOLENCE

Mr. WYDEN. Mr President, I rise today to speak about the tragedy that is gun violence.

On May 21, 1998, 15 year-old Kip Kinkel walked into Thurston High School in Springfield, OR and opened fire with a semiautomatic rifle in a crowded cafeteria, killing two classmates and wounding two others. Kinkel had been arrested the day before the shooting for bringing a gun to school. However, police decided that he was not a threat and released him to his parents. The next morning, Kip Kinkel shot his parents to death at home before he went to school and opened fire on his classmates.

The entire state of Oregon went into shock. The Mayor of Springfield called upon lawmakers to institute a mandatory detention period for students caught bringing guns to school. In response, Senator GORDON SMITH and I introduced S. 2169, a bill that would provide a 25 percent increase in juvenile justice prevention funds to those states that implemented a 72-hour detention period for any student who brought a gun to school.

The idea behind the bill is straightforward. If a student brings a gun to school, he or she must be removed from the school and moved to a secure place where the student can be evaluated and the community protected.

A month later, on July 23, 1999 Senator SMITH and I offered a modified version of S. 2169 as an amendment to the Senate Commerce-Justice-State Appropriations bill. The "24 Hour Rapid Response for Kids who Bring a Gun to School," amendment passed unanimously. Unfortunately, conservative House members, with close ties to the National Rifle Association, objected to any so called "gun measures" on the bill, and the amendment was removed.

On May 19, 1999, Senators SMITH, HATCH, and I teamed up to offer a revised version of the 24-hour Rapid Response amendment to S. 254, the Juvenile Justice bill. The amendment was accepted by the bill managers. Sadly, the bill has languished in the Conference Committee since that time.

Consequently, I have offered the 24-hour Rapid Response amendment on S. 1134, the Education Savings Act and S. 2, the Educational Opportunities Act, and will continue to offer it until such time that schools are safe for all our children. This is not about guns. It's about safety.

Since this amendment has not been enacted and because the legislation that would give law enforcement the tools to stop gun violence have been stalled, I come to the floor today to continue reading the names of those who fallen to gun violence.

Following are the names of some of the people who were killed by gunfire one year ago today, June 22, 1999:

Sean Atkins, 33, Baltimore, MD; Cedric Biglow, 22, Oklahoma City, OK; Michael A. Clifton, 35, Chicago, IL; Dredunn Cooper, 20, Houston, TX; Max Johnson, 28, Dallas, TX; Willie Ray Lewis, 23, New Orleans, LA; Rico Mosley, 19, Atlanta, GA; Richard Neely, 75, Chicago, IL; James Edward Shea, 75, Cape Coral, FL; Steve Taylor, 25, Philadelphia, PA; Joel A. Thompson, 20, Chicago, IL; Michael Williams, Atlanta, GA; Marduke Jones, Detroit, MI

NATIONAL EARLY LITERACY SCREENING INITIATIVE

Mr. COCHRAN. Mr. President, recently, the National Reading Panel submitted its report to Congress. That report shows the best current research on how children learn to read. One of the significant studies included in the research is the product of the National Institute for Child Health and Human Development. The research actually began as a result of the 1985 Health Research Extension Act which charged NICHD with the research task of finding out why children have trouble learning to read.

The U.S. Department of Education reports a 42% increase in the number of students with specific learning disabilities receiving special education services over the past decade, with 2.7 million students ages 6–21 currently being served under the Individuals with Disabilities Education Act. As many as 90 percent of these students have significant, if not primary, special education needs in the area of reading.

In the NICHD study, one of the most important discoveries was that 90–95% of those children with reading difficulties could be on track with their peers by third grade if they are identified at an early age and given the appropriate training. And that, Mr. President, is the greatest step we can make toward successful learning for these children.

Currently, there is no readily available, scientifically based, easy-to-use screening tool to test children for reading readiness skills. And, there is no coordinated effort for parents and other early care providers to identify children who show signs of early literacy difficulties and to provide them research-based information and support.

The National Center for Learning Disabilities has recently completed a plan to provide parents, early childhood professionals, and other care providers with an easy to use early literacy screening tool, access to information about the critical importance of early oral language and literacy experiences, and resources that will inform and enhance early instruction and learning. The Report to the House-passed version of the Labor, Health and Human Services, Education and Related Agencies Appropriations bill includes a recommendation that NICHD fund this initiative.

I hope that as we work through the differences in this bill, adequate funds will be provided to NICHD to fund the National Early Literacy Screening Initiative.

NOMINATION OF EDWARD GNEHM, JR. FOR AMBASSADOR OF AUSTRALIA

Mr. ENZI. Mr. President, this is truly one of the highlights of my Senate career, an instant replay memory I will recall and cherish for a long time to come. For today I was able to read and have approved the nomination of my college roommate to serve as Ambassador. It's something we would have never dreamed we would be a part of back in the days when we were rooming together just down the street from the United States Capitol at George Washington University.

I first met Edward Gnehm, Jr., or "Skip" as everyone has come to know him, years ago and we quickly became friends. In fact, Skip was my fraternity brother and he is the only brother that I have ever had—of any kind—in my life. He was my roommate for three years and he's been my friend ever since. As I hit the books and studied about accounting and business, he was working on learning the nuances of International Relations in the hope that it would help him become a career Ambassador for the United States of America. I watched him work and dedicate his every waking moment to his dream. You can't help but be inspired by someone who has that kind of dedication. He was a brilliant guy, but he was also modest about it. He had high expectations for his college years—his teachers did, too. Skip's hard work and determination allowed him to exceed and surpass them all. None of us who knew him were surprised by his success.

We graduated from college and then, as the years passed, we took on the challenges of our lives. For me, a career as a small businessman gave way to a second career in politics. For Skip it was one post, one assignment after another, as his work took him literally all over the world.

So much of what I know about the world and the people of different countries comes from having seen so much of it through my friend Skip's eyes. He first served in Katmandu, the capital of Nepal. He also worked in many parts of the Middle East. As Ambassador, he faced danger and showed a unique kind of bravery in Kuwait when Saddam Hussein's Army took up residence across the street. Through it all, Skip never wavered, and he never lost sight of what he most wanted to do—and that was to serve his country to the best of his ability.

That may sound a bit corny to some, but that's all right. In this day and age we need more like him who are dedicated to God, country and family and who live that philosophy from the heart every day. It's called walking your talk and Skip knows all about that. I know that about him because I know him so well. I canoed with him in the swamps of Georgia. You get to know a lot about someone when it's the two of you sharing the experience of being lost in the midst of some mysterious aspect of God's creation. Those are quiet times that lead to thoughtful reflection and a shared focus on the things that are important in life.

Another of the things we have in common was our incredible good fortune in picking a spouse. Skip and his wife Peggy and I and my wife Diana have built a relationship based on trust, cooperation, communication and understanding. That kind of bond has helped Skip and Peggy to serve their country as Ambassadors overseas and it has helped Diana and me to serve the people of Wyoming here in the Senate.

He and I have sons and daughters who are the same age. His son, Ed, is married to the daughter of the couple who introduced me to my wife, Diana. They met at my swearing-in ceremony. The two dads were part of my wedding. And I was there to see their children's marriage in Wyoming.

He recently had a break in his assignments which brought him back to Washington where he served at the State Department. It was always good to see him and to watch him continue to serve in so many different capacities with the same strength, courage and professionalism he brought to any task. On other assignments here, he worked with the Defense Department as State Department Liaison, with Senator KENNEDY on foreign relations issues and he has also held several other posts. He has served in the United Nations.

Although he was doing well "back home" Skip wanted to get back on the road and head out for another adventure, another challenge in his life. Now, with the action taken by the Senate today, he has received his next call.

I want to thank all of those who made Skip's placement possible. First, let me acknowledge the efforts of CRAIG THOMAS, my friend and colleague from Wyoming, who held hearings on Skip's nomination. He went beyond the call of duty to get his part of the job done in a timely fashion.

Senator HELMS, too, deserves our appreciation for his expeditious work with the full Committee to get the nomination brought before the full Senate for our consideration.

Now, all those years of planning, preparing, and public service have paid off. For Skip, it means another post in an already distinguished career. For us, it means we have a truly dedicated career officer who will be serving us in Australia. I can't think of a better Ambassador and representative of the people of the United States than Skip Gnehm. He will love being there and Australia will love coming to know Skip. It's another perfect match!

TRIBUTE TO SERGEANT MAJOR OF THE ARMY ROBERT E. HALL

Mr. THURMOND. Mr. President. I would like to take this opportunity to pay tribute to Sergeant Major of the Army (SMA) Robert E. Hall, who will retire today, June 22, 2000. SMA Hall's service to our nation spanned more than 32 years, during which he distinguished himself as a soldier, leader, mentor, and advisor to the Chief of Staff of the Army.

A native of Gaffney, South Carolina, SMA Hall enlisted in the U.S. Army in February 1968. During his more than three decades of loyal service to the nation, he has held and served in every enlisted leadership position from squad leader to command sergeant major. He is a combat tested leader, serving in Desert Shield/Desert Storm with the 24th Infantry Division Artillery as its command sergeant major. Before becoming the 11th Sergeant Major of the United States Army, he was command sergeant major of U.S. Central Command, MacDill Air Force Base, Tampa, Florida. He also served as command sergeant major, 1st Battalion, 5th Air Defense Artillery, Fort Steward, Georgia; Commandant, 24th Infantry Division Noncommissioned Officer Academy, Fort Steward, Georgia; the 24th Division Artillery, Saudi Arabia and Iraq; the 2nd Infantry Division, Korea; and First U.S. Army, Fort Meade, Maryland.

During SMA Hall's tenure as advisor to the Chief of Staff of the Army, he made individual soldiers' issues a priority, focusing on improving the quality of life for them and their families. He concentrated on providing servicemen and their loved ones with accurate and timely information so that they could make educated and informed decisions about their future in a transforming Army. His personal efforts provided significant assistance and helped to ensure the successful repeal of the REDUX retirement system. In addition, he helped lay the foundation for pay table reform. This was achieved through regular interviews with both internal and external media sources. He also testified and visited with congressmen more than 19 times during his tenure as Sergeant Major of the Army. In doing so, he established a reputation, trust, and rapport with Congress as a caring leader who conveyed the needs of enlisted soldiers.

SMA Hall's distinguished 32-year career epitomizes the consummate professional soldier. But above all, he is a loving and caring husband and father whose service was enhanced by his wife, Carole, and their three children, Apra, Rea, and Jason.

I am certain that my colleagues in the Senate join me in commending SMA Hall on his dedicated service to the nation and the United States Army, and wish him well in his future endeavors.

GUN SAFETY CAMPAIGN

Mr. LEVIN. Mr. President, when six-year old Kayla Rolland, from Mt. Morris Township, Michigan, was shot by a fellow classmate, it moved most Americans to tears. Months later, the tears dried and the images faded from view for some, while others turned those tears into action. Of course, the most active group has been the Million Moms, who marched in my home state of Michigan and around the country to demonstrate for safer, more sensible gun laws.

The mothers and others marched on Mothers' Day, 2000 because they are fed up with Congress and our continual failure to pass responsible gun measures that will help protect America's children. Since the school shooting in Colorado, and the more recent one in Michigan, Congress has failed to act, so Americans have started to take gun safety into their own hands. One of those Americans is Joe Yax of Midland, Michigan.

Mr. Yax was driven to action by the school shooting of Kayla Rolland. Yax said he felt nauseated when he first heard news of the shooting, and immediately thought of his own young children, and the unlocked guns he kept at home. Yax told the press that he had always planned to purchase locking devices for his guns, but he never found the time. When young Kayla was shot, not only did Mr. Yax find the time to purchase trigger locks to make his own children safer, Mr. Yax, who is a store employee of the Midwest superstore, Meijer, e-mailed the company's president to see how he could make his community safer.

As a result of that e-mail, Meijer, which does not sell guns, but does sell ammunition, hunting licenses and other supplies, implemented a gun safety campaign at all of their stores. Sporting-good employees now wear buttons reading, "Is your home gun safe? Trigger lock 'em" and trigger locks are displayed prominently at the sporting-goods counter. In addition, Meijer reduced the price of trigger locking devices to encourage more purchases.

I am pleased that Joe Yax took this initiative, and I think he and Meijer should be commended for their efforts. Corporate responsibility is a necessity if we are going to reduce gun violence. Nevertheless, while Mr. Yax did what he could to improve gun safety, it is not enough. It's time for Congress to follow the lead of Mr. Yax and act to make sure our own children—America's children—are safer.

MEDICARE LOCKBOX

Mr. ASHCROFT. Mr. President, I am pleased to speak for a few moments to call attention and applaud the actions of the House of Representatives this week in taking a fundamentally important step toward protecting both the Medicare and Social Security programs.

I want all Americans to know that the full House passed Medicare Lockbox legislation—H.R. 3859, sponsored by Representative WALLY HERGER—by an overwhelming 420-2 margin. What months ago some inside the Beltway said was impossible has happened—one chamber of Congress has spoken in an almost unanimous voice to protect the Medicare and Social Security surpluses.

For decades, Congress and the President have used Social Security and Medicare surpluses to finance additional government deficits. Last year, for the first time since 1957, Congress balanced the budget without spending a penny of the Social Security surplus.

When Congress accomplished this important goal, I immediately set my sights on a higher goal—that is, to protect the Medicare Part A surplus in the same manner. So on November 18, 1999, I introduced S. 1962, the Social Security and Medicare Safe Deposit Box Act. The bill the House passed yesterday is very similar to my legislation, and I am encouraged about the prospects of passing the Medicare Lockbox in the Senate and seeing it signed into law.

We need to ensure that the payroll taxes Americans contribute to pay for Social Security and Medicare are used solely to pay Social Security and Medicare benefits. Any surpluses in these accounts should be used to reduce publicly-held debt. It is wrong for Washington to spend this money on additional government programs or to finance additional government deficits.

The Medicare lockbox will wall off the surpluses in the Social Security and Medicare Part A Trust Funds, barring Congress from even considering a budget that used Social Security or Medicare surpluses to finance deficits in the rest of the government; only a three-fifth vote in the Senate and a majority in the House could override the new rule.

It will impose discipline and clarity on the spending practices in Washington. If Congress or the President wants to spend Medicare Part A or Social Security surpluses, Congress will need to have a separate vote to suspend the Lockbox protections in order to do so.

Not only have nearly all Republicans and Democrats in the House endorsed the Lockbox concept; Vice President AL GORE announced several weeks ago that he, too, supports erecting a wall of protection around the Medicare surplus. His support is welcome, and his assistance in helping to pass this measure is eagerly anticipated.

I urge the leadership on both sides of the aisle to agree to call up and pass the Medicare Lockbox. By doing this, we will send the powerful message that protecting both Medicare and Social Security is our highest priority.

It is essential that we make this change. Social Security is scheduled to go bankrupt by 2037. Medicare is projected to become insolvent even sooner, in 2023. It is vitally important that we ensure that the government not spend monies dedicated for the trust funds that sustain these essential programs.

While protecting the Medicare surplus seemed to be an unattainable goal just a few short years ago, this goal is now within our reach. In addition to funding the government for fiscal year 2000 without spending a penny out of the Social Security trust fund, CBO's new projections will demonstrate that we will have enough revenue available to protect the $22 billion Part A Medicare surplus as well.

It is imperative that we limit spending this year so that we do not dip into the Medicare surplus in FY 2001 and in years to come.

Both Medicare and Social Security are funded out of payroll taxes specifically delineated for their respective purposes, and are supposed to be reserved for those purposes. If there are surpluses in these accounts, if these accounts take in more money than is necessary for their stated purposes in a specific year, then that money should not suddenly be available for general government spending.

Any and all surpluses in those two accounts should be reserved for their stated purpose, or be used to help shore up those accounts. The Medicare Lockbox promotes honest accounting, and requires the government to use funds for their advertised purposes.

Lockboxing Social Security and Medicare surpluses is an essential first step in securing the long term financial solvency of Medicare and Social Security.

The Medicare Lockbox will change the way business is done in Washington. I commend the House and Congressman HERGER for taking the first step in protecting the Medicare Part A trust fund.

The House bill is not perfect, but it will protect all of the Medicare Part A and Social Security trust funds. It also has the support of 420 members of the House of Representatives. The overwhelming support for the Medicare lockbox in the House should send a powerful signal to the Senate to take up and pass this bill.

Passing this law will be the next step on our journey to secure the long term solvency of Social Security and Medicare.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 21, 2000, the Federal debt stood at $5,653,964,505,301.84 (Five trillion, six hundred fifty-three billion, nine hundred sixty-four million, five hundred five thousand, three hundred one dollars and eighty-four cents).

One year ago, June 21, 1999, the Federal debt stood at $5,589,358,000,000 (Five trillion, five hundred eighty-nine billion, three hundred fifty-eight million).

Five years ago, June 21, 1995, the Federal debt stood at $4,898,069,000,000 (Four trillion, eight hundred ninety-eight billion, sixty-nine million).

Ten years ago, June 21, 1990, the Federal debt stood at $3,177,422,000,000 (Three trillion, one hundred seventy-seven billion, four hundred twenty-two million).

Fifteen years ago, June 21, 1985, the Federal debt stood at $1,761,470,000,000 (One trillion, seven hundred sixty-one billion, four hundred seventy million) which reflects a debt increase of almost $4 trillion—$3,892,494,505,301.84 (Three trillion, eight hundred ninety-two billion, four hundred ninety-four million, five hundred five thousand, three hundred one dollars and eighty-four cents) during the past 15 years.

CAMPAIGN FINANCE TASK FORCE CHIEF PROSECUTOR INVESTIGATES VICE PRESIDENT GORE REGARDING CAMPAIGN CONTRIBUTIONS

Mr. SESSIONS. Mr. President, I want to share some thoughts tonight about a major development concerning the investigation involving the financing of the Vice President's 1996 reelection campaign. First, however, I would like to say that this matter should have been over some time ago, but the Attorney General declined to appoint an Independent Counsel. The Justice Department attorneys who were involved in the investigation of the campaign financing matter have recently testified before the Subcommittee of the Judiciary Committee, which is chaired by Senator SPECTER and of which I am a member. In my opinion, these attorneys have not produced credible and justifiable reasons for the lack of an appointment of an Indpendent Counsel or for the extraordinary delays that have incurred in the campaign finance investigation.

My 15 years of experience as a prosecutor in the Department of Justice convince me that if the Department of Justice was not going to call for an outside prosecutor—an Independent Counsel—to investigate Vice President GORE, it had an imperative obligation to investigate the matter thoroughly, promptly, and fairly and to bring it to a conclusion. But the attorneys for the Department of Justice who have been involved in this matter for years did not do that.

Late this afternoon, the Associated Press and the New York Times reported that Robert Conrad, the new head of the Justice Department's Campaign Finance Task Force, has requested that Attorney General Reno appoint a "special counsel." After the expiration of the Independent Counsel Statute, Attorney General Reno has the authority to appoint a special counsel to investigate Vice President GORE's involvement in the 1996 campaign fundraising matters.

This is the most recent in a long line of highly respected officials within and without the Department of Justice who have asked for a complete and independent investigation of various aspects of the Vice President's fundraising activities. Unfortunately, each and every previous request for an independent investigation has been denied.

FBI Director Louis Freeh, himself a former Federal judge and a former experienced and skilled Federal prosecutor who personally prosecuted some of this country's most complex cases, recommended the appointment of an Independent Counsel in the fall of 1996.

FBI General Counsel Larry Parkinson also recommended an Independent Counsel.

The former head of the Justice Department's Campaign Finance Task Force, Mr. Charles La Bella, also recommended that an Independent Counsel be appointed. He actually did so several times after he took over as head of the task force in the fall of 1997. He eventually resigned from that position.

Chief FBI Investigator DeSarno joined in La Bella's recommendations.

Ms. Judy Feigin, Mr. La Bella's chief prosecutor in 1998, also recommended that an Independent Counsel be appointed in the campaign finance matter.

Finally, Principal Associate Deputy Attorney General Bob Litt—the associate Attorney General third in line to Janet Reno at the Department of Justice, an individual she picked and was approved by the President—recommended the appointment of an Independent Counsel. He switched his position after opposing such an appointment for some time. Even Mr. Litt recommended an Independent Counsel in 1998. But no independent investigation has been approved to date.

Mr. Conrad testified before our subcommittee a few days ago. He impressed me as a solid prosecutor with over 10 years experience, with a substantial record of trying courtroom cases. He understood his duty. He was soft spoken. He was solid. He would never be led into saying things he did not think were proper. We were very impressed with him. Since his involvement with the case began approximately six months ago, some five people have pleaded guilty or been convicted of criminal offenses arising from the financing of the 1996 Clinton-Gore campaign. So his recommendation for an independent investigation is entitled to substantial weight and is very, very important for America.

I sincerely and earnestly request that the Attorney General not deny this most recent request to investigate the Vice President regarding the receipt of illegal campaign contributions.

Yesterday, at our hearing, chaired by Senator SPECTER, Mr. Conrad testified that he had personally interviewed Vice President GORE in April. Mr. Radek, a top Department of Justice official, has recently confirmed, in an NBC Meet the Press interview, that Vice President GORE's Buddhist temple fundraiser is "still under investigation by the task force. And if any evidence shows up that Vice President GORE knew about the crimes that were involved there, of course, that would, again, cause a triggering of the now independent counsel regulations in the department." I believe Mr. Radek was referring to the new special counsel provisions.

News accounts in the New York Post recently reported that at the interview, the Vice President "blew his top . . . because they asked about his illegal Buddhist temple fundraiser for the first time." Further, the Vice President "seemed stunned" and "fumed" when confronted with these allegations, and the interview "ended in a yelling match between GORE and federal investigators."

These are the investigations of Mr. Conrad. After four years, finally Vice President was asked about this. That is the description of that interview. I would think the Vice President would want to clear up the matter and be candid and forthcoming with the investigator. It would certainly be better for the country. It would certainly allow the matter to have been concluded sooner.

What is this campaign financing matter about? Why is it that this Buddhist temple matter simply will not go away?

On April 29, 1996, in Hacienda Heights, California, Vice President GORE held a fundraiser at a Buddhist temple—a tax-exempt institution where you shouldn't be able to hold a fundraiser. Several questions arose from this fundraiser.

Who were the people surrounding Vice President GORE at this event? Were the people involved in this event involved in illegal foreign-source contributions?

What was the role of the Vice President's staff and DNC staff regarding this event? What was the Vice President's role regarding this fund-raising event?

The poster shows a picture of Vice President GORE at the Buddhist temple fund raiser. To his far right is Maria Hsia, his long-time friend and fundraiser of more than 10 years, who was recently convicted on 5 felony counts. Her convictions stem directly from the Buddhist temple fund-raiser. It is important to note that the investigation by the Senate Governmental Affairs Committee concluded that Maria Hsia is an "agent of the Chinese government, that she acted knowingly in support of it, and that she has attempted to conceal her relationship with the Chinese government."

To Vice President GORE's immediate left is Ted Sieong, who fled the country as soon as he was implicated in the fund-raising scandals and who we believe remains under criminal investigation. Ted Sioeng is an overseas businessman who has been tied to hundreds of thousands of dollars in illegal contributions during the 1996 campaign, and the Senate Governmental Affairs Committee concluded that he "worked, and perhaps still works, on behalf of the Chinese government." Behind and to Vice President GORE's right is John Huang, a Vice Chairman of the DNC staff who helped the Vice President plan the Buddhist temple event. Mr. Huang also subsequently pleaded guilty to a felony count. He raised over a million in illegal foreign-source contributions.

Finally, behind the Vice President and to his far right is Man Ho Shih a Buddhist Nun who admitted to another Committee of the Senate that she and others set about destroying documents relating to the temple fund raiser. According to one of her fellow monastics, those documents were destroyed because they "did not want to embarrass the Vice President." She also fled the country before she was scheduled to testify in a court of law, and is now under indictment, but evading custody.

Moreover, another key piece of evidence which could shed some light on this issue, the videotape of the event, has never been found. This is a serious matter. The rule of law is a serious matter. A legitimate investigation is required.

I make no suggestion that the Vice President is guilty of any crime related to this event and I sincerely hope that he is not.

I am deeply troubled that senior officials in the Justice Department have refused for four years to allow investigators the opportunity to ask the necessary questions of the Vice President and other senior administration officials so that this matter can be resolved one way or the other.

Indeed, we had testimony in our subcommittee, and we went over it two days ago with Mr. Mansfield the former Assistant United States Attorney in Los Angeles who started the initial investigation of the Buddhist temple fundraiser.

When this news broke late in the 1996 Presidential campaign, Mr. Mansfield, who had previously and successfully prosecuted a Republican Congressman for campaign fraud, was preparing his investigative plan for this event. He testified that in these kind of cases you need to move quickly to get records and documents and interview witnesses. But he was stopped by a political appointee, the chief of the Public Integrity Section in the Department of Justice, by written direction. And he was not allowed to proceed to interview witnesses, or to issue subpoenas for documents. And, indeed, the Department of Justice subsequently declared that no Independent Counsel was required, rejecting the suggestion of Senator McCAIN, who previously talked on this floor and who wrote at that time calling for an Independent Counsel to be appointed. And five other Members joined in that letter.

But the Department of Justice attorneys who stopped Mr. Mansfield's investigation did not interview any witnesses or do any significant investigation.

That is why I believe it is important that Mr. CONRAD's request for the appointment of a special counsel should be granted. The Attorney General has one more chance to do what I believe is her duty.

Mr. Conrad has a reputation as a man of integrity and a solid prosecutor who gets results. As the current chief prosecutor who has been in place for only a few months, has done a fine job in securing 5 convictions and guilty plea agreements in several key cases. One of these involved Pauline Kanchanalak, who was responsible for funneling approximately $690,000 of illegal foreign money to the Democratic National Committee and 5 state Democratic parties. More than $457,000 of this amount was related to one White House coffee on June 18, 1996, organized by John Huang and attended by President Clinton. Another case involved the conviction of Maria Hsia on March 2, 2000, which resulted, in part, from her involvement in the California Buddhist Temple fundraiser to funnel more than $100,000 of illegal foreign money into the Clinton-Gore 1996 reelection campaign. Even after her conviction on five felony counts, Maria Hsia is still not in jail. In fact, Judge Friedman granted her request to have her passport returned so she can travel freely between China and the United States.

At any rate, some progress apparently is being made. And I commend the efforts of Mr. Conrad. I believe that his work has the potential to restore the integrity of the Department of Justice, and I believe Attorney General Reno should follow his advice and appoint a special counsel to conclude this matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

THE EXECUTION OF GARY GRAHAM

Mr. FEINGOLD. Mr. President, the Nation has been engaged in a raging debate in recent days on whether Gary Graham should be executed in Texas.

Supporters of the death penalty, including Governor Bush, have said there is no conclusive proof that Texas or any State has killed an innocent person. But apparently Gary Graham, who had the courthouse doors slammed shut on his claim of innocence, won't have a chance to prove that he is innocent.

I understand, at this moment, that all appeals have now been denied. Mr. Graham is scheduled to be executed before midnight tonight.

Mr. President, Mr. Graham's plight symbolizes some of the most serious concerns with the fairness and accuracy in the administration of the death penalty. Don't get me wrong, Mr. Graham is not a good guy. He is a criminal, and, in fact, a very serious offender who deserves very serious punishment.

But we need to realize what is about to happen. He is still a human being who is about to be executed at the hands of the State of Texas. This is a capital matter.

Mr. Graham may not have committed a murder for which he is about to be executed. This case raised very serious issues of woefully incompetent trial counsel, eyewitness testimony that has never been heard by a jury, a conviction based on the sole testimony of just one eyewitness, and exculpatory ballistic testing data that was not shown to the jury.

Despite the claims of those who would support the death penalty, Gary Graham is not alone. There are other examples of people—in places like Virginia, Florida and even Texas—who have been put to death in the face of grave doubt about their guilt. We don't have absolute proof of their innocence. But some day soon, if we continue to let this system run amok, there will be a case where an irrefutably innocent person is executed.

One Governor got it right. Governor Ryan of Illinois called a halt to executions in his State and appointed a blue ribbon commission to study whether the system could be fixed. Some say, I think essentially with no basis, that, yes, that was the right thing to do in Illinois but that Illinois is an aberration. Mr. President, I don't believe for a minute that Illinois is an aberration when it comes to the problems with the administration of the death penalty in this country. Governor Ryan was right when he said that he wanted absolute certainty that the person scheduled to die is guilty. The same certainty should apply to the State of Texas this very evening.

A recent study by Columbia University documented that 52 percent of death penalty cases in Texas were overturned on appeal during the time period for which the study was done. Nationwide, the Columbia study found an average reversal rate of nearly 7 out of 10 capital cases.

What does the Governor of Texas say? He says he is certain that every single one of the over 100 people executed under his watch as Governor was guilty. I have heard him say this many times. He only considers two factors: Whether the person is guilty, and whether he or she had full access to the courts.

This is a matter of life and death. They found out in Illinois that it is not that simple. It is not just whether the person is guilty and whether they had full access to the courts. I have no doubt that the intense media and public scrutiny of Texas and Governor Bush's leadership is warranted in this case. The same kind of problems are arising in Texas that were discovered in Illinois and that forced Governor Ryan to take the action he did. In Illinois, it was not the criminal justice system that discovered its defects, it was undergraduate journalism students at Northwestern University who uncovered some of the cases of actual innocence. One person was on death row 2 days from his execution and ultimately the students were able to prove he was actually innocent.

The Chicago Tribune, a newspaper in Illinois, was responsible for some of the other proof of innocent individuals on death row, some 13 in Illinois. It was college students. It was the press. They were parties outside the criminal justice system who had to point out the defects in the system.

Now the same thing is happening in Texas tonight. The discussion should not end with media attention to this case. In fact, I was appalled this morning. I watch the Today Show every morning as I am getting up and reading the Washington Post. I felt I was watching the trial of a human being, a person who was about to be put to death, on a national television show in a brief segment between advertisements. This cannot be the way we administer justice in this country. In fact, I am very concerned about the way in which this is becoming almost a sideshow, somehow connected with the Presidential election.

In fairness to the Governor of Texas and in fairness to Vice President AL GORE, this should not be on their head as the Presidential election goes forward. They should not be put in the position of having to make these decisions as this country comes to the conclusion as to who will be the next President. It is a very unseemly environment in which to decide whether people should live or die. We have a special problem, and it happens that the State with the most executions occurring, the State with many of the executions coming up, happens to be the State of the presumptive Republican nominee for President.

It is a very uncomfortable situation when at the same time all of these questions about the death penalty are being raised. No one can say that this was somehow a partisan attempt to raise the issue because the person who really got this issue going, who really raised the question, is the Governor of Illinois, the chairman of Governor George Bush's campaign in Illinois.

I plead that we get this issue away from the Presidential election. The only way we can do that is to have a credible and honest review of the fairness and justice in the system by which our Nation imposes the sentence of death. We should do exactly what Governor Ryan did in Illinois throughout this country: have a moratorium, a pause, during which a blue ribbon panel of pro and anti-death penalty people and other experts examine the issue.

We need a temporary halt to executions throughout America. Support for this is growing. California, more than any other State, including Texas, has the most inmates sitting on death row awaiting execution. In a poll of California residents released just today, almost two-thirds of Californians continue to support the use of capital punishment. But by a margin of nearly 4–1, the poll found that Californians favor a halt to executions while the death penalty is studied. I think that is very interesting. The vast majority still support the death penalty, but they do know that something is wrong and we need a pause.

I urge my colleagues to lead the American people and join me as cosponsors of legislation that would put a temporary halt to executions and establish the National Commission on the Death Penalty, the National Death Penalty Moratorium Act.

This rush to judgment concerning Gary Graham is not in keeping with American traditions and values of fairness and justice. I ask my colleagues to join in urging a pause before an innocent person is executed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I appreciate the comments of my colleague from Wisconsin. I agree, innocent lives should not be killed. We should be looking at every possible degree of evidence we possibly can.

I wonder if we could also consider all the young, innocent lives that are killed at the same time, and somehow put together a blue ribbon commission to determine when life begins, and say we are not going to allow that to take place anymore, either.

I was just calculating. Across the country, we have every year about 1.2 million abortions that take place. So today there have been over 3,000 abortions. I agree that innocent life should not be killed and we should do everything we possibly can to review that evidence, look at DNA evidence, anything we can. We should remove any sort of barriers to time limits on tests for DNA evidence. That is an important and good thing we should do.

But can't we also consider at the same time, when does that innocent life begin? I think those are valid points that we should both pause and consider at this time.

NCAA GAMBLING AMENDMENT

Mr. BROWNBACK. Mr. President, the reason for me to speak this evening is to comment about an amendment that Senator McCAIN and myself, along with two other Members have as well, that is pending on the DOD authorization bill. I am not raising the amendment tonight, but I want to talk about it because it has been one of some controversy. I want to put forward the issues of why I am so concerned about this issue. It is an amendment that Senator McCAIN, myself, and two other Members sponsored, Senator EDWARDS and Senator VOINOVICH. It is about college gambling—specifically, legalized gambling in America on college athletics, college sports.

We have currently in the country, banned everywhere in America betting on college sports, except one State—in Nevada it is allowed.

There is legalized betting on college sports. If someone wants to bet on a University of Missouri football game, if they want to bet on a University of Kansas basketball game, there is a legal scoreboard, there is a game spread on it, and there is money laid on the table. It is all legal.

The handle is about $1 billion in Nevada each year betting on schools such as the University of Kansas, Kansas State University football, the Final Four. It takes place every year. That has been growing substantially at the level of the handle, and it is going to keep on growing.

The problem is it is tarnishing our amateur athletics. It is giving a black eye to college sports. We are getting more and more young people hooked into gambling because one of the key gateways to starting gambling is sports betting. A high number of young people start betting on college sports. Our athletes are being sucked into it, and we have seen more cases of point shaving in the decade of the nineties by college athletes than the entire record of the NCAA before that.

The famous case about Northwestern University that broke during the Final Four 2 years ago was a point shaving case. We had at a press conference Kevin Pendergast, a former Notre Dame placekicker, the mastermind who orchestrated the shaving case. He stated he would never have been able to pull off this scheme without the ability to legally lay a large amount of money on the Las Vegas sports books.

He said: If I do not have that, I have to pull off two shams. I have to get the athletes to shave the case, and I have to sham some bookie as well. This way, if I can get the athletes to line up and not lose the game—the point is not to lose the game, just do not make the spread. If it is a 10-point spread, just do not make it. It is easy to do. A player does not have to miss a shot. Unfortunately, we have been learning a lot about it. Where they usually do it is on defense. Let your man beat you: He got by me, coach; I didn't mean to.

You do not stand at the foul line and look at the shot and say: I am throwing a brick up there, when you do not normally. This is getting pretty sophisticated now. The player lets his opponent slip by, he jukes you one way, off you go: He scored on me, coach; I didn't mean for it to happen.

The points were not made, the money is shaved, and away we go.

Not only is it our athletes, but it is also our referees. This really should upset some people. Listen to this. I watch games and a lot of times I do not think the refs get it right. I would not want to have their job, but I get pretty irritated, particularly when it is my team and the call goes against it.

A study conducted by the University of Michigan found that 84 percent of college referees said they had participated in some form of gambling since beginning their careers as referees. Nearly 40 percent also admitted placing bets on sporting events and 20 percent said they gambled on the NCAA basketball tournament.

It gets worse. Two referees said they were aware of the spread on a game, and it affected the way they officiated the contest. Some were asked to fix games they were officiating, and others were aware of referees who "did not call the game fairly because of gambling reasons."

Several weeks ago, newspaper articles from Las Vegas and Chicago detailed how illegal and legal gambling are sometimes connected. Even our referees are being pulled into this gambling situation.

This legislation by the four sponsors was a recommendation of the National Gambling Impact Study Commission that met for 2 years on the impact of gambling. They said this seedy influence should not be allowed to persist in college sports and on our athletes.

The Commerce Committee held hearings on this. I said at least provide a State opt-out; allow a way for the University of Kansas, Kansas State University, Wichita State University to get off the board so they can petition you so you do not bet on them.

Currently, no one can bet on the University of Nevada, Las Vegas. It is illegal in Nevada to bet on a Nevada college team. They said it might be unseemly or it might appear to be too much influence, to which I thought: All right. That sounds like a legitimate reason to me. Allow me to get the University of Kansas and Kansas State University off.

They said: No, we are not going to do that. We will not allow your legislatures to petition; we will not allow your Governors to petition or your presidents to petition; we are going to leave them on the book because if you want out, there will probably be others who will want out as well. We do not want to let you out of this. This is a $1 billion handle for us, and we get a lot of business.

The problem is, it has given a black eye to college sports. Listen to what some of the coaches are saying about this.

I ask unanimous consent that a letter Senator McCAIN and I received and a list of organizations supporting this legislation be printed in the RECORD. They include, among others, the National Collegiate Athletic Association and the National Council on Education.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 24, 2000.

Hon. JOHN McCAIN,
Hon. SAM BROWNBACK,
U.S. Senate, Washington, DC.

DEAR SENATORS McCAIN AND BROWNBACK: The undersigned wish to express their full endorsement for the legislation you have introduced to eliminate all exceptions for legalized betting on high-school, college and Olympic sports. We are grateful for your enthusiastic support for the legislation and are hopeful that the United States Senate will follow the lead of the Commerce Committee by overwhelmingly adopting S. 2340 when it is considered on the Senate floor. We believe this legislation will send a clear, no-nonsense message that it is wrong to gamble on college students.

The proposed legislation is especially important to our community because it will:

Eliminate the use of Nevada sports books for gain in point shaving scandals.

Eliminate the legitimacy of publishing point spreads and advertising for sports tout services.

Re-sensitize young people and the general public to the illegal nature of gambling on collegiate sports.

Reduce the numbers of people who are introduced to sports gambling.

Eliminate conflicting messages as we combat illegal sports wagering that say it is okay to wager on college some places but not in others.

You have permission to use our association's name publicly in support of S. 2340. We stand ready to assist in any way we can to insure this important legislation's passage.

The National Collegiate Athletic Association; The American Council on Education; National Association of Independent Colleges and Universities; American Association of State Colleges and Universities; Conference Commissioners Association; National Association of Collegiate Directors of Athletics; National Association of Collegiate Women Athletics Administrators; National Association of Jesuit Colleges and Universities; American Football Coaches Association; National Association of Basketball Coaches.

American Federation of Teachers; U.S. Olympic Committee; National Federation of State High School Associations; American Association of Universities; Divisions I, II and III Student Athlete Advisory Councils; The National Football Foundation and College Hall of Fame; The Atlanta Tipoff Club Naismith Awards; The American Association of Collegiate Registrars and Admissions Officers; College Golf Foundation; College Gymnastics Association.

USA Volleyball; National Field Hockey Coaches Association; USA Track and Field; Team Handball; National Soccer Coaches Association of America; American Volleyball Coaches Association; American Association of Community Colleges; Golf Coaches Association of America; National Association of Collegiate Marketing Administrators; Intercollegiate Tennis Association.

College Athletic Business Management Association; U.S. Track Coaches Association; American Hockey Coaches Association; National Fastpitch Coaches Association; National Association of Gymnastics Coaches/Women; International Association of Approved Basketball Coaches; American Baseball Association; Women's Basketball Coaches Association.

Mr. BROWNBACK. Mr. President, one of the key coaches was Coach Calhoun from the University of Connecticut, U. Conn. He stated, while this legislation does not solve the problem, "it is a good starting point." That is exactly what the legislation is, a beginning that will send a clear message to our communities and, more importantly, to our kids that gambling on student athletics is wrong and threatens the integrity of college sports.

We are asking for a simple amendment on this authorization bill. We would agree to an hour of debate equally divided between both sides. I am willing to start tonight. I am willing to go through the night. I am willing to go tomorrow, Saturday to bring this issue before this body. It is an important matter, and it needs to come before this body. We seek an up-or-down vote on it.

Some people have raised questions about it. This is the time and place to do it. We are ready. It is time to do it. It was voted through the Commerce Committee with only two dissenting votes. Let's bring it up. That is why Senator McCAIN and I are pressing so aggressively to get this amendment considered on the DOD authorization. We will do it in a limited amount of time, whenever, an up-or-down vote. Let's just press this issue through and see what the will of the body is.

ADDITIONAL STATEMENTS

IN HONOR OF THE HONORABLE NEIL L. LYNCH

• Mr. KERRY. Mr. President, I am honored to rise today and pay tribute to a public servant who has selflessly contributed his legal knowledge and experience to the Commonwealth of Massachusetts and its residents for almost 50 years. Today, the Honorable Neil L. Lynch, Associate Justice of the Massachusetts Supreme Judicial Court, gathers with this friends and family to celebrate a career marked by military service, a devotion to family, and a true love of the law.

Beginning in 1952 with his service as a First Lieutenant Adjutant in the 42nd Air Rescue Squadron of the United States Air Force, Justice Lynch set a standard of achievement and professionalism that would carry him to the pinnacle of the legal profession. After working at Hale, Sanderson, Byrne & Morton, he began teaching at the new England School of Law. He served as Chief Legal Counsel and Secretary-Treasurer at the Massachusetts Port Authority, worked again in the private sector with Herlihy & O'Brian, then return to New England School of law as a Professor of Law.

Judge Lynch's skills and understanding of the law were well known in Massachusetts by the 1970's, and few were surprised when Governor Ed King appointed him to be his Chief Legal Counsel from 1979 to 1981. This ascension was completed by the Governor's nomination of Justice Lynch for a seat on the Massachusetts Supreme Judicial Court, a position he has held with unquestioned professionalism and integrity since 1981.

While a member of the Court, Justice Lynch has reached out to all levels of law enforcement in an effort to pool and maximize the considerable knowledge and resources amongst his peers. As Dean and President of the Flaschner Judicial Institute, Justice Lynch oversaw a professional enhancement program that shares information on new initiatives and changes in the field with his colleagues, he returned to academia to teach at the Massachusetts School of Law, and issued the landmark study, "Commission to Study Racial and Ethnic Bias in the Courts," in 1994.

Now, instead of navigating through complex legal issues, Justice Lynch will be navigating his beloved "Sui Generis" through the waterways of the East Coast. He leaves the court to spend more time with Kathleen and his family and their growing number of grandchildren. Mr. President, I join all of justice Lynch's colleagues, past and present, and all of the people he has touched in the course of his professional life, in thanking him for his dedication to justice and equality under the law.●

TRIBUTE TO JIM COLLINS—50 YEARS IN JOURNALISM

● Mr. VOINOVICH. Mr. President, I rise today to pay tribute to Mr. Jim Collins, editor of the Willoughby, Ohio, News-Herald newspaper on the occasion of his 50 years in journalism.

From an early age, Jim had newspaper ink flowing through his veins. By the time he was 12, he was working as a paper boy for the News-Herald, delivering the twice-weekly paper to homes all over town. It's hard to imagine today, but subscribers paid just six cents a week for the News-Herald back in 1941.

After graduating from Kent State University in 1950, Jim was hired as a full-time reporter for the News-Herald. He served in this capacity until 1952, when Jim answered the call of his government and served a two-year tour of duty in the Army.

When Jim returned to Willoughby, he resumed his duty as a reporter for the News-Herald until 1959. That year, the News-Herald's owners asked Jim to manage two other papers that they owned, the Parma News and the Brooklyn News. Jim became the one-person operation for both papers for 15 months whereupon he returned to the News-Herald.

By 1967, Jim had worked his way up to become editor of the newspaper. In fact, throughout his tenure with the News-Herald, Jim has held a variety of editorial positions including assistant editor, city editor, managing editor and executive editor.

All throughout his career, Jim has accumulated a number of well-deserved awards, including the Associated Press of Ohio's first place award for commentary in 1982, the first place award for column writing in 1991, and the first place award for editorial commentary just two years ago. Jim has also been named the 1987 Willoughby Chamber of Commerce's Distinguished Citizen of the Year and received the Lake Parks Foundation award in 1994.

I have always said that the measure of a person can be determined by the work he or she does individually, or through the organizations to which he or she belongs, that benefit others. Jim has given of himself to numerous organizations having served as the chairman of the West End-YMCA board of managers and president of the Lake County YMCA. He is also a member of the Willoughby Rotary Club, Willoughby School of Fine Arts, the Lake County Blue Coats, the Willoughby Jaycees and several area chambers of commerce. Jim is also the first person to become an honorary lifetime member of the Lake County Police Chiefs Association and is a member of the Cleveland Foundation Lake-Geauga Fund Committee.

Jim is a true man of integrity, and it is his integrity that has earned him the respect of journalists and politicians across the state. He can be brutally honest, but he is always fair and he is never afraid to tell the truth. It is his character that has allowed him to remain in journalism for five decades.

Throughout his years with the News-Herald, he has worked to put together one of the most competitive papers in northeastern Ohio. Jim provides his readers a broader level of reporting than most regional papers, paying attention not only to local news, but to state and national news as well. Because of his leadership, circulation has grown. In addition, Jim's initiative has allowed for the creation of a forum for candidates—in conjunction with Lakeland Community College—that makes available to the public where candidates stand on particular issues.

While some may think that 50 years in the newspaper business is enough for any person, Jim is not slowing down and is by no means even close to retiring. That's good news, because I would have a very hard time imagining the News-Herald without Jim. I have enjoyed working with Jim and I look forward to working with him for many more years to come.

Mr. President, Jim Collins has been a real friend to me in all the years that I have known him. He has been an inspiration to me and so many others throughout his life and his career. I congratulate him for his dedication to the citizens of Ohio and for his 50 years of accomplishments in journalism. He has much to be proud of, and I consider myself very lucky to know him. I wish him many more years of success.

Thank you, Mr. President.●

TRIBUTE TO ROBERT J. LURTSEMA

● Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to a lover of music and an institution on Boston radio who recently passed away at age 68. In his long and brilliant career, Robert J. Lurtsema touched vast numbers of people in the Boston area with his "deep organ voice" and his love of classical music. For twenty-nine years, he was host and producer of "Morning Pro Musica" for radio station WGBH in our city, and he was widely loved and admired.

A native of Cambridge, Massachusetts, Robert J., as he was known to many, graduated from Boston University School of Journalism. He joined WGBH in 1971 as a weekend host, and after four months became the host and producer of "Morning Pro Musica." In addition to the renown he won through his dedicated listeners, he has composed chamber music, the music for an award-winning documentary film, and the music used in Julia Child's cooking program on PBS.

Robert J.'s passion and devotion to classical music extended well beyond his broadcast responsibilities. He served with distinction as a board member for many New England musical organizations. He will be deeply missed for his dedication to the arts, and long remembered for his extraordinary service to the people of New England.●

DEDICATION OF KOREAN WAR MEMORIAL IN TRAVERSE CITY, MICHIGAN

● Mr. ABRAHAM. Mr. President, on June 25, 1950, Communist North Korea invaded South Korea with approximately 135,000 troops, and in doing so initiated the Korean War. On June 25, 2000, the citizens of Traverse City, Michigan, will commemorate the 50th Anniversary of this unfortunate event, and will recognize the efforts of the many men and women who served the United States Armed Forces during the Korean War, with the dedication of a Korean War Memorial.

The Korean War is often referred to as our "forgotten war." Fought between World War II and the Vietnam War, I believe it safely can be said that it never found its proper place among our Nation's history textbooks. This weekend, the 50th Anniversary of the North Korean invasion, provides all of us with an opportunity to take a moment to recognize the men and women who served in the Korean War—nearly six million individuals. Their sacrifices and contributions for the sake of our Nation must never be overlooked or forgotten.

Earlier this year, I was very pleased to co-sponsor Senate Joint Resolution 39, a bicameral resolution that recognizes the 50th Anniversary of the Korean War, and the service by the members of our Armed Forces during that conflict. Today, I am pleased to do my part to ensure that the Korean War ceases to be thought of as our "forgotten war." There is no doubt in my mind—and there should be no doubt in anyone else's—that the men and women who served in Korea, and particularly the 54,260 soldiers who gave their lives in Korea, deserve much better than that.

Local communities can do much to remedy the situation as well. I commend Traverse City, Michigan, for constructing this Korean War memorial, and for taking the opportunity on Sunday, June 25, 2000, to pay tribute to the men and women who served during the Korean War. We must show these men and women that we appreciate their efforts and sacrifices on behalf on our great Nation, and that we thank them for their extraordinary efforts. In doing this, we will illustrate to them that they have not been forgotten; rather, the case is far from this.

Mr. President, the men and women who served our Nation in Korea did so at a time when its very foundation—democracy—was being threatened by the terrible force of communism. On behalf of the entire United States Senate, I congratulate the citizens of Traverse City, Michigan, for recognizing and honoring this service.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE 1979 IRANIAN EMERGENCY AND ASSETS BLOCKING—MESSAGE FROM THE PRESIDENT—PM 116

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 21, 2000.*

REPORT OF THE EXECUTIVE ORDER BLOCKING PROPERTY OF THE GOVERNMENT OF THE RUSSIAN FEDERATION RELATING TO THE DISPOSITION OF HIGHLY ENRICHED URANIUM EXTRACTED FROM NUCLEAR WEAPONS—MESSAGE FROM THE PRESIDENT—PM 117

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(b) and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my authority to declare a national emergency to deal with the threat posed to the United States by the risk of nuclear proliferation created by the accumulation in the Russian Federation of a large volume of weapons-usable fissile material. The United States and the Russian Federation have entered into a series of agreements that provide for the conversion of highly enriched uranium (HEU) extracted from Russian nuclear weapons into low enriched uranium (LEU) for use in commercial nuclear reactors. The Russian Federation recently suspended its performance under these agreements because of concerns that payments due to it under these agreements may be subject to attachment, garnishment, or other judicial process, in the United States. Accordingly, I have issued an Executive Order to address the unusual and extraordinary risk of nuclear proliferation created by this situation.

A major national security goal of the United States is to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The United States and the Russian Federation entered into an international agreement in February 1993 to deal with these issues as they relate to the disposition of HEU extracted from Russian nuclear weapons (the "HEU Agreement"). Under the HEU Agreement, 500 metric tons of HEU will be converted to LEU over a 20-year period. This is the equivalent of 20,000 nuclear warheads.

Additional agreements were put in place to effectuate the HEU Agreement, including agreements and contracts on transparency, on the appointment of executive agents to assist in implementing the agreements, and on the disposition of LEU delivered to the United States (collectively, the "HEU Agreements"). Under the HEU Agreements, the Russian Federation extracts HEU metal from nuclear weapons. That HEU is oxidized and blended down to LEU in the Russian Federation. The resulting LEU is shipped to the United States for fabrication into fuel for commercial reactors. The United States monitors this conversion process through the Department of Energy's Warhead and Fissile Material Transparency Program.

The HEU Agreements provide for the Russian Federation to receive money and uranium hexafluoride in payment for each shipment of LEU converted from the Russian nuclear weapons. The money and uranium hexafluoride are transferred to the Russian Federation executive agent in the United States.

The Russian Federation recently suspended its performance under the HEU Agreements because of concerns over possible attachment, garnishment, or other judicial process with respect to the payments due to it as a result of litigation currently pending against the Russian Federation. In response to this concern, the Minister of Atomic Energy of the Russian Federation, Minister Adamov, notified Secretary Richardson on May 5, 2000, of the decision of the Russian Federation to halt shipment of LEU pending resolution of this problem. This suspension presents an unusual and extraordinary threat to U.S. national security goals due to the risk of nuclear proliferation caused by the accumulation of weapons-usable fissile material in the Russian Federation.

The executive branch and the Congress have previously recognized and continue to recognize the threat posed to the United States national security from the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the Russian Federation. This threat is the basis for significant programs aimed at Cooperative Threat Reduction and at controlling excess fissile material. The HEU Agreements are essential tools to accomplish these overall national security goals. Congress demonstrated support for these agreements when it authorized the purchase of Russian uranium in 1998, Public Law 105-277, and also enacted legislation to enable Russian uranium to be sold in this country pursuant to the USEC Privatization Act, 42 U.S.C. 2297h-10.

Payments made to the Russian Federation pursuant to the HEU Agreements are integral to the operation of this key national security program. Uncertainty surrounding litigation involving these payments could lead to a long-term suspension of the HEU Agreements, which creates the risk of nuclear proliferation. This is an unacceptable threat to the national security and foreign policy of the United States.

Accordingly, I have concluded that all property and interests in property of the government of the Russian Federation directly related to the implementation of the HEU Agreements should be protected from the threat of attachment, garnishment, or other judicial process. I have, therefore, exercised my authority and issued an Executive Order that provides:

—except to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to the order, all property and interests in property of the Government of the Russian Federation directly related to the implementation of the HEU Agreements that are in the United States, that hereafter come within the United States, or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in;

—unless licensed or authorized pursuant to the order, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property or interest in property blocked pursuant to the order; and

—that all heads of departments and agencies of the United States Government shall continue to take all appropriate measures within their authority to further the full implementation of the HEU Agreements.

The effect of this Executive Order is limited to property that is directly related to the implementation of the HEU Agreements. Such property will be clearly defined by the regulations, orders, directives, or licenses that will be issued pursuant to this Executive Order.

I am enclosing a copy of the Executive Order I have issued. The order is effective at 12:01 a.m. eastern daylight time on June 22, 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 21, 2000.*

MESSAGES FROM THE HOUSE

At 12:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4635. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

At 3:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4516. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 4635. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent and placed on the calendar:

H.R. 4516. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9330. A communication from the Social Security Administration Regulations Officer, transmitting, pursuant to law, the report of a rule entitled "Federal Old-Age, Survivors Disability Insurance and Supplemental Security Income For the Aged, Blind, and Disabled; Medical and Other Evidence of Your Impairment(s) and Definition of Medical Consultant" (RIN0960-AD91) received on May 25, 2000; to the Committee on Finance.

EC-9331. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "SRLY Credits" (RIN1545-AV88(TD8884)) received on May 24, 2000; to the Committee on Finance.

EC-9332. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2000-26 Interest Netting for Interest Accruing On Or After October 1, 1998" (RIN:Rev. Proc. 2000-26) received on May 24, 2000; to the Committee on Finance.

EC-9333. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 2000-29 BLS-LIFO Department Stores Indexes-April 2000" (RIN:Rev. Rul. 2000-29) received on May 24, 2000; to the Committee on Finance.

EC-9334. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 2000-30 Quarterly Interest Rates-Third Quarter 2000" (RIN:Rev. Rul. 2000-30) received on June 5, 2000; to the Committee on Finance.

EC-9335. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Additional Guidance On Cash Or Deferred Arrangements" (RIN:Notice 2000-30) received on June 5, 2000; to the Committee on Finance.

EC-9336. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2000-28 Coal Exports" (RIN:OGI-103631-99) received on June 6, 2000; to the Committee on Finance.

EC-9337. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "The Soley For Voting Stock Requirement In Certain Corporate Reorganizations" (RIN1545-AW55(TD8885)) received on June 6, 2000; to the Committee on Finance.

EC-9338. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Additional Guidance On Cash Or Deferred Arrangements" (RIN:Notice 2000-32) received on June 7, 2000; to the Committee on Finance.

EC-9339. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD8887:Deposits Of Excise Tax" (RIN1545-AV02) received on June 7, 2000; to the Committee on Finance.

EC-9340. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Use Of Actuarial Tables In Valuing Annuities, Interests For Life Or Terms Of Years, and Remainder Or Reversionary Interests" (RIN1545-AX07(TD8886)) received on June 9, 2000; to the Committee on Finance.

EC-9341. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of the Remedial Amendment Period" (RIN:Rev. Proc. 2000-27) received on June 9, 2000; to the Committee on Finance.

EC-9342. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Real Estate Mortgage Investment Conduits; Reporting Requirements and Other Administrative Matters" (RIN1545-AU96(TD8888)) received on June 14, 2000; to the Committee on Finance.

EC-9343. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "July 2000 Applicable Federal Rates" (RIN:Revenue Ruling 2000-32) received on June 19, 2000; to the Committee on Finance.

EC-9344. A communication from the Social Security Regulations Officer, transmitting, pursuant to law, the report of a rule entitled "Reduction of Title II Benefits Under the Family Maximum Provisions in Cases of Dual Entitlement" (RIN0960-AE85) received on June 16, 2000; to the Committee on Finance.

EC-9345. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the transmittal of a notice of the proposed issuance of an export license relative to Canada; to the Committee on Foreign Relations.

EC-9346. A communication from the General Counsel of the Department of Treasury, transmitting, a report entitled "General Counterdrug Intelligence Plan"; to the Select Committee on Intelligence.

EC-9347. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on June 15, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9348. A communication from the Director of the Office of Personnel Management, transmitting, a draft of proposed legislation entitled "The Federal Employees Student Loan Repayment Benefit Amendments Act of 2000"; to the Committee on Governmental Affairs.

EC-9349. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC-9350. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Taiwan; to the Committee on Banking, Housing, and Urban Affairs.

EC-9351. A communication from the Acting Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Foreign Assets Control Regulations (amendments)" (31 CFR Part 500) received on June 15, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9352. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled, "Expansion of License Exception CIV Eligibility for "Microprocessors" Controlled by ECCN3A001 and Graphics Accelerators Controlled by ECCN 4A003" (RIN0694-AB90) received on June 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9353. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled, "Easing of Export Restrictions on North Korea" (RIN0694-ACI0) received on June 12, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9354. A communication from the Assistant Secretary of Policy, Management and Budget, Department of Interior, transmitting, pursuant to law, the report of a rule entitled "Administrative and Audit Requirements and Cost Principles for Assistance Programs" (RIN1090-AA67) received on June 12, 2000; to the Committee on Energy and Natural Resources.

EC-9355. A communication from the Management Analyst, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, C, and D, Redefinition To Include Waters Subject to Subsistence Priority" (RIN1018-AD68) received on May 31, 2000; to the Committee on Energy and Natural Resources.

EC-9356. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Production Measurement Document Incorporated by Reference" (RIN1010-AC-73) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC-9357. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "National Park System Units in Alaska; Denali National Park and Preserve" (RIN1024-AC58) received on June 8, 2000; to the Committee on Energy and Natural Resources.

EC-9358. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (RIN:IN-149-FOR) received on May 31, 2000; to the Committee on Energy and Natural Resources.

EC-9359. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Alabama Regulatory Program" (RIN:SPATS No. AL-070-FOR) received on June 2, 2000; to the Committee on Energy and Natural Resources.

EC-9360. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Alabama Regulatory Program" (RIN:SPATS No. AL-069-FOR) received on June 19, 2000; to the Committee on Energy and Natural Resources.

EC-9361. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "DOE Authorized Subcontract for Use by DOE Management and Operating (M&O) Contractors with New Independent States' Scientific Institutes through the Science and Technology Center in Ukraine" (RIN:AL-2000-05); to the Committee on Energy and Natural Resources.

EC-9362. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Greening the Government Requirements in Contracting" (RIN:AL-2000-03) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC-9363. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "DOE Administrative Class Deviation, 952.247-70, Foreign Travel, and 970.5204-52, Foreign Travel" (RIN:AL-2000-04) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC-9364. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Chapter 9, Public Key Cryptography and Key Management" (RIN:DOE M 200.1-1) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC-9365. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Standardization of Firearms" (RIN:DOE N 473.2) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC-9366. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Security and Emergency Management Independent Oversight and Performance Assurance Program" (RIN:DOE O 470.2A) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC-9367. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "DOE Standard; Stabilization, Packaging, and Storage of Plutonium-bearing Materials" (RIN:DOE-STD-3013-99) received on June 14, 2000; to the Committee on Energy and Natural Resources.

EC-9368. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "DOE Standard; Content of System Design Descriptions" (RIN:DOE-STD-3024-98) received on June 14, 2000; to the Committee on Energy and Natural Resources.

EC-9369. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Electric and Hybrid Vehicle Research, Development, and Demonstration Program; Petroleum-Equivalent Fuel Economy Calculation" (RIN:1904-AA40) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC-9370. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "DOE Standard; Guide to Good Practices for Shift Routines and Operating Practices" (RIN:DOE-STD-1041-93) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC-9371. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "DOE Standard; Guide to Good Practices for Communications" (RIN:DOE-STD-1031-92) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC-9372. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "DOE Standard; Guide to Good Practices for

Control of On-shift Training" (RIN:DOE-STD-1040-93) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC-9373. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "DOE Specifications; Uninterruptible Power Supply (UPS) Systems" (RIN:DOE-SPEC-3021-97) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC-9374. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Forms Management Guide" (RIN:DOE G 242.1-1) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC-9375. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Department of Energy Badges" (RIN:DOE N 473.4) received on June 16, 2000; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GORTON, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 4578: A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106-312).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

H.R. 3051: A bill to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001" (Report No. 106-311).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself and Ms. Collins):

S. 2766. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the medicare program; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. Levin, and Mr. Abraham):

S. 2767. A bill to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS:

S. 2768. A bill to amend title XVIII of the Social Security Act to improve the medicare-dependent, small rural hospital program; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. Hatch, Mr. Robb, Mr. Durbin, Mr. Kohl, Mr. Schumer, and Mr. Cleland):

S. 2769. A bill to authorize funding for National Instant Criminal Background Check System improvements; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2770. A bill to suspend temporarily the duty on certain machines designed for children's education; to the Committee on Finance.

By Mr. CLELAND:

S. 2771. A bill to provide for Federal recognition of the Lower Muscogee-Creek Indian Tribe of Georgia, and for other purposes; to the Committee on Indian Affairs.

By Mr. SCHUMER:

S. 2772. A bill to amend the securities laws to provide for regulatory parity for single stock futures, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself, Mr. Craig, and Mr. Kohl):

S. 2773. A bill to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GREGG (for himself, Mr. Kerrey, Mr. Breaux, Mr. Grassley, Mr. Thompson, Mr. Robb, and Mr. Thomas):

S. 2774. A bill to amend title II of the Social Security Act to provide for individual savings accounts funded by employee and employer social security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. Enzi, Mr. Voinovich, Mr. Breaux, Mr. Graham, Mr. Hutchinson, Mrs. Lincoln, Mr. Bennett, Mr. Bryan, Mr. Cleland, and Mr. Thomas):

S. 2775. To foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Finance.

By Mr. COVERDELL (for himself and Mr. Torricelli):

S. 2776. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. Warner, Mr. Robb, and Ms. Mikulski):

S. 2777. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to revise and enhance authorities, and to authorize appropriations, for the Chesapeake Bay Office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Mr. DeWine, Mr. Specter, Mr. Leahy, Mr. Grassley, and Mr. Feingold):

S. 2778. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. Lieberman, Mr. Abraham, Mr. Kohl, Mr. Hutchinson, Mr. Torricelli, and Mr. Kerry):

S. 2779. A bill to provide for the designation of renewal communities and to provide tax incentives relating to such communities, to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities, and to provide for the establishment of Individual Development Accounts (IDAs), and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BRYAN:

S. Res. 326. A resolution designating the Cowboy Poetry Gathering in Elko, Nevada, as the "National Cowboy Poetry Gathering"; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. Res. 327. A resolution expressing the sense of the Senate on United States efforts to encourage the governments of foreign countries to investigate and prosecute crimes committed in those countries in the name of family honor and to provide relief for victims of those crimes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Ms. Collins):

S. 2766. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the Medicare program; to the Committee on Finance.

THE EQUAL ACCESS TO HOME HEALTH CARE ACT OF 2000

• Mr. KERRY. Mr. President, I am pleased to join my colleague Senator Collins in introducing the Equal Access to Medicare Home Health Care Act. This legislation will protect patient access to home health care under Medicare, and ensure that providers are able to continue serving seniors who reside in medically underserved areas.

Medicare was enacted in 1965, under the leadership of President Lyndon Johnson, as a promise to the American people that, in exchange for their years of hard work and service to our country, their health care would be protected in their golden years. Today, over 30 million seniors rely on the Medicare home health benefit to receive the care they need to maintain their independence and remain in their own homes, and to avoid the need for more costly hospital or nursing home care.

Home health care is critical. It is a benefit to which all eligible Medicare beneficiaries, regardless of where they live, should be entitled. But, this benefit is being seriously undermined. Since enactment of the Balanced Budget Act, BBA, of 1997, federal funding for home health care has plummeted. According to the Congressional Budget

Office, CBO, Medicare spending on home health care dropped 45 percent in the last two fiscal years—from $17.5 billion in 1998 to $9.7 billion in 1999—far beyond the original amount of savings sought by the BBA. Across the country, these cuts have forced over 2,500 home health agencies to close and over 500,000 patients to lose their services.

In my own State of Massachusetts—a state that, because of economic efficiency, sustained a disproportionate share of the BBA cuts in Medicare home health funding—28 home health agencies have closed, 6 more have turned in their Medicare provider numbers and chosen to opt out of the Medicare program, and 12 more have been forced to merge in order to consolidate their limited resources. The home health agencies that have continued to serve patients despite the deep cuts in Medicare funding reported net operating losses of $164 million in 1998. The loss of home health care providers in Massachusetts has cost 10,000 patients access to home health services. Consequently, many of the most vulnerable residents in my state are being forced to enter hospitals and nursing homes, or going without any help at all.

To compound the problem, without Congressional action, Medicare payments for home health care will be automatically cut by an additional 15 percent next year. It is critical that we defend America's seniors against future cuts in home health services, and this bill will eliminate the additional 15 percent cut in Medicare home health payments mandated by the BBA. However, we must do more than attempt to stop future cuts. Indeed, it is equally as important that we begin to provide relief to home health providers who are already struggling to care for patients.

During the first year of implementation of the Interim Payment System, IPS, thousands of home health care agencies incurred overpayments because they were not notified of their per beneficiary limits until long after the limits were imposed. The provisions of this bill would extend the repayment period for IPS overpayments without interest for three years, and thereafter at an interest rate lower than currently mandated.

Under IPS, even agencies which did not incur overpayments were placed on precarious financial footing because of insufficient payments, particularly for high-cost and long-term patients. Accordingly, it is critical that we bolster the efforts of all home health care providers to transcend their current operating deficits, especially as they transition from the Interim Payment System to the Prospective Payment System, PPS.

The BBA specified that, in aggregate, PPS payments to home health providers must equal IPS payments. This adjustment—the budget neutrality factor—is expected to reduce PPS payments for home health services by 22 percent below the average Medicare costs prior to enactment of the BBA. In order to provide relief to home health providers in this budget neutral context, the Equal Access to Medicare Home Health Care Act would establish a 10 percent add-on to the episodic base payment for patients in rural areas, to reflect the increasing costs of travel, and a "reasonable cost" add-on for security services utilized by providers in our urban areas. These add-ons ensure that patients in our medically underserved communities continue to receive the home care they need and deserve.

Finally, this legislation would encourage the incorporation of telehealth technology in home care plans by allowing cost reporting of the telemedicine services utilized by agencies. Telemedicine has demonstrated tremendous potential in bringing modern health care services to patients who reside in areas where providers and technology are scarce. Cost reporting will provide the data necessary to develop a fair and reasonable Medicare reimbursement policy for telehomecare and bring the benefits of modern science and technology to our nation's underserved.

Unless we increase the federal commitment to the Medicare home health care benefit, we can only expect to continue to imperil the health of an entire generation. We must act to deliver on that promise that President Johnson made 25 years ago—our nation's seniors deserve no less.●

By Mr. FEINGOLD (for himself, Mr. LEVIN, and Mr. ABRAHAM):

S. 2767. A bill to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment; to the Committee on Commerce, Science, and Transportation.

CB RADIO INTERFERENCE LEGISLATION

● Mr. FEINGOLD. Mr. President, I am pleased to once again introduce a bill to deal with the all too common problem of interference with residential home electronic equipment caused by unlawful use of citizens band, or CB, radios. This is the third Congress in which I have offered this legislation. In 1998, it was nearly enacted as part of an anti-slamming bill. I hope that this year, we can finally put this common sense bill into law.

The problem of CB radio interference can be extremely distressing for residents who cannot have a telephone conversation, watch television, or listen to the radio without being interrupted by a neighbor's illegal use of a CB radio. Unfortunately, under the current law, those residents have little recourse. The bill I am introducing today will provide those residents with a practical solution to this problem.

Until recently, the FCC enforced its rules outlining what equipment may or may not be used for CB radio transmissions, how long transmissions may be broadcast, what channels may be used, as well as many other technical requirements. The FCC also used to investigate neighbor's complaints that a CB radio enthusiast's transmissions interfered with their use of home electronic and telephone equipment. The FCC receives thousands of such complaints annually.

For the past five years, I have worked on behalf of constituents bothered by persistent interference of nearby CB radio transmissions, in some cases caused by unlawful use of radio equipment. In each case, the constituents have sought my help in securing an FCC investigation of the complaint. And in each case, the FCC indicated that due to a lack of resources, they no longer investigate radio frequency interference complaints. Instead of investigation and enforcement, the FCC only provides self-help information which the consumer may use to limit the interference on their own.

This situation is understandable given the rising number of complaints for things like slamming. The resources of the FCC are limited, and there is only so much they can do to address complaints of radio interference.

Nonetheless, this problem is extremely annoying and frustrating to those who experience radio interference. Many residents implement the self-help measures recommended by FCC such as installing filtering devices to prevent the unwanted interference, working with their telephone company, or attempting to work with the neighbor they believe is causing the interference. In many cases these self-help measures are effective.

However, in some cases filters and other technical solutions fail to solve the problem because the interference is caused by the unlawful use of CB radio equipment such as unauthorized linear amplifiers.

Municipal residents, after being denied an investigation or enforcement from the FCC, frequently contact their city or town government and ask them to police the interference. However, the Communications Act of 1934 provides exclusive authority to the Federal Government for the regulation of radio. This preempts municipal ordinances or State laws that regulate radio frequency interference caused by unlawful use of CB radio equipment. This situation creates an interesting dilemma for municipal governments. They can neither pass their own ordinances to control CB radio interference, nor can they rely on the agency with exclusive jurisdiction over interference to enforce the very Federal law which preempts them.

Let me give an example of the kind of frustrations people have experienced in attempting to deal with these problems. Shannon Ladwig, a resident of Beloit, WI is fighting to end CB interference with her home electronic equipment that has plagued her family for many years. Shannon worked within the existing system by asking for an FCC investigation, installing filtering equipment on her telephone, attempting to work with the neighbor causing the interference, and so on. Nothing has been effective.

Here are some of the annoyances Shannon has experienced. Her answering machine picks up calls for which there is no audible ring, and at times records ghost messages. Often, she cannot get a dial tone when she or her family members wish to place an outgoing call. During telephone conversations, the content of the nearby CB transmission can frequently be heard and on occasion, her phone conversations are inexplicably cut off. Ms. Ladwig's TV transmits audio from the CB transmission rather than the television program her family is watching. Shannon never knows if the TV program she taped with her VCR will actually record the intended program or whether it will contain profanity from nearby CB radio conversation.

Shannon did everything she could to solve the problem and years later she still feels like a prisoner in her home, unable to escape the broadcasting whims of a CB operator using illegal equipment with impunity. Shannon even went to her city council to demand action. The Beloit City Council responded by passing an ordinance allowing local law enforcement to enforce FCC regulations—an ordinance the council knows is preempted by Federal law. The bill I am introducing today would allow Beloit's ordinance to stand.

The problems experienced by Beloit residents are by no means isolated incidents. I have received very similar complaints from at least 10 other Wisconsin communities in the last several years in which whole neighborhoods are experiencing persistent radio frequency interference. Since I have begun working on this issue, my staff has also been contacted by a number of other congressional offices who are also looking for a solution to the problem of radio frequency interference in their States or districts caused by unlawful CB use. The city of Grand Rapids, Michigan, in particular, has contacted me about this legislation because they face a persistent interference problem very similar to that in Beloit. I am pleased that Senators LEVIN and ABRAHAM join me today in cosponsoring this legislation.

In all, the FCC receives more than 30,000 radio frequency interference complaints annually—most of which are caused by CB radios. Unfortunately, the FCC no longer has the staff, resources, or the field capability to investigate these complaints and localities are blocked from exercising any jurisdiction to provide relief to their residents.

My bill resolves this Catch-22, by allowing states and localities to enforce statutes or ordinances prohibiting selected violations of the FCC regulations. This gives local law enforcement the ability to enforce existing FCC regulations regarding unauthorized CB equipment and frequencies while maintaining exclusive Federal jurisdiction over the regulation of radio services. It is a commonsense solution to a very frustrating and real problem which cannot be addressed under existing law. Residents should not be held hostage to a Federal law which purports to protect them but cannot be enforced.

Now this amendment is by no means a panacea for the problem of radio frequency interference. It is intended only to help localities solve the most egregious and persistent problems of interference—those caused by unauthorized use of CB radio equipment and frequencies. In cases where interference is caused by the legal and licensed operation of any radio service, residents will need to resolve the interference using the FCC self-help measures that I mentioned earlier.

In many cases, interference can result from inadequate home electronic equipment immunity from radio frequency interference. Those problems can only be resolved by installing filtering equipment and by improving the manufacturing standards of home telecommunications equipment.

The electronic equipment manufacturing industry, represented by the Telecommunications Industry Association and the Electronics Industry Association, working with the Federal Communications Commission, has adopted voluntary standards to improve the immunity of telephones from interference. Those standards were adopted by the American National Standards Institute last year. Manufacturers of electronic equipment should be encouraged to adopt these new ANSI standards. Consumers have a right to expect that the telephones they purchase will operate as expected without excessive levels of interference from legal radio transmissions. Of course, Mr. President, these standards assume legal operation of radio equipment and cannot protect residents from interference from illegal operation of CB equipment.

This bill also does not address interference caused by other radio services, such as commercial stations or amateur stations. I have worked with the American Radio Relay League (ARRL), an organization representing amateur radio operators, frequently referred to as "ham" operators, to address a number of concerns that they raised about the original versions of my bill. ARRL was concerned that while the bill was intended to cover only illegal use of CB equipment, FCC-licensed amateur radio operators might inadvertently be targeted and prosecuted by local government and law enforcement. ARRL also expressed concern that local law enforcement might not have the technical abilities to distinguish between ham stations and CB stations and might not be able to determine what CB equipment was FCC-authorized and what equipment is illegal.

I have worked with the ARRL and amateur operators from Wisconsin to address these concerns. As a result of those discussions, this amendment incorporates a number of provisions suggested by the league. First, the amendment makes clear that the limited authority provided to localities in no way diminishes or affects the FCC's exclusive jurisdiction over the regulation of radio.

Second, the amendment clarifies that possession of a FCC license to operate a radio service for the operation at issue, such as an amateur station, is a complete protection against any local government action authorized by this amendment. Unlike CB operators, amateur radio enthusiasts are not only individually licensed by the FCC but they also self-regulate. The ARRL is very involved in resolving interference concerns both among their own members and between ham operators and residents experiencing problems.

Third, the bill also provides for a FCC appeal process by any radio operator who is adversely affected by a local government action under this amendment. The FCC will make determinations as to whether the locality acted properly within the limited jurisdiction this legislation provides and the FCC will have the power to reverse the action if they acted improperly. And fourth, my legislation requires the FCC to provide States and localities with technical guidance on how to determine whether a CB operator is acting within the law.

In addition, the bill has been modified to address concerns raised by truckers, who feared that local law enforcement would use reports of CB interference to indiscriminately stop and search trucks in the area. The bill now provides specifically that local governments may not seek to enforce the FCC regulations with respect to a CB radio on board a commercial motor vehicle unless there is probable cause to believe that someone in the vehicle is operating a CB radio in violation of the regulations. This provision should ensure that this new authority is not used as a pretext to harass truckers.

Again, Mr. President, my bill is narrowly targeted to resolve persistent interference with home electronic equipment caused by illegal CB operation. Under my bill, localities cannot establish their own regulations on CB use outside of the already existing FCC regulations. This bill will not resolve all interference problems and it is not intended to do so. Some interference problems require continued attentions from the FCC, the telecommunications manufacturing industry, and radio service operators. This bill merely provides localities with the tools they need to protect their residents while preserving the FCC's exclusive regulatory jurisdiction over the regulation of radio services.

I ask that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENFORCEMENT OF REGULATIONS REGARDING CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

"(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

"(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

"(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

"(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

"(3) The Commission shall provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

"(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

"(B) A person shall submit an appeal on a decision of a State or local government to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government becomes final, but prior to seeking judicial review of such decision.

"(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

"(D) If the Commission determines under subparagraph (C) that a State or local government has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

"(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

"(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

"(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a 'commercial motor vehicle,' as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1). Probable cause shall be defined in accordance with the technical guidance provided by the Commission under paragraph (3).".●

● Mr. LEVIN. Mr. President, I am pleased to cosponsor legislation being introduced today by my friend from Wisconsin to address a problem that is unique to certain areas of Wisconsin and Michigan.

In the Cities of Grand Rapids and Battle Creek, Michigan and in several Wisconsin communities, certain individual Citizens Band (CB) radio operators are using illegal equipment of a capacity which interferes with the home electronic equipment and telephone service of their neighbors.

As a result, these neighbors are forced to buy filters in order to screen out the interference, and in some cases the interference is so extreme that the filters don't even work. There have also been complaints that some of these "illegal" CB broadcasters are using profanity which is disturbing to the neighbors and interfering with legitimate use of CB radios by truckers and others.

The problem is exacerbated by a lack of Federal resources to stop the problem. In recent years, due to budget and staffing cuts, the FCC has decreased its enforcement efforts. The legislation being introduced today would authorize local jurisdictions to enforce the FCC regulations regarding use of citizens band radio equipment, while maintaining the FCC jurisdiction over the regulation of radio services.

The bill provides for an FCC appeal process available to any person who believes they are adversely affected by local enforcement action. FCC does not object to this approach or to this legislation.

Mr. President, this legislation offers a simple solution to the inability of the FCC, due to insufficient resources, to put a stop to illegal CB equipment use in parts of Michigan and Wisconsin. The legislation would allow local officials, who are more familiar with the specific problems and complaints in their areas of jurisdiction, to be authorized to enforce FCC regulations regarding the use of CB radio equipment. The legislation has the strong support of local government officials in the Michigan communities where CB interference occurs.

An identical bill has been introduced in the House of Representatives. I hope this legislation will be enacted in an expedited manner so that local officials will have the ability to stop the use of illegal CB equipment that is interfering with legitimate CB use and disturbing citizens of the impacted communities.●

By Ms. COLLINS:

S. 2768. A bill to amend title XVIII of the Social Security Act to improve the Medicare-dependent, small rural hospital program; to the Committee on Finance.

SMALL RURAL HOSPITAL PROGRAM IMPROVEMENT ACT

Ms. COLLINS. Mr. President, I rise today to introduce the Small Rural Hospital Program Improvement Act, which is intended to make critically important changes to Medicare payment policies for rural hospitals.

Mr. President, most hospitals in rural America serve a large number of Medicare patients. Medicare payments to these hospitals, however, are not always adequate to cover the cost of the services they provide. The legislation I am introducing today will increase Medicare payments to small, rural hospitals in Maine and elsewhere by enabling more of them to qualify for enhanced reimbursements under the Medicare Dependent, Small Rural Hospital Program.

Rural hospitals are the anchors of small towns and communities across America. Not only are they the mainstay of the local health care delivery system, but they are also often the major employers in their communities. Rural communities have unique characteristics and special needs, and their hospitals face tremendous challenges every day as they work to provide the highest quality health care to their patients in the face of sometimes discouraging odds.

Rural communities tend to have higher concentrations of elderly persons and higher levels of poverty. Rural residents also tend to have higher rates of certain health problems than people living in urban areas. For example, deaths and disabilities resulting from injury are more common, and rural residents also tend to experience higher rates of chronic disease and disability. Rural providers also face unique challenges in the delivery of health care services, given the great distances and extreme weather conditions that often prevail, particularly in states like Maine. Shortages of physicians, nurses and other health professionals make it difficult to ensure that rural residents have access to all of the care that they need. And finally, Medicare reimbursement policies tend to favor urban areas and fail to take the special needs of rural providers into account.

The Balanced Budget Act of 1997 has posed additional challenges for rural areas. Deep Medicare payment reductions and mounting regulatory requirements have damaged our fragile rural health care delivery system, and, in particular, our rural hospitals and home health agencies. While the Balanced Budget Refinement Act of 1999 did provide some much-needed relief, we should take further steps to ensure that these rural providers receive more equitable Medicare payments.

One relatively simple, but nevertheless important step we can take is to update the antiquated and arbitrary classification requirements that prevent otherwise-qualified hospitals from receiving assistance under the Medicare Dependent, Small Rural Hospital program. Under this program, small rural hospitals that treat relatively high proportions of Medicare patients qualify for enhanced Medicare reimbursements. To qualify as a Medicare Dependent Hospital, a hospital must be located in a rural area, not be a sole community hospital, have 100 or fewer beds, and have been dependent on Medicare for at least 60 percent of its inpatient days or discharges in 1987.

The requirement that the hospital must have had at least 60 percent of its hospital discharges or patient days attributable to Medicare beneficiaries in 1987 is what creates the problem. Using 1987 as a base year erects an arbitrary barrier that prevents many small rural hospitals that otherwise meet the criteria from participating in this program. As an example, despite the fact that most of the small rural hospitals in Maine treat a disproportionate share of Medicare beneficiaries, none of them currently qualifies for this program. Not a single one.

The legislation I am introducing today modifies and updates the 60 percent requirement and bases eligibility for the Medicare Dependent, Small Rural Hospital program on Medicare discharges or patient days during any of the three most recently audited cost report periods rather than fiscal year 1987. In addition, the bill would make the program, which currently is only authorized through FY 2006, permanent. According to the Maine Hospital Association, if updated in this way, nine Maine hospitals will be eligible for the program, which would make them eligible for over $9 million additional Medicare dollars.

Increasing Medicare payment rates is critically important to the hospitals in Maine. For the past several years, Maine has ranked 49th or 50th in the nation in terms of Medicare reimbursement-to-cost ratios. For example, while hospitals in some states received more from Medicare in 1996 than it cost them to provide care to older and disabled Medicare patients, Maine's hospitals were only reimbursed 80 cents for every $1.00 they actually spent caring for Medicare beneficiaries.

As a consequence, Maine's hospitals have experienced a serious Medicare shortfall in recent years. The Maine Hospital Association anticipates a $174 million Medicare shortfall in 2002, which will force Maine's hospitals to shift costs on to other payers in the form of higher hospital charges. This Medicare shortfall is one of the reasons that Maine has among the highest insurance premiums in the nation.

Maine's poor Medicare margin is not due to high hospital costs. In fact, the current system tends to penalize Maine hospitals for their efficiency. For example, at $5,232, Maine's cost per discharge is slightly under the national average of $5,241, and is well below the Northeast average of $5,517.

The legislation I am introducing today will not solve Maine's Medicare shortfall problem, but it will help to close the gap. It will also enable many more small rural hospitals across the country to benefit from this program, which will help to ensure continued access to high quality hospital care for all rural Americans.

By LEAHY (for himself, Mr. HATCH, Mr. ROBB, Mr. DURBIN, Mr. KOHL, Mr. SCHUMER, and Mr. CLELAND):

S. 2769. A bill to authorize funding for National Instant Criminal Background Check System improvement; to the Committee on the Judiciary.

NICS PARTNERSHIP ACT

Mr. LEAHY. Mr. President, I am pleased to introduce the legislation to improve the National Instant Criminal Background Check System, NICS. The NICS Partnership Act authorizes the Department of Justice to reimburse states for serving as points of contact under the NICS. Our legislation also requires the Attorney General to issue a report to Congress on the appropriate formula to reimburse states for their reasonable costs to serve as points of contact for access to the NICS. I am pleased that Senators HATCH, ROBB, DURBIN, KOHL, SCHUMER, and CLELAND are original cosponsors of this bipartisan bill.

The Brady Handgun Violence Prevention Act of 1994 established the NICS and required federal firearm licensees to conduct a background check on the purchaser of any firearm sale after November 30, 1998. In its first 18 months of operation, the NICS has been a highly effective system for keeping guns out of the hands of criminals and children. Having processed 10 million inquires during this time, the NICS has ensured the timely transfer of firearms to law-abiding citizens, while denying transfers to more than 179,000 felons, fugitives and other prohibited persons. That is a remarkable record in preventing crime and protecting public safety.

This success, however, has come at an unfair cost to many states. The NICS is mandated by Federal law, the Brady Act, but many states are picking up the tab for conducting effective Brady background checks. Congress should remedy this inequity. Effective Brady background checks are the responsibility of the Federal government under Federal law. As a result, it is only fair for Congress to reimburse states for their reasonable costs needed to conduct effective Brady background checks.

Because more comprehensive criminal history records are currently available at the state and local level in many states, instead of the Federal level, these states have elected to serve as points of contact (POCs) to access the NICS. A state POC is a state agency that agrees to conduct Brady background checks, including NICS checks, on prospective gun buyers. In states that have agreed to serve as POCs, federal firearm licensees contact the state POC for a Brady background check rather than contacting the Federal Bureau of Investigation (FBI). These POC background checks review more records of people in prohibited categories, such as people who have been involuntarily committed to a mental institution or are under a domestic violence restraining order.

Indeed, in my home state of Vermont, for example, which serves as a POC, approximately 28 percent of all denials of prohibited persons seeking firearm purchases are based on state charges which would not have been available for review at the FBI's criminal record repository. These purchasers were denied because a relief from abuse order had been issued against them, they had been convicted of a misdemeanor crime of family violence, they were wanted in the State of Vermont, or they had been convicted of a felony in Vermont and not fingerprinted. These results demonstrate the value of having the states act as POCs for NICS.

Currently, the following 15 states serve as a full POC for NICS: Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Nevada, New Jersey, Pennsylvania, Tennessee, Utah, Vermont and Virginia. Another 11 states serve as partial POCs for NICS by performing checks for handgun purchases while the FBI processes checks for long gun purchases: Iowa, Michigan, Nebraska, New York, North Carolina, Indiana, Maryland, New Hampshire, Oregon, Washington, and Wisconsin. Thus, more than half the states serve as full or partial POCs under the NICS.

In fact, of the 8,621,000 background checks conducted last year, 4,538,000 were handled by the FBI and 4,083,000—almost half—were handled by state POCs. So while some states relied on the FBI to conduct Brady background checks and paid nothing, the states that elected to conduct more effective background checks paid the full cost of them. That is unfair to states that are doing the right thing.

The State of Vermont, for instance, pays about $110,000 a year for its POC system to run effective Brady background checks on all firearms purchased through federal firearms licensees. In other POC states, the burden is higher on state legislatures to come up with funding sources to pay for effective Brady background checks.

Indeed, the Governor of Florida, Jeb Bush, wrote to me last year in strong support of Federal funding to pay for the costs of Brady background checks performed by POC states. Governor Bush empathized that Florida's POC background checks were more efficient and effective than background checks performed at the Federal level. Governor Bush concluded in his letter that: "Without this funding, it is unlikely that state legislatures will continue the state programs—the inequities of charging for the service in some states but getting free service in others are too obvious." I agree. I ask unanimous consent that Governor Bush's letter be printed in the RECORD at the conclusion of my remarks.

The FBI, in its first operations report on the NICS, recommend that states should be compensated for their costs necessary to serve as POCs. Specifically, the FBI's report found: "Based on its first year of operation, it is clear that the ability of the NICS to stop prohibited persons from acquiring firearms would be improved by . . . a means to help states with the cost of performing as a POC state. . . ."

A recent General Accounting Office report on the implementation of the NICS also praised the POC state background check system. The GAO report found: "According to the FBI, the functioning of the NICS would be more effective and efficient if more states were full participants. For instance, FBI officials noted that state law enforcement agencies have access to more current criminal history records and more data sources, particularly regarding noncriminal disqualifiers, such as mental hospital commitments, from their own states than does the FBI, and have a better understanding of their own state laws and disqualifying factors."

Similar legislation to reimburse POC states under the NICS was part of the Senate-passed Juvenile Justice bill, which has been languishing in conference for many months. I prefer that we address this issue as part of the juvenile justice legislation by convening the juvenile justice conference and finishing the work we started last May when the Senate passed the Hatch-Leahy juvenile justice bill by a strong bipartisan vote. But since the congressional leadership appears unlikely to reconvene the juvenile justice conference, then we should consider these improvements to the NICS now to protect public safety.

Indeed, the Department of Justice, in comments on the Senate-passed juvenile justice bill, stated: "Reimbursing the point-of-contact states for doing NICS checks could be critical to retaining their participation, because they have a strong disincentive to preform checks that the FBI is providing to gun dealers and buyers free of charge. We believe it is very important to retain point-of-contact states and increase their number, because states have access to state records that are not available to the FBI and states have the expertise to interpret their own records and local laws."

Mr. President, states are doing the right thing by serving as points of contact under the NICS for more effective background checks, which are mandated by Federal law. These background checks prevent crime and promote the public safety. Congress should do the right thing by reimbursing these states for their reasonable costs for conducting these point of conduct background checks.

I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NICS Partnership Act of 2000".

SEC. 2. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IMPROVEMENTS.

(a) AUTHORIZATION FOR REIMBURSEMENT TO STATES SERVING AS POINTS OF CONTACT.—There are authorized to be appropriated $40,000,000 for fiscal year 2001, $50,000,000 for fiscal year 2002, and $60,000,000 for fiscal year 2003, to the Department of Justice to directly reimburse States for the reasonable costs necessary to serve as points of contact for access to the National Instant Criminal Background Check System established under Public Law 103–159.

(b) REPORT ON REIMBURSEMENT FORMULA FOR STATES SERVING AS POINTS OF CONTACT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the appropriate formula for the direct reimbursement to States of the reasonable costs necessary to serve as points of contact for access to the National Instant Criminal Background Check System established under Public Law 103–159.

By Mr. CLELAND:

S. 2771. A bill to provide for Federal recognition of the Lower Muscogee-Creek Indian Tribe of Georgia, and for other purposes; to the Committee on Indian Affairs.

THE LOWER MUSCOGEE-CREEK INDIAN TRIBE OF GEORGIA RECOGNITION ACT

• Mr. CLELAND. Mr President, today I am introducing legislation which will provide for the Federal recognition of the Lower Muskogee-Creek Indian Tribe of Georgia.

I realize that Congress has traditionally deferred to the Secretary of the Interior on matters relating to tribal recognition. Further, while it is within our jurisdiction, I understand that there is a reluctance in Congress to federally recognize Indian tribes through legislation. I would certainly prefer to settle this particular recognition issue in accordance with the practices and procedures established by the Bureau of Indian Affairs. However, I am compelled to introduce this legislation because I believe there has been a fundamental flaw which, in this case, has prevented the Lower Muskogee tribe from obtaining a fair and equitable review of its recognition request. Mr. President, please allow me to elaborate on this statement.

It is my understanding that once a petition has been denied, the rules prohibit a tribe from petitioning the Secretary of the Interior a second time. While the intent of the rule may be to eliminate redundant and frivolous petitions, I believe there are times when we must make an exception. Further, Mr. President, I would contend that this rule is especially unfair to those tribes who petitioned the Agency prior to the finalization of the rules in 1978. This is the case with respect to the Lower Muskogee tribe in my home State of Georgia.

The Lower Muskogee tribe has tried for over two decades to obtain a favorable review of their status as a tribe. In 1977, members of the tribe petitioned the Secretary of the Interior for recognition. Without the assistance of legal counsel or technical support, the tribe submitted their petition. While the petition was pending, the Department of Interior (DOI) proposed and finalized rules relating to the procedures by which tribes may petition for federal recognition. In December 1981, the tribe's petition was denied due to technical omissions.

I understand that there are serious concerns associated with the federal recognition of tribes by an Act of Congress—the most obvious being the perception that establishment of a gaming facility may soon follow. However, members of the Lower Muskogee tribe are not seeking to open casinos in Georgia. In fact, at the request of the tribe's Principal Chief, I have included language in the bill to prohibit such action. Under my bill, federal recognition of the Lower Muskogee tribe will not permit casinos or any other games of chance. It will simply recognize these well-deserving people as an Indian tribe, and allow their participation in programs which should be available to them as legitimate Native Americans.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD, and urge my colleagues to join me in enacting this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Muscogee-Creek Indian Tribe of Georgia Recognition Act".

SEC. 2. FINDINGS.

The Congress declares and finds the following:

(1) The Lower Muscogee-Creek Indian Tribe of Georgia are descendants of and political successors to those Indians known as the original Creek Indian Nation at the time of initial European contact with America.

(2) The Lower Muscogee-Creek Indian Tribe of Georgia are descendants and political successors to the signatories of the 1832 Treaty of Washington which was a treaty made while the Creeks were one nation, before removal. The Treaty involved all Creeks, including the Upper, Middle, and Lower Creeks, when the Creek Nation was whole and intact.

(3) The Lower Muscogee-Creek Indian Tribe of Georgia consists of over 2,500 eligible members, most of whom continue to reside close to their ancestral homeland within the State of Georgia. Pursuant to Article XII of the 1832 Treaty of Washington, the Lower Muscogee-Creek Indian Tribe of Georgia declined to be removed and continued to operate as a sovereign Indian tribe comprising those Lower Creeks declining removal under the Treaty of 1832.

(4) The Lower Muscogee-Creek Indian Tribe of Georgia continues its political and social existence with a viable tribal government carrying out many of its governmental functions through its traditional form of collective decisionmaking and social interaction.

(5) In 1972, when the Lower Muscogee-Creek Indian Tribe of Georgia (also known as the Muscogee-Creek Indian Tribe East of the Mississippi River) petitioned the Bureau of Indian Affairs for Federal recognition, the tribal leaders were not well educated and the Tribe could not afford competent counsel adequately versed in Federal Indian law. The Tribe was unable to obtain technical assistance in its petition which consequently lacked critical and pertinent historical information necessary for recognition. Thus, due to technical omissions, the petition was denied on December 21, 1981.

(6) Despite the denial of the petition, the United States Government, the government of the State of Georgia, and local governments, have recognized the political leaders of the Lower Muscogee-Creek Indian Tribe of Georgia as leaders of a distinct political governmental entity.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMBER.—The term "member" means an enrolled member of the Tribe, as of the date of enactment of this Act, or an individual who has been placed on the membership rolls of the Tribe in accordance with this Act.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) TRIBE.—The term "Tribe" means the Lower Muscogee-Creek Indian Tribe of Georgia.

SEC. 4. FEDERAL RECOGNITION.

(a) IN GENERAL.—Federal recognition is hereby extended to the Tribe. All laws and regulations of general application to Indians or nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this Act shall be applicable to the Tribe and its members.

(b) FEDERAL BENEFITS AND SERVICES.—The Tribe and its members shall be eligible, on or after the date of enactment of this Act, for all Federal benefits and services furnished to federally recognized Indian tribes and their members because of their status as Indians without regard to the existence of a reservation for the Tribe or the residence of any member on or near an Indian reservation.

(c) INDIAN REORGANIZATION ACT APPLICABILITY.—The Act of June 18, 1934 (25 U.S.C. 461 et seq.) shall be applicable to the Tribe and its members.

SEC. 5. RESERVATION.

(a) LANDS TAKEN INTO TRUST.—Notwithstanding any other provision of law, if, not later than 2 years after the date of enactment of this Act, the Tribe transfers interest in land within the boundaries of Grady County, Carroll County, and such other counties in the State of Georgia to the Secretary, the Secretary shall take such interests in land into trust for the benefit of the Tribe.

(b) RESERVATION ESTABLISHED.—Land taken into trust pursuant to subsection (a) shall be the initial reservation land of the Tribe.

(c) LIMITATION ON GAMING.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) is prohibited on the land taken into trust under subsection (a).

SEC. 6. BASE MEMBERSHIP ROLL.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Tribe shall submit to the Secretary a membership roll consisting of all individuals who are members of the Tribe. The qualifications for inclusion in the membership roll of the Tribe shall be developed and based upon the membership provisions as contained in the Tribe's Constitution and Bill of Rights. Upon completion of the membership roll, the Secretary shall publish notice of such in the Federal Register. The Tribe shall ensure that such roll is maintained and kept current.

(b) FUTURE MEMBERSHIP.—The Tribe shall have the right to determine future membership in the Tribe, however, in no event may an individual be enrolled as a member of the Tribe unless the individual is a lineal descendant of a person on the base membership roll, and has continued to maintain political relations with the Tribe.

SEC. 7. JURISDICTION.

The reservation established pursuant to this Act shall be Indian country under Federal and tribal jurisdiction.●

By Mr. GREGG (for himself, Mr. KERREY, Mr. BREAUX, Mr. GRASSLEY, Mr. THOMPSON, Mr. ROBB, and Mr. THOMAS):

S. 2774. A bill to amend title II of the Social Security Act to provide for individual savings accounts funded by employee and employer Social Security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Finance.

THE BIPARTISAN SOCIAL SECURITY REFORM ACT OF 2000

Mr. GRASSLEY. Mr. President, I rise today in support of legislation to make technical corrections to the Bipartisan Social Security Reform bill my colleagues and I introduced last summer. The purpose of this legislation is simple: to conform our previous legislative language to changes that have been made in the Social Security program—such as eliminating the earnings limit—since last July; to correct some inadvertent errors we discovered; and to update our assumptions to reflect the new reality of the Trust Funds as reported in the 2000 Social Security and Medicare Trustees Report which came out earlier this year.

Since July 16, 1999 when Senators GREGG, KERREY, BREAUX, THOMPSON, THOMAS, and ROBB and I introduced our legislation to save Social Security, the issue has taken on new life, due to Governor Bush's willingness to make Social Security reform a primary issue in his presidential campaign. He should be commended for his leadership and for grabbing the third rail of American politics fearlessly in order to create a truly secure Social Security system so that future generations will be able to rely on Social Security like their parents and grandparents.

I want to urge my colleagues to take a serious look at our proposal to save Social Security. It was designed in a bipartisan, bicameral manner: four Republicans and three Democrats cosponsored the Bipartisan Social Security Reform Bill, and Congressmen KOLBE and STENHOLM sponsored similar legislation in the House of Representatives.

The bipartisan plan would maintain a basic floor of protection through a traditional Social Security benefit, but two percentage points of the 12.4 percent payroll tax would be redirected to individual accounts. Individuals could invest their personal accounts in any combination of the funds offered through the Social Security system. An individual who invested his or her personal account in a bond fund would receive a guaranteed interest rate. However, individuals who wish to pursue a higher rate of return through investment in a fund including equities could do so.

Our proposal would eliminate the need for future payroll tax increases by advance funding a portion of future benefits through personal accounts. With individual accounts, we provide Americans with the tools necessary to build financial independence in retirement—especially to those who previously had limited opportunities to create wealth. The legislation provides incentives for low and middle income working Americans to save additional funds for retirement by matching their voluntary contributions to their individual accounts. Under our plan, they will be able to save for retirement and benefit from economic growth.

As all the cosponsors have said a hundred times, our proposal offers no "free lunch". In order to save Social Security for future generations it must be modernized. We have crafted a responsible plan to save Social Security for generations to come. By making incremental, steady changes to the Social Security system, we will be able to ensure the long-term solvency of the program.

With this technical corrections bill we have improved upon our original legislation and I urge my colleagues to support the bipartisan proposal to save Social Security.

Mr. President, I ask that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Bipartisan Social Security Reform Act of 2000."

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INDIVIDUAL SAVINGS ACCOUNTS

Sec. 101. Individual savings accounts.
Sec. 102. Social security KidSave Accounts.
Sec. 103. Adjustments to primary insurance amounts under part A of title II of the Social Security Act.

TITLE II—SOCIAL SECURITY SYSTEM ADJUSTMENTS

Sec. 201. Adjustments to bend points in determining primary insurance amounts.
Sec. 202. Adjustment of widows' and widowers' insurance benefits.
Sec. 203. Elimination of earnings test for individuals who have attained early retirement age.
Sec. 204. Gradual increase in number of benefit computation years; use of all years in computation.
Sec. 205. Maintenance of benefit and contribution base.
Sec. 206. Reduction in the amount of certain transfers to Medicare Trust Fund.
Sec. 207. Actuarial adjustment for retirement.
Sec. 208. Improvements in process for cost-of-living adjustments.
Sec. 209. Modification of PIA factors to reflect changes in life expectancy.
Sec. 210. Mechanism for remedying unforeseen deterioration in social security solvency.

TITLE I—INDIVIDUAL SAVINGS ACCOUNTS

SEC. 101. INDIVIDUAL SAVINGS ACCOUNTS.

(a) Establishment and Maintenance of Individual Savings Accounts.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) by inserting before section 201 the following:

"Part A—Insurance Benefits";

and

(2) by adding at the end the following:

"Part B—Individual Savings Accounts

"individual savings accounts

"Sec. 251. (a) Establishment.—

"(1) In general.—

"(A) Establishment in absence of kidsave account.—Except as provided in subparagraph (B), the Commissioner of Social Security, within 30 days of the receipt of the first contribution received pursuant to subsection (b) with respect to an eligible individual, shall establish in the name of such individual an individual savings account. The individual savings account shall be identified to the account holder by means of the account holder's Social Security account number.

"(B) Use of kidsave account.—If a KidSave Account has been established in the name of an eligible individual under section 262(a) before the date of the first contribution received by the Commissioner pursuant to subsection (b) with respect to such individual, the Commissioner shall redesignate the KidSave Account as an individual savings account for such individual.

"(2) Definition of eligible individual.—In this part, the term 'eligible individual' means any individual born after December 31, 1937.

"(b) Contributions.—

"(1) Amounts transferred from the trust fund.—The Secretary of the Treasury shall transfer from the Federal Old-Age and Survivors Insurance Trust Fund, for crediting by the Commissioner of Social Security to an individual savings account of an eligible individual, an amount equal to the sum of any amount received by such Secretary on behalf of such individual under section 3101(a)(2) or 1401(a)(2) of the Internal Revenue Code of 1986.

"(2) Other contributions.—For provisions relating to additional contributions credited to individual savings accounts, see sections 531(c)(2) and 6402(l) of the Internal Revenue Code of 1986.

"(c) Designation of Investment Type of Individual Savings Account.—

"(1) Designation.—Each eligible individual who is employed or self-employed shall designate the investment type of individual savings account to which the contributions described in subsection (b) on behalf of such individual are to be credited.

"(2) Form of designation.—The designation described in paragraph (1) shall be made in such manner and at such intervals as the Commissioner of Social Security may prescribe in order to ensure ease of administration and reductions in burdens on employers.

"(3) Special rule for 2001.—Not later than January 1, 2001, any eligible individual that is employed or self-employed as of such date shall execute the designation required under paragraph (1).

"(4) Designation in absence of designation by eligible individual.—In any case in which no designation of the individual savings account is made, the Commissioner of Social Security shall make the designation of the individual savings account in accordance with regulations that take into account the competing objectives of maximizing returns on investments and minimizing the risk involved with such investments.

"(d) Treatment of Incompetent Individuals.—Any designation under subsection (c)(1) to be made by an individual mentally incompetent or under other legal disability may be made by the person who is constituted guardian or other fiduciary by the law of the State of residence of the individual or is otherwise legally vested with the care of the individual or his estate. Payment under this part due an individual mentally incompetent or under other legal disability may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the claimant or is otherwise legally vested with the care of the claimant or his estate. In any case in which a guardian or other fiduciary of the individual under legal disability has not been appointed under the law of the State of residence of the individual, if any other person, in the judgment of the Commissioner, is responsible for the care of such individual, any designation under subsection (c)(1) which may otherwise be made by such individual may be made by such person, any payment under this part which is otherwise payable to such individual may be made to such person, and the payment of an annuity payment under this part to such person bars recovery by any other person.

"definition of individual savings account; treatment of accounts

"Sec. 252. (a) Individual Savings Account.—In this part, the term 'individual savings account' means any individual savings account in the Individual Savings Fund (established under section 254) which is administered by the Individual Savings Fund Board.

"(b) Treatment of Account.—Except as otherwise provided in this part and in section 531 of the Internal Revenue Code of 1986, any individual savings account described in subsection (a) shall be treated in the same manner as an individual account in the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code.

"individual savings account distributions

"Sec. 253. (a) Date of Initial Distribution.—Except as provided in subsection (c), distributions may only be made from an individual savings account of an eligible individual on and after the earliest of—

"(1) the date the eligible individual attains normal retirement age, as determined under section 216 (or early retirement age (as so determined) if elected by such individual), or

"(2) the date on which funds in the eligible individual's individual savings account are sufficient to provide a monthly payment over the life expectancy of the eligible individual (determined under reasonable actuarial assumptions) which, when added to the eligible individual's monthly benefit under part A (if any), is at least equal to an amount equal to 1/12 of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2) and determined on such date for an individual) and adjusted annually thereafter by the adjustment determined under section 215(i).

"(b) Forms of Distribution.—

"(1) Required monthly payments.—Except as provided in paragraph (2), beginning with the date determined under subsection (a), the balance in an individual savings account available to provide monthly payments not in excess of the amount described in subsection (a)(2) shall be paid, as elected by the account holder (in such form and manner as shall be prescribed in regulations of the Individual Savings Fund Board), by means of the purchase of annuities or equal monthly payments over the life expectancy of the eligible individual (determined under reasonable actuarial assumptions) in accordance with requirements (which shall be provided in regulations of the Board) similar to the requirements applicable to payments of benefits under subchapter III of chapter 84 of title 5, United States Code, and providing for indexing for inflation.

"(2) Payment of excess funds.—To the extent funds remain in an eligible individual's individual savings account after the application of paragraph (1), such funds shall be payable to the eligible individual in such manner and in such amounts as determined by the eligible individual, subject to the provisions of subchapter III of chapter 84 of title 5, United States Code.

"(c) Distribution in the Event of Death Before the Date of Initial Distribution.—If the eligible individual dies before the date determined under subsection (a), the balance in such individual's individual savings account shall be distributed in a lump sum, under rules established by the Individual Savings Fund Board, to the individual's heirs.

"INDIVIDUAL SAVINGS FUND

"Sec. 254. (a) Establishment.—There is established and maintained in the Treasury of the United States an Individual Savings Fund in the same manner as the Thrift Savings Fund under sections 8437, 8438, and 8439 (but not section 8440) of title 5, United States Code.

"(b) Individual Savings Fund Board.—

"(1) In general.—There is established and operated in the Social Security Administration an Individual Savings Fund Board in the same manner as the Federal Retirement Thrift Investment Board under subchapter VII of chapter 84 of title 5, United States Code.

"(2) Specific investment and reporting duties.—

"(A) In general.—The Individual Savings Fund Board shall manage and report on the activities of the Individual Savings Fund and the individual savings accounts of such Fund in the same manner as the Federal Retirement Thrift Investment Board manages and reports on the Thrift Savings Fund and the individual accounts of such Fund under subchapter VII of chapter 84 of title 5, United States Code.

"(B) Study and report on increased investment options.—

"(i) Study.—The Individual Savings Fund Board shall conduct a study regarding ways to increase an eligible individual's investment options with respect to such individual's individual savings account and with respect to rollovers or distributions from such account.

"(ii) Report.—Not later than 2 years after the date of enactment of the Bipartisan Social Security Reform Act of 2000, the Individual Savings Fund Board shall submit a report to the President and Congress that contains a detailed statement of the results of the study conducted pursuant to clause (i), together with the Board's recommendations for such legislative actions as the Board considers appropriate.

"BUDGETARY TREATMENT OF INDIVIDUAL SAVINGS FUND AND ACCOUNTS

"Sec. 255. The receipts and disbursements of the Individual Savings Fund and any accounts within such fund shall not be included in the totals of the budget of the United States Government as submitted by the President or of the congressional budget and shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.".

(b) Modification of FICA Rates.—

(1) Employees.—Section 3101(a) of the Internal Revenue Code of 1986 (relating to tax on employees) is amended to read as follows:

"(a) Old-Age, Survivors, and Disability Insurance.—

"(1) In general.—

"(A) Individuals covered under part A of title II of the social security act.—In addition to other taxes, there is hereby imposed on the income of every individual who is not a part B eligible individual a tax equal to 6.2 percent of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b)).

"(B) Individuals covered under part B of title II of the social security act.—In addition to other taxes, there is hereby imposed on the income of every part B eligible individual a tax equal to 4.2 percent of the wages (as defined in section 3121(a)) received by such individual with respect to employment (as defined in section 3121(b)).

"(2) Contribution of OASDI tax reduction to individual savings accounts.—

"(A) In general.—In addition to other taxes, there is hereby imposed on the income of every part B eligible individual an individual savings account contribution equal to the sum of—

"(i) 2 percent of the wages (as so defined) received by such individual with respect to employment (as so defined), plus

"(ii) so much of such wages (not to exceed $2,000) as designated by the individual in the same manner as described in section 251(c) of the Social Security Act.

"(B) Inflation adjustment.—

"(i) In general.—In the case of any calendar year beginning after 2001, the dollar amount in subparagraph (A)(ii) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) Rounding.—If any dollar amount after being increased under clause (i) is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10.".

(2) Self-employed.—Section 1401(a) of the Internal Revenue Code of 1986 (relating to tax on self-employment income) is amended to read as follows:

"(a) Old-Age, Survivors, and Disability Insurance.—

"(1) In general.—

"(A) Individuals covered under part A of the social security act.—In addition to other taxes, there shall be imposed for each taxable year, on the self-employment income of every individual who is not a part B eligible individual for the calendar year ending with or during such taxable year, a tax equal to 12.40 percent of the amount of the self-employment income for such taxable year.

"(B) Individuals covered under part B of title II of the social security act.—In addition to other taxes, there is hereby imposed for each taxable year, on the self-employment income of every part B eligible individual, a tax equal to 10.4 percent of the amount of the self-employment income for such taxable year.

"(2) Contribution of OASDI tax reduction to individual savings accounts.—

"(A) In general.—In addition to other taxes, there is hereby imposed for each taxable year, on the self-employment income of every individual, an individual savings account contribution equal to the sum of—

"(i) 2 percent of the amount of the self-employment income for each individual for such taxable year, and

"(ii) so much of such self-employment income (not to exceed $2,000) as designated by the individual in the same manner as described in section 251(c) of the Social Security Act.

"(B) Inflation adjustment.—

"(i) In general.—In the case of any taxable year beginning after 2001, the dollar amount in subparagraph (A)(ii) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) Rounding.—If any dollar amount after being increased under clause (i) is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10.".

(3) Part B eligible individual.—

(A) Taxes on employees.—Section 3121 of such Code (relating to definitions) is amended by inserting after subsection (s) the following:

"(t) Part B Eligible Individual.—For purposes of this chapter, the term 'part B eligible individual' means, for any calendar year, an individual who is an eligible individual (as defined in section 251(a)(2) of the Social Security Act) for such calendar year.".

(B) Self-employment tax.—Section 1402 of such Code (relating to definitions) is amended by adding at the end the following:

"(k) Part B Eligible Individual.—The term 'part B eligible individual' means, for any calendar year, an individual who is an eligible individual (as defined in section 251(a)(2) of the Social Security Act) for such calendar year.".

(4) Effective dates.—

(A) Employees.—The amendments made by paragraphs (1) and (3)(A) apply to remuneration paid after December 31, 2000.

(B) Self-employed individuals.—The amendments made by paragraphs (2) and (3)(B) apply to taxable years beginning after December 31, 2000.

(c) Matching Contributions.—

(1) In general.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following:

"Subpart H—Individual Savings Account Credits

"Sec. 54. Individual savings account credit.".

"SEC. 54. INDIVIDUAL SAVINGS ACCOUNT CREDIT.

"(a) Allowance of Credit.—Each part B eligible individual is entitled to a credit for the taxable year in an amount equal to the sum of—

"(1) $100, plus

"(2) 100 percent of the designated wages of such individual for the taxable year, plus

"(3) 100 percent of the designated self-employment income of such individual for the taxable year.

"(b) Limitations.—

"(1) Amount.—The amount determined under subsection (a) with respect to such individual for any taxable year may not exceed the excess (if any) of—

"(A) an amount equal to 1 percent of the contribution and benefit base for such taxable year (as determined under section 230 of the Social Security Act), over

"(B) the sum of the amounts received by the Secretary on behalf of such individual under sections 3101(a)(2)(A)(i) and 1401(a)(2)(A)(i) for such taxable year.

"(2) Failure to make voluntary contributions.—In the case of a part B eligible individual with respect to whom the amount of wages designated under section 3101(a)(2)(A)(ii) plus the amount self-employment income designated under section 1401(a)(2)(A)(ii) for the taxable year is less that $1, the credit to which such individual is entitled under this section shall be equal to zero.

"(c) Definitions.—For purposes of this section—

"(1) PART B ELIGIBLE INDIVIDUAL.—The term 'part B eligible individual' means, for any calendar year, an individual who—

"(A) is an eligible individual (as defined in section 251(a)(2) of the Social Security Act) for such calendar year, and

"(B) is not an individual with respect to whom another taxpayer is entitled to a deduction under section 151(c).

"(2) DESIGNATED WAGES.—The term 'designated wages' means with respect to any taxable year the amount designated under section 3101(a)(2)(A)(ii).

"(3) DESIGNATED SELF-EMPLOYMENT INCOME.—The term 'designated self-employment income' means with respect to any taxable year the amount designated under section 1401(a)(2)(A)(ii) for such taxable year.

"(d) CREDIT USED ONLY FOR INDIVIDUAL SAVINGS ACCOUNT.—For purposes of this title, the credit allowed under this section with respect to any part B eligible individual—

"(1) shall not be treated as a credit allowed under this part, but

"(2) shall be treated as an overpayment of tax under section 6401(b)(3) which may, in accordance with section 6402(l), only be transferred to an individual savings account established under part B of title II of the Social Security Act with respect to such individual.".

(2) CONTRIBUTION OF CREDITED AMOUNTS TO INDIVIDUAL SAVINGS ACCOUNT.—

(A) CREDITED AMOUNTS TREATED AS OVERPAYMENT OF TAX.—Subsection (b) of section 6401 of such Code (relating to excessive credits) is amended by adding at the end the following:

"(3) SPECIAL RULE FOR CREDIT UNDER SECTION 54.—Subject to the provisions of section 6402(l), the amount of any credit allowed under section 54 for any taxable year shall be considered an overpayment.".

(B) TRANSFER OF CREDIT AMOUNT TO INDIVIDUAL SAVINGS ACCOUNT.—Section 6402 of such Code (relating to authority to make credits or refunds) is amended by adding at the end the following:

"(l) OVERPAYMENTS ATTRIBUTABLE TO INDIVIDUAL SAVINGS ACCOUNT CREDIT.—In the case of any overpayment described in section 6401(b)(3) with respect to any individual, the Secretary shall transfer for crediting by the Commissioner of Social Security to the individual savings account of such individual, an amount equal to the amount of such overpayment.".

(3) CONFORMING AMENDMENTS.—

(A) Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period at the end ", or enacted by the Bipartisan Social Security Reform Act of 2000".

(B) The table of subparts for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Subpart H. Individual Savings Account Credits.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to refunds payable after December 31, 2000.

(d) TAX TREATMENT OF INDIVIDUAL SAVINGS ACCOUNTS.—

(1) IN GENERAL.—Subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end the following:

"PART IX—INDIVIDUAL SAVINGS FUND AND ACCOUNTS

"Sec. 531. Individual Savings Fund and Accounts.

"SEC. 531. INDIVIDUAL SAVINGS FUND AND ACCOUNTS.

"(a) GENERAL RULE.—The Individual Savings Fund and individual savings accounts shall be exempt from taxation under this subtitle.

"(b) INDIVIDUAL SAVINGS FUND AND ACCOUNTS DEFINED.—For purposes of this section, the terms 'Individual Savings Fund' and 'individual savings account' means the fund and account established under sections 254 and 251, respectively, of part B of title II of the Social Security Act.

"(c) CONTRIBUTIONS.—

"(1) IN GENERAL.—No deduction shall be allowed for contributions credited to an individual savings account under section 251 of the Social Security Act or section 6402(l).

"(2) ROLLOVER OF INHERITANCE.—Any portion of a distribution to an heir from an individual savings account made by reason of the death of the beneficiary of such account may be rolled over to the individual savings account of the heir after such death.

"(d) DISTRIBUTIONS.—

"(1) IN GENERAL.—Any distribution from an individual savings account under section 253 of the Social Security Act shall be included in gross income under section 72.

"(2) PERIOD IN WHICH DISTRIBUTIONS MUST BE MADE FROM ACCOUNT OF DECEDENT.—In the case of amounts remaining in an individual savings account from which distributions began before the death of the beneficiary, rules similar to the rules of section 401(a)(9)(B) shall apply to distributions of such remaining amounts.

"(3) ROLLOVERS.—Paragraph (1) shall not apply to amounts rolled over under subsection (c)(2) in a direct transfer by the Commissioner of Social Security, under regulations which the Commissioner shall prescribe.".

(2) CLERICAL AMENDMENT.—The table of parts for subchapter F of chapter 1 of such Code is amended by adding after the item relating to part VIII the following:

"Part IX. Individual savings fund and accounts.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2000.

SEC. 102. SOCIAL SECURITY KIDSAVE ACCOUNTS.

Title II of the Social Security Act (42 U.S.C. 401 et seq.), as amended by section 101(a), is amended by adding at the end the following:

"PART C—KIDSAVE ACCOUNTS

"KIDSAVE ACCOUNTS

"SEC. 261. (a) ESTABLISHMENT.—The Commissioner of Social Security shall establish in the name of each individual born on or after January 1, 1995, a KidSave Account upon the later of—

"(1) the date of enactment of this part, or

"(2) the date of the issuance of a Social Security account number under section 205(c)(2) to such individual.

The KidSave Account shall be identified to the account holder by means of the account holder's Social Security account number.

"(b) CONTRIBUTIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated and are appropriated such sums as are necessary in order for the Secretary of the Treasury to transfer from the general fund of the Treasury for crediting by the Commissioner to each account holder's KidSave Account under subsection (a), an amount equal to the sum of—

"(A) in the case of any individual born on or after January 1, 2001, $1,000, on the date of the establishment of such individual's KidSave Account, and

"(B) in the case of any individual born on or after January 1, 1995, $500, on the 1st, 2nd, 3rd, 4th, and 5th birthdays of such individual occurring on or after January 1, 2001.

"(2) ADJUSTMENT FOR INFLATION.—For any calendar year after 2001, each of the dollar amounts under paragraph (1) shall be increased by the cost-of-living adjustment using the wage increase percentage determined under section 215(i) for the calendar year.

"(c) DESIGNATIONS REGARDING KIDSAVE ACCOUNTS.—

"(1) INITIAL DESIGNATIONS OF INVESTMENT VEHICLE.—A person described in subsection (d) shall, on behalf of the individual described in subsection (a), designate the investment vehicle for the KidSave Account to which contributions on behalf of such individual are to be deposited. Such designation shall be made on the application for such individual's Social Security account number.

"(2) CHANGES IN INVESTMENT VEHICLES.—The Commissioner shall by regulation provide the time and manner by which an individual or a person described in subsection (d) on behalf of such individual may change 1 or more investment vehicles for a KidSave Account.

"(d) TREATMENT OF MINORS AND INCOMPETENT INDIVIDUALS.—Any designation under subsection (c) to be made by a minor, or an individual mentally incompetent or under other legal disability, may be made by the person who is constituted guardian or other fiduciary by the law of the State of residence of the individual or is otherwise legally vested with the care of the individual or his estate. Payment under this part due a minor, or an individual mentally incompetent or under other legal disability, may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the claimant or is otherwise legally vested with the care of the claimant or his estate. In any case in which a guardian or other fiduciary of the individual under legal disability has not been appointed under the law of the State of residence of the individual, if any other person, in the judgment of the Commissioner, is responsible for the care of such individual, any designation under subsection (c) which may otherwise be made by such individual may be made by such person, any payment under this part which is otherwise payable to such individual may be made to such person, and the payment of an annuity payment under this part to such person bars recovery by any other person.

"DEFINITIONS AND SPECIAL RULES

"SEC. 262. (a) KIDSAVE ACCOUNTS.—In this part, the term 'KidSave Account' means any KidSave Account in the Individual Savings Fund (established under section 254) which is administered by the Individual Savings Fund Board.

"(b) TREATMENT OF ACCOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any KidSave Account described in subsection (a) shall be treated in the same manner as an individual savings account under part B.

"(2) DISTRIBUTIONS.—Notwithstanding any other provision of law, distributions may only be made from a KidSave Account of an individual on or after the earlier of—

"(A) the date on which the individual begins receiving benefits under this title, or

"(B) the date of the individual's death.".

SEC. 103. ADJUSTMENTS TO PRIMARY INSURANCE AMOUNTS UNDER PART A OF TITLE II OF THE SOCIAL SECURITY ACT.

(a) IN GENERAL.—Section 215 of the Social Security Act (42 U.S.C. 415) is amended by adding at the end the following:

"Adjustment of Primary Insurance Amount in Relation to Deposits Made to Individual Savings Accounts and KidSave Accounts

"(j)(1) Except as provided in paragraph (2), an individual's primary insurance amount as determined in accordance with this section (before adjustments made under subsection (i)) shall be equal to—

"(A) the amount which would be so determined without the application of this subsection, multiplied by

"(B) 1 minus the ratio of—

"(i) the sum of—

"(I) the total of all amounts which have been credited pursuant to sections 3101(a)(2)(A)(i) and 1401(a)(2)(A)(i) of the Internal Revenue Code of 1986 to the individual savings account held by such individual, plus

"(II) 50 percent of the accumulated value of the KidSave Account (established on behalf of such individual under section 261(a)) determined on the date such KidSave Account is redesignated as an individual savings account held by such individual under section 251(a)(1)(B), plus

"(III) accrued interest on such amounts compounded annually up to the date of initial benefit entitlement based on the individual's earnings, assuming an interest rate equal to the projected interest rate of the Federal Old-Age and Survivors Trust Fund, to

"(ii) the expected present value of all future benefits paid based on the individual's earnings, as of the date of initial benefit entitlement based on such earnings, assuming future mortality and interest rates for the Federal Old-Age and Survivors Trust Fund used in the intermediate projections of the most recent Board of Trustees report under section 201.

"(2) In the case of an individual who becomes entitled to disability insurance benefits under section 223, such individual's primary insurance amount shall be determined without regard to paragraph (1).".

(b) CONFORMING AMENDMENT TO RAILROAD RETIREMENT ACT OF 1974.—Section 1 of the Railroad Retirement Act of 1974 (45 U.S.C. 231) is amended by adding at the end the following:

"(s) In applying applicable provisions of the Social Security Act for purposes of determining the amount of the annuity to which an individual is entitled under this Act, section 215(j) of the Social Security Act and part B of title II of such Act shall be disregarded.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to computations and recomputations of primary insurance amounts occurring after December 31, 2000.

TITLE II—SOCIAL SECURITY SYSTEM ADJUSTMENTS

SEC. 201. ADJUSTMENTS TO BEND POINTS IN DETERMINING PRIMARY INSURANCE AMOUNTS.

(a) ADDITIONAL BEND POINT.—Section 215(a)(1)(A) of the Social Security Act (42 U.S.C. 415(a)(1)(A)) is amended—

(1) in clause (ii), by striking "and" at the end;

(2) in clause (iii)—

(A) by striking "15 percent" and inserting "32 percent";

(B) by striking "clause (ii)," and inserting the following: "clause (ii) but do not exceed the amount established for purposes of this clause by subparagraph (B), and"; and

(3) by inserting after clause (iii) the following:

"(iv) 15 percent of the individual's average indexed monthly earnings to the extent that such earnings exceed the amount established for purposes of clause (iii),".

(b) INITIAL LEVEL OF ADDITIONAL BEND POINT.—Section 215(a)(1)(B)(i) of such Act (42 U.S.C. 415(a)(1)(B)(i)) is amended—

(1) by striking "clause (i) and (ii)" and inserting "clauses (i) and (iii)"; and

(2) by adding at the end the following: "For individuals who initially become eligible for old-age or disability insurance benefits, or who die (before becoming eligible for such benefit), in the calendar year 2001, the amount established for purposes of clause (ii) of subparagraph (A) shall be equal to 197.5 percent of the amount established for purposes of clause (i).".

(c) ADJUSTMENTS TO PIA FORMULA FACTORS.—Section 215(a)(1)(B) of such Act (42 U.S.C. 415(a)(1)(B)) is amended further—

(1) by redesignating clause (iii) as clause (iv);

(2) by inserting after clause (ii) the following:

"(iii) For individuals who initially become eligible for old-age or disability insurance benefits, or who die (before becoming eligible for such benefits), in any calendar year after 2005, effective for such calendar year—

"(I) the percentage in effect under clause (ii) of subparagraph (A) shall be equal to the percentage in effect under such clause for calendar year 2005 increased the applicable number of times by 3.8 percentage points,

"(II) the percentage in effect under clause (iii) of subparagraph (A) shall be equal to the percentage in effect under such clause for calendar year 2005 decreased the applicable number of times by 1.2 percentage points, and

"(III) the percentage in effect under clause (iv) of subparagraph (A) shall be equal to the percentage in effect under such clause for calendar year 2005 decreased the applicable number of times by 0.5 percentage points.

For purposes of the preceding sentence, the term 'applicable number of times' means a number equal to the lesser of 10 or the number of years beginning with 2006 and ending with the year of initial eligibility or death."; and

(3) in clause (iv) (as redesignated), by striking "amount" and inserting "dollar amount".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to primary insurance amounts of individuals attaining early retirement age (as defined in section 216(l) of the Social Security Act), or dying, after December 31, 2000.

SEC. 202. ADJUSTMENT OF WIDOWS' AND WIDOWERS' INSURANCE BENEFITS.

(a) WIDOW'S BENEFIT.—Section 202(e)(2)(A) of the Social Security Act (42 U.S.C. 402(e)(2)(A)) is amended by striking "equal to" and all that follows and inserting "equal to the greater of—

"(i) the primary insurance amount (as determined for purposes of this subsection after application of subparagraphs (B) and (C)) of such deceased individual, or

"(ii) the lesser of—

"(I) the applicable percentage of the joint benefit which would have been received by the widow or surviving divorced wife and the deceased individual for such month if such individual had not died, or

"(II) the benefit which would have been received by the widow or surviving divorced wife if such individual's contributions were based on the maximum contribution and benefit base amount (determined under section 230) for each contribution base year (as determined under section 215(b)(2)(B)(ii)) of such individual.

For purposes of clause (ii)(I), the applicable percentage is equal to 50 percent in 2001, increased (but not above 75 percent) by 1 percentage point in every second year thereafter.".

(b) WIDOWER'S BENEFIT.—Section 202(f)(3)(A) of the Social Security Act (42 U.S.C. 402(b)(3)(A)) is amended by striking "equal to" and all that follows and inserting "equal to the greater of—

"(i) the primary insurance amount (as determined for purposes of this subsection after application of subparagraphs (B) and (C)) of such deceased individual, or

"(ii) the lesser of—

"(I) the applicable percentage of the joint benefit which would have been received by the widow or surviving divorced wife and the deceased individual for such month if such individual had not died, or

"(II) the benefit which would have been received by the widower or surviving divorced husband if such individual's contributions were based on the maximum contribution and benefit base amount (determined under section 230) for each contribution base year (as determined under section 215(b)(2)(B)(ii)) of such individual.

For purposes of clause (ii)(II), the applicable percentage is equal to 50 percent in 2001, increased (but not above 75 percent) by 1 percentage point in every second year thereafter.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply individuals entitled to benefits after the date of enactment of this Act.

SEC. 203. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED EARLY RETIREMENT AGE.

(a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking "retirement age" and inserting "early retirement age";

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking "retirement age" each place it appears and inserting "early retirement age";

(3) in subsection (f)(1)(B), by striking "retirement age" and inserting "early retirement age";

(4) in subsection (f)(3)—

(A) by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8),"; and

(B) by striking "retirement age" and inserting "early retirement age";

(5) in subsection (f)(5)(D)(i), by striking "retirement age" and inserting "early retirement age";

(6) in subsection (f)(9)—

(A) by striking ", (5)(D)(i), and (8)(D)" and inserting "and (5)(D)(i)"; and

(B) by striking "retirement age" both places it appears and inserting "early retirement age";

(7) in subsection (h)(1)(A), by striking "retirement age (as defined in section 216(l))" each place it appears and inserting "early retirement age (as defined in section 216(l))"; and

(8) in subsection (j)—

(A) in the heading, by striking "Retirement Age" and inserting "Early Retirement Age"; and

(B) by striking "having attained retirement age (as defined in section 216(l))" and inserting "having attained early retirement age (as defined in section 216(l))".

(b) CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED AGE 62.—

(1) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)) is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(2) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of the Social Security Act (42 U.S.C. 403(f)(8)(B)) is amended—

(A) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(B) in clauses (i) and (ii), by striking "corresponding" each place it appears; and

(C) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(3) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Subparagraphs (D) and (E) of section 203(f)(8) of the Social Security Act (42 U.S.C. 403(f)(8)) are repealed.

(c) ADDITIONAL CONFORMING AMENDMENTS.—

(1) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(A) in subsection (c), in the last sentence, by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(B) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,".

(2) PROVISIONS RELATING TO EARNINGS TAKEN INTO ACCOUNT IN DETERMINING SUBSTANTIAL GAINFUL ACTIVITY OF BLIND INDIVIDUALS.—The second sentence of section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by striking "if section 102 of the Senior Citizens' Right to Work Act of 1996 had not been enacted" and inserting the following: "if the amendments to section 203 made by section 102 of the Senior Citizens' Right to Work Act of 1996 and by the Bipartisan Social Security Reform Act of 2000 had not been enacted".

(d) STUDY OF THE EFFECT OF TAKING EARNINGS INTO ACCOUNT IN DETERMINING SUBSTANTIAL GAINFUL ACTIVITY OF DISABLED INDIVIDUALS.—

(1) IN GENERAL.—Not later than February 15, 2001, the Commissioner of Social Security shall conduct a study on the effect that taking earnings into account in determining substantial gainful activity of individuals receiving disability insurance benefits has on the incentive for such individuals to work and submit to Congress a report on the study.

(2) CONTENTS OF STUDY.—The study conducted under paragraph (1) shall include the evaluation of—

(A) the effect of the current limit on earnings on the incentive for individuals receiving disability insurance benefits to work;

(B) the effect of increasing the earnings limit or changing the manner in which disability insurance benefits are reduced or terminated as a result of substantial gainful activity (including reducing the benefits gradually when the earnings limit is exceeded) on—

(i) the incentive to work; and

(ii) the financial status of the Federal Disability Insurance Trust Fund;

(C) the effect of extending eligibility for the Medicare program to individuals during the period in which disability insurance benefits of the individual are gradually reduced as a result of substantial gainful activity and extending such eligibility for a fixed period of time after the benefits are terminated on—

(i) the incentive to work; and

(ii) the financial status of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund; and

(D) the relationship between the effect of substantial gainful activity limits on blind individuals receiving disability insurance benefits and other individuals receiving disability insurance benefits.

(3) CONSULTATION.—The analysis under paragraph (2)(C) shall be done in consultation with the Administrator of the Health Care Financing Administration.

(e) EFFECTIVE DATE.—The amendments and repeals made by subsections (a), (b), and (c) shall apply with respect to taxable years ending after December 31, 2002.

SEC. 204. GRADUAL INCREASE IN NUMBER OF BENEFIT COMPUTATION YEARS; USE OF ALL YEARS IN COMPUTATION.

(a) IN GENERAL.—Section 215(b)(2)(A) of the Social Security Act (42 U.S.C. 415(b)(2)(A)) is amended—

(1) in clause (i), by striking "5 years" and inserting "the applicable number of years for purposes of this clause"; and

(2) by striking "Clause (ii)," in the matter following clause (ii) and inserting the following:

"For purposes of clause (i), the applicable number of years is the number of years specified in connection with the year in which such individual reaches early retirement age (as defined in section 216(l)(2)), or, if earlier, the calendar year in which such individual dies, as set forth in the following table:

"If such calendar year is:	The applicable number of years is:
2002	4.
2003	4.
2004	3.
2005	3.
2006	2.
2007	2.
2008	1.
2009	1.
After 2009	0.

Notwithstanding the preceding sentence, the applicable number of years is 5, in the case of any individual who is entitled to old-age insurance benefits, and has a spouse who is also so entitled (or who died without having become so entitled) who has greater total wages and self-employment income credited to benefit computation years than the individual. Clause (ii),".

(b) USE OF ALL YEARS IN COMPUTATION.—

(1) IN GENERAL.—Section 215(b)(2)(B) of the Social Security Act (42 U.S.C. 415(b)(2)(B)) is amended by striking clauses (i) and (ii) and inserting the following:

"(i)(I) for calendar years after 2001 and before 2010, the term 'benefit computation years' means those computation base years equal in number to the number determined under subparagraph (A) plus the applicable number of years determined under subclause (III), for which the total of such individual's wages and self-employment income, after adjustment under paragraph (3), is the largest;

"(II) for calendar years after 2009, the term 'benefit computation years' means all of the computation base years; and

"(III) for purposes of subclause (I), the applicable number of years is the number of years specified in connection with the year in which such individual reaches early retirement age (as defined in section 216(l)(2)), or, if earlier, the calendar year in which such individual dies, as set forth in the following table:

"If such calendar year is:	The applicable number of years is:
Before 2002	0.
2002	1.
2003	1.
2004	2.
2005	2.
2006	3.
2007	3.
2008	4.
2009	4;

"(ii) the term 'computation base years' means the calendar years after 1950, except that such term excludes any calendar year entirely included in a period of disability; and".

(2) CONFORMING AMENDMENT.—Section 215(b)(1)(B) of the Social Security Act (42 U.S.C. 415(b)(1)(B)) is amended by striking "in those years" and inserting "in an individual's computation base years determined under paragraph (2)(A)".

(c) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply with respect to individuals attaining early retirement age (as defined in section 216(l)(2) of the Social Security Act) after December 31, 2001.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to benefit computation years beginning after December 31, 2000.

SEC. 205. MAINTENANCE OF BENEFIT AND CONTRIBUTION BASE.

(a) IN GENERAL.—Section 230 of the Social Security Act (42 U.S.C. 430) is amended to read as follows:

MAINTENANCE OF THE CONTRIBUTION AND BENEFIT BASE

"SEC. 230. (a) The Commissioner of Social Security shall determine and publish in the Federal Register on or before November 1 of each calendar year the contribution and benefit base determined under subsection (b) which shall be effective with respect to remuneration paid after such calendar year and taxable years beginning after such year.

"(b) For purposes of this section, for purposes of determining wages and self-employment income under sections 209, 211, 213, and 215 of this Act and sections 54, 1402, 3121, 3122, 3125, 6413, and 6654 of the Internal Revenue Code of 1986, and for purposes of section 4022(b)(3)(B) of Public Law 93-406, the contribution and benefit base with respect to remuneration paid in (and taxable years beginning in) any calendar year is an amount equal to 84.5 percent of the total wages and self-employment income for the preceding calendar year (within the meaning of section 209).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to remuneration paid in (and taxable years beginning in) any calendar year after 2000.

SEC. 206. REDUCTION IN THE AMOUNT OF CERTAIN TRANSFERS TO MEDICARE TRUST FUND.

Subparagraph (A) of section 121(e)(1) of the Social Security Amendments of 1983 (42

U.S.C. 401 note), as amended by section 13215(c)(1) of the Omnibus Budget Reconciliation Act of 1993, is amended—

(1) in clause (ii), by striking "the amounts" and inserting "the applicable percentage of the amounts"; and

(2) by adding at the end the following: "For purposes of clause (ii), the applicable percentage for a year is equal to 100 percent, reduced (but not below zero) by 10 percentage points for each year after 2004.".

SEC. 207. ACTUARIAL ADJUSTMENT FOR RETIREMENT.

(a) EARLY RETIREMENT.—

(1) IN GENERAL.—Section 202(q) of the Social Security Act (42 U.S.C. 402(q)) is amended—

(A) in paragraph (1)(A), by striking "5/9" and inserting "the applicable fraction (determined under paragraph (12))"; and

(B) by adding at the end the following:

"(12) For purposes of paragraph (1)(A), the 'applicable fraction' for an individual who attains the age of 62 in—

"(A) any year before 2001, is 5/9;

"(B) 2001, is 7/12;

"(C) 2002, is 11/18;

"(D) 2003, is 23/36;

"(E) 2004, is 2/3; and

"(F) 2005 or any succeeding year, is 25/36.".

(2) MONTHS BEYOND FIRST 36 MONTHS.—Section 202(q) of such Act (42 U.S.C. 402(q)(9)) (as amended by paragraph (1)) is amended—

(A) in paragraph (9)(A), by striking "five-twelfths" and inserting "the applicable fraction (determined under paragraph (13))"; and

(B) by adding at the end the following:

"(13) For purposes of paragraph (9)(A), the 'applicable fraction' for an individual who attains the age of 62 in—

"(A) any year before 2001, is 5/12;

"(B) 2001, is 16/36;

"(C) 2002, is 16/36;

"(D) 2003, is 17/36;

"(E) 2004, is 17/36; and

"(F) 2005 or any succeeding year, is 1/2.".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to individuals who attain the age of 62 in years after 2000.

(b) DELAYED RETIREMENT.—Section 202(w)(6) of the Social Security Act (42 U.S.C. 402(w)(6)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking "2004." and inserting "2004 and before 2007;"; and

(3) by adding at the end the following:

"(E) 17/24 of 1 percent in the case of an individual who attains the age of 62 in a calendar year after 2006 and before 2009;

"(F) 3/4 of 1 percent in the case of an individual who attains the age of 62 in a calendar year after 2008 and before 2011;

"(G) 19/24 of 1 percent in the case of an individual who attains the age of 62 in a calendar year after 2010 and before 2013; and

"(H) 5/6 of 1 percent in the case of an individual who attains the age of 62 in a calendar year after 2012.".

SEC. 208. IMPROVEMENTS IN PROCESS FOR COST-OF-LIVING ADJUSTMENTS.

(a) ANNUAL DECLARATIONS OF PERSISTING UPPER LEVEL SUBSTITUTION BIAS, QUALITY-CHANGE BIAS, AND NEW-PRODUCT BIAS.—Not later than December 1, 2000, and annually thereafter, the Commissioner of the Bureau of Labor Statistics shall publish in the Federal Register an estimate of the upper level substitution bias, quality-change bias, and new-product bias retained in the Consumer Price Index, expressed in terms of a percentage point effect on the annual rate of change in the Consumer Price Index determined through the use of a superlative index that accounts for changes that consumers make in the quantities of goods and services consumed.

(b) MODIFICATION OF COST-OF-LIVING ADJUSTMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for each calendar year after 2000 any cost-of-living adjustment described in subsection (f) shall be further adjusted by the greater of—

(A) the applicable percentage point, or

(B) the correction for the upper level substitution bias, quality-change bias, and new-product bias (as last published by the Commissioner of the Bureau of Labor Statistics pursuant to subsection (a)).

(2) APPLICABLE PERCENTAGE POINT.—For purposes of paragraph (1)(A), the applicable percentage point shall be determined in accordance with the following table:

Calendar year:	Applicable Percentage Point:
2001	0.1
2002	0.2
2003	0.3
2004 and thereafter	0.33.

(c) FUNDING FOR CPI IMPROVEMENTS.—

(1) IN GENERAL.—There is hereby appropriated to the Bureau of Labor Statistics in the Department of Labor, for each of fiscal years 2001, 2002, and 2003, $60,000,000 for use by the Bureau for the following purposes:

(A) Research, evaluation, and implementation of a superlative index to estimate upper level substitution bias, quality-change bias, and new-product bias in the Consumer Price Index.

(B) Expansion of the Consumer Expenditure Survey and the Point of Purchase Survey.

(2) REPORTS.—The Commissioner of the Bureau of Labor Statistics shall submit reports regarding the use of appropriations made under paragraph (1) to the Committee on Appropriations of the House of Representative and the Committee on Appropriations of the Senate upon the request of each Committee.

(d) INFORMATION SHARING.—The Commissioner of the Bureau of Labor Statistics may secure directly from the Secretary of Commerce information necessary for purposes of calculating the Consumer Price Index. Upon request of the Commissioner of the Bureau of Labor Statistics, the Secretary of Commerce shall furnish that information to the Commissioner.

(e) ADMINISTRATIVE ADVISORY COMMITTEE.—The Bureau of Labor Statistics shall, in consultation with the National Bureau of Economic Research, the American Economic Association, and the National Academy of Statisticians, establish an administrative advisory committee. The advisory committee shall periodically advise the Bureau of Labor Statistics regarding revisions of the Consumer Price Index and conduct research and experimentation with alternative data collection and estimating approaches.

(f) COST-OF-LIVING ADJUSTMENT DESCRIBED.—A cost-of-living adjustment described in this subsection is any cost-of-living adjustment for a calendar year after 2000 determined by reference to a percentage change in a consumer price index or any component thereof (as published by the Bureau of Labor Statistics of the Department of Labor and determined without regard to this section) and used in any of the following:

(1) The Internal Revenue Code of 1986.

(2) The provisions of this Act (other than programs under title XVI and any adjustment in the case of an individual who attains early retirement age before January 1, 2001).

(3) Any other Federal program.

(g) RECAPTURE OF CPI REFORM REVENUES DEPOSITED INTO THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following:

"(n) On July 1 of each calendar year specified in the following table, the Secretary of the Treasury shall transfer, from the general fund of the Treasury to the Federal Old-Age and Survivors Insurance Trust Fund, an amount equal to the applicable percentage for such year, specified in such table, of the total wages paid in and self-employment income credited to such year.

"For a calendar year—	The applicable percentage for the year is—
After 2001 and before 2020	0.4 percent.
After 2019 and before 2040	0.53 percent.
After 2039 and before 2060	0.67 percent.
After 2059	0.8 percent.".

SEC. 209. MODIFICATION OF PIA FACTORS TO REFLECT CHANGES IN LIFE EXPECTANCY.

(a) MODIFICATION OF PIA FACTORS.—Section 215(a)(1) of the Social Security Act (42 U.S.C. 415(a)(1)(B)) is amended by redesignating subparagraph (D) as subparagraph (F) and by inserting after subparagraph (C) the following:

"(D)(i) For individuals who initially become eligible for old-age insurance benefits in any calendar year after 2005, each of the percentages under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be multiplied the applicable number of times by the applicable factor.

"(ii) For purposes of clause (i)—

"(I) the term 'applicable number of times' means a number equal to the sum of—

"(aa) the number of years beginning with 2006 and ending with the earlier of 2016 or the year of initial eligibility; plus

"(bb) if the year of initial eligibility has not occurred, the number of years beginning with 2023 and ending with the earlier of 2053 or the year of initial eligibility; and

"(II) the term 'applicable factor' means .988 with respect to the first 6 applicable number of times and .997 with respect to the applicable number of times in excess of 6.

"(E) For any individual who initially becomes eligible for disability insurance benefits in any calendar year after 2005, the primary insurance amount for such individual shall be equal to the greater of—

"(i) such amount as determined under this paragraph, or

"(ii) such amount as determined under this paragraph without regard to subparagraph (D) thereof.".

(b) STUDY OF THE EFFECT OF INCREASES IN LIFE EXPECTANCY.—

(1) STUDY PLAN.—Not later than February 15, 2001, the Commissioner of Social Security shall submit to Congress a detailed study plan for evaluating the effects of increases in life expectancy on the expected level of retirement income from social security, pensions, and other sources. The study plan shall include a description of the methodology, data, and funding that will be required in order to provide to Congress not later than February 15, 2006—

(A) an evaluation of trends in mortality and their relationship to trends in health status, among individuals approaching eligibility for social security retirement benefits;

(B) an evaluation of trends in labor force participation among individuals approaching eligibility for social security retirement benefits and among individuals receiving retirement benefits, and of the factors that influence the choice between retirement and participation in the labor force;

(C) an evaluation of changes, if any, in the social security disability program that would reduce the impact of changes in the retirement income of workers in poor health or physically demanding occupations;

(D) an evaluation of the methodology used to develop projections for trends in mortality, health status, and labor force participation among individuals approaching eligibility for social security retirement benefits and among individuals receiving retirement benefits; and

(E) an evaluation of such other matters as the Commissioner deems appropriate for evaluating the effects of increases in life expectancy.

(2) REPORT ON RESULTS OF STUDY.—Not later than February 15, 2006, the Commissioner of Social Security shall provide to Congress an evaluation of the implications of the trends studied under paragraph (1), along with recommendations, if any, of the extent to which the conclusions of such evaluations indicate that projected increases in life expectancy require modification in the social security disability program and other income support programs.

SEC. 210. MECHANISM FOR REMEDYING UNFORESEEN DETERIORATION IN SOCIAL SECURITY SOLVENCY.

(a) IN GENERAL.—Section 709 of the Social Security Act (42 U.S.C. 910) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by striking "SEC. 709. (a) If the Board of Trustees" and all that follows through "any such Trust Fund" and inserting the following:

"SEC. 709. (a)(1)(A) If the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund determines at any time, using intermediate actuarial assumptions, that the balance ratio of either such Trust Fund during any calendar year within the succeeding period of 75 calendar years will attain zero, the Board shall promptly submit to each House of the Congress and to the President a report setting forth its recommendations for statutory adjustments affecting the receipts and disbursements of such Trust Fund necessary to maintain the balance ratio of such Trust Fund at not less than 20 percent, with due regard to the economic conditions which created such inadequacy in the balance ratio and the amount of time necessary to alleviate such inadequacy in a prudent manner. The report shall set forth specifically the extent to which benefits would have to be reduced, taxes under section 1401, 3101, or 3111 of the Internal Revenue Code of 1986 would have to be increased, or a combination thereof, in order to obtain the objectives referred to in the preceding sentence.

"(B) In addition to any reports under subparagraph (A), the Board shall, not later than May 30, 2001, prepare and submit to Congress and the President recommendations for statutory adjustments to the disability insurance program under title II of this Act to modify the changes in disability benefits under the Bipartisan Social Security Reform Act of 2000 without reducing the balance ratio of the Federal Disability Insurance Trust Fund. The Board shall develop such recommendations in consultation with the National Council on Disability, taking into consideration the adequacy of benefits under the program, the relationship of such program with old age benefits under such title, and changes in the process for determining initial eligibility and reviewing continued eligibility for benefits under such program.

"(2)(A) The President shall, no later than 30 days after the submission of the report to the President, transmit to the Board and to the Congress a report containing the President's approval or disapproval of the Board's recommendations.

"(B) If the President approves all the recommendations of the Board, the President shall transmit a copy of such recommendations to the Congress as the President's recommendations, together with a certification of the President's adoption of such recommendations.

"(C) If the President disapproves the recommendations of the Board, in whole or in part, the President shall transmit to the Board and the Congress the reasons for that disapproval. The Board shall then transmit to the Congress and the President, no later than 60 days after the date of the submission of the original report to the President, a revised list of recommendations.

"(D) If the President approves all of the revised recommendations of the Board transmitted to the President under subparagraph (C), the President shall transmit a copy of such revised recommendations to the Congress as the President's recommendations, together with a certification of the President's adoption of such recommendations.

"(E) If the President disapproves the revised recommendations of the Board, in whole or in part, the President shall transmit to the Board and the Congress the reasons for that disapproval, together with such revisions to such recommendations as the President determines are necessary to bring such recommendations within the President's approval. The President shall transmit a copy of such recommendations, as so revised, to the Board and the Congress as the President's recommendations, together with a certification of the President's adoption of such recommendations.

"(3)(A) This paragraph is enacted by Congress—

"(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subparagraph (B), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(B) For purposes of this paragraph, the term 'joint resolution' means only a joint resolution which is introduced within the 10-day period beginning on the date on which the President transmits the President's recommendations, together with the President's certification, to the Congress under subparagraph (B), (D), or (E) of paragraph (2), and—

"(i) which does not have a preamble;

"(ii) the matter after the resolving clause of which is as follows: 'That the Congress approves the recommendations of the President as transmitted on   pursuant to section 709(a) of the Social Security Act, as follows: ', the first blank space being filled in with the appropriate date and the second blank space being filled in with the statutory adjustments contained in the recommendations; and

"(iii) the title of which is as follows: 'Joint resolution approving the recommendations of the President regarding social security.'.

"(C) A joint resolution described in subparagraph (B) that is introduced in the House of Representatives shall be referred to the Committee on Ways and Means of the House of Representatives. A joint resolution described in subparagraph (B) introduced in the Senate shall be referred to the Committee on Finance of the Senate.

"(D) If the committee to which a joint resolution described in subparagraph (B) is referred has not reported such joint resolution (or an identical joint resolution) by the end of the 20-day period beginning on the date on which the President transmits the recommendation to the Congress under paragraph (2), such committee shall be, at the end of such period, discharged from further consideration of such joint resolution, and such joint resolution shall be placed on the appropriate calendar of the House involved.

"(E)(i) On or after the third day after the date on which the committee to which such a joint resolution is referred has reported, or has been discharged (under subparagraph (D)) from further consideration of, such a joint resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the joint resolution was referred. All points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the joint resolution shall remain the unfinished business of the respective House until disposed of.

"(ii) Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. An amendment to the joint resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

"(iii) Immediately following the conclusion of the debate on a joint resolution described in subparagraph (B) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

"(iv) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution described in subparagraph (B) shall be decided without debate.

"(F)(i) If, before the passage by one House of a joint resolution of that House described in subparagraph (B), that House receives from the other House a joint resolution described in subparagraph (B), then the following procedures shall apply:

"(I) The joint resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subclause (II).

"(II) With respect to a joint resolution described in subparagraph (B) of the House receiving the joint resolution, the procedure in that House shall be the same as if no joint resolution had been received from the other House, but the vote on final passage shall be on the joint resolution of the other House.

"(ii) Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution that originated in the receiving House.

"(b) If the Board of Trustees of the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund determines as any time that the balance ratio of either such Trust Fund.".

(b) CONFORMING AMENDMENTS.—

(1) Section 709(b) of the Social Security Act (42 U.S.C. 910(b)) (as amended by subsection (a) of this section) is amended by striking "any such" and inserting "either such".

(2) Section 709(c) of such Act (42 U.S.C. 910(c)) (as redesignated by subsection (a) of this section) is amended by inserting "or (b)" after "subsection (a)".

By Mr. DORGAN (for himself, Mr. ENZI, MR. VOINOVICH, Mr. BREAUX, Mr. GRAHAM, Mr. HUTCHINSON, Mrs. LINCOLN, Mr. BENNETT, Mr. BRYAN, Mr. CLELAND, and Mr. THOMAS):

S. 2775. To foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Finance.

INTERNET TAX MORATORIUM AND EQUITY ACT

• Mr. DORGAN. Mr. President, if the Internet and E-commerce are to continue to grow and flourish then Congress must address the difficult tax issues that these have posed. To that end, Senator VOINOVICH and I, along with Senators GRAHAM, ENZI, BREAUX and six of our distinguished colleagues are introducing the Internet Tax Moratorium and Equity Act.

First and foremost, this legislation extends for four additional years the existing moratorium on punitive and discriminatory Internet taxes, and on access taxes. Internet technology is becoming a real growth engine for our economy. Governments should not be allowed to impose new taxes on access, or to enact discriminatory tax plans that would apply to the Internet and E-commerce but not to other kinds of transactions. I believe that such policies could foolishly hurt the future growth of the Internet industry, and this legislation prevents that from happening anytime soon.

At the same time, however, this legislation moves toward a solution to the growing web of tax compliance problems that faces virtually everyone who would do business across state lines—sellers and customers alike. Our approach also would help to create a climate in which Web-based firms and Main Street businesses can co-exist and compete on fair and even terms.

Any new form of commerce presents a challenge to the rules and structures that have grown up around the old. The Internet is no exception. The Internet has raised vexing questions regarding both privacy and the protection of property rights in writing and music. It has raised similar questions regarding the revenue systems of the states and localities of this nation. Not surprisingly, the Internet simply does not fit neatly into these systems as they have evolved over the last two hundred years.

This disconnect has created tensions on all sides. On one side are the vital new businesses—Internet service providers, Web-based businesses and the rest—worried that they will be singled out as cash cows and subjected to new and unfair taxes. On the other side are state and local governments worried about the erosion of their tax bases and their ability to pay for the schools, police, garbage collection and more that their taxpayers need and expect. In between are Main Street merchants who collect sales taxes from their customers and worry about unfair competition from Web-based business that avoid collecting these taxes. Let us not forget the citizens and taxpayers, who appreciate the convenience and opportunities of the Web but who also care about their Main Street merchants, and about their schools and other local services.

All of these concerns are valid. There are no bad guys in the drama. Rather, it is the kind of conflict that a new technology inevitably poses. The automobile required the reform of traffic-control rules designed for the horse-and-buggy era. So today the rise of E-commerce requires an update of tax compliance rules designed primarily for local commerce. Our job in Congress is not to point fingers but rather to try to address the problem in a fair and constructive way.

The solution must begin by putting the worries of Web-based entrepreneurs to rest. They should not be concerned about new and discriminatory tax burdens, and they should not be singled out as cash cows. Congress should make this clear. We have enacted a moratorium to prohibit state and local governments from enacting tax plans that discriminate against the E-commerce or impose a levy on Internet access. This existing moratorium is set to expire next year. We should extend that moratorium to December 2005. That will help clear the air and also make possible the development of a real solution for the sales and use tax compliance problems now facing many businesses and and their customers.

The solution begins with a recognition of the problem. Collecting a sales tax in a face-to-face transaction on Main Street or at the mall is a relatively simple process. The seller collects the tax and remits it to the state or local government. But with remote sales—such as catalog and Internet sales—it's more difficult. States can not require a seller to collect a sales tax unless the business has an actual location or sales people in the state. So most states, and many localities, have laws that require the local buyer to send an equivalent "use tax" to the state or local government when he or she did not pay taxes at the time of purchase.

The reality, of course, is that customers almost never do that. It would be a major inconvenience, and people are not accustomed to paying sales taxes in that way. So, despite the requirement in the law, most simply don't do it. This tax, which is already owed, is not paid. For years, state and local governments could accept this loss because catalog sales were a relatively minor portion of overall commerce. The Internet, however, will change that.

Internet and catalog sellers argue that collecting sales taxes would be a significant burden for them. They contend that they would have to comply with tax laws from thousands of different jurisdictions—46 states and thousands of local governments have sales taxes. They would have to deal with many different tax rates and all of the idiosyncracies regarding what is taxable and what is non-taxable. They have a point.

However, there are some remote sellers who know they enjoy an advantage over Main Street businesses and simply do not want to lose it. They can sell a product without collecting the tax, whereas Main Street businesses must collect the local sales tax. Main Street businesses claim that is unfair, and they have a point, too.

As I said, all sides in this debate have valid points, and that is the premise of the bill we introduce today. There are three basic principles underlying the Internet Tax Moratorium and Equity Act. First, we believe that this new Internet technology is becoming a real growth engine for our economy. Governments should not impose access or discriminatory taxes that might jeopardize its growth. That's why the legislation we are introducing extends the current moratorium on Internet access and multiple and discriminatory taxes on electronic commerce for over four additional years.

Second, state and local governments should be encouraged to simplify their sales tax systems as they apply to remote sellers. And third, once States have done this, then it is only fair that remote sellers do their part and collect any use tax that is owed, just as local merchants collect sales taxes. This simple step would free the consumer from the burden of having to report such taxes individually. It would level the playing field for local retailers and others that already collect and remit such taxes, and it would protect the ability of state and local governments to provide necessary services for their residents in the future.

Specifically, the Internet Tax Moratorium and Equity Act would do the following:

Extend the existing moratorium on Internet access, multiple and discriminatory taxes through December 31, 2005.

Put Congress on record as urging States and localities to develop a streamlined sales and use tax system with the advice of the National Conference of Commissioners on Uniform State Laws. Among other things, such a system would include a single, blended tax rate with which all remote sellers could comply. It should also include within each state a uniform tax base on which remote sellers apply the tax, as well as a uniform list of exempt items.

Authorize States to enter into an Interstate Sales and Use Tax Compact through which member States would adopt the streamlined sales and use tax system. Congressional authority and consent to enter into such a Compact would expire if it has not occurred by January 1, 2006.

Authorize adopting States to require remote sellers with more than $5 million in annual gross sales to collect and remit sales and use taxes on remote sales, once twenty States have adopted such Compact, unless Congress has acted to disapprove the Compact by law within a period of 120 days after the Congress receives it.

Prohibit states that have not adopted the simplified sales and use tax system from gaining benefit from the authority extended in the bill to require sellers to collect and remit sales and use taxes on remote sales.

In my view, it would be a mistake for Congress to adopt a lengthy extension of the current Internet tax moratorium without addressing the underlying problem. If we don't, then the growth of the Internet, which should be a benefit to Americans, will instead mean a major erosion of funds available to build and maintain schools and roads, finance police departments and garbage collection, and all the other services that citizens in this country want and need. One study suggests that states and local governments soon could be losing more than $20 billion annually if the Internet industry continues its rapid growth, and if sales and use tax collection rules are left unchanged.

The competitive crisis facing local retailers is also growing more urgent. Testimony at a recent congressional hearing makes that clear: A representative of Wal-Mart testified recently that that company is incorporating a separate business to put Wal-Mart on the Internet. It will do so in a manner that will enable them to avoid sales and use taxes. The reason? Even though Wal-Mart has locations in every state and therefore would be required to collect such taxes on Internet sales, it recognizes that other large competitors will be making those sales tax-free. The company regards such avoidance as a matter of necessity to remain competitive.

This scenario will play out over and over again. The large retailers like Wal-Mart will survive; the small Main Street businesses will struggle. And, there will be a massive loss of revenues to fund schools and other basic services.

Mr. President, this is an important issue that Congress must address now. We believe that this legislation strikes a balance between the interests of the Internet industry, state and local governments, local retailers and remote sellers. It is workable and fair.

I urge my colleagues to cosponsor this much-needed bipartisan legislation.•

Mr. ENZI. Mr. President, I rise in strong support of the Internet Tax Moratorium and Equity Act of 2000 introduced today by Senator DORGAN. I am an original cosponsor and I encourage each of my colleagues to join me as a cosponsor of this bill. We had to take a look at the Internet sales tax issue for people who might be using legislative vehicles to develop huge loopholes in our current system. We are federally mandating states into a sales tax exemption. We need to preserve the system for those cities, towns, counties, and states that rely on the ability to collect the sales tax they are currently getting.

There are some critical issues here that have to be solved to keep the stability of state and local government—just the stability of it—not to increase sales tax, just protect what is there right now. I believe the Internet Tax Moratorium and Equity Act of 2000 is a monumental step forward in protecting, yet enhancing, the current system.

Certainly, no Senator wants to take steps that will unreasonably burden the development and growth of the Internet. At the same time, we must also be sensitive to issues of basic competitive fairness and the negative effect our action or inaction can have on brick-and-mortar retailers, a critical economic sector and employment force in all American society, especially in rural states like Wyoming. In addition, we must consider the legitimate need of state and local governments to have the flexibility they need to generate resources to adequately fund their programs and operations.

If the loophole exists, I can share a method for local retailers to avoid sales tax collection too—but creating this loophole will lead to others—pay attention here. Sales tax collection and federal and state income tax could be in the same boat, if sole tax collection is no longer necessary on Internet sales purely by virtue of the sale over the Internet. Why shouldn't an employee whose check is written on the Internet and transmitted directly to his bank account not owe any income tax? Both would be Internet tax loopholes—tax collection exemptions forced by an all-knowing Federal Government.

As the only accountant in the Senate, I have a unique perspective on the dozens of tax proposals that are introduced in Congress each year. In addition, my service on the State and local level and my experiences as a small business owner enable me to consider these bills from more than one viewpoint.

I understand the importance of protecting and promoting the growth of Internet commerce because of its potential economic benefits. It is a valuable resource because it provides access on demand. In addition, it is estimated that the growth of online businesses will create millions of new jobs nationwide in the coming years. Therefore, I do not support a tax on the use of Internet itself.

I do, however, have concerns about using the Internet as a sales tax loophole. Sales taxes go directly to state and local governments and I am very leery of any federal legislation that bypasses their traditional ability to raise revenue to perform needed services such as school funding, road repair and law enforcement. I will not force states into a huge new exemption. While those who advocate a permanent loophole on the collection of a sales tax over the Internet claim to represent the principles of tax reduction, they are actually advocating a tax increase. Simply put, if Congress continues to allow sales over the Internet to go untaxed and electronic commerce continues to grow as predicted, revenues to state and local governments will fall and property taxes will have to be increased to offset lost revenue or States who do not have or believe in State income taxes will be forced to start one.

After months of hard work, negotiations, and compromise, the Internet Tax Moratorium and Equity Act of 2000 has been introduced. I would like to commend Senator DORGAN on his commitment to finding a solution and working all parties to find that solution. The bill extends the existing moratorium on Internet access, multiple, and discriminatory taxes for an additional four years through December 31, 2005.

Throughout the past several years, we have heard that catalog and Internet companies say they are willing to allow and collect sales tax on interstate sales (regardless of traditional or Internet sales) if States will simplify collections to one rate per State sent to one location in that State. I think that is a reasonable request. I have heard the argument that computers make it possible to handle several thousand tax entities, but from an auditing standpoint as well as simplicity for small business, I support one rate per State. I think the States should have some responsibility for redistribution not a business forced to do work for government. Therefore, the bill would put Congress on record as urging States and localities to develop a streamlined sales and use tax system, which would include a single, blended tax rate with which all remote sellers can comply. You need to be aware that States are prohibited from gaining benefit from the authority extended in the bill to require sellers to collect and remit sales and use taxes on remote sales if the States have not adopted the simplified sales and use tax system.

Further, the bill would authorize States to enter into an Interstate Sales and Use Tax Compact through which members would adopt the streamlined sales and use tax system. Congressional authority and consent to enter into such a compact would expire if it has not occurred by January 1, 2006. The bill also authorizes States to require all other sellers to collect and remit sales and use taxes on remote sales unless Congress has acted to disapprove the compact by law within a period of 120 days after the Congress receives it.

We introduce this bill because we do not think there is adequate protection now. It is very important we do not build electronic loopholes on the Internet, an ever-changing Internet, one that is growing by leaps and bounds, one that is finding new technology virtually every day. What we know as the Internet today is not what we will be using by the time the moratorium is finalized. More and more people are using the Internet everyday.

Mr. President, I recognize this body has a constitutional responsibility to regulate interstate commerce. Furthermore, I understand the desire of several Senators to protect and promote the growth of Internet commerce. Internet commerce is an exciting field. It has a lot of growth potential. The new business will continue to create millions of new jobs in the coming years.

The exciting thing about that for Wyomingites is that our merchants do not have to go where the people are. For people in my State, that means their products are no longer confined to a local market. They do not have to rely on expensive catalogs to sell merchandise to the big city folks. They do not have to travel all the way to Asia to display their goods. The customer can come to us on the Internet. It is a remarkable development, and it will push more growth for small manufacturers in rural America, especially in my State. We have seen some of the economic potential in the Internet and will continue this progress. It is a valuable resource because it provides access on demand. It brings information to your fingertips when you want it and how you want it.

I was the mayor of a small town, Gillette, WY, for 8 years. I later served in the State house for 5 years and the State senate for 5 years. Throughout my public life I have always worked to reduce taxes, to return more of people's hard-earned wages to them.

I am not here to argue in favor of taxes. There were times in Gillette when we had to make tough decisions. I was mayor during the boom time when the size of our town doubled in just a few years. We had to be very creative to be sure that our revenue sources would cover the necessary public services—important services like sewer, water, curb and gutter, filling in potholes, shoveling snow, collecting garbage, and mostly water. It is a tough job because the impact of your decision is felt by all of your neighbors. Hardly any of these problems is solved without money. When you are the mayor of a small town, you are on call 24 hours a day. You are in the phone book. People can call you at night and tell you that the city sewer is backing up into their house. I was fascinated how they were always sure that it was the city's sewer that was doing it. Therefore, it is important that we do not cut towns out of a historic source of revenue. They provides services you really depend on. Remember you cannot flush your toilet over the Internet.

The point is that the government that is closest to the people is also on the shortest time line to get results. I think it is the hardest work. I am very concerned with any piece of legislation that mandates or restricts local government's ability to meet the needs of its citizens. This has the potential to provide electronic loopholes that will take away all of their revenue. The Internet Tax Moratorium and Equity Act of 2000 would designate a level playing field for all involved—business, government, and the consumer.

If the loophole exists, I can share a method for local retailers to avoid sales tax collection too—but creating this loophole will lead to others—pay attention here. Sales tax collection and federal and state income tax could be in the same boat, if sole tax collection is no longer necessary on Internet sales purely by virtue of the sale over the Internet. Why shouldn't an employee whose check is written on the Internet and transmitted directly to his bank account not owe any income tax? Both would be Internet tax loopholes—tax collection exemptions forced by an all-knowingly federal government.

I do strongly support this bill. The current system of collecting revenues for those towns and states should be preserved—preserved on a level playing field for all involved. I do not think we have all the answers, or we would not be asking for this bill. So whatever we do, we have to have a bill that will preserve the way that small business and small towns function at the present at the present time. Our bill is critical for towns, small businesses, and you and me. I urge my colleagues to support it.

I yield the floor.

Mr. GRAHAM. Mr. President, earlier this year, the Senate began consideration of the Elementary and Secondary Education Act reauthorization. As its name suggests, that legislation governs how Federal dollars that go to the States for education will be spent. It is a very important bill, and I regret that the Senate was unable to complete consideration of it.

As important as the ESEA reauthorization bill is, however, it is not the most significant education bill that Congress will deal with in the next two years. In fact, the most important education bill Congress will consider won't mention schools or students. It won't reference classroom size or teacher salaries.

In 1998, Congress passed the Internet Tax Freedom Act. That bill imposed a three year moratorium on specific state taxes applicable to the Internet. The legislation didn't affect the states' ability to impose sales tax on Internet purchases, nor did it fix the unfair advantage "e-tailers" currently have over their main street competitors with respect to their responsibility to collect sales and use taxes.

As a result of two Supreme Court rulings, a state is prohibited from requiring out-of-state retailers from collecting sales tax on purchases made by its residents if the business has no presence in the state. The sales tax still applies, it just has to be collected directly from the purchaser. For a variety of reasons, very little of this tax is ever collected.

The Internet Tax Freedom Act created the Advisory Commission on Electronic Commerce which was supposed to come up with a solution to this problem. Instead the Commission was hijacked by a small group who opted to demagogue this issue to further their "anti-tax" agenda. The result was a year-long study of an issue with little in the form of useful recommendations.

The House has passed a five year extension of the moratorium put in place by the Internet Tax Freedom Act. The Senate also may soon consider a proposal to extend the temporary ban imposed in 1998. The game plan of the forces supporting this extended moratorium is clear: delay, delay, delay. Keep extending the moratorium until there is a sufficiently large political constituency to permanently block the collection of sales taxes on purchases made over the Internet.

This is not a hidden agenda. Governor Gilmore, Chairman of the Advisory Commission on Electronic Commerce stated it clearly when he said that "I believe America should ban sales and use taxes on the Internet permanently, for all time. If we secure tax freedom on the Internet through 2006, tax freedom on the Internet will become an entitlement for the American people and a political inevitability. No tax collector will be welcome on the Internet after 2006."

Let me be clear: this is not about whether purchases made over the Internet are subject to sales tax. They already are. The question is whether Internet sellers should have the same responsibility to collect the sales tax as their Main Street competitors.

If we answer this question with a "no," funding for education will suffer. Why? Because states have the fundamental responsibility for financing public education in our country For most states, sales tax revenue is the primary means by which states fulfill this responsibility. Because many states rely on sales taxes for their general revenue, the equation is simple—no collection of sales tax on the Internet means less money for new schools, teacher salaries, or textbooks. Six states—Florida, Nevada, South Dakota, Tennessee, Texas and Washington rely on sales taxes for more than half of their total tax revenue.

Over the next four years, Internet sales are expected to grow by nearly $500 billion. If state and local governments are prohibited from collecting sales taxes on those new sales, they stand to lose close to $17.5 billion in revenue. Florida's share of that lost revenue could be $1 billion. When asked why he robbed banks, Willie Sutton replied, "that's where the money is." Today, the money is increasingly on the Internet.

There is another reason to fix this issue: fairness. No one would seriously consider a proposal that barred state and local governments from collecting sales and use taxes from retailers who operate from green buildings. That would be unfair to those businesses that aren't located in green buildings. Proposals to arbitrarily benefit the Internet, however, somehow receive a great deal of attention and support.

Our position should be clear: no more delays. No more moratoriums until Congress agrees to a process whereby states can simplify their sales tax systems and receive the authority they need to require remote sellers to collect their sales taxes.

The legislation we are introducing today takes the first positive step in this direction. The bill extends the current moratorium on Internet access taxes and multiple or discriminatory taxes on the Internet, a prohibition that virtually all agree should be imposed.

More importantly, however, it establishes a process whereby states can cooperatively create a model sales and use tax system. Sales tax laws must be made significantly more uniform across the states, and the administration of the tax must be substantially overhauled and simplified. The goal of this legislation is to develop a simple, uniform, and fair system of sales tax collection. It will reduce the burden on remote sellers and protect state and local sovereignty.

Once states have adopted this simplified system, they would then have the authority to require remote sellers to collect and remit sales and use taxes to the state.

Previous attempts to require remote sellers to collect sales and use taxes have been criticized on the grounds that it was unreasonable to require businesses to keep track of the nearly 7,500 state and local governments levying sales and use taxes. That is a suspect criticism, particularly for those. Nevertheless, this bill dramatically simplifies the system for businesses by establishing uniform definitions and fewer rates.

The streamlined sales and use tax system envisioned by this legislation follows the guidance offered by the Advisory Commission on Electronic Commerce. The attributes of this streamlined system include:

A centralized, one-stop, multi-state registration system for sellers;

Uniform definitions for goods or services that would be included in the tax base;

Uniform and simple rules for attributing transactions to particular taxing jurisdictions;

Uniform rules for the designation and identification of purchasers exempt from tax;

Uniform certification procedures for software that sellers may rely on to determine state and local taxes;

Uniform bad debt rules;

Uniform returns and remittance forms;

Consistent electronic filing and remittance methods;

State administration of State and local sales taxes;

Uniform audit procedures;

Reasonable compensation for tax collection by remote sellers;

Exemption for remote sellers with less than $5 million in annual sales for the previous year;

Appropriate protections for consumer privacy; and

Such other features that member states deem warranted to promote simplicity.

Critics of this legislation will argue that it is anti-technology, and that the Internet must be protected from this threat. That is not true. The sponsors of this bill yield to no one in their support and enthusiasm for a vibrant information technology era. But that support does not necessitate special breaks for companies doing business over the Internet.

A more appropriate characterization for this legislation is that it will both assure fairness to all sellers and protect states' abilities to collect the resources necessary to make the education investments that will pave the way for the next technological breakthrough—the next Internet. I hope my colleagues will join us and support this approach.

By Mr. COVERDELL (for himself and Mr. TORRICELLI):

S. 2776. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for the use in medical research; to the Committee on Finance.

THE MEDICAL RESEARCH INVESTMENT ACT OF 2000

Mr. COVERDELL. Mr. President, today I rise to introduce bipartisan legislation, the Medical Research Investment Act, or MRI Act, and privileged to be joined today by Senator TORRICELLI. The American people are unique in the world in their spirit of volunteerism and charitable efforts. Unfortunately, the Federal Tax Code quite often gets in the way.

Congress has made impressive strides to increase resources for medical research. Last year we passed and enacted an increase of $2.7 billion in funding for the National Institutes of Health. This fourteen percent increase means this Congress is well on its way to doubling the Federal support for medical research, as we promised. At the same time, however, we should not diminish the critical role of private donations. This is why the MRI Act is so necessary.

While researchers have indeed made impressive breakthroughs in finding cures. The fight is far from over. For instance, 16 million Americans live with diabetes mellitus. In fact, I met today a courageous child, Caity Rigg, who suffers from Juvenile diabetes and requires four shots of insulin a day just to survive. Diabetes is the leading cause of kidney failure, blindness, and amputations, and is a major factor for heart disease, stroke, and birth defects. It shortens average life expectancy by 15 years and costs the nation in excess of $100 billion annually.

Cardiovascular diseases, heart attacks and strokes, claimed nearly 1 million lives in the United States in

1997. A third of these deaths were premature. In 1996, a third of all hospitalization expenditures were made to Medicare beneficiaries for hospital expenses due to cardiovascular problems.

This year approximately half a million Americans will die of cancer—more than 1,500 people per day. It is the second leading cause of death in the United States, and since 1990, approximately 13 million new cases have been diagnosed. In 2000, over 1 million new patients will be stricken.

The MRI Act makes very simple, but very significant changes. First, it encourages charitable gifts of cash or property for medical research by increasing the limitations on deductibility from the current 50 percent cap to 80 percent of adjusted gross income. Individuals could give 30 percent for medical research and 50 percent of income for other purposes. Or they could give as much as 80 percent of income for medical research alone. Not only would this benefit medical research, but it presents the opportunity for other charities to similarly receive greater support. Further, those who can give more than 80 percent in a year may extent the carry-forward for excess charitable gifts for medical research from five years to ten years.

Second, the MRI Act allows medical research to benefit from incentive stock option, or ISO's, giving by ending disincentives for taxpayers who contribute stock from ISO's to medical research. Current law taxes such transactions at a rate of almost forty percent if stocks are not held for more than a year. Because of the tax on their gifts, many taxpayers find they must sell $140 in stock for every $100 they wish to donate because of the taxes on their gifts. In addition to this change, no ordinary income, capital gains or alternative minimum tax would be imposed on medical research gifts.

Accordingly to an estimate by Price Waterhouse Coopers, the MRI Act would release more than 1 billion in new donations to medical research over the next 5 years. For many research efforts, it could mean the difference between finding cures or not. Our proposal enjoys broad support from the medical research community.

Alliance for Aging Research, American Association for Cancer Research, ALS Association (Lou Gehrigs's Disease), American Society of Cell Biologists, Cancer Treatment Research Foundation, Coalition of National Cancer Cooperative Groups, Cure for Lymphoma, Friends of Cancer Research, International Foundation for Anticancer Drug Discovery, Juvenile Diabetes Foundation for Parkinson's Research, Oncology Nursing Society, Prevent Blindness America, Research to Prevent Blindness, and Society for Women's Health Research.

In closing, I encourage my colleagues to join us in supporting the MRI Act and look forward to its consideration. I ask unanimous consent that a copy of my proposed legislation appear in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medical Research Investment Act of 2000".

SEC. 2. INCREASE IN LIMITATION ON CHARITABLE DEDUCTION FOR CONTRIBUTIONS FOR MEDICAL RESEARCH.

(a) In General.—Paragraph (1) of section 170(b) of the Internal Revenue Code of 1986 (relating to percentage limitations) is amended by adding at the end the following new subparagraph:

"(G) Special limitation with respect to certain contributions for medical research.—

"(i) In general.—Any medical research contribution shall be allowed to the extent that the aggregate of such contributions does not exceed the lesser of—

"(I) 80 percent of the taxpayer's contribution base for any taxable year, or

"(II) the excess of 80 percent of the taxpayer's contribution base for the taxable year over the amount of charitable contributions allowable under subparagraphs (A) and (B) (determined without regard to subparagraph (C)).

"(ii) Carryover.—If the aggregate amount of contributions described in clause (i) exceeds the limitation of such clause, such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a medical research contribution in each of the 10 succeeding taxable years in order of time.

"(iii) Treatment of capital gain property.—In the case of any medical research contribution of capital gain property (as defined in subparagraph (C)(iv)), subsection (e)(1) shall apply to such contribution.

"(iv) Medical research contribution.—For purposes of this subparagraph, the term 'medical research contribution' means a charitable contribution—

"(I) to an organization described in clauses (ii), (iii), (v), or (vi) of subparagraph (A), and

"(II) which is designated for the use of conducting medical research.

"(v) Medical research.—For purposes of this subparagraph, the term 'medical research' has the meaning given such term under the regulations promulgated under subparagraph (A)(ii), as in effect on the date of the enactment of this subparagraph.".

(b) Conforming Amendments.—

(1) Section 170(b)(1)(A) of the Internal Revenue Code of 1986 is amended in the matter preceding clause (i) by inserting "(other than a medical research contribution)" after "contribution".

(2) Section 170(b)(1)(B) of such Code is amended by inserting "or a medical research contribution" after "applies".

(3) Section 170(b)(1)(C)(i) of such Code is amended by striking "subparagraph (D)" and inserting "subparagraph (D) or (G)".

(4) Section 170(b)(1)(D)(i) of such Code is amended—

(A) in the matter preceding subclause (I), by inserting "or a medical research contribution" after "applies", and

(B) in the second sentence, by inserting "(other than medical research contributions)" before the period.

(c) Effective Date.—The amendments made by this section shall apply—

(1) to contributions made in taxable years beginning after December 31, 2000, and

(2) to contributions made on or before December 31, 2000, but only to the extent that a deduction would be allowed under section 170 of the Internal Revenue Code of 1986 for the taxable years beginning after December 31, 1999, had section 170(b)(1)(G) of such Code (as added by this section) applied to such contributions when made.

SEC. 3. TREATMENT OF CERTAIN INCENTIVE STOCK OPTIONS.

(a) AMT Adjustments.—Section 56(b)(3) of the Internal Revenue Code of 1986 (relating to treatment of incentive stock options) is amended—

(1) by striking "Section 421" and inserting the following:

"(A) In general.—Except as provided in subparagraph (B), section 421", and

(2) by adding at the end the following new subparagraph:

"(B) Exception for certain medical research stock.—

"(i) In general.—This paragraph shall not apply in the case of a medical research stock transfer.

"(ii) Medical research stock transfer.—For purposes of clause (i), the term 'medical research stock transfer' means a transfer—

"(I) of stock which is traded on an established securities market,

(II) of stock which is acquired pursuant to the exercise of an incentive stock option within the same taxable year as such transfer occurs, and

"(III) which is a medical research contribution (as defined in section 170(b)(1)(G)(iv)).".

(b) Nonrecognition of Certain Incentive Stock Options.—Section 422(c) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new paragraph:

"(8) Medical research contributions.—For purposes of this section and section 421, the transfer of a share of stock which is a medical research stock transfer (as defined in section 56(b)(3)(B)) shall be treated as meeting the requirements of subsection (a)(1).".

(c) Effective Date.—The amendments made by this section shall apply to transfers of stock made after the date of the enactment of this Act.

By Mr. SARBANES (for himself, Mr. Warner, Mr. Robb, and Ms. Mikulski):

S. 2777. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to revise and enhance authorities, and to authorize appropriations, for the Chesapeake Bay Office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NOAA CHESAPEAKE BAY OFFICE REAUTHORIZATION ACT OF 2000

Mr. SARBANES. Mr. President, today I am introducing legislation, together with my colleagues, Senators Warner, Robb and Mikulski, to reauthorize and enhance the NOAA Chesapeake Bay Program office. This office, which was first established in 1992 pursuant to Public Law 102–567, serves as the focal point for all of NOAA's activities within the Chesapeake Bay watershed and is a vital part of the effort to achieve the long-term goal of the Bay Program—restoring the Bay's living resources to healthy and balanced levels.

As the lead Federal agency responsible for marine science, NOAA has played a critical role in the restoration of the Chesapeake Bay and its living marine resources. Since 1984, when the Agency first signed a Memorandum of Understanding with EPA to participate in the Chesapeake Bay Program as a full Federal partner, NOAA has supported scientific investigations and conducted other important activities ranging from fisheries stock assessments to monitoring of algal blooms and tracking changes in tidal wetlands. This research has been essential to improving our understanding of the impacts of climate, harvest and pollution on the decline of anadromous fish, oysters and other marines species in the Bay and helping to develop management strategies for restoring living resources.

In order to better integrate NOAA's diverse efforts in the Bay region and provide a clear focal point within NOAA for Chesapeake Bay initiatives, in 1991 I introduced legislation to create a NOAA Chesapeake Bay Office or NCBO. The legislation authorized $2.5 million a year for the program and prescribed the office's principal functions as coordination, strategy development, technical and financial assistance and research dissemination. That legislation was incorporated in an overall NOAA authorization bill and became Public Law 102-567. To implement the initiative, NOAA established an office in Annapolis under the administration of the National Marine Fisheries Service and has been funding peer-reviewed research directed at the Bay's living resource problems, providing scientific expertise and technical assistance to Bay Program partners, working to involve other relevant NOAA elements in the Bay restoration and participating in a wide variety of Bay Program projects and activities. During the past eight years, the NCBO has made great strides in realizing the objectives of the NOAA Authorization Act of 1992 and the overall Bay Program living resource goals. Working with other Bay Program Partners, important progress has been made in surveying and assessing fishery resources in the Bay, developing fishery management plans for selected species, undertaking habitat restoration projects, removing barriers to fish passage, and undertaking important remote sensing and data analysis activities.

NOAA's responsibilities to the Bay restoration effort are far from complete, however. Some populations of major species of fish and shellfish in Chesapeake Bay such as shad and oysters, remain severely depressed, while others, such as blue crab are at risk. Bay-wide, some 16 of 25 ecologically important species are in decline or severe decline, due to disease, habitat loss, over-fishing and other factors. The underwater grasses that once sustained these fisheries are only at a fraction of their historic levels. Research and monitoring must be continued and enhanced to track living resource trends, evaluate the responses of the estuary's biota to changes in their environment and establish clear management goals and progress indicators for restoring the productivity, diversity and abundance of these species. Chesapeake 2000, the soon-to-be-signed new Bay Agreement, has identified several living resource goals which will require strong NOAA involvement to achieve.

The legislation which I am introducing would provide NOAA with additional resources and authority necessary to ensure its continued full participation in the Bay's restoration and in meeting with goals and objectives of Chesapeake 2000. First, this measure would move administration and oversight of the NOAA Bay Office from the National Marine Fisheries Service (NMFS) to the Office of the Undersecretary to help facilitate the pooling of all of NOAA's talents and take better advantage of NOAA's multiple capabilities. In addition to NMFS there are four other line offices within NOAA with programs and responsibilities critical to the Bay restoration effort—the Office of Oceanic and Atmospheric Research, National Ocean Service, National Weather Service, and National Environmental Satellite, Data and Information Service. Getting these different line offices to pool their resources and coordinate their activities is a serious challenge when they do not have a direct stake or clear line of responsibility to the Chesapeake Bay Program. Placing the NOAA Bay office within the Under Secretary's Office will help assure the coordination of activities across all line organizations of NOAA.

Second, the legislation authorizes and directs NOAA to undertake a special five-year study, in cooperation with the scientific community of the Chesapeake Bay and appropriate other federal agencies, to develop the knowledge base required for understanding multi-species interactions and developing multi-species management plans. To date, fisheries management in Chesapeake Bay and other waters, has been largely based upon single-species plans that often ignore the critical relationships between water and habitat quality, ecosystem health and the food webs that support the Bay's living resources. There is a growing consensus between scientific leaders and managers alike that we must move beyond the one-species-at-a-time approach toward a wider, multi-species and ecosystem perspective. Chesapeake 2000 calls for developing multi-species management plans for targeted species by the year 2005 and implementing the plans by 2007. In order to achieve these goals, NOAA must take a leadership role and support a sustained research and monitoring program.

Third, the legislation authorizes NOAA to carry out a small-scale fishery and habitat restoration grant and technical assistance program to help citizens organizations and local governments in the Chesapeake Bay watershed undertake habitat, fish and shellfish restoration projects. Experience has shown that, with the proper tools and training, citizens' groups and local communities can play a tremendous role in fisheries and habitat protection and restoration efforts. The Chesapeake Bay Foundation's oyster gardening program, for example, has proven to be highly successful in training citizens to grow oysters at their docks to help restore oysters' populations in the Bay. The new Bay Agreement has identified a critical need to not only to expand and promote community-based programs but to restore historic levels of oyster production, restore living resource habitat and submerged aquatic vegetation. The NOAA small-grants program, which this bill would authorize, would complement EPA's Chesapeake Bay small watershed program, and make "seed" grants available on a competitive, cost-sharing basis to local governments and nonprofit organizations to implement hands-on projects such as improvement of fish passageways, creating artificial or natural reefs, restoring wetlands and sea-grass beds, and producing oysters for restoration projects.

Fourth, the legislation would establish an internet-based Coastal Predictions Center for the Chesapeake Bay. Resource managers and scientists alike agree that we must make better use of the various modeling and monitoring systems and new technologies to improve prediction capabilities and response to physical and chemical events within the Bay and tributary rivers. There are substantial amounts of data collected and compiled by Federal, state and local government agencies and academic institutions including information on weather, tides, currents, circulation, climate, land use, coastal environmental quality, aquatic living resources and habitat conditions. Unfortunately, little of this data is coordinated and organized in a manner that is useful to the wide range of potential users. The Coastal Predictions Center would serve as a knowledge bank for assembling monitoring and modeling data from relevant government agencies and academic institutions, interpreting that data, and organizing it into products that are useful to resource managers, scientists and the public.

Finally, the legislation would increase the authorization for the NOAA Bay Program from the current level of

$2.5 million to $6 million per year to enhance current activities and to carry out these new initiatives. For more than a decade, funding for NOAA's Bay Program has remained static at an annual average of $1.9 million. If we are to achieve the ultimate, long-term goal of the Bay Program—protecting, restoring and maintaining the health of the living resources of the Bay—additional financial resources must be provided.

Mr. President, this legislation will provide an important boost to our efforts to restore the Bay's living resources. It is strongly supported by the Chesapeake Bay Commission, the Chesapeake Bay Foundation and members of the scientific community. I ask unanimous consent that the full text of the measure and supporting letters be printed in the RECORD immediately following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NOAA Chesapeake Bay Office Reauthorization Act of 2000".

SEC. 2. CHESAPEAKE BAY OFFICE.

(a) ESTABLISHMENT.—Section 307(a) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(a)) is amended—

(1) in paragraph (1), by striking "Estuarine Resources"; and

(2) by striking paragraph (2) and inserting the following:

"(2) ADMINISTRATION.—

"(A) IN GENERAL.—Beginning not later than 60 days after the date of enactment of this subparagraph, the Office shall be administered by the Office of the Under Secretary of Commerce for Oceans and Atmosphere.

"(B) DIRECTOR.—The Secretary of Commerce shall appoint as Director of the Office an individual who has knowledge of and experience in research or resource management efforts in the Chesapeake Bay.".

(b) FUNCTIONS.—Section 307(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(b)) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) coordinate the programs and activities of the various organizations within the National Oceanic and Atmospheric Administration and the Chesapeake Bay Regional Sea Grant Programs, including—

"(A) programs and activities in—

"(i) coastal and estuarine research, monitoring, and assessment;

"(ii) fisheries research and stock assessments;

"(iii) data management;

"(iv) remote sensing;

"(v) coastal management;

"(vi) habitat conservation and restoration; and

"(vii) atmospheric deposition; and

"(B) programs and activities of the Cooperative Oxford Laboratory of the National Ocean Service with respect to—

"(i) nonindigenous species;

"(ii) marine species pathology;

"(iii) human pathogens in marine environments; and

"(iv) ecosystems health;"; and

(2) in paragraph (7), by striking the period at the end and inserting the following: ", which report shall include an action plan consisting of—

"(A) a list of recommended research, monitoring, and data collection activities necessary to continue implementation of the strategy described in paragraph (2); and

"(B) proposals for—

"(i) continuing and new National Oceanic and Atmospheric Administration activities in the Chesapeake Bay; and

"(ii) the integration of those activities with the activities of the partners in the Chesapeake Bay Program to meet the commitments of the Chesapeake 2000 agreement and subsequent agreements.".

(c) CONFORMING AMENDMENT.—Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended by striking the section heading and inserting the following:

"SEC. 307. CHESAPEAKE BAY OFFICE.".

SEC. 3. MULTIPLE SPECIES MANAGEMENT STRATEGY; CHESAPEAKE BAY FISHERY AND HABITAT RESTORATION SMALL GRANTS PROGRAM; COASTAL PREDICTION CENTER.

The National Oceanic and Atmospheric Administration Authorization Act of 1992 is amended by inserting after section 307 (15 U.S.C. 1511d) the following:

"SEC. 307A. MULTIPLE SPECIES MANAGEMENT STRATEGY.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration shall commence a 5-year study, in cooperation with the scientific community of the Chesapeake Bay and appropriate Federal agencies—

"(1) to determine and expand the understanding of the role and response of living resources in the Chesapeake Bay ecosystem; and

"(2) to develop a multiple species management strategy for the Chesapeake Bay.

"(b) REQUIRED ELEMENTS OF STUDY.—In order to improve the understanding necessary for the development of the strategy under subsection (a), the study shall—

"(1) determine the current status and trends of fish and shellfish that live in the Chesapeake Bay estuaries and are selected for study;

"(2) evaluate and assess interactions among the fish and shellfish described in paragraph (1) and other living resources, with particular attention to the impact of changes within and among trophic levels; and

"(3) recommend management actions to optimize the return of a healthy and balanced ecosystem for the Chesapeake Bay.

"SEC. 307B. CHESAPEAKE BAY FISHERY AND HABITAT RESTORATION SMALL GRANTS PROGRAM.

"(a) IN GENERAL.—The Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration (referred to in this section as the 'Director'), in cooperation with the Chesapeake Executive Council (as defined in section 307(e)), shall carry out a community-based fishery and habitat restoration small grants and technical assistance program in the Chesapeake Bay watershed.

"(b) PROJECTS.—

"(1) SUPPORT.—The Director shall make grants under the program under subsection (a) to pay the Federal share of the cost of projects that are carried out by eligible entities described in subsection (c) for the restoration of fisheries and habitats in the Chesapeake Bay.

"(2) FEDERAL SHARE.—The Federal share under paragraph (1) shall not exceed 75 percent.

"(3) TYPES OF PROJECTS.—Projects for which grants may be made under the program include—

"(A) the improvement of fish passageways;

"(B) the creation of natural or artificial reefs or substrata for habitats;

"(C) the restoration of wetland or sea grass;

"(D) the production of oysters for restoration projects; and

"(E) the restoration of contaminated habitats in the Chesapeake Bay watershed.

"(c) ELIGIBLE ENTITIES.—The following entities are eligible to receive grants under the program under this section:

"(1) The government of a political subdivision of a State in the Chesapeake Bay watershed and the government of the District of Columbia.

"(2) An organization in the Chesapeake Bay watershed (such as an educational institution or a community organization) that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code.

"(d) ADDITIONAL REQUIREMENTS.—The Director may prescribe any additional requirements, including procedures, that the Director considers necessary to carry out the program under this section.

"SEC. 307C. COASTAL PREDICTION CENTER.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration (referred to in this section as the 'Director'), in collaboration with regional scientific institutions, shall establish a coastal prediction center for the Chesapeake Bay (referred to in this section as the 'center').

"(2) PURPOSE OF CENTER.—The center shall serve as a knowledge bank for—

"(A) assembling, integrating, and modeling coastal information and data from appropriate government agencies and scientific institutions;

"(B) interpreting the data; and

"(C) organizing the data into predictive products that are useful to policy makers, resource managers, scientists, and the public.

"(b) ACTIVITIES.—

"(1) INFORMATION AND PREDICTION SYSTEM.—The center shall develop an Internet-based information system for integrating, interpreting, and disseminating coastal information and predictions concerning—

"(A) climate;

"(B) land use;

"(C) coastal pollution;

"(D) coastal environmental quality;

"(E) ecosystem health and performance;

"(F) aquatic living resources and habitat conditions; and

"(G) weather, tides, currents, and circulation that affect the distribution of sediments, nutrients, and organisms, coastline erosion, and related physical and chemical events within the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(2) AGREEMENTS TO PROVIDE DATA, INFORMATION, AND SUPPORT.—The Director may enter into agreements with other entities of the National Oceanic and Atmospheric Administration, other appropriate Federal, State, and local government agencies, and academic institutions, to provide and interpret data and information, and provide appropriate support, relating to the activities of the center.

"(3) AGREEMENTS RELATING TO INFORMATION PRODUCTS.—The Director may enter into grants, contracts, and interagency agreements with eligible entities for the collection, processing, analysis, interpretation, and electronic publication of information products for the center.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended by striking subsection (d) and inserting the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Department of Commerce for the Chesapeake Bay Office $6,000,000 for each of fiscal years 2001 through 2004.

"(2) AMOUNTS FOR NEW PROGRAMS.—Of the amount authorized to be appropriated for each fiscal year under paragraph (1)—

"(A) not more than $2,500,000 shall be available to carry out section 307A;

"(B) not more than $1,000,000 shall be available to carry out section 307B; and

"(C) not more than $500,000 shall be available to carry out section 307C.".

(b) CONFORMING AMENDMENT.—Section 2 of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210; 97 Stat. 1409) is amended by striking subsection (e) (106 Stat. 4285).

SEC. 5. TECHNICAL CORRECTION.

Section 307(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(b)) is amended by striking "Chesapeake Bay Executive Council" and inserting "Chesapeake Executive Council".

CHESAPEAKE BAY COMMISSION,
June 12, 2000.

Hon. PAUL S. SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC

DEAR SENATOR SARBANES: We understand that you will soon be introducing legislation to reauthorize NOAA's Chesapeake Bay Program. This broadened, $6 million reauthorization would allow NOAA to better address multi-species management issues, to establish a complementary grants program in support of local community projects throughtout the Bay, and to make additional contributions that enhance the restoration of oysters in the estuary.

This legislation provides another enhanced mechanism for meeting the ambitious restoration and protection goals contained in the Chesapeake 2000 agreement that we and our Bay partners are signing on June 28. The members of the Chesapeake Bay Commission look forward to the enactment on this NOAA reauthorization and offer our full support and assistance as it moves through the Congress.

Sincerely,
BILL BOLLING,
Chairman.
BRIAN E. FROSH,
Vice-Chairman.
ARTHUR D. HERSHEY,
Vice-Chairman.

CHESAPEKE BAY FOUNDATION,
June 20, 2000.

Hon. PAUL S. SARBANES,
Hart Building,
Washington, DC.

DEAR SENATOR SARBANES: The Chesapeake Bay Foundation fully supports your new bill that would reauthorize and enhance the NOAA Chesapeake Bay Program. We greatly appreciate your leadership on this legislation and your persistent pursuit of a restored Bay.

The NOAA Bay Program originally was authorized in 1992 and has been a major contributor in protecting and restoring the Bay. The NOAA Bay office has provided a clear focal point within NOAA for Chesapeake Bay initiatives, involving all relevant NOAA entities in Bay restoration efforts, managing peer-reviewed research, and strengthening NOAA's interactions with Chesapeake Bay partners.

One of the NOAA Bay Program's yearly achievements is its fishery stock assessment. This work is crucial to gauging and managing the health of the Bay's fisheries. In addition, the NOAA Bay Program contributes to ecosystem management, community-based restoration activities, data analysis, and information management. NOAA Bay Program employees participate on Chesapeake Bay Program committees and they chair the Chesapeake Bay Environmental Effects Committee and the Chesapeake Bay Stock Assessment Committee.

Recently, the NOAA Bay Program made a major commitment to restoring the Bay's oyster population, which provides vital filtering of polluted water and unique habitat for marine life. CBF views restoring the oyster population as one of the most important steps we can take to restore the health of the Bay.

This new bill would consolidate authority for the Program's base funding with other line item programs, such as oyster recovery and multi-species initiatives. Moreover, the bill requires the NOAA Bay Program to help the Bay states meet the goals of the Chesapeake 2000 Agreement. The small watershed grants section, which is a new initiative, would be used for projects like Susquehanna River fish passages, oyster reef reconstruction, and other citizen-led, hands-on projects.

Lastly, the bill increases authorization to $6 million each year to carry out these activities. The Chesapeake Bay is the most productive estuary in the world and its vast fisheries and marine resources deserve that level of commitment from the federal government.

This bill represents a tremendous boost for CBF's and NOAA's efforts to Save the Bay. We look forward to working with you to secure passage of this exciting new legislation.

Very Truly Yours,
MICHAEL F. HIRSHFIELD, PHD.,
Vice-President, Resource Protection.

By Mr. KOHL (for himself, Mr. DEWINE, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, and Mr. FEINGOLD):

S. 2778. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

THE NO OIL PRODUCING AND EXPORTING CARTELS (NOPEC) ACT OF 2000

Mr. KOHL. Mr. President, we have all watched in the last few weeks as gas prices have skyrocketed across the country, reaching an average price for regular gas of $ 1.68 per gallon. The situation is even worse in Wisconsin and other Midwestern states. The Milwaukee Journal Sentinel reported on June 21 that the average price in Milwaukee for regular gas has reached $2.05 per gallon, and reports of consumers paying as much as $2.30 or more are not uncommon. We need to take action, and take action now, to combat this unjustified rise in gas prices that takes hard-earned dollars away from average citizens every time they visit the gas pump. It is for this reason that I rise today, with my colleagues Senators DEWINE, SPECTER, LEAHY, and GRASSLEY, to introduce the "No Oil Producing and Exporting Cartels Act of 2000", "NOPEC".

We have all heard many explanations offered for this rise in gas prices. Some say that the oil companies are gouging consumers. Some blame disruptions in supply. Others point to the EPA requirement mandating use of a new and more expensive type of "reformulated" gas in the Midwest. Some even claim that refiners and distributors are illegally fixing prices, and I am glad to see that the Federal Trade Commission, at the request of the Wisconsin delegation and Senator DEWINE, has now launched an investigation to figure out if these allegations are true. And these are just a few of the reasons that have been offered.

But one cause of these escalating prices is indisputable. This is the price fixing conspiracy of the OPEC nations, a conspiracy that for years has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC but, sadly, until now no one has tried to take any action to put it out of business. NOPEC will, for the first time, establish, clearly and plainly, that when a group of competing oil producers like OPEC agrees to act together to restrict supply or set prices they are violating U.S. law, and it will authorize the Attorney General or FTC to file suit under the antitrust laws for redress. Our bill will also make plain that the nations of OPEC cannot hide behind the doctrines of "Sovereign Immunity" or "Act of State" to escape the reach of American justice.

Even under current law, there is no doubt that the actions of the international oil cartel would be in gross violation of our most basic principles of antitrust law as nothing more than an illegal price fixing scheme if this cartel was a group of international private companies rather than foreign governments. But OPEC members have used the shield of "sovereign immunity" to escape accountability for their price-fixing. The Federal Sovereign Immunities Act, though, already recognizes that the "commercial" activity of nations is not protected by sovereign immunity. And it is hard to imagine an activity that is more obviously commercial than selling oil for profit, as the OPEC nations do. Our legislation will correct one erroneous twenty-year-old lower federal court holding and establish that sovereign immunity doctrine will not divest a U.S. court from jurisdiction to hear a lawsuit alleging that members of the oil cartel are violating antitrust law.

Mr. President, in recent years a consensus has developed in international law that certain basic standards are universal, and that the international community can, and should, take action when a nation violates these fundamental standards. The response of the international community to ethnic cleansing in the former Yugoslavia and action by the courts of Britain to recognize that Mr. Pinochet could be held accountable in Britain for allegations of human rights abuses and torture that occurred when he was President of Chile are two prominent examples. The rogue actions of the international oil cartel should be treated no differently. The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. This principle is the foundation upon which the entire body of competition law rests. In this era of increasing globalization, when we truly need to open international markets to ensure the prosperity of all, we should not permit any nation to flout this fundamental principle.

Our NOPEC legislation will, for the first time, enable our authorities to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel and will, at a minimum, have a real deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. For these reasons, I urge that my colleagues support this bill so that our nation will finally have an effective means to combat this selfish conspiracy of oil-rich nations.

Mr. DEWINE. Mr. President, today Senators KOHL, SPECTER, LEAHY, GRASSLEY, FEINGOLD, and I have introduced the "No Oil Producing and Exporting Cartels Act of 2000", NOPEC. We do so to address the long-standing problem of foreign governments acting in the commercial arena to fix, allocate, and establish production and price levels of petroleum products.

More than two months ago, Senators SPECTER, KOHL, THURMOND, SCHUMER, Biden, and I sent a letter to the President asking him to seriously consider legal action to put an end to the cartel behavior of OPEC nations. The White House has failed to take any action, and it appears that there are some within the Administration who believe there may be legal stumbling blocks to such a lawsuit. During the time in which the Administration has failed to take action, we have witnessed gas prices begin to rise again. Most notable are the unexplainable, sharp price increases in several Midwestern states. These price increases have harmed many in Ohio and across the Midwest. There is no relief in sight. Many are speculating about the cause of the price-spikes. One cause is indisputable—the unacceptably high price of imported crude oil set by the OPEC cartel.

Nation after nation has adopted antitrust enforcement principles that recognize the illegality of price fixing and other restraints of trade. Yet OPEC is undeterred, and continues to flout broadly accepted legal principles and artificially restrains the production of oil. It is time for internationally recognized principles of competition to operate in the oil and petroleum industry—just as they do in other markets.

The purpose of NOPEC is simple and straightforward. It makes clear that the U.S. enforcement agencies may bring antitrust enforcement actions against foreign states which violate antitrust laws in the production and sale of oil and other petroleum products, and it establishes that the district courts have jurisdiction and authority to consider such cases.

NOPEC does this by amending the Sherman Antitrust Act and the Foreign Sovereign Immunities Act, "FSIA". Under FSIA, the governmental activities of foreign governments are immune from the jurisdiction of the federal courts. A lower federal court has ruled—we believe erroneously—that the conduct of OPEC nations in relation to oil production and exportation are governmental, not commercial activities, and thus immune. NOPEC corrects this ruling, and clarifies the law, specifically removing immunity from foreign governments when they are engaged in the limitation of the production or distribution of oil and other petroleum products. NOPEC also makes clear that the federal courts should not decline to make a determination on the merits of an action brought under NOPEC based on the "act of state" doctrine.

This legislation will send a strong signal to OPEC nations that their agreements restrain trade and harm American consumers. This will no longer be accepted. Our legislation will allow the U.S. enforcement agencies to do their jobs and enforce the antitrust laws.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. ABRAHAM, Mr. KOHL, Mr. HUTCHINSON, Mr. TORRICELLI, and Mr. KERRY):

S. 2779. A bill to provide for the designation of renewal communities and to provide tax incentives relating to such communities, to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities, and to provide for the establishment of Individual Development Accounts (IDAs), and for other purposes; to the Committee on Finance.

THE AMERICAN COMMUNITY RENEWAL AND NEW MARKETS EMPOWERMENT ACT

Mr. KERRY. Mr. President, today I am joining colleagues on both sides of the aisle to introduce the American Community Renewal and New Markets Empowerment Act. Demonstrating that Congress can constructively work together and find common ground, we—Senators LIEBERMAN, TORRICELLI, KOHL, SANTORUM, ABRAHAM, and HUTCHINSON—unveiled a plan that creates economic incentives to help close America's wealth gap. Among many important initiatives, our plan includes my new markets legislation that I introduced last September, S. 1594, the Community Development and Venture Capital Act, and full funding for Round II of Empowerment Zones.

This plan builds on the President's and Speaker's agreement by securing full, mandatory funding for Massachusett's Empowerment Zone. So far, the money has dribbled in—only $6.6 million of the $100 million authorized over ten years—and made it impossible for the city to implement a plan for economic self-sufficiency. Some 80 public and private entities, from universities to technology companies to banks to local government, showed incredible community spirit and committed to matching the EZ money, eight to one. Let me say it another way—these groups agreed to match the $100 million in Federal Empowerment Zone money with $800 million. Yet, regrettably, in spite of this incredible alliance, the city of Boston has not been able to tap into that leveraged money and implement the strategic plan because Congress hasn't held its part of the bargain. I am extremely pleased that we were able to work together and find a way to provide full, steady funding to these zones. That money means education, daycare, transportation and basic health care in areas—in Massachusetts that includes 57,000 residents who live in Roxbury, Dorchester and Mattipan—where almost 50 percent of the children are living in poverty and nearly half the residents over 25 don't even have a high school diploma.

Mr. President, this bill also includes an initiative that I introduced last year called the Community Development and Venture Capital Act. Its purpose is to stimulate economic development through public-private partnerships that invest venture capital in smaller businesses that are located in impoverished rural and urban areas, known as new markets, or that employ low-income people. We call these areas new markets because of the overlooked business opportunities. According to Michael Porter, a respected professor at Harvard and business analyst who has written extensively on competitiveness, ". . . inner cities are the largest underserved market in America, with many tens of billions of dollars of unmet consumer and business demand."

Both innovative and fiscally sound, my new markets initiative is financially structured similar to Small Business Administration (SBA's), successful Small Business Investment Company (SBIC), program, and incorporates a technical assistance component similar to that successfully used in SBA's microloan program. However, unlike the SBIC program which focuses solely on small businesses with high-growth potential and claims successes such as Staples and Calaway Golf, the New Markets Venture Capital program will focus on smaller businesses that show promise of financial and social returns, such as jobs—what we call a "double bottomline."

To get at the complex and deep-rooted economic problems in new market areas, my initiative has three parts: a venture capital program to funnel investment money into our poorest communities, a program to expand the number of venture capital firms that are devoted to investing in such communities, and a mentoring program to link established, successful businesses with businesses and entrepreneurs in stagnant or deteriorating communities in order to facilitate the learning curve.

What I'm trying to do as Ranking Member of the Small Business Committee, and have been working with the SBA to achieve, is expand investment in our neediest communities by building on the economic activity created by loans. I think one of the most effective ways to do that is to spur venture capital investment in our neediest communities.

But, Mr. President, this bill even goes further than funding empowerment zones and establishing incentives to attract venture capital into distressed communities. It enhances education opportunities, creates individual development accounts to help low-income families save and invest in their future, increases affordable housing, improves access to technology in our classrooms and creates incentives to help communities remediate brownfields.

Before closing, I want to thank my colleagues for working so hard on this compromise and for their admirable willingness to put aside our differences for a larger purpose.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 577

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 656

At the request of Mr. REED, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 662

At the request of Mr. L. CHAFEE, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 682

At the request of Mr. HELMS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 682, a bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercounty Adoption, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1159

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

At the request of Mr. STEVENS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1159, supra.

S. 1941

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2307

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2307, a bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes.

S. 2327

At the request of Mr. HOLLINGS, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 2327, a bill to establish a Commission on Ocean Policy, and for other purposes.

S. 2341

At the request of Mr. ROBB, his name was added as a cosponsor of S . 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

At the request of Mr. GREGG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2341, supra.

S. 2344

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2358

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2358, a bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research.

S. 2504

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2504, a bill to amend title VI of the Clean Air Act with respect to the phaseout schedule for methyl bromide.

S. 2505

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2505, a bill to amend title XVIII of the Social Security Act to provide increased assess to health care for medical beneficiaries through telemedicine.

S. 2585

At the request of Mr. GRAHAM, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2639

At the request of Mr. KENNEDY, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S . 2639, a bill to amend the Public Health Service Act to provide programs for the treatment of mental illness.

S. 2641

At the request of Mr. CLELAND, the names of the Senator from Connecticut (Mr. DODD), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Indiana (Mr. LUGAR), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2641, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 2645

At the request of Mr. THOMPSON, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2645, a bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

S. 2675

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2675, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 2719

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2719, a bill to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 2731

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2731, a bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

S. CON. RES. 57

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Con. Res. 57, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

S. CON. RES. 122

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. Con. Res. 122, concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania, and calling for positive steps to promote a peaceful and democratic future for the Baltic region.

S. RES. 132

At the request of Mrs. FEINSTEIN, the name of the Senator from Colcrado (Mr. ALLARD) was added as a cosponsor of S. Res. 132, a resolution designating the week beginning January 21, 2001, as "Zinfandel Grape Appreciation Week."

S. RES. 254

At the request of Mr. CAMPBELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 254, a resolution supporting the goals and ideals of the Olympics.

S. RES. 268

At the request of Mr. EDWARDS, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Minnesota (Mr. GRAMS), the Senator from Texas (Mr. GRAMM), the Senator from Idaho (Mr. CRAIG), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Res. 268, a resolution designating July 17 through July 23 as "National Fragile X Awareness Week."

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 3476

At the request of Mr. MCCONNELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3476 intended to be proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3519

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 3519 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3520

At the request of Mr. LEAHY, his name was added as a cosponsor of amendment No. 3520 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 3520 proposed to S. 2522, supra.

At the request of Mr. FRIST, his name was added as a cosponsor of amendment No. 3520 proposed to S. 2522, supra.

AMENDMENT NO. 3527

At the request of Mr. LEAHY, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 3527 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3536

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 3536 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3541

At the request of Mr. MOYNIHAN, his name was added as a cosponsor of amendment No. 3541 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 3541 proposed to S. 2522, supra.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 3541 proposed to S. 2522, supra.

At the request of Mrs. BOXER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Vermont (Mr. LEAHY), the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 3541 proposed to S. 2522, supra.

At the request of Mr. SMITH of Oregon, his name was added as a cosponsor of amendment No. 3541 proposed to S. 2522, supra.

AMENDMENT NO. 3542

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 3542 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3558

At the request of Mr. KYL, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of amendment No. 3558 intended to be proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3569

At the request of Mr. NICKLES, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of amendment No. 3569 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

SENATE RESOLUTION 326—DESIGNATING THE COWBOY POETRY GATHERING IN ELKO, NEVADA, AS THE "NATIONAL COWBOY POETRY GATHERING"

Mr. BRYAN submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 326

Whereas working cowboys and the ranching community have contributed greatly to the establishment and perpetuation of western life in the United States;

Whereas the practice of composing verses about life and work on the range dates back to at least the trail drive era of the late 19th century;

Whereas the Cowboy Poetry Gathering has revived and continues to preserve the art of cowboy poetry by increasing awareness and appreciation of this tradition-based art form;

Whereas the reemergence of cowboy poetry both highlights recitation traditions that are a central form of artistry in communities throughout the West and promotes popular poetry and literature to the general public;

Whereas the Cowboy Poetry Gathering serves as a bridge between urban and rural people by creating a forum for the presentation of art and for the discussion of cultural issues in a humane and non-political manner;

Whereas the Western Folklife Center in Reno, Nevada, established and hosted the inaugural Cowboy Poetry Gathering in January of 1985;

Whereas since its inception 16 years ago, some 200 similar local spin-off events are now held in communities throughout the West; and

Whereas it is proper and desirable to recognize Elko, Nevada, as the original home of the Cowboy Poetry Gathering: Now, therefore, be it

Resolved, That the Senate designates the Cowboy Poetry Gathering in Elko, Nevada, as the "National Cowboy Poetry Gathering".

SENATE RESOLUTION 327—EXPRESSING THE SENSE OF THE SENATE ON UNITED STATES EFFORTS TO ENCOURAGE THE GOVERNMENTS OF FOREIGN COUNTRIES TO INVESTIGATE AND PROSECUTE CRIMES COMMITTED IN THOSE COUNTRIES IN THE NAME OF FAMILY HONOR AND TO PROVIDE RELIEF FOR VICTIMS OF THOSE CRIMES

Mr. REID submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 327

Whereas thousands of women around the world are killed and maimed each year in the name of family "honor";

Whereas the United Nations Commission on Human Rights, 56th Session, January 2000, working with the Special Rapporteurs on violence against women and extrajudicial, summary or arbitrary executions, received reports of so-called "honor killings" from numerous countries, including Bangladesh, Jordan, India, Pakistan, Ecuador, Uganda, and Morocco, and noted that such killings take many forms, such as flogging, forced suicide, stoning, beheading, acid-throwing, and burning;

Whereas, according to the 1999 report of the Department of State on human rights, so-called "crimes of honor" in Bangladesh include acid-throwing and whipping of women accused of moral indiscretion;

Whereas authorities in Bangladesh expect as many as 200 honor killings in that country in 2000;

Whereas thousands of Pakistani women, including young girls, are stabbed, burned, or maimed every year by husbands, fathers, and brothers who accuse them of dishonoring their family by being unfaithful, seeking a divorce, or refusing an arranged marriage;

Whereas Jordan, which had 20 reported honor killings in 1998, still has laws reducing the penalty for or exempting perpetrators of honor crimes, and the Jordanian parliament has twice failed to repeal those laws;

Whereas the King of Jordan has taken the commendable action of establishing Jordan's Royal Commission on Human Rights, chaired by the Queen of Jordan, primarily to address obstacles, including the persistence of honor crimes, that prevent women and children from exercising their basic human rights;

Whereas more than 5,000 dowry deaths occur every year in India, according to the United Nations Children's Fund (UNICEF), which reported in 1997 that a dozen women die each day in kitchen fires, disguised as accidents, because their husbands' families are dissatisfied over the size of the women's dowries;

Whereas women accused of adultery in Afghanistan, the United Arab Emirates, Pakistan, and a host of other countries are subject to a maximum penalty of death by stoning;

Whereas, even though honor killings may be outlawed, law enforcement and judicial systems often fail properly to investigate, arrest, and prosecute offenders, and laws frequently permit such reductions in sentences or exemptions from prosecution to those who kill in the name of honor that the results are typically token punishments, impunity, and continued violence against women; and

Whereas the right to life is the most fundamental of all rights and must be guaranteed to every individual without discrimination, and the perpetuation of honor killings and dowry deaths is a deliberate violation of women's human rights that should be universally condemned: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President, through the United States Agency for International Development, should work with law enforcement and judicial agencies of foreign governments to encourage the adoption of legal system reforms that provide for the effective investigation and prosecution of crimes known as "honor crimes";

(2) the President, through the United States Agency for International Development, should make available to local organizations in foreign countries sufficient resources to provide refuge and rehabilitation for women who are victims of honor crimes and to sustain their children;

(3) the Secretary of State, when preparing annual country reports on human rights practices, should include information relating to the incidence of honor violence in foreign countries, the steps taken by foreign governments to address the problem of honor violence, and all relevant actions taken by the United States, whether through diplomacy or foreign assistance programs, to reduce the incidence of honor violence and increase investigations and prosecutions of such crimes;

(4) the President should—

(A) communicate to the United Nations the concern over the high rate of honor-related violence toward women in foreign countries worldwide; and

(B) request that the appropriate United Nations bodies, in consultation with relevant nongovernmental organizations, propose actions to be taken to encourage those countries to demonstrate strong efforts to end such violence; and

(5) the President and the Secretary of State should, through direct communication with leaders of countries where honor killings, dowry deaths, and related practices are endemic—

(A) convey the most serious concerns of the United States about these gross violations of human rights; and

(B) urge the leaders of those countries to investigate and prosecute as murders all such acts with a view to punishing the perpetrators of those acts to the maximum extent provided under law for other murders in those countries.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPECTER (AND HARKIN) AMENDMENT NO. 3590

Mr. SPECTER (for himself and Mr. HARKIN) proposed an amendment to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act and the National Skill Standards Act of 1994; $2,990,141,000 plus reimbursements, of which $1,718,801,000 is available for obligation for the period July 1, 2001 through June 30, 2002, of which $1,250,965,000 is available for obligation for the period April 1, 2001 through June 30, 2002, including $1,000,965,000 to carry out chapter 4 of the Workforce Investment Act and $250,000,000 to carry out section 169 of such Act; and of which $20,375,000 is available for the period July 1, 2001 through June 30, 2004 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act, and $3,500,000 shall be for carrying out the National Skills Standards Act of 1994: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That funding provided to carry out projects under section 171 of the Workforce Investment Act of 1998 that are identified in the Conference Agreement, shall not be subject to the requirements of section 171(b)(2)(B) of such Act, the requirements of section 171(c)(4)(D) of such Act, or the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of such Act: *Provided further*, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2001 through June 30, 2002, and of which $100,000,000 is available for the period October 1, 2001 through June 30, 2004, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $343,356,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $96,844,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $406,550,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $153,452,000, together with not to exceed $3,095,978,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2001, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2003; and of which $153,452,000, together with not to exceed $763,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2001 through June 30, 2002, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2001 is projected by the Department of Labor to exceed 2,396,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2002, $435,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2001, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $107,651,000, including $6,431,000 to support up to 75 full-time equivalent staff, the majority of which will be term Federal appointments lasting no more than 1 year, to administer welfare-to-work grants, together with not to exceed $48,507,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $103,342,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2001, for such Corporation: *Provided*, That not to exceed $11,652,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $350,779,000, together with $1,985,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $56,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2000, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2001: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $30,510,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging, medical bill review, and periodic roll management, in support of Federal Employees' Compensation Act administration, $19,971,000; (2) for conversion to a paperless office, $7,005,000; (3) for communications redesign, $750,000; (4) for information technology maintenance and support, $2,784,000; and (5) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2001 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1) (2) (4) and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2001 for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: $30,393,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; $21,590,000 for transfer to Departmental Management, "Salaries and Expenses"; $318,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into Miscellaneous Receipts for the expenses of the Department of Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $425,983,000, including not to exceed $88,493,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2001, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $244,747,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2001 obligations for these activities exceed $1,000,000; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $369,327,000, together with not to exceed $67,257,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund; and $10,000,000 which shall be available for obligation for the period July 1, 2001 through June 30, 2002, for Occupational Employment Statistics.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements, of Departmental bilateral and multilateral foreign technical assistance, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2002, $30,000,000 for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $337,964,000: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.): *Provided further*, That beginning in fiscal year 2001, there is established in the Department of Labor an office of disability employment policy which shall, under the overall direction of the Secretary, provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities. Such office shall be headed by an assistant secretary: *Provided further*, That of amounts provided under this head, not more than $23,002,000 is for this purpose.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $186,913,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2001. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $19,800,000, of which $7,300,000 shall be available for obligation for the period July 1, 2001, through June 30, 2002.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $50,015,000, together with not to exceed $4,770,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. EXTENDED DEADLINE FOR EXPENDITURE. Section 403(a)(5)(C)(viii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(viii)) (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is amended by striking "3 years" and inserting "5 years".

SEC. 104. ELIMINATION OF SET-ASIDE OF PORTION OF WELFARE-TO-WORK FUNDS FOR PERFORMANCE BONUSES. (a) IN GENERAL.—Section 403(a)(5) of the Social Security Act (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is amended by striking subparagraph (E) and redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(b) CONFORMING AMENDMENTS.—The Social Security Act (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is further amended as follows:

(1) Section 403(a)(5)(A)(i) (42 U.S.C. 603(a)(5)(A)(i)) is amended by striking "subparagraph (I)" and inserting "subparagraph (H)".

(2) Subclause (I) of each of subparagraphs (A)(iv) and (B)(v) of section 403(a)(5) (42 U.S.C. 603(a)(5)(A)(iv)(I) and (B)(v)(I)) is amended—

(A) in item (aa)—

(i) by striking "(I)" and inserting "(H)"; and

(ii) by striking "(G), and (H)" and inserting "and (G)"; and

(B) in item (bb), by striking "(F)" and inserting "(E)".

(3) Section 403(a)(5)(B)(v) (42 U.S.C. 603(a)(5)(B)(v)) is amended in the matter preceding subclause (I) by striking "(I)" and inserting "(H)".

(4) Subparagraphs (E), (F), and (G)(i) of section 403(a)(5) (42 U.S.C. 603(a)(5)), as so redesignated by subsection (a) of this section, are each amended by striking "(I)" and inserting "(H)".

(5) Section 412(a)(3)(A) (42 U.S.C. 612(a)(3)(A)) is amended by striking "403(a)(5)(I)" and inserting "403(a)(5)(H)".

(c) FUNDING AMENDMENT.—Section 403(a)(5)(H)(i)(II) of such Act (42 U.S.C. 603(a)(5)(H)(i))(II) (as redesignated by subsection (a) of this section and as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is further amended by striking "$1,450,000,000" and inserting "$1,400,000,000".

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) of this section shall take effect on October 1, 2000.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and section 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, and the Native Hawaiian Health Care Act of 1988, as amended, $4,522,424,000, of which $150,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act, and of which $10,000,000 shall be available for the construction and renovation of health care and other facilities, of which $25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 221 of the Health Insurance Portability and Accountability Act of 1996, shall be sufficient to recover the full costs of operating the Program, and shall remain available to carry out that Act until expended: *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $253,932,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $538,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act.

RICKY RAY HEMOPHILIA RELIEF FUND PROGRAM

For payment to the Ricky Ray Hemophilia Relief Fund, as provided by Public Law 105–369, $85,000,000, of which $10,000,000 shall be for program management.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,679,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $2,992,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $3,204,496,000, of which $175,000,000 shall remain available until expended for the facilities master plan for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, up to $91,129,000 shall be available from amounts available under section 241 of the Public Health Service Act: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48. CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $3,804,084,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,328,102,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $309,923,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,318,106,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,189,425,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $2,066,526,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,554,176,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $986,069,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $516,605,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $508,263,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $794,625,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $401,161,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $303,541,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $106,848,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $336,848,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $790,038,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,117,928,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $385,888,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $775,212,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $75,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $100,089,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $61,260,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $256,953,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2001, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $352,165,000, of which $48,271,000 shall be for the Office of AIDS Research: *Provided*, That funding shall be available for the purchase of not to exceed 20 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the National Institutes of Health may be transferred to the National Institutes of Health.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $148,900,000, to remain available until expended, of which $47,300,000 shall be for the neuroscience research center: *Provided*, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the first phase of the National Neuroscience Research Center may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $2,730,757,000: *Provided*, That in addition to amounts provided herein, $12,000,000 shall be available from amounts available under section 241 of the Public Health Services Act, to carry out the National Household Survey on Drug Abuse.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $269,943,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $93,586,251,000, to remain available until expended.

For making, after May 31, 2001, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2001 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2002, $36,207,551,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $70,381,600,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,018,500,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $18,000,000 appropriated under this heading for the managed care system redesign shall remain available until expended: *Provided further*, That $3,000,000 of the amount available for research, demonstration, and evaluation activities shall be available to continue carrying out demonstration projects on Medicaid coverage of community-based attendant care services for people with disabilities which ensures maximum control by the consumer to select and manage their attendant care services: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2001 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That administrative fees collected relative to Medicare overpayment recovery activities shall be transferred to the Health Care Fraud and Abuse Control (HCFAC) account, to be used for Medicare Integrity Program (MIP) activities in addition to the amounts already specified, and shall remain available until expended.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Reconciliation Act of 1981, $300,000,000: *Provided*, That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $418,321,000, to remain available through September 30, 2003.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $7,265,000.

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,473,880,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2002, $1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), in addition to amounts already appropriated for fiscal year 2001, $817,328,000: *Provided*, That of the funds appropriated for fiscal year 2001, $19,120,000 shall be available for child care resource and referral and school-aged child care activities: *Provided further*, That of the funds appropriated for fiscal year 2001, in addition to the amounts required to be reserved by the States under section 658G, $222,672,000 shall be reserved by the States for activities authorized under section 658G, of which $60,000,000 shall be for activities that improve the quality of infant and toddler child care.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $600,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 2001 shall be $600,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105–285; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322 and section 126 and titles IV and V of Public

Law 100-485, $7,881,586,000, of which $41,791,000, to remain available until September 30, 2002, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670-679); of which $134,074,000, to remain available until expended, shall be for activities authorized by sections 40155, 40211, and 40241 of Public Law 103-322; of which $606,676,000 shall be for making payments under the Community Services Block Grant Act; and of which $6,267,000,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2001 and remain available through September 30, 2002: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant.

Funds appropriated for fiscal year 2000 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 2000 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, $305,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, $4,868,100,000.

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $954,619,000: *Provided*, That notwithstanding section 308(b)(1) of the Older Americans Act of 1965, as amended, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995: *Provided further*, That in considering grant applications for nutrition services for elder Indian recipients, the Assistant Secretary shall provide maximum flexibility to applicants who seek to take into account subsistence, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the American Indian, Alaska and Hawaiian Native communities to be served.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $206,766,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided further*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $10,569,000 shall be for activities specified under section 2003(b)(2), of which $9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,849,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $20,742,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $16,738,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For public health and social services, $264,600,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 205. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.6 percent, of any amounts appropriated for programs authorized under the PHS Act shall be made available for the evaluation (directly or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 211. (a) MENTAL HEALTH.—Section 1918(b) of the Public Health Service Act (42 U.S.C. 300x-7(b)) is amended to read as follows:

"(b) MINIMUM ALLOTMENTS FOR STATES.—Each State's allotment for fiscal year 2001 for programs under this subpart shall not be less than such State's allotment for such programs for fiscal year 2000.".

(b) Substance Abuse.—Section 1933(b) of the Public Health Service Act (42 U.S.C. 300x–33(b)) is amended to read as follows:

"(b) Minimum Allotments for States.—Each State's allotment for fiscal year 2001 for programs under this subpart shall not be less than such State's allotment for such programs for fiscal year 2000.".

Sec. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

Sec. 213. Extension of Certain Adjudication Provisions.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1997, 1998, 1999, and 2000" and inserting "1997, 1998, 1999, 2000 and 2001"; and

(B) in subsection (e), by striking "October 1, 2000" each place it appears and inserting "October 1, 2001"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 2000" and inserting "September 30, 2001".

Sec. 214. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 2001 may be used to administer or implement in Arizona or in the Kansas City, Missouri or in the Kansas City, Kansas area the Medicare Competitive Pricing Demonstration Project (operated by the Secretary of Health and Human Services).

Sec. 215. Withholding of Substance Abuse Funds. (a) In General.—None of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by December 15, 2000 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) Amount of State Funds.—The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) Additional State Funds.—The State is to maintain State expenditures in fiscal year 2001 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2000, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2000 State expenditures and all fiscal year 2001 obligations for tobacco prevention and compliance activities by program activity by July 31, 2001.

(d) Enforcement of State Obligations.—The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2000.

Sec. 216. Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii)—

(i) by striking "1999, 2000, and 2001" and inserting "1999 and 2000"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) for fiscal year 2001, a grant in an amount equal to the amount of the grant to the State under clause (i) for fiscal year 1998." and

(2) in subparagraph (G), by inserting at the end, "Upon enactment, the provisions of this Act that would have been estimated by the Director of the Office of Management and Budget as changing direct spending and receipts for fiscal year 2001 under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), to the extent such changes would have been estimated to result in savings in fiscal year 2001 of $240,000,000 in budget authority and $122,000,000 in outlays, shall be treated as if enacted in an appropriations act pursuant to Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105–217, thereby changing discretionary spending under section 251 of that Act.".

Sec. 217. (a) Notwithstanding Section 2104(f) of the Social Security Act (the Act), the Secretary of Health and Human Services shall reduce the amounts allotted to a State under subsection (b) of the Act for fiscal year 1998 by the applicable amount with respect to the State; and

(b) Notwithstanding Section 2104(a) of the Act, the Secretary shall increase the amount otherwise payable to each State under such subsection for fiscal year 2003 by the amount of the reduction made under paragraph (a) of this section. Funds made available under this subsection shall remain available through September 30, 2004.

(c) Applicable Amount Defined.—In subsection (a), with respect to a State, the term "applicable amount" means, with respect to a State, an amount bearing the same proportion to $1,900,000,000 as the unexpended balance of its fiscal year 1998 allotment as of September 30, 2000, which would otherwise be redistributed to States in fiscal year 2001 under Section 2104(f) of the Act, bears to the sum of the unexpended balances of fiscal year 1998 allotments for all States as of September 30, 2000: *Provided*, That, the applicable amount for a State shall not exceed the unexpended balance of its fiscal year 1998 allotment as of September 30, 2000.

TITLE III—DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

EDUCATION REFORM

For carrying out activities authorized by title IV of the Goals 2000: Educate America Act as in effect prior to September 30, 2000, and sections 3122, 3132, 3136, and 3141, parts B, C, and D of title III, and part I of title X of the Elementary and Secondary Education Act of 1965, $1,434,500,000, of which $40,000,000 shall be for the Goals 2000: Educate America Act, and of which $192,000,000 shall be for section 3122: *Provided*, That up to one-half of 1 percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: *Provided further*, That if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register: *Provided further*, That, notwithstanding part I of title X of the Elementary and Secondary Education Act of 1965 or any other provision of law, a community-based organization that has experience in providing before- and after-school services shall be eligible to receive a grant under that part, on the same basis as a school or consortium described in section 10904 of that Act, and the Secretary shall give priority to any application for such a grant that is submitted jointly by such a community-based organization and such a school or consortium.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act of 1965, $8,986,800,000, of which $2,729,958,000 shall become available on July 1, 2001, and shall remain available through September 30, 2002, and of which $6,223,342,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2000–2001: *Provided*, That $7,113,403,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 2000, to obtain updated local educational agency level census poverty data from the Bureau of the Census: *Provided further*, That $1,222,397,000 shall be available for concentration grants under section 1124A: *Provided further*, That grant awards under sections 1124 and 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be made to each State and local educational agency at no less than 100 percent of the amount such State or local educational agency received under this authority for fiscal year 2000: *Provided further*, That notwithstanding any other provision of law, grant awards under section 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be made to those local educational agencies that received a Concentration Grant under the Department of Education Appropriations Act, 2000, but are not eligible to receive such a grant for fiscal year 2001: *Provided further*, That each such local educational agency shall receive an amount equal to the Concentration Grant the agency received in fiscal year 2000, ratably reduced, if necessary, to ensure that these local educational agencies receive no greater share of their hold-harmless amounts than other local educational agencies: *Provided further*, That notwithstanding any other provision of law, in calculating the amount of Federal assistance awarded to a State or local educational agency under any program under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) on the basis of a formula described in section 1124 or 1124A of such Act (20 U.S.C. 6333, 6334), any funds appropriated for the program in excess of the amount appropriated for the program for fiscal year 2000 shall be awarded according to the formula, except that, for such purposes, the formula shall be applied only to States or local educational agencies that experience a reduction under the program for fiscal year 2001 as a result of the application of the 100 percent hold harmless provisions under the heading "Education for the Disadvantaged": *Provided further*, That the Secretary shall not take into account the hold harmless provisions in this section in determining State allocations under any other program administered by the Secretary in any fiscal year.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,030,000,000, of which $818,000,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $82,000,000, to remain available until expended, shall be for payments under section 8003(f), $25,000,000 shall be for construction under section 8007, $47,000,000 shall be for Federal property payments under section 8002 and $8,000,000 to remain available until expended shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V–A and B, VI, IX, X, and XIII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964 and part B of title VIII of the Higher Education Act of 1965; $4,672,534,000, of which $1,100,200,000 shall become available on July 1, 2001, and remain available through September 30, 2002, and of which $2,915,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002 for academic year 2001–2002: *Provided*, That of the amount appropriated, $435,000,000 shall be for Eisenhower professional development State grants under title II–B and $3,100,000,000 shall be for title VI and up to $750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of ESEA: *Provided further*, That of the amount made available for Title VI, $2,700,000,000 shall be available, notwithstanding any other provision of law, for purposes consistent with title VI to be determined by the local education agency as part of a local strategy for improving academic achievement: *Provided further*, That these funds may also be used to address the shortage of highly qualified teachers to reduce class size, particularly in early grades, using highly qualified teachers to improve educational achievement for regular and special needs children; to support efforts to recruit, train and retrain highly qualified teachers or for school construction and renovation of facilities, at the sole discretion of the local educational agency.

READING EXCELLENCE

For necessary expenses to carry out the Reading Excellence Act, $91,000,000, which shall become available on July 1, 2001 and shall remain available through September 30, 2002 and $195,000,000 which shall become available on October 1, 2001 and remain available through September 30, 2002.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, $115,500,000.

Office of Bilingual Education and Minority Languages Affairs

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act of 1965, without regard to section 7103(b), $443,000,000: *Provided*, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies.

Office of Special Education and Rehabilitative Services

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $7,352,341,000, of which $2,464,452,000 shall become available for obligation on July 1, 2001, and shall remain available through September 30, 2002, and of which $4,624,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2001–2002: *Provided*, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(c) of the Act shall be equal to the amount available for that section under Public Law 106–113, increased by the rate of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,799,519,000: *Provided*, That notwithstanding section 105(b)(1) of the Assistive Technology Act of 1998 ("the AT Act"), each State shall be provided $50,000 for activities under section 102 of the AT Act: *Provided further*, That notwithstanding section 105(b)(1) and section 101(f)(2) and (3) of the Assistive Technology Act of 1998, each State shall be provided a minimum of $500,000 for activities under section 101: *Provided further*, That $7,000,000 shall be used to support grants for up to three years to states under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants.

Special Institutions for Persons With Disabilities

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $12,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $54,366,000, of which $7,176,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $87,650,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

Office of Vocational and Adult Education

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,726,600,000, of which $1,000,000 shall remain available until expended, and of which $929,000,000 shall become available on July 1, 2001 and shall remain available through September 30, 2002 and of which $791,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002: *Provided*, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $5,600,000 shall be for tribally controlled postsecondary vocational and technical institutions under section 117: *Provided further*, That $9,000,000 shall be for carrying out section 118 of such Act: *Provided further*, That up to 15 percent of the funds provided may be used by the national entity designated under section 118(a) to cover the cost of authorized activities and operations, including Federal salaries and expenses: *Provided further*, That the national entity is authorized, effective upon enactment, to charge fees for publications, training, and technical assistance developed by that national entity: *Provided further*, That revenues received from publications and delivery of technical assistance and training, notwithstanding 31 U.S.C. 3302, may be credited to the national entity's account and shall be available to the national entity, without fiscal year limitation, so long as such revenues are used for authorized activities and operations of the national entity: *Provided further*, That of the funds made available to carry out section 204 of the Perkins Act, all funds that a State receives in excess of its prior-year allocation shall be competitively awarded: *Provided further*, That in making these awards, each State shall give priority to consortia whose applications most effectively integrate all components under section 204(c): *Provided further*, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $5,000,000 shall be for demonstration activities authorized by section 207: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $14,000,000 shall be for national leadership activities under section 243 and $6,500,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $22,000,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220: *Provided further*, That of the amounts made available for title I of the Perkins Act, the Secretary may reserve up to 0.54 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 111(a)(1)(C) of the Perkins Act: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, the Secretary may reserve up to 0.54 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 211(a)(3) of the Adult Education and Family Literacy Act.

Office of Student Financial Assistance

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $10,624,000,000, which shall remain available through September 30, 2002.

The maximum Pell Grant for which a student shall be eligible during award year 2001–2002 shall be $3,650: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 2000 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, $48,000,000.

OFFICE OF POSTSECONDARY EDUCATION

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961; $1,694,520,000, of which $10,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: *Provided*, That $11,000,000, to remain available through September 30, 2002, shall be available to fund fellowships under part A, subpart 1 of title VII of said Act, of which up to $1,000,000 shall be available to fund fellowships for academic year 2001–2002, and the remainder shall be available to fund fellowships for academic year 2002–2003: *Provided further*, That $3,000,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That section 404F(a) of the Higher Education Amendments of 1998 is amended by striking out "using funds appropriated under section 404H that do not exceed $200,000" and inserting in lieu thereof "using not more than 0.2 percent of the funds appropriated under section 404H".

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $224,000,000, of which not less than $3,530,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $737,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; section 2102 of title II, and parts A, B, and K and section 10102, section 10105, and 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103–227, $496,519,000: *Provided*, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $1,500,000 shall be used to conduct a violence prevention demonstration program: *Provided further*, That $40,000,000 of the funds provided for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B–F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103–227: *Provided further*, That of the funds available for section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $150,000 shall be awarded to the Center for Educational Technologies to complete production and distribution of an effective CD–ROM product that would complement the "We the People: The Citizen and the Constitution" curriculum: *Provided further*, That, in addition to the funds for title VI of Public Law 103–227 and notwithstanding the provisions of section 601(c)(1)(C) of that Act, $1,000,000 shall be available to the Center for Civic Education to conduct a civic education program with Northern Ireland and the Republic of Ireland and, consistent with the civics and Government activities authorized in section 601(c)(3) of Public Law 103–227, to provide civic education assistance to democracies in developing countries. The term "developing countries" shall have the same meaning as the term "developing country" in the Education for the Deaf Act.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $396,672,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $73,224,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $35,456,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $69,832,000, of which $9,832,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations. In addition, for completion of the long-term care facility at the United States Naval Home, $6,228,000 to become available on October 1, 2001, and remain available until expended.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $302,504,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2003, $365,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That in addition to the amounts provided above, $20,000,000, to remain available until expended, shall be for digitalization, pending enactment of authorizing legislation.

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $38,200,000, including $1,500,000, to remain available through September 30, 2002, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,320,000.

Institute of Museum and Library Services

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, $168,000,000, to remain available until expended.

Medicare Payment Advisory Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,000,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,495,000.

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,615,000.

National Education Goals Panel

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,350,000.

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $216,438,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) cf the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $10,400,000.

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,720,000.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $160,000,000, which shall include amounts becoming available in fiscal year 2001 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $160,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2002, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $92,500,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,700,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

Social Security Administration

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $365,748,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2002, $114,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $23,053,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

From funds provided under the previous paragraph, not less than $100,000,000 shall be available for payment to the Social Security trust funds for administrative expenses for conducting continuing disability reviews.

In addition, $210,000,000, to remain available until September 30, 2002, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2002, $10,470,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $6,469,800,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $1,800,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances at the end of fiscal year 2001 not needed for fiscal year 2001 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $450,000,000, to remain available until September 30, 2002, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, $91,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2001 exceed $91,000,000, the amounts shall be available in fiscal year 2002 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2000 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $16,944,000, together with not to exceed $52,500,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $12,951,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $20,000 and $15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of fiscal year 2000 from appropriations made available for salaries and expenses for fiscal year 2000 in this Act, shall remain available through December 31, 2001, for each such account for the purposes authorized: *Provided*, That the House and Senate Committees on Appropriations shall be notified at least 15 days prior to the obligation of such funds.

SEC. 514. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 515. RESTORING BENEFIT PAYMENTS TO APPROPRIATE YEAR. Section 5527 of Public Law 105–33 is repealed.

SEC. 516. Section 410(b) of The Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170) is amended by striking "2009" both places it appears and inserting "2001".

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001".

DEWINE (AND OTHERS) AMENDMENT NO. 3591

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. GORTON, Mr. GRAHAM, and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, H.R. 4577 supra; as follows:

On page 70, line 7, insert before the period the following: ": *Provided*, That $10,000,000 shall be made available to the Secretary of Education for the Troops-to-Teachers Program for transfer to the Defense Activity for Non-Traditional Education Support of the Department of Defense, such funds to be used by the Secretary of Defense to perform the actual administration of the Troops-to-Teachers Program, including the selection of participants in the Program under section 594 of the Troops-to-Teachers Program Act of 1999: *Provided further*, That the Secretary of Education may retain a portion of such funds to identify local educational agencies with teacher shortages and States with alternative certification requirements, as required by section 592 of such Act".

DEWINE (AND OTHERS) AMENDMENT NO. 3592

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mrs. MURRAY, Mr. GRASSLEY, Mr. DURBIN, Mrs. LINCOLN, Mr. HAGEL, and Mr. DODD) submitted an amendment intended to be proposed by them to the bill, H.R. 4577 supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . (a) In addition to amounts made available under the heading "Health Resources and Services Administration-Health Resources and Services" for poison prevention and poison control center activities, there shall be available an additional $21,600,000 to provide assistance for such activities and to stabilize the funding of regional poison control centers as provided for pursuant to the Poison Control Center Enhancement and Awareness Act (Public Law 106-174).

(b) Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be reduced on a pro rata basis by $21,600,000.

ENZI (AND OTHERS) AMENDMENT NO. 3593

Mr. ENZI (for himself, Mr. LOTT, Mr. NICKLES, Mr. JEFFORDS, Mr. BOND, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. SESSIONS, Mr. HAGEL, Mr. DEWINE, Mr. CRAPO, Mr. BENNETT, Mr. THOMPSON, Mr. BURNS, Ms. COLLINS, Mr. FRIST, Mr. GREGG, Mr. COVERDELL, Mr. VOINOVICH, Mr. FITZGERALD, Mr. ABRAHAM, Ms. SNOWE, Mr. ASHCROFT, Mr. GRAMS, Mrs. HUTCHISON, Mr. THOMAS, Mr. ALLARD, Mr. L. CHAFEE, Mr. DOMENICI, Mr. THURMOND, and Mr. HELMS) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 23, between lines 12 and 13, insert the following:

SEC. . None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

HUTCHINSON (AND NICKLES) AMENDMENT NO. 3594

Mr. HUTCHINSON (for himself and Mr. NICKLES) proposed an amendment to amendment no. 3593 previously proposed by Mr. ENZI to the bill, H.R. 4577, supra; as follows:

Strike all after the first word, and insert the following:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

GRAHAM AMENDMENT NO. 3595

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 40, beginning on line 10, strike "$600,000,000" and all that follows through line 13, and insert "$1,700,000,000.".

WELLSTONE AMENDMENT NO. 3596

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 40, beginning on line 10, strike "$600,000,000" and all that follows through line 13, and insert "$2,380,000,000.".

GRAHAM AMENDMENT NO. 3597

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . (a) STUDY.—The Secretary of Health and Human Services shall conduct a study to examine—

(1) the experiences of hospitals in the United States in obtaining reimbursement from foreign health insurance companies whose enrollees receive medical treatment in the United States;

(2) the identity of the foreign health insurance companies that do not cooperate with or reimburse (in whole or in part) United States health care providers for medical services rendered in the United States to enrollees who are foreign nationals;

(3) the amount of unreimbursed services that hospitals in the United States provide to foreign nationals described in paragraph (2); and

(4) solutions to the problems identified in the study.

(b) REPORT.—Not later than March 31, 2001, the Secretary of Health and Human Services shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, a report concerning the results of the study conducted under subsection (a), including the recommendations described in paragraph (4) of such subsection.

ROBB AMENDMENT NO. 3598

Mr. ROBB proposed an amendment to the instructions to the motion to commit the bill, H.R. 4577, supra; as follows:

TITLE —MEDICARE OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

SEC. 01. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Medicare Outpatient Drug Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

Sec. 01. Short title; table of contents.
Sec. 02. Medicare outpatient prescription drug benefit program.

"PART D—OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

"Sec. 1860. Definitions.

"SUBPART 1—ESTABLISHMENT OF OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

"Sec. 1860A. Establishment of outpatient prescription drug benefit program.
"Sec. 1860B. Enrollment.
"Sec. 1860C. Providing information to beneficiaries.
"Sec. 1860D. Premiums.
"Sec. 1860E. Cost-sharing.
"Sec. 1860F. Selection of entities to provide outpatient drug benefit.
"Sec. 1860G. Conditions for awarding contract.
"Sec. 1860H. Payments.
"Sec. 1860I. Employer incentive program for employment-based retiree drug coverage.
"Sec. 1860J. Appropriations.

"SUBPART 2—MEDICARE PHARMACY AND THERAPEUTICS (P&T) ADVISORY COMMITTEE

"Sec. 1860M. Medicare Pharmacy and Therapeutics (P&T) Advisory Committee.".
Sec. ___03. Part D benefits under Medicare+Choice plans.
Sec. ___04. Exclusion of part D costs from determination of part B monthly premium.
Sec. ___05. Reporting requirements for Secretary of the Treasury regarding income-related part D premium.
Sec. ___06. Additional assistance for low-income beneficiaries.
Sec. ___07. Medigap revisions.
Sec. ___08. HHS studies and report to Congress.
Sec. ___09. Appropriations.

SEC. ___02. MEDICARE OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM.

(a) ESTABLISHMENT.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by redesignating part D as part E and by inserting after part C the following new part:

"PART D—OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

"DEFINITIONS

"SEC. 1860. In this part:

"(1) COVERED OUTPATIENT DRUG.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'covered outpatient drug' means any of the following products:

"(i) A drug which may be dispensed only upon prescription, and—

"(I) which is approved for safety and effectiveness as a prescription drug under section 505 of the Federal Food, Drug, and Cosmetic Act;

"(II)(aa) which was commercially used or sold in the United States before the date of enactment of the Drug Amendments of 1962 or which is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a drug, and (bb) which has not been the subject of a final determination by the Secretary that it is a 'new drug' (within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act) or an action brought by the Secretary under section 301, 302(a), or 304(a) of such Act to enforce section 502(f) or 505(a) of such Act; or

"(III)(aa) which is described in section 107(c)(3) of the Drug Amendments of 1962 and for which the Secretary has determined there is a compelling justification for its medical need, or is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a drug, and (bb) for which the Secretary has not issued a notice of an opportunity for a hearing under section 505(e) of the Federal Food, Drug, and Cosmetic Act on a proposed order of the Secretary to withdraw approval of an application for such drug under such section because the Secretary has determined that the drug is less than effective for all conditions of use prescribed, recommended, or suggested in its labeling.

"(ii) A biological product which—

"(I) may only be dispensed upon prescription;

"(II) is licensed under section 351 of the Public Health Service Act; and

"(III) is produced at an establishment licensed under such section to produce such product.

"(iii) Insulin approved under appropriate Federal law, including needles, syringes, and disposable pumps for the administration of such insulin.

"(iv) A prescribed drug or biological product that would meet the requirements of clause (i) or (ii) but that it is available over-the-counter in addition to being available upon prescription.

"(B) EXCLUSION.—The term 'covered outpatient drug' does not include any product—

"(i) except as provided in subparagraph (A)(iv), which may be distributed to individuals without a prescription;

"(ii) that is covered under part A or B (unless coverage of such product is not available because benefits under part A or B have been exhausted); or

"(iii) except for agents used to promote smoking cessation, for which coverage may be excluded or restricted under section 1927(d)(2).

"(2) ELIGIBLE BENEFICIARY.—The term 'eligible beneficiary' means an individual that is entitled to benefits under part A or enrolled under part B.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means any entity that the Secretary determines to be appropriate to provide eligible beneficiaries with covered outpatient drugs under a contract entered into under this part, including—

"(A) a pharmacy benefit management company;

"(B) a retail pharmacy delivery system;

"(C) a health plan or insurer;

"(D) a State (through mechanisms established under a State plan under title XIX);

"(E) any other entity approved by the Secretary; or

"(F) any combination of the entities described in subparagraphs (A) through (E) if the Secretary determines that such combination—

"(i) increases the scope or efficiency of the provision of benefits under this part; and

"(ii) is not anticompetitive.

"SUBPART 1—ESTABLISHMENT OF OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

"ESTABLISHMENT OF OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

"SEC. 1860A. (a) PROVISION OF BENEFIT.—Beginning in 2003, the Secretary shall provide for an outpatient prescription drug benefit program under which an eligible beneficiary shall be provided covered outpatient drugs.

"(b) VOLUNTARY NATURE OF PROGRAM.—Nothing in this part shall be construed as requiring an eligible beneficiary to enroll in the program established under this part.

"(c) SCOPE OF BENEFITS.—The program established under this part shall provide for coverage of all therapeutic classes of covered outpatient drugs.

"(d) FINANCING.—The costs of providing benefits under this part shall be payable from the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

"ENROLLMENT

"SEC. 1860B. (a) ENROLLMENT UNDER PART D.—

"(1) ESTABLISHMENT OF PROCESS.—

"(A) IN GENERAL.—The Secretary shall establish a process through which an eligible beneficiary (including an eligible beneficiary enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization) may make an election to enroll under this part. Such process shall be similar to the process for enrollment in part B under section 1837.

"(B) REQUIREMENT OF ENROLLMENT.—An eligible beneficiary must enroll under this part in order to be eligible to receive covered outpatient drugs under this title.

"(2) ENROLLMENT PROCEDURES.—

"(A) LATE ENROLLMENT PENALTY.—

"(i) IN GENERAL.—Subject to the succeeding provisions of this subparagraph, in the case of an eligible beneficiary whose coverage period under this part began pursuant to an enrollment after the beneficiary's initial enrollment period under part B (determined pursuant to section 1837(d)) and not pursuant to the open enrollment period described in subparagraph (B), the Secretary shall establish procedures for increasing the amount of the monthly premium under section 1860D applicable to such beneficiary—

"(I) by an amount that is equal to 10 percent of such premium for each full 12-month period (in the same continuous period of eligibility) in which the eligible beneficiary could have been enrolled under this part but was not so enrolled; or

"(II) if determined appropriate by the Secretary, by an amount that the Secretary determines is actuarily sound for each such period.

"(ii) PERIODS TAKEN INTO ACCOUNT.—For purposes of calculating any 12-month period under clause (i), there shall be taken into account—

"(I) the months which elapsed between the close of the eligible beneficiary's initial enrollment period and the close of the enrollment period in which the beneficiary enrolled; and

"(II) in the case of an eligible beneficiary who reenrolls under this part, the months which elapsed between the date of termination of a previous coverage period and the close of the enrollment period in which the beneficiary reenrolled.

"(iii) PERIODS NOT TAKEN INTO ACCOUNT.—

"(I) IN GENERAL.—For purposes of calculating any 12-month period under clause (i), subject to subclause (II), there shall not be taken into account months for which the eligible beneficiary can demonstrate that the beneficiary was covered under a group health plan, including a qualified retiree prescription drug plan (as defined in section 1860I(e)(3)) for which an incentive payment was paid under section 1860I, that provides coverage of the cost of prescription drugs whose actuarial value (as defined by the Secretary) to the beneficiary equals or exceeds the actuarial value of the benefits provided to an individual enrolled in the outpatient prescription drug benefit program under this part.

"(II) APPLICATION.—This clause shall only apply with respect to a coverage period the enrollment for which occurs before the end of the 60-day period that begins on the first day of the month which includes the date on which the plan terminates, ceases to provide, or reduces the value of the prescription drug coverage under such plan to below the value of the coverage provided under the program under this part.

"(iv) PERIODS TREATED SEPARATELY.—Any increase in an eligible beneficiary's monthly premium under clause (i) with respect to a particular continuous period of eligibility shall not be applicable with respect to any other continuous period of eligibility which the beneficiary may have.

"(v) CONTINUOUS PERIOD OF ELIGIBILITY.—

"(I) IN GENERAL.—Subject to subclause (II), for purposes of this subparagraph, an eligible beneficiary's 'continuous period of eligibility' is the period that begins with the first day on which the beneficiary is eligible to enroll under section 1836 and ends with the beneficiary's death.

"(II) SEPARATE PERIOD.—Any period during all of which an eligible beneficiary satisfied paragraph (1) of section 1836 and which terminated in or before the month preceding the month in which the beneficiary attained age 65 shall be a separate 'continuous period of eligibility' with respect to the beneficiary (and each such period which terminates shall be deemed not to have existed for purposes of subsequently applying this subparagraph).

"(B) OPEN ENROLLMENT PERIOD FOR CURRENT BENEFICIARIES IN WHICH LATE ENROLLMENT PROCEDURES DO NOT APPLY.—The Secretary shall establish an applicable period, which shall begin on the date on which the Secretary first begins to accept elections for enrollment under this part, during which any eligible beneficiary may enroll under this part without the application of the late enrollment procedures established under subparagraph (A)(i).

"(3) PERIOD OF COVERAGE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible beneficiary's coverage under the program under this part shall be effective for the period provided in section 1838, as if that section applied to the program under this part.

"(B) OPEN ENROLLMENT.—An eligible beneficiary who enrolls under the program under this part pursuant to paragraph (2)(B) shall be entitled to the benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

"(C) LIMITATION.—Coverage under this part shall not begin prior to January 1, 2003.

"(4) PART D COVERAGE TERMINATED BY TERMINATION OF COVERAGE UNDER PARTS A AND B.—

"(A) IN GENERAL.—In addition to the causes of termination specified in section 1838, the Secretary shall terminate an individual's coverage under this part if the individual is no longer enrolled in either part A or part B.

"(B) EFFECTIVE DATE.—The termination described in subparagraph (A) shall be effective on the effective date of termination of coverage under part A or (if later) under part B.

"(b) ENROLLMENT WITH ELIGIBLE ENTITY.—

"(1) PROCESS.—

"(A) IN GENERAL.—The Secretary shall establish a process through which an eligible beneficiary who is enrolled under this part but not enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization shall make an annual election to enroll with any eligible entity that has been awarded a contract under this part and serves the geographic area in which the beneficiary resides.

"(B) RULES.—In establishing the process under subparagraph (A), the Secretary shall use rules similar to the rules for enrollment and disenrollment with a Medicare+Choice plan under section 1851 (including special election periods under subsection (e)(4) of such section).

"(2) MEDICARE+CHOICE ENROLLEES.—An eligible beneficiary who is enrolled under this part and enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization shall receive coverage of covered outpatient drugs under this part through such plan.

"(c) FIRST ENROLLMENT PERIOD.—The processes developed under subsections (a) and (b) shall ensure that eligible beneficiaries are permitted to enroll under this part and with an eligible entity prior to January 1, 2003, in order to ensure that coverage under this part is effective as of such date.

"PROVIDING INFORMATION TO BENEFICIARIES

"SEC. 1860C. (a) ACTIVITIES.—

"(1) IN GENERAL.—The Secretary shall conduct activities that are designed to broadly disseminate information to eligible beneficiaries (and prospective eligible beneficiaries) regarding the coverage provided under this part.

"(2) SPECIAL RULE FOR FIRST ENROLLMENT UNDER THE PROGRAM.—To the extent practicable, the activities described in paragraph (1) shall ensure that eligible beneficiaries are provided with such information at least 30 days prior to the first enrollment period described in section 1860B(c).

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—The activities described in subsection (a) shall—

"(A) be similar to the activities performed by the Secretary under section 1851(d);

"(B) be coordinated with the activities performed by the Secretary under such section and under section 1804; and

"(C) provide for the dissemination of information comparing the eligible entities that are available to eligible beneficiaries residing in an area under this part.

"(2) COMPARATIVE INFORMATION.—The comparative information described in paragraph (1)(B) shall include the following:

"(A) BENEFITS.—A comparison of the benefits provided by each eligible entity, including a comparison of the pharmacy networks used by each eligible entity and the formularies and appeals processes implemented by each entity.

"(B) QUALITY AND PERFORMANCE.—To the extent available, the quality and performance of each eligible entity.

"(C) BENEFICIARY COSTS.—The cost-sharing required of eligible beneficiaries enrolled in each eligible entity.

"(D) CONSUMER SATISFACTION SURVEYS.—To the extent available, the results of consumer satisfaction surveys regarding each eligible entity.

"(E) ADDITIONAL INFORMATION.—Such additional information as the Secretary may prescribe.

"(3) INFORMATION STANDARDS.—The Secretary shall develop standards to ensure that the information provided to eligible beneficiaries under this part is complete, accurate, and uniform.

"(c) USE OF MEDICARE CONSUMER COALITIONS TO PROVIDE INFORMATION.—

"(1) IN GENERAL.—The Secretary may contract with Medicare Consumer Coalitions to conduct the informational activities—

"(A) under this section;

"(B) under section 1851(d); and

"(C) under section 1804.

"(2) SELECTION OF COALITIONS.—If the Secretary determines the use of Medicare Consumer Coalitions to be appropriate, the Secretary shall—

"(A) develop and disseminate, in such areas as the Secretary determines appropriate, a request for proposals for Medicare Consumer Coalitions to contract with the Secretary in order to conduct any of the informational activities described in paragraph (1); and

"(B) select a proposal of a Medicare Consumer Coalition to conduct the informational activities in each such area, with a preference for broad participation by organizations with experience in providing information to beneficiaries under this title.

"(3) PAYMENT TO MEDICARE CONSUMER COALITIONS.—The Secretary shall make payments to Medicare Consumer Coalitions contracting under this subsection in such amounts and in such manner as the Secretary determines appropriate.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to contract with Medicare Consumer Coalitions under this section.

"(5) MEDICARE CONSUMER COALITION DEFINED.—In this subsection, the term 'Medicare Consumer Coalition' means an entity that is a nonprofit organization operated under the direction of a board of directors that is primarily composed of beneficiaries under this title.

"PREMIUMS

"SEC. 1860D. (a) ANNUAL ESTABLISHMENT OF MONTHLY PREMIUM RATES.—

"(1) IN GENERAL.—The Secretary shall, during September of each year (beginning in 2002), determine and promulgate a monthly premium rate for the succeeding year in accordance with the provisions of this subsection.

"(2) ACTUARIAL DETERMINATIONS.—

"(A) DETERMINATION OF ANNUAL BENEFIT AND ADMINISTRATIVE COSTS.—The Secretary shall estimate annually for the succeeding year the amount equal to the total of the benefits and administrative costs that will be payable from the Federal Supplementary Medical Insurance Trust Fund for providing covered outpatient drugs in such calendar year with respect to enrollees in the program under this part.

"(B) DETERMINATION OF MONTHLY PREMIUM RATES.—

"(i) IN GENERAL.—The Secretary shall determine the monthly premium rate with respect to such enrollees for such succeeding year, which shall be 1/12 of the applicable share of the amount determined under subparagraph (A), divided by the total number of such enrollees, and rounded (if such rate is not a multiple of 10 cents) to the nearest multiple of 10 cents.

"(ii) DEFINITION OF APPLICABLE SHARE.—For purposes of clause (i), the term 'applicable share' means—

"(I) one-half, in the case of premiums paid by an eligible beneficiary enrolled in the program under this part; and

"(II) two-thirds, in the case of premiums paid for such a beneficiary by an employer (as defined in section 1860I(e)(2)) that the beneficiary formerly worked for.

"(3) PUBLICATION OF ASSUMPTIONS.—The Secretary shall publish, together with the promulgation of the monthly premium rates for the succeeding year, a statement setting forth the actuarial assumptions and bases employed in arriving at the amounts and rates determined under paragraphs (1) and (2).

"(b) COLLECTION OF PREMIUM.—The monthly premium applicable to an eligible beneficiary under this part shall be collected and credited to the Federal Supplementary Medical Insurance Trust Fund in the same manner as the monthly premium determined under section 1839 is collected and credited to such Trust Fund under section 1840.

"COST-SHARING

"SEC. 1860E. (a) DEDUCTIBLE.—

"(1) IN GENERAL.—Subject to paragraph (2), no payments shall be made under this part on behalf of an eligible beneficiary until the beneficiary has met a $250 deductible.

"(2) WAIVER OF DEDUCTIBLE FOR GENERIC DRUGS.—

"(A) IN GENERAL.—An eligible entity may provide that generic drugs are not subject to the deductible described in paragraph (1) if the Secretary determines that the waiver of the deductible—

"(i) is tied to the performance measures and other incentives applicable to the entity pursuant to section 1860H(a); and

"(ii) will not result in an increase in the expenditures made from the Federal Supplementary Medical Insurance Trust Fund.

"(B) CREDIT FOR AMOUNTS PAID.—If the deductible is waived pursuant to subparagraph (A), any coinsurance paid by an eligible beneficiary for the generic drug shall be credited toward the annual deductible.

"(b) COINSURANCE.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—Subject to paragraph (2), if any covered outpatient drug is provided to an eligible beneficiary in a year after the beneficiary has met any deductible requirement under subsection (a) for the year, the beneficiary shall be responsible for making payments for the drug in an amount equal to the applicable percentage of the cost of the drug.

"(B) APPLICABLE PERCENTAGE DEFINED.—For purposes of subparagraph (A), the 'applicable percentage' means, with respect to any covered outpatient drug provided to an eligible beneficiary in a year—

"(i) 50 percent to the extent the out-of-pocket expenses of the beneficiary for such drug, when added to the out-of-pocket expenses of the beneficiary for covered outpatient drugs previously provided in the year, do not exceed $3,500;

"(ii) 25 percent to the extent such expenses, when so added, exceed $3,500 but do not exceed $4,000; and

"(iii) 0 percent to the extent such expenses, when so added, would exceed $4,000.

"(C) OUT-OF-POCKET EXPENSES DEFINED.—For purposes of subparagraph (B), the term 'out-of-pocket expenses' means expenses incurred as a result of the application of the deductible under subsection (a) and the coinsurance required under this subsection.

"(2) REDUCTION BY ELIGIBLE ENTITY.—An eligible entity may reduce the applicable percentage that an eligible beneficiary is subject to under paragraph (1) if the Secretary determines that such reduction—

"(A) is tied to the performance measures and other incentives applicable to the entity pursuant to section 1860H(a); and

"(B) will not result in an increase in the expenditures made from the Federal Supplementary Medical Insurance Trust Fund.

"(c) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of any calendar year beginning after 2004, each of the dollar amounts in subsections (a)(1) and (b)(1)(B) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the percentage (if any) by which the amount of expenditures under this part in the preceding calendar year exceeds the amount of such expenditures in 2003.

"(2) ROUNDING.—If any dollar amount after being increased under paragraph (1) is not a multiple of $5, such dollar amount shall be rounded to the nearest multiple of $5.

"SELECTION OF ENTITIES TO PROVIDE OUTPATIENT DRUG BENEFIT

"SEC. 1860F. (a) ESTABLISHMENT OF BIDDING PROCESS.—

"(1) IN GENERAL.—The Secretary shall establish procedures under which the Secretary accepts bids submitted by eligible entities and awards contracts to such entities in order to administer and deliver the benefits provided under this part to eligible beneficiaries in an area.

"(2) COMPETITIVE PROCEDURES.—Competitive procedures (as defined in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5))) shall be used to enter into contracts under this part.

"(b) AREA FOR CONTRACTS.—

"(1) REGIONAL BASIS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and subject to paragraph (2), the contract entered into between the Secretary and an eligible entity shall require the eligible entity to provide covered outpatient drugs on a regional basis.

"(B) PARTIAL REGIONAL BASIS.—

"(i) IN GENERAL.—If determined appropriate by the Secretary, the Secretary may permit the coverage described in subparagraph (A) to be provided on a partial regional basis.

"(ii) REQUIREMENTS.—If the Secretary permits coverage pursuant to clause (i), the Secretary shall ensure that the partial region in which coverage is provided is—

"(I) at least the size of the commercial service area of the eligible entity for that area; and

"(II) not smaller than a State.

"(2) DETERMINATION.—

"(A) IN GENERAL.—In determining coverage areas under this part, the Secretary shall—

"(i) take into account the number of eligible beneficiaries in an area in order to encourage participation by eligible entities; and

"(ii) ensure that there are at least 10 different coverage areas in the United States.

"(B) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—The determination of coverage areas under this part shall not be subject to administrative or judicial review.

"(c) SUBMISSION OF BIDS.—

"(1) IN GENERAL.—Each eligible entity desiring to provide covered outpatient drugs under this part shall submit a bid to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) REQUIRED INFORMATION.—The bids described in paragraph (1) shall include—

"(A) a proposal for the estimated prices of covered outpatient drugs and the projected annual increases in such prices, including differentials between formulary and nonformulary prices, if applicable;

"(B) the amount that the entity will charge the Secretary for administering and delivering the benefits under such contract;

"(C) a statement regarding whether the entity will waive the deductible for generic drugs pursuant to section 1860E(a)(2);

"(D) a statement regarding whether the entity will reduce the applicable coinsurance percentage pursuant to section 1860E(b)(2) and if so, the amount of such reduction;

"(E) a detailed description of—

"(i) the risk corridors tied to performance measures and other incentives that the entity will accept under the contract; and

"(ii) how the entity will meet such measures and incentives;

"(F) a detailed description of any ownership or shared financial interests with other entities involved in the delivery of the benefit as proposed;

"(G) a detailed description of the entity's estimated marketing and advertising expenditures related to enrolling and retaining eligible beneficiaries; and

"(H) such other information that the Secretary determines is necessary in order to carry out this part, including information relating to the bidding process under this part.

"(d) ACCESS.—

"(1) IN GENERAL.—The Secretary shall ensure that an eligible entity—

"(A) complies with the access requirements described in section 1860G(4)(A); and

"(B) makes available to each beneficiary covered under the contract the full scope of the benefits required under this part.

"(2) AREAS NOT COVERED BY CONTRACTS.—The Secretary shall develop procedures for the provision of covered outpatient drugs under this part to each eligible beneficiary that resides in an area that is not covered by any contract under this part.

"(3) BENEFICIARIES RESIDING IN DIFFERENT LOCATIONS.—The Secretary shall develop procedures to ensure that each eligible beneficiary that resides in different areas in a year is provided the benefits under this part throughout the entire year.

"(e) AWARDING OF CONTRACTS.—

"(1) NUMBER OF CONTRACTS.—The Secretary shall, consistent with the requirements of this part and the goal of containing costs under this title, award in a competitive manner at least 2 contracts in an area, unless only 1 bidding entity meets the minimum standards specified under this part and by the Secretary.

"(2) DETERMINATION.—In determining which of the eligible entities that submitted bids that meet the minimum standards specified under this part and by the Secretary (including the terms and conditions described in section 1860G) to award a contract, the Secretary shall consider the comparative merits of each bid, as determined on the basis of the past performance of the entity and other relevant factors, with respect to—

"(A) how well the entity meets such minimum standards;

"(B) the amount that the entity will charge the Secretary for administering and delivering the benefits under the contract;

"(C) the proposed prices of covered outpatient drugs and annual increases in such prices;

"(D) the proposed risk corridors tied to performance measures and other incentives that the entity will be subject to under the contract;

"(E) the factors described in section 1860C(b)(2);

"(F) prior experience in administering a prescription drug benefit program;

"(G) effectiveness in containing costs through pricing incentives and utilization management; and

"(H) such other factors as the Secretary deems necessary to evaluate the merits of each bid.

"(3) EXCEPTION TO CONFLICT OF INTEREST RULES.—In awarding contracts under this part, the Secretary may waive conflict of interest laws generally applicable to Federal acquisitions (subject to such safeguards as the Secretary may find necessary to impose) in circumstances where the Secretary finds that such waiver—

"(A) is not inconsistent with the—

"(i) purposes of the programs under this title; or “(ii) best interests of enrolled individuals; and

“(B) permits a sufficient level of competition for such contracts, promotes efficiency of benefits administration, or otherwise serves the objectives of the program under this part.

“(4) No administrative or judicial review.—The determination of the Secretary to award or not award a contract to an eligible entity under this part shall not be subject to administrative or judicial review.

“(f) Approval of Marketing Material and Application Forms.—The provisions of section 1851(h) shall apply to marketing material and application forms under this part in the same manner as such provisions apply to marketing material and application forms under part C.

“(g) Duration of Contracts.—Each contract under this part shall be for a term of at least 2 years but not more than 5 years, as determined by the Secretary.

“CONDITIONS FOR AWARDING CONTRACT

“Sec. 1860G. The Secretary shall not award a contract to an eligible entity under this part unless the Secretary finds that the eligible entity agrees to comply with such terms and conditions as the Secretary shall specify, including the following:

“(1) Quality and financial standards.—The eligible entity meets the quality and financial standards specified by the Secretary.

“(2) Procedures to ensure proper utilization, compliance, and avoidance of adverse drug reactions.—The eligible entity has in place drug utilization review procedures to ensure—

“(A) the appropriate utilization by eligible beneficiaries of the benefits to be provided under the contract; and

“(B) the avoidance of adverse drug reactions among eligible beneficiaries enrolled with the entity, including problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse and misuse.

“(3) Cost-effective provision of benefits.—

“(A) In general.—In providing the benefits under a contract under this part, an eligible entity may—

“(i) employ mechanisms to provide the benefits economically, including the use of—

“(I) formularies (pursuant to subparagraph (B));

“(II) alternative methods of distribution; and

“(III) generic drug substitution;

“(ii) use mechanisms to encourage eligible beneficiaries to select cost-effective drugs or less costly means of receiving drugs, including the use of pharmacy incentive programs, therapeutic interchange programs, and disease management programs; and

“(iii) encourage pharmacy providers to—

“(I) inform beneficiaries of the differentials in price between generic and nongeneric drug equivalents; and

“(II) provide medication therapy management programs in order to enhance beneficiaries' understanding of the appropriate use of medications and to reduce the risk of potential adverse events associated with medications.

“(B) Formularies.—If an eligible entity uses a formulary under this part, such formulary shall comply with standards established by the Secretary in consultation with the Medicare Pharmacy and Therapeutics Advisory Committee established under section 1860M. Such standards shall require that the eligible entity—

“(i) use a pharmacy and therapeutic committee (that meets the standards for a pharmacy and therapeutic committee established by the Secretary in consultation with the Medicare Pharmacy and Therapeutics Advisory Committee established under section 1860M) to develop and implement the formulary;

“(ii) include in the formulary—

“(I) at least 1 drug from each therapeutic class (as defined by the entity's pharmacy and therapeutic committee in accordance with standards established by the Secretary in consultation with the Medicare Pharmacy and Therapeutics Advisory Committee established under section 1860M);

“(II) if there is more than 1 drug available in a therapeutic class, at least 2 drugs from such class; and

“(III) if there is more than 2 drugs available in a therapeutic class, at least 2 drugs from such class and a generic drug substitute if available;

“(iii) develop procedures for the—

“(I) addition of new therapeutic classes to the formulary;

“(II) addition of new drugs to an existing therapeutic class; and

“(III) modification of the formulary;

“(iv) provide for coverage of nonformulary drugs when determined (pursuant to subparagraph (C) or (D)(i) of paragraph (4)) to be medically necessary to prevent or slow the deterioration of, or improve or maintain, the health of an eligible beneficiary; and

“(v) disclose to current and prospective beneficiaries and to providers in the service area the nature of the formulary restrictions, including information regarding the drugs included in the formulary, coinsurance, and any difference in the cost-sharing for different types of drugs.

“(C) Construction.—Nothing in this paragraph shall be construed as precluding an eligible entity from—

“(i) requiring cost-sharing for nonformulary drugs that is higher than the cost-sharing established in section 1860E(b), except that such entity shall provide for coverage of a nonformulary drug at the same cost-sharing level as a drug within the formulary if such nonformulary drug is determined (pursuant to subparagraph (C) or (D)(i) of paragraph (4)) to be medically necessary to prevent or slow the deterioration of, or improve or maintain, the health of an eligible beneficiary;

“(ii) educating prescribing providers, pharmacists, and beneficiaries about the medical and cost benefits of formulary drugs (including generic drugs); or

“(iii) requesting prescribing providers to consider a formulary drug prior to dispensing of a nonformulary drug, as long as such request does not unduly delay the provision of the drug.

“(4) Patient protections.—

“(A) Access.—The eligible entity ensures that the covered outpatient drugs are accessible and convenient to eligible beneficiaries covered under the contract, including by offering the services in the following manner:

“(i) Services during emergencies.—The offering of services 24 hours a day and 7 days a week for emergencies.

“(ii) Contracts with retail pharmacies.—The offering of services—

“(I) at a sufficient number (as determined by the Secretary) of retail pharmacies;

“(II) to the extent feasible, at retail pharmacies located throughout the eligible entity's service area to ensure reasonable geographic access (as determined by the Secretary) to such services; and

“(III) such that—

“(aa) the total charge for each covered outpatient drug dispensed to an eligible beneficiary enrolled with the entity does not exceed the negotiated price for the drug (as reported to the Secretary pursuant to paragraph (6)(A)); and

“(bb) the retail pharmacy dispensing the drug does not charge (or collect from) such beneficiary an amount that exceeds the beneficiary's obligation (as determined in accordance with the provisions of this part) of the negotiated price.

“(B) Continuity of care.—

“(i) In general.—The eligible entity ensures that, in the case of an eligible beneficiary who loses coverage under this part with such entity under circumstances that would permit a special election period (as established by the Secretary under section 1860B(b)), the entity will continue to provide coverage under this part to such beneficiary until the beneficiary enrolls and receives such coverage with another eligible entity under this part.

“(ii) Limited period.—In no event shall an eligible entity be required to provide the extended coverage required under clause (i) beyond the date which is 30 days after the coverage with such entity would have terminated but for this subparagraph.

“(C) Procedures regarding the determination of drugs that are medically necessary.—The eligible entity has in place procedures to determine if a drug is medically necessary to prevent or slow the deterioration of, or improve or maintain, the health of an eligible beneficiary. Such procedures shall require that such determinations are based on professional medical judgment, the medical condition of the beneficiary, and other medical evidence.

“(D) Procedures regarding denials of care.—The eligible entity has in place procedures to ensure—

“(i) a timely internal and external review and resolution of denials of coverage (in whole or in part) and complaints (including those regarding the use of formularies under paragraph (3)) by eligible beneficiaries, or by providers, pharmacists, and other individuals acting on behalf of each such beneficiary (with the beneficiary's consent) in accordance with requirements (as established by the Secretary) that are comparable to such requirements for Medicare+Choice organizations under part C; and

“(ii) that beneficiaries are provided with information regarding the appeals procedures under this part at the time of enrollment.

“(E) Procedures regarding patient confidentiality.—Insofar as an eligible entity maintains individually identifiable medical records or other health information regarding eligible beneficiaries under a contract entered into under this part, the entity has in place procedures to—

“(i) safeguard the privacy of any individually identifiable beneficiary information;

“(ii) maintain such records and information in a manner that is accurate and timely;

“(iii) ensure timely access by such beneficiaries to such records and information; and

“(iv) otherwise comply with applicable laws relating to patient confidentiality.

“(F) Procedures regarding transfer of medical records.—

“(i) In general.—The eligible entity has in place procedures for the timely transfer of records and information described in subparagraph (E) (with respect to a beneficiary who loses coverage under this part with the entity and enrolls with another entity under this part) to such other entity.

“(ii) PATIENT CONFIDENTIALITY.—The procedures described in clause (i) shall comply with the patient confidentiality procedures described in subparagraph (E).

“(G) PROCEDURES REGARDING MEDICAL ERRORS.—The eligible entity has in place procedures for working with the Secretary to deter medical errors related to the provision of covered outpatient drugs.

“(5) PROCEDURES TO CONTROL FRAUD, ABUSE, AND WASTE.—The eligible entity has in place procedures to control fraud, abuse, and waste.

“(6) REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—The eligible entity provides the Secretary with reports containing information regarding the following:

“(i) The prices that the eligible entity is paying for covered outpatient drugs.

“(ii) The prices that eligible beneficiaries enrolled with the entity will be charged for covered outpatient drugs.

“(iii) The administrative costs of providing such benefits.

“(iv) Utilization of such benefits.

“(v) Marketing and advertising expenditures related to enrolling and retaining eligible beneficiaries.

“(B) TIMEFRAME FOR SUBMITTING REPORTS.—

“(i) IN GENERAL.—The eligible entity shall submit a report described in subparagraph (A) to the Secretary within 3 months after the end of each 12-month period in which the eligible entity has a contract under this part. Such report shall contain information concerning the benefits provided during such 12-month period.

“(ii) LAST YEAR OF CONTRACT.—In the case of the last year of a contract under this section, the Secretary may require that a report described in subparagraph (A) be submitted 3 months prior to the end of the contract. Such report shall contain information concerning the benefits provided between the period covered by the most recent report under this subparagraph and the date that a report is submitted under this clause.

“(C) CONFIDENTIALITY OF INFORMATION.—

“(i) IN GENERAL.—Notwithstanding any other provision of law and subject to clause (ii), information disclosed by an eligible entity pursuant to subparagraph (A) is confidential and shall only be used by the Secretary for the purposes of, and to the extent necessary, to carry out this part.

“(ii) UTILIZATION DATA.—Subject to patient confidentiality laws, the Secretary shall make information disclosed by an eligible entity pursuant to subparagraph (A)(iv) (regarding utilization data) available for research purposes. The Secretary may charge a reasonable fee for making such information available.

“(7) APPROVAL OF MARKETING MATERIAL AND APPLICATION FORMS.—The eligible entity will comply with the requirements described in section 1860F(f).

“(8) RECORDS AND AUDITS.—The eligible entity maintains adequate records related to the administration of the benefit under this part and affords the Secretary access to such records for auditing purposes.

“PAYMENTS

“SEC. 1860H. (a) PAYMENTS TO ELIGIBLE ENTITIES.—

“(1) PROCEDURES.—

“(A) IN GENERAL.—The Secretary shall establish procedures for making payments to an eligible entity under a contract entered into under this part for the administration and delivery of the benefits under this part.

“(B) ENTITIES ONLY SUBJECT TO LIMITED RISK.—Under the procedures established under subparagraph (A), an eligible entity shall only be at risk to the extent that the entity is at risk under paragraph (2).

“(2) RISK CORRIDORS TIED TO PERFORMANCE MEASURES AND OTHER INCENTIVES.—

“(A) IN GENERAL.—The procedures established under paragraph (1) may include the use of—

“(i) risk corridors tied to performance measures that have been agreed to between the eligible entity and the Secretary under the contract; and

“(ii) any other incentives that the Secretary determines appropriate.

“(B) PHASE-IN OF RISK CORRIDORS TIED TO PERFORMANCE MEASURES.—The Secretary may phase-in the use of risk corridors tied to performance measures if the Secretary determines such phase-in to be appropriate.

“(C) PAYMENTS SUBJECT TO INCENTIVES.—If a contract under this part includes the use of risk corridors tied to performance measures or other incentives pursuant to subparagraph (A), payments to eligible entities under such contract shall be subject to such risk corridors tied to performance measures and other incentives.

“(3) RISK ADJUSTMENT.—To the extent that eligible entities are at risk because of the risk corridors or other incentives described in paragraph (2)(A), the procedures established under paragraph (1) may include a methodology for adjusting the payments made to such entities based on the differences in actuarial risk of different enrollees being served if the Secretary determines such adjustments to be necessary and appropriate.

“(b) SECONDARY PAYER PROVISIONS.—The provisions of section 1862(b) shall apply to the benefits provided under this part.

“EMPLOYER INCENTIVE PROGRAM FOR EMPLOYMENT-BASED RETIREE DRUG COVERAGE

“SEC. 1860I. (a) PROGRAM AUTHORITY.—The Secretary is authorized to develop and implement a program under this section called the ‘Employer Incentive Program’ that encourages employers and other sponsors of employment-based health care coverage to provide adequate prescription drug benefits to retired individuals by subsidizing, in part, the sponsor's cost of providing coverage under qualifying plans.

“(b) SPONSOR REQUIREMENTS.—In order to be eligible to receive an incentive payment under this section with respect to coverage of an individual under a qualified retiree prescription drug plan (as defined in subsection (f)(3)), a sponsor shall meet the following requirements:

“(1) ASSURANCES.—The sponsor shall—

“(A) annually attest, and provide such assurances as the Secretary may require, that the coverage offered by the sponsor is a qualified retiree prescription drug plan, and will remain such a plan for the duration of the sponsor's participation in the program under this section; and

“(B) guarantee that it will give notice to the Secretary and covered retirees—

“(i) at least 120 days before terminating its plan; and

“(ii) immediately upon determining that the actuarial value of the prescription drug benefit under the plan falls below the actuarial value of the outpatient prescription drug benefit under this part.

“(2) BENEFICIARY INFORMATION.—The sponsor shall report to the Secretary, for each calendar quarter for which it seeks an incentive payment under this section, the names and social security numbers of all retirees (and their spouses and dependents) covered under such plan during such quarter and the dates (if less than the full quarter) during which each such individual was covered.

“(3) AUDITS.—The sponsor and the employment-based retiree health coverage plan seeking incentive payments under this section shall agree to maintain, and to afford the Secretary access to, such records as the Secretary may require for purposes of audits and other oversight activities necessary to ensure the adequacy of prescription drug coverage, the accuracy of incentive payments made, and such other matters as may be appropriate.

“(4) OTHER REQUIREMENTS.—The sponsor shall provide such other information, and comply with such other requirements, as the Secretary may find necessary to administer the program under this section.

“(c) INCENTIVE PAYMENTS.—

“(1) IN GENERAL.—A sponsor that meets the requirements of subsection (b) with respect to a quarter in a calendar year shall be entitled to have payment made by the Secretary on a quarterly basis (to the sponsor or, at the sponsor's direction, to the appropriate employment-based health plan) of an incentive payment, in the amount determined in paragraph (2), for each retired individual (or spouse) who—

“(A) was covered under the sponsor's qualified retiree prescription drug plan during such quarter; and

“(B) was eligible for but was not enrolled in the outpatient prescription drug benefit program under this part.

“(2) AMOUNT OF INCENTIVE.—The payment under this section with respect to each individual described in paragraph (1) for a month shall be equal to ⅔ of the monthly premium amount payable by an eligible beneficiary enrolled under this part, as set for the calendar year pursuant to section 1860D(a)(2).

“(3) PAYMENT DATE.—The incentive under this section with respect to a calendar quarter shall be payable as of the end of the next succeeding calendar quarter.

“(d) CIVIL MONEY PENALTIES.—A sponsor, health plan, or other entity that the Secretary determines has, directly or through its agent, provided information in connection with a request for an incentive payment under this section that the entity knew or should have known to be false shall be subject to a civil monetary penalty in an amount up to 3 times the total incentive amounts under subsection (c) that were paid (or would have been payable) on the basis of such information.

“(e) DEFINITIONS.—In this section:

“(1) EMPLOYMENT-BASED RETIREE HEALTH COVERAGE.—The term ‘employment-based retiree health coverage’ means health insurance or other coverage of health care costs for retired individuals (or for such individuals and their spouses and dependents) based on their status as former employees or labor union members.

“(2) EMPLOYER.—The term ‘employer’ has the meaning given the term in section 3(5) of the Employee Retirement Income Security Act of 1974 (except that such term shall include only employers of 2 or more employees).

“(3) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term ‘qualified retiree prescription drug plan’ means health insurance coverage included in employment-based retiree health coverage that—

"(A) provides coverage of the cost of prescription drugs whose actuarial value (as defined by the Secretary) to each retired beneficiary equals or exceeds the actuarial value of the benefits provided to an individual enrolled in the outpatient prescription drug benefit program under this part; and

"(B) does not deny, limit, or condition the coverage or provision of prescription drug benefits for retired individuals based on age or any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

"(4) Sponsor.—The term 'sponsor' has the meaning given the term 'plan sponsor' in section 3(16)(B) of the Employer Retirement Income Security Act of 1974.

"(f) Authorization of Appropriations.—There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the program under this section.

"APPROPRIATIONS

"Sec. 1860J. There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Federal Supplementary Medical Insurance Trust Fund established under section 1841, an amount equal to the amount by which the benefits and administrative costs of providing the benefits under this part exceed the premiums collected under section 1860D.

"Subpart 2—Medicare Pharmacy and Therapeutics (P&T) Advisory Committee

"MEDICARE PHARMACY AND THERAPEUTICS (P&T) ADVISORY COMMITTEE

"Sec. 1860M. (a) Establishment of Committee.—There is established a Medicare Pharmacy and Therapeutics Advisory Committee (in this section referred to as the 'Committee').

"(b) Functions of Committee.—On and after October 1, 2001, the Committee shall advise the Secretary on policies related to—

"(1) the development of guidelines for the implementation and administration of the outpatient prescription drug benefit program under this part; and

"(2) the development of—

"(A) standards for a pharmacy and therapeutics committee required of eligible entities under section 1860G(3)(B)(i);

"(B) procedures required of eligible entities under subparagraphs (C) and (D) of section 1860G(4) for determining if a drug is medically necessary to prevent or slow the deterioration of, or improve or maintain, the health of an eligible beneficiary;

"(C) standards for—

"(i) defining therapeutic classes;

"(ii) adding new therapeutic classes to a formulary;

"(iii) adding new drugs to a therapeutic class within a formulary; and

"(iv) when and how often a formulary should be modified;

"(D) procedures to evaluate the bids submitted by eligible entities under this part; and

"(E) procedures to ensure that eligible entities with a contract under this part are in compliance with the requirements under this part.

"(c) Structure and Membership of the Committee.—

"(1) Structure.—The Committee shall be composed of 19 members who shall be appointed by the Secretary.

"(2) Membership.—

"(A) In general.—The members of the Committee shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Committee.

"(B) Specific members.—Of the members appointed under paragraph (1)—

"(i) eleven shall be chosen to represent physicians;

"(ii) four shall be chosen to represent pharmacists;

"(iii) one shall be chosen to represent the Health Care Financing Administration;

"(iv) two shall be chosen to represent actuaries and pharmacoeconomists; and

"(v) one shall be chosen to represent emerging drug technologies.

"(d) Terms of Appointment.—Each member of the Committee shall serve for a term determined appropriate by the Secretary. The terms of service of the members initially appointed shall begin on January 1, 2001.

"(e) Chairman.—The Secretary shall designate a member of the Committee as Chairman. The term as Chairman shall be for a 1-year period.

"(f) Compensation and Travel Expenses.—

"(1) Compensation of members.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee. All members of the Committee who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2) Travel expenses.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

"(g) Operation of the Committee.—

"(1) Meetings.—The Committee shall meet at the call of the Chairman (after consultation with the other members of the Committee) not less often than quarterly to consider a specific agenda of issues, as determined by the Chairman after such consultation.

"(2) Quorum.—Ten members of the Committee shall constitute a quorum for purposes of conducting business.

"(h) Federal Advisory Committee Act.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

"(i) Transfer of Personnel, Resources, and Assets.—For purposes of carrying out its duties, the Secretary and the Committee may provide for the transfer to the Committee of such civil service personnel in the employ of the Department of Health and Human Services, and such resources and assets of the Department used in carrying out this title, as the Committee requires.

"(j) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.".

(b) Exclusions From Coverage.—

(1) Application to part D.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended in the matter preceding paragraph (1) by striking "part A or part B" and inserting "part A, B, or D".

(2) Prescription drugs not excluded from coverage if reasonable and necessary.—Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y(a)(1)) is amended—

(A) in subparagraph (H), by striking "and" at the end;

(B) in subparagraph (I), by striking the semicolon at the end and inserting ", and"; and

(C) by adding at the end the following new subparagraph:

"(J) in the case of prescription drugs covered under part D, which are not reasonable and necessary to prevent or slow the deterioration of, or improve or maintain, the health of eligible beneficiaries;".

(c) Conforming References to Previous Part D.—

(1) In general.—Any reference in law (in effect before the date of enactment of this Act) to part D of title XVIII of the Social Security Act is deemed a reference to part E of such title (as in effect after such date).

(2) Secretarial submission of legislative proposal.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this title.

SEC. 03. PART D BENEFITS UNDER MEDICARE+CHOICE PLANS.

(a) Eligibility, Election, and Enrollment.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21) is amended—

(1) in subsection (a)(1)(A), by striking "parts A and B" and inserting "parts A, B, and D"; and

(2) in subsection (i)(1), by striking "parts A and B" and inserting "parts A, B, and D".

(b) Voluntary Beneficiary Enrollment for Drug Coverage.—Section 1852(a)(1)(A) of such Act (42 U.S.C. 1395w–22(a)(1)(A)) is amended by inserting "(and under part D to individuals also enrolled under that part)" after "parts A and B".

(c) Access to Services.—Section 1852(d)(1) of such Act (42 U.S.C. 1395w–22(d)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) in the case of covered outpatient drugs provided to individuals enrolled under part D (as defined in section 1860(1)), the organization complies with the access requirements applicable under part D.".

(d) Payments to Organizations.—Section 1853(a)(1)(A) of such Act (42 U.S.C. 1395w–23(a)(1)(A)) is amended—

(1) by inserting "determined separately for the benefits under parts A and B and under part D (for individuals enrolled under that part)" after "as calculated under subsection (c)";

(2) by striking "that area, adjusted for such risk factors" and inserting "that area. In the case of payment for the benefits under parts A and B, such payment shall be adjusted for such risk factors as"; and

(3) by inserting before the last sentence the following: "In the case of the payments for the benefits under part D, such payment shall initially be adjusted for the risk factors of each enrollee as the Secretary determines

to be feasible and appropriate to ensure actuarial equivalence. By 2006, the adjustments to payments for benefits under part D shall be for the same risk factors used to adjust payments for the benefits under parts A and B.".

(e) CALCULATION OF ANNUAL MEDICARE+CHOICE CAPITATION RATES.—Section 1853(c) of such Act (42 U.S.C. 1395w–23(c)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting "for benefits under parts A and B" after "capitation rate"; and

(2) by adding at the end the following new paragraph:

"(8) PAYMENT FOR PART D BENEFITS.—The Secretary shall determine a capitation rate for part D benefits (for individuals enrolled under such part) as follows:

"(A) DRUGS DISPENSED IN 2003.—In the case of prescription drugs dispensed in 2003, the capitation rate shall be based on the projected national per capita costs for prescription drug benefits under part D and associated claims processing costs for beneficiaries enrolled under part D and not enrolled with a Medicare+Choice organization under this part.

"(B) DRUGS DISPENSED IN SUBSEQUENT YEARS.—In the case of prescription drugs dispensed in a subsequent year, the capitation rate shall be equal to the capitation rate for the preceding year increased by the Secretary's estimate of the projected per capita rate of growth in expenditures under this title for an individual enrolled under part D for such subsequent year.".

(f) LIMITATION ON ENROLLEE LIABILITY.—Section 1854(e) of such Act (42 U.S.C. 1395w–24(e)) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE FOR PART D BENEFITS.—With respect to outpatient prescription drug benefits under part D, a Medicare+Choice organization may not require that an enrollee pay a deductible or a coinsurance percentage that exceeds the deductible or coinsurance percentage applicable for such benefits for an eligible beneficiary under part D.".

(g) REQUIREMENT FOR ADDITIONAL BENEFITS.—Section 1854(f)(1) of such Act (42 U.S.C. 1395w–24(f)(1)) is amended by adding at the end the following new sentence: "Such determination shall be made separately for the benefits under parts A and B and for prescription drug benefits under part D.".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services provided under a Medicare+Choice plan on or after January 1, 2003.

SEC. 04. EXCLUSION OF PART D COSTS FROM DETERMINATION OF PART B MONTHLY PREMIUM.

Section 1839(g) of the Social Security Act (42 U.S.C. 1395r(g)) is amended—

(1) by striking "attributable to the application of section" and inserting "attributable to—

"(1) the application of section";

(2) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(2) the program under part D providing payment for covered outpatient drugs (including costs associated with making payments to employers and other sponsors of employment-based health care coverage under the Employer Incentive Program under section 1860I).".

SEC. 05. REPORTING REQUIREMENTS FOR SECRETARY OF THE TREASURY REGARDING INCOME-RELATED PART D PREMIUM.

(a) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(18) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME-RELATED REDUCTION IN MEDICARE PART D PREMIUM.—

"(A) IN GENERAL.—The Secretary may, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Health Care Financing Administration return information with respect to a taxpayer who is required to pay a monthly premium under part D of the Social Security Act. Such return information shall be limited to—

"(i) taxpayer identity information with respect to such taxpayer,

"(ii) the filing status of such taxpayer,

"(iii) the adjusted gross income of such taxpayer,

"(iv) the amounts excluded from such taxpayer's gross income under sections 135 and 911,

"(v) the interest received or accrued during the taxable year which is exempt from the tax imposed by chapter 1 to the extent such information is available, and

"(vi) the amounts excluded from such taxpayer's gross income under sections 931 and 933 to the extent such information is available.

"(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Health Care Financing Administration only for the purposes of, and to the extent necessary in, establishing the appropriate monthly premium under part D of the Social Security Act.".

(b) CONFORMING AMENDMENT.—Paragraphs (3)(A) and (4) of section 6103(p) of such Code are each amended by striking "or (17)" each place it appears and inserting "(17), or (18)".

SEC. 06. ADDITIONAL ASSISTANCE FOR LOW-INCOME BENEFICIARIES.

(a) INCLUSION IN MEDICARE COST-SHARING.—Section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by inserting "and" at the end; and

(C) by adding at the end the following new clause:

"(iii) premiums under section 1860D.";

(2) in subparagraph (B), by striking "section 1813" and inserting "sections 1813 and 1860E(b)"; and

(3) in subparagraph (C), by striking "section 1813 and section 1833(b)" and inserting "sections 1813, 1833(b), and 1860E(a)".

(b) EXPANSION OF MEDICAL ASSISTANCE.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

(1) in clause (iii)—

(A) by striking "section 1905(p)(3)(A)(ii)" and inserting "clauses (ii) and (iii) of section 1905(p)(3)(A), for the coinsurance described in section 1860E(b), and for the deductible described in section 1860E(a)"; and

(B) by striking "and" at the end;

(2) by redesignating clause (iv) as clause (vi); and

(3) by inserting after clause (iii) the following new clauses:

"(iv) for making medical assistance available for medicare cost-sharing described in section 1905(p)(3)(A)(iii), for the coinsurance described in section 1860E(b), and for the deductible described in section 1860E(a) for individuals who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds 120 percent but does not exceed 135 percent of such official poverty line for a family of the size involved;

"(v) for making medical assistance available for medicare cost-sharing described in section 1905(p)(3)(A)(iii) on a linear sliding scale based on the income of such individuals for individuals who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds 135 percent but does not exceed 150 percent of such official poverty line for a family of the size involved; and".

(c) NONAPPLICABILITY OF PAYMENT DIFFERENTIAL REQUIREMENTS TO MEDICARE PART D COST-SHARING.—Section 1902(n)(2) of the Social Security Act (42 U.S.C. 1396a(n)(2)) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to coinsurance described in section 1860E(b) or deductibles described in section 1860E(a).".

(d) 100 PERCENT FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking "and" before "(3)"; and

(2) by inserting before the period at the end the following: ", and (4) the Federal medical assistance percentage shall be 100 percent with respect to medical assistance provided under clauses (iv) and (v) of section 1902(a)(10)(E)".

(e) TREATMENT OF TERRITORIES.—Section 1108(g) of such Act (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

"(3) Notwithstanding the preceding provisions of this subsection, with respect to fiscal year 2003 and any fiscal year thereafter, the amount otherwise determined under this subsection (and subsection (f)) for the fiscal year for a Commonwealth or territory shall be increased by the ratio (as estimated by the Secretary) of—

"(A) the aggregate amount of payments made to the 50 States and the District of Columbia for the fiscal year under title XIX that are attributable to making medical assistance available for individuals described in clauses (i), (iii), (iv), and (v) of section 1902(a)(10)(E) for payment of medicare cost-sharing that consists of premiums under section 1860D, coinsurance described in section 1860E(b), or deductibles described in section 1860E(a); to

"(B) the aggregate amount of total payments made to such States and District for the fiscal year under such title.".

(f) CONFORMING AMENDMENTS.—Section 1933 of the Social Security Act (42 U.S.C. 1396u–3) is amended—

(1) in subsection (a), by striking "section 1902(a)(10)(E)(iv)" and inserting "section 1902(a)(10)(E)(vi)";

(2) in subsection (c)(2)(A)—

(A) in clause (i), by striking "section 1902(a)(10)(E)(iv)(I)" and inserting "section 1902(a)(10)(E)(vi)(I)"; and

(B) in clause (ii), by striking "section 1902(a)(10)(E)(iv)(II)" and inserting "section 1902(a)(10)(E)(vi)(II)";

(3) in subsection (d), by striking "section 1902(a)(10)(E)(iv)" and inserting "section 1902(a)(10)(E)(vi)"; and

(4) in subsection (e), by striking "section 1902(a)(10)(E)(iv)" and inserting "section 1902(a)(10)(E)(vi)".

(g) Effective Date.—The amendments made by this section shall apply for medical assistance provided under section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) on and after January 1, 2003.

SEC. 07. MEDIGAP REVISIONS.

Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following new subsection:

"(v) Modernized Benefit Packages for Medicare Supplemental Policies.—

"(1) Promulgation of model regulation.—

"(A) NAIC model regulation.—If, within 9 months after the date of enactment of the Medicare Outpatient Drug Act of 2000, the National Association of Insurance Commissioners (in this subsection referred to as the 'NAIC') changes the 1991 NAIC Model Regulation (described in subsection (p)) to revise the benefit packages classified as 'H', 'I', and 'J' under the standards established by subsection (p)(2) (including the benefit package classified as 'J' with a high deductible feature, as described in subsection (p)(11)) so that—

"(i) the coverage for outpatient prescription drugs available under such benefit packages is replaced wfth coverage for outpatient prescription drugs that compliments but does not duplicate the benefits for outpatient prescription drugs that beneficiaries are otherwise entitled to under this title;

"(ii) the revised benefit packages provide a range of coverage options for outpatient prescription drugs for beneficiaries, but do not provide coverage for—

"(I) the deductible under section 1860E(a); or

"(II) more than 90 percent of the coinsurance applicable to an individual under section 1860E(b);

"(iii) uniform language and definitions are used with respect to such revised benefits;

"(iv) uniform format is used in the policy with respect to such revised benefits; and

"(v) such revised standards meet any additional requirements imposed by the Medicare Outpatient Drug Act of 2000;

subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2003, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed under this subparagraph (such changed regulation referred to in this section as the '2003 NAIC Model Regulation').

"(B) Regulation by the secretary.—If the NAIC does not make the changes in the 1991 NAIC Model Regulation within the 9-month period specified in subparagraph (A), the Secretary shall promulgate, not later than 9 months after the end of such period, a regulation and subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2003, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed by the Secretary under this subparagraph (such changed regulation referred to in this section as the '2003 Federal Regulation').

"(C) Consultation with working group.—In promulgating standards under this paragraph, the NAIC or Secretary shall consult with a working group similar to the working group described in subsection (p)(1)(D).

"(D) Modification of standards if medicare benefits change.—If benefits (including deductibles and coinsurance) under part D of this title are changed and the Secretary determines, in consultation with the NAIC, that changes in the 2003 NAIC Model Regulation or 2003 Federal Regulation are needed to reflect such changes, the preceding provisions of this paragraph shall apply to the modification of standards previously established in the same manner as they applied to the original establishment of such standards.

"(2) Construction of benefits in other medicare supplemental policies.—Nothing in the benefit packages classified as 'A' through 'G' under the standards established by subsection (p)(2) (including the benefit package classified as 'F' with a high deductible feature, as described in subsection (p)(11)) shall be construed as providing coverage for benefits for which payment may be made under part D.

"(3) Application of provisions and conforming references.—

"(A) Application of provisions.—The provisions of paragraphs (4) through (10) of subsection (p) shall apply under this section, except that—

"(i) any reference to the model regulation applicable under that subsection shall be deemed to be a reference to the applicable 2003 NAIC Model Regulation or 2003 Federal Regulation; and

"(ii) any reference to a date under such paragraphs of subsection (p) shall be deemed to be a reference to the appropriate date under this subsection.

"(B) Other references.—Any reference to a provision of subsection (p) or a date applicable under such subsection shall also be considered to be a reference to the appropriate provision or date under this subsection.".

SEC. 08. HHS STUDIES AND REPORT TO CONGRESS.

(a) Studies.—The Secretary of Health and Human Services shall conduct a study to determine the feasibility and advisability of—

(1) establishing a uniform format for pharmacy benefit cards provided to beneficiaries by eligible entities under the outpatient prescription drug benefit program under part D of title XVIII of the Social Security Act (as added by section 02); and

(2) developing systems to electronically transfer prescriptions under such program from the prescriber to the pharmacist.

(b) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the results of the studies conducted under subsection (a), together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such studies.

SEC. 09. APPROPRIATIONS.

In addition to amounts otherwise appropriated to the Secretary of Health and Human Services, there are authorized to be appropriated to the Secretary for fiscal year 2001 and each subsequent fiscal year such sums as may be necessary to administer the outpatient prescription drug benefit program under part D of title XVIII of the Social Security Act (as added by section 02).

REID AMENDMENT NO. 3599

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the appropriate place, insert the following:

Sec. . Section 448 of the Public Health Service Act (42 U.S.C. 285g) is amended by inserting "gynecologic health," after "with respect to".

LOTT AMENDMENT NO. 3600

Mr. LOTT proposed an amendment to the instructions to the motion to commit the bill, H.R. 4577, supra; as follows:

In lieu of the amendment insert:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, any proposed, temporary, or final standard on ergonomic protection.

LOTT AMENDMENT NO. 3601

Mr. LOTT proposed an amendment to amendment No. 3600 proposed by Mr. Lott to the instructions to the motion to commit the bill, H.R. 4577, supra; as follows:

Strike all after the first word, and insert the following:

"of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

"This section shall take effect October 4, 2000."

BOND (AND OTHERS) AMENDMENT NO. 3602

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. Hollings, Mr. Cochran, Mr. Daschle, Mr. Hutchinson, Mr. Kennedy, Mr. DeWine, Mrs. Lincoln, Mr. Abraham, Mr. Akaka, Mr. Ashcroft, Mr. Baucus, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Mr. Bryan, Mr. Burns, Mr. Campbell, Mr. L. Chafee, Mr. Cleland, Mrs. Collins, Mr. Craig, Mr. Crapo, Mr. Dodd, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Frist, Mr. Grams, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Leahy, Mr. Levin, Mr. Lugar, Mr. Murkowski, Mrs. Murray, Mr. Robb, Mr. Rockefeller, Mr. Santorum, Mr. Smith of Oregon, Ms. Snowe, Mr. Warner, Mr. Welstone, Mr. Wyden, Mr. Schumer, Mr. Lautenberg, Mr. Bayh, Mr. Grassley, Mr. Sarbanes, Mr. Roth, and Mr. Hatch) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 23, line 23, strike "4,522,424,000" and replace with "4,572,424,000".

On page 92, between lines 4 and 5, insert the following:

Sec. . Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education Shall be reduced on a pro rata basis by $50,000,000.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 3603

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the appropriate place add the following: "None of the fund appropriated under this Act shall be expended by the National Institutes of Health on a contract for the care of the 288 chimpanzees acquired by the National Institutes of Health from the Coulston Foundation, unless the contractor is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International (AAALAC) and has not been charged multiple times with egregious violations of the Animal Welfare Act.

MURRAY AMENDMENT NO. 3604

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, H.R. 4577, supra; as follows:

On page 59, line 12, before the period insert the following: ": *Provided further*, That $1,400,000,000 of such $2,700,000,000 shall be available, notwithstanding any other provision of law, to award funds and carry out activities in the same manner as funds were awarded and activities were carried out under section 310 of the Department of Education Appropriations Act, 2000: *Provided further*, That an additional $350,000,000 is appropriated to award funds and carry out activities in the same such manner".

KERREY AMENDMENT NO. 3605

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. ____. WEB-BASED EDUCATION COMMISSION.

There are authorized to be appropriated and are appropriated $250,000 to carry out the Web-Based Education Commission Act. Notwithstanding any other provision of this Act, the amount of funds provided to each Federal agency that receives appropriations under this Act shall be reduced by a uniform percentage necessary to achieve an aggregate reduction of $250,000 in funds provided to all such agencies under this Act. Each head of a Federal agency that is subject to a reduction under this section shall ensure that the reduction in funding to the agency resulting from this section is offset by a reduction in the administrative expenditures of the agency.

DURBIN AMENDMENTS NOS. 3606–3607

(Ordered to lie on the table.)

Mr. DURBIN submitted two amendments intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3606

On page 54, between lines 10 and 11, insert the following:

SEC. ____. (a) CHILDREN'S ASTHMA PROGRAMS.—In addition to amounts appropriated under this title for the Centers for Disease Control and Prevention, there shall be appropriated $50,000,000 to enable the Centers for Disease Control and Prevention to carry out children's asthma programs, of which $10,000,000 may be used to carry out improved asthma surveillance and tracking systems and $35,000,000 shall be used to carry out diverse community-based childhood asthma programs including both school- and community-based grant programs: *Provided*, That not to exceed 5 percent of such funds may be used by the Centers for Disease Control and Prevention for administrative costs or reprogramming.

(b) EMERGENCY SPENDING.—Amounts made available under subsection (a) are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That these funds shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

AMENDMENT NO. 3607

On page 54, between lines 10 and 11, insert the following:

SEC. ____. (a) CHILDREN'S ASTHMA PROGRAMS.—In addition to amounts appropriated under this title for the Centers for Disease Control and Prevention, there shall be appropriated $50,000,000 to enable the Centers for Disease Control and Prevention to carry out children's asthma programs, of which $10,000,000 may be used to carry out improved asthma surveillance and tracking systems and $35,000,000 shall be used to carry out diverse community-based childhood asthma programs including both school- and community-based grant programs: *Provided*, That not to exceed 5 percent of such funds may be used by the Centers for Disease Control and Prevention for administrative costs or reprogramming.

(b) OFFSET.—Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be reduced on a pro rata basis by $50,000,000.

DURBIN (AND OTHERS) AMENDMENTS NOS. 3608–3609

(Ordered to lie on the table.)

Mr. DURBIN (for himself, Mr. REED, and Mrs. MURRAY) submitted two amendments intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3608

On page 54, between lines 10 and 11, insert the following:

SEC. ____. In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, $75,000,000, to be utilized to provide grants to States and political subdivisions of States under section 317 of the Public Health Service Act to enable such States and political subdivisions to carry out immunization infrastructure and operations activities: *Provided*, That of the total amount made available in this Act for infrastructure funding for the Centers for Disease Control and Prevention, not less than 10 percent shall be used for immunization projects in areas with low or declining immunization rates or areas that are particularly susceptible to disease outbreaks, and not more than 14 percent shall be used to carry out the incentive bonus program: *Provided further*, That amounts made available under this section are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

AMENDMENT NO. 3609

On page 54, between lines 10 and 11, insert the following:

SEC. ____. In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, $75,000,000, to be utilized to provide grants to States and political subdivisions of States under section 317 of the Public Health Service Act to enable such States and political subdivisions to carry out immunization infrastructure and operations activities: *Provided*, That of the total amount made available in this Act for infrastructure funding for the Centers for Disease Control and Prevention, not less than 10 percent shall be used for immunization projects in areas with low or declining immunization rates or areas that are particularly susceptible to disease outbreaks, and not more than 14 percent shall be used to carry out the incentive bonus program: *Provided further*, That amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be reduced on a pro rata basis by $75,000,000.

McCAIN AMENDMENT NO. 3610

Mr. McCAIN proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 92, between lines 4 and 5, insert the following:

TITLE VI—CHILDREN'S INTERNET PROTECTION

SECTION 601. SHORT TITLE.

This title may be cited as the "Childrens' Internet Protection Act".

SEC. 602. REQUIREMENT FOR SCHOOLS AND LIBRARIES TO IMPLEMENT FILTERING OR BLOCKING TECHNOLOGY FOR COMPUTERS WITH INTERNET ACCESS AS CONDITION OF UNIVERSAL SERVICE DISCOUNTS.

(a) SCHOOLS.—Section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) REQUIREMENTS FOR CERTAIN SCHOOLS WITH COMPUTERS HAVING INTERNET ACCESS.—

"(A) INTERNET FILTERING.—

"(i) IN GENERAL.—Except as provided in clause (ii), an elementary or secondary school having computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the school, school board, or other authority with responsibility for administration of the school—

"(I) submits to the Commission a certification described in subparagraph (B); and

"(II) ensures the use of such computers in accordance with the certification.

"(ii) APPLICABILITY.—The prohibition in paragraph (1) shall not apply with respect to a school that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

"(B) CERTIFICATION.—A certification under this subparagraph is a certification that the school, school board, or other authority with responsibility for administration of the school—

“(i) has selected a technology for its computers with Internet access in order to filter or block Internet access through such computers to—

“(I) material that is obscene; and

“(II) child pornography; and

“(ii) is enforcing a policy to ensure the operation of the technology during any use of such computers by minors.

“(C) Additional use of technology.—A school, school board, or other authority may also use a technology covered by a certification under subparagraph (B) to filter or block Internet access through the computers concerned to any material in addition to the material specified in that subparagraph that the school, school board, or other authority determines to be inappropriate for minors.

“(D) Timing of certifications.—

“(i) Schools with computers on effective date.—

“(I) In general.—Subject to subclause (II), in the case of any school covered by this paragraph as of the effective date of this paragraph under section 602(h) of the Childrens' Internet Protection Act, the certification under subparagraph (B) shall be made not later than 30 days after such effective date.

“(II) Delay.—A certification for a school covered by subclause (I) may be made at a date that is later than is otherwise required by that subclause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification on the date otherwise required by that subclause. A school, school board, or other authority with responsibility for administration of the school shall notify the Commission of the applicability of this subclause to the school. Such notice shall specify the date on which the certification with respect to the school shall be effective for purposes of this clause.

“(ii) Schools acquiring computers after effective date.—In the case of any school that first becomes covered by this paragraph after such effective date, the certification under subparagraph (B) shall be made not later than 10 days after the date on which the school first becomes so covered.

“(iii) No requirement for additional certifications.—A school that has submitted a certification under subparagraph (B) shall not be required for purposes of this paragraph to submit an additional certification under that subparagraph with respect to any computers having Internet access that are acquired by the school after the submittal of the certification.

“(E) Noncompliance.—

“(i) Failure to submit certification.—Any school that knowingly fails to submit a certification required by this paragraph shall reimburse each telecommunications carrier that provided such school services at discount rates under paragraph (1)(B) after the effective date of this paragraph under section 602(h) of the Childrens' Internet Protection Act in an amount equal to the amount of the discount provided such school by such carrier for such services during the period beginning on such effective date and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

“(ii) Failure to comply with certification.—Any school that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraph (B) shall reimburse each telecommunications carrier that provided such school services at discount rates under paragraph (1)(B) after the date of such certification in an amount equal to the amount of the discount provided such school by such carrier for such services during the period beginning on the date of such certification and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

“(iii) Treatment of reimbursement.—The receipt by a telecommunications carrier of any reimbursement under this subparagraph shall not affect the carrier's treatment of the discount on which such reimbursement was based in accordance with the third sentence of paragraph (1)(B).

“(F) Cessation date.—

“(i) Determination.—The Commission shall determine the date on which the provision of services at discount rates under paragraph (1)(B) shall cease under this paragraph by reason of the failure of a school to comply with the requirements of this paragraph.

“(ii) Notification.—The Commission shall notify telecommunications carriers of each school determined to have failed to comply with the requirements of this paragraph and of the period for which such school shall be liable to make reimbursement under subparagraph (E).

“(G) Recommencement of discounts.—

“(i) Recommencement.—Upon submittal to the Commission of a certification under subparagraph (B) with respect to a school to which clause (i) or (ii) of subparagraph (E) applies, the school shall be entitled to services at discount rates under paragraph (1)(B).

“(ii) Notification.—The Commission shall notify the school and telecommunications carriers of the recommencement of the school's entitlement to services at discount rates under this subparagraph and of the date on which such recommencement begins.

“(iii) Additional noncompliance.—The provisions of subparagraphs (E) and (F) shall apply to any certification submitted under clause (i).

“(H) Public availability of policy.—A school, school board, or other authority that enforces a policy under subparagraph (B)(ii) shall take appropriate actions to ensure the ready availability to the public of information on such policy and on its policy, if any, relating to the use of technology under subparagraph (C).

“(I) Limitation on federal action.—

“(i) In general.—No agency or instrumentality of the United States Government may—

“(I) establish any criteria for making a determination under subparagraph (C);

“(II) review a determination made by a school, school board, or other authority for purposes of a certification under subparagraph (B); or

“(III) consider the criteria employed by a school, school board, or other authority for purposes of determining the eligibility of a school for services at discount rates under paragraph (1)(B).

“(ii) Action by commission.—The Commission may not take any action against a school, school board, or other authority for a violation of a provision of this paragraph if the school, school board, or other authority, as the case may be, has made a good faith effort to comply with such provision.”.

(b) Libraries.—Such section 254(h) is further amended by inserting after paragraph (5), as amended by subsection (a) of this section, the following new paragraph:

“(6) Requirements for certain libraries with computers having internet access.—

“(A) Internet filtering.—

“(i) In general.—A library having one or more computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the library—

“(I) submits to the Commission a certification described in subparagraph (B); and

“(II) ensures the use of such computers in accordance with the certification.

“(ii) Applicability.—The prohibition in paragraph (1) shall not apply with respect to a library that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

“(B) Certification.—

“(i) Access of minors to certain material.—A certification under this subparagraph is a certification that the library—

“(I) has selected a technology for its computer or computers with Internet access in order to filter or block Internet access through such computer or computers to—

“(aa) material that is obscene;

“(bb) child pornography; and

“(cc) any other material that the library determines to be inappropriate for minors; and

“(II) is enforcing a policy to ensure the operation of the technology during any use of such computer or computers by minors.

“(ii) Access to child pornography generally.—

“(I) In general.—A certification under this subparagraph with respect to a library is also a certification that the library—

“(aa) has selected a technology for its computer or computers with Internet access in order to filter or block Internet access through such computer or computers to child pornography; and

“(bb) is enforcing a policy to ensure the operation of the technology during any use of such computer or computers.

“(II) Scope.—For purposes of identifying child pornography under subclause (I), a library may utilize the definition of that term in section 2256(8) of title 18, United States Code.

“(III) Relationship to other certifications.—The certification under this clause is in addition to any other certification applicable with respect to a library under this subparagraph.

“(C) Additional use of technology.—A library may also use a technology covered by a certification under subparagraph (B) to filter or block Internet access through the computers concerned to any material in addition to the material specified in that subparagraph that the library determines to be inappropriate for minors.

“(D) Timing of certifications.—

“(i) Libraries with computers on effective date.—

“(I) In general.—In the case of any library covered by this paragraph as of the effective date of this paragraph under section 602(h) of the Childrens' Internet Protection Act, the certifications under subparagraph (B) shall be made not later than 30 days after such effective date.

“(II) Delay.—The certifications for a library covered by subclause (I) may be made at a date than is later than is otherwise required by that subclause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certifications on the date otherwise required by that subclause. A library shall notify the Commission of the applicability of this subclause to the library. Such notice shall specify the date on which the certifications with respect to the library shall be effective for purposes of this clause.

“(ii) Libraries acquiring computers after effective date.—In the case of any library that first becomes subject to the certifications under subparagraph (B) after such effective date, the certifications under that subparagraph shall be made not later than 10 days after the date on which the library first becomes so subject.

"(iii) No requirement for additional certifications.—A library that has submitted the certifications under subparagraph (B) shall not be required for purposes of this paragraph to submit an additional certifications under that subparagraph with respect to any computers having Internet access that are acquired by the library after the submittal of such certifications.

"(E) Noncompliance.—

"(i) Failure to submit certification.—Any library that knowingly fails to submit the certifications required by this paragraph shall reimburse each telecommunications carrier that provided such library services at discount rates under paragraph (1)(B) after the effective date of this paragraph under section 602(h) of the Childrens' Internet Protection Act in an amount equal to the amount of the discount provided such library by such carrier for such services during the period beginning on such effective date and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

"(ii) Failure to comply with certification.—Any library that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraph (B) shall reimburse each telecommunications carrier that provided such library services at discount rates under paragraph (1)(B) after the date of such certification in an amount equal to the amount of the discount provided such library by such carrier for such services during the period beginning on the date of such certification and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

"(iii) Treatment of reimbursement.—The receipt by a telecommunications carrier of any reimbursement under this subparagraph shall not affect the carrier's treatment of the discount on which such reimbursement was based in accordance with the third sentence of paragraph (1)(B).

"(F) Cessation date.—

"(i) Determination.—The Commission shall determine the date on which the provision of services at discount rates under paragraph (1)(B) shall cease under this paragraph by reason of the failure of a library to comply with the requirements of this paragraph.

"(ii) Notification.—The Commission shall notify telecommunications carriers of each library determined to have failed to comply with the requirements of this paragraph and of the period for which such library shall be liable to make reimbursement under subparagraph (E).

"(G) Recommencement of discounts.—

"(i) Recommencement.—Upon submittal to the Commission of a certification under subparagraph (B) with respect to a library to which clause (i) or (ii) of subparagraph (E) applies, the library shall be entitled to services at discount rates under paragraph (1)(B).

"(ii) Notification.—The Commission shall notify the library and telecommunications carriers of the recommencement of the library's entitlement to services at discount rates under this paragraph and of the date on which such recommencement begins.

"(iii) Additional noncompliance.—The provisions of subparagraphs (E) and (F) shall apply to any certification submitted under clause (i).

"(H) Public availability of policy.—A library that enforces a policy under clause (i)(II) or (ii)(I)(bb) of subparagraph (B) shall take appropriate actions to ensure the ready availability to the public of information on such policy and on its policy, if any, relating to the use of technology under subparagraph (C).

"(I) Limitation on federal action.—

"(i) In general.—No agency or instrumentality of the United States Government may—

"(I) establish any criteria for making a determination under subparagraph (C);

"(II) review a determination made by a library for purposes of a certification under subparagraph (B); or

"(III) consider the criteria employed by a library purposes of determining the eligibility of the library for services at discount rates under paragraph (1)(B).

"(ii) Action by commission.—The Commission may not take any action against a library for a violation of a provision of this paragraph if the library has made a good faith effort to comply with such provision.".

(c) Minor defined.—Paragraph (7) of such section, as redesignated by subsection (a)(1) of this section, is amended by adding at the end the following:

"(D) Minor.—The term 'minor' means any individual who has not attained the age of 17 years.".

(d) Conforming amendment.—Paragraph (4) of such section is amended by striking "paragraph (5)(A)" and inserting "paragraph (7)(A)".

(e) Separability.—If any provision of paragraph (5) or (6) of section 254(h) of the Communications Act of 1934, as amended by this section, or the application thereof to any person or circumstance is held invalid, the remainder of such paragraph and the application of such paragraph to other persons or circumstances shall not be affected thereby.

(f) Regulations.—

(1) Requirement.—The Federal Communications Commission shall prescribe regulations for purposes of administering the provisions of paragraphs (5) and (6) of section 254(h) of the Communications Act of 1934, as amended by this section.

(2) Deadline.—Notwithstanding any other provision of law, the requirements prescribed under paragraph (1) shall take effect 120 days after the date of the enactment of this Act.

(g) Availability of rates.—Discounted rates under section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B))—

(1) shall be available in amounts up to the annual cap on Federal universal service support for schools and libraries only for services covered by Federal Communications Commission regulations on priorities for funding telecommunications services, Internet access, Internet services, and Internet connections that assign priority for available funds for the poorest schools; and

(2) to the extent made available under paragraph (1), may be used for the purchase or acquisition of filtering or blocking products necessary to meet the requirements of section 254(h)(5) and (6) of that Act, but not for the purchase of software or other technology other than what is required to meet those requirements.

(h) Effective date.—The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 28, 2000, at 2:30 p.m., in room 485 of the Russell Senate Building to mark up pending committee business, to be followed by a hearing on S. 2283, to amend the Transportation Equity Act (TEA-21) to make certain amendments with respect to Indian tribes.

Those wishing additional information may contact committee staff at 202/224-2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony from representatives of the United States General Accounting Office on their investigation of the Cerro Grande Fire in the State of New Mexico, and from Federal agencies on the Cerro Grande Fire and their fire policies in general.

The hearing will take place on Thursday, July 20, 2000, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Kevin Clark of the committee staff at (202) 224-6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, July 19, 2000, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 22, 2000, at 9:30 a.m., on the continuation of the hearing on the United/US Airways merger.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 22, 2000, at 10 a.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, June 22, 2000, at 11 a.m., in room 485 of the Russell Senate Building to mark up the following: S. 2719, to provide for business development and trade promotion for Native Americans; S. 1658; to authorize the construction of a Reconciliation Place in Fort Pierre, SD; and S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe certain benefits of the Missouri River Pick-Sloan Project. To be followed by a hearing, on the Indian Trust Resolution Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 22, 2000, at 10 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a hearing on the nominations of Thomas L. Garthwaite, M.D., to be Under Secretary for Health, Department of Veterans Affairs, and Robert M. Walker to be Under Secretary for Memorial Affairs, Department of Veterans Affairs.

The hearing will be held on Thursday, June 22, 2000, at 9:30 a.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight be authorized to meet to conduct a hearing on Thursday, June 22, 2000, at 2 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on International Operations be authorized to meet during the session of the Senate on Thursday, June 22, 2000, at 3 p.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation be authorized to meet during the session of the Senate on Thursday, June 22, at 2:30 p.m., to conduct a hearing. The subcommittee will receive testimony on S. 1643, a bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; and S. 2547, a bill to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ROBB. Mr. President, I ask unanimous consent that Jennifer Riggle, a fellow in my office, be permitted the privilege of the floor for the duration of the consideration of H.R. 4577.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that Kelly O'Brien of my office be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that George Dowdull, a fellow for Senator BIDEN, be granted the privilege of the floor during consideration of the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Carlyn Lamia be granted the privilege of the floor during the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that the following people be given floor privileges during the course of this appropriations debate: Elizabeth Smith, Raissa Geary, Katherine McGuire, John Kim.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that floor privileges be granted to Mark Laisch, Jon Retzlaff, Lisa Bernhardt, and Cathy Wilson during the consideration of the Labor, Health and Human Services, and Education Appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–32

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following amendment transmitted to the Senate on June 22, 2000, by the President of the United States:

Amendment to the Montreal Protocol ("Beijing Amendment") (Treaty Document No. 106–32);

I further ask unanimous consent that the amendment be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the "Montreal Protocol"), adopted at Beijing on December 3, 1999, by the Eleventh Meeting of the Parties to the Montreal Protocol (the "Beijing Amendment"). The report of the Department of State is also enclosed for the information of the Senate.

The principal features of the Beijing Amendment, which was negotiated under the auspices of the United Nations Environment Program, are the addition of trade controls on hydrochlorofluorocarbons (HCFCs), the addition of production controls of HCFCs, the addition of bromochloromethane to the substances controlled under the Montreal Protocol, and the addition of mandatory reporting requirements on the use of methyl bromide for quarantine and preshipment purposes. The Beijing Amendment will constitute a major step forward in protecting public health and the environment from potential adverse effects of stratospheric ozone depletion.

By its terms, the Beijing Amendment will enter into force on January 1, 2001, provided that at least 20 parties have indicated their consent to be bound. The Beijing Amendment provides that no State may become a party unless it previously has become (or simultaneously becomes) a party to the 1997 Montreal Amendment. The Montreal Amendment is currently before the Senate for its advice and consent to ratification (Senate Treaty Doc. No. 106-10).

I recommend that the Senate give early and favorable consideration to the Beijing Amendment and give its advice and consent to ratification, at the same time as it gives its advice and consent to ratification of the Montreal Amendment.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 22, 2000.*

MEASURES PLACED ON THE CALENDAR—H.R. 4601 AND H.R. 3859

Mr. BOND. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4601) to provide for reconciliation pursuant to section 213(c) of the concurrent resolution on the budget for fiscal year 2001 to reduce public debt and to decrease the statutory limit on the public debt.

A bill (H.R. 3859) to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

Mr. BOND. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDING OFFICER. The bills will be placed on the calendar.

ORDERS FOR FRIDAY, JUNE 23, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, June 23. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4577, the Labor-Health and Human Services appropriations bill, with Senator BOND to be recognized to offer his amendment regarding community health centers.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. Mr. President, for the information of all Senators, when the Senate convenes tomorrow, it will resume the Labor-HHS appropriations bill. Senator BOND will offer his amendment regarding community health centers. Further, amendments are to be expected to be offered and debated throughout tomorrow's session, with any votes ordered to be stacked to occur at a time to be determined next week. Senators should be aware that votes may also occur in relation to the Department of Defense authorization bill early next week. Senators are encouraged to work with the bill managers as early as possible if they intend to offer amendments to the Labor appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:49 p.m., adjourned until Friday, June 23, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 22, 2000:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROY E. BEAUCHAMP, 7025

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH M. COSUMANO, JR., 4186

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CLINTON E. ADAMS, 8045
CAPT. STEVEN E. HART, 6117
CAPT. LOUIS V. IASIELLO, 7632
CAPT. STEVEN W. MAAS, 3387
CAPT. WILLIAM J. MAGUIRE, 8876
CAPT. JOHN M. MATECZUN, 4993
CAPT. ROBERT L. PHILLIPS, 7293
CAPT. DAVID D. PRUETT, 1322
CAPT. DENNIS D. WOOFTER, 5921

HOUSE OF REPRESENTATIVES—*Thursday, June 22, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. QUINN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 22, 2000.

I hereby appoint the Honorable JACK QUINN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. C. Frederick Horbach, Memorial Presbyterian Church, Vineland, New Jersey, offered the following prayer:

Eternal God, by whom alone all exists, through whom alone we all are sustained, in whom alone we all must seek direction and find purpose.

We confess that we are a Nation in progress, ever seeking to fulfill a divine mandate to establish liberty and justice for all the people. As such, we need Your guiding hand along the way of our pilgrimage. Look with favor, we pray, upon this our Nation and grant Your blessing for the journey.

Equip, O Lord, the President of the United States, the Members of Congress, and all others in authority with uncommon wisdom, unwavering courage and unfailing dedication to seek, to know, and to do Your will.

Through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Ohio (Ms. PRYCE) come forward and lead the House in the Pledge of Allegiance.

Ms. PRYCE of Ohio led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that 1-minutes will be conducted at the close of business today, but for the purposes of an introduction, the Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO).

WELCOMING REVEREND DR. C. FREDERICK HORBACH

(Mr. LOBIONDO asked and was given permission to address the House for 1 minute.)

Mr. LOBIONDO. Thank you, Mr. Speaker, for allowing me the opportunity and the honor today to welcome Dr. C. Frederick Horbach of Elmer, New Jersey, as our guest chaplain.

An ordained minister in the Presbyterian Church, Dr. Horbach has served at churches in Audubon, Elmer and Burlington, New Jersey. An educator, he recently retired after a 28-year tenure with the Cumberland County College where he taught courses in religion, art and philosophy. He is currently pastor of the Memorial Presbyterian Church in my hometown of Vineland, New Jersey.

Having earned an A.B. degree from Elizabeth Town College, a master's of divinity degree from the Princeton Theological Seminary, a master's of sacred theology and a Ph.D. for his research in art and religion from Temple University, Dr. Horbach's knowledge and background in theology is vast.

His parishioners, however, will tell you that his greatest attributes are the interest, compassion and dedication he brings to his work. I am pleased that he and members of his family are able to join us today and would like to thank the House for this opportunity to recognize his many achievements.

PROVIDING FOR CONSIDERATION OF H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 530 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 530

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendments under the five-minute rule. The bill shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 530 is a structured rule that governs the consideration of H.R. 4516, the Legislative Branch appropriations bill for fiscal year 2001. The rule waives points of order against consideration of the bill for failure to comply with section 401(a) of the Congressional Budget Act related to contract borrowing and credit authority. The rule also waives points of order against provisions of the bill for failure to comply with clause 2 of rule XXI regarding unauthorized or legislative provisions in an appropriations bill.

Under the rule, there will be 1 hour of general debate to be equally divided between the chairman and ranking member of the Committee on Appropriations. After general debate the rule provides for consideration of only those amendments listed in the Committee on Rules report. This type of structured rule has become customary for Legislative Branch spending bills because of the controversy that often surrounds them.

In the case of H.R. 4516, we have heard significant criticism about the funding levels in the bill, but those concerns should be allayed by this rule which makes in order a bipartisan manager's amendment that will add an extra $95.8 million to the bill. These extra dollars will provide for a cost of living increase for House staff and the Capitol Police, as well as make possible the addition of 48 officers to the police force. The Library of Congress will benefit from an extra $7.6 million to restore Congressional Research Service staff and provide for pay raises. The Government Printing Office will get $18.3 million more, including funds to maintain documents in the depository program that are only available in paper form. Funds will also be added to the accounts of the Architect of the Capitol, the General Accounting Office, and the Congressional Budget Office.

In addition to the manager's amendment which should quell most if not all of the controversy surrounding this legislation, the rule makes in order two other amendments. The first is a bipartisan amendment that would allow Members who do not use their entire budget allowance to return any unused portion to the Treasury. The savings would then be devoted to deficit or debt reduction. This concept, which has earned broad support in the past, encourages Members of Congress to lead by example and be frugal in their use of taxpayer dollars.

In the same vein of fiscal responsibility, the second amendment would devote all the savings from successful appropriations amendments that cut spending to debt reduction, unless the amendment already redirects the savings to other discretionary programs.

The three amendments listed in the Committee on Rules report may be offered only by the Member designated in the report and shall be debatable for the time specified in the report. These amendments shall not be subject to amendment or to a demand for division of the question in the House or the Committee of the Whole. Finally, the rule provides the minority with an opportunity to offer a motion to recommit, with or without instructions.

As a testament to the good work of the gentleman from North Carolina (Mr. TAYLOR) and his subcommittee, only nine amendments were filed with the Committee on Rules. Of those, three were withdrawn and one is the manager's amendment. On Tuesday, only one Member besides the chairman and ranking member of the subcommittee testified on his amendment to the bill. So it would appear that there are few concerns about the bill and that this rule, even with its limitations, fulfills the needs of the vast majority of House Members.

Mr. Speaker, the fiscal year 2001 Legislative Branch appropriations bill continues our efforts which began in 1994 to scale back the Federal Government and balance the budget by cutting our spending first. Over the last 6 years, Congress has saved the taxpayers $1.5 billion by looking to its own operations, staff and support systems for places to cut waste and inefficiencies. Since 1994, more than 5,900 positions have been eliminated, and all told we have downsized the Legislative Branch of government by 21 percent. This year's bill continues down this path of fiscal restraint, and legislative spending will be reduced by almost $10 million, even with the added spending in the manager's amendment. Our efforts prove that Congress is willing to look in its own backyard and do its part to cut spending, balance the budget and pay down the debt.

Mr. Speaker, I want to thank the gentleman from North Carolina (Mr. TAYLOR) and the rest of the subcommittee for their hard work to put together a very lean bill in keeping with their allocation. They were willing to make the tough choices necessary to maintain fiscal responsibility and the American taxpayers appreciate it. Even with the addition of the manager's amendment, total spending on the Legislative Branch will be reduced from last year.

In closing, Mr. Speaker, this is a fair rule that is responsive to the concerns of the Members of this House and it deserves our support. I urge a "yes" vote on the rule and support for a reasonable Legislative Branch spending bill which continues our commitment to a smaller, smarter government that works for the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this rule as well as to the Legislative Branch appropriations bill for fiscal year 2001. This rule is unfair and the bill is a prima facie case of penny wise and pound foolish. By grossly underfunding the operations of the Congress and its related agencies in order to live up to the terms of the Republican budget resolution, the reported bill endangers the safety of every Member, staff person and visitor to this building and our office buildings. As reported, the bill could lead to layoffs in our own offices as well as in all the support agencies of Congress and would deny cost of living adjustments to those staff who still had a job. The cuts in the reported bill would have eliminated funding for maintenance and safety improvements for this magnificent building that we are so privileged to work in as Members of Congress. In short, Mr. Speaker, this bill would hamper the ability of the Congress to do its job.

I am frankly amazed that the Republican majority has so little regard for this institution and the people who work in it.

□ 1015

The subcommittee chairman told the Committee on Rules that the Republican majority has saved the American taxpayer $1.5 billion in legislative branch funding since taking control of the Congress in 1995, but I have to ask, Mr. Speaker, at what cost have these savings been made.

I can certainly see the costs in the staff who work for us and by extension, for our constituents. Mr. Speaker, it has become increasingly difficult to attract or keep experienced staff, especially in this tight labor market, and especially when the Senate can pay staff considerably higher salaries.

I have the greatest admiration for the hundreds of young men and women who work in our offices and on the committees of this body, but we cannot hope to keep the best and the brightest of them if we cannot pay competitive salaries.

Paying the staff who work for us is not a waste of the taxpayers' money, Mr. Speaker, and losing staff with the expertise and the complicated subjects we must address certainly will not help us do our job better. Fortunately, the manager's amendment restores some essential funding for the operation of the House, including the fiscal year 2001 COLA for staff and funds that will avert large-scale layoffs.

But this restoration of funds for the House operations, as well as the operations of the support agencies of the Congress, only came after the Republican leadership was embarrassed publicly. The manager's amendment adds $95.8 million to the bill, but, Mr. Speaker, even with this additional funding, we still face a cut from current services, and the bill makes no investment for the future of this institution.

As a case in point, I would like to point to the Congressional Research Service, an organization that is critically important to all of our personal offices as well as to every committee. Some of the most valuable assets the House has at its disposal are the senior analysts at CRS whose institutional memory, extensive knowledge and proven abilities are at our disposal.

Yet, Mr. Speaker, many of these senior analysts are approaching retirement and in an effort to properly train their replacements CRS has undertaken a "succession initiative."

This initiative is designed to hire junior employees to work alongside of the senior analysts they will eventually replace in order to benefit from the years of experience and knowledge of those analysts.

This is a wise investment in the future, Mr. Speaker, yet, this bill and the manager's amendment do not fund the initiative. I have to ask the Republican leadership if investing in the information resources this Congress depends on is a waste of the taxpayers' money or if it helps us do our job better?

Even with the addition of the funds in the manager's amendment, the Government Accounting Office and the Government Printing Office are still underfunded if we want them to serve the Congress in the manner we have come to expect.

I cannot see how shortchanging these organizations ultimately saves the taxpayer one red cent. Mr. Speaker, I cannot support this bill. This bill cuts the legislative branch to the quick in order to pay for an irresponsible Republican tax cut. This bill is merely a symptom of the Republican majority's refusal to address the real needs of this country, saving Social Security and Medicare, investing in education, and providing a prescription drug benefit for senior Americans.

I also cannot support this rule, Mr. Speaker. The Republican majority on the Committee on Rules needlessly denied Democratic Members the right to offer amendments to this bill, while at the same time making an unnecessary political point making Republican amendment in order.

For example, the gentleman from Maryland (Mr. WYNN) sought the right to offer an amendment which would have stricken a provision in the bill which would allow the Library of Congress to circumvent the terms of a negotiated settlement in Cook v. Billington, a class-action suit brought by African-American employees of the Library.

Why the Republican majority could not allow the gentleman from Maryland (Mr. WYNN) to offer this amendment is a question for the ages, Mr. Speaker, but because of the Republican majority refusal to allow this matter to be debated, I must oppose this rule.

Mr. Speaker, this is an unfair rule for a very bad bill. I urge Members to oppose the rule and oppose the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I have no speakers, and I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I guess what this rule shows today is that no matter how hard and no matter how many rank and file Members work to try to reach a bipartisan agreement on appropriation bills, that, in the end, the majority party leadership insists on following a practice which will, once again, turn what should have been a bipartisan bill into another dog fight. I see no constructive purpose to be served by that.

Secondly, it puts provisions in this bill which are absolutely not germane to this bill.

The problem we have is that we have gone through this session and time after time after time, we have been told by the majority party thou shalt not offer nongermane legislative items to appropriation bills. And, yet, this bill does the very thing which we have been lectured on repeatedly and puts in order an amendment which most certainly goes far behind the scope of this bill; that is the so-called lockbox amendment.

Mr. Speaker, I have no expectation that I will win this point today, because I know that, especially in an election year, Members, unfortunately a lot of Members, focus a whole lot more on the political look of a proposal than they do on the substantive result.

Nonetheless, having the maddening tendency to expect reason and logic to penetrate legislative debate, I am going to make an argument on it, and my point is simply this: Right now, when we pass a budget resolution, that budget resolution gives us a certain number that we are supposed to work off for the remainder of the year in assigning priorities to different appropriation subcommittees.

The Committee on Appropriations has to reconcile desires, conflicting desires, to use every dollar in that allocation for a wide variety of purposes, thousands of competing demands for those resources. This amendment will make that process immeasurably more complicated. It will contribute immeasurably to additional delay in the consideration of appropriations conference reports and make more likely both a government shutdown and makes more likely the fact that you will never get your work done.

And here is why I say that: Right now if a Member offers an amendment on the floor that cuts a million dollars out of, say, a bomber program in the House, if this provision were in place, that money would have to be put in the lockbox, and you could not then spend it. You could not then spend it for other items in other subcommittee areas.

And then let us say the Senate, if the Senate, operating under the same rule, cut a million dollars from another weapons system, that money could not then be spent in conference and yet you would have lowered the overall amount by $2 million, each body would have lowered it for a different item, and you would have no way to reconcile that without cutting other Defense programs that neither House had any intention of cutting.

This is one of those amendments that looks terrific if you have never been on the committee that has to work through these compromises, if you have never served on an appropriations conference committee. This is one of those amendments that looks fine on the surface, but when you get into the detail, makes this place an immeasurably more difficult place in which to get our work done.

Now, if the majority party leadership thinks that is a constructive thing to do, then it is certainly within their power to impose this decision on the House. But I, for one, having worked for weeks trying to negotiate a reasonable compromise on this bill and having thought that we had done just that until a day ago, I now discover that, once again, we have got a political amendment coming in from left field.

It is not a constructive thing to do, and I do not intend to vote for either this rule or this bill if that amendment is adopted.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield as much time as he may consume to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend from Ohio (Ms. PRYCE) for yielding me the time and congratulate her for leading this very important piece of legislation, which, obviously, based on what I have heard from the other side, seems to be controversial. I am happy we are going to be proceeding with a bipartisan manager's amendment.

My very good friend, the gentleman from Arizona, (Mr. PASTOR) has been working closely with the gentleman from North Carolina (Mr. TAYLOR), the chairman of the Subcommittee of Legislative, and I believe that we will have addressed a number of the concerns that have been raised by Members so far in that manager's amendment, and I think that is a positive thing.

I am pleased that this bill, under the leadership of my very good friend, the gentleman from Florida (Mr. YOUNG), and the gentleman from North Carolina (Mr. TAYLOR) and others is continuing to pursue that goal which we have effectively implemented over the past several years since we have taken control, and that is making this institution more open and accountable to the American people while at the same time ensuring that we have the resources necessary to keep this very important first branch.

Look at the Constitution, the first branch of the Federal Government in operation. Now, when we look at the challenges that we have here in this institution, making sure that we have first-rate Capitol Police, the Architect of the Capitol, and we know that this work has been going on outside on the Dome there and it looks as if they are moving ahead very effectively with that. Now, that symbol to the rest of the world that we are the beacon of hope and freedom is an important one, and coverage for that comes within this legislative branch bill.

The Government Printing Office is very important, the General Accounting Office, and under this manager's amendment that the gentleman from Arizona (Mr. PASTOR) and the gentleman from North Carolina (Mr. TAYLOR) have worked on, it is going to ensure that we do not have to face layoffs there. I want to specifically raise an issue which I believe is very important for the people whom I am privileged to represent and I know for people all over the country.

In the manager's amendment there will be the restoration of $13 million dollars to ensure that our constituents are going to be able to go to the comfort of their local library and have access to very important information. I want to do everything that we possibly can to encourage the accessibility through electronic means of documents that come from the Federal Government, but we cannot forget the fact that there are people who do want to have the hard copy, the printed access to printed material.

I believe that the manager's amendment that the gentleman from Arizona (Mr. PASTOR) and the gentleman from North Carolina (Mr. TAYLOR) have worked on will restore those funds which are very important.

I believe this is a fair rule. It is a very balanced rule. It takes into consideration a wide range of concerns. And I want to congratulate the gentleman from Florida (Chairman YOUNG) for once again keeping us right on schedule, moving ahead with this very important measure. We all anxiously look forward to the completion of all 13 appropriation bills, and I am happy that, when possible, we have been able to work in a bipartisan way, and I am hoping that we will be able to do that in the coming weeks.

☐ 1030

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I stand in support of this rule and also the bill, as I have in committee. I know the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Florida (Mr. YOUNG) have worked very carefully to try to design a bill that takes care of the needs of running the government here, but also at the same time keeping a close eye on the budget and the constraints.

I also wanted to mention the question of the lockbox, because I think it is important for us to have this lockbox amendment. The reason why, as a new Member to the United States Congress in 1993, I remember we were trying to put in some fiscal discipline and restraint in our spending.

At the time, one of our fellow class members, MIKE CRAPO from Idaho, who is now across the hall, he had an idea we should do something like this. The reason why is we would debate for hours cutting something from the budget, something that some Members supported, some Members did not support. But the idea behind it was that we would fight for two or three hours in good, honest debate and we would eliminate this item and save $1 million, $2 million, $10 million, whatever.

Then we would go home and think, boy, that was good, we cut $1 million out of the budget. But we find out we did not cut it out of the budget, all we did was put it aside. Then the bill would progress through the system, get into the Senate, and they would spend it because the bill did not reduce itself in the amount.

Can Members imagine sitting around the table and writing down the grocery list. They go to the grocery store and say, I am going to buy some steak. Steak is say $10. I do not really know the price of that. Number one, I am not running for the Senate, where you have to know the price of groceries. Number two, we do not buy steak in our family. We have four kids. We just cannot do it.

But say we are going to buy steak and it is $10, and we go there and say, we really do not have this money. We need to buy hamburger, instead. That is $5. We do not say, obviously, that we are going to buy $10 worth of hamburgers. The point, the purpose of the whole exercise is to save the money and put the extra $5 in our pocket and use that for the car payment, the house payment, gasoline, or whatever.

That is what American families do every day. But in the United States Congress, what we say is we are not going to eat steak, we are just going to spend an equal amount of money elsewhere. That is ridiculous. Our whole idea is that when we had a fair debate and an honest vote to save money, then that money should go into a lockbox and be protected for social security or Medicare and no other purpose.

For 30 years this Congress on a bipartisan basis raided the social security trust fund and used the money for other expenses. Our idea is to put it in that vault and keep it for our retirements, what private companies do with pension plans. And it makes common sense.

Mr. PASTOR. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Arizona.

Mr. PASTOR. Mr. Speaker, the example the gentleman gave where one goes to the grocery store with $10 and decides that they can only buy or want to buy $5 of hamburger, which we all do, then we may want to spend that money for gas or for maybe other items in the grocery store.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Speaker, that is what we are asking to do by denying the Ryan amendment. If we are only able to spend $5 for hamburgers, but yet we know we have other priorities where we want to spend the money, in the Committee on Appropriations we want the flexibility to do that. If we put it in the lockbox, as I understand the amendment, then we spend the $5 and we will not have the flexibility to pay the gas and pay the electric bills.

I think what we are asking and saying is that the concept is good, but in the procedure and the process as we try to work in funding the government, and programs that people may want or we think are important, we lose that flexibility. I think that is why the debate is against the Ryan amendment.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. PASTOR. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would like to give an example. The Slaughter amendment that was on the floor last week on the arts, the gentlewoman from New York in an earlier paragraph of the bill tried to cut several million dollars from one account so that when we got to the next paragraph in the bill, she could use that money for another purpose. She was not allowed by the House to consider both items at the same time.

So the House first adopted the first half of her amendment, and then had a donnybrook about what would happen to it when we got to the next paragraph.

If she had instead told the House that she wanted to cut $22 million out of the Interior bill so that when we came to this bill we could use it for border inspectors, for instance, what that lockbox amendment would say is that we could not transfer that money for that purpose. We could only use it to reduce the amount of spending in that bill, and we could not use it for the purpose which was intended, because our rules prevent us from transferring money from one appropriation bill to another at that point in time.

That is the problem with the bill. It means that the legislative intent of the House as expressed by the sponsor, if a majority votes for that amendment, cannot then be carried out in a subsequent bill. That is why the lockbox is a well-intentioned idea but it has a harebrained result, and it does not have diddly squat to do with Medicare and social security, and the gentleman knows it. If he does not, he ought to go back and look at the rules.

Mr. PASTOR. Let me make another point, Mr. Speaker. When we adopted the budget it gave us an allocation for the Committee on Appropriations, on which my dear friend also serves. We have been involved in a number of the allocations, how they go up, they go down, because there are priorities that the majority may want. There are needs.

Everybody is for reducing the debt. I think that is decided when we develop or adopt the budget. Once we adopt the allocation, there are debates in subcommittee, there are debates in committee, and then we have to go to the floor. Then we have to go to conference with the Senate.

I believe what this amendment does is basically ties the gentleman's hands and my hands to be able to debate and determine priorities, and be able to buy 5 pounds of hamburger, but also spend some additional money that we may need for other purposes.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. PASTOR. I yield to the gentleman from Georgia.

Mr. KINGSTON. I thank the gentleman for yielding.

Mr. Speaker, the way I look at it is that the intent is to put the money in fact in Medicare as opposed to the NEA or the AmeriCorps or public broadcasting or whatever else. The idea behind it is to say Medicare is a much higher priority, and we are comfortable in making that blanket statement.

As the gentleman knows, we can continue in the Committee on Appropriations on the subcommittee and the full committee level to move monies back and forth, and we can have offsets within the title of a bill, or even on the House floor with it.

But I do not consider it a big partisan issue. I think now the Vice President has actually endorsed this idea, so I do not consider this a partisan thing whatsoever. But I do think that it is just an idea that would further protect Medicare and social security. That is why I have supported it.

Mr. PASTOR. Reclaiming my time, Mr. Speaker, it is an idea, but once we adopt the amendment it becomes part of the law. I think the intent is great, but the result if adopted is going to hinder the gentleman and hinder me in the appropriation process to be able to allocate money for those priorities that we may have.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to my distinguished colleague, the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Speaker, I support the rule.

There are going to be three amendments. One will be an amendment supported by the gentleman from Arizona (Mr. PASTOR), the ranking member, and myself. We have worked hard since the original 302 allocations were given our committee, and they have been raised. We have been successful in that effort, and the amendment that we will take up first will be to debate and to offer the House the changes that we have made.

If we do not pass the rule, we cannot debate the other amendments, and they will have debate, and then we can let the House work its will on the other two amendments that we have. We think that this is a good bill. We think that the technology that we have used is enabling the House, like the rest of the country in its use of technology, to be more efficient and carry on the work of the Congress. So I urge passage of the rule.

Mr. FROST. Mr. Speaker, I urge a no vote on the rule. I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a fair rule. It addresses the major points of controversy in a bipartisan manner. The Committee on Rules and the House leadership have responded to the concerns about the funding levels for the personnel who support this institution.

That is why the rule makes in order a manager's amendment to add resources to support the Capitol Police, House staff, CRS employees, and others who work hard to make the legislative branch a safe and efficient work environment, as well as a top tourist attraction for our visitors.

In addition, the rule offers my colleagues the opportunity to vote for greater fiscal responsibility, not only through passage of the underlying bill, but also through amendments that would allow us to devote more resources to that reduction.

I urge my colleagues to vote yes on this fair rule, and urge those who talk the talk about fiscal responsibility to walk the walk and support the Leg branch appropriations bill.

Mr. COBLE. Mr. Speaker, I rise to support the rule that is under consideration and urge all of my colleagues to join me. In addition, I must voice my support of the U.S. Copyright Office. While great efforts were made in funding this bill, I urge my colleagues to restore the minimum necessary funding which the Office requires for its operations on behalf of the public interest during the House-Senate conference.

Mr. Speaker, the Judiciary Committee retains jurisdiction over copyright law. I think I speak for all who are privileged to serve on this committee by acknowledging that we could not function effectively without the assistance of the Copyright Office. The Office works with our constituents—individuals as well as businesses and the high tech community—who register original works of authorship for protection under title 17 of the U.S. Code. The advice and counsel afforded the Congress by the Register's policy staff have been indispensable in our efforts to develop good copyright law through the years. The United States is the world leader in the development and export of intellectual property, including copyrighted works. We cannot take the sustenance of this vital component of our national economy for granted; and as such, we cannot take the services of the Copyright Office for granted.

I have great respect for our appropriators, and I acknowledge that they have an unenviable task. That said, the cuts contemplated in the bill before us are based on erroneous assumptions. To begin with, the Copyright Act prescribes a two-year process by which new fees are established. The Office raised fees only last July. In addition, it is in the process of reviewing a new fee schedule which, if approved by Congress, will take effect in 2002.

In light of this background, Mr. Speaker, the cuts set forth in this bill are untenable. A full $5-million hit will result in a 38 percent reduction in the net appropriations of the Office. In lay terms, this translates into a 27 percent staff reduction, or 130 employees. Again, the Office cannot raise fees until 2002 at the earliest, so the revenue cannot be made up or redirected from elsewhere. This would include tapping the so-called "No Year Account" of roughly $2 million, which is being held to offset expected deficits in 2002. Even if the Office uses these funds, there will still be staff reductions totaling 78 workers in the upcoming fiscal year, and another 52 workers in 2002.

Mr. Speaker, we are talking about all of $5 million for a government entity that provides critical services to the Congress and the public. If we are to continue as the world leader in the development and export of intellectual property we must ensure that the Copyright Office is adequately funded. It is my greatest hope that upon the meeting of the Legislative Branch conference, they will have the ability to re-visit this issue and fully restore Copyright Office funding.

Mr. HYDE. Mr. Speaker, I rise in support of the rule and urge each of my colleagues to pass this rule. However, tonight I also appear before you in support of full funding for the U.S. Copyright Office.

The bill that the House will consider later tonight, as explained to me, represents a 38 percent reduction in the Office's total net funding. In human terms, this corresponds to a pink slip for at least one of every four employees at the Office. And siphoning money from the Office's "No Year Account" will only delay the inevitable; roughly the same number of people would lose their jobs through Fiscal Year 2002.

Mr. Speaker, we are talking about all of $5 million for what amounts to a tiny government entity. Tiny, but important. The Copyright Office registers works submitted for copyrights and makes these works available to the Library of Congress for its collections and exchange programs. The resulting cuts set forth in the bill would greatly compromise the ability of the Office to provide a timely and accurate public records of copyright ownership. Applications for registrations would plummet, thereby generating irreplaceable losses to the collections of the Library of Congress. The mandatory deposit system, along with public information services, would suffer. And from our own little corner of the world, we in the Congress would be denied necessary counsel from the leading federal entity on copyright law and policy.

Mr. Speaker, copyright industries constitute the largest segment of our national economy. While I both respect and admire the work of the appropriators, in this instance I believe the Congress is acting in a penny-wise but pound-foolish manner. While I support passage of the rule and the forthcoming bill, it is my hope that during the conference it is possible to restore the necessary funding for the U.S. Copyright Office.

Mr. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 234, nays 173, not voting 27, as follows:

[Roll No. 311]

YEAS—234

Abercrombie
Aderholt
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Eshoo
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
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Weller
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Andrews
Baca
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Baldwin
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Barrett (WI)
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Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Etheridge
Evans
Farr
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
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Moakley
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Moran (VA)
Nadler
Napolitano
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Pallone
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Serrano
Sherman
Slaughter
Smith (WA)
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Stenholm
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Tauscher
Taylor (MS)
Thompson (CA)
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Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu

NOT VOTING—27

Archer
Baker
Cook
Cummings
Engel
English
Fattah
Filner
Fossella
Hobson
Hunter
Klink
Kuykendall
McCollum
McCrery
Mollohan
Porter
Rangel
Roybal-Allard
Tauzin
Thomas
Towns
Vento
Visclosky
Wise
Wynn
Young (AK)

□ 1100

Messrs. MOAKLEY, UDALL of New Mexico, DOGGETT, and RAHALL changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 20001

The SPEAKER pro tempore. Pursuant to House Resolution 530 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4516.

□ 1103

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, with Mr. HANSEN in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Arizona (Mr. PASTOR) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to present the Legislative Branch appropriation bill for fiscal year 2001. First, I want to begin by thanking the members of the Subcommittee on Legislative for their hard work in writing this bill. They include the gentleman from Tennessee (Mr. WAMP), the vice chairman; the gentleman from California (Mr. LEWIS), a long-time member of the subcommittee; the gentlewoman from Texas (Ms. GRANGER); and the gentleman from Pennsylvania (Mr. PITTS).

Then we have the gentleman from Arizona (Mr. PASTOR), the ranking member, who has worked hard with the committee and myself to prepare this bill; the gentleman from Pennsylvania (Mr. MURTHA); and the gentleman from Maryland (Mr. HOYER), who are our other members of the subcommittee.

I also want to thank the full committee chairman, the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY), the full committee ranking minority member for their assistance.

The bill was considered and ordered reported by the full committee on May 9. The bill was actually reported to the House May 23, 2000.

Mr. Chairman, the bill continues the program begun in the 104th Congress to right-size the legislative branch of government. We have become more efficient, with a smaller workforce, and use technology wherever we can, as long as it helps us to do our jobs better. We have done those things.

Since fiscal 1995, the last year of the other party's control of the House, we have reduced the legislative branch appropriation in real terms by a very significant amount. Had spending on legislative branch followed the old trend that we were on long before the Republican majority took over, the bill would total over $2.2 billion, fully $400 million higher than the bill we brought to the House today.

Together, Mr. Chairman, with my predecessor subcommittee chairman, the gentleman from California (Mr. PACKARD), and the gentleman from New York (Mr. WALSH), we have saved the taxpayers nearly $1.5 billion in the last 6 years, if all the Senate operations are included.

Since the early 1990s, legislative branch employment has been reduced by a full 8,217 full-time jobs. That is a reduction of 21.5 percent of our entire workforce. In comparison, the executive branch has only reduced their workforce by 10 percent, and the Judiciary has actually increased by 13.2 percent.

The fiscal year legislative branch appropriation bill totals $1.8 billion in new obligation authority, of which $1.1 billion is for congressional operations, exclusive of Senate items. This includes operations of the House, Congressional Budget Office, several joint items, the Architect of the Capitol, and congressional printing. The balance of the bill, $705 million, is for the operations of other legislative branch agencies, such as the General Accounting Office, Library of Congress, and the Superintendent of Documents.

The bill is actually $281 million below the budget request, a 13.4 percent reduction, and is $105 million below the current fiscal year, including the pending supplement, a 5.5 percent reduction.

Mr. Chairman, those are the general parameters of the bill. I am not going into the details because I do have an amendment. Since the bill was marked up by the subcommittee, we have worked hard to raise the 302 allocations. We have succeeded. Our new allocation has given us the ability to present to the House a bill that both saves the country money by using technology, as technology has made our entire country more efficient, it is working in the legislature, and still enable us to carry on the work of the Congress and its agencies. Consequently, I have asked the Committee on Rules to allow, and the rule does allow, a manager's amendment, which I will offer at the conclusion of debate.

This amendment has been worked out in a bipartisan manner. It reflects guidance from the chairman of the full committee, the gentleman from Florida (Mr. YOUNG), and our leadership; it incorporates several suggestions made by the gentleman from Wisconsin (Mr. OBEY), the ranking member of our full committee; and the ranking member of the subcommittee, the gentleman from Arizona (Mr. PASTOR). We are happy to offer this amendment.

This amendment will avoid unwise and counterproductive layoffs, will maintain capitol security, building maintenance, and research and oversight capabilities at the Congressional Research Service and the General Accounting Office. It will provide the House with the staff, resources, and research capabilities needed to conduct our business. It will provide the necessary security to protect visitors, Members, staff and legislative activities.

There will be no need for layoffs, no need to withhold cost of living or merit increases for those who are eligible or otherwise deserve such salary adjustments. There will be no reductions in force in any of the legislative branch agencies. There will still be an overall estimated decrease of 536 FTEs. However, these staff reductions can be achieved through buyouts and attrition.

Mr. Chairman, I will defer further explanation until the appropriate time.

Mr. Chairman, I reserve the balance of my time.

Mr. PASCRELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I stand in support of the manager's amendment. As my colleagues know, as we came out of the committee, the Committee on Appropriations, there were great concerns over security, maintenance of the buildings, and whether or not the supportive agencies that support this Congress were funded appropriately.

Mr. Chairman, I want to thank the chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR), for working on this bill, the manager's amendment, in a very bipartisan manner. The gentleman from North Carolina has involved me in all the negotiations and working on this manager's amendment, so I want to thank him for the bipartisan workmanship he has provided.

Mr. Chairman, with the additional money that has been found, we have now been able to restore in the Member's account monies that would allow the Members to give cost of living to the staff. It will ensure that the new Members and the transition costs that they will encounter will be met. It also restores money for equipment purchases in the Members' offices. And as far as Members' offices are concerned, it brings the money that is needed for personnel and equipment.

As it deals with the police, it restores all the COLAs, all the additional benefits that are needed and required, and it brings the current staff on board to 1,361. There will be no RIFs. The current class of about 96 trainees will be incorporated, and it will allow an additional class of 48 trainees. So the issue of security is addressed. And I would tell my colleagues that I think that it is restored to the level that we want.

I would like to make a comment on the police. In the past, there has been some concern over management and administration. In this bill, we have language that fences some of this money so that, hopefully, we can get the cooperation of the police board and the new chief as we solve security problems. As we are able to install more security equipment, we need to look at what other policies we can change so that we can maintain the security that is desired, at least two people at the door, but, at the same time, minimize overtime and additional personnel.

We need to work together to ensure that the Capitol and the House buildings are secured, but we need to ensure that policies are implemented that answer the problems of not only more personnel but the working relationship with the police board, the chief, and the appropriate House committees so we can ensure that we are secure but the monies are used effectively.

□ 1115

To CBO we restore funding for 215 full-time employees, and we believe that attrition will cover this and CBO is allowed discretion.

The Architect, his budget avoids RIFs and allows for next year's new

Members' transition and funds the daytime cleaning services, something we were concerned about as this bill left the committee.

CRS, very important to us. They have an accession program in place. This bill, if adopted by the manager's amendment, will restore all the CRS staff. It allows a pay increase and it will allow the accession program to continue.

There are some cuts in the GPO and also the GAO, but we are working with them to ensure that the programs that are in place would allow them to deal with this budget and be successful in providing services to the Congress.

So, Mr. Chairman, we are supportive of the manager's amendment. We would ask our Members to support it in order that this House will continue to provide its services to its constituents.

Mr. KLECZKA. Mr. Chairman, will the gentleman yield?

Mr. PASTOR. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Chairman, first of all, let me thank the chairman of the subcommittee and the ranking member, the gentleman from Arizona (Mr. PASTOR).

Part of the dialogue this morning is on the Capitol Police purchasing American-made motorcycles. We went through this some years back. In fact, they did get the use of a Harley-Davidson to use on the Capitol Grounds.

The upshot was that the officers involved in the trial period really love the new cycle. It would be equipped so they could use it for traffic stops and other type of police functions.

However, before the order actually went through, there was a row with the company and the equipment and the deal, and I think it was for eight cycles at that point, fell through. But I think it is time that we revisit the issue.

For visitors coming to the Nation's Capitol to see our Capitol Police on Kawasakis and Hondas is quite embarrassing, at least to this Member. I think that we do have American-made cycles that will fit the bill and the subcommittee; and the language that is being inserted in the bill will at least have the Chief of the Capitol Police look at it and possibly buy American and have our Capitol Police persons ride on a new, decent, operative motorcycle.

Mr. PASTOR. Mr. Chairman, reclaiming my time, let me engage in a colloquy with the chairman of the subcommittee.

Mr. Chairman, I say to the gentleman from North Carolina (Mr. TAYLOR), last year during the debate on the 2000 Legislative appropriation bill, the Capitol Police were directed to look into the possibility of using American-made motorcycles in their security mission.

Is it not true that they have recently advised us of the current status of this directive?

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. PASTOR. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I say to the gentleman, yes, and I have a letter from Chief Varey of the Chief of the Capitol Police received today. I include a copy of the letter for the RECORD:

U.S. CAPITOL POLICE,
OFFICE OF THE CHIEF,
Washington, DC, June 21, 2000.
Hon. CHARLES H. TAYLOR,
Chairman, Subcommittee on Legislative Branch Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you may recall, the Conference Report for the Capitol Police Fiscal Year 2000 General Expenses appropriations contained the following language:

"With respect to vehicles, the conferees recognize the need of the Capitol Police to upgrade and possibly expand their existing fleet of motorcycles to help fulfill their security mission, and provide $103,000 for that purpose from existing funds."

In response to this provision, the Department has surveyed the product lines of sixty motorcycle dealers and manufacturers who reportedly manufacture motorcycles in the United States which meet the specific needs of the Department's smaller sized motorcycles. As a result of this survey, only two United States manufacturers—Harley-Davidson and Buell—offer motorcycles which satisfy the Department's criteria in terms of engine size, body weight, and DOT street certification.

Following this survey, on May 12, the Capitol Police met with representatives from Harley-Davidson to discuss the Department's need to upgrade and expand its motorcycle fleet. As a result of this meeting, Harley-Davidson has agreed to provide the Department with two, smaller displacement models for testing and evaluation—the Harley-Davidson Sportster 883 and the Buell Blast 492. Arrangements are currently underway to deliver these motorcycles to the Department for its assessment.

Additionally, the Department has identified the need to upgrade its current fleet of the larger Harley-Davidson FLHTPI Electra Glide—a 1450 cc model utilized by the Department for special events, traffic enforcement and motorcades. It is the Department's intent to purchase six new Electra Glides while trading-in its three, older model Electra Glides to reduce the procurement costs of the new motorcycles and to avoid incurring unnecessary parts and maintenance expenses.

I look forward to discussing this matter with you or your staff, should you so desire, and I will be pleased to forward the results of the product test and evaluation exercise for your review and information.

Sincerely,

JAMES J. VAREY,
Chief of Police.

The Chief says that they have identified two United States manufacturers, Harley Davidson and Buell, who have motorcycles that satisfy the Department's criteria.

The Capitol Police have made arrangements to test these vehicles, and they will report the results to our committee for our review.

Mr. PASTOR. Mr. Chairman, reclaiming my time, I thank the chairman for his comments.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I first want to congratulate the chairman of the subcommittee and ranking member of the subcommittee for having produced a bill under difficult, severe limitations and to compliment them on the manager's amendment that will be offered to solve some of the problems that were created by the first bill.

I rise at this time since the distinguished ranking member has raised the issue of the Capitol Police. We should be very proud of all of our Capitol Police officers. They are very well-trained. They are certainly dedicated to their mission here in the Capitol.

But one of the concerns that I have and the Congress has had is the fact that we could bring our Capitol Police force into a more modern age. There is technology available that would make them far more effective than they are today. Congress has provided additional funding to do this. But the previous management of the Capitol Police force, for some reason, just decided not to go ahead and move into the state-of-the-art technology.

I think that is a mistake. Just adding more people does not necessarily get the job done if we do not provide the technology that they need to do their job.

To give my colleagues an example of what I am talking about, with this bill that we will pass today, there will be 1,241 members of the Capitol Police force. This is a substantial number, but they do have a substantial obligation and responsibility.

But compare that to some other cities in the United States. Nashville Davidson, with a population of 510,000 people, has only 38 more sworn police officers than our Capitol Police force. Portland, Oregon, with 503,000 people, only has 962 sworn police officers, compared to our 1,241. Ft. Worth, Texas, with a population of 491,000, has less sworn officers than the Capitol Police force. In my area in Florida, the City of Tampa, which is an extremely large city, has only 916 sworn police officers.

These cities tend to get the job done, but most of them have taken advantage of the new technology that we have been trying to get the management of our Capitol Police to employ. And they have not done that yet.

The amendment that the managers will offer today will help improve the funding available for our Capitol Police force, and I think that is good. I am a very strong advocate and supporter of that manager's amendment. But I must say that I think, once again, we should be reminding those who administer and manage our Capitol Police force, not the police officers themselves but those in supervisory positions, ought to take advantage of the funding that we have made available for new technology that makes the job easier for those who wear the uniform and guard this Capitol of ours.

Mr. PASTOR. Mr. Chairman, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY) the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, let me congratulate the chairman of the subcommittee for working through this compromise. This bill is far preferable to the original bill that was brought to the House. It meets our duty to provide for adequate police protection on the Capitol Grounds.

There are still some problems with it because it does not allow the hiring of as many Capitol Police as the Department feels necessary. But it is certainly preferable to the original bill.

I would say that there are also some other problems which need to be corrected between now and final passage of this bill. The General Accounting Office will have to impose an immediate freeze and reduce their employment level by 160 people. That is not a good idea because they are supposed to be our watchdog on financial and management affairs, and we are crippling the very agency that is charged with the responsibility to help us save taxpayers' money.

The Congressional Research Service accession plan is not funded, and I think that is a serious mistake. There are a number of other shortcomings with the funding level in the Copyright Office and some other areas.

I would be willing to support this bill if it stays in the condition that it is right now, but I will not support it if damaging amendments are attached, such as the lockbox amendment, because people need to understand how it works.

It sounds enticing to say we are going to have a lockbox and every time you cut money on the floor on an amendment that is going to go in a lockbox and is not going to be used. But under our rules, if you are considering a HUD appropriation bill and you want to cut an item in HUD so that you can put the money into another item in a different appropriation bill, such as education or defense, right now we can do that under our rules. We can cut the money on the floor and then, in conference, that money can wind up somewhere else, either in the same bill or in a different appropriation bill, or it may not be spent at all.

But under the lockbox provision, you could not cut money in one bill and expect to try to use it in another. You would be precluded from doing that. That would make our problem in getting conference reports out in a timely fashion immeasurably more difficult and I think it would increase the likelihood that we never finish our budget work. It would increase the likelihood of more controversy and even, God forbid, Government shutdown.

So I would urge Members to recognize that sometimes what is underneath the surface is not as pretty as what it would appear to be on the surface.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, ofttimes people are relatively insensitive to the specifics of such a proposal as it might apply to legislative branch, which is this bill.

Should we pass this amendment that is being proposed today, what that does to us as we go to conference with the other body on just the legislative branch proposal puts the House at a considerable disadvantage. There are any number of issues that underlie that that we ought to be thinking about. And this is not a partisan consideration. It affects the House of Representatives. And that should be paramount in our minds.

Mr. OBEY. Mr. Chairman, I thank the gentleman for his comments.

The other problem with it is that we are assigned a specific number under the budget act, and let us say one subcommittee is given a $3 billion allocation, and just because this House takes an action to temporarily cut that bill by $50 million does not mean that the Senate is going to follow suit.

If the Senate has another higher level for that same bill, then when we go into conference we will have lost $50 million that the House wants to apply to its priorities and that will make the gap between us and the Senate much larger. And I do not think we want to do that after the experiences we have had the last 2 years in trying to get appropriation bills passed in a speedy fashion.

So this amendment has nothing whatsoever to do with party. It has nothing whatsoever to do with ideology. It has everything to do with how much you understand the details of how the budgeting process works. Because if you understand that and if you have ever had to manage a bill on either the majority or the minority side of the aisle, you will understand this is not a workable process.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I want to identify myself with the comments that I have heard this morning from both sides of the aisle relative to this bill.

When we wrote this bill at the subcommittee, where I serve with the distinguished chairman and the ranking member and some very thoughtful Members, I spoke with great reservations about the allocations that we had with respect to this bill.

The balancing act that we have is that the American people expect us to do our job to the fullest extent. And without the resources of Congressional Research Service, without the Capitol Hill Police to adequately protect all of the grounds and the people and the millions of visitors that come through here every year, we cannot adequately do our job. And so, that is the balancing act. Yet, we must lead by example on tightening our belts as tight and as slim as we can without crossing the line of inefficiency.

Sometimes we cannot afford not to invest in these resources. And that is where we find ourselves. So this manager's amendment restores the necessary money for us to feel like we are doing our job effectively and efficiently, which is what the people demand.

☐ 1130

I want to applaud our leadership for finding the extra money, working in a bipartisan way, staying cool, working together, because, as the gentleman from Wisconsin (Mr. OBEY) said, at this point my reservations have diminished and we can support this bill collectively in a bipartisan manner knowing that we are doing what is right, because these are critical needs. Our Capitol Hill Police deserve our appreciation. They deserve to be called by their first name. They deserve to be recognized on a daily basis for laying their life down. They stand between any threat to not only us but all the people in this great place. It is important that we appreciate them. It is important that we fund them adequately.

The folks at the Library of Congress deserve our support. Encourage them to be more efficient but support these critical missions of the legislative branch through this bill. I hope in a bipartisan way the whole House will now come together and rally around this bill and support it enthusiastically because I think it strikes a careful balance between efficiency and funding the essential services that the American people expect to see and to benefit from through the United States Congress.

Mr. PASTOR. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the distinguished ranking member for yielding me this time, and I congratulate him on the job that he has done.

During committee markup of this bill, the subcommittee chairman urged the members to support it despite in my opinion, which the gentleman from Tennessee (Mr. WAMP) has also reflected, its substantial flaws, saying at that point in time we were in the second round of a 10-round fight. In my opinion, the committee got knocked out in the third round. Having struggled to its feet, the committee now offers a somewhat better bill if the manager's amendment is adopted. But, in my opinion, this bill is still not a winner. We should knock it out again and demand even better for the people we serve.

As members recall, the committee bill was so underfunded that it drew widespread, justified criticism. It would have cut over 1,700 employees from an already pared down legislative branch. It would have denied COLAs to the employees who remained. It would have dramatically impaired our ability to function, and not because the legislative branch is overfunded. It is not overfunded. This subcommittee has in the past under Democrats and Republicans been quite frugal. The committee's report admits that the cuts were, and I quote, "not necessarily reductions the committee would have made if not constrained by the budget resolution." This is the immaculate-conception argument that has been used repeatedly with respect to our appropriation bills. Translation: these cuts were required to finance the GOP's election-year tax cuts.

The most egregious cut in the committee bill, of course, has been discussed. It would have cut 438 Capitol Police officers from the rolls, 338 by a reduction in force. Let me say something with respect to the gentleman from Florida's (Mr. YOUNG) observations. I do not have figures yet as to uniformed personnel, but our Committee on House Administration of which I have the privilege of being the ranking member, has authorized 1,511 personnel for the Capitol Police. Why? Because unlike the cities that the gentleman from Florida mentioned, we have millions, yes, millions of visitors to this Capitol complex every year, our constituents from all over the country.

The bill as it was originally presented by the committee would pare security back below where it was 23 months ago, before our review generated by the deaths of Officer Chestnut and Detective Gibson. The committee refused the Police Board's request for 100 new officers that the two postshooting reviews urged are needed to make the Capitol safe for visitors, staff and Members. Today's somewhat better bill, if the manager's amendment is adopted, funds 1,354 officers on the rolls, about 160 less than are authorized; it fills at least some of the 100 or more vacancies expected next year; and funds a class of recruits that just started training. But in my view, Mr. Chairman, it fails to provide adequate security for thousands who work in or visit the complex, including the police, themselves, on a daily basis.

Police funding is not the only problem with this bill. The committee bill would have slashed spending for the General Accounting Office, which helps us find waste, fraud and abuse in Federal spending, so deeply as to cut 707 staff. The manager's amendment somewhat solves that problem, and I congratulate the ranking member and the chairman for supporting it. But the somewhat better bill still cuts GAO by $8.7 million below this year and 230 FTEs. So it is not like we are making anybody whole here. In 1999, GAO recommendations yielded savings of $57 for every $1 we spent on the GAO. That is a good return, 57 to 1. I believe our taxpayers would think if we saved $57 by spending $1, we are ahead of the game.

The committee bill also took, in my opinion, a meat-axe to the Government Printing Office, lopping over 25 percent of its funding and 400 staff. The Senate bill increases GPO spending, only by four-tenths of a point, but increased it. The committee bill would have effectively ended the depository library program used by thousands and thousands of Americans weekly in most of our districts, eliminated entire classes of congressional printing and even printing for next January's inauguration which we know is coming.

The improved bill still cuts GPO by 7.4 percent and 176 FTEs, including RIFs for 13 people who compile the CONGRESSIONAL RECORD Index. It restores most cuts to the depository program, I am referring to the manager's amendment, but still cuts printed publications, the kind most library customers actually want to read, going into libraries by 15,000. It restores the inaugural printing, but leaves Members without publications like "Our Flag." It may sound silly, but every school child in America loves that publication and learns more about the flag. It cuts "How Our Laws Are Made" and delays reprinting of the only official version of the U.S. Code.

The committee bill would have cut 156 staff from the Architect's office, many of them custodians and laborers who perform the basic maintenance of the Capitol. The somewhat better bill does fund the Architect staff but rejects his request for 13 FTEs to work on life safety matters, including fire safety which should be a priority for this institution.

Overall, the bill still cuts 368 FTEs legislative-branch wide, after we have under the leadership of the gentleman from North Carolina and his predecessors made substantial cuts every year over the last 5 years and indeed, as Mr. Lombard knows, even before that under Democratic control.

Mr. Chairman, I regrettably cannot support this bill even with the manager's amendment. It shortchanges Capitol security and life safety programs, depository-library patrons, oversight of Federal spending and other functions to pay for election-year tax cuts. For most accounts, the Senate figures are where we should be after conference.

Mr. PASTOR. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. MURTHA), the ranking member of the Subcommittee on Defense.

Mr. MURTHA. Mr. Chairman, if I read the lock box amendment right, I have a great concern about what they are trying to do. Much of the legislation we have passed initially is for negotiation purposes. We normally take projects out. We have taken as many as four destroyers out and over $1 billion normally in the subcommittee. But there are times when amendments have been offered on the floor and we have lost as much as $1 billion on the floor, but we go to the Senate and then we renegotiate the amount of money we have. As I understand the amendment, we would lose that money and we would lose the flexibility to negotiate with the Senate, or the other body; and they would have the same problem over there.

So this really, I think, could be detrimental to good government rather than help government. It certainly would not help us because in the end we would be determining on the floor, we would be reducing the amount of money when really all people want to reduce is one particular system which later on may want to be increased again. This really worries me.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Maryland.

Mr. HOYER. I did not have the opportunity because of time constraints to mention this amendment, but I agree wholeheartedly with the gentleman from Pennsylvania, one of the senior members of the Committee on Appropriations, and with the gentleman from Wisconsin (Mr. OBEY), who have correctly pointed out the deficiencies of this lock-box amendment. I hope the chairman of our committee also believes that this would be harmful to our decision-making process and our flexibility, and would undermine our ability to make judgments on priorities as we proceed through the process, which is of course the point the gentleman from Pennsylvania made.

This amendment, of course, did not come out of the subcommittee, did not come out of the full committee, but was made in order by the Committee on Rules. The gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense, correctly observed the harmful effects that this would have on the entire House in a bipartisan way. I join with the gentleman from Pennsylvania in urging our colleagues to reject this amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. In response to the comments of the gentleman from Maryland (Mr. HOYER), I would refer all of the Members of the House to the adverse report that the Committee on Appropriations did report on H.R. 853, which would have created this lock box. It is a very good description of why it is not workable.

Mr. MURTHA. I appreciate both gentlemen's comments. I would hope the House would be very careful in not adopting something that could be very detrimental to our flexibility in the long run, hurt our national security and I am sure have the same impact on any other bill that we take before the Congress.

Mr. PASTOR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in allowing me to speak this morning.

Mr. Chairman, I think the task that the subcommittee has labored over is often mischaracterized, it is misconstrued and it is thankless, I think, for the public and for oftentimes Members of this assembly. But it is key what they do to enable us to do our job as Members, to represent our constituents; and there are critical elements in this budget that enable us to protect and serve the public, their physical safety when they are here in Washington, D.C., and to provide information.

One particular item of focus for me deals with the adequate funding for the Congressional Research Service. I would like to thank the subcommittee for restoring the additional $7.5 million. Before funding was increased, CRS was slated to have had to fire over 110 individuals, drastically reducing their ability to provide valuable research and assistance. And although I am pleased that the funding was increased, I am disappointed to see that the funding has not yet met the requested level and that without this additional money, it is going to be difficult or impossible for CRS to continue to provide for its carefully crafted multiyear CRS succession initiative.

I think it was very thoughtful on the part of the Congressional Research Service to try and deal with a potential catastrophe with 50 percent of their staff nearing eligibility for retirement or already eligible. The notion of being able to do some thoughtful overhire, bringing in some junior members to get the expertise, to be able to meet the needs of Congress in providing nonpartisan, thoughtful, analytic benefit to help us do our job is smart.

I appreciate the fact that last year they were forced into sort of a Hobson's choice. There was a difficult additional cut that was laid upon them, and in their wisdom they elected to suspend this process. I do not think they should have been put in that box, I think that that was a false economy; but I think that that does not release us from the obligation as a Chamber to be able to provide those resources for them.

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Mr. Chairman, I think it is important for us to be able to continue to provide adequate research ability for the entire Congress to have this multidisciplinary expertise across all policy issues; that is an unusually broad range of expertise within this single institution, and it is given in a highly personal way. I think we have all been well served by the dedicated men and women who provide it.

I do hope that this budget continues to be a work in progress, and I hope that we will make progress in terms of adequately providing for this succession for CRS.

Mr. PASTOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would ask my colleagues to support the manager's amendment, if that is adopted, and the Ryan amendment defeated, that we support this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as indicated before, we have nine steps in appropriating money, and three of them in the House, three in the Senate, then we go to conference, then we come back to the House and the Senate, and the President then signs the bill.

It is a long process, and we try to improve the legislation as we move along. We think that the manager's amendment will be positive in this area.

Ms. SANCHEZ. Mr. Chairman, I rise today on the subject of funding for the Capitol Police.

This Congress should take every opportunity possible to salute the police officers of this nation, as I do for those who serve my Congressional District in Orange County.

Our nation loses an officer almost every other day; we've lost three Capitol officers in the line of duty. And that doesn't include the ones who may be assaulted or injured.

The calling to serve in law enforcement comes with bravery and sacrifice.

The thin blue line protecting our homes, our families, and our communities—and the foremost symbol of American freedom and democracy—pays a price, and so do the loved ones they leave behind when tragedy strikes.

They shouldn't have to do this dangerous job with inadequate resources.

We have a responsibility to see that law enforcement—particularly those who guard the Capitol—have the resources they need.

I want to recognize my colleagues for their support of necessary funding for the U.S. Capitol Police force.

Mr. CONYERS. Mr. Chairman, this bill's treatment of the Copyright Office is just another example of voodoo economics. Time and time again, the majority signals that it just does not care about the creative community. The majority continually tries to shut down the National Endowment for the Arts in its quest to eradicate free expression, and now this. The majority is taking five million dollars from the Copyright Office—and for no good reason other than perhaps to eliminate the copyright protection for that free expression.

In the Information Age, copyrights have become the most important protections that creators can have for their work. In fact, piracy on the Internet is the number one fear that artists have, and the Copyright Office is the best shield against those pirates.

Unfortunately, while recent congressional mandates—such as the Digital Millennium Copyright Act and the Satellite Home Viewer Improvement Act—have imposed dramatic new responsibilities on the Copyright Office in the form of new studies and reports, the majority failed to provide additional funds so it could carry out those duties without somehow interfering with its responsibilities to copyright holders. Clearly, this is an impossible task for any agency. This bill just adds fuel to the fire.

By cutting its funding, the Majority expects the Copyright Office to make up the difference by keeping more of the royalties it collects. That's just passing the buck. Those royalties are for the people who create the music, movies, books, and art that drive our culture—not for government salaries. And this is in the midst of a $200 billion budget surplus.

I urge my colleagues to vote against this bill.

Mr. BERMAN. Mr. Chairman, I rise today to express my concerns about the serious, negative consequences that H.R. 4616 will have on the operations of the U.S. Copyright Office. While it appears we will not have the opportunity to resolve these concerns before the House votes on H.R. 4616, I ask the bill's sponsors to address these concerns during conference.

H.R. 4616 cuts the Copyright Office's total net appropriations by 38 percent, or over $5 million. As I stated, the consequences of these budgetary cuts are serious: the Copyright Office may be forced to fire as many as 130 people, and certainly will not be able to perform a variety of critical functions.

Though not a high-profile agency, the Copyright Office provides a variety of very important, useful services to this Congress and the American people. The Copyright Office provides legal and policy advice to the Congress on copyright issues, advice on which the Congress relies on an almost daily basis. The Copyright Office advises foreign governments on the development of copyright laws, and plays an integral role in inter-agency deliberations over intellectual property trade matters. It undertakes studies and rule-makings at the direction of Congress, and is currently engaged in a variety of important studies mandated by the Digital Millennium Copyright Act. In fiscal year 1999 alone, the Copyright Office registered over one-half million copyrighted works. It administers the collection and distribution of royalties under compulsory licenses, and in doing so processes filings from tens of thousands of cable operators, satellite carriers, and equipment manufacturers. It conducts Copyright Arbitration Royalty Panels, or CARPs, to settle disputes over copyright royalties. Perhaps most importantly, the Copyright Office plays a key role in ensuring that our Library of Congress contains the most comprehensive collection of creative works in the world.

As I indicated, the $5 million cut in its $12 million net appropriation will cause a reduction in force of 130 Copyright Office employees. To put it another way, this reduction works out to cutting 27 percent of the entire Copyright Office staff. Such a drastic cut in personnel will render the Copyright Office unable to perform many of the critical functions I have discussed. I don't even know how they will begin to decide which congressional mandates to ignore, or whose requests for policy support it will not honor.

It seems to me "penny-wise but pound foolish" to save $5 million by drastically reducing the services rendered by the Copyright Office. In fact, pound for pound, the Copyright Office is easily one of the most efficient and effective agencies in the entire federal government. Simply put, it does a terrific and important job with already limited resources, and there is not a pound of fat to cut.

I recognize that the intent of these cuts was not to gut the operations of the Copyright Office. In fact, H.R. 4616 attempts to enable the Copyright Office to cope with this serious budgetary shortfall in the out years by suggesting that it raise fees to cover the shortfall. Unfortunately, the Copyright Office cannot, either as a legal or practical matter, raise its fees to cover the shortfall.

Effective July 1, 1999, the Copyright Office implemented a 3-year schedule of fees that raised fees for a variety of services from 50 percent to 220 percent. As a practical matter, the Copyright Office cannot turn around and raise its fees yet again: a comprehensive economic analysis undertaken pursuant to the recent fee increases indicated that higher fee increases would not be paid by the public, and thus would result in a decrease in fee revenue. I must remind my colleagues that, due to treaty obligations, we have a voluntary system of registering and recording copyrights.

Thus, fees can only be increased so high before copyright holders simply stop registering and paying. The economic analysis undertaken by the Copyright Office indicates that the recently implemented fee increases reach that maximum level of acceptance.

As a legal matter, the Copyright Office cannot simply raise its fees yet again. The Copyright Act mandates a procedure that the Copyright Office must follow in setting new fees, and this process takes approximately two years to implement. Thus, while H.R. 4516 assumes that the Copyright Office will make up for a fiscal year 2001 budget shortfall by raising fees, the Copyright Office would not legally be able to raise fees until fiscal year 2002.

In closing, I urge that the $5 million cut in the Copyright Office budget be restored, if not now then during conference consideration of H.R. 4516. It seems a small expense to provide such important services.

Mr. BILBRAY. Mr. Chairman, first let me thank the gentleman from North Carolina, Mr. TAYLOR, for his hard work in preparing this bill and bringing it to the floor today. I certainly appreciate all the effort that has gone into making this look easy.

I wanted to talk briefly about one very important element of this bill, and that is the power plant which makes the Capitol run, and which will ultimately power and cool our new visitors center. What is also of interest to me is the fact this is the last power plant in Washington, D.C. which is fueled partially by burning coal. There used to be others—the GSA had two coal-burning plants, and Pepco also used to burn coal to generate energy. As a result of a need to meet Clean Air requirements in the District (which is in non-attainment for ozone), particularly on emissions of NO_X, which is an ozone precursor, those plants now rely on natural gas or distillate oil to generate energy.

In addition to knocking down NO_X emissions, natural gas also has benefit of reducing emissions of sulfur dioxides and PM, both of which are generated from burning coal or fuel oil.

For these reasons, I was pleased to learn that of the seven boilers that fire the Capital plant, five of them have already been converted to run on natural gas and/or fuel oil. It is my understanding that this conversion has already resulted in greatly reduced emissions, to the benefit of all those who live and work in this area.

In addition to the obvious public health benefit, I think it is important that we here in Congress lead by example, as we have in the conversion of these boilers. As we debate proposals and pass laws which lead to stringent air quality controls on the private sector, it is critical that we demonstrate that we are serious about this, and are willing to take the same kind of steps here in our own backyard.

For these reasons, I was pleased to read in the Capitol Hill Master Plan that as part of the expansion of the West Refrigeration Plant, "the historical reduction in reliance on coal will be continued, resulting in the complete phase-out of use by the year 2003. The boiler system will be converted to run on natural gas and fuel oil."

This is a continuation of the positive steps which have been taken to both modernize our power facilities, and reduce harmful emissions in the process. Now, I am aware that there has been an interest expressed by several Members and Senators in retaining a coal element of this plant, and that various options which entail "cleaner-burning coal are now under evaluation. I would anticipate that once the review of these options are completed, the original phase-out proposal will be recognized as the most practical, both from cost and air quality standpoint.

I had originally considered offering an amendment to ensure that the phase out and conversion timetable over to the cleaner fuels remained on track. While I will not be doing so today, I will remain interested in monitoring the developments surrounding the expansion of the Capital plant, and the ongoing conversion to natural gas and cleaner fuels. We have an obligation to lead by example, on air quality as on so many other issues, and so I look forward to working with the Chairman and my colleagues in the future to see to it that this comes to pass. I submit a copy of my amendment to be placed in the RECORD.

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . No funds appropriated in this Act may be used to develop or implement any plan for fuel use at the Capitol Plant other than the fuel use plan set forth in the Capitol Plant Master Plan prepared by the Architect of the Capitol, dated May 11, 2000.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 4516 is as follows:

H.R. 4516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

Salaries and Expenses

For salaries and expenses of the House of Representatives, $749,210,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $13,998,000, including: Office of the Speaker, $1,711,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,677,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,039,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,427,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,065,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $399,000; Republican Steering Committee, $744,000; Republican Conference, $1,220,000; Democratic Steering and Policy Committee, $1,315,000; Democratic Caucus, $649,000; nine minority employees, $1,196,000; training and program development—majority $278,000; and training and program development—minority, $278,000.

Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $400,527,000.

Committee Employees

Standing Committees, Special and Select

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $89,896,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2002.

Committee on Appropriations

For salaries and expenses of the Committee on Appropriations, $20,231,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative

Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2002.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $86,369,000, including: for salaries and expenses of the Office of the Clerk, including not more than $3,500, of which not more than $2,500 is for the Family Room, for official representation and reception expenses, $14,286,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $750 for official representation and reception expenses, $3,596,000; for salaries and expenses of the Office of the Chief Administrative Officer, $54,997,000, of which $1,054,000 shall remain available until expended, including $24,912,000 for salaries, expenses and temporary personal services of House Information Resources, of which $24,327,000 is provided herein: *Provided*, That of the amount provided for House Information Resources, $5,760,000 shall be for net expenses of telecommunications: *Provided further*, That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,197,000; for salaries and expenses of the Office of General Counsel, $806,000; for the Office of the Chaplain, $140,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,172,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,045,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $5,085,000; for salaries and expenses of the Corrections Calendar Office, $832,000; and for other authorized employees, $213,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $138,189,000, including: supplies, materials, administrative costs and Federal tort claims, $1,960,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $135,426,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $393,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. During fiscal year 2001 and any succeeding fiscal year, the Chief Administrative Officer of the House of Representatives may—

(1) enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multi-year contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

SEC. 102. (a) PERMITTING NEW HOUSE EMPLOYEES TO BE PLACED ABOVE MINIMUM STEP OF COMPENSATION LEVEL.—The House Employees Position Classification Act (2 U.S.C. 291 et seq.) is amended by striking section 10 (2 U.S.C. 299).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to employees appointed on or after October 1, 2000.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,072,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $6,174,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,159,904 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,835,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $70,120,000, of which $33,586,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $36,534,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $6,549,000, to be disbursed by the Capitol Police Board or their delegee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2001 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 103. Amounts appropriated for fiscal year 2001 for the Capitol Police Board for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading "SALARIES";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading "SALARIES"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 104. (a) APPOINTMENT OF CERTIFYING OFFICERS OF THE CAPITOL POLICE.—The Chief Administrative Officer of the U.S. Capitol Police, or when there is not a Chief Administrative Officer the Capitol Police Board, shall appoint certifying officers to certify all vouchers for payment from funds made available to the United States Capitol Police.

(b) RESPONSIBILITY AND ACCOUNTABILITY OF CERTIFYING OFFICERS.—

(1) IN GENERAL.—Each officer or employee of the Capitol Police who has been duly authorized in writing by the Chief Administrative Officer, or the Capitol Police Board if there is not a Chief Administrative Officer, to certify vouchers pursuant to subsection (a) shall—

(A) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved;

(B) be held responsible and accountable for the correctness of the computations of certified vouchers; and

(C) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by such officer or employee, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

(2) RELIEF BY COMPTROLLER GENERAL.—The Comptroller General may, at the Comptroller General's discretion, relieve such certifying officer or employee of liability for any payment otherwise proper if the Comptroller General finds—

(A) that the certification was based on official records and that the certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts; or

(B) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment.

(c) ENFORCEMENT OF LIABILITY.—The liability of the certifying officers of the United States Capitol Police shall be enforced in the same manner and to the same extent as currently provided with respect to the enforcement of the liability of disbursing and other accountable officers, and such officers shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification.

SEC. 105. CHIEF ADMINISTRATIVE OFFICER.—(a) There shall be within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer:

(1) The Chief Administrative Officer shall be appointed by the Comptroller General after consultation with the Capitol Police Board, and shall report to and serve at the pleasure of the Comptroller General.

(2) The Comptroller General shall appoint as Chief Administrative Officer an individual with the knowledge and skills necessary to carry out the responsibilities for budgeting, financial management, information technology, and human resource management described in this section.

(3) The Chief Administrative Officer shall receive basic pay at a rate determined by the Comptroller General, but not to exceed the annual rate of basic pay payable for ES–2 of the Senior Executive Service Basic Rates Schedule established for members of the Senior Executive Service of the General Accounting Office under section 733 of title 31.

(4) The Capitol Police shall reimburse from available appropriations any costs incurred by the General Accounting Office under this section.

(b) The Chief Administrative Officer shall have the following areas of responsibility:

(1) BUDGETING.—The Chief Administrative Officer shall—

(A) after consulting with the Chief of Police on the portion of the budget covering uniformed police force personnel, prepare and submit to the Capitol Police Board an annual budget for the Capitol Police;

(B) execute the budget and monitor through periodic examinations the execution of the Capitol Police budget in relation to actual obligations and expenditures.

(2) FINANCIAL MANAGEMENT.—The Chief Administrative Officer shall—

(A) oversee all financial management activities relating to the programs and operations of the Capitol Police;

(B) develop and maintain an integrated accounting and financial system for the Capitol Police, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) complies with any other requirements applicable to such systems;

(iii) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Capitol Police;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(C) direct, manage, and provide policy guidance and oversight of Capitol Police financial management personnel, activities, and operations, including—

(i) the recruitment, selection, and training of personnel to carry out Capitol Police financial management functions; and

(ii) the implementation of Capitol Police asset management systems, including systems for cash management, debt collection, and property and inventory management and control; and

(D) the Chief Administrative Officer shall prepare annual financial statements for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.

(3) INFORMATION TECHNOLOGY.—The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee the acquisition, use, and management of information technology by the Capitol Police;

(B) promote and oversee the use of information technology to improve the efficiency and effectiveness of programs of the Capitol Police; and

(C) establish and enforce information technology principles, guidelines, and objectives, including developing and maintaining an information technology architecture for the Capitol Police.

(4) HUMAN RESOURCES.—The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee human resource management activities of the Capitol Police, except that with respect to uniformed police force personnel, the Chief Administrative Officer shall perform these activities in cooperation with the Chief of the Capitol Police;

(B) develop and monitor payroll and time and attendance systems and employee services; and

(C) develop and monitor processes for recruiting, selecting, appraising, and promoting employees.

(c) Administrative provisions with respect to the Office of Administration:

(1) The Chief Administrative Officer is authorized to select, appoint, employ, and discharge such officers and employees as may be necessary to carry out the functions, powers, and duties of the Office of Administration but he shall not have the authority to hire or discharge uniformed police force personnel.

(2) The Chief Administrative Officer may utilize resources of another agency on a reimbursable basis to be paid from available appropriations of the Capitol Police.

(d) No later than 180 days after appointment, the Chief Administrative Officer shall prepare, after consultation with the Capitol Police Board and the Chief of the Capitol Police, a plan—

(1) describing the policies, procedures, and actions the Chief Administrative Officer will take in carrying out the responsibilities assigned under this section;

(2) identifying and defining responsibilities and roles of all offices, bureaus, and divisions of the Capitol Police for budgeting, financial management, information technology, and human resources management; and

(3) detailing mechanisms for ensuring that the offices, bureaus, and divisions perform their responsibilities and roles in a coordinated and integrated manner.

(e) No later than September 30, 2001, the Chief Administrative Officer shall prepare, after consultation with the Capitol Police Board and the Chief of the Capitol Police, a report on the Chief Administrative Officer's progress in implementing the plan described in subsection (d) and recommendations to improve the budgeting, financial, information technology, and human resources management of the Capitol Police, including organizational, accounting and administrative control, and personnel changes.

(f) The Chief Administrative Officer shall submit the plan required in subsection (d) and the report required in subsection (e) to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(g) As of October 1, 2002, unless otherwise determined by the Comptroller General, the Chief Administrative Officer established by section (a) will cease to be an employee of the General Accounting Office and will become an employee of the Capitol Police, and the Capitol Police Board shall assume all responsibilities of the Comptroller General under this section.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $2,201,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 43 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Sixth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations Acts as required by law, $29,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $1,816,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $25,100,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

Capitol Buildings and Grounds

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $41,953,000, of which $4,280,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $4,557,000, of which $25,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $29,685,000, of which $123,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $38,555,000, of which $200,000 shall remain available until expended: *Provided*, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2001.

LIBRARY OF CONGRESS

Congressional Research Service

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $66,200,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

GOVERNMENT PRINTING OFFICE

Congressional Printing and Binding

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding of Government publications authorized by law to be distributed to Members of Congress, $65,457,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Senators, Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

Administrative Provision

Sec. 106. (a) Congressional Printing and Binding Through Clerk of House and Secretary of Senate.—

(1) In general.—Notwithstanding any provision of title 44, United States Code, or any other law, there are authorized to be appropriated to the Clerk of the House of Representatives and the Secretary of the Senate such sums as may be necessary for congressional printing and binding services.

(2) Preparation of estimates.—Estimated expenditures and proposed appropriations for congressional printing and binding services shall be prepared and submitted by the Clerk of the House of Representatives and the Secretary of the Senate in accordance with title 31, United States Code, in the same manner as estimates and requests are prepared for other legislative branch services under such title, except that such requests shall be based upon the results of the study conducted under subsection (b) (with respect to any fiscal year covered by such study).

(3) Effective date.—This subsection shall apply with respect to fiscal year 2003 and each succeeding fiscal year.

(b) Study.—

(1) In general.—During fiscal year 2001, the Clerk of the House of Representatives and the Secretary of the Senate shall conduct a comprehensive study of the needs of the House and Senate for congressional printing and binding services during fiscal year 2003 and succeeding fiscal years (including transitional issues during fiscal year 2002), and shall include in the study an analysis of the most cost-effective program or programs for providing printed or other media-based publications for House and Senate uses.

(2) Submission to committees.—The Clerk and the Secretary shall submit the study conducted under paragraph (1) to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, who shall review the study and prepare such regulations or other materials (including proposals for legislation) as each considers appropriate to enable the Clerk and the Secretary to carry out congressional printing and binding services in accordance with this section.

(c) Definition.—In this section, the term "congressional printing and binding services" means the following services:

(1) Authorized printing and binding for the Congress and the distribution of congressional information in any format.

(2) Printing and binding for the Architect of the Capitol.

(3) Preparing the semimonthly and session index to the Congressional Record.

(4) Printing and binding of Government publications authorized by law to be distributed to Members of Congress.

(5) Printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient.

This title may be cited as the "Congressional Operations Appropriations Act, 2001".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,216,000.

LIBRARY OF CONGRESS

Salaries and Expenses

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $269,864,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2001, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2001 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: *Provided further*, That of the total amount appropriated, $10,459,575 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, $2,506,000 is to remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): *Provided further*, That of the total amount appropriated, $5,957,800 is to remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula, which amount shall be transferred to the educational consortium formed to conduct the "Joining Hands Across America: Local Community Initiative" project as approved by the Library: *Provided further*, That of the total amount appropriated, $404,000 is to remain available until expended for a collaborative digitization and telecommunications project with the United States Military Academy and any remaining balance is available for other Library purposes.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $38,771,000, of which not more than $26,000,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2001 under 17 U.S.C. 708(d): *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under 17 U.S.C. 708(d), in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,783,000 shall be derived from collections during fiscal year 2001 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $31,783,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $48,507,000, of which $14,135,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, $5,394,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $199,630, of which $59,300 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2001, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $92,845,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. Section 1 of an Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes, approved December 15, 1997 (2 U.S.C. 141 note) is amended by adding at the end the following new subsection:

"(c) TRANSFER PAYMENT BY ARCHITECT.—Notwithstanding the limitation on reimbursement or transfer of funds under subsection (a) of this section, the Architect of the Capitol may, not later than 90 days after acquisition of the property under this section, transfer funds to the entity from which the property was acquired by the Architect of the Capitol. Such transfers may not exceed a total of $16,500,000.".

SEC. 208. The Librarian of Congress may convert to permanent positions 84 indefinite, time-limited positions in the National Digital Library Program authorized in the Legislative Branch Appropriations Act for Fiscal Year 1996 for the Library of Congress under the heading, "Salaries and Expenses" (Public Law 104–53). Notwithstanding any other provision of law regarding qualifications and methods of appointment of employees of the Library of Congress, the Librarian may fill these permanent positions through the non-competitive conversion of the incumbents in the "indefinite-not-to-exceed" positions to "permanent" positions.

SEC. 209. During fiscal year 2001 and fiscal years thereafter, the Librarian of Congress may transfer among available accounts amounts appropriated to the Library and amounts appropriated to the Architect of the Capitol for the mechanical and structural maintenance, care and operation of Library buildings and grounds, with the approval of the Committees on Appropriations of the Senate and the House of Representatives. Amounts so transferred shall be merged with and be available for the same purpose for the same period as the appropriation or account to which transferred. This transfer authority is in addition to any other transfer authority provided by law. The Librarian shall consult with the Architect of the Capitol before proposing transfers involving amounts appropriated to the Architect.

SEC. 210. The Library of Congress may for such employees as it deems appropriate authorize a payment to employees who voluntarily separate before January 1, 2001, whether by retirement or resignation, which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $15,133,000, of which $5,000,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their on-line access to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $11,606,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $175,000: *Provided further*, That amounts of not more than $2,000,000 from current year appropriations are available for the cost of publications distributed in prior years: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,285 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $10,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $351,529,000: *Provided*, That not more than $1,900,000 of payments received under 31 U.S.C. 782 shall be available for use in fiscal year 2001: *Provided further*, That not more than $1,100,000 of reimbursements received under 31 U.S.C. 9105 shall be available for use in fiscal year 2001: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2001 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $252,000.

SEC. 308. (a) REDUCTION IN NUMBER OF AUTHORIZED POSITIONS FOR CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE.—The number of full-time equivalent officers and members of the United States Capitol Police and the number of full-time equivalent officers and members of the Library of Congress Police authorized for fiscal year 2001 shall be reduced by the number of officers and members who retire, resign, or are otherwise separated from employment with the United States Capitol Police or the Library of Congress Police (as the case may be) during the fiscal year.

(b) WAIVER.—The Committees on Appropriations of the House of Representatives and Senate may waive or modify the application of subsection (a).

SEC. 309. No part of any appropriation contained in this Act under the heading "Architect of the Capitol" or "Botanic Garden" shall be obligated or expended for a construction contract in excess of $100,000, unless such contract includes a provision that requires liquidated damages for contractor caused delay in an amount commensurate with the daily net usable square foot cost of leasing similar space in a first class office building within two miles of the United States Capitol multiplied by the square footage to be constructed under the contract.

SEC. 310. Upon request of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, during fiscal year 2001 the Secretary of Defense shall provide protective services on a non-reimbursable basis to the United States Capitol Police with respect to—

(1) the proceedings and ceremonies conducted for the inauguration of the President-elect and Vice President-elect of the United States; and

(2) the joint session of Congress held to receive a message from the President of the United States on the State of the Union.

This Act may be cited as the "Legislative Branch Appropriations Act, 2001".

The CHAIRMAN. No amendment is in order except those printed in House report 106–685. Each amendment may be offered only in the order printed, may be offered only by a Member designated by the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider Amendment No. 1 printed in the House report 106–685.

AMENDMENT NO. 1 OFFERED BY MR. TAYLOR OF NORTH CAROLINA

Mr. TAYLOR of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TAYLOR of North Carolina:

Page 2, line 5, strike “$749,210,000” and insert “$769,551,000”.

Page 2, line 8, strike “$13,998,000” and insert “$14,378,000”.

Page 2, line 9, strike “$1,711,000” and insert “$1,759,000”.

Page 2, line 10, strike “$1,677,000” and insert “$1,726,000”.

Page 2, line 12, strike “$2,039,000” and insert “$2,096,000”.

Page 2, line 15, strike “$1,427,000” and insert “$1,466,000”.

Page 2, line 18, strike “$1,065,000” and insert “$1,096,000”.

Page 2, line 20, strike “$399,000” and insert “$410,000”.

Page 2, line 21, strike “$744,000” and insert “$765,000”.

Page 2, line 21, strike “$1,220,000” and insert “$1,255,000”.

Page 2, line 22, strike “$1,315,000” and insert “$1,352,000”.

Page 2, line 23, strike “$649,000” and insert “$668,000”.

Page 2, line 24, strike “$1,196,000” and insert “$1,229,000”.

Page 3, line 8, strike “$400,527,000” and insert “$410,182,000”.

Page 3, line 13, strike “$89,896,000” and insert “$92,196,000”.

Page 3, line 18, strike “$20,231,000” and insert “$20,628,000”.

Page 4, line 3, strike “$86,369,000” and insert “$90,403,000”.

Page 4, line 7, strike “$14,286,000” and insert “$14,590,000”.

Page 4, line 11, strike “$3,596,000” and insert “$3,692,000”.

Page 4, line 12, strike “$54,997,000” and insert “$58,550,000”.

Page 4, line 14, strike “$24,912,000” and insert “$26,605,000”.

Page 4, line 16, strike “$24,327,000” and insert “$26,020,000”.

Page 4, line 18, strike “$5,760,000” and insert “$6,497,000”.

Page 4, line 25, strike “$3,197,000” and insert “$3,249,000”.

Page 5, line 5, strike “$1,172,000” and insert “$1,201,000”.

Page 5, line 13, strike “$138,189,000” and insert “$141,764,000”.

Page 5, line 15, strike “$1,960,000” and insert “$2,235,000”.

Page 5, line 19, strike “$135,426,000” and insert “$138,726,000”.

Page 8, line 22, strike “$70,120,000” and insert “$92,769,000”.

Page 8, line 22, strike “$33,586,000” and insert “$45,683,000”.

Page 8, line 25, strike “$36,534,000” and insert “$47,086,000”.

Page 21, line 8, strike “$25,100,000” and insert “$27,403,000”.

Page 22, line 6, strike “$41,953,000” and insert “$44,234,000”.

Page 22, line 11, strike “$4,557,000” and insert “$5,217,000”.

Page 22, line 15, strike “$29,685,000” and insert “$32,750,000”.

Page 23, line 9, strike “$38,555,000” and insert “$39,151,000”.

Page 23, line 21, strike “$66,200,000” and insert “$73,810,000”.

Page 24, line 11, strike “$65,457,000” and insert “$69,626,000”.

Page 36, line 14, strike “$15,133,000” and insert “$15,837,000”.

Page 36, line 25, strike “$11,606,000” and insert “$25,652,000”.

Page 39, line 21, strike “$351,529,000” and insert “$368,896,000”.

Strike section 308 (and redesignate the succeeding provisions accordingly).

The CHAIRMAN. Pursuant to House Resolution 530, the gentleman from North Carolina (Mr. TAYLOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment adds $95.8 million to the bill. It is a bipartisan amendment, and is offered on behalf of myself and the ranking minority Member of the Subcommittee on Legislative, the gentleman from Arizona (Mr. PASTOR).

It will provide sufficient funds for all staff COLAs and merit increases throughout the legislative branch. That includes Member office staff, committee and our administrative staff, and our support agencies like CRS, GAO, the Architect's work force and others.

It will add $20.3 million for the operations of the House, including an amount sufficient for Members' representational allowances. The amendment adds $22.6 million above the reported bill for police salaries. This will fund an additional 48 policemen to the number currently on board.

There are also 93 officers in training that will soon be deployed. This means we will end up with around 1,241 sworn officers, that is almost 200 above the number we had on the tragic day in 1998 when the shootings took place.

We want to monitor the number of police personnel closely. They do an outstanding job, but we also want to see improvements in technology and technical security measures. They have been funded, and there needs to be an interest to put these items in place, and we urge that to take place.

The gentleman from Arizona (Mr. PASTOR) and I have asked the police board to substitute more modern technology for our security operations. We would like to see a review of the weekend and late-at-night open building policies that requires all of the posts to be staffed regardless of need or traffic.

We do have several million visitors here, but unlike cities that have populations in the millions, those visitors are not here at night. They are not here on all the weekends and certainly on holidays.

Since we believe these advances will reduce the manpower needs, the committee agreement has fenced some $2.5 million of the salary appropriations. These are the projected costs of filling vacancies that occur next year. These funds can only be spent with the approval of the House and Senate Committees on Appropriations.

Mr. Chairman, let me make a few brief remarks about the balance of the amendment. We have added $7.3 million to the Architect of the Capitol so that there will be no need for any layoffs. Building cleanliness and maintenance will be maintained and extra daytime cleaning of all our restrooms has been funded.

We have added sufficient funds, $7.6 million, that CRS will maintain their current work force. If there is a need for more funds by CRS or the Copyright Office to avoid staff attrition losses, we will direct the Library of Congress to use the transfer authority provided in the bill to help CRS or copyright. We have added $18.2 million back to the Government Printing Office. All COLAs are funded.

Also, the amendment restores all funding for the depository libraries to receive the 25,000 Federal publications that are only available in paper and other tangible formats.

Finally, we have added $17.4 million to the General Accounting Office. No reductions in force will be necessary at GAO. Mr. Chairman, that is the substance of the manager's amendment; all $95.8 million of it.

The bill will still be $9.8 million below the fiscal year 2000 level, including pending supplementals. I ask for the adoption of the amendment.

I have a more detailed statement on this matter that I will place in the RECORD.

MANAGER'S AMENDMENT

Mr. Chairman, this amendment adds $95.8 million to the bill.

It is a bipartisan amendment and is offered on behalf of myself and the ranking minority member of the legislative subcommittee, ED PASTOR.

During general debate, I stated several reasons for offering the amendment.

If the amendment is adopted, the bill will not require any reductions-in-force in any legislative agency.

It will provide sufficient funds for all staff COLA's and merit increases throughout the legislative branch. That includes Member office staff, committee and our administrative staff, and our support agencies like CRS, GAO, the Architect's workforce, and the others.

It will add $20.3 million for the operations of the House, including an amount sufficient for Members' representational allowances. It will fund new Members' orientation costs, all transition costs to the 107th Congress and a small, but sufficient amount of funds to deal with the recent threats posed by Internet viruses.

The amendment adds $22.6 million above the reported bill for police salaries. That's an increase of $14.4 million (18%) above the FY2000 appropriation. This will fund an additional 48 policemen to the number currently on board.

In addition to these 48 police officers we are funding with this amendment, there are 93 officers in training that will soon be deployed. So there will be 141 additional security personnel shortly. That means we will end up with about 1,241 sworn officers. That's 189 above the number we had on that tragic day in 1998 when the shootings took place.

We want to monitor the number of police personnel closely. We also want to see improvements in technical security measures. They have been funded and there needs to be an impetus to get these items installed. Mr. Pastor and I have asked the police board to substitute more modern technology to our security operations. The technology has been funded and should reduce our reliance on additional police personnel. As this technology gets installed (cameras, detection devices, etc.), we will look at the size of the force to see if reductions can be made.

We would like to see a review of the weekend and late-at-night open building policies that require all of our posts to be staffed regardless of need or the traffic.

We have been working with the chief and others to reassess the post assignment strategy they use. We will make sure there are a sufficient number of officers at each door. But we do not want so many that they become distracted.

Since we believe these advances will reduce manpower needs, the committee agreement has fenced $2.446 million of the salary appropriation. These are the projected costs of filling vacancies that occur next year. Those funds can only be spent with the approval of the appropriations committees.

In addition, the new chief, Jim Varey, and I have agreed that we want the force to be well trained. We will work with them to make improvements in that area.

We want our officers to be well paid so that they are not going to be trained and then recruited away by the Metropolitan Police Force or other law enforcement agencies.

So we will be working closely with police management to make sure they have the resources they need, the respect they deserve, and the recognition that they cannot be expected to do the impossible.

Mr. Chairman, let me make a few brief remarks about the balance of the amendment.

We have added $7.3 million to the Architect of the Capitol so that there will be no need for any layoffs. Building cleanliness and maintenance will be maintained and extra daytime cleaning of all our restrooms has been funded.

We have added sufficient funds ($7.6 million) so that CRS will maintain their current workforce. There will be no diminution of their services to the Members.

If there is a need for more funds by CRS or the Copyright Office to avoid staff attrition losses, we will direct the Library of Congress to use the transfer authority provided in the bill to help CRS or copyright. That is the virtue of having some flexibility in the appropriation available to our agencies.

We have added $18.2 million back to the Government Printing Office. All COLA's are funded. Some of those funds will restore several documents to the printing appropriation such as the Congressional Directory, printing for the 2001 inauguration, and several other documents.

Also, the amendment restores all funding for the Depository Libraries to receive the 25,000 Federal publications that are only available in paper and other tangible formats. None of the highly skilled document specialists will lose their jobs.

Finally, we have added $17.4 million to the General Accounting Office. No reductions in force will be necessary at GAO. We all value and respect the job that great agency does. It was never our intent to damage GAO capabilities, and I said so on several occasions. But our earlier allocation gave us no choice.

Mr. Chairman, that is the substance of the managers' amendment—all $95.8 million of it.

The bill will still be $9.8 million below the FY2000 level, including pending supplementals.

For those who do not believe supplementals should be counted, the bill is only above this year's level—by $2.8 million.

I ask for the adoption of the amendment.

I will insert a table which reflects the amounts in the bill included in the managers' amendment.

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2001 (H.R. 4516)
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - CONGRESSIONAL OPERATIONS					
HOUSE OF REPRESENTATIVES					
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	1,723	1,798	1,759	+36	-39
Office of the Majority Floor Leader	1,688	1,761	1,726	+38	-35
Office of the Minority Floor Leader	2,050	2,140	2,096	+46	-44
Office of the Majority Whip	1,404	1,500	1,466	+62	-34
Office of the Minority Whip	1,042	1,121	1,096	+54	-25
Speaker's Office for Legislative Floor Activities	406	417	410	+4	-7
Republican Steering Committee	755	779	765	+10	-14
Republican Conference	1,225	1,289	1,255	+30	-34
Democratic Steering and Policy Committee	1,324	1,381	1,352	+28	-29
Democratic Caucus	657	687	668	+11	-19
Nine minority employees	1,218	1,251	1,229	+11	-22
Training and Development Program:					
Majority	284	290	278	-6	-12
Minority	284	290	278	-6	-12
Subtotal, House Leadership Offices	14,060	14,704	14,378	+318	-326
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail					
Expenses	406,279	422,894	410,182	+3,903	-12,712
Committee Employees					
Standing Committees, Special and Select (except Appropriations)	93,878	99,242	92,196	-1,682	-7,046
Committee on Appropriations (including studies and investigations)	21,095	22,530	20,628	-467	-1,902
Subtotal, Committee employees	114,973	121,772	112,824	-2,149	-8,948
Salaries, Officers and Employees					
Office of the Clerk	14,881	15,862	14,590	-291	-1,272
Office of the Sergeant at Arms	3,746	3,858	3,692	-54	-166
Office of the Chief Administrative Officer	57,289	64,180	58,550	+1,261	-5,630
Office of Inspector General	3,926	4,040	3,249	-677	-791
Office of General Counsel	840	877	806	-34	-71
Office of the Chaplain	136	139	140	+4	+1
Office of the Parliamentarian	1,172	1,256	1,201	+29	-55
Office of the Parliamentarian	(1,011)	(1,086)	(1,035)	(+24)	(-51)
Compilation of precedents of the House of Representatives	(161)	(170)	(166)	(+5)	(-4)
ce of the Law Revision Counsel of the House	2,048	2,130	2,048	....	-82
of the Legislative Counsel of the House	5,085	5,140	5,085	....	-55
ctions Calendar Office	625	651	632	+7	-19
er authorized employees	205	213	213	+8	....
Technical Assistants, Office of the Attending Physician	(205)	(213)	(213)	(+8)	....
Subtotal, Salaries, Officers and Employees	90,150	98,546	90,403	+253	-8,143
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	2,741	3,381	2,235	-506	-1,146
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	....	....
Government contributions	128,704	138,355	138,726	+10,022	+371
Miscellaneous items	676	676	393	-283	-283
Subtotal, Allowances and expenses	132,531	142,822	141,764	+9,233	-1,058
Total, salaries and expenses	757,993	800,738	769,551	+11,558	-31,187
Total, House of Representatives	757,993	800,738	769,551	+11,558	-31,187
JOINT ITEMS					
Joint Economic Committee	3,200	3,315	3,072	-128	-243
Joint Committee on Taxation	6,431	6,747	6,174	-257	-573
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	1,891	1,835	1,835	-56	....
Capitol Police Board					
Capitol Police					
Salaries:					
Sergeant at Arms of the House of Representatives	37,582	49,366	45,683	+8,101	-3,683
Sergeant at Arms and Doorkeeper of the Senate	40,776	51,532	47,086	+6,310	-4,446
Pending amended request, overtime expenses	....	7,922	....	....	-7,922
Subtotal, salaries	78,358	108,820	92,769	+14,411	-16,051
General expenses	6,549	9,960	6,549	....	-3,411
Subtotal, Capitol Police	84,907	118,780	99,318	+14,411	-19,462
Pending supplemental, Security enhancement fund for Library security	1,874	....	....	-1,874	....

NOTE: FY 2000 enacted includes 0.38% rescissions and amounts pending in H.R. 3908 supplemental.

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2001 (H.R. 4516)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
tol Guide Service and Special Services Office	2,293	2,371	2,201	-92	-170
ements of Appropriations	30	30	29	-1	-1
Total, Joint Items	100,826	133,078	112,829	+12,003	-20,249
OFFICE OF COMPLIANCE					
Salaries and expenses	1,992	2,095	1,816	-176	-279
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	26,121	28,483	27,403	+1,282	-1,080
ARCHITECT OF THE CAPITOL					
Capitol Buildings and Grounds					
Capitol buildings, salaries and expenses	53,697	60,038	44,234	-9,463	-15,804
Capitol grounds	5,406	6,120	5,217	-189	-903
House office buildings	41,350	53,269	32,750	-8,600	-20,519
Capitol Power Plant	41,897	45,272	43,551	+1,654	-1,721
Offsetting collections	-3,985	-4,400	-4,400	-415	
Net subtotal, Capitol Power Plant	37,912	40,872	39,151	+1,239	-1,721
Total, Architect of the Capitol	138,365	160,299	121,352	-17,013	-38,947
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	70,973	75,640	73,810	+2,837	-1,830
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	73,297	80,800	69,626	-3,671	-11,174
Total, title I, Congressional Operations	1,169,367	1,281,143	1,176,187	+6,820	-104,956
TITLE II - OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	3,438	4,916	3,216	-222	-1,700
LIBRARY OF CONGRESS					
ries and expenses	265,803	292,174	269,864	+4,061	-22,310
uthority to spend receipts	-6,850	-6,850	-6,850		
Net subtotal, Salaries and expenses	258,953	285,324	263,014	+4,061	-22,310
Copyright Office, salaries and expenses	37,485	38,903	38,771	+1,286	-132
Authority to spend receipts	-26,254	-26,783	-31,783	-5,529	-5,000
Net subtotal, Copyright Office	11,231	12,120	6,988	-4,243	-5,132
Books for the blind and physically handicapped, salaries and expenses	47,802	48,983	48,507	+705	-476
Furniture and furnishings	5,394	6,020	5,394		-626
Total, Library of Congress (except CRS)	323,380	352,447	323,903	+523	-28,544
ARCHITECT OF THE CAPITOL					
Library Buildings and Grounds					
Structural and mechanical care	19,857	20,278	15,837	-4,020	-4,441
GOVERNMENT PRINTING OFFICE					
Office of Superintendent of Documents					
Salaries and expenses	29,872	34,451	25,652	-4,220	-8,799
Government Printing Office Revolving Fund					
GPO revolving fund		6,000			-6,000
Total, Government Printing Office	29,872	40,451	25,652	-4,220	-14,799
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	378,981	402,918	371,896	-7,085	-31,022
Offsetting collections	-1,400	-3,000	-3,000	-1,600	
Total, General Accounting Office	377,581	399,918	368,896	-8,685	-31,022
Total, title II, Other agencies	754,108	818,010	737,504	-16,604	-80,506
Grand total	1,923,475	2,099,153	1,913,691	-9,784	-185,462

NOTE: FY 2000 enacted includes 0.38% rescissions and amounts pending in H.R. 3908 supplemental.

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2001 (H.R. 4516—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - CONGRESSIONAL OPERATIONS					
House of Representatives	757,993	800,738	769,551	+11,558	-31,187
Joint Items	100,626	133,078	112,629	+12,003	-20,449
Office of Compliance	1,992	2,095	1,816	-176	-279
Congressional Budget Office	26,121	28,483	27,403	+1,282	-1,080
Architect of the Capitol	138,365	160,299	121,352	-17,013	-38,947
Library of Congress: Congressional Research Service	70,973	75,640	73,810	+2,837	-1,830
Congressional printing and binding, Government Printing Office	73,297	80,800	69,626	-3,671	-11,174
Total, title I, Congressional operations	1,169,367	1,281,143	1,176,187	+6,820	-104,956
TITLE II - OTHER AGENCIES					
Botanic Garden	3,438	4,916	3,216	-222	-1,700
Library of Congress (except CRS)	323,380	352,447	323,903	+523	-28,544
Architect of the Capitol (Library buildings & grounds)	19,857	20,278	15,837	-4,020	-4,441
Government Printing Office (except congressional printing and binding)	29,872	40,451	25,652	-4,220	-14,799
General Accounting Office	377,561	399,918	368,896	-8,665	-31,022
Total, title II, Other agencies	754,108	818,010	737,504	-16,604	-80,506
Grand total	1,923,475	2,099,153	1,913,691	-9,784	-185,462

NOTE: FY 2000 enacted includes 0.38% rescissions and amounts pending in H.R. 3908 supplemental.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Arizona (Mr. PASTOR) rise to claim the time in opposition?

Mr. PASTOR. Mr. Chairman, I am not opposed, but I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. PASTOR) for 5 minutes.

Mr. PASTOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to take a minute to ask my colleagues to support this manager's amendment. The chairman and I have worked to make this bill a better bill, tried to fund the security needs, the needs that we have in order to maintain the House and the Capitol and reduce the pain. I would ask my colleagues to support the manager's amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. TAYLOR).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in House Report 106–685.

AMENDMENT NO. 2 OFFERED BY MR. CAMP

Mr. CAMP. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CAMP:

Page 7, insert after line 8 the following (and redesignate the succeeding sections accordingly):

SEC. 103. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2001. Any amount remaining after all payments are made under such allowances for fiscal year 2001 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

The CHAIRMAN. Pursuant to House Resolution 530, the gentleman from Michigan (Mr. CAMP) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I begin, I first want to thank my good friend, the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee for understanding how important this amendment is to myself and many other Members of this Congress.

I also want to thank the Committee on Rules and its chairman, the gentleman from California (Mr. DREIER), for allowing me to bring this important amendment before the House today.

This amendment simply requires unspent office funds to be used for deficit or debt reduction. I believe that many Members are now familiar with this common sense amendment that former Congressman Zimmer and I and others first proposed back in 1991.

Before 1995, this amendment was never made in order. In 1995, this amendment was approved on the House floor by an overwhelming margin of 403–21 in 1996, and in 1997, it was accepted on the floor by the committee chairman. In 1998, the committee brought the bill to the House floor with this provision, Mr. Chairman, incorporated into the bill.

Last year, it was accepted on the floor by the committee chairman. I want to congratulate my friend, the gentleman from Indiana (Mr. ROEMER), for his efforts on this matter as well. I believe that the Camp-Roemer-Upton-Smith amendment will ensure that Members of Congress can demonstrate their personal commitment to a balanced budget.

This amendment requires any unspent office funds at the end of the year be used for debt reduction, or if a deficit exists, deficit reduction takes priority.

Mr. Chairman, in the last few years, we have achieved, what has eluded Congress for 30 years, a balanced budget. The fiscal year 2001 legislative branch appropriations bill continues our efforts to reduce the national debt and eliminate the national debt and holds a line on spending.

I thank the chairman again for considering the Camp-Roemer-Upton-Smith amendment, and I urge all Members to support the amendment and the bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member opposed?

Mr. PASTOR. Mr. Chairman, I am not opposed, but I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The gentleman from Arizona (Mr. PASTOR) will control 10 minutes.

Mr. PASTOR. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank the gentleman from North Carolina (Mr. TAYLOR) from North Carolina and the gentleman from Arizona (Mr. PASTOR) for their support for this amendment.

I want to thank the Committee on Rules as well for allowing us to talk about this important issue, this common sense issue on the floor today. I also join with my good friend, the gentleman from Michigan (Mr. CAMP) in offering this amendment. He talked a little bit about the history of this amendment. I will talk a little bit more about that.

We started this crusade back in 1991 to say to the American people that their tax money should go back to the Treasury if Members of Congress work hard, out of their Member's representational allowances, to not spend it, that the taxpayer should be rewarded. We initially met with great resistance in the first couple of years we offered this.

The money instead went into a slush fund that was respent instead of back to the Treasury for debt or deficit reduction. I proudly join in a bipartisan way with the gentleman from Michigan (Mr. CAMP), the gentleman from Washington (Mr. SMITH), and the gentleman from Michigan (Mr. UPTON) to follow through on a pledge that we have been trying to pass for almost 8 years.

Mr. Chairman, I support this amendment for three reasons: One, that the House show leadership on issues of discipline and the budget. If the American people are making sacrifices to get a balanced budget, the House should take the leadership in that role.

The second reason I support this amendment is because when Members, through the course of the year, make decisions not to spend money buying a new photocopier or new computers, that money and their account should be able to go to the Treasury to reduce the debt and not be respent. If Members do the hard work to save money, they and the taxpayer should be rewarded.

The third reason I support this is because debt reduction is the biggest issue for the people throughout this country in this coming election. This will make a small yet important contribution to that debt reduction when Members do take the disciplinary choices forward and save money under their Members representational allowances.

For these three reasons, I think this is a common sense amendment. It is a bipartisan amendment. It makes a dent on the national debt; and, therefore, I urge its strong support.

Mr. CAMP. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, we accept the amendment and thank the gentleman from Michigan (Mr. CAMP), again, for offering this cost-saving measure.

Mr. PASTOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we accept the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I am not going to comment on the amendment itself directly, but I simply want to say this: I, for one, take exception to the idea that the greatest public service that we do for people is to refuse to use the little resources we have on behalf of the constituents we represent.

The size of this economy is growing. There are a huge number of power centers in this economy that have one whale of a lot more power than any individual Member of Congress, virtually every lobby group in society has a greater ability to communicate with our own constituents than we do.

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I make no apology for the fact that some Members of this institution use all of the resources made available to them under the rules to do their job and most effectively represent the public, and, secondly, to inform the constituents they represent about exactly what is going on out here.

I think that sometimes we see this body leave the impression that somehow we are apologetic about what our offices spend in order to do that job. I try to save every dollar that I can, and I regularly turn some money back to the Treasury. But, to me, when I ran a poll a number of years ago and asked my own constituents whether they wanted less or more communication from us, less or more service, the answer came back they wanted more.

So, frankly, I regard this as one of those "holy picture" amendments that lets Members, very often Members who have the least responsibility and the least impact around this place and who have full reason to turn back a good share of their office budgets, because they make very little contribution to this place and have very little impact on the outcome of the legislative product, they have a good reason to turn back virtually all of their office accounts. But there are a lot of people in this place, in both political parties, who, if anything, need more resources to meet their responsibilities.

We are not asking for those resources, but I do question the conventional wisdom that somehow the greatest public good is served if we all do a mea culpa about the fact we are using our resources to try to see to it that the constituents we represent have the most effective representation possible and that we communicate as much as we can with them.

I also say very frankly that we do no service to our constituents when we squeeze our own Members' office accounts so much that the average Senator can pay $20,000 more for a legislative assistant than can a Member of the House, when the average Senator can pay $25,000 more for an administrative assistant or a press secretary than a Member of the House can. We do the same work they do. About the only thing we do not do is ratify treaties, and, thank God, because you look at what a hash they have often made of that.

But it just seems to me that it is about time we recognize we are being advised literally by "kiddy corps" in our offices, because we do not keep people more than 2 or 3 years. You get people who come in at start up levels; and within 2 years, they can make a whale of a lot more money anywhere else than they can on Capitol Hill.

This Congress would be less amateurish, it would be more professional, we would have better oversight, we would have a better legislative product if we had many more experienced staffers than we do.

So I, for one, while this amendment is obviously going to pass, I question the premise behind it, because it seems to me that it allows Members to brag easily for doing something which very often is not in the interest of their constituents.

Mr. PASTOR. Mr. Chairman, we support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CAMP. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. HILL).

Mr. HILL of Indiana. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this is an important issue. When I ran for Congress back in 1998, my emphasis was on debt reduction; and it is an important issue because, since 1980, we have gone from approximately $750 billion in debt to over $3 trillion in debt and we are spending approximately $230 billion a year in interest payments on this national debt. It is absurd that we are paying this kind of interest on our national debt.

Now, this amendment does not go a long way to retiring that debt, but it is a symbolic gesture of what we should be doing, and that is practicing fiscal discipline. Last year my office turned over $50,000 back to the Treasury. If every Member of Congress would do the same thing, then it would go to some extent at least of retiring some of our debt. $50,000 here and $50,000 there, sooner or later it adds up to real money; and if we practice fiscal discipline, which I think this amendment is attempting to do, we can get about the business of actually retiring our Nation's debt and serving the people of this Nation in a positive way.

So I rise in support of the amendment. I think it is the right thing to do, not only in terms of policy, but in terms of a symbolic gesture, that we are really committed to retiring our Nation's debt, so we are not spending this God-awful $230 billion in interest payments on our national debt and interest.

Mr. CAMP. Mr. Chairman, I thank the chairman and ranking member for accepting the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CAMP).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 3 printed in House Report 106–685.

AMENDMENT NO. 3 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. RYAN of Wisconsin:

At the end (before the short title), insert the following new section:

SEC. 311. SPENDING ACCOUNTABILITY LOCK-BOX.

(a) ESTABLISHMENT OF LEDGER.—(1) Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"SPENDING ACCOUNTABILITY LOCK-BOX LEDGER

"SEC. 316. (a) ESTABLISHMENT OF LEDGER.—The chairman of the Committee on the Budget of the House of Representatives and the chairman on the Committee on the Budget of the Senate shall each maintain a ledger to be known as the 'Spending Accountability Lock-box Ledger'. The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three components: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

"(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

"(c) CREDIT OF AMOUNTS TO LEDGER.—(1) In the House of Representatives or the Senate, whenever a Member offers an amendment to an appropriation bill to reduce new budget authority in any account, that Member may state the portion of such reduction that shall be—

"(A) credited to the House or Senate Lock-box Balance, as applicable; or

"(B) used to offset an increase in new budget authority in any other account;

"(C) allowed to remain within the applicable section 302(b) suballocation.

If no such statement is made, the amount of reduction in new budget authority resulting from the amendment shall be credited to the House or Senate Lock-box Balance, as applicable, if the amendment is agreed to.

"(2)(A) Except as provided by subparagraph (B), the chairmen of the Committees on the Budget shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of Senate amendments to that bill, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

"(B) When computing the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the House of Representatives or the Senate to an appropriation bill, the chairmen of the Committees on the Budget shall only count those portions of such amendments agreed to that were so designated by the Members offering such amendments as amounts to be credited to the House or Senate Lock-box Balance, as applicable, or that fall within the last sentence of paragraph (1).

"(3) The chairmen of the Committees on the Budget shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

"(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that subcommittee; and

"(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that subcommittee.

"(4) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

"(d) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.

"(e) TALLY DURING HOUSE CONSIDERATION.—The chairman of the Committee on the Budget of the House of Representatives shall maintain a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported. This tally shall be available to Members in the House of Representatives during consideration of any appropriation bill by the House.".

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

"Sec. 316. Spending accountability lock-box ledger.".

(b) DOWNWARD ADJUSTMENT OF SECTIONS 302(a) AND (b) ALLOCATIONS.—(1) Section 302(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

"(6) ADJUSTMENT OF ALLOCATIONS.—Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 316(d)), the amounts allocated under paragraph (1) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 316(c)(2). The revised levels of new budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.".

(2) Section 302(b) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Whenever an adjustment is made under subsection (a)(6) to an allocation under that subsection, the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under this subparagraph to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 316(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.".

(c) PERIODIC REPORTING OF LEDGER STATEMENTS.—Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 316(a).".

(d) DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.—The discretionary spending limits for new budget authority and outlays set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 302(a)(6) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: "As required by section 311(d) of the Legislative Branch Appropriations Act, 2001, for fiscal year [insert appropriate fiscal year], the adjusted discretionary spending limit for new budget authority is reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays is reduced by $ [insert appropriate amount of reduction] for the fiscal year.". Section 306 shall not apply to any bill or joint resolution because of such statement. This adjustment shall be reflected in reports under sections 254(f) and 254(g) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by it shall apply to all appropriation bills making appropriations for fiscal year 2001 or any subsequent fiscal year.

(2) RETROACTIVE APPLICATION.—In the case of any appropriation bill engrossed by the House of Representatives before the date of enactment of this section, the Director of the Congressional Budget Office, the Director of the Office of Management and Budget, and the Committees on Appropriations and the Committees on the Budget of the House of Representatives and of the Senate shall, within 10 calendar days after that date of enactment, carry out the duties required by the amendments made by this section that occur before that date of enactment.

(3) FY2001 ALLOCATIONS.—The duties of the Director of the Congressional Budget Office and of the Committee on Appropriations of the House of Representatives pursuant to this Act and the amendments made by it regarding appropriation bills for fiscal year 2001 shall be based upon the revised section 302(a) allocations in effect upon the date of engrossment of this Act by the House of Representatives.

(4) DEFINITION.—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations.

The CHAIRMAN. Pursuant to House Resolution 530, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will control 10 minutes.

Mr. PASTOR. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Arizona will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me just briefly explain what this amendment does. This is the amendment we have often called the appropriations lock box amendment. This is an amendment that has been here before, in the 102nd Congress, the 103rd Congress, the 104th Congress, and the 105th Congress, and passed by voice vote earlier this year. This amendment has been voted on or cosponsored by 328 Members of this body; 328 Members of the minority side and the majority side have already either cosponsored this amendment or voted for this amendment. Yet for some reason today, it is experiencing incredible opposition.

What this amendment does is allow any Member of Congress to come to the floor with an amendment to cut or reduce spending on a given appropriations and use that savings to either dedicate it toward another program or to dedicate it toward debt reduction. It does not hamper us in negotiations with the Senate. The savings is realized after the conference report is passed.

What this does is it says if you want to eliminate spending in the Federal Government and you want to dedicate that spending toward reducing our national debt, you may do so. However, under the crazy rules of the House today, that is not the case. If you come here to the floor and pass an amendment to cut spending, it will be spent somewhere else in the Federal Government. But that is not the will of most Members of Congress. That is not the desire. So what this amendment says is you get the choice, whether your savings will go toward debt reduction or other spending. That is not the case today.

I might add that this has been a bipartisan amendment; it is a bipartisan amendment today. In the 103rd Congress it was considered. In 1994, the gentleman from New Jersey (Mr. ANDREWS) and Mr. Zeliff introduced a similar law. The President had an executive order in 1994 very similar to this. Congressman CRAPO, the gentleman from South Carolina (Mr. SPRATT), and former Representative SCHUMER, now a Senator, introduced legislation like this a couple of Congresses ago.

In the 103rd Congress, the gentleman from Ohio (Mr. KASICH), the gentleman from Texas (Mr. STENHOLM), and Congressman Penny introduced similar legislation. More recently, in 1995, the House adopted a very similar piece of legislation to an appropriations bill by a vote of 364 to 59.

Mr. Chairman, this is widely accepted policy. I urge passage of the amendment.

Mr. PASTOR. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, the problem with this amendment is that it reverses the fundamental concept of the 1974 budget process. Rather than have Members of each body arrive at a consensus as to how much we ought to spend on discretionary programs, and then allow the appropriations process to sort out how to deal with competing priorities within that amount, it would call for revision of the discretionary spending limits each time the House disagreed with the Senate over spending priorities.

This would be a unilateral revision in the budget resolution. Once the House began adjusting appropriations bills, the House and Senate would move from identical limits on discretionary spending to different limits. This would mean the House would send conferees to work with the Senate on working out our differences on the individual bills with constraints so tight as to preclude any real prospect of producing legislation that could be sent to the President. The compromise money would be placed in the lock box. The Senate would have the choice of submitting to the House or rejecting a final agreement.

In short, this is a proposal that ought to be supported only by people who believe that we have too few train wrecks in this legislative body.

This sounds good on the surface, but it does not work in practice, which is why the Senate has routinely rejected it. It will again. All it means is this bill will be delayed further because of another conflict on another proposal which will go nowhere.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROYCE), and in doing so I would like to add I appreciate my colleague from Wisconsin. He is one of the Members who has been consistent on this issue in opposing this policy. I might add that 45 members of our current Committee on Appropriations either cosponsored or voted for this policy.

Mr. ROYCE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to explain to the Members of this House the reason why we think it is so important to pass this particular amendment.

These are flush times for Washington, D.C. There has been much ado about the record surplus we are expecting and the different ways we are going to spend that surplus. But in our eagerness to out do each other to spend the surplus, we overlook the long-term value of paying down the debt, a debt which is over $3 trillion, a debt which debt service alone runs $230 billion a year. We are saddled with that.

That is the purpose behind this amendment, to try to do something, Mr. Chairman, to make certain that when we in fact put forward an amendment to cut spending, that it does just that.

Mr. Chairman, the financial outlook for America may be good, but the past is mired in debt. We have maxed out on the credit card for Uncle Sam; and, frankly, until we pay this debt off, it is shortsighted for us to continue spending without restraint. It is shortsighted for us to claim on the floor that we are making an amendment to cut spending and then find out later that the appropriators have recommitted that spending.

So what this lock box amendment does is to capture all the savings from amendments which reduce or cut funding and to vote to devote the savings to one thing, and that is debt reduction. Under current law, when a Member offers an appropriation amendment that cuts the funding and the House concurs and says yes, this is wasteful Washington spending, the savings is automatically utilized for other discretionary funding. This defeats the whole point of savings.

Furthermore, this lock box will reduce the overall discretionary spending cap by the amount of the savings, to prevent our savings from being spent in the future. This will help Congress prepare for future needs.

Mr. Chairman, the economy is not going to keep this pace forever. We need to find long-term solutions to paying down the debt.

Mr. PASTOR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to say that the gentleman from Wisconsin who offered this amendment in my opinion is one of the rising stars of this House and has spoken a philosophy that I have shared ever since I came to this Congress. But I must say that just passing the bills in the House is only the first step. There are many steps in appropriating for this government. Appropriations must pass through the subcommittees, the full committee, and the House of Representatives.

But then we have the Senate, which is the next activity, and then we have the conference committees between the House and the Senate, and then we have the negotiations between the Congress and the President of the United States; and then, in all of these negotiations, there must be some flexibility.

The gentleman from Pennsylvania (Mr. MURTHA), a while ago gave an example. Let me repeat that. If the House should reduce a particular airplane program by $1 billion, and that $1 billion goes into the lock box; and if the Senate reduces a shipbuilding program, well, the Senate does not reduce shipbuilding programs, let me use another example, some other example in the defense bill by $1 billion, that is $2 billion that goes into the lock box. But when you go to conference, there is negotiating in order to get the House and the Senate to come to the same numbers on the same issues.

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This amendment, unfortunately, takes away the flexibility that is needed in order to reach these accommodations.

Now, if this were a unicameral legislature, only one House, I would say amen to this amendment without any hesitation, because philosophically, I do agree with this. However, we are not unicameral; we are a bicameral legislature, and we do have to have those negotiations. This amendment, in my opinion, would put the Members of the House at a serious disadvantage with our colleagues in the other body.

Now, when we get to conference, as I said, there must be considerable negotiations, and oftentimes, Members will approach the chairman of the Committee on Appropriations or one of our subcommittees and say, well, hey, can you add this for me when you get to conference.

My friend from California said that the appropriators spend the money. Well, let me tell my colleagues who really spends the money here. Our colleagues in this House of Representatives have requested of the Committee on Appropriations, for fiscal year 2000, over 22,000 projects. So the spending is done by Members of the House and Members of the other body, and they have the right to do this. That is why Members are elected to the Congress, to represent their districts, the interests of their districts, or to represent their philosophical viewpoints.

So from a philosophical standpoint, I could not agree more with the gentleman from Wisconsin, but there is a better approach. The gentleman from Pennsylvania earlier this year offered an amendment that I accepted as chairman of the committee, because it set aside a specific amount of appropriated money to go into debt reduction. I am for debt reduction; and I think it is essential that we reduce the debt as rapidly as we possibly can. That amendment by the gentleman from Pennsylvania was something we could work with. But the pending amendment makes the process very unworkable, and I would hope that the Members would reject it.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume to point out to the gentleman from Florida that this amendment also allows Members to come with specific amounts set to debt reduction just like the Toomey amendment does. Also, I think we addressed the bicameral flexibility in this amendment, because it is half of the House, half of the Senate becomes the total of the amount that is passed in the lock box and the conference report.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. MINGE), a member of the minority party.

Mr. MINGE. Mr. Chairman, I thank my colleague from Wisconsin for yielding me this time.

I would like to emphasize that the amendment that he is sponsoring today, and I am honored to join with him in cosponsoring, has had a long bipartisan history. I remember Congressman Bill Brewster, Congresswoman Jane Harman, Congressman CHUCK SCHUMER, and many others on this side of the aisle that have championed this cause. I have also worked with the gentleman from California (Mr. HERGER) on a parallel amendment.

Many of us sit on the Committee on the Budget, and we have struggled with this budget process; and I am sympathetic with the plight in which the folks on the Committee on Appropriations find themselves. But I also, having heard from the previous speaker, realize the enormous pressure that is on the Committee on Appropriations and the appropriations process. If we have 22,000 projects that are being requested that are not currently in the budget, it is tempting at every turn to try to accommodate one or another of those projects, if not hundreds of them. And we have had bills at the end of the session for several years running that have been enormous catchall bills, and these bills have been the opportunity for some of us to cause some mischief in the process. If we adopt this lockbox approach, it puts additional structure and discipline in how we deal with our responsibilities.

Mr. Chairman, I sympathize with the Committee on Appropriations members who are in conference with the Senate. I think those Senators cause us a lot of grief. But I think that if we have something like this lock-box rule that we go into that conference committee with, we can say to those Senators, look, we are going to draw the line. We did something bold in the House. We committed ourselves to deficit reduction, to using these savings to insulate Social Security and Medicare from any further compromising with respect to the integrity of those programs, because we spend too much.

Mr. Chairman, I urge that we join in a bipartisan effort and adopt this lockbox amendment.

Mr. PASTOR. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is another one of those gimmicky amendments that pretends we can deal with some fundamental fiscal problems with a little tinkering with the process. It is based on a very fundamental myth, and that is that somehow over the years, there has not been discipline in discretionary spending. In fact, the history of the Budget Act is that the one part of the budget that has been subject to discipline has been discretionary spending.

The budget process, if it works, sets limits on discretionary spending. The Congress then works within those limits through House, through Senate, through conference committee, through negotiations with the President. That process works when those initial limits are realistic and have some relationship to reality.

To somehow pretend that this is not an ongoing dynamic process with changes as we go through the process from subcommittee to committee, to the House, to the Senate, just flies in the face of reality. It is an ongoing, dynamic process where in the end, our product is what we pass. It should be governed by realistic limits on discretionary spending.

The reason the process has broken down last year, this year, and the year before is that we start with unrealistic discretionary limits so they totally break down, we end up with a catchall at the end, which frankly, in my judgment, results in us spending more than if we had started at realistic discretionary spending limits. Vote no on this gimmick. It does damage; it does no good.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume to add that this gimmick has been supported by 328 Members of this body.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I want to commend my colleague for again toiling in the field of the esoteric budget law; but this is important work, and to respond to the previous speaker, to suggest that there has been some kind of model of physical discipline in discretionary spending in recent years I think is simply to ignore the facts.

The facts are that discretionary spending has been growing at a very rapid rate, far greater than the speed at which the economy is growing or inflation. I think we clearly need a tool like this for some fiscal discipline. I am happy to note that such a large, overwhelming majority of this body have supported this at one time or another. I am sure Members will want to be consistent in their voting, so I am very hopeful that this will pass.

Mr. Chairman, I want to emphasize that all this amendment does is it gives a Member of this body the option to use the savings from an amendment; when he or she reduces a particular account, it creates the option to make sure that that savings actually becomes a savings and does not get spent somewhere else.

Now, if we want to do a transfer amendment, if we want to take from one account and put into another account, we can do that; and this amendment would not change that at all. The flexibility to shift money around from account to account would remain. But today, under our current budget rules, if what we really want to do is reduce spending and not spend it somewhere else, but actually use it to retire some debt and lower the burden on taxpayers in this country, we have no assurance that that will happen, because after we pass the amendment that reduces that account, that money can later be spent somewhere else in the process.

What this amendment does is it gives a Member of this body the option to say, no, I do not want to spend this money anywhere else; I want to see it go for some debt reduction. For that I think it is a very valuable tool, a very important tool; and I urge my colleagues to support it.

Mr. PASTOR. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, the previous speaker, the sponsor of this amendment and most of the folks who are supporting this voted for a budget that cut less from the national debt and took more time to get to balance than did the Democratic alternative which they voted against.

I serve on the Committee on Appropriations. We have 13 separate appropriation bills. Every Republican chairman as he has reported his bill to the full committee has said, we do not have enough resources to fund the priorities that we have within our responsibility. Every one of the Republican chairmen has said that.

This is not a case where the Committee on Budget has given the Committee on Appropriations so much money it does not know what to do with it. We cut $3 billion under the President's proposal for education, and 2.7 million children will not be served because of the budget that we passed.

Now, the fact of the matter is, the gentleman from California (Mr. ROYCE) talks about bringing down the deficit. I am for that. I voted for the Balanced Budget Amendment; I voted for the 1997 agreement. I have been a fiscal conservative in the sense that we need to bring down spending. I voted for the 1993 bill, which, in my opinion, has made the most contribution to really bringing down the debt, not nickel and diming by this project or that project, but by hundreds of billions of dollars. That took courage. That is the way we ought to go, not, as the gentleman from Minnesota (Mr. SABO) says, by adopting gimmicks that are easy for a lot of people to adopt.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this amendment.

This is not, obviously, the first time this has come up. Mr. Chairman, 238 Members of this institution have supported this amendment in the past and my friend from California (Mr. ROYCE), in fact, was the sponsor of it, I think, in the last Congress.

When we introduce an amendment to an appropriations bill to try to exercise some fiscal responsibility, reduce a line item that we may not particularly support, it is nice to think that after that amendment passes, the money does not disappear into some other program or some other spending item, and that, in fact, can go to debt reduction which I consider to be on equal footing with controlling the size of the budget, providing meaningful tax relief to working Americans, saving Social Security.

These are all important objectives, and it would be nice to be able to pass this amendment and have it in law so that when Members of Congress propose reductions in appropriations, that those reductions do not have to be offset by some other spending increase in some other part of the budget.

I commend the gentleman from Wisconsin for his courage in offering this amendment, and I hope that all of the 328 members who have supported this amendment in the past will stand up and do so again. It is good budgeting.

Mr. RYAN of Wisconsin. Mr. Chairman, in my last 30 seconds, I would just like to point out that this has been around before. All it does is says, a Member of Congress, if they want to cut spending in an appropriations bill, can dedicate that savings to another bill, to another program that is more valuable, or to pay off the debt. Mr. Chairman, 328 members of this Congress voted for this, 45 appropriators. If a Member wants to find out, if he or she wants to be consistent with their vote when we vote on this, come on down, we have a list right here.

Mr. Chairman, this is scored by the Citizens Against Government Waste, it is scored by the National Taxpayer Union. It is a common sense amendment, and I urge its passage.

Mr. PASTOR. Mr. Chairman, I would ask my colleagues to vote no on this amendment.

Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, let me tell my colleagues the practical problems we have with the legislation which we face. Many, many times we have lost $1 billion in the defense bill, and our defense bill is $288 billion this year. But when we lose it on the House side, if somebody offered an amendment on one, say it was the F-22 and the Senate had a different figure, we would go into the conference and have a very difficult time resolving it. We would lose our flexibility.

There is no easy way to reduce the deficit. It can only be done with very difficult decisions. In defense, we figure we are $15 billion to $20 billion short. So if we took out this kind of money, it would actually affect national defense in a very derogatory way.

☐ 1230

So I would hope the Members would understand the importance of this vote. This is absolutely essential to our flexibility in dealing with the other body, so that if something is cut in the House, we can go back and renegotiate and hopefully be able to either restore something or, in the end, get the Department to pay attention to what we are telling them to do.

Last year we cut the F-22. We said we needed more testing. We cut a lot of money out of it. If we had not had this flexibility, this program would have been killed. We would not have had this flexibility.

I would urge the Members to reconsider the vote on this particular amendment. There is no easy way to do it except to vote up or down on these issues. I would urge the Members to vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RYAN of Wisconsin. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 235, not voting 15, as follows:

[Roll No. 312]

AYES—184

Aderholt
Andrews
Archer
Armey
Baird
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Berkley
Bilbray
Bliley
Blunt
Boehner
Boswell
Brady (TX)
Bryant
Burr
Burton
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cox
Crane
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Doggett
Dreier
Duncan
Dunn
Ehrlich
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hoekstra
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Inslee
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
Kingston
Kleczka
LaHood
Largent
Lazio
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Luther
Maloney (CT)
Manzullo
McInnis
McIntosh
McIntyre
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Myrick
Ney
Norwood
Nussle
Paul
Pease
Peterson (MN)
Petri
Pickering
Pitts
Portman
Pryce (OH)
Radanovich
Ramstad
Riley
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Sisisky
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stabenow
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Toomey
Upton
Vitter
Walden
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield

NOES—235

Abercrombie
Ackerman
Allen
Baca
Bachus
Baldacci
Baldwin
Barcia
Bateman
Becerra
Bentsen
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
DeGette
Delahunt
DeLauro
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Doyle
Edwards
Ehlers
Emerson
Eshoo
Evans
Farr
Fattah
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Houghton
Hoyer
Hutchinson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (OK)
Maloney (NY)
Markey
Martinez

Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Phelps
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Regula
Reyes
Reynolds
Rivers
Rodriguez
Rogers
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shuster
Simpson
Skeen
Skelton
Slaughter
Snyder
Spence
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thurman
Tiahrt
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Wexler
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—15

Cook
Cubin
Davis (IL)
Dicks
Engel
Filner
Hobson
Hyde
Kuykendall
McCollum
Rangel
Roybal-Allard
Towns
Vento
Wynn

□ 1253

Mr. DICKEY and Mr. MCCRERY changed their vote from "aye" to "no."

Messrs. BEREUTER, DEUTSCH, HOLT, SUNUNU, CUNNINGHAM, ENGLISH and BAIRD and Ms. PRYCE of Ohio changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. HANSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 530, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment. If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 373, nays 50, not voting 12, as follows:

[Roll No. 313]

YEAS—373

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hunter
Hutchinson
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—50

Andrews
Becerra
Brown (OH)
Chenoweth-Hage
Conyers
Costello
Davis (FL)
Delahunt
Dingell
Doggett
Evans
Farr
Fattah
Ford
Frost
Gejdenson
Gephardt
Green (TX)
Hoyer
Hulshof
Inslee
Kennedy
Kind (WI)
Lee
Lofgren
Lucas (KY)
Luther
Miller, George
Minge
Moran (KS)
Moran (VA)
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Roemer
Rothman
Royce
Sanford
Schaffer
Sensenbrenner
Shays
Smith (WA)
Stark
Tanner
Towns
Waters
Watt (NC)
Waxman

NOT VOTING—12

Cook
Cubin
Engel
Filner
Hobson
Hyde
Kuykendall
McCollum
Rangel
Roybal-Allard
Vento
Wynn

□ 1310

Messrs. FARR of California, MINGE, PETERSON of Minnesota, SHAYS and TOWNS changed their vote from "yea" to "nay."

Mr. DAVIS of Illinois changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HOBSON. Mr. Speaker, I regret that I was not present during rollcall votes 311, 312, and 313. Had I been present, I would have voted "yea" on rollcall vote 311, "no" on rollcall vote 312, and "yea" on rollcall vote 313.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4655

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Florida (Mr. FOLEY) as a cosponsor of H.R. 4655, my bill.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4609, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 529 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 529

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 102, lines 15 through 17. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1315

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), my colleague and my friend, pending which I yield myself such time as I may consume. During the consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, the legislation before us is an open rule that will allow us to have a full and open and fair debate of the issues contained within H.R. 4690, the Commerce, Justice, State, Judiciary and Related Agencies Appropriation Bill for Fiscal Year 2001.

This open rule waives all points of order against consideration of the bill. The rule provides one hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Appropriations.

The rule provides that the bill shall be considered for amendment by paragraph.

The rule waives clause 2 of the rule XXI against provisions in the bill, except as clarified by the rule. Clause 2 of rule XXI prohibits unauthorized or legislative provisions or transfers of funds in an appropriations bill.

The rule authorizes the chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule permits the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, the underlying legislation is very important. H.R. 4690 provides funding for the Departments of Justice, Commerce, and State, as well as funding for the Federal Judiciary.

Very briefly, the Department of Justice is tasked with providing American citizens protection through effective law enforcement.

The Department of Commerce has four basic missions: promoting the development of American business, increasing foreign trade, improving the Nation's technological competitiveness, and encouraging economic development.

The State Department has a mission to advance and protect the worldwide interests and assets of the United States.

Finally, appropriations for the Judiciary cover the Supreme Court as well as lower Federal district courts.

Mr. Speaker, passage of this rule and the underlying legislation will ensure our Government has adequate funding to fight the war on drugs and crime.

This Republican Congress has a record of success on drug and crime prevention programs contained within this legislation. Under the funding priorities set by these yearly appropriations, our Nation's violent crime rate has decreased for 5 straight years.

In fact, the bill provides an increase of $1.75 billion over last year's level for the Department of Justice. That is $128 million more than the President requested.

The total funding for the Department of Justice under this legislation is more than $20 billion. That number is far too large for us to comprehend. However, each one of us is affected by these programs that are funded by and within this Department.

The program within the Department of Justice that immediately comes to my mind is the "weed and seed" program. Through this program, law enforcement officers receive community-policing training with a special emphasis on mediation skills. Officers are taught to literally pull the weeds, the troublemakers, out of communities and replace them with seeds, law-abiding citizens, which will help a community grow and prosper.

Vicki Martin, a friend of mine, who heads the Ferguson Road Initiative in Dallas, Texas, is our team leader using the weed and seed dollars provided by the Department of Justice. By using this Federal money, Vicki Martin and the Ferguson Road Initiative have successfully increased the quality of life for persons within my congressional district.

Not only does this legislation fund the agencies that make Americans safer at home, it also provides security for Americans serving abroad.

All of us were troubled by the bombings of United States embassies in Africa just a few years ago. A report after those bombings revealed severe security lapses at other U.S. Government facilities abroad also.

This legislation will demonstrate Congress's commitment to protect our overseas posts and employees by providing $1.06 billion for worldwide security improvements.

Mr. Speaker, I would like to take 1 minute to comment on one issue within this bill that is also very important to me.

In light of recent attacks to private sector Web sites, I have become increasingly aware and concerned about the vulnerability of the Federal Government's computer systems to terrorist attack. Tragically, the current administration has failed to address this as a significant threat.

Recently the United States General Accounting Office reported that almost every Government agency is plagued by poor computer security. Specifically, the GAO reports that weaknesses in computer security at the Defense Department provide computer hackers the opportunity to modify, steal, and destroy sensitive data. The Department of State mainframe computers for domestic operations are also very susceptible to cyber terrorists according to the GAO.

In my view, the lack of attention paid to cyber security by the Clinton-Gore administration is one of the biggest and most glaring examples of mismanagement and is a threat to our national security.

I had wished to offer an amendment to this appropriations measure to address this issue of cyber security. I had hoped that at least $10 million of the money allocated to the State Department for security improvements would be directed to tighten information security at the Department.

I understand this amendment would constitute legislating on appropriations and would first need to be considered by the appropriate authorizing committee. This being the case, I chose not to offer this amendment to the appropriations bill. However, I am pleased that the gentleman from Kentucky (Chairman ROGERS) has agreed to work with me to see that that important issue is addressed in the coming year.

By avoiding controversial legislative provisions on appropriations bills, the House leadership has moved appropriations bills in a manner consistent with finishing properly by the end of this fiscal year.

Accordingly, I encourage other Members who intend to offer amendments to this appropriations that are legislative in nature to join me in supporting this rule and working to address other issues in their proper context and through the regular order of the House.

Mr. Speaker, with this Commerce, Justice, State, Judiciary appropriations bill, the Committee on Appropriations has once again managed to balance a wide array of interests and make tough choices with limited resources. This legislation funds important programs to reflect our national priorities while keeping within the confines of a balanced Federal budget.

I commend the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) for their work on this legislation.

Mr. Speaker, I urge my colleagues to continue the careful manner in which this legislation was crafted and to support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Texas (Mr. SESSIONS) for yielding me the time.

Mr. Speaker, this is an open rule and it will allow for consideration of H.R. 4690.

As my colleague from Texas has explained, this rule will provide for general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

This allows germane amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments that do not violate the rules for appropriation bills.

Mr. Speaker, we live in a time of unparalleled economic growth. Never before has any nation experienced the prosperity this country now enjoys. We can afford investing in our future.

However, once again, we are faced with an appropriations bill which does not adequately fund critical Government programs for law enforcement, international diplomacy, civil rights, and scientific research.

This bill cuts the President's request for international peacekeeping by $241 million. This is shortsighted because money for peacekeeping is an investment in avoiding a more tragic and expensive war.

Provisions in the bill will prevent the United States from paying its full dues in the United Nations. This undercuts our position as a world leader.

The bill reduces the President's request for the Federal Trade Commission by $30 million. This is at a time when the FTC is launching an investigation, and we are asking them to do this, into the high prices of gasoline in the Midwest at the request of many of us.

The FTC is also in the middle of an investigation of the high prices of prescription drugs. Now is not the time to jeopardize these critical issues.

The bill underfunds Community Oriented Policing Services, gun enforcement initiatives, antitrust enforcement and consumer protection, counterterrorism, antidrug campaigns, and civil rights enforcement.

The bill underfunds Violence Against Women programs. I am especially familiar with the effects of cuts in these programs. In my district, the Artemis Center for Alternatives to Domestic Violence has successfully used these grants to assist victims and reduce domestic violence in the Dayton, Ohio, area. However, cuts in the last few years have threatened the effectiveness of this group.

The list goes on and on.

The Committee on Rules considered a number of Democratic amendments that would increase funding for programs covered under this bill. The Republican-controlled Committee on Rules rejected every one.

Now is the time that we must use the national wealth to invest in the future.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in opposition of the rule and the underlying funding of the Commerce, Justice, State appropriations bill. This bill simply does not provide enough funding for one of the most important crime prevention programs we have today, the COPS program, and it weakens several other important programs, as well.

I remember standing here just last October to speak against last year's CJS appropriations bill because it underfunded the COPS program. It is amazing to me that we must once again have this fight about funding what is a proven, effective, and necessary program to fight crime in our communities. With pork barrel projects funded year after year, I cannot understand why we cannot agree on full funding for the COPS program.

A number of amendments to increase funding for the COPS program will be offered today, and I hope everyone will support them. Because the main principle behind the COPS program is to put officers in this Nation's communities and on the streets, fighting crime in our cities, our suburbs, and our towns.

Currently, over 80 percent of law enforcement agencies employ the community policing philosophy making it the predominant crime fighting strategy in America. I am sure my colleagues have all heard of the excited response from their local police departments when we tell them that they have just received one of the COPS grants.

This program works. On May 12, 1999, the United States Department of Justice and COPS funded the 100,000th officer ahead of schedule and under budget. That is 100,000 officers working on the front lines to protect our communities and our citizens, making a visible difference, and contributing to the drop in crime that has lasted 8 consecutive years.

I support the President's plan to continue the COPS program for an additional 5 years to add up to 50,000 more police officers on the beat.

☐ 1330

I support the COPS programs that fund additional prosecutors, cops in schools and training and technology equipment for law enforcement. I cannot support this appropriations bill because it falls far short of the President's request of $1.3 billion to fully fund the COPS program.

I am a former police officer, a cochair of the Law Enforcement Caucus and of the Democratic Crime and Drugs Task Force. I have spent years working on law enforcement and crime-related issues, and I am here on the floor today to tell my colleagues that this bill does not do enough. It does not do enough for the COPS office; it does not do enough to fund crime prosecutions, for violence against women grants, or crime fighting technologies. It weakens the Federal Government's important role in protecting civil rights by cutting funding for the EEOC, the Legal Services Corporation, and the civil rights division. I will vote against this bill because I know we can and we should do better to ensure our communities are safer, our police departments are better equipped, and our individual rights are better protected.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member very much on the Committee on Rules for yielding me this time. I know the hard work that is done by all the Members in this body. It is unfortunate that in this process there could not be more collaboration on the appropriations that could lend themselves to bipartisan support.

This appropriations bill, Commerce, Justice, State and the Judiciary, does not do justice and it is supposed to have oversight over those agencies that are to render justice. It does not do justice. It does not recognize that we are in the most prosperous times of our life, more prosperous than we were ever in the 20th century and now at the beginning of the 21st century we have much to offer the American citizens.

I said just a few days ago that we spend a lot of time talking about tax cuts, but we do not realize that the moneys that we appropriate are really an investment in America's future. They are an investment in America's security. Why for the life of me would we cut this particular appropriations $2.5 billion less than the President's request? Why would we take a very popular program, one that has worked, one that does not discriminate whether you are in a large inner city or whether you are in a rural hamlet or a village. The Cops On the Beat program overall has proven to be very successful. Over time in the Committee on the Judiciary we have heard testimony after testimony of officers who have come forward from different communities and said, We could not have the kind of patrol and security and outreach to the community if we did not have the Cops on the Beat program. Yet that program is underfunded almost to the extent of extinction.

Then the bill cuts the Legal Services Corporation. Mr. Speaker, I was on the board of the Gulf Coast Legal Foundation in my own community. What those Legal Services Corporation lawyers do around the Nation is they affirm and confirm that all of us are created equal, working families who are low income, who need child support or need help in their family law matters, who need rental assistance or landlord-tenant issue assistance. These are the kinds of clients that every year we come to the floor and we bash them and we in essence say, "Go get yourself a Fifth Avenue lawyer." And if you can't afford it, forget it. Paupers don't need to come into the courtroom because we're not worried about poor people. I do not understand what the purpose in of cutting the Legal Services Corporation.

This rule, of course, is an open rule, so I guess one would say you should support it. I do not, because frankly we have a situation that promotes a bill that does not answer the concerns of the American people and point of orders against Democratic amendments have not been waived. The digital divide is not taken care of. I for one believe that this was an excellent opportunity that we could provide those resources.

Mr. Speaker, we are going to have a long and vigorous debate on this legislation. I intend to offer amendments dealing with late amnesty. I think we need more dollars to deal with the border patrol. I do appreciate the work of the ranking member and as well the chairman. These issues that we have dealt with and have not been resolved, I hope the Republican majority will waive the points of order and deal with this important crisis that we are facing dealing with thousands of individuals who have been in this country working, but they are still considered illegal immigrants because the INS has not seen fit to remove these problems that have prevented them from applying for legal citizenship. We will have that debate, and I hope that we will have a vigorous debate. I would like my colleagues to support me in those amendments.

Finally, let me say the great disappointment that I have additionally found with this bill along with the other issues that I have cited that although America promotes peace in this Nation and we know that there is strife on the continent of Africa. In fact, I met with the ambassador to the United States from Uganda. I was in the Security Council just a few days ago at the United Nations. Yet this body is cutting $240 million from the peacekeeping efforts in Sierra Leone. This is wrongheaded and misdirected. We are going in the wrong direction, Mr. Speaker. I hope we can correct this as we move this appropriations process forward.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the former chairman of the Committee on Appropriations, now the ranking minority member.

Mr. OBEY. I thank the gentleman for yielding me the time.

Mr. Speaker, there are a number of reasons why I am going to vote against this rule and against this bill. First of all, we just voted on an amendment that was a nongermane amendment that the Committee on Rules put in order which was offered by a member of the majority side. But now on this bill every single Democratic amendment that was requested to be made in order by the Committee on Rules was denied. That is the procedural reason why I am voting against it.

Secondly, it just boggles my mind. If you take a look at this bill, this Congress just voted to give the 400 richest families in America a $200 billion tax cut. Now it has to squeeze out all other programs in order to try to keep that commitment to the wealthiest 2 percent of people in this country.

For instance, it says that it is going to slash the Legal Services Corporation, which is the corporation that helps poor people have legal defense when they have a lawsuit. It is insufficient in the area of civil rights. It is certainly destructive in the area of peacekeeping with its budget cuts. We have all Members of this House crying all over the floor about what is happening with gas prices. Yet this bill cuts $50 million below the request for Justice Department and Federal Trade Commission programs to pursue antitrust actions and other noncompetitive actions in the marketplace.

I would especially like to focus for one moment on that latter issue. On the agriculture subcommittee bill when it was before the Committee on Appropriations, I offered an amendment to try to do something about the monopolistic practices that occur in the food industry, where you have just literally a handful of companies, four or five, who control the majority of processing for poultry, for beef, for pork and for other food products in this country. That works to make farmers serfs rather than farmers; and it does not do anything very helpful for consumers as well. In this bill, we see the same problem.

The primary obligation we have in the capitalist system is to see to it that for consumers and for every business in this country, we have truly competitive marketplaces. You do not have those marketplaces if you do not have the ability of government to check out what practices are endangering those free marketplaces, whether they occur in the computer industry, in poultry processing, you name it.

Yet this bill has whacked the Justice antitrust division; it has whacked the Federal Trade Commission and in the process has made it very difficult for those agencies to pursue their job of keeping the American marketplace a truly competitive marketplace. We have to understand that with this changing economy, we have these huge new corporate entities that are being created overnight, and not just on the Internet. You have got one company that has become so big in the last year, its increase in market capitalization, its increase, I am talking about Oracle, is larger than the combined market capitalization for Ford, Chrysler, and General Motors combined. We need to have the Justice Department and the Federal Trade Commission with sufficient resources to attack those problems.

And when we see the oil industry gouging people as they are gouging them today in the Midwest on gasoline prices and we see Members of Congress stumbling over each other to get to the nearest microphone to rise in protest against that, what do we see this body doing? We see them cutting the President's request for the Federal Trade Commission, the agency charged with the responsibility to review not only those anticompetitive market practices but dozens of others by dozens of other companies in the economy.

This bill is totally inadequate to defend the rights of consumers, it is totally inadequate to assure every corporation in America that they are competing on a level playing field, and it is antibusiness when it does that. There is nothing more pro-business than seeing to it that an American entrepreneur or an American corporation has the ability to compete in a real marketplace. This bill denies that. We ought to vote down both the rule and the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I rise to speak on the rule to correct a misconception that may be going around the House. I had requested a waiver from the Committee on Rules for an amendment to increase the Legal Services Corporation. I did that because I am troubled every year by the fact that we come to this floor with a very low amount for Legal Services, fully understanding that in the House the amount will go up and in conference the amount will even go higher. So I wanted to avoid us that pain by asking for a waiver from the Committee on Rules. That did not take place. So I will still be presenting an amendment.

However, the amendment, and this is what I want to clarify, will be offsetted. It will have offsets and it will bring us up to $275 million. So there is a misconception going around the House that we will be presenting an amendment that Members cannot vote for in a bipartisan fashion. That is not correct. The amendment that I will be presenting will allow us to bring for the time being the Legal Services Corporation up to $275 million, and there will be offsets that I will be presenting.

Also, Members should know that that particular amendment will be part of the early process of the discussion rather than later on.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

There are a few things that obviously I need to respond to that have been discussed here in the discussion of the rule. First of all, I do recognize that there are people in Congress who want to spend more and more and more and more and more money. My years in Congress have taught me that virtually every single vote is about more spending or less spending, more rules and regulations or less rules and regulations, and about whether we are going to have a balanced budget or not. I learned a long time ago that you cannot please everybody in this House of Representatives.

But to hear my colleagues say that COPS was underfunded to the point of extinction is an exaggeration that cannot go without an explanation. In fact, the COPS, which is the Community Oriented Policing Services, is funded to the tune of $595 million. I do not consider that to the point of extinction. I consider that to the point of there was a realistic discussion that we have to live within a balance of how much money we are going to be spending.

We had a vote earlier in the year to determine what the budget would look like. As I recall, not one member of the minority party would even offer the President's budget for consideration or vote on the floor of the House of Representatives.

□ 1345

Yet what they want to talk about over and over is the President's budget, what the President's budget does; and yet not one Democrat would even sponsor the President's bill on this floor.

We do have a Republican bill that passed, and that is the budget that we are working within; and proudly we are going to say that we would not spend a penny of Social Security, and we would make sure that we balance the budget.

Secondly, the gentleman from Wisconsin (Mr. OBEY) had an opportunity to state that the Federal Trade Commission must have sufficient resources to attack problems like the growing market capitalization of Oracle.

Mr. Speaker, we have just been through another vigorous debate in this country about how another large company like Oracle was treated; they are Microsoft.

Mr. OBEY. Will the gentleman yield?

Mr. SESSIONS. I will not yield.

Mr. OBEY. That is not what I said.

Mr. SESSIONS. I will quote: "To attack the problems like the growing market capitalization."

Mr. OBEY. Market capitalization, but not Oracle. I was using Oracle as an example of increased market capitalization.

The SPEAKER pro tempore. (Mr. HANSEN). The gentleman from Texas (Mr. SESSIONS) controls the time.

Mr. SESSIONS. I will accept the gentleman's explanation that perhaps he did not mean Oracle, what the gentleman was talking about was a large company like Oracle when he said that, and I will accept the gentleman's explanation. I do accept the gentleman's explanation.

What I will tell you, Mr. Speaker, is that the Republican Congress is proud of these large companies that employ millions of Americans, and I do understand that. I think these companies get it that this Justice Department would sooner have people like Bill Gates and others to be Germans or Chinese or from another country; they do not want them here in this country.

Mr. Speaker, I will say that I believe that they add not only to the confidence of this country but also the might and the strength that we have of the capitalization, of jobs, of the technology, of e-commerce and are solving problems in our country. I am proud of what this rule does.

I am proud of the balance that we have had in this bill, and I would remind my colleagues that this is an open rule allowing any Member of Congress to offer any germane amendment; and this being the case, I urge my colleagues to support this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 225, nays 188, not voting 21, as follows:

[Roll No. 314]

YEAS—225

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman

Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCarthy (NY)
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu

NOT VOTING—21

Barcia
Brown (FL)
Cannon
Clement
Cook
Cubin
Dooley
Engel
Filner
Hyde
Kleczka
Kuykendall
Linder
McCollum
Meek (FL)
Murtha
Rangel
Roybal-Allard
Ryun (KS)
Vento
Wynn

□ 1407

Ms. WOOLSEY changed her vote from "yea" to "nay."

Mr. SHOWS changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4690, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 529 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4690.

□ 1409

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I yield myself 11 minutes.

Mr. Chairman, we present to you H.R. 4690, making appropriations for the Departments of Commerce, Justice, and State, and the Federal Judiciary and related agencies for fiscal year 2001. This bill provides funding, Mr. Chairman, for the largest variety of Federal agencies of any bill. The impact ranges from safety on our streets, to the conduct of diplomacy around the world, even to predicting the weather from satellites in outer space. So we will have a chance to talk about a big chunk of the Federal Government when we talk about this bill.

The bill requires a very delicate balancing of needs and requirements. We continue in the bill to recognize the very tight funding restraints under which we are required to live because of the 1997 Balanced Budget Act. At the same time, we must keep in mind the most fundamental needs of our Nation, and we have to provide sufficient funds to ensure that those needs are met.

This bill recommends, Mr. Chairman, a total of $34.9 billion in discretionary spending, and that is within our allocation from the Congress and the full committee. Within that limited allocation, we focused funding on priority areas to maintain our investments and to address key priorities, including maintaining our efforts in the war on crime and drugs by fully funding current operations for Federal law enforcement and the courts, as well as the growing detention needs in our prisons and our INS detention centers.

We maintain our crime fighting partnership with States and our localities to ensure that they have the tools they need to fight the war on crime and drugs, as well as the emerging threats of domestic terrorism; and we all know that it is in our local communities and in our States where the biggest war on crime and drugs and terrorism has to take place.

We maintain other important programs at current operating levels, including the weather service, weather satellites, trade promotion, law enforcement, State Department operations and small business assistance programs, as well as to provide full funding to complete the Decennial Census.

We continue and we strengthen our efforts to provide the most secure environment possible for our diplomatic personnel as they carry out their vital work overseas. We strengthen our efforts to address the growing crisis in detention, the continued problem of illegal immigration, and new and emerging crime threats as we move into the 21st century.

Within our limited resources, we have tried to stay the course, preserve proven programs, and address the highest priority problems. We have deferred funding for proposals for new programs that are undefined, untested, and unauthorized by the Congress, and may be impossible to sustain in future years.

For the Department of Justice, the biggest part of this bill, we recommend $20.3 billion for discretionary spending. That is $1.75 billion over the current year; and the vast majority of that increase is just to maintain current operating levels of Justice and to address the growing detention crisis. Of the increase, 45 percent, $789 million, is for increased detention costs to house Federal prisoners, criminal and illegal alien populations that are being detained in this country.

The bill also includes a $415 million increase for Federal law enforcement operations, FBI, DEA, U.S. Attorneys and U.S. Marshals, just to maintain their current operations and provide targeted increases for firearms prosecutions, drugs, cyber-crime, and national security threats.

□ 1415

In addition, $329 million is provided to ensure that Federal, State and local law enforcements are able to continue to operate in the new technology arena that the world has entered.

For INS, the Immigration Service, in addition to detention funding, we also provide increases for another round of new Border Patrol agents and technology that supports them, and for interior enforcement within the U.S., and to try to reduce the enormous naturalization backlog that now is years long.

The bill also includes a total of $4 billion for our State and local law enforcement partners as they fight the crime on the local level, including the COPS program. These programs are all maintained at pre-rescission fiscal year 2000 levels.

For the Department of Commerce, $4.4 billion is recommended, and that is a net decrease of $287 million below the comparable 2000 year level, excluding the one-time cost for the decennial Census, which we had to fund last year.

The bill maintains funding for most Commerce agencies at the current year level and provides some increases for key programs, including the weather service, weather satellites, NIST core research programs, and the U.S. and Foreign Commercial Service in our embassies overseas.

These increases have been offset by eliminating low-priority NOAA programs and the Advanced Technology Program, as well as savings from nonrecurring, one-time construction costs at the National Institute of Standards and Technology.

What this bill does not do, Mr. Chairman, is fund a number of new or expanded Commerce programs requested in the budget, unauthorized and, in some cases, even undefined, and we have not funded significant program expansions whose future funding levels may not be able to be sustained in future years.

For the Judiciary, from the Supreme Court down to the district courts, we recommend $3.49 billion, that is an increase of $245 million above the current year. That is just to allow the courts to maintain their current operations and to provide for a limited number of programmatic increases, and to allow the new judges that are being appointed and new courthouses being opened in order to staff those offices. These increases are in line with those provided to maintain our commitment to law enforcement. We cannot increase the investigators without increasing the courts to handle them and the prosecutors to prosecute them and the prisons, finally, to house those convicted.

For the State Department and the Broadcasting Board of Governors, we recommend $6.4 billion. That is an increase of $253 million over current levels, but $405 million below what was requested of us. The recommendation includes $3.1 billion for the domestic and overseas operations of State, and that is an amount sufficient only to maintain the current levels of staffing and our overseas presence.

The recommendation provides just over $1 billion, $1.06 billion, the full request, to address critical embassy security requirements and to continue designing and constructing secure replacement facilities for the most vulnerable of our overseas posts where our personnel are most at risk. This is a priority of this subcommittee, and I am delighted that we were able to meet the requests for spending in total.

We recommend $438 million for all U.S. government-sponsored international broadcasting, now functioning as an independent agency under the Broadcasting Board of Governors.

Related Agencies. Last but not least, we include $1.9 billion, $507 million below the request, and $128 million below current levels, but this level preserves current agencies and functions, and we reduce or eliminate lower priority programs. We include $856 million for the Small Business Administration, including $276 million for the disaster loans program and $264 million for business loan programs.

We have tried, Mr. Chairman, to bring to the committee a clean bill. It is free of the major policy controversies that have bogged us down in the past, and it meets the highest priority needs within the allocation we were given. We give no ground in the war against crime and drugs, we maintain our commitment to core programs at Commerce, including the National Weather Service and high priority items within NOAA; we maintain our commitment to providing secure facilities for our overseas personnel, and by hitting the subcommittee allocation we were given, we maintain the principle of fiscal restraint. It represents our best take on matching needs with resources, and I hope the House will stand behind it.

I want to thank the gentleman from New York (Mr. SERRANO), the ranking member, who has been a very effective and valued partner of mine and colleague as we drafted and worked on this bill. I deeply appreciate his thoughtfulness and his tireless participation throughout the process and his frank discussions with me about our work.

I would be remiss if I failed to thank all of the members of the subcommittee: The gentleman from Arizona (Mr. KOLBE); the gentleman from North Carolina (Mr. TAYLOR); the gentleman from Ohio (Mr. REGULA); the gentleman from Louisiana (Mr. LATHAM); the gentleman from Florida (Mr. MILLER); the gentleman from Tennessee (Mr. WAMP); the gentleman from California (Mr. DIXON); the gentleman from West Virginia (Mr. MOLLOHAN); and the gentlewoman from California (Ms. ROYBAL-ALLARD), for all of their work and assistance, and to express our thanks for all the long hard hours of our staff; it takes dedication and stamina, and they have been there. We want to thank our full committee chairman, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), the full committee ranking member, for their help.

Mr. Chairman, I urge all Members to support this bill.

One final consideration on this bill, one note of privilege here, and that is that my staff is maintaining a list of amendments, those that are filed and those only in the drafting stages, and I would appreciate the Members letting us add their name to the list if they think they might have an amendment. Simply knowing of that will help us manage the bill and perhaps speed its consideration.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would just like to emphasize what the Chairman has just said with respect to that one point. If we are to be able to try to work on some kind of unanimous consent agreement at some point, we need to know the full universe of amendments, and what Members' full intentions are. Otherwise, it is difficult to protect those Members, and the sooner we know that, the sooner we can try to meet the demands of the House.

Mr. ROGERS. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to discuss H.R. 4690, the bill making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and several related agencies for fiscal year 2001. I would be remiss if I did not first express my appreciation for the excellent relationship the gentleman from Kentucky (Mr. ROGERS), the chairman of our subcommittee, and I have enjoyed since I came on board as ranking Democrat, nearly a year and a half ago. He has been a good and fair leader and that made my tenure on the subcommittee both pleasant and productive, as well as educational. I must point out that this is his last year as chairman under the term limits imposed by his conference. His knowledge and experience of this bill can hardly be matched in the House, and I believe this will be a tremendous loss to us.

I also want to thank the full committee chairman, the gentleman from Florida (Mr. YOUNG) and my ranking member, the gentleman from Wisconsin (Mr. OBEY) for their support and understanding during these very difficult times.

It has also been a pleasure to work with the other subcommittee members. Those on our side have worked particularly well together, and I must especially thank the gentleman from California (Mr. DIXON) and the gentleman from West Virginia (Mr. MOLLOHAN), both of whom have served on the subcommittee for many more years than I have who have quietly guided and graciously supported the newer members, the gentlewoman from California (Ms. ROYBAL-ALLARD) and myself.

I want to take this opportunity to also thank both the subcommittee staff and my personal staff and our committee staffs. They are all here with us right now. They are Gail and Jennifer, Mike, Christine, John, Greg, Kevin, and, of course, our subcommittee staff, Sally, Pat, and my own staff, Lucy, Nadine, and Cecelia. I am sure I left somebody out, and I am in trouble for that.

As I have said often enough each year, within ever-tighter budget allocations, it grows tougher to produce a defensible bill. But my chairman has done a decent job with the resources allocated to him. The biggest flaws in this bill flow from the artificially low allocation and the choices it has forced on the subcommittee.

Despite a very sound economy and healthy, on-budget surpluses which CBO, in its mid-session review, is soon expected to increase, the Committee on Appropriations remains bound by artificially low allocations which prevent us even from keeping all of our agencies at their current services level and making funding important new initiatives virtually impossible. This is a time when we should take advantage of the economy and the surpluses to invest directly in our people and in our Nation through programs to narrow the growing income and opportunity gaps and strengthen the economy, not just hope investment will trickle down from tax cuts for the wealthiest Americans, which is I think a foolish way to look.

The chairman of our subcommittee has provided some increases for high priority law enforcement functions, but overall, the bill is not balanced. There are serious shortfalls in areas that are important to Members on both sides of the aisle. Even within the Justice Department, the emphasis is on prisons and detention, not the programs that protect Americans' civil rights or address crime or crime prevention at the local level. The same is true for the related agencies that protect civil and employment rights. The Commerce Department is virtually frozen without even the inflationary increases needed to maintain current services for its vital activities.

Mr. Chairman, let me mention only three problems with Commerce and related programs. Trade monitoring and enforcement will need more resources, not less, to assure compliance with the newly enacted Africa trade law and with China PNTR, even though supporters of both pledge muscular enforcement. The statistical activities that produce the data that underlie our economic decision-making have been declining under hard freezes for years, despite enormous changes in our economy, and we are approaching the point when basic data sets may become unreliable.

NOAA, with its critical work on weather, the health of our air and water, coasts and oceans and so much more, is cut $113 million below fiscal year 2000 and more than half a billion dollars below the 2001 request. This certainly leaves no money for Commerce's proposed initiatives, including two of particular importance to me: creating a pool of minority candidates for scientific and technical jobs at NOAA and NIST through minority-serving institutions, and bridging the widening digital divide between the haves and have-nots of the information age.

In the State Department, the funding for embassy security is certainly welcome and necessary. However, provisions fencing part of our U.N. dues pending a certification that cannot be made until well into the fiscal year, and holding our contributions to international peacekeeping at the current year's level will reduce our leverage for continuing reform at the U.N. and put us back in arrears to the U.N.

The funding shortfall for the Small Business Administration will affect our small businesses and, thus, our economy. The SBA's core programs are vital to small businesses, but providing $201 million below the request means an inadequate base for them to build upon. I am particularly concerned about the severe cuts in the request for microloan technical assistance and to the women's programs, as well as the lack of any funding for the new PRIME Technical Assistance Program.

The Legal Services Corporation, which won a final fiscal year appropriation of $305 million, has once again emerged from full committee with an appropriation of $141 million. For the last 5 years, floor amendments have increased LSC's appropriations to around $250 million. This year, I am offering an amendment to increase the Legal Services Corporation to $275 million.

□ 1430

I will explain the offsets for this increase when I bring up my amendment.

I will also be offering an amendment with the gentleman from Michigan (Mr. CONYERS) to increase funding for the Civil Rights Division of the Department of Justice. I believe that in such a good economy, it is outrageous not to address the discrimination that keeps some Americans from full participation in our society.

Mr. Chairman, like last year, I am hopeful that by the end of the process, we will have a bill we can all support. Although I have serious problems with H.R. 4690 in its present form, and as long as nothing happens on this floor to make it worse, I will not try to derail it, but will continue to work with the gentleman from Kentucky (Mr. ROGERS) for a better final product.

I hope that this is also the concern on the other side, because at this point this bill would be unacceptable to most Members of this caucus.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), the very distinguished and very effective chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in part to compliment him and congratulate him for having brought what is a fairly difficult bill to the floor in what I think will be a fairly bipartisan approach.

I also thank the gentleman from New York (Mr. SERRANO), the ranking minority member, who has been just a tremendous partner in this whole effort.

I would like to say that this is Thursday, and hopefully the agreement that the gentleman from Wisconsin (Mr. OBEY) and I are working on, along with the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO), will allow us to complete consideration of this bill early enough tomorrow that Members can make their weekend plans.

I also want to compliment the Committee on Appropriations, the staff, and the Members of this House. This is the eighth appropriations bill that the House will have sent down to the Senate for this fiscal year. That is in addition to the supplemental that we did earlier.

Eleven of our subcommittees have marked up their bills. The full committee has marked up 10 bills and has sent them to the House. The 11th bill will be marked up on Tuesday morning. That is the foreign operations bill. Next week we expect to have on the floor the agriculture bill, which is basically ready for floor consideration, and the energy and water bill, which we intend to have on the floor before next weekend.

Also, we fully anticipate having the conference report on the military construction bill ready for House consideration next week. So all in all, by the end of June, most of these appropriations bills will be through the House and down in the other body.

One bill, the District of Columbia, will not be, and basically that is because the District of Columbia has a different fiscal year than the Federal government. We have not yet received the budget request from the District of Columbia, so we are not able to have that bill ready by the end of next week.

The appropriations committee has done a good job moving the bills. The House has done a very good job moving the bills. I want to compliment all of the Members of the Committee on Appropriations for their excellent work.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me just simply say, in response to the remarks of my good friend, the gentleman from Florida, I certainly expect that by the end of June the House will have all or almost all of the appropriations bills through the House, but frankly, I think that means almost nothing. I do not know of a baseball game in which we score a run by having 12 or 13 men standing on first base.

The way it works in government is passage of the House gets us to first base, passage of the Senate gets us to second base, passage of the conference report after we iron out agreements between the Senate and the House gets us to third base, and signature by the President gets us home.

Six of these bills that we have ground through day after day and night after night are stuck on first base. A few of them may get to second base. All six of those are not going to get home. They are not going to get a presidential signature until they begin to reflect reality.

The problem is, we have gone through a huge debate taking many, many hours, on bills that we all know are not real. We all know that, in the end, the majority party is not going to be able to provide $90 billion in tax cuts for those who make over $300,000 a year, they are not going to be able to provide $200 billion in inheritance tax cuts for the richest 400 families in this country because the President is not going to sign those bills.

When Members finally recognize that, then there will be enough room in these bills to deal with the education needs of the country, to deal with the health care needs of the country, to deal with the foreign policy needs of the country, to deal with the criminal justice needs of the country, to deal with the law enforcement problems of the country, and to eliminate some of the ludicrous shortages that we have here today in the antitrust budget, in the trade enforcement budget, and the like.

Mr. Chairman, I would simply say that, in a sense, I feel strange even taking the House's time, because these bills are going to be adjusted. Every time a bill comes to the floor we are told by the majority party, "Do not worry, this is only the second step in the process Somewhere along the line it is going to get fixed."

What that means is somewhere along the line, somebody else is going to exercise their responsibilities. That is not much of a way to do business, in my view. But I guess since the bills are here we have no choice but to lay down clear markers about what we consider to be the shortcomings of those bills, as long as we are forced to go through this charade.

Eventually I would urge the gentleman to recognize, and I think the gentleman from Florida knows it, I would urge the House leadership to recognize that they can pass these bills in one of two ways. We can either pass these bills, as we just passed the previous appropriation bill, with a broad bipartisan coalition and pass these bills with a margin of three to four to one with a strong bipartisan chorus of support, or we can try to pass them on their side of the aisle with a few token votes on this side.

The majority has chosen to do the latter. That gets them to first base, it gets the bills out of the House, but it does not get them any further around the base paths. And until the leadership allows us to legislate rather than produce these "let's pretend" bills, we will continue to hear "Well, we know these bills are inadequate, but we will do better in September."

It would be much better if we did better now!

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I would just make this one point, that I think all of us who pay any attention to baseball understand that we cannot go from home plate to home plate. We have to go to first base first, and then we go to second, and then we go to third, and then we go home. We just cannot get there without passing first base.

Mr. OBEY. Taking back my time, I recognize that. But as the gentleman knows, these bills are all going to be vetoed, so they have not a prayer of getting home. The ball is never going to get out of the park on any of these bills.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA), a very valued member of our subcommittee.

Mr. REGULA. Mr. Chairman, it is hard to hit a home run with 2 minutes.

Mr. Chairman, I rise in support of the fiscal year 2001 Commerce-State-Justice and Judiciary appropriations bill. I certainly commend the gentleman from Kentucky (Chairman ROGERS) and the ranking member, the gentleman from New York (Mr. SERRANO) for bringing to the House a bill which was crafted under very tight budget constraints that governs the appropriations bills this year.

The bill does continue most programs at current levels, and recognizes high priority areas. I especially would like to thank the chairman for continuing the important partnership that has developed between the National Oceanic and Atmospheric Administration in the Department of Commerce and the Jason Foundation for Education.

This unique partnership continues to make available important research data collected by NOAA to over 3 million students who currently participate in the Jason Project. The focus of the Jason Project is to excite and engage elementary and secondary students in the sciences, and to encourage them to continue their education in the field of science. We have a lot of emphasis on that now.

In addition to a yearly curriculum, students participate in annual, electronic, and interactive field trips led by preeminent explorer and scientist, Dr. Robert Ballard.

This year the electronic school bus took students to the NASA Space Center in Houston and NOAA's Aquarius Underwater Laboratory in the Florida Keys. Students studied research techniques and equipment that are used in researching the two extremes, outer space and under water.

One key to the success of the Jason Project is its teacher professional development program. This is a first-rate program which should be made available to as many students as possible. This is pioneering work in long-distance learning.

As we move through the process, I would also like to work with the chairman to find some additional funding for the United States trade ambassador to enhance efforts to ensure compliance with trade agreements. I think this is of particular importance with the recent vote in the House to grant China permanent normal trade relations. We must be sure that China meets its commitments under the U.S.-China bilateral agreement to enter the World Trade Organization.

Mr. SERRANO. Mr. Chairman, as the representative from the Bronx, home of the world champion Yankees, and keeping in line with our baseball talk, I yield 3 minutes to the gentleman from North Carolina (Mr. WATT), the star pitcher for the Democratic team.

Mr. WATT of North Carolina. Mr. Chairman, I thank the ranking member for yielding time to me.

For the very reasons that the ranking member, the gentleman from Wisconsin (Mr. OBEY) described in his statement, I have about ceased to come to the floor to debate appropriations bills because, especially at this stage in the process, we engage ourselves in a charade because we know this bill and many others are going to be vetoed.

Occasionally I pick up a bill and become so disappointed, indeed sometimes so outraged, that I just have to raise my voice. This is one of those occasions, because when we are dealing with Commerce, Justice, and the Judiciary, and matters of state, we do not have the excuse that many of my colleagues on the Republican side have when they are just beating up on poor people or trying to deny giveaways or welfare, or whatever their political or social agenda is.

This bill generally is about how we assure people who are trying to do right by the system that we give some presumptions to how we fund their programs and be of assistance to them in meeting their obligations in the democratic process.

So when I look at a bill that funds the Legal Services Corporation at a 50 percent cut or 60 percent below what the President of the United States has requested, I say, what are we saying to people? Should they take to the streets and try to get their rights redressed in the streets, or should they continue to have confidence in our legal process and go through the legal process? What obligations do we have as a Congress to encourage them to use the legal process?

When I look at no funds in this bill to help address the digital divide, I ask myself, what message are we sending to people who are not able to, because of their station in life, to take advantage of these E advances, this technology, this booming growth that we are taking advantage of as a Nation?

When I look at a bill and see that the Equal Opportunity Commission is cut by 10 percent when people are trying to get equal justice and equal access to jobs in a growing economy, I say, what message are we sending to the people of the country?

I could go on and on and on, because this bill is simply inadequate. We should reject it and quit participating in this charade.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), the only gentleman in the body that last year struck a home run in that infamous ballgame.

□ 1445

Mr. WAMP. Mr. Chairman, I thank the gentleman from Kentucky for those kind words and for yielding me this time.

Mr. Chairman, this is a very important bill. I think few people realize how important this appropriations bill actually is to security, peace, tranquility, justice in this country. It, pound for pound and dollar for dollar, may be the most important appropriations bill of all 13.

Over the last 2 years, we have had approximately 23 hearings each year. I have attended virtually all of those hearings, and I have to tell my colleagues I am so impressed with the leadership of the gentleman from Kentucky (Chairman ROGERS). No one in this body knows their business and their subject matter better than the gentleman from Kentucky (Chairman ROGERS).

If the term limits for subcommittee chairmen rule holds, and, frankly, I hope in certain cases it does not, if it does hold, this may be his last presentation of the Commerce, Justice, State and Judiciary mark. He deserves great credit. As he hosts those hearings and interrogates our witnesses on critical matters around the globe, he knows his issues so well.

Attorney General Reno, Secretary Albright, Secretary Daley, Louis Freeh of the FBI, we fund almost 300 embassies and consulates around the world. There are so many critical parts of this bill. He knows the ins and outs. He has steered us over these last 2 years through the difficult issues of the census and the U.N. arrearage issue, both of which we now have behind us, and he has done it remarkably well.

That is why the gentleman from New York (Mr. SERRANO), our ranking member, speaks with such respect about the gentleman from Kentucky (Mr. ROGERS). I thank him for being sensitive to the little issues as well.

It is no longer a little issue, as the gentleman from Iowa (Mr. LATHAM) and I both know very well, the issue of methamphetamine production in rural America, where in east Tennessee we have got a bad, bad problem, and kids are dying and lives are being destroyed. This bill funds the remedy for fighting methamphetamine production, and it is so critical.

It is a balanced bill. We do not have as much money as we would like. But I will tell my colleagues this is a very responsible prioritization of resources within the limits that we face.

Today I come to the floor hoping that this is not the last subcommittee mark of the gentleman from Kentucky (Mr. ROGERS) that goes through the full committee and through the House for the first time but hope, in fact, that he can stay. But if, in fact, this is his last mark, I thank the gentleman from Kentucky for his leadership, I thank him for all that he does for the United States of America. A job well done.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS), one of those few States with two baseball teams.

Mr. DAVIS of Illinois. Mr. Chairman, I want to thank the gentleman from New York for yielding me this time.

Mr. Chairman, I rise in strong opposition to this bill for several reasons. First of all, it cuts the request by the Department of Justice for its civil rights division by $11.8 million. It cuts the Equal Employment Opportunity Commission by $31 million. This bill cuts the Department of Justice's community relations service by $2.35 million. It cuts the Civil Rights Commission by $2.1 million.

Finally, I cannot support this bill because it seriously cuts the Legal Services Corporation to a level that will effectively shut down basic legal services for the poorest and most vulnerable members of our society who are seeking justice.

When we are serious about improving race relations, relationships between law enforcement and communities, when we are serious about reducing racial profiling on our streets and roadways, in our airports and in our courtrooms, when we are serious about the real pursuit of justice for all of America, we will vote down this bill and restore the resources necessary so that everybody will have an opportunity to bridge the gaps between those who have and those who have not.

Mr. Chairman, I urge that we vote against this bill so that we can, in fact, ultimately move towards justice for all.

Mr. ROGERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I hope the Members will realize that when Members come here and speak at talking about cuts that they recognize that the speaker, for the most part, is talking about cutting from the amount requested of the Congress and not from the current levels of spending.

For the most part in this bill, as I have said, we maintain agencies at least their current levels. The Legal Services Corporation is an exception to that. But most of the other agencies are either increased or kept at their current levels. Very few, if any, besides Legal Services, are actually cut in this bill from current levels.

Mr. Chairman, I yield 4 minutes to the gentleman from Iowa (Mr. LATHAM), one of the hardest working Members of our subcommittee, who all the while is concerned with the interests of his district at home especially.

Mr. LATHAM. Mr. Chairman, I rise today in strong support of the Commerce, Justice, State bill, the appropriations bill for fiscal year 2001, as this bill addresses so many of the priorities that are very, very important to all Americans. This bill covers, I think, the broadest jurisdiction of an appropriations bill that we will address this year.

I would like to join my colleagues in congratulating the gentleman from Kentucky (Mr. ROGERS), our great chairman, for the tremendous job that he has done the last 4 years that I have been on this subcommittee and how sensitive and responsive he is and his staff are to my concerns and the concerns of the people in the district, and, also, the gentleman from New York (Mr. SERRANO) who started in this subcommittee this Congress and has learned very, very quickly and is really a tremendous asset, and we thank him and his staff for all their hard work.

We have real problems in my part of the country, and the gentleman from Tennessee (Mr. WAMP) referred to it also as far as the meth problem. This bill really addresses what is an epidemic from the Upper Midwest with the methamphetamines that are coming in basically from the Mexican cartels, through California, up through the borders and is having such a dramatic effect on Iowans and especially our young people today.

In 1999, the DEA seized 400 meth labs in the State of Iowa. The Iowa Department of Public Safety seized an additional 500 meth labs. What people should keep in mind is that this is about 10 percent of the amount of meth that is coming into the district and into the State. This is why we have to focus on these problems, and this bill does this.

There are $523 million for local law enforcement block grants, $552 million for the Byrne, local law enforcement assistance grant program. The Community Oriented Policing Services is funded at $595 million, including $45 million which is targeted in places like Sioux City, Iowa with the Tri-State Drug Task Force that is doing such an outstanding job today on this problem that we are experiencing.

In Iowa, as well as the rest of the country, we are experiencing real problems that I am sure this will be discussed a great deal with the INS, the fact that, last year or the last 5 years, they have released 35,000 criminal aliens into the general population. This is absolutely outrageous. People convicted of crimes, aliens of this country, and they are released into our population. The failure to bring integrity into the system as far as naturalization and the benefits process that we have throughout the country. The problem that we have as far as pending applications in the past year has increased from $2.1 million to $2.7 million.

We have an INS that simply cannot handle the responsibilities. We are, in fact, putting more and more money into this agency to try and solve these problems. But many of us believe that it is systemic in the agency itself and question, quite honestly, the competency of the leadership in that agency. But we are doing everything possible to make our immigration services work as they should.

It certainly is not a case of enough dollars going into it, as those budgets have been dramatically increased, at least in the 4 years that I have been on the subcommittee.

Just in closing, I would again express my strong support for this bill to thank, again, the chairman and his staff for the tremendous job and the responsiveness and the sensitivity to the issues that are before us.

I think it is an excellent bill. It can, maybe, be made even better later on. But certainly, under the restrictions we have, we are doing an outstanding job.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to address some of the comments that the gentleman from Kentucky (Chairman ROGERS) said. He made some comments about folks coming to the floor and saying that there were cuts, and he referred to them not as cuts, but, rather, turning down the full request that the administration has made. He is correct on that.

There are many parts of this bill where the amount the administration has asked for has been rejected, has not been adhered to. But we need to understand that those requests come about because there is a need, a growing need in some of these programs. There are services that have to be rendered. There are inflationary issues that have to be dealt with. So in fact, it is a cut when one says that one will not abide by the request.

Secondly, there are parts of this bill, and the glaring one is the Legal Services Corporation, where, indeed, it is a cut from current year funding. I mean, that is clear. So while I respect the use of words by the gentleman from Kentucky, I think that some Members on this side think their use of the word cut and cuts are not improper because that is, in fact, what they are.

Mr. ROGERS. Mr. Chairman, will the gentleman yield briefly on that point?

Mr. SERRANO. Certainly, I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, if I recollect correctly, the President's budget request was brought to the floor and voted on. Is it not correct that the House rejected the President's request by some 430 to 2. I ask the gentleman, what was the correct figure?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the assertion of the gentleman from Kentucky is not correct. The President's budget was not brought to the floor. The majority's interpretation of what the President's budget was was brought to the floor, and that interpretation was disowned by the White House as well as those of us on this side of the aisle. My colleagues were essentially bringing a false product to the floor and asking us to assume it as our own, and we were not dumb enough to do it.

Mr. SERRANO. Mr. Chairman, reclaiming my time, the gentleman from Kentucky (Mr. ROGERS) fully understands not only what the gentleman from Wisconsin (Mr. OBEY) says is correct, but also the fact that we did respond or did not respond to the administration's requests as we knew them to be, not as any other interpretation. Both our staffers had correct numbers and we had a choice to accept it or not accept it.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, may I inquire of the time remaining in general debate.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) has 7½ minutes remaining. The gentleman from New York (Mr. SERRANO) has 12 minutes remaining.

Mr. ROGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. CALLAHAN), a very hard-working member of the committee and the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Agencies of the Committee on Appropriations.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman from Kentucky for yielding me this time.

Mr. Chairman, I rise today, I guess, to a point of inquiry to both the gentleman from Kentucky (Chairman ROGERS), who has such vast knowledge of our judicial system, and to the gentleman from New York (Mr. SERRANO), his counterpart, who also has this same type of knowledge, to engage in a colloquy, a conversation about something I think is a very serious problem.

We have been hearing a lot of talk in the last couple of months about the breakup of Microsoft. But there is another serious problem that I think the Justice Department ought to look into, and that is a company by the name of Krispy Kreme who manufactures and bakes daily doughnuts.

Krispy Kreme readily admits on their advertising that they are the world's finest doughnuts, the same as Bill Gates talked about his computers. They are the world's largest selling doughnut, which proves my point that they have a monopoly on doughnuts, because they have developed the most delectable, delicious possibility of confection capabilities known to mankind. As a result, there is no doubt about it that they have a monopoly.

I think and I want my colleagues' help and their assistance in trying to convince Janet Reno to, maybe, bust this company up.

□ 1500

I think maybe we ought to look at the possibility of breaking it up to a glazed division, because we also have to understand, and those of my colleagues who have ever had one of these Krispy Kreme donuts will agree, that they are the most delicious things certainly I have ever tasted. They melt in your mouth. Most donuts, when we put them in our mouths, they expand, but Krispy Kreme melts in your mouth.

In addition to that, they have signs in front of all their bakeries that say "hot," and it is almost mesmerizing to people to drive by a Krispy Kreme and see that sign that says "hot." One is almost compelled to move in there.

I think it is time for the Justice Department to look into this and to see if the same situation does not exist that existed with Microsoft, to possibly splitting this company up into several divisions. Anyone who has ever eaten one of their chocolate donuts, they are the most delicious donuts you have ever tasted. But why should one company have the best donuts and the other companies not have an opportunity to compete fairly with them on an open-ended basis?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I do not want to punch a hole in the gentleman's argument.

Mr. CALLAHAN. Well, Mr. Chairman, let me just reclaim my time back to tell the gentleman that Krispy Kreme is now even selling the holes out of the center of the donuts.

Mr. ROGERS. Well, Mr. Chairman, if the gentleman will continue to yield, I can tell that he is an expert on this subject, and I wonder if there is a way that we could somehow taste the fruit of his labors and test whether or not there ought to be a suit brought.

Mr. CALLAHAN. Mr. Chairman, I think I could arrange for that. Because they are so inexpensive, I will be happy to provide donuts for the entire House, both sides of the aisle, so they can taste the delectability of these products that this company is making, that no doubt has given them this monopolistic situation that exists here in the United States.

Mr. ROGERS. If the gentleman will further yield, I want to compliment the gentleman for bringing this very serious matter to the attention of the Congress and the country; and I know that the Justice Department, when they learn of the monopoly that the Krispy Kreme glazed donuts have on this country, they will want to take appropriate action even as they have on other cases, and I commend the gentleman.

Mr. CALLAHAN. Mr. Chairman, we might also look at the EPA and get them involved, because any time a person drives by one of these bakeries and they sense this aroma of these fresh, hot donuts, they are almost compelled to turn their automobile into that store and buy donuts.

And another thing, too. We have to look at the good will. I know all of my colleagues witnessed the jubilation that was expressed by the lawyers of the Justice Department, when they were kissing and hugging each other, with their little bow ties on, after they won the case against Microsoft. They need some more reason to celebrate.

Ms. SANCHEZ. Mr. Chairman, I'd like to begin by thanking the members of the Appropriations Committee for their consistent support of SCAAP, The State Criminal Alien Assistance Program.

The Committee's efforts to expedite delivery of this important assistance to state and local governments is especially important to states like California, which have a large number of undocumented immigrants.

As many of my colleagues know, this program reimburses state and local governments for the costs associated with their incarceration of undocumented criminal aliens.

Since securing our nation's border is a federal responsibility, it seems only appropriate for the federal government to pay states for the costs they must expend.

It is estimated that these costs, in the 1999 fiscal year, totaled over $576 million for the State of California.

While I'm appreciative that the Committee recommended $585 million for the 2001 fiscal year, I am hopeful that as the appropriations process continues, Congress can work to increase funding to the authorization cap of $650 million.

Another important program that is currently underfunded in the CJS Appropriations Bills is the COPS program, which helps law enforcement work with communities to keep our families safe.

In my district in Orange County, the COPS program has put 313 officers on the street.

Both SCAAP and COPS are very important programs that I feel are underfunded in this Appropriations bill.

These, however, are not the only programs that receive inadequate funding: the Legal Services Corporation, the Equal Employment Opportunity Commission, and the Commission on Civil Rights can also be added to the list of underfunded programs in this bill.

I hope that all members of Congress can work together to ensure that these, and other important programs in the bill, receive adequate funding in the 2001 fiscal year.

Mr. BISHOP. Mr. Chairman, while I believe this bill is deficient for a number of reasons, I want to specifically focus on what I consider to be a woefully inadequate level of funding for the Community Oriented Policing Services (COPS) program.

At a time when the country is gaining the upper hand in our long-fought war against crime, the bill we are considering slashes the Administration's request for COPS funding by more than half, eliminating all funding for community prosecutors, reducing funding to help provide police with updated technology, and failing to provide any increase for community-based crime prevent programs.

This is hardly a step forward. In fact, it is a step backward.

The fact is, the COPS program works.

I have seen the impact it has had in the area of middle and southwest Georgia that I have the privilege of representing, where COPS grants have provided communities $12.5 million to help employ 258 additional police officers. Predictably, the result of putting more police on the streets has been more arrests and less crime.

If you ask why the country's crime rate has dramatically declined over the past few years, just ask our police officers and prosecutors and others on the front lines of the war against crime. They will tell you that a number of factors have contributed. But they will also tell you that the "COPS" program has been one of the biggest factors of all. So far, "COPS" grants have put 60,000 more police officers on community streets, and there is enough funding in the pipeline to reach 100,000 over the next couple of years. And if adequate funding is provided, we can still reach out goal of adding 150,000 officers by 2005.

While the crime rate is dropping, we should be aware of the fact that our criminal justice system has many unmet needs. At the same time, there are signs that the crime rate may be bottoming out, particularly among young people. It is a mistake to think we have already won the war against crime. If the country lets its guard down, there is every reason to believe the crime rate could begin to rise again.

Mr. Chairman, I urge our colleagues to reject a level of COPS funding that fails to meet the needs of the law enforcement community and, instead, to enact a level that will enable our police agencies and court system to continue gaining ground against the forces of crime, which cause so much human suffering and economic damage in Georgia and throughout the country at-large.

Mr. SERRANO. Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 4690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I hope we can minimize debate on a lot of amendments, and so I would like to get something off my chest early in the process so I do not have to keep popping up and down and offering a dozen amendments to do that.

We are at a watershed time in the history of this country. Internationally, our adversary, the Soviet Union, is gone. The Cold War is over. Their conventional military capability has collapsed, and we are facing a new paradigm.

In the last century, over 600,000 Americans were killed in combat defending democracy. We fought two world wars and a lot of other big wars. Today, we have a new role. Today, conflicts are likely to be more regionalized, and our job will be to contain those conflicts. And our job often will be to serve as peacekeepers and peacemakers rather than warmakers.

That is not going to be neat. It is going to be messy. Some Americans will die. But if we do it right, and if the executive and legislative branches of government cooperate, and if we cooperate with our allies, the price that America winds up paying for participation in world affairs will be far less than the price that we paid in the last century. In my view, this bill gets in the way of that.

This bill pretends, for instance, that an appropriations subcommittee can arbitrarily dictate what peacekeeping operations are voted by the Security Council of the United Nations and what peacekeeping operations the United States will support. Now, I do not agree with every peacekeeping operation that has been undertaken, but Congress cannot micromanage those questions. They can participate and they can help with consultation, but they cannot micromanage those without being destructive of our national interest.

Domestically, we similarly face a new paradigm. Since 1981, and the first Reagan budget, we have had 18 years of triple digit deficits; and at the same time, the gap between the wealthiest 2 percent of people and everybody else in this society has exploded. Now we have a new situation. We have huge new surpluses instead of huge deficits. This is a precious moment when, with enough vision, we can repair the seams that have held this society together for over 200 years. We can prepare for a new sustained period of economic growth and prosperity, and we dare not screw it up.

I would ask the question: With the wealthiest 1 percent of persons in this society already controlling more assets than 90 percent of all Americans combined, will we insist, really, that we are going to provide huge additional tax cuts for those folks; or will we decide, instead, to have better targeted and more disciplined tax cuts so that we have enough left to meet the basic needs of all of our people, including some of those who have been left behind in the area of health care, in the area of prescription drugs, in the area of housing? And are we going to make the needed investments that we need to make in science and in education to make this economy the wonderful arena for opportunity that it can be?

We have a third new paradigm in that new economy. We have had an incredible transformation in the way this economy works. The market capitalization of all publicly held corporations has grown in a handful of years from $4 trillion to almost $14 trillion. And in that process the power of some private companies to totally dominate the economy and crush competitor and consumer alike has grown to a proportion we have never yet seen. And whether the issue is gas prices, or whether the issue is in other fields, the question is whether or not consumers are going to be allowed to have the niceties of a competitive market or not.

Now, government has an obligation most of all to know what is happening in this economy. We need to know its true size. We need to know what is really happening with price changes.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. We need to know what is happening with production changes. And the effect that this bill has on our ability to know all of that is decimated because we are cutting the budgets of the agencies that do the statistical analysis to tell us what is really happening. Just one question for example: How do we really tell the price of a product when the nature of that product is being changed every 3 months, as computers are, for instance?

The second thing I would like to say is that the fundamental right of any business in an economy is a free marketplace. That is as important to each and every business as the Bill of Rights is to every individual in this country. And yet at the very time that this economy is creating tremendous opportunities, it is also creating tremendous possibilities for anti-competitive practices to go unpunished and unregulated in the marketplace. And this bill makes that problem worse because it cuts the funds that are needed to police the anti-competitive practices of many of those corporations, including, just for one example, the oil companies, which are the subject of so much suspicion today.

We have one more challenge; that is the challenge of globalization. How do we compete with countries with different cultures, different economies, and a different understanding about what the rules of the game ought to be? When we do something like pass the China trade bill, as we passed last week, we have an obligation to provide the resources to enforce the rules that we say we are going to hold other nations to, and this bill cuts back on that effort as well.

This time is not a time of crisis. It is a time of unparalleled opportunity, if we use our surpluses the right way. If we can restrain the impulse to give tax cuts away to everyone in this society, including those who need it the least, and focus those tax cuts, instead, on those who need it the most, we can have room in the budget to strengthen Social Security, to fill in the gaps in health care, we can strengthen public education, we can assure a competitive marketplace, and we can create a sense of shared prosperity and create a new generation of progress which will stand with us for years to come.

The problem with this bill is that it, along with five or six others that we have passed so far, denies us the opportunity to use this precious moment to do what is necessary to knit this country together again in a united fashion for the entire coming generation. That is the failure of this bill, and we will outline those failures as we go through section to section, but that is the failure that has to be corrected before we will support this or any other major appropriation bill.

Mr. LARGENT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Kentucky, the chairman of the subcommittee.

I would like to address the gentleman about a problem that I have been working on. It is a real threat to our families today. I have been working to find a way to ensure the enforcement of Federal statutes for the prosecution of illegal pornography.

With the advent of the Internet, material that is illegal under both State and Federal statutes has been allowed to continue to grow unchecked as the Department of Justice has looked the other way, and now is the time for Congress to act on this most important issue.

Adult entertainment sites on the Internet account for the third largest sector of sales in cyberspace, with an estimated $1 billion to $2 billion per year in revenue. Given the aggressive marketing techniques of the adult entertainment industry, it should be no surprise that a recent study of children ages 10 to 17 revealed that one in five of our children have been solicited for sex over the Internet in the last year. And the average age of children continues to decline, of those that are exposed, or have their initial exposure to pornography. It is now down to 11 years old.

Mr. Chairman, I would ask the gentleman from Kentucky to commit with me to work to ensure funding for the prosecution of illegal pornography under Federal statutes by the Child Exploitation and Obscenity Division of the Department of Justice.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. LARGENT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for raising this very important issue, and one that we all recognize is a growing problem.

□ 1515

I will be happy to work with him to ensure that sufficient funding is given to the Child Exploitation and Obscenity Program within the Department of Justice.

Mr. LARGENT. Mr. Chairman, reclaiming my time, I thank the chairman and would remind all of my colleagues that mothers and fathers across this country will be watching our actions and the actions of the Department of Justice on this very important issue.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $84,177,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,136,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2000: *Provided further*, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the aforementioned proviso: *Provided further*, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: *Provided further*, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $1,800,000, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications as mandated by section 104 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 903(d)(1)), including the cost for operation and maintenance of Land Mobile Radio legacy systems, $177,445,000, to remain available until expended.

AMENDMENT OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SERRANO:

Page 3, line 20, after the dollar amount, insert the following: "(decreased by $82,000,000)".

Page 13, line 14, after the dollar amount, insert the following: "(decreased by $23,000,000)".

Page 23, line 2, after the dollar amount, insert the following: "(decreased by $45,000,000)".

Page 71, line 1, after the dollar amount, insert the following: "(decreased by $10,000,000)".

Page 92, line 9, after the dollar amount, insert the following: "(increased by $134,000,000)".

Page 92, line 10, after the dollar amount, insert the following: "(increased by $130,425,000)".

Page 92, line 11, after the dollar amount, insert the following: "(increased by $975,000)".

Page 92, line 14, after the dollar amount, insert the following: "(increased by $2,600,000)".

Mr. SERRANO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SERRANO. Mr. Chairman, here we go again. For the sixth year in a row, the FY 2001 Commerce-Justice bill includes only $141 million for the Legal Services Corporation. This is $164 million below the fiscal year 2000 appropriation of $305 million and $199 million below the President's fiscal year 2001 request of $340 million.

When it was first presented to the House in fiscal year 1996, $141 million represented one-third of the prior year's level. But it has since become a meaningless number.

For each of the past 5 years, a floor amendment offered by the ranking member of the subcommittee and supported by a bipartisan majority has raised the funding level for the LSC to about $250 million by shifting funds within the bill. Action by the Senate and in conference has typically resulted in a more realistic, but still meager, final appropriation.

However, as funding allocations for the bill have gotten increasingly tight, it has become much harder to find accounts to cut as offsets for the addback for LSC. And by now, the $250 million level that the House has typically adopted is far short of the amount needed to provide needed legal assistance to the country's poor and disadvantaged.

It baffles me that some of our colleagues object to a Nixon-era entity, the role of which is to assure that low-income Americans have access to the civil justice system, surely a basic human and constitutional right, and which raises substantial non-Federal resources and promotes pro bono service by private lawyers to increase legal assistance to the poor.

It was one thing to identify problems with LSC that certainly existed, but these problems have for the most part been fixed.

In fiscal year 1996, for example, Congress enacted reforms requiring competitive bidding for all grants and accounts and imposing restrictions on the kinds of cases LSC grantees may engage in. Grantees remain prohibited from abortion, redistricting, or class-action litigation, from representing prisoners or undocumented immigrants, from welfare reform advocacy, and from any sort of lobbying.

The cases LSC does work on include domestic violence, child abuse and neglect, as well as child custody and visitation, foreclosures and evictions, access to health care, bankruptcy, wage, unemployment and disability claims, consumer fraud, and similar problems faced by low-income individuals and families.

During 1999, LSC closed more than 924,000 such cases, the overwhelming majority concerning women and children. That 924,000 figure shows how LSC responded to a problem by moving to correct it. LSC guidance on the definition of a "case" for purposes of case service reports, CSR, has become out of date and unclear, which led some grantees to report as cases activities that were not.

LSC responded by providing new instructions guidance, training, requiring grantees to self-inspect their CSR data, increasing oversight to test grantee compliance, and following up where grantees need to take corrective action.

Based on what LSC learned during this process, they were able to adjust the million-plus cases reported in 1999 by the estimated 11 percent error rate to arrive at the more accurate figure.

Anyway, Mr. Chairman, this year I am offering an amendment to increase LSC funding by $134 million, from $141 to $275 million. This increase would be offset by cutting $82 million from Narrowband Communications, which would otherwise receive a nearly 75 percent increase; $23 million from the Assets Forfeiture Fund, which was one of my offsets last year; $10 million from the Diplomatic and Consular Programs account of the State Department, an account of $2.7 billion; and $45 million from the Salaries and Expenses Account of the Bureau of Prisons, which is re-estimating the amount of funding that it will likely carry over into fiscal year 2001.

Let me just say that, as with last year, I am not wedded to these offsets and expect these and other accounts will be adjusted as we proceed to conference.

The House has repeatedly rejected $141 million as insufficient for the important work the Legal Services Corporation does. I urge my colleagues to do so again by voting for this amendment.

Mr. RAMSTAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join as the second sponsor of this answer to prevent the devastating 54-percent cut in Legal Services Corporation funding.

Mr. Chairman, every Member of the House before voting on this Draconian 54-percent cut in Legal Services should walk across the way and read the words etched on the Supreme Court of the United States. They say, "Equal Justice Under Law." Because if this amendment is defeated, there will be no equal justice in America. Our poorest people, our most vulnerable people, will be shut out of the courts if we wipe out Legal Services.

Congress has already cut Legal Services 30 percent since 1995. If we enact this cut on top of that, thousands and thousands of domestic violence victims, neglected children, vulnerable senior citizens, and people with disabilities would have absolutely no access to civil justice.

As a sponsor of this amendment, Mr. Chairman, I had hoped to restore Legal Services funding to the same level funding as this fiscal year. Unfortunately, as the gentleman from New York (Mr. SERRANO) explained, we were only able to find offsets to bring the funding up to $275 million, which is $30 million less than current funding and $65 million less than the request.

So even if we pass this amendment today to restore partial funding, we are still experiencing a real cut, a reduction of 11 percent over this year's funding.

Last year, critics of Legal Services were down here on the floor, and I am sure we are going to hear the same songs sung out of the same hymn book today, arguing that Legal Services should be cut because some local programs were confused about the proper method of case reporting. Remember the arguments?

Well, my colleagues, that problem has been fixed. That problem has been resolved. Legal Services has educated the local programs about the proper method of reporting cases, and it as is vigorously ensuring there is accuracy and consistency in reporting. So there is no more problem in reporting cases.

Also, it is time to set the record straight about the misleading, outdated charges by Legal Services critics, and I am here sure we are going to hear more of that here today, who ignore the fact that the Legal Services Corporation was already reformed by Congress in 1996.

Remember in 1996, those of my colleagues who were here, we enacted tight restrictions on Legal Services. So there are no class action suits anymore, no lobbying, no legal assistance to illegal aliens, no political activity, no prisoner litigation, no redistricting representation, no collection of attorney's fees, and no representation of people evicted from public housing due to drugs. Although I am sure we are going to hear critics complaining about Legal Services attorneys bringing those cases, it does not happen.

I hope we have an honest debate on the merits today of Legal Services. Those restrictions, Mr. Chairman, are in permanent law and are restated once again in this bill. And these tight restrictions are not limited just to Legal Services Corporation funds. Legal aid programs cannot even use State or private funding on these purposes if they receive just one penny from the Legal Services Corporation.

So there is no argument about a fungibility any longer. If they violate these restrictions, in fact, attorneys can be disbarred and programs lose their LSC funding and their ability to apply for funding in the future. So I think we have taken care of those extracurricular activities that we limited back in 1996.

Some critics also continue to point to a few isolated cases that appear to be abusive, and may have been in the past, but in these cases the facts show that no LSC program was generally involved or the LSC is enforcing sanctions against the abuses. But even if those alleged abuses are true, and we are going to hear about that again today, these are only a mere handful of aberrations in a program with countless success stories of service to people who need access to civil justice, domestic violence victims, children in need of support, and seniors, people with disabilities in danger of losing services that they need just to survive.

Now, in my home State of Minnesota, I am thankful support for legal aid by the Bar Association, the State Bar, the general public, and the legislature is strong. But even in Minnesota, local programs last year had to turn away 20,000 people because of the scarce resources and another 58,000 did not even file a claim, did not even pursue their case because there are not enough resources.

So we all know what is going on in this country. There are not enough resources at the current level of funding to help people and to make those words on the Supreme Court meaningful, "Equal Justice Under Law."

So, Mr. Chairman, let us not shut the courthouse door to poor people in America. Let us give the most vulnerable Americans their day in court like every other American.

Mr. DELAHUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to acknowledge the fine work of both the subcommittee chair, the gentleman from Kentucky (Mr. ROGERS), and the ranking member, the gentleman from New York (Mr. SERRANO).

At the same time, I, too, want to express my disappointment to have to participate once again in what has become an annual ritual in which the Committee on Appropriations slashes funding for Legal Services and the House restores it.

While I regret the necessity for this amendment, its passage is absolutely critical; and I am proud once again to join with the ranking member and the gentleman from Minnesota in offering it.

Last year, LSC provided support to 237 local Legal Services programs serving every county and congressional district in America. Ninety-seven percent of the funds we appropriated went directly to local programs. This appropriation is truly a lifeline for hundreds of thousands of people with no other means of access to the legal system.

Last year alone, Legal Services closed nearly one million cases brought on behalf of some two million individuals.

Now, who are these people? Over two-thirds are women, and most mothers with children, women seeking protection against abuse of spouses, children living in poverty and neglect, elderly people threatened with eviction or victimized by consumer fraud, veterans denied benefits, and small farmers in America facing foreclosure.

Let me tell my colleagues about one recent case in my own congressional district. A woman, whom I will call Pauline, was married to a man I will call Frank. Frank, on a regular basis, brutalized Pauline in front of their two children. After repeated exposure to this behavior, the children became fearful and disruptive in the schoolhouse.

Eventually, after one particularly brutal beating, Pauline sought help from Legal Services for Cape Cod and the islands. They helped her get a divorce and a permanent abuse prevention order. Since then she has managed to put her life back together, and now the children are excelling in school and their behavior problems have ceased.

□ 1530

These are the kinds of people who will be hurt if this amendment is not adopted today. If LSC is forced to absorb the huge cuts made in committee, over 200 of the 925 neighborhood Legal Services offices will have to be closed. This will leave one Legal Services lawyer to service every 23,600 poor and disadvantaged Americans. Over 250,000 families in need of legal services will have to be turned away. Nevertheless, as the gentleman from Minnesota suggested, we will hear from some critics of LSC that we should cut the funding for the program. Why? Because a few local grant recipients overstated the number of cases they handled back in 1997, chiefly by reporting telephone referrals as cases. Never mind the fact that the agency itself uncovered the problem, the agency itself brought it to the attention of the Congress, and the agency itself moved speedily to correct it. Never mind the fact that despite the cries of fraud and abuse, neither LSC nor its affiliates derive any financial gain from erroneous reports because case numbers have no bearing on the program's funding goals. Allocations are based on eligible population living in each service area, not on the numbers of cases handled or even referred. This has been pointed out, yet repeatedly the allegations continue to be made.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. DELAHUNT) has expired.

(By unanimous consent, Mr. DELAHUNT was allowed to proceed for 1 additional minute.)

Mr. DELAHUNT. Mr. Chairman, there is a wonderful irony in those figures, because those who criticize LSC for counting referrals as cases fail to appreciate that referrals are what an agency does for the thousands of needy people whom it is unable to help. And even without the proposed cuts, referrals must be made in many thousands of cases because current funding needs meet only the needs of 20 percent of those who are eligible. Let me suggest that that is unconscionable. When we speak of justice for all, remember that we are denying it to oh so many in this country.

I urge my colleagues to support this amendment. It is a crucially important vote. It is the right thing to do.

Mr. GEKAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, many Members will remember that last year, those of us who are interested in this particular issue and I, notwithstanding some tremendous reservation that I had, supported and voted for and spoke on behalf of the amendment to increase last year's budget for Legal Services. I did so even though I knew there was a cloud, a gigantic cloud, over the Legal Services arena by reason of rumor and factual information based on rumor and then facts, rumors and all of that put together in statistical reports that there was a tremendous overreporting of cases rampant throughout the system.

I did so, and I stated, I am going to give the Legal Services the benefit of the doubt. I am going to vote for the increase in the funding notwithstanding these doubts, because if an increase is based, as all the time we see on the floor it is based when we are asking for increases on increased workload, then it is not justified at all. But I was still willing to give the Legal Services the benefit of the doubt and voted in support of that increase.

Then my committee, which has jurisdiction over this subject matter, conducted hearings. We found indeed that that overreporting, which was only rumor, that overreporting which people scoffed at as being clerical error, was indeed the fact and that we had to deal with it. We were buttressed by information that was presented to us at that hearing by the statistics gathered by the IG within the Legal Services Corporation which found, and I am quoting from the chart here, overstated cases in the thousands. In cases where there were actual files but no services actually rendered, 30,053 cases. What does that mean? It means that in 30,000 cases, no services were rendered and overreporting.

Those who say that these statistics do not matter are blind to the fact that an increase in funding is supposed to systematically go for the increased workload. So either they were overfunded last time or they are properly funded this time. That is why I have to oppose the amendment and to fulfill my pledge in front of the committee when I stated that I was not going to support an increase in the funding this year but to remain steadfast and support the recommendation of the committee for the level of funding.

I must say, in addition to this, for all those who would doubt it, I am a supporter of Legal Services. From the very beginning, from a year in service where in Pennsylvania it was unheard of and became a product of State justice for Pennsylvania to undergo a Legal Services program, I was in on the ground floor of that movement and I support it today. The only differences I have had over the years is the methodology of providing those legal services to the poor. No one is going to be able to with any veracity claim that I am an opponent of Legal Services, and that is why it becomes important for me to note that I did support the effort last year on the extra funding. I do not this year, for the same rationale, my deep interest in making the Legal Services work and to have the confidence of the taxpayer and to have the confidence of the people who must make use of it.

I urge the defeat of the amendment.

Mr. HOEFFEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Serrano-Ramstad-Delahunt amendment that would restore some of the proposed cut in the Legal Services Corporation budget that the committee has brought to the floor. The Serrano amendment is desperately needed and we must pass this amendment. I am proud to stand with them in this regard.

I listened carefully to the remarks of my colleague from Pennsylvania, the previous speaker, with whom I served for several years in the Pennsylvania House and for whom I have the highest regard. I would respectfully suggest to the gentleman from Pennsylvania that the issue is not the question of phantom caseloads or of problems from 1997 or 1995 or any other year. The problem is what will these cuts do to Legal Services in 2001? What will be the impact in our communities if we cut Federal support for Legal Services by over 50 percent? I would suggest to the gentleman and to the Members of the House that the impact will be dramatic.

Let me talk a little about Legal Services in Montgomery County, Pennsylvania, where I come from. The Montgomery County Legal Aid Society has already had its Federal support cut from a high of $300,000 per year to $200,000 a year. If this proposed cut goes through, they will be cut again to $100,000 a year. Their caseload in the past has been as high as 2,000 cases a year; but that has been reduced by 250 or 300 cases because of the cuts from 1995 they have already had to absorb in Federal support. If this cut goes through, they will have to reduce their caseload another 250 or 300 cases a year.

Now, this is a county that is actually pretty fortunate, because it is in a State, Pennsylvania, that has increased support for legal aid. While the Federal support in Montgomery County is $200,000 a year, the State support is another $200,000 a year; and Montgomery County government provides $300,000 a year to the Montgomery County Legal Aid Society. Private lawyers and the county bar association provide another $100,000. We are better off than many counties that have a lower level of local resources available to support such a necessary program.

But the problem is that when this Federal support is reduced, the impact is not on phantom cases. We are not sending a message to bureaucrats. We are not reading the riot act to the people that run Legal Services Corporation in Washington. We are reducing services to people in Montgomery County, Pennsylvania, and across this Nation. Most of these people that will lose services will be women. Two-thirds of the clients of Legal Services are women, poor women, working poor women. These are women that need help with protection from abuse cases. These are women that need help in consumer fraud cases. These are women that need help with financial problems, women that need help with foreclosures, women that need legal services. This cut will deny in my county another 250 or 300 cases from being represented for poor people and the working poor in my county.

We have a principle in this country of equal justice for all. To make that principle come true, we have to give equal access to the courts for all. The bill attacks that principle. This amendment would correct that problem and would provide adequate funding for legal services.

I support the Serrano amendment and urge the House to do the same.

Mr. UPTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment to restore funding for the Legal Services Corporation. Justice for some is no justice at all. As my colleagues may recall, the Legal Services Corporation was created in 1974 to provide financial support for legal assistance in civil proceedings to persons unable to afford legal services. Legal services for people who cannot afford it.

The Legal Services Corporation is the Government's vital and often only link between our disadvantaged constituents and meaningful access to the courts and our legal system. Too many in our Nation lack real access to our justice system. Access to the justice system and righting a wrong should not be a privilege of the wealthy but instead a right for all.

As chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce, I am among the first to go after fraud and abuse. However, we must remember that it is also our job to correct the mismanagements within government programs to ensure that these programs continue to fulfill their obligation.

A number of years ago, yes, there were problems with the Legal Services. But with Congress' help, the Committee on the Judiciary adopted a number of significant restrictions and restructuring; and in fact now the Legal Services Corporation has become an institution that the Congress, Republicans and Democrats, can be proud of. We must continue to invest in this important program that continues to fulfill the American principle of equal justice under the law.

I welcome this opportunity to highlight a few of the examples of how the Legal Services Corporation has benefited my district in Michigan. The Legal Aid Bureau of Southwest Michigan helped a mother of three keep her home and avoid eviction after a corrupt landlord alleged nonpayment of rent. In fact, the family's rent was paid up to date. However, the landlord applied the rent to the cost of water repairs that were actually his fault, not the family's. Through the assistance of the Legal Aid Bureau, the court dismissed the fraudulent claim and awarded the family enough money to relocate. Without this assistance, who knows where they would be today?

Two mentally disabled constituents rented a condemned apartment and their slumlord threatened to physically throw them out. Through court action, the Legal Aid Bureau retrieved all of the money which my constituents had paid to the slumlord. I ask who would represent these people if it were not for Legal Services?

The governor of the State of Michigan, John Engler, understands the importance of providing legal assistance to low-income residents. I have a letter from the Michigan governor in support of providing long-term stable financial support for civil legal aid. He recognizes that in Michigan only 20 percent of the civil legal needs of low-income residents are being met. In Michigan, there is one lawyer for every 340 folks. However, there is only one civil aid lawyer for every 6,500 citizens with low income.

I encourage my colleagues to remember that access to the justice system and righting a wrong should not be a privilege of the wealthy but a right to all. Please support this amendment to ensure that all Americans have access to our justice system. Justice for some is no justice at all.

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, October 4, 1999.

DEAR FRIENDS: As Governor and a Michigan attorney, I endorse the State Bar of Michigan's Access to Justice for All (ATJ) Development Campaign. I have delivered my pledge to the ATJ Campaign and am writing today to encourage all members of the State Bar to do so as well.

Only 20 percent of the civil legal needs of Michigan low-income residents are being met, despite the volunteer service of many lawyers and the civil legal aid programs in our communities. Although there is one lawyer for every 340 people in Michigan, there is only one civil legal aid lawyer for every 6,500 citizens with low-income. This affects 1.5 million Michigan residents who qualify for civil legal aid.

These low-income families need legal assistance on essential family, housing and consumer issues. We expect all Michigan residents to use our institutions to resolve their disputes, and we must make certain that everyone has meaningful access to our justice system.

Across Michigan, lawyers are taking the lead to address this important issue. The ATJ Development Campaign, a permanent endowment using private funds, has been established by the State Bar to ameliorate this societal problem. Earnings from the endowment will be distributed to our community legal aid programs, allowing the principal to grow. The State Bar is underwriting the costs of this bold development campaign for the first three years.

The ATJ Development Campaign will provide long term, stable financial support for civil legal aid. Additionally, the State Bar is undertaking other unique initiatives to give Michigan a stronger, more efficient and effective legal aid system.

That State Bar's ATJ Campaign is historic. No other state bar has undertaken a comparable development campaign. In recognition, the American Bar Association awarded the prestigious Harrison Tweed Award to the State Bar of Michigan.

Please join me and deliver your pledge to the ATJ Campaign. Justice for some is no justice at all.

Sincerely,

JOHN ENGLER,
Governor.

□ 1545

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly rise in support of the Serrano-Ramstad-Delahunt amendment. America has a 25-year commitment to helping those who cannot afford legal assistance and it is outrageous that today's Commerce, Justice, State appropriations bill severely cuts back on this commitment.

For my colleagues who are not satisfied that every single mistake has been corrected that this legal assistance group has made in the past, I ask my colleagues, do we cut the Defense budget by 50 percent when the Defense Department loses their records and costs this country millions and billions of dollars? Of course, we do not.

By providing the Legal Services Corporation with less than half of its current funding, 50 percent less, this bill is effectively denying low-income individuals, including women, seniors, and veterans access to legal advice and representation that they need, help that they must have.

Mr. Chairman, Legal Services funding has a direct impact on thousands and thousands of peoples' lives, and this amendment will put some of the money back. It will help low-income individuals. It will particularly help low-income mothers, mothers who are victims of domestic violence, mothers whose fathers, husbands, their children's fathers who have abandoned them. It will help these individuals fight back and regain control of their lives.

Legal Services Corporation-funded programs provide these women, victims of domestic violence, with more legal assistance than any other organization across this Nation.

This base legislation tells women and tells their children that they are not a priority. How can we do this? I urge my colleagues, join together and vote for this amendment. Vote to increase funding for legal services to help veterans, to help seniors, to help mothers and to help their children.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Serrano-Ramstad-Delahunt amendment to increase some funding for Legal Services Corporation.

The Legal Services Corporation is very important in assisting vulnerable people in our society. Women and children are among the vulnerable who, without assistance, often find themselves in abusive situations that they cannot control. The impact of these situations is significant, and it could well result in homelessness and a loss of necessary financial resources for food, maintenance, and health care.

To give one example from my own district, as a result of domestic violence and in fear for her safety and that of her 5 children, a woman left her husband of 15 years. He had been the primary support for the family; and she was able, on her own, to obtain housing although it was still neither decent nor safe. Yet, because of her financial situation, she was threatened with eviction.

Legal Services helped her to get Section 8 housing, and the family was able to relocate to decent housing with adequate space. This stabilized the family during a very disruptive and unsettling time.

Millions of children are the victims of abuse from their parents and others who are responsible for their care. This abuse goes on somewhere in the country every minute of the day, and Legal Services in Maryland represents children who are neglected or abused.

Such neglect or abuse ranges from a child being left alone by a parent or not being provided a nutritional meal, to physical or sexual abuse that results in severe injury and, all too often, death.

Legal Services has helped the infant that has been abandoned at birth, the child who is left unattended, the children who have been beaten, burned by cigarette butts because he would not stop crying or scalded by hot water to teach him a lesson.

These children are vulnerable and, without the protection of the law, they would be endangered and lost. Legal Services advocacy on behalf of children assures that they will not be the subject of abuse, it helps to secure services for children such as housing support, health care, food, educational programs and necessary counseling.

The work of Legal Services on behalf of families and children touches at the very heart of what we value in this country, decent housing, adequate health care, food and a safe environment.

Because of the importance of safety in our society, these legal service programs have supported legislation to prevent abuse and to protect the abused. In general, the States are not allocating funds for civil legal services for poor citizens.

Without this federally-funded program, the most vulnerable members of our society will not have the ability to get inside that courtroom door to seek the judicial protection of their rights that they deserve.

We must assure that sufficient funds are available, and I, therefore, support very strongly and urge support by my colleagues for this amendment.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. MILLER of Florida) assumed the Chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The Committee resumed its sitting.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the chairman of the subcommittee, the gentleman from Kentucky (Mr. ROGERS) and the ranking member, the gentleman from New York (Mr. SERRANO).

Just a few minutes ago, the Texas Board of Pardons and Paroles denied the requests of Gary Graham for clemency and an opportunity for a new hearing. At this time, his execution is set for 6:00 p.m. today.

Gary Graham continues to press his case to show his innocence and argues that witnesses that could have presented his case of innocence were not heard. Gary Graham, 17 years old, did not have the counsel that might have generated a trial that might have had the opportunity for fact finders to make a full and open decision.

Justice in this Nation should not be determined by one's wealth, and although the Legal Services Corporation does not deal in criminal matters or death penalty cases, I use this day's tragedy to argue for the amendment before us, because it is important for the American people to understand that we are a Nation of laws.

I believe the American people accept that. It is a voluntary system where we commit ourselves to be governed by laws. We seek to address our grievances by the legal system, and we go into courts or proceed under administrative proceedings.

The Legal Services Corporation that generates dollars into our local community, in my instance, the Gulf Coast Legal Foundation in Houston, Texas that I served as a board member on, argues for those who cannot speak for themselves. It argues for those who cannot afford the billable hours, and it provides the bare minimum quality of life issues that many of us take for granted.

It works with families who do not have housing. It assists the homeless or those who are in transition, and it is interesting as we look at the history of the funding of Legal Services, it has had a very rocky history over these last couple of years.

There has been no denial that it has not done good work, that it has not worked with those in the Indian population here in America, that it has not worked with mothers of children needing services, as I indicated, educational services, special education, housing, food services and mental health services.

But yet this organization has been attacked, and I wonder has it been attacked because its clientele is voiceless. It cannot lobby the United States Congress to ensure that it gets the money. I look at its budgeting, and I see that over the years 1995, $400 million, but yet steadily it has gone down, and this committee puts in $141 million, a mere $141 million to fund Legal Services Corporation for the whole Nation.

Mr. Chairman, I am grateful for this amendment that adds $134 million that brings it up to $275 million, because there are people who cannot fight the landlord who have reasons not to be evicted. There are people who need child support who cannot fight the large entity that opposes them who deserve child support for their children.

In a hearing just a few weeks ago with Senator PAUL WELLSTONE in my district, hundreds of people were in the room to attest to the fact that they cannot get mental health services for their children because of the stigma of mental illness, because of their resources, because of their frustration, because of the lack of services.

The Legal Services Corporation steps in to help those people find the benefits that they deserve. It helps the senior citizen who is either lost or does not have its Medicare, Social Security. It helps those who are fighting about pension benefits. But why we would be on the floor of the House or bring a bill to the floor that suggests that by your wealth shall you be judged and by your wealth shall justice be determined.

I would hope as the verse or the words in To Kill a Mockingbird that whether you are a pauper or a prince, the justice in America is equal.

Gary Graham's case is now moving toward possibly its end; ineffective counsel is without a doubt one of the reasons that he is where he is today. He acknowledges his actions of the past were not good actions. He was not a model citizen, but I would think that all of us would want each person in this Nation to have justice.

I am disappointed that we have not found justice and found the commitment provided for all people. Let us support this amendment. It is a good amendment.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to the amendment to increase funding for the Legal Services Corporation. I stood here in the same spot last year and said the same message I am saying today, I strongly believe in access to legal services for individuals of all income levels, but this program should not be a Federal responsibility.

Everyone deserves representation, but the cases and illustrations given today are issues that are addressed at the State court level, at local court level, under State law, this is not the Federal responsibility. Yes, these people need to be represented. In Texas, Texas has that responsibility. In my State of Florida, Florida needs to take on that responsibility. In the State of Washington, Washington should take on that responsibility.

This is not the Federal responsibility. Over five times as many State, local and pro bono programs available for these types of services and private lawyers already perform over 24 million hours of pro bono work valued at $3.3 billion. This clearly dwarfs the Federal role the Legal Service Corporation provides.

In addition to the questionable Federal role, Legal Services Corporation continues to be plagued by controversy. A GAO study last year revealed that Legal Services Corporation had grossly overstated the number of cases it reported for the year, which resulted in Members of Congress believing that Legal Services Corporation had been much higher than reality.

This year the Legal Services Corporation's case reported statistics went from last year's initial estimate of 1.9 million cases to under 1 million cases this year, a drastic and disturbing reduction.

Before Congress funds an agency, it should understand what workload will be accomplished with the money, something which has been called into question when it comes to the Legal Service Corporation.

My friends across the aisle complain that we have this funding argument every year, but it is an important debate to have, because the program has not been authorized since the 1980s.

We talk about authorization every time on an appropriation bill, but here is a program that has not been authorized. In my opinion, it belongs to the State level, and everybody needs to have that representation. But here is a program that the track record has not been the most effective way that money has been spent in Washington.

Mr. Chairman, I ask my colleagues to oppose this amendment.

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Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to speak in support of the Serrano-Ramstad-Delahunt amendment to restore funding to the Legal Services Corporation. If this amendment is not accepted, the Legal Services Corporation will suffer another devastating blow, thereby rendering it even more difficult to provide legal services for the poor.

Since 1994, some Members of this Congress have been determined to eliminate legal services for the poor. This worthy program cannot survive another massive reduction in funds. We have cut Legal Services from a budget of $415 million in fiscal year 1995 to $283 million in fiscal year 1998. Today's bill proposes that we drop this figure to $141 million. This proposal is less than half of the current level, and 59 percent less than the administration's request of $341 million.

Since its creation, the Legal Services Corporation has handled over 30 million cases, with clients including the working poor, veterans, family farmers, battered women, and victims of natural disasters. Two-thirds of the clients are women, and many of them are surviving violence. The cuts imposed by Congress in 1996 meant that 50,000 battered women did not get legal representation in cases where the primary issue was domestic violence.

Americans support access to the courts, regardless of class. However, cuts into the Legal Services Corporation would affect representation for about one out of five Americans. Moreover, the deep cuts in Legal Services will mean that whole sectors in many poor and rural regions of the country will have no publicly funded legal assistance.

One Legal Services Corporation lawyer for every 23,600 poor Americans is not enough. In fact, the number of Legal Services lawyers servicing the poor fell from 4,871 in funding year 1995, to 2,115 in funding year 2000. This means that thousands of poor people in the South, Southwest and large parts of the Midwest have virtually no legal services representation.

Pro bono services will never be able to replace federally funded Legal Services. In fact, most pro bono services are provided through the Legal Services organization. Private attorneys are recruited by and use the system of legal services organizations to volunteer their time.

I have worked alongside Legal Services attorneys throughout my life in public office, and I have seen firsthand the work they do. It is tremendous. Many of my constituents and many of yours would have no other legal representation without the existence of the Legal Services Corporation.

I serve on the Committee on Banking and Financial Services, and many are going to be engaged in a discussion about predatory lending, because it is on the rise. We have many of these financial institutions who do this subprime lending who are providing equity loans; and in many of these communities senior citizens have paid for these homes, they have a lot of equity, and maybe they need a new roof, maybe they would like a room extension, maybe they would like some work done, and some of these lenders are now lending them money, more than they can afford to pay back. They look at their fixed and limited incomes, but it does not matter. They see all of this equity in these homes. They lend them the money, and guess what? The homes get foreclosed on, and they show up in our offices. Help me, they say. They are taking my home away from me.

Where do you think we go for these people? They go to the Legal Services Corporation. They are the ones who are saving the homes of people who are the victims of predatory lenders who are taking away the only valuable asset they have.

Mr. Chairman, I want Members to know, this is not just happening in the inner city, this is not just happening in one or two communities. I do not know how some of my friends who oppose Legal Services get away with it. What are they telling the poor people in their district? What are they telling the senior citizens in their districts that are getting ripped off?

I know there are a lot of issues to consider, and oftentimes we will get people waving the flag, talking about all kinds of issues; but you do not represent the poor people, the working people in your districts. They are losing valuable assets; they are losing their homes under these predatory lending scams. Legal Services Corporation is the only organization that will be there for them. I ask Members to support the amendment.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Serrano-Ramstad-Delahunt amendment. Once again we are debating a Commerce-Justice-State appropriations bill, and once again we are debating whether or not to adequately fund legal representation for poor and disenfranchised citizens.

Think about it: we are debating about whether or not low-income people deserve the basic kind of legal representation that we Members of Congress all take for granted. In my opinion, there is no argument here. This should not be controversial. This is common sense; this is simple equity.

The Legal Services Corporation offers legal protection to those who need it the most, victims of spousal abuse, child abuse and consumer fraud. During the past year, Legal Services grantees completed almost 1 million civil legal cases, helping everyone from veterans, family farmers, to people with disabilities and victims of floods and hurricanes. These cases involve domestic violence, child custody, access to health care, bankruptcy, unemployment and disability claims. Legal Services gives these people help to maintain their incomes, their homes, their health care coverage, and their dignity.

I could understand the opposition to Legal Services if the organization had somehow been irresponsible or reckless in how it distributes its funds to grantees. Yet Legal Services has been proven highly effective in serving people, while adhering to congressional guidelines.

The corporation requires competitive bidding for all grants and has established strict reporting guidelines for its grantees. In response to this Congress' mandate, Legal Services prohibits its grantees from engaging in certain activities, including welfare reform advocacy, lobbying, illegal alien representation, class action suits and abortion litigation. Some of those prohibitions I do not agree with and did not vote for. Legal Services has also been savvy enough to partner with private organizations to raise additional funds, as well as to promote pro bono services from private attorneys.

So as much as the opposition would like to portray the Legal Services Corporation as an irresponsible, liberal activist group wasting taxpayer dollars, this is simply not the case. This is a responsible organization that is dedicated to representing the least represented in our society.

To underfund Legal Services by nearly $200 million is a clear abandonment of our commitment to provide equal access to our judicial system, and a vote against this amendment says loud and clear that this Congress is content to let our justice system splinter into two categories, one for the haves and one for the have-nots.

Vote for the Serrano amendment and send a signal that we should have one justice system that is open and accessible to all of our citizens, regardless of their income.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want Members to fully understand just what it is that we are doing here. I very much support this amendment, because it makes a bad bill a little better in terms of this item, but I want Members to understand that there is a little kabuki dance going on here, and that is required by the refusal of the majority party to provide an allocation to this subcommittee strong enough to meet our national responsibilities.

Make no mistake about it. This amendment, while it is certainly welcome, will not do the job in restoring the resources we need to ensure equal justice in America, and it will certainly not be enough to justify voting for this bill.

Last year the Federal Government spent $305 million to try to give people without adequate resources an opportunity to have their day in court, which is a constitutional mandate. This bill provides $141 million, a savage cut. The President asked us, because we are moving from an era of huge deficits to huge surpluses, to provide just a few dollars more for the very poorest people in this country, as long as this Congress had decided to give $90 billion in tax cuts to people who make over three hundred grand a year.

The committee's response was to say no way, no way, Jose; and, instead, they provided $141 million. This amendment now seeks to raise it, not to the President's requested $340 million, not to last year's level of $305 million, but to $275 million. That is inadequate.

We cannot do any better under the limitations being imposed by the majority budget, which provide so much money for tax cuts for folks on the high end; but this amendment is the best we can do under those circumstances, and so I will vote for it. But do not let anybody think that a great favor has been done by the Congress when we do this. We will still fall far short of the need. We will fall far short of the legal needs and our moral responsibilities in providing this funding.

So what I would suggest at this point is that we vote for the amendment. It will provide a little salve for our consciences, I suppose; but it will do precious little more to provide for the real needs of living and breathing human beings who have legal rights which they cannot exercise because this Congress makes Scrooge look like Santa Claus on a good day.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Serrano-Ramstad-Delahunt amendment. I must confess I am amazed each year. I am amazed, because each year when it comes time for this appropriation, there are always Members who come to the floor, there are always Members who come and try and find a way.

Now, I can understand certain kinds of cuts, and I can understand when you have got these huge amounts of money that there is some possibility of perhaps some of it even being wasted. But I have serious difficulty understanding how we could deny the most basic representation to those in our society who have virtually nothing with which to be represented.

I come from a district that has 165,000 people in it who live at or below the level of poverty. I come from a district that has 68 percent of all of the public housing in the City of Chicago, some of the most distressed public housing, some of the most distressed people. I come from a district that has 13 of the 15 poorest census tracts in urban America in that district. And I come to this floor to hear conversation that would deny all of these people.

Down the hall from my office is a Legal Services office, and all day long I see people marching in and out. All day long when I am in my district office I receive telephone calls from individuals with problems where they are seeking some help, some assistance; and I see these young lawyers in the Legal Services office who have decided that they are going to give of themselves in such a way. Many of them could even be in big firms earning big salaries, but they have decided to do their work where it is greatly needed. I would think that this House could do no less.

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So I would urge all of my colleagues to vote in favor of the pursuit of justice for even those who could be described as being the least among us in terms of the resources with which to pay.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Serrano-Delahunt-Ramstad amendment to the Commerce, Justice, State bill. With great respect for the distinguished chairman of the subcommittee and for the ranking member of the committee for the hard work that they have put into this bill, I must respectfully disagree with the chairman and commend the ranking member for this very important amendment.

As reported, the bill provides the Legal Services Corporation with a very low $141 million. Indeed, it has been the same figure over the past 6 years that the Republican majority has put into the bill. The bill cuts $164 million from last year's funding level and $199 million from President Clinton's request. It is a pitifully small number. These cuts are more than 50 percent and severely imperil our legal system.

Mr. Chairman, we have a magnificent Constitution making us the freest country in the world, with liberty and justice for all. But all Americans do not have the same rights of some that can afford those rights and access to them, and others cannot. The cut in funding for the Legal Services Corporation is a diminution of justice in our great country. A person's income should not determine whether or not Americans have access to the civil justice system.

Legal Services Corporation-funded programs are the Nation's primary source of legal assistance for low-income women who are victims of domestic violence. Indeed, I say to my colleagues, over two-thirds of Legal Services Corporation's clients are women, most of them mothers with children.

The Legal Services Corporation was established to provide legal assistance in civil matters to low-income individuals; and these clients include veterans, as has been said, family farmers, women, most of them, again, mothers with children, victims of natural disasters, et cetera. Often, the clients of Legal Services Corporation represent the elderly when they are victims of consumer fraud.

I would like to share a few examples with our colleagues to demonstrate how very, very important the work of the Legal Services Corporation is. My colleagues have referenced some other stories, and if these are duplicative, then they bear repetition, because they are very, very important.

When Mrs. Martinez decided to leave her abusive husband, she had no funds of her own to support her children. Her husband, who controlled all of the family's money, retained his own attorney to help him keep the family home and gain custody of the children, both under the age of 10. Despite a history of mental illness and domestic violence, and again, domestic violence, he had a good chance of winning in court.

A friend urged Mrs. Martinez to contact legal aid for assistance. A lawyer was assigned to represent her. The various hearings and legal proceedings were confusing and seemed very drawn out, but her legal aid attorney went with her to all of the court appearances and kept her informed every step of the way. When Mrs. Martinez's trial date came, her lawyer was prepared with witnesses and documents to demonstrate that the children would be better off in her care.

As a result, she was granted child support from her husband, kept possession of the family home, and, of course, won custody of the children. Her children are much happier knowing that their mother is safe and they can remain together.

Since this is a story about domestic violence, I would just like to urge the subcommittee and the full committee, and indeed, the House of Representatives, when considering Legal Services Corporation and access to those services, that we do not consider the income of the abusive spouse when testing the means of the woman applying for these services. Very often, the abuser has the income and because of that income, a woman, if that is attributed to her as well, she would not be able to meet the means test of getting legal services. So this is a very important point which we have debated in the past, and I hope that will be part of any Legal Services Corporation funding in the future.

But right now, we have a long way to go to even come up to the 1996 levels, the 1995 levels, which were too low then. We wanted more funding. There was greater need than we were matching with resources. There was more need for justice in the country than we were matching with funds at the Federal level, and now we are at 50 percent of that level over 6 years later.

So I urge my colleagues to support this very, very important amendment, which makes a very important difference in the lives of the American people, and a very important delivery of justice in our country.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it seems to me that we have a very strange set of priorities in this institution. In the last couple of months, we apparently had enough money and found enough money to increase military spending by $22 billion, despite the fact that we are not quite sure who the enemy is. At a time when the United States has by far the most unequal distribution of wealth and income of any Nation on Earth, a majority of the members of the House voted to give huge tax breaks to millionaires and billionaires, the wealthiest people in this country. We apparently had enough money to do that. Every single year the United States Congress provides over $100 billion worth of corporate welfare to some of the largest and most profitable institutions in the world.

However, when it comes to providing low-income Americans the ability to have equal and adequate legal representation to take care of their needs, suddenly, my goodness, we just do not have enough money available. For the sixth year in a row, the fiscal year 2001 Commerce, Justice-reported bill includes only $141 million for the Legal Services Corporation. This is $164 million below the fiscal year 2000 appropriation of $305 million, and $199 million below the President's fiscal year 2001 request of $340 million.

What are we talking about? There is enough money to fund the Star Wars program, which is not needed and will not work; but when we ask for money to enable low-income women so that when they are battered they can go to court and defend themselves, when they need help for adoption, for child custody and support, for visitation rights, for guardianship, for divorce and separation, for protection against domestic violence, my goodness, there is no money available.

Mr. Chairman, there is a growing perception in the United States that we are becoming two societies, those people who have the money and everybody else. Yesterday, the World Health Organization issued a report which basically said that, if you are wealthy in America, you get the best health care in the world; if you are low-income in America, you get below dozens and dozens of other countries. And that perception exists in terms of justice. If you are wealthy in America, you have a battery of lawyers coming forward, and you have the best legal protection that money can buy; and if you lose, you know how to use the appeal process, and if you lose then, you know how to negotiate a settlement, which gives you the best that you can get. But if you are poor, it is increasingly difficult to find a competent attorney who will represent your interests.

Now, it is one thing to cut housing programs so that low-income people pay 50 percent of their income in housing; it is one thing to provide inadequate nutrition, it is one thing to provide inadequate housing programs so that people sleep out in the street, but even worse than all of that, it is really awful, really awful and unacceptable to deny people the right to legally represent themselves. What we are doing essentially is tying people's hands behind their backs and saying, we can do all that we want to you and you are not going to have the resources to defend yourself in the halls of justice, and that suggests that justice is severely lacking for millions of Americans.

So I would hope, Mr. Chairman, that the Members of the House of Representatives have the common decency to provide justice for all people and support this very important amendment.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of this amendment.

Mr. Chairman, I rise in strong support of this amendment to eliminate the proposed draconian 59 percent cut in the appropriations for Legal Services.

Legal Services Corporation makes a real difference in the lives of those low-income Americans who need legal representation. Without the Legal Services Corporation, we would truly have the best legal rights that money can buy. It is bad enough that we have failed to enact campaign finance reform, so that Will Rogers' quip that we have the best government money can buy has more than a slight ring of truth. Without Legal Services, only those with money would have any real chance of finding justice in our courts.

There may be Members of this House who do not worry about the ability of low-income people to receive basic Legal Services. The annual assault on Legal Services Corporation would suggest that this is the case. In fact, the Legal Services Corporation does the opposite of what the money-driven politics which too often tends to rule this House these days would command. The Legal Services Corporation helps the poor and powerless assert their rights against the wealthy and powerful. It represents tenants against landlords, it represents victims of toxic pollution against corporate polluters, it represents those who have suffered discrimination against those who discriminate, it represents victims of domestic violence against those who perpetuate domestic violence. No wonder it is so unpopular.

But, Mr. Chairman, the poor, just like the wealthy, should be entitled to fair legal representation. A right without ability to enforce it legally is not meaningful. If any Member of this House had a dispute or a legal problem, he or she would seek out the best legal services he or she could afford or could raise the money to afford. So there is a general recognition that to have meaningful rights, you need competent legal representation in this society.

In criminal proceedings, that need is so obvious that the Constitution requires publicly funded counsel. But that requirement has not been deemed to extend to protection of rights outside the criminal court, to family court, housing court or civil court. That is the job of Legal Services. We are not forced by the Constitution to do this, but simple decency and a commitment to equal justice under law should be enough. It was enough for President Nixon and for the bipartisan coalition that brought Legal Services into being and it should be enough now.

Some have argued that Legal Services Corporation has failed to live up to Congress' expectations for record keeping and accounting. Some have argued there is some waste and fraud and even abuse in Legal Services. I believe the wild claims that LSC is wasting or misusing large sums of taxpayers' money bear little relation to reality. But imagine if we applied the sort of rigorous accounting rules and this reasoning, the kind of reasoning we heard from the last speaker, to some other programs, like, for instance, the Defense Department. No one has ever suggested that because there is obviously waste, fraud and abuse in the Pentagon, we should abolish the defense budget, zero out of the defense budget. That would be absurd.

Mr. Chairman, there is incredible cynicism in this country. The newspapers, the press have pointed out that the polls show that people feel that government responds to the rich and the powerful, that we do not particularly care about what ordinary people think. There is substantial truth to this. Who gets their phone calls returned from Congress or the executive branch more quickly, the ordinary voter or the $100,000 contributor? The answer is obvious. That is bad enough in the legislative and executive branches. Only the Legal Services Corporation prevents this from also being true in our courts of law, in the judicial branch, too.

We must adopt this amendment to protect the honesty and the integrity of the judicial branch and to protect the faith of our citizens and the fact that if they are hauled before the judicial branch, if they need the services of the judicial branch and if they cannot afford legal representation on their own, they will have the ability to have fair representation.

This amendment must be passed to protect the integrity and the honesty and the due regard of our people for the judicial branch of government and for what we claim to be our regard for equal justice under law.

I urge my colleagues to adopt this amendment.

Ms. KILPATRICK. Mr. Chairman, I rise today in strong and stringent support of funding for the rights of our nation's most vulnerable. Those who most often cannot afford the resources to defend themselves—the least of those in our society who cannot simply afford to call a blue chip law firm to have their rights defended.

As long as I have been in Congress, the Legal Services Corporation has been under attack. At one point my colleague across the isle even advocated eliminating the Legal Services Corporation.

Early in my tenure here in Congress, they alleged mismanagement. On these grounds they sought to slowly kill off the legal services corporation by gradually zeroing out its budget.

Their efforts to kill Legal Services has all but failed, however, my colleagues on the other sides are, if anything, tenacious. Since they could not kill funding for legal services they have reorganized and launched a renewed attack. Now their efforts focus on limiting the ability of the Legal Services Corporation to effectively defend its constituency.

Legal Services cannot participate in class actions; cannot participate in "political litigation", it cannot engage in litigation related to abortion; cannot represent federal, state or local prisoners; participate in challenges to federal or state welfare reforms and the list goes on and on. Despite the fact that the Legal Services Corporation has refined its case reporting systems and attempted to meet all of the demands of its critics, it is still under attack.

Although opponents continue to raise unsubstantiated concerns, the real reason that this budget cuts so much funding for Legal Services is the ill advised and unrealistic budget caps enacted by this Republican led Congress. In order to meet these caps, programs, like Legal Services, that are vital to the needs of the poorest of our citizens, are the first ones targeted.

Limited resources force local legal services programs to turn away tens of thousands of low-income Americans with critical, civil legal needs. A 1994 American Bar Association study concluded that approximately 80 percent of poor Americans do not have the advantage of an attorney when they are faced with a serious legal situation. All of us know that our country now is engaged in horrific debate over the criminal justice system's failure to properly apply the death penalty. We are finding that those who receive the death penalty often receive inadequate representation. In addition, to Legal Services inability to participate in criminal matters, we are now faced with a bill that does nothing but worsen the ability of our citizens to receive assistance in civil litigation.

I often wonder what the majorities conception for access to legal services is for our nations vulnerable. I have come to suspect they would prefer that the great nations have fallen, the likes of which include the Great Kingdoms of Ancient Egypt, the Roman Empire and the Kingdom of France, in part for the failure of these nation's to provide legal redress to the complaints of the citizens with the least.

As our Nation enjoys its greatest prosperity in a generation, we are duty bound to see that seniors living on fixed incomes, and poor people who have little resources are able to secure competent legal counsel when the need arises.

Today's Congress Daily AM displays a full page letter from the General Counsel's of 17 of the largest fortune 500 companies urging the Congress to, at a minimum, provide funding for Legal Services at the FY 2000 ($305 million) level. The article goes on to state that the cut in funding down to $141 million provided by the FY 2001 bill would "have a devastating impact on our system of justice. I believe we can do much better. I urge my colleagues to support the Serrano amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SERRANO).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $10,000,000, to remain available until expended, to reimburse any Department of Justice organization for: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: *Provided*, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: *Provided further*, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

Ms. MILLENDER-McDONALD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Serrano-Ramstad-Delahunt amendment. As the vice-chair of the Congressional Caucus on Women's Issues, I must urge the passage of this amendment, and I am pleased to stand here with the support of others to support this amendment.

It is because of the abuse that goes on daily in the lives of far too many women and children is why I stand here today; and the need for legal services for these, the most vulnerable of our Nation, is immense. This amendment ensures the proper representation is provided for women who are facing domestic violence. As we recognize that sexual violence against women is the single most unreported crime; therefore, understanding and competent representation is critical for those brave women who step forward.

In 1999, Mr. Chairman, LSC resolved more than 924,000 cases, the vast majority of which have helped women and children. LSC is making a difference in the lives of tens of thousands of women and children across this country, and we must continue this success.

We recognize that the most vulnerable of those first are the women. While domestic violence occurs in all income levels, low-income women are significantly more likely to experience violence than any other women, according to the U.S. Bureau of Justice Statistics. Medical research asserts that 61 percent of women who head poor families experience severe physical violence as adults at the hands of male partners.

Mr. Chairman, I represent Watts and Compton and Wilmington, some of the most impoverished areas in this country; and I have seen how domestic violence has absolutely just ripped apart women and children. I know that we have won this amendment, but I just wanted to stand to recognize those women who have stepped forward who are really strong and brave women.

HELP VICTIMS OF DOMESTIC VIOLENCE

Mr. Chairman, low-income women are significantly more likely to experience violence than other women, according to the U.S. Bureau of Justice Statistics. Medical researchers assert that 61 percent of women who head poor families have experienced severe physical violence as adults at the hands of male partners.

The problems faced by low-income battered women can be particularly acute and complex. Often they are financially dependent on their batterer and require an immediate source of support and shelter in order to escape from a dangerous situation. In many communities, emergency shelters are simply not available; where they are, they are frequently forced to turn victims away due to overcrowding as too often battered women and their children are forced to return to the home that they share with the batterer because they have nowhere else to go.

HELP CHILDREN LIVING IN POVERTY

Every year, LSC-funded programs help millions of children living in poverty, helping them to avoid homelessness, to obtain child support, Supplemental Security Income (SSI), and other benefits, and to find safe haven against violence in the home.

The number of children living in poverty is increasing. The legal problems faced by people living in poverty can have particularly serious, long-term consequences for children. For example, a family with children that goes unrepresented in an eviction proceeding can easily find itself homeless, due to the chronic shortage of low-income housing. We can do better, better as a rich country to protect and take care of our children.

SENIOR CITIZENS

Many elderly people depend on government benefits, such as Social Security, Supplemental Security Income (SSI), Veterans Benefits, Food Stamps, Medicare and Medicaid, for income and health care. One of the challenges of the entitlement system is that an attorney is often needed to navigate the system. Legal services programs frequently represent clients in establishing their eligibility for these programs or dealing with reimbursement or benefit problems.

Older people are frequently victims of consumer fraud, particularly if they lack financial sophistication or have lowered mental capacity because of age-related illness. They are often victimized by contractors who promise to make repairs but perform incompletely, charging exorbitant prices. Faced with the need to make expensive repairs on their homes, pay medical bills, or supplement their income after the death of a spouse, they may be enticed into home equity loans they cannot afford. In many cases, only the intervention of a legal services attorney has prevented victims from becoming homeless.

AMENDMENT OFFERED BY MS. DEGETTE

Ms. DEGETTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DEGETTE:

Page 4, after line 14, insert the following:

SITE SECURITY REPORTING

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Attorney General in carrying out section 112(r)(7)(H)(xi) of the Clean Air Act (as added by section 3(a) of the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. 106–40)), to be derived by transfer from the amount made available in this title for "Counterterrorism Fund", $750,000.

Ms. DEGETTE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Ms. DEGETTE. Mr. Chairman, I am pleased to sponsor this amendment, along with my distinguished colleagues and good friends from the Committee on Commerce, the gentleman from Ohio (Mr. BROWN) and the gentleman from California (Mr. WAXMAN), to protect the health and safety of millions of Americans.

□ 1630

The Clean Air Act contains a provision, section 112, that was intended to reduce the risks posed by hazardous chemicals stored at 66,000 facilities in the United States, to inform the public of these risks, and to facilitate planning for these risks. We know accidents at facilities that store hazardous chemicals can result in environmental damage, and in injuries and even deaths to workers and people in the surrounding communities.

Mr. Chairman, fully one-third of the American public lives within 5 miles of one of these facilities. The best way to reduce the risk posed to our constituents is to make public information about risks so that community responders, emergency personnel, schools, and anyone living near these facilities can be prepared.

In August of last year, this body passed the Chemical Safety Information Site Security and Fuels Regulatory Relief Act. This bill easily passed the House and the other body and was signed into law by the President last year.

In the law, we heeded the concerns of the FBI and the industry that criminals may obtain information required by the Clean Air Act if this information is posted on the Internet. The risk of terrorist attack on one of these facilities remains unclear as, thankfully, no attacks have occurred on American soil.

Nonetheless, we sought to balance the community's right to information with any incremental risk that a criminal might have access to the information. In that same law, we required the Attorney General to conduct a study of security at facilities that store or use extremely dangerous materials.

One component of the study is a review of the vulnerability of the facilities to criminal or terrorist activity, current industry practices regarding site security, and the security of transportation of hazardous substances. An interim report from the Attorney General is due in August of 2000, and the law requires a full report by August, 2002.

Mr. Chairman, if the FBI or anyone else is concerned that the information about these facilities may be attractive to terrorists, then we all must be concerned that these facilities are doing what they can to secure their loading docks, rail spurs, and storage areas from criminal activity. This study will be instrumental to the ability of the Department to accurately assess the risk posed by terrorists and criminals.

Unfortunately, Mr. Chairman, despite the study requirement contained in the law, the Department of Justice tells us they do not have the funds to carry out this requirement.

In March of this year, the Attorney General requested a reprogramming in the amount of $750,000 from the counterterrorism fund to do this study. In fact, Mr. Chairman, the chairman, the gentleman from Virginia (Mr. BLILEY), and the ranking member, the gentleman from Michigan (Mr. DINGELL), recently wrote a letter to the gentleman from Florida (Chairman YOUNG) of the Committee on Appropriations in support of the need for funding, and at the appropriate time in the proceedings, Mr. Chairman, I will request unanimous consent to enter the letter into the RECORD.

Mr. Chairman, to date Congress has not acted on the Department of Justice's request. That is the purpose of this amendment. This amendment will allocate $750,000 in the Department of Justice counterterrorism fund for this study. This amendment will allow the Attorney General to fully comply with our mandate in the chemical safety act and will provide valuable safety information to our communities.

Mr. Chairman, I urge my colleagues to support this amendment. In my home, for example, which is a transportation and economics center, we are also a home to many environmental issues. My constituents and I know the importance of ensuring that our facilities are safe and secure.

Mr. Chairman, I would like to thank Alison Taylor and Sarah Keim of the Democratic staff of the Committee on Commerce and also Robert Gropp of my staff for their continued hard work on this important issue.

Mr. WAXMAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to commend the gentlewoman for offering this amendment, and commend her and the gentleman from Ohio (Mr. BROWN) for their leadership on this important issue.

Chemical facilities are obvious targets for terrorist attack. Many of them are located in the hearts of our communities with large population centers. As a result, Congress, when we learned about the chemical facilities lacking sufficient security to address the threat of terrorist attack, asked the Attorney General to examine the vulnerability of these facilities and to report back to the Congress, but we have not had this study funded.

This amendment would provide funding for the study, and I want to join with the gentlewoman from Colorado (Ms. DEGETTE) in support of her amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by my friend, the gentlewoman from Colorado (Ms. DEGETTE), and thank her for her good work.

This amendment would help protect the public by funding a study of security of chemical facilities to help protect the public from releases of dangerous chemicals into the air.

The Clean Air Act requires chemical facilities to develop risk management plans, including worst case accident scenarios, for the EPA. These plans were to be made available to the public so that anyone, fathers, mothers, coworkers, teachers, could learn about the potential for a chemical accident in his or her own community.

Last year, concerns were raised that terrorists would use the worst case scenario information to attack chemical facilities. In response, this Congress passed and the President signed legislation restricting release of the information. In May, the administration released a proposed rule sharply restricting public access to the data on chemical hazards.

Mr. Chairman, I remain skeptical of these severe limits on the public's right to know about chemical hazards in our community. Chemical accidents are a daily reality in this country, sometimes taking the lives of fellow workers, of neighbors, of parents, of children, of travelers, while terrorist attacks are rare, indeed.

If these chemical facilities, however, are indeed tempting targets for terrorists, our focus should be on restricting terrorists' access to them, rather than restricting the public's access to information about them.

Last year the Agency for Toxic Substances and Disease Registry investigated several chemical sites and found it easy to walk in through unguarded gates and unattended entrances. This amendment will reprogram $750,000, as requested by the Attorney General, from the counterterrorism fund to carry out the study authorized last year by this body.

If terrorism truly is a threat at chemical sites, this is a small amount of money to spend to investigate that risk. If terrorism is not enough of a threat to justify $750,000, I then question the restrictions that have been placed on community access to chemical accident information.

Mr. Chairman, I urge my colleagues to vote for the DeGette amendment.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the gentlewoman and the other Members' interest in this issue. I can assure the gentlewoman and the others that I will be happy to work with them to ensure that this study is funded.

Ms. DEGETTE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, with the assurance from the chairman that he will work with us on this matter to secure funding for the Department of Justice to conduct the study, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The Clerk will read.

The Clerk read as follows:

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

For payments authorized by section 109 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1008), $282,500,000, to remain available until expended.

AMENDMENT NO. 7 OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MCGOVERN:

In title I, in the item relating to "GENERAL ADMINISTRATION—TELECOMMUNICATIONS CARRIER COMPLIANCE FUND", after the dollar amount insert "(reduced by $4,479,000)".

In title V, in the item relating to "SMALL BUSINESS ADMINISTRATION—SALARIES AND EXPENSES", after the second dollar amount insert "(increased by $4,479,000)".

Mr. MCGOVERN. Mr. Chairman, this is a modest amendment that will have a very positive impact on our country's economy. Quite simply, it will bring the Small Business Administration's Women's Business Center Program from $8.89 million currently provided in this bill up to its authorized level of $13 million, and provide the President's budget request of $1 million for the SBA's National Women's Business Council up from the $595,000 currently in this bill.

The total amount provided by this amendment to achieve these goals is $4.5 million.

Mr. Chairman, I am very proud to be here today standing with my distinguished and bipartisan cosponsors of this amendment, the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from New Mexico (Mr. UDALL), the gentlewoman from California (Mrs. BONO), the gentleman from Vermont (Mr. SANDERS), the gentlewoman from Maryland (Mrs. MORELLA), the gentlewoman from California (Mrs. MILLENDER-MCDONALD), the gentleman from Maine (Mr. BALDACCI), and the gentlewoman from California (Mrs. NAPOLITANO).

This is an issue we feel very passionately about, and urge all our colleagues to join us in providing expanded opportunity for women entrepreneurs that will strengthen our entire economy. According to the results of the 2000 Avon Global Women's Survey that polled 30,000 women from 33 countries, the top three factors that women across the world feel would improve their lives in the new millenium are, one, financial independence; two, equal job opportunities; and three, the ability to start one's own business.

Here in the United States, we are living in the largest economic expansion in our Nation's history. Now more than ever it is incumbent upon us to ensure that all Americans benefit from and have the opportunity to contribute to our prosperity.

Overall, women can and are succeeding in the business arena. In fact, women-owned businesses are a true American success story, growing twice as fast as all other businesses.

As of 1999, there were 9.11 million women-owned businesses in the United States, generating sales in excess of $3.6 trillion and employing 27.5 million workers. Yet, despite these impressive statistics, women entrepreneurs have lower levels of available credit than their male counterparts, and minority businesswomen are less likely than Caucasians to have bank credit.

The Women's Business Centers program and the National Women's Business Council help push the doors open. For example, in my home State of Massachusetts, the Center for Women and Enterprise has served 1,200 women from a very wide spectrum of backgrounds, races, and ethnicities. Seventy percent of the Center's clients are single women, 32 percent are women of color, 44 percent are in the very low- or low-to-moderate income brackets. Sixty percent of these women are seeking to start their first businesses.

Across the country, Women's Business Centers provide education, training, consulting, and access to capital to women entrepreneurs. There are Women's Business Centers in 46 States serving tens of thousands of entrepreneurs each year. A large percentage of Center clients are women from low-income or disadvantaged backgrounds who would be unable to start their own businesses without the assistance of a Women's Business Center.

The Women's Business Centers' mission is empowerment. These centers empower women by providing workshops and one-on-one consulting and mentoring for women business owners. Over the last 10 years, Women's Business Centers have assisted over 100,000 women entrepreneurs start or expand their businesses.

Past estimates show the program has created on average one new business and four new jobs for every 10,000 investment. By helping women to help themselves, these centers are strengthening the economy by creating locally-owned businesses and jobs, and by reaching out to new markets and new entrepreneurs, these centers are helping to ensure that our business community reflects our Nation's diversity. Yet, in spite of this progress, there are significant numbers of women entrepreneurs waiting and in need of these services.

Mr. Chairman, let me now just say a few words about the National Women's Business Council. The Council is a bipartisan Federal Government advisory panel created to serve as an independent source of counsel to the President and to Congress of economic issues of importance to women business owners.

The Council's goals include increasing access to capital and credit for women, increasing access to the Federal procurement market, strengthening the training and technical assistance networks, and facilitating alliances between policymakers and women business owners.

In conclusion, let me just briefly give my colleagues a few facts about the offset for this amendment, which comes from the Telecommunications Carrier Compliance Fund, which is a program I support. Our $4.5 million amendment represents only 1.6 percent of this $282.5 million account. According to the committee report, this account is $72.5 million above the administration's request.

Additionally, the House has already provided this $282.5 million in H.R. 3908, the supplemental appropriations bill that we passed last March, and I am confident that the chairman of the Committee, with his powerful powers of persuasion, will insist that that stays in the bill. I urge my colleagues to support this bill.

Mrs. BONO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of women's business and the McGovern, Johnson, Udall, Bono, Sanders, Morella, Millender-McDonald amendment.

I want to begin by thanking the gentleman from Kentucky (Chairman ROGERS) for the hard work that he has dedicated to the people of the United States and to this legislation on the floor today. As a believer in fiscal responsibility, I understand that the appropriators have done the best that they could with the strict spending limits they have had to work within.

Certain priorities were set within the committee. Funding was appropriated so that all of the pieces fit together. Unfortunately, the Small Business Administration's Women's Business Centers and the National Women's Business Council were significantly underfunded.

The amendment we are offering today would do the following. First, it would bring the Women's Business Center Program from $8.9 million to the authorized level of $13 million. Secondly, it would provide $1 million as requested for the Small Business Administration's National Women's Business Council, an increase from its current level of $595,000.

The offset for this increase comes from the Department of Justice's Telecommunications Carrier Compliance Fund. The lion's share of this $282.5 million account is new funding to reimburse the telecommunications industry for costs associated with modifying their networks as required under the Communications Assistance for Law Enforcement Act, also known as CALEA. The $282.5 million account is significantly above the administration's budgeted request.

As I said earlier, I realize that there are very tight fiscal restraints in place. With that being said, it seems to make an enormous amount of sense to redirect to the Women's Business Center and National Women's Business Council approximately $4.5 million, and still give the Department of Justice a considerable amount above their request to pay for additional expenses related to CALEA.

□ 1645

Women-owned businesses are growing at twice the rate of all other businesses. In California alone, there are over 1.2 million women-owned businesses accounting for 38 percent of all firms in the State and employing 3.8 million people. However, they are not making comparable progress in respect to government contracts.

The National Women's Business Council is a government advisory panel designed to provide counsel to the administration on ways that we can support our women entrepreneurs. By providing advice on ways to promote initiatives to encourage capital and credit access for women-owned businesses, to strengthen training and technical assistance networks, and to increase access to the Federal procurement market, we are helping women work towards economic independence.

As we are seeing more and more women-owned enterprises developing across the country, we are also hearing about the difficulties associated with finding capital to strengthen and grow those businesses.

The Women's Business Center is the place that women go to find the tools they need to overcome these hurdles. The Women's Business Centers provide education, consulting, and access to capital for our women entrepreneurs. I have heard from businesswomen all over the country how important the program is.

Many of the women who are being impacted by these programs are from low-income and disadvantaged backgrounds. To their credit, they are doing exactly what has been preached in the halls of this very Congress. These women are taking responsibility for their lives and finding ways to contribute to their communities. The Women's Business Center and National Women's Business Council are essential in this progress.

I urge my colleagues to support this amendment. It is good for women. It is good for our communities. It is certainly good for our economy.

Ms. MILLENDER-McDONALD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today as a proud cosponsor of the McGovern, Johnson, Udall, Bono, Sanders, Morella, Millender-McDonald, and Napolitano amendment. Now, that is a mouthful, but it is full of a lot of promise.

This amendment will help the 9.1 million women-owned businesses in the United States which are currently generating over $3.6 trillion in sales and employing 27.5 million workers throughout this country, most of whom are a lot of the welfare-to-work mothers.

This amendment will increase funding for the Women's Business Center program from $8.9 million to levels of $13 million this Congress authorized last year.

This amendment will also increase funding for the National Women's Business Council from $595,000 to $1 million.

As the ranking member of the Subcommittee on Empowerment and author of a similar amendment in 1998, I urge my colleagues to join me again in ensuring that women business owners are given the opportunity they need to develop their businesses and continue to nurture the growth of our national economy.

The Women's Business Centers, or WBCs, provide education, training, consulting and access to capital to women entrepreneurs. There are 50 States that have WBCs with tens of thousands of entrepreneurs working each year. A large percentage of these WBC clients are women from low-income disadvantaged backgrounds who would be unable to start their own businesses without the training provided through these centers.

The reason the Committee on Small Business authorized the $13 million appropriation for this program is to ensure that, once the Centers are established, their success is not thwarted by a sudden loss in Federal funding. This appropriation is critical to ensuring that the Centers are given a more realistic time frame to establish their own private funding stream before the Federal funding source is completely eliminated.

The National Women's Business Council is a Federal Government advisory panel created to serve as an independent source of advice and counsel to the President and Congress on an economic issue of importance to women businesses and business owners.

Since its inception in 1988, the NWBC has implemented countless programs to promote an environment which women-owned businesses can become an integral part of our national economy. The NWBC has worked tirelessly and effectively on increasing access to capital and credit, proving and improving opportunities for women in the Federal procurement market, strengthening the training and technical assistance networks, and facilitating alliances between policy makers and women business owners.

The increased funding for the council is virtually needed to complete research projects, help reach the national procurement rate of 5 percent for women-owned businesses, and continue the very successful venture capital training program.

America's small business owners are the backbone of our economy and an indispensable part of this Nation's vigorous and continuous growth over the past several years. I have appreciated the support of the gentleman from Kentucky (Chairman ROGERS) and the gentleman from New York (Mr. SERRANO), ranking member, in the past for their efforts to help women business owners, their leadership has made the difference.

Mr. Chairman, I urge my colleagues to vote yes on this amendment.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this bill put together by the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Florida (Chairman YOUNG) and in support of the McGovern amendment. The amendment increases the funding for Women's Business Centers program and the Women's Business Council located within the Small Business Administration.

Women's Business Centers play a major roll in empowering women entrepreneurs with the tools necessary to succeed in their business. Ninety-three sites in 50 States and territories tailor their services to the communities they serve. Many Centers target low-income women. The Centers assist women in focusing their business plans through courses and workshops. They provide information on access to financing and mentor services. Women's Business Centers contribute to the success of thousands of entrepreneurs, enhancing their management capacity, and offering critical community infrastructure necessary for fledgling businesses to operate within.

During the course of the 106th Congress, the Committee on Small Business sought more information about the Women's Business Center program as we reconsidered its reauthorization. It soon became clear that, while the program was expanding around the country to States without Centers, existing sites were experiencing obstacles to their own growth.

Women's Business Centers are granted Federal funds through Small Business Administration's Women's Business Center program. As women continue to launch businesses at twice the national rate, it is critical that the Women's Business Centers program be able to meet the demand of this dynamic market segment. The seed money they receive from their Federal grants has helped over 50,000 women start or expand their businesses.

Some sites, particularly those located in rural areas, have limited access to foundations, corporations, and banks, which provide the private funds to match our Federal funds. This funding is desperately needed so that especially these centers struggling to reach the thousands of women seeking assistance are not forced to close.

Mr. Chairman, this amendment also adds funding to the Women's Business Council. The NWBC was created by Congress to serve as an independent source of advice and counsel to the President and Congress on issues of importance to women entrepreneurs. The Council has provided the women's business community with a seat at the policy-making table and has addressed cutting edge issues of access to capital that pose a challenge to women seeking to launch and grow their businesses.

Mr. Chairman, I support both of these programs vital to women entrepreneurs. I urge my colleagues to support this amendment.

Mr. KIND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to rise in support of the McGovern amendment which will expand funding for the Women's Business Center program and the National Business Council.

I support this amendment because the Women's Business Center program works. By providing business assistance to women, particularly financially disadvantaged women, these programs help them become full partners in economic development through small business ownership. This program works nationally, and I have seen it work in my home State of Wisconsin, specifically at the Western Dairyland Women's Business Center in the Third Congressional District in Western Wisconsin.

We know that women-owned businesses are growing at twice the rate of all other businesses. Not only does the Women's Business Center program help women to take a great idea and turn it into a business, but these centers provide the tools needed to make that investment a sound one. With business training, marketing classes, and counseling on the pressures of running a business, their clients are more prepared than most to have a successful start.

In Wisconsin, women-owned businesses employ over 5,000 people and generate nearly $70 billion in sales. Statewide, women are gaining the knowledge and the tools to enter into fields that until now have been dominated just by men. Thanks to programs like the Women's Business Center, in less than 10 years, we have seen more than a 60 percent increase of women in agriculture. Over the same period, there has been more than 75 percent increase of women-owned construction companies and nearly 60 percent increase in manufacturing firms owned by women.

Specifically, in the Third Congressional District of Wisconsin, I have seen firsthand the positive results of the Women's Business Center. Appropriately, the Center is located in rural Independence, Wisconsin, and independence is just what the Center provides for many women in Western Wisconsin by providing microloan programs, marketing assistance, Internet training, and much more. Women are realizing their goals by starting and expanding their own businesses.

I would like to share with my colleagues a letter that was sent to the Western Dairyland's Women's Business Center in Independence, Wisconsin.

I quote, "Just a quick note to express my gratitude for all that you have done and continue to do in working with me to establish a sound business plan. I can't express to you how much this has helped me, not only getting the financial situation in order, but the mental support as well.

"You have lifted my spirits 100 percent. One year ago, I was probably one of the most depressed single parents out there, but with setting my mind to what I know I can do, and the support of the organization aspects you have provided, I feel so much stronger and secure with myself and with what I intended to accomplish.

"Whenever I tell people about this program, I speak very highly of it and how I think it is very beneficial to anyone who may be engaged in entrepreneurship. Thanks again for all the hard work and encouragement."

Success stories like this are not the exception but the rule for the Women's

Business Centers across the Nation. Despite all of these successes, however, many of the Centers, including the one in my district, are facing serious cutbacks in funding. As a result, reductions in staff and resources are happening nationwide. The $4.5 million would bring the Women's Business Center program to its authorized level of $13 million and increased business opportunities for women across the units.

I believe it is a worthy program, and that is why I am urging my colleagues today to support the McGovern amendment.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. There are a lot of cosponsors to the McGovern, Johnson, Udall, Bono, Sanders, Millender-McDonald, Baldacci amendment.

This amendment would serve the very critical purpose of funding the Small Business Administration's Women's Business Centers program to its authorized level and the National Women's Business Council to its requested level, a total of $4.5 million. Through these programs, the Small Business Administration has dedicated itself to reaching and surpassing the 5 percent procurement goal for Federal contracts, government contracts given to small women-owned businesses as established by Congress in the Federal Streamlining Act of 1994.

The Women's Business Centers provide counseling and training to start up and establish women entrepreneurs. Programming at the Women's Business Centers is unique because it is designed locally by women to meet the needs of the local community.

Currently, there are 93 Women's Business Centers in 46 States, the District of Columbia, Puerto Rico, American Samoa, and the Virgin Islands. These Centers service the fastest growing portion of the business community as women-owned businesses are growing roughly two times as fast as all other businesses.

As of 1999, there were 9.1 million women-owned businesses in the United States generating sales in excess of $3.6 trillion and employing 27.5 million workers.

Furthermore, one in eight of these businesses is owned by a woman of color, making women of color the fastest growing segment of women-owned businesses. In Maryland alone, there are over 193,000 women-owned businesses accounting for 40 percent of all firms in the State. Unfortunately, even with this tremendous growth, the current rate of government contract procurement for women-owned businesses is a mere 2.4 percent.

The National Women's Business Council serves a different role. It fosters the success of women entrepreneurs. It is a bipartisan Federal Government advisory panel that acts as an independent source of advice and counsel to the President and to Congress on economic issues of importance to women-owned businesses.

□ 1700

The Council has been at the forefront of advocating for greater access to financing and contracting opportunities.

In 1997, I successfully nominated Laura Henderson, the founder, president and CEO of Prospect Associates, and one of my constituents, to the National Women's Business Council. I have known Laura now for more than 15 years through her successful business ventures in Montgomery County, Maryland, and her visionary work in procurement issues. Laura recently testified in support of the National Women's Business Council before the House Subcommittee on Government Programs and Oversight of the Committee on Small Business.

At the conclusion of her testimony, Laura stated, "The Council's actions have been fundamental to the expansion and recognition of women-owned businesses as an integral force in the economy. The Council has been the catalyst for making our dreams a reality."

I urge the support of my colleagues for this amendment and for the dreams of women entrepreneurs in America. There is an ever-growing need for women-owned business assistance in every congressional district. Although women entrepreneurs have come a long way over the last decade, they still face barriers in the marketplace. It is our responsibility as legislators to make sure these barriers are not impregnable.

Mrs. NAPOLITANO. Mr. Chairman, I move to strike the requisite number of words.

My colleagues, I rise, as have my other colleagues, to speak in support of the amendment offered by my distinguished colleague, the gentleman from Massachusetts (Mr. MCGOVERN).

As a small business owner, and as a Member serving on the Committee on Small Business, I have long recognized that the Women's Business Centers Program meets a very, very fast growing need, and that is to help women succeed as entrepreneurs in the global economy.

Our women business owners need help. They need access to capital, they need counseling, they need assistance in being able to identify foreign markets, they need help in being able to access Federal procurement. They need help, and we can provide that help with this additional money. Although the $8 million initially proposed was increased to $11 million during committee work, and we now are planning to add an additional $4 million, it is still a drop in the bucket to what can be of very great assistance to the women who are fast not only becoming the greatest number of business owners but also the ones that are providing the largest number of jobs in the United States for our working class.

Many of my colleagues have already identified that nearly 9.11 million women-owned businesses operate in the United States, 1.2 alone in California. They generate in excess of 3.6 trillion, not million, not billion, but trillion dollars, and employ millions of workers, more than are employed in all the Fortune 500 industrial firms. These women are not only talented, they are full of ambition and have the drive and the zeal to be able to become successful and continue operating and expanding their businesses.

It is important to note that these business centers are the fastest growing portion of all business communities; and they are growing, as my colleagues have heard, twice as fast as all other businesses. We should be granting them not $4 million but ten times that for these marvelous hard-working successful women. These few centers have helped 2,000 women a month, about 50,000 women total, starting or expanding their businesses. Our past estimates show that the program created, on the average, again we heard these statistics, one new business and four new jobs for every $10,000 invested in them. What an investment.

On the natural, women are handicapped. Banks do not loan to women easily, or as easily as their male counterparts. So we need to help them become successful by helping them with their business plans and being able to pattern and plan for them.

Mr. Chairman, it is not now the time for us to turn our backs on women who want to succeed, who can succeed, and who will succeed, with our modest assistance with this increase. I urge support for the McGovern amendment, and I urge my colleagues to consider that women-owned businesses are no longer the typical type of business. They are builders, they make airplane parts, they are the independent truck drivers, they run computer schools, and they have foster family agencies, just to name a few of the entrepreneurs in my area.

Again, I urge this House to consider supporting the McGovern amendment.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment, which increases the bill's funding for the Small Business Administration's Women's Business Centers Program to the authorizing committee's full authorization of $13 million, and provides the President's budget request of $1 million for the National Women's Business Council.

Two years ago this body agreed to an amendment that my colleague, the gentlewoman from New York (Ms. VELÁZQUEZ), and I offered to double funding for the Women's Business Centers. This increase in funding doubled the size and scope of the Women's Business Centers Program, increasing the number of Women's Business Centers throughout the country to 92 centers, including one in my home State of Vermont.

The Women's Business Centers offer financial management, marketing, and technical assistance to current and potential women business owners. Each center tailors its style and offerings to the particular needs of its community. More importantly, the Women's Business Centers target economically disadvantaged women and areas of high unemployment. This program has had significant results.

Over the last 10 years, Women's Business Centers have served over 100,000 women entrepreneurs throughout the U.S. start and expand their businesses. As of 1999, there are nearly 34,000 women-owned businesses in Vermont, accounting for 40 percent of all firms in the State. Between 1992 and 1999, the number of women-owned businesses in Vermont increased by 50 percent, accounting for the creation of 47,000 new jobs in the State and $195 million in sales.

Women-owned businesses are thriving nationwide. Employment growth in women-owned businesses exceeds the national average in nearly every region of the country and in nearly every major industry. Between 1987 and 1996, the number of firms owned by women grew by 78 percent, which is almost twice the rate of increase in the number of all U.S. firms. Between these years virtually all new jobs were generated by small businesses. As large companies continued to downsize and fires exceeded hires, small businesses with less than 19 employees generated about 77 percent of the net new jobs.

If provided the funding, the SBA's Women's Business Centers can help level the playing field for women entrepreneurs who still face unique obstacles in the world of business. WBCs have programs to help women break into the Federal procurement and export markets.

While women entrepreneurs are expanding at the foreign markets at the same rate as all U.S. business owners, women-owned businesses receive less than 8.8 percent of the more than $200 billion in Federal contract awards. The President recently ordered all Federal departments and agencies to grant at least 5 percent of all prime contracts and subcontract awards to women-owned businesses.

Fully funding the National Women's Business Council, the bipartisan advisory panel that provides independent advice to the Federal Government on these issues, is crucial to accomplishing this goal, and I hope very much that we will pass this amendment.

Mr. BALDACCI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise on behalf of the McGovern amendment and strongly support this effort to bring the Women's Business Centers Program up to its authorized level of $13 million and to meet the President's request of $1 million for the National Women's Business Council.

I would like to congratulate the ranking member for his leadership and also like to thank the gentleman from Massachusetts (Mr. McGOVERN) for developing such a broad-based bipartisan amendment to address this very pressing issue.

Women's Business Centers play a major role in helping women entrepreneurs by providing technical assistance in the formation of their business plans through courses, workshops, mentoring services, and access to financing. The additional funding made through this amendment will strengthen those centers and make centers available to more women. I have a center in my district in Lewiston, Maine, which is a vital source of information, outreach, and access to financing that has really spurred a lot of women-owned businesses to be developed just in the short time that it has been there.

The National Women's Business Council makes recommendations and provides advice to the President and Congress on issues of economic importance to women. The additional funding through this amendment will help the NWBC. It will be able to support new research; create a State Council Program to help in the development of women's business advisory councils, summits and an interstate communications network; promote more outreach initiatives for securing Federal procurement contracts; and provide additional support for training, technical assistance, and mentoring.

The additional funding provided through this amendment will go a long way towards creating a more level playing field for women business owners. I urge my colleagues to support this amendment.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am prepared to accept this amendment. I support the work the SBA does to help women start and maintain small businesses. In fact, the bill includes funding for both the Women's Business Centers and the Women's Business Council at the current year levels. In fact, over the last 2 years, we have more than doubled the amount provided for Women's Business Centers. So this activity has enjoyed tremendous growth while a lot of other programs funded in this bill have remained stagnant, frozen, at current levels.

The only reservation that I have on the amendment is the offset because the offset comes from the CALEA fund. And as all of us realize, this so-called CALEA fund, telecommunications carrier compliance fund, called CALEA, is the fund out of which we must pay the expenses of equipping our telephone systems so that the court-ordered wiretaps, the law enforcement activities, can continue. It is absolutely critical funding, and I am concerned about where the offset comes. But perhaps we can find some way to remedy that.

So I would accept the amendment, Mr. Chairman; and I would call for a vote.

Mr. UDALL of New Mexico. Mr. Chairman, I rise to speak on the McGovern amendment which supports one of the most dynamic and vital segments of our society: women entrepreneurs.

Women-owned businesses are the fastest growing businesses in our country. In fact, those businesses owned by women of color are growing three times faster than the overall business growth rate. It is imperative that we do all we can to assist their efforts to run successful businesses.

This amendment brings additional funding to the Women's Business Center Program and the National Women's Business Council.

The Women's Business Center Program provides assistance to tens of thousands of women entrepreneurs in all 50 states, giving preference to those women from disadvantaged backgrounds.

In the next fiscal year, the Women's Business Center Program is authorized to receive $13 million. This amendment ensure that the program receives all of those funds as opposed to the current appropriation of a mere $8.9 million. Fully funding the program ensures that it reaches the largest number of people with maximum effectiveness.

Another way we can assure that women entrepreneurs are successful is to support the National Women's Business Council, which is dedicated to researching effective business strategies. The Council serves to help women find sources of capital for the businesses. Additional, the Council provide private and public sector professional training for women entrepreneurs.

Our funding increase provides for another important function of the Council: to aid state and local organizations in helping women entrepreneurs. This means that women can access information, which is relevant to their regions. In other words, this is money well spent.

The Council studies what works and what doesn't. It lets us learn the most effective way to help women start their own businesses. It's objective is to make women entrepreneurs successful.

The Council however, is only slated to receive 60 percent of its authorized funding. This amendment provides the full funding—$1 million. This is the sum the President has put in his budget for the Council. Full funding will allow the council to carry out its tasks of researching effective business strategies for the

9.1 million women-owned businesses across the country who employ over 27.5 million workers and generate $3.6 trillion in revenues. It is in the best interest of the country to ensure that these businesses are as efficient and successful as can be.

As our "New Economy" continues its progress, so does the discussion about creating job growth. This amendment will allow for necessary programs to continue providing job training to these entrepreneurs. The end result will be the creation of jobs for those who need it most—women, minorities, and the economically disadvantaged. Letting women create their own businesses in depressed areas benefits everyone.

Let me turn my attention to the offset for a second. Our amendment takes approximately $4.5 million from the Department of Justice's. Telecommunications Carrier Compliance Fund. Let me say that our $4.5 million represents only 1.6 percent of the $282.5 million TCCF account.

Let's think about this for a second. 1.6 percent to assist the growing 9.1 million women-owned businesses in this country.

I don't know about you, but to me that sounds like a strong investment.

Mr. Chairman, thousands of women across the country are eager to start successful businesses. We must help these women to help themselves—by providing classes, training, proven expertise, and improved access to funding. I urge my colleagues to support this amendment and ensure that these vital programs are fully functional and effective.

Mrs. JONES of Ohio. Mr. Chairman, I rise today in support of the McGovern/Johnson/Udall/Bono/Sanders/Morella/Millender-McDonald amendment. This amendment would increase funding for the National Women's Business Center Program from $8.9 million to the authorized level of $13 million and would increase funding for the National Women's Business Council from $595,000 to $1 million dollars. These funds would provide much needed funds to help secure venture capital, reach the national procurement rate of five percent for women-owned business and complete research projects.

The National Women's Business Council, is a bi-partisan Federal government advisory panel which serves as an independent source of advice and counsel to the President, the Congress, and the Interagency Committee on Women's Business Enterprise. It advises on economic issues of importance to women business owners.

The Council and the Interagency Committee have established an effective public/private sector partnership to promote an economic environment conducive to business growth and development for women-owned businesses and have focused on expanding opportunities, collecting research, strengthening technical assistance and the networking infrastructure, and improving access to capital.

Although women-owned businesses are among the fastest growing business sectors, women's access to capital continues to lag behind men. Currently, over 9.1 million women-owned businesses in the U.S. generate over $3.6 trillion in sales and employ 27.5 million workers. Women's Business Centers offer training and counseling programs designed to educate, empower, and assist individuals in improving their lives through entrepreneurship.

In the Eleventh Congressional District, the Glenville Development Corporation provides long-term training to low and moderate-income women to assist them in business development. The organization W.O.M.E.N. (Women's Organization for Mentoring, Entrepreneurship, & Networking) in Akron, Ohio, also provides services to the Eleventh Congressional District. These centers have provided essential support for many women entrepreneurs which would not otherwise be accessible. With the funding offered in this amendment, the centers' good work, and the work of many other organizations will be able to continue. I urge strong support of this amendment.

Ms. PELOSI. Mr. Chairman, I rise to support the bipartisan McGovern/Johnson/Udall/Bono/Sanders/Morella/Millender-McDonald amendment that would add $4.5 million to programs supporting Women's Entrepreneurship. This amendment would increase $4.1 million for SBA's Women's Business Center Program to its fully authorized $13 million and would increase $405,000 for SBA's National Women's Business Council to President Clinton's requested $1 million.

These programs are important to women around the country and in the district I represent. Recently, I heard from Ms. Claudia Viek, who runs the Renaissance Women's Business Center in San Francisco. She was concerned about cuts to SBA's Office of Women's Business Ownership and its adverse impact on the Renaissance Center which has sustained a 7 percent funding cut and, without this amendment, would experience deeper cuts. Since 1985, this Center has been successfully fulfilling its mission "to empower and increase the entrepreneurial capabilities of socially and economically diverse people" and providing practical training in business planning, financial assistance, and ongoing supportive networks for its graduates.

I have also heard from Barbara Johnson and Mercedes Sansores with "Women's Initiative for Self Employment". These women were also concerned about funding levels for SBA's Office of Women's Business Ownership and urged me to support this amendment. Women's Initiative is a private, non-profit organization founded in 1988 to help low-income women start and manage their own businesses. It makes loans to support its client's entrepreneurship. Women's Initiative offers business training and technical assistance, in English and Spanish, on business planning, marketing, sales, and finance. ALAS is the Initiative's Spanish-language training program that delivers important services to the local community.

Together these Centers provide significant resources and training to businesswomen. They are simply two examples of the many Centers around the nation. In fact, as we travel, we could find Women's Business Centers in 46 states and territories. Clearly, this program benefits women around the country. I urge my colleagues to support the McGovern amendment and support increased business opportunities for women.

The CHAIRMAN. The gentleman yields back his time. The question is on the amendment offered by the gentleman from Massachusetts (Mr. McGOVERN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $159,570,000.

Mr. KILDEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to express my concern at the lack of funding that the Indian Country Law Enforcement Initiative received in the fiscal year 2001 Commerce, Justice, State appropriation bill.

Under the House bill, the initiative received zero funding: zero funding for tribal courts, zero funding for COPS grant set-aside for Indians, and zero funding for the new programs proposed by the administration. I have been advised that the reason the initiative received zero funding in the House is because the Senate will take care of funding the initiative. I find this logic troublesome.

Recently, I, along with several of my colleagues, sent a letter to the chairman and senior Democratic member of the subcommittee expressing our strong support for the President's fiscal year 2001 budget request for the Department of Justice portion of the Indian Country Law Enforcement Initiative. The President's budget requested $173.3 million for the initiative. This figure represents an increase of $81.8 million above the fiscal year 2000 enacted level.

I believe that increased funding for this initiative is critical in light of the recent information from the Justice Department that confirms that while national crime is dropping, crime rates on Indian lands continue to rise. In its 1999 report, American Indians and Crime, the Bureau of Justice statistics found that American Indians and Alaska natives have the highest crime victimization rates in the Nation, almost twice the rate of the Nation as a whole.

The report revealed that violence against American Indian women is higher than other groups. American Indians suffer the Nation's highest rate of child abuse. The report indicates that Indian juveniles in Federal custody increased by 50 percent since 1994. The findings for this report serve as the basis for the President's request for more funding for this initiative.

I also support the President's request to make permanent the Office of Tribal Justice under the Department of Justice's Associate Attorney General's Office. The Attorney General created this office to provide a permanent channel for tribal governments to communicate their concerns to the Department and to coordinate policy on Indian Affairs with the departments in other Federal agencies.

Mr. Chairman, the Department of Justice and the Department of the Interior developed the initiative 2 years ago to improve the public safety and criminal justice in Indian communities. Last year, Congress appropriated $91.2 million to the Justice Department for additional FBI agents, tribal law enforcement officers, detention centers, juvenile crime programs, and tribal courts.

□ 1715

This year the House provided zero funding for the initiative.

Mr. Chairman, I urge my colleagues to work to restore funding and to provide the necessary increase for the initiative as this bill proceeds to conference. Let us work hard to combat crime and violence in our Indian lands.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DETENTION TRUSTEE

For necessary expenses to establish a Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, $1,000,000: *Provided*, That the Trustee shall be responsible for construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $41,825,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $8,855,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $523,228,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed $18,877,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, the Executive Office for Immigration Review, the Community Relations Service, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

AMENDMENT OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SERRANO:

Page 6, line 13, after the dollar amount, insert the following: "(increased by $11,772,000)".

Page 23, line 2, after the dollar amount, insert the following: "(decreased by $16,000,000)".

Mr. SERRANO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SERRANO. Mr. Chairman, the amendment I offer will fund the requested level for the Justice Department Civil Rights Division. It provides a total of $11,772,000, offset by $16 million from Federal Prisoner Detention, which will still leave an increase of $56 million or more than 10 percent over the current level.

The Civil Rights Division is the primary institution within the Federal Government responsible for enforcing Federal statutes that prohibit discrimination on the basis of race, sex, disability, religion, and national origin.

In the reported bill, the Division would receive only part of its request for inflationary adjustments, less than the other Justice Department components are being given, and no funding for its initiatives.

My amendment would restore the adjustments and further permit the Division to pursue its initiatives. It would increase the number of attorneys and support staff first, to enhance its ability to investigate and, if appropriate, prosecute criminal civil rights violations in the areas of hate crimes, violations under color of law, and violence against health care providers;

Second, to increase its ability to promote compliance with the Americans with Disabilities Act in employment cases and certifying that State and local building codes meet ADA requirements by providing outreach to help small businesses and law enforcement agencies meet ADA requirements and by ensuring that persons confined in public institutions have adequate mental health services;

Third, to combat abusive, discriminatory, and other unconstitutional action by law enforcement officials through "pattern or practice" investigations of specific law enforcement agencies and the related suits and settlements that implement remedies;

Fourth, to combat abuse and neglect in institutions, protect the rights of nursing home residents and youth in juvenile detention facilities, and address the mental health needs of individuals in correctional and health care facilities;

Fifth, of particular interest to many Members, to review redistricting submissions and other voting changes as required by the Voting Rights Act, following the 200 decennial census; and

Sixth, to expand programs that protect basic civil rights, including fighting employment discrimination and in-school segregation, providing training in certain civil rights-related legal requirements and investigative techniques to Federal, State, and local agencies, and supporting fair lending laws.

Mr. Chairman, I have offered this amendment because it is very difficult to understand why during such a good economic period as we are going through in this country right now anyone would think of cutting the enforcement of civil rights.

At this point, perhaps more than ever before in recent history, as we are doing better, we need to certainly make sure that we protect those who may be powerless in this society so that we can share in the wealth and share in the law and share in all that is good about this country.

So I would hope that people see it in this spirit, see it as in relationship to everything else that is happening in our society, and understand that the worst thing we could do, the most difficult thing that we would not face up to is the fact that we would allow during these times for people to continue to be hurt and not to be protected.

These dollars would allow the Civil Rights Division to go out and do the job that it has to do and, in the process, provide for the protection that all Americans need.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as the gentleman knows, over the last few years, the Civil Rights Division has been treated very generously. In fact, funding for the Civil Rights Division has increased by over 32 percent over the last 2 years. Few other agencies in this bill have enjoyed similar growth.

We have tried to maintain the investment we have made in the Civil Rights Division, as we have done for other programs in this bill. In addition, this bill also provides increases to other civil agencies that are included in the bill.

So, in view of the fact that we do have the fiscal restraints that we are operating under, this division has enjoyed generous growth at the hands of this subcommittee and the Congress over the last 2 years. I would urge rejection of the amendment.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I commend the gentleman from New York (Mr. SERRANO), the ranking subcommittee member, for his leadership in this measure.

The vote on this amendment, my colleagues, will define the agenda of the majority party. Is it to ensure that all Americans have an equal opportunity in this country, or is it to prevent that from happening?

The Justice Department's Civil Rights Division is the most important weapon we have to fight for equal opportunity through its investigation and prosecution of criminal civil violations, violations of the fair housing and lending laws, employment discrimination, and other civil rights abuses.

Unfortunately, the majority has consistently underfunded this office. Why? This year the administration has asked for $97.9 million and is getting only $86 million from this bill, and this is in the midst of a $200 billion budget surplus.

That is the wrong message to send to the American people about the importance of civil rights. This amendment can fix this by fully funding the Division with an additional $11.8 million.

Now, in the past few years, the Civil Rights Division has been more important than ever in pursuing criminal civil rights abuses. The Nation has experienced the horrors of the torture and deaths of Matthew Shepard and James Byrd, and the murder of a reproductive health care provider, Dr. Bernard Slepian.

More recently, four New York City police officers killed Amadou Diallo, an unarmed immigrant, in the lobby of an apartment building; and another four officers brutally assaulted Abner Louima. These are just a few of the cases that the Division is reviewing.

The Federal Bureau of Investigation stated that there are 10,461 law enforcement agencies across the United States reporting a staggering total of 8,049 hate crimes in 1998 alone. These are conservative numbers, though because the truth is many hate crimes go unreported because the victims fear retaliation and many police departments just do not collect such data.

Now, while law enforcement offices and agencies pursue the bulk of the offenders, the Justice Department must train those agencies and prosecute those offenders. The local officials cannot. With added funding, the Civil Rights Division can hire five, just five, more lawyers and assure that many of these perpetrators are brought to justice.

Three prominent civil rights groups, the NAACP, the ACLU, and the National Asian Pacific American Legal Consortium, have pointed out in a letter to the House that one of the most pressing issues for many Americans is that of police misconduct.

The Department has investigated the police departments of Washington D.C., New York City, New Orleans, and Los Angeles, and many others for numerous offenses, including excessive force. Prior investigations have led to consent decrees with local police departments, including Steubenville, Ohio, and Pittsburgh, Pennsylvania, for using excessive force and improper searches.

In December 1988, the Justice Department was conducting six public investigations with eight attorneys throughout the country. And in December 1999, the Department was investigating at least 12 police departments with just the same number of attorneys as the previous year.

We cannot expect the Department to increase its workload in this manner without adding additional resources. And so, this amendment would permit the Division to hire three much-needed attorneys to prosecute police misconduct.

And so, my colleagues, I urge my colleagues to support the Serrano-Conyers amendment. It adds modest funding to the Civil Rights Division.

Mr. Chairman, all to often the majority gives our Nation's civil rights laws mere lip service—offering us civil rights on the cheap. The budget before us today confirms my worst fears. If you look at the actual evidence in critical areas such as hate crimes, police misconduct, employment, and housing you will see that there is overwhelming evidence of ongoing discrimination in our society. Yet the budget actually under funds the critical civil rights division to the tune of $11 million.

Consider the problem in hate crimes. Our Nation has only recently began the healing process in the aftermath of the tortures and deaths of James Byrd, Jr., and Matthew Shepard in Laramie, Wyoming. In the years 1991 through 1997 there were more than 50,000 hate crimes reported. This is why the Conyers-Serrano amendment would allow the Division to hire five new attorneys to help prosecute hate crimes and other civil rights crimes.

The incidence of police misconduct toward minorities is also growing dramatically. In Pittsburgh, a police officer shot to death a black motorist who had slowed down and peered through his side window while observing a drug arrest. In Riverside, California, a 19-year-old black woman was shot to death by a policeman in her car at a gas station. And we all know that Amadou Diallo, a West African immigrant, was shot 41 times in the vestibule of his Bronx apartment by four police officers. At a time when the Civil Rights Division is on the verge of being totally overwhelmed, our amendment would also allow the Division to retain three additional attorneys to fight against police "pattern and practice" misconduct.

The problem with regard to employment and housing discrimination is no better. The number of employment discrimination cases in Federal courts has almost tripled between 1990 and 1998 from 8,413 complaints to 23,735. The bipartisan Glass Ceiling Commission recently found that 95 percent of top corporate jobs in America are held by white males, with African-Americans holding less than 1 percent of top management jobs, and women holding 3–5 percent of senior level positions. Just recently we learned of outrageous discriminatory conduct at Texaco Corp., including tapes of top management officials referring to African-American workers as "black jelly beans."

In terms of housing, tester programs by the Urban Institute and others confirm that whites are far more likely to be shown apartment and other rental units than similarly situated minorities. And it was only a few years ago that an elderly African-American man was literally chased out of his apartment in Vidor, Texas, after he had moved there pursuant to a Federal court order requiring that the all-white housing complex in that city be desegregated. This is why our amendment provides the funds to hire 13 additional civil rights attorneys.

I believe this is the most important amendment we will vote on today. The Serrano-Conyers amendment has the support of the NAACP, the ACLU, and every major ciivl rights group in the country. We have a choice—we can claim to be opposed to discrimination, or we can put our money where our mouth is, and fund the fight against discrimination. I urge a yes vote.

I submit the following letter for the RECORD.

AMERICAN CIVIL LIBERTIES UNION,
NATIONAL ASSOCIATION OF PACIFIC AMERICAN LEGAL CONSORTIUM,
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

June 22, 2000.

Members, U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: During consideration of the fiscal year 2001 Commerce-Justice-State appropriations bill, Congressmen Jose Serrano (D-NY) and John Conyers (D-MI) will offer an amendment to strengthen the Department of Justice's Civil Rights enforcement abilities. This will be achieved by increasing the Department's Civil Rights Division's funding by $11.8 million, thus bringing it in line with the President's budget request. We, the undersigned national civil rights organizations, strongly support the Serrano/Conyers Civil Rights Enforcement amendment and urge to you to vote for it when it comes before you on the floor of the House.

One of the most pressing issues for many Americans, especially those of us of color, is that of police misconduct. Throughout history, Americans of color have been disproportionately subjected to abuse and misconduct by law enforcement officers at all levels of government. Because the problems of abuse and racial bias still exist today, we strongly support this effort by Congressmen Serrano and Conyers to provide additional funding to the U.S. Department of Justice's Civil Rights Division so that it may continue to try to address some of the more serious problems facing our nation today.

Specifically, the Serrano/Conyers amendment would allow the Justice Department's Civil Rights Division to hire 3 more attorneys to fight police "pattern and practice" misconduct. In recent years, this division has been successful in fighting wide-spread police misconduct in Steubenville, Ohio and Pittsburgh, Pennsylvania. Current investigations are on-going in New York, Los Angeles, and Washington, D.C., to name a few. Given the national epidemic of police misconduct, and the fact that more and more citizens are coming forward, the additional slots appropriated by the Serrano/Conyers amendment are clearly and sorely needed.

The Serrano/Conyers amendment would also allow the Civil Rights Division to hire 5 new attorneys to prosecute criminal violations of existing civil rights laws, including hate crimes, color of law violations and violence directed toward health care providers. In addition to the several well publicized cases of hate crimes against people because of their race or sexual orientation in recent years, the FBI has stated that there were over 8,000 reported hate crimes in the United States in 1998; the actual number may well be double or triple that amount. With the additional funding sought in this amendment, the U.S. Department of Justice Civil Rights Division can play a more aggressive role in assuring that the perpetrators of these heinous crimes are brought to justice.

Finally, the Serrano/Conyers amendment also provides money for 12 new attorneys to enforce the Americans with Disabilities Act, 5 new attorneys to enforce the Voting Rights Act, 2 new positions to fight abuse and neglect in institutions, and 13 new attorney positions to enhance the Justice Department's fight against discrimination in mortgage lending, in-school segregation and employment. As numerous studies, including one by the Eisenhower Foundation, have shown, these slots are very much needed as discriminatin is alive and well in all of these areas. The number of employment discrimination cases in Federal courts has almost tripled between 1990 and 1998; and the United States has had the most rapid growth in wage inequality in the Western world, with racial minorities suffering disproportionately

In short, we strongly support the Serrano/Conyers amendment as it addresses many of the issues of discrimination and abuse that hold this nation back from realizing its full potential. We hope that you will support Congressmen Serrano and Conyers in their effort and vote in favor of their amendment.

Sincerely,

LAURA MURPHY,
Director, Washington Office, American Civil Liberties Union.
KAREN NARASAKI,
Director, National Asian Pacific American Legal Consortium.
HILARY O. SHELTON,
Director, Washington Bureau, National Association for the Advancement of Colored People.

Mr. Chairman, I also wish to bring our attention to a great injustice that we are about to commit. It would be a grave oversight if the Member's of this House forgot those who have been the most neglected. Our obligations to the Native American people of this country are ignored in the Commerce, Justice, State Appropriations Bill. The President has requested $173.3 million to provide for the Deptartment of Justice's portion of the Indian Country Law Enforcement Initiative. The House has seen fit to provide H.R. 4690 with no money for Tribal Courts, no money for COPS grants for tribes, no money for any new or existing programs, no money for tribal law enforcement programs.

Native Americans and Native American programs have suffered at our hands for many years. This year nearly $200 million of vital funds have been slashed from Indian Health Services. Native Americans, the poorest of the poor, suffer disproportionate rates of poverty and poverty related illnesses such as diabetes, and we have seen fit to cut funding for services to those who so desperately need them, the chronically ill. Now we in the House have provided no funding for vital law enforcement programs, programs which we ensure are funded fully for our own communities. Once again we are turning our back on the indigenous people's of the United States. People whom we have given our word to, by treaty, to be provided for and protected by our Federal Government. And yet we, in the great Federal Government and our infinite wisdom, have turned our backs on them, yet again.

Mr. Chairman, crimes rates in Indian Country have not dropped as they have in the rest of the country. Yet we have not provided any assistance to Native Americans to help them, help themselves, to make their homes and communities safer places to live. By relying on our friends in the Senate to give what we have not seen fit to give, we shirk our own responsibility to a great people and to the great nation in which they live.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support the Serrano-Conyers amendment and applaud them for this work and add my strong support and interest in this area.

As offered, H.R. 4690 cuts the funding requested by the Civil Rights Division by $11.8 million. This is a 12-percent reduction and provides a budget that is $3 million below what is necessary to fight for the Nation's civil rights.

A person's civil rights are his or her most precious assets in America. It is the right of equality and the right to access the courts and to establish the laws of the land and be protected by those laws. It is these rights that help us to establish that we all are created equal and are equal in the eyes of the American legal system.

The Department of Justice Civil Rights Division is responsible for the fair and uniform enforcement of the Nation's civil rights laws. Inadequate funding will ultimately lead to inadequate enforcement of these laws.

The reduced funding will deny requested initiatives to expand the Civil Rights Division's investigation and prosecution of hate crimes.

Two years have passed since the dragging death of James Byrd, Jr., on a paved road in Jasper, Texas. We cannot forget the injustice brought on Mr. Byrd as he was chained and dragged to the back of the truck by his white assailants and dragged over 2 miles until many of his body parts were torn from his body. Not only was he brutally murdered, but his civil rights were denied.

It is important that the Justice Department and the Civil Rights Division can be aggressive in its fight against hatred and discrimination and, as well, the treatment of violence against someone because they are different or have a different view.

Soon we will arrive at the anniversary of the Benjamin Nathaniel Smith Fourth of July raid through Illinois and Indiana, where he murdered and injured innocent people.

□ 1730

He perpetrated these crimes because of the difference in those citizens' religious beliefs or the color of their skin. These are but two examples of the many hate crimes that warrant adequate funding to the Civil Rights Division. Reduced funding will hinder the Division's efforts to carry out pattern and practice investigations and combat incidents of police misconduct. We know that many minorities are targeted by law enforcement for no other reason than their race. Oftentimes people are stopped for no crime other than driving while black or brown. With this understanding, we must entertain the question, what security is available to the people of America when law enforcement is not pledged to adhere to the civil rights of all of us?

The Justice Department is an important element of fighting against that discrimination. As representatives in the Federal Government, we must live up to our duty to provide the best possible life for America's people. This duty includes providing protection from unjust discrimination. This duty includes providing a remedy when such discrimination takes place. This duty also includes adequately funding our government agency responsible for living up to this most important governmental function.

It is important to restore the $11 million back to this appropriation for the Department of Justice Civil Rights Division because we must remember that there are still fights to prevent gerrymandering and to prevent the days of Jim Crow from returning. The year 2000 is a census year and next year we will be dealing with different issues under the Voter Rights Act of 1965.

Inadequate funding will hinder the Civil Rights Division's responsibility to assist in the review of redistricting and other changes as required by the Voter Rights Act. We must ensure that everyone is represented and every vote is a single vote to be represented in the halls of Congress. A vote is a voice. By voting, the American people speak. Every citizen has one voice, one vote. We must take care that every citizen's vote is equally counted and not denied. Providing funding for the Civil Rights Division's review of changes as a result of the census will ensure that each voting district is equally populated. No district should be overpopulated nor underpopulated and minority groups should have the opportunity to have an impact on who is sent to the United

States Congress. We saw that impact in the 1990 census which resulted in an increase in minority representation in the United States Congress. We must not see that denied.

Mr. Chairman, the funding provided by H.R. 4690 is inadequate. I support the Serrano-Conyers amendment to include an increased amount of dollars to make sure that the civil rights of all Americans are protected.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to associate myself with the comments of my two previous colleagues, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Michigan (Mr. CONYERS).

I also want to talk about another area of civil rights concerns and that is the civil rights of our Native American people. As all of my colleagues know, while this bill overall has many shortcomings as has been just pointed out, there is another glaring example of a shortcoming and that is one that I want to talk about. In a tight-fisted decision that one could only think was a mistake, the Indian Law Enforcement Initiative received absolutely no funding whatsoever in this bill.

Let me explain just what that means. That means that tribal courts get nothing. That means that tribal COPS grants programs get nothing. That means that programs proposed by the administration to make life a little bit better for native peoples get nothing. Not one single cent. To me, that means once again this Congress is shirking its responsibility to our first Americans.

Mr. Chairman, almost nowhere else in this country, in this Nation, is there more need for law enforcement resources than in Indian country. On many reservations crime is rampant. For example, of more than 4,000 FBI cases opened in Indian country, 46 percent involve sexual physical abuse of a minor child, 36 percent involve gang activity involving Indian youth; and we are giving them nothing. Only 1,700 BIA and tribal uniformed officers are available for 1.4 million people. Let me give Members an idea of how that relates to those non-Native American peoples. That is 1.2 officers for every 1,000 people in native country. In contrast, in non-native country, we have 2.8 officers on average; 1.2 on native lands, over 2.8 on nonnative lands.

Let us understand what the consequences of this are. Everywhere else in America, we see homicides going down. The homicide rates on Native American lands, however, are 2.6 times higher than they are for whites. They are higher than any other group in this country. Violent crime has gone down the last few years with murders down almost 25 percent. But let me underscore something. While murders have gone down 25 percent in the rest of this country, on native territories, on native reservations, violent crimes have gone up 90, let me repeat, 90 percent.

What is this Congress' answer to that? Zero, I repeat, zero funding for law enforcement on Native American country. To me, that is absolutely unconscionable. If any one of us in our own districts anywhere in this country had the kind of crime statistics that currently exist on Native American reservations, it would be front page news. Every single talk show would be talking about it. Every story would be reporting about it. But the outrage in this story is there is not any coverage whatsoever. I am sure it has nothing to do with the fact that we all but ignore our native peoples here in this country.

The fact of the matter is we have tried in this bill to get funding for Native American law enforcement. We tried to get the President of the United States' $173 million for this initiative. It would have been an important increase in funding. But what did this bill provide? Zero. Zero funding for one of the most crime-plagued communities anywhere in this country, a region of this country where there is a 90 percent increase in violent crimes while everywhere else sees a decrease of 25 percent. We are giving them zero, zero funding.

Now, if it is your child who is getting molested, if it is your child that is getting killed and this is in your neighborhood, you would be walking down here and protesting right outside this Capitol. The fact is that it is native peoples, native peoples in this country. We ought to be ashamed of ourselves.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Michigan.

Mr. CONYERS. I want to say to the distinguished Member in the well that he is raising an issue about Native American people that we cannot ignore anymore. I commend him for his comments.

Mr. Chairman, I rise today to bring our attention to a great injustice that we are about to commit. It would be a grave oversight if the Member's of this House forgot those who have been the most neglected. Our obligations to the Native American people of this country are ignored in the Commerce Justice State Appropriations Bill. The President has requested $173.3 million dollars to provide for the Dept. of Justice's portion of the Indian Country Law Enforcement Initiative. The House has seen fit to provide H.R. 4690 with no money for Tribal Courts, no money for COPS grants for tribes, no money for any new or existing programs, no money for tribal law enforcement programs.

Native Americans and Native American programs have suffered at our hands for many years. This year nearly $200 million dollars of vital funds have been slashed from Indian Health Services. Native Americans, the poorest of the poor, suffer disproportionate rates of poverty and poverty related illnesses such as diabetes, and we have seen fit to cut funding for services to those who so desperately need them, the chronically ill. Now we in the House has provided no funding for vital law enforcement programs, programs which we ensure are funded fully for our own communities. Once again we are turning our back on the indigenous people's of the United States. People whom we have given our word to, by treaty, to be provided for and protected by our federal government. And yet we, in the great federal government and our infinite wisdom, have turned our backs on them, yet again.

Mr. Chairman, crime rates in Indian Country have not dropped as they have in the rest of the country. Yet we have not provided any assistance to Native Americans to help them, help themselves, to make their homes and communities safer places to live. By relying on our friends in the Senate to give what we have not seen fit to give, we shirk our own responsibility to a great people and to the great nation in which they live.

Mr. KENNEDY of Rhode Island. I ask my colleagues to try to reverse this horrible trend in funding for Native American law enforcement.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Kentucky, the distinguished chairman.

Mr. ROGERS. I thank the gentleman for yielding. The previous speaker obviously has not read the bill, because there is $523 million that the committee added in the local law enforcement block grants section that is available for Native Americans. They need apply to the administration, and the money would be there. I would add, this is money that was not in the President's request.

What did the President request for this program? Zero. This committee added $523 million for Native Americans and everyone else. It does not discriminate against any group. Anybody can apply for those funds. I somewhat resent the fact that the subcommittee has been maligned in this respect because the money is there.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. My point was that we recognize there is an enormous crime problem on Native American reservations. It is not a matter of discriminating for or against our first Americans.

Mr. ROGERS. I respect that. All of us recognize there is a tremendous problem, and that is why we put money in this bill that was not even requested by the President. I resent the fact that the gentleman maintains that there is nothing in this bill for Native American crime fighting. There is. Up to $523 million.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. The point I am making here is the law enforcement block grant that the gentleman is talking about, as he said, anyone would be able to apply for that. The only trouble is on Native American reservations, we have got a crisis; and it is not a matter of them having to compete with your or my law enforcement community in our respective States. They have nothing. They have a 90 percent increase in crime. The rest of the country has a 25 percent decrease. Yet you are going to throw them in the same barrel as every other law enforcement agency. I am not disputing the fact you added to everyone's ability, but I am saying given the statistics, would it not make more sense to make sure we address specifically the instance that we are talking about?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Kentucky.

Mr. ROGERS. Of course this is the wrong bill for Native American assistance. That is the Interior bill. What we deal with in this bill is crime. I think we have been very generous in the bill in providing I think probably a record amount for the Local Law Enforcement Assistance Grants that the Justice Department doles out. I would hope that the Justice Department would be fair in listening to the grant applications of Native Americans because the money is there. If the gentleman is talking about general programs for Native Americans, that is the Interior bill, not this one.

Mr. KENNEDY of Rhode Island. I look forward to working with the gentleman to see that our Justice Department awards our Native American law enforcement community the funding that the gentleman has put in the bill so that they can receive the kind of support they need on these Native American reservations.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Wisconsin, the ranking member of the full committee.

Mr. OBEY. Just to defend the gentleman from Rhode Island, I would point out, if you look at the spread sheet for this bill, if you look at the line labeled Indian Grants, $21 million requested by the administration. Recommended by the committee, zero. If you look at the line Indian Tribal Court Program, $15 million requested by the President. Recommended by the committee, zero.

So I would suggest that while the tribes may be able to receive some assistance from some general block grant, there is, as the gentleman indicated, no specific assistance in the form of the administration's new initiative.

Mr. ROGERS. If the gentleman will yield further, by the same token, there was no request in the administration's budget for funds for Local Law Enforcement Block Grants. Not a penny. The moneys that we are providing are coming through the Local Law Enforcement Block Grant program which Native Americans would be eligible for, obviously, like everyone else. It is a matter of specifics versus the general category that we put the money in.

Mr. OBEY. I would simply say I grant that, but nonetheless it does not deny the correctness of the gentleman from Rhode Island who indicated that the administration did have a new initiative specifically aimed at dealing with the problems in Indian country and this bill does not contain the funds that were requested in this bill for that purpose.

Mr. WATT of North Carolina. Reclaiming my time, Mr. Chairman, and returning to the amendment at hand which I understand to be an amendment by the gentleman from Michigan (Mr. CONYERS) to increase funding for the Civil Rights Commission, not that the discussion that just took place was not extremely important, I fully support my colleague from Rhode Island and his efforts to try to increase funding for crime fighting on Native American reservations.

□ 1745

The amendment at hand has to do with how we fund and at what level we fund the Civil Rights Commission. On that point, I would just point out to my colleagues that hate crimes are on the rise. Police brutality is on the rise. Racial intolerance is on the rise.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. WATT) has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 3 additional minutes.)

Mr. WATT of North Carolina. Mr. Chairman, in the last few days, my Republican colleagues have gone out of their way to say that they are trying to reach out to the African-American community and racial minorities in various ways. They have had a big summit here for Historically Black Colleges and Universities at which they took credit for doing all kinds of things that I was not aware of that they were doing for Historically Black Colleges and Universities.

Some of them had a big press conference about all of the efforts that they had taken on behalf of black farmers; and, of course, we had to dispute that at today's press conference. The Speaker and my colleagues on the Republican side have gone out of their way to tell us how much they support a new markets' initiative that they would like to do on a bipartisan basis with the Democrats, and this is the appropriate bill, Commerce, Justice, State, this would be the appropriate bill to fund that through.

I note that there is not anything in the bill that would fund that initiative, yet, we are trying to do away with and not fully support the Civil Rights Commission, whose job it is to go into communities and investigate hate crimes, investigate police brutality, investigate and expose racial intolerance and the problems that we have in this country so that we as a Nation can confront these issues.

What would we rather do with the money? Sure, we would rather get tougher and tougher on crime and increase monies to build prisons. Yet will we adequately fund efforts to reduce intolerance? Will we adequately fund efforts to reduce hate crimes and expose them when they take place, or will we simply be parties to what is going on?

There is just an insufficient amount of money in the budget, in this bill to fund the Civil Rights Commission. There has been a tremendous amount of animus on the Subcommittee on the Constitution which has oversight jurisdiction over the Civil Rights Commission.

They spent probably as much time coming to hearings about various aspects of their operation as they have the opportunity to spend on operating the agency. I think it is time that we fund them and support the Conyers amendment.

Ms. PELOSI. Mr. Chairman, I rise to support Representative SERRANO's amendment to increase funding to enforce and protect the civil rights of all Americans. The Majority bill cuts funding from President Clinton's request for the Department of Justice's Civil Rights Division and would force the Civil Rights Division to reduce its current services. It would also reduce funding for other vital civil rights initiatives. We must take every possible step to ensure that the Civil Rights of all Americans are protected. I urge my colleagues to support this important amendment and provide the needed civil rights funding.

This bill lacks funding for many significant civil rights activities. For example, it lacks funds to investigate law enforcement patterns and practices to address policy brutality. It lacks funds to fight abuse and neglect in nursing homes, juvenile detention facilities, and mental health facilities. It lacks funds to address expected voting rights cases resulting from the Census. It also lacks funds to aggressively investigate and prosecute hate crimes. These initiatives are all very important.

Why does the Majority bill ignore these needs? What is more important than investigating abuse in nursing homes of our vulnerable seniors? Given cases like the recent episode in New York City which terrorized and sexually assaulted more than 50 women, why can't we fund investigations of potential hate crimes against these women? We should fund these efforts to protect the civil rights of all Americans and ensure our existing laws are enforced.

This bill cuts funds to two important Commissions. It cuts the U.S. Commission on Civil Rights below current services and 19 percent below President Clinton's request. It cuts the Equal Opportunity Employment Commission [EEOC] 10 percent below President Clinton's request. These Commissions deserve our support, play a fundamental role, and highlight vital issues in our national debate.

The bill lacks funds for new and expanded grant programs under the successful COPS program for activities to prevent community crime related to civil rights. For example, this shortfall underfunds the Police Integrity and Hate Crimes training initiative and underfunds police recruitment of diversified applicants that reflect the communities served. These programs serve America's communities of color and we should support them.

I urge my colleagues to support the Serrano amendment and support funding to protect and enforce civil rights.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SERRANO).

The amendment was rejected.

The Clerk will read.

The Clerk read as follows:

> In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

> For expenses necessary for the enforcement of antitrust and kindred laws, $77,171,000: *Provided*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $77,171,000 of offsetting collections derived from fees collected in fiscal year 2001 for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at not more than $0.

AMENDMENT NO. 30 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 30 offered by Mr. OBEY:
>
> Page 7, lines 10 and 12, after the dollar amount, insert the following: "(increased by $20,731,000)".
>
> Page 90, lines 19 and 24, after the dollar amount, insert the following: "(increased by $29,793,000)".

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

Mr. OBEY. Mr. Chairman, this amendment attempts to restore full funding of the President's requests for antitrust activities of the Justice Department and the Federal Trade Commission.

We have had a series of efforts in the Committee on Appropriations to try to deal with the fact that we have an every increasing concentration of economic power in all of our areas of our economy. For example, four companies currently control 81 percent of the cattle purchases and beef processing and wholesale marketing, and in 5 years we have seen the margin between the price paid to farmers and wholesale price for beef jump 24 percent.

Four companies now control 56 percent of the pork market. The margin between the wholesale price of pork and the price paid to the farmer has jumped by more than 50 percent.

We have the same problem with poultry.

We offered an amendment in the full committee, when the agriculture appropriations bill was before it, to try to deal with the problem of economic concentration, to give the Agriculture Department more power to do that, along with the Justice Department, and the majority party voted us down.

Mr. Chairman, we now are seeking to do the same thing in other areas of the economy. I would like to read something that Justice Marshall wrote a long time ago. He wrote this,

> Antitrust laws in general and the Sherman Act, in particular, are the Magna Carta of free enterprise. They are as important to the preservation of economic freedom and our free enterprise system as the bill of rights is as to the protection of our fundamental personal freedoms.

And an article which quoted that statement, an article by Peter Carstensen, (who is a professor of law at the University of Wisconsin and with whom I graduated from the University of Wisconsin a number of years ago,) the article says this:

> With respect to concentration power and agriculture, past failure to enforce antitrust law has resulted in increased concentration in both the markets applying to agriculture and in those that process and distribute its products. These 800-pound gorillas trash the agricultural economy to protect and enrich their present and future position in the market. The farmer and rancher increasingly has no voice in shaping business policy, but simply is bound to obey orders issued by others. Once independent farmers and ranchers are becoming the serfs of the 20th century.

Mr. Chairman, I agree that that is what is happening.

If we take a look at the Sherman and Clayton antitrust acts which were adopted by this Congress a long, long time, it would be well to take a look at a speech made at the time by Senator Sherman who was a Republican from Ohio. He said this,

> If we will not endure a king as a political power, we should not endure a king over the production, transportation and sale of any of the necessities of life. If we would not submit to an emperor, we should not submit to an autocrat of trade with power to prevent competition and fix the price of any commodity.

And that brings me to the subject of oil and gasoline prices. This amendment is an effort to restore $29 million to the Federal Trade Commission and $21 million to the Justice Department for purposes of trying to assure that we have a fully competitive marketplace. We have heard a lot of noise about the problem of gasoline prices recently. The Federal Trade Commission has recently been asked to investigate gasoline price hikes across the country. Since spring, Midwest consumers are paying considerably higher prices for gasoline, many pay well more than $2.

Price increases of that kind require scrutiny by antitrust enforcement authorities to determine whether they result from collusion or any other kind of anticompetitive conduct. In addition, staff is needed to address this issue. The need for close antitrust scrutiny is particularly clear in the energy industry where even small price increases can strain the budgets of many Americans.

These increases also have a direct and lasting impact on the entire economy. In fiscal years 1999 and 2000 to date, the antitrust arm of the Federal Trade Commission spent almost one-third of its total enforcement budget on investigations related to the energy industry!

The FTC's competition mission is to protect consumers from anticompetitive conduct and that job requires substantial resources. The commission is currently hindered by resources inadequate to fulfill its statutory responsibilities.

The statutory requirements of merger enforcement during one of the most significant waves of multibillion dollar mergers in U.S. history demand the commitment of significant staff and resources to prevent possible future price increases.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, those merger cases draw staff resources away from the commission's nonmerger activities, which often deal with existing continuing harm to consumers.

The Federal Trade Commission has a continuing challenge in determining how to divide its resources between its merger and nonmerger investigations. At the beginning of this decade, the staff distribution for merger and nonmerger work was roughly 50/50. At the end of the decade, the ratio had changed to more than 2 to 1 in favor of mergers.

When nonmerger emergencies develop that require antitrust investigation, such as the present gasoline price hikes, the merger wave has left the FTC with fewer resources to address the consumer harm as quickly and efficiently as warranted.

Investigations such as the gasoline pricing investigation are staff intensive, time-consuming. They require analysis of all facets of a very complex industry. An investigation like this severely strains the competing workload being handled by the Agency's 150 antitrust lawyers.

In this same industry, the FTC recently committed similar numbers of staff for its cases involving the mergers of Exxon, Mobil and BP Arco. Based on those recent experiences, it is clear that the FTC needs additional resources to fill its antitrust mission.

Let me remind you of one other fact. The gentleman from Ohio (Mr. KUCINICH) has done us a service by pointing out these facts. If we compare the net income of major oil companies first quarter to first quarter, you see that Arco is up 136 percent; Amoco, 296 percent; Chevron, 291 percent; Conoco, 371 percent; Exxon Mobil a mere 108 percent; Phillips, 257 percent, Shell, 117 percent and Texaco, "Trust your car to the man who wears the star," was the old slogan, Texaco, a 473 percent increase.

It seems to me that if you want to do something about this, you should heed the words not of me, but of the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, who signed along with the gentleman from Michigan (Mr. CONYERS) a bipartisan letter asking the committee to, quote, "provide full funding for the Department of Justice's antitrust division and the Federal Trade Commission's Bureau of Competition for this fiscal year."

Mr. Chairman, I would just add one sentence in closing. The gentleman from Illinois (Mr. HYDE) said this:

> Antitrust laws sustain free markets and dissipate political pressure for government regulation. For that reason, Republicans and, indeed, all citizens should support it wholeheartedly. Unfortunately, some Republicans have criticized enforcement of antitrust laws, claiming that it allows government to regulate the economy and stifle innovation.
>
> On the contrary, antitrust law is the antithesis of government regulation.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has again expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 30 additional seconds.)

Mr. OBEY. Mr. Chairman, I think the case is clear, we cannot do a lot directly to influence the price being charged to consumers for gasoline or any other product, but we can try to see to it that government has enough resources to keep the rules of the game honest and to enable us to, in fact, find out what the facts are so that we are not all going on myth.

Mr. Chairman, I would urge the adoption of this amendment. It demonstrates whose side you are on.

□ 1800

The CHAIRMAN. Does the gentleman from Kentucky still reserve his point of order?

Mr. ROGERS. Mr. Chairman, I do.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first of all, I commend the ranking member of the Committee on Appropriations for his very persuasive comments, and I support his amendment to provide full funding to the Antitrust Division and the Federal Trade Commission.

These agencies have the responsibility to enforce our Nation's antitrust laws and keep the economy competitive. Through their vigorous efforts to protect competition, these agencies save the American people not just hundreds of millions, but probably billions of dollars annually. Unlike most other programs we fund, both these agencies bring in revenue through the Hart-Scott-Rodino filing fees, that far exceed their annual budget; and the Antitrust Division alone has brought in about $1.4 billion in criminal fines in the past 3 years.

No one in this House needs to be an antitrust expert to realize that our robust economy has placed unprecedented demands on those agencies charged with protecting competition in America. Look at the front page of the newspapers today. You see stories about the proposed mega-mergers, such as AOL-Time Warner, Sprint-MCI, Pfizer-Warner-Lambert, and Exxon-Mobile, to name a few.

Look at the hearing schedule on the Hill in recent years. There have been hearings in both Chambers on the Microsoft case, the rise in gas prices, and the United-U.S. Air merger, to name a few.

So, now, more than ever, antitrust enforcement is vital to our Nation's economic health, and that is why both agencies need additional resources to do their jobs.

The huge swell in mergers in recent years, rapidly changing technology, and the existence of international criminal cartels have placed a severe strain on the agency's resources. In the last 3 years the filings have increased by 51 percent, and so far this year they are up over 20 percent from last year.

With the additional resources that the Obey amendment will provide to agencies, they can do a better job in these several ways: first, by investigating the increasing number of large and complex mergers; secondly, by pursuing major civil cases in industries that include telecommunications, airlines and health care, to name a few; and, third, intervening to protect consumers from international cartels, like the vitamin cartel.

This amendment should be a no-brainer because the two agencies are funded using the Hart-Scott-Rodino filing fees they take in. Therefore, by raising the amount of resources, fully funding these two agencies will not place any additional burdens on the American taxpayer. They will not take any money away from any other program. But even if we did not fund these agencies through filing fees, my support of the Obey amendment would be just as strong.

Mr. Chairman, please let us move this amendment to a successful conclusion for the antitrust division and the Federal Trade Commission.

Mr. Chairman, I rise in strong support of the Obey amendment to provide full funding to the Antitrust Division and the Federal Trade Commission. These agencies have the responsibility to enforce our nation's antitrust laws and keep our economy competitive. Through their vigorous efforts to protect competition, these agencies save the American people hundreds of millions, if not billions, of dollars annually.

Unlike most other programs that we fund, these two agencies bring in revenue through Hart-Scott-Rodino filing fees that far exceed their annual budget. And the Antitrust Division alone has brought in about $1.4 million in criminal fines in the past three years.

You don't need to be an antitrust expert to realize that our robust economy has placed unprecedented demands on those agencies charged with protecting competition in America.

Just look at the front page of the newspaper today, and you see stories about proposed mega-mergers such as AOL-Time Warner, Sprint-MCI, Pfizer-Warner-Lambert, and Exxon-Mobil, to name just a few. Or look at the hearing schedule on the Hill in recent weeks. There have been hearings in both chambers on the Microsoft case, the rise in gas prices, and the United-US Air merger, to name a few.

Now, more than ever, antitrust enforcement is vital to our nation's economic health. That is why both agencies need additional resources to do their jobs.

The huge swell in mergers in recent years, rapidly changing technology, and the existence of international criminal cartels have placed a severe strain on the agencies resources. In the last three years, Hart-Scott-Rodino filings have increased by 51 percent, and so far this year, they are up 20 percent over last year.

With the additional resources that the Obey amendment will provide, the two agencies can do a better job: (1) investigating the increasing number of large and complex mergers; (2) pursuing major civil cases in industries that include telecommunications, airlines, and health care, to name a few; and (3) intervening to protect consumers from international cartels like the vitamin cartel.

This amendment should be a no-brainer, because the two agencies are funded using the Hart-Scott-Rodino filing fees they take in. Therefore, by raising the amount of resources fully funding these two agencies won't place any additional burdens on the American taxpayer, and they won't take any money away from any other program. But even if we didn't fund these agencies through filing fees, my support of the Obey amendment would be just as strong.

The CHAIRMAN. Does the gentleman from Kentucky still reserve his point of order?

Mr. ROGERS. I do, Mr. Chairman.

Mr. LATHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to in one way associate myself with a lot of the comments made earlier, in that many of us are very, very frustrated with the lack of effort in the administration to enforce antitrust laws. Money has never been the issue; and in fact, the workload will be reduced 40 percent this next year because of the increase in the level of mergers, where they become subject to antitrust review. So there is 40 percent reduction in work, while there is an increase in both areas referred to today.

But the fact of the matter is if you want to look at the problem as far as gas prices, which is a huge problem in my home State, in Wisconsin and Illinois and the whole Midwest and throughout the country, is the fact that the administration has done absolutely nothing as far as any review or stopping any of the mergers. The gentleman spoke about Exxon-Mobile, a huge increase in profits. This Justice Department did nothing to stop it.

When you look in agriculture in my home State and the consolidation and what is happening there, the vertical integration, a great concern to my producers out there is, well, will this administration do anything about it? No. And when the Attorney General testified in our subcommittee and I asked her directly several questions back and forth, and she finally threw up her hands and said, "I don't know what to do."

This is not a case about money; it is a case about will of enforcement of the law. As long as we have people in this administration who do only pick and choose for other reasons, political reasons, who they go after and who they do not go after, we are never going to have any results on these problems.

So I just respectfully say that there is adequate money. With the reduction of the workload that is going to be forthcoming in this next fiscal year, a 40 percent reduction in case load, what we need actually, Mr. Chairman, is the will of someone in the Justice Department to finally stand up and do their job, rather than give a lot of lip service. We are paying for it today with vertical integration in agriculture, and we are paying for it directly at the gas pump every day.

The CHAIRMAN. Does the gentleman from Kentucky still reserve his point of order?

Mr. ROGERS. I do, Mr. Chairman.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I greatly respect the gentleman from Iowa who just spoke, but I respectfully disagree with his interpretation. The fact is the administration is in support of the amendment I am offering and the administration was in support of the amendment I offered to provide additional resources to pursue antitrust and anticompetitive activities in the agricultural area as well.

This is not a new fight. Three years ago the Senate adopted a number of amendments adding resources so that we could do this very thing, go after anticompetitive practices in the agricultural industry; and in conference the Republican majority unanimously, with one exception, voted against doing that, and we lost the fight.

I would point out it is far from the case to suggest that there has been a 40 percent reduction in workload on these cases in the Justice Department. The fact is it does not matter how many cases you have. What matters is how complicated they are. And today, in this new economy, in this very complicated economy, these issues are many times more complicated than they were in 1910. That is why they need more resources, and that is why I have tried to offer the amendment.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 21, 2000, and that was House Report 106–686. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b), and it is not permitted under section 302(f) of the act.

I ask for a ruling from the Chair.

Mr. OBEY. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. OBEY. Mr. Chairman, the Committee on Rules which reported this rule to the House also reported a previous rule to the House under which we debated the legislative appropriations bill today, and the Committee on Rules on that occasion made in order an amendment by the gentleman from Wisconsin (Mr. RYAN) which required a waiver of the House rules.

The Committee on Rules is controlled by the Speaker. It could just as easily have allowed a waiver for this amendment. We asked the Committee on Rules to provide that waiver. It did not. So, unfortunately, the majority has used the rules of the House to effectively block me from being able to offer this amendment. I regret that, but that is in fact the reality. So I must very regretfully concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,247,416,000; of which not to exceed $2,500,000 shall be available until September 30, 2002, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,381 positions and 9,529 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $126,242,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $126,242,000 of offsetting collections collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,000,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $560,438,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,168 positions and 3,892 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $6,000,000, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

Beginning in fiscal year 2000 and thereafter, payment shall be made from the Justice Prisoner and Alien Transportation System Fund for necessary expenses related to the scheduling and transportation of United States prisoners and illegal and criminal aliens in the custody of the United States Marshals Service, as authorized in 18 U.S.C. 4013, including, without limitation, salaries and expenses, operations, and the acquisition, lease, and maintenance of aircraft and support facilities: *Provided*, That the Fund shall be reimbursed or credited with advance payments from amounts available to the Department of Justice, other Federal agencies, and other sources at rates that will recover the expenses of Fund operations, including, without limitation, accrual of annual leave and depreciation of plant and equipment of the Fund: *Provided further*, That proceeds from the disposal of Fund aircraft shall be credited to the Fund: *Provided further*, That amounts in the Fund shall be available without fiscal year limitation, and may be used for operating equipment lease agreements that do not exceed 10 years.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $597,402,000, as authorized by 28 U.S.C. 561(i), to remain available until expended: *Provided*, That the United States Marshals Service may enter into multi-year contracts with private entities for the confinement of Federal prisoners: *Provided further*, That hereafter amounts appropriated for Federal Prisoner Detention shall be available to reimburse the Federal Bureau of Prisons for salaries and expenses of transporting, guarding and providing medical care outside of Federal penal and correctional institutions to prisoners awaiting trial or sentencing.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $95,000,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $7,479,000 and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $3,200,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $328,898,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,236 passenger motor vehicles, of which 1,142 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $3,229,505,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2002; of which not less than $159,223,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 25,384 positions and 25,049 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation: *Provided further*, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

AMENDMENT NO. 9 OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. RUSH:

In title I, in the item relating to "FEDERAL BUREAU OF INVESTIGATION—SALARIES AND EXPENSES", after the aggregate dollar amount, insert the following: "(reduced by $8,500,000)".

In title I, in the item relating to "OFFICE OF JUSTICE PROGRAMS—WEED AND SEED PROGRAM FUND", after the aggregate dollar amount, insert the following: "(increased by $8,500,000)".

Mr. RUSH. Mr. Chairman, today I am offering an amendment to supplement the Weed and Seed Program with an additional $8.5 million. The Weed and Seed Program does exactly what its name indicates: it weeds out violent crimes from areas where violent crime is rampant. The program also plants the seeds of crime intervention and prevention.

The Weed and Seed Program is foremost a strategy, rather than a grant program, which aims to prevent control and reduce violent crime, drug abuse and gang activity in targeted high-crime neighborhoods across the country. Weed and Seed sites range in size all the way from several neighborhood blocks to 15 square miles.

The strategy involves a two-pronged approach. Law enforcement agencies and prosecutors cooperate in weeding out criminals who participate in violent crime and drug abuse, attempting to prevent their return to the targeted area. The seeding aspect of this brings human services to the area encompassing prevention, intervention, treatment and neighborhood revitalization. A community-oriented policing component bridges Weed and Seed strategies. Officers obtain helpful information from area residents for weeding efforts, while they aid residents in obtaining information about community revitalization and also seeding resources.

In today's society, we often hear that people must take responsibility for their actions for their communities. The Weed and Seed Program is proof positive that communities are seeing to it that criminals take responsibility for their action. The program has also proved that people are willing to work with law enforcement agencies and officials on a local level to reduce violent crime in their communities.

There might be those who argue that this amendment will take money away from the FBI's efforts to fight crime in this country. Nothing could be further from the truth. This amendment will supplement, support, and complement the FBI's effort.

Therefore, no matter what side of the argument one is on, we are for the same thing, and that is safer communities.

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The Weed and Seed program is simply designed to supplement the efforts of the FBI by detecting and weeding out crimes on a community level.

Mr. Chairman, it is interesting to note that the largest recommended increase in the DOJ's budget will go to the detention of prisoners. I am not against the detention of violent criminals, but instead of an almost $800 million increase for detention, why not allocate a measly $8.5 million for an increase in a program that is about crime prevention. The question is, and I ask, are we really serious about reducing crime, or are we simply interested in building more prisons, more warehouses? If we are truly interested in reducing crime, we must pay as much attention to preventing crime as we do to locking up prisoners. The Weed and Seed program is the perfect way to strike that balance.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support this amendment.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would take $8.5 million out of the FBI salaries and expenses, that is personnel. Like all of our State and local law enforcement grant programs, Weed and Seed is maintained in this bill at its current level. There are no cuts. But I would point out that in addition to the money that is directly appropriated for Weed and Seed, the Attorney General is authorized in our bill to direct other Department of Justice funds over to the Weed and Seed program and, in fact, for the last several years, they have asked and we have consented to reprogramming $6.5 million from the asset forfeiture fund each year to the Weed and Seed program. So there is plenty of money, I think, available for the program. If the Justice Department feels at any time a shortage of monies in this account, they can simply reprogram monies from another place toward it.

Mr. Chairman, what I really have a problem with in the amendment is where the monies would come from if this amendment is passed. They would come out of the FBI's salaries and expenses account. Now, we have scraped every portion of the bill we can with limited assets to try to find the money to maintain this war on crime and drugs. The Weed and Seed program is a vital part of it, but so is law enforcement, and we must not cut the enforcement portion of the fight against crime, and we would do so if we cut the FBI by this figure.

Despite our funding constraints, we have tried, Mr. Chairman, to strike a balance to preserve critical Justice programs like Weed and Seed, and, of course, the FBI. So I would urge that we reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from Illinois (Mr. RUSH) will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. RUSH:

In title I, in the item relating to "FEDERAL BUREAU OF INVESTIGATION—SALARIES AND EXPENSES", after the aggregate dollar amount, insert the following: "(reduced by $5,000,000)".

In title I, in the item relating to "COMMUNITY ORIENTED POLICING SERVICES", after the 1st and 6th dollar amounts, insert the following: "(increased by $5,000,000)".

Mr. RUSH. Mr. Chairman, I rise in support of the Community Oriented Policing Services program, or COPS. I am offering an amendment to increase the funding to the School Violence Initiative portion of that program by $5 million.

The School Violence Initiative provides grants to agencies and schools for programs designed to prevent violence in schools. Under this initiative, community organizations and school officials work alongside police officers to prevent gang violence and drug activity in and around elementary schools.

In the wake of the Columbine incident and in the wake of countless acts of school violence in this country, I know that all of my colleagues are eager to join in support of this amendment.

There are millions of children in this country who go to school every day eager to learn and to simply be among their peers. How devastating that these children should have to fear for their lives while in a learning environment. Those children who go to school should not have to fear for their lives while they are in school. School should be sacrosanct.

The Community Oriented Policing Services program is only part of a program that funds, hires, and rehires for police and at the same time pays for equipment. The School Violence Initiative is only a drop in the bucket of what we in the Congress should do to stem the rising tide of school violence. But, it is an important drop in that same bucket. Why do we in Congress cry out in anger and in sadness when there is a school shooting? Why do we wait until a story hits the evening news before we decide that we must do something about violence in schools? Why do we wait until another child dies before we do what we must do about violence in America's schools?

Mr. Chairman, we must put the money behind the rhetoric and fund a program that gives our children a better chance at life. I urge my colleagues on both sides of the aisle to support this amendment.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the bill already provides significant resources to combat school violence. In fact, it is a matter that we were very concerned about in the subcommittee in our hearings and in the markups. In fact, the bill provides $195 million earmarked to address school violence, including $180 million in the COPS hiring program devoted exclusively to continue the initiative to hire police officers to work in schools full time. That is an initiative which the administration's budget proposed to eliminate, I might point out.

An additional $15 million is also included for grants to local law enforcement agencies and schools to work together to combat school violence. We also provide $250 million for the Juvenile Accountability Block Grant Program that communities can use to address juvenile violence which the administration also proposed to eliminate, I might add.

I would point out that the gentleman's amendment again proposes to cut the FBI's funding that we have provided to them to ensure that they can address the growing counterintelligence threats and to do their job effectively.

I would point out that there are millions of dollars in this bill already to address the problem with school violence, and to add more at the expense of the FBI would not be right.

Mr. Chairman, I urge rejection of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The amendment was rejected.

VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT NO. 9 OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I ask unanimous consent that my request for a recorded vote on Amendment No. 9 be vitiated.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Without objection, the voice vote on which the noes prevailed will be the order, and the amendment is not agreed to.

There was no objection.

Mr. LEWIS of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise with great sorrow and a heavy heart. The eyes of the world are upon us and the yoke of justice lays heavy upon our shoulders. But today, Mr. Chairman, justice will not be served.

On this day, June 22, 2000, another man will die in Texas. He will not pass by the mercy and the grace of God; he will be executed at the hand of the State.

I am not here to defend the action of those who sit on death row, but I rise to condemn the taking of life. To kill a man, any man, is not moral, it is not just, and it is not right.

The death penalty is not becoming of a civilized society. It is not worthy of a great Nation. Human life is the gift of the Almighty. Who are we to take that gift away?

This afternoon, a man will die in Texas. A piece of our humanity will die with him.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $1,287,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,358 passenger motor vehicles, of which 1,079 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, $1,362,309,000; of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2002; of which not to exceed $50,000 shall be available for official reception and representation expenses: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 7,484 positions and 7,394 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects, $5,500,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:

Mr. NETHERCUTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Texas (Mr. ROGERS). I want to thank the chairman of the subcommittee for his strong interest and support in increasing Border Patrol staffing.

This issue is of particular interest to me because I represent a northern border district. My district, as well as other areas along the northern border of Washington State, are facing growing immigration and illegal narcotics concerns. I wonder if the chairman would provide me guidance on the likelihood of getting additional Border Patrol agents for the northern border.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman from eastern Washington is correct. We need more agents and support staff on the northern border. In fact, in the House report, we continue to admonish the INS for their failure to address the problems along the northern border, as well as their failure to hire the Border Patrol we have already funded for them. In fact, INS has still not yet hired over 1,700 agents that we provided funding for within the last 2 years.

However, I will note that the Spokane border sector in Mr. NETHERCUTT's district will receive an additional three agents in the near future.

Mr. NETHERCUTT. Mr. Chairman, I agree that the Clinton administration should improve its Border Patrol hiring record. While I am grateful for three additional agents, the Spokane sector which stretches through three States from the Cascade Mountains to the Continental Divide still needs 12 additional agents to get to full staffing.

I understand this process takes time and will continue to work with the chairman and the Immigration and Naturalization Service on this matter.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, let me congratulate the gentleman. He has been so persistent on this issue, and he has been heckling this committee for a long time on this subject, and I can assure the gentleman that we will continue to work with him. We have made a little progress at his request, and we will continue to do that, and we will continue to work with the gentleman next year, even, on dealing with the problem.

Mr. NETHERCUTT. Mr. Chairman, I thank the chairman for his good work on this bill, and certainly on this subject.

Mr. BLAGOJEVICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, next week marks a year since Benjamin Smith took to the road in Chicago armed with two handguns. He hijacked a minivan and then began a shooting spree where his intended targets were blacks and Jews and Asians.

What most people do not realize is how easily Benjamin Smith could have been prevented from doing this. When Benjamin Smith went on his killing spree, the two handguns he acquired were acquired illegally by an unlicensed dealer, only days after failing a national instant background check by a licensed gun dealer. At that time, Benjamin Smith was subject to a court order of protection for domestic violence. He was, therefore, breaking the law. He attempted to buy a gun from a licensed gun dealer. Had the local authorities been notified of this instantly, Benjamin Smith would likely have been arrested and would not have gone on to purchase guns illegally and begin his killing spree.

☐ 1830

Tragically, the appropriate authorities were not notified of his illegal attempt to purchase firearms until after he had killed two innocent people and injured 9 others.

For those voices in Congress, Mr. Chairman, and those voices across America who argue time and time again that we must do a better job of enforcing existing laws, do I have a bill for them.

Last year I introduced legislation designed to enforce the national instant background check, or NICS system, by requiring the immediate notification of local law enforcement authorities when an individual like Benjamin Smith fails an instant background check, which is a violation of the law.

Even though criminals and other restricted persons who attempt to purchase firearms are in violation of Federal, State, and local law, rarely, rarely are such violations reported in a timely manner to proper law enforcement authorities. In all too many cases, law enforcement is not notified that somebody broke the law.

Establishing a timely notification system would allow law enforcement to determine when they believe there is a threat to public safety in their communities. The Illinois State police have established such a program, modeled on my legislation, to immediately notify local law enforcement of such crimes. I hope my colleagues and I can work together with the Justice Department to implement this system on a national level.

The issue of gun safety, Mr. Chairman, is full of contentious issues. This, however, is not one of them. This is about the means of enforcing laws that are already on the books. It embodies a concept that the NRA claims to support, and has the support of groups like Handgun Control.

This is an amendment that helps to enforce the law and prevent those who legally cannot have guns from getting guns. If Members believe criminals with guns should be prosecuted, Mr. Chairman, support this amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BLAGOJEVICH. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman's interest in this issue. We have not had time to fully study the issue, but I would be happy to work with the gentleman on this important issue in the hopes that he would be able to withdraw the amendment at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 3,165 passenger motor vehicles, of which 2,211 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, $2,547,899,000; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 19,766 positions and 19,183 full-time equivalent workyears shall be supported from the funds appropriated under this heading in this Act for the Immigration and Naturalization Service: *Provided further*, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

For all programs of the Immigration and Naturalization Service not included under the heading "Enforcement and Border Affairs", $573,314,000, of which not to exceed $400,000 for research shall remain available until expended: *Provided*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That the Attorney General may transfer any funds appropriated under this heading and the heading "Enforcement and Border Affairs" between said appropriations notwithstanding any percentage transfer limitations imposed under this appropriation Act and may direct such fees as are collected by the Immigration and Naturalization Service to the activities funded under this heading and the heading "Enforcement and Border Affairs" for performance of the functions for which the fees legally may be expended: *Provided further*, That not to exceed 40 permanent positions and 40 full-time equivalent workyears and $4,300,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: *Provided further*, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears: *Provided further*, That none of the funds available to the Immigration and Naturalization Service shall be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001: *Provided further*, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police-type use within the limits of the Enforcement and Border Affairs appropriation: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 3,182 positions and 3,279 full-time equivalent workyears shall be supported from the funds appropriated under this heading in this Act for the Immigration and Naturalization Service: *Provided further*, That, notwithstanding any other provision of law, during fiscal year 2001, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or department leadership on any matter.

Mr. TERRY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to enter into a colloquy or statement with the chairman. Yesterday, Mr. Chairman, the gentleman and I spoke about the difficulties we have been having in properly servicing legal immigrants in my hometown of Omaha, Nebraska, a highly underserved area by way of services from the INS.

I am pleased to say that the INS and the gentleman from Kentucky (Chairman ROGERS) and the committee and I have come to an agreement, and I will be submitting that for the RECORD under general leave.

I submitted two amendments in order to help remedy this problem, but with the agreement of the INS and the chairman those are no longer necessary, so my intention is to not offer those amendments.

Mr. Chairman, I include for the RECORD a letter from the Immigration and Naturalization Service.

The letter referred to is as follows:

U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, June 22, 2000.

Hon. LEE TERRY,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN TERRY: This letter is being provided in response to concerns raised by your staff regarding the Immigration and Naturalization Service (INS) Omaha District Office relocation project. The INS Omaha District Office, like many other INS facilities across the Nation, is severely overcrowded due to staffing increases and increased demand for immigration benefits and support. However, over the past 5 years, funding for facilities expansion and improvements has not kept pace with the growth in personnel and customers.

The INS began working with the General Services Administration, the City of Omaha, and local INS Management to plan the acquisition of a new facility in FY 1999 and has already invested over $600,000 in the project. In addition, the INS has taken interim steps to alleviate some of the overcrowded conditions at the current office. This includes relocating selected units to temporary space away form the main District Office and acquiring space in a nearby building to provide expanded waiting room area so that our clients would not have to stand in line outside the building in all weather conditions waiting to be serviced.

The INS will proceed with the Omaha District Office relocation project in FY 2001. The remaining estimated direct costs that must be borne by the INS to complete the acquisition and buildout of a new facility are $1.32 million. This will include; the above-standard buildout for communications, holdrooms and alien processing, waiting rooms, armory, alien property, security, furniture, telephone and ADP cabling.

The INS requested $111.1 million for the Construction Appropriation. The House Appropriations Committee has provided $110.7 million. The $71,000 reduction has no affect on the resources budgeted for the Omaha District Office project. The funding for the Omaha District Office acquisition and buildout is included in the level provided by the Appropriations Committee.

The present plan is to pursue the acquisition and buildout of a new facility on an expedited basis in FY 2001. Once the FY 2001 Commerce, Justice, State Appropriation Bill is singed into law and the funding is made available to INS, the new facility can be ready for occupancy within 18–24 months.

The INS considers the relocation of the Omaha District Office a very high priority. We hope this addresses your concerns. Please contact either Gerri Ratliff on 514-5231 or Barbara Atherton on 514-3206 if more information is needed.

Sincerely,

GERRI RATLIFF,
Acting Director, Office of Congressional Relations.
BARBARA J. ATHERTON,
Deputy Assistant Commissioner, Office of the Budget.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we were happy to work with the gentleman. He has been very persistent in trying to solve this problem. I think we have been successful, and we look forward to working with the gentleman further on it as the need may arise.

Mr. TERRY. I thank the chairman.

REQUEST FOR PERMISSION TO OFFER AMENDMENT BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment, page 19, line 2.

The CHAIRMAN. Would the gentlewoman send the amendment to the desk?

Mr. ROGERS. Mr. Chairman, may I inquire which amendment we are discussing?

The CHAIRMAN. The clerk has read past the point where the amendment of the gentlewoman from Texas (Ms. JACKSON-LEE) was in order.

Does the gentlewoman from Texas ask unanimous consent to return to that portion of the bill so she can offer her amendment?

Ms. JACKSON-LEE of Texas. Yes, I do, Mr. Chairman.

Mr. ROGERS. Reserving the right to object, Mr. Chairman, I am not sure which amendment it is we are being asked to consider.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 19, line 2, after the dollar amount, insert the following: "(increased by $24,000,000)".

Page 22, line 16, after the dollar amount, insert the following: "(reduced by $24,000,000)".

Mr. ROGERS. Mr. Chairman, I am constrained to object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $110,664,000, to remain available until expended: *Provided*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 707, of which 600 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $3,475,769,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $90,000,000 shall remain available for necessary operations until September 30, 2002: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That, notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed three years and seven additional option years for the confinement of Federal prisoners.

AMENDMENT NO. 19 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. CAMPBELL:

Page 23, line 2, after the dollar amount, insert the following: "(reduced by $173,480)".

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman from Michigan (Mr. BONIOR), who is the cosponsor of this amendment.

Mr. Chairman, most Americans do not realize, and when they do, they express great surprise and disappointment, to learn that we keep people in jail in our country on the basis of evidence that they have not seen. This shocks and surprises Americans, because we tend to believe that this is a violation of our Constitution, and indeed, it is, as every court which has been called upon to rule has so held.

But the Department of Justice has not followed this across-the-board, and it has applied the rulings of a court in a particular case only to the facts of that case, so that today, on the best information we have available from hearings that were held in the Committee on the Judiciary, eight people remain in jail in the United States on the basis of evidence that they have not seen.

How is this possible? The Constitution of the United States says that "No person . . . shall be deprived of life, liberty, or property without due process of law." No person. These are persons. The argument is given by the Department of Justice, well, they are not citizens, so we can treat them differently. The Constitution does not say "citizens" in that clause, it says that no "person" shall be deprived of life, liberty, or property without due process of law.

If someone is in jail, they are deprived of their liberty. There are no two ways about that. Yet, when the cases are brought, the Department of Justice chooses not to appeal, just limiting the holding to that case. And so today eight people remain in jail on the basis of evidence they have not seen.

There is an argument that is raised sometimes that if one is an immigrant, they are not entitled to the same kind of rights because they do not have a right to come into this country in the first place. I understand that. That is an argument the Supreme Court has accepted in several contexts. But that has to do with excluding somebody, keeping them from coming in, in the first place.

In the case of one individual, Mazan al Najjar, whom I went to visit personally in jail in Florida, he had been in this country for over a dozen years. He was a professor at a university in Florida, a man with a family, with children, viewed by all as a pillar of the community.

When I spoke with him, I asked him what had happened. He said that the FBI and INS came in and seized him in front of his children and took him away in handcuffs, and he has been in jail for over 3 years, Mr. Chairman, over 3 years. He said (I do not know this from the INS but from him); he said the INS offered him citizenship if he would only tell on other relatives. He would not, because he had nothing to tell.

This attitude of treating people who are not yet citizens differently is not consistent with fundamental fairness. If there is evidence that an individual who is in this country is dangerous to our country, then make that case on the basis of evidence that is presented to the individual, so he or she can confront the evidence and present a defense.

That is what we do with those we suspect of terrorism if they happen to be citizens. If should not be any different if they just happen not to be a citizen, and yet that is what has been done.

Mr. Chairman, this issue has come before the District of Columbia Circuit Court of Appeals, before the 9th Circuit Court of Appeals, before the Federal U.S. District Court in New Jersey, before the Federal District Court in Florida, and every time it has come before these courts it has been held to be an unconstitutional practice.

It thus became the subject of a bill that my distinguished colleague, for whom I have the highest admiration, the gentleman from Michigan (Mr. BONIOR), authored, which was the subject of hearings in the Committee on the Judiciary.

I want to take a moment now and thank the subcommittee chairman, the gentleman from Texas (Mr. SMITH), and the full committee chairman, the gentleman from Illinois (Mr. HYDE), for graciously offering us an opportunity for a hearing for us to present this situation in our country.

Mr. Chairman, during this hearing we learned that the INS is continuing this process, and that eight people remain in jail today. So what I did in this amendment is to take the average cost of keeping one person in jail in the United States prison system and multiplied it by eight. That comes up to $173,480. I think we speak about millions and billions so often around here, Mr. Chairman, that we can forgive the House Action Reports, but for anyone hearing my voice, this amendment was reported in that source as costing $173 million. It is not, it is $173,000. It is just that we get so used to the big numbers around here.

But this amendment, offered by myself and my other colleagues, the gentleman from Michigan and my other colleagues, the gentleman from South Carolina (Mr. SANFORD) and the gentleman from Illinois (Mr. LAHOOD), cuts that amount of money out of the budget.

The CHAIRMAN. The time of the gentleman from California (Mr. CAMPBELL) has expired.

(By unanimous consent, Mr. CAMPBELL was allowed to proceed for 30 additional seconds.)

Mr. CAMPBELL. Mr. Chairman, my amendment cuts that money out. This amendment cannot legislate. It does not touch the law, because we cannot legislate on an appropriation bill.

What it does, though, is to give each of us a chance to go on record in a symbolic way, that is all we can do, but in a very important way, and say, this is not the America that we want.

I urge Members to please vote yes on the Campbell-Bonior-Sanford-LaHood amendment.

Mr. BONIOR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first of all, let me thank my colleague, the gentleman from California (Mr. CAMPBELL), for his leadership on this issue, and thank the ranking members of the subcommittee for being gracious enough to allow us to have a debate on this.

This is a basic, fundamental issue of justice, no more basic than I think any piece of legislation that I have had to deal with in my years in this Congress.

Mr. Chairman, if Members can imagine a college-educated professional living in a sophisticated city, a respected member of the community working with children, who has been there 19 years, is a marriage counselor at the mosque, a loving father with three children under the age of 11, and then one day, unbeknownst to the person, the police and the FBI with a newspaper photographer come into the home, arrest the person in front of his family, takes him away.

He has been in jail now for 3 years. They will not tell him why they arrested him, they will not tell his attorney why they arrested him, and he has no idea how long he will be there. In those 3 years, Dr. Al Najjar has not been able to see his children but three times to hug his children.

I have raised this case with the President of the United States, Mr. Burger, with as many people as I can across the country. It is an outrage that we have a body of law that allows this to happen in the United States of America, with no trial.

What about the secret evidence? The person is told it is secret, so they cannot tell him what it is. It may sound like Franz Kafka, but it happens here in the United States. Regrettably, we have had a tradition in this country of looking at specific groups historically, singling them out, and treating them in the same fashion, whether it was the Native Americans; African-Americans, termed three-fifths of a human being in our Constitution; Japanese-Americans, who were taken from their homes and interned during the Second World War, 120,0000 of them; members of the Jewish community interned, or not interned but discriminated against during the McCarthy era, and now the Arab-American and the Muslim community are suffering from the same kind of persecution.

Mr. Chairman, we need to stop this. The amendment that we have before us would do just that. It would take the money that is keeping these folks incarcerated and eliminate it from the bill.

Let me just say that in the instances where this evidence has been considered in a court of law, it was found to be unsubstantiated hearsay, and in one case, in the U.S. District Court for the Eastern District of Virginia, they said, "The use of secret evidence against a party is an obnoxious practice, so unfair that in any ordinary litigation context its unconstitutionality is manifest."

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Four Federal courts now have ruled on this important issue. In fact, no fewer than four have ruled on this issue. That is why this amendment is so important. By cutting off all funds used to detain people based on secret evidence, we will send a message that this Congress still believes that the right to confront one's accuser is an important part of our Bill of Rights and our Constitution. To hear the evidence against one is an important part of our Bill of Rights and our Constitution. The right to a speedy and a fair trial is as sacred today as it was when the Framers drafted our Constitution.

Mr. Chairman, today we have the opportunity to stand up and say we oppose the use of secret evidence, not because our commitment to combatting terrorism has grown weak, but because our love for the Bill of Rights has never been more strong.

Mr. Chairman, I urge my colleagues to vote for this amendment. If we vote for this amendment, we will send the message that the government then either has to charge these individuals and let them know why they are being charged or they have to be let go. That is the way of this country, that is the way of this Constitution, and that is how we should reflect in our vote this evening. I ask my colleagues for their support on this amendment. I thank, again, the gentleman from California (Mr. CAMPBELL) and others who have sponsored it.

Mr. SUNUNU. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment from the gentleman of California (Mr. CAMPBELL). In the amendment and in his underlying legislation, which has strong cosponsorship from both sides of the aisle, he asks a fundamental question: Should anyone in this country be held without being given the opportunity to face their accuser and to review the evidence that has been put forward against them? The simple answer is no. This is brought forward by the concern that we all share for the fundamental rights enshrined in our Constitution and for the fundamental concern that we all share for the rights of due process.

The cosponsors of this legislation, and I would assume the range of Members that will vote in favor of this amendment, do not agree on many issues. They come from the center, the left, the right, and from all different perspectives on the issues of crime and punishment and how we view our own role as Federal legislators in dealing with crime and punishment.

But we share one fundamental value, and that is to protect the integrity of our judicial system, to protect the integrity of the fifth amendment, which should protect everyone in this country from being held without due process.

We do not make judgments on their guilt or innocence of those that are being held, but we make judgment on the right or the wrong of preventing them from reviewing the evidence that has led to their incarceration. I think the gentleman's amendment is modest, but it makes a principled point that no one should be held without being able to face their accuser. I am pleased to support the amendment and pleased to support the underlying legislation as it moves through the committee process.

Mr. PASCRELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I move to strike the requisite number of words on the Secret Evidence Repeal Act to urge everyone's full support of the Campbell-Bonior amendment. This is a cohesive force. The gentleman from New Hampshire (Mr. SUNUNU) is absolutely correct from all spectrums on that political horizon. So this is good. This is healthy for all of us that the entire spectrum of political opinion is supportive.

The United States of America is a Nation based on fairness and opportunity. The cornerstone of our judicial system is the right of the accused to know what one is accused of and to see the evidence the accusation is based upon. This is very fundamental. Our laws do not extend this protection to noncitizens who are suspected of terrorism.

Instead, the INS uses secret evidence to interfere with applications for immigration benefits and even to detain and deport the people. The INS has gone far beyond the IRS in being public enemy number one. The Secret Evidence Repeal Act prohibits the use of secret evidence in INS proceedings and guarantees that anyone detained for deportation will have legal representation and an opportunity to review all of the evidence being used against them.

Today's amendment, the amendment of the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. BONIOR), and I am proud to be cosponsor of it, is important because it cuts funding from the account used to detain those immigrants on the basis of this secret evidence. Supporting this amendment is supporting due process, quite frankly, the American way across the political spectrum.

I support this bill and support the amendment because I believe in the right of every American, every American resident to be treated with equal justice. We are a country of many backgrounds, many faiths. We have an obligation to treat all residents with the same respect and fairness.

I urge all of us to support the amendment because we are not a Nation of justice for some, we are a Nation of justice for all. This is a good deal for America.

Mr. WEINER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. BONIOR), and the sponsors of this legislation, seek to find a solution for one of the delicate balancing acts in a democracy; and that is, how we protect individual rights and liberties and freedom while protecting the Nation as a whole from threats to its national security.

I would submit that this amendment is both unnecessary and unwise. We do not have to look very far to think of a hypothetical that this amendment would make a reality. Let us imagine for a moment that the Immigration and Naturalization Service, in cooperation with the other Federal agencies, all of which oppose this amendment, seek to detain someone for exclusion from the country because they have evidence that he is a terrorist. The evidence that he is a terrorist is that he has been photographed and spotted making bombs at secret locations throughout the Middle East or throughout China or throughout Texas or throughout South America.

The only way that they could hold him or to detain him would be to show him this information about this terrorist, the photographs that they have, the information that they have of where these cells are located.

It is intuitive, Mr. Chairman, that revealing that type of information to a terrorist undermines our ability to stop terrorism. It is unfortunate, it is problematic, but it is a fact of life that we deal with information very often in this Chamber and in the halls of government, that it is a protection that we keep secret. We collect it in secret. We use it in secret. It is an awkward co-existence with our beliefs that people should have a right to every piece of information being used against them.

But one also does not need to look at hypotheticals. When Sheikh Omar Abdel Rahman, who was on trial for conspiracy to blow up the United Nations and tunnels and Federal buildings in my hometown of New York City, when information was being considered about his application for asylum, the judge considered that information in private, in secret. This was challenged in court in Ali v. Reno, and it was upheld. The court said at the time that there are some instances where it is absolutely essential that the secret information that is collected by government be used in secret.

It is also unnecessary, this amendment, because the Justice Department has recognized that some of the things that the gentleman from Michigan (Mr. BONIOR) and some of the things that the gentleman from California (Mr. CAMPBELL) have pointed out are problematic and need to be addressed. They are in the process of a very difficult analysis of every single one of these cases to make sure that no suspect is held without justification.

Can I say with certitude that, if we pass the amendment or if we do not pass the amendment, that someone who is innocent of any crime might not be detained and might not be inconvenienced and might not feel a violation of his or her rights, I cannot say that. But I can say that by passing this amendment and other efforts to categorically, across the board, deny the use of secret information would do, I believe, irreparable harm to our ability to stop terrorists before they come into this country.

We frequently speak with two voices. We here speak eloquently, and I say there are no two men who I respect more in this body than the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. BONIOR) about our need to defend civil rights and liberties. I take a back seat to no one in that regard.

But by the same token, we pass laws around here that send the message to our law enforcement authorities we want them to stop terrorism before it gets a chance to get off the ground and stop it before it comes through this country.

When we had an experience in this country where someone successfully brought a bomb into the World Trade Centers and ignited it, there was naturally concerns about whether or not we were doing enough to stop terrorism.

This bill would gut the Anti-Terrorism and Effective Death Penalty Act of 1996 and a whole series of other bills.

I do not question for a moment the goodwill of the sponsors of this bill, but I do urge them all to think carefully about what information we would be required to be made public.

Let me just conclude. I started with a hypothetical; let me end with a hypothetical. Let us assume in that hypothetical they had turned over the information. That was one option. The other option under this legislation, the amendment we are considering today, is they let the person go free, they let the person into the United States, they let the person come in here and, God forbid, do the damage that they sought to do when they came to this country. Neither scenario is a good one.

The sponsors are right that the present law and the present method of doing anything needs to be improved, but I do not believe the alternative is better.

Mr. Chairman, I gladly yield to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, I thank the gentleman from New York for yielding to me. I wanted to raise a point with him.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from New York (Mr. WEINER) has expired.

(On request of Mr. BONIOR, and by unanimous consent, Mr. WEINER was allowed to proceed for 2 additional minutes.)

Mr. WEINER. Mr. Chairman, I yield to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, the reason I want to raise that is because there was a trial, and people were provided with an opportunity to defend themselves and charged except for one individual. His name was Hany Kiaraldeen and Hany Kiaraldeen spent 19 months in jail on secret evidence. When he finally got to the court, and he was part of the charge here in the World Trade bombing, and when he finally got to the court, I would tell the gentleman from New York, the court and the judge looked at the evidence, and they decided that it was not corroborated, that it was an estranged spouse who had a beef against him that kept him in jail for almost a year, more than a year and a half of his life. He could not see that evidence for a year and a half.

So that is the kind of individual we are trying to protect. Had he been able to see the evidence earlier, he could have made his case, he could have gone to court, and he would have been free today. But that took 2 years almost out of that man's life.

Those are the kind of people we are trying to protect, not the people who engage in terrorism. We do not condone that for one second, but we do not want people like Hany Kiaraldeen, and Nasser Ahmed and Mazen Al-Najjar who have spent 2 and 3 years in jail who have suffered as a result of not being able to confront their accuser.

Mr. WEINER. Mr. Chairman, reclaiming my time, I appreciate it, and that was an example of what this amendment seeks to address.

What this amendment does not seek to do but may do is allow the freedom for cases like Mohammed Abu Marzook, the leader of the political wing of Hamas, where that secret evidence was used in the INS detention proceedings and exclusion proceedings against him, and it turned out, I think many of us would argue, he did indeed pose a threat.

I do not argue the contention for a moment that the process that we use must be perfected. I, however, believe that by doing it in such a Draconian way is not wise.

Mr. MCGOVERN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Campbell-Bonior amendment to cut funds from the account used to detain immigrants on the basis of so-called secret evidence. My reasons are very simple. Basic human rights and due process under law are cornerstones of our democracy. They are too easily undermined for immigrants. I believe, however, that in the United States our Constitution provides protections to all individuals, citizen and alien alike.

☐ 1900

And the use of secret evidence as a means to detain somebody for months or even years without legal recourse is a violation of basic due process. It is that simple.

Mr. Chairman, we are a Nation of immigrants. With the exception of Native Americans, our ancestors came here from all parts of the world. Our families and our communities are the living legacy of immigrants seeking new opportunities in America. Often they were fleeing nations where they had no rights, where they were denied due process and equal justice. It is because of this history that we as a Nation of immigrants cherish our rights to due process in the courts. These include the right of the accused to face their accuser, and to see, hear and respond to the evidence presented against them.

Judges who have ruled on secret evidence in several immigration cases have determined that the defendants should be released from jail because not only did the secret evidence not appear related to protecting national security interests, it was determined by the judges to be unreliable.

It seems to me that the use of secret evidence is a feature of totalitarian governments, not of a democracy, and certainly not of the United States of America. Clearly, we must protect all Americans from acts of terrorism and from those who plan or carry out such acts. No one, Mr. Chairman, absolutely no one in this body, would put our Nation at risk from a terrorist attack. But this is America, and even in those instances, evidence must be solid and able to withstand just additional scrutiny.

Time after time it has been demonstrated that we have the ability to apprehend and successfully prosecute truly dangerous terrorists, such as those who bombed the World Trade Center. But our national security also depends on the strength of our democratic institutions and on the fairness of our courts. I urge my colleagues to support the Bonior-Campbell amendment.

Mr. SMITH of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment would, I am sure unintentionally, jeopardize our national security and endanger public safety. Often the Government obtains classified evidence which, if provided to terrorists and made public, would gravely endanger U.S. agents and weaken U.S. intelligence sources.

When the Government uses classified evidence to remove a terrorist, the terrorist often delays the deportation with lengthy court appeals. Usually the terrorist must be detained during his appeal, since Justice Department studies show that more than 90 percent of criminal or terrorist aliens are likely to abscond. This amendment would eliminate the funding used to detain terrorists if classified evidence is used against them. This would force the Justice Department to choose between either letting terrorists go free within the United States or revealing classified evidence that could expose U.S. agents abroad and compromise U.S. intelligence operations.

In sum, this amendment would make the Government release terrorists regardless of the consequences. It would effectively require the Government to release terrorists and suspected terrorists who are now in custody and who would then be free to commit other terrorist actions. The use of classified evidence against terrorists is a rare but vital law enforcement tool that must be managed carefully by U.S. intelligence and law enforcement agencies.

The Justice Department is now conducting a review of all pending cases to ensure that individuals are not held without justification. Meanwhile, it would be dangerous to abolish all use of classified evidence against terrorists.

This amendment is opposed by the Justice Department, the Anti-Defamation League, and other law enforcement and intelligence agencies and anti-terrorist organizations. I urge my colleagues to oppose this amendment, too.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we struggled with this question in the Committee on the Judiciary 4 years ago when this was adopted. I yield to no person in my abhorrence and opposition to terrorism. The World Trade Center explosion occurred in my district about 6 weeks into my first term of office. But I also yield to no one in my regard for due process of law and for the basic protections that we have held to protect the liberties of people ever since Magna Carta. And the use of secret evidence is fundamentally abhorrent to every concept of due process and the rule of law of every Anglo-Saxon legislative chamber and concept of law we have had for the last 900 years or so.

We have to balance some considerations. There are terrorists in this world, and they pose a threat. There are also spies who steal atomic secrets, and they pose a threat. This Congress passed a number of years ago the Classified Information Protection Act, CIPA, which deals with crimes, not with immigration; which deals with espionage, and gives people accused of serious crimes of espionage far more rights when secret evidence is sought to be used than does this law with respect to immigrants of whom we suspect they may be involved with terrorism. There is no reason why we should not give those immigrants the same due process rights, if they are accused of terrorism, as we give to people accused of stealing atomic or other secrets or of espionage or of other serious crimes.

I am not comforted to hear a colleague talk about how the State Department assures us, or the Immigration and Naturalization Service assures us that they use this terrible power of prosecuting people with secret evidence sparingly and with discretion and with sensitivity. If history teaches us anything, it is that we trust no man with such power because that way lies tyranny. We can strike a much better balance.

This law, which this amendment seeks to render inoperative, says that if in the judgment of somebody, if they can go to the judge and persuade him that evidence is too sensitive to be made public, then that evidence can be used against the accused if they give him a summary of the evidence sufficient to provide a defense. Not as good a defense as if he knew the evidence, but a defense. Any old defense. And if they judge even that too dangerous, they can still use the evidence. So a man can be placed on trial, or a woman, and ask: What am I accused of? We can't tell you. Who are the witnesses? We can't tell you. What are the allegations? We can't tell you. What is the evidence? We can't tell you. Go defend yourself. Ridiculous. Impossible.

The Classified Information Protection Act says, and this is what we rely on in espionage and other serious criminal cases, if evidence is too sensitive to reveal, the evidence can be used if a summary is provided to the accused sufficient, in the opinion of the judge, to enable the accused to mount a defense as effective and as good as if he had seen the evidence itself. Not any old defense. And if he cannot be given such a summary sufficient to enable him to mount as good a defense, because it is thought to be too sensitive, then the information cannot be used.

We think the safety of this country has been adequately served against atomic spies and against people who seek to do all sorts of other crimes against this country with this use of secret information, this limited use of secret information and this balancing of the rights of the accused. Why should people accused of terrorism who are immigrants be any different? This CIPA law strikes a much better balance. It gives adequate protection to the need for the public for safety, but it does not rip asunder every tradition we have had that makes us different from totalitarian countries.

So I applaud the gentlemen for offering this amendment. I hope it is adopted. And I hope whether it is adopted or not, it will spur us to do the one simple act that will properly safeguard our liberties and our safety, and that is to extend the CIPA law from criminal law, which it covers, to the question of immigration, which it should equally cover; and we will then not need that Draconian and this insensitive and this illiberal and this anti-libertarian law.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment, and I want to thank the gentleman from California (Mr. CAMPBELL) for bringing this amendment to the floor, along with his colleague, the gentleman from Michigan (Mr. BONIOR). This is a crucial amendment. It is vital that we pass it.

This is truly a civil libertarian issue. It does go back to 1215 with the Magna Carta. It is not an American invention, that people should be protected and not convicted on secret information. This is not something new. However, it has been abused for hundreds of years at least. It has been abused by totalitarian governments.

Now, many may say today that this is not a big deal; this is not going to affect the American citizens; it is just a couple of poor old immigrants that may be affected. But what is the motivation for the national ID card? It's good motivation to make sure there are no illegal immigrants coming in. So it's said we need a national ID card. But who suffers from a national ID card? Maybe some immigrants, and maybe there will be an illegal one caught? But who really suffers? The American people. Because they will become suspect, especially maybe if they look Hispanic or whatever.

Well, who suffers here? Well, first the immigrant who is being abused of his liberties. But then what? Could this abuse ever be transferred to American citizens? That is the real threat. Now, my colleagues may say, oh, no, that would never happen. Never happen. But that is not the way government works. Government works with incrementalism. It gets us conditioned, gets us to be soft on the protection of liberty.

Our goal should not be to protect the privacy of government. Certainly we need security, and that is important; but privacy of government and the efficiency of government comes second to the protection of individual liberty. That is what we should be here for. I wish we would do a lot less of a lot of other things we do around here and spend a lot more of our efforts to protect liberty. And we can start by protecting the liberty of the weak and the difficult ones to defend, the small, the little people who have nobody to represent them, the ones who can be pushed around. That is what is happening, all with good intentions.

The national ID card is done with good intention. Those who oppose us on this amendment, I think they are very, very sincere, and they have justifiable concerns and we should address these. But quite frankly, killing and murder for a long time, up until just recently, was always a State matter. This is rather a new phenomenon that we as a Federal Government have taken over so much law enforcement. That is why the Federal Government, when it sets this precedent, is very bad.

So I plead with my colleagues. I think this is a fine amendment. I think this not only goes along with the Constitution, but it really confirms what was established in 1215 with the Magna Carta. We should strongly support the principle that secret evidence not be permitted to convict anyone in an American court.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, the gentleman asked a very good question, whether this could ever extend to citizens. Let me suggest to the gentleman that I visited Mazan Al Najjar in jail in Florida. His little daughter is an American citizen. He cannot hug her. His wife is an American citizen. He cannot visit with her. His sister is an American citizen. He has to see her through Plexiglas.

Has it already affected American citizens? It has. And if it was not true, any of those things I just said, this practice still affects American citizens, because each of us is less free when our country is less free.

I thank the gentleman for yielding.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to express my appreciation to the gentleman from Michigan (Mr. BONIOR) and the gentleman from California (Mr. CAMPBELL) for bringing this issue before the House in this way. It is about time that this body faced this issue squarely. We have been ignoring it now for too many years.

It was only several years ago that a bill came before us which changed the way we deal with immigrants in very stark and dramatic ways. I am one of those who voted against that bill at that time because I was fearful that the kind of circumstance that this amendment addresses would arise, and it would arise all too soon. And most certainly it has.

The gentleman from California (Mr. CAMPBELL), I think in his opening remarks, put it very, very well. The fundamental right of any person to face their accuser and to know the basis upon which that accusation is made is, and ought to be, ingrained in our law, in our being, in our essence, in our society, in every way; and we ought to fight and struggle to the utmost of our ability when anyone tries to take it away from us.

□ 1915

This is the way liberty is lost, by degrees, by inches, incrementally, not by huge gaps but by tiny measures, by tiny measures that grow into larger ones and larger ones and larger ones. First, it is this small group of people who are affected; and we ignore them because they are not us, they are not of us. And then it is another group, and then another, and another. And before we know it, it is those who are around us, those who are of our blood, those who are us ourselves.

That is the problem that we are facing here. And today we are offered a remedy. It is a good and proper remedy. I hope that we will have the wisdom to take it.

I thank these gentlemen for giving us this opportunity. It is, in fact, about time that this House face this issue.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to say that I agree with every word that the gentleman from New York (Mr. HINCHEY) has said. I also agree with the words of the gentleman from New York (Mr. NADLER). I want to congratulate both sponsors of this amendment.

This may seem like a very small thing. But liberty is the biggest thing of all; and if it is not fully provided for every individual, then it is really safe for no one.

I really believe that if this is adopted today, this will be the most important thing in what is otherwise a very questionable bill.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman very much for those remarks, and I yield back the balance of my time.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is probably not two times in a year that I agree with the gentleman from Michigan (Mr. BONIOR) but I do on this bill, and with the gentleman from California (Mr. CAMPBELL).

I was in Hanoi and we had Americans incarcerated in their jails, and not even Pete Peterson or one of his representatives were allowed to be present during the trial. We think that is terrible.

In China, they can go before a tribunal, an American, and not even have an English interpreter to let them know what they are charged for.

My colleagues can imagine what it was like with Saddam Hussein or those kinds of things. And most of the American people repel those kinds of ideas.

This is the United States of America.

Now, I would tell people, if they are illegals coming into this country, if they are Irish coming into this country, I just want to give them a ticket back home. But I want to tell my colleagues we have those illegals dying in our deserts, in our mountains, and in our rivers. That is wrong, and we ought to stop that. But I would give them a ticket out of here.

Whether they are legal or illegal, they have a right if they are brought and tried in this country or held in jail, it ought to be an inalienable right to at least know what they are charged for.

I mean, I cannot even comprehend the United States of America putting somebody in jail and not letting them know what the evidence against them is. It is inconceivable.

I rise in strong support of this amendment.

Ms. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the 104th Congress, when we passed the effective death penalty and anti-terrorism law, which covered some of this material, I remember that several Members raised concerns about this particular provision. I also remember that, right over here, a more senior Member tried to quell any fears people had by saying, do not worry, this will never apply to American citizens. This will never apply to American citizens. That is probably true.

It is also true, Mr. Chairman, that the American people would never tolerate the treatment that non-citizens have endured under this doctrine. We expect in this country that our rights and protections come not from the citizenship of the defendant but from the changeless values of the Constitution and the Bill of Rights.

I think many Members are unaware of how this doctrine actually operates. I would ask that my colleague the gentleman from California (Mr. CAMPBELL) engage in a colloquy with me so that we may explain exactly what happens to people who are arrested under this doctrine.

Can the gentleman tell me specifically, when someone is arrested under this particular provision, what is he told when he is brought into the police department?

Mr. CAMPBELL. Mr. Chairman, will the gentlewoman yield?

Ms. RIVERS. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, the person is told that the Immigration and Naturalization Service is detaining the person pending possible deportation.

Ms. RIVERS. Mr. Chairman, reclaiming my time, is he told what he is charged with or what he has done wrong?

Mr. CAMPBELL. Mr. Chairman, if the gentlewoman will continue to yield. The individual is not told what he has done wrong or what he is charged with. He is simply told that he is subject to a deportation proceeding.

Ms. RIVERS. Once he is incarcerated, is held awaiting further proceedings, if his family comes to the place that he is being held, can they find out what charges are being put against him, what evidence might exist, what is happening to him, when they might see him?

Mr. CAMPBELL. Neither the family nor the individual is told the specific reasons for the person being held pending deportation. They do not have access to the evidence which is alleged to be the basis for the deportation. And they do not know how long their loved one is going to be kept in jail pending deportation.

And from personal experience, I know one family who tried to find some country to take their father and husband and they are still trying, and he has been in jail for 3 years.

Ms. RIVERS. Once charges are actually filed, does the accused get to find out what evidence the Government has against them relative to the crime that they are charged with?

Mr. CAMPBELL. In crime, yes. The sixth amendment to the United States Constitution explicitly guarantees, and I read, "In all criminal prosecutions, the accused shall enjoy the right to be confronted with the witnesses against him."

Ms. RIVERS. But under this particular doctrine, does the individual have a right to find out what evidence is being used against him?

Mr. CAMPBELL. Under the view of the Immigration and Naturalization Service Department of Justice, the individual does not.

Ms. RIVERS. Does this individual have a right to know which witnesses have given evidence against him?

Mr. CAMPBELL. Under the view of the Department of Justice and the INS, no.

Ms. RIVERS. Once this individual has an attorney and has engaged an attorney, can the attorney see the evidence that is being used against his client?

Mr. CAMPBELL. No.

Ms. RIVERS. Can the attorney know what witnesses' testimony are going to be used, and can they depose those witnesses?

Mr. CAMPBELL. No. The witness gives the evidence solely to the Immigration and Naturalization Service judge. The attorney on the other side does not know their identity nor have the ability to cross-examine.

Ms. RIVERS. How, then, can the attorney prepare a defense for this particular individual?

Mr. CAMPBELL. The attorney attempts in those cases where they have some opportunity to prove a negative, to say that, my client has been an upstanding member of the community for so many years. And in those cases where we have been able to find out the truth, we frequently find that the secret evidence was erroneous testimony, a wrong identification, or in some cases even a spiteful identification.

Ms. RIVERS. Mr. Chairman, can the gentleman think of any circumstances where an American citizen here in the United States would be subject to the same sort of treatment?

Mr. CAMPBELL. It is quite clearly unconstitutional to apply this practice to any citizen in the United States.

Ms. RIVERS. Mr. Chairman, I thank my colleague for his comments.

Mr. Chairman, Franklin Delano Roosevelt, in speaking to the Daughters of the American Revolution, said, "Remember always, we are all the children of immigrants and revolutionists."

And we are of, most of us are just a few generations away from immigrants. And, unfortunately, many of us are only a few decisions of this body away from the kind of treatment we are discussing tonight.

Our history, our view of justice, and our allegiance to our Constitution demands that we eliminate this offensive practice.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would simply rise and join and applaud the efforts of the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. BONIOR) to repeal the secret evidence provision, which I think, or at least hope, came as an unintended consequence of the Antiterrorism and Effective Death Penalty Act of a few years ago.

I say that for a couple of different reasons. But one of the reasons I say it came in part from an article that I read in, of all places, the Wall Street Journal back in March; and it chronicled the story of a Harold Dean, whom I have never met. But it is a fascinating story. If my colleagues will indulge me, I will tell briefly his story.

Harold Dean survived the kind of judicial nightmare the State Department likes to criticize in its annual report on human rights problems around the globe.

For 19 months, he was held in jail on vague assertions that he was involved in terrorism. He was not told the specific evidence against him, and the courts refused to disclose who had accused him. That information, he was told, would be kept secret from him and his lawyers on national security grounds. For a year and a half, he was in limbo, he says, never charged with any terrorism acts or even questioned.

The most noteworthy aspect of Harold Dean's case is the country wherein it transpired. He was held here in the United States of America under a little-known secret evidence law that was part of antiterrorism act passed in 1996.

Now, ultimately he was freed at the end of 19 months. It turns out the allegations originated from his former wife, with whom he was locked in a fairly bitter child custody proceeding. But many others have not been nearly so fortunate. And so, it is for this reason that the authors of this amendment propose to take $170,000, which is roughly the number that the eight people here in the United States are incarcerated based on this current law.

Now, some folks would say, well, this will hurt our antiterrorism efforts. I would just remind them that I suppose it might. And I suppose that that would be a good thing. Because our Founding Fathers were very explicit about not wanting perfectly efficient Government. If so, I suppose they would have designed a dictatorship.

Instead, they wrote out the Constitution, and the guiding principle of that Constitution was the idea that the needs of the majority should never supersede the rights of the minority. I think that this story is a perfect example, wherein 19 months of this man's life were taken from him and they will never be given back.

And so, from the standpoint of personal liberty, from the standpoint of adhering to what Jefferson talked about 200 years ago when he said that the normal course of things was for liberty to yield and for government to gain ground, and from the standpoint of particularly the constant adherence of the gentleman from California (Mr. CAMPBELL) to the Constitution, joined, in this case, by the gentleman from Michigan (Mr. BONIOR), I would just urge the adoption of this amendment.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman for yielding.

I will make a very brief comment. Then if the gentleman would yield to our colleague, I think it would be good to have a colloquy.

I would simply thank the gentleman from South Carolina (Mr. SANFORD) for his adherence to the Constitution and to the principle that, yes, we CAN achieve maximum security in our country if we sell our freedom, but we never should.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I want to commend the gentleman, as well, although I disagree with him, for making a point in his remarks that were missed here; and that is the number of cases that we are talking about. There has been some language used today that would give the impression that there is wanton use of this section of the law.

In fact, according to the General Council of the FBI, of all of the immigration litigations going on now, about some 300,000-odd cases, only 11 even seek to use any element of secret evidence. And I think that that is a sign that this is not something that is being used frivolously by the agency. This is something that is being used in a somewhat targeted way.

I would just remind us all to address the fundamental problem, and my colleague started to and I commend him, that, if we have a terrorist and we have information about them, there is a very good chance that revealing that information would pose harm to people.

Mr. SANFORD. Mr. Chairman, reclaiming my time, I think that the problem of this in this case, in the story that I just read, we have an embittered former wife accusing a person of being a terrorist and, as a result, through no action of his own, he is incarcerated for 19 months of his life.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, the argument of the gentleman could just as well be made about a citizen. The gentleman could be here saying, those terrorists who blew up the Oklahoma Federal Courthouse, to protect ourselves from them, we needed to get secret evidence and spirit them away as quickly as possible.

We solve this in our Constitution. We have said, no, even to make ourselves more secure against a bombing of that nature, we do not violate the fundamental right of freedom.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. WEINER) has expired.

(By unanimous consent, Mr. SANFORD was allowed to proceed for 1 additional minute.)

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I think that the gentleman from California (Mr. CAMPBELL) is exactly right. I believe that there are and may be cases where this causes an uncomfortable sense for us.

But this is not a unique thing we do in our Government. We take people's rights away all the time to know exactly where the Government dollars are spent.

Mr. SANFORD. Mr. Chairman, reclaiming my time, I think the opposite is true. The gentleman made the very point that it is an extremely unique event in the fact that only 11 folks have been charged with this particular provision of law. And then to suggest that it is not at all unusual I think is arguing both sides of the equation.

□ 1930

Mr. WEINER. The point I was making is that this is not a unique section of law, but where there are times, very rare times that we say, the overall defense of the Nation and national security dictate that sometimes we have this tug of war between our rights.

Mr. SANFORD. Reclaiming my time, I would say that that is ultimately what we disagree on, because I do not think that again the rights of the majority in this case supersede the rights of the individual.

Mr. CAMPBELL. Let us consider, as the gentleman points out, if in every other case the Justice Department seems able to handle the concerns of the United States without recourse to secret evidence, then the argument surely is difficult to say that it was absolutely necessary in the case of the 11.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition because it sounds like there is an inequity here that needs to be addressed by the authorizing committee, the Committee on the Judiciary. There is a reason why there is a rule of this House that you shall not legislate on an appropriations bill, and I think we are seeing a good example of that tonight. This is a matter that needs to be heard and aired in the right forum, with the right machinery in place so that we can make the right decision. And so I would hope that we would reject the amendment on this appropriations bill in favor of hearing the matter in the Committee on the Judiciary where it belongs, in the gentleman from Texas's (Mr. SMITH) subcommittee or whatever subcommittee of the Committee on the Judiciary it belongs in.

In fact, I understand that H.R. 2121 has been referred to the Committee on the Judiciary and addresses the issue of this so-called secret evidence matter. I would dearly hope that we would do that and address it quickly and adroitly and expertly and with knowledge, weighing all of the factors involved in the right forum.

Number two, I realize this is a symbolic amendment. It is not going to change anything if you pass it. It merely would cut $173,480 out of the Bureau of Prisons salaries and expenses. And that you are using this as a vehicle to get this issue elevated and aired and I salute you for that. But I would hope you would not be serious about cutting BOP's salaries and expenses.

In the first place, you are cutting the wrong people. INS, if anybody, is at fault here; and you are not cutting INS. You are cutting the poor old BOP. They do not house these prisoners. INS houses the people that you are talking about, not poor old BOP who are hurting for money to house the legitimate detainees that we have sentenced to our Nation's prisons. And so do not punish the innocent party here in an effort to right a wrong that you see that perhaps needs to be righted but in the right place, in the authorizing committee.

So while I salute you and I appreciate the gentleman bringing this very horrible-sounding issue before us, I would hope that you would choose the right forum and not punish innocent people in the process.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from California.

Mr. CAMPBELL. The gentleman has been gracious throughout. I would make two points, though. We have had hearings in the Committee on the Judiciary and in the subcommittee as well; and I am grateful to the gentleman from Illinois (Mr. HYDE) and to the gentleman from Texas (Mr. SMITH) for allowing that. So we have done all we can except for scheduling a markup in that committee. Secondly, the cost that we are proposing here is less than one-half of one-thousandth of a percent of the Department of Justice budget, and so I doubt that it really will have anything more than the symbolic value which is the entire purpose of my amendment.

Mr. ROGERS. But the gentleman understands that the Bureau of Prisons has nothing to do with this; it is the INS, if anybody's fault, and BOP has nothing to do with it.

Mr. CAMPBELL. If the gentleman will continue to yield, I understand that is actually not the case, that the cost of the incarceration is a charge to the Bureau of Prisons. The INS incurs the cost of arresting, the cost of prosecuting; but the cost of incarceration is all I am after in this particular bill, in this particular effort, because it is the incarceration of people on the basis of evidence that they cannot see that strikes me as the least fair of all.

Mr. ROGERS. INS pays for the detention of all these people. It is not BOP. It is the INS. You are punishing the wrong people. If you were punishing INS, I might join you because I have got my complaints there, too.

Mr. CAMPBELL. If the gentleman will yield further, would the gentleman accept a unanimous consent request to go after INS instead? I do not think he would. The truth is the Bureau of Prisons houses prisoners, and we have to go after them.

Mr. ROGERS. This belongs in the right forum, over there in the Committee on the Judiciary where you can debate this for all that it is worth, and it is worth a lot it sounds like; but please do not burden this bill with another rider.

I urge the rejection of the amendment, Mr. Chairman.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. DINGELL. Mr. Chairman, I rise in strong support of the amendment. I commend the two authors. We owe them a great debt. We have been waiting a long time to have this kind of legislation on the floor so that we could address a very basic wrong which is being done in violation of the fundamental principles of the Constitution.

Let me quote from one of the Founding Fathers. His picture is on the wall outside this Chamber. His name was Ben Franklin. He had this to say: "They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor justice."

I ask my colleagues to hear that and to listen. His picture is out there. It is a great picture, done by Howard Chandler Christy in 1936 to celebrate the 150th anniversary of the United States Constitution. He is surrounded by men who knew and understood for what this Nation stood and for what they fought. I ask you to note that those were men who had undergone the rule of King George where you had ex post facto laws, bills of attainder. Men were detained by the King's men without any excuse or reason, and they were simply locked up and perhaps at some later time they were released. Perhaps not.

You can say this is just a matter which relates to immigrants and that the constitutional protections of due process under the fifth amendment and the 14th amendment do not apply to them. And you can say, well, it is just a little bit. Or that this is to protect ourselves. I want my colleagues who feel differently than I do to continue to hold that. It is their right. But I will tell you one thing, that a government which has the power to detain, without showing a reason therefor, any of its citizens or noncitizens, whether they are good or bad, is a greater danger to me, to us, and to our liberties than is the presence of a few who might be terrorists or who might constitute some risk to those of us who are proud to be Americans.

This is a deplorable practice. It certainly evades and defiles the purposes and meaning of the due process clause. Secret evidence is an embarrassment to us all. At least 20 individuals are now being held hostages in prisons and deprived of liberty, some for as long as 2½ years. Interestingly enough, I am not describing here the justice system in China, the justice system in Cuba, or the justice system in the old Russian Communist system. This is the American justice system which I am describing at this time, and it is one which flouts the basic principle for which Ben Franklin and Tom Jefferson and George Washington and all the other great Americans stood. It is something which serves as a threat not just to immigrants but indeed as threats to each and every one of us. Due process is being denied here, and it has been used in a discriminatory manner.

One interesting thought. In every case stemming from the 1996 secret evidence rule which I opposed, only immigrants of Arab descent have been detained. Does that tell you that this rule of law, if such it can be called, is being fairly applied? I think, Mr. Chairman, it is time for us to stand up for our fundamental American values. We should stand up for liberty, for freedom, because the threat to the freedom of one is indeed the threat to all, to each and every one of us.

We have not been able to get this matter to the floor as a part of a regular freestanding piece of legislation, and certainly we should have been able to do so. We have finally been forced to consider this important matter under this kind of situation. And while I would prefer much more to have a debate which addressed these questions under the regular order, I have to say that this is an important enough matter affecting the freedom and the liberty of too many people to be denied that kind of opportunity to bring it up as we do tonight.

I hope that if we are successful, since this is in good part symbolic, that we will see something happen in the Committee on the Judiciary so that we can address this. Perhaps there is something that we should do to protect the United States and our security. But I do not believe that what we are doing or what we are attacking here tonight is something that protects the liberties of the American people or by dealing with the question of terrorists in any intelligent fashion. I am much more afraid of having a situation where Americans can be charged without any knowledge of why they are charged or with what they are charged than I am of having something of this kind going on.

Mr. Chairman, I rise in strong support of the amendment sponsored by the gentleman from California (Mr. CAMPBELL) and my distinguished colleague from Michigan (Mr. BONIOR). I applaud their efforts to end a deplorable practice that violates the spirit and clear meaning of the 5th Amendment's due process clause. The use of "secret evidence" is an embarrassment to the U.S. justice system. It has unfairly targeted individuals solely on the basis of their nationality, and flies in the face of the values Americans hold most sacred.

Today, at least 20 individuals are being held hostage in prisons and deprived of liberty, some for as long as 2½ years. They have not been charged with committing any crime, nor have they had a trial. They have not even been informed as to why they are being held and their lawyers have been denied access to the evidence being used against them.

Mr. Chairman, am I describing the justice system in China? Or in Cuba? Or the justice system in post-communist Russia? No! I am, unfortunately, describing the American justice system, the very system that prides itself on protecting individuals' freedoms and liberties and, under the 5th Amendment, the due process right afforded to all persons whether they are citizens or immigrants.

The secret evidence rule was created to allow the Immigration and Naturalization Service to deport those suspected of terrorist activities. I understand the need for America to protect itself from the growing terrorist threat. Terrorism will continue to grow as a threat, as cowards—both abroad and domestic—look to solve their differences with our government by targeting innocent civilians.

But protection from potential harms is no reason to deprive people of their liberty. By adopting the tactics of the enemies of freedom, we are losing our own. Depriving one of their liberty is far greater a threat to America than terrorists. As Benjamin Franklin once said, "They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor justice."

In addition to depriving individuals of due process rights, secret evidence has been used in a discriminatory manner. I have the privilege and honor of representing the largest Arab-American community in the nation, and I have heard from my constituents of the discriminatory application of the secret evidence rule. I would note that in every case stemming from the 1996 secret evidence rule, only immigrants of Arab descent have been detained. This is wrong, unjust and a gross violation of civil rights.

Mr. Chairman, let us stand up for our fundamental American values. Let us stand up for justice, liberty and freedom. We must guarantee that all persons in America are given the due process rights they are afforded in the Constitution. Vote yes on the Campbell-Bonior amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I certainly do appreciate the dean of this Congress, this House, eloquently going to the floor and explaining why so many of us support this amendment in this form.

Let me thank the gentleman from Michigan (Mr. BONIOR) and the gentleman from California (Mr. CAMPBELL) for this amendment. I am delighted to acknowledge that I am a cosponsor of this amendment along with several of my colleagues, and as well that the proponents of this legislation have done anything that they could to follow regular order, that is, that they have been before the Committee on the Judiciary with a hearing; and, I might add, a very effective hearing.

If you would have listened to the recounting of families whose loved ones have been locked up for a period of time such as their families have disintegrated, they are not able to take care of their normal basic needs of housing and food and protecting their children, then you would argue as well that we discard the regular order.

It certainly has come to my attention on this floor today that it is easy to throw Members and their positions and the advocacy of their position to the rules of this body and discount the importance of their issues. I take issue with that, but that will be another day. I will see that another day. But I am willing to ignore the regular order because this is an amendment that I believe has an important cause, and, that is, that if we ask any American what rights they have, they believe that they have a right to confront their accuser, they believe that they have a right to hear the evidence, and they certainly believe that they have a fundamental right to a speedy trial.

In the case of secret evidence, it reminds me of countries where we have heard stories told that people disappear into the night and we never see them again. I remember hearing the recounting of the President of the United States, President Johnson, calling one of the Senators from the State of Mississippi during that time about the three civil rights workers that had disappeared, they were missing for 2 weeks and there was a question about what was going on; and the response from that Senator at that time was, "It's just a bunch of rumors. I don't think they're really missing. I just think it's something, a publicity stunt."

That was the America of that day, when no one cared about people who were advocating for civil rights and they could be in a condition of peril and have lost their life and some official would represent that it was just a rumor, it was just something we should discount. That is why we fought in this country for civil rights and laws that would protect individuals who advocate positions that we might not like. But here now we have individuals who just because of their heritage and because of maybe some remark or some accusation are being able to be kept without a trial, without being able to confront their accuser, and certainly without the opportunity to hear the evidence. This is the right direction and this is a time to hopefully secure the support of our colleagues that regular order should not be the call of the day but actually justice.

Quoting from Supreme Court Justice Jackson in a dissenting opinion in Knauff v. Shaughnessy, he said:

> "The plea that evidence of guilt must be secret is abhorrent to free men, because it provides a cloak for the malevolent, the misinformed, the meddlesome and the corrupt to play the role of informer undetected and uncorrected."

□ 1945

I would rather today stand in this body on the side of those who believe that this country has a higher moral ground. It does not hide people. It does not support missing people and missing evidence. It does not put people in corners and leave them to their own devices. This is a country that believes in due process and the right to confront one's accuser.

I believe that this legislation and this amendment that addresses a minuscule part of this appropriations is the right direction to go. It addresses the issue of incarcerating people without their opportunity to address the question.

Mr. Chairman, I yield to the gentleman from California (Mr. CAMPBELL) simply for a question. It is usually our responsibility to fix broken problems. Someone might say that this has reached a magnitude that warrants this Congress addressing it.

I know that the gentleman has engaged or been involved in this for a long time. Is this of the magnitude, because the gentleman has already noted that this takes only a small portion of this appropriations, but do you consider this of the magnitude that we need to fix this problem?

Mr. CAMPBELL. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, it is of that magnitude. We know 26 times already this process has been used to put people in jail in this country. INS claims that there are only 8 left. We do not know that for sure. I think that the magnitude was reached the first time that a person in the United States of America was put in jail on the basis of evidence he or she could not see, certainly if that is not enough for everyone to agree, 25, 26 people is.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, let me also say that I want to thank the minority whip, the gentleman from Michigan (Mr. BONIOR) for his advocacy, his passion and his leadership. We need to vote on this amendment and vote yes.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am particularly sensitive to the authorizing on appropriations to which the able chairman of the committee, my good friend, the gentleman from Kentucky (Mr. ROGERS) raised, but I do think there are two exceptions in this particular case, the first being a major exception, and that is what my good friend, the gentleman from Michigan (Mr. DINGELL) has referred to; that is, the consequences that this particular action has for our basic freedoms as an American society.

The second is that usually when such issues are raised about authorizing on an appropriation bill, we have the authorizers come here in unanimity, and that is not the case on this particular amendment.

Mr. Chairman, in 1996, Congress did enact the so-called Antiterrorism and Effective Death Penalty Act, which contained a provision that may have been well intended at the time, but which, in fact, was ill-conceived, encroaching on our cherished constitutional rights against secret evidence and anonymous accusers.

Under this provision, immigrants to this country are being jailed based on "secret evidence," and these people are given no opportunity to face their accusers as we have so well heard in the debate so far this evening, nor are their lawyers allowed to see this so-called secret evidence against their clients.

Today we have an amendment pending that will repeal this unwarranted, dangerous celebration of secret evidence, and it is an urgent matter. If for no other reason, vote for this amendment, because the government's duty is not to win cases, but to see justice done.

My colleague and a cosponsor of the amendment, my colleague, the gentleman from Michigan (Mr. BONIOR) has already adequately described as has the gentleman from California (Mr. CAMPBELL), the case of Mr. Najjar and others, the tremendous family situations that it has placed them in and not being able to see their families, because of their being held on secret evidence.

Recently in New Jersey, a judge ordered the release of an immigrant who had been in jail for 19 months based on secret evidence. We heard that case already, but here is what the judge said in his action to order this man's release and I quote,

> The court cannot justify the Government's attempt to allow persons to be convicted on unsworn testimony of witnesses, a practice which runs counter to the notions of fairness on which our legal system is founded."

Mr. Chairman, I am not of a legal mind, as my good friend, the gentleman from New York (Mr. NADLER) who has spoken in favor of this amendment, nor do I sit on the Committee on the Judiciary, but this is a judge, sworn to uphold the laws of our land, that issued such an opinion.

This individual, as we have already heard, was placed in jail for 19 months based on testimony of an estranged wife. We have heard often about how labels are used in this country and, in this case, we are talking about a label; that label being immigrants and how such a label can put a man or women behind bars or cause them to be deported or even worse.

Have we forgotten when the label "Jew" was attached to a whole people and because that was the label given them, it sentenced them to concentration camps in most cases absolute death. Have we forgotten about the account written in history, and I quote,

> When Hitler attacked the Jews, those who were not a Jew, therefore, were not concerned. And when Hitler attacked the Catholics, those who were not Catholic, therefore, were not concerned. And when Hitler attacked the unions and the industrialists, those who were not a member of the union, therefore were not concerned. Then, Hitler attacked me and the Protestant church, and there was nobody left to be unconcerned.

Lest we forget the historic lessons learned from the Spanish Inquisition and the Holocaust, let us vote to repeal the secret evidence law that attacks those who are labelled as immigrants. If we do this, perhaps then our government will never some day come for us.

It is all about that incrementalism that we heard earlier from the gentleman from New York, (Mr. HINCHEY). Incrementalism, that is what we are talking about here.

Mr. Chairman, I know there are people in this country and in this body who are concerned and we are not going to let this happen. We despise the use of secret evidence to put people in jail, to deport them from a homeland they have adopted and where they have lived in freedom for many years.

Ask yourselves if our government can legally allow this to happen to immigrants, who are living the American dream, when will they come for us?

Be concerned, vote yes for the Bonior-Campbell amendment.

Mr. LEVIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have had a chance to take a hard look at this issue and came to the conclusion that it was time, really overdue time, to act; and, therefore, I rise in strong support of this amendment.

The American system of justice is based on the principle of due process. This principle is enshrined, and I emphasize that, enshrined in the fifth amendment to the Constitution that requires that no person shall be deprived of liberty without due process. Indeed, it is precisely our Nation's commitment to due process that separates our beloved country from undemocratic, authoritarian governments in other parts of the world.

No fewer than four Federal courts have ruled that secret evidence is unconstitutional. Secret evidence has allowed people to be held for months, even years, without any opportunity to confront their accusers or to examine the evidence against them. Too often, secret evidence has later turned out to be no evidence at all, but rather unsubstantiated hearsay that failed to stand up to the full light of day.

The use of secret evidence to detain and deport legal immigrants should stop. To that end, I have cosponsored H.R. 2121, the Secret Evidence Repeal Act. The amendment that we are considering now further underscores our determination to terminate this abuse of fundamental fairness.

Mr. Chairman, I strongly urge my colleagues to support the Bonior-Campbell amendment.

Mr. ACKERMAN. Mr. Chairman, I am pleased to rise in support of the Bonior-Campbell amendment, which is an absolutely necessary measure to root out an on-going government practice which should be offensive to all of us as sworn defenders of the Constitution.

The very idea of "secret evidence" should alarm us as a nation that cherishes the rule of law. That our government, a government built on transparency and due process, should incarcerate people indefinitely and by executive fiat, and deprive them of the basis to defend themselves, is an affront to the Constitution.

Our nation's justice system is a source of pride, not because of the efficiency of its operations, or its effectiveness in convicting the guilty, important as these things are. We are appropriately proud of our justice system because of its unyielding insistence on due process for the individual against the state; because of its strict adherence to Constitutional requirements necessary for government action and limitations on state authority. In criminal matters, before the federal government deprives anyone, citizen or non-citizen, of their right to life, liberty or property, the Constitution demands—demands, not requests, not suggests, not proposes—demands, that the government detail the charges to be prosecuted; produce its witnesses for cross-examination; provide compulsory means for the defense to obtain its own witnesses; and settle the matter of guilt or innocence by decision of a jury of ordinary citizens. This is the American standard of justice.

Some will argue that detention and treatment of aliens is a category of government action apart from Constitutional mandates. I disagree. The Constitution is not to be considered mute as a matter of convenience. The actions of the executive branch are always bound by the strictures of the Constitution; there is no free-play zone for non-citizens.

A decision by the Federal Government to deport, to grant asylum or residency, or to detain a non-citizen does not exist in some extra-Constitutional universe. The Executive Branch is not compelled by law to hold people on secret evidence. There is no legal obligation for the government to detain aliens indefinitely. If the state is concerned that judicial proceedings would require the disclosure of classified information to the detriment of the nation, the government always has the flexibility not to act. Prosecution is a political decision and is done at the discretion of the government's attorneys. Hard choices are part of life.

It may be that precluding the use of secret evidence will lead to the release of some dangerous individuals. This is a regrettable but necessary price we must pay for a free society bound by the rule of law. Sometimes releasing the guilty or the dangerous is the unfortunate result of limited government. The threat of terrorism is real, and our government should do all it can to preempt and punish those who would do violence to our people and interests. But in doing so, we must not do harm to the Constitution, which is exactly what the use of secret evidence does.

I urge my colleagues to support the Bonior-Campbell amendment.

Mr. LEVIN. Mr. Chairman, I rise in strong support of the Bonior-Campbell amendment.

The American system of justice is based on the principle of due process. This principle is enshrined in the Fifth Amendment to the Constitution that requires that no person shall be deprived of liberty without due process. Indeed, it is precisely our nation's commitment to due process that separates the United States from undemocratic, authoritarian governments in other parts of the world.

No fewer than four federal courts have ruled that secret evidence is unconstitutional. Secret evidence has allowed people to be held for months, even years, without any opportunity to confront their accusers or examine the evidence against them. Too often, secret evidence has later turned out to be no evidence at all, but rather unsubstantiated hearsay that fails to stand up to the full light of day.

The use of secret evidence to detain and deport legal immigrants must stop. To that end, I have cosponsored H.R. 2121, the Secret Evidence Repeal Act. The amendment we are considering now further underscores our determination to end this abuse of fundamental fairness.

I urge all of my colleagues to support the Bonior-Campbell amendment.

Mr. GEPHARDT. Mr. Chairman, terrorism is the scourge of the modern world, and we must do everything in our power to deter and punish those who would commit such heinous acts. Our efforts in Congress must include support for all federal agencies and foreign allies who are engaged in the fight against terrorist and their protectors. And we must continuously seek to improve the laws that enable our democracy to effectively counter the threat of terrorism and preserve our freedom.

In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act in an attempt to further combat terrorism against the United States. It also contained provisions that were intended to balance legitimate national security interests with our desire—and responsibility—to protect individual liberties.

Since the enactment of this legislation, it has become evident that the provisions of law designed to protect individual rights in such matters have not been implemented properly. Our government's use of "secret evidence" authorities to detain the accused has caused many civil rights advocates to question the constitutionality of these practices and to urge for reform.

The questions raised about the current application of secret evidence statutes have been validated recently by four federal courts, which have all ruled the practice unconstitutional.

At a recent House Judiciary Committee hearing, both supporters and critics of existing secret evidence statutes recognized the deficiencies of current practices, as well as the need to reform or refine them. There was also agreement that more work is needed to sufficiently balance our national security interests with the need to protect individual rights.

The National Commission on Terrorism also concluded earlier this month that the legal protections afforded to the accused in these circumstances are not being used properly, if at all. The Commission further stated that, "The U.S. Government should not be confronted with the dilemma of unconditionally disclosing classified evidence or allowing a suspected terrorist to remain at liberty in the United States. At the same time, resort to use of secret evidence without disclosure even to cleared counsel should be discontinued, especially when criminal prosecution through an open court proceeding is an option."

Mr. Chairman, this amendment will not result in the release of suspected terrorists from America's prisons. If it did, I would oppose it vigorously.

Instead, my support for this minute reduction in the Justice Department's budget is intended as a call to the relevant committees of Congress to accelerate their deliberations on legislation to refine and improve existing laws. It is also a call to our government—and the Justice Department in particular—to address the legitimate concerns that have been raised about the use of secret evidence without appropriate measures to protect individual rights.

Clearly, it would be a serious mistake to unduly restrict our government's ability to protect its citizens against terrorism. At the same time, we must find a way to protect the rights of those whom our legal system deems innocent until proven guilty. And there must be no winners or losers in this debate; otherwise, the critical balance between freedom and security that we cherish will be undone. Instead, we must all work together to forge a consensus that advances both goals in the most effective manner possible.

Mr. CONYERS. Mr. Chairman, our system of judicial review and due process is not a luxury or a gift to be awarded to a chosen few for political advantage. It is the very foundation of our system of government and justice. The use of secret evidence in INS detention proceedings makes a mockery of this basic principle of our legal system. I support the Campbell-Bonior Amendment that would eliminate funding for detaining defendants based upon secret evidence.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 eliminated court appeal rights relative to judicial review of asylum determinations, decisions on apprehension and detention of aliens, document fraud waivers, orders issued in a absentia and denial of request for voluntary departure. The statute also broadened the range of proceedings where secret evidence can be used against an immigrant.

The result has been manifest injustice. No person should be held in solitary confinement for nearly three years while trying to defend against unknown charges. But that was the experience of Nasser Ahmed, a 38-year-old Egyptian. He was denied bond and asylum based on secret evidence. When his case was finally heard, an immigration judge rejected the secret evidence against him as double and triple hearsay.

If Mr. Ahmed had been allowed to see and respond to the secret evidence that the government was using to block his asylum application in a timely manner, he could have won his case sooner and been spared years of unjust incarceration.

The experience of Mr. Ahmed is not as isolated incident. Another case involves 19-year old Mazen Al-Najjar, a stateless Palestininan in Tampa, Florida. He is about the mark his 1,000th day of detention based on secret evidence.

The D.C. Circuit has aptly equated the INS's use of secret evidence with the situation of the accused—Joseph K.—from Kafka's book, The Trial. Like that character, Mazen Al-Najjar could not only prevail by rebuting evidence that he was not permitted to see. The D.C. Circuit observed that, "It would be difficult to imagine how even someone innocent of all wrongdoing could meet such a burden."

Due process is not just a tool of fairness and equity, it also is an efficiency tool that makes national uniformity possible and is an essential component of our constitutional system of government. As a Congress, we have both a moral and constitutional duty to correct the abuses around the use of secret evidence and to ensure that our fundamental values of due process are applied fully and without favor. The Campbell-Bonior Amendment is a good first step in that direction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from California (Mr. CAMPBELL) will be postponed.

AMENDMENT NO. 29 OFFERED BY MR. MCGOVERN

Mr. McGOVERN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. McGovern:

Page 23, line 2, after the dollar amount, insert the following: "(reduced by $1,000,000)".

Page 50, line 4, after the dollar amount, insert the following: "(increased by $1,000,000)".

Mr. McGOVERN. Mr. Chairman, fire fighters throughout the country risk their lives every day to protect our families and safeguard our neighborhoods. Last year, over 100 fire fighters died in the line of duty.

The City of Worcester, Massachusetts, in my district, suffered the tragic loss of six fire fighters on December 3, 1999. Fire fighters Paul Brotherton, Jeremiah Lucey, Timothy Jackson, Jay Lyons, Joseph McGuirk and Lieutenant Thomas Spencer. These brave men made the ultimate sacrifice and died doing the job that they loved. They left behind 17 children, and they left behind a grateful community.

Mr. Chairman, I would urge all of my colleagues to pick up the July issue of Esquire magazine. There is an incredibly well-written and very moving account of this terrible tragedy which took place in Worcester.

Mr. Chairman, this tragedy brought together fire fighters from across the Nation and around the world, and we gathered on that day in December to honor their memories and pay tribute to their heroism. The best way Congress can honor the memory of all fallen fire fighters is by working to prevent such tragedies from ever happening again.

Fire fighters are always there when we need them. We need to return this commitment and demonstrate our gratitude for the job that they do, and that is why I am proud to offer this amendment with my colleague, the gentleman from Indiana (Mr. PEASE).

The Building and Fire Research Laboratory at the National Institute of Standards and Technology is in the process of developing fire safety technology that would make firefighting safer. Recent developments in the area of infrared sight technology would make it possible for fire fighters to more successfully, and safely, maneuver in a burning structure filled with thick smoke.

Had such technology been available to all fire fighters, many recent tragedies, such as the loss in Worcester might have been avoided and lives could have been saved.

This amendment would provide the National Institute of Standards and Technology with the funds needed to continue the progress they have already made in fire safety research and technology. It provides for an increase of $1 million to the Building and Fire Research Laboratory at the NIST.

The offset is from the Federal Bureau of Prisons, Salaries and Expense Account. Last year, approximately $70 million of the bureau's almost $4 billion budget went unspent, and it was our goal to use a small portion of this overflow to help protect our Nation's fire fighters.

Simply put, this is a modest amendment that will actually save lives. I strongly believe that we have a responsibility to make sure that our fire fighters have access to the most up-to-date technology possible. It is the least we can do for these brave individuals who do so much.

Mr. Chairman, this amendment not only has bipartisan support, but it is supported by the National Association of State Fire Marshals.

In conclusion, let me just say that I hope that no Member of this Congress will ever have to witness what I did in Worcester last December 3. Nothing we can do here today can change that tragedy, but we can take a step, albeit a small step, toward trying to prevent such catastrophes in the future. We on the Federal level need to do much more, I believe, very much more. I think we can do much more.

Mr. Chairman, I urge my colleagues to vote yes on the McGovern-Pease amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this amendment. I have the highest respect for the distinguished chairman of the subcommittee and the ranking member, but this is a small, small token on behalf of America's real heroes.

The best example of what America is all about are the 1 million men and women who serve this country in 32,000 departments every day responding to disasters. They do not just respond to fires. They respond to hurricanes, to earthquakes, tornados. They respond to subway collapses. They respond to highrise conflagrations. They respond to HAZMAT incidents, refinery explosions and they have done it for the last 250 years, longer than the country's been a country.

Each year we lose 100 of them, most of them volunteers, because 85 percent of the 1 million fire fighters in this country are volunteers, they are not even paid for what they do. I cannot think of any other volunteer group that loses 100 people every year, every year. I have been down in that ceremony in Emmitsburg more than I want to be there, and I have seen the anguish in the family's eyes of those who have lost their loved ones.

Mr. Chairman, I spoke at the D.C. fire fighters' funeral that were killed last year in a fire. I understand what our friend and colleague is talking about when he talks about the loss of life in his own home district.

Mr. Chairman, this is the least we can do, a million dollars to give to the NIST organization to help on the research on thermal imagers. As a former volunteer fire chief, I can tell my colleagues the importance of thermal imagers. When the fire fighters go into a building and they are overcome by smoke, they collapse. There is no way available to go in and find them in a smoke-filled room, except for this new breakthrough technology that we developed for the military called the thermal imager.

Now, as the chairman of the research committee on the military side, I have supported the funding for the research for our military. What this funding would do would be to help take that technology and make it available for the fire fighters.

Mr. Chairman, our colleagues will say wait a minute, the Federal Government should not be involved in the fire service; well, hold it. Let us get real. This bill has billions of dollars of money for law enforcement.

I am a supporter of the police as a former mayor, but we pay half the costs of the vests for police officers who might be shot.

□ 2000

Cut me a break. We are going to pay for half of the cost of a police vest, and we cannot put $1 million into research for thermal imagers for fire fighters.

The last time I checked, law enforcement was a local responsibility. We are not talking about $1 million. This bill has billions of dollars for local police officers, billions and billions of dollars for local police, for training, for equipment, for meetings, half of the cost of police vests. But not one dime of money for the Nation's fire fighters. Nothing. Nada. And these fire fighters, who are largely volunteer, save taxpayers money, because if we do not support them, you are going to have to hire full-time paid fire fighters to replace them.

Every one of my colleagues in this room has fire departments in their districts. There are 32,000 departments, in every State, they are in every county, they are in the most rural community, and they are in our largest urban city, and they all have the same challenges. The least we can do is set aside $1 million in an account where there is a surplus this year to help get our Federal agency to provide research money to take this technology and use it for the fire service itself.

Billions of dollars for law enforcement, which I support; nothing for the fire fighters of this Nation. The only pittance we put forward is about $30 million a year for the U.S. Fire Administration and the NATA Fire Training Center at Emmitsburg. That is it.

Yes, we have a responsibility. I say to my colleagues, this is an easy vote. If we cannot support something like this, a bipartisan amendment offered by my friend, the gentleman from Massachusetts (Mr. McGovern), and my friend, the gentleman from Indiana (Mr. Pease), then shame on us.

I say to this body, support the real heroes in America, the unsung heroes. Support the men and women of the fire service, who day in and day out protect your towns, who protect your cities. Most of them do it as volunteers.

Mr. PEASE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to begin with an acknowledgment of my gratitude to the chairman and the ranking member and to acknowledge publicly my greater understanding and much greater appreciation for the challenge that they face in and the work that they do in preparing a bill to bring to this floor. The work that the gentleman from Massachusetts (Mr. McGovern) has given leadership to and which I have supported is only one very small piece of a very large bill, and the difficulties that we have encountered in trying to balance priorities only makes me appreciate more the difficulties the committee faces in trying to balance their priorities every day.

I want to acknowledge the leadership of the gentleman from Massachusetts (Mr. McGovern) on this very important issue and thank him for the work he has done and for including me and others in that work.

What we hope to do with this amendment is to continue the work of NIST in infrared technology for fire safety and those people that defend us and our property on a daily basis. It is a $1 million appropriation. It comes from the Bureau of Prisons.

I have this greater appreciation of their difficulties, if for no other reason than I have a very large Federal prison in my district which I have given great support to. But the fact is the Bureau of Prisons last year did not expend over $70 million of their S&E budget. This is 1.5 percent of their unspent funds from last year, which seems to us a minimal amount and, quite honestly, a very reasonable amount to invest in fire safety on behalf of those many folks who defend us and defend our property on a daily basis.

If I could engage the chairman in a colloquy on this issue, I would like to do so.

Mr. Chairman, the gentleman from Massachusetts (Mr. McGovern) and I have spoken with you and the gentleman from New York (Mr. Serrano) and the staffs of the committee about your continued willingness to work with us on this issue. We know it is a challenge, just from work we have done in the last few days.

My question is whether the chairman and the gentleman from New York (Mr. Serrano) are willing to continue to work with us as this bill progresses on this issue, understanding that no final commitments can, of course, be made at this moment?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we will be delighted to work with the gentleman. The gentleman has raised a very important issue in this amendment, and we will be delighted to continue to work with the gentleman as the bill progresses through the House and conference with the Senate in addressing the issue that the gentleman has brought up.

Mr. PEASE. Mr. Chairman, reclaiming my time, I thank the chairman. The gentleman from Massachusetts (Mr. McGovern) and I, as a sign of our good faith in your willingness to continue to work with us and with the fire fighters on this issue, have discussed withdrawing the amendment at this time, but before I make that commitment, I would like to yield to the gentleman from Massachusetts (Mr. McGovern) for a moment.

Mr. McGOVERN. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Mr. Chairman, I want to thank my colleague for his support of this amendment. I want to thank the chairman for his generosity, as well as the ranking member. I feel passionately about this issue because this terrible tragedy happened in my city, and I continue to see the faces of those kids who lost their fathers in that terrible fire. I made a commitment to them that I would do everything I possibly could to make sure that their loved ones did not die in vain. So I appreciate the gentleman's commitment.

Mr. PASCRELL. Mr. Chairman, I rise to strike the last word as the author of legislation that relies on research such as that being fought for right now on the floor. I commend Mr. McGovern and Mr. Pease.

My legislation, the "Firefighter Investment and Response Enhancement Act," or "The Fire Bill," will provide competitive grants directly to the over 32,000 paid, part-paid and volunteer fire departments across America.

The money could be used for personnel, equipment, vehicles, training, health and safety initiatives and prevention programs.

The Building and Fire Research Laboratory at the National Institute of Standards and Technology (NIST) is in the process of developing fire safety technology that would make fire fighting safer.

They are developing precisely the equipment that I wrote my bill to enable fire fighters around the country to purchase. This equipment will make fire fighting safer.

For example, NIST is developing infrared sight technology that will make it possible for firefighters to successfully, and safely, operate in a burning structure filled with thick smoke.

Had such technology been available to firefighters, many recent tragedies could have been avoided and lives could have been saved.

The McGovern-Pease amendment would provides $1,000,000 to the NIST to help them continue their work in this area.

I have said before that our firefighters are the forgotten part of our public safety equation. Congress should make a commitment to those who make a commitment to us every single day.

We need to show that it is no longer acceptable to pay lipservice to the firefighters in our districts on the weekend. . . . and not put our money where our mouth is during the week.

That is why you must vote in favor of the McGovern-Pease amendment. By supporting this funding, you will be laying the groundwork for safe fire fighters by enabling NIST to continue to develop the best technology to protect them.

I urge you all to support our fire fighters by supporting this amendment.

Mr. McGOVERN. Mr. Chairman, I ask unanimous consent to withdraw the amendment. Hopefully, we can work this out.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $835,660,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $155,611,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524).

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman of the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations in a brief colloquy.

I rise to commend the subcommittee for generously increasing funding in the Immigration and Naturalization Service budget so this new agency can hire new inspectors to serve at our Nation's airports. While I am supportive of this increase, I am concerned about the disparity of INS inspector staffing that exists between the New York Metropolitan Airport relative to other airports.

Detroit Metro Airport desperately needs additional inspectors. The INS has not kept up with the great increase of passengers at this booming airport, and has let the number of staff at Detroit decrease relative to other international airports. Hartsfield Atlanta International Airport has 2.1 million inspections per year with 78 inspectors on staff. Both Dallas Fort Worth and Dulles International Airports each have 2 million inspections each year, with 78 and 74 inspectors on staff respectively. In comparison, Detroit Metro Airport has 1.8 million inspections per year with only 47 inspectors. Relative to other major airports, Detroit inspectors have to process almost 40 percent more people per inspector. Clearly the INS has understaffed the Detroit Metro Airport.

I had requested the chairman correct this problem by allocating specific inspectors to Detroit Metro Airport. I can appreciate the difficulty of my request and the committee's position that they cannot earmark new inspectors for individual airports. However, I am encouraged that the report language dealing with this account says: "The recommendation includes $18,489,000 for adjustments to base; and $12,186,000, 154 positions and 77 FTE to increase primary inspectors at new airport terminals. INS is expected to consult with the committee prior to the deployment of these new positions."

I ask for assurances from the chairman of the subcommittee that when the INS consults with the subcommittee, he will specifically encourage the INS to address the staffing problems, the staffing shortfall, in Detroit, and give the airport due consideration for these new positions.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding. I appreciate the gentleman's interest in the issue and his understanding that the subcommittee cannot specify how many inspectors should be allocated to individual airports across the country. It is best to leave those decisions to the INS. But the gentleman is correct, we have specifically asked that the INS consult with this subcommittee before they locate the new agents that we fund in this act.

I agree with the gentleman that the Detroit Metropolitan Airport is understaffed relative to other airports, and I assure the gentleman that they will receive due consideration from this subcommittee during the consultation process with the INS.

Mr. EHLERS. Mr. Chairman, reclaiming my time, I thank the chairman for his assurance. I look forward to working with him on this issue.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819, 821, and 822 of the Antiterrorism and Effective Death Penalty Act of 1996, $152,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"), $2,823,950,000, to remain available until expended; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, Guam shall be considered a "State", the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other Federal grant program: *Provided further*, That $50,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with

State and local law enforcement: *Provided further*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: *Provided further*, That $20,000,000 shall be available to carry out section 102(2) of H.R. 728; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $686,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $35,000,000 shall be available for the Cooperative Agreement Program; of which $552,000,000 shall be for grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the 1968 Act, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $52,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $9,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $207,750,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $35,250,000 which shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence: *Provided*, That, of these funds, $5,200,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women, and $10,000,000 shall be available to the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended; of which $34,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $5,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $1,300,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $40,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,500,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; and of which $250,000,000 shall be for Juvenile Accountability Incentive Block Grants, except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 2001 and Guam shall be considered a "State" for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1977: *Provided further*, That funds made available in fiscal year 2001 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

AMENDMENT NO. 22 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. HINCHEY:

Page 27, line 4, after the dollar amount, insert the following: "(reduced by $49,500,000)".

Page 28, line 5, after the dollar amount, insert the following: "(reduced by $49,500,000)".

Page 43, line 24, after the dollar amount, insert the following: "(increased by $49,500,000)".

Mr. HINCHEY. Mr. Chairman, first I want to express my appreciation to the chairman of the subcommittee for the very diligent and effective work that he has done in putting this bill together and bringing it to the floor. And I am sure the vast majority of the Members of the House very much appreciate the effort and energy and wisdom that has gone into putting this bill together.

I have a very modest change that I would like to make in the bill. This change would take $49.5 million out of prison construction and transfer it to the Economic Development Administration.

I know that the chairman and other Members of the House have a keen appreciation for the very valuable work that is done by EDA. EDA, in many regards, is one of the most effective economic engines that we have in the Federal Government. Not only has it provided over the years a substantial number of loans and other economic incentives for communities around the country, but all of that money that EDA has put in, the public money, has generated enormous amounts of private investment that have far and away by orders of magnitude surpassed the amount of funds that were provided from public sources. Many jobs have been created, much wealth has been created, and economic growth has been experienced in communities all across the country as a result of the work of EDA.

The EDA in this particular budget is flatlined essentially from last year, and it is my hope that the chairman and the majority of the Members of the House will join me in accepting this amendment to take $49.5 million out of prison construction and put it into the good work that can be accomplished through EDA. Even with the removal of this $489.5 million from prison construction, there will still remain $637 million for the construction and upgrading of prisons around the country.

I happen to believe, Mr. Chairman, that we may be spending too much on prison construction. We have now in this country almost 2 million people locked behind bars; and it seems that the more prisons we construct, the more people we find to fill them.

I believe that we ought to engage in this effort, which, while taking some small amount of money from prison construction, will put it into the kinds of efforts that will generate jobs, and hopefully thereby will alleviate the need for additional prison space and will reduce the number of people who find themselves in that situation.

Mr. Chairman, I offer this amendment with a great deal of respect and admiration for the work that has been accomplished in this bill, and I hope that the chairman and the majority of the Members will join me in supporting it.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

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This amendment would cut State local law enforcement assistance grants to provide an additional $49 million for the Economic Development Grant programs.

Specifically, this amendment would cut the Criminal Alien Assistance program. That is a program that reimburses States for a portion of their costs in jailing criminal aliens. It is a program that is widely supported by the Members of this body, by the governors, by mayors, and local law enforcement people throughout the country. It is especially critical along the southwest border where the criminal alien population is exploding and the States need some financial assistance from the U.S. Government to fund the jailing costs for jailing not just illegal immigrants, but criminal illegal aliens.

This amendment does not state what the increased funding would be used for; just to be put into the EDA.

We already provide in the bill, Mr. Chairman, $362 million for the EDA that goes to provide assistance to communities that are struggling with long-term economic downturns as well as sudden and severe economic downturns. This committee and the Committee on Transportation and Infrastructure have worked with EDA to reauthorize the program, to reform the EDA, to ensure that monies that we provide are targeted to the most severely distressed areas. Without EDA, these communities would have little access to resources for critical infrastructure development and capacity building. The funding in this bill is sufficient to provide the seed capital to distressed areas to allow those local communities to increase their ability to create new economic opportunities.

So this committee, we think, has provided sufficient resources for the EDA, and, on top of that, I am deeply opposed to cutting the assistance to our States and localities in dealing with jailing the criminal illegal aliens that they are having to imprison, and they blame the U.S. for not protecting the borders to keep those people out in the first place.

Mr. HINCHEY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, I just want to make it clear of what my intentions are here in this amendment. My intentions are that the money that I am suggesting, $49.5 million to be put into the Economic Development Administration, be taken out of the construction program for prisons; not for the purposes which the chairman was addressing, but wholly, completely and exclusively from the amount of money that has been provided for prison construction.

Now, that amount is very substantial, $687 million. We would leave $637 million. But the money that I am seeking to take out would be funding that would come only exclusively and wholly from the construction program and nothing but the construction program.

Mr. ROGERS. Mr. Chairman, reclaiming my time, that is an equally dangerous place to take money. The State prison grant program is a program that we passed here to encourage States to imprison people for 70 percent of their sentence. Many States have taken advantage of that and secured these State prison construction funds, and we are still shorthanded. That fund is underfunded as it is. We were not able to fully fund the State prison assistance grant program, so I would object very strongly to taking the money, equally strongly, out of that account. On top of that, again, the money that the gentleman would place in EDA is not specified as to what it would be used for, and, as I say I think we have adequately funded EDA already.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT NO. 36 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 36 offered by Mr. SCOTT:

Page 27, line 20, after the dollar amount, insert the following: "(increased by $60,812,500)".

Page 28, line 5, after the dollar amount, insert the following: "(reduced by $121,625,000)".

Page 30, line 10, after the dollar amount, insert the following: "(increased by $60,812,500)".

Mr. SCOTT. Mr. Chairman, I am offering this amendment with the gentlewoman from New Mexico (Mrs. WILSON) to transfer one-half, or approximately $122 million, of Truth in Sentencing prison grant funds to Boys and Girls Clubs and drug court programs.

Mr. Chairman, the so-called "truth"-in-sentencing is actually a "half-truth"-in-sentencing. Proponents of truth-in-sentencing will tell us that nobody gets out early. That is the half truth. The whole truth is that no one is held longer, either.

When States adopt truth-in-sentencing schemes, the first thing they do is to reduce the length of sentences that judges have been giving out under the parole system and then direct the defendant to serve all of the reduced sentence.

For example, under a parole system, if a judge says 10 years, the average defendant will serve about 3½ years. Some will get out earlier, some will get out later. The more dangerous criminals can be held longer. But under truth-in-sentencing, everybody gets 3½ years. Those who could have gotten out early are held to the full 3½ years, but those who could not have made parole, those that would have served 10 years, get out in the same 3½ years.

The problem is that the lower-risk prisoners will serve more time and the most dangerous will serve less time. Even if we were to double the average time served and double the prison budget so that everybody serves 7 years, the worst criminals will still get out earlier than they would under the parole system.

So under truth-in-sentencing, the less dangerous criminals get punished severely, but actually rewards the most dangerous, hardened criminals who could never have made parole.

Furthermore, Mr. Chairman, we know that prison education and job training are the most effective ways of reducing the chances that someone might return to a life of crime after they get out. But when we abolish parole, we eliminate the incentive they had to get that education and job training, and that is why a Rand study last year concluded that truth-in-sentencing does not reduce crime.

Finally, not all States qualify for truth-in-sentencing grants, whereas all States qualify for crime prevention programs. And the few States that do qualify for truth-in-sentencing funds can only use those funds for prison construction.

At this point, some States have actually overbuilt prison space. My own State of Virginia, in fact, is trying to lease out prison beds to other States. We have an excess of about 3,000 excess prison beds that we are trying to lease out. So there is no reason for us to give money to States to build prison beds that they do not even need.

Mr. Chairman, States are already spending tens of billions of dollars on prison construction every year, so this $121 million spread out amongst the 30 or so States that qualify for truth-in-sentencing funds cannot possibly make any measurable difference in the number of beds built and, in fact, like the Rand study concluded, cannot make any measurable difference in crime. But if that money is spent on boys and girls clubs and drug courts, we can certainly make a difference in the crime rate.

We know that housing projects with Boys and Girls Clubs experience a dramatic decline in drug activity. In fact, Boys and Girls Club participants had less truancy and were more likely to graduate from high school. The Department of Justice reports the presence of Boys and Girls Clubs in public housing reduced juvenile crime 13 percent and reduced drug use 22 percent. Studies of drug court programs have repeatedly shown that drug offenders subject to drug court programs have a lower recidivism rate than those who are sentenced to prison. Studies have shown that the drug courts are so effective, in fact, that they save more money than they cost.

So, Mr. Chairman, it is time to stop throwing money away on bad crime policy. The evidence shows that truth-in-sentencing has not reduced crime, but we do know that drug courts and Boys and Girls Clubs will reduce crime, and that is why I hope my colleagues will support this amendment.

Mrs. WILSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank my colleague from Virginia for his leadership on this issue and also thank the chairman and the ranking member for their hard work on this appropriations bill.

I am a supporter of judicial discretion, and I am also a supporter of tough penalties for those who commit violent crimes. But I am also a supporter of prevention and intervention programs that work, particularly programs for children, and I have seen them work in my own State.

In the period from 1993 to 1997 in this country, we did a lot of prison construction. That era is largely over in this country, and in many States, there is an excess of prison beds. The truth-in-sentencing money that is available through the Federal Government is not available to all States, and many States have exhausted their intentions to build more prison space. I believe it is far beyond time to shift our priorities to pragmatic things that work, and I think we have identified two in this budget that deserve more emphasis than they are currently getting in the budget as it is constructed.

The first is drug courts. It is a growing trend in justice in this country. There are about 300 drug court programs now in America, and they are growing every year, commingling together grants from private sources and money from administrative offices of the courts. The idea is with judicial supervision for somebody on parole, for somebody who is committed to trying to turn their life around, who is willing to undergo random drug testing, who will accept escalating sanctions and treatment and incentives to try to get them back on the right track and get them clean.

The good thing about them is that they are working. It is that combination of treatment, immediate sanctions, and incentives, with a lot of supervision, that is working, and it is working in my hometown of Albuquerque, where we not only have started an adult drug court, and the judge there who is doing very well with it, but we are looking at expanding that to other parts of the State and also starting a juvenile drug court to reach kids earlier.

The other program that does work and I think needs to be supported deals with kids. I used to be the head of the Children Youth and Families Department in the State of New Mexico. We had responsibility for child welfare and also for the juvenile justice system.

Kids need a safe place to be, and they need a caring, responsible adult in their lives. All of us would hope that that responsible adult is a parent or a grandparent, but it is not always that way.

There are a lot of programs that deal with kids that provide mentors for kids: 4-H and the Boy Scouts and children's youth groups at church, and Future Farmers of America; we have seen them all in all of our communities. But the things that the Boys and Girls Clubs seems to do better than most is reach the kids in most need. They are in the housing projects. Sixty-one percent of the kids in Boys and Girls Clubs are minority; half of them come from single-parent families. They are in 50 States and in Puerto Rico and in the Virgin Islands and serve 3.1 million children in America, giving them a safe place to be and positive, caring adult role models and constructive things to do.

I met a lot of kids, mostly boys, in the juvenile justice system in the State of New Mexico. Most of them were involved in gangs. Half of them had a parent with a drug or alcohol problem.

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Almost all of them had little or no contact with their dads. Sometimes they were tough, violent thugs. Then, in a moment, you would see a boy.

We need to work with these kids while we still have the chance to help them turn their lives around before they throw them away and send all of us the bill.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment would cut the Local Law Enforcement Block Grant by $60.8 million, and that program is critical to our State and local law enforcement fight against crime. It is a very popular program with local communities.

The amendment would add funding to the Boys and Girls Clubs to help at-risk youth and increase funding for the drug courts, both of which this subcommittee has dramatically increased funding for over the last couple of years.

In fact, more funding has been provided in our bill for these activities than was requested of us by the administration. At-risk youth funding includes $50 million for the Boys and Girls Clubs. That is up from I think it was $40 million a couple of years ago. There are $250 million for Juvenile Accountability Block Grants that the Administration proposed to eliminate altogether, and there are $287 million for Juvenile Justice programs. Those amounts do not include the nearly $200 million that is in the COPS program for school violence programs.

So we have funded and funded and funded programs for at-risk youth. We have also funded big increases for drug courts. That has been one of the shining examples of bipartisan cooperation here in this body in our subcommittee, because drug courts have come from nowhere in the last 3 years in funding.

Our bill includes $40 million in direct appropriation for the drug courts program. It also includes $523 million for the Local Law Enforcement Block Grants, again, which the administration proposed to eliminate. Historically, communities spend between $10 million and $15 million of their local law enforcement block grants on drug courts each year.

Our bill also includes $250 million for the Juvenile Accountability Block Grant program, which could be used to fund the juvenile drug courts. This program is also proposed to be eliminated by the Administration.

As for reducing the State Prison Grant program, which this amendment would also do, a Bureau of Justice Assistance report from last year concluded that the requirements of a State Prison Grant program have resulted in increases in the time violent offenders actually served behind bars. This program keeps our streets safe by keeping violent offenders behind bars.

There may be several reasons for the recent drop in violent crime. The fact remains, whether we like it or not, prison works. We now have the lowest level of violent crime in America's recorded history. A good part of that is because we have beefed up these accounts in this bill against amendments just like this.

Historic figures show that after incarceration rates have increased, crime rates have moderated. The need for additional prison capacity remains. While some States may have excess prison capacities, others are a long way from reducing their overcrowding problems.

So to conclude, Mr. Chairman, in total, our bill provides increases over the Administration's request for at-risk youth and drug courts, and we have to fulfill our commitment to the States to continue the State Prison Grant funding program, which we promised them in our law a few years back. I urge a rejection of this amendment.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I would ask the gentleman, the amendment was designed to take money out of the truth-in-sentencing grant and not the law enforcement block grant, but specifically, just the truth-in-sentencing grant money that all States do not even qualify for.

Mr. ROGERS. The gentleman may have improperly drafted the amendment, because he may intend to cut from something else, but the fact is that he cut the Local Law Enforcement Block Grant.

Mr. SCOTT. We asked Legislative Services to draft it such that only the truth-in-sentencing block grant was implicated, and we have been advised by them that that is what it does.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

(On request of Mr. SCOTT, and by unanimous consent, Mr. ROGERS was allowed to proceed for 2 additional minutes.)

Mrs. WILSON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from New Mexico.

Mrs. WILSON. Mr. Chairman, as I understand it, one of the points of confusion may be here that this is the Scott-

Wilson second amendment, not the first amendment. The money is taken from page 28, line 5, which I think is the truth-in-sentencing grant.

Mr. ROGERS. Reclaiming my time, I am sure the intent is as the gentleman has said, but the earmark increased the amount for Boys and Girls Clubs, which is an earmark within the local law enforcement block grant program, but they did not increase the local law enforcement block grant program by that amount, which means that the money is coming out of the local law enforcement block grant program. So that is the effect of the amendment.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, the reduction is on page 28, line 5.

Mr. ROGERS. Nevertheless, Mr. Chairman, regardless of this question, the fact remains that we have funded the Boys and Girls Clubs generously in the bill, and we have funded the drug courts generously in the bill, and the cuts that the gentleman is proposing would come from programs that are desperately needed and underfunded as they are.

Mr. Chairman, I would urge a rejection of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ROGERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

AMENDMENT NO. 35 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. SCOTT:

Page 27, line 4, after the dollar amount, insert the following: "(reduced by $10,000,000)".

Page 28, line 5, after the dollar amount, insert the following: "(reduced by $10,000,000)".

Page 32, line 14, after the dollar amount, insert the following: "(increased by $10,000,000)".

Page 32, line 23, after the dollar amount, insert the following: "(increased by $10,000,000)".

Mr. SCOTT. Mr. Chairman, this amendment would move $10 million from the truth-in-sentencing prison grant funding to the community-oriented police services crime identification technology program. The money would be there for use of States to use for eliminating their DNA testing backlogs, including the backlog of rape evidence cases.

Mr. Chairman, I would advise the minority that the Congressional Quarterly inadvertently said it came out of another fund, but the amendment is supposed to come out of the truth-in-sentencing money and go to the community-oriented policing services crime identification technology program.

Mr. Chairman, over the last 10 years, DNA has moved the role of forensic laboratories from bit player to star player in the criminal justice system. I am proud to say that my State of Virginia has been a leader in the use of DNA evidence. Our crime lab, under the professional direction of Paul Ferrara, was one of the first to use DNA testing for criminal justice purposes.

Not only has the DNA analysis proved to be an efficient and convincing way of identifying perpetrators of serious and sometimes heinous crimes, but it has also proved a convincing way to exonerate the wrongfully accused and sometimes imprisoned individuals.

For example, DNA played a prominent role in the recent moratorium on executions instituted by the Governor of Illinois after the Innocence Project established that 13 people on death row in that State were actually innocent. It is bad enough, Mr. Speaker, to have an innocent person wrongly convicted, Mr. Chairman, but it also means that the real perpetrator remains free to commit more crimes.

Just this morning a man from Montgomery County, Maryland, a few miles from here, was released from rape and murder charges based on DNA analysis, and another person who was currently being held on the charge of rape in another case was apparently implicated.

Currently there are hundreds of thousands of collected but untested DNA samples from offenders and suspects from around the country. Last week during consideration of a bill to address the backlog our colleague, the gentleman from New York (Mr. WEINER), reported that New York City alone has over 16,000 unprocessed rape kits.

No one in this House, Mr. Chairman, has been a stronger advocate for more funds for DNA testing than our friend and colleague, the gentleman from New York (Mr. WEINER).

None of the proposals before the House at this time are sufficient to address the backlog fully, but several bills are being considered by the Committee on the Judiciary, and one of which was reported from subcommittee included a $10 million authorization, and therefore, the $10 million request in this amendment.

Mr. Chairman, the truth-in-sentencing prison grant program can only be used for prison construction, so the money is sending tens of millions of dollars to a few eligible States, some of which, like my State of Virginia, do not even need the money for that purpose.

Virginia has thousands of beds that it rents out to other States or keeps empty. Other States have accumulated truth-in-sentencing money because they are not currently building prisons, and many States do not even qualify for any of the money at all, but all of the States qualify for DNA testing and have DNA testing backlogs.

Mr. Chairman, tragically, because of the DNA backlog, thousands of individuals who have committed serious crimes remain free while police waste their time, as well as waste the time and lives of innocent suspects.

In the meanwhile, we are sending money for States for prison building, whether they need it or not. To add insults to injury, a recent study by the Rand Corporation on truth-in-sentencing prison incentive programs concluded that it was not reducing crime at all.

Mr. Chairman, I would hope that we would better prioritize our scarce resources for protecting public safety and properly administering criminal justice by putting them first to use in sorting the guilty from the innocent and apprehending the guilty.

Accordingly, Mr. Chairman, I ask my colleagues to support this amendment.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is already in this bill in the COPS program $130 million for the Criminal Identification Technology Act, the CITA programs, which the gentleman has just described, very vital to the Nation's criminal system. The COPS program includes $130 million. There is plenty of money there.

The way the States go after that money, they go through the Office of Justice Programs, which administers the COPS grants. The money then goes to the local areas. The distribution is equitable across geographic lines. So there is already money there.

Number two, the gentleman's amendment would again cut the State Prison Grant program, a commitment made by this Congress years ago to help States build prisons to house the State prisoners, provided they require the prisoners to stay there for a goodly percentage of the time they were sentenced for.

So I would urge that we reject this amendment. There is already plenty of money in the CITA program, within the COPS program administered by OJP, and the cuts would come from every State in the Union participating in the State prison construction program.

I urge a no vote.

Mr. STUPAK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Scott amendment to address the enormous DNA backlog problem that police departments have all across the country. While we have heard many comments about how there is money in this program or that program, the Scott amendment specifically targets the DNA backlog.

I have been working on this issue for some time, and last fall the gentleman from New York (Mr. GILMAN) and the gentleman from Minnesota (Mr. RAMSTAD) and I introduced a bill to cut down on the DNA backlogs that exist in our police departments all across the country.

We have been successful in getting this issue heard, and now I hope tonight we will be successful in getting this issue funded.

I am pleased to report that the Subcommittee on Crime of the Committee on the Judiciary has been moving this issue forward, thanks to the efforts of the gentleman from Virginia (Mr. SCOTT) and other Members of the Committee.

Right now State and local police departments cannot deal with the number of DNA samples from convicted offenders and unsolved crimes. These States simply do not have enough time, money, or resources to test and record these samples.

□ 2045

In Michigan, my home State, from 1998 to 1999, around 5,000 samples sit on a shelf unanalyzed. In Virginia, where the gentleman from Virginia (Mr. SCOTT) is, 191,762 cases of DNA sit in the backlog. In California, 132,000 cases sit unanalyzed. The source of this information is the FBI Lab Survey of Criminal Laboratories in the summer of 1999. Nationwide, that backlog is over 700,000 cases.

Unanalyzed and unrecorded DNA samples are useless to law enforcement and to criminal investigators.

An example, John Doe is a convicted offender serving time for sexual assault. By law, his DNA has been collected. But because of the backlog, it has not been tested and is not in the law enforcement database. John Doe gets out of jail, he commits another sexual assault, and gets away, unidentified by the victim. Even if the police collect his DNA from the crime scene, he will not be caught, and his DNA will not be matched up, because his previous DNA sample, is sitting on the shelf somewhere waiting to be tested. John Doe will stay on the streets, and he will commit more crimes.

We need these funds. Because every day that goes by, a real John Doe is out there, committing more rapes, robberies, murders, when he could have been stopped if we just put a little bit of resources into the DNA backlog.

This amendment answers a call by the police, communities, and victims. We need to stop the criminals that until now have been able to strike and strike again at our society without being caught.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment that the gentleman from Virginia (Mr. SCOTT) has offered. Mr. Chairman, we have spent too short a time dealing with the questions of innocence. We have spent a lot of time putting the burden of proof on the defendant when it actually should be on the prosecution in a criminal case. That is the system of governing that we have that the State comes into the courtroom with a burden. That burden is enhanced by the technology and the equipment that our law enforcement officers have.

I am delighted to see the gentleman from Michigan (Mr. STUPAK) stand as a former police officer and head of the Law Enforcement Caucus. I think there is no question that our law enforcement officers want to be able to investigate with the tools that will allow them to find the perpetrator, the one who committed the crime, versus the innocent. Law enforcement officers are committed to making sure that the victims are not further victimized.

I think the gentleman from Virginia (Mr. SCOTT) has a very good amendment, because, in fact, we have seen in hearings and data of the backlog of the need for DNA testing, whether it is from a rape charge or whether it is in another charge.

I have been on this floor today because this is the Commerce, Justice, State appropriations bill; but at the same time, we are dealing with an execution pending in the State of Texas. In that case, with Mr. Graham, there was no physical evidence and no need for DNA testing. There was, however, ballistics testing that was never presented in his trial.

It is clear that we have a broken system when we cannot find the support elements that are needed for law enforcement and for our legal justice system to go into court armed with the strongest evidence that presents the innocence or guilt of the individual being tried.

I believe that a mere $11 million is truly an insufficient amount to add to the question of helping to aid in someone's innocence. I would ask that our colleagues support the Scott amendment. It is a good amendment, and it adds to the justice for which we all advocate.

Mr. WEINER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in a nondescript building in Long Island City, in Queens, in New York City, a warehouse, in fact, evidence from crime scenes is collected and stored. It is everything from people who had sold umbrellas and videotapes illegally on the streets to people who had committed more serious crimes.

In the back of this warehouse are two giant refrigerated rooms, larger than one would find in any restaurant. In those rooms is a hall of horrors, 16,000 rape kits, evidence that was collected at rape scenes. Each one of those kits represents a crime waiting to be solved. Each one of those kits represents a woman who was victimized who has not found justice.

The reason they are stored there is they are awaiting DNA tests. The gentleman from Michigan (Mr. STUPAK) spoke eloquently about the need to clear the backlog of those who are convicted offenders who have given their blood to be loaded on to the crime computers for evidence. But every one of those evidence kits is also awaiting analysis, DNA analysis to be matched hopeful to find the criminal who committed those crimes.

Unfortunately, the bill that we are considering today does nothing to assure that any dollars, not even a single one would necessarily go to the localities to help them deal with that backlog. They have that backlog in New York City and elsewhere because of money, plain and simple. It is more expensive to test evidence than it is to convict offenders.

The present block grant system which provides money to the States could very easily not trickle down at all to localities, because that is the way it is happening now. In fact, the present law that allows the money to be used for convicted offenders does not allow it to be used to test evidence kits. It does not allow localities to get access to the money to test to find out if we can match that crime scene with someone who is already in our prisons who has passed through the system in the past.

That is why the amendment of the gentleman from Virginia (Mr. SCOTT) is so very valuable. It is just the tip of the iceberg. $10 million is even less than some of the bills that we are marking up in the Committee on the Judiciary.

I believe that it is a small incremental step. I must confess that I regret that it has come from the source it is coming from. This entire bill, the levels, it is kind of like taking one tiny level and reducing it to even a tinier level to make one almost invisible level visible.

But the fact remains this is a problem that needs to be solved. It is also a problem that we cannot afford to wait on. Virtually every State in the Union has statute of limitation laws governing rape and sexual abuse. The clock is ticking. Every single day in New York, six rape kits, six groups of evidence, six women awaiting justice are not able to get the justice because we do not have the resources to test those kits.

Now, some prosecutors have become innovative and have started indicting and pressing charges against John Doe, just filing charges against DNA and nothing else. But this amendment is a small and modest step to allow us to begin to do some of this DNA analysis.

I have got to tell my colleagues the gentlewoman from Texas (Ms. JACKSON-LEE) who just spoke about this being used to exonerate the innocent. But I tell my colleagues what is going to happen when they do these tests of these evidence kits, we are going to find a hit.

We just had one in Yonkers, New York where, by happenstance, there was an evidence test done by a locality with money in their local budget, and it was a hit against someone in New York State's prison. If my colleagues think this is only a problem in New York City, I can tell my colleagues rapists are recidivists. They rape again and again and again, and they cross State lines to do it.

One of the benefits of the Scott amendment, it would load the data about the DNA onto the NCIC computers so to allow someone in Texas who is investigating a rape to test against convicted offender samples in Dallas and also convicted offender samples in Delaware.

What his amendment would allow also, and perhaps even more importantly, is to test some of the evidence that has been gathered at crime scenes.

Mr. Chairman, this is not an academic issue to a woman who has been raped 4 years ago and 6 months. Because for her, in 6 months, in the State of New York, the statute of limitations will lapse, and she is going to lose the chance.

I urge my colleagues to support the Scott amendment to fund DNA testing on some of this evidence, something that is not funded in the bill presently.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment of the gentleman from Virginia (Mr. SCOTT) to increase funding for crime prevention programs.

This amendment we are addressing now, as my colleagues know, takes $10 million from the Truth in Sentencing Fund and applies it to the COPS program for DNA testing. Our colleagues, particularly the gentleman from Michigan (Mr. STUPAK), who was a law enforcement veteran, have spoken eloquently about this amendment.

I would like to talk about the previous amendment of the gentleman from Virginia (Mr. SCOTT) in conjunction with this and commend him for his leadership on both of them.

The Scott amendment that was already addressed by this House would provide $121 million for crime prevention programs to assist young Americans to stay out of trouble and become responsible adults. This investment would provide $60.8 million to Boys and Girls Clubs of America and the same amount, $60.8 million, to the national Drug Courts program to continue their excellent programs. Those courts have made a tremendous difference.

For the last 13 years, the Boys and Girls Clubs of America have worked with at-risk youth living in or near America's public housing and now have more than 300 affiliate clubs. These clubs provide a safe haven, constructive programs, and have proven positive results. An independent analysis by Columbia University demonstrated that these clubs had a significant impact on juvenile criminal activity, which dropped 13 percent, on drug activity which dropped 22 percent, and on the presence of crack cocaine which dropped 25 percent.

The 400 Drug Courts throughout America prevent crime effectively. These locally driven Drug Courts employ experienced criminal justice professionals and substance abuse counselors to work individually with Drug Court enrollees. In 1998, Columbia University's independent analysis demonstrated that Drug Courts reduced drug use and criminal behavior substantially. In addition to directly benefiting our youth, the Drug Court system's annual costs are less than $2,500 per person. significantly less than the $20,000 to $50,000 annual cost to incarcerate drug-using offenders.

To fund these investments, the Scott amendment provides responsible offsets. Specifically, this one taps half the funds from the Truth in Sentencing program and leaves adequate Truth in Sentencing funds. In 1999, only 30 States were even eligible for these funds. Furthermore, Truth in Sentencing funding is available for only one use, prison construction. This amendment provides an opportunity to shift our juvenile justice policy from incarceration to a policy of prevention, assistance, and rehabilitation. Before we build more prisons, we should invest in youth. We get more value for the dollar spent. For the same amount of money invested in prisons, we do not go very far, and we do not prevent very much crime. For the same amount of money invested in youth, we have very, very positive results.

In addition to benefiting our youth, this amendment benefits States with added flexibility. It addresses the problem in current law that limits TIS funding to prison construction only. It eases this restriction by enabling States to invest in proven prevention programs. For example, the State of Virginia, the Truth in Sentencing State, has excess prison capacity and is currently trying to lease 3,200 prison beds to other States. We should not penalize Virginia or other States that do not want more prevention. States with excess prison capacity should be allowed to invest in proven crime prevention programs. We should support State and local decision-making on this issue.

At a time today especially very significantly, Mr. Chairman, when we are all engrossed in watching the actions in Texas related to the death penalty case and whether Gary Graham will be executed tonight, the need for us to have more funding for DNA testing is even more important.

So this amendment that is before the House right now is a very important one. I urge my colleagues to support it and support the amendment that the gentleman from Virginia (Mr. SCOTT) has called for a vote on, the previous amendment heard by the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was rejected.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 27, line 4, insert after the dollar amount the following: "(increased by $8,000,000)".

Page 29, line 2, insert after the dollar amount the following: "(increased by $8,000,000)".

Page 79, line 16, insert after the dollar amount the following: "(decreased by $8,000,000)".

Ms. JACKSON-LEE of Texas. Mr. Chairman, I intend to withdraw this amendment, but I do want to speak to it and, as well, another issue that is extremely important. This is an important issue, and it has to do with providing monies to fund the Violence Against Women grants, additional monies.

□ 2100

The reason that this amendment was offered is because this program is in great need to fund such programs like STOP programs, Services Training Officers/Prosecutors. So I would have offered this amendment so we could continue the civil legal assistance programs to address domestic violence in programs like Safe Start that provide direct intervention and treatment to youth who are victims or even perpetrators of violent crimes.

The dynamics of domestic violence are all encompassing and usually start as emotional abuse that evolves into physical abuse that can result in serious injury or death on not only women but also children. In the Committee on the Judiciary we are now reauthorizing the Violence Against Women Act. The Violence Against Women grants also fund victims of child abuse programs and training programs that serve the young victims of domestic violence that either experience or witness violence.

It is alarming to note that, according to the National Coalition of Domestic Violence, between 50 and 75 percent of men who abuse their female partners also abuse their children. Moreover, at least 3.3 to 10 million American children annually witness assaults by one parent against another. Consequently, the children of domestic violence are at a high risk of anxiety and depression and often experience delayed learning skills.

Domestic violence affects women of all cultures, races, occupations, and income levels. Ninety-two percent of reported domestic violence incidents involve violence against females. Although domestic violence affects women across all racial and economic lines, a high percentage of these victims are women of color. African American women account for 16 percent of the women who have been physically abused by a husband or a partner in the last 5 years. African American women were victims in more than 53 percent of the violent deaths that occurred in 1997.

This amendment would have provided vital services that provide much-needed civil and legal assistance to the victims of domestic violence. This is an important issue in my State. In Texas, there were 75,725 incidents of family violence in 1998, an estimated 824,790 women were physically abused in Texas in 1998. Of all of the women killed in 1997, 35 percent were murdered by their intimate male partners. In 1998, 110 women were murdered by their partners.

An example of the importance of this legislation is the impact that the Violence Against Women Act grants have had on services in local communities. In Houston we have the Houston Area Women's Center, which operates a domestic violence hot line, a shelter for battered women and counseling for violent survivors. The center provides all of its services for free.

Mr. Chairman, I would like to enter into a colloquy with the ranking member, the gentleman from New York (Mr. SERRANO). I know that the gentleman has worked on this issue dealing with violence against women, and I would hope that as we move this bill through conference that we can all look for opportunities to ensure that these efforts for funding for these special programs are funded at at least the maximum amount that will get the most amount of services throughout this Nation.

Mr. SERRANO. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I would advise the gentlewoman that this is an issue of great concern to all of us on this side, and certainly to a lot of Members in the House; and it is our intent, as we go through the conference procedure, to see to it that special care is taken in paying special attention to these issues so that these programs can be funded at the proper level.

Ms. JACKSON-LEE of Texas. Reclaiming my time, Mr. Chairman, I thank the gentleman very much.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, in a moment I will be asking to withdraw the amendment, but before I do, I would also like to acknowledge an amendment that I had intended to offer, and I will put the statement regarding that amendment in the RECORD.

It is unfortunate that this amendment was not allowed to be brought to the floor because of the funding question. Again, we know that points of order can be waived, but we must surely realize that we are doing a disservice to many of these issues because points of order are being offered against crucial issues that we are facing.

I am particularly facing such an issue in Texas, with the need for increased border patrol presence along 8,000 miles of international land and water boundaries through the areas of Arizona and Texas. We have already found immigrants buried in the border areas because of the tragedy of the encounters at the border.

We know our border patrol agents are doing the very best job that they can, but I had offered legislation to increase the amount of border patrol agents in the Border Patrol Recruitment and Retention Act of 1999. I would have wanted to restore the $24 million that would have increased their salaries as well as their training.

I look forward to working with my Senator, Senator HUTCHISON, to do this on the Senate side because it is a very important issue. I will put my statement in the RECORD, but I am disappointed that we were not able to positively respond to the needs of these border patrol agents. My commitment to them is that we will continue to work with them to encourage this funding to occur during this time frame.

Mr. Chairman, I take the floor of the House today to address an issue that I have been interested in since I have become Ranking Member of the Subcommittee on Immigration and Claims. Early in the 106th Congress I sponsored a bill, along with Congressman REYES, H.R. 1881 the "Border Patrol Recruitment and Retention Act of 1999."

This legislation provided incentives and support for recruiting and retaining Border Patrol agents. This legislation increased the compensation for Border Patrol agents and allowed the Border Patrol agency to recruit its own agents without relying on personnel offices of the Department of Justice or INS.

The "Border Patrol Recruitment and Retention Enhancement Act" moved Border Patrol agents with one year's agency experience from the federal government's GS–9 pay level (approximately $34,000 annually) to GS–11 (approximately $41,000 annually) next year.

However, this year Mr. Chairman, $24 million is missing to give these Border Patrol men and women upgrades. The INS included a pay reform proposal for Border Patrol Agents and Immigration Inspectors as a part of its 2001 budget. This proposal was to upgrade the salaries of Border Patrol Agents from GS–9 to GS–11. Additionally, funds ($50 million) to support the upgrades were included in the 2001 budget. The Border Patrol upgrades cost $24 million. My amendment will restore the $24 million back into the budget, specifically the Border and Enforcement Affairs Account.

The subcommittee report indicating the recommended level does not assume the proposed increase in the journeyman level for Border Patrol Agents and Immigration Inspectors.

We are a nation of immigrants and a nation of laws. The men and women of the United States Border Patrol put their lives on the line every day of their lives. The present force of 8,000 members is responsible for protecting more than 8,000 miles of international land and water boundaries, and work in the deserts of Arizona and Texas.

These proposals must be enacted and funds provided, if INS is to retain the current workforce and continue hiring more Border Patrol Agents.

Mr. Chairman, I ask unanimous consent to withdraw the amendment offered to increase funding to the Violence Against Women Act grants.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $33,500,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by title I of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $595,000,000, to remain available until expended, of which $384,500,000 is for Public

Safety and Community Policing Grants pursuant to title I of the 1994 Act, including up to $180,000,000 to be used to combat violence in schools; and of which $210,500,000 is for innovative community policing programs, of which $45,675,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug "hot spots", $5,000,000 shall be used to combat violence in schools, $130,000,000 shall be used for grants, as authorized by section 102(e) of the Crime Identification Technology Act of 1998, and section 4(b) of the National Child Protection Act of 1993, as amended, and $29,825,000 shall be expended for program management and administration: *Provided*, That of the unobligated balances available in this program, $150,000,000 shall be used for innovative policing programs, of which $25,000,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), as amended, $100,000,000 shall be used for a law enforcement technology program, $15,000,000 shall be used for Police Corps education, training, and service as set forth in sections 200101–200113 of the 1994 Act, and $10,000,000 shall be used to combat violence in schools.

AMENDMENT NO. 5 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mrs. LOWEY:

Page 32, line 14, after the dollar amount, insert the following: "(increased by $150,000,000)".

Page 33, line 2, before the comma, insert the following: ", $150,000,000 shall be for the State and Local Gun Prosecutors program, for discretionary grants to State, local, and tribal jurisdictions and prosecutors' offices to hire up to 1,000 prosecutors to work on gun-related cases".

Mr. ROGERS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

The Chair recognizes the gentlewoman from New York (Mrs. LOWEY) for 5 minutes.

Mr. WEINER. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, may I ask the gentlewoman to yield for a moment. I believe that my amendment is on a line ahead of hers; and I would ask, just so we do not go out of order, if she would withdraw.

Mrs. LOWEY. Which page is the gentleman's amendment on?

Mr. WEINER. I believe mine is line 11. I am not sure.

The CHAIRMAN. The Chair would advise the Members that both amendments are in the same paragraph, and in deference to the senior New Yorker that is why the Chair recognized the gentlewoman from New York.

Mr. WEINER. I understand. I thank the Chair. I just wanted to make sure I was not losing my place, and I apologize, with all due deference, to the senior Member.

Mrs. LOWEY. I certainly accept the apology of my colleague, the gentleman from New York; and I am delighted that he is a member of our delegation.

The CHAIRMAN. The gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

Mrs. LOWEY. Mr. Chairman, I want to express my deep disappointment that this bill does not include the President's request for $150 million to fund 1,000 State and local prosecutors in high gun violence areas. And I want to thank my good friend and colleague, the gentlewoman from New York (Mrs. MCCARTHY), the gentlewoman from Michigan (Ms. STABENOW), and the gentlewoman from Connecticut (Ms. DELAURO) for their important work on this issue.

If there was one thing it seemed most Members of this Congress agreed on, it was the important role that enforcement of gun laws plays in making our communities safer. My amendment would provide funding for this purpose.

Of course, I believe, as does the majority of the American people, that tough enforcement, with common sense gun safety measures, go hand in hand. We need to punish those who break existing laws, but we also need to put in place new preventive measures, like closing the gun show loophole and keeping guns out of the hands of children and criminals. But not only have we failed to pass such common sense measures, we are now neglecting to fund critical law enforcement of existing gun laws.

I am delighted to see that this bill funds the hiring of additional Federal prosecutors for gun crimes, and I commend the subcommittee chairman, the gentleman from Kentucky (Mr. ROGERS), and the ranking member, the gentleman from New York (Mr. SERRANO), for that. But without community-based initiatives, without State and local prosecutors able to attack this problem on a smaller more focused scale, we are not doing nearly enough.

It is absolutely critical that we focus more funding on the prosecution of gun crimes if we are going to wage a strong fight against gun violence in this country. So I urge my colleagues to vote for the Lowey, McCarthy, DeLauro, Stabenow amendment to boost our investment in the safety of our communities and our children.

The CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. ROGERS. I reserve the point of order.

Ms. STABENOW. Mr. Chairman, I rise in support of the amendment that the gentlewoman from New York (Mrs. LOWEY), the gentlewoman from New York (Mrs. MCCARTHY), and the gentlewoman from Connecticut (Ms. DELAURO) and myself have introduced.

This is a very, very important amendment; and as my colleagues will speak tonight, this speaks to something we should all agree on. Regardless of which side Members of the House are on as it relates to other issues relating to gun safety, we all agree that strong enforcement of gun laws is absolutely critical to protect our children and our families. In this vein, I have introduced H.R. 4456, which would similarly to this amendment authorize $150 million for local prosecutors to focus on gun violence.

In my district in Michigan I have frequently sat down with my sheriffs and prosecutors and police chiefs and others and asked them what we can do to support their efforts. And just as they strongly support community policing and what has been done by adding more officers in our neighborhoods and communities across the United States, they have been saying loudly that they need additional resources to focus on local prosecution and State prosecution of our gun laws.

We understand that there is a serious issue here. Those that are violating our gun laws need to be prosecuted quickly, and our communities are telling us they need more resources to do that. Let us join together this evening, let us show this evening that regardless of the side that an individual is on on other measures relating to gun safety, we all can come together around this amendment and understand that with additional resources to our States and our local communities that we can reduce gun violence, we can prosecute those who are committing crimes with guns, and we can make our streets safer for our children.

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding to me; and, Mr. Chairman, I do continue to reserve the point of order, but let me say this about the substance of the amendment.

This program is neither authorized or even well defined. No one knows what we are talking about here. What is a high gun violence area? There has to be some definitions so we can administer a law when it is passed. No one knows what that means. Does it mean three guns per square mile or 5,000 guns per square mile?

I am just tempted to think that this is not thought out very well. In fact, I question whether the $150 million requested for so-called gun prosecutors could even be awarded in fiscal 2001. In fiscal 1999 and in fiscal year 2000 we appropriated a total of $15 million for the Community Prosecutors program; and through April of this year, Department of Justice has yet to award all of its 1999 funding, much less the 2000 year funding. And they tell us that only about 140 communities will apply for funding in fiscal year 2000. Well, if only 140 communities are interested in this program, and they have not spent 1999 monies, why do we need more money in fiscal 2001?

In fact, I say to my colleagues, Mr. Chairman, that the block grant programs which the Administration proposed to eliminate, that goes to State and local communities for law enforcement, a total of $523 million, is in this bill that could be used for that purpose if they want to. There is plenty of money here sloshing over the sides for local law enforcement to use for these purposes. We do not need another program, especially one that is unauthorized and, two, that cannot be defined.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, before we hear from my other colleagues, I would just like to respond to our distinguished chairman that I am delighted to know that there is some money in the budget; but this President has made a very, very forceful commitment to go after these criminals and, as I understand it, my colleagues on the other side of the aisle share that commitment.

Mr. ROGERS. Mr. Chairman, if the gentleman will continue to yield to me.

Mr. LATHAM. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I would simply respond to the gentlewoman that this President zeroed out the $523 million that we provided, the Congress provided, for local law enforcement block grants. He said zip. Zero. It is gone.

□ 2115

Now, if my colleagues want to talk about who is committed to wiping out gun violence, let us talk about the fact that the Congress has funded, as I said before, $15 million as long ago as 2 years ago and they have yet to spend it. The Administration has yet to make those grants. They, have got money laying there. They cannot even give the money out they have got laying there. On top of that, we are piling more money on this year in this bill and they cannot spend it. They cannot or they will not. I do not know what the case is.

But the point I wanted to make is, they do not need any more money. They have got plenty laying down there they will not give out to these communities to prosecute gun violence.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Lowey-McCarthy-DeLauro-Stabenow amendment. We are hearing constantly that we are not doing enough to certainly enforce the laws that are on the books. I think that what we have been hearing constantly, even from their side of the aisle and actually from everywhere, is that we are not doing it.

So what I am saying is that taking this amendment and taking the money and putting it into local. And as far as saying we do not have any statistics, I can tell my colleagues, we can probably talk to any mayor or any local community and they can tell us where they need the help the most as far as local prosecutors go.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Mrs. MCCARTHY of New York. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the point I want to make was that there is $523 million in this bill for local law enforcement block grants that goes to local police forces, that goes to local sheriffs, that goes to community police forces, that they can use for whatever purpose they want. Prosecute gun violence. The money is there.

Why do they need more money?

Mrs. MCCARTHY of New York. Mr. Chairman, reclaiming my time, I think the problem is right there when we talk about the block grants. I know my local police, certainly on the block grants, I know what they use it for. They are certainly using it for the community policing and they have done a tremendous job as far as working into the community. They also have set up different funds as far as domestic violence and everything else.

What I am saying is we should be taking this money and target it just exactly, not a block grant, but target it exactly for prosecution of gun violence.

Mr. ROGERS. Mr. Chairman, if the gentlewoman would continue to yield, the money can be done that way. I mean, the monies are available for whatever they want to use it for. Let them target it as they see fit, locally. If they think there is a gun problem in their community, use the money for that purpose.

I would point out also, there is the Local Law Enforcement Block Grant program, $523 million; and, also, there is the COPS program, another $500-something million for hiring cops for whatever purpose they wanted.

On top of that, there is zillions of dollars for Violence Against Women Act, there is Juvenile Justice block grants, there are block grants and grants that are not spent, including the money I mentioned, the $15 million a year, for community prosecutors for the last 2 years, all of which has not yet been spent.

Mrs. MCCARTHY of New York. Mr. Chairman, reclaiming my time, again I will say to the chairman, the monies that we have given to our local communities, it has been wonderful, but a lot of times I know my local communities are making choices of where to put the money.

What I am saying is certainly all of our larger cities, especially, could use these prosecutors so they can go only strictly after the guns and still have the monies, because we know there is never enough money for anything, and have those community programs still on base.

Mr. Chairman, I yield to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I want to observe that the grants under the bill have to pass through the States to get to the localities.

The great success of the COPS program is that it takes police departments, even the smallest police departments, for example, and targets the assistance directly to them.

What the amendment of the gentlewoman would do would allow small localities, and very often the States cherry-pick these things, that is what is going to happen with the DNA funding.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Mrs. MCCARTHY of New York. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the local law enforcement block grants go through no State government. They go directly from here to their local police force, to their local sheriff, to their community police force. There is nobody in between. They can use it as they see fit in their application for the grant.

Mrs. MCCARTHY of New York. Mr. Chairman, reclaiming my time, obviously, it is always good to have a debate like this. I know that monies are short. I know that, through my community especially, even though they are going for the grants, because we help them write the grants to get the monies for the local communities, I am saying that we can always do a better job.

I know the incidence of gangs on Long Island is increasing constantly; and I know if we had more prosecutors, we could work with the local communities and actually get these young people off the streets because they have possession of guns.

With that being said, I think that we should be doing more and more, as much as we can do, and get tough on gun crime. This is one part of what a lot of us believe in on enforcing the laws that are out there. And with that, we do need this money.

The CHAIRMAN. Does the gentleman from Kentucky (Mr. ROGERS) continue to reserve his point of order?

Mr. ROGERS. Yes, Mr. Chairman, I do.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Lowey-McCarthy-Stabenow-DeLauro amendment and the strongest possible enforcement of our gun laws.

For more than a year, the Republican leadership and the gun lobby have delayed and they have denied attempts to strengthen our laws to keep guns out of the hands of kids and criminals. All the while they claim we are doing nothing to enforce existing laws.

Their mantra on the enforcement issue is a smoke screen, pure and simple. Their strategy: if they twist the truth, they confuse the issue.

This issue is a question of balance. We all agree no law is worth being on the books if it is not enforced effectively. That is why we need to strengthen the law and strengthen enforcement. We have asked for simple enhancements in our gun safety laws. Close the gun show loophole, put child safety locks on guns, and ban the importation of high-capacity ammunition clips.

To complete the balance, we must also help the men and women of law enforcement do their job. Today we have the opportunity to do that by funding the President's request for $150 million to fund a thousand State and local prosecutors in high gun violence areas.

But once again, the Republican leadership and the gun lobby oppose both sides of the balance, both stronger laws and stronger enforcement. That is a lethal combination for our children and for our police on our streets.

The gun lobby has spent millions telling Americans that we do not need any new gun safety laws when we do not enforce the laws already on the books. At the same time, they have also fought enforcement tooth and nail. For years they attacked the Bureau of Alcohol, Tobacco and Firearms, the lead agency for enforcement of Federal gun laws.

As a result of the gun lobby's attack against the ATF, it has not had enough resources to effectively do what they are charged to do, which is to enforce our gun laws.

But suddenly, over the past year, the gun lobby changed their tune. Now they are all for enforcing the laws they so vehemently opposed for decades. The hypocrisy should be obvious.

The reality is that our existing gun laws are being enforced. This administration's strategy of strengthening our laws and empowering law enforcement has worked. Since 1992, violent crime has dropped 20 percent and violent crimes committed by guns fell by more than 35 percent.

Investment in State and local law enforcement is up nearly 300 percent since 1993, allowing Federal, State and local law enforcement to create strategic alliances to combat gun crimes. Federal prosecutions of firearms laws have risen 16 percent since 1992.

The results are clear. Tougher laws, stronger enforcement, safer streets.

This amendment would provide a much needed increase in our support for gun crime prosecutors. Now is the time to stop talking about enforcement and start doing something about it. We have that opportunity here tonight to increase the opportunity of local law enforcement to commit themselves to making sure that our gun laws are enforced through support.

If my colleagues support stronger enforcement and safer streets, then they will support this amendment tonight.

The CHAIRMAN. Does the gentleman from Kentucky (Mr. ROGERS) continue to reserve his point of order?

Mr. ROGERS. Yes, I do, Mr. Chairman.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my friends from New York and Michigan and Connecticut.

Last year we had a debate over a very divisive and emotional issue about adding a new Federal protection to regulate the sale of guns at gun shows. And I remember that night, I think all of us remember that night, the very moving and personal and eloquent statement of our friend, the gentlewoman from New York (Mrs. MCCARTHY). And I thought one of the most disappointing moments of that night, because her position did not prevail, was the excuses that were given.

We were told last year that a new Federal prohibition or regulation of guns was unnecessary because there were so many State gun laws that were effective so we did not need a Federal law. And we were told that we did not need a new Federal law closing the gun show loophole because what we really needed was more enforcement of those existing State gun laws.

Well, Mr. Chairman, we have a chance tonight to find common ground on an issue that is very often divisive, because the amendment that my friends are offering offers that common ground. It says to those who were in opposition to the position of the gentlewoman from New York (Mrs. MCCARTHY) last year, closing the Federal gun show loophole, they say that they want greater reliance on State laws, here it is. Because this amendment is about greater enforcement of existing State gun laws. And they say the problem is not adding new gun control measures, it is enforcing existing gun control measures.

Well, Mr. Chairman, here it is. Because what this amendment does is to enforce more expeditiously and more aggressively existing gun control measures.

I believe that this vote tonight is a test of the true position of those who oppose the position of the gentlewoman from New York (Mrs. MCCARTHY) last year. If it is really true that their objection to closing the gun show loophole was that State law should take priority, if it is really true that their opposition was based on the fact that more enforcement of existing laws is the right way to go, Mr. Chairman, here is the chance to prove it. Because what this amendment does is to say, we will put more fire power, for prosecutorial muscle, at the State and local level, not into new laws, not into new Federal laws, but into the enforcement of existing State and local gun laws.

Now, if this amendment is not successful tonight, and I hope that it is successful tonight, I would ask, what is it, then, that those who oppose our position really want? Is it that they just want a different kind of public protection for gun safety or that they do not really want public protection for gun safety at all?

I thank my friends for offering this amendment because it will be a litmus test of where people really stand on this very pressing issue of suppressing gun violence in our country.

I urge support of the amendment.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of Budget Totals for fiscal year 2001 on June 21, 2000 (H.Rept. 106-686). This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

☐ 2130

The CHAIRMAN. The Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentlewoman from New York would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is therefore sustained. The amendment is not in order.

AMENDMENT NO. 12 OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. WEINER: Beginning on page 32, strike line 11 and all that follows through page 33, line 14, and insert the following:

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act"), $1,335,000,000, to remain available until expended: *Provided*, That the Attorney General may transfer any of these funds, and balances for programs funded under this heading in fiscal year 2000, to the "State and Local Law Enforcement Assistance" account, to be available for the purposes stated under this heading: *Provided further*, That administrative expenses associated with such transferred amounts may be transferred to the "Justice Assistance" account. Of the amounts provided:

(1) for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, $650,000,000 as follows: not to exceed $36,000,000 for program management and administration; $20,000,000 for programs to combat violence in schools; $25,000,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; $17,000,000 for program support for the Court Services and Offender Supervision Agency for the District of Columbia; $45,000,000 to improve tribal law enforcement including equipment and training; $20,000,000 for National Police Officer Scholarships; and $30,000,000 for Police Corps education, training, and service under sections 200101-200113 of the 1994 Act;

(2) for crime-fighting technology, $350,000,000 as follows: $70,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601; $15,000,000 for State and local forensic labs to reduce their convicted offender DNA sample backlog; $35,000,000 for State, Tribal and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, as well as improvements to State, Tribal and local forensic laboratory general forensic science capabilities; $10,000,000 for the National Institute of Justice Law Enforcement and Corrections Technology Centers; $5,000,000 for DNA technology research and development; $10,000,000 for research, technical assistance, evaluation, grants, and other expenses to utilize and improve crime-solving, data sharing, and crime-forecasting technologies; $6,000,000 to establish regional forensic computer labs; and $199,000,000 for discretionary grants, including planning grants, to States under section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which up to $99,000,000 is for grants to law enforcement agencies, and of which not more than 23 percent may be used for salaries, administrative expenses, technical assistance, training, and evaluation;

(3) for a Community Prosecution Program, $200,000,000, of which $150,000,000 shall be for grants to States and units of local government to address gun violence "hot spots";

(4) for grants, training, technical assistance, and other expenses to support community crime prevention efforts, $135,000,000 as follows: $35,000,000 for a youth and school safety program; $5,000,000 for citizens academies and One America race dialogues; $35,000,000 for an offender re-entry program; $25,000,000 for a Building Blocks Program, including $10,000,000 for the Strategic Approaches to Community Safety Initiative; $20,000,000 for police integrity and hate crimes training; $5,000,000 for police recruitment; and $10,000,000 for police gun destruction grants (Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (Public Law 106–113)).

Mr. ROGERS. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Mr. WEINER. Mr. Chairman, at the outset I would like to commend the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) for their acknowledgment in this bill of the success of the COPS program and the allocation of $595 million for that program similar to last year's levels. My amendment brings the funding levels up to the budget request of the President to fully fund the COPS program.

First, I think that it is an important threshold that we have reached in this body that both sides of the aisle now embrace the COPS program, a program that once was extraordinarily controversial; and there are still Members who are grudging in their support of this program. It is a program that has funded police officers at the local level throughout this country, police departments big and small. It has been an unqualified success. But this amount still underfunds one of our most important law enforcement programs.

I am curious why, Mr. Chairman, the majority has decided to slash by more than half the amount requested by the President for COPS. Late last year the Justice Department released statistics showing that serious crime declined for the seventh year in a row. Today the crime rate is at a 26-year low, the murder rate is at a 31-year low. The rising tide of crime in the 1980s has clearly turned, and the COPS program deserves at least some of the credit.

Five years into the life of the COPS program, over 100,000 officers have been funded. Over 60,000 new officers are on the streets today. Within the next 3 years when the hiring, training and deploying cycle which has been slowed, frankly, by the economy that all local police departments must go through is completed, over 100,000 officers will be patrolling our streets. But the bill we are considering today does not contain the funds necessary to continue this success. The bill eliminates funding for community prosecutors, cuts funding for critical technology like DNA analysis as we spoke about earlier and backlog reduction that would reduce crime and provides no increase for funds to expand community-based crime prevention.

The chairman of the subcommittee earlier characterized this bill as sloshing with money. That is exactly how it is being allocated, in giant splashes as we throw large sums of money at States; and we hope and we pray and we wish and we grimace and we say maybe some of it will go to DNA testing, maybe some of it will go to community courts.

This amendment makes sure that the COPS program is fully funded. I would hope that the chairman would withdraw his point of order. The amendment I am offering today along with the gentlewoman from Michigan (Ms. STABENOW) would fully fund the President's request for COPS. Our amendment provides funds to add up to 7,000 additional officers and includes $350 million for crime fighting technology as well as $200 million for community prosecutors. We set some of these targets so that local government can better address gun violence hot spots.

Today's bill includes no increase in funds to expand community-based crime prevention. Our amendment changes this. We put $135 million in for prevention activities like school safety programs, police integrity and hate crimes training and gun destruction grants. Full funding of these programs requested by the President is critical if the Nation is going to continue to see drops in crime. This administration has seen perhaps the most dramatic reductions in crime, the most dramatic increase in prosecutions at all levels of government of any administration in recent memory.

I would note, Mr. Chairman, that one of the majority's objections to fully funding COPS is that language to authorize these programs has not been introduced. That is not true. The gentlewoman from Michigan and I introduced H.R. 3144, a bill that would authorize all of the programs funded in our amendment. H.R. 3144 has 166 cosponsors. We look forward to its consideration in the Committee on the Judiciary.

Finally, Mr. Chairman, I would point out that I approached the Committee on Rules and asked that this be made in order. It is subject to a point of order. I would ask the chairman not to insist upon that point of order.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am in opposition, of course, to the amendment; and I will insist upon the point of order. But before doing so, let me correct a couple of pieces of information.

Like all other State and local law enforcement grant programs, COPS in this bill is funded at the same level as the fiscal year 2000 bill was. Our bill provides $745 million, of which $595 million is direct appropriations, the same level as fiscal year 2000, and $150 million is unobligated balances. That level continues to fund the existing COPS programs, including $385 million for hiring cops and $360 million for continuation of the successful nonhiring technology and crime prevention programs. Our hiring number is within $30 million of the Administration's request after funding for all of the unauthorized and relaxed hiring provisions are withdrawn.

We continue successful nonhiring programs such as bulletproof vests, COPS technologies and Crime Identification Technology Act grants, that is

CITA, that is for DNA testing and the like, police courts and the methamphetamine cleanup program which is so important to so many Members of this body.

Funding is not included, however, for new unauthorized and unproven programs, but COPS is funded at the same level as this year.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

"No amendment to a general appropriation bill shall be in order if changing existing law."

This amendment gives affirmative direction. In effect, it imposes additional duties, and it modifies existing powers and duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Ms. STABENOW. Mr. Chairman, I would ask to speak on the point of order and ask that this very, very important program be allowed to proceed. I would ask the chairman to withdraw. I appreciate the comments that he has made, but he is speaking on a baseline that basically cut the program in half last year, so to say we are funding it at the same level does not give us what our communities need.

In Michigan we have seen over 3,400 police officers added to our communities. It has dramatically reduced crime. It is critical for the communities and the families in Michigan that we fully fund community policing with all of the technology, all of the other efforts to make sure that this moves forward at its complete and fully funded level. I would ask the chairman to withdraw that in keeping with the strong support for fully funding of what is the most important crime-fighting effort we have seen in this country in many, many years, which is the community policing program.

The CHAIRMAN. Do any further Members wish to be heard on the point of order?

Ms. BROWN of Florida. Mr. Chairman, I rise in strong support of this amendment. Let the record show that this is one of President Clinton's first and most successful initiatives. Police chiefs, sheriffs, and criminal justice experts across the country join me today in my strong support of the COPS program. This program provides grants to local police departments to increase the number of officers patrolling our neighborhood streets. It has directly contributed to reducing the Nation's crime rate to a 26-year low. The COPS program is a prime example of a successful partnership between the Federal Government and police forces at the local level.

For example, in Florida's third district, the Jacksonville Sheriff's Department has received a total of $13 million in COPS grants which has led to more officers on the beat and less crime. It is no coincidence that there has been a decrease in crime across the State of Florida. At the same time there has been an increase in the number of local police officers. This is now the eighth consecutive year that the crime rate has dropped and the COPS program has served police departments by providing them with the necessary funds, technical assistance and support the local departments need to keep our Nation's communities safe. COPS has put more police in our Nation's schools at a time when school violence has escalated.

It is clear where the priorities of the majority party lie. Instead of focusing on enforcement and crime prevention, the funding in this bill goes toward expanding juvenile detention centers. Instead of increasing funding for drug rehabilitation programs, they are appropriating money to lock up more of our Nation's citizens by funding items like State prison grants and expanded correctional facilities by more than nine times the amount requested by the President.

Again, I urge my colleagues to support the COPS grants and to vote no on overall passage of this unjust bill. Someone seems to have missed the important point. More prevention, not more prisons, should be the message that Congress sends to our Nation, especially to our children. The secret is to fight crime before it happens and not afterwards. One way to do this is with community policing.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

Ms. LEE. Mr. Chairman, I rise on the point of order. I would like to be heard on the point of order.

The CHAIRMAN. Does the gentlewoman wish to address the body?

Ms. LEE. On the point of order.

The CHAIRMAN. The Chair is prepared to make an announcement on the point of order.

Ms. LEE. I would like to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The gentlewoman is recognized.

Ms. LEE. Mr. Chairman, I rise in strong support of the Weiner-Stabenow amendment which would provide this badly needed increase in funding for the COPS program. The COPS program has been a valuable tool to increase peace and safety in communities across the country. Cities and communities across the Nation are turning to community policing.

Mr. ROGERS. Point of order. The gentlewoman must confine her remarks to the point of order.

The CHAIRMAN. The point of order is sustained. The gentlewoman should confine her remarks to the point of order. She may strike the last word after the Chair rules.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes language imparting direction to a Federal official. The amendment therefore constitutes legislation. The point of order is sustained. The amendment is not in order.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Community policing is a strategy that builds on fundamental policing practices with an emphasis on crime prevention and lasting solutions to problems. It works. It requires new resolve from citizens and new thinking from police officers.

On May 12, 1999, the United States Department of Justice and COPS reached an important milestone by funding the 100,000th officer ahead of schedule and under budget. But we must not stop here. We must maintain our investment in this very worthwhile program. Funding for COPS will provide many thousands of additional officers on our Nation's streets and will provide safety in our schools.

COPS grants are also used to invest in the technology needed to solve crime and reduce the current backlog. This program is important because the funding is used to prevent crime and violence, and it fosters better relations between our police officers and the public. In many of our urban communities, tensions have mounted between police and minority communities. We must do everything we can to reduce these tensions. Increasing funding for community policing really will help do this. Through the school and value-based partnership initiatives, COPS will also reach out to our youth before they become entwined in criminal activity. The COPS program is about law enforcement, training, support, prevention, and most importantly safer communities.

For these reasons, we must provide additional funding. I stand in strong support of this amendment and encourage my colleagues to join me in supporting this worthy program.

□ 2145

Mr. BACA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support the Weiner-Stabenow amendment to increase the appropriations for Community Oriented Policing Program, COPS. The amendment includes funds for law enforcement in Indian country.

We believe that public safety is important to all of us. We believe that public safety is important not only in training and prevention and public safety in our schools, it is important that we provide adequate funding. As we look across the Nation, across the States, that is one of the highest priorities that we have is public funding and public safety and funding for law enforcement.

The Commerce, Justice, State appropriations bill provides zero funding for Indian country law enforcement initiatives, zero funding for tribal courts, zero funding for COPS grants set aside for Indians.

We have the responsibility for Native American Indian as well, to every other individual as well. What we basically do is we provide public safety in other areas but when it comes to tribal, we do not provide the funding here. This is wrong. We must fund these programs. It is important that we recognize Native American Indians who have given to this country.

For this reason, earlier this year, I introduced H.R. 487 to honor Native Americans. Native Americans have shown their willingness to fight and die for our Nation in foreign lands.

Native Americans honor the American flag at every pow wow and a lot of us have attended those. It is shameful that the Republican leadership zeroed out funding for Native American law enforcement in this bill.

This funding is critical in light of the information from the Justice Department and the confirmation that while national crime continues to drop, crime rates continue to rise and continue to rise in Native American sovereign country.

Violence against women, juveniles and gang crime and child abuse remains a serious problem. It does not matter where it is at, it is a problem that exists, and we must provide public safety.

We need to support funding for Native American laws and enforcement. It is the right thing to do, and this bill would provide the funding in that area. It is the just and right thing to do.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $267,597,000, to remain available until expended: *Provided*, That these funds shall be available for obligation and expenditure upon enactment of reauthorization legislation for the Juvenile Justice and Delinquency Prevention Act of 1974 (title XIII of H.R. 1501 or comparable legislation).

In addition, for grants, contracts, cooperative agreements, and other assistance, $11,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $8,500,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340).

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96-132; 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

AMENDMENT OFFERED BY MS. DEGETTE

Ms. DEGETTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DEGETTE:

In title I, in the item relating to "GENERAL PROVISIONS—DEPARTMENT OF JUSTICE", strike section 103.

Ms. DEGETTE. Mr. Chairman, the amendment I am offering today strikes section 103 from title 1 of the general provisions of the Department of Justice. In effect, this amendment strikes the language in the bill which prohibits the use of Federal funds for abortion services for women in Federal prison.

Mr. Chairman, unlike other American women, who are denied Federal coverage of abortion services, most women in prison are indigent, they have no access to outside financial help, and they earn extremely low wages in prison jobs.

They are also incarcerated in prisons at great distance from their customary support system of family and friends. As a result, inmates in the Federal prison system are completely dependent on the Bureau of Prisons for all of their needs, including food, shelter, clothing and all of the aspects of their medical care.

These women are not able to work at jobs that would enable them to pay for medical services, including abortion services. The overwhelming majority of women in Federal prisons work on a general pay scale and earn from 12 cents to 40 cents an hour or roughly $5 to $16 per week.

The average costs of an early, outpatient abortion ranges from $200 to $400. Abortions after the 13th week of pregnancy cost $400 to $700. Even if a woman in the Federal prison system earned the maximum wage on the general pay scale and worked 40 hours a week, which many prisoners do not, she would earn enough in 12 weeks to pay for an abortion in the first trimester if she so chose. After that, the costs of an abortion rises dramatically, and the woman is caught in a vicious cycle. Even if she saved her entire prison income, every single penny, she could never afford an abortion.

If Congress denies women in Federal prison coverage of abortion services, it is effectively shutting down the only avenue these women have for their constitutional right to pursue an abortion.

Let me remind my colleagues that it is still legal in this country. Let me also remind my colleagues that for the last 27 years, women in America have had a constitutional right to choose an abortion, which does not disappear when a woman walks through the prison doors.

The 3rd Circuit Court of Appeals has ruled on this very point. Nonetheless, the consequence of this funding ban is that inmates who have no independent financial means are foreclosed from the choice of an abortion in violation of their rights under the 14th amendment of the Constitution.

With the absence of funding by the very institution prisoners depend on for their health services, many pregnant prisoners are, in fact, coerced to carry unwanted pregnancies to term. The antichoice movement in Congress decries coverage for abortion services to women in the military, women who work for the government, poor women and women ensured by the Federal Employees Health Plan.

I vehemently disagree with all of these restrictions. I think they are wrong and mean-spirited. But when Congress denies abortions for women who are incarcerated, the Congress is in effect denying women their fundamental right to choose, and that is wrong.

Let me spend a moment to talk about the kind of women in the Federal prison system. Many are victims of physical and sexual abuse, that is how they got pregnant in the first place, and, unfortunately, this cycle can continue once they are incarcerated by abuse by correctional staff as reported in a recently released GAO report. Two-thirds of the women are incarcerated for nonviolent drug offenses.

Many of them are HIV-infected or have full-blown AIDS, and Congress thinks I guess that it is in the best interests of the country to force these women to have children.

This debate is not about the parenting abilities of women in prison. It is about forcing some women to have a delayed abortion at a greater risk to their health. It is about forcing some women against their will to bear a child in prison when that child will be taken from her at birth or shortly thereafter.

In the latter case, it is unfair and cruel to force a woman who does not have the emotional will to go through her pregnancy with limited prenatal care, isolated from her family and friends, and knowing that the child will be taken from her at birth.

What will happen to these children, these children who are born to prisoners? Will they be raised by the relatives who do not care about them? Will they be sent to an agency to become a ward of the State? What will happen to them?

I doubt that those opposed to this amendment have any real serious answer to this question. In 1993, Congress did the right thing when it overturned this barbaric policy.

Mr. Chairman, I urge my colleagues to do the same and support the DeGette amendment. Let us stop the rollbacks on a women's reproductive system.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe that there is no denying a compelling yet somewhat underpublicized trend in America today: Americans in increasing numbers are profoundly disturbed over the killing of unborn children. 40 million babies have been killed to date, and Americans are rejecting in increasing numbers the violence of abortion.

Americans, especially women, recognize that abortion is indeed violence against women. A recent nationwide Los Angeles Times poll, conducted just a few days ago in June, confirms that a significant majority of both men and women now recognize abortion to be the murder of an innocent and defenseless child.

The LA Times poll found that in an astounding 61 percent—let me say that again—61 percent of the women of America say abortion is murder. Giving that finding, it is not surprising that the LA Times poll, a nationwide poll, found that support for Roe v. Wade, the infamous Supreme Court decision that legalized abortion on demand, is declining in a big way.

The headline of the LA Times story that appeared in my newspaper at home, the Trenton Times, said support for Roe v. Wade is softening. I hope as lawmakers and as politicians we recognize this trend that is staring us right in the face.

In addition, the poll also found that only 43 percent of the respondents supported Roe v. Wade, and that compares with 56 percent back in 1991. In other words, my colleagues, there has been a 13 percent drop in support for Roe v. Wade over the last 10 years.

Mr. Chairman, the word is getting out: Abortion is violence against children, and it hurts women. The inherent value and worth of a baby is in no way diminished because the child's mother happens to be incarcerated.

Children, I believe, are precious beyond words. The lives of their mothers, likewise, are of infinite value. Forcing taxpayers to subsidize the killing of an incarcerated woman's child makes pro-life Americans accomplices, complicit in the violence against children.

Mr. Chairman, I urge a very strong no on this amendment. Mr. Chairman, I think we have got to face the truth, a truth that this poll clearly suggests: abortion, whether it be dismemberment or the killing of a child by way of injections of salt poisoning which literally burns that child to death—we have to look at the methods and the act of abortion itself. What does it entail? High powered suction machines, 20 to 30 times as powerful as a vacuum cleaner, with razor blade tipped ends that slice and dismember the legs, the arms, the body, the head, and kill the baby in a very, very cruel fashion. That is the reality that the DeGette amendment says we ought to pay for.

I, like many Americans, profoundly reject that. Let me also point out that the poll showed as well most Americans do not want their tax money being used to subsidize abortions.

We have had, I say to my colleagues, this amendment before us before. It has been soundly rejected. I hope that we will have the wisdom of those previous votes. Hopefully we will look at the way the polls are going, because Americans are waking up. The megatrend, if you will, is in favor of life.

Let us enfranchise both mother and baby, let us provide protection for both. Vote against this amendment, it will lead to more killing of more babies.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the DeGette amendment and want to thank her for her leadership once again this year on this issue. This amendment would strike the language banning the use of Federal funds for abortion services for women at Federal prisons.

Through our judicial system, we certainly try to seek appropriate responses to illegal actions. Women in prison are being punished for the crimes that they committed, whether we agree with the fairness of the criminal justice system or not, they are doing their time, that is a fact.

However, we are addressing a different issue today. Today we discuss civil liberties and rights which are protected for all in America and remain so even when an individual is incarcerated.

Abortion is a legal option for women in America, whether my colleagues agree with it or not. It is a legal option. Since women in prison are completely dependent on the Federal Bureau of Prisons for all of their health care services, the ban on the use of Federal funds is a cruel policy that traps women by denying them all reproductive decision-making.

The ban is unconstitutional, because freedom of choice is a right that has been protected under our Constitution for 25 years. Furthermore, the great majority of women who enter our Federal prison system are impoverished and are often isolated from family, friends and resources.

We are dealing with very complex histories that often tragically include drug abuse, homelessness, physical and sexual abuse. To deny a basic reproductive choice would only make matters worse than the crisis in essence that the women are already faced with by being in the Federal prison system.

□ 2200

The ban on the use of Federal funds is a deliberate attack by the anti-choice movement to ultimately derail all reproductive options for all women. As we begin chipping away basic reproductive services for women, I ask my colleagues, what is next? The denial of OB-GYN examinations and mammograms for women inmates? Who is next?

Limiting choice for incarcerated women puts other populations at great risk. This dangerous slippery slope erodes the right to choose little by little. Freedom of choice must be unconditionally kept intact. Therefore, I strongly urge my colleagues to protect this constitutional right for women in America and vote yes on the DeGette amendment.

Mr. PITTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the DeGette amendment. The DeGette amendment is public funding of abortions. We should never forget that abortion is the most violent form of death known to mankind. It is death by dismemberment, by decapitation, by horrible violence; and it is outrageous that the pro-abortion radicals would want to force the American taxpayers to pay for the abortion of Federal prisoners.

Instead of sending a message to Federal prisoners that the answer to their problem is to kill the baby, they should be shown to take responsibility, to consider what is best for the child they are carrying. While these women in prison deserve our sympathy, our compassion, paying for an abortion will neither show them that we are concerned for their well-being nor will it help them put their lives back together.

By offering care, not abortions, to prisoners and their unborn babies, these women will see that problems are not solved by eliminating other human beings, and men and women should be taking responsibility and consider what is best for the child they conceived.

The children of prisoners are of no less value than any other children. No child should be treated like a throw-away. Being the child of an incarcerated woman does not make anyone less human.

Mr. Chairman, someone said in the debate when we were debating this last session, who will speak for these children, and went on to say we must speak for these children. Well, if that is true, that we must speak for these children, then I guess the supporters of the DeGette amendment believe that unborn children of Federal prisoners want to be killed by their mothers. In fact, children must desire death so much that the American taxpayer should be forced to fund it.

We should not be punishing the baby for the crimes or sins of their mothers. I ask my colleagues to vote no on the death of unborn children at the expense of all Americans. I urge a no vote on the DeGette amendment.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the DeGette amendment to strike the ban on abortion funding for women in Federal prison. This ban is cruel, unnecessary, and unwarranted.

A woman's sentence to prison should not include the penalty of depriving her of her constitutional right to decide for herself whether to carry her pregnancy to term. Most women in prison are poor, have little or no access to outside financial help, and they earn extremely low wages from prison jobs. Inmates in general work up to 40 hours per week and earn up to 12 to 40 cents an hour. They are totally dependent for the health services they receive on their institutions. Most female prisoners are unable to finance their own abortions, should they choose them, and, therefore, in effect are denied their constitutional right to an abortion if they choose them.

Many women prisoners are victims of physical or sexual abuse and are pregnant before entering prison. In addition, they will almost certainly be forced to give up their children at birth. Why should we add to their anguish by denying them access to reproductive services?

We ought to keep this debate in perspective. We are not talking about big numbers. Statistics show that in 1997, for example, of the approximately 8,000 women in Federal prison, 16, one-six, had abortions, and there were 75 births. So it is a small number of people we are talking about, and we should understand that as we continue this debate.

The ban on abortions does not stop thousands of abortions from taking place; rather, it places an unconstitutional burden on a few women in a difficult situation.

I know full well that the authors of this ban would take away the right to choose from all American women if they could, but since they are prevented from doing so by the Supreme Court and by the popular will of the American people who overwhelmingly support freedom of choice, they have instead targeted their restrictions on women in prison, women in prison who are perhaps the least likely to be able to object.

Let me also comment on some of the statements we have heard in this debate so far. We know that some people believe, and obviously the authors of this ban, and we heard some of them say so a few minutes ago, that abortion, all abortion, is taking of innocent human life, is murder. That is a legitimate, defensible point of view; but that is all it is, a point of view. It is not a fact.

There are some people who believe that a person is a full human being at conception, that there are some religions that teach that. There are other religions that teach that life in effect begins at some later stage of pregnancy. Those are religious points of view. They are not susceptible to scientific decision.

For myself, I do not know where life begins. I do know that I could not countenance, that I see no difference between a 9-month term baby the moment before it is delivered and the moment after it is delivered. On the other hand, I see no human value, no sacred spark of light that must be protected at all cost in a 10 or 8 or 16 cell blastula, and somewhere in between those two stages something changes. Perhaps when the fetus develops feelings, I do not know.

But these are very personal questions, and questions that nobody has the right to impose an answer on for someone else. And that is why we favor choice. Let each individual woman who has to struggle with that pregnancy and with that decision make her own moral decision.

Nobody has the authority to tell that woman, to impose on that woman, their own view of when that fetus, when that blastula, when that embryo, when that zygote becomes a human being and force that decision on her. None of us has that authority; none of us has that wisdom.

Some of us have the thought that we should impose our own thoughts or religious views on the woman. I do not think we have the right to do so, and the Supreme Court has said we do not have the right to do so, and that reduces this debate to a debate over whether we should use our ability to control some funds to impose on a few unfortunate women in prison our opinion as to when the life begins in their uterus and our opinion or our fiat that they should be deprived of their constitutional right to make that moral and humbling choice for themselves. I do not think we ought to do that.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend from New York for yielding.

Mr. Chairman, just let me ask my friend, is there any point in the pregnancy, any point in the 9 months, the normal gestational period, at which time the gentleman believes that child is sufficiently formed, sufficiently mature, that all the body systems are working, as we all know with ultrasound, is there any point where the child deserves protection?

The CHAIRMAN. The time of the gentleman from New York (Mr. NADLER) has expired.

(By unanimous consent, Mr. NADLER was allowed to proceed for 1 additional minute.)

Mr. NADLER. Mr. Chairman, the answer is yes, I do. As I said a moment or two ago, I do not see a difference between the baby a moment before or a moment after delivery at full term. When that dividing line is, I do not claim to know. I certainly do not claim to impose my opinion on any woman who has to make that decision for herself with respect to her own pregnancy. She must make the decision as to the morality and the rightness of what she chooses to do, and that is why I favor freedom of choice, because I cannot impose my opinion on that question on anyone else. I am not even sure of the answer for myself.

Therefore, this comes basically down to just another way of trying to get around a woman's constitutional right to make that choice for herself, and to impose some of our opinions, some of the opinions of those of us in this Chamber on every individual woman, and that we have no right, no moral right, and the Supreme Court has said to us we have no constitutional right to do; and that is why this amendment should be adopted.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment that was offered by the gentlewoman from Colorado (Ms. DEGETTE). Actually, as I listened to her statement, I thought it was exceedingly well presented in terms of the total facets of making sure that women in prison have constitutional rights too.

In 1976, the United States Supreme Court found that deliberate indifference to the serious medical needs of prisoners constitutes an unnecessary infliction of pain, a violation of the eighth amendment to the Constitution.

Most women are poor at the time of incarceration, and they do not earn any meaningful compensation from prison jobs. This ban closes off their access to receive such services and thereby denies them their rights under the Constitution.

There has been a 75 percent increase in the number of women incarcerated in the Federal Bureau of Prison facilities over the last decade, twice the increase of men. Most women in prison are young and have frequently been unemployed. Many have been victims of physical or sexual abuse. Additionally, the rate of HIV and AIDS infection is higher for women in prison than the rate of men.

These women have the greatest need for full access to all health care options. Abortion is a legal health care option for women. It has been for over 25 years. Because Federal prisoners are totally dependent on health care services provided by the Bureau of Prisons, the ban in effect prevents these women from seeking needed reproductive health care.

This ban on Federal funds for women in prison is a direct assault on the right to choose. I urge my colleagues to join me in supporting the DeGette amendment.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the DeGette amendment. Quite simply, this amendment offers women in prison, who are solely dependent on Federal health services, their constitutional right to reproductive services.

Women in prison have no resources, no means to borrow money, very little support from the outside. In fact, 6 percent of incarcerated women are pregnant when they enter prison; and we know that women become pregnant in prison, from rape or from having a relationship with one of the guards.

This ban to deny abortion coverage is another direct assault on the right to reproductive choice. It is time to honor the Supreme Court decision of Roe v. Wade by acknowledging it is every woman's right to have access to safe, reliable abortion services.

We must stop the rollback on women's reproductive freedoms, we must provide education and resources to prevent unwanted pregnancies, and we must vote on the DeGette amendment and protect all women's rights to reproductive choice.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the DeGette amendment. I rise in support not to make the case. As a matter of fact, the case has been adequately made, eloquently made. But I think it is important that we note, increasingly are people becoming incarcerated, increasingly are females becoming incarcerated in this country; and it would seem to me that if we value rights, then the right to health care should not be denied any person, no matter where they are.

So as women are in prison, they, too, should have the right to make decisions, to make choices, to make determinations; and I would urge that we not deny them the right to make a choice, to decide, to make a decision about their own health and the health care that they will receive.

□ 2215

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, abortion is a legal health care option for women in this country and has been for almost 30 years, and this right should be no different for Federal prisoners. For that reason, I rise in strong support of the DeGette amendment.

Mr. Chairman, we have all heard all of the arguments I think, but I want to tell my colleagues about an experience that I had when I was in the State legislature in Illinois. We wanted to talk about real options for mothers in prison, or women who gave birth in prison. All of those who are so in favor of taking away the constitutional rights of women to have an abortion, to choose an abortion, ought to think about what happens when that woman does have the baby.

I had legislation that would have offered women in prison who were nonviolent, short-term offenders, that is their prison sentence was less than 7 years, to be in residential settings where they could be mothers and could be with their children and could prepare for a life after prison to be with their children. That is not at all what happens, and that bill did not even get out of committee to be considered on the floor, because oh, no, we are going to punish these women, and now we are going to punish them to the extent that we are going to force them to have that child, but that child is going to be immediately ripped away from that mother whether she wants that baby now or not, is going to be put into a foster care system which throughout the country is known to be inadequate; this child is going to begin life at an enormous disadvantage. I would like to see if somebody cares about what happens to that child after birth, not just from conception to birth, but what happens to that child after that child is born.

So not only are we stripping these women of their constitutional right to make a choice, but in many ways, we condemn the outcome of that, the child that is born to a life of deprivation.

Mr. Chairman, I think we have to begin by doing what is right and allowing the constitutional rights of those women to be exercised when they are in prison, and to continue to give them reasonable options, if they want to carry that baby to term, to be able to have a setting in which motherhood and childhood can thrive and survive.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would rather not be here this time of the evening having to strike the last word to stand up for women who cannot stand up for themselves, but since there are those who have chosen to pick on the most vulnerable women, women in prison, those of us who are free, those of us who have a voice, must take this time to speak for those women.

It is about time that we show some compassion and understanding regarding this very personal issue. I think it is time that we talk about this issue, at least in ways that we can respect everybody that is involved. Why would this Congress insist on bearing its weight again on this vulnerable population in our Federal prisons?

Consider the plight of some of these women. Yes, it has been said here this evening, for whatever reasons, the numbers of women incarcerated is increasing. Those numbers, for whatever reasons, are getting higher and higher. Many of them are being convicted on conspiracy charges. Many of these women have not been proven to be guilty of anything. Many of them are the mates or the spouses of others, of men, who are involved in drug trafficking and they get caught up in this web through the surveillance techniques and all of those things that we have. So they are there. Many of them, yes, are HIV infected and some of them happen to be pregnant women, but pregnant women who are incarcerated.

I do not believe that I have the right to force my will on this woman regarding the choice to bring a child into the world. I believe that woman, like her peers outside of the criminal justice system should have a choice, a say regarding the decision to carry to term the child.

We talk about how much we love these children, but what happens to them? What happens to these children that are born unwanted? What happens to these children that sometimes are born HIV infected to drug-infected women? We do not know what happens to them, and I say to my colleagues, I believe that there are many who do not care what happens to them. They go out somewhere, maybe if they are lucky, they get into foster care. These are children that are doomed to poverty, doomed to the inability to have a decent life.

So, that is not our choice, it is the choice of the woman who finds herself in this unfortunate predicament.

It has been found that many female prisoners enter prison suffering from a marriage of physical and psychological ailments, and many are pregnant before they enter prison. I know that the issue of abortion is one that has deep religious and philosophical implications. Notwithstanding, abortion is legal in this country, and it is still a legal health care option for women in this country, whether we like it or not.

Mr. Chairman, I would urge my colleagues to vote yes on the DeGette amendment. Women in prison deserve to have access to needed health care services, and they deserve to have choice.

Mr. Chairman, those of us who have been involved in this struggle so that women have the right to choice can stand here and make this argument, and my colleagues cannot do anything to us, they cannot pick on us. They have lost the fight. Abortions are legal. So what are they doing? They are moving to this vulnerable population because they think they cannot do anything about it. Are we not brave? Are we not great public policymakers? We can get those women in prison. However, they cannot do anything about all of those women who come to the floor, all of those women out there who are organized, all of those women who can stand up for their rights. They lost that battle a long time ago, but yes, women in prison, aha, we found somebody that we can take away this constitutional right, this guaranteed right.

Mr. Chairman, I would ask my colleagues to vote aye on the DeGette amendment. It is the only fair thing to do. It is the only reasonable thing to do. It is the only thing that good public policymakers, good public policymakers who would know how to use their power in a much better fashion than this, not picking on the vulnerable, not picking on those who cannot stand up for themselves. I think my colleagues deserve to treat yourselves better than that.

Let us vote for this amendment and put it behind us.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the DeGette amendment. The DeGette amendment would strike section 103 which prohibits Federal funding of abortions, except where the life of the mother would be endangered, or in the case of rape.

As I understand it, while legalized abortion may be somewhat controversial in America, there is very little controversy over the use of U.S. taxpayer dollars for the purpose of performing an abortion. The vast majority of Americans are very, very strongly opposed to this, and many of those people are pro-choice. I believe the reason why many people who are pro-choice are opposed to Federal funds being used for an abortion is because they recognize that it is the taking of a human life, and I think out of the respect of those who have very strong opposition to this, they think it is a reasonable thing that we should not be taking tax money from these people who believe that abortion is evil and use it for the purposes of performing an abortion.

Just because these women happen to be incarcerated, I believe that it in absolutely no way undermines the sanctity of the human life that is in the womb. Indeed, when I am in Washington here, I stay around the corner from the Capitol, and my wife was watching this debate with me, and she asked me to come down because she felt so compelled that the arguments that were being made were just so ludicrous.

I could go on and on and on. But there is a person I would like to quote from who I believe is a much more powerful person to speak on this issue, Mother Teresa who, of course, has gone on to be with the Lord. But in 1994 at the National Prayer Breakfast Mother Teresa said, "please don't kill the child. I want the child." She went on to say, "We are fighting abortion with adoption."

It has been said this evening, what will happen to these kids? Most of them get adopted or they go to be with the family of the incarcerated inmate. Mother Teresa went on to say, "The greatest destroyer of peace today is abortion because it is war against the child, a direct killing of an innocent child." She then urged all Americans and diplomats who were assembled at that meeting to more fully understand the linkage of abortion with other forms of violence. She said, "Any country that accepts abortion is not teaching people to love, but to use violence to get what they want. That is why the greatest destroyer of peace and love is abortion."

Now, I believe Mother Teresa was right in saying those words. I am a physician. My mother was pro-life, but when I was in school, I came under the influence of a lot of liberal thinking and I began to question, indeed, whether or not legalized abortion should not be okay. But then I had an experience as a medical student of actually seeing an abortion and realizing that it was the killing of an innocent human life.

We as physicians, we are frequently asked to pronounce people dead who have expired, and what do we do? We listen for heart beats. In people who have had serious brain injuries, we look for brain waves. All of these children have beating hearts and brain waves. Many of my pro-choice physician colleagues, when I talk with them about this issue and they explain to me why they think legalized abortion should be available, they always close their arguments with this statement, they always say: though I believe it should be legal, I would never perform an abortion. Now, why do they say that? Because they know exactly what it is. It is the taking of a human life.

It has been said tonight that this amounts to only 15, 50, 100, 75 a year. Nobody would propose a lax attitude if a new drug came out, certified by the FDA, but had a side effect of killing 15, 20, 30 people, or if our food safety system was sufficiently compromised that 50 or 100 people were to die a year. I think one life saved is worth the sacrifice, and I think one life saved is worth the argument, and I strongly encourage my colleagues on both sides of the aisle to reject this amendment.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the DeGette amendment. Here we go again, Mr. Chairman. This time it is an amendment to lift a restriction on access to abortion for women in Federal prisons. Today marks the 146th vote on choice since the beginning of the 104th Congress when the Republican Party gained the majority in this House. Each of these votes is documented on my Choice Report which can be found on my web site, www.House.gov/Maloney.

Access to abortion has been restricted by this Congress bill by bill, vote by vote. The majority is chipping away at a woman's right to choose procedure by procedure. The DeGette amendment seeks to correct one of these attacks on American women.

Women in Federal prison do not check all of their rights at the prison door. Six percent of incarcerated women are pregnant when they enter prison. Do they not deserve this legal medical care just like they would receive for any other medical condition? The answer is yes.

Federal prisoners must rely on the Bureau of Prisons for all of their health care. So if this ban passes, it would continue to prevent these women from seeking needed reproductive health care. Most women prisoners are victims of physical or sexual abuse. Most women, if pregnant in prison, became pregnant from rape or abuse before they entered prison.

□ 2230

Most women prisoners are poor when they enter prison and cannot rely on anyone else for financial assistance. These women already face limited prenatal care, isolation from family and friends, a bleak future, and the certain loss of custody of the infant.

Current law, tragically, ignores these women, and it also tragically ignores children born to women in prison. These children are taken from their mothers, who cannot raise them in a family environment or a stable environment. What kind of life are we providing for them? I urge a "yes" vote on the DeGette amendment.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not want to get into this debate. It is very late. But it is difficult to remain silent when so many things are being said about such an important subject. And there is no more important subject, there really is not, because this concerns the nature of man. This concerns the value we assign to that tiny little minute little beginning of human life in the womb. Is that something we can throw away and destroy because it is now inconvenient or is that a human life and as a member of the human family entitled to life, liberty, and the pursue happiness?

I suggest to my colleagues that that little defenseless, powerless, voiceless little preborn child deserves the protection of society, not its enmity. Rather than picking on the most vulnerable by trying to impose our will on a pregnant woman in jail, we are defending the most vulnerable, which is the unborn child, who has nobody to defend him or her, more likely her than him. It is defending the powerless that we seek to do in not using and withholding taxpayers' money to pay for abortions.

Now, nobody is denying the constitutional right to an abortion. More is the pity. That is one of the tragedies of our time, that our Supreme Court has said it is all right to exterminate another human being for almost any reason during the 9 months. That is what the substance of that decision is. And any more than one had to agree with Dred Scott, one does not have to agree that Roe v. Wade is a good decision. It is not. It is a tragic decision.

But because we have the constitutional right does not mean we have a right to have it paid for, to have its implementation, its exercise paid for by the public purse. We have a right to free speech, but we do not have a right to the Government buying us a megaphone. So make the distinction. No one says they do not have the right, but who should pay for it? The public ought not to have to pay to exterminate innocent children.

My colleagues call it health care. It is not very healthy for the unborn child, abortion. It is terminal. Capital punishment is a popular cause now, and people are rallying to the defense of prisoners who have been convicted beyond a reasonable doubt of murder. Well, the unborn child has committed no crime. It has been brought into the world without any option on his or her part, and she or he is there, defenseless; and it is my colleagues' job and it is my job not to impose a religious view on anybody but to follow the founders of our country who said that we all have an inalienable right to life, liberty, and the pursuit of happiness.

My colleagues can escape this, I suppose, by defining the unborn as not yet human, as one of our good friends did over there when he said he did not know when human life begins. It begins at the beginning. When a woman is pregnant, she is pregnant with what? She is pregnant with life, human life. And that is not animal, mineral or vegetable; it is a tiny member of the human family. And if my colleagues are ambiguous as to when that little tiny entity becomes a beneficiary of the Constitution, then they have not thought about it, and they have a failure of imagination.

No, that little life is a human life. It is vulnerable, it is powerless, and somebody has to defend it. We have to defend it. It is innocent and deserves protection. So I hope this amendment, well-intentioned as it is, but terribly, tragically misguided, is defeated.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

My colleagues, I rise in support of the DeGette amendment, and I want to thank my colleague for her strong leadership on this issue.

A woman's right to make a private decision to terminate a pregnancy is the law of the land. The prohibition on prisoners' access to abortion services in Federal prison facilities contained in this bill does not make it impossible for women in prison to obtain an abortion; but it deliberately makes it more expensive, more difficult, and less private. In my view, the only reason the ban does not go further and ban abortion outright is because Americans do support a woman's right to choose.

I respect my good friend and my colleague's views. These are very personal decisions. But we cannot impose our personal views, in my judgment, on the next person. I know that my colleagues would vote, many of them, to overturn Roe v. Wade. In fact, they would probably do it immediately, if they thought they could. But they do not go that far because Americans would not let them do it. Instead, those who oppose a woman's right to choose take every opportunity to make the decision ever more difficult, dangerous, and expensive.

I support the DeGette amendment because I believe that my colleagues' approach is the wrong one. If we agree that there should be less abortions, and I think we all do, we can work and should work together to make the decision to terminate a pregnancy less necessary. The policy we are debating in this amendment, which allows women in Federal prison to pay for an abortion outside but not obtain one inside the prison system, only makes the decision to terminate harder.

What should we do to make the need for terminating a pregnancy less necessary? We can work together to promote contraception access and use. We could work harder to educate people about taking responsibility for protecting themselves from unintended pregnancies. We could do more, my colleagues, to prevent sexual abuse, rape and incest. We could work together, as our constituents clearly would like us to do, to insure that most women never have to make the most personal decision about terminating their pregnancy. Less necessary, not more harassing and less private.

I ask my colleagues to join me in supporting the DeGette amendment. It is the right thing to do. Let us work together to make abortions less necessary. We can do that together.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment that is offered by my colleague, the gentlewoman from Colorado (Ms. DEGETTE), and I wanted to thank her for her leadership on this issue. Once again we are forced into a debate about the access to a legal medical service for those whose voices are often ignored and whose rights are neglected.

Regardless of our views on abortion, the Supreme Court has been very clear. The law of the land remains that women have a legal right to choose an abortion. This right remains intact even if a woman is incarcerated. For women in Federal prisons, the Bureau of Prisons is their sole option for health care.

There are also extensive studies about women in prisons who are victims of sexual misconduct. The reality is that most women who enter the prison system are poor and many are isolated from family support. According to the terms of this bill, they are effectively excluded from their legal right to an abortion if they are unable to come up with the money to pay for one of their own.

Some of my colleagues question why we should feel any sympathy for a woman in prison trying to get an abortion. Yes, it is true she may have broken the law. It is true she must give up certain rights. But the courts, the courts have ruled that she does not have to give up her right to an abortion or her right to adequate medical care.

This is not about having sympathy; it is our obligation to provide these women with the reproductive health rights to which they are rightfully entitled under our Constitution. This bill effectively strips that right for the vast majority of female prisoners who are unable to earn enough in prison jobs to pay for private medical services.

That is why we should approve the DeGette amendment today. I ask my colleagues to stop, stop the erosion of this legal right. Stop restricting women's access to health care services. Vote "yes" on the DeGette amendment.

Ms. KILPATRICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one of the most important, private decisions that a woman has to make in her life, a gift given to her only by God and that only women can participate in, is the right to bear a child. I rise in support of the DeGette amendment.

Regardless of what our personal views are on that very personal decision that women have to make, abortion is lawful in our country. Women who find themselves incarcerated in the Federal system ought to be allowed to have a procedure that is lawful and, at the same time, use funding that is available through our tax dollars that would allow that lawful procedure to take place.

It is unfortunate that people in this Chamber want to restrict women in several ways and, as we have discussed with the DeGette amendment tonight, a woman's right to choose. Now, whether we personally believe that is a right that is given every woman by God, it is that woman's decision. To restrict it, to withhold funding for a lawful procedure that a woman wants to make with her God and her man or husband or significant other, I think, is appalling.

The DeGette amendment is a good one. The procedure is a legal one. Who gives us the right to determine that we should take the money away from a woman after she has made that most very special important decision? It is not right. I hope we will adopt the DeGette amendment. I hope we will give women who find themselves incarcerated and who will soon be coming back into society, hopefully whole and free and healthy, to make the decision that they see fit for themselves in their lifetime at that time.

Mr. Chairman, I rise to support the DeGette amendment. I thank the gentlewoman for offering the amendment. It is important that we allow women to make this decision. Again, God has chosen her to bear children. Only women can do that. Allow us to make that decision for ourselves.

Ms. PELOSI. Mr. Chairman, I rise to support Rep. DEGETTE's pro-choice amendment to strike this bill's language banning the use of federal funds for abortion services for women in federal prisons. Currently, the law prohibits the use of federal funds to perform abortions in health facilities in federal prisons, except in cases of rape or life endangerment. For women who can afford to pay for a private abortion, the Bureau of Prisons must provide transportation to a private facility. However, other women are denied their rights and the opportunity to make vital decisions determining their own health care.

Women deserve access to the full range of available reproductive health care services, including abortion. Unfortunately, the anti-choice movement continues to deny coverage for abortion services to women who are dependent on federal resources. This includes women in the military, female government employees, poor women, and incarcerated females. These existing restrictions are draconian and problematic and we must fight them all.

The ban on abortion for women in federal prisons is perhaps the most tragic because it denies incarcerated women their fundamental rights and denies them the ability to make their own health care decisions concerning their own medical needs. In federal prisons, federal funds cover inmates' food, shelter, clothing and all health care services. Why do we draw this line in the middle of health care services for women?

Existing law punishes impoverished women and marginalized women. It is an unfair and inhumane law. Women in prison lack the ability to borrow and frequently lack an outside support network. We should not punish these women for their poverty.

I stand with the American Civil Liberties Union and NARAL in support of this amendment. I urge my colleagues to vote for the DeGette amendment and for the rights of all women.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. DEGETTE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wonder if I could have the attention of the distinguished chairman of the Committee on Appropriations and the chairman of the subcommittee, as well as the distinguished ranking member.

Mr. Chairman, on each of the last three appropriation bills, we were asked by the majority to agree to an overall time limit so that we could finish the bills on a reasonable time schedule, and we agreed on all three of those bills. Last night, at the close of business, at the direction of the minority leader, I went to the majority and indicated that we would appreciate it if at the beginning of business today, sometime between 9 a.m. and 10 a.m., that the majority would present to us a proposal for time limits on all amendments pending on the bill so that we could get some kind of time agreement so that Members would know where they were, and we could finish this bill at a reasonable time.

☐ 2245

We did not receive an offer until fairly late, as you can see, this evening.

I asked the majority leader why it took so long before we could begin negotiations on this bill, and the response that I got was that sometimes bills have to ripen. I, frankly, think that this debate and this bill at this point is over ripe. And we believe on this side that we ought to vote on the pending amendments, that we ought to rise, and that tomorrow morning we ought to come back prepared to get a time agreement to limit debate on all amendments to the bill.

We believe that to prevent amendments from breeding and multiplying that we ought to have an understanding that there would be no further amendments that could be offered from this point on. And we would ask the majority the same request that we asked them last night, if they could present us tomorrow morning with a proposal for time limits on all remaining amendments to this bill.

What we would suggest, after we have discussed this with the gentleman from California (Mr. WAXMAN), who, as you know, feels very strongly about his amendment. He has indicated to us that he would be willing to limit debate on that amendment to an hour.

There has been some expression of concern that that might be too long; and so, he has reluctantly agreed that he would be willing to debate that amendment tomorrow morning for 40 minutes.

And so, what I would urge is that the majority agree to a proposition under which we would vote tonight, come back tomorrow morning, have an understanding yet tonight that when we resume tomorrow morning that the Waxman amendment would be pending for no longer than 40 minutes, and that during that time we could work out a remaining agreement on the rest of the bill so that we could guarantee that the bill would be finished by Monday night.

In that way, everyone can have their say in an orderly way, Members can know when they can catch their planes, Members will know when they have to be here for amendments, Members will also know and the Committee will know that there will not be any additional amendments.

I am sure the majority does not want amendments to be still coming into the desk over the weekend, which is why we are prepared, in an agreement tomorrow morning, to settle all remaining time differences.

I would urge the majority to consider that so that we can be back here at 9 o'clock tomorrow morning ready with an understandable arrangement.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Wisconsin.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding. I want to thank the gentleman again for his willingness to work on this. We have all worked hard on it.

As I understand, we are talking about probably propounding a unanimous consent after this next series of votes that would close out the filing of any amendments, in which case we would also ask for a 40-minute debate on the Waxman amendment as the first order of business tomorrow morning then, during that time, work out a unanimous consent agreement that would cover remaining pending amendments that would allow us to finish the bill while rising at 2 o'clock tomorrow, finish the bill Monday evening, perhaps with the Committee resuming work Monday afternoon for votes to be rolled after 6 o'clock and then completing the work Monday evening, hopefully at a reasonable hour.

Is that correct, to the gentleman's understanding?

Mr. OBEY. Yes, it is. The only loose end is the question of when you would want to begin Monday. Because, obviously, Members are going to be coming back on their planes and, so, they will not be able to start until mid-afternoon on Monday. Would the gentleman suggest 4 o'clock, or what?

Mr. ARMEY. Mr. Chairman, if the gentleman would continue to yield, I think the chairman and ranking member have been consulting on this. We will talk to other Members who might be critical to that interest.

Mr. OBEY. Mr. Chairman, I am sorry, I could not hear what the gentleman just said.

Mr. ARMEY. Mr. Chairman, if the gentleman, I said, will yield, I think both the chairman and ranking member have been consulted about this. We will, of course, go through the courtesy of checking with other Members. But we would propose resuming the debate around 4 o'clock on Monday, holding any votes that are ordered until the 6 o'clock period of time when Members are back from their flights, and then cleaning up all votes that are remaining and then returning and completing the bill Monday evening.

Mr. OBEY. So we would begin the debate at 4 o'clock with no votes before 6 o'clock on Monday.

Mr. ARMEY. Right. And then, of course, Members with amendments that would be up at that time would be advised so that they could be here and finish that night.

Mr. OBEY. If that is acceptable to the majority, then I would urge that the Committee rise and we vote on the pending amendments.

Mr. ARMEY. If the gentleman would continue to yield, I think the appropriate order would now be for the Committee to take the votes that are pending at this time and then we would work out the formal language of the UC that would cover that business that would take us through the amendment in the morning.

Mr. OBEY. Well, what would be left to decide? I mean, we do not want to keep Members hanging around here another hour while we fine-tune something.

Mr. ARMEY. Mr. Chairman, if the gentleman would continue to yield, I believe we have two or three votes that are ordered now. We could at this time, I believe the debate is completed on the amendment that was pending, take those votes, during the period of those votes get the formal writing of the unanimous consent that would take us through the evening into the 40-minute amendment in the morning, and then get that propounded and more or less get ourselves locked in for a fresh start in the morning.

Mr. OBEY. So what we would agree to tonight is that there would be no further business tonight, that the Waxman amendment would be pending for 40 minutes tomorrow, and that no further amendments would be in order other than those already at the desk, and then tomorrow morning we will work out the remainder of the unanimous consent agreement.

Mr. ARMEY. Absolutely right.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I certainly do not want to be a stumbling block here, and I would agree to what we have to. But I would hope that for future bills we set up a system by which from the beginning we know we are going to head into this situation and treat the folks that are at the end of the bill with amendments the same way we treat the folks that are at the beginning.

I was lucky, I got my two amendments up front and we are under the 5-minute rule. Now people that will come later will be treated differently.

So if we know that we are always going to run into this, why can we not start off a bill knowing that this is the way we are going to have to treat it rather than have to play this game at this end.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, let me just say to the ranking member, your point is well-taken. We try to be as courteous and considerate of all the Members as we can and also of the floor managers' ability to get their bill up and move it along. But, again, your point is well-taken.

Let me again emphasize the point. As we work this thing through, it will be necessary for us to complete the work on this bill Monday night. I believe, with all good diligence and cooperation, we could do that at a reasonable hour Monday night. But we will want to finish it Monday night.

Mr. OBEY. Mr. Chairman, reclaiming my time, with that understanding, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have listened attentively to this discussion between the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Texas (Mr. ARMEY), and I would like to suggest that the complaint that we have used too much time on this bill and the two previous bills is valid. We have used too much time on the bill. But I would offer to my friend from Wisconsin that the vast majority of that time was consumed by your side and most of the rhetoric was pure political rhetoric.

Now, we have been very accommodating. We have allowed the debate to go on and on and on on amendments that were truly in violation of the rule and that were subject to a point of order. We did not raise the point of order. We reserved the point of order so you could continue the debate. We have been very accommodating.

We have now had an offer for an hour's debate on the Waxman amendment. We have already debated that amendment twice this week. We do not need an hour on that amendment. I suggested 30 minutes, and then the response was, well, 46 minutes. That is nitpicking. Thirty minutes is more than enough on a subject that has already been debated twice.

Now, if we can reach an accommodation and if we can reach an agreement that is going to be fair to both sides, then I will agree to it. But if we do not, I will object to it and we will just continue the dialogue for however long it takes. But what is fair is fair. What is fair to that side has got to be fair to my side. And that is the way it is going to be. And if we cannot get a fair agreement, there will be no agreement.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just say to my good friend the chairman, and I understand the emotion here, all of us want to go home, but I will just tell him, at the end of the Interior bill, if he goes back and looks where those amendments were, they were all on his side of the aisle. Vote after vote after vote, we revoted things.

And so, do not say this is not evenhanded. They use their tactics whenever they think it is going to do them an advantage. And the gentleman from Washington knows just how exactly that felt.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say that I am glad my friend from Florida has gotten things off his chest. We know what the facts are. I am not going to bother to debate them. We are trying to cooperate here and to help the majority do the job that the majority has, which is to try to get bills through the House.

We are trying to work that out. If the gentleman would like to accept the offer that we have raised, we are willing to proceed now. I had assumed, given the fact that the majority leader indicated what he just described, that that is what we had agreed to. I assume that still stands.

Mr. DICKS. Mr. Chairman, reclaiming my time, on these unanimous consent agreements these amendments have been on both sides of the agreement. Republicans have had them and Democrats have had them. I think it has been very fair.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I want to thank everybody again. We have worked hard on this. I think we have got a good agreement. I think the Members are ready for us to move forward on it.

The Members should be advised that the gentleman from Kentucky (Chairman ROGERS) has a limited supply of Krispy Kreme doughnuts that would be available during the vote right here at the desk.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 529, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 19 offered by the gentleman from California (Mr. CAMPBELL), amendment No. 22 offered by the gentleman from New York (Mr. HINCHEY), amendment No. 36 offered by the gentleman from Virginia (Mr. SCOTT), and the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 19 OFFERED BY MR. CAMPBELL

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 19 offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 173, not voting 22, as follows:

[Roll No. 315]

AYES—239

Abercrombie
Ackerman
Allen
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Bono
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gonzalez
Graham
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hastings (FL)
Hayworth
Herger
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pombo
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rivers
Rodriguez
Roemer
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Shays
Sherwood
Simpson
Skelton
Smith (MI)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watt (NC)
Watts (OK)
Weldon (PA)
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu

NOES—173

Aderholt
Andrews
Archer
Armey
Baker
Barrett (NE)
Barton
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chabot
Chambliss
Collins
Combest
Cramer
Crane
Crowley
Cubin
Davis (FL)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dreier
Duncan
Dunn
Emerson
Engel
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Hill (MT)
Hilleary
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kingston
Knollenberg
Kolbe
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
McInnis
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Morella
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Salmon
Saxton
Schaffer
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shows
Sisisky
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Tancredo
Tauzin
Taylor (MS)
Terry
Thornberry
Thune
Thurman
Traficant
Vitter
Walden
Walsh
Wamp
Watkins
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Wicker
Young (AK)
Young (FL)

NOT VOTING—22

Berman
Coburn
Cook
Dixon
Filner
Gordon
Hall (OH)
Jones (OH)
Klink
Kuykendall
Martinez
McCollum
McIntosh
Meeks (NY)
Myrick
Rangel
Roybal-Allard
Shuster
Slaughter
Vento
Wise
Wynn

□ 2320

Messrs. LINDER, PALLONE, ADERHOLT, DIAZ-BALART, GALLEGLY, FOSSELLA and RILEY and Ms. ROS-LEHTINEN changed their vote from "aye" to "no."

Messrs. GRAHAM, HALL of Texas, BARCIA, PETRI, STRICKLAND, WATTS of Oklahoma, McCRERY, MORAN of Kansas, GREENWOOD, DICKS, NETHERCUTT, HERGER and BENTSEN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

REDUCING NEXT VOTE TO 5 MINUTES

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the Chair be authorized to reduce the next vote to a 5-minute vote.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, I move to strike the last word in order to discuss this evening's schedule and tomorrow's schedule and to reemphasize to Members a discussion that we had earlier this evening. Perhaps some Members did not hear it and would need to hear it.

There was a unanimous consent agreement that has been discussed that will do the following: the votes that will be cast now will be the final business of the evening, with three more votes to follow. Tomorrow morning the body will reconvene at 9 o'clock to resume business on this bill, in which case the Waxman amendment would be the first order of business. There is a time limit on that amendment of 40 minutes, 20 to a side.

For the remainder of the amendments to the bill, in order for any further amendments to be considered as part of that agreement they must be submitted before the close of business today. Tomorrow, time agreements will be reached concerning each of the amendments on the list, which is the universe for the bill.

The majority leader also reiterated that we would finish this bill Monday night, and that could be a late night. The agreement is that we would resume business on the bill at 4 o'clock Monday afternoon, with votes rolled at least until 6 p.m. Monday evening to accommodate Members' travel plans. The bill would then be finished Monday night on the amendments that are remaining at that time.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I wonder if the gentleman would explain in a little more detail about the potential time limits on amendments for tomorrow and Monday? That seemed to be a little vague there.

Mr. ROGERS. Mr. Chairman, reclaiming my time, the understanding I had of the unanimous consent request was that the majority leader, the chairman and the ranking member of the full committee and the subcommittee, myself and the minority leader would reach agreement on the amount of time that each amendment would be considered. That is as far as the conversation went at the time of the unanimous concept request. That is about all I can say that I know about.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will continue to yield, when does the gentleman plan to propound his unanimous consent request?

Mr. ROGERS. That is being prepared. When the Committee rises this evening, we would propound the unanimous consent request on the amendments, and then tomorrow morning the unanimous consent would be propounded on the time balance on the rest of the amendments.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 22 OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 22 offered by the gentleman from New York (Mr. HINCHEY), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 284, not voting 22, as follows:

[Roll No. 316]

AYES—128

Abercrombie
Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bishop
Blumenauer
Bonior
Boyd
Brady (PA)
Brown (OH)
Campbell
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Engel
Eshoo
Evans
Farr
Fattah
Ford
Frank (MA)
Gejdenson
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Pomeroy
Rahall
Reyes
Rivers
Rodriguez
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shimkus
Stark
Strickland
Stupak
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Woolsey

NOES—284

Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pallone
Paul
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—22

Berman
Boucher
Coburn
Cook
Dixon
Filner
Gordon
Hall (OH)
Jones (OH)
Klink
Kuykendall
Martinez
McCollum
McIntosh
Meeks (NY)
Myrick
Rangel
Roybal-Allard
Shuster
Slaughter
Vento
Wynn

□ 2333

Mrs. MEEK of Florida changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 36 OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 36 offered by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 226, not voting 24, as follows:

[Roll No. 317]

AYES—184

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Bilbray
Bishop
Blumenauer
Bonior
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Dicks
Doggett
Dooley
Duncan
Dunn
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Foley
Ford
Frank (MA)
Frost
Goodling
Granger
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoekstra
Holt
Hooley
Houghton
Hoyer
Hutchinson
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nethercutt
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Pickett
Price (NC)
Quinn
Rahall
Rivers
Rodriguez
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Shays
Sisisky
Skelton
Snyder
Souder
Spratt
Stark
Strickland
Stupak
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey

NOES—226

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dingell
Doolittle
Doyle
Dreier
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoeffel
Holden
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Largent
Larson
Latham
LaTourette
Lazio
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCarthy (NY)
McCrery
McHugh
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Ney
Norwood
Nussle
Ose
Oxley
Packard
Pallone
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Wise
Wu
Young (AK)
Young (FL)

NOT VOTING—24

Berman
Cannon
Coburn
Cook
Diaz-Balart
Dixon
Filner
Gordon
Hall (OH)
Jones (OH)
Klink
Kuykendall
Lewis (CA)
Martinez
McCollum
McIntosh
Meeks (NY)
Myrick
Rangel
Roybal-Allard
Shuster
Slaughter
Vento
Wynn

□ 2342

Mr. PALLONE changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. DEGETTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 254, not voting 24, as follows:

[Roll No. 318]

AYES—156

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy
Kilpatrick
Kind (WI)
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moran (VA)
Morella
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Reyes
Rivers
Rodriguez
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Shays
Sherman
Sisisky
Smith (WA)
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu

NOES—254

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)

Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Berman
Coburn
Cook
Dixon
Filner
Gordon
Hall (OH)
Jones (OH)
Klink
Kuykendall
Martinez
McCollum
McIntosh
Meeks (NY)
Myrick
Obey
Rangel
Roybal-Allard
Serrano
Shuster
Slaughter
Thomas
Vento
Wynn

□ 2349

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KUYKENDALL. Mr. Chairman, I was unavoidably detained attending my son's high graduation and missed roll call votes 311–318. If I had been here, I would have voted in the following manner:

Rollcall 311: "Yes" (rule regarding H.R. 4615, Legislature Branch Appropriations).

Rollcall 312: "Yes" (Ryan lockbox amendment).

Rollcall 313: "Yes" (final passage, H.R. 4615, Legislature Branch Appropriations).

Rollcall 314: "Yes" (rule, H.R. 4690, Commerce-Justice-State Appropriations).

Rollcall 315: "Yes" (Campbell resolution cutting salaries and expenses for prison industries).

Rollcall 316: "No" (cutting state criminal alien apprehension program).

Rollcall 317: "No" (cutting truth in sentencing grants).

Rollcall 318: "Yes" (regarding abortions for female prison inmates).

□ 2350

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LIMITATIONS ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4690, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4690 in the Committee of the Whole pursuant to House Resolution 529:

(1) no further amendment to the bill shall be in order except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII on or before June 22, 2000, which may be offered only by the Member who caused it to be printed or his designee, shall be considered as read, shall not be subject to amendment except pro forma amendments for the purpose of debate, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole;

(2) the Clerk be authorized to print in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII all amendments to H.R. 4690 that are at the desk and not already printed by the close of business this legislative day; and

(3) before consideration of any other amendment, it shall be in order to consider the amendment offered by the gentleman from California (Mr. WAXMAN) to section 110, which shall be debatable for only 40 minutes equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PIKETON PLANT TO CLOSE

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, the hour is late, but I think it is important that I share with my colleagues the headline from the Columbus Dispatch today, which says "Piketon Plant to Close: 2,000 Workers Will Lose Jobs Because of Shutdown." And then it says, "Less than 2 years ago, the United States Enrichment Corporation, which was privatized 2 years ago, vowed to keep the Piketon Plant and a sister facility in Paducah, Kentucky, open until at least 2005.

It is late, but I hope the Vice President is awake and listening tonight. I hope the Secretary of the Treasury is awake and listening tonight. Because it was on their watch that this decision has been made and my workers and my community have been let down.

Mr. Speaker, this Congress has an obligation to protect this industry, which provides 23 percent of the electricity generated within this country.

CITIZENS OF BUFFALO, NEW YORK DO NOT WANT "FULL MONTE"

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, I rise today on behalf of the good citizens of Buffalo, New York.

As some of my colleagues might be aware, a new theatrical performance entitled the "Full Monte" based on the success of the 1997 film is headed to Broadway.

While the film used a small, economically depressed town in England as its setting, the new play changes the backdrop to my hometown of Buffalo, New York.

While I applaud the success and appreciate the artistic endeavor of the playwrights, I am extremely concerned that the use of Buffalo as the setting will tarnish the image of a wonderful city going through a rebuilding process.

I respectfully request that the creative minds of this play reconsider their choice of Buffalo as the new setting. Instead, I suggest that they choose a fictional name for their setting. A fictional city name would prevent them from harming not only the image of Buffalo and its good residents but any locality in America.

In closing, I wish the "Full Monte" the greatest success as it moves from San Diego to Broadway but not at the expense of the good name of my hometown of Buffalo, New York.

EXECUTION OF GARY GRAHAM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, tonight Gary Graham, a constituent of mine, was executed.

My statement this evening is not in any way to diminish the tragedy of the victims that suffer at the hand of perpetrators, but it is to say that I believe Mr. Graham's life should indicate that we have a broken system. We need a National Federal Innocence Commission and a moratorium similar to that called for and enacted by Governor Ryan of Illinois.

The question of innocence is a question that Americans should all ask. And for our system to work, we must, in fact, make sure that the innocent have the chance to prove their innocence and the guilty are punished.

A tragedy happened today, not because Mr. Graham, who was prepared to lose his life, unfortunately; but because we did not stand on the side of justice allowing for a new trial and hearing for Mr. Graham so that we could determine his guilt or innocence.

Let us fix a broken system.

WESTERN SAHARA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous material.)

Mr. PITTS. Mr. Speaker, I rise this evening with concern over our administration's role in trampling the rights of the people of Western Sahara.

For several years, both Morocco and Western Sahara have participated in intense negotiations led by former Secretary of State James Baker. The negotiations ended in both parties agreeing to a referendum for self-determination.

Unfortunately, the recent May 30 meeting of the U.N. revealed that both France and the U.S. administration are now willing to abandon the settlement plan and the right of the Sahrawi people through self-determination.

Our taxpayers, through the U.N., have invested $530 million in peacekeeping to end the conflict in Northwest Africa.

Why is our government supportive of East Timorese and now willing to allow the human rights of Sahrawis to be thoroughly violated?

I include for the RECORD a letter that expresses the dismay of Members of Congress on our administration's action.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 12, 2000.

Hon. WILLIAM J. CLINTON,
President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our great concern over the continued delay in the United Nations holding a free, fair, and transparent referendum for the people of Western Sahara. The continued postponements reflect an apparent lack of willingness of the United Nations and the United States Administration to use their leadership to urge all parties involved to follow through with their commitments to uphold the fundamental human right of self-determination for the people of Western Sahara.

We are pleased that finally, after nine long years and the expenditure of approximately $500 million on peacekeeping efforts, the United Nations was able to establish a public list of eligible voters on January 17, 2000. We know that the identification process was difficult and we congratulate the United Nations for successfully accomplishing this difficult task. We are very concerned, however, about reports in the United Nations that the U.S. Administration and the French Government are contemplating abandoning the negotiated, signed settlement plans under the pretext that there allegedly is no mechanism to enforce the result of the referendum. The May 30, 2000 meeting of the United Nations Security Council revealed that these two governments are willing to completely disregard the negotiated Settlement Plan and the right of the people of Western Sahara to self-determination. Mr. President, the fact that our Administration is willing to disregard the right of the Sahrawi people to self-determination when the American Revolution was based upon that very right is shameful. We have supported the right of the people of East Timor to determine their future. The people of Western Sahara deserve no less.

It is vital that neither the United States nor any other nation or international body pre-judge the results of the referendum—a referendum which both Morocco and the Polisario have agreed to and which the United States taxpayers and others have invested over $530 million. The failure of the United Nations to hold this referendum regarding the Western Sahara would lead to instability and insecurity in North Africa and the blame would fall squarely on the shoulders of the United Nations, the Administration of the United States, and the French Government.

Mr. President, it would be more unfortunate if the United States encouraged or was part of a movement to undermine the fundamental human right of self-determination and carefully negotiated agreements about the Western Sahara. We respectfully urge you to use your leadership position to remind the King of Morocco of his commitments to the Settlement Plan and allowing the referendum over Western Sahara to proceed without further delay.

Thank you for your attention to this serious matter. We look forward to hearing from you.

Sincerely,

Joseph R. Pitts; Donald M. Payne; Wayne T. Gilchrest; David M. McIntosh; William J. Jefferson; Charles T. Canady; Jim DeMint; James A. Traficant, Jr.; Eni F.H. Faleomavaega; Bob Clement; Steve Largent; Sanford D. Bishop, Jr.; Christopher H. Smith; Anna G. Eshoo; Tony P. Hall; Gene Green; Tom Tancredo; Richard H. Baker; Alcee L. Hastings; Ron Packard; Luis V. Gutierrez; Robert A. Borski.

CONGRATULATING HON. PATRICK TOOMEY ON BIRTH OF DAUGHTER

(Mr. DEMINT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEMINT. Mr. Speaker, on behalf of the Republican freshmen class, I would like to express our most sincere congratulations to a Congressman who now enjoys a new and prestigious title, "Dad."

On June 12, at 2:55 a.m., our friend and colleague, the gentleman from Pennsylvania (Mr. TOOMEY), delightfully spoke three life-changing words, "It's a girl."

Full of energy, Bridget Kathleen Toomey entered the world with a healthy weight of 9 pounds, 7 ounces. With great pleasure, we now call the gentleman from Pennsylvania a father, but also warn him that when Bridget reaches her teenage years, it may be more difficult to hold the line on spending at home than it is in Congress.

Congratulations to both the gentleman from Pennsylvania (Mr. TOOMEY) and his wonderful wife, Kris, in this time of joy. May God bless their new family.

EMPTY PROMISES FOR SECURITY AT LOS ALAMOS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, here we go again.

It seems that the more we learn about the security and disasters at the Los Alamos Nuclear Laboratory, the worse it gets.

The FBI now believes that the hard drives disappeared on March 28, more than a month before they were reported missing. Furthermore, the two nuclear emergency safety team members who discovered a security breach failed to tell their superiors that the hard drives were even missing and, knowing of the gravity of the situation, simply launched their own personal search.

Mr. Speaker, it seems clear that the pledges of increased security made a year ago by the Department of Energy Secretary were only empty promises.

So why should the American people believe Secretary Richardson now when he asserts that there is no evidence of espionage? I suggest, conversely, that there is also no evidence that there was not espionage involved.

□ 0000

A change needs to occur and it needs to occur before all our national secrets are stolen, compromised or paraded out the door of our nuclear laboratories.

DECLARATION OF NATIONAL EMERGENCY WITH RESPECT TO RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–259)

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(b) and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my authority to declare a national emergency to deal with the threat posed to the United States by the risk of nuclear proliferation created by the accumulation in the Russian Federation of a large volume of weapons-usable fissile material. The United States and the Russian Federation have entered into a series of agreements that provide for the conversion of highly enriched uranium (HEU) extracted from Russian nuclear weapons into low enriched uranium (LEU) for use in commercial nuclear reactors. The Russian Federation recently suspended its performance under these agreements because of concerns that payments due to it under these agreements may be subject to attachment, garnishment, or other judicial process, in the United States. Accordingly, I have issued an Executive Order to address the unusual and extraordinary risk of nuclear proliferation created by this situation.

A major national security goal of the United States is to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The United States and the Russian Federation entered into an international agreement in February 1993 to deal with these issues as they relate to the disposition of HEU extracted from Russian nuclear weapons (the "HEU Agreement"). Under the HEU Agreement, 500 metric tons of HEU will be converted to LEU over a 20-year period. This is the equivalent of 20,000 nuclear warheads.

Additional agreements were put in place to effectuate the HEU Agreement, including agreements and contracts on transparency, on the appointment of executive agents to assist in implementing the agreements, and on the disposition of LEU delivered to the United States (collectively, the "HEU Agreements"). Under the HEU Agreements, the Russian Federation extracts HEU metal from nuclear weapons. That HEU is oxidized and blended down to LEU in the Russian Federation. The resulting LEU is shipped to the United States for fabrication into fuel for commercial reactors. The United States monitors this conversion process through the Department of Energy's Warhead and Fissile Material Transparency Program.

The HEU Agreements provide for the Russian Federation to receive money and uranium hexafluoride in payment for each shipment of LEU converted from the Russian nuclear weapons. The money and uranium hexaflouride are transferred to the Russian Federation executive agent in the United States.

The Russian Federation recently suspended its performance under the HEU Agreements because of concerns over possible attachment, garnishment, or other judicial process with respect to the payments due to it as a result of litigation currently pending against the Russian Federation. In response to this concern, the Minister of Atomic Energy of the Russian Federation, Minister Adamov, notified Secretary Richardson on May 5, 2000, of the decision of the Russian Federation to halt shipment of LEU pending resolution of this problem. This suspension presents an unusual and extraordinary threat to U.S. national security goals due to the risk of nuclear proliferation caused by the accumulation of weapons-usable fissile material in the Russian Federation.

The executive branch and the Congress have previously recognized and continue to recognize the threat posed to the United States national security from the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the Russian Federation. This threat is the basis for significant programs aimed at Cooperative Threat Reduction and at controlling excess fissile material. The HEU Agreements are essential tools to accomplish these overall national security goals. Congress demonstrated support for these agreements when it authorized the purchase of Russian uranium in 1998, Public Law 105–277, and also enacted legislation to enable Russian uranium to be sold in this country pursuant to the USEC Privatization Act, 42 U.S.C. 229h–10.

Payments made to the Russian Federation pursuant to the HEU Agreements are integral to the operation of this key national security program. Uncertainty surrounding litigation involving these payments could lead to a long-term suspension of the HEU Agreements, which creates the risk of nuclear proliferation. This is an unacceptable threat to the national security and foreign policy of the United States.

Accordingly, I have concluded that all property and interests in property of the government of the Russian Federation directly related to the implementation of the HEU Agreements should be protected from the threat of attachment, garnishment, or other judicial process. I have, therefore, exercised my authority and issued an Executive Order that provides:

—except to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to the order, all property and interests in property of the Government of the Russian Federation directly related to the implementation of the HEU Agreements that are in the United States, that hereafter come within the United States, or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in;

—unless licensed or authorized pursuant to the order, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property or interest in property blocked pursuant to the order; and

—that all heads of departments and agencies of the United States Government shall continue to take all appropriate measure within their authority to further the full implementation of the HEU Agreements.

The effect of this Executive Order is limited to property that is directly related to the implementation of the HEU Agreements. Such property will be clearly defined by the regulations, orders, directives, or licenses that will be issued pursuant to this Executive Order.

I am enclosing a copy of the Executive Order I have issued. The order is effective at 12:01 a.m. eastern daylight time on June 22, 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 21, 2000.*

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–260)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 21, 2000*.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DIXON (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mrs. JONES of Ohio (at the request of Mr. GEPHARDT) for today after 7:30 p.m. on account of family matters.

Mr. RANGEL (at the request of Mr. GEPHARDT) for today through June 26 on account of official business.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today after 6:00 p.m. on account of illness.

Mr. HYDE (at the request of Mr. ARMEY) for today until 8:00 p.m. on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. ALLEN, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. SWEENEY) to revise and extend their remarks and include extraneous material:)

Mr. TIAHRT, for 5 minutes, June 23.

Mr. WOLF, for 5 minutes, June 23.

Mr. PETERSON of Pennsylvania, for 5 minutes, June 23.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1967. An act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

ADJOURNMENT

Mr. SWEENEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 5 minutes a.m.), the House adjourned until today, Friday, June 23, 2000, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8299. A letter from the Administrator, FSA, Department of Agriculture, transmitting the Department's final rule—Farm Storage Facility Loan Program (RIN: 0560–AG00) received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8300. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule— Onions Grown in South Texas; Change in Container Requirements [Docket No. FV00–959–2 FIR] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8301. A letter from the Associate Administrator, Fruit & Vegetable Programs, PACA Branch, Department of Agriculture, transmitting the Department's final rule—Amendments to Rules of Practice Under the Perishable Agricultural Commodities Act (PACA); Correction [Docket No. FV00–363] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8302. A letter from the Associate Administrator, Agriculture Marketing Service, Fruit and Vegetable, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Undersized Regulation for the 2000–2001 Crop Year [Docket No. FV00–993–2 FR] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8303. A letter from the Army Federal Register Liaison Officer, Department of the Army, transmitting the Department's final rule—Army Board for Correction of Military Records [AR 15–185] received May 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8304. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Family and Medical Leave (RIN: 3206–AI35) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8305. A letter from the Chairman and President, The John F. KENNEDY Center for the Performing Arts, transmitting the 1999 Annual Report of operations, pursuant to Public Law 85—874, section 6(d) (78 Stat. 4); to the Committee on Education and the Workforce.

8306. A letter from the Director, Regulations and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Code of Federal Regulations; Authority Citations—received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8307. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Removal of Maximum Containment Level Goal for Chloroform from the National Primary Drinking Water Regulations [FRL–6705–4] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8308. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio Designation of Areas for Air Quality Planning Purposes; Ohio [OH 103–1b; FRL–6701–8] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8309. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Allegheny County, Pennsylvania; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators; Correction [PA152–4099a; FRL–6705–7] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8310. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste Final Exclusion [SW-FRL–6606–5] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8311. A letter from the Associate Division Chief, Accounting POlicy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers [CC Docket No. 94–129] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8312. A letter from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—Closed Captioning and Video Description of Video Programming; Implementation of Section 305 of the Telecommunications Act of 1996; Accessibility of Emergency Programming [MM Docket No. 95–176] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8313. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada [Transmittal No. DTC 037–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8314. A letter from the Lieutenant General, USA, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to New Zealand for defense articles and services (Transmittal No. 00–35); to the Committee on International Relations.

8315. A communication from the President of the United States, transmitting a supplemental report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on continued U.S. contributions in support of peacekeeping efforts in Kosovo; (H. Doc. No. 106—258); to the Committee on International Relations and ordered to be printed.

8316. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions—received May 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8317. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Adoption of Revisions to OMB Circular A–110; Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations [Docket No. FR–4573–I–01] (RIN: 2501–AC68) received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8318. A letter from the Chairman, Federal Election Commission, transmitting the 1999 Annual Report; to the Committee on House Administration.

8319. A letter from the Deputy Administrator, General Services Administration, transmitting Reports of the Building Project Survey; to the Committee on Transportation and Infrastructure.

8320. A letter from the Deputy Administrator, General Services Administration, transmitting the Report of Building Project Survey for the San Francisco Bay Area, CA; to the Committee on Transportation and Infrastructure.

8321. A letter from the Deputy Administrator, General Services Administration, transmitting informational copies of various lease prospectuses for the National Park Service, San Francisco or Oakland, CA, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

8322. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Elimination of Elements as a Category in Evaluations—received May 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1959. A bill to designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center"; with amendments (Rept. 106–688). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4608. A bill to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the "James H. Quillen United States Courthouse" (Rept. 106–689). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3323. A bill to designate the Federal building located at 158–15 Liberty Avenue in Jamaica, Queens, New York, as the "Floyd H. Flake Federal Building" (Rept. 106–690). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on the Judiciary, Education and the Workforce, and Ways and Means discharged. H.R. 2909 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. GILMAN: Committee on International Relations. H.R. 2909. A bill to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and for other purposes, with an amendment; referred to the Committee on Ways and Means for a period ending not later than June 22, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X. (Rept. 106–691, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2909. Referral to the Committees on the Judiciary, and Education and the Workforce extended for a period ending not later than June 22, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOUGHTON (for himself, Mr. English, Mrs. Johnson of Connecticut, Mr. Castle, Mr. McInnis, Mr. Cox, Mr. Ramstad, Mr. Smith of Michigan, Mr. Shaw, Mr. Ose, Mr. Frelinghuysen, and Mr. Walden of Oregon):

H.R. 4717. A bill to amend the Internal Revenue Code of 1986 to require 527 organizations and certain other tax-exempt organizations to disclose their political activities; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself and Mr. Gekas):

H.R. 4718. A bill to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Ms. DUNN:

H.R. 4719. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4720. A bill to provide veterans benefits to individuals who serve in the United States merchant marine during a period of war; to the Committee on Veterans' Affairs.

By Mr. HANSEN:

H.R. 4721. A bill to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States; to the Committee on Resources.

By Mr. SAXTON (for himself and Mr. Hostettler):

H.R. 4722. A bill to impose a temporary moratorium on the privatization and outsourcing of Department of Defense functions that are currently being performed by Department of Defense civilian employees; to the Committee on Armed Services.

By Mr. SAXTON:

H.R. 4723. A bill to amend the Internal Revenue Code of 1986 to allow individuals an exclusion from gross income for certain amounts of capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Mr. SKEEN:

H.R. 4724. A bill to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes; to the Committee on Resources.

By Mr. SKEEN:

H.R. 4725. A bill to amend the Zuni Land Conservation Act of 1990 to provide for the expenditure of Zuni funds by that tribe; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 4726. A bill to further continued economic viability in the communities on the southern High Plains by promoting sustainable groundwater management of the southern Ogallala Aquifer; to the Committee on Agriculture, Nutrition, and Forestry, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McGOVERN (for himself, Mr. Hilleary, Mr. Weygand, and Mr. Peterson of Pennsylvania):

H.R. 4727. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself, Mr. Matsui, Mr. Hayes, Mr. Neal of Massachusetts, Mr. Ballenger, Mr. Burr of North Carolina, Mrs. Emerson, Mr. Fletcher, Mr. McIntyre, Mr. Nussle, Mr. Pomeroy, Mr. Sherwood, Mr. Thune, and Mrs. Jones of Ohio):

H.R. 4728. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability; to the Committee on Ways and Means.

By Mr. ACKERMAN (for himself, Mr. Burton of Indiana, and Mr. Hall of Ohio):

H. Con. Res. 361. Concurrent resolution commending the Republic of Benin; to the Committee on International Relations.

By Mr. NADLER (for himself, Mrs. Lowey, Mr. Rohrabacher, Mr. Campbell, Ms. DeLauro, Mr. Gutierrez, Mr. Engel, Mr. Sandlin, Mr. Frost, Mrs. Maloney of New York, Mrs. Mink of Hawaii, Mr. Waxman, Mr. Lantos, Mr. Sanders, Mrs. Tauscher, Mr. Hinchey, Mr. Lewis of Georgia, Mr. Doyle, Ms. Rivers, Mr. Cardin, Mr. Wexler, Ms. Carson, Mr. McGovern, Mr. Underwood, Mr. Oberstar, Mr. Wynn, Ms. Schakowsky, Ms. Pelosi, Mr. McNulty, Mr. Doggett, Mr. Berman, Mr. Abercrombie, Ms. Baldwin, and Mr. Tierney):

H. Con. Res. 362. Concurrent resolution expressing the sense of the Congress regarding so-called "honor killings"; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. Carson.

H.R. 116: Mr. Gallegly and Mr. Kanjorski.

H.R. 303: Mr. Wicker, Mrs. Tauscher, and Mr. Pastor.

H.R. 632: Ms. Lofgren and Mr. Greenwood.

H.R. 783: Mr. Hill of Montana.

H.R. 958: Ms. Lofgren.

H.R. 1020: Ms. Roybal-Allard, Mrs. Maloney of New York, and Ms. Waters.

H.R. 1217: Ms. RIVERS.

H.R. 1560: Mr. BAKER.

H.R. 1590: Mr. ETHERIDGE.

H.R. 1592: Mr. ARMEY and Mr. BARTON of Texas.

H.R. 1885: Mr. SHIMKUS.

H.R. 2121: Mr. RUSH, Mr. BLAGOJEVICH, and Ms. WOOLSEY.

H.R. 2270: Mr. SAM JOHNSON of Texas.

H.R. 2321: Mr. REYES.

H.R. 2512: Mrs. TAUSCHER.

H.R. 2594: Mrs. TAUSCHER.

H.R. 2631: Mr. MINGE and Mr. NORWOOD.

H.R. 2722: Mr. PALLONE.

H.R. 2790: Mr. BALDACCI.

H.R. 3027: Mr. DOOLITTLE and Mr. MCINTOSH.

H.R. 3032: Mr. DAVIS of Illinois and Mr. PAYNE.

H.R. 3034: Mr. FOSSELLA.

H.R. 3100: Mr. EVANS.

H.R. 3109: Mr. MCNULTY.

H.R. 3118: Mr. WALSH.

H.R. 3142: Mr. EVANS.

H.R. 3170: Mr. PAUL.

H.R. 3235: Mr. GALLEGLY.

H.R. 3561: Mr. CANNON.

H.R. 3610: Ms. DANNER and Mr. FROST.

H.R. 3676: Mr. CALVERT, Mr. LEWIS of California, Mr. SKELTON, Mr. FARR of California, Mr. SWEENEY, Mr. CHAMBLISS, Mr. TAYLOR of Mississippi, Mr. BLAGOJEVICH, Mr. PETERSON of Minnesota, Mr. BERMAN, Mr. CONDIT, Mr. REYES, Mr. GRAHAM, Mr. DOOLITTLE, Mr. ROHRABACHER, and Mr. CAMPBELL.

H.R. 3840: Mr. CAPUANO and Mr. ROMERO-BARCELÓ.

H.R. 3875: Mr. PORTMAN.

H.R. 3983: Mr. HOLT.

H.R. 4006: Mr. TIAHRT.

H.R. 4033: Ms. HOOLEY of Oregon, Mr. LARGENT, Mr. KUYKENDALL, Ms. NORTON, Mr. CALVERT, and Ms. DUNN.

H.R. 4046: Mr. COOK and Mrs. MORELLA.

H.R. 4106: Mr. MCGOVERN.

H.R. 4108: Ms. SANCHEZ.

H.R. 4136: Mr. UDALL of Colorado.

H.R. 4157: Mr. GARY MILLER of California.

H.R. 4162: Mr. THOMPSON of Mississippi and Ms. PELOSI.

H.R. 4218: Mr. CALVERT.

H.R. 4237: Ms. SCHAKOWSKY, Mr. WEXLER, and Mr. SOUDER.

H.R. 4239: Mr. DAVIS of Illinois and Mr. Towns.

H.R. 4257: Mr. GOODLATTE and Mr. BAKER.

H.R. 4271: Mr. SHAYS and Mr. CAMP.

H.R. 4272: Mr. SHAYS and Mr. CAMP.

H.R. 4273: Mr. SHAYS and Mr. CAMP.

H.R. 4301: Mr. CALVERT and Ms. SLAUGHTER.

H.R. 4320: Mr. PALLONE.

H.R. 4330: Mr. FRANKS of New Jersey.

H.R. 4346: Mrs. LOWEY.

H.R. 4357: Mr. FALEOMAVAEGA.

H.R. 4368: Mr. MCNULTY, Ms. LOFGREN, Mr. RANGEL, and Mr. PAYNE.

H.R. 4390: Mr. LANTOS, Mr. FILNER, and Ms. MCCARTHY of Missouri.

H.R. 4395: Mr. PETERSON of Minnesota.

H.R. 4419: Mr. GREEN of Wisconsin.

H.R. 4453: Mr. FRANK of Massachusetts.

H.R. 4483: Mr. PAYNE, Ms. MCKINNEY, and Mr. BACA.

H.R. 4492: Mr. DUNCAN, Mr. GILLMOR, Mr. VISCLOSKY, Mrs. MORELLA, Mr. LAMPSON, Mr. BLAGOJEVICH, Mr. COYNE, Mr. GEKAS, Mr. LEACH, Mr. LINDER, Mr. UDALL of New Mexico, Mr. BOEHLERT, Mr. MCNULTY, Mr. TURNER, Mr. STEARNS, Mrs. NORTHUP, Mrs. MEEK of Florida, Mrs. MCCARTHY of New York, and Mr. WICKER.

H.R. 4535: Ms. PELOSI.

H.R. 4539: Mr. PAYNE and Mr. OWENS.

H.R. 4548: Mr. WALDEN of Oregon and Mr. SESSIONS.

H.R. 4567: Ms. MILLENDER-MCDONALD.

H.R. 4606: Mr. HOLT, Mr. FROST, Mr. ENGEL, Mr. MOAKLEY, Mrs. MORELLA, Mr. PAYNE, Mr. MCGOVERN, Mr. RANGEL, Mr. DOYLE, and Mr. EVANS.

H.R. 4607: Mr. NEAL of Massachusetts and Mr. MOORE.

H.R. 4614: Mr. THOMPSON of California.

H.R. 4639: Mr. CUNNINGHAM, Mr. ROHRABACHER, and Mr. MCINTYRE.

H.R. 4643: Mr. HUNTER, Mr. BURTON of Indiana, Mr. CALVERT, and Mr. GRAHAM.

H.R. 4659: Mr. UDALL of Colorado.

H.R. 4677: Mr. THORNBERRY, Mr. HILLEARY, Mr. PAUL, Mr. EVANS, Mr. MCINNIS, Mr. LEWIS of Kentucky, and Mrs. EMERSON.

H.R. 4714: Mr. ANDREWS.

H.J. Res. 60: Mr. LATHAM.

H. Con. Res. 242: Mr. ACKERMAN, Mr. COSTELLO, Mr. DELAHUNT, Mr. DICKS, Mr. DINGELL, Mr. LANTOS, Mr. MENENDEZ, Mr. MORAN of Virginia, Ms. NORTON.

H. Con. Res. 271: Mr. BONIOR.

H. Con. Res. 297: Mr. HINCHEY and Mr. PORTER.

H. Con. Res. 308: Mr. GUTIERREZ.

H. Con. Res. 334: Mr. WU, Mr. ROHRABACHER, and Mr. EHRLICH.

H. Con. Res. 335: Mr. ROHRABACHER, Mr. WU, and Mr. EHRLICH.

H. Con. Res. 357: Mr. ABERCROMBIE.

H. Res. 388: Mr. COLLINS, Mr. MARTINEZ, Mr. SOUDER, and Mr. BALLENGER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4655: Mr. FOLEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 34: Page 85, after line 15, insert the following new section:

SEC. ___. The amounts otherwise provided by this Act are revised by reducing the total amount provided under the heading "AGRICULTURAL RESEARCH SERVICE" (to be derived from amounts for cotton research) and by increasing the total amount provided under the heading "EXTENSION SERVICE" (to be available for a consumer education program regarding the dangers of flammable children's cotton sleepware), by $5,000,000.

H.R. 4690

OFFERED BY: MR. BARR OF GEORGIA

AMENDMENT NO. 44: Page 105, line 18, before "destruction", insert the following: "immediate".

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 45: Page 71, line 1, after the dollar amount, insert the following: "(reduced by $200,000)".

Page 79, line 16, after the dollar amount, insert the following: "(increased by $200,000)".

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 46: Page 71, line 1, after "$2,689,825,000" insert "(decreased by $2,500,000)"

Page 79, line 16, after "$19,470,000" insert "(increased by $2,500,000)".

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 47: Page 78, line 2, after "$498,100,000" insert "(decreased by $2,500,000)".

Page 79, line 16, after "$19,470,000" insert "(increased by $2,500,000)".

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 48: Page 78, line 2, after the dollar amount, insert the following: "(reduced by $500,000)".

Page 79, line 19, after the dollar amount, insert the following: "(increased by $500,000)".

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 49: Page 79, after line 16, insert the following:

In addition, for the conducting of satellite imagery monitoring for the purpose of tracking plumes of sewage contaminants in the south San Diego Bay-Mexico border region, to be derived by transfer from the amount provided in this title for "Diplomatic and Consular Programs", $200,000.

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 50: Page 79, after line 22, insert the following:

In addition, for a feasibility study for the construction of a sewage diversionary structure in the flood control channel of the Tijuana River as it enters the United States, to be derived by transfer from the amount provided in this title for "Diplomatic and Consular Programs", $500,000.

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 51: Page 79, after line 22, insert the following:

In addition, for a feasibility study for the construction of a sewage diversionary structure in the flood control channel of the Tijuana River as it enters the United States, to be derived by transfer from the amount provided in this title for "Contributions for International Peacekeeping Activities", $500,000.

H.R. 4690

OFFERED BY: MR. BLUNT

AMENDMENT NO. 52: At the end of the bill, insert after the last section (page 107, after line 21) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the United States-European Union Consultative Group on Biotechnology, unless the United States Trade Representative certifies that the European Union has a timely, transparent, science-based regulatory process for the approval of agricultural biotechnology products.

H.R. 4690

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 53: At the end of the bill, insert after the last section (page 107, after line 21) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to seek the revocation or revision of the laws or regulations of another country that relate to intellectual property rights with respect to pharmaceuticals or other medical technologies and comply with the Agreement on Trade Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act.

H.R. 4690

Offered By: Mr. Chambliss

Amendment No. 54: Page 92, insert after line 14 the following:

If a grantee of the Legal Services Corporation does not prevail in a civil action brought by the grantee against farmers with respect to migrant employees under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), the grantee shall pay the attorneys' fees, the amount of which as determined by the court, incurred by the defendant to such action. If a grantee is required under this section to pay such fees, the Legal Services Corporation shall reduce the next grant to the grantee by the amount of such fees paid by the grantee.

H.R. 4690

Offered By: Mr. Coble

Amendment No. 55: Page 44, line 21, insert after the dollar amount the following: "(reduced by $10,000,000)".

Page 45, line 24, insert after the dollar amount the following: "(reduced by $40,000,000)".

Page 48, line 23, insert after the dollar amount the following: "(increased by $133,808,000)".

Page 73, line 19, insert after the dollar amount the following: "(reduced by $98,808,000)".

H.R. 4690

Offered By: Mr. Coble

Amendment No. 56: Page 44, line 21, insert after the dollar amount the following: "(reduced by $10,000,000)".

Page 45, line 24, insert after the dollar amount the following: "(reduced by $40,000,000)".

Page 48, line 23, insert after the dollar amount the following: "(increased by $133,808,000)".

Page 48, line 24, insert after the dollar amount the following: "(increased by $133,808,000)".

Page 73, line 19, insert after the dollar amount the following: "(reduced by $98,808,000)".

H.R. 4690

Offered By: Mr. Coble

Amendment No. 57: Page 49, line 12, insert after the dollar amount the following: "(increased by $133,808,000)".

H.R. 4690

Offered By: Ms. DeGette

Amendment No. 58: Page 4, after line 14, insert the following:

SITE SECURITY REPORTING

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Attorney General in carrying out section 112(r)(7)(H)(xi) of the Clean Air Act (as added by section 3(a) of the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. 106-40)), to be derived by transfer from the amount made available in this title for "Counterterrorism Fund", $750,000.

H.R. 4690

Offered By: Ms. DeGette

Amendment No. 59: In title I, in the item relating to "GENERAL PROVISIONS—DEPARTMENT OF JUSTICE", strike section 103.

H.R. 4690

Offered By: Mr. Dixon

Amendment No. 60: In title IV, in the item relating to "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES", after the aggregate dollar amount, insert the following: "(increased by $240,566,000)".

H.R. 4690

Offered By: Mr. English

Amendment No. 61: Page 39, line 21, after the dollar figure, insert "(increased by $3,000,000)".

Page 55, line 11, after the dollar figure, insert "(decreased by $3,000,000)".

H.R. 4690

Offered By: Mr. Jackson of Illinois

Amendment No. 62: In title IV, in the item relating to "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES", after the aggregate dollar amount, insert the following: "(increased by $240,566,000)".

H.R. 4690

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 63: Page 7, line 26, insert "(increased by $3,000,000)" after the dollar amount.

Page 51, line 3, insert "(reduced by $3,000,000)" after the dollar amount.

H.R. 4690

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 64: Page 7, line 26, insert "(increased by $11,800,000)" after the dollar amount.

Page 51, line 3, insert "(reduced by $11,800,000)" after the dollar amount.

H.R. 4690

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 65: Page 19, line 2, after the dollar amount, insert the following: "(increased by $24,000,000)".

Page 22, line 16, after the dollar amount, insert the following: "(reduced by $24,000,000)".

H.R. 4690

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 66: Page 79, line 2, insert before the period the following: ": *Provided further*, That funds made available under this heading may be used for United Nations peacekeeping missions in the Republic of Angola, the Democratic Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the western Saharan region of Africa".

H.R. 4690

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 67: Page 79, line 16, insert after the dollar amount the following: "(decreased by $2,100,000)".

Page 87, line 11, insert after the first dollar amount the following: "(increased by $2,100,000)".

H.R. 4690

Offered By: Mr. Knollenberg

Amendment No. 68: At the end of Section 623 insert the following: ": *Provided further*, That any limitation imposed under this Act on funds made available by this Act shall not apply to any activities related to the Kyoto Protocol which are otherwise authorized by law."

H.R. 4690

Offered By: Mrs. Maloney of New York

Page 40, line 7, after the dollar amount, insert the following: "(reduced by $5,000,000)".

Amendment No. 69: Page 45, lines 8 and 9, after each dollar amount, insert the following: "(increased by $5,000,000)".

H.R. 4690

Offered By: Mrs. Mink of Hawaii

Amendment No. 70: Page 51, line 3, after the dollar amount insert "(increased by $1,200,000)".

Page 51, line 16, after the dollar amount insert "(increased by $1,200,000)".

Page 51, line 17, after the dollar amount insert "(increased by $1,200,000)".

Page 51, line 21, after the dollar amount insert "(increased by $1,200,000)".

Page 53, line 12, after the dollar amount insert "(reduced by $1,200,000)".

H.R. 4690

Offered By: Mr. Obey

Amendment No. 71: Page 77, strike the proviso beginning on line 9.

H.R. 4690

Offered by: Mr. Olver

Amendment No. 72: On page 107, line 12, after the word "Protocol", insert: ": *Provided further*, That any limitation imposed under this Act on funds made available by this Act shall not apply to activities specified in the previous proviso related to the Kyoto Protocol which are otherwise authorized by law."

H.R. 4690

Offered By: Mr. Serrano

Amendment No. 73: In title IV, in the item relating to "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES", after the aggregate dollar amount, insert the following: "(increased by $240,566,000)".

H.R. 4690

Offered By: Mr. Smith of Michigan

Amendment No. 74: Page 44, line 21, after the dollar amount insert the following: "(increased by $4,350,000)".

Page 73, line 19, after the dollar amount insert the following: "(reduced by $8,700,000)".

H.R. 4690

Offered By: Mr. Souder

Amendment No. 75: Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds appropriated or otherwise made available by this Act may be made available for payment of expenses of any United States delegation or special envoy at a United Nations-sponsored meeting at which the delegation or envoy votes for or otherwise advocates the adoption of any provision under the United Nations Convention Against Transnational Organized Crime that legalizes, legitimizes, or decriminalizes prostitution in any form or under any circumstance, or otherwise limits international efforts to combat sex trafficking whether or not the individual being trafficked consents to engage in prostitution.

H.R. 4690

Offered By: Mr. Vitter

Amendment No. 76: Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds appropriated or otherwise made available by this Act may be used for participation by United States delegates to the Standing Consultative Commission in any activity of the Commission to implement the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine.

H.R. 4690

OFFERED BY: MR. VITTER

AMENDMENT NO. 77: Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be available to the Department of State to approve the purchase of property in Arlington, Virginia by the Xinhua News Agency.

H.R. 4690

OFFERED BY: MR. WHITFIELD

AMENDMENT NO. 78: Page 107, insert after line 12 the following:

SEC. 624. No funds made available under this Act to the Legal Services Corporation may be used for grants for programs providing legal assistance to H2-A workers in their civil actions against their (current or former) employers unless the action is brought in the State in which the employer resides or has its principal place of business. For purposes of this section, H2-A workers are workers identified under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act.

EXTENSIONS OF REMARKS

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

Ms. PELOSI. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from California, Mr. FILNER. I commend my colleague for his tenacious efforts to restore benefits for Filipino veterans and for his steadfast support.

The sacrifices of all veterans during World War II deserve our recognition and respect, and this amendment addresses a group of veterans who fought alongside American soldiers in the Philippines. For almost four years, in the fight to retake the Philippine Islands from Japan, 100,000 Filipino soldiers fought alongside our armed forces. Despite the integral role Filipino soldiers played in the Allied Victory in the Pacific Theater, they were denied benefits under the 79th Congress Rescissions Act of 1946.

Mr. FILNER's amendment would attempt to address this egregious mistake by providing the necessary and deserved reparations to demonstrate the depth of our gratitude and respect for the service of these men in war. The age of the veterans and our country's late acknowledgment of their dedicated service make it imperative that these trusted veterans receive the requested emergency funding.

I support this amendment to add $35 million to the VA–HUD Appropriations bill, H.R. 4635, so that Filipino Veterans have unrestricted access to Veterans facilities in both the Philippines and the United States, and increase the exchange rate for service-connected disability compensation. It is time we honored these servicemen and provided the benefits and compensation they deserve.

Thank you, Mr. FILNER, for your work on behalf of Filipino veterans. I urge my colleagues to support the Filner amendment.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of my distinguished colleague's amendment. Mr. FILNER has shown a great sense of justice by offering this amendment which provides funds for health benefits for Filipino World War II veterans. It also increases service-connected disability benefits to those vets who are living in the United States. Both these provisions will greatly improve the lives of many Filipino veterans who loyally fought with the United States in World War II.

The early months of World War II were a dark time for the United States. Our armed forces were on the defensive everywhere—nowhere more so than in the Philippines. Food, medical supplies and ammunition ran short. With sea and air links severed, there was no hope of resupply, reinforcement or escape.

In that desperate hour, approximately 200,000 Filipino soldiers under the command of General Douglas MacArthur displayed exemplary loyalty and courage in the defense of the Philippines. They fought in every major battle, including the final defense of Bataan and Corregidor. They suffered every privation. They endured every danger. They shed their blood as readily as their American comrades in arms.

Those sacrifices continued even after U.S. forces were driven from the Philippines in 1942. Thousands of courageous Filipinos took up arms as guerillas and fought enormous odds. Their bravery earned the admiration of freedom loving people throughout the world. They provided valuable intelligence to General MacArthur's forces in the Southwest Pacific, rescued downed American airmen, and diverted powerful enemy forces from deployment elsewhere. Through three long, terrible years these Filipino guerilla soldiers kept faith with America.

Now it is time for America to keep faith with Filipino veterans. Despite their equal service, our Filipino veterans do not enjoy equal benefits with the American troops with whom they fought side by side. An estimated 60,000 to 80,000 surviving Filipino veterans are barred from the full range and extent of veterans benefits available to Americans who served against the same enemy, in the same battles, at the same time. This violates the fundamental concept of fairness, especially for those who put their lives on the line for our country.

Because America stands for justice for all, we cannot turn our backs on these veterans who have been denied their due for so long. We owe equal treatment to all who fought under our flag. America is a great nation, and we must act now to right a great wrong. We can do so by extending recognition for incomparable bravery and loyalty. It is time to offer justice to veterans in need and redeem a debt that has gone unpaid for far too long. I strongly urge my colleagues to vote for this amendment.

TRIBUTE TO KEVIN SULLIVAN

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to celebrate the contributions that Mr. Kevin Sullivan, of Chino, California, has made to his community

Mr. Sullivan was born in Sydney, New South Wales, Australia. His career has been exciting and impressive taking him from a mercantile broker's office and major export company in his native Australia to the Australian Consulate-General's office in New York to numerous European cities as a member of Jack Kramer's world professional tennis tour.

In 1961, Mr. Sullivan came to Southern California when he was appointed General Manager of Jack Kramer's Los Serranos Country Club. Under Mr. Sullivan's leadership, the South Course was initiated and built and a new clubhouse was constructed. Although Mr. Sullivan stepped down from his managerial duties in 1997, he continues to serve as Secretary of the Corporation, Director and Vice President of Special Projects, and as a Trustee of the Profit Sharing Plan.

An active member of the Chino Valley Chamber of Commerce, Mr. Sullivan has held the prestigious positions of Director and Second Vice President, President-Elect, and President.

The Chamber's accomplishments under Mr. Sullivan's tenure as President have been numerous and impressive: the Chamber moved its offices to the historic Grey Building, the website has been redesigned and now includes an on-line membership directory, and the Chamber has awarded over $6,000 in student scholarships and classroom mini-grants

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for teachers. As a result of Mr. Sullivan's forward-thinking and leadership, Chamber membership has grown to over 600 members and attendance records at Chamber events are being broken.

In addition to his duties as President of the Chamber, Mr. Sullivan is a member of Chino Rotary where he has 37 years of perfect attendance. He also supports City of Hope, Boy's Republic, and the YMCA. Mr. Sullivan's commitment to community service has earned the recognition of his Rotary Club and the City of Councils of Chino and Chino Hills.

Mr. Sullivan has exemplified his theme for the year, "Friendship + Teamwork = Success," and he is deserving of the accolades of this Congress.

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. MARKEY. Mr. Speaker, as the Ranking Member of the Commerce Committee's Subcommittee on Telecommunications, Trade and Consumer Protection, and as one of the two Democrats appointed to serve on the conference committee to resolve differences between S. 761, the Electronic Signatures in Global and National Commerce Act, and the House amendments to the bill, I wish to indicate that I concur with the extension of remarks today submitted to the RECORD by the Gentleman from Michigan (Mr. DINGELL) with respect to this legislation.

I have had an opportunity to review the gentleman from Michigan's extension of remarks concerning certain insertions previously placed into the RECORD by other conferees. I agree with the Gentleman from Michigan's responses to these remarks.

There was no joint explanatory statement prepared in connection with the conference report on S. 761, and the Gentleman from Michigan quite properly notes, certain statements made in the extensions of remarks previously submitted by the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. ABRAHAM) do not accurately reflect the intent or understanding of the conferees. Moreover, some of these statements are simply not correct or conflict with the plain language of the statute.

In addition to the matters discussed in the Gentleman from Michigan's statement, I would also like to mention an additional matter which I believe merits clarification.

I note that Senator ABRAHAM states that the "reference in section 101(a) of the conference agreement to 'any transaction in or affecting interstate commerce' is intended to include electronic records, signatures and agreements governed by the Securities Exchange Act of 1934 and all electronic records, signatures and agreements used in financial planning, income tax preparation and investments." The scope of section 101 is actually narrower; it is limited to "transactions" involving "consumers". For example, the conferees defines transactions to include "an action or set of actions relating to the conduct of business, consumer, or commercial affairs" and consciously rejected including governmental affairs as a whole. The bill does not purport to affect all records, signatures and agreements governed in general by the federal securities laws or "used in financial planning, income tax preparation and investments".

TRIBUTE TO TEXAS TRANSPORTATION INSTITUTE AT TEXAS A&M UNIVERSITY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. BRADY of Texas. Mr. Speaker, I rise today to recognize the accomplishments and contributions of the Texas Transportation Institute at Texas A&M University to improved safety on our nations highways. This year marks a historic occasion for the institute as they celebrate their 50th year. Since its inception, the Texas Transportation Institute has conducted applied research in all modes of transportation and transferred the results to the public and private sectors, enhancing transportation safety, efficiency and sustainability, and I would like to take this opportunity to congratulate Dr. Herbert H. Richardson and the Texas Transportation Institute (TTI).

Looking back on the history of the Institute gives us an interesting perspective on how far we've come in terms of transportation and technological advances. I was interested to note that some of the earliest safety research performed by TTI was to develop safer roadside structures, including breakaway supports and impact attenuation systems. As you are aware, one of the first real-world tests of a breakaway sign occurred in September 1965 when a driver lost control of his vehicle and skidded into an "EXIT" sign on IH–10 near Beaumont. Less than 24 hours before the accident, the local THD maintenance force had placed the TTI-designed slip base and hinge sign support in place of the old fixed one. In this accident, the driver and passenger escaped uninjured, and the vehicle sustained only minor damage. Less than a year earlier, a driver hit the same sign, then mounted on a standard base, and was killed. Today, highway safety is still an issue of major concern and I am pleased that TTI has continued to develop technological advances, such as the ADIEM crach cushion, to make our nation's roads and highways safer. Many Americans owe their lives to the development of this technology, which is now in use in nearly 40 states. You and the Institute can certainly be proud of the work.

In the 1950's, Dean of the College of Engineering, Fred Benson was quoted in the Daily Eagle as saying "The Institute intends to assemble a group of men at this college with a thorough knowledge of all types of transportation. These men . . . will provide a forum for analyzing and discussing problems [and] will outline and guide our research program and provide high level education to mature students with an interest in transportation." Given the fact that TTI employs about 570 people, is home to four National Research Clearinghouses and eight National Research Centers, and has urban laboratories in every major metropolitan area in the state, I am certain that Dr. Benson would indeed be very proud of the men and women of TTI and their many accomplishments. I extend to them my heartfelt congratulations and best wished for the next 50 years.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

Ms. PELOSI. Mr. Chairman, I strongly support the Nadler/Shays/Crowley/Horn amendment to increase HOPWA funding by $18 million in the FY 2001 VA/HUD appropriations bill. This additional funding will increase the ability of the HOPWA program to meet current needs while bringing additional newly eligible communities into this effective program.

The need for housing assistance among those living with HIV/AIDS is greater now than ever. As new treatments and greater access to HIV/AIDS care through the Ryan White CARE Act allow infected individuals to live longer, new HIV infections are continuing at a steady rate. This means that the overall number of people living with HIV/AIDS has grown to its highest level ever. In addition, the new treatments that are extending so many lives involve a complicated regimen of medications, requiring certain medications to be taken at certain times, certain medications to be taken after eating, and still others on an empty stomach. This makes adherence very difficult, and nearly impossible without stable housing.

As the number of people living with HIV/AIDS increases, so do the number of cities and states qualifying for HOPWA formula grants. At the same time, the rising costs of housing across the country, particularly in urban areas where a large proportion of people living with HIV/AIDS live, make it difficult for HOPWA to maintain current services without funding increases. Despite this increased need HOPWA funding has remained relatively flat over the past 5 years. Increases in the number of eligible jurisdictions means that flat funding is in reality a funding cut for all HOPWA jurisdictions.

More than 200,000 people with HIV/AIDS are currently in need of houing assistance, and 60 percent of those living with this disease will need housing assistance at some point during their illness.

HIV prevalence with the homeless population is estimated to be 10 times greater than infection rates in the general population. In addition, homeless individuals are much less likely to have regular access to health care than the general population and are therefore less likely to be tested for HIV than are people with stable housing. One San Francisco study showed that up to 33 percent of homeless individuals who were living with HIV were unaware of being HIV positive.

HIV/AIDS community policy experts have estimated that unless HOPWA funding is substantially increased, jurisdictions will face decreased service levels and could suffer decreased funding. To avoid these reductions, we must pass this amendment and provide HOPWA with additional funding to ensure that people living with HIV and AIDS have access to the stable housing that is necessary for their medical care.

TRIBUTE TO DR. JOHN O'SHAUGHNESSEY

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. CHAMBLISS. Mr. Speaker, today I am proud to honor Dr. John O'Shaughnessey. The Medical Association of Georgia has given Dr. O'Shaughnessey the 2000 Physician's Award for Community Service.

This award is presented only to physicians who rise above the expectations of their medical duties and are intensely involved with community activities. Dr. O'Shaughnessey fits this description precisely as he has donated an immense amount of time and energy to the Macon community.

Dr. O'Shaughnessey has been a dedicated member of the Macon area for many years. In addition to practicing medicine for more than thirty years, he has played an active role in several civic organizations. The Department of Family and Children's Services, the Cherry Blossom Festival, the Macon Civic Club and the Greater Macon Chamber of Commerce are a few of the organizations to which he devotes his time.

The Macon community and myself are very proud of Dr. O'Shaughnessey's service and achievement.

NEW JERSEY SENATE OBJECTS TO SCHOOL-TO-WORK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. SCHAFFER. Mr. Speaker, I rise today to call attention to a resolution recently passed by the New Jersey Senate. Approved on May 10, 1999, Senate Resolution No. 73 express the objection of the State Senate to the School-to-Work provisions being developed by the New Jersey Department of Education.

State Senators Joseph Kyrillos, William Gormley, Scott Garrett, and Guy Talarico achieved a significant victory for quality local education by putting the New Jersey Senate on record opposing the federal School-to-Work curriculum and its goals.

The concerns expressed in this resolution cut to the heart of education reform today: Basic academics, local control, unlimited student opportunity and sufficient quality instructional time are at the forefront of local education efforts and are threatened by School-to-Work. New Jersey is clearly concerned about a radical restructuring of its education system around federal workforce development, "applied learning" and limited student choice. Other states and Congress should take note of the New Jersey's courageous stand.

Mr. Speaker, I hereby submit for the RECORD New Jersey Senate Resolution No. 73 and commend its content to our colleagues.

SENATE RESOLUTION NO. 73

Whereas, The Department of Education is developing a new chapter of administrative code to implement the core curriculum content standards and the Statewide assessment system which will fundamentally reform public education in New Jersey; and

Whereas, A number of the proposals incorporated in the core represent new graduation requirements for public schools students and since the current requirements for graduation were initially established by the Legislature under chapter 7C of Title 18a of the New Jersey Statutes, a revision of those standards of the magnitude incorporated within the proposed code and which represent a fundamental change in the educational requirements for secondary school students should undergo legislative review; and

Whereas, the new code provisions will not be formally proposed, according to the timetable set forth by the Department of Education, until August, 1999; and

Whereas, The new code provisions emphasize career education and include three phases in this area: career awareness in kindergarten through grade 4; career exploration in grades 5 through 8, with the development of individual career plans during this phase; and career preparation in grades 9 through 12, with students being required to identify a career major, from a list of fourteen majors, prior to the start of the eleventh grade; and

Whereas, The new code provisions require that eleventh and twelfth grade students, for a minimum of one day per week or the equivalent thereof, participate in a structured learning experience which is linked to the students career plan and which could include volunteer activities, community service, paid or unpaid employment opportunities, school-based enterprises, or participation in an apprenticeship program; and

Whereas, The new code provisions will make school-to-work a requirement for all students in the State, and will result in the loss of 20% of academic instructional time, putting students at a competitive disadvantage in collegiate academic programs; and

Whereas, The school-to-work component of the new code provisions will result in limiting students' choices far too early in their lives and imposing job specific skills training on the educational system at the expense of instructional time in academic subjects; now, therefore,

Be it resolved by the Senate of the State of New Jersey:

1. This House objects to the school-to-work provisions incorporated in to the new chapter of administrative code being developed by the Department of Education to implement the core curriculum content standards and the Statewide assessment system. This House urges that school-to-work provisions be eliminated and that local boards of education be allowed to determine the necessity and nature of any career program for their own school district.

2. The Secretary of the Senate shall transmit a duly authenticated copy of this resolution to the State Board of Education and the Commissioner of Education.

STATEMENT

This resolution expresses the objection of the Senate to the school-to-work provisions incorporated into the new chapter of administrative code being developed by the Department of Education to implement the core curriculum content standards and the Statewide assessment system. The resolution also urges that school-to-work provisions be eliminated and that local boards of education be permitted to determine the necessity and nature of any career program for their own school district. According to the department's timetable, the new chapter of administrative code is not scheduled to be formally proposed until August, 1999.

The school-to-work provisions being developed by the department represent a fundamental shift in the way the children of New Jersey will be educated. The school-to-work provisions emphasize career education and include three phases: career awareness in kindergarten through grade 4; career exploration in grades 5 through 8, with the development of individual career plans during this phase; and career preparation in grades 9 through 12, with students being required to identify a career major, from a list of fourteen majors, prior to the start of the eleventh grade. Eleventh and twelfth grade students would be required to participate in a structured learning experience which could include volunteer activities, community service, paid or unpaid employment opportunities, school-based enterprises, or participation in an apprenticeship program. The structured learning experience would be linked to the student's career plan and would be required of every student for a minimum of one day per week or the equivalent thereof, resulting in a 20% loss of academic instructional time. the school-to-work proposal would limit students' choices too early in their lives and impose job specific skills training on the educational system at the expense of instructional time in academic subjects.

PERSONAL EXPLANATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mrs. EMERSON. Mr. Speaker, I was attending my daughter's high school graduation and missed the following recorded votes. Had I been present, I would have voted, "no" on rollcall vote 292, "no" on rollcall vote 293, "no" on rollcall vote 294, "yes" on rollcall vote 295, "yes" on rollcall vote 296, "yes" on rollcall vote 297.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. DEMINT. Mr. Speaker, last week, I was detained in my district and missed rollcall votes No. 258–269. Had I been present, I would have voted "yea" on all but rollcall vote No. 267. On rollcall vote No. 267, I would have voted "nay".

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mrs. MYRICK. Mr. Speaker, I was unavoidably detained during the following vote. If I had been present, I would have voted as follows:

On June 15, 2000, rollcall vote 279, on the Nethercutt amendment to keep in place the fund limitation proposed to be loosened by the Dicks amendment which would subsequently require the Forest Service and BLM to complete a regulatory flexibility analysis as required by law for the Interior Columbia Basin Project, I would have voted yea.

POCONO LIONS CELEBRATE 50 YEARS OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. KANJORSKI. Mr. Speaker, today I pay tribute to the Pocono Lions Club in Pocono Pines, Pennsylvania. The Lions are celebrating their 50th anniversary at a dinner on June 24, and their record of service is truly deserving of honor and recognition by the House of Representatives.

In the fall of 1949, a group of Pocono-area men met at Johnny's Inn in Pocono Summit to discuss the possibility of forming a Lions Club dedicated to serving some of the needs of the community. Bill Lewis and John Desanto, who became the Pocono club's first president, were the original group leaders. Bill Lewis is the lone surviving charter member and remains very active in the Lion's activities to this day.

The Pocono Lions are a group of community-minded people who pool their talents in behalf of local, national and international needs. Their members are mostly retired businesspeople who enjoy the social aspects of the club while also returning something to the community that has been home to them and their families for many years.

Their largest fundraiser is their annual auction, held on the fourth Saturday in August, although they hold several other events throughout the year to contribute to the community. They like to say that they make money and then give it away. Some of their recent donations include $3,500 to the Pocono Regional Police, $5,000 in scholarships for local high school students and $500 to the Salvation Army for its building fund.

The Pocono Lions will be inducting four new members at their 50th Anniversary Charter Night, who will be joining the current membership of about 45 in their active fulfillment of the Lions motto: "We Serve."

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the fine work that the Pocono Lions do for their community, the nation and the world, and I send my best wishes on the occasion of their 50th anniversary.

INTRODUCTION OF AMERICAN GOLD STAR PARENTS ANNUITY ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. GILMAN. Mr. Speaker, I rise today with my colleagues from New York, Representative MCNULTY, and my colleagues from California, Mr. FILNER and Mr. ROHRBACHER, to introduce the American Gold Star Parents Annuity Act of 2000.

This legislation would create a new annuity of $125 per month for all current and future Gold Star Parents. Gold Star Parents are those individuals who have lost a child, who was an active duty member of the Armed Forces, to either enemy fire in a recognized conflict or to an act of terrorism.

The annuity is for each set of parents, to be divided equally if they are not longer married, should one parent be deceased, the surviving parent would receive the full amount of the annuity. The income from this annuity will be completely tax free.

Receipt of this annuity is contingent on the parents being awarded a Gold Star, for which eligibility is determined by the Secretary of Defense. The bulk of the recipients will be members of the American Gold Star Mothers.

The American Gold Star Mothers is an organization that had its beginnings in World War I. During that conflict, a blue star was used to represent a person serving in the United States' Armed Forces. As American casualties mounted in 1917, silver stars were used to represent those who had been wounded, and Gold Stars were used for those who had died in the service of their country.

On June 4, 1928, a group of twenty-five mothers residing in the Washington, DC vicinity, met to provide plans for the founding of a national organization. The American Gold Star Mothers was officially incorporated on January 5, 1929.

Membership was initially open only to mothers who had lost a son or daughter in World War I, but was later opened to those who had lost a child in World War II, Korea, Vietnam and the Persian Gulf conflict.

These additions have parallel congressional modifications to the U.S. Code to permit the Secretary of Defense to award gold star pins to the parents of deceased veterans of those conflicts as well as those who lost children in terrorist attacks on U.S. Armed Forces.

Since its founding, the American Gold Star Mothers has played a vital role in the healing process for those who had lost a child. Through bringing together individuals that share a common tragedy, this organization has helped all of its members realize that they are not alone in their grief.

Furthermore, the Gold Star Mothers have also performed the important service of assisting veterans of the last century's military conflicts and their descendants with the presentation of claims before the Veterans' administration. They also perform thousands of hours of volunteer service in VA hospitals, offering assistance and conflict to hospitalized veterans and their families.

Mr. Speaker, our nation has always sought to look after the surviving spouse and children of a service-member who has been killed in action. Often overlooked however, are the parents of the deceased service-member. This is unfortunate since the parents are usually the two people who have had the greatest role in shaping that person, and have had the greatest impact on his or her life. Yet beyond heartfelt condolences, the parents receive very little from the Government that their child chose to patriotically serve as a member of the Armed Forces.

While nobody would claim that the Government does not have some obligation to the widowed spouse and the killed soldier's children, very few have argued on the behalf of the parents who lose their children to war. Only those parents who relied on their child as a primary means of support currently receive any benefit when their child is killed in the line of duty.

This legislation seeks to change this reality. It offers a small annuity to any parent, mother or father, regardless of need, as a sign of appreciation for the ultimate sacrifice made by their child in the defense of freedom and liberty.

§ 1126. Gold star lapel button: eligibility and distribution

(a) A lapel button, to be known as the gold star lapel button, shall be designed, as approved by the Secretary of Defense, to identify widows, parents, and next of kin of members of the armed forces—

(1) who lost their lives during World War I, World War II, or during any subsequent period of armed hostilities in which the United States was engaged before July 1, 1958;

(2) who lost or lose their lives after June 30, 1958—

(A) while engaged in an action against an enemy of the United States;

(B) while engaged in military operations involving conflict with an opposing foreign force; or

(C) while serving with friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party against an opposing armed force; or

(3) who lost or lose their lives after March 28, 1973, as a result of—

(A) an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of Defense; or

(B) military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.

(b) Under regulations to be prescribe by the Secretary of Defense, the Secretary concerned, upon application to him, shall furnish one gold star lapel button without cost to the widow and to each parent and next of kin of a member who lost or loses his or her life under any circumstances prescribed in subsection (a).

(c) Not more than one gold star lapel button may be furnished to any one individual except that, when a gold star lapel button furnished under this section has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was furnished, the button may be replaced upon application and payment of an amount sufficient to cover the cost of manufacture and distribution.

(d) In this section:

(1) The term "widow" includes widower.

(2) The term "parents" includes mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis.

(3) The term "next of kin" includes only children, brothers, sisters, half brothers, and half sisters.

(4) The term "children" includes stepchildren and children through adoption.

(5) The term "World War I" includes the period from April 6, 1917, to March 3, 1921.

(6) The term "World War II" includes the period from September 8, 1939, to July 25, 1947, at 12 o'clock noon.

(7) The term "military operations" includes those operations involving members of the armed forces assisting in United States Government sponsored training of military personnel of a foreign nation.

(8) The term "peacekeeping force" includes those personnel assigned to a force engaged in a peacekeeping operation authorized by the United Nations Security Council.

H.R. —

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gold Star Parents Annuity Act."

SEC. 2. SPECIAL PENSION FOR GOLD STAR PARENTS.

(a) IN GENERAL.—(1) Chapter 15 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER V—SPECIAL PENSION FOR GOLD STAR PARENTS

§1571. Gold Star parents

"(a) The Secretary shall pay monthly to each person who has received a Gold Star lapel pin under section 1126 of title 10 as a parent of a person who died in a manner described in subsection (a) of that section a special pension in an amount determined under subsection (b).

"(b) The amount of special pension payable under this section with respect to the death of any person shall be $125 per month. In any case in which there is more than one parent eligible for special pension under this section with respect to the death of a person, the Secretary shall divide the payment equally among those eligible parents.

"(c) The receipt of special pension shall not deprive any person of any other pension or other benefit, right, or privilege to which such person is or may hereafter be entitled under any existing or subsequent law. Special pension shall be paid in addition to all other payments under laws of the United States.

HELP WANTED—NIGHT WATCHMAN

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. BARR of Georgia. Mr. Speaker, I submit for the record the attached editorial written by Oliver North and published in the Washington Times.

[From the Washington Times, June 18, 2000]

(By Oliver North)

Prince Albert is on his "progress and prosperity tour" asking Americans "are you better off than you were eight years ago?" If "better off" includes America's national security, the answer is: You have to be kidding. The day the vice president began to "re-introduce himself to the American people," shell-shocked Clinton-Gore administration officials dodged questions about how they lost more of America's dwindling supply of nuclear secrets.

After a monthlong cover-up, it was finally admitted on June 12 that computer hard drives from the Los Alamos National Laboratory's "X Division"—where nuclear weapons are designed—have been missing from a vault at the lab since "some time in May." This is the latest embarrassment for Los Alamos, which is still reeling from a string of security lapses, including the arrest of Taiwanese-American scientist Wen Ho Lee on 59 counts of mishandling nuclear secrets. Energy Secretary Bill Richardson, a potential running mate for Internet Al, claims "there is no evidence of espionage" and "the missing computer files may be related to the evacuation of the facility during the recent forest fires." Get the word: "missing"—as in, "My home work is 'missing.' Maybe the dog ate it."

The "missing" multi-gigabyte computer drives contain detailed, highly secret, nuclear weapons data used by the super-sensitive Nuclear Emergency Search Team (NEST)—an interagency contingent of military and civilian specialists who respond to nuclear accidents and nuclear-related terrorist threats. The data on the had drives includes all the information necessary to disarm all nuclear weapons worldwide. This is, of course, the same kind of data needed to arm or build a nuclear device. That is what's "missing."

Security lapses are nothing new for this regime. In the wake of the administration's latest fiasco, Rep. Porter Goss, Florida Republican, chairman of the House Select Intelligence Committee, told me that "when it comes to security, the Clinton-Gore administration manifests a culture of disdain." He is right and it is an attitude that pervades not just our nuclear weapons labs but the whole administration.

In 1994, more than a year after taking office, more than 100 high-level White House staff members still had no security clearances because they never bothered to complete the paperwork for requisite background investigations. They were granted access to highly classified information anyway.

By 1996, White House security was so lax that shortly before fleeing the country, Democratic Party fund-raiser Charlie Trie smuggled a foreign businessman into the White House using false identification. When the General Accounting Office reported that from January 1993 until June 1996 there were no procedures to control access to Sensitive Compartmental Information (a level of classification higher than Top Secret) within the Executive Office of the President, White House officials promised to "fix the problem." They did not.

At the State Department, foreign spies stand in line to rip off America's secrets. In 1998, an unidentified individual posing as a reporter walked out of the Secretary of State Madeleine Albright's office suite with a stack of classified documents. Last year, the FBI caught a Russian Intelligence Service spy wearing headphones outside the State Department headquarters and discovered a device planted in a secure conference room inside the building. This January, a laptop computer containing top secret information vanished from the department's Bureau of Intelligence and Research. Mrs. Albright said she was "outraged."

Last year, FBI agent Michael Vatis told Congress that computer hackers broke into the Pentagon's classified computer systems and downloaded "vast quantities of data" containing "sensitive information about essential defense matters." The FBI suspected the Russian intelligence service. What did the Clinton-Gore administration do? They asked the Russians to help. Like O.J., the Russians are still looking for those who really did it.

But even when the perpetrators of massive security violations are caught, it hardly matters. According to the CIA's inspector general, John Deutch, the Clinton-Gore CIA director from 1995–1996, routinely "placed national security information at risk" by processing a "large volume of highly classified information" on his unprotected home computer. After covering up the breach (and failing to notify the FBI as required by law) for more than 18 months, Mr. Deutch had his security clearances revoked and was given a letter of reprimand.

The abysmal seven-year national security record of the Clinton-Gore administration should come as no surprise—nor should their predictable spin: First comes the plea not to "make a partisan issue" out of what is at best gross incompetence and at worst dangerous malfeasance. Then comes the accusation there has always been espionage (remember the "everyone does it" defense from Monicagate?). Finally the counterallegations: "It is all the fault of the Reagan and Bush administrations."

Don't be surprised to hear Bill's and Al's pals tell you that if Presidents Reagan and Bush hadn't planted so many trees, the Clinton-Gore administration wouldn't have had to do a "controlled burn" of several thousand acres and 205 houses, thus forcing the evacuation of the Los Alamos lab. If that doesn't wash, they can argue there is nothing on these missing hard drives that the Communist Chinese didn't already get.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill, (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes,

Mr. BARCIA. Mr. Chairman, I rise today in support of the Collins/Linder amendment. This amendment would prohibit EPA from using any funds in the bill to designate "ozone non-attainment areas" under the more stringent National Ambient Air Quality Standards issued by EPA in 1997 which were ruled unconstitutional by the D.C. Superior Court. The amendment will simply postpone the designation of new non-attainment areas using the 1997 standards, until the Supreme Court decides once and for all if the standards are legally enforceable. If we fail to pass this important amendment a similar problem that we are facing in Michigan could occur in other states.

And now I would like to highlight how we in Michigan are grappling with this similar problem. The proposal by the EPA to reinstate the 1-hour ozone standard—after the 8-hour rule was declared unconstitutional—based on monitoring data collected in 1997 is flawed. Using that data counties such as Saginaw, Allegan, Genesee, Bay and Midland would be designated nonattainment areas even though all of these counties are currently measuring acceptable attainment levels.

Let me say that there isn't a person or organization in this room who doesn't want clean air, clean water, and a safe environmental legacy to leave to our children and grandchildren.

As a legislator, I have consistently worked toward achieving a cleaner environment, and as a nation we have made great gains in the past two decades to clean polluted rivers, to ensure that toxic emissions are reduced, and expedite the clean-up of hazardous waste sites across the country.

The Environmental Protection Agency has played a major role in spearheading these efforts and we should fully recognize the important role they play in maintaining a clean and healthy environment.

Their mission, "to protect human health and to safeguard the natural environment" is one of the most important that is carried out by any federal agency.

Unfortunately, the proposed rule EPA has under discussion—is of the type that unnecessarily causes friction between the business community and environmental groups. It causes friction where none should exist. And just as damaging—I think the ruling undermines the credibility of the EPA.

For me, this fails the litmus test of common sense and is therefore unreasonable. If an area is clean now, then they should be treated accordingly.

The whole idea behind any enforcement mechanism is to ensure compliance. If compliance is met then there shouldn't be a problem—the EPA ruling is putting the cart before the horse—and it is placing bureaucratic gymnastics above the economic and environmental well being of our community.

Keeping the Attainment status is important for the viability of our local economy. A non-attainment status will have far reaching negative effects for our economic base, including putting into jeopardy $24 million in much needed transportation projects, making our area unattractive to new business and stifle economic development.

And for what—to penalize a community because their air is well within compliance in the first place?

The EPA needs to meet us halfway so that the problem can be resolved. It is that simple.

ABRAHAM LINCOLN INTERPRETATIVE CENTER

SPEECH OF

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. HILL of Indiana. Mr. Speaker, I rise in support of H.R. 3084 which authorizes funds for the establishment of a new interpretative center in Springfield, IL honoring President Abraham Lincoln. As we celebrate the life and contributions of this great man, I would like to point out that no commemoration is complete without mentioning southern Indiana's part in the Abraham Lincoln story.

Many people do not realize President Lincoln spent 14 years of his life on a small farm in Lincoln City, Indiana. It was at his boyhood home in southern Indiana where he helped his father work the land, cultivated his love of reading, and developed a curious and inquisitive nature. Sadly, he also lost his mother there, Nancy Hanks Lincoln, when he was just nine years old. The time he spent in Indiana during his formative years undoubtedly contributed to the development of President Lincoln's extraordinary character—from an honest, hardworking boy to one of our country's finest leaders.

Mr. Speaker, the residents of Indiana are proud of this heritage. I encourage all Americans wishing to learn more about this American hero to visit Lincoln City, Indiana and the Lincoln Boyhood National Memorial located just off the Lincoln Heritage Trail.

TRIBUTE TO LINDSEY ROBERTS, JR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, it gives me great pleasure to stand before you and recognize the accomplishments and success of one of Mississippi's finest civil servants. For many years, Lindsey Roberts, Jr., has worked diligently to ensure the continued growth and development of Mississippi for future generations.

Since 1988, Roberts has served the people of Montgomery County as a member and past president of the Board of Supervisors. During the past year, Roberts has been instrumental in bringing more than $2.5 million in grant funds to Montgomery County for road and other infrastructure improvements.

Roberts has brought a tremendous amount of recognition to Montgomery County through his election as president of the Mississippi Association of Supervisors (MAS) Minority Caucus and as the recipient of the 1999 MAS Presidential Award.

In addition, for his outstanding efforts to obtain grant funding for Montgomery County and the recognition he has brought to the community through his involvement on the state and national levels, he was presented with the Government Award for the year 2000.

Mr. Speaker, Lindsey Roberts, Jr., should be an inspiration to us all. His tireless efforts have not gone unnoticed by the people of Montgomery County. He is sure to be a positive force within the state of Mississippi for many years to come.

HONORING THE CITY OF CEDARTOWN

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. BARR of Georgia. Mr. Speaker, today I recognize the City of Cedartown, Georgia, for hosting the Cedartown Pre-Peachtree Training Camp for some of the world's greatest wheelchair athletes during the week of Monday, June 26th through Saturday, July 1st.

Cedartown, located in Polk County is in the heart of the 7th Congressional District, and is a beautiful, rural and historic community west of Atlanta.

Building on the success as a host community during the 1996 Summer Olympics, Cedartown is now hosting more than 20 world-class wheelchair athletes from around the world, including the United States, Canada, Japan, New Zealand, Thailand, Australia, Mexico, Switzerland, and South Africa, for a week of training and special events in preparation for the Peachtree Road Race on July 4th.

The Peachtree Road Race is held in Atlanta every Fourth of July, and is the world's largest 10K race, with more than 50,000 participants. The race includes a wheelchair event.

More than 75 Cedartown volunteers are providing accommodations, transportation, and food for the athletes during the week. I am proud to represent Cedartown and its citizens as they continue to make their mark on the world.

A TRIBUTE TO MIGRANT HEAD START CENTER WORKERS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. BARCIA. Mr. Speaker, migrant farm workers often come to the United States under severe circumstances and hardship, looking for work in this great country. Unfortunately, services and programs for migrant workers are often unavailable. I rise to pay tribute to three people who devoted their lives to helping migrant farm workers become self-sufficient in their new lives here in America. And on Sunday, June 25, 2000, Francisca Huizar, Aida

Ortiz and Fernando Fecundo will be honored and memorialized in a tree planting ceremony at the Migrant Head Start Center in Omer, Michigan.

In Michigan's Fifth District we are fortunate, not only to have a Migrant Head Start Center, but also to have staff workers that are dedicated to the success and well being of those who use their services. Though Francisca, Aida and Fernando have all passed away, their hard work and devotion to helping the migrant community remains as an example to us all.

Each one of the individuals being honored this Sunday has contributed to the success of the center in various ways. Fernando, who moved to Bay City with his family in 1961, gave special time and attention to the migrant farm worker population in the region. Francisca, who also worked as a counselor at Bay City Public High Schools, focused on helping workers with education and health services. And Aida, a former state education coordinator, was involved in infant/toddler classrooms and staff training. Both Aida and Fernando not only taught and helped others advance their education, but they also modeled this aspiration by continuing to work toward college degrees.

At a time of unprecedented prosperity and success in our country, the disadvantaged sometimes get left behind. I am proud to say, Mr. Speaker, that because of people like Aida, Fernando and Francisca, the migrant community in Arenac County is not being left behind. These three people contributed their lives to the Migrant Head Start Center and to those in need who came there for help.

I urge my colleagues to join me in paying tribute to these three outstanding individuals who play critical roles in the well being of migrant farm workers in Michigan's Fifth District. They will be missed, but their legacy will remain.

INTRODUCTION OF LEGISLATION TO BENEFIT ZUNI AND ACOMA NATIVE AMERICANS

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. SKEEN. Mr. Speaker, today I am introducing two bills to provide further assistance to Native Americans in my state of New Mexico. The legislation is simple and corrects deficiencies in current laws and regulations that apply to these two Pueblos. The two bills will further the case for self-sufficiency and for tribal self determination for our New Mexico Native Americans.

The Acoma Pueblo comprises some 380,000 acres located 56 miles of Albuquerque. The first bill deals with the sub-surface mineral rights of Acoma Pueblo trust lands. The Acoma Pueblo, like many Native American tribes, has sought to restore its reservation to its historic boundaries. Over 6,000 Pueblo members live on and around the Acoma Mesa which was originally referred to as the "Sky City". It is thought to be one of the oldest continually inhabited sites in the United States, first report by Fray Marcos de Niza in 1539 and then visited by Francisco de Cornado's army in 1540.

In 1988, the Pueblo purchased a large ranch that adjoined their reservation and subsequently the Secretary of the Interior took over 100,000 surface acres into trust and it became a permanent part of the reservation. This additional land is necessary as the Pueblo grows and prospers because of new economic activity.

When they purchased the ranch the subsurface mineral rights were not part of land transfer. This is not an uncommon occurrence in the West where only the surface estate is sold from owner to owner. Much of this practice goes back to the settling of the West when the federal government awarded checkerboard pieces of land to railroads in return for their building lines across the nation. The railroads then sold the land off to finance their companies activities but kept the subsurface mineral estate.

Under this legislation, the current owner of the subsurface estate would enter into an exchange agreement with the Bureau of Land management for equal valued federal lands and rights. In return the BLM would receive the subsurface rights which would be placed into trust by the Secretary of the Interior for the benefit of the Acoma Pueblo unifying both the surface and subsurface estate.

This legislation amounts to a win-win for all of the stakeholders involved. First, the Acoma Pueblo does not have to worry about the subsurface mineral rights holder attempting to exercise its rights. This legislation gives them the total control over their lands that they need and deserve under the trust responsibility of the United States. The current third party owner of the subsurface mineral estate is made whole without having to exercise their rights and being placed in a conflict with the Acoma Pueblo. And finally the public wins because federal lands will go into the private sector and back on the tax rolls. I hope the Congress will act quickly on this important legislation.

The second bill amounts to a technical change in previous legislation passed during the 101st Congress. The Zuni Land Conservation Act of 1990 (Public Law 101–486) was signed into law on October 31, 1990. It was passed as part of efforts to settle a lands claim case that had kept land ownership issues in limbo for years in western New Mexico. Basically the bill settled compensation issues for lands taken without authority that were before the Court of Claims.

The Zuni Pueblo, with a reservation population estimated at over 9,000, is comprised of over 460,000 acres of land located on the western border of New Mexico almost due west of Albuquerque. Sheep production is the top agriculture activity on the reservation. Crafts produced on the reservation are known worldwide, especially their famous jewelry, fetishes, pottery, paintings and beadwork. Most of the tribal businesses are centered around the arts and crafts industry.

The legislation authorized a payment of $25 million into a Zuni Indian Resource Development Trust Fund. The Trustee of the fund was the Secretary of the Interior. Expenditures from the fund were limited both in the amount and also what the money could be spent for. The money, including the interest on investments, was to be used to carry out a resource development plan put together by the Tribe and by the Secretary of the Interior. Some of the money was used to purchase additional land for the reservation. The legislation I introduce today will allow the Zuni's to invest their funds rather than having the BIA do it. Provisions dealing with what the funds can be used for will remain unchanged. I hope the Congress will move quickly on this legislation also.

Both bills are relatively non-controversial. Both will lead to greater self governance by the respective pueblos and I would hope that the Clinton Administration will support these efforts to assist Native Americans in controlling their own future.

HONORING THE LATE CHARLES "CHARLIE" ISAMI TANIMURA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. FARR of California. Mr. Speaker, I rise on this occasion to honor Mr. Charles "Charlie" Isami Tanimura who contributed not only to the city of Salinas, but also in the agricultural community as co-founder of Tanimura & Antle, one of the nation's largest independent produce growers. Charles Tanimura will be remembered greatly for his spirit of true innovation. On February 27, 2000, Mr. Charles Tanimura passed away at the age of 83.

Mr. Tanimura was born December 15, 1916 in San Juan Bautista, where his father had settled from Japan. One of 12 brothers and sisters, Charles saw farming as the family livelihood and later took on the farming operation with four of his brothers in the 1930's. As World War II began, many of the Tanimura family members found themselves being sent to internment camps. However, Charles had enlisted in the Army prior to the bombing. During the family's internment, the Tanimuras lost the leases on the land they were farming, however shortly after they were able to rebuild their operation to include thousands of prime agricultural acres.

Friends described Tanimura as an, "unassuming individual who preferred to stay out of the limelight". Known as a member of the Japanese-American Citizens League, Tanimura will be remembered as generous in helping with the Buddhist Temple's annual festival in July.

As noted by many individuals in the community, "Just to be a Tanimura is to be famous." To be a Tanimura is to have left a valued contribution on society. Charles Tanimura exemplifies the spirit of resilience in his fight to persevere in the face of great obstacles. Mr. Speaker, it is with these words that I ask you and our colleagues to join me in honoring this example of a man. Mr. Charles Tanimura is survived by his loving wife, Fumiko; his three children, Gary Tanimura, Keith Tanimura and Bonnie Yokomata; his four brothers, George, John, Tom and Robert Tanimura; three sisters, Alice Sato, Betty Furushko and Rose Yuki; two grandchildren and numerous nieces and nephews.

CONGRESS NEEDS TO ARM TAIWAN

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. BARR of Georgia. Mr. Speaker, I submit for the record the attached editorial written by Phil Kent and published in The Augusta Chronicle.

[From the Augusta Chronicle, June 12, 2000]

CONGRESS NEEDS TO ARM TAIWAN

(By Phil Kent)

The story broke in the Taiwan press on May 25: The Communist Chinese military started live-fire artillery exercises for six days near the closest output maintained by the free Chinese, who recently inaugurated a new president who adheres to pro-free enterprise, anti-Communist policies.

What does the Clinton administration do? Next to nothing.

That same week, an unnamed top Clinton official with the National Security Council even said it was a mistake for the United States to issue a visa to new President Chen Chui-bian's predecessor so he could attend a reunion at his U.S. alma mater. Just before that insulting declaration, the Clinton administration decided against selling four Aegis destroyers to Taiwan. (It did, however, approve the sale of long-ranger radar designed to detect missile launches.)

Yet if the anti-Communist island can't defend itself, radar doesn't do much except perhaps tell them to duck. What Taiwan's tough-but-small military needs are missiles of their own to scare off the mainland from any attack.

According to a recent classified Pentagon report leaked to the Washington Post, Taiwan is far more vulnerable to invasion from the Communist Beijing government than was previously known. The island's military technology has fallen behind Beijing's, particularly in the area of defending itself from air and missile attack.

Since the May 20 inauguration of Chen, and his appointment of a hard-line anti-Communist from the previous ruling party as defense minister, the Red Chinese military has been rattling its saber even more frequently. Yet President Clinton is still reluctant to sell military equipment to the island.

This reluctance, and the administration's pro-Beijing slant, is thankfully drawing the attention of Congress, which is naturally concerned that the 1979 Taiwan Relations Act is being ignored. That legislation requires that all arms-sale decisions must be based solely on Taiwan's defense needs.

In light of the Pentagon report and current Chinese military provocations, those defense needs have never been greater.

A bipartisan block in Congress has drawn up new legislation, the Taiwan Security Enhancement Act. Among other things, this legislation would order the executive branch to explain whenever it rejects, postpones or changes a military request from Taiwan.

This bill was introduced because key lawmakers of both parties value the island as a loyal ally and key trading partner. Taiwan deserves entry into the World Trade Organization, as does Mainland China, especially since Taiwan is free, open, and democratic.

How can Americans who live in a country that is the self-proclaimed "leader of the free world" ever abandon a free country to dictatorship? At the very least, the people's representatives in the legislative branch of our government can hold the executive branch to account when it comes to defensive armaments in Taiwain.

SENATOR PAT THOMAS—DISTINGUISHED CITIZEN LEGISLATOR, GREAT FLORIDIAN, AND GREAT AMERICAN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mrs. MEEK of Florida. Mr. Speaker, Members of the House, today I pay tribute to Florida State Senator Pat Thomas. Pat was a genial, small-town, citizen legislator with a big heart and a folksy touch, who served in the Florida Legislature for nearly 30 years. Sen. Thomas passed away yesterday, after a bout with cancer. He was 66.

Senator Thomas leaves a legacy of integrity, loyalty, and good cheer. He was emblematic of an era when big-hearted, back-slapping country politicians were the rule rather than the exception.

He was remembered by his colleague State Representative Al Lawson as an "uncommon man who had the common touch. As a hero to his community, because he grew up there poor and knew what it was to have opportunity through education."

Pat began his political career as a teenager in the Future Farmers of America and was active in student politics at the University of Florida. Thomas became a power in the Florida Democratic Party during the heyday of the "Pork Chop Gang" of the early 1960s, and served as Party Chair from 1966–70. When I served in the Florida Senate from 1982–1992, he was still a powerful force to be reckoned with. He served as Senate President in 1992 and again in 1994.

Senator Thomas was equally at home in the tobacco barns of his native Gadsden County and fish fries of the campaign trail as he was in the back rooms and power suites of the Florida Capitol.

But that is only part of Pat Thomas' legacy. He genuinely loved people and delivered the kinds of basic services that they needed—roads, sewers, and education. He kept a black and white photograph in his office showing two small children in his district getting water from a creek. He once used that photo during debate to persuade the Legislature to extend water service to parts of Gadsden County that had not been served. That's the kind of person he was, always looking out for the "little people."

History books will likely remember him for his major legislative accomplishments, what some derisively refer to as "turkeys or pork." But, his major strength as a legislator was finessing a good deal, so it's no surprise that he himself considered local projects such as water towers and schools to be among his top achievements.

Pat Thomas worked with great diligence in serving the best interests of his constituents and the people of Florida. But, above all, he was a fine gentleman whose good nature and passion for life and public service endeared him to so many.

Mr. Speaker, few have achieved the success that Senator Pat Thomas has known in his profession. Few have achieved such universal respect and love. He was a compassionate giant who did common things, uncommonly well.

Mary McLeod Bethune was fond of saying, "service is the price that we pay for the space that God lets us occupy." Mr. Speaker, we have lost not only a great public servant, but a great Floridian and, indeed, a great American.

CELEBRATING THE 100TH ANNIVERSARY OF THE HAINES FALLS FREE LIBRARY

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. SWEENEY. Mr. Speaker, I rise today to commemorate a small group of citizens dedicated to the maintenance of an important public institution in the Twenty-Second Congressional District of New York. One hundred years ago, a small group of residents from Haines Falls and Twilight Park began an effort to establish a small public library to serve their residents. Their mission was simple: "to maintain a circulating library and reading room for public use of residents of Haines Falls and vicinity."

Much has changed since this original mission statement was written. The library has seen significant growth over the years. The original gift to two hundred books, by Stephen P. Sturges in 1900, has grown to include over 10,000. A book mobile has come and gone and the library is now filling the growing demand for new technology by offering fax and internet capability.

The Haines Falls Free Library is truly a treasure. It offers a unique collection of out-of-print books, photographs and slides of the area. The numerous local family genealogies alone are priceless.

Mr. Speaker, while change is inevitable in today's fast paced society, one thing has remained exactly the same as it was one-hundred years ago—the local commitment to the Haines Falls Free Library. The dedication of Haines Falls residents to maintaining and expanding a fully functional library is extraordinary.

Indeed Mr. Speaker, the commemoration of the one hundredth anniversary of the Haines Falls Library is truly a cause for celebration. From its inception, this endeavor to provide a public service available to all citizens, symbolizes the altruistic spirit that has built our great nation.

I ask my colleagues to join me in commemorating this very special occasion. May the next hundred years allow the residents of Haines Falls and Twilight Park to continue the friendly and specialized services that the Haines Falls Free Library has offered for the last century.

WORLDCOM-SPRINT MERGER

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. OXLEY. Mr. Speaker, today I would like to address a couple of very recent news articles about the WorldCom-Sprint merger. I have been a supporter of the proposed merger since its announcement in October of 1999. My reasons for supporting the merger are the same now as they were then. When we wrote and passed the Telecommunications Act of 1996, we predicted many things, among them some consolidation in the telecom market. One of the major reasons for this urge to merge is to accommodate positive changes in the industry both domestically and internationally. These changes would be the direct result of greater competition and the resulting growth in the telecommunications sector.

The distinctions between local and long distance have begun to blur and and almost disappear. Telecommunications companies, in order to survive and compete on a global basis need to have global size and reach. The fastest and most practical way to achieve such economies of scale is through strategic unions. The new world telecom company must provide services that will go beyond local or long distance. They must offer a wide range of services including at the very least local, long distance, high-speed Internet access, and wireless.

I believe the proposed WorldCom-Sprint merger is a textbook example of what we in Congress envisioned when we passed the Telecom Act. The combination of these two corporations would create an American company suited to compete with anybody and everybody on a global basis for the foreseeable future. Its size and offerings will create jobs, encourage technological innovations, and promote competitive pricing for consumers.

Given that, you can see why I am so concerned about the recent articles I've read in the Washington Post and the Wall Street Journal stating that the European Commission is on the verge of recommending against approving the merger. While I'm not privy to the technical reviews conducted by the E.C. and don't know why they may have reached their reported conclusion, I find it disconcerting to see actual quotes attributed to "senior EU officials" before the member states have voted. I also find it troublesome to read in the papers statements made by U.S. Department of Justice officials stating that they are inclined to recommend that the merger be blocked. Does the merger review process encourage the publication of intentions, real or imagined, which could have an effect on the final outcome of the review? I doubt that it does, and I am confident that it is not productive to do so. I believe it is important that the all merger review panels have an established and fair process to which they strictly adhere. Perhaps if that can still be done, they will find that this merger brings a great deal to the economy, the telecom industry and the consumers it seeks to serve.

TRIBUTE TO ATHLETE OTIS HARRIS JR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, it gives me great pleasure to stand before you and recognize the outstanding sportsmanship and accomplishments of one of the top 400-meter high school runners that Mississippi has ever produced. Otis Harris Jr., has showcased his talents to the people in Mississippi, and is now on his way to impress the world.

Harris is a recent graduate of Hinds Agricultural High School. During his high school career, he participated in some of the nation's most prestigious track events. He won the Class 2A 100, 200, and 400 meter races as a junior and continued his success as a senior by winning the 200, and the 400 meter races. To add to his accomplishments, Harris helped his high school win three consecutive Class 2A titles. He was also named to the All-State track and field team. Harris' performances over the years have landed him an invitation to compete in the U.S. Junior Nationals located in Denton, Texas. There, he will be competing against the best high school and college freshman runners from around the country for a spot on the National Junior Olympic world team.

Mr. Speaker, Otis Harris Jr. exemplifies the strength and determination of America's youth. His track records show that he has what it takes to excel at all of his endeavors. He is sure to represent the State of Mississippi well for a long time to come.

HOUSE OF REPRESENTATIVES—*Friday, June 23, 2000*

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty God, at times as true believers we seem aliens in a hostile land. Confirm us in our calling to be Your people.

As sojourners on our way to Your eternal dominions, we can be so preoccupied ourselves that we are not as attentive as You would have us be to the human dramas that surround us each day.

At other times we are so distracted by flash bulbs and public opinion and so captivated by passing things that we lose our way on the path of integrity and truth. Purify us by Your Holy Spirit.

Keep away from us all worldly desires that wage war against the soul of this Nation. During this our earthly pilgrimage deepen our commitment to truly know one another and assist each other along the way.

Raise us up beyond self-doubt and suspicion with informed and good conscience that we may be freed to move on accomplishing Your holy will in ordinary deeds. You live and love in us now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. WOOLSEY) come forward and lead the House in the Pledge of Allegiance.

Ms. WOOLSEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 1-minutes at the end of the legislative day today.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4690, and that I may include tabular and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER. Pursuant to House Resolution 529 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4690.

□ 0904

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 22, 2000, the amendment by the gentlewoman from Colorado (Ms. DEGETTE) had been disposed of and the bill was open for amendment from page 35, line 8, through page 35, line 14.

Pursuant to the order of the House of that day, no further amendment to the bill shall be in order except pro forma amendments offered by the chairman and ranking member of the Committee on Appropriations or their designees for the purpose of debate and amendments printed in the CONGRESSIONAL RECORD on or before June 22, 2000, which may be offered only by the Member who caused it to be printed or his designee, shall be considered read, shall not be subject to amendment (except pro forma amendments for the purpose of debate), and shall not be subject to a demand for a division of the question.

Before consideration of any other amendment, it shall be in order to consider the amendment offered by the gentleman from California (Mr. WAXMAN) to section 110, which shall be debatable only for 40 minutes, equally divided and controlled by the proponent and an opponent.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WAXMAN:

Page 37, line 11, after the period, insert the following:

The preceding sentence shall not apply to litigation filed before January 1, 2000, that has received funding under section 109 of Public Law 103-317 (28 U.S.C. 509 note). "

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 22, 2000, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I yield myself 4 minutes.

I am offering this amendment with the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs; the gentleman from Utah (Mr. HANSEN); the gentleman from Massachusetts (Mr. MEEHAN); and the gentlewoman from Michigan (Ms. STABENOW). This is the third time this week we have offered an amendment to an appropriations bill to allow the Department of Veterans Affairs and the Justice Department to continue their tobacco lawsuit. The first time we offered our amendment to the VA-HUD bill, we lost on a close vote of 197-207. The second time we offered the amendment, we reached an agreement with the gentleman from New York (Mr. WALSH), the subcommittee chairman, and prevailed on a voice vote. I thought that this issue had been resolved. I thought the House had determined that the veterans and America's taxpayers deserved their day in court. The Federal lawsuit would be decided by a judge and a jury in a court based on the merits of the case, not by Congress through legislative riders.

Unfortunately, I was wrong. The bill before us today, the Commerce-State-Justice appropriations bill, would undo the agreement we reached on Tuesday. Once again, it contains a rider that would defund the Federal tobacco lawsuit.

During the debate over the past few days, we have learned several things. First, we have learned that stopping the Federal lawsuit is unfair to veterans. In 1998, Congress made a promise to veterans when we took the funds that were directed at veterans for cigarette-related disabilities and used it for highways. Congress said, We'll go to

□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the courts and get money from the tobacco companies. If we adopt the language in this bill without our amendment, we will be going back on this promise. This is simply wrong.

That is why our amendment is strongly supported by the Veterans of Foreign Wars, the Paralyzed Veterans of America, the Disabled American Veterans, and AMVETS. We have also learned that defunding the Federal lawsuit is unfair to America's seniors. Each year Medicare spends $20 billion treating tobacco-related illnesses. The Federal lawsuit could potentially recover these costs, extending the solvency of the Medicare trust fund for years. That is why our amendment is strongly supported by the National Committee to Preserve Social Security and Medicare and other seniors' organizations.

In effect, we have a simple choice. We can stand with an industry that has lied to the American people for decades, or we can stand with our Nation's veterans and our senior citizens. I ask my colleagues to think about what we are going to do. We are about to take the unprecedented action of stopping the judicial process in the middle of a pending case. And we are about to take this action for an industry that is the least deserving industry in America, for an industry that has targeted our children, for an industry that manipulated nicotine to keep smokers addicted, for an industry that has deceived and lied to the public for decades.

Our amendment is drawn very narrowly. It does not allow the Justice Department to seek funding from other agencies to sue the gun industry, the gambling industry, or any other industry. All our amendment says is that this new policy should not be applied retroactively to halt pending litigation that commenced in reliance on the current law. In effect, the amendment is nothing more than a savings clause that would allow the tobacco suit to continue. Our amendment raises exactly the same issue we debated on Monday and decided on Tuesday. Today, as we did on Tuesday, we should stand with our veterans and our seniors, not the tobacco companies.

I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from Kentucky opposed to the amendment?

Mr. ROGERS. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky is recognized for 20 minutes.

Mr. ROGERS. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, what this argument is about today is unlike what has been argued before in this body on this matter. This debate is about what was the intent of the Congress in 1995 when we passed the act in this bill that allowed the Department of Justice to be reimbursed from other agencies for extraordinary expensive cases.

What was on the table at that time was a lawsuit by a company against the Navy when the Navy canceled the A-12 aircraft contract. It was a multibillion-dollar lawsuit. Justice came to us and said, Would you please put in your bill a provision that allows the Navy to reimburse Justice for representing it in this massive lawsuit against the government.

We said, Okay, we'll do that. Never in anyone's wildest imagination on the floor of this body was it anticipated that that statute would be used by the Government to initiate lawsuits, to sue people willy-nilly. Why? Because the Justice Department has a Civil Rights Division of some 1,039 lawyers with hundreds of millions of dollars to spend in filing lawsuits. Why would they need this kind of money to file a lawsuit?

No, the Congress intended when we passed that statute to enable the Justice Department to be able to represent the Government when it was sued, not when it was the suer. Now the Government has filed three of these lawsuits using this statute contrary to the intent of the Congress, thumbing its nose at the Congress and saying, We will decide how we're going to spend the money you gave us from the taxpayers. We don't care what you thought when you passed the statute. That is the attitude of the Justice Department.

Since the section was enacted, so-called 109, they have received roughly $324 million in reimbursements, almost all of which has been for just two massive lawsuits, the A-12 airplane case I mentioned, and the Winstar Savings and Loan cases where Justice was defending the Government against $33 billion in claims. Clearly, section 109 is an important tool to protect the Government and the taxpayer and should stay on the books. Without it, Justice would not have been able to mount credible defenses in critical cases and the Government could have suffered billions of dollars in losses.

What we do in the bill is clarify Congressional intent. We say, Look, what we meant when we gave you that authority in 1995 was to defend the Government against these massive claims, not to initiate lawsuits. And the bill does ensure that the money would be used for defensive litigation which was the justification provided by the Justice Department when it sought from us this special authority and the understanding of Congress when we provided that authority. It is the reasonable approach, and it is the right thing to do. It ensures that funding provided for other programs in this and other appropriations bills are not diverted in the future for proactive lawsuits as have been done to the tune of over $8 million so far.

Nothing in this bill restricts or prevents Justice from continuing any lawsuit, ongoing or prospective. Let them do what they will. We give them hundreds of millions of dollars with 1,034 lawyers in the Civil Rights Division to pursue civil actions. Nothing in the bill would restrict or prevent that.

□ 0915

This bill contains in fact $147 million to pay for those huge numbers of lawyers within the Civil Division to carry out affirmative cases, as the government sees fit.

The Waxman amendment would modify this bill, to allow the government to continue raiding the budgets of other agencies for four proactive cases that were filed about Justice just before this year and which are being paid through the inappropriate use of section 109 authority.

It would prohibit the use of section 109 for proactive cases filed after the beginning of the year.

In so doing, the Waxman amendment by itself acknowledges that, in fact, section 109 is for defensive purposes only. But the gentleman says we acknowledge that, but give us a break this time for all cases filed before the beginning of the year, the statute is either for defensive purposes or it is not. If it is for defensive purposes, it acknowledges the intent of the Congress in 1995 that it was for defensive purposes.

If it was for defensive purposes then, the government was wrong to use these funds to file any lawsuits since 1995, so I reject out of hand the argument that this statute ought to be modified so that we could protect and cover the rear ends of those at Justice that made the decision that was contrary to the intent of Congress, wrong and should not be rewarded, as this amendment would do by giving them an excuse, giving them an out and saying yes, it is for defensive purposes, but we are going to forgive you this time. Sorry, sorry about that. The law is the law. This was for defensive purposes, the Justice Department has violated it, and the gentleman wants to reward them on this floor, and I suggest that we shall not do that.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, support for continuing the tobacco lawsuit should not be a partisan issue, and this amendment has bipartisan support.

Mr. Chairman, I yield 3 minutes to one of the great bipartisan leaders in this House, the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I appreciate my colleague yielding the time to me. Mr. Chairman, I rise today in support of this amendment, because I honestly believe in my heart of hearts that the lawsuit against tobacco must be continued. Most of us have been to Gettysburg and have walked those hallowed fields of that place, and I often marvel that so many are willing to give their lives for a cause that they believe in. What makes Gettysburg even more important it was truly the turning point of the Civil War and began the tough road to reunification of the United States.

Mr. Chairman, we find ourselves in a turning point of another war, and that is the war against youth smoking. For decades, the tobacco companies have lied to us here in Congress, lied to the people of this great land and continually targeted the American children. There surely must be accountability for these actions.

Many of my colleagues on this side of the aisle are naturally wary of government lawsuits and in the vast majority of the cases, I agree with them; however, I also know that my colleagues on this side of the aisle were properly incensed when the definition of the words like "is" were twisted to avoid responsibility.

Mr. Chairman, I would say to my colleagues on this side of the aisle that the tobacco companies have consistently done the same word manipulation for decades and have consistently avoided responsibility.

I believe that the time has come to demand responsibility, and this is why I am supporting this amendment. I also know that many of my colleagues are concerned over the potential for future abuse of this authority, including the possibility that this or another administration may follow the advice of gun control extremists and pursue a lawsuit against the firearms industry. To those who share my concern on that issue, I implore them to read this amendment, it very clearly prohibits any future use of section 109 authority for such purposes.

The amendment allows only one exemption, the tobacco lawsuit. This amendment assures that the executive branch cannot file any lawsuits that were not already active and receiving section 109 funds before the start of this year. There is only one lawsuit that fits that description, the tobacco lawsuit and all other lawsuits are prohibited.

I urge my colleagues on both sides of the aisle to support this meritorious amendment. It is important to the health of our children and the future health of our grandchildren.

Mr. ROGERS. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, there is strong bipartisan opposition to this bill and I absolutely recognize my friends' right to take their position, but let me focus on the facts for a moment. Mr. Chairman, I rise today to urge my colleagues to oppose this amendment.

This amendment jeopardizes the appropriations authority granted to Congress by the Constitution, and it will set a precedent that the administration, the President will determine spending instead of the Congress. I ask my colleagues to consider the precedent that this amendment will set with respect to our authority in Congress to determine the spending levels for our country.

Attorney General Reno herself testified before the Senate that the Federal Government did not have the authority to bring the very lawsuit that my colleagues are advocating today. The law says the suit cannot be won, the money will be wasted, money that should be spent on veterans health care.

In 1997, again, I say Ms. Reno testified that there was no legal basis to recover. The States have the authority and have a recovery of $246 billion that will be jeopardized by this amendment.

The White House has failed to enact its desired 55 cent per pack Federal cigarette tax increase. The Attorney General shamelessly files the very same suit she explicitly admitted was groundless. This is ridiculous. Tobacco manufacturers never dupe the Federal Government.

Washington has known for decades that smoking is dangerous. Since 1964, every pack sold in the United States has carried a mandated label warning of the risk of smoking. Nobody wants people to be harmed by smoking, especially no one wants children smoking, nor can Washington claim that it somehow acquired individual smokers right to sue.

In 1997, the Department of Veterans Affairs rejected on the grounds that veterans assumed risk of smoking, a claim allegedly by former members of the Armed Forces in Washington freely distributed cigarettes 10 years after placing warning labels on the packages.

Mr. Chairman, in 1947 a law was granted saying the Supreme Court in the United States may sue third parties to recoup health care costs but this is about insurance companies saving veterans health care money.

To sum up, history and legal precedent do not support this amendment. The law and history say we will lose, save this money for health care, for veterans and any other group supported by this Congress. Strongly oppose the Waxman amendment on legal ground.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the veterans organizations support our amendment, because they want that money to be brought back into veterans health care.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. EVANS) one of the great champions on behalf of veterans in this institution, and the ranking Democrat on the Committee on Veterans Affairs.

Mr. EVANS. Mr. Chairman, I want to thank the gentleman for yielding me the time.

Mr. Chairman, this week the House passed an amendment to the VA-HUD appropriations bill that enables the Department of Justice to pursue its pending litigation against the tobacco industry. This lawsuit seeks to recover billions of dollars spent by the VA and other Federal agencies to treat tobacco-related illnesses.

A rider in this appropriations bill which would block the Justice Department from accepting these funds is a mirror image of the VA-HUD rider. The amendment I join with the gentleman from California (Mr. WAXMAN) and my other colleagues in supporting today simply allows the wheels of justice to move forward.

Mr. Chairman, there is something terribly wrong with the leadership of this body. During the last Congress, despite overwhelming evidence that tobacco-related illnesses are linked to nicotine addiction developed during the military service, the Republican leadership of the House effectively denied veterans the opportunity to seek legitimate compensation from the Department of Veterans Affairs.

Instead, this House passed a sense of Congress Resolution that the Attorney General and I quoted "should take all steps necessary to recover from tobacco companies amounts corresponding to the costs which have been incurred by the VA for treatment of tobacco-related illness of veterans."

Mr. Chairman, it seems our leadership would seek to walk away from this commitment strangling even the hope of a fair settlement from the big tobacco companies for the VA medical care system. Passing this appropriation with the proposed rider will prevent Justice from using funds in pursuit of this lawsuit would be nothing less than shameful.

If this House is not totally beholden to the tobacco industry, it would adopt this amendment. It will enable legal proceedings to go forward, and it will allow the outcome of lawsuits to be properly determined in court, not here on the floor of the House.

Earlier this week, an open letter was distributed to Members of Congress by four major veterans service organizations, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars of the United States.

Veterans have made it clear that they support tobacco litigation that could allow a fair settlement to support VA's treatment of thousands of veterans' tobacco-related illnesses. That is why the veterans organizations who coauthor the independent budget have strongly endorsed our amendment.

Let us keep our promise to America's veterans and let this lawsuit move forward on its own merit. In the name of justice, please support the Waxman-Evans amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Chairman, the Federal tobacco lawsuit is bad public policy and a waste of taxpayer dollars. The case is not about the law, but about the Federal Government extorting money from an industry that it does not like. Which industry will be the next victim of this punitive action?

The tobacco industry, in accordance with the terms of its 1998 settlement with the States, has changed its marketing, advertising, and business practices. The industry is also paying the States billions of dollars. Now the Justice Department wants a share of this revenue stream for the Federal Government and is willing to further sidestep to try to get it.

The Justice Department needs to stop stealing veterans health care funds to pay for its baseless lawsuit. This suit claims the Federal Government and the public were deceived about the health risks of tobacco products. The same Federal Government that claims it was deceived has required health warnings on tobacco products since the 1960s.

The Surgeon General's 1964 report details the risks of tobacco use. The American people are not as clueless as this lawsuit claims, people know the health risks associated with use of tobacco products. It is absurd to claim ignorance on this point.

Adult consumers have the right to make risk judgments and choose the legal products they use. They also need to take personal responsibility for those choices. No Federal law gives the government authority to collect Medicare funds as proposed in this lawsuit.

Mr. Chairman, 3 years ago, Attorney General Reno testified to the Senate that no Federal cause of action existed for Medicare and Medicaid claims; suddenly she has changed her tune under pressure from the White House. The Justice Department on the same day it announced the civil lawsuit ended its 5-year investigation of the tobacco industry without making any criminal charges.

Last year the Congressional Research Service concluded that with a full accounting of costs of lifetime government-funded health care and benefits for tobacco users and tobacco excise taxes, the Federal Government actually nets $35 billion per year.

There are not costs for a Federal Government to recover. It is already making money off of tobacco use and this administration only wants more.

The absurdity of this legislation by litigation aside, one issue should be clear to everyone today, veterans health benefits are not intended to pay trial lawyers in a politically motivated lawsuit. This is not a rider. This is not special treatment. This is Congress carrying out its role in appropriating how tax dollars are to be spent.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. GANSKE), a respected physician Member of the House, one of the great leaders on public health issues.

Mr. GANSKE. Mr. Chairman, I have a great deal of respect for the chairman of the full committee, the gentleman from Kentucky (Mr. ROGERS), as well as the chairman of the subcommittee; but we disagree. As a physician on this Floor, I have been asked many medical questions related to diseases caused by tobacco that is affecting members and their families.

Tobacco is an addicting substance that causes lethal disease. It certainly has not spared our colleagues or their families. Big tobacco is trying to stymie a Federal lawsuit that seeks to recover costs of treatment of the tobacco-related diseases that the Federal taxpayers have subsidized. This includes the care of Members of Congress and their families, as well as other Federal employees, veterans, and Medicare beneficiaries.

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The States recover damages against big tobacco based on their share of Medicaid. The Federal Government should too. The VA spends $4 billion annually on treatment of tobacco-related illness. Medicare spends $20.5 billion per year on tobacco-relayed illnesses.

Big tobacco has known about the addictive lethal consequences of tobacco for a long time. Their CEOs committed perjury in testimony before Congress. Did those CEOs get punished for lying under oath? We did not even give them a slap on the wrist, and their deceitful lives have cost lives.

The Waxman-Hansen amendment is supported by veterans groups, senior organizations, and practically all the public health groups.

Mr. Speaker, this vote is about one thing: Are you for big tobacco, or are you for the American taxpayer who has paid the bill for big tobacco too long?

Big tobacco has spread a lot of money around Capitol Hill to try to get Congress to stop the Department of Justice lawsuit. Well, here is your chance to be with the AMVETS, with the VFW, with all of these health groups, and, most importantly, with the taxpayers of this country.

Vote for this amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, as a veteran of World War II, I remember all those great wonderful cigarettes that Uncle Sam gave me when I was in the service. I would like to say Ms. Reno should have tons of money because of those many things that everybody requested that she investigate but she never has.

Let me just say I am not a lawyer, but my understanding is that to recover under secondary payer provisions, Washington must show that the sales of tobacco are in and of themselves wrongful, and since the Feds have consistently regulated, subsidized, promoted and fiscally profited from tobacco products, while fully aware of the plant's health risk, such a showing would seem difficult, unless Washington admits being complicit to the wrongdoing; and a basic common law rule, my understanding is, is that one accomplice cannot sue another.

So it seems to me that money spent on this effort is an absolute waste on a cause that is going to lose, and, besides that, I think Mrs. Reno has tons of money that we begged her to use in investigating some of the White House situations, and she never has. Why should she need more money?

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a Member who is noted for his interest in fiscal responsibility and has a unique perspective on the promise made to the veterans a couple of years ago in the transportation bill.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the Waxman amendment for reasons of equity, for reasons of futility, and for reasons of constitutionality.

The equities are obvious here. If the men and women who served in the Armed Forces of this country contracted a disease related to tobacco when they served in those Armed Forces, and the country is paying for the care of those diseases in the form of VA health benefits, we ought to recover those costs from those who caused the disease in the tobacco industry. It is a matter of simple equity, and that is why the veterans organizations and the health organizations support this.

We want to avoid futility. Earlier this week we passed an amendment on this floor that said that the Veterans Administration could free up administrative expenses, not health expenses, but administrative expenses, and send them over to the Justice Department to help pay for the cost of this suit. If we do not pass the Waxman amendment here, that effort would have been futile, because we will undo the result of that amendment. So we would be having the VA sending money over that the Justice Department could not use. That is not a mistake, but it would be a mistake to do that.

Finally, there is a matter of constitutionality. I think it is unprecedented and terribly unwise for Members of the legislative branch to interfere and intervene in ongoing litigation brought by the Department of Justice. It is the worst kind of second guessing. It is the worst kind of abandonment of separation of powers.

The Justice Department has made a decision, in my judgment a wise decision, at our direction, to initiate complex litigation to recover these costs. For us to intervene at this point, second guess at this point, is unwise and may in fact be unconstitutional.

Let us let this litigation go forward. Let us let the taxpayers and the veterans of this country have their day in court. Let us join together and pass the Waxman amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary.

Mr. COBLE. Mr. Chairman, I thank the distinguished chairman for yielding me time.

Mr. Chairman, it appears that the Attorney General and the Justice Department by way of this amendment is again attempting to insert the tobacco industry smack dab in the bull's eye of the target, and I guess that the command will be "fire when ready."

The tobacco industry has become the convenient and consistent whipping boy in this Congress as long as I have been here; and with each session, the opponents appear to grow more vocal and more determined to drive the final death knell into the coffin of tobacco.

Nine or 10 years ago, and I told the chairman this some time ago, I had the privilege of going through the Lorillard plant in my district; and what I learned as a result of that visit that day was the dollars in taxes that they pay, local, State and Federal. I was educated.

The Federal Government, Mr. Chairman, as you know, has consistently regulated, subsidized, promoted and fiscally profited from tobacco. If we keep fooling around with this, we are going to drive the tobacco industry into the coffin, and then the coffin finally into the ground, and those coffers that realize millions and millions of dollars directly from tobacco will either dry up, or, in the alternative, we will have to find other sources of revenue, and then you will start hearing people kicking and screaming and crying, what happened to the tobacco money? Well, the tobacco money was gone because of the consistent buggy whipping that has been on across their backs emanating from this very Chamber, and one of these days, Mr. Chairman, it is going to come back to haunt us.

I will admit, I do not come to the well completely objective, because I represent growers and manufacturers; but let us be careful as we go about this.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Waxman amendment. America's veterans have put their lives on the line for their Nation, and big tobacco should be held accountable for what they did to our veterans. Allowing the Justice Department to continue its suit against the tobacco industry will return millions of dollars in needed funding to the veterans health care system. That is fitting, considering the number of our Nation's veterans that now suffer from tobacco-related illnesses, that to this day, I might add, the tobacco industry denies are as a result of cigarettes.

Who supports this amendment? The American Heart Association, the American Lung Association, the Campaign for Tobacco Free Kids. That is who supports it.

Let us take a look at who opposes it. Philip Morris and the big tobacco companies, the folks who stood before the committee with their hands raised and talked about their product as not being addictive. That is what they said. That is what they told the American public. The group that tells us that when today's smokers die, that the next group of folks they go to, "their replacement smokers," are 12-year-old kids. Those are their words, "replacement smokers," 12-year-old kids.

Mr. Chairman, it is time for big tobacco to pay the price for the damage that they have done. We should hold them accountable for their lies. Support veterans health care, protect our children from the tobacco industry's predatory practices. I urge Members to support the Waxman amendment today.

Mr. WAXMAN. Mr. Chairman, I want to note the contribution that the gentlewoman from Connecticut has made as a leader on this issue in the Committee on Appropriations and commend her for her statement.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY), who has been so involved in public health issues.

Ms. WOOLSEY. Mr. Chairman, once again it appears that some individuals on the other side of the aisle would put politics before people, particularly our children. If the tobacco companies have nothing to hide, then why do they care if we have a lawsuit?

Well, since the landmark State lawsuit settlement in 1998, tobacco companies have actually increased the amount of advertising aimed at our children. They lure our children with glossy ads. They become addicted to nicotine. It leaves millions of Americans sick and dying, while the tobacco companies continue to rake in the profits and the taxpayers of this Nation pick up the tab for the health care.

Mr. Chairman, the Justice Department must have the funding to investigate big tobacco. I encourage my colleagues, vote for the Waxman amendment. Our children's lives depend on it.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 1 minute to my good friend, the gentlewoman from California (Mrs. CAPPS), who has been very involved in health issues and who before coming to the Congress was in the nursing profession.

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I rise in strong support of the Waxman-Hansen amendment. I am outraged that the bill before us today would, in effect, halt the Justice Department's action to hold tobacco companies accountable. This rider would undo an agreement made just 2 days ago here on the floor of this House. That agreement would allow the Veterans Department to support DOJ's litigation.

Mr. Chairman, this rider would have the effect of giving the tobacco companies immunity. It gives them a free pass by hamstringing Justice's ability to go after them in the courts. Remember, the tobacco industry produces an addictive product that, when used as directed and intended, contributes to the death of 300,000 to 400,000 people a year, injuring hundreds of thousands more.

This industry has systematically attempted to lure children to start smoking and lied about it for years. It has manipulated the levels of nicotine to increase the addictiveness of cigarettes and lied about it for years.

Tobacco companies deserve no special treatment. They deserve to be held accountable, and that is what passing the Waxman-Hansen amendment would allow, simple justice. I urge support for this amendment.

Mr. WAXMAN. Mr. Chairman, may I inquire of the Chair how much time is remaining and who has the right to close.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) has 6 minutes remaining, the gentleman from California (Mr. WAXMAN) has 3 minutes remaining, and the gentleman from Kentucky has the right to close.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. SNYDER), another physician in the House of Representatives.

□ 0945

Mr. SNYDER. Mr. Chairman, as a family doctor and a Marine veteran, I have to ask myself now, why are the tobacco companies and their allies in Congress fighting this amendment, fighting this lawsuit in this way. Number one, they know the health costs that their product has caused, and those of us that have been in medicine have seen the lung cancer and the heart disease and the sexual impotence and all of those other problems; and we have seen those health costs. The tobacco companies know they lied to this Congress and lied to the American people about the effects of their product and the addictive quality. Finally, the tobacco companies know they targeted our men in uniform, those of us who used to open the C-rations and get the packs of cigarettes in there; we know we were targeted as we look back in time.

That information would come out in this lawsuit, how they preyed on our young men, 17 and 18 and 19 and 20 years old, addicted them to this product, at a time when we were asking them to go into combat for their country in World War II and the Korean War and the Vietnam War. That is what this lawsuit is about, and they know what it is about. They do not want to have to defend in front of a jury, having targeted those young men.

Support the Waxman amendment.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), one of the leaders of the House of Representatives.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his outstanding leadership on this very important issue.

Mr. Chairman, I rise as a member of the Committee on Appropriations to point out a certain irony here. We were told on our committee that there should be no riders in our appropriations bill this year; and yet the majority is going to great lengths to include this very dangerous rider in this particular bill. The Attorney General has stated that if this rider is there, this bill that blocks funding for the lawsuits is enacted into law, we would have no ability to continue the litigation in the tobacco suits.

Mr. Chairman, our colleagues have eloquently spoken to the $90 billion cost, both public and private, to our economy and the many diseases that are caused by tobacco. I want to dwell for a half a minute on our children. Approximately 5 million American children smoke. Every day, 3,000 more children become regular smokers. One out of three of these children will eventually die from tobacco-related causes. The market for cigarettes is maintained by marketing products to young people who can replace those smokers who die or quit. As a result of these tactics, the tobacco industry creates a lifetime of health problems and health costs for these children, and they should be held accountable.

Mr. Chairman, this amendment will strengthen veterans' health care, and I urge our colleagues to support it.

Mr. Chairman, I rise today in support of the Waxman/Evans/Hansen/Meehan/Stabenow amendment. This amendment will allow the Department of Justice to pursue its lawsuit against the tobacco companies and seek to recover billions of dollars in health care expenditures that tobacco has cost federal taxpayers. The Attorney General has stated that if the rider in this bill that blocks funding for the lawsuit is enacted into law, "We would have no ability to continue our litigation."

This vote boils down to a simple choice: Will we vote to protect taxpayers and allow them to have their day in court? Or will we vote to protect Big Tobacco and once again allow the tobacco companies to escape legal responsibility for all the harm they have caused.

Tobacco use is the leading cause of premature death in the United States. Over 430,000 premature deaths each year are a result of smoking related illnesses including chronic lung disease, coronary heart disease, and stroke as well as cancer of the lungs, larynx, esophagus, mouth, and bladder. This accounts for one out of five deaths, and twice the number of deaths caused by AIDS, alcohol, motor vehicles, homicide, drugs, and suicide combined.

Smoking causes or contributes to a variety of debilitating physical and medical problems. Chronic coughing, emphysema, and bronchitis are products of smoking, and smokers are more susceptible to influenza. Smokers are more likely to suffer from periodontal disease. Smoking can also cause the early onset of menopause among women, incontinence, and reduced fertility, and increases the risk of impotence by 50 percent.

Approximately 5 million American children smoke. And each day, another 3,000 children become regular smokers. One out of every three of these children will eventually die from tobacco-related causes. The market for cigarettes is maintained by marketing tobacco products to young people who can replace older smokers who die or quit. As a result of these tactics, the tobacco industry creates a lifetime of health care problems and health care costs for these children, and they should be held accountable. In addition to recovery of costs, this lawsuit seeks injunctive relief to stop the tobacco companies from marketing to children and engaging in other deceptive and illegal practices.

Tobacco-related illnesses cost the federal taxpayer approximately $25 billion a year, excluding the federal share of Medicaid. The Medicare program pays $20.5 billion annually to treat tobacco-related illnesses; the Veterans Administration pays $4 billion; the Department of Defense pays $1.6 billion; and the Indian Health Service pays $300 million.

In addition, tobacco-related health care costs the Medicaid program nearly $17 billion a year, of which federal taxpayers pay nearly $10 billion. Overall, public and private payments for tobacco-related care total approximately $90 billion each year.

Any recovery of Medicare costs from this litigation help would be deposited in the Medicare trust fund. If the lawsuit is successful, these dollars could add years to the solvency of Medicare or fund a prescription drug benefit for seniors. Veterans medical care would be strengthened as will. Voting for this amendment is the right thing to do for seniors, veterans, kids, and taxpayers. I urge my colleagues to support the Waxman/Evans/Hansen/Meehan/Stabenow amendment.

Mr. WAXMAN. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, the gentleman from Utah (Mr. HANSEN) has made the point very clearly that this is not about other lawsuits, it is about the tobacco lawsuit alone. The gentleman from Iowa (Mr. GANSKE) and the gentlewoman from California (Mrs. CAPPS) and others who, from a medical perspective, have told us how important it is to pursue recovery for health care services. The gentleman from Illinois (Mr. EVANS) has pointed out that for the veterans, we made a promise to them, we should not betray them. We should keep that promise to reach out and get funds for veterans health care. This lawsuit against tobacco should be permitted to proceed. We should not defund it through a rider on an appropriations bill.

Mr. Chairman, I urge Members to vote for this amendment. It is the right thing to do.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, contrary to what we have heard, this amendment and this debate is not about whether one likes or believes in smoking, or whether it is good or bad for us. That is not the issue here. The issue is not whether this lawsuit has merits or not. That is what we have heard here, arguing the merits or demerits of the lawsuit. It has nothing to do with that.

The question here is whether or not the Justice Department violated the law itself in filing the lawsuit.

Last year, for the first time that I have ever recalled, Justice asked the Congress for money to file a specific lawsuit. The Congress said no; the money was denied. Justice then secretly went to three agencies and said, give us the money to file this lawsuit. They said, wait a minute, where is your authority for that? They said, well, look at section 109 of the 1995 State Commerce-Justice bill where it says that agencies can reimburse the Justice Department for representing them in court, and they dragged the money out of those agencies and filed this lawsuit.

Well, that statute that they are talking about is the crux of what we are talking about here today. That statute merely says that the Government can be represented in court when it is sued. That was the intent of the Congress; no to be the suer. No one told the Congress that they had done this. We had to find it out on our own, and we did.

So the Department of Justice, the place supposedly where the Nation's morals are protected, the place where moral authority resides in this government, if anywhere, itself is the one that is thwarting the will of the Congress; that is, twisting words for its own purposes, that is clearly violating the intent of the Congress in passing the act in the first place.

Why was it passed in the first place? The Government was sued, a huge multibillion dollar suit by the contractor for the Navy Department when we canceled the A-12 aircraft contract. In 1995, Justice says, please, Congress, help us. Allow the Defense Department to pay us back for representing them in defending this lawsuit, and we said, we think that is a legitimate purpose, and we wrote it into our bill. That is the statute they are trying to use. Mr. Chairman, we all know, my colleagues know that that statute is for defending the Government, not suing, willy-nilly. Why? Because we provided in this bill $147 million for them to bring lawsuits; 1,034 lawyers we hire there to file lawsuits. We are paying those lawyers to file lawsuits. This statute is for defending the Government, not suing. And yet, they would have us believe that this great moral authority at the Justice Department is right.

I say to my colleagues, the question here is not the merits of the lawsuit or any other lawsuit, the question here is the merits of the morality at the Justice Department. Does the end justify the means? They say yes; I say no. Is this a nation of laws or of men? I say laws, and the Congress better say laws. They are taking your prerogative here down there and they are using it as they choose. I say to my colleagues, reject the Justice Department's grab of other agencies' money, but more importantly, the Justice Department's seizure of power away from the Congress.

Never was it intended in this Congress in the passage of this statute that it was to be funding lawsuits filed by the Government. No one ever anticipated that or thought about it when we passed the act. The intent of the Congress is being clarified in our bill, and that is, this statute is for defensive purposes only. Reject the Waxman amendment that would legitimize and reward a Justice Department that has seized your prerogative and is acting like they are the law themselves and we do not matter.

Well, Mr. Chairman, the end does not justify the these means. I urge my colleagues to tell the Justice Department to obey the law.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today to support the Waxman-Evans-Hansen-Meehan-Stabenow amendment. This amendment would restore the permission of the Justice Department to use section 109 to receive funding from client agencies interested in aiding them in the tobacco litigation. The federal tobacco litigation is the only active litigation affected by this savings clause.

This bill puts the Department of Justice at a disadvantage in its case against tobacco companies.

These companies present a devastating product to this country. They target the younger generations because of their vulnerability to the admittedly addictive agent, nicotine and overwhelming amount of peer pressure. An RJR research planning memorandum says and I quote, "Realistically, if our Company is to survive and prosper, over the long term we must get our share of the youth market. . . ." A memorandum to Curtis Judge, President of Lorillard Tobacco Co. said that "The success of NEWPORT has been fantastic during the past few years. . . . [T]he base of our business is the high school student. . . ."

Our nation's credit-worthy veterans become addicted while in the service to cigarettes. The companies themselves have admitted to the addicting qualities of nicotine. S.J. Green, BATCo Director of Research reported that "The strong addiction to cigarette[s] removes freedom of choice from many individuals."

Another injustice of this market is that it targets low-income areas, who traditionally have insufficient amounts of health care. In my district I have 165,000 people who live at or below the poverty level—many of them suffer from the effects of tobacco.

The American people spend $25 billion to treat tobacco-related illnesses while being given no choice whether to become addicted or not.

The Department of Veterans Affairs spends over $1 billion a year treating tobacco-related illness. Therefore, it is impossible that their budget of $4 million will be used in the litigation. Most of their money goes toward treatment of people with tobacco-induced illnesses. The bill as it stands blocks the Department of Veterans Affairs from helping the Department of Justice in this lawsuit that greatly involves them.

This is an injustice to the American people who expect the government to defend their right for healthy lives.

I support the amendment to this bill because in 1998 the promise was made on this House floor that we would "take all steps necessary to recover from tobacco companies the cost which would be incurred by the Department of Veterans Affairs for treatment of tobacco-related illnesses of veterans. It will delete the rider and give the veterans the chance to recover tens of billions of dollars for Veteran's Affairs' underfunded medical care.

This measure helps the Department of Justice's requests pay back to the Federal Government for expenses due to the misconduct of the tobacco industry by unrestricted funding for the endeavor.

It will further protect those targeted youths from being victimized for their vulnerability to addictive agents.

The House should not be vulnerable to persuasion of any measure that cuts the prosecuting of those entities that pose harm to the country.

We have the responsibility to protect the people from unnecessary health risks by keeping them aware of the health risks.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 215, noes 183, not voting 36, as follows:

[Roll No. 319]

AYES—215

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berry
Bilbray
Bilirakis
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Calvert
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Conyers
Costello
Coyne
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Foley
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nethercutt
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Porter
Portman
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Rivers
Rodriguez
Roemer
Roukema
Royce
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Serrano
Shays
Sherman
Sherwood
Skelton
Slaughter
Smith (NJ)
Snyder
Stabenow
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thune
Thurman
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Waxman
Weiner
Wexler
Weygand
Wilson
Wise
Wolf
Woolsey
Wu
Young (FL)

NOES—183

Aderholt
Archer
Armey
Baca
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Biggert
Bishop
Bliley
Blunt
Boehner
Bonilla
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Collins
Combest

Condit
Cooksey
Cramer
Crane
Cubin
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
John
Johnson, Sam
Jones (NC)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Martinez
McInnis
McIntyre
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Price (NC)
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Toomey
Vitter
Walden
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker

NOT VOTING—36

Bachus
Berman
Canady
Clayton
Coburn
Cook
Cox
Dixon
Filner
Gekas
Istook
Johnson, E. B.
Jones (OH)
Kasich
Klink
Kuykendall
Lazio
Leach
McCollum
McCrery
McIntosh
Myrick
Pomeroy
Radanovich
Rangel
Reyes
Rothman
Roybal-Allard
Salmon
Smith (WA)
Tauzin
Tierney
Towns
Vento
Wynn
Young (AK)

□ 1019

Messrs. SKEEN, SHADEGG and HILLIARD changed their vote from "aye" to "no."

Mrs. BONO, Mr. PORTMAN and Mr. CALVERT changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is the gentleman the designee of the gentleman from Kentucky?

Mr. HUTCHINSON. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Arkansas is recognized for 5 minutes.

Mr. HUTCHINSON. Mr. Chairman, I thank the chairman of the committee for this recognition. I rise to discuss the issue of methamphetamine lab cleanup, an issue of great importance to my State of Arkansas and to the rest of rural America. Let me also thank the gentleman from Kentucky for including funds in the bill for meth lab cleanup for fiscal year 2001. This much needed appropriation bill that provides meth lab cleanup for 2001 will ensure that we do not find ourselves in a crisis situation again. As we all know, the DEA ran out of funds for this critical program in mid-March and many of us have been working to find additional fiscal year 2000 funds through a variety of sources. Unfortunately, the need is still pressing.

I would like to inquire whether the gentleman from Kentucky would be willing to continue working with me and other interested Members to address the fiscal year 2000 shortfall before the end of this fiscal year.

I yield to the gentleman from Wisconsin (Mr. RYAN) who has also been very active in this effort.

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman from Arkansas for yielding, and I would like to thank him for his leadership on this issue. I would like to reinforce the importance of funding for meth lab cleanup for Wisconsin and the majority of rural America. Our local law enforcement agencies do not possess the resources to fund meth lab cleanup, and therefore we currently have two meth labs in my district that are sitting and waiting until funds can be made available from the DEA to clean them up. This presents a serious safety and environmental danger.

I would also like to inquire of the gentleman from Kentucky if he will work to continue to address the shortfall in the current fiscal year for the meth lab cleanup.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Kentucky.

Mr. ROGERS. I thank both of the gentlemen for their leadership on this very important issue. It is a matter that we have been dealing with in our subcommittee now for some time attempting to find the funds to be able to adequately fight this battle. I will remain committed to working with them and with the Senate and the administration to resolve the fiscal year 2000 funding shortfall.

Mr. HUTCHINSON. I thank the gentleman for that commitment and for his leadership on this issue.

Mr. GOODLATTE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is the gentleman the designee of the gentleman from Kentucky?

Mr. GOODLATTE. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, I was going to say that I rise to do this, but I guess I will just say that I seek to engage in a colloquy with the chairman of the subcommittee. The chairman has been very diligent in his efforts to provide funding for various law enforcement needs. I greatly appreciate that.

One of the areas is in the category of missing and exploited children. One of the areas that is of grave concern to me and a great many other Members of Congress is the problem of child pornography and child sexual exploitation on the Internet. It is a very, very serious problem. In the past, funds have been specifically designated for the purpose of providing funding to State and local law enforcement agencies to combat this. In last year's legislation, $6 million was so appropriated. I had intended to offer an amendment this year which provides that that $6 million or more be specifically designated for that purpose. The gentleman from Kentucky has indicated that this can be taken care of in conference and that this money will indeed ultimately be so designated.

I hope to engage in a colloquy here to find out if indeed that is the case and he can indicate to me his plans for providing these funds for this specific purpose. They are a part of the, as I understand it, $19 million that is for missing and exploited children in general. At this point the chairman has not earmarked any of that money, but we are concerned that this money not go somewhere else and is provided to local law enforcement for the purpose of combating this serious problem on the Internet.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Kentucky.

Mr. ROGERS. I will continue to work with the gentleman to provide funding for this program at least at last year's level.

Mr. GOODLATTE. I thank the gentleman. That is very helpful.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is the gentleman the designee of the gentleman from Kentucky?

Mr. GREEN of Wisconsin. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. GREEN of Wisconsin. Mr. Chairman, I rise to engage the gentleman from Kentucky in a colloquy.

Mr. Chairman, this bill appropriates $130 million for the Department of Justice to distribute to State and local governments under the Criminal Identification Technical Improvement Act.

Mr. ROGERS. If the gentleman will yield, that is correct.

Mr. GREEN of Wisconsin. Mr. Chairman, as the gentleman from Kentucky knows, among the programs and uses that are eligible for money are those to help State and local crime laboratories in reducing the backlog in their convicted offender DNA sample databases and updating their laboratory equipment for this purpose. These criminal DNA databases are playing a vital role in tracking down the guilty and freeing the innocent.

Unfortunately, as we have heard over the last few days, many States and local governments are overwhelmed and are falling behind on getting these DNA samples logged onto their system, and they require additional funding. This is where Federal grants can make an important difference. State and local crime labs need our help to address this growing backlog.

Mr. Chairman, through this colloquy today, I hope we can send a strong message to the Justice Department urging them to give grants for these DNA sampling-related activities extra weight and every reasonable consideration.

Would the chairman of the committee agree with me on the importance of reducing the convicted offender DNA sample backlogs?

□ 1030

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I agree with the gentleman from Wisconsin (Mr. GREEN) and appreciate his attention to this pressing issue. I would hope that the Department of Justice shares our views on this and acts accordingly.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the chairman, the gentleman from Kentucky (Mr. ROGERS), for his support and commend him on crafting a bill that addresses our crime-fighting needs.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. GREEN) for yielding to me and appreciate him for bringing this important issue to the floor at this time.

Mr. Chairman, earlier this year I testified before the subcommittee concerning the growing nationwide backlog of unanalyzed convicted offender DNA samples. As we are all aware, every day the use of DNA evidence is becoming a more important tool to our Nation's law enforcement personnel; and last year I began to work with the FBI, with New York Governor George Pataki and the New York State Police Department to develop a cooperative and comprehensive resolution of this problem.

Consequently, I introduced H.R. 3375, the Convicted Offender DNA Index System Support Act to assist local, State, and Federal law enforcement personnel by ensuring that crucial resources are provided to our DNA databanks and our crime labs.

Mr. Chairman, our Nation's fight against crime is never over. The Justice Department estimates that erasing our Nation's convicted offender backlog alone could resolve at least 600 pending cases. I hope the House will pass this final legislation. Mr. Chairman, I look forward to working with the gentleman from Kentucky (Mr. ROGERS) in conference to ensure proper funding to eliminate this DNA backlog.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I commend the gentleman from New York (Chairman GILMAN) and the gentleman from Wisconsin (Mr. GREEN) for their interest and work in this vital issue, and I look forward to working with them to eliminate this backlog.

Mr. GILMAN. If the gentleman will continue to yield, I thank the gentleman from Kentucky (Chairman ROGERS) for his time and appreciate his efforts to address the backlog to provide our Nation's law enforcement community with the state-of-the-art equipment that is so sorely needed to fight violent crime throughout our Nation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Section 108(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106–113) shall apply for fiscal year 2001 and thereafter.

SEC. 109. Section 3024 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31) shall apply for fiscal year 2001.

SEC. 110. For fiscal year 2001 and thereafter, section 109 of Public Law 103–317 (28 U.S.C. 509 note) shall apply only to litigation in which the United States, or an agency or officer of the United States, is a defendant.

SEC. 111. Section 115 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106–113) shall apply for fiscal year 2001.

AMENDMENT NO. 21 OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. DAVIS of Virginia:

Page 37, strike lines 12 through 16 (section 111).

Mr. DAVIS of Virginia. Mr. Chairman, I rise today to offer this amendment to the Commerce, State, Justice appropriation. This would allow the judicial process to move forward for a number of attorneys at the Justice Department.

Mr. Chairman, I think it is important for Members to know that the Department of Justice has violated, in my judgment, and continues to violate title 5 of the Federal Employee Pay Act, FEPA, by deliberately refusing to pay overtime to its attorney personnel. Now, DOJ knows that this policy of not paying overtime is contrary to the law, as its own Office of Legal Counsel officially advised years ago and there is a pending lawsuit on this.

The current legislation strikes down paying this year's overtime and would not be able to pay it out of this year's appropriation which would be about $50 million, but this does not score under the CBO rulings.

Rather than coming to compliance with the law in response to a class action that has been filed against it, DOJ has now run to Congress pleading for immunity from the statutory requirement. The proposal that DOJ inserted in last year's appropriation bill and seeks again this year would make its attorney personnel the only employees within the Department of Justice who are not entitled to overtime and the only attorneys employed by the Federal Government who are not entitled to overtime. Because DOJ attorneys already are statutorily entitled to this compensation, the appropriations language DOJ seeks constitutes what is, in effect, a 20 percent to 25 percent pay cut for our Nation's prosecutors.

I think this proposal is grossly unfair. We need to remember that first-year associate salaries at the Nation's leading law firms now exceed $120,000 a year; but new attorneys at the Department of Justice with similar credentials make approximately $40,000 a year. While the most seasoned prosecutors at DOJ, people who have put their career to working for the Justice Department, are capped at just over $100,000 a year.

Many of our seasoned attorneys, the best people we are counting on in these lawsuits that we are defending and bringing across the country, U.S. attorneys offices, are making less money than first-year associates at some of the leading law firms in the country.

This legislation is a pay cut, because, in effect, it is a salary reduction, because if this lawsuit is settled or is won this year, we could not pay the money from this year.

In fairness to my good friend, the gentleman from Kentucky (Mr. ROGERS), who is the chairman of the subcommittee, this language which I said before was placed in last year's omnibus appropriations package was done so at the requests of the Department of Justice. The Department obviously fearing that the court will find for the attorneys has asked the Congress to let them off the hook again this year.

We delayed Justice for long enough. Every year, the Department of Justice attracts the best and the brightest attorneys from all the top law schools, but this is not going to continue if we are not allowed to pay these people what they are worth and what they are entitled to under the law.

These young attorneys knowing they could make hundreds of thousands of dollars more in the private sector choose to still serve the public interest. Assistant U.S. Attorneys work long hours of overtime, they have sued under existing labor laws to be compensated for that overtime; and if they win, no dollars now could be paid out this year for this year's overtime that they are paying out.

If my colleagues are worried about the potential costs, no this is not a budget issue, not a budget issue. The Congressional Budget Office has informed us that striking section 111 will have no impact on the FY2001 Federal budget, but what it will do is restore some semblance of responsibility to the Department of Justice.

Mr. Chairman, I cannot remember the last time that an agency in the executive branch so blatantly and callously asked this House to exempt them from their responsibilities. We have just been fighting over this, Justice Department going on, not paying their own employees, attorney personnel.

Once again, all the other attorneys in the other agencies are compensated; in Justice Department they are not, and they are the only Justice Department attorneys that are not. I hope that we can adopt this amendment or give some assurance that we can address this downstream from the committee chairman at this point.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment, as well, offered by my colleague, the gentleman from Virginia (Mr. DAVIS), to strike section 111 from this bill. This is an issue of basic fairness for thousands of Justice Department attorneys in my district and throughout the Nation.

The Department of Justice is the only Federal agency violating Federal wage law. For the second straight year, the Justice Department has asked, and the committee has agreed, to insert into the bill a moratorium on using funds appropriated under this bill to pay overtime to Justice Department lawyers.

This moratorium is being imposed at a time when this issue was before the courts as part of a class action lawsuit brought by DOJ lawyers to force their Department to pay overtime in compliance with title 5, and it is entirely possible that the courts will rule this year in favor of the plaintiff lawyers, and then we have this language that prevents them from being able to implement the decision of the court.

These assistant U.S. Attorneys work nearly 2 million hours of overtime in one recent year, but were compensated for only 63 hours. They work 2 million hours and were compensated for 63 hours. They have to keep two separate records, one real and one phony. We are just asking that the real one be recognized instead of the phony one. The other attorneys in the other Federal agencies are getting fully compensated for overtime, and our assistant U.S. Attorneys are getting paid less than the attorneys in other Federal agencies who are doing the same work.

These attorneys who work for the Justice Department, though, have particularly difficult jobs. Many of them have to leave their homes and families for weeks at a time to try cases in distant parts of the country. They are involved in stressful cases often involving serious organized crime or complex litigation. I have heard of Department of Justice lawyers being awakened in the middle of the night to argue the merits of an emergency injunction for the Government. Some have received threats because of their work.

They perform these services at a lower salary than they can work in the private sector. As the gentleman from Virginia (Mr. DAVIS) cited, a first year law student in many of those law firms is making six figures, and these people come in at $40,000 on average. Senior lawyers certainly on K Street are making five times what we pay these assistant U.S. attorneys for the Department of Justice.

It is not fair. The problem is that the American people are going to suffer because we are not going to be able to retain the best lawyers. We are not going to have the best representation if we do not compensate them fairly. They are treated in a manner that is completely contrary to the way that lawyers and other Federal agencies are treated, and it is just unfair.

It is not a partisan issue, Mr. Chairman. The Congressional Budget Office has advised us that section 111 will have no fiscal impact; so for any number of reasons, but the most important is fairness, I urge my colleagues to do what is fair and equitable for our Nation's Justice Department.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me say very briefly the gentleman from Virginia (Mr. MORAN) made an eloquent argument, particularly in the marketplace today. As a Member of the Judiciary Committee, and I know that we know what practice in law many years ago the salaries that compensated new law graduates, we have not bright, young people in our government agencies, bright, young people at the Department of Justice. It seems only fair that in order to keep the best and the brightest on behalf of the American people, that we should provide them with their overtime. This is a good amendment and we should support it.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) very much for her comments. They were right on.

Mr. ROGERS. Mr. Chairman, I rise in opposition.

Mr. Chairman, the provision that the Davis amendment proposes to strike is identical to the provision that is in the current act. This has been in the bill now for some time. All this provision does is to ensure that the Department of Justice, especially the U.S. Attorneys, are not hit with a huge funding shortfall in 2001. We are talking $50 million to $70 million that they would have to eat if something were not done in this bill.

The bill does not currently include any funds to pay overtime to lawyers at the Department of Justice. These attorneys like most other professionals in the Federal Government, have never been paid overtime, never. None of the professionals in the Government are paid overtime. While the issue of whether Department of Justice attorneys are entitled to overtime is a part of the lawsuit that is now pending and ongoing, the provision in this bill in no way affects the ongoing litigation.

What this provision does do is to ensure that the Department of Justice, particularly U.S. Attorneys, are not hit with a funding shortfall of as much as $50 million in 2001 should the lawsuit be decided in favor of the attorneys who have sued for overtime.

Mr. Chairman, that kind of a shortfall would trigger massive furloughs and reductions in force throughout the Department and in every U.S. Attorney's office in the country. Nor does this provision prejudge future congressional action. In fact, it is an issue that Congress needs to look at both from a policy and a funding perspective.

On the policy side, the issue is whether Congress, in fact, intended to provide overtime pay for Department of Justice lawyers. In addition, the funding ramifications of paying overtime have to be considered. As a group, Department of Justice attorneys are compensated at the top end of the Federal pay scale; an average attorney salary is over $94,000; and for assistant U.S. attorneys, which have their own pay scale, the average is even higher.

As a result, payment of overtime will be a very significant cost to the taxpayer; and in the bill, we have maintained the status quo while the litigation goes on; and at the same time we give Congress the opportunity to further study this issue of whether or not fiscally or as a matter of policy to allow overtime to DOJ lawyers.

In the meantime, let us keep the status quo and do not prejudice the outcome, and I urge a rejection of this amendment.

□ 1045

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. DAVIS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DAVIS of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529 further proceedings on the amendment offered by the gentleman from Virginia (Mr. DAVIS) will be postponed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 112. Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following new subsections:

"(t) GENEALOGY FEE.—(1) There is hereby established the Genealogy Fee for providing genealogy research and information services. This fee shall be deposited as offsetting collections into the Examinations Fee Account. Fees for such research and information services may be set at a level that will ensure the recovery of the full costs of providing all such services.

"(2) The Attorney General will prepare and submit annually to Congress statements of the financial condition of the Genealogy Fee.

"(3) Any officer or employee of the Immigration and Naturalization Service shall collect fees prescribed under regulation before disseminating any requested genealogical information.

"(u) PREMIUM FEE FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS.—The Attorney General is authorized to establish and collect a premium fee for employment-based petitions and applications. This fee shall be used to provide certain premium-processing services to business customers, and to make infrastructure improvements in the adjudications and customer-service processes. For approval of the benefit applied for, the petitioner/applicant must meet the legal criteria for such benefit. This fee shall be set at $1,000, shall be paid in addition to any normal petition/application fee that may be applicable, and shall be deposited as offsetting collections in the Immigration Examinations Fee Account. The Attorney General may adjust this fee according to the Consumer Price Index.".

SEC. 113. During the current fiscal year, the Attorney General may not certify any amount for appropriation under section 1817(k)(3)(A)(i) of the Social Security Act (42 U.S.C. 1395i(k)(3)(A)(i)) to the Health Care Fraud and Abuse Control Account for any purpose of the Department of Justice, unless the Attorney General has notified the Committees on Appropriations, at least 15 days in advance, of the amount and purpose involved.

AMENDMENT NO. 24 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Ms. JACKSON-LEE of Texas:

Page 39, after line 8, insert the following:

SEC. 114. Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) in subsection (d), by striking "$6" and inserting "$8"; and

(2) by striking subsection (e).

Mr. ROGERS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

The gentlewoman from Texas is recognized for 5 minutes on her amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as the summer months begin, many more Americans will be traveling overseas, and we have found out through the complaints of the travelling public that as they come back into the country, the low number of inspectors has caused an enormous traffic jam that really makes their trip less enjoyable and less efficient and shows that the American Government cannot do our job.

The President's budget includes language that would increase the current user fee from $6 to $8 and would increase the current user fee to that amount and would lift the cruise ship exemption and institute an $8 cruise ship fee from passengers whose journeys originate in Mexico, Canada and the United States, territorial possessions of the United States, or any adjacent island in the United States.

This amendment will pay for 154 inspectors at new airport terminals. Current construction at San Francisco, Detroit, Miami and Philadelphia international airports will increase the number of international gates and primary inspection booths. In my own city of Houston, where there is a need for as much as 113 inspectors, we have a very small number of 68.

With the anticipated increase in international travelers at each location, INS will require additional inspectors in order to process all passengers within 45 minutes. Mr. Chairman, if you could imagine, the lines get longer and longer and longer and the wait gets longer and longer and longer; and our United States citizens and others coming into this country are inconvenienced more and more and more. They look to the United States to be an efficient, well-oiled working machine. I think this simple increase is not a burden in order to create a more efficient system and to protect the traveling public.

Mr. Chairman, we need this amendment in order to pay for these additional immigration inspectors at these busy airports and hubs. I met with the INS Commission, and I know that this is a severe problem. As I noted, in my own home city of Houston, Texas, that the lines are long and airlines and airports are in serious danger of losing business. The lack of the adequate number of immigration inspectors, particularly during these summer months when we have the July 4th weekend coming up, is an important matter to fix. Let us remedy this problem and pass this amendment.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and violates clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to be heard on the point of order.

Mr. Chairman, let me note that in this legislation, the section that I am amending, the Immigration and Nationality Act, is being amended in section 111 with a genealogy fee, and I note I am doing the same thing, so I would ask that the point of order be lifted and that this amendment be allowed to be voted on.

The CHAIRMAN. Does any Member wish to be heard further on the point of order?

If not, the Chair is ready to rule. The Chair finds that the amendment proposes directly to change the Immigration and Nationality Act. As such, it constitutes legislation, in violation of clause 2(c) of rule XXI.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

This title may be cited as the "Department of Justice Appropriations Act, 2001".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $26,433,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

AMENDMENT NO. 31 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. OBEY:

Page 39, line 21, after the dollar amount, insert the following: "(increased by $1,300,000)".

Page 41, line 8, after the dollar amount, insert the following: "(increased by $17,700,000)".

Page 41, line 13, after the dollar amount, insert the following: "(increased by $6,300,000)".

Page 41, line 14, after the dollar amount, insert the following: "(increased by $9,900,000)".

Page 41, line 16, after "Service," insert the following: "$1,500,000 shall be for transfer to the Department of Agriculture for trade compliance activities,".

Page 71, line 1, after the dollar amount, insert the following: "(increased by $3,000,000)".

Mr. ROGERS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

The gentleman from Wisconsin is recognized for 5 minutes on his amendment.

Mr. OBEY. Mr. Chairman, 2 weeks ago the House passed the bill on China trade policy. I did not support that bill; the majority did. I am not here to enter into another argument about what we should have done on that bill, but I do believe if we are going to enter into that type of trade relationship with China, or any other country, that we have to rigorously enforce the agreement to ensure the full benefit for American companies, American workers, and American farmers.

The problem is that this appropriations bill, which is produced by the majority party, which pushed so hard for eliminating the application of Jackson-Vanik to China, provides no additional funding to the agencies charged with oversight, monitoring and enforcement of that trade agreement.

The office of U.S. Trade Representative, the Department of Commerce, the Department of State, the Department of Agriculture simply need additional resources to make sure that the Chinese implement and comply with that signed agreement. They have a record of not complying; and without vigilant monitoring and enforcement of that agreement by American agencies, U.S. workers, companies and consumers will have no assurance that they are going to receive the benefits that they are allegedly going to receive under that proposition.

The administration's request for the trade compliance initiative was a modest $22 million in total to support compliance efforts with China and to more rigorously enforce ongoing trade agreements. Of the amount, $16.2 million is budgeted for the Commerce Department, $3 million for State, $1.3 million for the Trade Representative's Office, and $1.5 million for the Department of Agriculture.

This amendment simply provides the full amount requested by the administration, including the amount requested and not provided in the agriculture bill for USDA's role in monitoring and enforcing trade agreements.

What is not included in my amendment today, but what I believe needs to be considered as we move through the process, is funding for the additional oversight and monitoring of functions that were proposed in conjunction with the PNTR bill by the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska (Mr. BEREUTER). My amendment would simply be the first step in ensuring that expanding trade with China and any current or future trade partner is carried out with the least cost and the most return to U.S. consumers, workers, and companies.

Again, the majority party in this bill has provided no additional funding to the Department of Commerce and the other trade agencies to enforce the U.S. trade laws and implement safeguard provisions, providing no assurance to U.S. companies and workers who could be hurt by a flood of imports from China.

I would point out that what this bill does, for instance, is it doubles resources for import surge monitoring; it increases by 25 percent the number of analysts working on expedited dumping and subsidy investigations; it triples the number of compliance officers in Washington working on China; and for the first time, it would put compliance officers on the ground in China and create an office devoted to China dumping cases.

In addition, it would double the number of compliance officers in Washington working on Japan and put compliance officers on the ground there also. It would add 10 analysts to Japan dumping cases. I have experienced that personally with a problem affecting a company in my own district.

It would also create a technical assistance center to help small businesses and unions understand available trade remedies, and it would help collect data necessary to file the required cases.

I would point out that, in my view, this bill is underfunded by at least $1 billion in meeting our peacekeeping responsibilities, our responsibilities to the Weather Service and other agencies under NOAA, law enforcement, Legal Services and the like; and I think this is just a small restoration of what we will eventually be required before the President is willing to affix his signature on this bill.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I would also say that I have a letter from our friend, Jerry Jasinowski, at the National Association of Manufacturers, which is in support of the full administration request for these items, and I would simply quote two paragraphs:

> We do not want our members to be on the alert for compliance problems only to find out that the administration lacks the resources to bring about enforcement actions on the issues we raise. It is important that the administration be able to act when we see problems. Therefore, I strongly urge you to support the administration's request for $26.6 million in funding for expanded compliance and enforcement, particularly the Commerce Department's Market Access and Compliance Initiative, into which we will be feeding the problems we uncover.
>
> This increase in Commerce's Market Access and Compliance funding in the fiscal 2001 budget is the minimum that will translate foreign commitments into more exports for U.S. firms and more high paying job opportunities for Americans. Candidly, we would like to see even more. We need this program to ensure we receive the benefits of China's entry into the WTO.

Mr. Chairman, it just seems to me that if this House passed that effort 1 week ago, it, at a minimum, has an obligation to do this and then to follow on with the additional protections suggested by the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Michigan (Mr. LEVIN) down the line.

Mr. ROGERS. Mr. Chairman, I intend to assert the point of order; but before doing so, let me rise in opposition to the amendment.

Mr. Chairman, the bill provides an increase of $13 million over the current level for the U.S. Trade Representative, International Trade Administration, and International Trade Commission. This funding continues the overseas presence of the foreign commercial service at the current level of operations. Likewise, the bill provides full base funding for the Department of State to continue current their overseas staffing levels.

If there is a requirement for personnel with specific expertise in trade monitoring, there is certainly room within the overall funding level to redirect funds to that priority. So there is plenty of money in this bill for the purposes for which the gentleman is concerned.

POINTS OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The amendment would provide new budget authority in excess of the subcommittee allocation made under section 302(b), and is not permitted under section 302(f) of the act.

I ask for a ruling.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I would like to be heard.

Mr. Chairman, as I indicated earlier, many times on this floor now the decision of the Republican leadership to cut over $1 billion in needed programs in this bill out of the President's budget request was caused by their desire to pass a whole series of tax packages which, among other things, gave $200 billion in tax relief to the wealthiest 400 Americans last week, and under those circumstances, because there is no——

Mr. ROGERS. Mr. Chairman, I have a further point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROGERS. Mr. Chairman, we are supposedly addressing the Chair on the point of order only, is that not correct?

The CHAIRMAN. The gentleman from Kentucky is correct.

Mr. OBEY. Mr. Chairman, I am addressing the point of order; but they will be my words, not those of the gentleman from Kentucky, or else we will be here a long time. I can strike the last word and go on forever, if the gentleman wants me to.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin out on the point of order.

Mr. OBEY. The point I was making before I was interrupted is that because the majority party has chosen to put first their requirement to take every possible dollar and put it into tax cuts for the wealthiest 2 percent of people in this country, that means that we do not have sufficient room to fund the programs that are necessary in this bill in order to get a presidential signature.

□ 1100

Therefore, I regretfully have to concede the gentleman's point of order.

The CHAIRMAN. The gentleman concedes the point of order, and the point of order is sustained.

Mr. LEVIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before we move on, I do want to say just a few words about the matter that we have just been discussing. The distinguished chairman of the subcommittee and I have discussed this matter briefly, and I understand the budget constraints under which he is working. I hope, however, that we do not translate those constraints into an argument that the amount provided herein is adequate for the compliance efforts that are needed in terms of trade legislation, including China PNTR. Because that is simply not correct.

If the administration request is not met eventually in terms of USTR, here is what would happen. This relates to critical legislation relating to trade. The USTR would not be able to fund 13 trade compliance positions, including seven related to China; I repeat, 13 trade compliance positions, including seven related to China. We simply cannot abide that. The economic relationship with China, as well as with other countries, is a complex one, and we simply have to meet the challenges of compliance.

In terms of the Commerce Department, if the administration request is not met, what it means is that Commerce will not be able to fund 19 enforcement officers in the market access compliance unit devoted to China enforcement and monitoring; and 16 trade analysts for import administration. Indeed, Commerce, which did not receive cost of living increases, will have to decrease staff in import administration and in the market access compliance unit. There are other ramifications in this bill for the ITC.

So I would simply urge that while the point of order has been upheld, and the gentleman from Wisconsin (Mr. OBEY), having fought the good fight, reluctantly has to acquiesce because of the shape of the budget resolution, that as this matter moves through the process, there will be an effort, and a successful one, to meet our obligations. We cannot pass trade legislation that involves major compliance and enforcement issues and then not provide the administration with the wherewithal to carry out those obligations. As Mr. Jasinowski said, that would be bad for the business community. It will be bad for the entire community, for the workers and the businesses of this country.

Mr. Chairman, I would like it understood that as far as the gentleman from Nebraska (Mr. BEREUTER) is concerned, I am sure, and the vast majority of us, we will not yield until this matter is attended to.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to see if my chairman, the gentleman from Kentucky (Mr. ROGERS) would enter into a colloquy.

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, I would be delighted to.

Mr. SERRANO. Mr. Chairman, I have been certainly trying to work closely with the gentleman on making this bill a better bill and making this process a better process, but I am a little troubled by any limitation of speaking time. So I would ask if the gentleman would consider, as a gentleman to a gentleman, on any point of order the gentleman may have, just withholding that point of order, reserving his right to it, and allowing everyone else to speak on it so we do not engage in something that may look like stifling of opposition on some of the issues.

I certainly wanted to speak on the last amendment; I know I can do it by striking the last word, but by the gentleman cutting off the debate as he did, I think he just creates a situation over here that we do not need at this time.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I would be happy to do that. However, yes we did that, and the debate went on interminably on items that were stricken on a point of order. I want to be lenient and to be fair, but there is a limit; we have a clock to deal with.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I understand that, but I am not a big fan of curtailing time, and I am also not a big fan of a process which starts off with letting everybody speak under the 5-minute rule and then stopping people at the end of the bill from speaking more than they are allowed to. I think it is wrong, and I think it makes it worse if people, on a point of order, are cut off immediately so that they have to find unique ways of speaking on an issue that they should have spoken on when the amendment was on the floor.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we can work together on this.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply note for observation by the gentleman from Kentucky that the Rules of the House allow Members, if the majority decides to proceed under an open rule and under the 5-minute rule, the Rules of the House allow Members to strike the last word any time they want in order to make their points. All the gentleman from New York (Mr. SERRANO) is suggesting is that it makes more sense to have those remarks come in direct relationship to an amendment rather than having to strike the last word after the amendment has been disposed of.

We did not put this bill together on the minority side, it is put together on the majority side, and it should not be surprising that those in the minority who have no opportunity to, in fact, change the content of the bill at least want an opportunity to explain their concerns about it, which is what the normal amendment process is supposed to be all about.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, yesterday, I do not think anyone can say that we were not completely lenient. I mean we sat here listening to maybe an hour and a half or 2 hours at one point.

Mr. OBEY. Mr. Chairman, I fully agree with that.

Mr. ROGERS. We spent time listening to people who spoke on a matter that everyone knew was subject to a point of order and we allowed that to take place. I want to continue to be as lenient as possible and will do so to work with my colleagues, but we must bear in mind that we have to finish this bill before eternity strikes us.

Mr. SERRANO. Mr. Chairman, reclaiming my time, there is a point here that yesterday on the Justice part of the bill everyone got a chance to speak and it seems like we are going to curtail on other parts. We are either blessed or cursed by the fact that our bill covers a lot of areas, and I think all areas deserve time.

As far as time, we really have until October before we have to panic.

AMENDMENT NO. 61 OFFERED BY MR. ENGLISH

Mr. ENGLISH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 61 offered by Mr. ENGLISH:

Page 39, line 21, after the dollar figure, insert "(increased by $3,000,000)".

Page 55, line 11, after the dollar figure, insert "(decreased by $3,000,000)".

Mr. ENGLISH. Mr. Chairman, I rise to offer this amendment which would appropriate an additional $3 million for the Office of the U.S. Trade Representative. These extra funds would satisfy the USTR request to add 25 new employees to handle negotiations, monitoring, and enforcement of trade agreements. These positions within the USTR are needed to add permanent trade negotiators to several offices with four or fewer professionals, including offices for China, agriculture, environment, Africa, and economic affairs.

With the passage of Permanent Normal Trade Relations for China, this amendment is the essential next step. With an ever-increasing amount of trade activity and with the United States having entered into numerous trade relationships, including NAFTA and the WTO, we must make certain that our trading partners honor the promises and commitments that were made. Approval of these funds is critical to acquire the needed staff for monitoring and compliance of the U.S.-China bilateral agreement and China's accession to the World Trade Organization.

The amendment presents a simple choice: jobs for constituents and export-oriented firms or in industries threatened by illegal and predatory practices, or more money for administration and bureaucracy. All too often, countries do not fulfill their obligations regarding trade agreements, which results in job loss. It is imperative that we show our constituents that we are serious about protecting U.S. jobs. We need to invest now in patrolling our markets and open new ones. Congress must make certain that USTR is given the proper tools to monitor and enforce these trade agreements. The English amendment provides the necessary funding for enforcing the trade agreements that we have entered into.

Mr. Chairman, I would like to take this opportunity to review some of the new positions that would be added if this $3 million is appropriated for USTR. USTR is proposing to add 25 new positions. Of these positions, two will be added to enforce agricultural negotiations. At a time when our farmers are struggling, we need to make sure that their needs are being met and that market access is being addressed.

If we are concerned about China, and some of the other speakers have been, one position will be added to assist in the administration of the agricultural agreement of April 1999 and the WTO market access agreement negotiated last November. There is a position that focuses on Japan to negotiate market-opening measures under the bilateral deregulation initiative, including those on housing and energy.

If my colleagues are concerned about the environment, which many of my colleagues are, a staff person would be added to work on the WTO built-in agenda and other negotiated environmental agreements. The labor specialist would be added to work on trade-related labor issues and human rights. A policy expert would be added to carry out trade agreements with Africa, a building on the recently-passed African Growth and Opportunity Act. In addition, three positions, which focus mainly on monitoring and enforcement regarding WTO and NAFTA cases, provide and help to enforce U.S. trade laws such as sections 201, 301, special 301, GSP, and other laws relating to intellectual property, and government procurement would be provided for under this amendment.

Two policy experts would be added to specialize on economic affairs to analyze economic effects and enforcement cases. Lastly, several positions would be added to enforce and monitor existing regional arrangements.

Mr. Chairman, it is incomprehensible to me how USTR is managing to enforce these agreements with the limited staff that they already have. As trade liberalization spreads throughout the world, however we may feel about trade issues, whichever side of the debate on free and fair trade we may be on, we need to recognize that the U.S. needs to be prepared to provide the necessary resources to be our watchdog on trade. We need to help USTR here.

Mr. Chairman, this is a modest amendment, it is one that enjoys bipartisan support, and I hope that the Chamber will join me in making this commitment to free, fair, and open trade.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find this amendment interesting and in some ways, contradictory. What this amendment does is to provide about $3 million to the U.S. Office of Trade Representative, but it really, as I understand it, does two things. It does, as the gentleman has indicated, provide additional resources to that agency to monitor trade agreements; but it also, in my view, goes beyond that and also provides additional resources for that agency to, in fact, work on new trade agreements.

Now, a lot of people in this House will have no objection to that. I personally would prefer to see solid enforcement of the trade agreements we now have before we move on to new ones.

Secondly, I would point out that, and I am not going to oppose the amendment, but I do want to highlight what I think the remaining shortcomings are that this Congress has still refused to meet, because what this does is to totally leave out additional funding for the agency that does the real job of on-the-ground monitoring and enforcement of our trade agreements.

□ 1115

This still does not make available the resources which I sought to make available in my amendment that would triple the number of compliance officers and put compliance officers on the ground in China, and add 10 analysts to Japan dumping cases, and do a variety of things that the Commerce Department does in order to protect the interests of American companies and American workers.

So there is no real harm in the amendment, I suppose, except that the source for funding for this amendment comes from the Commerce Department itself, and in that sense will squeeze that agency's ability to meet its responsibilities.

So as I say, this is a small thing. I have no real objection to it. I do question the source. Given the problems associated with the bill, I understand why the gentleman has gone to that source. But I do not think we should kid ourselves that we have done a terrific job of enforcing trade laws and protecting American interests in those enforcement actions by adding funds only to this agency.

If we do not fund the administration request for the Commerce Department enforcement, we will have, I think, provided the stem on a fig leaf, and done little more to protect the interests of either American workers or companies.

Mr. CRANE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. USTR's appropriation under the CJS bill is $3.2 million less than its request, and this amendment would bring its appropriations closer to its request.

This is a remarkable agency. It operates on a lean budget while charged with enormous responsibilities. USTR's' annual operating budget has remained virtually level during the 1990s, and almost all budget increases since FY91 have been used to meet legislated employee pay raises and other rising costs of doing business.

Despite a no-growth budget, and even though the agency's workload has exploded, USTR has made impressive accomplishments. It has concluded a significant number of trade agreements, and has successfully resolved 25 dispute settlement cases in the first 5 years of the WTO.

With China's imminent accession to the WTO, a strong, well-funded USTR is more necessary than ever to monitor foreign compliance with WTO obligations and to enforce our rights under the WTO.

The ability of U.S. producers to export their products depends upon USTR's efforts to open foreign markets and keep them open. This leads to increased global trade, which leads to our economic prosperity. But USTR cannot fulfill its mission without these urgently needed funds. This amendment is essential to help USTR do what Congress and the American people expect, and I urge Members to support this amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, like the gentleman from Wisconsin (Mr. OBEY), I will not oppose the amendment, but I do understand that the funds that are very much needed for trade enforcement do come in the Commerce Department's administration.

I would like to make two points. First of all, the Commerce Department in general in this bill is starved very seriously. In fact, they claim that, in general, they are $112 million below the money they need to operate properly.

Secondly, they are $19 million below what they need in administration, including what Secretary Daley needed for security at the Commerce Department.

So while we do not oppose, I would hope that the gentleman from Kentucky (Chairman ROGERS) would understand that acceptance of this amendment means that we do have to try to find a few dollars later, in addition to the other dollars for the Commerce Department.

Mr. INSLEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would speak in favor of this amendment, because I think it gives us an additional tool to in fact put WTO to work for us.

I want to address one very important issue where we need to put WTO to work for us in enforcement of our trade agreements. That is this emerging threat from the Airbus Industrie to the primacy of our aerospace industry.

Right now while we speak there are plans afoot for European governments to heavily subsidize, perhaps to the area of $4 billion, the research development projects for the new generation double-deck double-aisle jumbo jet, super jumbo jet by Airbus. This appears to be clearly in violation of WTO and agreements we have reached with the European community in at least two respects: number one, it clearly shows a subsidized loan situation by which several governments in Europe have already agreed to effectively subsidize through these governmental loans this development of this aircraft; and secondly, the abject failure and refusal of the European community to show us any critical project assessment, which was required by our 1992 agreement.

Mr. Chairman, we need to use these funds to make sure that we aggressively pursue enforcement of the WTO treaties, which are now being breached, and our 1992 agreements with the European community. I believe an investigation will show that these agreements have not been honored, and that we face the loss of aerospace primacy, which is important to the thousands of Boeing workers, I must say, in my district, but important to the whole United States economy.

Let us pass this amendment. Let us go forward to put WTO to work to keep aerospace number one in this country.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe this is a good amendment. I would hope that Members would support it. The USTR needs more funding, and we will attempt to remedy the source that the amendment seeks in later proceedings on this bill, so I would urge support for the amendment.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in strong support of the English amendment, and want to thank the gentleman from Pennsylvania (Mr. ENGLISH), my good friend, for offering this.

While I am concerned about the general funding levels for the Department of Commerce, and recognize that we are already $19 million below the request, I do think that we need to ensure that the promises that have been made in the past, whether it be on NAFTA, whether it be on the World Trade Organization, or more recently, permanent most-favored-nation status on China, which I happened to oppose at the last issue, as well as NAFTA, be kept, now that a vote has taken place in the House of Representatives.

We need to ensure that we have adequate personnel so that we can enforce those promises, and to ensure that everyone is abiding by international trade statutes, U.S. trade statutes, so those in America who work for a living and who in 1998 made a nickel less for their average hour's worth of work than they did in 1980 are ensured that our departments are on the job and protecting their interests.

I do thank the gentleman for offering this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

International Trade Commission

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $46,995,000, to remain available until expended.

DEPARTMENT OF COMMERCE

International Trade Administration

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines and teletype equipment, $321,448,000, to remain available until expended, of which $3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $62,376,000 shall be for Trade Development, $19,755,000 shall be for Market Access and Compliance, $32,473,000 shall be for the Import Administration, $194,638,000 shall be for the United States and Foreign Commercial Service, and $12,206,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $53,833,000, to remain available until expended, of which $1,870,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of such proposed action.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $361,879,000, to remain available until expended.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Ms. KAPTUR:
>
> Page 43, line 24, before the period insert ": *Provided*, That of these funds, such sums as may be necessary may be used to assist, under the Public Works and Economic Development Act of 1965, communities adversely affected by the implementation of permanent normal trade relations with China".

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the amendment.

Ms. KAPTUR. Mr. Chairman, this is a very straightforward amendment that operates under the existing authorization and depends upon funds already in the bill.

Essentially, it says that if there is a community that loses its jobs to China, they have a right to be covered under the assistance programs offered by the Economic Development Administration, just as much as any community in America that might lose jobs to Mexico or to Honduras or to Taiwan. Currently all of these programs at the Department of Commerce are available under EDA for assistance to communities that have lost jobs.

Unfortunately, when China permanent normal trade relations was passed here a couple of weeks ago, there were no provisions in that bill, unlike NAFTA, for adjustment assistance to communities and individuals who will be harmed by that measure.

In fact, the U.S. International Trade Commission, an entity of our own government, estimates that the new agreement with China will eliminate more than 870,000 jobs in our country, more than three-quarters of a million jobs. Communities will be imploded from north to east, south, west, all across this country.

The amendment we are proposing operates out of such sums as may be necessary, basically using the existing authority within the bill. It does not set aside funds just for China, but it says, do not forget communities that will be harmed by the loss of jobs to China.

I would also remind my colleagues that in the report accompanying the bill, the following is stated:

> The committee expects the Economic Development Administration to continue its efforts to assist communities impacted by economic dislocations related to all industry downswings and timber industry downturns due to environmental concerns at no less than the current level of effort; in other words, to assist communities that are hurt, regardless of the industry.

We certainly expect adverse impacts from the China vote. There will be beneficiaries of that vote, but for those communities that will be hurt, there is absolutely no reason not to allow those communities to be assisted through the Economic Development Administration.

If Members come from an area that knows what happened with NAFTA, then they have to support this amendment, because they need to prepare for what is likely to be coming as a result of normalizing relations with China.

For the record, let me state that this title includes $361,879,000 for the Economic Development Administration. That is $45 million below the administration's request, but within the committee bill itself there is $10,500,000 that is specifically identified in the report also for trade adjustment assistance.

We would hope that for those communities that will lose their jobs to China, that that trade adjustment assistance contained in this measure would also be available to those communities that are impacted, just as it would be if a community loses its jobs to Mexico, as has happened in so many places across the country, or to Taiwan.

It does not matter where, but we should not exclude China. One of the most glaring omissions of the China debate here in the Congress was the fact that there is no reporting required of where jobs are moved from and to, there is no eligibility for dislocated workers, and no funds specifically set aside, as we did under NAFTA.

Now, unless we pass this amendment, we are going to be saying that we do not give the Department of Commerce's Economic Development Administration permission within existing authority and existing funds to assist those communities that will be heavily impacted by, as the International Trade Commission says, a loss of over 870,000 jobs to China in the near term.

So I think it would be very shortsighted not to pass this amendment. I would beg of the chairman of the subcommittee to give full consideration.

Mr. HUNTER. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to thank the gentlewoman. I also have the same concern the gentlewoman has about job losses under PNTR. I think the amendment is an excellent one, and commend it to all of my colleagues.

Ms. KAPTUR. I want to thank the gentleman very much for his support.

Mr. ROHRABACHER. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I think it is important for us to note, when we look at this issue that the gentlewoman is bringing before us today, that the central issue on permanent normal trade relations to China was blurred. Time and again people talked about, well, this is a trade issue.

Well, in fact, the central core of permanent normal trade relations is a subsidy in the bill, and within that is the concept of that type of trade relation with China, in which we actually subsidize, with taxpayer dollars, through the Export-Import Bank and other government institutions, those businessmen that are investing in China.

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In other words, a businessman who closes a factory here or refrains from investing in building jobs here and goes to Communist China can expect the Export-Import Bank and other taxpayer subsidies to, for example, give them a lower interest rate or guarantee their loans. And if we are doing that with taxpayer dollars, at least let us watch out for the American people who are paying for that.

Ms. KAPTUR. Reclaiming my time, Mr. Chairman, I thank the gentleman for his support on the amendment and would beg of the chairman inclusion of this amendment in the committee bill.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and, therefore, violates clause 2 of rule XXI. I ask for a ruling of the Chair.

Ms. KAPTUR. I could not hear the gentleman. Could he please repeat his objection to including China under the eligible programs for communities in America that will be excluded from coverage?

The CHAIRMAN. Does the gentlewoman wish to be heard on the point of order?

Ms. KAPTUR. Mr. Chairman, I just merely asked if the gentleman could repeat what he said. I could not hear him with the din in the Chamber.

Mr. ROGERS. The reason that I asked for a ruling was that this provides an appropriation for an unauthorized program and violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentlewoman wish to be heard on the point of order?

Ms. KAPTUR. I do wish to be heard on the point of order, Mr. Chairman.

I would just ask the chairman of the subcommittee, then, by what he has said to me in refusing to accept our amendment, is the gentleman saying that if a community, like Salina, Ohio, loses jobs to China, Huffy Bicycle moved to China——

The CHAIRMAN. The gentlewoman will suspend.

Ms. KAPTUR. That that community will not be eligible for EDA assistance——

The CHAIRMAN. The argument on the point of order should be directed to the Chair and not toward the chairman.

The gentlewoman is recognized.

Ms. KAPTUR. I thank the Chair for reminding me of that. I would like to ask the Chair, does this mean, then, that if a community loses jobs to China, 2,000 people in Salina, Ohio, out of work because Huffy Bicycle moved to China, that that community would not be eligible for Economic Development Administration assistance? Is that the effect of the gentleman's rejection of my request to include this amendment in the bill?

The CHAIRMAN. Does any further Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The proponent of an item of appropriation carries the burden of persuasion on a question whether it is supported by an authorization in law. Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized by law. The Chair is, therefore, constrained to sustain the point of order under clause 2(a) of rule XXI.

The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $26,499,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $27,314,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $49,499,000, to remain available until September 30, 2002.

AMENDMENT NO. 56 OFFERED BY MR. COBLE

Mr. COBLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 56 offered by Mr. COBLE:

Page 44, line 21, insert after the dollar amount the following: "(reduced by $10,000,000)".

Page 45, line 24, insert after the dollar amount the following: "(reduced by $40,000,000)".

Page 48, line 23, insert after the dollar amount the following: "(increased by $133,808,000)".

Page 48, line 24, insert after the dollar amount the following: "(increased by $133,808,000)".

Page 73, line 19, insert after the dollar amount the following: "(reduced by $98,808,000)".

Mr. COBLE. Mr. Chairman, protection that the United States Patent Office offers to America's high-tech products protects the markets of their creators in this country and form the basis for obtaining patent protection abroad to allow these products to enter and compete in foreign markets, in other words, Mr. Chairman, creating high-wage jobs and promoting American exports.

Now, I had planned to reduce this bill by less than 1/2 of 1 percent across the board. I repeat, less than 1/2 of 1 percent was my initial goal. The parliamentarians ruled that out of order. And I am not being critical of the parliamentarians, they were simply doing their work, but by doing their work they forced me to then pick and choose; and that is what I had to do.

My amendment would increase funding for the Patent and Trademark Office by $133,808,000, which would bring the appropriations for the agency in line with the President's budget submission. This is, by our calculations, still $113 million short of what the PTO's budget should be based on its incoming fee revenue. The amendment is balanced by the spending reduction in other areas, which the Congressional Budget Office has assured us is neutral with respect to budget authority and outlays.

I have great respect for the distinguished gentleman from Kentucky and his able ranking member, the distinguished gentleman from New York. They worked very favorably with us on this, and I acknowledge the difficulties which they and others have faced in bringing this bill to the floor. That said, however, I emphatically believe that the Patent and Trademark Office is a Federal priority that contributes in an overwhelmingly positive way to our national economy.

The mark in this bill simply does not do the agency justice, especially in light of the fact that patent applications are increasing by 12 percent and trademark filings by another 40 percent. Given this workload, and the current funding level contemplated by H.R. 4690, the agency will be forced to deal with manpower shortages and delays in implementing modernization efforts. Patents and trademarks will issue more slowly, which will cost this country profits, growth and jobs.

My amendment is important to the American high-tech industry, the e-commerce revolution that is driving the United States economy. While I would prefer that this agency be allowed to retain all of the fees which it collects from its operations, I am willing to accept the current figure with my amendment. Again, with my amendment, Mr. Chairman, the PTO is still denied another $113 million, which it is expected to generate in user fees in fiscal year 2001.

Finally, Mr. Chairman, I should note that the Information Technology Industry Council is scoring this vote in its high-tech voting guide, and I will be submitting for the RECORD ITI correspondence, along with other letters of support, including those from the ABA and the National Association of Manufacturers.

Mr. Chairman, if I may finally say to my colleagues, we all need to know how many tax dollars are in the PTO. Not one brown penny. They are all user fees to be used exclusively to maintain and operate the Patent and Trademark Office.

Mr. Chairman, the documents I just referred to are as follows:

INFORMATION TECHNOLOGY
INDUSTRY COUNCIL,
June 21, 2000.

Hon. HOWARD COBLE,
Chairman, Subcommittee on Courts and Intellectual Property, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN COBLE: I am writing to thank you for sponsoring an amendment to reverse the Appropriations Committee's diversion of an additional $134 million in Patent and Trademark Office (PTO) user fees over and above the $113 million already diverted in the Administration's budget request. ITI anticipates scoring the amendment in our High Tech Voting Guide.

ITI is the association of leading U.S. providers of information technology products and services. We advocate growing the economy through innovation and support free-market policies. ITI members had worldwide revenues exceeding $460 billion in 1999 and employ more than 1.2 million people in the United States. We use the High-Tech Voting Guide to measure Congressional support for the information technology industry and policies that foster the success of the digital economy. At the end of the 106th Congress, key votes will be analyzed to assign a "score" to every Member of Congress.

ITI's member companies already oppose the now longstanding practice of diverting PTO user fees into the general treasury and using a self-funding agency to subsidize other government operations. Unfortunately, the additional diversions approved last week by the Appropriations Committee will effectively cut 25% of the PTO's budget when the number of patent applications is growing at an unprecedented rate. The resulting increases in application pendency and decreases in quality of patents issued will act like a bottleneck on the new economy, especially in the growth areas of software and e-commerce inventions.

We urge all Members of Congress to support innovation in the new economy by voting for your amendment. Thank you for your leadership and please do not hesitate to contact ITI if we can be of assistance.

Best regards,

PHILLIP BOND,
Senior Vice President.

AMERICAN INTELLECTUAL PROPERTY
LAW ASSOCIATION,
Arlington, VA, June 9, 2000.

Hon. HAROLD ROGERS,
Chairman, House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, The Capitol, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the more than 10,000 lawyers of the American Intellectual Property Law Association to express outrage over the action taken by your Subcommittee Tuesday evening which takes $295 million dollars of fee revenues to be collected by the United States Patent and Trademark Office in FY 2001 and uses these monies to fund totally unrelated federal and state programs.

The $295 million that the Subcommittee mark will take from the Office will come from fees paid by patent and trademark applicants. This is not denying a taxpayer funded agency its requested budget; it is taking fees paid by applicants to receive services. Moreover, it is 25% of the total fee revenues that will be collected by the USPTO in fiscal year 2001!

The USPTO has received no taxpayer support since 1991. The Congress imposed enormous fee increases on patent and trademark applicants, ostensibly as a means of ensuring the continued vitality of the system. The large and small companies and individual inventors who reluctantly accepted those huge fee increases were told that the increased revenues would be used to reduce pendency, improve quality, and make the Office the envy of the industrialized world. Instead, the Office will have $295 million of its fiscal year 2001 fee revenues spent elsewhere, only being allowed to keep an increase over this year's inadequate funding of less than 4%—hardly enough to cover inflation. This paltry, token increase does not begin to take into account the facts that:

Patent application filings are up 14%;

Trademark application filings are up 42%; and

The Office is faced with implementing the most sweeping changes in the patent law in the last 50 years.

Notwithstanding these and other significant new demands on the USPTO's scarce resources, the Subcommittee's mark ensures that the already rising patent and trademark pendencies will continue their steady upward spiral. It is inconceivable that the Congress of the United States would take steps to undermine the engine of prosperity that the patent and trademark systems repesent, risking the unprecedented economic growth and jobs creation enjoyed by this great Nation during the last decade.

In the press release announcing the Subcommittee's action, you are quoted as stating that the CJS Appropriations Bill increases "funding for key national priorities" and "gives no ground in the federal war against crime and drugs." I would submit that Tuesday's Subcommittee mark declares war on the patent and trademark systems. This action by the Subcommittee is surely cutting off the blood supply of resources to the USPTO—at a time when the United States is enjoying its greatest budget surplus in the last 30 years.

The wealth generation and positive trade balance from the export of high technology goods and services depend on vibrant, robust patent and trademark systems. The benefits of these systems cannot be assumed or taken for granted. Allowing their decay will reduce high-wage jobs and high-tech exports, and will ultimately reduce the tax revenue that is the foundation for a srong and prosperous Nation. We urge you to reconsider the funding for the USPTO when the CJS spending bill is taken up at the full Appropriations Committee mark-up. America's creative community demands and deserves such fair and equitable treatment.

Sincerely,

MICHAEL K. KIRK,
Executive Director.

INTELLECTUAL PROPERTY OWNERS
ASSOCIATION,
Washington, DC, June 22, 2000.

Re vote for Coble amendment to increase funding for U.S. Patent and Trademark Office in Commerce-Justice-State Appropriations bill, H.R. 4690.

Hon. J. DENNIS HASTERT,
Speaker of the House
Washington, DC.

DEAR SPEAKER HASTERT: Our association strongly urges you to vote for the amendment to the Commerce-Justice-State bill that will be offered to day or tomorrow by Rep. Howard Coble. This amendment to free up an additional $134 million in patent and trademark fees for use by the Patent and Trademark Office (PTO) is critically important to hi-tech, biotech and many other industries that depend on patent and trademark rights.

Intellectual Property Owners Association (IPO) represents companies and individuals who own patents, trademarks, copyrights and trade secrets. Our members obtain about 30 percent of patents that are granted to U.S. nationals and federally register thousands of trademarks each year. They pay around $200 million a year in user fees to the PTO. Our members are largely technology-based and consumer products firms.

The drastic cut in funding for the PTO in the Commerce-Justice-State bill threatens the quality of patent examining and will cause pendency times for patent and trademark applications to rise to unacceptable levels. Patent workload is up 14 percent this year and trademark workload is up an unprecedented 40 percent. Even at the President's request level, average patent application pendency will rise to 31.7 months by 2005—a 52 percent increase in delay since 1996 that will cripple our members who rely on patenting their technology to help them compete in today's fast changing economy.

The Coble amendment is an important step toward restoring adequate funding for the PTO. We hope you will vote for it.

Sincerely,

HERBERT C. WAMSLEY,
Executive Director.

INTERNATIONAL TRADEMARK
ASSOCIATION,
Washington, DC, June 22, 2000.

ATTN: CJS Appropriations Staff Person.

DEAR MEMBER OF CONGRESS: As President of the International Trademark Association (INTA), I ask for your support on an issue of serious concern to our members. The Commerce, Justice, State (CJS) FY 2001 Appropriations bill, which you will begin considering later today, contains an allocation for the U.S. Patent and Trademark Office (PTO) that in effect diverts $295 million in fees paid to the agency. This reduction will have a direct, immediate and devastating impact on the ability of the PTO to do its job.

Never before has the role of the PTO been so important or the challenges facing the agency been more demanding. In a thriving, technology-based economy, new products and services enter the market at a breakneck pace. It is essential that the PTO have the resources to support and sustain this economic boom. If the PTO lacks the examiners or the technology to conduct a thorough and efficient examination of the hundreds of thousands of trademark applications filed each year, this has tangible consequences for U.S. companies, as product launches are delayed and competitive opportunities lost. The government cannot allow itself to be a drag on this otherwise flourishing environment.

Indeed, Congress recognized this very fact last year when they passed landmark legislation to restructure and streamline the PTO, giving it greater autonomy and loosening the bureaucratic restrictions that hindered its ability to perform its business-oriented mission in a more business-like way. These changes—valuable as they are—mean little if Congress now denies PTO the resources to perform efficiently.

A point we have made many times before bears repeating: this is NOT taxpayer money that is being taken from the PTO. Every penny is derived from fees paid by intellectual property owners for services to be rendered by the PTO. The PTO can no longer be treated as a convenient "cash cow" to remedy budget shortages elsewhere in the government. We ask you to support an amendment by Rep. Howard Coble to restore the diverted user fees to the PTO.

Sincerely,

KIM MILLER,
President.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, June 12, 2000.

Hon. C. W. "BILL" YOUNG,
House Appropriations Committee,
Washington, DC.

DEAR REPRESENTATIVE YOUNG: The National Association of Manufacturers (NAM) again protests the withholding or diversion of fees paid by inventors to the Patent and Trademark Office (PTO). The NAM—18 million people who make things in America—is the nation's largest and oldest multi-industry trade association. The NAM represents 14,000 member companies (including 10,000 small and mid-sized companies) and 350 member associations serving manufacturers and employees in every industrial sector and all 50 states.

At the Appropriations Committee markup tomorrow, the NAM urges you to put all the fees collected by the PTO to their only defensible use: serving the agency's fee-paying customers. Failure to do so will produce the following effects:

Continuing the hidden tax on inventors. Worse, this bad U.S. practice undermines U.S. business leaders in their attempts to remove or reduce even higher hidden taxes on U.S. patent holders around the world.

Hurting the timeliness or quality of patents, or both. Already, it usually takes as long to issue a patent as for the semiconductor industry to develop a next-generation product. That's too long. Taking away fees only makes matters worse. At a time when the agency's workload is growing fast—patent applications are up 12 percent this year and trademark applications are up 40 percent—it must keep all the fees just to stay abreast of the huge workload.

Undermining implementation of last year's patent legislation, the most significant in half a century.

Undermining the plan of entirely self-funding patent and trademark operations. Until a decade ago, Congress had to appropriate tax dollars partially to fund the patent and trademark system. But if Congress continues to treat the PTO as a cash cow, it may need to bail the agency out with tax dollars in the future.

For all these reasons, the NAM joined almost 20 other trade and professional associations in writing to you two months ago, urging you to end to the harmful practice of taking money away from the PTO. Most regrettably, last week the Commerce, State, Justice, and Judiciary Subcommittee evidently decided to withhold even more money than already proposed in the Administration's budget (documentation has not been publicly available).

Voting to do so entails accepting responsibility for deterioration of the patent system at a time when technology is fueling the nation's economic growth. It would be hard to imagine a more shortsighted financial maneuver. The NAM urges you to reconsider the unwise diversion of patent and trademark fees.

Sincerely,

FRANKLIN J. VARGO
Vice President,
International Economic Affairs.

AMERICAN BAR ASSOCIATION, SECTION OF INTELLECTUAL PROPERTY LAW,
Chicago, IL, June 9, 2000.

Hon. C.W. BILL YOUNG,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: The Committee on Appropriations is scheduled to mark-up the Commerce, Justice, State and Judiciary appropriations bill on June 13. I am writing on behalf of the Section of Intellectual Property Law of the American Bar Association to express opposition to provisions in the bill as reported by the Subcommittee which deny authority for the United States Patent and Trademark Office (USPTO) to spend user fees to be collected in Fiscal Year 2001

The views expressed in this letter are those of the Section of Intellectual Property Law. They have not been submitted to nor approved by the ABA House of Delegates or Board of Governors and should not, therefore, be construed as representing policy of the American Bar Association.

The Section of Intellectual Property Law opposes denying the USPTO authority to utilize, in the year in which collected, any of the revenue derived from user fees paid to fund the services provided by the Office. While we oppose any and all such withholding of user fees, we most strongly oppose the extreme degree to which the denial of user fees has been taken in the bill as reported by the Subcommittee.

The President's budget proposal calls for withholding form USPTO use $368 million in user fees to be collected in FY 2001. After adjusting for authority to spend in FY 2001 user fees collected in previous years, the President's proposal still provides a funding shortfall of $113 million based on anticipated user fee collections. User fees are set by law so as to produce the revenue needed to fund the services of the USPTO, and the withholding of over $100 million—about ten percent of funding needed to run the Office—seriously jeopardizes the ability of the USPTO to support the vital areas of our economy which the Office serves.

While the President's proposal is dangerous and damaging, the Subcommittee's recommendation is disastrous. It proposes withholding still an additional $182 million, consisting of 4134 million more from collections as projected in the President's proposal, plus $48 million in additional fee revenue resulting from the expanded demand for the services of the Office, The net result would be funding for the USPTO at a level that is 25% less than the fees collected to run the Office.

The House Judiciary Committee, the authorizing Committee for the USPTO, asked the Under Secretary of Commerce for Intellectual Property for his assessment of the impact of the funding cuts proposed by the Subcommittee. His response is frightening. All hiring would have to be stopped. This includes not only expansion hiring to accommodate the ever growing demand for services, but also replacement hiring. As a result of such staffing reductions, services would be drastically slowed and reduced. The time delay in acting on trademark applications is expected to double, and action on patent applications would be slowed by one-third. Reduction and delay in services will result in a reduction in fee revenue, setting off a downward spiral that could be devastating to technological and innovative sectors which are so vital to our nation's economic and social health.

We urge you in the strongest possible terms to reject these crippling funding cuts, and to provide the USPTO funding equal to the fee revenue collected to run the Office.

Sincerely,

GREGORY J. MAIER,
Chair.

JUNE 22, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT: The future competitive strength of the American economy depends upon the robustness of our high technology industries, and those industries in turn depend upon a strong patent and trademark system to secure property rights in new technologies both here and abroad. Recognizing this, Congress last year approved sweeping patent reform legislation designed to strengthen the rights of inventors, implement cost-efficient dispute resolution procedures, and facilitate implementation of "best management" principles at the Patent and Trademark Office (PTO).

These reforms were enacted into law at a critical time. However, what Congress has given with one hand, Congress is attempting to take way with the other through the appropriations process. We urge you to support restoration of the President's mark on the PTO budget, and to work with us to permanently end fee withholding so that the PTO may make full advantage of the process and structural improvements that Congress wisely enacted into law last year.

The PTO—now a fully user-fee-funded agency—is facing dramatically increasing demand for its services from inventors seeking patents, and entrepreneurs seeking protection for trademarks. In the last year, patent applications were up 14% and trademark applications were up 40%. In this environment, the quality and timeliness of examinations are directly related to the level of resources available hiring and training qualified examiners and implementing more advanced search tools. One of the objectives of the President's proposed FY '01 PTO budget is ensuring that the agency has the resources needed to reduce average patent "pendency"—the time it takes to process the typical application—from 25 months (today's figure) to 20 months. In 1990, pendency stood at 18 months.

Unfortunately, the Appropriations Committee's FY '01 PTO mark proposes to withhold almost $295 million in fee resources that will be collected in the next fiscal year, making it impossible to achieve this goal. The fee withholdings—begun in 1991 as a deficit reduction measure—to date total $564 million. Withholding PTO user fees in order to score "savings" in the budget may be penny wise but is pound foolish when considered against the damage to our patent and trademark system.

Both timeliness and quality of examination are already deteriorating due to the accumulated deficit of resources. These trends will only worsen under the Committee mark. The PTO today faces growing pendency (which will soon exceed 30 months), inadequate staff, and the need to improve its methods. More and better-trained examiners, improved databases, and innovations such as online processing and examination of applications are critical needs. Such measures are all the more important as the PTO is required to deal with new and complex areas of patent activity, such as business method and software patents. Withholding PTO fees prevents such improvements.

Thank you for your attention to this issue.

Sincerely,

William T. Archey, President and CEO, American Electronics Association; Harris Miller, President, Information Technology Association of America; Rhett B. Dawson, President, Information Technology Industry Council; George Scalise, President, Semiconductor Industry Association; Ken Wasch, President, Software & Information Industry Association; Matthew J. Flanigan, President, Telecommunications Industry Association.

THE NATIONAL TREASURY
EMPLOYEES UNION,
Washington, DC, June 21, 2000.

——— ———,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE ———: NTEU, which represents many of the employees at the Patent and Trademark Office (PTO), is extremely distressed at the Draconian cut of $134 million from the Administration's budget proposal made by the Commerce/Justice/State Appropriations Subcommittee. This severe budget cut will do great harm to the PTO's mission and productivity. We understand Representative Howard Coble (R-NC) may offer an amendment to restore this funding. We ask you to vote YES on the Coble amendment.

As a fee-funded agency, PTO should have access to the fees it collects and PTO customers should have the service they are paying for. The diversion of these funds is simply wrong and unfair. The House should set PTO funding equivalent to the amount of fees collected and stop siphoning off these funds.

PTO is a growing agency that has struggled with limited resources to meet the highest standards of customer service. With patent and trademark applications rising this year by 12% and 40%, respectively, American inventors cannot afford to have their applications deferred, delayed and denied as they fuel the economic engine keeping our nation productive.

The reduced funding will force PTO to implement a hiring freeze which will mean that rather than reducing the time to process an application as American industry has demanded, pendency rates will skyrocket. Furthermore, these cuts will cripple the ability to implement PTO's e-commerce program. Rather than improve efficiency and lower pendency periods by electronic filing, the proposed appropriation will wreak havoc on this innovative and pro-inventor initiative.

It is an issue of human dignity to be able to lay claim to the fruits of one's intellect. Patents and trademarks are the institutional protection of intellectual property rights. The proposed appropriation denies this right to tens of thousands of American inventors. Our Union would appreciate your support on this matter.

Sincerely,

COLLEEN M. KELLEY,
National President.

AGILENT TECHNOLOGIES,
Washington, DC, June 20, 2000.

Hon. MARTIN T. MEEHAN,
U.S. House of Representatives, Washington, DC.

Re: Coble Amendment to the Commerce, State, & Justice Appropriations bill

DEAR REPRESENTATIVE MEEHAN: We write to express our strong opposition to the Commerce, State & Justice (CSJ) Appropriations bill that, we believe, will have a profound negative impact upon all U.S. innovators and companies who rely upon an efficient patent system to secure and protect intellectual property. We urge you to support us in taking action to prevent the slowdown in technological progress and economic gains that may result if the CSJ Appropriations bill is passed in its current form.

On June 14, the Appropriations Committee gave its approval to the CSJ appropriations bill, which includes the appropriation for the U.S. Patent and Trademark Office (PTO). The President's FY 2001 Budget proposed withholding $113 million of the fees paid by the users of the PTO's services. The current allocation diverts $295 million of these fees away from the PTO and to taxpayer funded ventures. The repercussions of withholding $295 million will be devastating, as it accounts for 25% of the agency's income. The potential for decreased quality and efficiency in the PTO is great, due to the possibility that: A freeze on hiring and overtime pay for current staff might tempt patent examiners, trademark lawyers and others to leave the patent office. The imposition of restrictions on training for examiners and administrators. Waiting periods on first actions on patent applications, will increase from 11 months to 15 and for trademark applications from 4.5 months to 8. 150,000 patents may be rejected for an initial examination, not allowed or not issued at all. Planned electronic filing of patent applications may be reduced or eliminated.

Agilent Technologies is very concerned about this threat to innovational productivity. To this end. Representative Howard Coble is sponsoring an amendment to the CSJ appropriations bill that will be presented to the full House. The amendment would restore funding to the $1039 million level proposed by the Administration. Although this remains below FY 2000 levels, the restoration of some funds will help to reduce the possibility of negative outcomes outlined above.

Never before has the role of the PTO been so critical or the challenges confronting the agency been more demanding. In a thriving, technology-based economy, new products and services enter the market at a rapid pace. It is imperative that the PTO has the resources and support to maintain this economic boom.

Agilent Technologies is a diversified technology company dependent on new technologies and expanding markets. We urge you to support technology and innovation in all areas by voting in favor of a partial restoration of PTO funding through the Coble Amendment.

Sincerely,

FRANK ORLANDELLA,
Director, Federal Public Policy.

PEPSICO,
Purchase, NY, June 22, 2000.

Hon. HOWARD COBLE,
U.S. House of Representatives, Washington, DC.

Re: PTO User Fees

DEAR REPRESENTATIVE COBLE: I am writing on behalf of PepsiCo, Inc. to express our strong support for your proposed amendment to the Commerce Justice State Appropriations bill for fiscal 2001, to restore 134 million in PTO user fees to the PTO budget for 2001. We believe that the bill's proposed diversion of 295 million in user fees paid to the PTO threatens real harm to the PTO's ability to do its job and must be reversed.

Trademarks are vital to PepsiCo's business, and our user fees to the PTO in any given year are substantial. Our expectation in paying these fees is that they will be applied to PTO purposes to maintain the highest standards of operation and keep response times as short as possible. In an economy that increasingly favors the swift and reliable acquisition of intellectual property rights of all kinds, the PTO's function is far too important to put at risk.

PepsiCo urges you to take all appropriate action to restore this funding to the PTO.

Very truly yours,

ELIZABETH N. BILUS,
Intellectual Property Counsel.

PROCTER & GAMBLE,

To: Hon. HOWARD COBLE,
cc: Herb Ribinson, Greensboro, NC
From: Gordon F. Brunner, Chief Technology Officer
Re: Support Coble Amendment to the Commerce, Justice, State and Juddiciary Appropriations Bill

I write to express my deep concern regarding recent actions in the House Appropriations Committee that, I believe, will have a profound negative impact upon all U.S. innovators who reply upon an efficient patent system to secure and protect intellectual property. For this reason, I urge you to support the Coble amendment to the Commerce, Justice, State and Judiciary Appropriations bill.

The Appropriations Committee, on June 14, considered and voted upon the Commerce, State, & Justice appropriations bill, which includes the appropriation for the U.S. Patent and Trademark Office. This bill based in principle upon the President's budget submission continued what has now become a persistent policy of withholding a substantial portion of patent user fees in order to gain a scoring "savings" that can be applied to the benefit of taxpayer funded programs.

Procter & Gamble objected to this practice since it was first employed to accommodate the requirements of deficit reduction in the Omnibus Budget Reconciliation Act of 1990. Nevertheless, the President's FY 2001 budget submission proposed to withhold $113 million in fees on top of the $564 milllion that has been withheld to date. My company opposed this proposal directly and through the various associations that represent us. However, to our dismay, in its action on the 14th, the Committee increased the total amount of the withholdidng proposed in the President's budget. Under the Committee mark, fees appropriated to the PTO would fall short of actual collections by $295 million. This will not only prevent the PTO from moving forward with important improvements in patent and trademark search methodology and tools, but will also result in degradation of existing capabilities.

Both timeliness and quality of examination are already suffering due to the accumulated deficit of resources, and the conditions will only worsen as a result of this action. The time it takes to process the typical application has increased from a historic low of 18 months in 1990 to 25 months today, and will soon increase to 30 months. Patent applications for new and complex technologies take even longer.

The PTO is required to deal with rapidly growing numbers of applications in diverse and intricate areas of research and discovery. The need to hire and train more examiners—and improve the search tools available to them—is critical. The issue is not merely one of providing "more money", but rather giving the PTO the benefit of the fee resources that are intended to fund the needs of the PTO.

Withholding patent user fees from the PTO is nothing less than a tax on innovation, as the PTO is fully user-fee-funded.

You can reverse this trend by supporting the Coble amendment to the Commeerce, Justice, State and Judiciary Appropriations bill.

Rohm & Haas Co.,
Arlington, VA, June 14, 2000.

Hon. J. Dennis Hastert,
U.S. House of Representatives,
Washington, DC.

Dear Mr. Speaker: I wanted to register the strong concern of Rohm and Haas Company over an action by the House Commerce-Justice-State Appropriations Subcommittee to divert almost $300 million of Patent Office funding to unrelated governmental programs.

We are a research oriented company that relies upon a smooth functioning Patent Office to sustain our competitiveness. This level of diversion could erode the quality of patent examinations and cause delays in the issuance of patents and trademarks. The U.S. Patent Office is a user fee funded agency and should not be used as a source of funds for federal programs that do not otherwise meet spending caps.

I respectfully request your support for maintaining a properly funded Patent Office and not to divert its funds for other purposes. Thanks for your consideration and please feel free to contact me with any questions or comments.

Sincerely,

Geoffrey B. Hurwitz,
Director of Government Relations.

To: The Hon. Harold Rogers, Chairman of the House Justice-State Appropriations Subcommittee, The Hon. C.Y. (Bill) Young, Chairman of the House Appropriations Subcommittee.

Cc: Members of the House of Representatives.

Date: June 12, 2000.

From: Edwin A. Suominen, Registered Patent Agent, Independent Inventor (Four U.S. Patents, additional patents pending.)

Dear Mr. Chairman: We are now enjoying record prosperity and budget surpluses thanks in large part to the phenomenal development of America's technology sector. Continuing this development requires a strong and fair patent system that protects new and exciting technologies while ensuring that those technologies are truly deserving of patent protection.

Please do not kill the goose that is laying the golden eggs! The subcommittee's proposed $300 million diversion of one fourth of all fees paid by patent applicants, an increase to unprecedented and impossibly burdensome levels, will be a hidden "technology tax" that will limit resources available for patent examination. Q. Todd Dickinson, the Director of the U.S. Patent Office, warns us that "the last time we endured funding shortfalls and freezes of this magnitude, the recovery took over a decade."

Someday, we could wind up turning a regretful eye back to the days of our surging high-tech economy and realize that we paid a very steep price for diverting $300 million from our patent examining operations. Crippling the operations of our patent office, and the consequent damage to our patent system, could wind up being the pinch of sand that ultimately grinds our high-tech economic miracle to a halt.

Do not let this happen! Allow the Patent Office to continue, unhindered by this proposed "technology tax," to carry out its mission, as authorized by Congress under the encouraging words of the U.S. Constitution to "promote the Progress of Science and useful Arts."

Please feel free to contact me with any questions you may have.

Respectfully,

Edwin A. Suominen.

United States Patent
and Trademark Office,
Washington, DC, June 9, 2000.

Hon. Howard Coble,
Chairman, Subcommittee on Courts and Intellectual Property, Committee on the Judiciary, House of Representatives, Washington, DC.

Hon. Howard Berman,
Ranking Member, Subcommittee on Courts and Intellectual Property, Committee on the Judiciary, House of Representatives, Washington, DC.

Dear Mr. Chairman and Mr. Berman: Thank you for your request for information on the impact that the recent House Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary mark-up for fiscal year 2001 will have on the United States Patent and Trademark Office (USPTO) and its customers.

As you know, the importance of intellectual property has increased exponentially in the last decade, and the USPTO has been a major factor in the Nation's ability to support the current high technology growth boom. This year alone, patent and trademark filings are increasing at a dramatic rate—a 40% increase in trademark application filings and a 12% increase in patent application filings.

All of our revenues, projected to be $1.2 billion in fiscal year 2001, are paid as fees by the knowledge-based high-tech leaders and individual entrepreneurs who rely on us to help them flourish in this economy. We are no burden to the American taxpayer. Moreover, we use activity-based cost management principles. Our fee revenues related directly to the work we do. We do not "have a surplus" or "make a profit".

The proposed mark would seriously impair our ability to effectively manage our operations and provide our customers with the quality products and services they expect and deserve. Since the mark would fund us at $904.9 million, or about 25% less than the total fees paid by our customers, we would be forced to make significant modifications in our operations.

Specifically, we have preliminarily determined that we would have to take the following actions:

FREEZE HIRING AND REDUCE ISSUANCE AND PRINTING

We would be forced to freeze hiring and eliminate overtime for all staff, thereby reducing costs by $56 million. This means we would not hire or replace over 1,000 staff members, including more than 600 patent examiners and trademark examining attorneys. In an agency such as ours, where the workload has grown by almost 75% since 1992, such actions would be extraordinarily counter-productive. We would also be forced to reduce spending on the preparation and printing of patents and trademark registrations by about $12 million.

According to our current estimates, this would result in more than 48,000 patent applications being denied an initial examination, 34,000 patents not being allowed, and an additional 68,000 patents actually not issuing. In addition, approximately 60,000 trademark registrations would not issue.

Additionally, the time it takes us to render a first action on the merits of both patent and trademark applications will increase significantly. For trademark applications, the time will almost double, from 4.5 months to 8 months; for patent applications, it will increase by almost one-third, from 11.9 months to 15.8 months.

Our appellate processes would also suffer. For example, the time it takes to hear and render decisions at the Trademark Trial and Appeal Board would almost double.

For many businesses, especially high-tech, entrepreneurial start-ups, intellectual property is often their principal asset. Delays like these would significantly affect their ability to protect those assets and grow their businesses, potentially crippling critical sectors of the United States economy.

NEGATIVE IMPACT ON CONSUMERS

Besides negatively impacting patent and trademark owners, the American consumer may also be adversely affected. Since delays in examination and issuance would result in an extension of patent term under the American Inventor's Protection Act, these budget cuts could also unnecessarily prolong the terms of many patents, potentially driving up costs to all Americans, in such vital areas as health care and pharmaceuticals.

ELIMINATE PLANNED E-GOVERNMENT INITIATIVES AND REDUCE EXISTING IT ACTIVITIES

To be a viable organization in today's high technology economy, the USPTO needs to conduct much more of its business electronically. We are well on the way to doing so, most notably, with our successful electronic trademark filing system and the availability of our patent and trademark databases via the Internet. Under the proposed mark, we would have to make reductions in this area of $37 million, which will force us to eliminate all new planned automation projects and severely curtail many of our already successful systems.

Specifically, we will be forced to significantly reduce or eliminate the planned electronic filing of patent applications, on-line database searching (with a consequent reduction in patent quality), our award-winning patents and trademarks on the Internet program, our work-at-home program, the electronic filing of assignments, and necessary upgrades or planned replacements to basic examiner computer equipment. We also would not be able to implement the replacement of our PTONet, which is the critical backbone of our information technology system, jeopardizing our entire operation.

REDUCE QUALITY INITIATIVES AND CUSTOMER SERVICE PROGRAMS

As you also know, we make customer service and quality one of our guiding principles here at the USPTO. Unfortunately, under this proposed mark, our quality initiatives and customer service programs would have to be reduced by $29 million. This would likely result in the elimination of support for the 87 Patent and Trademark Depository Libraries, which are located in every state in the Union, as well as drastically reduce support for the two public search facilities located in Arlington, Virginia.

Our successful quality management initiatives would be dramatically curtailed, along with quality assurance programs throughout the USPTO. Training for examiners and administrative support staff would also have to be significantly scaled back, if not eliminated. Finally, we would be unable to implement the recommendations of the Inspector General for increased staffing in our quality review program areas.

WORKFORCE IMPACTS

Our workforce here at the USPTO is among the most highly skilled and highly sought after in the New Economy, as well as the Federal Government. Cuts in areas such as overtime and training would severely weaken our ability to recruit and retain the high caliber staff, which is essential to our work.

Thank you again for all your years of steadfast support for all of us here at the United States Patent and Trademark Office and for all of those inventors and entrepreneurs who depend so heavily on our work. The intellectual property system of the United States is the envy of the world. Unfortunately, the cuts that would result from this proposed mark-up would harm our system. The last time we endured funding shortfalls and freezes of this magnitude, the recovery took over a decade. I know you share our hope that this does not happen again.

Sincerely,

Q. TODD DICKINSON.
Director.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment, and I rise in reluctant opposition simply because the offerer of the amendment is such a wonderful person and a great Representative and a great Chairman of the authorizing subcommittee dealing with the Patent and Trademark Office. But I have to oppose this amendment because it does enormous damage to the other agencies from which he seeks to take these monies.

This amendment would slash the economic and statistical analysis part of the Department of Commerce by $10 million. That is a decrease to that small office of some 20 percent. And as my colleagues may or may not know, this office is the Nation's economic accountant. That is the office that develops measures and systems to collect the data from government and private sources to measure the Nation's gross domestic product and other economic indicators. Without that office being run at full staff, we would not know what the status of the American economy is.

This bill provides $49 million for the ESA. We froze them at the current year level. And a decrease of 20 percent to this small office would seriously impact the country's ability to provide estimates of economic growth that everyone depends upon.

Now, the amendment would also cut $40 million from the census and the program lines within the Bureau of the Census. A decrease of 30 percent would be crippling, and I do not think we want to cripple the census at this point, do we?

But the most egregious cut would slash the Department of State Educational and Cultural Exchange program. It would cut it by almost in half, or $98.8 million cut. That would decimate things like the Fulbright Exchange Programs and the International Visitors Program. It would bring the international dialogue that is critical to American leadership in the world to a halt. This amendment would surely cause serious reductions in force, layoffs, in these agencies, and serious layoffs.

Mr. Chairman, I have great respect and admiration and friendship for the gentleman from North Carolina (Mr. COBLE). He is one of the best friends I have in this body, and I think he does a wonderful job in the chairmanship of the subcommittee for us, but I have to strongly oppose these amendments that would slash the funding for the Nation's Economic Statistics Agency that does our gross national product and for the Department of State's Educational and Cultural Exchange Program, which includes the Fulbright Scholarship Program, and the other cuts that I have mentioned before.

Mr. Chairman, I have to urge and strongly urge a rejection of this amendment.

Mr. DREIER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will say that the gentleman from North Carolina, Greensboro, and my friend, the distinguished chairman of the important subcommittee that we are dealing with today, are two of my best friends in this institution, and I have been faced with a tough challenge, and that is I have to choose between two of my best friends. I know that conventional wisdom would say that I would come down on the side of the distinguished chairman of the subcommittee, but I am going to have to break with conventional wisdom, Mr. Chairman, and strongly support my friend, the gentleman from Greensboro, North Carolina (Mr. COBLE).

If we look at the fact that 45 percent of the gross domestic product growth in our Nation over the past 5 years has come from the technology sector of our economy, we clearly are in a position where we need to realize that the quality of life, job creation, and economic growth has hinged on our very, very important need to engage in global trade. The chairman of the Subcommittee on Courts and Intellectual Property of the Committee on Judiciary, the gentleman from North Carolina (Mr. COBLE), has, I believe, stepped forward and offered a very balanced amendment.

I am not supportive of the cuts in all the other areas that the chairman of the subcommittee has pointed out, but I do believe that we have a choice to make on our priorities; and I believe that the very important work that is done by the Patent and Trademark Office needs to be recognized and needs to be supported if we, as a Nation, are going to maintain our global competitiveness.

So I simply want to say that it was a tough choice; but I have decided to support my friend, the gentleman from North Carolina (Mr. COBLE), in this effort, because I clearly do believe that it is the right thing to do, and so I urge support of the amendment.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

My colleagues, I would like to join the subcommittee chairman, the gentleman from North Carolina (Mr. COBLE), to make a couple of points. The Patent and Trademark Office is one of the most efficient government agencies we have, and as a fully fee-funded organization, it takes no money from the Government and has come to be treated as a cash cow.

This is incredible. Here is a successful organization that is having so far about $500 million diverted from it, and all we are trying to do is restore $134 million of it because it is hurting the ability of the Patent and Trademark Office to service the creators and the inventors who are responsible for the current technology boom.

The combination of an increase in the number of patent applications and a reduction in resources has caused the time period for filing a patent and a final decision on it to grow from 19 months to 24 months in just a few years. And one reason for this is because many of the PTO examiners are leaving their government positions for more lucrative ones. The end result of this is that we could be losing our technological dominance in all of these important markets.

So if the PTO retained its fees, it could hire more examiners, shorten the period of scrutiny, and maintain our dominance. So the question is, how do we accomplish it? The answer is that, although we tried a lot of different ways of doing it, we think that this Robin Hood-type method ought to be changed.

So with this in mind, I support an amendment that returns $134 million in user fees to the PTO. It is a very modest sum, considering that otherwise this important office would lose over $200 million of its funds. So let us support the gentleman from North Carolina (Mr. COBLE).

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I offered this amendment in the full Committee on Appropriations. I had to withdraw it because there were no decent offsets, and there still are not any decent offsets. The gentleman from North Carolina knows how I feel about that. I do not think he likes these offsets either, taking it out of statistical sampling in the Census Bureau and out of cultural exchange programs.

The basic problem we are faced with is that we have a scorekeeping set of restrictions that are both arcane and inane. This is money that is paid by the users of this agency. They asked for us to put together an organization that was modern and efficient and professional so that our economy can continue to grow. This may be the Federal agency most responsible for the productivity, the innovation that is spurring our economic growth.

□ 1145

And what are we faced with? A situation where these people who have paid their user fees into this agency cannot even have that money used for the purpose for which it was intended. In fact, there is $295 million that has been paid in in user fees, and this amendment does not even attempt to use all of that money.

What it tries to do is restore the Patent and Trademark funding up to the President's request, which is $134 million more than what is in this appropriations bill.

I do not like these offsets, but I also know that it is not right to be crippling the Patent and Trademark Office's ability to process the patents, the trademarks, the innovation that enable us to be the leader of the global economy.

The reality is that the patents are now up by 12 percent, trademark applications are up by 42 percent. This bill has a 3 percent increase. We cannot keep pace with the demand.

Now, if this was a slow economy, if we were in some kind of a recession, if capital markets were not looking for innovative ideas, then maybe things would slow down. But the Patent and Trademark Office is simply trying to keep up with the pace of this economy and we are putting the brakes on. That is what this does, puts the brakes on.

So all we are trying to do is to enable Patent and Trademark to be able to at least partially meet the increased demand. When patents are up by more than 12 percent, trademarks are up by more than 42 percent, we ought to be able to increase to give a moderate increase in funding to the Patent and Trademark Office.

As far as these offsets, as I say, the scorekeeping is arcane and inane, but I do think some rationality will be put into the appropriations process when we get into the conference. I am sure that the Senate is going to recognize that there ought to be some increase and that, in fact, the scorekeeping just does not make sense.

If, however, this does not pass, then the PTO would be forced to operate with 25 percent less than the fees paid in by the users and it is going to cost much longer delay in the number of patents that are pending. That means that these companies and individuals cannot go out and get the kind of money they need to fund their new ideas, that people in other countries and competitors are going to be able to get the jump on them. But, most importantly, our economy is not going to be able to realize its full potential.

So this is something that makes sense. Our scorekeeping does not make sense but, hopefully, we will be able to correct that.

For that reason, I urge support of the amendment but with the caveat that I do so very reluctantly because these are lousy offsets. And I know that the gentleman suggesting this agrees that they are lousy offsets and we are going to have to fix that as the appropriations process moves forward.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am a strong supporter of the Coble amendment to this bill. I urge its adoption.

Mr. Dickinson, the Patent and Trademark Office director, reports that this bill, unamended, would force the agency to institute a hiring freeze that would prevent the director from replacing roughly 600 patent examiners and attorneys who are scheduled to leave the agency in fiscal year 2001.

The director also reports that this funding level would increase the time required for PTO to process Patent and Trademark applications. Therefore, an additional 68,000 patents would be delayed until fiscal year 2002.

We are talking about user fees. These are fees paid to the PTO. We are not asking to borrow from other sources, other funds. We are asking to retain the user fees collected by the PTO.

I am certainly for a balanced budget. And Congress has to set priorities, but this is not a good priority. This Patent and Trademark Office facilitates the economy in a way that other agencies cannot. It is important that we retain our technological edge. It is important that inventors and developers get the protection they need to encourage the innovation and the creativity and the invention. This is penny wise and pound foolish.

Do not hobble this agency. This is one of the most useful productive agencies in Government. And by allowing it to retain an additional $133 million in fee income, this at least allows the PTO to tread water, if not to make progress.

So I strongly suggest the priority which suggests it is useful to cut funds from the Patent and Trademark Office is wrong, that we need to fully fund its operations. I support the Coble amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I want to state to the gentleman that, since 1994, we have increased the funding for this office by $250 million, $250 million over the last 5 years we have increased them.

In this current bill, we are increasing them by $34 million. Now that is not exorbitant, but we think that the PTO has to live within the same constraints that all the other agencies of the Government must live within. They are not exempt from the regular laws of discipline that the rest of the agencies of the Government must live by.

I appreciate the fact that they are generating huge amounts of money in the fees they collect, but these are Government-authorized fees.

Mr. HYDE. Mr. Chairman, reclaiming my time, because I suspect I am running out of it, I just would say to the gentleman that, since 1992, the workload has increased 75 percent. And this is not an expenditure, it is an investment. Patents and trademarks help our economy. They forward our economy. They encourage the development.

So this is an investment, not a subtraction, and the workload requires that we keep pace. I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge adoption of the amendment offered by the gentleman from North Carolina (Mr. COBLE). The Patent Office is a little different than some other agencies in that what we are talking about here are fees that are generated by the Patent Office and we are talking about not diverting fees generated by the Patent Office.

Now, that is not an imputable principle. There are times when fees that are generated ought to be spent elsewhere. But I think it is inappropriate to suggest that the Patent Office is showing a lack of discipline when they seek simply to expend the funds that are generated as a direct result of their own efforts.

This House and the Congress as a whole increased patent fees recently. We did it as part of an overhaul of patent legislation, and one part of that was a promise that the fee increases would go for the Patent Office.

In terms of the economy, getting patents done quickly is essential. There is no good reason for delay in any Government agency, but delays in the granting of patents have a particular negative impact by the nature of the case. Uncertainty as to what is or is not patentable is not just a bad thing for individuals, it has negative effects on the whole economy.

Now, I join, I think, virtually everyone here, including the author of this bill, in not liking these offsets. I know, because I have been working with the gentleman from North Carolina (Mr. COBLE) on this, that he has tried very hard to deal with this offset issue. But I am going to vote for this amendment confident that the offsets will themselves be offset.

We have borrowed a concept from the British parliament. They have a shadow cabinet, the people who would take over the Government if the parties change hands. We have a shadow budget. Thanks to the majority, we adopt a budget early in the year in the House that no one thinks is going to be paid serious attention to.

We are going through an exercise now. We have to vote this thing out so we can get into a House-Senate conference and a negotiation with the President so the real budget will be adopted.

Now, if this were the real budget, I would not want to see these offsets. But, in the shadow budget, it does not bother me because the sun will come out when we go into the conference and these shadows will go away. But they will go away, I hope, with this House having sent a strong statement that the Patent Office should be fully funded.

That is what we are talking about here. This is not a vote, in my judgment, on the Fullbright program or other worthy programs or economic statistics. Actually, we probably ought to give more to economic statistics so the people who make these foolish budgets will be better informed and would not come up with a budget that is so inadequate. But that is not something we can address here.

What we are addressing here, I think, is a vote on whether or not the House believes that fees generated by the Patent Office's activity, fees that are necessary to keep a cutting-edge office for technology at its best level, fees that are necessary to avoid delays in this critical question of what is and is not patentable.

We have all these problems about, well, does the patent take effect right away. People should go back to the debate and remember how much controversy was generated in this House because of delays in the Patent Office. And we said at the time, if we could eliminate delays in the processing of patents, we would do away with most of the controversies that roiled this House and roiled the Senate for years. So we have a chance to do that with a relatively small amount of money in the overall budget and its revenues generated by the Patent Office.

☐ 1200

So I hope that we adopt the amendment. I hope when the real budget process starts, we will restore the offsets that this amendment is forced to make by an unrealistic budget and we will both in real terms and in a very important symbolic way signify to the inventors of the United States, the most creative part of the intellectual community, that we are fully supportive of their efforts.

I thank the gentleman from North Carolina for offering the amendment.

Mr. GOODLATTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the gentleman from North Carolina for offering this amendment, and I urge my colleagues to support it. This is really about the future of our economy. The dramatic increase that is being experienced in the growth of the number of patent applications and trademark applications is because of the Internet and the new information technology economy. As chairman of the Congressional Internet Caucus and as a member of the Subcommittee on Courts and Intellectual Property, I can tell my colleagues that the workload of anybody who works in this area is increasing dramatically and that is certainly true of the Patent and Trademark Office. It is vitally important that we allow them to keep these funds.

Yes, it is absolutely true that they are generating a great deal of funds. The reason why they are is because they are generating a dramatic increase in the number of applications. They need to turn that money around, beef up their ability to handle this, because this is the engine that is driving our economy. Unlike any past dramatic growth in the history of our country, the Internet is the largest collection of patents and trademarks and copyrights ever in the history of the world. That is really what this is about, the dramatic growth in our economy.

If we do not continue to fuel this by making sure that these applications are processed in a timely fashion and processed in a careful fashion to make sure that patents that should be issued are issued, patents that should not be issued are not issued, they have got to have the necessary resources to do this.

I urge my colleagues to support this amendment to adequately fund the Patent and Trademark Office. I commend the gentleman from North Carolina for his leadership on this issue.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to join the gentleman from Kentucky (Mr. ROGERS) in strong opposition to this amendment.

First of all, I agree with those who have gotten up to say that we need more money in the Patent Office. We on this side have been saying that for 2 days now, that the problem with this bill is it does not have enough money to cover a lot of areas. But this amendment opens up a discussion which we thought we had put to bed last year and that is a discussion of the census and the Census Bureau. Taking money out of here will begin to cripple the followup work and the ongoing work that the Census Bureau has to do in order to follow up everything that we funded them to do last year.

And so last year and for a couple of years, we had a bitter debate on the funding for the census; and when it was all over, I believe that we had in a bipartisan fashion done the right thing. But now that we have to look at a lot of information that is provided to us on a weekly and monthly and yearly basis, we go after the Census Bureau again with a deep cut.

The Census Bureau has told us that if they were to take any further cuts, and especially this kind of cut, employment and unemployment data, information on infant and child well-being, health insurance coverage measurements and many other of these kinds of statistics would be in danger.

I would hope that as we look at this amendment today that we commit ourselves perhaps in the future to finding another way to finding dollars for this agency and not to take it out of the Census Bureau. If we do that, we are going to reopen that discussion again; we are going to open the door for those who think that somehow Americans should not be counted every 10 years, and we are just going to cripple this agency once again.

Please keep in mind that while we gave so much energy last year to the fact that we were having this once-every-10-year count, most of the work that the Census Bureau does, it does during that period. Now by taking this cut, they would jeopardize and we would jeopardize their ability to continue this work.

Mr. Chairman, I join the gentleman from Kentucky in asking for strong opposition to this amendment and its defeat.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. Unfortunately, we have two tough choices here because there are two very important functions of the Government that are being debated; and we should not put them opposite each other, but that is what this amendment does.

There is no question about the need for the Patent and Trademark Office needing probably more funding. There is no question about the need of its importance in our economy. But we also have to be supportive of the census. We are talking about the economy. Alan Greenspan is given a lot of credit for presiding over our economy. How does he make his decisions? He makes his decisions about economic statistics generated by the Bureau of the Census. If this amendment were to pass, it would devastate the Census Bureau's ability to do things like the Consumer Price Index and the other economic statistics that are cranked out constantly by the Bureau of the Census.

The Census Bureau has already taken a $51 million cut from the President's mark already. We need to do what we can to push it back up to the President's mark. But it is a tough choice we have to make between an important function, patent and trademark, but the equally important function of the Bureau of the Census. We are talking about cutting 500 jobs, but it is more than the jobs. It is what helps businesses make decisions. It is what helps, whether it is the high-tech industry or the reliable statistics flowing out constantly from the Bureau of Labor Statistics.

It does not take a lot out of the decennial census, but what it does is take out the planning for the 2010 census and especially the idea of getting rid of the long form. There was a lot of controversy earlier this year to get rid of the long form. We really want to move in that direction. What we want to move toward is something called the American Community Survey, which is something that is done on an annual basis. We just started doing that in the past couple of years, gearing up to do away with, so we will not have that long form in 2010. The idea is on a monthly basis we will collect this type of information. This would destroy that. If we are sincere about getting rid of that long form, we cannot go out and slash away at the Census Bureau.

There are many other important parts to it that would be actually devastated in this. This size cut, over 20 percent, just cannot be handled. I understand the need for the Patent and Trademark Office, but we should not do this. This amendment should be defeated at this stage. We should work with the chairman, with the full committee; and if more money becomes available, both areas should be increased.

Do not try to force one against the other. Let us accept the chairman's mark and move forward.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am as frustrated as virtually every speaker who has stood up on this floor today, as frustrated as my colleague from North Carolina with the dilemma he faces in his amendment. I strongly support what he is trying to do, and I am opposed to how he has chosen to do it. The PTO is a critical link in the infusion of new ideas and products into our economic system. Even with the increase in fees, it is the best bargain in the industrialized world. The PTO protects intellectual property inherent in America's economic growth. Without that protection, the incentives for R&D would wither. The companies that support this amendment understand that. They also understand that the delay in processing patent applications has real cost to them, dollars that could otherwise be put back into research and development and productive capacity.

At the same time in these very same companies, management analysts are tracking the economy and making decisions daily about how best to position their company and their assets, including their intellectual property, in the rapidly changing economy of the 21st century. Those analysts and managers look to the Census Bureau, the Bureau of Economic Analysis, the Bureau of Labor Statistics for the measures that tell them how the microclimates in the economy are changing and how those changes will affect their company. Without the ability to map the economy and respond to the currents therein, public and private decision-making in every kind of business and at every level of government will decay, wither and atrophy.

It is a terrible irony that this amendment in the name of improving protection of intellectual property would squander our investment in intellectual capital and infrastructure. The cuts this amendment makes to the Census Bureau and the Bureau of Economic Analysis would dramatically affect the position of fundamental economic measures like the Gross Domestic Product, the Producer Price Index, the Consumer Price Index, as well as measures of productivity and capacity utilization. Undermining the precision of these indicators will inevitably undermine the vitality of the American economy.

It is with great reluctance that I oppose this amendment. I strongly believe that our protection of intellectual property is one of those factors that draws some of the best minds in the world to American companies and to the U.S. patent system in general to protect their intellectual property. I also know that the solution this amendment offers is as bad as the ill it sets out to cure. I question whether we have carefully explored the consequences of the proposed offsets or the equally important underlying concern about the proper expenditure of revenues raised through user fees in the PTO. Those who have raised that point do so with precision and with an emphasis on an important consequence of what we are doing here today. Both are important.

I hope that we all can find a way to work together with the gentleman from North Carolina to solve the problems facing the Patent and Trademark Office. Together, we have got to be able to find a better solution than this one.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the gentleman from North Carolina's amendment. I have no issue with increased funding for the Patent and Trademark Office. I am sure that they require the funds that have been given to them through a process and that process was through the gentleman from Kentucky's committee. They looked at this for quite some time, and they have come up with what they think was reasonable within the constraints of our budget. I applaud them for that.

But I take strong issue with this amendment because it takes $40 million in offsetting funds in a cut from the Census Bureau. I must say to my colleagues that that is not a good offset, because this is the Census Bureau's everyday work that they are cutting here, their year-in and year-out work that gets done within the shadows of the decennial census that is made every 10 years. Every day we use data from these programs. There is not a day that passes that each of us does not use it. We get information from all other agencies and resources. And what is the source of it? The Census Bureau. Every day we use the Census Bureau's data to help us make decisions. These data are very important to us making decisions on every level of government, poverty, children's health care, home health care, and trade.

Someone has said the cuts may be restored later and given back to the Census Bureau. Do not bet on it. What assurances do we have that the census will be able to operate as it should?

The House mark is already $41 million below the administration's request. And we want to cut them again? This alone would devastate the Nation's economic and demographic statistical infrastructure, eliminating all new measurement initiatives including any means of measuring e-business, improvement of export coverage, and an annual survey of minority-owned businesses. Look at all the work this body has done this year to enhance e-business. Now we are eliminating the possibility of measuring the results of this work.

If the gentleman's amendment passes, it amounts to an additional 29 percent cut. This cut will hinder the Bureau's ability to measure the Gross Domestic Product, the Index of Industrial Production, the Consumer Price Index, the Producer Price Index, employment and unemployment, health insurance coverage, employment of the disabled and child care.

Allow me to put a human face on this issue. Passage of this amendment will lead 500 Census Bureau employees into the unemployment line.

Mr. Chairman, I really do not think we completely comprehend the damage we would do to our Nation if we pass the Coble amendment. It is not an insignificant amendment. It is a very significant amendment. Therefore, it should stop right here on the floor of the Congress. In this day and age, $40 million may not seem like a huge cut, but to the professionals at the Census Bureau who provide the measurement of our Nation's statistical information, this cut is devastating.

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Mr. Chairman, I urge my colleagues to stop this devastating amendment and defeat the Coble amendment.

DAMAGE DONE BY THE COBLE CUTS TO CENSUS

The Coble Cuts from the Census Bureau $40 million (29%) and $10 million (20%) from the Bureau of Economic Analysis (BEA).

The Coble Cuts to the Census Bureau are from the "Other Periodic Programs" account which funds all Census Bureau activity other than the 2000 census.

The Coble Cuts to the Census Bureau would reduce the quality of: Employment and Unemployment data; Information on infant and child well-being; Health Insurance coverage measurement; Employment of the disabled measurement; Our ability to track the well-being of those aged 85 and above; and Measures of participation in welfare to work programs.

The Coble Cuts will damage key economic indicators like the: Gross Domestic Product (GDP) used to track economic growth and adjust interest rates; Index of Industrial Production; Consumer Price Index used to index wages and retirement payments like Social Security; Producer Price Index; Monthly trade statistics; Quarterly state personal income estimates used to allocate $100 billion in federal funds; and Data on foreign direct investment as well as foreign-owned companies.

The Coble Cuts will: Force BEA to layoff ⅓ of its work force; Force the Census Bureau to let 500 analysts go; and End the measurement of e-commerce as it rapidly becomes an increasingly important part of the economy.

The Coble Cuts will directly affect the ability of many to do their jobs including: Federal Reserve Board; Council of Economic Advisors; Congressional Budget Office; Congressional Research Service; Joint Economic Committee; Economic planners for businesses and industry; Financial planners in state and local governments; and Trade associations and businesses interested in promoting international trade.

The Coble Cuts will directly impair the efficiency and stability of U.S. capital markets, private investment decisions, and U.S. federal and state budgetary and financial policies. One of the reasons the U.S. economy has been performing so well is the availability of timely and comprehensive economic statistics. Chairman Greenspan, and his colleagues at the Federal Reserve, watch these measures closely as they decide whether or not to adjust interest rates.

COBLE CRIPPLES CENSUS

Representative COBLE is offering an amendment to the Commerce, Justice, State Appropriations bill (H.R. 4690) which would cut funding for the Census Bureau's Periodic Programs account by $40 million—a cut of almost 30 percent. This is not a cut from the 2000 census budget, but rather a cut from the funds used to measure employment and unemployment; child welfare; hospitals and care providers; and the basic inputs to the Consumer Price Index. The Census Bureau is prohibited by law from transferring funds from any other account to cover these cuts.

The Coble amendment will also cut $10 million, a 20 percent cut, from the funds for the Economic Statistics Administration in the Department of Commerce. Most of the ESA funds go to the Bureau of Economic Analysis (BEA) which calculates the key indicators like Gross Domestic Product (GDP) and measures of inflation used to track economic performance. These indicators are used by the Federal Reserve Board to determine interest rates, and by the Treasury to adjust the money supply.

Massive cuts to these two statistical agencies will affect the quality of information on the economy and social welfare for years to come. Such cuts would make it impossible for the Census Bureau and BEA to continue their groundbreaking work in measuring the impact of e-commerce on our economy. These cuts are likely to result in massive layoffs of trained professionals—statistical agencies spend most of their money on salaries. It will take years to replace that workforce even if the funds were replaced next year.

The goal of the Coble amendment is to return user fees to the Patent and Trademark Office (PTO) that have been reallocated to other programs, but not necessarily to the census accounts. Rep. Coble wants PTO to use these fees to increase the speed of processing applications. While that is an admirable goal, it cannot come at the expense of our basic ability to measure economic performance.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to this amendment which will take $98 million, close to 50 percent of the funds, from the cultural international exchange programs. Exchange programs are among the most effective and cost-effective means we have of promoting freedom and democracy throughout the world. This is one of the most constructive programs at the State Department in terms of advancing our Nation's foreign policy.

Whereas my colleagues have set forth good reasons for supporting the Patent and Trade Office, but the gutting of the international exchange program, cutting some $98 million from a $213 million account, is not a reasonable offset.

There is strong bipartisan support for international exchanges, and this Congress has consistently supported that important activity.

Cutting this substantial amount from the international exchange program means that the highly respected Fullbright Scholarship program and other noteworthy exchanges which advance learning as well as our relations between our country and many others are going to be dramatically slashed.

Please bear in mind, my colleagues, that the amount appropriated for international exchanges in this bill is already $28 million less than what was appropriated in 1994, and that is before inflation and real dollars. International exchanges have already been cut by some 30 percent. Accordingly, Mr. Chairman, I urge a no vote on the Coble amendment.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment being offered by the gentleman from the State of North Carolina (Mr. COBLE). While I am sympathetic to the interests of the gentleman in the efficiency of the Patent and Trade Office, I must urge my colleagues to oppose it and to join the gentleman from Kentucky (Chairman ROGERS); the ranking member, the gentleman from New York (Mr. SERRANO); the gentleman from Florida (Chairman MILLER) of the Subcommittee on Census on which I serve as the ranking Democrat in opposing this measure.

The gentleman from North Carolina (Mr. COBLE) wants funds for the Patent and Trademark Office to increase the speed of processing applications. While that is an admirable goal, it cannot come at the expense of our basic ability to measure economic performance.

To accomplish this goal, this amendment would cut funding for the Census Bureau's Periodic Programs account by $40 million, a cut of almost 30 percent. This is not a cut from the 2000 census budget, but rather a cut from the funds used to measure employment and unemployment, child welfare, hospitals and care providers, and the basic inputs to the Consumer Price Index.

The Coble amendment will also cut $10 million, a 20 percent cut, from the funds for the Economic Statistics Administration and the Department of Commerce. Most of the ESA funds go to the Bureau of Economic Analysis, which calculates the key indicators like Gross Domestic Product and measures of inflation used to track economic performance.

These economic indicators are used by the Federal Reserve Board to determine interest rates and by the Treasury to adjust the money supply. Many of my colleagues, the gentleman from Virginia (Mr. MORAN) and others talked about the need to fund the patent office, because we are part of the global economy, but we need our economic indicators to help us be the leaders in this global economy, and if we do not have them, we will soon fall sharply behind.

Massive cuts to these two statistical agencies will effect the quality of information in our economy and social welfare for years to come. Such cuts would make it impossible for the Census Bureau and BEA to continue their groundbreaking work in measuring the impact of E-commerce on our economy. These cuts are likely to result in massive layoffs of trained professionals.

Earlier the gentleman from Illinois (Mr. HYDE) mentioned that there was a freeze at the Patent Office in hiring, but if these cuts go through, the professionals that we have literally been training for years would be laid off. Statistical agencies spend most of their money on salaries and in developing personnel. It will take years to replace that work force, even if the funds were replaced next year.

The Coble amendment will make deep cuts in two of the three agencies that make up the backbone of the country's ability to track and respond to changing economic conditions. The cuts in these two agencies will have effects that ripple throughout the system. It may well be important to speed up the processing of patent and trademark applications; however, if in the process of doing so, we contribute to diminishing our unprecedented economic expansion, these businesses that are supporting it will have cut off their nose in spite of their face.

As a member of the Joint Economic Committee, I recognize the importance of our key economic indicators, the chairman and members of the Federal Reserve Board regularly monitor measures such as the Gross Domestic Product. the Producer Price Index, the Consumer Price Index, measures of wage changes and productivity. Many have credited Chairman Greenspan's leadership in monitoring and responding to changes in these measures with the continued growth of our economy.

The Coble amendment has crippling cuts to the Census Bureau, and BEA appropriations will seriously degrade the quality of these indicators. These cuts will create effects that will last well into the next decade.

I urge all of my colleagues to join the gentleman from Kentucky (Chairman ROGERS) and the gentleman from New York (Mr. SERRANO), the ranking member, and the gentleman from Florida (Chairman MILLER) in voting no. There may be a need to increase our investment in the processing of patent and trademark applications, but this is not the way to do it. We must not sacrifice our ability to monitor our economy and our society for such short-term gains.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, while I have great sympathy and even supported the desire to boost the funding level for the patent office, it is the offset, the slashing of the U.S. public diplomacy programs and educational programs that leads me to oppose the Coble amendment.

By cutting educational exchange programs in half, we severely undermine the training and the education of the next generation of leaders in developing countries throughout the world.

Let me remind the Members through legislation such as the Foreign Relations Authorization Act, H.R. 3427, which I offered last year along with the gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from New York (Mr. GILMAN), which became law in last November, Congress strengthened the connection between our international exchanges and the promotion of human rights and democracy around the world.

Many of our exchange programs are aimed at Nations that are burdened with impressive governments like China, Vietnam and Cambodia, whose people need continuing contact with the American government, its institutions, its educational venues and the like.

It seems to me that public diplomacy gives us the ability and then especially the ability to catch the good infection about what democracy, about what capitalism is about.

Congress, Mr. Chairman, has specifically provided scholarships for East Timorese students and for Tibetan and Burmese students who are in exile from their countries, as well as the exchange programs between the people of the U.S. and the people of Tibet.

Exchange programs, Mr. Chairman, promote international development by bringing students from those developing nations to study in America, they learn so much, they bring it back, and hopefully we get a safer and a more sane world, especially over time.

It is a great investment. It is a modest amount of money and the offset, again, notwithstanding the importance of funding adequately the patent office, this is the wrong offset. I strongly urge a no vote on the Coble amendment.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the public must be confused in listening to this debate. No one has stood on this floor, no one, to say that we should not spend the money that the committee has included in the bill for the object in the Census Bureau, nobody. Everybody agrees that we are underfunding the Patent Office, including me, in this bill.

This bill is $2.7 billion under what the committee almost to a person determines are the needs of this bill. Committee does not have that money, and they had to make hard choices. My friend and colleague, the gentleman from Virginia (Mr. MORAN), spoke passionately for this amendment, because the objective of this amendment is to ensure that the Patent Office has sufficient funds.

I agree with that objective, but I most emphatically do not agree that the solution to solving that problem is to take money from someplace where everybody also agrees the money is needed. My colleague, the gentleman from Massachusetts (Mr. FRANK), in his inimitable fashion said this is a shadow debate about a shadow budget. What did he mean? This is not real.

It is not real, because we know in the final analysis there is going to be more money in this bill. There is not an honest person who is a Member of this House that does not know this bill is going to be higher when we adopt finally the conference report than it is today; therefore, I urge my colleagues to oppose the Coble amendment, not because I oppose the objectives of the Coble amendment, because I believe that those in this floor who support both the census funding, and I might say there is too little census funding in this bill, we ought not to take more of it and decimate the objects that the gentlewoman from New York (Mrs. MALONEY) has articulated, who has done such an incredible job on the census issues, and the gentleman from Ohio (Mr. SAWYER) who spoke earlier.

The solution is not to take money from census, the solution is to get money to the Patent and Trade Office. The gentleman from Virginia (Mr. MORAN) mentioned the arcane scoring process, where actually PTO makes money. They charge fees. They have the dollars available to them, but because we have lowered the cap, in effect, our 302(b)s, it cannot be spent. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) had to make hard choices, their hard choice was we ought not to underfund census.

We are going to look to do better for PTO as this proceeds through the process. I, therefore, come down on the side of allowing this bill to move forward, and I will tell my friends who, like me, support those in the high-tech industry, in particular, who are critically concerned about these PTOs that they are going to be lobbying heavier than those who are concerned about the census. Therefore, I am convinced that if the tactic, if you tackle that, the tactics should be let census remain as it is in the bill, confident that those who are concerned about the Patent and Trade Office, as I am, as the gentlewoman from California (Ms. LOFGREN), as the gentlewoman from California (Ms. ESHOO), who are here in front of me, we can be confident that that will be made whole in conference before it gets to the President.

I think we have more confidence in that alternative than we can be and that the census will be made whole. I urge my colleagues in conclusion to leave the bill as the committee has reported it. It is not sufficient. It is not sufficient, but we are more likely to make PTO sufficient in conference than we are census.

Both are critically necessary as every speaker has articulated on both sides of this issue. In sum, this is a tactical determination, not a substantive one, because no one disagrees with either substantive proposal. But to rob from Peter to pay Paul, when Peter perhaps will be less attended to than

Paul does not make good tactical sense.

Mr. Chairman, I urge my colleagues to oppose this amendment and support additional funding for PTO.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this House should not go on record as taking these kinds of funds out of these other important programs, and I would relate to just one, the BEA, the Bureau of Economic Analysis in the Department of Commerce.

This amendment would reduce its funds by almost 20 percent. Chairman Alan Greenspan rarely goes on public record of suggesting increased funding for any agency. In the BEA, as he has suggested, for the importance of that statistical calculation, we need more money in that agency. Already we have shortchanged, we have reduced the funding for that agency in the last few years by a real 12 percent.

This amendment would take an additional 20 percent out of their funds, that is the basis of over a $100 billion in revenue sharing. It is the basis of the projections of OMB and CBO. We should not go on record of this kind of drastic reduction in these kinds of agencies.

☐ 1230

Ms. ROYBAL-ALLARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise this afternoon in support of the Coble amendment to restore what I think are the badly needed funds, in fact, the direct fees that are paid to the U.S. Patent and Trademark Office. This is really a fascinating debate that we are having here today in the House.

I think this is a most interesting and instructive debate that is taking place here today, and I think that every Member that has risen on the floor, whether they are in support of the amendment or rise in opposition, have made very, very important points. I guess the most important one is that this budget is not funded the way it should be.

What I want to point out are the very important things that the Patent Office does and what it means to our Nation and our Nation's economy. The Patent Office is 100 percent supported by the user fees that are paid by patent and trademark applicants and owners. Since 1992, the Congress has been withholding an increasing portion of these fees for use in other CJS agencies.

In fiscal year 2000 alone, $116 million in PTO user fees were given to other CJS agencies. So it is not as if people are not coming to the Patent Office. They are, in increasing numbers, and they are paying the fees; but the fees are being siphoned off for other parts of the budget.

I do not think this is right. The user fees are meant to pay for the work of the agency to which they are very directly paid.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. ROYBAL-ALLARD. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, let me correct the gentlewoman's misunderstanding of that point. The fees that are generated by the Patent Office are not used for any other agency or any other purpose. They remain in that account to be used in succeeding years. We are not siphoning off the Patent Office fees for other expenditures.

Ms. ROYBAL-ALLARD. I would ask, are 100 percent of the user fees that are paid by applicants to the PTO remaining for use in the Patent Office?

Mr. ROGERS. If the gentlewoman would continue to yield, those fees remain in the Patent Office account for use in succeeding years. They are not siphoned off to any other purpose.

Ms. ROYBAL-ALLARD. One hundred percent of fees that are paid by applicants are retained in the Patent Office; is that correct?

Mr. ROGERS. That is correct.

Ms. ROYBAL-ALLARD. So why is there a deficit? Why is there a decreasing amount of money for the Patent Office, and why are we having this debate then?

Mr. ROGERS. As I pointed out earlier, we actually increased the Patent Office expenditures in the bill by $33 million this year. Over the last 4 years we have increased them by $250 million. So they are not starving.

Ms. ROYBAL-ALLARD. Mr. Chairman, reclaiming my time, let me go on to talk about the importance of the office. There is a shortfall of funding for the work that needs to be done, and that is a very real part of this debate.

Increasing patent approval times, if in fact that approval time is threatened, that in and of itself can and will have a crippling effect on what we call the new economy. You cannot leave out of this debate what this new economy is producing for our Nation. The high technology and biotechnology sectors of our economy depend on prompt and high-quality patents and trademarks to protect their investments in research and development and new product production. Venture capital funding for start-up companies depend on timely patent protection and can dry up because patent times continue to soar. The result will be a bureaucratic bottleneck that chokes off the development of new breakthroughs of all kinds of things that every single Member of Congress hails and supports.

While for some this may be a little known office, the PTO is the backbone of the new economy. Many Members have talked about other agencies, Commerce, what Chairman Greenspan relies upon statistically. I would like to suggest that those statistics will not be available for use if in fact these patents cannot be approved.

We have to look at what is fueling and what is the backbone of this new economy. I know that the Coble amendment restores $134 million in user fees.

Finally, we need to broaden this debate and understand that this feeds intellectual property. This new economy is all about new ideas. It is about America's intellectual property; it is about ideas. They need to be funded, and we should not abort the investment that the ideas represent.

Mr. EHLERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak in favor of the Coble amendment. The economic growth that we are experiencing today, the economic growth that provides the budget surpluses that we are enjoying, arises from work done in research, development and invention; and it is absolutely essential that we continue that process of research, development and invention, and that we get the patents issued promptly so that we can continue this economic boom, this economic growth which we enjoy.

I remember not too many years ago when there were long delays in the Patent Office, and this body raised the fees of the Patent Office so that we could process the inventions more rapidly. But now once again inventors and manufacturers are beginning to experience delays in the processing of their patents.

I have two letters here indicating that patents are being held up because there are insufficient personnel and facilities to process these patents. That, again, has a debillitating effect on the advancement of our economy.

Mr. Chairman, my conclusion is we must increase the funding. We must fund them the Patent and Trademark Office adequately, so that we do not have delays in processing.

In response to the chairman's comment a moment ago, I would like to ask the gentleman from Kentucky (Mr. ROGERS), is it not true that the amount of money being expended for this purpose is counted towards the cap, the allocation that is fixed in your budget? In other words, if more money were designated for the Patent and Trademark Office and everything else remained constant, you would exceed your allocation. Is that correct?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from Kentucky.

Mr. ROGERS. That is correct.

Mr. EHLERS. Mr. Chairman, in response to that, let me just say I think the problem is not the unwillingness of the committee to increase funding. I suspect if the allocation were increased, they would do so.

As the gentleman from Maryland (Mr. HOYER) has pointed out eloquently, the allocation for this particular subcommittee is simply too low. I recognize that the subcommittee has struggled with this issue, that they have done the best they can within their allocation, and I respect that. At the same time, I encourage this body to vote for this amendment to indicate that our priority is to make certain that these patents are processed in due time, and that they are handled rapidly enough to help the economy continue to grow.

I do this with the recognition that this will hurt other segments of the budget that also need funding; but I am confident that, as the process goes on, the Senate and the House will recognize the importance of both of these areas and that the funding will be increased to accommodate the needs in both areas.

Mr. Chairman, we are not robbing Peter to pay Paul, as the gentleman from Maryland said earlier. We are in a sense robbing Peter to pay Paul in that we are taking the money out of the fees paid to the PTO and saving them for later use simply because using them now would cause the subcommittee allocation to be exceeded.

Mr. Chairman, I urge adoption of the Coble amendment so that we can in fact continue the rapid processing of the patents in the Patent Office.

Mr. ROGERS. If the gentleman will yield further, let me make this point: the argument is that we are squeezing this agency so that they are not able to process new patent applications rapidly enough.

I would point out that 40 percent of their fee collections comes from maintenance of existing patents. And there is no significant workload associated with that, 40 percent of their fee generation. They requested $130 million in the budget. Only $22 million of that is for patent examiners, where they say the shortage is. The other increases they are asking for are really a lot of bells and whistles.

I have to point out, they are preparing to build an enormous marble building down the river to consolidate all of their offices in one place. I do not know of an agency of the Government that is going to have a finer place to work, and that is fine. But I am just saying that the money they requested for patent examiners, where they say the problem is, is only $22 million. They ask for $130 million. Where is the other $108 million going?

Mr. EHLERS. Mr. Chairman, reclaiming my time, I appreciate the point the gentleman made, and I respect the ability of the committee to examine those issues. However, based on the information I am being given by the inventors and the researchers in the field, the additional funding for the Patent and Trademark Office is needed in order to process the new patents rapidly enough.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Patent and Trademark Office is important and worthy of support, but not by cutting the Census. The goal is worthy, but the method is not.

Now, there is no question that Democrats and Republicans have had some very fundamental differences over the decennial census; but today many of us, on both sides of the aisle, are joining together saying that there can be no further cuts to the Census. I believe we must ensure the most accurate census possible, and I have fought very hard to make that a reality in the 2000 census. Others, on the other hand, have fought an accurate census every step of the way.

Minorities, particularly Hispanics, have been disproportionately undercounted in the past, and I do not think this government should allow that to continue. Everyone deserves to be counted, every community deserves adequate and fair resources for its residents, and every American resident deserves full and fair representation.

We have come a long way toward meeting these goals, and we are working hard to achieve the most accurate decennial census in recent history, despite strong opposition from various quarters at every step in the process. Today is apparently no different. We again face an unreasonable assault on the Census Bureau, which is the source of more, much more than just the decennial census figures. After all, the money we have invested in trying to reach one of the most accurate censuses ever, this amendment would completely undermine the ability of the Census Bureau to translate that data into statistics that all segments of this country, including America's major corporations, count on for planning and decision-making.

The Census Bureau provides invaluable economic and demographic data covering employment, health insurance, and business activity. These figures have a broad range of users, in both the public and private sectors, and help decision-makers to most effectively and efficiently target our limited resources.

Let us be clear about what is at stake here: despite the worthiness of the goal, voting for this amendment would jeopardize funding for health coverage data and employment data, both, for example, which disproportionately impact Hispanics and other minorities.

Likewise, this amendment would jeopardize funding for the survey of minority-owned and women-owned businesses. This amendment ignores the needs of women, Hispanic and other minorities, and a vote against the amendment continues our fight for equal opportunity for all, whether it is fighting for health coverage for the working poor, creating new jobs for those who have been left behind in today's economic boom, or assisting those business owners who are struggling to compete in this high-tech economy.

We cannot do that without the census data that is extrapolated by the experts; and having spent all of these resources to accomplish that information, it would be amazing not to give them the resources to be able to do the extrapolation, the statistical analysis that are incredibly important to billions of dollars of investment by the private sector, as well as by the public sector.

This amendment would have a chilling effect on the Bureau's ability to continue to provide these invaluable resources to government agencies, to business analysts, to researchers and associations that promote trade and State and local growth.

So it is much bigger than the 2000 decennial census; it is much bigger than the Census Bureau itself. This amendment takes away tools from the businesses, the very businesses that in one respect it is trying to help. This amendment takes away tools from businesses, businesses owned by all stripes of Americans, businesses owned by women, businesses owned by minorities who may be struggling to compete with domestic and foreign companies.

□ 1245

It takes away tools from the trade associations who are trying to promote trade and improve our Nation's trade deficit. Finally, it takes away tools from the policymakers who are trying to address the present needs in our communities, needs that too many in this House are willing to ignore.

Mr. Chairman, this is an amendment, despite the worthiness of its goal, that we cannot afford, and I urge Members to oppose the Coble amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this debate demonstrates just how dumb this bill is. We have the people who are offering the amendment, justifiably pointing out that the Patent Office ought to be fully funded because that office is key to innovation, it is key to economic progress, it is key to jobs, it is key to modernizing our economy. But because the majority party has decided that it is more important to give the 400 richest Americans $200 billion in tax cuts over the next 10 years, and because the majority party has decided that in the minimum wage bill, for God's sake, that gives only $11 billion worth of benefits to workers, they are going to give $90 billion in tax relief to people who make $300,000 a year or more; because of those stupid decisions, what they are doing is forcing us to choose which half of the economy we are going to cripple.

So we have to choose between crippling the Patent Office, because this bill steals money from the fees in order to fund other programs; so we have to choose between doing that or gutting our ability to understand what is happening in this economy by gutting the statistical capability of the United States Government to know what is really happening on unemployment, to know what is really happening on trade, to know what is really happening with respect to price changes.

Every politician from the Midwest and the Northeast on this floor is practically killing each other trying to get to the nearest microphone to crawl all over the floor about what is happening to gas prices. Then, what do they do in this amendment? They are gutting the ability of the Government to figure out what is happening, not just on gas prices, but on virtually all other price changes. This Congress passes out hundreds of billions of dollars to localities, to businesses, and to everybody else on the basis of economic statistics that are, at best, half-baked.

So this Congress is being asked to continue that idiocy because this bill is at least $1 billion short of meeting its responsibilities. So we are having to decide which good, important, crucial government activity we are going to fund, and which one we are not.

Everybody on this floor says, oh, I am for a smaller government; and then the first time we have a problem with gas prices, they say, why does not the Government do something to control those gas prices? Why do they not stop the gouging? The first time my colleagues do not like what is happening in the crime area, you say, why does not the Government do this? So my colleagues deny the Government the resources they need, and then they cry all over the floor when they cannot do the job that they are supposed to be doing.

Mr. Chairman, this House reeks of idiocy and hypocrisy on these issues. We have a chance, because we are in an era of surpluses rather than deficits, we have a chance, if we do things right, to strengthen what needs to be strengthened in our economy, to continue this economic recovery for years to come, and at the same time, to bring along the folks in this society who are not in the top 2 percent, who have not had the big increase in income that others have had. Some of the folks are being left far behind on health care, on education, on everything else; and yet we are gutting science at the National Science Foundation. We are having this amendment which, however it comes out, we are going to cripple half the Government. What a dumb debate on what a dumb bill.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the interest of time, and we are running out of time because of the earlier commitment to be out of here on this bill at a certain hour, I wonder how many speakers are on the floor who wish yet to be heard on the amendment. There are four that I count. I wonder if we could get unanimous consent that all debate on this amendment could end at 5 after 1:00, which would allow some 15 minutes, and to be divided equally between the parties.

Mr. SERRANO. Mr. Chairman, I would have to object to that at this point.

The CHAIRMAN. Objection is heard.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support, strong support of the Coble amendment. The gentleman from North Carolina (Mr. COBLE) and I have worked diligently over the years, I would say that we probably put in thousands of hours over these last four years, in dealing with the patent issue, and I am very proud to stand with the gentleman now, and I am very proud that over our years of working on this issue, that we, last year, came together in support of a patent bill that will dramatically improve America's ability to protect our innovators.

Part of that patent bill, which passed, and I believe it passed almost unanimously, I mean overwhelmingly, I think maybe only 40 or 50 members voted against it, but in that bill was a commitment by this Congress to keep all of the funds that were generated by the Patent Office in the Patent Office, so that those people who were paying patent fees and using the patent system, since it was their resources that they were putting into the Patent Office and they were using the Patent Office's services, that those resources could then be used to make sure the system was efficient and effective, and that the Patent Office could be the best Patent Office in the world, and that our innovators would have the protection they need in order to move forward and to change our society and to uplift America's competitiveness and uplift our standard of living.

Well, here we are less than a year away from when we passed that bill; and already they are trying to change the rules of the game so that that commitment that we made on the floor overwhelmingly, that that money that comes into the patent system would be reserved in making the patent system better and for financing the patent system, already we are violating that pledge.

What the Coble amendment is about is, number one, enforcing the standards that we have set as a body and making sure we keep our word and keep our word to ourselves, keep our word to the American people, and keep our word to the innovators in this society, the innovators who are coming up with the ideas and the technology that ensures that America will have the highest standard of living, that ensures that the American people will have the jobs, and ensures that we will be a secure country because we have the technology that is far better than any adversary.

So number one, just for that alone, we should be supporting the Coble amendment. But furthermore, it talks about priorities. The last speaker spoke about the frustration; and yes, there is frustration in dealing with the system that demands that we continue on a road of fiscal responsibility, and I know how frustrating that is. But because the Republicans have maintained that standard, and insisted on it, we have a balanced budget today. Yes, we can pull our hair out and say we would love to spend more money on all sorts of other things; but we have a balanced budget, and we are paying down the national debt, and we are making sure that the Social Security system is safe and secure, and that is because we are being responsible; and yes, it means that we have to at times choose between two priorities that are both good options, but we have to determine what our priority is.

Mr. Chairman, I am on the Committee on International Relations as well as being a member of the Committee on Science, and I know how important these exchange programs are. The gentleman's amendment suggests that we take funds from this exchange program of bringing leaders and potential leaders from overseas here so that they can see how the American system works, and I support that. I think it is an important service that we can provide and does a great deal of good. But I will tell my colleagues what does more good.

What does more good is when an American inventor has an idea and he moves forward with it and follows through and develops a new concept that might create billions of dollars' worth of wealth for the American people, and that inventor can go to our government and receive the protection that he or she deserves. That is more important than just providing a visitor's service to foreign dignitaries to this country, even though that foreign dignitaries, their visits, yes, that is an important thing that we can provide, helping to bring peace to the world, et cetera.

However, if we have to choose between options, let us choose the option of standing with the American innovators, the American technologists, the inventors. They are the ones that have ensured that in this, the beginning of the new millennium, that America is starting out ahead of the pack. They are going to make sure that our people have a good standard of living, but they are only going to do that if we make sure our Patent Office gives them the kind of protection that was given to American inventors throughout our history. That protection that we had since our country's founding is the mainspring of American progress.

Mr. Chairman, vote for the Coble amendment and stay true to those principles and select the right priority.

Ms. LOFGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge every Member of this House to support the Coble amendment. I think it is a great opportunity to take a stand for innovation in the future of America's economy.

Now, I say that mindful that the offsets that are offered in the bill are, indeed, not good ones; and I know that the gentleman himself has indicated that he does not favor the offsets that he identified. I am aware that he has tried for the last several days, and we have been kept apprised of his efforts, to find an offset that would work and other offsets were subject to a point of order, so this is what we ended up with.

Clearly, cutting the Census is not something that we approve of on either side of the aisle at this point. Cutting the Bureau of Economic Analysis does not make any sense; none of us want to cut the Fullbrights, and I think it is true, as I am a member of the Census Caucus, that it would not be a good thing.

However, having listened to the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Maryland (Mr. HOYER), I must agree that these offsets in the end are not what is going to be in this bill. In fact, we know that this side referred to this bill as veto bait. I mean this bill, as currently constituted, is not going to become law. I think it is important that we take a stand for the Patent Office.

Now, I am a member of the Subcommittee on Intellectual Property; and it is worth noting that our subcommittee has unanimously, on more than one occasion, indicated that we should keep the patent fees in the Patent Office. The patent community came up to bat and agreed that they would not object to increased fees for patents. It is not too often you find people saying, yes, charge us more, on the understanding that those fees would be used to upgrade the office so that patents would be dealt with in a timely and appropriate fashion. Well, what did we do? We raised the fees, but we did not live up to the other half of the bargain. They did not get the benefits of the fees.

Now, I have heard the chairman of the subcommittee talk about the diversion issue, and I think technically it is correct; but I think it is important to understand that, in fact, there is a diversion. Let me illustrate.

In fiscal year 1999, the Patent Office was denied $116 million of its revenue. In fiscal year 2000, $116 million was repaid, but they were denied $229 million of their fees for that year.

□ 1300

So we have a rolling denial of fees, and as a consequence, the Patent Office is underfunded.

Now, why does this matter? We are going to have 600 patent examiners and attorneys leaving the Office through attrition in this next year, and we are not going to be able to replace them unless we have additional funds.

People have talked about the concern that they have about business method patents that are being issued. I am not saying that all those objections are correct. A lot of concern has been raised about patenting of the human genome, and whether we have met all the requirements under patent law as to the utility bar.

We cannot do a good job in the Patent Office if we do not have adequate tools, both personnel, also good computer systems to develop prior art. That is why these funds are very important.

I think it is time to take a stand as a Congress that we are not going to allow the funds to be diverted anymore. The administration, I am ashamed to say, has not fully funded it, but the bill is even worse than the administration. We need to stand up for innovation in this country.

Santa Clara County, my home, is number one in the number of patents issued in the world, I believe. Our unemployment rate is 1.9 percent. The two figures are not unconnected. If Members believe in the new economy, if they believe that America will be prosperous and that our prosperity will spread across our whole population, something I feel strongly about, then Members need first to stand up for the protection of innovation.

We cannot do that, we cannot begin that process, unless we support the amendment offered by the gentleman from North Carolina (Mr. COBLE). I just urge those who call themselves new economy House Members to support this amendment, understanding that in the end the offsets in the amendment will not become part of this bill.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the issue here has to be addressed in terms of priorities. The operation of the Patent Office is one of the few constitutional functions to which this body addresses itself.

It is nice to have these cultural exchanges. As a member of the Committee on International Relations, we took a look at those several years ago and tried to pare down some money, saved a little money. But we really have to weigh whether or not we are going to have a lot of money spent on the cultural exchanges, or whether or not we are going to undergo a constitutional function, and that is to run the Patent Office.

But somewhere in between, the person who gets lost is the small inventor. Patent fees have gone up over the course of the last several years. In discussing this with patent attorneys, I have discovered that many people who would wish to prosecute a patent application have been stymied because of the tremendous cost used in filing for that application. Yet, the application fees have been based upon essentially what it costs to run the Patent Office.

So I associate myself with the remarks of the gentlewoman from California (Ms. LOFGREN), where she said that the patent organizations, some of them, agreed to raise their own fees in order to keep operations going smoothly at the Patent Office.

I would suggest this. I wish it were within my power so that all the money that was generated by the fees of the Patent Office stayed at the Patent Office and could be used for the prosecution of patents, to make it done ever more quickly.

We are trying to shift some funds, here. I have tremendous respect for the gentleman from Kentucky (Mr. ROGERS), and tremendous respect for the gentleman from North Carolina (Mr. COBLE). But the gentleman from North Carolina is right in this sense, that in the patent bill that went through Congress this past year, and I had no small part in rewriting some of the provisions in it, along with the gentleman from California (Mr. ROHRABACHER), and, of course, with the leadership of the gentleman from North Carolina (Mr. COBLE), it became obvious that the purpose of the fees was to support the Patent Office.

In fact, there is a provision in that last patent bill that we passed that talked about reasonableness of fees. It is a statement by Congress that fees are to be reasonable in order to encourage entrepreneurship in this country. Now we find out that the raising of the fees was used, and money is being paid by the inventors, to go into the general revenue and to run other programs. That is wrong.

So I would suggest this. I would suggest that we vote in favor of the Coble amendment. It is extremely important that the Patent Office be able to run. If there is a problem with the Patent Office moving to the new headquarters, as has been suggested on the floor, I would further suggest that perhaps language be thrown into the conference report that prohibits the Patent Office from doing that if, in the wisdom of this body, it is determined that spending that money is not necessary.

I would therefore encourage this body to vote in favor of the amendment offered by the gentleman from North Carolina (Mr. COBLE).

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Coble amendment. I agree with all of those who suggest that the Patent Office ought to have enough money, enough resources, enough activity, to operate. I agree with those who believe that we need to enhance further development and creativity, new ideas, new concepts, new techniques, new ways of doing business.

But I do not believe that we want to disrupt an activity that has been ongoing. When we look at the impact of the Coble amendment just on the Census Bureau itself, this amendment takes a $40 million cut from nondecennial programs, representing a reduction of between 22 to 29 percent from the current House mark.

This would shut down the Economic Censuses and the Census of Governments, and cripple the mapping and address listing program that supports all Bureau surveys. It would also curtail the continuous measurement pilot program slated to replace the decennial census long form.

Combined with existing House action, the Census Bureau would be unable to deliver key economic and demographic data, as we have already heard. This cut would lead to the loss of 500 jobs in the Census Bureau, greatly disrupting the entire Census Bureau, including the decennial census. A cut of this magnitude could indeed cause a ripple effect that could even prevent the Bureau from being able to provide redistricting data that is needed by March 31.

But if for no other reason than just simply one, all of us know how difficult it has been in many instances to convince people to fill out the long form. So we have gone all over America telling people that we needed this information, that we needed the information in order to be able to plan, to know who we are, where we are, what we need; that we needed the information for businesses to be able to determine where to put new stores, new plants. We needed the information so that we could understand the economic impact of our being.

Now we are saying even though people have provided the information, let us not do anything with it. Let us not put the resources into the Census Bureau so that they can take this information, analyze it, synthesize it, put it in shape and form, and then give it back to the American people so it can be used.

So it would seem to me that what we would be doing at that moment is simply throwing out the baby with the bath water, that we are throwing away information that has not been easy to come by. So I would urge, Mr. Chairman, that we vote down the Coble amendment.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. COBLE. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Chairman, I thank the gentleman from Iowa for yielding to me.

Mr. Chairman, this has been a very spirited debate. I thank everyone. Again, I want to thank the chairman of the subcommittee and the ranking member for their courtesy. I appreciate everyone who has contributed.

A very brief history lesson, Mr. Chairman. In 1982, patent fees were increased 400 percent with the assurance by the administration and the Congress, "Don't worry, PTO. Keep every nickel you collect." In 1991, the patent fees were increased 67 percent to be fully self-sufficient. "Nobody is going to be coming tapping with your user fees, PTO. Do not worry about it."

It has been suggested that there has been no diversion. If there is no diversion from the PTO, we would not be here today. I am not down on Census and I am not down on statistics, but this is a day of choice. Sometimes, or strike that, oftentimes in this Chamber we are called upon to make hard choices. Today is one of those days. I opt for the Patent and Trademark Office. I urge my colleagues to do likewise.

Mr. BERMAN. Mr. Chairman, I must regretfully vote against the Coble amendment. I say regretfully because, while I fully support the objective of the amendment, I cannot support the program cuts it uses as offsets.

The objective of the amendment is to restore to the Patent and Trademark Office (PTO) the ability to spend $134 million in fees paid by patent and trademark applicants, and thus to restore its ability to perform critical functions. However, I do not believe that we should restore these funds by cutting in half the funds provided to the cultural and educational exchange programs operated by the Department of State.

I do not want anyone to interpret my vote against this amendment as a sign I condone the now-annual raids on PTO fees to pay for other programs. I unequivocally oppose these raids, and will work to ensure that such raids cannot and do not occur in the future.

Over the past few years, Congress has diverted to other agencies hundreds of millions of dollars in fees paid to the PTO by patent and trademark applicants. The Congress has tried to cover up these diversions by engaging in an accounting shell game, but the end result each year is the same: hundreds of millions in fees paid to the PTO go to fund other agencies. This year, the diversion has gotten totally out of control. While the President's budget for fiscal year 2001 proposed diverting "only"—and I use that word cynically—$113 million from the PTO, the appropriators saw fit to divert another $134 million, for an unprecedented total of almost $250 million in diverted fees. In other words, 25 percent of the fees paid to the PTO, or 25 cents out of every dollar paid by each independent inventor, would be spent for totally unrelated purposes.

These diversions are not only an injustice to those who paid the fees, but effectively kill the goose that lays the golden egg.

The U.S. patent system, and the PTO that administers it, deserve a large measure of credit for encouraging and sustaining the current American technology boom. As our Founders clearly recognized, the availability of patent protection plays a critical role in encouraging inventiveness. Sure enough, many information, telecommunications, biotechnology, and Internet technologies are patented. And, as my colleagues are only too aware, these recent technology advances are largely responsible for the greatest economic boom our nation has ever experienced.

Don't just take my word for it: the central role of the PTO in advancing this technology boom can be seen through the array of technology companies, from IBM and Intel to Amazon.com and Sun Microsystems, that have come out in strong opposition to these funding cuts. The Information Technology Industry Council considers restoration of PTO fees important enough to score this vote in its High Tech Voting Guide. These technology companies recognize that the PTO must be adequately funded for the technology boom to be sustained.

It is not hard to see that the funding cuts made by H.R. 4690 to the PTO budget will seriously impair the PTO's ability to carry out its critical functions, including review of patents, and thus will have a deleterious effect on the American technology boom. Patents already take too long to be processed, with the pendancy of a patent application currently averaging two years. Even before these funding cuts, the pendancy of a patent was due to rise to 31 months by 2005. After these cuts, will we be talking about 4 or 5 years for reviews of patent applications? Whether the pendancy is two years or five, it is clearly too long to make a patent useful in Internet time. We should be shortening patent pendancies, not lengthening them.

Moreover, these cuts couldn't occur at a less opportune time. The workload of the PTO has grown by almost 75 percent since 1992. This year alone, patent and trademark filings are increasing at a dramatic rate—a 40 percent increase in trademark applications filings and a 12 percent increase in patent application filings.

The complexity of this workload has also increased dramatically. The technology boom in the United States has resulted in applications for patents on inventions in areas of technology that did not exist just a few years ago. On a daily basis, the PTO is asked to review applications for patents on such things as genetic tests, laser vision technologies, software, and Internet business methods. To ensure that it can adequately process such patents, and thus preserve the integrity of the patent system, the PTO must hire new examiners with the requisite skills in these areas, or fund extensive retraining for current examiners. For example, in the Internet business method area alone, the PTO needs to hire fifty (50) examiners with software engineering and business degrees. The diversion of fees will greatly impair the PTO's ability to handle this increasingly complex workload.

It is also important to note that the PTO is completely funded by fees paid by patent and trademark applicants. That's right: 100 percent funded by fees. The $250 million dollars that H.R. 4690 takes away from the PTO were paid by patent and trademark applicants expecting to receive PTO services for that money. The small, independent inventor who has paid approximately $500 to file an application or $1500 to maintain a patent should be outraged that his money has been diverted to other programs while his patent application remains stalled in bureaucratic limbo.

In summary, I note again that diversion of PTO fees provided for in H.R. 4690 will greatly impair the PTO's ability to adequately fulfill its role in encouraging the current technology boom. Furthermore, these fee diversions are a manifest injustice to the inventors who pay them.

However, I cannot support eviscerating one valuable program to restore funds taken from another. Thus, I must regretfully vote against this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. COBLE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COBLE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from North Carolina (Mr. COBLE) will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 529, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 21 offered by the gentleman from Virginia (Mr. DAVIS); amendment No. 56 offered by the gentleman from North Carolina (Mr. COBLE).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 21 OFFERED BY MR. DAVIS OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 21 offered by the gentleman from Virginia (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 103, noes 288, not voting 43, as follows:

[Roll No. 320]

AYES—103

Abercrombie
Allen
Baldacci
Baldwin
Barr
Bateman
Berkley
Bilbray
Bliley
Boswell
Brady (PA)
Bryant
Burton
Capuano
Castle
Clayton
Conyers
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (VA)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley
Dunn
Ehrlich
Eshoo
Etheridge
Farr
Fattah
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Gejdenson
Gekas
Gilchrest
Gilman
Hall (TX)
Hinchey
Horn
Hoyer
Hunter
Hyde
Isakson
Jackson (IL)
Jackson-Lee (TX)
Johnson, Sam
Kelly
Kennedy
LaFalce
Leach
Lee
Lowey
Maloney (CT)
Martinez
McCarthy (MO)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Miller, George
Moran (VA)
Morella
Nadler
Owens
Oxley
Payne
Pelosi
Porter
Price (NC)
Rahall
Rivers
Rogan
Sanchez
Sanders
Scarborough
Schakowsky
Scott
Sisisky
Slaughter
Smith (MI)
Sweeney
Tauscher
Thompson (CA)
Tierney
Traficant
Udall (CO)
Wamp
Waters
Watt (NC)
Weiner
Wolf
Wu
Young (AK)

NOES—288

Ackerman
Aderholt
Andrews
Archer
Armey
Baca
Baird
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Capps
Cardin
Carson
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (IL)
Deal
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English
Evans
Everett
Fletcher
Foley
Forbes
Fossella
Fowler
Frost
Ganske
Gephardt
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hulshof
Inslee
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Kanjorski
Kaptur
Kasich
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Lantos
Largent
Larson
Latham
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCrery
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Turner
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey

NOT VOTING—43

Bachus
Baker
Berman
Boehner
Campbell
Canady
Chenoweth-Hage
Clay
Coburn
Cook
Dicks
Dixon
Ewing
Filner
Gallegly
Goss
Hastings (FL)
Herger
Hutchinson
Istook
Jones (NC)
Jones (OH)
Klink
Kuykendall
LaHood
LaTourette
Lazio
McCollum
McIntosh
Murtha
Myrick
Nethercutt
Pickering
Pomeroy
Rangel
Reyes
Rothman
Roybal-Allard
Smith (WA)
Tauzin
Vento
Wynn
Young (FL)

□ 1335

Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. McCARTHY of New York, Mrs. THURMAN, and Messrs. STUPAK, FOLEY, LoBIONDO, PETRI, QUINN, and BOYD changed their vote from "aye" to "no."

Messrs. THOMPSON of California, FORD, CUMMINGS, Ms. DeLAURO, Ms. BERKLEY, Mrs. CLAYTON, Mr. HINCHEY, Ms. BALDWIN, Mr. FARR of California, Ms. McKINNEY, Mr. COYNE, Mr. PAYNE, Ms. RIVERS, Ms. SLAUGHTER, Messrs. CAPUANO, DELAHUNT, OWENS, LaFALCE, McNULTY, JACKSON of Illinois, WEINER, TIERNEY, McGOVERN, CROWLEY, BALDACCI, RAHALL, Ms. LEE, Mr. DAVIS of Florida, Ms. WATERS, Ms. SCHAKOWSKY, and Mr. KENNEDY of Rhode Island changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 529, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 56 OFFERED BY MR. COBLE

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 56 offered by the gentleman from North Carolina (Mr. COBLE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 223, not voting 66, as follows:

[Roll No. 321]

AYES—145

Archer
Armey
Baldwin
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bilbray
Blumenauer
Boehlert
Bono
Boucher
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Castle
Chabot
Clayton
Coble
Combest
Condit
Conyers
Cox
Crane
Cubin
Cunningham
Davis (VA)
DeFazio
DeGette
Delahunt
DeMint
Dickey
Dooley
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Eshoo
Farr
Fletcher
Forbes
Fossella
Frank (MA)
Goode
Goodlatte
Goodling
Hall (TX)
Hansen
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Horn
Hostettler
Houghton
Hunter
Hyde
Inslee
Isakson
Johnson (CT)
Johnson, Sam
Kasich
Kelly
King (NY)
Kingston
Largent
Larson
Lewis (KY)
Lofgren
Lucas (OK)
Luther
Manzullo
Martinez
McCarthy (MO)
McCarthy (NY)
McInnis
McKeon
Metcalf
Mica
Miller, Gary
Minge
Moran (KS)
Moran (VA)
Nadler
Napolitano
Ney
Norwood
Ose
Oxley
Paul
Pease
Pelosi
Peterson (MN)
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Rohrabacher
Roukema
Royce
Ryun (KS)
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shuster
Simpson
Slaughter
Smith (TX)
Spence
Stearns
Stump
Tancredo
Thompson (CA)
Thornberry
Thune
Thurman
Toomey
Traficant
Vitter
Walden
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wilson
Wise
Wolf
Wu
Young (AK)

NOES—223

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Blagojevich
Bliley
Blunt
Bonilla
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Chambliss
Clay
Clement
Clyburn
Collins
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeLauro
DeLay
Deutsch
Diaz-Balart
Dingell
Doggett
Doyle
Duncan
Edwards
Emerson
Engel
English
Evans
Fattah
Foley
Ford
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hastings (WA)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kind (WI)
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Mink
Mollohan
Moore
Morella
Neal
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pastor
Payne
Peterson (PA)
Petri
Phelps
Pickett
Porter
Price (NC)
Quinn
Rahall
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Sherwood
Shimkus
Shows
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Snyder
Souder
Spratt
Stark
Stenholm
Strickland
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weygand
Whitfield
Wicker
Woolsey

NOT VOTING—66

Bachus
Baker
Berman
Bishop
Boehner
Callahan
Campbell
Canady
Chenoweth-Hage
Coburn
Cook
Deal
Dicks
Dixon
Etheridge
Everett
Ewing
Filner
Fowler
Franks (NJ)
Gallegly
Gibbons
Goss
Granger
Hastings (FL)
Herger
Hutchinson
Istook
Jones (NC)
Jones (OH)
Kilpatrick
Klink
Kuykendall
LaHood
LaTourette
Lazio
Markey
McCollum
McIntosh
Meehan
Moakley
Murtha
Myrick
Nethercutt
Pascrell
Pickering
Pomeroy
Rangel
Reyes
Rogan
Ros-Lehtinen
Rothman
Roybal-Allard
Scarborough
Smith (WA)
Stabenow
Stupak
Sununu
Tauzin
Taylor (NC)
Thompson (MS)
Vento
Waters
Watkins
Wynn
Young (FL)

□ 1344

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PEASE. Mr. Chairman, due to unforeseen circumstances, I was not able to attend the vote on the amendment to H.R. 4690 offered by Mr. COBLE today. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. KUYKENDALL. Mr. Chairman, I was unavoidably detained attending my son's high school graduation and missed rollcall votes 319–321. If I had been here, I would have voted in the following manner: Rollcall 319: "Yes" (amendment to retain power to conduct tobacco litigation). Rollcall 320: "No" (amendment requiring overtime pay to Department of Justice lawyers). Rollcall 321: "Yes" (transferring fees to support Patent and Trademark Office).

Mr. WATTS of Oklahoma. Mr. Chairman, today I rise to support H.R. 4690, the Commerce Justice State Appropriations Bill. Mr. Chairman, by passing this bill the House will take an important stand against methamphetamine production across this country.

The drug, Methamphetamine, is produced in the backseats of cars, in motel rooms, in homes, and even in toilets. This drug is composed of products like battery acid, Draino, bleach, and lighter fluid. This drug can be injected, inhaled, or smoked. People around this country are actually inhaling battery acid and bleach that was mixed in somebody's toilet. The negative effects of this on the human body are horrendous: insomnia, depression, malnutrition, liver failure, brain damage, and death.

This terrible drug not only affects those who use it but can also be deadly to innocent Americans whose homes are near these labs. In my home State of Oklahoma over the past year, we have had over 1,000 methamphetamine labs explode or need to be cleaned up by the Oklahoma State Bureau of Investigation. And, every time one of these labs explodes families are exposed to toxic and lethal fumes that are disbursed to the surrounding neighborhood. Innocent young children and seniors are rushed to the emergency room to be treated for inhalation of these toxic and deadly fumes.

By passing H.R. 4690, the House will fund $45 million to state and local law enforcement agencies to help combat methamphetamine production and meth lab cleanup. This money will start to turn back the tide against these labs, and protect our families and neighborhoods. This money will be used to train officers to find these labs and most importantly clean the toxic remains of these labs.

Mr. Chairman, I urge my colleagues to stand with me today against this dangerous, deadly drug and support the Commerce Justice State Appropriations Bill.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2001

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, June 23, 2000, to file a privileged report on a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. All points of order are reserved.

ESTABLISHING TIME LIMITATIONS ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4690, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4690 in the Committee of the Whole pursuant to House Resolution 529 and the order of the House of June 22, 2000, except as specified, each amendment shall be debatable only for 10 minutes equally divided and controlled by the proponent and an opponent; amendment No. 23 shall be debatable only for 30 minutes equally divided and controlled by the proponent and an opponent; and amendment No. 60 shall be debatable only for 60 minutes equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. SERRANO. Mr. Speaker, reserving the right to object, let me first tell my chairman that I will not be objecting so that he will not get a heart attack right now.

First let me say that I still have very serious problems with this process which allows people who go up front with amendments the first day or so of deliberation on a bill and certain sections of the bill to go up front to get a certain kind of attention and a certain kind of input in time and then the second part or latter parts of the bill and folks who are either junior Members or have work to do within those parts of the bill get less attention.

I would hope in the future when we sit down to deal with one of these bills, we come to some agreements early on because I just think it is unfair. However, knowing the need we have to finish this bill and being part of the gentleman's desire to keep this bill moving and improving the bill, I will not object.

However, I would like to ask the gentleman if he knows at this point specifically how many amendments we have left.

Mr. ROGERS. If the gentleman will yield, there are 36 amendments at best count we have at this moment.

Mr. SERRANO. Mr. Speaker, my understanding is that the peacekeeping amendment will be allocated 1 hour, the Hostettler guns amendment will be given 30 minutes, and then every other amendment will receive 10 minutes.

Mr. ROGERS. The gentleman is correct.

Mr. SERRANO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. SMITH of Michigan. Mr. Speaker, reserving the right to object, and I will not object, but just to express my frustration of hearing so much time spent on nongermane amendments and my amendment that is now being allocated 10 minutes is an amendment that allows the Bureau of Economic Analysis, one of the few areas that Alan Greenspan, the Chairman of the Fed, has said publicly he thinks needs more funding. The ranking member of the Committee on the Budget has indicated that he thinks the BEA needs more funding. This will preclude that kind of testimony. Two of the Republican Members that have been suggested as possible chairman of the Committee on the Budget have indicated their interest in expanding the allocation for BEA, and they will not have that opportunity at 4 p.m. Monday.

I am concerned again like the ranking member suggested that early amendments utilize so much of the time that cannot be considered any more crucial, any more important or any more dynamic as we move ahead with this budget. I simply express my concern on the decisions and the frustration on the majority leader's part and on the ranking member's part.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Kentucky.

Mr. ROGERS. I think that we are going to have to address the problem that is being talked about here in some fashion in the procedures under which we operate. I think the Committee on Rules is going to have to look at perhaps time limitations so that everyone is entitled and given some degree of protection that their amendment will receive adequate time and not be hogged, if you will, by the early risers on a bill. It is not fair. The only way I think we can address it is for the Committee on Rules to come up with some procedure that guarantees that if you are at the end of the bill, you can get the same kind of attention that the people at the beginning part of the bill get.

I think the gentleman makes a real legitimate point, as does the ranking member.

Mr. SERRANO. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from New York.

Mr. SERRANO. I want to clarify my point. I am not for time limitations. What I am for is for uniformity. While I do not like time limitations, I personally think that there is a contradiction in this House. We celebrate our democracy but we hate debate. And even if it is debate we do not like, that is part of who we are as a Nation.

My opinion is just the opposite, the 5-minute rule and just let it go. If that is what it takes, 3, 4 days, that is what it takes.

Mr. SMITH of Michigan. Mr. Speaker, reclaiming my time, on the first 12 amendments we did very well on a lot of debate, and that is part of my concern.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PROCEDURES TO BE FOLLOWED DURING FURTHER CONSIDERATION OF H.R. 4690, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

(Mr. ROGERS asked and was given permission to address the House for 1 minute.)

Mr. ROGERS. Mr. Speaker, I would remind the Members of the procedures we will be following in the continued consideration of H.R. 4690 when we resume consideration of the bill on Monday.

I want to make it clear, last night's unanimous consent agreement outlined the procedures for the amendments to be offered. Today's unanimous consent agreement provided for a time agreement on those amendments. The amendments must be offered in regular bill order. Points of order against the amendments have not been waived.

REGARDING THE HOUSE ELECTRONIC VOTING SYSTEM

(Mr. THOMAS asked and was given permission to address the House for 1 minute.)

Mr. THOMAS. Mr. Speaker, among my duties in my capacity as chairman of the Committee on House Administration is to oversee the officers of the

House and the Office of the Clerk. In the 105th Congress, we changed our voting devices. Many folks have known that for years we have used electronic, as they say, voting cards, with the board visible behind us. The old system was an analog one in which the cards were physically punched and a reader read the holes in the cards. In the 105th Congress, we installed, going from an analog, as the world is going, to a digital system. The new cards have a chip embedded in them. Since the 105th Congress, we have cast almost 1 million votes, and there have been no concerns or problems or anomalies, as we say, about the votes.

It is my institutional responsibility to inform the Members that on Wednesday, June 21st, an anomaly occurred. A Member who was not here, who had possession of their voting card, was recorded as voting. It is not analogous to any of the situations in the past about the confusion of "I didn't think I voted" or as we found, unfortunately, the potential of someone else using the card. It is a true anomaly. Members might imagine the concerns that the staff and we had about this. It was the fact that a 64-bit string of digital numerals was somehow at a particular terminal read wrong, and ironically the wrong reading coincided with another set that was in fact a card set.

You may have heard of the analogy of an eagle carrying a fish flying over the Sahara, they drop it and it hits you on the head. A billion to one, but it happened. Since Wednesday, we have tried to re-create the event in terms of dirtying up the cards, playing with the boxes, repeating a process. We have now gone through 500,000 cycles. We will continue as a fallback to cycle this to see if we can re-create the anomaly.

It is one of those situations in which you really have to say it is a statistically improbable anomaly, but it occurred. As this majority has done from the very beginning, instead of not talking about it, instead of just letting it slide, we feel it incumbent upon us to come to the floor and announce there was a statistically improbable anomaly. We cannot explain it at this time; we will do everything in our power to explain it if it is explainable. Obviously, everyone is on the alert to make sure that notwithstanding that statistically improbable anomaly, we will make sure that every vote that is recorded is recorded accurately.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY) for the purposes of inquiring about the schedule for the remainder of the week and next week.

Mr. ARMEY. I thank the gentleman from Michigan for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet on Monday, June 26 at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. We will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices later today. On Monday, no recorded votes are expected before 6 p.m. As agreed last night, we will return to CJS appropriations at 4 p.m. on Monday. Members should expect to work late on Monday until we finish that appropriations bill.

On Tuesday, June 27, and the balance of the week, the House will consider the following measures:

H.R. 4717, the Full and Fair Political Activity Disclosure Act;

Energy and Water Appropriations Act;

H.R. 4680, the Medicare Rx 2000 Act;

H.R. 4461, Agriculture Appropriations Act, 2001;

H.R. 1304, the Quality Health-Care Coalition Act.

We also expect that the conference report to Military Construction Appropriations Act will be ready for consideration in the House next week.

Mr. Speaker, we have just completed another very productive week in the House. I want to thank my colleagues for all their hard work. Next week will also be a very busy week on the floor, so I would advise my colleagues to be prepared to work late nights throughout the week.

I wish my colleagues a restful weekend back home in their districts.

□ 1400

Mr. BONIOR. Mr. Speaker, if I might inquire of the distinguished majority leader what day he anticipates bringing the prescription drug bill to the floor of the House.

Mr. ARMEY. Mr. Speaker, let me thank the gentleman from Michigan (Mr. BONIOR) for that inquiry. It is a very important piece of legislation, and we would expect that to be on the floor Wednesday morning.

Mr. BONIOR. Wednesday morning. Let me just also ask the gentleman if it will, indeed, be the case that the minority, fully within their rights in this institution, will have the ability to offer a substitute with waivers to this bill as outlined in the letter that the gentleman from Missouri (Mr. GEPHARDT) sent the Speaker?

Mr. ARMEY. Mr. Speaker, I thank the gentleman for that inquiry. The Committee on Rules has already announced they will meet at 5:00 on Monday, and I am sure that they will, if not already be in receipt of that letter, will have it made available to them as will the requests that will be formally presented before them at that time.

Mr. BONIOR. Having heard the answer, let me be just very blunt and honest with the gentleman this afternoon, and tell the gentleman in a heartfelt way, but in a very strong way, how seriously we regard our opportunity to offer a substitute on this bill.

We consider this issue, as many on your side, as being one of the most important issues that we will have debated in this Congress; and if rumors are accurate and true that we will not get a substitute, there will be a serious, immediate angry reaction on our side of the aisle.

This is an issue that deserves a full debate by this House with adequate time. I know we are in an appropriation period, and it is difficult to finish these bills within a time frame, but this issue I think, above many that we discuss here in this Congress, deserves the full attention of the membership, the full options at least of providing us with the opportunity to offer our proposal in a substitute form.

I say again with respect, but also with concern, that we need to protect the rights of the minority here; that we will look very, very negatively and very seriously and react in a very negative and angry way if, in fact, we were shut out from having an opportunity to discuss this issue next week.

Mr. ARMEY. The gentleman's point is well made, and I want to thank the gentleman for that.

Mr. BONIOR. I thank my colleague, and I wish him a good weekend as well.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, if I might ask the majority leader, I noticed that H.R. 4717, the political disclosure measure has been added to the schedule since your original tentative schedule was posted at noon. I am so very pleased to see the leader honoring the pledge that he made to the House in June that that matter will be scheduled.

Can the gentleman give us an approximate time when he thinks that will be reached on Tuesday?

Mr. ARMEY. Again, if the gentleman from Michigan will yield.

Mr. BONIOR. I yield to the gentleman.

Mr. ARMEY. Mr. Speaker, I want to thank the gentleman from Michigan for yielding and to the gentleman from Texas, I would say that the only thing I can say with any certainty right now is that it will be on the floor. As soon as we have made a scheduling decision, we will inform the minority.

Mr. DOGGETT. If the gentleman will continue to yield, we can count, as the gentleman said in his words, with certainty that it will be up on the floor on Tuesday. Has the Committee on Rules made any announcement about when it will convene on that bill?

Mr. ARMEY. If I might be very careful here, it will be on the floor next week. I would not say right now whether exactly it would be Tuesday or Wednesday.

Mr. DOGGETT. It could be as late as Wednesday?

Mr. ARMEY. There will be an announcement regarding that. If the Committee on Rules has an announcement regarding that, I would expect them to make that on Monday.

Mr. DOGGETT. Would it be the gentleman's recommendation that there will be an opportunity to consider an amendment on a substitute to the bill as it was reported by the Committee on Ways and Means?

Mr. ARMEY. If the gentleman from Michigan continues to yield.

Mr. BONIOR. I continue to yield to the gentleman.

Mr. ARMEY. Let me just say, I will have to participate in a discussion on that. At this point, I am not prepared to even make a recommendation myself. We will have some series discussion on the matter, and I will just have to report back later how that discussion goes.

Mr. DOGGETT. Does the gentleman expect to have a recommendation or does the gentleman have one at this time concerning approximately how much time we will have to debate a matter of this importance?

Mr. ARMEY. Again, if the gentleman continues to yield, let me just say that I have just in the last day or so not had the time to focus on this; I must get focused on it. We will have that meeting, and at that time I will inform you.

Mr. DOGGETT. Let me just say, that despite our differences on arranging matters, I want to be quite sincere in expressing my appreciation for your assurance today that we will have an opportunity next week to consider this matter, and I wish the gentleman a good weekend; and we will get ready for that vigorous debate.

ADJOURNMENT TO MONDAY, JUNE 26, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SENSE OF CONGRESS WITH REGARD TO IRAQ'S FAILURE TO RELEASE PRISONERS OF WAR

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 275) expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 275

Whereas in 1990 and 1991, thousands of Kuwaitis were randomly arrested on the streets of Kuwait during the Iraqi occupation;

Whereas in February 1993, the Government of Kuwait compiled evidence documenting the existence of 605 prisoners of war and submitted its files to the International Committee of the Red Cross (ICRC), which passed those files on to Iraq, the United Nations, and the Arab League;

Whereas numerous testimonials exist from family members who witnessed the arrest and forcible removal of their relatives by Iraqi armed forces during the occupation;

Whereas eyewitness reports from released prisoners of war indicate that many of those who are still missing were seen and contacted in Iraqi prisons;

Whereas official Iraqi documents left behind in Kuwait chronicle in detail the arrest, imprisonment, and transfer of significant numbers of Kuwaitis, including those who are still missing;

Whereas in 1991, the United Nations Security Council overwhelmingly passed Security Council Resolutions 686 and 687 that were part of the broad cease-fire agreement accepted by the Iraqi regime;

Whereas United Nations Security Council Resolution 686 calls upon Iraq to arrange for immediate access to and release of all prisoners of war under the auspices of the ICRC and to return the remains of the deceased personnel of the forces of Kuwait and the Member States cooperating with Kuwait;

Whereas United Nations Security Resolution 687 calls upon Iraq to cooperate with the ICRC in the repatriation of all Kuwaiti and third-country nationals, to provide the ICRC with access to the prisoners wherever they are located or detained, and to facilitate the ICRC search for those unaccounted for;

Whereas the Government of Kuwait, in accordance with United Nations Security Council Resolution 686, immediately released all Iraqi prisoners of war as required by the terms of the Geneva Convention;

Whereas immediately following the cease-fire in March 1991, Iraq repatriated 5,722 Kuwaiti prisoners of war under the aegis of the ICRC and freed 500 Kuwaitis held by rebels in southern Iraq;

Whereas Iraq has hindered and blocked efforts of the Tripartite Commission, the eight-country commission chaired by the ICRC and responsible for locating and securing the release of the remaining prisoners of war;

Whereas Iraq has denied the ICRC access to Iraqi prisons in violation of Article 126 of the Third Geneva Convention, to which Iraq is a signatory; and

Whereas Iraq—under the direction and control of Saddam Hussein—has failed to locate and secure the return of all prisoners of war being held in Iraq, including prisoners from Kuwait and nine other nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress—

(A) acknowledges that there remain 605 prisoners of war imprisoned in Iraq, although Kuwait was liberated from Iraq's brutal invasion and occupation on February 26, 1991;

(B) condemns and denounces the Iraqi Government's refusal to comply with international human rights instruments to which it is a party;

(C) urges Iraq immediately to disclose the names and whereabouts of those who are still alive amohg the Kuwaiti prisoners of war and other nations to bring relief to their families; and

(D) insists that Iraq immediately allow humanitarian organizations such as the International Committee of the Red Cross to visit the living prisoners and to recover the remains of those who have died while in captivity; and

(2) it is the sense of the Congress that the United States Government should—

(A) actively and urgently work with the international community and the Government of Kuwait, in accordance with United Nations Security Council Resolutions 686 and 687, to secure the release of Kuwaiti prisoners of war and other prisoners of war who are still missing nine years after the end of the Gulf War; and

(B) exert pressure, as a permanent member of the United Nations Security Council, on Iraq to bring this issue to a close, to release all remaining prisoners of the Iraqi occupation of Kuwait, and to rejoin the community of nations with a humane gesture of good will and decency.

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) is recognized for 1 hour.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to express my support for H. Con. Res. 275, and I commend the gentleman from Florida (Mr. WEXLER) for his leadership on this issue.

I extend my appreciation to the gentleman from California (Mr. ROHRABACHER), who successfully had an amendment during our committee's consideration of the resolution.

During our markup last week, the amendment of the gentleman from California (Mr. ROHRABACHER) calls on our government and those in the international community to resolve the case of U.S. Navy Lieutenant Commander Michael Speicher, who was shot down over Iraq in January of 1991.

Mr. Speaker, during the Gulf War, thousands of Kuwaitis were randomly arrested during the Iraqi occupation. The government of Kuwait compiled evidence documenting the evidence of

605 prisoners of war and submitted its files to the International Committee of the Red Cross, which passed these files on to Iraq and to the United Nations.

U.N. Security Council Resolutions 686 and 687 call for Iraq to cooperate with the ICRC in releasing all of those prisoners of war and facilitate the search for those who remain unaccounted for. Regrettably, however, Iraq has hindered all efforts to locate and secure the release of those individuals, and Iraq has denied the ICRC access to its prisons in violation of article 126 of the third Geneva Convention to which Iraq is a signatory.

Accordingly, H. Con. Res. 275 condemns the Iraqi governments refusal to comply with the will of the international community regarding these prisoners of war and urges Iraq to fulfill both the letter and the spirit of resolution 686 and 687.

This resolution expresses the sense of Congress that our own government should continue to actively seek the release of these Kuwaiti prisoners of war as well as other prisoners of war who are still missing some 9 years after the fact.

Accordingly, I urge the adoption of H. Con. Res. 275.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GILMAN:

Page 4, line 5, strike "and".

Page 4, after line 10, insert the following:

(E) urges Iraq to immediately release all information regarding the fate of United States Navy Lieutenant Commander Michael Speicher and to release Lieutenant Commander Speicher, or deliver his remains, to the International Committee of the Red Cross for return to the United States; and

Page 4, line 19, strike "and" at the end.

Page 5, line 2, strike the period and insert "; and".

Page 5, after line 2, add the following:

(C) actively and urgently work with the international community and the Government of Kuwait to actively seek information on the status of United States Navy Lieutenant Commander Michael Speicher and make every effort to expedite the release of Lieutenant Commander Speicher, or deliver his remains, from Iraq.

The amendment was agreed to.

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the Preamble Offered by Mr. GILMAN:

In the 12th clause of the preamble, strike "and" at the end.

In the 13th clause of the preamble, strike ": Now, therefore, be it" and insert "; and".

At the end of the preamble, add the following:

Whereas significant questions remain regarding the status of United States Navy Lieutenant Commander Michael Speicher, who was shot down over Iraq on January 16, 1991, during Operation Desert Storm and was declared dead by the United States Navy without the conduct of an adequate search and rescue operation, however subsequent information obtained after the Persian Gulf Conflict by United States officials has raised the possibility that Lieutenant Commander Speicher survived and was captured by Iraqi forces: Now, therefore, be it

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 275.

The SPEAKER pro tempore (Mr. TOOMEY). Is there objection to the request of the gentleman from New York?

There was no objection.

SIERRA LEONE

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, I rise to bring attention to the tragic situation in Sierra Leone, where the democratically elected government of this West African country has long been under attack by rebels who have relied on the most heinous tactics, including systematically chopping off the limbs of little children. In Sierra Leone, the world is seeing pure evil.

The administration's response was to encourage a deal with the rebels, which predictably feel apart and now we have a U.N. peacekeeping operation there. Well, the fact is that this peacekeeping operation is not up to the task. Its record of incompetence includes its troops having willingly turned over weapons and equipment to the rebels. This operation remains in shambles, and more troops and resources will not address its shortcomings.

The rebels could, though, be marginalized by the Nigerian military and the defense forces of the Sierra Leone government, working with strong logistical training and other backing from the British. The U.S. should be focused on backing this effort, providing support to the Nigerian troops in Sierra Leone.

Whether African states move towards great stability is very much in question. An alternative and disastrous vision of state disintegration is looming for large parts of Africa. That is why a response to Sierra Leone is so important.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REGARDING THE NEED FOR A COMPREHENSIVE NATIONAL ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Mr. Speaker, I rise today to address the House on the urgent need for leadership in developing a Comprehensive National Energy Policy. Those of my colleagues who have followed my floor speeches over the past 25 years know that this issue is not a new one for me. As a Member of this House during the 1970s when gasoline shortages resulted in long lines at the pump and even when the crisis subsided, I have continued to speak on the need for a balanced energy policy which provides for a diversity of energy options for Americans.

Today, Mr. Speaker, recent spikes in the world crude oil prices, the tight gasoline supply, and the resulting extremely high prices at the pump, especially across the Midwest, again focus our attention on the urgent need for a comprehensive, and I emphasize comprehensive, policy.

Today we have crossed the 50 percent threshold on oil imports. We now import 52 percent of our petroleum, and by 2020, that number is projected to reach 64 percent.

□ 1415

This number is important because, unlike in other sectors of the energy market, we are dependent on petroleum-based fuels for more than 90 percent of our transportation market, automobiles, trucks and airplanes.

In 1999, U.S. consumers used four times as much gasoline as they did 50 years ago. In the past, our tendency has been to try to solve the problem with a short-term solution, then continue with our same habits. However, I urge my colleagues to consider the long-term benefits of developing a comprehensive, balanced policy for our Nation's energy. Our Nation depends upon affordable, reliable energy in every sector to retain our strong economy. Energy is too important for us to merely hope for the best.

Mr. Speaker, today I recommend that we bring not just the Department of Energy into this debate, but the numerous other Federal agencies which have a direct impact on our Nation's energy supply through various regulations on how we produce, transport, and consume energy. These include the Department of Interior, the Department of Transportation, and the U.S. Environmental Protection Agency, to name a few. All of these agencies impact the energy we use every day. Further, the Department of Defense and the U.S. Postal Service as major users of energy must also be at the table.

Today about 85 percent of our energy use comes from traditional fuel sources, coal, oil and natural gas. The Energy Information Administration estimates that by 2020 that market share will reach nearly 90 percent. Our future use of these traditional fuels depends upon our continued research into ways to use these more efficiently, more cleanly, while, at the same time, we expand research on alternative fuels. We must do both.

We cannot ignore the fact that we have more coal in this country in Btus than the rest of the world has recoverable oil. Coal is an excellent energy source, and we should be supporting research that will ultimately provide us with zero emission coal-fired power plants.

International markets are an important component of our energy policy. As we look at the world energy situation, 2 billion people lack access to electricity. Current electric power capacity will have to triple over the next 50 years to meet this demand. The worldwide market for new power equipment is expected to be $2 trillion per decade for at least the next 5 decades. China alone plans to construct eight to 10 power plants a year for the next 20 years, 75 percent of which will burn coal. This fact alone is the reason we must focus on continued research to develop the most energy-efficient, cleanest-burning coal technology possible.

Natural gas holds great promise in many energy sectors. First, its great abundance in the United States, as well as all of North America, together with its clean-burning attributes, make it a fuel of choice for future power generation in this country. In the fiscal year 2001 interior appropriations bills we have funded a major natural gas infrastructure program. Pipelines and refueling stations are necessary to improve access to clean, efficient domestically produced natural gas.

Our dependence on petroleum-based fuels, gasoline and diesel fuel, for our transportation sector is a more difficult situation to address. We must continue to support alternatives, including natural gas and electric vehicles.

We need to look at how we can make transportation fuels less polluting and how we can combine the use of these fuels with other cutting edge technologies and hybrid vehicles. Again, there is a focus on these efforts in the Interior appropriations bill for next year. The Interior appropriations bill has a strong focus on conservation of our energy and its end use.

While we are doing what we can to provide necessary funding for research to improve emissions and efficiency in our Nation's energy use through funding provided to the Department of Energy, we must examine other important components of our energy picture. Policies which cut off supplies and access are not for tomorrow.

I call on my colleagues on both sides of the aisle to join together to develop a truly comprehensive energy policy. Failure to do so will make today's crisis a permanent crisis.

WHY WE NEED TO ABOLISH THE DEPARTMENT OF ENERGY

The SPEAKER pro tempore (Mr. TOOMEY). Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I rise today to ensure that H.R. 1649, the act to abolish the Department of Energy, does not get pushed behind a copy machine like two highly classified secret hard disk drives were recently.

In 1995, I was the leader of the House task force that first introduced the Department of Energy Abolishment Act. Back then we highlighted four principal reasons why Congress needs to eliminate the Department of Energy. Listen to the same principles which still hold true:

Number one, the DOE no longer serves as a core energy-related mission. In fact, less than 20 percent of the current Department of Energy budget is dedicated to energy-related activities.

Number two, the Department of Energy is a failed cabinet level agency, unable to meet its most basic obligations.

Number three, the Department of Energy has developed into a feeding trough for corporate welfare recipients.

Number four, DOE wastes billions of taxpayer dollars annually.

These four principles still stand true today; and unfortunately, now we can add a fifth principle, a reason why Congress must abolish this agency. That reason is that the Department of Energy has become and continues to be a serious threat to the security of this Nation.

First it was Chinagate, and now we learn that highly classified and secret materials were missing for 2 months until recently discovered behind a copying machine.

The Department of Energy has become a threat to our national security. In 1998 the House of Representatives created a Select Committee on U.S. National Security and Military and Commercial Concerns with China, also known as the Cox Committee. I have with me a copy of one of three volumes of the Cox report I am holding in my hand outlining problems within the Department of Energy.

The Cox Committee issued 38 recommendations in response to their conclusion that the security at the Department of Energy nuclear laboratories in Sandia, Los Alamos, and Lawrence Livermore do not meet even the minimal standards, and that China has stolen design information on our Nation's most advanced thermonuclear weapons.

Into the House Cox Committee, President Clinton appointed former Senator Warren Rudman, chairman of the Foreign Intelligence Advisory Board, to also evaluate security at the DOE labs. In my hand I have that report that was submitted by Senator Rudman. It has at the top "science at its best, security at its worst."

Some of the examples of the Department of Energy mismanagement as reported by the Rudman report is, one, a Department of Energy employee was dead for 11 months before the security officials realized that four classified documents were still assigned to him. It also took 45 months to fix a broken doorknob that was stuck in an open position, allowing access to classified nuclear information. Department of Energy officials also took 35 months to write a work report to replace a lock at a weapons lab facility which contained classified information. Several months passed before the security audit team discovered that a main telephone frame door at a weapons lab had been forced open and the lock had been destroyed.

During this Congress, in separate reports, Congressman Cox and Senator Rudman have reached the same conclusion regarding the Department of Energy: the agency is incapable of reforming itself and has a culture of waste, fraud and abuse.

What does Secretary Richardson have to say about these problems? On March 9, 1999, Secretary Richardson said, "Security at the labs right now is good."

On March 14, 1999, Secretary Richardson said, "We have top notch security right now in our national labs." He also said on that day, "Our labs are very security conscious now." On March 16 he said, "Security is being tightened dramatically at the labs. This should not happen again."

What Bill Richardson said yesterday was, "What I did not take into account was that the lab culture needs more time to be changed. I did not take into account the human element," on Meet the Press on June 18, 2000.

I think this is the final straw, Mr. Speaker. On May 7, highly classified computer disks containing nuclear secrets were discovered missing from the Department of Energy lab in Los Alamos. Although the disappearance was discovered on May 7, it was not until 24 days later that the director of the lab was notified, along with the Department of Energy Secretary, Bill Richardson and the FBI. To date, no one has been fired or taken off the payroll.

While I recognize progress in the announcement this week by chairman of the Senate Committee on Armed Services of his intentions to introduce legislation to examine whether the nuclear weapons program should be turned over to the Department of Defense, what we do not need is another commission telling us what we already know.

The Department of Energy is a threat to our national security, and all defense-related functions currently housed within the Department of Energy should be transferred to the Department of Defense.

Mr. Speaker, in conclusion, I believe it is time to turn out the lights at the Department of Energy by passing H.R. 1649.

DEMOCRATIC VS. REPUBLICAN PRESCRIPTION MEDICINE PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the majority leader said it on Wednesday, we will embark upon a very important bill, that is, giving prescription medications for seniors in this country. There is an enormous difference between the Republican and the Democratic plan, and I would like to lay out the differences.

The Democratic prescription medication plan is part of Medicare. It is a core benefit. The Republican plan is not a part of Medicare; it is simply a chance to buy a private insurance policy or join an HMO.

The Democratic plan is secure. Seniors can count on it, just like they count on Medicare. Under the Republican plan, your insurance company or your HMO could leave your area, disrupt your life, as they are doing today with regular benefits, while you look for another company. This is just one more example of the HMO in pharmaceuticals.

Now, the Democratic prescription plan is simple and easy. It is a part of Medicare. Under the Democratic prescription medicine plan, you will not have to change anything that you now do to get your prescriptions. You can continue to get your prescriptions from your local pharmacist, just as you do now.

On the other hand, the Republican plan is complex and difficult. The Republican plan would require you to find an insurance company or an HMO and sign up. Then you would get your prescriptions by mail order. The chairman of the committee came before the Committee on Ways and Means and held up a letter from a mail order house in Florida. All your drugs would come from Florida, and you would have to wait 8 to 10 days.

Under the Democratic plan, you would pay $25. The one that will be brought to the floor has a guarantee of a $25 premium. Under the Republican plan, your premium would be set by the insurance company, which would have to be high enough to cover the marketing costs and profits.

There is no guaranteed premium in the Republican plan. Seniors have already been through this with HMOs. They joined an HMO, they were going to get all these benefits. Then they took away the benefits. Then they said we have taken away the benefits, but we are going to charge you a policy premium. That is what will happen under the pharmaceutical plan of the Republicans.

The Republicans say we are going to give you choice. They really take away choice. The only choice that a senior will have is which plan do they go into, which insurance company do they sign up with.

The HMO, or the private insurance company, will limit the choice of what pharmaceuticals they receive. Now, when I am a physician and I write a prescription and I hand it to a patient and they go to the pharmacy, I know what the patient got. But when it goes through this HMO, they could say, well, that is not on our formula. We will give you something that is close, or we will give you something that we think is just as good, and that choice of the physician and the patient will be interrupted. We will have to put an amendment on the Patient's Bill of Rights on this issue.

The other thing they take away is your choice of pharmacy. If they are a mail order house in Florida, they do not care about your local pharmacy. Your local pharmacist is out of business as far as your being able to do down there and get your medicine with the discount. You will have to pay the old high prices. In my view, the Republican plan really guarantees a benefit to insurance companies or HMOs, not to seniors.

There is no guarantee that the insurance companies will offer an affordable, and I emphasize, affordable prescription drug plan to seniors.

Now, you ask me, why is that? Well, let me tell you the specifics of the bill. Ordinarily a lot of people do not read the bill, but I do. The Republican plan guarantees profits to insurance companies and HMOs by letting them hold the Government hostage.

Page 56 of the Republican plan says that the Government will pay private plans not more than 35 percent of the cost of those medicines. So you have paid your premium through Social Security, and the 35 percent for the Government that has to cover it. But the Congressional Budget Office and the insurance companies say the plan will not work; we will not offer a plan if the Government pays only 35 percent.

So the Republicans answer that. They go around on page 40 and they say the Government may provide financial incentives, including partial underwriting of the risk to get the insurance companies to sell policies to seniors. During the markup in the committee, the chairman of the health subcommittee said that they could cover up to 99 percent. Now, if you are an insurance company out there and they offer you 35 percent, you say, I do not want that. I am going to wait until they offer me 100 percent.

It is a bad bill, and we have to pass the Democratic alternative.

□ 1430

PRIVATIZATION OF ENRICHMENT INDUSTRY SHOULD BE REVERSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I would like to share with my colleagues a sad and tragic headline from the Columbus Dispatch of yesterday. It is a headline that reads, "Piketon Plant to Close," and the subheading says, "2000 workers will lose jobs because of the shutdown." Then they say, "Less than 2 years ago, the United States Enrichment Corporation vowed to keep the Piketon plant and a sister facility in Paducah, Kentucky open until the year 2005." This is the plant that employs 2000 southern Ohio men and women.

This industry was privatized less than 2 years ago, and at the time of the privatization, they accepted an obligation, an obligation to operate both the Paducah and the Piketon sites through the year 2004. The day before yesterday, flying in the face of a recommendation from the Department of Treasury and from a strongly worded request from Secretary Richardson, the CEO of this company and the board of directors voted to close this facility. Mr. Nick Timbers, a person that I appropriately refer to as "Slick Nick" Timbers, was quoted in The Washington Post as saying, "It had to be done. It is the reason Congress privatized the company." For Mr. Timbers to utter such a statement is sheer hypocrisy. It shows that this man cannot be trusted or believed. He, as the CEO of this company, accepted an obligation, an obligation entered into through a legal agreement with the Department of Treasury, and he has broken that agreement.

In response to my criticism and the criticism of Senator VOINOVICH and Senator DEWINE from Ohio and others, Mr. Timbers was quoted in an AP story yesterday as saying, "Politicians should stop all this old, tiring finger pointing."

This is a man who negotiated through his own maneuverings a $3.6 million golden parachute. If he is relieved of his job, he walks away with

$3.6 million and yet, he is willing to lay off thousands of hard-working Americans without giving them due consideration.

Mr. Speaker, privatization of our enrichment industry was an unwise decision. That is why next week I plan to introduce legislation to have the Government renationalize this vital industry. It provides 23 percent of the electricity output in this Nation, and this privatized company is destroying not only the enrichment industry, but the mining industry and the conversion industry as well.

Mr. Speaker, if we are not careful, if we as a Congress do not take appropriate and immediate action, it is possible that 3 or 4 or 5 years from now, this country could find itself totally dependent on foreign sources for 23 percent of our Nation's electricity. We know what dependency on foreign sources for oil does to prices. We know what gasoline is selling for today. Can we imagine how we could be brought to our knees if we were totally dependent on Russia or other countries to provide us with the vital fuel that it takes to operate our nuclear power plants.

I do not know where the Vice President is today, but I hope he is watching C-SPAN. I do not know what the Secretary of the Treasury is doing today, but I hope he is watching C-SPAN. These individuals and others have an obligation to protect this Nation and to keep their word to these communities. I fought privatization and I lost that battle, and as a result, we find ourselves in these dreadful circumstances. But it is imperative that the Congress pay attention to this matter. We cannot let this situation continue as it is.

People who are a lot smarter and better well-informed than I am say that we ought to repurchase this industry and, thereby, protect the energy security and the future of this Nation.

SEND EDMOND POPE HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise to make sure today that everybody in this body understands a serious problem for a family in State College, Pennsylvania; and a problem for, I think, the security of this country.

On my left is Edmond and Cheri Pope. They are a couple who have lived for many years in State College, finished raising their family there, highly regarded and respected there. Edmond Pope was a businessman who traveled the world, often went to Russia to do business. Eleven weeks ago, Edmond Pope was arrested and thrown in a Russian prison. For 11 weeks, Cheri, his wife, had no communication, could not get a letter to him, could not get a phone call to him, could not get any kind of communication from him; really did not know what was happening to her husband. Visas were canceled. Finally, last week, I helped arrange a trip where two of my staff went with her. She went to visit her husband for the first time in 11 weeks. I will just read to my colleagues a little bit of a news story on that.

"On Tuesday, they met for the first time in 3 months, just a few feet from a watchful prosecutor in a Lefortovo prison. Edmond and Cheri Pope hugged and belatedly wished each other a happy 30th anniversary. Then Cheri Pope said the first thing he said to me was, 'Cheri, I didn't do anything wrong. I didn't,' and I said to him, 'I never thought for a minute you did.'"

In an emotional interview on Tuesday after that reunion, Cheri Pope said that her husband, whom the Russians had accused of spying, was strikingly thinner, and he had a rash. He had lost a lot of weight, and he has a pallor about him and some skin problems. She said, "Even though he didn't look well, he still looked beautiful to me."

The last time she saw her husband was March 14 as he was leaving their home in State College, Pennsylvania on what seemed to be another routine trip to Russia, his 27th. While Redmond Pope remained cut off from the world in one of Russia's most infamous maximum security prisons, Cheri Pope struggled through months of anguish, grasping morsels of information while trying to cut through an international maze of red tape to visit him. Over the weekend she was minutes away from boarding a plane for the long-awaited meeting, when her son called her to tell her her 74-year-old mother had passed away. What a decision Cheri had to make. She knew that she had to go and encourage her husband, and that is what she did.

Edmond Pope needs to come home. He needs to come home to his wife, to his children, to his seriously ill father of 75 years; he needs to come home so his health can be monitored and maintained. He has had cancer that was arrested, he has Graves' disease, but he needs to be monitored closely. He is not a spy. His itinerary was printed and available, his visa explained why he was there. It was his 27th trip. In fact, his friends and neighbors tell me that he spoke fondly of the Russians. He wanted to help build a business relationship between these two countries. He was helping take Russian technology and helping them commercialize it.

Edmond Pope is no spy. He does not belong in a Russian prison. I will be sending a letter to be delivered to Mr. Putin the first of this week, and it will say, President Putin, if you value our friendship, send Edmond Pope home. It will say, President Putin, if you value the growing business relationships beneficial to both of our countries, send Edmond Pope home. It will say, President Putin, if you value the many ways we aid you financially, send Edmond Pope home.

I will be asking this body, Mr. Speaker, next week to get unanimous consent to pass a Sense of the Congress resolution, again, for this Congress speaking to Mr. Putin and the Russian leaders that it is time to send Edmond Pope home.

Edmond Pope is a man who was there on sound financial business reasons. He is not a spy. He needs to be home with his family to help his grieving wife. He needs to be home to visit his father, who is seriously ill. He needs to be home to have his own health monitored, and he needs to be home so that the relationships between Russia and America continue to grow and prosper to the benefit of both.

Edmond Pope is no spy. Edmond Pope does not belong in a maximum security prison in Russia where he got very little care. Edmond Pope needs our help and our support. Mr. Putin, send him home.

PRESCRIPTION DRUG PLAN NEEDED NOW FOR OUR SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, we will be considering a prescription medication plan very shortly, and there is a great need for assistance with our seniors for prescription drugs. I hope that as we do that we will consider a meaningful prescription drug plan that looks at affordability, looks at accessibility, and also looks at simplicity.

Both in rural America as well as urban America, we know there are a large number of our seniors who are making decisions about whether they can afford to buy their prescriptions, pay their rent, or buy food. They are making decisions between acquiring very basic needs. So hopefully, as we craft a bill to speak to these critical needs, we are not playing politics with the needs of seniors, that we are really designing a meaningful bill that will be helpful, easy to assess, and affordable by seniors, both in urban America as well as rural America.

Mr. Speaker, I want to speak a little bit about rural America, because that is where I come from. There is a difference. The difference comes primarily because of economies of scale, and therefore, we do not have the infrastructure that depends on the market-driven economy. We do not have large hospitals because we do not have a large accommodation of patients to support that. We do not have a mix of sophisticated specialists in those areas. So we rely on a combination of regional hospitals or tertiary hospitals or relationships with community health centers, a variety of networks to put together kind of a patchwork in providing health care to our citizens. It costs us more in rural areas just because of the lack of the economies of scale. So already, there is built in to the health services that we receive through the market system, but also the current health system assistance we receive from the Federal Government.

Now we are about to craft a prescription drug bill supposedly to help seniors who are having to make these critical decisions between being able to take their medicine that they desperately need and the food that they must have to survive, or paying their bills. So when we do this, hopefully, we take into consideration structure, affordability, and simplicity.

Mr. Speaker, if I am hearing correct, the plan that came out of the Committee on Ways and Means yesterday has a structure where it is predicated on private providers, that HMOs would be the carriers for getting the prescription assistance to rural areas.

Now, nothing would be wrong with that, because I have an HMO myself; I am fortunate enough to use an HMO that I get through my employment. But I can tell my colleagues that there is not the large number of HMOs in rural areas. There are many rural areas where there is no HMO whatsoever. So if one is planning a system that is based on having HMOs, already we have denied rural areas from having it.

Again, when I look at the plan, it says that if there is not more than two, we would increase the incentive to have two HMOs so that there would be some competition.

□ 1445

A lot of people are going to fall through the cracks if indeed we do not put a structure there. For that reason, the Medicare structure certainly is simple, it is already known by providers, people are using it, individuals are comfortable with it, so it is a familiar assistance plan that people will use and the accessibility will be there.

The other is the cost. Again, we are going to provide senior citizens between 125 and 150 percent of poverty. Those are critical areas, but I can tell the Members that there are many people in eastern North Carolina, rural America, who are between 135 and 150 percent. If we are going to have a sliding scale based on poverty, and we are going to have a variation of a cost of those premiums, that is going to give the whole issue of affordability some serious concerns.

I doubt whether we could make the case that this would be affordable in urban areas, much less in rural areas. The variation of premium costs are more likely to be substantial, and if they are substantial, I can tell the Members, in rural areas we have lower incomes, in the same instance that persons receive their social security and they more likely are lower-income seniors, so that would also give them a problem.

So as we consider the prescription drug plan, I hope we will consider having those elements in principle that will mean affordability, accessibility, and simplicity.

GOVERNOR ROBERT P. CASEY, A LEGACY OF PUBLIC SERVICE, COMPASSION, AND COURAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, at the end of our journey in this life, if we can answer a few questions in the affirmative, then I believe by most measures we will have led a blessed and well-lived life: Did we try to do our best? Did we try to do the right thing? Did we try to leave this world a better place than when we entered it?

When he passed from this life on May 30, surrounded by the love of his wonderful wife of 47 years, Ellen, his children, and his many grandchildren, there was no doubt that my friend, the former Governor of Pennsylvania, Robert Casey, had lived a blessed, full, and well-lived life. Those of us touched by it should count ourselves fortunate.

As both a private citizen and a public servant, Governor Casey leaves a rich legacy that all of us should strive to emulate. He was caring, compassionate, committed, idealistic, principled, honest, devoted, articulate, tenacious, and, of course, by any measure, he was courageous.

In the famous passage from Profiles in Courage, Senator John Kennedy, whom the Governor and I both admired, wrote, and I quote, "For without belittling the courage with which men have died, we should not forget those acts of courage with which men have lived. A man does what he must, in spite of personal consequences, in spite of obstruction and dangers and pressures, and that is the basis of all human morality."

Courage, Mr. Speaker, was a recurring theme throughout Robert Casey's life. The son of a coal miner, Governor Casey put himself through law school and won a seat in the Pennsylvania State House at the age of 30 before winning two terms as State Auditor General.

He overcame three early, unsuccessful campaigns for Governor, at a time when lesser men would have quit, to win that position not once but twice, the last victory by the largest margin in the history of Pennsylvania.

In the twilight of his career, he battled a rare disease that devastated his body but never, never extinguished his spirit. In June, 1993, he became only the sixth person in the United States to undergo a heart-liver transplant. Thereafter, he not only returned to the Governor's office, but also proposed and signed one of the most comprehensive State organ donor laws in the country.

Since 1994, more than 4,000 people in Pennsylvania and surrounding regions have received lifesaving organ transplants, due in large part to Governor Casey's leadership.

No one ever doubted that Governor Casey had the courage of his convictions. He never wavered from the principles that guided his life, including his core belief that government could level the playing field and protect the most vulnerable in society. He maintained to the end a deep commitment to education, the environment, workers' rights, and the underprivileged.

The Governor took heart from Franklin Delano Roosevelt's observation that, "In our democracy, officers of the government are the servants and never the masters of the people."

During Governor Casey's service, Pennsylvania enacted mandatory recycling reform, auto insurance reform, and the Child Health Insurance Program, which, as we know, became a national model. The State also broadened special education programs, rebuilt aging water and sewer systems through the PENNVEST program, and enacted a State Superfund to reclaim hazardous waste sites.

Governor Casey, Mr. Speaker, was also instrumental in bringing family and parental leave to Pennsylvania, initiating economic development and high-tech efforts from the Philadelphia port to the new Pittsburgh airport, and overhauling the workers' compensation system.

He did not seek public service for fame or glory, he sought simply to help people. In an era of unabashed cynicism towards public service and public servants, Governor Casey reminded us of why we serve. It is fitting that upon his passing, the Pittsburgh Post-Gazette wrote that Governor Casey left an example for all Pennsylvanians: to fight for what they believe in, to be unafraid of the odds, and to nobly accept the defeats along the way.

Governor Casey's legacy endures not only in the principles he stood for and the improvements he brought to his beloved Pennsylvania, but also in the wonderful family that he and Ellen have raised. They, too, carry their father's commitment to public service and community.

Mr. Speaker, it is proper to remember a man of such worth and dignity and character. Our Nation was blessed by Governor Casey's service.

REPUBLICANS SHOULD ABANDON PRIVATE HEALTH AND PRESCRIPTION DRUG INSURANCE SCHEME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I have an idea. What if we, say, break Medicare apart and ask seniors to shop in the private insurance market if they want to piece it back together. Seniors could buy one private plan to cover doctors visits, another to cover hospital stays, a third to cover home health services, and maybe a fourth to cover prescription drugs. Perhaps they could purchase an Aetna plan for outpatient care, a Kaiser plan for the physical therapy coverage, and maybe Golden Rule will offer insurance for medical equipment.

Does this sound absurd? Why is it less absurd to isolate prescription drugs and require Medicare beneficiaries to carry a separate private stand-alone you-are-on-your-own policy for that benefit?

That is what the Republican prescription drug plan is all about. It privatizes the prescription drug plan. It says to senior citizens, "Here is a voucher. Here is a little bit of money," although they give the money to the insurance company, actually not directly to the senior citizen. "Here is a plan, here is some money. Go out and find your own plan."

If the GOP prescription drug plan is a back door attempt to privatize Medicare, something that Republicans have wanted to do since 90 percent of them voted against the creation of Medicare 35 years ago, and occasionally say, in more recent years, that they want to privatize Medicare, my colleagues should come out and tell us that they want to privatize Medicare.

If their goal truly is to help America's elderly, my Republican colleagues need to go back to the drawing board. Better yet, follow our lead. The best way to complete the Medicare benefits package is to complete the Medicare benefits package. That means adding a new drug benefit to the existing Medicare program.

Medicare has worked for senior citizens in this country, half of whom had no health insurance 35 years ago. Medicare has worked for senior citizens in this country, making it probably the most popular government program in the history of this Nation. Why should we privatize it? Why should we take prescription drugs and make it into a private insurance stand-alone you-are-on-your-own kind of program?

It means we should add the new drug benefit to the existing Medicare benefits package. That is what works. We know that works. That is what this Congress should pass. Unless my colleagues can explain why the existing Medicare program somehow is not worthy of a prescription drug benefit, they should abandon their private insurance scheme and join us.

Last Friday, a week ago today, I chartered a bus and took about 20 senior citizens from Lorain County and Medina County, Ohio, on a 2½ bus trip to Windsor, Ontario, Canada. They took their prescriptions with them for medicine. Most of them were Medicare beneficiaries, some were younger than that.

They took their prescriptions with them. We got a doctor in Canada to write a similar prescription. We went to a drugstore in Windsor, Ontario, and every senior citizen on that trip, every single senior citizen on that trip, saved at least $100 on prescriptions. On the average, the 15 or 20 senior citizens saved $200, and some of them saved as much as $300 to $400 on one prescription, on the one prescription that they had brought with them.

The fact is, Canadians buy the same drugs, their drug stores sell the same dosage of the same prescription drugs made by the same company, usually an American company, for half the price that American drugstores charge. It is not the drugstores, it is the fact that prescription drug companies, the big name brand drug companies in the United States of America, sell their drugs in Canada at half the price as they do in the United States.

We are the only country in the world, underscore that, we are the only country in the world, that allows the drug companies to unilaterally, monopolistically, discriminatingly sell their drugs to the United States with no interference.

In every other country in the world the prices are lower. In every other country in the world, from Germany to France to Israel to Nigeria to Brazil to Japan to England, none of those countries allows the drug companies to set their price in a monopolistic and discriminatory way. America's elderly pay twice as much for drugs as America's HMOs, big insurance companies, and the VA sell them for.

Americans buying drugs pay twice as much on the average as people in every other country in the world. Americans, in fact, pay more for their drugs out of pocket at a drugstore for the same drug than if they go into a pet store and buy the exact same drug and the exact same dosage for their pets.

Mr. Speaker, I ask that this Congress put aside the risky insurance scheme and pass a Medicare drug benefit.

THE CLINTON-GORE SECURITY GAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, the American people are viewing the Los Alamos tragedy, this latest tragedy of the losing of two hard drives in one of our most secure places in that nuclear weapons development institute, and having those hard drives lost for a long period of time, and it is still unclear exactly how long they have been lost, having them suddenly reappear behind a copy machine in a place that had been previously searched, and America debates what we should do with respect to this crisis; who should be fired, what reorganization should be made.

I think what we need to do now is to focus not just on this particular incident, but on four major occurrences that have taken place in the last 8 years that constitute in my estimation what I call the Clinton-Gore security gap.

Let me talk about the first of those things.

First, Dr. Wen Ho Lee was focused on in August of 1997 after we discovered that plans for the W–88 nuclear warhead had been stolen, and it appeared to be in the possession of the Communist Chinese. Dr. Wen Ho Lee, we focused on him and determined that he was a suspect in the theft of nuclear secrets. This was a very serious thing.

At that time, in August of 1997, the head of the FBI, Louis Freeh, met with the Clinton-Gore Department of Energy head, the Secretary of Energy, then Mr. Pena, and the head of the FBI said, essentially, "This guy appears to be a spy of nuclear secrets. Right now he is sitting there with total access to America's most critical nuclear secrets. Get him out of there. Get him out of there." He said that in August of 1997.

☐ 1500

A few weeks earlier, he had met with Mr. Pena, Under Secretary of Energy, Elizabeth Moler, and according to Mr. Trulock, who was the head of security, told her the same thing, get this guy out of there, he may be a spy and may be accessing this very critical material. Seventeen months later, somebody looked around at Los Alamos, after the Cox Commission had started to investigate and said, hey, the suspected nuclear spy, is he still in the nuclear weapons vault with access to our most important secrets; and somebody else slapped their forehead and said, yes, I guess he is still there.

In the series of hearings that we had on this incident, there was lots of finger pointing. Elizabeth Moler said Mr. Trulock was supposed to fire him. Mr. Trulock said that she was very definitely told to get this guy out of there and that he told her how to go about doing it. And yet the Clinton-Gore administration allowed a suspected nuclear secrets spy to stay in place for 17 months after the head of the FBI personally met with the Secretary of Energy and said these are the circumstances, get him out of there.

Secondly, Mr. Speaker, we saw one of America's corporations, Loral Corporation, transfer missile technology to China in 1996. They allowed their scientists to engage with the Communist Chinese scientists and tell them what was wrong with their missiles, the Long March missile, because a lot of them were failing. Now, that is important, because that same Long March missile, besides carrying satellites, also carries nuclear warheads, some of which are aimed at American cities. And the Loral Corporation, in fact, according to the Cox Committee, did help Communist China make their missiles more reliable. A very serious thing.

Yet a few months after that, against the recommendation of his own Justice Department, and after he had received $600,000 in campaign contributions from Bernard Schwartz, who was the President and CEO of Loral, President Clinton gave them another waiver to launch yet another satellite in Communist China.

Also, Mr. Speaker, the Clinton-Gore administration allowed 191 supercomputers between 1987 and 1998 to go to Communist China. Now, that is dangerous because they can use those supercomputers in making and designing nuclear warheads in their nuclear weapons complex. So they have an obligation, the Clinton-Gore administration had an obligation, under the law that we have, to go over and check on those computers and make sure they are not being used in the nuclear weapons complex. They have that right. Of the 191 supercomputers that were transferred to China in that 1-year period, they only checked on one supercomputer to make sure it was not being used to design nuclear weapons.

And lastly, Mr. Speaker, we have this case where these hard drives were taken out of this vault, and it has now been testified to that the vault custodian, the person who is supposed to identify that very small group of people who are allowed to come in, that vault custodian would sometimes leave for 2-hour time periods. This is the Clinton-Gore security gap. We have to close it with a clean sweep.

CURSE OF THE CAN-DO

The SPEAKER pro tempore (Mr. WHITFIELD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes as the designee of the minority leader.

Mr. DELAHUNT. Mr. Speaker, where I come from, in metropolitan Boston, generations of otherwise well-adjusted citizens have suffered from the ill effects of a well-known curse. It is referred to as the "Curse of the Bambino." Since the Red Sox traded Babe Ruth, life has never been quite the same, although I am one of those with deep quiet faith that the curse of the Bambino officially expires as we enter into the new millennium.

I would note, for my colleagues and friends, folks like Mr. Freedman, and the gentleman from New York (Mr. FOSSELLA), and the gentleman from New York (Mr. SWEENEY), that if they check today's American League standings, they would find that the Yankees are in second place and the Red Sox are in first.

I rise today, however, Mr. Speaker, to discuss a different kind of curse. Call it the "Curse of the Can-Do." The curse afflicts the United States Coast Guard in its long proud tradition of never turning down a call for help, of never shirking new responsibility, even when the gas tank is literally on empty.

It is too late for the Red Sox to get Babe Ruth back, but we still have an opportunity to ensure the readiness of the Coast Guard to discharge its lifesaving mission. So I take to the House floor to thank some colleagues who recently have helped lead us in that direction, but also to warn that we are still sailing into a very stiff wind.

Last month, the House took historic steps to shore up Coast Guard resources to save lives, to prevent pollution, to fight drugs, to help the economy, to respond to natural disasters, and to enhance national security. Now it is up to us to see these efforts through.

The fiscal year 2001 transportation appropriation bill, passed recently by the full House, would reverse more than a decade of chronic underfunding that has made it nearly impossible, nearly impossible, for the Coast Guard to do the work the Congress has mandated that it do. For the first time in recent memory, there is now genuine hope that we can adequately safeguard the lives and livelihoods of those who live and work on or near the water, from the small harbors of New England to the ice flows of Alaska; from the Great Lakes to the gulf coast to the banks of the Mississippi.

I particularly want to commend the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, and the ranking member, the gentleman from Wisconsin (Mr. OBEY); as well as the chairman of the Subcommittee on Transportation, the gentleman from Virginia (Mr. WOLF), and the ranking member, the gentleman from Minnesota (Mr. SABO). Their leadership has underscored the stark fact that the demands on the Coast Guard have vastly outpaced its resources. There is no longer margin for error, and the consequence of any such error is literally a life and death matter.

Despite the fact that there are no more Coast Guard personnel today than there were in 1967, it is indisputable that day in and day out no public agency works harder or smarter. As a reminder, during the 1990s, the Coast Guard reduced its workforce by nearly 10 percent and operated within a budget that rose by only 1 percent in actual dollars. Actual dollars. Not dollars adjusted for inflation, but actual dollars. Over this period, it has also responded to a half million SOS calls, an average of approximately 65,000 each year, and, in the process, has saved 50,000 lives.

Every year the Coast Guard performs 50,000 inspections of U.S. and foreign merchant vessels. It ensures the safe passage of a million commercial vessels through our ports and waterways. Every year it responds to 13,000 reports of water pollution. Every year it inspects 1,000 offshore drilling platforms. Every year it conducts 12,000 fisheries enforcement boardings. And every year it prevents 100,000 pounds of cocaine from reaching American shores and infecting the streets and neighborhoods of our communities.

Two centuries of experience have taught us to rely on the professionalism, judgment, compassion, commitment and courage of the Coast Guard. From hurricane to airplane crashes; from drug smugglers to foreign factory trawlers, the Coast Guard is always, always, on call, just as it has been for some 200 years. We have learned to trust the Coast Guard with all we hold dear: our property, our natural resources, and our lives. In Washington, a long way from the sea and the wind and the whitecaps, it has been tempting to task the Coast Guard with new and multiple and burdensome missions. Far too tempting.

As co-chair of the Congressional Coast Guard Caucus, along with my colleagues, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Mississippi (Mr. TAYLOR), I have had grave concerns for a long time. Most recently, much has been made of the demands on the Coast Guard for their work in the area of illegal drug interdiction. As a former prosecutor, I am all for fighting the drug war, and have fully supported calling upon the Coast Guard to step up its interdiction efforts, but not at the expense of its core mission, the saving of human lives.

We just cannot wish away the costs, and I am not ready to start treating search and rescue like a luxury we can do without, any more than we can move cops off the beat and then complain about street crime. We have stretched the Coast Guard so thin for so long that it can barely be expected to fulfill its credo, Semper Paratus, "Always Prepared." And there are scores and scores of new missions waiting in the wings.

This year, the Coast Guard was the only Federal agency to earn an A from the Independent Government Performance Project for operating with unusual efficiency and effectiveness. That assessment placed the Coast Guard at the very top of 20 executive branch agencies because, and I am quoting now, "because its top notch planning and performance budgeting overcame short staffing and fraying equipment." It all came down, they concluded, to what I mentioned earlier, the curse. The "Curse of the Can-Do." "The Coast Guard," they said, "is a can-do organization whose 'can' is dwindling while its 'do' is growing."

This just simply cannot continue, not when the average age of its deep water cutters is 27 years old, making this the second oldest naval fleet on the planet; not when fixed-wing aircraft deployments have more than doubled, and helicopter deployments are up more than 25 percent without any increase in the number of aircraft, pilots or crews; not when duty officers suffer chronic fatigue because staffing constraints permit only 4 hours of sleep at night; and not when the United States Coast Guard commandant testifies before Congress that there is not enough fuel to power the United States Coast Guard fleet; and not when the Coast Guard radio communication units are 30 years old, like the one described in a recent news account that began this way, and again I am quoting: "If you dial 911, say the word 'fire' and run outside, a fire engine will show up at your driveway. If you pick up the handset on your VHF-FM radio, say the word 'Mayday' and jump overboard, you could very well drown or die of hypothermia."

Study after study has documented these hazards. A recent interagency task force concluded that obsolescence presents a threat that the Coast Guard could soon be overwhelmed by a mismatch between its missions and the quantity and quality of the assets necessary to carry them out.

□ 1515

A 1997 General Accounting Office review was even more blunt. It projected $90 million in annual reductions in operating expenses just to bridge the gap. The GAO was alarmed by the sheer size of the gap and the dwindling number of available efficiency-related options.

Well, where I am from, a marine distress call is an urgent plea for emergency law enforcement and rescue personnel. When oil spills jeopardize economic as well as environmental resources, when frozen rivers trap heating oil barges, when the well-being of both fish and fishermen are threatened, when offshore danger strikes, we know where to turn, to the United States Coast Guard.

That is why when the ink dried on the House Department of Transportation appropriation, there was reason for new and genuine hope. It was like having Pedro Martinez in the starting rotation, it felt like this really could be the year.

Well, the bill approved recently for next year increases Coast Guard accounts by nearly $600 million, a 15-percent boost. It also includes $125 million to help modernize aging planes, helicopters, and motor lifeboats and upgrade rather than abandon Coast Guard stations in the communities that they serve.

Years from now, the 395 Members of this House who voted for that bill can look back and take satisfaction from the knowledge that they helped save a life, a coastal community, an international alliance, and maybe even a marine species or two. But that old curse still hovers over the Coast Guard, the curse of the "can do."

Just this week, the Senate came in at $250 million less than the House appropriation. The timing could not be worse. The Senate action followed two recent rounds of Coast Guard cutbacks for the current fiscal year, reducing cutter days and flight hours by 10 percent.

I wonder if the men on the fishing vessel that are being rescued in this picture to my right would approve of a 10-percent reduction, meaning a slower response time. I ask my colleagues and the American people to reflect on this photo and the reduction that I just mentioned.

Why? Because the Coast Guard responded to natural disasters but the Congress failed to pass emergency supplemental funding and because a variety of overdue personnel benefits for everything from housing to health care were mandated by the current defense authorization but with no money to pay for those increased costs.

There is more. The good news is a new effort through the pending military construction bill to restore $800 million in supplemental funds. But since only a third of that is designated as emergency expenses, the baseline for future Coast Guard budgets next year and beyond would be seriously compromised.

So I rise today to express gratitude for the progress made in this chamber so far but also to raise a warning flag about the two challenges immediately ahead.

Specifically, I urge my colleagues to hold firm in conference on the House approved allocation in the transportation appropriation bill and then to recede to Senate conferees regarding the $800 million in the MILCON measure. That is what it will take for the Coast Guard to do the job we have assigned to it, to contain oil spills, to catch smugglers, and, most important of all, to save lives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today after 12:00 p.m. on account of official business.

Mr. POMEROY (at the request of Mr. GEPHARDT) for today and June 26 on account of official business in the district.

Mr. CANADY of Florida (at the request of Mr. ARMEY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. ALLEN, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, June 28.

Mr. FOLEY, for 5 minutes, today.

Mr. SCHAFFER, for 5 minutes, June 28.

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

ADJOURNMENT

Mr. DELAHUNT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, June 26, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8323. A letter from the Associate Administrator, Fruit and Vegetable Programs, PACA Branch, Department of Agriculture, transmitting the Department's final rule—Perishable Agricultural Commodities Act: Recognizing Limited Liability Companies [Docket No. FV99-361] received May 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8324. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Addition to

Quarantined Areas [Docket No. 00–004–2] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8325. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Increase in Compensation Rate for Handlers' Services Performed Regarding Reserve Raisins [Docket No. FV00–989–2 FR] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8326. A letter from the Secretary of Agriculture, transmitting a draft bill, "to provide a safety net to protect agricultural producers from short-term market and production fluctuations, to encourage conservation practices, and for other purposes"; to the Committee on Agriculture.

8327. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Transfer and Repurchase of Government Securities [No. 2000–43] (RIN: 1550–AB38) received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8328. A letter from the Acting Deputy Assistant Secretary for Labor-Management Standards, Employment Standards Administration, transmitting the Administration's final rule—Labor Organization Annual Financial Reports (RIN: 1215–AB29) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8329. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Significant New Use Rules for Certain Chemical Substances [OPPTS–50637A; FRL–6555–8] (RIN: 2070–AB27) received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8330. A letter from the General Counsel, Electric Rates and Corporate Regulation, Federal Energy Regulatory, transmitting the Commission's final rule—Designation of Electric Rate Schedule Sheets [Docket No. RM99–12–000; Order No. 614]—received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8331. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Use of Electronic Media (RIN: 3235–AG84) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8332. A letter from the Director, Employment Service, Office of Personnel Management, transmitting the Office's final rule—Full Consideration of Displaced Defense Employees (RIN: 3206–AF36) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8333. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Implementation of Public Law 105–33, Section 9302, Relating to the Imposition of Permit Relating to the Imposition of Permit Requirements on the Manufacturer of Roll-Your-Own Tobacco (98R–370P) [T.D. ATF–424] (RIN: 1512–AB92) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8334. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Market Segment Specialization Program Audit Techniques Guide—Child Care Providers—received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8335. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Market Segment Specialization Program Audit Techniques Guide—Garden Supplies—received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8336. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate of Smith v. Commissioner—received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8337. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Market Segment Specialization Program Audit Techniques Guide—Alternative Minimum Tax for Individuals—received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8338. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance Under Section 1032 Relating to the Treatment of a Disposition by an Acquiring Entity of the Stock of a Corporation in a Taxable Transaction [TD 8883] (RIN: 1545–AW53) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8339. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Diane Fernandez v. Commissioner—received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8340. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Magnetic Media/Eletronic Filing Program for Form 1040NR [REV. Proc. 2000–24] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8341. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Osteopathic Medical Oncology—received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 4227. A bill to amend the Immigration and Nationality Act with respect to the number of aliens granted nonimmigrant status described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, to implement measures to prevent fraud and abuse in the granting of such status, and for other purposes; with an amendment (Rept. 106–692). Referred to the Committee of the Whole House on the State of the Union.

Mr. PACKARD: Committee on Appropriations. H.R. 4733. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–693). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 3906. A bill to ensure that the Department of Energy has appropriate mechanisms to independently assess the effectiveness of its policy and site performance in the areas of safeguards and security and cyber security; with an amendment (Rept. 106–696, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Commerce discharged. H.R. 3125 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X, Committee on Science discharged from further consideration of H.R. 3906.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BLILEY: Committee on Commerce. H.R. 4446. A bill to ensure that the Secretary of Energy may continue to exercise certain authorities under the Price-Anderson Act through the Assistant Secretary of Energy for Environment, Safety, and Health; referred to the Committee on Armed Services for a period ending not later than July 21, 2000, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(c), rule X (Rept. 106–694, Pt. 1).

Mr. BLILEY: Committee on Commerce. H.R. 3383. A bill to amend the Atomic Energy Act of 1954 to remove separate treatment or exemption for nuclear safety violations by nonprofit institutions, with amendments; referred to the Committee on Armed Services for a period ending not later than July 21, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(c), rule X (Rept. 106–695, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3906. Referral to the Committee on Science and extended for a period ending not later than June 23, 2000.

H.R. 3906. Referral to the Committee on Armed Services extended for a period ending not later than July 12, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MATSUI (for himself, Mr. HOYER, Mrs. MINK of Hawaii, and Mr. ABERCROMBIE):

H.R. 4729. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophyical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP (for himself, Mr. Isakson, Mr. Lewis of Georgia, Ms. McKinney, and Mr. Collins):

H.R. 4730. A bill to provide for Federal recognition of the Lower Muscogee-Creek Indian Tribe of Georgia, and for other purposes; to the Committee on Resources.

By Mr. GILMAN:

H.R. 4731. A bill to amend the Foreign Assistance Act of 1961 to provide that it is not contrary to the foreign policy interest of the United States to bring an antitrust lawsuit asserting the manipulation of energy supplies or prices, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN:

H.R. 4732. A bill to require certain actions with respect to the Organization of Petroleum Exporting Countries (OPEC) or any other cartel engaged in oil price fixing, production cutbacks, or other market-distorting practices; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PACKARD:

H.R. 4733. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

By Ms. BALDWIN (for herself and Mr. Pascrell):

H.R. 4734. A bill to establish a National Center for Military Deployment Health Research to provide an independent means for the conduct and coordination of research into issues relating to the deployment of members of the Armed Forces overseas, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself, Ms. Roybal-Allard, Mr. Wu, Mr. Filner, Mr. Frank of Massachusetts, Mr. Berman, Mr. Underwood, Ms. Lofgren, Mr. Waxman, Ms. Eshoo, Mr. Gutierrez, Mr. Frost, Mr. Baca, Mr. Lantos, Mr. Nadler, Mr. Faleomavaega, Mr. Stark, Mr. Bonior, Mr. Reyes, Ms. Pelosi, Ms. Lee, Mr. Ortiz, Mr. Rodriguez, and Mr. Gonzalez):

H.R. 4735. A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes; to the Committee on the Judiciary.

By Mr. CASTLE (for himself, Mr. Goodlatte, Mr. Boucher, Mr. Talent, and Mr. Weldon of Pennsylvania):

H.R. 4736. A bill to remove civil liability barriers surrounding donating fire equipment to volunteer fire companies; to the Committee on the Judiciary.

By Mr. HUNTER:

H.R. 4737. A bill to require an inventory of documents and devices containing Restricted Data at the national security laboratories of the Department of Energy, to improve security procedures for access to the vaults containing Restricted Data at those laboratories, and for other purposes; to the Committee on Armed Services.

By Mr. KOLBE:

H.R. 4738. A bill to establish the High Level Commission on Immigrant Labor Policy; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. Baldacci, Mr. Pallone, and Mr. Barrett of Wisconsin):

H.R. 4739. A bill to amend section 308 of the Clean Air Act to authorize the mandatory licensing of patents on reformulated gasoline and other fuels, and for other purposes; to the Committee on Commerce.

By Mr. SHAYS (for himself, Mr. Andrews, Mrs. Morella, Mr. Roemer, Mr. Houghton, Mr. Farr of California, Mr. Leach, Ms. Baldwin, Mr. Horn, Mr. Barrett of Wisconsin, Mr. Quinn, Mr. Becerra, Mr. Pickering, Mr. Berman, Mr. Lazio, Mr. Blagojevich, Mr. Porter, Mr. Borski, Mr. Brady of Pennsylvania, Ms. Carson, Mr. Clay, Mrs. Clayton, Mr. Clement, Mr. Costello, Mr. Crowley, Mr. Cummings, Mr. DeFazio, Ms. DeLauro, Mr. Dicks, Mr. Dingell, Mr. Dooley of California, Mr. Engel, Mr. Evans, Mr. Filner, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gejdenson, Mr. Green of Texas, Mr. Gutierrez, Mr. Hall of Ohio, Mr. Hilliard, Mr. Hinchey, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Ms. Kaptur, Mr. Kennedy of Rhode Island, Mr. Kildee, Mr. Kind, Mr. LaFalce, Mr. Lantos, Mr. Larson, Mrs. Lowey, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Mr. Martinez, Ms. McCarthy of Missouri, Mr. McDermott, Mr. McNulty, Mrs. Meek of Florida, Mr. Meehan, Mr. Menendez, Mr. George Miller of California, Mr. Moran of Virginia, Mr. Neal of Massachusetts, Mr. Olver, Mr. Owens, Mr. Pastor, Mr. Peterson of Minnesota, Mr. Reyes, Ms. Sanchez, Mr. Sanders, Mr. Sandlin, Mr. Sawyer, Ms. Schakowsky, Mr. Scott, Ms. Slaughter, Mr. Tierney, Mr. Udall of New Mexico, Mr. Underwood, Mr. Waxman, Mr. Weygand, and Ms. Woolsey):

H.R. 4740. A bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes; to the Committee on Education and the Workforce.

By Mr. UNDERWOOD (for himself, Mrs. Christensen, Mr. Romero-Barcelo, Ms. Norton, and Mr. Faleomavaega):

H.R. 4741. A bill to require that the Director of the Office of Management and Budget explain any omission of any insular area from treatment as part of the United States in statements issued by the Office of Management and Budget; to the Committee on Resources, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER (for himself and Mr. Pascrell):

H.R. 4742. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to establish minimum standards regarding the quality of wireless telephone service and to monitor complaints regarding such service; to the Committee on Commerce.

By Mr. ROHRABACHER (for himself, Ms. Kaptur, Mr. Hunter, and Mr. Burton of Indiana):

H.J. Res. 103. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. Conyers, Mr. Walsh, Mr. Filner, Mr. Jackson of Illinois, and Ms. Norton):

H. Con. Res. 363. Concurrent resolution expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year; to the Committee on International Relations.

By Mr. PETERSON of Pennsylvania:

H. Con. Res. 364. Concurrent resolution calling for the immediate release of Mr. Edmond Pope from prison in Russia for humanitarian reasons, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. Lantos, Mr. Burton of Indiana, Mr. Wexler, Mr. Smith of New Jersey, Mr. Rothman, and Mr. Menendez):

H. Res. 531. A resolution condemning the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, urging the Argentine Government to punish those responsible, and for other purposes; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. McNulty, Mrs. Fowler, and Ms. McKinney.

H.R. 353: Mr. Fattah, Mr. Pitts, Mr. Baker, and Mr. Tancredo.

H.R. 460: Mrs. Jones of Ohio, Mr. Costello, and Mr. Meeks of New York.

H.R. 483: Mr. Clement.

H.R. 534: Mr. Wynn.

H.R. 632: Mr. Lewis of Georgia.

H.R. 688: Mrs. Bono.

H.R. 736: Mr. Stearns.

H.R. 755: Mr. Hyde.

H.R. 890: Ms. McKinney.

H.R. 1095: Ms. Eshoo.

H.R. 1303: Ms. Millender-McDonald.

H.R. 1322: Mr. Baldacci, Mr. Taylor of North Carolina, Mr. Thune, Mr. Forbes, Mr. Pallone, Mr. Sherman, and Mr. Weiner.

H.R. 1522: Mr. Skeen and Mr. Nethercutt.

H.R. 1525: Mr. Pascrell and Mr. Holt.

H.R. 1590: Mr. Sanders.

H.R. 1594: Mr. Rogan.

H.R. 1824: Mr. Hastings of Washington.

H.R. 1997: Ms. Woolsey, Mr. Boehlert, Mr. Hoeffel, Mrs. Fowler, Mr. Hutchinson, Mr.

LATOURETTE, Mr. MARKEY, and Mr. JEFFERSON.

H.R. 2250: Mr. BUYER, Mr. HILLEARY, and Mr. GOODE.

H.R. 2289: Mr. ARMEY.

H.R. 2411: Mr. STEARNS.

H.R. 2457: Mr. OLVER and Ms. PELOSI.

H.R. 2548: Mr. GILCHREST.

H.R. 2551: Mr. ENGLISH, Mr. DAVIS of Illinois, Mr. SHIMKUS, Mr. OLVER, and Ms. GRANGER.

H.R. 2814: Mr. KUYKENDALL.

H.R. 2892: Mr. SHADEGG.

H.R. 3142: Ms. LOFGREN.

H.R. 3161: Mr. RUSH.

H.R. 3180: Mr. HOLT and Mr. DEFAZIO.

H.R. 3192: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOFGREN, Mr. WEXLER, and Mr. MOAKLEY.

H.R. 3214: Mr. TOWNS.

H.R. 3249: Mrs. LOWEY and Ms. WOOLSEY.

H.R. 3377: Ms. VELÁZQUEZ and Mr. PAYNE.

H.R. 3463: Mr. COOK, Mr. DOYLE, and Mr. CAPUANO.

H.R. 3466: Mr. PRICE of North Carolina and Mr. KLECZKA.

H.R. 3492: Mr. SESSIONS and Mr. MALONEY of Connecticut.

H.R. 3610: Mr. ENGEL and Mr. MCGOVERN.

H.R. 3650: Mr. LEWIS of Georgia and Mr. MCNULTY.

H.R. 3676: Mr. TAUZIN, Mr. WALDEN of Oregon, Mr. HUTCHINSON, Mr. GILCHREST, Ms. ROS-LEHTINEN, Mr. WAMP, Mr. THOMAS, Mrs. ROUKEMA, Mr. DICKEY, Mr. BURR of North Carolina, Mr. PETERSON of Pennsylvania, Mr. BILBRAY, Mr. HAYWORTH, Mr. BUYER, Mr. FOLEY, Mr. HILLEARY, Mr. WELLER, Mr. BURTON of Indiana, Mr. CAMP, Mr. MCKEON, Ms. LOFGREN, Mr. KINGSTON, Mr. HUNTER, Mr. CUNNINGHAM, Mr. LARGENT, Mr. DREIER, and Mr. HOYER.

H.R. 3700: Mr. SCOTT, Mr. BERMAN, Ms. ROYBAL-ALLARD, Mr. WELLER, Mr. METCALF, Mr. BARCIA, Mrs. CLAYTON, Mrs. CAPPS, Mr. WISE, and Ms. DANNER.

H.R. 3766: Mr. KENNEDY of Rhode Island, Mr. ORTIZ, Ms. DANNER, Mrs. CLAYTON, and Ms. MCCARTHY of Missouri.

H.R. 3826: Mr. HOLT and Ms. BROWN of Florida.

H.R. 3842: Mr. LEWIS of Georgia, Mr. MATSUI, Mr. LAMPSON, and Ms. KILPATRICK.

H.R. 3880: Mr. HASTINGS of Washington.

H.R. 3883: Ms. WATERS.

H.R. 3928: Ms. BALDWIN.

H.R. 4001: Mr. MCNULTY, Mr. DOGGETT, Mr. COYNE, Ms. BROWN of Florida, Mr. NEAL of Massachusetts, Mr. BERMAN, and Mr. CUMMINGS.

H.R. 4013: Mr. BARRETT of Wisconsin, Mr. INSLEE, Mr. KUCINICH, and Mr. UDALL of New Mexico.

H.R. 4056: Mr. WYNN and Mr. BOYD.

H.R. 4066: Mr. PAYNE.

H.R. 4170: Mr. CALVERT.

H.R. 4206: Mr. PAYNE, Mr. BONIOR, Ms. MILLENDER-MCDONALD, and Ms. MCKINNEY.

H.R. 4215: Mr. OSE.

H.R. 4232: Mr. DAVIS of Virginia and Mr. MORAN of Virginia.

H.R. 4248: Ms. MILLENDER-MCDONALD.

H.R. 4259: Mr. PALLONE.

H.R. 4281: Mr. CAPUANO.

H.R. 4289: Mr. THOMPSON of California, Mr. CONDIT, Mr. PETERSON of Minnesota, Mr. LUCAS of Kentucky, Ms. SANCHEZ, Mr. ROGAN, Mr. FRANK of Massachusetts, Mr. ROEMER, and Ms. ROYAL-ALLARD.

H.R. 4328: Mr. WHITFIELD.

H.R. 4330: Mr. LOBIONDO.

H.R. 4366: Mr. SKELTON, Mr. GALLEGLY, Mrs. MINK of Hawaii, Ms. KAPTUR, and Mr. ACKERMAN.

H.R. 4434: Mr. BILIRAKIS, Mr. FOLEY, Mrs. MEEK of Florida, and Mr. CAPUANO.

H.R. 4480: Ms. JACKSON-LEE of Texas.

H.R. 4483: Mr. DOYLE and Mr. EVANS.

H.R. 4547: Mr. LATHAM, Mr. GREEN of Wisconsin, Ms. PRYCE of Ohio, and Mr. RAHALL.

H.R. 4553: Mr. SESSIONS, Mr. CALVERT, and Mrs. MYRICK.

H.R. 4566: Mr. ADERHOLT, Mr. EVANS, and Mr. BROWN of Ohio.

H.R. 4567: Mr. CAPUANO and Ms. MCKINNEY.

H.R. 4570: Mrs. FOWLER, Mr. HUTCHINSON, Mr. LATOURETTE, Mr. MARKEY, Ms. WOOLSEY, and Mr. JEFFERSON.

H.R. 4592: Mr. BRYANT.

H.R. 4593: Ms. PELOSI, Mr. HINCHEY, Mr. STARK, Mr. BONIOR, Mr. ANDREWS, Mrs. MINK of Hawaii, Mr. FARR of California, Ms. MCCARTHY of Missouri, Mr. SAWYER, Mr. KUCINICH, and Mr. WEINER.

H.R. 4596: Mr. PHELPS and Mr. FATTAH,

H.R. 4598: Mr. RANGEL, Ms. PRYCE of Ohio, Mr. MILLER of Florida, Mr. CANADY of Florida, and Mr. COOK.

H.R. 4607: Ms. LEE.

H.R. 4621: Mr. PORTER.

H.R. 4637: Ms. BERKLEY.

H.R. 4645: Mr. STARK, Mr. GEORGE MILLER of California, Mr. MCGOVERN, Ms. NORTON, Ms. MCKINNEY, Mr. HOEKSTRA, and Mr. MARKEY.

H.R. 4651: Mr. RAHALL, Mr. FROST, and Mr. MATSUI.

H.R. 4654: Mr. MCNULTY, Mr. CRANE, Mr. TANCREDO, Mr. ROHRABACHER, Mrs. KELLY, and Mr. WELDON of Florida.

H.R. 4675: Ms. PELOSI, Mr. HINCHEY, Mr. NADLER, Mr. STARK, Mr. BONIOR, Mr. ANDREWS, Mrs. MINK of Hawaii, Mr. FARR of California, Ms. MCCARTHY of Missouri, Mr. SAWYER, Mr. KUCINICH, and Mr. WEINER.

H.R. 4709: Mr. BOEHLERT.

H.R. 4712: Mr. GILLMOR.

H.R. 4717: Mr. DREIER and Mr. BILBRAY.

H.J. Res. 102: Mr. KOLBE, Mr. BARRETT of Nebraska, Mr. UPTON, Mr. FOSSELLA, and Mr. KING.

H. Con. Res. 257: Mr. PRICE of North Carolina, Mr. SABO, Mr. PETERSON of Minnesota, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STUPAK, Mr. MORAN of Kansas, and Ms. SLAUGHTER.

H. Con. Res. 308: Ms. WATERS.

H. Con. Res. 328: Ms. NORTON, Ms. WOOLSEY, Mr. TIERNEY, Mr. BLAGOJEVICH, Mr. DIXON, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. EVANS, Mr. EHLERS, Mr. WU, and Mr. DEFAZIO.

H. Con. Res. 346: Mrs. CLAYTON, Ms. LEE, Mr. MEEKS of New York, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, and Ms. WATERS.

H. Con. Res. 357: Mr. GUTIERREZ, Mr. WEXLER, and Mrs. MORELLA.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 11. June 21, 2000, by Ms. SLAUGHTER on House Resolution 520, was signed by the following Members: Louise McIntosh Slaughter, John B. Larson, Karen McCarthy, Bill Luther, Frank Pallone, Jr., Juanita Millender-McDonald, Steven R. Rothman, Pat Danner, Joseph M. Hoeffel, Charles A. Gonzalez, Mike Thompson, Lynn C. Woolsey, David E. Bonior, Anna G. Eshoo, Lois Capps, Major R. Owens, Robert A. Weygand, Dennis Moore, Rosa L. DeLauro, Frank Mascara, Mark Udall, Tom Udall, Maxine Waters, Nancy Pelosi, Gene Green, Lane Evans, Sherrod Brown, Ciro D. Rodriguez, Ruben Hinojosa, William D. Delahunt, Michael E. Capuano, Joe Baca, Michael R. McNulty, Eddie Bernice Johnson, Janice D. Schakowsky, Luis V. Gutierrez, Robert Menendez, Sanford D. Bishop, Jr., Eva M. Clayton, Alcee L. Hastings, Howard L. Berman, Danny K. Davis, Carolyn C. Kilpatrick, Gregory W. Meeks, Benjamin L. Cardin, Martin Frost, Leonard L. Boswell, Bob Etheridge, David E. Price, William (Bill) Clay, Lynn N. Rivers, Zoe Lofgren, Earl F. Hilliard, John D. Dingell, John M. Spratt, Jr., Melvin L. Watt, Brad Sherman, Patsy T. Mink, Carolyn McCarthy, Henry A. Waxman, Bobby L. Rush, Tammy Baldwin, Jay Inslee, Jim McDermott, Gary L. Ackerman, Nydia M. Velázquez, Tom Sawyer, Shelley Berkley, Tom Lantos, Chet Edwards, Patrick J. Kennedy, Bob Filner, Nita M. Lowey, Carolyn B. Maloney, George Miller, John Conyers, Jr., Carrie P. Meek, Eliot L. Engel, Grace F. Napolitano, John W. Olver, Ike Skelton, Donald M. Payne, Maurice D. Hinchey, Edolphus Towns, Paul E. Kanjorski, Xavier Becerra, Marcy Kaptur, Jerrold Nadler, Julia Carson, Barney Frank, Martin Olav Sabo, Loretta Sanchez, Sam Gejdenson, Barbara Lee, Vic Snyder, Thomas M. Barrett, Thomas H. Allen, James P. McGovern, John S. Tanner, James P. Moran, John F. Tierney, John Elias Baldacci, Diana DeGette, Elijah E. Cummings, Nick J. Rahall II, Sander M. Levin, Robert T. Matsui, John Lewis, Michael P. Forbes, Dale E. Kildee, Rush D. Holt, Martin T. Meehan, Norman D. Dicks, Neil Abercrombie, Peter A. DeFazio, Bernard Sanders, Willilam J. Coyne, Charles W. Stenholm, Robert E. (Bud) Cramer, Jr., Richard A. Gephardt, James L. Oberstar, Marion Berry, Nick Lampson, Robert E. Andrews, Sheila Jackson-Lee, Karen L. Thurman, Ellen O. Tauscher, Ken Bentsen, Fortney Pete Stark, John J. LaFalce, Owen B. Pickett, Lloyd Doggett, Sam Farr, Cynthia A. McKinney, Rod R. Blagojevich, Dennis J. Kucinich, Jim Turner, Julian C. Dixon, James H. Maloney, William J. Jefferson, David Minge, Bennie G. Thompson, Ronnie Shows, Gary A. Condit, Baron P. Hill, Darlene Hooley, Debbie Stabenow, Steny H. Hoyer, Max Sandlin, Michael F. Doyle, Jose E. Serrano, Ron Klink, Jerry F. Costello, Corrine Brown, Ted Strickland, Joseph Crowley, Tony P. Hall, and Anthony D. Weiner.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 10 by Mr. MOORE on House Resolution 508: James L. Oberstar.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

[As submitted on June 20, 2000]

REPRINT

H.R. 4690

OFFERED BY: MR. ALLEN

AMENDMENT NO. 2: Page 72, line 3, before the period insert ": *Provided further*, That not to exceed $1,000,000 may be available for diplomatic activities designed to encourage North Korea to terminate its ballistic missile program".

[Omitted from the Record on June 22, 2000]

H.R. 4690

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 79: Page 51, lines 3, 16, and 17, after each dollar amount, insert the following: "(increased by $85,772,000)".

Page 51, line 20, after the dollar amount, insert the following: "(increased by $18,277,000)".

Page 51, line 21, after the dollar amount, insert the following: "(increased by $16,343,000)".

Page 51, line 22, after the dollar amount, insert the following: "(increased by $35,941,000)".

Page 51, line 24, after the dollar amount, insert the following: "(increased by $4,500,000)".

Page 52, line 1, after the dollar amount, insert the following: "(increased by $4,459,000)".

Page 52, line 2, after the dollar amount, insert the following: "(increased by $6,243,000)".

Page 52, line 3, after the dollar amount, insert the following: "(increased by $9,000)".

H.R. 4690

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 80: Page 43, line 24, before the period insert "; *Provided*, That of these funds, such sums as may be necessary may be used to assist, under the Public Works and Economic Development Act of 1965, communities adversely affected by the implementation of permanent normal trade relations with China".

H.R. 4690

OFFERED BY: MR. OBEY

AMENDMENT NO. 81: Page 39, line 21, after the dollar amount, insert the following: "(increased by $3,167,000)".

Page 41, line 8, after the dollar amount, insert the following: "(increased by $1,000,000)".

Page 41, line 13, after the dollar amount, insert the following: "(increased by $1,000,000)".

Page 55, line 11, after the dollar amount, insert the following: "(decreased by $4,167,000)".

H.R. 4690

OFFERED BY: MR. SAXTON

AMENDMENT NO. 82: Page 51, line 20, after the dollar amount insert "(increased by $18,277,000)".

Page 51, line 22, after the dollar amount insert "(increased by $17,970,500)".

Page 51, line 23, after the dollar amount insert "(reduced by $17,856,000)".

[Submitted June 23, 2000]

H.R. 4461

OFFERED BY: MR. ADERHOLT

AMENDMENT NO. 35: Page 91, line 11, strike "or".

Page 91, line 25, strike the period and insert "; or".

Page 91, after line 25, insert the following:

(3) against a foreign country or foreign entity that—

(A) refuses to allow nonprofit organizations to distribute free food or medicine; or

(B) refuses to allow members of such organizations to travel to any destination within the country to oversee the distribution of such food or medicine.

SENATE—*Friday, June 23, 2000*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, so often we begin the work of the Senate by praying for unity. Today we search deeper into our own hearts to discover why we ask for unity and then find it difficult to accept Your gift. Today we humble ourselves and confess our profound need for Your help. Crucial issues separate Senators ideologically. Both sides in debate assume they are right. Sometimes pride fires the flames of the competitive will to win. Other times physical tiredness causes loss of control, and words may be used to demean or shame with blame. In the quiet of this moment we ask You to imbue the Senators with the controlling conviction of their accountability to You for what is said and done. We ask You to give the leaders of both parties the initiative to take the first step to break deadlocks and move toward creative compromises and achieve agreements.

Lord God, we need Your healing. Make us all as willing to receive as You are to give. Without You, we are powerless; with You, nothing is impossible. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Pennsylvania.

SCHEDULE

Mr. SPECTER. Mr. President, on behalf of the distinguished majority leader, Senator LOTT, I have been asked to announce that we will proceed with further consideration of the appropriations bill for the Departments of Labor, Health and Human Services, and Education. We have an amendment to be presented in a moment or two by the distinguished Senator from Missouri, Mr. BOND. We urge all Senators who have amendments to come to the floor to offer those amendments. Any rollcall votes will be considered sometime early next week under the schedule announced by the majority leader.

We are trying to move ahead with this bill. There are quite a few Senators who have stated their intention to offer amendments. Staff and I have canvassed a good many of the Members in an effort to have them come to the floor to take up their amendments. That would help in the disposition of this bill. We are going to be in session until at least close to noon today. We do know that in the early stages of bills, there is time for discussion, for debate, and later the time becomes very crowded, time is limited, and Senators may be allotted only a few minutes under time agreements. So now is the time to come to take up the issues.

The majority leader has also asked me to announce that the Senate may turn to the Department of Defense authorization bill on Monday.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4577, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

> McCain amendment No. 3610, to enhance protection of children using the Internet.

Mr. SPECTER. Mr. President, the Labor, Health and Human Services, and Education bill before the Senate today contains a program level of $104.5 billion, an increase of $7.9 billion or 8.2 percent over the fiscal year 2000 program level. This program level was achieved by savings in the following areas: The temporary assistance to needy families, supplemental security income, and the State children's health insurance programs. Further, savings were also achieved by advance funding an additional $2.3 billion of education dollars into fiscal year 2002, while keeping the same overall level of advances as last year. The actual budget authority in the bill is $97.35 billion, the full amount of the subcommittee's allocation under section 302(b) of the Budget Act.

Given the subcommittee's allocation there were inadequate resources to sufficiently fund important health, education and training programs. Therefore savings needed to be found in order to expand these high priority discretionary programs. For example, savings were achieved by shifting $1.9 billion in unspent fiscal year 1998 State Children's Health Insurance Program (SCHIP) funds into fiscal year 2003. Currently 38 States and the District of Columbia have not spent their SCHIP funds which are due to expire on September 30, 2000. By reappropriating funds, these 38 States and the District of Columbia will have an opportunity to spend these dollars in future years.

The recommendations made in the bill both keeps faith with the budget agreement and addresses the health, education, employment and training priorities of the Senate.

While consistent with the budget agreement, many tough choices had to be made. Senator HARKIN and I received over 1,800 requests from Members for expanded funding for programs within the subcommittee's jurisdiction. In order to stay within the allocation and balance the priorities established in the budget agreement and expressed in Member requests, we had to take a critical look at all of the programs within the bill. I want to take this opportunity to thank the distinguished Senator from Iowa, Mr. HARKIN, for his hard work and support in bringing this bill through the committee and on to the floor for full consideration by all Senators.

The programs funded within the subcommittee's jurisdiction provide resources to improve the public health and strengthen biomedical research, assure a quality education for America's children, and offer opportunities for individuals seeking to improve job skills. I'd like to mention several important accomplishments of this bill.

Nothing is more important than a persons health and few things are feared more than ill health. Medical research into understanding, preventing, and treating the disorders that afflict men and women in our society is the best means we have for protecting our health and combating disease.

Since January of 2000, the Labor-HHS Subcommittee has held nine hearings on medical research issues.

We have heard testimony from NIH Institute Directors, medical experts from across the United States, patients, family members, and advocates asking for increased biomedical research funding to find the causes and cures for diseases Alzheimer's and Parkinson's disease, ALS, AIDS, cancer, diabetes, heart disease, and many other serious health disorders. We have also heard from advocates on both sides of the stem cell debate. The bill before the Senate contains $20.5 billion for the National Institutes of Health, the crown jewel of the Federal government. The $2.7 billion increase over the fiscal year 2000 appropriation will support medical research that is being conducted at institutions throughout the country. This increase will continue the effort to double NIH by fiscal year 2003. These funds will be critical in catalyzing scientific discoveries that will lead to new treatments and cures for a whole host of diseases.

Head Start: To enable all children to develop and function at their highest potential, the bill includes $6.2 billion for the Head Start program, an increase of $1 billion over last year's appropriation. This increase will provide services to an additional 60,000 children bringing the total amount of kids served in fiscal year 2001 to 936,000. This increase will put us on track to enroll one million children in Head Start by the year 2002.

Community health centers: To help provide primary health care services to the medically indigent and underserved populations in rural and urban areas, the bill contains $1.1 billion for community health centers. This amount represents an increase of $100 million over the fiscal year 2000 appropriation. These centers will provide health care to nearly 11 million low-income patients, 4.5 million of whom are uninsured.

Youth Violence Initiative: The bill includes $1.2 billion for programs to assist communities in preventing youth violence. This initiative, begun in fiscal year 2000, will continue to address youth violence in a comprehensive way by coordinating programs throughout the Federal government to improve research, prevention, education and treatment strategies to identify and combat youth violence.

Drug demand initiative: To curb the effects of drug abuse, the bill includes $3.7 billion for programs to help reduce the demand for drugs in this country. Funds have been increased for drug education in this Nation's schools; youth offender drug counseling, education and employment programs; and substance abuse research and prevention.

Women's health: Again this year, the committee has placed a very high priority on women's health. The bill before the Senate provides $4.1 billion for programs specifically addressing the health needs of women. Included in this amount is $27.4 million for the Public Health Service, Office of Women's Health, an increase of $6.1 million over last year's funding level to continue and expand programs to develop model health care services for women, provide monies for a comprehensive review of the impact of heart disease on women, and to launch an osteoporosis public education campaign aimed at teenagers. Also included is $253.9 million for family planning programs; $169 million to support the programs that provide assistance to women who have been victims of abuse and to initiate and expand domestic violence prevention programs to begin; $149.9 million for sexually transmitted diseases; $177.5 million for breast and cervical cancer screening; and $2.7 billion for research directed at women at the National Institutes of Health.

Medical error reduction: The Labor-HHS Subcommittee held several hearings to explore the factors leading to medical errors and received testimony from family members and patients detailing their experiences with medical mistakes. The Institute of Medicine also gave testimony and outlined findings from their recent report which indicated that 98,000 deaths occur each year because of medical errors. The bill before the Senate contains $50 million to determine ways to reduce medical errors and also recommends that guidelines be developed to collect data related to patient safety, best practices to reduce error rates and ways to improve provider training.

LIHEAP: The bill maintains $1.1 billion for the Low Income Home Energy Assistance Program (LIHEAP). The bill also provides an additional $300 million in emergency appropriations. LIHEAP is a key program for low income families in Pennsylvania and cold weather states throughout the nation. Funding supports grants to states to deliver critical assistance to low income households to help meet higher energy costs.

Aging programs; For programs serving the elderly, the bill before the Senate recommends $2.4 billion, an increase of $133 million over the fiscal year 2000 appropriation. Included is: $440.2 million for the community service employment program which provides part-time employment opportunities for low-income elderly; $325.1 million for supportive services and senior centers; $521.4 million for congregate and home-delivered nutrition services; and $187.3 million for the National Senior Volunteer Corps. Also, the bill provides increased funds for research into the causes and cures of Alzheimer's disease and other aging related disorders; funds to continue geriatric education centers; and the Medicare insurance counseling program.

AIDS: The bill includes $2.5 billion for AIDS research, prevention and services. Included in this amount is $1.6 billion for Ryan White programs, an increase of $55.4 million; $762.1 million for AIDS prevention programs at the Centers for Disease Control; $60 million for global and minority AIDS activities within the Public Health and Social Services Funds; and $85 million for benefit payments authorized by the Ricky Ray Hemophilia Trust Fund Act.

Education: To enhance this Nation's investment in education, the bill before the Senate contains $40.2 billion in discretionary education funds, an increase of $4.6 billion over last year's funding level, and $100 million more than the President's budget request.

Education for disadvantaged children: For programs to educate disadvantaged children, the bill recommends $8.9 billion, an increase of $177.8 million over last year's level. These funds will provide services to approximately 13 million school children. The bill also includes $185 million for the Even Start program, an increase of $35 million over the 2000 appropriation. Even Start provides education services to low-income children and their families.

Title VI block grant: For the Innovative education program strategies State grant program, the bill contains $3.1 billion, an increase of $2.7 billion over fiscal year 2000. Within this amount, $2.7 billion is to be used to assist local educational agencies, as part of their locally developed strategies, to improve academic achievement of students. Funds may be used to address the shortage of highly qualified teachers, reduce class size, particularly in the early grades, or for renovation and construction of school facilities. How the funds shall be spent is at the sole discretion of the local educational agency.

Impact aid: For impact aid programs, the bill includes $1.030 billion, an increase of $123.5 million over the 2000 appropriation. Included in the recommendation is: $50 million for payments for children with disabilities; $818 million for basic support payments, an increase of $80.8 million; $82 million for heavily impacted districts; $25 million for construction and $47 million for payments for Federal property.

Bilingual education: The bill provides $443 million to assist in the education of immigrant and limited-English proficient students. This recommendation is an increase of $37 million over the 2000 appropriation and will provide instructional services to approximately 1.3 million children.

Special education: One of the largest increases recommended in this bill is the $1.3 billion for special education programs. The $7.1 billion provided will help local educational agencies meet the requirement that all children with disabilities have access to a free, appropriate public education, and all infants and toddlers with disabilities have access to early intervention services. These funds will serve an estimated 6.4 million children age 3–21, at a cost of $984 per child. While also supporting 580,500 preschoolers at a cost of $672 per child.

TRIO: To improve post-secondary education opportunities for low-income first-generation college students, the committee recommendation provides $736.5 million for the TRIO program, a $91.5 million increase over the 2000 appropriation. These additional funds will assist in more intensive outreach and support services for low income youth.

Student aid: For student aid programs, the bill provides $10.6 billion, an increase of $1.3 billion over last year's amount. Pell grants, the cornerstone of student financial aid, have been increased by $350 for a maximum grant of $3,650. The supplemental educational opportunity grants program has also been increased by $70 million, the work study program was increased by $77 million and the Perkins loans programs is increased by $30 million.

21st Century Community Learning Centers: For the 21st Century After School program, the bill provides $600 million, an increase of $146.6 million over last year's level. This program supports rural and inner-city public elementary and secondary schools that provide extended learning opportunities and offer recreational, health, and other social services programs. The bill also includes language to permit funds to be provided to community-based organizations.

Job training: In this Nation, we know all too well that unemployment wastes valuable human talent and potential, and ultimately weakens our economy. The bill before us today provides $5.4 billion for job training programs, $16.7 million over the 2000 level. Also included is $652.4 million, an increase of $19.2 million for Job Corps operations; $950 million for Adult training; and $1.6 billion for retraining dislocated workers. Also includes is $20 million for a new program to upgrade worker skills. These funds will help improve job skills and readjustment services for disadvantaged youth and adults.

Workplace safety: The bill provides $1.3 billion for worker protection programs, an increase of $90 million above the 2000 appropriation. While progress has been made in this area, there are still far too many work-related injuries and illnesses. The funds provided will continue the programs that inspect business and industry, assist employers in weeding out occupational hazards and protect workers' pay and pensions.

There are many other notable accomplishments in this bill, but for the sake of time, I mentioned just several of the key highlights, so that the Nation may grasp the scope and importance of this bill.

In closing, Mr. President, I again want to thank Senator HARKIN and his staff and the other Senators on the subcommittee for their cooperation in a very tough budget year.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri, Mr. BOND, is recognized to call up an amendment regarding community health centers.

Mr. BOND. Mr. President, there is another pending amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BOND. I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3602

(Purpose: To increase funding for the consolidated health centers)

Mr. BOND. Mr. President, amendment No. 3602 is at the desk. I ask that it be called up for immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. HOLLINGS, Mr. COCHRAN, Mr. DASCHLE, Mr. HUTCHINSON, Mr. KENNEDY, Mr. DEWINE, Mrs. LINCOLN, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Ms. COLLINS, Mr. CRAIG, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAMS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROBB, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SMITH of Oregon, Ms. SNOWE, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BAYH, Mr. GRASSLEY, Mr. SARBANES, Mr. ROTH, Mr. HATCH, and Mr. CONRAD, proposes an amendment numbered 3602.

Mr. BOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 23, strike "4,522,424,000" and replace with "4,572,424,000".

On page 92, between lines 4 and 5, insert the following:

SEC. . Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $50,000,000.

Mr. BOND. Mr. President, I rise to offer what I think is a very important amendment to increase the funding this bill provides for a vital piece of our Nation's health care system—our community health centers.

This amendment, which I am very pleased to offer in conjunction with my colleague, Senator HOLLINGS of South Carolina, who has been a long-time supporter of community health centers—as was the late Senator from Rhode Island, the father of the distinguished occupant of the chair, who was a great champion of community health centers—along with a total of 58 cosponsors, would increase funding for community health centers by a total of $50 million for this coming year. That is a $50 million increase over that which is already included. The offset we use to fund this health center increase is a reduction in the departmental management fund for the Departments of Labor, Health and Human Services, and Education.

The managers of this bill, Senators SPECTER and HARKIN, clearly had a very difficult task in crafting this bill. There is a lot of money in it, but there are even more demands and requests for good things that this bill does. And they have to compete for the funds that, although they are significant, are still limited.

Despite the competing demands, the underlying bill has a $100 million increase for community health centers. I sincerely commend the chairman and the ranking member for their efforts to include this very needed increase in the funding for the CHCs. At the same time, I believe very strongly that adding an additional $50 million for health center funding is crucial to ensure that these vital health care providers have sufficient resources behind them to do everything they can to provide for the uninsured and medically underserved Americans.

All of us who have talked about health care know that the lack of access to care is perhaps the largest single health care problem that faces our Nation today.

Part of this problem is a lack of health insurance. About 44 million Americans are not covered by any type of health plan. But an equally serious part of the problem is that many people are simply unable to get access to a health care provider. Even if they have insurance, a young couple with a sick child is out of luck if they can't get in to see a pediatrician or other health care provider. In too many urban and rural communities around the country, there just are not enough doctors to go around.

I urge my colleagues, if they have not done what I have done—and that is, to visit community health centers in their States—that they do so. You will be amazed and you will be very uplifted to see the work that is going on each and every day in these community health centers.

Community health centers in a center city, in the poorest neighborhoods, are reaching out and helping everyone—from the very young to the teenage mother perhaps with a child, or a teenager who is expecting a child, to the very elderly, who have difficulty getting around.

We see the same thing in rural areas, in some of the communities that are the hardest to access in our State. There are community health centers with dedicated physicians and nurses and health care professionals who are there to answer the health care needs of people who would have no chance of getting service were it not for the health centers.

These community health centers are truly the safety net of our health care system. For all of my colleagues, I trust they do know about these centers, but for other concerned citizens who may be watching, I suggest they find out about the community health centers in their area. What are they doing; are they serving people in need? I can tell my colleagues, based on the experience in my State, they are delivering the service to people who otherwise would not be served, were it not for these CHCs.

We all know there are problems with access to health care. There are many good ideas on additional steps we need to take. Some people want nationalized health care. Other people want new tax credits, subsidized health insurance. Others want to expand governmental health programs. Some people want to enhance insurance pooling arrangements. All of these have been proposed in an effort to make sure people have the health coverage and can get the care they need. As different and as diverse and as creative as many of these ideas are, they all have one thing in common: They are not going to be passed into law this year. All these wonderful ideas are going to come together. They are going to clash. We will look at them and talk about them, and we are going to refine them and argue about them and go down different roads. They are not going to pass this year. The breadth of the disagreement over these policy issues and the political complications of an election year make it totally unlikely that Congress will bring any of these new ideas to reality.

There is one thing we can still do this year, something we can pass into law that will make a big difference for many people who lack access to health care. What we can do is dramatically increase funding for community health centers and help them reach out to even more uninsured and underserved Americans.

Just for the technical background, health centers are private not-for-profit clinics that provide primary care, preventive health care services in thousands of medically underserved urban and rural communities around the country. Partially with the help of Federal grants, health care centers provide basic care for about 11 million people every year, 4 million of whom are uninsured. Health centers provide care for 7 million people who are minorities, 600,000 farm workers, close to 1 out of every 20 Americans, 1 out of every 12 rural residents, 1 out of every 6 low-income children, and 1 out of every 5 babies born to low-income families.

Despite this great work, there are millions of Americans who still cannot get access to health care. The demand for the type of care these centers provide simply exceeds the resources available. Today we can help change this. There are as many as 44 million who are not covered by a health plan. We are covering about 11 million. We need to do something to make sure we serve those additional people. We are building on a program that has proven itself to be effective.

This is probably the best health care bargain we can get because these not-for-profit centers leverage the Federal dollars that go into them. They collect insurance from those who are insured. They can collect Medicare or Medicaid. They are a vehicle for providing the service. The average cost per patient served by a community health center in my State is something like $350 a year. That is how much it costs them because of the other reimbursements and because of the efficiencies and economies of scale. That is less than $1 a day. Not too many plans can provide so much bang for the buck, so much important delivery of health care service. This is probably the first priority of all the health care problems we are facing, and there are many. We can do something that will have a real impact on access to care and the uninsured. It is the best thing we can do to expand that safety net and pursue the search for better health care.

There are a couple of key reasons why community health centers are so important. No. 1, these dollars build on an existing program that produces results. Unlike many other health care proposals that suggest radically new and untested ideas, health centers are known entities. They do an outstanding job. They are known, respected, and trusted in their communities.

Numerous independent studies, in addition to the observations of those of us who have traveled around to visit them, confirm that community health centers provide high quality care in an efficient and cost-effective manner. Health centers truly target the health care access problem. By definition, health centers must be located in medically underserved communities, which means places where people have serious problems getting access to health care. So health centers attack the problem right at its source—in the communities where those people live. Health centers are relatively cheap. Health centers can provide primary and preventive care for one person for less than $1 a day, $350 a year. That has to be one of the best health care bargains around.

This proposal is not a Government takeover of health care. Admittedly, this amendment calls for more Government spending, but unlike most other health care proposals, this funding would not go to create or expand a huge health care bureaucracy. This amendment would invest additional funds into private organizations which have consistently proven themselves to be efficient, high quality, cost-effective health care providers.

If this amendment succeeds, it will mean an overall increase in health center funding of $150 million. That level of increase will put us on a path to double health center funding over 5 years. As my colleagues know, this same goal, doubling funding over 5 years, is what we challenge ourselves to provide to the National Institutes of Health. Through these increased funds to health centers, we continue our support for the good work that goes on in health centers. As in NIH, we have increased funding for biomedical research that produces medical innovations and develops ways to save, improve, and prolong people's lives. I have supported those efforts. In fact, the underlying bill contains funding increases for NIH that will keep us on the track for doubling NIH funding over 5 years for this, the third straight year.

But as we expand the envelope for what is possible in the world of health care, we must also ensure that more Americans have access to the most basic level of primary care services, including regular checkups, immunizations, and prenatal care. If we are not reaching some Americans, it doesn't matter how much we put into health care research. It doesn't matter how many innovations we come up with. It doesn't matter how many new drugs or new procedures or new techniques we develop. If they don't have access to the basic health care system, it is not going to help them at all.

That is why I believe it is so important to set the same noble goal we have set for research, doubling funding over 5 years, and adopt it for community health centers as well. There is widespread bipartisan support for both this 5-year plan as well as for the first-year installment. Nineteen of my Senate colleagues cosponsored what I called the REACH initiative—a resolution calling on Congress to double health center funding over 5 years.

This resolution has since been made part of the congressional budget resolution that establishes our tax and spending goals and priorities. Sixty-seven Senators joined in my initial request for the 1-year funding increase of $150 million. This amendment, which makes this 1-year increase a reality, has 57 cosponsors.

I am pleased to say that Gov. George W. Bush has publicly announced his support for funding increases for community health centers comparable to what this amendment would provide.

I thank my colleagues who have joined in these efforts for their support. I urge all of my Senate colleagues to support this amendment. A dramatic increase in community health center funding is one of the first and most important things Congress can do this year to truly help the uninsured and medically underserved Americans. Let us not waste the opportunity to make it happen.

I express my thanks to the chairman and ranking member of the committee.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I compliment our distinguished colleague from Missouri for offering this amendment and for his steadfast support over the years. I compliment my distinguished colleague, Senator BOND, for his continued support for community health centers. This has been a matter he has taken a special interest in and he has organized enormous support, with a letter having 67 signatories, 58 cosponsors, and reflecting a very broad consensus as to the importance of this program.

The program would add in the current fiscal year $1.187 billion for community health centers. The Appropriations Committee has increased funding by $100 million over fiscal year 2000. Senator BOND now wants an additional $50 million, with an offset from administrative expenses pro rata among the three Departments.

We are prepared to accept Senator BOND's amendment. This is always a matter of finding enough money and adjusting the priorities. There is no one among the 100 Senators who knows that better than Senator BOND, because he chairs the Appropriations Subcommittee on VA, HUD, and Independent Agencies. I think his subcommittee and this subcommittee have the toughest job in funding matters. But we agree there ought to be more money in community health centers to serve people in both rural and urban areas who are disadvantaged and do not have access to primary health care.

There is nothing more important than health, so we are going to accept the amendment. When we come to conference, we may have to modify the offset as to the administrative cost, but we will do our very best to maintain the funding in this important item.

One other comment. I commented yesterday that the President had issued a veto threat after the subcommittee reported out a bill, and Senator HARKIN had some words for the President, which I thought came better from the ranking member in the same party as the President. I made the point yesterday—and I think it is worth repeating today—about the priorities established by Members of Congress. We have contacts that the President does not have. There are 535 of us who fan out across America. Most of the Senators have fanned out already today, going back to their States to assess local needs.

The Constitution gives the Senate the authority for appropriations. Bills have to be signed by the President. But what Senator BOND has done is a good illustration of getting a broad consensus. That makes an impact upon the subcommittee when we look at our priorities. If 67 Senators sign a letter and 58 sign on as cosponsors, you wonder what happened to the other 9 in the interim. That is a very strong showing, and we intend to make that point when we do our best to honor the full $150 million increase and as we move down to have an assessment of our priorities versus the President's priorities.

Speaking for the majority, we are prepared to accept the amendment.

Mr. BOND. Mr. President, I thank my distinguished friend from Pennsylvania, the chairman of the committee. If he really wants us to get the rest of the 67, we will be happy to go about it. But I found the chairman and the ranking member so responsive to my persuasive arguments that I didn't think they needed any more weight on this. I sincerely appreciate the willingness of the chairman to accept this.

Mr. DEWINE. Mr. President, I rise today to express my support for increased funding for Community Health Centers. These health centers offer much-needed primary and preventative health care services to hundreds of medically underserved urban and rural communities across our country.

Currently, the Labor, Health and Education Appropriations bill before us would provide $100 million in Budget Year 2001 for these health centers. The amendment I have cosponsored with Senator BOND and Senator HOLLINGS would provide an additional $50 million, bringing the total investment to $150 million. This amendment, Mr. President, is very important. It deserves the Senate's support. There are millions of Americans who rely on Community Health Centers for their health care needs. We have an obligation to ensure that those necessary services are not interrupted due to a lack of sufficient federal funds.

The value of the services provided by these health centers becomes quite apparent when you consider that right now there are at least 44 million uninsured people in our nation; and of those 44 million people, Mr. President, 4 million of them receive health services from Community Health Centers. When you combine the uninsured with the under-insured, that total rises to 10 million—yes, Mr. President—10 million patients who look to these centers for health care.

In my own home state of Ohio, the Third Street Community Clinic in Mansfield and the Neighborhood Family Practice in Cleveland, for example, are just two of the 69 Community Health Centers that serve more than 200,000 Ohioans each year. In just the first three months of this year, Ohio's Community Health Centers medically treated more than 29,000 uninsured people, of whom more than 31 percent—nearly one-third—were children under 18 years of age.

These health centers provide critical health services to those who would otherwise not have access to health care providers. The centers offer prenatal care to uninsured or under-insured pregnant moms, and by doing so, are working to prevent undue adverse risks to the health of unborn babies. The health centers also provide immunizations so that young children can continue to be healthy, even those that live in medically underserved urban or rural areas.

And, in practical terms, by providing these and other types of primary and preventive care, Community Health Centers save Medicare and Medicaid dollars, because these services significantly reduce the need for hospital stays and emergency room visits.

The value of Community Health Centers should not be underestimated—nor should they be underfunded. The challenge we face today is that we have to make sure funding keeps pace with the growing numbers of Americans who will be in need of the health care services provided by these centers. To keep pace with this rapid growth, the overall budget for Community Health Centers will need to increase from $1 billion to $2 billion by Fiscal Year 2005. This $1 billion increase would enable the health centers to provide care to an additional six to ten million people.

Because of the pressing need to increase funding, I am also a cosponsor of Senator BOND's REACH Initiative, which is the "Resolution to Expand Access to Community Health Care." This important Initiative would double the federal contribution for Community Health Centers over the next five years. And, the Bond/Hollings amendment to the Labor, Health, and Education Appropriations bill before us now would keep us on track of meeting this five-year plan by increasing this year's $100 million allocation to $150 million.

I commend my colleagues from Missouri and South Carolina for their amendment and for their tireless commitment to Community Health Centers. I urge the rest of my colleagues to support this important amendment.

Mr. HOLLINGS. Mr. President, It has been over 30 years since I set off on my hunger tour of South Carolina, where I observed first-hand the shocking condition of health care and nutritional habits in rural parts of my state. The good news is, we have come a long way since then. The bad news is, there is still much work to be done. Like the "hunger myopia" I described in my book The Case Against Hunger, we suffer today from a sort of "health care myopia", a condition in which a booming economy and low unemployment rates mask a reality—that many Americans eke out a living in society's margins, and most of them lack health insurance. Ironically, as the stock market soars, so do the numbers of uninsured in our country, at a rate of more than 100,000 each month; 53 million Americans are expected to be uninsured by 2007.

The health care debate swirls around us, reaching fever pitch in Congress, where I have faith that we will soon reach an agreement on expanding coverage and other important issues. However, I see a need to immediately address the health care concerns of these left-behind and sometimes forgotten citizens. They cannot and should not have to wait for Congress to hammer out health care reform in order to receive the medical care so many of us take for granted. That's why I am sponsoring, along with Senator BOND, this amendment to provide an additional $50 million for health centers in this bill. Fifty-seven cosponsors have joined us in working toward our objective. I would like to thank subcommittee chairman Sen. SPECTER and ranking member Sen. HARKIN for their advocacy on behalf of community health centers. I look forward to working with them as the bill moves to conference so that we may ensure health centers across the nation receive the support they deserve.

While ideas about health care have changed dramatically, community health centers have remained steadfast in their mission, quietly serving their communities and doing a tremendous job. Last year, community health centers served 11 million Americans in decrepit inner-city neighborhoods as well as remote rural areas, 4.5 million of which were uninsured. It's no wonder these centers have won across-the-board, bipartisan support. They have a proven track record of providing no-nonsense, preventive and primary medical services at rock-bottom costs. They're the value retailers of the health care industry, if you will, treating a patient at a cost of less than $1.00 per day, or about $350 annually.

Let me emphasize that this measure is a cost-saving investment, not an increase in spending. Not only are these centers providing care at low costs, but they are saving precious health care dollars. An increased investment in health centers will mean fewer uninsured patients are forced to make costly emergency room visits to receive basic care and fewer will utilize hospitals' specialty and inpatient care resources. As a consequence, a major financial burden is lifted from traditional hospitals and government and private health plans. Every federal grant dollar invested in health centers saves $7 for Medicare, Medicaid and private insurance: $6 from lower use of specialty and inpatient care and $1 from reduced emergency room visits.

The value of community health centers can be measured in two other significant ways. First of all, the centers' focus on wellness and prevention, services largely unavailable to uninsured people, will lead to savings in treatment down the road. And secondly, health centers foster growth and development in their communities, shoring up the very people they serve. They generate over $14 billion in annual economic activity in some of the nation's most economically-depressed areas, employing 50,000 people and training thousands of health professionals and volunteers.

It should also be noted that community health centers are just that—community-based. They are not cookie cutter programs spun from the federal government wheel, but area-specific, locally-managed centers tailored to the unique needs of a community. They are governed by consumer boards composed of patients who utilize the center's services, as well as local business, civic and community leaders. In fact, it is stipulated that center clients make up at least 51% of board membership. This set-up not only ensures accountability to the local community and taxpayers, but keeps a constant check on each center's effectiveness in addressing community needs.

In South Carolina, community health centers have a long history of meeting the care requirements of the areas they serve. The Beaufort-Jasper Comprehensive Health Center in Ridgeland, the Franklin C. Fetter Family Health Center in Charleston, and Family Health Centers, Inc. in Orangeburg were among the first community health centers established in the nation. The Beaufort-Jasper Center was very innovative for its day, in the late 1960s, tackling not only health care needs, but related needs for clean water, indoor toilets and other sanitary services. Today, the number of South Carolina health centers has grown to 15. They currently provide more than 167,000 people, 38% of which are uninsured, with a wide range of primary care services. Yet despite the success story, a need to throw a wider net is obvious. Of the 3.8 million South Carolinians, nearly 600,000 have no form of health insurance. That means roughly 15% of the state population is uninsured. Another 600,000 residents are "underinsured," meaning that they do not receive comprehensive health care coverage from their insurance plans and must pay out-of-pocket for a number of specialty services, procedures, tests and medications.

South Carolina's statistics are mirrored nationwide. The swelling ranks of the uninsured are outgrowing our present network of community health centers. Adopting this amendment will ensure the reach of community health centers expands to meet increasing demand. It is our responsibility to continue providing our neediest citizens with a basic health care safety net. What better way to do that than by building on a program with a record of positive, fiscally responsible results? Everyone can benefit and take pride in such a worthwhile investment.

Mr. KENNEDY. Mr. President, it is a privilege to be a sponsor of this important amendment to increase funding for community health centers. Each year, these centers provide quality health care to 11 million Americans in 3,000 rural and inner-city communities in all 50 states, including 4.5 million people who are uninsured. As the number of uninsured Americans across the country continues to grow, the need for the services is especially great.

Community health centers recently touched Juan Ramon Centeno's life in Worcester, Massachusetts. Mr. Centeno was 54 years old when a bilingual nurse working with Great Brook Valley Health Center arrived at the public housing project where he lived to conduct health screenings. Mr. Centeno felt ill, but because he did not have insurance or resources for medical care, he had not sought care. The nurse found that his blood pressure was high, he had risk factors for diabetes, and had not received preventive health care for many years.

Health center physicians promptly examined Mr. Centeno and found him at high risk for a cardiovascular accident. This timely intervention enabled Mr. Centeno to receive good health care and to be placed on medication through the health center pharmacy, which enables patients to obtain prescription drugs at the reduced prices available under Medicaid.

Day in and day out, community health centers are providing life-saving services like these. Yet too often, the centers are struggling to obtain the resources they need. In Massachusetts, over a dozen community health centers currently face severe financial difficulties. Congress cut Medicare reimbursement rates for the centers in 1997, in spite of the fact that the number of people eligible for their services continues to rise. The result for many health centers has been bankruptcy, low morale among the health care professionals who are dedicated to serving the poor, and great concern in the communities that this needed access to health care will be lost. It is unacceptable for Congress to permit health centers that have proved so effective for so many years to suffer such severe financial difficulties, particularly in this time of prosperity.

The Senate made a wise commitment to double the funding over the next five years for medical research at the National Institutes of Health, and it has kept that commitment. By making a similar commitment to double the funding for community health centers—ten percent of the cost of the commitment we made to medical research—we can ensure that the benefits of modern medicine will remain available to millions of low-income working families. The Senate is at its best when it approves amendments like this one on a bipartisan basis. I intend to do all I can to see that this year's final appropriations bill, and future appropriations bills, maintain our commitment to the extraordinary work of the nation's community health centers.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, this side has no objection to the amendment. In fact, we wholeheartedly support the amendment. I compliment the Senator from Missouri for his leadership, and I also compliment Senator HOLLINGS on this issue.

Community health centers are really the last sort of backstop for so many people in this country who don't have health insurance—44 million people in America don't have health insurance. Mainly, these are the ones who, right now, for their health needs really need the community health centers. We have about seven in our State of Iowa. We are opening another one this summer. About 66,000 people are served per year in the State of Iowa by our community health centers.

The really good thing—and the Senator from Missouri knows it—about community health centers is they are engaged in preventive health care, keeping people healthy in the first place, not just coming in when they are sick. They do a lot of outreach work with low-income people. They help with their diets, lifestyles, and with the medicines they need to keep them healthy. That is one of the great services they provide.

We increased the funding for community health centers over last year by $100 million. This would add another $50 million on to it. The need is actually even more than that, but as the Senator from Missouri knows, we have all these things we need to balance in the bill. This is a welcome addition to our community health centers.

Again, I compliment the Senator from Missouri for his leadership. We happily accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 3602) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I will soon suggest the absence of a quorum. I want Senators to know that we are open for business and for taking amendments. Senator SPECTER and I are willing to sit here and take amendments this morning. If Senators have amendments and they are around, please come. As you can see, the floor is wide open. You won't have a waiting line and you can speak for as long as you want. This is the time to come and offer amendments on this bill.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. L. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. L. CHAFEE. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MEDICARE OUTPATIENT DRUG ACT

Mr. L. CHAFEE. Mr. President, as many of you know, I joined Senators GRAHAM, ROBB, BRYAN, and others in introducing S. 2758, the Medicare Outpatient Drug Act of 2000 this past Tuesday.

While I strongly support S. 2758 and urge my colleagues to support it, I was very troubled by the process in this Chamber last night. We talk a good game about wanting to pass legislation on a bipartisan basis. In fact, at a Centrist Coalition meeting earlier this week, many Senators from both sides of the aisle—led by the minority leader—were talking about how the two parties should be working together to produce a prescription drug bill for our Nation's seniors.

However, the prescription drug amendment that we debated and voted on last night proved otherwise. It suggested that all the talk about bipartisanship is merely a facade. It was clear from the procedural wrangling that led to the vote on the Robb amendment that there is no intention by the Democratic leadership to work together to fashion a bipartisan compromise on a Medicare prescription drug bill.

In fact, it is my understanding that minority leader told others not to let me—one of the author's of this bill—know about this motion ahead of time. That doesn't sound very bipartisan to me.

Sadly, the amendment last night really undermines our ability to work toward a compromise to add a prescription drug benefit to Medicare. If we were really interested in producing a bipartisan bill that could be signed into law, we would be working together on a proposal rather than filing motions such as the one last night, which was destined to go down to partisan defeat.

I had high hopes when I stood with Senators GRAHAM, ROBB, BRYAN, and others on Tuesday and we announced the introduction of our Medicare Outpatient Drug Act. I had hopes that we would be able to work this bill through the legislative process, give this bill an airing at the Finance Committee, and work with Republicans and Democrats alike to fine-tune it into a product that the President could sign into law.

I think most of us here would agree it is time to update the Medicare program to include a prescription drug benefit. I hear about this issue back in Rhode Island more than any other issue. The senior population in Rhode Island is the second largest in the Nation—second only to Florida. The seniors in my State constantly approach me about the high cost of their prescription drug bills. I expect most of us hear more about this issue from our constituents than any other.

However, filing procedural motions that are doomed to failure is not the way to achieve this important goal. I am afraid that some on the opposite side of the aisle aren't really interested in passing a Medicare prescription drug bill this year—they would rather that we do nothing and use this issue to try to defeat some of us in the fall.

Let's not hold the 39 million Medicare recipients in this country hostage to partisan politics.

I believe the legislation I introduced with Senators GRAHAM, ROBB, BRYAN, and others is one of the most responsible and comprehensive drug bills in Congress. And, more important, it would help relieve seniors of the growing burden of high prescription drug bills.

However, while I support this legislation and regretfully voted in support of the Robb amendment last night because I am committed to passing a good prescription drug bill to help our Nation's seniors, I do not believe the exercise last night was constructive. Sadly, it was quite the opposite.

I thank the Chair.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEPARTMENTS OF LABOR, HEALTH, AND HUMAN SERVICES AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am going to be offering an amendment to the pending appropriations bill that I want to talk about this morning.

I commend the chairman, Senator SPECTER, and the ranking member, Senator HARKIN, for their work to increase funding for the National Institutes of Health. As all of us know, Congress is on track toward doubling the funding for important health research and investigation through the NIH. That is critically important to this country.

I am one of those who has been supportive of doubling the funding for the National Institutes of Health. The NIH is trying to unlock the mystery of many of the diseases that ravage the bodies of people who are suffering from Parkinson's disease, cancer, heart disease, and so many other diseases that afflict the American people and people around the globe. The type of research that is taking place at the National Institutes of Health is exciting and vibrant and paying big dividends.

I thought I would mention, as I start, something I saw one day at the NIH called the healing garden. This was an exhibit out at the NIH campus where they had a series of plants growing in this aquarium-like device called the healing garden. I asked the folks at NIH for an explanation, and they told me about it.

They said a lot of people think modern medicines, especially the medicines that are developed through research at NIH to respond to the challenges of treating diseases, come from chemicals. But they told me that a lot of medicines come from natural substances we find all over the Earth. They were displaying some of those substances in this healing garden.

I want to describe a couple of the things they were displaying because it is interesting. NIH is gathering from around the world 50,000 to 60,000 different species of plants, shrubs, and trees and testing and evaluating what kind of properties they have to heal and treat diseases.

The common aspirin comes from the bark of a willow tree. The Chinese knew that a couple of thousand years ago. If they had a headache, they would chew the bark of a willow tree. In modern medicine, aspirin is a chemical modification of that active ingredient derived from willow tree bark. Now aspirin is produced chemically, but the bark of the willow tree was the derivative.

The java devil pepper was in the healing garden. Drugs used to treat hypertension, or high blood pressure, which were used formerly as a tranquilizer, come from the java devil pepper. Who would have guessed this connection if not for the research by the scientists who discovered it?

Agents that fight tumors, leukemias or lymphomas, come from the plant called the mayapple.

The rose periwinkle produces drugs used as anticancer agents primarily in treating Hodgkin's disease and a variety of lymphomas and leukemias.

Foxglove is used in the medications digitalis and digitoxin, which are used to treat congestive heart failure and other cardiac disorders.

Of course, we all know about aloe, an active ingredient, of course, in skin care preparations.

It is interesting that, as funding has increased for studying plants and animals, scientists at the NIH are finding quite remarkable things. Deep in the Amazon rain forest lives a frog that has a deadly toxin on its skin. They believe that from studying the toxin of that frog, they can create a painkiller that is 200 times more powerful than morphine and not addictive. Think of that: 200 times more powerful than morphine and not addictive.

There is another frog which is very rare that has a toxin on its skin that is so deadly that a drop of it on the skin of a human being causes the heart to stop.

The scientists asked the question: If there is something this powerful that it causes a human heart to stop, can we unleash the power of that toxin to do something positive?

That is the kind of evaluation and study that is occurring at the NIH routinely.

As we double the funding for the National Institutes of Health, there are all of these wonderful scientists and researchers doing this massive amount of research—research to decode the human genome, research to grow new heart valves around parts of the heart muscle that are clogged, deep brain research to uncover the secrets of Parkinson's disease.

As all of this research occurs through the doubling of funding at NIH, we should say thanks to Senator HARKIN and Senator SPECTER for their leadership and commitment over several years to move this Congress to invest in these efforts that are so important to this country's future.

Now, let me go from that compliment to talking about how this research is dispersed across this country. There is a trend for how this research funding is allocated throughout the country that is very similar to what happens in other areas of the federal Government's research budget. The research that comes through the billions and billions of dollars that we spend—nearly $20 billion proposed for fiscal year 2001 at the NIH alone —has historically been clustered in a few areas of the country. In most cases, big universities get big grants that make them bigger, and from around those universities, you see the development of businesses springing up from that research. You will see the result of NIH research in a few areas of the country producing very significant opportunities. Then you will see other significant parts of America with almost no research base through the NIH.

Should research be done where it is done best? Yes, of course. But the largest universities in this country, in a handful of States, get most of the research dollars in part because the grants are peer reviewed by people from the same institutions that get the grants in the first place. It becomes a self-fulfilling prophecy.

The chart I have here shows the way NIH funding is currently distribution across the country. If you look at the States in this country shown in the white shaded areas—mostly in the middle of the country—you will see that these States get very little funding for medical research.

The States shown in the blue and red areas—California, Texas, New York, Massachusetts, and so on—are the States that get most of the research grants.

This pie graph here shows what happens as a result of this imbalance. As you can see, three States get 35 percent of all of the medical research funds provided by the NIH. Institutions in three States get over a third of all the Federal dollars on medical research. In fact, one state alone received 15 percent of total NIH funds.

This little white slice shown on the chart represents 21 States that share only 3 percent of the research.

Why does that matter? If you live in one of these States, and you have Parkinson's disease, or you have breast cancer, or you have any one of a number of very serious health problems, and you want to participate in the cutting-edge medical research conducted by the NIH through one of its grantees, you may well have to travel hundreds and hundreds or perhaps thousands of miles to avail yourself of the clinical trials.

Second, there are wonderful institutions in the middle part of America that have the capability to provide unique and beneficial research on a range of issues ranging from cancer, to heart disease, to diabetes, and more through the funds we are providing at NIH. But they do not get the opportunity because the system is stacked against them.

At the NIH, we have a program called IDeA, or the Institutional Development Award program, that is intended to rectify this geographical inequity by helping historically under funded states to build their medical research capacity. IDeA is very similar to the EPSCoR program that exists in other federal agencies.

This program is under funded at NIH. The IDeA program is funded at the level of $100 million in the House-passed bill, which I think is too low. But it is funded at only $60 million here. That is an increase from $40 million to $60 million, and for that, I appreciate the efforts of Senators SPECTER and. But we ought to at least meet the House level. And we ought to do even more.

My amendment will take our proposed funding to the level of $100 million in the House bill. Through this amendment, we will simply say that we want to encourage the distribution of research across this country to all of the centers of genius—no matter where they are—that exist.

In States such as North Dakota, Iowa, South Dakota, and up and down the farm belt, we are losing a lot of population. This map shows that. All these red blotches on this map indicate counties that have lost more than 10 percent of their population.

What you see is that the middle part of our country is being systematically depopulated. Why has that happened? Why, when you have so many people living on top of each other in apartment buildings in big cities and fighting through traffic jams just to get to and from work each day, is the middle part of our country being depopulated?

At least part of the answer to that question relates back to what we do at the Federal level. We say that $20 billion will be made available through the National Institutes of Health to form centers of excellence for scientific research in medicine. We move that money to specific areas of the country where there is already a significant population, and from that springs economic opportunity and biotechnology companies and new jobs. We simply exacerbate all of these problems with the way we spend our money at the Federal Government.

There are centers of genius in the middle part of this country, in Minnesota and North Dakota and South Dakota and Kansas and Oklahoma. There are small centers of excellence that could do wonderful scientific research, but they do not get the funding. Why? Because the biggest States get all the money. Three States get a third of all the money through the NIH.

I am not suggesting that anything illegal is going on. It is just that we have a system that perpetuates itself and creates a circumstance where three States get fully one-third of the billions of dollars we provide for medical research and 21 other States are left to share 3 percent of the medical research. And that predicts and predetermines where the centers of excellence will be in the future.

It also, in my judgment, is unfair to all of those folks who live so far away from the biggest centers, where most of the money is moving to, because it is not going to be very easy for them to be involved in clinical trials for such things as their breast cancer, their lymphoma. They are going to have difficulty getting cutting-edge medical therapies.

That ought not be the case. I want to change that. I am hoping, with the cooperation of Senator SPECTER and Senator HARKIN, and with a new determination in the House and the Senate, that we can come to an understanding that, as we double the funding for the NIH, we can also do much better for this program at NIH called IDeA. Again, this program lets us reach out and find ways to use NIH funding all across this country, to get the best of what everyone in this country has to offer, to find all the centers of excellence that exist everywhere, and have them come to bear on research and inquiry. I am convinced that this represents our best chance to try to find ways to cure some of these diseases that ravage people who live in this country and the rest of the world.

We are making a lot of progress. With this amendment, I do not mean in any way to suggest we are not making great strides. Doubling the NIH budget is a terrific thing to do. It will produce enormous rewards for all who live in this country and those who will come after us. But it is also the case that we must do better in the distribution of this research money if we are going to be able to have access to all the best minds this country has to offer. That is the purpose of my amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I believe the amendment offered by the distinguished Senator from North Dakota is a meritorious amendment on institutional development within the National Institutes of Health. We have a figure of $60 million there as part of $2.7 billion.

The subcommittee and the full committee have been very—aggressive, is the right word—to increase NIH funding. We did it at $2.7 billion in this bill. We had $2.2 billion last year, $2 billion the year before, a billion before that. I agree totally with the thrust of what the Senator wants to accomplish.

When we sit down with the House in conference, there is always a lot of give-and-take with a bill that is at $104.5 billion. It would be my intention to do what we can to reach the figure of $100 million, which is what the Senator wants, because I think that is the right figure. What I suggest is that the Senator give Senator HARKIN and me and the other conferees the flexibility to negotiate. There is a lot of give-and-take.

For those watching on C-SPAN, the process is, after we pass our bill, we go to a conference with the House, which has passed a bill. Then we sit down with long sheets and go over all the points and try to reach a compromise. To have that flexibility would be helpful. I know there are a number of programs the Senator from North Dakota would like to stay at the Senate figure, as opposed to the House figure which may be lower. If we could reach that accommodation, I believe we would obtain the objectives which the Senator from North Dakota wants, to give the conferees that flexibility to assert the Senate position on other matters.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Pennsylvania is alluding to the analogy of the legislative process being akin to the making of sausage. Often, neither are a pretty process, so it is better, perhaps, to speak less of it. I say to the Senator from Pennsylvania that I am more concerned about the destination than I am about the route by which we get there.

He has indicated that he supports the $100 million level in the House bill for the IDeA program. Senator HARKIN has indicated the same. For that reason, I will not proceed with my amendment, with the understanding that their intention will be to reach that level in conference.

My sense is that we are making a lot of progress. Before the Senator was in the Chamber a few moments ago, I said he and Senator HARKIN will have the undying gratitude of the American people for their persistence and relentless work to increase funding at NIH. This is very important, not just for people who live here now but for generations to come.

My concern, as we do that, is to make sure we get the full genius of all the American people working on these scientific inquiries into treating and curing these ravaging diseases. I want more funding in the IDeA program so that smaller States have the opportunity to access these grants and we can put to work their scientists and their medical schools and their communities to meet our nation's medical research goals.

I appreciate my colleague's response.

I will not ask for a vote on my amendment. What I will do is ask that we handle it in conference, as the Senator has suggested.

Mr. SPECTER. Mr. President, I thank the Senator from North Dakota for his comments about what Senator HARKIN and I are trying to do—and, really, it is the whole committee and the full Senate. We will, I think, accomplish what he is looking for—the $100 million—in the final analysis. I think the old saying that you don't want to see either sausage or legislation made may have some merit. I think when we deal with our national health, we are dealing with "prime rib." We will make some tasty morsels here for the benefit of America, I think.

Mr. President, in the absence of any other Senator in the Chamber, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO APOLOGY NECESSARY

Mr. DORGAN. Mr. President, earlier this morning a Member of the Senate described the circumstances on the floor of the Senate yesterday with respect to a vote on the issue of a prescription drug benefit for Medicare. Yes, there was a vote on that issue. I want to describe why that motion was offered and the importance of it.

I also want to say that, while I certainly have the greatest respect for my colleague, this was not a circumstance where the minority leader or anyone else intended to surprise anybody. When the minority leader or any other Senator is pursuing an agenda he believes is important for our country, he does not go desk to desk in the Chamber asking permission from anyone else to offer an amendment. That is not the way the Senate works, of course.

The minority leader believes very strongly, as does almost every single member of this caucus, and perhaps some others in the Senate, that we need to add a prescription drug benefit to the Medicare program. Life-saving miracle drugs can only perform miracles for those who can afford them. Senior citizens all too often are choosing between groceries and the prescription drugs they need. If we were to create the Medicare program today, unquestionably we would have a prescription drug benefit in that plan.

We have been very relentless in saying we believe we must add a prescription drug benefit to the Medicare program and we should do it in this Congress. We cannot and will not apologize for being relentless in that pursuit. We have had very few opportunities on the floor of this Senate to pursue our agenda. Yesterday was one of them.

If, at the end of the day, we get a bipartisan agreement to add a prescription drug benefit to the Medicare program, then we will be rewarded for our success by the senior citizens in this country who will be able to have access to the prescription drugs they need. If, at the end of the day, we do that, I guarantee that it will only be because, for the last couple of years, we have been relentless on the floor of the Senate and in the House, saying this Congress must do this.

We have had others who say, yes, we agree about the need for a prescription drug benefit, but we want to have the private insurance companies write a plan, and so on and so forth. The fact is that the private insurance companies have said publicly, and they have come to my office and said repeatedly, "We will not write a plan; we cannot write a plan." It is not within the range of financial possibilities for us to do what the majority party is proposing. In fact, one company official said, "We will write a plan that has $1,000 in benefits, and we would have to charge $1,200 in premiums for the plan to cover the administrative and other costs of the benefit." That is the same as having no plan, the same as doing nothing in terms of adding prescription drug coverage to Medicare.

Our goal is to find a way to solve this problem in this Congress. This Congress, with all due respect, on some of the big issues, has been a Congress of underachievers. We can do a lot better than this. We can add a prescription drug benefit to Medicare. We can pass a campaign finance reform bill. We can pass a Patients' Bill of Rights. We can pass an education bill that reduces class size and helps rebuild and renovate some of our nation's dilapidated schools. We can do these things if we put our minds to it. But somehow there is this notion by at least those who control the agenda that what we need to do is tuck in our wings and get out of town and do as little as possible.

I don't want to belong to a Congress of underachievers. I want our Congress to do the things we ought to be doing together. Yes, a prescription drugs benefit in Medicare is one of those items. We cannot apologize for what we did yesterday. We must, at every opportunity, continue to push and coax and pull those in the Chamber who don't really want to do this to join us and fix what is wrong with respect to this Medicare program.

What is wrong, in part, is that it doesn't have coverage for prescription drugs, and there are a lot of senior citizens who are prescribed medications that will allow them to live longer and healthier lives, and they discover they can't afford them.

A woman in Dickinson, ND, who had breast cancer was told by her doctor that in order to reduce the chances of a recurrence of her breast cancer, she must take this prescription medicine. This woman, who was on Medicare and had a small fixed income, said, "Doctor, there isn't any way I can afford that medicine. There is no way. I am just going to have to take my chances." This situation faces too many senior citizens who need prescription medicine and find that they cannot afford it. That is why we must put a prescription drug benefit in the Medicare program.

Let's do something at the same time that puts some downward pressure on drug prices. Prices have risen too fast and too far on prescription drugs.

I just want to say that no one crossed any lines by not going to every desk in the Chamber about that motion yesterday. We are going to keep trying until we get enough votes in the Senate to add a prescription drug benefit in the Medicare plan. It is for a good reason. This country needs that sort of policy in place right now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I ask unanimous consent that I may speak as in morning business for a time not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TWENTY YEARS OF CONGRESSIONAL SERVICE BY DAVID GARMAN

Mr. MURKOWSKI. Mr. President, I have come to the Senate floor today to offer my congratulations and thanks to my Chief of Staff, David Kline Garman, who has dedicated his entire life to public service. Today, in fact, marks the 20th anniversary of David's service in the United States Senate.

David's public service career began even before he came to the Senate. While attending Duke University in the 1970s, he participated in Naval ROTC and during the summer of 1976 he served with the naval amphibious task force which rescued American Nationals from Beirut during the Civil War in Lebanon.

After graduating with Honors from Duke in 1979, he served in the Peace Corps working on rural water supply projects in Nepal. He came to the Senate on June 23, 1980 to work as an intern with Senator Richard Dick" Stone (D-Florida), beginning in the Senator's mail room and working his way up to assist on defense, finance, banking and energy issues.

After David attended the Democratic Convention in 1980, he began to reconsider his political affiliation and on the day Ronald Reagan was inaugurated in 1981, David joined my staff to serve as Legislative Aide on defense and foreign relations. He was soon promoted to Legislative Assistant for energy and natural resources.

In addition to his legislative expertise, David is extremely knowledgeable in the nuts and bolts of high technology. In the late 1980s he became Founding Coordinator for the U.S. Senate Microcomputer Users Group. This group was instrumental in changing Senate technology policy so that each office could decide what type of computer system it would utilize. Previously, Senate offices could only use a system selected by the Senate Computer Center.

David's broad range of intellectual interests led me to select him to join the staff of the Senate Select Committee on Intelligence when I was a

Member of the Committee. He played a key role in the development of "environmental intelligence" capabilities in the intelligence community and at the national laboratories.

Some of David's best work occurred when he joined the staff of the Senate Energy and Natural Resources Committee. He was responsible for environmental issues, including the Clean Air Act, Global Climate Change Policy, energy R&D and Arctic Research, Science and Technology policy.

While David worked incredibly long hours on highly technical policy issues at the Energy Committee, he went to school at night and in 1997 earned a Master of Science in Environmental Sciences at Johns Hopkins University. That I consider a very noteworthy achievement.

Despite his many hours of work and study, David did find the time to meet a beautiful woman, Kira Finkler, and her lovely daughter Bonnie. Kira, who works on the Minority staff of the Energy and Natural Resources Committee did not allow energy policy differences to stand in the way of their relationsip. They were married in December of 1998.

By this time, I had asked David to move from the Energy Committee and become my Chief of Staff. And as all Senators know, this is about the hardest job there is in a Senate office, because it is the Chief of Staff who has to get the trains to run on time. David does a superb job and I am deeply grateful to him for how well he does his job.

I encourage his friends to join me in celebrating and recognizing this 20th anniversary.

As anyone can tell, David is a highly versatile and intelligent person who can handle almost any responsibility given to him. There are few people I know who are as capable as David. In addition to all of his substantive knowledge, David is a superb, outstanding speech writer, although he didn't write this speech. Some of the best speeches I have given were written by David.

Mr. President, there is a huge turnover of the staff on Capitol Hill. That reflects the long hours, modest pay and economically rewarding opportunities available in Washington's private sector. It is rare to find such an incredibly dedicated public policy servant as David Garman and I salute him today for 20 extraordinary years of service in the Senate and to the American people.

GAS PRICES AND GAS TAXES

Mr. MURKOWSKI. Mr. President, I rise to talk a little bit about a topic that is in the newspapers today and that has been all week; that is, the crisis concerning energy and our gasoline price structure currently prevalent throughout the country.

I think it is fair to go back and evaluate what has happened over the last 8 years in the Clinton/Gore administration.

I think it is obvious to all that the answer to our energy shortage by the Clinton administration is pretty much to put our economic destiny in the hands of the foreign oil price-fixing cartel because their answer to the shortage has been to increase oil imports and decrease domestic production.

The first time we saw this crisis coming was a few months ago. The reaction of the administration was to send the Secretary of Energy, Secretary Richardson, almost with a tin cup, to beg OPEC to increase their oil production. That was the answer.

The success of that effort is somewhat limited when you recognize that there is more pressure throughout the world to utilize oil. A consequence of that, of course, is the realization that the Asian economy is coming back, which is putting more pressure for oil in that part of the world. We found our reserves substantially lower as a consequence of the cold winter and an inadequate supply of heating oil. While we had this situation developing, it was quite evident what was going to happen behind the supply and demand curve. The demand was greater than the supply. We were pulling down our reserves faster than we were replacing them.

It is kind of interesting to see the "blame game" that is going on in Washington.

The administration is blaming the price increase on the oil companies, and on the refiners—on anyone but themselves; on anyone other than recognizing that the Clinton/Gore administration has not really had an energy policy that has been identifiable.

The first graphic explanation is going back to a time a few years ago when the Vice President came to the Chamber and broke a tie vote to establish a 4.3 cent-per-gallon gas tax. That, I think, can certainly be reflected on as the "Gore gas tax."

Following that, we saw a series of activities by the administration that hardly would relieve the coming shortage that was evident, even at that time.

The administration has taken vast areas of the Rocky Mountain overthrust belt off limits to energy exploration. These are areas where there is a high potential for oil and gas discoveries—Colorado, Wyoming, and Montana. And other States were simply taken off limits. It is estimated that 64 percent of those areas have been removed.

There are areas in the Continental Shelf that they put off limits to energy exploration.

Furthermore, the Vice President, in a statement made in Louisiana, stated that if he were elected President, he would pursue a policy of no more leases if anyone even attempted to thwart existing leases that have been issued.

During that timeframe, the administration vetoed legislation to open up the small sliver of the Arctic Coastal Plain where reserves had been estimated as high as 16 billion barrels. That is just in my State of Alaska. It is estimated that if indeed the potential reserves were there, it would replace our current imports from Saudi Arabia over a period of 30 years.

Further, the administration has put domestic energy reserves off limits through a unilateral designation of new national monuments under the Antiquities Act.

It is a pretty simple equation. Domestic production is down 17 percent, and imports are up 14 percent.

We talk about rising gasoline prices in various areas of the country. We have talked about the refineries, and why they can't address this and continue with an uninterrupted supply at a relatively low price.

What the administration doesn't tell you is the reality—that the Environmental Protection Agency, through mandates, has caused a significant increase associated with the mandate for reformulated gasoline.

Who pays the price associated for this reformulated gasoline?

Why is it so high?

It is kind of interesting. When you go through the State of Illinois and the State of Wisconsin, you are made aware that as of June 1 there was a mandate by the Environmental Protection Agency that reformulated gasoline containing ethanol replacing MTBE be established. That costs roughly 50 cents more a gallon. You cannot use the same gasoline in Springfield, IL, that you would use in Chicago, IL, because of the policies of the EPA.

I am not going to debate the merits of the regulation. But I will debate the reality that these regulations cost money because they require customizing, if you will, of the gasoline and the refining process.

It is kind of interesting to also note that we have lost 36 refineries in this country in the last decade. They haven't built a new refinery in almost 25 years. Why not? Obviously, it is not a very attractive business to get into, or the oil companies would be moving into it. They are moving out of them. The reason: It takes decades; in some cases not that long, but several years to get permits. The permitting process is legitimate. But if you can't basically get there from here, you are going to have very little interest in pursuing refineries.

I think it is fair to say that the administration's overzealous policies are responsible for closing some 36 regional refineries. The fact that no new ones have opened during the 8 years under the Clinton/Gore administration is a valid, understandable, legitimate reason as to why we are seeing gasoline prices in regional areas mandated by new policies from EPA prevail. The Vice President can try to shift the blame to the oil companies for higher prices, but let's not forget that he personally cast the tie-breaking vote in the Senate for higher gasoline prices.

To attempt to counteract that, we have a firm policy that is introduced in legislation which is the Republican energy production proposal for the year 2000. We recognize what has happened in this country. Today, the average price of gasoline is $1.68 per gallon. In the Midwest, the average is $1.87. The only way to address this responsibly is through a series of incentives that not only stimulate domestic production by opening up the overthrust belt, by opening up areas in the coastal OCS area, opening up areas in the arctic where we are likely to find significant discoveries, but have a goal in the legislation. The goal is to reduce dependence upon imports to less than 50 percent in a 10-year period of time. In the Vice President's book "Earth in the Balance," on page 73, he identifies "higher taxes on fossil fuels . . . is one of the logical first steps in changing our policy in a manner consistent with a more responsible approach to the environment"; that is, taxing higher fuels to discourage people from using fuels.

He further says it ought to be possible to establish a coordinated global program to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a 25-year period. The implications of that, of the Vice President encouraging high costs to address perhaps the elimination of the internal combustion engine, or his belief, if indeed it is his belief, that higher taxes on fossil fuel is one of the first steps in changing our policies, certainly is occurring.

However, let's be realistic and recognize in this country our transportation system depends on oil. Don't expect modest OPEC increases to bring prices down at the pump. As we have seen in this last announcement by an increase in OPEC of 700,000 barrels a day, the market sophistication has already made a judgment. The judgment is that prices are going to continue to rise. Right after this announcement, west Texas medium crude rose 72 cents Wednesday on the New York Mercantile Exchange, up an additional 28 cents by the afternoon, where contracts for August delivery were $31.65 a barrel. Last year at this time, oil was selling for about $12 to $14 a barrel.

If there are those who were misled by the assumption that energy was going to substantially be increased by this OPEC announcement, remember that 700,000 barrels a day does not come to the United States alone. Our share of that is 15 percent. That is only 109,000 barrels a day. In the District of Columbia, we consume 121,000 barrels a day, to give a comparison. The last OPEC production increase in March, which was to produce a 1.7 million-barrel increase, may have yielded roughly 500,000 barrels due to cheating on production overquota.

As we look to the future, it is amusing to recognize that the administration has now come out with what it referred to as a detailed blueprint for congressional action. Mind you, they are asking, now, for congressional action. The President has called on Congress to pass a proposal to encourage more stripper well production.

First, we don't have a proposal. There is no legislation set up. We have in the Republican package, a proposal to increase stripper well production. But now the President is saying we need to get some of these American wells back in operation.

Where has he been? We have been trying to encourage the administration to support legislation that would put in place a foreign ceiling. They have not proposed any. And now he is saying he has a program. Where is it, Mr. President? He says we need to get some of these things back in operation.

He further states that Congress is not reauthorizing Strategic Petroleum Reserve. He went into the Strategic Petroleum Reserve the other day as a consequence of an accident on the Mississippi River to keep refinery production going. He didn't ask us for authority. He has the authority. He knows he has the authority. This is another smokescreen.

We look at his concern over the supply in the Northeast corridor this coming winter. What has he done about the supply to increase it? Absolutely nothing. He has no plan, no proposal, no increased production. The President or the Vice President or his advisers simply do not understand the reality that this is a supply and demand issue. Unless we increase the supply, we are going to have shortages. That is evident by what we are seeing in the paper. We have $2.33, $2.40, and $2.49 a gallon for gasoline in this country. This particular headline suggests that the gas price rise shakes Democrats. The reason it shakes the Democrats, and the reason this is a partisan issue, is because the Democrats and the administration simply have no plan and have not had a plan associated with the energy shortage that is occurring in this country today.

As I come to the Senate floor today to address this matter and reflect on how we are going to correct it, the simple response is that we are going to have to increase our supplies, and we will have to do it dramatically and in a timely manner. If we don't do that, we are going to continue to see an increase in the price of oil, and an increased dependence on imports. One of the frustrating things about the continued dependence on imports is from where those imports are coming.

Last year, we imported about 300,000 barrels of crude oil from Iraq. This year we are importing about 750,000 barrels from Iraq. A lot of people perhaps have forgotten we fought a war over there in 1991 and 1992. We lost 147 lives. We had roughly 427 wounded, 23 were taken prisoner.

Today, what we are doing, and this is where I am critical of our foreign policy, for all practical purposes, we are buying his oil, sending him our dollars, taking his oil, putting it in our airplanes, and going over and bombing. What kind of a foreign policy is that? It is just about that simple. Not very complex.

He is making a press release every time we bomb saying, here is how many people Americans killed in my country. He waves that around and generates more support. The dollars we are paying go to the Republican Guards for his safety and protection. And he is smuggling oil out, in addition to that which is under the auspices of the United Nations. What is he doing with the generation of funds from the smuggling of the oil? He is building up his arsenal, his capability with missiles, his capability with the biological weaponry. Here is a very bad man out there. And we are supporting his regime because we are becoming more dependent on him as a source of oil.

What does that do to strengthening stability in the Middle East? It is pretty hard to say, but it certainly represents a threat against Israel. It is well known, the disposition of Iraq and Saddam Hussein relative to the threat against Israel and the peace we all hope will come to the Middle East.

I could go on at great length. I see other Senators desiring to discuss various matters. It is my intention as chairman of the Energy and Natural Resources Committee to put together in this next week a chronology of certain portions of our negative exposure, if you will. One is on gasoline prices, one is on refinery operations, one is on the availability and continued uninterrupted supply of natural gas.

The other is the delivery system within our electric power industry and our transmission grids. It is appropriate we start preparing ourselves for a train wreck that is going to come. We are seeing it in gasoline prices as a consequence of shortage of crude oil. We are going to see it spread, as we see in the northeastern part of the Nation which is so dependent on oil for the generation of electricity, as the summer warms up.

Last year they were paying $10 and $11 a barrel for oil. This year they are going to be paying over $30. The electrical rates in the Northeast corridor are going to go up dramatically. They thought they had higher rates for fuel oil last year. They have not seen anything yet. We are going to have brownouts this year because the capacity of the transmission lines, for all practical purposes, is just about at their maximum in certain areas.

Why haven't we built more transmission lines? FERC has been sitting for 3 years on a rate case, a rate case that is going to make a determination of whether or not it is financially beneficial for the investment in transmission lines in the sense they can recover their investment.

What about natural gas? The electric industry is moving into the area more and more and converting to natural gas, but while the supply of natural gas is abundant, we are now pulling down our reserves. Last year, our reserves were about 160 trillion cubic feet; this year, they are about 150. We are using more gas than we are finding. We are using currently about 20 trillion cubic feet. The estimate is about 30 to 35 in the next 10 years. We are not finding a replacement. So we are going to have a crunch in natural gas, and natural gas is going to go up.

It is estimated the industry is going to have to spend $1.5 trillion to put in new infrastructure for delivery into various parts of the country. From where is the capital going to come? It is only going to come if they get an adequate return on their investment; otherwise, they are not going to build the pipelines.

This whole thing is coming to a head. The American people are beginning to wake up a little bit. The administration is beginning to point the blame to industry, to Congress, to the refiners, to anybody but themselves, because this administration has not had an energy policy of any consequence, as evidenced by the President's statement that suddenly he is concerned and suddenly he sends something to Congress—if we can identify just what this is he sent up—calling on Congress to pass a variety of administrative proposals. They do not say what the proposals are. He is a little late. It is like somebody fiddling while Rome burned.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

Mr. MURKOWSKI. Mr. President, I have been asked by the leader to file a number of amendments as an amendment to the underlying Labor-HHS bill. The amendment is the Republican energy security package. I ask unanimous consent that it be so filed. I appreciate the willingness of the leader to file the amendment.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator has the right to file an amendment.

Mr. MURKOWSKI. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I am here as the ranking member on the Labor-HHS appropriations bill, which is pending this morning. We had hoped Senators would come over and offer amendments. We had a good amendment earlier by Senator BOND from Missouri. I thought we could move ahead on that, but it looks as though we have diverged to other issues.

As long as that is the case, I feel constrained also to talk about the problems we have with high gasoline prices in the Midwest.

I was listening to my colleague from Alaska speak. Quite frankly, I got to thinking about what is happening in the Midwest and upper Midwest with high gasoline prices. It occurred to me there are all kinds of rumors going around about why this is happening: There is a broken pipeline; there is a shortage of crude oil; reformulated gasoline, with ethanol is the problem—there is all this talk swirling around out there, everybody blaming everybody else.

No one knows the answers. That is why yesterday I wrote a letter to the chairman of the Senate Committee on Energy and Natural Resources asking him to hold emergency public hearings to subpoena the heads of the major oil companies, bring them to Washington and put them under oath, and then start asking them the tough questions. Then I believe we might get to the bottom of it.

I say to the chairman of the Energy Committee, use the powers of subpoena. Bring the heads of the oil companies to Washington. Maybe they do have an answer. Maybe there are logical reasons why the price of gasoline is so high. I doubt it, but let them have their say. I say put them under oath, just as we did with the tobacco company executives a few years ago. Let's put them under oath and ask them the tough questions. Let Senators from both sides ask them the questions about why we have these high and divergent gasoline prices in the upper Midwest. Maybe we can get somewhere and find answers.

I also asked the head of the Federal Trade Commission to do the same thing: subpoena records and subpoena the oil company executives to come to Washington in an open, public hearing so that the public can hear for themselves the answers to these questions.

I want to talk for a moment about all of the claims and assertions going around that reformulated gasoline and ethanol are the cause of the increase in prices in the upper Midwest. I just heard the Senator from Alaska allude to reformulated gasoline being part of the problem. If reformulated gasoline is the problem, then why is it that we have reports of instances where reformulated gasoline, including where ethanol is used, is actually below the price of conventional gasoline.

That has happened in Louisville, KY, and St. Louis, MO, where they have an RFG requirement, according to EPA.

EPA has said that RFG with ethanol would not be more than a penny a gallon higher than RFG without ethanol. Even that may be high. Yesterday, in Chicago, the price of conventional gasoline at wholesale was $1.24 a gallon. The price of reformulated gasoline with ethanol was $1.24 a gallon. It was the same price at the wholesale level. As I said, in some markets, we found that reformulated gas is at a lower price than conventional gasoline. That makes sense because ethanol is now actually cheaper than gasoline.

The Senator from Alaska talked about an energy policy. One of the energy policies of this administration has been to promote the use of ethanol and renewable fuels. I know the Presiding Officer is a big supporter of ethanol, too. So is this Senator. But every time we try to promote ethanol, we are stymied by the oil companies. They have some reason why they cannot use ethanol. I will tell my colleagues why they do not want to use ethanol: Because they cannot control it, and if we continue to produce more ethanol in this country, it is going to provide an alternative to gasoline which will keep the price of gasoline down. That is purely and simply why the oil companies do not want ethanol. We have been through this battle going clear back to the Clean Air Act Amendments of 1990 and earlier.

Years ago, the oil companies put lead in their gasoline. We found out lead was causing all kinds of problems, physiological problems in kids and adults. So we had to force them to take the lead out. In order to keep the octane up, then they said: We are going to use these aromatic and toxic compounds, such as toluene, benzene, and xylene. They put that witch's brew together in the gasoline to keep the octane up.

Then we found out many of these compounds were air polluting, toxic, and carcinogenic. About that time, around 1990, we passed the Clean Air Act. We in the Senate mandated an oxygenate requirement of 3.1 percent for gasoline to clean up the air and to meet clean air standards.

That is what the Senate adopted. It went to conference. I thought we had it settled that we were going to have 3.1 percent. The oil companies weighed in. They got that knocked down to 2.0 percent.

We may not have appreciated what they were up to. Two percent oxygen is better than nothing so we went with 2 percent. But the oil companies had something called methyl tertiary butyl ether, which they could use as an oxygenate and also that would help meet the clean air standards, at the 2-percent level. MTBE would not have been so heavily used at the 3.1 percent level because MTBE has a much lower oxygen content than ethanol.

Ethanol could do it at the 3.1-percent level but not MTBE. So the oil companies got back in, knocked it down to 2 percent, and guess what happened. The market was flooded with MTBE, and because the oil companies have control over it, it has kept the production of ethanol down for the last decade.

Then what did we find out? First of all, we had the lead that the oil companies pushed off on us. Then we had the aromatics and toxics which they pushed off on us. Now we have MTBE which they pushed off on us, and it is polluting water supplies all over the country. State after State is beginning to ban MTBE, such as California and other States. I assume that presently, or very shortly, we are going to have a ban on all MTBE in the United States.

They fooled us once, they fooled us twice, and they fooled us three times. Are we going to let them fool us again? Now they say they can come up with something else. Now they have something else they are going to try to put in the gasoline to meet the Clean Air Act. They want to get rid of the oxygenate requirement in fuel totally and do it their way. Then ethanol does not have a role. That is the oil companies for you. They stymied everything we have ever tried to do to provide for alternative source fuel, especially ethanol.

It costs basically the same amount of money to take oil out of the ground today as it did a year ago or a year and a half ago. It does not cost any more. Yet we see the price going up.

The International Energy Agency has pointed out we have a greater supply, than demand of oil by about 3 million barrels a day. I have always thought, if supply exceeds demand, the price goes down. The oil companies have stood that on its head. We have an excess of supply over demand by 3 million barrels a day and the price is way up.

The Senator from Alaska said that over the next—I don't know what timeframe he was using—that the oil companies would need $1.5 trillion for new infrastructure, $1.5 trillion for new pipelines, new refineries, new infrastructure for oil and gas. Yet we have to scramble to get a few million dollars to help ethanol production, to help biomass fuels which are renewable. We need to get a few million dollars in for the use of hydrogen in fuel cells and for fuel cell research, which would be a tremendous alternative to burning gasoline in our cars—where you could take solar energy, in the form of direct solar energy or biomass, or hydroelectric, use that power to separate hydrogen from oxygen, take the two atoms of hydrogen off of the water, separate the hydrogen off, use that hydrogen—you can compress it, you can store it, you can pipe it—you can even liquefy it; that is a little expensive—and then you can put that through a fuel cell. As it goes through a fuel cell, it combines again with oxygen, and it makes electricity. And you use that electricity to power lights, to drive a car, to drive a bus. That is being done today.

We have buses running in Vancouver, British Columbia powered only by fuel cells. We have the technology. It is a little expensive right now, I grant that. But the more we mass-produce it, the cheaper it is going to become.

The future for energy production and energy use is not bleak; it is very bright. It is clean, it is renewable, and it is plentiful. If we can get out from underneath the grip that the oil companies have on America, if we can move ahead, instead of $1.5 trillion for new infrastructure for oil and gas, if we just take a fraction of that amount of money and put it into fuel cell production, put it into biomass fuels and solar energy and the production of ethanol, we could have a blend of fuels in this country that would offset the increases we would need over the next 20 to 50 years.

But this Congress will not invest in it. This Congress—will not invest nor have other Congresses invested—in what is needed for clean, renewable energy in the form of hydrogen extraction for fuel cells.

As I said, we have two paths to go. We can go down that same path we have been going down with the whole carbon cycle, using more and more oil, refining it, trying to clean up the air, trying to clean up oil spills, or we can go for clean, renewable fuels like ethanol and biodiesel, and hydrogen for use in fuel cells which are much more efficient, too, by the way.

So, no, we do not have to continue to pay obeisance to the oil companies. I think maybe now, with what is happening in the upper Midwest, what we see happening around the country, maybe now Congress can start to move and make some changes in our energy policy.

The bottom line: Get the oil company executives here. Put them under oath. Ask them the tough questions. Then we will begin to get to the bottom of this.

I did not mean to really talk on energy, but I heard the Senator from Alaska talking about it and thought I should respond because I believe there is another side to this story other than just going down the pathway of promoting oil and more oil use in this country and around the world.

But as I said in the beginning, we are here because of the Labor-HHS bill and the impact it has on our society in all of its forms: education, health, job training, medical research.

I believe one of the crucial aspects of our bill that we fund here every year on Health and Human Services is the need—the great need—we have in this country to ensure that our elderly citizens have access to quality health care. That is why the administrative costs of medicare and the running of the program fall under our jurisdiction. The actual levels of Medicare and Social Security fall under the Finance Committee. But we are charged with the responsibility of making sure it runs and that the elderly get the kind of quality health care accessibility that they need. One of the items impacting the elderly the most in that regard today is the extremely high price of prescription drugs.

Last night, we had a crucial vote in the Senate on that issue. We had the first real vote this Congress on whether our seniors should get help with the high cost of prescription drugs. That is what the vote was about. Unfortunately, all but two of our colleagues on the Republican side joined together to defeat Senator ROBB's motion and to deny seniors the help they desperately need with high prescription drug costs.

It is too bad it fell along partisan lines. This is not a partisan issue. I have had town meetings with seniors in my State. I don't ask them whether they are Republicans or Democrats. They all come to the meetings. It tears my heart out to hear their stories of $4,000, $5,000, as much as $6,000 a year that they are paying out of pocket every year for prescription drugs with no help. It should not be a partisan issue. It is too bad that all of our colleagues on the Republican side joined together to defeat it except two.

I hope it is only a temporary setback. I challenge our colleagues on the other side of the aisle to join us, to join our seniors, to join the overwhelming majority of Americans who support a Medicare drug benefit. Our seniors need real help. They don't need the kind of sugar pill that is being prescribed by the House Republican leadership.

The House Ways and Means Committee this week passed a prescription drug benefit. Quite frankly, it does not answer the problem. It is an insurance program that reimburses insurance companies, not our seniors. It is not affordable. It is not an option for seniors in all regions of the country. It is not universal. There is no guaranteed access to needed drugs and local pharmacies. There are no protections against high drug costs. Who benefits from what the House did? The drug companies and the insurance companies. The House basically said that if you are a single person and you make over $12,500, there is no assistance to you. They are saying to the seniors of this country, if you make over $12,500 a year, tough luck. You have to pay for it all out of pocket. A lot of the people who have incomes under $12,500 qualify for Medicaid anyway; they get help with their drug costs.

What the Republicans in the House did only answers a need for a very narrow band of seniors—the very poor. What about the elderly who are making $15,000 a year? They are left out in the cold. Seniors making $20,000 a year who may still have payments on a house, maybe they have their property taxes to pay, they have heating bills, food bills, they have clothing bills. We would like to have them enjoy a little bit of their retirement years, maybe take a little vacation once in a while. They can't do that. They won't be able to do that under the House-passed bill because they will have to have an income of less than $12,500 a year. If it is over that, even with that, the benefits go to the drug companies and insurance companies and not to the seniors.

I think our seniors have waited long enough. They have been in the waiting room long enough for this. When our seniors see the vote that was taken last night, they are going to be mad, and they have every right to be. That is the first time we voted on this. We will continue to try. We will reach across the aisle and hope to make this a bipartisan effort. Senators will have another chance to vote again on the issue of prescription drug benefits for our elderly. Hopefully, the next time we do it, we will have a different result. We can provide meaningful help for our seniors to pay the extremely high cost of drugs they are having to pay today. So many of our seniors are being forced to choose between food, heat in the wintertime, maybe even air conditioning in the summertime, a choice between that and paying for prescription drugs. It is a choice they should not have to face.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

(The remarks of Mr. WARNER pertaining to the introduction of S. 2782 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. Mr. President, before addressing the Senate on the matters before us in terms of education and the HHS appropriations bill, I commend my good friend from Iowa for a splendid presentation on energy policy as well as on prescription drugs. He talked with great knowledge and understanding about some of these advanced technologies which can make an enormous difference in terms of our region of the country, the Northeast. With the kinds of research he has supported and which the administration has tried to achieve with their budgets being denied by the other side, I am very hopeful that we can follow a number of those recommendations that he has made. I think they are sensible and responsible, and they can make an enormous difference on energy policy.

As always, he has summarized very completely the challenge that is before the American people on the question of prescription drugs. We had a brief debate last evening. We have been waiting some 17, 18 months to get action. We still have not had the action by the respective committees. Given the fact that so many of our senior citizens are suffering, we want to move this process forward.

I join with the Senator from Iowa and our other colleagues, the Senator from Florida, Mr. GRAHAM, Senator ROBB, and our leader, Senator DASCHLE, who has done so much to advance this issue for us in the Senate, hoping that we can in the remaining days fashion and shape legislation that will have the support of this body. I think, as was evident last night, we still have a long way to go.

I regret very much that we are taking up the Labor-HHS-Education Appropriations bill for education, before we have completed action on the authorizing bill, the Elementary and Secondary Education At. I am distressed by this fact because we know that education is a national priority.

We have an opportunity this year to do our part to help local communities improve their schools by strengthening the Elementary and Secondary Education Act. And, to Democrats, this is must-pass legislation.

We have tried to make this a priority in the Senate. Six weeks ago we were debating education policy. That legislation was pulled. We did receive assurances that we would get back to the debate on education policy, but we have not had that opportunity to do so. I regret it. Parents regret it and students and teachers and those involved in the education of the children of this country should regret it.

We now have before us the funding mechanisms for education. We are really putting the cart before the horse. We are talking about the funding without having the debate on what the education policy should be.

That is not the way to deal with the Federal involvement and participation in sound education policy. We have differences about how to do what we ought to fund. We have a limited role, granted. Only 7 cents out of every dollar that is expended at the local level is actually provided by the Federal Government, but this is not an unimportant funding stream.

Historically, what we have tried to do is debate these issues, resolve these questions, develop a policy, and then fund that policy. But we have not had that opportunity. This is in spite of the fact that we have had a lot of bold statements about the importance of education.

We had our majority leader in January of this year saying:

> Education is going to be a central issue this year. For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

That is what I wish we had the opportunity to do. However, it has been 6 weeks since we had that legislation. We had it before the Senate 6 days, and 2 days we had debate only. We had eight amendments, and three of those were unanimously accepted. There were only 5 amendments that would not have been universally accepted by roll call votes.

We have our leader talking about the importance of education as a matter of national priority in January. At the Mayors Conference on January 29, he said:

> But education is going to have a lot of attention, and it's not going to just be words. . . .
>
> Education is number one on the agenda for Republicans in the Congress this year. . . .

That was in 1999.

On February 1, 2000:

> We're going to work very hard on education. I have emphasized that every year I've been majority leader. . . . And Republicans are committed to doing that.

Then he said on February 3, 2000:

> We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

Congress Daily, April 20, 2000:

> . . . LOTT said last week his top priorities in May include an agriculture sanctions bill, Elementary and Secondary Education Act reauthorization, and passage of four appropriations bills.

And we still haven't had the reauthorization.

On May 2, the majority leader was asked:

> Senator, on ESEA, have you scheduled a cloture vote on that?
>
> Senator LOTT. No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across this country and every state, including my own state.

We are still waiting for that. We had 55 different amendments on the bankruptcy bill. Why aren't we saying that education is important? Why aren't we debating it today, or this afternoon, or next Monday, and having votes on it? We are not doing that and we ought to be doing that—It is the Nation's business.

So this is an important matter for policy makers and parents. When they hear the leaders of the Senate saying it is a priority and it is important, that we ought to do it, we have to do it, we are committed to doing it, yet we never do it, they have to ask are we serious about this issue. I think these are very serious questions: Are we going to find the time to debate what is on the minds of most families in this country? How their children are going to get the best possible education? What are we going to do at the local level, State level, and Federal level to try to be able to achieve it? This is a matter of very considerable concern.

Secondly, I remind our colleagues that education is only 2.3 percent of the Federal fiscal year 2000 budget. Defense is 15 percent. Interest on the debt is 12.3 percent. Entitlements are 12.6 percent. Medicare is 6.5 percent. Medicare is 11.1 percent. Social Security is 22.5 percent. Nondefense discretionary is 17.1 percent.

I don't think that is what American families think is a priority. This institution is about prioritizing for the American people. How do we reflect their principal concerns in prioritizing and allocating resources in the budget? I daresay that American families want more than 2.3 percent of our Federal budget supporting education.

Now, there are those on the other side of the isle who do not want to see that. They say they don't want any Federal participation. Some on that side have advocated the abolition of the Department of Education. They have wanted to rescind money that we have appropriated. That has been their position, and I don't agree with it.

When you see that education is only 2.3 percent of the Federal budget—if you took any part of America and brought together a group of Americans and asked them how they wanted to allocate the Federal dollars, they will talk about national security, certainly, and that is an important priority, and Medicare and Medicaid and Social Security; those are obviously matters of priority. But they would also want to make sure we were going to do more in the area of education—more than 2.3 percent. If you take what we are doing at the K-through-12 level, it is below 1 percent. The remainder of the 2.3 percent includes higher education initiatives including Pell grants and Stafford loans. If you look at what we are doing for the 53 million American children going to school every day, we are at less than 1 percent—less than 1 percent of our budget.

I think we are talking about what most families want. They want a partnership between the Federal, State, and local governments to try to find out what programs are effective and what will enhance academic achievement and accomplishment for their children. Let's invest in those programs and let's have tough accountability measures to make sure we are going to get results. That is what this side of the aisle wants to do.

This chart is reflective of what has been happening. The Federal share of education funding has declined. This shows in 1980, elementary and secondary education—it was 11.9 percent in 1980, and it was down to 7.7 percent in 1999. The second part is higher education, 15.4 percent in 1980, and down to 10.7 percent in 1999. These indicators are going down when they ought to be going up. That is basically the issue of choice.

If you look at what is happening in terms of allocation of priorities in the elementary and secondary education, we are seeing the collapse of the national commitment in terms of educating children in this country. This is wrong. We are talking about priorities, and I think this is an issue that will have to be a matter before the country in this national election.

We have seen in the eighties and coming into the nineties a gradual decline in Congress assisting local communities, at a time when there has been an exploding population in K-12. There are scarcer resources going to assist local communities, as we have been able to acquire an increasing knowledge and awareness about efforts that are actually working and enhancing academic achievement.

That is the dilemma. That is the dilemma with the budget resolution. The Republican budget resolution allocated a certain amount of resources for the Labor-HHS-Education appropriations bill. I admire the work that has been done by my colleagues, Senator HARKIN from Iowa and Senator SPECTER from Pennsylvania. In spite of their best efforts, because there has been a reduced allocation for their budget, there is going to be a cutback in many of the programs which make a vital difference in educating the children of this country.

It does not have to be that way. Included in this budget is a tax cut of some $718 billion over 10 years. When there is an allocation for a tax cut of $718 billion, there is going to be a short shrift of some programs, and in this instance it is education. The American people ought to understand that. I believe it is a higher priority to invest in children and in programs that work rather than having tax breaks for wealthy individuals and corporations of this country.

This ought to be an issue during the course of this election because if we are not going to see any departure or change in the leadership in the House or the Senate, we will continue to see this decline in assisting in education. That is irrefutable.

I am going to review for the Senate what has happened to some programs that have focused on the enhancement of education. There are cutbacks by the Republican leadership in allocating resources to the Senate appropriations subcommittee because they want a large tax break over a period of years. Democrats have some tax breaks, about a third of what the Republicans want. We have about a third of the cut, but we enhance the programs that are working. That is the major difference.

This is not a time for cuts in education. We need to increase our investment in education to ensure a brighter future for the Nation's children. Unfortunately, the bill approved by the House of Representatives is a major retreat from these priorities. It slashed funding for education by $2.9 billion below the President's request. The House bill is even worse than the bill that is before the Senate. Unless we are going to enhance some of these programs during the debate next week, then we cannot expect, when the House and Senate meet, that there is going to be a compromise that is not going to have a further diminution of our commitment than what is before the Senate at this time.

The House bill zeros out critical funds to help States turn around failing schools. It slashes funding for 21st century learning center programs by $400 million below the President's request, denying 900 communities the opportunity to provide $1.6 million for after-school activities to keep children off the streets, away from drugs and out of trouble, and help them with their studies.

Of all the requests for resources for programs by local communities, perhaps the highest number of requests is for after-school programs. They are working, they are effective, and they are keeping children out of trouble and enhancing academic achievement. These programs are being cut.

It eliminates the bipartisan commitment to help communities across the country reduce class size in the early grades. The federal Class Size Reduction program is making a difference. For example, in Columbus Ohio, class sizes in grades 1–3 have been reduced from 25 students per class to 15 students per class. We need to invest more in this program, so that communities can continue to reduce class sizes.

It cuts funding for Title I by $166 million below the President's request, reducing or eliminating services to 260,000 educationally disadvantaged children to help them master the basics and meet high standards of achievement—260,000 fewer children will be able to benefit from that program.

It reduces the funding for the Reading Excellence Act by $26 million below the President's request, denying services to help 100,000 children become successful readers by the end of the third grade. What sense does that make? We ought to be enhancing our effort to ensure literacy among children in our country. We know what works. Instead, they are cutting back on that effort which has been very successful.

It slashes funding for Safe and Drug Free Schools by $51 million below the President's request, denying communities extra help to keep their students safe, healthy, and drug-free, with the development of conflict resolution programs to help schools and school teachers have more orderly, disciplined classrooms and schools. This program is used in schools all over this country. It is not going to resolve all the problems of school violence and school discipline, but it is enormously helpful and useful in trying to help teachers, parents, and officials in local communities to make schools safer and drug-free.

This bill does nothing to help communities meet the most urgent repair and modernization needs.

These needs are especially urgent in 5,000 schools across the country. We have the GAO study that says it will cost $112 billion to repair and modernize schools so that children go to school in buildings that are modern and safe, and not overcrowded. The administration has come up with a very modest program to help schools in this effort. This effectively turns its back on that effort.

It slashes funding for GEAR UP by $125 million below the President's request, denying more than 644,000 low-income middle and high school students the support they need for early college preparation and awareness activities.

It does nothing to increase the funding for Teacher Quality Enhancement Grants, so that more communities can recruit and retain better qualified teachers.

It slashes funding for Head Start by $600 million below the President's budget, denying 50,000 low-income children critical preschool services.

It slashes funding for dislocated workers by $181 million below the President's request, denying over 100,000 dislocated workers much-needed training, job search, and re-employment services.

It reduces funding for Adult Job Training by $93 million below the President's request, denying 37,2 and the second part is higher education 00 adults job training this year.

If this program goes through, in terms of trade with China, we know there are going to be sectors of our economy that are going to do very well, but there are others that are going to be adversely impacted.

Rather than cutting back and slashing training programs for workers who are going to be dislocated, we ought to be strengthening those programs, if we are going to be fair and have a fair and balanced policy on the issues of trade. We are going in the wrong direction.

It cuts youth opportunities grants by $200 million below the President's request, eliminating the proposed expansion to 20 new communities, reducing the current program by $75 million, and denying 40,000 of some of the most disadvantaged youth a bridge to the skills and opportunities of our strong economy and alternatives to welfare and crime.

It slashes Summer Jobs and Year-Round Youth Training by $21 million below the President's request, reducing the estimated number of low-income youth to be served by over 12,000.

What do you expect these young people are going to be involved in? You don't think they are going to look for other routes? And then we are going to have complaints about the problems in terms of an increase in violence and dangerous behavior when we are basically underserving and failing in terms of meeting these requirements—all because we are trying to save money for a tax break for wealthy individuals. That is the alternative.

The Senate bill does take some positive steps towards better funding for higher education.

It does increase the Pell grant by $350 to $3,650. This is enormously important.

The average income for those families is $9,000. If you take children with similar academic test results—not that test results are the only indicator; but let's take those—that makes it even more extraordinary because these children who are coming from low-income and lower-middle income families don't have the advantages that many other children have in taking these prep courses for the SATs and other college aptitude tests. But if you take children with the same academic test results, the chance for children in the lower quarter percentile to continue in higher education is 25 percent of what it would be if they were in the top third of income. Mr. President, 82 percent of children in the top third income bracket continue in higher education. And for just the children who are eligible, 25 percent of them continue in higher education from the lower income bracket.

We are finding the disparity in education increasing. We made the efforts years ago, starting in the 1960s, with Republican and bipartisan support, to try to see that there was not going to be enormous disparity in the area of education. That is increasing now. The danger we are facing is whether we are going to see it further increase in the areas of technology.

There has been a funding increase of $1.3 billion in IDEA, which I strongly support. I remember offering the amendment last year when we had the tax bill. It was $780 billion over 5 years, to fully fund the IDEA. That would have taken a fifth of the tax bill. And it went down in a resounding defeat. It was a pretty clear indication that the Republican leadership won't fully fund IDEA for a tax cut, but will try to fund the IDEA even if it means cutting back in some of these very important programs that reach out to the neediest children.

Once again, the Republican leadership has put block grants ahead of targeted funding for education reforms. Block grants are the wrong approach. They prevent the allocation of scarce resources to the highest education priorities. They eliminate critical accountability provisions that ensure better results for all children. The block grant approach abandons the national commitment to improve education by encouraging proven effective reforms of public schools.

Block grants are the wrong direction for education and the wrong direction for the Nation. They do nothing to encourage change in public schools.

The bill includes $2.7 billion more for the title VI block grant, but it eliminates the Federal commitment to reducing class size. It does nothing to guarantee funds for communities to address their urgent school repair and modernization needs.

It is unconscionable to block grant critical funds that are targeted to the neediest communities to reduce class size. Under the bipartisan Class Size Reduction Program that has received bipartisan support for the past 2 years, funds are distributed based on a formula that is targeted to school districts 80 percent by poverty and 20 percent by population. But under the title VI block grant, funding is distributed based solely on population—it includes no provisions to target the funds to high poverty districts. This is unacceptable, when it is often the neediest students that are in the largest classes.

The national class size average is just over 22 students per class. But, in many communities—especially in urban and rural communities—class sizes are much higher than the national average.

In 1998, the publication Education Week found that half of the elementary teachers in urban areas and 44 percent of the teachers in nonurban areas had classes with 25 or more students.

Next week, we will have the opportunity to address education in this pending Senate appropriations bill.

Democrats will offer amendments to address as many of these critical needs as possible. I intend to offer an amendment to increase funding for Title II of the Higher Education Act, to help communities recruit and train prospective teachers and put a qualified teacher in every classroom. In addition, I will offer an amendment to increase funding for skills training by $792 million to ensure the Nation's workers get the support they need in today's workplace.

Senator MURRAY will offer an amendment to continue the bipartisan commitment we have made over the last two years to help communities reduce class size in the early grades.

Senator HARKIN and Senator ROBB will offer an amendment to ensure that communities get the help they need to meet the most urgent repair and modernization programs.

Senator DODD will offer an amendment to increase funding for the 21st Century Learning Centers Program, so more children will have the opportunity to attend after-school activities.

Senator BINGAMAN will offer an amendment to help States turn around failing schools.

Senator REED will offer an amendment to increase funding for the GEAR UP programs, so more children will be able to attend college.

Other colleagues will offer additional amendments to increase the Nation's investment in education. The time is now to invest more in education. The Nation's children and families deserve no less.

Mr. President, I want to just take a moment of the Senate's time to speak on where we are on the Patients' Bill of Rights.

The American people have waited more than 3 years for Congress to send the President a Patients' Bill of Rights that protects all patients and holds HMOs and other health plans accountable for their actions.

Every day the conference on the Patients' Bill of Rights fails to produce agreement on meaningful patient protections, 60,000 more patients endure added pain and suffering. More than 40,000 patients report a worsening of their condition as a result of health plan abuses. This is happening every single day we fail to take action.

By all accounts, Republicans are working amongst themselves on the Patients' Bill of Rights. They are working in the middle of the night, behind closed doors, to produce a partisan bill that will surely fail the test of true reform. The crocodile tears were flowing from the eyes of the Senate Republican leadership on June 8 when we took the bipartisan, House-passed Managed Care Consensus Act to the floor for its first Senate vote. That legislation, which passed the House with overwhelming bipartisan support last year, is a sensible compromise that extends meaningful protections to all patients and guarantees that health plans are held accountable when their abuses result in injury or death.

Democratic Conferees sent a letter to Senator NICKLES on June 13. In that letter, we reiterated that we remained ready to negotiate on serious proposals that provide a basis for achieving strong, effective protections. But the Assistant Majority Leader has not responded. The silence is deafening.

The gap between the Senate Republican plan and the bipartisan legislation enacted by the House in the Norwood-Dingell bill is wide. And the intransigence of the Republican conferees is preventing adequate progress.

Make no mistake. We want a bill that can be signed into law this year. There is not much time left. We need to act now. The Republican leadership continues to refuse to guarantee meaningful protections to all Americans. They continue to delay and deny action on this critical issue. This debate is about real people. It is about women, children, and families.

This issue is a very basic and fundamental issue. It is whether doctors, nurses, and families are going to make the medical decisions for patients free of the decisions of the accountants for the HMOs. That is what this bill is really all about. That is why over 300 organizations support our particular proposal: patients organizations, every women's organization, every child's advocate, every cancer prevention and treatment organization is for us, every medical organization—including strong support from the American Medical Association. None of these organizations support the Senate Republican program or the lack of progress in the conference.

A third of all the Republicans in the House of Representatives supported the Dingell-Norwood bill. Now we have effectively 49 Members of the Senate who are supporting the Dingell-Norwood legislation. To just get a majority, one would think the changes that would have to be made in this would be extremely easy. I don't think they are that complex. But we still have the Republican leadership denying us the chance to do it.

I am always interested in the silence on the other side. I asked: In this Patients' Bill of Rights, which we have basically supported on our side, which one of these guarantees do you not want to provide for your families and for your constituents?

The first one is to protect all patients with private insurance. This is the difference. Under the Democratic proposal, there are 161 million Americans who are covered. Under the Senate Republican program, there are only 48 million. Under the bipartisan House of Representatives program, it is 161 million. We ought to be able to decide that pretty easily. Do we want to cover everyone, which is 161 million, or are we going to cover only 48 million? If you put people together in a room, they have to be able to come out with some number. The Republican bill leaves out millions of Americans. I find it absolutely extraordinary to think that we wouldn't provide protections for all Americans.

Do we want to leave out the 23 to 25 million State and local employees—teachers, firefighters, police officers, public health nurses, doctors, garbage collectors, et cetera? Do we want to leave them out? They were left out of the Senate bill sponsored by the Republicans. We included them.

Do you want to leave out those who are the self-employed—farmers, child care providers, cab drivers, people who work for companies that don't provide insurance, contract workers, workers who are between jobs and unemployed? We cover them, 12 to 15 million people. The Republican bill does not cover them.

The bipartisan legislation that we support and which we voted on in the Senate on June 8 covers everyone. But the Senate Republican leadership says "no" to farmers, truck drivers, police officers, teachers, home day care providers, fire fighters, and countless others who buy insurance on their own or work for state or local governments. Republican conferees steadfastly refuse to cover all Americans. Their flawed approach leaves out two-thirds of those with private health insurance—more than 120 million Americans.

The protections in the House-passed bill are urgently needed by patients across the country. Yet, the Republican leadership is adopting the practice of delay and denial that HMOs so often use themselves to delay and deny patients the care they need. It's just as wrong for Congress to delay and deny these needed reforms, as it is for HMOs to delay and deny needed care.

We have listened to statements on the other side that, "This is all politics. This is all politics." We are asking: What is politics, to try to include everyone? What is politics is not including them and being in the debt of the HMOs and the industry. That is the politics.

So we ask, what is it that we don't want to provide—which one of over twenty different protections? Are we going to deny access to specialists? Are we not going to permit clinical trials? Are we going to refuse women access to OB/GYNs? What about prescription drugs that doctors give; are we not going to guarantee that? Or are we going to prohibit the gag rule so doctors can give the most accurate information on various treatments? I hope. Are we going to ensure external and internal appeals as well as accountability? Are we going to ensure emergency room access? I would think so. Which of these protections do the Republicans not want to guarantee to the American people? That is the question we are asking. The American people are entitled to an answer. Three hundred organizations that represent the American people say they are entitled to it. We ought to be doing something about it.

Every day, we find out that Americans are being harmed. We were able to get bipartisan legislation through the House of Representatives. At the dead end of our conference, the courageous Congressmen, Mr. NORWOOD and Mr. GANSKE, came over and indicated that they believe we are not making progress. They support our efforts in the Senate. Two prominent doctors who happen to be Republicans strongly support our effort in the Senate to get action.

We reject the concept that this is just a political ploy. It is interesting to me, having been here for some time, that whenever you agree with the other side, it is wonderful and you are a statesman. If you differ, you are a politician; it is done for political purposes. We have listened to that all the time. We heard it last night on prescription drugs. We heard it on hate crimes. We heard it with regard to the Patients' Bill of Rights.

The American people understand the importance of this legislation. We want to give assurances to the American people, we are not letting up on this issue. We are going to press this issue on the Patients' Bill of Rights. We are going to press it, and press it, and press it until we get the job done.

We are going to do the same with prescription drugs, so our friends on the other side ought to get familiar with it. Just as we are going to come back to the issue of minimum wage, we are going to come back to it, and back to it, and back to it, if you want to dust off your speeches already and say that that is politics.

The idea of guaranteeing someone who works 40 hours a week, 52 weeks of the year, that they are not going to live in poverty is a fairness issue which the American people understand. We ought to guarantee that minimum wage for work in America. You can name it or call it anything you want, as long as we vote on it and get it and make sure they get the fair increase they deserve.

I thought we would have the chance to get into the debate and discussion on a number of these issues, but we are not having that opportunity today. I look forward to debating the issues the first of the week.

Mr. President, Congress can pass bipartisan legislation that provides meaningful protections for all patients and guarantees accountability when health plan abuse results in injury or death. The question is "will we"?

The American people are waiting for an answer.

The PRESIDING OFFICER. The distinguished Senator from Georgia is recognized.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICTIMS OF GUN VIOLENCE

Mr. HARKIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

June 23, 1999:

Abdalla Al-Khadra, 23, Salt Lake City, UT;

Khari Bartigan, 18, Boston, MA;

Joseph Coats, 26, Chicago, IL;

Wendell Gray, 22, Chicago, IL;

Derwin K. Harding, 21, Oklahoma City, OK;

Hosey Hemingway, 27, Miami-Dade County, FL;

Teresa Hemingway, 30, Miami-Dade County, FL;

Steven Henderson, 17, Baltimore, MD;

Jim Johnson, 31, Dallas, TX;

Monique Trotty, 22, Detroit, MI;

Nichole Vargas, 18, Chicago, IL;

Unidentified male, San Francisco, CA.

These names come from a report prepared by the U.S. Conference of Mayors. The report includes data from 100 U.S. cities between April 20, 1999, and March 20, 2000. The 100 cities covered range in size from Chicago, IL, which has a population of more than 2.7 million, to Bedford Heights, OH, with a population of about 11,800.

Mr. President, I yield the floor.

INTERNATIONAL PARENTAL KIDNAPPING AND GERMANY

Mr. DEWINE. Mr. President, I am troubled—deeply troubled. I am troubled by a report in the Washington Post that—yet again—illustrates Germany's reluctance to return American children who have been kidnapped by a parent and taken to Germany. The Post article details the latest event in the continuing international struggle that American Joseph Cooke has endured as he seeks the return of his children. As my colleagues may recall, German Chancellor Gerhard Schroeder recently promised President Clinton during the President's visit to Europe that Germany would help Mr. Cooke and grant him and his family visitation rights. Well, despite this promise at the highest levels government, the Kostanz Special Service for Foster Children now is limiting the access that Joseph Cooke's mother has to visiting her grandchildren—apparently as a punishment for all the recent media attention the case has received. This is outrageous, Mr. President. And it simply cannot be tolerated.

Let me take a moment to review the events that have led to where we are today on this issue. At the recent European conference on "Modern Governance in the 21st Century," President Clinton met with Chancellor Schroeder to discuss several pressing international concerns. One issue, in particular—one I had urged President Clinton to raise with the Chancellor—was the tragic situation of U.S. children being abducted by a parent and taken to Germany.

It was necessary to raise this issue with Chancellor Schroeder because parents—and not just American parents, either—have had a very difficult time getting their children back when they have been abducted and taken to Germany. Although Germany has signed the Hague Convention, our ally—yes, our ally—has not taken their obligations under the Convention seriously. In fact, from 1990 to 1998, only 22 percent of American children for whom Hague applications were filed were returned to the United States from Germany—and that percentage includes those who were voluntarily returned by the abducting parent.

Last month, I spoke on the floor about the Joseph Cooke case—a case that illustrates perfectly Germany's reluctance to return kidnapped children. In Mr. Cooke's case, his wife took their two children to Germany, and without his knowledge, turned them over to the German Youth Authority. Despite Mr. Cooke's desperate attempts to get his children back, a German court decided that they were better off with a German foster family than with their American father. Only after President Clinton's meeting with Chancellor Schroeder and only after Mr. Cooke's case received considerable publicity and media attention, did Germany agree to help Joseph Cooke.

The Germans promised to allow Mr. Cooke and his family visitation with his children. The Germans also promised to form a working group with the United States to examine pending abduction cases. Chancellor Schroeder agreed to "think about organizational and institutional consequences to be taken" to speed up the German court process and make changes in German law to allow visitation rights for those parents previously prevented from seeing their children at all. Although the Chancellor acknowledged that it would be difficult to reverse German custody decisions, he assured President Clinton that this soon-to-be-created commission would work on providing the so-called left-behind parents access to their children.

But now, as the Washington Post reports, Germany is restricting visitation of the Cooke children's American grandmother from open, six-hour visits to supervised, two-hour visits in a psychologist's office. We must take a very tough stance against this, Mr. President. We must judge Germany by its recent actions—not its recent words—recent, empty words. We must hold Germany to its promises and see to it their government matches words with deeds and returns every single American child.

Given Germany's reversal on the visitation agreement, I am even more skeptical now about the sincerity of Germany's commitment to return kidnapped children. I say that partly because German officials have repeatedly blamed their non-compliance on the independence of their judiciary system. They say that they are reluctant to challenge court rulings because the courts are separate and independent from the parliament. Chancellor Schroeder even likened such interference to the days of Nazi Germany, when he told a German newspaper that: "We have always fought for the well-being of the children to be at the core of divorce and custody cases. That is the only standard. The times in which Germany would routinely change the decisions of the courts [during the Nazi era] are over, thank God" (Reuters, 6/1/00).

I find that argument very interesting since the United States has a very independent judiciary branch, yet we return children in 90% of all international abduction cases. And, our return rate of German children, specifically, is equally high. Even according to the German Justice Ministry's own figures, from 1995 to 1999, there were 116 cases of German parents demanding children back from the United States. Of those cases, the U.S. courts refused to return the children in only four cases. During those same five-years, there were 165 known cases in which a parent living in the United States wanted his or her children returned from Germany. Yet, in 33 of those cases, German courts declined to return the children (AP Worldstream, 6/2/00).

Mr. President, I am also concerned about Germany's offer to create a "working group" with the United States given the result of a similar promise Germany made to France. French President Jacques Chirac, who has characterized Germany as applying "the law of the jungle" in abduction cases (The London Evening Standard, 6/1/00), repeatedly asked Germany to address the difficulty his country is having in getting French children returned. In response, Chancellor Schroeder agreed to create a "working group" between the two nations to reach some resolution. While this working group was created a year ago, results have yet to come in on its effectiveness. Given France's experience, it is crucial that we hold Chancellor Schroeder to his word and see to it that his words are not just empty promises made in an attempt to improve a tarnished image in the international community.

Assistant Secretary of State for consular affairs, Mary Ryan will be in Germany this weekend where, according to the Washington Post, "she will be raising this specific issue with every person she meets in the German government." I am encouraged to see that our State Department has indicated that it is outraged by Germany's action—perhaps now, they will take these kinds of cases seriously and take some type of significant action against Germany. Never-the-less, I urge her and our State Department and President Clinton to not take Germany's broken promises lightly. We must insist that the Germans reverse these restrictions on visitation, otherwise there is absolutely no reason to set up the commission.

Mr. President, we cannot tolerate lip service from our allies. We must hold the German government's feet to the fire. No excuses should be accepted by the parents of these children, nor by this Senate, nor by this Congress, nor by the American people. This must be a priority.

PRESCRIPTION DRUG AMENDMENT OF SENATOR ROBB

Mr. REED. Mr. President, I rise today to express my disappointment with the outcome of the vote that occurred last evening here in the Senate. I am referring to the vote on Senator ROBB's amendment concerning a Medicare benefit for prescription drugs.

Last night, we had an opportunity to give millions of elderly and disabled Americans something they desperately require, a universal prescription drug benefit. Yet, this measure was defeated, mostly along party lines, by a vote of 44-53. Our nation's seniors deserve better.

The need for a prescription drug benefit under Medicare has grown each and every year. Advances in medical science have revolutionized the practice of medicine. And the proliferation of pharmaceuticals has radically altered the way acute illness and chronic disease are treated and managed.

These remarkable advances, however, have not come without a cost. Since 1980, prescription drug expenditures have grown at double digit rates and prescription drugs constitute the largest out-of-pocket cost for seniors. For millions of seniors, many of whom are living on a fixed income and do not have a drug benefit as part of their health insurance coverage, access to these new medicines is beyond reach.

Even more alarming, it is estimated that 38 percent of seniors pay $1,000 or more for prescription drugs annually, while 3 in 5 Medicare beneficiaries lack a dependable source of drug coverage. This lack of reliable drug coverage for today's seniors is reminiscent of the lack of hospital coverage for the elderly prior to the creation of Medicare. Back in 1963, an estimated 56 percent of seniors lacked hospital insurance coverage. Today, after all our investments in health care and prevention, 53 percent of seniors still lack a prescription drug benefit.

The need for a Medicare prescription drug benefit is a top concern for the elderly and disabled in my home state of Rhode Island. Many seniors continue to be squeezed by declines in retiree health insurance coverage, increasing Medigap premiums and the capitation of annual prescription drug benefits at $500 or $1000 under Medicare managed care plans. Mr. President, seniors in my state are frustrated and burdened both financially and emotionally by the lack of a reliable prescription drug benefit.

While the need for a prescription drug benefit is clear and the desire on the part of some members of Congress is there, action on Medicare prescription drug legislation has been slow. The Senate Finance Committee has held a series of hearings on the subject of Medicare prescription drugs, however, the committee to date has been unable to produce a bill.

In May, I joined Senator DASCHLE and several of my Democratic colleagues, in introducing S. 2541, the Medicare Expansion of Needed Drugs Act. This legislation seeks to provide millions of elderly and disabled Americans with an adequate, reliable and affordable source of prescription drug coverage.

The MEND Act embodies the principles that I believe are necessary for an adequate prescription drug benefit—it is voluntary, accessible to all seniors, affordable, provides a reliable benefit and is consistent with broader Medicare reform.

Last evening, the Senate had a real and possibly its only opportunity to enact a prescription drug benefit when Senator ROBB offered an amendment during the consideration of the fiscal year 2001 Labor, Health and Human Services, and Education appropriations bill that would have provided a universal Medicare prescription drug benefit to our nation's seniors. While the proposal differs slightly from the MEND Act, it embraced the principles that I view as necessary for a good benefit. Regrettably, this crucial amendment was defeated.

I sincerely hope that the stated desire of many of my colleagues to create an adequate and affordable Medicare prescription drug benefit will become a reality this year. During this time of strong economic prosperity, we should all feel compelled to seize this opportunity to strengthen and enhance Medicare for the new millennium.

HATE CRIMES AMENDMENT

Mr. GRAMS. Mr. President, as hate-crimes legislation was recently debated and voted on by the United States Senate, I would like to briefly explain my vote on this issue. I believe that all victims of crime, and most certainly victims of violent crime, are deserving of special status. After due process has been afforded and guilt determined, perpetrators of crimes should be punished speedily for the peace of the community and to bring some measure of resolution for the victim. However, creating different classifications of victims, and rendering punishment based upon such classifications threatens the notion of "Equal Justice Under Law," the principle that adorns the United States Supreme Court building and should suffuse our entire legal system.

Violence itself, whether motivated by hate, revenge, greed, lust, envy, or some other evil motivation, threatens the peace of our communities and our citizens' sense of security. The Kennedy amendment would include minor crimes against property within the definition of hate crimes, but would not have included such heinous acts as the Oklahoma City federal building bombing, or the school shooting at Columbine High School, both of which left lasting, painful memories for the local communities in Oklahoma and Colorado, and even the Nation as a whole.

Rather than focusing on the particular motivation of the criminal, Congress and the states should provide law enforcement officials the resources necessary to fully prosecute all crimes. The diligent enforcement of existing laws will serve as an effective deterrent against criminal acts motivated by bigotry and hate, or any other distasteful compulsion. A more comprehensive strategy than what is embodied in the Kennedy amendment is warranted in light of the fact that in 1998 there were 16,914 murders committed in the United States (an average of 46 every day), and of the 16,914, only thirteen were deemed to be hate crimes.

I supported the Hatch amendment, which studies how extensive the hate crimes problem is and whether these heinous crimes are being fairly and aggressively prosecuted in the same manner as other similar crimes. I also welcome the Justice Department technical and financial assistance to states which need help in pursuing and identifying hate crimes. This is a far better role for the federal government than moving to federalize all state actions against hate crimes.

The Kennedy amendment also raised concerns by experts about constitutionality. Ultimately, it threatened to create more problems in the criminal justice system than it purported to solve, and I consequently voted "no" on the amendment and yes on the more reasonable Hatch amendment. I pledge to my constituents that I will support aggressive state prosecution of hate crimes, and I will continue to work to maintain safe communities, including actively supporting legislation that furthers that end.

INTERNET TAX MORATORIUM AND EQUITY ACT

Mr. BREAUX. Mr. President, I am pleased to join my colleague, Senator DORGAN, in introducing legislation designated to address the issue of Internet sales taxation.

As a consumer, I know first-hand how popular, simple and easy it is to buy items over the Internet. In fact, the Internet saved me at Christmas when I bought last-minute gifts for my wife, four children and our two little granddaughters.

But, as a member of both the Senate Finance and Commerce committees, I also know Congress has an obligation to examine how these same, tax-free Internet sales can financially harm businesses and state governments.

Senator DORGAN's bill balances the concerns of state and local governments with the importance of maintaining easy access to Internet services. It allows state and localities to enter into an interstate compact for the purpose of simplifying their sales tax systems for remote sales. Once 20 states have joined the compact, Congress can disapprove of their efforts. If Congress does not act, those states that have joined the compact and simplified their sales tax systems, will be authorized to collect sales tax on the purchases their citizens make over the Internet.

Our proposal, recognizing that collecting taxes must not be overly burdensome for online retailers, also provides a collection fee for all Internet retailers who collect these taxes. It ensures Internet purchases are not singled out for special tax treatment at the expense of neighborhood businesses, and state and local governments. This restores equality, a key aspect of any good tax system, without placing an unfair burden on anyone. I believe that this is a fair and equitable bill that takes reasonable steps to address the concerns of both online retailers and state and local governments.

We all agree Internet access should not be taxed, and that states and localities should not be allowed to impose discriminatory taxes on the Internet. In fact, Senator DORGAN's bill extends the moratorium on these types of sales for another four years.

But, I ask, is it fair to levy sales taxes on a person who buys a book from his local bookstore, but not his neighbor who buys that same book over the Internet?

I do not think it is fair. It isn't fair to residents who must pay the local sales tax because they don't own a computer. It isn't fair to local retailers collecting the tax who must compete with Internet retailers who don't. And, it isn't fair to the states and their local governments that are losing money they need to fight crime and fires, and to give their children a quality education.

In Louisiana, sales taxes make up 33 percent of all revenues. Economists estimate that Louisiana could lose up to $172 million in state revenues by 2002 because Internet sales are not taxed. Other states are confronted with similar difficulties. When faced with these facts, it's no wonder two-thirds of Americans support Internet sales taxes.

The sales tax is not a new tax. It has been collected by states from their citizens for more than 100 years. It should be collected on all sales, regardless of whether they occur on Main Street or the information superhighway. I urge my colleagues to cosponsor this important piece of legislation.

Mr. CLELAND. Mr. President, I rise today in support of S. 2775. From the beginning of the debate on the Internet Tax Moratorium Act, I have fought for the sovereignty of state and local elected officials and a level playing field for on-line and off-line retailers. This bipartisan bill accomplishes both of these goals by allowing the states to work together in an Interstate Sales and Use Tax Compact to simplify and streamline the existing sales tax system in to a blended rate that will enable remote on-line and off-line sellers to collect and remit sales taxes without an undue burden. While states work toward this objective, the current tax moratorium will be extended four more years.

In addition to providing greater equity in the tax treatment of both Internet-based and Main Street businesses, this legislation also provides means for on-line retailers to pay their fair share in supporting the communities in which their employees and customers live. Local sales tax revenue contributes to the infrastructure and emergency services of these communities. Also of importance is the aid these funds provide to local education. If the high-tech community is truly looking to expand the domestic pool of eligible employees, they should be lauding this legislative approach because of the support it will provide the local, public school systems. Sales tax revenue will help educate the future programmer, software developer, or information architect for the virtual world of tomorrow.

As a former state official, I understand the important role state and local officials play in establishing public policy. Although Internet sales represent a small portion of overall consumer sales today, Net sales are increasing every day. Without a level playing field between on-line and off-line retailers, the forty-five states and the District of Columbia that collect sales tax could be crippled by the budgetary impact.

The Internet offers a more convenient means of purchasing goods. No longer do consumers need to fight traffic, search for a parking space, and deal with sometimes unhelpful sales people in order to purchase an item. This legislation would further ease on-line purchases by removing the confusing and often misunderstood use tax remission policies of states. The consumer would be able to take care of any tax questions in one transaction.

Some of my colleagues claim that applying existing sales taxes to the Internet will destroy this powerful news, information and commerce medium. I, on the other hand, do not see any signs of a slowing of the Net. It is growing so quickly that we are running out of Internet addresses. If anything, enacting this legislation now will enable new "e-tailers" to adjust their business design to adapt to this policy. In addition, this fear completely ignores the fact that these taxes are already due. They are not collected because it is too difficult.

The National Governors Association, the National Retail Federation, and the e-Fairness Coalition are among the groups that believe this legislation is a proper approach to level the e-commerce playing field. I urge my colleagues to join with this bi-partisan group in supporting the balanced approach of S. 2775 that accomplishes one of the main goals of the Internet Tax Freedom Act: to find a way to simplify the existing sales and use tax structure for remote sellers while the moratorium remains in place.

ADDITIONAL STATEMENTS

CONGRATULATING ESTONIA ON THE EIGHTIETH ANNIVERSARY OF VICTORY DAY

• Mr. DURBIN. Mr. President, June 23rd marks the 80th anniversary of Voidhupuha, or Victory Day, recalling Estonia's break from Russian control in 1920. On this holiday, Estonians commemorate the battles during the War of Independence in which military forces fought to regain Baltic control over the region. On Victory Day Estonians also celebrate the contributions of all who have fought for the cause of independence throughout their country's history.

Many lives were lost for the cause of Estonian independence. Three battles, Roopa, Venden-Ronnenberg, and finally Vonnu were the turning points that ultimately led to the defeat of the opposing army. The Tartu Peace Treaty in 1920 marked the end of centuries of struggle and finally granted independence to Estonia.

On Victory Day, Estonians also remember those who battled against the Nazis and the Soviets. From 1944 until 1991 the Soviets again occupied Estonia, and during this time those who voiced opinions against the government were typically sentenced to 25 years in a Gulag prison, and 5 years in exile. The designation of June 23rd as Victory Day signifies that all those involved in the crusade for freedom are remembered for their efforts, and that their messages live on.

Estonia has become a strong independent country since 1991 when it again rid itself of Soviet occupation. It is a free-market economy and has established a rule of law.

This year we celebrate the 60th anniversary of the refusal by the United States to recognize Soviet domination of the Baltic states. The recognition of Estonia as free and independent is positive, but does not go far enough. What we celebrate this year is what we must help to preserve next year and the year after that. We must be sure that Estonia, Lithuania, and Latvia are admitted into NATO as an unequivocal statement of the West's support for Baltic freedom and independence.

Being the son of a Lithuanian immigrant myself, I take great pride in the accomplishments of the Baltic states. I support admitting the Baltic states into NATO and I hope my colleagues here in the Senate will support their entry also in the next round of NATO expansion.

That debate we will save for another day, but I am sure all of my colleagues can agree on the importance of Estonia's struggle for freedom and independence, and will join me in congratulating Estonia on the 80th anniversary of Victory Day.•

THE BOSTON CELTICS' "HEROES AMONG US" AWARD

• Mr. KENNEDY. Mr. President, it is a special honor for me today to pay tribute to the forty-seven outstanding individuals who have received this year's "Heroes Among Us" Award from the Boston Celtics.

These honorees are men and women of all ages who have chosen different career paths. What they all have in common is the extraordinary contributions they have made to our community. They are role models for us all. They demonstrate the fundamental importance of the individual in our society, by proving that each person can truly make a difference. All of these heroes saw a need to achieve change or take other action in order to improve the lives of others.

This past season was the third season in a row that the Boston Celtics have honored one or more these heroes at home games for the special contributions they have made to our society. In those three seasons, the Celtics have honored 114 men and women with the "Heroes Among Us" Award, which is one of many programs that the Boston Celtics Charitable Foundation has initiated. The Foundation is dedicated to improving the lives of the youths of New England through innovative outreach initiatives. The Boston Celtic players actively participate in these programs in many ways—from washing cars, to raising funds for books for the Boston Public Schools, to cleaning up sites for the development of homes for low and middle income families in Boston.

I commend the Celtics for their commitment to improving the quality of life for the members of our community, and I commend all of these "Heroes Among Us" for their dedication and their inspiring leadership. I ask unanimous consent that the names of this year's 47 "Heroes Among Us" may be printed in the CONGRESSIONAL RECORD.

RECIPIENTS OF THE 1999–2000 BOSTON CELTICS' "HEROES AMONG US" AWARD

1. Charles McAfee.
2. Andre John.
3. Eric Dawson.
4. Stephen DeMasco.
5. Anthony "Rags" LaCava.
6. Scott L. Pomeroy.
7. Dr. Thomas Treadwell.
8. Robert McKean.
9. Nancy Schwoyer.
10. Dr. Louis Kunkel.
11. Robert Watson.
12. Robert Arnold.
13. Dr. Stephen Price.
14. John Kennedy.
15. Rachel Sparkowich.
16. Kathleen Brennan.
17. Jeannie Lindheim.
18. Kristen Finn.
19. Padraic Forry.
20. Jennifer Noonan.
21. Marjorie Kittredge.
22. Kelly Dolan.
23. Lindsay Amper.
24. Michael Bonadio, Sr.
25. John Pearson.
26. Thomas Forest.
27. Patrick Walker.
28. The Families of the Fallen Worcester Firefighters.
29. Billy Ryan.
30. Robert Prince.
31. Reverend Joseph Washington.
32. Nahid Moussavi.
33. Jeraldine Martinson.
34. John Paul Sullivan.
35. Ned Rimer.
36. Eric Schwarz.
37. Ann Forts.
38. Marti Wilson-Taylor.
39. Claudio Martinez.
40. Reverend Hammond.
41. Laurie and Doug Flutie.
42. Stacey Kabat.
43. Detective Tom Chace.
44. Sister Louise Kearns.
45. Sister Jean Sullivan.
46. Ellen Olmstead.
47. Ryan Belanger.•

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:45 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1967. An act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9376. A communication from the Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2000 Tariff-Rate Quota Year," received on June 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9377. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agricultural Disaster and Market Assistance" (RIN0560–AG14) received on June 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9378. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National School Lunch Program and School Breakfast Program: Identification of Blended Beef, Pork, Poultry, or Seafood Products" (RIN0584–AC92) received on June 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9379. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Elimination of Requirements for Partial Quality Control Programs" (RIN0583–AC35) received on June 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9380. A communication from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program—Payment of Certain Administrative Costs of State Agencies" (RIN0584–AB66) received on May 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9381. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Rural Empowerment Zones and Enterprise Communities" (RIN0503–AA20) received on May 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9382. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imidacloprid; Pesticide Tolerances for Emergency Exemptions" (FRL6558–4) received on June 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9383. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyprodinil; Extension of Tolerance for Emergency Exemption" (FRL6590–4) received on June 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9384. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, six items relative to Pesticide Registration; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9385. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled "Cloquintocet-mexyl; Pesticide Tolerance" (FRL6592–4), "Clodinafop-propargyl; Pesticide Tolerance" (FRL6590–7), "Azinphos-Methyl, Revocation and Lowering of Certain Tolerances: Tolerance" (FRL6557–9), "Trichoderma Harzianum Rifai Strain T-39: Exemption from the Requirement of a Tolerance" (FRL6383–7) received on June 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9386. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Changes in Fees for Federal Meat Grading and Certification Service" (RIN0581–AB83) received on May 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9387. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tobacco Fees and Charges for Mandatory Inspection; Fee Increase" (RIN0581–AB87) received on May 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9388. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Authorization of Japan as an eligible Export Outlet for Diversion and Exemption Purposes" received on June 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9389. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Refrigeration Requirements for Shell Eggs" (RIN0581–AB60) received on June 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9390. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Avocados Grown in South Florida; Increased Assessment Rate" received on June 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9391. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fluid Milk Promotion Order; Amendments to the Order" received on June 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9392. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Revision of User Fees for 2000 Crop Cotton Classification Services to Growers" received on June 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9393. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Revision of Cotton Classification Procedures for Determining Upland Cotton Color Grade" (RIN0581–AB67) received on June 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9394. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grade Standards and Classification for American Pima Cotton" (RIN0681–AB82) received on June 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9395. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Temporary Suspension of Inspection and Pack Requirements" received on June 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9396. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Revision of Regulations for Permissive Inspection" (RIN0581–AB65) received on June 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9397. A communication from the Acting Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR 1728, 'Specifications and Drawings for Underground Electric Distribution'" received on May 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9398. A communication from the Acting Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR 1710, 'General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Loans'" (RIN0572–AB52) received on May 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9399. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Noxious Weeds; Update of Weed and Seed Lists" received on May 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9400. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly Regulations; Removal of Regulated Area" received on June 8, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9401. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Plum Pox" received on June 1, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9402. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Addition to Quarantined Areas" received on June 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9403. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pork and Pork Products from Mexico Transiting the United States" received on June 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9404. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Grapefruit, Lemons, and Oranges from Argentina" (RIN0579–AA92) received on June 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 2780. A bill to authorize the Drug Enforcement Administration to provide reimbursements for expenses incurred to remediate methamphetamine laboratories, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. BENNETT, and Mr. LIEBERMAN):

S. 2781. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equation to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. BYRD):

S. 2782. A bill to establish a commission to examine the efficacy of the organization of the National Nuclear Security Administration and the appropriate organization to manage the nuclear weapons programs of the United States; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. BENNETT, and Mr. LIEBERMAN):

S. 2781. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market values shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

ARTIST-MUSEUM PARTNERSHIP ACT

Mr. LEAHY. Mr. President, I rise today to introduce legislation, the "Artist-Museum Partnership Act," which would encourage the donation of original works by artists, writers and composers to museums and other public institutions, thus ensuring the preservation of these works for future generations. This bill would achieve this by restoring tax equity for artists. Artists who donate their self-created works, like art collectors who donate identical pieces, would be allowed to take a tax deduction equal to the fair market value of the work.

Under current law, art collectors who donate works to qualified charitable institutions may take a tax deduction equal to the fair market value of the work. This serves as a powerful and effective incentive for collectors to donate works to public museums, galleries, libraries, colleges and other institutions rather than keep them hidden from the public eye. Unfortunately, artists who create those same works may not take such a deduction. Instead, artists may only deduct the material cost of the work which is, in most cases, a nominal amount. This is simply unfair to artists in Vermont, and artists across the nation, who want to donate their works for posterity.

Prior to 1969, artists and collectors alike were able to take a deduction equivalent to the fair market value of a work, but Congress changed the law with respect to artists in the Tax Reform Act of 1969. Since then, fewer and fewer artists have donated their works to museums and cultural institutions. The sharp decline in donations to the Library of Congress clearly illustrates this point. Until 1969, the Library of Congress received 15 to 20 large gifts of manuscripts from authors each year. In the four years following the elimination of the deduction, the library received only one gift. Instead, many of these works have been sold to private collectors, and are no longer available to the general public.

For example, prior to the enactment of the 1969 law, Igor Stravinsky planned to donate his papers to the Music Division of the Library of Congress. But after the law passed, his papers were sold instead to a private foundation in Switzerland. We can no longer afford this massive loss to our cultural heritage. This loss was an unintended consequence of the tax bill that should now be corrected.

Over thirty years ago, Congress changed the law for artists in response to the perception that some taxpayers were taking advantage of the law by inflating the market value of self-created works. Since that time, however, the government has cut down significantly on the abuse of fair market value determinations. Under this legislation, artists who donate their own paintings, manuscripts, compositions, or scholarly compositions, would be subject to the same new rules that all taxpayer/collectors who donate such works must now follow. This includes providing relevant information as to the value of the gift, providing appraisals by qualified appraisers, and, in some cases, subjecting them to review by the Internal Revenue Service's Art Advisory Panel.

In addition, donated works must be accepted by museums and libraries, which often have strict criteria in place for works they intend to display. The institution must also certify that it intends to put the work to a use that is related to the institution's tax exempt status. For example, a painting contributed to an educational institution must be used by that organization for educational purposes. It could not be sold by the institution for profit. Similarly, a work could not be donated to a hospital or other charitable institution, that did not intend to use the work in a manner related to the function constituting the donee's exemption under section 501 of the tax code. Finally, the fair market value of the work could only be deducted from the portion of the artist's income that has come from the sale of similar works, or related activities.

In addition to restoring tax equity for artists and collectors, this bill would also correct another disparity in the tax treatment of self-created works—the difference between how the same work is treated before and after an artist's death. While artists may only deduct the material costs of donations made during their lifetime, donations of those same works after death are deductible from estate taxes at the fair market value of the work. In addition, when an artist dies, works that are part of his or her estate are taxed on the fair market value.

The time has come for us to correct an unintended consequence of the 1969 bill and encourage rather than discourage the donations of art works by their creators. The public benefit to the nation, when artists are encouraged to contribute their works during their lifetimes, cannot be overemphasized. It allows historians, scholars, and the public to learn directly from the artist about his or her work. From artists themselves, we can learn how a work was intended to be displayed or interpreted and what influences affected the artist.

In Vermont, we were lucky enough to have Sabra Field, a well known artist who has been creating wood block prints for the past 40 years, donate over 500 of her own original prints to Middlebury College, at their behest. With those prints, Middlebury will establish the Sabra Field Collection so that students of the college as well as Vermonters and visitors to our state will be able to view her original works on display. We Vermonters owe her our thanks for her incredible generosity. Under current law, Ms. Field, whose prints have sold for up to $4,000 on the market, was unable to deduct the fair market value of the donated works from her taxes, as a collector of those same works would have been able to. In that instance, the public's gain was Ms. Field's loss. This legislation would create a win-win situation for all.

The Senate recently recognized the importance of the arts in our children's education when it passed a resolution designating March 2000 as "Arts Education Month." The Artist-Museum Partnership Act could make a critical difference in an artist's decision to donate his or her work, rather than sell it to a private party, where it may become lost to the public forever. I cannot think of a better way to enhance arts education than to encourage the donation of art works by living artists, a few of whom we are lucky enough to have in Vermont, to public institutions across the nation.

I want to thank my colleagues Mr. BENNETT and Mr. LIEBERMAN for cosponsoring this bipartisan legislation. Mr. President, I would also like to submit to the record a letter from the Association of Art Museum Directors, in support of this bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF ART
MUSEUM DIRECTORS,
Washington, DC, May 25, 2000.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.
Hon. ROBERT BENNETT,
U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND BENNETT. On behalf of the Association of Art Museum Directors (AAMD), I thank you for introducing legislation that would allow artists, composers and writers to take a deduction of the fair-market value of a contribution of their own work to a charitable institution.

As a result of changes to the tax code in 1969, visual artists, writers and composers can no longer take a deduction based on the fair-market value of a contribution of their own work to a charitable organization. The artists' deduction is limited to the cost of materials in preparing a work—in the case of a visual artist, canvas and paint. However, a collector, making an identical donation, may take the fair market value of the work. Also, once the artist dies, his or her spouse may contribute the work and use the fair-market value as the basis of the donation.

As a result, contributions to museums and libraries by living artists and writers have all but disappeared in the last 30 years, depriving the public of access to its cultural heritage, since many of the pieces are sold abroad or into private collections and never seen again. If instead the works were contributed to a charitable institution, the artists could, while still alive, provide interpretations and insights that would be of enormous benefit to the public in understanding 20th century art.

Artists like Chuck Close and Sam Gilliam who have achieved a considerable degree of success, would be more willing to share their work with the public through donations to major institutions. However, the benefits of the proposed legislation would not be limited to major artists and institutions.

Many smaller museums would benefit from contributions by local artists in the community who could be important in documenting geographic, ethnic, religious or regional examples of art.

The AAMD, which was founded in 1916 and represents 170 art museums nationwide, fully supports the enactment of this legislation.

Sincerely,
MILLICENT HALL GAUDIERI,
Executive Director.

By Mr. WARNER (for himself and Mr. BYRD):

S. 2782. A bill to establish a commission to examine the efficacy of the organization of the National Nuclear Security Administration and the appropriate organization to manage the nuclear weapons programs of the United States; to the Committee on Armed Services.

NATIONAL COMMISSION ON NUCLEAR SECURITY

Mr. WARNER. Mr. President, this legislation on behalf of myself and Senator BYRD, believe would establish a commission to examine the Department of Energy; National Security programs, which I believe will help restore the trust of the American people in the nuclear weapons programs of the United States.

Mr. President, 2 weeks ago, the Nation learned that two identical computer hard drives, containing highly classified nuclear weapons information, were missing at the Los Alamos National Laboratory. These computer discs are used by the Department of Energy's Nuclear Emergency Search Team (known as NEST) to respond to incidents of nuclear terrorism or other nuclear incidents.

The Committee on Armed Services held a hearing, in both open and closed session, earlier this week to hear from the Secretary of Energy on this matter. I must tell my colleagues that I was not satisfied with all the answers provided by the Secretary during that hearing.

Sadly, this most recent incident is just one more potentially catastrophic security failure in a series of security failures at our important nuclear weapons labs. I need not remind my colleagues that it was just one year ago this week that Congress was in the midst of an intensive investigation into allegations of Chinese espionage at these very same Department of Energy labs.

Under the Rules of the Senate, the Committee on Armed Services is responsible for "the national security aspects of nuclear energy," which includes the DOE nuclear weapons labs. We take this responsibility very seriously.

That is why, today, I and Senator BYRD are sending to the desk a bill to establish a congressional commission—with commissioners to be appointed solely by the leadership of the Congress—to examine the efficacy of the current structure of DOE and to make recommendations to the Congress on whether the Department of Energy's national security programs—particularly nuclear weapons programs—should remain as a semiautonomous agency within the Department of Energy, or be moved to the Department of Defense, or possibly be established as an independent agency, as was the case with the Atomic Energy Commission.

Let me be clear, this commission will not re-examine or make recommendations regarding the internal structure of the NNSA, which was thoroughly reviewed and debated during the National Defense Authorization Conference last year. Nor will it hinder the new NNSA Administrator's efforts to fully establish his new agency. I am confident that, under General John Gordon's leadership, the internal structure of the NNSA will be sound. To the contrary, the existence of the commission will act as a safeguard against those who would seek to impede General Gordon in carrying out his statutory missions.

There is no higher calling—of any Member of this body or any President—than to protect this great Nation from the threats from nuclear weapons.

It is my intent to require this commission to report back to Congress in May of next year, to capture both the current and the forthcoming Administrations' views on where these programs should reside.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL COMMISSION ON NUCLEAR SECURITY.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "National Commission on Nuclear Security" (in this section referred to as the "Commission").

(b) ORGANIZATIONAL MATTERS.—(1)(A) Subject to subparagraph (B), the Commission shall be composed of 14 members appointed from among individuals in the public and private sectors who have recognized experience in matters related to nuclear weapons and materials, safeguards and security, counterintelligence, and organizational management, as follows:

(i) Three shall be appointed by the Majority Leader of the Senate.

(ii) Two shall be appointed by the Minority Leader of the Senate.

(iii) Three shall be appointed by the Speaker of the House of Representatives.

(iv) Two shall be appointed by the Minority Leader of the House of Representatives.

(v) One shall be appointed by the Chairman of the Committee on Armed Services of the Senate.

(vi) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate.

(vii) One shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives.

(viii) One shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives.

(B) The members of the Commission may not include a sitting Member of Congress or any officer of the United States who serves at the discretion of the President.

(C) Members of the Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(2) Any vacancies in the Commission shall be filled in the same manner as the original appointment, and shall not affect the powers of the Commission.

(3)(A) Subject to subparagraph (B), the chairman of the Commission shall be designated by the Majority Leader of the Senate, in consultation with the Speaker of the House of Representatives, from among the members of the Commission appointed under paragraph (1)(A).

(B) The chairman of the Commission may not be designated under subparagraph (A) until seven members of the Commission have been appointed under paragraph (1).

(4) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (3).

(5) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(c) DUTIES.—The Commission shall review the efficacy of the organization of the National Nuclear Security Administration, and the appropriate organization and management of the nuclear weapons programs of the United States, under the current Presidential Administration and under the Presidential Administration commencing in 2001, including—

(1) whether the requirements and objectives of the National Nuclear Security Administration Act are being fully implemented by the Secretary of Energy and Administrator of the National Nuclear Security Administration;

(2) the feasibility and advisability of various means of improving the security and counterintelligence posture of the programs of the National Nuclear Security Administration;

(3) the feasibility and advisability of various modifications of existing management and operating contracts for the laboratories under the jurisdiction of the National Nuclear Security Administration; and

(4) whether the national security functions of the Department of Energy, including the National Nuclear Security Administration, should—

(A) be transferred to the Department of Defense;

(B) be established as a semiautonomous agency within the Department of Defense;

(C) be established as an independent agency; or

(D) remain as a semiautonomous agency within the Department of Energy (as provided for under the provisions of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65)).

(d) REPORT.—(1) Not later than May 1, 2001, the Commission shall submit to Congress and to the Secretary of Defense and the Secretary of Energy a report containing the findings and recommendations of the Commission as a result of the review under subsection (c).

(2) The report shall include any comments pertinent to the review by an individual serving as the Secretary of Defense, and an individual serving as the Secretary of Energy, during the duration of the review that any such individual considers appropriate for the report.

(3) The report may include recommendations for legislation and administrative action.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including traveltime) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) Any officer or employee of the United States may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) INAPPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) TERMINATION.—The Commission shall terminate not later than 90 days after t[illegible] date on which the Commission submits its report under subsection (d).

(h) FUNDING.—Of the amounts authorized to be appropriated by sections 3101 and 3103, not more than $975,000 shall be available for the activities of the Commission under this section. Amounts available to the Commission under this section shall remain available until expended.

ADDITIONAL COSPONSORS

S. 1539

At the request of Mr. DODD, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1539, a bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2639

At the request of Mr. KENNEDY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2639, a bill to amend the Public Health Service Act to provide programs for the treatment of mental illness.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2739

At the request of Mr. LAUTENBERG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month".

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 3511

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 3511 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3593

At the request of Mr. HUTCHINSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3593 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3602

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 3602 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

DORGAN AMENDMENT NO. 3611

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . From amounts appropriated under this title for the National Institutes of Health, $100,000,000 shall be made available to carry out the National Institutes of Health Institutional Development Award (IDeA) Program under section 402(g) of the Public Health Service Act (42 U.S.C. 282(g)).

TORRICELLI AMENDMENT NO. 3612

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE DELIVERY OF EMERGENCY MEDICAL SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The State of New Jersey developed and implemented a unique 2-tiered emergency medical services system nearly 25 years ago as a result of studies conducted in New Jersey about the best way to provide services to State residents.

(2) The 2-tiered system established in New Jersey includes volunteer and for-profit emergency medical technicians who provide basic life support and hospital-based paramedics who provide advanced life support.

(3) The New Jersey system has provided universal access for all New Jersey residents to affordable emergency services, while simultaneously ensuring that those persons in need of the most advanced care receive such care from the proper authorities.

(4) The New Jersey system currently has an estimated 20,000 emergency medical technicians providing ambulance transportation for basic life support and advanced life support emergencies, over 80 percent of which are handled by volunteers who are not reimbursed under the medicare program under title XVIII of the Social Security Act.

(5) The hospital-based paramedics, also known as mobile intensive care units, are reimbursed under the medicare program when they respond to advanced life support emergencies.

(6) The New Jersey system saves the lives of thousands of New Jersey residents each year, while saving the medicare program an estimated $39,000,000 in reimbursement fees.

(7) When Congress requested that the Health Care Financing Administration enact changes to the emergency medical services fee schedule as a result of the Balanced Budget Act of 1997, including a general overhaul of reimbursement rates and administrative costs, it was in the spirit of streamlining the agency, controlling skyrocketing health care costs, and lengthening the solvency of the medicare program.

(8) The Health Care Financing Administration is considering implementing new emergency medical services reimbursement guidelines that would destabilize or eliminate the 2-tier system that has developed in the State of New Jersey.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Health Care Financing Administration should—

(1) consider the unique nature of the emergency medical services delivery system in New Jersey when implementing new reimbursement guidelines for paramedics and hospitals under the medicare program under title XVIII of the Social Security Act; and

(2) promote innovative emergency medical service systems enacted by States that reduce reimbursement costs to the medicare program while ensuring that all residents receive quick and appropriate emergency care when needed.

EDWARDS AMENDMENT NO. 3613

(Ordered to lie on the table.)

Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 27, line 24, before the period insert the following: ": *Provided further*, That of the $33,750,168 made available under this heading for syphilis and chlamydia elimination, not less than 70 percent of the amount by which such $33,750,168 is in excess of the amount made available for such purposes for fiscal year 2000 shall be used to implement the National Plan to Eliminate Syphilis".

BAYH AMENDMENT NO. 3614

(Ordered to lie on the table.)

Mr. BAYH submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

Beginning on page 53, strike line 12 and all that follows through line 10 on page 54.

LOTT AMENDMENT NO. 3615

(Ordered to lie on the table.)

Mr. MURKOWSKI (for Mr. LOTT) submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the end, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Energy Security and Federal Fuels Tax Relief Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) increasing dependence on foreign sources of oil causes systemic harm to all sectors of the domestic United States economy, threatens national security, undermines the ability of federal, state, and local units of government to provide essential services, and jeopardizes the peace, security, and welfare of the American people;

(2) dependence on imports of foreign oil was 46 percent in 1992, but has risen to more than 55 percent by the beginning of 2000, and is estimated by the Department of Energy to rise to 65 percent by 2020 unless current policies are altered;

(3) at the same time, despite increased energy efficiencies, energy use in the United States is expected to increase 27 percent by 2020.

(4) the United States lacks a comprehensive national energy policy and has taken actions that limit the availability and capability of the domestic energy sources of oil and gas, coal, nuclear and hydro;

(5) a comprehensive energy strategy needs to be developed to combat this trend, decrease the United States dependence on imported oil supplies and strengthen our national energy security;

(6) the goal of this comprehensive strategy must be to decrease the United States dependence on foreign oil supplies to not more than 50 percent by the year 2010;

(7) in order to meet this goal, this comprehensive energy strategy needs to be multi-faceted and include enhancing the use of renewable energy resources (including hydro, nuclear, solar, wind, and biomass), conserving energy resources (including improving energy efficiencies), and increasing domestic supplies of nonrenewable resources (including oil, natural gas, and coal);

(8) however, conservation efforts and alternative fuels alone will not enable America to meet this goal as conventional energy sources supply 96 percent of America's power at this time; and

(9) immediate actions also need to be taken in order to mitigate the effect of recent increases in oil prices on the American consumer, including the poor and the elderly.

(b) PURPOSES.—This purposes of this Act are to protect the energy security of the United States by decreasing America's dependency of foreign oil sources to not more than 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources (including improving energy efficiencies), and increasing domestic energy supplies and to mitigate the immediate effect of increases in energy prices on the American consumer, including the poor and the elderly.

TITLE I—ENERGY SECURITY ACTIONS REQUIRED OF THE SECRETARY OF ENERGY

SEC. 101. ANNUAL REPORT ON UNITED STATES ENERGY INDEPENDENCE.

(a) REPORT.—Beginning on October 1, 2000, and annually thereafter, the Secretary of Energy, in consultation with the Secretary of Defense and the heads of other Federal agencies, shall submit a report to the President and the Congress which evaluates the progress the United States has made toward obtaining the goal of not more than 50 percent dependence on foreign oil sources by 2010. The Secretary shall adopt as interim goals, a reduction in dependence on oil imports to not more than 54 percent by 2005 and 52 percent by 2008.

(b) ALTERNATIVES.—The report shall specify what specific legislation or administrative actions must be implemented to meet this goal and set forth a range of options and alternatives with a benefit/cost analysis for each option or alternative together with an estimate for the contribution that each option or alternative could make to reduce foreign oil imports. The report shall indicate, in detail, options and alternatives (1) to increase the use of renewable domestic energy sources, including conventional and non-conventional sources such as, but not limited to, increased hydroelectric generation at existing Federal facilities, (2) to conserve energy resources, including improving efficiencies and decreasing consumption, and (3) to increase domestic production and use of oil, natural gas, and coal, including any actions that would need to be implemented to provide access to, and transportation of, these energy resources.

(c) REFINERY CAPACITY.—As part of the reports submitted in 2000, 2005, and 2008, the Secretary shall examine and report on the condition of the domestic refinery industry and the extent of domestic storage capacity for various categories of petroleum products and make such recommendations as he believes will enhance domestic capabilities to respond to short-term shortages of various fuels due to climate or supply interruptions.

SEC. 102. REPORT OF THE NATIONAL PETROLEUM COUNCIL.

The Secretary of Energy shall immediately review the report of the National Petroleum Council submitted to him on December 15, 1999, and shall submit such report, together with any recommendations for administrative or legislative actions, to the President no later than June 15, 2000.

SEC. 103. INTERAGENCY WORK GROUP ON NATURAL GAS.

(a) INTERAGENCY WORK GROUP.—The Secretary of Energy shall establish an Interagency Work Group on Natural Gas (referred to as "Group" in this subsection) within the National Economic Council. The Group shall include representatives from each Federal agency that has a significant role in the development and implementation of natural gas policy, resource assessment, or technologies for natural gas exploration, production, transportation, and use.

(b) STRATEGY AND COMPREHENSIVE POLICY.—The Group shall develop a strategy and comprehensive policy for the use of natural gas as an essential component of overall national objectives of energy security, economic growth, and environmental protection. In developing the strategy and policy, the Group shall solicit and consider suggestions from States and local units of government, industry, and other non-Federal groups, organizations, or individuals possessing information or expertise in one or more areas under review by the Group. The policy shall recognize the significant lead times required for the development of additional natural gas supplies and the delivery infrastructure required to transport those supplies. The Group shall consider, but is not limited to, issues of access to and development of resources, transportation, technology development, environmental regulation and the associated economic and environmental costs of alternatives, education of future workforce, financial incentives related to exploration, production, transportation, development, and use of natural gas.

(c) REPORT.—The Group shall prepare a report setting forth its recommendations on a comprehensive policy for the use of natural gas and the specific elements of a national strategy to achieve the objectives of the policy. The report shall be transmitted to the Secretary of Energy within six months from the date of the enactment of this Act.

(d) SECRETARY REVIEW.—The Secretary of Energy shall review the report and, within 3 months, submit the report, together with any recommendations for administrative or legislative actions, to the President and the Congress.

(e) TRENDS.—The Group shall monitor trends for the assumptions used in developing its report, including the specific elements of a national strategy to achieve the objectives of the comprehensive policy and shall advise the Secretary whenever it anticipates changes that might require alterations in the strategy.

(f) PROGRESS REPORT.—On June 1, 2002, and every two years thereafter, the Group shall submit a report to the President and the Congress evaluating the progress that has been made in the prior two years in implementing the strategy and accomplishing the objectives of the comprehensive policy.

TITLE II—AMENDMENTS TO ENERGY POLICY AND CONSERVATION ACT AND ACTIONS AFFECTING THE STRATEGIC PETROLEUM RESERVE

SEC. 201. AMENDMENTS TO TITLE I OF EPCA.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) in section 161(h) (42 U.S.C. 6241), by—

(A) striking "and" at the end of (1)(A),

(B) striking "," and inserting "; and" at the end of (1)(B), and

(C) inserting after paragraph (B) the following new paragraph:

"(C) concurs in the determination of the Secretary of Defense that action taken under this subsection will not impair national security.", and

(D) striking "Reserve" and inserting "Reserve, if the Secretary finds that action taken under this subsection will not have an adverse effect on the domestic petroleum industry." at the end of (1).;

(2) in section 166 (42 U.S.C. 6246), by striking "March 31, 2000" and inserting "December 31, 2003"; and

(3) in section 181 (42 U.S.C. 6251), by striking "March 31, 2000" each place it appears and inserting "December 31, 2003".

SEC. 202. AMENDMENTS TO TITLE II OF EPCA.

Title II of the Energy Policy and Conservation Act (42 U.S.C. 6261–6285) is amended—

(1) in section 256(h) (42 U.S.C. 6276(h)), by inserting "through 2003" after "1997"; and

(2) in section 281 (42 U.S.C. 6285), by striking 'March 31, 2000' each place it appears and inserting "December 31, 2003".

SEC. 203. STRATEGIC PETROLEUM RESERVE STUDY AND REPORT.

The President shall immediately establish an Interagency Panel on the Strategic Petroleum Study (referred to as the "Panel" in this section) to study oil markets and estimate the extent and frequency of fluctuations in the supply and price of, and demand for crude oil in the future and determine appropriate capacity of and uses for the Strategic Petroleum Reserve. The Panel may recommend changes in existing authorities to provide additional flexibility for and strengthen the ability of the Strategic Petroleum Reserve to respond to energy requirements. The Panel shall complete its study and submit a report containing its findings and any recommendations to the President and the Congress within six months from the date of enactment of this Act.

TITLE III—PROVISIONS TO PROTECT CONSUMERS AND LOW INCOME FAMILIES AND ENCOURAGE ENERGY EFFICIENCIES

SEC. 301. CHANGES IN WEATHERIZATION PROGRAM TO PROTECT LOW-INCOME PERSONS.

(a) The matter under the heading "ENERGY CONSERVATION (INCLUDING TRANSFER OF FUNDS)" in title II of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A–180), is amended by striking "grants:" and all that follows and inserting "grants.".

(b) Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended—

(1) in subsection (a)(1) by striking the first sentence;

(2) in subsection (a)(2) by—

(A) striking "(A)",

(B) striking "approve a State's application to waive the 40 percent requirement established in paragraph (1) if the State includes in its plan" and inserting "establish", and

(C) striking subparagraph (B);

(3) in subsection (c)(1) by—

(A) striking "paragraphs (3) and (4)" and inserting "paragraph (3)",

(B) striking "$1600" and inserting "$2500",

(C) striking "and" at the end of subparagraph (C),

(D) striking the period and inserting ", and" in subparagraph (D), and

(E) inserting after subparagraph (D) the following new subparagraph:

"(E) the cost of making heating and cooling modifications, including replacement";

(4) in subsection (c)(3) by—

(A) striking "1991, the $1600 per dwelling unit limitation" and inserting "2000, the $2500 per dwelling unit average",

(B) striking "limitation" and inserting "average" each time it appears, and

(C) inserting "the" after "beginning of" in subparagraph (B); and

(5) by striking subsection (c)(4).

SEC. 302. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

(a) Part C of title II of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

"SEC. 273. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

"(a) DEFINITIONS.—In this section:

"(1) BUDGET CONTRACT.—The term 'budget contract' means a contract between a retailer and a consumer under which the heating expenses of the consumer are spread evenly over a period of months.

"(2) FIXED-PRICE CONTRACT.—The term 'fixed-price contract' means a contract between a retailer and a consumer under which the retailer charges the consumer a set price for propane, kerosene, or heating oil without regard to market price fluctuations.

"(3) PRICE CAP CONTRACT.—The term 'price cap contract' means a contract between a retailer and a consumer under which the retailer charges the consumer the market price for propane, kerosene, or heating oil, but the cost of the propane, kerosene, or heating oil may not exceed a maximum amount stated in the contract.

"(b) ASSISTANCE.—At the request of the chief executive officer of a State, the Secretary shall provide information, technical assistance, and funding—

"(1) to develop education and outreach programs to encourage consumers to fill their storage facilities for propane, kerosene, and heating oil during the summer months; and

"(2) to promote the use of budget contracts, price cap contracts, fixed-price contracts, and other advantageous financial arrangements;

to avoid severe seasonal price increases for and supply shortages of those products.

"(c) PREFERENCE.—In implementing this section, the Secretary shall give preference to States that contribute public funds or leverage private funds to develop State summer fill and fuel budgeting programs.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $25,000,000 for fiscal year 2001; and

"(2) such sums as are necessary for each fiscal year thereafter.

"(e) INAPPLICABILITY OF EXPIRATION PROVISION.—Section 281 does not apply to this section.".

(b) The table of contents in the first section of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 272 the following:

"Sec. 273. Summer fill and fuel budgeting programs.".

SEC. 303. ENERGY EFFICIENCY SCIENCE INITIATIVE.

There are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as are necessary for each fiscal year thereafter be for an Energy Efficiency Science Initiative to be managed by the Assistant Secretary for Energy Efficiency and Renewable

Energy in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

SEC. 304. NORTHEAST HOME HEATING OIL RESERVE.

(a) AMENDMENT.—Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D—

"PART D—NORTHEAST HOME HEATING OIL RESERVE

"ESTABLISHMENT

"SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast, a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

"(b) For the purposes of this part—

"(1) the term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey; and

"(2) the term 'petroleum distillate' includes heating oil and diesel fuel.

"AUTHORITY

"SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

"(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

"(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

"(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

"(4) store petroleum distillate in facilities not owned by the United States;

"(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part; and

"(6) notwithstanding paragraph (5), on terms the Secretary considers reasonable, sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part in order to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

"CONDITIONS FOR RELEASE; PLAN

"SEC. 183. (a) The Secretary may release petroleum distillate from the Reserve under section 182(5) only in the event of—

"(1) a severe energy supply disruption;

"(2) a severe price increase; or

"(3) another emergency affecting the Northeast, which the President determines to merit a release from the Reserve.

"(b) Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

"(1) the acquisition of storage and related facilities or storage services for the Reserve;

"(2) the acquisition of petroleum distillate for storage in the Reserve;

"(3) the anticipated methods of disposition of petroleum distillate from the Reserve; and

"(4) the estimated costs of establishment, maintenance, and operation of the Reserve.

The storage of petroleum distillate in a storage facility that meets existing environmental requirements is not a 'major Federal action significantly affecting the quality of the human environment' as that term is used in section 102(2)(C) of the National Environmental Policy Act of 1969.

"NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

"SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the 'Northeast Home Heating Oil Reserve Account' (referred to in this section as the 'Account').

"(b) The Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

"(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

"EXEMPTIONS

"SEC. 185. An action taken under this part—

"(1) is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code; and

"(2) is not subject to laws governing the Federal procurement of goods and services, including the Federal Property and Administrative Services Act of 1949 (including the Competition in Contracting Act) and the Small Business Act.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out part D of title I of the Energy Policy and Conservation Act.

TITLE IV—PROVISIONS TO ENHANCE THE USE OF DOMESTIC ENERGY RESOURCES

Subtitle A—Hydroelectric Resources

SEC. 401. USE OF FEDERAL FACILITIES.

(a) The Secretary of the Interior and the Secretary of the Army shall each inventory all dams, impoundments, and other facilities under their jurisdiction.

(b) Based on this inventory and other information, the Secretary of the Interior and Secretary of the Army shall each submit a report to the Congress within six months from the date of enactment of this Act. Each report shall—

(1) Describe, in detail, each facility that is capable, with or without modification, of producing additional hydroelectric power. For each such facility, the report shall state the full potential for the facility to generate hydroelectric power, whether the facility is currently generating hydroelectric power, and the costs to install, upgrade, modify, or take other actions to increase the hydroelectric generating capability of the facility. For each facility that currently has hydroelectric generating equipment, the report shall indicate the condition of such equipment, the maintenance requirements, and the schedule for any improvements as well as the purposes for which power is generated.

(2) Describe what actions are planned and underway to increase the hydroelectric production from facilities under his jurisdiction and shall include any recommendations the Secretary deems advisable to increase such production, reduce costs, and improve efficiency at Federal facilities, including, but not limited to, use of lease of power privilege and contracting with non-Federal entities for operation and maintenance.

SEC. 402. EXPEDITED FERC HYDROELECTRIC LICENSING PROCEDURES.

The Federal Energy Regulatory Commission shall immediately undertake a comprehensive review of policies, procedures and regulations for the licensing of hydroelectric projects to determine how to reduce the cost and time of obtaining a license. The Commission shall report its findings within six months of the date of enactment to the Congress, including any recommendations for legislative changes.

Subtitle B—Nuclear Resources

SEC. 410. NUCLEAR GENERATION.

The Chairman of the Nuclear Regulatory Commission shall submit a report to the Congress within six months from the date of enactment of this Act on the state of nuclear power generation and production in the United States and the potential for increasing nuclear generating capacity and production as part of this nation's energy mix. The report shall also review the status of the relicensing process for civilian nuclear power plants, including current and anticipated applications, and recommendations for improvements in the process, including, but not limited to recommendations for expediting the process and ensuring that relicensing is accomplished in a timely manner.

SEC. 411. NRC HEARING PROCEDURE.

Section 189(a)(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended by adding at the end the following—

"(C) HEARINGS.—A hearing under this section shall be conducted using informal adjudicatory procedures established under sections 553 and 555 of title 5, United States Code, unless the Commission determines that formal adjudicatory procedures are necessary—

"(i) to develop a sufficient record; or

"(ii) to achieve fairness.".

Subtitle C—Development of a National Spent Nuclear Fuel Strategy

SEC. 415. FINDINGS.

(a) Prior to permanent closure of the geologic repository in Yucca Mountain, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements;

(b) Future use of nuclear energy may require construction of a second geologic repository unless Yucca Mountain can safely accommodate additional spent fuel. Improved spent fuel strategies may increase the capacity of Yucca Mountain.

(c) Prior to construction of any second permanent geologic repository, the nation's current plans for permanent burial of spent fuel should be reevaluated.

SEC. 416. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) ESTABLISHMENT.—There is hereby established an Office of Spent Nuclear Fuel Research (referred to as the "Office" in this section) within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(b) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed within 90 days of the enactment of this Act.

(c) GRANT AND CONTRACT AUTHORITY.—In carrying out his responsibilities under this section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (d)(2).

(d)(1) DUTIES.—The Associate Director of the Office shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

(2) The Associate Director of the Office shall:

(A) develop a research plan to provide recommendations by 2015;

(B) identify technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities on such technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor- and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) encourage that research efforts include participation of international collaborators;

(H) be authorized to fund international collaborators when they bring unique capabilities not available in the United States and their host country is unable to provide for their support;

(I) ensure that research efforts with the Office are coordinated with research on advance fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

(e) REPORT.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office, including the process that has been made to achieve the objectives of paragraph (b).

Subtitle D—Coal Resources

SEC. 420. COAL GENERATING CAPACITY.

The Secretary of Energy shall examine existing coal-fired power plants and submit a report to the Congress within six months from the enactment of this Act on the potential of such plants for increased generation and any impediments to achieving such increase. The report shall describe, in detail, options for improving the efficiency of these plants. The report shall include recommendations for a program of research, development, demonstration, and commercial application to develop economically and environmentally acceptable advanced technologies for current electricity generation facilities using coal as the primary feedstock, including commercial-scale applications of advanced clean coal technologies. The report shall also include an assessment of the costs to develop and demonstrate such technologies and the time required to undertake such development and demonstration.

SEC. 425. COAL LIQUEFACTION.

The Secretary of Energy shall provide grants for the refinement and demonstration of new technologies for the conversion of coal to liquids. Such grants shall be for the design and construction of an indirect liquefaction plant capable of production in commercial quantities. There are authorized to be appropriated for the purpose of this section such sums as may be necessary through fiscal year 2004.

TITLE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY SECURITY ACT OF 2000

SEC. 501. SHORT TITLE

This title may be cited as the "Arctic Coastal Plain Domestic Energy Security Act of 2000".

SEC. 502. DEFINITIONS.

When used in this title the term—

(1) "Coastal Plain" means that area identified as such in the map entitled "Arctic National Wildlife Refuge", dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)) comprising approximately 1,549,000 acres; and

(2) "Secretary", except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 503. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) AUTHORIZATION.—The Congress hereby authorizes and directs the Secretary, acting through the Bureau of Land Management in consultation with the Fish and Wildlife Service and other appropriate Federal offices and agencies, to take such actions as are necessary to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain and to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and shall require the application of the best commercially available technology for oil and gas exploration, development, and production, on all new exploration, development, and production operations, and whenever practicable, on existing operations, and in a manner to ensure the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—The prohibitions and limitations contained in section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) are hereby repealed.

(c) COMPATIBILITY.—Congress hereby determines that the oil and gas leasing program and activities authorized by this section in the Coastal Plain are compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(d) SOLE AUTHORITY.—This title shall be the sole authority for leasing on the Coastal Plain: *Provided*, That nothing in this title shall be deemed to expand or limit State and local regulatory authority.

(e) FEDERAL LAND.—The Coastal Plain shall be considered "Federal land" for the purposes of the Federal Oil and Gas Royalty Management Act of 1982.

(f) SPECIAL AREAS.—The Secretary, after consultation with the State of Alaska, City of Kaktovik, and the North Slope Borough, is authorized to designate up to a total of 45,000 acres of the Coastal Plain as Special Areas and close such areas to leasing if the Secretary determines that these Special Areas are of such unique character and interest so as to require special management and regulatory protection. The Secretary may, however, permit leasing of all or portions of any Special Areas within the Coastal Plain by setting lease terms that limit or condition surface use and occupancy by lessees of such lands but permit the use of horizontal drilling technology from sites on leases located outside the designated Special Areas.

(g) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(h) CONVEYANCE.—In order to maximize Federal revenues by removing clouds on title of lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), is authorized and directed to convey (1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 2 of the Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611), and (2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 504. RULES AND REGULATIONS.

(a) PROMULGATION.—The Secretary shall prescribe such rules and regulations as may be necessary to carry out the purposes and provisions of this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and the environment of the Coastal Plain. Such rules and regulations shall be promulgated no later than fourteen months after the date of enactment of this title and shall, as of their effective date, apply to all operations conducted under a lease issued or maintained under the provisions of this title and all operations on the Coastal Plain related to the leasing, exploration, development, and production of oil and gas.

(b) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) of this section to reflect any significant biological, environmental, or engineering data which come to the Secretary's attention.

SEC. 505. ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.

The "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental

Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is hereby found by the Congress to be adequate to satisfy the legal and procedural requirements of the National Environmental Policy Act of 1969 with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of the leasing program authorized by this title, to conduct the first lease sale and any subsequent lease sale authorized by this title, and to grant rights-of-way and easements to carry out the purposes of this title.

SEC. 506. LEASE SALES.

(a) Lease Sales.—Lands may be leased pursuant to the provisions of this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act, as amended (30 U.S.C. 181).

(b) Procedures.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale; and

(2) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) Lease Sales on Coastal Plain.—The Secretary shall, by regulation, provide for lease sales of lands on the Coastal Plain. When lease sales are to be held, they shall occur after the nomination process provided for in subsection (b) of this section. For the first lease sale, the Secretary shall offer for lease those acres receiving the greatest number of nominations, but no less than two hundred thousand acres and no more than three hundred thousand acres shall be offered. If the total acreage nominated is less than two hundred thousand acres, the Secretary shall include in such sale any other acreage which he believes has the highest resource potential, but in no event shall more than three hundred thousand acres of the Coastal Plain be offered in such sale. With respect to subsequent lease sales, the Secretary shall offer for lease no less than two hundred thousand acres of the Coastal Plain. The initial lease sale shall be held within twenty months of the date of enactment of this title. The second lease sale shall be held no later than twenty-four months after the initial sale, with additional sales conducted no later than twelve months thereafter so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 507. GRANT OF LEASES BY THE SECRETARY.

(a) In General.—The Secretary is authorized to grant to the highest responsible qualified bidder by sealed competitive cash bonus bid any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary and of such royalty as may be fixed in the lease, which shall be not less then 12½ per centum in amount or value of the production removed or sold from the lease.

(b) Antitrust Review.—Following each notice of a proposed lease sale and before the acceptance of bids and the issuance of leases based on such bids, the Secretary shall allow the Attorney General, in consultation with the Federal Trade Commission, thirty days to perform an antitrust review of the results of such lease sale on the likely effects the issuance of such leases would have on competition and the Attorney General shall advise the Secretary with respect to such review, including any recommendation for the nonacceptance of any bid or the imposition of terms or conditions on any lease, as may be appropriate to prevent any situation inconsistent with the antitrust laws.

(c) Subsequent Transfers.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

(d) Immunity.—Nothing in this title shall be deemed to convey to any person, association, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions, under any antitrust law.

(e) Definitions.—As used in this section, the term—

(1) "antitrust review" shall be deemed an "antitrust investigation" for the purposes of the Antitrust Civil Process Act (15 U.S.C. 1311); and

(2) "antitrust laws" means those Acts set forth in section 1 of the Clayton Act (15 U.S.C. 12) as amended.

SEC. 508. LEASE TERMS AND CONDITIONS.

An oil or gas lease issued pursuant to this title shall—

(1) be for a tract consisting of a compact area not to exceed five thousand seven hundred sixty acres, or nine surveyed or protracted sections which shall be as compact in form as possible;

(2) be for an initial period of ten years and shall be extended for so long thereafter as oil or gas is produced in paying quantities from the lease or unit area to which the lease is committed or for so long as drilling or reworking operations, as approved by the Secretary, are conducted on the lease or unit area;

(3) require the payment of royalty as provided for in section 507 of this title;

(4) require that exploration activities pursuant to any lease issued or maintained under this title shall be conducted in accordance with an exploration plan or a revision of such plan approved by the Secretary;

(5) require that all development and production pursuant to a lease issued or maintained pursuant to this title shall be conducted in accordance with development and production plans approved by the Secretary;

(6) require posting of bond as required by section 509 of this title;

(7) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(8) contain such provisions relating to rental and other fees as the Secretary may prescribe at the time of offering the area for lease;

(9) provide that the Secretary may direct or assent to the suspension of operations and production under any lease granted under the terms of this title in the interest of conservation of the resource or where there is no available system to transport the resource. If such a suspension is directed or assented to by the Secretary, any payment of rental prescribed by such lease shall be suspended during such period of suspension of operations and production, and the term of the lease shall be extended by adding any such suspension period thereto;

(10) provide that whenever the owner of a nonproducing lease fails to comply with any of the provisions of this Act, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this title, such lease may be canceled by the Secretary if such default continues for more than thirty days after mailing of notice by registered letter to the lease owner at the lease owner's post office address of record;

(11) provide that whenever the owner of any producing lease fails to comply with any of the provisions of this title, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this title, such lease may be forfeited and canceled by any appropriate proceeding brought by the Secretary in any United States district court having jurisdiction under the provisions of this title;

(12) provide that cancellation of a lease under this title shall in no way release the owner of the lease from the obligation to provide for reclamation of the lease site;

(13) allow the lessee, at the discretion of the Secretary, to make written relinquishment of all rights under any lease issued pursuant to this title. The Secretary shall accept such relinquishment by the lessee of any lease issued under this title where there has not been surface disturbance on the lands covered by the lease;

(14) provide that for the purpose of conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof, and in order to avoid the unnecessary duplication of facilities, to protect the environment of the Coastal Plain, and to protect correlative rights, the Secretary shall require that, to the greatest extent practicable, lessees unite with each other in collectively adopting and operating under a cooperative or unit plan of development for operation of such pool, field, or like area, or any part thereof, and the Secretary is also authorized and directed to enter into such agreements as are necessary or appropriate for the protection of the United States against drainage;

(15) require that the holder of a lease or leases on lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands adversely affected in connection with exploration, development, production or transportation activities on a lease within the Coastal Plain by the holder of a lease or as a result of activities conducted on the lease by any of the leaseholder's subcontractors or agents;

(16) provide that the holder of a lease may not delegate or convey, by contract of otherwise, the reclamation responsibility and liability to another party without the express written approval of the Secretary;

(17) provide that the standard of reclamation for lands required to be reclaimed under this title be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(18) contain the terms and conditions relating to protection of fish and wildlife, their habitat, and the environment, as required by section 503(a) of this title;

(19) provide that the holder of a lease, its agents, and contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(20) require project agreements to the extent feasible that will ensure productivity

and consistency recognizing a national interest in both labor stability and the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under leases issued pursuant to this Act; and

(21) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

SEC. 509. BONDING REQUIREMENTS TO ENSURE FINANCIAL RESPONSIBILITY OF LESSEE AND AVOID FEDERAL LIABILITY.

(a) REQUIREMENT.—The Secretary shall, by rule or regulation, establish such standards as may be necessary to ensure that an adequate bond, surety, or other financial arrangement will be established prior to the commencement of surface disturbing activities on any lease, to ensure the complete and timely reclamation of the lease tract, and the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease. Such bond, surety, or financial arrangement is in addition to, and not in lieu of, any bond, surety, or financial arrangement required by any other regulatory authority or required by any other provision of law.

(b) AMOUNT.—The bond, surety, or financial arrangement shall be in an amount—

(1) to be determined by the Secretary to provide for reclamation of the lease site in accordance with an approved or revised exploration or development and production plan; plus

(2) set by the Secretary consistent with the type of operations proposed, to provide the means for rapid and effective cleanup, and to minimize damages resulting from an oil spill, the escape of gas, refuse, domestic wastewater, hazardous or toxic substances, or fire caused by oil and gas activities.

(c) ADJUSTMENT.—In the event that an approved exploration or development and production plan is revised, the Secretary may adjust the amount of the bond, surety, or other financial arrangement to conform to such modified plan.

(d) DURATION.—The responsibility and liability of the lessee and its surety under the bond, surety, or other financial arrangement shall continue until such time as the Secretary determines that there has been compliance with the terms and conditions of the lease and all applicable law.

(e) TERMINATION.—Within sixty days after determining that there has been compliance with the terms and conditions of the lease and all applicable laws, the Secretary, after consultation with affected Federal and State agencies, shall notify the lessee that the period of liability under the bond, surety, or other financial arrangement has been terminated.

SEC. 510. OIL AND GAS INFORMATION.

(a) IN GENERAL.—(1) Any lessee or permittee conducting any exploration for, or development or production of, oil or gas pursuant to this title shall provide the Secretary access to all data and information from any lease granted pursuant to this title (including processed and analyzed) obtained from such activity and shall provide copies of such data and information as the Secretary may request. Such data and information shall be provided in accordance with regulations which the Secretary shall prescribe.

(2) If processed and analyzed information provided pursuant to paragraph (1) is provided in good faith by the lessee or permittee, such lessee or permittee shall not be responsible for any consequence of the use or of reliance upon such processed and analyzed information.

(3) Whenever any data or information is provided to the Secretary, pursuant to paragraph (1)—

(A) by a lessee or permittee, in the form and manner of processing which is utilized by such lessee or permittee in the normal conduct of business, the Secretary shall pay the reasonable cost of reproducing such data and information; or

(B) by a lessee or permittee, in such other form and manner of processing as the Secretary may request, the Secretary shall pay the reasonable cost of processing and reproducing such data and information.

(b) REGULATIONS.—The Secretary shall prescribe regulations to: (1) assure that the confidentiality of privileged or proprietary information received by the Secretary under this section will be maintained; and (2) set forth the time periods and conditions which shall be applicable to the release of such information.

SEC. 511. EXPEDITED JUDICIAL REVIEW.

(a) Any complaint seeking judicial review of any provision in this title, or any other action of the Secretary under this title may be filed in any appropriate district court of the United States, and such complaint must be filed within ninety days from the date of the action being challenged, or after such date if such complaint is based solely on grounds arising after such ninetieth day, in which case the complaint must be filed within ninety days after the complainant knew or reasonably should have known of the grounds for the complaint: *Provided*, That any complaint seeking judicial review of an action of the Secretary in promulgating any regulation under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(b) Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 512. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

Notwithstanding title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.), the Secretary is authorized and directed to grant, in accordance with the provisions of section 28 (c) through (t) and (v) through (y) of the Mineral Leasing Act of 1920 (30 U.S.C. 185), rights-of-way and easements across the Coastal Plain for the transportation of oil and gas under such terms and conditions as may be necessary so as not to result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain. Such terms and conditions shall include requirements that facilities be sited or modified so as to avoid unnecessary duplication of roads and pipelines. The regulations issued as required by section 504 of this title shall include provisions granting rights-of-way and easements across the Coastal Plain.

SEC. 513. ENFORCEMENT OF SAFETY AND ENVIRONMENTAL REGULATIONS TO ENSURE COMPLIANCE WITH TERMS AND CONDITIONS OF LEASE.

(a) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall diligently enforce all regulations, lease terms, conditions, restrictions, prohibitions, and stipulations promulgated pursuant to this title.

(b) RESPONSIBILITY OF HOLDERS OF LEASE.—It shall be the responsibility of any holder of a lease under this title to—

(1) maintain all operations within such lease area in compliance with regulations intended to protect persons and property on, and fish and wildlife, their habitat, subsistence resources, and the environment of, the Coastal Plain; and

(2) allow prompt access at the site of any operations subject to regulation under this title to any appropriate Federal or State inspector, and to provide such documents and records which are pertinent to occupational or public health, safety, or environmental protection, as may be requested.

(c) ON-SITE INSPECTION.—The Secretary shall promulgate regulations to provide for—

(1) scheduled onsite inspection by the Secretary, at least twice a year, of facility on the Coastal Plain which is subject to any environmental or safety regulation promulgated pursuant to this title or conditions contained in any lease issue pursuant to this title to assure compliance with such environmental or safety regulations or conditions; and

(2) periodic onsite inspection by the Secretary at least once a year without advance notice to the operator of such facility to assure compliance with all environmental or safety regulations.

SEC. 514. NEW REVENUES.

Notwithstanding any other provision of law, all revenues received by the Federal Government from competitive bids, sales, bonuses, royalties, rents, fees, or interest derived from the leasing of oil and gas within the Coastal Plain shall be deposited into the Treasury of the United States, solely as provided in this section. The Secretary of the Treasury shall pay to the State of Alaska the same percentage of such revenues as is set forth under the heading "EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA" in Public Law 96-514 (94 Stat. 2957, 2964) semiannually to the State of Alaska, on March 30 and September 30 of each year and shall deposit the balance of all such revenues as miscellaneous receipts in the Treasury.

TITLE VI—IMPROVEMENTS TO FEDERAL OIL AND GAS LEASE MANAGEMENT

SEC. 601. TITLE.

This title may be cited as the "Federal Oil and Gas Lease Management Improvement Act of 2000".

SEC. 602. DEFINITIONS.

In this title—

(a) APPLICATION FOR A PERMIT TO DRILL.—The term "application for a permit to drill" means a drilling plan including design, mechanical, and engineering aspects for drilling a well.

(b) FEDERAL LAND.—

(1) IN GENERAL.—The term "Federal land" means all land and interests in land owned by the United States that are subject to the mineral leasing laws, including mineral resources or mineral estates reserved to the United States in the conveyance of a surface or nonmineral estate.

(2) EXCLUSION.—The term "Federal land" does not include—

(i) Indian land (as defined in section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702)); or

(ii) submerged land on the Outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)).

(c) OIL AND GAS CONSERVATION AUTHORITY.—The term "oil and gas conservation authority" means the agency or agencies in each State responsible for regulating for conservation purposes operations to explore for and produce oil and natural gas.

(d) PROJECT.—The term "project" means an activity by a lessee, an operator, or an operating rights owner to explore for, develop, produce, or transport oil or gas resources.

(e) SECRETARY.—The term "Secretary" means—

(1) the Secretary of the Interior, with respect to land under the administrative jurisdiction of the Department of the Interior; and

(2) the Secretary of Agriculture, with respect to land under the administrative jurisdiction of the Department of Agriculture.

(f) SURFACE USE PLAN OF OPERATIONS.—The term "surface use plan of operations" means a plan for surface use, disturbance, and reclamation.

SEC. 603. NO PROPERTY RIGHT.

Nothing in this title gives a State a property right or interest in any Federal lease or land.

Subtitle A—State Option To Regulate Oil and Gas Lease Operations on Federal Land

SEC. 610. TRANSFER OF AUTHORITY.

(a) NOTIFICATION.—Not before the date that is 180 days after the date of enactment of this Act, a State may notify the Secretary of its intent to accept authority for regulation of operations, as described in subparagraphs (A) through (K) of subsection (b)(2), under oil and gas leases on Federal land within the State.

(b) TRANSFER OF AUTHORITY.—

(1) IN GENERAL.—Effective 180 days after the Secretary receives the State's notice, authority for the regulation of oil and gas leasing operations is transferred from the Secretary to the State.

(2) AUTHORITY INCLUDED.—The authority transferred under paragraph (1) includes—

(A) processing and approving applications for permits to drill, subject to surface use agreements and other terms and conditions determined by the Secretary;

(B) production operations;

(C) well testing;

(D) well completion;

(E) well spacing;

(F) communization;

(G) conversion of a producing well to a water well;

(H) well abandonment procedures;

(I) inspections;

(J) enforcement activities; and

(K) site security.

(c) RETAINED AUTHORITY.—The Secretary shall—

(1) retain authority over the issuance of leases and the approval of surface use plans of operations and project-level environmental analyses; and

(2) spend appropriated funds to ensure that timely decisions are made respecting oil and gas leasing, taking into consideration multiple uses of Federal land, socioeconomic and environmental impacts, and the results of consultations with State and local government officials.

SEC. 611. ACTIVITY FOLLOWING TRANSFER OF AUTHORITY.

(a) FEDERAL AGENCIES.—Following the transfer of authority, no Federal agency shall exercise the authority formerly held by the Secretary as to oil and gas lease operations and related operations on Federal land.

(b) STATE AUTHORITY.—

(1) IN GENERAL.—Following the transfer of authority, each State shall enforce its own oil and gas conservation laws and requirements pertaining to transferred oil and gas lease operations and related operations with due regard to the national interest in the expedited, environmentally sound development of oil and gas resources in a manner consistent with oil and gas conservation principles.

(2) APPEALS.—Following a transfer of authority under section 610, an appeal of any decision made by a State oil and gas conservation authority shall be made in accordance with State administrative procedures.

(c) PENDING ENFORCEMENT ACTIONS.—The Secretary may continue to enforce any pending actions respecting acts committed before the date on which authority is transferred to a State under section 610 until those proceedings are concluded.

(d) PENDING APPLICATIONS.—

(1) TRANSFER TO STATE.—All applications respecting oil and gas lease operations and related operations on Federal land pending before the Secretary on the date on which authority is transferred under section 610 shall be immediately transferred to the oil and gas conservation authority of the State in which the lease is located.

(2) ACTION BY THE STATE.—The oil and gas conservation authority shall act on the application in accordance with State laws (including regulations) and requirements.

Subtitle B—Use of Cost Savings From State Regulation

SEC. 621. COMPENSATION FOR COSTS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall compensate any State for costs incurred to carry out the authorities transferred under section 610.

(b) PAYMENT SCHEDULE.—Payments shall be made not less frequently than every quarter.

(c) COST BREAKDOWN REPORT.—Each State seeking compensation shall report to the Secretary a cost breakdown for the authorities transferred.

(d) LIMITATION ON AMOUNT.—

(1) IN GENERAL.—Compensation to a State may not exceed 50 percent of the Secretary's allocated cost for oil and gas leasing activities under section 35(b) of the Act of February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 191(b)) for the State for fiscal year 1997.

(2) ADJUSTMENT.—The Secretary shall adjust the maximum level of cost compensation at least once every 2 years to reflect any increases in the Consumer Price Index (all items, United States city average) as prepared by the Department of Labor, using 1997 as the baseline year.

SEC. 622. EXCLUSION OF COSTS OF PREPARING PLANNING DOCUMENTS AND ANALYSES.

Section 35 of the Act of February 25, 1920 (30 U.S.C. 191(b)) is amended by adding at the end the following:

"(6) The Secretary shall not include, for the purpose of calculating the deduction under paragraph (1), costs of preparing resource management planning documents and analyses for areas in which mineral leasing is excluded or areas in which the primary activity under review is not mineral leasing and development.".

SEC. 623. RECEIPT SHARING.

Section 35(b) of the Act of February 25, 1920 (30 U.S.C. 191(b)) is amended by striking "paid to States" and inserting "paid to States (other than States that accept a transfer of authority under section 610 of the Federal Oil and Gas Lease Management Act of 2000)".

Subtitle C—Streamlining and Cost Reduction

SEC. 631. APPLICATIONS.

(a) LIMITATION ON COST RECOVERY.—Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United State Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating to oil and gas leases.

(b) COMPLETION OF PLANNING DOCUMENTS AND ANALYSES.—

(1) IN GENERAL.—The Secretary shall complete any resource management planning documents and analyses not later than 90 days after receiving any offer, application, or request for which a planning document or analysis is required to be prepared.

(2) PREPARATION BY APPLICANT OR LESSEE.—If the Secretary is unable to complete the document or analysis within the time prescribed by paragraph (1), the Secretary shall notify the applicant or lessee of the opportunity to prepare the required document or analysis for the agency's review and use in decisionmaking.

(c) REIMBURSEMENT FOR COSTS OF NEPA OF ANALYSES, DOCUMENTATION, AND STUDIES.—If—

(1) adequate funding to enable the Secretary to timely prepare a project-level analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an oil or gas lease is not appropriated; and

(2) the lessee, operator, or operating rights owner voluntarily pays for the cost of the required analysis, documentation, or related study;

the Secretary shall reimburse the lessee, operator, or operating rights owner for its costs through royalty credits attributable to the lease, unit agreement, or project area.

SEC. 632. TIMELY ISSUANCE OF DECISIONS.

(a) IN GENERAL.—The Secretary shall ensure the timely issuance of Federal agency decisions respecting oil and gas leasing and operations on Federal land.

(b) OFFER TO LEASE.—

(1) DEADLINE.—The Secretary shall accept or reject an offer to lease not later than 90 days after the filing of the offer.

(2) FAILURE TO MEET DEADLINE.—If an offer is not acted upon within that time, the offer shall be deemed to have been accepted.

(c) APPLICATION FOR PERMIT TO DRILL.—

(1) DEADLINE.—The Secretary and a State that has accepted a transfer of authority under section 610 shall approve or disapprove an application for permit to drill not later than 30 days after receiving a complete application.

(2) FAILURE TO MEET DEADLINE.—If the application is not acted on within the time prescribed by paragraph (1), the application shall be deemed to have been approved.

(d) SURFACE USE PLAN OF OPERATIONS.—The Secretary shall approve or disapprove a surface use plan of operations not later than 30 days after receipt of a complete plan.

(e) ADMINISTRATIVE APPEALS.—

(1) DEADLINE.—From the time that a Federal oil and gas lessee or operator files a notice of administrative appeal of a decision or order of an officer or employee of the Department of the Interior or the Forest Service respecting a Federal oil and gas Federal lease, the Secretary shall have 2 years in which to issue a final decision in the appeal.

(2) FAILURE TO MEET DEADLINE.—If no final decision has been issued within the time prescribed by paragraph (1), the appeal shall be deemed to have been granted.

SEC. 633. ELIMINATION OF UNWARRANTED DENIALS AND STAYS.

(a) IN GENERAL.—The Secretary shall ensure that unwarranted denials and stays of lease issuance and unwarranted restrictions on lease operations are eliminated from the administration of oil and gas leasing on Federal land.

(b) LAND DESIGNATED FOR MULTIPLE USE.—

(1) IN GENERAL.—Land designated as available for multiple use under Bureau of Land Management resource management plans and Forest Service leasing analyses shall be available for oil and gas leasing without lease stipulations more stringent than restrictions on surface use and operations imposed under the laws (including regulations) of the State oil and gas conservation authority unless the Secretary includes in the decision approving the management plan or leasing analysis a written explanation why more stringent stipulations are warranted.

(2) APPEAL.—Any decision to require a more stringent stipulation shall be administratively appealable and, following a final agency decision, shall be subject to judicial review.

(c) REJECTION OF OFFER TO LEASE.—

(1) IN GENERAL.—If the Secretary rejects an offer to lease on the ground that the land is unavailable for leasing, the Secretary shall provide a written, detailed explanation of the reasons the land is unavailable for leasing.

(2) PREVIOUS RESOURCE MANAGEMENT DECISION.—If the determination of unavailability is based on a previous resource management decision, the explanation shall include a careful assessment of whether the reasons underlying the previous decision are still persuasive.

(3) SEGREGATION OF AVAILABLE LAND FROM UNAVAILABLE LAND.—The Secretary may not reject an offer to lease land available for leasing on the ground that the offer includes land unavailable for leasing, and the Secretary shall segregate available land from unavailable land, on the offeror's request following notice by the Secretary, before acting on the offer to lease.

(d) DISAPPROVAL OR REQUIRED MODIFICATION OF SURFACE USE PLANS OF OPERATIONS AND APPLICATION FOR PERMIT TO DRILL.—The Secretary shall provide a written, detailed explanation of the reasons for disapproving or requiring modifications of any surface use plan of operations or application for permit to drill.

(e) EFFECTIVENESS OF DECISION.—A decision of the Secretary respecting an oil and gas lease shall be effective pending administrative appeal to the appropriate office within the Department of the Interior or the Department of Agriculture unless that office grants a stay in response to a petition satisfying the criteria for a stay established by section 4.21(b) of title 43, Code of Federal Regulations (or any successor regulation).

SEC. 634. REPORTS.

(a) IN GENERAL.—Not later than March 31, 2001, the Secretaries shall jointly submit to the Congress a report explaining the most efficient means of eliminating overlapping jurisdiction, duplication of effort, and inconsistent policymaking and policy implementation as between the Bureau of Land Management and the Forest Service.

(b) RECOMMENDATIONS.—The report shall include recommendations on statutory changes needed to implement the report's conclusions.

SEC. 635. SCIENTIFIC INVENTORY OF OIL AND GAS RESERVES.

(a) IN GENERAL.—Not later than March 31, 2001, the Secretary of the Interior, in consultation with the Director of the United States Geological Survey, shall publish, through notice in the Federal Register, a science-based national inventory of the oil and gas reserves and potential resources underlying Federal land and the Outer Continental Shelf.

(b) CONTENTS.—The inventory shall—

(1) indicate what percentage of the oil and gas reserves and resources is currently available for leasing and development; and

(2) specify the percentages of the reserves and resources that are on—

(A) land that is open for leasing as of the date of enactment of this Act that has never been leased;

(B) land that is open for leasing or development subject to no surface occupancy stipulations; and

(C) land that is open for leasing or development subject to other lease stipulations that have significantly impeded or prevented, or are likely to significantly impede or prevent, development; and

(3) indicate the percentage of oil and gas resources that are not available for leasing or are withdrawn from leasing.

(c) PUBLIC COMMENT.—

(1) IN GENERAL.—The Secretary of the Interior shall invite public comment on the inventory to be filed not later than September 30, 2001.

(2) RESOURCE MANAGEMENT DECISIONS.—Specifically, the Secretary of the Interior shall invite public comment on the effect of Federal resource management decisions on past and future oil and gas development.

(d) REPORT.—

(1) IN GENERAL.—Not later than March 31, 2002, the Secretary of the Interior shall submit to the President of the Senate and the Speaker of the House of Representatives a report comprised of the revised inventory and responses to the public comments.

(2) CONTENTS.—The report shall specifically indicate what steps the Secretaries believe are necessary to increase the percentage of land open for development of oil and gas resources.

Subtitle D—Federal Royalty Certainty

SEC. 641. DEFINITIONS.

In this subtitle.—

(a) MARKETABLE CONDITION.—The term "marketable condition" means lease production that is sufficiently free from impurities and otherwise in a condition that the production will be accepted by a purchaser under a sales contract typical for the field or area.

(b) REASONABLE COMMERCIAL RATE.—

(1) IN GENERAL.—The term "reasonable commercial rate" means—

(A) in the case of an arm's-length contract, the actual cost incurred by the lessee; or

(B) in the case of a non-arm's-length contract—

(i) the rate charged in a contract for similar services in the same area between parties with opposing economic interests; or

(ii) if there are no arm's-length contracts for similar services in the same area, the just and reasonable rate for the transportation service rendered by the lessee or lessee's affiliate.

(2) DISPUTES.—Disputes between the Secretary and a lessee over what constitutes a just and reasonable rate for such service shall be resolved by the Federal Energy Regulatory Commission.

SEC. 642. AMENDMENT OF OUTER CONTINENTAL SHELF LANDS ACT.

Section 8(b)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(b)(3)) is amended by striking the semicolon at the end and adding the following:

": *Provided*, That if the payment is in value or amount, the royalty due in value shall be based on the value of oil or gas production at the lease in marketable condition, and the royalty due in amount shall be based on the royalty share of production at the lease; if the payment in value or amount is calculated from a point away from the lease, the payment shall be adjusted for quality and location differentials, and the lessee shall be allowed reimbursements at a reasonable commercial rate for transportation (including transportation to the point where the production is put in marketable condition), marketing, processing, and other services beyond the lease through the point of sale, other disposition, or delivery;".

SEC. 643. AMENDMENT OF MINERAL LEASING ACT.

Section 17(c) of the Act of February 25, 1920 (30 U.S.C. 226(c)) (commonly known as the "Mineral Leasing Act"), is amended by adding at the end the following:

"(3) ROYALTY DUE IN VALUE.—

"(A) IN GENERAL.—Royalty due in value shall be based on the value of oil or gas production at the lease in marketable condition, and the royalty due in amount shall be based on the royalty share of production at the lease.

"(B) CALCULATION OF VALUE OR AMOUNT FROM A POINT AWAY FROM A LEASE.—If the payment in value or amount is calculated from a point away from the lease—

"(i) the payment shall be adjusted for quality and location differentials; and

"(ii) the lessee shall be allowed reimbursements at a reasonable commercial rate for transportation (including transportation to the point where the production is put in marketable condition), marketing, processing, and other services beyond the lease through the point of sale, other disposition, or delivery;".

SEC. 644. INDIAN LAND.

This subtitle shall not apply with respect to Indian land.

Subtitle E—Royalty Reinvestment in America

SEC. 651. ROYALTY INCENTIVE PROGRAM.

(a) IN GENERAL.—To encourage exploration and development expenditures on Federal land and the Outer Continental Shelf for the development of oil and gas resources when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is less than $18 per barrel for 90 consecutive pricing days or when natural gas prices as delivered at Henry Hub, Louisiana, are less than $2.30 per million British thermal units for 90 consecutive days, the Secretary shall allow a credit against the payment of royalties on Federal oil production and gas production, respectively, in an amount equal to 20 percent of the capital expenditures made on exploration and development activities on Federal oil and gas leases.

(b) NO CREDITING AGAINST ONSHORE FEDERAL ROYALTY OBLIGATIONS.—In no case shall such capital expenditures made on Outer Continental Shelf leases be credited against onshore Federal royalty obligations.

SEC. 652. MARGINAL WELL PRODUCTION INCENTIVES.

To enhance the economics of marginal oil and gas production by increasing the ultimate recovery from marginal wells when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index Chart is less than $18 per barrel for 90 consecutive pricing days or when natural gas prices are delivered at Henry Hub, Louisiana, are less than $2.30 per million British thermal units for 90 consecutive days, the Secretary shall reduce the royalty rate as production declines for—

(1) onshore oil wells producing less than 30 barrels per day;

(2) onshore gas wells producing less than 120 million British thermal units per day;

(3) offshore oil wells producing less than 300 barrels of oil per day; and

(4) offshore gas wells producing less than 1,200 million British thermal units per day.

SEC. 653. SUSPENSION OF PRODUCTION ON OIL AND GAS OPERATIONS.

(a) In General.—Any person operating an oil well under a lease issued under the Act of February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) may submit a notice to the Secretary of the Interior of suspension of operation and production at the well.

(b) Production Quantities Not a Factor.—A notice under subsection (a) may be submitted without regard to per day production quantities at the well and without regard to the requirements of subsection (a) of section 3103.4–4 of title 43 of the Code of Federal Regulations (or any successor regulation) respecting the granting of such relief, except that the notice shall be submitted to an office in the Department of the Interior designated by the Secretary of the Interior.

(c) Period of Relief.—On submission of a notice under subsection (a) for an oil well, the operator of the well may suspend operation and production at the well for a period beginning on the date of submission of the notice and ending on the later of—

(1) the date that is 2 years after the date on which the suspension of operation and production commences; or

(2) the date on which the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is greater than $15 per barrel for 90 consecutive pricing days.

TITLE VII—FRONTIER OIL AND GAS EXPLORATION AND DEVELOPMENT INCENTIVES

SEC. 701. TITLE.

This title may be cited as the "Frontier Exploration and Development Incentives Act of 2000".

SEC. 702. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) Section 8(a)(1)(D) of the Outer Continental Shelf Lands Act, (43 U.S.C. 1337(a)(1)(D)) is amended by striking the word "area;" and inserting in lieu thereof the word "area," and the following new text: "except in the Arctic areas of Alaska, where the Secretary is authorized to set the net profit share at 16⅔ percent. For purposes of this section, 'Arctic areas' means the Beaufort Sea and Chukchi Sea Planning Areas of Alaska.".

(b) Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is amended by adding a new subparagraph (10) at the end thereof:

"(10) After an oil and gas lease is granted pursuant to any of the bidding systems of paragraph (1) of this subsection, the Secretary shall reduce any future royalty or rental obligation of the lessee on any lease issued by the Secretary (and proposed by the lessee for such reduction) by an amount equal to (a) 10 percent of the qualified costs of exploratory wells drilled or geophysical work performed on any lease issued by the Secretary, whichever is greater, pursuant to this Act in Arctic areas and (b) an additional 10 percent of the qualified costs of any such exploratory wells which are located ten or more miles from another well drilled for oil and gas. For purposes of this Act—'qualified costs' shall mean the costs allocated to the exploratory well or geophysical work in support of an exploration program pursuant to 26 U.S.C. as amended; 'exploratory well' shall mean either an exploratory well as defined by the United States Securities and Exchange Commission in 17 C.F.R. 210.4–10(a)(10), as amended, or a well three or more miles from any oil or gas well or a pipeline which transports oil or gas to a market or terminal; 'geophysical work' shall mean all geophysical data gathering methods used in hydrocarbon exploration and includes seismic, gravity, magnetic, and electromagnetic measurements; and, all distances shall be measured in horizontal distance. When a measurement beginning or ending point is a well, the measurement point shall be the bottom hole location of that well.".

TITLE VIII—TAX MEASURES TO ENHANCE DOMESTIC OIL AND GAS PRODUCTION

Subtitle A—Marginal Well Preservation

SEC. 801. SHORT TITLE; PURPOSE; AMENDMENT OF 1986 CODE.

(a) This subtitle may be cited as the "Marginal Well Preservation Act of 2000".

(b) The purpose of section 802 is to prevent the abandonment of marginal oil and gas wells responsible for half of the domestic production of oil and gas in the United States and of section 803 is to recognize that geological and geophysical expenditures and delay rentals are ordinary and necessary business expenses that should be deducted in the year the expense is incurred.

(c) Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 802. TAX CREDIT FOR MARGINAL DOMESTIC OIL AND NATURAL GAS WELL PRODUCTION.

(a) Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

"SEC. 45D. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

"(a) General Rule.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

"(1) the credit amount, and

"(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

"(b) Credit Amount.—For purposes of this section—

"(1) In general.—The credit amount is—

"(A) $3 per barrel of qualified crude oil production, and

"(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

"(2) Reduction as oil and gas prices increase.—

"(A) In general.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

"(i) the excess (if any) of the applicable reference price over $14 ($1.56 for qualified natural gas production), bears to

"(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

"(B) Inflation adjustment.—In the case of any taxable year beginning in a calendar year after 2000, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '1999' for '1990').

"(C) Reference price.—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

"(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

"(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

"(c) Qualified Crude Oil and Natural Gas Production.—For purposes of this section—

"(1) In general.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a marginal well.

"(2) Limitation on amount of production which may qualify.—

"(A) In general.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

"(B) Proportionate reductions.—

"(i) Short taxable years.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

"(ii) Wells not in production entire year.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

"(3) Definitions.—

"(A) Marginal well.—The term 'marginal well' means a domestic well—

"(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

"(ii) which, during the taxable year—

"(I) has average daily production of not more than 25 barrel equivalents, and

"(II) produces water at a rate not less than 95 percent of total well effluent.

"(B) Crude oil, etc.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

"(C) Barrel equivalent.—The term 'barrel equivalent' means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

"(d) Other Rules.—

"(1) Production attributable to the taxpayer.—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate to the revenue interests of all operating interest owners in the production.

"(2) Operating interest required.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

"(3) Production from nonconventional sources excluded.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim credit under section 29 with respect to the well.".

(b) Credit Treated as Business Credit.—Section 38(b) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting", plus", and by adding at the end of the following new paragraph—

"(13) the marginal oil and gas well production credit determined under section 45D(a).".

(c) Credit Allowed Against Regular and Minimum Tax.—

(1) In general.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph—

"(3) Special rules for marginal oil and gas well production credit.—

"(A) In general.—In the case of the marginal oil and gas well production credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraphs (A) and (B) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).

"(B) Marginal oil and gas well production credit.—For purposes of this subsection, the term 'marginal oil and gas well production credit' means the credit allowable under subsection (a) by reason of section 45D(a).".

(2) Conforming amendment.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting "or the marginal oil and gas well production credit" after "employment credit".

(d) Carryback.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following new paragraph—

"(3) 10-year carryback for marginal oil and gas well production credit.—In the case of the marginal oil and gas well production credit—

"(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

"(B) paragraph (1) shall be applied by substituting '10 taxable year' for '1 taxable year' in subparagraph (A) thereof, and

"(C) paragraph (2) shall be applied—

"(i) by substituting '31 taxable years' for '21 taxable years' in subparagraph (A) thereo, and

"(ii) by substituting '30 taxable years' for '20 taxable years' in subparagraph (B) thereof.".

(e) Coordination With Section 29.—Section 29(a) is amended by striking "There" and inserting "At the election of the taxpayer, there."

(f) Clerical Amendment—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following item:

"Sec. 45D. Credit for producting oil and gas from marginal wells."

(g) Effective Date.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 1999.

SEC. 803. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES AND DELAY RENTAL PAYMENTS.

(a) Section 263 (relating to capital expenditures) is amended by adding at the end the following new subsection:

"(j) Geological and Geophysical Expenditures for Oil and Wells.—Notwithstanding subsection (a), a taxpayer may elect to treat geological and geophysical expenses incurred in connection with the exploration for, or development of, oil or gas as expenses which are not chargeable to capital account. Any expenses so treated shall be allowed as a deduction in the taxable year in which paid or incurred.".

(b) Section 263A(c)(3) is amended by inserting "263(j)," after "263(i),".

(c)(1) The amendments made by subsections (a) and (b) shall apply to expenses paid or incurred after the date of the enactment of this Act.

(2) In the case of any expenses described in section 263(j) of the Internal Revenue Code of 1986, as added by subsections (a) and (b), which were paid or incurred on or before the date of the enactment of this Act, the taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the suspended portion of such expenses over the 36-month period beginning with the month in which the date of the enactment of this Act occurs. For purposes of this paragraph, the suspended portion of any expense is that portion of such expense which, as of the first day of the 36-month period, has not been included in the cost of a property or otherwise deducted.

(d) Section 263 (relating to capital expenditures), as amended by subsection (b), is amended by adding at the end the following new subsection—

"(k) Delay Rental Payments for Domestic Oil and Gas Wells.—

"(1) In general.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

"(2) Delay rental payments.—For purposes of paragraph (1), the term 'delay rental payment' means an amount paid for the privilege of deferring the drilling of an oil or gas well under an oil or gas lease.".

Subtitle B—Independent Oil and Gas Producers

SEC. 810. 5-YEAR NET OPERATING LOSS CARRYBACK FOR LOSSES ATTRIBUTABLE TO OPERATING MINERAL INTERESTS OF INDEPENDENT OIL AND GAS PRODUCERS.

(a) Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph—

"(H) Losses on operating mineral interests of independent oil and gas producers.—In the case of a taxpayer—

"(i) which has an eligible oil and gas loss (as defined in subsection (j)) for a taxable year, and

"(ii) which is not an integrated oil company (as defined in section 291(b)(4)), such eligible oil and gas loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.".

(b) Eligible Oil and Gas Loss.—Section 172 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection—

"(j) Eligible Oil and Gas Loss.—For purposes of this section—

"(1) In general.—The term 'eligible oil and gas loss' means the lesser of—

"(A) the amount which would be the net operating loss for the taxable year if only income and deductions attributable to operating mineral interests (as defined in section 614(d)) in oil and gas wells are taken into account, or

"(B) the amount of the net operating loss for such taxable year.

"(2) Coordination with subsection (b)(2).—For purposes of applying subsection (b)(2), an eligible oil and gas loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

"(3) Election.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H).".

(c) Effective Date.—The amendments made by this section shall apply to net operating losses for taxable years beginning after December 31, 1998.

SEC. 811. TEMPORARY SUSPENSION OF LIMITATION BASED ON 65 PERCENT OF TAXABLE INCOME.

(a) In General.—Subsection (d) of section 613A (relating to limitation on percentage depletion in case of oil and gas wells) is amended by adding at the end the following new paragraph—

"(6) Temporary suspension of taxable income limit.—Paragraph (1) shall not apply to taxable years beginning after December 31, 1998, and before January 1, 2005, including with respect to amounts carried under the second sentence of paragraph (1) to such taxable years.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1998.

TITLE IX—TAX MEASURES TO ENHANCE THE USE OF RENEWABLE ENERGY SOURCES, IMPROVE ENERGY EFFICIENCIES, PROTECT CONSUMERS AND CONVERSION TO CLEAN BURNING FUELS

SEC. 901. CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) Extension and Modification of Placed-In-Service Rules.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(3) Qualified facility.—

"(A) Wind facilities.—In the case of a facility using wind to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after December 31, 1993, and before July 1, 2004.

"(B) Biomass facilities.—In the case of a facility using biomass to produce electricity, the term 'qualified facility' means, with respect to any month, any facility owned, leased, or operated by the taxpayer which is originally placed in service before July 1, 2004, if, for such month—

"(i) biomass comprises not less than 75 percent (on a Btu basis) of the average monthly fuel input of the facility for the taxable year which includes such month, or

"(ii) in the case of a facility principally using coal to produce electricity, biomass comprises not more than 25 percent (on a Btu basis) of the average monthly fuel input of the facility for the taxable year which includes such month.

"(C) Special rules.—

"(i) in the case of a qualified facility described in paragraph (B)(i)—

"(I) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

"(II) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997.

"(ii) in the case of a qualified facility described in subparagraph (B)(ii)—

"(I) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

"(II) the amount of the credit determined under subsection (a) with respect to any project for any taxable year shall be adjusted by multiplying such amount (determined without regard to this clause) by 0.59.".

(b) Credit Not To Apply to Electricity Sold to Utilities Under Certain Contracts.—Section 45(b) of the Internal Revenue Code of 1986 (relating to limitations and adjustments) is amended by adding at the end the following—

"(4) Credit not to apply to electricity sold to utilities under certain contracts.—

"(A) In general.—The credit determined under subsection (a) shall not apply to electricity—

"(i) produced at a qualified facility placed in service by the taxpayer after June 30, 1999, and

"(ii) sold to a utility pursuant to a contract originally entered into before January 1, 1987 (whether or not amended or restated after that date).

"(B) Exception.—Subparagraph (A) shall not apply if—

"(i) the prices for energy and capacity from such facility are established pursuant to an amendment to the contract referred to in subparagraph (A)(ii);

"(ii) such amendment provides that the prices set forth in the contract which exceed avoided cost prices determined at the time of delivery shall apply only to annual quantities of electricity (prorated for partial years) which do not exceed the greater of—

"(I) the average annual quantity of electricity sold to the utility under the contract during calendar years 1994, 1995, 1996, 1997, and 1998, or

"(II) the estimate of the annual electricity production set forth in the contract, or, if there is no such estimate, the greatest annual quantity of electricity sold to the utility under the contract in any of the calendar years 1996, 1997, or 1998; and

"(iii) such amendment provides that energy and capacity in excess of the limitation in clause (ii) may be—

"(I) sold to the utility only at prices that do not exceed avoided cost prices determined at the time of delivery, or

"(II) sold to a third party subject to a mutually agreed upon advance notice to the utility.

For purposes of this subparagraph, avoided cost prices shall be determined as provided for in 18 CFR 292.304(d)(1) or any successor regulation.".

(c) Qualified Facilities Include All Biomass Facilities.—

(1) In general.—Subparagraph (B) of section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended to read as follows—

"(B) biomass.".

(2) Biomass defined.—Paragraph (2) of section 45(c) of such Code (relating to definitions) is amended to read as follows—

"(2) biomass.—The term 'biomass' means—

"(A) any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity, or

"(B) any solid, nonhazardous, cellulosic waste material which is segregated from other waste materials and which is derived from—

"(i) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

"(ii) poultry waste,

"(iii) urban sources, including waste pallets, crates, and dunnage, manufacturing and construction wood wastes, and landscape or right-of-way trimmings, but not including unsegregated municipal solid waste (garbage) or paper that is commonly recycled, or

"(iv) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.".

(d) Effective Date.—The amendments made by this section shall apply to electricity produced after the date of the enactment of this Act.

SEC. 902. CERTAIN AMOUNTS RECEIVED BY ELECTRIC ENERGY, GAS, OR STEAM UTILITIES EXCLUDED FROM GROSS INCOME AS CONTRIBUTIONS TO CAPITAL.

(a) Subsection (c) of section 118 of the Internal Revenue Code of 1986 (relating to special rules for water and sewerage disposal utilities) is amended—

(1) in the heading, by striking, "WATER AND SEWERAGE DISPOSAL" and inserting "CERTAIN",

(2) in paragraph (1)—

(A) in the matter preceding paragraph (1), by striking "water or" and inserting "electric energy, gas (through a local distribution system or transportation by pipeline), steam, water, or" and

(B) in subparagraph (B), by striking "water or" and inserting "electric energy, gas, steam, water, or",

(3) in paragraph (2)(A)(ii), by striking "water or" and inserting "electric energy, gas, steam, water, or", and

(4) in paragraph (3)—

(A) in subparagraph (A), by inserting "such term shall include amounts paid as customer connection fees (including amounts paid to connect the customer's line to an electric line, a gas main, a steam line, or a main water or sewer line) and" after "except that", and

(B) in subparagraph (C), by striking "water or" and inserting "electric energy, gas, steam, water, or".

(b) The amendments made by subsection (a) shall apply to amounts received after the date of the enactment of this Act.

SEC. 903. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM STEEL COGENERATION.

(a) Extension of Credit for Coke Production and Steel Manufacturing Facilities.—Section 45(c)(1) (defining qualified energy resources) is amended by striking "and" at the end of the next to last subparagraph, by striking the period at the end of the last subparagraph and inserting ", and", and by adding at the end the following new subparagraph—

"( ) steel cogeneration."

(b) Steel Cogeneration.—Section 45(c) is amended by adding at the end the following—

"( ) Steel cogeneration.—The term 'steel cogeneration' means the production of steam or other form of thermal energy of at least 20 percent of total production and the production of electricity or mechanical energy (or both) of at least 20 percent of total production (meaning production from all waste sources in subparagraphs (A), (B), and (C) from the entire facility that produces coke, iron ore, iron, or steel), provided that the cogeneration meets any regulatory energy-efficiency standards established by the Secretary, and only to the extent that such energy is produced from—

"(A) gases or heat generated during the production of coke,

"(B) blast furnace gases or heat generated during the production of iron ore or iron, or

"(C) waste gases or heat generated from the manufacture of steel that uses at least 20 percent recycled material.".

(c) Modification of Placed in Service Rules for Steel Cogeneration Facilities.—Section 45(c)(3) (defining qualified facility) is amended by adding at the end the following—

( ) Steel cogeneration facilities.—In the case of a facility using steel cogeneration to produce electricity, the term 'qualified facility' means any facility permitted to operate under the environmental requirements of the Clean Air Act Amendments of 1990 which is owned by the taxpayer and originally placed in service after December 31, 1999, and before January 1, 2005. Such a facility may be treated as originally placed in service when such facility was last upgraded to increase efficiency or generation capability. However, no facility shall be allowed a credit for more than 10 years of production.".

(d) Conforming Amendments.—

(1) The heading for section 45 is amended by inserting "and waste energy" after "renewable".

(2) The item relating to section 45 in the table of sections subpart D of part IV of subchapter A of chapter 1 is amended by inserting "and waste energy" after "renewable".

(e) Effective Date.—The amendments made by this section shall take effect for taxable years beginning after December 31, 2001, and before January 1, 2005.

SEC. 904. FULL EXPENSING OF HOME HEATING OIL STORAGE FACILITIES.

(a) In General.—Section 179(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end of the following—

"(5) Full expensing of home heating oil storage facilities.—Paragraphs (1) and (2) shall not apply to section 179 property which is any storage facility (not including a building or its structural components) used in connection with the distribution of home heating oil.".

(b) Effective Date.—The amendment made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act."

SEC. 905. RESIDENTIAL SOLAR ENERGY TAX CREDIT.

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section—

"SEC. 25B. RESIDENTIAL SOLAR ENERGY PROPERTY.

"(a) Allowance of Credit.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 15 percent of the qualified photovoltaic property expenditures made by the taxpayer during such year, and

"(2) 15 percent of the qualified solar water heating property expenditures made by the taxpayer during the taxable year.

"(b) Limitations.—

"(1) Maximum credit.—The credit allowed under subsection (a)(2) shall not exceed $2,000 for each system of solar energy property.

"(2) Type of property.—No expenditure may be taken into account under this section unless such expenditure is made by the taxpayer for property installed on or in connection with a dwelling unit which is located in the United States and which is used as a residence.

"(3) Safety certifications.—No credit shall be allowed under this section for an item of property unless—

"(A) in the case of solar water heating equipment, such equipment is certified for performance and safety by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed, and

"(B) in the case of a photovoltaic system, such system meets appropriate fire and electric code requirements.

"(c) Definitions.—For purposes of this section—

"(1) Qualified solar water heating property expenditure.—The term 'qualified solar water heating property expenditure' means an expenditure for property that uses solar energy to heat water for use in a dwelling unit with respect to which a majority of the energy is derived from the sun.

"(2) Qualified photovoltaic property expenditure.—The term 'qualified photovoltaic property expenditure' means an expenditure for property that uses solar energy to generate electricity for use in a dwelling unit.

"(3) Solar panels.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) or (2) solely because it constitutes a structural component of the structure on which it is installed.

"(4) Labor costs.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property described in paragraph (1) or (2) and for piping or wiring to interconnect such property to the dwelling unit shall be taken into account for purposes of this section.

"(5) Swimming pools, etc., used as storage medium.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

"(d) Special Rules.—For purposes of this section—

"(1) Dollar amounts in case of joint occupancy.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply—

"(A) The amount of the credit allowable under subsection (a) by reason of expenditures (as the case may be) made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(2) Tenant-stockholder in cooperative housing corporation.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

"(3) Condominiums.—

"(A) In general.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

"(B) Condominium management association.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(4) Joint ownership of items of solar energy property.—

"(A) In general.—Any expenditure otherwise qualifying as an expenditure described in paragraph (1) or (2) of subsection (c) shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

"(B) Limits applied separately.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

"(5) Allocation in certain cases.—If less than 80 percent of the use of an item is for nonbusiness residential purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness residential purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for residential purposes.

"(6) When expenditure made; amount of expenditure.—

"(A) In general.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

"(B) Expenditures part of building construction.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

"(C) Amount.—The amount of an expenditure shall be the cost thereof.

"(e) Basis Adjustments.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.".

(b) Conforming Amendments.—

(1) Subsection (a) of section 1016 of such Code is amended by striking 'and' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "; and", and by adding at the end the following new paragraph:

"(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item—

"Sec. 25B. Residential solar energy property."

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 1999 and before December 31, 2004.

SECTION . TEMPORARY REDUCTION OF 4.3 CENTS PER GALLON IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND AVIATION FUEL.

(a) In General.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

"(f) Temporary 18.4-Cent Reduction in Taxes on Gasoline, Diesel Fuel, and Kerosene.—

"(1) In general.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced by 18.4 cents per gallon.

"(2) Rates of tax.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) clause (i), (ii), (iii) of subsection (a)(2)(A) (relating to gasoline, diesel fuel, and kerosene), and

"(B) paragraph (1) of section 4041(a) (relating to diesel fuel) with respect to fuel sold for use or used in a diesel-powered highway vehicle.

"(3) Protecting social security trust funds.—If upon the determination described in paragraph (1)(B), the Secretary, after consultation with the Director of the Office of Management and Budget, determines that such reduction would result in an aggregate reduction in revenues to the Treasury exceeding the Federal on-budget surplus during the remainder of the applicable period, the Secretary shall modify such reduction such that each rate of tax referred to in paragraph (2), subparagraphs (A) and (C) of section 4042(b)(1), and section 4091(e)(1) is reduced in a pro rata matter and such aggregate reduction does not exceed such surplus.

"(4) Maintenance of trust fund deposits.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 and the Airport and Airway Trust Fund under section 9502, an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section.

"(5) Applicable period.—For purposes of this subsection, the term 'applicable period' means the period beginning after June 30, 2000, and ending before March 30, 2001."

(b) Aviation Fuel.—Section 4091 of the Internal Revenue Code of 1986 (relating to imposition of tax on aviation fuel) is amended by adding at the end the following new subsection:

"(e) Temporary 18.4-Cent Reduction in Tax on Aviation Fuel.—

"(1) In general.—During the applicable period, the rate of tax otherwise applicable under subsection (b)(1) shall be reduced by 18.4 cents per gallon.

"(2) Maintenance of trust fund deposits.—In determining the amounts to be appropriated to the Airport and Airway Trust Fund under section 9502, an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section.

"(3) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period beginning after June 30, 2000, and ending before March 30, 2001."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 2. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax reduction date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax reduction date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer, and

(2) the term "tax reduction date" means April 16, 2000.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 3. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 during the applicable period, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) GASOLINE, DIESEL FUEL, AND AVIATION FUEL.—The terms "gasoline", "diesel fuel", and aviation fuel have the respective meanings given such terms by sections 4083 and 4093 of such Code.

(3) FLOOR STOCKS TAX DATE.—The term "floor stocks tax date" means January 1, 2001.

(4) APPLICABLE PERIOD.—The term "applicable period" means the period beginning after April 15, 2000, and ending before January 1, 2001.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, kerosene, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on gasoline, diesel fuel, kerosene, or aviation fuel held in the tank of a motor vehicle, motorboat, or aircraft.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline (other than aviation gasoline) held on the floor stocks tax date by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on aviation gasoline, diesel fuel, kerosene, or aviation fuel held on such date by any person if the aggregate amount of aviation gasoline, diesel fuel, kerosene, or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081.

SEC. 4. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the 18.4-cent reduction in gas taxes under this Act, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the 18.4-cent reduction of taxes under this Act to determine whether there has been a passthrough of such reduction and what benefits have accrued, directly or indirectly, to consumers as a result of the gas tax reduction.

(B) REPORT.—Not later than March 30, 2001, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

WYDEN AMENDMENT NO. 3616

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 33, line 16, strike the period and insert the following: ": *Provided further*, That the Director of the National Institutes of Health shall ensure, with respect to funds appropriated under this Act, that—

"(1) an entity that receives a grant or contract, made available with the appropriated funds by the National Institutes of Health, to conduct research shall provide the Director, at intervals of time determined appropriate by the Director, with information relating to—

"(A) any pharmaceutical, pharmaceutical compound or drug delivery mechanism (including biologics and vaccines) approved by the Food and Drug Administration that is manufactured from a technology that—

"(i) is developed, in whole or in part, using the results of such research; and

"(ii) has been licensed, sold or transferred by the grantee or contractor to an organization for manufacturing purposes;

"(B) the utilization of each such technology that has been licensed, sold or transferred to another entity;

"(C) the amount of royalties, other payments, or other forms of reimbursement collected by the grantee or contractor with respect to the license, sale or transfer of each such technology; and

"(D) the aggregate amount of the specific grants or contracts that were used in the development of such transferred technology.

"(2) an annual report is prepared and submitted to the appropriate committees of Congress that contains a summary of the information provided to the Director under paragraph (1) for the period for which the report is being prepared;

"(3)(A) as a condition of receiving a grant or contract from the National Institutes of Health to conduct research, an entity shall provide assurances to the Director that such entity will, as a part of any agreement that is entered into by the entity to license, sell, or transfer any technology that is developed, in whole or in part, using the results of such research, require the repayment by the licensee, purchaser, or transferee (or the entity if the entity is using the technology in a manner described in this subparagraph) to the Director of an amount (determined under subparagraph (B)) of the funds made available through the grants or contracts as reported by the entity under paragraph (1)(D), if the licensee, purchaser, or transferee uses the technology to manufacture a pharmaceutical, pharmaceutical compound, or drug delivery mechanism (including biologics and vaccines) that is approved by the Food and Drug Administration;

"(B) the amount of the funds made available through the grant or contract to be repaid under subparagraph (A) shall be determined according to a fee schedule that—

"(i) is established by the Director; and

"(ii) shall ensure that—

"(I) the amount is based on a percentage of the net sales of the pharmaceutical, pharmaceutical compound, or drug delivery mechanism (including biologics and vaccines) that is referred to in subparagraph (A); and

"(II) the aggregate amount is limited to the aggregate amount of the funds made available through the grants or contracts involved; and

"(C) the amount described in subparagraph (B) shall be repaid to the Director, who shall deposit any such amount in an account and distribute funds from the account to the various offices of the National Institutes of Health for research conducted by the various offices, according to the scientific merit presented by the research projects involved; and

"(4)(A) with respect to an entity that is required to repay funds under paragraph (3), if the net sales of the pharmaceutical, pharmaceutical compound, or drug delivery mechanism (including biologics and vaccines) involved exceed $500,000,000 (or the increased or decreased amount determined under subparagraph (B)) in any calendar year, the entity shall pay to the Director (as a return on the investment made by the Director through the grant or contract involved) for such year an amount equal to 1 percent of the amount by which such net sales exceed $500,000,000 (or such increased or decreased amount) in such year; and

"(B) the $500,000,000 amount referred to in subparagraph (A) shall be increased or decreased, for each calendar year that ends after December 31, 2000, by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, for September of the preceding calendar year has increased or decreased from the Index for September of 2000.".

ZIMBABWE DEMOCRACY ACT OF 2000

FRIST AMENDMENT NO. 3617

Mr. COVERDELL (for Mr. FRIST) proposed an amendment to the bill (S. 2677) to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Zimbabwe Democracy Act of 2000".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress finds as follows:

(1) Deliberate and systematic violence, intimidation, and killings have been orchestrated and supported by the Government of Zimbabwe and the ruling ZANU-PF party against members, sympathizers, and supporters of the democratic opposition, farmers, and employees. The violence has resulted in death, a breakdown in the rule of law, and further collapse of Zimbabwe's economy.

(2) The lawlessness, harassment, violence, intimidation, and killings directed at the opposition and their supporters, farmers and farm employees continues at President Mugabe's explicit and public urging despite two court rulings that the occupations are illegal and must be ended.

(3) The breakdown in the rule of law has jeopardized Zimbabwe's future, including international support for programs which provide land ownership for the large number of poor and landless Zimbabweans, other donor programs, economic stability, and direct investment.

(4) The orchestrated violence and intimidation directed at opposition supporters has created and fostered an environment which seriously compromises the possibility of free and fair elections.

(5) The crisis in Zimbabwe is further exacerbated by the fact that Zimbabwe is spending millions of dollars each month on its involvement in the civil war in the Democratic Republic of Congo. Those resources could finance equitable and transparent land reform, other programs to promote economic growth and alleviate poverty, and programs to combat the spread and effects of the world's highest HIV infection rate.

(b) STATEMENT OF POLICY.—It is therefore the policy of the United States to support the people of Zimbabwe in their struggles to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

SEC. 3. PROHIBITION ON PROVISION OF ASSISTANCE OR DEBT RELIEF.

(a) PROHIBITION ON ASSISTANCE.—Except as provided in subsection (b)—

(1) no United States assistance may be provided for the Government of Zimbabwe;

(2) no indebtedness owed by the Government of Zimbabwe to the United States Government may be canceled or reduced; and

(3) the Secretary of the Treasury shall instruct the United States Executive Director to each international financial institution to oppose and vote against—

(A) any extension by the respective institution of any assistance of any kind to the Government of Zimbabwe, except for assistance to meet basic human needs and for good governance; and

(B) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to that institution.

(b) CONDITIONS FOR RESTORATION OF ELIGIBILITY FOR ASSISTANCE AND DEBT RELIEF.—The provisions of subsection (a) shall apply until the President certifies to the appropriate congressional committees that—

(1) the rule of law has been restored in Zimbabwe, including respect for ownership and title to property held prior to January 1, 2000, freedom of speech and association, and an end to the lawlessness, violence, and intimidation sponsored, condoned, or tolerated by the Government of Zimbabwe, the ruling party, and their supporters or entities;

(2) Zimbabwe has held parliamentary elections which are widely accepted by the participating parties and the duly elected are free to assume their offices;

(3)(A) Zimbabwe has held a presidential election which is widely accepted by the participating parties and the president-elect is free to assume the duties of the office; or

(B) the government has sufficiently improved the pre-election environment to a degree consistent with accepted international standards for security and freedom of movement and association;

(4) the Government of Zimbabwe has demonstrated a commitment to an equitable, legal, and transparent land reform program which should—

(A) respect existing ownership of and title to property by providing fair, market-based compensation to sellers;

(B) benefit the truly needy and landless;

(C) be based on the principle of ownership and title to all land, including communal areas;

(D) be managed and administered by an independent, nongovernmental body; and

(E) be consistent with agreements reached at the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare in September, 1998;

(5) the Government of Zimbabwe is making a good faith effort to fulfill the terms of the Lusaka agreement on ending the war in the Democratic Republic of Congo; and

(6) the Zimbabwean Armed Forces and the National Police of Zimbabwe are responsible to and serve the elected civilian government.

(c) UNITED STATES ASSISTANCE DEFINED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term "United States assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (excluding programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation);

(B) sales, or financing on any terms, under the Arms Export Control Act;

(C) the licensing of exports under section 38 of the Arms Export Control Act; and

(D) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954.

(2) EXCEPTIONS.—The term "United States assistance" does not include—

(A) humanitarian assistance, including food, medicine, medical supplies;

(B) health assistance, including health assistance for the prevention, treatment, and control of HIV/AIDS and other infectious diseases;

(C) support for democratic governance and the rule of law;

(D) support for land reform programs consistent with subsection (b)(4);

(E) support for conservation programs; and

(F) support for de-mining programs.

(d) WAIVER.—The President may waive the provisions of subsection (a) if he determines that it is in the national interest of the United States to do so.

SEC. 4. SUPPORT FOR DEMOCRATIC INSTITUTIONS AND THE RULE OF LAW.

(a) ASSISTANCE FOR LEGAL EXPENSES.—As one component of a comprehensive approach towards supporting democratic institutions and the rule of law in Zimbabwe, the President is authorized to use funds appropriated to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 to finance the legal and related expenses of—

(1) individuals and democratic institutions challenging restrictions to free speech and association in Zimbabwe, including challenges to licensing fees, restrictions, and other charges and penalties imposed on the

media or on individuals exercising their right of free speech and association;

(2) individuals and democratic institutions and organizations challenging electoral outcomes or restrictions to their pursuit of elective office or democratic reforms, including fees or other costs imposed by the Government on those individuals or institutions; and

(3) individuals who are the victims of torture or otherwise victimized by political violence.

(b) AUTHORITY FOR RADIO BROADCASTING.—

(1) IN GENERAL.—The Broadcasting Board of Governors shall further the communication of information and ideas through the increased use of radio broadcasting to Zimbabwe to ensure that radio broadcasting to that country serves as a consistently reliable and authoritative source of accurate, objective and comprehensive news.

(2) TERMINATION.—The authority of this subsection shall terminate upon a certification by the President under section 3(b) that the conditions specified in that section have been satisfied.

(c) ASSISTANCE FOR DEMOCRACY TRAINING.—During fiscal year 2001, the President is authorized to use not less than $6,000,000 of the funds made available to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 for democracy and governance programs in Zimbabwe.

(d) ELECTION OBSERVERS.—It is the sense of Congress that the President should provide support, including through the National Endowment for Democracy, for international election observers to the Zimbabwean parliamentary elections in 2000 and the presidential election scheduled for 2002, including assessments of the pre-electoral environment in each case and the electoral laws of Zimbabwe.

SEC. 5. SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.

Upon the certification made by the President under section 3(b)—

(1) up to $16,000,000 of funds appropriated to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, is authorized to be made available, notwithstanding any other provision of law, for support for alternative schemes under the Inception Phase of the Land Reform and Resettlement Program, including costs related to acquisition of land and resettlement, meeting the standards in section 3(b)(4); and

(2) the Secretary of the Treasury shall—

(A) undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by any agency of the United States Government;

(B) direct the United States Executive Director of each international financial institution to which the United States is a member to propose that such institution undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that institution; and

(C) direct the United States Executive Director of each international financial institution to which the United States is a member to propose to undertake financial and technical support for Zimbabwe, especially that intended to promote Zimbabwe's economic recovery and development, the stabilization of the Zimbabwean dollar, and the viability of Zimbabwe's democratic institutions; and

(3) there shall be established a Southern Africa Finance Center located in Zimbabwe that will co-locate regional offices of the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Agency for the purpose of facilitating the development of commercial projects in Zimbabwe and the southern Africa region.

SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

CAMPBELL AMENDMENT NO. 3618

Mr. ROBERTS (for Mr. CAMPBELL) proposed an amendment to the preamble accompanying the resolution (S. Res. 254) supporting the goals and ideals of the Olympics; as follows:

In the preamble, in the tenth whereas clause, insert ", 2000" after "June 23".

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

HUTCHISON AMENDMENT NO. 3619

Mrs. HUTCHISON proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 59, line 12, before the period insert the following: ": *Provided further*, That funds made available under this heading to carry out section 6301(b) of the Elementary and Secondary Education Act of 1965 shall be available for education reform projects that provide same gender schools and classrooms, consistent with applicable law".

THE CALENDAR

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration, en bloc, of the following, reported by the Governmental Affairs Committee:

H.R. 642, Calendar 612;
H.R. 643, Calendar 613;
H.R. 1666, Calendar 614;
H.R. 2307, Calendar 615;
H.R. 2357, Calendar 616;
H.R. 2460, Calendar 617;
H.R. 2591, Calendar 618;
H.R. 2952, Calendar 619;
H.R. 3018, Calendar 620;
H.R. 3699, Calendar 621;
H.R. 3701, Calendar 622;
H.R. 4241, Calendar 623;
And, S. 2043, Calendar 624.

There being no objection, the Senate proceeded to consider the bills.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

MERVYN MALCOLM DYMALLY POST OFFICE BUILDING

The bill (H.R. 642) to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building" was considered, read a third time, and passed.

AUGUSTUS F. HAWKINS POST OFFICE BUILDING

The bill (H.R. 643) to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building" was considered, read a third time, and passed.

CAPTAIN COLIN P. KELLY, JR., POST OFFICE BUILDING

The bill (H.R. 1666) to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office" was considered, read a third time, and passed.

THOMAS J. BROWN POST OFFICE BUILDING

The bill (H.R. 2307) to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building" was considered, read a third time, and passed.

LOUISE STOKES POST OFFICE

The bill (H.R. 2357) to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the "Louise Stokes Post Office" was considered, read a third time, and passed.

JAY HANNA "DIZZY" DEAN POST OFFICE

The bill (H.R. 2460) to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the "Jay Hanna 'Dizzy' Dean Post Office" was considered, read a third time, and passed.

WILLIAM H. AVERY POST OFFICE

The bill (H.R. 2591) to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the "William H. Avery Post Office" was considered, read a third time, and passed.

KEITH D. OGLESBY STATION

The bill (H.R. 2952) to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station" was considered, read a third time, and passed.

MAMIE G. FLOYD POST OFFICE

The bill (H.R. 3018) to designate certain facilities of the United States Postal Service in South Carolina was considered, read a third time, and passed.

Mr. THURMOND. Mr. President, I would like to take this opportunity today to pay tribute to the late Keith Olgesby, who is being honored today through the passage of H.R. 2952, which redesignates the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station."

Mr. Keith Olgesby deserves this honor which this legislation bestows. The tragic and unexpected death of Mr. Oglesby last year shocked and saddened the community of Greenville. Postal employees, his peers, and customers have requested that Mr. Oglesby be remembered in the Greenville community by the designation of this U.S. Post Office in his name. I believe that this legislation honors his life as a public servant for his community and State.

Mr. Oglesby contributed much to the improvement of the Greenville community and the State of South Carolina. He was the Postmaster of Greenville County for six years. During his lifetime and posthumously, he was awarded twice the Postal Service's top public relations honor, the Benjamin Award, given in recognition of community outreach accomplishments.

Among his many community service activities, Mr. Oglesby hosted the First Day of Issue ceremonies for the Organ & Tissue Donation Stamp. He volunteered with the Salvation Army, the March of Dimes Walk America, and the American Cancer Society Relay for Life. He was a tireless worker and community activist. He was also honored as Volunteer of the Year in 1997 by the Greenville Family Partnership (an organization which aims to keep children safe and drug free).

I believe that Mr. Keith Oglesby deserves this honor which this legislation bestows as he was a public servant who will always be remembered in his community and the State of South Carolina where he honorably lived and served.

Mr. President, I also note today the passage of H.R. 3018, which designates various Postal facilities in South Carolina. These facilities are the United States Post Office located at 301 Main Street in Eastover, South Carolina, as the "Layford R. Johnson Post Office"; the United States Post Office located at 78 Sycamore Street in Charleston, South Carolina, as the "Richard E. Fields Post Office"; the United States Post Office located at 557 East Bay Street in Charleston South Carolina, as the "Marybelle Howe Post Office"; and the United States Post Office located at 4026 Lamar Street in (the Eau Claire community of) Columbia, South Carolina, as the "Mamie G. Floyd Post Office." These individuals have made enormous contributions to their communities and states and deserve to be recognized by having a postal facility named in their honor.

I thank the Senate for its support of these measures.

JOEL T. BROYHILL POST OFFICE

The bill (H.R. 3699) to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building" was considered, read a third time, and passed.

JOSEPH L. FISHER POST OFFICE BUILDING

The bill (H.R. 3701) to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building" was considered, read a third time, and passed.

LES ASPIN POST OFFICE BUILDING

The bill (H.R. 4241) to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building" was considered, read a third time, and passed.

HECTOR G. GODINEZ POST OFFICE BUILDING

The bill (S. 2043) to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building" was considered read a third time, and passed.

The bill (S. 2043) reads as follows:

S. 2043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF HECTOR G. GODINEZ POST OFFICE BUILDING.

The United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, shall be known and designated as the "Hector G. Godinez Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, regulation, map, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Hector G. Godinez Post Office Building".

MEASURE TO BE PLACED ON THE CALENDAR—S. 2508

Mr. COVERDELL. Mr. President, I ask unanimous consent that at such time as the Committee on Indian Affairs reports S. 2508, a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian tribes, and for other purposes, the measure be referred to the Committee on Energy and Natural Resources for a period not to exceed 30 calendar days, and that if the Committee on Energy and Natural Resources has not reported the measure prior to the expiration of the 30-calendar-day period, the Energy Committee be discharged from further consideration of the measure, and that the measure be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPANSION OF PAYMENTS OF REWARDS PROGRAM TO INCLUDE RWANDA

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 588, S. 2460.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2460) to authorize the payments of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2460) was read the third time, and passed as follows:

S. 2460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF REWARDS PROGRAM TO INCLUDE RWANDA.

Section 102 of the Act of October 30, 1998 (Public Law 105-323) is amended—

(1) in the section heading, by inserting "**OR RWANDA**" after "**YUGOSLAVIA**";

(2) in subsection (a)(2), by inserting "or the International Criminal Tribunal for Rwanda" after "Yugoslavia"; and

(3) in subsection (c)—

(A) by inserting "(1)" immediately after "REFERENCE.—"; and

(B) by adding at the end the following:

"(2) For the purposes of subsection (a), the statute of the International Criminal Tribunal for Rwanda means the statute contained in the annex to Security Council Resolution 955 of November 8, 1994.".

ZIMBABWE DEMOCRACY ACT OF 2000

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 589, S. 2677.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2677) to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe.

There being no objection, the Senate proceeded to the consideration of the bill.

AMENDMENT NO. 3617

(Purpose: To restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe)

Mr. COVERDELL. Mr. President, Senator FRIST has a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia (Mr. COVERDELL), for Mr. FRIST, Mr. FEINGOLD, and Mr. HELMS, proposes an amendment numbered 3617.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. FRIST. Mr. President, it is my understanding that USAID obligates most of its money for Zimbabwe through agreements with the Government of Zimbabwe. Notwithstanding this obligation procedure, it is my intention that the prohibition on assistance for the Government of Zimbabwe not cut off all assistance to Zimbabwe but only that assistance that would otherwise have been provided for the benefit of the government. Under the limitation contained in my amendment, assistance provided through nongovernmental organizations may continue, even though the initial obligation of funds may have been with the government. Such assistance may only marginally benefit the government through, for example, the necessary use of providing assistance to the people of Zimbabwe. This has particular relevance to microenterprise programs which, I believe, would not be affected by the limitations in my amendment.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3617) was agreed to.

The bill (S. 2677), as amended, was read the third time and passed as follows:

S. 2677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Zimbabwe Democracy Act of 2000".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress finds as follows:

(1) Deliberate and systematic violence, intimidation, and killings have been orchestrated and supported by the Government of Zimbabwe and the ruling ZANU–PF party against members, sympathizers, and supporters of the democratic opposition, farmers, and employees. The violence has resulted in death, a breakdown in the rule of law, and further collapse of Zimbabwe's economy.

(2) The lawlessness, harassment, violence, intimidation, and killings directed at the opposition and their supporters, farmers and farm employees continues at President Mugabe's explicit and public urging despite two court rulings that the occupations are illegal and must be ended.

(3) The breakdown in the rule of law has jeopardized Zimbabwe's future, including international support for programs which provide land ownership for the large number of poor and landless Zimbabweans, other donor programs, economic stability, and direct investment.

(4) The orchestrated violence and intimidation directed at opposition supporters has created and fostered an environment which seriously compromises the possibility of free and fair elections.

(5) The crisis in Zimbabwe is further exacerbated by the fact that Zimbabwe is spending millions of dollars each month on its involvement in the civil war in the Democratic Republic of Congo. Those resources could finance equitable and transparent land reform, other programs to promote economic growth and alleviate poverty, and programs to combat the spread and effects of the world's highest HIV infection rate.

(b) STATEMENT OF POLICY.—It is therefore the policy of the United States to support the people of Zimbabwe in their struggles to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

SEC. 3. PROHIBITION ON PROVISION OF ASSISTANCE OR DEBT RELIEF.

(a) PROHIBITION ON ASSISTANCE.—Except as provided in subsection (b)—

(1) no United States assistance may be provided for the Government of Zimbabwe;

(2) no indebtedness owed by the Government of Zimbabwe to the United States Government may be canceled or reduced; and

(3) the Secretary of the Treasury shall instruct the United States Executive Director to each international financial institution to oppose and vote against—

(A) any extension by the respective institution of any assistance of any kind to the Government of Zimbabwe, except for assistance to meet basic human needs and for good governance; and

(B) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to that institution.

(b) CONDITIONS FOR RESTORATION OF ELIGIBILITY FOR ASSISTANCE AND DEBT RELIEF.—The provisions of subsection (a) shall apply until the President certifies to the appropriate congressional committees that—

(1) the rule of law has been restored in Zimbabwe, including respect for ownership and title to property held prior to January 1, 2000, freedom of speech and association, and an end to the lawlessness, violence, and intimidation sponsored, condoned, or tolerated by the Government of Zimbabwe, the ruling party, and their supporters or entities;

(2) Zimbabwe has held parliamentary elections which are widely accepted by the participating parties and the duly elected are free to assume their offices;

(3)(A) Zimbabwe has held a presidential election which is widely accepted by the participating parties and the president-elect is free to assume the duties of the office; or

(B) the government has sufficiently improved the pre-election environment to a degree consistent with accepted international standards for security and freedom of movement and association;

(4) the Government of Zimbabwe has demonstrated a commitment to an equitable, legal, and transparent land reform program which should—

(A) respect existing ownership of and title to property by providing fair, market-based compensation to sellers;

(B) benefit the truly needy and landless;

(C) be based on the principle of ownership and title to all land, including communal areas;

(D) be managed and administered by an independent, nongovernmental body; and

(E) be consistent with agreements reached at the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare in September, 1998;

(5) the Government of Zimbabwe is making a good faith effort to fulfill the terms of the Lusaka agreement on ending the war in the Democratic Republic of Congo; and

(6) the Zimbabwean Armed Forces and the National Police of Zimbabwe are responsible to and serve the elected civilian government.

(c) UNITED STATES ASSISTANCE DEFINED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term "United States assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (excluding programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation);

(B) sales, or financing on any terms, under the Arms Export Control Act;

(C) the licensing of exports under section 38 of the Arms Export Control Act; and

(D) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954.

(2) EXCEPTIONS.—The term "United States assistance" does not include—

(A) humanitarian assistance, including food, medicine, medical supplies;

(B) health assistance, including health assistance for the prevention, treatment, and control of HIV/AIDS and other infectious diseases;

(C) support for democratic governance and the rule of law;

(D) support for land reform programs consistent with subsection (b)(4);

(E) support for conservation programs; and

(F) support for de-mining programs.

(d) WAIVER.—The President may waive the provisions of subsection (a) if he determines that it is in the national interest of the United States to do so.

SEC. 4. SUPPORT FOR DEMOCRATIC INSTITUTIONS AND THE RULE OF LAW.

(a) ASSISTANCE FOR LEGAL EXPENSES.—As one component of a comprehensive approach towards supporting democratic institutions and the rule of law in Zimbabwe, the President is authorized to use funds appropriated to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 to finance the legal and related expenses of—

(1) individuals and democratic institutions challenging restrictions to free speech and

association in Zimbabwe, including challenges to licensing fees, restrictions, and other charges and penalties imposed on the media or on individuals exercising their right of free speech and association;

(2) individuals and democratic institutions and organizations challenging electoral outcomes or restrictions to their pursuit of elective office or democratic reforms, including fees or other costs imposed by the Government on those individuals or institutions; and

(3) individuals who are the victims of torture or otherwise victimized by political violence.

(b) AUTHORITY FOR RADIO BROADCASTING.—

(1) IN GENERAL.—The Broadcasting Board of Governors shall further the communication of information and ideas through the increased use of radio broadcasting to Zimbabwe to ensure that radio broadcasting to that country serves as a consistently reliable and authoritative source of accurate, objective and comprehensive news.

(2) TERMINATION.—The authority of this subsection shall terminate upon a certification by the President under section 3(b) that the conditions specified in that section have been satisfied.

(c) ASSISTANCE FOR DEMOCRACY TRAINING.—During fiscal year 2001, the President is authorized to use not less than $6,000,000 of the funds made available to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 for democracy and governance programs in Zimbabwe.

(d) ELECTION OBSERVERS.—It is the sense of Congress that the President should provide support, including through the National Endowment for Democracy, for international election observers to the Zimbabwean parliamentary elections in 2000 and the presidential election scheduled for 2002, including assessments, of the pre-electoral environment in each case and the electoral laws of Zimbabwe.

SEC. 5. SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.

Upon the certification made by the President under section 3(b)—

(1) up to $16,000,000 of funds appropriated to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, is authorized to be made available, notwithstanding any other provision of law, for support for alternative schemes under the Inception Phase of the Land Reform and Resettlement Program, including costs related to acquisition of land and resettlement; meeting the standards in section 3(b)(4); and

(2) the Secretary of the Treasury shall—

(A) undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by any agency of the United States Government;

(B) direct the United States Executive Director of each international financial institution to which the United States is a member to propose that such institution undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that institution; and

(C) direct the United States Executive Director of each international financial institution to which the United States is a member to propose to undertake financial and technical support for Zimbabwe, especially that intended to promote Zimbabwe's economic recovery and development, the stabilization of the Zimbabwean dollar, and the viability of Zimbabwe's democratic institutions; and

(3) there shall be established a Southern Africa Finance Center located in Zimbabwe that will co-locate regional offices of the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Agency for the purpose of facilitating the development of commercial projects in Zimbabwe and the southern Africa region.

INSTITUTE FOR MEDIA DEVELOPMENT'S VOICE OF AMERICA

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 590, S. 2682.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2682) to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America.

There being no objection, the Senate proceeded to consider the bill.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2682) was read the third time and passed as follows:

S. 2682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF CERTAIN MATERIALS OF THE VOICE OF AMERICA.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to the provisions of this Act, the Broadcasting Board of Governors (in this Act referred to as the "Board") is authorized to make available to the Institute for Media Development (in this Act referred to as the "Institute"), at the request of the Institute, previously broadcast audio and video materials produced by the Africa Division of the Voice of America.

(2) DEPOSIT OF MATERIALS.—Upon the request of the Institute and the approval of the Board, materials made available under paragraph (1) may be deposited with the University of California, Los Angeles, or such other appropriate institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is approved by the Board for such purpose.

(3) SUPERSEDES EXISTING LAW.—Materials made available under paragraph (1) may be provided notwithstanding section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) and section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a).

(b) LIMITATIONS.—

(1) AUTHORIZED PURPOSES.—Materials made available under this Act shall be used only for academic and research purposes and may not be used for public or commercial broadcast purposes.

(2) PRIOR AGREEMENT REQUIRED.—Before making available materials under subsection (a)(1), the Board shall enter into an agreement with the Institute providing for—

(A) reimbursement of the Board for any expenses involved in making such materials available;

(B) the establishment of guidelines by the Institute for the archiving and use of the materials to ensure that copyrighted works contained in those materials will not be used in a manner that would violate the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(C) the indemnification of the United States by the Institute in the event that any use of the materials results in violation of the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(D) the authority of the Board to terminate the agreement if the provisions of paragraph (1) are violated; and

(E) any other terms and conditions relating to the materials that the Board considers appropriate.

(c) CREDITING OF REIMBURSEMENTS TO BOARD APPROPRIATIONS ACCOUNT.—Any reimbursement of the Board under subsection (b) shall be deposited as an offsetting collection to the currently applicable appropriation account of the Board.

SEC. 2. TERMINATION OF AUTHORITY.

The authority provided under this Act shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

COMMENDING THE REPUBLIC OF SLOVENIA FOR PARTNERSHIP WITH THE UNITED STATES AND NATO AND EXPRESSING SENSE OF CONGRESS ON SLOVENIA'S ACCESSION TO NATO

Mr. COVERDELL. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 591, S. Con. Res. 117.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 117) commending the Republic of Slovenia for its partnership with the United States and NATO, and expressing the sense of Congress that Slovenia's accession to NATO would enhance NATO's security, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. COVERDELL. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 117) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 117

Whereas on June 25, 1991, the Republic of Slovenia declared its independence;

Whereas on December 23, 1991, the Parliament of the Republic of Slovenia adopted the State's new constitution based on the values of human rights, market economy, rule of law, and democracy;

Whereas on April 7, 1992, the United States formally recognized the Republic of Slovenia;

Whereas, since its independence, Slovenia has demonstrated an excellent record on human rights;

Whereas Slovenia has developed a successful and growing market economy and enjoys the highest per capita gross domestic product in Central and Eastern Europe;

Whereas the European Union has recognized Slovenia's economic prosperity and the strength of its democracy by initiating accession negotiations with Slovenia as well as by putting into effect Slovenia's Association Agreement with the European Union;

Whereas Slovenia has demonstrated its commitment to bring peace, security, stability, democracy, and economic prosperity to Southeastern Europe through its membership in NATO's Partnership for Peace, the Central European Initiative, the Central European Free Trade Association (CEFTA), and the Stability Pact for Southeast Europe;

Whereas Slovenia has been an active contributor to peace support operations around the world, including the NATO Stabilization Force in Bosnia and Herzegovina, NATO's Kosovo Force, and United Nations peacekeeping operations in Cyprus and Lebanon;

Whereas Slovenia made invaluable contributions to NATO's Operation ALLIED FORCE by providing NATO access and use of its airspace and ground transportation systems and by assisting the NATO efforts to provide Albania humanitarian relief during the air campaign against Yugoslavia;

Whereas Slovenia has contributed financial and humanitarian aid to the assistance effort in Kosovo, including refuge for more than 3500 people who had fled the region as a consequence of the violence that occurred in Kosovo;

Whereas Slovenia promotes regional cooperation through its contributions to the Trilateral Multinational Land Force, a multinational brigade established with Italy and Hungary;

Whereas Slovenia, a leader in the effort to remove land mines from the war-torn regions of the former Republic of Yugoslavia, established the highly effective International Trust Fund for Demining and Mine Victims Assistance; and

Whereas the NATO Enlargement Facilitation Act of 1996, passed by the Senate on July 25, 1996, identified Slovenia, along with Poland, Hungary, and the Czech Republic, as being among the NATO applicant states most prepared for the burdens and responsibilities of NATO membership: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) it is the policy of the United States to—

(1) support the integration of the Republic of Slovenia into transatlantic and European political, economic, and security institutions, including the North Atlantic Treaty Organization and the European Union; and

(2) continue and further reinforce the partnership between the United States and Slovenia, particularly their joint efforts to bring lasting peace and stability to all of Europe.

(b) It is the sense of Congress that—

(1) the Republic of Slovenia is to be commended for—

(A) its commitment to democratic principles, human rights, and rule of law;

(B) its transition from a communist, centrally planned economic system to a thriving free market economy; and

(C) its partnership with the United States and NATO during the recent conflicts that have undermined peace and stability in Southeastern Europe; and

(2) the accession of the Republic of Slovenia to full membership in transatlantic and European institutions would be an important step toward a Europe that is undivided, whole and free.

60TH ANNIVERSARY OF SOVIET EXECUTION

Mr. COVERDELL. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar 592, S. Con. Res. 118.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 118) commemorating the 60th anniversary of the execution of the Polish captives by Soviet authorities in April and May 1940.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. COVERDELL. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 118) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 118

Whereas 60 years ago, between April 3 and the end of May 1940, more than 22,000 Polish military officers, police officers, judges, other government officials, and civilians were executed by the Soviet secret police, the NKVD;

Whereas Joseph Stalin and other leaders of the Soviet Union, following meeting of the Soviet Politburo on March 5, 1940, signed the decision to execute these Polish captives;

Whereas 14,537 of these Polish victims have been documented at 3 sites, 4,406 in Katyn (now in Belarus), 6,311 in Miednoye (now in Russia), and 3,820 in Kharkiv (now in Ukraine);

Whereas the fate of approximately 7,000 other victims remains unknown and their graves together with the graves of other victims of communism, are scattered around the territory of the former Soviet Union and are now impossible to locate precisely;

Whereas on April 13, 1943, the German army announced the discovery of the massive graves in the Katyn Forest, when that area was under Nazi occupation;

Whereas on April 15, 1943, the Soviet Information Bureau disavowed the executions and attempted to cover up the Soviet Union's responsibility for these executions by declaring that these Polish captives had been engaged in construction work west of Smolensk and had fallen into the hands of the Germans, who executed them;

Whereas on April 28–30, 1943, an international commission of 12 medical experts visited Katyn at the invitation of the German government and later reported unanimously that the Polish officers had been shot three years earlier when the Smolensk area was under Soviet administration;

Whereas until 1990 the Government of the Soviet Union denied any responsibility for the massacres and claimed to possess no information about the fate of the missing Polish victims;

Whereas on April 13, 1990, Soviet President Mikhail Gorbachev acknowledged the Soviet responsibility for the Katyn executions;

Whereas this admission confirmed the 1951–52 extensive investigation by the United States House of Representatives Select Committee to Conduct an Investigation and Study of the Facts, Evidence, and Circumstances of the Katyn Forest Massacre and its Final Report (pursuant to House Resolution H.R. 390 and H.R. 539, 82d Congress);

Whereas that committee's final report of December 22, 1952, unanimously concluded that "beyond any question of reasonable doubt, that the Soviet NKVD (People's Commissariat of Internal Affairs) committed the mass murders of the Polish officers and intellectual leaders in the Katyn Forest near Smolensk" and that the Soviet Union "is directly responsible for the Katyn massacre"; and

Whereas that report also concluded that "approximately 15,000 Polish prisoners were interned in three Soviet camps: Kozielsk, Starobielsk, and Ostashkov in the winter of 1939–40" and, "with the exception of 400 prisoners, these men have not been heard from, seen, or found since the spring of 1940": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) remembers and honors those Polish officers, government officials, and civilians who were murdered in April and May 1940 by the NKVD;

(2) recognizes all those scholars, researchers, and writers from Poland, Russia, the United States and, elsewhere and, particularly, those who worked under Soviet and communist domination and who had the courage to tell the truth about the crimes committed at Katyn, Miednoye, and Kharkiv; and

(3) urges all people to remember and honor these and other victims of communism so that such crimes will never be repeated.

COMMENDING REPUBLIC OF CROATIA

Mr. COVERDELL. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar 593, House concurrent resolution 251.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 251) commending the Republic of Croatia for the conduct of its parliamentary and Presidential election.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the preamble, as follows:

[The parts of the resolution intended to be stricken are shown in boldface brackets and the parts of the resolution intended to be inserted are shown in italic.]

Whereas the fourth Croatian parliamentary elections, held on January 3, 2000, marked Croatia's progress toward meeting its commitments as a participating state of the Organization on Security and Cooperation in Europe (OSCE) and as a member of the Council of Europe;

Whereas Croatia's third presidential elections were conducted smoothly and professionally and concluded on February 7, 2000, with the [landslide] election of Stipe Mesic as the new President of the Republic of Croatia;

Whereas the free and fair elections in Croatia, and the following peaceful and orderly transfer of power from the old government to the new, is an example of democracy to the people of other nations in the region and a major contribution to the democratic development of southeastern Europe; and

Whereas the people of Croatia have made clear that they want Croatia to take its rightful place in the family of European democracies and to develop a closer and more constructive relationship with the Euro-Atlantic community of democratic nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), [That it is the sense of Congress that—

[(1) the people of the Republic of Croatia are to be congratulated on the successful elections and the outgoing Government of Croatia is to be commended for the democratic standards with which it managed the elections;

[(2) the United States should support the efforts of the new Government of Croatia to increase its work on refugee return, privatization reform, media reform, and further cooperation with the International Criminal Tribunal for Former Yugoslavia (ICTY) to set an example to other countries in the region;

[(3) the Congress strongly supports Croatia's commitment to western democratic standards and will give its full support to the new Government of Croatia to fully implement democratic reforms; and

[(4) the United States continues to promote Croatian-American economic, political, and military relations and recognizes Croatia as a loyal partner in south central Europe.

[(5) taking into consideration Croatia's contributions as a committed partner in the region, the Congress recommends establishing strategic partnership with the Republic of Croatia and supports its membership in the North Atlantic Treaty Organization's Partnership for Peace program and its accession into the World Trade Organization.]

That it is the sense of Congress that—

(1) the people of the Republic of Croatia are to be congratulated on the successful elections and the outgoing Government of Croatia is to be commended for the democratic standards with which it managed the elections;

(2) the United States should support the efforts of the new Government of Croatia to increase its work on refugee return, privatization reform, media reform, and further cooperation with the International Criminal Tribunal for Former Yugoslavia (ICTY) to set an example to other countries in the region;

(3) Congress strongly supports Croatia's commitment to western democratic standards and will give its full support to the new Government of Croatia to fully implement democratic reforms; and

(4) the United States continues to promote Croatian-American economic, political, and military relations and recognizes Croatia as a loyal partner in south central Europe.

Mr. COVERDELL. I ask unanimous consent that the committee amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. COVERDELL. I ask unanimous consent that the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 251), as amended, was agreed to.

The preamble, as amended, was agreed to.

EXPRESSING THE CONDEMNATIONS OF THE CONTINUED EGREGIOUS VIOLATIONS OF HUMAN RIGHTS IN THE REPUBLIC OF BELARUS

Mr. COVERDELL. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar 594, House concurrent resolution 304.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 304) expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. COVERDELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 304) was agreed to.

The preamble was agreed to.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROPER DECORUM OF THE SENATE

Mr. BYRD. Mr. President, I think it would be appropriate at this moment for me to say that this Presiding Officer, Senator PAT ROBERTS, is one of the best among the Presiding Officers in the Senate today. He pays attention to what is going on on the floor. Even though there may not be much going on, he is alert to what is happening on the floor.

This is the premier upper Chamber in the world today. There are 61 nations in the world that have bicameral legislative bodies today. All the others have unicameral legislative bodies. But the U.S. Senate and the Italian Senate are the only bicameral legislative bodies in the world today in which the upper Chamber is not dominated by the lower Chamber.

It is so important that this Senate be seen as a model, as a Senate in which there is decorum and order, a Senate which reveres the Chair and respects the Chair. This is one reason why I have been, of late, urging the Chair to maintain order in the well of the Senate. Now, 59 Senators out of 100 Senators today came to this body after I was majority leader of the Senate. Almost 60 percent of the Senators here today were not Members of this body when I was last majority leader of the body.

Now, what I look upon as some disorder in the Senate is when Senators get into the well and mill around. It really looks like the floor of the stock exchange, and it does not bring credit upon the Senate. I am sure that many senates throughout the States of this Nation look at this Senate as the model, look at this Senate as the body from which all senates should learn. But I fear that they see just the opposite.

I have been in the State legislature in my own State, and I have been in both houses. I have to say, frankly, that the decorum, the order within the House of Delegates in West Virginia and in the West Virginia Senate is far more to be desired than we find in that U.S. Senate. This is a situation that has really developed only during the last 10 or 12 years. I am sure that as the 59 out of the 100 Senators who came here following my last turn at the wheel as majority leader see this disorder in the Senate, where so many Senators gather in the well and they talk and they laugh and make a great deal of noise, these newest Senators probably believe that is the way it has always been. They may believe that is just normal for the Senate. But it is not.

I cannot imagine Senator Wallace Bennett, Senator George Aiken, Senator Norris Cotton, Senator Everett Dirksen, Senator Richard Russell, Senator Stuart Symington, Senator John Pastore, or Senator Joseph O'Mahoney going into the well. These were the Senators who were in this body when I came here. Senators didn't go down into the well and mill around in those days. Oh, they walked through the well, or they might walk up to the table and ask something about the vote, or they might walk up to the Parliamentarian and make some inquiry; but they didn't gather in the well and carry on long conversations. They sat in their seats. Most of them knew how they were going to vote before they came to the floor. They had already been advised by their staffs or they studied the legislation. So they didn't go into the well. I think that looks bad upon the Senate.

I don't think the Senate sets a good example when we are so oblivious to how the Senate appears to the people who are watching their televisions sets or to the people in the galleries. Hundreds of thousands of people come to Washington every year, and many of them sit in the Senate galleries and watch the Senate. I wonder what is going through their minds when they see these Senators come in here and gather in the well and carry on loud conversations. How different it is when Senators, upon occasion, sit in their seats. How very impressive it is when the U.S. Senate acts in accordance with the standing orders and rules of the Senate.

It is the duty of the Chair to maintain order in the Senate and, of course, when there is confusion that arises in the galleries, it is the duty of the Chair—without being asked from the floor, without a point of order being made from the floor—to maintain order and decorum in the Senate.

I am trying to get the Senate to think about this and go back to the old ways, wherein Senators voted and then went to their chairs, or they voted from their desks. There is a standing order of the Senate that requires Senators to vote from their desks. I don't intend to be set-jawed about it, and if Senators want to walk through the well to see what it is we are voting on, or if they want to vote from someplace other than their own desks, I have no quarrel with that. But I think they ought to sit down. There are plenty of places where Senators can converse. We can go to the respective Cloakrooms, or we can walk outside the Chamber. So it isn't that Senators are required to avoid speaking to one another in the Chamber. We ought to be conscious that this Senate is the model—or it should be.

I hope Senators will read what I have said. They see me insist on the well's being cleared and they may think I am trying to run the Senate. Of course, I am not. I want people to revere the Senate and respect the Senate. If they respect this body, they will have more respect for the laws that we enact.

Mr. President, I ask unanimous consent that the time I have taken not be charged against my request thus far.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, again, I thank the Senator from Kansas who is a model Presiding Officer, and there are a few others in this body.

HONORING SENATOR DANIEL K. INOUYE AS RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR

Mr. BYRD. Mr. President, the strength of this Nation lies in its people. Throughout our Nation's history, American men and women have been called upon time and time again to serve the Nation in times of peril. These men and women, at great risk to themselves and without regard to their personal safety, have given their all for their Country. These are the true heroes of America.

We have some of such heroes in this body who have given so very much for their country—Senator MAX CLELAND, Senator BOB KERREY; there are others. But today I speak of one such American hero, our esteemed colleague, DANIEL INOUYE.

Like many others in this body, I have always thought of Senator INOUYE as a national hero. I know of his wartime heroics in France and Italy during World War II. I know of how he fought to protect the troops with whom he served, without regard for his own life. Even though gravely wounded, Lieutenant DANIEL INOUYE continued to fight, advancing alone against a machine-gun nest that had his men pinned down. I know that, upon returning home, DAN INOUYE spent twenty months in Army hospitals after losing his right arm. He came home as a Captain, with a Distinguished Service Cross, a Bronze Star, a Purple Heart with cluster, and twelve other medals and citations.

After receiving his law degree at George Washington University Law School, DANNY broke into politics in 1954 with his election to the Territorial House of Representatives. After Hawaii became a State on August 21, 1959, DANNY INOUYE won election to the United States House of Representatives as Hawaii's first Congressman, and was re-elected to a full term in 1960. In 1962, he was elected to represent Hawaii in the United States Senate.

I am proud to say that I am one who voted for statehood on behalf of both Alaska and Hawaii. I believe that I am the only Senator still serving here today who voted for statehood for both of these states. I am very proud of having done that. I believe that I am also one of only three members of today's Senate who were here when DAN INOUYE joined this body in 1963.

I have had the pleasure of working with DANNY INOUYE on many, many occasions over the years. He is a man of utmost integrity, who works tirelessly on behalf of his constituents and on behalf of the Nation. He is one Senator who was extremely supportive of me during my service as Majority Leader, as Minority Leader, as Chairman of the Appropriations Committee, and now as the Committee's Ranking Member. He is a Senator on whom I have relied for truth, for integrity, for steadfastness, for forthrightness, and as one who is highly dedicated to his work here in the Senate.

DANNY INOUYE is a man who is modest about his many accomplishments here in the Senate, as well as his wartime heroics. He is not one to talk much about those things. He is a quiet, self-effacing Senator. But we are all aware of his great service to this Country throughout his adult life.

I am immensely proud of this outstanding American in our midst, and we are deeply moved that, this week, DANNY INOUYE was awarded the highest military honor that can be bestowed upon any American citizen—the Congressional Medal of Honor. He has joined the ranks of the six other United States Senators who have received the Congressional Medal of Honor, namely, Senator Adelbert Ames of Mississippi, Senator Matthew S. Quay of Pennsylvania, Senator William J. Sewell of New Jersey, Senator Francis E. Warren of Wyoming, Senator Henry A. du Pont of Delaware, and Senator J. ROBERT KERREY of Nebraska. Senator INOUYE is the only United States Senator in history to receive the Medal of Honor for service in World War II.

A bit of verse comes to mind.

This I beheld, or dreamed it in a dream:
There spread a cloud of dust along a plain;
And underneath the cloud, or in it, raged
A furious battle, and men yelled, and swords
Shocked upon swords and shields.
A prince's banner
Wavered, then staggered backward, hemmed by foes.
A craven hung along the battle's edge
And thought, "Had I a sword of keener steel—
That blue blade that the king's son bears—but this
Blunt thing!" He snapt and flung it from his hand,
And lowering, crept away and left the field.
Then came the king's son, wounded, sore bestead,
And weaponless, and saw the broken sword,
Hilt-buried in the dry and trodden sand,
And ran and snatched it; and with battle shout
Lifted afresh, he hewed his enemy down,
And saved a great cause that heroic day.

DANNY INOUYE has this same bravery as described of the king's son in Edward Rowland Sill's poem. DANNY INOUYE is the kind of man who sees beyond the hilt-buried sword in the dry and trodden sand. He is a man who sees opportunity in the worst of situations, rather than despair. And, seizing every opportunity to advance a good cause, he acts swiftly and courageously to meet adversity head-on.

I thank the Chair again, and express to DANNY INOUYE and his lovely wife, on behalf of my wife Erma and me, our congratulations, our best wishes, and our thankfulness to the Almighty for giving us two such wonderful friends—Senator and Mrs. DANIEL INOUYE.

I thank the people of Hawaii for repeatedly sending DANNY INOUYE to the Senate.

I express this hope, and I am sure DANIEL INOUYE would say the same if he were here:

May God, the Almighty Creator, always watch over and keep the Senate of the United States, and may God always bless the United States of America.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the quorum call be dispensed with, and, without objection it is so ordered.

URGING COMPLIANCE WITH THE HAGUE CONVENTION

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I request unanimous consent that the Senate proceed to the consideration of H. Con. Res. 293.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 293) urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD, and, without objection, it is so ordered.

The resolution (H. Con. Res. 293) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

H. CON. RES. 293

Whereas the Department of State reports that at any given time there are 1,000 open cases of American children either abducted from the United States or wrongfully retained in a foreign country;

Whereas many more cases of international child abductions are not reported to the Department of State;

Whereas the situation has worsened since 1993, when Congress estimated the number of American children abducted from the United States and wrongfully retained in foreign countries to be more than 10,000;

Whereas Congress has recognized the gravity of international child abduction in enacting the International Parental Kidnapping Crime Act of 1993 (18 U.S.C. 1204), the Parental Kidnapping Prevention Act (28 U.S.C. 1738a), and substantial reform and reporting requirements for the Department of State in the fiscal years 1998–1999 and 2000–2001 Foreign Relations Authorization Acts;

Whereas the United States became a contracting party in 1988 to the Hague Convention on the Civil Aspects of International Child Abduction (in this concurrent resolution referred to as the "Hague Convention") and adopted effective implementing legislation in the International Child Abduction Remedies Act (42 U.S.C. 11601 et seq.);

Whereas the Hague Convention establishes mutual rights and duties between and among its contracting states to expedite the return of children to the state of their habitual residence, as well as to ensure that rights of custody and of access under the laws of one contracting state are effectively respected in other contracting states, without consideration of the merits of any underlying child custody dispute;

Whereas article 13 of the Hague Convention provides a narrow exception to the requirement for prompt return of children, which exception releases the requested state from its obligation to return a child to the country of the child's habitual residence if it is established that there is a "grave risk" that the return would expose the child to "physical or psychological harm or otherwise place the child in an intolerable situation" or "if the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of the child's views";

Whereas some contracting states, for example Germany, routinely invoke article 13 as a justification for nonreturn, rather than resorting to it in a small number of wholly exceptional cases;

Whereas the National Center for Missing and Exploited Children (NCMEC), the only institution of its kind, was established in the United States for the purpose of assisting parents in recovering their missing children;

Whereas article 21 of the Hague Convention provides that the central authorities of all parties to the Convention are obligated to cooperate with each other in order to promote the peaceful enjoyment of parental access rights and the fulfillment of any conditions to which the exercise of such rights may be subject, and to remove, as far as possible, all obstacles to the exercise of such rights;

Whereas some contracting states fail to order or enforce normal visitation rights for parents of abducted or wrongfully retained children who have not been returned under the terms of the Hague Convention; and

Whereas the routine invocation of the article 13 exception, denial of parental visitation of children, and the failure by several contracting parties, most notably Austria, Germany, Honduras, Mexico, and Sweden, to fully implement the Convention deprives the Hague Convention of the spirit of mutual confidence upon which its success depends: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress urges—

(1) all contracting parties to the Hague Convention, particularly European civil law countries that consistently violate the Hague Convention such as Austria, Germany and Sweden, to comply fully with both the letter and spirit of their international legal obligations under the Convention;

(2) all contracting parties to the Hague Convention to ensure their compliance with the Hague Convention by enacting effective implementing legislation and educating their judicial and law enforcement authorities;

(3) all contracting parties to the Hague Convention to honor their commitments and return abducted or wrongfully retained children to their place of habitual residence without reaching the merits of any underlying custody dispute and ensure parental access rights by removing obstacles to the exercise of such rights;

(4) the Secretary of State to disseminate to all Federal and State courts the Department of State's annual report to Congress on Hague Convention compliance and related matters; and

(5) each contracting party to the Hague Convention to further educate its central authority and local law enforcement authorities regarding the Hague Convention, the severity of the problem of international child abduction, and the need for immediate action when a parent of an abducted child seeks their assistance.

RUSSIAN FEDERATION'S TREATMENT OF ANDREI BABITSKY

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 598, S. Res. 303.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 303) expressing the sense of the Senate regarding the treatment by the Russian Federation of Andrei Babitsky, a Russian journalist working for Radio Free Europe/Radio Liberty, which had been reported from the Committee on Foreign Relations, with an amendment, as follows:

[The parts of the resolution intended to be stricken are shown in boldface brackets and the parts of the resolution intended to be inserted are shown in italic.]

S. RES. 303

Whereas Andrei Babitsky, an accomplished Russian journalist working for Radio Free Europe/Radio Liberty, a United States Government-funded broadcasting service, faces serious charges in Russia after being held captive and beaten by Russian authorities;

Whereas the mission of Radio Free Europe/Radio Liberty's bureaus in Russia is to provide Russian listeners objective and uncensored reporting on developments in Russia and around the world;

Whereas Russian authorities repeatedly denounced Mr. Babitsky for his reporting on the war in Chechnya, including his documentation of Russian troop casualties and the Russian Federation's brutal treatment of Chechen civilians;

Whereas Senate Resolutions 223 and 262 of the One Hundred Sixth Congress condemning the violence in Chechnya and urging a peaceful resolution to the conflict were adopted by the Senate by unanimous consent on November 19, 1999, and February 24, 2000, respectively;

Whereas on January 16, Mr. Babitsky was arrested by Russian police in the Chechen battle zone, was accused of assisting the Chechen forces, and was told he was to stand trial in Moscow;

Whereas Russian authorities took Mr. Babitsky to a "filtration camp" for suspected Chechen collaborators where he was severely beaten and then transferred to an undisclosed location;

Whereas on February 3, the Government of the Russian Federation announced that it had traded Mr. Babitsky to Chechen units in exchange for Russian prisoners, a violation of the Geneva Conventions to which Russia is a party;

Whereas on February 25, Mr. Babitsky was released by his captors in the Republic of Dagestan, only to be jailed by Russian officials for carrying false identity papers;

Whereas Mr. Babitsky says the papers were forced on him by his captors and used to smuggle him across borders;

Whereas Mr. Babitsky now faces charges from the Government of the Russian Federation of collaborating with the Chechens and carrying false identity papers and is not allowed to leave the city of Moscow;

Whereas on February 25, a senior advisor in Russia's Foreign Ministry published an article in The Moscow Times entitled "Should Liberty Leave?", which condemned the coverage by Radio Free Europe/Radio Liberty of the war in Chechnya, particularly reporting by Radio Free Europe/Radio Liberty correspondent Andrei Babitsky, and which stated that it would "be better to close down the branches of Radio Liberty on Russian territory";

Whereas on March 13, the Russian Ministry of the Press ordered Radio Free Europe/Radio Liberty's Moscow Bureau to provide complete recordings of broadcasts between February 15 and March 15, an action that Radio Free Europe/Radio Liberty described as "designed to intimidate us and others";

Whereas on March 14, the Russian Ministry of the Press issued a directive to prevent the broadcast of interviews from Chechen resistance leaders, an act of censorship which undercuts the ability of Radio Free Europe/Radio Liberty to fulfill its responsibilities as an objective news organization;

Whereas the treatment of Mr. Babitsky intimidates other correspondents working in Russia, particularly those covering the tragic story unfolding in Chechnya;

Whereas Russia's evolution into a stable democracy requires a free and vibrant press; and

Whereas it is imperative that the United States Government respond vigorously to the harassment and intimidation of Radio Free Europe/Radio Liberty: Now, therefore, be it

Resolved, ❙That the Senate—

❙(1) urges the Government of the Russian Federation to drop its charges against Mr. Babitsky;

❙(2) calls upon the Government of the Russian Federation to provide a full accounting of Mr. Babitsky's detention;

❙(3) condemns the Russian Federation's harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations;

❙(4) calls upon the Government of the Russian Federation to adhere fully to the Universal Declaration of Human Rights, which declares in Article 19 that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers";

❙(5) urges the Government of the Russian Federation and the President of the United States to implement the recommendations in Senate Resolutions 223 and 262 of the One Hundred Sixth Congress; and

❙(6) urges the President of the United States to place these issues high on the agenda for his June 4–5 summit meeting with President Vladimir Putin of the Russian Federation.❙

That the Senate—

(1) urges the Government of the Russian Federation to drop its charges against Mr. Babitsky;

(2) calls upon the Government of the Russian Federation to provide a full accounting of Mr. Babitsky's detention;

(3) condemns the Russian Federation's harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations;

(4) calls upon the Government of the Russian Federation to adhere fully to the Universal Declaration of Human Rights, which declares in Article 19 that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers"; and

(5) urges the Government of the Russian Federation and the President of the United States to implement the recommendations in Senate Resolutions 223 and 262 of the One Hundred Sixth Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, this resolution, S. Res. 303, which I introduced with Senator GRAMS and Senator LEAHY on May 4, expresses our deep concern about the continuing plight of the Russian journalist Andrei Babitsky. The resolution was approved unanimously by the Senate Foreign Relations Committee on June 7.

Mr. Babitsky, an accomplished journalist working for Radio Free Europe/Radio Liberty, still faces serious charges in Russia after being held captive by Russian authorities, beaten, and detained in a "filtration camp" for suspected Chechen collaborators.

The resolution asks the Russian Government to drop its trumped-up charges against Mr. Babitsky, and provide a full accounting of his detention.

In addition, the resolution states that the Senate condemns harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations. It calls upon the Russian Government to adhere fully to the Universal Declaration of Human Rights, which calls for freedom of expression worldwide.

For 10 years, Mr. Babitsky has helped fulfill the mission of Radio Free Europe/Radio Liberty to provide Russian listeners with objective and uncensored reporting. But Russian authorities, displeased with Mr. Babitsky's courageous reporting on the war in Chechnya, accused him of assisting the Chechen forces and ordered him arrested in the battle zone last January.

After six weeks in captivity, Mr. Babitsky was released, and then jailed again by Russian officials for carrying false identity papers. He says the papers were forced upon him. After an international outcry arose over his case, he was again released. But he still is not allowed to leave Moscow, and he still faces charges for carrying false papers and aiding the Chechens.

In addition, Russian authorities have continued to condemn Radio Liberty's coverage of the Chechen conflict, and have suggested that Radio Liberty should be forced to abandon its facilities in Moscow and throughout Russia. The authorities have taken steps to censor Radio Liberty and to intimidate its correspondents and others.

The United States should respond vigorously to this harassment and intimidation. The Russian government should drop its trumped-up charges against Mr. Babitsky. I urge my colleagues to support the resolution.

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the committee amendment be agreed to, and, without objection, it is so ordered.

The committee amendment was agreed to.

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD, and, without objection, it is so ordered.

The resolution (S. Res. 303), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 303

Whereas Andrei Babitsky, an accomplished Russian journalist working for Radio Free Europe/Radio Liberty, a United States Government-funded broadcasting service, faces serious charges in Russia after being held captive and beaten by Russian authorities;

Whereas the mission of Radio Free Europe/Radio Liberty's bureaus in Russia is to provide Russian listeners objective and uncensored reporting on developments in Russia and around the world;

Whereas Russian authorities repeatedly denounced Mr. Babitsky for his reporting on the war in Chechnya, including his documentation of Russian troop casualties and the Russian Federation's brutal treatment of Chechen civilians;

Whereas Senate Resolutions 223 and 262 of the One Hundred Sixth Congress condemning the violence in Chechnya and urging a peaceful resolution to the conflict were adopted by the Senate by unanimous consent on November 19, 1999, and February 24, 2000, respectively;

Whereas on January 16, Mr. Babitsky was arrested by Russian police in the Chechen battle zone, was accused of assisting the Chechen forces, and was told he was to stand trial in Moscow;

Whereas Russian authorities took Mr. Babitsky to a "filtration camp" for suspected Chechen collaborators where he was severely beaten and then transferred to an undisclosed location;

Whereas on February 3, the Government of the Russian Federation announced that it had traded Mr. Babitsky to Chechen units in exchange for Russian prisoners, a violation of the Geneva Conventions to which Russia is a party;

Whereas on February 25, Mr. Babitsky was released by his captors in the Republic of

Dagestan, only to be jailed by Russian officials for carrying false identity papers;

Whereas Mr. Babitsky says the papers were forced on him by his captors and used to smuggle him across borders;

Whereas Mr. Babitsky now faces charges from the Government of the Russian Federation of collaborating with the Chechens and carrying false identity papers and is not allowed to leave the city of Moscow;

Whereas on February 25, a senior advisor in Russia's Foreign Ministry published an article in The Moscow Times entitled "Should Liberty Leave?", which condemned the coverage by Radio Free Europe/Radio Liberty of the war in Chechnya, particularly reporting by Radio Free Europe/Radio Liberty correspondent Andrei Babitsky, and which stated that it would "be better to close down the branches of Radio Liberty on Russian territory";

Whereas on March 13, the Russian Ministry of the Press ordered Radio Free Europe/Radio Liberty's Moscow Bureau to provide complete recordings of broadcasts between February 15 and March 15, an action that Radio Free Europe/Radio Liberty described as "designed to intimidate us and others";

Whereas on March 14, the Russian Ministry of the Press issued a directive to prevent the broadcast of interviews from Chechen resistance leaders, an act of censorship which undercuts the ability of Radio Free Europe/Radio Liberty to fulfill its responsibilities as an objective news organization;

Whereas the treatment of Mr. Babitsky intimidates other correspondents working in Russia, particularly those covering the tragic story unfolding in Chechnya;

Whereas Russia's evolution into a stable democracy requires a free and vibrant press; and

Whereas it is imperative that the United States Government respond vigorously to the harassment and intimidation of Radio Free Europe/Radio Liberty: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of the Russian Federation to drop its charges against Mr. Babitsky;

(2) calls upon the Government of the Russian Federation to provide a full accounting of Mr. Babitsky's detention;

(3) condemns the Russian Federation's harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations;

(4) calls upon the Government of the Russian Federation to adhere fully to the Universal Declaration of Human Rights, which declares in Article 19 that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers"; and

(5) urges the Government of the Russian Federation and the President of the United States to implement the recommendations in Senate Resolutions 223 and 262 of the One Hundred Sixth Congress.

SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Resolution 254, and, without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 254) supporting the goals and ideals of the Olympics.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 3618

(Purpose: To make a clerical amendment)

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I send an amendment to the desk.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS], for Mr. CAMPBELL, proposes an amendment numbered 3618.

In the preamble, in the tenth whereas clause, insert ", 2000" after "June 23".

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the amendment to the preamble be agreed to, the resolution be agreed to, the preamble be agreed to, as amended, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD, and, without objection, it is so ordered.

The amendment to the preamble, amendment (No. 3618) was agreed to.

The preamble, as amended, was agreed to.

The resolution (S. Res. 254) was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 254

Whereas for over 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing amateur athletic activity in the United States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and supports amateur athletic activities involving the United States and foreign nations;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in amateur athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs for amateur athletes;

Whereas the United States Olympic Committee protects the opportunity of each amateur athlete, coach, trainer, manager, administerator, and official to participate in amateur athletic competition;

Whereas athletes representing the United States at the Olympic Games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic Team, and aspire to compete in the 2000 Summer Olympic Games in Sydney, Australia, and the 2002 Olympic Winter Games in Salt Lake City, Utah;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic Team; and

Whereas June 23, 2000 is the anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of the Olympics;

(2) calls upon the President to issue a proclamation recognizing the anniversary of the founding of the modern Olympic movement; and

(3) calls upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

ORDERS FOR MONDAY, JUNE 26, 2000

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that, when the Senate completes its business today it stand in adjournment until 1 p.m. Monday, and when the Senate convenes there be a period for morning business, with Senator DURBIN controlling the time until 2 p.m. and Senator THOMAS until 3 p.m. and, without objection, it is so ordered.

ADJOURNMENT UNTIL 1 P.M. MONDAY, JUNE 26, 2000

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, under the previous order, I ask unanimous consent that the Senate stand in adjournment until 1 p.m., Monday, June 26, 2000.

There be no objection, the Senate, at 1:04 p.m., adjourned until Monday, June 26, 2000, at 1 p.m.

EXTENSIONS OF REMARKS

RETIREMENT OF GENERAL ROSSO JOSE SERRANO AS THE DIRECTOR GENERAL OF THE COLOMBIAN NATIONAL POLICE

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. BARR of Georgia. Mr. Speaker, the resignation this week of General Rosso Jose Serrano, as Director General of the Colombian National Police, has been met with sadness by those of us who have known him and assisted his efforts in the War on Drugs. He was a bright light to the United States during a dark period of U.S.-Colombian relations. His 40 years in law enforcement and his accomplishments stand as a testimony to the adage that "one man can make a difference."

General Serrano is a true hero in the War on Drugs, just as Drug Enforcement Administration (D.E.A.) Administrator Donnie Marshall termed him earlier this week. F.B.I. Director Louis Freeh accurately described General Serrano as a "Cop's Cop." I speak for many of my colleagues in this House who have been to war-torn Colombia, when I call him a "true inspiration to those who cherish the rule of law." Few men have equaled what this quiet policeman from the farmlands of northeastern Colombia has accomplished.

I know of no other lawman who has faced down the type of ruthless druglords that General Serrano has, and lived to tell about it. At a time when Colombia was synonymous with corruption and drug crime, General Serrano stood tall to enforce the rule of law, when others hid.

In the early 1990's, General Serrano commanded the anti-narcotics agents of the world-famous D.A.N.T.I. These men and women worked hand-in-hand with our D.E.A. in fighting the drug lords in Colombia. As a result of General Serrano's leadership, and with the D.E.A.'s assistance, they dismantled the infamous Medelllin Cartel and brought its vicious leader, Pablo Escobar, to final justice on the rooftop of his hiding place, in December 1993.

He then led the destruction of the Calia Cartel by arresting the leadership of this deadly drug mafia. Today, these drug lords sit in prison, awaiting extradition to courts in the United States. In Colombia, five years ago, these victories were thought to be impossible. These astounding efforts came at great cost, however, with the Colombian National Police losing over 5,000 officers to drug cartel violence.

In 1996, General Serrano was invited to testify before the United States Congress, to tell his own story of how the arrogant drug lords were brought to justice, at a time when justice was laughed at in Colombia. General Serrano accomplished this huge task despite overwhelming odds and great danger to his forces. By his plain-spoken words and his reputation for honesty, he enlisted many Congressmen, from both sides of the aisle, in supporting his anti-narcotics efforts, when the Clinton Administration withheld support.

Today, I stand in the halls of the U.S. Congress to hail the extraordinary efforts of a man who has always claimed he was just an ordinary citizen of Colombia. I take great pride in saying that Rosso Jose Serrano, the very extraordinary man from the farmlands of northeastern Colombia, is my friend. I would like to remind the people of America that "one man can make a difference," and that in our joint war against narco-terrorism, General Serrano made that difference. The American people owe his a huge debt of gratitude.

TRIBUTE TO RALPH THOMPSON, JR.

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. FARR of California. Mr. Speaker, "Working Hard" is a phrase often spoken casually in conversation and this act seen exemplified is rare. However, Mr. Ralph Thompson, Jr. did prove so as an Attorney on the Monterey Peninsula. Thompson understood the value of hard work in his career as well as his personal pursuits. Over his years, Thompson dedicated his time and energy to his "labor of love"—Little League. Yet, on February 28, 2000, at the age of 80, Thompson's commitments to his laborious loves were ended.

Born in Cuyahoga Falls, Ohio, Mr. Ralph Thompson, Jr., exemplified this in his daily work ethic. After earnings his law degree from Stanford University in 1948, he then moved to Carmel where he joined the Thompson & Thompson law firm. Following his initial success at Thompson & Thompson, Mr. Ralph Thomspon later became a partner at Hudson, Wyckoff, Parker, and Thompson in 1961. Thompson found later acclaim, in his personal life, as a Little League coach as he was awarded the Chief Justice Phil Gibson Award from the Monterey County Bar Association for his outstanding public service.

Peers of Thompson, spoke of him highly, often noting that he would be remembered as a, "litigator with a heart." Another friend of Thompson's recounted him as being a mentor and teacher, "who taught [him] all that [he] knows[s] about practicing law." Thompson's courtroom life never strayed to his family life. Known as a 'tiger in the courtroom', he was also seen as a "warm, family man."

As we remember Mr. Ralph Thompson, let us remember his many fine accomplishments as a husband, father, coach, friend and mentor. In time, hard work pays off and leaves pride in the hearts of those who knew and loved Thompson. He is survived by his wife, Joan; his four sons, Lawrence, William, R. Cole, and Douglas; two daughters, Nancy Eskilon and Beth Carpenter; and 14 grandchildren.

CONGRATULATING THE ARMENIAN RELIEF SOCIETY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Armenian Relief Society on celebrating 90 years of providing assistance to the Glendale, CA area.

As a nonprofit organization, the Armenian Relief Society provides a broad range of services to the Armenian community. It gives humanitarian aid, offers translation services, helps the homeless, and offers English as a second language classes to new immigrants. The agency also offers assistance in health care, job referrals, placement, and in finding housing.

The agency has branches in 23 counties, with 18,000 members and 1,400 volunteers in the western United States. To this day, the Armenian Relief Society is still called upon to help the Armenian people and to preserve the cultural identity of the Armenian nation.

Mr. Speaker, I want to congratulate the Armenian Relief Society as they celebrate 90 years of service. I urge my colleagues to join me in wishing the Armenian Relief Society many more years of continued success.

HONORING ELIZABETH KIMMEL-HIEKEN

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. BENTSEN. Mr. Speaker, I rise to honor Elizabeth Kimmel-Hieken for her outstanding contributions to the community. For more than 40 years in the labor movement, Liz Kimmel has tirelessly organized workers, walked picket lines, fed the unemployed, marched for civil rights, lobbied the legislature, and pioneered the way for more women and minorities in trade unionism.

The Harris County AFL–CIO is honoring Liz on her 85th birthday this month, for her more than four decades of valuable service to the labor movement and to the greater Houston community.

Texas has been fortunate to have such a daughter. Liz Kimmel arrived in Texas in 1947 to help organize union activities. She ended up staying for the latter half of the century, and our workers, our senior citizens, the handicapped, and the poor are better off for it.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The labor movement and the community have benefitted from Liz's clarity, wisdom and constant dedication. She is among those inspiring leaders responsible for helping to eventually expand the labor movement through what was then a new, emerging public employee union, the American Federation of State, County, and Municipal Employees (AFSCME). She was at the forefront in leading AFSCME in Houston and Texas for two decades before her retirement.

Liz has also used her boundless energy over the years to become a stalwart in the Democratic Party. She has been a true activist, serving as a Precinct Judge, floor leader, block walker, an avid campaigner, and a successful recruiter. She has been a loyal and valuable member of the Democratic Party at the local, state, and national level for the last forty years.

Mr. Speaker, I congratulate Elizabeth Kimmel-Hieken for more than four decades of service to Texas and Harris County. Her contributions to the labor movement and politics will always be present, and her legacy shall endure.

INTRODUCTION OF THE SOUTHERN HIGH PLAINS GROUNDWATER RESOURCE CONSERVATION ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. UDALL of New Mexico. Mr. Speaker, I am pleased to introduce legislation which will bring focus to an issue that concerns the long-term economic viability of communities in much of America's heartland: the southern High plains stretching from the middle of Kansas, the Texas panhandle, Oklahoma, the eastern portion of Colorado, and the eastern counties of my home state of New Mexico.

Much of the area that I just described is farming country and much of its economy is linked to the Ogallala aquifer. The U.S. Department of Agriculture's Natural Resource Conservation Service recently determined that there are over six million acres of irrigated farmland overlying the southern Ogallala. These farms use between six and nine million acre-feet of water annually. The problem however, is that the aquifer is being depleted very quickly. In just seventeen years we have seen large areas of the southern aquifer experience a 10- to 20-foot drop in their water table. These decreased levels will negatively affect aquifers used for irrigation, and for municipal water on the southern High Plains.

The problems facing the groundwater resources on the southern High Plains is a multi-state issue with significant economic and social consequences for America. Ignoring the problem and continuing uses to go unabated invites tremendous economic dislocation for a large portion of our country.

To address this issue I am introducing the Southern High Plains Groundwater Resource Conservation Act. This bill recognizes that accurate scientific information about groundwater resources is necessary to make good decisions.

It calls upon the U.S. Geological Survey to develop mapping, modeling, and monitoring strategies for the Southern Ogallala, to provide a report to Congress and relevant states with maps and information, and to renew and update that report every year.

It also acknowledges that a sound water conservation plan must be developed on a multiyear goal. Conservation measures must be implemented over a large area in order to observe a long-term groundwater trend. This bill would authorize the Secretary of Agriculture to provide planning assistance on a cost-share basis to states, tribes, local counties, conservation districts, and other local government units to create water conservation plans designed to benefit their groundwater resource over at least 20 years.

Lastly, this bill will provide two primary forms of assistance for groundwater conservation on farms. They are a cost-share assistance program to upgrade the water use efficiency of farming equipment, and the creation of an Irrigated Land Reserve.

The cost-share program is based on the upfront costs frequently prohibitive for modern irrigation methods. It is estimated that an initial $20,000 in Federal investment in equipment on a cost-share basis would save between 325 to nearly 490 acre-feet of water over a ten year period.

The Irrigated Land Reserve is designed to convert 10% or approximately 600,000 acres of irrigated farmland to dryland agriculture. Because dryland farming is less productive than irrigation, this bill would provide for a rental rate to farmers to ease the economic impact of changing over. When fully implemented this program can potentially save between 600,000 and 900,000 acre-feet of water per year at a cost of $33 to $50 per acre-foot.

There is a pressing need to conserve this valuable aquifer, we must acknowledge that this is a precious commodity that is worth saving. It's good for the southern High Plains and it's good for our Nation.

HOMER HICKAM: WEST VIRGINIA'S ROCKET BOY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. RAHALL. Mr. Speaker, a few years ago a blockbuster best-seller book, originally called "The Rocket Boys" was published, and shortly thereafter a movie was made based on the book, titled "October Surprise." It was a sell-out at bookstores and theaters across the Nation.

This story, written by former NASA engineer from McDowell County, West Virginia, was about a boy, his friends, and his weary but supportive parents, who was so taken by what he read about NASA's early rocket experiments commissioned by the United States Government, that he spent his childhood experimenting with homemade rockets

His name was Homer Hickam, now a retired NASA engineer, who wrote "Rocket Boys."

On June 21, 2000 I received an official commitment from NASA detailing a long-term loan of a model of a U.S. Space Shuttle for exhibit in Coalwood, West Virginia, Homer Hickam's hometown.

I worked closely with NASA officials in this successful effort to obtain a display in recognition of the accomplishments and vision of Homer Hickam and the "Rocket Boys" from Coalwood.

The display of this U.S. Space Shuttle is a tribute to Homer Hickam, his remarkable talent, and his teenaged tenacity in making his dreams come true—not only to shoot his own rockets into space as a boy, but to take his talents and his dream to NASA itself as a grown man.

Homer Hickam is an inspiration to our youth—not only in West Virginia but the Nation—that their dreams can come true, and that they should reach for the stars.

The U.S. Space Shuttle model will come from the Marshall Space Flight Center in Alabama, and will be in place in time for the celebration of the Second Annual Rocket Boys Day Festival on June 24, 2000.

I believe, and the NASA Space officials agree, that this model is most appropriate to commemorate Mr. Hickam's work in propulsion, spacecraft design, and payload and crew training at the Marshall Center.

After the festival ends, the 13-foot scale model will be on long-term display across from the Country Corner Store on Route 16, in the heart of Coalwood, West Virginia, across the street from Homer Hickam's homeplace.

For those of you who read the book or saw the movie, you will understand the significance of placing this display across from Homer Hickam's old homeplace—the homeplace about which Mr. Hickam wrote, got a brand new furnace one day when Homer tossed a handful of unknown chemicals into the old furnace to see if they had enough explosive quality to thrust his next rocket high into the skies over McDowell County. They did, his mother got the new furnace she had always wanted, and the rest as they say is history.

RECOGNIZING BOB WILLIS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mrs. EMERSON. Mr. Speaker, I rise today in recognition of a dear friend and public servant who is stepping down after nearly thirty years with the U.S. Forest Service. Bob Willis has spent his life dedicated to the protection and conservation of several of our country's national forests.

Bob Willis began his career with the Forest Service in 1971 in the beautiful White River National Forest in Glenwood Springs, Colorado and in Monte Vista, Colorado in the magnificent Rio Grande National Forest. From there, Bill moved on to the Tongass National Forest in Alaska. Bob went on to "Big Sky" Country in 1976, with service in the Bitterroot and Lolo National Forests in Montana, and finally found a resting place in Rolla, Missouri in 1980 serving the Mark Twain National Forest.

Bob is the longest serving Staff Officer that Mark Twain has ever had, serving 19 years.

Bob is married to Kris Swanson, also a Staff Officer on the Mark Twain National Forest. He has two daughters, Erin Willis, 22, Robin Wilson, 24, and a son-in-law, Tommy Wilson. In addition, Bob has two step-sons, Thomas England, 16, and Daniel England, 13. When he is not caring for the Mark Twain, he and his daughters show, breed, and raise Tennessee Walking Horses. Bob's responsibilities with the Mark Twain included managing the technical services within the forest, including computer systems, telecommunications, minerals and geology, special uses, land acquisitions, and real estate management.

In his retirement, Bob will remain committed to the outdoors with his favorite hobbies such as raising and caring for his horses, landscaping his new home, and playing tennis. He is moving on to serve as a consultant in Government Relations and Environmental Management.

Bob's tenure with the Mark Twain covered the same amount of time that an Emerson has been in Congress and both Bill and I benefited by his work there. He helped us cut through the red-tape of government over the over again. Because of that help, we have been able to move projects forward that were, and are, beneficial to the people who live in the Eighth Congressional District of Missouri.

His pleasant personality often made it possible for people with very different opinions to get together and work toward common goals. That consensus building helped to make sure that the multiple-use concept for our national forests prevailed in the Mark Twain. He clearly understands that the wise use of our natural resources is not only good for local economies and jobs, but also is necessary for the health of a vibrant, growing forest.

We will miss Bob Willis. If more government employees were like him then the label "bureaucrats" would not fit! My office and I appreciate his years of service.

IN TRIBUTE TO RABBI SHIMON PASKOW

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Rabbi Shimon Paskow, who is retiring after 31 years of spiritual leadership of Temple Etz Chaim in Thousand Oaks, CA.

Although the temple is not physically in my district, many of my constituents have benefited from Rabbi Paskow's spiritual leadership and human compassion. Among his many volunteer efforts, he has served as the Jewish Chaplain at the Ventura School of the California Youth Authority in Camarillo, CA. In that capacity, Rabbi Paskow has ministered to some of our most troubled youth.

Rabbi Paskow was ordained in 1959. The next year, he joined the U.S. Army and served as a Jewish Chaplain in France and Germany. Immediately, he proved his dedication and was honored by the Commanding General of the Fourth Logistical Command and the National Jewish Welfare Board for his outstanding work. In 1985, Rabbi Paskow was promoted to the rank of colonel in the U.S. Army Reserve. In 1993, he was decorated with the Meritorious Service Award.

Prior to coming to Temple Etz Chaim, Rabbi Paskow served as an Associate Rabbi of the Valley Jewish Community Center and Temple (Adat Ari El), one of the largest Conservative congregations on the West Coast.

Under his leadership, Temple Etz Chaim has grown from a membership of less than 100 families to more than 700 families today. He has been instrumental in designating sections of local cemeteries for consecrated Jewish burials. Jewish Family Service established an office in Thousand Oaks' Community Conscience Services Center through his personal efforts.

While leading the Temple Etz Chaim congregation, Rabbi Paskow also has found time to lecture to numerous college groups and serve on the faculties of several institutes of Jewish learning. He is a member of many religious organizations, in addition to his service on secular community committees. He has authored many popular and scholarly articles that have appeared in journals and newspapers throughout the country. Rabbi Paskow appears frequently on radio and television and is listed in various Who's Who directories.

Rabbi Paskow has earned many awards for his service. Among them: In 1993, he was presented with the Torch of Learning Award by the American Friends of the Hebrew University in recognition of his commitment to youth, education, Israel, and the Jewish people. With his wife, Carol, he established a scholarship fund at the Hebrew University for students needing financial assistance. The government of Israel has honored him for promoting tours to Israel.

Rabbi and Carol Paskow have one daughter, Michelle, who was ordained a Rabbi in 1991. The couple are the proud grandparents of Aaron Daniel and Jonathan Jay Cohen.

Mr. Speaker, I know my colleagues will join me in thanking Rabbi Paskow for his many decades of service to his religion and his community, congratulate him on his retirement, and wish him and his family many more years of fulfillment.

TRIBUTE TO BENARD KULIK, SBA'S ASSOCIATE ADMINISTRATOR FOR DISASTER ASSISTANCE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. LAFALCE. Mr. Speaker, all of us who are privileged to serve in the House work every day with senior managers in the Executive Branch, whether in connection with our oversight responsibilities, or in providing constituent services or because of federal offices or activities in our districts. Occasionally, we are fortunate enough to work with an individual who is so knowledgeable and effective in his or her area that it is difficult to imagine anyone else in their position. I rise today to report to the House the retirement of such a senior executive, Mr. Bernard Kulik, the longtime Associate Administrator for Disaster Assistance at the U.S. Small Business Administration.

Berky, as he is known to his many friends, began his long and distinguished career in public service more than forty years ago. After serving in the corporate finance division of the Securities and Exchange Commission, he joined SBA in 1964. Although Berky has held a variety of senior positions at SBA, including Director of Field Operations, Associate Administrator for Procurement Assistance, and Associate Administrator for the Office of Investment, he is without question best known for managing since 1981 the agency's Disaster Assistance Program. As Associate Administrator for Disaster Assistance, Berky oversees this vital program which provides low-interest loans to both individual and business victims of natural and other disasters throughout the United States and its possessions. These loans are indispensable for the quick recovery of both disaster victims themselves and the long-term health of their communities. SBA has provided this assistance to homeowners and businesses in virtually every state in the Nation and all U.S. possessions.

Kulik is a native of New York City and holds degrees in economics and law from New York University. He is the recipient of numerous prestigious awards. He has twice been awarded the rank of Meritorious Executive, by President Carter in 1980 and by President Clinton in 1995. President Bush named him a Distinguished Executive in 1991. Berky has also received SBA's Gold Medal for distinguished service.

My experience in working with Berky and SBA's Disaster Loan Program goes back more than twenty years to when the Committee on Small Business, on which I served, spearheaded an effort to reorganize the program's delivery system and personnel authorities. Later, SBA located one of its four nationwide disaster bases or "Area Offices" in Niagara Falls, where I am proud to say that my constituents continue to serve disaster victims not only in their own Northeastern U.S. region, but also in other areas throughout the country, backing up their three sister offices as needed when unexpected major disasters require quick redeployment of resources.

It is no exaggeration to say that most of us here have experienced disasters of one type or another in our districts, and that we know how terrible their effects can be on our constituents. Hurricanes, floods, fires, tornadoes and other catastrophes strike quickly, often with little warning and devastating consequences. No matter how well we prepare, there will always be a need for us as a society to help our fellow citizens afflicted by disasters. Years ago, we here in Congress decided that it was wiser to have government disaster response programs ready in advance than to legislate anew with each unpredictable but inevitably recurrent catastrophe. Since the late 1970s, we have had such authorizations, programs and delivery systems in place before they were needed. SBA's Disaster Loan Program has been a key element in our response strategy and it has performed extremely well under Berky Kulik's leadership.

I recently wrote Berky that his accomplishments should be a source of great pride. He has led SBA's Disaster Loan Program through difficult reorganization and development phases, and in doing so has taken an inherently unpredictable and difficult to manage program and made it one of the best-managed in government. He has brought tremendous expertise and professionalism to difficult policy and budget deliberations in Washington. He has developed a skilled and dedicated management team and a core group of professional disaster specialists. But perhaps most important are the extraordinary numbers of people whose lives he has touched—during Berky's tenure, literally hundreds of thousands of disaster victims have received the help they desperately needed to rebuild homes and businesses ravaged by disasters of every sort.

Those of us who have worked closely with Berky on disaster issues will certainly miss that professional relationship, but all of us owe Berky our gratitude, not only for his efforts on behalf of our constituents, but for his exemplary dedication to the highest traditions of public service. I ask that all my colleagues join with me in wishing Berky the very best in his retirement after his long and distinguished career.

INTRODUCTION OF LEGISLATION TO PROVIDE TAX RELIEF FOR MUTUAL FUND SHAREHOLDERS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. SAXTON. Mr. Speaker, our tax code has many features that are economically counterproductive, but few are as destructive as those aimed at personal saving and investment. The current tax system undermines personal saving and investment in many ways, but today I would like to address the tax treatment of mutual fund capital gains distributions. Middle income savers and investors involuntarily receive these distributions from their mutual funds, and must pay tax on them even though they may have sold no shares in the fund. Today, I am introducing legislation to provide a partial exclusion limiting the federal taxation of these involuntary distributions.

Essentially, the current law forces middle income savers and investors to pay tax on capital gains they have not realized. Even if the value of their shares has declined or they have owned them for only a short time, they can be slammed with a huge tax liability. As a recent Joint Economic Committee study pointed out, this tax can reduce the pre-liquidation rate of return by 10 to 20 percent. Furthermore, due to the complexity of the law, many taxpayers can easily pay this tax twice. This is unfair and undermines incentives to save and invest.

In recent years, mutual funds have enabled many ordinary Americans to share in the tremendous economic gains that resulted from the technological innovation, productivity gains, and surge in wealth of the 1990s. Tens of millions of ordinary Americans now have substantial investments in the financial markets, many of them through mutual funds. Federal policy should accommodate these efforts of our citizens to provide for their retirement security, education, housing, and other needs. Federal tax policy should not erect excessive tax barriers undermining the incentives and ability of middle income taxpayers to plan for their own needs.

Today, I am introducing legislation providing a $3,000 tax exclusion for individuals, and a $6,000 exclusion for couples, to shield annual capital gains distributions. When taxpayers sell their shares in the mutual fund, they would pay the tax on these gains, but these exclusions would shield most middle income taxpayers from immediate taxation and potentially double taxation on capital gains distributions. Other investors generally are not taxed on an accrual basis on their capital gains, and we should do what we can to level the playing field, and end tax discrimination against personal saving and investment. As the eminent economist Irving Fisher once wrote, "A tax on accretion penalizes those who are rising the social scale, the builders of the nation . . ." The current tax bias against thrift should be a major target of reform for the foreseeable future.

UNITED AIRLINES—US AIRWAYS MERGER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. WALSH. Mr. Speaker, I want to express my strong reservations about the proposed merger of United Airlines and US Airways. While I am a strong proponent of economic growth and development, this recently announced merger could only have a detrimental impact on Central New York air service and our economy. Congress was told by the airline industry in 1978 that deregulation would bring about greater competition, better service, and lower costs for the consumer. In many of our large, major urban centers this is exactly what happened; however, smaller urban areas haven't seen similar results. Many of these communities find themselves saddled with one dominant carrier and no competition resulting in extremely high airfares.

This combination of the two airlines would not only control about 27 percent of the U.S. market but over 50 percent of the travel market out of Syracuse, which already pays the fifteenth highest airfares in the Nation. I cannot support a merger if increased travel costs, possible loss of service, and dismissal of longtime employees are part of the equation.

TRIBUTE TO ROBERT PORCHER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Robert Porcher III, for being honored "Father of the Year" at The National Fatherhood Initiative (NFI) Annual Awards Banquet held on June 2, 2000. The National Fatherhood Initiative was founded to stimulate a national movement while confronting the growing dilemma of father absentia. NFI is dedicated to improving the lives of children by increasing the number who have involved, committed, and responsible fathers.

In a league that has been shrouded with negative media coverage on irresponsible fatherhood, Robert Porcher was one of the first athletes to take a stand for responsible parenting. He has been a humanitarian, actively participating in Detroit's United Way as the official spokesman; a philanthropist, making a lifelong commitment to provide funds enhancing public awareness, increased educational opportunities, and aid to economically disadvantaged individuals; and a mentor, providing deserving youth with scholarship assistance and recreational activities through the Robert Porcher Scholarship Award and Top of the Line Football Camp.

Always committed to his educational endeavors, Robert graduated from Cainhoy High School in Wando, South Carolina. In 1992, he matriculated at South Carolina State University where he earned a Bachelor of Science degree in criminal justice. During his outstanding collegiate career, Robert was named 1991 Walter Camp All-American and 1991 MEAC Defensive Player of the Year. He entered the National Football League as a first-round draft pick by the Detroit Lions.

Mr. Porcher is a spectacular athlete, devoted father, advocate, humanitarian, and philanthropist. He is a man of extraordinary kindness and courage, intellect and eloquence. Mr. Speaker, please join me in honoring Robert Porcher, III, for his outstanding work as an exemplary father, athlete, and role model.

INTRODUCING THE PUBLIC INVESTMENT RECOVERY ACT OF 2000

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. CAPUANO. Mr. Speaker, today I filed the Public Investment Recovery Act of 2000. This legislation would enable the Federal Government to recover a portion of the taxpayer dollars currently used to develop pharmaceutical, biologic and genetic products.

It is important that both Congress and the pharmaceutical industry recognize that the American people, through Federal tax money, contribute substantially to the development of new drugs. Sadly, many of these same taxpayers are without prescription drug coverage and cannot afford the high costs of these medications.

Consider a recent report in the New York Times which focused on the hardships of one of our nation's senior citizens who has no prescription drug coverage. The gentleman featured in the report depends on an $832 monthly Social Security check to survive. Tragically, these funds are not enough to pay for the eye drops he needs to battle his disabling glaucoma. Yet, the drug he so desperately needs—Xalatan—was developed with significant investment by the National Institutes of Health; an investment funded primarily by the ordinary American taxpayer.

The fact is a significant portion of the drugs sold on the market have benefited from taxpayer investment. How much? The answer is not clear; the pharmaceutical industry is protective when it comes to the costs of drug research and development. What is clear is that in 1999, alone, the top 12 drug companies made over $27.3 billion in profits. Moreover, a study done in 1995 by the Massachusetts Institute of Technology found that 11 of the 14 drugs identified by the pharmaceutical industry as the most medically significant in the past 25 years (1970 to 1995) were developed with taxpayer dollars.

We cannot continue to fund basic research that allows the pharmaceutical industry to generate such substantial profits while consumers are required to pay excessive prices for their prescription drugs. The Public Investment Recovery Act of 2000 will recoup a portion of the initial federal seed money for the government which could then be used to finance additional research and development efforts as well as to strengthen a Medicare prescription drug benefit. As stakeholders in our national research efforts, we should not be asked to contribute to research without the benefit of having access to affordable medicine that this research yields.

HI MEADOWS AND BOBCAT GULCH FIREFIGHTERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. SCHAFFER. Mr. Speaker, I rise today to salute the courage of the firefighters who fought the Bobcat Gulch and Hi Meadows fires in Colorado. These men and women risked the extreme dangers to aid the people of Colorado's Fourth Congressional District.

The two fires each raged for over a week before containment in the late evening of June 20. In Bobcat Gulch, the initial cause was a campfire, which grew to consume 10,600 acres before containment was achieved. A group of 821 workers, 5 helicopters, all making up 28 crews, worked diligently to overcome the uncooperating weather. Similarly, at Hi Meadow, 1,000 workers, 7 helicopters, and 71 engines battled the blaze.

These individuals deserve our gracious appreciation for pulling together as a team to help save the lives and property of people in Colorado.

INTRODUCTION OF THE MEDICAL RESEARCH INVESTMENT ACT

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Ms. DUNN. Mr. Speaker, I rise today with my friend Mr. CARDIN of Maryland to introduce the Medical Research Investment Act.

The MRI Act increases the annual percentage-of-income limitations for individual charitable contributions for medical research from 50 percent to 80 percent. To the extent that such medical research contributions by an individual exceed the enhanced annual percent-of-income limitation, such excess would be permitted to be carried forward for the succeeding ten taxable years, rather than for the 5 years allowed under current law. In addition, the legislation ends the unfavorable treatment of gifts of stock acquired by incentive stock options for an individual who gives publicly traded stock, earmarked for medical research, to a charitable organization during the first year after the date of exercise of the stock option. The MRI Act will prevent those taxpayers from being penalized with ordinary income tax or alternative minimum tax when they are trying to give away their wealth to help people. No longer will people have to sell $140 worth of stock to give away $100, or delay their contributions when that money can be put to work today curing disease.

This country stands on the threshold of an important opportunity for philanthropy. More Americans than ever, many in the high-tech industries, have been able to amass an abundance of wealth in a short time, and are eager to invest in their communities and in their nation. This legislation allows such high net worth donors, who have the capacity to contribute significantly more than they can deduct under current law, to make large charitable contributions for medical research. It also allows those same potential donors, many of whom have a large part of their wealth tied up in stock options, to contribute their stock to a charity for medical research without incurring taxable income.

Academic research on charitable giving has found, time and again, that individuals tend to give more when the price of giving is lower. This legislation establishes the favorable tax treatment that will stimulate charitable donations of cash and property to medical research. In fact, a study by Price WaterhouseCoopers estimated that if the proposal were effective this year, the additional giving spurred by this bill would be $180.4 million in 2000—over a 4 percent increase in charitable giving by individuals for medical research. Over 5 years, it would inspire over $1 billion dollars in additional medical research. In my home state of Washington alone, the increase in the first year would be $3.67 million.

Increased investment in medical research consistently results in an improvement in the health of Americans and in the health of America itself. For instance, increases in life expectancy in the 1970's and 1980's were worth $57 trillion to America. Indeed, improvements in health have accounted for almost one-half of the actual gain in American living standards in the past 50 years. It is anticipated that if medical research reduced deaths from cancer by just one-fifth, it would be worth $10 trillion to Americans. Personal, medical, and insurance expenditures would be reduced, as would public expenditures for Medicare, Medicaid, and other governmental medical assistance programs. Losses in national productivity due to illness would be reduced as well. In a country where cancer costs the nation in excess of $107 billion annually, diabetes costs us $105 billion annually, and Parkinson's Disease in excess of $25 billion annually, there is certainly room for improvement in health. Quick and steady improvement is only possible with increased funding of research.

Today at the introduction of this bill, Cathy and Caity Rigg of Enumclaw, Washington joined us to tell their story. Caity is 8 years old and suffers from juvenile diabetes. She and her mother Cathy have been tireless advocates for increasing both government and private funds to find a cure for diabetes. Under this bill, we will greatly enhance the available funds for research. I am attaching Caity's remarks since I believe that she, more so than anyone, can attest to the difficulties of living with a debilitating disease.

Mr. Speaker, the time to act—to secure the significant gifts that many individuals are anxious to donate to charities—is now. We are entering an era of explosive growth in knowledge that will substantially advance scientists' ability to understand, prevent, and cure disease. I hope I can count on the support of each Member of Congress to pass this bipartisan bill. It is crucial to the health of every American.

> Thank you Congresswoman Jennifer Dunn. Thank you to all the congress members here today for remembering kids like me.
>
> My name is Caity Rigg and I'm 8 years old. I've had diabetes for 4 years now. In second grade last year we had our 100th day of school. My teacher asked if I had $100 to spend what would I do with it. I wrote that I would give it to the doctors so they could find a cure for my diabetes.
>
> I still take 4 shots of insulin every day in my tummy, legs and arms to keep me alive. Sometimes it hurts really bad and I cry but Mom always hugs me. I poke my fingers to get blood all day long so I can see if I need food or medicine. When I need food I sometimes feel really bad and my head gets dizzy.
>
> I see nurse Julie at school every day to check my blood sugar. Some days its good but some days I need juice or a shot in my arm. I don't want to do it anymore, but I have to so I don't go blind or lose an arm or leg or something bad. Mom promises there is no diabetes in heaven, but I want to get rid of it before then.
>
> Please help me by passing the Medical Research Investment Act so that more money will be donated to help scientists and doctors find a cure for me and other children who have to go through what I do.
>
> Thank You!!

RECOGNITION OF AMSA ON THE OCCASION OF ITS 30TH ANNIVERSARY

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. SHUSTER. Mr. Speaker, as Chairman of the Transportation and Infrastructure Committee, I wish to take this opportunity to congratulate the Association of Metropolitan Sewerage Agencies (AMSA) on the occasion of its 30th Anniversary. AMSA is the only association exclusively representing the nation's municipal wastewater treatment agencies. As front-line environmental practitioners that serve the majority of the population. AMSA members protect our nation's valuable water resources by treating and reclaiming wastewater to meet the ambitious goals of the Clean Water Act. Congress should celebrate their role in the remarkable revitalization of America's waters during the past 30 years. While the population served by publicly-owned treatment works has risen 40 percent since 1970, water quality has improved dramatically, in large part due to the fine work of AMSA's membership. In addition to their primary responsibility for collecting and treating the Nation's domestic, commercial, and industrial wastewater, AMSA member agencies play a major part in their local communities, often leading watershed management efforts, promoting pollution prevention, water conservation and recycling, and providing resources for environmental restoration.

AMSA was established in 1970 by representatives of 22 municipal wastewater treatment agencies. Since then, AMSA's 30 years of participation, growth and cooperation has helped ensure a strong federal, state and local partnership to attain the important goals of the Clean Water Act: to protect the chemical, biological and physical health of our nation's streams, lakes, rivers, estuaries and coasts.

Today, AMSA's 245 members serve the majority of the population connected to municipal wastewater systems and reclaim 18 billion gallons of wastewater each day. AMSA is a nationally recognized leader in environmental policy and works closely with Congress and the U.S. Environmental Protection Agency, lending unparalleled technical expertise and information on pollution prevention, air quality, wastewater treatment, ecosystem health, and utility management.

In recent years, AMSA has been actively involved in a broadening array of environmental laws and regulations, including water infrastructure funding, nonpoint source pollution, and urban wet weather flows, providing valuable testimony to Congress, as it considers legislation to improve the nation's waters. As Chairman of the House Transportation & Infrastructure Committee, I am in a good position to observe that AMSA is meeting the goals of its founders by pursuing every opportunity to develop and implement scientifically based, technically sound, and cost-effective environmental programs.

AMSA's active membership, prominence as a nationally recognized leader in environmental policy and close working relationship with the EPA and Congress will undoubtedly allow it to help shape the course of environmental protection in the next century. Once again, I congratulate AMSA on this important milestone as an organization and also for America's environment.

BILL BRADY HONORED FOR 40 YEARS OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my good friend Bill Brady, who will retire June 30 after serving 19 years as the postmaster of Wilkes-Barre, Pennsylvania, and with a total of 40 years and one month of government service.

Bill is truly an example of a dedicated public servant who has taken on as his mission in life the efficient delivery of mail, and he has become an institution in Northeastern Pennsylvania.

Mr. Brady is a graduate of Duryea High School and a four-year veteran of the Air Force. He received his bachelor of science degree from the University of Scranton in 1971.

Mr. Brady began his postal career as a distribution clerk in Scranton in January 1966. In 1973, he became a U.S. postal inspector and was stationed in Illinois, New York and Wilkes-Barre. In 1980, he left the Inspection Service and became manager of retail sales and services at the Wilkes-Barre sectional facility office. In April 1981, he went to the post office in Hazleton, Pennsylvania, as superintendent of postal operations, and served for six months in that position before assuming his present duties.

During his career at Wilkes-Barre, he has also been assigned to higher-level positions as acting director of mail processing at the Lehigh Valley Postal Facility, director of field operations for the Harrisburg Division and director of marketing for the Harrisburg Division.

As the Postal Service has changed and become more technologically advanced, Bill has adapted, always keeping customer service uppermost in his mind.

Mr. Brady is a past president of the Luzerne County Chapter of Postmasters and is a member of the National Association of Postmasters of the United States, having served as national chairman of the Postmaster Representative Committee for four years. He is also a member of Pennsylvania NAPUS Postmasters and has been active in numerous professional associations during his postal career.

Mr. Speaker, I am pleased to call Mr. Brady's public service to the attention of the House of Representatives, and I send my best wishes on the occasion of his retirement.

IN SPECIAL RECOGNITION OF THOMAS AND MARY LOU GALLAGHER ON THE OCCASION OF THEIR FIFTIETH WEDDING ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. GILLMOR. Mr. Speaker, today I recognize a very special couple from Ohio's Fifth Congressional District. Mr. Speaker, on Saturday, June 24, 2000, in the presence of many of their family members, neighbors, and friends, Thomas and Mary Lou Gallagher will celebrate a milestone day in their lives. On June 24, in Sandusky, Ohio, Thomas and Mary Lou will celebrate their fiftieth wedding anniversary.

Mr. Speaker, the celebration of the sanctity of marriage is one of our most cherished and time-honored traditions. Throughout the ages, husbands and wives have reaffirmed their trust, faith, and, most importantly, love for each other on their wedding anniversaries. On this most treasured day, we, as their friends, neighbors, coworkers, and family members, have the opportunity to recognize them for their commitment, their sharing, and their love for each other.

The day on which two people are united in marriage is much more than simply a ceremony, with wedding vows and the exchanging of rings. It is the true union of two individuals who then become one, inseparable entity. It is the common bond and an unwavering dedication to each other that will help the marriage through good times and bad.

Mr. Speaker, for the past fifty years, Thomas and Mary Lou have shown how love, compassion, and conviction are the cornerstones of their long and lasting marriage. Their strong commitment to each other is an example for each of us to follow.

Mr. Speaker, at this time, I would ask my colleagues in the 106th Congress to stand and join me in paying very special tribute to Thomas and Mary Lou Gallagher on the occasion of their fiftieth wedding anniversary. May the love and happiness they have found stay with them far into the future. Again, best wishes and congratulations on fifty wonderful years together.

TO HONOR DR. RICHARD GOODE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. ESHOO. Mr. Speaker, I'm pleased to bring to the attention of my colleagues an honor recently bestowed upon one of my most distinguished constituents, Dr. Richard Goode, M.D. Dr. Goode was recently presented with the Lifetime Achievement Award by the Alumni Association of the University of California at Santa Barbara for his contributions to improved hearing.

Dr. Goode graduated from UCSB with his B.A. degree in 1958. As an undergraduate, he was elected President of the Associated Students, and was presented with the "Honor Copy" of the yearbook "La Cumbre" at his commencement ceremonies. The leadership skills he developed during his years at UCSB clearly set the stage for his subsequent successes in the medical profession.

Dr. Goode is a highly regarded professor and physician in our community. He has served on the surgery faculty of Stanford University School's of Medicine for over thirty years and has led the Division of Otolaryngology at the Veterans Affairs Palo Alto Healthcare System. He has served as President of the American Academy of Otolaryngology—Head and Neck Surgery, and of the American Academy of Facial Plastic and Reconstructive Surgery.

Notwithstanding all these wonderful achievements, it is his work in developing hearing technologies that has brought him the greatest recognition. Dr. Goode has developed many devices that are used regularly by ear, nose, and throat specialists, most notably the Goode T-Tube. He has had a successful business career founding two companies which manufacture high-tech hearing devices.

Public service is an important component of Dr. Goode's career. He's a member of the Food and Drug Administration's Ear, Nose, and Throat Medical Device Panel and he serves with distinction on the National Institutes of Health Communicative Disorders Review Committee.

Mr. Speaker, representing my constituent Dr. Richard Goode is one of the great privileges of serving in the House of Representatives. I'm proud to bring his accomplishments and recognition as recipient of the UCSB Alumni Association Lifetime Achievement Award to the attention of my colleagues and ask that the entire House join me in honoring him today.

HONORING BISHOP R.T. JONES JR.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the life and work of Bishop R.T. Jones Jr. A staple of the Philadelphia Public School System, Bishop Jones has devoted his life to serving the people of Philadelphia.

Bishop Jones founded the Christian Tabernacle Church of God in Christ in Chester, Pennsylvania where he served as pastor for nine years. He has served as the Bishop of Delaware and as District Superintendent for Southeastern Pennsylvania under the late Bishop R.T Jones Sr. Bishop Jones currently serves as the founding president of the Philadelphia Azusa Fellowship, Co-Chairman of the Philadelphia Interfaith Clergy Association, Chairman of the Shriners Children's Medical Center's Community Advisory Committee and as Chairman of the Christian Tabernacle Improvement and Development Corporation's Board of Directors.

Aside from his religious service, Mr. Jones has proven himself to be a valuable manager for the Philadelphia Housing Authority. During his eight years with PHA, he has received numerous accolades for his management abilities.

R.T. Jones Jr. has held positions of great importance throughout the Philadelphia area and has received numerous awards and achievements. Among those who know him personally he is not only thought of as a great teacher and great preacher but as a child of God.

INTRODUCTION OF THE EQUAL ACCESS TO MEDICARE HOME HEALTH CARE ACT OF 2000

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. McGOVERN. Mr. Speaker, I rise today to join my colleagues—VAN HILLEARY, ROBERT A. WEYGAND, and JOHN PETERSON—in introducing the Equal Access to Medicare Home Health Care Act of 2000. This is an important piece of legislation that will extend the solvency of Medicare to home health care agencies across the country.

Mr. Speaker, Medicare is one of the most important and most popular programs ever implemented in our history. President Lyndon Johnson enacted Medicare into law in 1965. His signature was a statement that older Americans will not go without healthcare once they retire. He told us: "No longer will older Americans be denied the healing miracle of modern medicine. No longer will illness crush and destroy the savings that they have so carefully put away over a lifetime so that they might enjoy dignity in their later years. No longer will young families see their own incomes, and their own hopes, eaten away simply because they are carrying out their deep moral obligations to their parents, and to their uncles, and their aunts. And no longer will this Nation refuse the hand of justice to those who have given a lifetime of service and wisdom and labor to the progress of this progressive country."

President Johnson was right. Today, millions of seniors participate in Medicare and this Congress is engaged in a debate to expand the program. One of the most important benefits provided by Medicare to seniors is home health care. Today, over 30 million seniors take advantage of the Medicare home health benefit. This benefit is vital to these seniors because it gives them independence. They can receive treatment in the comfort of their own homes. It is also cost effective. Without home health care, seniors would have to receive their care in the more costly settings of nursing homes or hospitals.

But patient care is in danger because of the actions of Congress. In 1997, Congress passed—without my vote—the Balanced Budget Act (BBA). The net effect of this bill was to cut over $200 billion out of Medicare. Home health care was not spared from these vicious cuts. According to the Congressional Budget Office (CBO), Medicare spending on home health care dropped 45% in the last two fiscal years—from $17.5 billion in 1998 to $9.7 billion in 1999—far beyond the original amount of savings sought by the BBA. Across the country, these cuts have forced over 2,500 home health agencies to close and over 500,000 patients to lose their services.

The provisions in the BBA hit my home state of Massachusetts particularly hard. The home health provisions in the BBA attempted to cut the fraud, waste and abuse in the home health care business. Massachusetts, among other Northeastern states, has a very efficient home health care system. Yet the BBA hurt Massachusetts very badly. To date, 28 home health agencies have closed, 6 more have turned in their Medicare provider numbers and chosen to opt out of the Medicare program, and 12 more have been forced to merge in order to consolidate their limited resources. In 1998, those agencies still able to serve Medicare patients had $164 million in net operating losses. Over 10,000 patients have lost access to home health care service in Massachusetts because of the cuts in the BBA. As a result, many patients are relying on their family, most of them untrained to provide the care needed by their loved one, or are moving into more costly nursing homes and hospitals.

This bill that I am introducing today with my colleagues will provide some relief for this ailing industry, thereby allowing these agencies to resume treating seniors in the best way possible. Specifically, this bill addresses four shortcomings. These shortcomings were either caused by the cuts in the BBA or were identified by agencies as reasons why they cannot continue to treat Medicare patients.

First, our bill eliminates the 15% cut in Medicare home health payments. The BBA mandated that home health payments be cut by 15% on October 1, 2000. In 1999, Congress delayed implementation of that cut by one year. However, this cut will be implemented on October 1, 2001. This cut will further devastate this industry. The five national home health associations agree that this cut must be eliminated, and this bill ensures its elimination.

Second, the Equal Access to Medicare Home Health Care Act of 2000 provides relief for overpayments. The BBA mandated that the Health Care Financing Administration (HCFA) create a new payment structure, called the Perspective Payment System (PPS). While HCFA developed the PPS, the agency instituted an Interim Payment System (IPS). Thousands of agencies incurred overpayments during their first year of IPS implementation because they were not notified of their per beneficiary limits until long after these limits were imposed. With regard to IPS overpayments, HCFA does not dispute that beneficiaries were eligible for the services received and that the costs incurred were reasonable. Currently, agencies can opt into a 12-month extension with interest (approximately 13%). If an agency needs more than 12 months, it must request that extension from either the fiscal intermediary or the HCFA regional office. This bill gives agencies an automatic three-year, interest free extension, thereby allowing agencies to have the funds on hand to treat their patients.

Third, our bill provides an extra payment to home health agencies for transportation in rural areas and for security in high crime areas. Thousands of seniors who receive home care services live in rural areas, and the costs to treat these people are high. Agencies incur the travel costs in order to reach these patients and they cannot treat as many people in a single day because of the physical distance between patients. Rural patients deserve the same access to home care as nonrural areas, and this bill will allow agencies that serve rural areas to continue providing service to these areas. Specifically, this bill adds 10% to the base payment for patients in rural areas. Studies show that delivery of home health services in rural areas is 12 to 15% more costly than average. This 10% add-on to the base payment for rural agencies will help insure care for needy beneficiaries in rural areas by easing the fiscal burden of agencies to treat these patients. Additionally, many agencies operate in high-risk areas and must provide security services to ensure the safety of their home care workers. This provision would reimburse these agencies for the costs of providing such services. The costs eligible for reimbursement would be determined by the Secretary of Health and Human Services, implemented nine months after the date of enactment of the bill.

Fourth, the Equal Access to Medicare Home Health Care Act of 2000 provides access to telemedicine for home health agencies. Technology is improving by leaps and bounds. Telemedicine allows doctors and other health care professionals to examine and sometimes treat a patient through an interactive terminal, like a television. Some home health agencies are already examining patients using telemedicine. Medicare, however, does not reimburse for home health care telemedicine visits, primarily because it is unclear how and to what extent these visits should be reimbursed. For this reason, this bill requires HCFA to study these visits and to report their findings to Congress. This bill also allows home health agencies to list on their cost reports any telemedicine services provided. Cost reporting will provide the data necessary to develop a fair and reasonable Medicare reimbursement policy for home health telemedicine and bring the benefits of modern science and technology to our nation's seniors.

This bill is an important step in continuing the vital home health services provided by Medicare. The BBA hurt home health services, yet, today, Medicare is the most solvent it has ever been. Our nation is experiencing the biggest economic expansion in the history of the world. We must have the political will to improve the systems that provide the necessary services to everyone in this great country. The Equal Access to Medicare Home Health Care Act of 2000 will do just that.

HONORING MR. BOB RUCKER

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. CONDIT. Mr. Speaker, I rise today to recognize my good friend, Bob Rucker, and congratulate him for being named Citizen of the Year by the Greater Merced Chamber of Commerce for his outstanding service to the community and his commitment to our future.

Bob is one of Merced County's finest individuals. He readily engages in any and all civic matters to the benefit of all residents of Merced County. His commitment to build the University of California, Merced, campus is commendable. He has dedicated countless hours working to improve the transportation infrastructure of Merced County as well as working to remove graffiti from our neighborhoods.

Bob is a problem solver. He works well in coordinating the efforts of city, county and state officials to improve the quality of life in Merced. He is a tireless advocate on behalf of the business interests in the Merced community. It is my distinct privilege to recognize Bob, and I ask that my colleagues rise and join me in saluting Bob Rucker as Merced's Citizen of the Year.

HONORING STEVE DAVIS, AVIATION LEADER

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. COX. Mr. Speaker, today I join with each of my colleagues in recognizing Steve Davis for his extraordinary contributions to American aviation, his dedication to his country, and his commitment to excellence.

In just three years, we will celebrate the 100-year anniversary of the first powered flight by man. On December 17, 1903, Orville and Wilbur Wright broke the bonds of earth after conquering serious technological and scientific obstacles. But the biggest obstacle they faced was the absolute certainty of those around them that it "simply couldn't be done." Bishop Wright said, during a sermon in 1890, "If God meant man to fly, he would have given him wings." Yet, just 13 years after their own father ordained it impossible, the Wright Brothers proved that perseverance and faith can overcome even the greatest of seeming impossibilities.

Steve Davis is one of those rare men who, like the Wright Brothers, never listened to those who told him it "couldn't be done." As a Navy pilot in Vietnam, a key leader with Frank Borman at Eastern Airlines, the founder of his own airline, and a respected leader among his aviation colleagues in Orange County, Steve Davis has long been in the forefront of aviation. He has taken on each challenge with the absolute certainty that nothing is impossible.

Steve Davis has proven to every American that, with the right attitude, even the greatest obstacles can be overcome. Steve gives 110 percent effort, 100 percent of the time. He has served his country with distinction, his industry with honor, and his friends and family with love.

Steve Davis's efforts and can-do optimism are appreciated by all who know him. In behalf of every one of us in the United States Congress, as well as all of the people of Orange County whom it is my privilege to represent, I am honored to extend to Steve Davis a hearty "thank you" and warmest congratulations for a job well done—and a shining example for all of us to follow.

A SPECIAL TRIBUTE TO TOFT'S DAIRY ON THE OCCASION OF ITS ONE-HUNDREDTH ANNIVERSARY CELEBRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay special tribute to an outstanding business in Ohio's Fifth Congressional District. On Friday, June 23, 2000, Toft's Dairy will host an Old Fashioned Ice Cream Social to celebrate its one-hundredth birthday.

Toft's Dairy began in 1900, in Sandusky, Ohio, as the dream of Chris and Matilda Toft. The Toft's venture into the dairy business began as they started selling milk to customers in their rural area. With a great deal of hard work and determination, the Toft family was able to obtain a horse and wagon and began hauling large containers of milk to the city of Sandusky.

In 1935, the Toft family began to further expand its operation and purchased the Oswald Dairy. With the acquisition of this retail dairy, the Toft Dairy operation began and would continue as the business that we know today. Over the years, many members of the Toft family began to work in the dairy as it expanded its size and scope in serving the Sandusky area.

Toft's Dairy continued its efforts to diversify and grow as it began to pasteurize and homogenize milk and make its own ice cream. The 1960s and 70s brought enormous growth to the dairy as the company added new products, property, and equipment. In fact, in 1968, Toft's Dairy was the first dairy in the area to bottle milk in gallon plastic jugs.

Mr. Speaker, Toft's Dairy is the second oldest dairy still in business in the state of Ohio. That is quite an accomplishment. And, Toft's Dairy is the only locally owned and operated dairy on the Lake Erie shoreline between Lorain and Toledo. Toft's supplies products to more than 250 schools and 1,200 customers.

Mr. Speaker, it is often said that America succeeds due to the ingenuity and hard work of her sons and daughters. I think that is clear and true statement as the descendants of the Toft and Meisler families continue the Toft's Dairy tradition today. At this point, I would urge my colleagues in the 106th Congress to stand and join me in paying special tribute to Toft's Dairy. We congratulate you on your one-hundredth birthday and we wish you continued success far into the future.

HONORING KENNETH I. WARREN

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. SHOWS. Mr. Speaker, I would like to take a minute to tell my colleagues and the American People about my friend, Kenneth I. Warren of Mississippi, Ken is retiring this year from the Mississippi Department of Transportation where he has been working since 1963. Over these nearly four decades, Ken has been a driving force behind the incredible strides forward in transportation made in Mississippi.

It is easy to heap praise on Ken because he has contributed so much to his fellow-Mississippians over the years. Both professionally and personally, Ken has been a role model for his colleagues and friends. Whether leading the music at Porter's Chapel United Methodist Church, sharing his life at Cursillo, speaking his mind on the Transportation Research Board, or spending time with his family, Ken is always sincere, warm, and genuine.

When I arrived at the Mississippi Department of Transportation as Transportation Commissioner in 1988, Ken had already been around for 25 years, and he was more than willing to share his knowledge and offer his advice. Ken leaves a void at MDOT that will not be easily filled.

I look forward to many more years of friendship and interaction with Ken Warren. It will not be through MDOT. Ken is moving on. But, our friendship will continue. To Ken Warren I say thank you for serving Mississippi in the fashion you did and for the contributions you have made to your state and nation.

THE NEA'S POLITICAL PRODUCTIONS

SPEECH OF

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. SCHAFFER. Mr. Speaker, in recent weeks, the House has spent considerable time discussing the Fiscal Year 2001 appropriations bills, and I have joined my colleagues in debating the best uses of the American taxpayers' hard-earned money. As we evaluate the Department of the Interior Appropriations bill, I believe it is necessary to bring to light an egregious misuse of taxpayer dollars.

In 1965, President Lyndon Johnson created a program intended to advance and promote artistic endeavors in this country called the National Endowment for the Arts (NEA). On the surface, this seems a worthwhile cause. After all, who doesn't want to support ballet, theater, paintings and sculpture designed to enlighten and uplift audiences?

I am a strong supporter of the arts. In fact my office sponsors an art competition so students in my district can compete in the nationwide art competition sponsored by this House. I believe in supporting local artists to express their artistic talents. That is why I find it unfortunate NEA funding is often misused to support endeavors not intended to uplift and enlighten, but to advance ideas that are clearly obscene, anti-family and sacrilegious. This is more than unfortunate. It is unacceptable.

Just this past April, the Irondale Ensemble Project performed the play "The Pope and The Witch" at the Theater for New City in New York's East Village. This production was written by Dario Fo, an Italian satirist, communist and anti-Catholic activist. "The Pope and The Witch," portrays a paranoid pope addicted to heroin who is influenced by a witch dressed as a nun. As the play unfolds, various positions in the Catholic clergy are portrayed in an extremely sacrilegious manner including the portrayal of a drug-addicted pontiff promoting abortion and the legalization of drugs. In the play, he is gunned down by his own church. Fo's production maliciously describes the teachings of the Catholic Church and trivializes the role of its clergy, glorifying the use of narcotics. This production is offensive and a reprehensible use of hard-earned taxpayer dollars.

Is this the type of "art" the NEA had in mind when it gave the Irondale Ensemble Project a $15,000 grant and the Theater for the New City a $12,000 grant? As the representative of Colorado's Fourth Congressional District, I cannot approve $27,000 of taxpayer money being allocated to a political production which attacks Catholicism and promotes illegal drug use. This is a travesty and complete violation of the trust the American people have placed in the Congress to spend their money wisely.

Mr. Speaker, I support the amendment to reduce the NEA's funding offered by Mr. STEARNS of Florida. Mr. STEARNS amendment would shift a small amount—2 percent—of the NEA funds to wildland fire management. The NEA is funded at $98 million. Private funds for the arts are in excess of $ 10 billion. This is $10,098,000,000 for the arts. Mr. Speaker, just outside of my hometown of Ft. Collins, Colorado a massive wildfire is raging, destroying homes and wildlife habitat. This is only one of thousands of wildfires not just in the West, but the entire United States. Is 2 percent too much to ask for a serious threat which is affecting thousands of people? Is 2 percent too much to ask for when you contrast my plea with the highly offensive and political "productions" the taxpayers are involuntarily funding through the NEA? Clearly, such a small transfer is not too much to ask, and is the right and responsible action for Congress to take. How can anyone argue seriously for more funding for productions like "The Pope and The Witch" against fire management funds?

The Stearns amendment is a concerted effort to regain those federal dollars that were so egregiously misused. The amendment sends a clear message to the NEA: Congress will not support the use of taxpayer dollars to promote anti-Catholic hate speech or any other anti-religious bigotry. I am outraged, not only as a Catholic, but as a citizen of this country founded on principles of religious tolerance. The government of the United States has no place in financially endorsing the efforts of a communist playwright in his political mission of defaming a sacred institution which is embraced by millions of Americans.

Mr. Speaker, I am an ardent defender of free speech, and believe firmly in the right of free Americans to speak against any virtue, yet we must not confuse the right to "free speech" with the perversion of "subsidized speech." Mr. Fo's right to say what he will clearly does not entail a right to public funding. In fact the greater offense is to the consciencious Americans forced to subsidize Fo's bigotry at the hands of the NEA's despotic administrators.

It is time the United States government remove itself from the dangerous practice of supporting anti-religious campaigns of any kind whether in the name of art. The amendment is a necessary step in doing just that.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mrs. CLAYTON. Mr. Speaker, on Wednesday, June 21, 2000, I was unavoidably detained and missed rollcall vote No. 298.

Had I been present, the following is how I would have voted: Rollcall No. 298 (H. Res. 528) "yea". "Providing for consideration of H.J. Res. 90; Withdrawing the Approval of the Congress from the Agreement Establishing the World Trade Organization."

HINCHEY AMENDMENT

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. CROWLEY. Mr. Chairman, I strongly support the amendment offered by the gentlman from New York Mr. HINCHEY.

Congressman HINCHEY has been a tireless crusader for the rights of our nation's veterans, and this amendment highlights this fact by forcing the VA to abandon its flawed funding formula for providing for the health care needs of America's veterans.

Under the current system, VERA bases its resource allocation on sending more dollars to areas where there are more veterans—not where the needs are the greatest.

While that may sound rationale—the result has been horrendous for areas of the country like Queens and the Bronx, where I represent.

The facts bare out that increasingly more VA dollars are going to the South and Southwest portions of the country where more veterans live—veterans who are often younger and healthier. The result is less resources in the areas of the country, like New York City, where the veterans are older, sicker, and in more desperate need of care.

I held a recent veterans Town Hall meeting in my district at the Eastern Paralyzed Veterans Association office in Jackson Heights.

There, a constituent informed me of a VA hospital he saw while on vacation in Florida.

It was a state of the art facility, with plenty of doctors and nurses on call—and no patients.

They informed me that the place was virtually empty—but they have the best money can buy.

In New York City, meanwhile, we continue to see lay-offs of the professional doctors and nurses at our VA hospitals and clinics; long lines for care; and a far too high ratio of nurses per patient.

I am not saying that we should deprive our veterans in the South and Southwest part of the country their fair share of resources—all we ask for this amendment is that the VA provide equal treatment and resources to all veterans regardless of where they reside.

It is a shame that the VERA system has pitted veterans in one region of the country versus veterans in other regions.

Therefore, I am supportive of the Hinchey amendment to prohibit any federal funds from implementing or administering the VERA system.

I ask all of my colleagues from throughout the nation to support this amendment that has caused so much pain for so many veterans.

IN HONOR OF THE LATE ROBERT TRENT JONES, SR.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Ms. ESHOO. Mr. Speaker, I rise to honor the life of one of the legendary figures in the world of golf, Robert Trent Jones, Sr. When Trent Jones died last week at the age of 93, he was regarded as the greatest golf course designer in history and the patriarch of the first family of golf.

His accomplishments in golf course construction and design are stunning in both their scope and beauty. He created more than 350 courses and remodeled more than 150 others. In a profession where designing a half-dozen well-regarded courses is an achievement, 79 of Trent Jones's courses were used for national championships including the U.S. Open. Every continent in the world hosts one of his courses, and he was fond of saying, "The sun never sets on a Robert Trent Jones golf course."

The U.S. Open was played so many times on a Robert Trent Jones, Sr. course he became inextricably linked to this premier golf event. He was known as the "Open Doctor" because he frequently was called to change a course in anticipation of it hosting the world's top golfers at the Open.

And while the "Open Doctor" was a name he was pleased to be called in public, he was just as proud of the names he was called by golfers, privately muttered under their breath as they finished a round on one of his courses. Trent Jones believed a golfer needed to attack a course—and the course should attack back. His courses were beautiful to look at, but a challenge to play. He believed par meant par. To break par one should be an extraordinary golfer.

Golf is a game where stories and legends have a particular importance. Trent Jones enjoyed the stories professional golfers told about his courses and the challenge they presented. The great Ben Hogan called one of his courses a "monster" and at a reception for Hogan's U.S. Open victory Mr. Hogan told Mr. Jones's wife, Ione, "If your husband had to play this course for a living, he'd be on the breadline." Twenty years later at another U.S. Open a professional golfer said the course was too difficult. When the pro was asked what the course was missing he said, "Eighty acres of corn and a few cows."

In a now legendary story, at the 1954 U.S. Open, golfers were complaining that a hole Trent Jones had redesigned for the tournament was too difficult. Jones, himself an outstanding golfer, played the hole prior to the tournament with the club pro, the tournament chair and another golfer. Other Open golfers gathered around the tee in eager anticipation of tee shots going into a huge water hazard Jones had placed in front of the green.

After the first three golfers teed off and made it to the green, Mr. Jones swung a 4-iron and promptly made a hole in one. Turning to the golfers around him he said, "Gentlemen, the hole is fair. Eminently fair."

Mr. Speaker, in addition to all of these achievements, Robert Trent Jones, Sr. was the head of perhaps golfing's greatest dynasty. His two sons, Robert Trent Jones, Jr. and Rees Jones are also world famous golf course designers and are icons in the golfing world.

Robert Trent Jones, Sr. died last week on the eve of the 100th U.S. Open at Pebble Beach in California. The tournament, won by Tiger Woods, was one of the most memorable played and signaled the arrival of an outstanding champion.

One legend departing and one just arriving. Trent Jones would have understood the beauty and harmony of that. He knew that was what the game of golf was about. He knew that was what life was about. And if you ever walk one of his courses, you will see that his work reflected those truths.

Mr. Speaker, I ask you and my House colleagues to join me in honoring the life of Robert Trent Jones, Sr. and express our condolences to his two sons, Bobby and Rees and their families. Robert Trent Jones, Jr. and his wife, Clairbome, are distinguished members of my Congressional District and I consider them to be a part of my family as well.

THE JING LYMAN CIVIC LEADERSHIP AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. ESHOO. Mr. Speaker, members of the American Leadership Forum have come to Washington, DC this week to hold what they call a "gathering." ALF's senior fellows have come from around the nation to meet and reflect on the idea of civic engagement, develop projects to increase civic involvement and to announce the recipient of a prestigious award being given for the first time.

The award is called the Jing Lyman Civic Leadership Award. It is named after Jing Lyman, one of the most outstanding individuals I've ever had the privilege to know. She is a national treasure and one of America's great women.

Her contributions to our nation and its communities are numerous. Of particular note are her activities that reflect the values of the American Leadership Forum for which Jing has served as National Board Chair. In several organizations, Jing's role was creator and leader. She was the founder and board president of the National Organization for Women's Enterprise, Inc. She was a founding member and chair of the Women and Foundations organization. She was a founding member and executive committee member of the Stanford Midpeninsula Urban Coalition, and she was a founding member and the first director of the Midpeninsula Citizens for Fair Housing.

Mr. Speaker, the recipient of the American Leadership Forum's first Jing Lyman Award will be selected based on his or her substantial accomplishments in innovative community building and for building bridges beyond his or her own sphere or influence. Throughout her life, Jing Lyman has developed groundbreaking organizations in her community to connect women to the opportunities our society offers, and she has continually expanded her sphere of influence beyond Stanford University in order to build housing for the poor and disadvantaged throughout the community.

While working on these civic activities Jing Lyman has been an active member of the Stanford University community. She has been a steady and devoted partner to Stanford University's President Emeritus Richard Lyman. Together they have been an inspiration to thousands of Stanford students. They are my close friends and my frequent advisors.

Another great American woman, Eleanor Roosevelt, wrote, "Friends, you and me. You brought another friend. And then there were three. We started our group, our circle of friends. And like that circle, there is no beginning or end." Jing Lyman's achievements have reflected this simple dynamic. She has not only accomplished a great deal, but she has gained innumerable friends and admirers along the way. The projects and organizations she has founded and advanced, will live long beyond ourselves.

Mr. Speaker, I ask you and our colleagues to join me in extending our congratulations to Jing Lyman on the occasion of this inaugural award, and to convey the gratitude of the American people and their Congress for the extraordinary and lasting contributions she has made to our Nation.

AMERICAN RED CROSS BLOOD SERVICES IN CONNECTICUT CELEBRATES ITS 50TH YEAR!

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. MALONEY of Connecticut. Mr. Speaker, it is an honor to bring to the attention of the House of Representatives and the American people the celebration of an event, and the history of an activity, that has gone on now for fifty years. Today and tomorrow, June 22nd and 23rd, 2000, the American Red Cross Blood Services, Connecticut Region, is marking its fiftieth anniversary of blood collections in Connecticut.

In 1950, at the Danbury Teacher's College, now the campus of Western Connecticut State University, in my congressional district, the first efforts to collect blood in Connecticut began. During that year, about 10,000 pints of whole blood were taken using sterile glass bottles. In 1999, nearly 160,000 pints were collected using sterile plastic collection kits.

We have come a long way in advancing this very necessary program. Not only is the Red Cross to be congratulated for its efforts, but the people of Connecticut are to be commended for supporting the program and making the collections possible. The American Red Cross Blood Services continues to serve Connecticut's hospital Banking and Financial patients as the only provider of blood products to our state's 33 hospitals, as well as providing this and other forms of assistance in their disaster relief efforts.

Mr. Speaker, on behalf of the people of Connecticut's 5th District and the state as a whole, I congratulate the American Red Cross, and in particular, the American Red Cross Blood Services, Connecticut Region, for their commitment to our area and for the wonderful service they provide to all of us on a daily basis.

A RUSH TO DEATH IS NEVER NECESSARY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. OWENS. Mr. Speaker, Gary Graham (Shaka Sankofa) was exterminated by the State of Texas yesterday, June 22, 2000. He was killed with a lethal injection despite that fact that there are many reasons to doubt the guilty verdict which placed him on death row. Gary Graham clearly deserved more time alive to investigate fully all of the irregularities surrounding his trial. Since death is irreversible and human life is sacred, time should not have been rushed. The American people and their powerful State Governors should fully note recent developments which indicate that a large percentage of the people on death row are probably not guilty. Gross inadequacies in the criminal justice system are generating deadly mistakes. In my opinion there are too many people who approve of the death penalty as a just punishment for certain crimes. At the same time almost no American citizens approve of the execution of innocent victims. Gary Graham was the 222nd person executed in Texas since the state resumed capital punishment in 1982. He was the 135th person executed during the present Governor's tenure. Mr. Speaker, the Rap poem below summarizes this disgracefully sad situation.

CREDO OF THE EXECUTIONER

When in doubt
Just let them die
Ambitious Governors
Never cry
Witness eyes
Never lie
Bargain basement lawyers
Refuse to pry
Treat the truth
Like a spy
Voters yell for blood
Compassion is swept away
In a primitive flood
Savages satisfied
Delighted that so many
In great Texas
Have already died
When in doubt
Kill them first
Then publicly pray
Moral indignation
Soon fades away.

RECOGNIZING THE CHINATOWN HEALTH CLINIC

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. VELÁZQUEZ. Mr. Speaker, I rise today with great honor to recognize the achievements of an outstanding organization that provides excellent services in New York's 12th Congressional District. The Chinatown Health Clinic (CHC), located in the Lower East Side of Manhattan, was selected as one of the winners of this year's "Models That Work" competition sponsored by the U.S. Department of Health and Human Services, for their Primary Care Mental Health Bridge Program (PCMH).

The Chinatown Health Clinic is a non-profit, community based health care facility established in 1971 to provide health care services to the New York City Asian community. CHC provide access to quality and culturally sensitive health care and health education services. It advocates on behalf of the Asian community who, due to cultural, language, education or financial barriers, may not have access to basic health care services or health education activities.

The Bridge Program was created by the Chinatown Health Clinic in response to the significant barriers to delivering mental health to the Asian American community. CHC has a 27 year history of providing bilingual and bicultural outpatient primary cares services and it contributes to the Bridge Program by conducting educational outreach activities in the community about mental health, substance abuse, and providing concrete services to patients who may need financial assistance or social services.

As you can see, the recognition made to the Bridge Program by the Department of Health and Human Services is indeed well deserved. I commend the Chinatown Health Clinic for its hard work and continuous commitment with the Asian community and would like to personally congratulate them on this significant achievement.

HAPPY 50TH ANNIVERSARY TO DANIEL AND BERNITA O'CONNER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. BARCIA. Mr. Speaker, throughout our lives we receive countless blessings and among these, the greatest gift is that of love. Today, I am proud to be able to pay tribute to two people who have cherished this gift and demonstrated their love and devotion to one another each and every day over the past fifty years.

On June 24th, two extraordinary people, Daniel and Bernita O'Conner are celebrating their golden wedding anniversary. Together with their children Patrick, Daniel and Erin, their grandchildren Danielle, Caitlin and Meaghan, and a number of friends that their years of work and community involvement have brought them, they will celebrate this most special of days.

After meeting at Sacred Heart Church in Kawkawlin, Michigan, these two young people soon fell in love. They were married on June 24,1950 in Essexville, Michigan, and ever since that day, Daniel and Bernita have shared a wonderful life together. They have found happiness as lifelong companions. As nurturing parents, tireless workers, selfless community leaders and lifelong Democrats, the O'Conners truly represent all that is right in this country.

Daniel and Bernita are not only dedicated to each other and their family, but they are also dedicated to their church. They have always been active in the Catholic Church, including several parishes in my district. Holy Trinity in Bay City, St. John the Evangelist in Essexville and Sacred Heart in Kawkawlin, have been fortunate to have the O'Conners as members. Their commitment to their faith and strong family values makes them excellent role models for everyone who crosses their paths.

Mr. Speaker, in these days of disintegrating families, it is reassuring to see a strong, stable marriage built on love, respect and trust. Their lives together have been a blessing to each other, and an inspiration for those of us fortunate enough to know them. I urge you and all of our colleagues to join me in wishing Daniel and Bernita O'Conner the happiest of anniversaries, on this their fiftieth, and many more to come. May God's continued blessing be upon them and their beautiful family.

TRIBUTE TO STATE SENATOR ROBERT LAMUTT'S WORK ON E-SIGNATURE LEGISLATION

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. BARR of Georgia. Mr. Speaker, today, I would like to honor a leader from the Seventh District of Georgia State Senator Robert Lamutt. Senator Lamutt is a true leader in providing state regulations on electronic commerce, commonly known as "e-commerce."

The Internet has experienced phenomenal growth since its inception. It has become a tool with which millions daily access more information than in any single library, communicate with friends, or purchase goods from retailers located all over the world. As e-commerce continues to boom, it has become imperative to enact federal and state legislation that will enable, enhance, and protect future Internet users.

The greatest barrier to regulating electronic transactions has been the lack of consistent rules governing the use of electronic signatures ("e-signatures"). For the past two years, the National Conference of Commissioners on Uniform State Law, an organization comprised of e-commerce experts, has been working to develop a uniform system for the use of e-signatures for all 50 states. Their product, the Uniform Electronic Transaction Act, is in the final stages of review. When the UETA is completed, it will be used by state legislatures to enact the legislation and establish the uniformity necessary for the interstate use of e-signatures.

As a Georgian, I am proud these new standards were in part crafted from Georgia Senate Bill 62, signed into law by our Governor on April 19, 2000. This legislation grants "e-transactions" the legitimacy of traditional, paper-based transactions. Senator Robert Lamutt, R-Marietta, was the bill's primary sponsor. Senator Lamutt's insight and understanding helped define one of the more difficult aspects of the bill. Instead of focusing on limiting the scope of competitive solutions, the Georgia bill looked at defining e-signatures from a minimalist perspective. The language clarifies that just because something is done electronically, it is still legally binding. It was this "real" solution to a complex issue that enabled the UETA drafting committee to move toward its final draft.

Mr. Speaker, I rise to recognize Georgia Senator Lamutt's pioneering work on this issue. He is a tremendous asset to Marietta, the State of Georgia and indeed, the nation. I am most proud of his approach in creating greater uniformity in electronic transactions, electronic records and electronic signatures. This insight will inevitably lead to greater, legally binding e-commerce, and will help us in the Congress as we endeavor to develop federal legislation regarding this important aspect of interstate commerce, and as H.R. 1714, the e-signature bill passed by the House on June 14, 2000, moves forward.

REAL SOLUTIONS TO VIOLENT CRIME

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. WELDON of Florida. Mr. Speaker, the immediate reaction of the advocates of additional gun control to violence we see in our communities is to call for new, more restrictive gun controls on law-abiding Americans. The American people are smarter than that. In fact recent survey's have shown that the American people don't believe additional gun control laws passed by the Congress will reduce crime. The American people know that criminals, by definition, are not law abiding citizens. Criminals are law-breakers and if they are not willing to abide by laws against murder and robbery, they are not going to comply with a new law that would require that they go down to the local police station and register their firearms. To believe that they would do such a thing is lunacy.

Mr. Speaker, the solution to our problems is two part. To address the near-term problem of violent crime we need to lock up criminals, including those who use guns in the commission of a crime. Examples of where this has been initiated in various states shows that this works. Second, we need to emphasize in our society that life has value, that life is not expendable.

Many Americans may recall just a few months ago, the stand-off between police and Joseph C. Palczynski, the Maryland man who killed four people and held three others hostage in Baltimore this past March. Let's take a look at this guy's criminal record, and ask whether or not this man should have been out on the streets. (According to Wash Times)

In 1988 he was convicted of battery and sentenced to two years probation. In 1989, he assaulted a 16 year-old girl and was subsequently sentenced to four years in jail. However, he was somehow let out and in 1991 he beat up his girlfriend, while she attended high school. In 1992, following another domestic violence complaint by a girlfriend, and after holding police at bay for 16 hours, he was arrested on two outstanding warrants including a weapons violation charge. In 1995 he received a 10 year suspended sentence for the battery of another girlfriend's father.

On March 4, 2000, he was arrested on assault charges in a domestic-violence incident and released the next day on a $7,500 bond. Just 2 days later, on March 7, he murdered three people with a gun bought by a friend and on March 8 murdered another person. On March 17–2 1, he held police at bay while holding a family hostage.

AL GORE and his liberal friends in Congress have a solution to prevent this crime in the future: gun registration.

The American people are not stupid. They recognize this as an opportunist's attempt to exploit this situation to advance their anti-Second Amendment agenda. Their solution has no relation to the crime and is no solution.

Common sense says this guy should never have been out on the streets. The real solution is to ensure that these types of criminals are kept behind bars, not impose new restrictions on the Second Amendment rights of law abiding citizens.

Let's turn to another tragedy, for which liberals have proposed as a solution, additional restrictions on the Second Amendment. It is important that we look at the circumstances and see if their solution would have addressed the problem.

In early March, a six year old boy brought a gun to school and shot a six year old little girl. This is an unspeakable tragedy and my heart goes out to the little girl's family. No one should have their little girl taken from them in a senseless act of violence. At its root, this tragedy is a reflection of moral decay in our society. It reflects a lack of value on human life in American society today.

As we as a nation consider a response to this tragedy, it is important to look at the specific events that led to this tragedy. The six year old who shot his classmate was living with his uncle in a crack house. The boy's father is in jail for a burglary charge. ABC's Nightline indicates that the boy's father had at least five children by four different women. The mother had been evicted from her apartment. The gun the boy used was sitting out in a bedroom, underneath some sheets and was a stolen gun. It has been reported that the gun may have been traded for drugs. The father described his son as enjoying violent movies and television shows. And, teachers described the boy as aggressive and a bully. They also stated that he had been suspended from school twice, once for fighting and a second time for stabbing a little girl with a pencil.

Mr. Clinton has already laid the blame for this tragedy at the feet of Congress for not approving his gun control proposals. The reality is his gun proposals would have done nothing to stop this tragedy, and he refuses to admit that the problem in this case runs much deeper into the soul of this individual, his relatives, and our nation. Mr. Clinton's statement is a shameful exploitation of this tragedy to secure support for legislation that would have done nothing to prevent this tragedy. Too often the media and politicians point to the need for additional gun control as the "solution" because they do not have any other answers or lack the will to consider the root causes that lead to these tragedies.

It appears that this child was raised in a culture of violence with little respect for the rights of others, including the right to life. The blame for this tragedy rests primarily with the parents who failed to teach this child to respect life and others. Also, the peddlers of violence in our society are also partly to blame. Professor William Allen, at Michigan State University, said it best when he stated, "When you have 6 year olds shooting 6 year olds, you are not talking about crimes anymore, you're talking about moral decay."

We are dealing with a cultural meltdown. Many are proposing simple, quick fix solutions. However, we must recognize that there are no quick fixes to such a tragedy. At the root of this tragedy is a corruption of the heart and soul of our nation. We must work to restore a value on life.

We must counter the message that some adults in our society are sending is that some life is expendable. Children learn from our actions. Not only do many of our movies, music lyrics, and video games portray life as expendable, but many of the actions of adults in our society convey this message as well. When our children see adults, including political leaders, advocating the acceptance of drugs, euthanasia, partial-birth abortions, and abortion on demand, adults devalue life and teach our young people that life is expendable.

Today, we must ask ourselves if we will have the courage to confront the root causes of violence. I am once again reminded of the comments made by Mother Teresa in 1994, when she stated "Our children depend on us for everything—their health, their nutrition, their security, their coming to love and know God. For all of this, they look to us with trust, hope, and expectation. But often father and mother are so busy they have no time for their children . . . So their children go to the streets and get involved in drugs or other things. We are talking of love of the child, which is where love and peace must begin." We as a nation must heed this advice.

We must work to renew in our society a respect for the value that human life has. Only if society places a higher value on life will we be able to make serious progress in reducing the violence in our society.

DEBT REDUCTION RECONCILIATION ACT OF 2000

SPEECH OF

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise in support of H.R. 4601 the "Debt Reduction Reconciliation Act of 2000." It is time for the U.S. Congress and the President to start living the way American families do.

When a family owes money on a credit card, loan, or car, they pay a price to borrow that money—an interest rate. Interest rates make the purchase made by that credit card or loan or the car more expensive; hence, there is a financial incentive to pay the debt off as quickly as possibly. Unfortunately, it seems that too many members of Congress and this President have forgotten what interest rates and debt really mean.

Our refusal to be mindful of simple accounting methods has resulted in the rapid accumulation of surplus revenues in the U.S. Treasury

Department's operating cash accounts. At the same time, we have a public debt of $3.54 trillion. However, we currently lack the mechanism needed to apply these surplus funds to the debt quickly. At this time, the Treasury may only issue less debt, reverse auctions, or purchase debt instruments. While these tools are useful, specific economic conditions influence which method can be employed at what exact time, limiting the options of the Treasury Department.

A more flexible solution is needed, and we have one in H.R. 4601. The "Debt Reduction Reconciliation Act of 2000" would protect the on-budget surplus revenues collected during the remainder of fiscal year 2000 and appropriate them for debt reduction by depositing them in a designated "off budget Public Debt Reduction Account." By moving the surplus out of the Treasury's operating cash accounts, appropriators would not be tempted to spend money they do not really have.

The "Public Debt Reduction Account" would give the Treasury flexibility to use its existing debt reduction tools in the most effective manner. Surplus revenues deposited in this account would remain available until utilized for debt reduction. Most importantly, the Treasury would be able to schedule reverse auctions at the most advantageous times, make funds available to brokers buying back debt on the open markets, or decrease the size of new debt issues—depending on which mechanism, or combination of tools, proves most cost effective.

It is also important to note that H.R. 4601 applies only to the surpluses for this current fiscal year. The "Public Debt Reduction Account" is not intended to become an automatic allocation as other accounts are, and in no way would this bill tie the hands of appropriators in the future.

Too often, we state that policy goals are worthy of implementation—some time in the not so near future. Right now, our economy is robust and healthy. In fact, Federal Reserve Chairman Greenspan's biggest concern is that our economy is growing too quickly. It is this rapid economic growth that has helped to create the surpluses we are discussing, and we should address this issue now.

We must also consider what we have to gain by focusing on debt reduction: an improved credit rating; no more interest payments, and most importantly, the renewed faith of the American people who will finally be able to see that their government lives by the same set of standards.

Do not to believe the hyperbole that you will hear from the other side of the aisle. Without H.R. 4601, we will continue to spend and spend. Never in the history of the modern Presidency and Congress has there been an on-budget surplus that wasn't spent. In addition, without this bill the Treasury will continue to lack the financial mechanisms to apply surplus funds to the debt in a manner that is expedient and efficient.

Over the last few months, many of us have written about the need to reduce the debt. We've spoken about it in committees and here on the floor. In fact, many of you supported the goal of debt reduction by voting for the budget resolution. It is time for us to support a tangible, realistic solution.

This Administration has tried to argue that no solution exists. Not only is that statement incorrect, it is also grossly misleading. What the President really wants is the ability to spend every penny that comes into the Treasury.

I feel that we owe the taxpayers of this nation a lot more. After all, the surplus is the result of their hard work and willingness to pay taxes. We need to ask ourselves, "what would the families in my district do if they were suddenly able to pay off money they owe?" For me, that answer is simple. I urge support of H.R. 4106.

HONORING THE MONROE EVENING NEWS ON THE OCCASION OF ITS 175TH ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. DINGELL. Mr. Speaker, today I recognize and pay tribute to The Monroe Evening News. The longest continuously published newspaper in Michigan. The Monroe Evening News traces its roots back to 1825 when it was first published by Edward D. Ellis as The Michigan Sentinel. The 175 year history of this distinguished paper is one in which the people of Monroe County take great pride.

The Monroe Evening News has survived and flourished because it has changed with the times while remaining true to the journalistic values first put forth by Mr. Ellis. Perhaps the most significant change in The Monroe Evening News occurred in 1994 when the employees acquired a majority stake in the paper. In 1999, the employees bought all of the remaining shares, making it one of only two newspapers in the country to be owned, in its entirety, by its employees. Employee ownership will preserve for future generations the controlling local interest that characterized its first 175 years.

With such a long history, The Monroe Evening News has seen many changes. In 1987, the publication delivered its first Saturday morning edition. The success of the Saturday morning edition led the paper to publish a Sunday morning edition only two years later. Today, The Monroe Evening News is published seven days a week. In 1998 another major change occurred, The Monroe Evening News built a state-of-the-art printing facility. This new printing plant enabled the paper to adopt a computerized, full color layout. Before the plant was constructed, the paper was published on two printing presses that were built in 1924 and 1932, believed to be the oldest in the country.

Through 175 years of change and progress, the one constant at The Monroe Evening News has been its journalistic commitment to objectivity and fairness. These values reflect those of the community the paper serves and account for the growth and success it has enjoyed.

Mr. Speaker, I would ask my colleagues to rise with me in tribute to a fine institution, The Monroe Evening News.

TRIBUTE TO THE 50TH ANNIVERSARY OF THE KOREAN WAR ON BEHALF OF VFW POST 4379 AND THE 23RD VFW DISTRICT OF CALIFORNIA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. CALVERT. Mr. Speaker, today I commemorate the 50th Anniversary of the Korean War. This Saturday, June 25th, the Winchester Veterans of Foreign Wars Post 4379 and the 23rd VFW District will celebrate the 50th Anniversary of the Korean War to "Honor America's Heroes."

On June 30th, 1950, President Truman ordered United States ground forces into South Korea and a naval blockade of the Korean coast. Only a few days earlier, North Korean forces had crossed the 38th parallel invading South Korea and capturing the South Korean capital of Seoul.

One of the war's most dramatic battles, Chosin, saw 17 Medals of Honor and 70 Navy Crosses awarded, more than any single U.S. action. The Marines and other Allied troops saw nearly 2,400 of their own killed and 10,000 wounded or frostbitten. And yet, this is often called the "forgotten war" by our veterans, who found themselves returning to an indifferent home front keeping their experiences to themselves.

Well, I say "NO MORE," Mr. Speaker! And ask that my home district of Riverside County, California and the whole nation open their minds and hearts to the stories of our Korean War veterans—that they join in the celebration. The sacrifice that service men and women have selflessly accepted over the centuries deserve at least that much. I offer my most heartfelt appreciation to the veterans of VFW Post 4379 and the 23rd VFW District.

NEW SPIRIT OF GREEK-TURKISH COOPERATION IN NATO

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. HOBSON. Mr. Speaker, there has been a remarkable step forward in the rapprochement between Greece and Turkey over the past two weeks as our two NATO allies have cooperated militarily as part of NATO's Dynamic Mix exercise in the eastern Mediterranean.

Greek-Turkish military cooperation during this exercise marks a historic turning point. For the first time, 150 Turkish soldiers landed on a Greek beach as part of an alliance wargame to practice repelling an enemy assault on a NATO ally in its southern region. Turkish troops landed near where the Greeks began their 1821 war of independence against the Ottoman ancestors of modern day Turkey. As part of the maneuvers, Turkish warplanes also landed at a Greek airbase for the first time since 1972.

Improved relations between Greece and Turkey started with low-level talks on non-contentious matters and were given a boost by mutual outpourings of assistance when destructive earthquakes struck both countries last year. Military cooperation between Greek and Turkish forces—which had been stalled by intractable disputes over the Aegean sea, airspace, sovereignty, militarization of islands, and Cyprus, since the early 1970s—could pave the way for further progress on bilateral problems. Although the two allies have not yet tackled these complex issues, their commitment to cooperation in NATO maneuvers in the eastern Mediterranean is an encouraging sign.

Turkey made the first gesture on Aegean disputes this time by agreeing to file flight plans for its military aircraft participating in the exercise, a Greek demand even though the 1944 International Civil Aviation Organization accords do not require military aircraft flying in international airspace to do so. Greece accepted the goodwill offer by allowing the flight plans to be filed in NATO's southern region headquarters in Italy, rather than in Athens.

Turkey is one of the staunchest NATO allies and continues to field the largest standing army in the Alliance after the United States. Turkey anchored NATO's southern flank from the time it joined the Alliance in 1952 through the demise of the Soviet Union in 1991. Turkey hosted NATO's southeastern land and air commands at Izmir, while counterpart headquarters in Larissa, Greece, were stood up just last fall. Turkey has played consistently in NATO exercises in the region, despite Greek boycotting of the maneuvers over disputed Aegean airspace and militarization of its islands.

Greek-Turkish military cooperation in NATO's southern region is crucial for the Alliance to shore up its defenses in the eastern Mediterranean, respond to potential crises in the Middle East, and promote stability in the Balkan region. Our allies in the eastern Mediterranean have already become the new front line states for post Cold War conflicts, such as the Gulf War, the conflict in Bosnia, and the war in Kosovo. Further military gestures to circumvent longstanding Aegean disputes, such as Turkey's compromise this time, will strengthen bilateral relations between two key allies and bolster NATO's ability to defend its southern region in the 21st century.

HIGH NEED HOSPITAL MEDICARE RATE RELIEF ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. DUNCAN. Mr. Speaker, I recently introduced the High Need Hospital Medicare Rate Relief Act of 2000 to address the unintended consequences of the Balanced Budget Act of 1997. It had a disproportionate impact on hospitals that serve especially large numbers of Medicare and Medicaid patients. These hospitals are located in our most rural communities and in our largest urban areas and include sole rural hospitals and large academic medical centers.

What they have in common is the overwhelming amount of care they provide to our Country's elderly and poor, insured and uninsured. It is their service mission that distinguishes them and now puts them at grave financial risk.

With the revenue stream heavily weighted toward Medicare and Medicaid, these 600 or so safety net hospitals are more dependent on federal and state reimbursement than any other hospitals. They have relatively few commercially insured patients, and therefore, little or no ability to offset Medicare costs. This financial problem is exacerbated by the large numbers of uninsured patients that rely on these same providers for care.

We are talking about the providers that make up the Nation's health care safety net. The High Need Hospital Medicare Rate Relief Act of 2000 defines these hospitals as ones whose combined Medicare and Medicaid inpatient days exceed 65 percent and whose Medicare disproportionate share percentage exceeds 40 percent. The Act targets relief to these high-need hospitals through two separate payment mechanisms.

First, this bill directs the Secretary of Health and Human Services to calculate a qualifying hospital's market basket update—or inflation adjustment—for federal fiscal years 2001 and 2002 as if there had not been a 1.8 percentage reduction in the market basket adjustment for fiscal year 2000. By restoring the rate base at these hospitals for purposes of calculating future year rates, this proposal would partially offset the accumulated cuts inflicted by the Balanced Budget Agreement, which are compounded each year due to Medicare's rate setting methodology.

Second, since there is no uniform measurement of uncompensated care, this legislation provides a 2 percent adjustment to the Medicare inpatient rates of high-need hospitals to reflect the added costs incurred by providing large amounts of uncompensated care. The rate supplement is authorized for three years, with the expectation that new federal and state insurance initiatives will gradually reduce the number of uninsured patients.

The High Need Hospital Medicare Relief Act of 2000 targets relief to safety net hospitals across the Country from Tennessee to California and ensures that vulnerable patients have continued access to essential health care services.

THE NATIONAL AND COMMUNITY SERVICE AMENDMENTS ACT OF 2000

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. SHAYS. Mr. Speaker, I rise in strong support of the National and Community Service Amendments Act of 2000 which I have introduced today with my colleague from New Jersey, Mr. ANDREWS.

As a strong fiscal conservative, I believe National Service is one of the wisest and least costly investments our government can make. Every $1 spent on AmeriCorps generates $1.66 in benefits to the community; every full-time AmeriCorps member generates an average of 12 additional volunteers.

AmeriCorps is one of the most successful experiments in state and local control the federal government has ever embarked upon: two-thirds of AmeriCorps funding goes directly to Governor-appointed state commissions which then make grants to local non-profits.

Through service, Americans of all ages gain a sense of commitment to their community and their country which will prove valuable for their entire lives.

Since 1994 more than 150,000 Americans have served as AmeriCorps members in all 50 states. They have taught, tutored, or mentored more than 2.5 million students; recruited, supervised, or trained more than 1.6 million volunteers; built or rehabilitated more than 25,000 homes; provided living assistance to more than 208,000 senior citizens; and planted more than 52 million trees.

National Service is a powerful force in every state in the Union. This year, my state alone has nearly 14,000 National Service members solving problems and helping people. Of that total, AmeriCorps is providing 790 people the opportunity to dedicate a year to community service, Learn and Serve America creates the opportunity for 6,500 students from kindergarten through college to dedicate their time, and the National Senior Service Corps brings together 6,300 seniors to contribute their time as Foster Grandparents, Senior Companions or Retired and Senior Volunteers.

The National and Community Service Amendments Act of 2000 reauthorizes the Corporation for National Service and the programs it administers: the National Senior Service Corps, AmeriCorps, and Learn and Serve America.

This bill has been drafted in close consultation with more than 200 community service groups. It is a simple extension of the existing program, with a few key improvements.

This bill codifies the cost-cutting Grassley agreement reached in 1996 under which the Corporation lowered its average cost per AmeriCorps member to $15,000 for Fiscal Year 1999, including a $4,725 education award to finance college or repay student loans, and a mere $7,421 for a living allowance.

The reauthorization expands the cost-cutting "Education Award Only" model, through which the Corporation provides only the education award, and the sponsoring organization provides all other support.

It also codifies the existing prohibition on AmeriCorps grants to federal agencies and expands the type of student loans that may be repaid with the education award.

This bill broadens the scope of the National Senior Service Corps by lowering the minimum age from 60 to 55 so more volunteers may participate, and by increasing the definition of "low income" from 125 to 150 percent of the poverty line so more can be served by Foster Grandparents and Senior Companions.

These improvements will make National Service better than it has ever been.

AmeriCorps members are not only helping meet the immediate needs in our communities, they are also teaching, through their example, the importance of serving and helping others. As a former Peace Corps volunteer, I know the significance of this long-lasting lesson.

Our youth want so desperately to take hold of their destiny and work to ensure a brighter and more prosperous future. There is so much they can do—all they need is the opportunity.

HONORING THE FRIEDENS CHURCH OF CHRIST IN IRVINGTON, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. SHIMKUS. Mr. Speaker, today I recognize the Friedens Church of Christ in Irvington, Illinois. They recently celebrated their 110th anniversary.

The anniversary was marked with a celebration and the display of the Bible which was donated to the congregation in 1919 by Kaiser Wilhelm II, former emperor of Germany. The Bible, which was autographed by the Kaiser, is the oldest in the area, and was given to their pastor, Rev. Rauch, who had previously served as pastor of the Evangelical Church in Berlin that was attended by Wilhelm II.

I would like to take this opportunity to encourage them and thank them for their many years of ministry. I wish the church continued growth and another 110 years of service.

HONORING BOBBY MITCHELL'S TEN YEARS OF SERVICE TO THE LEUKEMIA & LYMPHOMA SOCIETY

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great honor to rise today to pay tribute to Bobby Mitchell's ten years of service to the Leukemia & Lymphoma Society. Before contributing to the Leukemia & Lymphoma Society, Bobby starred for the Cleveland Browns and Washington Redskins of the National Football League (NFL) from 1958–1968. His prolific football career earned him election to the Hall of Fame in 1983. Today, Bobby Mitchell serves as the Assistant General Manager for the Washington Redskins. In addition to his managerial duties, Bobby has made defeating leukemia a goal of his since his pro-football days.

Bobby's motivation to beat leukemia, is linked to the death of a friend, Ernie Davis, a leukemia victim. Ironically, former Heisman trophy winner, Davis, was traded from the Washington Redskins to the Cleveland Browns in 1961 for Bobby Mitchell. To prevent leukemia from seizing other gifted citizens lives, Bobby joined forces with David Timko, Executive Director of the Leukemia & Lymphoma Society, in 1990. Their mission was to raise money for leukemia research to help find a cure for this dreadful disease. As a solution, Bobby proposed hosting a golf and tennis tournament featuring members of the football and basketball Hall of Fame. Through Bobby's dedication, the event has become the nation's largest annual gathering of Hall of Famers.

Since the Hall of Fame Golf & Tennis Classic's inception a decade ago, the tournament has drawn such legendary names as Joe Namath, Bill Russell, and Oscar Robertson. Their presence has assisted in raising over $1.5 million for leukemia research. Thanks to these philanthropic contributions, we can now generate public awareness, provide support programs for patients and their families, and educate health professionals about the latest advances in leukemia diagnosis and treatment. I am confident that Bobby and his fellow Hall of Famers have brought us one step closer to a cure.

It gives me great pleasure to announce that the 10th anniversary of the Bobby Mitchell Chrysler Plymouth Hall of Fame Golf & Tennis Classic will take place on the weekend of July 8th and 9th at the Lansdowne Resort in Lansdowne, Virginia. Players and fans alike will join in remembering Tom Landry, legendary coach of the Dallas Cowboys and winner of two super bowls, himself a leukemia victim. Seeing a celebrated citizen in Tom Landry pass away, highlights the need for more Bobby Mitchell's who are willing to help find a cure for leukemia.

Mr. Speaker, in closing I would like to thank Bobby Mitchell for his ten years of service to the Leukemia & Lymphoma Society. In hosting the Hall of Fame Golf & Tennis Classc for the last ten years, Bobby has led a revolution of football and basketball Hall of Famers against the dreadful disease of leukemia. With his leadership and selfless dedication to the cause, valuable funds have been raised for leukemia research. I know my colleagues join me in honoring Bobby Mitchell for this ten years of service to the Leukemia & Lymphoma Society.

HONORING THE UNITED STATES COAST GUARD CUTTER CONIFER

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. KUYKENDALL. Mr. Speaker, today I recognize the United States Coast Guard Cutter CONIFER, currently homeported on Terminal Island in San Pedro, California. Today the CONIFER will be decommissioned after 57 years of distinguished service.

A member of the Coast Guard's Buoy Tender fleet, the CONIFER was commissioned on May 4, 1943. Throughout the years, many have relied upon the Coast Guard Cutter CONIFER to perform lighthouse service visits and renovations, service weather data gathering buoys, perform law enforcement operations, assist with national defense, protect the environment, and perform search and rescue missions.

The CONIFER has had an illustrious history, patrolling the nation's waterways and ensuring the safety of those navigating the high seas. Shortly after being commissioned, the Conifer was called upon to patrol the North Atlantic during World War II. Nearly six decades later, it was the CONIFER serving as the On Scene Commander in charge of search and rescue efforts following the crash of Alaska Airlines flight 261 off Point Mugu in January. She and her crew have served the country with honor and distinction.

Based in San Pedro the last 14 years, the CONIFER has patrolled the waters of southern California. The seafaring men and women of the Conifer have touched the lives of many during her tenure in San Pedro. We are grateful for her service.

Honor, Respect, and Devotion to Duty, these are the core values of the United States Coast Guard. The CONIFER exemplified these values during her service to the nation and southern California over the last 57 years.

For nearly six decades, the CONIFER has served the nation with great diligence and distinction. I commend the men and women who have served aboard the CONIFER over the years. I also commend Lieutenant Commander Jeff Loftus and his crew for their service to southern California. Your contributions to the community are deeply appreciated. We look forward to the Coast Guard's continued presence in the region when the Coast Guard Cutter George COBB assumes the CONIFER's duties this fall.

HONORING THE 50TH ANNIVERSARY OF THE KOREAN WAR

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. RODRIGUEZ. Mr. Speaker, this Sunday, June 25 will be the 50th anniversary of the commencement of the Korean War. I join my colleagues, veterans, their families and all Americans in forever memorializing those who fought and died in the quest for freedom in South Asia.

Millions today live in freedom and thrive in economic prosperity as a direct result of the U.S. and our U.N. allies intervening in Korea and taking a stand on the 38th parallel. For that sacrifice, I applaud the thousands of veterans who risked and sacrificed their lives so others could be free. Your service will stand as a permanent reminder of our nation's commitment to securing freedom and liberty for all.

Last week we saw a historic meeting which many regard as the first step towards reuniting North and South Korea. While eventual reunification would still take many years of patient diplomacy, such an event looks more and more like a reality. I am hopeful that we can close this chapter and bring home our troops who continue to face danger along the de-militarized zone (DMZ).

All across the country, Americans have been and will be commemorating the Korean War. I commend all those who take time out from their everyday lives to pay homage to those who served and sacrificed in Korea. I express my hope that across San Antonio, in South Texas, all over the U.S. and around the world, Americans will make every effort to remember the price we paid in that conflict.

Earlier this session, the House unanimously passed H.J. Res. 86, recognizing the 50th Anniversary of the outbreak of the Korean War.

The bill was subsequently enacted into law. It expresses congressional recognition of the significance of the 50th Anniversary of the Korean War. The resolution expresses gratitude for members of the Armed Forces who served in the Korean War, especially those who died in action or remain unaccounted for. Finally, the resolution calls upon the President to issue a proclamation recognizing the Korean War and those who fought in it, and to call on the country to observe the anniversary with appropriate ceremonies and activities.

I look forward to this and future opportunities that we have to remember those who fought and sacrificed so that the U.S. and her allies could live in peace.

TRIBUTE TO SAM SUPLIZIO — TRULY A BASEBALL LEGEND

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. McINNIS. Mr. Speaker, It is with great pride and pleasure that I would like to take this moment to honor Sam Suplizio for being inducted into the American Baseball Coaches Association Hall of Fame. Sam has dedicated a significant portion of his life to the great American game of Baseball. His many successes as a player and coach make him most deserving of this Hall of Fame induction as well as the praise and esteem of this great body. For these reasons, I feel it is proper that we pay tribute to him now.

Sam's devotion to baseball started with his stellar career as a player. He got his start as an All-American Center Fielder for the University of New Mexico, where he had a three-year varsity career. To further his playing career, Sam was drafted in 1953 by the New York Yankees. While with the Yankee's organization, Sam earned such honors as Eastern League's best defensive outfielder and was recognized as a league all-star.

Sam began his coaching career as a manager for the Dodgers' Thomasville affiliate. After a short stint with the Dodgers, Sam moved to Grand Junction, Colorado where he landed a job coaching the Grand Junction Eagles, a job that provided him with 20 years of success. Sam's coaching career has also steered him overseas, where he headed the World Port tournament in Rotterdam, Holland and instructed teams in both Europe and Israel. In all, Sam has spent 46 years as a player or coach in professional baseball. His professional career has seen him serve as a coach/instructor for the Milwaukee Brewers and the Anaheim Angels.

Mr. Speaker, Sam Suplizio is truly an American baseball legend. His dedication and devotion to the great American game of baseball are unparalleled and should not go without recognition. Beyond his remarkable career in baseball, Sam has been a pillar of the community in Grand Junction and a role model for many. His love for the game is eminently worthy of this body's recognition even as he receives this prestigious award from the American Baseball Coaches Association. Great job Sam! Your community is very proud of you!

HONORING ALVERNE MAYHEW FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. DELAURO. Mr. Speaker, It gives me great pleasure today to pay tribute to a remarkable individual who has left an indelible mark on our community, my dear friend, Al Mayhew. On Sunday, June 25, friends, family and colleagues will gather to recognize his many accomplishments as he celebrates his retirement.

Al's dedication and commitment to his country and his community is inspiring. After entering the United States Air Force in 1939, Al served for twenty years, stationed in Europe, North Africa, the Middle East, the Pacific and North America. During the course of World War II, as a pilot, Al completed 45 missions with the 301st Fighter Squadron of the 332nd Fighter Group. As a man with many interests, Al's professional career is truly remarkable. Upon coming to New Haven, Al began a twenty year career at Pratt & Whitney, and later took on a part-time position at Lincoln Bassett Elementary School as a tutor for four years. For the past twelve years, Al has been working with the Elderly Services Department of the City of New Haven where he has become a familiar face throughout our community. A leading advocate for seniors, Al has given them a strong voice in the City of New Haven—one which will never be forgotten.

Today, at the age of 79, Al will retire from his professional life, though it is our hope that he continues to remain active in the New Haven area. In addition to the variety of professional positions he has held, throughout his life, Al has also been involved in a myriad of civic organizations. As a member of the Literacy Volunteers of America, Retired Senior Volunteer Program, Community Action Agency Nutrition Program, and a board member of the South Central Connecticut Agency on Aging, to name just a few, Al's compassion and efforts have made a real difference in the lives of many of our community's most vulnerable citizens. For over sixty years, Al has dedicated himself, both professionally and as a volunteer, to improving the quality of life for our children and families. His exceptional record of service should serve as an example for us all.

I have had the distinct privilege of working with Al and I am honored to call him my friend. It is with great pride that I join his wife, Judith, their seven children, friends, and colleagues to congratulate Al. I also extend my sincere thanks and appreciation for his many contributions to our community and best wishes for continued health and happiness.

TRIBUTE TO VIRGINIA BEST ADAMS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. FARR of California. Mr. Speaker, I rise today to honor the accomplishments of my dear friend, Mrs. Virginia Best Adams, who passed away on January 29, 2000 at the age of 96. Mrs. Adams will be remembered for her love and dedication for Yosemite as well as her shared compassion for music. As a child, Virginia Adams spent her childhood doting over the natural beauty of Yosemite, and later as an adult it would be there that she would meet and marry the love of her life, Ansel Adams. Through her many accomplishments, Mrs. Adams will best be remembered for her contribution to the Monterey Peninsula culture.

As a devoted mother, Virginia Adams will be remembered well by her daughter Ann Helms. Ms. Helms noted that her mother was, "One of her dearest friends from the time [she] was a teenager on." Helms attributes this sacred friendship to her family's shared love for reading and history.

Known within the family circle as, "Nini", Virginia Adams will be remembered formidably for her favorite shade of green. This shade of green, identified as, "a little bit brighter than forest green", is highlighted in Mrs. Adam's living room draperies. Later, this trademark green was used in the cover of a CD titled, "Nini Green".

In addition to her daughter, Mrs. Adams is survived by her son, Dr. Michael Adams; five grandchildren and four great-grandchildren. Mrs. Adam's curiosity for the natural world will be missed, but will not die as we acknowledge the contributions she has made upon music. Mr. Speaker, at this time I ask you and our distinguished colleagues to join me in honoring the distinguished attributes of Mrs. Virginia Adams.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF COOL CREST

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. MCCARTHY. Mr. Speaker, this weekend, June 23–25, marks the 50th anniversary of Cool Crest Garden Golf and Game Room. This venerable complex is the oldest family entertainment center in Missouri's Fifth District. This Independence, MO business has provided families and teens a high quality, fun, and safe area to spend time seven days a week.

Cool Crest opened in 1950 with two miniature golf courses and sprawling manicured gardens in the countryside of Eastern Jackson County. Today, apartment complexes and businesses have replaced the fields as the area around Cool Crest developed. King and Inez Patterson owned and operated the business from its beginnings, and Inez continued to operate Cool Crest after the 1986 death of her husband. The business was in the Patterson family for 46 years before Inez sold it to Frank and Jennifer Licausi in 1997. In keeping with longstanding tradition which demonstrates her committment to the company, Inez continues to work in the gardens. Because it remains a family-owned business, Cool Crest maintains its unique personal touch with its customers.

Over the years the business has expanded to include two more miniature golf courses and a state of the art game center. Through all the years, the fun, family-oriented atmosphere and safe environment remained constant. Because of Cool Crest, Independence and surrounding area families have a secure area where kids can play miniature golf and video games away from gangs, violence, drugs, and other negative influences. The miniature golf courses are challenging and unique, as they are surrounded by the flowing beauty of manicured gardens. Various challenges found on the courses include a moving rocket, an animatronic alligator, and the Eiffel Tower. The video games are cutting-edge to keep players of all ages satisfied.

I applaud the vision and dedication of the Patterson and Licausi families. The efforts of the Licausi's will ensure Cool Crest's mission to provide quality family entertainment in a clean, unique, and safe environment is afforded to all of its visitors.

Cool Crest truly is a local landmark, and I congratulate Patterson and the Licausi families on their first half century of keeping families entertained and safe. I am confident the next 50 years will be as memorable and productive in the established Cool Crest tradition.

HONORING HELEN RESTINO, UPON RETIREMENT FROM THE TOWN OF HOOSICK HOUSING AUTHORITY

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. SWEENEY. Mr. Speaker, I rise today to honor Mrs. Helen Restino as she retires from her service to the town of Hoosick Housing Authority. Mrs. Restino, of Hoosick Falls New York, retires after 27 years of dedicated duty. During that time, she brought happiness to many senior citizens in the 21nd congressionaL district. Her housing programs are nationally recognized and greatly appreciated by the local community.

Mrs. Restino positively impacted the town of Hoosick. As executive dirrector of the Housing Authority, Helen provided general supervision over all administrative and business affairs. She managed the "Housing Project", directed and coordinated the administration of the Section 8 Voucher Program, and supervised the Low and Moderate Income Conventional Housing Program. Helen directed all aspects of the Housing Authority's daily operations and activities, including finance, procurement, maintenance, property management, modernization, personnel management, planning and development, and resident and community relations.

I commend Mrs. Restino for her outstanding performance over the course of her career. As a direct result of her actions, the town of Hoosick Housing Authority was recognized four times for superior achievement by the U.S. Department of Housing and Urban Development. Her organization won the Certificate of Excellence in Management Operations and High Performer Designation in 1995 and 1996, the Outstanding Performance Award in 1998, and Secretary's Commendation as High Performer in 1999. Mrs. Restino has set the example for all other housing authorities.

Mrs. Restino's most important role was in bringing joy to senior citizens who reside in the housing authority's centers. She undertook her job with fairness and compassion for all. The concerns of the residents were always Helen's top priority. Her enthusiasm, professionalism, and dedication to duty will be missed by all.

Mr. Speaker, please join me in thanking Helen Restino for her selfless service to the town of Hoosick Falls and congratulating her as she retires. Also, please join me in wishing her the very best of luck in all her future endeavors.

HONORING GEORGE DING-FELDER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize an exceptional man, George Ding-Felder. In February, George was recognized as the "Heat Hero" in honor of his outstanding achievements in the area of drunk driving arrests. For his efforts in this area, George is eminently deserving of the thanks and admiration of this great body. George became a state trooper in 1995 and has served with great distinction ever since. As proof, look no farther than his record in combating drunk driving. In 1999 alone, he had 130 DUI/DUID arrests. It is obvious that George and his untiring efforts to help his community have made a real difference. He personifies the spirit that this award stands for and we all can learn from the example he has set.

It is clear why this outstanding American was chosen as the recipient of the "Heat Hero" award. His efforts in the fight against drunk driving have made his community a safer place. In fact, his commitment to this important cause has probably saved many a life. I think that we all owe George a debt of gratitude for his service to the state. Due to George's dedication, it is clear that Colorado is a better and safer place. Your community, state and nation are grateful for your dedicated service, George.

THE INTERNATIONAL ENERGY FAIR PRICING ACT, H.R. 4732

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing "The International Energy Fair Pricing Act of 2000" which will help to ensure that this Administration adopts a consistent and comprehensive policy of opposition to the Organization of Petroleum Exporting Countries, OPEC and other similar cartels.

In the ongoing energy crisis facing this nation, it keeps the spotlight where it belongs—on this international energy cartel. With the enactment of this measure, the Administration will no longer be able to go back to business as usual in supporting back room arrangements and cartel-like behavior.

It specifically directs the President to make a systematic review of its bilateral and multilateral policies and those of all international organizations and international financial institutions to ensure that they are not directly or indirectly promoting the oil price fixing activities policies and programs of OPEC.

It would require the Administration to launch a policy review of the extent to which international organizations recognize and or support OPEC and to take this relationship into account in assessing the importance of our relationship to these organizations. It would set up a similar review of the programs and policies of the Agency for International Development to ensure that this agency has not indirectly or inadvertently supported OPEC programs and policies.

Finally, it would examine the relationship between OPEC and multilateral development banks and the International Monetary Fund and mandates that the U.S. representatives to these institutions use their voice and vote to oppose any lending or financial support to any country that provides support for OPEC activities and programs.

A copy of the bill follows:

H.R. 4732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Energy Fair Pricing Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Organization of Petroleum Exporting Countries (OPEC), in its capacity as an oil cartel, has been a critical factor in withholding production from the market and driving up oil prices approximately 300 percent from January 1999 to June 2000.

(2) Nationwide, gasoline prices have increased approximately 60 cents a gallon since the beginning of 1999 with crude oil prices increasing 48 cents over this same time period.

(3) The Department of Energy's weekly survey showed the average cost of gasoline in the United States increased 5 cents a gallon to $1.68 from the second to the third week of June 2000, a record high for a fourth week in a row.

(4) Price declines in the cost of oil in April 2000, following the March 2000 OPEC meetings, have been reversed because OPEC output did not meet global demand and supply conditions. When OPEC members met in March 2000, quotas were not set high enough for refiners around the world to rebuild crude stocks depleted by winter heating demand.

(5) Crude oil stocks in the United States are only 31,000,000 barrels above the lowest operational inventories ever observed in recent times (the equivalent of 2 days of refinery operations) and 20,000,000 barrels under the normal range for the month of June.

(6) The United States needs to make a systematic review of its bilateral and multilateral policies and those of all international organizations and international financial institutions to ensure that these policies are not directly or indirectly supporting the oil price fixing activities, policies, and programs of OPEC.

SEC. 3. POLICY OF THE UNITED STATES.

(a) POLICY WITH RESPECT TO INTERNATIONAL ORGANIZATIONS.—It shall be the policy of the United States that the extent to which each international organization supports, or otherwise recognizes, OPEC will be an important determinant in the relationship between the United States and this organization.

(b) POLICY WITH RESPECT TO INTERNATIONAL FINANCIAL INSTITUTIONS.—It shall be the policy of the United States that the extent to which each international financial institution supports or otherwise recognizes OPEC, will be an important determinant in the relationship between the United States and the institution.

(c) POLICY WITH RESPECT TO THE ENERGY AND DEVELOPMENT ACTIVITIES.—The United States should carefully review all the energy development projects and programs administered by the United States Agency for International Development in developing countries to ensure that these projects and programs do not indirectly or inadvertently support the activities of OPEC.

SEC. 4. POLICY TOWARD THE INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) REPORT TO THE CONGRESS ON ACTIVITIES OF THE INTERNATIONAL FINANCIAL INSTITUTIONS.—No later than 90 days after the date of the enactment of this Act, the President shall transmit to the Congress a report that contains the following:

(1) A description of any loan, guarantee, or technical assistance provided or to be provided by any international financial institution that does or would directly or indirectly support any activity or program of OPEC or any other cartel, or any member of OPEC or any other cartel, engaging in production cutbacks or other market-distorting practices.

(2) A description of the energy sector loans of, technical assistance provided by, and policies of each international financial institution, and an analysis of the extent to which the loans, assistance, or policies promote the complete dismantlement of international oil price fixing arrangements and the development of a market-based system for the exploration, production, and marketing of petroleum resources.

(b) UNITED STATES POSITION IN INTERNATIONAL FINANCIAL INSTITUTIONS.—The United States Executive Directors at each international financial institution shall use the voice, vote, and influence of the United States to oppose the provision of any loan, guarantee, or technical assistance by the institution that would directly or indirectly support the activities and programs of OPEC or any other cartel, or any member of OPEC or any other cartel, engaging in production cutbacks or other market-distorting practices.

SEC. 5. REPORT RELATING TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD).

Not later than 90 days after the date of the enactment of this Act, the President shall prepare and transmit to Congress a report that—

(1) describes the efforts of the Organization for Economic Cooperation and Development (OECD) to review the market-distorting practices of international cartels, including OPEC, and recommends specific actions that the member countries of the OECD can undertake to combat such practices; and

(2) describes actions to be taken by the United States to ensure that the OECD expands upon its activities and programs regarding the operation of international cartels.

SEC. 6. AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961.

Section 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151d) is amended by adding at the end the following:

"(g)(1) In carrying out the activities under this chapter, the President shall—

"(A) ensure that amounts made available to carry out this chapter are not used to support, directly or indirectly, the programs, activities, and policies of the Organization of Petroleum Exporting Countries (OPEC), or any other cartel, or any member of OPEC or any other cartel, if OPEC or such other cartel engages in oil price fixing; and

"(B) certify annually to the appropriate congressional committees that the requirement of subparagraph (A) has been met for the prior fiscal year. "(2) In this subsection—

"(A) the term 'appropriate congressional committees' means—

"(i) the Committee on International Relations and the Committee on Banking and Financial Services of the House of Representatives; and

"(ii) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(B) the term 'oil price fixing' has the meaning given such term in section 7(2) of the International Energy Fair Pricing Act of 2000.".

SEC. 7. DEFINITIONS.

In this Act:

(1) INTERNATIONAL FINANCIAL INSTITUTION.—The term "international financial institution" has the meaning given in section 1701(c)(2) of the International Financial Institutions Act.

(2) OIL PRICE FIXING.—The term "oil price fixing" means participation in any agreement, arrangement, or understanding with other countries that are oil exporters to increase the price of oil or natural gas by means of, inter alia, limiting oil or gas production or establishing minimum prices for oil or gas.

(3) OPEC.—The term "OPEC" means the Organization of Petroleum Exporting Countries.

(4) PETROLEUM RESOURCES.—The term "petroleum resources" includes petroleum and natural gas resources.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 315, 316, 317, and 318, amendments to H.R. 4690, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for Fiscal Year 2001.

Had I been present, I would have voted yes or aye on each of these votes.

Campbell amendment; Reduce Federal Prison System spending: No. 315, "aye".

Hinchey amendment; Fund Economic Development Administration: No. 316, "aye".

Scott amendment; Increase funds for Boys and Girls Clubs in public housing: No. 317, "aye".

DeGette amendment; Abortion for women in prison: No. 318, "aye".

CANADA'S MEDICINE WON'T CURE U.S. SYSTEM

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to insert for the RECORD and excellent editorial written by the Republican Conference Chairman J.C. Watts. His editorial ran in the Dallas Morning News on Sunday, June 11, 2000.

Mr. Watts correctly identifies the pitfalls of Congress adopting any health care system that resembles Canada's failed socialist system. Americans told us in 1994 that they do not want a national takeover of our health care system. We must stop any one-size-fits-some government run program and embrace a concept that gives seniors a plan that best fits their own needs.

That is why Republicans have drafted a Medicare prescription drug bill that will provide needed medicine to our nation's seniors. It is a private based plan that will give seniors access to affordable, reliable and quality health care because I believe seniors should never have to choose between food and medicine.

[From the Dallas Morning News, June 11, 2000]

CANADA'S MEDICINE WON'T CURE U.S. SYSTEM

(By J.C. Watts)

While it certainly is true that grass often looks greener on the other side of the fence, anyone who has gotten a closer view can tell you where the crabgrass grows. That couldn't be any truer than in the debate over prescription drug prices.

Those who are making political hay by holding up Canada's system of health care on the basis of cheaper drug prices are playing a false and dangerous game of bait and switch. The truth is that Canada's drug prices are linked to a system of health care that no American would settle for. Don't trust anyone who pretends to sell you one without the other.

Just as Democrats say Americans should flock to Canada for drugs, Canadians already flock to the United States for treatment. The Canadian government uses a big-government approach that rations health care and discourages new medical technology. As a result, Canadians wait three times longer for cancer treatments and nearly 12 weeks to see a specialist. Canada also strongly controls the prices of innovative medicines, which has discouraged investment in research to develop medicines.

Worse yet, the Canadian government won't pay for many of the latest breakthrough medications. For example, a number of top-selling drugs that are widely used by seniors in the United States—drugs that treat ailments such as arthritis, osteoporosis and allergic rhinitis—aren't reimbursed by some of Canada's biggest provincial health plans that provide prescription drug coverage to the poor, elderly and disabled.

Canadians also face longer waits in gaining access to new medicines produced by Canadian drug makers. The Canadian government typically takes about a year and a half to approve a new drug for sale—that is at least 6 months longer than it takes here at home. Then, each provincial government in Canada takes additional time in deciding whether the new medicine will be placed on its list of reimbursable.

Even after approval, it can take almost two years for officials in Canada to place a medicine on the provincial reimbursement list. Typically, elderly patients with serious health problems don't have that kind of time to spare.

A recent report from the highly regarded Fraser Institute in Vancouver found that 76 percent of Canadians believe their health care system is "in crisis." Seventy-one percent said changes are needed because health care needs aren't being met. The study also found that Canadian patients often are forced to use the medicines selected by the government solely for cost reasons. Patients who would respond better to the second, third or fourth drug developed for a specific condition often are denied the preferred drug and are stuck with the government-approved "one-size-fits-all" drug.

Perhaps most significant, however, is the fact that Canada's system of establishing artificially low drug prices has resulted in Canadian drug makers investing less in their own research and development of promising new medicines. And foreign companies often are reluctant to introduce new drugs in Canada because of price controls. That means Canadians' access to lifesaving new drugs is limited.

Yet this Canadian-style health care with prescription drug benefits is what some in Washington are proposing for America.

Just recently, we Republicans proposed a plan that modernizes Medicare and adopts a prescription drug coverage benefit. Unlike a one-size-fits-all plan, the plan is a market-based solution that gives Medicare beneficiaries real bargaining power through private health plans to purchase drugs at discount rates, and it guards against escalating out-of-pocket drug costs by setting a monetary ceiling beyond which Medicare would pay 100 percent of beneficiaries' drug costs.

Our plan is 100 percent voluntary and preserves current coverage for seniors who want to keep what they have, while extending to other beneficiaries the choice of several competing prescription drug plans. By rejecting the big-government approach, our plan not only would provide a needed prescription drug benefit, it also would ensure continued innovation and the development of lifesaving drug therapies by American pharmaceutical companies.

Today, America's pharmaceutical industry, which is being criticized in the current debate, spends about $24 billion on the research and development of more than 1,000 new medicines that could combat a wide range of diseases. But that effort comes with a cost—it takes 12 to 15 years and an average of $500 million to bring each drug from the laboratory to the market.

For every dollar that American pharmaceutical companies earn in drug sales, 20 cents is reinvested in developing newer, better drugs. In many instances, American companies invest the money and research time in discovering medicines that Canada and other countries then turn around and reproduce at a cost of a few pennies per pill. The reality is that the Canadian system works because of the free-market practices of the United States and other nations.

America sets the global standard for creating new medicines. Let's keep it that way, so that all Americans and the rest of the world can continue to reap the healthful benefits of our home-grown ingenuity.

HONORING MIGUEL LAGUNA FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that today I join people from the Greater New Haven area, to pay tribute to one of our most outstanding community members, Miguel Laguna. Miguel will be retiring after a twenty-six year career as the Executive Director of Crossroads, Inc., a bilingual drug rehabilitation program.

Crossroads has been an invaluable asset to area residents since its inception in 1973 and Miguel has been the driving force behind its success. Through his commitment, dedication, and most importantly, compassion, Crossroads has grown from its original 25-bed capacity to its current capacity of 101. In only twenty-five years, this is indeed a remarkable achievement. With Miguel's foresight and leadership, Crossroads has continually met the ever-changing needs of individuals seeking to recover from chemical dependence. The development of a women's program, the eventual extension of services to pregnant and parenting women, and the addition of contracts with the Department of Corrections and Office of Alternative Sanctions has allowed Crossroads to reach out to our entire community. Crossroads offers some of our most vulnerable citizens the services and programs they need to live happy, productive lives. Though originally serving primarily Latino clients, Crossroads now serves a culturally diverse population, making a real difference in the lives of hundreds of area residents.

Miguel has not only had a tremendous impact on our community professionally, but in his civic life as well. Throughout his time in New Haven, he has served on a variety of boards, commissions and task forces aimed at enriching the lives of our children and families. Whether as a police commissioner, a member of the Mayor's Task Force on AIDS, the National Puerto Rican Coalition, or the Regional Planning Committee for Mental Health, Miguel has demonstrated a unique commitment to public service. His unparalleled dedication is reflected in the myriad of local, state, and national awards which have been presented to him throughout his career.

Tonight, friends, family, colleagues, and community members will gather to salute the many accomplishments of Miguel Laguna as he retires from his position as Executive Director of Crossroads. It is both an honor and a privilege for me to extend my sincere thanks and appreciation for his many contributions to the City of New Haven and send my best wishes for continued health and happiness as he enjoys his retirement.

REAUTHORIZATION OF THE NATIONAL AND COMMUNITY SERVICE AMENDMENTS ACT OF 2000

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. FARR of California. Mr. Speaker, "Volunteerism," as defined by the American Heritage Dictionary—"To give or offer to give on one's own initiative." The time has come for Congress to recognize the lasting contribution of volunteerism in America by passing the National and Community Service Amendments Act of 2000. This bill reauthorizes the national service programs administered or funded by the Corporation for National Service, including AmeriCorps, AmeriCorps*VISTA, the National Senior Service Corps, Learn and Serve America, and the Points of Light Foundation. These public-private partnerships are transforming our communities and successfully challenging our citizenry to make something greater of themselves.

As communities and as a nation we are stronger and healthier because of the volunteers the Corporation for National Service provides. They tackle problems like illiteracy, crime, and poverty while instilling a commitment to public service in Americans of all ages, in every community nationwide. Our society works precisely because lots of folks are out there are helping other folks in many different ways. In fact, we have a social contract to help each other.

In this country, we have young people in need of basic reading and writing skills, we have teenagers in need of mentors and role models, we have home-bound seniors in need of food and companionship, we have families in need of homes, and we have communities in need of disaster assistance. Solutions to these problems can best be found when individuals, families, and communities come together in service to their neighbors and fellow citizens. We can make a difference, but volunteers are critical to finding these solutions and touching these lives.

That's where the Corporation for National Service comes in. National Service volunteers fill these needs by providing the essential people power at the local level. In my own state of California, we have more than 145,000 people of all ages and backgrounds working in 289 national service projects. Nationwide, more than 40,000 Americans served in AmeriCorps in 1998–99, bringing the total number of current and former members to more than 100,000.

They have taught, tutored, and mentored more than 2.6 million children, served 564,000 at-risk youth in after school programs, operated 40,500 safety patrols, rehabilitated 25,180 homes, aided more than 2.4 million homeless individuals, and immunized 419,000 people. And, they have accomplished all this while generating $1.66 in benefits for each $1.00 spent.

Volunteers also have a profound impact on the communities they work in by embodying the values of public service for all. Studies have found that people are more likely to volunteer if they know someone who volunteers regularly or were involved as a youth in an organization using volunteers. AmeriCorps members generate an average of 12 additional volunteers around the nation! Not only are they helping our communities, they are setting an example for others to follow.

It's time we reclaimed the bipartisan tradition of support of national service that has long been the hallmark of American politics. Members of Congress now have a unique opportunity to separate policy from politics and reach a bipartisan consensus on the value of our national service programs. At this time of great concern about the future of our youth, it's essential that as many as possible be called upon to do something more challenging and rewarding—service to their fellow citizens. Support for the Corporation for National Service will build a stronger nation and ensure a brighter future for us all.

HONORING MISS NOELLE SCHILLER, DISTRICT WINNER OF RESPECTEEN SPEAK FOR YOURSELF AWARD

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. SWEENEY. Mr. Speaker, today I honor Miss Noelle Schiller, an outstanding young student and District Winner of this year's RespecTeen Speak for Yourself Award. RespecTeen's program encouraged students to write a letter to their Representative in Congress. Miss Schiller is an eighth grade student at Millbrook Junior/Senior High School in Upstate New York. Her award-winning letter compassionately outlined the problem and detailed her selfless action concerning homeless children in our nation.

Miss Schiller's letter described the way she personally assisted homeless children in America. Through a church sponsored program, Noelle collected items which would be of use to homeless children. Her words speak best to the impact of these small gifts: "The articles seemed like so little, but to these children they mean so much." As a member of the United States House of Representatives Housing and Community Opportunity Subcommittee, I share Noelle's desire to find safe and affordable housing for all. I applaud her leadership in this noble cause.

I commend Miss Schiller's interest and enthusiasm in addressing one of this country's most serious issues. RespecTeen's Speak for Yourself program encourages students like Noelle to learn more about America's government. The purpose of the letter writing project was to learn more about our democratic system of government and encourage young people to interact with government officials. The program obviously had a positive impact on Noelle and provided her first hand experience of our democratic process.

Noelle and her parents, Katherine and James, reside in Salt Point, New York, within the 22nd Congressional District. In honor of her superior achievement, RespecTeen awarded Miss Schiller a United States Savings Bond. Noelle is an intelligent young student who deserves high praise.

Mr. Speaker, please join me in congratulating Noelle Schiller on her receipt of the RespecTeen Speak for Yourself Award. Also, please join me in wishing her the very best of luck in all her future endeavors.

REMEMBERING THE KOREAN WAR

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, today I join my constituents in the Fifth District of Missouri in remembrance and in commemoration of the 50th anniversary of the Korean war. On June 25, 1950 North Korea attacked South Korea. An emergency session was called by the United Nations Security Council resulting in 22 nations joining forces in the first United Nations initiative to preserve peace and harmony. President Truman sent our troops to Korea as part of that United Nations peace keeping effort to preserve democracy and repel communism.

This nation must always be cognizant of the message stated on the 50th Anniversary Korean War Commemorative Flag "Freedom Is Not Free". We welcome home every Korean veteran and salute their valiant efforts on our Nation's behalf I rise today to remember and honor the 54,268 United States military who tied in the Korean conflict. We must never forget that 8,207 are missing in action, and only 3,450 returned of the 7,000 prisoners taken.

Let us pray for prisoners of war and those missing in action. We must continue to seek information about missing soldiers and provide families with long awaited news and closure to years of unanswered questions. This nation must always remember and be appreciative of our brave sons and daughters who answer the call. Today our military stationed in South Korea continue to stand ready and vigilant. I salute them for their valiant service.

In January I had the opportunity to travel to South Korea and visit the Korea Demilitarized Zone. During my journey I learned a great deal about the importance of a continued U.S. role in the region. The trip was a very real reminder that peace and stability still elude us.

This month the world witnessed the first Korean Summit, a historical meeting for a region divided since 1945. South Korea's President Kim Dae-jung traveled to North Korea and met with Kim Jon 71, leader of North Korea. The talks resulted in a signed agreement, initiating steps for reunification. As the world watches with cautious optimism we hope for a long-term relationship that will bring peace and stability. While today Secretary of State Madeleine Albright announced United States troops will remain in South Korea indefinitely despite the improved relations in the region, we wait for the day when we can bring our United States soldiers home to their families.

Thank you to all the Korean veterans, their families and those who continue to serve.

HONORING AGENT BLAKE L. BOTELER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize an exceptional man, Blake L. Boteler, of Colorado Springs, Colorado. In June, Mr. Boteler was recognized as one of America's finest at the seventh annual "TOP COPS" awards. The "TOP COPS" award recognizes law enforcement officers that have demonstrated outstanding acts of heroism and exceptional service to their community. Mr. Boteler won the award because of his considerable efforts to help his community in the war against drugs. Mr. Boteler personifies the goals that this award stand for and we all can learn from the example he has set.

Mr. Boteler is an agent with the Bureau of Alcohol, Tobacco and Firearms who was recognized for the "Top Cop" award because of the heroism he showed in fighting the flow of narcotics and weapons in to this country by a well known outlaw motorcycle gang. Using his tactical skills, he successfully infiltrated the gang and helped apprehend several suspects, effectively ending the gang's reign. His perseverance eventually paid off and as his efforts were instrumental in helping the State of Colorado serve 26 warrants and prosecute 40 defendants. The gang was eventually disbanded and Agent Boteler seized over 225 weapons and other paraphernalia.

Agent Boteler had this to say when he learned that he was a recipient of this award: " I was honored to have this investigation considered so highly, especially considering the fact of all the hard work and sacrifices made on a daily basis by members of this nation's law enforcement community that are equally deserving of this award." Because of the dedication of this outstanding American, I think it is all together fitting that this distinguished body pay tribute to him.

It is obvious why Mr. Boteler was chosen as the recipient of the "TOP COPS" award. I think that we all owe him a debt of gratitude for his service to the state. Due to Mr. Boteler's dedication, it is clear that Colorado is a better place.

IN HONOR OF ANDERSON COUNTY, AN ALL-AMERICA COMMUNITY

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. GRAHAM. Mr. Speaker, it gives me great pleasure to rise today to honor Anderson County, South Carolina, a recipient of the 2000 All-America City Award, a distinction that recognizes communities whose citizens work together to identify and tackle community-wide challenges and achieve uncommon results. This award recognizes communities where true American spirit is hard at work, where safety and quality of life are priorities. The community of Anderson County exemplifies all of these characteristics.

The All-America City Award program was founded in 1949, and is one of our country's oldest and most respected community recognition award programs. Only ten communities in the United States are chosen each year for this prestigious award. Anderson County is one of those communities, and has done much to improve the lives of the people who reside there.

Some examples of how the citizens of Anderson County work together to better their community are through the Hanna-Westside Extension Campus, the Anderson Sports and Entertainment Center, the Alliance for a Healthy Future campaign, Anderson Area YMCA, the Anderson Free Clinic, the Westside Community Center, Partners for a Healthy Community and AnMed Healthy Futures Trust. These organizations have all made dramatic and innovative improvements in the lives of the people of Anderson County.

In particular, Anderson County's Hanna-Westside Extension Campus was created to improve the learning environment and education at an inner-city high school. This initiative transformed the high school into a career and technology center where students learn to be successful in the work place.

The Alliance for a Healthy Future campaign also worked to raise $12 million for six organizations and helped build the state's first residential home for the terminally ill, transformed an abandoned elementary school into a community center, expanded medical services for the poor and made a new YMCA complex a reality.

Anderson County is one of only two communities from the Southeast to win this prestigious award this year. The recipients of this award are the communities that represent the "backbone of America", and are great examples of success. Anderson County, as well as the other winning communities, shows how citizens, government, businesses and non-profit organizations can join together to address their local issues and achieve unparalleled results.

The community of Anderson County has made an invaluable contribution to development in the state of South Carolina and the United States as a whole. I am proud to honor Anderson's achievement as a 2000 All-America City and wish them continued success and prosperity.

A TRIBUTE TO THE NATION OF GUYANA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. TOWNS. Mr. Speaker, on this the 34th anniversary of the independence of Guyana, I would like to pay tribute to the government and people of the extraordinary nation. Although this year marks the 34th anniversary of Guyana's independence, it would be misleading to assume that Guyana's sense of nationhood only began with the grant of independence 34 years ago.

Guyana's sense of nationhood existed over 500 years ago, among the Amerindian tribes that inhabited its tropical rainforest. It existed among the African warriors such as Kofi, Attah, Accabree, who launched their war of liberation in 1763. It existed among Indian indentured workers such as Rambarran, Pooran, Harry, and Surajballi who forfeited their lives in the struggle to improve working conditions on the sugar plantations.

Nationalism has existed in the literature of the Guyanese people. It has existed in the poetry of Martin Carter and Arthur Seymour; in the novels of Edgar Mittelholzer, Wilson Harris and Jan Carew; in the patriotic music of R.G.G. Potter, Valery Rodway, and Halley Bryant; in the rhythm of the Indian Tassa drums and the African bongos drums; and the call and response of the Guyanese folk songs.

Nature has been generous to the nation of Guyana. It has endowed her with an extensive network of over 40 rivers and creeks, and over 276 waterfalls, including Kaieteur Falls, which has a direct perpendicular drop of 741 feet. The land is richly endowed with natural resources—fertile agricultural lands; extensive savannahs; rich fishing and shrimping grounds; over 500 species of tropical hardwoods including greenheart, mora, baromalli, purpleheart, and crabwood, and a wide variety of minerals including gold, diamonds, bauxite, manganese, titanium, columbite/tantalite, copper and nickel.

In spite of its rich history of struggle and extensive natural resources, Guyana faces formidable political, social and economic problems. In the 1950s, Guyana had one of the most progressive movements in the Caribbean, based upon the principles of Guyanese nationalism and socialism. However, in 1955 the political movement split, ushering in two decades of racial antagonism. Racial divisions have stymied economic development, creating an environment of instability and uncertainty. In spite of an impressive growth rate during the last decade, Guyana still remains one of the poorest and least developed nations in the Western hemisphere.

The Guyanese people are a resourceful, gifted and resilient people who are capable of confronting and overcoming the formidable problems that confront them. The historian Rodway described agricultural cultivation in Guyana as a daily struggle with the sea in front and the flood behind. The historian Walter Rodney has noted how the African slaves built the sugar plantations by moving "one hundred million tons of heavy water-logged clay with shovel in hand, while enduring conditions of perpetual water and mud." The historian Eusi Kaywana has noted that the Berbice rebellion of 1763 predated the American Revolution of 1776, the French Revolution of 1789, the French Revolution of 1791, the Paris commune of 1848 and the Russian Revolution of 1917.

Ironically, the policy of the U.S. government has been one of suspicion and hostility towards the governments of Guyana. We conspired with the British in 1960 to suspend the constitution, and to destabilize the government of Cheddie Jagan between 1957 and 1964. When President Burnham implemented socialist policies in the 1970s, we discouraged U.S. foreign investment, bilateral aid and multilateral loans to Guyana.

It is time for the U.S. government to change its policy towards the nation of Guyana. Guyana has become an attractive location for foreign investment. There is a stable political environment that is committed to private enterprise; there is a system of Parliamentary democracy with free elections and an independent Judiciary; there is a substantial natural resource base; there has been radical and substantial economic growth over the last decade; there is preferential access to the Caribbean, Latin America, North America and European markets; there is a skilled and trainable labor force proficient in the English language. Guyana is an investment opportunity whose time has come.

FOREIGN TRUST-BUSTING ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing the Foreign Oil Trust-Busting Act, H.R. 4731.

Crude oil prices are going through the roof, and gasoline prices are following them.

Do illegal activities by foreign oil producers lie at the heart of the problem? I believe they do. Can we do something about those illegal activities? I believe we can.

Every day the activities of American firms are subjected to antitrust examination in foreign countries. Every day the activities of foreign entities are subject to examination by the competition authorities of our Nation. This is so because if a price fixing cartel, or other restraint on trade adversely affects our Nation, we are entitled to act to protect our own interests.

Yet, even though everyone knows that the Organization of Petroleum Exporting Countries openly and blatantly manipulates the price of oil, no action is taken against it. OPEC likes to keep energy prices high enough to fund their own economies, yet not too high, so as to keep us "hooked" on oil and to keep us from making renewable or other alternatives economical. By the same token, they are not adverse to periodic and temporary diminutions in energy prices. Those gyrations cause havoc in our own oil patch, as wells are taken out of production and production is in fact lost permanently.

Given these open manipulations of the market, which clearly seem to violate the antitrust laws, and which certainly have an impact on the American economy, why is not legal pressure brought to bear on the members of OPEC?

During the energy crisis of the 1980's the International Association of Machinists did in fact bring suit against OPEC. It was dismissed because the so-called "Act of State" doctrine was invoked by the United States Court of Appeals in IAM v. OPEC, 649 F.2d 1354 (9th Cir. 1981).

The "Act of State" doctrine is a discretionary legal doctrine that encourages courts to withhold legal judgement regarding the official actions of foreign states. The theory is that the official acts of foreign states are more sensitively addressed by the political branches of government.

The Act of State doctrine was invoked in the 1960's to prevent actions against the government of Cuba in an expropriation case.

The Congress passed the "Second Hickenlooper Amendment" to forbid the application of the doctrine unless a suggestion that it was appropriate to apply it was filed on behalf the President of the United States; in such cases the Court would have the discretion to apply the doctrine. Thus, the Congress permitted a case that had already been filed to go forward. The constitutionality of the provision was upheld in Banco Nacional de Cuba v. Farr, 383 F.2d 166 (2d Cir. 1966).

It is my judgement that the Courts should be allowed to proceed to try antitrust cases against states and other foreign entities manipulating the price or supply of energy without reference to the Act of State doctrine. It would not upset our foreign relations if such a case proceeded, and if it did, it would be worth it, given the potential that the enforcement of antitrust laws would have in busting up OPEC.

This judgement about foreign policy is one that the Congress and not the Courts should make.

It is one thing for high gas prices to result, as they do in Europe, in revenues flowing to the government. That is their decision to make. It is quite another thing for the profits from artificially high prices to unjustly enrich foreign potentates. That is what is happening now. Diplomatic niceties will have to take a back seat. Too much damage is being inflicted on our economy.

I recognize that there may be other barriers to a successful lawsuit against OPEC members, but those barriers need to be dealt with in other Committees, and I welcome the prospect of working on those barriers with the Committees of jurisdiction.

In the interim, we know that the barrier of the "Act of State Doctrine" must be dealt with, and I urge my colleagues who care about high oil prices to join me in cosponsoring this bill.

A copy of the bill follows:

H.R. 4731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Trust Busting Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the foreign policy interest of the United States for there to be a free market in energy on an international basis;

(2) a principal reason for high energy prices in the United States is international price fixing that has evaded review under the antitrust laws of the United States because of foreign policy considerations and technical impediments in these laws that prevent the effective enforcement of United States law with respect to international price fixing in the energy market; and

(3) among these foreign policy and technical impediments is the discretionary federal act of state doctrine which has been used to bar a lawsuit directed at stopping the manipulation of energy supplies and prices because of concern that such litigation might interfere in the foreign policy of the United States.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish that the foreign policy interest of the United States would be advanced, rather than impeded or complicated, if foreign entities, including foreign cartels and foreign countries participating in such cartels, were held responsible for energy supply and price manipulation that affects the United States economy; and

(2) to eliminate barriers to the effective application of United States antitrust laws to foreign entities that have manipulated energy supplies or prices.

SEC. 4. AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961 RELATING TO JURISDICTION OF UNITED STATES COURTS IN CERTAIN ANTITRUST CASES.

Section 620(e)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(e)(2)) is amended—

(1) by striking "(2) Notwithstanding" and inserting "(2)(A) Notwithstanding";

(2) by striking ": *Provided*, That this subparagraph shall not be applicable (1)" and inserting ", except, that this subparagraph shall not be applicable";

(3) by striking "or other taking, or (2)" and inserting the following: "or other taking.

"(B)(i) Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits relating to an action under any antitrust laws in a case asserting the manipulation of energy supplies or prices, except that this subparagraph shall not be applicable"; and

(4) by adding at the end the following:

"(ii) In this subparagraph, the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition.".

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes

Mr. UDALL of New Mexico. Mr. Chairman, I am disappointed with yet another poison apple that we have been given by the majority to vote on—H.R. 4635, the FY 2001 VA–HUD–Independent Agencies Appropriations Act.

Although this bill is $2 billion more than the FY 2000 appropriation it is still more than $6 billion below the President's request. In addition, this funding bill follows the FY 2001 congressional budget resolution, which provides for inadequate resources for discretionary investments. I agree with my colleagues and with the administration that we need realistic levels of funding for critical programs that Americans, and New Mexicans, expect their government to perform and provide. Specifically in the areas of education, law enforcement, research and technology, adequate health care, the administration of Social Security and Medicare, and veteran programs.

Mr. Chairman, this bill hurts many constituencies throughout my district, as well as those in the districts of my colleagues. The Appropriations Committee has eliminated the Corporation for National and Community Service. In doing so, 62,000 Americans, including participants in my district, would be denied the opportunity to meet pressing education, public safety, and environmental needs in exchange for help with college costs through participation in AmeriCorps. This funding bill would also prevent students from participating in service-learning programs that provide academic benefits, along with the opportunity to learn responsible citizenship.

Besides eliminating funding for the Corporation for National and Community Service, it also cuts key housing programs which currently provide crucial services to my constituents in northern New Mexico and throughout my district.

Other than the reduction of funding, this bill also denies the request for 120,000 new rental assistance vouchers, a $78 million cut in elderly and disabled housing, and a $28 million cut in HOPWA, the program which provides housing assistance for people with HIV/AIDS, a group in need of housing assistance.

Mr. Chairman, other housing programs being cut or reduced include the Home Program and the HOPE VI funds that replace distressed housing projects and operating subsidies for housing authorities.

What really disappoints me, Mr. Speaker, is that this bill also makes substantial cuts below the FY 2000 level in the Community Development Block

I want to now shift this conversation toward our veterans, to the men and women who put their lives on the line to protect the liberties and security of our nation. This country should not turn its back on these courageous men and women and should provide them with the benefits and resources they so rightly deserve.

I am opposed to any reduction in minor construction funding, which would adversely affect all VA operations, ranging from patient safety and maintenance in VA medical centers to gravesite development in some national cemeteries. In addition, I am also opposed to the provision included in the legislation to prohibit the VA from transfering funds to the Department of Justice to support litigation against tobacco companies. The VA spends more than $1 billion annually treating veterans suffering from tobacco-related conditions and is committed to helping the Federal Government recover these funds. Therefore, the VA should receive their share of any recoveries as a result of the litigation and apply that share toward medical services for our veterans.

On the environmental side, the VA-HUD-appropriations bill contains funding cuts for environmental protection, contains anti-environmental riders and blocks the EPA from investigating environmental justice claims. For years, the most vulnerable in our Nation have borne the brunt of environmental pollution from hazardous practices. I believe that all citizens have a fundamental right to a clean environment and this legislation does not provide that right.

The President has already indicated that if this bill, in its present form, arrives at his desk for signature it will receive a veto.

I'm tired and I know the constituents in my district are tired of the majority crafting appropriation bills which fail to properly address the needs of our country and its programs.

I will continue working with my colleagues on the other side of the aisle to construct funding bills that are based on a balanced approach and maintain fiscal discipline while providing appropriate tax cuts, protecting the solvency of Medicare and Social Security, and funding for critical programs important to all of us. However, we are not going to get there if we keep sending the President inadequate funding bills that do not take the balanced approach.

Mr. Chairman, if the leadership continues to ask Members of Congress to support these "poison apple" appropriation bills, I will have to continue to vote against them. For the reasons I have outlined today and for the other deficiencies contained in this legislation, I have to oppose passage of this appropriations bill.

PERSONAL EXPLANATION

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, on Thursday, June 15th, I was unable to vote on rollcall # 278, concerning a resolution (H. Res. 525) providing for the consideration of H.R. 4635, the Departments of Veterans Affairs and Housing and Urban Development Appropriations for FY2001. Had I been present, I would have voted "nay."

SPRINT-WORLDCOM MERGER

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. OXLEY. Mr. Speaker, as a strong supporter of free markets and the Sprint-WorldCom merger, I wish to bring the lead editorial from today's Wall Street Journal to the attention of my colleagues.

On both sides of the Atlantic, there persists a certain regulatory bias against large corporate combinations. I believe regulators commit an error when they scrutinize such alliances on a regional basis instead of taking a global perspective. Such mergers offer efficiencies and synergies very much in demand in the age of instant global communications.

Again, Mr. Speaker, I submit the following editorial.

[From the Wall Street Journal, June 23, 2000]

SUPER MARIO SMOTHERS

Look out, Mario Monti is in town. While it seems unlikely that U.S. unemployment will shoot up right away to German levels or Silicon Valley will suddenly take on the lugubriousness of a French panel in charge of setting lawn mower standards, you can't be too careful when the European Commission's "competition" czar is visiting.

Mr. Monti arrived in Washington yesterday to bring us his unique perspective on the pending Sprint-WorldCom merger. His meeting agenda included Janet Reno and Joel Klein and the FCC's Bill Kennard. No wonder the markets went all languid yesterday.

Though Internet services aren't a big part of this landmark deal, Mr. Monti has decided to grab the opportunity to make WorldCom cough up UU-Net, its wholly owned Internet backbone carrier, which hauls a large share of Europe's web traffic. Never mind that others are rapidly adding backbone capacity. Never mind that this new investment is more likely to dry up if Europe is seen punishing those who successfully invested in the past. Mr. Monti has decided WorldCom's share is "too big" according to some static gauge of industry concentration. It's not his job to notice other dynamic factors in a rapidly advancing industry that make his gauge irrelevant.

It's hard to say what's worse, Mr. Monti's academic rigidity or the Clinton Justice Department's notion that it can fine-tune "innovation" to a fare-thee-well.

We'll wait to be apprised of Justice's full reasoning for aligning with Mr. Monti in trying to scuttle the merger. The latest leaks say Justice is taking its advice from the company's long-distance competitors Qwest and Level Three Communications. Let's see: These other companies fear that WorldCom would be a formidable competitor, so the Justice Department is opposing the deal as . . . anticompetitive?

Whatever he comes up with for this one, antitrust chief Joel Klein has lately been on a bender claiming that his ministrations are necessary to free up technological advance, which apparently is something lacking in our economy. Perhaps we need more lessons on this from dynamic Europe.

What seems to be missing on both sides of the Atlantic is a little humility. These days the best minds in industry are regularly caught flat-footed by change. Why should somebody who hung around with Bill Clinton at Renaissance Weekend or graduated first in his class from some finishing ecole have any better handle on the direction of markets and technology?

At some point the danger is going to manifest itself in lost jobs and opportunities for middle-class voters. If businesses are not allowed to move forward, they stagnate and die. If enough businesses are blocked from moving ahead, the whole economy slows down. That's a voting issue.

WorldCom is a good example. Bernie Ebbers assembled a nice collection of telecommunications assets, but he didn't see how important wireless would be. Who did? Cell coverage and bandwidth are improving so rapidly that wireless is becoming many people's primary phone. Unless he can cajole regulators to sign off on the acquisition of Sprint's wireless business, he doesn't have a viable strategy.

One reason Europe is Europe and we're not is that our companies have been free to adapt. The Founding Fathers granted us rights so we wouldn't be in the position of arguing with our rulers for our freedom on a case-by-case basis. These rights extend even to companies and their shareholders, and just any old reason for blocking their private strategies shouldn't be good enough.

Indeed, it would be quite a feat if our trustbusters manage single-handedly to bring European-style corporate stasis to the U.S. economy, but they're working on it. We're not talking just about the Microsofts, WorldComs, AOL-Time Warners and other businesses that make the evening news. Late last year the FTC scuttled a Pathmark merger just as the company was trying to break out of the pack by bringing modern supermarkets to the inner city. Last month Pathmark filed for Chapter 11. Too bad for Harlem, which was just about to get a new store.

Hmm, maybe we know why the Europeans sent Mr. Monti to Washington after all. It's part of their comeback plan to offload their antitrust hang-ups on U.S. companies so their own economies can catch up. Only in a Clinton presidency could they think such a strategy might take wing.

SENATE—*Monday, June 26, 2000*

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

This morning, Lord, we ask You for a very special gift. This gift is one we know You want to give. It is for the awareness of the power of prayer for each other. You have told us in the Scriptures that there are blessings You grant only when we care enough to pray for each other. We also know that our attitudes are changed when we pray for each other. We listen better and conflicts are resolved. We discover answers to problems together because prayer has made it easier to work out solutions.

Also, when we pray for each other, You affirm our mutual caring by releasing supernatural power. Working together becomes more pleasant and more productive. Knowing this, we make a renewed commitment to pray for the people around us, those with whom we disagree politically, and those with whom we sometimes find it difficult to work. If we pledge that we are one Nation under God, help us to exemplify to our Nation what it means to be one Senate family with unity in diversity, held together with the bonds of loyalty to You and our Nation, in consistent daily prayer for Your best for each other. In the name of our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON KYL, a Senator from the State of Arizona, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Arizona is recognized.

SCHEDULE

Mr. KYL. Mr. President, today the Senate will be in a period of morning business until 3 p.m. Following morning business, the Senate will resume consideration of the Labor, Health and Human Services appropriations bill. Senator MCCAIN's amendment regarding protection of children using the Internet is the pending amendment, and it is hoped that all debate on that amendment can be completed by midday tomorrow. It is hoped that those Senators who have amendments will come to the floor as soon as possible to offer and debate their amendment. Votes may occur early tomorrow morning and Senators should adjust their schedules accordingly.

I thank my colleagues for their attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period of morning business until the hour of 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the Senator from Illinois, Mr. DURBIN, or his designee, shall be in control of the time until 2 p.m.

The Senator is recognized.

PNTR

Mr. HOLLINGS. Mr. President, here we go again, treating foreign trade as foreign aid, failing to compete, and giving away our technology and production. The permanent normal trade relations with China—PNTR—vote is not about access to China. The agreement doesn't provide open access, and even as a member of the WTO, China's market doesn't become open. Japan has been a member of the WTO for 5 years and her market remains closed. PNTR is certainly not about jobs in America, but about production and jobs in China. As headlined in the Wall Street Journal, corporate America is in a foot race to invest and produce in China. PNTR is not about exports. Today's $70 billion deficit in the balance of trade with China is bound to increase. Nor will PNTR maintain our "lead" in technology. Already we have a $3.2 billion deficit in technology trade with China that threatens to reach $5 billion this year. PNTR is not about environment and labor. It took the democratic United States 200 years to get around to labor and environmental protections. Emerging countries, like us in the beginning, will sacrifice labor and environment to produce and build. PNTR is not about human rights. Human rights will be abused by a communist government in order to control a population of 1.3 billion. PNTR is not about undermining the communist regime in China. The communist regime knows what it's doing and unanimously favors PNTR. Finally, PNTR is not about China obeying its agreements, but the United States enforcing ours.

We are in a desperate circumstance. For 50 years we have readily sacrificed our manufacturing sector to spread capitalism and defeat communism. But our security rests as if on a three legged stool. The one leg of values is strong. America is admired the world around for its stand for human rights and individual freedom. The second leg of military power is unquestioned. The third leg of economic strength has become fractured. We have gone from 41% of our work force in manufacture at the end of World War II to 14 percent. Manufacture provides the salary and benefits that produce a middle class. This middle class is not only the strength of an economy, but the strength of a democracy. As Akio Morita of Sony stated: "That world power that loses its manufacturing capacity will cease to be a world power."

"Permanent" is the objectionable part of PNTR. The issue is not whether we will trade with China—we will. But the annual renewal of our trade relations affords us an opportunity to once more get the attention of our leadership as to an impending disaster. It's not just trade. The U.S. influence in world diplomacy is threatened. The 6th Fleet and the hydrogen bomb are no longer a threat. Today, economic power counts. Money talks. The domestic market is the principal weapon in the global competition. We have the richest, but refuse to use it, all because of some nonsense that a trade war may ensue. We are in a trade war and don't know it. It shows the lack of understanding of the global economy, of the global competition.

To begin with, the global competition is keen. With the fall of the Wall, 4 billion people have entered the work force. With technology transferred on a computer chip, financed by satellite, one can produce anything anywhere. In the age of robots, skilled production is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

readily available. The most productive automobile plant in the world, according to J.D. Power, is not in Detroit, but in Mexico. Years ago as Governor, I was admonished to let the emerging countries produce the textiles and the shoes; the United States would produce the airplanes and computers. Today, the competition produces the textiles, the shoes, the airplanes and the computers. All countries have as a goal obtaining technology and producing technology. All protect their domestic agriculture. All, except the United States, protect their local market from foreign imports. And all, except the United States, enjoy government financing. The European aircraft sold in the United States is government financed. The Japanese car taking over the United States market is financed and protected—and sold for less than cost. Most importantly, the goal of U.S. trade is profits. The goal of global competition is market share. While the competition cares little about a standard of living, the U.S. burdens its production with a high standard. Before "Jones Manufacturing" can open its doors it must have a minimum wage, Social Security, Medicare, Medicaid, clean air, clean water, a safe working place, safe machinery, plant closing notice, parental leave—and almost ergonomics. Corporate taxes in the U.S. are a cost of production; whereas, the competition's value added tax is rebated at export. The global competition saves while we consume. They willingly pay $4.50 for a gallon of gasoline but we go "ape" when a gallon reaches $2.00. The global competition is organized and directed. We are totally disorganized. There are 28 agencies and departments engaged in trade decisions and we have allowed the financing of our debt to control trade decisions. Former Prime Minister of Japan, Hashimoto, threatened one afternoon at Columbia University to stop buying our bonds if we insisted on enforcing our dumping laws. The stock market fell 200 points within an hour and the dumping law against Japan was not enforced. Finally, all countries in international trade use access to their markets as a bargaining chip. Refusing to compete, we cry, "be fair; be fair; level the playing field". Moral suasion has little affect in business. We continue to lose our technology and production. It has gotten so bad that the foreign corporation in a controlled economy now preys on the domestic bloodied from open competition. Volvo buys Mack Truck. Daimler-Benz seizes Chrysler. And the European Union denies the MCI-Sprint merger so the Deutsche Telekom can buy Sprint.

As the United States moves now to set the parameters of trade with 1.3 billion producers of agriculture and products, we need time. We need understanding. The $300 billion trade deficit, costing the economy 1% growth, must be reversed. The PNTR vote is not against China, but to get the attention of the United States. We need to set trade policy and start competing. We need to realize that we are competing with ourselves. In the early 1970s our banks financing foreign investment began making a majority of their profits outside of the United States. They organized think-tanks, consultants, and entities such as the Trilateral Commission to promote the "free trade" line. Corporate America, making a bigger profit on foreign production, changed from nationals to multinationals. The campuses, sustained by corporate multinationals, all teach "free trade". The retailers, enjoying a bigger profit on the imported article, shout "free trade". The newspaper editorialists, financed by retail advertising, exhault "free trade". And then there's the lawyer. One country, Japan, pays their lawyers more to lobby Congress than the combined salaries of all the Members of Congress. By way of pay, Japan is better represented in Washington than the people of the United States. Article 1, Section 8 of the Constitution provides "that Congress shall have the power to regulate commerce with foreign nations", but this power has been forsaken to the multinationals and foreign competition. PNTR will only continue this outrage. Trade with China will continue. But the only leverage we have left with China, the only chance for Congress to assume its responsibility for trade, is this annual review. "Permanent" must be stricken from Permanent Normal Trade Relations.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that I be permitted to speak on Republican time at this point, and should a member of the other party wish to later utilize minutes remaining on their time that they be permitted to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY

Mr. KYL. Mr. President, the reason I wanted to speak this afternoon is to address the issue of energy policy and gasoline prices.

It seems now that we are in the finger-pointing mode trying to blame one another for what is in effect a market condition; that is, the increasing rise in the price of gasoline.

My point this morning is that it should come as no surprise to any of us that gas prices have gone up. Why is this so?

First of all, thanks to Senator PETE DOMENICI, the chairman of the Energy and Water Subcommittee of the Appropriations Committee, who yesterday in response to a question on a national TV program made, I think, the most succinct statement on this, we have the basic answer. He said, "The chickens have come home to roost."

He said that after 7 years of the Clinton-Gore administration policy, which is in effect no policy with respect to improving our energy situation, "The chickens have come home to roost."

While we have enjoyed a great time of prosperity in this country, we have been doing nothing to ensure that we would be able to provide the energy resources—the oil and gas on which our economy runs—at the time when our economy is up and running, as it is now; and, therefore, we should not be surprised that the demand for this product has outstripped the supply. He is correct in that.

Thanks to Senator MURKOWSKI, who chairs the Energy and Natural Resources Committee in the Senate, we have the statistics which back up this statement.

Since 1992, U.S. oil production is down 17 percent, but consumption is up 14 percent. That is the basic fact right there. Demand is up significantly but production in this country is down significantly. The reason production is down is because of the specific policies of this administration.

It should come as no surprise to us that when demand is greater and supply is less, the price is going to go up. Only those who do not understand the free market would fail to appreciate this fact and point the finger at someone else.

Imports, we learned from Senator MURKOWSKI, are now at 56 percent of our total supply and growing rapidly. In fact, they are in the neighborhood of about 62 percent during some months—specifically during this period of time.

By comparison, in 1973, during the time of the Arab oil embargo, we imported about 35 percent of foreign oil.

Remember how we were complaining at that point about how dependent upon these OPEC supplies we were—35 percent then and up to 62 percent now.

We are approaching twice as much dependency on foreign oil supplies as we had during the time of the great oil embargo of the early 1970s.

At current prices, I might add, the United States spends $300 million a day on imported oil. That is over $100 billion per year on foreign oil, which, incidentally, is about one-third of our entire trade deficit.

This puts into clear perspective the amount of our reliance on these foreign sources.

Are the people who supply this oil from abroad our friends when it comes to the supplying of this particular product? Are they working with us to keep the prices down? No. We know, as matter of fact, in this area even that our friends are willing to take advantage of the great demand and thirst for this product in the United States.

The OPEC nations, which include our friend to the south, Mexico, and other countries in this hemisphere, but most especially the countries in the Middle East led by our friend, Saudi Arabia, have restricted the supply so as to drive the cost of the product up.

It is real simple. When we don't have control over the supply that our friends do, they will take advantage of us. Frankly, we can't blame them. That is part of the way the market operates. We would object that they have gathered together in the form of a monopoly or oligopoly, and they are controlling the price. But it is their ability to do that on the foreign market. We understand that. We should not be surprised by it. But we should be committed to doing something about it.

For 7 years, this administration not only has not done anything about it; it has gotten us more and more deeply in the hole of reliance on foreign oil.

I have a friend back home—a rancher. The Presiding Officer will probably appreciate this kind of western humor, since he likes to collect these items. He said he has an attitude. He said: When you are trying to get out of a hole, the first thing you do is stop digging.

I submit that we are going to keep digging the hole deeper and deeper if we don't stop this reliance on foreign oil, and if we don't start doing something about increasing our supply here at home.

It turns out that we have plenty of opportunities, which I will get to in just a moment.

One other fact that I think is important to note is that 36 refineries have closed since 1992. We have had no new refineries built in this country since 1976. It is not only the fact that we have less oil being produced in the United States, but also that less oil product is being refined in this country primarily because of the stringency of environmental regulations.

What has been the administration's policy? Its energy policy says that we should have a mix of energy sources. But let's look at the facts.

We have the lowest production in this country since world War II. We are importing more oil than ever before. We have regulations and taxes designed basically to close the oil industry. The President himself vetoed a bill to open so-called ANWR in 1995 with 16 billion barrels of oil—that is about a 30-year supply of imports from Saudi Arabia—and has instead advocated increasing royalty rates, which, of course, would make foreign investment even more attractive to U.S. companies and cause them to not want to produce oil here in this country.

I get letters from constituents who say we should close down any offshore drilling or any drilling of oil in the Alaska reserve. I think these people need to appreciate that there was an area cut out of the wilderness area in Alaska and designated specifically for the production of oil. It is a very small area. We created a vast new wilderness on the North Slope of Alaska. It is a beautiful area. I have been there. But we created a very small island in there in effect that does not have any particular environmental benefit compared to the areas around it. We said in that particular area we would explore for oil. It is in that area that we are talking about producing this 16 billion barrels of oil.

I have been to that area. I suggest anybody who believes we should not pursue the exploration for oil in that area ought to visit it. I think they will see two things. First, we have found a way to drill for oil that is very environmentally safe and benign. In effect, in a very small area about the size of this Senate Chamber, up to 10 wells can be drilled at a depth of about 10,000 feet with another 10, 15, or more thousand feet of drilling horizontally to a point of oil. We have a very small area where the oil drilling is actually evident from the surface of the Earth but a very large area underneath from which the oil is taken. This is done in an extraordinarily environmentally safe way. You cannot even tell, when you are on the surface, what is being done.

We can explore for and obtain oil from these sites, such as the Alaska oil, as well as offshore sites, using the same technology without environmental damage. However, the administration has precluded us from doing so.

Now, we have a great deal of coal, much low sulfur. The cleanest coal in the lower 48 States was locked up when the President declared the large area of Montana a national monument and, therefore, we could not take advantage of the low-sulfur coal that is located in that area.

Nuclear power is the cleanest of all, but this administration has been opposed to nuclear power. In fact, there have been no new power plants, and the President, of course, vetoed the nuclear waste disposal bill. This is essential for the further development of nuclear power.

With respect to hydropower, we have a Secretary of Interior who says he was to be the first Secretary to tear down dams. We cannot produce hydropower without dams.

With respect to natural gas, vast areas of coal development in both the OCS and the Rocky Mountain area have been closed to natural gas.

The bottom line is this administration's policy is not conducive to the development of new sources of energy in the United States, even environmentally safe, environmentally benign sources. Instead, virtually every policy this administration has pursued has had the effect of reducing U.S. oil production and increasing our reliance upon foreign sources. All that does is enable those foreign sources to take advantage of this reliance by reducing their production and jacking up the price. American consumers are paying the result of that at the pump.

I have one or two other statistics. Since the start of the Clinton-Gore administration, according to Senator MURKOWSKI's figures, domestic oil production in the United States has fallen by 17 percent for the reasons I articulated. We can't, with that level of reduction in U.S. oil production, maintain a level which enables the U.S. to control our own destiny in terms of the price of oil. We are already spending over $100 billion per year on foreign oil, about a third of our trade deficit.

As a result of these facts, I have joined with Senator LOTT, our majority leader, and others, in introducing the National Energy Security Act of 2000, S. 2557, the goal of which is to roll back our dependence on foreign oil to a level below 50 percent.

In conclusion, there has been a lot of finger pointing. Some say it is the result of taxes. I support, at least temporarily—in fact, I would support permanently—removing the 18.4-percent Federal gas tax. People say that is only a drop in the bucket. It is almost 20 cents on the price of a gallon of gas. That is not peanuts if you have to fill your car as much as a lot of folks do.

The EPA has been changing its mind about additives. In some parts of the country that has increased the cost of a gallon of gasoline.

We have fewer refineries, as I indicated.

Most of all, it is "the chickens are coming home to roost" answer that Senator DOMENICI provided; namely, that we have decreased the United States oil production at the same time we are relying more and more on foreign oil. The net result of that should come as no surprise to anyone. We are going to have to pay higher prices at the gas pumps as a result.

It is time that the United States had a clear strategy, a good energy policy, that promoted the development of oil resources in the United States in a safe and environmentally clean way. That can be done. I believe under a new administration which is focused on developing an energy strategy that will suit the American people, it will be done.

I thank Senator THOMAS for making some of his time available to talk about this important subject.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Arizona.

Quite often we have difficulties, we have problems, and we really don't think about the policy that has created it—or in this case, the lack of policy.

I think it is very important that as we have the great growth of energy use in this country, that we take a look at our policy and not let ourselves become captives of overseas production.

M/V "MIST COVE"

Mr. THOMAS. I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 3903, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 3903) to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMAS. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3903) was read the third time and passed.

OCEANS ACT OF 2000

Mr. THOMAS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 568, S. 2327.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 2327) to establish a Commission on Ocean Policy, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3620

(Purpose: To establish a Commission on Ocean Policy, and for other purposes)

Mr. THOMAS. Mr. President, Senator HOLLINGS has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Wyoming [Mr. THOMAS], for Mr. HOLLINGS, proposes an amendment numbered 3620.

Mr. THOMAS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HOLLINGS. Mr. President, I rise today in support of Senate passage of S. 2327, the Oceans Act of 2000. The bill calls for an action plan for the twenty-first century to explore, protect, and make better use of our oceans and coasts. Its passage is, quite simply, the most important step we can take today to ensure an effective, coordinated and comprehensive ocean policy to guide us into the new millennium.

I thank my colleagues in the Commerce Committee for their support, in particular, Senators SNOWE, KERRY, and STEVENS, for their cosponsorship and their efforts over the last several weeks to bring this bill to the floor. Following in the Commerce Committee tradition with respect to ocean issues, this has been a bipartisan process. I also thank the other cosponsors of the legislation, Senators BREAUX, INOUYE, BOXER, LAUTENBERG, MURKOWSKI, LIEBERMAN, AKAKA, FEINSTEIN, CLELAND, MOYNIHAN, MURRAY, REED, SARBANES, SCHUMER, WYDEN, LANDRIEU, MURKOWSKI, CHAFEE, and ROTH for their continued support. Finally, I want to express my appreciation to the numerous industry, environmental, and academic groups who agree that the time has come for this bill.

Mr. President, it is critical that we enact the Oceans Act of 2000 this year as we pass through the gateway to a new millennium. The oceans are again beginning to receive the attention they received in 1966 when we enacted legislation to establish a Commission on Marine Science, Engineering, and Resources (known as the Stratton Commission for its chairman Julius Stratton) to recommend a comprehensive national program to explore the oceans, develop marine and coastal resources, and conserve the sea. The Stratton Commission's report and recommendations have shaped U.S. ocean policy for three decades, and resulted in the creation of the National Oceanic and Atmospheric Administration (NOAA) under Presidential Reorganization Plan Number Four, as well as most of the major marine conservation status NOAA implements. These include the National Marine Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and Management Act, and the Coastal Zone Management Act.

Where the Stratton Commission performed its work with vision and integrity, the world has changed in myriad ways since 1966. Ocean and coastal issues are growing more popular day by day, but we are able to make the necessary headway to ensure they get the attention and priority they deserve. Consider the following quote from the National Research Council's report entitled Striking a Balance, Improving Stewardship of Marine Areas:

> The findings of the Marine Board studies have revealed a strong interest in the nation's coastal and marine areas by present and potential offshore industries, coastal states responsible for resource development and environmental preservation of their offshore regions, and the ocean research community. Little has been done, however, to devise a comprehensive regulatory or management framework for current or future activities in federal and state waters or on or under the seabed in the U.S. Exclusive Economic Zone. The need for a regulatory and management framework is likely to increase in the future . . . No mechanism exists for establishing a common vision and a common set of objectives. . . .

Establishing an independent national Ocean Commission in the year 2000 could comprehensively evaluate concerns that cannot be viewed effectively through current federal processes or through privately-commissioned studies. These include concerns about providing appropriate priority and funding for critical ocean conservation and management issues, as well as whether the ocean management regimes that have developed over the last 30 years are duplicative and uncoordinated, resulting in costly or time-consuming requirements that may provide little incremental environmental benefit.

The essential elements of the legislation before the Senate today remain the same as the Committee-reported version, with further amendments to reinforce the importance of science in supporting the Commission's activities. The Oceans Act of 2000 would establish a 16-member high level national Commission, similar to the Stratton Commission, to examine ocean and coastal activities and report within 18 months on recommendations for a national policy. The Commission members would be selected from individuals nominated by majority and minority representatives in both houses of Congress. Eligible individuals include a truly balanced group of experts representing state and local governments, academia, ocean-related industries and public interest groups.

The Act would become effective at the end of this year, enabling the current Administration to complete the interagency ocean initiative resulting from the hard work done by the ocean community for the 1998 International Year of the Ocean. It will also allow the incoming Administration time to evaluate the Commission nominees and make appointments. Once the Commission completes its recommendations to the President and to Congress, it will then be the President's turn to report to Congress how he will respond to these recommendations. As in 1966, the real work will begin after the Commission completes its report. History has taught us that Congressional support and participation is essential to ensuring the long-term success of this truly national ocean effort. We are off to a very good start. The current bill enjoys wide support in the Senate and from industry, conservation groups, scientists, and states, all of whom have sent numerous letters of support over the past several months. Most recently, we have received letters of support from the Chairman of the National Academy of Sciences' National

Research Council, the fifty-three member institutions that are part of the Consortium for Oceanographic Research and Education, as well as fourteen major telecommunications and information technology groups.

Mr. President, this legislation is both appropriate and long overdue. By the end of this decade about 60% of Americans will live along our coasts, which account for less than 10% of our land area. I am amazed that in this era, when we've invested billions of dollars in exploring other planets, we know so little about the ocean and coastal systems upon which we and other living things depend. Large storms events like Hurricane Floyd and Hugo, driven by ocean-circulation patterns, pose the ultimate risk to human health and safety. El Nino-related climate events have led to increased incidence of malaria in some countries. Harmful algal blooms have been linked to deaths of sea lions in California and manatees in Florida, and we are still searching to understand their effects on humans. The oceans are home to 80% of all life forms on Earth, but only 1% of our biotechnology R&D budget will focus on marine life forms. Mr. President, the oceans are integral to our lives but we are not putting a high enough priority on finding ways to learn more about them, and what they may hold for our future.

The Stratton Commission stated in 1969: "How fully and wisely the United States uses the sea in the decades ahead will affect profoundly its security, its economy, its ability to meet increasing demands for food and raw materials, its position and influence in the world community, and the quality of the environment in which its people live." Those words are as true today as they were 30 years ago. It is time to look towards the next 30 years. As a nation, we must consider the challenges and opportunities that lie ahead and ensure the development of an integrated national ocean and coastal policy to deal with them well into the next millennium. I urge the Senate to pass this legislation.

Mr. MCCAIN. Mr. President, I rise in support of S. 2327, the Oceans Act of 2000. This bill would establish a Commission on Ocean Policy to assess the problems that face our nation's coastal regions. Over half of the U.S. population lives in these areas and they are the source of one third of our gross domestic product. Clearly, the current problems faced in our coastal areas cannot be left unattended. Senator HOLLINGS, the ranking member on the Commerce Committee, has worked hard on this legislation. I am pleased that the Committee was able to report this bill in the most expeditious manner.

The Commission will examine current programs and policies related to coastal and Great Lakes regions, and determine whether the problems in such areas are adequately addressed by current laws, regulations, and public policy. The 1966 Stratton Commission, also the result of the hard work of Senators HOLLINGS, STEVENS, and INOUYE, led to the establishment of the National Oceanic and Atmospheric Administration and the enactment of the Coastal Zone Management Act. While the Stratton Commission provided an invaluable service to our nation, over thirty years have passed since that landmark study. Now it is necessary to reexamine the programs, policies, and state of America's coastal areas.

The Commission established by this bill will issue recommendations to the President and Congress to develop an effective and efficient national policy for our coastal regions. Mr. President, it is time for a comprehensive review of the policies that affect so many Americans.

I thank Senator HOLLINGS for his hard work and determination to address this issue. Mr. President, I urge the Senate to pass the Oceans Act of 2000.

Ms. SNOWE. Mr. President, today the Senate is considering S. 2327, the Oceans Act of 2000. I am pleased to support this bill, which will have a major influence on the direction of U.S. ocean policy, management, and research for many years to come.

In 1966, Congress established the Stratton Commission through the enactment of the Marine Resources and Engineering Development Act. The Stratton Commission provided a comprehensive evaluation of the role of the ocean to the United States and provided a series of recommendations regarding ocean and coastal policy for the future.

After over 30 months of meetings, hearings, and correspondence, the Commission produced the 1969 report, "Our Nation and the Sea". The document made a significant impact on coastal and ocean policy, leading to the creation of the National Oceanic and Atmospheric Administration in 1970 and the National Coastal Zone Management Program in 1972.

Now, over thirty years after publication of the original Stratton Commission report, it is time to reexamine current U.S. programs and legislation that affect the oceans, Great Lakes, and coastal zones. Our coastal regions and ocean resources are under increasing pressures. In the United States, more than 53 percent of the population is living in coastal regions that comprise only 17 percent of the contiguous U.S. land area. Additionally, the coastal population is increasing by 3,600 people per day, with a projected coastal increase of 27 million people by the year 2015.

The increasing pressures on the coast are being mirrored in the oceans. Valuable commercial activities such as shipping and maritime transportation, oil and gas production, and fishing impact the oceans and Great Lakes. Additionally, environmental stresses, such as pollution and increased water temperatures potentially due to global climate change, are exacerbating existing problems.

The Oceans Act of 2000 will create a Commission on Ocean Policy to examine a variety of ocean and Great Lakes issues. Protection of the marine environment, prevention of marine pollution, enhancement of maritime commerce and transportation, response to natural hazards, and preservation of the United States' role as a leader in ocean and coastal activities will all be reviewed. The Commission will be composed of 16 members that represent state and local governments, ocean-related industries, academic and technical institutions, and relevant public interest organizations. The members will be nominated by Congress and appointed by the President.

The Commission will be responsible for submitting a report to Congress and the President, within 18 months, containing their recommendations. These recommendations will focus on the development of a comprehensive, cost-effective policy to address pressing ocean and coastal issues. It will provide important guidance to policy makers on how to shape the future direction of ocean policy for the United States.

Mr. President, I would like to recognize Senator HOLLINGS, the author of the bill, for his work creating the original Stratton Commission and for his leadership on this issue. In addition, Senator STEVENS and Senator INOUYE, both original cosponsors of the legislation, were involved with the work of the Stratton Commission, and I look forward to working with them and the other members of the Commerce Committee on the Oceans Act of 2000. Finally, I would like to thank Senator MCCAIN, the Chairman of the Committee and Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for their support of this measure.

Mr. THOMAS. I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3620) was agreed to.

The bill (S. 2327), as amended, was considered read the third time and passed, as follows:

S. 2327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oceans Act of 2000".

SEC. 2. PURPOSE AND OBJECTIVES.

The purpose of this Act is to establish a commission to make recommendations for coordinated and comprehensive national ocean policy that will promote—

(1) the protection of life and property against natural and manmade hazards;

(2) responsible stewardship, including use, of fishery resources and other ocean and coastal resources;

(3) the protection of the marine environment and prevention of marine pollution;

(4) the enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of living marine resources and responsible use of non-living marine resources;

(5) the expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities;

(6) the continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities, including investments and technologies designed to promote national energy and food security;

(7) close cooperation among all government agencies and departments and the private sector to ensure—

(A) coherent and consistent regulation and management of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities;

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities; and

(D) enhancement of partnerships with State and local governments with respect to ocean and coastal activities, including the management of ocean and coastal resources and identification of appropriate opportunities for policy-making and decision-making at the State and local level; and

(8) the preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—There is hereby established the Commission on Ocean Policy. The Federal Advisory Committee Act (5 U.S.C. App.), except for sections 3, 7, and 12, does not apply to the Commission.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 16 members appointed by the President from among individuals described in paragraph (2) who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced by area of expertise and balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(2) NOMINATIONS.—The President shall appoint the members of the Commission, within 90 days after the effective date of this Act, including individuals nominated as follows:

(A) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(B) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Speaker of the House of Representatives in consultation with the Chairmen of the House Committees on Resources, Transportation and Infrastructure, and Science.

(C) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(D) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the House in consultation with the Ranking Members of the House Committees on Resources, Transportation and Infrastructure, and Science.

(3) CHAIRMAN.—The Commission shall select a Chairman from among its members. The Chairman of the Commission shall be responsible for—

(A) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(B) the use and expenditure of funds available to the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall be filled in the same manner as the original incumbent was appointed.

(c) RESOURCES.—In carrying out its functions under this section, the Commission—

(1) is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act, and each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information (other than information described in section 552(b)(1)(A) of title 5, United States Code) to the Commission, upon the request of the Commission;

(2) may enter into contracts, subject to the availability of appropriations for contracting, and employ such staff experts and consultants as may be necessary to carry out the duties of the Commission, as provided by section 3109 of title 5, United States Code; and

(3) in consultation with the Ocean Studies Board of the National Research Council of the National Academy of Sciences, shall establish a multidisciplinary science advisory panel of experts in the sciences of living and non-living marine resources to assist the Commission in preparing its report, including ensuring that the scientific information considered by the Commission is based on the best scientific information available.

(d) STAFFING.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary for the Commission to perform its duties. The Executive Director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5136 of title 5, United States Code. The employment and termination of an Executive Director shall be subject to confirmation by a majority of the members of the Commission.

(e) MEETINGS.—

(1) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it:

(A) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(2) INITIAL MEETING.—The Commission shall hold its first meeting within 30 days after all 16 members have been appointed.

(3) REQUIRED PUBLIC MEETINGS.—The Commission shall hold at least one public meeting in Alaska and each of the following regions of the United States:

(A) The Northeast (including the Great Lakes).

(B) The Southeast (including the Caribbean).

(C) The Southwest (including Hawaii and the Pacific Territories).

(D) The Northwest.

(E) The Gulf of Mexico.

(f) REPORT.—

(1) IN GENERAL.—Within 18 months after the establishment of the Commission, the Commission shall submit to Congress and the President a final report of its findings and recommendations regarding United States ocean policy.

(2) REQUIRED MATTER.—The final report of the Commission shall include the following assessment, reviews, and recommendations:

(A) An assessment of existing and planned facilities associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate platforms and technologies.

(B) A review of existing and planned ocean and coastal activities of Federal entities, recommendations for changes in such activities necessary to improve efficiency and effectiveness and to reduce duplication of Federal efforts.

(C) A review of the cumulative effect of Federal laws and regulations on United States ocean and coastal activities and resources and an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect those ocean and coastal activities and resources, and recommendations for resolving such inconsistencies to the extent practicable. Such review shall also consider conflicts with State ocean and coastal management regimes.

(D) A review of the known and anticipated supply of, and demand for, ocean and coastal resources of the United States.

(E) A review of and recommendations concerning the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities.

(F) A review of opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities.

(G) A review of previous and ongoing State and Federal efforts to enhance the effectiveness and integration of ocean and coastal activities.

(H) Recommendations for any modifications to United States laws, regulations, and the administrative structure of Executive agencies, necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.

(I) A review of the effectiveness and adequacy of existing Federal interagency ocean policy coordination mechanisms, and recommendations for changing or improving the effectiveness of such mechanisms necessary to respond to or implement the recommendations of the Commission.

(3) Consideration of factors.—In making its assessment and reviews and developing its recommendations, the Commission shall give equal consideration to environmental, technical feasibility, economic, and scientific factors.

(4) Limitations.—The recommendations of the Commission shall not be specific to the lands and waters within a single State.

(g) Public and Coastal State Review.—

(1) Notice.—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that a draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) Inclusion of governors' comments.—The Commission shall include in the final report comments received from the Governor of a coastal State regarding recommendations in the draft report.

(h) Administrative Procedure for Report and Review.—Chapter 5 and chapter 7 of title 5, United States Code, do not apply to the preparation, review, or submission of the report required by subsection (e) or the review of that report under subsection (f).

(i) Termination.—The Commission shall cease to exist 30 days after the date on which it submits its final report.

(j) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section a total of $6,000,000 for the 3 fiscal-year period beginning with fiscal year 2001, such sums to remain available until expended.

SEC. 4. NATIONAL OCEAN POLICY.

(a) National Ocean Policy.—Within 120 days after receiving and considering the report and recommendations of the Commission under section 3, the President shall submit to Congress a statement of proposals to implement or respond to the Commission's recommendations for a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States. Nothing in this Act authorizes the President to take any administrative or regulatory action regarding ocean or coastal policy, or to implement a reorganization plan, not otherwise authorized by law in effect at the time of such action.

(b) Cooperation and Consultation.—In the process of developing proposals for submission under subsection (a), the President shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. BIENNIAL REPORT.

Beginning in September, 2001, the President shall transmit to the Congress biennially a report that includes a detailed listing of all existing Federal programs related to ocean and coastal activities, including a description of each program, the current funding for the program, linkages to other Federal programs, and a projection of the funding level for the program for each of the next 5 fiscal years beginning after the report is submitted.

SEC. 6. DEFINITIONS.

In this Act:

(1) Marine environment.—The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters;

(B) the continental shelf; and

(C) the Great Lakes.

(2) Ocean and coastal resource.—The term "ocean and coastal resource" means any living or non-living natural, historic, or cultural resource found in the marine environment.

(3) Commission.—The term "Commission" means the Commission on Ocean Policy established by section 3.

SEC. 7. EFFECTIVE DATE.

This Act shall become effective on January 20, 2001.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS OF 1967

Mr. THOMAS. I ask unanimous consent the Senate proceed to consideration of Calendar No. 569, H.R. 1651.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1651) to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, Transportation, with an amendment.

[Omit the part in boldface brackets and insert the part printed in italic]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967

SEC. 101. SHORT TITLE.

This title may be cited as the "Fishermen's Protective Act Amendments of 1999".

SEC. 102. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) In General.—Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "2000" and inserting "2003".

(b) Clerical Amendment.—Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(a)(3)) is amended by striking "Secretary of the Interior" and inserting "Secretary of Commerce".

TITLE II—YUKON RIVER SALMON

SEC. 201. SHORT TITLE.

This title may be cited as the "Yukon River Salmon Act of 1999".

SEC. 202. YUKON RIVER SALMON PANEL.

(a) Establishment.—

(1) In general.—There shall be a Yukon River Salmon Panel (in this title referred to as the "Panel").

(2) Functions.—The Panel shall—

(A) advise the Secretary of State regarding the negotiation of any international agreement with Canada relating to management of salmon stocks originating from the Yukon River in Canada;

(B) advise the Secretary of the Interior regarding restoration and enhancement of such salmon stocks; and

(C) perform other functions relating to conservation and management of such salmon stocks as authorized by this or any other title.

(3) Designation as united states representatives on bilateral body.—The Secretary of State may designate the members of the Panel to be the United States representatives on any successor to the panel established by the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995, if authorized by any agreement establishing such successor.

(b) Membership.—

(1) In general.—The Panel shall be comprised of six members, as follows:

(A) One member who is an official of the United States Government with expertise in salmon conservation and management, who shall be appointed by the Secretary of State.

(B) One member who is an official of the State of Alaska with expertise in salmon conservation and management, who shall be appointed by the Governor of Alaska.

(C) Four members who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River, who shall be appointed by the Secretary of State in accordance with paragraph (2).

(2) Appointees from alaska.—(A) The Secretary of State shall appoint the members under paragraph (1)(C) from a list of at least three individuals nominated for each position by the Governor of Alaska.

(B) In making the nominations, the Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries.

(C) The Governor of Alaska may make appropriate nominations to allow for appointment of, and the Secretary of State shall appoint, under paragraph (1)(C)—

(i) at least one member who is qualified to represent the interests of Lower Yukon River fishing districts; and

(ii) at least one member who is qualified to represent the interests of Upper Yukon River fishing districts.

(D) At least one of the members appointed under paragraph (1)(C) shall be an Alaska Native.

(3) Alternates.—(A) The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under paragraphs (1)(A) and (C), who meets the same qualifications, to serve in the absence of the Panel member.

(B) The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under subsection (b)(1)(B), who meets the same qualifications, to serve in the absence of that Panel member.

(c) Term Length.—Panel members and alternate Panel members shall serve four-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Panel members and alternate Panel members shall be eligible for reappointment.

(e) DECISIONS.—Decisions of the Panel shall be made by the consensus of the Panel members appointed under subparagraphs (B) and (C) of subsection (b)(1).

(f) CONSULTATION.—In carrying out their functions, Panel members may consult with such other interested parties as they consider appropriate.

SEC. 203. ADVISORY COMMITTEE.

(a) APPOINTMENTS.—The Governor of Alaska may establish and appoint an advisory committee of not less than eight, but not more than 12, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least two of the advisory committee members shall be Alaska Natives. Members of the advisory committee may attend all meetings of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the Panel.

(b) COMPENSATION.—The members of such advisory committee shall receive no compensation for their services.

(c) TERM LENGTH.—Members of such advisory committee shall serve two-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Members of such advisory committee shall be eligible for reappointment.

SEC. 204. EXEMPTION.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel or to an advisory committee established under section 203.

SEC. 205. AUTHORITY AND RESPONSIBILITY.

(a) RESPONSIBLE MANAGEMENT ENTITY.—The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada.

(b) EFFECT OF DESIGNATION.—The designation under subsection (a) shall not be considered to expand, diminish, or otherwise change the management authority of the State of Alaska or the Federal Government with respect to fishery resources.

(c) RECOMMENDATIONS OF PANEL.—In addition to recommendations made by the Panel to the responsible management entities in accordance with any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, the Department of Commerce, the Department of State, the North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.

SEC. 206. ADMINISTRATIVE MATTERS.

(a) COMPENSATION.—Panel members and alternate Panel members who are not State or Federal employees shall receive compensation at the daily rate of GS–15 of the General Schedule when engaged in the actual performance of duties.

(b) TRAVEL AND OTHER NECESSARY EXPENSES.—Travel and other necessary expenses shall be paid by the Secretary of the Interior for all Panel members, alternate Panel members, and members of any advisory committee established under section 203 when engaged in the actual performance of duties.

(c) TREATMENT AS FEDERAL EMPLOYEES.—Except for officials of the United States Government, all Panel members, alternate Panel members, and members of any advisory committee established under section 203 shall not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

SEC. 207. YUKON RIVER SALMON STOCK RESTORATION AND ENHANCEMENT PROJECTS.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Commerce, may carry out projects to restore or enhance salmon stocks originating from the Yukon River in Canada and the United States.

(b) COOPERATION WITH CANADA.—If there is in effect an agreement between the Government of the United States and the Government of Canada for the conservation of salmon stocks originating from the Yukon River in Canada that includes provisions governing projects authorized under this section, then—

(1) projects under this section shall be carried out in accordance with that agreement; and

(2) amounts available for projects under this section—

(A) shall be expended in accordance with the agreement; and

(B) may be deposited in any joint account established by the agreement to fund such projects.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior to carry out this title $4,000,000 for each of fiscal years 2000, 2001, 2002, and 2003, of which—

(1) such sums as are necessary shall be available each fiscal year for travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee established by paragraph C.2 of the memorandum of understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada (recorded January 28, 1985), and members of an advisory committee established and appointed under section 203, in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code;

(2) such sums as are necessary shall be available for the United States share of expenses incurred by the Joint Technical Committee and any panel established by any agreement between the Government of the United States and the Government of Canada for restoration and enhancement of salmon originating in Canada;

(3) up to $3,000,000 shall be available each fiscal year for activities by the Department of the Interior and the Department of Commerce for survey, restoration, and enhancement activities related to salmon stocks originating from the Yukon River in Canada, of which up to $1,200,000 shall be available each fiscal year for Yukon River salmon stock restoration and enhancement projects under section 207(b); and

(4) $600,000 shall be available each fiscal year for cooperative salmon research and management projects in the portion of the Yukon River drainage located in the United States that are recommended by the Panel.

TITLE III—FISHERY INFORMATION ACQUISITION

SEC. 301. SHORT TITLE.

This title may be cited as the "Fisheries Survey Vessel Authorization Act of 1999".

SEC. 302. ACQUISITION OF FISHERY SURVEY VESSELS.

(a) IN GENERAL.—The Secretary, subject to the availability of appropriations, may in accordance with this section acquire, by purchase, lease, lease-purchase, or charter, and equip up to six fishery survey vessels in accordance with this section.

(b) VESSEL REQUIREMENTS.—Any vessel acquired and equipped under this section must—

(1) be capable of—

(A) staying at sea continuously for at least 30 days;

(B) conducting fishery population surveys using hydroacoustic, longlining, deep water, and pelagic trawls, and other necessary survey techniques; and

(C) conducting other work necessary to provide fishery managers with the accurate and timely data needed to prepare and implement fishery management plans; and

(2) have a hull that meets the International Council for Exploration of the Sea standard regarding acoustic quietness.

(c) AUTHORIZATION.—To carry out this section there are authorized to be appropriated to the Secretary **[$60,000,000.]** *$60,000,000 for each of fiscal years 2002 and 2003.*

TITLE IV—MISCELLANEOUS

SEC. 401. USE OF AIRCRAFT PROHIBITED.

Section 7(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971e(a)) is amended—

(1) by striking "or" after the semicolon in paragraph (1);

(2) by striking "fish." in paragraph (2) and inserting "fish; or"; and

(3) by adding at the end the following:

"(3) for any person, other than a person holding a valid Federal permit in the purse seine category—

"(A) to use an aircraft to locate or otherwise assist in fishing for, catching, or retaining Atlantic bluefin tuna; or

"(B) to catch, possess, or retain Atlantic bluefin tuna located by use of an aircraft.".

SEC. 402. FISHERIES RESEARCH VESSEL PROCUREMENT.

Notwithstanding section 644 of title 15, United States Code, and section 19.502–2 of title 48, Code of Federal Regulations, the Secretary of Commerce shall seek to procure Fisheries Research Vessels through full and open competition from responsible United States shipbuilding companies irrespective of size. Any such procurement shall require, as an award criterion, that at least 40 percent of the value of the total contract for the construction and outfitting of each craft be obtained from responsible small business concerns either directly or through subcontracting.

AMENDMENT NO. 3621

(Purpose: To strike the 40 percent SBA set-aside for the fish research vessel procurement)

Mr. THOMAS. Senator SNOWE has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for Ms. SNOWE, proposes an amendment numbered 3621:

On page 13, beginning with "Any" in line 23, strike through line 2 on page 14.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3621) was agreed to.

Ms. SNOWE. Mr. President, I rise in support of H.R. 1651, the Fishermen's Protective Act Amendments of 1999. This bill makes a number of conservation and management improvements to several important fisheries laws. First, it amends the Fishermen's Protective Act of 1967 to extend current law from fiscal year 2000 to fiscal year 2003 so that reimbursement may be provided to owners of U.S. fishing vessels illegally detained or seized by foreign countries. In 1998, there were not any claims filed under this law, but in 1996 and 1997, U.S. vessel owners were reimbursed over $290,000 based on 261 claims for illegal transit fees charged by Canada. Because this provision of the law has expired, the bill will ensure that U.S. vessels who are illegally seized or fined are able to seek reimbursement.

Second, the bill establishes a panel to advise the Secretaries of State and Interior on Yukon River Salmon management issues in Alaska. In 1985, the United States and Canada signed the Pacific Salmon Treaty. This treaty established a framework with which to bilaterally manage their shared salmon stocks. Ten years later, the countries signed an interim agreement regarding management of the stock of salmon in the Yukon River. The United States implemented the agreement on Yukon River salmon through the Fisheries Act of 1995, creating a Yukon River salmon panel and advisory committee.

When the interim agreement expired in 1998, it was unclear whether the advisory panel was still authorized to recommend salmon restoration measures. This bill codifies the Yukon River Salmon Panel, established under the 1995 interim agreement, to advise the Secretary of State on Yukon River Salmon management, advise the Secretary of Interior on enhancement and restoration of the salmon stocks, and perform other activities that relate to the conservation and management of Yukon River salmon stocks. H.R. 1651, as amended, also authorizes $4 million a year for each of fiscal years 2000 through 2003. Up to $3 million of these funds can be used by the Departments of Commerce and Interior for survey, restoration, and enhancement projects related to Yukon River salmon. In addition, the reported bill authorizes $600,000 for cooperative salmon research and management projects in the United States portion of the Yukon River drainage area that have been recommended by the Panel.

Third, the bill, as amended by the Commerce Committee, authorizes $60 million for each of the fiscal years 2002 and 2003 for the Secretary of Commerce to acquire two fishery research vessels. These vessels are one of the most important fishery management tools available to federal scientists. Because they conduct the vast majority of fishery stock assessments, their reliability is critical to fishery management. Species abundance, recruitment, age class composition, and responses to ecological change and fishing pressure can all be studied with these research platforms. The information obtained using them is critical for the improvement of the regulations governing fisheries management.

In New England, there is only one NOAA research vessel—the *Albatross IV*. This vessel is 38 years old, at the end of its useful life, and practically obsolete. Despite this, the vessel continues to collect the survey data that is used for management decisions regarding valuable Northeast fisheries stocks, including cod, haddock and herring. A replacement vessel is crucial to maintaining the existing ability to collect the long term fisheries, oceanographic, and biological data necessary to improve fishery management decisions. According to the Commerce Department, the deterioration of the *Albatross IV* has created an urgent need for a replacement vessel in the Northeast.

Finally, the bill also addresses the use of spotter aircraft in the New England-based Atlantic bluefin tuna (ABT) fishery. Mr. President, in 1998, the Highly Migratory Species Advisory Panel, established under the Magnuson-Stevens Fishery Conservation and Management Act, unanimously requested and advised the Secretary of Commerce to prohibit the use of spotter aircraft in the General and Harpoon categories of the ABT fishery. The use of these planes can accelerate the catch rates and closures in the General and Harpoon categories. In turn, the accelerated catch rates can have an adverse impact on the scientific and conservation objectives of the highly migratory species fishery management plan and the communities that depend on the fishery. Moreover, the use of such aircraft has resulted in an unsafe and often hostile environment in the ABT fishery.

Over two years ago, NMFS issued a proposed rule to adopt the Advisory Panel recommendation. Unfortunately, NMFS has delayed the rule time and again, and ultimately failed to finalize it. Consequently, it has become necessary to take legislative action on the issue. This bill adopts the Commerce Secretary's Advisory Panel recommendation and prohibits the use of spotter aircraft in the General and Harpoon categories of the Atlantic bluefin tuna fishery.

I thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support, especially with regard to the provisions related to the NOAA fishery research vessels and the Atlantic bluefin tuna fishery. Both of these provisions are quite important in New England. I would also like to express my appreciation to Senator McCAIN, the Chairman of the Commerce Committee and Senator HOLLINGS, the ranking member of the Committee for their bipartisan support of this measure. I urge the Senate to pass H.R. 1651, as amended.

Mr. THOMAS. Mr. President, I ask unanimous consent the committee amendment, as amended be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were ordered to be engrossed and the bill was read the third time and passed.

ENERGY COSTS

Mr. THOMAS. Mr. President, we are focusing today on energy and energy costs, which is something of which each of us is certainly aware. I suspect there is more exposure to gasoline prices than any other particular price. As we drive down Main Street in our hometowns, on every block we see a big sign showing the price of gasoline, and it certainly changes.

I wanted to go back a little, however. As the Senator from Arizona mentioned, there is a background here. I think there are several reasons, of course, why we have the price difficulties we have now. It is a complex story. It has to do with global supply and demand. It has to do with technological change and environmental consciousness, the shifting of consumer tastes, and social order. It also, of course, has a great deal to do with restrictions and regulations that have been imposed.

But one of the other things it has to do with is the availability and access to public lands. About 54 percent of the surface of this country belongs to the Federal Government. Most of that, of course, lies in the West. The State ownership in my State of Wyoming is about 50 percent of the total. It goes up to as high as 90 percent of the total in Nevada and Alaska and other States. So the idea of multiple use and access to these lands becomes a very important factor, not only for resources such as oil and gas, but equally important and perhaps even more important, often, for recreation, access for hunting and fishing recreation. We have seen, in recent months, an even more focused effort on the part of this administration to reduce access to public lands, to make it more difficult for the people who own those public lands to have an opportunity to utilize them.

After all, I happen to be the chairman of the Subcommittee on National

Parks. The purpose of a national park, of course, is not only to preserve the resource, the national treasure, but to make it available for the people who own it to use it; that is, the taxpayers of this country. It is true, parks are quite different than BLM lands, quite different than Forest Service lands, but the principle is still there; that we ought to preserve that resource and at the same time have multiple use so its owners can enjoy it for recreation, can enjoy it for hunting or fishing, so the economy of this country and the economy of this particular State can be enhanced by the multiple use of those resources.

As we move into different ways of prospecting for oil and different ways of mining, different ways of using snowmobiles and so on, we find we have a better opportunity, as time goes by, to use those resources without causing damage.

Particularly towards the end of this administration, and it has been stated very clearly by the Secretary of Interior and Assistant Secretaries of Interior, they are going to make a mark here. The President has indicated he would like to change his legacy to be like that of Theodore Roosevelt, who did all these things for public lands. The Secretary himself said: If the Congress is not going to do this, we will go ahead and do it without them.

That is a real challenge to one of the strong principles of this Government, the principle of divided government. We have it divided in the Constitution so we have the executive branch, we have the legislative branch, and we have the judicial branch. We have that separation for a very important reason. That is so none of those three branches is able to assume all the responsibility and all of the authority—and, frankly, very little of the accountability.

What we have seen in the last few months is a movement by the administration to go out on its own and make a bunch of regulations and do things, under the Antiquities Act, which reduce the availability of the lands for people who own them to enjoy them; for example, setting aside 40 million acres of forest lands as roadless. There are several problems with that. I don't particularly have any problem with some of that. We have lots of forest lands in my State, and I am glad we do. My parents' property, their ranch, where I grew up, was right next-door to a national forest. There is nothing I care more for.

But the fact is, we ought to have a system for deciding how we handle these lands. Instead of using the forest plan which is what the system is supposed to be, for instance, in the Black Hills we spent 7 years and $7 million doing a forest plan, and now the bureaucrats here in Washington decide we are going to have a national roadless area, without accommodating the people with an opportunity to discuss it for each of the forests, and without coming to the Congress.

Now there are a series of meetings going on which the Forest Service talks about a lot, but I have attended some of those and the fact is when you go, they are not able to tell you really what the plan is. So no one has a chance to react. So what we have, in effect, is the opportunity to avoid this.

The people I have heard from, who feel very strongly about it—some happen to be disabled persons, some happen to be veterans—say: Wait a minute, we don't need a road everywhere. But we need enough roads to have access so people who cannot walk 17 miles with a pack on their back still have the opportunity to take advantage of that resource that is so important. So I think that is one of the things that is very difficult.

The Bureau of Land Management also put out a ruling on off-road usage. I don't have any problem with that either. We ought not to have four-wheelers going everywhere. We ought not to have roads going everywhere. But we ought to have a plan so people can have access by at least having a road for access. You don't need five roads; I understand that. So there needs to be a plan.

The Antiquities Act is a very important act. In fact, it was very important to my State of Wyoming with respect to the Devils Tower and the Grand Teton National Park; it gives the President the authority to set aside certain lands in special use. Relatively little of that has happened over the last few years, but this President in the last 6 months has set aside hundreds of thousands of acres, without the involvement of anyone. That is not the system. This is the same administration that wants to do an environmental impact statement on everything that is done, so you could have public input. I am for that. I pushed very hard to have the opportunity for local governments to be involved in the decisions that are made and impact their States. There are no such decisions here, just one made by this administration.

Now we have what is called a CARE Act, to take $3.5 billion from offshore royalties and have it as mandatory spending, where the Congress has nothing to do with deciding how use of that money is planned, $1 billion a year to be used for the acquisition of more and more Federal lands. We feel very strongly about that in the West. It doesn't mean there are not pieces of land that need to be acquired, need to be set aside—no one opposes that. But the fact is, if you want to acquire more land in Wyoming, which is already 50 percent Federal owned, why not go ahead and acquire it and then release an equal value of Federal lands somewhere else so you don't have a net gain. That is a reasonable thing to do and we intend to pursue that, in terms of this CARE Act.

The endangered species, again, who argues with endangered species, trying to protect the critters? The fact is, however, there has been no involvement in the listing of the animals; there has been very little opportunity to find a recovery plan. We have had grizzly bears listed now for 10 years around Yellowstone Park. The numbers have far exceeded the goal that was set. But you can talk about habitat forever and they continue to be there. We just have to manage this public land so it is available and useful.

The Clean Water Act, nonpoint-source clean water, has also been used to manage land.

That is where we are. Interestingly, the latest one has been the proposal to ban snowmobiles from Yellowstone Park—in fact, from 27 parks. Again, I don't argue that there needs to be more management of these vehicles so you ought to do something about the noise, ought to do something about the air emissions, ought to do something about separating them so we have a snow team over here, we can have cross-country skiers over here, without interfering with each other. The fact is, the Park Service over 20 years has never done anything to manage this thing.

Now all of a sudden they say: It is not going the way it ought to, so we are going to ban it for everyone. That is not a good way to manage a resource.

We find an increasing bureaucratic self-declaration that they are going to do these things, and if the Congress does not like it, that is too bad. That is not the way this Government is designed to work. Quite frankly, we cannot let that happen.

How does this tie into energy? As I mentioned before, almost 55 percent of public land in the West belongs to the Federal Government. Most of the opportunities for resource development have been on these Federal lands in the West. They have been a very important part of the State economies. They have been a very important part of the natural production.

Over the last several years, it has become more and more difficult, because of regulations and rules, for people to go on these lands and produce resources, even though they very clearly, under the law, have to reclaim the land, whether it is mining or oil wells. We have an increased demand for energy on the one hand and a reduction in production on the other, and we are certainly a victim of overseas production.

Americans consume over 130 billion gallons of gasoline, almost four times as much as 50 years ago. Consumption has grown at a rate of 1.5 percent. That translates to about 8.4 million barrels a day, which is 45 percent of the total oil production. There is increased usage, a reduction in domestic production, and we are at the mercy of OPEC.

It is also interesting that in 1999, the tax component of gasoline was approximately 40 cents a gallon, or about 34 percent of the total cost. Interestingly enough, the price component of a gallon of gas, crude oil, and taxes is about equal: 18.5 cents is Federal and 20 cents is the average State tax that is levied on top.

We also find ourselves with additional restrictions and regulations, put on this year, with making some changes in our policy if we are to deal with this increased demand. Obviously, there are a number of things that ought to be done over time.

We ought to take a look at consumption and continue pushing for high-mileage vehicles and reduce demand.

We need to take a look at domestic production so we are not totally dependent on imported energy.

We need to take a long look at the regulations and see if there are alternatives and whether they can be more economical, and whether, in fact, what we are doing has been thoroughly thought through. I am not sure that has been the case.

I have no objection to taking a long look at the pricing of gasoline as well. It is interesting that there is such a great disparity in prices in different parts of the country. Perhaps there is a good, logical reason for that. If so, we should know about it.

I hope our energy policy does not become totally political. The fact is, we have not had an energy policy in this administration. We have held hearings in our committee, not only with this Secretary of Energy, but the previous two Secretaries of Energy. One says: Yes, we are going to have a policy. The fact is, we do not. The fact is, we have not been able to fully utilize coal. We have not been able to take advantage of nuclear power by stalling in getting our nuclear waste stored. There are a lot of things we need to do and, indeed, should do. It is unfortunate we have not had the cooperation from this administration.

SOCIAL SECURITY

Mr. THOMAS. Mr. President, I wish to talk about a conversation I heard yesterday on the Sunday talk shows. It is too bad that on the Sunday talk shows the issues are not more clearly defined.

This talk show was on Social Security and options, which are clearly legitimate options. The options separate the points of view of the parties and the candidates. I am talking about taking a portion of the Social Security program, as it now exists for an individual, and putting it into his or her private account and investing it in the private sector in equities or in bonds or a combination of the two. The return stays with this person because it is their account.

Out of the 12.5 percent that each of us pay—and each of these young people will pay in the first job they have, and if something does not happen by the time they are ready for benefits, there will be none. We have to make some changes.

One of the changes we can make, of course, is to increase taxes. There is not a lot of enthusiasm for that. For many people, Social Security is the highest tax: 12.5 percent right off the top.

The second change is we could reduce benefits. Not many people are interested in reducing benefits.

The third change is to take those dollars that are put into the so-called trust fund and invest them for a higher return. Under the law, those dollars can only be invested in Government securities which, in this case, is a very low return.

We are talking about taking those same dollars that belong to you and to me and putting them in individual accounts. They can be invested, and the earnings would be part of that person's Social Security payment.

Yesterday, the implication was that would be a part of it, and then we have to fix up Social Security and replace all the money that is put in these private accounts. That is not the fact. The fact is, they are still part of Social Security, but they are yours. You make a decision how they are invested, and then you get your 10 percent, as it always is, plus the return to the 2 percent on top of that, and that represents your benefits.

The lady yesterday representing the Clinton administration indicated we would have to replace all those dollars and go ahead with Social Security as it is. That is just not the fact.

This is an opportunity for us to increase the return, to ensure those dollars and those benefits will be there when the time comes for someone to receive them, and to do that without increasing taxes, without reducing benefits, but by simply taking advantage of the opportunity of a better return on the investment.

A couple of Senators are going to be here shortly. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GAS PRICE CRISIS

Mrs. HUTCHISON. Mr. President, I rise today to talk about an issue that has been discussed by Senator THOMAS, and others, just before I came to the floor. It is also an issue that every American who drives a car has on his or her mind.

No one could fail to see the impact the high price of gasoline at the pump is having on hard-working Americans and American families at the end of June who are looking to take their family vacations. They hope to do it by car. I hope they can, too. But we have a situation with regard to gas prices that has occurred for a number of reasons. And because Congress and this administration have not acted, we have a worse situation than ever.

I will talk a little bit about some of the causes of this. But I do not think we have to dwell on the causes all day because I think we can do something proactive that will begin to be a solution—both a short-term solution and a long-term solution.

First, the causes. Clearly, we have an incredible dependence on foreign oil today. Seven years ago, we had about a 46-percent dependence on foreign oil; today, it is 56 percent; and it is projected to be 65 percent of our oil needs by 2020. So I think it is incumbent on all of us in public office to try to take short-term steps to solve the immediate crisis, particularly in the Midwest, but not without taking long-term action as well.

We have a bill that is pending at the desk today. It is the National Energy Security Act. It would take some steps, putting some things on the table that would make a difference for our country and for the working people of our country who depend on gasoline.

Let's look at some of the causes for the gas price crisis now being seen in the Midwest and elsewhere. The Congressional Research Service has attribute 25 cents of every gallon of gasoline at the pump in certain parts of the Midwest to the reformulated gas phase 2 requirement that the EPA is insisting on imposing beginning June first of this year. These additional costs are the result of the added expense of adjusting the refining process for the new gasoline requirement, particularly when the gasoline is required to be blended with ethanol, as is the case in the Midwest. In addition, there are added costs of transporting the ethanol, which cannot be moved via pipeline, to the sites where the gasoline is blended and distributed. Other additives, such as MTBE, are readily available at the refineries and so you have reduced transportation costs. You can put the MTBE—which was the requirement in the past—in at the refinery and send it to places such as Illinois, Wisconsin, and Michigan—the places that are suffering right now—but the ethanol has to be carried from the agricultural areas, where it is grown, put into a new system in the refineries, and then shipped back to the Midwest. So you are talking about time, shortages, and costs that have added 25 cents per gallon. CRS estimates that an additional 25 cents of the increase in Midwest gas prices is attributable to recent problems with oil and gas pipelines that feed the upper Midwest, which have come at a time when gasoline stocks nationwide are particularly low and when the demand for gasoline is on the rise.

With regard to the EPA requirements, we had hoped the EPA would say, OK, we are facing a crisis right now, so maybe for this summer we can relax those new EPA regulations and go with what has been the regulation of the past.

Secondly, it is very important to realize that each State and many local governments impose additional taxes on gasoline at the pump. It just so happens that many of the midwestern States and cities within those States have higher taxes than the average in the country. The average combined federal and state gasoline excise tax is about 40 cents per gallon. In Chicago, Illinois, however, it is 61.3 cents per gallon. In Milwaukee, Wisconsin, it is 47.2 cents per gallon. So we can see that there are wide differences across the country in taxes of gasoline.

I commend the Governors of these States who are seeing the crisis and responding immediately. The Governor of Indiana has put a moratorium on the State sales tax on gasoline. The Governor of Illinois is calling a special session of the legislature to review taking similar action.

The Federal Government should assist these and other States by repealing, for a time, the 18.4 cents-per-gallon Federal gas tax. If we suspend this Federal tax through Labor Day of this year, that will give relief in addition to the State taxes selected States are giving, and it will give us time to catch up with the EPA regulations and some of the other transportation problems that have caused the rise in gasoline prices. We should follow the lead of these midwestern Governors. That may also encourage other States to follow suit by responding in a similar fashion and giving the American people some much needed relief at the pump.

I would not for one minute suggest we should take the money from that gasoline tax and take it away from the highway trust fund. We need to keep the highway trust fund whole so we can continue to make the improvements in safety and highway construction necessary for the States that depend on those funds.

The on-budget Federal surplus is estimated to be about $60 billion this year. The estimates are going up because in fact we are getting more and more of a surplus. We know we want tax relief for hard-working Americans, and this is in fact tax relief for hard-working Americans, including truckers who are suffering under the increases in diesel fuel costs.

We read stories about our own Coast Guard not being able to patrol the waters, where they are supposed to be doing drug interdiction and patrolling for summer safety. They can't afford the fuel because the prices have gone up so much. We need to give relief across the board, and we need to give tax relief for hard-working Americans.

I am today introducing legislation granting a temporary repeal, through Labor Day, of the entire Federal gasoline and diesel tax. The bill will also ensure that the highway trust fund is made whole. This bill will give hard-working Americans immediate tax relief during the peak summer driving months, those who have to drive to work or who are going to take a family vacation this summer. At the same time we in Congress must act to take the longer term steps that we must take to have an energy policy in this country that makes sense.

Let's talk about that for a minute. This administration is not only adhering to the regulations that make it so hard to drill for oil and gas in our own country, causing hundreds of thousands of jobs to go overseas, but they are also insisting on increasing the oil royalty rates. I fought the increase in oil royalty rates last year and the year before because I was very much afraid we were going to add so much to cost that our domestic drillers would go overseas. In fact, that is exactly what has happened. We are continuing, through this administration, to have increases in oil royalty rates at a time when oil prices have spiked to $30 a barrel.

The fact is, we can't survive on $10-a-barrel oil and we can't sustain the economy on $30-a-barrel oil. That does not make sense for our country. What we need is price stability within a reasonable and sustainable range. The numbers show we are more and more dependent on foreign oil because we make it so hard for the little guys, the marginal well producers, to make it in our country. The big guys are leaving our country in droves because it is more efficient to go elsewhere to drill for oil and gas.

As a matter of fact, just to cite a few real numbers, when oil was $10 a barrel, the little oil and gas producers went out of business in droves: 150,000 marginal oil and gas wells closed—that is out of a total of 600,000—65,000 good paying jobs were lost in this country; communities were devastated.

In one example, in Midland-Odessa, the unemployment rate doubled in 1 year from 5 to 10 percent. School district revenues were hit by $150 million, causing a virtual halt to any new hiring, and in some cases school districts were having to let teachers go in the middle of the term because they could not pay their salaries for the rest of the year. They had to close classrooms because of this crisis when the price of oil was $10 a barrel.

For some reason, when we were having that kind of problem, people weren't as tuned in. What has happened is, when we lost the 150,000 marginal wells, we lost the ability in 15-barrel-a-day wells to match the amount of oil we import from Saudi Arabia every day, because it adds up. We can produce 20 percent of the needs of oil in our country with these 15-barrel-a-day wells.

Just to put that in perspective, a well in Alaska produces on average about 600 barrels a day; a well offshore, over 1,000 barrels a day. We are talking 15 barrels a day for marginal wells.

What I would like to do is have a trigger. If the price goes below $14 a barrel for these 15-barrel-a-day drillers, let us have a tax credit so they will be able to stay in business and keep those jobs, not cap the wells, so that when the price goes up to $17 per barrel or more, those people have stayed in business and will keep producing. That is one part of a long-term strategy that would bring us up to 50-percent capacity for our oil needs every day.

This problem is not going to get better. Dr. Daniel Yergin, the Pulitzer Prize-winning author who is probably the most credible independent oil economist, told a group of Senators and Members of Congress just last week that one of the problems we are facing is an increasing demand because of an increasingly hot economy worldwide.

We know our economy in America is very strong, but that is also the case around the world. That causes more demand on our energy resources. So if we are going to have a policy that we would be dependent on foreign oil only 50 percent, we are going to have to produce oil in our own country and we are going to have to have those little barrels that add up, those little wells that produce 15 barrels a day, that add up to hundreds of thousands of jobs in our country, that support our schools. We are going to have to keep those people in business because they can't make it at $10 a barrel, but they can make it on $17 a barrel.

So if we will treat them like farmers and when we don't have markets, or when the prices are so low that a farmer can't make it, we will try to keep them stable and level. That is what we have been doing in this country for a long, long time. I would like to see us treat our small oil producers in the same way because if there is anything that is crucial to the security of our country, it is at least being able to produce 50 percent of the energy needs of our country in order to have some stabilizing effect. When we depend so much on foreign oil, what happens is they can shut down the supply whenever they want to, and the OPEC countries have clearly done that. That causes a spike because of low supply, high demand, overregulation in our own country, and the unwillingness of this administration to say we are in a crisis. Let's work together to do something about it.

Senator LOTT, Senator MURKOWSKI, Senator DOMENICI, Senator NICKLES, Senator BREAUX, Senator BINGAMAN, and Senator LANDRIEU have all been very proactive in trying to put forward a program that would give us short-term relief and long-term relief for energy in our country. I do want the short-term relief of the 18-cent Federal tax to be paused until after Labor Day for our independent truckers, for our families going on vacation, and for the working people of our country who must use cars to go to and from work. I want that relief, but we must tie it to long-term relief because, if we don't, if things stabilize for the short term, we are still going to be under the thumb of foreign interests; we are still going to face the possibility that another crisis will come. Why not anticipate it and do something proactive now that will provide long-term relief as well as short-term relief?

I am introducing legislation that will provide the short-term relief. We must tie that in with the long-term relief if we are going to do what is right for this country. The National Energy Security Act is pending before the Senate. I hope we will take the action that has certainly been called for with the crisis we are facing. But let's take a longer-term view. Let's try to put some long-term energy policies in place because, certainly, this administration has failed to do so.

If this administration would step up to the line and say: Of course, we are not going to increase our royalty rates at a time like this and say we need a little more time before the phase II ethanol regulations take effect in the major cities—let's try to tamp down this crisis. Let's help the Governors of the Midwest, who are taking State taxes off gasoline for this summer, and take the Federal gasoline tax off as well, make the highway trust fund whole by giving tax relief to hard-working Americans, and let's realize that the security of our country depends on our being able to provide for our own energy needs. It is clear that no matter what we do for our neighboring countries that supply most of the oil and gas we consume in this country, they don't seem to pay back. I think the fact that they will not up their production to meet the demand is wrong; nevertheless, I am not going to whine about it. I am going to take positive action that puts America in charge of our own destiny. That is the responsibility of this Congress, and that is what this Congress must do.

Hopefully, the President will follow our lead and we can do something that is right for America, even if other countries we have helped in the past will not give us a break. We can do what is right for ourselves, and I hope we will.

Thank you, Mr. President.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I note the presence of the Senator from Alabama. I am sure he is here because he would like to speak as in morning business. I know we are going to go to an appropriations bill. I think the bill is open to amendment. In any event, I don't think the Senate would object.

I ask unanimous consent that I may have up to 20 minutes to discuss two matters and, following that, Senator SESSIONS have 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Madam President, the first thing I want to do is congratulate the distinguished Senator from Texas for her speech today. Before she leaves, I say that I summarize the problem we have today in a way that maybe down in your country, with Texas in mind, they might say it this way: The chickens have come home to roost.

The truth is, we have no energy policy, and until something like a crisis occurs, nobody seems to worry about it—in particular, this administration. We have had a ride economically—up, up, and away. Part of it is because oil prices from foreign countries was so cheap, and America was reducing some of its own, and we just decided that there was no worry about becoming more and more dependent on foreign oil.

Look at the facts. While we have had this booming economy, I might suggest to everyone that the unit utilization of petroleum products that make this economy go has come down—not because of anything we did but the high-tech industry uses a little bit less. Nonetheless, we have grown so much that we use far more—as much as 14 percent more—petroleum products now than we did a few years ago. Guess what happened. The foreign countries became our source of supply in ever larger proportions. We were happy-go-lucky when Mexico was starving on $11-a-barrel oil that we were buying from them. They could not pay their debts; we were just gobbling it up, and the American producer was disappearing. The price was so low we closed down the opportunity to drill.

The litany of what this administration has done so we will produce less domestic oil is as long as this sheet of paper; from saying that in big areas in which you could look for oil 10 years ago, you can't look for it anymore because something is more important. Not very much is more important than our growing dependence, as the greatest industrial might in the world, upon the dictates of foreign countries who sell us that tremendous product, without which we fail. At least from what I can tell for the next 35 or 40 years, there is no substitute for it.

I heard recently that this administration has somewhat of a defense because they are going to say: We asked you for some renewable energy research money and you didn't give it to us. I say right here before the Senate that we will take every single proposal this administration has made for renewables—wind, solar, and the like—and submit it to experts. And we will ask them: Would that have changed the crisis of dependence on foreign oil? And, if so, how much? Do you know what it would be? Zero. We don't use those kinds of energies in automobiles anyway.

Frankly, we are getting answers that the way for America to go is to put more in renewable sources and the like. We ought to do that. But if anybody thinks that is a solution to America's growing dependence on foreign oil, they had better take a long sleep because when they finally wake up, they are going to be absolutely surprised that our dependence grew while they took a nap.

The truth of the matter is we had better sit down with the President and decide how we are going to start fixing this.

I want to say right now that it is in the worst condition it could be—less American production; more of our land taken out of production; and more demand from the foreign countries; and they have finally found out how to enforce their agreements. They did not cheat the last couple of times on each other; that is, if Saudi Arabia agreed to X number of millions of barrels, they didn't sell it to someone on the side to flood the market, nor did Mexico, nor did any country in South America.

They are putting just so much oil on a world market that demands more. What do you think happens? The price goes up. It is now past $30 a barrel. It was as low as $10 a barrel. But, in the meantime, nothing is being done for the American producer—large and small—to substantially increase their domestic production.

I am informed enough not to want to leave false impressions. We do not have the wherewithal to totally eliminate dependence. Look at our great Nation. We are going to be dependent on Saudi Arabia, Mexico, and a few other countries that produce for a long time after I have left the Senate, if I am successful in staying here 2 more terms. I don't know how long my good friend, the Senator from Texas, expects to be here. But we are going to be dependent.

Let me predict the next thing. We are going to have brownouts in America, which means the electricity supply to a region of the country cannot quite supply enough because we are exchanging it between areas. Then there will be another hue and cry: Who did that to us?

Just like the answer of this administration today—that it is gouging. They may find some gouging. But that is not going to fix this energy problem.

We are going to have brownouts because we have not been producing enough electricity. We are scared to death to produce it anyway, other than through natural gas, which is the cleanest fuel around. Yet it is a carbon dioxide producer and is a small portion of the problem that we have in the ambient air and the so-called greenhouse effect.

While we hide under the desk and don't want to even discuss nuclear power—which currently supplies 21 percent—it has literally zero greenhouse gases. Eighty-four percent of France's electricity is nuclear. Their ambient air is as clean as a whistle. They are not frightened one bit to have interim storage of nuclear waste.

Here sits the greatest industrial Nation on Earth in a total logjam over the issue of moving forward with just a little bit of the nuclear energy and saying let's temporarily store it, while Europe is doing it without any difficulty and no fear.

Where are we going to get the electricity in the future?

The problem with greenhouse gases is so severe, according to some, that we aren't going to be able to build any coal-burning plants until we clean it up more. Are we going to do every single one in the future with natural gas? Then the citizens are going to wake up and say: What did you do to natural gas prices? Our bill went up in our homes, and now we are coming to Congress and asking them to do something about it.

If you decide to produce all the electricity needs in the future with natural gas, you are going to put a huge demand on American natural gas. Who knows where the price will go? Yet we have literally an abundance of natural gas in the offshore regions of America. We are frightened to death to drill any more wells. Those who do not want to change that one bit because they are scared of environmental things have won their way, and we are not open to the production of natural gas as much as we should.

I close today by saying I believe 7½ years of doing nothing has "come home to roost." We are just going to get around the corner maybe with this election. But I submit this great Nation is in for two big problems: Where do we get our electric-generating power in the future? What do we do about nuclear energy?

We ought to do much about it instead of falling under the table when a small percentage will raise their concerns. We ought to increase the domestic supply of oil so that the world knows we haven't gone to sleep by opening as many areas as we can.

HUMAN GENOMES

Mr. DOMENICI. Madam President, isn't it interesting. I came to the floor today to discuss a completely different subject. I want to do so briefly. It is very difficult to do this because, frankly, there is a great story about it in the United States today.

The National Institutes of Health announced that they have just about mapped the human genome, which means in the future, at a minimum, every known dreaded disease of mankind will be located in our chromosome system by the mapping of the human genome. Where scientists used to take 25 years and devote an entire science department to try to locate where multiple sclerosis came from within the human body, in short order all of those dreaded diseases will be defined in reference to the genetics of the human body, and mutations of that will be discovered as the reason for the diseases. What an exciting thing.

I have not been part of the ceremony, but I started the genome program in Congress. I am very thrilled to find that it has resulted in what we predicted in 1996 and 1997.

I want to tell the Senate a rather interesting story of how the genome got into the National Institutes of Health and how today it is still one-third in the Department of Energy.

A very good scientist who worked for the National Institutes of Health named Dr. Charles DeLisi had been urging the National Institutes of Health to get started with a genome program. He had described its greatness in terms of it being the most significant wellness program mankind had ever seen—wellness. They defied his request and would not proceed. He said: I quit.

He meandered over to the Department of Energy, which had done a lot of research on genetics because they were charged with discerning the effect of radiation from the two atomic bombs that had been dropped on Japan. He joined their department.

He came to see the Senator from New Mexico, who worked for the laboratories hard and long, and said: Why don't we start a genome program in the Department of Energy since the National Institutes will not do it?

I am trying to recap for my future by writing it, and I am putting it together.

But what actually happened was I proposed that the genome program start, and that it start in the Department of Energy.

Guess what happened. The National Institutes of Health heard about it. All of their reluctance disappeared because somebody was about to give the genome project to the Department of Energy. What an easy patsy they became.

They came to the office. Then we went to see Lawton Chiles, the Senator from Florida, who appropriated the science part of this budget. They said: Let's do it together—a little bit for DOE, and a whole lot for NIH. I said: Whatever it takes, let's do it.

Within the next year—1997—we funded the first genome money without a Presidential request. It had come forth, I think, in the Labor-Health and Human Services bill that will be before us today at somewhere around $20 million, maybe $29 million.

We funded it for another year. Finally, the President of the United States funded it in his budget in the third year of its existence. Ever since then, it has been funded in a President's budget and by us. It is up around $129 million or $130 million. I think it is something like that. But they predicted that within 15 years they would map the entire chromosome structure of the human being. Today, they made an announcement. I don't think they are really totally finished. But there is competition afield as to how to use it, and the private sector group is purportedly moving more rapidly.

The NIH and another group of scientists announced at the White House to the American people and the world we have essentially mapped the chromosome system of a human being. We now know the site, the location, the map is there, for discerning what the genes contain with reference to human behavior and human illness.

I predict, as I did at least five times before committees of the Senate from the years 1987 to about 1994, where I appeared more often than any other committee urging we fund the genome project, we are ready today to say the map is there; let's get with it and start using it. We will have breakthroughs of enormous proportions with reference to humankind's illnesses.

I am neither scientific enough nor philosophical enough to know what else it will bring. When we do something of this nature, we bring other questions. There will be problems of abuse, of genetic mapping to decipher people in a society prone to cancer and who therefore will not be hired, unethical research using mutations in ways not good for humankind.

Incidentally, we were aware of that problem from the beginning. Senator Mark Hatfield said: Let's set aside 5 percent—that is my recollection—of the funding to use for education and ethical purposes to try to make sure we are on track. I have not followed that well enough. I am not exactly sure how that is going. We still have some legislating to do in the area regarding uses in research, and legislating with reference to an insurance company taking a whole group of people and saying: We are not insuring you because we know something about your genetics.

Those are serious problems. They are bigger than the problem itself. They could make America angry at this program. We don't want to do that. We want the American people happy that we have put this into the hands of human beings, for wellness purposes. That is our desire, so that people not get dread diseases, or we find out how to cure them when they get them. Genome mapping ought to be heralded as something we did right. I don't know where it goes.

I close today by thanking Dr. Charles DeLisi for bringing this idea from the NIH to my office. Senator Lawton Chiles, now deceased, is the one to whom NIH ran, saying, let's get something going. He and I worked on these projects well together. We got it going in an appropriations bill. I thank him, and I thank many Senators who worked on this, principally in the committee, whose legislation is pending. That is the subcommittee that did most of the work and helped it along, more than any other group in the Congress.

I am delighted to have a chance to speak today.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I love to hear the story Senator DOMENICI tells about helping to make this human genome project a reality. He shared it with me some time ago. It is one of those success stories we can feel good about. It does provide opportunities for health improvement in America in an extraordinary way.

We heard recently remarks by the head of the National Cancer Institute who described one form of leukemia that had been diagnosed, and that certain types of treatments cured 60 percent of the leukemias and 40 percent were not cured; they didn't know why. But after the human genome study, they found out there were actually two different kinds of leukemias, and the treatment served one and not another.

A lot of good breakthroughs are on the horizon, I am convinced.

ENERGY POLICY

Mr. SESSIONS. Madam President, I will share a few remarks at this time about the rise in gasoline prices that are impacting American families. I recently pumped the gas at a gas station in Alabama. I talked to a lot of people. I talked to a young lady who commuted 50 miles plus, every day, to go to college. She talked to me about working part-time and going to college, how much the gasoline prices were eating into her weekly budget, and what she was trying to do to keep those prices down.

It does impact Americans. Gasoline increases hurt our Nation's productivity. It is a transfer of wealth that could be spent on computers, education, better equipment, shoes, food, housing, that has to be spent on a substance for which we previously had paid less. That is a diminishment of our national wealth. It is important and should not be treated lightly.

Over a year ago, we had gasoline in many States, depending on the amount of tax those States imposed, selling at close to $1 a gallon.

Senator HUTCHISON noted most of our gasoline comes from foreign sources. In fact, the Energy Information Agency reports that we are buying 56 percent of our oil on the world market.

Just last year, we were buying oil at $10 a barrel, transporting it across the ocean, refining it, shipping it to gasoline stations and 7–11 type stores, for sale all over America. One could go down to a gas station and buy that gasoline for around $1 a gallon, and 40 cents of that dollar was taxes. So the gas was actually 60 cents a gallon.

People say the oil companies are all evil and horrible, but I think those numbers are pretty good. Madam President, 24 hours a day at virtually any town intersection in America, anyone could buy gasoline, if we take the tax off, for around 60 cents a gallon. That is a remarkable achievement. Go to the same gas station and buy a bottle of water; you will probably pay $3 or more a gallon. The little bottles of water cost 70, 80, 90 cents a bottle. Still there has been a remarkable increase in gasoline prices over the last 12 months.

How did we go from $1 to $1.50, $1.60, $1.70, $1.80, and even $2 a gallon for gasoline? What happened? How did it happen? If we are going to set good policy, we ought to ask ourselves that question.

The main issue is that OPEC wanted more money. The oil-producing group, the cartel, so to speak—Middle East countries including Saudi Arabia along with Venezuela, and others —that overwhelmingly supply the oil to meet world demand, got together and decided they wanted more money. They made a political decision they were going to do certain things, as Senator DOMENICI said, to drive up the price of gasoline. The world economy was coming up, so Asia was using more gasoline, other nations were using more gasoline. So they simply quit producing as much. They reduced their production, and they didn't cheat on one another. It actually worked. They created a worldwide shortage.

The price for a barrel of gasoline, at $11 a year or so ago, rose to over $30 a barrel. It hovers around $30 a barrel now and is more than double today what it was last year at this time. That has driven up the cost of gasoline.

First, we have to understand that. In addition, we are now in a summer vacation time cycle. People take their trips. We use more gasoline in the summer than at any other time. That is another complication. Increased demand creates upward price pressure.

There have been problems with pipelines, and I don't dispute that. Gasoline companies, pipeline companies, the distributors, and the people who actually run the gasoline stations, set the prices as they choose, some of those businesses are catching this rise and perhaps trying to make a few extra cents. It does not surprise me that is the case.

Fundamentally, we have a shortage of supply in this world. The OPEC nations have done that through political action. It is very serious for our economy. There will be a negative impact on our Nation.

How did that happen? When political activities occur, you can only respond, basically, politically. It seems to me, this administration has not been alert at all to the problems we are facing. The Clinton-Gore administration has not understood energy policy. It has effected a series of small steps, really no-growth extremist steps, that have debilitated our own American oil and gas industry, leaving us more vulnerable to a determined OPEC cartel that demands higher prices. That is basically what happened to us.

How are we going to defeat that? It is going to really take political action to use our power against it. Frankly, there are some people in this country—most people who are sophisticated know this—who believe we ought to have higher gas prices. That is the Clinton-Gore Administration's policy for America. They believe if gasoline prices go up, we will drive less, we will buy their kind of small cars, windmills will become more popular, solar panels will be more popular, and that kind of thing will happen. They believe we ought to have higher energy prices.

I believe we ought to support alternative energy sources, but I do not believe we ought to be taxing American people to encourage them to alter their lifestyles, taking money out of their pockets, making them pay more money for gasoline for these agendas. I am concerned about that.

With regard to how it is impacting America, I think it is a fairly simple matter. What is really happening in this country is we are paying 20 cents, 30 cents, 40 cents more a gallon because of OPEC price increases. That is, in effect, a tax on American consumers by OPEC. In effect, when you go to the gasoline station and you buy a gallon of gas, if it is 10 cents, 20 cents, 30 cents, 40 cents more because of their prices they are charging, we are paying them that much more. It is not an economic thing; it is done by their political monopoly cartel power because of our failure to produce energy domestically.

We need to do better to produce more energy in this country. I have to say we have a policy in our Nation, by this administration, that is contrary to that idea. For example, if we are going to increase energy production in America, we need to promote production and exploration. One of the ways we could do this is to open up areas of federal land with proven oil reserves.

We have, in Alaska, an ANWR region with huge supplies of oil. In fact, that region of Alaska, is about the size of the State of North Carolina, and the size of the area where the oil would be produced is about the size of Dulles airfield. It is a very small area, but within that small area they can produce huge reserves of oil. This administration has steadfastly, through vetoes, refused to allow oil production there even though a majority of this Senate has voted for it, as I recall. They do not dare because they think it might have some environmental impact.

Experience shows that today's oil and gas production technology has a minimal negative environmental impact and in ANWR it affects a tiny area. So they have taken that source of oil—oil which could help us compete effectively in the world and stop the transfer of our wealth to Saudi Arabia and give us greater bargaining power—off the table.

There are huge reserves of natural gas in the Gulf of Mexico—huge reserves. Natural gas is one of the cleanest burning fuels we have. Much of our electricity generation is being transferred from coal and other fuels to natural gas because it burns so much cleaner and it is relatively inexpensive. Vice President GORE, in his speeches in New Hampshire during the primary campaign, said that not only did he oppose any further drilling for natural gas in the Gulf of Mexico, but he wanted to cut back on those leases already approved for drilling. I think that is an extremist position. They drill for gas right within the Mobile Bay, my home town. It is a clean substance, compared to oil. Even if it leaks, it evaporates rapidly. It doesn't have the sludge that oil does.

To stop production of gas in the Gulf of Mexico is an extremist position and one which will make us more vulnerable to Saudi Arabia and OPEC. It is not acceptable.

This administration refuses to allow production of oil in the Rocky Mountain area where as much as 60 percent of the land is owned by the Federal Government. They virtually shut off drilling in those areas.

There has been growing interest in coalbed methane production, in which you can drill a well into coal seams and bring out methane gas, a very clean burning gas. New technology has made the production of this clean fuel economically viable, but through environmental regulations which even the EPA does not support, this fledgling energy production source is at risk.

Finally, this administration has steadfastly opposed the use of nuclear power, which Senator DOMENICI mentioned. They refuse to allow us to store waste nuclear fuel, spent uranium fuel rods, in a remote desert tunnel in Nevada, where we used to blow up atom bombs on the surface. It ought to be done. By refusing to allow spent fuel to be safely stored, it compromises our ability to produce more of our energy by nuclear power which produces absolutely zero air pollution. It is a nonpolluting source of power.

France already generates 80 percent of their power by nuclear power. Japan is moving in that direction. We have to realize we need to do more with nuclear power. In fact, in this country, over 20 percent of our power comes from nuclear. But we have not ordered and brought on-line a new plant in over 20 years.

Those are the actions which must be done be done. The policies this administration support are wrong, the consequence of these policies are clear: shortage of energy and higher prices. That is what will occur. That is what is occurring. I think we need strong leadership from this administration to deal with this problem now.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STORMS IN NORTH DAKOTA

Mr. DORGAN. Madam President, today Governor Schafer, from my State of North Dakota, has made a request of President Clinton in the form of a disaster declaration request as a result of substantial damage that has occurred in North Dakota from some huge storms that have rumbled across our State in recent weeks. About a week ago, late in the afternoon, in the Fargo-Moorhead region of North Dakota-Minnesota, huge thunderstorms rolled across the northern plains and dumped 7 to 8 inches of rain on that flat land in the Red River Valley in a matter of 8 hours—7 to 8 inches of rain in 8 hours. This occurred only a week after some regions just 80 to 90 miles North of there received 17 to 18 inches of rain in a very short period of time: 24 to 36 hours. There was an enormous quantity of rain.

These two storm events occurred in the Red River Valley, which is as flat as a table top. There is not a hill in sight. The result was dramatic sheet flooding in every direction. I recently took a tour of some affected regions in northeastern North Dakota—Grand Forks County and Walsh County and other areas, and small communities like Langdon, Mekinock, and a range of other communities. Communities in the region were hit with more moisture than anyone had ever seen in their lifetime in such a short period of time.

As a result, flat fields were totally inundated with water. Roads and railroad lines were washed away. There was one area I traversed in which they had a box culvert that weighed about 2 to 3 tons. The force of the water—which, incidentally, totally inundated these fields—washed out a 2-ton box culvert, and nobody could find it. It was gone. How does one lose a 2-ton box culvert? Yet it was gone.

It is hard to imagine these flooding events unless one sees them personally. We have had two of them in two weeks in the eastern part of North Dakota, and they have been devastating. As a result, the Governor has made a disaster declaration request of the President, a request which I fully support and upon which I hope the President will act with dispatch this week. FEMA is continuing in both of these areas—northeastern North Dakota and also the Fargo region—to do their damage assessments. Sufficient work has been done on the damage assessments for us to know we are going to require some Federal assistance.

Some people say: Why is there Federal help available in the form of disaster assistance? Precisely because there are some events which occur—floods, tornadoes, earthquakes, fires, and so on—that are so large and so significant and cause so much damage that State and local governments cannot possibly deal with the resulting damage.

That is why the rest of the country says: You have had some trouble, let us give you a helping hand. That is what happened during the 1997 floods from the Red River in the Red River Valley which most everyone will remember. That is what happened with the Los Angeles earthquake. That is what happened when the Southern United States experienced substantial tornado and hurricane damage.

We regret we have to come again with a request for disaster assistance, but we do. It is not of our making. It is an act of nature that is quite unusual. I have not, in all of my life, seen a circumstance where, in a period of 24 to 36 hours, we had 17 to 18 inches of rainfall in a very small area. We are a semiarid State. We get 17 inches of rain in a year in North Dakota on average. Yet a week ago today, Fargo and Moorhead received 7 to 8 inches of rain in a matter of 8 hours and, as I said, 90 miles north of there, they received 17 to 18 inches in some parts in a matter of 24 to 36 hours. One can imagine the devastation that causes.

We are trying to wrap up a supplemental appropriations bill probably by tomorrow evening. The hope is that it gets filed tomorrow evening. Both sides want to get it to the President for his signature by the end of this week. It will be attached to the military construction bill.

I am working with my colleagues on the Appropriations Committee to make certain these flood events are mentioned in the context of that supplemental bill. I expect FEMA already has the resources with which to deal with this, if and when the President declares a disaster.

I wanted to bring to my colleagues' attention the request the Governor of North Dakota has made. My expectation is the President will move quickly to respond to it, and my concern is that we do everything we can not only to deal with the issue of infrastructure damage to public buildings, and there is substantial damage in those areas—roads, buildings, water and sewage systems—but also that we are able to be helpful to family farmers, many of whom have lost virtually all of their crops, crops they dutifully planted this spring with such great hope and now have been completely decimated by these sheet floods.

My colleagues and I who come from this region of the country will continue to work on all of these issues. We are joined by our colleagues from the State of Minnesota because all this occurs on the North Dakota-Minnesota border.

ENERGY

Mr. DORGAN. Madam President, I want to talk about the issue of energy supplies and the debate over energy. I noticed today a number of Senators came to the floor of the Senate, and they waved their arms and raised their voices a bit and railed about energy: Lord, we should know what is going on here, they say. We have the OPEC cartel, yes, but we also have an administration that does not have an energy policy, and woe is us.

This is not brain surgery. This is not complicated at all. We have a cartel called OPEC that controls a substantial amount of the oil that is exported to this country, and they decided to decrease production. When they did, prices began to go up.

More than that, we also have the largest oil companies in this country and around the world merging. Exxon, Amoco, BP, are all merging. We have larger oil companies and a circumstance of a cartel supplier, and now people who go to the gas pumps are paying higher and higher energy prices.

I do not hear any discussion about whether the energy companies may have played a role in this. Does anybody understand how, when you get larger, you also have the opportunity to manipulate prices? I think you do.

Is a major part of this problem the OPEC cartel? You bet your life it is. But I think another part of this problem is we do not understand pricing policies of energy companies that have become larger and larger. We need to know that. That is why I fully support the Federal Trade Commission's investigation, and why I believe the Justice Department ought to be part of the same investigation.

I find it interesting, as the oil companies become larger and continue to oppose ethanol production, Congress has still not done nearly enough to promote the kind of energy supplies that are renewable—wind energy and others. We ought to get, in my judgment, a wake-up call from these oil prices that we are held hostage by the OPEC cartel. We are a growing economy and produce and use a substantial amount of energy, but we are far too dependent on OPEC countries.

If one looks at production of energy, it does not matter who is in the White House—a Republican or Democratic administration—we see that same line, and the line is not going up, it is marginally going down. We need an energy policy that is a Republican and Democratic energy policy, not one about which one side continues to wave and rail about the other side. We need a bipartisan energy strategy that recognizes this country should not be beholden to an OPEC cartel for its energy supplies. Not to do so means we put ourselves at risk, we put our economies at risk, and put the American people at risk when, in some cases, they cannot purchase the energy they need.

A PRESCRIPTION DRUG BENEFIT IN MEDICARE

Mr. DORGAN. Madam President, I want to talk about the subject that is going to be front and center in the Congress this week, the issue of a prescription drug benefit and Medicare. There are stories in today's papers—the Washington Post, the New York Times, and others—in which the chairman of the National Republican Congressional Committee is quoted as saying that there is a belief that his party, meaning Congressional Republicans, need to do something on the issue of prescription drugs. He says, "It's a great issue—no question it polls well."

Another member from the other side of the aisle said: "We're going to use the marketplace pressure to solve the problem, which is much better than the government program."

In other words, the majority party feels they have to bring a bill to the floor addressing the need for prescription drug coverage because the issue polls well. So they are going to bring an illusory bill to the floor of the House this week that requires private insurance companies to offer an insurance policy that helps people pay for their prescription drugs. The catch is that the insurance companies say they cannot offer such a policy. Officials from two companies have come to my office and told me that, to offer a policy with $1,000 in benefits, it would cost $1,200.

I come from a rural State. In rural States, a recent study shows that rural Medicare beneficiaries pay 25 percent more out-of-their own pockets for prescription drugs than do urban beneficiaries. Of course, rural areas are shrinking. Many have seen the movie "Four Weddings and a Funeral." In rural areas of my State, ministers tell me they have four funerals for every wedding because the population is getting older and the younger people are moving out.

And those senior citizens living in rural areas are the ones who are paying the highest prices for prescription drugs.

And many of them cannot afford the drugs they need. They have heart trouble, diabetes, and a range of other problems. Their doctors say: You need to take this miracle medicine, this lifesaving drug, to help you live a better life. And they say to their doctors: I can't afford it.

We need to do two things. First, we need to add a prescription drug benefit to the Medicare program, and second, we need to put downward pressure on drug prices.

I thought I might, with my colleagues' consent, show on the floor of the Senate a couple of pill bottles that illustrate part of the problem. Here are two bottles for a prescription drug called Zocor used to lower cholesterol. This is the same tablet, in the same strength, made by the same company, probably made in the same manufacturing plant. If you buy Zocor in Canada, it costs $1.82 per pill. But if you buy the same drug—the same pill, made by the same company—in the United States, it costs $3.82 per pill.

Let me say that again. If you are a Canadian, you pay $1.82 for Zocor; if you are an American, you pay $3.82, more than twice as much. Why? Because the big drug manufacturers have decided they want to charge the American consumer more than twice as much.

One other example, if I might. Here are bottles of Zoloft. Zoloft is a common prescription drug used to fight depression. If you buy this medication in Canada—the same pill, in the same strength, by the same drug company—it costs $1.28 per pill. But if you buy it in North Dakota, it costs $2.34 per pill. The Canadian pays $1.28; the American pays $2.34, 83 percent more.

I have other examples, but I think you get the point: American consumers pay the highest prices in the world for their prescription drugs. These are the prices that our current marketplace have achieved. Why should an American citizen have to go to Canada to buy a drug that was produced in the United States in order to pay half the price that is charged in the United States? The answer is that they should not have to do that.

I think these examples illustrate why, when those on the other side of the aisle say "we're going to use the marketplace pressure to solve the problem," this marketplace approach just is not going to work. We need a real prescription drug benefit added to the Medicare program. What we do not need is an illusion of a benefit where we tell private insurance companies to sell a policy they say they can't underwrite and won't sell.

That is not good public policy. Maybe the polls show that Medicare prescription drug coverage is a popular issue, but you do not solve a problem, no matter how popular an issue, by coming up with a solution that does not work.

We need to add a prescription drug benefit to the Medicare program in a way that is sensible and thoughtful and workable. And, second, as we do that, we need to put some downward pressure on prescription drug prices.

It is not fair, right, or reasonable that the American consumer ought to pay double the price for the same drug, put in the same bottle, manufactured by the same company. That is not fair. The common medications that senior citizens so often need—to treat their heart problems, diabetes, arthritis, and so many other difficulties—have been increasing in cost at a dramatic rate.

I am not talking about creating price controls, but we need to do something to put some downward pressure on prices. One thing we should do is pass legislation that I have introduced, along with Senator SNOWE, Senator WELLSTONE and others, that will allow American consumers to have access to these drugs from anywhere in the world, as long as they are FDA-approved with safe manufacturing standards. This legislation, the International Prescription Drug Parity Act, will allow Americans to access these drugs from anywhere in the world at a lower price.

If we eliminate the legal obstacles that currently exist and allow pharmacists to purchase these medications from other countries on behalf of their American customers, the pharmaceutical industry will be forced to reprice their drugs in this country.

In short, I wanted to come to the floor to make the point that we must put a prescription drug benefit in the Medicare program, but we must do it in a way that works. We should not do this just so some will be able to go home to their states and say: We passed prescription drug coverage, didn't we? That might provide some self-satisfaction but it does nothing for the millions of Medicare beneficiaries who need prescription drug coverage. And finally, as we develop this legislation, we need to acknowledge that drug pricing is unfair in this country and do something to put some downward pressure on prescription drug prices.

ANNIVERSARY OF THE U.N. CHARTER

Mr. GRAMS. Madam President, fifty-five years ago, the members of the United Nation's founding delegation met in San Francisco for the signing ceremony that created the U.N. There was great anticipation and a collective enthusiasm for this new, global institution. Delegates spoke of hope, of expectation, of the promise of peace. President Truman echoed the thoughts of those founding members when he told the delegates they had, "created a great instrument for peace and security and human progress in the world." Fifty-five years later, the United Nations is struggling to meet its potential.

As Chairman of the International Operations Subcommittee which has U.N. oversight responsibilities and having been appointed by the President to serve two terms as a Congressional Delegate to the U.N., I have focused significant attention on the United Nations. On the anniversary of the signing of the U.N. Charter, I think it is appropriate to take time for us all to reflect on that important institution.

The U.N. is making headway in implementing reforms, and I believe that is due in a large part to the efforts of the U.S. Congress. According to GAO, the U.N. has made substantial progress in restructuring its leadership and operations. It has also created a performance-oriented human capital system. Unfortunately, however, there is no system in place within the U.N. to monitor and evaluate program results and impact. In other words, the U.N. undertakes numerous activities on social, economic, and political affairs, but the Secretariat cannot reliably assess whether these activities have made a difference in people's lives and whether they have improved situations in a measurable way. I look forward to working with the U.N. to make sure in the future it will not just believe it is contributing to positive change, it will know it is doing so. As Secretary-General Annan noted, "a reformed United Nations will be a more relevant United Nations in the eyes of the world."

In the area of peacekeeping, the U.N. is clearly in crisis because many countries, including the U.S., keep calling on the U.N. to take on missions it is not capable of fulfilling. The U.N. can play a useful role in building coalitions to address matters of international security, as we saw in the Persian Gulf War. Moreover, the U.N. has the ability to effectively conduct traditional peacekeeping operations, such as those in Cyprus and the Sinai Peninsula. Unlike NATO and other regional military forces, however, the U.N. is only successful when it takes on limited missions where a political settlement has already been reached, hostilities have ceased, and all parties agree to the U.N. peacekeeping role. The U.S. must be careful not to set up the U.N. for failure. We risk ruining the U.N.'s credibility if we insist on a more robust peace making role for U.N. forces. In Sierra Leone, a feel-good U.N. operation with no impact on keeping civilians safe and with "peacekeepers" held as hostages sounds a lot like a replay of U.N. forces in Bosnia. I had hoped the U.N. learned its lessons since that terrible time.

As we celebrate the anniversary of the signing of the U.N. Charter, we should celebrate the success of the U.N. without turning a blind eye to its failings. We should recommit ourselves to making sure the U.N. continues to reform. We should make sure our nation doesn't push the U.N. to do more than it can do effectively. If we do nothing, and in fifty-five more years the United Nations collapses under its own weight, then we will have only ourselves to blame.

VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Madam President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

June 26, 1999:

Kevin S. Bonner, 28, Chicago, IL;
Danny R. Davis, 35, Chicago, IL;
Sharon Duberry, 35, Gary, IN;
Weldon Ellingson, 79, Cedar Rapids, IA;
William Ernest, 34, Philadelphia, PA;
Marilyn Freestone, 57, Cedar Rapids, IA;
Estella Martinez, 40, San Antonio, TX;
Willie Palmer, 29, Baltimore, MD;
Ruben Ruvalcaba, 22, San Antonio, TX;
Anthony Scott, 22, Bridgeport, CT;
Carlos Sermiento, 22, Dallas, TX;
Chau Tran, 17, Lansing, MI;
Julio A. Vincencio, 18, Chicago, IL;
Mose Penn Warner, 82, Louisville, KY.

In addition, Mr. President, since the Senate was not in session on June 24 and June 25, I ask unanimous consent that the names be printed in the RECORD of some of those who were killed by gunfire last year on June 24th and June 25.

June 24: James Bailey, 21, Kansas City, MO; Kurt Chappell, 38, Cincinnati, OH; Philemon Epepa, 48, Houston, TX; Dana Fowlkes, 28, Baltimore, MD; Deslond Glenn, 17, Forth Worth, TX; Antonio Hernandez, 32, Houston, TX, John Kerr, 28, Memphis, TN; Max James Langley, 74, Mesquite, TX; Angelo Lard, 32, Detroit, MI; Mary Jane Noonan, 37, New Orleans, LA; Tull Rea, Sr., 89, Dallas, TX; Edwin A. Vazquez, 23, Chicago, IL; Unidentified male, 20, Newark, NJ.

June 25: Mona Lisa Castro, 28, Fort Worth, TX; Joe T. Harp, Pine Bluff, AR; Lavar R. Knight, 19, Chicago, IL; Millard Courtney Sauls, 25, Washington, DC; Latrice Spencer, 22, Louisville, KY; Fred Warren, 18, Miami-Dade County, FL; Quintrale Williams, 38, New Orleans, LA; Unidentified male, 16, Chicago, IL.

REMEMBERING THE FORGOTTEN: KOREA 1950–1953

Mr. ROCKEFELLER. Madam President, yesterday was the 50th anniversary of the beginning of the Korean War, an often overlooked, yet very important event in history. "Forgotten" is a term used too often about the Korean War; for veterans and their families, the war is very real, and something they can never forget.

Officially, the war was the first military effort of the United Nations, but American involvement was dominant throughout the conflict. Thousands of Americans traveled to a distant land to help defend the rights of strangers threatened by hostile invasion. Unfortunately, many who fought bravely to aid the Koreans lost their lives while waging the war.

Today, I want to pay homage to all who served in this war. The troops from the United States and the 20 other United Nations countries who provided aid to the South Koreans deserve our great acclaim every day, but even more so on this special anniversary. These great countries united to preserve the rights of South Korea, a small democracy threatened by the overwhelming power of the Communist government. South Korea did not have sufficient military resources to protect its interests. Fortunately, the United Nations member countries were not about to sit back and watch North Korea, with the aid of China and the Soviet Union, annihilate the democracy in the south.

On June 25, 1950, troops from Communist-ruled North Korea invaded South Korea, meeting little resistance to their attack. A few days later, on the morning of July 5th—still Independence Day in the United States—Private Kenny Shadrick of Skin Fork, West Virginia, became the war's first American casualty. Kenny was the first, but many more West Virginians were destined to die in the conflict—in fact, more West Virginians were killed in combat during the three years of the Korean War than during the 10 years that we fought in Vietnam. In one of the bloodiest wars in history, 36,940 more Americans would lose their lives before it was all over. In addition, more than 8,000 Americans are still missing in action and unaccounted for.

Five years ago, we dedicated the Korean War Memorial on the Mall in Washington, DC. This stirring tribute to the veterans of this war poignantly symbolizes the hardships of the conflict.

The Memorial depicts, with stainless steel statues, a squad of 19 soldiers on patrol. The ground on which they advance is reminiscent of the rugged Korean terrain that they encountered, and their wind-blown ponchos depict the treacherous weather that ensued throughout the war. Our soldiers landed in South Korea poorly equipped to face the icy temperatures of 30 degrees below zero, their weaponry outdated and inadequate. As a result of the extreme cold, many veterans still suffer today from cold-related injuries, including frostbite, cold sensitization, numbness, tingling and burning, circulatory problems, skin cancer, fungal infections, and arthritis. Furthermore, the psychological tolls of war have caused great hardship for many veterans.

As a background to the soldiers' statues at the Memorial, the images of 2,400 unnamed men and women stand etched into a granite wall, symbolizing the determination of the United States workforce and the millions of family members and friends who supported the efforts of those at war. Looking at the steadfast, resolute faces of these individuals invokes in the viewer a deep admiration and appreciation for their importance to the war effort.

Author James Brady, a veteran of the Korean War, spoke for all those who served in the war when he wrote, "We were all proudly putting our lives on the line for our country. But I would later come to realize that the Korean War was like the middle child in a family, falling between World War II and Vietnam. It became an overlooked war." Mr. Brady conveys the sentiments of many of the veterans who served in this war and underscores our need to give these veterans the recognition they are long overdue.

Today, I salute the courage of those who stood up for democracy while fighting for the freedom of strangers. Through their unselfish display of determination and valor in the battles they endured, they sent an important message to future generations. I thank our Korean War veterans; their bravery reminds us of the value we put on freedom, while their sacrifices remind us that, as it says at the Korean War Memorial, "Freedom is not free."

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, June 23, 2000, the Federal debt stood at $5,646,605,711,994.02 (Five trillion, six hundred forty-six billion, six hundred five million, seven hundred eleven thousand, nine hundred ninety-four dollars and two cents).

One year ago, June 23, 1999, the Federal debt stood at $5,594,432,000,000 (Five trillion, five hundred ninety-four billion, four hundred thirty-two million).

Five years ago, June 23, 1995, the Federal debt stood at $4,887,614,000,000 (Four trillion, eight hundred eighty-seven billion, six hundred fourteen million).

Twenty-five years ago, June 23, 1975, the Federal debt stood at $525,118,000,000 (Five hundred twenty-five billion, one hundred eighteen million) which reflects a debt increase of more than $5 trillion—$5,121,487,711,994.02 (Five trillion, one hundred twenty-one billion, four hundred eighty-seven million, seven hundred eleven thousand, nine hundred ninety-four dollars and two cents) during the past 25 years.

TRIBUTE TO LUCY CALAUTTI

Mr. DORGAN. Madam President, here in Washington, DC, administrations come and go, Members of Congress and their staff pass through at an increasing pace. It often seems that many of the people that we know are on their way to someplace else.

With all this change, we cherish the points of stability in our lives, and among these are the professional staff members who have been with us for the long haul. These are the people who could have gone elsewhere and earned more money, but they chose to stay and work in public service. They are the silent heroes here in Congress. They keep the process moving; their invisible stamp is upon all our work in public policy. We depend upon them more than we like to say.

Lucy Calautti is one of those key staff members who makes things happen here in the United States Senate.

Lucy has worked with me for over 25 years, first in my role as an elected State official in our State Capitol in North Dakota, then in the U.S. House of Representatives and now the U.S. Senate. During much of that time she has been my Chief of Staff.

Lucy goes about her work with an energy, focus, and high-spirited competence that people who deal with her have come to know well. For me, Lucy has been a treasure. I have had the great luxury of knowing that when I leave the office to travel to North Dakota, the work here will continue to be directed by a real leader.

Lucy is a true original. She is practical and idealistic, a patriot and an ardent advocate of women's rights. When she graduated from high school in Queens, New York in the 1960s, she went right into the Navy to serve her country. That was not exactly the most popular thing to do back then. When she left the service she came to North Dakota and enrolled in North Dakota State University to get her Masters degree.

I hired Lucy in 1974, and during all of those years she has brought passion and conviction to her work. No problem has been too small or too big. If it concerned the people of North Dakota and our country, then Lucy would tackle it until it got resolved.

One of Lucy's passions has been Major League Baseball. For years she and her husband, Kent, have taken a weekend or two in February to catch a part of Spring training in Florida. It's true she has suffered over the years as an ardent New York Mets fan. But for years I have watched the autographed baseballs on her desk form a rising pyramid in their plastic cases. I had a sense where this stack was heading.

And now, not surprisingly, Lucy is going to leave my office this week to become the head of Government Relations for Major League Baseball. I am sad, but I am happy, too. America's national pastime is gaining a tireless advocate here in Washington. No one deserves this opportunity more than Lucy, and no one could do a better job.

Such passages are common here in Washington, but that does not make them any easier. I just wanted to take a few moments to express my appreciation to Lucy Calautti, on behalf of all the people of my state, for a job well done. We wish her well.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4577, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

McCain amendment No. 3610, to enhance protection of children using the Internet.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 3625

(Purpose: To implement pilot programs for antimicrobial resistance monitoring and prevention)

Mr. COCHRAN. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself, Mr. KENNEDY, and Mr. FRIST, proposes an amendment numbered 3625.

Mr. COCHRAN. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, before the colon on line 4, insert the following: ", and of which $25,000,000 shall be made available through such Centers for the establishment of partnerships between the Federal Government and academic institutions and State and local public health departments to carry out pilot programs for antimicrobial resistance detection, surveillance, education and prevention and to conduct research on resistance mechanisms and new or more effective antimicrobial compounds."

Mr. COCHRAN. Madam President, I offer this amendment to H.R. 4577, the Labor, Health and Human Services, and Education appropriations bill to implement pilot programs for antimicrobial resistance monitoring and prevention.

Antimicrobial resistance has become a worldwide problem. Emerging, drug-resistant infections threaten the health and stability of countries across the world. Diseases such as malaria and tuberculosis have become resistant to treatment in many countries, and we are beginning to see these drug-resistant infections reemerging in the United States.

Here in the U.S., resistance is developing in both large, urban areas and rural communities. We are seeing widespread resistance develop to common drugs such as Penicillin. Some microbes are even becoming resistant to our last line of therapy, Vancomycin. We are approaching the point where such common ailments as a sore throat or an ear infection could become life threatening. The problem is not limited to a certain line of microbes. We are seeing the development of resistance in all major groups of microorganisms—viruses, fungi, parasites, and bacteria.

We must address this problem on several levels. We must build our public health infrastructure for both surveillance of and response to resistance and outbreaks. We need to educate practitioners and patients in the responsible use of antimicrobials, and we need to continue to invest in research on the mechanisms of resistance and the development of new treatment.

This amendment begins to address the global threat posed by antimicrobial resistant infections. We must aggressively act over the course of the next several years to avert the situation of a half century ago when infectious diseases were the greatest threat to human health.

Specifically, this amendment provides $25 million to be available through such centers as the Centers for Disease Control and Prevention for the establishment of partnerships between the Federal Government and academic institutions and State and local public health departments to carry out pilot programs for antimicrobial resistance detection, surveillance, education, and prevention, and to conduct research on resistance mechanisms and new or more effective antimicrobial compounds.

For the information of the Senate, authorizing legislation is being introduced and referred to the Health, Education, Labor and Pensions Committee. The purpose of the new legislation, which is being sponsored here in the Senate by the Senator from Tennessee, Dr. FRIST, and the Senator from Massachusetts, Mr. KENNEDY, will provide a framework of legislative authorization for activities and appropriations of dollars such as that reflected by this appropriations bill amendment. I also am pleased to have the cosponsorship on this specific amendment of Senator KENNEDY and Senator FRIST, as well.

I am hopeful the majority leader will be able to permit us to announce that a vote will occur on this amendment as the next order of business for the Senate. It will not likely occur today but probably tomorrow at sometime to be announced by the leader. I hope we will be able to make that announcement for the information of all Senators very soon.

The funding that is provided as an addition to that included in the bill for microbial research into resistance to diseases, viruses, and illnesses is a matter that is emerging as one of the most serious challenges we face in medical science today. I am hopeful the Senate will approve this amendment and increase the funding for this important area of inquiry.

Madam President, I ask unanimous consent to proceed as in morning business to discuss two related pieces of legislation for the Department of Education that I will introduce today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. COCHRAN pertaining to the introduction of S. 2788 and S. 2789 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COCHRAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. COCHRAN. I object, Madam President.

The PRESIDING OFFICER. Objection is heard.

Mr. COCHRAN. I will find out what is going on, and I may withdraw my objection. So I will reserve the right to object at this point, and I will ask the distinguished Senator a question or two.

There is a consent request that I am told was being circulated on both sides of the aisle to have a vote on the pending amendment that I have offered at a time certain. In fact, it would occur at 9:40 a.m. tomorrow and would provide for some remarks to be made before the vote. I would like to know whether or not we can expect to get consent to that proposed agreement before permitting the amendment to be set aside and proceeding to another amendment and possibly never getting back to the pending amendment. That is the purpose for my concern.

Mr. REID. Madam President, we have the proposed unanimous consent agreement here and we are giving it every consideration. I thought it would be more appropriate, in that we are trying to move the bill along, to try to get some amendments offered and get them out of the way. We have dozens of amendments on this bill of which we need to try to dispose. We in the minority certainly have no problem with having a vote in the morning. It is just that we have some people to check with before we agree to the unanimous consent request. We would be happy to schedule votes on my amendments. We are not trying to avoid votes. We are happy to get votes.

Mr. COCHRAN. Why don't we get consent on the agreement——

Mr. REID. Because I don't have authority to offer my approval of the agreement at this time.

Mr. COCHRAN. I don't have the authority to set aside my amendment and proceed to other matters until we get consent. So we have a problem.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I also want to make sure everyone understands that we are trying to offer amendments to move the bill along. We don't want people to be complaining that people are trying to slow up movement of this bill. There is no problem at all with having the vote sometime tomorrow. As you know, there are scores of amendments that are going to be offered. We need to have a number of votes. What about if we had that vote at noon tomorrow rather than 9:40? Would the Senator agree to that?

Mr. COCHRAN. Madam President, I don't have any indication from our leadership as to what alternatives would be available to substitute for the consent being circulated.

Mr. REID. If my friend will check, that would be good.

Mr. COCHRAN. We will find out an answer and get back to you.

Mr. HARKIN. If the Senator will yield, I just saw the unanimous-consent request, I might say, and there is a part in there—I don't mind the time, but there is a clause that says "with no second-degree amendments in order." I am checking to find out whether or not that is going to be standard fare for the remainder of this bill. I support the Senator's amendment, but if we have a unanimous consent where some don't get an opportunity to offer second degrees and others do—we ought to play under the same rules is what I am saying. I ask the minority whip whether or not we are going to do that.

Mr. REID. Madam President, that certainly is a question. That is one of the reasons we were holding off agreeing to this. I say to my friend from Mississippi, it appears we can agree to his amendment. It appears what is happening here is the majority wants a vote sometime tomorrow morning. If we agree to the Senator's amendment, how about having a vote on one of my amendments in the morning?

Mr. COCHRAN. If the Senator will yield, he is negotiating with the wrong guy. He is down the hall. I will show you the direction how to get there. I am the author of this amendment and that is about as high as I get in this discussion. I appreciate Senator REID's support for the amendment, and also Senator HARKIN's support. If it were up to the three of us, we could probably get this worked out.

Mr. REID. Maybe we can have our very competent staff walk down the hall and discuss that. In the meantime, I will speak about my amendment, and if it is appropriate at a subsequent time to offer it, I will do so.

I also extend my appreciation to the Senator from Mississippi, who is always so cordial and easy to work with. I recognize that we all have things to do, sometimes over which we have no control. It happens to me all the time.

I have spent a lot of time in hospitals in the last 10 or so years because of the illness of my wife. She is doing very fine now, but she has spent a lot of time in the hospital. Last August, she spent 18 days in the hospital. Prior to that, she spent a month in the hospital.

During her hospitalizations, the one thing I recognized more than anything else was the extremely important work of nurses. I understand how we depend on the doctors and that they are lifesavers, to say the least. But the personnel who are underappreciated and undercompensated are nurses. They work so hard and do so much for so little. We need to do more to protect nurses, and the amendments that I am going to offer, when I have that opportunity, relate to nurses.

First of all, I am going to offer an amendment that is going to recognize how dangerous nurses' work is. Nurses spend every day of their lives afraid that they are going to be stuck by mistake with a needle.

One of my amendments would allow the Secretary of Labor to amend OSHA's blood-borne pathogen standard to require that employers use needleless or safe needles and to require that employers create a sharp injury log to keep detailed information about on-the-job needle-stick injuries.

My second amendment would establish a new clearinghouse within the National Institutes of Occupational Safety and Health to collect data on engineered safety technology designed to prevent the risk of needle sticks. I have worked with the Senator from California, Mrs. BOXER, for a number of years on this problem. This amendment would relate directly to that problem.

Keep in mind that needle sticks occur routinely. About 600,000 needle sticks occur in America every year—not 60,000, not 600—600,000. Every 39 seconds, a nurse in America is accidentally stuck with a needle. This is a tremendously difficult problem. We could give example after example. I know we don't want to do that. But I am going to give a couple of examples.

In October 1997, a woman from Reno, NV, by the name of Lisa Black, a registered nurse, was nursing a man who had a terminal case of AIDS when a needle that had been used on him accidentally stuck her. Today, she is a very sick woman. She is infected not only with HIV, but she also has hepatitis C. Lisa Black, who was a totally healthy person prior to that day in October 1997 when she was accidentally stuck in the hand with a needle, now takes 22 pills a day to keep her HIV infection from progressing to full-blown AIDS and to delay the effects of hepatitis C.

Karen Daley is a nurse from Massachusetts. In fact, she is presently in a nurses association in Massachusetts. She had been a nurse for more than 20 years when she sustained a needle-stick injury when she reached her gloved hand into a needle box to dispose of the needle from which she had drawn blood. She was stuck with another needle.

Just last week, in testimony before the House Subcommittee on Workforce Protection, Karen Daley described how the needle-stick injury caused her to contract both hepatitis C and HIV, which changed her life. I quote from part of her testimony.

> In the first year of my treatment I took a daily regimen that consisted of 21 pills a day and an injection that caused a wide range of side effects, among them: weight loss, nausea, loss of appetite, hair loss, headaches, skin rashes, severe fatigue and bone marrow depression. To say these side effects interfered with my normal day-to-day routine is a gross understatement. The single moment when my injury occurred 18 months ago has changed many other things for me. In addition to the emotional turmoil it has created for myself, my family, my friends, my colleagues—it has cost me much more than I can ever describe in words. As a result of my injury, I have given up direct nursing practice, work that I love.

Karen Daley did everything in her power and took all the necessary precautions—including wearing gloves and following proper procedures—to reduce risk of exposure to bloodborne pathogens. Her injury did not occur because she was careless or distracted or not paying attention to what she was doing.

These needlesticks just occur. Karen Daley has good reason to believe that had a safer needle and disposal system been in place at her hospital, she would not be sick today. According to the CDC, eighty percent of all needlestick injuries can be prevented through the use of safer needles.

Senator BOXER and I have introduced legislation that would dramatically reduce the risk of needlestick injuries by requiring hospitals and health-care facilities to use safe needles and keep better track of needlestick injuries.

When I offered this bill as an amendment last year, many of my colleagues, including the chairman of the HELP Committee, assured me that they were concerned about this problem and were committed to working on it.

Another year has passed, and still, nothing has been accomplished.

In the year since I offered this amendment,there have been approximately 600,000 accidental needle wounds—that is one injury every 39 seconds.

If we don't do something this coming year, there will be 600,000 more needle sticks, and a number of them will wind up as did Karen Daley and Lisa Black—infected with HIV, hepatitis C, and other debilitating diseases.

The actual number of needlestick injuries is probably much higher, because these injuries are considered to be widely under-reported. Several studies show needlestick under-reporting rates of between 40 and 90 percent.

We could have over 1 million needle sticks every year instead of every 39 seconds and every 15 seconds. Some people do not report their injuries.

The longer we wait, the more people—nurses, housekeeping staff, and anyone who handles blood, blood products, and biological samples—will be at risk of contracting a number of debilitating, if not deadly, diseases.

There are more than a score of diseases we know of to which nurses and other related personnel are subject to being infected. I mentioned HIV. Hepatitis B and C and malaria may be transferred from just a speck of blood—a very small amount of blood.

Despite the fact that safer devices have been available since the 1970s and that we know that more than 80 percent of needlestick injuries can be prevented through their use, fewer than 15 percent of U.S. hospitals have switched over to these safer devices, except in states that have enacted laws requiring them.

My amendments would ensure that the necessary tools—better information and better medical devices—are made available to front-line health care workers in order to reduce the injuries and deaths that result from needle sticks.

My amendment would establish a new clearinghouse within NIOSH to collect data on engineering safety technology designed to help prevent the risk of needle sticks, would allow the Secretary of Labor to amend OSHA's blood-borne pathogen standard to require employers to use needle-less or safe needles, and would require that employers create a sharp injury log to keep data on on-the-job needle-stick injuries.

The companion measure Senator BOXER and I sponsored in the House received overwhelming support. To date, it has 181 cosponsors. In the Senate, we also have support for our legislation, in addition to Senator BOXER and the Senator offering the amendment at this time.

Protecting the health and safety of our front-line health care workers should not be a partisan issue.

I urge my colleagues to work with me to have the amendments agreed to so that injuries and deaths from needle-stick injuries can be avoided.

Again, having spent time in hospitals and seeing how hard the nurses work, I had not realized that in America every 15 to 30 seconds women or men working as nurses stab themselves accidentally and subject themselves to these terrible diseases.

I ask the Senator from Mississippi if we have any word from down the hall yet.

Mr. COCHRAN. Madam President, if the Senator will yield, I am advised that we have not received any word from down the hall yet. I am not in a position to consent to the request at this time.

Mr. REID. I understand that.

I say to the Senator from Iowa, who was not on the floor at the time, that I want him to understand we are doing the best we can, along with the majority, about this bill. Remember that I had two amendments to offer, but we weren't able to offer them because of a procedural problem.

I hope we can move this bill along quicker. There are lots of amendments.

I think the Senator has already talked to the Appropriations Committee, and we would agree to getting a list of who wants to offer amendments so we have a finite number. We are doing what we can.

Mr. HARKIN. I respond by saying to my whip that we are trying to get a finite list of amendments together so we know how many we have. Hopefully, we can dispose of those in the next couple of days.

We are definitely open for business. I want to start moving amendments. Hopefully, we will get an agreement shortly to offer amendments to be lined up to vote tomorrow.

Mr. REID. My friend has done such a tremendous job of comanaging this very difficult piece of legislation. We agree to accept the amendment of the Senator from Mississippi and vote on my amendment.

Madam President, Senator BOXER is to be listed as cosponsoring this bill. As I have stated, she has been stalwart in working with this. She is the main sponsor of the underlying amendment, the bill last year. We are both working on this amendment. She should be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BREAST AND CERVICAL CANCER TREATMENT ACT OF 1999

Mr. HARKIN. Madam President, I would like to take this opportunity to speak about S. 662, the Breast and Cervical Cancer Treatment Act of 1999. I urge the distinguished majority leader, Senator LOTT, to act quickly to bring this bill to the floor. We have no excuse for delay in providing life-saving treatment to women who have been diagnosed with breast and cervical cancer.

As many of you in this body know, this is an issue I take very seriously. My only two sisters both had breast cancer and died from the disease. Sadly, they contracted breast cancer at a time when regular mammograms and improved treatment methods were not widely used or available.

Over the past several years, we have made a great deal of progress against breast cancer, but there is still a long way to go. In particular, we've been able to secure significant increases in funding of research to understand the causes and find treatments for breast cancer.

Look how far we have come. Almost a decade ago, when I looked into the issue of breast cancer research, I discovered that barely $90 million was spent on breast cancer research.

That is why in 1992, I offered an amendment to dedicate $210 million in the Defense Department budget for breast cancer research. This funding was in addition to the funding for breast cancer research conducted at the National Institutes of Health. My amendment passed and—overnight—it doubled federal funding for breast cancer research.

Since then, funding for breast cancer research has been included in the Defense Department budget every year.

Today, I am proud to say, between the DoD and NIH, over $600 million is being spent on finding a cure for this disease.

Scientific researchers are making exciting discoveries about the causes of breast cancer and its prevention, detection, diagnosis, treatment, and control. These insights are leading to real progress in our war against this devastating disease. We know better than ever before how a healthy cell can become cancerous, how breast cancer spreads, why some tumors are more aggressive than others, and why some women suffer more severely and are more likely to die of the disease.

For example, discovery of the BRCA1 gene has led us to better identify women who are at risk of breast cancer, so the disease can be caught early and treated. And of course the development of cancer-fighting drugs like tamoxifen owes a great deal to our federal research investment.

But our success in building our research enterprise will be pointless if breakthroughs in diagnosis, treatment, and cures are not available to the public.

That is why, a decade ago, as chairman of the Senate Labor, Health and Human Services, and Education Appropriations Subcommittee, I worked to create a program, run by the Centers for Disease Control and Prevention, to provide breast and cervical cancer screening for low-income, uninsured women.

This program is run nationwide and is tremendously successful. In Iowa, almost 9,000 women have been screened.

Nationally, more than one million low-income American women have been screened. Of these, more than 6,000 were diagnosed with breast cancer and 500 with cervical cancer.

This program is a great success. But it is only the first step. Congress must now provide the next critical piece: funding for treatment services once a woman has been diagnosed with breast or cervical cancer. Too often, women diagnosed through this program are left to scramble to find treatment solutions.

I recently heard about this terrible problem from one of my constituents. Her name is Barbara. Five years ago, Barbara was diagnosed with breast cancer through the CDC's program. Uninsured, she struggled to find treatment. Several doctors refused to treat her because she lacked insurance. Eventually, through a hodgepodge of sources and some volunteer services in Iowa she was able to receive chemotherapy. But today, she owes over $70,000 in medical bills. She writes, "My bills are so high I often wonder if I should quit treatment so I will not saddle myself and my family with so much debt."

Barbara is one of the lucky ones. Many women who have been diagnosed through this program do not get treated at all.

The Breast and Cervical Cancer Treatment Act has 70 Senate cosponsors from both parties.

Its companion bill, H.R. 4386, has passed the House of Representatives with a vote of 421–1. There is no excuse for any further delay in the Senate. We should get this legislation through, combine it with the House bill, and get it to the President for his signature as soon as possible.

I note for the record, the original cosponsor of this bill was our now departed colleague, Senator John Chafee. He was the original sponsor. It has 70 cosponsors. Those who worked so long with John Chafee admired him so much. I think it would be a fitting tribute to him to get this bill through as soon as possible and get it to the President for his signature.

This is S. 662, the Breast and Cervical Cancer Treatment Act of 1999. As I said, its companion bill passed the House 421–1. I think we should pass it as soon as possible. That is why I am taking this time to talk about it, to encourage our distinguished majority leader to bring it to the floor as soon as possible.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

Mr. HARKIN. Madam President, this morning I was invited to the White House for a truly historic announcement. Through the collaboration of government and private sector efforts, scientists have completed the first rough map of the human gene. I believe history will prove this the most significant scientific development of our generation. Its implications for improving the health and well-being of people are truly astounding.

Today's announcement was especially fulfilling for me. In 1989, when I served as chair of the subcommittee responsible for this bill, I began the funding for the Human Genome Center at NIH, and the race to map the genome began in earnest. At that time, many criticized the move, saying it was a waste of time and money and couldn't be done in our lifetimes.

I listened very carefully to Dr. James Watson, the Nobel Prize winner who first discovered the double helix of our DNA, and he was the first director of the genome center. He talked to us at great length about the possibilities of not only mapping the human genome but sequencing the entire human genomic code. At that time a lot of us were captivated by this concept, that we could actually have the blueprint of life that hitherto has been known to no human being, but only to the Almighty.

By breaking down this human genetic code, sequencing every one of the 3 billion pairs that every human has, it would, as Dr. Watson said, provide more than a blueprint, but it would provide the source of research that could very rapidly bring to a close our search for an end to some of the more debilitating diseases that have afflicted mankind for thousands of years. Knowing the genetic code, researchers will now be able to more precisely determine the genetic markers that people have that predispose them to one disease or another.

It was Dr. James Watson who really got the policymakers here in the Congress excited about and interested in this human genome project. I happened at that time to be the chair of the subcommittee. As Dr. Watson explained to us what this would do, I had probably just enough engineering background and mathematics background to get a feel for what this could possibly mean. As a result, we began to fund the human genome project and center.

Today's announcement also demonstrates the importance of our drive to double funding for medical research. Senator SPECTER and I are committed to this effort. The bill provides the third installment of a $2.7 billion increase, the largest ever of a 5-year plan, to double funding for NIH. The completion of mapping the human genome will yield tremendous advances in the search for medical breakthroughs in heart disease, cancer, Alzheimer's. We are on the way to learning more than we ever thought possible to cure human diseases. The reward will be reflected in the faces of MS, multiple sclerosis, patients who may live longer and better lives because research isolated the gene that causes their dread disease. We will see it in the faces of Parkinson's patients who will experience an improved quality of life from a drug targeted to their individual genome type. And we will see it in the faces of cancer patients whose lives may one day be saved by gene therapy.

Yet as we celebrate this great milestone, we must be looking to the challenges ahead. I, of course, look forward to the day when genetic discrimination will be illegal, both at the workplace and in insurance. Genomic technologies have the potential to lead to better diagnosis and treatment and ultimately to the prevention and cure of many diseases and disabilities. But without antidiscrimination protections, Americans will forego early diagnosis and treatment for fear of discrimination in health insurance and employment.

So we cannot let discrimination or the fear of discrimination threaten our ability to conduct the very research we need to understand, treat, and prevent genetic diseases. That is why Senator DASCHLE, Senator KENNEDY, Senator DODD, and I have introduced the Genetic Nondiscrimination in Health Insurance and Employment Act. Our legislation would provide greatly needed protections against genetic discrimination in both employment and insurance and prohibit inappropriate disclosure of that information. I urge all my colleagues to join in passing anti-genetic-discrimination legislation to allow the research of the human genome project to reach its full potential.

In conclusion, I offer my heartiest congratulations and appreciation to every individual who worked on this project. There is no higher calling than this work, saving human lives. These outstanding scientists and researchers made this historic day possible. Not only did they meet their timetable, they beat it, and that is what I call real success.

In that vein I want to pay special tribute to Dr. James Watson whose pioneering efforts made today's breakthrough possible and who, at one critical point in this human genome project several years ago, made the decision with the new types of supercomputers we had to ratchet up the number of base pairs that they would be investigating and sequencing, to a much higher level than was ever done before. Because of that, we were able to complete the sequencing of the human gene now rather than 10 or 15 years from now.

I also commend Dr. Francis Collins, the head of the human genome project at NIH. His brilliant and charismatic leadership of the project has been the engine driving this effort.

I might say Dr. Collins headed not only the effort here in the United States, but this has been a multinational effort, and this morning, at the White House, we had Prime Minister Blair on closed circuit television. He was in London. He had his scientists around him. They had provided great support for our project, as had the French and the Germans, the Swiss, the Chinese, the Japanese, and a number of others. They had all provided help and support for sequencing this human gene. Dr. Francis Collins led this international effort.

Finally, I also pay tribute to Dr. Craig Venter, a former NIH scientist now the head of a private entity called Celera Genomics. It is the private sector firm that has been central to today's breakthrough. Dr. Venter, again, at a critical point, came up with a new way of discovering and sequencing more base pairs in a shorter period of time than had ever been done before. Again, because of his insight and his leadership and efforts, and his own private enterprise, he was able to help us reach this day a lot sooner.

I think that also points out the benefit of the tremendous relationship we have had in this country between public-sector-funded basic research and private-sector-funded research. Most—I would not say all—of the basic research done in this country is funded publicly by our taxpayers through the money that we appropriate here in the Congress. There is some basic research done by the drug companies, that is true. But in most of the research done in the private sector they take the basic research that is funded publicly and determine whether or not there is something there that can be made into a drug or therapeutic or intervention or diagnostic tool that can be used in the private sector, in the real world, to help either to stop the onset of a certain illness, to cure it once it has onset, or to make the illness less invasive and less detrimental to the normal life of a person.

With this marriage, we have in the United States cultivated a very unique body of health research. Today's announcement, with the public and private sector together, illustrated that.

Again, my congratulations to Dr. Venter for his leadership in the private sector.

Mr. REID. Will the Senator yield?

Mr. HARKIN. Yes, I am delighted to yield.

Mr. REID. Madam President, as this week progresses, we are going to be busier and busier and there will be less time to say what I want to say.

I said at our subcommittee hearing how much I admire and respect the work Senator HARKIN and Senator SPECTER do in the subcommittee. The audience there was very small. Hopefully, the audience here is bigger. I want everyone to understand what great work Senator HARKIN has done with Senator SPECTER on this subcommittee.

This year—and the President made an announcement today—we have a surplus of $217 billion. We have not had that in recent years. This subcommittee, in spite of the fact it has been fighting for money, has done wonderful things dealing with the National Institutes of Health. They have been the leaders in stem cell research. They held hearings. That work being done on stem cell research, together with the work being done on the human genome, is the same as the work we did with computers and the Internet. What we did 10 years ago with the computer is nothing compared to what we can do now, and the same is going to be true when we understand the genomes each of us has, together with stem cell research and some of the other things being done as the result of the funding of this subcommittee.

When the history books are written, the work the two Senators have done in funding this very important research is going to be a big chapter. There is hope, as the Senator mentioned. The people who have multiple sclerosis, diabetes, Alzheimer's, and Parkinson's are going to benefit from the work done with the funding of this subcommittee.

I hope the Senator from Iowa knows how much he is appreciated. This is as important as anything we have ever done in this Congress. Half the people in the rest homes in America today are there because of two things: Parkinson's and Alzheimer's. Think what it will mean for not only the people who are sick but their loved ones. Think how good it will be if we can do something to delay the onset of these two diseases or, when the miracle does come, we can cure them. Think how important it will be for them and their families. In addition to that, think how important it will be for the American taxpayers. Billions of dollars go into taking care of people who have these two diseases.

On behalf of the people of the State of Nevada, and I think I can speak for the people of this country, the Senator is appreciated. I hope he understands that. It is great work. We hear so much negative in the press about no one will cooperate with anything. What this subcommittee does is an example of what the rest of the Congress should do. The work of the Senator from Pennsylvania and the Senator from Iowa has been good. I want the Senator to know how much I appreciate what he has done.

Mr. HARKIN. Madam President, I thank the Senator for his kind words. I was thinking as he was talking on this specific project, the human genome project, it is true I happened to be chairman at that time and we started funding it because of what Dr. Watson was able to get across to us when he explained what this would mean down the road. I must say, when I turned over the gavel to Senator SPECTER in 1995, there was not even a bump in the road. We always worked together on this. When he took over as chairman, we continued our strong support for NIH and our strong support for the human genome project.

As the Senator from Nevada said, it has truly been good bipartisan teamwork. I do not mean to say only the two of us. The members of the committee have been very much involved in this through the years.

Looking back now and seeing what has happened gives me goose bumps because when we first started this I checked with some people to find out what it would mean to sequence the human genes. We knew we could map it, but to sequence the 3 billion base pairs of genes, of cold human genome, I asked them how long: Maybe 25 years; maybe we will get it done in 25 years, maybe longer.

Even then they did not know if they could really get them all sequenced. So I would talk with Dr. Watson about it, and he would say: No, it may take us that long, but we should start on it; we should not put it off any longer; we should start on it.

I thought when we first started this it was going to take literally 20 years, as an outside estimate. As I said in my remarks, there came a time when Dr. Watson and some of his team figured out a better way of sequencing these genes, and that collapsed the timeframe right there. It took money. The whole effort in the human genome project has been people and money. If one has the people and the money, one can get it done. It took people to do it, but it took money to buy the big computers. The faster the computers got, the better it was. And along came Craig Venter with a different concept on how to do this, and that again collapsed the timeframe.

To think we started this project literally a decade ago, in 1990, and here we are 10 years later. Having the entire human genome sequenced is just mind boggling. It really is the Rosetta stone. Before that, they did not know how to read the Egyptian hieroglyphics. When they found the Rosetta stone, they could break the code.

That is what this is. It is going to provide the best tool researchers all over the world have ever had. The beauty of it is that any scientist anywhere in the world can go on the Internet right now and get all the information they need. Every sequence is now in the public domain. It is not being held privately. Any researcher can get access to it.

I say to my friend from Nevada, I cannot wait for the next 10 years to see what is going to happen. We are going to see an explosion of new findings researchers are going to come up with that are truly going to be mind boggling.

In the next 10 years, mark my words—I probably will not be here; maybe the Senator from Nevada will be here—by gosh, we are going to look back and say the first decade of the 21st century was the decade when we truly understood disease and illness, the things the Senator from Nevada talked about—Alzheimer's, multiple sclerosis, Parkinson's disease. Not only will we understand it, we will know how to go right in there and fix it 10 years from now. Mark my words.

Mr. REID. Madam President, I say to my friend from Iowa—I did not do a very good job of describing it—had someone told Senator HARKIN and I 10 years ago what is now possible with the Internet through computers, we would not have believed it. We simply would not have believed it. I know I would not have.

Mr. HARKIN. I did not have the capacity to understand it.

Mr. REID. But now the progress that has been made is unbelievable. What I tried to say—and the Senator from Iowa described it better than I—the same is going to apply to medicine. Ten years from now, people will think this conversation of ours was so amateurish.

Mr. HARKIN. Archaic.

Mr. REID. I thank the Senator.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending Cochran amendment regarding antimicrobial resistance monitoring agents be laid aside to recur as the pending business at 9:40 a.m. and there be 5 minutes for closing remarks tomorrow morning with a vote to occur on the amendment at 9:45 a.m. with no second-degree amendments in order.

I further ask unanimous consent that following that vote, the Senate resume consideration of the McCain amendment regarding the Internet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I supported the amendment to create a Medicare prescription drug benefit under the Medicare program offered by my colleague, Senator ROBB from Virginia, to the Labor, Health and Human Resources and Education Appropriations bill.

Despite the Senate defeating this amendment largely along a party line vote of 44 to 53, I vow to continue the fight with my colleagues to push the Senate for further debate on prescription drug proposals and pass a meaningful prescription drug bill this year. The millions of needy seniors and those with disabilities receiving Medicare deserve nothing less.

Some of my colleagues have argued that this was not the time, nor the proper legislative process by which we should pass a Medicare prescription drug proposal. Mr response to that accusation, is when is the proper time then? When are we in Congress going to listen to the constituents like those that I have spoken to from Wessington Springs and Custer, South Dakota? This is not, nor should be a partisan issue. This is not, nor should be an issue that gives greater deliberation to the pleas of party politics than pleas of needy seniors.

Constituents in my home state of South Dakota, have been telling me for years that they are struggling to make ends meet and need help affording their prescription drugs. I introduced my first bill on this issue well over a year ago in the Senate, and since then debate surrounding how to provide Medicare beneficiaries with access to affordable prescription drugs has produced several proposals from both Democrats and Republicans.

Yet, this is the first time that the Senate has taken the time during the 106th Congress to have a floor vote on this issue. I am cautiously optimistic that we will continue to see debate on this critically important matter, and may indeed find compromise between the two parties to help our senior citizens better afford their expensive prescription drug medications.

I am in constant contact with South Dakotans who have expressed their difficulty in choosing between paying for medication, or buying food and paying utilities. I want to assure them that the Senate will not wait any longer and will pass legislation this session to provide immediate relief to the thousands of senior citizens in South Dakota and across the nation who are having difficulty affording life-saving medication.

Even if we can't reach an agreement on a Medicare prescription drug plan this year, there are several steps we can take now that would provide some relief to seniors who face rising prescription drug costs. All three of the bills that I have sponsored, including the Prescription Drug Fairness For Seniors Act, the International Prescription Drug Parity Act, and the Generic Pharmaceutical Access and Choice For Consumers Act, if enacted this year, would provide immediate relief to millions of Americans across the country. Equally so, these bills would require no additional taxpayer dollars nor new government program."

While they may not be the magic bullet that meets all of the long term needs of providing Medicare prescription drug coverage, they would provide a mechanism for immediate relief from rising drug costs. Working together, reaching across the aisle, we can use this time of unparalleled prosperity to do the right thing by our seniors. We should do it this year for their sake, and for the sake of the future of Medicare.

MORNING BUSINESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNITION OF THE FEDERAL CREDIT UNION ACT ANNIVERSARY

• Mr. GRAMS. Mr. President, I rise today, on the 66th anniversary of the National Credit Union Act being signed into law by President Franklin D. Roosevelt, to salute the Nation's credit unions and acknowledge their important contributions.

Prior to 1934, collective pools of employees gathered their assets to assist them in acquiring credit and improving their financial futures. The first credit union in the United States was established in 1909, as the only financial institution available to low-income workers who wanted to save their wages and receive short-term consumer loans.

In the spring of 1925, the Minneapolis postal employees collectively began Minnesota's first credit union with 15 workers attending the initial meeting. Started with a total of $146.25 in assets, the Minneapolis Postal Employees

Credit Union, now called the US Federal Credit Union, has survived through times of economic hardship such as the Depression of the 1930s and World War II.

Today, the Federal Credit Union System has well over $300 billion in assets, and some 67 million Americans enjoy membership in credit unions nationwide. Credit unions bring together people with common employers, ethnic backgrounds, or geographic areas. They have positively impacted economic growth in the United States by increasing Americans' access to credit through a system of cooperative organizations which have helped stabilize America's credit structure.

The credit union philosophy of "people helping people" continues to provide many rural and economically depressed areas with the financial tools and confidence necessary for success. In my state of Minnesota, more than 195 credit unions not only provide mortgages, loans, and financial savings opportunities, but also bring their communities together to raise money for programs such as "Credit Unions for Kids." This effort is a collaboration of credit unions and business partners benefitting 170 Children's Miracle Network-affiliated hospitals serving 14 million kids nation-wide.

Minnesota credit unions also provide funds for the Minnesota Credit Union Foundation, a non-profit corporation organized to serve charitable, scientific and educational purposes with special emphasis on credit union-related activities. Funds are used to provide disaster relief efforts for credit union members, develop credit unions in emerging nations, and supply scholarships to educational training programs.

Mr. President, as a member of a credit union myself, I would like to thank America's credit unions on this anniversary for their constant and continuous efforts to assist the men and women of their communities overcome life's financial obstacles and build a more secure future for themselves and their families.•

IN HONOR OF PAUL McLAUGHLIN

• Mr. KERRY. Mr. President, I rise today to join the City of Boston, the residents of Massachusetts, and members of the law enforcement community across the country in recognizing the loss of Paul McLaughlin. Paul was a committed prosecutor who lived his life for others, and on September 25, 1995, he was shot while getting into his car after work. This weekend Boston memorializes its loss with the dedication of the Paul McLaughlin Boys and Girls Club in Dorchester's Savin Hill neighborhood and I join the city in this important day of recognition.

Paul came from a long, distinguished line of Bostonians. His grandfather, Edward Sr., was the Boston Fire Commissioner as well as a member of the State Legislature in the 1920's, and his father, Edward Jr., was President of the Boston City Council, an Assistant U.S. Attorney, and Lt. Governor under Governor Volpe. A graduate of Boston Latin School, Dartmouth College and Suffolk Law School, Paul was admitted to the bar in 1981 and his early work included time at the Cambridge District Court and the Public Protection Bureau. Paul was the consummate professional, and his reputation soon led to serving on the Attorney General's staff in 1991, where he was assigned to drug and gang cases in Suffolk Superior Court. During one five year stretch he compiled an impressive 73 percent conviction rate, winning 98 of 134 Superior Court cases.

In a fitting tribute to Paul's commitment to working for a better community for all of us, especially our children, the site for the McLaughlin Boys and Girls Club is one of Boston's Ten Most Wanted drug houses. On Saturday, June 24th, the McLaughlin Family joined with Mayor Thomas M. Menino and members of the Colonel Daniel Marr Boys & Girls Club in honoring Paul's life by opening a remarkable new facility in his name in Dorchester's Savin Hill neighborhood. The Paul R. McLaughlin Youth Center will perpetuate Paul's legacy of selfless service to his community by serving 2,600 children in one of the state's most successful youth programs. The structure that used to be the source of drugs and despair will now be a beacon of hope for the whole city.

Mr. President, I join the people of Dorchester, West Roxbury and Jamaica Plain in mourning the loss of their neighbor and friend. My thoughts go out to Paul's colleagues, friends and family. Together, we realize how fortunate we are to have worked with and known an individual of his caliber. Today the City of Boston memorializes this loss, and I join everyone in honoring his life by opening the Paul R. McLaughlin Youth Center.•

TRIBUTE TO THOMAS BURACK

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Thomas Burack of Dunbarton, New Hampshire, for receiving the "Cotton Cleveland Leadership Award" for 2000.

A renowned and engaging speaker, he is often found addressing business groups and honoring professionals who have made outstanding accomplishments. It seems only fitting, then, that he should be honored with this award which celebrates the accomplishments of an outstanding individual who has demonstrated involvement and commitment to community service as well as the ability to encourage and develop leadership in others.

A graduate of the 1997 Leadership New Hampshire class, he practices law at the firm of Sheehan, Phinney, Bass, and Green, P.A. Over the past ten years, he has donated both time and experience to the Dartmouth Environmental Network, the New Hampshire Land and Community Heritage Commission, the Audubon Society of New Hampshire and the WasteCap Resource Conservation Network.

A recipient of the Harry S. Truman Scholarship, Thomas Burack is also the founding President of the Truman Scholars Association and a member of the Board of Trustees of the George C. Marshall Foundation of Lexington, Virginia.

Thomas Burack has proven himself to be an outstanding citizen, volunteer and a resource to his surrounding community. It is an honor to represent him in the United States Senate.•

TRIBUTE TO RYAN BELANGER FOR HIS HEROIC RESCUE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to an individual who has distinguished himself in the State of New Hampshire by performing the outstanding heroic act of saving the life of a resident of the town of Bedford.

Ryan Belanger acted selflessly on April 9th, 2000, to rescue resident Paula Halla, only moments before her car exploded. Paula's car had been struck off the road by a tree that fell during a storm, leaving her trapped in the burning vehicle anxiously awaiting rescue crews.

Belanger, who noticed the vehicle after also striking the fallen tree, checked on the passengers in his vehicle and immediately rushed to the aid of Paula. Without hesitation, Ryan Belanger began to attempt to put out the fire, and pulled Paula from the burning car only moments before it exploded.

Citing his late grandfather's influence and love of life, Belanger stated, "He was my father, and made me who I am. If it wasn't for him, I wouldn't have pulled that lady out of the car." Had Ryan not acted with haste, Paula would have most likely been killed in the incident. Instead, she escaped with minor bruises and cuts.

I am honored to recognize a true American hero, and to commend him on his successful efforts to rescue a fellow resident of the state. He quickly rescued Paula Halla from her vehicle, saving her life. He is an inspiration to the town of Bedford, his home town of Manchester, and the state and nation as a whole. I applaud his courage and perseverence in the daring rescue. It is truly an honor and a pleasure to represent him in the United States Senate.•

TRIBUTE TO EILEEN KENNEDY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Eileen Kennedy, a business reporter for the Nashua Telegraph, for receiving the United States Small Business Administration's 2000 "Women in Business Advocate of the Year" award.

Eileen's hard work and dedication clearly placed her at the top, as this was the first time a reporter has been selected for this award. Through profiling local small business women, she has demonstrated compassion and understanding for the difficulties they face, and has acted as an advocate of their accomplishments.

A staff reporter at the Nashua Telegraph since May 1998, Eileen has frequently written on issues involving high-tech businesses, with particular attention paid to those owned and managed by women. She has effectively educated the surrounding community on small business leaders throughout the state.

As a former small business owner in the state, I commend Eileen Kennedy for her contribution. It is truly an honor to represent them in the United States Senate.●

TRIBUTE TO CAROLYN MARTIN

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Carolyn Martin of the Keene Sentinel for being honored as the 2000 "Small Business Journalist of the Year" by the United States Small Business Administration.

Carolyn not only covers news and feature stories, but underscores the unique needs and accomplishments of small businesses and the men and women who lead them as well. Over the past year, she has helped increase public awareness of small business issues and reported on community service aimed at enhancing small business opportunity and growth.

Carolyn brings many qualifications with her to the job, as she has worked as a print and broadcast journalist in Annapolis, Maryland, and Mobile, Alabama. She also served as the senior communications officer with the American Association for the Advancement of Science and was Vice President of Community Development for the Chamber of Commerce in Mobile, Alabama.

As a former small business owner in the state, I commend Carolyn for her hard work and dedication. It is truly an honor to represent her in the United States Senate.●

TRIBUTE TO JOSEPH C. LEDDY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Joseph C. Leddy, CEO of Work Opportunities Unlimited, Inc., for being named the 2000 "Small Business Person of the Year" by the United States Small Business Administration.

Joseph founded the company in 1982, where it began as a local leader in the field of vocational training and employment placement. Presently, it brings in approximately $12 million a year and employs over 500 people in 27 offices throughout four New England states.

Work Opportunities Unlimited assists individuals with disabilities, veterans, young adults, at-risk youth and others with locating employment, and has used previous Small Business Administration funding to catapult their business to the forefront of the field.

In addition to his work with Work Opportunities Unlimited, Joseph has held numerous positions in the Department of Education, worked as a Blind Rehabilitation Specialist with the Veterans Association and taught at New Hampshire Technical College.

A valuable resource to the state and to New England, it is my honor and a great pleasure to represent Joseph Leddy in the United States Senate.●

TRIBUTE TO THE TOWN OF SALEM

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Salem on its 250th anniversary, an important and historic milestone.

Since being incorporated as a town on May 11, 1750, Salem has provided its residents with a safe place to raise families in a convenient location on the border of New Hampshire and Massachusetts. This thriving community boasts countless recreational opportunities. Canobie Lake attracts boaters, fishermen and those just looking for a peaceful place to relax. People from all over New England flock to Canobie Park to enjoy a day of games and fun during the summer months, and those who are looking for a little history can visit America's Stonehenge.

Salem's 26,000 residents have seen a great amount of change throughout its 250 years. The town is now home to numerous industrial firms, and will soon welcome Cisqo to the growing number of businesses that call Salem home. Salem also offers numerous shopping outlets, most notably the Mall at Rockingham Park, with opportunities for great tax-free shopping.

Salem is also home to some very talented athletes. Olympic Women's Hockey Gold Medalist Katie King was a multi-sport star at Salem High before the world took notice in Nagano in 1998. And Salem High's softball team is a perennial state power, taking the state title once again this year.

Salem is also a very politically active town as it recently opened its Republican Town Committee offices. Also, the town has come together to celebrate its 250th anniversary, celebrating with events that began with a tremendous First Night party to mark the year 2000 and will culminate with a party on the Fourth of July. Once again, I want to congratulate the town of Salem on its 250th anniversary. It is an honor to serve its citizens in the United States Senate.●

TRIBUTE TO THE BELKNAP COUNTY ECONOMIC DEVELOPMENT GROUP

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Belknap County Economic Development Group for receiving the 2000 United States Small Business Administration's New Hampshire "Financial Services Advocate of the Year" award.

Financial service advocates play an integral role in the success of a small business, particularly in their assistance with access to credit. The Belknap County Economic Development Group is no exception. They have been assisting small businesses in surrounding communities with great success since 1992.

Initially formed to address economic issues plaguing the area at the time, it later expanded to assisting small businesses struggling to get off the ground. It currently operates a revolving loan fund and two micro-lending programs, as well as provides technical assistance and counseling.

As a former small business owner in the state, I commend the Belknap County Economic Development Group for their hard work and dedication. It is truly an honor to represent them in the United States Senate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:14 p.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution in which it requests the concurrence of the Senate:

H. Con. Res. 275. Concurrent resolution expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements.

At 4:36 p.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1309. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 275. Concurrent resolution expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9405. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Importation or Shipment of Injurious Wildlife: Zebra Mussel (Dreissena polymorpha)" (RIN 1018–AF88) received on June 6, 2000; to the Committee on Environment and Pubic Works.

EC–9406. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "10 CFR Part 50; Appendix K, 'ECCS Evaluation Models' " (RIN3150–AG26) received on June 1, 2000; to the Committee on Environment and Public Works.

EC–9407. A communication from the Director of the Office of Congressional Affairs, Office of the Chief Financial Officer, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Fee Schedules; 100% Fee Recovery, FY 2000" (RIN3150–AG50) received on June 7, 2000; to the Committee on Environment and Public Works.

EC–9408. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency transmitting, twenty-two items relative to chemical safety; to the Committee on Environment and Public Works.

EC–9409. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio (FRL6600–8) received on May 24, 2000; to the Committee on Environment and Public Works.

EC–9410. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Nitrogen Oxides Allowance Requirements" (FRL6702–3), "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Alabama; Correction (FRL6708–6), "Approval and Promulgation of Implementation Plans; Indiana" (FRL6708–5), "Approval and Promulgation of Implementation Plans: Indiana" (FRL6708–2), "Revocation of the Selenium Criterion Maximum Concentration for the Final Water Quality Guidance for Great Lake System" (FRL6707–7) received on May 30, 2000; to the Committee on Environment and Public Works.

EC–9411. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Approval and Promulgation of Maintenance Plan and Designation of Area for Air Quality Planning Purposes for Carbon Monoxide; State of Arizona" (FRL6601–7), "Oil Pollution Prevention and Response: Non-Transportation-Related Facilities" (FRL6707–6) received May 31, 2000; to the Committee on Environment and Public Works.

EC–9412. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled "'Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County Environmental Services Department" (FRL6710–5), "Clean Air Act Final Approval of Operating Permit Program Revisions; Metropolitan Government of Nashville-Davidson County Tennessee" (FRL6710–9), "Clean Air Act full Approval of Operating Permit Program; Georgia" (FRL6711–2), "Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District" (FRL6709–1), "State of West Virginia: Final Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program" (FRL6710–3) received on June 1, 2000; to the Committee on Environment and Public Works.

EC–9413. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Organbromines Production Waste; Petroleum Regining Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restriction; Final Rule and Correcting Amendments" (FRL6711–4) received on June 5, 2000; to the Committee on Environment and Public Works.

EC–9414. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation" (FRL6712–2) received on June 6, 2000; to the Committee on Environment and Public Works.

EC–9415. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, one item relative to guidance for implementation of the general duty clause Clean Air Act section 112(r)(1); to the Committee on Environment and Public Works.

EC–9416. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Approval and Promulgation of State Air Quality for Designated Facilities and Pollutants; West Virginia; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators" (FRL6716–2), "Clean Air Act Full Approval of Operating Permit Program; State of Montana" (FRL6714–4) received on June 6, 2000; to the Committee on Environment and Public Works.

EC–9417. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan for Utah: Transportation Control Measures" (FRL6711–9) received on June 9, 2000; to the Committee on Environment and Public Works.

EC–9418. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio and Kentucky" (FRL6717–1), "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Arizona; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators" (FRL6717–7a). "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Colorado, Montana, South Dakota, Utah, Wyoming, Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators" (FRL6717–3), "Clean Air Act Full Approval of Operating Permit Program: Forsyth County (North Carolina)" (FRL6712–5) "Reopening of Comment Period and Delaying of Effective Date of Revisions to the Interim Enhanced Surface Water Treatment Rule (IESWTR), The State 1 Disinfectants and Disinfection Byproducts Rule (State 1 DBPR) and Revisions to State Primacy Requirements to Implement the Safe Drinking Water Act (SDWA) Amendments" (FRL6715–4) received on June 14, 2000; to the Committee on Environment and Public Works.

EC–9419. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, the report of four items relative to asbestos; to the Committee on Environment and Public Works.

EC–9420. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, the report of four items; to the Committee on Environment and Public Works.

EC–9421. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Effluent Guidelines, Pretreatment Standards, and New Source Performance Standards for the Transportation Equipment Cleaning Point Source Category" (FRL6720–6), "NESHAP: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors" (FRL6720–9), "Approval and Promulgation of Implementation Plans; State of Kansas" (FRL6720–8), received on June 19, 2000; to the Committees on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

S. 2508: A bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

S. 2719: A bill to provide for business development and trade promotion for Native Americans, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEAHY (by request):

S. 2783. A bill entitled the "21st Century Law Enforcement and Public Safety Act"; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2784. A bill entitled "Santa Rosa and San Jacinto Mountains National Monument Act of 2000"; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 2785. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Finance.

By Mr. DASCHLE (for Mr. BAUCUS):

S. 2786. A bill to authorize the Secretary of the Interior to carry out a plan to rehabilitate Going-to-the-Sun Road located in Glacier National Park, Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself, Mr. HATCH, Mr. LEAHY, Mr. ABRAHAM, Mr. KENNEDY, Mr. SPECTER, Mr. KOHL, Mr. ROTH, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. TORRICELLI, Ms. SNOWE, Mr. SCHUMER, Mr. DEWINE, Mrs. MURRAY, Mr. ASHCROFT, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. LAUTENBERG, Mr. SANTORUM, Mr. REID, Ms. COLLINS, Mr. REED, Mrs. HUTCHISON, Mr. DODD, Mr. L. CHAFEE, Mr. KERRY, Mr. ALLARD, Mr. ROBB, Mr. WELLSTONE, Mr. SARBANES, Mr. DASCHLE, Mr. BRYAN, Ms. MIKULSKI, Mr. SMITH of Oregon, Mr. JOHNSON, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. LEVIN, Mr. BYRD, Mr. CLELAND, Mr. DORGAN, Mr. EDWARDS, Mr. HOLLINGS, Mr. BREAUX, Mr. KERREY, Mr. HARKIN, Mr. BAYH, Mr. GRAHAM, and Mr. BAUCUS):

S. 2787. A bill to reauthorize the Federal programs to prevent violence against women, and for other purposes; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 2788. A bill to establish a strategic planning team to develop a plan for the dissemination of research on reading; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN:

S. 2789. A bill to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FITZGERALD:

S. 2790. A bill instituting a Federal fuels tax holiday; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2791. A bill instituting a Federal fuels tax suspension; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 2783. A bill entitled the "21st Century Law Enforcement and Public Safety Act"; to the Committee on the Judiciary.

THE 21ST CENTURY LAW ENFORCEMENT AND PUBLIC SAFETY ACT

Mr. LEAHY. Mr. President, as ranking member of the Senate Committee on the Judiciary, I am pleased to introduce at the request of the Administration "The 21st Century Law Enforcement and Public Safety Act." This bill reflects the continuing aggressive approach of this Administration and this Department of Justice, under the leadership of Attorney General Janet Reno, to keep the both the violent and property crime rates in this country going down.

Under the Attorney General's leadership and the programs established by the Violent Crime Control and Law Enforcement Act of 1994, the nation's serious crime rate has declined for eight straight years. We are seeing the lowest recorded rates in many years. Murder rates have fallen to their lowest levels in three decades. Even juvenile crime rates have also been falling. According to the FBI's latest crime statistics release, on May 7, 2000, in just the last year, there has been a seven percent decline in reported serious violent and property crime from 1998 totals. Both murder and robbery registered eight percent drops, while forcible rape and aggravated assault figures each declined by seven percent from 1998. This is cause for commendation for the Attorney General and our Federal, State and local law enforcement officers, to whom all Americans owe an enormous thanks for a job well done.

This Administration has not rested on its laurels, however. Instead, the Administration has crafted the bill I introduce on their behalf today. It contains a number of good ideas to which the Judiciary Committee and the Congress should pay attention. Unfortunately, the Committee and the Congress has spent more time on symbolic issues, such as a proposed amendments to the Constitution to protect the flag and crime victims than to other concrete steps we could take to combat crime and school violence. Indeed, the majority in Congress has stalled any conference action on the Hatch-Leahy juvenile justice legislation, S. 254, which passed the Senate by a substantial majority in May, 1999.

The Administration's bill contains five titles focusing on various aspects of crime. Title I contains proposals for supporting local law enforcement and promoting crime-fighting technologies, including expanding the purpose of COPS grants by funding an increase in the number of prosecutors as well as police; authorizing grants to improve the technology used for investigations in underserved rural areas—less than 25,000 people; and extending the Leahy-Campbell Bulletproof Vest Partnership Grant Act.

Title II contains many proposals for breaking the cycle of drugs and violence. Title III would promote investigative and prosecutorial tools for fighting terrorism and international crime. Title IV would reauthorize certain VAWA programs and provide other assistance to victims of crime and consumer fraud. In addition, this title contains important proposals to prevent and punish abuse and neglect of the elderly and other residents in nursing homes and health care facilities and environmental crimes. The last title would strengthen federal criminal laws to combat white collar crime, including in correction facilities and involving the theft of government property.

While I have concerns with certain parts of the bill, such as proposals for increases in mandatory minimum penalties, a new death penalty provision and broad administrative subpoena authority, I support many other parts, such as the Extension of Bulletproof Vest Partnership Grant Act to assist law enforcement in Vermont and across the nation obtain bulletproof vests and stay safe on the job.

Again, I commend the Attorney General and the Administration for this important legislation and their efforts to keep Americans safe from crime.

By Mrs. FEINSTEIN:

S. 2784. A bill entitled "Santa Rosa and San Jacinto Mountains National Monument Act of 2000"; to the Committee on Energy and Natural Resources.

SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000

• Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today to designate the Santa Rosa/San Jacinto mountain range in southern California as a National Monument. This bill was introduced by Congresswoman MARY BONO earlier in the year. An almost identical version of this bill was passed out of the House Resources Committee earlier in the week.

The Santa Rosa and San Jacinto Mountains contain nationally significant biological, cultural, recreational, geological, educational, and scientific values. This includes magnificent vistas, unique wildlife and mountains which rise from the desert floor to an elevation of almost eleven thousand feet. These mountains provide a picturesque backdrop for Coachella Valley communities and support a wide array of recreational opportunities.

The bill designates this environmentally sensitive area as a monument and instructs the Department of Interior and the Forest Service to craft a management plan. The bill protects the rights of individual land owners, Native American tribes, and all lands outside the monument boundary. It protects the environment and preserves property rights. The bill has bipartisan support and supported by most of the local community.

This bill is quite timely. Three hundred and fifty-five thousand acres of the Sequoia National Forest were designated a national monument by President Clinton on April 15. Over the sixty-day period preceding the designation, many members of the affected community expressed significant opposition to the monument designation. I came to believe that when possible, Congress is in the best position to decide monument and other land use designations and can best ensure that stakeholders affected by such a designation have ample opportunity to provide input, influence the process and understand the designation.

I believe this bill is the proper way to protect this majestic national resource.●

By Mr. BIDEN (for himself, Mr. HATCH, Mr. LEAHY, Mr. ABRAHAM, Mr. KENNEDY, Mr. SPECTER, Mr. KOHL, Mr. ROTH, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. TORRICELLI, Ms. SNOWE, Mr. SCHUMER, Mr. DEWINE, Mrs. MURRAY, Mr. ASHCROFT, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. LAUTENBERG, Mr. SANTORUM, Mr. REID, Ms. COLLINS, Mr. REED, Mrs. HUTCHISON, Mr. DODD, Mr. L. CHAFEE, Mr. KERRY, Mr. ALLARD, Mr. ROBB, Mr. WELLSTONE, Mr. SARBANES, Mr. DASCHLE, Mr. BRYAN, Ms. MIKULSKI, Mr. SMITH of Oregon, Mr. JOHNSON, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. LEVIN, Mr. BYRD, Mr. CLELAND, Mr. DORGAN, Mr. EDWARDS, Mr. HOLLINGS, Mr. BREAUX, Mr. KERREY, Mr. HARKIN, Mr. BAYH, Mr. GRAHAM, and Mr. BAUCUS):

S. 2787. A bill to reauthorize the Federal programs to prevent violence against women, and for other purposes; to the Committee on the Judiciary.

THE VIOLENCE AGAINST WOMEN ACT OF 2000

Mr. BIDEN. Mr. President, I am pleased to introduce today, with Senator HATCH, the Violence Against Women Act of 2000. And I thank Senator HATCH, the principal cosponsor of the original Act, for working with me over the past year to produce a bipartisan, streamlined bill that we are confident will enjoy the support of Senators from both sides of the aisle. Indeed, we already have a total of 50 cosponsors—many of them Republicans—as original cosponsors of this legislation.

The enactment of the Violence Against Women Act in 1994—bipartisan legislation cosponsored by 67 Senators from both parties—signaled the beginning of a national and historic commitment to the women and children in this country victimized by family violence and sexual assault.

The legislation changed our laws, strengthened criminal penalties, facilitated enforcement of protection orders from state to state, and committed $1.6 billion over six years to police, prosecutors, battered women shelters, a national domestic violence hotline, and other measures designed to crack down on batterers and offer the support and services that victims need in order to leave their abusers.

And this federal commitment has paid off: the latest Department of Justice statistics show that overall, violence against women by intimate partners is down, falling 21% from 1993 (just prior to the enactment of the original Act) to 1998.

The programs contained in the original Act were authorized only through fiscal year 2000. So unless Congress acts, programs to run the battered women's shelters, the national domestic violence hotline, the STOP grants to help law enforcement and prosecutors combat domestic violence and to provide victims services, grants to address domestic violence in rural communities—all of these will expire this year. These programs are popular, and more importantly, ladies and gentlemen, the Violence Against Women Act is working.

And it's not just me calling for this law to be reauthorized.

It's police chiefs in every state. It's Attorneys General. Sheriffs. District attorneys. The American Bar Association. Women's groups. Nurses. Battered women's shelters. Family Court judges.

States, counties, cities, and towns across the country are creating a seamless network of services for victims of violence against women—from law enforcement to legal services, from medical care and crisis counseling, to shelters and support groups.

The Violence Against Women Act has made, and is making, a real difference in the lives of millions of women and children by providing much needed funds at the local level to—and let me just give you a few examples:

Give police officers more specialized training both to deal swiftly and surely with abusers and to become more sensitive toward victims, as well as to provide them with better evidence-gathering and information-sharing equipment and skills;

Train prosecutors and judges on the unique aspects of cases involving violence against women;

Hire victim advocates and counselors and provide an array of services, including 24-hour hotlines, emergency transportation, medical services, and specialized programs to reach victims of violence against women from all walks of life; and

Open new and expand existing shelters for victims of violence against women and their children.

The Violence Against Women Act funds 1,031 shelters and 82 safe houses in all 50 states, the District of Columbia, and Puerto Rico. But tens of thousands of women and children are still turned away every year.

Together—at the federal, state, and local levels—we have been steadily moving forward, step by step, along the road to ending this violence once and for all. But there is more that we can do, and more that we must do.

The Biden-Hatch Violence Against Women Act of 2000 would accomplish three basic things:

First, the bill would reauthorize through Fiscal Year 2005 the key programs included in the original Violence Against Women Act. These include the STOP grants, the Pro-Arrest grants, Rural Domestic Violence and Child Abuse Enforcement Grants, the National Domestic Violence Hotline, and rape prevention and education programs.

This also means reauthorizing the court-appointed special advocate program (CASA), and other programs in the Victims of Child Abuse Act.

Second, the bill would extend the Violent Crime Reduction Trust Fund through Fiscal Year 2005. Funding for the trust fund expires this year. This dedicated funding source—paid for by the savings generated by reducing the federal workforce by more than 300,000 employees—provides all the grant money for additional police officers, prosecutors, and battered women shelters. It is these funds that provide the specialized domestic violence training for law enforcement and prosecutors.

The Trust Fund is the source of funding for all the victim services, including counseling, legal services, nursing and hospital services, especially designed for victims of domestic violence and sexual assault.

Of course, the Trust Fund's significance extends beyond the Violence Against Women Act. The trust fund has provided the funds for a host of successful law enforcement initiatives, ranging from drug courts; the weed and seed programs that exist in every state to drive drugs from our cities; and funding for prisons, the FBI, the Drug Enforcement Agency, and Boys and Girls clubs. And the list goes on.

In order to replicate the successes we have achieved under the original Violence Against Women Act, and in order to continue to pursue these other important law enforcement programs, it is imperative that we: (1) extend the Violent Crime Reduction Trust Fund for an additional five years, and (2) that we fully fund the Trust Fund.

Third, the Violence Against Women Act of 2000 makes some targeted improvements that our experience with the original Act has shown to be necessary. Let me give you just a few examples.

Civil Legal Assistance Grants: Our bill would create a separate grant program to help victims of domestic violence, stalking, and sexual assault who need legal assistance because of that violence, to obtain access to legal services at little to no cost.

This provision would also establish a database of legal assistance providers to be maintained and used by the National Domestic Violence Hotline, so that victims who call the hotline can be directed to a legal service provider immediately.

Improving Full Faith & Credit Enforcement of Protection Orders: My bill would help states and tribal courts improve interstate enforcement of civil protection orders, as required by the original Violence Against Women Act. The program would prioritize the development and enhancement of data collection and sharing systems to promote tracking and enforcement of protection orders across the nation.

Transitional Housing: The bill would also authorize the Department of Health and Human Services to make grants to provide short-term housing assistance and short-term support services to individuals and their dependents who are homeless or in need of transitional housing or other housing assistance as a result of fleeing a situation of domestic violence, and for whom emergency shelter services are unavailable or insufficient.

Safe Havens for Children: The bill would authorize a new two-year pilot grant program to be administered by the Department of Justice aimed at reducing the opportunity for domestic violence to occur during the transfer of children for visitation purposes by expanding the availability of supervised visitation for victims of domestic violence, sexual assault, and child abuse. We all know that women are at greatest risk of assault at the time when children are transferred between parents.

I also would like to take this opportunity to point out that the Supreme Court's recent decision in United States v. Morrison, 120 S. Ct. 1740 (2000), invalidated a single provision of the original Act, the "civil rights remedy" that permitted a victim of gender-motivated violence to sue her attacker in federal court. No other provision in the original Act—or, for that matter, in the Violence Against Women Act of 2000—is affected by the Supreme Court's decision.

Finally, I would like to comment on where we are and how we got here.

The bill Senator HATCH and I are introducing today is a streamlined version of S. 51, the legislation I originally introduced at the beginning of the 106th Congress.

Since I first introduced S. 51, I have consulted extensively with Senator HATCH and with many other individuals, inside and outside of the Senate, and on both sides of the aisle, in an effort to narrow the legislation to produce a bill that every Senator, regardless of party, can enthusiastically support.

In the course of that effort, I agreed to drop a number of items that quite frankly, I think were worth doing, and made other concessions. I did that because I believe it is critical, in the waning days of this legislative session, to achieve a strong bipartisan consensus on the essential elements that must be included in this bill. I am convinced that we have reached that consensus, and that the bill we now propose reflects the priorities of a substantial majority of Senators.

For far too long, law enforcement, prosecutors, the courts, and the community at large treated domestic abuse as a "private family matter," looking the other way when women suffered abuse at the hands of their supposed loved ones. Thanks in part to the original Act, violence against women is no longer a private matter, and the time when a woman has to suffer in silence because the criminal who is victimizing her happens to be her husband or boyfriend has passed.

The bill I introduce today will renew the commitment we made as a nation in 1994 to combat family violence, sexual assault, and stalking. I urge all of you to support it.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Violence Against Women Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Accountability and oversight.

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

Sec. 101. Full faith and credit enforcement of protection orders.
Sec. 102. Role of courts.
Sec. 103. Reauthorization of STOP grants.
Sec. 104. Reauthorization of grants to encourage arrest policies.
Sec. 105. Reauthorization of rural domestic violence and child abuse enforcement grants.
Sec. 106. National stalker and domestic violence reduction.
Sec. 107. Amendments to domestic violence and stalking offenses.
Sec. 108. Grants to reduce violent crimes against women on campus.

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

Sec. 201. Legal assistance for victims.
Sec. 202. Shelter services for battered women and children.
Sec. 203. Transitional housing assistance for victims of domestic violence.
Sec. 204. National domestic violence hotline.
Sec. 205. Federal victims counselors.
Sec. 206. Study of State laws regarding insurance discrimination against victims of violence against women.
Sec. 207. Study of workplace effects from violence against women.
Sec. 208. Study of unemployment compensation for victims of violence against women.
Sec. 209. Enhancing protections for older women from domestic violence and sexual assault.

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

Sec. 301. Safe havens for children pilot program.
Sec. 302. Reauthorization of runaway and homeless youth grants.
Sec. 303. Reauthorization of victims of child abuse programs.
Sec. 304. Report on effects of parental kidnapping laws in domestic violence cases.

TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

Sec. 401. Education and training in appropriate responses to violence against women.
Sec. 402. Rape prevention and education.
Sec. 403. Education and training to end violence against and abuse of women with disabilities.
Sec. 404. Community initiatives.
Sec. 405. Development of research agenda identified by the Violence Against Women Act of 1994.

TITLE V—BATTERED IMMIGRANT WOMEN

Sec. 501. Short title.
Sec. 502. Findings and purposes.
Sec. 503. Improved access to immigration protections of the Violence Against Women Act of 1994 for battered immigrant women.
Sec. 504. Improved access to cancellation of removal and suspension of deportation under the Violence Against Women Act of 1994.
Sec. 505. Offering equal access to immigration protections of the Violence Against Women Act of 1994 for all qualified battered immigrant self-petitioners.
Sec. 506. Restoring immigration protections under the Violence Against Women Act of 1994.
Sec. 507. Remedying problems with implementation of the immigration provisions of the Violence Against Women Act of 1994.
Sec. 508. Technical correction to qualified alien definition for battered immigrants.
Sec. 509. Access to Cuban Adjustment Act for battered immigrant spouses and children.
Sec. 510. Access to the Nicaraguan Adjustment and Central American Relief Act for battered spouses and children.
Sec. 511. Access to the Haitian Refugee Fairness Act of 1998 for battered spouses and children.
Sec. 512. Access to services and legal representation for battered immigrants.

TITLE VI—EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND

Sec. 601. Extension of Violent Crime Reduction Trust Fund.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "domestic violence" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2); and

(2) the term "sexual assault" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

SEC. 3. ACCOUNTABILITY AND OVERSIGHT.

(a) REPORT BY GRANT RECIPIENTS.—The Attorney General or Secretary of Health and Human Services, as applicable, shall require grantees under any program authorized or reauthorized by this Act or an amendment made by this Act to report on the effectiveness of the activities carried out with amounts made available to carry out that program, including number of persons served, if applicable, numbers of persons seeking services who could not be served and such other information as the Attorney General or Secretary may prescribe.

(b) REPORT TO CONGRESS.—The Attorney General or Secretary of Health and Human Services, as applicable, shall report annually to the Committees on the Judiciary of the House of Representatives and the Senate on the grant programs described in subsection (a), including the information contained in any report under that subsection.

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

SEC. 101. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.

(a) IN GENERAL.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended—

(1) in the heading, by adding "**AND ENFORCEMENT OF PROTECTION ORDERS**" at the end;

(2) in section 2101(b)—

(A) in paragraph (6), by inserting "(including juvenile courts)" after "courts"; and

(B) by adding at the end the following:

"(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions."; and

(3) in section 2102—

(A) in subsection (b)—

(i) in paragraph (1), by striking "and" at the end;

(ii) in paragraph (2), by striking the period at the end and inserting ", including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);"; and

(iii) by adding at the end the following:

"(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

"(4) will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective."; and

(B) by adding at the end the following:

"(c) DISSEMINATION OF INFORMATION.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.".

(b) PROTECTION ORDERS.—

(1) FILING COSTS.—Section 2006 of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–5) is amended—

(A) in the heading, by striking "**filing**" and inserting "**and protection orders**" after "**charges**";

(B) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

"(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or"; and

(ii) in paragraph (2)(B), by striking "2 years" and inserting "2 years after the date of enactment of the Violence Against Women Act of 2000"; and

(C) by adding at the end the following:

"(c) DEFINITION.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.".

(2) ELIGIBILITY FOR GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(A) in subsection (c), by striking paragraph (4) and inserting the following:

"(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction."; and

(B) by adding at the end the following:

"(d) DEFINITION.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.".

(3) APPLICATION FOR GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2102(a)(1)(B) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(a)(1)(B)) is amended by inserting before the semicolon the following: "or, in the case of the condition set forth in subsection 2101(c)(4), the expiration of the 2-year period beginning on the date of enactment of the Violence Against Women Act of 2000".

(4) REGISTRATION FOR PROTECTION ORDERS.—Section 2265 of title 18, United States Code, is amended by adding at the end the following:

"(d) REGISTRATION.—

"(1) IN GENERAL.—A State or Indian tribe according full faith and credit to an order by a court of another State or Indian tribe shall not notify the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State or tribal jurisdiction unless requested to do so by the party protected under such order.

"(2) NO PRIOR REGISTRATION OR FILING REQUIRED.—Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding any requirement that the order be registered or filed in the enforcing State or tribal jurisdiction.

"(e) NOTICE.—A protection order that is otherwise consistent with this section shall be accorded full faith and credit and enforced notwithstanding the failure to provide notice to the party against whom the order is made of its registration or filing in the enforcing State or Indian tribe.

"(f) TRIBAL COURT JURISDICTION.—For purposes of this section, a tribal court shall have full civil jurisdiction over domestic relations actions, including authority to enforce its orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe and in which at least 1 of the parties is an Indian.".

(c) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended in the item relating to part U, by adding "AND ENFORCEMENT OF PROTECTION ORDERS" at the end.

SEC. 102. ROLE OF COURTS.

(a) COURTS AS ELIGIBLE STOP SUBGRANTEES.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (a), by striking "Indian tribal governments," and inserting "State and local courts (including juvenile courts), Indian tribal governments, tribal courts,"; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting ", judges, other court personnel," after "law enforcement officers";

(ii) in paragraph (2), by inserting ", judges, other court personnel," after "law enforcement officers"; and

(iii) in paragraph (3), by inserting ", court," after "police"; and

(2) in section 2002—

(A) in subsection (a), by inserting "State and local courts (including juvenile courts)," after "States," the second place it appears;

(B) in subsection (c), by striking paragraph (3) and inserting the following:

"(3) of the amount granted—

"(A) not less than 25 percent shall be allocated to police and not less than 25 percent shall be allocated to prosecutors;

"(B) not less than 30 percent shall be allocated to victim services; and

"(C) not less than 5 percent shall be allocated for State and local courts (including juvenile courts); and"; and

(C) in subsection (d)(1), by inserting "court," after "law enforcement,".

(b) ELIGIBLE GRANTEES; USE OF GRANTS FOR EDUCATION.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by inserting "State and local courts (including juvenile courts), tribal courts," after "Indian tribal governments,";

(2) in subsection (b)—

(A) by inserting "State and local courts (including juvenile courts)," after "Indian tribal governments";

(B) in paragraph (2), by striking "policies and" and inserting "policies, educational programs, and";

(C) in paragraph (3), by inserting "parole and probation officers," after "prosecutors,"; and

(D) in paragraph (4), by inserting "parole and probation officers," after "prosecutors,";

(3) in subsection (c), by inserting "State and local courts (including juvenile courts)," after "Indian tribal governments"; and

(4) by adding at the end the following:

"(e) Allotment for Indian Tribes.—Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.".

SEC. 103. REAUTHORIZATION OF STOP GRANTS.

(a) Reauthorization.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (18) and inserting the following:

"(18) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part T $185,000,000 for each of fiscal years 2001 through 2005.".

(b) Grant Purposes.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (b)—

(i) in paragraph (5), by striking "racial, cultural, ethnic, and language minorities" and inserting "underserved populations";

(ii) in paragraph (6), by striking "and" at the end;

(iii) in paragraph (7), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(8) supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault and domestic violence."; and

(B) by adding at the end the following:

"(c) State Coalition Grants.—

"(1) Purpose.—The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

"(2) Grants to state coalitions.—The Attorney General shall award grants to—

"(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.); and

"(B) each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

"(3) Eligibility for other grants.—Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b).";

(2) in section 2002(b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(B) in paragraph (1), by striking "4 percent" and inserting "5 percent";

(C) in paragraph (4), as redesignated, by striking "$500,000" and inserting "$600,000"; and

(D) by inserting after paragraph (1) the following:

"(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/53 of the total amount made available under this paragraph for each fiscal year;

"(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/53 of the total amount made available under this paragraph for each fiscal year;";

(3) in section 2003—

(A) in paragraph (7), by striking "geographic location" and all that follows through "physical disabilities" and inserting "race, ethnicity, age, disability, religion, alienage status, language barriers, geographic location (including rural isolation), and any other populations determined to be underserved"; and

(B) in paragraph (8), by striking "assisting domestic violence or sexual assault victims through the legal process" and inserting "providing assistance for victims seeking necessary support services as a consequence of domestic violence or sexual assault"; and

(4) in section 2004(b)(3), by inserting ", and the membership of persons served in any underserved population" before the semicolon.

SEC. 104. REAUTHORIZATION OF GRANTS TO ENCOURAGE ARREST POLICIES.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (19) and inserting the following:

"(19) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part U $65,000,000 for each of fiscal years 2001 through 2005.".

SEC. 105. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.

(a) Reauthorization.—Section 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) In general.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 to carry out this section $40,000,000 for each of fiscal years 2001 through 2005."; and

(2) by adding at the end the following:

"(3) Allotment for indian tribes.—Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.".

SEC. 106. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.

(a) Reauthorization.—Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended to read as follows:

"SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 to carry out this subtitle $3,000,000 for each of fiscal years 2001 through 2005.".

(b) Technical Amendment.—Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031 note) is amended by inserting "and implement" after "improve".

SEC. 107. AMENDMENTS TO DOMESTIC VIOLENCE AND STALKING OFFENSES.

(a) Interstate Domestic Violence.—Section 2261 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) Offenses.—

"(1) Travel or conduct of offender.—A person who travels in interstate or foreign commerce or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

"(2) Causing travel of victim.—A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).".

(b) Interstate Stalking.—Section 2261A of title 18, United States Code, is amended to read as follows:

"§ 2261A. Interstate stalking

"Whoever—

"(1) with the intent to kill, injure, harass, or intimidate another person, engages within the special maritime and territorial jurisdiction of the United States in conduct that places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 2266) to, that person or a member of the immediate family (as defined in section 115) of that person; or

"(2) with the intent to kill, injure, harass, or intimidate another person, travels in interstate or foreign commerce, or enters or leaves Indian country, and, in the course of or as a result of such travel, engages in conduct that places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 2266) to, that person or a member of the immediate family (as defined in section 115) of that person,

shall be punished as provided in section 2261(b).".

(c) Interstate Violation of Protection Order.—Section 2262 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) Offenses.—

"(1) Travel or conduct of offender.—A person who travels in interstate or foreign commerce, or enters or leaves Indian country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

"(2) CAUSING TRAVEL OF VICTIM.—A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).".

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended to read as follows:

"§ 2266. Definitions

"In this chapter:

"(1) BODILY INJURY.—The term 'bodily injury' means any act, except one done in self-defense, that results in physical injury or sexual abuse.

"(2) ENTER OR LEAVE INDIAN COUNTRY.—The term 'enter or leave Indian country' includes leaving the jurisdiction of 1 tribal government and entering the jurisdiction of another tribal government.

"(3) INDIAN COUNTRY.—The term 'Indian country' has the meaning stated in section 1151 of this title.

"(4) PROTECTION ORDER.—The term 'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

"(5) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning stated in section 2119(2).

"(6) SPOUSE OR INTIMATE PARTNER.—The term 'spouse or intimate partner' includes—

"(A) a spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

"(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.

"(7) STATE.—The term 'State' includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States.

"(8) TRAVEL IN INTERSTATE OR FOREIGN COMMERCE.—The term 'travel in interstate or foreign commerce' does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.".

SEC. 108. GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.

Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is amended—

(1) in subsection (f)(1), by inserting "by a person with whom the victim has engaged in a social relationship of a romantic or intimate nature," after "cohabited with the victim,"; and

(2) in subsection (g), by striking "fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "each of fiscal years 2001 through 2005".

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

SEC. 201. LEGAL ASSISTANCE FOR VICTIMS.

(a) IN GENERAL.—The purpose of this section is to enable the Attorney General to award grants to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

(b) DEFINITIONS.—In this section:

(1) DOMESTIC VIOLENCE.—The term "domestic violence" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(2) LEGAL ASSISTANCE FOR VICTIMS.—The term "legal assistance" includes assistance to victims of domestic violence, stalking, and sexual assault in family, criminal, immigration, administrative, or housing matters, protection or stay away order proceedings, and other similar matters. No funds made available under this section may be used to provide financial assistance in support of any litigation described in paragraph (14) of section 504 of Public Law 104–134.

(3) SEXUAL ASSAULT.—The term "sexual assault" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(c) LEGAL ASSISTANCE FOR VICTIMS GRANTS.—The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, stalking, and sexual assault.

(d) GRANT TO ESTABLISH DATABASE OF PROGRAMS THAT PROVIDE LEGAL ASSISTANCE TO VICTIMS.—

(1) IN GENERAL.—The Attorney General may make a grant to establish, operate, and maintain a national computer database of programs and organizations that provide legal assistance to victims of domestic violence, stalking, and sexual assault.

(2) DATABASE REQUIREMENTS.—A database established with a grant under this subsection shall be—

(A) designed to facilitate the referral of persons to programs and organizations that provide legal assistance to victims of domestic violence, stalking, and sexual assault; and

(B) operated in coordination with—

(i) the national domestic violence hotline established under section 316 of the Family Violence Prevention and Services Act; and

(ii) any comparable national sexual assault hotline or other similar resource.

(e) EVALUATION.—The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault, and on evaluation research.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $35,000,000 for each of fiscal years 2001 through 2005.

(2) ALLOCATION OF FUNDS.—Of the amount made available under this subsection in each fiscal year, not less than 5 percent shall be used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(3) NONSUPPLANTATION.—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

SEC. 202. SHELTER SERVICES FOR BATTERED WOMEN AND CHILDREN.

(a) STATE SHELTER GRANTS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking "populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation" and inserting "populations underserved because of race, ethnicity, age, disability, religion, alienage status, geographic location (including rural isolation), or language barriers, and any other populations determined by the Secretary to be underserved".

(b) STATE MINIMUM; REALLOTMENT.—Section 304 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended—

(1) in subsection (a), by striking "for grants to States for any fiscal year" and all that follows and inserting the following: "and available for grants to States under this subsection for any fiscal year—

"(1) Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the combined Freely Associated States shall each be allotted not less than ⅛ of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made; and

"(2) each State shall be allotted for payment in a grant authorized under section 303(a), $600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.";

(2) in subsection (c), in the first sentence, by inserting "and available" before "for grants"; and

(3) by adding at the end the following:

"(e) In subsection (a)(2), the term "State" does not include any jurisdiction specified in subsection (a)(1).".

(c) SECRETARIAL RESPONSIBILITIES.—Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking "an employee" and inserting "1 or more employees";

(2) by striking "of this title." and inserting "of this title, including carrying out evaluation and monitoring under this title."; and

(3) by striking "The individual" and inserting "Any individual".

(d) Resource Centers.—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended—

(1) in subsection (a)(2), by inserting "on providing information, training, and technical assistance" after "focusing"; and

(2) in subsection (c), by adding at the end the following:

"(8) Providing technical assistance and training to local entities carrying out domestic violence programs that provide shelter, related assistance, or transitional housing assistance.

"(9) Improving access to services, information, and training, concerning family violence, within Indian tribes and Indian tribal agencies.

"(10) Providing technical assistance and training to appropriate entities to improve access to services, information, and training concerning family violence occurring in underserved populations.".

(e) Conforming Amendment.—Section 309(6) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(6)) is amended by striking "the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands" and inserting "the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the combined Freely Associated States".

(f) Reauthorization.—Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) In General.—

"(1) Authorization of appropriations.—There are authorized to be appropriated to carry out this title $175,000,000 for each of fiscal years 2001 through 2005.

"(2) Source of funds.—Amounts made available under paragraph (1) may be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211).";

(2) in subsection (b), by striking "under subsection 303(a)" and inserting "under section 303(a)";

(3) in subsection (c), by inserting "not more than the lesser of $7,500,000 or" before "5"; and

(4) by adding at the end the following:

"(f) Evaluation, Monitoring, and Administration.—Of the amounts appropriated under subsection (a) for each fiscal year, not more than 1 percent shall be used by the Secretary for evaluation, monitoring, and administrative costs under this title.".

(g) State Domestic Violence Coalition Grant Activities.—Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended—

(1) in subsection (a)(4), by striking "underserved racial, ethnic or language-minority populations" and inserting "underserved populations described in section 303(a)(2)(C)"; and

(2) in subsection (c), by striking "the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands" and inserting "the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States".

SEC. 203. TRANSITIONAL HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

Title III of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

"SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.

"(a) In General.—The Secretary shall award grants under this section to carry out programs to provide assistance to individuals, and their dependents—

"(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and

"(2) for whom emergency shelter services are unavailable or insufficient.

"(b) Assistance Described.—Assistance provided under this section may include—

"(1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses, such as payment of security deposits and other costs incidental to relocation to transitional housing, in cases in which assistance described in this paragraph is necessary to prevent homelessness because an individual or dependent is fleeing a situation of domestic violence; and

"(2) short-term support services, including payment of expenses and costs associated with transportation and job training referrals, child care, counseling, transitional housing identification and placement, and related services.

"(c) Term of Assistance.—An individual or dependent assisted under this section may not receive assistance under this section for a total of more than 12 months.

"(d) Reports.—

"(1) Report to secretary.—

"(A) In general.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.

"(B) Contents.—Each report shall include information on—

"(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;

"(ii) the number of months each individual or dependent received the assistance;

"(iii) the number of individuals and dependents who were eligible to receive the assistance, and to whom the entity could not provide the assistance solely due to a lack of available housing; and

"(iv) the type of support services provided to each individual or dependent assisted under this section.

"(2) Report to congress.—The Secretary shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

"(e) Authorization of Appropriations.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

"(1) $25,000,000 for each of fiscal years 2001 through 2003; and

"(2) $30,000,000 for each of fiscal years 2004 and 2005.".

SEC. 204. NATIONAL DOMESTIC VIOLENCE HOTLINE.

(a) Reauthorization.—Section 316(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)) is amended by striking paragraph (1) and inserting the following:

"(1) In general.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $2,000,000 for each of fiscal years 2001 through 2005.".

(b) Report Requirement.—Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) Report by Grant Recipient.—

"(1) In general.—Not later than 180 days after the date of enactment of the Violence Against Women Act of 2000, each recipient of a grant under this section shall prepare and submit to the Secretary a report that contains—

"(A) an evaluation of the effectiveness of the activities carried out by the recipient with amounts received under this section; and

"(B) such other information as the Secretary may prescribe.

"(2) Notice and public comment.—The Secretary shall—

"(A) publish in the Federal Register a copy of the report submitted by the recipient under this subsection; and

"(B) allow not less than 90 days for notice of and opportunity for public comment on the published report.".

SEC. 205. FEDERAL VICTIMS COUNSELORS.

Section 40114 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1910) is amended by striking "(such as District of Columbia)—" and all that follows and inserting "(such as District of Columbia), $1,000,000 for each of fiscal years 2001 through 2005.".

SEC. 206. STUDY OF STATE LAWS REGARDING INSURANCE DISCRIMINATION AGAINST VICTIMS OF VIOLENCE AGAINST WOMEN.

(a) In General.—The Attorney General shall conduct a national study to identify State laws that address discrimination against victims of domestic violence and sexual assault related to issuance or administration of insurance policies.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the findings and recommendations of the study required by subsection (a).

SEC. 207. STUDY OF WORKPLACE EFFECTS FROM VIOLENCE AGAINST WOMEN.

The Attorney General shall—

(1) conduct a national survey of plans, programs, and practices developed to assist employers and employees on appropriate responses in the workplace related to victims of domestic violence, stalking, or sexual assault; and

(2) not later than 18 months after the date of enactment of this Act, submit to Congress a report describing the results of that survey, which report shall include the recommendations of the Attorney General to assist employers and employees affected in the workplace by incidents of domestic violence, stalking, and sexual assault.

SEC. 208. STUDY OF UNEMPLOYMENT COMPENSATION FOR VICTIMS OF VIOLENCE AGAINST WOMEN.

The Secretary of Labor, in consultation with the Attorney General, shall—

(1) conduct a national study to identify State laws that address the separation from employment of an employee due to circumstances directly resulting from the experience of domestic violence by the employee

and circumstances governing that receipt (or nonreceipt) by the employee of unemployment compensation based on such separation; and

(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report describing the results of that study, together with any recommendations based on that study.

SEC. 209. ENHANCING PROTECTIONS FOR OLDER WOMEN FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

(a) Definition.—In this section, the term "older individual" has the meaning given the term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(b) Protections for Older Individuals From Domestic Violence and Sexual Assault in Pro-Arrest Grants.—Section 2101(b) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

"(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals (as is defined in section 102 of the Older Americans Act of 1965) (42 U.S.C. 3002)).".

(c) Protections for Older Individuals From Domestic Violence and Sexual Assault in STOP Grants.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001(b)—

(A) in paragraph (7) (as amended by section 103(b) of this Act), by striking "and" at the end;

(B) in paragraph (8) (as added by section 103(b) of this Act), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(9) developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support and counseling services to such older individuals."; and

(2) in section 2003(7) (as amended by section 103(b) of this Act), by inserting after "any other populations determined to be underserved" the following: ", and the needs of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are victims of family violence".

(d) Enhancing Services for Older Individuals in Shelters.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) (as amended by section 202(a)(1) of this Act) is amended by inserting after "any other populations determined by the Secretary to be underserved" the following: ", and the needs of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are victims of family violence".

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

SEC. 301. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.

(a) In General.—The Attorney General may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities to provide supervised visitation and safe visitation exchange of children by and between parents in situations involving domestic violence, child abuse, or sexual assault.

(b) Considerations.—In awarding grants under subsection (a), the Attorney General shall take into account—

(1) the number of families to be served by the proposed visitation programs and services;

(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State domestic violence coalition, State sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

(c) Applicant Requirements.—The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

(d) Reporting.—

(1) In general.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report that includes information concerning—

(A) the number of—

(i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);

(ii) the number of individuals from underserved populations served and turned away from services; and

(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

(2) Guidelines.—The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

(e) Authorization of Appropriations.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $15,000,000 for each of fiscal years 2001 and 2002.

(f) Allotment for Indian Tribes.—Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.

SEC. 302. REAUTHORIZATION OF RUNAWAY AND HOMELESS YOUTH GRANTS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended by striking paragraph (4) and inserting the following:

"(4) Part E.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part E $22,000,000 for each of fiscal years 2001 through 2005.".

SEC. 303. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE PROGRAMS.

(a) Court-Appointed Special Advocate Program.—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:

"(a) Authorization.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle $12,000,000 for each of fiscal years 2001 through 2005.".

(b) Child Abuse Training Programs for Judicial Personnel and Practitioners.—Section 224 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024) is amended by striking subsection (a) and inserting the following:

"(a) Authorization.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle $2,300,000 for each of fiscal years 2001 through 2005.".

(c) Grants for Televised Testimony.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) and inserting the following:

"(7) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part N $1,000,000 for each of fiscal years 2001 through 2005.".

(d) Dissemination of Information.—The Attorney General shall—

(1) annually compile and disseminate information (including through electronic publication) about the use of amounts expended

and the projects funded under section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)), and section 1007(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects; and

(2) focus dissemination of the information described in paragraph (1) toward community-based programs, including domestic violence and sexual assault programs.

SEC. 304. REPORT ON EFFECTS OF PARENTAL KIDNAPPING LAWS IN DOMESTIC VIOLENCE CASES.

(a) IN GENERAL.—The Attorney General shall—

(1) conduct a study of Federal and State laws relating to child custody, including custody provisions in protection orders, the Parental Kidnaping Prevention Act of 1980, and the amendments made by that Act, and the effect of those laws on child custody cases in which domestic violence is a factor; and

(2) submit to Congress a report describing the results of that study, including the effects of implementing or applying model State laws, and the recommendations of the Attorney General to reduce the incidence or pattern of violence against women or of sexual assault of the child.

(b) SUFFICIENCY OF DEFENSES.—In carrying out subsection (a) with respect to the Parental Kidnaping Prevention Act of 1980, and the amendments made by that Act, the Attorney General shall examine the sufficiency of defenses to parental abduction charges available in cases involving domestic violence, and the burdens and risks encountered by victims of domestic violence arising from jurisdictional requirements of that Act and the amendments made by that Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000 for fiscal year 2001.

(d) CONDITION FOR CUSTODY DETERMINATION.—Section 1738A(c)(2)(C)(ii) of title 28, United States Code, is amended by striking "he" and inserting "the child, a sibling, or parent of the child".

TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 401. EDUCATION AND TRAINING IN APPROPRIATE RESPONSES TO VIOLENCE AGAINST WOMEN.

(a) AUTHORITY.—The Secretary of Health and Human Services, in consultation with the Attorney General, may award grants in accordance with this section to public and private nonprofit entities that, in the determination of the Secretary, have—

(1) nationally recognized expertise in the areas of domestic violence and sexual assault; and

(2) a record of commitment and quality responses to reduce domestic violence and sexual assault.

(b) PURPOSE.—Grants under this section may be used for the purposes of developing, testing, presenting, and disseminating model programs to provide education and training in appropriate and effective responses to victims of domestic violence and sexual assault (including, as appropriate, the effects of domestic violence on children) for individuals (other than law enforcement officers and prosecutors) who are likely to come into contact with such victims during the course of their employment, including—

(1) caseworkers, supervisors, administrators, administrative law judges, and other individuals administering Federal and State benefits programs, such as child welfare and child protective services, Temporary Assistance to Needy Families, social security disability, child support, medicaid, unemployment, workers' compensation, and similar programs; and

(2) medical and health care professionals, including mental and behavioral health professionals such as psychologists, psychiatrists, social workers, therapists, counselors, and others.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $5,000,000 for each of fiscal years 2001 through 2003.

SEC. 402. RAPE PREVENTION AND EDUCATION.

(a) IN GENERAL.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following:

"SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

"(a) PERMITTED USE.—The Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, shall award targeted grants to States to be used for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities for—

"(1) educational seminars;

"(2) the operation of hotlines;

"(3) training programs for professionals;

"(4) the preparation of informational material;

"(5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities;

"(6) education to increase awareness about drugs used to facilitate rapes or sexual assaults; and

"(7) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

"(b) COLLECTION AND DISSEMINATION OF INFORMATION ON SEXUAL ASSAULT.—The Secretary shall, through the National Resource Center on Sexual Assault established under the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, provide resource information, policy, training, and technical assistance to Federal, State, local, and Indian tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault, including maintenance of a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section, $50,000,000 for each of fiscal years 2001 through 2005.

"(2) NATIONAL RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not more than the greater of $1,000,000 or 2 percent of such amount shall be available for allotment under subsection (b).

"(d) LIMITATIONS.—

"(1) SUPPLEMENT NOT SUPPLANT.—Amounts provided to States under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services of the type described in subsection (a).

"(2) STUDIES.—A State may not use more than 2 percent of the amount received by the State under this section for each fiscal year for surveillance studies or prevalence studies.

"(3) ADMINISTRATION.—A State may not use more than 5 percent of the amount received by the State under this section for each fiscal year for administrative expenses.".

(b) REPEAL.—Section 40151 of the Violence Against Women Act of 1994 (108 Stat. 1920), and the amendment made by such section, is repealed.

SEC. 403. EDUCATION AND TRAINING TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to States and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(b) PRIORITIES.—In awarding grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on—

(1) the nature, definition, and characteristics of domestic violence, stalking, and sexual assault experienced by women who are individuals with disabilities;

(2) outreach activities to ensure that women who are individuals with disabilities who are victims of domestic violence, stalking, and sexual assault receive appropriate assistance;

(3) the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973; and

(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.

(c) USES OF GRANTS.—Each recipient of a grant under this section shall provide information and training to organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, and domestic violence programs providing shelter or related assistance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.

SEC. 404. COMMUNITY INITIATIVES.

Section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (G), by striking "and" at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) groups that provide services to individuals with disabilities;"; and

(2) by striking subsection (h) and inserting the following:

"(h) Authorization of Appropriations.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.".

SEC. 405. DEVELOPMENT OF RESEARCH AGENDA IDENTIFIED BY THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) In General.—The Attorney General shall—

(1) direct the National Institute of Justice, in consultation and coordination with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a research agenda based on the recommendations contained in the report entitled "Understanding Violence Against Women" of the National Academy of Sciences ; and

(2) not later than 1 year after the date of enactment of this Act, in consultation with the Secretary of the Department of Health and Human Services, submit to Congress a report which shall include—

(A) a description of the research agenda developed under paragraph (1) and a plan to implement that agenda;

(B) recommendations for priorities in carrying out that agenda to most effectively advance knowledge about and means by which to prevent or reduce violence against women.

(b) Authorization of Appropriations.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 31001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) such sums as may be necessary to carry out this section.

TITLE V—BATTERED IMMIGRANT WOMEN

SEC. 501. SHORT TITLE.

This title may be cited as the "Battered Immigrant Women Protection Act of 2000".

SEC. 502. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children without fearing that the abuser will retaliate by withdrawing or threatening withdrawal of access to an immigration benefit under the abuser's control; and

(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

(b) Purposes.—The purposes of this title are—

(1) to remove barriers to criminal prosecutions of persons who commit acts of battery or extreme cruelty against immigrant women and children; and

(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State and tribal protection orders, domestic violence, and family law statutes.

SEC. 503. IMPROVED ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR BATTERED IMMIGRANT WOMEN.

(a) Intended Spouse Defined.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

"(50) The term 'intended spouse' means any alien who meets the criteria set forth in section 204(a)(1)(A)(iii)(II)(aa)(BB), 204(a)(1)(B)(ii)(II)(aa)(BB), or 240A(b)(2)(A)(i)(III).".

(b) Immediate Relative Status for Self-Petitioners Married to U.S. Citizens.—

(1) Self-petitioning spouses.—

(A) Battery or cruelty to alien or alien's child.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended to read as follows:

"(iii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if the alien demonstrates to the Attorney General that—

"(aa) the marriage or the intent to marry the United States citizen was entered into in good faith by the alien; and

"(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

"(II) For purposes of subclause (I), an alien described in this subclause is an alien—

"(aa)(AA) who is the spouse of a citizen of the United States;

"(BB) who believed that he or she had married a citizen of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States; or

"(CC) who was a bona fide spouse of a United States citizen within the past 2 years and—

"(aaa) whose spouse died within the past 2 years;

"(bbb) whose spouse lost or renounced citizenship status related to an incident of domestic violence; or

"(ccc) who demonstrates a connection between the legal termination of the marriage and battering or extreme cruelty by the United States citizen spouse;

"(bb) who is a person of good moral character;

"(cc) who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) or who would have been so classified but for the bigamy of the citizen of the United States that the alien intended to marry; and

"(dd) who has resided with the alien's spouse or intended spouse.".

(2) Self-petitioning children.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read as follows:

"(iv) An alien who is the child of a citizen of the United States, or who was a child of a United States citizen parent who lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who resides, or has resided in the past, with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent. For purposes of this clause, residence includes any period of visitation.".

(3) Filing of petitions.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154 (a)(1)(A)(iv)) is amended by adding at the end the following:

"(v) An alien who is the spouse, intended spouse, or child of a United States citizen living abroad and who is eligible to file a petition under clause (iii) or (iv) shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clauses (iii) or (iv).".

(c) Second Preference Immigration Status for Self-Petitioners Married to Lawful Permanent Residents.—

(1) Self-petitioning spouses.—Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read as follows:

"(ii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and if the alien demonstrates to the Attorney General that—

"(aa) the marriage or the intent to marry the lawful permanent resident was entered into in good faith by the alien; and

"(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

"(II) For purposes of subclause (I), an alien described in this paragraph is an alien—

"(aa)(AA) who is the spouse of a lawful permanent resident of the United States; or

"(BB) who believed that he or she had married a lawful permanent resident of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such lawful permanent resident of the United States; or

"(CC) who was a bona fide spouse of a lawful permanent resident within the past 2 years and—

"(aaa) whose spouse lost status due to an incident of domestic violence; or

"(bbb) who demonstrates a connection between the legal termination of the marriage and battering or extreme cruelty by the lawful permanent resident spouse;

"(bb) who is a person of good moral character;

"(cc) who is eligible to be classified as a spouse of an alien lawfully admitted for permanent residence under section 203(a)(2)(A) or who would have been so classified but for the bigamy of the lawful permanent resident of the United States that the alien intended to marry; and

"(dd) who has resided with the alien's spouse or intended spouse.".

(3) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to read as follows:

"(iii) An alien who is the child of an alien lawfully admitted for permanent residence, or who was the child of a lawful permanent resident who lost lawful permanent resident status due to an incident of domestic violence, and who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who resides, or has resided in the past, with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent. For purposes of this clause, residence includes any period of visitation.".

(4) FILING OF PETITIONS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding at the end the following:

"(iv) An alien who is the spouse, intended spouse, or child of a lawful permanent resident living abroad is eligible to file a petition under clause (ii) or (iii) shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clauses (ii) or (iii).".

(d) GOOD MORAL CHARACTER DETERMINATIONS FOR SELF-PETITIONERS AND TREATMENT OF CHILD SELF-PETITIONERS AND PETITIONS INCLUDING DERIVATIVE CHILDREN ATTAINING 21 YEARS OF AGE.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) by redesignating subparagraphs (C) through (H) as subparagraphs (E) through (J), respectively;

(2) by inserting after subparagraph (B) the following:

"(C) Notwithstanding section 101(f), an act or conviction that is waivable with respect to the petitioner for purposes of a determination of the petitioner's admissibility under section 212(a) or deportability under section 237(a) shall not bar the Attorney General from finding the petitioner to be of good moral character under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty.

"(D)(i)(I) Any child who attains 21 years of age who has filed a petition under clause (iv) of section 204(a)(1)(A) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date assigned to the self-petition filed under clause (iv) of section 204(a)(1)(A). No new petition shall be required to be filed.

"(II) Any individual described in subclause (I) is eligible for deferred action and work authorization.

"(III) Any derivative child who attains 21 years of age who is included in a petition described in clause (ii) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date as that assigned to the petitioner in any petition described in clause (ii). No new petition shall be required to be filed.

"(IV) Any individual described in subclause (III) and any derivative child of a petition described in clause (ii) is eligible for deferred action and work authorization.

"(ii) The petition referred to in clause (i)(III) is a petition filed by an alien under subparagraph (A)(iii), (A)(iv), (B)(ii) or (B)(iii) in which the child is included as a derivative beneficiary."; and

(3) in subparagraph (J) (as so redesignated), by inserting "or in making determinations under subparagraphs (C) and (D)," after "subparagraph (B),".

(e) ACCESS TO NATURALIZATION FOR DIVORCED VICTIMS OF ABUSE.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended—

(1) by inserting ", or any person who obtained status as a lawful permanent resident by reason of his or her status as a spouse or child of a United States citizen who battered him or her or subjected him or her to extreme cruelty," after "United States" the first place such term appears; and

(2) by inserting "(except in the case of a person who has been battered or subjected to extreme cruelty by a United States citizen spouse or parent)" after "has been living in marital union with the citizen spouse".

SEC. 504. IMPROVED ACCESS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended to read as follows:

"(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD.—

"(A) AUTHORITY.—The Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien demonstrates that—

"(i)(I) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a United States citizen (or is the parent of a child of a United States citizen and the child has been battered or subjected to extreme cruelty by such citizen parent);

"(II) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a lawful permanent resident (or is the parent of a child of an alien who is or was a lawful permanent resident and the child has been battered or subjected to extreme cruelty by such permanent resident parent); or

"(III) the alien has been battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen's or lawful permanent resident's bigamy;

"(ii) the alien has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application, and the issuance of a charging document for removal proceedings shall not toll the 3-year period of continuous physical presence in the United States;

"(iii) the alien has been a person of good moral character during such period, subject to the provisions of subparagraph (C);

"(iv) the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not deportable under paragraphs (1)(G) or (2) through (4) of section 237(a) (except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver), and has not been convicted of an aggravated felony; and

"(v) the removal would result in extreme hardship to the alien, the alien's child, or the alien's parent.

"(B) PHYSICAL PRESENCE.—Notwithstanding subsection (d)(2), for purposes of subparagraph (A)(i)(II) or for purposes of section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence if the alien demonstrates a connection between the absence and the battering or extreme cruelty perpetrated against the alien. No absence or portion of an absence connected to the battering or extreme cruelty shall count toward the 90-day or 180-day limits established in subsection (d)(2). If any absence or aggregate absences exceed 180 days, the absences or portions of the absences will not be considered to break the period of continuous presence. Any such period of time excluded from the 180-day limit shall be excluded in computing the time during which the alien has been physically present for purposes of the 3-year requirement set forth in section 240A(b)(2)(B) and section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

"(C) GOOD MORAL CHARACTER.—Notwithstanding section 101(f), an act or conviction that would be waivable with respect to the alien for purposes of a determination of the alien's admissibility under section 212(a) or is waivable with respect to the alien for purposes of the alien's deportability under section 237(a) shall not bar the Attorney General from finding the alien to be of good moral character under subparagraph (A)(i)(III) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty and determines that a waiver would be or is otherwise warranted.

"(D) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.".

(b) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended by adding at the end the following:

"(4) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—

"(A) IN GENERAL.—The Attorney General shall grant parole under section 212(d)(5) to any alien who is a—

"(i) child of an alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); or

"(ii) parent of a child alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

"(B) DURATION OF PAROLE.—The grant of parole shall extend from the time of the grant of relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to the time the application for adjustment of status filed by aliens covered under this paragraph has been finally adjudicated. Applications for adjustment of status filed by aliens covered under this paragraph shall be treated as if they were applications filed under section 204(a)(1)(A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c). Failure by the alien granted relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to exercise due diligence in filing a visa petition on behalf of an alien described in clause (i) or (ii) may result in revocation of parole.".

(c) EFFECTIVE DATE.—Any individual who becomes eligible for relief by reason of the enactment of the amendments made by subsections (a) and (b), shall be eligible to file a motion to reopen pursuant to section 240(c)(6)(C)(iv). The amendments made by subsections (a) and (b) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 587). Such portions of the amendments made by subsection (b) that relate to section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) shall take effect as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.).

SEC. 505. OFFERING EQUAL ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR ALL QUALIFIED BATTERED IMMIGRANT SELF-PETITIONERS.

(a) ELIMINATING CONNECTION BETWEEN BATTERY AND UNLAWFUL ENTRY.—Section 212(a)(6)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)(ii)) is amended—

(1) by striking subclause (I) and inserting the following:

"(I) the alien qualifies for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(i); and";

(2) in subclause (II), by striking ", and" and inserting a period; and

(3) by striking subclause (III).

(b) ELIMINATING CONNECTION BETWEEN BATTERY AND VIOLATION OF THE TERMS OF AN IMMIGRANT VISA.—Section 212(a)(9)(B)(iii)(IV) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)(IV)) is amended by striking "who would be described in paragraph (6)(A)(ii)" and all that follows before the period and inserting "who is described in paragraph (6)(A)(ii)".

(c) BATTERED IMMIGRANT WAIVER.—Section 212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by adding at the end the following:

"The Attorney General in the Attorney General's discretion may waive the provisions of section 212(a)(9)(C)(i) in the case of an alien to whom the Attorney General has granted classification under clause (iii), (iv), (v), or (vi) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B), in any case in which there is a connection between—

"(1) the aliens having been battered or subjected to extreme cruelty; and

"(2) the alien's—

"(A) removal;

"(B) departure from the United States;

"(C) reentry or reentries into the United States; or

"(D) attempted reentry into the United States.

(d) DOMESTIC VIOLENCE VICTIM WAIVER.—

(1) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended by inserting at the end the following:

"(7) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—

"(A) IN GENERAL.—The Attorney General is not limited by the criminal court record and may waive the application of paragraph (2)(E)(i) (with respect to crimes of domestic violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship—

"(i) upon a determination that—

"(I) the alien was acting is self-defense;

"(II) the alien was found to have violated a protection order intended to protect the alien; or

"(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime—

"(aa) that did not result in serious bodily injury; and

"(bb) where there was a connection between the crime and the alien's having been battered or subjected to extreme cruelty.

"(B) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.".

(2) CONFORMING AMENDMENT.—Section 240A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(1)(C)) is amended by inserting "(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)" after "237(a)(3)".

(e) MISREPRESENTATION WAIVERS FOR BATTERED SPOUSES OF UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.—

(1) WAIVER OF INADMISSIBILITY.—Section 212(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(i)(1)) is amended by inserting before the period at the end the following: "or, in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who would otherwise qualify for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), the alien demonstrates extreme hardship to the alien or the alien's United States citizen, lawful permanent resident, or qualified alien parent or child".

(2) WAIVER OF DEPORTABILITY.—Section 237(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)) is amended—

(A) in clause (i), by inserting "(I)" after "(i)";

(B) by redesignating clause (ii) as subclause (II); and

(C) by adding after clause (i) the following:

"(ii) is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who qualifies for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).".

(f) BATTERED IMMIGRANT WAIVER.—Section 212(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(g)(1)) is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by adding "or" at the end; and

(3) by inserting after subparagraph (B) the following:

"(C) qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B), relief under section 240A(b)(2), or relief under section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996);".

(g) WAIVERS FOR VAWA ELIGIBLE BATTERED IMMIGRANTS.—Section 212(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(h)(1)) is amended—

(1) in subparagraph (B), by striking "and" and inserting "or";

(2) by adding at the end the following:

"(C) the alien qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A), classification under clause (ii) or (iii) of section 204(a)(1)(B), relief under section 240A(b)(2) or relief under section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); and".

(h) PUBLIC CHARGE.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

"(p) In determining whether an alien described in subsection (a)(4)(C)(i) is inadmissible under subsection (a)(4) or ineligible to receive an immigrant visa or otherwise to adjust to the status of permanent resident by reason of subsection (a)(4), the consular officer or the Attorney General shall not consider any benefits the alien may have received that were authorized under section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1641(c)).".

(i) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives covering, with respect to the fiscal year 1997 and each fiscal year thereafter—

(1) the policy and procedures of the Immigration and Naturalization Service under which an alien who has been battered or subjected to extreme cruelty who is eligible for suspension of deportation or cancellation of removal can request to be placed, and be placed, in deportation or removal proceedings so that such alien may apply for suspension of deportation or cancellation of removal;

(2) the number of requests filed at each district office under this policy;

(3) the number of these requests granted reported separately for each district; and

(4) the average length of time at each Immigration and Naturalization office between the date that an alien who has been subject to battering or extreme cruelty eligible for suspension of deportation or cancellation of removal requests to be placed in deportation or removal proceedings and the date that the immigrant appears before an immigration judge to file an application for suspension of deportation or cancellation of removal.

SEC. 506. RESTORING IMMIGRATION PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) Removing Barriers to Adjustment of Status for Victims of Domestic Violence.—

(1) Immigration amendments.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in subsection (a), by inserting "or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or" after "into the United States."; and

(B) in subsection (c), by striking "Subsection (a) shall not be applicable to" and inserting the following: "Other than an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or B(iv) of section 204(a)(1), subsection (a) shall not be applicable to".

(2) Effective date.—The amendments made by paragraph (1) shall apply to applications for adjustment of status pending on or made on or after January 14, 1998.

(b) Removing Barriers to Cancellation of Removal and Suspension of Deportation for Victims of Domestic Violence.—

(1) Not treating service of notice as terminating continuous period.—Section 240A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by striking "when the alien is served a notice to appear under section 239(a) or" and inserting "(A) except in the case of an alien who applies for cancellation of removal under subsection (b)(2) when the alien is served a notice to appear under section 239(a), or (B)".

(2) Exemption from annual limitation on cancellation of removal for battered spouse or child.—Section 240A(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)(3)) is amended by adding at the end the following:

"(C) Aliens in removal proceedings who applied for cancellation of removal under subsection (b)(2).".

(3) Effective date.—The amendments made by paragraphs (1) and (2) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 587).

(4) Modification of certain transition rules for battered spouse or child.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended—

(A) by striking the subparagraph heading and inserting the following:

"(C) Special rule for certain aliens granted temporary protection from deportation and for battered spouses and children.—"; and

(B) in clause (i)—

(i) in subclause (IV), by striking "or" at the end;

(ii) in subclause (V), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(VI) is an alien who was issued an order to show cause or was in deportation proceedings before April 1, 1997, and who applied for suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of this Act).".

(5) Effective date.—The amendments made by paragraph (4) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).

(c) Eliminating Time Limitations on Motions To Reopen Removal and Deportation Proceedings for Victims of Domestic Violence.—

(1) Removal proceedings.—

(A) In general.—Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended by adding at the end the following:

"(iv) Special rule for battered spouses and children.—There is no time limit on the filing of a motion to reopen, and the deadline specified in subsection (b)(5)(C) for filing such a motion does not apply—

"(I) if the basis for the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), or section 240A(b)(2); and

"(II) if the motion is accompanied by a cancellation of removal application to be filed with the Attorney General or by a copy of the self-petition that has been or will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.".

(B) Effective date.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1229–1229c).

(2) Deportation proceedings.—

(A) In general.—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)), there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—

(i) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

(ii) if the motion is accompanied by a suspension of deportation application to be filed with the Attorney General or by a copy of the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.

(B) Applicability.—Subparagraph (A) shall apply to motions filed by aliens who—

(i) are, or were, in deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)); and

(ii) have become eligible to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) as a result of the amendments made by—

(I) subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.); or

(II) this title.

SEC. 507. REMEDYING PROBLEMS WITH IMPLEMENTATION OF THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) Effect of Changes in Abusers' Citizenship Status on Self-Petition.—

(1) Reclassification.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) (as amended by section 503(b)(3) of this title) is amended by adding at the end the following:

"(vi) For the purposes of any petition filed under clause (iii) or (iv), the denaturalization, loss or renunciation of citizenship, death of the abuser, divorce, or changes to the abuser's citizenship status after filing of the petition shall not adversely affect the approval of the petition, and for approved petitions shall not preclude the classification of the eligible self-petitioning spouse or child as an immediate relative or affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on the approved self-petition under such clauses.".

(2) Loss of status.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) (as amended by section 503(c)(4) of this title) is amended by adding at the end the following:

"(v)(I) For the purposes of any petition filed or approved under clause (ii) or (iii), divorce, or the loss of lawful permanent resident status by a spouse or parent after the filing of a petition under that clause shall not adversely affect approval of the petition, and, for an approved petition, shall not affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on an approved self-petition under clause (ii) or (iii).

"(II) Upon the lawful permanent resident spouse or parent becoming or establishing the existence of United States citizenship through naturalization, acquisition of citizenship, or other means, any petition filed with the Immigration and Naturalization Service and pending or approved under clause (ii) or (iii) on behalf of an alien who has been battered or subjected to extreme cruelty shall be deemed reclassified as a petition filed under subparagraph (A) even if the acquisition of citizenship occurs after divorce or termination of parental rights.".

(3) Definition of immediate relatives.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(b)(2)(A)(i)) is amended by adding at the end the following: "For purposes of this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) of this Act remains an immediate relative in the event that the United States citizen spouse or parent loses United States citizenship on account of the abuse.".

(b) Allowing Remarriage of Battered Immigrants.—Section 204(h) of the Immigration and Nationality Act (8 U.S.C. 1154(h)) is amended by adding at the end the following: "Remarriage of an alien whose petition was

Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—22

Cannon
Chenoweth-Hage
Coble
Coburn
Cubin
DeMint
Doolittle
Herger
Hostettler
Miller, Gary
Paul
Pombo
Rohrabacher
Royce
Salmon
Sanford
Schaffer
Sensenbrenner
Stearns
Tancredo
Toomey
Watts (OK)

NOT VOTING—28

Barton
Bateman
Blagojevich
Campbell
Combest
Cook
Dickey
Gutierrez
Hansen
Hinchey
Kilpatrick
Klink
Lazio
Lipinski
Markey
Martinez
McCollum
McIntosh
Pomeroy
Rangel
Roukema
Sabo
Shows
Shuster
Talent
Vento
Waxman
Young (AK)

□ 2323

Mr. TANCREDO changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ATLANTIC STRIPED BASS CONSERVATION ACT REAUTHORIZATION

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the bill, H.R. 4408, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 4408, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 12, not voting 29, as follows:

[Roll No. 329]

YEAS—393

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—12

Cannon
Chenoweth-Hage
Hostettler
Miller, Gary
Paul
Rohrabacher
Royce
Salmon
Sanford
Schaffer
Sensenbrenner
Stearns

NOT VOTING—29

Barton
Bateman
Blagojevich
Campbell
Combest
Conyers
Cook
Gutierrez
Hansen
Hinchey
Horn
Klink
Lazio
Lipinski
Markey
Martinez
McCollum
McIntosh
Pelosi
Pomeroy
Rangel
Roukema
Sabo
Shows
Shuster
Talent
Vento
Waxman
Young (AK)

□ 2329

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GREATER YUMA PORT AUTHORITY PROPERTY CONVEYANCE

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the bill, H.R. 3023, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3023, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 1, answered "present" 1, not voting 28, as follows:

[Roll No. 330]

YEAS—404

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cooksey
Costello
Cox

Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—1

Taylor (MS)

ANSWERED "PRESENT"—1

Hefley

NOT VOTING—28

Barton
Bateman
Blagojevich
Campbell
Combest
Cook
Gutierrez
Hansen
Hinchey
Jefferson
Klink
Lazio
Lipinski
Manzullo
Markey
Martinez
McCollum
McIntosh
Pomeroy
Rangel
Roukema
Sabo
Shows
Shuster
Talent
Vento
Waxman
Young (AK)

☐ 2336

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4733, THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL 2001

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–701) on the resolution (H. Res. 532) providing for consideration of the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

☐ 2340

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood). As stated by the Chairman of the Committee on House Administration on Friday, June 23, 2000, the Clerk has informed the Committee on House Administration of a recent anomaly on a recorded vote. Representative Roybal-Allard was absent on rollcall number 305 on June 21, 2000 and was in possession of her voting card. The Clerk was made aware of the fact that she was recorded on that rollcall, but on no others on that day, but due to the lateness of the hour, could not get confirmation from her by the time the vote was made public that she was absent and in possession of her voting card. Since then, the Clerk has received that confirmation. For that reason and the statistical improbability of the recurrence of that anomaly, the Chair and the Chairman of the Committee on House Administration believe that it is proper to immediately correct the RECORD and the Journal.

As stated in Volume 14, Section 32 of Deschler-Brown Precedents:

> Since the inception of the electronic system, the Speaker has resisted attempts to permit corrections to the electronic tally after announcement of a vote. This policy is based upon the presumptive reliability of electronic device and upon the responsibility of each Member to correctly cast and verify his or her vote.

Based upon the explanation received from the Chairman of the Committee on House Administration and from the Clerk, the Chair will continue to presume the reliability of the electronic device, so long as the Clerk is able to give that level of assurance which justifies a continuing presumption of its integrity. Without objection, the Chair will permit the immediate correction of the RECORD and Journal under the unique circumstances certified by the Clerk.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GAS PRICE SPIKES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Pallone) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, this evening I would like to expose the Republicans' attempt to make a campaign issue out of the Nation's gas price spike crisis and Democrats' efforts to solve this crisis and continue working to protect our long-term energy security.

Higher gas prices should not be a partisan issue, but the Republicans are making it into one. On the other hand, the Democrats are trying to come up with bipartisan solutions. For instance, Democrats have called on committee chairmen holding hearings on this topic in the coming days to invite oil executives to testify so that these hearings are balanced. Democrats insist on exploring why the oil companies are showing record profits and why, when an investigation was announced, prices dropped immediately. Yet, the Republican leadership instead is making a sham of these hearings by using them as a forum to attack the Clinton-Gore administration. Moreover, the Republicans also do not want to invite the oil executives to testify, because they are in the pockets of big oil.

GOP presidential candidate George W. Bush is one of the worst offenders. He has raised 15 times more money from oil and gas interests than Vice President AL GORE, and at least 25 of his top fund-raisers are connected to the oil industry. Last year, one of the first bills he signed bailed out the oil industry with a $45 million tax break.

Let us look at other dilatory tactics by the Republicans. The Senate Republican leadership has held up reauthorization of the President's authority to draw down the strategic petroleum reserve and the Northeast heating oil reserve. These reserves would provide additional supplies for the gasoline and heating oil markets and would, in turn, bring down prices. The Clinton-Gore administration has supported both of these reserves. Yet, the Senate majority leadership has delayed action for too long, so even if both of these reserves were authorized today, the action is already too little, too late. As a result, Americans unfortunately are again to experience heating oil shortages in the Northeast this winter, and they have the Republican Congress to thank for it.

While the Clinton-Gore administration is trying to provide tax credits for energy efficient vehicles, buildings, homes and equipment, the Republican leadership is cutting funding for alternative energy sources and energy conservation measures. They have slashed funding for these common sense programs since they have been in the majority, which has resulted in a $1.3 billion shortfall. As recently as last week, the Republican leadership voted again to cut funding substantially below current funding levels for renewable energy programs in the Energy and Water funding bill. Tomorrow, the Republicans will have a chance to restore some of this funding. If they are serious about resolving this crisis, they will literally put their money where their mouths are on this vote.

The GOP leadership also wants to repeal gas taxes and jeopardize our Nation's transportation infrastructure. In addition, they want to gut environmental protections that cost only 2 to 3 cents per gallon.

Just in case anyone out there thinks a few pennies are too much to pay for clean air, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Maine (Mr. BALDACCI) and I introduced a bill on Friday, H.R. 4739, that would enable the patent for blending cleaner, reformulated gasoline to be made available to all refiners. This would level the playing field for all refiners and, in turn, would bring down the price of reformulated gasoline.

If the Republican leadership is serious about working together in a bipartisan fashion to develop true solutions to this crisis, then they will work with us to bring legislation such as the bill my colleagues and I introduced last week to the floor quickly. They also would find common sense programs that promote alternative energy options, ensure that oil executives are present at this week's hearings, and work with us to resolve this crisis as quickly as possible.

PRIVATIZATION OF ENRICHMENT INDUSTRY MISTAKE BY CONGRESS

The SPEAKER pro tempore (Mr. VITTER). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, in the early 1950s, this Nation constructed two large uranium enrichment facilities, one in Paducah, Kentucky, and one in my district near Portsmouth, Ohio. In the early days, those facilities were used to create the materials that enabled us to create a nuclear arsenal; and I believe, as a result, we were able to win the Cold War. In more recent years, those facilities have enriched uranium so that we can create fuel for our nuclear power plants. Nuclear power provides more than 20 percent of all of the electricity generated in this country, and most of that fuel comes from the Paducah and the Portsmouth facilities.

A couple of years ago, this Congress unwisely, I believe, decided to privatize the enrichment industry. The CEO of the public corporation was a gentleman by the name of Nick Timbers. He had come to that position from Wall Street; and in that position, his salary was in the vicinity of $325,000 and, I believe his last year as a government employee he received about $25,000 roughly in bonus pay, for a total compensation package of roughly $350,000. While a government corporation employee, he received a waiver letter from the chairman of the public board, which allowed him to be engaged in certain decision-making activities. Among those was to decide whether or not this industry would be privatized, the manner in which it would be privatized, and to assist in the selection of the board members for the new privatized corporation.

□ 2350

I raised the issue at the time with the Department of the Treasury and with the administration that this presented an amazing conflict of interest. This was a man who was working for the government who was being given the privilege of engaging in decision-making where the result could be his personal enrichment. At the time when I raised those issues, they were discounted and ignored.

What has happened is this, and the American people need to know it. Once that facility or that industry was privatized, Mr. Nick Timbers received a salary of roughly $600,000 a year. He received a bonus of approximately $500,000 a year. He received stock options which brought his total compensation package to something in the vicinity of $2.5 million.

That seems so wrong to me, that someone could be given the privilege of making these decisions, and then could make decisions which resulted in his personal enrichment.

What has happened as a result of the privatization under Mr. Nick Timbers' stewardship? The stock initially sold for around $14.50 a share, and it is somewhere in the vicinity of $4 a share today, so investors have lost multiple millions of dollars.

But the saddest outcome of Mr. Timbers' stewardship over this industry is the fact that last week the board, with his encouragement, made an announcement that the facility in my district, employing somewhere between 1,800 and 2,000 employees, will be closed within 1 year. This is a major problem for the families who depend upon that industry for employment in southern Ohio, but it is a big problem for the United States of America.

We know what happens, we experience today what happens when this Nation is overly dependent upon foreign sources for oil. We can go to the pump and see that we are paying $2 or $2.10 or $2.20 for a gallon of gasoline, and that is because, in large part, we are too dependent on foreign oil.

Can Members imagine if this enrichment industry goes the way it is currently going and does not survive under Mr. Timbers' stewardship, what this country would face if 20 percent of our Nation's electricity was dependent on foreign sources for nuclear fuel?

It is for this reason, Mr. Speaker, that I am preparing and will introduce next week legislation to renationalize this industry. I hope this Congress supports me in that effort.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today before 8:44 p.m. on account of airport and weather delays.

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of illness in the family.

Mr. REYES (at the request of Mr. GEPHARDT) for June 23 on account of official business.

Mr. SENSENBRENNER (at the request of Mr. ARMEY) for today after 6:00 p.m. on account of family health reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:

Mr. FILNER, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

The following Members (at the request of Mr. VITTER) to revise and extend their remarks and include extraneous material:

Mr. SCHAFFER, for 5 minutes, June 29.

Mr. HOEKSTRA, for 5 minutes, June 28 and 29

Mr. SHAYS, for 5 minutes, today and June 27.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2043. An act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building"; to the Committee on Government Reform.

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes; to the Committee on Resources.

S. 2460. An act to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes; to the Committee on International Relations.

S. 2677. An Act to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe; to the Committee on International Relations, in addition to the Committee on Banking and Financial Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2682. An act to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America; to the Committee on International Relations.

S. Con. Res. 117. Concurrent resolution commending the Republic of Slovenia for its partnership with the United States and NATO, and expressing the sense of Congress that Slovenia's accession to NATO would enhance NATO's security, and for other purposes; to the Committee on International Relations.

S. Con. Res. 118. Concurrent resolution commemorating the 60th anniversary of the execution of Polish captives by Soviet authorities in April and May 1940; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building."

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Offices, as the "Augustus F. Hawkins Post Office Building."

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office."

H.R. 2307. An act to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building."

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the "Louise Stokes Post Office."

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the "Jay Hanna 'Dizzy' Dean Post Office."

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the "William H. Avery Post Office."

H.R. 2952. An act to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station."

H.R. 3018. An act to designate certain facilities of the United States Postal Service in South Carolina."

H.R. 3699. An act to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building."

H.R. 3701. An act to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building."

H.R. 3903. An act to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

H.R. 4241. An act to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building."

ADJOURNMENT

Mr. STRICKLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 27, 2000, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8342. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Modification of Handling Regulations [Docket No. FV00-945-1 IFR] received May 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8343. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyromazine; Pesticide Tolerance [OPP-300913A; FRL-6556-3] (RIN: 2070-AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8344. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil; Re-establishment of Tolerance for Emergency Exemptions [OPP-300996; FRL-6554-8] (RIN: 2070-AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8345. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Harpin Protein; Exemption from the Requirement of a Tolerance [OPP-300984; FRL-6497-4] (RIN: 2070-AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8346. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin: Pesticide Tolerance [OPP-300995; FRL-6554-9] (RIN: 2070-AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8347. A letter from the Secretary of Energy, transmitting the Annual Report on the Strategic Petroleum Reserve for 1999, pursuant to 42 U.S.C. 6241(g)(8); to the Committee on Commerce.

8348. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-6604-3] received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8349. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-6603-3] received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8350. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District [CA 154-0236; FRL-6587-1] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8351. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 30, 1994 [AD-FRL-6603-5] (RIN: 2060-AO3] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8352. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: Oregon RACT Rule [OR–77–7292–a; FRL–6582–9] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8353. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Alabama: Approval of Revisions to the Alabama State Implementation Plan: Transportation Conformity Interagency Memorandum of Agreement [AL–53–200019(a); FRL–6605–8] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8354. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8355. A letter from the Executive Director, Federal Labor Relations Authority, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8356. A letter from the Vice President for Legal Affairs, Legal Services Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8357. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY–218–FOR] received May 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8358. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries' Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2000 Specifications [Docket No. 000426114–0114–01; I.D. 041000F] (RIN: 0648–AN53) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8359. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Texas Closure [I.D. 050500G] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8360. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery Management Plan [Docket No. 990811218–0072–02; I.D. 050399A] (RIN: 0648–AL27) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8361. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Antarctic Marine Living Resources; Harvesting and Dealer Permits, and Catch Documentation [Docket No. 000218–46–0017–02; I.D. 121599F] (RIN: 0648–AN42) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8362. A letter from the Administrator, Federal Railroad Administraton, Department of Transportation, transmitting a report entitled, "Implementation of Positive Train Control Systems"; to the Committee on Transportation and Infrastructure.

8363. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Chef Menteur Pass, LA [CGD08–00–005] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8364. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Port Graham, Cook Inlet, Alaska [COTP Western Alaska 00–002] (RIN: 2115–AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8365. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Kachemak, Alaska [COTP Western Alaska 00–001] (RIN: 2115–AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8366. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Redoubt Shoal, Cook Inlet, Alaska [COTP Western Alaska 00–004] (RIN: 2115–AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8367. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Vicinity of Atlantic Fleet Weapons Training Facility, Vieques, PR and Adjacent Territorial Sea [CGD07–00–080] (RIN: 2115–AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8368. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Separation from service and same desk rule [Rev. Rul. 2000–27] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8369. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes to Regulation Section 1441 Effective 2001 (RIN: 1545–AX53; 1545–AV27; 1545–AV41) received May 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8370. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the certification to the Congress regarding the incidental capture of sea turtles in commercial shrimping operations, pursuant to Public Law 101–162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

8371. A letter from the Secretary of Energy, transmitting the Program Update 1999 for the Clean Coal Technology Demonstration Program; jointly to the Committees on Appropriations, Science, and Commerce.

8372. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft bill, "To authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics and technology; mission support; and Inspector General, and for other purposes"; jointly to the Committees on Science, Government Reform, Small Business, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes; with amendments (Rept. 106–697). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4408. A bill to reauthorize the Atlantic Striped Bass Conservation Act (Rept. 106–698). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3023. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; with an amendment (Rept. 106–699). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 3113. A bill to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail; with an amendment (Rept. 106–700). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 532. Resolution providing for consideration of the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–701). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GANSKE:

H.R. 4743. A bill to amend the Social Security Act to improve access to prescription drugs for low-income Medicare beneficiaries, the Internal Revenue Code and other Acts to improve access to health care coverage for seniors, the self-employed, and children, and to amend the Federal Food, Drug, and Cosmetic Act to improve meaningful access to reasonably priced prescription drugs; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself and Mr. McIntosh):

H.R. 4744. A bill to require the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes; to the Committee on Government Reform.

By Mr. CASTLE (for himself, Mr. Kildee, Mr. Deal of Georgia, Mr. Greenwood, Mrs. Roukema, Mr. Norwood, Mr. Walsh, Mr. Boehlert, Mr. Holt, and Mr. Upton):

H.R. 4745. A bill to amend the National Environmental Education Act to redesignate the Act as the "John H. Chafee Environmental Education Act", to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under the Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BACHUS (for himself, Mr. Clement, Mr. Boehlert, Mr. DeFazio, Mr. Franks of New Jersey, Mr. Kleczka, Mr. Foley, Mr. Dooley of California, Mr. Sweeney, Mr. McHugh, Mr. Scarborough, and Mr. Filner):

H.R. 4746. A bill to establish a program to preserve, rehabilitate, and improve certain railroad tracks and bridges using funds collected through the diesel fuel tax, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself, Mr. Goodling, Mr. Portman, Mr. Petri, Mr. Ballenger, and Mr. Hoekstra):

H.R. 4747. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER:

H.R. 4748. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to modernize such title and such Code to take into account the evolution of employer-sponsored retirement plans, to increase the availability of critical retirement plan services, including investment advisory services, to participants, beneficiaries, and plan fiduciaries, and to harmonize the requirements of such title and such Code with other Federal and State laws; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER:

H.R. 4749. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to modernize such title and such Code to take into account the evolution of employer-sponsored retirement plans, and to harmonize the requirements of such title and such Code with other Federal and State laws; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRYANT:

H.R. 4750. A bill to establish programs to improve the health and safety of children receiving child care outside the home, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DOOLITTLE:

H.R. 4751. A bill to recognize entry of the Commonwealth of Puerto Rico into permanent union with the United States based on a delegation of government powers to the United States by the people of Puerto Rico constituted as a Nation, to guarantee irrevocable United States citizenship as a right under the United States Constitution for all persons born in Puerto Rico, and for other purposes; to the Committee on Resources.

By Mr. JONES of North Carolina:

H.R. 4752. A bill to authorize the Secretary of the Army to carry out projects for removing accumulated snags and other debris from navigable waters to mitigate damages resulting from a major disaster; to the Committee on Transportation and Infrastructure.

By Mrs. KELLY:

H.R. 4753. A bill to establish a demonstration project to create Medicare Consumer Coalitions to provide Medicare beneficiaries with accurate and understandable information with respect to managed care health benefits under the Medicare Program and to negotiate with Medicare+Choice organizations offering Medicare+Choice plans to improve and expand benefits under the plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. McCARTHY of Missouri (for herself, Ms. Danner, and Mr. Skelton):

H.R. 4754. A bill to provide additional authority to the Army Corps of Engineers to protect, enhance, and restore fish and wildlife habitat on the Missouri River and to improve the environmental quality and public use and appreciation of the Missouri River; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself and Mr. Rahall):

H.R. 4755. A bill to establish a permanent fund to ensure the continued maintenance and rehabilitation of the Woodrow Wilson Memorial Bridge; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL:

H.R. 4756. A bill to direct the Archivist of the United States to transfer to the Schomburg Center for Research in Black Culture the master versions of the photographic works of Griffith J. Davis which are in the possession of the National Archives and Record Administration, and for other purposes; to the Committee on Government Reform.

By Mr. SHAW (for himself, Mr. Stupak, Mr. Boehlert, and Mr. Metcalf):

H.R. 4757. A bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. Tauzin, Mr. Oxley, Mr. Deal of Georgia, Mr. Ehrlich, and Mr. Rogan):

H.R. 4758. A bill to permit wireless carriers to obtain sufficient spectrum to meet the growing demand for existing services and ensure that such carriers have the spectrum they need to deploy fixed and advanced services, and for other purposes; to the Committee on Commerce.

By Mr. STEARNS (for himself and Mr. Stump):

H.R. 4759. A bill to amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STUPAK (for himself and Mr. Camp):

H.R. 4760. A bill to amend title 38, United States Code, to provide a presumption of service connection for injuries classified as cold weather injuries which occur in veterans who while engaged in military operations had sustained exposure to cold weather; to the Committee on Veterans' Affairs.

By Mr. WELDON of Pennsylvania:

H.R. 4761. A bill to designate the existing visitor's center building located within the boundaries of the Valley Forge National Historical Park at Route 23 and North Gulph Road in Valley Forge, Pennsylvania, as the "Richard T. Schulze Visitor's Center"; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. Lewis of Georgia.

H.R. 49: Mr. Cook and Ms. Lee.

H.R. 207: Mr. Rahall and Mr. Filner.

H.R. 229: Ms. Schakowsky.

H.R. 353: Ms. Waters, Mr. Lazio, and Mr. Evans.

H.R. 363: Mr. Gilman.

H.R. 374: Mr. Rothman.

H.R. 860: Mr. Baca, Mr. Doyle, and Mr. Baldacci.

H.R. 1142: Mr. Brady of Texas.

H.R. 1194: Ms. Dunn and Mr. Moore.

H.R. 1217: Ms. Waters.

H.R. 1594: Mr. Bonior.

H.R. 1621: Mr. Norwood.

H.R. 1634: Mr. McHugh and Mr. Moran of Kansas.

H.R. 1885: Mr. Bass.

H.R. 2121: Ms. Lee, Mr. Paul, and Mr. Ney.

H.R. 2495: Mrs. Meek of Florida.

H.R. 2620: Mr. Stearns.

H.R. 2814: Mr. Dixon.

H.R. 2929: Mr. Andrews, Mr. Payne, and Mr. Condit.

H.R. 3113: Mr. Schaffer.

H.R. 3142: Mr. Doyle.

H.R. 3160: Mr. Nethercutt and Mr. Brady of Texas.

H.R. 3192: Ms. Norton and Mr. Hoekstra.

H.R. 3193: Mr. Hobson, Mrs. Wilson, and Mr. Frelinghuysen.

H.R. 3392: Mr. Duncan.

H.R. 3455: Mr. Sandlin, Ms. Berkley, Mr. Kennedy of Rhode Island, Mr. Salmon, Ms. DeLauro, and Mr. Payne.

H.R. 3521: Mrs. Chenoweth-Hage.

H.R. 3542: Mr. Owens.

H.R. 3575: Ms. Lee.

H.R. 3634: Mr. Smith of Washington.

H.R. 3676: Mr. Kuykendall, Mr. Kucinich, Mr. Thune, Mr. Davis of Virginia, and Mr. Rogan.

H.R. 3840: Ms. Lee.

H.R. 3842: Mr. Clement, Ms. Danner, Mr. Moakley, and Mr. Olver.

"(2) CONTENTS.—The annual report shall contain the following:

"(A) Specific information regarding the methods used to raise funds for the Congressional Recognition for Excellence in Arts Education Awards Program and a list of the sources of all money raised by the Board.

"(B) Detailed information regarding the expenditures made by the Board, including the percentage of funds that are used for administrative expenses.

"(C) A description of the programs formulated by the Director under section 207(b)(1), including an explanation of the operation of such programs and a list of the sponsors of the programs.

"(D) A detailed list of the administrative expenditures made by the Board, including the amounts expended for salaries, travel expenses, and reimbursed expenses.

"(E) A list of schools given awards under the program, and the city, town, or county, and State in which the school is located.

"(F) An evaluation of the state of arts education in schools, which may include anecdotal evidence of the effect of the Congressional Recognition for Excellence in Arts Education Awards Program on individual school curriculum.

"(G) On the basis of the findings described in section 202 and the purposes of the Congressional Recognition for Excellence in Arts Education Awards Program described in section 205(a), a recommendation regarding the national readiness to make individual student awards under subsection (b)(2).

"SEC. 206. COMPOSITION OF BOARD; ADVISORY BOARD.

"(a) COMPOSITION.—

"(1) IN GENERAL.—The Board shall consist of 9 members as follows:

"(A) 2 Members of the Senate appointed by the Majority Leader of the Senate.

"(B) 2 Members of the Senate appointed by the Minority Leader of the Senate.

"(C) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives.

"(D) 2 Members of the House of Representatives appointed by the Minority Leader of the House of Representatives.

"(E) The Director of the Board, who shall serve as a nonvoting member.

"(2) ADVISORY BOARD.—There is established an Advisory Board to assist and advise the Board with respect to its duties under this title, that shall consist of 15 members appointed—

"(A) in the case of the initial such members of the Advisory Board, by the leaders of the Senate and House of Representatives making the appointments under paragraph (1), from among representatives of the Arts Education Partnership selected from recommendations received from the Arts Education Partnership steering committee; and

"(B) in the case of any other such members of the Advisory Board, by the Board, from among representatives of the Arts Education Partnership selected from recommendations received from the Arts Education Partnership steering committee.

"(3) SPECIAL RULE FOR ADVISORY BOARD.—In making appointments to the Advisory Board, the individuals and entity making the appointments under paragraph (2) shall consider recommendations submitted by any interested party, including any member of the Board.

"(4) INTEREST.—

"(A) IN GENERAL.—Members of Congress appointed to the Board shall have an interest in 1 of the purposes described in section 205(a).

"(B) DIVERSITY.—Representatives of the Arts Education Partnership appointed to the Advisory Board shall represent the diversity of that organization's membership, so that artistic and education professionals are represented in the membership of the Board, including at least 1 representative who teaches in each of the following disciplines:

"(i) Music.

"(ii) Theater.

"(iii) Visual Arts.

"(iv) Dance.

"(b) TERMS.—

"(1) BOARD.—Members of the Board shall serve for terms of 6 years, except that of the members first appointed—

"(A) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 2 years;

"(B) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 4 years; and

"(C) 2 Members of the House of Representatives and 2 Members of the Senate shall serve for terms of 6 years,

as determined by lot when all such members have been appointed.

"(2) ADVISORY BOARD.—Members of the Advisory Board shall serve for terms of 6 years, except that of the members first appointed, 3 shall serve for terms of 2 years, 4 shall serve for terms of 4 years, and 8 shall serve for terms of 6 years, as determined by lot when all such members have been appointed.

"(c) VACANCY.—

"(1) IN GENERAL.—Any vacancy in the membership of the Board or Advisory Board shall be filled in the same manner in which the original appointment was made.

"(2) TERM.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

"(3) EXTENSION.—Any appointed member of the Board or Advisory Board may continue to serve after the expiration of the member's term until the member's successor has taken office.

"(4) SPECIAL RULE.—Vacancies in the membership of the Board shall not affect the Board's power to function if there remain sufficient members of the Board to constitute a quorum under subsection (d).

"(d) QUORUM.—A majority of the members of the Board shall constitute a quorum.

"(e) COMPENSATION.—Members of the Board and Advisory Board shall serve without pay but may be compensated for reasonable travel expenses incurred by the members in the performance of their duties as members of the Board.

"(f) MEETINGS.—The Board shall meet annually at the call of the Chairperson and at such other times as the Chairperson may determine to be appropriate. The Chairperson shall call a meeting of the Board whenever ⅓ of the members of the Board submit written requests for such a meeting.

"(g) OFFICERS.—The Chairperson and the Vice Chairperson of the Board shall be elected from among the members of the Board, by a majority vote of the members of the Board, for such terms as the Board determines. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

"(h) COMMITTEES.—

"(1) IN GENERAL.—The Board may appoint such committees, and assign to the committees such functions, as may be appropriate to assist the Board in carrying out its duties under this title. Members of such committees may include the members of the Board, the Advisory Board, or such other qualified individuals as the Board may select.

"(2) SPECIAL RULE.—Any employee or officer of the Federal Government may serve as a member of a committee created by the Board, but may not receive compensation for services performed for such a committee.

"(i) BYLAWS AND OTHER REQUIREMENTS.—The Board shall establish such bylaws and other requirements as may be appropriate to enable the Board to carry out the Board's duties under this title.

"SEC. 207. ADMINISTRATION.

"(a) IN GENERAL.—In the administration of the Congressional Recognition for Excellence in Arts Education Awards Program, the Board shall be assisted by a Director, who shall be the principal executive of the program and who shall supervise the affairs of the Board. The Director shall be nominated by the Arts Education Partnership steering committee and appointed by a majority vote of the Board.

"(b) DIRECTOR'S RESPONSIBILITIES.—The Director shall, in consultation with the Board—

"(1) formulate programs to carry out the policies of the Congressional Recognition for Excellence in Arts Education Awards Program;

"(2) establish such divisions within the Congressional Recognition for Excellence in Arts Education Awards Program as may be appropriate; and

"(3) employ and provide for the compensation of such personnel as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, subject to such policies as the Board shall prescribe under its bylaws.

"(c) APPLICATION.—Each school or student desiring an award under this title shall submit an application to the Board at such time, in such manner and accompanied by such information as the Board may require.

"SEC. 208. LIMITATIONS.

"(a) IN GENERAL.—Subject to such limitations as may be provided for under this section, the Board may take such actions and make such expenditures as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, except that the Board shall carry out its functions and make expenditures with only such resources as are available to the Board from the Congressional Recognition for Excellence in Arts Education Awards Trust Fund pursuant to section 210(e).

"(b) CONTRACTS.—The Board may enter into such contracts as may be appropriate to carry out the business of the Board, but the Board may not enter into any contract which will obligate the Board to expend an amount greater than the amount available to the Board for the purpose of such contract during the fiscal year in which the expenditure is made.

"(c) GIFTS.—The Board may seek and accept, from sources other than the Federal Government, funds and other resources to carry out the Board's activities. The Board may not accept any funds or other resources that are—

"(1) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Recognition for Excellence in Arts Education Awards Program; or

"(2) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

"(d) VOLUNTEERS.—The Board may accept and utilize the services of voluntary, uncompensated personnel.

"(e) Real or Personal Property.—The Board may lease (or otherwise hold), acquire, or dispose of real or personal property necessary for, or relating to, the duties of the Board.

"(f) Prohibitions.—The Board shall have no power—

"(1) to issue bonds, notes, debentures, or other similar obligations creating long-term indebtedness;

"(2) to issue any share of stock or to declare or pay any dividends; or

"(3) to provide for any part of the income or assets of the Board to inure to the benefit of any director, officer, or employee of the Board except as reasonable compensation for services or reimbursement for expenses.

"SEC. 209. AUDITS.

"The financial records of the Board may be audited by the Comptroller General of the United States at such times as the Comptroller General may determine to be appropriate. The Comptroller General, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit to any books, documents, papers, and records of the Board (or any agent of the Board) which, in the opinion of the Comptroller General, may be pertinent to the Congressional Recognition for Excellence in Arts Education Awards Program.

"SEC. 210. TERMINATION.

"The Board shall terminate 6 years after the date of enactment of this title. The Board shall set forth, in its bylaws, the procedures for dissolution to be followed by the Board.

"SEC. 211. TRUST FUND.

"(a) Establishment of Fund.—There is established in the Treasury of the United States a trust fund to be known as the 'Congressional Recognition for Excellence in Arts Education Awards Trust Fund'. The fund shall consist of amounts donated to the Board under section 208(c) and amounts credited to the fund under subsection (d).

"(b) Investment of Fund Assets.—

"(1) In general.—It shall be the duty of the Secretary of the Treasury to invest in full the amounts in the fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the marketplace.

"(2) Special rule.—The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that when such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

"(c) Authority To Sell Obligations.—Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(d) Proceeds From Certain Transactions Credited to Fund.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

"(e) Expenditures From Trust Fund.—The Secretary of the Treasury is authorized to pay to the Board from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Board to carry out this title."

(b) Conforming Amendments.—The Congressional Award Act (2 U.S.C. 801-808) is amended—

(1) by inserting after section 1 the following:

"TITLE I—CONGRESSIONAL AWARD PROGRAM",

(2) by redesignating sections 2 through 9 as sections 101 through 108, respectively,

(3) in section 101 (as so redesignated)—

(A) by striking "Act" and inserting "title", and

(B) by striking "section 3" and inserting "section 102",

(4) in section 102(e) (as so redesignated)—

(A) by striking "section 5(g)(1)" and inserting "section 104(g)(1)", and

(B) by striking "section 7(g)(1)" and inserting "section 106(g)(1)", and

(5) in section 103(1), by striking "section 7" and inserting "section 106".

By Mr. FITZGERALD:

S. 2790. A bill instituting a Federal fuels tax holiday; to the Committee on Finance.

THE FEDERAL FUEL TAX RELIEF ACT OF 2000

Mr. FITZGERALD. Mr. President, I was in the city of Chicago to announce the introduction of a bill today called the Federal Fuel Tax Relief Act of 2000. I was standing in Chicago on La Salle Street, in what is known as the Loop, the premier business district in downtown Chicago. I was at a gas station there. Behind me you could see the prices at the pump that that particular gas station in Chicago was advertising. Those gas prices were well over $2 a gallon. In fact, I think the price for the premium blend of fuel was up over $2.30 a gallon.

Right now, we are in the midst of a very serious crisis in my part of the country with respect to gas prices. Prices throughout Illinois are at record highs. They are at record highs in Michigan, in Ohio, in other parts of the Midwest.

I am afraid if we do not bring down the cost of gas at the pumps, we are going to be seeing shock waves throughout our entire Nation's economy. The bill I am introducing today is S. 2790. What it would do is bring immediate relief by lowering the cost of gas nationwide for 90 days by temporarily rolling back the 18.3-cent-per-gallon Federal gas tax.

In the last couple of weeks, anybody who has been following the news anywhere in this country has seen nothing but nonstop coverage about the escalating price, the rising price of gasoline. The response at the State level and at the Federal level, amongst public officials, has been to find somebody to blame. Is it the OPEC nations? Is it the oil industry? Is it the administration? But no one is taking any action to actually bring down prices. We can argue about culpability later. What we need to do now is to lower prices at the pump or we are going to see losses of jobs and losses of economic productivity.

We will see senior citizens who cannot even afford to drive to the pharmacy to buy the pharmaceuticals, for which they already are having a hard time paying. We are going to see college students who cannot afford to make the commute to their community colleges. We need to have a long-term plan to increase productivity of oil in this country to lessen our dependence on foreign sources of oil. There are a number of measures that have been introduced in recent weeks in the Congress. The administration last week sent over recommendations on what our long-term solution should be for this energy crunch.

But in the meantime, there are countless families all across the country that may have to cancel summer vacations, families that have worked hard all year, but now all of a sudden, when it comes time for them to have a couple of weeks off to take their families on a vacation, they can't afford the cost of the vacation because the price of gasoline has gone up so much.

There will be many who will criticize my proposal. There will be many who come up with arguments against it. Certainly many will bring up the point that the proceeds from the motor fuels tax goes into our Federal highway trust fund. This legislation would hold harmless the highway trust fund. It would require the Federal Government to make up any loss to the highway trust fund by taking money from the on-budget or non-Social Security surplus and indemnify that road fund. We all want to make sure we continue to improve and repair our roads in this country.

But the fact remains, the only instrument that the Federal and State governments have to directly affect the price of gasoline at the pump is to lower the motor fuels tax. My State, I hope, is going to do its part. A couple of weeks back, I pointed out that Illinois has amongst the highest gas taxes in the country. In fact, in addition to a motor fuel tax that is 19 cents a gallon, the State of Illinois has a sales tax on motor fuel that is assessed on top of the Federal motor fuels tax. In other words, Illinois has what we would call a tax on a tax. That sales tax on gasoline in Illinois is a percentage tax, so, as the selling price of gasoline has gone from $1 to over $2 in Illinois, the State's take on its sales tax has been increasing dramatically. It has doubled its take under that sales tax.

The Governor of Illinois and legislative leaders recently called a special session of our Illinois General Assembly, which will be convening in 2 days, to temporarily roll back or repeal that Illinois sales tax on gasoline. If they enact that legislation, that should take 10 cents off the price of every gallon of gas sold in Illinois. But the prices will still be too high. We need further relief. My State is not the only State that is suffering. States across the country, and particularly in the hard-hit Midwest, need relief.

Like you, Mr. President, and my other colleagues in the Senate, all of us are in virtually constant contact with our constituents. We have an endless stream of letters, of faxes, of e-mails, of calls to our offices on a daily basis. We travel up and down our States. We march in parades. We are constantly talking to the constituents, whether it is in the grocery store, as I was doing over the weekend, or in parades that I was in recently. The No. 1 single issue that I have been hearing about is we have to do something to bring down prices at the pump.

Let me share a few of the letters my office has received on this issue. I am going to try to just go through a few of them because we have gotten literally thousands. I think, to some of the people in Washington, the pain people are feeling out in the Midwest and around the country about the rising cost of gas sounds like some kind of theoretical abstraction. But I have to tell you, for real people who are trying to drive to work, who may have a long way to drive to work or get to school, or senior citizens on fixed incomes, or folks in lower income brackets—they are having a very tough time. I have had many people tell me they have canceled weekend vacations and they are planning to cancel summer vacations.

Let me read parts of a few of these letters. This one is from a resident of Springfield, IL, who is a part-time driver for a senior services van service that runs vans for senior citizens to and from a senior citizens center. He says that the escalating gas prices are really hurting the transportation budget at the center. If we have to shut down the van service, it would be a tremendous loss for the seniors.

This one from a senior citizen in southern Illinois says that now we cannot afford to drive to the pharmacy to purchase the drugs that we already cannot afford.

A person from Rantoul, IL, says that gas prices in Illinois are too high. It costs me more than $87 a week to drive to and from work now that the prices have skyrocketed. I cannot afford this for much longer.

A small business owner in the Chicago suburbs—small businesses are suffering. He says: I have had small business men and women in my office saying they have lost money for several months in a row and could have to shut down if this keeps up. The current fuel prices are killing my small business.

I am a small business owner who employs 20 people from McHenry County and 10 people from Lake County. This increase in fuel is killing my profit line. If this does not stop, I do not know how much longer we can survive.

This is an interesting letter from a community college administrator in central Illinois. This person pointed out that, unlike many colleges, his school is a commuter college and students drive anywhere from 20 to 60 miles. That is 40 to 120 miles round trip to attend college. Most of the students are trying to better themselves by working part time and going to school. Now with gasoline prices soaring, they are being forced to drop out.

This individual from Danville, IL, after a lengthy letter explaining how, for his job, he had to drive, at the end he said if the prices raise much higher, he will have to dip into his son's and daughter's education fund just so he can keep driving back and forth to work.

I have another letter from a community college student. He is from Sherman, IL. He describes in his letter how he turned down State full-time universities because of the cost and because he wanted to attend his community college. It would be more affordable.

Now that he has started at his community college and is having to dig deep into his pocket just to pay for the price of gas to get to and from college, he is getting squeezed. He has a 30-mile distance to go just to get to his school. He said: Just to let you know, I am not a freeloader. I am currently holding down three jobs and working through the summer. I do not expect you to work a miracle, but maybe submit some form of legislation that would reduce the price or give a break to students furthering their education.

A husband from western Illinois has to commute 100 miles a day to work. That is how it is in rural parts of the country, as the Presiding Officer knows in his largely rural State. The wife has to drive 55 miles to work, and then the kids have to go 15 miles for their various athletic events and the like.

He says: We are probably more fortunate than most people, but if this keeps up, it will be hard to commute into work every day, and there is no public transportation or opportunity to car pool in our downstate Illinois region. We barely have highways.

Finally, another letter from a retired senior citizen on fixed income said: It is extremely hard to get along with gasoline prices so high. I have curtailed driving to a bare minimum, only to the doctor, shopping, church, and as a volunteer to a community radio station where I broadcast a show every Saturday.

I think we need to take action. It is time for Washington and Congress to stop playing the blame game. We can argue about who is culpable later. I support the Federal Trade Commission investigation. We need to find out if anybody has been colluding in the oil industry or anywhere else to fix prices, and if they have been, they ought to go to jail for a very long time.

That investigation is going to take a while. It is going to take a while to put pressure on OPEC nations to loosen the taps and to increase production. It is going to take a while until we get incentives in the system for the small oil well drillers in the United States to boost their production.

Once that is boosted, we could be getting as many as 500,000 more barrels of oil a day. We probably have to take a look at what kind of tax laws we have to give people incentives to keep drilling even when the price of oil is low, but we need to give people relief now.

It is a compassionate move. It makes sense. Our country, the most prosperous country in the world, can afford to give some relief to taxpayers and consumers, and if we do not give that relief, we will probably pay for it later because there is going to be a slowdown in economic activity. It may start in the Midwest, but it is eventually going to send shock waves all across the country, and this country could go into a long slump because of it.

I hope to get many Senators and Members of this body as cosponsors of this legislation. We had a test vote earlier in the year, in April, on temporarily lowering the Federal gas tax. At that time, the measure received only 43 votes. It needed over 50 to pass. That was 2 months ago, and in the intervening time, oil prices have continued to skyrocket. The price which was only theoretical 2 months ago is now real. It is upon us. We need to take action.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Fuel Tax Relief Act of 2000".

SEC. 2. TEMPORARY REDUCTION IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS TO ZERO.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

"(f) TEMPORARY REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS.—

"(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced to zero.

"(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) clauses (i) and (iii) of subsection (a)(2)(A) (relating to gasoline, diesel fuel, and kerosene), and

"(B) paragraphs (1), (2), and (3) of section 4041(a) (relating to diesel fuel and special fuels) and section 4041(m) (relating to certain alcohol fuels) with respect to fuel sold for use or used in a highway vehicle.

"(3) SPECIAL REDUCTION RULES.—In the case of a reduction under paragraph (1)—

"(A) subsection (c) shall be applied without regard to paragraph (6) thereof,

"(B) section 40(e)(1) shall be applied without regard to subparagraph (B) thereof,

"(C) section 4041(d)(1) shall be applied by disregarding 'if tax is imposed by subsection (a)(1) or (2) on such sale or use', and

"(D) section 6427(b) shall be applied without regard to paragraph (2) thereof.

"(4) PROTECTING SOCIAL SECURITY TRUST FUND.—If the Secretary, after consultation with the Director of the Office of Management and Budget, determines that such reduction would result in an aggregate reduction in revenues to the Treasury exceeding the Federal on-budget surplus during the remainder of the applicable period, the Secretary shall modify such reduction such that each rate of tax referred to in paragraph (2) is reduced in a pro rata manner and such aggregate reduction does not exceed such surplus.

"(5) MAINTENANCE OF TRUST FUND DEPOSITS.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section.

"(6) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means a 90-day period beginning on the date of the enactment of the Federal Fuel Tax Relief Act of 2000."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax reduction date, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax reduction date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer, and

(2) the term "tax reduction date" means the date of the enactment of this Act.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax would have been imposed under section 4081 of the Internal Revenue Code of 1986 during the applicable period but for the amendments made by this Act, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the tax which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary of the Treasury shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) FLOOR STOCKS TAX DATE.—The term "floor stocks tax date" means the date which is 90 days after the date of the enactment of this Act.

(3) APPLICABLE PERIOD.—The term "applicable period" means a 90-day period beginning on the date of the enactment of this Act.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to any liquid held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on any liquid held in the tank of a motor vehicle.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline (as defined in section 4083 of such Code) held on the floor stocks tax date by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or kerosene (as so defined) held on such date by any person if the aggregate amount of diesel fuel or kerosene held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081.

SEC. 5. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the reduction in taxes under this Act, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the reduction of taxes under this Act to determine whether there has been a passthrough of such reduction.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

By Mrs. HUTCHISON:

S. 2791. A bill instituting a Federal fuels tax suspension; to the Committee on Finance.

THE FEDERAL FUELS TAX SUSPENSION ACT OF 2000

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Fuels Tax Suspension Act of 2000".

SEC. 2. TEMPORARY REDUCTION IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS TO ZERO.

(a) In General.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

"(f) Temporary Reduction in Taxes on Gasoline, Diesel Fuel, Kerosene, and Special Fuels.—

"(1) In general.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced to zero.

"(2) Rates of tax.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) clauses (i) and (iii) of subsection (a)(2)(A) (relating to gasoline, diesel fuel, and kerosene), and

"(B) paragraphs (1), (2), and (3) of section 4041(a) (relating to diesel fuel and special fuels) and section 4041(m) (relating to certain alcohol fuels) with respect to fuel sold for use or used in a highway vehicle.

"(3) Special reduction rules.—In the case of a reduction under paragraph (1)—

"(A) subsection (c) shall be applied without regard to paragraph (6) thereof,

"(B) section 40(e)(1) shall be applied without regard to subparagraph (B) thereof,

"(C) section 4041(d)(1) shall be applied by disregarding 'if tax is imposed by subsection (a)(1) or (2) on such sale or use', and

"(D) section 6427(b) shall be applied without regard to paragraph (2) thereof.

"(4) Protecting social security trust fund.—If the Secretary, after consultation with the Director of the Office of Management and Budget, determines that such reduction would result in an aggregate reduction in revenues to the Treasury exceeding the Federal on-budget surplus during the remainder of the applicable period, the Secretary shall modify such reduction such that each rate of tax referred to in paragraph (2) is reduced in a pro rata manner and such aggregate reduction does not exceed such surplus.

"(5) Maintenance of trust fund deposits.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section.

"(6) Applicable period.—For purposes of this subsection, the term 'applicable period' means the period beginning after June 25, 2000, and ending before September 5, 2000."

(b) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. FLOOR STOCK REFUNDS.

(a) In General.—If—

(1) before the tax reduction date, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) Time for Filing Claims.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax reduction date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) Exception for Fuel Held in Retail Stocks.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) Definitions.—For purposes of this section—

(1) the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer, and

(2) the term "tax reduction date" means June 26, 2000.

(e) Certain Rules To Apply.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) Imposition of Tax.—In the case of any liquid on which tax would have been imposed under section 4081 of the Internal Revenue Code of 1986 during the applicable period but for the amendments made by this Act, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the tax which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date.

(b) Liability for Tax and Method of Payment.—

(1) Liability for tax.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) Method of payment.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary of the Treasury shall prescribe.

(3) Time for payment.—The tax imposed by subsection (a) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(c) Definitions.—For purposes of this section—

(1) Held by a person.—A liquid shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) Floor stocks tax date.—The term "floor stocks tax date" means September 5, 2000.

(3) Applicable period.—The term "applicable period" means the period beginning after June 25, 2000, and ending before September 5, 2000.

(d) Exception for Exempt Uses.—The tax imposed by subsection (a) shall not apply to any liquid held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(e) Exception for Fuel Held in Vehicle Tank.—No tax shall be imposed by subsection (a) on any liquid held in the tank of a motor vehicle.

(f) Exception for Certain Amounts of Fuel.—

(1) In general.—No tax shall be imposed by subsection (a)—

(A) on gasoline (as defined in section 4083 of such Code) held on the floor stocks tax date by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or kerosene (as so defined) held on such date by any person if the aggregate amount of diesel fuel or kerosene held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) Exempt fuel.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) Controlled groups.—For purposes of this subsection—

(A) Corporations.—

(i) In general.—All persons treated as a controlled group shall be treated as 1 person.

(ii) Controlled group.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(B) Nonincorporated persons under common control.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) Other Law Applicable.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081.

SEC. 5. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) Passthrough to Consumers.—

(1) Sense of congress.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the reduction in taxes under this Act, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) Study.—

(A) In general.—The Comptroller General of the United States shall conduct a study of the reduction of taxes under this Act to determine whether there has been a passthrough of such reduction.

(B) Report.—Not later than September 30, 2000, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on

Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

ADDITIONAL COSPONSORS

S. 210

At the request of Mr. MOYNIHAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 210, a bill to establish a medical education trust fund, and for other purposes.

S. 317

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 317, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 779

At the request of Mr. ABRAHAM, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Virginia (Mr. ROBB), the Senator from Vermont (Mr. LEAHY), the Senator from Ohio (Mr. DEWINE), the Senator from Oregon (Mr. WYDEN), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

S. 1787

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1787, a bill to amend the Federal Water Pollution Control Act to improve water quality on abandoned or inactive mined land.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2246

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 2246, a bill to amend the Internal Revenue code of 1986 to clarify that certain small businesses are permitted to use the cash method of accounting even if they use merchandise or inventory.

S. 2324

At the request of Mr. KOHL, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2324, a bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies, and to add ballistics testing to existing firearms enforcement strategies.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2554

At the request of Mr. GREGG, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2554, a bill to amend title XI of the Social Security Act to prohibit the display of an individual's social security number for commercial purposes without the consent of the individual.

S. 2557

At the request of Mr. MURKOWSKI, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2557, a bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

S. 2635

At the request of Mr. FRIST, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2635, a bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women.

S. 2731

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2731, a bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

S. 2742

At the request of Mr. SMITH of Oregon, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2742, a bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501(c), and for other purposes.

S. 2778

At the request of Mr. KOHL, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2778, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. RES. 268

At the request of Mr. HAGEL, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 268, a resolution designating July 17 through July 23 as "National Fragile X Awareness Week."

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 3591

At the request of Mr. DEWINE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 3591 intended to be proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENTS SUBMITTED

OCEANS ACT OF 2000

HOLLINGS AMENDMENT NO. 3620

Mr. THOMAS (for Mr. HOLLINGS) proposed an amendment to the bill (S. 2327) to establish a Commission on Ocean Policy, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oceans Act of 2000".

SEC. 2. PURPOSE AND OBJECTIVES.

The purpose of this Act is to establish a commission to make recommendations for coordinated and comprehensive national ocean policy that will promote—

(1) the protection of life and property against natural and manmade hazards;

(2) responsible stewardship, including use, of fishery resources and other ocean and coastal resources;

(3) the protection of the marine environment and prevention of marine pollution;

(4) the enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of living marine resources and responsible use of non-living marine resources;

(5) the expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities;

(6) the continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities, including investments and technologies designed to promote national energy and food security;

(7) close cooperation among all government agencies and departments and the private sector to ensure—

(A) coherent and consistent regulation and management of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities;

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities; and

(D) enhancement of partnerships with State and local governments with respect to ocean and coastal activities, including the management of ocean and coastal resources and identification of appropriate opportunities for policy-making and decision-making at the State and local level; and

(8) the preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—There is hereby established the Commission on Ocean Policy. The Federal Advisory Committee Act (5 U.S.C. App.), except for sections 3, 7, and 12, does not apply to the Commission.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 16 members appointed by the President from among individuals described in paragraph (2) who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced by area of expertise and balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(2) NOMINATIONS.—The President shall appoint the members of the Commission, within 90 days after the effective date of this Act, including individuals nominated as follows:

(A) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(B) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Speaker of the House of Representatives in consultation with the Chairmen of the House Committees on Resources, Transportation and Infrastructure, and Science.

(C) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(D) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the House in consultation with the Ranking Members of the House Committees on Resources, Transportation and Infrastructure, and Science.

(3) CHAIRMAN.—The Commission shall select a Chairman from among its members. The Chairman of the Commission shall be responsible for—

(A) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(B) the use and expenditure of funds available to the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall be filled in the same manner as the original incumbent was appointed.

(c) RESOURCES.—In carrying out its functions under this section, the Commission—

(1) is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act, and each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information (other than information described in section 552(b)(1)(A) of title 5, United States Code) to the Commission, upon the request of the Commission;

(2) may enter into contracts, subject to the availability of appropriations for contracting, and employ such staff experts and consultants as may be necessary to carry out the duties of the Commission, as provided by section 3109 of title 5, United States Code; and

(3) in consultation with the Ocean Studies Board of the National Research Council of the National Academy of Sciences, shall establish a multidisciplinary science advisory panel of experts in the sciences of living and non-living marine resources to assist the Commission in preparing its report, including ensuring that the scientific information considered by the Commission is based on the best scientific information available.

(d) STAFFING.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary for the Commission to perform its duties. The Executive Director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5136 of title 5, United States Code. The employment and termination of an Executive Director shall be subject to confirmation by a majority of the members of the Commission.

(e) MEETINGS.—

(1) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it:

(A) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for publicinspection and copying at a single location in the offices of the Commission.

(2) INITIAL MEETING.—The Commission shall hold its first meeting within 30 days after all 16 members have been appointed.

(3) REQUIRED PUBLIC MEETINGS.—The Commission shall hold at least one public meeting in Alaska and each of the following regions of the United States:

(A) The Northeast (including the Great Lakes).

(B) The Southeast (including the Caribbean).

(C) The Southwest (including Hawaii and the Pacific Territories).

(D) The Northwest.

(E) The Gulf of Mexico.

(f) REPORT.—

(1) IN GENERAL.—Within 18 months after the establishment of the Commission, the Commission shall submit to Congress and the President a final report of its findings and recommendations regarding United States ocean policy.

(2) REQUIRED MATTER.—The final report of the Commission shall include the following assessment, reviews, and recommendations:

(A) An assessment of existing and planned facilities associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate platforms and technologies.

(B) A review of existing and planned ocean and coastal activities of Federal entities, recommendations for changes in such activities necessary to improve efficiency and effectiveness and to reduce duplication of Federal efforts.

(C) A review of the cumulative effect of Federal laws and regulations on United States ocean and coastal activities and resources and an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect those ocean and coastal activities and resources, and recommendations for resolving such inconsistencies to the extent practicable. Such review shall also consider conflicts with State ocean and coastal management regimes.

(D) A review of the known and anticipated supply of, and demand for, ocean and coastal resources of the United States.

(E) A review of and recommendations concerning the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities.

(F) A review of opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities.

(G) A review of previous and ongoing State and Federal efforts to enhance the effectiveness and integration of ocean and coastal activities.

(H) Recommendations for any modifications to United States laws, regulations, and the administrative structure of Executive agencies, necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.

(I) A review of the effectiveness and adequacy of existing Federal interagency ocean policy coordination mechanisms, and recommendations for changing or improving the effectiveness of such mechanisms necessary to respond to or implement the recommendations of the Commission.

(3) CONSIDERATION OF FACTORS.—In making its assessment and reviews and developing its recommendations, the Commission shall give equal consideration to environmental, technical feasibility, economic, and scientific factors.

(4) LIMITATIONS.—The recommendations of the Commission shall not be specific to the lands and waters within a single State.

(g) PUBLIC AND COASTAL STATE REVIEW.—

(1) NOTICE.—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that a draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) INCLUSION OF GOVERNORS' COMMENTS.—The Commission shall include in the final report comments received from the Governor of a coastal State regarding recommendations in the draft report.

(h) ADMINISTRATIVE PROCEDURE FOR REPORT AND REVIEW.—Chapter 5 and chapter 7 of title 5, United States Code, do not apply to the preparation, review, or submission of the report required by subsection (e) or the review of that report under subsection (f).

(i) TERMINATION.—The Commission shall cease to exist 30 days after the date on which it submits its final report.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section a total of $6,000,000 for the 3 fiscal-year period beginning with fiscal year 2001, such sums to remain available until expended.

SEC. 4. NATIONAL OCEAN POLICY.

(a) NATIONAL OCEAN POLICY.—Within 120 days after receiving and considering the report and recommendations of the Commission under section 3, the President shall submit to Congress a statement of proposals to implement or respond to the Commission's recommendations for a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States. Nothing in this Act authorizes the President to take any administrative or regulatory action regarding ocean or coastal policy, or to implement a reorganization plan, not otherwise authorized by law in effect at the time of such action.

(b) COOPERATION AND CONSULTATION.—In the process of developing proposals for submission under subsection (a), the President shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. BIENNIAL REPORT.

Beginning in September, 2001, the President shall transmit to the Congress biennially a report that includes a detailed listing of all existing Federal programs related to ocean and coastal activities, including a description of each program, the current funding for the program, linkages to other Federal programs, and a projection of the funding level for the program for each of the next 5 fiscal years beginning after the report is submitted.

SEC. 6. DEFINITIONS.

In this Act:

(1) MARINE ENVIRONMENT.—The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters;

(B) the continental shelf; and

(C) the Great Lakes.

(2) OCEAN AND COASTAL RESOURCE.—The term "ocean and coastal resource" means any living or non-living natural, historic, or cultural resource found in the marine environment.

(3) COMMISSION.—The term "Commission" means the Commission on Ocean Policy established by section 3.

SEC. 7. EFFECTIVE DATE.

This Act shall become effective on January 20, 2001.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS OF 2000

SNOWE AMENDMENT NO. 3621

Mr. THOMAS (for Ms. SNOWE) proposed an amendment to the bill (H.R. 1651) to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country; as follows:

On page 13, beginning with "Any" in line 23, strike through line 2 on page 14.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

BINGAMAN AMENDMENTS NOS. 3622–3623

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

AMENDMENT NO. 3622

On page 586, following line 20, add the following:

SEC. 3138. CONSTRUCTION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION OFFICE COMPLEX AT KIRTLAND AIR FORCE BASE, NEW MEXICO.

(a) AUTHORITY FOR DESIGN AND CONSTRUCTION.—(1) Subject to paragraph (2), the Administrator of the National Nuclear Security Administration may provide for the design and construction of a new office complex for the National Nuclear Security Administration at the Department of Energy site located at the eastern boundary of Kirtland Air Force Base, New Mexico.

(2) The Administrator may not exercise the authority in paragraph (1) until 30 days after the date on which the report required by section 3135(a) is submitted to the Committees on Armed Services of the Senate and House of Representatives under that section.

(b) BASIS OF AUTHORITY.—The design and construction of the office complex authorized by subsection (a) shall be carried out through one or more energy savings performance contracts entered into under this section and in accordance with the provisions of title VIII of the National Energy Policy Conservation Act (42 U.S.C. 8287 et seq.).

(c) PAYMENT OF COSTS.—Amounts for payments of costs associated with the construction of the office complex authorized by subsection (a) shall be derived from energy savings and ancillary operation and maintenance savings that result from the replacement of a current Department of Energy office complex in Albuquerque, New Mexico (as identified in a feasibility study conducted under the National Defense Authorization Act for Fiscal Year 2000), with the office complex authorized by subsection (a).

AMENDMENT NO. 3623

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON TECHNOLOGIES TO SUPPORT WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

(a) REPORT.—Not later than March 15, 2001, the Secretary of Defense, in consultation with the Attorney General and the heads of other appropriate Federal agencies, shall submit to the congressional defense committees a report on the technologies required to support the Weapons of Mass Destruction Civil Support Teams (WMD–CSTs).

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following:

(1) The need for new technologies to support the Weapons of Mass Destruction Civil Support Teams.

(2) The appropriate role of the Department of Defense laboratories, Department of Energy laboratories, and other sources of expertise within the Federal Government in developing or adapting new technologies to support Weapons of Mass Destruction Civil Support Teams.

(3) The advisability, in light of the matters assessed under paragraphs (1) and (2), of establishing a center within the Federal Government to support Weapons of Mass Destruction Civil Support Teams, including the appropriate role, if any, for such a center.

REID AMENDMENT NO. 3624

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 546, after line 13, add the following:

SEC. 2882. ACTIVITIES RELATING TO THE GREENBELT AT FALLON NAVAL AIR STATION, NEVADA.

(a) IN GENERAL.—The Secretary of the Navy shall, in consultation with the Secretary of the Army acting through the Chief of Engineers, carry out appropriate activities after examination of the potential environmental and flight safety ramifications for irrigation that has been eliminated, or will be eliminated, for the greenbelt at Fallon Naval Air Station, Nevada. Any activities carried out under the preceding sentence shall be consistent with aircrew safety at Fallon Naval Air Station.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for operation and maintenance for the Navy such sums as may be necessary to carry out the activities required by subsection (a).

DEPARTMENT OF LABOR APPROPRIATIONS ACT, 2001

COCHRAN (AND OTHERS) AMENDMENT NO. 3625

Mr. COCHRAN (for himself, Mr. KENNEDY, and Mr. FRIST) proposed an amendment to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 27 before the colon on line 4 insert the following: ", and of which $25,000,000 shall be made available through such Centers for the establishment of partnerships between the Federal Government and academic institutions and State and local public health departments to carry out pilot programs for antimicrobial resistance detection, surveillance, education and prevention and to conduct research on resistance mechanisms and new or more effective antimicrobial compounds."

REID (AND BOXER) AMENDMENT NO. 3626

Mr. REID (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . (a) IN GENERAL.—There is appropriated $10,000,000 that may be used by the Director of the National Institute for Occupational Safety and Health to—

(1) establish and maintain a national database on existing needleless systems and sharps with engineered sharps injury protections;

(2) develop a set of evaluation criteria for use by employers, employees, and other persons when they are evaluating and selecting needleless systems and sharps with engineered sharps injury protections;

(3) develop a model training curriculum to train employers, employees, and other persons on the process of evaluating needleless systems and sharps with engineered sharps injury protections and to the extent feasible to provide technical assistance to persons who request such assistance; and

(4) establish a national system to collect comprehensive data on needlestick injuries to health care workers, including data on mechanisms to analyze and evaluate prevention interventions in relation to needlestick injury occurrence.

(b) DEFINITIONS.—In this section:

(1) EMPLOYER.—The term "employer" means each employer having an employee with occupational exposure to human blood or other material potentially containing bloodborne pathogens.

(2) ENGINEERED SHARPS INJURY PROTECTIONS.—The term "engineered sharps injury protections" means—

(A) a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, that effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or other effective mechanisms; or

(B) a physical attribute built into any other type of needle device, or into a nonneedle sharp, which effectively reduces the risk of an exposure incident.

(3) NEEDLELESS SYSTEM.—The term "needleless system" means a device that does not use needles for—

(A) the withdrawal of body fluids after initial venous or arterial access is established;

(B) the administration of medication or fluids; and

(C) any other procedure involving the potential for an exposure incident.

(4) SHARP.—The term "sharp" means any object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

(5) SHARPS INJURY.—The term "sharps injury" means any injury caused by a sharp, including cuts, abrasions, or needlesticks.

(c) OFFSET.—Amounts made available under this Act for the travel, consulting, and printing services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $10,000,000.

HUTCHINSON AMENDMENT NO. 3627

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 77, line 14, insert before the period the following: ": *Provided further*, That of the amount made available under this heading, $10,721,000 shall be transferred to the Secretary of Health and Human Services to carry out the Social Services Block Grant program under title XX of the Social Security Act (42 U.S.C. 1397 et seq.)".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, July 13 at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on Gasoline Supply Problems: Are deliverability, transportation, and refining/blending resources adequate to supply America at a reasonable price?

For further information, please call Dan Kish at 202-224-8276 or Jo Meuse at (202) 224-4756.

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, June 26, 2000, from 1:30 p.m.–5 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Madam President, I ask unanimous consent that Ryan Howell from my staff be accorded floor privileges during consideration of the Labor-HHS-Education appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the privilege of the floor be granted to David Bowen of my office during the pendency of the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY NO. 106-33

Mr. SPECTER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 26, 2000, by the President of the United States: Investment Treaty with Nicaragua (Treaty Document No. 106-33).

Further, I ask unanimous consent that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Nicaragua Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Denver on July 1, 1995. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Nicaragua is the fifth such treaty signed between the United States and a country of Central or South America. The Treaty will protect U.S. investment and assist Nicaragua in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thereby strengthening the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex and Protocol, at an early date.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 26, 2000.*

ORDERS FOR TUESDAY, JUNE 27, 2000

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, June 27. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Cochran amendment No. 3625 to the Labor-Health and Human Services appropriations bill as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, further, I ask unanimous consent that the Senate stand in recess from the hour of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I further ask unanimous consent that following the disposition of the pending McCain amendment, Senator REID be recognized in order to call up amendment No. 3626.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. For the information of all Senators, on Tuesday the Senate will resume consideration of the Labor-HHS-Education bill at 9:30 a.m. Under the order, there will be closing remarks on the Cochran amendment regarding pilot programs for antimicrobial resistance monitoring and prevention with a vote to occur at approximately 9:45. Following the vote, the Senate will continue debate on amendments as they are offered. Senators may anticipate rollcall votes throughout the day.

ORDER FOR ADJOURNMENT

Mr. SPECTER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I understand we are in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, is there a time limitation in morning business?

The PRESIDING OFFICER. The time limitation is 10 minutes.

Mr. KENNEDY. I ask unanimous consent to be able to proceed for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, as I understand it, when we set aside the underlying legislation, before the Senate was the Cochran antimicrobial resistance amendment; am I correct?

The PRESIDING OFFICER. That's correct.

ANTIMICROBIAL RESISTANCE

Mr. KENNEDY. Mr. President, I commend my friend from Mississippi, Senator COCHRAN, and also Senator FRIST, for the introduction of the amendment. I welcome the opportunity to join with them in the hope that the Senate will accept that amendment because this amendment is focused on one of the very significant and important public health challenges that we face as a Nation, and that is antimicrobial resistance.

Microbes resistant to antibiotics are a major health threat. The World Health Organization reports that antibiotic-resistant infections acquired in hospitals kill over 14,000 people in the United States every year—that's almost two persons every hour, every day, every year. Unless we take action, drug-resistant infectious diseases will become even more widespread in the United States and kill even larger numbers of patients.

Infections resistant to antibiotics are extremely expensive to treat. It is a hundred times more expensive to treat a patient with drug-resistant TB than to treat a patient with drug-sensitive TB. The National Foundation for Infectious Diseases has estimated that the total cost of drug-resistant infections in this country is $4 billion a year—and this cost will rise as resistant microbes become more common.

The amendment takes an important step to address this health crisis by giving the nation more tools to win the battle against antimicrobial resistance.

Overuse of existing antibiotics contributes heavily to the problem of antimicrobial resistance. Patients often demand antibiotics and doctors often prescribe them for conditions in which they are clearly ineffective. We need to educate patients and medical professionals in the more appropriate use of antibiotics.

The nation's public health agencies are under-equipped to monitor and combat resistant infections. Many public health agencies lack even such basic equipment as a fax machine, and cannot even conduct simple laboratory tests to diagnose resistant infections. We need to strengthen the capacity of public health agencies to diagnose, monitor, and deal effectively with outbreaks of resistant infections.

Many patients acquire resistant infections in hospitals. Children, the elderly and persons with reduced immune systems are particularly at risk. We can do more to prevent the spread of resistant infections by strengthening infectious disease control programs in hospitals and clinics.

We are in a race against time to find new antibiotics before microbes become resistant to those already in use. We need to increase research on how microbes become resistant to antibiotics and on new ways to fight resistant infections. If we slow the rate at which existing antibiotics are losing their effectiveness and accelerate the pace of discovery, we can win the race against antimicrobial resistance.

The measures we take against microbes resistant to antibiotics will also allow the nation to respond more effectively to terrorist attacks using biological weapons. America is a nation at risk from bioterrorism. A deadly disease plague released into a crowded airport, shopping mall or sports stadium could kill thousands. A contagious disease like smallpox released in an American city could kill millions.

To fight such attacks effectively, we must strengthen the nation's ability to recognize, diagnose and contain outbreaks of infectious disease. The additional funds that the Cochran-Frist-Kennedy amendment provides to state and local public health agencies will improve their ability to combat any disease outbreak, whether caused by microbes resistant to antibiotics, new diseases like West Nile fever, or deliberate attacks using biological weapons.

The need is urgent to begin to arm ourselves for the fight against infectious disease, bioterrorism, and microbes resistant to antibiotics. I urge my colleagues to support the amendment.

EDUCATION SPENDING AUTHORIZATION AND APPROPRIATIONS

Mr. KENNEDY. Mr. President, tomorrow we are going to be addressing the Labor-HHS-Education appropriations bill. In that legislation, we will have allocations of resources to fund the Federal participation in education. The federal government provides only 7 cents out of every dollar spent on education at the local level. But those are important funds for many different communities.

I regret very much that we are taking up this appropriations bill for education, before we have completed action on the authorizing bill, the Elementary and Secondary Education Act. It seems to me that we are putting the cart before the horse. We should have had a good debate and resolved the issues on education policy before funding them. Instead, we are now addressing appropriations before we even have the authorizations in hand. There are important policy issues and questions that ought to be resolved.

At the outset, I thank our friends on the Appropriations Committee for the resources they provided in a number of different programs. But I believe some programs were underfunded in the allocation of resources.

The budget is established by the majority. In this case, it was decided by the Republican majority. The Republican Budget Resolution shortchanged education programs in order to pay for unwise tax cuts for the wealthy. In the Resolution, the Republican majority imposed cuts of more than 6%—more than $100 billion over the next five years—in discretionary spending, including education programs.

As a result of this resolution, the allocation for education is too low. Because of that inadequate allocation, the Senate Appropriations Committee was forced to make unwise cuts in key education and other discretionary programs. This $100 billion in order to afford a tax cut for wealthy individuals is the wrong priority.

That is what a good deal of the debate is going to be about—about whether we think we ought to have further tax cuts for wealthy individuals or whether we ought to invest in the education of the children of this country. I believe we ought to invest in the children of this country.

We didn't get the kind of allocation in the Appropriations Committee that we should have, and we are going to find, once this is approved, that it will go to the House, which has had a very significant reduction in terms of allocating resources. We are going to find further cuts in education. That troubles me.

If you look over the past years, we will see what has happened in the history of cutting education funding in appropriations bills.

We have seen, going back to 1995 when the Republicans took control of the Senate, that we had a rescission. We had money already appropriated. But then we had a rescission of $1.7 billion below what was actually enacted in 1995.

In 1996, the House bill was $3.9 billion below 1995.

In 1997, the Senate bill was $3.1 billion below what the President requested.

In 1998, the House and Senate bill was $200 million below the President's request.

In 1999, the House bill was $2 billion below the President's request.

In 2000, the House bill was $2.8 billion below the President's request.

In fiscal year 2001, it is $2.9 billion below the President's request.

We have all of the statements being made by the Republican leadership about how important education is in terms of national priorities. We have our Republican Majority Leader, going back to January 1999, saying, "Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important."

That was the bill which was set aside in May of this year. Some six weeks later, we still haven't had it back in order to be able to debate it.

In remarks to the Conference of Mayors, the majority leader said: "But education is going to have a lot of attention, and it's not going to be just words. . . ."

June 22, 1999: "Education is number one on the agenda for Republicans in the Congress this year. . ."

Then remarks to the Chamber of Commerce on February 1, 2000: "We're going to work very hard on education. I have emphasized that every year I have been majority leader. . . . And Republicans are committed to doing that."

National Conference on State Legislatures, February 3: "We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority."

April 20, the Congress Daily: "LOTT said last week his top priorities in May include an agriculture sanctions bill, Elementary and Secondary Education Act reauthorization, and passage of four appropriations bills."

May of this year: "This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education."

Then, on May 2, on elementary and secondary education: "Have you scheduled a cloture vote on that?" Senator LOTT: "No, I haven't scheduled a cloture vote. . . . But education is number one on the minds of the American people all across this country and every State, including my own state. For us to have a good, healthy and even a protracted debate on amendments on education, I think is the way to go."

This is the record. We still don't have that debate. That was 6 weeks ago. We had 6 days of debate, and 2 days of the debate were without any votes at all. We had eight amendments, and three of those we were glad to accept.

We have effectively not had the debate on education. Here we are on Monday afternoon before the Fourth of July recess, and we have the appropriations bills up with a wide variety of appropriations to support the agencies in areas of health and of education. I believe we are giving education policy short shrift. You can't draw any other conclusion—short shrift.

We were prepared to spend 15 days on bankruptcy reform but only 6 days on education—and for 2 days we couldn't vote. 15 days on bankruptcy and 53 amendments; 4 days where we had amendments on elementary and secondary education and only 8 amendments.

That is an indication of priorities. I take strong exception. I think the American people do as well.

Money in and of itself doesn't solve all of our problems, but it sure is an indication of where our national priorities are.

If I look over this chart, the Federal share of education funding has declined. Look at what has happened in higher education: 15.4 percent in 1980 has declined to 10.7 percent in 1999. Take elementary and secondary education. In 1980, it was 11.9 percent on elementary and secondary education. In 1999, it was only 7.7 percent.

We have seen a decline in elementary and secondary education. We don't even spend 1 percent of our budget in support of elementary and secondary education. That is amazing.

Think of any of us going into any hall across this country in any part of our Nation. Ask about the priorities of people in that hall. They would say: We need national security, national defense. We have to deal with that. Certainly we do. Save Social Security and Medicare—absolutely. Deal with Medicaid—absolutely. But among their four or five priorities would be education.

I think Americans will be absolutely startled to find out that we are spending less than one penny out of every dollar on elementary and secondary education.

This is what has been happening. In the area of elementary and secondary education, K through 12, we have now gone from 1990 with 46.4 million students up to 53.4 million in 2000. 7 million additional students at a time when our participation is going down in favor of tax cuts instead of investing in the children of this country.

That is what is happening. As we start off on this debate, I think it is important to understand that. I think most parents across this country believe there ought to be a partnership, at the local level, the State level, and the Federal level in terms of participation.

However, we are not meeting our responsibilities. We get a lot of statements, a lot of quotes, a lot of press releases, but when the time comes in terms of the Budget Committee—which is controlled by that side of the aisle—allocating resources on education, they are not doing it. They are not walking the walk. They are talking the talk, but they are not walking the walk. That is one of the important issues dividing our political parties, unfortunately. I think the American people ought to understand that.

Tomorrow, we are going to have several education amendments. One which I will offer will be to try to strengthen the recruitment, training, and mentoring for teachers in this country. We need 2 million teachers. Last year, we hired—"we," meaning the States across this country—50,000 teachers who did not have certification in the courses they are teaching.

We believe we ought to guarantee to the families in this country that within 4 years every teacher in every public school will be certified. We are committed to that. We are going to offer an amendment on that. We think that is one of the better ways of going with education. When we look at the results, better prepared teachers stay longer. The earlier intervention occurs for teachers, the longer they will stay. If we give them continued help and assistance that is school based, they will remain longer.

Providing professional training and mentoring for the teachers is enormously helpful. If we have experienced teachers working with younger teachers in the classroom, they stay longer. This is enormously important. We ought to be debating and discussing these issues. Hopefully, tomorrow, we will.

Amendments to be offered by our colleagues include after school programs, accountability, and the digital divide. We are going to have a series of amendments regarding helping, assisting, and modernizing our schools. All these amendments are for worthwhile programs.

We need to have this debate. We need to have this expression. We need to call the roll to find out where our colleagues are going to stand on the issues involving education in this country.

We will, of course, have the opportunity to debate smaller class size with the Murray amendment. We have had bipartisan support for that in the past. I will not take the time tomorrow to place again in the RECORD all of the press releases we had from Newt Gingrich and Mr. ARMEY celebrating the fact that we would go to smaller class size. We had strong bipartisan support, but they have emasculated the program in the appropriations legislation. We will have an opportunity, hopefully, to debate that, as well.

The bill before the Senate includes $2.7 billion for title VI block grants but eliminates the Federal commitment to reducing class size and does nothing to guarantee the funds for communities to address the urgent need for school repair and modernization.

Under the Class Size Reduction Program, the funds are distributed to school districts based on a formula that is targeted 80 percent by poverty and 20 percent by population. Under title VI, block grant funding is distributed based solely on population. It includes no provisions to target the funds to high poverty districts. It is basically a blank check—whatever the Governor wants to do with those funds—without the accountability which is so important and necessary.

I think people across this country want scarce resources utilized in an effective way, on proven, tested, effective programs that will enhance academic achievement and accomplishment. That is provided in the amendments we are going to offer tomorrow.

Better schools, a better education for all children, and making college more affordable are top priorities for the Nation's families and communities.

I regret very much that we are taking up this appropriations bill for education, before we have completed action on the authorizing bill, the Elementary and Secondary Education Act. In many ways, we are putting the cart before the horse again.

We have an opportunity this year to do our part to help local communities improve their schools by strengthening the Elementary and Secondary Education Act. And, to Democrats, this is must-pass legislation.

The Republican majority has paid great lip service to the importance of education, but the reality is far different. We considered only eight amendments to that legislation over 6 days—and during 2 of these days, we were allowed to debate only, not vote. On May 9, the Republican leadership suddenly abandoned the debate, moved to other legislation, and haven't returned to it since then.

I hope that our Republican friends have just temporarily suspended the bill, and not expelled it. We owe it to the Nation's schools, students, parents, and communities to complete action on this priority legislation.

The Senate education appropriations bill now before us also has problems. It is a much better step towards funding education than the House bill, but it's not enough.

The Republican budget resolution shortchanged education programs in order to pay for unwise tax cuts for the wealthy. Because of the Republican budget resolution, the allocation for education is too low.

Because of that inadequate allocation, the Senate Appropriations Committee was forced to make unwise cuts in key education and other discretionary programs because of the unreasonably low funding level set for domestic discretionary programs in the budget resolution. In the resolution, the Republican majority imposed cuts of more than 6 percent—more than $100 billion over the next 5 years—in discretionary spending. These cuts are far from necessary to curb uncontrolled federal spending. The opposite is true. We are already spending less on domestic discretionary programs as a percentage of GNP than we ever have. Republicans are seeking to impose these drastic cuts for one reason only—to fund the massive tax breaks for the wealthy.

This is not the time for cuts in education. We need to increase our investment in education to ensure a brighter future for the nation's children.

Unfortunately, the bill approved by the House of Representatives is a major retreat from all of these priorities. It slashed funding for education by $2.9 billion below the President's request.

The House bill zeroes out critical funding to help states turn around failing schools.

It slashes funding for the 21st Century Learning Centers program by $400 million below the President's request, denying 900 communities the opportunity to provide 1.6 million children with after-school activities to keep them off the streets, away from drugs, and out of trouble, and to help them with their studies.

It eliminates the bipartisan commitment to help communities across the country reduce class size in the early grades.

It cuts funding for title I by $166 million below the President's request, reducing or eliminating services to 260,000 educationally disadvantaged children to help them master the basics and meet high standards of achievement.

It reduces funding for the Reading Excellence Act by $26 million below the President's request, denying services to help 100,000 children become successful readers by the end of the 3rd grade.

It slashes funding for safe and drug free schools by $51 million below the President's request, denying communities extra help to keep their students safe, healthy, and drug-free.

It does nothing to help communities meet their most urgent repair and modernization needs. Those needs are especially urgent in 5,000 schools across the country.

It slashes funding for GEAR UP by $125 million below the President's request, denying more than 644,000 low-income middle and high school students the support they need for early college preparation and awareness activities.

It does nothing to increase funding for the teacher quality enhancement grants, so that more communities can recruit and train better qualified teachers.

It slashes funding for Head Start by $600 million below the President's budget, denying 50,000 low-income children critical preschool services.

It slashes funding for dislocated workers by $181 million below the President's request, denying over 100,000 dislocated workers much-needed training, job search, and re-employment services.

It reduces funding for adult job training by $93 million below the President's request, denying 37,200 adults job training this year.

It cuts youth opportunities grants by $200 million below the President's request, eliminating the proposed expansion to 20 new communities, reducing the current program by $75 million, and denying 40,000 disadvantaged youth a bridge to skills and opportunities of our strong economy and alternatives to welfare and crime.

It slashed summers jobs and year-round youth training by $21 million below the President's request, reducing the estimated number of low-income youth to be served over 12,000.

The Senate bill does take some positive steps towards better funding for education.

It increases the maximum Pell grant by $350 to $3,650.

It increases funding for IDEA by $1.3 billion.

Although these are important increases, they are not enough. In too many other vital aspects of education, too many children and too many families are shortchanged by this bill.

Once again, the Republican leadership has put block grants ahead of targeted funding for education reforms. Block grants are the wrong approach. They prevent the allocation of scarce resources to the highest education priorities. They eliminate critical accountability provisions that ensure better results for all children. The block grant approach abandons the national commitment to improve education by encouraging proven effective reforms of public schools.

Block grants are the wrong direction for education and the wrong direction for the nation. They do nothing to encourage change in public schools.

The bill includes $2.7 billion more for the title VI block grant, but it eliminates the federal commitment to reducing class size. It does nothing to guarantee funds for communities to address their urgent school repair and modernization needs.

It is unconscionable to block grant critical funds that are targeted to the neediest communities to reduce class size. Under the Class Size Reduction program that has received bipartisan support for the past two years, funds are distributed based on a formula that is targeted to school districts 80 percent by poverty and 20 percent by population. But under the title VI block grant, funding is distributed based solely on population—it includes no provisions to target the funds to high poverty districts. This is unacceptable, when it is often the neediest students that are in the largest classes.

The national class size average is just over 22 students per class. But, in many communities—especially in urban and rural communities—class sizes are much higher than the national average.

In 1998, the publication Education Week found that half of the elementary teachers in urban areas and 44 percent of the teachers in nonurban areas had classes with 25 or more students.

A 1999 study found that 56 percent of the students in Portland, OR, in grades K through 3 were in classes with more than 25 students.

In fact, nationwide, K through 3 classrooms with 18 or fewer children are hard to find. For example, in 22 northern and northeastern counties in Kentucky, and in 5 districts in Mercer County, New Jersey, less than 15 percent of the children are in classes of 18 or less. Class size in New York City is an average of 28 students per class.

The federal Class Size Reduction program is making a difference. For example, in Columbus Ohio, class sizes in grades 1 through 3 have been reduced from 25 students per class to 15 students per class.

We need to invest more in this program, so that communities can continue to reduce class sizes. We should not block grant the program. If we do, it will no longer be targeted to the neediest communities, and parents will no longer be guaranteed that their children will be learning in smaller classes.

In addition, it is wrong to put the $1.3 billion that the President requested for repairing and modernizing schools into the title VI block grant. We need to target school modernization funds to the neediest communities, and the title VI block grant will not do that. Parents need a guarantee that they will get the support they need to help their children to school in buildings that are modern and safe, and are not overcrowded.

The bill also falls short in other areas.

It fails to increase the national investment in improving teacher quality.

It provides only level funding for the teacher quality enhancement grants that are helping colleges and communities recruit and train prospective teachers more effectively

It cuts funding for the 21st Century Community Learning Centers by $400 million below the President's request, denying 1.6 million children access to after-school programs.

It slashes funding for GEAR UP by $100 million below the President's request. That reduction will deny 407,000 low-income middle and high school students the help they need to go to college and succeed in college.

It slashes the title I Accountability program by $250 million below the President's request, eliminating critical funding for states to turn around failing schools.

It slashes funding for dislocated workers by $181 million below the President's request. As a result, 100,000 American workers who lost their jobs because of down-sizing or business relocation will go without the important services that they need to find adequate employment in their communities.

It also slashes funding for youth opportunity grants by $125 million below the President's request, denying 27,000 youth in high-poverty communities access to vital education, training, and employment assistance, and eliminating the proposed expansion of the program to up to 15 new communities.

We should be doing more, not less, to improve public schools, to help make college affordable and accessible to every qualified student, and to increase training opportunities for the Nation's workers.

School and communities are already stretching their budgets to meet rising needs.

Nearly one third of all public schools are more than 50 years old. Fourteen million children in a third of the Nation's schools are learning in substandard buildings. Half of all schools have at least one unsatisfactory environmental condition.

The problems with crumbling school buildings aren't just the problems of the inner city. They exist in almost every community—urban, rural, and suburban.

In addition to modernizing and renovating dilapidated schools, many communities need to build new schools, in order to keep pace with rising enrollments and to reduce class sizes. Elementary and secondary school enrollment has reached an all-time high again this year of 53 million students. Enrollment will continue to rise over the next ten years. The number will increase by 324,000 in 2000, by 282,000 in 2001, and by 250,000 in 2002—and it will continue on an upward trend in each of the following years.

To meet this urgent need, the Nation faces the challenge of hiring more than

2 million new teachers over the next ten years. According to the Urban Teacher Challenge Report, released by Recruiting New Teachers last January, almost 100 percent of the 40 urban school districts surveyed have an urgent need for teachers in at least one subject area. Ninety-five percent of urban districts report a critical need for math teachers. Ninety-eight percent report a need in science. Ninety-seven percent report a need for special education teachers.

Unfortunately, the need for new teachers in 1998 was met by admitting 50,000 unqualified teachers to the classroom. And nearly 50 percent of those who do enter teaching, leave the profession within 5 years.

Parents, schools, and communities also need special help in providing after-school activities. Each day, 5 million children, many as young as 8 or 9 years old, are left home alone after school. Juvenile delinquent crime peaks in the hours between 3 p.m. and 6 p.m. We know that children left unsupervised are more likely to be involved in anti-social activities and destructive patterns of behavior.

The Nation's schools need more help to meet all of these challenges.

In addition, many families across the Nation are struggling to put their children through college. The burden of education debt is rising. Eight million seven hundred thousand students borrowed $32 billion in 1999 alone.

Only 53 percent of students with a family income below $25,000 go on to higher education, and only 26 percent—1 in 4—go on to 4-year colleges. But 90 percent of students with family income above $74,000 attend college. The opportunity for a college education should not be determined by the level of family income. Any student who has the ability, who works hard, and who wants to attend college should have the opportunity to do so.

We need to do more to fund programs such as GEAR UP that help make college a reality for more young people.

We also need to do more to help American workers who have lost their jobs because of down-sizing or business relocation to find other good jobs in their communities. Companies are doing more hiring and firing simultaneously than ever before. Workers need a new set of skills, and globalization is driving more work abroad. Greater services for dislocated workers will guarantee that workers have the skills they need as we move full speed into the information-based economy. It will also help us respond to employer needs during the current labor shortage by having an efficient labor exchange system and retraining programs.

We must also do more to emphasize keeping young people in school, increasing their enrollment in college, and preparing and placing these young people in good jobs. Only 42 percent of dropouts participate in the labor force, compared to 65 percent of those with a high school education and 80 percent of those with a college degree.

Next week, when we have the opportunity to address education in the pending Senate appropriations bill, Democrats will offer amendments to address as many of these critical needs as possible.

I intend to offer an amendment to increase funding for title II of the Higher Education Act, to help communities recruit and train prospective teachers and put a qualified teacher in every classroom. In addition, I will offer an amendment to increase funding for skills training programs by $792 million to ensure that the Nation's workers get the support they need in today's workplace.

Senator MURRAY will offer an amendment to continue the bipartisan commitment we have made over the last two years to help communities reduce class size in the early grades.

Senator HARKIN and Senator ROBB will offer an amendment to ensure that communities get the help they need to meet their most urgent repair and modernization problems.

Senator DODD will offer an amendment to increase funding for the 21st Century Learning Centers program, so that more children will have the opportunity to attend after-school activities.

Senator BINGAMAN will offer an amendment to help states turn around failing schools.

Senator REED will offer an amendment to increase funding for the GEAR UP program, so that more children will be able to attend college.

Other colleagues will offer additional amendments to increase the Nation's investment in education.

The time is now to invest more in education. The Nation's children and families deserve no less.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, I will take a few moments on another subject, the issue of our Patients' Bill of Rights.

A short while ago, we had an opportunity to vote on the issues on a Patients' Bill of Rights. This was basically as a result of the fact that the conference in which we are involved had reached a dead end and was going nowhere. It wasn't only my assessment of that development, but the conclusion of a great number of the conferees as well, not just the Democrats, but also those who had supported an effective Patients' Bill of Rights in the House of Representatives, Dr. NORWOOD and Dr. GANSKE. We offered an amendment on the floor, and we failed by one vote.

Now we understand the Republicans have decided that effectively they are not going to participate with the Democrats at all. They are writing their own bill. We had indicated we were still willing to participate. We wanted to get a bill.

It is interesting that the 300 organizations that represent the doctors, the patients, the nurses, the health delivery community, have all been in support of our position. They have not had a single medical organization that has supported the position taken by the Republican leadership in the Senate.

When we talk about bipartisanship, I think we ought to do what the medical professions, the patient organizations, and common sense tell us to do—to listen to doctors and nurses who have had training and follow their recommendations, rather than accountants for HMOs. That is what this bill is basically about.

In the Patients' Bill of Rights, we have outlined the various areas where we think patients need protection. We have asked those who have not been supportive of our position to spell out which protections they don't wish to provide for the American people. One, for example, is to make sure all patients are going to be covered. That is a rather basic and fundamental issue. It shouldn't take a long time to debate and discuss that. The House bill provided for comprehensive coverage for all of the patients and holds plans accountable. That seems to be common sense. Again, that was in the bipartisan bill in the House of Representatives.

In the category of access for specialists, we see a situation where a child has cancer; we want to make sure the child will see a pediatric oncologist. They ought to be able to get the specialist. We certainly have that opportunity for Members of the Senate. We ought to be able to understand that. We should guarantee the specialists.

Access to clinical trials. We are in a period of great opportunities for breakthroughs in research. The only way that breakthroughs get from the laboratory to the patient is through clinical trials. We ought to guarantee it. We don't need to study the question of clinical trials.

Access to OB/GYNs. That is common sense.

Prohibition on gag rules. We are going to take the gag off our doctors who have been trained to provide the best in medicine. They shouldn't be gagged by accountants for HMOs.

Emergency room access, another area of importance.

These are some of the points that are guaranteed.

Perhaps some of these are protections that our Republican friends don't want to guarantee. We wish they would state which ones. Why do we have to do it behind closed doors? Why not come out here and say which ones they don't want to guarantee, have some votes in the Senate, and then get legislation passed?

However, we have been buried in the darkness of our offices. We ought to have an opportunity to have matters decided or stated. These protections should be available to every American. Those Members representing our side of the aisle are committed to that. Republicans and Democrats alike in the House of Representatives were in support of it. A third of the Republicans voted for that and a few courageous Republicans in this body supported that position as well.

We should get about the business of closing this legislation down. Every day it delays people are being hurt. It is wrong. We ought to get about doing the people's business and pass a strong Patients' Bill of Rights.

To reiterate, the American people have waited more than 3 years for Congress to send the President a Patient's Bill of Rights that protects all patients and holds HMOs and other health plans accountable for their actions.

Every day that the conference on the Patient's Bill of Rights fails to produce agreement on meaningful patient protections, 60,000 more patients endure added pain and suffering. More than 40,000 patients report a worsening of their condition as a result of health plan abuses.

By all accounts, Republicans are working amongst themselves on the Patients' Bill of Rights. They are working in the middle of the night, behind closed doors, to produce a partisan bill that will surely fail the test of true reform. The crocodile tears were flowing form the eyes of the Senate Republican leadership on June 8 when we took the bipartisan, House-passed Managed Care Consensus Act to the floor for its first Senate vote. That legislation, which passed the House with overwhelming bipartisan support last year, is a sensible compromise that extends meaningful protections to all patients and guarantees that health plans re held accountable when their abuses result in injury or death.

Democratic conferees sent a letter to Senator NICKLES on June 13. In that letter, we reiterated that we remained ready to negotiate on serious proposals that provide a basis for achieving strong, effective protections. But the assistant majority leader has not responded. The silence is deafening.

We have been forewarned of what to expect from a partisan bill. The American people won't stand for a sham bill, and we won't either.

Make no mistake. We want a bill that can be signed into law this year. There is not much time left. We need to act now.

The Republican leadership continues to refuse to guarantee meaningful protections to all Americans. They continue to delay and deny action on this critical issue. This debate is about real people. It's about women, children, and families.

The gap between the Senate Republican plan and the bipartisan legislation enacted by the House in the Norwood-Dingell bill is wide. And the intransigence of the Republican conferees is preventing adequate progress.

Republican conferees steadfastly refuse to cover all Americans. Their flawed approach leaves out two-thirds of those with private health insurance—more than 120 million Americans.

The Senate Republican leadership says no to farmers, truck drivers, police officers, teachers, home day care providers, fire fighters, and countless others who buy insurance on their own or work for state or local governments.

The bipartisan legislation that we support and which we voted on in the Senate on June 8 covers everyone. But the Republican leadership said no.

The protections in the House-passed bill are urgently needed by patients across the country. Yet, the Republican leadership is adopting the practice of delay and denial that HMOs so often use themselves to delay and deny patients the care they need.

It's just as wrong for Congress to delay and deny these needed reforms, as it is for HMOs to delay and deny needed care.

Congress can pass bipartisan legislation that provides meaningful protections for all patients and guarantees accountability when health plan abuse results in injury or death. The question is, will we?

The American people are waiting for an answer.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FITZGERALD pertaining to the introduction of S. 2790 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FITZGERALD. I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., June 27.

Thereupon, the Senate, at 5:56 p.m., adjourned until Tuesday, June 27, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 26, 2000:

THE JUDICIARY

TAMAR MEEKINS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE HENRY F. GREENE, TERM EXPIRED.

GERALD FISHER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE RICHARD A. LEVIE, RETIRED.

DEPARTMENT OF STATE

JAMES A. DALEY, OF MASSACHUSETTS, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANTIGUA AND BARBUDA, TO THE COMMONWEALTH OF DOMINICA, TO GRENADA, AND TO SAINT VINCENT AND THE GRENADINES.

HOUSE OF REPRESENTATIVES—*Monday, June 26, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. KUYKENDALL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 26, 2000.

I hereby appoint the Honorable STEVEN T. KUYKENDALL to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

UNITED STATES AIR FORCE IN KOSOVO

Mr. STEARNS. Mr. Speaker, last month the May 15 edition of Newsweek ran an article regarding Kosovo and the damage assessment data that was gathered by NATO and the United States Air Force. While some of the accusations in the article raised concerns on both sides of the issue, I believe, Mr. Speaker, it misses the point, and, that is, the outstanding job accomplished by our men and women of the United States Air Force.

What many fail to realize is that the Air Force was practically engaged in a major theater war. Thirty-eight thousand sorties were flown during the 78-day operation with two aircraft lost to enemy fire. At the beginning of Operation Allied Force, the average number of sorties flown per day was 200. That number increased to 1,000 by the end of that conflict. Furthermore, the United States expended over 23,315 munitions with the United States Air Force accounting for 91 percent of that amount. That in itself, Mr. Speaker, is a logistics success story.

Over 20,000 Air Force personnel were deployed in Operation Allied Force. The operation also included 13 percent of Air Force fighter aircraft, 16 percent of bombers and 28 percent of tanker aircraft. At the same time, United States Air Force equipment and personnel were deployed to Northern Watch in Iraq, Southwest Asia, Central and South America, and various Pacific operations. In fact, Mr. Speaker, we have over 260,000 military personnel in over 100 countries. Our military has been deployed more times during this administration than the entire Cold War period.

I am concerned that the Newsweek article chose not to highlight the major effort in which the United States Air Force engaged over those 78 days, but the outstanding performance continued after hostilities ceased as Air Force officials delved into an in-depth analysis of the warfare data.

This article in Newsweek dated May 15, this year, attempts to persuade the reader that NATO, the Pentagon and United States Air Force officials purposely misstated the number of tanks, artillery and armored personnel carriers destroyed in Operation Allied Force. However, the author based his assertions on a so-called suppressed report. In reality, his information was likely provided by way of an initial ground survey conducted by NATO itself.

This initial survey documented actual on-site findings of damaged or destroyed equipment. But let me emphasize a point here. This survey was conducted after 78 days of aerial combat operations where the battlefield, of course, can drastically change from day to day. Furthermore, it is common practice for any army to remove as much as possible of its equipment and damage from the battlefield as soon as possible.

Let me emphasize that this data project was conducted by NATO itself, with the support of the United States Air Force. Obviously since the Air Force conducted most of the offensive operations, its involvement was crucial to gathering accurate data. The project was also designed as an assessment of weapons targeting, their impact and effectiveness, and, of course, not just counting armor damage.

The data released by NATO was the result of a thorough methodology composed of ground survey, mission reports, cockpit videos, satellite and other imagery and, of course, intelligence reports. This data also had to factor in decoy use, multiple strikes on a target, and, of course, unconfirmed strikes. As a result, the data released was in fact more conservative than initial battle damage assessments. That is precisely the point of this in-depth analysis, to get an accurate picture of what happened so you can learn and adapt for future conflicts.

The Newsweek article does raise a few questions, but if one looks at the entire picture of this operation, that person will see the Herculean effort shouldered by the United States Air Force. In the end, the Serbs retreated. The Air Force mission was accomplished, which, of course, is the real message for all Americans, that the Air Force did its job and did it well.

We can be proud of these men and women and their commitment to serve their country and fight for a people whom they did not know. I commend the United States Air Force, and all the other armed services in support of Operation Allied Force.

IN OPPOSITION TO H.R. 4680, REPUBLICAN PRESCRIPTION DRUG BENEFIT BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. BENTSEN) is recognized during morning hour debates for 5 minutes.

Mr. BENTSEN. Mr. Speaker, later this week the Republican leadership will bring to the floor a bill purporting to be a new prescription drug benefit for America's senior citizens. In reality, it is a bill which is fatally flawed, providing a political fig leaf for Republicans while providing false hope to the senior citizens we all represent who are feeling increasingly pinched by ever rising prescription drug costs.

Mr. Speaker, the Republican bill fails both in its structure and its scope, and it as well as any plausible alternative as proposed by Democrats is subject to an artificial monetary constraint imposed by the Republicans in their budget resolution which is both disingenuous and hypocritical.

In their desire to do anything but create a real prescription drug benefit under Medicare, the Republicans' Rx proposal creates a Rube Goldberg structure that involves subsidizing insurance companies to do what they do not want to do while creating a new government bureaucracy in Medicare. The Republican plan is modeled after the Medicare Choice structure of enticing private insurers to take over the

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□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

administration and delivery of benefits in lieu of Medicare for a profit. It pays insurers to create a prescription drug plan, but, while it limits the coverage, it does not limit the premiums that can be charged to senior citizens. And it empowers this new bureaucracy, the Medicare Benefits Administration, to increase the taxpayer subsidy to the insurance companies if they are unable to develop a plan which meets both the basic structure and is affordable. Thus, monthly premiums to seniors are allowed to rise far higher than the $40 a month assumed by the authors of this flawed bill, and insurers are entitled to higher taxpayer subsidies if they cannot make enough money.

Mr. Speaker, your own press secretary told the New York Times this Sunday that the insurance market for prescription drugs for senior citizens would develop because under your leadership's plan it would be, quote, awash in money. For the record, Mr. Speaker, that is the taxpayers' money. The fact that the Congressional Budget Office scored this proposal at all is astounding given the open-ended nature of the program. But perhaps they see something the Republican sponsors missed or are not telling us; that is, the program will not cost too much because health insurance companies do not like it and will not do it. And like Medicare Choice, once you start restricting the Federal subsidy, profits dry up and insurance companies pull out. Just witness the exodus from Medicare managed care after the 1997 Balanced Budget Act restricted the ever increasing adjusted average per capita cost.

The Republican leadership's prescription drug plan were it to ever be enacted into law would fail because it is designed in such a way that senior citizens will not be able to afford the premiums and insurance companies will not be able to make a profit. Moreover, it spends taxpayer dollars to subsidize insurance companies to do what they do not want to do and what Medicare can do and that Congress will ultimately restrict.

Mr. Speaker, I hope that the Republicans give an opportunity for a fair substitute that brings the benefit of prescription drugs to America's senior citizens.

SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I want to take a couple of minutes to talk about one of America's most important programs and that is Social Security. Looking at this chart, we see the pie graph of all of the Federal Government's $1.8 trillion Federal spending. The bottom piece of pie represents Social Security. Social Security now is 20 percent of everything that the Federal Government spends. Medicare is at 11 percent, and both programs are growing very rapidly in terms of outlays. Senior programs now utilize over 50 percent of total Federal spending. Because of the demographics, because of the fact that individuals are living longer and because of the slowing down of the birthrate over the years the problem is exacerbated. When the baby boomers retire we will have this exceptionally large number of individuals born shortly after World War II retire. They will change status from paying tax into the Social Security System to retirees that take out, along with the fact of increasing life span that is going to additionally complicate the challenges of keeping Social Security and Medicare solvent.

In this morning's Washington Post, a news piece quoted Vice President GORE as saying that Governor Bush's plan, if he does what he says and protects all current retirees against having any cut in benefits, it would take 14 years off the already short life, and Social Security would go bankrupt by 2023. This statement is false. Most every bill introduced in the House and Senate in fact do make sure there is no reduction in retirees benefits. To the contrary, the Vice President is suggesting that we take the Social Security surplus and pay down the debt held by the public. That means, if you will excuse the analogy, using one credit card account to pay down another credit card account. Mr. GORE is suggesting, taking the Social Security Trust Fund surplus money and using that money to pay back another debt, a debt held by the public. But that does nothing to solve the long term solvency. At such time there is less Social Security tax revenue coming in than is required to pay benefits, in about 2014, the debt starts increasing again and as you see on this chart, debt soars, and we leave our kids and grand kids a huge mortgage. That is why it is so important that we have some structural changes to keep Social Security solvent.

I hope what the Vice President was quoted in the newspaper was not a correct quote, because the statement has been repeatedly demonstrated as false by the Social Security actuaries themselves.

There are several plans. In fact, most of the plans that have been introduced in the Senate, most of the plans that have been introduced in the House are plans that reflect what Governor Bush has suggested. That is they actually make sure that we do not cut benefits for existing retirees and we do not cut benefits for near-term retirees. I will give a few examples. The Senate bipartisan Social Security plan introduced in the Senate by six Senators; the gentleman from Ohio (Mr. KASICH's) plan; and my Social Security proposal contains no changes to the benefit levels of current retirees and all of these proposals have been certified by the Social Security Administration as keeping Social Security solvent. So to play light with such an important program I think does a disservice. It would have been my hopes that President Clinton and Vice President GORE would have taken the opportunity in the last 2 years to move ahead with plans and proposals to keep Social Security solvent. With White House leadership, we could have done that this year. It is going to take the leadership of a President to bring Democrats and Republicans together to make sure that we save this important program. Simply by creative financing such as adding "I.O.U.s" to the trust fund, that does not honestly deal with the fact that there is going to be less revenues coming in than what is needed to pay benefits is a disservice because it does not solve the problem.

Briefly, I want to go over my Social Security proposal, the Social Security Solvency Act for 2000. It allows workers to invest a portion of their Social Security taxes in their own personal retirement accounts. I start at 2.5 percent. It may be appropriate that government defines limits on how you invest that money to make sure they are safe investments. It won't take much investment wetdown to make sure that it brings in more money than the 1.7 percent that economist predict workers can expect as a return on the payroll taxes paid in that they will get through their retirement years from Social Security. 1.7 percent is what the economist predict you are going to get in your retirement years. We can do better than that in a CD at your local bank. The problem is that government doesn't save and invest your money, it spends it.

But I think the other important consideration is that the Supreme Court has said that there is no obligation of the Federal Government to give you Social Security benefits. The Social Security tax is a separate tax. Benefits is a decision made by Congress and the President. That is why when we have gotten in trouble in several times, such as in 1977, again in 1983, we increased taxes and cut benefits. Let us not let that happen again.

The highlights of my bi-partisan Social Security bill, H.R. 3206, are as follows:

Allows workers to own and invest a portion of their Social Security taxes by creating Personal Retirement Savings Accounts (PRSAs);

PRSA investment starts at 2.5% of wages and gradually increases;

PRSA limited to a variety of safe investments;

Uses surpluses to finance PRSAs;

No increases in taxes or government borrowing;

PRSA account withdrawals may begin at 59½ while the eligibility age for fixed benefits is indexed to life expectancy;

Tax incentive for workers to invest an additional $2,000 each year;

Gradually slows down benefit increases for high income retirees by changing benefit indexation from wage growth to inflation;

Divides PRSA contributions between couples to protect low income and non-working spouses;

Widows or widowers benefit increased to 110% of standard benefit payment;

Repeals the Social Security earnings test;

Scored by the Social Security Administration to keep Social Security solvent; and

Maintains a Trust Fund reserve.

EMERGENCY SUPPLEMENTAL FOR FISCAL YEAR 2000

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized during morning hour debates for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, it has been more than 8 months since my State, North Carolina, was struck by Hurricane Floyd, one of three hurricanes to hit our State in succession. And it has been more than 3 months since the House passed H.R. 3908, the emergency supplemental for this fiscal year. Mr. Speaker, we are beyond an emergency. In Eastern North Carolina we are now in a crisis. Title III of the bill includes $2.2 billion for assistance in the wake of the hurricanes. Those disaster relief provisions are urgently needed.

States like North Carolina, hit hard by the hurricanes and flooding of last fall, critically need that support for their recovery and rebuilding efforts. North Carolina suffered the worst devastation in its history.

The bill contains $77.4 million in additional funds for FEMA to be used for short-term emergency housing, home buyouts and relocation assistance; $42 million targets funds for USDA and $25 million in funds for HUD, to be used for long-term housing needs, new rural rental housing, rental assistance grants, mutual self-help housing grants and rural housing assistance grants; $33.3 million in funds for the SBA. The bill also contains $25.8 million in funds for EDA, to be used for vital economic recovery needs, disaster loans, planning assistance, public works grants and capitalization of revolving loan funds.

In addition, the bill contains critical funding for agriculture, funding to help our farmers through the forgiveness of marketing loans made by the Commodity Credit Corporation, supplemental funding for crop insurance, and $77.5 million in urgently needed funding for staffing and other needs of the Farm Service Agency. The bill contains funding to assist our fishermen who suffered untold losses from the hurricanes. Funding for dredging, snagging, clearing and debris removal at navigation projects is also included. And the bill has funding to study the dike at Princeville, a town completely destroyed by the flooding.

Mr. Speaker, America is at its best when its citizens are at their worst. When government can and does help, it makes a difference in the lives of our citizens. The lives of the people of Eastern North Carolina were forever changed when Hurricanes Dennis, Floyd and Irene struck. In some instances, the damage reached 175 miles inland, away from the shore, leaving a swath of death, destruction and despair never before seen in my State. Whether their lives were unalterably changed now rests largely in the hands of Congress.

When we passed the emergency bill in the House, the bipartisan support provided to relieve the suffering experienced by the flooding in these States gave hope that the things that are common to us are far stronger than the things on which we differ.

Mr. Speaker, there remains an emergency in North Carolina. It is an emergency in every sense of the word, an unexpected predicament, a crisis, a situation that caught North Carolina and other States entirely by surprise. The destruction is enormous, the needs are great, the situation is urgent.

I urge the House and the Senate to get together and send us a conference report.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You hold all in good order. Yet You give us the freedom of choice and the realm of good conscience.

Be with Your people today, especially our leaders in religion, in government, and in all civil service.

Help us to maintain good conduct in ourselves and in this Nation. Provide us with insight into our own behavior.

Guided by Your Spirit, make us accountable for our deeds before Your eternal tribunal and in the public forum of respectful performance.

May this, the House of Representatives of the United States, do all in its power to maintain good conduct among its citizens.

May we, by our behavior, find credence among other nations so that they observe our good works and glorify You, our God, as our protector, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills and concurrent resolutions of the House of the following titles:

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building".

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building".

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office".

H.R. 2307. An act to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building".

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the "Louise Stokes Post Office".

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the "Jay Hanna 'Dizzy' Dean Post Office".

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the "William H. Avery Post Office".

H.R. 2952. An act to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station".

H.R. 3018. An act to designate certain facilities of the United States Postal Service in South Carolina.

H.R. 3699. An act to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building".

H.R. 3701. An act to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building".

H.R. 4241. An act to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Jamesville, Wisconsin, as the "Les Aspin Post Office Building".

H. Con. Res. 293. Concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

H. Con. Res. 304. Concurrent resolution expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 251. Concurrent resolution commending the Republic of Croatia for the conduct of its parliamentary and presidential elections.

The message also announced that the Senate has passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 2043. An act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building".

S. 2460. An act to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

S. 2677. An act to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe.

S. 2682. An act to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America.

S. Con. Res. 117. Concurrent resolution commending the Republic of Slovenia for its partnership with the United States and NATO, and expressing the sense of Congress that Slovenia's accession to NATO would enhance NATO's security, and for other purposes.

S. Con. Res. 118. Concurrent resolution commemorating the 60th anniversary of the execution of Polish captives by Soviet authorities in April and May 1940.

BIG OIL COMPANIES GOUGING AMERICAN CONSUMERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, for months, big oil companies have been averaging 350 percent profits. Averaging 350 percent.

And after all that, finally the EPA says, and I quote: We suspect gouging by the big oil companies.

No kidding, Sherlock.

The truth is these stumbling, bumbling, crepitating nincompoops at the EPA could not find buffalo chips in bottled water.

Beam me up.

It is time to pass H.R. 3902, that slaps a $100 million fine on oil companies that gouge American consumers. Mr. Speaker, money is all they understand.

Mr. Speaker, I yield back a message to the OPEC countries. The next time they are attacked by Saddam Hussein, call UNICEF, not Uncle Sam.

A CALL FOR INVESTIGATION OF THE FBI AND JUSTICE DEPARTMENT IN THE NORTHERN DISTRICT OF OHIO

(Mr. TRAFICANT asked and was given permission to address the House for 3 minutes.)

Mr. TRAFICANT. Mr. Speaker, I am under investigation in the Northern District of Ohio by the United States Justice Department, the Federal Bureau of Investigation, and the Internal Revenue Service. They have targeted me for 20 years.

They suborned perjury in my first trial, where I am the only American in the history of the country to have defeated the Justice Department in a RICO case pro se, and they have never forgotten it and they have targeted me ever since.

The bottom line is there may be an indictment any day. But during this period of time where I have been targeted, I have been investigating the Federal Bureau of Investigation and the Justice Department in the Northern District of Ohio. FBI agents in the northern district of Ohio have been on the payroll of the Mob. They have been bank rolled by the Mob. In fact, the Mob had directed the first indictment of JIM TRAFICANT.

Mr. Speaker, in addition, I have credible evidence and an affidavit that supports the fact that an individual informant has charged the FBI with asking him to commit murder. I will be presenting these matters to a respective committee of Congress asking for a committee investigation with full subpoena powers to back up the affidavits that I have before me.

So, Mr. Speaker, having taken this time, I thank the Chair for allowing me to make such a statement.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

PRESIDENTIAL THREAT PROTECTION ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R., 3048) to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Threat Protection Act of 2000".

SEC. 2. REVISION OF SECTION 879 OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 879 of title 18, United States Code, is amended—

(1) by striking "or" at the end of subsection (a)(2);

(2) in subsection (a)(3)—

(A) by striking "the spouse" and inserting "a member of the immediate family"; and

(B) by inserting "or" after the semicolon at the end;

(3) by inserting after subsection (a)(3) the following:

"(4) a person protected by the Secret Service under section 3056(a)(6);";

(4) in subsection (a)—

(A) by striking "who is protected by the Secret Service as provided by law,"; and

(B) by striking "three years" and inserting "5 years"; and

(5) in subsection (b)(1)(B)—

(A) by inserting "and (a)(3)" after "subsection (a)(2)"; and

(B) by striking "or Vice President-elect" and inserting "Vice President-elect, or major candidate for the office of President or Vice President".

(b) CONFORMING AMENDMENTS.—

(1) HEADING.—The heading for section 879 of title 18, United States Code, is amended by striking "protected by the Secret Service".

(2) TABLE OF SECTIONS.—The item relating to section 879 in the table of sections at the beginning of chapter 41 of title 18, United States Code, is amended by striking "protected by the Secret Service".

SEC. 3. CLARIFICATION OF SECRET SERVICE AUTHORITY FOR SECURITY OPERATIONS AT EVENTS AND GATHERINGS OF NATIONAL SIGNIFICANCE.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

"(e) Under the direction of the Secretary of the Treasury, the United States Secret Service is authorized to coordinate the design, planning, and implementation of security operations for any special event of national significance, as determined by the President or the President's designee.".

SEC. 4. NATIONAL THREAT ASSESSMENT CENTER.

(a) ESTABLISHMENT.—The United States Secret Service (hereinafter in this section referred to as the "Service"), at the direction of the Secretary of the Treasury, may establish the National Threat Assessment Center (hereinafter in this section referred to as the "Center") as a unit within the Service.

(b) FUNCTIONS.—The Service may provide the following to Federal, State, and local law enforcement agencies through the Center:

(1) Training in the area of threat assessment.

(2) Consultation on complex threat assessment cases or plans.

(3) Research on threat assessment and the prevention of targeted violence.

(4) Facilitation of information sharing among all such agencies with protective or public safety responsibilities.

(5) Programs to promote the standardization of Federal, State, and local threat assessments and investigations involving threats.

(6) Any other activities the Secretary determines are necessary to implement a comprehensive threat assessment capability.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Service shall submit a report to the committees on the judiciary of the Senate and the House of Representatives detailing the manner in which the Center will operate.

SEC. 5. ADMINISTRATIVE SUBPOENAS WITH REGARD TO PROTECTIVE INTELLIGENCE FUNCTIONS OF THE SECRET SERVICE.

(a) IN GENERAL.—Section 3486(a) of title 18, United States Code, is amended—

(1) so that paragraph (1) reads as follows: "(1)(A) In any investigation of—

"(i)(I) a Federal health care offense or (II) a Federal offense involving the sexual exploitation or abuse of children, the Attorney General; or

"(ii) an offense under section 871 or 879, or a threat against a person protected by the United States Secret Service under paragraph (5) or (6) of section 3056, if the Director of the Secret Service determines that the threat constituting the offense or the threat against the person protected is imminent, the Secretary of the Treasury;

may issue in writing and cause to be served a subpoena requiring the production and testimony described in subparagraph (B).

"(B) Except as provided in subparagraph (C), a subpoena issued under subparagraph (A) may require—

"(i) the production of any records or other things relevant to the investigation; and

"(ii) testimony by the custodian of the things required to be produced concerning the production and authenticity of those things.

"(C) A subpoena issued under subparagraph (A) with respect to a provider of electronic communication service or remote computing service, in an investigation of a Federal offense involving the sexual exploitation or abuse of children shall not extend beyond—

"(i) requiring that provider to disclose the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber to or customer of such service and the types of services the subscriber or customer utilized, which may be relevant to an authorized law enforcement inquiry; or

"(ii) requiring a custodian of the records of that provider to give testimony concerning the production and authentication of such records or information.

"(D) As used in this paragraph, the term 'Federal offense involving the sexual exploitation or abuse of children' means an offense under section 1201, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423, in which the victim is an individual who has not attained the age of 18 years.";

(2) in paragraph (3)—

(A) by inserting "relating to a Federal health care offense" after "production of records"; and

(B) by adding at the end the following: "The production of things in any other case may be required from any place within the United States or subject to the laws or jurisdiction of the United States."; and

(3) by adding at the end the following:

"(5) At any time before the return date specified in the summons, the person or entity summoned may, in the United States district court for the district in which that person or entity does business or resides, petition for an order modifying or setting aside the summons, or a prohibition of disclosure ordered by a court under paragraph (6).

"(6)(A) A United State district court for the district in which the summons is or will be served, upon application of the United States, may issue an ex parte order that no person or entity disclose to any other person or entity (other than to an attorney in order to obtain legal advice) the existence of such summons for a period of up to 90 days.

"(B) Such order may be issued on a showing that the things being sought may be relevant to the investigation and there is reason to believe that such disclosure may result in—

"(i) endangerment to the life or physical safety of any person;

"(ii) flight to avoid prosecution;

"(iii) destruction of or tampering with evidence; or

"(iv) intimidation of potential witnesses.

"(C) An order under this paragraph may be renewed for additional periods of up to 90 days upon a showing that the circumstances described in subparagraph (B) continue to exist.

"(D) Whoever knowingly violates an order under this paragraph shall be fined under this title or imprisoned not more than 5 years, or both.

"(7) A summons issued under this section shall not require the production of anything that would be protected from production under the standards applicable to a subpoena duces tecum issued by a court of the United States.

"(8) If no case or proceeding arises from the production of records or other things pursuant to this section within a reasonable time after those records or things are produced, the agency to which those records or things were delivered shall, upon written demand made by the person producing those records or things, return them to that person, except where the production required was only of copies rather than originals.

"(9) A subpoena issued under paragraph (1)(A)(i)(II) or (1)(A)(ii) may require production as soon as possible, but in no event less than 24 hours after service of the subpoena.

"(10) As soon as practicable following the issuance of a subpoena under paragraph (1)(A)(ii), the Secretary of the Treasury shall notify the Attorney General of its issuance.".

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 3486 of title 18, United States Code, is amended by striking:

"in Federal health care investigations".

(2) TABLE OF SECTIONS.—The item relating to section 3486 in the table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking:

"in Federal health care investigations".

(3) CONFORMING REPEAL.—Section 3486A, and the item relating to that section in the table of sections at the beginning of chapter 223, of title 18, United States Code, are repealed.

(c) TECHNICAL AMENDMENT.—Section 3486 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by striking "summoned" and inserting "subpoenaed"; and

(2) in subsection (d), by striking "summons" each place it appears and inserting "subpoena".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3048, the Presidential Threat Protection Act of 2000, was introduced by the chairman of the Crime Subcommittee, the gentleman from Florida (Mr. MCCOLLUM) and is the product of close collaboration between the gentleman from Florida and the staff of the Subcommittee on Crime and the Secret Service.

The bill addresses several problems that the Director of the Secret Service raised at an oversight hearing held by the Subcommittee on Crime last year.

The subcommittee reported the bill favorably by voice vote in March and the full Committee on the Judiciary reported the bill favorably by voice vote last month.

The principal purpose of the bill is to clarify the Secret Service's jurisdiction to investigate threats made against former Presidents or their families and the immediate families of the President, Vice President, President-elect, the Vice President-elect and major candidates for the offices of President or Vice President.

Under current law, Mr. Speaker, for the Secret Service to investigate a threat made against one of these persons, that person must be receiving Secret Service protection at the time the threat is made. Should a former President decline Secret Service protection, as has occurred in the past, threats made against him would not be Federal crimes and so could not be investigated by the Secret Service.

This problem will be exacerbated in the future by a decision Congress made in 1994 that Secret Service protection for former Presidents and their spouses terminate 10 years after the President leaves office.

To remedy this problem, H.R. 3048 will amend current law to make it a Federal crime which the Secret Service is authorized to investigate for any person to threaten any current or former President, the current Vice President, the President-elect, or Vice

President-elect, or the immediate family of such person, regardless of whether the Secret Service is protecting the person at the time the threat is made.

This section of the bill will expand current Secret Service authority so that it may investigate threats made against the immediate family of major candidates for the office of President or Vice President. Under current law, the Secret Service may only investigate threats made against the candidate and his or her spouse. The bill will also clarify the Agency's authority to plan security for events of national significance such as an economic summit of G7 ministers or a meeting of the WTO, for example.

In recent years, the President has directed the Service to participate in the design, planning and implementation of security operations at special events of national significance. In some cases, however, none of the persons traditionally protected by the Service may be present at these events or present at all times during the event. Therefore, the Service's authority to coordinate the security for these events is unclear.

As the Service is the preeminent law enforcement agency in the world when it comes to expertise in planning security operations, it is appropriate that this expertise be brought to bear in the planning for events of this magnitude. This bill will make that authority clear.

H.R. 3048 also authorizes the Secret Service to use administrative subpoenas in limited situations. Administrative subpoenas are subpoenas issued by a law enforcement agency rather than a United States court. Administrative subpoenas are authorized by the Attorney General under current law for investigations of drug crime, Federal health care offenses, or cases involving child abuse and child sexual exploitation.

The Service has requested administrative subpoena authority for investigations of threats made against the President and its other protectees. There is no question that if the Service is delayed for several days in obtaining a subpoena it needs, such as when the courts are closed over a weekend or during a Federal holiday, the trail of a potential assassin could be lost. It seems reasonable to me to allow the Service to issue these types of subpoenas, but only in threat cases.

This bill would give the Secretary of the Treasury the authority to issue such a subpoena, but only upon the determination of the Director of the Secret Service that a threat against one of its protectees is imminent. Further, the power is limited to requesting only the production of records and other tangible things. The subpoena may not be used to obtain the testimony of any person, except for the person who is the custodian of the records for an organization.

This bill also creates a means by which a citizen can challenge an administrative subpoena in the courts, something for which current law does not specifically provide.

The Secret Service is one of our Nation's oldest and best law enforcement agencies. We need to give it the statutory authority and investigative tools it needs to do the job that Congress has given it. This bill will help do that.

Mr. Speaker, I urge all of my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to start out by commending the gentleman from North Carolina (Mr. COBLE), the gentleman from Virginia (Mr. SCOTT), the Committee on the Judiciary, the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Illinois (Mr. HYDE), and the gentleman from Michigan (Mr. CONYERS) on a bill that passed the Committee on the Judiciary unanimously, not only of its import but the significance of it in this timely fashion as we approach a season of presidential elections.

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I too rise in strong support of H.R. 3048. It reflects that bipartisanship, and it is a pleasure to see such bipartisanship here in the House.

As the gentleman from North Carolina (Mr. COBLE) has stated, the bill would amend current law to make it clear that it is a Federal crime, a Federal crime which the Secret Service is authorized to investigate, for any person to threaten any current or former President, Vice President, or immediate family member of that person, notwithstanding the fact that the Secret Service may not be at that time, in fact, protecting the person that the threat is made on.

It also expands current Secret Service authority to investigate threats made against the immediate family of candidates for the office of President or Vice President. Under current law, the protection covers only the candidates and their spouses.

Another provision of the bill authorizes the Secret Service to participate in the planning, coordination, and implementation of security operations at events and gatherings of national significance, even if the President or Vice President is not scheduled to attend.

In light of the Secret Service's expertise, second to none in the area of planning security operations of this type and its responsibilities in protecting diplomats, it makes for sound public policy to authorize the agency to participate in such planning and coordination, as they did at summit meetings such as the G–7 economic ministers meeting held here not so long ago.

The bill also provides, as the gentleman from North Carolina (Mr. COBLE) had so eloquently explained, a limited-use administrative subpoena authority by the Secret Service where there has been a threat against the President, a former President, or other persons protected by the Secret Service.

I would just like to close by saying that the Secret Service is a very noble agency. I think they do a tremendous job for the American people. I believe this bill is fitting, and I want to commend the Committee on the Judiciary for its unanimous vote and its bipartisanship in addressing it in this season.

Mr. TRAFICANT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 3048, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PRIBILOF ISLANDS TRANSITION ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3417) to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Pribilof Islands Transition Act".

SEC. 2. PURPOSE.

The purpose of this Act is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

SEC. 3. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS UNDER FUR SEAL ACT OF 1966.

Public Law 89-702, popularly known and referred to in this Act as the Fur Seal Act of 1966, is amended by amending section 206 (16 U.S.C. 1166) to read as follows:

"SEC. 206. FINANCIAL ASSISTANCE.

"(a) GRANT AUTHORITY.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

"(2) USE FOR MATCHING.—Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

"(3) Restriction on use.—The Secretary may not use financial assistance authorized by this Act—

"(A) to settle any debt owed to the United States;

"(B) for administrative or overhead expenses; or

"(C) for contributions authorized under section 5(b)(3)(B) of the Pribilof Islands Transition Act.

"(4) Funding instruments and procedures.—In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(5) Pro rata distribution of assistance.—In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

"(b) Solid Waste Assistance.—

"(1) In general.—Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the city of St. George and the city of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

"(2) Transfer.—The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation under section 303 of Public Law 104-182, except that subsection (b) of that section shall not apply to those funds.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, 2004, and 2005—

"(1) for assistance under subsection (a) a total not to exceed—

"(A) $9,000,000, for grants to the city of St. Paul;

"(B) $6,300,000, for grants to the Tanadgusix Corporation;

"(C) $1,500,000, for grants to the St. Paul Tribal Council;

"(D) $6,000,000, for grants to the city of St. George;

"(E) $4,200,000, for grants to the St. George Tanaq Corporation; and

"(F) $1,000,000, for grants to the St. George Tribal Council; and

"(2) for assistance under subsection (b), such sums as may be necessary.

"(d) Limitation on Use of Assistance for Lobbying Activities.—None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider it necessary for the efficient conduct of public business.

"(e) Immunity From Liability.—Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of having provided assistance to the State of Alaska under subsection (b).

"(f) Report on Expenditures.—Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

"(g) Congressional Intent.—Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.

SEC. 4. DISPOSAL OF PROPERTY.

Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended—

(1) by amending subsection (c) to read as follows:

"(c) Not later than 3 months after the date of enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

"(1) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;

"(2) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection; and

"(3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this Act, the Convention, and any other applicable law."; and

(2) by striking subsection (g).

SEC. 5. TERMINATION OF RESPONSIBILITIES.

(a) Future Obligation.—

(1) In general.—The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note).

(2) Savings.—This subsection shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note)—

(A) that arose before the date of the enactment of this Act; and

(B) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this Act.

(3) Rule of construction.—Nothing in this Act shall be construed to imply that—

(A) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note), or any other provision of law; or

(B) any cause of action could or could not arise with respect to such an obligation.

(4) Conforming amendment.—Section 3(c)(1) of Public Law 104-91 (16 U.S.C. 1165 note) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(b) Property Conveyance and Cleanup.—

(1) In general.—Subject to paragraph (2), there are terminated all obligations of the Secretary of Commerce and the United States to—

(A) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities, related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104-91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(2) Application.—Paragraph (1) shall apply on and after the date on which the Secretary certifies that—

(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(B) the cleanup required under section 3(a) of Public Law 104-91 (16 U.S.C. 1165 note) is complete;

(C) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(D) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this Act, have been obligated.

(3) Financial contributions for cleanup costs.—(A) On and after the date on which section 3(b)(5) of Public Law 104-91 (16 U.S.C. 1165 note) is repealed by this Act, the Secretary may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104-91 (as in effect before such repeal), except as provided in subparagraph (B).

(B) Subparagraph (A) shall not limit the authority of the Secretary to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(4) Certain reserved rights not conditions.—For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(A) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(C) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

(D) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(E) The terms of the documents described in subsection (d)(2).

(c) REPEALS.—Effective on the date described in subsection (b)(2), the following provisions are repealed:

(1) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(2) Section 3 of Public Law 104-91 (16 U.S.C. 1165 note).

(d) SAVINGS.—

(1) IN GENERAL.—Nothing in this Act shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in paragraph (2) or with respect to any lands subject to such a document.

(2) DOCUMENTS DESCRIBED.—The documents referred to in paragraph (1) are the following:

(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(B) The Settlement Agreement between Tanadgusix Corporation and the city of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(C) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(e) DEFINITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section.

(2) NATIVES OF THE PRIBILOF ISLANDS.—For purposes of this section, the term "Natives of the Pribilof Islands" includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

SEC. 6. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) Public Law 104-91 and the Fur Seal Act of 1966 are amended by—

(1) striking "(d)" and all that follows through the heading for subsection (d) of section 3 of Public Law 104-91 and inserting "sec. 212."; and

(2) moving and redesignating such subsection so as to appear as section 212 of the Fur Seal Act of 1966.

(b) Section 201 of the Fur Seal Act of 1966 (16 U.S.C. 1161) is amended by striking "on such Islands" and insert "on such property".

(c) The Fur Seal Act of 1966 is amended by inserting before title I the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Fur Seal Act of 1966'.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of Public Law 104-91 (16 U.S.C. 1165 note) is amended—

(1) in subsection (f) by striking "1996, 1997, and 1998" and inserting "2001, 2002, 2003, 2004, and 2005"; and

(2) by adding at the end the following:

"(g) LOW-INTEREST LOAN PROGRAM.—

"(1) CAPITALIZATION OF REVOLVING FUND.—Of amounts authorized under subsection (f) for each of fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to $2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

"(2) LOW-INTEREST LOANS.—The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

"(3) NATIVES OF THE PRIBILOF ISLANDS DEFINED.—The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term 'Natives of the Pribilof Islands' shall include the Tanadgusix and Tanaq Corporations.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), introduced H.R. 3417, the Pribilof Islands Transition Act, following a hearing on the ongoing transition of the communities of St. Paul and Saint George, Alaska, from Federal to private ownership.

St. Paul and Saint George are located on isolated islands in the Bering Sea that are also the breeding grounds of the north Pacific fur seal. The islands were settled when Russian fur seal traders forcibly kidnapped, relocated, and enslaved native Alaskan Aleuts to continue to conduct fur seal harvests.

This bill provides payments to the municipal governments, village corporations, and tribal councils on the islands. This money will compensate them for the funds they spent to build harbors and to repair and replace transferred property that was inadequate to provide public service. The bill also authorizes funds to complete the environmental cleanup of the mess the government left on the islands during its 120 year reign.

Finally, the bill establishes what NOAA must do before its responsibilities on the islands are terminated. This bill makes good on our promises to a group of Native Americans. I urge an "aye" vote on H.R. 3417.

Mr. Speaker, I submit for the RECORD a communication from the chairman of the Committee on Resources to the ranking member of the committee.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, June 26, 2000.

Hon. GEORGE MILLER,
Ranking Democratic Member, Committee on Resources, Washington, DC.

DEAR MR. MILLER: The purpose of H.R. 3417 is to complete the transition of the Pribilof Islands, Alaska, from being a ward of the state to being an independent and, hopefully, successful community with the same independent responsibilities of any other community in the United States. The bill establishes the parameters for ending the special relationship between National Oceanic and Atmospheric Administration (NOAA) and the Pribilofs. After all the actions required in this legislation are taken, it is my intention that NOAA will not be expected to have any responsibilities to the communities on the Pribilof Islands in addition to those that it would have to any other community in the United States.

The Pribilof Islands, St. Paul and St. George, are located in the Bering Sea 800 miles west-southwest of Anchorage, Alaska. The Islands are the breeding grounds of the North Pacific Fur Seal. The Islands were discovered in 1786 by Russian explorers who were searching for the fur seal breeding grounds. To exploit the fur seals for their pelts, the Russians relocated and enslaved Aleuts from islands that lie to the south. These Native Alaskans were experienced seal hunters, and the pelts were tremendously valuable in China, Russia, and Europe.

When the Federal Government acquired Alaska in 1867, the purchase included the Pribilof Islands. In 1868, the Islands were declared to be a special Federal Reserve for purposes of management and preservation of fur seals and other fur-bearing species. The Federal Government contracted with private firms for the harvest of fur seals and the Aleuts continued to conduct the harvests as employees of these firms. It is estimated that the Federal Government's portion of the profit from the fur seal trade paid for the purchase price of Alaska in roughly 20 years. Later the government ran the fur seal harvests directly, but never allowed other business interests to develop on the Islands.

By 1983, the fur seal harvest and the profits to the Federal government had diminished dramatically, but Federal expenditures on the Islands had risen to $6.3 million annually. NOAA estimates that 95 percent of those expenditures were for municipal and social services. After negotiations with the Administration, Congress adopted the Fur Seal Act Amendments of 1983. These amendments adopted a scheme proposed by NOAA to complete the government withdrawal activities on the Island that were not related to fur seal management. NOAA Administrator Anthony J. Calio best laid out this scheme in a November 1, 1982, letter to all Island residents. This letter states:

"To ensure a smooth transition and to foster development of a new and expanded economic base, [NOAA] propose[s] to provide a one-time payment of $20 million, to be placed in trust, which will provide you with the resources necessary for general community expenses during the interim period, as well as working capital so badly needed for economic development. . . .

"As you know, harbor facilities will be vital to the success of your efforts to establish a viable economic base. In order for our proposal to be successful, we must have assurance of State [of Alaska] support for these harbor facilities. The proposed $20 million fund is contingent on a firm State commitment. . . .

"The National Marine Fisheries Service has substantial property holdings on the Islands. [NOAA] propose[s] to transfer this property, with a few exceptions, . . . , to the Islands. In the future, community and municipal services will be provided by Island organizations, and this property, which includes land, buildings, equipment and supplies, it vital to the provision of such services.

"Under [the NOAA] proposal, the Islands would be responsible for conducting the annual seal harvest and for the associated marketing of the seal skins. To assure the long-term success of this effort, we will provide all resources needed to conduct the 1983 harvest. Commencing in 1983 all [U.S. shares of] skins, seals and byproducts . . . will belong to the Islanders and when sold should provide you with the resources needed to successfully conduct future harvests. . . .

"The phase out of the Pribilof Islands Program will significantly reduce associated Federal jobs. We would except some of these jobs would naturally transfer to the Island-operated seal harvest and marketing and for the provision of Island services. During the harbor facility construction period, we can foresee many employment opportunities and once the fishing or other industries come on line, job possibilities should expand significantly."

A Memorandum of Intent signed by Calio and Island leaders were also included with this letter. This memorandum states: "The parties hereto recognize the State of Alaska's appropriation of the monies necessary to construct boat harbors on St. Paul and St. George Island . . . is an indispensable contribution to achieving the goal of self sufficiency on the Pribilof Islands."

Administrator Calio also laid out this plan in May 19, 1983, testimony on H.R. 2840, an Administration-drafted bill to provide for the orderly termination of Federal management of the Pribilof Islands before the Merchant Marine and Fisheries Committee. He stated the NOAA proposal, which was reflected in the bill, would "Create a $20 million fund to replace annual Federal appropriations which, when combined with a state initiative to construct harbors on both islands, would give the Pribilovians the resources needed to make the transition to a self-sustaining economy; to transfer most real and personal property owned by the Federal Government to the islanders; to transfer responsibility for the fur seal harvest to the islanders; and to help the islanders get job training." Later in that testimony he again reiterated the importance of harbor construction to the success of this scheme, when he said, "The transfer of Federal property on the islands and the appropriation of the $20 million, in concert with State contributions for the construction of harbors on each island, will give the Pribilovians the unique opportunity to develop a diversified and enduring economy."

The State of Alaska also testified at that hearing. The State witness made clear that, though Governor Sheffield had requested $10.4 million for harbor construction, those funds had not been approved and may not be sufficient to complete the projects even if approved. The State also noted that:

". . . given the checkered history of the Federal Government's relationship to the Pribilovians, there is a moral if not legal obligation that should not be overlooked.

". . . we perceive the conception that the State of Alaska will simply fill the void created by the Federal Government's abrupt departure. We can make no such commitment . . . the economic, social and infrastructure requirements of the Pribilofs are immense . . .

". . . the Federal Government must be willing to upgrade existing facilities to minimum State health and safety standards."

The Fur Seal Act Amendments of 1983 were adopted. The Federal Government did create and fund the $20 million Trust Fund. The State of Alaska did not commit to, nor did it fund, construction of new harbors on the Islands. Real and personal property has been transferred by the Federal Government, but the municipalities maintain that it failed to meet the Islands public infrastructure needs. In 1984, the Senate failed to ratify the Fur Seal Treaty, thus ending fur seal harvests. Since three legs of the stool failed, most of the $20 million was used to fund harbor construction, infrastructure repair and replacement, and social benefit needs. This delayed the development of a self-sufficient economy on the Islands.

In 1976, NOAA entered into a Memorandum of Understanding (MOU) with TDX and Tanaq which identified the tracts of property the government intended to retain. Under Section 3(e) of ANCSA, the government was directed to retain the "smallest practicable tracts enclosing land actually used in connection with the administration of a Federal installation." Therefore, the MOU served to let the village corporations know which lands were unavailable for selection under ANCSA.

Pursuant to Section 205 of the 1983 Amendments, NOAA entered into a Transfer of Property Agreement with the municipal governments, village corporations and tribal councils on the Islands and the State of Alaska to receive a portion of the property that was originally scheduled to be retained by NOAA. This agreement has withstood a court challenge, and most of the property has been transferred. Unfortunately, environmental contamination on much of the property has prevented the highest and best economic use of the land, and in other cases delayed the transfer altogether. NOAA and the State of Alaska signed the Pribilof Islands Environmental Restoration Agreement (Two Party Agreement). This document in conjunction with the cleanup requirements set forth in Public Law 104–91 govern NOAA's ongoing cleanup.

It is clear that the failure to construct harbors, transfer property, complete the environmental cleanup, or provide adequate municipal infrastructure, and the elimination of revenue from the fur seal harvest doomed to failure the transition scheme laid out by NOAA and adopted by Congress in 1983. To make good on the 1983 commitments, H.R. 3417 provides additional resources to the Islanders, and sets out the terms under which NOAA non-fur seal management responsibilities end. The bill provides grants to Island entities and grants to the State to construct solid waste management facilities. The bill also terminates NOAA's economic and municipal responsibilities after it has obligated whatever funds are appropriated for the authorized grants, completed the environmental cleanup, and transferred property under the TOPA.

I hope this letter clarifies for you the reason for, and intent of, H.R. 3417. I appreciate your support for this legislation.

Sincerely,

DON YOUNG,
Chairman, Committee on Resources.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania has properly explained the bill, and I am pleased to rise in support of this important legislation sponsored by the gentleman from Alaska.

As Members of this body know, the chairman of the Committee on Resources is a forceful advocate for his Alaska constituents. The bill before the House today is improved in numerous respects from the version reported by the committee last April. As a result of the changes made to accommodate NOAA's concerns, it is my understanding the administration now supports the bill as amended.

There is also an attempt here to strike a responsible balance in this bill. There are now caps in the amounts authorized for the economic assistance grants to the Aleut Natives and to local governments, and I urge the Members of the House to support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material on H.R. 3417, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3417, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 148) to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds, as amended.

The Clerk read as follows:

S. 148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Neotropical Migratory Bird Conservation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) of the nearly 800 bird species known to occur in the United States, approximately 500 migrate among countries, and the large majority of those species, the neotropical migrants, winter in Latin America and the Caribbean;

(2) neotropical migratory bird species provide invaluable environmental, economic, recreational, and aesthetic benefits to the United States, as well as to the Western Hemisphere;

(3)(A) many neotropical migratory bird populations, once considered common, are in decline, and some have declined to the point that their long-term survival in the wild is in jeopardy; and

(B) the primary reason for the decline in the populations of those species is habitat loss and degradation (including pollution and contamination) across the species' range; and

(4)(A) because neotropical migratory birds range across numerous international borders each year, their conservation requires the commitment and effort of all countries along their migration routes; and

(B) although numerous initiatives exist to conserve migratory birds and their habitat, those initiatives can be significantly strengthened and enhanced by increased coordination.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of neotropical migratory birds;

(2) to assist in the conservation of neotropical migratory birds by supporting conservation initiatives in the United States, Latin America, and the Caribbean; and

(3) to provide financial resources and to foster international cooperation for those initiatives.

SEC. 4. DEFINITIONS.

In this Act:

(1) Account.—The term "Account" means the Neotropical Migratory Bird Conservation Account established by section 9(a).

(2) Conservation.—The term "conservation" means the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

(A) protection and management of neotropical migratory bird populations;

(B) maintenance, management, protection, and restoration of neotropical migratory bird habitat;

(C) research and monitoring;

(D) law enforcement; and

(E) community outreach and education.

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 5. FINANCIAL ASSISTANCE.

(a) In General.—The Secretary shall establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds.

(b) Project Applicants.—A project proposal may be submitted by—

(1) an individual, corporation, partnership, trust, association, or other private entity;

(2) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;

(3) a State, municipality, or political subdivision of a State;

(4) any other entity subject to the jurisdiction of the United States or of any foreign country; and

(5) an international organization (as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288)).

(c) Project Proposals.—To be considered for financial assistance for a project under this Act, an applicant shall submit a project proposal that—

(1) includes—

(A) the name of the individual responsible for the project;

(B) a succinct statement of the purposes of the project;

(C) a description of the qualifications of individuals conducting the project; and

(D) an estimate of the funds and time necessary to complete the project, including sources and amounts of matching funds;

(2) demonstrates that the project will enhance the conservation of neotropical migratory bird species in the United States, Latin America, or the Caribbean;

(3) includes mechanisms to ensure adequate local public participation in project development and implementation;

(4) contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;

(5) demonstrates sensitivity to local historic and cultural resources and complies with applicable laws;

(6) describes how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds; and

(7) provides any other information that the Secretary considers to be necessary for evaluating the proposal.

(d) Project Reporting.—Each recipient of assistance for a project under this Act shall submit to the Secretary such periodic reports as the Secretary considers to be necessary. Each report shall include all information required by the Secretary for evaluating the progress and outcome of the project.

(e) Cost Sharing.—

(1) Federal share.—The Federal share of the cost of each project shall be not greater than 25 percent.

(2) Non-federal share.—

(A) Source.—The non-Federal share required to be paid for a project shall not be derived from any Federal grant program.

(B) Form of payment.—

(i) Projects in the united states.—The non-Federal share required to be paid for a project carried out in the United States shall be paid in cash.

(ii) Projects in foreign countries.—The non-Federal share required to be paid for a project carried out in a foreign country may be paid in cash or in kind.

SEC. 6. DUTIES OF THE SECRETARY.

In carrying out this Act, the Secretary shall—

(1) develop guidelines for the solicitation of proposals for projects eligible for financial assistance under section 5;

(2) encourage submission of proposals for projects eligible for financial assistance under section 5, particularly proposals from relevant wildlife management authorities;

(3) select proposals for financial assistance that satisfy the requirements of section 5, giving preference to proposals that address conservation needs not adequately addressed by existing efforts and that are supported by relevant wildlife management authorities; and

(4) generally implement this Act in accordance with its purposes.

SEC. 7. COOPERATION.

(a) In General.—In carrying out this Act, the Secretary shall—

(1) support and coordinate existing efforts to conserve neotropical migratory bird species, through—

(A) facilitating meetings among persons involved in such efforts;

(B) promoting the exchange of information among such persons;

(C) developing and entering into agreements with other Federal agencies, foreign, State, and local governmental agencies, and nongovernmental organizations; and

(D) conducting such other activities as the Secretary considers to be appropriate; and

(2) coordinate activities and projects under this Act with existing efforts in order to enhance conservation of neotropical migratory bird species.

(b) Advisory Group.—

(1) In general.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds.

(2) Public participation.—

(A) Meetings.—The advisory group shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(B) Notice.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(C) Minutes.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(3) Exemption from federal advisory committee act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 8. REPORT TO CONGRESS.

Not later than October 1, 2002, the Secretary shall submit to Congress a report on the results and effectiveness of the program carried out under this Act, including recommendations concerning how the Act might be improved and whether the program should be continued.

SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACCOUNT.

(a) Establishment.—There is established in the Multinational Species Conservation Fund of the Treasury a separate account to be known as the "Neotropical Migratory Bird Conservation Account", which shall consist of amounts deposited into the Account by the Secretary of the Treasury under subsection (b).

(b) Deposits Into the Account.—The Secretary of the Treasury shall deposit into the Account—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Account.

(c) Use.—

(1) In general.—Subject to paragraph (2), the Secretary may use amounts in the Account, without further Act of appropriation, to carry out this Act.

(2) Administrative expenses.—Of amounts in the Account available for each fiscal year, the Secretary may expend not more than 3 percent or up to $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to carry out this Act. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Account.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Account to carry out this Act $5,000,000 for each of fiscal years 2001 through 2005, to remain available until expended, of which not less than 75 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support the Neotropical Migratory Bird Conservation Act. Neotropical migrants are birds that travel across international borders and depend upon thousands of miles of suitable habitat. Each autumn some 5 billion birds from 500 species migrate between their breeding grounds in North America and their tropical homes in the Caribbean and Latin America.

Regrettably, the population of many Neotropical migratory bird species has declined to dangerously low levels. There are many reasons for this population collapse, including hazards along migratory routes, pesticide use, and loss of essential habitat.

While S. 148 will not solve all the problems facing neotropical migratory birds, it is a positive step. Under this bill, we would create a neotropical migratory bird conservation account. This account would be used to finance worthwhile conservation projects approved by the Secretary of the Interior. I urge an "aye" vote on S. 148.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support S. 148, the Neotropical Migratory Bird Conservation Act, and have cosponsored its companion in the House with the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG).

As the gentleman from Pennsylvania pointed out, this is a rather dramatic migration of billions of birds that takes place every year, but the populations of many of these birds are, in fact, threatened. This legislation is designed to take a proactive approach to reversing the decline of the neotropical migratory birds' populations.

Mr. Speaker, I urge the House to support this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on S.148, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to present to the House S. 148, the Neotropical Migratory Bird Conservation Act.

Neotropical migrants are birds that travel across international borders and depend upon thousands of miles of suitable habitat. Each autumn some 5 billion birds from 500 species migrate between their breeding grounds in North America and their tropical homes in the Caribbean and Latin America.

Regrettably, the population of many neotropical migratory bird species had declined to dangerously low levels. There are many reasons for this population collapse including competition among species, hazards along migration routes, pesticide use, and loss of essential habitat.

What is lacking is a strategic international plan for bird conservation, money for on-the-ground projects, public awareness, and any real cooperation between those countries where these birds live.

While S. 148 will not solve all the problems facing neotropical migratory birds, it is a positive step. Under this bill, we would create a Neotropical Migratory Bird Conservation Account. This account would be used to finance worthwhile conservation projects approved by the Secretary of the Interior.

S. 148 has been adopted by the other body, and today we are considering a modified version of that legislation. This bill supports conservation initiatives in the Caribbean, Latin America, and the United States; extends the authorization period until September 30, 2005; lowers the Federal matching requirement; reduces the amount of administrative expenses; and stipulates that not less than 75 percent of the money appropriated under this act must be spent on conservation projects undertaken outside the United States. This is simply recognition of the fact that most of the problems facing neotropical migratory birds occur in foreign migration routes and that every effort should be made to spend these limited Federal funds on conservation and not bureaucracy.

Furthermore, as the House author of H.R. 39, I do not expect that any of the money appropriated under this act will be spent on land acquisition in the United States.

Finally, I want to thank my good friend, Congressman RICHARD POMBO, for his willingness to work together on this proposal, and I compliment Senator SPENCER ABRAHAM for his tireless leadership on this important conservation measure.

I urge an "Aye" vote on S. 148.

Mr. SHERWOOD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 148, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ATLANTIC STRIPED BASS CONSERVATION ACT REAUTHORIZATION

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4408) to reauthorize the Atlantic Striped Bass Conservation Act, as amended.

The Clerk read as follows:

H.R. 4408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"(a) AUTHORIZATION.—For each of fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out this Act—

(1) $1,000,000 to the Secretary of Commerce; and

(2) $250,000 to the Secretary of the Interior.".

SEC. 2. POPULATION STUDY OF STRIPED BASS.

(a) STUDY.—The Secretaries (as that term is defined in the Atlantic Striped Bass Conservation Act), in consultation with the Atlantic States Marine Fisheries Commission, shall conduct a study to determine if the distribution of year classes in the Atlantic striped bass population is appropriate for maintaining adequate recruitment and sustainable fishing opportunities. In conducting the study, the Secretaries shall consider—

(1) long-term stock assessment data and other fishery-dependent and independent data for Atlantic striped bass; and

(2) the results of peer-reviewed research funded under the Atlantic Striped Bass Conservation Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries, in consultation with the Atlantic States Marine Fisheries Commission, shall submit to the Committee on Resources of the House of Representatives the results of the study and a long-term plan to ensure a balanced and healthy population structure of Atlantic striped bass, including older fish. The report shall include information regarding—

(1) the structure of the Atlantic striped bass population required to maintain adequate recruitment and sustainable fishing opportunities; and

(2) recommendations for measures necessary to achieve and maintain the population structure described in paragraph (1).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce $250,000 to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering H.R. 4408, a bill proposed by my colleague, the gentleman from New Jersey (Mr. SAXTON), to reauthorize the Atlantic Striped Bass Conservation Act.

Striped bass are an important recreational and commercial resource on the East Coast. The original Striped Bass Conservation Act was enacted in 1984. The act provides a means to enforce a single interstate management plan.

H.R. 4408 is a simple bill to reauthorize the Striped Bass Act. The bill provides funding for striped bass research that will be carried out through the National Marine Fisheries Service. H.R. 4408 authorizes a total of $4.5 million over 3 years.

Mr. Speaker, H.R. 4408 is noncontroversial and is supported by the administration. I urge an "aye" vote on this important conservation measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Atlantic striped bass is an important commercial and recreational fish found along the U.S. East Coast from the Saint Lawrence River in Canada to the Saint John's River in Florida.

The Atlantic Striped Bass Conservation Act was first passed in 1984, and since then has been an effective mechanism for enforcing the interstate fishery management plan for the striped bass, and I urge my colleagues in the House to support this legislation.

Mr. SAXTON. Mr. Speaker, I am pleased that today the House is considering H.R. 4408, a bill to reauthorize the Atlantic Striped Bass Conservation Act. Striped bass are extremely important to many people on the east coast, including my home State of New Jersey. In New Jersey, commercial fishing is prohibited but recreational anglers spend a great deal of time and money pursuing striped bass. These anglers support State tourism industries, including charter boat captains and bait and tackle stores.

I introduced H.R. 4408 to continue the recovery program for this important species. The recovery of this species stands as a rare example of bringing an irreplaceable resource back from the brink of disaster. Reauthorization of the Atlantic Striped Bass Conservation Act is a critical component of the management strategy for striped bass.

The original striped bass legislation was enacted in 1984, several years after the Atlantic Coast stock of striped bass suffered a severe population crash. The Striped Bass Act provides a means to enforce a single interstate management plan through the Atlantic States Marine Fisheries Commission. As it turns out, this was the action that was needed to save the species. Over the last 16 years this program has succeeded beyond any expectations. In 1984, the outlook was truly bleak for striped bass and the fishermen who depend on them. Striper populations have since recovered to fishable levels. The stocks appear to be strong, although there is some concern that we have continued to allow overfishing in some areas.

H.R. 4408 is a simple bill to reauthorize the Striped Bass Act. The bill provides funding for the ongoing striped bass research that has been carried out through the National Marine Fisheries Service at universities such as Rutgers. The restoration program relies on this research to make informed, science-based management decisions. H.R. 4408 authorizes an additional $200,000 a year to carry out these studies. It is my hope that this additional funding will be used to focus on the predator/prey relationships between striped bass and bluefish, as required by the act.

H.R. 4408 also includes $250,000 to study the population structure of Atlantic striped bass. I am concerned that the Atlantic States Marine Fisheries Commission has allowed fishermen to overharvest the larger and older striped bass. Stock assessment data for 1998 indicate that fish over 8 years old are rare, and that the fish may have been decimated by fishing pressure. These bigger fish are not only valued by the recreational fishermen in my district, but they play an important ecological role in ensuring sufficient numbers of young fish in the next generation of striped bass. The larger fish produce proportionally more eggs, and are the most important age group during the spring spawning runs.

Despire their importance, reauthorization of the Striped Bass Act and continuing research on the species is not enough. Congress needs to provide adequate funding to NOAA and the National Marine Fisheries Service to continue regular stock assessment and data collection for this species. We also need to continue to investigate other factors that affect striped bass, such as pollution, environmental change, and competition with other species. We need the best information possible to protect the gains that we have made.

Mr. Speaker, today we have the opportunity to build upon our past successes with Atlantic striped bass, and I urge the House to support this measure.

Mr. PALLONE. Mr. Speaker, I speak today in support of the reauthorization of the Atlantic Striped Bass Conservation Act.

The Atlantic striped bass is a valuable coastal resource and one of the most important fisheries for recreational anglers—especially within the Sixth Congressional District of New Jersey. As a senior member of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans, I have a long history of involvement in protecting, preserving, and enhancing the striped bass. In fact, I have sponsored legislation to designate the striped bass as a federal gamefish. This bill would prohibit the commercial harvesting of striped bass and reserve this resource for recreational catches only, therefore ensuring a healthy sustainable recreational fishery.

The recovery of the striped bass fishery since the crash of the late 1970's is a example of successful state and federal cooperation and angler support over the last two decades. By the numbers, the Atlantic striped bass fishery appears to be thriving and healthy, but maintaining these harvests will require continued coordination and careful management.

The 1998–99 harvest data show a harvest increase for both commercial and recreational fishermen over previous years. In fact, harvest levels have been increasing steadily since the moratorium on striped bass fishing was lifted in 1990. In its 1999 report to Congress, the Atlantic States Marine Fishery Commission states that the 1999 stock assessment revealed cause for concern that striped bass were fished above the target level in 1998 and 1999.

Of particular concern was the finding that fishing mortality for older (age 8 and up) fish exceeded the definition of overfishing in 1998. These age 8 and older fish represent the most important age class for recreational fishermen, and provide a large percentage of the spawning biomass.

While these stock assessment figures raise concerns about the harvest of larger fish, the fishery does not appear to be in danger of collapse in the near future. However, I believe we must take precautionary measures now to avoid that potential threat of a collapse in the future.

In 1979, Congress first authorized the Emergency Striped Bass Study as part of the Anadromous Fish Conservation Act to address the problem of declining striped bass stocks. This legislation was later expanded by the Atlantic Striped Bass Conservation Act of 1984 which ensured that the states would comply with a coast-wide fishery management plan. Since its inception, this bill has been a positive step in managing the Atlantic striped bass fishery. It is for that reason that I support passage of the Atlantic Striped Bass Conservation Reauthorization.

Mr. GEORGE MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 4408, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GREATER YUMA PORT AUTHORITY PROPERTY CONVEYANCE

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3023) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry, as amended.

The Clerk read as follows:

H.R. 3023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this Act and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) INTERESTS DESCRIBED.—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1–4, NE$^{1}/_{4}$*, N*$^{1}/_{2}$ *NW*$^{1}/_{4}$*, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.*

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) DEED COVENANTS AND CONDITIONS.—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24 as shown on Reclamation Drawing Nos. 1292–303–3624, 1292–303–3625, and 1292–303–3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of $^{15}/_{16}$ *of all gas, oil, metals, and mineral rights.*

(10) A reservation of $^{1}/_{16}$ *of all gas, oil, metals, and mineral rights retained by the State of Arizona.*

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined—

(A) taking into account that the land is undeveloped, that 80 acres of the land is intended to be dedicated to use by the Federal Government for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes; and

(B) deducting the cost of compliance with applicable Federal laws pursuant to subsection (e).

(d) USE.—The Greater Yuma Port Authority and its successors shall use the interests conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) COMPLIANCE WITH LAWS.—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) USE OF 60-FOOT BORDER STRIP.—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) DEFINITIONS.—

(1) 60-FOOT BORDER STRIP.—The term "60-foot border strip" means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) GREATER YUMA PORT AUTHORITY.—The term "Greater Yuma Port Authority" means Trust No. 84–184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Since the early 1990s, automobile and truck traffic at the United States port of entry in Yuma County, Arizona, has exceeded the capacity of the existing port of entry. The current port is located directly in the heart of the City of San Luis, just south of downtown Yuma.

□ 1430

Mr. Speaker, H.R. 3023 was introduced on October 5, 1999, by the gentleman from Arizona (Mr. PASTOR) to improve the United States Port of Entry in Yuma County. This bill would convey to an organization known as the Greater Yuma Port Authority an area of land currently controlled by the Bureau of Reclamation consisting of approximately 330 acres just east of the city of San Luis for the purpose of the construction of a commercial Port of Entry. This land would be conveyed to the Greater Yuma Port Authority at fair market value.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania (Mr. SHERWOOD) has explained the bill. There is not much more to say about this bill. It is a simple land transfer bill, and the land will be conveyed at a price that fairly reflects the value of the property. I urge our colleagues to support the legislation.

Mr. PASTOR. Mr. Speaker, I rise in support of H.R. 3023 and I want to personally thank Chairman YOUNG and Chairman DOOLITTLE, and Ranking Member MILLER and Ranking Member DOOLEY for there cooperation and persistence in moving this legislation so quickly. I also want to thank the Cities of Somerton, San Luis, and Yuma, the Cocopah Indian Nation, and the Bureau of Reclamation. Without the cooperation of all, we would not be considering this legislation today.

H.R. 3023 is critical to the continued economic development of Yuma, Arizona. It is relatively simple legislation, but it is a tremendous and important step toward relieving congestion at one of the busiest border crossings in our nation. It would convey a portion of land, approximately 330 acres, to the Greater Yuma Port Authority for the construction and operation of an International Port of Entry.

Since the early 1990s, the Port of Entry in Yuma County, Arizona began to experience serious delays, particularly with commercial traffic. The current Port is located directly in the heart of the City of San Luis, just south of downtown Yuma. Delays continued to grow over the years, with vehicles backing up on both sides of the border.

Then; of course, with the passage of the North American Free Trade Agreement, NAFTA, the traffic has since become such that individuals are having to wait anywhere from two to four hours to make the crossing. This is particularly true in the case of commercial vehicles.

Because of the serious impact these delays are having on commerce and the quality of life of the people in the region, I began working with the communities to develop some solution to this border crossing nightmare.

H.R. 3023 would convey to the Greater Yuma Port Authority an area of land currently controlled by the Bureau of Reclamation just east of the City of San Luis, for the construction of a commercial Port of Entry. This land, of course, would be conveyed to the Greater Yuma Port Authority at "fair market value."

This bill, as passed by the Committee on Resources, has been carefully crafted by all parties involved over several months. The Cities of Yuma, Somerton, and San Luis, the County of Yuma, the Cocopah Indian Nation, and the Bureau of Reclamation all contributed to the final version of this legislation. Also, the Border Patrol and the State Department were consulted. After several very lengthy and detailed meetings, all parties involved agreed with the spirit and with the letter of this legislation.

The Bureau of Reclamation had several suggested changes to the original version. These changes were primarily technical changes and the simple rearrangement of Sections and phrases to better fit the flow of the legislative intent. All of the Bureau of Reclamations suggested changes were accepted by myself and the representatives of the Greater Yuma Port Authority and were incorporated into this bill during the Subcommittee on Water and Power mark-up session.

Mr. Speaker, this is a simple land transfer which have a significant impact on the lives of people of Yuma. It will ensure a much more timely and convenient crossing for individuals and for commercial enterprises.

I strongly urge my colleagues to support H.R. 3023.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Petri). The question is on the motion offered by the gentleman from Pennsylvania (Mr. Sherwood) that the House suspend the rules and pass the bill, H.R. 3023, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3023 and H.R. 4408.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

KEEPING SOCIAL SECURITY AND MEDICARE SOLVENT

Mr. SMITH of Michigan. Mr. Speaker, this afternoon the President is releasing his mid-session economic review. That review indicates that there will be over $800 billion more revenues coming into the Federal Government in the next 10 years than was projected just last January, $800 billion. There is a substantial increase in this year, 2000, of $45 billion more than we anticipated just 6 months ago. It is $64 billion more next year in 2001 than we anticipated.

That means that the Social Security "lockbox" as well as the Medicare "lockbox" that we passed last week is going to be maintained. It means that, with a little discipline from this body, we will not be spending that Social Security surplus or the Medicare trust fund surplus.

I think we are in a unique position and that unique position means that we have an opportunity now to keep Social Security and Medicare solvent. We have an opportunity to make the kind of changes that will not leave our kids and our grandkids with a huge debt and, in effect, say to them that they are going to be responsible for paying off that kind of debt, that now amounts to $5.7 trillion.

And why would they be responsible for more debt? It is because this body and the President of the United States have found it to their political advantage to simply spend more and more money.

At some time we are going to have to decide, as part of good public policy, how much taxes should be in this country, what is reasonable in terms of the percent of what a worker earns, should go for taxes. Right now, an average taxpayer, pays 41 percent of every dollar they earn in taxes.

After we decide on a reasonable level of taxation, then we have got to prioritize spending. Part of that priority has got to make sure that we keep Social Security and Medicare solvent.

CHURCH PLAN PARITY AND ENTANGLEMENT PREVENTION ACT

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1309) to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

The Clerk read as follows:

S. 1309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is only to clarify the application to a church plan that is a welfare plan of State insurance laws that require or solely relate to licensing, solvency, insolvency, or the status of such plan as a single employer plan.

SEC. 2. CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW.

(a) In General.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

(b) State Insurance Law.—A State insurance law described in this subsection is a law that—

(1) requires a church plan, or an organization described in section 414(e)(3)(A) of the Internal Revenue Code of 1986 and section 3(33)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)(C)(i)) to the extent that it is administering or funding such a plan, to be licensed; or

(2) relates solely to the solvency or insolvency of a church plan (including participation in State guaranty funds and associations).

(c) Definitions.—For purposes of this section:

(1) Church plan.—The term "church plan" has the meaning given such term by section 414(e) of the Internal Revenue Code of 1986 and section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)).

(2) Reimburses costs from general church assets.—The term "reimburses costs from general church assets" means engaging in an activity that is not the spreading of risk solely for the purposes of the provisions of State insurance laws described in subsection (b).

(3) Welfare plan.—The term "welfare plan"—

(A) means any church plan to the extent that such plan provides medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services; and

(B) does not include any entity, such as a health insurance issuer described in section 9832(b)(2) of the Internal Revenue Code of

1986 or a health maintenance organization described in section 9832(b)(3) of such Code, or any other organization that does business with the church plan or organization sponsoring or maintaining such a plan.

(d) ENFORCEMENT AUTHORITY.—Notwithstanding any other provision of this section, for purposes of enforcing provisions of State insurance laws that apply to a church plan that is a welfare plan, the church plan shall be subject to State enforcement as if the church plan were an insurer licensed by the State.

(e) APPLICATION OF SECTION.—Except as provided in subsection (d), the application of this section is limited to determining the status of a church plan that is a welfare plan under the provisions of State insurance laws described in subsection (b). This section shall not otherwise be construed to recharacterize the status, or modify or affect the rights, of any plan participant or beneficiary, including participants or beneficiaries who make plan contributions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New Jersey (Mr. ANDREWS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1309.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 1309, to clarify the status of church-sponsored health plans. Church plans are treated similarly to the health plans for the employees of State and local governments. These health plans are defined in the Employee Retirement Income Security Act, or, as we know it, ERISA, and then excluded from its provisions. This exclusion is important because of the need to protect unnecessary Government entanglement in the internal affairs of churches.

Ironically, our Federal effort to prevent Government intrusion has left the status of these church programs under State laws uncertain. State laws have developed without regard to the special characteristics of church benefit programs. Accordingly, these church programs are potentially subject to regulation by individual States, which was never intended when church plans were designed.

The impetus for the present legislation is twofold. First, from time to time, State insurance commissioners raise questions as to the need for church plans to obtain a license as an insurance company; and, secondly, due to their exclusion from ERISA, many insurance companies and health care providers are ambivalent about their capacity to contract with church plans for coverage or services.

The bill, S. 1309, attempts to solve both these problems by prohibiting a State from acquiring any church plan to obtain a license as an insurance company in that State and clarifies that a church plan should be treated as a single employer plan.

We have worked with Senator SESSIONS; the Church Alliance, the Church Pension Boards of 32 Protestant, Jewish, and Catholic denominations; the administration; and the National Association of Insurance Commissioners to revise H.R. 2183, a bill originally introduced by myself and the gentleman from New Jersey (Mr. ANDREWS) and a companion bill introduced by Senator SESSIONS in the other body.

The product of this process is S. 1309, as amended. This legislation clarifies the status of church welfare plans under certain specified State insurance law requirements, particularly the need to be licensed as an insurance company. With this clarification and the deeming of church plans to be single employer plans, churches will have greater bargaining power with health insurance companies and health network providers when purchasing coverage for their employees.

Additionally, the bill keeps intact certain regulatory responsibilities that State insurance departments presently have to protect consumers, such as regulations that prevent fraud and misrepresentations as to coverage.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority does not object to the passage of this bill. I would note, for the record, that we would have preferred the bill follow regular order and have hearings and committee markups. But we certainly do not object to its passage. I support passage of the bill.

I thank my friend, the gentleman from Ohio (Mr. BOEHNER), for his cooperation with the administration, the National Association of Insurance Commissioners, and all of the interested parties in making this a reality.

As the gentleman from Ohio (Mr. BOEHNER) noted, this bill is closely patterned after H.R. 2183, which he and I introduced into the House June 14 of last year, and it accomplishes two important objectives. The first is balance.

It is important that the rights of individual plan participants in church-held plans be protected, that all of the consumer and fiduciary protections to which they are entitled are preserved. This bill does that.

It also provides for proper balance between the legitimate interests of the States and regulating the fiduciary health of health plans and projecting proper State regulation of health plans. It balances that against the need for church health plans to have similar contract authority with health plans around the country.

I believe it will, as the gentleman from Ohio (Mr. BOEHNER) just said, facilitate the negotiating position of health plans when they purchase health and health insurance services to benefit their members.

Importantly, this legislation promotes clarity. Those who would offer services to church plans, those who administer church plans, and those who benefit from church plans will now have the benefit of a clear statement of the intent of this Congress with respect to legal arrangements underlying their health plans.

This is a technical bill with a very common sense purpose. Its technicalities are a bit difficult to follow, but its purposes are very clear. We want the men and women who work for church and religious organizations around the country to have the very best protection and the very best choice of benefits that can be reasonably made available by their employer, and we want those benefits to be offered free of any entanglement by policymakers in the legitimate religious preferences of the employing organization.

Because I believe that this legislation accomplishes both of those objectives, I support it.

Mr. Speaker, we have no further speakers on our side, and I yield back the balance of my time.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of S. 1309, a bill to clarify the status of church-sponsored employee benefit plans under state law.

Currently, church-sponsored employee benefit plans are exempt from ERISA and therefore are not exempt from state insurance laws like other employer-sponsored plans. Even so, these plans have generally operated as if they were exempt from state law. It is unfair for church plans to be potentially subject to greater regulations than other employer-sponsored plans, and it does not make sense to subject church employee benefit plans to state insurance laws that are not designed or equipped to deal with these unique plans.

My home state of Minnesota is one of four states that already provides an exemption for church plans. However, church plans have no legal certainty when they provide benefits in the remaining 46 states. This has caused many insurers to refuse to do business with church plans because these plans could be considered unlicensed entities.

Last year, I heard from the Board of Pensions of the Evangelical Lutheran Church in America, headquartered in Minneapolis, about the need to clarify the status of church benefit plans. I especially appreciated the advice and counsel of Bob Rydland and John Kapanke about this urgent problem affecting more than one million clergy and lay workers across the United States.

Because the rules affecting church plans are found in the tax code, I asked Chairman

ARCHER of the Ways and Means Committee, with the support of 13 bipartisan colleagues, to support a legislative correction to this problem. I am pleased this legislation before us today accomplishes our objective.

S. 1309 will clarify that church employee benefit plans are not insurance companies under state insurance laws. This bill was crafted with the help of state insurance commissioners, and it does not prevent states from enacting legislation targeted at these plans.

I am also grateful to Chairman BOEHNER and Ranking Member ANDREWS of the Education and Workforce Subcommittee on Employer-Employee Relations for their work on this important issue.

Mr. Speaker, I urge my colleagues to support this important legislation to protect the employee benefits of America's church workers.

Mr. BOEHNER. Mr. Speaker, I thank my colleague from New Jersey (Mr. ANDREWS) for his comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the Senate bill, S. 1309.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXTENDING PERIOD FOR WHICH CHAPTER 12 OF TITLE 11 OF UNITED STATES CODE IS REENACTED

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4718) to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The Clerk read as follows:

H.R. 4718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5 and Public Law 106–70, is amended—

(1) by striking "July 1, 2000" each place it appears and inserting "October 1, 2000"; and

(2) in subsection (a)—

(A) by striking "September 30, 1999" and inserting "June 30, 2000"; and

(B) by striking "October 1, 1999" and inserting "July 1, 2000".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on July 1, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

☐ 1445

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4718, the bill under consideration.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chapter XII is a specialized form of bankruptcy relief only available to family farmers. It was first extended on a temporary basis in 1986 to respond to the particularized needs of farmers in financial distress as part of the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act. Following its initial extension in 1993 to September 30, 1998, it has been further extended on several occasions and is currently due to expire on July 1 in the year 2000.

As we know, the House more than a year ago passed H.R. 833, the Bankruptcy Reform Act of 1999, with an overwhelmingly bipartisan vote of 313 to 108. As one of its key provisions, H.R. 833 would make Chapter XII a permanent form of bankruptcy relief for family farmers.

The Senate counterpart to H.R. 833, which also passed with a strong bipartisan vote of 83 to 14, contains a nearly identical provision. While significant progress has been made in reconciling the House and Senate bills, final action is still required.

As we await final passage of H.R. 833, it is clear that certain sectors of the farming industry continue to suffer financial distress resulting from devastating weather conditions or other factors.

We also note, however, that the current extension of Chapter XII is due to expire on July 1. If Chapter XII is not available, farmers will be forced to seek relief under the Bankruptcy Code's other alternatives. No other form of bankruptcy relief works quite as well for farmers as does Chapter XII.

Chapter VII would require the farmer to liquidate his or her farming operation. Many farmers would simply be ineligible to file under Chapter XIII because of its debt limits.

Chapter XI is an expensive process that does not accommodate the special needs of farmers. H.R. 4718 would simply extend Chapter XII for a 3-month period, which expires on October 1, 2000. This extension will provide important protections, at least on an interim basis, to family farmers.

Upon final passage and enactment of H.R. 833, however, Chapter XII would become a permanent fixture of the Bankruptcy Code. I commend my colleague, the gentleman from Michigan (Mr. SMITH) for his continuing leadership on this matter and long-standing commitment to family farmers. I urge my colleagues to vote in favor of H.R. 4718.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the members of the Committee on the Judiciary on this side, today we rise in strong support of this legislation but we must also say that we consider this legislation an insult in the sense that it provides only 3 additional months for protection under Chapter XII of the Bankruptcy Code.

While I seriously doubt anyone will vote against this bill, it is shameful that we are being asked to play games yet again with the future of family farmers in America as we are witnessing one of the worst farm crisis since the birth of Chapter XII more than a decade ago.

No one disagrees that Chapter XII should be made permanent. No one. Bipartisan legislation was introduced in the other body by Senators GRASSLEY and DASCHLE and in the House by our colleagues, the gentleman from Minnesota (Mr. MINGE) and the gentleman from Michigan (Mr. SMITH).

Those bills also increase the eligibility of threshold from the current $1.5 million in aggregate debt to $3 million and give certain tax debts nonpriority status if the debtor completes the plan.

The National Bankruptcy Review Commission recommended increasing the threshold and making Chapter XII permanent, and all three provisions in those bills have been endorsed in a joint statement by the Commercial Law League of America, and National Bankruptcy Conference and the National College of Bankruptcy.

Unfortunately, it seems that the secret shadow conference has betrayed family farmers and will not include all of these provisions in the final bankruptcy legislation that is now lumbering through the process.

This stealth conference, which excludes the minority and makes decisions with industry lobbyists outside public view will, we are told, attempt to sneak its work into an unrelated conference report. No member of the public will have an opportunity to review this secret bill before the vote. Anything could be in it. We will not know until it is too late.

In fact, the sponsor of this legislation introduced a measure earlier in this Congress which would have extended Chapter XII by 6 months past the sunset date rather than merely by the 3 months in this legislation. He then introduced a bill granting only an additional 3 months. Evidently this more modest effort found favor with the Republican leadership. It attracted the cosponsorship of the chairman of the Subcommittee on the Commercial and Administrative Law and was given a fast track. Today we are repeating that farce by extending Chapter XII for another 3 months.

The gentlewoman from Wisconsin (Ms. BALDWIN) attempted to make Chapter XII permanent when the legislation was considered in the Committee on the Judiciary and was stopped by a procedural technicality, and that is the reason that we have this legislation here today. I urge my colleagues to support this legislation but I must say it is simply inadequate to address the farm crisis that is confronting so many families in America today.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH), who has worked endlessly on this legislation.

Mr. SMITH of Michigan. Mr. Speaker, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. GEORGE MILLER) make very good points. Agriculture is in a very precarious situation right now. Many farmers are facing bankruptcy; and of course, that is why it is so important that we do not let the provisions in the bankruptcy law expire in 5 days as they would under existing law.

The question of whether this should be 3 months or 6 months or 9 months or permanent is a question, and I think everybody agrees that in the long run it should be permanent.

Let me explain to my colleagues why we are going ahead with my bill that calls for 3 months. It is because the bankruptcy bill itself is moving through the House and the Senate right now. There are hopes from many parties that we will conclude a bankruptcy bill and have it signed into law within the next 3 months. There is a concern from some of the House Members and some of the Senators that if we start passing legislation such as the continuation of these provisions for family farmers, it will start a lot of the other parts of the bankruptcy law that is agreed to by everybody to come to the floor to get rid of that particular problem and make those solutions permanent.

There is a hope that we can do everything and hopefully we will do it this year.

Mr. Speaker, just a comment. As a farmer from Michigan, let me comment just for a minute on the seriousness of the plight facing American agriculture, the farmers and ranchers of this Nation.

These are people that have lived most of their life getting up at sunrise and finishing work 12, 14 hours later at sunset. They have been called the backbone of our society because it has been the industriousness of hard-working family farmers that has allowed people to move off the farm and into manufacturing production that has made this country so great and so strong economically.

We are looking at an agriculture that is faced with prices that are at 30-year lows in terms of the commodity prices they are receiving for many different reasons. We are just starting to develop new farm policy to try to help farmers. This is simply one of the many tools that we give to farmers, and the provisions of Chapter XII simply say to farmers they do not have to sell their tractor and their plow and their drag and their welder, and then try to pay off their debts. It says, look, they can keep some of that equipment and try to work it out themselves within a limited period of time.

The provisions of this bill only apply to family farmers. Chapter XII of title XI of the Bankruptcy Code is only available to these kind of family farmers. Congress temporarily extended Chapter XII for 9 months. Now we are looking at another extension of 3 months. The logic is that a farmer, like anybody else, needs particular tools to survive.

I am pleased that the gentleman from Pennsylvania (Mr. GEKAS) and this body are taking action on this legislation today. With 5 days to go before expiration, time is very short. We need to get this over to the Senate, and we need to get it to the President for his signature.

Mr. Speaker, agriculture continues to be in serious condition right now. It is the 3rd consecutive year of such hardship. Times are tough in farm country. While the rest of the economy is booming, American farmers and ranchers have not been invited to the party. Commodity prices are at record lows, export markets are weak, and no relief is expected any time soon. While the farm credit system is currently sound, there are some producers who just will not be able to make it in the short term. Bankruptcy filings by farmers have become regular occurrence.

I have visited with a lot of farmers from my district. Many are as smart as most any entrepreneur of small business. Yet because of prices, even with their efforts to lay off workers and dramatically expand their working week, their family farms may not make it.

Chapter 12 of the title 11 bankruptcy code is only available to family farmers. Last September, Congress temporarily extended chapter 12 for 9 months. Now we are looking at another extension because chapter 12 now is set to expire in five days, on July 1, 2000. H.R. 4718, will temporarily extend chapter 12 for another 3 months so that this critical option for America's family farmers does not expire.

Chapter 12 allows family farmers the option to reorganize debt rather than having to liquidate when declaring bankruptcy.

The logic is that a farmer, like anybody else that needs particular tools to survive, needs the temporary allowance to keep those farm tools. In this case, Chapter 12 allows a farmer to continue to have some of those tools of production in order to keep farming while they are reorganizing finances. I think it is important that these provisions only apply to a family farm. That is characterized under current law by a debt that does not exceed $1.5 million, 80 percent or more of the debt must be agricultural, and users of Chapter 12 must have over 50 percent of their individual gross income from agriculture and their farming operation.

I am pleased that Chairman GEKAS and this body is taking action on this legislation today. With five days to go before expiration, time is very short. Pending bankruptcy legislation (H.R. 833) now in conference between the House and Senate will make chapter 12 permanent. We hear that this bill could come to the floor any week. However, issues such as abortion and other issues are delaying any final resolve of the bankruptcy bill. Until enactment of that legislation, H.R. 4718 is necessary to extend the law beyond July 1st, its current expiration date. This legislation is needed to assure producers that this risk management tool is available to them.

Again, I thank both sides of the aisle and the chairman for moving ahead.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 4718, which extends Chapter 12 of the Bankruptcy Code for three additional months until October 1, 2000. Chapter 12 bankruptcy, which allows family farmers to reorganize their debts as compared to liquidating their assets, will expire on July 1, 2000, without the passage of this measure.

This Member would thank the distinguished gentleman from Michigan (Mr. NICK SMITH) for introducing H.R. 4718. In addition, this Member would like to express his appreciation to the distinguished Chairman of the Judiciary Committee from Illinois (Mr. HENRY HYDE), and the distinguished Ranking Minority Member of the Judiciary Committee from Michigan (Mr. JOHN CONYERS, Jr.) for their efforts in expediting this measure to the House Floor today.

Chapter 12 bankruptcy has been a viable option for family farmers nationwide. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer. If Chapter 12 bankruptcy provisions are not extended for family farmers, this will have a drastic impact on an agricultural sector already reeling from low commodity prices. Not only wail many family farmers have to end their operations, but also land values will likely plunge downward. Such a decrease in land values will affect both the ability of family farmers to earn a living and the manner in which banks, making agricultural loans, conduct their lending activities. This Member has received many contacts from his constituents regarding the extension of Chapter 12 bankruptcy because of the serious situation now being faced by our nation's farm families—although the U.S. economy is generally healthy, it is clear that agricultural sector is hurting.

The gravity of this situation for family farmers nationwide makes it imperative that Chapter 12 bankruptcy is extended for at least this three-month period. Beyond this extension, it is this Member's hope that Chapter 12 bankruptcy is extended permanently as provided in the Bankruptcy Reform Act of 1999 (H.R. 833) which on May 5, 1999, passed the House by vote of 313–108, with my support. This Member is an original cosponsor of the Bankruptcy Reform Act, that was introduced by the distinguished Chairman of the Judiciary Subcommittee on Commercial and Administrative Law from Pennsylvania (Mr. GEORGE GEKAS). Moreover, the Senate also passed a version of bankruptcy reform. Unfortunately, at this time, bankruptcy reform is caught in the tangled web of an informal conference; therefore, the three-month extension for Chapter 12 bankruptcy is a necessity for our family farmers

I closing, this Member would encourage his colleagues support for H.E. 1718, which provides a three-month extension of Chapter 12 bankruptcy

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 4718.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 2 o'clock and 56 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SMITH of Michigan) at 4 o'clock and one minute p.m.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 529 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4690.

□ 1601

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Friday June 23, 2000, the amendment by the gentleman from North Carolina (Mr. COBLE) had been disposed of and the bill was open for amendment from page 44, line 18 to page 44, line 22.

Pursuant to the orders of the House of Thursday, June 22, and Friday, June 23, no further amendments to the bill shall be in order except pro forma amendments offered by the chairman and ranking member of the Committee on Appropriations or their designees for the purpose of debate and amendments printed in the CONGRESSIONAL RECORD on or before June 22, 2000.

Amendments printed in the CONGRESSIONAL RECORD may be offered only by the Member who caused it to be printed or his designee, shall be considered read, shall be debatable for 10 minutes, except that amendment No. 23 shall be debatable for 30 minutes and amendment No. 60 shall be debatable for 60 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

AMENDMENT NO. 74 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 74 offered by Mr. SMITH of Michigan:

Page 44, line 21, after the dollar amount insert the following: "(increased by $4,350,000)".

Page 73, line 19, after the dollar amount insert the following: "(reduced by $8,700,000)".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Michigan (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment helps assure that we have more accurate statistics that guide over $2 trillion in State and Federal spending and hundreds of billions of dollars in wage decisions and revenue-sharing decisions.

If this amendment had been taken up last week, there were several individuals that had indicated that they would like to speak on the importance of accurately funding BEA, the Bureau of Economic Analysis. That is because we depend so much on what happens with BEA. Seventy percent of our determinations coming from the Congressional Budget Office, coming from the President's Office of management and budget, is from BEA. The ranking member of the Committee on the Budget, the gentleman from South Carolina (Mr. SPRATT) as well as two potential chairmen of that committee indicated that it is important that we adequately fund BEA. This amendment contains $4.3 million that we put into BEA to help make sure that they can do their job.

Here is the problem. They have been cut 12 percent in real terms over the last several years, and the economy is changing so dramatically that they cannot be underfunded with the freeze in personnel they have had for the last several years. It will be difficult if not impossible to do the job we need them to do.

I would just like to quote a couple of people, and I will start out with Alan Greenspan. Alan Greenspan said, and I quote, "I am extraordinarily reluctant to advocate any increase in spending, so it's got to be either a very small amount or a very formidable argument, and I find in this case that both conditions are met."

Mr. Chairman, I would like to quote a comment from Robert Shapiro, Under Secretary for Economic Affairs: "Without your amendment, the bill would seriously threaten our capacity to understand and measure the rapidly changing American economy." Then he goes on to say, the new expanded responsibility that BEA has in this new economy and their predictions are so crucial. BEA tracks economic activity and calculates the U.S. domestic products. BEA statistics underlie virtually all economic projections in both business and government.

Mr. Chairman, I say to the gentleman from New York and the gentleman from Kentucky that I have not gone out and solicited political supporters for this amendment. This is not a very glitzy amendment. It is not very exciting. But please consider its importance. Consider the fact that, without these kinds of estimates being accurate, we are going to end up having very poor economic projections.

According to OMB and CBO, discrepancies in the current GDP data, that is what BEA does, can change estimates of government revenues by as much as $200 billion over the projection period. A recent example: in 1998, CBO projected a unified budget, listen to this, in 1998, CBO projected a unified budget deficit of $70 billion for this year based on BEA estimates. As it turns out, there is a $200 billion surplus. This $270 billion discrepancy can be largely traced to the BEA data.

Mr. Chairman, they have been doing an excellent job, but we have short-changed them. They are 12 percent below what they were in real terms. The President suggested in his budget that we increase them by $5 million; this amendment will only mean that we increase them by $4.3 million.

I think it is important to make a quick comment on the offset. The amendment draws from the State Department's Educational and Culture Exchange Account. We did not pass the amendment when we finished last Friday to take something like $90 million out of that account. CBO informs me that they are only going to spend half of the money that they get in this account. This amendment takes only $4 million.

This account is one of the few that received a significant increase in this legislation.

While I support cultural exchange, I feel that our need for accurate data on the economy for government and business is more pressing and justifies this small transfer.

The Educational and Cultural Exchange fund would still receive slightly more funding than it got for FY 2000 under this amendment.

CONCLUSION

Chairman Greenspan of the Federal Reserve said the following of BEA in February:

> We are moving into an economy, the structure of which none of us has ever seen before. . . . This means that a lot of the things we examine in the economy are very poorly represented in our current statistics. . . . [A]dditional funds could probably very effectively be spent to improve the quality of our statistics both for the private sector, which is crucial, and for those of us who have to be involved in governmental economic policy.

Alan Greenspan:

> I am extraordinarily reluctant to advocate any increase in spending. So it's got to be either a very small amount or a very formidable argument. And I find, in this case, that both conditions are met.

I ask for my colleagues' support on my amendment.

Mr. Chairman, I just think it is so very important that the chairman and ranking member of this committee consider the importance of this amendment, and I hope that they will concur.

Mr. Chairman, I submit for the RECORD the letter I quoted from earlier from Mr. Robert Shapiro.

UNITED STATES DEPARTMENT OF COMMERCE, THE UNDER SECRETARY FOR ECONOMIC AFFAIRS,
Washington, DC, June 26, 2000.

Representative NICK SMITH,
306 Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE SMITH: Thank you for your letter asking our views on your proposal to add $4.35 million to the $43.8 million in the Appropriations Committee's FY 2001 budget for the Bureau of Economic Analysis (BEA). Without your amendment, the bill could seriously threaten our capacity to understand and measure the rapidly changing American economy.

The basic measures produced by BEA range from the Gross Domestic Product (GDP) and the balance of payments, to domestic investment and state and local income. BEA is also the world's leading statistical agency in the area of measuring the New Economy—including the development of innovative techniques to measure software as business investments; rapid quality changes in semiconductors, computers and telecommunications equipment; and productivity in banking. The quality of spending and investment decisions across government and the private sector will depend on the BEA's ability to continue these efforts.

With an additional $4.35 million in support, BEA will be able to measure additional aspects of the New Economy critical for American business and government—including the size of e-commerce markets; the output of industries such as business services, financial services and education that rely heavily on information technologies; the role of stock options in compensation; and the dimensions of investment, consumption, and wealth. Improving the accuracy of BEA's national statistics will also help end the periodic revenue surprises associated with Administration and Congressional budget forecasts, and improve the allocation of more than $100 billion a year in federal funds based on BEA state and local income estimates.

In recent Senate testimony, Federal Reserve Chairman Alan Greenspan said that BEA is one of the few areas of government that meet his conditions for increased spending. As Congress continues consideration of the Commerce, Justice, State appropriations, I hope your colleagues will seriously consider the enormous benefits to the United States from fully funding the Bureau of Economic Analysis.

Sincerely,

ROBERT SHAPIRO,
Under Secretary for Economic Affairs.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) claim the time in opposition?

Mr. ROGERS. Mr. Chairman, I do.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reluctantly rise to oppose the gentleman's amendment, well-intentioned as it is. He wants to increase the funding for economic and statistical analysis at the Commerce Department by $4.35 million.

I will be happy to work with the gentleman as we go through the process in conference with the Senate and further, but in the process this amendment would slash double that amount from the State Department's international exchange program. The funding level in the bill for exchanges provides only for wage and price increases, so any reduction to the level in the bill would be a cut into the meat of these programs, which include the Fulbright Scholarship Program and the International Visitor Program.

Exchanges like these, Mr. Chairman, foster the international dialogue that is critical to American leadership in the world and to long-term peaceful and productive relations with other countries. Exchange programs are a vital tool to advance our foreign economic and security policies, and this amendment would cut them to below a freeze level.

I do appreciate the gentleman's concerns about the economic and statistical programs of the Commerce Department, but this bill already provides funding for those programs at the current year level, which includes an increase over last year's for an initiative to update and improve statistical measurement of the U.S. economy and the measurement of international transactions. In addition, the Department of Commerce will be able to submit a reprogramming for additional funding for these programs if they feel it necessary.

I would be happy to work with the gentleman to address his concerns, and the concerns of all of us, as we continue through the process; but the proposed offset would do real damage to the exchange program at State; and, therefore, I am constrained to urge that we reject this amendment.

Mr. Chairman, I yield 1 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to join the chairman in his comments that he has made.

Let me first say that many Members have come to me and told me that this is an area they wish would not be used for offsets. This especially cuts the Fulbright program, which has been cut by Congress by more than 25 percent in fiscal year 1995 and 1996. In addition, I am informed that this would also cut educational advising, which assists folks who are interested in attending school over here.

So, in general, while we certainly understand what the gentleman is trying to do, and under normal circumstances I probably would join him, there are many people on this side who believe that hurting this program would just not be the proper thing to do at this time.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume to note that I am joined in opposition by the gentleman from New York (Mr. GILMAN) of the Committee on International Relations, and by the chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH), in urging that we reject the amendment.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. I thank the gentleman from Kentucky for yielding to me, and I appreciate the Chairman's frugal manner and the fact that there are not a lot of excess appropriations in his budget. However, in this particular account, the Educational and Cultural Exchange Account, there was an increase. This amendment still leaves that account with more money than they had last year.

And, again, I would just call to the chairman's attention the fact that BEA has been cut 12 percent in real terms since 1993. It is being held flat this year, even though there are tremendous changes in our economy to calculate.

Do I understand the chairman to say that he will work, as this goes to conference and through the process, to try to more adequately fund the BEA?

Mr. ROGERS. Reclaiming my time, Mr. Chairman, the gentleman is correct. I will work with the gentleman and others to see if there is some way we can find extra money for BEA. I realize the importance of it and that they are being squeezed by this funding level. So I will work with the gentleman to see if there is something we can do along the way.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. Smith).

The amendment was rejected.

The CHAIRMAN pro tempore. The Committee will rise informally.

The SPEAKER pro tempore (Mr. Smith of Michigan) assumed the Chair.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3903. An act to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1651. An act to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The Committee resumed its sitting.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 50, line 18 be considered as read, printed in the Record and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the bill from page 45, line 1, through page 50, line 18, is as follows:

Bureau of the Census

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $140,000,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to conduct the decennial census, $392,898,000 to remain available until expended: of which $24,055,000 is for Program Development and Management; of which $57,096,000 is for Data Content and Products; of which $122,000,000 is for Field Data Collection and Support Systems; of which $1,500,000 is for Address List Development; of which $115,038,000 is for Automated Data Processing and Telecommunications Support; of which $55,000,000 is for Testing and Evaluation; of which $5,512,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; of which $9,197,000 is for Marketing, Communications and Partnerships activities; and of which $3,500,000 is for the Census Monitoring Board, as authorized by section 210 of Public Law 105–119.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $137,969,000, to remain available until expended.

National Telecommunications and Information Administration

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $10,975,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $31,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $1,800,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

Patent and Trademark Office

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Director of Patents and Trademarks, $650,035,000, to remain available until expended: *Provided*, That of this amount, $650,035,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at $0: *Provided further*, That, during fiscal year 2001, should the total amount of offsetting fee collections be less than $650,035,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: *Provided further*, That any amount received in excess of $650,035,000 in fiscal year 2001 shall not be available for obligation: *Provided further*, That not to exceed $254,889,000 from fees collected in fiscal years 1999 and 2000 shall be made available for obligation in fiscal year 2001.

Science and Technology

Technology Administration

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $7,945,000.

National Institute of Standards and Technology

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $292,056,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $104,836,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $26,000,000, to remain available until expended.

The CHAIRMAN pro tempore. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, $1,606,925,000, to remain available until expended: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $68,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: *Provided further*, That, of the $1,734,925,000 provided for in direct obligations under this heading (of which $1,606,925,000 is appropriated from the General Fund, $92,000,000 is provided by transfer, and $36,000,000 is derived from deobligations from prior years), $260,561,000 shall be for the National Ocean Service, $405,383,000 shall be for the National Marine Fisheries Service, $264,561,000 shall be for Oceanic and Atmospheric Research, $621,726,000 shall be for the National Weather Service, $106,585,000 shall be for the National Environmental Satellite, Data, and Information Service, $58,094,000 shall be for Program Support, $7,000,000 shall be for Fleet Maintenance, and $11,015,000 shall be for Facilities Maintenance: *Provided further*, That not to exceed $31,439,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: *Provided further*, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 33 personnel: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

AMENDMENT NO. 79 OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 79 offered by Mr. FARR of California:

Page 51, lines 3, 16, and 17, after each dollar amount, insert the following: "(increased by $85,772,000)".

Page 51, line 20, after the dollar amount, insert the following: "(increased by $18,277,000)".

Page 51, line 21, after the dollar amount, insert the following: "(increased by $16,343,000)".

Page 51, line 22, after the dollar amount, insert the following: "(increased by $35,941,000)".

Page 51, line 24, after the dollar amount, insert the following: "(increased by $4,500,000)".

Page 52, line 1, after the dollar amount, insert the following: "(increased by $4,459,000)".

Page 52, line 2, after the dollar amount, insert the following: "(increased by $6,243,000)".

Page 52, line 3, after the dollar amount, insert the following: "(increased by $9,000)".

Mr. ROGERS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from California (Mr. FARR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume, and I want to thank the chairman for giving us 5 minutes on this very important amendment.

I rise with this amendment to restore the whacking that the National Oceanic and Atmospheric Administration has taken in this appropriation bill. The chairman of the subcommittee and I are fond of discussing that Kentucky does not have a lot of oceans, but I am fond of reminding everyone that this land is the land from sea to shining sea and that some of those ocean waters begin in Kentucky.

□ 1615

My amendment restores the cuts to this year's current levels. I am not asking for an increase, merely a restoration of what the current level is, meeting the status quo.

The earmark in the bill is 76 percent less than what the President requested. The subcommittee cut several programs from current levels. They cut the National Ocean Service. They cut the National Marine Fisheries Service. They cut the Oceanic and Atmosphere Research Service. They cut the National Environmental Satellite Service. They cut the Pacific Salmon Treaty program by $12 million, less than its current level funding. They cut the National Marine Sanctuary Program.

The cuts, according to NOAA, will result in staffing cuts up to a thousand of our Federal employees that will have to be laid off at a time when we are in more need of good natural science information than any other time in history. These cuts have unintended consequences.

We have programs in agriculture that need to be reviewed and need permits. We have programs in the fisheries that need to be reviewed and need permits. We have programs relating to endangered species. We have programs relating to forest management. And these staff persons are the people that review these and grant the permits that are allowed to continue in those endeavors.

If we look at where we are with NOAA, this is the 30th anniversary of that organization. We are very proud of its work here in the United States. But this bill's birthday present is kind of a slap in the face. This bill tells the story. The cuts to NOAA, essentially, went to pay for prisons.

I know it is sad that we have to cut these programs from the current expenditure because of the allocation cap given by the Republican budget resolution. That figure did not say that we had to plus up the prisons at the expense of good science.

Perhaps some cynic might suggest that the cutting of our environmental regulators will create more law breakers who have to then wait too long to get permits who violate the law and then we will have to put them in those new prisons that we are building.

I do not agree with that. I think that this Nation's inhabitants and our own economic well-being depend on our ability to have clean air and healthy oceans. These cuts promote neither, Mr. Chairman. They must be restored.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman from California (Mr. FARR) for offering this amendment.

He has outlined the kind of damage that the committee budget does to the National Marines Fisheries Service.

I would just point out that the budget for Fisheries Stock Assessment and Management programs will hinder our conservation efforts and hurt the commercial fishing industry on our Pacific Coast. In California, where we are facing the collapse of our groundfish stocks, the ability to collect data and to fund an observer program will be critical to the survival of this fishery and the fishing industry.

But this is not just a West Coast problem, however. Throughout the United States, fish stocks have become depleted, wetlands that are important nursery areas for young fish stocks are being destroyed and damaged due to pollution and human encroachment. At such a critical time, it seems illogical to cut the programs that fund the ocean and marine science that will lead to a better stewardship of our oceans and the sustainable use of these ocean resources.

This modest amendment is far below the administration's request for what they thought was necessary for NOAA. I urge the Members of Congress to support this amendment. This can have a long-term, devastating impact on the commercial fisheries, which are basically made up of small business people running their boats, running their family operations; and if we cannot keep these stocks up into healthy populations, then those people will be put out of business and they will lose their livelihood for themselves and their families and for their communities.

I thank the gentleman from California (Mr. FARR) for offering the amendment.

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know that the gentleman from Kentucky (Mr. ROGERS) is going to reserve his point of order. We will probably lose on a technicality. But I just want to emphasize my sincere concern that, in conference, that these monies need to be restored.

The greatest populations of the United States live along the coastlines and they make their living off the coastlines. If we look at the cuts, these affect the essential coastal communities in the United States and their ability to do the job they need to do working in partnership with good Government. So these are going to have devastating impacts, particularly if we have to lay off a thousand employees who are now currently working for the Federal Government.

So I would request that the gentleman from Kentucky (Mr. ROGERS) work in a bipartisan fashion to help in conference restore these funds.

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentleman from Kentucky (Mr. ROGERS) insist on his point of order?

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, before I make the point of order, let me say, the interest of the gentleman is appreciated, his long-term support of NOAA, but I must oppose the amendment.

The bill provides for a whole host of coastal and ocean programs, including $25.5 million for the Marine Sanctuaries program, including $3 million for construction and maintenance, the same level as current year, with the exception of a one-time-only Senate project.

Last year the bill included an enhancement of $8.6 million over the prior year. It also provides $12 million for the National Estuarine Research Reserve System and $59.2 million for the Coastal Zone Management Grant Program, the same level as in the current year.

The bill provides $58 million for the Pacific salmon recovery efforts, subject to authorization, the same amount of funding in the current year. It provides an increase of $4.2 million over the current year for the West Coast Ground Fishery, including $2 million for a new beneficiary observer program and $2 million for stock assessments, almost doubling the program.

The bill also provides $61.3 million for the National Sea Grant Program, an increase of $2 million over current year.

What it does not include is a number of new unauthorized and undefined programs. But, overall, this is a very generous bill. We will work with the gentleman from California (Mr. FARR) and others as we go along to see what may be possible.

With our tight spending constraints we are under, however, this is as far as we have been able to go at this time.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, reluctantly, I do make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The amendment would provide new budget authority in excess of the subcommittee suballocation made under 302(b) and is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. If there are no other Members wishing to be heard, the Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from California (Mr. FARR) would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is therefore sustained. The amendment is not in order.

AMENDMENT NO. 70 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 70 offered by Mrs. MINK of Hawaii:

Page 51, line 3, after the dollar amount insert "(increased by $1,200,000)".

Page 51, line 16, after the dollar amount insert "(increased by $1,200,000)".

Page 51, line 17, after the dollar amount insert "(increased by $1,200,000)".

Page 51, line 21, after the dollar amount insert "(increased by $1,200,000)".

Page 53, line 12, after the dollar amount insert "(reduced by $1,200,000)".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer my amendment, which simply adds $1.2 million to the National Marine Fisheries Service in order to provide needed funds for the Hawaii Longline Observer Program. Due to lack of funds, 14 observers that we had had to be cut to only a force of two observers in mid-May of this year.

The observer program began about 10 years ago to provide accurate data on the number of endangered and threatened sea turtles that are caught by the fleet of about 130 longline fishing vessels in the Pacific. They come under the jurisdiction of the United States because of the agreement that the zone which constitutes the 200 miles surrounding Hawaii is the economic zone over which we have economic as well as commercial and scientific and endangered species control.

I regret that I did not have this information in time to bring this matter to the subcommittee and to discuss it with the chairman and with the ranking member. These observers are extremely important to the proper management of the fisheries.

Under the Endangered Species Act, the National Marine Fisheries Service is responsible for evaluating the impact of the longline fishery on the endangered and threatened sea turtles. Over the past decades, several biological opinions resulted, each requiring the observer program as a condition of the ongoing operation of this longline fishery.

The most recent opinion, issued in 1998, specified that the National Marine Fisheries Service was to continue to monitor the longline fishery with this observer program. The effort is absolutely essential in order to provide us with the data necessary to make an evaluation as to the take by this fishery.

The National Marine Fisheries Service has been under a court order to monitor these endangered species, and last year the Court ordered that the

Northern Pacific area actually be banned from this fishery.

Last week, when I prepared this amendment and came to the floor, it was in terms of a crisis. Today it is a calamity. I appeal to the chairman of the subcommittee and the ranking member to agree to this amendment and to allow this very minimal funding.

On Friday last week, June 23, Judge Ezra of the United States District Court ordered the National Marine Fisheries Service to provide one observer per longline fishing vessel currently fishing in the Hawaiian waters. That means 130 observers for our fleet.

Currently, the Fishery Service maintains only two observers. As I noted earlier, they fired the other 12 on May 9.

The Court has noted that the Marine Fishery Service has had a budgetary problem. But the Court clearly stated that the compliance with the National Environment Act was a legal requirement that had to be met and, therefore, ordered the National Marine Fisheries Service to comply with NEPA in an expeditious manner in order to avoid an undue burden on the fisheries.

Well, the court order requires that within 30 days there shall be one observer on each one of the longline line vessels. That is nearly impossible.

What I am hoping today that the chairman and the ranking member will agree to, this amendment, that at least we can begin a discussion with the Court, perhaps go to the Court and seek a modification of his order. He has already blocked off whole portions of the Pacific as areas that cannot be fished. What is left is a small portion of the Pacific, but even that will be involved in a ban if we cannot come up with the observers.

This 30-day mandate may be subject to appeal. It may be subject to negotiations with the Court. But one thing I do know is that if the House, together with the Senate, acts appropriately, this could certainly be a measure of support that we could take to the Court and ask for its reasonableness.

This is a $170 million industry that is going to go down the tubes. Not only the industry and our economy will be affected, but the tourists coming to Hawaii will not have the fresh fish source that it is accustomed to having when they come to Hawaii.

The United States has jurisdiction over the 200-mile economic zone. If we fail to support our fishery with some reasonable efforts, surely we want to save the turtles, but we also have to think about this fishery. And if the U.S. fishery collapses in this area, it means that the foreign fisheries that are now sending out its massive fleets will simply take over the industry and we will be subject to buying from these foreign vessels.

The species that we are talking about are tuna, swordfish, mahi-mahi, the highly-prized species that make up the gourmet meals in our industry.

I would hope that the chairman would agree to this amendment together with the ranking member.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of the amendment.

Mr. Chairman, the gentlewoman makes an awfully strong case. We were just informed this morning on the subcommittee of the decision of the Court. I realize that it puts everyone in a very severe bind. I think we should agree to this. I urge adoption of the amendment.

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of Mrs. MINK'S amendment supporting additional funding for the National Marine Fisheries Service. It is her intent that this funding be used to support the Hawaii Longline Fisheries Observer Program, a threatened program absolutely essential to fisheries in the Pacific. The observer program is used to ensure that the longlining industry in the Pacific is not capturing, through incidental take, rare and endangered species such as leatherback sea turtles. NMFS has stated that it is mandatory that the observer program be in place to monitor the longline fishery, yet has cut this program from 13 to 2 people because of budget shortfalls. A proposed lawsuit threatens to close down the fishery entirely without observers, and we can not allow this to happen. We need to get the observers back on the boats where they belong! The Western Pacific Fishery Management Council has been supportive of the observer program as it provides important data needed for effective management. It is my understanding that the proposed budget includes funding for other observer programs, but that the Hawaiian longline observer program is sorely neglected. I urge support of this program by Congress in order to correct this oversight as a matter of fairness to fisheries in the Pacific.

Mr. ROGERS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The amendment was agreed to.

□ 1630

The CHAIRMAN pro tempore (Mr. PEASE). The Clerk will read.

The Clerk read as follows:

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $564,656,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, $58,000,000, subject to express authorization.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $4,000,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $951,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), and the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $238,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $31,392,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $21,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901-5902).

Sec. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

Sec. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

Sec. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Sec. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: *Provided*, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: *Provided further*, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided*, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Sec. 207. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Sec. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

Sec. 209. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2001 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2001 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2001".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $36,782,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $7,530,000, of which $4,460,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $17,846,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $12,299,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $3,328,778,000 (including the purchase of firearms and ammunition); of which not to exceed $17,817,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,600,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $420,338,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule

71A(h)), $60,821,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services and the procurement, installation, and maintenance of security equipment for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $198,265,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

Administrative Office of the United States Courts

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $58,340,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

Federal Judicial Center

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $18,777,000; of which $1,800,000 shall remain available through September 30, 2002, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

Judicial Retirement Funds

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $25,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $8,100,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

United States Sentencing Commission

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,615,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

General Provisions—The Judiciary

Sec. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

Sec. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Sec. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

Sec. 304. (a) The Director of the Administrative Office of the United States Courts (the Director) may designate in writing officers and employees of the judicial branch of the United States Government, including the courts as defined in section 610 of title 28, United States Code, but excluding the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. These disbursing officers will (1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b) of this section, (2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved, and (3) be held accountable as provided by law. However, a disbursing officer will not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b) of this section.

(b)(1) The Director may designate in writing officers and employees of the judicial branch of the United States Government, including the courts as defined in section 610 of title 28, United States Code, but excluding the Supreme Court, to certify payment requests payable from appropriations and funds. These certifying officers will be responsible and accountable for (A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers, (B) the legality of the proposed payment under the appropriation or fund involved, and (C) the correctness of the computations of certified payment requests.

(2) The liability of a certifying officer will be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

(c) A certifying or disbursing officer (1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification, and (2) is entitled to relief from liability arising under this section as provided by law.

(d) The Director shall disburse, directly or through officials designated pursuant to this section, appropriations and other funds for the maintenance and operation of the courts.

(e) Nothing in this section affects the authority of the courts to receive or disburse moneys in accordance with chapter 129 of title 28, United States Code.

(f) This section shall be effective for fiscal year 2001 and hereafter.

This title may be cited as the "Judiciary Appropriations Act, 2001".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 69, line 19 be considered as read, printed in the Record and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN pro tempore. Are there any amendments to those sections?

The Clerk will read.

The Clerk read as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended, the Mutual Educational and Cultural Exchange Act of 1961, as amended, and the United States Information and Educational Exchange Act of 1948, as amended, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act; expenses authorized by section 9 of the Act of August 31, 1964, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized by the Arms Control and Disarmament Act of September 26, 1961, as amended; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $2,689,825,000: *Provided*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, in fiscal year 2001, all receipts collected from individuals for assistance in the preparation and filing of an affidavit of support pursuant to section 213A of the Immigration and Nationality Act shall be deposited into this account as an offsetting collection and shall remain available until expended: *Provided further*, That, of the amount made available under this heading, $246,644,000 shall be available only for public diplomacy international information programs: *Provided further*, That, notwithstanding any other provision of law, not to exceed $342,667,000 of offsetting collections derived from fees collected under the authority of section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) during fiscal year 2001 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: *Provided further*, That any fees received in excess of $342,667,000 in fiscal year 2001 shall remain available until expended, but shall not be available for obligation until October 1, 2001: *Provided further*, That advances for services authorized by 22 U.S.C. 3620(c) may be credited to this account, to remain available until expended for such services.

AMENDMENT NO. 17 OFFERED BY MR. BILBRAY

Mr. BILBRAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. BILBRAY:

Page 71, line 1, after the dollar amount, insert the following: "(reduced by $500,000)".

Page 79, line 19, after the dollar amount, insert the following: "(increased by $500,000)".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from California (Mr. BILBRAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from Kentucky (Mr. ROGERS). I appreciate the fact that he has been working with us on this amendment and other related amendments that directly affect the constituency of South San Diego County.

Mr. Chairman, in my hometown of Imperial Beach, we spend our summers being greeted by this sign. It is a sign that many people in America see every once in awhile, but in I.B., sadly much too often. As a surfer and a diver, it is something that all of us who spend time in the water care a lot about, especially those of us who have children who spend time in the water.

The difference in Imperial Beach and in Coronado is that the pollution that causes this sign does not come from a factory or a business or a community in America that is not taking care of its problems. Imperial Beach and Coronado in South San Diego County has been required by the EPA and the Federal Government to clean up their act so they do not pollute their beaches.

The pollution that causes this sign comes from a foreign country crossing our international boundary and entering the United States and polluting our U.S. territorial waters and endangering the lives of children and the families of American citizens on American soil.

Mr. Chairman, these two photos are a classic example of a technology that I have been working with the chairman on, remote sensing. One will actually be able to picture here the pollution or the turbidity coming across and entering the United States. One of the problems we have in San Diego is the Tijuana River flows from the urban areas of Tijuana, Mexico, and flows north into the United States and then enters the Pacific Ocean after going through a Federal estuarine and wildlife preserve. Supposedly one of the most protected Federal lands in America is an estuary and preserve with a designation of research capabilities.

This pollution is not something new. It is something we have been putting up with since I was a child. It has become chronic over the last 20 years with the extensive growth in Mexico, and at the same time the Federal Government is requiring every city and every community in America to address its nonpoint sources coming out of its flood control channels and its storm drains.

The United States Federal Government, through the International Boundary and Water Commission, has owned a flood control channel entering the country that constitutes the largest single pollutant source in San Diego County, and I am here to ask for support for an amendment that says the Federal Government will hold itself to the same standards that it demands on everybody else. We will not allow sewage to enter this country and run down a federally owned flood control system and pollute our estuaries and our preserve areas and our beaches and our children and their playground.

Mr. Chairman, my amendment provides $500,000 to be able to develop a system so that at this flood control channel as it enters the United States, the United States will be able to defend its citizens by catching the sewage, diverting it out of the flood control system and put it into a sewage system through an outfall and treatment concept.

Without this system, without this $500,000, the citizens of the United States who live in this area are exposed to a foreign government's whim, at when they want to dump raw sewage on the United States and when they do not.

Now I strongly believe that we need to have peacekeeping and intervention all over the world, but I would ask my colleagues on both sides of the aisle, and I would ask the ranking member to consider this: Who do we owe more obligation to to defend from foreign intervention than U.S. citizens on their own soil in their own neighborhoods?

Now, understand that this is not a wealthy area. This is a working-class neighborhood. It has high minority numbers, and some of us may say, well, that is why it has been ignored for so long.

I do not think so. I think it is because we do not understand the border and the border region. I like to think that it is a misunderstanding that has caused this situation.

So I am asking that both the majority and the minority accept an amendment that says we have ignored this public health threat too long; we are willing to address this issue, and we are willing to make this commitment. Just as we make a commitment to people all over the world to stop the pollution problems that are affecting their neighborhoods, we are now finally going to address the issue here in the United States.

Again, this is not a problem being created by the people in this neighborhood. This is a threat that begins in a foreign government and then travels.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. BILBRAY) has expired.

Mr. BILBRAY. Mr. Chairman, I ask unanimous consent for one additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BILBRAY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, there are a whole lot of other things that I want to work with the chairman on. We have maintenance issues at this plant. We built a $200 million plant, and it is not properly maintained; the parts are not there. But I am asking just for this amendment now as a sign that the United States will do everything it can to defend its citizens from foreign pollution on U.S. soil.

At this time, I ask both the majority and the minority, this is a chance for us to all pull together. The gentleman from California (Mr. FILNER) represents part of this area. I represent the other. Here is a chance to show true bipartisan support, true bipartisan commitment, to defending Americans and protect the environment no matter what their party affiliation, no matter what neighborhoods they live in.

Mr. Chairman, I have three amendments before the committee today which I would like to explain for my colleagues. The purpose of my amendments is very straightforward. Let me first express that I have great respect and appreciation for the subcommittee chairman, HAL ROGERS, and the challenges he's had to address in order to prepare his bill. I know that the limits of your allocation have made for difficult decisions, and I commend you for assembling such a good bill under these though circumstances. I am also very appreciative of the chairman's willingness to work with me in order to address the difficult public health and environmental problems my district faces as a result of untreated sewage flows from Mexico.

In mid-1999, at my request, the city of San Diego initiated a study to determine the usefulness of satellite remote imaging for mapping and monitoring the dispersion of sewage discharges in the United States-Mexico border region.

The objectives of this study were to (1) to demonstrate what type of remote sensing data can be useful for imaging effluent plumes, and (2) to validate information obtained by remote sensing data with field data. While the number of image sets available were limited, the results of this study indicate that all the remote sensing data types can significantly contribute to determining the contributions and extent of the sewage runoff discharges that affect the United States-Mexico border region. Among other things, this will help in isolating the true effects of the South Bay Ocean Outfall from "false" signals created from effluent from other shoreline sources.

The satellite images in this study, two of which I have enlarged here today for my colleagues to see, show distinct near-shore turbidity patterns as well as larger-scale patterns extending further offshore. It is helpful to understand that the major turbidity signals within the near-shore zone are linked to terrestrial effluent discharges or runoff, as opposed to the stirring up of bottom sediments by winds, waves, or tidal currents.

The image in figure 1 of the report was not preceded by any appreciable rain for more than three days. There are four areas where fresh discharge can be identified—the Tijuana River, a couple of smaller areas just south of there, the San Antonio Los Buenos treatment facility, and Los Buenos Creek. In figure 2, this image was acquired just 24 hours after a 2-day rain event, and clearly shows fresh runoff plumes from numerous sources.

Clearly, this type of imaging can yield tremendous volumes of information which will be critical in helping to monitor, track, and respond to sources of ocean pollution plumes. I have prepared an amendment (#45) that would provide $200,000 to the IBWC, for the purposes of continuing to provide this kind of satellite image monitoring. My amendment would be offset from the Department of State's Diplomatic and Consular Affairs account.

I also have at the desk another amendment which these photos will help to explain—located here in the photo, on the border, is the International Wastewater Treatment Plant. As the chairman is well aware, the IBWC has since 1998 been operating the U.S. International Wastewater Treatment Plant (IWTP), which sits along our southern border with Mexico and is presently treating up to 25 mgd of Mexican sewage to primary levels. This effluent is then discharged via the South Bay Ocean Outfall. Since this plant began operation in 1998, its operations and maintenance costs have increased considerably, as a result of several factors.

1. Pumps and other processing equipment consume large amounts of electrical power, and power costs at the IWTP are directly related to the volume of wastewater treated. Power costs at the plant have risen as a result of increased pumping needs at the IWTP, Smugglers' pump station, and Goat Canyon pump station.

2. Perhaps even more important, is the increasing recognition of the need to begin recurring nonannual preventive maintenance and testing—this includes such things as pump rebuilding, testing of electrical systems, and conveyor overhaul—the basic functions that make the plant work. What we have here is a brand new plant, which is now beginning to reach its maintenance cycles, and in some instances, cycles which were projected as 2 or 3 year are starting to be seen as annual maintenance needs.

This may sound like a lot of nuts and bolts, but the outcome is what is critical to me and my communities, Mr. Chairman, and that is whether the beaches are open and safe for people to use. To paraphrase the old saying, for want of a pump, the plant was lost—clearly, this is the situation we must avoid. The IBWC has worked hard to help keep the beaches open in the south San Diego county region, and I don't want to see that change out of maintenance needs.

I recognize that the subcommittee worked hard to level fund these Commissions at the existing FY 2000 levels, Mr. Chairman, but I believe we must find a way to provide assurances that basic maintenance needs do not result in threats to the public health and environment in the upcoming summer months. Additionally, as I have discussed with the chairman, it is important to ensure that the IBWC will have adequate funds available to operate the emergency connection to the city of San Diego's Point Loma treatment plant, in the event of an emergency need this summer.

My amendment (#16) would transfer $5.1 million to the IBWC's salaries and expenses account, for the purposes of ensuring that this routine but critical maintenance will continue to occur. I want to clarify for my colleagues that, as the chairman well knows, it is in this salaries and expenses account that operations and maintenance funds are located; this amendment is not going for additional salaries, or administrative overhead.

The offset for my amendment is provided out of the Department of State's Contributions for International Peacekeeping Activities, which is funded in the bill at $498,100,000. I don't mean to diminish the importance of our peacekeeping operations abroad, but I feel very strongly that we must first protect our own borders, in this case from the public health threat generated by flows of Mexican sewage that has been confronting my constituents for decades. Chairman ROGERS knows how strongly I feel about this, and is due a lion's share of the credit for the great work this committee has done on border environmental issues up to this point.

My third amendment (#17) addresses an issue with which the chairman is very familiar, from our ongoing discussions.

With my previous amendment on the IBWC, I talked about ensuring that the IBWC is able to continue operating the plant, which treats captured sewage. This amendment addresses what can be a far greater problem, which is the flows of renegade sewage that doesn't make it into any pipes or plants for treatment.

An odd fact of nature is that in this part of the region the watershed, rivers, and urban runoff flow north, into the United States. When there are rain events, or when Mexican infrastructure breaks, fails, or is simply turned off without warning (which happens far too often), raw sewage runs downhill into the canyons along the border and into the Tijuana Estuary, or down the Tijuana River into the flood control channel where it enters the United States and continues toward the beaches in my hometown of Imperial Beach.

All the treatment plants in the world won't end our contamination problem, if there are still significant volumes which aren't ending up "in the pipe". The IBWC is presently working on a plan to improve the capacity of the canyon sewage collectors which are now in place at Goat Canyon and Smuggler's Gulch, and this will certainly help.

But the biggest "non-point" source of the United States side (I say U.S. because clearly, as the images from this report show, runoff from Los Buenos Creek is a major problem for both Mexican and United States beaches as the current takes it northward) is the Tijuana River, which is why I've gone to Chairman ROGERS with a specific request. I believe it is essential that a diversionary structure be built in the flood control channel as it enters the United States, which could then capture renegade flows and divert them to the IWTP or other facilities for at least some level of treatment. IBWC agrees with this need, and is prepared to move forward with this project.

My amendment would provide $500,000 for this purpose to the IBWC's construction account. It is offset from the State Department's Diplomatic and Consular Programs account, which is presently funded at $2,689,000.

Mr. Chairman, I have some additional background materials, along with my full statement and amendments, which I would ask be entered into the RECORD at the appropriate point. I would urge my colleagues to support these amendments, and would reserve the balance of my time.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) seek to claim the time in opposition?

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes.

The CHAIRMAN pro tempore. Without objection, and without objection, the time in opposition is increased to 6 minutes as a result of the unanimous consent request of the gentleman from California (Mr. BILBRAY).

The gentleman from Kentucky (Mr. ROGERS) is recognized for 6 minutes.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to congratulate and thank the gentleman from California (Mr. BILBRAY) for his devotion to this cause. This is a long-standing problem that is getting worse, and the gentleman has focused on this problem and devoted himself to trying to solve it. It is a vexing problem that crosses the international boundary line with Mexico and is a problem that has to be addressed really on both sides of the border, but the gentleman from California (Mr. BILBRAY) has indeed focused our attention on the problem. It is a matter that needs to be addressed; and this amendment, I think, will go a long way towards starting the effort to solve this long-standing problem.

So I am very pleased to accept the amendment on our side as a beginning point for trying to solve this long-standing problem for the residents of the entire area around San Diego and the adjoining area in Mexico.

Mr. FILNER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for yielding, and I thank the gentleman from California (Mr. BILBRAY) for offering this amendment. We represent adjacent districts. He talked about a bipartisan approach. I want to illustrate that on the floor today. The gentleman from California (Mr. BILBRAY), when he was a county supervisor in San Diego, was at the same time that I was a city councilman in San Diego. Our districts pretty much meshed; and we worked on this together for many, many, many years. We are at the point of solving these problems, and with the help of this Congress we will.

We have tried to get this diversionary structure in place. It helps protect our citizens from health hazards caused by the river of sewage; but it was built quickly and now that the international treatment plant is in operation, we must expand and improve the capacity. It has limited capacity. It clogs with silt and debris, as I am sure the gentleman from California (Mr. BILBRAY) pointed out, and it must be shut down for maintenance when the rains and other events make it exceed its capacity.

So what the amendment of the gentleman from California (Mr. BILBRAY) does is provide the funding to design improvements needed to increase its capacity, solve these problems.

I am sure the gentleman from California (Mr. BILBRAY) and I are the only two Congressmen in this House that can say that raw sewage flows through our districts; up to 50 million gallons a day.

We have a series of attempts to improve this situation, legislation that we hope will follow in the authorization process, and I thank the Chair and the gentleman for making this amendment and supporting it.

I urge my colleagues to support this amendment. In 1991, as a San Diego City Councilman, I worked with the IBWC to build a diversionary structure in the international flood control channel to capture 13 million gallons per day of sewage that flowed through the Tijuana River to our beaches. This diversionary structure helped protect our citizens from the health hazards caused by this river of sewage. But it was built quickly. Now that the International Treatment Plant is in operation, the structure must be improved and its capacity expanded. Currently, it has a limited capacity of often clogs with silt and debris. Whenever flows exceed its capacity or it must be shut down for maintenance, raw sewage flows freely throughout the Tijuana River. This amendment would provide the funding to design improvements needed to increase its capacity and solve these problems.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I rise in support of the amendment, in support of the comments of the gentleman from California (Mr. FILNER). I would hope that this is the kind of issue that we can continue to solve.

Just as an aside, I thank the gentleman from California (Mr. BILBRAY) for bringing a sign in two languages.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, actually I was a county supervisor which had supervision over county health; and because of all of the activities at the border, we decided when I was Chair that we needed to have it in both languages so everybody knew what was going on, including those who might have been visiting from down south.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I support the gentleman from California (Mr. BILBRAY) in that. I support him in his amendment, and I hope he remembers that when we discuss another bill later on.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from California.

MR. BILBRAY. Mr. Chairman, I would like at this time to really thank the gentleman from Kentucky (Mr. ROGERS) for his cooperation on this specific issue but also with the other issues, as the gentleman from California (Mr. FILNER) has so appropriately brought up, that we have a comprehensive problem here and I look forward to working with the chairman as this bill moves forward, making sure that we address these issues, these environmental issues.

I want to sincerely thank him very much for being so sensitive to a problem that has been ignored for much too long.

Mr. ROGERS. Mr. Chairman, I want to thank the gentleman from California (Mr. BILBRAY) again for his persistence on this matter. There are other areas that he is working with our subcommittee on in this regard, and we will continue to work with the gentleman to try to help solve a massive problem on our border with Mexico.

I urge adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. BILBRAY).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to this section of the bill?

The Clerk will read.

The Clerk read as follows:

In addition, not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

In addition, for the costs of worldwide security upgrades, $410,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $79,670,000, to remain available until expended, as authorized in Public Law 103–236, as amended: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $28,490,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977, as amended (91 Stat. 1636), $213,771,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): *Provided*, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e).

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $5,826,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,067,000, to remain available until September 30, 2002.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $416,976,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $25,000 may be used for domestic and overseas representation as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized by the Secure Embassy Construction and Counterterrorism Act of 1999, $648,000,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), and as authorized by section 804(3) of the United States Information and Educational Exchange Act of 1948, as amended, $5,477,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $591,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $604,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $16,345,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $131,224,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $880,505,000: *Provided*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That, of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding 6 months to increase funding for any United Nations program without identifying an offsetting decrease during that 6-month period elsewhere in the United Nations budget and cause the United Nations to exceed the budget for the biennium 2000–2001 of $2,535,700,000: *Provided further*, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

AMENDMENT NO. 71 OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer an amendment. I am acting as the designee of the gentleman from Wisconsin (Mr. OBEY).

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 71 offered by Mr. SERRANO: Page 77, strike the proviso beginning on line 2.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from New York (Mr. SERRANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. SERRANO).

□ 1645

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I said, I am acting as the designee of the gentleman from Wisconsin (Mr. OBEY). Let me first tell the gentleman from Kentucky (Mr. ROGERS) that it is our intention to withdraw this amendment, but we want to bring this issue up and discuss it properly.

Mr. Chairman, included in the bill is language that would withhold $100 million in regular dues to the United Nations until the United Nations certifies a no-growth budget. This is of great concern to us on this side, because we believe that this would have a significant and devastating impact on ongoing negotiations.

What happened is that last year we did something great in this bill, we were able to pay our arrears, but payment was based also on our claim that our assessment should be lower, that the dues that were assessed should be lower. Those negotiations are going on right now.

In our opinion, to put this language in the bill would just send a very bad message, not only to those folks at the U.N. and our government to have to negotiate this issue, but also to other countries who we are trying to negotiate with.

On one hand, we are telling them that it is our intent to pay our dues, at the same time we are telling them we think we are paying too much and we should not carry such a load. While that is going on, we then send a message that we will withhold amounts which, one, as I said, would just send a very bad message. It would make us look like we are negotiating in bad faith, and at the same time begin to put us again in arrears, something we are working hard and in a bipartisan fashion of last year, to try to do away with.

While it is our intent to withdraw this amendment, I would just hope that in the comments of the gentleman from Kentucky (Chairman ROGERS), if he wishes to make some, he would begin to send us the message that this is not the way we want to go, and that we have to continue to send a positive message to the U.N.

Lastly, we in this Chamber take great credit for all the activities that this country undertakes throughout the world, and I think that more and more every day we have to understand that we do not take those activities alone. In the last few years and in the last decade, we have been taking them very closely and in conjunction with the U.N. as part of members of the U.N., and we should not continue to on one hand work closely with the U.N. to deal with issues throughout the world that are of great importance to our national security and to peace and prosperity throughout the world and at the same time continue to bash the U.N.

I think that what we are seeing in this language is in fact U.N. bashing, and I will wait for some comments from the gentleman from Kentucky (Mr. ROGERS), if he has any, and then I withdraw the amendment.

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentleman from Kentucky (Mr. ROGERS) claim the time in opposition?

Mr. ROGERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky is recognized for 5 minutes.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition. The provision that the gentleman from New York (Mr. SERRANO) proposes to strike has been a critical part of what we have been able to achieve thus far in bringing fiscal discipline and responsibility back to the United Nations.

It is part of the overall approach the Congress has taken toward the U.N. since 1997, an approach that the administration has in turn adopted; that is, to establish zero nominal growth budgets at the United Nations and other international organizations. Then once those budgets have been adopted at the U.N., to insist on a discipline to live within the budget that they have adopted.

Mr. Chairman, consider what this provision really does. Does it underfund the anticipated U.S. share of the U.N. regular budget? The answer is no. The bill contains the full $300 million for our U.N. assessment.

Does the provision require that the U.S. reopen budget issues that the U.N. already has agreed upon? The answer is no. It accepts the budget that the U.N. adopted in December, even though that budget exceeded zero nominal growth, which is what I would have preferred.

The provision that the amendment proposes to strike conditions only one-third of our dues on a simple certification by the State Department. They must certify to the Congress that the U.N. is living within the biennial budget that the U.N. members themselves adopted in December. In other words, any increase in the U.N. budget from this point forward should be accompanied by an equal offset in their spending, much the same as we are required to do here in the Congress.

It is the same provision we carried in 1997, Mr. Chairman; the same one we carried in 1998; the same one we carried in 1999. It is a well-known U.S. policy and should not come as a surprise to anybody. In previous years, the State Department made these certifications and the U.S. paid its dues in full. No arrears were created as a result of this provision. Unless people at the U.N. are already planning to bust the current U.N. budget, which they agreed to only a few short months ago, the Department should have no problem making the certifications and paying the calendar year 2000 assessment in full.

This exact, same amendment was defeated convincingly in the committee 18–34, 2 weeks ago. I urge that it be rejected again today.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the Obey amendment which will allow the United States to pay all the annual dues we owe to the United Nations this year.

Mr. Chairman, it was just last year that this Congress finally met our international obligations and paid our back dues to the U.N. We also required reforms at the U.N. which are now being implemented.

Congress just solved this problem and now, with this bill, we will go back into debt again.

The United Nations is a beacon of hope for the world. It promotes world peace and is a leader in the fight against hunger and poverty.

The Obey amendment will allow all of our 2000 U.N. dues to be paid in the year 2000. Without the Obey amendment, $100 million of the dues we owe will be late.

Mr. Chairman, great nations pay their bills on time. I would urge all Members to support the Obey amendment.

Mr. ROGERS. Mr. Chairman, I yield back the balance of my time.

Mr. SERRANO. I ask unanimous consent to withdraw my amendment, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk will read.

The Clerk read as follows:

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $498,100,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

AMENDMENT NO. 62 OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. JACKSON of Illinois:

In title IV, in the item relating to "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES", after the aggregate dollar amount, insert the following: "(increased by $240,566,000)".

Mr. ROGERS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois (Mr. JACKSON) is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Chairman, let me thank the gentleman from Ohio (Mr. OBEY), the ranking member and the gentleman from Kentucky (Mr. ROGERS), chairman of the full committee for allowing me the opportunity to offer this amendment.

It is my understanding, Mr. Chairman, under the ruling, we are entitled to 30 minutes on this side and the other side will have 30 minutes as well. Is that correct, Mr. Chairman?

The CHAIRMAN. No. Under the unanimous consent agreement, the gentleman from Illinois is entitled to 5 minutes and a Member in opposition has 5 minutes.

Mr. JACKSON of Illinois. Mr. Chairman, let me just get some clarification.

The CHAIRMAN. Is the gentleman from Illinois (Mr. JACKSON) offering his own amendment?

Mr. JACKSON of Illinois. Mr. Chairman, I am offering the Dixon amendment, it is the Dixon-Jackson-Crowley amendment, as his designee, Mr. Chairman. I believe it is Amendment No. 60, Mr. Chairman.

AMENDMENT NO. 60 OFFERED BY MR. JACKSON OF ILLINOIS

The CHAIRMAN. Without objection amendment 62 is withdrawn and the Clerk will designate the Dixon amendment for which the gentleman from Illinois (Mr. JACKSON) is the designee.

The text of the amendment is as follows:

Amendment No. 60 offered by Mr. JACKSON of Illinois as designee of the gentleman from California (Mr. DIXON):

In title IV, in the item relating to "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES", after the aggregate dollar amount, insert the following: "(increased by $240,566,000)".

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Illinois (Mr. JACKSON) and a Member opposed each will control 30 minutes.

Mr. ROGERS. Mr. Chairman, just to be sure that a point of order is reserved on this amendment as well.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

The Chair recognizes the gentleman from Illinois (Mr. JACKSON) for 30 minutes.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first begin by commending the distinguished gentleman from California (Mr. DIXON) for bringing the amendment that has been offered to the committee's attention. The CJS appropriations bill reduces the administration's contributions to international peacekeeping activities request of $739 million by $241 million, almost one-third.

The committee report is not amendable on the floor, the report does did not include funding for following peacekeeping missions in Africa: MINURSO in Western Sahara; UNAMSIL in Sierra Leone, Ethiopia, Eritrea populations; and phase 2 of the MONUC in the Congo.

The report languages for this bill singles out peacekeeping missions in Africa by failing to provide funding for these missions, unless it is reprogrammed for other missions. In this bill, the committee has underfunded the contributions to international peacekeeping activities and has directed the State Department, and I quote "to take no action to extend existing missions or create new missions for which funding is not available."

This amounts to a direction to veto U.N. peacekeeping missions. The requests by the President of $739 million would provide 25 percent, that is the U.S. portion agreed to last year, in the Helms-Biden compromise of the total estimated costs of the 15 current U.N. peacekeeping missions.

The amount approved by the committee for fiscal year 2001, $498 million, is frozen at the level appropriated for fiscal year 2000. Our distinguished chairman, the gentleman from Kentucky (Chairman ROGERS), argues that the administration and the U.N. must live within the appropriation and approve no new missions; however, this ignores the realities of international conflict, of wars and conflicts that are unpredictable and that can erupt at any given time.

Mr. Chairman, I find it quite interesting that of all of the U.N. missions, the report language, which I already indicated is unamendable on the floor, specifically singles out all of the peacekeeping missions in Africa. It does not deal with the U.N. force in Cyprus, U.N. operation in Georgia, the U.N. mission in Tazikstan, the war crimes tribunal in Yugoslavia, while funding the war crimes tribunal in Rwanda, U.N. transitional administration in East Timor, U.N. mission in Kosovo, but specifically looks at peacekeeping missions in Africa.

Mr. Chairman, with the balance of our time, I hope that during the course of this hour, we have a very informed debate to find out what is behind why African life in this report and in this bill is being treated differently than life of Europeans. We will discuss that at great length.

Mr. Chairman, I reserve the balance of my time.

The SPEAKER pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) claim the time in opposition?

Mr. ROGERS. Mr. Chairman, I do claim such time.

The CHAIRMAN. Does the gentleman reserve his point of order?

Mr. ROGERS. Mr. Chairman, yes, and I reserve the balance of my time.

Mr. JACKSON of Illinois. Mr. Chairman, I am honored to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the full committee.

Mr. OBEY. Mr. Chairman, the 21st century in terms of American lives lost was the bloodiest in our history and the meanest, except for the 19th, in which we conducted an American Civil War which put brother against brother and from which we are still suffering some of the consequences. Now, we are turning into a different century, and it is to be hoped that America's role in the world is changing somewhat. At this point, there is no other power in the world that even comes close.

We have the military might to cover any region, to reach any region, to sail any sea, to find and hit virtually any target, if we want; but we also have another role, and that role has been to try to serve not so much as a fighter, but as a separator of parties in many regional fights, in a peacekeeping role.

Now, that is going to be a very messy situation. It is not always going to work, and there will be Americans who die. But if we do it right, there will be far less for America to pay in human terms than we have seen in each of the previous two centuries; that is what we try to do through the peacekeeping operations in the United Nations.

Mr. Chairman, I do not happen to be thrilled with all of those peacekeeping operations, but I would point out one thing. We created the United Nations and we created the rules. Under those rules, when the United Nations votes for a peacekeeping operation in the security council, that requires a mandatory contribution from this country to fulfill our share of the financial burden.

We are very lucky in comparison to a number of other countries in the world, because we more often than not do not supply the troops. We supply a little cash, and we supply a lot of advice, but we supply a very tiny percentage of the troops. We ought to be grateful for that.

Now, what this bill asks us to do is to support the idea that a subcommittee of this House somehow has the right to interpose its judgment and to decide for itself just what peacekeeping operations the United Nations will support and which ones they will not.

□ 1700

Well, that is not the way it is supposed to work. I did not realize that the gentleman from Kentucky had been confirmed as our ambassador to the United Nations and also as our Secretary of State and Secretary of Defense at the same time. I kind of missed that. I did not see those headlines.

So what we have here in this bill is an attempt to say to the President of the United States and to the U.N. Security Council, "Sorry, but regardless of the conditions in the world, you are limited to a specific dollar amount for peacekeeping operations. And the world can change overnight, but sorry, our green eye shade is more important than world considerations." I do not think that makes any sense, not if we are trying to preserve American power and influence; not if we are trying to prevent the loss of American lives; and not if we are trying to prevent the loss of other lives and to bring stability into the world.

So what this amendment simply tries to do is to eliminate the pretentious action on the part of this subcommittee which says that this subcommittee somehow has the right, on mandatory contributions to the United Nations, to abrogate to itself the decision as to which peacekeeping operations will be undertaken. I believe that that is an ill-advised decision. I believe, as the Washington Post describes, that that is "playing" at foreign policy, and I think it is extremely dangerous.

I congratulate the gentleman for offering his amendment, because in the end, we have no choice but to provide these funds under the rules which we ourselves wrote almost 50 years ago.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Kentucky reserves his time and his point of order.

Mr. JACKSON of Illinois. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Illinois for his leadership.

Mr. Chairmán, the gentleman from Wisconsin, the ranking member of the Committee on Appropriations, asked some questions that I think bear repeating, and that is whether or not we remove from the appropriate officials in the administration, the appointed United Nations ambassador, the Secretary of State, the vital responsibilities of ensuring that we adhere to our word of being a Nation of peace and not of war.

Just a few days ago, Mr. Chairman, I sat in the United Nations Security Council meeting watching the very effective work of our ambassador, arguing about ensuring that peacekeeping in the Democratic Republic of the Congo was reinforced by the U.N. Security Council, by ensuring that Uganda would restrain from any actions to the contrary. Generally the discussion of the U.N. Security Council of the U.N. was regarding peace. It was that debate that made me have a clearer understanding of the vital necessity of ensuring that the United States does not pull away from peacekeeping and continues to fund our collaborative peacekeeping efforts with the U.N.

Just a few weeks ago, several refugees in Houston went home to Kosovo. I heard the negative comments when we were in the midst of a Kosovo conflict, that we should not be involved. Yet today, however uneven as it is, there is peace in Kosovo.

Now, this legislative initiative, this appropriations bill does not provide the funding that we need to ensure that on the continent of Africa, we can likewise have peace. There is a commitment by the United Nations Security Council; there is a commitment by other African nations to be able to provide support in areas like Sierra Leone, in areas like Ethiopia and Eritrea, where peace is imminent. How can we instruct our administration not to engage in efforts to secure such peace?

How can we do that when we have 37,000 U.S. troops as peacekeepers in South Korea? How can we do that when we have 5,500 troops in Bosnia and nearby countries participating in or contributing to the stabilization force? How can we discriminate against the peacekeeping efforts on the continent of Africa when, in Sierra Leone, arms of farmers and children are being hatcheted off?

Mr. Chairman, I think we do ourselves a disservice and we are not befitting of the name "America" if we say that we cannot help secure peace in the world.

I support this amendment. I congratulate the gentleman. We must be supporters of peace. Let us vote for this amendment.

The CHAIRMAN pro tempore. The gentleman from Kentucky (Mr. ROGERS) reserves his time and his point of order.

Mr. JACKSON of Illinois. Mr. Chairman, I would like to inquire of the distinguished chairman of the subcommittee as to whether or not he was going to use any of his time, because I do have a number of speakers; and if he is not going to use it, I would certainly be willing to accept of it if he is willing to offer.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, at this time I will be the only speaker, and my intent is that the gentleman would use as much time as he desires, and then I would conclude with whatever remarks I have.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. SERRANO), the ranking member of the subcommittee.

Mr. SERRANO. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me quickly make two points: first of all, a personal point and then an observation in general.

Personally, anyone who has followed me during these 10 years that I have been in Congress knows that I am very outspoken on my country being involved in military activities throughout the world. On many occasions, when we have been involved in the last 10 years, I have spoken against it because I have questioned what we were doing in certain places.

Secondly, I, as the gentleman from Wisconsin (Mr. OBEY) and so many of us do, recognize that the world has changed in such a way where we are truly the last strong standing superpower. So with that comes a responsibility, in my opinion; and the responsibility is especially what we have been doing the last few years throughout the world, and that is joining other countries in peacekeeping operations.

I can see no better way to use our military forces than in attempting to keep the peace rather than engaging in war. Unfortunately, the whole world has not changed the way some places have changed, and so we have areas of the world where there are serious problems still going on, and we can either stand by and allow some of these things to happen, or we can take a role.

Well, I cannot double-talk. I did not want us to take certain roles of going in and joining one side and fighting the other. But what we are doing now I think is honorable, and it is humane and it is proper, when we go in as part of the U.N. to participate with other countries in keeping the peace.

So at this point, I think it is totally improper for us in this subcommittee, in this Congress, to tell our administration to tell our leaders, and I will take the same position should there be new leadership in the future at the White House, that we should not take the role of saying, we cannot participate, and in keeping the peace.

What this bill does, and what this whole message is is that we do not care, we do not care what happens throughout the world, and we do not care what role we play.

Let me just close by repeating again. I am not one of those who supports our military actions, but I do support our peacekeeping actions.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself 1 minute.

I want to be very, very clear, Mr. Chairman. This amendment restores the President's request of $240 million to international peacekeeping activities. What this report, the bill that the Congress of the United States will be voting on in a moment specifically targets and eliminates peacekeeping in Africa. So it is okay to do peacekeeping in Europe, it is okay to do peacekeeping in other parts of the world, but we do not want you in Western Sahara, Sierra Leone, the Democratic Republic of the Congo, we do not want you anywhere else unless we will resubject this money to reprogramming and therefore, redefine all peacekeeping missions.

As of June 2000, only 826 Americans, that is 791 civilian police and 35 observers are serving in U.N. peacekeeping operations. That accounts for only 2.3 percent of the 3,535,546 U.N. peacekeepers worldwide. There are currently no American military troops serving in U.N. peacekeeping operations.

Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong support for the Jackson amendment. I only wish we had more opportunities to discuss America's constructive involvement in global affairs.

Mr. Chairman, peacekeeping is not intervention; peacekeeping is the promotion of peace and security. It is the international cooperation required for a war-torn region to transition from militarization to democracy. In many areas of the globe, international peacekeeping missions are the only lines of defense against ethnic cleansing. We need look no further than Kosovo or East Timor to know that our participation saves lives.

The amendment before us would add $241 million to our peacekeeping contributions. This modest increase should not be controversial, given the state of the conflict in this world. Frankly, the $498 million line item for peacekeeping in this bill falls well short of our international commitments. I think we are ignoring fundamental needs globally, but particularly in Africa. The language of the report is particularly insensitive to African needs.

I want to just quote several pieces here over a page, the first line of each of several paragraphs. The committee recommendation does not include amounts requested for certain peacekeeping missions, including MINURSO in Western Sahara, UNAMSIL in Sierra Leone, MONUC in the Democratic Republic of Congo. And then the committee is particularly concerned about the future of the UNAMSIL mission in Sierra Leone. The recommendation does not include requested funding for the MONUC mission. And then, the recommendation again does not include funding for the MINURSO mission. Then, the recommendation does not include requested funding for the Angola Monitoring mission. Again, the committee recommendation does not include funding requested for a new mission for Ethiopia and Eritrea.

Of all of our peacekeeping efforts around the globe, all in Africa are underfunded; and virtually nowhere else is that measure being used.

The multinational war in Congo and several recent severe outbreaks of ethnic cleansing and ethnic violence have created enormous humanitarian needs throughout Africa, but especially in Angola, Congo, Sierra Leone, Western Sahara, Ethiopia, Sudan, and Eritrea. America's peacekeeping program is a work in progress. We should not halt that progress; we should keep the U.S. a responsible and engaged actor in the international community by supporting the Jackson-Dixon amendment.

Mr. JACKSON of Illinois. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. WOLF), the distinguished chairman of the Subcommittee on Transportation.

Mr. WOLF. Mr. Chairman, I rise in strong support of the Jackson amendment. I have visited Sierra Leone in December of this year, along with the gentleman from Ohio (Mr. HALL). We went into camps where we saw many people with their arms cut off.

Before I talk about that, let me just mention a little bit about Sierra Leone. Sierra Leone was founded by William Wilberforce. He was a strong Christian believer in the British Parliament, and John Newton, who wrote the words to Amazing Grace that all of us have sung, was a slave trader in Sierra Leone and was picked off up the island, and after that, had a religious conversion and became a man of great faith with the whole goal of abolishing the slave trade in Great Britain. On the death bed of William Wilberforce, they abolished the slave trade.

This young girl had her arm cut off by the rebels, and if there is not some peacekeeping operation in Sierra Leone and other countries, the rebels will continue to cuff off arms. They go into a village, and they ask them to draw out a piece of paper; and it may say right arm or left arm, and then they say, do you want a short sleeve or a long sleeve? If you say you want a short sleeve, they cut your arm off between your elbow and your shoulder. If you want a long sleeve, they cut it off between the wrist and the elbow.

We saw another young lady who was pregnant, 13 years old, with both of her arms cut off. In Sierra Leone, they take young women into the bush with the rebels for sex slaves, and when we talked to the Italian doctors in the City of Freetown, they said every young lady who came in was infected with AIDS.

□ 1715

There were thousands of people killed in Sierra Leone in the last several years. The life expectancy in Sierra Leone is 25.6 years. It is the lowest, in Sierra Leone, of any country in the world.

In the Congo, that this amendment would also help, 1.7 million people have been killed in the last 22 months, 1.7 million people, and 35 percent are under the ages of 5. Without the Jackson amendment, the guerillas, the Sankohs and the Charles Taylors and all those other people can continue this action whereby women are taken away as sex slaves and children are losing their arms and moms and dads live in terror.

For that reason, and for those who remember the legacy of William Wilburforce who became a believer, standing in the House of parliament to abolish the slave trade, and when we think of the words of John Newton in Amazing Grace, think of the Jackson amendment that will allow the peacekeepers to come and keep peace.

I do not want American soldiers to go to Sierra Leone or to the Congo, but when the peacekeepers are willing to come from the U.N. to keep peace so this little girl does not lose her other arm, then I think it is a worthwhile version.

So I say to my colleagues on both sides of the aisle, this is a good amendment. This will help bring some sort of peace, and make it whereby moms and dads can raise their kids in some sort of semblance of peace, not only in Sierra Leone but in the Congo and other places.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me also add that I want to thank the distinguished gentleman from New York (Mr. CROWLEY) for his support of this amendment.

Mr. JACKSON. Mr. Chairman, I am honored and privileged to yield 2 minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support for the Serrano-Jackson-Dixon-Crowley amendment to increase peacekeeping by $241 million.

United Nations peacekeepers perform the critical functions that help maintain peace and stability. Many U.N. peacekeeping missions have brought about successful results in El Salvador, in the Middle East, and in Mozambique.

As a member of the Subcommittee on Africa, I am especially concerned about the prohibition on new peacekeeping missions in Africa. This prohibition really does send a message that Africa does not matter, and that promoting peace in Africa is of no concern to this Congress.

Many of us here strongly disagree. Africa does matter because it is a continent of vast resources, enormous diversity, and millions of people whom the world has neglected and exploited. Years of colonization have balkanized the continent of Africa. The least we can do is to support a strong United Nations peacekeeping mission on the continent of Africa.

In February, the President declared AIDS in Africa to be a threat to national security. It is our moral obligation to fight the war on HIV and AIDS. To do that, however, Africa must have peace, security, and stability.

I urge my colleagues to support this amendment. I stand here to really challenge all of us in the United States to be a leader, not just in Europe, not just an Asia, but also in Africa.

Mr. JACKSON of Illinois. Mr. Chairman, I am proud to yield 4½ minutes to the gentleman from New Jersey (Mr. PAYNE), the ranking member on the Subcommittee on Africa.

Mr. PAYNE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Jackson amendment to the Commerce-State-Justice bill, H.R. 4690. Let me commend the gentleman from Illinois (Mr. JACKSON) for putting in this commonsense amendment. It is simply nothing more than that. It is common sense.

Why is it common sense? It is common sense because, as we have heard a previous speaker say in a very eloquent appeal, the gentleman from Virginia (Mr. WOLF), that the United States is the number one nation in the world. Our country is experiencing all-time heights in the stock market, the quality of life, unemployment, profits.

Here we have a nation that is number one in the world, a nation that spends this year $310 billion on defense, many on these weapons that make war. These weapons are to supposedly defend ourselves against the enemy. We really have no enemy that we can see. The USSR is gone. We have potentials all around, but there is no threat as there was in World War II and as there was in World War I, or as there were during the Cold War.

As we spend $330 billion making weapons of war, B-2 bombers, MX missiles, and *Sea Wolf* submarines, we say that we cannot afford $2.7 billion to preserve the peace; not to make the war, but to preserve the peace.

Can it be that these are people whose skin is black? Can it be because these are people who struggle daily simply to eke out a living? They do not buy our cars, they do not buy our equipment, they do not buy our televisions, they do not buy our computers. So does that mean that these people do not count? They are human beings, like everyone else. When their fingers are cut, the little children, the blood is red. When their bellies hurt, their eyes show the pain.

Why can we then say as a nation, the home of the free, the land of the brave, that we cannot put $2.7 billion in to preserve the peace? This is a disgrace. It is a shame. I almost feel that it is an embarrassment being a Member of this House, where we talk about taking money out that will preserve the peace.

We are not talking about sending U.S. troops there to be in harm's way. We do not do that anymore. The French did it in the Congo when they went in and protected several million people. The British just went into Sierra Leone. But we do not now do that, and we are not asking us to do that, since we do not do that anymore.

But we cannot give $2.7 billion so Ethiopia and Eritrea can stop the conflict? They want to do it, they are ready. They simply want some observers in to make sure that things are even. There is the Congo, with seven nations battling and saying, we are willing to step back if you send the U.N. in. There is the situation in Sierra Leone. They are ready to say, at least we need a semblance of peace and justice. Let the U.N. come in and all sides will agree.

And we are saying that we do not want to send $2.7 billion of United States taxpayers' money to this region? Why? I am still trying to find out the reason why. Is it because their skin is black? Is it because they are poor? Is it because they have been exploited by the Cold War? No blood was shed during the Cold War except in Africa.

Mr. Chairman, we have supported Mobutu, a despot, a tyrant, for 30 years, who stole from and ravaged his country, but the U.S. supported him. That is one of the problems in the Congo today, because of the legacy of Mobutu. We cannot now send $2.7 billion to the United Nations to try to undo what we have done? It is wrong. I would urge that we pass the Jackson amendment.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Illinois (Mr. JACKSON) is recognized for 4 minutes.

Mr. JACKSON of Illinois. Mr. Chairman, we have heard from the various speakers on our side of the aisle just how complicated this bill is for sub-Saharan Africa.

Not long ago, this Congress voted on a new relationship with sub-Saharan Africa, the Crane-Rangel bill, 309 yeas, 110 nays, to establish a new premise for relating to sub-Saharan Africa. Trade, not aid, was the mantra that was offered by Democrats and Republicans in this Congress to establish a new relationship with sub-Saharan Africa.

Now the rubber meets the road in the Commerce-Justice-State appropriations bill where, when it comes to providing not only trade but providing sustainable development and peace in a region that wants to work its way out of its economic condition and provide economic hope for its people, the United States government, through this report, has determined that funding peacekeeping missions in sub-Saharan Africa is not worth our time or worth our money.

It does not say that about Kosovo. It does not say that about U.N. missions in other parts of the world. It specifically singles out in this bill Africa for no peacekeeping resources.

At the conclusion of World War I, President Wilson proposed a League of Nations to keep World War I from ever happening again. Because it did not pass through the political process in our country and around the world, quickly we found ourselves involved in World War II, which led, at the conclusion of World War II, to the idea of a United Nations.

Why a United Nations? The United Nations, with all of its problems, was brought into existence as an early warning system for Hitler. It was the early warning system in the latter half of the 20th century to determine if another fascist, another tyrant, another totalitarian regime began moving, not only on U.S. interests but on world interests.

That is why peacekeepers came into existence, as an early warning system to provide people in the world an opportunity to rally behind an international governing body that could indeed determine that undemocratic practices were taking place somewhere in the world.

So what does this bill do? It challenges that very basic premise. It says that $100 million of this particular bill, unless the U.N. balances its budget like we are balancing our budget, should not go looking for despots or tyrants. It says that peacekeeping should not be done in Africa, do it everywhere else in the world.

It would be one thing if the chairman and the distinguished committee could hide behind, could hide behind this amendment, but the reality is that it cuts Africa.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I rise in support of the gentleman's proposition. I understand the administration has increased somewhat the monies for international peacekeeping, but the monies are critically needed, and although I did not have the opportunity, unfortunately, because I was late getting to the floor, to hear all of the comments of my distinguished friend, the gentleman from Illinois, I think we all agree that the United States' interests, our strategic interests, are served by fully participating in the U.N. peacekeeping process.

It is my understanding that there is not an American soldier right now involved in U.N. peacekeeping efforts outside of Kosovo, which is an OSCE, essentially, with U.N. participation. The fact of the matter, though, is I think we are foolish if we do not fund our fair share. One could argue about fair share, but in my view, we are certainly at this level, at this level, paying a share that is less than some other countries on a per capita basis.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. JACKSON) has expired.

Mr. JACKSON of Illinois. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Without objection, 1 additional minute is granted to each side.

There was no objection.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I think we should pay our fair share.

My father was born in Copenhagen. I visited Bosnia some years ago. There were 985 Danish troops in Bosnia. That was more troops per capita than any other Nation on Earth. Obviously, they were not the largest contingent that was there, but in terms of the commitment they were making it was, relatively speaking, the largest.

The United States continues, obviously, to make the most significant contribution in many areas of the U.N., relatively speaking, not only to our wealth and our capabilities but also relative to the consequences that will occur if the U.N. peacekeeping efforts are not successful.

In other words, the investment we are making in keeping the peace frankly is not only saving us money, it is also saving us risk at putting additional assets deployed in those areas. So I would urge my colleagues to adopt this amendment and increase to the President's level.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself the balance of my time, and thank the gentleman from California (Mr. DIXON) and the gentlemen from New York, Mr. CROWLEY and Mr. SERRANO, for bringing this very important amendment to the people.

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the amendment.

□ 1730

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me try to dispel some misunderstandings about peacekeeping and what we fund in this bill. For example, we did not fund in this bill the NATO mission in Kosovo. We fund the peacekeeping portion of the effort in Kosovo, after the peace was won.

We did not fund the war-stopping measures in East Timor. Australia did that. They established peace, and then we fund the peacekeeping U.N. contributions.

This bill does not fund the effort to establish order in Haiti. We approved the funding for the peacekeeping in Haiti after the peace was established.

And the same will be true of Sierra Leone, Congo, Ethiopia, anywhere else in the world that the U.N. is the appropriate vehicle to keep a peace. The U.N. cannot make peace. The U.N. can keep, hopefully, a peace. That is where we are now.

Mr. Chairman, let me correct another misconception, that we do not provide adequate resources for U.N. peacekeeping. This bill contains $500 million for our share of U.N. peacekeeping. And I would point out, our share, the U.S. share, up until recently, was 30 percent and the rest of the world paid the balance. But we paid by far the biggest share and still do. Our share now is 25 percent, not only of peacekeeping but of the regular U.N. dues.

But we provide $500 million in this bill for peacekeeping operations of the United Nations. We are pulling our fair share. Let no one dispute that. If there is disagreement about the appropriate numbers of dollars in the U.N. peacekeeping missions, go talk to our friends in England and Japan and Greece and the rest of the world.

China, about paying a better share of the costs of U.N. peacekeeping. Do not tell me that the United States is not a big-time partner in peacekeeping around the world. We pay a fourth of the costs, not counting what we contribute militarily, which does not count in this budget, for transporting troops all over the world in our planes, our fuel, our ships, our troops, in transporting people all around the world for peacekeeping missions.

Now, in the year 2000, this current year, we gave the U.N. a 120 percent increase in the number of peacekeeping dollars that we contributed. It went from $231 million in fiscal 1999, we increased that to $498 million in this current year. Now, what the administration is requesting is an increase of that figure by $241 million. We do not provide that additional increase because these missions are not quite ready yet.

Earlier on, we thought Sierra Leone was ready. There was a peace agreement. The U.N. voted for a peacekeeping mission to keep the peace in Sierra Leone. We approved the reprogramming monies and we sent $42 million to the U.N. for the peacekeeping operation in Sierra Leone, so we have approved that. Now they want more for Sierra Leone. But by everyone's account, Sierra Leone has now descended back into warfare for which the United Nations is not equipped. We all know that. Secretary General Annan says that.

Now, there is a misconception about how peacekeeping monies are spent and how they are doled out. Every year, the Congress approves a sum of money for U.N. peacekeeping assessments. That money stays in the peacekeeping account. When our Ambassador to the U.N. is preparing to vote for another peacekeeping mission, they are required by law to notify the Congress, this subcommittee, and the Congress in general, of their intent to vote for another peacekeeping mission at the U.N. Security Council, along with a reprogramming request of us to take from the $500 million account and apply so much to that peacekeeping mission.

They did so with Sierra Leone back in February and, pronto, the Congress approved. We reprogrammed $42 million from the general account for peacekeeping for that particular mission. And as we all know since that time, Sankoh and the rebels have gone back on the attack and Sierra Leone is no longer working under a peace agreement for which the U.N. could keep the peace. It has descended back into warfare and we are withholding the reprogramming of further Sierra Leone peacekeeping missions until order can be restored.

Now, how does that take place? How can order be restored in Sierra Leone so that the U.N. can keep a peace? The same way we did in Kosovo. In Kosovo, the regional power went in with military force, led by NATO, the U.S. being a big portion, of course, and restored a peace. Now we are funding a peacekeeping mission through the U.N. in Kosovo.

What happened in East Timor? We relied upon Australia, the regional power, to go in militarily. Not with U.N. peacekeeping dollars, but other money. Military aid to establish the peace in East Timor. Now we have sent U.N. peacekeepers to East Timor because there is a peace to be kept.

It happened that way in Haiti. The U.S. was the regional power. It can happen that way in Sierra Leone. How? By equipping militarily Nigeria, the regional power, with U.S. dollars. It is not peacekeeping monies. It would come out of the Defense Department or from foreign military assistance in the foreign aid bill, not this one, to directly militarily assist Nigeria to go into Sierra Leone and establish a peace which can be kept by the U.N.

Mr. Chairman, we are discussing that with the administration. Ambassador Holbrooke is working night and day for that very objective. We are conferring with him almost daily in that respect. Do not expect the U.N. peacekeeping mission to be able to go in and fight a war. They cannot do that. We learned that in Somalia. We have learned it all around the world. Let us not relearn a lesson that has cost American lives as in Somalia and other nations, military personnel, peacekeeping personnel, as we have learned, unfortunately, only recently.

Last November, Secretary General Kofi Annan was quoted as saying,

> Peacekeeping and warfighting are distinct activities which should not be mixed. Peacekeepers must never again be deployed into an environment in which there is no ceasefire or peace agreement.

I agree with that entirely. But the U.N. apparently is not following its own advice. Right now the largest U.N. peacekeeping mission in the world is in Sierra Leone, a country where there is now open warfare. U.N. peacekeepers kidnapped, some 500 of them, by Sankoh and the rebels. The U.N. has demonstrated absolutely no capability to restore and enforce peace there. And we did not expect them, frankly, when they were sent there earlier on, to get into an open warfare situation. Nineteen peacekeepers are still captive. Another 230 surrounded and detained. They are not trained for warfare. We all know that.

The British came in and prevented a total collapse by the U.N., but now the British are withdrawing and the U.N. is likely to be challenged again.

The U.N. commander in Sierra Leone recently tried to explain why his troops surrendered without a fight and were taken hostage last month. He said they were taken hostage because they were, quote, "using the weapon we know best: Negotiation. We did not want to use force. We did not come here for war." End of quote. The commander of the U.N. in Sierra Leone.

If the task at hand is negotiation, peacekeeping, obviously the U.N. should take the lead. When the task at hand is to fight a war, the U.N. is the wrong tool for the job. Do not expect them to be able to fight a war. They are not equipped for that. They are not trained for that.

So what is the U.N.'s response so far to renewed fighting in Sierra Leone? More personnel. More potential hostages or worse, casualties. More chaos and violence for the citizens of Sierra Leone. The U.N. expanded the force to 11,000, then to 13,000, soon to 16,500, yet that force is not equipped. It still has poor logistics and poor communication. Even reports of direct insubordination within the command. They ran when the rebels attacked and then surrendered. I believe it is a recipe for disaster.

Mr. Chairman, we have urged the administration to pursue other policy options to bring peace first to Sierra Leone, if that is indeed possible. And the only way to do that, unless it is direct U.S. military personnel, is to equip and arm Nigeria and allow them to establish a peace to be kept in Sierra Leone.

If my colleagues agree with the U.N.'s undisciplined, uncontrolled approach to peacekeeping, then they should support the gentleman's amendment and the administration's funding request, a second consecutive annual increase of over $200 million. This approach led to disaster in the past and it will again.

The bill in front of us today holds U.N. peacekeeping at the elevated level that we gave them in the year 2000, a 120 percent increase over fiscal 1999. It will help the administration to argue against the wishful thinking of those at the U.N. who believe that placing U.N. personnel into combat zones will magically bring peace. As we so tragically now know, that does not take place.

We have to make difficult choices in this bill to live within the allocation we were handed. We have not targeted peacekeeping money for reduction. We have simply held it at the current elevated level of last year the current year, which we have had to do in so many other accounts in this bill. We do not prohibit peacekeeping missions anywhere in the world. That is just not in this bill.

No offset is proposed in the gentleman's amendment. This is the exact same amendment that we rejected in the full committee 2 weeks ago, and were it not to be the subject of a point of order, I am confident that that would be the case in this body.

Mr. Chairman, let me say this in conclusion. I hope that the administration will equip the Nigerians with whatever military capabilities are needed to establish a peace in Sierra Leone. In that case, monies will be approved for a peacekeeping mission in Sierra Leone by the U.N., as it should be. The same, frankly, will be true in the Congo when there is a peace to be kept, as there is not today. The same will be true in Ethiopia/Eritrea. In fact, since the bill was marked up, there has now come about a peace agreement in Ethiopia and I am sure we will receive soon a request for peacekeeping reprogramming funds from the general account to a peacekeeping mission in Ethiopia to keep the peace established by that accord. There is a peace apparently to be kept in Ethiopia and it will be funded in due course of time.

But I plead with my colleagues, understand the limitations that the U.N. has in bringing about peace. They can negotiate, they can keep a peace once it is established, they just do not have the capability to wage war.

□ 1745

They are not a war-fighting organization. They are a peacekeeping organization. We fund peacekeeping in this bill. They fund war-fighting in other bills.

So I would hope that my colleagues will understand the position that this chairman and this subcommittee take. We support peacekeeping when there is a peace to be kept. We understand the U.N. cannot fight wars. Only a militarily capable entity, such as NATO or such as a regional military power, like Australia, Britain, the U.S., others, Nigeria in Sierra Leone's case, establish a peace to be kept.

I say to my colleagues that once that peace is established, and there is a peace to be kept and the United Nations asks the U.S. to share in the cost of the peacekeeping mission to the tune of 25 percent, this subcommittee will reprogram funds from this account to fund that peacekeeping mission, wherever it is, Sierra Leone, the Congo, Ethiopia, Haiti, East Timor, Western Sahara, and others. There are many of them going on at this moment.

Mr. PAYNE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from New Jersey.

Mr. PAYNE. Mr. Chairman, I appreciate the gentleman yielding to me.

Let me say in regard to a few of the figures the gentleman raised, the gentleman talked about the fact that the U.S. had 30 percent of peacekeeping and now it has reduced this appropriations down to 25 percent and there is a move to even reduce it further. The way the U.N. assesses dues is based on GDP. The U.S. has 28 percent of the world's wealth. And as we continue to reduce our contributions to the United Nations, we are actually paying less.

As we reduce our contributions down from 25 to 22, and we want to go to 20, that means that the poorer countries in the world will have to pay a disproportionate share, as we pay less than our share. So we are not paying more; we are actually paying less than the world standards of how assessments are done.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, if the gentleman will look at a table of the nations that contribute to U.N. peacekeeping, the gentleman will find that five nations pay better than 90 percent of the total peacekeeping costs. Most of the countries of the world, the countries the gentleman has mentioned, pay a fraction of 1 percent. China now pays, I think, less than 1 percent. Japan pays around 10 or 11 percent. They are beginning to pull their fair share. Britain pays a good fair share. Germany needs to be increased, and others.

The poorer nations of the world will not suffer if the rate of contributions of the other industrialized nations come up to where they are now, not the GDP they had in 1945 when the U.N. was formed.

That is not the question in this debate, however, the U.N. contribution rate of the U.S. We will take that up in another setting, perhaps. The point I want to make to the gentleman in relation to the amendment that has been offered is that we will fund our share of peacekeeping costs of the U.N. where there is a peace to be kept. And in Sierra Leone I hope to God that a peace can be established there by Nigeria or some regional power for us to be able to keep. The same is true in the Congo, in Ethiopia and East Timor.

Mr. PAYNE. Mr. Chairman, if the gentleman will continue to yield, on the question of Sierra Leone, I think there were 300 peacekeepers. Now, if there were 300 Nigerian troops at that point surrounded by several thousand RUF, I think the conclusion would probably be about the same. I think that it was not the fact that they were peacekeepers. I think that if the adequate number that was supposed to be in that country could be deployed there, I do believe that there would have been a very different outcome.

Also, in Ethiopia and Eritrea, they are saying that they are ready to end all of their hostilities and they have signed a peace accord. But they have said that they want the U.N. peacekeepers in there now so they can all withdraw. They do not trust each other. If we do not send in the U.N. peacekeepers, there is no regional power in Ethiopia or Eritrea.

Mr. ROGERS. Well, reclaiming my time, I have already said to the gentleman that we may yet approve a peacekeeping expenditure for Ethiopia. There has been an accord signed since we marked the bill up. That will be forthcoming. We could reprogram money from this account for a peacekeeping mission in Ethiopia. The same is true for Sierra Leone, when there is peace to be kept.

But the peacekeepers of the U.N. sent to Sierra Leone are not equipped to fight. They are equipped to keep the peace. We should arm Nigeria to the point that Nigeria can go in and take care of Sankoh and the other rebels that are causing so much havoc in that poor country. But we have to have a military capable force, and Nigeria has it. The U.N. does not want it, nor do we want them to have a war-fighting capability.

So Nigeria, I think, is the solution to the Sierra Leone lack of peace. And Nigeria cannot do that unless we equip the Nigerian military force with the power capable to make that happen.

Mr. PAYNE. Mr. Chairman, if I can ask the gentleman to continue to yield for just a few quick seconds more.

Let us take the Congo. In the Congo I have spoken to heads of State just a day or two ago, the main belligerents, that is what they are called, the aggressors, they are waiting for the U.N. The reason there is a skirmish here and a skirmish there is because of the vacuum created by the lack of, as there are, retreating troops.

So I would say to the gentleman that I think he is lumping together three or four places under one wand. I think that is a mistake, because they are all very different. And I do believe that we can have the peace without the conflict of war in some of these places, therefore even saving casualties from those regional powers.

So I would urge the gentleman, as I yield back to him, if there could be a rethinking of this issue, we would appreciate it.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I certainly appreciate the gentleman's willingness to work with us on these critical issues.

When the chairman mentioned the word reprogramming, as it is specifically laid out in the context of the report, is the chairman, one, talking about reprogramming of the appropriated amount of $500 million? That is, possibly taking money from some other peacekeeping force. Or is the gentleman talking about an additional appropriation that is towards the President's request for additional peacekeeping missions?

Mr. ROGERS. Reclaiming my time, Mr. Chairman, as I explained before, the way this rather unique account is operating, the way we operate it, we appropriate, or the Congress does, an annual sum of money for peacekeeping contributions to the U.N., in this case $500 million. During the year, the administration, when they propose another peacekeeping mission at the

U.N., they are required by law to notify the Congress 15 days in advance of that vote at the Security Council, a notification that they plan to vote for a new mission; and, two, a reprogramming request from this account, or some other peacekeeping mission that is not quite ready yet for monies to go into that particular new peacekeeping mission. That is the way that has been operating for a long time.

Sometimes each peacekeeping mission has different spend-out rates. Some spend quicker than others. There is always money in that account to be changed from one to the other or drawn from the general account.

What the bill proposes is $500 million, the same as the current year, for the peacekeeping account, which is a 120 percent increase over the figure we gave similarly in 1999. So we have kept them at the elevated 120 percent increase over 1999 in this current bill. There should be sufficient monies for them to do the peacekeeping missions where the mission is ready for monies to be spent. It is not ready in Sierra Leone nor in the Congo. It probably will soon be in Ethiopia.

Mr. JACKSON of Illinois. Mr. Chairman, if the gentleman will continue to yield for one final inquiry. The chairman is well aware that the Helms-Biden agreement dictated and requires the Congress to provide 25 percent of the total cost of these operations. Is the chairman aware of any implications the cap that is placed on this bill would have on the existing operations, and its impact on an agreement that was worked out between Senator HELMS and Senator BIDEN?

Mr. ROGERS. I am not sure I understand the gentleman's point.

Mr. JACKSON of Illinois. My understanding was that this request is not coming from the administration purely out of the context of requirements dictated by a compromise worked out between Senator HELMS and Senator BIDEN, and that is presently our obligation, as required by law, is to fulfill 25 percent of the total cost of these operations; and that any failure by us to pay will affect the U.N.'s ability to effectively carry out all of the missions.

I was just wondering if the chairman was aware whether the cap the chairman has placed on the amount from the House mark might indeed have broader implications for that understanding.

Mr. ROGERS. I do not see that it would.

Mr. JACKSON of Illinois. I thank the chairman for yielding.

Mr. CROWLEY. Mr. Chairman, I speak today in strong support of the Dixon, Jackson, Crowley, Jackson-Lee amendment to the CJS Appropriations Act to increase appropriations for international peacekeeping by $241 million.

First, let me thank Representative JACKSON for his strong leadership on this issue. It is a pleasure to work with him on such a worthy effort. I would also like to thank Representative DIXON for his strong leadership on this issue. He led the fight in committee on behalf of peacekeeping and the United Nations and I thank him for his efforts. I would also like to thank Representative BARBARA LEE, Representative SERRANO, and Representative SHEILA JACKSON-LEE for their support.

Mr. Chairman, today we are forced to debate, again, an issue that was settled under the Helms-Biden legislation—the issue of our international peacekeeping contributions.

As many of you in this body know, the Helms-Biden legislation includes a provision in which the United States unilaterally reduced our peacekeeping contribution by 5 percent.

As I said, this was a unilateral move. We have not gotten agreement from the U.N., or even our allies at the U.N. We simply did this on our own.

This year, the administration has sent a budget up to Congress, adhering to the Helms-Biden law and determined that it will cost approximately $738 million to fund our share of international peacekeeping at the congressionally agreed upon level of 25 percent.

But that is not what was done in this legislation. Instead, the CJS bill has cut the administration's request by one-third, and provided funding at a level of $498 million.

Additionally, a number of restrictions have been placed on this funding prohibiting support for U.N. peacekeeping missions in Sierra Leone, the Democratic Republic of Congo, Tajikistan, Western Sahara, and in Ethiopia and Eritrea.

This low funding level and the arbitrary restrictions are dangerous.

Peacekeeping is an important foreign policy tool and vital to U.S. national security. To quote from the State Department's FY 2001 presentation and justification for funding:

> United Nations peace operations directly serve the national interests of the United States by helping to support new democracies, lower the global tide of refugees, reduce the likelihood of unsanctioned interventions, and prevent small conflicts from growing into larger wars.

Failure to control conflict can result in the spread of arms trafficking, increased trade in narcotics, terrorism, increased refugee flow, increased instability, child soldiers, and the list goes on.

Mr. Chairman, some regions of Africa are experiencing medical emergencies of biblical proportions due to the AIDS virus and other infectious diseases. Because of the conflicts in some areas of Africa, vital health care and other services are nearly impossible to administer. Peacekeeping missions in Sierra Leone and the Congo and elsewhere would help change this and allow vital health care programs to reach civilians in war torn regions.

Mr. Chairman, peacekeeping is inexpensive compared to the alternatives—war and instability.

Any administration, including Presidents Reagan and Bush, would object to the restrictions and the low funding level in this legislation.

Of current U.N. peacekeeping missions, at least 5 are less than 2 years old. To set an arbitrary cap now makes no sense. You are denying these missions even the opportunity to succeed.

In the Middle East, the mission in Lebanon significantly increased this year with the Israeli withdrawal. By under funding peacekeeping, are we not implicitly sending the message that Middle East peace is not vital to U.S. national security?

Yes, congressional oversight is important. That is why the State Department briefs Members every month on current peacekeeping operations. That is why Congress is notified 15 days before new or expanded missions are voted on in the U.N. Security Council, where the United States can veto any mission we disapprove of. That is why the appropriators are consulted before funding is reprogrammed. But under this legislation, the Congress is overreaching with the funding limitations.

But this report goes further and sets international policy on peacekeeping by tying the President's hands and ignoring U.S. treaty obligations to fund these missions.

As I said, our assessment is a little over 30 percent. Under Helms-Biden, we lowered it to 25 percent unilaterally. We then instructed the State Department to negotiate with U.N. member countries to get an agreement on the 25 percent level. Now, we are failing to even meet the 25 percent level under Helms-Biden.

Last year, the United States began to rebuild its credibility and pay its financial obligation to the United Nations.

Today, we owe the U.N. $1.2 billion according to our own State Department; $993 million of these arrears are due to our failure to pay our peacekeeping assessment.

There is $56 million in prior holds—$612 million from earlier cuts—$202 million for the legislative cap on peacekeeping (which is our unilateral cap of 25 percent and $123 in nonlegislative categories.

This does not even include what we are now withholding—about $93 million in past due bills for FY 2000; plus the peacekeeping supplemental request of $107 million for FY 2000 that are not approved. Plus $225 million in reprogramming holds.

And now a $241 million cut in the administration's request.

If we continue on this path, we'll be back in the same situation with our arrears as we were a year ago.

As Ambassador Holbrooke said, "not paying our assessments to these peacekeeping operations would be disastrous."

Mr. Chairman, I know our amendment is subject to a point of order. But I would urge the chairman to accept this amendment or allow a vote on this issue. Let the Congress speak.

Mr. GILMAN. Mr. Chairman, I rise in reluctant opposition to the Dixon amendment. I am fully aware that there are some strong arguments that can be made on behalf of the need for U.N. peacekeeping and the need for U.S. support for these operations. We should try to meet our financial commitments especially in light of our ongoing efforts in New York to reduce our current U.N. peacekeeping assessments.

However, United Nations peacekeeping operations are in deep trouble today both in New York and in the field. In some missions, we see an all-too-familiar pattern where the peacekeepers are caught in the middle of cease fires giving way to armed conflicts and regional peace agreements dissolving into open conflict among numerous regional actors.

Congress is all too often being asked to fund deeply flawed operations where the administration is unable or unwilling to provide a road map for their restructuring. And throwing more money and more peacekeepers into missions will be fruitless so long as there is no peace to keep.

Earlier this month, our Permanent Representative to the U.N., Ambassador Richard Holbrooke, told the world body that it must "transform its civilian-run peacekeeping department into a larger and more effective military style operation if it is to avoid repeated humiliations in the riskier missions it is undertaking around the world." In short, we need a clear and concise blueprint for the reform of the U.N.'s Department Peace Keeping Operations.

Many observers agree that the peace accord underlying the operation in Sierra Leone is now a virtual dead letter and the current U.N. forces are simply not able to handle the military threat from the insurgency movement threatening the government in that beleaguered country.

And to reinforce Ambassador Holbrooke's concerns about U.N. peacekeeping in crisis, the United Nations Secretary General told the Security Council in mid-June that the U.N. itself is being forced to rethink the entire operation in the Democratic Republic of the Congo. Other operations in Europe and Asia need more intensive scrutiny and oversight.

In November of last year, I requested our General Accounting Office to review the expected costs of ongoing and future operations and the extent to which the administration has adhered to its own guidelines for the approval of major U.N. peacekeeping operations.

The report is essential to guide our decisionmaking and review of these operations. Yet the GAO is hardly any closer today to completing this study than it was last year. Unfortunately, the GAO continues to encounter determined foot-dragging and bureaucratic inertia from an administration that continues to give the impression that it is being less than candid with the Congress and the American people about the price tag of U.N. operations and the process under which they are approved.

I would welcome an opportunity to meet with members of the administration to address all of these issues over the coming months and to find a way to provide greater support for U.N. peacekeeping operations in the future.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. This amendment would provide new budget authority in excess of the subcommittee allocation made under section 302(b) and is not permitted under section 302(f) of the act.

I ask for a ruling of the Chair.

The CHAIRMAN pro tempore. Does the gentleman yield back the balance of his time?

Mr. ROGERS. I do, Mr. Chairman.

Mr. JACKSON of Illinois. Mr. Chairman, we concede the point of order.

The CHAIRMAN pro tempore. The gentleman concedes the point of order. The point of order is sustained. The amendment is not in order.

AMENDMENT NO. 66 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 66 offered by Ms. JACKSON-LEE of Texas:

Page 79, line 2, insert before the period the following: ": *Provided further*, That funds made available under this heading may be used for United Nations peacekeeping missions in the Republic of Angola, the Democratic Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the western Saharan region of Africa".

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 1¾ minutes.

My amendment, Mr. Chairman, is offered to clarify and to highlight what is actually happening in this bill. We have just had a vigorous discussion on many of our concerns about prohibiting the United States, in a collaborative way, from fighting or supporting peace. And let me eliminate the word fighting and just say supporting peace.

Specifically, the bill and its supportive language talks about specific countries in which funds that are in the bill cannot be used to help fund peacekeeping missions, and those countries include some that I am listing now: the Republic of Angola, the Democrat Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the Western Saharan region of Africa.

We have already seen a visual depiction on this floor of the violence that is occurring in Sierra Leone where even children are having their limbs hacked off. We already know, that Eritrea and Ethiopia are moving towards a peace agreement or a settlement of their differences.

I, for one, Mr. Chairman, have been to this floor years ago and acknowledged that Ethiopia had a bad human rights record, and I had asked at that time that their funds be held up until they improved their human rights record. But now we are in the midst of seeing a resolution to a long-standing conflict between Eritrea and Ethiopia, which I wish had not started. The way this bill is written, however, it specifically keeps the funds in this bill now from being used for peacekeeping missions in Africa which will impact negatively on their potential peace agreement.

So my amendment specifically adds language that says, yes, America can stand up for peacekeeping; yes, we can participate with the U.N., not in war but in peacekeeping. I think it is a tragedy that we have legislation and have an appropriations bill that denies those dollars, denies our relationship with the United Nations, and denies our ability to help keep peace on the Continent of Africa.

Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

□ 1800

Mr. OBEY. Mr. Chairman, I do not necessarily endorse any individual peacekeeping operation. I do not believe that is my role. But when the committee says and the gentleman from Kentucky (Mr. ROGERS) says that, no matter what happens in the world, that the United States, a year in advance, will declare that it will not provide more than $500 million for peacekeeping arrangements no matter what happens, then I have to say the gentleman from Kentucky (Mr. ROGERS) reminds me of King Canute, the famous king who looked at the tide and said, "Thou shalt not rise."

I say "good luck" to the gentleman from Kentucky (Mr. ROGERS). I am glad he is prescient enough to see ahead of time what our national needs are. I think everybody else in this Chamber is somewhat more humble about our ability to see the future.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I am glad the gentleman from Wisconsin (Mr. OBEY) is entering this debate because the gentleman serves as the ranking member of the Foreign Operations, Export Financing and Related Programs Subcommittee of the Committee on Appropriations.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Chairman ROGERS).

Mr. ROGERS. Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) is the ranking member of the Foreign Operations, Export Financing and Related

Programs Subcommittee of Appropriations, as well as being a ranking member of the full committee.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, correction: The gentlewoman from California (Ms. PELOSI) is.

Mr. ROGERS. Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) is ranking member of the full committee and deals with these matters quite often.

Mr. Chairman, would the gentleman not agree that the way to establish a peace in Sierra Leone is through direct military assistance to Nigeria, the regional power, to establish the peace in Sierra Leone?

Mr. OBEY. Mr. Chairman, this gentleman is not sure what the right way to proceed is on that issue. This gentleman is sure that the gentleman from Kentucky (Mr. ROGERS) was not elected to be Secretary of State and neither was the gentleman from Wisconsin (Mr. OBEY) and for the Congress to, ahead of time, say that, regardless of what happens, only $500 million will be appropriated for peacekeeping is patently absurd.

Why not telegraph to our enemies around the world ahead of time that once we hit the $500 million level, we "ain't going to do nothing about anything?"

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 45 seconds to the gentlewoman from California (Ms. LEE), a distinguished member of the Committee on International Relations Subcommittee on Africa.

Ms. LEE. Mr. Chairman, let me thank the gentlewoman from Texas (Ms. JACKSON-LEE) for offering this amendment.

I just want to make a couple of points with regard to where we are now in terms of U.S. policy toward Africa and vis-a-vis peacekeeping.

Our Congress has begun to promote trade and investment on the continent of Africa. However, these speeches, our votes, for trade and investment on the continent of Africa really become hollow words or deeds with no real teeth in the measures unless we really do support peace and stability on the continent of Africa.

United States corporations want peace and stability. I am sure they support any efforts that this country will be engaged in in order to ensure that the continent is stabilized.

Peace is a prerequisite to development. Funds for peacekeeping missions really will prevent millions of individuals from being killed on the continent of Africa. This is really a minimum investment which our country should step up to the plate to.

I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for offering this amendment. I believe there are millions of African Americans in this country who want their tax money going for such an investment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me close by simply saying this: As the bill is now written, it bars U.N. peacekeeping provisions or funds to be used for peacekeeping by the United States of America in certain countries in Africa.

My amendment allows the existing monies in the bill to be used in Angola, the Congo, Ethiopia, Eritrea, Sierra Leone, sub-Saharan region of Africa. It allows the United States to participate in peace, not in war.

I would ask the chairman to waive his point of order so that we can invest in peace, and I ask that we do so because peace is what America should stand for throughout the world.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I continue to reserve my point of order.

Mr. Chairman, first let me respond to the gentleman from Wisconsin (Mr. OBEY). No, I was not elected Secretary of State. I would not have the slightest idea how to be Secretary of State.

What I was elected to do, though, by my constituents at home and by my colleagues in the House is to be sure that we are spending our tax dollars wisely. That is what the Committee on Appropriations is supposed to do. It falls to my lot, as chairman of the subcommittee, to try to establish some discipline on the past extravagant spending by the U.N. for peacekeeping missions in the early 1990s, when we spread American troops and other nations' troops all around the world.

Today we have several of these peacekeeping missions around the world, and we are paying 25 percent. I think we should have a say in how those tax dollars are spent and whether or not they should be spent in a given peacekeeping mission.

Now, the gentlewoman from Texas (Ms. JACKSON-LEE) is not correct. This bill does not prohibit peacekeeping missions in any country in the world. What we say in the report language is that, in any of the missions she named, monies can be spent in those missions if it is reprogrammed for that purpose. But that is true of all other peacekeeping missions that we enter into.

My opposition to particular U.N. peacekeeping missions has nothing to do with where they are. It has everything to do with the nature of the task the U.N. is being asked to carry out and whether the conditions are favorable for that mission to be effective.

Everyone who has looked at the failures of the U.N. in Bosnia and Somalia, Congress, the GAO, the administration, the U.N. itself, has come to the same conclusion that U.N. peacekeeping is not an effective policy tool when the situation calls for the use of force or the credible threat of force to restore or enforce peace.

Sierra Leone and Congo are two such situations, and placing U.N. troops into such situations has not and will not and cannot bring peace.

I deplore the current situation in Sierra Leone, and I sincerely hope that the administration will actively pursue military assistance to Nigeria to allow them to establish a real peace in that country that can be kept by the U.N. When they do, U.N. monies from this account will be reprogrammed to pay our share of the costs of a peacekeeping mission there, as we have in the past.

Sending more poorly trained U.N. troops with no will or ability to pursue offensive military action against seasoned troops will not bring about that result, and yet that continues to be the administration's position. They have supported expanding the U.N. force there to 6,000, then to 8,000, then to 11,000, then to 13,000. Shortly we expect a notification that they want to expand to 16,500. And it has been nothing but a disaster, Mr. Chairman.

The U.N. was supposed to disarm the rebels. The rebels have more arms now than when the U.N. mission began. Why? Because the U.N. troops surrendered their arms when they were challenged, they retreated and left their arms and their armored personnel carriers for the rebels to take and use against the rest.

It is the same old lesson as Somalia and Bosnia, but I guess it is a lesson we have to learn over and over again. If we continue to bet everything on the success of the U.N. peacekeeping force waging a successful aggressive war against a rebel guerilla army, we will be sitting here a year from now, the American taxpayers will be out more than $200 million, and Sierra Leone will continue to be mercilessly attacked and its children's arms cut off.

So, Mr. Chairman, I urge rejection of this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as I listen to the remarks of the gentleman from Kentucky (Mr. ROGERS), it appears that we are moving in the same direction.

My question to the gentleman is that, if, for example, and as I indicated to him I have stood on this floor and asked for limitations on funds to Ethiopia when I questioned their human rights commitment, but if Eritrea and Ethiopia were to enter into a solid peace agreement in the next 10 days to 2 weeks, or Sierra Leone, Mr. Chairman, what would be the remedy out of this legislation for those two entities, to be funded for peacekeeping by the

United States and the United States' involvement with U.N. peacekeeping at that time?

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN. That request would be one minute for both the proponent and an opponent?

Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is no language in this bill that would prevent the U.S. from paying an assessment for U.N. peacekeeping in Ethiopia and Eritrea in fiscal year 2001.

As I said earlier on another amendment, and the gentlewoman from Texas (Ms. JACKSON-LEE) may not have heard, there now is apparently a peace agreement in effect in Ethiopia entered into since we marked up this bill. And would I say to the gentlewoman that if, in fact, that is the case and, in fact, the administration requests that we reprogram monies from this account to pay our share of a peacekeeping operation in Ethiopia, it would be eligible; and we would give it due consideration, as we do all the others.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do know that Ethiopia and Eritrea are moving toward a peace agreement. I hope it is soon.

What happens to Sierra Leone? I mentioned them. That is where the hacking off of limbs is going on.

The point of the gentleman about Nigerian troops, I applaud Nigeria. They have been most effective. They, obviously, have had some difficulties themselves. But with Sierra Leone, what happens to the funding for peacekeeping for Sierra Leone. What happens if we need more monies, because it is a difficult situation?

Mr. Chairman, I yield to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, if, in fact, we can establish peace in Sierra Leone, we can reprogram money for them, as well.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to thank the chairman for providing this insight.

I think all of us, what we want, Mr. Chairman, is we want to show the kind of compassion and commitment to the continent of Africa that we have shown with NATO, and SFOR, that we have shown in Central America, and we do not want to deny the same kind of support for the peacekeeping efforts in Africa.

Mr. PAYNE. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New Jersey.

Mr. PAYNE. Mr. Chairman, my question, basically, is, with the reprogram appropriator, I am the one that deals with the policy; and so, for example, if the combatants in the Congo, which are at the point of agreeing, I have spoken to two presidents of the combatants as we speak, if they agree that there will be the withdrawal, and a third president I will be talking to today, then where does the money come from? Is it withdrawn from the appropriation? How could, then, we move for a peacekeeping in the Congo, because they are days and perhaps weeks away from agreeing to end all hostilities? Where, then, can the money come from?

The CHAIRMAN. All time has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for an additional 1 minute total.

The CHAIRMAN. On both sides.

Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, to respond to the gentleman from New Jersey (Mr. PAYNE), if the U.N. Security Council votes for a peacekeeping mission in Ethiopia, which they have not done as yet, as the gentleman knows, but if there is, in fact, a peace accord there and the parties are withdrawing, so that a peace exists and an agreement to be enforced is in place, and the U.N. votes for a peacekeeping mission in Ethiopia, the procedure would be that the administration would notify the Congress 15 days in advance of that vote up there for a peacekeeping mission, and they would seek to reprogram into that account monies from this $500 million kitty, if you will, for that purpose.

□ 1815

That reprogramming would come to our subcommittee; and if it meets the criteria that all the others have met that we have voted for, then it would be reprogrammed for that purpose.

Mr. PAYNE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from New Jersey.

Mr. PAYNE. Mr. Chairman, would that be the same process in the Congo, which has already had an agreement? As the gentleman knows, the Congo is more complex. There are five countries, Uganda and Rwanda and Angola and Congo and Namibia, all three. Speaking to several of the presidents, they are willing to withdraw the question as to the peacekeepers.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired. The gentlewoman from Texas (Ms. JACKSON-LEE) has 1 minute remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS) to answer the question, and then I would like to make a statement.

Mr. ROGERS. Mr. Chairman, I am not sure I understood the question of the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from New Jersey.

Mr. PAYNE. Mr. Chairman, in the Congo we have a similar situation which is at the verge of coming to a conclusion. My question is, if in two weeks all of the discussion that I will be having with the various presidents of the combatting countries agree they indeed will withdraw but the U.N. needs to be there to fill that vacuum left, where is the money then for the Congo's peacekeeping? Because the Security Council has already approved the peacekeeping plan for the Congo.

Mr. ROGERS. There would be a reprogramming request the administration would send to us. We would review it and the monies, if approved, would come out of this account that we are speaking of today, the $500 million.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, let me close by saying there were a million people who died in Rwanda. Peacekeeping is vital and I would hope that the chairman would waive the point of order and allow us to vote on this amendment.

Mr. Chairman, I rise today in support of my amendment to H.R. 4690, the Commerce, Justice, State appropriations measure. We must restore our commitment to the world's International Peacekeeping responsibilities, particularly in Africa.

The appropriation measure before the House today cuts the request for the United Nations peacekeeping contributions by as much as one-third, or $240 million, below the President's request freezing peacekeeping at the FY 2000 appropriated level of $498 million. The cuts are wrongly concentrated on areas that oddly need the most support from us in Africa.

The current measure would deny funding for critical peacekeeping missions in Ethiopia, Eritrea, Sierra Leone, the Democratic Republic of the Congo, Angola, and the Western Saharan region.

Specifically, the amendment has the effect of striking language in the bill that denies funding for five peacekeeping missions in Africa. It makes funds available "for United Nations peacekeeping missions in the Republic of Angola, the Democratic Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the western Saharan region."

As we all know, a serious issue facing the United Nations, the United States, and Congress concerning United Nations peacekeeping is the extent to which the United Nations has the capacity to restore or keep the peace in the changing world environment. We need a reliable source of funding and other resources for peacekeeping and improved efficiencies of operation.

We need peacekeeping funds for Africa. These are not peripheral concerns for countries trying to establish the rule of law. The instability and fragile peace in countries like Ethiopia, Eritrea, the Sudan cannot be ignored. United Nations peacekeeping operations involve important functions that impartial soldiers can carry out. We all know the appropriations measure abandons our commitment to Africa, which is not sensible.

We need to support democratic institutions in a consistent and meaningful manner. Proposals for strengthening U.N. peacekeeping and other aspects of U.N. peace and security capacities have been adopted in the United Nations, by the Clinton Administration, and by the Congress. Moreover, most authorities have agreed that if the United Nations is to be responsive to post-Cold War challenges, both U.N. members and the appropriate U.N. organs will have to continue to improve U.N. structures and procedures in the peace and security area.

This does not mean, however, that we should prevent the use of peacekeepers to help facilitate a peace accord. For example, in Ethiopia and Eritrea, a peace accord was recently concluded. It cannot have come at better time. Ethiopia and the neighboring nations are facing a serious crisis. A famine is on the horizon in the Horn of Africa unless we continue to provide the necessary food and security assistance to Ethiopia and Eritrea.

Peacekeeping forces are also critical to ensure that ports remain easily assessible for relief operations. Some say that there may not be a famine in the Horn of Africa. But we really do not know. We do know that the situation of food insecurity is so bad that conditions are approaching the desperate situation that occurred in 1984, when the people of that nation did experience a famine.

Mr. Chairman, I urge my colleagues to support this amendment so that we can restore peace and security in Africa. These problems are intertwined and they deserve our complete support.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from Texas (Ms. JACKSON-LEE) wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Yes, Mr. Chairman. Let me at this time indicate that I had hoped that the gentleman from Kentucky (Mr. ROGERS) would waive the point of order. At this time I will concede the point of order.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) concedes the point of order. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $19,470,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,915,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $5,710,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $15,485,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,216,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMENDMENT NO. 33 OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. SANFORD: Page 80, strike lines 14 through 19.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment deals exclusively with the Asia Foundation. Last year I had an amendment that would cut funding for the North-South Center, East-West Center and the Asia Foundation. To this committee's credit, they cut funding for the North-South Center and the East-West Center, and this amendment simply asks them to do the last thing that they did not do, which is to cut the funding for the Asia Foundation.

This bill would specifically cut the $8.2 million for the Asia Foundation. I think that is worth doing for a couple of different reasons. First of all, I would just mention what the Senate Committee on Appropriations had to say on the Asia Foundation last year. Specifically, they said the Asia Foundation is a nongovernment grant-making organization that Congress has repeatedly urged to aggressively pursue private funds to support its activities. The Senate committee believes that the time has come for the Asia Foundation to transition to private funding.

I simply agree with what they had to say. In fact, this Congress agreed with what they had to say because back in 1995 it was with this thinking in mind that Congress cut funding to the Asia Foundation from $15 million down to $5 million and basically encouraged them to look for private funding. Unfortunately, they have gone the opposite direction, because in fact the Asia Foundation funding has grown by 60 percent to the $8.2 million number, and it is for this reason that this amendment says that we have to go back to the original intent of what this Congress talked about and what the Senate Committee on Appropriations has talked about specifically.

I would say that this is worth doing. First of all, whether one is a Republican or whether one is a Democrat, I think that we would not want the Asia Foundation, and I underline the word foundation, to be treated any differently than a foundation is in the first district of South Carolina or in the fifteenth district of California.

I say that because if we look at, for instance, the Community Foundation which exists in Charleston, South Carolina, it relies on public grants out there in the marketplace.

Bill Gates has said he wants to give away $50 billion. There are a lot of people out there vying for those funds; and again, I think the Asia Foundation should be either solely a government function or solely a private function, a private organization competing for those grants; but right now it is a mixture of both, which gives it a competitive advantage over foundations in each of our respective congressional districts.

Secondly, I would say there is a lot of duplication. If one looks at the work of the United Nations, the World Health Organization, the World Bank, the IMF, the State Department, the Department of Commerce, the CIA and others, they do many of the same things. In fact, if one looks at the overall funding in this budget, there is $1.4 billion of funding for international organizations, conferences and commissions. In fact, if one looks at our overall 1999 budget, U.S. programs solely devoted to Asia were basically $3.66 billion. So this $8 million is very repetitive.

In fact, I would say in addition that the Cold War is over and this is, I think, a remnant of the Cold War because we have spent $137 million of taxpayer money in the foundation, basically over the last 45 years.

Lastly, I would just make the point that a lot of these grants, given the fact that dollars are as competitive as they are, and we have had an interesting debate on whether money should or should not go to Africa or Sierra Leone or other places, given the fact that dollars are as scarce as they are, does it make sense for the Asia Foundation in this quasi-public role that it plays to be, and I will just mention a few and let one make their own decision. For instance, at the policy level the foundation is involved in research with the London School of Economics and the Sustainable Development Policy Institute on the political economy of education. That is a grant that the Asia Foundation placed just last year.

I see here in Pakistan, women are learning the value of savings discipline and gain confidence and self-esteem through income-skills training opportunities.

I see in Bangladesh alternative dispute resolution. Now, there they have a village practice wherein the council of elders and opinion leaders hears a case and renders a judgment. Asia Foundation promotes more equitable and effective dispute resolution.

I see in the Korean Peninsula workshops for South Koreans on, quote, "the perceptions of the International Monetary Fund policy in Korea."

I see also in Korea, travel support for members of North Koreans to participate in international training programs and study tours in business and agriculture.

I see in Mongolia, since 1993, 28,000 books donated to Mongolian organizations, and last year 10,000 English-only language books donated to 174 institutions.

Now leaving aside the question of I do not know how many speak English in Mongolia, I thought there was a thing called the Internet wherein these same things could be transferred.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. SANFORD) has expired.

Mr. SANFORD. Mr. Chairman, I ask unanimous consent for an additional 30 seconds on both sides.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SANFORD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, lastly I would just make the point here, I see here in Vietnam training for the national assembly. I see study tours. I see a trip for Vietnamese officials to California, Minnesota, and Wisconsin, and simply would ask, given the fact that the dollars are as scarce as they are, is this the best use of those monies, and for that reason urge the adoption of this amendment.

Mr. ROGERS. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, the Asia Foundation makes an important contribution to the development of democracy and economic reform in countries like Indonesia, China, other places in that part of the world where vital U.S. national interests are at stake. We froze funding at the current year level so we are already almost $2 million below what was requested of us. Any further cuts would inflict serious damage to this program and to U.S. interests and objectives all over Asia. For that reason, I urge that we reject this amendment.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment which seeks to kill the Asia Foundation. If I had my way, we would be increasing the funding for that foundation, not straight lining it; but an amendment to eliminate the funding for the Asia Foundation is a classical example of the wrong amendment at the wrong time. It is the wrong amendment because it would be short-sighted to cut funding for an organization that plays a key role in advancing U.S. foreign policy interests in the Asia Pacific region. With a very modest appropriation, the Asia Foundation helps promote and strengthen democracy, human rights, open markets and the rule of law in more than a dozen Asian countries. So soon after the debate on NTR for China the notion that we are going to wipe out one of the premier agencies promoting rule of law in that part of the world makes no sense whatsoever. It is the wrong time because many Asian countries are experiencing profound socioeconomic and political change. The foundation's cost-effective work is more important than ever.

Last year, an amendment much like this to slash the foundation's authorization was defeated with strong bipartisan support. I join with the chairman of the subcommittee and my other colleagues on both sides of the aisle in urging the body to support the Asia Foundation and to reject this counterproductive amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER), the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

Mr. BEREUTER. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from South Carolina (Mr. SANFORD). The Asia Foundation has a 45-year proven track record. Helping Asia develop into a stable market-oriented democratic region is an important American national security objective.

Mr. Chairman, the developing countries in Asia are in desperate need of legal reforms. American commerce and local human rights are early beneficiaries of such rule-of-law programming. By defeating the Sanford amendment the foundation will be able to support new legal reform initiatives for Indonesia, Thailand, the Philippines, Sri Lanka, Vietnam, and China.

The Asia Foundation is a small, cost-effective, private institution that plays a very important complementary role in advancing U.S. foreign policy interests around the world. There are some things it can clearly do more effectively and cost efficiently than can our government agencies. We need the Asia Foundation's efforts. This Member urges his colleagues to support the work of the Committee on Appropriations, maintain the modest funding for the Asia Foundation, and oppose the Sanford amendment.

Though this Member certainly shares his colleague's interest in reducing wasteful Federal spending, the institution targeted by this amendment certainly does not fall in that category. On the contrary, a closer examination of the Asia Foundation and of its successful programs will confirm its cost effective contributions to American interests around the world. Indeed, our modest investment in the Asia Foundation is money well spent.

Programs and investments in reform minded individuals in Korea, Taiwan and the Philippines directly supported and influenced the incredible democratic and economic transformations there. The Asia Foundation remains on the front lines doing the same today in Asia's new, emerging democracies like Indonesia, Bangladesh, and Mongolia as well as helping lay the foundation for positive change in authoritarian countries like China and Vietnam.

Fundamental changes are happening in Asia as a result of the recent economic crisis. One need not look any further than Indonesia, a keystone of American national security policy in Southeast Asia. Now is the time to take advantage of this climate of change and expand programs advancing democracy, the rule of law, human rights, economic reform and sustainable recovery.

The Sanford amendment would completely eliminate all funding for the Asia Foundation. The pending appropriations bill does not increase funding for the Asia Foundation—in fact, unfortunately it freezes it at last year's modest level of $8.2 million, some $7 million below its authorized level and $1.7 million below the President's request. Last year, during consideration of the American Embassy Security Act, this body strongly rejected the effort by the gentleman from South Carolina to severely cut the Asia Foundation. Indeed, this Member urges his colleagues to reject this even more draconian amendment which would completely zero out funding.

The programs of the Asia Foundation support this national security objective. The Sanford amendment would severely cut this NGO's programs and further restrict our ability to influence positive change in a region with over one-half of the world's entire population. The long-term cost of this amendment to U.S. foreign policy objectives certainly outweighs any short-term savings it may have.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS), the chairman of the committee, for yielding me this time.

Mr. Chairman, I would like to associate myself with his remarks as well as the Chair of the Subcommittee on Asia and the Pacific, with whom I serve, and my distinguished colleague, the gentleman from California (Mr. BERMAN).

I would like to ask my good friend, who I have served with now for three terms, the gentleman from South Carolina (Mr. SANFORD), a question, and that is whether or not the distinguished gentleman has visited the Asia Foundation and seen the programmatic structure that they offer for developing democracy and economic opportunity?

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from South Carolina.

Mr. SANFORD. In cyberspace or in terms of geography?

Mr. HASTINGS of Florida. In actual visitation.

Mr. SANFORD. I have not been into the building. In New York, I have been once into the foyer and that is about it, but I have been to their Web site.

Mr. HASTINGS of Florida. I have had that good fortune of visiting there, and with the entire board; and I have seen their work and they do an extraordinary job, as Asia is developing, in developing the rule of law and in economic reform that is necessary for those countries to survive.

☐ 1830

Most respectfully, I say to my friend from South Carolina (Mr. SANFORD), who was wrong on the North-South Center in Florida, and the gentleman is wrong on Asia.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida, (Mrs. FOWLER), who is a very important Member and senior member of the Committee on Armed Services dealing with national security.

Mrs. FOWLER. Mr. Chairman, I rise to urge my colleagues to oppose the amendment by my friend, the gentleman from South Carolina (Mr. SANFORD). I have had firsthand experience with the Asia Foundation and can personally attest to the quality of their work and their programs.

I have seen the need for their work in the developing Asian nations and, for example, the Chinese have approached the Foundation to act as a mediator in talks with Taiwan. There are very few issues of a higher national security interest to our country than the relationship between China and Taiwan. This is exactly the kind of program we should encourage in the appropriations process, and that is why I urge my colleagues to oppose this amendment.

Mr. ROGERS. Mr. Chairman, I yield the balance of the time to the gentlewoman from California (Ms. PELOSI), who is the ranking member on the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from Kentucky (Chairman ROGERS) for yielding me the time and rise in strong opposition to the Sanford amendment, which cuts all funding for the Asia Foundation. The Asia Foundation, not to be confused with any other foundation dealing with Asia, is domiciled in San Francisco, in my district. I am very well acquainted with the great and excellent work that it does.

The work that they do is important for U.S. government officials and shows a critical role that in-country presence plays in understanding local conditions. The Asia Foundation advances U.S. interests through its ability to deliver high-quality programs on the ground through its network of offices in Asia, which some of our colleagues have addressed here.

In the short amount of time allocated to me, I would urge our colleagues to oppose this amendment, support the work of the Asia Foundation, it is a way to peacefully resolve some of our issues out there, as well as building a rule of law in many countries that are fragile democracies just emerging who need just the kind of assistance that the Asia Foundation is experienced in providing. I urge a no vote on this amendment.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in strong opposition to the Sanford amendment to the Commerce, Justice, and State appropriations bill, a measure that would totally eliminate funding for the Asia Foundation.

Mr. Chairman, the Asia Foundation's important work focuses on a dynamic region of the world where over half of the planet's population resides.

Today, the Asia-Pacific region looms large on the world stage and is increasingly intertwined with the United States. It is a diverse, complex region with countries at both extremes in terms of population, economic development, political stability and social/cultural change. The Asia-Pacific region is at the same time America's largest market as well as the locus of its most aggressive competitors. In addition to its economic impact, many of the countries in Asia and the Pacific are undergoing structural changes in their political and social systems that pose potentially serious threats to the stability of the region and the very world. Indeed, major conflicts and wars involving the U.S. have arisen in the region in the past and we must be vigilant in protecting against their reoccurrence in the future.

Clearly, Americans must attach greater priority to Asia and the Pacific than they have ever done, and be prepared to understand and respond to the challenges and opportunities that confront us.

Mr. Chairman, the mission of the Asia Foundation addresses these critical concerns, in addition to promoting democratic government, free market economies and respect for rule of law in the developing nations of the Asia-Pacific.

I urge our colleagues, Mr. Chairman, to defeat the Sanford amendment and maintain the modest funding for the Asia Foundation that serves vital U.S. foreign policy interests in this most important part of the world.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANFORD. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) will be postponed.

The point of no quorum is considered withdrawn.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 92, line 4, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the bill from page 80, line 20, through page 92, line 4, is as follows:

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2001, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2001, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,872,000 to remain available until expended.

RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, Reorganization Plan No. 2 of 1977, as amended, and the Foreign Affairs Reform and Restructuring Act of 1998, to carry out international communication activities, including the purchase, installation, rent, construction, and improvement of facilities for radio and television transmission and reception to Cuba, $419,777,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $18,358,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

General Provisions—Department of State and Related Agency

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. There shall be in the Department of State not more than 71 Deputy Assistant Secretaries of State.

SEC. 404. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 405. (a) Section 1(a)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(a)(2)) is amended by striking "and the Deputy Secretary of State" and inserting ", the Deputy Secretary of State, and the Deputy Secretary of State for Management and Resources".

(b) Section 5313 of title 5, United States Code, is amended by inserting "Deputy Secretary of State for Management and Resources." after the item relating to the "Deputy Secretary of State".

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2001".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

Maritime Administration

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $84,799,000.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $10,621,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,795,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

Commission for the Preservation of America's Heritage Abroad

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $390,000, as authorized by section 1303 of Public Law 99–83.

Commission on Civil Rights

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,866,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

Commission on Security and Cooperation in Europe

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,182,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

Equal Employment Opportunity Commission

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $29,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $290,928,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

Federal Communications Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $207,909,000, of which not to exceed $300,000 shall remain available until September 30, 2002, for research and policy studies: *Provided*, That $200,146,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at $7,763,000: *Provided further*, That any offsetting collections received in excess of $200,146,000 in fiscal year 2001 shall remain available until expended, but shall not be available for obligation until October 1, 2001.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $14,097,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $2,000 for official reception and representation expenses, $121,098,000: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $121,098,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at not more than $0, to remain available until expended: *Provided further*, That section 605 of Public Law 101–162 (15 U.S.C. 18a note), as amended, is further amended by striking "$45,000 which" and inserting: "(1) $45,000, if as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person in excess of $35,000,000 but not exceeding $99,999,999; (2) $100,000, if as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person equal to or in excess of $100,000,000 but not exceeding $199,999,999; or (3) $200,000, if as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person equal to or in excess of $200,000,000. Such fees": *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285).

The CHAIRMAN. Are there amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $141,000,000, of which $134,575,000 is for basic field programs and required independent audits; $1,125,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $5,300,000 is for management and administration.

AMENDMENT NO. 54 OFFERED BY MR. CHAMBLISS

Mr. CHAMBLISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 54 offered by Mr. CHAMBLISS:

Page 92, insert after line 14 the following: If a grantee of the Legal Services Corporation does not prevail in a civil action brought by the grantee against farmers with respect to migrant employees under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), the grantee shall pay the attorneys' fees, the amount of which as determined by the court, incurred by the defendant to such action. If a grantee is required under this section to pay such fees, the Legal Services Corporation shall reduce the next grant to the grantee by the amount of such fees paid by the grantee.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Georgia (Mr. CHAMBLISS) and a Member opposed each will control 5 minutes.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Georgia (Mr. CHAMBLISS) for 5 minutes on his amendment.

Mr. CHAMBLISS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of this amendment is to require the Legal Services Corporation to pay the attorneys fees in any case in which it is filed by the Legal Services Corporation against a farmer under the Migrant Worker Protection Act, and which case is lost by the Legal Services Corporation. In other words, they do not prevail in this lawsuit.

We have had a problem in my State of Georgia over the last number of years in securing agriculture workers to plant our crops, help U.S. till the crops and harvest the crops and, as a result, our farmers have been forced from time to time to use workers that are not legally within the United States.

We have been working on trying to modify the current H–2A program, which is a farmer worker program, that allows farmers to come into the United States on a legal basis so that we can reduce paperwork, make this program less expensive on our farmers and make it more workable. In the meantime, what we have seen happen is that our farmers who have made a decision to hire legal workers under the current H–2A program as opposed to working illegal migrant workers who are not in the United States under legal conditions have run into a problem, and that problem is this: The Legal Services Corporation in my State and any number of other States around the country where farmers have made a decision to bring legal workers into the country to work under the H–2A program have run into a stonewall with the Legal Services Corporation in that they are filing lawsuits against farmers who have workers here legally for technical violations of the H–2A act, not substantive violations, but purely technical violations.

Let me talk about our farmers a minute. My farmers are hard-working people. They are good business people, but they have encountered a problem here that is purely a legal situation that they are not used to having to address. They are doing everything they can. They are securing advisers. They are securing attorneys to advise them, as well as independent contractors to advise them on the technical compliance with H–2A, but the problem is, that the Legal Services Corporation has a hoard of lawyers who are doing nothing but going after people who are violating the H–2A law from a technical perspective.

Mr. Chairman, now, I do not want to deny any employee the full benefit of all rights that are guaranteed to them under the Agricultural Workers Protection Act, but we have got an excellent plaintiff's bar in my State. There are excellent plaintiff bars all over the country, very capable and determined to ensure that workers have the benefit of all of the rights guaranteed to them. They are the ones that ought to be prosecuting any case against an individual from a pure plaintiff's case perspective, but that is not what is happening.

Legal Services Corporation is going out, and I question the ethics of this, they are soliciting cases from workers who are coming into this country under the H–2A program in a legal manner, bringing them into the Department of Labor, grilling them on whether their employer is technically in compliance with every single aspect of the H–2A law which is a very demanding law. It is a very expensive law, it requires housing. It requires a higher wage rate than what most of the farmers are used to paying, any number of other technical violations.

What is happening is that Legal Services Corporation is taking the role away from plaintiff's lawyers who are capable of looking after the rights of these workers, and our farmers are having to go to the extent of defending cases, not just in the State of Georgia. There are three cases pending right now against vegetable growers in my State, in the part of the State where I live, two of the cases are filed out of

State. My employers, my farmers are having to go to Texas to defend one lawsuit where the workers came in.

They went back to Mexico, Legal Services went into Mexico and brought them back into the United States for the sole purpose of filing this case against Georgia growers in the State of Texas and the other case is going on in the State of Florida. My farmers have expended in excess of $200,000 and reasonable attorneys fees for the purpose of defending these lawsuits which really they have no substance to them.

They are purely for technical violations. There is no individual here under the H–2A law that has been harmed in any way, and there is no allegation of such in these lawsuits. What we are simply trying to say is, look, if Legal Services Corporation is going to go after these folks from a plaintiff's perspective and they lose the case, they ought to have to foot the bill for the attorneys fees and the particular Legal Services office shall be deducted from their budget.

The CHAIRMAN. Who claims time in opposition?

Mr. SERRANO. Mr. Chairman, I claim the time, and I am still reserving my point of order.

The CHAIRMAN. The gentleman from New York continues to reserve his point of order.

The Chair recognizes the gentleman from New York (Mr. SERRANO) for 5 minutes.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am really concerned, as many of U.S. are on this side, about this amendment and should be. This amendment singles out farmer workers, migrant farm workers, for this harsh treatment.

Legal Services was created to protect those who do not have the resources to defend themselves. We know that. We have discussed this on the floor. We had a bipartisan amendment here which increased the funding for Legal Services, and that funding will continue to grow, because both sides see the need for Legal Services to do this work.

What this amendment does in a most mean-spirited way is to single out migrant farm workers and to say that if we take their case, Legal Services takes their case, we better win, because if we lose, we are going to have to pay for having taken on a right case. We do not do this for anyone else. We just single out migrant farm workers, and for that reason alone there should be opposition.

There is also the understanding that farm workers in general are the poorest of the poor in this country, so this sets a tone for anyone who works in the fields, who does that kind of work, that you have no protection, because the next step will be for all farm workers or for anybody who is in that field. And just on that alone, I think that we should in a bipartisan way really defeat this amendment, and I would hope that the gentleman from Georgia (Mr. CHAMBLISS) understands what we are trying to do today.

Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, this is a change in the law. The debate, the argument that the gentleman from Georgia (Mr. CHAMBLISS) has put forward, among other things, was referring to the H–2A program, but the amendment deals with the migrant and seasonal agricultural workers program. H–2A workers are not covered under that law. They have no rights under that law.

The only people this amendment affects are U.S. farm workers who happen to be represented by Legal Services as opposed to other private lawyers or other legal aid programs. There are many, many laws that provide attorneys fees for plaintiffs in the Labor law context; the gentleman selected out one law and one group of people, U.S. farm workers who happen to be represented by Legal Services Corporation.

The gentleman is doing it on an appropriations bill, a fundamental change in a very narrow subset of one law that happens to deal with the lowest income workers in America today. If there is an argument, which I do not think there is, for allowing defendants against workers who win in lawsuits who ultimately prevail to collect attorneys fees, it should be done across board. It should be given the appropriate hearings. It should go to the Committee on Education and the Workforce and/or to the Committee on the Judiciary, and there should be a discussion of the merits of it to select out farm workers, U.S. farm workers, not H–2A workers, not foreign guest workers; they have no rights under the Migrant and Seasonal Agricultural Workers Act, but to select them out is wrong and also by the way, not authorized under the rules, I think we will find out.

Mr. CHAMBLISS. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Georgia.

Mr. CHAMBLISS. Mr. Chairman, I understand this may be subject to a point of order, but my farmers are doing their best to comply with the law to bring legal workers in, and the gentleman and I have had a number of discussions over the last 5 years about making some changes under the H–2A law, to make it a little easier to get those workers in, but what we are seeing is in that Legal Services Corporation is taking those workers that are brought in legally, they are actually bypassing thousands and thousands of workers at farms that are here illegally to get the farm where workers are here legally.

Mr. BERMAN. Mr. Chairman, reclaiming my time, to repeat again, this amendment and the law that it seeks to amend have no application to H–2A workers. None of the regulations, none of the laws affecting them are covered in this law, and the H–2A workers are excluded from coverage under this law. The gentleman's amendment will not even deal with the lawsuits dealing with H–2A that the gentleman is seeking to address with the amendment.

Mr. CHAMBLISS. If the gentleman will continue to yield, I understand the gentleman's point. Let me see if the gentleman agrees with me, in situations somewhere H–2A workers come into this country legally, and we all know they have certain rights under that particular law, would the gentleman agree that there are plaintiff's bars in this country that are very capable of representing those folks as opposed to Legal Services Corporation actively soliciting individuals who are here under the H–2A program to file suits for them and which they are doing on a daily basis in my State, where folks are simply trying to do the right thing, as opposed to the plaintiff's bar representing those folks in cases where there really are harms being done?

The CHAIRMAN. The time of the gentleman from California (Mr. BERMAN) has expired.

Mr. CHAMBLISS. Mr. Chairman, I ask unanimous consent for an additional minute for the gentleman to respond.

The CHAIRMAN. Is there objection to each side having an additional minute?

There was no objection.

The CHAIRMAN. The gentleman from Georgia (Mr. CHAMBLISS) and the gentleman from New York (Mr. SERRANO) each has 1 additional minute.

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Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding.

I have to disagree with his conclusion. If there is one group of workers in America who are not able to get the services of the private bar because they do not have anywhere near the income to possibly retain them, it is migrant and seasonal agricultural workers. They are employed seasonally; they are getting very low pay; they have no ability to retain private lawyers. This is the classic example of whom the Legal Services Programs should be representing.

Mr. CHAMBLISS. Mr. Chairman, reclaiming my time, that is exactly what plaintiffs' lawyers do. Income is not necessarily a requirement for plaintiffs' lawyers to handle those cases. I understand it may be subject to a point of order, but I think that Legal Services Corporation needs to understand that if we are legislating here, that if they continue with this pattern, we are going to come after them in the legislative role, we will have the necessary hearings, and we are going to proceed with this legislation in the proper forum if this is subject to a point of order.

Mr. SERRANO. Mr. Chairman, let me use the 1 minute that I have been granted to make an observation. I spoke on this floor last week about the fact that we should just be allowed to speak, and the majority wanted the unanimous consent to limit the time. Now I notice that on every amendment, we are adding time. I do not have a problem with it, but if we have an agreement, then we should stick on that agreement.

POINT OF ORDER

Mr. SERRANO. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SERRANO. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violations clause 2 of Rule XXI, and I am asking for a ruling on the Chair.

The CHAIRMAN. Does the gentleman from Georgia (Mr. CHAMBLISS) wish to be heard on the point of order?

Mr. CHAMBLISS. Mr. Chairman, I will accept the ruling of the Chair, whatever it may be.

The CHAIRMAN. The Chair finds that the amendment proposes to change existing law by mandating specific consequences in certain circumstances involving the Legal Services Corporation. As such, it constitutes legislation in violation of clause 2(c) of Rule XXI.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2000 and 2001, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,700,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $252,624,000 from fees collected in fiscal year 2001 to remain available until expended, and from fees collected in fiscal year 1999, $140,000,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $299,615,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

AMENDMENT NO. 39 OFFERED BY MR. LATHAM

Mr. LATHAM. Mr. Chairman, I offer an amendment on behalf of the gentleman from Missouri (Mr. TALENT).

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mr. LATHAM:

In title V, in the item relating to "SMALL BUSINESS ADMINISTRATION—SALARIES AND EXPENSES", before the period at the end, insert the following:

: *Provided further*, That, of the funds made available under this heading, $4,000,000 shall be for the National Veterans Business Development Corporation established under section 33(a) of the Small Business Act (15 U.S.C. 657c)

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 5 minutes.

Mr. FILNER. Mr. Chairman, I claim the time in opposition, although I am a cosponsor of the amendment.

The CHAIRMAN. Without objection, the gentleman will control the time in opposition.

There was no objection.

Mr. LATHAM. Mr. Chairman, I yield myself such time as I may consume. Today, I rise in strong support of the Talent-Latham-Filner amendment and hope its passage will happen today.

I really want to thank the gentleman from Missouri (Mr. TALENT), the chairman of the Committee on Small Business, and the gentleman from California (Mr. FILNER), a member of the House Committee on Veterans Affairs, my good friends, for their work in the authorization process for these funds. The gentleman from Kentucky (Mr. ROGERS) has also supported this program by including $4 million for the Veterans Entrepreneurship and Small Business Development Program.

This amendment simply designates the $4 million in this program to be used specifically for the National Veterans' Business Development Corporation. These funds will help that corporation establish a cohesive assistance and information network for veteran-owned businesses. These funds will also help the corporation to establish an advisory board on professional certification to work on the problems service members face in transitioning to the private sector workforce.

Mr. Chairman, we owe it to our Nation's servicemen and women to make their transition into civilian life much easier. I urge my colleagues to support this noncontroversial amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, let me congratulate the gentleman who is a very hard-working member of our subcommittee and has put many hours into its work, but especially on this particular part of the bill. I want to thank the gentleman for offering the amendment on behalf of the gentleman from Missouri (Mr. TALENT), the chairman of the Committee on Small Business. It is a worthy amendment and one that we wholeheartedly support.

Mr. LATHAM. Mr. Chairman, reclaiming my time, I thank the gentleman very, very much. He has been a true advocate for our cause here; and his allowing us to, first of all, put the money into the bill and also support directing these dollars to where they are really going to help veterans I think is so important.

Again, Mr. Chairman, I want to express my strong support for this amendment and would hope we would be able to pass it by voice vote here today.

Mr. FILNER. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of the Talent-Latham-Filner amendment. I want to make sure that everybody understands that this amendment today is simply to clarify language that is contained in the bill before us. What we are asking for or putting in the bill is a provision that directs $4 million that is listed in the bill for veterans' programs to make sure that this $4 million goes specifically to the National Veterans Business Development Corporation. It does not require any offsets because all of the funds are derived from the salaries and expenses account of the Small Business Administration.

The Veterans' Affairs Committee on which I serve and on which I am ranking member of the Subcommittee on Benefits has a long history of interest in and commitment to the issue raised today by this amendment. When we passed H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act of 1999, we incorporated this Business Development Corporation into this through Public Law 106-50. It is a federally chartered corporation responsible for assisting our veterans, especially those veterans who are catastrophically disabled, with the formation and expansion of small businesses.

Mr. Chairman, this amendment clarifies the intent of Congress. Currently, the amount is listed in the committee report as "Veterans' Programs" and there is some apprehension about how the SBA would interpret that report language. There has already been a great delay of Public Law 106-50, the Veterans Entrepreneurship and Small Business Development Act, in which the corporation is authorized; and this amendment will put an end to this delay.

This amendment will make it clear that Congress wants the corporation funded and wants to work to establish assistance centers for veterans working with private and public organizations to help veterans get the benefits of the act, the veterans who served this country and deserve our support.

Last year, the Committee on Small Business moved the bill through this House. The committee, led by the gentleman from Missouri (Mr. TALENT), designed the bill to coordinate assistance to veterans who were seeking to start their own businesses and reach for their piece of the American dream. We passed that act unanimously, and the centerpiece of that legislation was the National Veterans Business Development Corporation, which was set up to coordinate private and public sector activities on behalf of veterans and begin the establishment of a nationwide network of veterans assistance centers, which would assist veterans with the help they need to start their own businesses and take hold of their American dream.

This amendment does not take money from any other program, it is there in the bill, and it is intended for this corporation. We clarify the intent and ensure the funds will go to this corporation. We do not increase the amount set forth in the bill.

Veterans who establish their own businesses are a double asset to America. They contribute the skills they acquired through military service to the development of our economy, and they are a key link in the expansion of employment opportunities for others. It is simply good sense to give them meaningful support in today's global economy. After serving our Nation in uniform, our veterans have come home to contribute to America's economic success again and again, not only after World War II, but after every subsequent conflict.

Using the skills gained during their service, veterans have become successful entrepreneurs, continuing to contribute to our Nation through their success. Let us make sure that all of them have a chance to realize the success which, of course, benefits all Americans. I hope we support this amendment, as we supported the authorization bill, that is, unanimously. I thank the gentleman from Missouri (Mr. TALENT) for offering the amendment, and I thank the gentleman from Iowa (Mr. LATHAM) for being here today to present this amendment.

The CHAIRMAN. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Iowa (Mr. LATHAM).

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 102, line 14 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the bill from page 95, line 4 through page 102, line 14 is as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $10,905,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $2,500,000, to be available until expended; and for the cost of guaranteed loans, $137,800,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2002: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2001, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed $3,750,000,000: *Provided further*, That during fiscal year 2001, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further*, That during fiscal year 2001, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed $500,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $140,400,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $136,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $125,646,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,854,000 is for indirect administrative expenses: *Provided*, That any amount in excess of $9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572 (106 Stat. 4515-4516)), $4,500,000, to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2001.

The CHAIRMAN. Are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 611. Earmarks, limitations, or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated under this Act.

POINT OF ORDER

Mr. SMITH of New Jersey. Mr. Chairman, I make a point of order against section 611.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SMITH of New Jersey. Specifically, page 611 constitutes legislation in an appropriations bill and is, therefore, in violation of clause 2 of Rule XXI of the House.

Let me just point out for the Members that section 611 provides that earmarks, limitations or minimum funding requirements contained in any other act shall not be applicable to funds appropriated under this act. This provision purports to render ineffective any earmark limitation or minimum funding requirements contained in any act. The effect of this provision is very, very far reaching.

For example, the Foreign Relations Authorizations Act, which was signed into law last year and which went through my committee, went through the full committee, and was on this floor for the better part of a week, and obviously went through the same process on the Senate side, and it has a number of minimum funding requirements with respect to programs that would be declared null and void.

So I would ask the Chair that this section be declared out of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair finds that the provision in the bill at section 611 proposes to supercede existing laws. As such, it constitutes legislation in violation of clause 2(b) of Rule XXI and is not protected by the waiver against other provisions in the bill. The point of order is sustained, and the provision is stricken from the bill.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from New York (Mrs. MALONEY) for the purpose of engaging in a colloquy.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as all of my colleagues know, I am a big fan of the census, and my colleagues on the other side of the aisle are to be congratulated for fully funding the decennial census over the past 3 years. This bill is no exception.

However, the competing pressures for funds in this bill have left other programs in the census underfunded, which I hope we can address as well as one item that was not even a part of the President's request, and that is to begin to develop methods for counting Americans overseas.

The bill currently funds other nondecennial programs at the current year level, but $48 million less than the President's request. That flat funding is starting to take a toll on the ability of the Census Bureau to carry out its responsibilities. If this funding level persists, it is likely that current programs and new initiatives will have to be reduced. Among those programs are the American Community Survey, as well as improvements in the survey of income and program participation. These also do not include funding for planning to renovate or replace the World War II-era building that houses the Census Bureau, which is in very serious need of repair.

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I certainly understand the difficulties faced by the chairman in balancing competing pressures. However, I hope that the chairman will work with us to see that some of these shortfalls in the Census budget are restored as this bill goes to conference.

Finally, I would like to address briefly a subject that is not covered in this bill, the counting of Americans overseas. One of the failings of the 2000 census is a fundamental inequity in counting Americans overseas. In 1990 and again in the 2000 census, the Census Bureau has used administrative records to count Federal civilian and military employees abroad.

That leaves many Americans overseas uncounted. There was not time before the Census to develop the methodologies necessary to count Americans overseas.

We must make sure that the same mistake does not happen in 2010. I am proposing that funds be included in the Census Bureau budget to begin the research necessary to count all Americans overseas. It is my understanding that my colleague, the gentleman from Florida (Mr. DAN MILLER), the chairman of the Subcommittee on the Census, supports these efforts.

Mr. Chairman, the current mark for the Census Bureau in this bill is $51 million less than the President's request. For the third year, the funding for salaries and expenses is funded at the same level, forcing the Census Bureau to finance the mandated cost of living adjustments, promotions, and increased pension contributions through staff attrition and cuts. That flat funding is starting to take a toll on the ability of the Census Bureau to carry out its responsibilities. If this funding level persists, it is likely that current programs and new initiatives will have to cut programs like the measurement of e-commerce and collaborative work with Canada and Mexico to improve our import and export data.

These cuts include a reduction of $14 million from the President's request for periodic programs which includes cuts are reductions in the funding for the American Community Survey the survey to replace the census long form and improvements in the Survey of Income and Program Participation to improve our measurement of the well being of children, health insurance coverage, and poverty. These cuts also zero out that funds for developing plans to renovate or replace the World War II era building that houses the Census Bureau. This building is in such bad shape that the employees can't drink the water, and some parts of the building are so infested with pigeons that the health of the employees is endangered. The Census Bureau Director has been moved out of his office three times this year because water was cascading from the ceiling.

I understand the difficulties faced by the Chairman. There are a wide variety of programs in this bill and each one has a constituency that argues for more funds to carry out what are useful and valuable functions. However, I hope that the Chairman will work with us to see that some of these shortfalls in the census budget are restored as this bill goes to conference.

I have proposed that funds be included in the Census Bureau budget to begin the research necessary to count all Americans overseas, and while those funds are not included in this bill, it is an issue we must revolve. Counting Americans oversees is adding one more Herculean task to the already difficult job of taking the census, but it must be done. We have included some of those living overseas. We can't turn out back of those left out who also wish to be counted.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Florida.

Mr. MILLER of Florida. I thank the gentleman for yielding, Mr. Chairman.

Mr. Chairman, I am pleased to have worked with the ranking member of the Subcommittee on the Census on the inclusion in the next Census of overseas Americans, and want to continue to work with her to resolve this important issue.

By the time I became chairman of the subcommittee on the Census, plans for the 2000 Census were already so far along that it was impossible to make provisions for counting Americans who live overseas and who are not part of our military family. In fact, the Census Bureau indicated that they just did not know how to do it and that it would require considerable research.

I am asking today that the Census Bureau begin work to come up with a plan for counting all Americans overseas in the 2010 Census. The Bureau must find a way to get this done. These are hard-working American citizens who vote and pay taxes, just like and the gentleman and I. It is not fair that they are left out of the decennial census just because it is a difficult job to count them.

It will be a challenge to count Americans living abroad, there is no doubt about that, but challenges are not new to the Census Bureau. It can be done, and it is important that the Bureau begin researching this now so that they will be included in the 2010 Census. I will discuss it further with the Director, but I would like to see the Bureau put forth a proposal for counting overseas Americans as expeditiously as possible.

Let me also take a moment to stress my concern for the state of the Census building out in Suitland, Maryland. The building is in a serious state of disrepair, and is a serious environmental and health liability to the dedicated employees we ask to work there. We must work together to find a solution to this problem and find it quickly.

I want to thank the chairman for his work on this bill. As a member of the subcommittee, I understand how difficult his job is. I pledge to work with him and find solutions to these issues that will not upset the delicate balance he has achieved in funding important programs in this bill.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding, Mr. Chairman. I did not intend to speak, but I went to Suitland High School, so I went to high school 5 minutes from this Census facility.

I have been around for a long time, and graduated from high school over 40 years ago. Those buildings were in need of repair at the time I graduated from high school in 1957. They were built, of course, during the war as temporary facilities.

I appreciate the gentleman's making a comment on that for the quality of life of our Federal employees who work there, and I appreciate very much the chairman yielding me the time to make that comment, and his focus on that issue.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

(By unanimous consent, Mr. ROGERS was allowed to proceed for 1 additional minute.)

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank my colleagues from the Committee on Government Reform for bringing their concerns to our attention, and for their appreciation for the difficult choices we faced in putting together this bill.

We have done our best to make sure the 2000 Census had every dime that it needed. As a result, we have not been able to fund other ongoing or new programs at the levels requested in the President's budget, but I appreciate the importance of many of these programs, and will be happy to work with our colleagues as we move through the bill to resolve some of their concerns that they have expressed about the funding levels in the bill.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I share the desire of the gentleman from Kentucky (Mr. ROGERS) to work with our colleagues on the Committee on Government Reform to address their concerns. The activities of the Census Bureau are too important to be shortchanged, and we must make sure that their work is not obstructed by a lack of sufficient resources.

I look forward to working with the chairman to deal with this issue.

Mr. SMITH of New Jersey. Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman of the subcommittee (Mr. ROGERS) regarding the funding of the Commission on Security and Cooperation in Europe, the Helsinki Commission.

The CHAIRMAN. Is the gentleman from New Jersey (Mr. SMITH) a designee of the gentleman from Kentucky (Mr. ROGERS)?

Mr. SMITH of New Jersey. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to engage in a colloquy about the funding levels of the bill for the Helsinki Commission. The Commission's budget this year included unobligated funds from previous years, per the understanding of the conference committee.

Do I understand correctly that the chairman and others on the committee will work together in the conference to ensure that the Commission has the necessary resources to continue operations at the current level of activity and staff?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I recognize the special problem the Commission faces, having funded a portion of the current year requirements with carryover funds.

I would be happy to continue to work with the gentleman as the bill proceeds to ensure the necessary funding level for the Commission's important work.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for that encouraging comment. I appreciate very much the gentleman's commitment to the extraordinary work advanced by the Commission. The Helsinki Commission remains at the forefront of many of the cutting issues in the OSCE region, a region with vital interests to the United States.

From the Balkans to the Baltics, the Helsinki Commission continues to provide important leadership in advancing democracy, human rights, and the rule of law. We do it in a completely bipartisan way.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, as ranking member on the Helsinki Commission who has served with the gentleman from New Jersey (Mr. SMITH) for approximately 18 years, I want to thank the gentleman also for his willingness to work with us in conference regarding the Helsinki Commission budget.

The OSCE region is of vital interest to the United States, and this work that we do is critical. The Commission truly provides good value for the dollar, and hopefully will be provided the resources necessary to fulfill its legislative mandate.

I join the gentleman from New Jersey (Chairman SMITH) in thanking the gentleman from Kentucky (Chairman ROGERS) and the gentleman from New York (Mr. SERRANO) for their focus on this issue.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 612. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 613. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" may be used to implement sections 603, 604, and 605 of Public Law 102–567: *Provided*, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 614. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 615. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 616. Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 617. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 618. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 619. Notwithstanding any other provision of law, amounts deposited in the Fund established under 42 U.S.C. 10601 in fiscal year 2000 in excess of $575,000,000 shall not be available for obligation until October 1, 2001.

SEC. 620. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 621. None of the funds appropriated in this Act shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 622. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 623. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001".

AMENDMENT NO. 72 OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 72 offered by Mr. OLVER:

On page 107, line 12, after the word "Protocol", insert: *Provided further*, That any limitation imposed under this Act on funds made available by this Act shall not apply to activities specified in the previous proviso related to the Kyoto Protocol which are otherwise authorized by law.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Massachusetts (Mr. OLVER) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last week Members will remember that as we were debating the VA, HUD, and Independent Agencies legislation, that the exact proviso that exists in section 107 was in that legislation, but attached only to the EPA title of the legislation. It serves to limit the use of funds that are provided by the Act within the EPA's title II in relation to the Kyoto Protocol.

Mr. Chairman, the proviso on page 107 is, as I say, exactly the same proviso that existed in the VA–HUD Act, but in this instance it is a general provision and so it affects every one of the titles of the bill.

I am offering an amendment which is the precisely parallel amendment to the amendment offered adopted by this House by a vote of 314 to 108 last week that simply makes clear that any of the activities that are part of that proviso, that any of those activities which are otherwise authorized in legislation, are not subject to the limitation that is proposed within the proviso.

That I think is precisely equivalent language that we adopted by a vote of 314 to 108 last week. I would hope that the amendment would be agreed to, as it was last week, and voted last week.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, unlike what the gentleman just said, this amendment is not the same as last week. This is totally different. This is a gutting amendment.

Last week's amendment had to do with EPA. Now what the attempt on the part of the gentleman from Massachusetts (Mr. OLVER) is is to cut the heart out of the language that is law. This is law that was passed in 1999, and the law of last year. Seven times the President has signed language that is now in effect.

What H.R. 4690 is not about, it is not about funding of research and development for clean power with renewable energy, or funding to develop new homes that are more energy-efficient, or trying to reduce methane emissions.

In fact, what this amendment does is it trips through the year 2000, through the 1999 year, and brings us really back to a point where we were before we even started this language.

Incidentally, I would tell the Members, in 1997 the Senate unanimously, by a vote of 95 to nothing, instructed the Clinton-Gore administration not to sign the Kyoto treaty. They did. The United States Constitution requires the advice of the Senate to all treaties, requires the consent of the Senate to all treaties, and balances the power of government between the legislative, executive, and judicial branches.

This is not the same as the amendment last week. The gentleman from Massachusetts errs when he says it is, because this reaches in and takes away everything that we have done. This is not a modest amendment, it is not minor. It is destructive, and frankly, it slaps the Byrd-Hagel resolution in the face. It bypasses the Constitution, and it is wrong for America, it is wrong for the worker, wrong for the laborer, wrong for industry.

Along with a slap against the Constitution and the Byrd-Hagel resolution, I think we have to reject, reject strongly this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am really surprised by the argument that the gentleman from Michigan (Mr. KNOLLENBERG) is making here. The proviso is precisely the same proviso that was in the VA–HUD bill, and the amendment, as I have offered it, is precisely equivalent to the amendment that was offered and voted 314 to 108 last week.

□ 1915

The only difference is that the proviso as it was on the VA–HUD bill applied to only one title of the bill, whereas this proviso now applies as a general provision to every title of this bill. And, therefore, the only thing that has been removed from this amendment is the particular application to the EPA title of the bill which, of course, would not make any sense in a piece of legislation that deals with Commerce and with the State Department and with the Judiciary and with the Justice Department.

So, I really do not understand where there is any difference in the import here. The only thing that is being done by this amendment is to make certain that those things otherwise authorized by law are, in fact, not subject to the limitation, which is precisely what was happening last week when we were saying that those things otherwise authorized by law, those activities that are part of the proviso which are otherwise authorized by law, were not subject to the limitation provision.

So I think that the gentleman voted for the amendment last week in exactly that form, as did the chairman of the Subcommittee on VA–HUD Appropriations.

Mr. Chairman, I yield the remainder of my time to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. OLVER) for yielding me this time.

Mr. Chairman, I would urge the gentleman from Michigan (Mr. KNOLLENBERG), this is not a sleight-of-hand. This is not a maneuver to allow this President to implement anything in Kyoto. This is a provision that the entire executive branch, whether it is EPA, the Department of Energy, the Department of Justice, the State Department, or the Department of Commerce, will understand that the Kyoto Protocol has not been ratified by the Senate, it is not going to be implemented with this particular amendment.

It only allows what I think all of us do on this floor, what all of us want this Government to do and that is simply to exchange information, to have some sense of understanding about human activity, its impact on climate change and what we can do to share with our constituents what is coming down the road.

So I would urge the Members to vote for the Olver amendment. It is good, common, intelligent sense.

Mr. KNOLLENBERG. Mr. Chairman, I would like to be advised the amount of time remaining.

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) has 3 minutes remaining, and the time of the gentleman from Massachusetts (Mr. OLVER) has expired.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PETERSON), who has been a strong, strong supporter of what I would call common sense.

Mr. PETERSON of Pennsylvania. Mr. Chairman, here we go again. Another effort to back-door the Kyoto treaty. The Knollenberg language that is in this bill is appropriate. It has been put into law year after year, and it says that we are not allowed to implement and spend billions of tax dollars implementing the Kyoto Protocol which has not been put before the Senate, when it has not been debated, when it is not in the appropriate setting.

There is no reason for the language that is being offered. There is no good reason. There is no prohibition of exchange of information. There is no prohibition of us doing the normal things that our environmental agencies do from country to country. This creates a loophole that one could drive a Mack truck through. This administration, year after year, has budgeted billions of dollars to sell their theories, to sell the American public on this concept.

Mr. Chairman, that is not what this is all about. Solemn science should rule and we should have a scientific debate. Most of America is concerned about this proposal that is before us right now. The people that create the jobs in this country realize that the Kyoto Protocol, as implemented by the back door as the Gore administration wants to do, will take jobs out of this country and put them into Third World countries faster than anything that has been done.

The Kyoto Protocol, as was mentioned the other day, is a horrible idea. It is a horrible concept. It leaves the Third World countries out and will have our businesses buying credits from them so they can continue to process and manufacture in this country. It makes no sense and we must not let this administration implement it in the back door.

Mr. OLVER. Mr. Chairman, I ask unanimous consent that each side be granted an additional 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. KNOLLENBERG. Mr. Chairman, reserving the right to object, how much time do I have remaining?

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) has 1½ minutes remaining, and prior to this request, the time of the gentleman from Massachusetts (Mr. OLVER) had expired.

Mr. KNOLLENBERG. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Massachusetts (Mr. OLVER) contends that this is just again a very modest thing, a very moderate move, minor move. It is a gut-wrenching, cut-the-heart of the language that we have worked so hard to put in place. The gentleman from Maryland (Mr. GILCHREST) says that we are not going to implement the Kyoto Protocol. My colleagues must know that there are 24 instances on this sheet of paper where the State Department is implementing the Kyoto Protocol.

Mr. Chairman, all we are trying to do is say do not break the law. If it is authorized, do it. If it is not authorized, do not.

The gentleman from Massachusetts (Mr. OLVER) and I have talked about this. But, frankly, the gentleman has crossed the line in terms of transgression. What he is doing is deceptive, disingenuous and it is wrong. It is wrong for this country.

Very honestly, if the gentleman thinks that he can change the language here, he can change it again on the next bill and the next bill, and pretty soon, by water torture, drip by drip, we have a bill, we have statutory language that gets pecked away, destroyed so that the administration, with the gentleman's leadership pushing it, can implement the Kyoto Protocol.

Mr. Chairman, I say again, this is not good for America, it is not good for the laborer, for the farmer, it is not good for industry. And, in fact, as has already been heard, it will jack up the price of a thing called gasoline 65 or 70 cents a gallon if we implement it. I suggest that we stop implementation. I urge my colleagues to vote against the Olver amendment.

Mr. Chairman, I want to point out that the amendment by Mr. OLVER regarding the Kyoto Protocol cannot, under the Rules of the House of Representatives, authorize anything whatsoever on this Commerce, Justice, State, Appropriations bill, H.R. 4690, lest it be subject to a point of order.

The offerer of this amendment admits that it shall not go beyond a recognition of the original and enduring meaning of the law that has existed for years now—specifically that no funds be spent on unauthorized activities for the fatally flawed and unratified Kyoto Protocol.

Mr. Chairman, I am grateful for the acknowledgement of Administration's plea for clarification. The whole nation deserves to hear the plea of this Administration in the words of the coordiantor of all environmental policy for this administration, George Frampton, in his position as Acting Chair of the Council on Environmental Quality. On March 1, 2000, on behalf of the Administration he stated before this appropriations subcommittee, and I quote, "Just to finish our dialogue here, my point was that it is the very uncertainty about the scope of the language . . . that gives rise to our wanting to not have the continuation of this uncertainty created next year."

Mr. Chairman, I agree with Mr. OBEY when he stated to the Administration, "You're nuts!" upon learning of the fatally flawed Kyoto Protocol that Vice President GORE negotiated.

Mr. Chairman, I thank the gentleman for his focus on the activities of this Administration, both authorized and unauthorized.

The offerer of this amendment admits that it shall be ready to be fully consistent with the provision that has been signed by President Clinton in six current appropriations laws.

A few key points must be reviewed:

First, no agency can proceed with activities that are not authorized and funded.

Second, no new authority is granted.

Third, since neither the United Nations Framework Convention on Climate Change nor the Kyoto Protocol are self executing, specific implementing legislation is required for any regulation, program, or initiative.

Fourth, since the Kyoto Protocol has not been ratified and implementing legislation has not been approved by Congress, nothing contained exclusively in that treaty is funded.

Mr. Chairman, as you know, the Administration negotiated the Kyoto Climate Change Protocol sometime ago but has decided not to submit this treaty to the United States Senate for ratification.

The Protocol places severe restrictions on the United States while exempting most countries, including China, India, Mexico, and Brazil, from taking measures to reduce carbon dioxide equivalent emissions. The Administration undertook this course of action despite unanimous support in the United States Senate for the Senate's advice in the form of the Byrd-Hagel resolution calling for commitments by all nations and on the condition that the Protocol not adversely impact the economy of the United States.

We are also concerned that actions taken by Federal agencies constitute the implementation of this treaty before its submission to Congress as required by the Constitution of the United States. Clearly, Congress cannot allow any agency to attempt to interpret current law to avoid constitutional due process.

Clearly, we would not need this debate if the Administration would send the treaty to the Senate. The treaty would be disposed of and we could return to a more productive process for addressing our energy future.

During numerous hearings on this issue, the administration has not been willing to engage in this debate. For example, it took months to extract the documents the administration used for its flawed economics. The message is clear—there is no interest in sharing with the American public the real price tag of this policy.

A balanced public debate will be requried because there is much to be learned about the issue before we commit this country to unprecedented curbs on energy use while most of the world is exempt.

Worse yet, some treaty supporters see this as only a first step to elimination of fossil energy production. Unfortunately, the Administration has chosen to keep this issue out of the current debate.

I look forward to working to assure that the administration and EPA understand the boundaries of the current law. It will be up to Congress to assure that backdroor implementation of the Kyoto Protocol does not occur.

In closing, I look forward to the report language to clarify what activities are and are not authorized.

Mr. OLVER. Mr. Chairman, I ask unanimous consent for 1 additional minute for each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. KNOLLENBERG. I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KNOLLENBERG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. OLVER) will be postponed.

The Clerk will read.

The Clerk read as follows:

TITLE VII—RESCISSION

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 104–208, $7,644,000 are rescinded.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 107, line 21, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any amendments?

AMENDMENT NO. 38 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. STEARNS: At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VIII—LIMITATIONS

SEC. 801. Of the funds appropriated in this Act under the heading "FEDERAL COMMUNICATIONS COMMISSION", not more than $640,000 shall be available for the Office of Media Relations of the Federal Communications Commission.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Florida (Mr. STEARNS) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to my colleagues that I have a very simple amendment, and I will not take the full amount of time for this.

When we passed the Telecommunications Act in 1996, the whole idea of the act was to deregulate the telecommunications industry. At that time it was heralded as a great event. We had not deregulated the Telecommunications industry since 1934. So when we finally deregulated, all of us thought that this would possibly reduce government because of deregulation.

Instead of reducing government, the FCC which monitors and overlooks the telecommunications revolution, expanded quite dramatically. And they obviously will claim they need additional staff, but I contend that with all these mergers and all of this ever-changing landscape, we have to ask do they need 2,000 full-time equivalent employees at the FCC? I believe that in some places they have the necessary employees, but one area I am particularly concerned about, is in the media relations department. Do they need almost 20 people to do media relations? To make press clips? To send out press releases and to sell the FCC?

Mr. Chairman, this is a government agency. This is not The Washington Post. This is not the Lockheed-Martin Corporation. It is just an independent government agency, yet they have almost 20 people to do media relations. What is the need for an agency to be able to carry out a media campaign of public relations? This is in addition to the press operations the FCC bureau office employs already. That is right. The seven bureau offices have their own press contacts and the five Commissioners all have their own press contacts.

So let us take a look at this chart. When we look at this chart and see all the difference departments in the FCC that make up this 2,000 employees agency and we relate that, each of the Commissioners have their own press contacts and each of the bureaus have their own person to deal with media. We have a right to ask. And then we come over to this box, the Office of Media Relations, which is over there, and we say to ourselves: What do they do and how big are they?

Mr. Chairman, they are responsible for informing the press and the public about the FCC's actions, facilitating public participation, issuing news releases, public notices and other information material. That sounds pretty good. There are 17 people in that office.

Now, I would like if I could to take this chart down and show what makes up that media relations department. First of all the American taxpayer is paying four people an average salary of $77,349, another four people at $98,743, and one person is making almost $131,000 a year. So if you look back up here and see 17 of these different persons that make up this media relations, we will understand that the composite group of these 17 people are making a great deal of money.

In fact, the total of the salaries in this office alone is over $1,100,000. I suggest if one is a media person on the Hill, they could probably apply to the FCC and make a lot more money than they are making in their present job, frantically working until midnight like tonight.

Mr. Chairman, my amendment prohibits the FCC from appropriating more than $640,000, instead of $1,100,000, for the Office of Media Relations. I need to remind the Chairman of the FCC that employees of the Commission are public servants. This office and others throughout the FCC are unelected and now are getting paid almost as much as Federal judges. In some cases they are paid more. The role of the agency is to implement and administer our Nation's telecommunications law, not to increase headlines.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I rise in support of the gentleman's amendment. It is important to remind ourselves that the amendment does not make further cuts in the budget of the FCC. It is intended to limit the funds spent by the Commission on media relations.

Many in this Chamber questioned the involvement of the FCC in our debate over the Radio Broadcasting Preservation Act. Despite the FCC's efforts, that bill passed the House overwhelmingly by a vote of 274 to 118 back in April.

Mr. Chairman, I commend the gentleman from Florida for his work and this amendment.

Mr. STEARNS. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

This is one of those out and out attacks that one always wonders whether what was said on the floor is the actual reason or there was a reason behind it.

□ 1930

Let us face it, the FCC is in a lot of trouble with some people these days because of the work they are doing on low-power FM stations, and for that they are paying a big price.

It is interesting that people who are in this profession, like ourselves, like myself, would get up to oppose the idea of an office of media relations. I mean what we do every day, the fact that we have allowed cameras in this Chamber, is in fact our desire to keep the public informed. And what we have here is an office that handles very delicate issues, issues that we deal with on a daily basis in this country, from the FCC.

The whole notion of suggesting that the FCC generates this kind of information is not totally correct. The FCC and the media relations office also do a lot of work responding to many inquiries from Members of Congress, from the public in general and, yes, from the press. For instance, on a yearly basis, 39,600 average press calls come in seeking information about telecommunications issues and pending FCC cases and proceedings.

Secondly, because of the work that the FCC does, and because of the fact that the FCC has been involved in some very serious decisions in the last few years, there is a need from the public to know; and the public is constantly asking on a weekly and a monthly basis of the FCC to handle more information. They brief the press and the public before each Monday meeting on all the issues; they also make available the information on the Internet and via e-mail. These are the kinds of things we demand of ourselves and we demand of other people.

They, as I said, maintain and continually update the FCC Web site, on which all documents released by the commission are posted. The site receives approximately one million hits each day. One million hits. Now, this is not an office that sits around doing nothing; and this is not an office that has to go out, as has been suggested here, and create information and create their jobs. The mere fact that they are in an agency which gives out information and which controls a lot of the information that goes out in this country, they are part of this agency and this is the work that they do.

To stand here on the floor and just try to say, well, we have to get at them for some of the things they have done that we do not like, and we are going to start by keeping the information from coming out, that is just not fair and should be seen for what it is.

Mr. Chairman, I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield myself the balance of my time.

And, Mr. Chairman, I would say to my good friend that this is just intended to save money and to bring more fiscal responsibility. So there is no other motive here.

I would also say to my friend that each of these bureaus here have their own press person. And when the commissioners send out their own press release, a certain person in that commissioner's office must be referred to as the press contact. These folks are in overload with personnel in the press department.

I submit that we can take this office, which spends $1,100,000 and bring it down to $640,000.00 and still be better off. Because we do not need to be paying so many people $80,000. There are four of them making almost $80,000 a year. I suggest my colleague's my own press secretary is not making $80,000 a year, and I submit that this office does not need this much either.

The CHAIRMAN. The time of the gentleman from Florida (Mr. STEARNS) has expired.

Mr. SERRANO. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from New York has 2 minutes.

Mr. SERRANO. Mr. Chairman, I yield myself the balance of my time.

Now that the gentleman from Florida has gotten me in trouble with my press secretary, I must say that I still think that this is an unfair attack. It is interesting that the gentleman mentions my press secretary, because at this very moment each one of us that has spoken on the floor today has been getting countless phone calls from the media and from the public asking for information as to what we said, what we discussed, why we said it, and what was the issue.

The FCC handles as important issues as we do and they get the same information requests, and they get the same desire from the public to know.

So what I am saying to my good friend is I know that the gentleman has some problems with the FCC, but he should find another area to attack and not attack the media relations. Because if the gentleman succeeds, I assure my colleague that a year from now he will be back on the floor complaining that he does not get enough information from the FCC.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I will not be on the House floor next year if the gentleman votes for my amendment. Will the gentleman agree to that?

Mr. SERRANO. Reclaiming my time, Mr. Chairman, I am hoping that the gentleman will not be on the House floor next year, but it has nothing to do with the amendment.

Mr. STEARNS. If the gentleman will continue to yield, I have issued a challenge to the gentleman.

Mr. SERRANO. I am sorry, I cannot vote for the gentleman's amendment this year or next year.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the Stearns amendment. Far too often, Federal agencies simply forget whom they are here to serve—the people.

The Federal Communications Commission's Office of Legislative and Intergovernmental Affairs employs approximately 13 people at a cost of almost $950,000 dollars to answer requests and inquiries and they do a poor job.

Mr. Chairman, why does it take 17 people in the Office of Media Relations to inform the press and the public of the FCC's actions—at a cost to the taxpayer of over $1 million dollars?

Why does it take 13 people from the Office of Legislative and Intergovernmental Affairs to respond to 535 Senators and Members of Congress when I have 6 people on my staff to answer the inquiries from 600,000 of my constituents?

Mr. Chairman, let me give you one example of a situation I encountered with the Federal Communications Commission's poor record of "customer service."

In November of 1999, I wrote to the Chairman of the FCC seeking a response to an issue hundreds of my constituents had written to me about.

Despite several follow-up letters to Chairman Kennard, I had to send yet another letter in April and had my office place several telephone calls inquiring to the status of the response to my inquiry—now five months old.

Mr. Chairman, it is an outrage that it would take the Chairman of the Federal Communications Commission almost five months to respond to my constituents. This agency has absolutely no accountability to the taxpayers! It is clear how much waste is taking place at this agency.

Mr. Chairman, it is about time for the Federal Communications Commission to be responsible to the people they serve. I urge my colleagues to support this amendment.

Mr. SERRANO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time on the amendment has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The amendment was agreed to.

AMENDMENT NO. 28 OFFERED BY MS. MCCARTHY OF MISSOURI

Ms. MCCARTHY of Missouri. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Ms. MCCARTHY of Missouri:

Add at the end of the bill, before the short title, the following:

TITLE VIII—PROPERTY AND SERVICES DONATIONS TO THE BUREAU OF PRISONS

PROPERTY AND SERVICES DONATIONS TO THE BUREAU OF PRISONS

SEC. 801. The Director of the Bureau of Prisons may accept donated property and services relating to the operation of the Prison Card Program from a not-for-profit entity which has operated such program in the past, despite the fact such not-for-profit entity furnishes services under contract to the Bureau relating to the operation of prerelease services; halfway houses, or other custodial facilities.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Missouri (Ms. MCCARTHY) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Chairman, I yield myself such time as I may consume, and I offer this amendment which adds clarifying language to the bill. This amendment is noncontroversial and enjoys bipartisan and bicameral support.

This amendment allows the Department of Justice to accept a donation of greeting cards from the Salvation Army. The Department of Justice requested this language to continue a very successful prison card program which has operated successfully for over 25 years.

Each year, as a part of their rehabilitation, millions of cards are distributed to help prisoners keep in touch with their families and friends, thus keeping them connected with society and, where possible, easing their return and acclimation to society upon release.

From a public policy standpoint, this program is hailed as very successful by the Department of Justice, the Bureau of Prisons, prison administrators, majority and minority communities, faith-based organizations, and law enforcement officials. Again, this is a noncontroversial and widely supported program, and I urge the adoption of my amendment.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. MCCARTHY of Missouri. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we are not opposed to the amendment.

Ms. MCCARTHY of Missouri. Mr. Chairman, I thank the gentleman for accepting my amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Is there any Member wishing to claim time in opposition?

Hearing none, the question is on the amendment offered by the gentlewoman from Missouri (Ms. MCCARTHY).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer amendment No. 23.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. HOSTETTLER:

At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE — ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act to the Department of Justice may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith & Wesson and the Department of the Treasury (among other parties).

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Indiana (Mr. HOSTETTLER) and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I rise to offer an amendment that would prohibit the Department of Justice from using taxpayers' dollars to enforce the provisions of a settlement agreement between Smith & Wesson, the Treasury Department, and the Department of Housing and Urban Development.

The Department of Justice would be the primary agency that would bring suit to enforce any disputes that arise as a result of the agreement. Therefore, this amendment would simply prohibit the Department of Justice from suing Smith & Wesson for HUD or Treasury to enforce the contested provisions of this agreement.

Let me share with my colleagues what I am trying to accomplish with this amendment. It is quite simple. Article 1, section 1 of the Constitution states, and I quote: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

In my hand I hold 22 pages of legislation. This legislation was not deliberated in these grand Chambers. This legislation was not debated among the distinguished Members of this body. This legislation was formed by lawyers of the executive branch, bringing the full force and weight of the United States Government upon one firearms manufacturer.

What is our response? If we do nothing and allow the executive branch to intrude upon our legislative authority, who is next? I do not believe the founders of this great Nation would want us to hand over our constitutional authority to Andrew Cuomo or Janet Reno. In fact, our oath of office requires us to stand up and say to the executive branch, "You will not bypass us and bring this reign of legislation through litigation terror upon the American people."

Now, let me share with my colleagues what these 22 pages of legislation include. Now, keep in mind that in the agreement Smith & Wesson agrees to bind all those dealers who wish to sell Smith & Wesson products to the restrictions in the agreement. In other words, Smith & Wesson dealers must include the following restrictions on all firearms sales regardless of make. This includes Smith & Wesson, Ruger, Beretta, Colt, and so on.

In order to continue selling Smith & Wesson products, dealers must agree to, one, impose a 14-day waiting period on any purchaser who wants to buy more than one handgun. Again, all makes. Did Congress authorize such a restriction?

Two, transfer firearms only to individuals who have passed a certified safety examination or training course. Once again, all makes. Did Congress authorize this restriction?

Three, the agreement authorizes the BATF, the Bureau of Alcohol, Tobacco and Firearms, to sit on an oversight commission to enforce provisions of the coerced agreement. When did Congress authorize the BATF to enforce private civil settlement agreements?

Four, requires the BATF or an agreed-upon proofing entity to test firearms. Did we do this in this Chamber?

Five, the agreement mandates that Smith & Wesson commit 2 percent of their revenues to develop authorized user technology and within 36 months, 3 years, to incorporate this technology in all new firearm designs. It appears HUD likes unfunded mandates. Did Congress authorize this unfunded mandate?

I could go on and on, but time prevents me from doing so. I have been accused of trying to destroy Smith & Wesson in past legislative efforts. Nothing could be further from the truth. In fact, in April, Smith & Wesson published on their Web page a clarification of their interpretation of their agreement with Treasury and HUD. But the Clinton administration was not happy at all with that interpretation found on their Web site, and I quote from the New York Times of April 14:

"A Clinton administration official hinted yesterday," April 13, "that the matter might end up in court if Smith & Wesson tried to back away from a deal it had signed. 'The agreement is a contract,' said an administration official involved in the deal. 'It says what it says. It will be implemented.' "

Now, tell me, who is trying to destroy Smith & Wesson? I suppose former Labor Secretary Robert Reich was prophetic in his statement in USA Today when he said in February 1999: "The era of big government may be over, but the era of regulation through litigation has just begun."

In conclusion, Mr. Chairman, I ask, are we a Nation of laws or a Nation of lawsuits? Support my amendment and stop Treasury and HUD from using the Department of Justice to enforce their legislation, again, not this body's legislation, but Treasury and HUD's legislation through litigation, and return that legislative power to where the Constitution requires it, the Congress.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) is recognized for 15 minutes.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am really troubled by this amendment because it wants to destroy an agreement which is for the good of the American people and, in fact, for the good of the gun manufacturing industry.

On the safety front, Smith & Wesson agreed to measures like internal safety locks, smart gun technology, child safety trigger resistance, chamber load indicators, and many other provisions that will cut down on accidental shootings and make guns less attractive to criminals.

What Smith & Wesson did was, in fact, show for the first time in a very significant way that this issue can be taken seriously as a manufacturer; that they do not have to run away from their responsibilities; that, yes, they can stay in business and still do the right thing by the American people and American children. For that reason, I think that opposing the implementation of the agreement at this point is a vote for less safety and less responsible distribution. To kill the implementation of the agreement sends a strong signal to the rest of the gun industry that they should just keep resisting common sense reform while communities throughout America pay the price.

Mr. Chairman, I reserve the balance of my time.

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Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is simply to once again return the legislative authority to Congress. Congress has in the past dealt with issues that the gentleman has discussed; and, in fact, it has passed legislation dealing with trigger locks, with waiting-day periods for, as past amendments dealing with that legislation dealing with the amount of time that must be used for background checks at gun shows where an individual is not a Federal firearms licensed dealer but is, in fact, a private seller.

Congress has already spoken on those issues. But the administration does not want that discussion to be heard, does not want that discussion to be the legislative process. It wants to legislate through litigation. It wants to legislate through the coercive action of HUD, of the BATF and, in this particular case, the Justice Department.

I would say that the discussion about what this is going to do for our children I think is made moot, is defied by the simple facts of our society today. And what we are led to believe that discussion is that this agreement will make firearms safer, will make the streets safer for our children really flies in the face of reality.

And that is, if we take the tragic story earlier this year of a 6-year-old boy who went to school and killed his classmate, what we are led to believe by the opponents of this amendment, the proponents of legislation through litigation through the executive branch, is this, that when that little boy would take the gun that his father or those in the crack house where he was staying had stolen, that he would have been met on the way to school with that .32 caliber automatic firearm and, in a drug-induced stupor, his father would have said, Son, before you go to school with that firearm that we stole and you break six, eight, ten, a dozen Federal firearms laws by doing it, what you and I need to do is we need to go down and have a certified training course for that gun, for the use of that firearm, for the illegal use of that firearm.

Mr. Chairman, that is not going to happen, obviously. But discussion earlier last week, I think, does define what is trying to be done in this agreement; and that is a statement that was made by one of our colleagues that said, quote, this amendment and the one that preceded it earlier regarding the Communities for Safer Guns Coalition are really unnecessary and they fly in the face of incremental and reasonable and common sense attempts to protect our children from guns.

Obviously, that little 6-year-old girl that was killed was not secured from violence and this agreement and everything affiliated would not have stopped that from happening. But what is taking place is incremental gun control by actions of the executive branch implemented not only on dealers who deal in Smith & Wesson firearms but on every firearm that goes through their inventory.

This is back-door gun control through coercion and through threat of litigation, and this Congress should not allow that to happen.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just point out that a similar amendment by the gentleman from Indiana (Mr. HOSTETTLER) was defeated on the VA-HUD bill. Secondly, the gentleman keeps mentioning the Department of Justice. The Department of Justice is not a party to this agreement, as is the Treasury Department.

Lastly, just to remind everyone, this is Smith & Wesson trying to do the right thing; and to be attacked for trying to do the right thing and to say they have been coerced is totally unfair.

Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Mrs. McCARTHY).

Mrs. McCARTHY of New York. Mr. Chairman, last week my colleague the gentleman from Indiana (Mr. HOSTETTLER) attempted to turn back the clock on gun safety. He failed and the House rejected his amendment. We should defeat this amendment once again.

Today he tries again. The bill has changed, but the amendment is the same. Instead of HUD, the gentleman from Indiana (Mr. HOSTETTLER) prevents the Department of Justice from expending any money relating to HUD-Smith & Wesson agreement.

Secretary Cuomo and more than 10 of the Nation's mayors successfully negotiated an agreement with the gun manufacturer, Smith & Wesson, in March. This agreement has been embraced by more than 411 communities across the Nation from Los Angeles to Long Island, New York. The agreement will make our communities safer, and we should allow it to continue without Congressional tampering.

His amendment will prevent the Department of Justice from expending any funds related to its agreement with Smith & Wesson. Now, this is extremely important.

What does the agreement do? This is not gun control. This is called gun safety where a manufacturer is coming before us and doing the right thing to try to make our citizens and our children safer.

Guns will have safety locks. Smart technology, this is the guns that can be for people in the house, whether it is one person or two people, that the gun can be fitted to that person and only those two people would be able to use that gun. This is extremely smart. Smith & Wesson has agreed to go forward with this. This is gun safety, not gun control.

Guns cannot be marketed to children. What can we even say about that? Guns should not be marketed to children, anyhow.

Background checks performed on all sales. We know that when we do background checks and weed out those criminals that are trying to buy their guns, that that can cut down on gun violence in this country.

Gun stores must secure guns and ammunition to prevent their theft. What is wrong with that? This way we cannot have someone breaking into a store and stealing guns and ammunition. Law enforcement has a stake in this agreement because it reduces gun violence, reduces gun accidents, and it keeps the guns out of the hands of criminals. And that is, basically, all Smith & Wesson is trying to do with this agreement.

Let me say that this also leads us down a very slippery slope. What if a drug manufacturer reaches an agreement with the Department of Veterans' Affairs to provide reasonable priced prescription drugs for our veterans? Are we going to strike this down also?

The Congress has a legitimate right to examine this agreement and others. It is shameful to defund the Smith & Wesson agreement without adequate review. We constantly hear the Congress should not meddle in the affairs of our cities and our counties. This amendment is meddling. It says local communities cannot work with the Federal Government to reduce gun violence.

This amendment says HUD should not keep its word. It says that it is trivial that 12 children are killed every day by gun violence.

It was mentioned by my colleague that the 8-year-old that shot the 6-year-old girl that a child safety lock would not have prevented this. Well, most likely, it probably would not have. But that does not mean that we should not go forward in trying to have gun safety legislation here.

What might have happened was, if that person bought the gun illegally, maybe if we had stricter laws as far as background checks go that person would not have been able to buy the gun if he did buy it on the black market.

I think that we should honor our agreement with Smith & Wesson. It is good business sense for them; and, hopefully, other gun manufacturers will follow suit with them.

I have to say, when a private individual or company sues the Federal Government and settles, then Congress makes sure that the settlement is upheld. The same standard applies to the HUD-Smith & Wesson agreement. Let this agreement stand as it is.

Mr. Chairman, guns and children do not mix. The Million Mom March showed us that hundreds of thousands of Americans can unite to stop gun violence in this country. The gun lobby does not control this House. We, the citizens that work here representing the people back home, are the ones that are supposed to fight for the issues that we care so much about.

I have to say that every little thing that we try to do to reduce gun violence in this country we seem to be stopped. I think it is time that we all work together. This is gun safety. It is not gun control. Gun control to me is when we try to take away the right of someone owning a gun. We are not doing that. I do not know of any Member that is trying to do that. This is good, common sense gun safety legislation. We defeated this amendment last week. We should again defeat this amendment today.

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would address some points that the gentlewoman from New York (Mrs. McCARTHY) made, and the first is the discussion of the slippery slope.

She brings up a good point about reasonable cause for the Veterans' Administration for drugs from a particular drug company. No one could be opposed to that. But the analogy is not particularly complete in that, if one drug company would make that agreement with the Veterans' Administration, if the same philosophy would govern as does with the Smith & Wesson agreement, then every pharmacist that supplies that one drug would have to sell a similar drug or other drugs at a price dictated by the first drug company and the Veterans' Administration.

That is what this agreement does. It makes not only the sale of Smith & Wesson firearms applicable to the provisions of this agreement, but this makes other non-signatory gun manufacturers open to this, as well.

Now, the gentleman from New York (Mr. SERRANO), the ranking member, said that the Department of Justice is not a party in this lawsuit, and he is absolutely correct. But, however, it would be the Department of Justice, as the gentlewoman from New York (Mrs. McCARTHY) pointed out, that would be the instrument that would bring the suit to Federal court on the part of HUD and the Treasury. So he is right. But this amendment is still necessary because it will be Justice that brings this to play.

Now, the gentlewoman from New York (Mrs. McCARTHY) is right. This agreement would not have done anything to stop the tragedy nor to stop most tragedies dealing with violence against children, violent crimes. Because that is why we call them crimes. When they break the law, they commit a crime. And that is what happened in the first case with the incident that I discussed earlier. The gun was not purchased on the black market.

Not many black market salesmen have guns that do background checks in the first place. But, secondly, even if this one particular black market gun dealer that my colleague points out would have done a background check, it would not have applied because it was stolen and it was reported as such, so this agreement would not have affected that particular situation at any point.

Now, I would simply say that this is an agreement that is going to be carried out in a court of law, according to what has already been stated in The New York Times, if Smith & Wesson goes forward with their interpretation of the agreement. The Department of Justice would be the one to bring suit. And, so, if my colleague feels that Smith & Wesson has tried to do the right thing in this agreement, then she must vote for my amendment because she does not, in her own words, want to penalize Smith & Wesson by the Justice Department doing what they have already said they are going to do, and that is sue Smith & Wesson if Smith & Wesson does not do exactly what the Department of Justice, not Congress, says they should do in this.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman from Indiana (Mr. HOSTETTLER) for bringing this very important amendment to the floor.

There is a lot of emphasis around here on the first amendment, and rightfully so. We should defend it. There is a lot of neglect on the second amendment, but there are a lot of Americans that believe that the second amendment is equally as important as the first amendment. So I congratulate the gentleman.

Mr. Chairman, I rise in strong support of the Hostettler amendment. The Founding Fathers fought to break away from a tyrannical government. Part of the problem was that the King of England was making laws without any accountability. When they set up this Government, they saw the dire need to have several checks and balances, thus creating the three-fold system of Government: the executive branch, the judicial branch, and the legislative branch.

It is this legislative branch that is responsible for making laws and the judicial branch for interpreting them, period.

A serious act of misconduct on the administration occurred when the Smith & Wesson agreement was settled. The executive branch acted as the legislative branch when they bypassed Congress through 22 pages of litigation. The egregious agreement will require all authorized Smith & Wesson dealers to limit handgun sales to one handgun every 14 days regardless of make, require all authorized Smith & Wesson dealers to require customers to pass a certified test before completing a sale of any firearm, mandate that the BATF participate on an oversight commission created by the settlement agreement, and does not allow unaccompanied minors into areas where firearms are present.

It seems now that the administration sees fit, acting on no authority given it by the Constitution, to dictate to a company who they can sell their products to and in what manner their product can be sold. This forces law-abiding citizens to jump through Government-ordained hoops before they exercise their rights to purchase as many firearms as they choose and to purchase them whenever they choose.

The BATF, which has never been known for its fair treatment of gun owners, will play an integral part on the oversight commission of gun owners by the agreement.

The BATF will require all employees of dealers to attend annual training courses. In these training courses, the BATF gives the final say as to what can be taught and what will be excluded. Each employee must also complete an examination of which its contents will be closely reviewed by the oversight commission and make its own changes as it sees fit. In essence, they are acting as the "thought-control" police. This sounds very Orwellian to me and far from what Patrick Henry had in mind when he said, "The great objective is that every man be armed . . . Everyone who is able may have a gun."

Let us not forget past calamities against U.S. citizens from over zealous federal agents in trying to enforce unconstitutional gun laws. Again, too much power is being given to these unconstitutional agencies and even worse, it is being done without the consent of Congress. Members of the House, you must remember the oath that you swore to uphold and not relinquish your authority any longer. By what authority does the administration set up this new commission, what check will be placed on this agency in making their new regulations that will affect all Americans without giving them a chance to vote or have a say in these changes. Why should we hand over our authority to another branch of the government and then let it take more freedoms away from our citizens?

These requirements have been voted on in the past in the House and Senate and thus far have not passed either house. It is all to clear that the agenda of the Clinton Administration has always been anti-second amendment, and thus, they have found a way to implement their policies by forcing a gun manufacturer to comply regardless of their legal legitimacy. The Federal government and executive branch have no business—and have no authority—to mandate how a company runs its business.

Let us not allow our authority to be usurped from us any longer. Please stop the funding for this anti-constitutional settlement and vote for the Hostettler Amendment and support H.R. 2655, the Separation of Powers Restoration Act.

I strongly support this amendment. I compliment the gentleman from Indiana (Mr. HOSTETTLER) for bringing this to the floor, and I hope that we can pass this overwhelmingly.

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Mr. SERRANO. Mr. Chairman, I yield myself 1 minute.

The more I hear the gentleman speak about his amendment and the more I hear people support the amendment, I cannot believe what I am hearing. It is like we are going crazy in this Chamber. Here we have for the first time a major manufacturer of guns in this country not saying gun control, not saying stop the sale of guns but saying, yes, you were right all along, I can make safety locks; I can bring out smart gun technology; I can make my guns child safety-trigger resistant; I can have chamber load indicators; I can do a lot of things that will make this situation a safer one for people who should not be either using guns or be near a gun in any way. In no way, shape or form does Smith & Wesson want to put themselves out of business by saying gun control.

This is a perfect thing to agree on. In fact, if one is for the use of guns in this country, they should be for this. So the more I listen to these arguments I say I do not know, maybe I am listening to another Chamber somewhere else.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy of the gentleman from New York (Mr. SERRANO).

I listened to the gentleman from Texas (Mr. PAUL) talk about a lack of accountability that inspired the American Revolution. Well, I think there is a revolution today in this country of thinking about how we deal with gun violence, and the lack of accountability today is on the floor of this Chamber where the American public overwhelmingly supports simple, common sense approaches to reduced gun violence but this Chamber is still in the thralls of apologists for gun violence and refuses to do what the American public would support.

It is clear, I hope, from my discussion last week, that it is wrong for this Congress to make it hard for a 2-year-old to open a bottle of aspirin but not make it hard for that 2-year-old to shoot his baby sister.

My point, which the gentleman from Indiana (Mr. HOSTETTLER) somehow confused with regulation of water pistols when they purchase it, was instead that this Congress has made it clear that there are certain core product safety standards which we are afraid to extend to real guns because of the threat of the NRA.

This legislation before us today has two nonsensical approaches. One, it undercuts our efforts to have a cooperative effort with the private sector in solving problems of gun violence and it would be read to prevent the Department of Justice conceivably from even discussing the Smith & Wesson agreement, clearly an illogical result. They are not a party to the legislation. It is not appropriate to be dealing with their budget, but it is clear that their job is to advise government agencies on the legal ramifications of what they enter into. That is absolutely dead wrong that somehow we would undercut their ability to do their job.

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Oregon (Mr. BLUMENAUER) pointed out a very important point, and that is that we should be doing what the American people want. The Framers of the Constitution had that very same thing in mind when they said that all legislative powers shall be vested in a Congress; all policymaking power shall be given to a Congress. They did not give that power to make policy to the executive branch. They did not give it to the judicial branch. Here of late, the Supreme Court has forgotten that fact.

They did not give it to bureaucrats, either. They gave it to the legislative branch, being the Congress. So by doing this amendment, we are doing exactly what the American people want. A vote later will determine that on this particular bill.

Let me just remind my colleague from New York, the ranking member, that if he in fact believes that Smith & Wesson is doing the right thing by entering this agreement, and he does not want harm to come to Smith & Wesson, he should support my amendment because the Department of Justice is going to be the arm of the Federal Government that is going to be bringing this suit to court if Smith & Wesson goes against what the Department of Justice or HUD, I should say, or BATF does. It will be them. If one votes for this amendment, they will be saying hooray to Smith & Wesson; but if they do not, if they do not, then they will be saying that Smith & Wesson should be penalized for entering this agreement and not doing what the executive branch and the bureaucrats, that none of the employees of Smith & Wesson ever voted for, they will be doing what they want them to do and not according to what Smith & Wesson would have them to do.

I ask for support of my amendment.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to my friend, the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member, the gentleman from New York (Mr. SERRANO), for yielding me this time.

For any of the viewers that are tuned in and listening to this debate, maybe we should pull back and clear the air for a moment and explain to them what this is about, kind of in an unedited way.

This is an amendment that is directed at removing from the books an agreement that Smith & Wesson, gun manufacturer in the United States of America, in my view, stepped up to home plate and struck an agreement, struck an agreement. Now, any major business, corporation in this country, I do not think, steps up to home plate to put themselves out of business. So, number one, this does not hurt their business, but what it is directed toward is protecting children.

I think that is very smart of Smith & Wesson because it is a very effective marketing tool.

Now, this marketing tool of this amendment now comes along and cloaks itself in the Constitution that no Federal agency should be able to enter into an agreement such as this; and so, therefore, constitutionally we need this amendment to undo this agreement.

I think that that is hogwash, I have to say. All of the mothers and fathers that came to Washington, D.C., to march, what were they saying? They were saying that in this country we have had enough. We do not want to bury our own children. Guns are dangerous; and in the hands of little ones, fatalities happen over and over and over again. So let us not dress ourselves up in a constitutional issue here. Let us not try to make ourselves look good. I rise in opposition to this amendment. It is a bad one. It is not what the American people want, and people should vote it down.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would advise Members to address their remarks to the Chair.

Mr. SERRANO. Mr. Chairman, I yield the balance of my time to the gentlewoman from New York (Mrs. MCCARTHY).

The CHAIRMAN. The gentlewoman from New York (Mrs. MCCARTHY) is recognized for 3½ minutes.

Mrs. McCARTHY of New York. Mr. Chairman, again let us go through on what this amendment does. It will take away what Smith & Wesson, as far as I am concerned and we heard from my colleague from California, on good business sense. We see unfortunately in this country over 100,000 injuries. Those are the people that have been injured by guns but have not died. Across this country, billions of dollars are spent every single year for the health care services. We all end up paying for that. What Smith & Wesson is saying is they are going to work on technology, technology to make guns safer. Guns that are in 51 percent of the homes today, they will be a safer product.

We strive here constantly on many manufacturers to have them come up with safer products. We see it with cars. We see it with our medications and bottles. We have done that for years and years and years. We see different manufacturers coming up with new, safer ways to make our citizens safe. Well, this is what Smith & Wesson is doing.

We get lost in this debate all the time when we start talking about the Constitution, when we start talking about upholding the Constitution. All of us here, when we are sworn in as Congresspeople, swear to uphold the Constitution, and that is exactly what I do. I am not looking or trying to take away anyone's right to own a gun. That is certainly not my agenda. My agenda is to try to make this country safer than what it is.

We lose police officers too much in this country, and we should be protecting them. How are we going to do that? By having an agreement like Smith & Wesson where we are making sure that there are background checks being made so those criminals that are falling through the cracks are not going to get their hands on guns and use them against our citizens and our police officers in this country.

Smith & Wesson has done the right thing. They have done the right thing. I have to be honest, if someone had told me 3 years ago that I would be defending a gun manufacturer, I would probably have said they were crazy, Mr. Chairman, but here I am. When a company does the right thing, they certainly should be hearing from us to say we will support them on this. When we have mayors across this country, when we have communities, over 400 communities across this Nation, two mayors from the district of the gentleman from Indiana (Mr. HOSTETTLER), saying they want to do their part on working to make their communities and their cities and certainly our States and our country safer, then we should be doing this.

Last week we defended this amendment. The only difference was, it was in another appropriations. I am hoping that my colleagues here in this Congress will again stand with all of us and say Smith & Wesson is doing the right thing. We should stand behind them, make this a safer country for our citizens; certainly make it a safer place for our children and our police officers who are out there every single day risking their lives. We have to do something about trying to cut down how criminals get guns. Smith & Wesson has taken a step by doing that, with the background checks.

Mr. Chairman, I urge all of my colleagues to vote against this amendment.

Mr. PASCRELL. Mr. Chairman, I am here to express my opposition to the Hostettler amendment.

This amendment prohibits the Department of Justice from using funds to implement or administer the settlement reached in March between the federal government and Smith & Wesson.

Last week, during the VA/HUD Appropriations debate, Congressman HOSTETTLER introduced a similar amendment to try to stop the efforts of the federal government to make guns safer and keep them out of the hands of children and criminals.

I have to ask—what is he trying to do?

Does he oppose safer guns? Because this agreement makes sure guns will have safety measures like internal safety locks, smart-gun technology, child-safety trigger resistance, chamber-load indicators, and many other provisions that will cut down on accidental shootings and make guns less attractive to criminals.

Does he oppose making distribution of guns more thoughtful and careful? Because this agreement also closes the gun-show loophole, requires background checks for all sales, limits the delivery of multiple purchases, limits children's access to weapons, and many other measures to keep guns out of the hands of criminals and children.

Does he oppose saving lives? Because that is what this agreement will do. It also sets an example for other manufacturers to help reduce the awful toll of gun violence while ending litigation brought against them by an array of cities and counties.

The agreement is a win-win situation—settling litigation and making safer guns available to the American people.

The agreement demonstrates that manufacturers can make safer guns—including smart guns—and take responsibility for the way their guns are distributed.

A vote for Congressman HOSTETTLER's amendment is a vote for less safety and less responsible distribution. It thwarts implementation of the agreement sends a strong signal to the rest of the gun industry that they should just keep resisting common-sense reform, while communities throughout America pay the price.

I urge every one of your to vote against the ill-conceived Hostettler amendment.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment No. 23 offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 529, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 33 by the gentleman from South Carolina (Mr. SANFORD), amendment No. 72 by the gentleman from Massachusetts (Mr. OLVER), amendment No. 23 by the gentleman from Indiana (Mr. HOSTETTLER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 33 OFFERED BY MR. SANFORD

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 33 offered by the gentleman from South Carolina (Mr. SANFORD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 86, noes 312, not voting 36, as follows:

[Roll No. 322]

AYES—86

Aderholt
Andrews
Armey
Bachus
Barr
Bartlett
Barton
Boyd
Bryant
Burton
Buyer
Chabot
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Crane
Cubin
DeFazio
DeMint
Doolittle
Doyle
Duncan
Ehrlich
Everett
Foley
Forbes
Gibbons
Goode
Goodlatte
Green (WI)
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Jenkins
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kingston
Largent
LoBiondo
Luther
Metcalf
Mica
Miller (FL)
Moore
Moran (KS)
Nethercutt
Ney
Pastor
Paul
Pease
Peterson (PA)
Petri
Pombo
Radanovich
Ramstad
Riley
Rohrabacher
Ryan (WI)
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Smith (MI)
Smith (WA)
Stearns
Sununu
Tancredo
Taylor (MS)
Toomey
Weldon (FL)

NOES—312

Abercrombie
Ackerman
Allen
Archer
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brady (PA)
Brady (TX)
Brown (OH)
Burr
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hinojosa
Hobson
Hoeffel
Holden

Holt
Hooley
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Kildee
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pickering
Pickett
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scott
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—36

Blagojevich
Boswell
Brown (FL)
Campbell
Carson
Cook
Davis (IL)
Dingell
Gutierrez
Hansen
Hinchey
Jones (OH)
Kaptur
Kennedy
Kilpatrick
Klink
Lazio
Lipinski
Manzullo
Markey
Martinez
McCollum
McIntosh
Morella
Pitts
Pomeroy
Rangel
Rush
Ryun (KS)
Schakowsky
Shows
Talent
Towns
Vento
Waxman
Whitfield

□ 2031

Mr. SAWYER and Mr. DEUTSCH changed their vote from "aye" to "no."

Mr. SMITH of Michigan and Mr. LUTHER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 529, the Chair announces that he will reduce to a minimum of 5 minutes the time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 72 OFFERED BY MR. OLVER

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 72 offered by the gentleman from Massachusetts (Mr. OLVER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 181, not voting 36, as follows:

[Roll No. 323]

AYES—217

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Bilbray
Blumenauer
Boehlert
Bonior
Borski
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Gutknecht
Hall (OH)
Hastings (FL)
Hill (IN)
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scott
Serrano
Shays
Sherman
Shuster
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wise
Woolsey
Wu
Wynn

NOES—181

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Graham
Granger
Green (WI)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
McCrery
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Pryce (OH)
Radanovich
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—36

Blagojevich
Boswell
Brown (FL)
Campbell
Carson
Cook
Davis (IL)
Dingell
Gutierrez
Hansen
Hinchey
Johnson (CT)
Jones (OH)
Kaptur
Kilpatrick
Klink
Lazio
Lipinski
Manzullo
Markey
Martinez
McCollum
McIntosh
Morella
Pitts
Pomeroy
Rangel
Rush
Ryun (KS)
Schakowsky
Shows
Talent
Towns
Vento
Waxman
Whitfield

□ 2041

Mrs. BONO changed her vote from "aye" to "no."

Mr. REGULA and Mr. ROEMER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Chairman, I was unavoidably absent today, Monday, June 26, 2000, and as a result, missed rollcall votes 322 and 323. Had I been present, I would have voted "no" on rollcall vote 322 and "yes" on rollcall vote 323.

AMENDMENT NO. 23 OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 23 offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 201, not voting 37, as follows:

[Roll No. 324]

AYES—196

Aderholt
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fowler
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Mascara
McCrery
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Norwood
Nussle
Ortiz
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Portman
Radanovich
Rahall
Regula
Reynolds
Rogers
Rohrabacher
Royce
Ryan (WI)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOES—201

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Bilbray
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Greenwood
Hall (OH)
Hastings (FL)
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Kucinich
Kuykendall
LaFalce
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Porter
Price (NC)
Pryce (OH)
Quinn
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scott
Serrano
Shaw
Shays
Sherman
Simpson
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Sweeney
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Weiner
Weller
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—37

Archer
Blagojevich
Boswell
Brown (FL)
Campbell
Cook
Davis (IL)
Dingell
Gutierrez
Hansen
Hinchey
Jones (OH)
Kaptur
Kilpatrick
Klink
Lazio
Lipinski
Manzullo
Markey
Martinez
McCollum
McIntosh
Morella
Ney
Pitts
Pomeroy
Rangel
Riley
Rush
Ryun (KS)
Schakowsky
Shows
Talent
Towns
Vento
Waxman
Whitfield

□ 2050

Mr. PACKARD changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Chairman, I was unavoidable detained in my Congressional District earlier today and was unable to vote on several amendments to H.R. 4690.

On the Sanford amendment, rollcall 322, I would have voted "no."

On the Olver amendment, rollcall 323, I would have voted "yes."

On the Hostettler amendment, rollcall 324, I would have voted "no."

Mr. ROGERS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Florida (Mr. STEARNS) for the purpose of a colloquy.

Mr. STEARNS. Mr. Chairman, I thank the distinguished chairman for yielding to me.

I would like to voice my concern over the state of Federal judicial compensation. I believe that judges' salaries are falling below the minimum levels that are needed, not only in the interests of fairness, but also to ensure the continued quality of the Federal judiciary.

Over the past 8 years, Federal judges have experienced a 13 percent decline in the real value of their salaries. At the same time, their workload has remained at high levels. Salaries of Federal judges have not just lagged behind the inflation indices.

As a result, judges' salaries no longer bear a reasonable relationship to that of the pool of lawyers from whom candidates for judgeships should be drawn. It has been widely reported that the first-year associates in law firms in metropolitan areas throughout the country are now earning $125,000 a year. It is therefore not surprising that even second- and third-year associates at most large law firms would have to take a pay cut, a pay cut to accept an appointment to the Federal bench.

Public sector salaries may even be more relevant. The general counsel of the University of California receives a salary in excess of $250,000 annually, which is substantially greater than the pay of the Chief Justice of the United States.

The district attorneys of Los Angeles, for example, are paid $185,000. All of these salaries far exceed the salary of the United States Supreme Court Justices and Associate Justices, which are currently less than $182,000 and $174,000, respectively.

Additionally, a U.S. District Judge salary is currently only $141,300. Increasingly, judges are choosing not to make the financial sacrifice to remain on the Federal bench. As a result, our Federal judiciary is losing some of its most capable and dedicated men and women. Since January, 1993, 40 Article III judges, judges whose positions are delegated in Article III of the U.S. Constitution and serve lifetime appointments subject to Senate confirmation, have resigned or retired from the Federal bench. Many of these judges have retired to private practice.

The departure of experienced, seasoned judges undermines the notion of lifetime service and weakens our judicial system. If the issue of adequate judicial salaries is not soon addressed, I believe there is a real risk that the quality of the Federal judiciary, a matter of great and justified pride, will be compromised.

The President of the United States' salary goes up to $400,000 next year. Is it not about time the Supreme Court Justices's salaries go up, too?

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman's concerns. This is an issue that the Judiciary has been struggling with for a number of years. It gets worse. It is becoming more widespread. As the number of agencies that require professional expertise grows, we hear the same problem in connection with the SEC, FCC, the FBI, all agencies that hire lawyers and professional experts.

We have to compete with the private sector, but we do not have the resources to match those salaries dollar for dollar, as the gentleman has so adequately pointed out. So we will work with the gentleman on this issue as we work through the process, hoping we can find some solution.

Mr. STEARNS. I thank the gentleman.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I should have asked for the gavel, because I could not believe my ears. My understanding is that the previous gentleman was inquiring about the inadequacy of the pay of Federal judges. I remember a number of years ago when the same gentleman was very active in seeing to it that this House did not provide cost-of-living increases for its own employees.

I would simply say, I admire the gentleman's solicitude for people who are already making six figures, but frankly, I would like to see the same solicitude for the legislative branch of government, and by that, I specifically am thinking of the people who work for us. I am not talking about Members, I am talking about our staffs, the people who make us look a lot better than we are.

I find it ironic that a gentleman who was very active in denying us that opportunity to compensate our own employees with a cost-of-living increase a number of years ago is now very concerned about the pay of the highest-paid judges in this country.

I have nothing against adequate judicial salaries, but I also think we have a problem when the average length of stay for a young congressional staffer on the Hill is less than 3 years, and I think there is a serious problem when the House of Representatives on average pays its top legislative staffers $15,000 to $25,000 less on average than the United States Senate does. I have forgotten whether it is $15,000 or $25,000, so I will supply the exact number for the RECORD.

□ 2100

But I just want to say that I share the gentleman's concern about adequate reimbursement for judges. I would welcome his concern about adequate salaries for the young people in this institution who work just as hard as Federal judges for about one-fifth the pay.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me. The gentleman has a very good memory. That was 10 years ago that I had that amendment.

Mr. OBEY. Mr. Chairman, I remember. My motto is: "Forgive and remember."

Mr. STEARNS. Mr. Chairman, I would say that the gentleman remembers that like it was yesterday, because it did occur a decade ago. At that point the salaries that were provided the staff were going up quite substantially and was well above inflation. And since we have had the years go on for the last 10 years, we have provided inflationary increases for the staff.

Mr. OBEY. Mr. Chairman, reclaiming my time, I would simply say the fact is those salaries are a whole lot less than every other branch of government. They still are. And it seems to me that one of the ways for people to judge Members of Congress is to judge them by whether or not they deal with their staffs the way they would like to be dealt with themselves.

And, certainly, it seems to me that the country would be well served if we also had a greater ability to retain congressional employees of more experience so that we are not being advised by people who on average have been here less than 3 years.

AMENDMENT NO. 25 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Ms. JACKSON-LEE of Texas:

Page 107, after line 21, insert the following:

TITLE VIII—LEGAL AMNESTY RESTORATION ACT OF 2000

SEC. 801. (a) Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in the section heading, by striking "1972" and inserting "1986"; and

(2) in subsection (a), by striking "1972;" and inserting "1986;".

(b) The table of sections for such Act is amended in the item relating to section 249 by striking "1972" and inserting "1986".

Mr. LATHAM. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Texas (Ms. JACKSON-LEE), and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish I did not have to rise to the floor on this issue, because I know if my colleagues understood this issue completely, they would immediately move to waive the point of order and allow us to proceed to vote on this and pass this amendment.

In 1986, the Immigration Reform and Control Act authorized the legalization of undocumented immigrants, in essence to grante late amnesty. This is a nation of immigrants and laws. But, unfortunately, the INS promulgated a rule that denied such legalization to the immigrants in this group who had briefly left the country to bury a loved one or take care of a child, or handle other matters.

We find that these individuals now live in our country having lived 18, 20 years, they have mortgages, car payments, and are hard-working individuals with young adult children now trying to seek an educational opportunity. But yet because of an incorrect interpretation by the INS of a regulation, the situation now exists that these individuals, hardworking, taxpaying families are not able to adjust their status and become citizens or apply for such.

Mr. Chairman, I believe that this amendment resolves this in a fair and adequate manner so much so that the AFL–CIO has offered a resolution in support of legal amnesty, and at the appropriate time I will submit their statement for inclusion in the RECORD.

I offer another amendment, Mr. Chairman, that would bring an end to a long problem. In 1986, the Immigration Reform and Control Act authorized the legalization of undocumented immigrants who could prove that they had been living in the United States since January 1, 1982.

Unfortunately, the Immigration and Naturalization Service ("INS") promulgated a rule that denied legalization to the immigrants in this group who had briefly left the country. INS then refused to accept applications from people who had violated this rule.

But by the time the INS had agreed to modify the rule, the 12-month application period had ended and hundreds of thousands of people who could have established eligibility for legalization had been turned away.

This amendment would update a provision of the immigration law known as "registry" by which our government recognizes that it makes sense to allow long-time residents, deeply rooted immigrants who are contributing to our economy to remain here permanently. This amendment would get these immigrants out of "legal limbo."

My bill H.R. 4172 "The Legal Amnesty Restoration Act of 1999" also fixes this problem, however the devastation that these families are facing because of our inability to seek legal status warrants our acting today to correct this injustice. Thank you.

AFL-CIO'S RESOLUTION SUPPORTING IMMIGRATION AMNESTY

The AFL-CIO proudly stands on the side of immigrant workers. Throughout the history of this country, immigrants have played an important role in building our nation and its democratic institutions. New arrivals from every continent have contributed their energy, talent, and commitment to making the United States richer and stronger. Likewise, the American union movement has been enriched by the contributions and courage of immigrant workers. Newly arriving workers continue to make indispensable contributions to the strength and growth of our unions. These efforts have created new unions and strengthened and revived others, benefitting all workers, immigrant and native-born alike. It is increasingly clear that if the United States is to have an immigration system that really works, it must be simultaneously orderly, responsible and fair. The policies of both the AFL-CIO and our country must reflect those goals.

The United States is a nation of laws. This means that the federal government has the sovereign authority and constitutional responsibility to set and enforce limits on immigration. It also means that our government has the obligation to enact and enforce laws in ways that respect due process and civil liberties, safeguard public health and safety, and protect the rights and opportunities of workers.

The AFL-CIO believes the current system of immigration enforcement in the United States is broken and needs to be fixed. Our starting points are simple.

Undocumented workers and their families make enormous contributions to their communities and workplaces and should be provided permanent legal status through a new amnesty program.

Regulated legal immigration is better than unregulated illegal immigration.

Immigrant workers should have full workplace rights in order to protect their own interests as well as the labor rights of all American workers.

Labor and business should work together to design cooperative mechanisms that allow law-abiding employers to satisfy legitimate needs for new workers in a timely manner without compromising the rights and opportunities of workers already here.

Labor and business should cooperate to undertake expanded efforts to educate and train American workers in order to upgrade their skill levels in ways that enhance our shared economic prosperity.

Criminal penalties should be established to punish employers who recruit undocumented workers from abroad for the purpose of exploiting workers for economic gain.

Current efforts to improve immigration enforcement, while failing to stop the flow of undocumented people into the United States, have resulted in a system that causes discrimination and leaves unpunished unscrupulous employers who exploit undocumented workers, thus denying labor rights for all workers.

The combination of a poorly constructed and ineffectively enforced system that results in penalties for only a few of the employers who violate immigration laws has had especially detrimental impacts on efforts to organize and adequately represent workers. Unscrupulous employers have systematically used the I–9 process in their efforts to retaliate against workers who seek to join unions, improve their working conditions, and otherwise assert their rights.

Therefore, the AFL–CIO calls for replacing the current I–9 system as a tool of workplace immigration enforcement. We should substitute a system of immigration enforcement strategies that focuses on the criminalization of employer behavior, targeting those employers who recruit undocumented workers from abroad, either directly or indirectly. It should be supplemented with strong penalties against employers who abuse workers' immigration status to suppress their rights and labor protections. The federal government should aggressively investigate, and criminally prosecute, those employers who knowingly exploit a worker's undocumented status in order to prevent enforcement of workplace protection laws.

We strongly believe employer sanctions, as a nationwide policy applied to all workplaces, has failed and should be eliminated. It should be replaced with an alternative policy to reduce undocumented immigration and prevent employer abuse. Any new policy must meet the following principles: (1) it must seek to prevent employer discrimination against people who look or sound foreign; (2) it must allow workers to pursue legal remedies, including supporting a union, regardless of immigration status; and (3) it must avoid unfairly targeting immigrant workers of a particular nationality.

There is a long tradition in the United States of protecting those who risk their financial and physical well-being to come forward to report violations of laws that were enacted for the public good. Courageous undocumented workers who come forward to assert their rights should not be faced with deportation as a result of their actions. The recent situation at the Holiday Inn Express in Minneapolis highlights the perversity of the current situation. Therefore, the AFL–CIO calls for the enactment of whistleblower protections providing protected immigration status for undocumented workers who report violations of worker protection laws or cooperate with federal agencies during investigations of employment, labor and discrimination violations. Such workers should be accorded full remedies, including reinstatement and back pay. Further, undocumented workers who exercise their rights to organize and bargain collectively should also be provided protected immigration status.

Millions of hard-working people who make enormous contributions to their communities and workplace are denied basic human rights because of their undocumented status. Many of these men and women are the parents of children who are birthright U.S. citizens. The AFL–CIO supports a new amnesty program that would allow these members of local communities to adjust their status to permanent resident and become eligible for naturalization. The AFL–CIO also calls on the Immigration and Naturalization Service to address the shameful delays facing those seeking to adjust their status as a result of the Immigration Reform and Control Act.

Immediate steps should include legalization for three distinct groups of established residents: (1) Approximately half-a-million Salvadorans, Guatemalans, Hondurans, and Haitians, who fled civil war and civil strife during the 1980s and early 1990s and were unfairly denied refugee status, and have lived under various forms of temporary legal status; (2) approximately 350,000 long-resident immigrants who were unfairly denied legalization due to illegal behavior by the INS during the amnesty program enacted in the late 1980s; and (3) approximately 10,000 Liberians who fled their homeland's brutal civil war and have lived in the United States for years under temporary legal status.

Guestworker programs too often are used to discriminate against U.S. workers, depress wages and distort labor markets. For these reasons, the AFL-CIO has long been troubled by the operation of such programs. The proliferation of guestworker programs has resulted in the creation of a class of easily exploited workers, who find themselves in a situation very similar to that faced by undocumented workers. The AFL-CIO renews our call for the halt to the expansion of guestworker programs. Moreover, these programs should be reformed to include more rigorous labor market tests and the involvement of labor unions in the labor certification process. All temporary guestworkers should be afforded the same workplace protections available to all workers.

The rights and dignity of all workers can best be ensured when immigrant and non-immigrant workers are fully informed about the contributions of immigrants to our society and our unions, and about the rights of immigrants under current labor, discrimination, naturalization, and other laws. Labor unions have led the way in developing model programs that should be widely emulated. The AFL-CIO therefore supports the creation of education programs and centers to educate workers about immigration issues and to assist workers in exercising their rights.

Far too many workers lack access to training programs. Like all other workers, new immigrants want to improve their lives and those of their families by participating in job training. The AFL-CIO supports the expansion of job training programs to better serve immigrant populations. These programs are essential to the ability of immigrants to seize opportunities to compete in the new economy.

Immigrant workers make enormous contributions to our economy and society, and deserve the basic safety net protections that all other workers enjoy. The AFL-CIO continues to support the full restoration of benefits that were unfairly taken away through Federal legislation in 1996, causing tremendous harm to immigrant families.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks time in opposition?

Mr. LATHAM. Mr. Chairman, I claim the time in opposition, and continue to reserve my point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman has 3½ minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member on the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman from Texas for raising this very important point, and we in the Committee on the Judiciary have worked hard to correct it. I cannot understand why it has only 5 minutes on each side. But we are trying to make an improvement on the registry by which the government recognizes that it makes sense to allow a long-time resident, deeply rooted immigrant who is here contributing to our economy to remain here permanently.

So we have this correction for people that have come to the country, made well, raised families, have created no problem, are otherwise good citizens and we are modifying a rule that INS is not able to do without this legislation. I think this is an excellent amendment, and I hope that all the members in the Committee will agree to it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member very much, and I thank him also for his leadership on this issue.

Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK) who has been a longstanding fighter on this issue.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentlewoman from Texas for yielding me this time. This is an extremely important issue which we have fought from the early times of the 1990s up to now. It just does not make good sense from an economic standpoint or political standpoint or a moral standpoint for the United States not to recognize that these Salvadorans, Haitians, Guatemalans all of them are here now, they have lived good lives and paid taxes. There is no reason for us now not to approve the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

It is an important amendment. If we allow these people who have been here a long time, paying their taxes, not breaking our rules, this will get them out of legal limbo.

Mr. Chairman, some of us come from areas where there are inordinate amounts of people in this category. They are living in this country doing well, pay taxes; and this amendment will get them out of the legal quagmire which we put them in. It is not their fault that they were put in this situation. This was a mistake or misconception by INS.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, let me suggest that this is about fairness. It is that simple. And it is time.

Mr. Chairman, we have discussed this in the committee before. It is time to address it. I think each and every Member in this body has dealt with a family that finds itself in limbo waiting for a loved one to come back.

I congratulate the gentlewoman from Texas for bringing it forward, and I would hope that the gentleman from Iowa (Mr. LATHAM) would recede on the point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 15 seconds to the gentleman from New York (Mr. SERRANO), the ranking member of the Subcommittee on Commerce, Justice, State and Judiciary Appropriations.

Mr. SERRANO. Mr. Chairman, that is all I need just to rise in strong support of this amendment. I think it speaks to an extremely important issue; one that we have to continue to work on. I support the gentlewoman wholeheartedly.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time. I will also offer to speak on the point of order, subsequent to the distinguished gentleman continuing to raise it.

Mr. Chairman, I note even on page 37 that this bill legislated on an appropriations bill. But I think this is a human factor here. We are talking about families who have been separated from each other. We are talking about families who remain divided because they, for very important family reasons, had to leave the country to go and take care of family matters.

But we are also talking about contributing individuals who have contributed to the economy of this country. All they want, Mr. Chairman, is the ability to adjust their status to legal status. The same right allowed to other immigrants in their same category. However because the INS misinterpreted the rule, and the courts have affirmed that the INS misinterpreted the rule, we have this injustice.

I hope that this amendment can be passed and I thank the Chairman for the time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Iowa (Mr. LATHAM) insist on his point of order?

Mr. LATHAM. Mr. Chairman, yes. Again, I will restate, the gentlewoman from Texas (Ms. JACKSON-LEE) clearly is aware of the fact that despite any merits, this amendment does not belong on this bill. Therefore, Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation on an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in the pertinent part: An amendment to a general appropriation bill shall not be in order if it directly amends existing law.

Mr. Chairman, I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentlewoman from Texas (Ms. JACKSON-LEE) wish to be heard on the point of order offered by the gentleman from Iowa (Mr. LATHAM)?

Ms. JACKSON-LEE of Texas. Mr. Chairman, yes, I do.

The CHAIRMAN. The gentlewoman from Texas is recognized.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me refer the Chairman to page 37 of this bill which, in fact, under section 112 there is the implementation of a genealogy fee, which as far as I am concerned is legislating on an appropriations bill.

This is such a crucial bill, if there is precedent that we have legislated on an appropriations bill, then I would ask that the point of order be waived and that this amendment be allowed to go forward.

The CHAIRMAN. The Chair is prepared to rule. The Chair finds that the amendment proposes a direct amendment to existing law. As such, it constitutes legislation in violation of clause 2(c) of rule XXI. The point of order is sustained, and the Chair would advise Members that other provisions in the bill that may be legislation were subject to waivers of points of order.

AMENDMENT NO. 75 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 75 offered by Mr. SOUDER: Page 107, after line 21, insert the following:
>
> **TITLE VIII—ADDITIONAL GENERAL PROVISIONS**
>
> SEC. 801. None of the funds appropriated or otherwise made available by this Act may be made available for payment of expenses of any United States delegation or special envoy at a United Nations-sponsored meeting at which the delegation or envoy votes for or otherwise advocates the adoption of any provision under the United Nations Convention Against Transnational Organized Crime that legalizes, legitimizes, or decriminalizes prostitution in any form or under any circumstances, or otherwise limits international efforts to combat sex trafficking whether or not the individual being trafficked consents to engage in prostitution.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this limitation of funds amendment is simple, direct and necessary. It prohibits taxpayer funds from being used to pay expenses for any United States delegation or special envoy at a United Nations-sponsored meeting at which the delegation or envoy votes for or otherwise advocates the adoption of any provision that legalizes, legitimizes, or decriminalizes prostitution in any form, or under any circumstance, or otherwise limits international efforts to combat sex trafficking, whether or not the individual being trafficked consents to engage in prostitution.

Mr. Chairman, my colleagues would not think that such a resolution would be necessary. But here are the sad facts. At Beijing +5, there was a document released condemning the sexual exploitation of women around the world. It eloquently condemned domestic violence, sexual abuse, sexual slavery and sexual harassment. But on the issue of prostitution, it clarified, quote, "forced prostitution."

Why "forced" prostitution? All prostitution is the sexual exploitation of women. How, exactly, does one distinguish between women who are sometimes forcibly taken and sold into prostitution, those who are involuntarily forced to sign "consent" or voluntary participation forms, those whose families push them into such agreements, those in dire poverty where circumstances drive them into sexual exploitation, and those who knows what other societal pressures would pressure them into selling their bodies for sex to those who choose to exploit them?

Apparently, our U.S. delegation at the two most recent conferences, one in Vienna and one in Beijing +5 Conference, felt it could do so. According to reports, the Philippine delegation moved to strike the word "forced" prostitution. According to numerous eyewitness reports, the U.S. State Department official assisting the U.S. delegation jumped up and moved to strike the entire reference.

Mr. Chairman, what is going on here? Is it the Clinton administration's position that prostitution is okay?

Feminist leaders apparently thought so. Equality Now had already sent a letter on behalf of a coalition of women's rights groups to the President after the conference in Vienna which states, among other things, "To our chagrin, the United States strongly supports the use of the term 'forced prostitution' rather than 'prostitution' in the definition of 'sexual exploitation.' We believe that the administration's current position on the definition of trafficking is extremely detrimental to women."

It was even more difficult for these feminist leaders to condemn the administration's position since Mrs. Clinton is the Honorary Chair of the President's Interagency Council on Women, formed after the initial Beijing Women's Conference. Mrs. Clinton spoke to the conference and delivered several other messages of support.

After the United States Government effort to protect some types of prostitution, that somehow it viewed as nonexploitative of women became public, clarifications and denials of sorts were made.

Mrs. Clinton's Chief of Staff carefully qualified their position, taking the position that the document did not require the U.S. to change our laws, a somewhat accurate response to a completely different question. The document only condemned some types of prostitution. The United States representatives clearly wanted some types not to be condemned, and the First Lady's Chief of Staff did not deny that point.

□ 2115

The President's response was somewhat more clear in a fuzzy sort of way. Agreeing with this resolution, my resolution, he clearly states his "opposition to prostitution in all its forms." Then he subtly changes the point to, "We would not become a party to any treaty that weaken laws against prostitution," and then further attempted to change away his Beijing +5 actions.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Does the gentleman from New York continue to reserve his point of order?

Mr. SERRANO. I do, Mr. Chairman.

Mr. SOUDER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT), who has worked with this amendment and has been a leader on this issue.

Mr. DEMINT. Mr. Chairman, I rise in support of this amendment offered by the gentleman from Indiana.

As a Member of Congress, I like to dream about the future of our country and imagine an educated America, a healthy America, a prosperous America, and a secure America. I think of children in this great Nation and the bright future that they represent. Unfortunately, Mr. Chairman, for many throughout this world their tomorrow is not as bright. They do not have their health, education, and security.

In fact, they live in utter misery under the cruel control of their oppressors. They are women and children who are sold, coerced, or otherwise find themselves being exploited by sex traffickers. This is the life of approximately 2 million people worldwide.

Many women find themselves victims of sexual trafficking by being drugged and kidnapped and lured with false promises of jobs far away. They are beaten and raped until they consent to prostitute themselves to customers. Is this voluntary prostitution? Prostitution is an exploitation of women and a violation of their dignity and basic human rights.

To my great dismay, while the Clinton administration may pay lip service to this same idea, their actions do not show it. Despite the horrors of the sex trafficking industry throughout the world, this administration has promoted the position that voluntary prostitution is okay and sex traffickers, who are somehow able to obtain the consent of their victims, should be immune from prosecution. This is unconscionable and unacceptable.

Mr. Chairman, I support this amendment because I do not believe the State Department ought to be able to use the taxpayers' dollars to send representatives of the United States to the U.N. conference where they take the stance that voluntary prostitution is okay and a legitimate form of labor.

Mr. Chairman, prostitution in any form or under any circumstances is an intolerable exploitation of women.

POINT OF ORDER

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Does the gentleman from New York insist on his point of order?

Mr. SERRANO. Mr. Chairman, I insist on my point of order against the gentleman from Indiana's amendment.

The amendment changes existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. SOUDER. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. SOUDER. First off, Mr. Chairman, I respectfully disagree with the interpretation that I fear is coming. From our discussions, I understand that this is anticipating a future action, potentially, and therefore could be construed as legislating on an appropriations bill.

However, since the last two conferences in a row, with our last funding process that we went through in this House, in fact the administration agents, through the State Department, took this position. I would argue that this is a limitation of funds because there is no reason to believe that they will not take the position a third time.

I understand that this is now at the mercy of the Chair, and I hope he strongly considers that position.

The CHAIRMAN. Does any other Member wish to be heard on this point of order? If not, the Chair is prepared to rule.

The gentleman from New York raises a point of order that the amendment changes existing law in violation of clause 2(c) of rule XXI.

The amendment in pertinent part seeks to restrict funds for United States delegates who "otherwise advocate" the adoption of a described convention.

The fact that similar representations have been advocated in the past by delegates to the United Nations does not immunize the amendment from the point of order, which applies to the use of funds in the next fiscal year.

Requiring the relevant Federal official to determine whether a delegate has "advocated" the adoption of a convention under any circumstance imposes a new duty.

Accordingly, the amendment is not in order and the point of order is sustained.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the distinguished gentleman from Kentucky, the chairman of the subcommittee, for the opportunity to briefly discuss the funding level for International Broadcasting.

I want to thank the gentleman for providing an increase in funding for International Broadcasting Operations and Broadcasting Capital Improvements above last year's level, and specifically for the increase for Radio Free Asia. This additional funding will enable these broadcasting services to meet some of the overwhelming demand for uncensored news and information in oppressed areas of the world.

However, there is still a great unmet need, especially in Asia. In H.R. 4444, which granted permanent normal trade relations to China, was legislation authorizing increased funds for international broadcasting services in China and neighboring countries. If this package should be signed into law before the conference on this appropriations bill, and additional funds are made available, I ask that the gentleman from Kentucky work with me to ensure that international broadcast funding be increased.

H.R. 4444 provided for an additional authorization of $65 million for Broadcasting Capital Improvements and $34 million for International Broadcasting Operations. I realize there is a large amount of money in today's tight budgetary constraints. However, international broadcasting is in desperate need of new and stronger transmitters to counteract the increase of jamming practices by oppressive regimes of Asia. Expansion of Internet capability is also greatly needed as the Internet continues to become accessible to more people.

Any increase in funding allowing for the expansion of these services would make a significant difference for the Broadcasting Board of Governors and be a beacon of light to billions of Asians living under repressive regimes.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, I thank the gentleman for his statement and his long-standing efforts on behalf of International Broadcasting.

Should H.R. 4444 become law, and additional funding be provided in our allocation, we will endeavor to fund Radio Free Asia, Voice of America, and Broadcasting Capital Improvements at a level which reflects the increasing needs in Asia.

Mr. PORTER. I thank the chairman for his acknowledgment of my request and his support for International Broadcasting.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I thank the gentleman for yielding to me, and as a Member of Congress who has two Weed and Seed sites in his district in Michigan, one in Benton Harbor and one in Kalamazoo, I know very well how valuable the Weed and Seed is to the people who live there.

I commend the chairman for recognizing the value of the Weed and Seed program and recognizing that the best solutions to crime problems are customized to neighborhood needs, which is at the very core of the Weed and Seed program.

The bill before us tonight provides $33.5 million for Weed and Seed, which is the amount that was appropriated in the fiscal year 2000 bill. However, in previous years, the Department of Justice was permitted to reprogram other funds to the Weed and Seed program, increasing the level of funds available to the program. For instance, in fiscal year 2000, the program received $40 million.

Mr. Chairman, I would like to ask if the gentleman from Kentucky might be able to give me an assurance that he will work to assure that the Weed and Seed program will receive at least as much funding in 2001 as we received in fiscal year 2000.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, I thank the gentleman from Michigan for his work on this issue.

I will work to assure the program is funded in fiscal 2001 at least at the level of funds available in the current year.

Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from Illinois.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for yielding to me. I have concerns regarding the level of funding provided for the National Institute of Standards and Technology's scientific and technical research and services account, including the Global Standards Program.

As the chairman knows, the Global Standards Program is intended to provide guidance to industries and to facilitate global harmonization of standards where possible. An issue has come to my attention that involves standards for anchor bolts that are post-installed in concrete.

The Transatlantic Business Dialogue has recommended that NIST facilitate a transparent standards harmonization process for these products, which are sold in Europe and the United States. Is it the gentleman's opinion that this bill provides adequate funding for this effort?

Mr. ROGERS. Reclaiming my time, Mr. Chairman, I would advise the gentlewoman that, yes, I do believe this is a function that would be adequately covered by the funding provided in the bill for NIST. It is my understanding that NIST has begun a technical analysis on this very issue.

Mrs. BIGGERT. I thank the gentleman from Kentucky for clarifying this issue for me.

AMENDMENT NO. 53 OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. BROWN of Ohio:

At the end of the bill, insert after the last section (page 107, after line 21) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to seek the revocation or revision of the laws or regulations of another country that relate to intellectual property rights with respect to pharmaceuticals or other medical technologies and comply with the Agreement on Trade Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

MODIFICATION TO AMENDMENT NO. 53 OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I ask unanimous consent to modify my amendment such that it explicitly applies only when the United States Trade Representative is engaged in a Special 301 process established under the 1974 Trade Act and that it applies only to developing countries.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 53 offered by Mr. BROWN of Ohio:

In lieu of the matter proposed to be:

SEC. 801. None of the funds made available in this Act may be used by the United States Trade Representative to seek the revocation or revision of the laws or regulations of a developing country under the Special 301 process established under the Trade Act of 1974 as amended that relate to intellectual property rights with respect to pharmaceuticals or other medical technologies and comply with the Agreement on Trade Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Ohio (Mr. BROWN)?

Mr. CRANE. Mr. Chairman, reserving the right to object, I yield to the gentleman from Ohio (Mr. BROWN) for an explanation of his modification.

Mr. BROWN of Ohio. Mr. Chairman, malaria killed 1.1 million people last year; 2.2 million people, mostly children, died of diarrheal infections; 2.3 million died of AIDS; 1.5 million of tuberculosis. Mr. Chairman, we know how to treat each of these diseases. We could have saved the lives of many of these people.

Countries around the world are attempting to expand access to desperately needed prescription drugs by pursuing competitive strategies explicitly permitted under international trade agreements. The USTR, on behalf of the global prescription drug industry, has made a practice of pressuring these nations to forsake legitimate strategies that can achieve lower prices; strategies like parallel importing and compulsory licensing.

Mr. CRANE. Mr. Chairman, I withdraw my reservation and object.

The CHAIRMAN. Objection is heard. The gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Both of these practices, parallel importing and compulsory licensing, are explicitly permitted under a world trade agreement commonly referred to as TRIPS. The WTO TRIPS accord sets global norms for patents, for trademarks, for copyrights, and for other types of intellectual property.

It is a tough set of requirements. For example, it requires all WTO member countries, including the United States, to adopt 20-year patents on medicines, even though under our patent law our patent length was 17 years.

The WTO TRIPS agreement requires many poor countries to adopts rules that actually raise the price of their medicines. The USTR, on behalf of the prescription drug industry, is pushing countries to abandon fully sanctioned actions, like parallel importing and compulsory licensing.

It is difficult to believe the U.S. is participating in efforts to prevent developing countries from fighting back when drug companies ignore the dire consequences of their actions and abuse their monopoly power, for example, when they impose higher prices in developing countries than in industrialized nations, as in the case with AIDS drug Fluconazole.

□ 2130

U.S. trade officials have pressured South Africa, Thailand, Indonesia, the Philippines, India, Pakistan, Costa Rica, the Dominican Republic, and many other poor nations, threatening sanctions unless they forsake rights they have under the TRIPS agreement.

In many of these countries, the average income is less than $1 a day.

In December last year, President Clinton told the WTO it was time to change U.S. trade policy, to consider the issue of access to medicines.

In May, the President issued an executive order prohibiting the USTR from pressuring sub-Saharan African nations into giving up legitimate competitive strategies aimed at expanding access to HIV/AIDS drugs.

In justifying his decision to reign in the USTR, the President asserted "it is in the interest of the United States to take all reasonable steps to prevent further spread of infectious disease, particularly HIV/AIDS. The TRIPS agreement recognizes the importance of promoting effective and adequate protection of intellectual property rights and the right of countries to adopt measures necessary to protect public health."

Our amendment is grounded in that same logic.

The United States should enforce the TRIPS agreement to ensure the proper protection of property rights to be sure, but it should not undercut the balance TRIPS strikes between protecting intellectual property and promoting the public health.

The President's executive order applies only to AIDS drugs and only to sub-Sahara Africa. Our amendment says the United States should not interfere in legitimate efforts to expand access to essential medicines in developing countries in health crises.

This amendment does not undercut in any way intellectual property protections. It permits the U.S. to insist on tough provisions of the WTO TRIPS agreement, but it prevents the U.S. Government from seeking to impose so-called "TRIPS Plus" protections on countries when these more onerous protections would have a negative impact on access to medicine.

Not only is this policy appropriate from a public health point of view, it is also consistent with the WTO TRIPS agreement itself. Article I of the TRIPS agreement says "Members may, but shall not be obliged to, implement in their law more extensive protection than is required by this Agreement." The key phrase is "not obliged to."

The United States should honor, in fact we should applaud, policies in other countries that place the health and well-being of people ahead of the profit goals of the prescription drug industry.

Hindering efforts to combat debilitating and fatal diseases on behalf of the global prescription drug industry is an unjustifiable and counterproductive use of our Nation's power and influence. This amendment, Mr. Chairman, helps us to put a stop to it.

Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, this amendment does not belong on this bill. It is a subject for the Committee on Ways and Means. It is within their jurisdiction. And they are objecting. In addition, the administration is strongly opposing the amendment. It will bog down this bill.

So, for all of the foregoing reasons, Mr. Chairman, I am in opposition.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE) the chairman of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the Brown amendment. The Brown amendment compromises USTR's ability to protect U.S. intellectual property rights around the world for U.S. pharmaceutical companies and medical device manufacturers.

Section 315 of the Uruguay Round Agreements Act clearly states that it is U.S. policy to seek enactment and implementation of foreign intellectual property laws that strengthen and supplement TRIPS. The Brown amendment directly contradicts this provision, conflicting with U.S. law.

The pharmaceutical and medical technologies industry depend on consistent and fair trade rules, including those that protect intellectual property rights. Without such practices, companies and those who invest in them will be discouraged from providing the necessary capital to pursue the development of new medicines.

A consistent theme in U.S. trade policy is encouraging an environment based on rule of law around the world that U.S. firms need to be able to compete. The Brown amendment sends countries conflicting messages that we would like them to provide the highest degree of intellectual property protection in every category except pharmaceuticals and medical technology.

Ironically, the Brown amendment, which is intended to help poor countries, will actually hurt them by reducing their ability to attract foreign investment. Developing countries need the transfer of technology and know-how for their economic growth and stronger, not weaker, intellectual protection is the way to get it.

In short, the Brown amendment is the wrong solution to increasing the access of developing countries to pharmaceuticals and medical technologies. Instead of stripping U.S. firms of their legal rights, we should seek to encourage partnerships between U.S. pharmaceutical firms and developing countries.

For example, several U.S. firms are already involved in pilot programs to increase access to AIDS drugs in African countries. Encouraging growing economies, as we are doing in the recently enacted African Growth and Opportunity Act, also enables developing countries to have the resources to purchase drugs without discouraging further innovation.

I urge my colleagues to oppose the Brown amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a hard-working member of our committee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, we have a system of patents for a reason, to protect intellectual property rights of the people who create new inventions and products, as well as protect the efficacy of the actual product. And the efficacy of drug products and medicines are important. It is all about safeguarding patients, patients around the world.

Our U.S. Trade Representative, Charlene Barshefsky, has been pursuing the enforcement of U.S. patent laws in virtually every international market and she has done so effectively. As the U.S. representative for the fair treatment of U.S. products anywhere and everywhere in the world, this is her charge.

This amendment basically tells that representative to stop doing her job. That is not only wrong, it is dangerous.

I know that the intent of the gentleman is to help those suffering from horrendous diseases, such as AIDS and other diseases in Africa and other places, by guaranteeing access to prescription medicine at the cheapest cost. But, with all due respect to the gentleman, this is not the way to achieve his goal and he will not likely achieve his goal.

Mr. ROGERS. Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. BERMAN) the ranking member on the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I have some concerns about this amendment. A year ago, on the Commerce-State-Justice appropriations bill, we debated the Sanders amendment dealing very specifically with Asian and African countries applying specifically to pharmaceuticals.

The amendment now that we have before us seems to me to apply far beyond pharmaceuticals to any medical technology. It could cover laser equipment used in cosmetic surgery, prohibit the executive branch from encouraging nations to provide TRIPS Plus protection to patents which cover such laser technologies.

It also seems like the Sanders amendment last year was designed to make pharmaceuticals more affordable. It specifically was approaching trade representative activities which enforced patent laws that would make drugs more expensive. This does not have that kind of limitation.

The Brown amendment would prohibit the executive branch from seeking to appeal a TRIPS compliant law covering IPR and pharmaceuticals that is intended to discriminate against U.S. pharmaceuticals.

So a Western European law that has nothing to do with getting drugs to Africa, which has nothing to do with dealing with the crisis in Africa, but which is designed to discriminate against U.S.-made pharmaceuticals or medical technologies, the USTR would be prohibited from focusing on it if it did not violate TRIPS.

I think that it may overreach in that regard, and that is why I have some concerns about this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The amendment was rejected.

AMENDMENT NO. 76 OFFERED BY MR. VITTER

Mr. VITTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 76 offered by Mr. VITTER: Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated or otherwise made available by this Act may be used for participation by United States delegates to the Standing Consultative Commission in any activity of the Commission to implement the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Louisiana (Mr. VITTER) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would block the implementation of unratified limitation on missile defense. Precisely the same amendment, word for word, passed the House last year by voice vote and the previous year before that by a significant margin. And so, this amendment would merely continue that status quo in the law and not change present law.

Mr. Chairman, on September 26, 1997, the Clinton administration entered into a Memorandum of Understanding and related treaties with Russia, Kazakhstan, Belarus, and the Ukraine. If ratified, these treaties would strengthen the 1972 ABM Treaty with the former Soviet Union and impose new and severe restrictions on America's ability to develop and deploy missile defense systems.

But these agreements have not been submitted to the Senate and they have not been ratified. And that is why this amendment should pass, so that they are not implemented unless and until the U.S. Senate considers and ratifies those agreements.

Mr. Chairman, these agreements, the MOU and related documents, essentially do two things. First of all, they change the parties to the 1972 ABM Treaty, substituting for the USSR: Kazakhstan, Belarus, Russia, and the Ukraine. Secondly, and more importantly, they really expand the Treaty and expand the scope to disallow more theatre and missile defense systems.

The original 1972 Treaty places no limitations on theater missile defense. These new demarcation agreements would prohibit the U.S. from being able to fully develop our theatre missile defense systems. And that is, of course, why these agreements are so important.

Now, the Clinton administration has frankly admitted there is no debate, and this House has voted many times that this is a new treaty and, therefore, must be put before the United States Senate and ratified by the United States Senate. This has never happened. And that is why we should pass this amendment to prevent implementation unless and until the Senate takes up and ratifies these new treaties.

As I said, this passed last year by a voice vote. It passed the year before that by a substantial margin. I would certainly implore the House to pass it again this year.

Mr. Chairman, I reserve the balance of my time.

Mr. ALLEN. Mr. Chairman, I yield myself such time as I may consume, and I seek the time in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment because this issue has come up in previous years. The State Department has opposed it.

In the past, the State Department, during conference, has been able to get language added, making it subject to a presidential certification. And that language is not in the amendment of the gentleman from Louisiana (Mr. VITTER) today.

This amendment is unnecessary because the administration has already said that it will not implement the September 1997 Memorandum of Understanding on secession to the ABM Treaty prior to its ratification by the Senate.

In a letter and report provided to the chairman of the Senate and House Committee on Appropriations dated February 9, 1999, the President certified and affirmed that the United States Government is not implementing the Memorandum of Understanding. The way it is currently worded, without the President's certification language, the State Department would be prevented from sending representatives to meetings because it would prohibit money for any participation. The State Department wants to be able to participate in meetings even though it is not implementing the agreement. If the prohibition is on implementation but the State Department is not implementing, they can attend meetings with the presidential certification.

In our view, Mr. Chairman, this is an attempt to obstruct the arms control dialogue. It is unnecessary and it is unjustified.

What we are saying is simply that the way this amendment is worded at this particular time will hamper ongoing discussions about arms control unnecessarily.

Mr. Chairman, I reserve the balance of my time.

□ 2145

Mr. VITTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, with regard to the issue of the certification, if the certification language were in this amendment, it would then be subject to a point of order. So for that very simple parliamentary reason, that certification language cannot be put in this amendment on the House floor. Should the process, as in previous years, yield that certification language, I would not object; and I would suggest we should move the process along by passing this amendment as it has evolved in previous years.

Also, if, as the gentleman on the other side said in opposition, this amendment is not necessary, then neither he nor the administration should object to it. In fact, I believe the standing consultative commission does offer this administration the opportunity to implement and to push forward unratified new treaties. That is clearly inappropriate. The way to push forward these treaties, if they are in the best interest of the country, is to submit them to the United States Senate and have the Senate decide the issue. That is their constitutional duty; and, in fact, it is beyond debate.

The administration has agreed that if it is a new treaty, it must be submitted to the Senate. So this amendment is merely a very wise, precautionary measure and may, in fact, yield the certification language as this appropriation bill moves through the process.

Mr. Chairman, I reserve the balance of my time.

Mr. ALLEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we simply disagree on this issue. Without the language concerning a presidential certification, we continue to object.

Mr. Chairman, I yield back the balance of my time.

Mr. VITTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply close by saying that, in fact, we are talking about brand new agreements, treaties, which have never been submitted to the Senate, never been debated or ratified by the Senate. So clearly this is an appropriate, a wise, a conservative and cautionary amendment. It has been adopted the last 2 years. I would not object to the certification language if it is included as it moves through the process. So in that vein, I urge the House to adopt this amendment as it has the previous two years.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of yielding to the gentleman from California (Mr. OSE) to engage in a colloquy.

Mr. Chairman, I yield to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I rise today to make note of a particular issue. On October 25, 1980, The Hague Convention on the Civil Aspects of International Child Abduction established reciprocal rights and duty to expedite the return of children to their state of habitual residence, as well as ensure that rights of custody and of access under the laws of one contracting State are respected in other contracting States.

Subsequent to this convention, over 50 countries have become signatory members. Yet, egregious cases abound. A critical step to protecting our American children is making sure that U.S. Federal and State courts are aware of international parental abduction issues and The Hague Convention. Current law requires that the State Department prepare an annual report on the status of this Hague Convention. Unfortunately, the State Department has been reluctant to distribute their report to our courts. By providing State and Federal courts access to this document, judges will be better equipped to render decisions in custody cases that are in the best interest of the child.

Mr. Chairman, on May 23 of this year, every single Member of this distinguished body who was present voted to support passage of a resolution, the purpose of which was to highlight our interest in making sure that American children and parents remain in this country. Every single Member of this House voted for H. Con. Res. 293 to urge the Secretary of State, in part, to disseminate to all Federal and State courts the Department of State's annual report to Congress on Hague Convention compliance.

As the chairman takes this bill to conference, I ask him to keep this issue in mind and endeavor to ensure that the State Department complies with the guidance in H. Con. Res. 293.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman bringing this issue to our attention. I would be happy to work with the gentleman as the bill proceeds to conference to see if we can address the gentleman's concerns and congratulate him on the work that he has done on the issue.

AMENDMENT NO. 13 OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. ALLEN:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 624. Of the funds appropriated in title II under the heading "Administration of Foreign Affairs — Diplomatic and Consular Programs", $200,000 shall be available only for bilateral and multilateral diplomatic activities designed to promote the termination of the North Korean ballistic missile program.

Mr. ROGERS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

Pursuant to the order of the House of June 23, 2000, the gentleman from Maine (Mr. ALLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I am offering designates a small amount, $200,000, of the State Department's diplomatic account for bilateral and multilateral activities designed to promote the termination of the North Korean ballistic missile program. Everyone agrees we must address the potential threat of a ballistic missile attack by Korea. The question is, what is the most effective and economical way to deal with the threat? Some argue the best way, the only way, to deal with North Korea is to build a defensive shield and then hope that it can shoot down a missile after it is launched.

This approach assumes, of course, that a national missile defense would work as advertised, which has not been proven and could not be fooled by decoy technology, which we may never be sure of.

We must continue to research and test national missile defense more rigorously than we are now, but given the technological uncertainties, NMD remains a risky and expensive option to deal with the North Korean threat. It is safer and cheaper to deal with a missile that has never been built than to gamble that it can be hit after its launch.

Last year, the administration conducted a comprehensive North Korea policy review led by former Defense Secretary William Perry. It concluded that the urgent focus of U.S. policy toward North Korea must be to end its nuclear weapons and long range missile-related activities for which the U.S. should be prepared to establish more normal diplomatic relations with North Korea and join in South Korea's policy of engagement and peaceful coexistence.

We have already seen progress. Last year North Korea pledged to suspend tests of its long range missile in exchange for easing of U.S. sanctions. North Korea reaffirmed the pledge last week. Skeptics say trust their deeds, not their words, and I agree; but the fact is North Korea has not tested its Taepo Dong 1 missile in the 2 years since the first provocative test. Some may scoff at the notion of negotiating with a Stalinist state, but it is worth exploring.

In the June edition of Arms Control Today, Leon Sigal, an expert on North Korea and security issues, presents a cogent case that based on past experience cooperation with Pyongyang can work. He finds that the best strategy for ending North Korea's nuclear and missile programs and ensuring peace in northeast Asia is cooperative threat reduction.

The historic North-South Korea summit offers the chance to foster improved security conditions in the region. The Perry review found that South Korea and Japan and even China share our interests in reducing the North Korean threat. We should take advantage of the opportunity.

This amendment sends a congressional signal of support for continued diplomatic efforts to reduce the North Korean missile threat. This not only makes security sense; it makes fiscal sense. Diplomatic efforts to end the threat can be done at pennies on the national missile defense dollar, which is a $60 billion program. The funding in this amendment is one-hundredth of 1 percent of the amount we will spend next year, $2 billion on national missile defense. There is more than one way to reduce the North Korean threat, and some ways are cheaper than others.

Mr. Chairman, I do not want to micromanage and tie the State Department's hands, so I will, at an appropriate time, withdraw the amendment; but I think it is important to indicate Congress' support for diplomatic avenues to end the North Korean missile threat.

Subject to any comments on the other side, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 77 OFFERED BY MR. VITTER

Mr. VITTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 77 offered by Mr. VITTER:

Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be available to the Department of State to approve the purchase of property in Arlington, Virginia by the Xinhua News Agency.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Louisiana (Mr. VITTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment to this bill that will send a strong signal to the State Department that this body insists that they enforce the law. This amendment lets State know that we want them to require the Chinese Communist Government to request approval for their purchase of an apartment building overlooking the Pentagon, and that this body wants State to deny that approval.

At issue is the purchase of an Arlington apartment building by the Xinhua News Agency. The Chinese Government owns Xinhua and the Foreign Missions Act of 1985 requires foreign embassies to obtain prior authorization from our State Department for the purchase of U.S. property, and it explicitly covers operations like Xinhua.

Furthermore, the authoritative Chinese intelligence operations, published by the Naval Institute Press, reports that in a number of publicized spy scandals intelligence officers used Xinhua to provide operations cover. The Foreign Missions Act clearly is applicable to the purchase of this building by Xinhua. The name of the complex, Pentagon Ridge Apartments, vividly describes its strategic location. Occupancy of this building will allow Chinese intelligence operatives to gather information using a variety of means. These include direct observation via telescope of documents being viewed in outside offices, the collection of electronic impulses emanated by computer screens in the building and the use of laser microphones to eavesdrop on conversations.

In short, this building is an ideally suited spy tower designed to capture our military secrets.

If this were a unique occurrence, there would be no need perhaps for this body to act, but unfortunately this is just one more in a sorry series of security breakdowns that have taken place on the Clinton administration's watch. Missile secrets to China, laughable security at Los Alamos, Russian microphones and missing laptops at the State Department, the list just goes on and on, and unfortunately this is just one more item on the list.

In this case, our security agencies did not even know the Chinese Government interest in procuring this building, a strategically important building.

Now, a few weeks ago, Energy Secretary Richardson blamed the University of California for the missile computer hard drives at Los Alamos. What will Secretary of State Albright do, blame the Arlington Board of Realtors for this fiasco?

I recognize that this amendment covers spending for the next fiscal year and would not prevent State Department approval this year, but I hope that a very strong show of support for the amendment will encourage the State Department to do the right thing and block Xinhua's acquisition of this strategically located building.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I claim the time in opposition, but I will not oppose the amendment.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have no objection to this amendment. I do not think it is necessary. I appreciate the gentleman bringing the issue to the attention of the Congress and the country, particularly in light of the recent bugging of the State Department headquarters building itself. The State Department tells us that this sale to the Chinese Government news agency does require their approval, so they agree with us. State will consult with the intelligence community, and it is my expectation that they will not approve the sale.

Furthermore, I am told State would likely take action on this matter before the end of this fiscal year. So I hope this provision will prove unnecessary, but I do support the adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. VITTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the subcommittee chairman for his kind words. I too hope that the State Department does the right thing, whatever action or lack of action this House would take. I simply do not have full confidence in that; and I think it is reasonable for me, for all of us, to lack that confidence given the past recent history of security breaches under this administration, and that is really the very important context in which I bring this amendment. I do realize that this amendment only covers the next fiscal year, but I hope that a significant vote by this body will be a very strong and telling message to the State Department that they must act decisively to block the Communist Chinese Government from obtaining this literal spy tower on the Pentagon.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

□ 2200

Mr. VITTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. VITTER) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. CAPUANO

Mr. CAPUANO. Mr. Chairman, I have an amendment at the desk, I believe it is Amendment No. 3.

The CHAIRMAN. The Chair notes that the amendment addresses a paragraph already passed in the reading.

Does the gentleman from Massachusetts ask unanimous consent for its present consideration?

Mr. CAPUANO. Yes, I do, Mr. Chairman.

The CHAIRMAN. Is there objection?

Mr. ROGERS. Mr. Chairman, reserving the right to object, which amendment is this, Mr. Chairman?

Mr. Chairman, I have no objection, but I do reserve a point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CAPUANO:

Page 107, after line 12, insert the following new section:

SEC. 624. (a) Within 60 days after the date of enactment of this Act, the Common Carrier Bureau of the Federal Communications Commission shall conduct a study on the area code crisis in the United States. Such study shall examine the causes and potential solutions to the growing number of area codes in the United States, including the following:

(1) Shortening the lengthy timeline for implementation of the Federal Communications Commission's recent order mandating 1,000 number block pooling.

(2) Repealing the wireless carrier exemption from the Federal Communications Commission's 1,000 number block pooling order.

(3) The issue of rate center consolidation and possible steps the Commission can take to encourage or require States or telecommunications companies, or both, to undertake plans to deal with this issue.

(4) The feasibility of technology-specific area codes reserved for wireless or paging services or data phone lines.

(5) Strengthening the sanctions against telecommunications companies that do not address number use issues.

(6) The possibility of single number block pooling as a potential solution to the area code crisis.

(7) The costs and technological issues surrounding adding an additional digit to existing phone numbers and potential ways to minimize the impact on consumers.

(b) Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall submit to the Congress a report on the results of the study required by subsection (a).

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The gentleman from Kentucky (Mr. ROGERS) reserves a point of order on the amendment.

The gentleman from Massachusetts (Mr. CAPUANO) is recognized for 5 minutes.

Mr. CAPUANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for allowing me the unanimous consent request.

Mr. Chairman, this amendment deals with probably one of the few issues that will affect every single American, has affected most Americans already and will do so within the next 5 years, every single American; namely: the issue of area codes.

In 1947, the North American Numbers Plan was enacted to establish the current numbering of all of our telephones, seven numbers with three digit area codes. As of 1994, we had 151 area codes. In the last 5 years, that number has doubled, and as of 1999, the people that administer this, the Lockheed Martin, estimates that by the year 2007, we will be completely out of telephone numbers based on the current explosion of telecommunications.

Mr. Chairman, all this amendment does is simply ask the FCC to have a study and issue a report to this Congress as to what they intend to do about this situation. Mr. Chairman, there are many things that we could do that we could suggest to the FCC, but at the same time, I think it is incumbent upon them to tell us if they have a plan that they intend to implement in the manner that will save lots of Americans lots of money.

Many of us have been through situations where area codes have been added, or others have been through situations where area codes have been overlaid so that many Americans today have to dial 10 digits simply to call across the street. Many people certainly have to dial 10 digits to get to the town next door because so many area codes have been added in this country; that situation is going to get horrendously worse each and every day.

Just last year, the FCC cited 25 additional area codes as those, quote, in jeopardy. That happened since just last June. Mr. Chairman, this amendment is a simple amendment. It does not propose that we know the answers, it simply asks the FCC to provide us with their proposals as to what the answers will be.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI, because the amendment imposes additional duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Massachusetts wish to be heard on the point of order?

Mr. CAPUANO. Only momentarily, Mr. Chairman, I understand and respect the point of order, and I would say that the next time I come here on this issue, I will actually be proposing suggestions for the FCC to do, because if I am going to get ruled our of order, I may as well get ruled out of order on something substantiative as opposed to simply a request for information.

The CHAIRMAN. The Chair is ready to rule.

The Chair finds that the amendment proposes to change existing law, to wit: mandating a study by the Federal Communications Commission. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

AMENDMENT NO. 52 OFFERED BY MR. BLUNT

Mr. BLUNT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 52 offered by Mr. BLUNT:

At the end of the bill, insert after the last section (page 107, after line 21) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the United States-European Union Consultative Group on Biotechnology, unless the United States Trade Representative certifies that the European Union has a timely, transparent, science-based regulatory process for the approval of agricultural biotechnology products.

Mr. SERRANO. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) reserves a point of order.

Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Missouri (Mr. BLUNT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I yield myself 1 minute and rise to say that I am proposing this amendment because of my sincere concerns for the US-EU Consultative Group on Biotechnology.

This amendment would guarantee that none of the funds appropriated under the Act may be used to participate in or support activities of the consulting group unless the U.S. Trade Representative certifies that the European Union is operating in a timely and science-based process of approvals for new plant varieties, including those developed using biotechnology.

What we have seen too often is the European Union used this as an excuse not to let our products into this market. There are already 31 groups that have been designated to focus on this subject, I think that is about 30 too many, and the subject of delays brings me to a second reason to offer this amendment.

For the past 2 years, the European Union has failed to complete the procedures necessary for marketing biotech food products in member States. In so doing, they are in violation of rules established by the World Trade Organization that require a science-based process for the decision or lack thereof they made regarding agricultural biotechnology. Instead, the establishment of yet another group to study biotechnology is simply a transparent attempt to string their inactivity along.

Our friends and farmers in the agricultural community need help today. As the Government, it is imperative that we make the necessary commitment to look at real solutions to these European trade issues and not to continue to let these studies go on in a way that keeps our products out of the market.

Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. HULSHOF), a member of the Committee on Ways and Means.

Mr. HULSHOF. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I find it ironic that today as world scientists are heralding the breakthrough and mapping human genetics that the European Union remains in the dark ages regarding advancements in plant science.

The European Union has demonstrated extreme reluctance in implementing an approval process for genetically enhanced foods. I think that this inaction will be prolonged by the recently announced consultative forum.

As my friend, the gentleman from Missouri (Mr. BLUNT) has talked about America's farmers who have been struggling now for the 3rd consecutive year of depressed prices, but they are not the only ones that are going to be affected by the European Union's inaction.

Around the world, 170 million preschool kids are undernourished. In Third World countries, ag biotechnology can help develop new varieties that will survive the harshest climates. These countries will not be able to undertake effective biotech research without the support, but, more importantly, without the consensus of developed countries.

Besides fighting famine and besides caring for the world's growing population, genetic crop enhancement can also help environmental causes such as reduction of pesticide use, groundwater pollution and topsoil erosion.

In short, as I agree with my friend, the gentleman from Missouri (Mr. BLUNT) that we would prefer the provision of the amendment be included in this year's appropriations bill. We also respect the rules of the House.

Mr. Chairman, I do urge the administration to insist the U.S. participation and the forum be contingent on agreement by the European Union to restart its approval process. Mr. Chairman, let us fight hunger not biotechnology.

Mr. CHAIRMAN. Does the gentleman from Missouri (Mr. BLUNT) reserve his time?

Mr. BLUNT. Mr. Chairman, I reserve the balance of my time.

Mr. DOOLEY of California. Mr. Chairman, while I am not in opposition to this amendment, I ask unanimous consent that I can control the 5 minutes.

The CHAIRMAN. Without objection, the gentleman from California (Mr. DOOLEY) will control 5 minutes.

There was no objection.

The gentleman from California (Mr. DOOLEY) is recognized for 5 minutes.

Mr. DOOLEY of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to inform Members of the House that just this week we sent a letter from 25 of our Members to the President asking him to recognize that EU inaction and insist that our trading partners in Europe agree to mend the regulatory process in order to allow for a science-based approval process of new plant varieties, including varieties developed through the use of modern biotechnology.

It seems that today science has taken a back seat to political considerations and as a result, our farmers are caught in an untenable situation. The situation was recently complicated further when our government agreed to enter into a consultative process with the EU. The U.S.-EU consultative forum has been formed to negotiate issues related to biotechnology. Discussion is always a healthy exercise, and under different circumstances, I and others who signed a letter to the President would unreservedly welcome the opportunity to sit down with EU representatives. In fact, we have welcomed the opportunity with open arms in the form of 30 other such groups that are currently discussing related biotech issues. However, we must now stand behind America's farmers who are losing critical markets.

Corn farmers are losing an estimated $200 million annually, and hundreds of millions in other agriculture exports are being lost. We must send a message to the EU that while we welcome dialogue, we insist that the meeting of this particular forum be contingent upon agreement by EU nations to restart its approval process for biotechnology products.

Mr. Chairman, I think this is an important message that we are sending here tonight, and I urge thorough consideration by this body.

Mr. Chairman, I reserve the balance of my time.

Mr. BLUNT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me further say that America's farmers and food processors deserve action, not just continued talk as my friend, the gentleman from California (Mr. DOOLEY) and my friend, the gentleman from Missouri (Mr. HULSHOF) have already pointed out, there are many studies going on.

We are losing an estimated $200 million a year in corn sales and as many millions in other ag exports. How can we justify spending taxpayers' money, including the tax money that our farmers pay on a process that promises to keep them out of the market or more likely promises to keep them twisting in the wind.

Mr. Chairman, the safety of agricultural biotechnology has been firmly established. Our own Agriculture Secretary, Dan Glickman, has stated that, quote, our best science is to search for risk. Without exception the biotech products on our shelves have proven safe, and millions of people worldwide have consumed biotech foods without a single adverse incident.

Furthermore, respected scientific and policy-oriented organizations, along with renowned scientists and humanitarians have lined up in favor of agricultural biotechnology. They advocate for a process that is increasing crop yields, creating nutritious crops that promise to improve the health and welfare of millions.

These crops are raised in an environmentally safe and friendly way. It means better production on fewer acres with less fertilizer, less chemicals, less pesticides. This is exactly the direction that the environment should be headed, biotechnology is part of that solution. It has now reached a point where reasonable people must ask really the question, is this really about biotechnology or is it about something else?

It is an easy conclusion. The European Union nations are clearly trying to protect their farmers from superior products that we can send into that market. Regardless of its motives, the EU has an obligation under the rules of the WTO to act responsibly and establish a science-based system for conducting a risks assessment of biotech products.

Added conversation in consulting forums is not going to get this done. Only the resolve of the EU members, a resolve to, at a minimum, incorporate an approval process, will see that this goal and see that it is met.

We must move forward. We must open these markets. We must insist that the rules of the free trade, the rules of the marketplace are fairly applied to Missouri farmers and to American farmers, to California farmers, to all of those who can participate in this new and significantly enhanced way.

Mr. EWING. Mr. Chairman, I rise in support of the Blunt amendment.

At first glance, the United States-European Union Consultative Forum on Biotechnology appears to be a step toward opening Europe's doors to our ag biotech products. When you look again, you start to wonder what the purpose of this group may actually be. The U.S. Trade Representative has no press release on the formation of the Consultative Forum; I've only seen news clippings. My staff has contacted the Office of the U.S. Trade Representative for information, but received no call back. If the Consultative Forum is so significant, you would think that information on it would be made readily available. I see no reason why such an organization should be funded by the U.S. Congress if we neither know the purpose nor the possible outcome of negotiations.

Currently, there are over 30 organizations looking into the different issues surrounding biotechnology. Will this "Forum" be anything different than the others? I don't think so. The U.S. Government must have some agreement by the E.U. to restart its approval process before we move forward with another "Forum" on this issue. It cannot be yet another excuse to avoid action.

This amendment should be adopted to ensure the adequate and effective protection of our U.S. agricultural goods produced through biotechnology. American farmers are waiting for the Clinton administration to take leadership on this delicate trade issue, and so far, USTR seems to be stuck in a holding pattern. It's time for our biotech trading policy to be taken off autopilot and moved forward to assist our struggling American farmers.

Mr. SMITH of Michigan. Mr. Chairman, I rise in support of the amendment from my good friend and colleague, the gentleman from Missouri. This amendment would prohibit funding of the United States-European Union Consultative Group on Biotechnology until such time as the U.S. trade representative certifies that the E.U. has a transparent, science-based, and fair regulatory process for approving agricultural biotechnology products.

Mr. Chairman, on April 13, I released a report, Seeds of Opportunity, that reviewed the benefits, risks, and oversight of agricultural biotechnology. What I found is that biotechnology is safe and has incredible potential to enhance nutrition, feed a growing world population, open up new markets for farmers, and reduce the environmental impact of farming. Its potential benefits are limited only by the imagination and resourcefulness of our scientists.

However, despite an unblemished record of safety, this technology has come under attack from well-financed activist groups who have created an atmosphere of fear in Europe. Europe's political leaders have capitalized on these concerns to promote protectionist regulatory policies that have shut out American farm products from European markets. In a free-trade environment, trade decisions should be science-based, as World Trade Organization rules stipulate.

I think it is worth noting that no new agricultural biotechnology product has been approved in Europe for over 18 months. American researchers and farmers need to know that they will have a market for their products. The U.S. trade office should ensure that access to existing markets for agricultural products is maintained and that international agreements are neutral with respect to the products of agricultural biotechnology.

Mr. Chairman, I do not see the point in moving ahead with the U.S.–E.U. Consultative Group while the E.U. continues to persist with protectionist policies that violate the spirit, if not the letter, of WTO rules. This amendment sends a strong message to the E.U. that the United States will not tolerate E.U. foot-dragging that hurts U.S. farmers and an emerging biotechnology industry. I urge my colleagues on both sides of the aisle to support this amendment.

Mr. BLUNT. Mr. Chairman, I yield back the balance of my time.

Mr. DOOLEY of California. Mr. Chairman, I yield back the balance of my time.

Mr. BLUNT. Mr. Chairman, I have a unanimous consent request. Mr. Chairman, I understand that with the extent of this bill and with the fact that we do go beyond just eliminating the funding that this amendment may very well go beyond the scope of our rule on this bill. I hereby withdraw my amendment and hope to have the merits of the legislation considered by this House, by the President and the administration and, most importantly, by the European Union in a truly timely manner.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of yielding to the gentleman from Georgia (Mr. DEAL) for the purpose of engaging in a colloquy.

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as the gentleman from Kentucky (Mr. ROGERS) knows, illegal immigration into the ninth district of Georgia has skyrocketed in recent years. North Georgia has quickly become a destination for people entering this country illegally. Word has spread throughout the communities that jobs are plentiful in our labor-intensive industries.

What once might have been called a trickle of illegal aliens into North Georgia has turned into an outright flood. A recent study completed by Georgia State University concludes that in Hall County, Georgia, where I live, there could be an illegal immigration population of over 65,000.

This is especially alarming because of the overall population of the country is only 120,000. The schools, health care, delivery system, and judicial system have all seen a dramatic influx of residents who do not have legal status in our country. This has had a drastic and debilitating impact on the social services that our community is able to provide.

□ 2215

But despite the growing problem of illegal immigration in my district, I am happy to report renewed optimism. The Quick Response Teams, or QRTs which the gentleman and his subcommittee have developed, have proved to be a tremendous success where fully implemented. The city of Dalton, Georgia, which is one of the cities most affected by illegal immigration in my district, has benefited greatly from the presence of a QRT team.

These teams of INS agents work with State and local law enforcement to identify, apprehend, and remove criminal and illegal aliens. I thank the gentleman for his leadership on the interior enforcement of our immigration laws. Too few Members have had the courage to substantively address this issue. It is my hope that we can expand these successful QRTs to other communities that are dealing with this problem such as Hall County, Georgia. I would simply ask for the gentleman's commitment and for his continued support of interior enforcement of our immigration laws and especially the Quick Response Teams.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentleman for reminding us of this enormous problem in his district. I know of few districts that are impacted as significantly as the gentleman's district in Georgia. In fact, we included an additional $11 million in the bill which was not requested by the administration to expand this QRT program around the country. In fact, I want to tell the gentleman that he is the inspiration for the QRT program, and I appreciate the problem he is facing in his home area, as well as other areas of the country; and I assure the gentleman that we will be happy to work with him as we proceed to address the problem.

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of a colloquy with the gentlewoman from Connecticut (Mrs. JOHNSON).

Mr. Chairman, I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding.

I rise to congratulate the subcommittee for increasing the funding for the Manufacturing Extension Partnership Program of the National Institute of Standards and Technology. It is a very cost-effective Federal-State, public-private partnership that helps small and midsized American manufacturers modernize to compete in the global marketplace. As one of my small manufacturers said to me, it is fine if you vote for China trade. Please, just keep these critical dollars in place so we can keep up with the pace of change in technology and manufacturing organizations, stay competitive, and win.

Another of my manufacturers said to me, CONN/STEP, which is this MEP program in Connecticut, is the only program helping us assure the survivability, the viability, and the profitability of our small shops. He and others have stressed how they rely on CONN/STEP for its remarkable, broad network of top professionals. No individual small manufacturer could develop such a network. He or she has neither the amount of work nor the time it takes to develop such a sophisticated network of interested engineering and technical experts. Yet, these top people are at the beck and call of the small manufacturers in my district because of the CONN/STEP program, one of the more than 70 MEP manufacturing centers throughout America. They are, indeed, in every State and in Puerto Rico.

My small manufacturers have depended on CONN/STEP to help them achieve 9000 certification, design new products, recruit new high-skilled employees, understand and adapt lean manufacturing techniques and, in general, keep pace with the truly incredible rate of change in manufacturing techniques and processes to improve precision and productivity and stay competitive. MEP funds are critical to the future of small manufacturing, and without strong small manufacturers, our global manufacturers cannot survive.

So I thank the chairman and his subcommittee for their foresightedness in increasing those funds.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentlewoman for her remarks. The bill does provide $104.8 million for the Manufacturing Extension Partnership program, and the gentlewoman has been one of the biggest supporters we have had, and we appreciate that.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on tomorrow, the House will consider the Energy and Water Development appropriations bill. As was done for prior appropriations bills, we will be trying to develop a unanimous consent request that identifies the complete universe of amendments with time agreements on them. Previously, we had not attempted this until we were halfway through the consideration of the bill. There was proper criticism that debate on early amendments was unconstrained, but that debate on later amendments was constrained.

In order to treat everyone the same, we are seeing if we can make an agreement at the beginning of consideration of this bill tomorrow. To do this will mean that we will need to know the universe of amendments on the Energy and Water Development bill prior to tomorrow. Therefore, I am asking all Members who may have an amendment to this bill to please file it at the desk and have it printed in the RECORD by the end of today.

Also, if all Members who have amendments could contact the staff on the energy and water development subcommittee with a suggested time for debate on their amendments, we would be able to develop a unanimous consent with the necessary input. I would appreciate the cooperation of all Members in this regard. I thank the Chair.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think we are at the end of the process here, or close to it; but I do want to take a moment before we do get to the end of the bill to thank the Members for their courtesies and for being as brief as we could be under the circumstances. We have had a great number of amendments, as all Members know, and the Members have been cooperative, and I appreciate that very, very much.

Also, I want to thank my ranking member, the gentleman from New York (Mr. SERRANO), for being the gentleman that he is, my partner, if you will, on this bill. The teamwork with him has been heart-warming and, I think, fruitful.

Lastly, I want to again say to our staff on both sides of the aisle how dependent we are upon them and how much we appreciate their hard work, trying to keep our tempers under control all the while supplying us with the information necessary to help with the amendments and the bill itself. We cannot say enough for the work of our staff on the committee and on our personal staffs, both minority and majority staff members. We appreciate them very much. We would not be here without them.

AMENDMENT NO. 11 OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. RUSH:

At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL APPROPRIATIONS

SMALL BUSINESS ADMINISTRATION

PROGRAM FOR INVESTMENT IN MICROENTREPRENEURS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the PRIME Act (as added by section 725 of the Gramm-Leach Bliley Act (Pub. L. 106–102)), to be derived by transfer from the aggregate amount provided in this Act under the heading "National Oceanic And Atmospheric Administration—Operations, Research, and Facilities" (and the amount specified under such heading for the National Weather Service), $15,000,000.

The CHAIRMAN. Pursuant to the order of the House on Friday, June 23, 2000, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am introducing this amendment to the Commerce, Justice, State and the Judiciary appropriations bill to authorize $15 million for the PRIME Act. The PRIME Act was signed into law as part of the Financial Services Act in November of 1999, but yet has not received any funding. Funding for the PRIME Act will provide the SBA the opportunity to establish a microenterprise technical assistance and capacity-building grant program.

Mr. Chairman, in our communities all across this country, there are small entrepreneurs with great ideas and aspirations toward furthering the business objectives to strengthen our commerce, but there are more than a few problems which they face. These entrepreneurs are usually unable to secure adequate funding, cannot market themselves to potential clients, are not educated with the business venture, and need the ability to lead their own lives.

The PRIME Act will provide assistance in the form of grants to qualified organizations. Qualified organizations are microenterprises that are very small businesses, that typically have fewer than 10 employees, and generally lack access to conventional loans, equity or other banking services. A qualified organization will be able to use these grants to provide training and technical assistance to disadvantaged entrepreneurs, provide training and capacity-building services to microenterprise development organizations and to aid in researching and developing the best practices in the field of microenterprise and technicals assistance programs.

Mr. Chairman, the PRIME Act is necessary to help people start and maintain businesses, contribute to their own individual self-reliance, and to strengthen our commerce. If there was ever a real solution to encourage people to work hard to control their own destiny, then certainly PRIME is the answer.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee, if at all possible.

Mr. Chairman, I am strongly in favor of this particular amendment. As the gentleman knows, this amendment passed out of the Committee on Banking and Financial Services with unanimous support, bipartisan support. It passed the House in the conference committee overwhelmingly, but yet the subcommittee has not funded it. I would ask the chairman, if he would be so kind, to work in the conference committee, if this bill passes this House, to try to secure funding for the PRIME Act. Again, it has been endorsed and supported by the chairman of the Committee on Banking and Financial Services, and it has strong bipartisan support.

With that in mind, Mr. Chairman, I would entertain a motion to withdraw this amendment if we could reach an understanding of some kind and if we can have some kind of consideration from the chairman.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. RUSH. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman's concern. This is an unauthorized program that has been requested, and given the spending constraints that we have been operating under, there are a lot of new programs that we just were not able to fund, this included. This is certainly not alone; there are a lot of other programs that we were not able to find money to fund.

I am really concerned about the gentleman's amendment, though, because it would cut the National Weather Service by some $15 million. The administration has already said that we have underfunded the Weather Service; and yet this would cut another $15 million from such things as providing tornado warnings and flash flood warnings, winter storm warnings, hurricane warnings and the like. So I would hope that the gentleman could see his way clear to withdraw the amendment, and we can discuss the PRIME program as we proceed to final conclusion on the bill; and I would appreciate the gentleman's advice as we do that.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. RUSH) has expired.

Does the gentleman seek to withdraw the amendment?

Mr. RUSH. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN. Is there objection to adding 1 minute on both sides?

There was no objection.

Mr. ROGERS. Mr. Chairman, if the gentleman would briefly yield, I made a misstatement, the program is authorized. I said it was unauthorized. It is authorized, in fact.

Mr. RUSH. Well, since it is authorized, Mr. Chairman, would the gentleman change his determination?

Mr. ROGERS. Mr. Chairman, as I have said before, we have been under severe funding constraints, and I will be happy to work with the gentleman as we proceed to see if there is some way to do that.

Mr. RUSH. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 2030

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be very brief. I also want to join the chairman, the gentleman from Kentucky (Mr. ROGERS), in thanking both our staffs for the work they have done on this bill, and to thank him personally for his treatment of this ranking member, and the diplomatic way in which he deals with me. We have a special relationship.

I also want to reiterate to the chairman, as I said before, that I will be supporting this bill tonight. Many Members on this side of the aisle will not. I will support the bill with the intent to continue to work with the chairman to make this the bill that I think it should be when this process is over.

However, I have to be honest, that unless some very dramatic changes take place in this bill, the second time around the gentleman will see even less support on this side. I do that understanding the gentleman's desire to work with me and to work with us in making sure this becomes a better bill.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT NO. 77 OFFERED BY MR. VITTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. VITTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 367, noes 34, answered "present" 7, not voting 26, as follows:

[Roll No. 325]

AYES—367

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (KS)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers

Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—34

Ackerman
Berman
Capuano
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Davis (IL)
Dingell
Farr
Hastings (FL)
Hilliard
Johnson, E. B.
Jones (OH)
Kucinich
Lee
Maloney (CT)
McDermott
Meek (FL)
Mink
Moran (VA)
Murtha
Nadler
Oberstar
Olver
Payne
Stark
Thompson (MS)
Towns
Velazquez
Waters
Woolsey

ANSWERED "PRESENT"—7

Blumenauer
Dixon
Frank (MA)
Lantos
Larson
Meehan
Watt (NC)

NOT VOTING—26

Blagojevich
Campbell
Cook
Gutierrez
Hansen
Hinchey
Kilpatrick
Klink
Lazio
Lipinski
Manzullo
Markey
Martinez
McCollum
McIntosh
Peterson (PA)
Pomeroy
Rangel
Rush
Ryun (KS)
Schakowsky
Shows
Shuster
Talent
Vento
Waxman

□ 2251

Mrs. JONES of Ohio changed her vote from "no" to "aye."

Mrs. McCARTHY of New York, Ms. SLAUGHTER, Mrs. TAUSCHER, Ms. MILLENDER-McDONALD, and Messrs. HILL of Montana, BLUNT, HOLT, ALLEN, CLEMENT, SHERMAN, WEXLER and CUMMINGS changed their vote from "aye" to "no."

Mr. MEEHAN changed his vote from "no" to "present."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001".

Mr. BEREUTER. Mr. Chairman, this Member supports and is deeply appreciative of the efforts of the Appropriations Subcommittee on Commerce, Justice and State, to address the many concerns within their jurisdiction. However, this Member rises to address a particular concern that is considered by the legislation before this body today. In particular, it is important to understand the security risks faced by U.S. embassy personnel and other public servants who are tasked with advancing America's interests overseas.

Following the devastating embassy bombings in Kenya and Tanzania, the Overseas Presence Advisory Panel (OPAP) was created. This Panel's recent report concluded that the U.S. overseas presence is near a state of crisis. Insecure and often decrepit facilities, obsolete information technology, outmoded administrative and human resource practices and poor allocation of resources threaten to cripple our nation's overseas capabilities. The percentage of the U.S. budget devoted to international affairs has been declining for four decades. The international affairs budget is now about 20% less in today's dollars than it was on average during the late 1970's and 1980's.

The legislation before this body today recommends a level for the Department of State and international broadcasting at $6.6 billion. Although below the Administration's request, it represents a $300 million increase over last year's enacted level. However, in a number of key areas recommended appropriations still fall far short of what is needed.

However, this Member would emphasize that he has serious doubts about the level of this Administration's commitment and progress in improving security for our overseas facilities. In past years the Administration's request for Embassy security funding has been woefully inadequate. This year, the Appropriations committee fully funded the Department's FY 2001 request of over $1 billion for Embassy security ($410 million for diplomatic and consular programs and $648 million for the embassy security, construction and maintenance account.) However, the American Foreign Service Association is urging that Congress appropriate $200 million more than the Administration requested for overseas security. AFSA notes that 80 percent of our 260 posts abroad do not even meet current, much less Inman, security standards. With an additional $100 million the Department could more than double the number of posts with upgraded perimeter security. The other $100 million could provide enhanced protection from exploding glass windows at posts which are considered highly vulnerable. Otherwise, the level of precaution will not be reached under current circumstances for at least five years.

Mr. Chairman, there is a crying need for wholesale reform of the way our Embassies are financed and constructed, starting with changing OMB's scoring rules to allow lease/purchase and lease/buyback arrangements. It defies logic to constrain the leasing of secure, modern diplomatic facilities only for arcane budgetary scoring reasons—yet that is the case. The OPAP report provides an excellent series of recommendations that could help us build new secure facilities more quickly, which the Administration should seek to implement in their entirety as soon as possible.

Another area in which additional funds are needed is the capital investment fund which provides for new information technology and capital equipment. The Congress authorized $150 million for this purpose, even though the Administration requested only $97 million. Regrettably, the Committee provided only $79.7 million, which is below even the current year's level. The OPAP report correctly notes that this is a critical need if we are to bring our representation abroad into the modern age.

Finally, Mr. Chairman, this Member notes that on May 26th the President signed H.R. 3707 (P.L. 106–212), introduced by this Member, which authorizes $75 million for the construction of a new facility for the American Institute in Taiwan (AIT). The current AIT is a dilapidated, rundown collection of buildings, or in some cases Quonset huts, that fails to meet even minimal security standards. The current AIT also fails to provide the necessary facility to adequately represent our country or to reflect the importance our country attaches to our long-standing, critically important relations with Taiwan. Construction of a new, secure facility will be an important indication that the U.S. presence will be maintained on Taiwan through the AIT for as long as it takes to assure that any reunification of China and Taiwan will be only by peaceful, non-coercive means.

Finally, Mr. Chairman, this Member hopes the Appropriations Committee will in the future note the importance of this legislation, and that in turn the Department of State will act quickly to begin design and construction of a new facility.

The CHAIRMAN. Are there further amendments? If not, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 529, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. LAHOOD). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The Chair announces that this vote will be followed by four 5-minute votes on motions to suspend the rules considered earlier today.

The vote was taken by electronic device, and there were—yeas 214, nays

195, answered "present" 1, not voting 25, as follows:

[Roll No. 326]

YEAS—214

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Collins
Combest
Cooksey
Cox
Cramer
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
John
Johnson (CT)
Johnson, Sam
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
McCarthy (MO)
McCrery
McHugh
McKeon
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Ose
Oxley
Packard
Pastor
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Salmon
Saxton
Scarborough
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stump
Sununu
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—195

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barr
Barrett (WI)
Bentsen
Berkley
Berman
Bishop
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Condit
Conyers
Costello
Coyne
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Graham
Green (TX)
Hall (OH)
Hefley
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McInnis
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Shadegg
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Waters
Watt (NC)
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Herger

NOT VOTING—25

Blagojevich
Campbell
Cook
Gutierrez
Hansen
Hinchey
Jenkins
Kennedy
Kilpatrick
Klink
Lazio
Lipinski
Manzullo
Markey
Martinez
McCollum
McIntosh
Pomeroy
Rangel
Ryun (KS)
Shows
Shuster
Talent
Vento
Waxman

□ 2308

Mr. TOOMEY changed his vote from "aye" to "no."

Mr. BECERRA changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HERGER. Mr. Speaker, on rollcall No. 326 I inadvertently voted "present." I intended to vote "no."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official business in my District, I was unable to record my vote on the amendments offered to H.R. 4690 by Mr. SANFORD (Roll Call No. 322), Mr. OLVER (Roll Call No. 323), Mr. HOSTETTLER (Roll Call No. 324), Mr. VITTER (Roll Call No. 325), and on the vote for final passage of H.R. 4690, the bill making appropriations for the Departments of Commerce, Justice and State for Fiscal Year 2001 (Roll Call No. 326). Had I been present I would have voted "no" on Roll Call No. 322, "yes" on Roll Call No. 323, "no" on Roll Call No. 324, "yes" on Roll Call No. 325, and "no" on final passage, Roll Call No. 326.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the provisions of clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3417, by the yeas and nays;

S. 148, by the yeas and nays;

H.R. 4408, by the yeas and nays; and

H.R. 3023, by the yeas and nays.

PRIBILOF ISLANDS TRANSITION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3417, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3417 as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 3, answered "present" 2, not voting 29, as follows:

[Roll No. 327]

YEAS—400

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon

Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—3

Royce
Sanford
Sensenbrenner

ANSWERED "PRESENT"—2

Hefley
Hill (IN)

NOT VOTING—29

Barton
Bateman
Blagojevich
Campbell
Combest
Cook
Gutierrez
Hansen
Hinchey
Kilpatrick
Klink
Lazio
Lipinski
Markey
Martinez
McCollum
McIntosh
Pomeroy
Rangel
Roukema
Ryun (KS)
Sabo
Shows
Shuster
Talent
Taylor (NC)
Vento
Waxman
Young (AK)

□ 2316

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 148, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 148, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 22, not voting 28, as follows:

[Roll No. 328]

YEAS—384

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield

Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—22

Cannon
Chenoweth-Hage
Coble
Coburn
Cubin
DeMint
Doolittle
Herger
Hostettler
Miller, Gary
Paul
Pombo
Rohrabacher
Royce
Salmon
Sanford
Schaffer
Sensenbrenner
Stearns
Tancredo
Toomey
Watts (OK)

NOT VOTING—28

Barton
Bateman
Blagojevich
Campbell
Combest
Cook
Dickey
Gutierrez
Hansen
Hinchey
Kilpatrick
Klink
Lazio
Lipinski
Markey
Martinez
McCollum
McIntosh
Pomeroy
Rangel
Roukema
Sabo
Shows
Shuster
Talent
Vento
Waxman
Young (AK)

□ 2323

Mr. TANCREDO changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ATLANTIC STRIPED BASS CONSERVATION ACT REAUTHORIZATION

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the bill, H.R. 4408, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 4408, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 12, not voting 29, as follows:

[Roll No. 329]

YEAS—393

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—12

Cannon
Chenoweth-Hage
Hostettler
Miller, Gary
Paul
Rohrabacher
Royce
Salmon
Sanford
Schaffer
Sensenbrenner
Stearns

NOT VOTING—29

Barton
Bateman
Blagojevich
Campbell
Combest
Conyers
Cook
Gutierrez
Hansen
Hinchey
Horn
Klink
Lazio
Lipinski
Markey
Martinez
McCollum
McIntosh
Pelosi
Pomeroy
Rangel
Roukema
Sabo
Shows
Shuster
Talent
Vento
Waxman
Young (AK)

□ 2329

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GREATER YUMA PORT AUTHORITY PROPERTY CONVEYANCE

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the bill, H.R. 3023, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3023, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 1, answered "present" 1, not voting 28, as follows:

[Roll No. 330]

YEAS—404

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cooksey
Costello
Cox

Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
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Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—1

Taylor (MS)

ANSWERED "PRESENT"—1

Hefley

NOT VOTING—28

Barton
Bateman
Blagojevich
Campbell
Combest
Cook
Gutierrez
Hansen
Hinchey
Jefferson
Klink
Lazio
Lipinski
Manzullo
Markey
Martinez
McCollum
McIntosh
Pomeroy
Rangel
Roukema
Sabo
Shows
Shuster
Talent
Vento
Waxman
Young (AK)

□ 2336

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4733, THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL 2001

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–701) on the resolution (H. Res. 532) providing for consideration of the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 2340

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). As stated by the Chairman of the Committee on House Administration on Friday, June 23, 2000, the Clerk has informed the Committee on House Administration of a recent anomaly on a recorded vote. Representative ROYBAL-ALLARD was absent on rollcall number 305 on June 21, 2000 and was in possession of her voting card. The Clerk was made aware of the fact that she was recorded on that rollcall, but on no others on that day, but due to the lateness of the hour, could not get confirmation from her by the time the vote was made public that she was absent and in possession of her voting card. Since then, the Clerk has received that confirmation. For that reason and the statistical improbability of the recurrence of that anomaly, the Chair and the Chairman of the Committee on House Administration believe that it is proper to immediately correct the RECORD and the Journal.

As stated in Volume 14, Section 32 of Deschler-Brown Precedents:

> Since the inception of the electronic system, the Speaker has resisted attempts to permit corrections to the electronic tally after announcement of a vote. This policy is based upon the presumptive reliability of electronic device and upon the responsibility of each Member to correctly cast and verify his or her vote.

Based upon the explanation received from the Chairman of the Committee on House Administration and from the Clerk, the Chair will continue to presume the reliability of the electronic device, so long as the Clerk is able to give that level of assurance which justifies a continuing presumption of its integrity. Without objection, the Chair will permit the immediate correction of the RECORD and Journal under the unique circumstances certified by the Clerk.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GAS PRICE SPIKES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, this evening I would like to expose the Republicans' attempt to make a campaign issue out of the Nation's gas price spike crisis and Democrats' efforts to solve this crisis and continue working to protect our long-term energy security.

Higher gas prices should not be a partisan issue, but the Republicans are making it into one. On the other hand, the Democrats are trying to come up with bipartisan solutions. For instance, Democrats have called on committee chairmen holding hearings on this topic in the coming days to invite oil executives to testify so that these hearings are balanced. Democrats insist on exploring why the oil companies are showing record profits and why, when an investigation was announced, prices dropped immediately. Yet, the Republican leadership instead is making a sham of these hearings by using them as a forum to attack the Clinton-Gore administration. Moreover, the Republicans also do not want to invite the oil executives to testify, because they are in the pockets of big oil.

GOP presidential candidate George W. Bush is one of the worst offenders. He has raised 15 times more money from oil and gas interests than Vice President AL GORE, and at least 25 of his top fund-raisers are connected to the oil industry. Last year, one of the first bills he signed bailed out the oil industry with a $45 million tax break.

Let us look at other dilatory tactics by the Republicans. The Senate Republican leadership has held up reauthorization of the President's authority to draw down the strategic petroleum reserve and the Northeast heating oil reserve. These reserves would provide additional supplies for the gasoline and heating oil markets and would, in turn, bring down prices. The Clinton-Gore administration has supported both of these reserves. Yet, the Senate majority leadership has delayed action for too long, so even if both of these reserves were authorized today, the action is already too little, too late. As a result, Americans unfortunately are again to experience heating oil shortages in the Northeast this winter, and they have the Republican Congress to thank for it.

While the Clinton-Gore administration is trying to provide tax credits for energy efficient vehicles, buildings, homes and equipment, the Republican leadership is cutting funding for alternative energy sources and energy conservation measures. They have slashed funding for these common sense programs since they have been in the majority, which has resulted in a $1.3 billion shortfall. As recently as last week, the Republican leadership voted again to cut funding substantially below current funding levels for renewable energy programs in the Energy and Water funding bill. Tomorrow, the Republicans will have a chance to restore some of this funding. If they are serious about resolving this crisis, they will literally put their money where their mouths are on this vote.

The GOP leadership also wants to repeal gas taxes and jeopardize our Nation's transportation infrastructure. In addition, they want to gut environmental protections that cost only 2 to 3 cents per gallon.

Just in case anyone out there thinks a few pennies are too much to pay for clean air, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Maine (Mr. BALDACCI) and I introduced a bill on Friday, H.R. 4739, that would enable the patent for blending cleaner, reformulated gasoline to be made available to all refiners. This would level the playing field for all refiners and, in turn, would bring down the price of reformulated gasoline.

If the Republican leadership is serious about working together in a bipartisan fashion to develop true solutions to this crisis, then they will work with us to bring legislation such as the bill my colleagues and I introduced last week to the floor quickly. They also would find common sense programs that promote alternative energy options, ensure that oil executives are present at this week's hearings, and work with us to resolve this crisis as quickly as possible.

PRIVATIZATION OF ENRICHMENT INDUSTRY MISTAKE BY CONGRESS

The SPEAKER pro tempore (Mr. VITTER). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, in the early 1950s, this Nation constructed two large uranium enrichment facilities, one in Paducah, Kentucky, and one in my district near Portsmouth, Ohio. In the early days, those facilities were used to create the materials that enabled us to create a nuclear arsenal; and I believe, as a result, we were able to win the Cold War. In more recent years, those facilities have enriched uranium so that we can create fuel for our nuclear power plants. Nuclear power provides more than 20 percent of all of the electricity generated in this country, and most of that fuel comes from the Paducah and the Portsmouth facilities.

A couple of years ago, this Congress unwisely, I believe, decided to privatize the enrichment industry. The CEO of the public corporation was a gentleman by the name of Nick Timbers. He had come to that position from Wall Street; and in that position, his salary was in the vicinity of $325,000 and, I believe his last year as a government employee he received about $25,000 roughly in bonus pay, for a total compensation package of roughly $350,000. While a government corporation employee, he received a waiver letter from the chairman of the public board, which allowed him to be engaged in certain decision-making activities. Among those was to decide whether or not this industry would be privatized, the manner in which it would be privatized, and to assist in the selection of the board members for the new privatized corporation.

□ 2350

I raised the issue at the time with the Department of the Treasury and with the administration that this presented an amazing conflict of interest. This was a man who was working for the government who was being given the privilege of engaging in decision-making where the result could be his personal enrichment. At the time when I raised those issues, they were discounted and ignored.

What has happened is this, and the American people need to know it. Once that facility or that industry was privatized, Mr. Nick Timbers received a salary of roughly $600,000 a year. He received a bonus of approximately $500,000 a year. He received stock options which brought his total compensation package to something in the vicinity of $2.5 million.

That seems so wrong to me, that someone could be given the privilege of making these decisions, and then could make decisions which resulted in his personal enrichment.

What has happened as a result of the privatization under Mr. Nick Timbers' stewardship? The stock initially sold for around $14.50 a share, and it is somewhere in the vicinity of $4 a share today, so investors have lost multiple millions of dollars.

But the saddest outcome of Mr. Timbers' stewardship over this industry is the fact that last week the board, with his encouragement, made an announcement that the facility in my district, employing somewhere between 1,800 and 2,000 employees, will be closed within 1 year. This is a major problem for the families who depend upon that industry for employment in southern Ohio, but it is a big problem for the United States of America.

We know what happens, we experience today what happens when this Nation is overly dependent upon foreign sources for oil. We can go to the pump and see that we are paying $2 or $2.10 or $2.20 for a gallon of gasoline, and that is because, in large part, we are too dependent on foreign oil.

Can Members imagine if this enrichment industry goes the way it is currently going and does not survive under Mr. Timbers' stewardship, what this country would face if 20 percent of our Nation's electricity was dependent on foreign sources for nuclear fuel?

It is for this reason, Mr. Speaker, that I am preparing and will introduce next week legislation to renationalize this industry. I hope this Congress supports me in that effort.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today before 8:44 p.m. on account of airport and weather delays.

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of illness in the family.

Mr. REYES (at the request of Mr. GEPHARDT) for June 23 on account of official business.

Mr. SENSENBRENNER (at the request of Mr. ARMEY) for today after 6:00 p.m. on account of family health reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:

Mr. FILNER, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

The following Members (at the request of Mr. VITTER) to revise and extend their remarks and include extraneous material:

Mr. SCHAFFER, for 5 minutes, June 29.

Mr. HOEKSTRA, for 5 minutes, June 28 and 29

Mr. SHAYS, for 5 minutes, today and June 27.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2043. An act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building"; to the Committee on Government Reform.

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes; to the Committee on Resources.

S. 2460. An act to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes; to the Committee on International Relations.

S. 2677. An Act to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe; to the Committee on International Relations, in addition to the Committee on Banking and Financial Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2682. An act to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America; to the Committee on International Relations.

S. Con. Res. 117. Concurrent resolution commending the Republic of Slovenia for its partnership with the United States and NATO, and expressing the sense of Congress that Slovenia's accession to NATO would enhance NATO's security, and for other purposes; to the Committee on International Relations.

S. Con. Res. 118. Concurrent resolution commemorating the 60th anniversary of the execution of Polish captives by Soviet authorities in April and May 1940; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building."

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Offices, as the "Augustus F. Hawkins Post Office Building."

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office."

H.R. 2307. An act to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building."

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the "Louise Stokes Post Office."

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the "Jay Hanna 'Dizzy' Dean Post Office."

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the "William H. Avery Post Office."

H.R. 2952. An act to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station."

H.R. 3018. An act to designate certain facilities of the United States Postal Service in South Carolina."

H.R. 3699. An act to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building."

H.R. 3701. An act to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building."

H.R. 3903. An act to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

H.R. 4241. An act to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building."

ADJOURNMENT

Mr. STRICKLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 27, 2000, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8342. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Modification of Handling Regulations [Docket No. FV00-945-1 IFR] received May 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8343. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyromazine; Pesticide Tolerance [OPP-300913A; FRL-6556-3] (RIN: 2070-AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8344. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil; Re-establishment of Tolerance for Emergency Exemptions [OPP-300996; FRL-6554-8] (RIN: 2070-AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8345. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Harpin Protein; Exemption from the Requirement of a Tolerance [OPP-300984; FRL-6497-4] (RIN: 2070-AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8346. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin: Pesticide Tolerance [OPP-300995; FRL-6554-9] (RIN: 2070-AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8347. A letter from the Secretary of Energy, transmitting the Annual Report on the Strategic Petroleum Reserve for 1999, pursuant to 42 U.S.C. 6241(g)(8); to the Committee on Commerce.

8348. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-6604-3] received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8349. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-6603-3] received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8350. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District [CA 154-0236; FRL-6587-1] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8351. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 30, 1994 [AD-FRL-6603-5] (RIN: 2060-AO3] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8352. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: Oregon RACT Rule [OR-77-7292-a; FRL-6582-9] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8353. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Alabama: Approval of Revisions to the Alabama State Implementation Plan: Transportation Conformity Interagency Memorandum of Agreement [AL-53-200019(a); FRL-6605-8] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8354. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8355. A letter from the Executive Director, Federal Labor Relations Authority, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8356. A letter from the Vice President for Legal Affairs, Legal Services Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8357. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY-218-FOR] received May 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8358. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries' Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2000 Specifications [Docket No. 000426114-0114-01; I.D. 041000F] (RIN: 0648-AN53) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8359. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Texas Closure [I.D. 050500G] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8360. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery Management Plan [Docket No. 990811218-0072-02; I.D. 050399A]. (RIN: 0648-AL27) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8361. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Antarctic Marine Living Resources; Harvesting and Dealer Permits, and Catch Documentation [Docket No. 000218-46-0017-02; I.D. 121599F] (RIN: 0648-AN42) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8362. A letter from the Administrator, Federal Railroad Administraton, Department of Transportation, transmitting a report entitled, "Implementation of Positive Train Control Systems"; to the Committee on Transportation and Infrastructure.

8363. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Chef Menteur Pass, LA [CGD08-00-005] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8364. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Port Graham, Cook Inlet, Alaska [COTP Western Alaska 00-002] (RIN: 2115-AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8365. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Kachemak, Alaska [COTP Western Alaska 00-001] (RIN: 2115-AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8366. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Redoubt Shoal, Cook Inlet, Alaska [COTP Western Alaska 00-004] (RIN: 2115-AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8367. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Vicinity of Atlantic Fleet Weapons Training Facility, Vieques, PR and Adjacent Territorial Sea [CGD07-00-080] (RIN: 2115-AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8368. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Separation from service and same desk rule [Rev. Rul. 2000-27] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8369. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes to Regulation Section 1441 Effective 2001 (RIN: 1545-AX53; 1545-AV27; 1545-AV41) received May 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8370. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the certification to the Congress regarding the incidental capture of sea turtles in commercial shrimping operations, pursuant to Public Law 101-162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

8371. A letter from the Secretary of Energy, transmitting the Program Update 1999 for the Clean Coal Technology Demonstration Program; jointly to the Committees on Appropriations, Science, and Commerce.

8372. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft bill, "To authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics and technology; mission support; and Inspector General, and for other purposes"; jointly to the Committees on Science, Government Reform, Small Business, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes; with amendments (Rept. 106-697). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4408. A bill to reauthorize the Atlantic Striped Bass Conservation Act (Rept. 106-698). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3023. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; with an amendment (Rept. 106-699). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 3113. A bill to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail; with an amendment (Rept. 106-700). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 532. Resolution providing for consideration of the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-701). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GANSKE:

H.R. 4743. A bill to amend the Social Security Act to improve access to prescription drugs for low-income Medicare beneficiaries, the Internal Revenue Code and other Acts to improve access to health care coverage for seniors, the self-employed, and children, and to amend the Federal Food, Drug, and Cosmetic Act to improve meaningful access to reasonably priced prescription drugs; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself and Mr. McINTOSH):

H.R. 4744. A bill to require the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes; to the Committee on Government Reform.

By Mr. CASTLE (for himself, Mr. Kildee, Mr. Deal of Georgia, Mr. Greenwood, Mrs. Roukema, Mr. Norwood, Mr. Walsh, Mr. Boehlert, Mr. Holt, and Mr. Upton):

H.R. 4745. A bill to amend the National Environmental Education Act to redesignate the Act as the "John H. Chafee Environmental Education Act", to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under the Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BACHUS (for himself, Mr. Clement, Mr. Boehlert, Mr. DeFazio, Mr. Franks of New Jersey, Mr. Kleczka, Mr. Foley, Mr. Dooley of California, Mr. Sweeney, Mr. McHugh, Mr. Scarborough, and Mr. Filner):

H.R. 4746. A bill to establish a program to preserve, rehabilitate, and improve certain railroad tracks and bridges using funds collected through the diesel fuel tax, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself, Mr. Goodling, Mr. Portman, Mr. Petri, Mr. Ballenger, and Mr. Hoekstra):

H.R. 4747. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER:

H.R. 4748. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to modernize such title and such Code to take into account the evolution of employer-sponsored retirement plans, to increase the availability of critical retirement plan services, including investment advisory services, to participants, beneficiaries, and plan fiduciaries, and to harmonize the requirements of such title and such Code with other Federal and State laws; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER:

H.R. 4749. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to modernize such title and such Code to take into account the evolution of employer-sponsored retirement plans, and to harmonize the requirements of such title and such Code with other Federal and State laws; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRYANT:

H.R. 4750. A bill to establish programs to improve the health and safety of children receiving child care outside the home, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DOOLITTLE:

H.R. 4751. A bill to recognize entry of the Commonwealth of Puerto Rico into permanent union with the United States based on a delegation of government powers to the United States by the people of Puerto Rico constituted as a Nation, to guarantee irrevocable United States citizenship as a right under the United States Constitution for all persons born in Puerto Rico, and for other purposes; to the Committee on Resources.

By Mr. JONES of North Carolina:

H.R. 4752. A bill to authorize the Secretary of the Army to carry out projects for removing accumulated snags and other debris from navigable waters to mitigate damages resulting from a major disaster; to the Committee on Transportation and Infrastructure.

By Mrs. KELLY:

H.R. 4753. A bill to establish a demonstration project to create Medicare Consumer Coalitions to provide Medicare beneficiaries with accurate and understandable information with respect to managed care health benefits under the Medicare Program and to negotiate with Medicare+Choice organizations offering Medicare+Choice plans to improve and expand benefits under the plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. McCARTHY of Missouri (for herself, Ms. Danner, and Mr. Skelton):

H.R. 4754. A bill to provide additional authority to the Army Corps of Engineers to protect, enhance, and restore fish and wildlife habitat on the Missouri River and to improve the environmental quality and public use and appreciation of the Missouri River; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself and Mr. Rahall):

H.R. 4755. A bill to establish a permanent fund to ensure the continued maintenance and rehabilitation of the Woodrow Wilson Memorial Bridge; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL:

H.R. 4756. A bill to direct the Archivist of the United States to transfer to the Schomburg Center for Research in Black Culture the master versions of the photographic works of Griffith J. Davis which are in the possession of the National Archives and Record Administration, and for other purposes; to the Committee on Government Reform.

By Mr. SHAW (for himself, Mr. Stupak, Mr. Boehlert, and Mr. Metcalf):

H.R. 4757. A bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. Tauzin, Mr. Oxley, Mr. Deal of Georgia, Mr. Ehrlich, and Mr. Rogan):

H.R. 4758. A bill to permit wireless carriers to obtain sufficient spectrum to meet the growing demand for existing services and ensure that such carriers have the spectrum they need to deploy fixed and advanced services, and for other purposes; to the Committee on Commerce.

By Mr. STEARNS (for himself and Mr. Stump):

H.R. 4759. A bill to amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STUPAK (for himself and Mr. Camp):

H.R. 4760. A bill to amend title 38, United States Code, to provide a presumption of service connection for injuries classified as cold weather injuries which occur in veterans who while engaged in military operations had sustained exposure to cold weather; to the Committee on Veterans' Affairs.

By Mr. WELDON of Pennsylvania:

H.R. 4761. A bill to designate the existing visitor's center building located within the boundaries of the Valley Forge National Historical Park at Route 23 and North Gulph Road in Valley Forge, Pennsylvania, as the "Richard T. Schulze Visitor's Center"; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. Lewis of Georgia.

H.R. 49: Mr. Cook and Ms. Lee.

H.R. 207: Mr. Rahall and Mr. Filner.

H.R. 229: Ms. Schakowsky.

H.R. 353: Ms. Waters, Mr. Lazio, and Mr. Evans.

H.R. 363: Mr. Gilman.

H.R. 374: Mr. Rothman.

H.R. 860: Mr. Baca, Mr. Doyle, and Mr. Baldacci.

H.R. 1142: Mr. Brady of Texas.

H.R. 1194: Ms. Dunn and Mr. Moore.

H.R. 1217: Ms. Waters.

H.R. 1594: Mr. Bonior.

H.R. 1621: Mr. Norwood.

H.R. 1634: Mr. McHugh and Mr. Moran of Kansas.

H.R. 1885: Mr. Bass.

H.R. 2121: Ms. Lee, Mr. Paul, and Mr. Ney.

H.R. 2495: Mrs. Meek of Florida.

H.R. 2620: Mr. Stearns.

H.R. 2814: Mr. Dixon.

H.R. 2929: Mr. Andrews, Mr. Payne, and Mr. Condit.

H.R. 3113: Mr. Schaffer.

H.R. 3142: Mr. Doyle.

H.R. 3160: Mr. Nethercutt and Mr. Brady of Texas.

H.R. 3192: Ms. Norton and Mr. Hoekstra.

H.R. 3193: Mr. Hobson, Mrs. Wilson, and Mr. Frelinghuysen.

H.R. 3392: Mr. Duncan.

H.R. 3455: Mr. Sandlin, Ms. Berkley, Mr. Kennedy of Rhode Island, Mr. Salmon, Ms. DeLauro, and Mr. Payne.

H.R. 3521: Mrs. Chenoweth-Hage.

H.R. 3542: Mr. Owens.

H.R. 3575: Ms. Lee.

H.R. 3634: Mr. Smith of Washington.

H.R. 3676: Mr. Kuykendall, Mr. Kucinich, Mr. Thune, Mr. Davis of Virginia, and Mr. Rogan.

H.R. 3840: Ms. Lee.

H.R. 3842: Mr. Clement, Ms. Danner, Mr. Moakley, and Mr. Olver.

H.R. 4006: Mr. HOEKSTRA.

H.R. 4094: Mr. EVANS, Mr. KUCINICH, Mr. HOEFFEL, Mr. CLYBURN, Mr. LAMPSON, Mr. MINGE, Mr. MORAN of Virginia, and Mr. SISISKY.

H.R. 4106: Mr. FRANK of Massachusetts.

H.R. 4213: Mr. DEMINT and Mr. TIAHRT.

H.R. 4239: Mr. KING and Mr. CLEMENT.

H.R. 4259: Mr. PAYNE and Mr. POMEROY.

H.R. 4271: Mr. ENGEL and Mr. OSE.

H.R. 4272: Mr. ENGEL and Mr. OSE.

H.R. 4273: Mr. ENGEL and Mr. OSE.

H.R. 4277: Mr. WEXLER.

H.R. 4357: Mr. BROWN of Ohio, Ms. WATERS, Ms. SCHAKOWSKY, Mr. PRICE of North Carolina, and Ms. WOOLSEY.

H.R. 4390: Ms. SCHAKOWSKY and Mr. JEFFERSON.

H.R. 4395: Mrs. CAPPS.

H.R. 4442: Mr. UDALL of Colorado and Mr. ABERCROMBIE.

H.R. 4453: Ms. SCHAKOWSKY.

H.R. 4467: Mr. COMBEST.

H.R. 4471: Mrs. BONO, Mr. COBURN, Mr. HOEKSTRA, Mr. LARGENT, Mr. LEWIS of Georgia, Mr. NADLER, Mr. NEAL of Massachusetts, and Ms. WATERS.

H.R. 4483: Mr. MORAN of Virginia and Ms. DELAURO.

H.R. 4492: Mr. PALLONE, Mr. UNDERWOOD, Mr. BAIRD, Mr. BISHOP, Mr. COBURN, and Ms. SCHAKOWSKY.

H.R. 4511: Mr. ISTOOK, Mr. POMBO, Mr. CAMP, and Mr. NETHERCUTT.

H.R. 4539: Mr. FROST, Mrs. MINK of Hawaii, and Mr. LAHOOD.

H.R. 4567: Ms. SCHAKOWSKY.

H.R. 4596: Mr. LANTOS, Mr. DAVIS of Illinois, Mr. ABERCROMBIE, and Mr. CONYERS.

H.R. 4623: Mr. GOODE, Mr. CRAMER, and Mr. RAHALL.

H.R. 4659: Ms. LEE, Mrs. MEEK of Florida, Mrs. NORTHUP, and Mr. CLEMENT.

H.R. 4660: Mr. BAKER, Mr. FROST, Mr. HUTCHINSON, and Mrs. MYRICK.

H.R. 4718: Mr. KINGSTON.

H.J. Res. 77: Mr. COBURN.

H. Con. Res. 62: Mr. SHAW.

H. Con. Res. 243: Mr. HALL of Ohio, Ms. KILPATRICK, Mr. GREEN of Texas, Mr. SAWYER, Ms. DEGETTE, and Mr. FORD.

H. Con. Res. 307: Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. GOODE, and Mr. LEWIS of Georgia.

H. Con. Res. 357: Mr. STUMP.

H. Res. 461: Mr. ENGEL, Mrs. MINK of Hawaii, Ms. HOOLEY of Oregon, Mr. CLEMENT, Mr. UNDERWOOD, Mr. MENENDEZ, Mr. KUCINICH, and Mr. CONYERS.

H. Res. 531: Mr. ROHRABACHER, Mr. ACKERMAN, and Mr. FALEOMAVAEGA.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1304

OFFERED BY: MR. TERRY

AMENDMENT NO. 1: Page 4, after line 20, insert the following:

(3) NO NEGOTIATION OVER FEES.—The exemption provided in subsection (a) shall not apply to negotiations over fees.

H.R. 4461

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 36: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to enforce or otherwise carry out section 801(d)(1) of the Federal Food, Drug, and Cosmetic Act.

H.R. 4733

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: Page 39, after line 19, insert the following:

SEC. 607. None of the funds made available in this Act may be used to carry out the project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802), as modified by section 308 of the Water Resources Development Act of 1999 (113 Stat. 300), before the June 1, 2001.

H.R. 4733

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 2: Page 16, line 18, after the dollar amount insert the following: "(reduced by $2,000,000) (increased by $2,000,000)".

H.R. 4733

OFFERED BY: MR. FOLEY

AMENDMENT NO. 3: Page 16, line 18, insert after "$576,482,000" the following: "(reduced by $22,500,000) (increased by $15,000,000) (increased by $7,500,000)".

H.R. 4733

OFFERED BY: MR. FOLEY

AMENDMENT NO. 4: Page 16, line 18, insert after "$576,482,000" the following: "(reduced by $22,500,000) (increased by $13,000,000) (increased by $6,000,000)".

H.R. 4733

OFFERED BY: MR. HULSHOF

AMENDMENT NO. 5: In title I of the bill, under the heading "DEPARTMENT OF DEFENSE—CIVIL, DEPARTMENT OF THE ARMY, GENERAL INVESTIGATIONS" insert after the first dollar amount "(increased by $2,000,000)".

In title I of the bill, under the heading "DEPARTMENT OF DEFENSE—CIVIL, DEPARTMENT OF THE ARMY, GENERAL EXPENSES" insert after the first dollar amount "(decreased by $2,000,000)".

H.R. 4733

OFFERED BY: MRS. KELLY

AMENDMENT NO. 6: Page 39, insert after line 21 the following:

SEC. 606. None of the funds in this Act for the Nuclear Regulatory Commission may be used for the restart of operations at Indian Point 2 nuclear power facility in Buchanan, New York.

H.R. 4733

OFFERED BY: MRS. KELLY

AMENDMENT NO. 7: Page 39, insert after line 21 the following:

SEC. 606. None of the funds in this Act may be available for the restart of operations at Indian Point 2 nuclear power facility in Buchanan, New York, prior to the replacement of the plant's steam generators.

H.R. 4733

OFFERED BY: MR. KINGSTON

AMENDMENT NO. 8: Page 21, line 5, insert ", including conducting a study of the economic basis of recent gasoline price levels" after "until expended".

H.R. 4733

OFFERED BY: MR. KINGSTON

AMENDMENT NO. 9: Page 33, after line 2, insert the following new section:

SEC. 311. Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall transmit to the Congress a report on activities of the executive branch to address high gasoline prices and to develop an overall national energy strategy.

H.R. 4733

OFFERED BY: MR. KINGSTON

AMENDENT NO. 10: Page 39, after line 19, insert the following new section:

SEC. 607. None of the funds made available by this Act shall be used to pay the salaries of employees of the Department of Energy who handle classified information related to computer equipment containing sensitive national security information at Los Alamos, New Mexico, and have refused to take a lawfully authorized lie detector test related to their official duties.

H.R. 4733

OFFERED BY: MR. ROYCE

AMENDMENT NO. 11: Page 16, line 18, after the dollar amount insert the following: "(reduced by $20,000,000)".

Page 21, line 19, after the dollar amount insert the following: "(increased by $20,000,000)".

H.R. 4733

OFFERED BY: MR. VISCLOSKY

AMENDMENT NO. 12: Page 39, line 5, insert after the period the following:

The limitation established in this section shall not apply to any activity otherwise authorized by law.

EXTENSIONS OF REMARKS

WITHDRAWING APPROVAL OF UNITED STATES FROM AGREEMENT ESTABLISHING WORLD TRADE ORGANIZATION

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. UNDERWOOD. Mr. Speaker, I rise in strong opposition to this resolution. To even consider that the United States should leave the WTO would be tantamount to a jockey jumping off his horse in the middle of the race. The United States became a major industrial power at the tail end of the 19th Century. By the end of the Second World War, the United States was the world economy, providing aid to war tom Europe and Asia. Since that time, the U.S. has recognized the intrinsic strategic importance of remaining powerfully engaged in the global economy. With this in mind it is rather irresponsible for us to be considering this resolution at all.

To be sure, I do not agree with every WTO decision. Last Fall, the WTO panel issued a final report that subsidies for Foreign Sales Corporations under U.S. tax laws violated the WTO Subsidies Agreement. U.S. negotiators have since worked in good faith on a proposal to retain many of the tax benefits of the FSC structure, while establishing a new structure which would be responsive to the European Union's challenge.

I am pleased that the U.S. Treasury Department is moving forward despite the recent rejection by the European Union of its proposal by submitting its proposal to Congress in order to meet the October 1 deadline set by the WTO to comply with its ruling.

However, I simply want to express my concern on the manner in which the U.S. export sector has dealt with the U.S. territories that currently benefit from FSCs. That is, the U.S. territories seem to be an afterthought as U.S. companies reap $3.6 billion in tax benefits annually. In Guam, there are around 211 FSC licensees, generating,around $170,000 to the Government of Guam.

I have conveyed my concerns to Chairman ARCHER and Representative RANGEL and I am pleased that they will work with the U.S. territories as this proposal moves through Congress. I hope that the Administration and the U.S. exporting industry extends to the U.S. territories the same consideration as U.S. strategy on this important issue continues.]

Mr. Speaker, I am deeply concerned about international labor rights, worker health and safety concerns, foreign environmental standards, and the convoluted and secret rules and procedures of the WTO. But, Mr. Speaker, none of these urgent areas will get any attention if we pull out of the WTO. As we saw from the protests at the WTOs 3rd Ministerial Conference in Seattle there are many concerns regarding the policies and practices of the organization that seriously need to be addressed. Even President Clinton agrees that there are many reforms that are needed to the WTO in order that it include greater protection for foreign laborers and the environment.

Nevertheless, in order for the U.S. to reform the WTO, it has to be a part of it. The Council of Economic Advisors has noted that since 1994, approximately one-fifth of U.S. economic growth has been linked to exports. As the world's largest exporter, the United States is the country that gains the most from an open multilateral trading system.

What this body should do is work on a resolution that creates an agenda for the Administration, which comprehensively articulates all the attendant concerns that Congress has regarding the WTO. This constructive approach would no doubt be a more useful instrument of policy than this current attempt at isolationism.

Mr. Speaker, I will close by quoting the Ways & Means Committee report on this resolution, which I support: "H.J. Res. 90 is dangerous and illogical, because it would isolate the United States from this system and damage our leadership in the international economy, thereby undermining U.S. national economic and security interests."

TRIBUTE IN MEMORY OF LT WILLIAM JOSEPH DEY AND LT DAVID ERICK BERGSTROM

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. GRANGER. Mr. Speaker, many years ago Tennyson eulogized the sacrifice of hundreds of young men in the poem, "The Charge of the Light Brigade." Tennyson gave answer to those who wondered why so many young men would give so much. "Theirs not to make reply," Tennyson explained. "Theirs not to reason why. Theirs but to do and die.

The price of freedom has never been cheap. But in America, there have always been those willing to bear the burden and pay the price to keep our nation free. I rise today to honor and pay tribute to two of these men, LT William Joseph Dey and LT David Erick Bergstrom.

On Sunday, June 18th, LT Dey and LT Bergstrom made the ultimate sacrifice when the F–14 they were flying crashed at an airshow near Philadelphia. Both LT Dey and LT Bergstrom were graduates of the U.S. Naval Academy and serving as instructors with VF–101 at Naval Air Station Oceana.

LT Bergstrom served his country honorably during overseas deployments in support of Operations Deliberate Guard and Southern Watch. His tremendous airborne leadership lead to his selection as one of only four aviators chosen for the F–14 flight demonstration team. He is survived by his parents, James and Catherine Bergstrom, and two sisters Karen and Patty. His father James is a retired naval aviator.

LT Dey served honorably aboard the USS Theodore Roosevelt supporting Operations Allied Force and Southern Watch. His performance as airborne forward air controller, guiding other aircraft to specific targets while dodging hostile fire was an inspiration to us all. He is survived by his wife Deborah, and 15-month old daughter Kamryn.

America must never forget the dedication our servicemen and women make everyday to preserve our freedom and prosperity even in peace time. To these heroes, America owes its freedom and Congress owes its' eternal gratitude.

Our thoughts and prayers are with their families, friends and shipmates. May God bless them. And may God bless our service members everywhere.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mrs. MYRICK. Mr. Speaker, I was unavoidably detained during the following vote. If I had been present, I would have voted as follows:

June 15, 2000: Rollcall vote 279, on the Sanders amendment to H.R. 4578, I would have voted nay.

CHINESE AMERICAN CONTRIBUTIONS

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. BARR of Georgia. Mr. Speaker, on the occasion of the national convention of Chinese Americans in Atlanta, I am pleased to speak in honor of the many contributions persons of Chinese descent have made to America.

The American system of government is unparalleled in the course of human history, largely because of its eagerness to accept the contributions of men and women from other cultures who choose to become Americans. Chinese Americans provide an excellent example of how that system works.

Whether in war or peace, Chinese Americans have made numerous and diverse enhancements to the American way of life; giving their lives to protect it and working hard to build it.

President Clinton recently awarded the Congressional Medal of Honor, our nation's highest award for valor, to several Americans of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Chinese, Japanese, and Filipino descent who served with great distinction during World War II. We should all take great pride in the fact that justice was done in the end, and that we moved beyond earlier prejudices. In fact, another unique feature of American society is that our system almost always manages to right itself in the end.

As we enter a new century, there are many things America can learn from its citizens of Chinese descent. Chinese Americans can help us understand and influence the culture of China as we work to encourage the growth of democracy and human rights there. Our culture would also be well served to look to the high place education, tradition and family ties occupy in many Chinese American families.

I hope this year's National Convention of Chinese Americans focuses on these issues. I am honored to welcome the Convention to the great state of Georgia, home to many Chinese Americans.

IN HONOR OF DR. ROBERT E. BAIER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Mr. Robert E. Baier, Ph.D. Dr. Baier is being presented with an Outstanding Engineer Award from the Cleveland State University Alumni Association. This distinguished man has brought both pride and recognition to his alma mater and to his northeast Ohio community.

Dr. Baier graduated from Cleveland State University in 1962. He furthered his higher education by attending the State University of New York at Buffalo. He graduated from this distinguished institution with his Ph.D. in Biophysical Sciences. Currently, Dr. Baier is the Director/Professor at the Industry/University Center for Biosurfaces.

Robert is particularly known for his work on artificial organs and devices for use in heart surgery. His innovation and scholarly pursuit of original research has benefited the lives of many. In his endeavors, he became a founding fellow for the American Institute for Medical and Biological Engineering.

My fellow colleagues, join me in honoring and applauding Dr. Robert E. Baier for his many contributions to science. He has served his community well, and I congratulate him on these outstanding achievements.

IN HONOR OF GARY OERTLI

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. INSLEE. Mr. Speaker, I rise today to pay tribute to an exceptional leader in my district, Mr. Gary Oertli. For the past five years, Mr. Oertli has dedicated himself to the faculty, staff and students of Shoreline Community College serving as the college's president. Mr. Oertli will step down as president at the end of June.

Under the direction of Mr. Oertli, Shoreline Community College has been revitalized. With his commitment to a diverse campus community, Mr. Oertli created the college's Multicultural/Diversity Education Center and helped establish the college as a national leader in multicultural education.

During his tenure as president, Mr. Oertli has advanced Shoreline Community College locally, regionally and nationally. The college's job-ladder partnership program, begun during Mr. Oertli's presidency, was recently named best college-based welfare-to-work program in the nation. Community colleges are truly the "peoples' colleges" because they provide a needed alternative to four-year institutions, offer educational and vocational instruction at low cost, and truly recognize the worth of every student. Mr. Oertli's work demonstrates his belief in this sentiment.

In addition to the leadership he exudes on campus, Mr. Oertli has also been recognized as a leader in the community as well. During his time at the college, Mr. Oertli enjoyed an excellent working relationship with district legislators, and with his direction, the college secured funding for a major library renovation and technology center.

Mr. Oertli has also been working closely with me as I try to secure funding for the Puget Sound Center, an exciting joint venture that teams community colleges, elementary and secondary schools, and high-tech centers to pool resources and provide high-tech training for our young people.

While I am confident that Shoreline Community College will continue to be an exceptional and innovative institution, the college will indeed lose a remarkable educator. I am proud to have an exceptional leader like Mr. Gary Oertli in my district and I ask my colleagues to join me in recognizing his commitment to education.

CONGRATULATING JACK STONE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Jack Stone for receiving the 2000 Distinguished California Agriculturalist Award. Mr. Stone, a native of Kings County, has given us a lifetime of service and dedication to agriculture in our state.

In 1940, Mr. Stone started a small farming project near Five Points. He sold the farm in 1942 and married his wife Hilda. He then spent the next four years in the Army Corps of Engineers, where he retired as a Captain. Mr. Stone returned to farming in 1946 and started J.G. Stone Land Company, growing grain and cotton.

Mr. Stone was selected to be president in 1972, four years after being appointed to the Westland's Water District board of directors. During his time as president he led the district through years of challenges. These include two severe droughts, the Reclamation Reform Act of 1982, the Kesterson Reservoir controversy, and the CVP Improvement Act of 1992. He retired in 1993, after 21 years of service with the Westlands board.

Mr. Stone has served on numerous boards of community, farming, academic, and water-related organizations. He has been president of the National Cotton Council of America, the chairman of its Producers Steering Committee, a member of the International Cotton Advisory Committee, and president of the Western Grower's Association. He has also won numerous awards such as: the 1995 Kings County Agriculturalist of the Year, the 1995 American Society of Agronomy Honor for Distinguished Contributions to the Advancement of Human Welfare and the Enhancement of California Agriculture, and induction into the Cotton Hall of Fame in 1992.

Mr. Speaker, I want to recognize Jack Stone for receiving the 2000 Distinguished California Agriculturalist Award. I urge my colleagues to join me in wishing him many more years of continued success.

THE RETIREMENT SECURITY ADVICE ACT

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. BOEHNER. Mr. Speaker, for the past several months, the Subcommittee on Employer-Employee Relations has held a series of bipartisan hearings examining the changes in the financial world since the 1974 passage of the Employee Retirement Income Security Act (ERISA) and looking for ways for American workers and retirees to take advantage of the economic opportunities created since then. To most people in 1974, personal savings meant a bank account. Now it means 401(k)s, IRAs, annuities, mutual funds, and a whole range of investment products that go well beyond what was available to the average American 25 years ago. Economists predict that this year, for the first time, nearly 50 percent of all Americans will have invested in some form of equity.

Moreover, in the past 25 years, the number of workers covered by a defined contribution plan has increased 35 percent, from 12 to 42 million. The explosive growth of defined contribution plans has left employees with the responsibility for investment decisions that many are ill equipped to make. ERISA creates barriers that currently prevent employers and investment intermediaries from giving individualized investment advice to plan participants.

The drafters of ERISA were preoccupied with the problems of defined benefit plans, where the participant has no responsibility for investment decisions. Only a small fraction of plan assets in 1974 were in defined contribution world. Today the picture is very different—almost all new plan formation is taking the form of defined contributions plans, especially 401(k) plans. A typical 401(k) plan offers a range of stock and bond portfolios from one or more of mutual fund companies, banks, and insurance companies. The plan participant makes his or her own investment selections. Part of what many employees find attractive about defined contributions plans is that the employee pockets the investment gain on the assets in his or her account.

Employers and investment intermediaries would like to assist employees to make the most of their retirement saving opportunities. But an employer who arranges for financial professionals to deliver the tailored investment advice that those employees need risks a lawsuit by being deemed an ERISA fiduciary. Moreover, the arcane and highly complex ERISA prohibited transaction rules severely limited the ability of service providers (such as mutual funds, banks or insurers) to provide investment advice to workers in the plans they service. These rules are inconsistent with federal securities laws, which permit the provision of such advisory services when certain disclosures are made.

The result is that ERISA has been read to insist that individual workers by the millions become investment experts. It has not happened and it is causing workers to be less well invested than if employers or investment intermediaries were allowed to guide the individual employee on the asset allocation appropriate to his or her place in the life cycle, family circumstances, and other assets.

To address this problem, I am introducing the "Retirement Security Advice Act," which permits investment service firms to provide investment advice about all investment products, including their own, as long as material information is disclosed. Use of disclosure as a means of dealing with potential conflicts is well accepted in the securities laws and has been used in a number of ERISA exemptions granted by the Department of Labor.

The "Retirement Security Advice Act" would provide a statutory exemption from the ERISA prohibited transactions rules for: (1) the provision of investment advice to a plan, its participants and beneficiaries, (2) the purchase or sale of assets pursuant to such investment advice, and (3) the direct or indirect receipt of fees or other compensation in connection with providing the advice. The advice provider, by virtue of providing the advice, would assume fiduciary status as a "fiduciary adviser."

Only specified qualified and regulated entities would be permitted to deliver advice: registered investment advisers, banks, insurance companies, registered broker-dealers, and the affiliates, employees, agents, or registered representatives of those entities. Any investment advice provided to participants or beneficiaries would be implemented (through a purchase or sale of assets) only at their discretion. The terms of the transaction must be at least as favorable to the plan as an arms' length transaction would be, and the compensation received by the fiduciary adviser (and its affiliates) in connection with any transaction must be reasonable.

The fiduciary adviser, at or before the initial delivery of investment advice and annually thereafter, would have to provide a written or electronic disclosure of: (1) the fees or other compensation that the fiduciary adviser and its affiliates receive relating to the provision of investment advice or a resulting sale or acquisition of assets (including from third parties), (2) any interest of the fiduciary adviser or its affiliates in any asset recommended, purchased or sole, (3) any limitation placed on the fiduciary's ability to provide advice, (4) the advisory services offered, and (5) any information required to be disclosed under applicable securities laws.

A plan sponsor or other fiduciary that arranges for a fiduciary adviser to provide investment advice to participants and beneficiaries would not be liable under ERISA for the specific investment advice provided to individual participants or beneficiaries, but would not be exempted from any other ERISA fiduciary obligations. No employer would be required to contract with an investment adviser and no employee would have to accept or follow any advice. The entire process is completely voluntary.

The "Retirement Security Advice Act" will empower workers with the information they need to make the most of the retirement savings and investment opportunities afforded them by today's 401(k)-type plans.

IN HONOR OF DR. DEZSO J. LADANYI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, today I recognize Dr. Dezso J. Ladanyi. Dr. Ladanyi is being presented with an Alumni Lifetime Leadership Award by Cleveland State University. This is an award presented to alumni for exceptional achievements and leadership skills that have brought both pride and recognition to the University and the community.

In 1942, Mr. Ladanyi graduated from Fenn College, magna cum laude, with a Bachelor's degree in chemical engineering. He continued his education at Case Western Reserve University where he earned both his Master's degree and his Ph.D.

Dr. Ladanyi joined NASA two years after earning his degree from Fenn College. At the time he was one of only 14 rocket scientists in the country. In 1967, he left NASA to start his own company, Advanced Dynamics, which produced temperature sensors. Only four years later, he started another company, Noral Inc., which has grown into one of the leading suppliers of thermocouples and other temperature sensors used in the plastics industry. The firm has recently doubled its size and tripled its manufacturing capacity. Dr. Ladanyi currently serves as the chief executive officer of the corporation, overseeing three generations of the Ladanyi family.

Both of Dr. Ladanyi's sons graduated from Cleveland State and his wife graduated from Fenn College. Along with leading two companies, Dr. Ladanyi has served as a role model and inspiration to students at Fenn and CSU for the past 29 years by teaching night courses in chemical engineering. He also has served in leadership positions for the Ludlow Community Organization, a former vice-president, and the First Hungarian Reform Church, an honorary trustee. Aside from these organizations Dr. Ladanyi has been an active Mason for more than 25 years, and is a member of the Magyar Club, a Hungarian professional club that celebrates Hungarian heritage through the use of music, food and culture festivals.

My fellow colleagues, let us recognize and congratulate Dr. Ladanyi for his years of achievement.

HONORING GEORGE SAKATO

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Ms. DEGETTE. Mr. Speaker, today I honor George Sakato, a distinguished constituent of Denver and a member of the historic Nisei American Legion Post 185. Today, Mr. Sakato received the Congressional Medal of Honor from President Clinton for his valorous efforts during World War II. Under heavy fire, Mr. Sakato led a charge against, and victoriously overcame, an enemy bunker. He and the troops he led exacted a heavy toll on the enemy.

As a Japanese-American, Mr. Sakato initially experienced some difficulty enlisting in the military. After being denied by the Army Air Corps, Mr. Sakato enlisted in the 100th Battalion/442nd Regimental Combat Team, which was composed primarily of Japanese-Americans. Because the soldiers of this regiment demonstrated their unending valor and courage on the battlefield, the battalion became the most highly decorated unit in the U.S. military. After facing discrimination as a Japanese-American, it is truly appropriate that Mr. Sakato has been recognized for his superlative contribution to the security of our nation. My only regret today is that this honor was not bestowed on Mr. Sakato a long time ago.

We must always take time to honor our veterans, especially those who went above and beyond the call of duty in order to assure freedom and democracy. On behalf of the people of Denver, I would like to express my gratitude for Mr. Sakato's service and my congratulations to him on receiving the Congressional Medal of Honor.

LUBBOCK'S TEAM HOPE RAISES BREAST CANCER AWARENESS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. COMBEST. Mr. Speaker, I rise today to honor my constituents who participated in this month's National Race for the Cure in Washington, D.C. as part of Team Hope, a team of West Texans lead by Suzie King, a breast cancer survivor from Lubbock, Texas. Suzie was one of many survivors who traveled to Washington to participate in this year's "celebration of survivorship." The Washington event was just one of many Races for the Cure that occurred nationwide as part of the fund-raising efforts of the Susan G. Komen Breast Cancer Foundation.

As the number of breast cancer diagnoses continues to rise, so does our nation's need for breast cancer awareness. The Komen

Foundation, which was founded by Nancy Brinker in 1982 to honor her sister, a victim of breast cancer, has raised more than $242 million for this worthy cause. Team Hope members are to be commended for rallying around Suzie and the other breast cancer survivors who participated in the national race, as are the Americans in every state who support the efforts of the Komen foundation.

I believe that Team Hope inspired others to join in the fight against breast cancer. Two publications based in Lubbock, Texas, the Lubbock Avalanche-Journal and Texas Tech University's University Daily, are to be commended for their coverage of Team Hope's engagement in the event and their support for the National Race for the Cure. These publications reach a wide range of readers, all of whom can benefit from their poignant portrayals of a survivor's story.

Our nation must engage in a dialogue to promote breast cancer education, research and screening and treatment. I commend the Komen Foundation, Suzie King and the members of Lubbock's Team Hope, and the Lubbock community for their bravery and dedication to this worthy cause.

21ST CENTURY SPECTRUM RESOURCE ASSURANCE ACT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. STEARNS. Mr. Speaker, I rise to introduce, along with my colleagues, Mr. TAUZIN, Mr. OXLEY, Mr. DEAL, Mr. EHRLICH, and Mr. ROGAN, legislation preventing the Federal Communications Commission from imposing spectrum caps on future Commercial and Mobile Radio Services (CMRS) auctions.

Today, the commercial wireless industry is the most competitive sector of the U.S. telecommunications marketplace: 238 million Americans can now choose between 3 and 7 wireless providers; more than 87.9 million Americans can now choose from among 6 or more wireless providers; and 87.7 million Americans can choose among 5 wireless providers.

In 1994, FCC adopted the cap to prohibit a single entity's attributable interests in the licenses of broadband PCS, cellular, and Specialized Mobile Radio (SMR) services from cumulatively exceeding more than 45 MHz of spectrum within the same geographic area. The cap was to ensure multiple providers would be able to obtain spectrum in each market and thus facilitate development of competitive markets for wireless services.

Today, however, the current 45 MHz spectrum cap is beginning to impact innovation and competition in the wireless industry. The cap now works to limit competition by denying wireless providers access to open markets, thereby denying consumers the benefits that arise from additional competition, such as lower prices and innovative services.

Furthermore, wireless providers have limited room for advanced services such as data on their networks and as they plan for Third Generation (3G) services, which will include enhanced voice, video, Internet and other broadband capabilities, the lack of spectrum threatens the ability to expand current systems and entice new customers. Additionally, continuation of the spectrum cap will result in the continued lag of U.S. companies behind Europe and Japan in the deployment of wireless 3G technologies.

The legislation I am offering merely prevents the FCC from imposing the CMRS spectrum cap on spectrum auctioned after January 1, 2000. It does not repeal the current spectrum cap on CMRS spectrum, or lift the cap on spectrum that has already been auctioned. This legislation is a timely proposal to ensure that innovation and competition continue to drive the commercial wireless industry.

IN HONOR OF FRED LICK, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Mr. Fred Lick, Jr. Mr. Lick is being presented with an Alumni Lifetime Leadership Award by Cleveland State University. This is an award presented to alumni for exceptional achievements and leadership that have brought both pride and recognition to the University and to the community.

Fred Lick earned his Juris Doctorate from the Cleveland-Marshall College of Law in 1961. Since his graduation, Mr. Lick has shown his leadership qualities in many fields and through diverse means.

First, Mr. Lick has shown his unselfishness by dedicating himself to the national defense for nearly two decades. He joined the U.S. Army, and served for eight years. After leaving the Army, Mr. Lick joined the Ohio Military Reserve. The OMR is where Mr. Lick displayed his leadership capabilities. He quickly rose through the ranks of the OMR, earning the titles of Major General, Commander of the OMR, and Commander of the Joint State Area Command. Throughout his service to his country, Mr. Lick remained passionate about education, this is evidenced by his graduation from the National Defense University, Industrial College of the Armed Forces; U.S. Marine Corps Command and State College; and the Justice Advocate General's School.

Mr. Lick's leadership has not been confined to simply military endeavors. Mr. Lick has served as the chairman, president and chief executive officer and currently serves as the chairman of the Central Reserve Life Corporation, now the Ceres Group.

Mr. Lick also has dedicated himself to Delta Theta Pi, the national legal fraternity, and Miami University. He has held regional and national positions with Delta Theta Pi, culminating in his appointment as the National Deputy Chancellor in 1977. At Miami University, Mr. Lick spent several years serving as a member of the board of trustees and has recently been elected as the board president.

In the 39 years since his graduation from Cleveland-Marshall, Mr. Lick has remained a positive influence on the College of Law. In this time Mr. Lick has served as the President of the Law Alumni Association, 1967–68, and has inaugurated the Annual Alumni Luncheon. This event now annually draws close to 1,000 attendees to honor colleagues for significant achievements in the legal community.

My fellow colleagues, let us recognize and congratulate Mr. Lick for his years of dedication and leadership.

SUPPORT FOR THE ENVIRONMENTAL PROTECTION AGENCY'S NATIONAL HAZARDOUS WASTE AND SUPERFUND OMBUDSMAN

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Ms. DEGETTE. Mr. Speaker, I rise today in support of providing additional funds to support the Environmental Protection Agency's National Hazardous Waste and Superfund Ombudsman. The Office of the Ombudsman has been instrumental in providing further investigation and access to information for the public on a number of complicated Superfund sites across the Nation.

There are many communities across the United States impacted by years of hazardous waste disposal. The very laws and agencies involved in cleaning up these very dangerous sites often become mired in legal tangles and bureaucratic inertia. The Office of the Ombudsman has been an ally of citizens to further insure that public health and the environment remain at the forefront in clean up decisions at Superfund sites. The Ombudsman also plays an important role regarding oversight of the EPA, ensuring that harmful decisions are corrected and that information surrounding Superfund sites is available for the public.

In my district, the Office of the Ombudsman was useful in investigating the Shattuck Waste Disposal Site in Denver. The Ombudsman redirected EPA's focus by fostering greater public participation in EPA's decision to allow radioactive waste to remain in an urban neighborhood. To better protect public health and the environment, I believe it is appropriate that the Office of the Ombudsman receive adequate funds to sustain their mission of advocating for substantive public involvement in EPA decisions.

TRIBUTE TO REV. DR. ALBERT LEE JOHNSON, SR.

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, today I pay tribute to my friend and nationally respected clergyman, Rev. Dr. Albert Lee (A.L.) Johnson, Sr. Reverend Johnson passed away after an extended illness. His is a loss felt by his family and congregation, the greater Kansas City community, and most certainly our nation.

Reverend Johnson was a community activist and civil rights advocate throughout his life.

He fought for the common person and his influence was far reaching both inside and outside the Christian church community. Justice and equality for all fell within the realm of his spiritual responsibilities as well as his public and moral responsibilities. He traveled to numerous and varied places in the world and touched the lives of individuals in a remarkable way. Rev. Johnson, as President of the local Council for United Action, was on the front line in the battle against racial and social injustice. Although small in stature, he was a giant of a man whose actions led to positive social change. His leadership made a difference in fair employment, housing, and public accommodations. Justice and equality for all fell within the realm of his spiritual responsibilities as well as his public and moral responsibilities. He traveled to numerous and varied places in the world and touched the lives of individuals in a remarkable way.

His actions inspired greatness in those who serve the public. He was instrumental in the election of the first black mayor of Kansas City, the first black U.S. Congressman from the Fifth Congressional District of Missouri, and for me being the first woman to serve the Fifth Congressional District in the U.S. Congress. Rev. A.L. Johnson was a true friend who believed in me and counseled me. He could, in his quiet way, comment on an issue with just a few motivating words which resonated in my soul and encourage and inspire me to continue the tough fight for the people of the Fifth Congressional District and this great nation.

His family and congregation allowed him to follow his second calling, that of a public servant. Although holding no elected or appointed office, he served our community with distinction on various boards, commissions, and task forces locally as well as nationally. He served as Chairman of the Permanent Organization Committee of the National Baptist Convention of America, Inc.; past Chairman of the Board of Operation PUSH; former national board member of the NAACP; past President of the Baptist Ministers Union; past President of the General Baptist State Convention; board member of Freedom, Inc.; and Treasurer of the Sunshine District Association.

He was the Pastor of Zion Grove Baptist Church in Kansas City, Missouri from 1964 until his retirement in 1997. Upon retirement he continued to serve as Pastor Emeritus. He was a man of tremendous faith, vision, and character. Reverend Johnson's leadership in our community utilized his faith and vision to lift us all up. I ask the House to join me in expressing to his family our gratitude for sharing this great man with us, and to accept our condolence for their tremendous loss which we share. Mr. Speaker, please join me in expressing our heartfelt sympathy to his wife, Flossie, his five sons and five daughters, and his many relatives.

PUERTO RICO-UNITED STATES BILATERAL PACT OF NON-TERRITORIAL PERMANENT UNION AND GUARANTEED CITIZENSHIP ACT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. DOOLITTLE. Mr. Speaker, I have long been concerned about threats to the American taxpayer and to our Constitution. Today I address an ongoing and significant threat to both. The issue involves the status of Puerto Rico.

For too long the American public has been misled about how Puerto Rico's commonwealth status affects them. Most Americans seem to tolerate Puerto Rico's present relationship with the United States because they do not realize the direct harm it causes, including to Puerto Rico itself.

Mr. Speaker, the truth is that Puerto Rico's commonwealth status is a drain on the American taxpaying public. Its status is an affront to our constitutional system of government. And, though it is hard to imagine, the leading proposal to continue and to enhance the current commonwealth status is even more offensive.

First, the residents of Puerto Rico do not pay one dime in federal income taxes, yet collect roughly $11 billion annually in federal subsidies including massive welfare payments. This fact alone should offend all taxpaying Americans. At a time when Americans are working longer and harder to provide for their families, it is outrageous that we are shipping $11 billion of their hard-earned tax dollars to Puerto Rico and getting demands for more benefits in return.

Second, the subsidy to Puerto Rico is likely to remain as long as it retains its commonwealth status. Under commonwealth, Puerto Rico has become home to a poor population that is losing ground compared to the mainland. Indeed, half of the island's residents receive food stamps—a rate considerably higher than the poorest of our 50 states. Mr. Speaker, we passed welfare reform in 1996 because we said the poor and out-of-work in America needed some "tough love." This policy has proven successful; it is time to implement it in Puerto Rico.

Third, the residents of Puerto Rico, even though they are U.S. citizens and mostly educated in public schools that receive large federal education funding grants, do not have access to a public English language education. Instead of diversity and respect for local heritage along with our common heritage in the United States, under decades of profoundly misguided federal and local policy we are allowing the creation of a Quebec-like enclave of linguistic separatism in Puerto Rico.

According to the Census Bureau, only 25 percent of Puerto Rico's population is fluent in English and another 25 percent is only somewhat fluent. This percentage has not risen in years. English is the language of our nation and it is the language of global economic opportunity, which is why the wealthy in Puerto Rico send their kids to private schools that teach in English. As long as one dollar of federal funds is going to Puerto Rico we should require an end to the linguistic segregation of students in the public schools of Puerto Rico.

Other facts demonstrate the cultural divide under commonwealth. For example, four times as many residents of the island consider themselves "Puerto Ricans" as opposed to "Americans". Yet 95 percent vote to retain U.S. citizenship. We need to end this "have it both ways" relationship and be honest about Puerto Rico's status. In my congressional district alone, I know many individuals whose ancestors have come from Ireland, Germany, Mexico, and all over the globe, but I know they consider themselves to be Americans first.

Recent developments in Vieques cast further doubt on the wisdom of the current commonwealth with the United States. For the first time, American servicemen and women are being denied critical training exercises on U.S. soil. We all regret the recent accident that took the life of a civilian employee working for the Navy, but if we are truly serious about protecting lives, we will continue live-fire training there so that our American military personnel are fully prepared for battle. Instead, we are paying an inordinate amount of attention to an extreme overreaction to any U.S. military presence on the island by a population that relies on that military to keep them free.

These are the facts about Puerto Rico. They might not be politically correct, but they are the truth. I share them today, Mr. Speaker, because I believe it does the American people and the residents of Puerto Rico a great disservice to perpetuate the fiction that Puerto Rico's federally subsidized commonwealth status can continue indefinitely.

I have little doubt that, if fully armed with the facts, the American people would overwhelmingly oppose continued commonwealth status for Puerto Rico. But like a doctor who treats a bad reaction with a double dosage of the same bad medicine, the leaders of the procommonwealth party in Puerto Rico are now proposing an "enhanced" commonwealth status that gives Puerto Ricans more rights and even fewer responsibilities.

This enhanced commonwealth proposal, Mr. Speaker, is an outrage that should be swiftly and forcefully rejected by this Congress. This change would not only continue to take advantage of American taxpayers, it would violate the United States Constitution. Article IV, Section 3 of the Constitution states that, "Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." Read in conjunction with the Supremacy Clause of Article VI, the Framers of our Constitution could not have been clearer as to the proper sovereign of U.S. territories. In short, it is the Congress that has sole authority under our Constitution to make all laws and regulations with regard to Puerto Rico. Any proposal that asserts or promises otherwise is irresponsible and plainly unconstitutional.

And, yet, the formula to enhance commonwealth being proposed plainly asserts that the Territorial Clause of the U.S. Constitution does not apply to Puerto Rico now or in the future. It does so without identifying the source of constitutional authority for Congress to abdicate its territorial powers through statute and to conduct a "bilateral" relationship with the "nation" of Puerto Rico. Mr. Speaker, this is not "union" at all under the Constitution. It represents a treaty-based form of free association, despite the fact that Congress already has determined that free association is terminable at will by either party, not permanent. Under such a formula, U.S. sovereignty, nationality, and citizenship would be terminated at once.

To continue or, worse yet, to somehow "enhance" this fraudulent relationship with Puerto Rico will only lead to increased resentment on both sides. Consider the anti-death penalty demonstrations taking place today on the island. The majority of Puerto Rico's residents not only disagree with mainland Americans' support for the death penalty, they even object to U.S. officials applying capital punishment for federal crimes committed within Puerto Rico. This is another example, Mr. Speaker, of the desire to have it both ways under commonwealth. Commonwealth proponents want binding permanent union, guaranteed U.S. citizenship, and an uninterrupted stream of federal assistance, but do not want to be bound by federal capital punishment for federal crimes. Enough is enough.

Mr. Speaker, I think the majority of the American people would agree with me and reject both the current and proposed commonwealth status for Puerto Rico. It is about time they were given the opportunity to do so. They should have the opportunity to make their voices heard through their elected representatives. This can only happen if we have a legislative vehicle upon which to begin this debate.

The legislation I am introducing today will provide that vehicle. It is the "United States–Puerto Rico Bilateral Pact of Permanent Union and Guaranteed Citizenship Act." This bill would implement under federal law the "Proposal for the Development of the Commonwealth of Puerto Rico" as adopted by the Governing Board of the Popular Democrat Party of Puerto Rico. It would permit Puerto Ricans to continue to receive government handouts without having to pay income taxes. It allows for separate Puerto Rican and American cultures, including different languages. And it would grant to Puerto Rico the authority to negotiate international agreements.

I am introducing this bill today with the intention that it never becomes law. I do hope, however, that this bill will provoke an honest discussion of Puerto Rico's future and the truth about its current status.

IN HONOR OF JAMES MASTANDREA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to give honor to James Mastandrea, who has received the George B. Davis award for service to Cleveland State University. He has been a tireless supporter of this institution and has dedicated himself to its growth and advancement.

Mastandrea, a current resident of Cleveland, received his bachelor's degree from the College of Business Administration in 1970. Mr. Mastandrea is recognized for his long and distinguished career in real estate, including his management of several firms in Illinois and Ohio. He has been the top executive of Midwest Development Corporation, First Union Real Estate, Triam Corporation, and Continental Homes of Chicago, Inc. He was also the vice president of Continental Bank as well as financial analyst of Mellon Bank. Since 1998, he has been the chairman and chief executive officer of Eagle's Wings Aviation Corporation, a private investment group.

Mr. Mastandrea's continuous and generous support of Cleveland State University began during his undergraduate years at the University. It was during these first years at Cleveland State where he organized the Student Economics Club and served as its president. Currently, Mr. Mastandrea is a director on the Cleveland State University Foundation and the chairman of its Nominating Committee. In addition to these many contributions, he also chairs the College of Business Visiting Committee, has served on the search committee for a business dean, and devoted many hours to the College's strategic planning process.

Let us join Cleveland State University as they honor Mr. James Mastandrea for his many contributions to the University.

HONORING THE DALAI LAMA

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. COX. Mr. Speaker, today I join the Taiwanese-American Community of Southern California in welcoming His Holiness the Dalai Lama. His Holiness' speech on "Love, Compassion and Universal Responsibility" is certain to motivate and inspire this historic gathering.

In 1991 Congress passed a resolution stating that Tibet is an occupied country whose true representatives are the Dalai Lama and the Tibetan Government-in-Exile.

Forced to flee brutal repression in his homeland, the Dalai Lama is now living in enforced exile. Although the Dalai Lama has repeatedly stated that he seeks only autonomy and not the independence that his people so rightly deserve, the Communist Chinese dictatorship refuses to negotiate. And yet the Dalai Lama continues to exhort his followers to adhere to the Buddhist principle of nonviolence. His message of hope and freedom through non-violence is an inspiration to us all.

We must never forget the suffering that the people of Tibet have been forced to endure. The government of the People's Republic of China should be held accountable for the immense damage that has resulted from its invasion and occupation of Tibet. The almost complete destruction of Tibet's unique cultural treasures, the attempt to eradicate the Buddhist religion, and the intense repression has never been adequately redressed.

I know I speak for all the Members of this House who voted for freedom in Tibet when I say we welcome His Holiness and look forward to the day when Tibet is free and its people can express themselves without fear. We will look back on these meetings and know that the cause of freedom was advanced and that we did the right thing to stand by His Holiness the Dalai Lama's side.

CHURCH PLAN PARITY ACT

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. BROWN of Ohio. Mr. Speaker, as you know, the Commerce Committee shares jurisdiction over this legislation to the extent it pertains to state regulation of the health insurance market.

Church plans provide health benefits for many clergy and laypeople across the country. They represent a wide range of denominations.

Current law has created some uncertainty regarding the regulatory authority under which church plans operate.

This bill, which the Senate has already passed, clarifies the legislative language so that State Insurance Commissioners, Federal Regulators, and Church Plan Administrators can do their respective jobs with certainty.

I am pleased that the National Association of Insurance Commissioners and Church Plans, with the assistance of federal regulators, have been able to reach a compromise on this matter.

By clarifying the various roles each party plays, I hope this bill reinforces the success church plans have achieved in providing reliable, high quality health coverage to their enrollees.

CHAMPION "TOPHER" BARETTO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. UNDERWOOD. Mr. Speaker, it is in the spirit of tremendous pride that I take the time to pay tribute to Christopher "Topher" Crisostomo Baretto from my island of Guam. Topher is a champion in many ways. He is a great young man and he comes from a champion family led by his parents, Carlos and Marie Baretto. And he is also a champion in the personal watercraft circuit. He has won numerous awards and has finished at the top of his sport in many local, national and international events. In 1998, he won the International Jet Sports Boating Association championship in Lake Havasu City, Arizona. He will be bringing honor to himself and our island community for years to come.

He currently is in the middle of the U.S. National Water Cross Tour and is currently ranked second in his class. He will compete in San Diego this weekend and the next race will be in Rochester, New York on July 8. As Topher pursues his sport, he rides the waves not only for medals and recognition, but for Guam. He is being sponsored in his tour by the Bank of Guam and the Guam Visitors Bureau. He proudly represents his home island

and he is meeting with Guamanian communities throughout the nation to build support for his endeavors. Organizations like the Sons and Daughters of Guam Club in San Diego have welcomed him enthusiastically as he carries the Guam banner on land and in the water.

Go Topher!

IN HONOR OF THE HONORABLE EDWARD L. THELLMANN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Honorable Edward L. Thellmann upon receiving the Civic Leadership Award from Cleveland State University. Mr. Thellmann has developed an outstanding leadership style, and he has devoted his life to public service.

Graduating from Cleveland's West Tech High School, Edward currently sits in the schools alumni Hall of Fame. In 1959 he received his Bachelor of Arts Degrees from Cleveland State University College of Arts and Science. Edward had made these two alma maters proud by his inspirational civil leadership.

Having served Walton Hills for 13 years as the city's honorable mayor, Edward Thellmann has contributed greatly to his community. In addition to this service, he was also President of the Cuyahoga County Mayors and City Managers Association. This remarkable position enabled Edward to have an impact on the entire Northeast Ohio area. Furthering this objective still, he was also the vice president of the Greater Cleveland Regional Transit Authority (RTA) Board of Trustees.

I ask my fellow colleagues to join me in applauding and honoring Mr. Edward L. Thellmann for his lifetime of service, dedication and leadership.

EAST 79TH STREET NEIGHBORHOOD ASSOCIATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mrs. MALONEY of New York. Mr. Speaker, please submit the following article into the RECORD.

EAST 79TH STREET NEIGHBORHOOD ASSOCIATION GOES TO WASHINGTON!

(By Deborah de Bauernfeind)

On Tuesday, October 19, 1999, 11 members of the Association embarked on a two-day trip to Washington, DC. The Association works closely with elected officials on quality-of-life issues, transportation matters, building preservation, and zoning regulations. We were particularly interested in getting a first-hand feel for how Congress works. To accomplish this, our Congresswoman, Carolyn Maloney, met with our group in a Rayburn House Office Building Hearing Room for a 30-minute discussion of our issues. Assisted by a note-taking staff member, Congresswoman Maloney fielded our questions and concerns regarding the Second Avenue Subway; the inadequacies of our bus service; our zoning battle to keep East 76th Street and other midblocks under R8B, requiring low density and low height; the rising cost of health insurance; and the necessity of maintaining rent control and rent stabilization laws. Following a productive discussion, we were privileged to sit in the Visitor's Gallery of the House of Representatives where we heard the Congresswoman from Hawaii discuss the gender equity bill, sponsored by Congresswoman Maloney. We also sat in the Visitor's Gallery of the United States Senate Chamber. We heard a portion of the debate on the bill outlawing "partial birth" abortions, which was passed the next day.

Congresswoman Maloney's office arranged for us to have a tour of the Capitol Building that afternoon. What a thrill it was to walk through the labyrinth of Minton-tiled corridors, rubbing shoulders with legislators who have the ability to change the course of history. While the legislators deal with our Nation's future, the history of our country abounds in every corner of the Capitol Building. Congress has been housed there since 1800. The current chamber of the House was completed in 1857, and the current Senate chamber was completed in 1859. One can feel the presence of John Adams in the National Statuary Hall. The House used to meet in the space. The acoustical design allowed Adams to sit in one area of the hall and listen to conversations on the opposite end of the room while he acted as though he was dozing. It kept him well informed! The cast-iron dome of the Capitol was completed in 1863. It weighs about nine million pounds. No building in Washington, DC is allowed to be higher than the Statue of Freedom, which tops the dome. The Rotunda is the heart of the Capitol. Prominent Americans have lain in state there, including Abraham Lincoln and John F. Kennedy. A frieze depicting over 400 years of American history encircles the Rotunda. In addition, there are eight paintings covering the discovery and colonization of America, as well as illustrations of scenes from the American Revolution.

Our day concluded with dinner in the Congressional Dining Room. Arranged by Association President Betty Cooper Wallerstein, we were seated at a table set for 11 and were pampered by the dining room staff. Several members of Congress came to our table to introduce themselves. It was a wonderful way to end our stay.

The five-hour bus ride back to New York City provided ample time for us to reflect on everything we saw. It's difficult to determine which sight was the most compelling. The sense of history is everywhere. Being on the steps of the Capitol where Presidential Inaugurations have taken place since 1801 or being in the East Room at the White House and seeing Gilbert Stuart's 1797 portrait of George Washington, which has hung in the White House since 1800—both experiences are moving. And, being told that Civil War troops were quartered in the East Room makes the space seem quite alive. The corridors of the White House are lined with portraits of Presidents and First Ladies. The last portrait one sees when leaving is of John F. Kennedy, our slain President, with his head bowed. Memories abound. On the White House grounds is a magnolia planted by Andrew Jackson. George Washington selected the site for the White House, and it was Thomas Jefferson who began the tradition of opening the White House to the public each morning. It's exciting to be beneficiaries of this practice, but it was the Congressional letter from Congresswoman Maloney that admitted us since White House functions the morning we went restricted visitation.

Memorials dot the Washington landscape. We toured six of them in the evening light, which provided a meditative atmosphere. At the Lincoln Memorial one is reminded of his legacy to freedom while reading inscriptions of the Gettysburg Address and Lincoln's Second Inaugural. The Thomas Jefferson Memorial highlights his beliefs in human liberty. And, the Franklin Delano Roosevelt Memorial, comprised of four outdoor galleries, includes Roosevelt's words of courage and optimism etched in red South Dakota granite. But, it is at the war memorials where one is vividly reminded of the blood shed by individuals to uphold freedom around the world. Inlaid in silver in a granite wall near the Pool of Remembrance at the Korean War Veterans Memorial are the words "Freedom Is Not Free". Life-size sculptures of soldiers surrounding the 60-foot flagstaff at the Vietnam Veterans Memorial contrast the soldiers' youth with the weapons of war which they hold, underscoring their level of sacrifice. And, tension and valor can be felt in the depiction of the men raising the American flag on Iwo Jima. But, their victory was short-lived. Three soon died in combat.

Our "responsibilities as citizens of a democracy" continued to be reflected upon during our visit to the United States Holocaust Memorial Museum. It was a solemn and emotional experience. One hopes the eternal flame of remembrance will preserve the memory and encourage reflection "upon the moral and spiritual questions raised by the events of the Holocaust".

The Association went to Washington to get a feel for the workings of government and for a dialogue with Congresswoman Maloney. We came away with a feeling that there are channels for our opinions. We also felt a tingle of pride in being Americans. The struggle for freedom and the preservation of it to this day is so evident in our Nation's Capital. Our trip experiences reminded us that this legacy to freedom is one of the most enduring birthrights Americans possess.

TRIBUTE TO MR. RICHARD L. KOWALLIK OF MADISON, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to recognize Mr. Richard Kowallik of Madison County, Alabama for his many years of outstanding service to the U.S. military and his community. On the occasion of his retirement from the United States Army Space and Missile Defense Command, I stand today to applaud his 34 years of loyal service.

Mr. Kowallik has risen through the ranks of the SMDC currently serving as Division Chief for the Acquisition Management Division of the Contracting and Acquisition Management Office. He has achieved distinction in his field as he is a member and a fellow of the National Contract Management Association and a certified professional contract manager of the National Contract Management Association.

A native of Indiana, Mr. Kowallik has made Alabama his home and will remain there after his retirement. He has taken an active role in his community serving on the Board of Directors for the Optimist Club and Ducks Unlimited and I imagine during his well-deserved "rest" he will continue to be a leader in civic organizations.

I join his family, his wife Dee, his daughter Tammy, his son-in-law Steve and grandsons Tyler and Cameron, friends and co-workers in congratulating him on a job well done. On behalf of the people of Alabama's 5th Congressional district, I want to express my gratitude to Richard for his extraordinary service to our community and our nation.

CONGRATULATING THE MEMBERS OF BRAVO COMPANY, 1ST BATTALION, 186TH INFANTRY, OREGON ARMY NATIONAL GUARD

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. WALDEN of Oregon. Mr. Speaker, I would like to take this opportunity to congratulate the members of Bravo Company, part of the 1st Battalion, 186th Infantry of the Oregon Army National Guard, who just returned from service in the Middle East as part of Operation Southern Watch.

The 115 members of Bravo Company have completed 180 days of service in support of the NATO peacekeeping mission in southwest Asia. Deployed to aid in the mission of the United States Army Forces Central Command—Saudi Arabia, these citizen soldiers of Oregon served with the dedication that Americans have come to expect from those who wear the uniform of our armed forces.

The deployment of the soldiers of Bravo Company marks the first time a combat infantry unit from the Oregon Army National Guard has been called to service since World War II. Like their predecessors, they performed their duties with a firm understanding of the gravity of their mission and a sense of devotion that would make any unit proud.

Bravo Company follows a long line of dedicated Oregonians who have served their nation in the armed forces both at home and abroad. The members of this outstanding outfit have continued that tradition proudly and without reservation. As they return to the lives they left behind when they answered their country's call, each of these soldiers can do so with the satisfaction that comes after a job well done.

On behalf of a nation grateful for their service, I'm proud to say welcome home to the members of Bravo Company.

IN HONOR OF MARK K. KEVESDY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Mark K. Kevesdy upon receiving the Alumni Emerging Leadership award from Cleveland State University. Mr. Kevesdy is a dedicated and gifted teacher and is being recognized for his exceptional leadership skills in his profession and in his community.

Mr. Kevesdy, a current resident of Bay Village and a teacher at Big Creek Elementary School in Berea City School District, received his bachelor's degree from the College of Education in 1992. Mr. Kevesdy is the leader of a multi-age team of three teachers that works with over eighty children in grades three through five. Mr. Kevesdy, an exceptional leader, is in charge of his 847-student building, a position which requires his leadership when the principal is absent. He and a colleague have published a book entitled "Creating Dynamic Teaching Teams in Schools." In addition to this tremendous feat, he has also served as a staff development trainer for other teachers on multi-age teaching and teaching teams, both inside and outside of the Berea district.

Perhaps Mr. Kevesdy's greatest accomplishment is his quality teaching. He is a gifted communicator and works hard to make learning come alive for his students. He tries to give his students a well designed academic program in a warm and encouraging environment, while at the same time making the learning relate to real life situations.

Fellow colleagues, please join me in honoring Mr. Kevesdy and the tremendous dedication and devotion that he has shown to his profession.

WITHDRAWING APPROVAL OF UNITED STATES FROM AGREEMENT ESTABLISHING WORLD TRADE ORGANIZATION

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. STARK. Mr. Speaker, with the Senate's impending vote to grant China permanent normal trade relations, and its anticipated passage, I oppose H.J. Res. 90, to withdraw Congressional approval of the agreement establishing the World Trade Organization (WTO). Relinquishing annual review of China's normal trade relations status leaves the WTO as our last resort to ensure that China abides by its agreements. Unfortunately, our means of last resort is unreliable and serves the interests of multinational corporations over the interests of consumers, workers and the environment. While I oppose the resolution before us today, I am far from offering my support of the world body that is supposed to serve U.S. interests.

The biggest problem with the WTO is the way in which the U.S. and our trading partners have developed a narrow definition of trade. Trade encompasses labor, environmental standards, and consumers as well as the industries that manufacture the products for trade. It is high time that the WTO, with strong U.S. leadership, take into account the interests of the environment, consumers, workers and the oppressed when making the rules for trade. The WTO is in desperate need of reform. The U.S. is the largest beneficiary of trade. Meaningful reform will occur when the U.S. insists on meaningful reform in trade negotiations and in the world body that enforces the trade agreements.

Under Article XX(b) of the General Agreement on Tariffs and Trade (GATT), a WTO member country may defend its environmental policy if it is "necessary to protect human, animal or plant life and health." But in two cases—the Tuna-Dolphin and the Shrimp-Turtle cases—the WTO ruled that U.S. statute to prevent import of tuna or shrimp from countries that do not comply with U.S. law to protect dolphins and turtles, is in violation of the international trade agreement. Clearly, this exception clause is ineffective. The goal of the WTO must be to strengthen global environmental standards, not weaken them.

Many developing countries have traditionally excluded food and medicine from their intellectual property rights laws in order to ensure that these basic necessities are accessible and affordable and not subject to private monopoly control. Under the WTO's Trade Related Aspect of Intellectual Property (TRIPs), however, corporations are able to maintain a 20-year monopoly on patents that are often funded through public sponsorship such as the medications to treat AIDs. The United Nations Development Program (UNDP) criticized the TRIPs Agreement in its 1999 Human Development Report. UNDP has determined that TRIPs rules prevent developing countries from obtaining the seeds for crops and prevents them from manufacturing affordable medicines. Corporations or individuals in industrialized countries currently hold 97 percent of all patents worldwide. While the developed world holds the majority of these patents, 95 percent of the AIDs victims reside in the developing world. Those who hold the patents hold a greater interest and influence in the proceedings of the WTO, while those who need the patents are not represented at all. Clearly, this is unfair and reforms are needed to correct this harmful unbalance in representation.

The developed world makes the rules. The developed world must start to make these rules with the suffering of billions of fellow humans in mind. It will take the leadership of the United States to make consumers a priority when reforming and creating the rules under which we trade. We must give a voice to the voiceless. We can do this by continuing our membership in the World Trade Organization and seeking to change that organization.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill, (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. MOORE. Mr. Chairman, I rise to express my grave concern with the bill before us today. This bill critically underfunds important national priorities that are too numerous to mention.

Many Members of this House have expressed their concern about the Federal Government's chronic failure to meet its commitment to special-needs kids. Yet, this bill provides just $6.6 billion in funding for special education, $514 million over last year's funding but far short of the $16 billion-plus we need to fulfill this longstanding commitment to our most vulnerable children.

Mr. Chairman, I have a school in my district where exposed wires dangle from the ceiling, and rainwater seeps over those wires, but this bill provides no funds to repair collapsing schools. Never mind that more than 200 of my colleagues have heeded the call of their school districts, who are begging for assistance repairing schools.

53.2 million kids—a national enrollment record—started school in 1999 and 2.2 million teachers will be needed in the coming years to teach them what they need to know. The teacher shortage is an imminent national crisis, yet this bill includes no funds to continue the class size reduction initiative that is putting 100,000 new teachers in our schools.

Mr. Chairman, we know that quality early childhood programs for low-income children can increase the likelihood that children will be literate, employed, and educated, and less likely to be school dropouts, dependent on welfare, or arrested for criminal activity. This bill, however, cuts the President's request for Head Start by $600 million, which denies 53,000 low-income children the opportunity to benefit from this comprehensive child development program.

Tragically, our country has become desensitized to school violence, accustomed to reports of shootings in schools. School shootings are no longer front page news. Yet, this bill eliminates assistance for elementary school counselors that serve more than 100,000 children in 60 high-need school districts that could intervene and identify troubled kids before they harm themselves, their classmates or their teachers.

Earlier this week, I supported a bill to relieve the estate tax with great reservation. I have long been a supporter of responsible estate tax relief that maintains our national commitments—paying down the national debt, protecting Social Security and Medicare, and supporting important domestic priorities such as the ones I have listed here. The leadership of this House, however, gave us one vehicle for estate tax relief, and I supported it with the hope that the Senate and the conference committee will craft a fiscally responsible compromise.

Today, however, I am faced with this bill that turns its back on our Nation's number one priority—our kids. The leadership of this House expects a veto of this irresponsible bill. I am voting against this bill today and I ask my colleagues to do the same. We then can return to the drawing board and craft a fiscally responsible bill that reflects our priorities as a nation.

TRIBUTE TO DEBBIE WILDE—ATHENA AWARD RECIPIENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. McINNIS. Mr. Speaker. It is at this moment that I would like to congratulate Debbie Wilde for receiving the ATHENA Award, in recognition of her commitment to helping women reach their full leadership potential. Mary is currently the director of Garfield Youth Services and her professional accomplishments, community efforts and youth activities deserve the recognition of this body.

Mary has played an important role in Garfield Youth Services' road to success. During her time with the organization, GYS has seen a tremendous growth in their staff and their membership. Currently, the youth organization provides more than 10 programs in which area youth and parents play an active role. One of Mary's most notable undertakings is the "Kiss-A-Pig" Contest, a contest that has seen an increase in proceeds for the organization from $3,000 to $100,000.

Mary has not only been instrumental in developing the Garfield Youth Services into a renowned organization, but she has also been very active in other facets of her community. As a resident of Glenwood Springs, Colorado, Mary involves herself in church, school, and various recreational activities. She believes it is important to "be a servant" and credits her devotion and faith as the backbone to her public service.

It is with this, Mr. Speaker, that I congratulate Mary for receiving the ATHENA Award and I commend her on her public involvement. It is a real pleasure to honor people of Mary's character. We are all very proud of you, Mary. Congratulations!

GEORGE PALKO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. George Palko upon receiving the Alumni Emerging Leadership Award from Cleveland State University. Mr. Palko is being recognized for his great engineering work and for his dedication as a educator at the Cleveland State University.

Mr. George Palko earned a bachelor's degree in civil engineering from the Fenn College of Engineering in 1988 and a master's of business administration from the College of Business Administration in 1993. Mr. George Palko is currently a resident of North Royalton.

Mr. George Palko has been engaged in the Cleveland State University's cooperative education program through which he has received training at the Great Lakes Construction Company. Upon graduating from college, Mr. Palko continued working for the Great Lakes Construction Company. As an in-house engineer and project engineer, Mr. Palko worked on many projects in the city of Cleveland. He has been superintendent of many ODOT projects, including the construction of interstate 90. In August 1997, Mr. Palko became president of the Great Lakes Construction Company.

Since Mr. Palko became president of the Great Lakes Construction Company the number of co-op students that the firm employs has quadrupled. In addition, Mr. Palko is teaching Construction Planning and Estimating at the Cleveland State University's Civil Engineering Department and he is a member of the College of Engineering's Visiting Committee.

Mr. Speaker, I know that my colleagues will join me in honoring Mr. Palko's impressive career and wish him all the best as he continues his work.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, due to a family health emergency, I was unable to be present for rollcall votes 292 through 321. Had I been present, I would have voted "yea" on rollcall votes 292, 293, 294, 296, 297, 298, 300, 301, 304, 307, 313, 315, 316, 317, 318, 319, 320 and "nay" on rollcall votes 295, 299, 302, 303, 305, 306, 308, 309, 310, 311, 312, 314, and 321.

CHURCH PLAN PARITY

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, today I support S. 1309, the Church Plan Parity and Entanglement Prevention Act. The purpose of this legislation is to clarify the status of church plans under state law and the status of a church welfare plan as a plan sponsored by a single employer. It also addresses the problem of health insurance issuers refusing to do business with church plans because of concern that church plans could be classified as unlicensed entities.

Most major religious denominations in the United States have established health, disability and pension plans for the employees of churches and church-controlled institutions. These church plans provide benefits that are critical to the welfare of the clergy and lay workers of each denomination. All Americans should have access to a viable health insurance plan. Just as the clergy plays a vital role in maintaining the spiritual health and wellbeing of our nation, it is equally important for us to give churches the tools they need in order to maintain the physical health and wellbeing of their clergy.

It is imperative that we pass this much needed piece of legislation. Therefore, I urge my colleagues to join me today in supporting and preserving church health plans.

HONORING THOM PEABODY, L.S. WOOD TEACHER OF THE YEAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor Thom Peabody, a man that has devoted his life to the community and to teaching. Mr. Peabody has been named the L.S. Wood teacher of the year. In recognition of this outstanding achievement, I would like to pay tribute to him today.

Mr. Peabody has been a seventh grade science teacher at the Riverside School, in Glenwood Springs, Colorado, for twenty years. His enthusiasm for teaching is apparent when you only look at his students, and you see how much he has affected their passion for learning. One former student, Audrey Hughes, recalls Mr. Peabody in this way: "Mr. Peabody is an inspiration to me and many others as a teacher, coach, and a personal role model. This seventh grade science teacher had a way of teaching the material in an exciting, interesting way that made learning easy. Students have a great deal of respect for this man because he shows respect for them. Mr. Peabody emphasizes how hard work and perseverance pay off in the end and how education is a crucial part of life. Mr. Peabody is an example of the person I hope to become someday. He has touched so many lives and means so much to all that know him. I feel privileged to have had this man as such a large part of my life. Mr. Peabody is truly my hero".

After 20 years of dedicated service, Thom recently retired. Students, staff and the community will miss this man who has touched their lives in so many ways. During his tenure, he went above and beyond the teachers call of duty, serving his community and its youth well.

It is with this, Mr. Speaker, that I would like to pay tribute to Mr. Peabody and his efforts to make his community a better place to live. We are all grateful for his service.

WILLIAM DENIHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. William Denihan who is being awarded by Cleveland State University with the Alumni Award for Civic Achievement. Mr. Denihan is being recognized for his community leadership and his dedicated work for the betterment of his community.

People call Mr. Denihan a "leader's leader" because of his ability to anticipate major issues, to work as a "change agent" and conduct constructive process in order to handle major issues. For the past twenty years, Mr. Denihan has helped many prominent public leaders in Cleveland, Cuyahoga County and Ohio solve the toughest public problems.

Mr. Denihan has been selected by the Board of Cuyahoga County Commissioners to serve as executive director of the Department of Children and Family Services. Previously, Mr. Denihan has been appointed by Cleveland's Mayor Mike White to be Police Chief and Director of Public Safety. Former Governor Richard Celeste appointed Mr. Denihan to be director of the Ohio Department of Natural Resources.

Throughout his career, Mr. Denihan has been director of the city's Department of Public Safety and the Ohio Department of Highway Safety, chairman of the Nuclear Power Emergency Evaluation Committee, director of the Ohio State Employment Relations Board and Cuyahoga County personnel director.

Furthermore, Mr. Denihan is serving on the advisory boards of the Levin College's Local Officials Leadership Academy and Public Works Management Program.

Mr. Speaker, I know that my colleagues will join me in honoring Mr. Denihan's tremendous career and wish him healthy and productive continuation of his career.

CONGRATULATIONS ON THE COMPLETION OF THE HUMAN GENOME PROJECT

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I recognize the tremendous accomplishment of our world's scientific community under the leadership of the United States' private and public research resources at their completion of the historic Human Genome Project's mapping of human Deoxyribonucleic Acid (DNA).

The complete map of human DNA, which is a collection of 100,000 genes, marks the beginning of a new era for mankind. This momentous day may seem ordinary to those who do not know what the world was like without the wheel, penicillin, electric light bulb, radio, television, or computers. Because of the work done by the laboratories and researchers primarily in this country in conjunction with partners in other nations have completed the diagram for the human body's operating instructions.

Today, when the sun rose in the East the world was fundamentally no different than it had been from the start of the previous century. However, at the setting of the sun in the West, the world now has bold new horizons in human health improvements and medical breakthroughs, because of the President' announcement that the Human Genome Project had assembled a working draft of the sequence of the human genome.

Today's announcement means that 97% of the human genome is know know, which precedes the process of finding out what are proper and improper arrangements of DNA links for health persons. We know that keys to cures of dreaded human illnesses such as cancer, diabetes, and degenerative brain disorders reside in the DNA of human beings. However, along with the crippling physical debilitating conditions caused by spinal cord injury and brain trauma can now at long last not be seen as an end to promising lives.

I would like to make special mention of the contributions of Dr. Richard A. Gribbs and his colleagues at the Human Genome Project at the Baylor College of Medicine Human Genome Sequencing Center, located in the City of Houston, Texas. Through their collaborative work with hundreds of other researchers around the country the meticulous process was begun that created by concatenation cDNA sequencing the blueprint for human DNA. The blueprints for human DNA. The blueprints were reproduced in the form of clones that could represent segments of human DNA to create maps. After the study of sections of DNA the process has begun to understand how each of us is different. The critical questions of survival and death can be found in those links, which form human DNA.

More than anything else today's announcement gives each of us hopes that our children's tomorrow will be brighter than all of our yesterday's. We must be sure that we legislate the proper application of the medical achievements, which come from this effort, which must also remain within the reach of the poor of our nation. This goal should be a centerpiece of the continued federal support of the Human Genome Project and spin off medical technologies.

Therefore, I encourage my colleagues to join me in celebrating a momentous accomplishment and offering well wishes for the work, which must follow.

SUPERINTENDENT LARRY WILE

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. UPTON. Mr. Speaker, it is my distinct pleasure to come today before this House and the American people to formally recognize and honor Superintendent Larry Wile of the Kalamazoo Regional Educational Service Agency for his 40 year dedication to educating Michigan's children. He has been a friend of mine and a steady friend of education. He has always had the interests of the students first.

Superintendent Wile began his career as a teacher and administrator in the Climax-Scotts Schools, a community in my district. This June, after 40 years of service, he will retire as Superintendent of the Kalamazoo Regional Educational Service Agency.

Larry Wile has had a distinguished professional life. He served as an administrator in Michigan's Comstock Public Schools. For twenty-eight years, he has served southwest Michigan first as the Assistant Superintendent and then Superintendent of the Kalamazoo Regional Educational Service Agency.

Mr. Speaker, I'm here to acknowledge Superintendent Wile as a brilliant example for many young Michiganders. Throughout his service, Larry Wile has exemplified leadership, perseverance, and above all, hopefulness for the future of our great country.

In addition to serving as an educator, Larry Wile has also served as the Chairman of three notable organizations: the State Association of Intermediate School District Administrators, the Regional Principal's Organization, and the Kalamazoo County School Officers Association. He continued his tradition of excellence as a member of the Kalamazoo County Chamber of Commerce Legislative Committee. Superintendent Wile personifies what it means to be a true public servant in today's society. For forty years, and indeed, his entire life, Larry Wile has shown a concern and a proactive attitude in regard to his community, a passion for instilling ethics and knowledge into his students, and ultimately, a love for his family.

Mr. Speaker, I believe I speak for every member of this Congress and all those who have been touched by Superintendent Wile's care and intellect when I extend to his wife Rosie, his children and grandchildren our congratulations and best wishes for a retirement filled with happiness and productivity. I now respectfully ask you to make these remarks a part of the permanent record of the Congress in order to ensure that future generations of educators, students, and the American public have the opportunity to be inspired by the contributions of Superintendent Larry Wile of Kalamazoo, Michigan.

TRIBUTE TO REVEREND MONSIGNOR CLYDE HOLTMAN

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. PAUL. Mr. Speaker, today I pay tribute to the Rev. Msgr. Clyde Holtman on the occasion of his retirement. The Reverend Holtman was born in Westphalia, Texas. He was also baptized, made his First Communion, was confirmed, was ordained to the priesthood May 15, 1949, and offered his first Mass in the Church of the Visitation in that same community.

Msgr. Holtman has served in eleven parishes in the Austin Diocese for over 50 years. He has also served as Dean of the LaGrange Deanery, Judge of the Marriage Tribunal, Diocesan Resettlement Director, Diocesan Consultant and President of the Infirm Priest's Fund.

On May 30, 1985, Msgr. Holtman was invested as a Prelate of Honor in the Church by Pope John Paul II.

Msgr. Holtman has touched thousands of lives in the central Texas area. I ask my colleagues to join me in congratulating Reverend Holtman on his retirement.

HONORING ROY AND JUDY TRIVETT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. McINNIS. Mr. Speaker, it is with personal privilege that I enter this tribute in acknowledgment of Roy and Judy Trivett, great Americans and superb business leaders.

The Trivetts' family business was recognized by the Greater Pueblo Chamber of Commerce as the Small Business of the Year. The Trivetts were recognized for their tireless efforts developing a successful electrical business. In 1994, the Trivetts started Royal Electrical from one room in their home. Today, Royal Electrical is a successful business with 23 employees and $1.5 million in gross revenues.

The depth of this family goes far beyond the business community. They have been equally active in trade and community organizations. Their company, in conjunction with Electrical Contractors, Inc., provides training for select employees, and they also work with Pueblo Community College providing various other types of training.

In addition, Roy is also the current President of the Rock Mountain chapter of the Electrical Apparatus Service Association, and both the Trivetts are active leaders in the Trinity Lutheran Church and serve on the board of the Rare Breed Foundation.

The people of Colorado have every right to be proud of the Trivetts. On behalf of the people of Colorado, I thank you both, Roy and Judy, for your hard work and service to the Pueblo community. We are all very proud of you.

IN HONOR OF KENNETH E. BROWN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Kenneth E. Brown, a distinguished Ohio entrepreneur a former recipient of the Northern Ohio Live 1999 Award of Achievement for Neighborhood Revitalization.

Since graduating from the Levin College of Urban Affairs in 1989, Kenneth B. Brown founded Progressive Urbana Real Estate. As the broker and president of this self-financed enterprise, he transformed the one-person storefront in Tremont to a 21-agent, six-person staff in a renovated, company-owned building in Ohio City.

Kenneth Brown is being honored with the Alumni Special Achievement Award for his dedication and collaborative work in the Tremont Ridge Project. This undertaking uses the grid of the original 20-foot-wide housing lots plotted just after the Civil War to maintain the historic pedestrian nature of the neighborhood.

there are now 39 homes completed—bungalows and colonials priced between $130,000 and $150,000 and featuring elegant 10-foot ceilings, loft balconies, hardwood floors, fireplaces, two-story living rooms, above-ground English-style basements, and rooftop decks. When completed, Tremont Ridge will total 60 units, including townhouses and scattered sites. Kenneth Brown's commitment not only beautifies the city, but also allows neighborhoods to benefit from the project, with homeowners able to apply for interest-free loans to rehabilitates their own homes.

My fellow colleagues, please join me in honoring Kenneth E. Brown for his service to the community in maintaining a beautiful historical site.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, due to a family health emergency in Los Angeles, I was not present during the House's consideration of the VA, HUD and Independent Agencies Appropriations Bill, last week. However, I was recorded as voting on an amendment to this bill offered by Mr. COLLINS of Georgia. The mistake was fortunately caught by the diligent staff of the Minority Leader. Nevertheless, members should be aware that although the digital voting system used by the House of Representatives is very reliable, it is not perfect. I have been assured by both the Chairman of the Committee on House Administration and the Clerk's Office that they are thoroughly investigating the incident and that it does appear to be a true statistical anomaly which is unlikely to occur again. I would like to thank the Chairman and the office of the Clerk for their quick attention to this matter as well as the staff of the Minority leader, who first discovered this error and brought it to the attention of the Clerk. Finally, while I was mistakenly recorded as voting "aye" on the amendment, had I been present, I would have voted "nay".

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes,

Mr. BORSKI. Mr. Chairman, I rise to support the Hinchey-Waxman amendment and to express my opposition to the anti-environment provisions contained in the bill and its report.

Mr. Chairman, it seems as though we go down this road every year—fighting riders and report language designed specifically to stop the Environmental Protection Agency from advancing the protection of human health and the environment.

Just a few short weeks ago, the Majority claimed to have adopted a policy of no anti-environmental riders in appropriations bills.

Unfortunately for human health and the environment, this is not the case. Instead, the Majority has determined to place anti-environmental provisions in the Committee Report. This amendment is necessary to undo that harm.

Mr. Chairman, I am particularly concerned that the report accompanying this bill would prohibit EPA from removing contaminated sediments from rivers and lakes, even where such removal has been thoroughly studied and is the correct response. Contaminated sediments pose huge risks to human health and the environment.

Mr. Chairman, we all know that there are two sites that drive this issue every year—the Hudson River and Fox River—which are both heavily contaminated with PCBs.

This broad language will stop or delay cleanups not only at these two sites, but also at 26 other sites in 15 states. It is time to stop interfering with EPA protecting human health and the environment, and support the Hinchey-Waxman amendment.

Mr. Chairman, I also am deeply troubled by language in the bill that would prevent EPA from spending any money to advance the process of developing and implementing the program for Total Maximum Daily Loads, or TMDLs.

The TMDL program is the final phase of the Clean Water Act. It is the mechanism by which we will fulfill the promise made to the American public in 1972 to make the Nation's waters fishable and swimmable.

The opposition to the TMDL rule is badly misguided and fueled by an unwillingness to achieve water quality in a fair and timely manner. The TMDL process is the most effective, most rational, and most defensible way to achieve water quality. Let me describe it.

First, states identify those waters where the water quality standards that the states developed are not being met.

Second, states identify the pollutants that are causing the water quality impairment.

Third, states identify the sources of those pollutants.

Finally, states assign responsibility for reducing those pollutants so that the waters can meet the uses that the states have established.

We have made great improvements in water quality through the treatment of municipal waste and industrial discharges. But these point sources are no longer the greatest source of impairment. Nationally, the greatest problem is nonpoint sources, and now, nearly 30 years after the Clean Water Act, it is time for the states to get all sources of pollution to be part of the solution.

Mr. Chairman, while the TMDL process may be complicated in its execution, it is the most fair and efficient way to clean up the Nation's waters. The TMDL rule is not a perfect rule. Many have criticized it, including some in the environmental community. However, the majority of the environmental community supports going forward. The Association of Metropolitan Sewerage Agencies supports going forward. I am attaching letters that demonstrate this support. I hope that EPA does in fact move forward, and that the harmful language in the bill is eliminated.

Mr. Chairman, I urge support for the Hinchey-Waxman amendment and submit the following communications for the RECORD.

JUNE 19, 2000,
U.S. House of Representatives: Washington, DC.

DEAR REPRESENTATIVE: On behalf of the organizations listed below, we are writing to you in strong opposition to an anti-environmental rider on the FY 2001 VA–HUD appropriations bill regarding the Clean Water Act's TMDL program, which may go to the House floor as early as today. Our organizations have consistently opposed all anti-environmental riders, and we urge you to oppose this and other such anti-environmental riders on appropriations bills this year.

The section of the VA–HUD Sub-Committee report, under EPA–Environmental Programs and Management, attempts to use a rider to interfere with EPA's rulemaking process and guidance on the Clean Water Act. Total Maximum Daily Loads (TMDLs) are part of the Clean Water Act's strategy for attaining and maintaining water quality standards in polluted waters. They require that states identify all sources of pollution that impair the uses of waterbodies, such as drinking, swimming or aquatic habitat. Once identified, the TMDL process is a way to ensure that responsibility for reducing the pollution is fairly allocated. The conservation community considers this rider an attack on a key opportunity under the Clean Water Act to clean up our nation's waterways. Furthermore, we have serious concerns about Congress' interference with the rulemaking process with a rider.

Moreover, Committee report language encourages EPA to revoke a Clean Water Act guidance document issued by the agency's Region IX related in part to the TMDL program that is deemed by the Committee to be too "stringent" for the business community. The Committee's intervention on behalf of polluters and the States to prevent a strong TMDL program by discouraging regional offices from adopting guidance to implement the law is an anti-environmental attack on the Clean Water Act. The Region IX guidance at issue is a clarification of long-standing Clean Water Act legal requirements.

The provision of the proposed TMDL rule which has generated the most controversy is the silviculture provision. In response to industry and congressional concerns, the U.S. EPA last week announced that the TMDL rule that is expected to be finalized this summer will not include this provision.

We believe the TMDL program of the Clean Water Act offers the best opportunity to clean up our nation's polluted waters comprehensively and equitably. We urge you to uphold the interests of the Clean Water Act and the value of the TMDL program by opposing this rider.

Sincerely,

Elizabeth McEvoy, Center for Marine Conservation.

Ted Morton, American Oceans Campaign.

Daniel Rosenberg, Natural Resources Defense Council.

Paul Schwartz, Clean Water Action.

Steve Moyer, Trout Unlimited.

Rick Parrish, Southern Environmental Law Center.

Ann Mills, American Rivers.

Jackie Savitz, Coast Alliance.

Norma Grier, NW Coalition for Alts to Pesticides.

Jim Rogers, Friends of Elk River.

Jennifer Schemm, Grand Ronde Resource Council.

Steve Huddleston, Central Oregon Forest Issues Committee.

Mick Garvin, Many Rivers Group, Sierra Club.

James Johnston, Cascadia Wildlands Project.

Asante Riverwind, Blue Mountains Biodiversity Project.

Mettie Whipple, Eel River Watershed Association, Ltd.

Bill Marlett, Oregon Natural Desert Association.

Elizabeth E. Stokey, Organization for the Assabet River.

Pepper Trail, Rogue Valley Audubon Society.

Ed Himlan, Massachusetts Watershed Coalition.

James S. Lyon, National Wildlife Federation.

Nina Bell, Northwest Environmental Advocates.

David Anderson, Chesapeake Bay Foundation.

Barry Carter, Blue Mountain Native Forest Alliance.

Daniel Hall, American Lands.

Bruce Wishart, People for Puget Sound.

Ric Bailey, Hells Canyon Preservation Council.

Mary Scurlock, Pacific Rivers Council.

Francis Eatherington, Umpqua Watersheds, Inc.

Hillary Abraham, Oregon Environmental Council.

Karen Beesley, Nurse Practitioner.

John Kart, Audubon Society of Portland.

Mr. Benson, Association of Northwest Steelheaders.

Maria Van Dusen, Massachusetts Riverways Program.

Glen Spain, Pacific Coast Federation of Fishermen's Associations.

Pine duBois, Jones River Watershed Association.

Michael Toomey, Friends of Douglas State Forest.

Ellen Mass, Friends of Alewife Reservation.

ASSOCIATION OF
METROPOLITAN SEWERAGE AGENCIES,
Washington, DC, June 16, 2000.

Re municipalities support EPA's revised TMDL program.

Hon. ROBERT A. BORSKI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BORSKI: In August 1999, EPA released proposed regulatory revisions to clarify and redefine the current regulatory requirements for establishing Total Maximum Daily Loads (TMDLs) under the Clean Water Act (CWA) §303(d). Recognizing that the proposed rule has undergone some significant changes in the past year, the Association of Metropolitan Sewerage Agencies (AMSA) supports EPA's efforts to revise the existing TMDL program, as well as its schedule for finalizing the revisions by June 30, 2000.

AMSA anticipates that the final rule will be a major improvement over the existing TMDL program, which has traditionally focused solely on controlling point sources, i.e., municipalities and industry, rather than developing comprehensive solutions to the nation's water quality problems. During the past 30 years, point sources of water pollution—wastewater treatment plants, industry, and others—have met the challenges of the Clean Water Act to achieve our national clean water goals. The investment in wastewater treatment has revived America's rivers and streams, and the nation has experienced a dramatic resurgence in water quality. However, according to the U.S. Environmental Protection Agency (EPA) 40 percent of our waters remain polluted—largely by nonpoint source pollution. The situation will not improve until we include all sources in the cleanup equation.

EPA's revised rule is expected to encourage the development of implementation plans for TMDLs that provide a "reasonable assurance" that all sources of pollution, point and nonpoint, will be addressed as part of a cleanup plan. Development of implementation plans will ensure that the regulated community and the public have an opportunity to review and understand how the regulatory agencies will respond to local water quality problems. Implementation plans will also help to ensure that municipalities, which hold many of the nation's existing discharge permits, are not forced to remove increasingly minimal amounts of pollutants from their discharge at significant expense, while the major pollution contributions from uncontrolled sources remain unaddressed. Implementation plans, while requiring extra time and resources to develop, will encourage holistic solutions that will meet water quality goals, and will likely save billions of dollars nationwide by ensuring proper expenditure of limited local resources.

In addition to ensuring more involvement from all sources of pollution, EPA's revised rule is also expected to improve the existing TMDL program in several other areas including:

Improved ability for the regulated community and the public to review decisions by state and federal regulatory agencies to include or exclude waters on TMDL lists—Currently, this lack of protocol has led to the listing of many impaired waters based upon outdated or very limited data, with very little ability for public input or review. Requirements to develop and follow these protocols will help to ensure that TMDLs are properly developed using technically-based, scientific approaches, which are supported by data of adequate quality and quantity.

Allowing new or expanded discharges on impaired waters—Current regulations at 40 CFR Part 122.4 effectively prohibit new discharges to impaired waters during TMDL development. EPA's revised proposal should provide more flexibility for new dischargers, or the expansion of existing discharges during the 8 to 15-year TMDL development process by allowing new or increased discharges where adjustments in source controls will result in reasonable progress toward environmental improvements. Given that 40,000 waters are currently on EPA's impaired water list, this flexibility is critical if we are to allow for the continued economic viability and growth of our nation.

Providing more realistic deadlines—The existing TMDL program is currently being driven by the courts, with extremely ambitious schedules and deadlines for developing and implementing TMDLs. These deadlines will likely result in poorly developed TMDLs based on little or inadequate data, or grossly simplified TMDLs that fail to address costly implementation issues. EPA's revised rules are expected to allow up to 15 years to develop TMDLs, which will provide a more realistic timeframe to develop and analyze the necessary data needed to properly develop adequate TMDLs.

While AMSA still has some concerns with EPA's revised rule, we do believe that the program revisions will provide greater clarity concerning the roles and responsibilities of all stakeholders in the TMDL process, and would make significant improvements in our efforts to improve the nation's water quality. We therefore urge you to oppose any legislative efforts that may interfere with EPA's ability to issue and implement its comprehensive TMDL program revisions.

If AMSA's staff or member POTWs in your home state can assist you in any way, please call me at (202) 833-4653. Thank you for your consideration of our request.

Sincerely,

KEN KIRK,
Executive Director.

IN HONOR OF EMILY LIPOVAN HOLAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Emily Lipovan Holan, a distinguished Ohio entrepreneur and former recipient of the Northern Ohio Live 1999 Award of Achievement for Neighborhood Revitalization.

Emily Holan holds a 1990 bachelor of arts degree in real estate development, city planning and architectural design from Levin College. As the executive director of Tremont West Development Corporation, she has overseen four multi-million dollar real estate developments and has spearheaded marketing and publicity efforts for Tremont. Her other achievements included being listed in Crain's Cleveland Business 40 Under 40.

Emily Holan is being honored with the Alumni Special Achievement Award for her dedication and collaborative work in the Tremont Ridge Project. This undertaking uses the grid of the original 20-foot-wide housing lots plotted just after the Civil War to maintain the historic pedestrian nature of the neighborhood.

There are now 39 homes completed—bungalows and colonials priced between $130,000 and $150,000 and featuring elegant 10-foot ceilings, loft balconies, hardwood floors, fireplaces, two-story living rooms, above-ground English-style basements, and rooftop decks. When completed, Tremont Ridge will total 60 units, including townhouses and scattered sites. Emily Holan's commitment not only beautifies the city, but also allows neighborhoods to benefit from the project, with homeowners able to apply for interest-free loans to rehabilitate their own homes.

My fellow colleagues, please join me in honoring Emily Lipovan Holan for her service to the community in maintaining a beautiful historical site.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise today in support of the amendment being offered by Representatives SLAUGHTER, HORN, and JOHNSON. I commend them on their continued commitment to arts funding and I urge my colleagues to vote to increase funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services.

After suffering major budgetary cuts in 1995, these three vital organizations have been forced to endure level funding for the last 5 years. It is time, in this period of budget surpluses, to devote more resources to arts and culture.

Art education plays an important role in the development of our youth. Brain research is showing that the stimuli provided by the arts—pictures, song, movement, play acting, are essential for the young child to develop to their fullest potential. These activities are the "languages" of the child, the multiple ways in which he or she understands and interprets the world. Active use of these forms also paves the way for the child to use verbal language, to read and to write—critical skills our children need to become productive members of society.

Arts education improves life skills including self-esteem, teamwork, motivation, discipline and problem-solving that help young people compete in a challenging and high-tech workforce. According to the College Board, students who study the arts for four years score an average of 89 points higher than non-arts students on the Scholastic Assessment Test (SAT).

Research conducted between 1987 and 1998 reveals that when young people work in the arts for at least three hours three days each week throughout the year, they show heightened academic standing, a strong capacity for self-assessment, and a secure sense of their own ability to plan and work for a positive future for themselves and their communities.

The results of art education do not just build self confidence but deter crime as well. The U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention found in its YouthARTS study that arts programs designed to deter delinquent behavior of at-risk youth dramatically improved troubled youths' academic performance, reduced school truancy, and increased their skills of communication, conflict resolution, completion of challenging tasks, and teamwork.

The effects that an education enriched with art instruction can have on our youths is invaluable. Whether assisting in the development of our children or acting as preventative measures, increased funding for the NEA, and NEH, and the IMLS is in the best interest of our children and their future. I urge my colleagues to vote in favor of the amendment.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. KUCINICH. Mr. Chairman, I support Congressman TOM CAMPBELL's amendment to the Commerce-Justice-State Appropriations bill, H.R. 4690, to prohibit funds being used for the use of secret evidence. Moreover, I strongly support the Secret Evidence Repeal Act of 1999 introduced by Representative BONIOR, Representative CAMPBELL, Representative BARR, and Representative CONYERS. Recently, both Representative BONIOR and Representative CAMPBELL, offered testimony at a congressional hearing in the House Judiciary Committee. At that hearing, my colleagues Mr. CAMPBELL and Mr. BONIOR offered convincing testimony to the unconstitutional use of secret evidence. Representative TOM CAMPBELL last year introduced an amendment to the Commerce-Justice-State Appropriations Bill to stop the funding for the use of secret evidence by the Immigration Naturalization Service. I supported his effort last year on the House floor and I support his effort now. The use of secret evidence is wrong.

In 1996 an amendment was added to the Antiterrorism and Effective Death Penalty Act, authorizing the INS to use secret evidence in barring or deporting immigrants as well as denying benefits such as asylum. However, this law restricts two rights Americans hold very dear: (1) the right to due process and (2) the right to free speech. This country has always and must continue to value the right to a fair trial and the freedom to hold and practice personal beliefs.

However, allowing the use of secret evidence undermines the rights and liberty of both citizens and legal aliens alike because it lessens the constraints of both Constitutional considerations and conscience on INS cases. The case of the Iraqi six clearly illustrates the flawed use of secret evidence.

Six Iraq individuals were among the many Iraqi Arabs and Kurds who were part of a CIA-backed plot to overthrow Saddam Hussein. While attempting to gain political asylum in the United States after their work in Iraq with 1,200 other Iraqis, these six individuals were singled out and detained by the United States Immigration and Naturalization Service on the claim that they were a risk to national security. These six individuals, who had worked with the U.S. in opposition to Saddam Hussein, were now seen as threat to our national security based on secret evidence. Evidence that no one was allowed to see. Not the 6 Iraqis. And not their attorneys. Evidence that could be used to deny them asylum and deport them back to Iraq where they would surely meet their death.

After much pressure, 500 pages of this so-called secret evidence was released. Closer examination revealed the evidence was tarnished due to its faulty translations, misinformation and use of ethnic and religious stereotyping. There have been about 50 cases where secret evidence was used to detain and deport individuals. This is un-American. The cornerstone of our judicial system is that evidence cannot be used against someone unless he or she has the chance to confront it. The INS is relying more and more on the use of secret evidence. If we continue to use secret evidence against non-citizens, it will soon be used against American citizens too. There will be no limit to its use.

As a member of Congress it is my duty to uphold the Constitution. As members of Congress, we must all continue to maintain and defend the civil rights of all citizens living in the United States under the U.S. Constitution. We can do this by voting in favor of this amendment. I urge my colleagues to vote "yes" on the Campbell amendment.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 27, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 28

9 a.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine the liberation of Iraq.
SD–419

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Commerce, Science, and Transportation
To hold hearings to examine airline customer service.
SR–253

Environment and Public Works
Business meeting to mark up S. 2437, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States; and other pending calendar business.
SD–406

10 a.m.
Finance
Business meeting to mark up proposed legislation relating to the marriage tax penalty.
SD–215

Judiciary
To hold hearings on the struggle for justice for former U.S. World War II POW's.
SD–226

11 a.m.
Foreign Relations
Business meeting to consider pending calendar business.
SD–419

2 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings on countering the changing threat of international terrorism.
SD–226

Foreign Relations
European Affairs Subcommittee
To hold hearings to examine the treatment of U.S. business in Central and Eastern Europe.
SD–419

2:30 p.m.
Indian Affairs
To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.
SR–485

JUNE 29

9:30 a.m.
Environment and Public Works
Fisheries, Wildlife, and Drinking Water Subcommittee
To hold hearings on pending issues in the implementation of the Safe Drinking Water Act.
SD–406

Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the nationwide crisis of mortgage fraud.
SD–342

Armed Services
To hold hearings on the report of the National Missile Defense Independent Review Team; to be followed by a closed hearing (SH–219).
SH–216

10 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's Draft Environmental Impact Statement for the Sierra Nevada Forest Plan amendment, and Draft Supplemental Environmental Impact Statement for the Interior Columbia Basin Ecosystem Management Plan.
SD–366

Agriculture, Nutrition, and Forestry
Business meeting to consider pending calendar business.
SR–328A

Judiciary

Business meeting to consider pending calendar business.

SD–226

1 p.m.

Governmental Affairs

To hold oversight hearings to examine the rising oil prices and the efficiency and effectiveness of the Executive Branch Response.

SD–342

2 p.m.

Environment and Public Works

Superfund, Waste Control, and Risk Assessment Subcommittee

To hold hearings on S. 2700, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs.

SD–406

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 134, to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; S. 2051, to revise the boundaries of the Golden Gate National Recreation Area; S. 2279, to authorize the addition if land to Sequoia National Park; and S. 2512, to convey certain Federal properties on Governors Island, New York.

SD–366

JUNE 30

9:30 a.m.

Governmental Affairs

Investigations Subcommittee

To continue hearings to examine the nationwide crisis of mortgage fraud.

SD–342

JULY 11

10 a.m.

Judiciary

To hold hearings to examine the future of digital music, focusing on whether there is an upside to downloading.

SD–226

2 p.m.

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold hearings to examine the Federal Transit Administration's approval of extension of the Amtrak Commuter Rail contract.

SD–538

JULY 12

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the Draft Environmental Impact Statement implementing the October 1999 announcement by the Presidnet to review approximately 40 million acres of national forest for increased protection.

SD–366

Indian Affairs

To hold oversight hearings on risk management and tort liability relating to Indian matters.

SR–485

JULY 19

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.

SD–366

Indian Affairs

To hold oversight hearings on activities of the National Indian Gaming Commission.

SR–485

JULY 20

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on the United States General Accounting Office's investigation of the Cerro Grande Fire in the State of New Mexico, and from Federal agencies on the Cerro Grande Fire and their fire policies in general.

SD–366

JULY 26

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations.

SD–366

Indian Affairs

To hold hearings on S.2526, to amend the Indian Health Care Improvement Act to revise and extend such Act.

SR–485

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

SENATE—*Tuesday, June 27, 2000*

The Senate met at 9:33 a.m., and was called to order by the Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God, our Help in ages past, free us to be open to Your gift of hope for years to come. Particularly, we pray for a lively hopefulness for today. Grant that we may not allow our experience of You in the past to make us think that You are predictable or limited in what You will do today. Help us not to become so familiar with Your customary daily blessings that we lose the sense of expectancy for Your special interventions in the complexities and the challenges of each day.

We praise You for the historic breakthrough in genomic research and the mapping of the human genome announced this week. Thank You for granting humankind another aspect of Your omniscience so we can press on in the diagnosis and healing of disease.

Now today we will continue to expect great things from You, and we will attempt great things for You. In our worries and cares, give us the joy of knowing that You are with us. In our Lord's burden-banishing name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 27, 2000.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. VOINOVICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, on behalf of our distinguished majority leader, Senator LOTT, I have been asked to announce the Senate will immediately resume consideration of the Labor, Health and Human Services, and Education appropriations bill. Under the order, there will be closing remarks by the distinguished Senator from Mississippi, Mr. COCHRAN, on his pending amendment regarding pilot programs for antimicrobial resistance monitoring and prevention. A vote will occur on the Cochran amendment at 9:45 a.m. Following that vote, we will turn to the amendment offered by the distinguished Senator from Arizona, Mr. MCCAIN, regarding the Internet. We will be seeking a time agreement on that amendment.

We ask all Senators who have amendments to offer to come to the floor. We are trying to establish a list so we can proceed to the disposition of this bill. It is hoped that in the next day or so we could have a unanimous consent agreement which will limit pending amendments so we can proceed to conclude action on this bill.

Senator LOTT has asked that the announcement be made that rollcall votes may be expected throughout the day.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 4577, which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

> McCain amendment No. 3610, to enhance protection of children using the Internet.
>
> Cochran amendment No. 3625, to implement pilot programs for antimicrobial resistance monitoring and prevention.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. ROTH. Mr. President, I had originally planned to come to the floor to voice my opposition to this bill and to offer a point of order that it violates rule XVI of the Standing Rules of the Senate. I intended to do so because of two serious failings in it.

First, this bill cuts the program that Congress passed in the 1997 Balanced Budget Act to help States provide health insurance to low-income children and could cost up to 2 million of them their health insurance. The State Children's Health Insurance Program, known by its acronym as S–CHIP, was designed to make health insurance coverage available, at State option, to lower-income, uninsured children.

More than 2 million children have been enrolled in S-CHIP—children who would otherwise lack access to the health insurance coverage that helps them grow and thrive.

When we designed S–CHIP in 1997, States were given specific allotments to cover eligible uninsured children. We designed the program so that those allotments were to be available to individual States for a period of 3 years. This was done to ensure that allotments didn't sit unused. At the end of 3 years, unspent allotments are to be reallocated to other States that have spent their full allotments. The basic idea is to effectively direct available S-CHIP dollars to States willing and able to use them to cover uninsured kids.

We are now coming up upon the first opportunity to reallocate unspent S-CHIP funds. Three years have elapsed since the program was first implemented.

But, instead of thinking through the ramifications of reallocation, today we confront an unexpected and far more fundamental challenge to the future of the S–CHIP program. The appropriations bill before us would cut $1.9 billion in S–CHIP funds from the program, with an unenforceable promise to restore the funds in 2003—a promise which is itself subject to a Budget Act point of order.

This cut represents a dramatic retreat from the commitment the Federal Government extended to uninsured children, their families, and to the States in 1997. S–CHIP was designed to be a stable, guaranteed source of funding to States to cover lower-income, uninsured children. If States cannot count on the federal government to stand by its commitment, there will inevitably be an erosion of State support for participation in the program and aggressive enrollment strategies. As a result, fewer children will receive health insurance coverage.

We have to be very clear that what we are talking about today isn't a technical accounting gimmick that simply moves funds forward. We are talking about a concrete cut in a very real program upon which millions of children depend. The consequences will be no less real. If the provision in the appropriations bill is not removed, the National Governors' Association estimates that as many as 2 million children will be denied access to health insurance coverage.

For that reason, the National Governors' Association strongly and unambiguously opposes the S-CHIP cut included in this appropriations bill.

NGA is not alone in its opposition to the appropriations cut. The community of advocates who work on behalf of children strongly opposes it as well. In fact, all Senators should have received a letter signed by over 80 groups opposing the cut, including the Children's Defense Fund, Families USA, the American Hospital Association, and the American Medical Association. In addition, the Health Insurance Association of America has also written to express its opposition to S-CHIP cuts.

Second, this bill cuts three welfare programs by $1.4 billion. The title XX social services block grant is cut by a whopping 65 percent—from $1.7 billion in funding to $600 million. This is just a quarter of the level we promised to Governors during welfare reform in 1996.

The title XX block grant was enacted in 1981, during the Reagan administration, to provide States with a flexible source of social services funding. Today, title XX funds services to almost 6 million Americans, principally children, people with disabilities, and seniors. In Delaware, we use these funds for a broad range of programs—including helping abused and neglected children and for people who are blind, and for Meals-on-Wheels. These funds go to programs without adequate sources of support and to fill the gaps for the neediest citizens.

These title XX funds are essential. These funds cannot be easily replaced—by States or local governments, or by private charity.

The Labor-HHS-Education appropriations bill would cut these supplemental welfare grants to States by $240 million. In the 1996 welfare reform legislation States took a big, big risk. States exchanged an open-ended Federal entitlement—that is, guaranteed dollars for each person who qualified for welfare—for a fixed block grant.

To provide States with some modest protection, welfare reform contained a provision to provide States with a big population increase and high poverty rates with supplemental welfare grants. The Labor-HHS bill would cut these grants and break that promise.

These welfare program cuts violate the fundamental deal Congress made with the Governors during welfare reform. With these cuts, Congress reneges on its word.

Next year Congress will begin reauthorization of welfare reform. If Congress shows that it is not a dependable partner now, how can we expect States to have confidence in us next year?

Altogether this bill cuts a children's health program and welfare programs by $3.3 billion. This is unquestionably a violation of sound policy.

In the interest of sound policy, in the interest of uninsured children, in the interest of welfare recipients, and in the interest of the States who are working with us to serve these vulnerable individuals, I had no choice but to oppose this bill.

I am not alone in recognizing these problems, Senator MOYNIHAN, Senator HATCH, Senator KENNEDY, Senator GRASSLEY, and Senator GRAHAM all joined me in a letter to our colleagues warning them against supporting this bill because of its inclusion of the provisions I oppose and have just outlined. I know that other Senators opposed them as well and I thank all of them for their support.

However, Mr. President, the Senator from Alaska, the distinguished chairman of the Appropriations Committee, has assured me that these cuts—specifically: (1) The $1.9 billion cut to the State Children's Health Insurance Program located in section 217 on pages 53 and 54 of the bill; (2) the $1.1 billion cut to the title XX social services block grant located in title 2, page 40 of the bill; (3) the $240 million cut to the Temporary Assistance to Needy Families, TANF, program, located in section 216, pages 52 to 53 of the bill; and (4) the $50 million cut to the Welfare-to-Work performance bonus program, located in section 104, pages 21 to 23 of the bill—will be eliminated in their entirety in this bill when it returns from conference.

The ACTING PRESIDENT pro tempore. The Chair is informed that there is supposed to be a vote at 9:45 on the Cochran amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent the vote be postponed until the completion of my remarks; and I ask unanimous consent to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I am surprised at the comments made by the Senator from Delaware to this extent: The 1997 Budget Act puts limits on the amounts that can be appropriated under the pending bill, the Health and Human Services appropriations bill.

In order to have a technical offset against the additions that are in this bill over the 1997 limits, we provided these three technical provisions that give us the right to take the Health and Human Services bill across the floor to conference. We had no intention at all to ever suggest the Congress would enact those provisions. The Finance Committee knew that. All Members knew that. This is a technical situation where, in order to get the bill across the floor until we enact the military construction bill, which contains the waiver of the 1997 provisions with regard to the ceilings for our committee, we had to have this offset.

I assure the Senator that the bill will not come out of conference with these provisions in it. They were never intended to be enacted. No one on our committee supports the elimination of these provisions, and Senator SPECTER was very gracious in allowing us these provisions to comply with the 1997 act.

I assure the Finance Committee that this bill will not come out of committee with these provisions in it. They were never intended to be in it, as the Finance Committee knows.

Mr. ROTH. I thank the chairman of the Appropriations Committee and based on his assurances of these provisions' removal in conference, I withdraw my opposition to this bill. I believe that this is the best way to proceed: We not only protect the programs that I came to the floor to protect, but we also allow this funding bill for many other important programs to forward as well. I thank the Senator from Alaska for working with me to resolve this impasse.

Mr. KENNEDY. Mr. President, I thank the chairman for his leadership in this area, and I commend Senator MOYNIHAN as well for his commitment to this important program. I believe the understanding we have reached is a satisfactory way to protect this program in conference.

The rescission of funds for children's health insurance would be a serious mistake. It would come at the expense of 12 million uninsured children in low income families across the nation.

It would override the reallocation system established with broad bipartisan support in the original law. It would use the funds to pay for other programs in this year's appropriations bill. While it does promise to restore in the year 2003 the funds taken away this year, the damage would be done long before 2003 arrives. In fact, more than 80 leading organizations have signed a letter urging rejection of this misguided policy.

Low-income working families should not be forced to pay the price for the budget pressures facing congress. Those pressures were created by the budget resolution, and its misguided priorities. The committee was operating under the budget instructions they were given. I believe they had good intentions. Unfortunately, however, this rescission robs needy children, and it is unacceptable.

Strong bipartisan support in the Senate created the Children's Health Insurance Program in 1997. We focused on guaranteeing health insurance to children in working families whose income was too high to be eligible for Medicaid, but too low to be able to afford private insurance. Estimates indicate that more than three-quarters of all uninsured children in the nation will be eligible for assistance through either CHIP or Medicaid in the near future.

This rescission would have established a devastating precedent at precisely the wrong time. The Children's Health Insurance Program is working. Every State is now participating.

Between 1998 and 1999, enrollment numbers doubled from just under 1 million children to 2 million. States, advocacy groups and other leaders are undertaking and planning impressive outreach efforts in the states. Last year, back-to-school campaigns helped dramatically increase enrollment. A month ago, the Governor of Mississippi announced a new campaign to cover all children in that State. We have every reason to expect that this trend will continue, as the programs become more established and States begin to do all they can to enroll eligible children.

If the rescission were enacted, it would penalize needy children in the States that have most actively sought and enrolled eligible children. States could be forced to halt enrollment until more funds are available. That's wrong.

The reallocation mechanism in the original legislation is designed to ensure that dollars remain targeted to uninsured children, regardless of location. Next year is the first year that the reallocation fund would be available. Senators should know that no State loses under current law. All States have the right to their allocations for three years. We have encouraged all States to take advantage of their funds. But, it a State cannot spend all its money, the excess dollars should be used by States that can.

If the Senate were to adopt this rescission, States would be reluctant to expand their programs or actively enroll more children if they feel that future State allotments are unreliable. The National Governors Association has sent us two letters—one just last week—expressing their unified strong opposition for this reason.

We shouldn't second guess the original policy. It was well designed to direct money where it is most clearly needed. The policy was strongly supported when we enacted CHIP, and States have acted in good faith to implement it. It would be wrong for us to change the ground rules now, when so much progress is being made.

We know that lack of insurance is the seventh leading—and most preventable—cause of death in America today. That fact is a national scandal.

The majority of uninsured children with asthma—and one in three uninsured children with recurring ear infections—never see a doctor during the year. That's wrong. No child should have to be hospitalized for an acute asthma attack that could have been avoided. We know that uninsured children are 25 percent more likely to miss school. Children who cannot see the blackboard well or hear their teacher clearly miss lessons even when they are at school. That's wrong. No child should suffer permanent hearing loss and developmental or educational delays because of an untreated infection.

Every child deserves a healthy start in life, and the health security that comes with insurance. And under CHIP and Medicaid, every child will have a legitimate opportunity for health insurance.

Congress should do everything in its power to shore-up these programs, not undermine them. I welcome today's agreement, and I look forward to the continuing effective implementation of this worthwhile program to guarantee good health care for all children.

I ask unanimous consent to print in the RECORD the letter to which I earlier referred and another related correspondence.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 9, 2000.

DEAR SENATOR: We are writing to express our opposition to the taking of $1.9 billion of fiscal year 1998 Children's Health Insurance Program (CHIP) funds by the Senate Appropriations Committee to help fund the fiscal year 2001 Labor, Health and Human Services, and Education Appropriations bill. In effect, the Senate committee action takes unspent funds that would be reallocated to states to provide health insurance to uninsured children and instead promises to restore those funds in fiscal year 2003. While we are appreciative of the efforts of the Senate Appropriations Committee efforts to increase funding for important programs in the Labor, Health and Human Services, and Education Appropriations bill, the use of CHIP funds for this purpose breaches the integrity of the CHIP program and the commitment it represents to the nation's uninsured children.

This taking of CHIP funds is troubling for several reasons. First, the taking of these funds will deprive some states of the funding needed soon to insure children through the program. Second, states have made decisions on how many children they expect to insure through the CHIP program based on the federal funding commitment in the 1997 CHIP legislation. The Senate Appropriations Committee action, if enacted, calls into question the commitment of Congress to this program. Third, states are rapidly increasing enrollment of uninsured children in CHIP but may become reluctant to continue aggressive outreach and enrollment if Congress starts playing budget shell games with the program funds.

We urge, in the strongest possible terms, that Congress restore the funds to the CHIP program that were removed by the Senate Appropriations Committee. We believe that Congress should refrain from looking to this program, designed to serve uninsured children, to alleviate the fiscal difficulties faced by the House and Senate Appropriations as they fund critical programs.

Sincerely,

AIDS Action.
Alliance for Children and Families.
Alliance to End Childhood Lead Poisoning.
American Academy of Pediatrics.
American Association of University Affiliated Programs for Persons with Developmental Disabilities.
American Association on Mental Retardation.
American College of Osteopathic Pediatricians.
American Dental Hygienists' Association.
American Federation of State, County and Municipal Employees (AFSCME).
American Friends Service Committee.
American Hospital Association.
American Medical Association.
American Music Therapy Association.
American Network of Community Options and Resources.
American Occupational Therapy Association.
American Psychiatric Association.
American Psychological Association.
American Public Health Association.
Association of Community Organizations for Reform Now (ACORN)
Association of Jewish Family and Children's Agencies.
Association of Maternal and Child Health Programs.
Bazelon Center of Mental Health Law.
Camp Fire Boys and Girls.
Catholic Charities USA.
Catholic Health Association of the United States.
Center for Budget and Policy Priorities
Center for Community Change.
Center for Women Policy Studies.
Child Welfare League of America.
Children's Defense Fund.
Children's Health Fund.
Church Women United—Washington Office.
Coalition of Labor Union Women.
Communications Workers of America.
Council of State Governments.
Families USA.
Family Voices.
Friends Committee on National Legislation (Quaker).
Generations United.
Girl Scouts of the USA
Jewish Council for Public Affairs.
Lutheran Office for Governmental Affairs, ELCA.
Lutheran Services in America.
McAuley Institute.
Mennonite Central Committee.
National Association for Protection & Advocacy Systems.
National Association for the Education of Young Children.
National Association of Community Health Centers.
National Association of Developmental Disabilities Councils.
National Association of People with AIDS.
National Association of Psychiatric Health Systems.
National Association of Public Hospitals & Health Systems.
National Association of School Psychologists.
National Association of WIC Directors.

National Center of Poverty Law.
National Council of the Churches of Christ in the USA.
National Council of Jewish Women.
National Council of La Raza.
National Council of Senior Citizens.
National Employment Law Project.
National Gay and Lesbian Task Force.
National Head Start Association.
National Health Law Program, Inc.
National Immigration Law Center.
National Mental Health Association.
National Parent Network on Disabilities.
National Partnership for Women and Families.
National Puerto Rican Coalition.
National Therapeutic Recreation Society.
National Urban League.
National Women's Law Center.
Neighbor to Neighbor.
Network—A National Catholic Social Justice Lobby.
Presbyterian Church (USA), Washington Office.
Results, Inc.
The ARC of the United States.
The Episcopal Church.
The Salvation Army.
The United States Conference of Mayors.
Union of American Hebrew Congregations.
Unitarian Universalist Association of Congregations.
United Cerebral Palsy.
United Church of Christ Office for Church in Society.
United Jewish Communities.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, May 11, 2000.

Hon. TED STEVENS,
Chairman, Senate Appropriations Committee, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Senate Appropriations Committee, Washington, DC.

DEAR CHAIRMAN STEVENS AND SENATOR BYRD: As you consider the fiscal 2001 Labor, Health and Human Services, and Education appropriations bill, we are writing to emphasize our highest funding priorities. The nation's Governors urge you to meet your commitments to the most critical programs affecting human investments and needs.

Specifically, we strongly urge you to meet the commitment to the Title XX/Social Services Block Grant (SSBG), and restore the reductions in funding and flexibility for the program to the level that was agreed to in the 1996 welfare reform law. Under the 1996 welfare reform law, SSBG was authorized at $2.38 billion for fiscal 2001 and states were provided the flexibility to transfer up to 10 percent of their Temporary Assistance for Needy Families (TANF) block grant funds into SSBG. Since that time, funding has consistently been cut and flexibility has been restricted. Governors view SSBG as one of the highest priorities among human service programs, and are adamantly opposed to further reductions in funding, such as those approved by the Senate Labor, Health and Human Services, and Education Subcommittee. Such a drastic reduction in the federal commitment to SSBG will cause a dramatic disruption in the delivery of the most critical human services.

Additionally, the Governors strongly urge you to reject proposals that would rescind funding from the State Children's Health Insurance Program (S-CHIP). The funding structure of S-CHIP provides long-term stability to the program. Rescinding funds from S-CHIP, as proposed by the subcommittee, will undermine states' continued progress in providing access to much needed health insurance coverage. We urge you to protect this critical program for our nation's children.

The nation's Governors also urge you to maintain your commitments to other key state and local programs that provide vital health and human services to vulnerable families and children including Temporary Assistance for Needy Families (TANF) and Medicaid. Reductions in the federal commitment to these programs would adversely affect millions of Americans, with the greatest impact on those in the greatest need.

Additionally, the Governors urge strong support for education programs. Education is the most important issue facing our states and the nation. Governors oppose any reductions in these critical programs. Governors also ask Congress to meet its commitment to fully fund the federal portion of the Individuals with Disabilities Education Act (IDEA).

Finally, we urge you to reverse the delays in funding for key state health and human services programs that were enacted as part of the fiscal 2000 omnibus appropriations package last fall. With enactment of that bill, a portion of the funding made available to states for several programs, including SSBG, Children and Families Services, and the Substance Abuse and Mental Health Services program, will not be made available until September 29, 2000. The nation's Governors are deeply concerned about the effect this delay will have on the delivery of services to the nation's neediest populations.

We appreciate your consideration of our views and look forward to working with you as you seek to meet the many needs within the subcommittee's jurisdiction.

Sincerely,

GOVERNOR MIKE HUCKABEE,
Chairman, Human Resources Committee.
GOVERNOR JAMES B. HUNT,
Vice Chairman, Human Resources Committee.

Mr. BAYH. Mr. President, I rise today in support of the colloquy that just occurred in which Senator STEVENS promised to return the $1.9 billion taken from the State Children's Health Insurance Program, S-CHIP, to fund the programs in the Labor Health and Human Services and Education Appropriations bill, during conference. I thank Senators ROTH, STEVENS, MOYNIHAN and BYRD for recognizing the importance of S-CHIP and the federal promise to the states.

I applaud this agreement. This program allows states, like Indiana, to continue to enroll and provide services to children in low-income families. In Indiana, over 120,000 additional children have been enrolled in "Hoosier Healthwise" since S-CHIP was implemented in 1998. The removal of this funding would have had a devastating impact on Indiana. For every $1 million in federal funding taken from Indiana, 830 children would not be covered by Hoosier Healthwise. These children would be unlikely to obtain quality health care.

This is not an issue that only affects Indiana. Thirty-five Senators from both political parties joined with me and Senator VOINOVICH to send a letter to Senators LOTT and DASCHLE urging them to work to restore the $1.9 billion taken from the program. The National Governors' Association stated in a letter to the leadership that "The Governors are united in their opposition to the proposed cuts in S-CHIP. This is not a formula fight; this is a weakening of the state-federal partnership that is so vital to the success of this program. It sets a truly disturbing precedent." We are grateful to Senators LOTT and DASCHLE for recognizing the need for this funding to be restored.

The Labor Health and Human Services and Education Appropriations Bill contains worthy programs but funding for those programs should not have come from important efforts such as the State Children's Health Insurance Program. I am pleased that this issue will be resolved in the conference.

Mr. President I ask unanimous consent that letters from Senators, Governors, and 80 advocacy groups be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 20, 2000.

Hon. SENATOR TRENT LOTT,
Majority Leader, Russell Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER: It has been brought to our attention that the Senate Appropriations Committee has decided to redirect $1.9 billion from the State Children's Health Insurance Program (SCHIP) to fund other programs in the Labor, Health and Human Services, and Education Appropriation bill. We are concerned that this reduction in funding will threaten SCHIP services in many of our communities in addition to setting a dangerous precedent for the federal government's commitment to this critical state program, and we urge you to reconsider this decision.

The States have pursued aggressive enrollment efforts and successfully increased the number of children they serve. Failing to maintain this promise would make it impossible for states to continue aggressive enrollment strategies designed to insure millions of uninsured children. Governors are relying on all of the funding in this program to continue SCHIP services. All states' SCHIP programs could be at risk if the federal government sets this dangerous precedent by failing to uphold its funding commitment to the program. If the federal commitment is not upheld, it is likely fewer children will be covered by the program.

Therefore, we urge you to work to restore the SCHIP dollars being used to fund other programs in the Labor, Health and Human Services, and Education Appropriation bill. While many of the programs contained within the bill are worthy, they should not be funded at the expense of SCHIP. We look forward to working with you to address this issue.

Sincerely,

Evan Bayh; Lincoln D. Chafee; Carl Levin; George V. Voinovich; Richard H. Bryan; Ted Kennedy; Jim Jeffords; Joe Lieberman; Chris Dodd; Mike Enzi; Conrad Burns; Kent Conrad; Mike DeWine; Paul S. Sarbanes; Gordon Smith; Mary L. Landrieu; Bill Frist; Olympia Snowe; Blanche L. Lincoln; Tim Johnson; John Breaux; Daniel K.

Akaka; Max Baucus; Dick Lugar; Charles Schumer; Paul Wellstone; Chuck Robb; Kay Bailey Hutchison; Jay Rockefeller; Bob Graham; Jesse Helms; John Edwards; Bob Kerrey; John McCain; John F. Kerry; Barbara Boxer.

U.S. SENATE,
Washington, DC, June 20, 2000.

Hon. SENATOR TOM DASCHLE,
Minority Leader, Hart Senate Office Building, Washington, DC.

DEAR MINORITY LEADER: It has been brought to our attention that the Senate Appropriations Committee has decided to redirect $1.9 billion from the Sate Children's Health Insurance Program (SCHIP) to fund other programs in the Labor, Health and Human Services, and Education Appropriation bill. We are concerned that this reduction in funding will threaten SCHIP services in many of our communities in addition to setting a dangerous precedent for the federal government's commitment to this critical state program, and we urge you to reconsider this decision.

The States have pursued aggressive enrollment efforts and successfully increased the number of children they serve. Failing to maintain this promise would make it impossible for states to continue aggressive enrollment strategies designed to insure millions of uninsured children. Governors are relying on all of the funding in this program to continue SCHIP services. All states' SCHIP programs could be at risk if the federal government sets this dangerous precedent by failing to uphold its funding commitment to the program. If the federal commitment is not upheld, it is likely fewer children will be covered by the program.

Therefore, we urge you to work to restore the SCHIP dollars being used to fund other programs in the Labor, health and Human Services, and Education appropriation bill. While many of the programs contained within the bill are worthy, they should not be funded at the expense of SCHIP. We look forward to working with you to address this issue.

Sincerely,

Evan Bayh; Lincoln D. Chafee; Carl Levin; George V. Voinovich; Richard H. Bryan; Ted Kennedy; Jim Jeffords; Joe Lieberman; Chris Dodd; Mike Enzi; Conrad Burns; Kent Conrad; Mike DeWine; Paul S. Sarbanes; Gordon Smith; Mary L. Landrieu, Bill Frist; Olympia Snowe; Blanche L. Lincoln; Tim Johnson; John Breaux; Daniel K. Akaka; Max Baucus; Dick Lugar; Charles Schumer; Paul Wellstone; Chuck Robb; Kay Bailey Hutchison; Jay Rockefeller; Bob Graham; Jesse Helms; John Edwards; Bob Kerrey; John McCain; John F. Kerry, Barbara Boxer.

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, June 21, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC,
Hon. THOMAS A. DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER AND SENATOR DASCHLE: I am writing to make clear the strong opposition of the nation's Governors to cuts in funding for key state health and human services programs as contained in the Labor, Health and Human Services, and Education appropriations bill for fiscal 2001. By proposing cuts in the State Children's Health Insurance Program (S–CHIP), Social Services Block Grant (SSBG) and Temporary Assistance for Needy Families (TANF), Congress is breaking commitments made to the states, and the nation's Governors urge you to restore funds to these vital programs.

The Governors' are united in their opposition to the proposed cuts in S–CHIP. This is not a formula fight; this is a weakening of the state-federal partnership that is so vital to the success of this program. It sets a truly disturbing precedent. It is already causing some states to reevaluate the speed of their efforts to expand their programs to reach more children.

The proposed cuts in S–CHIP, SSBG and TANF will cause a disruption in crucial services to the most vulnerable citizens throughout the country—from assistance for individuals moving from welfare to work, to health care for uninsured children, to protective services for children and the elderly. In all three of these programs, Congress has made a commitment to Governors that they can rely on guaranteed, mandatory federal funding. In order to continue with the positive progress made in recent years in moving individuals from welfare to work, increasing the number of children placed in adoptive homes from foster care, and insuring more children in need, Governors must be able to rely on their federal partners.

The nation's Governors strongly urge you to reject these cuts and uphold the historic state-federal partnership for serving individuals in need.

Sincerely,

MICHAEL O. LEAVITT,
Governor.
PARRIS N. GLENDENING,
Governor.

OFFICE OF THE GOVERNOR,
Indianapolis, IN, May 23, 2000.

Hon. EVAN BAYH,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAYH: During the last several weeks, a great deal of national attention has been focused on Indiana's Hoosier Healthwise program, our statewide initiative that has received funding from the State's Children's Health Insurance Program (SCHIP) since 1998. I was delighted when Kathy Gifford, the State's Medicaid Director, testified last Tuesday before the House Ways and Means Subcommittee on Human Resources on Indiana's success in insuring low-income children—some 120,000 new enrollees since July 1998.

In her testimony, Ms. Gifford also raised two issues of serious concern to me and of great importance to Indiana's children. First, she described how Indiana faces a decrease in its fiscal year (FY) 2000 SCHIP allotment that will impede the State's ability to continue insuring low-income children. She also voiced concern that the Senate Appropriations Committee voted last week to redirect funds from the SCHIP account to fund other programs in the Labor-HHS-Education Appropriations Bill for FY 2001.

From its inception, the SCHIP program has put Indiana at a funding disadvantage. State allocations are based on unreliable Current Population Survey (CPS) data that underestimates the number of eligible Hoosier children. My administration is now undertaking its own survey of 10,000 Hoosier families to produce more accurate data on the number uninsured persons in our state.

After 18 months of implementation, Indiana's Hoosier Healthwise enrollment already exceeded the CPS-derived estimate for the number of uninsured children below the age of 18 living in families up to 150 percent of the federal poverty level. In January 2000, eligibility was expanded to cover children in families at up to 200 percent of poverty, which will greatly add to the current total enrollment of 330,000 young Hoosiers.

Indiana's success has placed it among a handful of states that will have spent all of their first-year SCHIP allotment (FY 1998) by the end of this fiscal year (FY 2000). However, due to the faulty allotment calculations, Indiana stands to lose 10 percent of its current SCHIP funding this year. In fact, Indiana is one of just two states that will have spent their entire 1998 program allotments and experience a cut in funds. Most other states that will have fully expended their allotments will receive an increase of at least 12 percent. So long as the data on which the allocations are based remains out of line with the true need for children's health insurance in Indiana, Hoosier Healthwise could continue to lose funding even as we enroll more kids.

Indiana has demonstrated its commitment to implement SCHIP, but is losing federal funds. Other states that have not shown the same enrollment success are slated to get increased allotments. This inequity fails to maximize the funds available to provide coverage for America's children. I also note Indiana's commitment of $47 million of its tobacco settlement over two years to Hoosier Healthwise as evidence of our resolve to help children lead heathlier and happier lives. However, any decrease in federal SCHIP funding at this time threatens the great strides we have made to improve the health and lives of the children of our state.

The Senate Appropriations Committee's decision to "borrow" any unspent 1998 SCHIP program dollars to pay for other programs in the Labor-HHS-Education Appropriations Bill will make matters worse. These unspent dollars (estimated by the Health Care Financing Administration to be $1.9 billion), would otherwise be required under the SCHIP law to be redistributed to states, like Indiana, that had fully expended their entire FY 1998 SCHIP allocations. The effort to redirect money away from our nation's children now, to pay it back in 2003, after the current SCHIP program expires the previous year, defies common sense. SCHIP is not a permanently authorized program; if Congress cuts these funds, health coverage for thousands of children in Indiana and millions across the country may be jeopardized.

I implore you to work with other members of the Indiana Congressional Delegation to protect Indiana's health care gains and the State Children's Health Insurance Program. With your help, we are hoping to at least avoid any reduction of federal SCHIP support below the FY 1999 level of $70.2 million.

Thank you for any consideration you may give to our request for assistance.

Sincerely,

FRANK O'BANNON.

Mr. GRAHAM. Mr. President, as our distinguished colleague from Delaware has so eloquently said, the cuts which this Labor/HHS appropriations bill imposes upon several of our most important social programs are simply unacceptable.

In 1996, I stood with Chairman ROTH as the Senate Finance Committee joined the House Ways and Means Committee in authorizing the social services block grant at $2.38 billion through

2003. This authorization was a part of our commitment to the states in the welfare reform laws.

The social service block grant allocates important funds to our states, enabling them to provide valuable services to our most needy citizens.

Because of this block grant, senior citizens receive Meals on Wheels. Neglected children receive foster care and adoption services. Working parents receive day care for their children and adult day care for their aging parents. Those being abused receive protective help.

These services have become an integral part of our communities, expanding and enriching the lives of our young and old, our poor and vulnerable.

If the social services block grant is cut to the draconian level appropriated by this bill . . . well, the future of these vital services is in grave danger.

We have already reneged once on this commitment—in 1998, when in an 11th hour budgetary slight-of-hand, we used title XX funds to finance our road and highway spending.

We revisited this topic again last year when, despite a vote of 59–37 in favor of restoring title XX to its authorized level of $2.38 billion, the social services block grant was again the victim of an end-game mugging, leaving only $1.7 billion of available funds.

The $1.1 billion cut to SSBG in the Senate Labor, Health and Human Services, and Education bill would have forced our states to operate with a budget that has been cut by 65%.

We return to the Floor time and time again on this issue because Congress continues to break the commitments it has made to our states.

We slash these important programs under the guise of fiscal prudence and we perpetuate the illusion that we are not "breaking the budget caps."

But, what we are really doing is robbing Peter to pay Paul.

And, that means that we are not only breaking our promise to the states, we are reneging on the commitment that we made to our most vulnerable Americans.

It is imperative that these monies be restored, and that the funding of the social services block grant be restored to the authorized level of $1.7 billion.

I, along with Senators Grassley, Jeffords, Rockefeller, Voinovich, Moynihan, Wellstone, and Kennedy, was prepared to offer an amendment to restore funding to the social services block grant.

I am pleased that the Senator from Alaska has alleviated that need.

I appreciate the leadership Senator Stevens is showing today by pledging to restore these funds to our important SSBG, S–CHIP and TANF programs.

I hope that this act represents the end of the long string of broken promises that we have made to states, localities, and most of all, our citizens in need.

Mr. HATCH. Mr. President, I would like to take just a few minutes to express my extreme pleasure with the agreement reached by the Chairman of the Finance Committee, Senator Roth, and the Chairman of the Appropriations Committee, Senator Stevens, restoring funding for the Children's Health Insurance Program.

I am delighted that an agreement has been reached by the two chairmen on restoring funding—not only for the CHIP program—but also for the Social Services Block Grant program.

These two important programs affect the lives of millions of Americans daily and are critically important in my home state of Utah.

As the original sponsor of the child health program, I was particularly concerned about the committee provision and—not only its potential impact on children already enrolled in CHIP—but especially on those children who are eligible but not yet enrolled.

This is why I wanted to come to the floor and personally thank the distinguished Chairman of the Appropriations Committee for agreeing to restore the $1.9 billion in federal spending for CHIP as well as the $1.1 billion reduction in the Social Services Block Grant.

Moreover, I understand that the Chairman has also agreed to restore $240 million in funding for the Temporary Aid for Needy Families program. This is also an important improvement to the committee bill.

I want to commend Senator Stevens for working with us on the Finance Committee in resolving this very difficult funding issue.

Moreover, I want to commend our chairman, Senator Roth, for his steadfast leadership in leading the charge at preserving the underlying funding for these critically important programs.

I can appreciate the difficult work that the Chairman and all the Members on the Appropriations Committee have faced in crafting a bill that addresses the needs of the American people while complying with the fiscal constraints necessary to balance the federal budget.

It is not an easy task recognizing the numerous demands placed on the committee by many worthy programs and causes.

As one of the original sponsors of the CHIP legislation, I am particularly concerned about any mid-course changes to this important program that could undermine our ability to enroll eligible children.

In my state of Utah, nearly 18,000 kids have benefitted from CHIP.

Had the committee provision been enacted, the Utah CHIP program would have seen a $1.7 million reduction in its fiscal year 1998 allocation.

And, as we now know, one of the critical problems facing the program has been the outreach effort to enroll eligible children.

Clearly, we do not want to undermine the success we have had to date in which there are now more than two million children enrolled nationwide.

As with any new initiative, it takes time to get these programs up and running. This is especially true in view of the fact that CHIP is administered at the state level and, therefore, it takes more time to get these programs fully operational.

I have heard from many constituents who are concerned about these proposed funding cuts.

They point out to me that there is a substantial lead time required to establish the outreach necessary to sign up new enrollees. That work is underway.

I am very proud of the job Utah is doing under the leadership of our Governor Mike Leavitt and with the help of many, many community organizations doing such excellent work in the field—but we are not there yet.

That is why the proposed cuts could have been so harmful.

Mr. President, the CHIP program has been a resounding success across the country with all fifty states providing some form of CHIP services to eligible children.

It has truly been remarkable the level of support we have seen from many groups across the country opposed to the proposed CHIP funding reductions.

Not only has there been strong, bipartisan support in the Senate against the reductions, but we also have heard from the National Governors Association and scores of other advocacy organizations including the American Hospital Association, the Children's Defense Fund, and the Girl Scouts of the USA expressing strong opposition to any reductions in CHIP funding.

Once again, I thank Senator Stevens and Senator Roth for this agreement as it sends a clear signal that CHIP is, indeed, fulfilling its mission to America's youth.

Thank you Mr. President and I yield the floor.

(At the request of Mr. Daschle, the following statement was ordered to be printed in the Record.)

● Mr. MOYNIHAN. Mr. President, I join my colleagues in opposition to two key provisions which should not have been included in this appropriations bill. I commend my colleagues, particularly Chairman Stevens and Chairman Roth, for reaching an understanding that the funds taken by these provisions will be entirely restored in the conference report on the Labor/HHS appropriations bill.

The first provision relates to the State Children's Health Insurance Program (SCHIP) we created in 1997. Put simply, it will prevent uninsured, low-income children from receiving health care services they need and may even jeopardize the future of this critically important children's health program. Enrollment in SCHIP has been increasing—doubling from just under 1 million to 2 million children between 1998 and 1999. But the SCHIP funding cut included in the Labor-HHS bill will undermine this progress and discourage State efforts to increase enrollment. If the precedent is set for using these funds as offsets, States could not rely on the future availability of their SCHIP allotments.

The second provision is a massive unwarranted cut in funds for the Social Services Block Grant, from $1.7 billion to $600 million. SSBG is a most flexible source of social services funding. The States and local communities decide, within broad parameters, which needs to address. Among many things, SSBG supports:

Help for the home-bound elderly;
Assistance for adoptive families;
Elder abuse prevention; and
Foster care for abused children.

In my own State of New York, we use most of our SSBG funds to provide child protective services and for day care. There is no reason to, in the words of the President, "bankrupt" SSBG.

I recognize that the Labor-HHS Appropriations Subcommittee faced very difficult decisions in light of the unreasonably low allocation it received. These problems were created by the FY 2001 Budget Resolution which underfunded this and other appropriations measures while providing for a large tax cut. This tax cut, if merited, should not be paid for by limiting insurance coverage for low-income children and reducing help to the aged and disabled.

With the Congressional Budget Office expected to increase its estimate of the on-budget surplus, there is no good reason for these two provisions.●

AMENDMENT NO. 3625

Mr. KENNEDY. Mr. President, I join my colleagues, Senator COCHRAN and Senator FRIST, in supporting this important amendment that will provide $25 million for CDC's programs on antimicrobial resistance. Deadly microbes are becoming increasingly resistant to the antibiotics that we have relied on to fight infections for more than half a century. Already, drug-resistant infections claim the lives of 14,000 Americans every year—meaning that every hour of every day, a family suffers the tragedy of losing a loved one to an infection that not long ago could have been cured with a pill. At a time when scientists are making amazing new discoveries in genetic medicine, it is a tragic irony that we are losing our battle against some of humanity's most ancient disease foes.

The amendment that we have introduced will strengthen the nation's defenses against disease-causing microbes that are becoming resistant to existing medications. The new resources will be used for research into the best ways to control the spread of resistant infections. The amendment will also fund education programs to make certain that doctors know when to prescribe antibiotics—and when not to. In addition, the extra funds provided by the amendment will help hospitals and clinics establish disease control programs to halt the spread of resistant infections in patients. Finally, new resources will strengthen the nation's public health agencies, which are the front line in the fight against disease. By fortifying these defenses, we can provide the country with increased protection against disease outbreaks of all types, including deliberate bioterrorist attack. I urge my colleagues to approve this amendment.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3625. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mr. MOYNIHAN) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. BYRD. Mr. President, may we have order in the Well?

The PRESIDING OFFICER (Mr. CRAPO). The Senate will come to order.

Mr. BYRD. Will the Chair call for order in the Well?

The PRESIDING OFFICER. The Senators in the Well will please remove their conversations from the Well.

Mr. BYRD. Mr. President, I don't believe all the Senators heard the Chair.

The PRESIDING OFFICER. Will all Senators in the Well please remove their conversations. Senators desiring to speak should clear the Well.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—4

Baucus
Inouye
Moynihan
Schumer

The amendment (No. 3625) was agreed to.

AMENDMENT NO. 3610

The PRESIDING OFFICER. The Senate will now return to consideration of amendment No. 3610. The Senator from New Hampshire.

AMENDMENT NO. 3628 TO AMENDMENT NO. 3610

(Purpose: To prohibit funds for the purchase of fetal tissue)

Mr. SMITH of New Hampshire. Mr. President, I offer a second-degree amendment to the pending amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 3628 to amendment No. 3610.

At the appropriate place, add the following:

"SEC. . PURCHASE OF FETAL TISSUE.

"None of the funds made available in this Act may be used to pay, reimburse, or otherwise compensate, directly or indirectly, any abortion provider, fetal tissue procurement contractor, or tissue resource source, for fetal tissue, or the cost of collecting, transferring, or otherwise processing fetal tissue, if such fetal tissue is obtained from induced abortions.".

Several Senators addressed the Chair.

Mr. SMITH of New Hampshire. Mr. President, do I still have the floor?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senator HARKIN is recognized.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, at the outset, I ask all Senators who have an interest in offering amendments to come to the floor so we can proceed to move this bill forward. At the moment, we have three amendments which are pending, which are up for consideration. We have the amendment offered by the distinguished Senator from New Hampshire, Mr. SMITH, and he is prepared to withdraw his amendment in the nature of a second-degree amendment to Senator McCAIN's amendment on a consent agreement that his amendment will not be second degreed.

The distinguished Senator from Nevada, Mr. REID, has an interest in debating his amendment only for a few minutes later but having it listed for a vote later today.

Senator McCAIN is prepared to debate his amendment briefly now and then when Senator LEAHY is available to debate his amendment at greater length.

I ask unanimous consent that there be no second-degree amendment to the SMITH amendment—the distinguished Senator from Iowa says there cannot be an agreement on the pending SMITH amendment. Until we clarify that, my suggestion is that we proceed with debate on Senator SMITH's amendment at this time for however long that takes and then proceed to debate Senator McCAIN's amendment for however long that takes. We will try to get the procedures worked out.

In the interim, we will be considering the amendment by Senator KERRY from Massachusetts. Again, I ask anybody who has an amendment to offer to come to the floor as promptly as possible.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator HARKIN and Senator SPECTER were here yesterday. There was relatively no business conducted because there were no amendments offered. It is now Tuesday, and we are going to get tremendous pressure from the two leaders to move this bill along.

Tomorrow will be Wednesday. On Thursday, people will be talking about leaving here. I think everyone should be put on notice that there may not be an opportunity to offer all these amendments that people want to offer on this very important piece of legislation unless they start coming down today. We need people to offer amendments on this legislation.

Is that fair to say, I ask the Chairman?

Mr. SPECTER. I thank the Senator from Nevada for his comments. In the absence of a vote on Monday, it was hard to find business; we could not find it yesterday. We have had a vote. Senators are in town and on campus. When the Senator from Nevada talks about finishing the bill this week, the majority leader told me last week that this bill would be finished, if we had to work through Saturday. That is specifically what Senator LOTT said. That is when he anticipated starting the bill about Wednesday of this week.

The majority leader would like to finish this bill no later than tomorrow so that he could start on other business, perhaps the Interior bill on Thursday. So I say that what the Senator from Nevada has announced is exactly right, that if Senators want their amendments to be considered, now is the time.

Mr. REID. I also say to the Senator, the two managers of the bill are going to try to have a time for setting forth what amendments people want to offer—not that it would be a filing deadline—so we have a finite list of amendments we can look at. We hope the two managers can agree on some time later that we can do that.

I also ask permission—Senator HOLLINGS has been here all morning. He has 7 minutes he wishes to use as in morning business. I hope, after Senator SMITH speaks and Senator McCAIN speaks, that Senator HOLLINGS may be recognized to introduce a bill for 7 minutes.

Mr. SPECTER. If the Senator would yield, on the first point, we have sought to get a list of amendments. We will hopefully seek a unanimous consent agreement by the end of the day as to the amendments which are going to be offered. And we will accommodate the distinguished Senator from South Carolina, although I have never heard Senator HOLLINGS speak for as little as 7 minutes. I am looking forward to that speech myself.

Mr. President, I suggest we proceed now with Senator SMITH, Senator McCAIN, and then Senator HOLLINGS.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 3628

Mr. SMITH of New Hampshire. Mr. President, the amendment I have offered is a very simple one. It says that none of the funds made available in this act may be used to pay—either directly or indirectly—reimburse, or otherwise compensate any abortion provider, fetal tissue procurement contractor, or tissue resource source for fetal tissue or the cost of collecting, transferring, or otherwise processing fetal tissue if that tissue is obtained from induced abortions.

So this amendment is not going to shut down any research using fetal tissue. Some will say that, but that is not the case. It will not do that.

I believe it is morally wrong to take the life of an innocent child, an unborn child, in order to advance the health needs of another human being because that child has given no consent for that. So, to be perfectly honest, it would be fine with me if fetal tissue research, using elective abortions, were abolished, but that is not what this amendment is about.

I am absolutely in favor of using fetal tissue obtained from spontaneous abortions or miscarriages. There is a difference between a miscarriage and an induced abortion. The difference is that one innocent human life was not deliberately destroyed for the sake of another. In fact, Georgetown Hospital currently conducts research using only spontaneous abortions—very successfully I might add.

So this is a reasonable amendment. I am hoping I will be able to work with the other side on this issue to come to some conclusion so it will not be a huge controversy on this bill. We have been working with the distinguished Senator from Pennsylvania on that.

But I want to make it clear I am not prohibiting the use of aborted fetuses for research. I am only advocating that Federal taxpayer funds should not be used to pay an abortion clinic or middleman who acts as a fetal tissue procurement contractor for such tissue.

Let me repeat this important point. My amendment allows the Federal Government to use fetal tissue from induced abortions, but they cannot pay an abortion provider or a middleman for that tissue, which includes his costs associated with preservation, storage, processing, and so on, because, according to the NIH, there does not seem to be a necessity for a middleman.

So the amendment I am offering is really quite simple: No purchasing of fetal tissue from induced abortions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3610

Mr. McCAIN. Mr. President, the amendment I have pending, following the disposition of the Smith amendment, requires that the schools and libraries that are taking advantage of universal service subsidies for Internet connection deploy blocking or filtering software to screen out obscene material and child pornography for children and child pornography on all computers. The decisions would be made by the local school boards and library boards.

The Senator from Vermont, Mr. LEAHY, has asked to speak on this issue and requests that we begin that sometime around noon.

So if it is agreeable to the Senator from Pennsylvania and the Senator from Iowa, perhaps we could have an hour equally divided between myself and Senator LEAHY. I think that would be—actually, we will ask Senator LEAHY's staff if that is agreeable to him and then ask for a UC on that.

Mr. REID. If I could respond, Senator HARKIN didn't get the information, I was just told. Senator LEAHY has notified us he may want to second degree the McCain amendment, so we cannot agree to a time agreement.

Mr. McCAIN. That is fine. So I will not ask for a unanimous consent agreement on time, but the way I understand it, we now have a Smith amendment to be disposed of first.

I want to make it clear that I do not wish to impede the progress of this bill. I paid attention to the Senator from

Pennsylvania, and I am very much in favor of a reasonable time agreement on this amendment.

Mr. REID. Will the Senator yield?

Mr. McCAIN. I am glad to yield to the Senator from Nevada.

Mr. REID. I am confident that when Senator LEAHY can devote his full attention to the matter, something can be worked out. He is ranking member of the Judiciary Committee, and I believe they are in executive session, or if not executive session, something very important, and he had to leave the floor. He said he will be able to be back here in approximately an hour to work on this. So we will protect him until then and see what happens when he arrives.

Mr. McCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there objection?

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I see my dear friend from South Carolina waiting to illuminate all of us, so I will yield the floor at this time and pursue debate on this amendment at such time as Senator LEAHY is available.

I yield the floor.

Mr. REID. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding the Senator from Arizona could not ask for the yeas and nays because his amendment is not pending. Is that true?

The PRESIDING OFFICER. The Senator's amendment is pending with an amendment pending also in the second degree. Therefore, he can ask for the yeas and nays only by unanimous consent.

Mr. REID. I appreciate the Chair's help.

The PRESIDING OFFICER. The Senator from South Carolina.

(The remarks of Mr. HOLLINGS pertaining to the introduction of S. 2793 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, Senator WYDEN is on his way to offer an amendment. We are renewing our call for Members who have amendments to offer to come to the floor. We have an extensive list of proposed amendments. Again, I emphasize the urgency of this request at this moment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have two amendments here that are ready to be offered. Will the manager tell me why I can't offer these at this time?

Mr. SPECTER. By all means, we look forward to them being offered.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

AMENDMENT NO. 3629

(Purpose: To express the sense of the Senate concerning needlestick injury prevention)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3629.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SENSE OF THE SENATE ON PREVENTION OF NEEDLESTICK INJURIES

SEC. . (a) FINDINGS.—The Senate finds that—

(1) the Centers for Disease Control and Prevention reports that American health care workers report 600,000–800,000 needlestick and sharps injuries each year;

(2) the occurrence of needlestick injuries is believed to be widely under-reported;

(3) needlestick and sharps injuries result in at least 1,000 new cases of health care workers with HIV, hepatitis C or hepatitis B every year; and

(4) more than 80 percent of needlestick injuries can be prevented through the use of safer devices.

(5) OSHA's November 1999 Compliance Directive has helped clarify the duty of employers to use safer needle devices to protect their workers. However, millions of State and local government employees are not covered by OSHA's bloodborne pathogen standard and are not protected against the hazards of needlesticks.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should pass legislation that would eliminate or minimize the significant risk of needlestick injury to health care workers.

AMENDMENT NO. 3630

(Purpose: To provide for the establishment of a clearinghouse on safe needle technology)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) proposes an amendment numbered 3630.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . (a) IN GENERAL.—There is appropriated $10,000,000 that may be used by the Director of the National Institute for Occupational Safety and Health to—

(1) establish and maintain a national database on existing needleless systems and sharps with engineered sharps injury protections;

(2) develop a set of evaluation criteria for use by employers, employees, and other persons when they are evaluating and selecting needleless systems and sharps with engineered sharps injury protections;

(3) develop a model training curriculum to train employers, employees, and other persons on the process of evaluating needleless systems and sharps with engineered sharps injury protections and to the extent feasible to provide technical assistance to persons who request such assistance; and

(4) establish a national system to collect comprehensive data on needlestick injuries to health care workers, including data on mechanisms to analyze and evaluate prevention interventions in relation to needlestick injury occurrence.

(b) DEFINITIONS.—In this section:

(1) EMPLOYER.—The term "employer" means each employer having an employee with occupational exposure to human blood or other material potentially containing bloodborne pathogens.

(2) ENGINEERED SHARPS INJURY PROTECTIONS.—The term "engineered sharps injury protections" means—

(A) a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, that effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or other effective mechanisms; or

(B) a physical attribute built into any other type of needle device, or into a nonneedle sharp, which effectively reduces the risk of an exposure incident.

(3) NEEDLELESS SYSTEM.—The term "needleless system" means a device that does not use needles for—

(A) the withdrawal of body fluids after initial venous or arterial access is established;

(B) the administration of medication or fluids; and

(C) any other procedure involving the potential for an exposure incident.

(4) SHARP.—The term "sharp" means any object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

(5) SHARPS INJURY.—The term "sharps injury" means any injury caused by a sharp, including cuts, abrasions, or needlesticks.

(c) OFFSET.—Amounts made available under this Act for the travel, consulting, and printing services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $10,000,000.

Mr. REID. Mr. President, I spoke about these two amendments at some length yesterday. I will abbreviate what I said yesterday. Every year, 600,000 injuries occur as a result of nurses and other health care professionals being stuck accidentally by needles. It is not because of any negligence on their part. It is because of the dangerousness of their work.

Approximately every 35 seconds, someone—usually a nurse—is stuck with a needle. It is estimated that the number of reported cases is underestimated. It is probably every 15 seconds, 24 hours a day, 7 days a week, that these individuals are injured. So we have at least 20 diseases that are transmitted very easily by being stuck with needles.

I gave the account yesterday of two nurses. We could have given hundreds of thousands of different examples, but we gave two people—one was a woman from Reno, NV, and the other a woman from Massachusetts—whose lives were dramatically altered as a result of being stuck with needles while being nurses. One of them takes 21 pills a day; the other takes 22 pills a day. They are very, very ill—HIV and hepatitis C.

The purpose of these amendments is to have there be a standard established so that this, in fact, will not take place in the future. There are already needleless instruments that can be used, which work just as well. The only problem is they are a little bit more expensive, and the health care system wants to save every penny, so they don't use them. In the short term and in the long term, money would be saved if, in fact, we used these new devices.

The lost time from individuals being stuck with these needles is very significant. People become disabled very quickly. So we need to stop this practice and have the Federal Government join with the private sector, in effect, to do away with needles as we now know them.

I would be happy to answer any questions Senators may have. This is something that has been debated in the past. It should become effective immediately.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, with respect to the first amendment by the Senator from Nevada, a sense of the Senate respecting legislation to eliminate or minimize the significant risk of needlestick injury to health care workers, it is my understanding that the Senator from Nevada has such legislation which is pending, and it is obviously a very worthwhile objective. It is my view that we ought to move such legislation as promptly as possible. There is a serious problem and, to the extent it can be eliminated or minimized, I am all for it. We would accept this amendment.

Mr. REID. I appreciate the managers accepting this sense-of-the-Senate amendment. I look forward to working with the Senators on the underlying legislation pending in this regard.

Mr. SPECTER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3629) was agreed to.

Mr. SPECTER. Mr. President, the second amendment offered by the Senator from Nevada to add $10 million to the National Institute for Occupational Safety and Health that would come from administrative costs, is what we think a worthwhile objective. We are candid to say that the charges to administration are now very heavy.

So it would be my intention to accept this amendment, subject to the understanding that we are going to have to work out in conference where the funding will come from. After a while, the administrative costs deduction is so overburdened that it becomes intolerable, but subject to that limitation, we will be prepared to accept the amendment on this side.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, coming back to the amendment offered by the Senator from Nevada for $10 million to be added to the National Institute for Occupational Safety and Health out of administrative costs, we are prepared to take it at this time. Again, this is subject to the understanding that there is quite a bit of money taken out of administrative costs, and this is something we will have to work out in conference.

The PRESIDING OFFICER. Without objection, amendment No. 3630 is agreed to.

The amendment (No. 3630) was agreed to.

AMENDMENT NO. 3626, WITHDRAWN

Mr. REID. Mr. President, there are some other amendments that I have in relation to this subject. I ask unanimous consent that they be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment 3626 is withdrawn.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3632

Mr. WYDEN. Mr. President, very shortly I will be sending to the desk an amendment to deal with an issue of extraordinary importance; that is, the question of pharmaceuticals that get to the market to a great extent through taxpayer-funded research.

From the very beginning of this debate on prescription drugs, I teamed up with Senator OLYMPIA SNOWE of Maine on this issue. I believe this prescription drug issue is so extraordinarily important that it has to be pursued in a bipartisan fashion.

We have seen that there is an enormous interest in this country on the question of prescription drugs, and it has become a heated and contentious debate. In an effort to try to ensure this discussion was bipartisan at every level, in developing the amendment I will very shortly offer, I consulted at some length with the chairman of the subcommittee, Senator SPECTER of Pennsylvania, as well as Senator HARKIN, the ranking minority member.

Because he is on the floor, at this time I would especially like to thank Chairman SPECTER and his staff for all the efforts to work with us on this matter. Chairman SPECTER has been very gracious as well as his staff—I see Bettilou Taylor here—in making time to work with us on an amendment that I believe will be acceptable to both the majority and the minority when I send it to the desk.

In this discussion of the question of pharmaceuticals that get to market largely through taxpayer funds, I think it was said very clearly by Congressman BILL THOMAS, the chairman of the House Ways and Means Subcommittee on Health, and a member of the Republican leadership: "When taxpayers' money is being spent, there ought to be a return on that investment."

I am going to repeat that because I think it says it very well. Congressman BILL THOMAS, chairman of the House Ways and Means Committee subcommittee said: "When taxpayers' money is being spent, there ought to be a return on that investment."

I think what is critical at this point is that taxpayers and citizens of this country understand just how extensive the Federal investment in these pharmaceuticals is.

We all understand that the development of prescription medicine in this country is a risky business. You are going to have some successful investments. You also are going to have some dry holes. That is the nature of the free enterprise system. That is what entrepreneurship is all about. It is about risk taking, and it is about focusing on bright, creative ideas in the private marketplace. Particularly in the pharmaceutical sector, this approach has lead to nothing less than a revolution. So many of the medicines of today are central to keeping people well, and keeping folks healthy. They help to hold down blood pressure and cholesterol. As a result of those medicines, we end up very often seeing massive savings that would otherwise be incurred by what is called Part A of the Medicare program—the hospital portion of the program.

This exciting revolution in the pharmaceutical sector is one that we all appreciate. However, today we want to take special note of the fact that the taxpayers have contributed in a very significant way to that revolution.

According to the Joint Economic Committee, Federal research was instrumental in the development of 15 of the 21 drugs considered to have the highest therapeutic impact on society which were introduced between 1965 and 1992. Of those 15 pharmaceuticals, 7 have specific ties to the National Institutes of Health. Of those seven pharmaceuticals with direct connections to the National Institutes of Health, three had more than $1 billion in sales in 1994, and in 1995.

Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. WYDEN) proposes an amendment numbered 3632:

SEC. . None of the funds made available under this Act may be made available to any entity under the Public Health Service Act after September 1, 2001, unless the Director of NIH has provided to the Chairman and Ranking Member of the Senate Committee on Health, Education, Labor, and Pensions a proposal to require a reasonable rate of return on both intramural and extramural research by March 31, 2001.

Mr. WYDEN. Mr. President, this amendment is very specific in that it directs the National Institutes of Health to bring to the Senate by March 31, 2001, a specific proposal for ensuring that research funded by the taxpayer be recognized in the development of pharmaceuticals, and that the companies that benefit from that research pay reasonable rates of return on the investment by the taxpayer.

I believe it is fair to all parties—to entrepreneurs, to researchers, to those in the pharmaceutical sector—and to all sides because it recognizes that this is a difficult issue.

There are some technical questions with respect to how this is done. In particular, the nature of the pharmaceutical discovery is one that has to be thought through very carefully. But at the same time acceptance of this amendment would bring a sense of urgency to this issue.

The Congress has a long history on this question. But the fact is that for some years there has not been adequate recognition of the fact that the taxpayer has done much of the heavy lifting in getting these pharmaceuticals to market. With this amendment we will ensure when the taxpayers play a significant role in a blockbuster drug that ends up producing very significant profits for an individual company that the taxpayers' investment will be recognized.

I am just going to take a few minutes on this matter and use an example with which I think we are familiar in the Congress but which has special ramifications for folks in my part of the United States, and that is the drug Taxol.

Before I do, I will ask unanimous consent to make a modest change, but a very important one, that also includes the Appropriations Committee.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

AMENDMENT NO. 3632, AS MODIFIED

Mr. WYDEN. I send the modification to my amendment to the desk.

The PRESIDING OFFICER. It is so modified.

The amendment (No. 3632), as modified, is as follows:

At the end of title II insert the following:

SEC. . None of the funds made available under this Act may be made available to any entity under the Public Health Service Act after September 1, 2001, unless the Director of NIH has provided to the Chairman and Ranking Member of the Senate Committees on Appropriations and on Health, Education, Labor, and Pensions a proposal to require a reasonable rate of return on both intramural and extramural research by March 31, 2001.

Mr. WYDEN. Mr. President, I want to cite one example of a blockbuster drug that makes the case for why this amendment is so important. That drug is Taxol, a breakthrough drug used to fight cancer in women. It was originally made from the bark of the Pacific Yew tree. The National Institutes of Health developed this drug which last year produced $1.5 billion in sales for the Bristol-Myers Squibb Company.

Let me repeat that. This was a drug that was developed by the National Institutes of Health. This was not a drug that came about through the genius of the private sector. It was a drug developed at the National Institutes of Health by dedicated scientists who worked hard and were pushing with every ounce of their strength to come up with new products to help women.

I want to outline specifically what they did in this case because it is a very clear illustration of why this amendment is needed. With respect to Taxol, the National Institutes of Health did the initial collection and recollection of the bark of the Pacific Yew, which is the material from which the drug came. The National Institutes of Health performed all biological screening in both cell culture and animal tumor systems. The NIH did the chemical purification, isolation, and structure identification. The National Institutes of Health did large-scale production from bark collection through the preparation of material for human use. NIH developed and produced suitable intravenous drug formulations. They did the preclinical toxicology, they filed the Investigational New Drug Application, and they sponsored all the activities, including the efforts directed towards total and partial synthesis of the drug.

By the end of the fiscal year of 1992, NIH had invested $32 million. NIH could not manufacture the drug for commercial purposes, so it competitively bid to find a company to manufacture the drug. The Bristol-Myers Squibb Company was able to get exclusive rights to go forward with this pharmaceutical in the marketplace.

Frankly, at hearings I held in 1993, the company really could not specify what they had done at all, other than the preclinical work and research into alternatives.

So I come back to the fundamental proposition: Why is it that a pharmaceutical that was developed by the National Institutes of Health and resulted in $1.5 billion in sales in 1999 for Bristol-Myers Squibb resulted in no return on investment to the American taxpayer? This drug produced an enormous gain for an individual pharmaceutical company, yet the American taxpayer did not share in that gain. We are responsible to the taxpayer to be good financial stewards of their assets—in a sense the taxpayer saw their research walk out the door without adequate compensation for that massive taxpayer investment.

There are other examples of NIH research leading to block buster drugs.

One of those drugs found using NIH research and with more than $1 billion in sales is Prozac. The basic research in the development of Prozac was performed in the 1950s and 1960s by external researchers funded by NIH and researchers in NIH labs. Eli Lilly and Company developed Prozac based on this research.

In 1998, Prozac was third on the list of the top 200 brand-name prescription drugs in terms of units sold. Other drugs that relied on publicly-funded research were also on that list including Imitrex, Mevacor, and Zovirax.

Cisplatin is an anti-cancer drug discovered by a biophysicist at Michigan State University. National Cancer Institute scientists completed the pharmacology, toxicology, formulation, production and clinical trials. Michigan State University then licensed its patent to Bristol-Myers Squibb and the drug is used today to treat several types of cancer.

All of my colleagues have met with constituents suffering from diseases that we are so close to finding cures for. Diabetes and Parkinson's are just two areas that come to mind.

In this day of biomedical breakthroughs, it is important that the taxpayer not only see results of the research, but share in the gain that the multi-national drug companies also receive.

I have come to the floor, I think, now on more than 30 occasions to focus on the need for bipartisanship on this issue. Senator DASCHLE, in my view, has done yeoman's work, trying to bring people together. I hope we can, as we are seeking to do in this amendment, address these issues in a bipartisan fashion and particularly look to those areas with respect to prescription medicine that are going to be key for the future.

We know that absolutely vital to the health of this country is the research done at the National Institutes of Health. We have had many supporters in this body who have championed the cause of additional funding for NIH. I am especially appreciative of the work done by Senator MACK, for example, Senator HARKIN, and Senator SPECTER. They have been a bipartisan juggernaut, working for additional funding for research at the National Institutes of Health.

We also ought to recognize that when blockbuster drugs get to market as a result of that taxpayer-funded research, we have responsibilities to the taxpayers. We are stewards of their funds. It does not pass the smell test at a townhall meeting to say that if the taxpayers spend vast sums for federally funded research and a company then makes huge profits in the private sector, the taxpayers get no return on that investment.

What we are making clear in this amendment is that Federal research should not be let go cheaply. It is important that taxpayers have a right to receive reimbursement when a blockbuster drug gets to market largely with their funds.

What this does is ensure, in a timely way, that the National Institutes of Health get to the Senate and the relevant committees a specific proposal to ensure, as Congressman BILL THOMAS, chairman of the House Ways and Means Subcommittee on Health, said recently:

> Where taxpayers' money is being spent, there ought to be a return on that investment.

That is what this amendment does. Because of the Government's increased role in pharmaceutical development, with so many of the breakthrough drugs, particularly the cancer drugs, coming about because the taxpayer has paid for medically significant research, this amendment, in my view, addresses one of the important issues in the health care arena.

I want to wrap up by expressing my appreciation to Senator SPECTER and Senator HARKIN. If this amendment is adopted, I believe early next year we will have a specific game plan, a roadmap to ensure that taxpayers' interests are protected when they have done the heavy lifting in pharmaceutical development while, at the same time, having been fair to the entrepreneurs and pharmaceutical firms and others that work in this area.

I hope this amendment will be accepted by the majority and the minority.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend the Senator from Oregon for this amendment. I think it is a good amendment and it puts the finger on a source of potential funding which would be fair and just. The National Institutes of Health have engaged in extraordinary research and have had phenomenal results. To the extent that research has resulted in profits to private companies, it is a fair request; it is fair to ask that the Federal Government share in those proceeds.

During the course of the past several years, our subcommittee has taken the lead on substantially increasing the funding for the National Institutes of Health. Four years ago, we raised the funding by almost $1 billion; 3 years ago, by $2 billion; last year, by $2.2 billion; and this year, $2.7 billion. We seek to bring the total funding for the National Institutes of Health to $20.5 billion.

Where we can find that private industry has benefited and made a profit, a fair return ought to be given to the NIH. It is preeminently reasonable to have that sort of provision in law, to ask the Director of the National Institutes of Health to make that report to the appropriate committees.

We are also considering the funding in terms of how much is spent for administrative costs. In the subcommittee, we are going to be directing inquiries to the recipients of NIH funds as to how much is being allocated for overhead and administrative costs. This is an effort to increase the moneys which may be available for research.

Phenomenal results have been achieved on a variety of ailments. Parkinson's is now perhaps as close to 5 years from being solved. There have been significant advances on Alzheimer's and heart disease. I printed the whole list in the RECORD during my opening statement.

I am glad to accept the amendment offered by the distinguished Senator from Oregon.

Mr. REID. There is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3632, as modified.

The amendment (No. 3632), as modified, was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

AMENDMENT NO. 3633

(Purpose: To increase funding for Impact Aid basic support payments and to provide an offset)

Mr. INHOFE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Oklahoma [Mr. INHOFE], for himself, Mr. MURKOWSKI, and Mr. SESSIONS, proposes an amendment numbered 3633.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of title III, insert the following:
>
> **SEC. ___. IMPACT AID.**
>
> Notwithstanding any other provision of this Act—
>
> (1) the total amount appropriated under this title to carry out title VIII of the Elementary and Secondary Education Act of 1965 shall be $1,108,200,000;
>
> (2) the total amount appropriated under this title for basic support payments under section 8003(b) of the Elementary and Secondary Education Act of 1965 shall be $896,200,000; and
>
> (3) amounts made available for the administrative and related expenses of the Departments of Labor, Health and Human Services, and Education shall be further reduced on a pro rata basis by $78,200,000.

Mr. INHOFE. Mr. President, this amendment addresses a subject with which we are all very familiar. In the early fifties, we put together a very good and effective Federal program to reimburse the States for revenue that was lost because of Federal activities—whether it was a military base or Indian reservation—anytime those properties were taken off the tax rolls. Yet that particular type of activity brought in additional students. It was set up to reimburse the local school districts.

It is called impact aid. It is one of the oldest Federal education programs dating back to the fifties. The rationale for compensation is Federal activity deprives local school districts of the ability to collect sufficient property and sales tax, even though the school district is obligated to provide free public education.

Since the early eighties, impact aid has not been fully funded despite the obligation of the Federal Government to make local school districts whole. We introduced some time ago a resolution that would do that very thing. It has the support of quite a number of Members of the Senate. In fact, I have a letter signed by a large number of Senators. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, May 9, 2000.

Hon. ARLEN SPECTER,
Chairman, Labor, HHS, Education, and Related Agencies Subcommittee.

Hon. TOM HARKIN,
Ranking Member, Labor, HHS, Education and Related Agencies Subcommittee.

DEAR SENATORS SPECTER AND HARKIN: We recognize and appreciate the support you have shown in the past for the Impact Aid program. As you know, this vital funding source for local school districts began experiencing a shortfall in the early 1980's due to budget constraints. As a result, critical needs have been and continue to be unmet.

We also recognize that although the budget is in balance and there are now surpluses as opposed to deficits, funds are not unlimited. However, we would remind you that the Impact Aid program is an obligation of the Federal Government to make local school districts whole for federal activities which preclude them from collecting the necessary revenues to adequately fund their schools. Thus, we would like to propose annual increases in Section 8003(b) of the Impact Aid program of 12% until it is fully funded in FY 2004. Specifically, we would propose funding the program at 64% in FY 2001, 76% in FY 2002; 88% in FY 2003; and 100% in FY 2004.

A 12% increase in Section 8003(b) of the Impact Aid program in FY 2001, which constitutes the largest portion of Impact Aid dollars, would not only provide needed dollars to our local school districts, but would send a strong signal that the Federal Government is committed to fully funding this important education program. In some cases, every one dollar of Federal Impact Aid frees up one local dollar to purchase buses, do building maintenance or hire additional staff to lower pupil teacher ratios. However, there are school districts that do not have the ability to make up the Impact Aid deficit because either they cannot afford it or there are restrictions on the local taxing authority which prevent them from increasing sales or property taxes to compensate for the lack of federal contribution. In these cases, needed infrastructure repairs, replacement of buses and textbooks or additional personnel just do not happen because there is no money. Continued under funding of this program puts a unreasonable and unfair burden on our schools. This inequity must be resolved.

We believe a phased-in full funding schedule is not only doable but is fiscally responsible. Thus, we would respectfully ask that you fund Section 8003(b) of the Impact Air program at a minimum of 64%. Listed below, are proposed funding levels for those sections of the Impact Aid program that are of most concern to our states.

[In millions]

	FY 2000 actual	Proposed FY 2001
Basic Support—8003(b)	$737.2	$896.2
Federal prop—8002	32.0	35.0
Special Ed—8003(d)	50.0	53.0
Construction—8007	10.1	10.1
Heavily Impacted—8007(f)	72.2	82.0
Facilities Maint—8008	5.0	5.0
Totals	906.5	[1]1.08

[1] Billion.

Thank you.

Sincerely.

Jim Inhofe; George V. Voinovich; Dick Lugar; Jeff Sessions; Wayne Allard; Herb Kohl; Paul Wellstone; John Edwards; Olympia Snowe; Mike DeWine; Ben Nighthorse Campbell; Fred Thompson; Rod Grams; Peter G. Fitzgerald; Jesse Helms; Daniel P. Moynihan; Thad Cochran; Susan Collins,

Mr. INHOFE. Mr. President, my language would actually fully fund impact aid to all school districts in the country by fiscal year 2004. The effect it would have this year would be approximately $78.2 million. In discussing this with both the majority and the minority, I realized the offset we are suggesting; that is, to take it out of administrative overhead, is something that has already been done. I recognize that once they get to conference, they are going to have to shuffle these things around and see what actually can be done.

While I recognize that in the House and Senate bills there is an increase in impact aid, it does not have anything in the future that will reach full funding. I have a list here. Not one of the 50 States is 100 percent. Yet these are funds taken from the States due to Federal activities.

What I would like, perhaps with the understanding and the agreement of the chairman of the committee and the ranking member, is to go ahead and adopt this amendment which says, in the 4-year period, impact aid will be fully funded; however, there is to be an understanding it has to go into conference along with some other requests to see what actually can be worked out.

I want to have a colloquy with the chairman of the committee so we can have this understanding. The State of Pennsylvania is actually at 11 percent of being fully funded, which is not nearly as well as Oklahoma, which is at 37 percent. This is something that is an equity issue. It is not a distinction of 50 percent or 60 percent of full impact aid funding or 10 percent. It is an equity issue.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend my distinguished colleague from Oklahoma for offering this amendment because there is no doubt that the appropriations for impact aid are very important. As a basic matter of fairness to the States, this obligation ought to be undertaken by the Federal Government. It is candidly like many obligations the Federal Government ought to undertake which the Federal Government has not undertaken. One of the most notable examples is special education.

I have discussed this matter with my colleague from Oklahoma and think it worth putting into the RECORD the advances which the subcommittee, and now the full committee, have made on this important subject.

Last year, the total impact aid was $906.4 million. The request by the administration, according to information provided to me, is only $770 million. The House of Representatives in its bill has allocated $985 million. So the Senate is some $45 million higher now than is the House of Representatives.

I do recognize, as I said privately to the Senator from Oklahoma, the importance of this account and the desirability of increasing the funding.

We are prepared to accept the amendment on the understanding, as I discussed privately with Senator INHOFE and now state publicly for the record, that the funding comes out of administrative costs, and that is an item which has already been hit very hard.

A few moments ago, when the Senator from Nevada offered an amendment to add $10 million for NIOSH, we accepted the amendment, stating candidly, openly, that we would do our best in conference. That is the same thing I have told the distinguished Senator from Oklahoma: That we recognize the importance, the validity of the purpose, and we will do our best, but we are going to have to work out a great many complicated matters. On that state of the record, we are prepared to accept the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. While I support improving impact aid around the country, we are getting to the point where we accepted a $10 million cut in administrative costs, and we accepted some more before that, did we not?

Mr. SPECTER. We did.

Mr. HARKIN. Now we are going to accept $78 million in administrative costs, which we know we can't do?

I know I have some people on this side of the aisle who want to come over and offer amendments that will cut administrative costs.

I just ask my friend, the chairman, are we just going to accept them then? Are we going to accept every amendment that comes over that cuts administrative costs to increase education or whatever it might be? If we are going to do that, then I have no objection to the amendment of the Senator from Oklahoma. But if we are going to pick and choose, well, then, maybe we ought to think about which amendments and how we are going to balance these off between maybe amendments on that side and amendments on this side.

Are we going to have a $100 million cutoff or a $150 million cutoff on administrative costs and say we will take the first ones out of the block up to that point? Where do we draw the line?

We are going to have Senators on this side of the aisle come over here and offer amendments of the same magnitude, and they are going to take it out of administrative costs. I ask, will we just accept them?

Mr. SPECTER. Mr. President, if I may respond to my distinguished comanager, my view is, we will take a look at each one of them on an individual basis. We will assess the validity of the items, and we will accept them if they are valid. I do not know exactly what the cutoff figure is. I discussed candidly with the Senator from Oklahoma the difficulties of looking at $78 million.

Mr. HARKIN. That is a big item.

Mr. SPECTER. It is a very big item. The Senator from Oklahoma knows we will do our best.

Mr. INHOFE. Let me reclaim the floor, if I may, and respond to the Senator from Iowa.

For the first 30 years of this program, it was fully funded. I do not believe the Senator was in the Chamber when I first started talking about it. This is a reimbursement back to the States of money they have been deprived of as a result of Federal activity. That is a distinction between this and other programs.

For the Senator's State of Iowa, for example, you are getting 20 percent of what you would get if it were fully funded. It is an equity issue. Certainly, I have the understanding from the chairman—and I talked to the Senator from Nevada—and I recognize that when this gets into conference, there is going to be a problem weaving and sorting. But I cannot imagine any other program that would have a higher priority than this, to ultimately say it is our intent to get this fully funded back to where it was prior to the 1980s.

For that reason, I believe it has merit above some of the other programs that are coming. This is a reimbursement we agreed to back in the 1950s.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Inhofe amendment No. 3633.

Mr. McCAIN. Mr. President, I have a parliamentary inquiry. Where is the McCain amendment in the order of succession?

The PRESIDING OFFICER. It has been temporarily laid aside.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3633, AS MODIFIED

Mr. INHOFE. Mr. President, I send my amendment back to the desk as modified and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of title III, insert the following:

SEC. . IMPACT AID.

Notwithstanding any other provision of this Act—

(1) the total amount appropriated under this title to carry out title VIII of the Elementary and Secondary Education Act of 1965 shall be $1,065,000,000;

(2) the total amount appropriated under this title for basic support payments under section 8003(b) of the Elementary and Secondary Education Act of 1965 shall be $853,000,000; and

(3) amounts made available for the administrative and related expenses of the Departments of Labor, Health and Human Services, and Education shall be further reduced on a pro rata basis by $78,200,000.

Mr. INHOFE. Mr. President, even though I believe we need to have a specific time in the future when Impact Aid is fully funded, I recognize there will have to be some kind of discipline in the number of amendments that are coming up to the Labor-HHS appropriations bill. For that reason, I have modified the amount down so that in the first year it will be $35 million as opposed to $78.2 million. I believe this has been agreed to on both sides.

Mr. HATCH. Mr. President, I rise today in strong support of the amendment offered by my colleague from Oklahoma, Senator INHOFE, to increase funds for the Impact Aid program. I have been a long time supporter of this vital program.

The Impact Aid program helps compensate states, like Utah, which are adversely affected by a federal presence. This program allocates funds to school districts where there are substantial concentrations of children whose parents both live and work on federally connected property and kids who parents either live or work on federally connected property. This is an extremely important program in Utah, especially in the southern part of my state.

Some may ask why this program is needed. The answer is simple. When the federal government owns or controls property, that property is lost to the tax base of state and local governments. The Impact Aid program was established for the purpose of compensating school districts for the tax revenue they lose given a federal presence.

I note with dismay and frustration that the Clinton Administration routinely eliminates portions of the Impact Aid program in its annual budget recommendations. Fortunately, however, this important program has been maintained and consistently funded. For that, I want to recognize the assistance of Senator SPECTER, Senator STEVENS, and the other members of the Appropriations Committee. Congress has kept this program viable.

Impact Aid is a vital program for Utah for many reasons. Utah needs every dollar it can get for our schools. Utah is a "worst case scenario" when it comes to the issue of school finance. We have the largest percentage of school age population in the country and the lowest percentage of working age adults. Because of this we have the lowest per-pupil expenditure in the country, despite the fact that our state allocates an extraordinary percentage of its tax revenue to education. Moreover, the adverse impact of a low per-pupil expenditure is felt over and over again because per pupil expenditure has become a factor in the funding formulas for a number of federal education programs.

To make matters worse, about 70 percent of Utah's land is federally connected. We have military bases, parks, forests, wilderness, BLM land, reservations, and, of course, a relatively new 1.7 million acre national monument.

If the Federal Government is going to own or control this much land in Utah, we need a fully funded Impact Aid program to offset the tax revenue losses to our schools. The federal government cannot improve education if they give with one hand and take away with the other. That is what the Clinton administration seems to be doing—advocating education funds only for those initiatives it has proposed, but financially starving federal education programs that send money directly to Utah school districts.

I am pleased to join my colleagues in support of the Impact Aid program. I urge senators to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3633, as modified.

The amendment (No. 3633), as modified, was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3610

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, it is my understanding that I will speak on my amendment and the time of the vote will be decided by the managers of the bill. I will speak on my amendment at this time and then probably will not need additional time, depending on the desires of the managers of the bill.

The purpose of this amendment is to protect America's children from exposure to obscene material, child pornography, or other material deemed inappropriate for minors while accessing the Internet from a school or library receiving federal Universal Service assistance by requiring such schools and libraries to deploy blocking or filtering technology on computers used by minors, and to block general access to obscene material, and child pornography on all computers. The amendment further requires that schools and libraries block child pornography on all computers.

The last few years have seen a dramatic expansion in Internet connections. The Internet connects more than 29 million host computers in more than 250 countries. Currently, the Internet is growing at a rate of approximately 40 percent to 50 percent annually. Some estimates of the number of U.S. Internet users are as high as 62 million.

Section 254 of the Telecommunications Act of 1996 added a new subsidy to the traditional Universal Service program, commonly referred to as the Schools and Libraries Discount, or e-rate. As implemented by the FCC, the e-rate is a $2.25 billion annual subsidy aimed at connecting schools and libraries to the Internet. This subsidy is funded through higher phone bills to customers.

There are approximately 86,000 public schools in the United States. In the first program year of the e-rate, 68,220 public schools participated in the program. That is approximately 68 percent of all public schools. Participation increased by 15 percent in the second year, from July 1, 1999 to June 30, 2000, with 78,722 public schools listed on funded applications. That is approximately 82 percent of all public schools. Simply put, the e-rate program helped connect one million classrooms to the Internet. Private school participation in the program has resulted in more than 80,000 additional American classrooms wired to the Internet. Statistics on libraries participating in the program mirror these dramatic numbers.

I lay out these statistics because they represent both the tremendous promise and the exponential danger that wiring America's children to the Internet poses. Certainly, the Internet represents previously unimaginable education and information opportunities for our Nation's school children. However, there are also some very real risks. Pornography, including obscene material, child pornography, and indecent material is widely available on the Internet. This material may be accessed directly, or may turn up as the product of a general Internet search. Seemingly innocuous keyword searches like "Barbie doll," "playground," "boy" and "girl" can turn up some of the most offensive and shocking pornography imaginable. Though, due to the amorphous nature of the Internet, it is difficult to precisely establish the amount of pornography available on the Internet. According to US News & World Report, there are "at least 40,000 sex-oriented sites on the Web." This number does not include Usenet newsgroups, and pornographic spam.

Many who oppose efforts to protect children from exposure to pornography over the Internet dismiss such efforts as moralizing, as if it isn't enough to argue for the protection of innocence. Mr. President, I am content to make my stand on the vital importance of sheltering the purity of our children's moral innocence. However, the need to protect our children exceeds the basic moral argument. Natural sexual development occurs gradually, throughout childhood. Exposure of children to pornography distorts this natural development. As Dr. Mary Anne Layden, Director of Education at the University of Pennsylvania School of Cognitive Learning testified before the Commerce Committee, children's exposure to pornography accelerates and warps normal sexual development by shaping sexual perspective through exposure to sexual information and imagery. Dr. Layden stated: "The result is a set of distorted beliefs about human sexuality. These shared distorted beliefs include: pathological behavior is normal, is common, hurts no one, and is socially acceptable, the female body is for male entertainment, sex is not about intimacy and sex is the basis of self-esteem."

Alarmingly, the threat to children posed by unrestricted Internet access is not limited to exposure to simple pornography. As we have seen through an increasing flurry of shocking media reports, the Internet has become the tool of choice for pedophiles who utilize the Internet to lure and seduce children into illegal and abusive sexual activity. Pedophiles are using this technology to trade in child pornography, and to lure and seduce our children. In many cases, such activity is the product of individuals, taking advantage of the anonymity provided by the Internet to stalk children through chatrooms, and by e-mail. However, an increasingly disturbing trend is that of highly organized, and technologically sophisticated groups of pedophiles who utilize advanced technology to trade in child pornography, and to sexually exploit and abuse children.

In 1996, the country was shocked by a tragic story of the sexual exploitation of a young child in California. The San Francisco Chronicle reported an international ring of pedophiles operating through an on-line chat room known as the "Orchid Club." Sadly, this case was an ominous precursor of underscoring both the technological sophistication of on-line predators, and the unique challenge of protecting children in an environment of a global communications medium. The Chronicle reported that: "The case appears to be the first incident where pornography on the Internet has been linked to an incident of child molestation that was transmitted on-line . . . Prosecutors said members produced and traded child pornography involving victims as young as five years old, swapped stories of having sex with minors and in one instance chatted online while two suspects molested a 10-year-old girl." Sixteen men were indicted, including individuals from across the United States, Australia, Canada, and Finland.

In 1998, the U.S Customs Service, in coordination with law enforcement officials from 13 other countries, conducted a raid on the "Wonderland Club." The price of membership in the Wonderland Club was high. In order to "join" the Wonderland Club of low-lifes, prospective members had to provide 10,000 images of child pornography, which were then digitally cross-referenced against the club's data base of more than 500,000 images of children to ensure their originality. According to Time Magazine:

> The images depict everything from sexual abuse to actual rape of children—some as young as 18 months old. "Some club members in the U.S., Canada, Europe and Australia . . . owned production facilities and transmitted live child-sex shows over the Web. Club members directed the sex acts by sending instruction to the producers via Wondernet chat rooms. "They had standards," said a law enforcement official involved in the case. "The only thing they banned was snuff pictures, the actual killing of somebody."

As we wire America's children to the Internet, we are inviting these low lifes to prey upon our children in every classroom and library in America.

If this isn't enough, the Internet has now become the tool of choice for disseminating information and propaganda promoting racism, anti-Semitism, extremism, and how-to manuals on everything from drugs to bombs.

Rapid Internet growth has provided an opportunity for those promoting hate to reach a much wider and broader audience. Children are uniquely susceptible to these messages of hate, and make no mistake about it, they are the targets of these messages. Through Internet access, our schools and libraries, places where we intend our children to develop their social skills, tolerance, where they should be learning to appreciate the wonder and beauty of diversity, instead they can be exposed to extremely hateful and dangerous information, and material they may otherwise go through their entire lives without being exposed to. According to the New York Times: "They (hate groups) peddle hatred to children, with brightly colored Web pages featuring a coloring book of white supremacist symbols and a crossword puzzle full of racist clues."

Media propaganda has always been used as a means for spreading the toxic message of hate. Magazines, pamphlets, movies, music and other means have been their traditional tools for those seeking to feed the darker side of our human nature. However, the Internet has changed the rules and the nature of this sinister game. With the growth of the World Wide Web, these evil groups are able to deliver a multimedia hate message through every computer, and into the minds of every child, in every classroom, and library in America. Images of burning crosses, Neo-Nazi propaganda, every imaginable message of division and hatred are just one click away from our children. The Seattle Post-Intelligencer reported in an article entitled "Nazism on the Internet":

> Many sites operated by neo-nazis, skinhead, Ku Klux Klan members and followers of radical religious sects are growing more sophisticated, offering inviting Web environments that are designed to be attractive to children and young adults.

The software filtering industry estimates that about 180 new hate or discrimination pages, 2,500 to 7,500 adult sites, 400 sites dedicated to violence, 1,250 dedicated to weapons, and 50 are murder-suicide sites are added to the Web every week.

Manuals on bomb-making, weapons purchases, drug making and purchasing, are widespread on the Internet. Simple word searches using "marijuana," enables kids to access Web sites instructing them on how to cultivate, buy, and consume drugs. During the Commerce Committee hearing on my bill, the Children's Internet Protection Act, a representative of the BATF stated: "The Bureau of Alcohol, Tobacco and Firearms recently ran a simple Internet query of pipe bomb, using several commonly used search engines. This query produced nearly three million "hits" of Web sites containing information on pipe bombs." Literature such as the "Terrorist's Handbook" is easily available on-line, and provides readers with instruction on everything from how to build guns and bombs, to lists of suppliers for the chemicals, and other ingredients necessary to construct such devices. Web sites such as (www.overthrow.comldrugznbombz.html) offers the "School Stopper's Textbook," touted as "A Guide to Disruptive Revolutionary Tactics for High-Schoolers."

There are now approximately ninety different blocking, or filtering software solutions that parents and educators may choose from to address just about every different value or need relating to child safety on the Internet.

Due to the sheer size of the Internet, and the place at which it changes, some have argued that it is impossible to keep blocking lists current and comprehensive. Others have argued filtering systems are too arbitrary, that filtering by keyword may result in blocking both harmful sites, as well as useful sites. There was a time when there was some legitimacy to these claims. However, that time has passed.

According to Peter Nickerson, CEO of Net Nanny Software:

> A general perception exists that Internet filtering is seriously flawed and in many situations unusable. It is also perceived that schools and libraries don't want filtering. These notions are naive and based largely on problems associated with earlier versions of client-based software that are admittedly crude and ineffective. Though some poor filtering products still exist, filtering has gone through an extensive evolution and is not only good at protecting children but also well-received and in high demand.

When a school or library accepts federal dollars through the Universal Service fund, they become a partner with the federal government in pursuing the compelling interest of protecting children. The Supreme Court has made it clear that schools have the authority to remove inappropriate books from school libraries. The Internet is simply another method for making information available in a school or library. It is no more than a technological extension of the book stack. As such, the same principles affirmed by the Court apply to restricting children's access to material, over the Internet, in a school.

At its core, this amendment to a spending bill, amending 254(h) of the Communications Act of 1934 to require, as a contingency for receipt of a federal subsidy, certain measures to restrict children's access to child pornography, obscene material, and other harmful material via school and library computers, and that all users be restricted from accessing child pornography. Local officials are granted the authority to determine what technology is used to achieve this end, and policies for determining how such technology is used. There is ample precedent for conditioning receipt of federal assistance.

Libraries place many restrictions on what patrons may do while on the premises. The simplest example of this are the strict rules implemented by libraries to maintain a quiet atmosphere for reading and study. Patrons are not permitted to give speeches, make public statements, sing, speak loudly, etc. Further, it is the exclusive authority of the library to make affirmative decisions regarding what books, magazines, or other material is placed on library shelves, or otherwise made available to patrons. According to Jay Sekulow, of the American Center for Law and Justice:

> Libraries impose many restrictions on the use of their systems which demonstrate that the library is not available to the general public. Additionally, an open forum by government designation becomes, 'open' because it allows the general public into its facility for First Amendment activities. Like in the National Endowment for the Arts v. Finley, decision, the government purchase of books (like buying art) does not create a public forum.

Mr. President, currently, roughly 30 percent of U.S. households are wired to the Internet, with some smaller number of those households wired with children in the home. With full implementation of the E-rate program, there will be an explosion of children going on-line. This is an unprecedented egalitarian opportunity for access to educational and informational resources by America's children. Equally, this reality represents an unprecedented risk to the safety and innocence of our nation's most precious resources, the sanctity of childhood.

The first line of defense is parents. Parents must be involved in their children's lives. They must make it a point to know what their kids are doing online, the games they are playing, the web sites and chat rooms they are visiting, whom they are talking to.

But parents need help. Currently, for most children, their Internet activities will occur outside the home. Parents, taxpayers, deserve to have a realistic faith that, when they entrust their children to our nation's schools and libraries, that this trust will not be betrayed.

Mr. President, Dr. Carl Jung, in 1913, spoke of the importance of childhood in shaping values, and the implications for future generations. Jung said: "The little world of childhood with its familiar surroundings is a model of the greater world. The more intensively the family has stamped its character upon the child, the more it will tend to feel and see its earlier miniature world again in the bigger world of adulthood."

As I look upon the landscape of America today, of our children, growing up in a culture of darkness, of a mass media that floods their innocent minds with images of gratuitous sex and senseless violence, as I contemplate the likes of predators who stalk our children through this new technology, of pornographers and hate mongers who seek to invade the sanctity of the innocence of childhood to stamp their dark values on our children, I wonder what the future world of adulthood will look like if we do not act swiftly and decisively to build an inviolable wall around our precious children.

This bill was passed last year by voice vote. I hope we can dispense with it, and I also hope Members of this body understand that what is happening in schools and libraries all over America, in many cases, is an unacceptable situation.

We are not trying to impose any standards from the Federal Government or from this body. We are asking the schools and libraries to impose standards according to community standards, according to what the local library board and school board thinks is appropriate, just as those decisions are made about printed material in schools and libraries. I think this is an important issue. The testimony before the Commerce Committee was alarming and very disturbing.

Obviously, we do not intend to invade the sanctity of the home nor tell parents what they should and should not do regarding their children. But I believe when taxpayer dollars are involved, the Federal Government then has a role to play.

As a proud conservative, I hope we will pass this legislation quickly, and that it will be enacted into law. The sooner the better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I renew my request for our colleagues who have amendments to offer them. I was informed about an hour ago that one of our colleagues was on his way to offer an amendment. We are very anxious to have Senators come to the floor.

In the absence of any Senator who seeks recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask the Senator from Pennsylvania and the Senator from Iowa whether or not I should lay down my amendment, and then set it aside when other Members come out. I am pleased to come into play here, if that would help.

Mr. SPECTER. Mr. President, if the Senator will yield, we would be delighted.

Mr. WELLSTONE. I thank my colleague for that response.

I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3631

(Purpose: To increase funding for part A of title I of the Elementary and Secondary Education Act of 1965)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. WELLSTONE), for himself, Mr. KENNEDY, Mr. DODD, Mr. BINGAMAN, and Mr. REED of Rhode Island, proposes an amendment numbered 3631.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, insert the following:

SEC. . PART A OF TITLE I.

Notwithstanding any other provision of this Act, the total amount appropriated under this Act to carry out part A of title I of the Elementary and Secondary Education Act of 1965 shall be $10,000,000,000.

Mr. SPECTER. Mr. President, may I inquire of the Senator about what the amendment relates?

Mr. WELLSTONE. Mr. President, this amendment increases the appropriations of title I, part A, to $10 billion. Actually, the Health, Education, Labor, and Pensions Committee unanimously voted to authorize this to the $15 billion level. I think right now we are at $8.36 billion. This is an amendment to get us at least part way there.

I come to the floor today to speak on the agreement that has been reached regarding some of the spending cuts in the Labor-HHS Appropriations bill. It is my understanding that Senator STEVENS has agreed to drop certain provisions of this bill in conference; in particular, I understand that the 1.9 billion dollar S-CHIP cut, the 240 million dollar TANF cut, the 50 million dollar welfare-to-work performance bonus, and the 1.1 billion dollar cut to the Social Service Block Grant (SSBG) will all now be restored in conference.

I would like to thank my colleagues, particularly Senator STEVENS, Senator ROTH, and Senator GRAHAM, for ensuring that the funding for these critical programs is restored. However, I also feel that it is important to stand up today and remind all of my colleagues that it never should have come to this—none of these programs should have ever seen their funding streams reduced in the first place. In particular, the proposed 1.1 billion dollar cut to the SSBG, a cut that would have reduced the block grant to just 600,000 dollars, should never have made it into this bill.

I have to say how disappointed I was to learn that the FY 2001 Labor-HHS Appropriations bill contained such enormous funding cuts to the Social Services Block Grant, cuts of more than 1 billion dollars. And while I find it deeply disturbing that such cuts would be proposed under any circumstances, I find it even more deeply disturbing that these cuts were proposed as part of the FY 2001 Labor-HHS Appropriations since we had this exact debate last year. In the FY 2000 Labor-HHS Appropriations, the SSBG faced cuts of just over 1 billion dollars. At that time, Senator GRAHAM of Florida and I offered an amendment to restore SSBG funding, and in my mind, the question was settled. When asked, "Should we reduce funding to the SSBG?" the overwhelming response was, no, absolutely not. At that time, fifty-seven Senators said that the services their states provide using SSBG funds—services like Meals on Wheels, congregate dining, assisted living for the elderly and the disabled, foster care services, and child care services, to name only a few—are important to the people in their communities and that they did not want to see these funds cut.

I ask you, why then did the SSBG face such enormous cuts again this year? This program is simply too important, and it is critical that we set a new standard by which the SSBG is always funded first, not last, never as an afterthought, never as the result of intensive last-minute lobbying and negotiation, and by which the SSBG is always funded to the full statutory amount.

As many of my colleagues already know, the SSBG is a flexible funding stream that states use to pay for a wide variety of services and programs for many of their most vulnerable citizens. The states have a tremendous amount of leeway in how they use their SSBG funds, and this is one funding stream they are able to use to try to develop innovative and creative programs to help the poor and needy. SSBG funds can be spent to serve people with incomes up to 200 percent of the federal poverty level, and the money need only be used to help people achieve and maintain economic self-support and self-sufficiency, and to prevent, reduce, or eliminate dependency. SSBG funds may be used for services that prevent or remedy neglect and abuse, and to prevent or reduce unnecessary institutional care by providing community-based or home-based non-institutional care. States use this money to care for people who would otherwise slip through the cracks; these funds are critical for the well-being of the most vulnerable people among us—the very old and the very young, the poor, and the disabled. These are people who most need our help, and we should not be slashing the very money that is most likely to serve them.

Title XX (20) of the Social Security Act specifies that 1.7 billion dollars is to be provided to the States through the SSBG for FY 2001. However, in spite of its status as a mandatory program, the SSBG has been raided repeatedly over the years to fund other priorities. Beginning in 1996, as part of the welfare "reform" law, the SSBG was cut by 15 percent, from 2.8 billion dollars to 2.38 billion dollars, for fiscal years 1997 through 2002, after which point its funding was supposed to go back to 2.8 billion dollars. The states reluctantly accepted these cuts, and only after they obtained a commitment from Congress that we would provide stable funding for the block grant in the future.

As it turns out, the lifespan on that particular Congressional commitment was only two years, because by 1998, we were back to raid the SSBG again when the highway bill cut funding for the block grant further, to 1.7 billion dollars for fiscal year 2001 and each year after that. And now here we are again, with our hand in the cookie jar, trying to raid the SSBG one more time. The FY 2001 Senate Labor-HHS Appropriations bill that came out of committee proposed slashing funding for this block grant yet again, this time to only 600 million dollars, a cut of more than one billion dollars. If this proposed cut were enacted, funding for the SSBG will be almost 80 percent lower in 2001 than it was in 1995. Mr. President, I feel certain that by no stretch of anyone's imagination does an 80 percent cut qualify as the stable funding we promised the states in 1996.

And what kind of a message do we send to the States when we talk about cutting block grant funds? Congress sold welfare reform to the states on the promise that they would have the flexibility to administer their own social service programs. But as the National Conference of State Legislatures point out, "these cuts [to the SSBG] would set the precedent that the federal government is reticent to stand by its decision to grant flexibility to states in administering social programs." Couple this with the nearly 2 billion dollars the Labor-HHS Appropriations bill proposed cutting from S-CHIP, another block grant critical to the states' ability to provide services for vulnerable citizens, and I think the states could take only one message away from this bill as it came to the Senate floor: Don't make long-term investments in these social service programs, because you simply can't count on the federal government to keep up their end of the bargain.

SSBG funds are used by the states to provide services for needy individuals and families not eligible for TANF, and to reduce federal Medicaid payments by helping vulnerable elderly and disabled live in their homes rather than in institutions. States also use SSBG funds for child care services and other supports for families moving from welfare to work. When Congress proposed slashing these funds, we sent a clear, and I believe extremely damaging, message to the states. I think we told them not to invest in these kinds of social support programs, because they just can't count on the money being there.

But let's just say for a minute that we were to go back on our word and break our commitment to the states—so what? What exactly does SSBG fund? Anything important?

Only if you think adoption services, congregate meals, counseling services, child abuse and neglect services, day care, education and training services, employment services, family planning services, foster care services, home delivered meals, housing services, independent and transitional living services, legal services, pregnancy and parenting services, residential treatment services, services for at-risk youth and families, special services for the disabled, and transportation services are important. All of these programs are funded, in part at least, through the SSBG.

Each year, SSBG funds are used by the states to provide critical support services to millions of vulnerable people. In 1998, for example, according to the Center on Budget and Policy Priorities, roughly 10 percent of SSBG funds were spent on programs that provided child care for low- and moderate-income families, while another 18 percent of SSBG funds were spent on services to protect children from abuse and to provide foster care to children.

Other SSBG funds were used to provide services to low- and moderate-income elderly, truly some of our most vulnerable community members. Services provided to this population through the SSBG include home-based care and assisted living services intended to help many elderly people stay out of institutions, so that they can continue to live with dignity in their own homes, where they feel safe and comfortable. In many cases, the costs the federal government would incur if SSBG funded services were withdrawn and these individuals forced into nursing homes instead would far exceed the savings generated by slashing this important block grant. In some states, SSBG funds are also used to pay for protective services to prevent abuse, neglect, and exploitation of vulnerable seniors. No other program provides significant funding for those services.

Additionally, the SSBG helps to fund support services for nearly half a million people with mental retardation and other physical and mental disabilities. The services provided with SSBG funds include transportation assistance, adult day care programs, early intervention, crisis intervention, respite care, and employment and independent living services. Again, these are services that help keep vulnerable people in their own homes and out of costly institutionalized settings, allowing them to live their lives with dignity and respect.

In my own state of Minnesota, SSBG funds are used to provide an enormous range of important services. For example, some counties use SSBG to augment child care for low-income single women and families. Yet even with these additional funds, there are currently huge waiting lists for subsidized day care in most counties. If we further cut SSBG funds, these county level programs are going to have to reduce or eliminate services that they provide. And when a single mom who's just gotten off welfare and is trying to make ends meet while she starts working at her new job, when she loses the subsidized day care that she counts on, what do you think is going to happen? Which do you think is more likely—that she'll be able to afford to pay for day care herself, or that she'll be forced to go back onto welfare?

Many Minnesota counties use SSBG money for home care services for the elderly. These counties use SSBG funds to pay for a care giver to go into a vulnerable elderly person's home and help them with basic "home chore" services like taking their medicine on time and in the right doses, keeping their home clean and safe, taking a bath, or making sure there is food in the refrigerator. These are simple, basic services, but they often mean the difference between allowing someone to stay in their own home or being forced into an institution. If SSBG funds are cut, vulnerable elderly are likely to lose home care services like a visiting nurse or case management person, which might then force them into a nursing home or an assisted living situation that would, in the end, cost much more money than will be saved by reducing the SSBG.

When speaking with people in Minnesota about how they use their SSBG funds, I learned that SSBG money is also sometimes used, especially in rural areas, to fund transportation for elderly and disabled, so they can access services like doctors, getting groceries, and just simply so they're not so isolated in their home (a ride to the senior center, perhaps). There's no other funding source that will pay for this. For disabled people who are just over eligibility guidelines for medical assistance, SSBG money is used to help meet their needs—managing medication, transportation, and community based services like training and counseling. Basically, the way it's been explained to me, Minnesota counties typically rely on SSBG money to pay for services for people who otherwise fall through the cracks. They count on this money to provide simple, basic services that keep the most vulnerable among us in their homes and out of much more costly institutions.

When I asked people in Minnesota to explain to me exactly what kinds of services they provide with SSBG funds, I was amazed by what I heard. Rex Holzemer, who works for Hennepin County, which is the county where Minneapolis is located, gave me several short case examples from the county's social services areas that are supported by SSBG funds. He told me about:

An 84-year-old widow who was neglected and financially exploited by tenants in her duplex who had isolated her socially and taken over her financial affairs, including cashing her Social Security checks. When a social worker intervened, he found this woman emaciated and unaware of her circumstances. The woman was hospitalized and subsequently transferred to a care setting. Adult Protection arranged for a conservatorship, and as part of a court-supervised settlement, the perpetrators agreed to pay back the bulk of the money.

Rex also told me about an 8-year old girl with autism, behavior problems and a sleep disorder, who was provided temporary crisis transitional care while her parents worked to modify her physical environment at home. The crisis service provided special training on appropriate behavioral interventions for the parents and other caregivers, which produced positive behavioral outcomes for the child, thereby avoiding inpatient hospitalization and/or out-of-home placement.

Then there is the case of a 48-year-old woman with schizophrenia who called looking for help finding a living situation that would offer her some needed supervision. She was referred to several community transitional programs, but was unable to follow through due to her illness. The intake worker connected her with an outreach case manager who helped this woman stabilize her life. She was referred to a psychiatrist, found crisis housing, and ultimately moved into her own apartment with only periodic supportive services.

Or how about the case of a child born addicted to cocaine, who Child Protective Services had to place into foster care? The child's mother has never been able to pass drug testing as required by the court-ordered child protection plan. The child's 25-year-old father, who has mild functional impairments, worked intensively with the Developmental Disabilities Parent Support Project for eight months to learn appropriate parenting skills. Due to the progress the father made, the child was transferred at age one from foster care into the father's home.

And what about the two-parent family with four children that was overwhelmed by the needs of their 15-year old son who was violent and out-of-control? The mother had been assaulted several times by the son, and had finally asked that the child be placed out of the home. The county was able to provide intensive in-home therapy with the entire family. The son also received individual therapy and participated in after-school programming. The parents were provided with training on appropriate behavioral interventions through the in-home counseling and were ultimately able to manage their son within the home, averting the need for out-of-home placement.

In each of these cases, Hennepin County drew on SSBG funds to provide services to people who desperately needed help. And in each of these cases, because the county was able to provide assistance, vulnerable individuals were able to stay out of institutions, with their families, in safe, comfortable settings. But if the Labor-HHS bill is enacted with the proposed SSBG cuts, Hennepin County will have to reduce exactly these kinds of services. And it isn't just urban counties that rely on SSBG funds, but many of our rural Minnesota counties also use SSBG funds to provide critically important services.

Sue Beck, the Director of Human Services in Crow Wing County, Minnesota, a rural Minnesota county, also told me how her county uses its SSBG funds. Sue explained that her county counts on SSBG funds to make sure that vulnerable populations, the elderly, the disabled, children, and poor people, have the services they need to live economically secure, self-sufficient lives. The vulnerable adults they help with SSBG money tend to be elderly people, seniors or disabled people, who get home care services—someone to come in to help them clean their home and maintain a safe environment, bathe, have food to eat, to see that they take the right amount of medicine when they're supposed to. Oftentimes these people aren't eligible for medical assistance, so there's not another source of funding available to them when they're living in the community.

What will happen if SSBG funds are cut is that they will wind up having to go into a nursing home in order to qualify for funds to pay for their care. Over the past several years, due to SSBG cuts that have already been imposed, her county has had to cut back services in transportation and "chore services"—for disabled and elderly people who need just a little bit of help—things like help shoveling snow or grocery shopping. They use SSBG money currently to augment their employability budget—to provide supported employment, and community based employment for people who otherwise might not be able to compete successfully in the job market. All of this is at risk when we talk about cutting SSBG by more than 65 percent.

Dave Haley, from the Ramsey County Department of Human Services, the county where St. Paul is located, also told me about how his county spends their SSBG money:

The first example Dave gave me was that of a typical family of a single-mother who has three young children. The oldest child, a 7-year-old boy, has missed a significant number of school days. The mother is experiencing problems with chemical dependency and involved in a violent relationship with her boyfriend. The mother cannot make sure that the child gets up every day on time, and is promptly fed and dressed for school. The family does not have a car or other personal means of transportation. Through programs partially funded with SSBG money, the County is able to provide support to the mother to resolve her chemical dependency problems and domestic abuse. Services ensure that the seven-year-old is attending school on a regular basis and the boy is beginning to make academic progress.

There are over 2,000 young children in Ramsey County currently in this situation. Ramsey County and local school districts have been able to develop a very active program to address these educational neglect issues and insure that children attend school on a consistent basis. They will be forced to scale back this effort, though, if SSBG funds are cut by more than a billion dollars.

Another example that Dave gave me is that of a 30-year-old woman that is living in her own apartment in her home community. Thirty years ago, a similar individual with moderate mental health needs would have been placed in a state hospital miles from their family home. Over the last three decades, needed supports have been developed, including programs to monitor and assist individuals in managing their medications, checking on their money management and assisting when necessary with proper budgeting, teaching needed independent living skills, and employment support to maintain their current job. Without periodic weekly checks, the individual would have great difficulty managing their daily life, and might be forced into an institutionalized living situation.

The system that has developed over the last three decades has not only improved the lives of hundreds of people in Ramsey County, it has also enabled the state and federal government to save hundreds of thousands of dollars on more expensive institutional care.

Because of recent budget cuts to the SSBG, Ramsey County has already reduced a wide range of services: homemaker services; chemical dependency and mental health counseling services; budget counseling and money management for adults with chemical dependency or mental health issues; chemical dependency education and prevention services; parenting support programs for families in the child protection system; parenting support programs for teenage mothers; targeted efforts in neighborhoods with high rates for child abuse and neglect; monthly grants to help families with a developmentally disabled child continue to provide in-home care for that child; and semi-independent living programs for elderly and disabled individuals to live in their homes and not have to move into residential treatment facilities. These are programs that have already been cut. If SSBG funding is cut further, Ramsey County will be forced to additionally reduce funding for Meals on Wheels, transportation services for seniors, outpatient mental health services, sexual abuse services, employment and training programs, and social adjustment programs for Hmong and Lao immigrants. If the proposed SSBG funds cuts are not restored, all of these programs, and all of the people they serve, will suffer.

So you tell me, which of these programs deserves to go, because something is going to have to if this provision passes. Who do you think we should turn away? Maybe low-income families with children? Or perhaps the elderly or disabled? You tell me, who should be the one who goes to bed hungry, or sick and alone, or just plain afraid that they won't make it through tomorrow?

I have to explain that this program is particularly important to my own state of Minnesota, where the proposed cut to the SSBG will have an immediate and deeply felt effect. Minnesota communities are supposed to receive 30 million dollars in FY 2001 under the current law; if the allocation is cut to 600 million dollars as proposed, Minnesota will lose more than 19 million dollars in funding, nearly two-thirds of its grant, receiving only 10.4 million dollars in FY 2001. Most states would feel similar cuts if SSBG funding were to be cut from 1.7 billion dollars to just 600 million dollars.

Minnesota is unique among all the states, though, because, by law, SSBG funds by-pass the governor and flow directly to the local level. The state cannot touch the money—they can neither add or subtract funds from the block grant. Minnesota law further requires local levels programs to run balanced books, which means that they cannot carry any budget surplus from one year to the next. So what that means is that if these cuts to the SSBG go through, the state will not be able to help offset any of the lost funds with funds from other sources, the local level programs will have no budget surpluses to fall back on, and these federal level cuts will be reflected immediately at the local level in program cuts. It would mean substantial reductions, or perhaps even the elimination of local Minnesota programs like senior congregate dining, meals-on-wheels, and a host of other local community based programs. It would also mean cuts in health and substance abuse programs, as Minnesota is one of only seven states in the country that relies more heavily on its Title XX grant than its SAMSA grant to fund mental health services. Furthermore, because the law governing the flow of SSBG funds in Minnesota would actually have to be rewritten to offset the federal funding cuts, the state would not be able to make up the funding shortfall to the counties until the Minnesota legislature comes into session next year and passes new legislation.

So some of my colleagues may be saying to themselves, well that's unfortunate for Minnesota, but in my home state we'll be able to supplement the cuts with other money—maybe the money we got from the tobacco settlement, or perhaps we will just transfer money from our TANF surplus. First, let's talk about the tobacco settlements: in some states, anti-smoking and other health needs will receive first priority for use of the settlement funds, not unanticipated reductions in SSBG funds. Also, some states have already enacted legislation committing the tobacco funds for other purposes.

Okay, well, then if not the tobacco settlement funds, then maybe the TANF surplus funds, since states will be able to transfer up to 4.25 percent of their surplus to SSBG. Except, according to an analysis done by the Center on Budget and Policy Priorities, there are 37 states that wouldn't be able to offset the funding cuts proposed in the Labor-HHS Appropriations bill by transferring TANF funds. More importantly, though, we send the wrong message to the states when we tell them to rob Peter to pay Paul. States should not have to steal funds from one social services funding stream, in this case TANF, to replace funds rescinded from another social services funding stream, the SSBG.

In this era of prosperity, of enormous budget surpluses and huge government windfall, of tax breaks and increased defense spending, it simply defies logic to further reduce SSBG funding. Now is the time for us to invest in meeting the needs of our most vulnerable citizens—the very young and the very old, the disabled, and the poor. It would be a terrible breach of faith with the states, but more importantly with the people who live in those states, if we continue to raid the Social Services Block Grant.

And while I am pleased that my colleagues have pledged to restore funding to this program, as well as several other critically important social service programs, I would just say again that it should never have come to this in the first place. These programs are too important to our most vulnerable citizens, and we have a responsibility to see to it that they are funded first, not last. It should simply be a matter of course that these programs are always fully funded, and the fact it isn't, that we still have to come out here year after year to fight the same fight to protect these programs, is ridiculous. In this era of budget surpluses and tax cuts, the fact that programs to aid the elderly, the disabled, the young, and the poor as somehow continue to remain vulnerable to spending cuts ridiculous. I am pleased that we now have the budget chairman's promise to restore these cuts, although I hope that other, equally important programs don't fall victim to these funding reduction in their stead in conference. It is crucial that we maintain our end of the deal we struck with the states, and with the people who live in those states, and protect these programs. Again, I thank Senator STEVENS, Senator ROTH, and Senator GRAHAM for their efforts to protect these programs, and hope that we see a final Appropriations bill that fully funds all of these critical programs that serve our most vulnerable citizens.

I thank Senators HARKIN and SPECTER, and also Senator STEVENS and Senator GRAHAM of Florida, for their work.

My understanding is we will be able to get this resolved; that we will be able in the conference committee to work hard to restore the funding for the social services block grant program.

I ask my colleague from Iowa; is that correct?

Mr. HARKIN. Yes. I think all of us are committed on this side. I don't speak for the Senator from Pennsylvania. But in my conversations with him, I understand that he is committed to replacing the social services block grant. Clearly, we cannot live with those. We are going to restore those in conference.

It was simply a matter of trying to get our bill together to meet the budget requirements because SSBGs were not fully funded. I can assure the Senator from Minnesota that they will be funded fully in conference.

Mr. WELLSTONE. I thank my colleague. I say to both Senators that there are two issues here that are important to me. I understand the pressure under which both of my colleagues have labored. I thank them for their support.

We went through this debate last year, and we had a vote. I came out here with Senator GRAHAM on an amendment to restore the funding.

The notion that we would actually be cutting the block grant program—which is Meals on Wheels, child care services, and help and assisted living, help for people to stay at home, elderly people to stay at home, people with disabilities to stay at home—to me is so shortsighted.

There is very moving testimony from a lot of people in Minnesota in the human services area who talk with great passion about what these cuts would mean—especially in a State such as Minnesota where we automatically pass this money directly to the county level. We wouldn't be able to make up for it. The consequences of these proposed cuts in the block grant program would be just unbelievable. To cut the social services block grant program by over $1 billion would have a very harsh impact.

I have complete confidence that this funding will be restored in conference committee. This is all about the heart and soul of the Senate.

I do not believe with a flush economy, and yet another revised estimate of the amount of money we are going to have for surplus, that we would be cutting these kinds of programs that are so important to vulnerable citizens around the country. In particular, I speak for people in Minnesota.

The health committee voted unanimously to increase the authorization of title I to $15 billion. Right now, this bill we are considering provides for $8.36 billion. That is a little more than 50 percent of what we called for in the authorizing committee.

The interesting thing is this was a unanimous vote in the health committee. This is about a $400 million increase from last year. That is what we have here in the appropriations bill on the floor. The House gave almost no increase to this valuable program. This amendment says: Look; let's at least bump this up to $10 billion.

I point out at the very beginning that the title I program is one of the most important education programs that we support at the Federal level; and the title I program allocates money back to our communities to help those students who are especially disadvantaged. The title I program is a very targeted program. It goes to the lowest income school districts—be they urban, rural, or inner suburban. The title I program allocates money back to our local communities and our local school districts to provide assistance for children, whether it be more assistance for reading, whether it be more help vis-a-vis prekindergarten, or whether it be afterschool programs.

I also want to point out to my colleagues that the title I program is funded at best at about one-third of the level, so we really haven't even come close to backing up this mission and this commitment to children with the resources. I have great appreciation for what my colleagues have done in this appropriations bill, but for some reason title I really stays very low.

Again, our committee, the HELP committee, unanimously voted to authorize this up to $15 billion.

Mr. SPECTER. Will the Senator from Minnesota yield for an inquiry?

Mr. WELLSTONE. I am happy to.

Mr. SPECTER. We have another amendment that is ready to go. We will set Senator WELLSTONE's aside, obviously.

How much longer does the Senator from Minnesota anticipate he wishes to speak?

Mr. WELLSTONE. Mr. President, I have just begun. In the spirit of cooperating with management, I am pleased to lay the amendment aside if the Senator wishes. But I will say to my colleague, I probably need about half an hour to make my case.

Mr. SPECTER. Mr. President, the purpose of the inquiry was not to ask the Senator from Minnesota to abbreviate his comments in any way. But it would help us, in the orderly management of the bill, if we could have another amendment introduced now so we can get the process rolling, and then, if it is acceptable to the Senator from Minnesota, I would ask him to yield for 5 minutes with the right to resume his presentation at the end of that time.

Mr. WELLSTONE. Mr. President, I thank the Senator from Pennsylvania. That will be fine with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent the pending business be set aside so the Senator from Pennsylvania may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3635

(Purpose: Relating to universal telecommunications service for schools and libraries)

Mr. SANTORUM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 3635.

Mr. SANTORUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 92, between lines 4 and 5, insert the following:

TITLE VI—UNIVERSAL SERVICE FOR SCHOOLS AND LIBRARIES

SEC. 601. SHORT TITLE.

This title may be cited as the "Neighborhood Children's Internet Protection Act".

SEC. 602. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING SYSTEM FOR COMPUTERS WITH INTERNET ACCESS OR ADOPT INTERNET USE POLICIES.

(a) NO UNIVERSAL SERVICE.—

(1) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following:

"(l) IMPLEMENTATION OF INTERNET FILTERING OR BLOCKING SYSTEM OR USE POLICIES.—

"(1) IN GENERAL.—No services may be provided under subsection (h)(1)(B) to any elementary or secondary school, or any library, unless it provides the certification required by paragraph (2) to the Commission or its designee.

"(2) CERTIFICATION.—A certification under this paragraph with respect to a school or library is a certification by the school, school board, or other authority with responsibility for administration of the school, or the library, or any other entity representing the school or library in applying for universal service assistance, that the school or library—

"(A) has—

"(i) selected a system for its computers with Internet access that are dedicated to student use in order to filter or block Internet access to matter considered to be inappropriate for minors; and

"(ii) installed on such computers, or upon obtaining such computers will install on such computers, a system to filter or block Internet access to such matter; or

"(B)(i) has adopted and implemented an Internet use policy that addresses—

"(I) access by minors to inappropriate matter on the Internet and World Wide Web;

"(II) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

"(III) unauthorized access, including so-called 'hacking', and other unlawful activities by minors online;

"(IV) unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

"(V) whether the school or library, as the case may be, is employing hardware, software, or other technological means to limit, monitor, or otherwise control or guide Internet access by minors; and

"(ii) provided reasonable public notice and held at least one public hearing or meeting which addressed the proposed Internet use policy.

"(3) LOCAL DETERMINATION OF CONTENT.—For purposes of a certification under paragraph (2), the determination regarding what matter is inappropriate for minors shall be made by the school board, library, or other authority responsible for making the determination. No agency or instrumentality of the United States Government may—

"(A) establish criteria for making such determination;

"(B) review the determination made by the certifying school, school board, library, or other authority; or

"(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).

"(4) EFFECTIVE DATE.—This subsection shall apply with respect to schools and libraries seeking universal service assistance under subsection (h)(1)(B) on or after July 1, 2001.".

(2) CONFORMING AMENDMENT.—Subsection (h)(1)(B) of that section is amended by striking "All telecommunications" and inserting "Except as provided by subsection (l), all telecommunications".

(b) STUDY.—Not later than 150 days after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of—

(1) evaluating whether or not currently available commercial Internet blocking, filtering, and monitoring software adequately addresses the needs of educational institutions;

(2) making recommendations on how to foster the development of products which meet such needs; and

(3) evaluating the development and effectiveness of local Internet use policies that are currently in operation after community input.

SEC. 603. IMPLEMENTING REGULATIONS.

Not later than 100 days after the date of the enactment of this Act, the Federal Communications Commission shall adopt rules implementing this title and the amendments made by this title.

Mr. SANTORUM. Mr. President, I thank both my colleagues, my colleague from Pennsylvania and my colleague from Minnesota, for allowing me just a few minutes, at least 5 minutes, to explain the subject matter of this amendment.

I heard the Senator from Arizona, Mr. MCCAIN, talking about Internet protection. Let me say I commend his work as chairman of the Commerce Committee in pursuing this area because it is an important area, to provide needed protections for children in libraries and schools, to have a program in place to deal with the issues of pornography and violence and the other things that have opened up on the Internet.

I have nothing but words of praise for the Senator from Arizona and for the work he has initiated. In fact, the amendment I have just introduced uses his language pretty much as the base of the amendment. But in looking at this issue, now, for the past several years—and I have young children; I am very concerned about their access to the Internet—talking to people from both libraries and schools, and others who are interested in the subject area, I believe the McCain amendment, while I think it goes so far, can in fact and should go further.

In this respect, as the Senator himself mentioned, there are maybe 100 filtering software packages out there. Some are good, some are not so good; some are state of the art, some are not. His amendment does not require anyone to buy state-of-the-art filtering software. It just says you have to buy filtering software or blocking software.

In fact, even the state of the art does not include some of the things about which I am very concerned. One of the real concerns I have is chat rooms. When you talk about pedophiles and people who prey on people via the Internet, they do it principally through these chat rooms. I am not aware of very much software that blocks chat rooms.

So you have a lot of things in addition to sites that maybe are pornographic or violent, or other problems you find on the Internet, that may be blocked with some of these software packages. But it doesn't get to the scope of the dangers on the Internet.

What I have suggested in my amendment is that, in the alternative, we require local communities, schools—anyone who participates in the e-rate, the same premise on which Senator MCCAIN's amendment is based—that they develop a policy that there be local hearings and public notice, and there be a community effort put together for the community to get involved and make the decision on a community basis on how they are going to deal in a comprehensive way with this. In fact, we list several things in the amendment that must be covered by this local policy.

The policy is then reviewed by the FCC simply to determine whether the school district, for example, has met the criteria and actually has a policy in place to deal with the areas specified in the legislation. If the community decides they do not want to go through public notice, they don't want to have hearings, they don't want to go through this process of developing a local plan, then Senator MCCAIN's amendment falls into line; they must buy filtering software. So we keep his amendment as sort of the hammer to encourage localities to do that.

I think what Senator MCCAIN said was absolutely right. Most of these communities are already buying software. I have been through hundreds of schools and have talked about this issue. Most of them understand the dangers out there and, in fact, have developed or are in the process of developing a program to deal with this problem. What we want to do is provide some guidance to them, some encouragement to them, and in the case of Senator MCCAIN's underlying amendment, which again is part of our amendment that I have just filed, it is a hammer that says: If you don't provide a comprehensive local approach, then you have to buy the software.

To me, it is a philosophical argument. It says: Should we have Washington come down and hammer you and say here is what you have to do, or should we have a program that says: Here is the problem. Local parents and teachers and community, you go out and bring the community together and do the hard work of democracy, which is to work together to come up with a solution to the problem. I am hopeful we can do that.

I just say briefly, my amendment, the bill I have introduced which is S. 1545, which is the text of this amendment, has been endorsed by the American Association of School Administrators, American Association of Education Service Agencies, International Society for Technology in Education, National Rural Education Association, the American Library Association, the National Education Association, the Consortium for School Networking, and the Catholic Conference. They all support my amendment. That is about as wide a cross-section as you can get. And I would add someone very local. On this issue, Dr. Laura Schlesinger also supports our approach as the alternative to the McCain amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, my colleague from Vermont, Senator LEAHY, asked for a few moments to speak in regard to this issue before us.

I ask unanimous consent the Senator from Vermont be allowed to speak and I then follow him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank my good friend from Minnesota for his customary courtesy.

Over the past decade, the Internet has grown, as we know, from relative obscurity to what is today, both an essential commercial tool and increasingly an essential educational tool. With that expansion, we have had some remarkable gains. We have also seen new dangers for our children. Congress has reacted. We struggle with legislation that will protect the free flow of information, as required by the first amendment, while at the same time we shield our children from some of the inappropriate material that can be found on the Internet.

The distinguished Senator from Arizona, Mr. MCCAIN, spoke of his concern. I share his concern that much of the material available on the Internet may not be appropriate for children. I commend the Senator from Arizona for his good-faith effort to find a solution, but I cannot support the proposal he has urged. This amendment, his proposal, would require schools and libraries to certify, install, and enforce an Internet filtering program under the supervision of the Federal Communications Commission, and also under threat both of losing their e-rate discounts in the future and the financial liability of reimbursing discounted funds they have already spent.

In my view, as well intentioned as it might be, the amendment would substantially harm and not help the children of this Nation. I do not support it.

We have to tread cautiously and carefully in this arena but also understand a lot of schools and libraries have found a pretty practical way of doing this.

For example, many schools and libraries put their screens in the main reading room. One has to assume not too many kids are going to go pulling up inappropriate things on the web sites when their teachers, their parents, and everybody else are walking back and forth and looking over their shoulder saying: What are you looking at? It is one thing if you are looking at NASA's home page. It is another thing if you are looking at wicked dungeons or something, if there is such a thing.

Past legislative efforts to protect children by imposing content-based restrictions on the Internet have failed to respect our first amendment principles and pass constitutional muster. In 1997, the Supreme Court unanimously struck down the Communications Decency Act, which this body approved 84–16.

Just last week, the Third Circuit Court of Appeals held that the Child Online Protection Act is likely an unconstitutional, content-based restriction on protected speech.

I opposed this legislation—in fact, I was the only vote against it when it was offered as an amendment to the

Internet Tax Freedom Act, S. 442, and spoke against it when it was included in the Omnibus Appropriations measure in October 1998. I predicted the courts would rule as they have done.

The McCain amendment to H.R. 4577 is likely to go the way of its predecessors. First, the amendment would require that schools and libraries obtaining e-rate discounts for telecommunications services use blocking and filtering software that makes inaccessible obscene material and child pornography, even if local authorities determine that other strategies are more appropriate for both students and library patrons. As the National Association of Independent Schools noted in commenting on this proposal last year:

> * * * it is an individual school's decision to determine how best to address this issue in a way that is commensurate with its mission and philosophy—whether it be part of the teaching and learning process, the inclusion of appropriate use policies or enforceable language in parent/student enrollment contracts, or even filters. It is certainly not the role of the federal government to proscribe a course of action that interferes with what is decidedly a local matter.

Second, the amendment would invite the FCC to be the de facto national censor, collecting from schools and libraries around the country so-called "certifications" that they are implementing blocking and filtering programs on their computers with Internet access. The FCC would be responsible for policing these schools and libraries to ensure that they are fulfilling the promises they make in the certifications, and are in fact blocking computer access to obscene material and child pornography. The FCC would also be the ultimate enforcer in the scheme outlined in the amendment since the FCC has the responsibility for determining when the schools and libraries have failed to comply with the filtering requirements of the law and when "the provision of services at discount rates . . . shall cease . . . by reason of the failure of a school to comply with the requirements."

We should not underestimate the power this would place in the FCC since the e-rate is a valuable privilege, particularly for schools and libraries in poor areas and in rural areas with high costs for telecommunications services. The e-rate, passed as part of the 1996 Telecommunications Act, provides schools and libraries with deep discounts in telephone services and Internet access. Protecting children from viewing or receiving potentially inappropriate information is of the utmost importance. Yet, to ensure their continued eligibility for the e-rate, and to avoid having to reimburse past financial discounts, we can anticipate that schools and libraries will go overboard and block out material deemed by some to be inappropriate. Would, for example, online chat rooms focused on the works of Vladimir Nabokov and including discussion of the classic Lolita be off limits, let alone the work itself, since some may view it as pornographic? The film version of this book had a very difficult time finding a distributor due to the nature of the subject matter.

School boards and libraries faced with the risk of losing their e-rate can be expected to implement highly restrictive programs. This broad "self-censoring" imposed by the McCain amendment on schools and libraries will lead to a chilling of free speech to the detriment of our nation's children and library patrons.

Another consequence will be to remake the FCC into an updated version of the Meese Commission on pornography, but with far greater enforcement powers and coercive effect.

As part of the certification process mandated in the amendment, we can expect schools and libraries to submit their plans for Internet filtering to the Commission for guidance on whether the proposals are acceptable. In practical terms, this would require the FCC to make literally thousands of determinations as to what constitutes "obscene" or "child pornography" in order to provide comfort to schools and libraries seeking guidance. The financial risks are too great for schools and libraries to simply wait for the FCC to find their filtering and compliance plan to be insufficient. This will, in the end, defeat the local decision-making to which this amendment pays lip service.

On the contrary, the amendment if enacted may lead to the Orwellian nightmare fully realized. The FCC, an unelected administrative agency, will be in the position to regulate the dissemination of knowledge and control what our children can read, view, and learn at school or at the library.

Taken as a whole, the problematic aspects of the McCain amendment will harm schools and libraries and decrease the value of the Internet as an important educational tool. By requiring a certification to the FCC, the amendment places yet another regulatory burden on financially strapped schools and libraries.

The distinguished Senator from Utah and I have put forward a proposal that addresses this problem and avoids the pitfalls inherent to the McCain amendment. We offered this proposal as an amendment to S. 254, the juvenile justice bill, and it was agreed to on May 13, 1999, by a vote of 100–0. Our Internet filtering proposal would leave the solution to protecting children in schools and libraries from inappropriate online materials to local school boards and communities. It would require Internet Service Providers with more than 50,000 subscribers to provide residential customers, free or at cost, with software or other filtering systems that will prevent minors from accessing inappropriate material on the Internet. A survey would be conducted at set intervals after enactment to determine whether ISPs are complying with this requirement. The requirement that ISPs provide blocking software would become effective only if the majority of residential ISP subscribers lack the necessary software within set time periods.

This Internet filtering proposal seems to be a sensible thing to do. As I said, it passed 100–0. Unfortunately, progress on this proposal has been stalled as the majority in Congress has refused to conclude the juvenile justice conference. This is just one of the many legislative proposals contained in the Hatch-Leahy juvenile justice bill, S. 254, designed to help and safeguard our children—which is why that bill passed the Senate by an overwhelming majority over a year ago.

I would like to see us go back to our filtering proposal. We have already voted on it. It is a workable solution. It would bring about what we want to do.

I commend Senator McCAIN for his leadership and dedication to the subject. I hope we will work together on the issue. We share an appreciation of the Internet as an educational tool, we appreciate it as a venue for free speech, but we also are concerned about protecting our children from inappropriate material whether they are at home, at school, or in the library.

Ultimately, it is not going to be just a question of passing a law to do this. I suggest parents do with their children today what my parents did with my brother, sister, and me when we were growing up: Pay some attention to what their children read.

I was fortunate. I began reading when I was 4, but I had parents who actually talked about what I might read. Parents may want to spend some time on the Internet with their children. There is software that can help to protect their children, and parents should work with that. They ought to take a greater interest in what they are doing and not just assume Congress can somehow pass laws that keep getting knocked down, justifiably so, under the first amendment. Rather, they can work with the tools we can give for their children.

I thank my dear friend from Minnesota for his courtesy.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask my colleagues, Senators SPECTER and HARKIN, are we to go until 12:30 p.m. and then break for the caucuses; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. I can in 4 minutes start to describe a little bit of this amendment. I ask unanimous consent that when we come back from the caucuses, my amendment be in order. I will not be able to do this in 4 minutes. Other colleagues have spoken.

Mr. HARKIN. Reserving the right to object, Mr. President, I understand the Senator requested when we come back at 2:15 p.m. that he be recognized to continue to speak on his amendment. The amendment has been laid down; is that correct?

Mr. WELLSTONE. That is correct.

Mr. HARKIN. I modify that unanimous consent request to ask unanimous consent that when the Senator finishes speaking on his amendment, Senator BINGAMAN be allowed to then offer his amendment at this point in time.

Mr. SPECTER. Mr. President, the sequencing suggested by the Senator from Iowa is fine. That will move the bill along. The Senator from Minnesota has laid down his amendment. We have a number of amendments pending at the present time. Subject to the wishes of the majority leader, it is our hope to vote late this afternoon on a number of amendments. That sequencing, as articulated by Senator HARKIN, is fine.

Mr. WELLSTONE. I say to both of my colleagues, I appreciate there are a number of amendments. I will take time just to make sure colleagues know what this amendment is about. I do not intend to take a long time on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, having been a teacher for years, in 1 minute I do not know how to summarize an amendment that is all about education and kids.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:27 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 2001—continued

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3631

Mr. GREGG. Will the Senator yield for a question?

Mr. WELLSTONE. Yes.

Mr. GREGG. Will the Senator from Minnesota be interested in entering into a time agreement on his amendment?

Mr. WELLSTONE. I say to my colleague, I do not think it will probably be necessary. At least on my part, I think within a half an hour I can make my case for the amendment.

Mr. GREGG. If the Senator is agreeable, we agree that his amendment will be debated for 45 minutes, 30 minutes to his side and 15 minutes in opposition.

Mr. WELLSTONE. Mr. President, I would be pleased to accommodate my colleague.

Mr. GREGG. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I say to my colleague from New Hampshire, I would like to send an amendment to the desk that I ask be laid aside, if I could.

Mr. GREGG. Reserving the right to object.

Mr. WELLSTONE. This is just an amendment to be filed.

The PRESIDING OFFICER. The amendment will be numbered.

Mr. WELLSTONE. If I could clarify——

Mr. GREGG. Reserving the right to object, are you requesting there be no second degrees?

Mr. WELLSTONE. That is correct.

Mr. GREGG. Or you just filed one?

Mr. WELLSTONE. Yes.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I have no objection to the request of the Senator from Minnesota that there be no second degrees to his amendment as part of the language which was just agreed to relative to the timeframe on his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President and colleagues—Democrats and Republicans alike—just for a little bit of context for this amendment, this amendment deals with an increase in funding not to where we should be but at least a step forward for the title I program.

When the HELP Committee authorized the title I program, we actually voted to increase the authorization of title I to $15 billion. The interesting thing is that every Democrat and every Republican on the HELP Committee supported this increase. Every Democrat and every Republican supported the increase to authorize up to $15 billion.

As a matter of fact, during the floor debate on May 1, the majority leader himself, Senator LOTT, said:

> This is a $15 billion reauthorization bill. Good work has been done by this committee.

We have a budget resolution that doesn't work. We are not able to adequately fund important priorities. Given the emphasis on tax cuts, given the significant allocation of money for the Pentagon, we have robbed ourselves of our capacity to invest in children and in education.

What this amendment does is essentially say that the appropriation would go from $8.36 billion for title I up to $10 billion for title I. Right now, all we have in this appropriations bill is a $400 million increase, when the HELP Committee authorized $15 billion. We are trying to bump up the appropriation so we can do better for our children.

What I was saying on the floor earlier is important: The title I program is one of the heart-and-soul Federal programs. This is targeted money that goes to primarily low- and moderate-income communities and low- and moderate-income students. It is assistance for the schools and the school districts for more reading instruction, for afterschool programs, for prekindergarten programs, for more teaching assistance. It is a very important program. The title I program has made a difference, even as severely underfunded as it is.

One of the reasons I bring this amendment to the floor—I have continued, week after week, month after month, it seems year after year, to come to the floor and talk about the need to provide more funding for the title I program—is that right now this program is funded, maybe, at the 30–35 percent level, so that 65 or 70 percent of the children who could benefit don't benefit. These children come from primarily low-income families. These are kids who have been severely disadvantaged. We are trying to give these schools and the teachers and, most importantly, the children some additional help so they can do better.

In my State of Minnesota, for example, typically the situation is that if a school has less than 65 percent of the students on a free or reduced school lunch program—say it is only 60 percent—there is no money for the school because we have run out of the money. We have run out of financial assistance.

The HELP Committee Democrats and Republicans are on record saying we ought to authorize this to $15 billion. The majority leader came out and said: Authorize the $15 billion; good work. But we have a budget resolution that has so constrained the work of appropriators that we have not made the investment in education. This is precisely the opposite direction of where

Americans want us to go. People want more investment in education. Over 60 percent of the American people say that we spend too little on education. The Federal share has gone from 12 cents to 7 cents on the dollar.

The title I program is a flexible program that allows our school districts to use this money to provide help for these children so they can do better. One hundred percent of major city schools use title I funds to provide professional development and new technology, 76 percent of title I funding to support afterschool activities. Ninety percent of the school districts use title I funds to support family literacy and summer school programs. Sixty-eight percent of the school districts use title I funds to support preschool programs. Again, if we look at Rand Corporation studies and others, they tell us that even as a vastly underfunded program, title I is making a difference.

In my own home State of Minnesota, the Brainerd public school district, which is in greater Minnesota—that means outside the metro area—has a 70 to 80 percent success rate in accelerating students in the bottom 20 percent of their class to at least average in their classes following 1 year of title I-supported reading programs.

We are funding title I at only one-third the level of what is needed to help children in this country. Forty percent of America's fourth graders are still reading below grade level. Forty-eight percent of students from high-income families will graduate from college; the percentage from low-income families who will graduate from college is 7 percent. At the very time that we know that a college education is the key to economic success, more than at any other time in the history of our country during the years of our lives, only 7 percent of children from low-income families will graduate from college.

There are dramatic differences in terms of the resources of school districts. My friend Jonathan Kozol, who continues to write beautiful, powerful, and important books about children, sent me some figures from the New York metropolitan area where in the city maybe it is $8,000 per pupil per year that is spent, and in some of the suburbs it is as high as $23,000 per pupil. There are dramatic differences in terms of which schools are wired and which schools aren't; which schools have the technology, which schools don't; which schools can recruit teachers and pay much better salaries, which schools can't; which schools have the support services for students, which schools don't; which schools have the best textbooks and the best lab facilities and which schools do not.

I will only say this one more time because it sounds so much like preaching, but this is the best point I can make as a Senator. It came from my visit to the South Bronx to the Mott Haven community about 2 weeks ago with Jonathan Kozol, meeting with the children at PS-30 and with Ms. Rosa, the principal. My colleagues would love this woman. She will not give up on these children.

I say to my colleagues, vote for this amendment for some additional help for title I which means additional help for these children, not because if you invest in these children when they are younger and give them this help they are more likely to graduate from high school, that is true; not because if they graduate from high school they are less likely to wind up in prison, that is true; not because if you invest in these children and provide a little bit more help, say, for example, in reading, that they are more likely to graduate and more likely to be productive and more likely to contribute to our economy, that is true. I am telling the Senate, this amendment deserves our support because the vast majority of these children are all under 4 feet tall. They are all beautiful. They deserve our support, and we ought to be nice to them. That is why we should vote for this.

I believe this is a theological, spiritual amendment. I do not understand how it can be that we are not investing more money in education and children. I cannot understand why, when we have some proven programs that are so targeted and so helpful to vulnerable children in this country, they are so vastly underfunded. I do not understand our distorted priorities.

We seem to have plenty of money for tax cuts, even tax cuts for wealthy and high-income families. We have plenty of money for the Pentagon. Fine. OK. But why can't we, when we are talking about surpluses and about an economy that is booming, make more of an investment in programs that provide support for these children.

What about our national vow of equal opportunity for every child? I don't get it. I don't get it any longer. I have been a Senator for almost 10 years. I do not understand how it can be, when the polls show that people want us to invest more in education, when we have record economic performance and we are talking about surpluses and not deficits, and when we all go to schools and we are with children—and we all like to have our pictures taken with children—that we cannot make more of an investment in these children?

I am not talking about a new program. I am not talking about a program that has not had a proven record of success. I am talking about the title I program. I am talking about a program that is vastly underfunded. I am just saying we ought to at least get the appropriation up to $10 billion.

I reserve the remainder of my time just to hear what my colleagues might say in opposition.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. How much time is remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 15 minutes. The Senator from Minnesota has 19 minutes.

Mr. GREGG. Mr. President, let me make a couple of points on title I generally. Title I is one of those programs which was conceived as an excellent idea and which has accomplished many things. Unfortunately, it hasn't accomplished one of its most critical goals.

When title I was originally created, the purpose was to get low-income children into the educational system in schools which would have the capacity to teach them and the ability to teach them at a level that was equal with their peers. The concern was that many low-income children weren't getting fair treatment in the school system. That was a good idea. Unfortunately, the way it has worked out over the last 35 years, it has not proven to be such a great success. In the last 35 years, we have spent $120 billion on title I, attempting to educate and give a better chance in life to low-income kids. The problem, however, is that we have accomplished very little.

Most low-income kids today are not getting any better education than they were getting 10 years ago, 20 years ago. Their academic achievement levels are actually stagnant or they have dropped. We have seen that instead of improving the academic capability of these children, we continue to send these children through school systems that essentially end up passing them through the system and not giving them the skills they need to compete in America, to take part in the American dream.

The statistics are fairly staggering. I think I have some of them here. Just off the top of my head—I believe I recall most of them—over 7,000 schools that have title I kids in them have been identified as failing—not by the Federal Government but by the school systems themselves, generally. We know that in our schools where we have children who are under title I, low-income kids, those children are learning at at least two grade levels less than their peers—in the area of math, for example. We know that children in the third and fourth grades who are low-income are consistently at least a grade or two grades behind their peers. We know that low-income fourth graders are simply not able to compete with other fourth graders who are not low-income. We know that in our high schools we are seeing the child who has been a low-income child, who is qualified for title I dollars, who has gone through the system—it turns out that their skills are right at the bottom of their classes in many cases and as a matter of average. The achievement gap really has been dramatic. Yet we have spent all this money to try to improve their achievement.

So we as Republicans, in the markup of the title I bill this year, the ESEA bill, attempted to try to address the problem. We put forward a whole series of ideas, the purpose of which was to improve the academic achievement of the low-income child. Instead of warehousing these children and moving them through the system, we would actually expect and demand that for these Federal dollars we received results.

One of the suggestions we made was called Straight A's, where we said to the local school districts: Your results on low-income kids hasn't been that good; maybe it is because the programs are too categorical. We will let you merge them and put them into a flexible program. But if you take the money under this scenario, you have to prove there has been academic achievement by low-income kids; that the gap between low-income kids and kids who are not low-income is closing—not by reducing the abilities of the higher income kids or the average children in the school system but by actually improving the capability of the low-income child.

Another suggestion we made was called portability, where we said that the low-income child in a failing school should not have to stay in that school; They should be able to move to another public school system, and the dollars that are allocated for the purpose of trying to help that child out should follow the child to the different school. That is called portability.

The reason we suggested that is that the present title I program is structured so the money goes to the administrators and the schools; it doesn't go to the kids. In fact, in cities such as Philadelphia, if you aren't in a school where 70 percent of the kids are low income, you get no dollars from title I. So maybe if you have a low-income child attending a school where, say, 50 percent of the kids are low income, that school will get no title I money. That is true in a lot of different cities across this country. In fact, there is a threshold of 35 percent, I think, where, if you are in a school with only 35 percent low-income kids, that school absolutely gets no money. Other cities have adjusted that. In Philadelphia, as I said, it is up to 70 percent.

The practical effect, under the law as presently structured, is that a lot of the dollars that should be going to children are not going to them. A lot of the low-income kids who should be getting assistance dollars for tutorial help or special needs help are not getting them; those dollars don't flow to that child. So we end up with a system where the dollars flow to the school and the administrators but not to the children.

We suggested that we actually have the dollars go with the child, and if the child goes from school to school—or if they decide to do so and their parents want to get involved and make that decision—let the dollars that are supposed to support the child also go from school to school.

We have put forward a whole lot of ideas. Those are only some of them. We also have something called "choice" for public schools, where parents will be able to move their children from school to school. We have the Teacher Empowerment Act, which affects the title I kids, which comes out of the ESEA bill, to try to improve teacher capability. We have a whole set of ideas to make title I work better. That is the bottom line.

What the Senator from Minnesota has suggested is that in a program that has already spent $120 billion over 30 years and has produced negative results in the area of academic achievement for children, it should today arbitrarily get an additional $10 billion. In this bill, we already increase that funding significantly. But this $10 billion should be on top of what is already in title I.

Unfortunately, what would happen is the same thing that has happened to the $120 billion. It would end up being spent and going to bureaucracy and going into school systems. It would not necessarily end up giving children a better education—especially low-income children—because we have already proven fairly definitively that the present system isn't doing that.

So rather than breaking the budget by adding $10 billion which is not offset—and it is subject to a budget point of order, by the way—what we should do is reform title I and reform the ESEA bill. We tried to do that. We brought the bill to the floor, and, unfortunately, a number of Senators wanted to put extraneous matter on it, and, as a result, it got all balled up and wasn't able to be moved. But the point here is that until we get fundamental reform of title I and until we get fundamental reform under the new ESEA authorization, putting another $10 billion into this system is not going to help.

Therefore, I oppose this, first, on the budgetary grounds that it is not offset and therefore is a $10 billion increase that has no way to be paid for; second, on the grounds that it probably won't accomplish what the sponsor would like to accomplish, which is to improve the achievement of low-income kids.

Until we require that low-income kids' academic achievement goes up for the dollars we are spending on them and put in place systems that are going to give the local school districts the capacity of accomplishing that and to give them the flexibility of Straight A's, or portability, or the parents the chance to participate through public school choice, there is really no point in making this type of huge increase in funding in this program—especially on top of the fact that this committee has already significantly increased funding for this program in this bill.

Mr. President, I reserve my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I hope the Senator from New Hampshire and all Senators understand this point clearly. This amendment does not call for an additional $10 billion in appropriations. This amendment just simply says we should go from $8.36 billion to $10 billion—a slight increase. It is not an additional $10 billion.

Second, my colleague from New Hampshire and every Republican Senator and every Democratic Senator on the health committee voted to authorize title I to $15 billion.

Can I repeat that?

Every single Member of the health committee—Democrat and Republican alike—voted to authorize title I to $15 billion, and the majority leader came out here on the floor and said:

> This is a $15 billion reauthorization bill; Good work has been done by this committee.

If my colleague thought that the title I program was such a miserable failure—and I intend to certainly take that argument on in a moment since I don't think there is a shred of evidence to support it—then I don't understand why my colleague and all the Republicans on the health committee and the majority leader said that they supported an authorization up to $15 billion. This amendment just tries to get it from $8.36 billion up to $10 billion.

Third, in regard to the Elementary and Secondary Education Act, I sure would like for you folks to bring that bill out to the floor. I have been waiting for my Republican colleagues to bring the Elementary and Secondary Education Act to the floor. I have a lot of amendments. I am ready for the debate on education. You pulled the bill from the floor, and I would love it if you would bring it back.

My colleague, the Senator from New Hampshire, talks about how the title I program has been such a miserable failure. The largest gains in test scores over the past 30 years have been made by poor and minority students. One-third to one-half of the gap between affluent whites and their poor and minority counterparts closed during this time. The Center on Education Policy 2000 report, a study by the Rand Corporation, linked these gains to title I and other investments in education and social programs. The final report of the National Assessment of Title I by the U.S. Department of Education showed that national assessment of education progress scores for 9-year-olds in the Nation's highest poverty schools have increased over the past 10 years by nine points in reading and eight points in math.

The Council of Greater City Schools shows that 24 of the Nation's largest schools were able to decrease the number of fourth grade title I students achieving in the lowest percentile by 14 percent in reading, and 10 percent in math.

I say to my colleague from New Hampshire that is pretty remarkable, given the fact we don't even fund this program except at a 30-percent level. We severely underfund the program. We make hardly any investments in pre-K education.

The Federal Government and the Senate ought to be a player in getting money to the local communities so we can have not custodial but development child care—so that when children come to kindergarten they are not so far behind.

We don't make that investment.

We don't make the investment in health coverage. We still have millions of children without health care coverage. When they come to school with abscessed teeth, they cannot learn. Is it any wonder? They live in communities where their parents can't afford housing, and they have to move three, four, or five times a year because we don't make the investment in affordable housing.

My colleagues, in the face of our failure to do anything about the grinding poverty in the country, in the face of our failure to invest in the title I program, in the face of our miserable failure to invest in education, my colleague from New Hampshire comes out here and says this has been a miserable failure when I can cite reports showing that title I has made a real difference.

Colleagues, 46 percent of title I funds go to the poorest 15 percent of all schools in America.

When the Senator from New Hampshire says—and I agree with him—that it is just outrageous if a school has a 60-percent low-income population and there may be no money, this is why: Because it is so severely underfunded.

We have one group of low-income children in a zero sum game relationship to another group of low-income children.

It is severely underfunded. Seventy-five percent of title I funds go to schools where the majority of children are poor. The General Accounting Office estimates that title I has increased funding to schools serving poor children by 77 percent. It is going up.

This is a targeted investment that can make a huge difference. Yet even with the increases, we are only reaching one-third of the children who could use our help.

By the way, I would like to say this to every Senator before you vote on this amendment. If your staff is looking at this debate, and they are going to be reporting back to you on how to vote, I will tell you: Go back to your States and meet with the educators. Talk to people in your school districts. They will tell you they need more money for the title I program. They will tell you they are interested in a whole range of issues. Senator BINGAMAN is going to be talking about some of those.

Again, just looking at where the money goes, 100 percent of the city schools use title I funds to provide professional development and new technology. Does that sound like a flawed program? Ninety-seven percent use title I funds to support afterschool activities. Does that sound like a mistake? Ninety percent of the school districts use title I funds to support family literacy and summer school programs. Do you want to vote against that? Sixty-eight percent use title I funds to support preschool programs. Do you want to vote against that?

The title I program has been a remarkably good program given the realities of these children's lives.

I didn't quite add it up. But I think what my colleague from New Hampshire was saying is we spent $4 billion a year, or thereabouts, for title I programs over the last 30 years. I say to the Senator that is not a bad investment. The largest group of poor citizens in the United States of America are poor children. There are 14 million poor children in America today. Twenty percent of all the children in our country are growing up poor today. Fifty percent of those children are children of color. I don't think it is too much to provide a little bit more help for these children.

When you go to these schools, you meet people who do not give up. You meet principals and teachers who do not give up on these kids. You wonder how they do it. But they are so dedicated. And the largest part of title I money goes to the children of the youngest ages.

I will repeat what I said before. Make the investment and provide the additional help for these children because they are small. They are little. Most of them are under 4 feet tall. They are beautiful. We ought to help them.

I rest my case, although I reserve the remainder of my time.

Mr. GREGG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Hampshire has 5 minutes remaining. The Senator from Minnesota has 10½ minutes remaining.

Mr. GREGG. Mr. President, the Senator from Minnesota has made a couple of points to which I think I need to respond. First, the reason the authorization bill is not on the floor is because Senators from the other side decided to put a political agenda on that bill. The unanimous consents which were requested by the majority leader to limit the number of amendments to that bill and make them education amendments and thus complete that bill were rejected by the other side.

Second, yes, we strongly supported increasing funding for title I, if it was reauthorized under a bill which was student centered. The problem with the present law is it is not student centered. It is bureaucracy centered.

I am not surprised the other side of the aisle is defending the bureaucracy-centered bill. It was their idea in the first place. Our position is we should look for academic achievement. We should not leave these children behind. The Senator says these are poor children. Yes, they are poor children. Regretably, they are poor children caught in the cycle of poverty for generation after generation because their educational system has failed them for generation after generation, even though we spent $120 billion on title I. Child after child has come out of the system unable to compete with their peers because their academic achievement has been so low.

What we suggest is a proposal which is child centered, which is flexible, which is targeted on academic achievement, and which has accountability standards which will work so these children are not left behind.

The Senator on the other side of the aisle makes the argument these children are being left behind not only because they are educationally underfunded but because they have all sorts of other concerns. Yes, there is no question about that. But when we look at school systems that work, because they demand achievement from the children they are serving, the same children, then we know success in this area is possible. We can look at our Catholic school systems in which the same population is served. Yet they accomplish good things with those students' academic achievement.

The statement there has been a great increase in academic achievement among low-income kids is simply not accurate. What has happened is the academic achievement of low-income kids has finally gotten back to the level it was in 1992. From the period 1992 to 1998, the gap in academic achievement between African American and white students actually grew. The same was the case for Hispanic students and white students; it actually grew in a number of the most critical States that have a large population of African American and Spanish students.

The simple fact is, we have not been serving these kids effectively. We do not have a program that serves these kids effectively.

The Senator from Minnesota is right on one count. It is not $10 billion he is proposing this year, but over a 5-year budget it would add up to approximately $10 billion. I stand corrected.

I join the Senator from Minnesota. If he is willing to put forward a program that is child centered, dedicated to academic achievement, giving the local schools accountability and flexibility, then we should talk about dramatic increases in funding because we would get something for the dollars that would be effectively used. But to simply put more money in here on top of money that has been already increased outside the budget priorities which we have already set—and remember there are other major budget priorities in this bill that have been paid for, such as special needs, special ed kids—it is just not appropriate. That is why I oppose this amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague for his remarks. I always enjoy discussions with him on education. I don't want to try to score debate points. I cannot resist, though, saying to my colleague, on the Elementary and Secondary Education Act, when he says that we pulled the bill because the minority wanted to impose a political agenda, it is interesting; a political agenda means the minority wanted to put some amendments on this bill that they, the majority, didn't want to have to vote on; therefore, it becomes a political agenda.

Mr. GREGG. Will the Senator yield on that point?

Mr. WELLSTONE. I will be pleased to yield, if the Senator will be brief. I will yield on my time because I know he has no time. But I want to reserve a little time.

Mr. GREGG. I wonder if the Senator believes campaign finance and gun issues, which are not relevant to schools, are issues which we should have been debating on the ESEA bill or should we hold them for another agenda?

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Minnesota has 9 minutes remaining.

Mr. WELLSTONE. Mr. President, I say to my colleague from New Hampshire, first of all, the campaign finance reform amendment of course was initiated by Senator McCAIN, a well-known Republican, and Senator FEINGOLD, a well-known Democrat. I support the amendment. Do you want to know something. The more I think about it, the more I think it is very relevant to education, because I think if we don't clean up this sick system, the way in which big money dominates, then we are never going to have Senators voting for children and education. They are going to continue to vote for the big, huge, economic interests. So I say, actually I can't think of a more important amendment to an education bill.

This is the debate we have been having. The Senate, over the years, has been a very special institution. Part of it is because of the Senators' right to debate and the Senators' right to introduce amendments. That is what the Senate is about. It is not a political agenda, I say to my colleague. It is just an agenda that makes my colleague from New Hampshire and other Republicans uncomfortable. They don't want to vote on campaign finance reform or sensible gun control measures. I would argue, in case anybody has taken a look at violence in the schools, that sensible gun control amendments are very relevant to the lives of children, very relevant to education.

As to the title I program, I want to respond to my colleague's comments about the achievement of low-income children. Honest to goodness, first my colleague came out and said it has been a miserable failure; it hasn't work. Then I cited study after study showing title I has made a difference. Then my colleague retreats and comes back with another argument which is: Well, yes, low-income children are now doing better in some of the reading scores and mathematics scores, but they are only getting back to the 1993 level.

The truth is, here you have a title I program that is vastly underfunded—30-percent level. Here you have a House of Representatives and Senate, too dominated by the way in which money dominates politics, that have been unwilling to make the investment in children, unwilling to make the investment in their skills and intellect and character and, I argue, the health of children, and therefore there are too many poor children. I think it is a scandal that the poorest group of citizens in America today is children. Too many children literally grow up under the most difficult circumstances. Therefore, is anybody surprised the title I program does not perform a miracle?

The title I program does not mean those children succeed, I say to my colleague from Iowa, who come from poor communities, whose parents are not high income, who had none of the encouragement, none of the great preschool programs other children have, who live in families who have to move four times because they cannot afford the housing, who live in neighborhoods where there is too much violence, who don't have an adequate diet, who don't have adequate health care. Guess what, those children don't yet do as well in reading scores and mathematics scores. And you want to pin that on the title I program, even though the title I program has helped them do a little better?

If any Senator wants to vote against this amendment on the basis of that kind of argument, so be it. But I certainly hope you will not.

Finally, I get a little nervous with all this discussion about accountability and achievement because I think my good friend from New Hampshire has the causality backwards. He is putting the cart before the horse. Absolutely, let's put the focus on achievement. Let's put the focus on accountability. But this is my question. Don't you think, at the same time that we put the focus on the achievement, and the same time we put the focus on the accountability, we also need to make sure every child has the same opportunity to achieve? Why is it my colleagues are so silent on that point? They want to rush to vouchers, they want to rush to privatizing education, they want to rush to saying all these children have to achieve and we are going to hold everybody accountable if your children don't achieve. But they don't want to make sure every child has the same opportunity to achieve.

Let's not hold our children responsible for our failure to invest in their achievement and their future. This title I program is but one small program that doesn't lead to heaven on Earth, but makes it a little bit better Earth on Earth for some of these children.

I say to my colleagues, I think we ought to vote for this amendment. I think we ought to do better by these children. This amendment, in its own small way, just going from $8.3 billion to $10 billion, not even close to the $50 billion that the HELP Committee unanimously voted to authorize appropriations up to, at least makes a bit of a difference.

Your school districts are for this, your principals and teachers in the trenches are for this, and most importantly, we ought to provide these children with some additional help. They deserve it.

I yield the floor, and I reserve the remainder of my time.

Mr. GREGG. How much time is remaining?

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire has 1 minute remaining. The Senator from Minnesota has 3 minutes remaining.

Mr. WELLSTONE. I yield the Senator from New Hampshire 30 seconds of my time.

Mr. GREGG. That is very generous of the Senator from Minnesota. I appreciate it.

Mr. WELLSTONE. I yield the Senator from Iowa 1 minute of my time.

Mr. GREGG. Mr. President, did I understand the Senator from Minnesota to say he would be willing, if I were to propound a unanimous consent request that we go to the ESEA bill with 5 amendments on both sides, that the amendments be relevant, and we have final passage—the Senator would agree to that?

Mr. WELLSTONE. That is an easy question.

Mr. REID. Was this a unanimous consent request?

Mr. GREGG. I was asking if he was agreeing that would be an acceptable approach.

Mr. WELLSTONE. My answer would certainly be no, since I talked about what the Senate was about and talked about those other amendments are terribly important amendments that affect the lives of children.

Mr. GREGG. I simply state the reason we do not have the authorization levels we should have on the ESEA is that we have not passed ESEA, and the reason we have not passed ESEA is that we have been unable to debate on this floor the issue of education. We have had debate on the issue of campaign finance, on the issue of guns, on the issue of prescription drugs, but not on the issue of education, which is too bad, because the bill out of committee was a good bill and, by the way, it did not demand the States do anything. It set up a set of options for the States which the States could then follow. They could choose to use portability, they could choose to use Straight A's or they could choose the present law. It gave the States total flexibility. The goal was to get the academic achievement of low-income kids up. That should be our goal as a Senate, and that was our goal when we reported out the bill.

Mr. President, I reserve the remainder of my time.

Mr. HARKIN. How much time is remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Minnesota has 2½ minutes. The Senator from New Hampshire has 16 seconds remaining.

Mr. HARKIN. Mr. President, I thank the Senator for yielding me a little bit of time. I appreciate what the Senator from Minnesota said a while ago. He is absolutely right. We are blaming these kids.

Title I: Do my colleagues know how much each kid gets from title I? Somewhere between $400 and $600 a year. Go to the best schools in America in high-income areas where they have nice houses and high incomes. Do my colleagues know what they are spending on kids there? Six to eight thousand dollars. Yet we are going to put $400 to $600 into some of the kids who have the poorest lives.

As the Senator said, they move around a lot. They have been denied the opportunity since they have been born, and we expect all these great results from $400 to $600 per student.

If the Senator from New Hampshire wants to propose we spend $6,000 on each one of those poor kids, then maybe we will see them start to advance more rapidly, but on $400 to $600 we are not going to do it. The Senator's amendment would only get that up just a little bit more. We are still way behind in what we ought to be doing in this country to help low-income students attain the same opportunity in education as kids from better, higher income areas are getting. The Senator from Minnesota is right on with this amendment.

Mr. WELLSTONE. How much time do I have left?

The PRESIDING OFFICER. One minute 30 seconds.

Mr. WELLSTONE. I yield 30 seconds to my colleague from New Hampshire.

Mr. GREGG. This abundance of generosity has carried me away. I yield my time back if the Senator wishes to yield his time back, even the additional time the Senator has yielded.

Mr. WELLSTONE. I yield back the remainder of my time. I ask for the yeas and nays.

Mr. GREGG. I raise a point of order against the pending WELLSTONE amendment No. 3631 in that it violates the Budget Act.

Mr. WELLSTONE. I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that the vote in relation to this motion occur at 5 p.m. and that there be 4 minutes equally divided for explanation prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I move to table the motion to waive.

The PRESIDING OFFICER. The Senator from New Hampshire moves—

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be laid aside.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we need to make sure we understand what is happening here.

The PRESIDING OFFICER. Is the Senator raising an objection?

Mr. REID. There is nothing pending.

Mr. HARKIN. He asked unanimous consent to set the amendment aside.

Mr. REID. I do not object to that.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be set aside.

Mr. REID. Reserving the right to object. The Senator from New Hampshire asked to set the amendment aside, and the time was set for a vote.

Mr. GREGG. On the motion to waive the point of order.

Mr. REID. He did not make his offer to table; is that right?

Mr. GREGG. Correct.

Mr. REID. We are soon going to proceed with an amendment by the Senator from New Mexico.

Mr. GREGG. That is correct.

Mr. REID. Mr. President, I want to make sure everyone understands the challenge made by the Senator from New Hampshire. We, the minority, are willing to take that at any time. There was an education bill on the floor that we did not have anything to do with pulling. We are willing to start debating the education bill 10 minutes from now, 10 days from now. We have a lot of things about which we want to talk regarding education.

The Senator says there is something keeping this education bill from going forward. It is not our fault. We are willing to spend whatever time is necessary to complete debate on the education bill that was before this body for a short time earlier this year. We want to debate the education issue.

For people to say it got pulled because we wanted to talk about campaign finance reform, you bet we do. We still want to talk about campaign finance reform. But we want to talk about education issues also. The fact that we have an education bill on the floor does not mean we cannot talk about other issues. We would be willing to have the education bill come back, and we have a lot of education issues we would bring up immediately.

Mr. GREGG. Mr. President, did the unanimous consent request get approved and was the amendment laid aside?

The PRESIDING OFFICER. Both unanimous consent requests have been approved. The amendment was laid aside, and the vote is scheduled for 5 o'clock.

Mr. GREGG. If I may engage the assistant leader from Nevada in a colloquy, I am interested in knowing whether the assistant leader would agree to a unanimous consent request that would bring back the ESEA bill as reported out of committee with five relevant amendments on both sides, with a vote on final passage. If the Senator is agreeable to that, I am willing to walk down the hallway and probably get it signed onto by the majority leader.

Mr. REID. Mr. President, this is interesting, I say to my friend from New Hampshire. We are in the Senate. My friend from New Hampshire has had wide experience in government. He served in the House of Representatives. We had the pleasure of serving together. He was Governor of the State of New Hampshire and has been a Senator for many years. He understands what the Senate is about as well as anybody in this Chamber. That is, we have had rules which have engaged this Senate for over 200 years, and they have worked well. We are the envy of the world, how our legislative body has worked for more than 200 years.

What I am saying to my friend from New Hampshire is, yes, we are willing to bring the education bill back today, tomorrow, any other time, but we do not need these self-imposed constraints. We are not the House of Representatives. We are the Senate. We have the ability to amend bills that come before this body. Had we been allowed the opportunity to treat the elementary and secondary education bill as legislation has been treated for two centuries in this body, we would have been long since completed with that and would have been on to other issues.

No one should think we are afraid to debate education issues. We have a lot of education issues to debate. The Senator from New Mexico and I have worked for 3 years on high school dropouts. I am not proud of the fact that the State of Nevada leads the Nation in high school dropouts. We lead the Nation. But we are not the only State that has a problem. Every State in this Union has a problem with high school dropouts.

In the United States, 3,000 children drop out of high school every day; 500,000 a year. I want to talk on the Elementary and Secondary Education Act about what we can do to keep kids in school.

The Senator from New Mexico will have an amendment that passed the Senate 3 years ago. Last year, on a strictly partisan vote, our amendment was killed in the Senate. Democrats voted for it. Republicans voted against our dropout amendment. It is really "radical." I am saying that facetiously. What it would do is create, in the Department of Education, a dropout czar, someone who could look at programs that are working around the country and have challenge grants in various States, if they were interested in the program. We would not jam anything down anyone's throat. A simple program such as that was defeated.

We would be happy to ask unanimous consent—as Senator DASCHLE has done on other occasions—to resume consideration of the elementary and secondary education bill, and that following the two amendments previously ordered, the Senate consider the following first-degree amendments, subject to relevant second-degree amendments, and that they may be considered in an alternating fashion as the sponsors become available, and that they all be limited to 1 hour each equally divided in the usual form——

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection——

Mr. REID. I have not propounded my request yet, Mr. President.

We would have Senator SANTORUM offer an amendment dealing with IDEA funding; Senator BINGAMAN, one on accountability; Senator HUTCHISON, one on same-sex schools; Senator DODD, afterschool programs; Senator GREGG, afterschool programs; Senator HARKIN, school modernization; Senator VOINOVICH, IDEA funding; Senator MIKULSKI, dealing with technology; Senator STEVENS, physical education; Senator WELLSTONE, educational testing; Senator GRAMS, educational testing; Senator REED of Rhode Island, dealing with parents; Senator KYL, bilingual education; Senator LAUTENBERG, school safety, dealing with guns. We would be willing to do this right now. It would take about 10 or 12 hours. And I say——

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. There are Republicans and Democrats on this list. We would do it in alternating fashion. They believe strongly in their education issues. We believe strongly in our education issues.

I say that is what we should do. That would bring the education issue to the forefront of this body, as it should have been brought to the forefront of this body a long time ago.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire

Mr. GREGG. If we are going to propound unanimous-consent requests, I propound a unanimous consent request as follows: That we proceed to the Elementary and Secondary Education Act, as reported out of the HELP Committee, at such time as the leader shall determine is appropriate, in consultation with the Democratic leader; that both sides be allowed to offer, I will make it seven amendments to the Elementary and Secondary Education Act; that the amendments shall be relevant, and that there shall be a vote on final passage.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Well now, the Senator from New Hampshire said that he wanted a unanimous-consent request that we would go to ESEA, at a time to be determined by the majority leader——

Mr. GREGG. In consultation——

Mr. HARKIN. In consultation with the minority leader.

Well, we have asked the majority leader. The minority leader has propounded this unanimous consent request in the past. We are not running the floor. The Republicans are running the floor, not the Democrats.

Mr. GREGG. Mr. President, is debate appropriate?

The PRESIDING OFFICER. The Senator from New Hampshire, having propounded the unanimous consent request, has the floor.

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. It is the Republican side that is running the floor that schedules the bills, not the Democrats.

My friend from New Hampshire just said he would be willing to have seven amendments on either side.

Mr. GREGG. Relevant.

Mr. HARKIN. Oh, relevant amendments. See, there you go.

The last ESEA bill we had up was 4 years ago. We had amendments offered on the Republican side that were not relevant. We didn't say anything. We debated them. We debated them and we voted on them. Oh, but now they don't want to do that. The Republicans say: It has to be relevant. And they will preclude us from offering amendments on that bill that are relevant—maybe not to education but relevant to what is happening in America today. Yet they do not want to do that.

We would agree to time limits. Senator DASCHLE has here: 1 hour each, equally divided. That is 14 hours. In 14 hours, we could be done with the Elementary and Secondary Education Act.

Mr. GREGG. Will the Senator yield on that point?

Mr. HARKIN. I yield without losing my right to the floor.

Mr. GREGG. I would be willing to agree to time limits also: 1 hour on each relevant amendment.

Mr. HARKIN. All amendments that are offered here, seven on each side?

Mr. GREGG. In my unanimous-consent request.

Mr. HARKIN. To these seven amendments?

Mr. GREGG. It is my unanimous-consent request to which I am agreeing. You already have that in your request. I was just trying to be accommodating to your time constraints.

Mr. HARKIN. You can have whatever seven you want, and we will take our seven amendments.

Mr. GREGG. As long as they are relevant.

Mr. HARKIN. I reclaim my time. The Senator says: Relevant.

Mr. REID. Will the Senator yield without losing his right to the floor?

Mr. GREGG. I want to debate education, not national policy.

Mr. HARKIN. Yes, I yield without losing my right to the floor.

Mr. REID. One of the amendments, the Senator is aware, the Lautenberg amendment, deals with gun safety.

Are you aware there are precedents for gun control amendments to education bills? In fact, is the Senator aware that in 1994, Senator GRAMM of Texas offered an amendment on mandatory sentences for criminals who use guns, and it was put to a vote on the education bill that year?

Mr. HARKIN. That is right.

Mr. REID. I say to my friend, doesn't it seem logical and sensible to the Senator from Iowa that with all the deaths in schools related to guns, on an education bill we should have a conversation about gun safety in schools?

Mr. HARKIN. To this Senator, it makes eminently good sense. We are talking about education and safety in education. Senator LAUTENBERG has an amendment on gun safety. That is what the Republicans do not want to vote on. Yet the Senator from New Hampshire said: Relevant amendments. I am looking at the list of amendments we have. They all deal with education in one form or another.

Mr. GREGG. Then the Senator should have no objection to my offer.

Mr. HARKIN. If the Senator from New Hampshire would agree that school safety and guns is a relevant amendment, we can make an agreement right now. Will the Senator agree to that?

Mr. GREGG. I do not make that ruling. It would be up to the Parliamentarian to determine what a relevant amendment is.

Mr. HARKIN. No. A unanimous consent that the Lautenberg amendment is relevant.

Mr. GREGG. I will not make that decision. The offer is very reasonable. We are willing to debate relevant amendments on education. There are a lot of relevant amendments on education that deal with guns. All you have to do is make it relevant and you can involve a gun issue. There is no question, for example, if you want to offer an amendment that deals with using title I money for the purposes of allowing people to put in some sort of screening system for going into a school relative to guns, that is a very relevant amendment, I would presume. But I am not the one who makes that decision. The Parliamentarian makes the decision.

Mr. HARKIN. No. But a unanimous consent.

Mr. GREGG. I am perfectly willing to make an adjustment, to give you a timeframe, so we can have a timeframe on the debate. We can have relevant amendments, 1 hour on each amendment. I have gone up to seven amendments now because the Senator from Nevada made a good case that we might not have gotten the amendment of the Senator from New Mexico into the mix. So that is seven amendments on each side and a vote on final passage—that is 14 hours—we vote on final passage, leaving it to the majority leader to call the issue to the floor. I think we could have a deal.

Mr. HARKIN. Mr. President, I find it interesting, my friend from New Hampshire making this argument. Four years ago, when the Senator from Texas offered a gun amendment on the Elementary and Secondary Education Act, I didn't hear a peep from my friend from New Hampshire, not a word. But now, when we want to address the issue of school violence and guns, the Senator from New Hampshire says: Oh, well, now we can't discuss that. It is not relevant.

The Senator from New Hampshire knows, as well as I do, there is no rule in the Senate that demands relevancy. That is the House. That is why we are the great deliberative body that we are. We can debate and discuss things. If the Senator wants to go back to the House, where they have a Rules Committee, and they only discuss issues that the Rules Committee says are relevant—that is the House of Representatives. This is the Senate. We do not have such a rule. Thank God we do not because it allows us, as Senators, to have the kind of open and free debate and discussion that I think distinguishes the Senate from the House of Representatives. That allows us a time to cool things down, as Thomas Jefferson said.

We are willing to bring up the Elementary and Secondary Education Act and agree to a time limit. We could be done in 1 day. But the Republicans do not want to vote on the gun issue.

They don't want to have to belly up to the bar and vote to keep guns out of the hands of kids. They don't want to have that amendment. Therefore, all of the rest of the Elementary and Secondary Education Act is held hostage by the refusal on the Republican side to allow even 1 hour of debate and an up-or-down vote on the Lautenberg amendment. That is the essence of it right now. As my friend from Nevada said, we are willing to go to the Elementary and Secondary Education Act right now with a time limit, debate them, vote them up or down. It is the other side that won't let that happen.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we know there are other things to do, but there is nothing more important to the American people—I know there is nothing more important to the people of the State of Nevada—than to do something about education. The Senator from Iowa talked about guns. Of course, they don't want to debate that issue, even though we did more than a year ago. Remember the clamor here that we had to do something as a result of the Columbine killings. Then we had a series of killings by guns in schools. We just recently had one in Florida where a boy was sent home because he was dropping water balloons. He came back and killed the teacher. There was no safety lock on that gun. It was laying around. Some felon had it. I don't know who had it. Anyway, the kid was able to get it.

The majority's argument is simply a smokescreen. Of course, they don't want to talk about gun safety. They also don't want to vote on other priority issues such as modernizing schools. The average school in America is almost 50 years old. In Nevada, because we have to build one new school a month, we also need some help building schools, renovating schools. We have a tremendously difficult problem. People think of Nevada as the most rural place in America. It is the most urban place in America. Over 90 percent of the people live in two communities: Reno and Las Vegas. We have the seventh largest school district in America, with over 230,000 students. We need some help. The majority does not want to modernize the schools.

Wouldn't it be great if we could do something about afterschool programs? That is where kids get in trouble, latchkey children, without sufficient supervision. We have amendments, some of which were read by the Senator and I, that deal with afterschool programs. We want to do something about having not only more teachers but better teachers. That is what we want to consider. That is why we want to talk about education.

The Senator from New Mexico is shortly going to offer an amendment dealing with quality education. If not now, he will do it later. I know it is something he has talked about. Yes, Senator LAUTENBERG wants to offer an amendment joined by numerous others. He is the lead sponsor to deal with safety in schools, more accountability. If the majority doesn't think that guns in schools and school safety are priorities for the American people, then they have not been reading the papers. They have not been reading their own mail that comes from home. These are important issues.

All we are asking is that the pending business, Order No. 491, a bill to extend programs and activities under the Elementary and Secondary Education Act, be the order of the day; that it be called off the calendar and we get back to working on it. It is the pending business right now. It is here in the Senate calendar of business. We should get back to that. We offered strict time agreements on all amendments, and then we get the retort from our friend from New Hampshire: Relevant, relevant.

We know what happens here. We know who controls what goes on. It is the majority. If they don't want something, it is not relevant. We are adults. We know how things work around here. We give them the title of the amendments; we tell them what they are about. We limit the time on them. I don't know what we could do that would be more fair and would allow this agenda to move along.

We want the opportunity to vote. We don't want the opportunity to debate for more than a half hour. A half hour is all we get. We feel very confident that our priorities are the needs of the majority of the people of this country. We are not afraid to vote on them.

The real reason the majority doesn't want to vote on these proposals is because we are going to win. People over there are going to vote with us. We are going to win. There are only 45 of us. We know we can't win unless we get support from the majority. We will get support from the majority. This is a procedural effort to block the education agenda of the minority from going forward. It is too bad.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I don't want to prolong this ad nauseam because it is sort of an internal debate. I know the Senator from New Mexico has an amendment he wants to offer.

I will make a couple of points in response to the Senator from Nevada, who always eloquently presents the minority's position.

The fact is, all the amendments he talked about in the area of education are amendments which we are perfectly willing to get into. We got into them in committee, and we are happy to get into them on the floor. I suspect they would have no problem being found as relevant—school construction, afterschool programs, safe schools. In fact, we have done a great deal in the area of all of these accounts. On the Safe Schools Program, aftershool programs, we have increased funding dramatically in both those proposals.

We have brought forward an ESEA bill in a creative and imaginative way. I think it is being held because there are amendments people want to put on it which they know will cause it to not go any further than this body because the bill has so many imaginative and creative ideas in it which the Federal bureaucracy and the educational bureaucracy do not like because they return power to the States, power to parents, power to children, power to principals. They just don't like the fact that this bill is coming up for a vote with a whole cafeteria of ideas that threaten the present educational lobby here in Washington. Therefore, they have decided to gum it up with a bunch of amendments that have no relevance at all.

"Relevant" is an important term for the education issue. The education debate should be on education. There are a lot of gun issues which are education related. We are perfectly happy to take those as relevant. But there are some that are not, and they know that. That is why they are throwing it on this bill, because they know it will stop the bill on the floor. They can use that as an excuse for stopping the bill rather than being the actual reason the bill is being stopped.

As to gun amendments, we have voted on those enumerable times in this body. We have had amendments relative to abortion clinics, relative to gun-related debt. We have had them relative to gun violence crime protection, safe school new Federal restrictions on firearms, on education and violence protection. There have been votes on these. The list goes on and on. There have been gun amendments all through the process. There are gun amendments that can be made relevant. I would presume if they wanted to include those seven that I suggested, it would be easy enough to do it.

I do think that the defense that they don't want relevant amendments, that they want to have the freedom to throw whatever amendment they want on this bill, is a puerile defense. "Puerile" is the wrong word. It is a sophomoric defense because basically what they are interested in is not having the ESEA bill come through this House in its present form because it is not a form that they liked when it was reported out of committee.

Mr. HARKIN. We had seven amendments. That was all that was on the list.

Mr. GREGG. All I am interested in is seven relevant amendments.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, does the Senator from New Hampshire retain the floor or is it open?

The PRESIDING OFFICER. The regular order is the recognition of the Senator from New Mexico to offer an amendment.

AMENDMENT NO. 3649

(Purpose: To ensure accountability in programs for disadvantaged students and to assist States in their efforts to turn around failing schools)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. REED, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, and Mr. WELLSTONE, proposes an amendment numbered 3649.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 57, line 19, after "year" insert the following: ": *Provided further*, That in addition to any other funds appropriated under this title, there are appropriated, under the authority of section 1002(f) of the Elementary and Secondary Education Act of 1965, $250,000,000 to carry out sections 1116 and 1117 of such Act".

Mr. BINGAMAN. Mr. President, I have indicated to the majority that I would take a half hour to discuss the amendment on our side. I know Senator REED also wishes to speak about the amendment, and perhaps others.

If the Republican side will take the same limited amount of time, I believe that is the arrangement.

This is an amendment to address the central issue that has been part of the education debate all along, and that is the issue of accountability. On the last amendment Senator WELLSTONE proposed, I know the discussion back and forth between Senator WELLSTONE and the Senator from New Hampshire. The position of the Senator from New Hampshire was that he could support increases in title I if there was proper accountability for how the money was spent, if we could be sure the money was spent for the purpose it was really needed.

The amendment I am proposing would try to put into place the mechanisms to ensure that accountability. That, I believe, is a reason the amendment should be supported by everyone.

Let me indicate what current law is. Current law says that of the title I funds a State receives, they can spend a maximum of one-half of 1 percent of those title I funds in order to ensure accountability in the expenditure of those funds. That is, if you have a failing school—for example, take my State. If one of our school districts in New Mexico has an elementary school that is not doing well and is not showing improvement in student performance, then the State has one-half of 1 percent of the title I funds it can spend in trying to assist that school to do better. That is all it can spend, and that is for the entire State.

It is clear to anybody who has worked in education that this is an inadequate amount of money. I have here a letter that has been sent to me by the Council of Chief State School Officers. I want to read a section from that where they indicate their support for this Bingaman amendment to restore an increase in funding for title I accountability grants to assist low-performing schools:

> Last year, Congress appropriated $134 million in title I accountability funds to help aid over 7,000 schools, to help low-performing schools that were identified. The Council of Chief State School Officers supports providing assistance to low-performing schools through an increased State setaside. The accountability grants are essential to help turn around our Nation's most troubled schools. Several of our States have already expressed reluctance to undertake the new grants due to an certainty over future funding. It is critical that the accountability grants be sustained and funded and funding increased to the President's request of $250 million, so that States and districts can continue to help improve these schools. Mr. President, I ask unanimous consent that this letter, dated June 21, 2000, be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BINGAMAN. I believe that letter summarizes very well the thrust of my argument. We have the Federal Government now spending over $8 billion this next year—almost $9 billion—to assist disadvantaged students through the title I program. But the accompanying accountability provisions in the law have not been fully implemented. That is, we have not seen the results we would like to see in all cases—in the case of these failing schools in particular—due to a lack of dedicated funding that would be necessary to develop improved strategies and create rewards and penalties that hold schools accountable for continuous improvement in their student performance.

The bill before us does not identify any specific funds for accountability enforcement efforts. We need to ensure that a significant funding stream is provided so that these accountability provisions are in fact enforced. The amendment I have offered seeks to ensure that $250 million, which is a small fraction of the total amount appropriated under title I, is directly spent on this objective. This money would be used to ensure that States and local school districts have the resources available to implement the corrective action provisions of title I by providing immediate and intensive interventions to turn around low-performing schools.

What type of interventions am I talking about? What are we trying to ensure that States and school districts can do by providing these funds? Let me give you a list.

First of all, ongoing and intensive teacher training. If you have a failing school where the students are not performing better than they did last year, it is likely that the problem comes back to the teachers. We need better training of some of our teachers in that school. These funds would make that possible.

Second, extended learning time for students, afterschool programs, Saturday, and summer school to help students catch up. Again, a failing school, in many cases, needs those kinds of resources.

Third, provision of rewards to low-performing schools that show significant progress, including cash awards and other incentives, such as release time for teachers.

Fourth, restructuring of chronically failing schools. In many cases, you need a restructuring of a school. You need to replace some of the people in the administration. You need to have a restructuring so that the school can start off on another foot.

Fifth, intensive technical assistance from teams of experts outside the school to help develop and implement school improvement plans in these failing schools. These are teams that go into the school and determine the causes of the low performance—for example, low expectations, outdated curriculum, poorly trained teachers, and unsafe conditions—and assist those schools in implementing research-based models for improvement.

Here is one example of what I am talking about. A program with which many of us have become familiar—I certainly have in my State—is called Success for All. This is a program which is called a whole school reform program for the early grades, elementary schools. It was developed by researchers at Johns Hopkins University, and it has been implemented in over 2,000 elementary schools throughout the country. There were over 50 schools in my home State of New Mexico this last year that implemented the Success for All Program. The program is a proven early grade reading program which, if implemented properly, can ensure better results. All of the studies demonstrate that it can lead to better results.

At the end of the first grade, Success for All schools have average reading scores almost 3 months ahead of those in matching control schools, and by the end of the fifth grade, students read more than 1 year ahead of their peers in the controlled schools. So the program can reduce the need for special education placements by more than 50 percent and virtually eliminate the problem of having to retain students in a grade more than a year.

The funding contemplated in this amendment I am offering is authorized under both the old version of the Elementary and Secondary Education Act and the proposed new version, on which we just had a debate about how to get that back up for consideration in the Senate. Under section 1002(f) of the Elementary and Secondary Education Act currently in effect, Congress is authorized to provide such sums as may be necessary to provide needed assistance for school improvement under sections 1116 and 1117 of the act. That is the current Elementary and Secondary Education Act.

Last year, we did provide additional assistance in this bill—this exact appropriations bill we are debating today. We provided $134 million for this purpose, and we need to follow through on that commitment this year.

We also agreed, on a bipartisan basis, that these funds were necessary during the reauthorization of the Elementary and Secondary Education Act, the bill which was reported out of the committee. Under S. 2, the chairman's bill, there would be an automatic setaside of increased funds for title I for this purpose.

Unfortunately, as has been discussed here at length, the Elementary and Secondary Education Act appears to be in limbo, and we are having great difficulty getting back to it on the Senate floor. It is simply irresponsible for us to invest $9 billion—or nearly that—in the title I program and, at the same time, still fail to provide necessary resources to ensure that the States, districts, and schools are held accountable for how that $9 billion is spent.

Title I requires the States and districts to implement accountability and assist failing schools. But we in the Congress have failed to give the States and districts the resources necessary to carry out those mandates.

Title I authorizes State school support teams to provide support for schoolwide programs, to provide assistance to schools in need of improvement through activities such as professional development, identifying resources for changing and instruction, and changing the organization of the school.

In 1998, only eight States reported that school support teams have been able to serve the majority of schools identified in need of improvement.

Less than half of the schools identified as needing improvement in the 1997–1998 school year reported that this designation led to additional professional development or assistance.

Schools and school districts that need this additional support and resources do five things: Address weaknesses quickly soon after they are identified; second, promote a progressively intensive range of interventions; third, continuously assess the results of those interventions and monitor whether progress is, in fact, being made; fourth, implement incentives for improvement; and, fifth, implement consequences for failure.

I think many in this Senate would agree that a crucial step toward improving the public schools lies in holding the system accountable for student achievement and better outcomes.

I hope everyone is able to demonstrate with their vote on this amendment that they support these positive initiatives toward establishing that type of accountability.

Unfortunately, our debate on the Elementary and Secondary Education Act was prematurely ended. As I indicated, it is not clear when that will come back. I continue to hope it will come back to the Senate floor so we can complete that bill and send it to the President.

I think that is a high priority that the American people want to see us accomplish before we leave this fall.

When we resume consideration of that bill, I intend to offer an amendment that would address the area of accountability in all education programs.

This amendment will enhance the existing accountability provisions in title I. As you know, this is the largest Federal program in the Elementary and Secondary Education Act, and it has been discussed before as to the great good this program does.

We made some important changes to title I. I indicated that the chairman's mark has some provision for a significant increase in the amount of funds that could be used for these accountability purposes. But under current law, States and the school districts are not able to spend the money they need in this area.

That is why the amendment I am offering today is so important.

I hope very much that Senators will support the amendment.

In my home State of New Mexico the need is enormous.

In 1994, fourth grade reading data showed that an average of 21 percent of fourth graders in my State were reading at a level that was considered proficient.

There is a tremendous need for additional resources in this area. The fact is that many of these students are minority students, and many of these students require the assistance that title I was intended to provide. We need to be sure that the accountability is there so these funds are spent in an effective way.

I know that Senator REED is also here on the floor and is a cosponsor of this amendment. He would like to speak to it.

Let me indicate also, if I failed to do so at the beginning of my comments, that the amendment is offered on behalf of myself, Senators REED, KENNEDY, MURRAY, DODD, and WELLSTONE.

EXHIBIT 1

COUNCIL OF CHIEF
STATE SCHOOL OFFICERS,
Washington, DC, June 21, 2000.

Member,
U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the state commissioners and superintendents of education, I write to comment on the FY2001 Labor, Health and Human Services, and Education Appropriations bill (S. 2553), which the Senate Appropriations Committee passed last month. While the Council is extremely pleased with the bipartisan effort to significantly increase the overall funding level for education programs, we have several concerns with education policy issues reflected in the bill, as well as programs which are underfunded.

The Council applauds the Committee's decision to increase funding for education by over $4.6 billion, which is higher than the President's request. We are grateful that the Senate recognizes the need to substantially invest in education, and S. 2553 is responsive to recent polls that show 61% of the public believe that the federal government does not invest enough in education. Specifically, we are pleased that the bill increases funding for programs such as Title I, IDEA, and vocational education, although these programs still remain critically underfunded.

Despite the high total funding level, there are several elementary and secondary education issues included in the bill which greatly concern the Council. We urge adoption of amendments to address these issues. Amendments are needed as follows: (1) restore and increase resources to assist low-performing Title I schools; (2) continue development and implementation of aligned state and local standards and assessments; (3) provide separate, guaranteed funding streams for class size reduction and school modernization; (4) increase funding for teacher quality in Title II, ESEA and Title II, HEA; (5) restore and increase funding for the Comprehensive School Reform Demonstration program; and (6) delete provisions that would allow community based organizations to operate the 21st Century Community Schools program. The Council urges adoption of the following amendments to S. 2553:

Support the Bingaman amendment to restore and increase funding for Title I accountability grants to assist low-performing schools. Last year Congress appropriated $134 million in Title I accountability funds to help aid over 7,000 schools identified as low performing. While CCSSO supports providing assistance to low-performing schools through an increased state set-aside, the accountability grants are essential to help turn around our nation's most troubled schools. Several of our states have already expressed reluctance to undertake the new grants due to uncertainty over future funding. It is critical that the accountability grants be sustained and funding increased to the President's request of $250 million, so states and districts can continue to help improve these schools.

Provide guaranteed funding to allow SEAs to continue the key functions of Goals 2000. This funding is necessary for states and districts to continue development and implementation of high standards for student achievement with aligned assessments to measure progress of students, schools, and systems. Goals 2000 has been the leading source of funds for localities and states to develop standards and innovative improvement strategies. Funding for continuing these purposes must be included in Title II or Title VI, ESEA.

Support the Murray and Harkin amendments to provide separate, guaranteed funding streams for class size reduction and school modernization. S. 2553 contains provisions for the use of a $2.7 billion block grant within Title VI, ESEA to allow funding for any programs that a LEA determines are ". . . part of a local strategy for improving academic achievement". While CCSSO strongly supports a substantial increase in funding for Title VI, Innovative Strategies to enable states and districts to continue development and implementation of challenging standards and assessments, we oppose block granting of education programs such as Class Size Reduction and School Modernization. Block granting of federal education programs leads to reduction of federal funding, as evidenced by the 1981 consolidation of 26 federal education programs with appropriations of $750 million. Today, the appropriation for these programs is $375 million. When adjusted for inflation, the current appropriation is only one-fourth of the $1.5 billion value these programs would have today if the programs prior to block granting were kept at 1980 levels. To be sustained at effective levels, federal education funds should be targeted to educational priorities that serve America's neediest students.

Separate programs for reducing class size and school modernization are essential. We urge the Senate to guarantee separate funding streams for these two critical programs and to fund School Modernization at $1.3 billion and Class Size Reduction at $1.75 billion in FY2001.

Support the Kennedy amendment to increase funding for Teacher quality by providing substantial new funds for Title II, ESEA, and Title II, HEA. S. 2553 reduces funding for teacher quality by over $500 million below the President's request. This funding is necessary since schools will need additional resources to recruit and train the 2.2 million new teachers needed in the next decade, as well as to strengthen the skills of current teachers.

Restore and increase funding for the Comprehensive School Reform Demonstration program. This highly successful program has been in existence for 3 years and has provided critical assistance to our nation's neediest schools and students. By eliminating funding for CSRD, more than 3,000 schools in need of improvement will be denied the opportunity to receive funding for research-based models of schoolwide improvement.

Delete the Gregg amendment adopted during Committee markup to allow community-based organization (CBO's) to apply for and operate the 21st Century Afterschool program. This innovative program should be continued to be based at schools with orientation toward academic success through after-school enrichment program targeted to disadvantaged youth. Current law has successfully promoted LEA–CBO partnerships to expand learning opportunities for youth during non-school hours, weekends, and summers. Authorizing CBO's to operate the programs alone would completely alter this partnerships and undermine the focus on academically-related extended learning. Additionally, the funding level for this program is $400 million below the President's request, which would result in 1.6 million fewer children receiving services.

We urge the Senate to address these issues during floor action. These changes together with the commended strong bipartisan increase in funding for education programs would provide an important new appropriation for education. However, if the above issues are not addressed, we cannot support the bill.

We look forward to working with Members of the Senate to increase federal education support which connects with state and local efforts to strengthen classroom quality and access to education excellence for all students. If we can be of any assistance to you or answer any questions, please call me or Carnie Hayes, our Director of Federal State Relations, at (202) 336-7009. As always, thank you for considering our recommendations.

Sincerely,

GORDON M. AMBACH,
Executive Director.

Mr. GREGG. Mr. President, will the Senator be willing to enter into a unanimous consent that we vote on his amendment, if there is a vote, at 5 o'clock?

I withdraw my unanimous consent request.

Mr. BINGAMAN. Mr. President, since the Senator has withdrawn his request, I don't agree to it.

I yield to my colleague from Rhode Island, Senator REED, the cosponsor of the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in very strong support of Senator BINGAMAN's amendment to provide additional resources to support State and local accountability efforts. Last year's budget included these funds, and this investment must be continued.

I have worked long and hard on school accountability. But, frankly, the leader in this regard in this body is Senator JEFF BINGAMAN from New Mexico. He is a champion for ensuring that Federal resources go to schools. But we also provide incentives and opportunities for accountability and for improvement, along with Federal dollars. His efforts have been in the forefront of this great effort to improve the quality of our education and the quality of our schools.

The Federal Government directs over $8 billion a year to provide critical support for disadvantaged students under title I. But even with this great amount of money—$8 billion—there are still insufficient resources to provide for the accountability provisions that are part of title I.

We essentially face a situation, given the number of students who qualify for title I and the limited resources for the program, where most of the funds go simply to providing services and not the type of careful overview and thoughtful review that is necessary for program improvement.

With the resources that are proposed by Senator BINGAMAN, we will be able to identify more closely and more accurately schools in need of improvement. We will be able to provide assistance for activities like professional development and technical assistance to schools so that they can in effect improve their performance and implement State corrective actions for schools that we should and must improve.

Today, as I mentioned before, most of the dollars are simply going out to meet this overwhelming demand for services without the ability to review, evaluate, and correct programs. With this ability we would not only get the best results for our dollars, but we could materially improve the educational attainment of children throughout this country, and particularly disadvantaged children under title I.

In 1994, much of the impetus for accountability began with the prior reauthorization of the Elementary and Secondary Education Act.

The 1994 amendments allowed States to move forward and develop their own content performance standards and to develop their own assessment measures to provide the details for our direction to improve the accountability of title I money.

But as I mentioned—this is a constant theme—because of limited resources, there is the difficult choice between providing the service and doing the accountability.

On a day-to-day basis, States try to keep up. But over time, they are falling behind in terms of improved performance and improved quality of education for students. What results is States can't as effectively address weaknesses that they see. They can't invoke a progressively intensive range of interventions to improve schools. They can't do the continuous assessments that are necessary to keep these programs on target, focused, and provide quality education for all of our children.

The amendment, which the Senator from New Mexico proposes, would provide resources for schools and school districts to enable them to address the challenges of helping low-performance students and low-performance schools. In fact, we know those students in our lowest performance schools will immediately and directly benefit from the Bingaman amendment because studies clearly show that students in low-performance schools are at least a year or two behind students in the high-performing schools within the title I universe.

As we provide these resources, we need to focus them on the more problematic schools so we can help disadvantaged children to attain better educational achievement throughout our country.

We are still in the midst of trying to reauthorize the ESEA. Within the context of that act, Senator BINGAMAN has other accountability language which I am proud to support with him.

But we have a critical opportunity—and we are at a critical juncture today—to provide resources and directions so that the accountability issue at least will not have to wait upon final reauthorization of the ESEA if that final reauthorization is indeed forthcoming in this legislative session.

I once again commend Senator BINGAMAN for his leadership.

I conclude by simply saying that we have a situation where there is a great deal of knowledge and a great deal of intuition at the local level about how they can improve this program.

These resources in the hands of local school authorities would make a real difference in the lives of disadvantaged children, and would ultimately go to the heart of, I believe, what our greatest challenge in this country is, which is to use education to provide all of us, but most particularly the most disadvantaged Americans, the opportunity to learn, to succeed and to contribute to this country and to our economy. I urge passage of the Bingaman amendment, and I yield to the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am informed there is no time agreement; is that correct?

The PRESIDING OFFICER. It is the Chair's understanding that there is no time agreement.

Mr. BINGAMAN. Mr. President, we do have one other Senator who I believe is on his way to the floor and wishes to speak. If there are any Senators wishing to speak in opposition, we will be glad to hear from them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Mr. DODD. Mr. President, I commend our colleague from New Mexico for offering what I think is about as important an amendment as you can have, when it comes to the issue of education. Regrettably, we have abandoned—I hope only temporarily—the Elementary and Secondary Education Act, the authorization bill. That bill is only dealt with once every 6 years by the Congress. It is the bedrock piece of legislation that deals with the elementary and secondary educational needs of America's children; the some 50 million who attend our public schools every day of the school year. Of the 55 million or so children who go to elementary and secondary schools, roughly 50 million of them attend a public school.

Despite the efforts of the committee of jurisdiction—we spent 2 or 3 days discussing the Elementary and Secondary Education Act—we have now decided we are no longer going to debate that or discuss that issue any longer. I think that is a tragedy when we consider how important to the American public is the issue of education, how important it is to strengthen our schools. Everyone knows so many of them are in desperate need of help. That we cannot find the time—only once every 6 years—to talk about this issue is deplorable.

It was through the efforts of my colleague from New Mexico, in fact, that we were able to provide language in the Elementary and Secondary Education Act to deal with the issue of accountability in our public schools. I regret this bill has been abandoned. I hope we will get back to it, although I am doubtful that will be the case. But, if we do, we will have a chance to further discuss it.

The Senator from New Mexico has offered an amendment to set aside $250 million within title I to help States implement effective programs to turn around failing schools. Last year, $134 million was appropriated for this purpose, and the committee's appropriations bill does not include any funding for accountability grants. The President requested $250 million, and this amendment meets that request.

The fact that the proposal coming out of the committee disregards accountability altogether is a stunning failure to recognize how important it is that we make a concerted effort to put these failing schools back on their feet.

What is title I? We talk in terms of titles, dollar amounts, and alphabet soup when it comes to certain programs. Title I is the basic education program to provide assistance to the most disadvantaged students in the country, whether they live in urban, rural, or suburban areas.

Roughly $8 billion, more than half the entire Federal budget's commitment on education, goes for title I, disadvantaged students. In fact, it is an indictment of the Federal Government that we only contribute less than one-half of 1 percent of our entire Federal budget to elementary and secondary education. Imagine, less than one-half of 1 percent of the entire Federal budget goes to elementary and secondary education, despite the fact that most Americans say with a single voice that education is about as important an issue as this country has to address. Despite those feelings, we contribute a tiny fraction of the entire Federal budget to this most compelling need.

Of the $15 billion we spend on education, half is spent on these disadvantaged children through title I. That is title I.

Senator BINGAMAN has offered an amendment that provides that of the $8.3 billion, we are going to allocate $250 million, which is not included in the present bill. It provides $250 million to do something to get these failing schools back on track.

It has been suggested that a failing school ought to be shut down. I understand the frustration that leads people to that conclusion, but too often when we shut down one of these schools, there are no great alternatives around the corner for these children. There is not that well-run little parochial school or some private school to which these children can go. Too often these schools exist in the worst neighborhoods and worst areas of the country in terms of economics. We need to do something to get these schools back on track and functioning well so these children, who, through no fault of their own, are born into these circumstances in these neighborhoods and communities across the country, have a chance.

It is one thing to talk about accountability, but the Senator from New Mexico has offered some strong, thoughtful language on how to achieve that accountability in our Nation's educational system. We have shifted our focus from what the Federal education dollar has bought to more on outcome: What do you get; what comes out of that school.

It is a worthwhile shift to begin to determine what schools are producing, how well are these children prepared to move on to the next level of education to become productive citizens of our country, good citizens, and good parents. There are too often a staggering number of schools that fail when it comes to outputs.

Effective accountability measures is what business leaders call quality control measures. They determine whether students are achieving to the high standards they ought to be, to make sure public dollars are being spent wisely. Accountability is especially important in schools with high concentrations of disadvantaged students to ensure all students have an opportunity to meet high standards of achievement.

In our view, we must spur change and reform in these failing schools. Shutting them down is not the answer. Getting them to perform better is. Setting positive accountability standards is one of the ways to help achieve that goal. That is what the Senator from New Mexico is offering in this amendment: Some dollars allocated and setting accountability standards will help us achieve the desired results.

As we all know, despite concerted efforts by States and school districts, accountability provisions in title I have not been adequately implemented due to insufficient resources. When we have a budget, such as this one, that does not allocate even a nickel for accountability, we cannot give a speech about accountability and then not provide any of the resources to see to it that accountability is achieved.

In 1998, to make the point, only 8 States out of the 50 reported that school support teams were able to serve the majority of schools identified as being in need of improvement. Less than half of the schools identified as in need of improvement in the 1997–1998 period reported they received additional professional development or technical assistance.

It seems quite obvious we need to strengthen title I with only 8 States out of 50. Even among those States, the results are paltry when it comes to accountability. We clearly need to do a far better job if we are going to give these students and these families a chance to have a school to continue and provide the education these children ought to be receiving.

We have to strengthen title I to make more schools more accountable for the academic success of all the children who attend them and to assure States and districts do all they can to turn around failing schools by using proven, effective strategies for reform.

We must make all schools accountable for good teaching and improved student achievement. We cannot turn our backs on low-performing schools, as I said. We must do all we can to improve them. If all else fails and we have to close them down, that is one thing, but if we jump to close schools without trying to improve them, too often we abandon these young students.

School districts and States need the additional support. Less than one-half of 1 percent of the entire Federal budget is dedicated to education, and we are talking about $250 million out of the title I resources to improve the accountability standards. My view, and I think the view of most of us, is that we ought to act now and make these schools more accountable for these disadvantaged children. I am hopeful that will be the case.

Again, I congratulate our colleague from New Mexico for offering this amendment. I mentioned one-half of 1 percent of the Federal budget is spent on elementary and secondary education. Out of 100 cents in the dollar we contribute, one-half of 1 percent represents 7 cents when it comes to an education dollar; 93 cents come from our States and mostly local governments who support the educational needs of the local communities. When we get to our poorest communities in rural America—I know the Presiding Officer can relate to this; he represents a very diverse State, one that has strong urban areas but strong rural areas as well—when we get to a poor rural community or poor urban area, the tax base, in many cases, does not exist to provide for the educational needs.

My hope is in the coming years we are going to do a better job of being a better partner with local towns, a better partner with our States, so the Federal Government is contributing a greater share, about $1. Seven cents out of 100 cents toward the needs of America's children in the 21st century is an appalling indictment of failing to improve the quality of education.

I do not know of a single Senator who dissents when it comes to the issue of accountability, making sure these students are coming out of educational institutions with the abilities, the talents, and the knowledge they need to move on. On this we can all agree. We have to not just talk about it, we have to invest in it.

The Senator from New Mexico has offered a proposal that will at least put some dollars into the accountability standards, along with the language that tells how best to achieve accountability. I strongly endorse this amendment and hope our colleagues will support it.

I thank the distinguished managers of this bill, Senator SPECTER and Senator HARKIN, for their willingness to provide for a new and significant investment in child care. I have been critical about the accountability standards and the lack of funding. Before those remarks, I should have commended them for the work they have done on child care. As most of my colleagues know, I have spent a good part of my career in the Senate trying to improve the quality of child care in this country. This bill raises the level of the child care development block grant to a total funding of $2 billion which will allow an additional 220,000 children across this country to be served in a child care setting.

To put this investment in perspective, I note that this year's increase in funding of child care is double the program's growth in the previous 10 years of its existence. This funding represents the fruits of 2 years of bipartisan efforts.

In addition to thanking the chairman and ranking member of this appropriations subcommittee, I want to recognize individuals who have fought long and hard to provide this assistance to America's working families.

My colleague from Vermont, Senator JEFFORDS, my colleagues from Maine, Senator SNOWE and Senator COLLINS, and my colleague from Massachusetts, Senator KENNEDY, who has been a stalwart in fighting for this issue for many years. There are a lot of other people here who have been involved.

Senator John Chafee, who was a terrific fighter on many issues—by the way, Parade magazine, this past Sunday, had a wonderful story by Mr. Brady, who served with John Chafee in Korea. It was a wonderful piece about John Chafee's service in the Korean war, as we remembered the veterans of that conflict that began 50 years ago the day before yesterday.

John Chafee was a tremendous fighter and great ally when it came to child care. I do not want to conclude these remarks without mentioning his wonderful contribution in this area.

The funding allocation that is in this bill demonstrates that helping working families is not a partisan issue. I am glad to report that, in fact, in the last year, on four different occasions, we had votes on child care in the midst of some very tense and heated debates. In every single instance, this body—by a fairly significant margin—supported increasing the allocations for child care. It did not get done in conference reports, with the House of Representatives, in the first session of this Congress.

But Senator SPECTER told me last year: I promise you this year we will put the dollars in to get that level up to $2 billion. He did so. I thank him for fulfilling that commitment, not to me so much but to the working families in this country, who need this help tremendously.

So for 220,000 families who do not have the choice of staying at home or going to work but must work, either as single parents or two-income-earning parents, who need the resources to provide for their families, decent child care is worthwhile.

I note, just as an aside on this issue, we have a wonderful child care facility that serves the family of the Senate. One of our colleagues, JOHN EDWARDS of North Carolina, is the proud father of a new baby, but also has another young child. He brought the child to the child care center in the last few days to receive the services of that setting.

He was notified that in the 35-year existence of the child care center that serves the Senate family, he is the first Member of the Senate who actually has a child in that child care center. Certainly, we get some indication of maybe why we have not been as aggressive in pursuing the child care issues, when for obvious reasons—age and so forth—Members here are not likely to have children of child care age and needs.

But most Americans who have young children and work have a need today. This appropriation will assist the neediest people in the country, the neediest who are out there working every day to provide for their families and also need to have a decent place, a safe place—hopefully, a caring place—where they can leave their child in the care of others when they go off to work and provide for their economic needs.

I applaud the committee for its efforts in that regard. But as I said at the outset, I am very disappointed we have not done more in the area of accountability when it comes to elementary and secondary education needs and our failing schools.

In this context, I urge the adoption of the Bingaman amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending business be set aside in order that the Senate may consider Senator MURRAY's amendment concerning class size.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

AMENDMENT NO. 3604

(Purpose: To provide for class-size reduction and other activities)

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3604.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, line 12, before the period insert the following: ": *Provided further*, That $1,400,000,000 of such $2,700,000,000 shall be available, notwithstanding any other provision of law, to award funds and carry out activities in the same manner as funds were awarded and activities were carried out under section 310 of the Department of Education Appropriations Act, 2000: *Provided further*, That an additional $350,000,000 is appropriated to award funds and carry out activities in the same such manner".

Mrs. MURRAY. Mr. President, I ask unanimous consent to add as additional cosponsors Senators BIDEN, DODD, ROBB, WELLSTONE, KENNEDY, TORRICELLI, REED, LAUTENBERG, REID, LEVIN, AKAKA, and BINGAMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to argue, again, that no child should have to struggle for a teacher's attention in an overcrowded classroom. Every child deserves a classroom environment where they can learn and grow and get individual attention from a caring, qualified teacher. With the amendment I am offering this afternoon, we have an opportunity, again, to make that happen.

I am proud to report that classrooms across America are less crowded this year than they were last year. In fact, this year, 1.7 million children benefited from less crowded classrooms. The reason those students are learning in smaller classes is because this Congress made a commitment to help local school districts hire 100,000 new fully qualified teachers. We are now about one-third of the way towards reaching that goal.

By all measures, this has been a very successful program. Given the progress we have made, many parents and teachers would have a hard time believing that this Congress is about to abandon its commitment to reduce class size, but that is exactly what the bill before us would do. It would abandon our commitment to helping school districts reduce classroom overcrowding.

This bill would take the promise of smaller classes and yank it away from students and parents and teachers. This underlying bill does not guarantee funding for the Class Size Reduction Program as it is currently written. If it is passed without the amendment I am offering, school districts across the country cannot rely on having the money available to hire new teachers or to pay the salaries of the teachers they have already hired.

I have talked to hundreds of local educators, parents, and students. To them, that is unacceptable. That is why I have come to the floor today to offer my amendment that would continue our commitment to reducing class sizes.

Under this successful program, we have hired 29,000 new teachers, and we have given 1.7 million students across the country less crowded classrooms. Clearly, we are making progress, but we can't be satisfied with the status quo. We need to bring the benefits of smaller classes to more students. It is clear that smaller classes help students learn the basics with fewer discipline problems. Parents know it. Teachers know it. Students know it.

On the chart behind me, I have listed some of the benefits of smaller classes. They include better student achievement, something every Senator has come to the floor to speak for; fewer discipline problems, something about which we hear constantly; more individual attention; better parent-teacher communication; dramatic results for poor and minority students.

As a former educator, I can tell the Senate, there is a difference between having 35 kids in your classroom and having 18 kids in your classroom. With 35 kids, you spend most of your time on crowd control. With 18 kids, you spend most of your time teaching. But it is not only my experience. National research proves that smaller class sizes help students learn the basics they need in a disciplined environment.

A study that was conducted in Tennessee in 1989, which is known as the STAR study, compared the performance of students in grades K through 3 in small and regular size classes. That study found that students in small classes, those with 13 to 17 students, significantly outperformed other students in math and in reading. The STAR study found that students benefited from smaller classes at all grade levels and across all geographic areas. The study found that students in small classes have better high school graduation rates. These were kids who were in smaller classes in kindergarten through the third grade. They found, as they followed them through later on, they had better high school graduation rates, higher grade point averages, and were more inclined to pursue higher education. Certainly these are goals this Senate should be proud of helping to achieve.

According to the research conducted by Princeton University economist, Dr. Alan Kruger, students who attended small classes were more likely to take ACT or SAT college entrance exams. That was particularly true for African Americans students. According to Dr. Kruger:

> Attendance in small classes appears to have cut the black-white gap in the probability of taking a college-entrance exam by more than half.

Three other researchers at two different institutions of higher education found that STAR students who attended small classes in the early K through 3 grades were between 6 and 13 months ahead of their regular class peers in math, reading, and science in each of grades four, six, and eight, as they followed them through.

In yet another part of the country, a different class size reduction study reached similar conclusions. The Wisconsin SAGE study, Student Achievement Guarantee in Education, findings from 1996 through 1999 consistently proved that smaller classes result in significantly greater student achievement.

Class size reduction programs in the State study resulted in increased attention to individual students. It produced three main benefits: Fewer discipline problems and more instruction; more knowledge of students; and more teacher enthusiasm for teaching.

The Wisconsin study also found in smaller classes teachers were able to identify the learning problems of individual students more quickly. As one teacher participant in the State class size reduction study said, "If a child is having problems, you can see it right away. You can take care of it right then. It works a lot better for children."

The data is conclusive. Smaller classes help kids learn the basics in a disciplined environment. I am also proud that the class size program is simple and efficient. The school districts simply fill out a one-page form, which happens to be available online. Then the Department of Education sends them money to hire new teachers based on need and enrollment. The teachers have told me they have never seen money move so quickly from Congress to the classroom as under our class size bill.

Linda McGeachy in the Vancouver school district in my State commented, "The language is very clear, applying was very easy, and their funds really work to support classroom teachers."

The class size program is also flexible. Any school district that has already reduced class sizes in the early grades to 18 or fewer children may use the funds to further reduce class sizes in the other early grades. They can use it to reduce class sizes in kindergarten or they can carry out activities to improve teacher quality, including professional development.

I am sure some Members are going to argue that schools could still hire teachers if they wanted to by using the title VI funding in this underlying bill. Now, that may sound good at first, but it doesn't recognize the reality of how school boards work. The language in the underlying bill won't work. Mr. President, I served on a local school board. Finding the money to hire and train new teachers requires a financial commitment over many years in the face of many competing priorities. That is one of the reasons why school districts have so much trouble reducing class size without our Federal partnership.

Last year, we told school districts we would give them the money to hire teachers for 7 years. They heard our commitment and they hired more than 29,000 new teachers. Unfortunately, today, this underlying bill asks school districts to choose whether or not to keep those teachers, without any assurance that the money will still be there in the coming years.

I can tell you, if I were still on a school board, I would find it very difficult to keep those teachers, not knowing if I would have the money for them in the future. That is why we need to protect that money and guarantee that it goes to reduce class sizes. Because this bill abandons our commitment as a Federal partner, it leaves school districts with a false choice, and it means our kids are going to lose out. We should keep our commitment to reducing class size.

There is another reason why my amendment is so necessary, another critical reason why using the general title VI funding is not an adequate substitute. I have discussed this, as my colleagues know, many times on the floor of the Senate—why programs that are put into block grants with no specific purpose, such as title VI, are much less effective in targeting resources to our neediest students. Under the class size program, money is targeted to those needy students. For example, from the State level, funds are targeted 80 percent based on poverty and 20 percent based on student population. The program is designed to make sure economically disadvantaged students who benefit the most get smaller classes. We know poor and minority students can make dramatic gains in less crowded classrooms. And this amendment targets new teachers directly to those vulnerable students. Without my amendment, however, there is no guarantee those poor students will get the support they need.

Let me be clear. A block grant that is not targeted toward a specific educational purpose fails to ensure that our most vulnerable students get the resources they need. We need to pass this amendment so we can guarantee those students can benefit from smaller class sizes.

Before I close, I want to make one final point. We are going to continue this program sooner or later. The President has made it clear that he will veto this bill unless it funds the Class Size Reduction Program. His track record on this is pretty clear. He has stood up for the class size program time and again in the past. So the real question is, Are we going to vote to fund the program now, in June, or are we going to wait until the end of the fiscal year, sometime in October, when the clock is running and the congressional majority has to negotiate again with the President?

We should do it now. We should pass this amendment now, early in the process, so that school boards across America will have a clear indication that money for their new teachers will be there.

In closing, this amendment gives my colleagues the opportunity to support one of the most successful efforts we have ever seen in our schools in years. This amendment gives us a chance to fix the underlying Labor-HHS bill so that our students are not trapped in overcrowded classrooms. Let's invest in the things we know work. Let's support local school districts as they work to hire new teachers, and lets keep our commitment to America's schoolchildren so that they can learn the basics in a disciplined environment.

This is an issue we have worked on for some time, and the underlying bill will not keep our commitment to class size that is so important, that so many parents, students and teachers are waiting for us to make. That is why this amendment is so important.

I see that my colleague from Massachusetts is here.

Mr. KENNEDY. I wonder if the Senator will be good enough to yield for a question or two.

Mrs. MURRAY. I am happy to.

Mr. KENNEDY. Mr. President, I have had the good opportunity to listen to the persuasive arguments of the Senator from Washington. Does the Senator from Washington agree with me that historically the Federal role of helping local schools assist the most economically disadvantaged and challenged children in this country has been very limited? This was basically the origin of the Title I program back in the mid-1960s. We have had some success and we have had some failures. But I think the successes have been in the most recent time.

This is where we have been focusing our limited resources. However, the change in the formula in the underlying bill, which is in complete contrast to what the Senator from Washington has drafted, would target 80 percent of the funds for the neediest children, and 20 percent for the population. Now we are finding out that there has been a dramatic shift and the guiding force is going to be the population. So this whole block grant which has been explained to be available for smaller class size really isn't going to be targeted or really available to the children who probably need it the most. Am I correct in my understanding that this is one of the concerns the Senator has pointed out?

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is absolutely correct. There is a role for local school districts. There is a role for States, and there is a role for Federal Government, however small it is, in this country in terms of education.

The public has told us overwhelmingly time and time again they want the Federal role to remain. The Federal role, historically, has been to make sure the most needy and disadvantaged students in the country, wherever they are, are not left behind.

In the class size amendment, we target the funds directly to those kids because they need it the most and they are helped the most by it. The underlying bill, which I am amending, as the Senator from Massachusetts stated, block grants the money to title VI funds and therefore is block granted to all students, and it is not what the Federal role has been or should continue to be. So the Senator from Massachusetts is absolutely correct that this amendment is important.

Mr. KENNEDY. Further, there are no provisions to target these funds to the poverty districts, which runs in complete conflict as to what we understand. We are all for additional funding in terms of education, if the States want to do it. But the funding, historically, that we have provided has been targeted to those areas of special needs.

I have been enormously impressed with Project STAR in Tennessee, which studied 7,000 students in 80 schools. It was initiated in 1985 and has had extraordinarily positive and constructive results in terms of academic success for children.

I was in Wausau, WI, and met with a number of people who are involved in the SAGE Program, which was developed in 1995. Again, it is a program for smaller class size.

The SAGE program is intended to help raise student academic achievement by requiring that participating schools do the following: reduce the student-teacher ratio in class sizes from 15 to 1 in K through 3; stay open for extended hours; develop vigorous academic curriculums; and implement plans for staff development and professional accountability.

I listened to the Senator speak about each of these issues. In Wisconsin, they had at least one school serving 50% or more children living in poverty was eligible to apply for participation in SAGE. One school, with an enrollment of at least 30% or more children living in poverty, in each eligible district could participate. Again, it is targeted among the most challenged children.

The evaluation done on the 30 schools that implemented the program is absolutely remarkable.

In the SAGE Program, from 1996 to 1997, and again in 1997 to 1998, first grade classrooms scored significantly higher in all areas tested.

In 1997–1998, achievement advantage was maintained in the second grade classrooms.

The achievement benefit of SAGE small class size was especially strong for African-American students. In 1997–1998, the SAGE first grade post-test results showed that African-American students were closing the achievement gap.

Further, the analysis suggests that the teachers in these classrooms have greater knowledge, to which the Senator from Washington spoke. They spend less time managing their class and they have more time for individualize instruction emphasizing a primarily teacher-centered approach.

This has had extraordinary success—it has been tried. When the Murray amendment was first accepted, it had broad bipartisan support. That is why many of us find it troubling. When we have something that we know has been successful, why are we moving in a different direction? Will the Senator help me understand that in some way?

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is correct. There have been a number of studies that have followed class size reduction—from the Tennessee study in 1985 and 1990; the STAR study in 1996–1997; the SAGE Program that the Senator from Massachusetts mentioned in 1998–1999; the educational testing service study in 1997; New York City school study in April 2000; the Council for Greater City Schools in October of 1990.

All of these studies have followed up on what we have been able to do in reducing class size and have shown the same benefits of better student achievement, fewer discipline problems, and better test scores for students as they moved into the upper grades.

It is astounding to me that we had a bipartisan agreement 2 years ago to begin to reduce class size and every year, it seems, we have to come back and argue this again, debate it again, move on to a vote, then get to a point in October where we again amend the budget, and finally put it in the budget.

It seems to me, and I assume to the Senator from Massachusetts, that we would be smarter to put it in the bill now so school districts that are trying to figure out what we are doing will have the knowledge that this program will continue; that they can begin to hire their teachers, as they do in the months of June and July, and be ready to move on without the question of being left out there.

Mr. STEVENS. Mr. President, will the Senator yield for one second without losing her right to the floor?

Mrs. MURRAY. Mr. President, I yield to the Senator from Alaska without losing my right to the floor.

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that votes occur in stacked sequence following the 5 p.m. vote on the Wellstone amendment with 4 minutes equally divided prior to each vote for explanation on or in relation to the Bingaman and Murray amendments, in that order, and no second-degree amendments be in order prior to the votes on any of these amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, if I could just ask the Senator a question.

My State of Massachusetts hires an average of about 500 teachers each year. That is certainly not going to solve all of the problems. But it is making an important difference in my State, particularly when we know we have hired qualified teachers, and particularly when we know that across the country we have hired 50,000 unqualified teachers. We are getting qualified teachers who are involved in these programs. The selection of these teachers are worked out through the local process. That is a decision, I understand, that is made locally.

Unless the Senator's amendment is successful, what is going to happen to these teachers who have been effectively hired with the understanding that they are going to have the responsibility of teaching children in smaller class sizes?

We are now in the summertime. What sort of message does this send to school boards, to teachers, and particularly to parents who may be looking forward to their child staying in a smaller class size in the next year, if the Murray amendment is not accepted?

Mrs. MURRAY. Mr. President, I respond to the Senator from Massachusetts by reminding my colleagues that I formerly served on a school board. I can tell you what you do in the months of June and July. You hire teachers and renew contracts. School districts out there that have used the Federal dollars that we have provided them for the last 2 years have hired those teachers and they now have to make a commitment to continue.

For example, the Takoma School District in my home State of Washington used the class size dollars to reduce class sizes of 58 first grade classrooms. In that school district, they now have 15 students in those classrooms. It has made a tremendous difference. But they have hired these additional teachers, and they are now looking at the underlying bill that we have which says to them that this is now going to be a block grant with no guarantee that this money will go to the most needy 80 percent of the schools. Under the block grant program, they are going to lose some of the money in their districts for these teachers. They, therefore, right now can't make a commitment to these teachers that they will be able to hire them again in September.

This sends a very bad message to local school boards across the country that have hired teachers. And school boards are not going to be able to make the commitment that they need to make. That is why this amendment is so important. It will send a message today—right now, almost at the end of June—that they can make a commitment to those teachers.

Being a teacher right now is extremely difficult, as the Senator from Massachusetts well knows. Most teachers aren't paid well. They have trouble staying in schools because of the many challenges that are there already with this kind of uncertainty: Well, we might be able to hire you. You have to wait and see what Congress does in a couple of months because they haven't given us a commitment. We are not sure you are going to be able to go back. If I were a teacher in those circumstances, I would be out finding another job immediately. These teachers have to put food on the table, pay their rent, and they have all the expenses the rest of us have. They can't live in an uncertain job market such as this.

We have a responsibility to tell them the truth and to tell them what we are doing. By passing the underlying amendment today, we will send a message to those school boards that they can give a commitment to those teachers, and those teachers will know where they will be in September. Without passage of this amendment, I guarantee you that we are going to be in a budget debate in October where we are going to be having the President say he will veto the budget without this. And we will be making a decision in October that we could very easily and simply make today.

That is why this amendment is so important.

Mr. KENNEDY. Who loses out, if that is the case?

Mrs. MURRAY. First of all, our students, because they won't have the opportunity to be in a small class to which we committed.

I know parents today with kids in kindergarten who maybe had an older child in first or second grade, because of reduced class sizes, have called, saying: Please, my second child is on the way. For my first child, it has made such a difference in their life, being in a smaller class size. Make sure my second child coming behind them has the same opportunity.

That is what we are talking about today. So kids in these classrooms can read, learn, write, have an adult who has the time to pay attention to them. That is what this amendment guarantees to students in this country.

I have taught before. I know what it is to have too many kids in your classroom, especially in today's overcrowded classrooms across this country. Kids come with all kinds of problems that many professionals did not experience when we were in classrooms many years ago. In my classroom, I had an experience sitting with 24 4-year-old kids talking about the ABCs. When I called on one child, he looked directly at me and said: My dad did not come home last night; the police arrested him.

I didn't have the time to stop and deal with a child who certainly was in a traumatic situation because I was going to lose the attention and the ability to discipline 23 other kids immediately.

With a class size of 15, and a child coming to the classroom with traumatic problems, the teacher will have the time to sit down and deal with that child.

I wonder what happened to that 4-year-old. That was several years ago. I wonder what happened to him. If I had the time to deal with him, he would probably be doing better today.

We have a responsibility, for so many reasons, to continue this funding. The most important reason is because of the kids.

Mr. KENNEDY. I have heard the Senator from Washington tell that story on other occasions, but I find it as powerful and as important hearing it again.

Does the Senator remember the first time the Class Size Reduction Amendment was accepted, and later it was promoted as one of the major achievements by the Republican Policy Committee? It was achievement No. 13: Teacher Quality Initiative. It mentions the $1.2 billion additional funds to school districts, returned to local schools for smaller class sizes. Then Mr. GOODLING said:

This is a real victory for the Republican Congress, but more importantly, it is a huge win for local educators and parents who are fed up with Washington mandates, red tape and regulation. We agree with the President's desire to help classroom teachers, but our proposal does not create big, new federal education programs. Rather our proposal will drive dollars directly to the classroom and gives local educators more options for spending federal funds to help disadvantaged children.

Mr. Gingrich called it, "a victory for the American people. There would be more teachers and that is good for Americans." Mr. ARMEY said the same.

At one time, there was very strong support. The only thing that happened in the meantime is the record has demonstrated that it is even more effective than we could have imagined.

I am hopeful this Senate will go on record in support of the Murray amendment. I am also hopeful it will support the Bingaman amendment on accountability. We spent a great deal of time on that issue. It is enormously compelling. The most recent GAO studies indicate the reasons that should be supported. I hope we will support the Wellstone amendment to make sure we provide resources. At a time when we have the record surpluses in this country, it seems to me we ought to be able to use some resources to reach out, help, and assist children who would otherwise be eligible if there were those resources, and give them a good start from an education point of view.

I thank the Senator from Washington for bringing this matter before the Senate. I hope we will have a strong vote.

Mrs. MURRAY. I thank the Senator from Massachusetts for his questions, comments, and support. I, too, am surprised our Republican colleagues, who took full credit for this several years ago when we began it, sending out press releases touting it, don't understand this issue is still as powerful.

I have talked to many of my colleagues who have gone home to their States and visited classrooms where Federal dollars were used to reduce class size. The accolades received from the kids, the parents, the teachers, the people who work with the kids are tremendous.

I offer to my colleagues on the other side, who have consistently voted against this, if Members want to have a good experience, vote for this amendment, go home to a classroom and talk to the kids, the parents, and the teachers who have been directly impacted. You will see some of the good that comes from voting on an amendment such as this.

I see the Senator from Minnesota is on the floor.

Mr. WELLSTONE. I thank my colleague.

I ask one question so the Senator can finish a very moving presentation. When I am in schools, which is every 2 weeks, I always have a discussion with the students about education, and I ask them what makes for good education. They talk about good teachers, and they talk about smaller class size. I ask my colleague, Is that the experience the Senator has?

This is an amendment for all Senators who spend time in schools with kids in their States because I deal with students over and over again. This is what we need; does the Senator hear the same thing?

Mrs. MURRAY. The Senator from Minnesota is absolutely correct. We hear from teachers, students, and parents: Smaller class sizes are critical, schools need to be safe, up to date, up to code, and teachers who are trained and qualified and able to be in the classroom. Those are the top three changes parents request.

Mr. President, I remind my colleagues how critical this issue is, and I ask for their help and support when this issue comes up.

AMENDMENT NO. 3631

The PRESIDING OFFICER. There are 4 minutes of debate equally divided prior to the vote at 5 o'clock.

Mr. STEVENS. Mr. President, there are 4 minutes equally divided on the Wellstone amendment?

The PRESIDING OFFICER. That is correct.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my amendment simply says we take the title I and move the appropriation up from $8.36 billion to $10 billion.

Our committee, the HELP committee, authorized the full $15 million for the title I program. Title I money is used for additional help for kids in reading, for afterschool programs, for prekindergarten programs, for professional development. This is a program which helps especially low-income children throughout the country. This is a program in which the last half decade has made a difference.

As I said earlier, it is not Heaven on Earth, but it is a better Earth on Earth. We provide more help for kids. This is a very important program. I say to my colleague from Washington, again, if you go to your school districts and schools and talk to teachers and parents, they all say they need more help right now. This program is funded at about a 30-percent level. Many more children all across the country could be helped by this program if we were willing to make this investment.

I said it earlier; I will say it a final time. Vote for additional help for these kids, mainly the younger children, not because it makes them more productive—it will; not because it prevents them from dropping out of school—it will help; not because it makes a difference in terms of not dropping out of school or winding up in prison—that is true. Vote for it because the vast majority of them are under 4 feet tall. They are all beautiful and we ought to be nice to them. We ought to be able to provide them with some more assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. A point of order has been raised against this amendment because the bill already contains an $8.3 billion increase for this function. The bill also increases the title 1 program by $394 million over the current fiscal year level.

These provisions in the Senator's amendment are in violation of the Budget Act. We have raised a point of order reluctantly, but this bill is at its level under the budget resolution. We must object to the Senator's amendment on the basis that it does violate the Budget Act. I raise that point of order.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on agreeing to the motion to waive the Budget Act.

The legislative clerk will call the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Inouye

The PRESIDING OFFICER (Mr. SMITH of Oregon. The Senate will be in order.

Mr. BYRD. Mr. President, I ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Will Senators please take their conversations out of the Chamber.

Mr. BYRD. Mr. President, I ask that the well be cleared.

That includes everyone.

The PRESIDING OFFICER. Everyone will clear the well.

On this vote, the yeas are 47, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that on the next two votes, if there are two votes, the time for each vote be 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3649

Mr. GREGG. Mr. President, is the Bingaman amendment in order? What is the regular order?

The PRESIDING OFFICER. The Bingaman amendment. There are 4 minutes equally divided.

Mr. GREGG. Mr. President, I am ready to yield back our time if Senator BINGAMAN is ready to yield back his time.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3649

Mr. BINGAMAN. Mr. President, I understand the next order of business is the amendment I offered.

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. BINGAMAN. Mr. President, the amendment I have offered is a straightforward amendment to add $250 million to the title I part of the bill and provide that that funding has to be spent to ensure accountability in the expenditure of the remaining nearly $9 billion.

One of the problems we have had in the past—and it has been referred to by many Senators—is that we haven't had funds available to States and local school districts to ensure that title I funds are spent to accomplish their purposes. We need to enable States to assist failing schools. They have not been doing that effectively. The Council of Chief State School Officers supports this. I have a letter from them that I have printed in the RECORD.

Last year, we put $134 million into this effort on this exact bill. This year, the President has requested we put $250 million into it. That is what my amendment proposes to do. Otherwise, current law limits them to one-half of 1 percent of the title I funds. They cannot ensure accountability unless we add this amendment. For that reason, I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, as the Senator has mentioned, this is $250 million of additional funds that exceeds the subcommittee's 302(b) allocation.

I yield back the remainder of our time, if the Senator from New Mexico is ready to yield back.

Mr. BINGAMAN. I yield the remainder of my time.

Mr. GREGG. Mr. President, I make a point of order that under subsection 302(f) of the Budget Act, as amended, the effect of adopting the amendment provides budget authority in excess of the subcommittee's 302(b) allocation under the fiscal year 2001 concurrent resolution on the budget and is not in order.

Mr. BINGAMAN. Mr. President, pursuant to section 904 of the Budget Act, I move to waive the applicable sections of the act for consideration of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to the Bingaman amendment No. 3649. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli
Wellstone
Wyden

NAYS—50

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 49; the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 3604

The PRESIDING OFFICER. There are now 4 minutes equally divided on the Murray amendment.

Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, the amendment we are now going to vote on simply continues our commitment to reduce class sizes for the first through the third grades across this country. Because of the work we have done in the past day, 1.7 million children are in smaller class sizes.

We have a commitment. We should keep our commitment to continue to reduce class size. The underlying bill simply block grants the money. That will hurt our neediest and most disadvantaged students who will lose under that kind of proposal.

School boards are meeting today to determine who they will keep as teachers and whether they will be able to make a commitment in the hiring of teachers.

We should make this decision now so those school boards can make the decisions for the coming school year rather than once again negotiating this in October when the President has said he will veto a bill that does not keep the commitment to reduce class size.

I urge my colleagues to vote for this amendment today and prevent school boards across the country from having to wonder all summer long if we are going to keep our commitment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this bill accommodates the President's request for $1.4 billion for class size reduction. It is joined with $1.3 billion for school construction, trying to structure a bill which could be signed. But we leave, in the final analysis, the judgment to the local boards as to whether the local boards decide that they do not need construction or if they do not need class size reduction.

That is what is objected to by the Senator from Washington. We have gone more than halfway to meet the President in putting up this money.

In addition, the Murray amendment would add $350 million, which exceeds our allocation. We think we are stretching and stretching and stretching. If the President is going to veto this bill, then let him do so. We expect to present this bill to him long before the end of the fiscal year, and then we will debate it before the American public.

I make a point of order that the amendment violates section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I move to waive the applicable sections of that act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to the Murray amendment No. 3604. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The yeas and nays resulted—yeas 44, nays 55, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that I may proceed as in morning business for no longer than 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, reserving the right to object—and I don't want to object to my friend doing his 10 minutes—I would like to know what we are doing on the bill. I hope we will have some information so Senators will know whether we are going to go ahead and debate this and have amendments tonight or not, on our bill.

I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alabama is recognized.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 2801 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the rejection of the last motion to waive, I think, was a wise action on the part of the Senate. I am here primarily to congratulate the Senator from Pennsylvania for the way in which he has dealt with the challenge of education in this bill. More than $40 billion for education is a very substantial increase over the current year.

That is more than a $1 billion increase in special education programs, at least moving us one step further toward the promise of 40-percent funding of the cost of special education to the school districts of the United States.

In my view, the centerpiece of this bill is in its expression of trust and confidence in our local school authorities, our parents, our teachers, our principals, our superintendents, our elected school board members, a trust and confidence expressed in a more than $3 billion appropriation for title VI, the innovative education program strategies.

The last amendment would have taken roughly half of that amount of money and mandated that it go solely for additional teachers in the first three grades. Title VI, as it appears in this bill, says in effect our school districts—the men and women who know our children's names—are better suited to make the decisions in 17,000 separate school districts about what can most improve the quality of education for their children. As such, we are far better off passing the bill as the Senator from Pennsylvania has written it than we would be in including more mandates in this bill.

There are at least two outside experts who agree with that proposition. One comes in an interesting paper by Andy Rotherham at the Progressive Policy Institute, an arm of the Democratic Leadership Council. He now, incidentally, works for President Clinton. He wrote a little bit more than a year ago:

> President Clinton's $1.2 billion class-size reduction initiative, passed in 1998, illustrates Washington's obsession with means at the expense of results and also the triumph of symbolism over sound policy. The goal of raising student achievement is reasonable and essential; however, mandating localities do it by reducing class sizes precludes local decision-making and unnecessarily involves Washington in local affairs.

In my own State, the Legislative Audit and Review Committee came to this conclusion:

> An analysis of 60 well-designed studies found that increased teacher education, teacher experience and teacher salaries all had a greater impact on student test scores per dollar spent than did lowering the student-teacher ratio. According to one researcher, "Teachers who know a lot about teaching and learning and who work in settings that allow them to know their students well are the critical elements of successful learning." Given limited funds to invest, this research suggests considering efforts to improve teacher access to high quality professional development. A recent national survey of teachers found that many do not feel well prepared to face future teaching challenges, including increasing technological changes and greater diversity in the classroom.
>
> The legislature's—

In this case, Washington—

> approach to funding K–12 education is consistent. . . . The legislature has provided additional funding for teacher salaries, staff development, and smaller classes, with more funding going to support teachers and less for reducing the student-teacher ratio.

The point is that reducing class size is not a bad option. It is a good option. I think we can all agree that it is one good thing for students. It is best done, however, when the decision about whether or not to do it and how it is to be accomplished is made in local communities and not in Washington, DC.

Even that proposal pales in comparison with the now platform of the Vice President of the United States. He calls for a massive Federal effort from recruiting to setting teaching standards in a sense that will make the Federal Government clearly a national school board. Teachers who please Washington, DC, bureaucrats will get bonuses. Those who do not do so will risk being fired.

The only thing bold about that initiative is that he has no qualms in taking over each and every one of the 17,000 school districts in the United States. If he becomes our President, education policy will undergo a significant shift. Local community school boards and teachers will be shut out of the process.

What we are doing in this bill is moving significantly in the right direction. There is little disagreement over the necessity of a significant Federal contribution to education. It is only about 7 percent of the money we have spent, but it is the persistent drive of this administration and of this Department of Education to increase to well over 50 percent the rules and regulations governing our schools that accompany that 7 percent.

This bill takes a dramatic step in a far better direction, a direction in which the support from the Congress is generous, but the trust of the Congress in the ability of school boards, teachers, principals, and superintendents to make decisions about our education is vastly increased all to the benefit of our children's education.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, there are a couple of Senators who are reviewing language, and I hope we can enter into this unanimous consent agreement momentarily. While we are waiting on that, I will outline what we have worked out.

We have an agreement that I believe will satisfy all the Senators involved.

The Smith amendment will be modified with changes that are at the desk. Then it will be in order for Senators HATCH and LEAHY to offer a second-degree amendment to the pending McCain amendment No. 3610. I believe Senator SPECTER will be prepared to do that on behalf of Senator HATCH. Then there will be 10 minutes equally divided for debate relative to the first- and second-degree amendments. I believe that will be McCain and Hatch. Then we will ask the amendments be laid aside, and the Santorum amendment will recur, with the time between that time, which will be about 6:30 p.m., I presume, and 7 o'clock to be equally divided between the Senators who are interested—Senator McCAIN and Senator SANTORUM—and we will have two voice votes on the Smith issue and then two votes back to back on McCain and then Santorum.

That is the outline of what we will do. We will have two recorded votes then at 7 o'clock. I am prepared to offer that unanimous consent request at this time.

I will read the unanimous consent request. I believe Senator SMITH will be here in a moment.

AMENDMENT NO. 3628, AS MODIFIED

Mr. LOTT. Mr. President, I ask unanimous consent that the Smith amendment be modified with the changes that are at the desk and, further, the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3628), as modified, was agreed to, as follows:

At the appropriate place, add the following:

"SEC. . FETAL TISSUE.

The General accounting Office shall conduct a comprehensive study into Federal involvement in the use of fetal tissue, for research purposes within the scope of this bill, be completed by September 1, 2000. The study shall include but not be limited to—

(a) The annual number of orders for fetal tissue filed in conjunction with Federally funded fetal tissue research or programs over the last 3 years;

(b) the costs associated with the procurement, dissemination, and other use of fetal tissue, including but not limited to the cots associated with the processing, transportation, preservation, quality control, and storage, of such tissue;

(c) The manner in which Federal agencies ensure that intramural and extramural research facilities and their employees comply with Federal fetal tissue law;

(d) The number of fetal tissue procurement contractors and tissue resource sources, or other entities or individuals that are used to obtain, transport, process, preserve, or store fetal tissue, which receive Federal funds and the quantity, form, and nature of the services provided, and the amount of Federal funds received by such entities;

(e) The number and identity of all Federal agencies, within the scope of this bill, expending or exchanging Federal funds in connection with obtaining or processing fetal tissue or the conduct of research using such tissue;

(f) The extent to which Federal fetal tissue procurement policies and guidelines adhere to Federal law;

(g) The criteria that Federal fetal tissue research facilities use for selecting their fetal tissue sources, and the manner in which the facilities ensure that such sources comply with Federal law.

Mr. LOTT. Mr. President, I ask unanimous consent that it be in order for Senators HATCH and LEAHY to offer a second-degree amendment to the pending McCain amendment No. 3610; that there be 10 minutes equally divided for debate concurrently relative to the first- and second-degree amendments. I further ask unanimous consent that the amendments then be laid aside and that the Santorum amendment recur, with the time between then and 7 p.m. equally divided, with no second-degree amendments in order prior to the vote in relation to that amendment.

I also ask unanimous consent that the Senate proceed to a vote in relation to the Hatch-Leahy second-degree amendment at 7 p.m. this evening, and following that vote, the Senate proceed to a vote in relation to the McCain amendment, as amended, if amended, to be followed by a vote relative to the Santorum amendment, with 4 minutes prior to each vote for explanation.

Mr. LEAHY. Reserving the right to object, and I shall not object, do I understand correctly, I ask my friend from Mississippi, that on the Hatch-Leahy amendment, somewhere within the agreement there is time on that?

Mr. LOTT. Right.

Mr. LEAHY. Some of that time is time for the Senator from Vermont?

Mr. LOTT. I believe we have 10 minutes that would be equally divided on that.

Mr. LEAHY. Yes.

Mr. LOTT. So the Senator would have 5 minutes.

Mr. LEAHY. That is fine. Plain enough.

The PRESIDING OFFICER. The Chair hears no objection, and, it is so ordered.

Mr. LOTT. Mr. President, I yield the floor. I believe we are ready to proceed.

Mr. HARKIN. Mr. President, if I might ask the leader, so everyone knows, what we are facing are three recorded votes beginning at 7 o'clock; is that correct?

Mr. McCAIN. Two.

Mr. HARKIN. We have two recorded votes, one on McCain and one on Santorum.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah.

AMENDMENT NO. 3653 TO AMENDMENT NO. 3610

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. LEAHY, proposes an amendment numbered 3653 to amendment numbered 3610.

Mr. HATCH. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the end the following:

SEC. . PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers. In performing such surveys, neither the Department nor the Commission shall collect personally identifiable information of subscribers of the Internet service providers.

(2) FREQUENCY.—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term "Internet servicer provider" means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

Mr. HATCH. Mr. President, I have offered this amendment on behalf of Senator LEAHY and myself. I believe this amendment is going to be accepted because it clarifies some matters that are very good.

I strongly urge my colleagues to support this Hatch-Leahy amendment which is aimed at limiting the negative impact violence and indecent material on the Internet have on children.

This amendment does not regulate content. Instead it encourages the larger Internet service providers to provide, either for free or at a fee not exceeding the cost to the service providers, filtering technologies that would empower parents to limit or block access of minors to unsuitable material on the Internet.

We simply can not ignore the fact that the Internet has the ability to expose children to violent, sexually explicit and other inappropriate materials with no limits.

A recent Time/CNN poll found that 75 percent of teens aged 13 to 17 believe the Internet is partly responsible for crimes like the Columbine High School shooting.

Our amendment respects the First Amendment of the Constitution by not regulating content, but ensures that parents will have the adequate technological tools to control the access of their children to unsuitable material on the Internet.

I honestly believe that the Internet service providers who do not already provide filtering software to their subscribers will do so voluntarily. They will know it is in their best interests and that the market will demand it.

A recent survey reported in the New York Times yesterday, found that almost a third of online American households with children use blocking software.

In a study by the Annenberg Public Policy Center of the University of Pennsylvania, 60 percent of parents said they disagreed with the statement that the Internet was a safe place for their children.

And according to yesterday's New York Times, after the shootings in Colorado, the demand for filtering technologies has dramatically increased. This indicates that parents are taking an active role in safeguarding their children on the Internet.

That is what this amendment is about: using technology to empower the parent. I urge my colleagues' approval of the amendment.

I yield the remainder of my time to Senator LEAHY, who would like to speak on this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I described this amendment earlier this morning on the floor. But for those who came in late, this is an amendment that Senator HATCH and I offered on the juvenile justice bill. You may recall when we voted on that, the vote was 100-0.

It is a filtering proposal that leaves the solution on how best to protect children from inappropriate online materials accessible on computers in schools and libraries to the local school boards and communities.

Anybody who spends any time on the Internet knows that there is inappropriate material for children on there. And oftentimes you might hit it accidentally.

Having said that, we also know that you should not block out certain online material because somebody thinks that Mark Twain is inappropriate or they may believe that James Joyce is inappropriate, or other such things, or it may be even the paintings on the Sistine Chapel that some may believe are inappropriate because there are nude figures in there. You have to have some kind of balance.

I think that local communities can do that. I know of libraries, for example, that put computers monitors that have Internet access right out in the main reading room. This is one form of blocking because there are not too many children who are going to be downloading wild, offensive things when they know their parents, their teachers, and the librarians are going to be walking back and forth and seeing it.

As I explained earlier today, I have serious concerns with the McCain proposal to require schools and libraries to send certifications to the FCC about their installation of certain blocking software and the risk that the FCC will become a national censorship office, with the responsibility of both policing local enforcement of the Internet access policy and exacting punishment in the form of ordering E-rate discounts to stop and carriers be reimbursed.

The Hatch-Leahy amendment would require large Internet service providers with more than 50,000 subscribers to provide residential customers, either for free or at low cost, software or other filtering systems that can protect them. It is relatively easy to do this.

I would encourage parents, if this passes, to get that software and also spend some time seeing what their children are looking at on the Internet. This requirement on large Internet Service Providers would only become effective if surveys conducted jointly by the FTC and the Department of Justice demonstrate that voluntary efforts are not working.

Senator McCAIN has worked very hard on this. I commend him for it.

Any one of us who has young children has to worry about this. We also have to worry about what they are reading in the library or what they pick up at the corner bookstore or anything else.

But before we reach a point where we assume we can be the parent of every child in this country, I think we ought to give to the parents the tools to use, and let them make the kind of judgments and show the kind of observation of their children that parents should, and that my parents did and that I do with my children.

I think the reason the Hatch-Leahy amendment passed 100-0 earlier in the juvenile justice bill is because it is a reasonable compromise. It is a reasonable compromise. I hope it will be added on to this bill. I look forward to working with Senator McCAIN as this bill moves to conference to address the serious concerns I and others have with his proposal.

I yield the floor.

Mr. HATCH. Mr. President, I yield back whatever time we have.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank Senator HATCH and Senator LEAHY for this amendment. I think it is a very positive contribution. I think it is one that will again empower parents to be able to screen and filter information that their children may be receiving. It is something that I think will be very helpful to this bill, and I strongly support it.

I know we have spent some time working out the details of this amendment. I think it is a very good one. I thank Senator LEAHY and Senator HATCH for their involvement in this very important issue.

I will urge, at the appropriate time, a voice vote and adoption of this amendment.

Mr. President, I yield the floor.

AMENDMENTS NOS. 3635 AND 3610

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, are we now on the time for the McCain and Santorum amendments to be debated?

The PRESIDING OFFICER. The Senator is correct.

Mr. SANTORUM. I ask the Senator from Arizona if he wants to divide the remaining time in half. I ask unanimous consent that the time be equally divided, and that I control the time in support of my amendment and Senator McCAIN control the other time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, as I discussed very briefly today, I rise in support of what the Senator from Arizona is trying to accomplish. I think he was the first to bring this issue to the floor of the Senate. He is to be congratulated for that.

He has a piece of legislation that has been out there for a couple of years and has fostered a lot of good thought and a lot of discussion as to what the best Federal policy should be in dealing with the problem of inappropriate use of the Internet at schools and libraries. His legislation actually led me to look further into it as constituents contacted me with respect to it. So let me say, from the outset, I congratulate the Senator from Arizona for his work and for his effort in this area.

I have a little different approach I want to talk about today that I believe improves upon the base bill that Senator McCAIN came up with a couple of years ago. I have been working with a group of people, from the left to the right, if you will—from the Catholic Conference to the National Education Association, from the American Libraries Association to Dr. Laura Schlessinger. So I think our effort here covers the ideological spectrum pretty well and is a consensus that is built around one thing—that while Internet filtering software is a good idea, generally speaking, it is an imperfect tool to meet the real complicated needs of teachers, administrators, and librarians who have to deal with the Internet on a daily basis in their schools.

I think the Catholic Conference put it best in their letter, actually to Senator McCAIN, which says that his legislation "fails to include one of the most effective tools utilized by the vast majority of Catholic schools throughout our Nation, the Ethical Internet Use Policy"—in other words, a comprehensive policy at the school level to deal with not only access to sites that may be inappropriate on the Internet, which is what filtering gets to, but a variety of different things that are very important.

For example, electronic mail. Unfortunately, we hear so many stories about people being contacted through electronic mail, chatrooms, that are if not as dangerous in some cases even more dangerous than the sites that may be accessed on the World Wide Web, where you have predators who are out there trying to grab the mind of a young person.

Again, the attempt to do filtering software is helpful. But we have to have a policy developed at the community level that deals with things that go beyond these dangerous Internet sites, such as the electronic mail and chatrooms, and other kinds of direct electronic communication.

Under this legislation, we require that a policy be developed at the local level with respect to unauthorized use of minors, such as hacking, another area which is of grave concern not just for the minors themselves but for the user community at large, and a policy with respect to the dissemination of personal information of the minor. These minors log on. They have personal information in there. There needs to be a policy to take care of that.

What our legislation simply does is—it would actually amend the McCain amendment, although not formally here in the Senate—say that you must have a local policy that includes, No. 1, at least, public hearing and notice requirements, a public hearing where the community gets together and, at the community level, we come up with an Internet policy that has to meet these certain criteria. In other words, we don't say how they do it, but that, in fact, they have policies that address these broader concerns than just eliminating one particular Internet site or Internet sites. So it is, in fact, a requirement to develop a local policy.

If they choose not to do that, then the McCain language becomes operative. You must buy filtering software. We don't require filtering software. Even the Senator from Arizona has admitted there are 90-some titles out there—some are good; some are not. His legislation doesn't direct you to have buy a good one; you just have to buy one. It is certainly not the most comprehensive way of dealing with it. In fact, it may be a way that creates a false sense of security that you are dealing with problems, and it may actually reduce the amount of oversight that should be present in schools and at public libraries.

Again, I compliment the Senator, but we need to take one step further. Given the problems we have seen develop through chatrooms, through e-mail, through hackers, and through dissemination of information about minors, to do it at the local level is the best way to accomplish this with the fallback hammer, if you will, of the McCain underlying requirement to buy filtering software.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I oppose the amendment of the Senator from Pennsylvania. It does provide for schools and libraries to deploy blocking or filtering technology. The amendment provides what is essentially a status quo loophole.

The Senator's amendment would allow schools and libraries the option of implementing an acceptable use policy. Schools and libraries are free to do this today. Papers are full of reports of young children surfing foreign libraries in school and being innocently exposed to pornography downloaded by adults and left on a computer screen for children to see.

It is interesting to note that the American Library Association, an outspoken advocate for the amendment of the Senator from Pennsylvania, is adamantly opposed to use of filters or any other type of protection for children.

In 1997, the American Library Association passed a resolution against filtering Internet pornography out of public libraries. The ALA's interpretation of their resolution contained in their library bill of rights states that the rights of users who are minors shall in no way be abridged. According to Judith Krug, director of ALA's Office of Intellectual Freedom:

> Blocking material leads to censorship. That goes for pornography and bestiality, too. If you don't like it, don't look at it.

Ms. Krug goes on to discuss the concerns of parents about their children viewing pornography on library computers:

> If you don't want your children to access information, you had better be with your children when they use a computer.

That would be very interesting information to working mothers all over America as well as working fathers. I guess this is the ALA's concept of an acceptable use policy: Parents beware.

The Santorum amendment does nothing about adult computer use in libraries. This amendment would require libraries to block or filter access to child pornography. I want to describe what my bill does as far as local control is concerned. It requires that schools and libraries must block or filter children's access to child pornography and obscene material. Further, libraries must block adult access to child pornography on all computers. Why? Because we know that neither category, child pornography nor obscene material, enjoys protection under the first amendment. The Supreme Court has decided that on several occasions.

Though the bill is clear on what sort of material must be blocked, local authorities are given complete authority to select the type of software they deem to be appropriate. Further, local authorities are given unfettered authority to determine what material can constitute child pornography and obscenity. Under this legislation, the Federal Government is expressly prohibited from interfering in the process of local control. Schools and libraries are simply required to certify to the FCC they have a technology in place and are using such technology in coordination with the locally developed policy designed to achieve the goals of the Children's Internet Protection Act. Schools and libraries are required to make their blocking and filtering policies publicly available so that parents, patrons, and citizens can scrutinize the policies and work with local authorities to ensure they reflect contemporary community standards.

Again, parents beware of the status quo loophole contained in the Santorum amendment. It is big enough for every pornographer, pedophile, and hate group in America to drive a truck through.

The Senator from Pennsylvania has criticized my amendment with the claim that my amendment does nothing to address chatrooms. The Senator is mistaken. First, schools and libraries are granted the unfettered authority to block access to any material they determine to be inappropriate for minors. Clearly, this would provide them with the ability to restrict kids' access to chatrooms or any other realm of the Internet. Despite claims to the contrary, blocking and filtering software does restrict such access. The state-of-the-art technology clearly is capable of blocking such access. Filtering software would restrict any communication based off keyword restrictions.

I could go on, but I will wrap things up with a letter signed by virtually every major pro-family group. I ask unanimous consent this letter, dated June 22, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FAMILY ASSOCIATION,
Washington, DC Office, June 22, 2000.

Hon. JOHN MCCAIN,
Russell Senate Office Bldg.,
Washington, DC.

DEAR SENATOR MCCAIN: We strongly oppose the Neighborhood Children's Internet Protection Act, S. 1545, which we believe would be an ineffective tool to protect children from Internet pornography in schools and public libraries. The bill offers schools and libraries the option of either blocking pornography or implementing an Internet use policy. It is this option that troubles us. Schools and libraries have that option today and, sadly, most have chosen to allow children access even to illegal pornography, such as obscenity and child pornography. Under S. 1545, we presume those schools and libraries would maintain the status quo.

> It also must be noted that the Neighborhood Children's Internet Protection Act only addresses use of computers by children. A major problem, particularly in libraries, is the use of computers by adults to access illegal pornography. For example, pedophiles are accessing child pornography on library computers and some are even molesting children in those libraries. Yet, S. 1545 does not address this matter.
>
> While we believe that the author of this bill, Senator Rick Santorum (R-PA), has the best of intentions, his bill will not provide an effective solution to the problem of pornography in schools and public libraries.
>
> American Family Association
> Family Research Council
> National Law Cntr. for Children & Families
> Traditional Values Coalition
> Morality in Media
> Family Friendly Libraries
> Citizens for Community Values, OH
> Family Policy Network, VA
> Christian Action League, NC
> Family Association of Minnesota
> American Family Assoc., OH
> American Family Assoc., MI
> American Family Assoc., KY
> American Family Assoc., PA
> American Family Assoc., TX
> American Family Assoc., AR
> American Family Assoc., MS
> American Family Assoc., NJ
> American Family Assoc., AL
> American Family Assoc., GA
> American Family Assoc., MO
> American Family Assoc., CO
> American Family Assoc., OR
> American Family Assoc., IA
> American Family Assoc., IN
> American Family Assoc., NY

Mr. McCAIN. Reading from the letter:

> Senator McCAIN: We strongly oppose the Neighborhood Children's Internet Protection Act which we believe would be an ineffective tool to protect children from Internet pornography in schools and public libraries. The bill offers schools and libraries the option of either blocking pornography or implementing an Internet use policy. It is this option that troubles us. Schools and libraries have that option today and, sadly, most have chosen to allow children access even to illegal pornography, such as obscenity and child pornography. Under S. 1545, we presume these schools and libraries would maintain the status quo.
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> It also must be noted that the Children's Internet Protection Act only addresses use of computers by children. A major problem, particularly in libraries, is the use of computers by adults to access illegal pornography. For example, pedophiles are accessing child pornography on library computers and some are even molesting children in these libraries. Yet, S. 1545 does not address this matter.
>
> While we believe that the author of this bill, Senator Rick Santorum (R-PA), has the best of intentions, his bill will not provide an effective solution to the problem of pornography in schools and public libraries.

That is signed by a large group of people, including the American Family Association, Family Research Council, National Law Center for Children and Families, Traditional Values Coalition, et cetera.

On the other side, the amendment of the Senator from Pennsylvania is supported by the American Library Association. On that note, I will read very briefly from an editorial contained in the January 14, 2000, Wall Street Journal:

> Maybe blocking software is not the solution. We do know, however, that there are answers for those interested in finding them, answers that are technologically possible, constitutionally sound and eminently sane. After all, when it comes to print, librarians have no problem discriminating against Hustler in favor of House & Garden. Indeed, to dramatize the ALA's inconsistency regarding adult content in print and online, blocking software advocate David Burt three years ago announced "The Hustler Challenge"—a standing offer to pay for a year's subscription to Hustler for any library that wanted one. Needless to say, there haven't been any takers.
>
> Our guess is that this is precisely what Leonard Kniffel, the editor of the ALA journal American Libraries, was getting at last fall when he asked in an editorial: "What is preventing this Association . . . from coming out with a public statement denouncing children's access to pornography and offering 700+ ways to fight it?"
>
> Good question. And we'll learn this weekend whether the ALA hierarchy believes it worthy of an answer.

The ALA hierarchy met, and obviously they seemed to defend what I believe is an indefensible position.

I hope we will defeat the Santorum amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, in response to the critique of the Senator from Arizona who says ours is really status quo and this is a large loophole, it is not status quo. No. 1, it is not required under law today; we require a public notice and a public hearing and a policy to be formulated at the local level that addresses inappropriate matter on the Internet, the World Wide Web, electronic mail, chatrooms, and other forms of direct electronic communication, such as hacking and other unlawful activities by monitors, and any other kind of dissemination of personal identification information regarding minors.

That is not current law. The review body is the same review body in his legislation, the FCC. He requires a filtering software to be purchased, and you have to certify that with the FCC. We say that you have to implement a policy, have public hearings and meetings, and you have to submit that policy to the FCC for them to review to ensure that you have covered the areas that we require. That is not status quo.

He may not agree that decision should be made at the local level, and I accept that. I think we have an honest philosophical disagreement on whether we should have a one-size-fits-all Federal mandate that you have to buy filtering software. By the way, that filtering software may cover chatrooms; it may not. That is called monitoring software. There is no requirement for monitoring software to be covered for this, just filtering software. Some filtering software is better than others; some is comprehensive, some is not, and some is older. There is no requirement as to what software and how good it is that needs to be purchased under the McCain legislation.

What we say is that we believe this is best implemented at the local level. If you read from the Catholic Conference—and the Senator from Arizona suggested that all the profamily groups were supporting his legislation. I think the Catholic Conference can stand up as a profamily group, and they don't support the McCain legislation; they support ours. I think one of you who are Dr. Laura Schlessinger listeners know that she has been outspoken on the issue of Internet pornography and has been leading a campaign on that issue. She has been working with us and she supports the idea of having local communities have public hearings and notices so parents know they can have input so that we can raise the visibility of the issue at the local level in dealing with a variety of issues, not just a simple filtering software mandated by Washington, DC.

So it is a one-size-fits-all, and I believe incomplete, solution. Do you trust the local schools and do you trust the local communities to come up with a standard that meets the needs of that community? That is much more comprehensive by definition—it has to be—than the filtering software alternative being offered by Senator McCAIN. I just suggest, and historically I have supported—particularly in the area of education—local communities making those decisions for themselves, as opposed to a Federal mandate from Washington, DC.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I want the record to be clear that the Catholic Conference is not in opposition to this legislation. Here is the problem contained in the report "Filtering Facts," which is a very deep, detailed analysis of this problem that we are facing.

On page 8 is a chapter entitled "Adults Accessing Child Pornography: 20 Incidents":

> There were 20 incidents of adults accessing child pornography in public libraries. Child pornography is different from other forms of pornography in that it is absolutely illegal and, like drugs, is treated as contraband by Federal law. Of particular concern is that many public libraries employ policies that would seem to encourage the illegal transmission of child pornography. Many public libraries not only have privacy screens, but also destroy patron sign-up sheets after use, and employ computer programs that delete any trace of user activity. These policies make it almost impossible for law enforcement to catch pedophiles using public library Internet stations to download child pornography. At the Multnomah County, OR, Public Library, and the Los Angeles, CA, Public Library, pedophiles have taken advantage of the anonymity to actually run

child pornography businesses using library computers 34 and 35.

The staff at Anderson, IN, Public Library observed a pedophile accessing child pornography on three separate occasions: "A customer who is known to frequent Internet sites containing sexually explicit pictures of nude boys . . . This is the third time this customer has been observed engaging in this activity." Yet, the only appropriate action the library saw fit was to "highly recommend that he be restricted from the building for a period of not less than 2 months."

One of the two incidents where the library actually notified police occurred at the Lakewood, OH, Public Library. In an account from the Akron Beacon Journal, "But it was the library more than the police and prosecutor that alarmed Chris Link, executive director of the American Civil Liberties Union of Ohio. Traditionally, librarians have protected their records of lending activity to the point of being subpoenaed or going to jail," she said. But now, she said, "Librarians are scrutinizing what it is you look at and reporting you to the police." In the case of kiddie porn, Link said, such scrutiny "would seem to make sense" until it is viewed in light of the Government's history of searches for socialists and communists or members of certain student movements.

The Callaway County, MO, Public Library even actively resisted police efforts to investigate a patron accessing child pornography. Library staff refused to cooperate, even when issued subpoenas.

Mr. President, the list goes on and on. There is a need for this kind of legislation to make sure that child pornography and forms of obscenity, which are clearly delineated by the U.S. Supreme Court and are beyond any constitutional protection, are made unavailable to children.

Mr. President, this Santorum amendment would remove that very important provision of this legislation. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, in response to the Senator, we do not remove the requirement. We say that we would like to see the local community participate and develop a comprehensive policy. If they fail to do so, then they have to buy the filtering system. I have visited 160 schools since I have been in office. Over the last year and a half, in particular, I have talked to a lot of school librarians and administrators about the Internet and Internet pornography. All of the ones I have talked to, when I discussed the legislation and the ideas—in fact, some of this has come from the schools themselves throughout Pennsylvania. The ones who glow about their policy are the ones who have comprehensive policies.

Yes, they have filtering software, but that is just a piece of a bigger puzzle. If you just rely on that piece, I think what you can do is create a false sense of security that you have solved the problem, particularly in community libraries. I argue that in requiring public hearings and notice and input, that will put a chilling effect on some of the librarians who Senator McCAIN referred to, who maybe are not as concerned about pornography as they should be, or not as concerned about chatrooms as they should be, or not as concerned about e-mails as they should be. But a public consciousness and the public input that will result from a community standard being applied to those people who work at these facilities is the answer to that—not a filtering software which is imprecise and, in cases of chatrooms, hacking, e-mail, and a variety of other things, ineffective. It is not comprehensive. And so I agree.

There is nobody who would like to see more protection from that than me. I have five little kids under the age of 10. So I understand the need and the concern. I come here as a father who is very concerned about the ability of children to be able to access sites they should not get to or communicate with people with whom they have no business communicating. But it is up to the community to take an interest in their children, to design a policy that is comprehensive, and this requires a comprehensive policy. By the way, if the librarians and those who run the libraries or the schools say they don't want to deal with this, then you have the McCain mandate. You will have the mandate that you have to buy the filtering software. So they can't avoid doing something. Again, the body that will oversee this is going to be the FCC, the same body the Senator from Arizona puts in place to oversee his requirement.

So I believe what we have done is tried to build upon a positive step. Again, I congratulate the Senator from Arizona. He has been a leader in this problem. He has blazed the trail. I believe what we have offered is a constructive addition to his policy.

I will step back on this point. The Senator from Arizona said the Catholic Conference doesn't oppose his bill. As I read it again, they did not oppose it, but they listed two pages of concerns about his policy. Then they wrote to us recently and talked about how they liked what we did. But I understand they are not in the business of opposing and supporting. Let me just say their intentions are clear.

The PRESIDING OFFICER. The question is on agreeing to the Hatch-Leahy amendment.

The amendment (No. 3653) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 3628, AS MODIFIED

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to be recognized for 4 minutes for the debate on the Smith amendment, which was agreed to. I was detained unavoidably in the car coming over here.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I appreciate that many of my colleagues, I am sure, as I, have been stuck in the tram coming over here.

I thank the managers who have worked so hard to resolve the amendment that I had on fetal tissue research. I know Senator SPECTER is opposed to illegal trafficking of fetal tissue. This amendment, I hope, will get some information on the Federal Government's policies in this regard.

I look forward to reviewing the study that we have set up in this amendment that was agreed to. It is my hope that we can ensure that the spirit of the law is being adhered to when it comes to fetal tissue research.

This amendment will set up a GAO study of the practice of fetal tissue transfer to determine whether or not any fetal tissue is transferred illegally for research purposes. The GAO will conduct a comprehensive study of Federal involvement in the use of fetal tissue for research purposes.

I am pleased that my colleagues have seen fit to work with me to agree to this amendment. I look forward to receiving a report from the General Accounting Office in the very near future as to how much, if any, illegal trafficking is occurring in the area of fetal tissue.

I yield the floor.

AMENDMENT NO. 3610, AS AMENDED

The PRESIDING OFFICER. Mr. President, the question is on agreeing to McCain amendment No. 3610, as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—95

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe

Jeffords
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—3

Feingold
Kerrey
Lautenberg

NOT VOTING—2

Inouye
Johnson

The amendment (No. 3610), as amended, was agreed to.

AMENDMENT NO. 3635

The PRESIDING OFFICER (Mr. ALLARD). There are 4 minutes equally divided on the Santorum amendment. Who seeks recognition?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, a vote in favor of the Santorum amendment will basically negate the amendment we just adopted because it will allow schools and libraries the option of either blocking pornography or implementing an Internet use policy—an Internet use policy is what they have now—nor does it require the filtering of child pornography and obscenity.

I have a letter signed by various organizations, including the American Families Association, Family Research Council, and many other organizations. The final paragraph says:

> We believe the author of the bill, Senator Santorum, has the best of intentions. His bill will not provide an effective solution to the problem of pornography in schools and public libraries.

I agree with them. I urge a "no" vote.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I respectfully disagree. My amendment is supported by groups on the left and the right and the middle: the NEA, the American Library Association, and the Catholic Conference.

Senator McCAIN started the ball rolling. I give him credit for requiring Internet software. The fact is, that is not comprehensive enough and not locally generated. My amendment says we have to have public notice and a public meeting by the community, involving the library or the school, to develop a comprehensive Internet policy.

Blocking software does not deal with chatrooms, e-mails, hacking, and dissemination of minor information over the Internet. It is good as far as it goes, but we need a comprehensive policy that is locally developed with community standards. If they choose not to do that, then they have to buy the software.

We require a policy that deals with all of these four things I just mentioned and have public meetings and public notice to get the community involved.

One of the big problems with use of the Internet is that parents and community leaders do not know what is going on with this little black box in the library or school. This requires public comment, it requires public notification, and public input in a process that desperately needs to be a public one and community standards need to be set.

It is supported by a wide variety of organizations. Those of my colleagues who voted for the McCain amendment can also vote for this amendment and walk out with a clear conscience and see a much more comprehensive policy put in place.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3635.

Mr. SANTORUM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 24, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—75

Akaka
Allard
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
Daschle
Dodd
Domenici
Durbin
Edwards
Enzi
Feingold
Feinstein
Frist
Gorton
Graham
Grams
Gregg
Hagel
Harkin
Helms
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—24

Abraham
Bayh
Bennett
Brownback
Byrd
Cleland
Conrad
DeWine
Dorgan
Fitzgerald
Gramm
Grassley
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Kyl
Lieberman
Lugar
McCain
Nickles
Smith (NH)
Thompson

NOT VOTING—1

Inouye

The amendment (No. 3635) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it is my understanding that there are pending amendments before the body that are going to be taken up as soon as the Members arrive to offer them.

I yield the floor.

AMENDMENT NO. 3658

(Purpose: To fund a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect)

Mr. HARKIN. Mr. President, I have an amendment at the desk on behalf of Senators DASCHLE, MURKOWSKI, JOHNSON, WYDEN, MURRAY, HARKIN, and REID of Nevada.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Iowa (Mr. HARKIN), for himself, and Mr. DASCHLE, Mr. MURKOWSKI, Mr. JOHNSON, Mr. WYDEN, Mrs. MURRAY, and Mr. REID, proposes an amendment numbered 3658.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 27, line 4, insert before the colon the following: ", and of which $10,000,000 shall remain available until expended to carry out the Fetal Alcohol Syndrome prevention and services program.
>
> On page 34, line 13, insert before the colon the following: ", of which $15,000,000 shall remain available until expended to carry out the Fetal Alcohol Syndrome prevention and services program.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3619

(Purpose: To clarify that funds appropriated under this Act to carry out innovative programs under section 6301(b) of the Elementary and Secondary Education Act of 1965 shall be available for same gender schools)

Mrs. HUTCHISON. Mr. President, I call up amendment No. 3619.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Texas (Mrs. HUTCHISON), for herself and Ms. COLLINS, proposes an amendment numbered 3619:
>
> On page 59, line 12, before the period insert the following: ": *Provided further*, That funds made available under this heading to carry out section 6301(b) of the Elementary and Secondary Education Act of 1965 shall be available for education reform projects that provide same gender schools and classrooms, consistent with applicable law".

Mrs. HUTCHISON. Mr. President, I will speak very briefly because I think we have agreement in a bipartisan effort on this amendment. I am very pleased that we will be able to offer this amendment and hopefully clarify some of the issues that have surrounded single-sex classrooms in schools for public education.

As most people know, title VI is the part of our education funding that allows for new and innovative and creative approaches to public education. We have set aside money so school districts can come forward and say that their school districts need this particular type of emphasis. If it is creative, and it serves the needs of that particular school district, they can get Federal funding for those kinds of programs.

One of the types of education that has been proven in certain instances to help the girls or boys who have participated are single-sex schools and single-sex classrooms. Many parochial schools and private schools are single sex. There are girl schools and boy schools. Some parents want to have their children in that atmosphere because they believe that sometimes girls can excel if they don't have boys in the class and they are more willing to speak up. This has been shown in many instances to be the case. And the same is true particularly with adolescent boys where they have single-sex schools, and they are not diverted by having girls in the class. They do better in some circumstances.

We are not saying that we prefer this approach. We are not saying that we mandate it. We are not even suggesting that it be done. We are saying that we want to have as many options for public school districts and students as we can possibly give them so that the local community and the parents can make the decision for the boys and girls who are attending those schools about what will give them the best chance to get the best education that they can get. Allowing them to have title VI funding for a single-sex school or single-sex classroom is one way to put one more option out there. That is what this amendment does.

I am very pleased to have worked with Members on both sides of the aisle to try to clarify this situation because, in fact, we have several public schools that are single sex.

The Young Women's Leadership Academy in East Harlem is a girls school. California has three girls schools and three boys schools. Western High in Baltimore is over 100 years old. It is a girls school. Philadelphia has a girls school that has been quite successful for many, many years.

We say if this is an option that parents want to pursue, we want to have that option on the table. Parents may not be able to afford a private school or maybe they prefer public education. Let's give them another option among the many that we are seeing now in creative learning and better opportunities for the young people in a particular school district. That is what the amendment does.

I have worked with Members on both sides of the aisle. I believe there is no opposition to this amendment. I am very pleased that is the case because if we can clarify this and if we can open more options for school districts to have to meet specific needs of students and their individual school districts, why not?

That is what our Federal dollars should do—allow the decisions to be made at the local level with as many options as we can possibly give them.

I appreciate the support of everyone in the Senate. I have worked with many Members of the Senate. Senator COLLINS is a cosponsor of this amendment. Senator COLLINS has been one of the strongest supporters of girls schools and classrooms and boys schools and classrooms of any Member of the Senate.

I look forward to having our vote tomorrow. I hope, frankly, that it is unanimous.

Thank you, Mr. President. I yield the floor.

Mr. DOMENICI. Mr. President, I rise in support of S. 2553, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations bill for FY 2001.

The bill provides $272.6 billion in new budget authority and $221.9 billion in new outlays for the operations of the Departments of Labor, Health and Human Services, and Education and numerous related federal agencies.

I have concerns about $6.1 billion in mandatory offsets in the bill. These offsets are likely to be challenged on the floor in a way that could put the bill over the allocation. I am also concerned about the advanced appropriation for 2003 in the SCHIP program.

When outlays from prior-year budget authority and other completed actions are taken into account, the Senate-reported bill totals $335.0 billion in budget authority and $330.7 billion in outlays. The bill is exactly at the Subcommittee's revised 302(b) allocation for both budget authority and outlays. The scoring of the bill reflects the adjustments agreed to in the Balanced Budget Act of 1997 for Continuing Disability Reviews (CDRs) and adoption assistance.

I commend the managers of the bill for their diligent work.

Mr. President, I ask unanimous consent that a table displaying the Senate Budget Committee scoring of the bill be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

H.R. 4577, LABOR–HHS APPROPRIATIONS, 2001—SPENDING COMPARISONS—SENATE-REPORTED BILL

[By fiscal year 2001, in millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	97,820	237,142	334,962
Outlays	93,074	237,578	330,652
Senate 302(b) allocation:			
Budget authority	97,820	237,142	334,962
Outlays	93,074	237,578	330,652
2000 level:			
Budget authority	86,151	233,459	319,610
Outlays	86,270	233,644	319,914
President's request:			
Budget authority	105,947	237,142	343,089
Outlays	96,561	237,578	334,139
House-passed bill:			
Budget authority	96,837	237,142	333,979
Outlays	92,590	237,578	330,168
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	....	....	....
Outlays	....	....	....
2000 level:			
Budget authority	11,669	3,683	15,352
Outlays	6,804	3,934	10,738
President's request:[1]			
Budget authority	−8,127	....	−8,127
Outlays	−3,487	....	−3,487
House-passed bill:			
Budget authority	983	....	983
Outlays	484	....	484

[1] Because the Senate-reported bill includes $5.8 billion in BA savings that offset the gross levels in the bill but that are not included in the President's budget, the comparison of the bill to the President's request overstates the difference by that amount.

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

SOCIAL SERVICES BLOCK GRANT PROGRAM AND STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. GRASSLEY. Mr. President, I am glad to join my colleagues in support of restoring funds to cuts made in the Senate Labor, Health and Human Services appropriations bill to the Social Services Block Grant program. This block grant program serves millions of older Americans, children and people with disabilities across the nation. The funding helps states provide services that no one else will provide. The money keeps people independent. It keeps them out of nursing homes. It keeps them employed. These are not frivolous services. They are critical to the well-being of thousands of people.

In my state of Iowa, more than 100,000 Iowans receive services under this block grant Polk County, including the city of Des Moines, gets this funding to transport developmentally disabled residents to doctor visits, physical therapy, employment, and day treatment. The county provides 56,000 of these trips each year. Under a funding cut, these rides could stop. Polk County's developmentally disabled residents would be on their own for transportation.

Polk County also funds residential treatment for developmentally disabled and mentally ill residents. The treatment costs $75 a day. That helps people avoid nursing home stays. It makes sense, because no one wants to go to a nursing home, and the expense is large. Under a funding cut, the county could eliminate residential treatment for 34 residents.

Clay County is already having trouble providing placements for clients with mental health problems and developmental disabilities. The county has a waiting list for placements. Providers' fees have been frozen for over three years.

I hope to spare any Iowans from more worry about this funding. It's a relief to hear assurances of complete funding of social services.

Mrs. HUTCHISON. Mr. President, I rise to associate myself with the remarks of several of my colleagues who spoke previously on several issues of importance to me and my home state of Texas with regard to provisions in the fiscal year 2001 Labor, HHS, and Education Appropriations bill.

The bill as presently drafted would rescind important welfare funding to states under the program known as "TANF" (Temporary Assistance for Needy Families). It would also cut the Social Services Block Grant (SSBG) program by $1.1 billion. Finally, the bill would threaten funding under the Children's Health Insurance (or "CHIP") Program.

I was very pleased to hear Senator STEVENS, the distinguished Chairman of the Appropriations Committee, and Senator ROTH, the distinguished Chairman of the Finance Committee, confirm on the floor today that they are committed to resolve these issues in favor of the states during the conference. I look forward to working with both Senator STEVENS and Senator ROTH to ensure that these issues are adequately addressed in that process.

It is my understanding that the rescissions in TANF, CHIP, and SSBG funding in the bill were, in effect, temporary measures included until the broader funding issues could be resolved in conference. Nevertheless, I am very pleased to hear a reaffirmation of their commitment to address this in conference.

In particular, I am committed to ensuring that TANF funds totaling $240 million, including $39.5 million in Texas, are not jeopardized. These funds stem from a provision in the 1996 Welfare Reform Act that I and others supported to provide additional funds to high-growth, high-need states like Texas, Florida, California, and others. Under the revisions in federal welfare payments contained in that welfare reform bill, states like these stood to lose significant funds, and it was unclear whether they would be able to meet their legal obligations to low income families.

To help ensure that states like these could continue to meet the needs of their residents while they transition to the new system of emphasizing work and self-sufficiency over dependence, I supported the inclusion of these so-called "supplemental grants" funds in the welfare reform law. Since then, these funds have been an important component of some 17 states welfare reform programs, programs that have been tremendously successful. For example, in my state of Texas, welfare rolls have been reduced by 63 percent.

Texas and other states that have been so successful in helping people to become self-sufficient should not be penalized for that success. While some have argued that states have billions in unused welfare funds, it is my understanding that Texas, for one, has obligated to date all of its TANF funds. To rescind more than $39 million in funds from our state would disrupt not only the welfare program, but also the many other activities funded by TANF funds in the state, including worker training and child care. This disruption of fiscal year 2000 funds would also affect the state legislative process, necessitating a retroactive budget adjustment during the next session of the Texas Legislature, which will not meet again until January of next year.

The federal TANF program was also intended to allow states to develop funding reserves to utilize during times of economic downturn and/or higher than usual unemployment. For example, the Texas Workforce Commission was able to recently use TANF funds to respond to the more than 18,000 Texans who lost their jobs during the oil price crash of 1997 to 1999.

It is also fundamentally unfair to only cut TANF funds to the 17 states that presently receive them, while not affecting the funding received by the other 33 states. These states, on average, use TANF funds at a higher rate than the national average, using 97 percent of their total allocations versus 93 percent for other states in fiscal year 1999. In short, they need the additional funds.

Many states that receive these supplemental funds are presently planning to expand their welfare and related programs, to include a broader range of services to enable all welfare recipients to become self-sufficient. Many single mothers, for example, have child care and transportation needs that make it all but impossible to find and keep a job. Others simply lack basic education and job skills that preclude them from holding virtually any employment. Still others have chronic substance abuse and psychological problems that are complex and difficult to address. As states seek to bring these so-called "hard core" welfare recipients into the economic mainstream, they will need all the TANF and other forms of federal assistance they can get to break the cycle of poverty.

Mr. President, I again want to thank the Senator from Alaska, Senator STEVENS, the Senator from Pennsylvania, Senator SPECTER, and the Senator from Delaware, Senator ROTH for their comments today and for their responsiveness on these issues.

Thank you, Mr. President. I yield the floor.

Mr. VOINOVICH. Mr. President, as it was reported out of the Senate Appropriations Committee, the Labor, HHS and Education Appropriations bill reduced funding for two vitally important programs—the State Children's Health Insurance Program (S-CHIP) and the Social Services Block Grant (SSBG) program.

When you look at the bill, there are major increases for other programs, which to me, suggests that the Subcommittee did not adequately prioritize what should be funded.

The programs that these cuts would have affected—S-CHIP and SSBG—are essential for welfare reform; helping to keep people off welfare and eliminating some of the reasons why people went on welfare in the first place.

I support many of the programs and items that are funded by this bill, and I commend the fine work of our federal agencies in carrying out these programs, but I am not convinced that we should provide huge increases in funding for some programs—like a 15 percent increase for NIH—at the expense of addressing basic human needs in other programs—such as S-CHIP and SSBG.

Mr. President, I oppose the cuts to these programs that have been included in this bill. I know that the Senate Appropriations Committee Chairman, Senator STEVENS, has indicated that he will work to ensure that full funding is restored in Conference. However, I want to be clear to my colleagues—these two programs must not return to the Senate floor with these cuts intact. Funds must be restored in Conference, and, in my view, the Conferees also need to take out some of the increases in the Labor-HHS bill in order to bring it within its 302b allocation.

Mr. President, as my colleagues know, when Congress passed the Balanced Budget Act of 1997, one of the provisions included in that landmark legislation called for the establishment of the State Children's Health Insurance Program—or S-CHIP as it is known.

S-CHIP is the single largest federal investment in health insurance since the establishment of the Medicaid and Medicare programs in 1965. It is a partnership between the federal government and our states, enacted to improve access to health care for children.

I lobbied for this program as Vice Chairman of the National Governors' Association. As the Governor of Ohio, I understood how important it would be to the children of this country and their parents. In particular, I saw what it would mean to parents who were moving off welfare as part of welfare reform but needed assurances that their kids would have health care.

As most of my colleagues know, as people move off welfare, they lose their Medicaid insurance. However, even as individuals move towards picking up health insurance where Medicaid left-off, the biggest thing that parents are concerned about is being able to provide health care for their children. I am concerned that if the S-CHIP program is not funded appropriately, it will take a lot of people who have gone off welfare and force them to have to go back on.

I remember speaking to mothers who were on welfare when I was Governor, at the time when we were going through welfare reform, and many of these individuals told me that the reason they went on welfare in the first place was to get health care coverage for their children.

S-CHIP gives parents peace of mind that their children have access to quality health care if it is not available through their place of employment and they don't have enough money to afford health care coverage.

S-CHIP is not a "one size fits all" sort of program. One of the more appealing aspects of S-CHIP is its flexibility. States have been able to design innovative new programs and methods of reaching out to help uninsured children.

Some states are even looking at with ways in which they can provide family coverage for the same cost as covering a child.

Thus far, S-CHIP has been able to help over 2 million children obtain health insurance, and the opportunities to expand the program through its flexibility seem limitless. It is a program that is universally supported in our states.

Therefore, you can imagine my surprise to find that when the Senate Appropriations Committee reported out its version of the Labor, Health and Human Services, and Education Appropriations bill last month, the bill contained a provision to rescind $1.9 billion from S-CHIP.

The reason given for this S-CHIP rescission was a desire to free up $1.9 billion in budget authority to help finance discretionary programs in the Labor-HHS appropriation bill.

Although the Senate appropriations bill restores the $1.9 billion to S-CHIP in 2003, the funds would be of little use to states and children in need of health insurance in the coming fiscal year.

If the federal government is to be a true partner with the states, then the states must have the confidence that the federal government will not shrink from its commitment to S-CHIP and to children. Actions such as the proposed $1.9 billion rescission threaten the integrity of a critical program designed exclusively to help 2 million of our nation's children.

I can understand why our nation's governors, Republicans and Democrats, have been united in their opposition to the proposed cut in S-CHIP—because the program works. We should not be in the position of reversing the federal-state partnership that makes this vital program function.

In addition to the proposed cuts in S-CHIP, the Labor-HHS appropriations bill had proposed another break in a commitment that Congress made with the states.

In 1996, as part of welfare reform, Congress agreed to provide $2.38 billion each year for the Social Services Block Grant, or SSBG.

States and local communities have been able to target SSBG funds where they are most needed. For example, in my state of Ohio, funds have been used for such programs as adoption services in Washington County and foster care assistance in Montgomery County; home-based care for the elderly and the disabled such as home delivered meals in Franklin County; child and adult protective services in Cuyahoga and Allen Counties; and substance abuse treatment in Hamilton County—just to name a few.

However, the funds for SSBG have been chipped away little by little. In fiscal year 2000, the program is funded at $1.7 billion, but the Senate Labor-HHS appropriations bill, as reported, only proposed $600 million for fiscal 2001—75 percent less than the amount promised to governors in 1996!

A cut of this magnitude would be difficult, at best, for state and local governments to absorb, especially on top of the cuts over the past few years. Congress can't assume states will make up for the loss.

As such, the lack of funding would have caused a disruption in critical services to individuals in need—many of whom are not covered by other federal programs.

Many of the programs funded through SSBG prevent additional costs to the federal government in the long run. For example, SSBG helps provide in-home services to the elderly and the disabled, thereby eliminating the need to place them in a costly institutional setting. In addition, SSBG funds are used for family preservation and reunification efforts in order to cut down on the number of foster care placements.

The notion that states can make up this $1.1 billion loss with TANF funds is false. Many of the populations served through SSBG, primarily the elderly and the disabled, have no connection to the traditional welfare system and cannot be served with TANF funds.

That's why I am pleased that we have been able to reach an agreement with the Appropriations Committee to take these provisions from the Labor-HHS bill. In my view, these provisions would have had a devastating impact on our most vulnerable citizens: children, the poor and the elderly.

Again, I would like to thank my colleagues for their hard work in getting these provisions removed from this bill. I believe their efforts will go a long way towards restoring the faith of our state and local leaders that the Senate is truly committed to giving them the opportunity to help all Americans.

Mr. BAUCUS. Mr. President. I regret that I was unable to vote on Amendment 3625 to the Labor-Health Human Services appropriations bill. It was important for me to be in Montana for a conference I had organized on the future of our state's economic development.

I would like to explain how I would have voted on this amendment, had I been present.

In our current era of staggering scientific achievement—as demonstrated by yesterday's announcement of the mapping of the human genome—it is easy to become complacent with medical technology.

However, we cannot afford the price of complacency. One of the greatest health threats our nation currently faces is antibiotic resistant infections. These infections are the result of abuse and misuse of antibiotics—the drugs which form the keystone of modern medicine. These drug resistant infections know no barriers and are a threat to us all. The World Health Organization reports that antibiotic-resistant infections acquired in hospitals kill over 14,000 people in the United States every year. Unless steps are taken to monitor and prevent antibiotic misuse, this number can only increase.

Protecting our nation and our children from antibiotic resistant infections is vital. That is why I am pleased to support this amendment. This legislation increases the ability of public health agencies to monitor and fight antibiotic resistant infections. It also seeks to reduce the incidence of antibiotic resistance by educating doctors and patients about the proper use of antibiotics.

This legislation will help protect the health of all Americans and I applaud my colleagues for their support.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to speak as if in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2799 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

OIL

Mr. MURKOWSKI. Mr. President, it is appropriate I comment on the announced position by our Vice President today on his program to lower oil imports and stabilize climate change.

As identified in the AP summary of June 27, under a program to "lower oil import and stabilize climate," the Vice President's plan for a national energy security and environmental trust fund calls "for diverting more than $80 billion over the next 10 years from projected Federal budget surpluses for tax incentives to drive investment in energy efficient technologies for transportation and energy use."

Notice it doesn't identify any new source of energy to relieve the shortage.

He proposes in a $4.2 billion program to encourage electric production from renewable energy sources such as wind, solar, and $1 billion for accelerated depreciation for investments and distributed power assets.

But the bulk of the plan is expected to cost $68 billion over the next decade and is dedicated to what Gore calls a technology for tomorrow, a competitive program designed to provide tax relief, loans, grants, bonds, and other financial instruments for emission reduction at powerplants and industrial facilities. He doesn't mention one word about what kind of energy he proposes we are going to use.

He indicates we will harness that uniquely American power of innovation. Innovation will not go in your gas tank and get you home or get you on a vacation. He goes on to say: We will say to the Nation's inventors and entrepreneurs, if you invest in these new technologies, America will invest in you.

The Presidential candidate said: Through the power of free market, we will take a dramatic step forward for our children's health, which will also be a dramatic new step towards a stable climate.

It is a good deal of rhetoric and sounds pretty good. But in reading that, one would come to the conclusion that we simply have not been doing anything in the area of renewables. I point out for the RECORD, in the last 5 years this country has spent $1.5 billion for renewable energy research and development.

What have we done over the last two decades? We have spent $17 billion over the last 20 years in direct spending, in tax incentives for renewables. My point is, we are all supportive of renewables, but how successful have we been? We have been putting money on them. We have been providing tax incentives.

Our total renewable energy constitutes less than 4 percent of our total energy produced. That excludes hydro. Mr. President, 4 percent is from biomass, less than 1 percent from solar and wind. Yet most of the money in the technology has gone to solar, wind, and biomass.

So when the Vice President suggests a program of expenditures, some $80 billion over the next 10 years, we need relief now—the American consumer, the American motorist, the trucker. We see on our cab bills a surcharge. We see on the airplane bills a surcharge. We need relief now.

We have spent $1.5 billion for renewable research over the last 20 years and $17 billion in the same period in direct spending and direct incentives for renewables. My point is not to belittle renewables or their important role, but the reality is there is simply not enough. At less than 4 percent—excluding hydro—they simply are not going to provide the relief we need.

I think it is important we understand the Vice President's programs. While we all want to conserve energy, we want to reduce pollution, we want to reduce the Nation's dependence on foreign oil, the facts are in many cases we are not reducing the dependence on foreign oil. We are increasing. In 1973 and 1974 when we had the Arab oil embargo, we were 37-percent dependent on imported oil. Today, we are 56 percent on an average and we have gone as high as 64 percent.

In the Vice President's plan, I want to know how he plans to reduce the Nation's dependence on foreign oil when the Secretary of Energy is out soliciting for greater production from Kuwait, Saudi Arabia, and Mexico.

He wants to reduce the threat posed by global warming. I think that is a challenge for American technology and ingenuity. He wants to curtail brownouts by increasing electric grid reliability. What has the administration done of late in that regard? They have not worked with the Energy Committee, which I chair, on electric restructuring, which was designed specifically to address how we were going to provide an incentive for more transmission lines to be built so we could ensure that we would not have brownouts, how we were going to ensure that we would have adequate energy, whether natural gas, coal, oil, or nuclear.

This administration, right down the line, in its energy policy, specifically, has highlighted that it does not have an energy policy. We have seen that in our inability to prevail on high-level nuclear waste storage. We are one vote short of a veto override.

It is also important to go in and identify the new initiatives that the Vice President has indicated are in his policy statement. One is to "extend incentives for natural gas exploration." That is actually in his statement. But let me refer to a statement our Vice President made October 22, 1999, in Rye, NH:

> I will do everything in my power to make sure there is no new drilling—

No new drilling, Mr. President.

> even in areas already leased by previous administrations.

I don't know how he can make that statement on October 22, 1999, and today and yesterday make the statement that he wants to extend incentives for natural gas exploration. Where is it going to come from? I certainly don't know where it is going to come from.

I could go on and on and identify each one of these, where there is an inconsistency. But the fact is, his program, at a cost of $75 billion to $80 billion over 10 years, supposedly from the surplus, is not going to do a single thing today to reduce gasoline prices. So what are we going to do? How are we going to relate to this? I think it is fair to say the Vice President misses the point.

To borrow a phrase from the Clinton administration: It is the gasoline prices, stupid.

We are paying more for gasoline than at any other time in our history. That is the fact. Gasoline and natural gas prices have doubled. Do you remember last March, we were paying $10, $11, $12 a barrel? Today we are paying $32 a barrel.

Natural gas, which is assumed to be a godsend, our relief, has gone from $2.65 per thousand cubic feet to $4.56 for deliveries in January. The American consumer has not felt this, but they will. And there will be a reaction. Wait until people start getting their gas bills around this country—not just their gas bill but their electric bill, because a good deal of the electricity is generated from gas.

So the Vice President wants to radically change the domestic energy industry in the future and he wants to spend $75 billion to $85 billion to do it. Think about the conventional sources of energy and the administration's position. Coal? They oppose coal. They oppose advanced technology, clean coal, expansion of the coal mines, expansion of the generation from coal. They have already identified nine plants they propose to close and it is a dispute whether the managers of these plants have purposely extended the life of the plants or, as the management says, in order to maintain the plants to the permits they have had to do certain improvements.

They oppose hydro. Their proposal is to tear down the hydro dams out West. There is a tradeoff there. The tradeoff is that you put more trucks on the highway if you do away with the barge transportation system on the Columbia River. It is not just a few more trucks on the highway; it is several hundred thousand because the barges are the most effective way to move volumes of tonnage.

They oppose nuclear—no nuclear. They oppose oil and gas drilling, as indicated by the comments of the Vice President.

I think it is fair to say Vice President AL GORE is OPEC's best friend because in reality the only answer they have is to propose to import more energy. Where are we getting that energy? Saudi Arabia and another country, which I find really gets my attention in the sense of being indignant. I guess I might say I am outraged. A few years ago, in 1991 and 1992, we fought a war in Iraq—Desert Storm. We lost 147 lives in that war. We had roughly 427 men and women who were wounded in that conflict. We had 23 taken prisoner. Since that time, we have enforced a no-fly zone over Iraq. That no-fly zone is an aerial blockade, if you will. It has cost the American taxpayer over $10 billion to enforce. Yet, from time to time, we launch a sortie to fly over Iraq, where they violated the no-fly zone. We drop bombs on various targets near Baghdad. This is part of our foreign policy.

Perhaps I can simplify this. It seems to me we buy their oil. The interesting thing is we start out with 50,000 barrels a day. Last year it was 300,000 a day. Today it is 750,000 barrels a day. We buy the oil, send Saddam Hussein the money. Then we put the oil in our airplanes and we go bomb him.

Maybe it is more complicated than that. There are a few people who are unfortunate victims. Saddam Hussein holds up a press release and says: The Americans and the British have killed so many Iraqi citizens.

That obviously rallies his people around him and the vicious circle starts again.

That is where we are getting our greatest single increase of oil—from Iraq, a country where it wasn't so long ago we were sacrificing lives. It is from a tyrant who obviously is using the money he is getting from the oil he smuggles to develop his missile technology and his biological warfare capability. Clearly, he is up to no good and represents a significant threat to the Mideast and Israel as well, without question.

Here we have an administration, a Vice President, who has no real relief in sight. He has a 10-year program costing $80 billion that is not going to provide the American consumer with any cheaper gasoline tomorrow, the next day, next week, next month, or next year. But what the Vice President proposes is designing your future but ignoring the crisis at the pump. The Vice President wants the Government to tell you what energy you are going to use and what price you are going to pay for it. That is basically what we are doing with reformulated gasoline.

We have refineries now customizing gasoline because the Environmental Protection Agency has mandated certain formulas in various parts of the country. I am not here to debate the merits. But the reality is, it costs money. Why does it cost money? For a lot of reasons. We have lost some of our regional refiners. We have lost 37 refiners in this country, under Clinton-Gore, two administrations, 8 years. The refineries have not been replaced. We have not had a new refinery in this country for 10 years.

Why? There are a lot of reasons. One is there is an inadequate return on investment. Another reason is that the permitting takes so long. The third is the potential Superfund sites; they are just not an attractive investment. So we have constricted ourselves, we have put on more regulations, and the price is being passed on to the consumer.

While I applaud the Vice President for recognizing that American ingenuity and technology should drive future energy demands, the reality is that unless we increase our domestic supply, we are going to continue to have shortages and higher prices. The alternatives to that are not very bright from the standpoint of any immediate relief.

I am going to also make a reference to an article in the Washington Times, which I ask unanimous consent be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Times, June 26, 2000]

Occidental Deal Benefits Gores

SALE OF FEDERAL OIL FIELD BOOSTS FAMILY FORTUNE

(By Bill Sammon)

Vice President Al Gore's push to privatize a federal oil field added tens of thousands of dollars to the value of oil stock owned by the Gore family, which has been further enriched by skyrocketing gasoline prices.

Shares of Occidental Petroleum jumped 10 percent after the company purchased the Elk Hills oil field in California from the federal government in 1998. Mr. Gore, whose family owns at least $500,000 in Occidental stock, recommended the sale as part of his "reinventing government" reform package.

The sale, which constituted the largest privatization of federal land in U.S. history, transformed Occidental from a lackluster financial performer into a dynamic, profit-spewing, oil giant. Having instantly tripled its U.S. oil reserves, the company began pumping out vast sums of crude at low cost.

As the months went by, Occidental was able to sell the oil, which ends up at gasoline retail outlets like Union 76, for more profit. Rising oil prices have significantly improved Occidental's bottom line, said analyst Christopher Stavros of Paine Webber.

This year, the company posted first quarter revenues of $2.5 billion, or 87 percent higher than a year earlier. That's a bigger increase than at nine of 10 other oil companies listed in a survey that Mr. Gore cited last week as evidence of price gouging.

The rise in Occidental oil prices, coupled with the acquisition of the Elk Hills field, has paid handsome dividends for the Gore family.

The vice president recently updated his financial disclosure form to put the value of his family's Occidental stock at between $500,000 and $1 million. Prior to the Elk Hills sale and gasoline price spike, Mr. Gore had listed the value of the stock at between $250,000 and $500,000.

Gore aides insist the vice president's push to sell Elk Hills does not constitute a conflict of interest. They point out the family's Occidental shares were originally owned by Mr. Gore's father, who died in 1998, leaving the stock in an estate for which the vice president serves as executor.

Although Mr. Gore continues to list the stock on his financial disclosure forms, aides said the shares are in a trust for the vice president's mother, Pauline.

"He doesn't own stock because he's trying to avoid conflicts of interest," said Gore spokesman Doug Hattaway. "He's the executor of the estate, but he's not the trustee of the trust. It's a separate thing."

Still, Mr. Gore's recommendation to privatize Elk Hills ended up enriching his mother, who is expected to eventually bequeath the stock to the vice president, her sole heir.

Last week, Mr. Gore began a concerted effort to blame skyrocketing gasoline prices not only on "big oil," but also on Texas Gov. George W. Bush. Gore aides have emphasized that Mr. Bush once ran several oil-exploration firms and has accepted more campaign contributions from oil companies than the vice president.

The Texas governor has dismissed the attacks as an attempt to divert attention away from Mr. Gore's energy and environmental policies, which have driven up gasoline prices. Political analysts say the spiraling gas prices could imperil Mr. Gore's presidential bid because they are highest in the Midwest, which he must carry in order to win the White House.

The political and financial fortunes of the Gore family were established largely with oil money from Occidental's founder, Armand Hammer. Part capitalist and part Communist, Mr. Hammer became the elder Gore's patron more than half a century ago, showering him with riches and nurturing his political career through the House and Senate.

The elder Gore enthusiastically returned the favors. In the early 1960s, Sen. Gore took to the Senate floor to defend Mr. Hammer against FBI Director J. Edgar Hoover, who wanted to investigate Mr. Hammer's Soviet ties.

In 1965, the elder Gore helped Mr. Hammer obtain a visa to Libya, where he opened oil fields that turned Occidental into a multinational powerhouse.

When the elder Mr. Gore lost his re-election bid in 1970, Mr. Hammer installed him as head of an Occidental subsidiary and gave him a $500,000 annual salary. The man who had begun his career as a struggling schoolteacher in rural Tennessee ended it as a millionaire oil tycoon.

The younger Gore also benefited from Mr. Hammer's generosity. He was paid hundreds of thousands of dollars in annual payments of $20,000 for mineral rights to a parcel of land near the family's homestead in Tennessee that Occidental never bothered mining.

When the younger Gore first ran for president in 1988, Mr. Hammer promised former Sen. Paul Simon "any Cabinet spot I wanted" if he would withdraw from the primary, according to a 1989 book by the Illinois Democrat.

Mr. Gore and his wife, Tipper, once flew in Mr. Hammer's private jet across the Atlantic Ocean. They hosted Mr. Hammer at several presidential inaugurations and remained close to the oilman until his death in 1990.

In 1992, when Arkansas Gov. Bill Clinton was considering Mr. Gore as his running mate, the elder Gore wrote a memo describing his son's ties to Mr. Hammer. The document was designed to provide Mr. Clinton with answers to possible questions from reporters.

Mr. Hammer's successor at Occidental, Ray Irani, has continued to funnel hundreds of thousands of dollars into the campaigns of Mr. Gore and the Democratic Party. For example, two days after spending the night in the Lincoln Bedroom in 1996, he cut a check for $100,000 to the Democratic Party.

Mr. MURKOWSKI. The title of the article is, "Occidental Deal Benefits

Gores." I don't begrudge the Gores or any families having any investment. What I do begrudge is the realization that the Vice President has lashed out and attacked big oil. I am not here to defend big oil. As chairman of the Energy Committee, we are having a hearing. We are going to invite the various oil companies and refiners to come in and explain to us why prices have gone up and what the future is likely to hold.

It is fair to point out Vice President AL GORE has been linking George W. Bush to big oil. I am not here to separate that, but as this article points out, the Vice President's efforts to push to privatize Elk Hills, which was a Federal oilfield in California, added a good deal—as a matter of fact, hundreds of thousands of dollars—to the Gore family estate fund. This was the Occidental Petroleum that bought Elk Hills.

Occidental's profits soared, and, of course, the Gore family stock in the company went from a listing of roughly $250,000 to $500,000, up to $1 million, as a consequence of the privatization of Elk Hills. Again, I do not begrudge the Vice President and his family making a fair return on an appropriate investment. There is absolutely nothing wrong with it. But those who live in glass houses should not take baths. In this case, that fits the position of the Vice President.

Finally, I spoke on the floor Friday about the energy crisis we are having. I talked about the Clinton-Gore energy policy, or lack of it. After I spoke, my good friend from Iowa made some observations and statements about energy policy that I think warrant some consideration. I am going to take the time, with the indulgence of the occupant of the chair, to respond.

We do two things in Alaska well: We harvest timber, and we harvest fish. We do not have a great deal of agriculture potential. We do some hay, potatoes, barley, and oats, but we have a short season. Fish and timber we do well. So I know something about fish and timber. I do not know much about corn. I do know quite a little bit about energy, as chairman of the Energy Committee.

After reading the statement of the Senator from Iowa, I think a few of his observations deserve a little closer examination. The Senator suggested our investment in ethanol production, in hydrogen, fuel cell research, and renewable energy has been minimal. He said:

> We need to get a few million dollars in for the use of hydrogen in fuel cells and fuel cell research.

Again, the reference I made earlier to what we have expended speaks for itself. What we have expended in these areas is truly not insignificant. It is a major expenditure in the area of over $20 billion overall in renewables. As a consequence of that, indeed, the Senator from Iowa would agree, we have been expending a good deal in these areas of promoting renewables.

As a member of the Senate renewable and energy efficiency caucus, I am a supporter of ethanol production, hydrogen, fuel cell research, and renewable energy. To support hydrogen research, I moved through my committee and into law the Hydrogen Future Act which is Public Law 104-271. It was originally introduced in the House by Bob Walker and authorized the hydrogen research, development, and demonstrations programs of the Department of Energy.

In the nearly 5 years that have passed since that time, we have spent over $100 million on hydrogen and fuel cell research in the Department of Energy. Over the past 5 years, we have spent another $1.5 billion for renewable energy research and development, $330 million of which has gone for biomass research, including ethanol.

To support renewable wind energy, I have supported as a member of the Finance Committee a production tax credit for investments in wind energy.

To support renewable biomass energy, I have supported the repeal of the "closed loop" rule for the biomass energy tax credit in an effort to boost biomass energy production, including ethanol.

I am also a cosponsor of Senator LUGAR's biofuels research bill, S. 935, which passed this body.

To support the deployment of distributed renewable energy, I have worked to make Alaska a test bed for many of these technologies. Alaska has scores of small communities that are not on a consolidated electric grid.

We are exploring the use of wind turbines, fuel cells, and other technologies to displace the expensive diesel fuel currently used in these communities because these are the technologies that will make sense in a developing world of energy.

These are all areas that are very important in the effort to decrease our imports of foreign energy and protect our environment, and I do support them personally, as well as in my position as chairman of the Energy Committee.

Senator HARKIN's contention that we "need to get a few million dollars" for research in these areas suggests we are not making these investments when, in fact, we are. I did not want any of my colleagues or America to be misled.

Talking about gasoline prices again, Senator HARKIN also encouraged me, as chairman of the Energy Committee, to subpoena oil company executives, to put them before my committee and start asking the "tough questions" in an effort to get to the bottom of the high prices.

Indeed, my staff and I had already been planning and have planned a hearing on gasoline prices to include representatives from the industry and the administration. We made that decision several days ago. That hearing, as announced, will be held on Thursday, July 13, at 9:30 a.m.

At that time, we plan to explore issues of gasoline supply problems and ask if deliverability, transportation, refining, and blending resources are adequate to supply our near-term and long-term gasoline needs. It is a matter of supply and demand. The supply is down, the demand is up.

But it may interest my friend from Iowa to know that subpoenas are unlikely to be necessary for the oil companies or their representatives. When our committee asks them to appear, they appear. They answer the questions asked of them, and I am not anticipating any problem with the oil companies responding to our questions.

On the other hand, I think you would agree, sometimes we do have problems with the administration. Secretary Richardson recently found it inconvenient to appear before our committee on the Los Alamos matter. So there is some doubt he will show up to answer, as Senator HARKIN puts it, the tough questions.

We are considering asking the EPA Administrator, who is responsible pretty much for the reformulation of gasoline around the country, where the refineries are now customizing, and that would be EPA Administrator Carol Browner. There is some question she will appear. She may be worried the reformulated gasoline requirements have, in fact, balkanized the market and driven prices up. That might make her inclined not to attend.

While the Senator from Iowa said in his remarks Friday that reformulated gasolines were "not the problem," I am personally not so sure of that. Consider the following facts: Under the Environmental Protection Agency regulations, fuel made for consumption in Oregon is not suitable for California's consumption. Fuel made for distribution in western Maryland cannot be sold in Baltimore. Areas such as Chicago and Detroit are islands in the fuel system, requiring special "designer" gasolines. Gasoline sold in Springfield cannot be sold in Chicago.

A recent Energy Information Agency report observed that an eastern U.S. pipeline operator handles 38 different grades of gasoline, 7 grades of kerosene, and 16 grades of home heating oil and diesel fuel.

Between Chicago and St. Louis, a 300-mile distance—think of this—four different grades of gasoline are required. Is that necessary? I am not here to debate that point, but I am here to tell you that it all costs money and the consumer pays for it. It is estimated that reformulated gasoline costs an average of 50 cents more a gallon for the reasons I have outlined.

The predictable result is refiners lack the flexibility to move supplies around the country to respond to local or regional shortages. Again, I advise the President that 37 refineries have closed. No new ones have opened. Why? I think the answer is obvious.

These are among the questions we will explore in our hearing, and I hope we will have good cooperation from the industry and good cooperation from the Clinton-Gore administration.

There are a few things we do know before the hearing.

Even before we convene the hearing, here is what we already know. Americans are now paying more for their gasoline than at any other time in history. Our dependency on foreign oil is at an all-time high—higher than any other time in history.

Again, we fought a war 9 years ago over threats to our oil supply. I have indicated the loss of life we have had, the prisoners who were taken, and those who were wounded.

Further, domestic oil production is down 17 percent since the start of the Clinton-Gore administration.

I think it is important for Members to recognize we have a little history to indicate why we are in this predicament.

We will almost assuredly have brownouts this summer when energy usage exceeds energy supply. That is because the Clinton-Gore administration has actively curtailed domestic energy production in all forms in virtually all areas of this country.

For 8 years, President Clinton and Vice President GORE have been warned that our foreign oil consumption was increasing and our domestic oil production was decreasing. One can only assume they chose to ignore the warnings, and now we have record prices for gas and home heating oil.

This is a problem of leadership. Both the President and the Vice President and my good friend, Senator HARKIN from Iowa in a speech, suggested that the oil companies are to blame. It is the blame game played around Washington, DC, all the time. And maybe the oil companies are partially responsible. I am not ruling that out.

But leadership is not assessing blame. Leadership is about preventing the crisis before it happens. Sadly, the crisis is here, and Americans are paying the price. Perhaps even worse, the most powerful Nation on Earth—the most powerful Nation in the history of the world—is at the mercy of a handful of oil-producing nations because we are not producing our own domestic resources.

Where would we get them? We have the Rocky Mountain overthrust belt all around Wyoming, Montana, New Mexico, and other areas. We have the OCS off the Gulf of Mexico, Texas, Alabama, and Mississippi, and my State of Alaska. We have the resources here. There is absolutely no question about it. We have the technology. We also have an administration that would much rather send the Secretary of Energy overseas to beg for increased production from OPEC and from Saddam Hussein than generate domestic oil production here at home where we are assured we would have a continued supply. We could keep the jobs here and the dollars here.

If we were willing to fight for oil supply in the Persian Gulf, we ought to be willing to drill for it domestically here in the United States.

I talked about what the Vice President has said about this. I have noted the Vice President's sudden interest, as expressed on his campaign trail, about the prices paid by gasoline consumers, and again, his suggestions that the oil companies are to blame.

Surely this cannot be the same Vice President GORE who cast the tiebreaking vote for higher gasoline taxes in this Senate body.

Surely this is not the same Vice President who wrote in his book, "Earth in the Balance," that: "Higher taxes on fossil fuels . . . is one of the logical first steps in changing our policies in a manner consistent with a more responsible approach to the environment."

Perhaps the Vice President doesn't have to buy gas as the rest of us, but someone needs to tell him that raising taxes on gasoline only hurts hard-working Americans.

In summary, to conclude, I think the energy policy of the Clinton-Gore administration can be summed up in a single word. That word is "no"—no domestic oil exploration or production, no use of coal, no use of nuclear power, no use of hydroelectric power, no to increasing supplies of natural gas, and no to new oil refineries.

We have a better idea; that is, the National Energy Security Act of 2000, introduced by Senator LOTT, myself, and others because it encourages domestic production, energy efficiency, renewable energy, and other energy resources, with the goal of decreasing our oil imports to a level below 50 percent.

We have a goal in our energy policy, in our Republican plan. Ask the Clinton-Gore administration what their energy policy is, what their goal is. As I see it, it is an $80 billion expenditure on renewables coming about in 10 years, when today, if you exclude hydro, only 4 percent of our energy comes from renewables. I wish there were more.

Anyway, this is the kind of balanced approach that I think will keep energy supplies stable and affordable for America. I urge my colleagues to support the National Energy Security Act of 2000, which was raised here on the floor the other day and the leader assures me is pending.

I thank the occupant of the chair and the clerks for prevailing at this late hour. I have been asked to close the Senate today. So with their indulgence, I will proceed. My reason for keeping you here tonight, obviously so late, is the inability to get floor time in morning business because of the accelerated schedule. So I hope you will understand.

UNLOCKING THE DOOR TO PEACE: INDEPENDENT INSPECTION OF IRA WEAPONS

Mr. DODD. Mr. President, I rise to report on major progress in the implementation of the Northern Ireland peace accords. I know many Americans have been very closely following the events in Northern Ireland over the past number of years, under the leadership of President Clinton, Vice President GORE, and the former majority leader, George Mitchell, who provided a herculean effort to bring together the disparate sides in Northern Ireland.

New ground was broken over the weekend which significantly enhances, I think, the prospects for permanent peace after more than a quarter of a century of sectarian conflict. I mentioned George Mitchell. I mentioned the President and the Vice President. Certainly people like Jean Kennedy Smith, the American Ambassador to Ireland, our colleagues here, Senator KENNEDY and Senator PAT MOYNIHAN, and PETER KING in the House—there is a long list of people who have been trying very hard to get the two communities of Northern Ireland to come together and resolve their differences, establish a political framework for dealing with future conflict, and to abandon the bullet and the bomb, which has claimed too many lives over too long a period of time. The news this weekend is that we are far closer to achieving that goal.

Martti Ahtisaari, the former President of Finland, and Cyril Ramaphosa, the former leader of the African National Congress, reported to Prime Minister Tony Blair of Great Britain yesterday that the Irish Republican Army allowed them to examine the organization's hidden arsenals during the weekend of June 24. The independent inspectors concluded that the IRA's weapons caches could not be used without detection.

This is a major achievement. This is one that has broken open the issue of disarmament that has been one of the stumbling blocks to achieving the final goals of the Good Friday accords.

This first inspection by international experts is credible evidence that the IRA is prepared to follow through with respect to its commitment of May 6 to open its secret arsenal of weapons to international inspection. This confidence-building measure, in my view, could convince the people of Northern Ireland that the IRA is sincere with respect to its pledge to put its weapons "completely and verifiably" beyond use in the context of implementation of the Good Friday accords, those very accords which George Mitchell of Maine, the former majority leader, was so instrumental in bringing about. It would seem to me that the decision by David Trimble to press members of the Ulster Unionist Party to rejoin the Northern Ireland Assembly has been vindicated by recent events. I commend David Trimble, as well.

Despite numerous setbacks that have occurred from time to time with respect to the full implementation of the 1998 accords, Prime Minister Tony Blair, and the Prime Minister of Ireland, Taoiseach Bertie Ahern, and President Bill Clinton have never lost faith in the process.

By the way, people like Albert Reynolds and Bertie Ahern deserve great credit, as do David Trimble, Gerry Adams, John Hume, and Martin McGuinness, who have done a magnificent job in bringing this about. There are so many people who have been part of the effort to achieve what I think we are on the brink of achieving here. The events over the weekend demonstrate that their faith is not misplaced. They deserve great credit for not losing faith.

I, too, have remained optimistic that peace is possible. That is because I believe the people of Northern Ireland are anxious to put this long and very painful conflict behind them. Indeed, before the February setback over decommissioning, which caused key provisions of the peace accords to be suspended, the Northern Ireland Assembly and the executive had been functioning. The reactivation of the assembly late last month has once again restored self-government in Belfast. The international inspections of weapons caches together with the renewal of discussions between the IRA and the International Commission on Decommissioning are giant steps toward the full decommissioning of weapons throughout Northern Ireland.

The IRA has historically held itself out as the guardian of the Catholic minority—a minority that has experienced decades of inequality and injustice at the hands of a Unionist or Protestant majority. Paradoxically, the IRA has sought to promote justice and equality for the Catholic community through violence and other terrorist acts against the police and the Protestant majority.

The Good Friday accords acknowledge past inequalities and injustices and, at the same time, establish a framework for resolving these inequities through the political process. There are now strong indications that the IRA is prepared to work within that framework to achieve its objectives.

The IRA's willingness to permit international inspections of its weapons is further proof that it is within the realm of possibility to remove the bomb and the bullet from Irish politics once and for all. It is my fervent hope that these independent inspections will reduce the feelings of mistrust that have historically plagued relations between the Nationalist and Unionist communities and their political leaders and allow further progress to be made toward implementing other important provisions of the accords, especially those related to police reform.

Each side has taken positive steps to meet the letter and spirit of the Good Friday Accords. Having said that, there is much that remains to be done to achieve other equally important objectives of the accords, particularly the guarantee of justice and equality for all of the people of Northern Ireland —Protestants and Catholics. Toward that end, I would urge the British government to move forward expeditiously to implement the recommendations of the Independent Commission on Policing for Northern Ireland, the so called Patten Commission. Creating a police force that is professional, impartial, and representative of the community it serves, as called for by the Patten Commission, is the only way to guarantee justice and equal treatment for all.

Since the parties first embarked on the road to resolving Northern Ireland's "Troubles" in 1994, there have been steps forward and there have been steps back—sometimes it has seemed more of the latter than the former. The latest actions by the IRA set the stage for a new chapter in the history of Northern Ireland—a chapter of peace and reconciliation between the communities of Northern Ireland, as embodied in the letter and spirit of the 1998 Good Friday Accords. I strongly urge Northern Ireland's political leaders to take to heart the significant progress toward peace that has been achieved in recent weeks—to draw from that progress renewed energy. And, to find the capacity to set aside mistrust, allow deep-seated wounds to heal, and proceed together to make justice and equality a reality for all the people of Northern Ireland.

Mr. REID. Will the Senator yield, without losing his right to the floor?

Mr. DODD. I am happy to yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have listened to the Senator's statement. I want to make sure the RECORD reflects the one person's name that wasn't mentioned who has played such a critical role in this process for years, and that is Senator CHRISTOPHER DODD from Connecticut.

There is no one who has been more involved with this, with the knowledge he has of foreign affairs generally, but of the particular country of Ireland. I know of his love for the people of Ireland and how much he personally has been involved in this, how much time he has devoted to it. He has named everybody who has had something to do with it, but the one name he left off was his own.

Mr. DODD. Mr. President, I thank my colleague. I appreciate his kind comments. I will add additional names, too: people such as Tip O'Neill and Tom Foley. There is a long history that goes back several decades of people who have fought for a political solution to the problems here and within Ireland. I am grateful to my colleague from Nevada for making the point.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

June 27, 1999:

Samie A. Betouni, 35, Chicago, IL;
Terrell Bryant, 46, Miami-Dade County, FL;
Daniel M. Danjean, 25, New Orleans, LA;
Sonya Danjean, 25, New Orleans, LA;
Bryan Gilmore, 25, Lansing, MI;
Sandi Johnson, 38, Detroit, MI;
Cornell Scott, 24, Philadelphia, PA;
Issac Stephens, 28, Macon, GA;
Theodore Strong, 46, Charlotte, NC;
Dennis Tyler, 27, Lansing, MI;
Juan Wallace, 20, Chicago, IL;
Unidentified female, 25, Portland, OR.

DOMESTIC VIOLENCE IN SOUTH DAKOTA AND AROUND THE COUNTRY

Mr. JOHNSON. Mr. President, domestic violence is often the crime that victims don't want to admit and communities don't want to discuss. However, almost 10,000 domestic violence victims in South Dakota last year got help from the Department of Social Services. This represents a low estimate of the number of South Dakotans who are victims of domestic violence as many victims fail to seek help.

Since enactment of the Violence Against Women Act in 1994, the number of forcible rapes of women has declined, and the number of sexual assaults nationwide has gone down as well. Despite the success of the Violence Against Women Act, domestic abuse and violence against women continues to plague our communities. Consider the fact that a woman is raped every five minutes in this country, and that nearly one in every three adult women experiences at least one physical assault by a partner during adulthood. In fact, more women are injured by domestic violence each year than by automobile accidents and cancer deaths combined.

These facts illustrate that there is a need in Congress to help states and communities address this problem that impacts all of our communities.

I recently joined Senator JOE BIDEN (D-DE), Senator ORRIN HATCH (R-UT), Senator TOM DASCHLE (D-SD), and others in sponsoring bipartisan legislation, S. 2787, to reauthorize the 1994 Violence Against Women Act. Authorization for the important programs contained in this law has already expired, and Congress must act now to ensure that successful programs dealing with domestic violence are funded in the future.

As a state lawmaker in 1983, I wrote one of the first domestic violence laws in South Dakota which dedicated a portion of marriage license fees to help build shelters for battered women. I was also a cosponsor of the original Violence Against Women Act in 1990 in the House of Representatives. Even at that time, many people denied that domestic violence existed in our state. Finally, in 1995, the President signed legislation to strengthen federal criminal law relating to violence against women and fund programs to help women who have been assaulted.

Since the Violence Against Women Act became law, South Dakota organizations have received over $6.7 million in federal funding for domestic abuse programs. In addition, the Violence Against Women Act doubled prison time for repeat sex offenders; established mandatory restitution to victims of violence against women; codified much of our existing laws on rape; and strengthened interstate enforcement of violent crimes against women.

The law also created a national toll-free hotline to provide women with crisis intervention help, information about violence against women, and free referrals to local services. Last year, the hotline took its 300,000th call. The number for women to call for help is: 1-800-799-SAFE.

In addition to reauthorizing the provisions of the original Violence Against Women Act, the legislation that I am sponsoring in the Senate would improve our overall efforts to reduce violence against women by strengthening law enforcement's role in reducing violence against women. The legislation also expands legal services and assistance to victims of violence, while also addressing the effects of domestic violence on children. Finally, programs are funded to strengthen education and training to combat violence against women.

I have asked the Senate Judiciary Committee to quickly pass S. 2787, and I am hopeful that the Senate will approve this important piece of legislation this year so that we can continue fighting domestic abuse and violence against women in our state and communities.

IN SOLIDARITY WITH ALL VICTIMS AND SURVIVORS OF TORTURE

Mr. WELLSTONE. Mr. President, I rise today to draw attention to the barbaric practice of torture. Yesterday—June 26th, was the 3rd annual U.N. International Day in Support of Torture Victims and Survivors. The Torture Abolition and Survivors Support Coalition has designated this week, June 26th—June 30th, the week of commemoration of torture victims and survivors. Mr. President, colleagues, we should take this week to honor victims of torture, but more importantly, we should use this week as a reminder that together, we can make our world torture-free.

Torture has no ideological, geographical, or other boundaries—survivors of torture are everywhere. The practice of torture is one of the most serious human rights abuses of our time. According to the 1999 Amnesty International report, torture and other forms of severe ill-treatment conducted by government security forces, or condoned by other government officials, occurred in 125 countries last year.

As a Senator from Minnesota, I am extraordinarily proud of the Center for Victims of Torture in Minneapolis, which since 1985 has been doing pioneering work in addressing the complex needs of survivors of torture. And while we have come a long way in the last fifteen years in raising awareness of torture and helping torture victims, there is still much more we should and could be doing to stop this terrible practice.

My own agenda in the Senate has included a number of human rights initiatives, including the sponsorship of the original Torture Victims Relief Act in 1998, which authorized funding to support foreign and domestic treatment centers in providing services to the millions of survivors of torture worldwide and the estimated 400,000 survivors in this country alone. Repressive governments frequently torture those who are defending human rights and democracy in their own country, and the Torture Victims Relief Act recognizes the debt we owe to these courageous people who have made such a sacrifice for cherished principles.

It is hard to imagine that in today's world torture still exists, but it does. In solidarity with all victims of torture, I ask you to join me this week in honoring them by helping raise awareness about torture worldwide. All week the Torture Abolition and Survivors Support Coalition will be requesting meetings with members and staff, and conducting seminars to educate the public about torture. I urge you meet with the Coalition or to attend a seminar to learn the truth about the brutality of this crime. Educating yourself and the public about this terrible human rights abuse is the best way to honor its victims. Together we can end this barbaric practice. Together we can put a stop to torture.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 26, 2000, the Federal debt stood at $5,647,618,721,190.63 (Five trillion, six hundred forty-seven billion, six hundred eighteen million, seven hundred twenty-one thousand, one hundred ninety dollars and sixty-three cents).

Five years ago, June 26, 1995, the Federal debt stood at $4,889,053,000,000 (Four trillion, eight hundred eighty-nine billion, fifty-three million).

Ten years ago, June 26, 1990, the Federal debt stood at $3,118,101,000,000 (Three trillion, one hundred eighteen billion, one hundred one million).

Fifteen years ago, June 26, 1985, the Federal debt stood at $1,462,594,000,000 (One trillion, four hundred sixty-two billion, five hundred ninety-four million).

Twenty-five years ago, June 26, 1975, the Federal debt stood at $526,124,000,000 (Five hundred twenty-six billion, one hundred twenty-four million) which reflects a debt increase of more than $5 trillion—$5,121,494,721,190.63 (Five trillion, one hundred twenty-one billion, four hundred ninety-four million, seven hundred twenty-one thousand, one hundred ninety dollars and sixty-three cents) during the past 25 years.

ADDITIONAL STATEMENTS

THE PASSING OF VERMONT CONSERVATIONIST, JUSTIN BRANDE

• Mr. LEAHY. Mr. President, I rise to call the Senate's attention to a recent tribute to the late Justin Brande authored by Professor Carl Reidel of the University of Vermont.

In his article, Professor Reidel captures the spirit of one of the most influential pioneers of 20th Century Vermont environmental stewardship. Justin Brande of Cornwall was among the founders of the Lake Champlain Committee and the Vermont Natural Resources Council, two of the most enduring and effective conservation organizations in our state.

Vermonters committed to stewardship of the land, to clean water and to family farms owe a debt to Justin Brande. He was a leader in organic agriculture and a selfless volunteer for countless community and stewardship organizations who earned the sincere respect of all.

I request that the text of Dr. Reidel's article be prined in the RECORD and note that his words serve as a wonderful reminder of a life well led and a Vermonter whose legacy will nurture future generations. Vermont has been greatly improved because of both Justin Brande and Carl Reidel.

[From the Sunday Rutland (VT) Herald/the Times Argus, May 14, 2000]

BRANDE EXEMPLIFIES SECRET OF VERMONT

(By Carl Reidel)

"What's Vermont's secret?" a friend in Minnesota asked after I gave a talk in 1975 about Vermont's innovative environmental laws. He couldn't understand how such a small state could be "so creative, even bold."

I replied that I didn't know. I had only lived in Vermont two years.

I'm confident now that I know the secret of Vermont. It is people like Justin Brande, who lived in Cornwall from 1951 until he died on April 11 at the age of 83. Like so many who come to live in Vermont from elsewhere, Justin and Susan Brande knew they were coming home when they moved here. And the Vermont Constitution asserts that they are real Vermonters: "Every person of good character, who comes to settle in this State . . . shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of this state . . ." (Chapter II, 66).

After graduating from Williams College and several years of legal studies, Justin married Susan Kennedy and moved to Vermont. They settled on a dairy farm in Cornwall, where they raised eight children. In the late '60's Justin sold their herd and enrolled at the University of Vermont, where he earned a master's degree in resource economics. He continued to work his land, honing the ability to farm organically long before most people heard of "organic" agriculture. I can't guess how many people he taught over the years to make compost and garden in ways that made pesticides and chemical fertilizers unnecessary by drawing on the inherent health of the land.

Early on Justin became involved in his community as a relentless advocate for the land—a free denizen who may have participated in the founding of more Vermont environmental institutions than anyone I have known. And always as a volunteer. He has been a delegate or alternate on the Addison County Regional Planning Commission since its founding. He helped establish the Lake Champlain Committee, and was a founder and the first director of the Vermont Natural Resources Council.

In recent years he co-founded the Smallholders Association, which advocates ownership of small, sustainable farms and businesses. Once again, he was ahead of others in seeing the dangers of large enterprises out of scale with Vermont. He argued that his call for moderation and limits was "not nostalgia for the past, but a real workable model for today and the future * * * a truly humane, democratic and sustainable society."

Former Sen. Art Gibb recalls him as "a man ahead of his time, a voice crying in the wilderness" in his advocacy for land protection. Gov. Deane Davis who, with Gibb, crafted Act 250, said of him that "although a staunch environmentalist, he came to problems open-minded until all the evidence was in. Then he took his stand. Justin got me started, and kept after me until Act 250 was signed into law."

My first encounter with Justin was shortly after I came to UVM in 1972 to direct the new Environmental Program. One of the first to teach in the program, his courses seemed to cover everything from cosmology to composting, with no student surviving without new respect for the English language and permanent doubts about conventional economics.

When he offered a course in "organic gardening"—the first at UVM—the dean of the College of Agriculture chided me for allowing such "nonsense" in a classroom. It wasn't the first or last time that Justin Brande defined conventional thinking.

The secret of Vermont exemplified in Justin Brande's life is not, however, to be found in this summary of his accomplishments. Rather, it is in the words of the Constitution, which define a free denizen of Vermont as a "person of good character." Justin passed the test in every way.

He was a person of unusual integrity—a man who lived his convictions, every day, in every place. Never a traitor to his beliefs, Justin taught me and many others by example the deeper meanings of personal integrity.

He was a man of courage who was himself in the presence of anyone, be it a fellow farmer, college president, governor or member of Congress. Friend or foe did not daunt him, because he always put principle above reputation.

He was a man who cared enormously, for family and friends, for Vermont, for Lake Champlain, for land and life itself. Justin and I enjoyed a good debate. We could disagree strongly, but never with an unkind word.

Once, at the end of a lively discussion, he said to me: "What I like about you, Reidel, is that you are often in error, but never in doubt."

I have no doubts whatsoever that the secret of Vermont is people like Justin Brande, the every-day denizens who are the real heroes of this state.●

MEDICARE'S BIRTHDAY

● Mr. GRAMS. Mr. President, I come to the floor to recognize the birthday of one of the most important programs known to the American people today: Medicare. Thirty-five years ago this week, the Medicare program was established in order to provide timely, quality health care coverage for America's retirees and the disabled. Today, the Medicare system still serves this country well, and I believe issues relating to its modernization, long-term solvency, and improvement should be among our top priorities in this legislative session.

The Balanced Budget Act of 1997 had a tremendously detrimental effect on provider payments under Medicare and on the organizations that deliver daily care to our seniors. The provisions in the Balanced Budget Act (BBA) relating to Medicare were designed to gradually help control costs to the program. Instead, the result has been an affront to organizations fighting for their existence. As a Member of the Senate, I meet with people daily from Minnesota who come to detail their concerns, their frustrations, and the impact the BBA continues to have on their institutions. These are institutions serving all segments of the healthcare industry, including inpatient and outpatient hospital care, skilled nursing facilities, home health care and emergency medical services.

Prior to the BBA, my state of Minnesota already experienced one of the lowest capitation, or reimbursement rates, in the country, so the BBA and additional reductions in Medicare payment strategies have taken an enormous toll in my state. In fact, the situation has become so dire for so many institutions, providers and patients that the Minnesota Attorney General and the Minnesota Senior Federation have filed a lawsuit against the Department of Health and Human Services in an effort to restructure payment schedules and capitation rates under Medicare Part C, or Medicare +Choice.

As I was working on my statement for today, I glanced across my desk and came across an advertisement that I think is relevant. The advertisement reads: "Where Will Our Patients Go?" It cites a new study conducted by Ernst & Young showing that between 1998 and 2000, hospital operating margins in the United States declined from 5.5 percent to 2.6 percent, a reduction of more than 50 percent in 2000. During that same period, hospitals' operating margins on services to Medicare patients declined from 2.5 percent in 1998 to negative 0.5 percent in 2000. Negative 0.5 percent. Translation: every Medicare patient that walks through the door of our hospitals and clinics cannot continue down this path of payment reduction while continuing to provide timely, quality health care services to our seniors and the disabled.

I raise these issues to emphasize the measurable consequences of legislative efforts to date, and to outline the challenges we face when attempting to add a prescription drug benefit onto an already ailing Medicare system. That is why during the budget process, I, along with Senator ABRAHAM and several of our colleagues, sent a letter to the budget resolution conferees requesting that language be included in the final report ensuring that any Medicare reforms, including the addition of a prescription drug benefit, would not be implemented at the expense of the provider payment rates that are in drastic need of restoration.

The simple fact is that Medicare does require reform. What form that will ultimately take is really the question. Clearly, Congress has taken steps to reinvigorate Medicare since passage of BBA including: the Balanced Budget Refinement Act, which in a broad sense returned funds to hospitals for outpatient services; the Hatch bill, which reduced the arbitrary caps on complicated cases in skilled nursing facilities; and the American Hospital Preservation Act, which currently addresses the other half of the hospital equation inpatient services. But these are only band-aids applied to a system that needs comprehensive reform or modernization, including a prescription drug benefit.

As you know, the Bipartisan Commission to Reform Medicare, under the direction of Congressman BILL THOMAS, and Senators BREAUX and FRIST, advocated dramatic reform in order to better position Medicare in the future and enhance the benefits offered under the program. Their plan relied heavily on the injection of private-sector competition in managing benefits. My sense is, whatever additional reforms we pursue in Congress need to incorporate this kind of private-sector approach. By allowing the private sector to compete for the business of Medicare beneficiaries, both the Medicare system and the beneficiaries under it would stand to benefit from greater choice and greater flexibility when it comes to meeting their health care needs.

In fact, Senators BREAUX and Senator FRIST have recently drafted a new proposal: Breaux-Frist 2000, the Incremental Bipartisan Medicare Reform and Prescription Drug Proposal. The proposal calls for a new Medicare agency outside of the Health Care Financing Administration and the Department of Health and Human Services, which would administer the competitive relationship between traditional Medicare Fee for Service plans and private plans, and would include a prescription drug benefit.

Is this ultimately the approach we should take? I do not know. However, I am committed to exploring efforts like these that place a premium on reform or modernization, while attempting to improve benefit levels for beneficiaries through private-sector competition.

One of the important improvements that has received a lot of attention lately is the provision of a prescription drug benefit. I think most of us would agree that were Medicare to be developed today, it would include a benefit of this type. Now, I am not a pharmacologist, nor am I a medical doctor, so when I first introduced my own prescription drug plan for Medicare over a year ago, I was amazed at the discoveries that have taken place in this area. The most remarkable thing to me is that not only do many of these new, innovative products slow the rates of disease progression, but they often create measurable differences in the number of emergency room visits, expensive and invasive procedures, and even deaths. Prescription drugs today have an enormous financial impact in terms of reducing overall health care costs over the long term and should be incorporated into the Medicare system.

To that end, I introduced the Medicare Ensuring Prescription Drugs for Seniors Act, or MEDS. My bill was an early attempt to heighten the debate surrounding prescription drugs, and at the same time provide a plan that would address the needs of the nearly one third of senior citizens in this country who currently lack any form of prescription coverage. We have all heard the frightening stories of the choices that many seniors are forced to make when it comes to paying for prescription drugs. Unfortunately, many of these stories have been used to stir the political cauldron over the past several months. But the reality is that making choices between food, shelter, and medicine is all too common among our neediest seniors. MEDS was introduced to help these people.

My plan would add a prescription benefit under the already existing Part B of Medicare, without creating or adding any new overly bureaucratic component to the Medicare program. It works like this: The Part B beneficiary would have the opportunity to access the benefit as long as they were Medicare eligible. Those with incomes below 135 percent of the nation's poverty level would be provided the benefit without a deductible and would only be responsible for a 25 percent copayment for all approved medications. I think the neediest American seniors who are Medicare eligible should be able to access the benefits of medical technology like everyone else, and while they will be responsible for 25 percent of the costs, I believe the benefit will reduce the necessity for tough decisions between food and medicine. Most important, MEDS has no benefit cap. This allows seniors to access the care they need when they need it, for as long as they need it.

My bill also provides relief for seniors above the 135 percent threshold who may be facing overwhelming prescription drug costs because of the number of medications they take, or the relative expense of them, by paying for 75 percent of the costs after a $150 monthly deductible is met. A provision of this type, in addition to the fact that there is no cap on the benefit, is necessary for those who confront high monthly prescription costs.

An important part of my plan is that it is not universal and will not displace anyone from the private insurance coverage that they currently have and probably prefer. Rather, it is offered to provide prescription coverage to those who really need it.

Is MEDS perfect? Will it appeal to everyone? Maybe not. But it includes principles that I believe must be included in order for any prescription drug bill to hit its mark.

In closing, Mr. President, let me say that the challenge before us today is to enable Medicare to shape and adapt itself to reflect the realities of an ever-changing health care system. After 35 years of endless tinkering, we have a real opportunity to make it more responsive, more helpful, and more attuned to the needs of current and future retirees and disabled persons in this country. I can think of no better birthday gift for a program that has served so many—and for the aging, baby-boom generation—than a reinvigorating shot in the arm to Medicare that will deliver it into the twenty-first century and keep it healthy for years to come. This is something to which I am wholly committed.•

TRIBUTE TO REBECCA RYAN

• Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to Ms. Rebecca Ryan, who recently retired after more than twenty years of teaching in the South San Francisco Unified School District. Ms. Ryan is a shining example of what a dedicated teacher can do.

Becky Ryan began her teaching career in 1972 in the South San Francisco Unified School District. After 28 years, she is ending a career that has been filled with many accomplishments.

With over twenty years of experience teaching English as a Second Language Classes, Becky recognized that many immigrant parents, because of their inability to speak English, were reluctant to become involved in their children's education. This lack of parental involvement was detrimental to the children, and led her to found the Spruce Literacy Project at Spruce Elementary School in South San Francisco. This unique program teaches immigrant parents, mostly mothers, how to read, write, and speak English. With a better understanding of the English language, parents are able to more fully participate not only in their children's education, but also in their local communities.

The profound effect the Spruce Literacy Project has had was most evident last year, when the mothers she taught banded together to oppose funding cuts to the program. Becky has been praised for her can do spirit and her encouragement of students.

She has truly made a lasting impact on her students. She has spent her career helping to open doors to those who would have otherwise found them closed. A good teacher affects many lives, and the greatest compliment I can give to Rebecca Ryan is that she helped so many students become productive and successful citizens.

Mr. President, I ask that an article from the Friday, June 9 edition of the San Mateo County Times on Ms. Ryan's retirement be reprinted in the CONGRESSIONAL RECORD following my statement.

[From the San Mateo County Times, June 9, 2000]

BREAKING BARRIERS AND FORGING BONDS

(By Laura Linden)

SOUTH SAN FRANCISCO—Many teachers upon retirement can look back and know that they had a positive influence on their students. But perhaps few have helped students make such profound life transformations as Rebecca Ryan, founder of the Spruce Literacy Project at Spruce Elementary School.

Through the program, Ryan has taught dozens of immigrant parents, mostly Spanish-speaking mothers, how to speak, read and write English. The idea is the parents will get involved with their kids' educations once the language barrier is knocked down.

But according to several mothers who attended a retirement breakfast for Ryan on Wednesday, her work has radiated outward, affecting every corner of their lives. Ryan, a petite Anglo with energy to burn and a deft command of Spanish, has pumped the women up with praise and encouragement, propelling them into American society with a fearless attitude.

"I'm not afraid of anything now," said 30-year-old Carmen Reyes, whose child attends Spruce Elementary.

Reyes' outlook is a psychological world away from the way she felt when she arrived in this country in 1986 with zero English skills and a lot of fear about a society she didn't understand. "I was scared for everything, everybody," she recalled.

Other mothers echoed this sentiment.

Before taking the literacy class, rites of parenthood like teacher-parent conferences or PTA meetings were unfathomable, they said. The thought of meeting with a teacher, principal or doctor gripped them with fear. They were worried and frustrated when they could not read a letter sent home from school. Often they were too shy, or even ashamed, to try to find out what it was about.

So assured are these women now that when the district threatened to cut the Spruce Literacy Project last year, the mothers vociferously rallied to save it. They are also in the midst of a fund-raising drive to replace Spruce Elementary's dilapidated and unsafe kindergarten playground.

The women still grapple with English, but they've learned that stumbling through the language is the only way to get better.

"I can go to the doctor and to the dentist and the bank. I don't need much help," said 27-year-old Cristina Rodriguez, who immigrated from Mexico when she was 15 but only recently learned to write. Her newfound skills helped her move up from dishwasher to server at Denny's, she said.

Ryan started teaching English-as-a-second-language classes in the South San Francisco Unified District in 1972 and still wears a ring that students gave to her that year. A few of those students were at the breakfast on Wednesday.

"It's so great to see how well they've done," Ryan said. "One woman's son has graduated from Stanford, another one's child became a doctor."

When asked why she is retiring, Ryan just said "it's time." She said she will keep in touch with her former students through sewing and reading groups.

Teaching ESL for 20 years, Ryan saw that parents were avoiding contact with their kids' schools. She decided that the cultural and language barriers hurt the school as much as the families and founded Spruce Literacy Project in 1992 with a grant from the Peninsula Community Foundation. The program will continue with a new teacher next year, Ryan said.

On the Spruce Elementary campus, the program is a convenience for the mothers who take their children to class and then head to their own class down the hall.

Gladis Pacheco, 39, said two years of the literacy classes helped her land a good job for Catholic Charities in San Francisco. She came to this country from El Salvador 18 years ago and for most of those years she avoided speaking English. "In my country I was a secretary but here I was a maid," she said.

Now she can help her three young children with their homework. Her daughter, Martha, sent a letter to Ryan thanking her for teaching her mom English.

"It was so cute, I didn't even know that she did that," Pacheco said.

Perhaps the best part is knowing the children are proud of you, Rodriguez said. "My daughter was sad before when I couldn't speak English but now she's happy," she said.

Perhaps the best example of Ryan's 28 years in the district is the Flores family.

Alejandro Flores, 20, and Florisela Flores, 23, took ESL classes from Ryan when they were in elementary school. Now students at San Francisco State University, the siblings say they gained a sense of well-being from Ryan that continues to this day.

"I was a silent kid, very lonely. But (Ryan) was so nice to me. I liked computers and she rewarded me with computer time," said Alejandro, who along with his studies runs a Web design company with a friend.

Florisela said she wouldn't be studying three majors with the intention of getting a master's degree in computer science if Ryan hadn't shown her the power of persistence 15 years ago.•

INTEL CORPORATION'S TEACHER HOUSING FUND

• Mrs. BOXER. Mr. President, when discussing the profound effect of California's Silicon Valley on our Nation's economy, we too often focus on just the raw numbers: staggering revenues, high profile IPOs and the bottom line.

Today, I want to focus on an outstanding example of good corporate citizenship in Silicon Valley intended to promote home ownership and honor teachers at the same time.

As many of my colleagues know, the Silicon Valley is in the midst of a housing crisis which makes owning a home an impossibility for most teachers. The region's high cost of living makes it extremely difficult to recruit and retain talented teachers.

Today, I am pleased to inform the Senate that Intel Corporation and the Santa Clara Unified School District have joined forces to create an innovative pilot program designed to help public school teachers buy homes in one of the country's most expensive housing markets: the Intel Teacher Housing Fund.

Under this new program, which will be administered by the Santa Clara County Unified School District, Intel will provide the fund with $1.25 million over the next five years. Eligible teachers will receive $500 each month from the fund to help with mortgage payments, for up to five years.

I applaud Intel's leadership in forging the much-needed local partnerships that will help lead to solutions to Silicon Valley's affordable housing crunch. It is my hope that other companies will follow Intel's lead, and show the world that America's high-technology firms are the hub and the heart of the 21st century economy.•

MESSAGES FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations

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REPORT ON THE EXPANDED THREAT REDUCTION INITIATIVE—MESSAGE FROM THE PRESIDENT—PM 118

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

Enclosed is a report to the Congress on the Expanded Threat Reduction Initiative, as required by section 1309 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 27, 2000.*

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 119

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 27, 2000.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:45 a.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 4241. An act to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building."

H.R. 3903. An act to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

H.R. 3701. An act to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building."

H.R. 3699. An act to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building."

H.R. 3018. An act to designate certain facilities of the United States Postal Service in South Carolina.

H.R. 2952. An act to designate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station."

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the "William H. Avery Post Office."

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the "Jay Hanna 'Dizzy' Dean Post Office."

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the "Louise Stokes Post Office."

H.R. 2307. An act to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building."

H.R. 1666. An act to designate the facility of the United States Postal Service located at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office."

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building."

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building."

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 12:21 p.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 148. An act to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3023. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.

H.R. 3048. An act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

H.R. 3417. An act to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

H.R. 4408. An act to reauthorize the Atlantic Striped Bass Conservation Act.

H.R. 4718. An act to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

At 2:21 p.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4690. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 3023. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; to the Committee on Energy and Natural Resources.

H.R. 3417. An act to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska; to the Committee on Commerce, Science, and Transportation.

H.R. 4408. An act to reauthorize the Atlantic Striped Bass Conservation Act; to the Committee on Commerce, Science, and Transportation.

H.R. 4690. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 23, 2000, he had presented to the President of the United States the following enrolled bill:

S. 1967. An act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9423. A communication from the Acting Director of the Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 2 Period" received on June 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9424. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Taos, New Mexico" (MM Docket No. 99-270, RM-9703); received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9425. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations, Powers, Michigan" (MM Docket No. 99-359) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9426. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Santa Anna, Texas" (MM Docket No. 99-337) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 610: A bill to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes (Rept. No. 106-313).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 1367: A bill to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes (Rept. No. 106-314).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1894: A bill to provide for the conveyance of certain land to Park County, Wyoming (Rept. No. 106-315).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2352: A bill to designate portions of the Wekiva River and associated tributaries as a component of the National Wild and Scenic Rivers System (Rept. No. 106–316).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2421: A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts (Rept. No. 106–317).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 2478: A bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes (Rept. No. 106–318).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2485: A bill to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine (Rept. No. 106–319).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1749: A bill to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System (Rept. No. 106–320).

H.R. 2932: To direct the Secretary of the Interior to conduct a study of the Golden Spike/Crossroads of the West National Heritage Area Study Area and to establish the Crossroads of the West Historic District in the State of Utah. (Rept. No. 106–321).

H.R. 3201: A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes (Rept. No. 106–322).

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 662: A bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program (Rept. No. 106–323).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2071: A bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. WARNER. Mr. President, for the Committee on Armed Services.

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Craig P. Rasmussen, 9204

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Bruce S. Asay, 4017

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Robert H. Foglesong, 8617

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William T. Hobbins, 8417

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Tome H. Walters, Jr., 3355

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Peter M. Cuviello, 4052

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Timothy J. Maude, 3591

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Paul T. Mikolashek, 2507

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert W. Noonan, Jr., 6884

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Daniel R. Zanini, 1319

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Tommy R. Franks, 0864

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Wayne D. Marty, 9856

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Dan K. McNeill, 4203

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William F. Kernan, 5841

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Donald L. Kerrick, 7369

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Peter L. Andrus, 0199
Capt. Steven B. Kantrowitz, 3208
Capt. James M. McGarrah, 3828
Capt. Elizabeth M. Morris, 6562

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James W. Metzger, 6693

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601;

To be vice admiral

Rear Adm. Michael G. Mullen, 9509

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John J. Grossenbacher, 5514

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Gregory G. Johnson, 3052

The following named officer for appointment in the United States Navy to the grade indicated in accordance with Article II, Section 2, Clause 2, of the Constitution:

To be rear admiral (lower half)

Capt. Eleanor C. Mariano, 1175

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Nancy E. Brown, 4870
Capt. Donald K. Bullard, 9348
Capt. Albert M. Calland III, 0101
Capt. Robert T. Conway, Jr., 2950
Capt. John P. Cryer III, 2940
Capt. Thomas Q. Donaldson V, 4793
Capt. John J. Donnelly, 7223
Capt. Steven L. Enewold, 1316
Capt. Jay C. Gaudio, 4607
Capt. Charles S. Hamilton II, 0584
Capt. John C. Harvey, Jr., 4323
Capt. Timothy L. Heely, 5830
Capt. Carlton B. Jewett, 6193
Capt. Rosanne M. Levitre, 5718

Capt. Samuel J. Locklear III, 1250
Capt. Richard J. Mauldin, 9775
Capt. Alexander A. Miller, 3450
Capt. Mark R. Milliken, 2189
Capt. Christopher M. Moe, 5342
Capt. Matthew G. Moffit, 5223
Capt. Michael P. Nowakowski, 8399
Capt. Stephen R. Pietropaoli, 2654
Capt. Paul J. Ryan, 3801
Capt. Michael A. Sharp, 7495
Capt. Vinson E. Smith, 7673
Capt. Harold D. Starling II, 4248
Capt. James Stavridis, 5127
Capt. Paul E. Sullivan, 4158
Capt. Michael C. Tracy, 7439
Capt. Miles B. Wachendorf, 0963
Capt. John J. Waickwicz, 3192
Capt. Anthony L. Winns, 7593

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Joseph W. Dyer, 0881

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John B. Nathman, 6751

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Paul G. Gaffney II, 0479

The following named officer for appointment as Assistant Commandant of the Marine Corps and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5044:

To be general

Lt. Gen. Michael J. Williams, 8024

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Carlton W. Fulford, Jr., 5783

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Catherine T. Bacon and ending Karin G. Murphy, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Air Force nominations beginning Ronald A. Gregory and ending Melody A. Warren, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2000.

Army nominations beginning Philip W. Hill and ending Joseph F. Hannon, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Army nominations beginning Ronald J. Buchholz and ending *Jean M. Davis, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Army nominations beginning Jack R. Christensen and ending Daniel J. Travers, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Army nominations beginning Brent M. Boyles and ending Frank J. Toderico, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Army nominations beginning *Robin M. Adamsmccallum and ending Esmeraldo Zarzabal, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Army nominations beginning Richard A. Gaydo and ending John E. Zydron, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2000.

Army nomination of Thomas A. Kolditz, which was received by the Senate and appeared in the Congressional Record on June 14, 2000.

Army nominations beginning Karen A. Dixon and ending Jesse J. Rose, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2000.

Navy nomination of James R. Lake, which was received by the Senate and appeared in the Congressional Record on April 11, 2000.

Navy nomination of Robert E. Davis, which was received by the Senate and appeared in the Congressional Record on May 11, 2000.

Navy nominations beginning Lawrence J. Chick and ending James R. Wimmer, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Navy nomination of Ray A. Stapf, which was received by the Senate and appeared in the Congressional Record on May 17, 2000.

Navy nomination of Jeffrey M. Armstrong, which was received by the Senate and appeared in the Congressional Record on June 14, 2000.

Navy nomination of Billy J. Price, which was received by the Senate and appeared in the Congressional Record on June 14, 2000.

Navy nominations beginning Aurora S. Abalos and ending Jerry L. Zumbro, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2000.

Marine Corps nominations beginning Dennis J. Allston and ending David L. Stokes, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Marine Corps nominations beginning Arthur J. Athens and ending Marc A. Workman, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Marine Corps nominations beginning Tray J. Ardese and ending Barian A. Woodward, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Marine Corps nomination of John M. Dunn, which was received by the Senate and appeared in the Congressional Record on June 14, 2000.

Mr. HATCH. Mr. President, for the Committee on the Judiciary.

Paul C. Huck, of Florida, to be United States District Judge for the Southern District of Florida.

John W. Darrah, of Illinois, to be United States District Judge for the Northern District of Illinois.

Joan Humphrey Lefkow, of Illinois, to be United States District Judge for the Northern District of Illinois.

George Z. Singal, of Maine, to be United States District Judge for the District of Maine.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 2792. A bill to provide that land which is owned by the Coushatta Tribe of Louisiana but which is not held in trust by the United States for the Tribe may be leased or transferred by the Tribe without further approval by the United States; to the Committee on Indian Affairs.

By Mr. HOLLINGS (for himself, Mr. INOUYE, Mr. ROCKEFELLER, Mr. DORGAN, and Mr. KERRY):

S. 2793. A bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2794. A bill to provide for a temporary Federal district judgeship for the southern district of Indiana; to the Committee on the Judiciary.

By Mr. REID:

S. 2795. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, and for other purposes; to the Committee on Indian Affairs.

By Mr. VOINOVICH (for himself, Mr. SMITH of New Hampshire, and Mr. BAUCUS):

S. 2796. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SMITH of New Hampshire (for himself, Mr. BAUCUS, Mr. VOINOVICH, Mr. GRAHAM, and Mr. MACK):

S. 2797. A bill to authorize a comprehensive Everglades restoration plan; to the Committee on Environment and Public Works.

By Mr. ALLARD:

S. 2798. A bill to amend the Federal Deposit Insurance Act to require periodic cost-of-living adjustments to the amount of deposit insurance coverage available under that Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MURKOWSKI (for himself, Mr. ABRAHAM, and Mr. CAMPBELL):

S. 2799. A bill to allow a deduction for Federal, State, and local taxes on gasoline, diesel fuel, or other motor fuel purchased by consumers between July 1, 2000, and December 31, 2000; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. CRAPO):

S. 2800. A bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system; to the Committee on Environment and Public Works.

By Mr. SHELBY (for himself and Mr. HELMS):

S. 2801. A bill to prohibit funding of the negotiation of the move of the Embassy of the People's Republic of China in the United States until the Secretary of State has required the divestiture of property purchased by the Xinhua News Agency in violation of the Foreign Missions Act; read the first time.

By Mr. WELLSTONE:

S. 2802. A bill to amend the Equity in Educational Land-Grant Status Act of 1994 to add White Earth Tribal and Community College to the list of 1994 Institutions; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. Res. 328. A resolution to commend and congratulate the Louisiana State University Tigers on winning the 2000 College World Series; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. INOUYE, Mr. ROCKEFELLER, Mr. DORGAN, and Mr. KERRY):

S. 2793. A bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments; to the Committee on Commerce, Science, and Transportation.

FOREIGN GOVERNMENT INVESTMENT ACT OF 2000

Mr. HOLLINGS. Mr. President, in Saturday's Washington Post business section there is a headline story: German Phone Giant Seeks U.S. Firm. The concluding paragraph:

> But Hedberg stressed that a joint venture will not, under any circumstances, be considered as the means of crafting an offering for multinationals: Deutsche Telekom wants full control of whatever course it pursues.

Accordingly, on behalf of Senators INOUYE, ROCKEFELLER, DORGAN, KERRY, and myself, we introduce legislation to clarify the rules governing the takeover of U.S. telecommunications providers by overseas companies owned by foreign governments. The original rules in this area were established by statute in the 1930's, and while the law has not changed, the FCC's interpretation of this statute has.

It is time to revisit this matter to ensure that current policy is consistent with efforts to promote vigorous domestic competition, maintain a secure communications system for National Security while meeting our International Trade Obligations.

The statute expressly prohibits the transfer of a license to any corporation owned 25 percent or more by a foreign government, but allows the FCC to waive this prohibition if doing so would be in the public interest. Unfortunately, the FCC in previous rulemaking has found that the public interest is satisfied solely on the basis of whether the foreign government owned company is based in a WTO country. If the country is a member of the WTO, the FCC assumes that the public interest standard has been met.

The legislation we introduce today will bar outright the transfer or issuance of telecommunications licenses to providers who are more than 25 percent owned by a foreign government. We would not be alone in taking this step. Governments across the globe have prevented government owned telecommunications providers from purchasing assets in their countries. In the last month, the Spanish government prevented KPN, the Dutch provider, from purchasing Telefónica de España because of the Netherlands government's stake in KPN. They were not alone; the Italian and Hong Kong governments have recently thwarted takeover attempts by Deutsche Telekom, of Telecom Italia, and Singapore Tel, of Hong Kong Telecom, for just such reasons.

Recent comments by Deutsche Telekom are particularly disturbing. During a recent press conference in New York, DT's CEO, Rom Sommer, stated "that the market cap of Deutsche Telekom today vs. any American potential acquisition candidate means that nobody is out of reach." DT is approximately 59 percent government owned, has approximately 100 million euros in cash and operates essentially from a protected home market. NTT, the Japanese Government owned provider and France Telecom, the French Government owned provider are similarly situated.

Since 1984, U.S. telecommunications policy has encouraged vigorous domestic competition. The modified final judgment and the 1996 Telecommunications Act are key examples of our efforts in this area. While our efforts to foster competition have benefited consumers, these efforts have depressed the earnings and stock prices of U.S. domestic providers.

But in "Promoting competition" here at home we may be facilitating the ease by which foreign protected players may emerge with key U.S. assets. So for example, regulated European monopolists Deutsche Telekom and France Telecom, both majority foreign government owned—and subject to considerably less domestic competition, are reportedly eyeing U.S. companies.

For more than fifty years, U.S. international trade policy has encouraged governments to separate themselves from the private or commercial sector. Throughout the 1960s and 1970s, the U.S. Government encouraged various privatizations of foreign government-owned commercial ventures.

With the end of the Cold War and the rise of global capitalism, we can justifiably claim an enormous amount of success in these efforts. Unfortunately, these efforts are far from complete. Around the globe, some of the world's most important sectors remain shackled with government-owned competitors. These government owned companies distort competition and undermine the concept of private capitalism.

To allow these government-owned entities to purchase U.S.-based assets would undermine longstanding and successful U.S. policy. Moreover, allowing these competitors into the United States could potentially undercut our efforts to ensure competition in our domestic telecommunications market and in markets abroad.

Government ownership of commercial assets results in significant marketplace distortion. Companies owned by governments have access to capital, capital markets and interest rates on more favorable terms than companies not affiliated with national governments. Many lenders may assume, correctly, that individual governments would not allow these companies to fail.

In addition, companies competing with these providers may suffer from increased costs as a result of the entrance of such providers into the market. Lenders may conclude that the difficulty in competing with a government-owned company will increase the likelihood of failure. As a result, the entrance of a government supported provider into a market raises troubling anti-competitive issues. Many of these anti-competitive effects can be relieved merely by the elimination of government-owned stakes.

Finally, with regard to foreign markets, it is troubling to permit companies to be regulated by the governments that own them. While there is little we can do to effect this situation, we can take care to see that it is not exacerbated. These companies may use profits from these anticompetitive markets to unfairly subsidize U.S. operations.

I must raise the national security concerns that trouble me greatly. We can all agree that telecommunications services are important for national security concerns. To permit a foreign government to own such assets would raise too many troubling questions.

The United States government—for national security purposes—created and nurtured the Internet in the 1960s and 1970s to ensure redundancy in communications. To permit foreign government owned companies to purchase the infrastructure necessary to support the Internet would undercut the very success of these efforts.

This bill is timely for one additional reason. In recent days we have seen an increase in European Union antitrust scrutiny in the telecommunications area. Much of that activity has focused on two high profile proposed mergers, WorldCom-Sprint and Time WARNER-AOL, despite the limited impact that these mergers will have on the European Union. This trend has become so pronounced that it received coverage in last weeks Washington Post in a story entitled, "EU Resists Big U.S. mergers."

This increased antitrust activity is particularly troublesome because competitors to both companies are owned by European governments including the German, French and Dutch governments.

Moreover, several of these government owned companies are widely reported to be interested in purchasing the remnants of Sprint that may be separated as a result of this investigation. In fact, according to a recent Financial Times story, as a result of aggressive antitrust enforcement, a strong American competitor—MCI WorldCom may fall prey to one of these government owned-competitors.

For the United States Justice Department to take this step is one matter—these mergers involve American companies, primarily doing business in the United States. For the EU to take this step—when it is likely to assist European Companies owned by its member governments—is quite another.

Moreover, this is not the first time that the EU has intervened in a U.S. merger to protect European government owned companies. Several years ago, the EU objected to the Boeing-McDonnell Douglas merger in order to protect the government owned Airbus consortium.

In conclusion, this legislation establishes all of the correct incentives. It does not prohibit foreign investment; rather, it prohibits foreign government investment. Many companies have expressed a desire to enter the U.S.; ours is a lucrative market. By encouraging additional privatization of the government-owned telecommunications providers interested in providing services in the United States we will further the ideals of international capitalism.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2794. A bill to provide for a temporary Federal district judgeship for the southern district of Indiana; to the Committee on the Judiciary.

TEMPORARY JUDGESHIP FOR SOUTHERN INDIANA

Mr. BAYH. Mr. President, I rise today with Senator RICHARD LUGAR to introduce the Southern District of Indiana Temporary Judgeship Act. This legislation creates an additional temporary judgeship for the Southern District of Indiana to help alleviate the strain experienced over the past five years as a result of an extremely heavy caseload.

In the last year alone, the Southern District has seen a higher than average number of case filings with 585 filings per judge, compared to the national average of 493 filings per judge. The Federal Bureau of Prisons "Death Row" has recently been located at the United States Penitentiary in Terre Haute, Indiana, which is part of the Southern District. As a result, the Southern District anticipates a significant increase in the number of petitions in death habeas cases. In addition, the Southern District of Indiana includes our state capital of Indianapolis, the center of government and politics in the Hoosier State. The court has experienced an increase in the number of cases which raise political and public policy questions. The Southern District court is clearly overburdened.

The legislation I introduce today is critical to ensuring the delivery of Justice in the Southern District of Indiana. There is wide agreement about the need for this additional judgeship and, in fact, the Judicial Conference has called on Congress to add a temporary judge. I urge my colleagues to give this legislation their serious consideration and support. I thank the President and I yield the floor.

By Mr. REID:

S. 2795. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, 326-K, and for other purposes; to the Committee on Indian Affairs.

WESTERN SHOSHONE CLAIMS DISTRIBUTION ACT

Mr. REID. Mr. President, I rise today to introduce the Western Shoshone Claims Distribution Act.

Historically, the Western Shoshone were the residents land in the northeastern corner of Nevada and parts of California. For more than a hundred years, the Western Shoshone have received no compensation for the loss of their tribal lands. In the 1950's, the Indian Lands Claim Commission was established to compensate Indians for lands ceded to the United States. The commission determined that Western Shoshone land had been taken through "gradual encroachment," and awarded the tribe 26 million dollars. The commission's decision was later approved by the United States Supreme Court. However, it was not until 1979 that the United States appropriated more than 26 million dollars to reimburse the descendants of these tribes for their loss.

Mr. President, the Western Shoshone are not a wealthy people. A third of the tribal members are unemployed; for many of those who do have jobs, it is a struggle to live from one paycheck to the next. Wood stoves often provide the only source of heat in their aging homes. Like other American Indians, the Western Shoshone continue to be disproportionately affected by poverty and low educational achievement. The high school completion rate for Indian people between the ages of 20 and 24 is dismally low. American Indians have a drop-out rate 12.5 percent higher than the rest of the nation. For the majority of the Western Shoshone, the money contained in the settlement funds could lead to drastic lifestyle improvements.

Yet twenty years later, those three judgement funds still remain in the United States Treasury. The Western Shoshone have not received a single penny of the money which is rightfully theirs. In those twenty years, the original trust fund has grown to more than 121 million dollars. It is long past the time that this money should be delivered into the hands of its owners. The Western Shoshone Steering Committee has officially requested that Congress enact legislation to affect this distribution.

It has become increasingly apparent in recent years that the vast majority of those who qualify to receive these funds support an immediate distribution of their money. This Act will provide payments to eligible Western Shoshone tribal members and ensure that future generations of Western Shoshone will be able to enjoy the benefit of the distribution in perpetuity. Through the establishment of a tribally controlled grant trust fund, individual members of the Western Shoshone will be able to apply for money for education and other needs within limits set by a self-appointed committee of tribal members.

It is clear that the Western Shoshone want the funds from their claim distributed with all due haste. Members of the Western Shoshone gathered in Fallon and Elko, Nevada in May of 1998. They cast a vote overwhelmingly in favor of distributing the funds. 1,230 supported the distribution in the statewide vote; only 53 were opposed. I rise today in support and recognition of their decision. The final distribution of this fund has lingered for more than twenty years and it is clear that the best interests of the tribes will not be served by prolonging their wait.

Mr. President, twenty years has been more than long enough.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Western Shoshone Claims Distribution Act".

SEC. 2. DISTRIBUTION OF DOCKET 326-K FUNDS.

The funds appropriated on December 19, 1979, in satisfaction of an award granted to the Western Shoshone Indians in Docket Number 326-K before the Indian Claims Commission, including all earned interest shall be distributed as follows:

(1) The Secretary shall establish a Western Shoshone Judgment Roll consisting of all Western Shoshones who—

(A) have at least ¼ degree of Western Shoshone Blood;

(B) are citizens of the United States; and

(C) are living on the date of enactment of this Act.

(2) Any individual determined or certified as eligible by the Secretary to receive a per capita payment from any other judgment fund awarded by the Indian Claims Commission, the United States Claims Court, or the United States Court of Federal Claims, that was appropriated on or before the date of enactment of this Act, shall not be eligible for enrollment under this Act.

(3) The Secretary shall publish in the Federal Register rules and regulations governing the establishment of the Western Shoshone Judgment Roll and shall utilize any documents acceptable to the Secretary in establishing proof of eligibility. The Secretary's determination on all applications for enrollment under this paragraph shall be final.

(4) Upon completing the Western Shoshone Judgment Roll under paragraph (1), the Secretary shall make a per capita distribution of 100 percent of the funds described in this section, in a sum as equal as possible, to each person listed on the Roll.

(5)(A) With respect to the distribution of funds under this section, the per capita shares of living competent adults who have reached the age of 19 years on the date of the distribution provided for under paragraph (4), shall be paid directly to them.

(B) The per capita shares of deceased individuals shall be distributed to their heirs and legatees in accordance with regulations prescribed by the Secretary.

(C) The shares of legally incompetent individuals shall be administered pursuant to regulations and procedures established by the Secretary under section 3(b)(3) of Public Law 93-134 (25 U.S.C. 1403(b)(3)).

(D) The shares of minors and individuals who are under the age of 19 years on the date of the distribution provided for under paragraph (4) shall be held by the Secretary in supervised individual Indian money accounts. The funds from such accounts shall be disbursed over a period of 4 years in payments equaling 25 percent of the principal, plus the interest earned on that portion of the per capita share. The first payment shall be disbursed to individuals who have reached the age of 18 years if such individuals are deemed legally competent. Subsequent payments shall be disbursed within 90 days of the individual's following 3 birthdays.

(6) All funds distributed under this Act are subject to the provisions of section 7 of Public Law 93-134 (25 U.S.C. 1407).

(7) All residual principal and interest funds remaining after the distribution under paragraph (4) is complete shall be added to the principal funds that are held and invested under section 3(1).

(8) All per capita shares belonging to living competent adults certified as eligible to share in the judgment fund distribution under this section, and the interest earned on those shares, that remain unpaid for a period of 6-years shall be added to the principal funds that are held and invested under section 3(1), except that in the case of a minor, such 6-year period shall not begin to run until the minor reaches the age of majority.

(9) Receipt of a share of the judgment funds under this section shall not be construed as a waiver of any existing treaty rights pursuant to the "1863 Treaty of Ruby Valley" inclusive of all Articles I through VIII and shall not prevent any Western Shoshone Tribe or Band or individual Shoshone Indian from pursuing other rights guaranteed by law.

SEC. 3. DISTRIBUTION OF DOCKETS 326-A-1 AND 326-A-3.

The funds appropriated on March 23, 1992, and August 21, 1995, in satisfaction of the awards granted to the Western Shoshone Indians in Docket Numbers 326-A-1 and 326-A-2 before the United States Court of Claims, and the funds referred to under section 2, together with all earned interest, shall be distributed as follows:

(1)(A) Not later than 120 days after the date of enactment of this Act, the Secretary shall establish in the Treasury of the United States a trust fund to be known as the "Western Shoshone Educational Trust Fund" for the benefit of the Western Shoshone members. There shall be credited to the Trust Fund the amount described in the matter preceding this paragraph.

(B) The principal amount in the Trust Fund shall not be expended or disbursed. Other amounts in the Trust Fund shall be invested as provided for in section 1 of the Act of June 24, 1938 (25 U.S.C. 162a).

(C) All accumulated and future interest and income from the Trust Fund shall be distributed as educational and other grants, and as other forms of assistance determined appropriate, to individual Western Shoshone members as required under this Act and to pay the reasonable and necessary expenses of the Administrative Committee established under paragraph (2) (as defined in the written rules and procedures of such Committee). Funds under this paragraph shall not be distributed on a per capita basis.

(2)(A) An Administrative Committee to oversee the distribution of the education grants authorized under paragraph (1) shall be established as provided for in this paragraph.

(B) The Administrative Committee shall consist of 1 representative from each of the following organizations:

(i) The Western Shoshone Te-Moak Tribe.

(ii) The Duckwater Shoshone Tribe.

(iii) The Yomba Shoshone Tribe.

(iv) The Ely Shoshone Tribe.

(v) The Western Shoshone Business Council of the Duck Valley Reservation, Fallon Band of Western Shoshone.

(vi) The at large community.

(C) Each member of the Committee shall serve for a term of 4-years. If a vacancy remains unfilled in the membership of the Committee for a period in excess of 60 days, the Committee shall appoint a replacement from among qualified members of the organization for which the replacement is being made and such member shall serve until the organization to be represented designates a replacement.

(D) The Secretary shall consult with the Committee on the management and investment of the funds subject to distribution under this section.

(E) The Committee shall have the authority to disburse the accumulated interest fund under this Act in accordance with the terms of this Act. The Committee shall be responsible for ensuring that the funds provided through grants under paragraph (1) are utilized in a manner consistent with the terms of this Act. In accordance with paragraph (1)(C), the Committee may use a portion of the interest funds to pay all of the reasonable and necessary expenses of the Committee, including per diem rates for attendance at meetings that are the same as for those paid to Federal employees in the same geographic location.

(F) The Committee shall develop written rules and procedures that include such matters as operating procedures, rules of conduct, scholarship fund eligibility criteria (such criteria to be consistent with this Act), application selection procedures, appeals procedures, fund disbursement procedures, and fund recoupment procedures. Such rules and procedures shall be subject to the approval of the Secretary. A portion of the interest funds, not to exceed $100,000, under this Act may be used by the Committee to pay the expenses associated with developing such rules and procedures. At the discretion of the Committee, and with the approval of the appropriate tribal governing body, jurisdiction to hear appeals of the Committee's decisions may be exercised by a tribal court, or a court of Indian offenses operated under section 11 of title 25, Code of Federal Regulations.

(G) The Committee shall employ an independent certified public accountant to prepare an annual financial statement that includes the operating expenses of the Committee and the total amount of scholarship fund disbursements for the fiscal year for which the statement is being prepared under this section. The Committee shall compile a list of names of all individuals approved to receive scholarship funds during such fiscal year. The financial statement and the list shall be distributed to each organization referred to in this section and copies shall be made available to the Western Shoshone members upon request.

SEC. 4. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRUST FUND.—The term "Trust Fund" means the Western Shoshone Educational Trust Fund established under section 3(1).

(3) WESTERN SHOSHONE MEMBERS.—The term "Western Shoshone members" means an individual who appears on the Western Shoshone Judgment Roll established under section 2(1), or an individual who is the lineal descendant of an individual appearing on the roll, and who—

(A) satisfies all eligibility criteria established by the Administrative Committee under section 3;

(B) fulfills all application requirements established by the Administrative Committee; and

(C) agrees to utilize tile funds in a manner approved by the Administrative Committee for educational or vocational training purposes.

SEC. 5. REGULATIONS.

The Secretary shall prescribe the enrollment regulations necessary to carry out this Act.

By Mr. VOINOVICH (for himself, Mr. SMITH of New Hampshire, and Mr. BAUCUS):

S. 2796. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. VOINOVICH. Mr. President, I am pleased to introduce today the Water Resources Development Act of 2000, and I am pleased that my colleagues Senator BOB SMITH, Environment and Public Works Committee chairman and Senator MAX BAUCUS, ranking member of the Environment and Public Works Committee have joined as co-sponsors of this bill.

The Water Resources Development Act of 2000 (WRDA2000) is the culmination of four hearings that the Committee on Environment and Public Works has held regarding a number of different water resources development issues and projects. The cornerstone of this year's WRDA bill will be the Comprehensive Everglades Restoration Plan, however, the bill that I am introducing today does not contain an Everglades Restoration Title. That title will be added as an amendment to this bill by Senate Environment and Public Works Committee Chairman BOB SMITH when the full Committee marks-up WRDA 2000 on Wednesday, June 28, 2000.

Some of my colleagues may question the need for a water resources bill this year since Congress passed a WRDA bill just last year. In reality, last year's bill was actually unfinished business from the 105th Congress, and if Congress is to get back on its two year cycle for passage of WRDA legislation, we need to act on a bill this year. The two year cycle is important to avoid long delays between the planning and execution of projects and to meet Federal commitments to state and local governments partners who share the costs of these projects with the Federal government.

While the two year authorization cycle is extremely important in maintaining efficient schedules for completion of water resources projects, efficient schedules also depend on adequate appropriations. The appropriation of funds for the Corps' program has not been adequate and, as a result, there is a backlog of over 500 projects that will cost the federal government $38 billion to complete.

I believe these are worthy projects with positive benefit-to-cost ratios and capable non-Federal sponsors. Nevertheless, the inability to provide adequate funding for these projects means that project construction schedules are spread out over a longer period of time, resulting in increased construction costs and delays in achieving project benefits.

Mr. President, I recognize that budget allocations and Corps appropriations are beyond the purview of the authorization package that I am introducing today, but I believe that the backlog issue should impact the way we approach WRDA2000 in three very important ways.

First, we need to control the mission creep of the Corps of Engineers. I am not convinced that there is a Corps role in water and sewage plant construction, and I am pleased to report that the bill that I am introducing today contains no authorizations for environmental infrastructure, such as wastewater treatment plants or combined sewer overflow systems. Another example is the brownfields remediation authority proposed by the White House for the Corps. Brownfield remediation is a very important issue. It is a big problem in my state of Ohio and I am working to remove federal impediments to State cleanups. Having said that, I do not believe this is a mission of the Corps of Engineers, and the bill that I am introducing today does not contain authority for the Corps to be involved in brownfields remediation.

We need to recognize and address the large unmet national needs within the traditional Corps mission areas: needs such as flood control, navigation and the emerging mission area of restoration of nationally significant environmental resources like the Florida Everglades.

The second thing that we need to do is to make sure that the projects Congress authorizes meet the highest standard of engineering, economic and environmental analysis. We must be sure that these projects and project modifications make maximum net contributions to economic development and environmental quality.

We can only assure that projects meet these high standards if projects have received adequate study and evaluation to establish project costs, benefits, and environmental impacts to an appropriate level of confidence. This means that a feasibility report must be completed before projects are authorized for construction. Thus, WRDA 2000 only contains projects which have completed feasibility reports.

Finally, we have to preserve the partnerships and cost sharing principles of the Water Resources Development Act of 1986. WRDA '86 established the principle that water resources project should be accomplished in partnerships with states and local governments and that this partnership should involve significant financial participation by the non-federal sponsors. This bill contains no cost share changes.

My experience as Mayor of Cleveland and Governor of Ohio convinced me that the requirement for local funding to match federal dollars results in much better projects than where Federal funds are simply handed out. Whether it's parks, housing, highways, or water resources projects, the requirement for a local cost share provides a level of accountability that is essential to a quality project. Cost sharing principles must not be weakened, and I am pleased to report that they are not in this legislation.

Mr. President, the bill that I am introducing today ensures that we only commit to those projects that are properly within the purview of the Corps of Engineers, it provides that each project meets the necessary criteria for federal involvement and it preserves the cost-sharing arrangement with state and local sponsors that has been in place for more than a decade. It is a responsible approach to meeting our nation's water resources needs, and I look forward to working with my colleagues to advance the goals of this legislation.

Thank you, Mr. President. I ask unanimous consent that a copy of the Water Resources Development Act of 2000 be printed in the RECORD following my remarks.

There being no objection, the bill as ordered to be printed in the RECORD, as follows:

S. 2796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small shore protection projects.
Sec. 103. Small navigation projects.
Sec. 104. Removal of snags and clearing and straightening of channels in navigable waters.
Sec. 105. Small bank stabilization projects.
Sec. 106. Small flood control projects.
Sec. 107. Small projects for improvement of the quality of the environment.
Sec. 108. Beneficial uses of dredged material.
Sec. 109. Small aquatic ecosystem restoration projects.
Sec. 110. Flood mitigation and riverine restoration.
Sec. 111. Disposal of dredged material on beaches.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cooperation agreements with counties.
Sec. 202. Watershed and river basin assessments.
Sec. 203. Tribal partnership program.
Sec. 204. Ability to pay.
Sec. 205. Property protection program.
Sec. 206. National Recreation Reservation Service.
Sec. 207. Operation and maintenance of hydroelectric facilities.
Sec. 208. Interagency and international support.
Sec. 209. Reburial and conveyance authority.

Sec. 210. Approval of construction of dams and dikes.
Sec. 211. Project deauthorization authority.
Sec. 212. Floodplain management requirements.
Sec. 213. Environmental dredging.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Boydsville, Arkansas.
Sec. 302. White River Basin, Arkansas and Missouri.
Sec. 303. Gasparilla and Estero Islands, Florida.
Sec. 304. Fort Hall Indian Reservation, Idaho.
Sec. 305. Upper Des Plaines River and tributaries, Illinois.
Sec. 306. Morganza, Louisiana.
Sec. 307. Red River Waterway, Louisiana.
Sec. 308. William Jennings Randolph Lake, Maryland.
Sec. 309. New Madrid County, Missouri.
Sec. 310. Pemiscot County Harbor, Missouri.
Sec. 311. Pike County, Missouri.
Sec. 312. Fort Peck fish hatchery, Montana.
Sec. 313. Mines Falls Park, New Hampshire.
Sec. 314. Sagamore Creek, New Hampshire.
Sec. 315. Passaic River Basin flood management, New Jersey.
Sec. 316. Rockaway Inlet to Norton Point, New York.
Sec. 317. John Day Pool, Oregon and Washington.
Sec. 318. Fox Point hurricane barrier, Providence, Rhode Island.
Sec. 319. Joe Pool Lake, Trinity River Basin, Texas.
Sec. 320. Lake Champlain watershed, Vermont and New York.
Sec. 321. Mount St. Helens, Washington.
Sec. 322. Puget Sound and adjacent waters restoration, Washington.
Sec. 323. Fox River System, Wisconsin.
Sec. 324. Chesapeake Bay oyster restoration.
Sec. 325. Great Lakes dredging levels adjustment.
Sec. 326. Great Lakes fishery and ecosystem restoration.
Sec. 327. Great Lakes remedial action plans and sediment remediation.
Sec. 328. Great Lakes tributary model.
Sec. 329. Treatment of dredged material from Long Island Sound.
Sec. 330. New England water resources and ecosystem restoration.
Sec. 331. Project deauthorizations.

TITLE IV—STUDIES

Sec. 401. Baldwin County, Alabama.
Sec. 402. Bono, Arkansas.
Sec. 403. Cache Creek Basin, California.
Sec. 404. Estudillo Canal watershed, California.
Sec. 405. Laguna Creek watershed, California.
Sec. 406. Oceanside, California.
Sec. 407. San Jacinto watershed, California.
Sec. 408. Choctawhatchee River, Florida.
Sec. 409. Egmont Key, Florida.
Sec. 410. Upper Ocklawaha River and Apopka/Palatlakaha River basins, Florida.
Sec. 411. Boise River, Idaho.
Sec. 412. Wood River, Idaho.
Sec. 413. Chicago, Illinois.
Sec. 414. Boeuf and Black, Louisiana.
Sec. 415. Port of Iberia, Louisiana.
Sec. 416. South Louisiana.
Sec. 417. St. John the Baptist Parish, Louisiana.
Sec. 418. Narraguagus River, Milbridge, Maine.
Sec. 419. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.
Sec. 420. Merrimack River Basin, Massachusetts and New Hampshire.
Sec. 421. Port of Gulfport, Mississippi.
Sec. 422. Upland disposal sites in New Hampshire.
Sec. 423. Missouri River basin, North Dakota, South Dakota, and Nebraska.
Sec. 424. Cuyahoga River, Ohio.
Sec. 425. Fremont, Ohio.
Sec. 426. Grand Lake, Oklahoma.
Sec. 427. Dredged material disposal site, Rhode Island.
Sec. 428. Chickamauga Lock and Dam, Tennessee.
Sec. 429. Germantown, Tennessee.
Sec. 430. Horn Lake Creek and Tributaries, Tennessee and Mississippi.
Sec. 431. Cedar Bayou, Texas.
Sec. 432. Houston Ship Channel, Texas.
Sec. 433. San Antonio Channel, Texas.
Sec. 434. White River watershed below Mud Mountain Dam, Washington.
Sec. 435. Willapa Bay, Washington.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Visitors centers.
Sec. 502. CALFED Bay-Delta Program assistance, California.
Sec. 503. Conveyance of lighthouse, Ontonagon, Michigan.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the designated report: The project for navigation, New York-New Jersey Harbor: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,235,000, with an estimated Federal cost of $738,631,000 and an estimated non-Federal cost of $1,042,604,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,000,000, with an estimated Federal cost of $10,000,000 and an estimated non-Federal cost of $5,000,000.

(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalaska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) RIO DE FLAG, ARIZONA.—The project for flood damage reduction, Rio de Flag, Arizona, at a total cost of $26,400,000, with an estimated Federal cost of $17,100,000 and an estimated non-Federal cost of $9,300,000.

(4) TRES RIOS, ARIZONA.—The project for environmental restoration, Tres Rios, Arizona, at a total cost of $90,000,000, with an estimated Federal cost of $58,000,000 and an estimated non-Federal cost of $32,000,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $168,900,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $124,900,000.

(6) MURRIETA CREEK, CALIFORNIA.—The project for flood control, Murrieta Creek, California, at a total cost of $43,100,000, with an estimated Federal cost of $27,800,000 and an estimated non-Federal cost of $15,300,000.

(7) PINE FLAT DAM, CALIFORNIA.—The project for fish and wildlife restoration, Pine Flat Dam, California, at a total cost of $34,000,000, with an estimated Federal cost of $22,000,000 and an estimated non-Federal cost of $12,000,000.

(8) RANCHOS PALOS VERDES, CALIFORNIA.—The project for environmental restoration, Ranchos Palos Verdes, California, at a total cost of $18,100,000, with an estimated Federal cost of $11,800,000 and an estimated non-Federal cost of $6,300,000.

(9) SANTA BARBARA STREAMS, CALIFORNIA.—The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, at a total cost of $17,100,000, with an estimated Federal cost of $8,600,000 and an estimated non-Federal cost of $8,500,000.

(10) UPPER NEWPORT BAY HARBOR, CALIFORNIA.—The project for environmental restoration, Upper Newport Bay Harbor, California, at a total cost of $28,280,000, with an estimated Federal cost of $18,390,000 and an estimated non-Federal cost of $9,890,000.

(11) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $26,000,000, with an estimated Federal cost of $16,900,000 and an estimated non-Federal cost of $9,100,000.

(12) TAMPA HARBOR, FLORIDA.—Modification of the project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Act of September 22, 1922 (42 Stat. 1042, chapter 427), to deepen the Port Sutton Channel, at a total cost of $7,245,000, with an estimated Federal cost of $4,709,000 and an estimated non-Federal cost of $2,536,000.

(13) BARBERS POINT HARBOR, OAHU, HAWAII.—The project for navigation, Barbers Point Harbor, Oahu, Hawaii, at a total cost of $51,000,000, with an estimated Federal cost of $21,000,000 and an estimated non-Federal cost of $30,000,000.

(14) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John T. Myers Lock and Dam, Ohio River, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) GREENUP LOCK AND DAM, KENTUCKY.—The project for navigation, Greenup Lock and Dam, Ohio River, Kentucky, at a total cost of $183,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(16) MORGANZA, LOUISIANA, TO GULF OF MEXICO.—The project for hurricane protection, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of $550,000,000, with an estimated Federal cost of $358,000,000 and an estimated non-Federal cost of $192,000,000.

(17) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for shore protection, Barnegat Inlet to Little Egg Inlet, New Jersey, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000, and at an estimated average annual cost of $1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,138,000 and an estimated annual non-Federal cost of $613,000.

(18) RARITAN BAY AND SANDY HOOK BAY, CLIFFWOOD BEACH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of $5,219,000, with an estimated Federal cost of $3,392,000 and an estimated non-Federal cost of $1,827,000, and at an estimated average annual cost of $110,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $55,000 and an estimated annual non-Federal cost of $55,000.

(19) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $30,081,000, with an estimated Federal cost of $19,553,000 and an estimated non-Federal cost of $10,528,000, and at an estimated average annual cost of $2,468,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,234,000 and an estimated annual non-Federal cost of $1,234,000.

(20) MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(21) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for environmental restoration, Jackson Hole, Wyoming, at a total cost of $100,000,000, with an estimated Federal cost of $65,000,000 and an estimated non-Federal cost of $35,000,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

(22) OHIO RIVER.—The program for protection and restoration of fish and wildlife habitat in and along the main stem of the Ohio River, consisting of projects described in a comprehensive plan, at a total cost of $200,000,000, with an estimated Federal cost of $160,000,000 and an estimated non-Federal cost of $40,000,000.

SEC. 102. SMALL SHORE PROTECTION PROJECTS.

The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g):

(1) LAKE PALOURDE, LOUISIANA.—Project for beach restoration and protection, Highway 70, Lake Palourde, St. Mary and St. Martin Parishes, Louisiana.

(2) ST. BERNARD, LOUISIANA.—Project for beach restoration and protection, Bayou Road, St. Bernard, Louisiana.

SEC. 103. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project for navigation, Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) VIDALIA PORT, LOUISIANA.—Project for navigation, Vidalia Port, Louisiana.

SEC. 104. REMOVAL OF SNAGS AND CLEARING AND STRAIGHTENING OF CHANNELS IN NAVIGABLE WATERS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 3 of the Act of March 2, 1945 (33 U.S.C. 604):

(1) BAYOU MANCHAC, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Bayou Manchac, Ascension Parish, Louisiana.

(2) BLACK BAYOU AND HIPPOLYTE COULEE, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Black Bayou and Hippolyte Coulee, Calcasieu Parish, Louisiana.

SEC. 105. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) BAYOU DES GLAISES, LOUISIANA.—Project for emergency streambank protection, Bayou des Glaises (Lee Chatelain Road), Avoyelles Parish, Louisiana.

(2) BAYOU PLAQUEMINE, LOUISIANA.—Project for emergency streambank protection, Highway 77, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) HAMMOND, LOUISIANA.—Project for emergency streambank protection, Fagan Drive Bridge, Hammond, Louisiana.

(4) IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Iberville Parish, Louisiana.

(5) LAKE ARTHUR, LOUISIANA.—Project for emergency streambank protection, Parish Road 120 at Lake Arthur, Louisiana.

(6) LAKE CHARLES, LOUISIANA.—Project for emergency streambank protection, Pithon Coulee, Lake Charles, Calcasieu Parish, Louisiana.

(7) LOGGY BAYOU, LOUISIANA.—Project for emergency streambank protection, Loggy Bayou, Bienville Parish, Louisiana.

(8) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge Parish, Louisiana.

SEC. 106. SMALL FLOOD CONTROL PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) WEISER RIVER, IDAHO.—Project for flood damage reduction, Weiser River, Idaho.

(2) BAYOU TETE L'OURS, LOUISIANA.—Project for flood control, Bayou Tete L'Ours, Louisiana.

(3) BOSSIER CITY, LOUISIANA.—Project for flood control, Red Chute Bayou levee, Bossier City, Louisiana.

(4) BRAITHWAITE PARK, LOUISIANA.—Project for flood control, Braithwaite Park, Louisiana.

(5) CANE BEND SUBDIVISION, LOUISIANA.—Project for flood control, Cane Bend Subdivision, Bossier Parish, Louisiana.

(6) CROWN POINT, LOUISIANA.—Project for flood control, Crown Point, Louisiana.

(7) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood control, Donaldsonville Canals, Louisiana.

(8) GOOSE BAYOU, LOUISIANA.—Project for flood control, Goose Bayou, Louisiana.

(9) GUMBY DAM, LOUISIANA.—Project for flood control, Gumby Dam, Richland Parish, Louisiana.

(10) HOPE CANAL, LOUISIANA.—Project for flood control, Hope Canal, Louisiana.

(11) JEAN LAFITTE, LOUISIANA.—Project for flood control, Jean Lafitte, Louisiana.

(12) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood control, Lockport to Larose, Louisiana.

(13) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood control, Lower Lafitte Basin, Louisiana.

(14) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood control, Oakville to LaReussite, Louisiana.

(15) PAILET BASIN, LOUISIANA.—Project for flood control, Pailet Basin, Louisiana.

(16) POCHITOLAWA CREEK, LOUISIANA.—Project for flood control, Pochitolawa Creek, Louisiana.

(17) ROSETHORN BASIN, LOUISIANA.—Project for flood control, Rosethorn Basin, Louisiana.

(18) SHREVEPORT, LOUISIANA.—Project for flood control, Twelve Mile Bayou, Shreveport, Louisiana.

(19) STEPHENSVILLE, LOUISIANA.—Project for flood control, Stephensville, Louisiana.

(20) ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood control, St. John the Baptist Parish, Louisiana.

(21) MAGBY CREEK AND VERNON BRANCH, MISSISSIPPI.—Project for flood control, Magby Creek and Vernon Branch, Lowndes County, Mississippi.

(22) FRITZ LANDING, TENNESSEE.—Project for flood control, Fritz Landing, Tennessee.

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE, LOUISIANA.—Project for improvement of the quality of the environment, Bayou Sauvage National Wildlife Refuge, Orleans Parish, Louisiana.

(2) GULF INTRACOASTAL WATERWAY, BAYOU PLAQUEMINE, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) GULF INTRACOASTAL WATERWAY, MILES 220 TO 222.5, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, miles 220 to 222.5, Vermilion Parish, Louisiana.

(4) GULF INTRACOASTAL WATERWAY, WEEKS BAY, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Weeks Bay, Iberia Parish, Louisiana.

(5) LAKE FAUSSE POINT, LOUISIANA.—Project for improvement of the quality of the environment, Lake Fausse Point, Louisiana.

(6) LAKE PROVIDENCE, LOUISIANA.—Project for improvement of the quality of the environment, Old River, Lake Providence, Louisiana.

(7) NEW RIVER, LOUISIANA.—Project for improvement of the quality of the environment, New River, Ascension Parish, Louisiana.

(8) ERIE COUNTY, OHIO.—Project for improvement of the quality of the environment, Sheldon's Marsh State Nature Preserve, Erie County, Ohio.

(9) MUSHINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Mushingum County, Ohio.

SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes barrier island restoration at the Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) MISSISSIPPI RIVER GULF OUTLET, MILE -3 TO MILE -9, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile -3 to mile -9, St. Bernard Parish, Louisiana.

(3) MISSISSIPPI RIVER GULF OUTLET, MILE 11 TO MILE 4, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile 11 to mile 4, St. Bernard Parish, Louisiana.

(4) PLAQUEMINES PARISH, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes marsh creation at the contained submarine maintenance dredge sediment trap, Plaquemines Parish, Louisiana.

(5) OTTAWA COUNTY, OHIO.—Project to protect, restore, and create aquatic and related habitat using dredged material, East Harbor State Park, Ottawa County, Ohio.

SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.

The Secretary may carry out the following projects under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) BRAUD BAYOU, LOUISIANA.—Project for aquatic ecosystem restoration, Braud Bayou, Spanish Lake, Ascension Parish, Louisiana.

(2) BURAS MARINA, LOUISIANA.—Project for aquatic ecosystem restoration, Buras Marina, Buras, Plaquemines Parish, Louisiana.

(3) COMITE RIVER, LOUISIANA.—Project for aquatic ecosystem restoration, Comite River at Hooper Road, Louisiana.

(4) DEPARTMENT OF ENERGY 21-INCH PIPELINE CANAL, LOUISIANA.—Project for aquatic ecosystem restoration, Department of Energy 21-inch Pipeline Canal, St. Martin Parish, Louisiana.

(5) LAKE BORGNE, LOUISIANA.—Project for aquatic ecosystem restoration, southern shores of Lake Borgne, Louisiana.

(6) LAKE MARTIN, LOUISIANA.—Project for aquatic ecosystem restoration, Lake Martin, Louisiana.

(7) LULING, LOUISIANA.—Project for aquatic ecosystem restoration, Luling Oxidation Pond, St. Charles Parish, Louisiana.

(8) MANDEVILLE, LOUISIANA.—Project for aquatic ecosystem restoration, Mandeville, St. Tammany Parish, Louisiana.

(9) ST. JAMES, LOUISIANA.—Project for aquatic ecosystem restoration, St. James, Louisiana.

(10) NORTH HAMPTON, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Little River Salt Marsh, North Hampton, New Hampshire.

(11) HIGHLAND COUNTY, OHIO.—Project for aquatic ecosystem restoration, Rocky Fork Lake, Clear Creek floodplain, Highland County, Ohio.

(12) HOCKING COUNTY, OHIO.—Project for aquatic ecosystem restoration, Long Hollow Mine, Hocking County, Ohio.

(13) TUSCARAWAS COUNTY, OHIO.—Project for aquatic ecosystem restoration, Huff Run, Tuscarawas County, Ohio.

(14) CENTRAL AMAZON CREEK, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Oregon.

(15) DELTA PONDS, OREGON.—Project for aquatic ecosystem restoration, Delta Ponds, Oregon.

(16) EUGENE MILLRACE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Oregon.

(17) ROSLYN LAKE, OREGON.—Project for aquatic ecosystem restoration, Roslyn Lake, Oregon.

SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORATION.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(24) Perry Creek, Iowa.".

SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 217 of the Water Resources Development Act of 1999 (113 Stat. 294) is amended by adding at the end the following:

"(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).".

TITLE II—GENERAL PROVISIONS

SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)) is amended in the second sentence—

(1) by striking "State legislative"; and

(2) by inserting before the period at the end the following: "of the State or a body politic of the State".

SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

"SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

"(a) IN GENERAL.—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

"(1) ecosystem protection and restoration;

"(2) flood damage reduction;

"(3) navigation and ports;

"(4) watershed protection;

"(5) water supply; and

"(6) drought preparedness.

"(b) COOPERATION.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—

"(1) the Secretary of the Interior;

"(2) the Secretary of Agriculture;

"(3) the Secretary of Commerce;

"(4) the Administrator of the Environmental Protection Agency; and

"(5) the heads of other appropriate agencies.

"(c) CONSULTATION.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

"(d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to the Delaware River basin.

"(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

"(f) COST-SHARING REQUIREMENTS.—

"(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.

"(2) CREDIT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal interests may receive credit toward the non-Federal share required under paragraph (1) for the provision of services, materials, supplies, or other in-kind contributions.

"(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to 25 percent of the costs of the assessment.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.".

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

(A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.

(2) MATTERS TO BE STUDIED.—A study conducted under paragraph (1) may address—

(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and

(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(c) CONSULTATION AND COORDINATION WITH SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).

(2) INTEGRATION OF ACTIVITIES.—The Secretary shall—

(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and

(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).

(d) PRIORITY PROJECTS.—In selecting water resources development projects for study under this section, the Secretary shall give priority to—

(1) the project along the upper Snake River within and adjacent to the Fort Hall Indian Reservation, Idaho, authorized by section 304; and

(2) the project for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, authorized by section 435(b).

(e) COST SHARING.—

(1) ABILITY TO PAY.—

(A) IN GENERAL.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.

(B) USE OF PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(2) CREDIT.—

(A) IN GENERAL.—Subject to subparagraph (B), in conducting studies of projects under subsection (b), the Secretary may provide credit to the non-Federal interest for the provision of services, studies, supplies, or other in-kind contributions to the extent that the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the project.

(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to the non-Federal share of the costs of the study.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $5,000,000 for each of fiscal years 2002 through 2006, of which not more than $1,000,000 may be used with respect to any 1 Indian tribe.

SEC. 204. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.

"(2) CRITERIA AND PROCEDURES.—

"(A) IN GENERAL.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with—

"(i) during the period ending on the date on which revised criteria and procedures are promulgated under subparagraph (B), criteria and procedures in effect on the day before the date of enactment of this subparagraph; and

"(ii) after the date on which revised criteria and procedures are promulgated under subparagraph (B), the revised criteria and procedures promulgated under subparagraph (B).

"(B) REVISED CRITERIA AND PROCEDURES.—Not later than 18 months after the date of enactment of this subparagraph, in accordance with paragraph (3), the Secretary shall promulgate revised criteria and procedures governing the ability of a non-Federal interest to pay."; and

(2) in paragraph (3)—

(A) in subparagraph (A)(ii), by adding "and" at the end; and

(B) by striking subparagraphs (B) and (C) and inserting the following:

"(B) may consider additional criteria relating to—

"(i) the financial ability of the non-Federal interest to carry out its cost-sharing responsibilities; or

"(ii) additional assistance that may be available from other Federal or State sources.".

SEC. 205. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.

(b) PROVISION OF REWARDS.—In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for each fiscal year.

SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–515), the Secretary may—

(1) participate in the National Recreation Reservation Service on an interagency basis; and

(2) pay the Department of the Army's share of the activities required to implement, operate, and maintain the Service.

SEC. 207. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended in the first sentence by inserting before the period at the end the following: "in cases in which the activities require specialized training relating to hydroelectric power generation".

SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—

(1) in the first sentence, by striking "$1,000,000" and inserting "$2,000,000"; and

(2) in the second sentence, by inserting "out" after "carry".

SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) REBURIAL.—

(1) REBURIAL AREAS.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—

(A) have been discovered on project land; and

(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.

(2) REBURIAL.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at full Federal expense, the remains at the areas identified and set aside under subsection (b)(1).

(c) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).

(2) RETENTION OF NECESSARY PROPERTY INTERESTS.—In carrying out paragraph (1), the Secretary shall retain any necessary right-of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND DIKES.

Section 9 of the Act of March 3, 1899 (33 U.S.C. 401), is amended—

(1) by inserting "(a) IN GENERAL.—" before "It shall";

(2) by striking "However, such structures" and inserting the following:

"(b) WATERWAYS WITHIN A SINGLE STATE.—Notwithstanding subsection (a), structures described in subsection (a)";

(3) by striking "When plans" and inserting the following:

"(c) MODIFICATION OF PLANS.—When plans";

(4) by striking "The approval" and inserting the following:

"(d) APPLICABILITY.—

"(1) BRIDGES AND CAUSEWAYS.—The approval"; and

(5) in subsection (d) (as designated by paragraph (4)), by adding at the end the following:

"(2) DAMS AND DIKES.—

"(A) IN GENERAL.—The approval required by this section of the location and plans, or any modification of plans, of any dam or dike, applies only to a dam or dike that, if constructed, would completely span a waterway used to transport interstate or foreign commerce, in such a manner that actual, existing interstate or foreign commerce could be adversely affected.

"(B) OTHER DAMS AND DIKES.—Any dam or dike (other than a dam or dike described in subparagraph (A)) that is proposed to be built in any other navigable water of the United States—

"(i) shall be subject to section 10; and

"(ii) shall not be subject to the approval requirements of this section.".

SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.

Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended to read as follows:

"SEC. 1001. PROJECT DEAUTHORIZATIONS.

"(a) DEFINITIONS.—In this section:

"(1) CONSTRUCTION.—The term 'construction', with respect to a project or separable element, means—

"(A) in the case of—

"(i) a nonstructural flood control project, the acquisition of land, an easement, or a right-of-way primarily to relocate a structure; and

"(ii) in the case of any other nonstructural measure, the performance of physical work under a construction contract;

"(B) in the case of an environmental protection and restoration project—

"(i) the acquisition of land, an easement, or a right-of-way primarily to facilitate the restoration of wetland or a similar habitat; or

"(ii) the performance of physical work under a construction contract to modify an existing project facility or to construct a new environmental protection and restoration measure; and

"(C) in the case of any other water resources project, the performance of physical work under a construction contract.

"(2) PHYSICAL WORK UNDER A CONSTRUCTION CONTRACT.—The term 'physical work under a construction contract' does not include any activity related to project planning, engineering and design, relocation, or the acquisition of land, an easement, or a right-of-way.

"(b) PROJECTS NEVER UNDER CONSTRUCTION.—

"(1) LIST OF PROJECTS.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects that—

“(A) are authorized for construction; and

“(B) for which no Federal funds were obligated for construction during the 4 full fiscal years preceding the date of submission of the list.

“(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, authorized for construction shall be deauthorized effective at the end of the 7-year period beginning on the date of the most recent authorization or reauthorization of the project or separable element unless Federal funds have been obligated for construction of the project or separable element by the end of that period.

“(c) PROJECTS FOR WHICH CONSTRUCTION HAS BEEN SUSPENDED.—

“(1) LIST OF PROJECTS.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects—

“(A) that are authorized for construction;

“(B) for which Federal funds have been obligated for construction of the project or separable element; and

“(C) for which no Federal funds have been obligated for construction of the project or separable element during the 2 full fiscal years preceding the date of submission of the list.

“(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, for which Federal funds have been obligated for construction shall be deauthorized effective at the end of any 5-fiscal year period during which Federal funds specifically identified for construction of the project or separable element (in an Act of Congress or in the accompanying legislative report language) have not been obligated for construction.

“(d) CONGRESSIONAL NOTIFICATIONS.—Upon submission of the lists under subsections (b)(1) and (c)(1), the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, the affected project or separable element is or would be located.

“(e) FINAL DEAUTHORIZATION LIST.—The Secretary shall publish annually in the Federal Register a list of all projects and separable elements deauthorized under subsection (b)(2) or (c)(2).

“(f) EFFECTIVE DATE.—Subsections (b)(2) and (c)(2) take effect 3 years after the date of enactment of this subsection.”.

SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—Section 402(c) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(c)) is amended—

(1) in the first sentence of paragraph (1), by striking “Within 6 months after the date of the enactment of this subsection, the” and inserting “The”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by striking “Such guidelines shall address” and inserting the following:

“(2) REQUIRED ELEMENTS.—The guidelines developed under paragraph (1) shall—

“(A) address”; and

(4) in paragraph (2) (as designated by paragraph (3))—

(A) by inserting “that non-Federal interests shall adopt and enforce” after “policies”;

(B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(B) require non-Federal interests to take measures to preserve the level of flood protection provided by a project to which subsection (a) applies.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any project or separable element of a project with respect to which the Secretary and the non-Federal interest have not entered a project cooperation agreement on or before the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 402(b) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(b)) is amended—

(1) in the subsection heading, by striking “FLOOD PLAIN” and inserting “FLOODPLAIN”; and

(2) in the first sentence, by striking “flood plain” and inserting “floodplain”.

SEC. 213. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

“(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.”.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. BOYDSVILLE, ARKANSAS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of the reservoir and associated improvements in the vicinity of Boydsville, Arkansas, authorized by section 402 of the Water Resources Development Act of 1999 (113 Stat. 322), not more than $250,000 of the costs of the relevant planning and engineering investigations carried out by State and local agencies, if the Secretary finds that the investigations are integral to the scope of the feasibility study.

SEC. 302. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

Section 374 of the Water Resources Development Act of 1999 (113 Stat. 321) is amended—

(1) in subsection (a), by striking “the following” and all that follows and inserting “the amounts of project storage that are recommended by the report required under subsection (b).”; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period at the end the following: “and does not significantly impact other authorized project purposes”;

(B) in paragraph (2), by striking “2000” and inserting “2002”; and

(C) in paragraph (3)—

(i) by inserting “and to what extent” after “whether”;

(ii) in subparagraph (A), by striking “and” at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(C) project storage should be reallocated to sustain the tail water trout fisheries.”.

SEC. 303. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1), if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 304. FORT HALL INDIAN RESERVATION, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out planning, engineering, and design of an adaptive ecosystem restoration, flood damage reduction, and erosion protection project along the upper Snake River within and adjacent to the Fort Hall Indian Reservation, Idaho.

(b) PROJECT JUSTIFICATION.—Notwithstanding any other provision of law or requirement for economic justification, the Secretary may construct and adaptively manage for 10 years, at full Federal expense, a project under this section if the Secretary determines that the project—

(1) is a cost-effective means of providing ecosystem restoration, flood damage reduction, and erosion protection;

(2) is environmentally acceptable and technically feasible; and

(3) will improve the economic and social conditions of the Shoshone-Bannok Indian Tribe.

(c) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a condition of the project described in subsection (a), the Shoshone-Bannock Indian Tribe shall provide land, easements, and rights-of-way necessary for implementation of the project.

SEC. 305. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of improvements to the upper Des Plaines River and tributaries, phase 2, Illinois and Wisconsin, authorized by section 419 of the Water Resources Development Act of 1999 (113 Stat. 324), the costs of work carried out by the non-Federal interests in Lake County, Illinois, before the date of execution of the feasibility study cost-sharing agreement, if—

(1) the Secretary and the non-Federal interests enter into a feasibility study cost-sharing agreement; and

(2) the Secretary finds that the work is integral to the scope of the feasibility study.

SEC. 306. MORGANZA, LOUISIANA.

The Secretary shall credit toward the non-Federal share of the project costs of the Mississippi River and tributaries, Morganza, Louisiana, to the Gulf of Mexico, project, authorized under section 101(b)(16), the costs of any work carried out by the non-Federal interests for interim flood protection after March 31, 1989, if the Secretary finds that the work is compatible with, and integral to, the project.

SEC. 307. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the purchase of mitigation land from willing sellers in any of the parishes that comprise the Red River Waterway District, consisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches, Rapides, and Red River Parishes.

SEC. 308. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

The Secretary—

(1) may provide design and construction assistance for recreational facilities in the

State of Maryland at the William Jennings Randolph Lake (Bloomington Dam), Maryland and West Virginia, project authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182); and

(2) shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities.

SEC. 309. NEW MADRID COUNTY, MISSOURI.

(a) IN GENERAL.—The project for navigation, New Madrid County Harbor, New Madrid County, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is authorized as described in the feasibility report for the project, including both phase 1 and phase 2 of the project.

(b) CREDIT.—

(1) IN GENERAL.—The Secretary shall provide credit to the non-Federal interests for the costs incurred by the non-Federal interests in carrying out construction work for phase 1 of the project, if the Secretary finds that the construction work is integral to phase 2 of the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1) shall not exceed the required non-Federal share for the project.

SEC. 310. PEMISCOT COUNTY HARBOR, MISSOURI.

(a) CREDIT.—With respect to the project for navigation, Pemiscot County Harbor, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall provide credit to the Pemiscot County Port Authority, or an agent of the authority, for the costs incurred by the Authority or agent in carrying out construction work for the project after December 31, 1997, if the Secretary finds that the construction work is integral to the project.

(b) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under subsection (a) shall not exceed the required non-Federal share for the project, estimated as of the date of enactment of this Act to be $222,000.

SEC. 311. PIKE COUNTY, MISSOURI.

(a) IN GENERAL.—Subject to subsections (c) and (d), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in subsection (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the parcel of land described in subsection (b)(2) to S.S.S., Inc.

(b) LAND DESCRIPTION.—The parcels of land referred to in subsection (a) are the following:

(1) NON-FEDERAL LAND.—8.99 acres with existing flowage easements, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(2) FEDERAL LAND.—8.99 acres located in Pike County, Missouri, known as "Government Tract Numbers FM-46 and FM-47", administered by the Corps of Engineers.

(c) CONDITIONS.—The land exchange under subsection (a) shall be subject to the following conditions:

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the parcel of land described in subsection (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The instrument of conveyance used to convey the parcel of land described in subsection (b)(2) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any improvements on the parcel of land described in subsection (b)(1).

(B) NO LIABILITY.—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in subsection (b)(1)—

(i) S.S.S., Inc. shall have no claim against the United States for liability; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvement.

(3) TIME LIMIT FOR LAND EXCHANGE.—Not later than 2 years after the date of enactment of this Act, the land exchange under subsection (a) shall be completed.

(4) LEGAL DESCRIPTION.—The Secretary shall provide legal descriptions of the parcels of land described in subsection (b), which shall be used in the instruments of conveyance of the parcels.

(5) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the land exchange under subsection (a).

(d) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc. by the Secretary under subsection (a) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc. under that subsection, S.S.S., Inc. shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.

SEC. 312. FORT PECK FISH HATCHERY, MONTANA.

(a) FINDINGS.—Congress finds that—

(1) Fort Peck Lake, Montana, is in need of a multispecies fish hatchery;

(2) the burden of carrying out efforts to raise and stock fish species in Fort Peck Lake has been disproportionately borne by the State of Montana despite the existence of a Federal project at Fort Peck Lake;

(3)(A) as of the date of enactment of this Act, eastern Montana has only 1 warm water fish hatchery, which is inadequate to meet the demands of the region; and

(B) a disease or infrastructure failure at that hatchery could imperil fish populations throughout the region;

(4) although the multipurpose project at Fort Peck, Montana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1034, chapter 831), was intended to include irrigation projects and other activities designed to promote economic growth, many of those projects were never completed, to the detriment of the local communities flooded by the Fort Peck Dam;

(5) the process of developing an environmental impact statement for the update of the Corps of Engineers Master Manual for the operation of the Missouri River recognized the need for greater support of recreation activities and other authorized purposes of the Fort Peck project;

(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and

(B) the obligation to fund the stocking constitutes an undue burden on the State; and

(7) a viable multispecies fishery would spur economic development in the region.

(b) PURPOSES.—The purposes of this section are—

(1) to authorize and provide funding for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana; and

(2) to ensure stable operation and maintenance of the fish hatchery.

(c) DEFINITIONS.—In this section:

(1) FORT PECK LAKE.—The term "Fort Peck Lake" means the reservoir created by the damming of the upper Missouri River in northeastern Montana.

(2) HATCHERY PROJECT.—The term "hatchery project" means the project authorized by subsection (d).

(d) AUTHORIZATION.—The Secretary shall carry out a project at Fort Peck Lake, Montana, for the design and construction of a fish hatchery and such associated facilities as are necessary to sustain a multispecies fishery.

(e) COST SHARING.—

(1) DESIGN AND CONSTRUCTION.—

(A) FEDERAL SHARE.—The Federal share of the costs of design and construction of the hatchery project shall be 75 percent.

(B) FORM OF NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the hatchery project may be provided in the form of cash or in the form of land, easements, rights-of-way, services, roads, or any other form of in-kind contribution determined by the Secretary to be appropriate.

(ii) REQUIRED CREDITING.—The Secretary shall credit toward the non-Federal share of the costs of the hatchery project—

(I) the costs to the State of Montana of stocking Fort Peck Lake during the period beginning January 1, 1947; and

(II) the costs to the State of Montana and the counties having jurisdiction over land surrounding Fort Peck Lake of construction of local access roads to the lake.

(2) OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the operation, maintenance, repair, and replacement of the hatchery project shall be a non-Federal responsibility.

(B) COSTS ASSOCIATED WITH THREATENED AND ENDANGERED SPECIES.—The costs of operation and maintenance associated with raising threatened or endangered species shall be a Federal responsibility.

(C) POWER.—The Secretary shall offer to the hatchery project low-cost project power for all hatchery operations.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $20,000,000; and

(B) such sums as are necessary to carry out subsection (e)(2)(B).

(2) AVAILABILITY OF FUNDS.—Sums made available under paragraph (1) shall remain available until expended.

SEC. 313. MINES FALLS PARK, NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary may carry out dredging of Mines Falls Park, New Hampshire.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 314. SAGAMORE CREEK, NEW HAMPSHIRE.

The Secretary shall carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire.

SEC. 315. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) IN GENERAL.—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to emphasize nonstructural approaches for flood control as alternatives to the construction of the Passaic

River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River Basin before the date of enactment of this Act.

(b) Reevaluation of Floodway Study.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) Reevaluation of 10-Year Floodplain Study.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(d) Preservation of Natural Storage Areas.—

(1) In general.—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the Central Passaic River Basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) Purchase.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is cost-effective, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) Streambank Erosion Control Study.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) Passaic River Flood Management Task Force.—

(1) Establishment.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the "Passaic River Flood Management Task Force", to provide advice to the Secretary concerning all aspects of the Passaic River flood management project.

(2) Membership.—The task force shall be composed of 20 members, appointed as follows:

(A) Appointment by secretary.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) Appointments by governor of new jersey.—The Governor of New Jersey shall appoint 18 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 1 representative of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) Appointment by governor of new york.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) Meetings.—

(A) Regular meetings.—The task force shall hold regular meetings.

(B) Open meetings.—The meetings of the task force shall be open to the public.

(4) Annual report.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) Expenditure of funds.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) Termination.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(g) Acquisition of Lands in the Floodway.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718), is amended by adding at the end the following:

"(e) Consistency With New Jersey Blue Acres Program.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.".

(h) Study of Highlands Land Conservation.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) Restriction on Use of Funds.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(j) Conforming Amendment.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) is amended in the paragraph heading by striking "MAIN STEM," and inserting "FLOOD MANAGEMENT PROJECT,".

SEC. 316. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

(a) In General.—The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point (Coney Island Area), New York, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135) is modified to authorize the Secretary to construct T-groins to improve sand retention down drift of the West 37th Street groin, in the Sea Gate area of Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, entitled "Field Data Gathering Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention", at a total cost of $9,000,000, with an estimated Federal cost of $5,850,000 and an estimated non-Federal cost of $3,150,000.

(b) Cost Sharing.—The non-Federal share of the costs of constructing the T-groins under subsection (a) shall be 35 percent.

SEC. 317. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) Extinguishment of Reversionary Interests and Use Restrictions.—With respect to the land described in each deed specified in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) Affected Deeds.—Subsection (a) applies to deeds with the following county auditors' file numbers:

(1) Auditor's File Numbers 101244 and 1234170 of Morrow County, Oregon, executed by the United States.

(2) The portion of the land conveyed in a deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, described as a tract of land lying in sec. 7, T. 5 N., R. 28 E., Willamette meridian, Benton County, Washington, being more particularly described by the following boundaries:

(A) Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded plat thereof).

(B) Thence west along the centerline of Third Avenue, a distance of 565 feet.

(C) Thence south 54° 10' west, to a point on the west line of Tract 18 of that Addition and the true point of beginning.

(D) Thence north, parallel with the west line of that sec. 7, to a point on the north line of that sec. 7.

(E) Thence west along the north line thereof to the northwest corner of that sec. 7.

(F) Thence south along the west line of that sec. 7 to a point on the ordinary high water line of the Columbia River.

(G) Thence northeast along that high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, that coordinate line being east 2,291,000 feet.

(H) Thence north along that line to a point on the south line of First Avenue of that Addition.

(I) Thence west along First Avenue to a point on the southerly extension of the west line of T. 18.

(J) Thence north along that west line of T. 18 to the point of beginning.

SEC. 318. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

Section 352 of the Water Resources Development Act of 1999 (113 Stat. 310) is amended—

(1) by inserting "(a) In General.—" before "The"; and

(2) by adding at the end the following:

"(b) Credit Toward Non-Federal Share.—The non-Federal interest shall receive credit toward the non-Federal share of project costs, or reimbursement, for the Federal share of the costs of repairs authorized under subsection (a) that are incurred by the non-Federal interest before the date of execution of the project cooperation agreement.".

SEC. 319. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.

(a) In General.—The Secretary shall enter into an agreement with the city of Grand Prairie, Texas, under which the city agrees to assume all responsibilities of the Trinity River Authority of the State of Texas under Contract No. DACW63–76–C–0166, other than financial responsibilities, except the responsibility described in subsection (d).

(b) Responsibilities of Trinity River Authority.—The Trinity River Authority shall be relieved of all financial responsibilities under the contract described in subsection (a) as of the date on which the Secretary enters into the agreement with the city under that subsection.

(c) Payments by City.—In consideration of the agreement entered into under subsection (a), the city shall pay the Federal Government $4,290,000 in 2 installments—

(1) 1 installment in the amount of $2,150,000, which shall be due and payable not later than December 1, 2000; and

(2) 1 installment in the amount of $2,140,000, which shall be due and payable not later than December 1, 2003.

(d) Operation and Maintenance Costs.—The agreement entered into under subsection (a) shall include a provision requiring the city to assume responsibility for all costs associated with operation and maintenance of the recreation facilities included in the contract described in that subsection.

SEC. 320. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) Definitions.—In this section:

(1) Critical restoration project.—The term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) Lake champlain watershed.—The term "Lake Champlain watershed" means—

(A) the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; and

(B)(i) the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and

(ii) the near-shore areas of Lake Champlain within the counties referred to in clause (i).

(b) Critical Restoration Projects.—

(1) In general.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) Types of projects.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of—

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;

(D) natural resource stewardship activities on public or private land to promote land uses that—

(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and

(ii) protect and enhance water quality; or

(E) any other activity determined by the Secretary to be appropriate.

(c) Public Ownership Requirement.—The Secretary may provide assistance for a critical restoration project under this section only if—

(1) the critical restoration project is publicly owned; or

(2) the non-Federal interest with respect to the critical restoration project demonstrates that the critical restoration project will provide a substantial public benefit in the form of water quality improvement.

(d) Project Selection.—

(1) In general.—In consultation with the heads of other appropriate Federal, State, tribal, and local agencies, the Secretary may—

(A) identify critical restoration projects in the Lake Champlain watershed; and

(B) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(2) Certification.—

(A) In general.—A critical restoration project shall be eligible for financial assistance under this section only if the State director for the critical restoration project certifies to the Secretary that the critical restoration project will contribute to the protection and enhancement of the quality or quantity of the water resources of the Lake Champlain watershed.

(B) Special consideration.—In certifying critical restoration projects to the Secretary, State directors shall give special consideration to projects that implement plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the Lake Champlain watershed.

(e) Cost Sharing.—

(1) In general.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) Non-federal share.—

(A) Credit for design work.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the critical restoration project, if the Secretary finds that the design work is integral to the critical restoration project.

(B) Credit for land, easements, and rights-of-way.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(C) Form.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) Applicability of Other Federal and State Laws.—Nothing in this section waives, limits, or otherwise affects the applicability of Federal or State law with respect to a critical restoration project carried out with assistance provided under this section.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 321. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by the matter under the heading "TRANSFER OF FEDERAL TOWNSITES" in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, the flood protection levels specified in the October 1985 report entitled "Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)", published as House Document No. 135, 99th Congress, signed by the Chief of Engineers, and endorsed and submitted to Congress by the Acting Assistant Secretary of the Army.

SEC. 322. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) Definition of Critical Restoration Project.—In this section, the term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(b) Critical Restoration Projects.—The Secretary may participate in critical restoration projects in the area of Puget Sound, Washington, and adjacent waters, including—

(1) the watersheds that drain directly into Puget Sound;

(2) Admiralty Inlet;

(3) Hood Canal;

(4) Rosario Strait; and

(5) the eastern portion of the Strait of Juan de Fuca.

(c) Project Selection.—In consultation with the Secretary of the Interior, the Secretary of Commerce, and the heads of other appropriate Federal, tribal, State, and local agencies, the Secretary may—

(1) identify critical restoration projects in the area described in subsection (b); and

(2) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(d) Prioritization of Projects.—In prioritizing projects for implementation under this section, the Secretary shall consult with, and give full consideration to the priorities of, public and private entities that are active in watershed planning and ecosystem restoration in Puget Sound watersheds, including—

(1) the Salmon Recovery Funding Board;

(2) the Northwest Straits Commission;

(3) the Hood Canal Coordinating Council;

(4) county watershed planning councils; and

(5) salmon enhancement groups.

(e) Cost Sharing.—

(1) In general.—Before carrying out any critical restoration project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) Credit.—

(A) In general.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(B) Form.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000, of which not more than $5,000,000 may be used to carry out any 1 critical restoration project.

SEC. 323. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary"; and

(2) by adding at the end the following:

"(2) Payments to state.—The terms and conditions may include 1 or more payments to the State of Wisconsin to assist the State in paying the costs of repair and rehabilitation of the transferred locks and appurtenant features.".

SEC. 324. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in the second sentence, by striking "$7,000,000" and inserting "$20,000,000"; and

(2) by striking paragraph (4) and inserting the following:

"(4) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia—

"(A) which reefs shall be preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999; and

"(B) for assistance in the construction of which reefs the Chief of Engineers shall solicit participation by and the services of commercial watermen.".

SEC. 325. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) Definition of Great Lake.—In this section, the term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) Dredging Levels.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 326. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) Findings.—Congress finds that—

(1) the Great Lakes comprise a nationally and internationally significant fishery and ecosystem;

(2) the Great Lakes fishery and ecosystem should be developed and enhanced in a coordinated manner; and

(3) the Great Lakes fishery and ecosystem provides a diversity of opportunities, experiences, and beneficial uses.

(b) Definitions.—In this section:

(1) Great lake.—

(A) In general.—The term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(B) Inclusions.—The term "Great Lake" includes any connecting channel, historically connected tributary, and basin of a lake specified in subparagraph (A).

(2) Great lakes commission.—The term "Great Lakes Commission" means The Great Lakes Commission established by the Great Lakes Basin Compact (82 Stat. 414).

(3) Great lakes fishery commission.—The term "Great Lakes Fishery Commission" has the meaning given the term "Commission" in section 2 of the Great Lakes Fishery Act of 1956 (16 U.S.C. 931).

(4) Great lakes state.—The term "Great Lakes State" means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(5) Secretary.—The term "Secretary" means the Secretary of the Army.

(c) Great Lakes Fishery and Ecosystem Restoration.—

(1) Support plan.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.

(B) Use of existing documents.—To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act, such as lakewide management plans and remedial action plans.

(C) Cooperation.—The Secretary shall develop the plan in cooperation with—

(i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and

(ii) other affected interests.

(2) Projects.—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.

(3) Evaluation program.—

(A) In general.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting fishery and ecosystem restoration goals.

(B) Studies.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.

(d) Cooperative Agreements.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Great Lakes Commission or any other agency established to facilitate active State participation in management of the Great Lakes.

(e) Relationship to Other Great Lakes Activities.—No activity under this section shall affect the date of completion of any other activity relating to the Great Lakes that is authorized under other law.

(f) Cost Sharing.—

(1) Development of plan.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.

(2) Project planning, design, construction, and evaluation.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph (2) or (3) of subsection (c) shall be 65 percent.

(3) Non-federal share.—

(A) Credit for land, easements, and rights-of-way.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (c)(2).

(B) Form.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

(4) Operation and maintenance.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) Non-federal interests.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(g) Authorization of Appropriations.—

(1) Development of plan.—There is authorized to be appropriated for development of the plan under subsection (c)(1) $300,000.

(2) Other activities.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (c) $8,000,000 for each of fiscal years 2002 through 2006.

SEC. 327. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A), by striking "50 percent" and inserting "35 percent";

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4), by striking "50 percent" and inserting "35 percent"; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c), by striking "$5,000,000 for each of fiscal years 1998 through 2000." and inserting "$10,000,000 for each of fiscal years 2001 through 2010.".

SEC. 328. GREAT LAKES TRIBUTARY MODEL.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) in subsection (e), by adding at the end the following:

"(3) Cost sharing.—The non-Federal share of the costs of developing a tributary sediment transport model under this subsection shall be 50 percent."; and

(2) in subsection (g)—

(A) by striking "There is authorized" and inserting the following:

"(1) In general.—There is authorized"; and

(B) by adding at the end the following:

"(2) Great lakes tributary model.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2001 through 2008.".

SEC. 329. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

(a) In General.—Not later than December 31, 2002, the Secretary shall carry out a demonstration project for the use of innovative sediment treatment technologies for the treatment of dredged material from Long Island Sound.

(b) Project Considerations.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable—

(1) encourage partnerships between the public and private sectors;

(2) build on treatment technologies that have been used successfully in demonstration or full-scale projects (such as projects carried out in the State of New York, New Jersey, or Illinois), such as technologies described in—

(A) section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863); or

(B) section 503 of the Water Resources Development Act of 1999 (33 U.S.C. 2314 note; 113 Stat. 337);

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration project is rendered acceptable for unrestricted open water disposal or beneficial reuse; and

(4) ensure that the demonstration project is consistent with the findings and requirements of any draft environmental impact statement on the designation of 1 or more dredged material disposal sites in Long Island Sound that is scheduled for completion in 2001.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 330. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION.

(a) Definitions.—In this section:

(1) Critical restoration project.—The term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) New england.—The term "New England" means all watersheds, estuaries, and related coastal areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) Assessment.—

(1) In general.—The Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall perform an assessment of the condition of water resources and related ecosystems in New England to identify problems and needs for restoring, preserving, and protecting water resources, ecosystems, wildlife, and fisheries.

(2) Matters to be addressed.—The assessment shall include—

(A) development of criteria for identifying and prioritizing the most critical problems and needs; and

(B) a framework for development of watershed or regional restoration plans.

(3) Use of existing information.—In performing the assessment, the Secretary shall, to the maximum extent practicable, use—

(A) information that is available on the date of enactment of this Act; and

(B) ongoing efforts of all participating agencies.

(4) Criteria; framework.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and make available for public review and comment—

(i) criteria for identifying and prioritizing critical problems and needs; and

(ii) a framework for development of watershed or regional restoration plans.

(B) Use of resources.—In developing the criteria and framework, the Secretary shall make full use of all available Federal, State, tribal, regional, and local resources.

(5) Report.—Not later than October 1, 2002, the Secretary shall submit to Congress a report on the assessment.

(c) Restoration Plans.—

(1) In general.—After the report is submitted under subsection (b)(5), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall—

(A) develop a comprehensive plan for restoring, preserving, and protecting the water resources and ecosystem in each watershed and region in New England; and

(B) submit the plan to Congress.

(2) Contents.—Each restoration plan shall include—

(A) a feasibility report; and

(B) a programmatic environmental impact statement covering the proposed Federal action.

(d) Critical Restoration Projects.—

(1) In general.—After the restoration plans are submitted under subsection (c)(1)(B), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall identify critical restoration projects that will produce independent, immediate, and substantial restoration, preservation, and protection benefits.

(2) Agreements.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(3) Project justification.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out a critical restoration project under this subsection, the Secretary may determine that the project—

(A) is justified by the environmental benefits derived from the ecosystem; and

(B) shall not need further economic justification if the Secretary determines that the project is cost effective.

(4) Time limitation.—No critical restoration project may be initiated under this subsection after September 30, 2005.

(5) Cost limitation.—Not more than $5,000,000 in Federal funds may be used to carry out a critical restoration project under this subsection.

(e) Cost Sharing.—

(1) Assessment.—

(A) In general.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) In-kind contributions.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) Restoration plans.—

(A) In general.—The non-Federal share of the cost of developing the restoration plans under subsection (c) shall be determined in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(B) In-kind contributions.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) Critical restoration projects.—

(A) In general.—The non-Federal share of the cost of carrying out a critical restoration project under subsection (d) shall be 35 percent.

(B) In-kind contributions.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) Required non-federal contribution.—For any critical restoration project, the non-Federal interest shall—

(i) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(ii) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(iii) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(D) Credit.—The non-Federal interest shall receive credit for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) Authorization of Appropriations.—

(1) Assessment and restoration plans.—There is authorized to be appropriated to carry out subsections (b) and (c) $2,000,000 for each of fiscal years 2001 through 2005.

(2) Critical restoration projects.—There is authorized to be appropriated to carry out subsection (d) $30,000,000.

SEC. 331. PROJECT DEAUTHORIZATIONS.

The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) Kennebunk river, kennebunk and kennebunkport, maine.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is not authorized after the date of enactment of this Act: the portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes 50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

(2) Wallabout channel, brooklyn, new york.—

(A) In general.—The northeastern portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the Act of March 3, 1899 (30 Stat. 1124, chapter 425), beginning at a point N682,307.40, E638,918.10, thence running along the courses and distances described in subparagraph (B).

(B) Courses and distances.—The courses and distances referred to in subparagraph (A) are the following:

(i) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N682.300.86, E639,005.80).

TITLE IV—STUDIES

SEC. 401. BALDWIN COUNTY, ALABAMA.

The Secretary may conduct a study to determine the feasibility of carrying out beach erosion control, storm damage reduction, and other measures along the shores of Baldwin County, Alabama.

SEC. 402. BONO, ARKANSAS.

The Secretary may conduct a study to determine the feasibility of, and need for, a reservoir and associated improvements to provide for flood control, recreation, water quality, and fish and wildlife in the vicinity of Bono, Arkansas.

SEC. 403. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of modifying the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) REQUIRED ELEMENTS.—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;

(2) a low-flow cross-channel across the Yolo Bypass, including all appurtenant features, that is sufficient to route storm flows of 1,600 cubic feet per second between the old and new south levees of the Cache Creek Settling Basin, across the Yolo Bypass, and into the Tule Canal; and

(3) such other features as the Secretary determines to be appropriate.

SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.

The Secretary may conduct a study to determine the feasibility of constructing flood control measures in the Estudillo Canal watershed, San Leandro, California.

SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.

The Secretary may conduct a study to determine the feasibility of constructing flood control measures in the Laguna Creek watershed, Fremont, California, to provide a 100-year level of flood protection.

SEC. 406. OCEANSIDE, CALIFORNIA.

Not later than 32 months after the date of enactment of this Act, the Secretary may conduct a special study, at full Federal expense, of plans—

(1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and

(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.

(a) IN GENERAL.—The Secretary may conduct a watershed study for the San Jacinto watershed, California.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000.

SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.

The Secretary may conduct a reconnaissance study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

SEC. 409. EGMONT KEY, FLORIDA.

The Secretary may conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

SEC. 410. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.

(a) IN GENERAL.—The Secretary may conduct a restudy of flooding and water quality issues in—

(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlakaha River basins.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in subsection (a).

SEC. 411. BOISE RIVER, IDAHO.

The Secretary may conduct a study to determine the feasibility of carrying out multi-objective flood control activities along the Boise River, Idaho.

SEC. 412. WOOD RIVER, IDAHO.

The Secretary may conduct a reconnaissance study to determine the Federal interest in carrying out multi-objective flood control and flood mitigation planning projects along the Wood River in Blaine County, Idaho.

SEC. 413. CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of carrying out projects for water-related urban improvements, including infrastructure development and improvements, in Chicago, Illinois.

(b) SITES.—Under subsection (a), the Secretary may study—

(1) the USX/Southworks site;

(2) Calumet Lake and River;

(3) the Canal Origins Heritage Corridor; and

(4) Ping Tom Park.

(c) USE OF INFORMATION; CONSULTATION.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

SEC. 414. BOEUF AND BLACK, LOUISIANA.

The Secretary may conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

SEC. 415. PORT OF IBERIA, LOUISIANA.

The Secretary may conduct a study to determine the feasibility of constructing navigation improvements for ingress and egress between the Port of Iberia, Louisiana, and the Gulf of Mexico, including channel widening and deepening.

SEC. 416. SOUTH LOUISIANA.

The Secretary may conduct a study to determine the feasibility of constructing projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

SEC. 417. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary may conduct a study to determine the feasibility of constructing urban flood control measures on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 418. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.

(a) STUDY OF REDESIGNATION AS ANCHORAGE.—The Secretary may conduct a study to determine the feasibility of redesignating as anchorage a portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173).

(b) STUDY OF REAUTHORIZATION.—The Secretary may conduct a study to determine the feasibility of reauthorizing for the purpose of maintenance as anchorage a portion of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act of June 14, 1880 (21 Stat. 195, chapter 211), lying adjacent to and outside the limits of the 11-foot channel and the 9-foot channel.

SEC. 419. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary may conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1000 feet.

SEC. 420. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary may conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) CONSIDERATION OF OTHER STUDIES.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.

SEC. 421. PORT OF GULFPORT, MISSISSIPPI.

The Secretary may conduct a study to determine the feasibility of modifying the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017)—

(1) to widen the channel from 300 feet to 450 feet; and

(2) to deepen the South Harbor channel from 36 feet to 42 feet and the North Harbor channel from 32 feet to 36 feet.

SEC. 422. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary may conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

SEC. 423. MISSOURI RIVER BASIN, NORTH DAKOTA, SOUTH DAKOTA, AND NEBRASKA.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) STUDY.—In cooperation with the Secretary of the Interior, the State of South Dakota, the State of North Dakota, the State of Nebraska, county officials, ranchers, sportsmen, other affected parties, and the Indian tribes referred to in subsection (c)(2), the Secretary may conduct a study to determine the feasibility of the conveyance to the Secretary of the Interior of the land described in subsection (c), to be held in trust for the benefit of the Indian tribes referred to in subsection (c)(2).

(c) LAND TO BE STUDIED.—The land authorized to be studied for conveyance is the land that—

(1) was acquired by the Secretary to carry out the Pick-Sloan Missouri River Basin Program, authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665); and

(2) is located within the external boundaries of the reservations of—

(A) the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota;

(B) the Standing Rock Sioux Tribe of North Dakota and South Dakota;

(C) the Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota;

(D) the Yankton Sioux Tribe of South Dakota; and

(E) the Santee Sioux Tribe of Nebraska.

SEC. 424. CUYAHOGA RIVER, OHIO.

Section 438 of the Water Resources Development Act of 1996 (110 Stat. 3746) is amended to read as follows:

"SEC. 438. CUYAHOGA RIVER, OHIO.

"(a) IN GENERAL.—The Secretary may—

"(1) conduct a study to evaluate the structural integrity of the bulkhead system located on the Federal navigation channel along the Cuyahoga River near Cleveland, Ohio; and

"(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

"(b) COST SHARING.—The non-Federal share of the cost of the study shall be 35 percent.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.".

SEC. 425. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary may conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam, on the Sandusky River at Fremont, Ohio.

SEC. 426. GRAND LAKE, OKLAHOMA.

(a) EVALUATION.—The Secretary may—

(1) evaluate the backwater effects specifically due to flood control operations on land around Grand Lake, Oklahoma; and

(2) not later than 180 days after the date of enactment of this Act, submit to Congress a report on whether Federal actions have been a significant cause of the backwater effects.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of—

(A) addressing the backwater effects of the operation of the Pensacola Dam, Grand/Neosho River basin; and

(B) purchasing easements for any land that has been adversely affected by backwater flooding in the Grand/Neosho River basin.

(2) COST SHARING.—If the Secretary determines under subsection (a)(2) that Federal actions have been a significant cause of the backwater effects, the Federal share of the costs of the feasibility study under paragraph (1) shall be 100 percent.

SEC. 427. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND.

In consultation with the Administrator of the Environmental Protection Agency, the Secretary may conduct a study to determine the feasibility of designating a permanent site in the State of Rhode Island for the disposal of dredged material.

SEC. 428. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) IN GENERAL.—The Secretary shall use $200,000, from funds transferred from the Tennessee Valley Authority, to prepare a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Tennessee.

(b) FUNDING.—As soon as practicable after the date of enactment of this Act, the Tennessee Valley Authority shall transfer the funds described in subsection (a) to the Secretary.

SEC. 429. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) JUSTIFICATION ANALYSIS.—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the feasibility study under subsection (a)—

(A) shall not exceed 25 percent; and

(B) shall be provided in the form of in-kind contributions.

(2) NON-FEDERAL SHARE.—The Secretary—

(A) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement; and

(B) for the purposes of subparagraph (A), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

SEC. 430. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

(a) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of modifying the project for flood control, Horn Lake Creek and Tributaries, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to provide a high level of urban flood protection to development along Horn Lake Creek.

(b) REQUIRED ELEMENT.—The study shall include a limited reevaluation of the project to determine the appropriate design, as desired by the non-Federal interests.

SEC. 431. CEDAR BAYOU, TEXAS.

The Secretary may conduct a study to determine the feasibility of constructing a 12-foot-deep and 125-foot-wide channel from the Houston Ship Channel to Cedar Bayou, mile marker 11, Texas.

SEC. 432. HOUSTON SHIP CHANNEL, TEXAS.

The Secretary may conduct a study to determine the feasibility of constructing barge lanes adjacent to both sides of the Houston Ship Channel from Bolivar Roads to Morgan Point, Texas, to a depth of 12 feet.

SEC. 433. SAN ANTONIO CHANNEL, TEXAS.

The Secretary may conduct a study to determine the feasibility of modifying the project for San Antonio Channel improvement, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), to add environmental restoration and recreation as project purposes.

SEC. 434. WHITE RIVER WATERSHED BELOW MUD MOUNTAIN DAM, WASHINGTON.

(a) REVIEW.—The Secretary may review the report of the Chief of Engineers on the Upper Puyallup River, Washington, dated 1936, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1591, chapter 688), the Puget Sound and adjacent waters report authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), and other pertinent reports, to determine whether modifications to the recommendations contained in the reports are advisable to provide improvements to the water resources and watershed of the White River watershed downstream of Mud Mountain Dam, Washington.

(b) ISSUES.—In conducting the review under subsection (a), the Secretary shall review, with respect to the Lake Tapps community and other parts of the watershed—

(1) constructed and natural environs;

(2) capital improvements;

(3) water resource infrastructure;

(4) ecosystem restoration;

(5) flood control;

(6) fish passage;

(7) collaboration by, and the interests of, regional stakeholders;

(8) recreational and socioeconomic interests; and

(9) other issues determined by the Secretary.

SEC. 435. WILLAPA BAY, WASHINGTON.

(a) STUDY.—The Secretary may conduct a study to determine the feasibility of providing coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington.

(b) PROJECT.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary may construct and maintain a project to provide coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, at full Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection;

(B) is environmentally acceptable and technically feasible; and

(C) will improve the economic and social conditions of the Shoalwater Bay Indian Tribe.

(2) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a condition of the project described in paragraph (1), the Shoalwater Bay Indian Tribe shall provide land, easements, rights-of-way, and dredged material disposal areas necessary for the implementation of the project.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. VISITORS CENTERS.

(a) JOHN PAUL HAMMERSCHMIDT VISITORS CENTER, ARKANSAS.—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking "Arkansas River, Arkansas." and inserting "at Fort Smith, Arkansas, on land provided by the city of Fort Smith.".

(b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking "in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi." and inserting "between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.".

SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary—

(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104-208; 110 Stat. 3009-748); and

(2) shall, to the maximum extent practicable and in accordance with applicable law, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may—

(1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and

(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.

(c) AREA COVERED BY PROGRAM.—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the "Bay-Delta Estuary"), as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2005.

SEC. 503. CONVEYANCE OF LIGHTHOUSE, ONTONAGON, MICHIGAN.

(a) IN GENERAL.—The Secretary may convey to the Ontonagon County Historical Society, at full Federal expense—

(1) the lighthouse at Ontonagon, Michigan; and

(2) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.

(b) MAP.—The Secretary shall—

(1) determine—

(A) the extent of the land conveyance under this section; and

(B) the exact acreage and legal description of the land to be conveyed under this section; and

(2) prepare a map that clearly identifies any land to be conveyed.

(c) CONDITIONS.—The Secretary may—

(1) obtain all necessary easements and rights-of-way; and

(2) impose such terms, conditions, reservations, and restrictions on the conveyance;

as the Secretary determines to be necessary to protect the public interest.

(d) ENVIRONMENTAL RESPONSE.—To the extent required under any applicable law, the Secretary shall be responsible for any necessary environmental response required as a result of the prior Federal use or ownership of the land and improvements conveyed under this section.

(e) RESPONSIBILITIES AFTER CONVEYANCE.—After the conveyance of land under this section, the Ontonagon County Historical Society shall be responsible for any additional operation, maintenance, repair, rehabilitation, or replacement costs associated with—

(1) the lighthouse; or

(2) the conveyed land and improvements.

(f) APPLICABILITY OF ENVIRONMENTAL LAW.—Nothing in this section affects the potential liability of any person under any applicable environmental law.

Mr. SMITH of New Hampshire. Mr. President, I am proud to join my colleagues, Senators VOINOVICH and BAUCUS, in the introduction of the Water Resources Development Act of 2000. As many of you know, the administration presented a proposal to Congress in April of this year, which I introduced by request at that time. The bill we introduce today includes a number of the provisions contained in the Administration's request, in addition to those Member requests which met the criteria agreed to by myself, Senator VOINOVICH, the chairman of the Transportation and Infrastructure Subcommittee, and Senator BAUCUS, the ranking member of the Committee.

In responding to questions regarding what projects were included in this bill, I remind my colleagues that it has been the policy of the Committee to authorize only those construction projects that conform with cost-sharing policies established in the Water Resources Development Act of 1986, and amended by subsequent WRDAs. In addition, it has been the policy of the Committee to require projects to have undergone full and final engineering, economic, and environmental review by the Chief of Engineers to ensure that the project is indeed justified.

In ensuring the integrity of the WRDA process, that criteria served as the base to guide us to where we are today. S. xxxx is a responsible bill that provides for the traditional mission of the U.S. Army Corps of engineers and which also recognizes the Corps' expanding presence in the area of environmental restoration. This bill contains 23 authorizations for flood control, navigation, shoreline protection, and environmental restoration projects for which a Chief's Report is expected by the end of the calendar year. In addition, there are approximately 31 project-related modifications and provisions, as well as 35 feasibility studies. While half of the projects in this bill are in the navigation mission, nearly a quarter are dedicated to environmental and ecosystem restoration projects, demonstrating this chairman's belief that the Corps is moving in the right direction. This bill strongly adheres to the fundamental purposes and principles of the Army Corps of Engineers.

This sound bill deserves prompt action by not only the Senate, but our counterparts in the House of Representatives, The number of legislative days left this year is dwindling. If we are to enact water resources legislation prior to adjournment, it will take the full cooperation of both Chambers of Congress and our respected leadership. I look forward to working with my colleagues to move the WRDA process forward as expeditiously as possible.

By Mr. SMITH of New Hampshire (for himself, Mr. BAUCUS, Mr. VOINOVICH, Mr. GRAHAM, and Mr. MACK):

S. 2797. A bill to authorize a comprehensive Everglades restoration plan; to the Committee on Environment and Public Works.

RESTORING THE EVERGLADES, AN AMERICAN LEGACY ACT

Mr. SMITH of New Hampshire. Mr. President, today is a historic day. I am pleased to be joined by Senators GRAHAM, MACK, VOINOVICH, and BAUCUS, in introducing a measure to restore, preserve and protect one of America's unique ecosystems: the Everglades. More than six months ago, I went to Florida and made a promise to the people of that state and this nation. I promised to make Everglades restoration my top priority as the new chairman of the Environment and Public Works Committee. I am proud to say that after many months of hard work, intense negotiation, and through it all, uncompromising dedication, we have before us the bill to restore America's Everglades.

Our bill not only has the support of the two Senators from Florida, the chairman and ranking member of the Environment and Public Works Committee and the chairman of the subcommittee of jurisdiction, it has the support of the State of Florida and the administration. It truly is bipartisan. It truly is historic.

We all know that the Everglades face grave peril, but such dire situations do not always serve to motivate Congress to act, particularly in a presidential election year. The truth of the matter is that the federal government is partially responsible for the condition of the Everglades and it is our obligation to fix what we helped break. The Everglades cannot afford for Congress to delay.

The unintended consequence of the 1948 federal flood control project is the too efficient redirection of water from Lake Okeechobee. Approximately 1.7 billion gallons of water a day is needlessly directed out to sea. The original Central and Southern Florida Project was done with the best of intentions—the federal government simply had to act when devastating floods took thousands of lives prior to the project's construction. Unfortunately, the very success of the Central and Southern Florida Project disrupted the natural sheet flow of water through the so-called "River of Grass," altering or destroying the habitat for many species of native plants, mammals, reptiles, fish and wading birds.

Well, we are going to recapture that wasted water, store it, and redirect it, when needed, to the natural system in the South Florida ecosystem. It sounds simple, but in actuality, the Comprehensive Everglades Restoration Plan is quite complex and will take 30 years to construct. Each step in the Plan was carefully chosen and the bill my colleagues and I have introduced today represents the first stage of that process.

A project of this size is not without uncertainties. Our bill authorizes four pilot projects to get at some of those unknowns. In addition, this bill authorizes an initial suite of ten construction projects. These projects were carefully selected by the Army Corps of Engineers and the South Florida Water Management District and included in the plan as the projects that would, once constructed, have immediate benefits to the natural system. Almost right away, the plan gets at restoring the natural sheet flow that years of human interference has interrupted.

Our bill goes farther, by authorizing programmatic authority for the Corps and the non-federal sponsor to move forward with critical projects that will have immediate, independent, and substantial benefits to the natural system. Together, these components represent the first phase. The rest of the projects will come to Congress for authorization as part of the biennial Water Resources Development Act.

One of my favorite aspects of the Comprehensive Everglades Restoration Plan is its inherent flexibility. If we learn something new about the ecosystem, perfect our modeling techniques, or just plain see that something isn't working right, through the concept of adaptive management, we can modify the plan based on the new information on hand.

Is this bill expensive? I suppose that depends on your point of view. I am well-known as a fiscal conservative and I certainly do not believe in wasting the taxpayers' money. The total cost of implementing the Comprehensive Everglades Restoration Plan is $7.8 billion dollars. The total cost to the Federal government, however, is $3.9 billion. That's right. The State of Florida is picking up fifty percent of the tab. $3.9 billion over the number of years that this project will be constructed amount to an average of $200 million a year. That is about a can of coke, if you can find the right machine, for each American each year to restore this national treasure. It should be noted that I fully support increasing the budget of the Corps of Engineers so that it can comfortably fund not only this project, but the numerous other meritorious projects within the Corps mission.

I hear my colleagues asking: how do we know the natural system is going to be the primary beneficiary of the water made available by this project? I'll tell you how. Our bill contains painstakingly negotiated "assurances language" that provide the mechanism by which water is reserved and allocated for the natural system. The Secretary of the Army and Governor of the State of Florida will enter into an up-front, binding agreement that will ensure that water available from the plan will be available for the natural system. Furthermore, the Secretary of the Army, in concurrence with the Governor of the State of Florida and the Secretary of the Interior will promulgate programmatic regulations to ensure that the goals and purposes of the Comprehensive Everglades Restoration Plan are achieved.

I repeat for the benefit of my colleagues, this bill has the support of the State of Florida, the administration, and a bipartisan group of co-sponsors. This truly is a remarkable feat that deserves recognition by the Senate in the form of swift passage.

I am afraid too often people forget that the Everglades is a national environmental treasure. Restoration benefits not only Floridians, but the millions of us who visit Florida each year to behold this unique ecosystem. We need to view our efforts as our legacy to future generations, as my dear friend and predecessor, the late John Chafee so exemplified. Many years from now, I hope that this Congress will be remembered for putting aside partisanship, politics, self-interest and short-term thinking by answering the call and saving the Everglades while we still had the chance.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Restoring the Everglades, An American Legacy Act".

SEC. 2. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) Definitions.—In this section:

(1) Central and Southern Florida Project.—

(A) In general.—The term "Central and Southern Florida Project" means the project for Central and Southern Florida authorized under the heading "Central and Southern Florida" in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) Inclusion.—The term "Central and Southern Florida Project" includes any modification to the project authorized by this Act or any other provision of law.

(2) Governor.—The term "Governor" means the Governor of the State.

(3) Natural system.—

(A) In general.—The term "natural system" means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) Inclusions.—The term "natural system" includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) Plan.—The term "Plan" means the Comprehensive Everglades Restoration Plan contained in the "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement", dated April 1, 1999, as modified by this Act.

(5) South Florida ecosystem.—

(A) In general.—The term "South Florida ecosystem" means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) Inclusions.—The term "South Florida ecosystem" includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) State.—The term "State" means the State of Florida.

(b) Comprehensive Everglades Restoration Plan.—

(1) Approval.—

(A) In general.—Except as modified by this Act, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to—

(i) restore, preserve and protect the South Florida ecosystem;

(ii) provide for the protection of water quality in, and the reduction of the loss of fresh water from, the Everglades; and

(iii) provide for the water-related needs of the region, including—

(I) flood control;

(II) the enhancement of water supplies; and

(III) other objectives served by the Central and Southern Florida Project.

(B) Integration.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) Specific authorizations.—

(A) In general.—

(i) Projects.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D) and (E).

(ii) Considerations.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) Review and comment.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) Pilot projects.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions in subparagraph

(D), at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs–Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C-9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project or the Central Lakebelt Storage Project until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C 410r–8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) AGGREGATE FEDERAL COST.—The total Federal cost of all projects carried out under this subsection shall not exceed $206,000,000

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under any programs such as the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose.

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770), and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan, if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) Other monitoring.—The Secretary shall conduct monitoring under clause (i) separately for—

(I) the preconstruction engineering and design phase; and

(II) the construction phase.

(E) Audits.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) Evaluation of Projects.—

(1) In general.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment and in accordance with subsection (h), complete a project implementation report for the project.

(2) Project justification.—

(A) In general.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) Applicability.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) Exclusions and Limitations.—The following Plan components are not approved for implementation:

(1) Water included in the plan.—

(A) In general.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) Project-specific feasibility study.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) Wastewater treatment.—

(A) In general.—On completion and evaluation of the wastewater treatment pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater treatment in meeting, in a cost effective manner, the requirements of restoration of the natural system.

(B) Submission.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater treatment is sought.

(3) Projects approved with limitations.—The following projects in the Plan are approved for implementation with limitations:

(A) Loxahatchee National Wildlife Refuge.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) Southern Corkscrew regional ecosystem.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) Assurance of Project Benefits.—

(1) In general.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this Act, for as long as the project is authorized.

(2) Agreement.—

(A) In general.—No appropriation shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State, shall ensure, by regulation or other appropriate means, that water made available under the Plan for the restoration of the natural system is available as specified in the Plan.

(B) Enforcement.—

(i) In general.—Any person or entity that is aggrieved by a failure of the President or the Governor to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the President or the Governor, as the case may be, to comply with the agreement, or for other appropriate relief.

(ii) Limitations on commencement of civil action.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary receives written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(3) Programmatic regulations.—

(A) Issuance.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment—

(i) with the concurrence of—

(I) the Governor; and

(II) the Secretary of the Interior; and

(ii) in consultation with—

(I) the Seminole Tribe of Florida;

(II) the Miccosukee Tribe of Indians of Florida;

(III) the Administrator of the Environmental Protection Agency;

(IV) the Secretary of Commerce; and

(V) other Federal, State, and local agencies;

promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) Content of regulations.—Programmatic regulations promulgated under this paragraph shall establish a process to—

(i) provide guidance for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(ii) ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan;

(iii) ensure the protection of the natural system consistent with the goals and purposes of the Plan; and

(iv) include a mechanism for dispute resolution to resolve any conflicts between the Secretary and the non-Federal sponsor.

(C) Schedule and transition rule.—

(i) In general.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) Preamble.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(D) Review of programmatic regulations.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) Project-specific assurances.—

(A) Project implementation reports.—

(i) In general.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) Coordination.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) Requirements.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) EXISTING WATER USERS.—The Secretary shall ensure that the implementation of the Plan, including physical or operational modifications to the Central and Southern Florida Project, does not cause significant adverse impact on existing legal water users, including—

(i) water legally allocated or provided through entitlements to the Seminole Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(ii) the Miccosukee Tribe of Indians of Florida;

(iii) annual water deliveries to Everglades National Park;

(iv) water for the preservation of fish and wildlife in the natural system; and

(v) any other legal user, as provided under Federal or State law in existence on the date of enactment of this Act.

(B) NO ELIMINATION.—Until a new source of water supply of comparable quantity and quality is available to replace the water to be lost as a result of implementation of the Plan, the Secretary shall not eliminate existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) Everglades National Park; or

(v) the preservation of fish and wildlife.

(C) MAINTENANCE OF FLOOD PROTECTION.—The Secretary shall maintain authorized levels of flood protection in existence on the date of enactment of this Act, in accordance with current law.

(D) NO EFFECT ON STATE LAW.—Nothing in this Act prevents the State from allocating or reserving water, as provided under State law, to the extent consistent with this Act.

(E) NO EFFECT ON TRIBAL COMPACT.—Nothing in this Act amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the State, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the State of Florida that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(j) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(k) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h); and

(2) a review of the activities performed by the Secretary under subsection (j) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

Mr. GRAHAM. Mr. President, today I rise with my colleagues, Senator SMITH of New Hampshire, Senator BAUCUS, Senator VOINOVICH, and Senator MACK, to introduce legislation to restore America's Everglades. The diversity of this group speaks volumes about the national commitment to restoring America's Everglades.

The Everglades is sick. We need to perform the surgery to make it well. Since the passage of the Central and South Florida Flood Control Project in 1948, nearly half of the original Everglades has been drained or otherwise altered. According to the National Parks and Conservation Association, the national parks and preserves contained in the Everglades are among the ten most endangered in the nation.

In 1983, when I was Governor, Florida launched an effort—known as Save Our Everglades—to revitalize this precious ecosystem. Our goal was simple. By the end of our efforts, we wanted the Everglades to look and function more like it had in 1900 than it did in 1983. Back then, restoring the natural health and function of this precious ecosystem seemed like a distant dream. But after seventeen years of bipartisan progress in the context of a strong federal-state partnership, we now stand on the brink of seeing that dream become reality.

I want to speak for a moment about that federal-state partnership. I often compare this unique partnership to a marriage—if both partners respect each other, and pledge to work through any challenges together, the marriage will be strong and successful. Today, we are again celebrating the strength of that marriage, and this legislation contains several provisions born out of the respect that sustains this marriage.

For example, it requires that the Federal Government pay half of the costs of operations and maintenance. It offers assurances to both the Federal and State governments regarding the use and distribution of water in the Everglades ecosystem. Everglades restoration can't work unless the executive branch, Congress, and State government move forward hand-in-hand.

I look forward to working with my colleagues, the administration, the State, and stakeholders in this project to continue that cooperation and achieve the historic goal of preserving the Everglades for our children and grandchildren.

Mr. MACK. Mr. President, I rise today in strong support for the Everglades restoration bill introduced today by my friend, and chairman of the Environment and Public Works Committee, Senator BOB SMITH. This bill represents a tremendous amount of effort and hard work and I am grateful to all my colleagues who have joined Senator GRAHAM and me in this effort.

Today is an important day in the nearly twenty-year process of restoring America's Everglades. It is important because we are standing at last at the historic juncture between planning and action. It is important because now—at long last—we have a realistic chance of restoring, and protecting for future generations, a unique environmental treasure that is fractured, starved for water, and locked in a steady state of decline. And it is important because the bill we're introducing today represents the cumulative efforts of all those who did the work on the largest and most significant environmental restoration project in our nation's history.

Why does this bill matter? Why are the Everglades deserving of Congress' time and effort? Let me offer a few reasons. This bill matters because in the last century a wonderful, pristine natural system in the heart of South Florida was systematically robbed of its beauty and uniqueness in the name of short-term human interest. This bill matters because the America's Everglades is a national treasure, unique in the world, and deserving of a better fate than what is currently written for it in the laws of this country. Our bill matters because we Floridians—after years of acrimony and conflicting goals—have come together behind a balanced plan that fully reconciles the needs of the natural system with those of the existing water users. And the restoration matters—to us, as legislators—because past Congresses caused this problem, and we in our generation should fix it.

It has been well documented how the Congress in 1948—acting under the pressures of the day—authorized the systematic destruction of the Everglades in the name of flood control, urban development, and agriculture. That is history and we cannot change that. Instead, we must respond to the needs and priorities of our own generation, and pass this good bill to restore America's Everglades.

Let's be clear, Mr. President. Passing this bill, this year, is all that remains between the long years of study and the actual restoration of America's Everglades. The administration has done their part in devoting a tremendous amount of time and effort on the document before you. To Governor Bush's credit, the State of Florida has already written this plan into Florida's laws and arranged funding for Florida's share of the cost. There is only one task remaining: we in Congress must pass this plan, this year, and let the work of restoration begin.

I urge my colleagues to join with me in supporting the bill we're introducing today. Thank you, Mr. President. I yield the floor.

By Mr. ALLARD:

S. 2798. A bill to amend the Federal Deposit Insurance Act to require periodic cost-of-living adjustments to the amount of deposit insurance coverage available under that Act; to the Committee on Banking, Housing, and Urban Affairs.

DEPOSIT AND SHARE INSURANCE ADJUSTMENT ACT OF 2000

Mr. ALLARD. Mr. President, today I am introducing the Federal Deposit and Share Insurance Adjustment Act of 2000.

This bill will insure that the value of Federal Deposit and Share Insurance is not eroded by inflation and remains at a steady value of $100,000. This legislation will help consumers to retain their confidence in financial institutions and will provide a constant level of security to depositors.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deposit and Share Insurance Adjustment Act of 2000".

SEC. 2. PERIODIC ADJUSTMENTS TO MAXIMUM AMOUNT OF DEPOSIT INSURANCE COVERAGE.

Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended, by striking subparagraph (B) and inserting the following:

"(B) NET AMOUNT OF INSURED DEPOSIT.—

"(i) IN GENERAL.—Subject to the adjustments to be made pursuant to clause (ii), the net amount due to any depositor under this Act at an insured depository institution shall not exceed $100,000, as determined in accordance with this subparagraph and subparagraphs (C) and (D).

"(ii) ADJUSTMENTS.—For the calendar year commencing January 1, 2001, and for each subsequent 3-year period, the maximum net amount due to any depositor at an insured depository institution under clause (i) shall be increased by an amount equal to—

"(I) $100,000; multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986, for such calendar year, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

"(iii) ROUNDING.—If the amount determined under clause (ii) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(iv) NOTICE.—Not later than January 15 of the first year of each 3-year period referred to in clause (ii), commencing January 15, 2001, the Board of Directors shall cause to be published in the Federal Register the maximum net amount due to any depositor at an insured depository institution for the ensuing 3-year period.".

SEC. 3. PERIODIC ADJUSTMENTS TO MAXIMUM AMOUNT OF SHARE INSURANCE COVERAGE.

Section 207(k)(1) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)) is amended—

(1) by striking "(1) Subject" and inserting the following: "INSURED AMOUNTS.—

"(1) DEFINITION OF 'INSURED ACCOUNT'.—

"(A) IN GENERAL.—Subject";

(2) by inserting ", subject to the adjustments made pursuant to subparagraph (B)" after "$100,000"; and

(3) by adding at the end the following:

"(B) ADJUSTMENTS.—

"(i) IN GENERAL.—For the calendar year commencing January 1, 2001, and for each subsequent 3-year period, the $100,000 amount referred to in subparagraph (A) shall be increased by an amount equal to—

"(I) $100,000; multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986, for such calendar year, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If the amount determined under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(iii) NOTICE.—Not later than January 15 of the first year of each 3-year period referred to in clause (ii), commencing January 15, 2001, the Board shall cause to be published in the Federal Register the maximum net amount due with respect to any member account at an insured credit union for the ensuing 3-year period.".

SEC. 4. CONFORMING AMENDMENTS.

(a) FEDERAL DEPOSIT INSURANCE ACT.—Section 11(a) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)) is amended—

(1) in paragraph (2)(A), in the matter following clause (v), by striking "$100,000 per account in an amount not to exceed $100,000 per account" and inserting "the amount determined in accordance with paragraph (1)(B) per account"; and

(2) in paragraph (3)(A)(iii), by striking "$100,000" and inserting "the amount determined in accordance with paragraph (1)(B)".

(b) FEDERAL CREDIT UNION ACT.—Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended—

(1) in paragraph (2)(A), in the matter following clause (v), by striking "in an amount not to exceed $100,000 per account" and inserting "the amount determined in accordance with paragraph (1)(B) per account"; and

(2) in paragraph (3), by striking "in the amount of $100,000 per account" and inserting "in an amount not to exceed the amount determined in accordance with paragraph (1)(B) per account".

By Mr. MURKOWSKI (for himself, Mr. ABRAHAM, and Mr. CAMPBELL):

S. 2799. A bill to allow a deduction for Federal, State, and local taxes on gasoline, diesel fuel, or other motor fuel purchased by consumers between July 1, 2000, and December 31, 2000; to the Committee on Finance.

EMERGENCY FUEL TAX ACT OF 2000

Mr. MURKOWSKI. Mr. President, I am joined by Senator CAMPBELL and Senator ABRAHAM today in introducing legislation that will ease the burden that the American motorist is facing every time he or she fills up at the gas pump. Those of us who are going to the gas pumps lately know that we are starting to see gas prices at an all-time high. We have never had gas prices approaching $1.75, which is the standard price for regular gasoline in the United States today.

Our legislation recognizes that many consumers are facing a gasoline emergency. They use their cars to get to work, drive to day care, and take their children to summer school. Suddenly they are finding that filling up the family car's gas tank is costing $50 to $70 or even $100 in some parts of the country. And in an America where the Clinton-Gore administration has done its best for seven years to increase

America's dependence on OPEC, the American public was lulled by the Administration into believing that gas prices would always remain stable and cheap. The result: Nearly 50 percent of all vehicles sold are low-mileage sport utility vehicles (SUVs).

Earlier this year, I co-sponsored legislation that would have temporarily repealed the 4.3 cent gas tax increase that was enacted in 1993 with Vice President AL GORE's tie-breaking vote. Many Senators expressed concern that a temporary repeal of the tax would affect the highway construction program. Although our legislation resolved that problem, all Democrats and a few Republicans rejected providing gas tax relief and the measure was defeated.

This is a new concept in one sense. But it does not establish a precedent. The bill I am introducing is to temporarily reduce the burden of all gasoline taxes on the American motorist. The bill will allow individuals and families to take an above-the-line deduction on their income that they pay taxes on for gasoline taxes incurred between July 1 and December 31 of the year 2000. This means every taxpayer who drives will be able to take advantage of the tax deduction from his or her income tax.

The deduction of gasoline taxes is not a new idea. Up until 1978, motorists could deduct the State and local gasoline taxes if they itemized those taxes. Legislation I have introduced today goes a step further by also permitting the deduction of Federal gasoline taxes, and it is an inclusive tax deduction since it will allow itemizers and nonitemizers to claim these taxes.

For example, if we adopt this measure, and a family in my State of Alaska has a car that gets 20 miles per gallon and they drive perhaps 9,000 miles in the next 6 months, they will get a $118 tax deduction; the same family in Michigan will get a $195 tax deduction; a family in Colorado will receive a $181 tax deduction.

Some detractors say citizens will have to itemize returns. Most people go to self-service gas stations where a receipt is provided. I think most Americans would welcome this $195 or $181 tax deduction. I don't think it is too much to ask motorists.

The IRS will surely draft some easy-to-use tables that will list by State the total gasoline tax burden. I have an example of what the tables look like. I ask unanimous consent that gas tax tables prepared by the American Petroleum Institute be printed in the RECORD.

Mr. MURKOWSKI. Mr. President, the average national price of unleaded regular gasoline is anywhere from $1.70 to $1.80 today. This weekend begins the summer driving season. Gasoline prices could well go above $2 a gallon in many parts of the country. As we know, they are already over $2.30 in Chicago, Milwaukee, and other areas.

Our proposal is a modest attempt to help the American family cope with these extraordinary price rises. This isn't going to solve the problem of high gasoline prices. We could have solved that problem 5 or 6 years ago if we would have adopted the 1995 budget which permitted drilling in America's most promising new oil area, the sliver of the Arctic Coastal Plain, but President Clinton vetoed that bill, surely with the concurrence of Vice President GORE. So today we are dependent as never before on imported oil. The result is the record gasoline prices.

I ask unanimous consent the text of the Emergency Fuel Act of 2000 and the previously referenced tax tables be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Emergency Fuel Tax Act of 2000.

SEC. 2. TEMPORARY INCOME TAX DEDUCTION FOR FEDERAL, STATE, AND LOCAL FUELS TAXES.

(a) ALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—In the case of the retail sale of gasoline, diesel fuel, or other motor fuel after June 30, 2000, and before January 1, 2001, there shall be allowed to the purchaser a deduction under section 164 of the Internal Revenue Code of 1986 in an amount equal to the Federal, State, and local taxes on the sale.

(2) DEDUCTION ALLOWED TO NONITEMIZERS.—The deduction under subsection (a) shall be taken into account in computing adjusted gross income under section 62 of such Code.

(b) TAXES IMPOSED OTHER THAN AT RETAIL.—For purposes of subsection (a), any tax on any gasoline, diesel fuel, or other motor fuel which is imposed other than on the retail sale shall be treated as having been imposed on such sale and as having been paid by the purchaser.

(c) GUIDELINES.—The Secretary of the Treasury shall establish such procedures (including the publication of tables where appropriate) as are necessary to enable taxpayers to determine the amount of taxes for which a deduction is allowed under subsection (a).

(d) MOTOR FUEL.—For purposes of this section, the term "motor fuel" means any motor fuel subject to tax under subtitle D of the Internal Revenue Code of 1986.

GASOLINE TAXES STATE-BY-STATE, 1998

State	State excise tax[1]	Other State taxes[2]	Total State taxes	Total Federal & State taxes[3]
Alabama	16.0	3.4	19.4	37.7
Alaska	8.0	0	8.0	26.3
Arizona	18	1.0	19.0	37.3
Arkansas	18.5	0.2	18.7	37.0
California	18.0	9.2	27.2	45.5
Colorado	22.0	0	22.0	40.3
Connecticut	32.0	3.1	35.1	53.4
Delaware	23.0	0	23.0	41.3
Dist. of Columbia	20.0	0	20.0	38.3
Florida	13.0	15.1	28.1	46.4
Georgia	7.5	3.4	10.9	29.2
Hawaii	16.0	20.4	36.4	54.7
Idaho	25.0	0	25.0	43.3
Illinois	19.0	5.2	24.2	42.5
Indiana	15.0	3.6	18.6	36.9
Iowa	20.0	1.0	21.0	39.3
Kansas	18.0	1.0	19.0	37.3
Kentucky	15.0	1.4	16.4	34.7
Louisiana	20.0	0	20.0	38.3
Maine	19.0	0	19.0	37.3
Maryland	23.5	0	23.5	41.8
Massachusetts	21.5	0	21.5	39.8
Michigan	19.0	6.1	25.1	43.4
Minnesota	20.0	2.0	22.0	40.3
Mississippi	18.0	2.4	20.4	38.7
Missouri	17.0	0	17.0	35.3
Montana	27.0	0.8	27.8	46.1
Nebraska	23.5	0.9	24.4	42.7
Nevada	23.0	10.0	33.0	51.3
New Hampshire	18.0	1.7	19.7	38.0
New Jersey	10.5	4.0	14.5	32.8
New Mexico	17.0	1.0	18.0	36.3
New York	8.0	22.4	30.4	48.7
North Carolina	21.6	0.3	21.9	40.2
North Dakota	20.0	0	20.0	38.3
Ohio	22.0	0	22.0	40.3
Oklahoma	16.0	1.0	17.0	35.3
Oregon	24.0	0	24.0	42.3
Pennsylvania	12.0	14.3	26.3	44.6
Rhode Island	28.0	1.0	29.0	47.3
South Carolina	16.0	0.8	16.8	35.1
South Dakota	21.0	2.0	23.0	41.3
Tennessee	20.0	1.4	21.4	39.7
Texas	20.0	0	20.0	38.3
Utah	24.0	0.5	24.5	42.8
Vermont	19.0	1.0	20.0	38.3
Virginia	17.5	0.7	18.2	36.5
Washington	23.0	0	23.0	41.3
West Virginia	20.5	4.9	25.4	43.7
Wisconsin	25.4	3.0	28.4	46.7
Wyoming	13.0	1.0	14.0	32.3
U.S. averaged[4]	17.8	4.8	22.6	40.9

[1] State excise taxes represent rates effective as of July 1998.

[2] Largely excludes local taxes which are estimated to average approximately 2 cents per gallon nationwide. However, some local county taxes in Alabama, California, Florida, Hawaii, Nevada, New York, and Virginia are included. Includes state sales taxes, gross receipts taxes, and underground storage tank taxes. State sales taxes, expressed in cents per gallon, are based on selected city average retail gasoline prices as of April 1998. See notes to tax tables for individual states.

[3] Includes 18.3 cents per gallon federal excise tax and volume-weighted average U.S. total state taxes.

[4] Represents the average of state tax rates multiplied by state gasoline consumption records.

Sources: API Field Operations Issues Support, "State Gasoline and Diesel Excise Taxes, July 1998," the Federal Highway Administration, "Monthly Motor Fuel Reported by States"; and the U.S. Energy Information Administration, "Motor Gasoline Watch," and "On-Highway Diesel Retail Prices." American Petroleum Institute.

Gasoline taxes ranked by State

[Figures by cents]

Hawaii	54.8
Connecticut	53.5
Nevada	51.4
New York	48.8
Rhode Island	47.4
Wisconsin	46.8
Florida	46.5
Montana	46.2
California	45.6
Pennsylvania	44.7
West Virginia	43.8
Michigan	43.5
Idaho	43.4
Utah	42.9
Nebraska	42.8
Illinois	42.6
Oregon	42.4
Maryland	41.9
Washington	41.4
South Dakota	41.4
Delaware	41.4
Ohio	40.4
Minnesota	40.4
Colorado	40.4
North Carolina	40.3
Massachusetts	39.9
Tennessee	39.8
Iowa	39.4
Mississippi	38.8
Vermont	38.4
Texas	38.4
North Dakota	38.4
Louisiana	38.4

Gasoline taxes ranked by State—Continued

Dist. of Columbia	38.4
New Hampshire	38.1
Alabama	37.8
Maine	37.4
Kansas	37.4
Arizona	37.4
Arkansas	37.1
Indiana	37.0
Virginia	36.6
New Mexico	36.4
Oklahoma	35.4
Missouri	35.4
South Carolina	35.2
Kentucky	34.8
New Jersey	32.9
Wyoming	32.4
Georgia	29.3
Alaska	26.4

By Mr. LAUTENBERG (for himself and Mr. CRAPO):

S. 2800. A bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system; to the Committee on Environment and Public Works.

THE STREAMLINED ENVIRONMENTAL REPORTING AND POLLUTION PREVENTION ACT OF 2000

• Mr. LAUTENBERG. Mr. President, I am pleased to introduce bipartisan legislation, the Streamlined Environmental Reporting and Pollution Prevention Act of 2000, with Senator CRAPO, my colleague on the Environment and Public Works Committee, as an original cosponsor.

This bill will require the U.S. Environmental Protection Agency (EPA) to give businesses one point of contact for all federal environmental reporting requirements, and to otherwise minimize the administrative burdens of environmental reporting. This "one-stop" reporting system will use a common nomenclature throughout and use language understandable to business people, not just to environmental specialists. Its electronic version will also provide pollution prevention information to the business. The bill will also give each State, tribal, or local agency the option of reporting information to one point of contact at EPA, which will facilitate their efforts to streamline environmental reporting.

Mr. President, a law streamlining environmental reporting will obviously benefit industry. It will be of great environmental benefit as well. High-quality environmental information is the foundation of environmental policymaking. Unfortunately, there are significant gaps and inaccuracies in the environmental information reported by businesses today. This is because environmental reporting currently involves scouring several different EPA offices for the applicable requirements, and then mastering a bewildering variety of reporting formats and regulatory nomenclatures. Reducing needless complications, as our bill does, will increase compliance with reporting programs and improve the accuracy of the information reported.

In addition to improving environmental information, a law streamlining environmental reporting will help businesses prevent pollution at the source. Mainstream business decision-makers—those who design the business's product, decide how to make it, manufacture it, and instruct customers in its use—inadvertently make the vast majority of environmental decisions at the business. When a business designs its product and the process for manufacturing the product, it is locking in its major environmental impacts. Streamlining environmental reporting will make it easier for mainstream business decision-makers to understand their environmental obligations. This will make it easier to incorporate environmental considerations into the design of products and production processes, and instructions on their use—that is, preventing pollution at the source.

This bill is endorsed by the National Federation of Independent Businesses, the Printing Industries of America, the National Association of Metal Finishers, the American Electroplaters and Surface Finishers Society, the Metal Finishing Suppliers Association, the U.S. Public Interest Research Group, Environmental Defense, the National Environmental Trust, and the National Pollution Prevention Roundtable. I ask unanimous consent that their statements of support, the text of the bill, and a section-by-section summary of the bill be entered into the RECORD.

Mr. President, this is a bipartisan win-win bill that will be good for U.S. industry and good for the environment. I urge my colleagues to join Senator CRAPO and me in supporting this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Streamlined Environmental Reporting and Pollution Prevention Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) INTEGRATED REPORTING SYSTEM.—The term "integrated reporting system" means the integrated environmental reporting system established under section 3.

(3) PERSON.—The term "person" means an individual, trust, firm, joint stock company, corporation, partnership, or association, or a facility owned or operated by the Federal Government or by a State, tribal government, municipality, commission, or political subdivision of a State.

(4) REPORTING REQUIREMENT.—

(A) IN GENERAL.—The term "reporting requirement" means—

(i) a routine, periodic, environmental reporting requirement; and

(ii) any other reporting requirement that the Administrator may by regulation include within the meaning of the term.

(B) EXCLUSIONS.—The term "reporting requirement" does not include—

(i) the reporting of information relating to an emergency, except for information submitted as part of a routine periodic environmental report, and except for the purpose specified in subparagraph (C); or

(ii) the reporting of information to the Administrator relating only to business transactions (and not to environmental or regulatory matters) between the Administrator and a person, including information provided—

(I) in the course of fulfilling a contractual obligation between the Administrator and the reporting person; or

(II) in the filing of financial claims against the Administrator.

(C) CERTAIN DATA STANDARDS FOR REPORTING OF INFORMATION RELATING TO AN EMERGENCY.—The Administrator shall implement data standards under section 3(b)(5)(A) for the reporting of information relating to emergencies.

SEC. 3. INTEGRATED REPORTING SYSTEM.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Administrator shall integrate and streamline the reporting requirements established under laws administered by the Administrator for each person subject to those reporting requirements—

(1) in accordance with subsection (b);

(2) to the extent not explicitly prohibited by Act of Congress; and

(3) to the extent consistent with the preservation of the integrity, reliability, and security of the data reported.

(b) COMPONENTS OF REPORTING SYSTEM.—In establishing the integrated reporting system, to ensure consistency and facilitate use of the system, the Administrator shall—

(1) allow each person required to submit information to the Administrator under reporting requirements administered by the Administrator to report the information to 1 point of contact—

(A) using a single electronic system or paper form; and

(B) in the case of an annual reporting requirement, at 1 time during the year;

(2)(A) allow each State, tribal, or local agency that has been authorized or delegated authority to implement a law administered by the Administrator to report information regarding any person subject to the law, as required under the law (including a regulation), agreement, or other instrument, authorizing or delegating the authority, to report to 1 point of contact—

(i) using a single electronic system; and

(ii) in the case of an annual reporting requirement, at 1 time during each year; and

(B) provide each State, tribal, or local agency that reports through the integrated reporting system full access to the data reported to the Administrator through the system;

(3) provide a reporting person, upon request, full access to information reported by the person to the Administrator, or to any State, tribal, or local agency that was subsequently reported to the Administrator, in a variety of formats that includes a format that the person may modify by incorporating information applicable to the current reporting period and then submit to the Administrator to comply with a current reporting requirement;

(4)(A) consult with heads of other Federal agencies to identify environmental or occupational safety or health reporting requirements that are not administered by the Administrator; and

(B) as part of the electronic version of the integrated reporting system, post information that provides direction to the reporting person in—

(i) identifying requirements identified under subparagraph (A) to which the person may be subject; and

(ii) locating sources of information on those requirements;

(5) in consultation with a committee of representatives of State and tribal governments, reporting persons, environmental groups, information technology experts, and other interested parties (which, at the discretion of the Administrator, may occur through a negotiated rulemaking under subchapter IV of chapter 5 of title 5, United States Code), implement, and update as necessary, in each national information system of the Environmental Protection Agency that contains data reported under the reporting system established under this Act, data standards for—

(A) the facility site (including a facility registry identifier), geographic coordinates, mailing address, affiliation, organization, environmental interest, industrial classification, and individuals that have management responsibility for environmental matters at the facility site;

(B) units of measure;

(C) chemical, pollutant, waste, and biological identification; and

(D) other items that the Administrator considers to be appropriate;

(6) in consultation with the committee referred to in paragraph (5), implement, and update as necessary, a nomenclature throughout the integrated reporting system that uses terms that the Administrator believes are understandable to reporting persons that do not have environmental expertise;

(7) consolidate reporting of data that, but for consolidation under this paragraph, would be required to be reported to the integrated reporting system at more than 1 point in the same data submission;

(8) provide for applicable data formats and submission protocols, including procedures for legally enforceable electronic signature in accordance with the Government Paperwork Elimination Act (44 U.S.C. 3504 note) that, as determined by the Administrator—

(A) conform, to the maximum extent practicable, with public-domain standards for electronic commerce;

(B) are accessible to a substantial majority of reporting persons; and

(C) provide for the integrity and reliability of the data reported sufficient to satisfy the legal requirement of proof beyond a reasonable doubt;

(9) establish a National Environmental Data Model that describes the major data types, significant attributes, and interrelationships common to activities carried out by the Administrator and by State, tribal, and local agencies (including permitting, compliance, enforcement, budgeting, performance tracking, and collection and analysis of environmental samples and results), which the Administrator shall—

(A) use as the framework for databases on which the data reported to the Administrator through the integrated system shall be kept; and

(B) allow other Federal agencies and State, tribal, and local governments to use;

(10) establish an electronic commerce service center, accessible through the point of contact established under paragraph (1), to provide technical assistance, as necessary and feasible, to each person that elects to submit applicable electronic reports;

(11) provide each reporting person access, through the point of contact established under paragraph (1), to scientifically sound, publicly available information on pollution prevention technologies and practices;

(12) at the discretion of the Administrator, develop, within the reporting system, different methods by which the reporting person may electronically provide the required information, in order to facilitate use of the system by different sectors, sizes, and categories of reporting persons;

(13) provide protection of confidential business information or records as defined under section 552a of title 5, United States Code, so that each reported item of data receives protection equivalent to the protection that item of data would receive if the item were reported to the Administrator through means other than the integrated reporting system;

(14) develop (or cause to be developed), and make available free of charge through the Internet, software for use by the reporting person that, to the maximum extent practicable, assists the person in assembling necessary data, reporting information, and receiving information on pollution prevention technologies and practices as described in paragraph (9); and

(15) provide a mechanism by which a reporting person may, at the option of the reporting person, electronically transfer information from the data system of the reporting person to the integrated reporting system through the use, in the integrated reporting system, of—

(A) open data formats (such as the ASCII format); and

(B) a standard that enables the definition, transmission, validation, and interpretation of data by software applications and by organizations through use of the Internet (such as the XML standard).

(c) SCOPE OF DATA STANDARDS AND NOMENCLATURE.—The data standards and nomenclature implemented and updated under paragraphs (5) and (6) of subsection (b) shall not affect any regulatory standard or definition in effect on the date of enactment of this Act, except to the extent that the Administrator amends, by regulation, the standard or definition.

(d) USE OF REPORTING SYSTEM.—Nothing in this Act requires that any person use the integrated reporting system instead of an individual reporting system.

SEC. 4. INTERAGENCY COORDINATION.

(a) IN GENERAL.—At the request of any Federal, State, tribal, or local agency, the Administrator shall coordinate the integration of reporting required under section 3 with similar efforts by the agency that, as determined by the Administrator, are consistent with this Act.

(b) INTEGRATED REPORTING ACROSS JURISDICTIONS.—Under subsection (a), the Administrator may develop a procedure under which a person that is required to report information under 1 or more laws administered by the Administrator and 1 or more laws administered by a State, tribal, or local agency may report all required information—

(1) through 1 point of contact using a single electronic system or paper form; and

(2) in the case of an annual reporting requirement, at 1 time each year.

(c) COMMON DATA FORMAT ACROSS JURISDICTIONS.—To facilitate reporting by persons with facilities in more than 1 State, tribal, or local jurisdiction, the Administrator shall encourage the use of a common data format by any State, tribal, or local agency coordinating with the Administrator under subsection (a).

(d) PROVISION OF INFORMATION.—At the request of the Administrator, the head of a Federal department or agency shall provide to the Administrator information on reporting requirements established under a law administered by the agency.

(e) SELECTIVE USE OF INTEGRATED REPORTING SYSTEM.—The Administrator may design the integrated system to allow a reporting person to use the integrated reporting system for some purposes and not for others.

SEC. 5. REGULATIONS.

The Administrator may promulgate such regulations as are necessary to carry out this Act.

SEC. 6. REPORTS.

Not later than 2 years after the date of enactment of this Act, if the Administrator determines that 1 or more provisions of law explicitly prohibit or hinder the integration of reporting and other actions required under this Act, the Administrator shall submit to Congress a report identifying those provisions.

SEC. 7. SAVINGS CLAUSE.

(a) IN GENERAL.—Nothing in this Act limits, modifies, affects, amends, or otherwise changes, directly or indirectly, any provision of Federal or State law or the obligation of any person to comply with any provision of law.

(b) EFFECT.—Neither this Act nor the integrated reporting system shall alter or affect the obligation of a reporting person to provide the information required under any reporting requirement.

(c) REPORTING.—Nothing in this Act authorizes the Administrator to require the reporting of information that is in addition to, or prohibit the reporting of, information that is reported as of the day before the date of enactment of this Act.

NFIB,
Washington, DC, February 11, 2000.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the 600,000 small business owners that make up the National Federation of Independent Business (NFIB), I would like to express support for the "Streamlined Environmental Reporting and Pollution Prevention Act of 2000."

The 1996 Code of Federal Regulations, which is the annual listing of agency regulations, takes up 204 volumes with a total of 132,112 pages. According to research conducted by the Small Business Administration, small businesses bear 63 percent of the total regulatory burden. It is no wonder that a 1996 NFIB Education Foundation Study ranked unreasonable government regulations and federal paperwork burdens as two of the top ten problems facing small business.

Simplying this complex system of regulations is a priority for NFIB. As you know, we set our positions on matters of public policy by regularly polling our membership. When we asked small business owners whether they would support the creation of a short-form reporting system, 81 percent of our members said, "yes."

A group of small business owners that are NFIB members reviewed your proposed legislation and they were particularly pleased with the following:

The shift to a one time annual reporting requirement will save valuable time and money.

The legislation wisely extends the benefits of a simplified reporting system to small business owners that do not have the capability of reporting electronically.

The requirement that information on new methods and technology be made available to assist in pollution prevention efforts will be helpful to small business owners that do not have direct access to research and development programs.

The requirement that the U.S. environmental protection Agency (EPA) shift to using common chemical identifiers and a common nomenclature will be helpful.

Your legislation provides the EPA with a much-needed push towards simpler regulatory requirements. I hope that you find our comments helpful, and I look forward to working with you on this bill and other efforts that will make it easier for small business owners to comply with environmental laws.

Sincerely,

DAN DANNER,
Senior Vice President,
Federal Public Policy.

PRINTING INDUSTRIES OF AMERICA, INC.,
Alexandria, VA, March 8, 2000.

Senator FRANK LAUTENBERG,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the Printing Industries of America, we wish to express our support for the "Streamlined Environmental Reporting and Pollution Prevention Act of 2000." We believe that this legislation is a win-win for the environment and the economy, and we look forward to working with you to enact this legislation during the 106th Congress.

As a trade association representing thousands of small printers, we believe the vast majority of small businesses want to do the right thing by the environment, but often they simply do not know what is required of them. This legislation establishes a mandatory duty on the EPA Administrator to develop a way for businesses to fulfill all of their annual reporting obligation in a single electronic filing. While there are no guarantees, we believe this mandate will set in motion a process that leads to simplified reporting and fewer duplicative request for information. By simplifying reporting requirements, more small businesses will understand their reporting and compliance obligations, and we can achieve our dual goals of easing regulatory burdens and improving the environment.

The proposed legislation also contains important protections that should address potential concerns stakeholders. For example, statutory impediments to integrated reporting are not repealed, but EPA must identify such provisions within two years of enactment. Businesses who choose to report on paper or under the current system can continue to do so. A state or local agency can maintain its separate reporting requirements, or it can request EPA to collect its data requirements on the EPA reporting system. Existing protections for confidential business information are maintained. Overall, we believe this legislation is carefully tailored to address a real problem, while avoiding unnecessary controversy. We believe this is legislation that can and should be enacted this year.

Once again, thank you for your leadership in introducing this legislation.

Sincerely,

BENJAMIN Y. COOPER,
Vice-President of Government Affairs.

NATIONAL ASSOCIATION OF METAL FINISHERS, AMERICAN ELECTROPLATERS AND SURFACE FINISHERS SOCIETY, METAL FINISHING SUPPLIERS ASSOCIATION,
May 31, 2000.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: This letter is to express our appreciation for your work on environmental reporting issues, and to endorse the bill you plan to introduce with Senator Crapo, the "Streamlined Environmental Reporting and Pollution Prevention Act."

As the three leading trade and professional associations for the nation's surface finishing industry, we work to advance the viability and critical economic contribution of approximately 5000 manufacturing facilities, which range from small "job shops" to Fortune 500 companies. The National Association of Metal Finishers (NAMF) represents the interests of finishing companies and owners, the American Electroplaters and Surface Finishers Society (AESF) represents technical, research and scientific personnel associated with the industry, and the Metal Finishing Suppliers Association (MFSA) represents a wide range of vendors of equipment, chemicals and environmental consulting expertise.

As you know, our work during the '90s with USEPA on the reinvention front has led to better environmental performance for the finishing industry and constructive regulatory change. It remains our view that one of the most significant environmental regulatory challenges in the coming years will be the management of the ever-increasing weight and complexity of reporting burdens, particularly for small business. Your legislation takes sensible, incremental steps to address issues with which the Agency continues to have great difficulty.

A key project undertaken by our industry and USEPA under the "Common Sense Initiative" is the so-called "RIITE" study. This effort applied a Business Process Reengineering approach to identify and evaluate environmental reporting burdens across the entire federal system. The results were compelling, and pointed to the overwhelming need for consolidating and streamlining the reporting system. We have strongly encouraged the Agency to attack these issues in the context of its "Reinventing Environmental Information" initiative, and agency officials appear to be making an attempt in concert with involvement from the states, including New Jersey. However, discrete and meaningful changes are still on the far horizon.

Accordingly, we commend your work and that of your staff, Nikki Roy, in advancing sensible discussion on this issue, and look forward to working with you on your legislative effort in the coming months.

Sincerely,

CHRISTIAN RICHTER,
Director, Federal Relations.

U.S. PUBLIC INTEREST RESEARCH GROUP, NATIONAL ASSOCIATION OF STATE PIRGS.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to express U.S. PIRG's endorsement of your bill, "The Streamlined Environmental Reporting and Pollution Prevention Act 1999." This bill presents an important opportunity to advance environmental protection while reducing the burden associated with environmental reporting requirements.

The bill will require EPA, within four years, to provide businesses with one point of contact for all federal environmental reporting requirements. This 'one-stop' reporting system will use a common nomenclature and language understandable to businesspeople, not just to environmental specialists. Its electronic version will also provide pollution prevention information to businesses.

By helping businesses identify environmental reporting requirements to which they are subject, this new system will make it easier for businesses to comply both with those requirements and with other environmental laws. Using a common nomenclature and simpler language will also improve the accuracy of the environmental information reported. In addition, by providing information on pollution prevention to businesses as they report their environmental information, this system will promote pollution prevention. These are all objectives for which U.S. PIRG has long advocated.

Thank you for your leadership in demonstrating once again that government can advance environmental protection while helping business.

Sincerely,

JEREMIAH BAUMANN,
Environmental Advocate.

ENVIRONMENTAL DEFENSE,
Washington, DC, February 14, 2000.

Dr. MANIK ROY,
Office of Senator Lautenberg,
U.S. Senate, Washington, DC.

DEAR NIKKI: I am writing in support of the intent and approach of Mr. Lautenberg's draft bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system.

Integrating environmental reporting is a common sense way to make government work better for regulated entities as well as those who seek to use public information to advance environmental protection. When properly structured, these reforms can lessen the administrative burden on reporting entities while using the "teachable moment" of reporting to illuminate pollution prevention opportunities.

With continued careful attention to specific language, Senator Lautenberg's legislation will make good sense for both the environment and the economy.

Sincerely,

KEVIN MILLS,
Director,
Pollution Prevention Alliance.

NATIONAL ENVIRONMENTAL TRUST,
Washington, DC.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the National Environmental Trust, we wish to thank you for sponsoring "The Streamlined Environmental Reporting and Pollution Prevention Act of 1999." NET will fully support enactment of this legislation because it will improve environmental protection and at the same time reduce the administrative burden associated with environmental reporting.

This proposed legislation demonstrates that it is possible to achieve a cleaner environment and maintain a strong economy at the same time. If enacted, this legislation will provide business with "one-stop" reporting through a single point of contact for all federal environmental reporting requirements, which will reduce redundancies and paperwork. By making it easier to report, compliance should improve. The provisions for pollution prevention "feedback" through the new system will assist businesses in achieving cleaner operations.

We thank you for your leadership in introducing this important legislation which will reduce businesses' costs of environmental reporting and compliance and at the same time result in vast improvement in environmental performance.

Sincerely,

PATRICIA G. KENWORTHY,
Vice President,
Government Affairs.

NATIONAL POLLUTION
PREVENTION ROUNDTABLE,
December 22, 1999.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing on behalf of the National Pollution Prevention Roundtable (National Roundtable), to express the National Roundtable's endorsement of your bill, "the Streamlined Environmental Reporting and Pollution Prevention Act of 1999." The bill advances concepts included in the National Roundtable's proposed amendments to strengthen the Pollution Prevention Act of 1990.

The bill will require EPA, within four years, to provide each business with one point of contact for all federal environmental reporting requirements. This "one-stop" reporting system will use language understandable to business people, not just to environmental specialists. In addition, the "one-stop" reporting system will simplify reporting due to the use of common nomenclature. The electronic version will also provide pollution prevention information to businesses.

Obviously, a law that streamlines environmental reporting will benefit industry by allowing them to spend less time on reporting and more on actually preventing pollution and other substantive environmental improvements.

Mainstream business decision-makers—those who design the business's products, decide how to make it, then proceed to produce it and instruct customers on its use and disposal—make the vast majority of environmental decisions in our society. Unfortunately, many times such decisions are made without consideration of their environmental consequences. This is largely due to the complexity of environmental regulations, which typically lead businesses to hire environmental specialists, who often act in isolation of product and process designers.

Streamlining environmental reporting will make it easier for mainstream business decision-makers to understand their environmental obligations and incorporate environmental considerations into the design and production of their products. Streamlined reporting is a critical tool needed to meet the challenging pollution problems of the 21st century.

If you have any questions about our comments or about the National Roundtable please have your staff contact either Natalie Roy or Michele Russo in our Washington D.C. office at 202/466–P2P2. We look forward to working more closely with you on this important piece of legislation.

Sincerely,

PATRICIA GALLAGHER,
Chair, Board of Directors.

THE STREAMLINED ENVIRONMENTAL REPORTING AND POLLUTION PREVENTION ACT OF 2000—SUMMARY

Section 1. Short title

This Act may be cited as the "Streamlined Environmental Reporting and Pollution Prevention Act of 2000."

Sec. 2. Definitions

Administrator means the Administrator of the U.S. Environmental Protection Agency (EPA).

Integrated reporting system means the system established under section 3 of this Act.

Person includes both private and government facilities.

Reporting requirement means a routine, periodic, environmental reporting requirement. The term refers neither to most emergency information, nor to business transaction information (e.g. information submitted by EPA contractors).

Sec. 3. Integrated environmental reporting

(a) Within 4 years of enactment, EPA integrates and streamlines its reporting requirements in accordance with subsection (b), to the extend not prohibited by Act of Congress, and in a manner consistent with the preservation of the integrity, reliability, and security of the data reported.

(b) The integrated reporting system has the following attributes:

(1) EPA establishes one point of contact through which reporting persons may submit all information required by EPA reporting requirements. The information may be submitted in paper form or through electronic media, such as an EPA webpage. This provision operates at the discretion of the reporting person. (See subsection (c).)

(2)(A) Each State, tribal, or local agency that receives information on a reporting person which it then must report to EPA (for example, under a delegation agreement) is allowed to submit such information to one point of contact at EPA. This provision operates at the discretion of the State, tribal, or local agency, and facilitates such agencies' efforts to streamline their own reporting requirements. (See Section 5.)

(2)(B) Each State, tribal, or local agency that reports through the integrated reporting system has full access to the data reported to EPA through the system.

(3) A reporting person has full access to any information it reports to EPA and to State, tribal, or local agencies that is subsequently reported to EPA. In order to ease future reporting, EPA provides the person the information in a modifiable format, allowing the person to update the information on the form and send it in to comply with a current reporting requirement.

(4) The reporting system directs the reporting person to information on applicable OSHA reporting requirements and environmental reporting requirements administered by other Federal agencies.

(5) The reporting system uses consistent units of measure and consistent terms for chemicals, pollutants, waste, and biological material. It also uses a standard method of identifying reporting facilities. EPA develops such "data standards" in consultation with State and tribal governments, reporting persons (i.e. industry), environmental groups, and information technology experts. (If EPA prefers, the data standards may be developed through a negotiated rulemaking with the stakeholders.)

(6) The reporting system uses a nomenclature that uses terms understandable to reporting persons that do not have environmental expertise.

(7) Information that would otherwise be reported at more than one point in the same data submission is reported only once.

(8) The reporting system uses protocols consistent with the Government Paperwork Elimination Act and public-domain standards for electronic commerce.

(9) EPA establishes a National Environmental Data Model to use as the framework for EPA databases on which reported data is kept. The data model is made available for use by other Federal, State, tribal, and local agencies, as their discretion.

(10) Reporting persons may receive technical assistance from an electronic commerce service center that is accessible through the reporting system.

(11) Reporting persons may receive scientifically-sound publicly-available information on pollution prevention technologies and practices through the reporting system.

(12) EPA may develop different "interfaces" for the reporting system to facilitate use by different sectors, sizes, and categories of reporting persons.

(13) Each reported data element receives protection equivalent to that provided under current law to protect confidential business information and privacy.

(14) EPA develops and disseminates software, to the maximum extent practicable, that helps the reporting person in assembling necessary data, reporting information, and receiving pollution prevention information under paragraph (11).

(15) The reporting system uses an "open data format" (such as ASCII format) that allows persons to download information from their own internal data management systems directly to the integrated reporting system. This provision operates at the discretion of the reporting person.

(c) Existing regulatory definitions are not modified by the data standards and nomenclature implemented under paragraphs (5) and (6) above unless amended by regulation.

(d) Nothing in this Act requires any person to use the integrated electronic reporting system instead of an individual reporting system.

Sec. 4. Interagency coordination

(a) EPA coordinates with State, tribal and local efforts that EPA believes consistent this Act, at the request of the State, tribal or local agency. (See section 3(b)(2).)

(b) Under subsection (a), EPA may coordinate with a State, tribal, or local agency to establish a reporting system that integrates reporting to both EPA and the other agency.

(c) To ease reporting by persons with facilities in several jurisdictions, EPA encourages the use of a common data format by any State, tribal, or local agency coordinating with EPA under subsection (a).

(d) Other Federal agencies provide EPA information on their reporting requirements.

(e) EPA may design the integrated reporting system to allow a reporting person to use it to comply with some requirements and not others.

Sec. 5. Regulations

EPA may promulgate such regulations as are necessary to carry out this Act.

Sec. 6. Reports

Within 2 years of enactment, EPA reports to Congress those provisions of law that prohibit or hinder implementation of this Act.

Sec. 7. Savings clause

(a) Nothing in this Act affects any provision of Federal or State law or the obligation of any person to comply with any provision of law.

(b) Nothing in this Act affects the obligation of a reporting person to provide the information required under any reporting requirement.

(c) Nothing in this Act authorizes new reporting requirements or requires the elimination of existing reporting requirements.●

By Mr. SHELBY:

S. 2801. A bill to prohibit funding of the negotiation of the move of the Embassy of the People's Republic of China in the United States until the Secretary of State has required the divestiture of property purchased by the Xinhua News Agency in violation of the Foreign Missions Act; read the first time.

THE CHINESE NEWS AGENCY DIVESTITURE ACT OF 2000

Mr. SHELBY. Mr. President, the Washington Times reported last week that the Chinese Government-owned news agency, Xinhua, had purchased property on Arlington Ridge Road in Virginia a location that overlooks the Pentagon and has direct line of sight to many of our key Government buildings including this Capitol and the White House.

In fact, the property is so appealing that the East Germans bought it in the early 1980s, which led Congress to amend the Foreign Missions Act.

The Secretary of State, through the Foreign Missions Act, has broad authority to oversee the purchase of buildings in the United States by foreign government entities. Under the Act certain identified governments are required to notify the State Department of their intent to purchase property in the United States. China is one such country.

The Secretary of State then has 60 days to review the sale, and receive input from the Secretary of Defense and the Director of the FBI. She has the option to disapprove the sale during this period.

None of this occurred—despite the fact that China was notified in 1985 that its news agency was required to follow these procedures—and on June 15 the sale was finalized.

The Foreign Missions Act provides the Secretary of State with the authority to remedy this violation of law. Under section 205 of the act, the Secretary may force the news agency to divest itself of the property.

The legislation I am introducing today will ensure that this broad authority is used.

The legislation has two basic requirements: First, it requires the Secretary of State to report to the Intelligence and Foreign Relations Committees whether she intends to force the news agency to divest itself of the property.

Second, the bill prohibits any State Department funds from being used to negotiate with the Chinese on the relocation of the Chinese Embassy in Washington until she certifies that she has instituted divestiture proceedings and will ensure that any further purchase of property by the news agency will be pursuant to the Foreign Missions Act.

By prohibiting funds for further negotiations until this violation of U.S. law is resolved, this second provision will also ensure that this issue is handled separately from on-going negotiations to relocate both the U.S. Embassy in Beijing and the Chinese Embassy in Washington, DC.

The potential for this building to be a source of unparalleled espionage is not a theoretical matter. While there is nothing new about PRC spying, as an emerging economic and military power, China increasingly challenges vital U.S. interests around the globe through its aggressive security and intelligence service—employing both traditional intelligence methods as well as non-traditional methods such as open source collection, elicitation, and exploitation of scientific and commercial exchanges.

In December 1999, the Director of Central Intelligence and the Director of the FBI reported to the Intelligence Committee, in unclassified form, that:

> As the most advanced military power with respect to equipment and strategic capabilities, the United States continues to be the [Military Intelligence Department of the People's Republic of China]'s primary target.

The DCI went on to report:

> During the past 20 years, China has established a notable intelligence capability in the United States through its commercial presence.

And added that China's commercial entities play a significant role in pursuit of U.S. proprietary information and trade secrets.

One of China's greatest successes has been its collection against the U.S. nuclear weapons labs. As the U.S. Intelligence Community concluded last year:

> China obtained by espionage classified U.S. nuclear weapons information, [including] at least basic design information on several modern U.S. nuclear reentry vehicles, including the Trident II (W88).

The special advisory panel of the President's Foreign Intelligence Advisory Board PFIAB concluded:

> [T]he nature of the intelligence-gathering methods used by the People's Republic of China poses a special challenge to the U.S. in general and the [DOE] weapons labs in particular. . . . The Chinese services have become very proficient in the art of seemingly innocuous elicitations of information. This approach has proved very effective against unwitting and ill-prepared DOE personnel.

In another example, an investigation by the Senate Select Committee on Intelligence concluded that U.S. officials "failed to take seriously enough the counterintelligence threat" in launching U.S. satellites on PRC rockets. Technology transfers in the course of U.S.-PRC satellite launches:

> Enable the PRC to improve its present and future space launch vehicle and intercontinental ballistic missile.

But the Chinese are also active in traditional methods of intelligence gathering, which brings us to the subject of my legislation. Especially in the wake of U.S. military success in the Gulf War, the acquisition of advanced U.S. military technology has been a primary thrust of PRC espionage and intelligence collection efforts.

If you want money, and if you are so inclined, you rob a bank because, as a bank robber Willy Sutton famously observed: "that's where the money is."

If you want information on the most advanced military power in the world, the Pentagon is where the information is.

I am hopeful that this bill can be taken up and passed quickly by the Senate and the House in order to ensure that the divestiture occurs in an orderly and speedy manner.

Mr. President, this is a serious matter.

By Mr. WELLSTONE:

S. 2802. A bill to amend the Equity in Educational Land-Grant Status Act of 1994 to add White Earth Tribal and Community College to the list of 1994 Institutions; to the Committee on Health, Education, Labor, and Pensions.

DESIGNATION OF WHITE EARTH TRIBAL & COMMUNITY COLLEGE AS A 1994 LAND GRANT INSTITUTION

Mr. WELLSTONE. Mr. President, I am introducing legislation today which will add the White Earth Tribal & Community College of Mahnomen, Minnesota to the list of 1994 Land Grant Institutions. Designation as a 1994 land grant institution would give White Earth Tribal & Community College access to critical federal funding and resources made available under the Equity in Educational Land-Grant Status Act of 1994 as well as providing eligibility for other programs.

Tribal colleges provide their students and their communities at-large with otherwise non-existent opportunities. They serve as library facilities for historical tribal documents—things like the oral history of elders that might otherwise be lost in time. They promote pride in their shared tribal background, and they provide unique opportunities for learning about this background. They are a center of learning for the entire community—not only learning about their tribal history, but also the basic learning that enables some to continue adult education, some to go on to 4-year institutions and some to finish graduate school. The colleges also offer a place for alcohol abuse workshops, job training seminars, and in some cases even day care centers. These colleges can offer benefits for all people in their communities, which is why we should offer our help to those tribal colleges who demonstrate their ability to serve their students and their community in this way.

The purpose of the 1994 land-grant act was to enable tribal colleges to receive funds to build their programs, enhance their infrastructure, and educate their communities. However, new tribal colleges, founded since 1994 are not automatically eligible for land grant status, they must be so designated by legislation. One such college is the White Earth Tribal & Community College in Mahnomen, Minnesota. Founded in 1997, this college is now the center of learning for approximately 100 students. Their courses cover a wide range of material including math, history, computer science, and business communications. The college is currently seeking accreditation and is a member of the American Indian Higher Education Consortium (AIHEC). White Earth Tribal & Community College is also recognized by its peers as an important place of higher learning. Other local colleges, such as Moorhead State University, Northwest Technical College, and Northland Community and Technical College, accept its transfer credits.

Mr. President, we should offer this college the opportunity it deserves to expand and strengthen its efforts to enhance the lives of everyone around it. Giving White Earth Tribal & Community College the same federal land-grant status that we gave other tribal colleges in 1994 is a matter of basic equity. Adoption of this legislation would signal a willingness to continue our support of new tribal colleges in their efforts to enhance education in their communities.

ADDITIONAL COSPONSORS

S. 1150

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1150, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1159

At the request of Mr. STEVENS, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1608

At the request of Mr. WYDEN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

S. 2100

At the request of Mr. EDWARDS, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2100, a bill to provide for fire sprinkler systems in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2293

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2357

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2386

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2459

At the request of Mr. ROTH, his name was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

At the request of Mr. GREGG, his name was added as a cosponsor of S. 2459, supra.

At the request of Mr. FRIST, his name was added as a cosponsor of S. 2459, supra.

At the request of Mr. ROBERTS, his name was added as a cosponsor of S. 2459, supra.

S. 2585

At the request of Mr. GRAHAM, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2587

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2587, a bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires.

S. 2609

At the request of Mr. CRAIG, the names of the Senator from Utah (Mr. HATCH) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2689

At the request of Ms. LANDRIEU, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of S. 2689, a bill to authorize the President to award a gold medal on behalf of Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2739

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mr. BOND), the Senator from Illinois (Mr. FITZGERALD), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2769

At the request of Mr. MACK, his name was added as a cosponsor of S. 2769, a bill to authorize funding for National Instant Criminal Background Check System improvements.

S. 2790

At the request of Mr. FITZGERALD, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2790, a bill instituting a Federal fuels tax holiday.

S. 2791

At the request of Mrs. HUTCHISON, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 2791, a bill instituting a Federal fuels tax suspension.

S. RES. 268

At the request of Mr. EDWARDS, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 268, a resolution designating July 17 through July 23 as "National Fragile X Awareness Week."

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Delaware (Mr. ROTH) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 3198

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 3198 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3551

At the request of Mr. L. CHAFEE, the names of the Senator from Oregon (Mr. SMITH), the Senator from Nevada (Mr. BRYAN), the Senator from Ohio (Mr. DEWINE), the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. LUGAR), the Senator from California (Mrs. FEINSTEIN), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of amendment No. 3551 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3602

At the request of Mr. BOND, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of amendment No. 3602 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3604

At the request of Mrs. MURRAY, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Virginia (Mr. ROBB), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Rhode Island (Mr. REED), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nevada (Mr. REID), the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. AKAKA), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 3604 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

SENATE RESOLUTION 328—TO COMMEND AND CONGRATULATE THE LOUISIANA STATE UNIVERSITY TIGERS ON WINNING THE 2000 COLLEGE WORLD SERIES

Ms. LANDRIEU (for herself and Mr. BREAUX) submitted the following resolution; which was considered and agreed to:

S. RES. 328

Whereas the Louisiana State University baseball team completed the year with 13 consecutive wins, with a record of 4–0 in the Southeastern Conference tournament, 3–0 in Subregional action, 2–0 in Super Regional contests and 4–0 in the College World Series, ending its exciting season by defeating the previously undefeated Stanford Cardinal 6–5 on June 17, 2000, in Omaha, Nebraska, to win its fifth national championship in 10 years;

Whereas Louisiana State University firmly established itself as the dominant college baseball team of the decade, winning the College World Series title in 1991, 1993, 1996, and 1997;

Whereas Louisiana State University finished with a regular season record of 46-12 and a team batting average of .341;

Whereas Louisiana State University's senior catcher, Brad Cresse, distinguished himself in the championship game and throughout the season as one of the premier players in all of college baseball, leading the nation by hitting a total of 30 home runs in 2000;

Whereas Louisiana State University's senior right-handed pitcher, Trey Hodges, who earned the Most Outstanding Player Award of the College World Series, gave up just 2 hits and 1 walk in 4 innings while striking out 4 batters in his second victory of the College World Series, personifying the persistence and competitiveness that carried Louisiana State University throughout the year;

Whereas Louisiana State University's coach, Skip Bertman, named The Collegiate Baseball Newspaper's National Coach of The Year, has never allowed the Tigers to lose a College World Series championship game;

Whereas Coach Skip Bertman has instilled in his players unceasing dedication and teamwork, and has inspired in the rest of us an appreciation for what it means to win with dignity, integrity, and true sportsmanship;

Whereas Louisiana State University's thrilling victory in the College World Series championship game enraptured their loyal and loving fans from Baton Rouge to Shreveport, taking "Tigermania" to new heights and filling the people of Louisiana with an overwhelming sense of pride, honor, and community; and

Whereas Louisiana State University's national championship spotlights one of the nation's premier State universities, which is committed to academic and athletic excellence: Now, therefore, be it

Resolved,

SECTION 1. COMMENDING AND CONGRATULATING LOUISIANA STATE UNIVERSITY ON WINNING THE 2000 COLLEGE WORLD SERIES CHAMPIONSHIP.

The Senate commends and congratulates the Tigers of Louisiana State University on winning the 2000 College World Series championship.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the chancellor of the Louisiana State University and Agricultural and Mechanical College in Baton Rouge, Louisiana.

AMENDMENTS SUBMITTED

DEPARTMENT OF LABOR APPROPRIATIONS ACT, 2001

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 3628

Mr. SMITH of New Hampshire proposed an amendment to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the appropriate place, add the following:

"SEC. . PURCHASE OF FETAL TISSUE.

"None of the funds made available in this Act may be used to pay, reimburse, or otherwise compensate, directly or indirectly, any abortion provider, fetal tissue procurement contractor, or tissue resource source, for fetal tissue, or the cost of collecting, transferring, or otherwise processing fetal tissue, if such fetal tissue is obtained from induced abortions.".

REID (AND BOXER) AMENDMENTS NOS. 3629–3630

Mr. REID (for himself and Mrs. BOXER) proposed two amendments to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3629

At the appropriate place, insert the following:

SENSE OF THE SENATE ON PREVENTION OF NEEDLESTICK INJURIES

SEC. . (a) FINDINGS.—The Senate finds that—

(1) the Centers for Disease Control and Prevention reports that American health care workers report 600,000-800,000 needlestick and sharps injuries each year;

(2) the occurrence of needlestick injuries is believed to be widely under-reported;

(3) needlestick and sharps injuries result in at least 1,000 new cases of health care workers with HIV, hepatitis C or hepatitis B every year; and

(4) more than 80 percent of needlestick injuries can be prevented through the use of safer devices.

(5) OSHA's November 1999 Compliance Directive has helped clarify the duty of employers to use safer needle devices to protect their workers. However, millions of State and local government employees are not covered by OSHA's bloodborn pathogen standard and are not protected against the hazards of needlesticks.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should pass legislation that would eliminate or minimize the significant risk of needlestick injury to health care workers.

AMENDMENT NO. 3630

On page 54, between lines 10 and 11, insert the following:

SEC. . (a) IN GENERAL.—There is appropriated $10,000,000 that may be used by the Director of the National Institute for Occupational Safety and Health to—

(1) establish and maintain a national database on existing needleless systems and sharps with engineered sharps injury protections;

(2) develop a set of evaluation criteria for use by employers, employees, and other persons when they are evaluating and selecting needleless systems and sharps with engineered sharps injury protections;

(3) develop a model training curriculum to train employers, employees, and other persons on the process of evaluating needleless systems and sharps with engineered sharps injury protections and to the extent feasible to provide technical assistance to persons who request such assistance; and

(4) establish a national system to collect comprehensive data on needlestick injuries to health care workers, including data on mechanisms to analyze and evaluate prevention interventions in relation to needlestick injury occurrence.

(b) DEFINITIONS.—In this section:

(1) EMPLOYER.—The term "employer" means each employer having an employee with occupational exposure to human blood or other material potentially containing bloodborne pathogens.

(2) ENGINEERED SHARPS INJURY PROTECTIONS.—The term "engineered sharps injury protections" means—

(A) a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, that effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or other effective mechanisms; or

(B) a physical attribute built into any other type of needle device, or into a non-needle sharp, which effectively reduces the risk of an exposure incident.

(3) NEEDLELESS SYSTEM.—The term "needleless system" means a device that does not use needles for—

(A) the withdrawal of body fluids after initial venous or arterial access is established;

(B) the administration of medication or fluids; and

(C) any other procedure involving the potential for an exposure incident.

(4) SHARP.—The term "sharp" means any object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

(5) SHARPS INJURY.—The term "sharps injury" means any injury caused by a sharp, including cuts, abrasions, or needlesticks.

(c) OFFSET.—Amounts made available under this Act for the travel, consulting, and printing services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $10,000,000.

WELLSTONE (AND OTHERS) AMENDMENT NO. 3631

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself, Mr. KENNEDY, Mr. DODD, Mr. BINGAMAN, and Mr. REED) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. . PART A OF TITLE I.

Notwithstanding any other provision of this Act, the total amount appropriated under this Act to carry out part A of title I of the Elementary and Secondary Education Act of 1965 shall be $10,000,000,000.

WYDEN AMENDMENT NO. 3632

Mr. WYDEN proposed an amendment to the bill, H.R. 4577, supra, as follows:

At the appropriate place, insert:

SEC. . None of the funds made available under this Act may be made available to any entity under the Public Health Service Act after September 1, 2001, unless the Director of NIH has provided to the Chairman and Ranking Member of the Senate Committee on Health, Education, Labor, and Pensions a proposal to require a reasonable rate of return on both intramural and extramural research by March 31, 2001.

INHOFE (AND OTHERS) AMENDMENT NO. 3633

Mr. INHOFE (for himself, Mr. MURKOWSKI, and Mr. SESSIONS) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. . IMPACT AID.

Notwithstanding any other provision of this Act—

(1) the total amount appropriated under this title to carry out title VIII of the Elementary and Secondary Education Act of 1965 shall be $1,108,200,000;

(2) the total amount appropriated under this title for basic support payments under section 8003(b) of the Elementary and Secondary Education Act of 1965 shall be $896,200,000, and

(3) amounts made available under title I for the administrative and related expenses of the Department of Labor, Health and Human Services, and Education shall be further reduced on a pro rata basis by $78,200,000.

HATCH (AND LEAHY) AMENDMENT NO. 3634

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

Insert at the end the following:

SEC. . PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provided to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of

the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers. In performing such surveys, neither the Department nor the Commission shall collect personally identifiable information of subscribers of the Internet service providers.

(2) FREQUENCY.—The survey required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office of the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term 'Internet service provider' means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

SANTORUM AMENDMENT NO. 3635

Mr. SANTORUM proposed an amendment to the bill, H.R. 4577, supra, as follows:

On page 92, between lines 4 and 5, insert the following:

TITLE VI—UNIVERSAL SERVICE FOR SCHOOLS AND LIBRARIES

SEC. 601. SHORT TITLE.

This title may be cited as the "Neighborhood Children's Internet Protection Act".

SEC. 602. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING SYSTEM FOR COMPUTERS WITH INTERNET ACCESS OR ADOPT INTERNET USE POLICIES.

(a) NO UNIVERSAL SERVICE.—

(1) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following:

"(l) IMPLEMENTATION OF INTERNET FILTERING OR BLOCKING SYSTEM OR USE POLICIES.—

"(1) IN GENERAL.—No services may be provided under subsection (h)(1)(B) to any elementary or secondary school, or any library, unless it provides the certification required by paragraph (2) to the Commission or its designee.

"(2) CERTIFICATION.—A certification under this paragraph with respect to a school or library is a certification by the school, school board, or other authority with responsibility for administration of the school, or the library, or any other entity representing the school or library in applying for universal service assistance, that the school or library—

"(A) has—

"(i) selected a system for its computers with Internet access that are dedicated to student use in order to filter or block Internet access to matter considered to be inappropriate for minors; and

"(ii) installed on such computers, or upon obtaining such computers will install on such computers, a system to filter or block Internet access to such matter; or

"(B)(i) has adopted and implemented an Internet use policy that addresses—

"(I) access by minors to inappropriate matter on the Internet and World Wide Web;

"(II) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

"(III) unauthorized access, including so-called 'hacking', and other unlawful activities by minors online;

"(IV) unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

"(V) whether the school or library, as the case may be, is employing hardware, software, or other technological means to limit, monitor, or otherwise control or guide Internet access by minors; and

"(ii) provided reasonable public notice and held at least one public hearing or meeting which addressed the proposed Internet use policy.

"(3) LOCAL DETERMINATION OF CONTENT.—For purposes of a certification under paragraph (2), the determination regarding what matter is inappropriate for minors shall be made by the school board, library, or other authority responsible for making the determination. No agency or instrumentality of the United States Government may—

"(A) establish criteria for making such determination;

"(B) review the determination made by the certifying school, school board, library, or other authority; or

"(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).

"(4) EFFECTIVE DATE.—This subsection shall apply with respect to schools and libraries seeking universal service assistance under subsection (h)(1)(B) on or after July 1, 2001.".

(2) CONFORMING AMENDMENT.—Subsection (h)(1)(B) of that section is amended by striking "All telecommunications" and inserting "Except as provided by subsection (l), all telecommunications".

(b) STUDY.—Not later than 150 days after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of—

(1) evaluating whether or not currently available commercial Internet blocking, filtering, and monitoring software adequately addresses the needs of educational institutions;

(2) making recommendations on how to foster the development of products which meet such needs; and

(3) evaluating the development and effectiveness of local Internet use policies that are currently in operation after community input.

SEC. 603. IMPLEMENTING REGULATIONS.

Not later than 100 days after the date of the enactment of this Act, the Federal Communications Commission shall adopt rules implementing this title and the amendments made by this title.

KERRY AMENDMENT NO. 3636

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC.   . Notwithstanding any other provision of this Act—

(1) the total amount made available under this title to carry out the technology literacy challenge fund under section 3132 of the Elementary and Secondary Education Act of 1965 shall be $450,000,000; and

(2) amounts made available under titles I and II, and this title, for administrative and related expenses at the Departments of Labor, Health and Human Services, and Education, respectively, shall be reduced on a pro rata basis by $25,000,000.

REED (AND OTHERS) AMENDMENTS NOS. 3637–3639

(Ordered to lie on the table.)

Mr. REED (for himself, Mr. KENNEDY, and Mrs. MURRAY) submitted three amendments intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3637

At the end of title III, insert the following:

SEC.   . GEAR UP PROGRAM.

In addition to any other funds appropriated under this Act to carry out chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated $100,000,000, which shall become available on October 1, 2001.

AMENDMENT NO. 3638

At the end of title III, insert the following:

SEC.   . GEAR UP PROGRAM.

In addition to any other funds appropriated under this Act to carry out chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated $100,000,000.

AMENDMENT NO. 3639

At the end of title III, insert the following:

SEC.   . GEAR UP PROGRAM.

In addition to any other funds appropriated under this Act to carry out chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated $100,000,000: *Provided*, That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to the Congress of a formal budget request by the

President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

BROWNBACK AMENDMENT NO. 3640

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the appropriate place, insert the following:

SEC.   . (a) FINDINGS.—The Senate finds that—

(1) Ocular Albinism is an x-linked genetic disorder affecting 1 in 50,000 American children, mostly males;

(2) affected patients show nystagmus, strabimus, photophobia, severe reduction in visual acuity, and loss of three dimensional vision due to abnormal development of the retina and optic pathways; and

(3) there is a paucity of National Institutes of Health-sponsored research in this disorder and its 5 related conditions (Fundus Hypopigmentations, Macular Hypoplasia, Iris Transillumination, Visual Pathway Misrouting and Nystagmus).

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the National Institutes of Health should develop and fund a research initiative in cooperation with the National Eye Institute into the causes of and treatments for Ocular Albinism and related disorders.

VOINOVICH AMENDMENT NO. 3641

(Ordered to lie on the table.)

Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 59, line 10, insert "; to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);" after "qualified teachers".

COLLINS (AND REED) AMENDMENT NO. 3642

(Ordered to lie on the table.)

Ms. COLLINS (for herself and Mr. REED) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC.   . From amounts made available under this title for the Center for Substance Abuse Treatment (discretionary account), $10,000,000 shall be used to provide grants to local non-profit private and public entities to enable such entities to develop and expand activities to provide substance abuse services to homeless individuals.

COLLINS (AND OTHERS) AMENDMENT NO. 3643

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. JEFFORDS, Mr. BIDEN, Mrs. MURRAY, Mr. ENZI, Mr. WELLSTONE, Mr. BINGAMAN, Mr. ROBB, and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC.   . (a) IN GENERAL.—In addition to amounts appropriated under this title, there is appropriated $5,000,000 to be provided to the Rural Health Outreach Office of the Health Resources and Services Administration for the awarding of grants to community partnerships, that meet the requirements of subsection (b), to enable such partnerships to purchase equipment and provide training as provided for in subsection (c).

(b) REQUIREMENTS.—A community partnership meets the requirements of this subsection if such partnership—

(1) is composed of local emergency response entities such as community training facilities, local emergency responders, fire and rescue departments, police, community hospitals, and local non-profit entities and for-profit entities concerned about cardiac arrest survival rates;

(2) evaluates the local community emergency response times to assess whether they meet the standards established by national public health organizations such as the American Heart Association and the American Red Cross;

(3) submits to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require; and

(4) is located in and serves a rural area (as determined by the Secretary of Health and Human Services).

(c) USE OF FUNDS.—Amounts provided under a grant under this section shall be used—

(1) to purchase automated external defibrillators that have been approved, or cleared for marketing, by the Food and Drug Administration; and

(2) to provide defibrillator and basic life support training in automated external defibrillator usage through the American Heart Association, the American Red Cross, or other nationally recognized training courses.

(d) OFFSET.—Amounts made available under this title for the administrative and related expenses of the Department of Health and Human Services shall be reduced by $5,000,000.

WELLSTONE AMENDMENT NO. 3644

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 71, after line 25, add the following:

SEC.   . (a) In addition to any amounts appropriated under this title for the loan forgiveness for child care providers program under section 428K of the Higher Education Act of 1965 (20 U.S.C. 1078-11), an additional $10,000,000 is appropriated to carry out such program.

(b) Notwithstanding any other provision of this Act, amounts made available under titles I and II, and this title, for salaries and expenses at the Departments of Labor, Health and Human Services, and Education, respectively, shall be reduced on a pro rata basis by $10,000,000.

LANDRIEU AMENDMENT NO. 3645

(Ordered to lie on the table.)

Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill, H.R. 4577, supra; as follows:

On page 55, strike line 21 and all that follows through page 56, line 8, and insert the following:

Higher Education Act of 1965, $9,586,800,000, of which $2,912,222,521 shall become available on July 1, 2001, and shall remain available through September 30, 2002, and of which $6,674,577,479 shall become available on October 1, 2001, and shall remain available through September 30, 2002, for academic year 2000-2001: *Provided*, That $6,985,399,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 2000, to obtain updated local educational agency level census poverty data from the Bureau of the Census: *Provided further*, That $1,200,400,000 shall be available for concentration grants under section 1124A: *Provided further*, That $750,000,000 shall be available for targeted grants under section 1125 of the Elementary and Secondary Education Act of 1965: *Provided further*, That grant awards under * * *

BROWNBACK AMENDMENT NO. 3646

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the end of title V, add the following:

SEC.   . (a) Congress finds that—

(1) family structure and function have a significant impact on children's physical and emotional health, academic performance, social adjustment, and well-being;

(2) research on family structure and function may prove helpful in reducing health care costs, strengthening families, and improving the health and well-being of children; and

(3) the Federal Interagency Forum on Child and Family Statistics has recommended increased data collection relating to family structure and function.

(b)(1)(A) The Federal officers and employees described in paragraph (2) shall conduct research relating to family structure and function, and their impact on children.

(B) In conducting the research, the officers and employees shall collect data that describe—

(i) children's living arrangements;

(ii) children's interactions with parents and guardians (including non-residential parents); and

(iii) the number of children who live with biological parents, stepparents, adoptive parents, or guardians, or with no parent or guardian.

(2) The Federal officers and employees referred to in paragraph (1) are—

(A) in the Department of Health and Human Services—

(i) the Director of the National Center for Health Statistics in the Centers for Disease Control and Prevention;

(ii) the Director of the Agency for Healthcare Research and Quality;

(iii) the Director of the National Institute of Child Health and Human Development of the National Institutes of Health;

(iv) the Assistant Secretary for Children and Families;

(v) the Associate Administrator of the Maternal and Child Health Bureau of the Health Resources and Services Administration; and

(vi) the Assistant Secretary for Planning and Evaluation; and

(B) in the Department of Labor, the Commissioner of Labor Statistics.

(c) There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2001.

COVERDELL AMENDMENTS NOs. 3647–3648

(Ordered to lie on the table.)

Mr. COVERDELL submitted two amendments intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3647

On page 92, between lines 4 and 5, insert the following:

SEC. . PROHIBITION.

None of the funds made available under this Act may be used to enter into a contract with a person or entity that is the subject of a criminal, civil, or administrative proceeding commenced by the Federal Government and alleging fraud.

AMENDMENT NO. 3648

Strike Sec. 505 and insert the following:

"SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needless or syringes for the hypodermic injection of any illegal drug."

BINGAMAN (AND OTHERS) AMENDMENT NO. 3649

Mr. BINGAMAN (for himself, Mr. REED, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, and Mr. WELLSTONE) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 57, line 19, after "year" insert the following: ": *Provided further*, That in addition to any other funds appropriated under this title, there are appropriated, under the authority of section 1002(f) of the Elementary and Secondary Education Act of 1965, $250,000,000 to carry out sections 1116 and 1117 of such Act".

LIEBERMAN (AND OTHERS) AMENDMENT NO. 3650

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself, Mr. GORTON, Mr. BAYH, Mr. BRYAN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following: "Higher Education Act of 1965, $8,986,800,000, of which $2,729,958,000 shall become available on July 1, 2001, and shall remain available through September 30, 2002, and of which $6,223,342,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2000–2001: *Provided*, That $7,113,403,000 shall be available for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965: *Provided further*, That up to $3,500,000 of those funds shall be available to the Secretary on October 1, 2000, to obtain updated local educational agency level census poverty data from the Bureau of the Census: *Provided further*, That $1,222,397,000 shall be available for concentration grants under section 1124A of that Act: *Provided further*, That, in addition to the amounts otherwise made available under this heading, an amount of $1,000 (which shall become available on October 1, 2000) shall be transferred to the account under this heading from the amount appropriated under the heading "PROGRAM ADMINISTRATION" under the heading "DEPARTMENTAL MANAGEMENT" in title III, for carrying out a study by the Comptroller General of the United States, evaluating the extent to which funds made available under part A of title I of the Elementary and Secondary Education Act of 1965 are allocated to schools and local educational agencies with the greatest concentrations of school-age children from low-income families, the extent to which allocations of such funds adjust to shifts in concentrations of pupils from low-income families in different regions, States, and substate areas, the implications of current distribution methods for such funds, and formula and other policy recommendations to improve the targeting of such funds to more effectively serve low-income children in both rural and urban areas, and for preparing interim and final reports based on the results of the study, to be submitted to Congress not later than February 1, 2001, and April 1, 2001, respectively: *Provided further*, That grant awards under sec-".

DOMENICI AMENDMENT NO. 3651

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 4, between lines 6 and 7, insert the following:

Of the funds made available under this heading for dislocated worker employment and training activities, $5,000,000 shall be available to the New Mexico Telecommunications Call Center Training Consortium for such activities.

BINGAMAN (AND OTHERS) AMENDMENT NO. 3652

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. REID, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

At the end, add the following:

Division B

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the 'Energy Security Tax Act of 2000'.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ENERGY-EFFICIENT PROPERTY USED IN BUSINESS

Sec. 101. Credit for certain energy-efficient property used in business.
Sec. 102. Energy Efficient Commercial Building Property Deduction.

TITLE II—NONBUSINESS ENERGY SYSTEMS

Sec. 201. Credit for certain nonbusiness energy systems.

TITLE III—ALTERNATIVE FUELS

Sec. 301. Allocation of alcohol fuels credit to patrons of a cooperative.

TITLE IV—AUTOMOBILES

Sec. 401. Extension of credit for qualified electric vehicles.

TITLE V—CLEAN COAL TECHNOLOGIES

Sec. 501. Credit for investment in qualifying clean coal technology.
Sec. 502. Credit for production from qualifying clean coal technology.
Sec. 503. Risk pool for qualifying clean coal technology.

TITLE VI—METHANE RECOVERY

Sec. 601. Credit for capture of coalbed methane gas.

TITLE VII—OIL AND GAS PRODUCTION

Sec. 701. Credit for production of re-refined lubricating oil.
Sec. 702. Oil and gas from marginal wells.
Sec. 703. Deduction for delay rental payments.
Sec. 704. Election to expense geological and geophysical expenditures.

TITLE VIII—RENEWABLE POWER GENERATION

Sec. 801. Modifications to credit for electricity produced from renewable resources.
Sec. 802. Credit for capital costs of qualified biomass-based generating system.
Sec. 803. Treatment of facilities using bagasse to produce energy as solid waste disposal facilities eligible for tax-exempt financing.

TITLE IX—STEELMAKING

Sec. 901. Credit for investment in energy-efficient steelmaking facilities.
See. 902. Extension of credit for electricity to production from steel cogeneration.

TITLE X—AGRICULTURE

Sec. 1001. Agricultural Conservation Tax Credit.

TITLE XI—ENERGY EMERGENCIES

Sec. 1101. Energy Policy and Conservation Act Amendments.
Sec. 1102. Annual Home Heating Readiness Reports.
Sec. 1103. Summer Fill and Fuel Budgeting Programs.
Sec. 1104. Use of Energy Futures for Fuel Purchases.
Sec. 1105. Full Expensing of Home Heating Oil and Propane Storage Facilities.

TITLE XII—ENERGY EFFICIENCY

Sec. 1201. Energy Savings Performance Contracts.
Sec. 1202. Weatherization.

TITLE XIII—ELECTRIC RELIABILITY

Sec. 1301. Short Title.
Sec. 1302. Electric Reliability Organization.

Title I—Energy-Efficient Property Used in Business

SEC. 101. CREDIT FOR CERTAIN ENERGY-EFFICIENT PROPERTY USED IN BUSINESS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter I (relating to rules for computing investment credit) is amended by inserting after section 48 the following:

"SEC. 48A. ENERGY CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the energy credit for any taxable year is the sum of—

"(1) the amount equal to the energy percentage of the basis of each energy property placed in service during such taxable year, and

"(2) the credit amount for each qualified hybrid vehicle placed in service during the taxable year.

"(b) ENERGY PERCENTAGE.—

"(1) IN GENERAL.—The energy percentage is—

"(A) except as otherwise provided in this subparagraph, 10 percent,

"(B) in the case of energy property described in clauses (i), (iii), (vi), and (vii) of subsection (c)(1)(A), 20 percent,

"(C) in the case of energy property described in subsection (c)(1)(A)(v), 15 percent, and

"(D) in the case of energy property described in subsection (c)(1)(A)(ii) relating to a high risk geothermal well, 20 percent.

"(2) COORDINATION WITH REHABILITATION.—The energy percentage shall not apply to that portion of the basis of any property which is attributable to qualified rehabilitation expenditures.

"(c) ENERGY PROPERTY DEFINED.—

(1) IN GENERAL.—For purposes of this subpart, the term 'energy property' means any property—

"(A) which is—

"(i) energy property,

"(ii) geothermal energy property,

"(iii) energy-efficient building property,

"(iv) combined heat and power system property,

"(v) low core loss distribution transformer property,

"(vi) qualified anaerobic digester property, or

"(vii) qualified wind energy systems equipment property,

"(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

"(C) which can reasonably be expected to remain in operation for at least 5 years,

"(D) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

"(E) which meets the performance and quality standards (if any) which—

"(i) have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy), and

"(ii) are in effect at the time of the acquisition of the property.

"(2) EXCEPTIONS.—

"(A) PUBLIC UTILITY PROPERTY.—Such term shall not include any property which is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), except for property described in paragraph (1)(A)(iv).

"(B) CERTAIN WIND EQUIPMENT.—Such term shall not include equipment described in paragraph (1)(A)(vii) which is taken into account for purposes of section 45 for the taxable year.

"(d) DEFINITIONS RELATING TO TYPES OF ENERGY PROPERTY.—For purposes of this section—

"(1) SOLAR ENERGY PROPERTY.—

"(A) IN GENERAL.—The term 'solar energy property' means equipment which uses solar energy to generate electricity, to heat or cool (or provide hot water for use in) a structure, or to provide solar process heat.

"(B) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—The term 'solar energy property' shall not include property with respect to which expenditures are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage.

"(C) SOLAR PANELS.—No solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as solar energy property solely because it constitutes a structural component of the structure on which it is installed.

"(2) GEOTHERMAL ENERGY PROPERTY.—

"(A) IN GENERAL.—The term 'geothermal energy property' means equipment used to produce, distribute, or use energy derived from a geothermal deposit (within the meaning of section 613(e)(2)), but only, in the case of electricity generated by geothermal power, up to (but not including) the electrical transmission state.

"(B) HIGH RISK GEOTHERMAL WELL.—The term 'high risk geothermal well' means a geothermal deposit (within the meaning of section 613(e)(2)) which requires high risk drilling techniques. Such deposit may not be located in a State or national park or in an area in which the relevant State park authority or the National Park Service determines the development of such a deposit will negatively impact on a State or national park.

"(3) ENERGY-EFFICIENT BUILDING PROPERTY.—

"(A) IN GENERAL.—The term 'energy-efficient building property' means—

"(i) a fuel cell that—

"(I) generates electricity and heat using an electrochemical process,

"(II) has an electricity-only generation efficiency greater than 35 percent, and

"(III) has a minimum generating capacity of 5 kilowatts,

"(ii) an electric heat pump hot water heater that yields an energy factor of 1.7 or greater under standards prescribed by the Secretary of Energy,

"(iii) an electric heat pump that has a heating system performance factor (HSPF) of 9 or greater and a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater,

"(iv) a natural gas heat pump that has a coefficient of performance of not less than 1.25 for heating and not less than 0.60 for cooling,

"(v) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater,

"(vi) an advanced natural gas water heater that—

"(I) increases steady state efficiency and reduces standby and vent losses, and

"(II) has an energy factor of at least 0.65,

"(vii) an advanced natural gas furnace that achieves a 95 percent AFUE, and

"(viii) natural gas cooling equipment—

"(I) that has a coefficient of performance of not less than .60, or

"(II) that uses desiccant technology and has an efficiency rating of 40 percent.

"(B) LIMITATIONS.—The credit under subsection (a)(1) for the taxable year may not exceed—

"(i) $500 in the case of property described in subparagraph (A) other than clauses (i) and (iv) thereof,

"(ii) $500 for each kilowatt of capacity in the case of a fuel cell described in subparagraph (A)(i), and

"(iii) $1,000 in the case of a natural gas heat pump described in subparagraph (A)(iv).

"(4) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

"(A) IN GENERAL.—The term 'combined heat and power system property' means property—

"(i) comprising a system for using the same energy source for the sequential generation of electrical power, mechanical shaft power, or both, in combination with steam, heat, or other forms of useful energy,

"(ii) that has an electrical capacity of more than 50 kilowatts, and

"(iii) that produces at least 20 percent of its total useful energy in the form of both thermal energy and electrical or mechanical power.

"(B) ACCOUNTING RULE FOR PUBLIC UTILITY PROPERTY.—In the case that combined heat and power system property is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), the taxpayer may only claim the credit under subsection (a)(1) if, with respect to such property, the taxpayer uses a normalization method of accounting.

"(5) LOW CORE LOSS DISTRIBUTION TRANSFORMER PROPERTY.—The term 'low core loss distribution transformer property' means a distribution transformer which has energy savings from a highly efficient core of at least 20 percent more than the average for power ratings reported by studies required under section 124 of the Energy Policy Act of 1992.

"(6) QUALIFIED ANAEROBIC DIGESTER PROPERTY.—The term 'qualified anaerobic digester property' means anaerobic digester for manure or crop waste that achieves at least 65 percent efficiency measured in terms of the fraction of energy input converted to electricity and useful thermal energy.

"(7) QUALIFIED WIND ENERGY SYSTEMS EQUIPMENT PROPERTY.—The term 'qualified wind energy systems equipment property' means wind energy systems equipment with a turbine size of not more than 50 kilowatts rated capacity.

"(e) QUALIFIED HYBRID VEHICLES.—For purposes of subsection (a)(2)—

"(1) CREDIT AMOUNT.—

"(A) IN GENERAL.—The credit amount for each qualified hybrid vehicle with a rechargeable energy storage system that provides the applicable percentage of the maximum available power shall be the amount specified in the following table:

"Applicable percentage		Credit amount is:
Greater than or equal to	Less than	
5 percent	10 percent	$500
10 percent	20 percent	1,000
20 percent	30 percent	1,500
30 percent		2,000

"(B) INCREASE IN CREDIT AMOUNT FOR REGENERATIVE BRAKING SYSTEM.—In the case of a qualified hybrid vehicle that actively employs a regenerative braking system which supplies to the rechargeable energy storage system the applicable percentage of the energy available from braking in a typical 60 miles per hour to 0 miles per hour braking event, the credit amount determined under subparagraph (A) shall be increased by the amount specified in the following table:

"Applicable percentage		Credit amount is:
Greater than or equal to	Less than	
20 percent	40 percent	$250
40 percent	60 percent	500
60 percent		1,000

"(2) QUALIFIED HYBRID VEHICLE.—The term 'qualified hybrid vehicle', means an automobile that meets all applicable regulatory requirements and that can draw propulsion energy from both of the following on-board sources of stored energy:

"(A) A consumable fuel.

"(B) A rechargeable energy storage system.

"(3) MAXIMUM AVAILABLE POWER.—The term 'maximum available power' means the maximum value of the sum of the heat engine and electric drive system power or other non-heat energy conversion devices available for a driver's command for maximum acceleration at vehicle speeds under 75 miles per hour.

"(4) Automobile.—The term 'automobile' has the meaning given such term by section 4064(b)(1) (without regard to subparagraphs (B) and (C) thereof). A vehicle shall not fail to be treated as an automobile solely by reason of weight if such vehicle is rated at 8,500 pounds gross vehicle weight rating or less.

"(5) Double benefit; property used outside United States, etc., not qualified.—No credit shall be allowed under subsection (a)(2) with respect to—

"(A) any property for which a credit is allowed under section 25B or 30,

"(B) any property referred to in section 50(b), and

"(C) the portion of the cost of any property taken into account under section 179 or 179A.

"(6) Regulations.—

"(A) Treasury.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.

"(B) Environmental protection agency.—The Administrator of the Environmental Protection Agency shall prescribe such regulations as may be necessary or appropriate to specify the testing and calculation procedures that would be used to determine whether a vehicle meets the qualifications for a credit under this subsection.

"(7) Termination.—Paragraph (2) shall not apply with respect to any vehicle placed in service during a calendar year ending before January 1, 2003, or after December 31, 2006.

"(f) Special Rules.—For purposes of this section—

"(1) Special rule for property financed by subsidized energy financing or industrial development bonds.—

(A) Reduction of basis.—For purposes of applying the energy percentage to any property, if such property is financed in whole or in part by—

"(i) subsidized energy financing, or

"(ii) the proceeds of a private activity bond (within the meaning of section 141) the interest on which is exempt from tax under section 103, the amount taken into account as the basis of such property shall not exceed the amount which (but for this subparagraph) would be so taken into account multiplied by the fraction determined under subparagraph (B).

"(B) Determination of fraction.—For purposes of subparagraph (A), the fraction determined under this subparagraph is 1 reduced by a fraction—

"(i) the numerator of which is that portion of the basis of the property which is allocable to such financing or proceeds, and

"(ii) the denominator of which is the basis of the property.

"(C) Subsidized energy financing.—For purposes of subparagraph (A), the term 'subsidized energy financing' means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

"(2) Certain progress expenditure rules made applicable.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

"(g) Application of Section.—

"(1) In general.—Except as provided by paragraph (2) and subsection (e), this section shall apply to property placed in service after December 31, 1999, and before January 1, 2004.

"(2) Exceptions.—

"(A) Solar energy and geothermal energy property.—Paragraph (1) shall not apply to solar energy property or geothermal energy property.

"(B) Fuel cell property.—In the case of property that is a fuel cell described in subsection (d)(3)(A)(i), this section shall apply to property placed in service after December 31, 1999, and before January 1, 2005."

(b) Conforming Amendments.—

(1) Section 48 is amended to read as follows:

"SEC. 48. REFORESTATION CREDIT.

"(a) In General.—For purposes of section 46, the reforestation credit for any taxable year is 20 percent of the portion of the amortizable basis of any qualified timber property which was acquired during such taxable year and which is taken into account under section 194 (after the application of section 194(b)(1)).

"(b) Definitions.—For purposes of this subpart, the terms 'amortizable basis' and 'qualified timber property' have the respective meanings given to such terms by section 194."

(2) Section 39(d) is amended by adding at the end the following:

"(9) No carryback of energy credit before effective date.—No portion of the unused business credit for any taxable year which is attributable to the energy credit determined under section 48A may be carried back to a taxable year ending before the date of the enactment of section 48A."

(3) Section 280C is amended by adding at the end the following:

"(d) Credit for Energy Property Expenses.—

"(1) In general.—No deduction shall be allowed for that portion of the expenses for energy property (as defined in section 48A(c)) otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 48A(a).

"(2) Similar rule where taxpayer capitalizes rather than deducts expenses.—If—

"(A) the amount of the credit allowable for the taxable year under section 48A (determined without regard to section 38(c)), exceeds

"(B) the amount allowable as a deduction for the taxable year for expenses for energy property (determined without regard to paragraph (1)), the amount chargeable to capital account for the taxable year for such expenses shall be reduced by the amount of such excess.

"(3) Controlled groups.—Paragraph (3) of subsection (b) shall apply for purposes of this subsection."

(4) Section 29(b)(3)(A)(i)(III) is amended by striking "section 48(a)(4)(C)" and inserting "section 48A(f)(1)(C)".

(5) Section 50(a)(2)(E) is amended by striking "section 48(a)(5)" and inserting "section 48A(f)(2)".

(6) Section 168(e)(3)(B) is amended—

(A) by striking clause (vi)(I) and inserting the following:

"(I) is described in paragraph (1) or (2) of section 48A(d) (or would be so described if 'solar and wind' were substituted for 'solar' in paragraph (1)(B)),", and

(B) in the last sentence by striking, "section 48(a)(3)" and inserting "section 48A(c)(2)(A)".

(c) Clerical Amendment.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48 and inserting the following:

"Sec. 48. Reforestation credit.

'Sec. 48A. Energy credit' "

(e) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 102 ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY DEDUCTION—

"(a) In General.—There shall be allowed as a deduction for the taxable year an amount equal to the sum of the energy efficient commercial building amount determined under subsection (b).

(b) "(1) Deduction allowed.—For purposes of subsection (a)—

"(A) In General.—The energy efficient commercial building property deduction determined under this subsection is an amount equal to energy efficient commercial building property expenditures made by a taxpayer for the taxable year.

"(B) Maximum amount of deduction.—The amount of energy efficient commercial building-property expenditures taken into account under subparagraph (A) shall not exceed an amount equal to the product of—

"(i) $2.25, and

"(ii) the square footage of the building with respect to which the expenditures are made.

"(C) Year deduction allowed.—The deduction under subparagraph (A) shall be allowed in the taxable year in which the construction of the building is completed.

"(2) Energy efficient commercial building property expenditures.—For purposes of this subsection, the term 'energy efficient commercial building property expenditures' means an amount paid or incurred for energy efficient commercial building property installed on or in connection with new construction or reconstruction of property—

"(A) for which depreciation is allowable under section 167,

"(B) which is located in the United States, and

"(C) the construction or erection of which is completed by the taxpayer.

Such property includes all residential rental property, including low-rise multifamily structures and single family housing property which is not within the scope of Standard 90.1-1999 (described in paragraph (3)). Such term includes expenditures for labor costs properly allocable to the on site preparation, assembly, or original installation of the property.

"(3) Energy efficient commercial building property.—For purposes of paragraph (2)—

"(A) In general.—The term 'energy efficient commercial building property' means any property which reduces total annual energy and power costs with respect to the lighting, heating, cooling, ventilation, and hot water supply systems of the building by 50 percent or more in comparison to a reference building which meets the requirements of Standard 90.1-1999 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America using methods of calculation under subparagraph (B) and certified by qualified professionals as provided under paragraph (6).

"(B) Methods of calculation.—The Secretary, in consultation with the Secretary of Energy, shall promulgate regulations which describe in detail methods for calculating and verifying energy and power consumption and cost, taking into consideration the provisions of the 1998 California Nonresidential

ACM Manual. These procedures shall meet the following requirements:

"(i) In calculating tradeoffs and energy performance, the regulations shall prescribe the costs per unit of energy and power, such as kilowatt hour, kilowatt, gallon of fuel oil, and cubic foot or Btu of natural gas, which may be dependent on time of usage.

"(ii) The calculational methodology shall require that compliance be demonstrated for a whole building. If some systems of the building, such as lighting, are designed later than other systems of the building, the method shall provide that either—

"(I) the expenses taken into account under paragraph (1) shall not occur until the date designs for all energy-using systems of the building are completed,

"(II) the energy performance of all systems and components not yet designed shall be assumed to comply minimally with the requirements of such Standard 90.1-1999, or

"(III) the expenses taken into account under paragraph (1) shall be a fraction of such expenses based on the performance of less than all energy-using systems in accordance with clause (iii).

"(iii) The expenditures in connection with the design of subsystems in the building, such as the envelope, the heating, ventilation, air conditioning and water heating system, and the lighting system shall be allocated to the appropriate building subsystem based on system-specific energy cost savings targets in regulations promulgated by the Secretary of Energy which are equivalent, using the calculation methodology, to the whole building requirement of 50 percent savings.

"(iv) The calculational methods under this subparagraph need not comply fully with section 11 of such Standard 90.1-1999.

"(v) The calculational methods shall be fuel neutral, such that the same energy efficiency features shall qualify a building for the deduction under this subsection regardless of whether the heating source is a gas or oil furnace or an electric heat pump.

"(vi) The calculational methods shall provide appropriate calculated energy savings for design methods and technologies not otherwise credited in either such Standard 90.1-1999 or in the 1998 California Nonresidential ACM Manual, including the following:

"(I) Natural ventilation.

"(II) Evaporative cooling.

"(III) Automatic lighting controls such as occupancy sensors, photocells, and timeclocks.

"(IV) Daylighting.

"(V) Designs utilizing semi-conditioned spaces that maintain adequate comfort conditions without air conditioning or without heating.

"(VI) Improved fan system efficiency, including reductions in static pressure.

"(VII) Advanced unloading mechanisms for mechanical cooling, such as multiple or variable speed compressors.

"(VIII) The calculational methods may take into account the extent of commissioning in the building, and allow the taxpayer to take into account measured performance that exceeds typical performance.

"(C) COMPUTER SOFTWARE.—

"(i) IN GENERAL.—Any calculation under this paragraph shall be prepared by qualified computer software.

"(ii) QUALIFIED COMPUTER SOFTWARE.—For purposes of this subparagraph, the term 'qualified computer software' means software—

"(I) for which the software designer has certified that the software meets all procedures and detailed methods for calculating energy and power consumption and costs as required by the Secretary,

"(II) which provides such forms as required to be filed by the Secretary in connection with energy efficiency of property and the deduction allowed under this subsection, and

"(III) which provides a notice form which summarizes the energy efficiency features of the building and its projected annual energy costs.

"(4) ALLOCATION OF DEDUCTION FOR PUBLIC PROPERTY.—In the case of energy efficient commercial building property installed on or in public property, the Secretary shall promulgate a regulation to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the public entity which is the owner of such property. Such person shall be treated as the taxpayer for purposes of this subsection.

"(5) NOTICE TO OWNER.—The qualified individual shall provide an explanation to the owner of the building regarding the energy efficiency features of the building and its projected annual energy costs as provided in the notice under paragraph (3)(C)(ii)(III).

"(6) CERTIFICATION—

"(A) IN GENERAL.—Except as provided in this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish requirements for certification and compliance procedures similar to the procedures under section 25B(c)(7).

"(B) QUALIFIED INDIVIDUALS.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary for such purposes.

"(C) PROFICIENCY OF QUALIFIED INDIVIDUALS.—The Secretary shall consult with nonprofit organizations and State agencies with expertise in energy efficiency calculations and inspections to develop proficiency tests and training programs to qualify individuals to determine compliance.

"(g) TERMINATION.—This section shall not apply with respect to—

"(1) any energy property placed in service after December 31, 2006, and

"(2) any energy efficient commercial building property expenditures in connection with property—

"(A) the plans for which are not certified under subsection (f)(6) on or before December 31, 2006, and

"(B) the construction of which is not completed on or before December 31, 2008.".

TITLE II—NONBUSINESS ENERGY SYSTEMS

SEC. 201. CREDIT FOR CERTAIN NONBUSINESS ENERGY SYSTEMS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following:

"SEC. 25B. NONBUSINESS ENERGY PROPERTY.

"(a) ALLOWANCE OF CREDIT—

"(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(A) the applicable percentage of residential energy property expenditures made by the taxpayer during such year,

"(B) the credit amount (determined under section 48A(e)) for each vehicle purchased during the taxable year which is a qualified hybrid vehicle (as defined in section 48A(e)(2)), and

"(C) the credit amount specified in the following table for a new, highly energy-efficient principal residence:

"Column A—Description in the case of	Column B—Credit amount the credit amount is	Column C—Period for the period	
		Beginning on	Ending on
30 percent property	$1,000	1/1/2000	12/31/2001
40 percent property	1,500	1/1/2000	12/31/2002
50 percent property	2,000	1/1/2000	12/31/2003

In the case of any new, highly energy-efficient principal residence, the credit amount shall be zero for any period for which a credit amount is not specified for such property in the table under subparagraph (C).

"(2) APPLICABLE PERCENTAGE—

"(A) IN GENERAL.—The applicable percentage shall be determined in accordance with the following table:

"Col. A—Description in the case of	Col. B—Applicable percentage is	Col. C—Period for the period	
		Beginning on	Ending on
20 percent energy-eff. bldg. prop.	20	1/1/2000	12/31/2003
10 percent energy-eff. bldg. prop.	10	1/1/2000	12/31/2001
Solar water heating property ...	15	1/1/2000	12/31/2006
Photovoltaic property	15	1/1/2000	12/31/2006

"(B) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any residential energy property, the applicable percentage shall be zero for any period for which an applicable percentage is not specified for such property under subparagraph (A).

"(b) MAXIMUM CREDIT.—

"(1) IN GENERAL.—In the case of property described in the following table, the amount of the credit allowed under subsection (a)(1)(A) for the taxable year for each item of such property with respect to a dwelling unit shall not exceed the amount specified for such property in such table:

Description of property item	Maximum allowable credit amount is
20 percent energy-efficient building property (other than a fuel cell or natural gas heat pump).	$500.
20 percent energy-efficient building property: fuel cell described in section 48A(d)(3)(A)(i).	$500 per each kw/hr of capacity.
Natural gas heat pump described in section 48A(d)(3)(D)(iv).	$1,000.
10 percent energy-efficient building property.	$250.
Solar water heating property	$1,000.
Photovoltaic property	$2,000.

"(2) COORDINATION OF LIMITATIONS.—If a credit is allowed to the taxpayer for any taxable year by reason of an acquisition of a new, highly energy-efficient principal residence, no other credit shall be allowed under subsection (a)(1)(A) with respect to such residence during the 1-taxable year period beginning with such taxable year.

"(c) DEFINITIONS.—For purposes of this section—

"(1) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property installed on or in connection with a dwelling unit which—

"(A) is located in the United States, and

"(B) is used by the taxpayer as a residence.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

"(2) QUALIFIED ENERGY PROPERTY—

"(A) IN GENERAL.—The term 'qualified energy property' means—

"(i) energy-efficient building property,

"(ii) solar water heating property, and

"(iii) photovoltaic property.

"(B) SWIMMING POOL, ETC., USED AS STORAGE MEDIUM; SOLAR PANELS.—For purposes of this paragraph, the provisions of subparagraphs (B) and (C) of section 48A(d)(1) shall apply.

“(3) ENERGY-EFFICIENT BUILDING PROPERTY.—The term ‘energy-efficient building property’ has the meaning given to such term by section 48A(e)(3).

“(4) SOLAR WATER HEATING PROPERTY.—The term ‘solar water heating property’ means property which, when installed in connection with a structure, uses solar energy for the purpose of providing hot water for use within such structure.

“(5) PHOTOVOLTAIC PROPERTY.—The term ‘photovoltaic property’ means property which, when installed in connection with a structure, uses a solar photovoltaic process to generate electricity for use in such structure.

“(6) NEW, HIGHLY ENERGY-EFFICIENT PRINCIPAL RESIDENCE.—

“(A) IN GENERAL.—Property is a new, highly energy-efficient principal residence if—

“(i) such property is located in the United States,

“(ii) the original use of such property commences with the taxpayer and is, at the time of such use, the principal residence of the taxpayer, and

“(iii) such property is certified before such use commences as being 50 percent property, 40 percent property, or 30 percent property.

“(B) 50, 40, OR 30 PERCENT PROPERTY.—

“(i) IN GENERAL.—For purposes of subparagraph (A), property is 50 percent property, 40 percent property, or 30 percent property if the projected energy usage of such property is reduced by 50 percent, 40 percent, or 30 percent, respectively, compared to the energy usage of a reference house that complies with minimum standard practice, such as the 1998 International Energy Conservation Code of the International Code Council, as determined according to the requirements specified in clause (ii).

“(ii) PROCEDURES.—

“(I) IN GENERAL.—For purposes of clause (i), energy usage shall be demonstrated either by a component-based approach or a performance-based approach.

“(II) COMPONENT APPROACH.—Compliance by the component approach is achieved when all of the components of the house comply with the requirements of prescriptive packages established by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, such that they are equivalent to the results of using the performance-based approach of subclause (III) to achieve the required reduction in energy usage.

“(III) PERFORMANCE-BASED APPROACH.—Performance-based compliance shall be demonstrated in terms of the required percentage reductions in projected energy use. Computer software used in support of performance-based compliance must meet all of the procedures and methods for calculating energy savings reductions that are promulgated by the Secretary of Energy. Such regulations on the specifications for software shall be based in the 1998 California Residential Alternative Calculation Method Approval Manual, except that the calculation procedures shall be developed such that the same energy efficiency measures qualify a home for tax credits regardless of whether the home uses a gas or oil furnace or boiler, or an electric heat pump.

“(IV) APPROVAL OF SOFTWARE SUBMISSIONS.—The Secretary of Energy shall approve software submissions that comply with the calculation requirements of subclause (III).

“(C) DETERMINATIONS OF COMPLIANCE.—A determination of compliance made for the purposes of this paragraph shall be filed with the Secretary of Energy within 1 year of the date of such determination and shall include the TIN of the certifier, the address of the building in compliance, and the identity of the person for whom such determination was performed. Determinations of compliance filed with the Secretary of Energy shall be available for inspection by the Secretary.

“(D) COMPLIANCE—

“(i) IN GENERAL.—The Secretary of Energy in consultation with the Secretary of the Treasury shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems.

“(ii) INDIVIDUALS QUALIFIED TO DETERMINE COMPLIANCE.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary of Energy for such purposes.

“(E) PRINCIPAL RESIDENCE.—The term ‘principal residence’ has the same meaning as when used in section 121, except that the period for which a building is treated as the principal residence of the taxpayer shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as the taxpayer's principal residence.

“(d) SPECIAL RULES.—For purposes of this section—

“(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which if jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

“(A) The amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

“(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

“(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who in tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

“(3) CONDOMINIUMS.—

“(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

“(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term ‘condominium management association’ means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

“(4) JOINT OWNERSHIP OF ENERGY ITEMS—

“(A) IN GENERAL.—Any expenditure otherwise qualifying as a residential energy property expenditure shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

“(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

“(5) ALLOCATION IN CERTAIN CASES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), if less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for nonbusiness purposes.

“(B) SPECIAL RULE FOR VEHICLES.—For purposes of this section and section 48A, a vehicle shall be treated as used entirely for business or nonbusiness purposes if the majority of the use of such vehicle is for business or nonbusiness purposes, as the case may be.

“(6) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(1)(B) with respect to—

“(A) any property for which a credit is allowed under section 30 or 48A,

“(B) any property referred to in section 50(b), and

“(C) the portion of the cost of any property taken into account under section 179 or 179A.

“(7) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

“(B) EXPENDITURE PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction of a structure, such expenditure shall be treated as made when the original use of the constructed structure by the taxpayer begins.

“(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

“(8) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

“(A) REDUCTION OF EXPENDITURES.—For purposes of determining the amount of residential energy property expenditures made by any individual with respect to any dwelling unit, there shall not be taken in to account expenditures which are made from subsidized energy financing (as defined in section 48A(f)(1)(C)).

“(B) DOLLAR LIMITS REDUCED.—The dollar amounts in the table contained in subsection (b)(1) with respect to each property purchased for such dwelling unit for any taxable year of such taxpayer shall be reduced proportionately by an amount equal to the sum of—

“(i) the amount of the expenditures made by the taxpayer during such taxable year with respect to such dwelling unit and not taken into account by reason of subparagraph (A), and

“(ii) the amount of any Federal, State, or local grant received by the taxpayer during such taxable year which is used to make residential energy property expenditures with respect to the dwelling unit and is not included in the gross income of such taxpayer.

“(9) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless—

"(A) in the case of solar water heating property, such property is certified for performance and safety by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed, and

"(B) in the case of photovoltaic property, such property meets appropriate fire and electric code requirements.

"(e) Basis Adjustments.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed."

(b) Conforming Amendments.—

(1) Section 1016(a) is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting"; and", by adding at the end the following:

"(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B."

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25A the following:

"Sec. 25B. Nonbusiness energy property."

(c) Effective Date.—The amendments made by this section shall apply to expenditures after December 31, 1999.

TITLE III—ALTERNATIVE FUELS

SEC. 301. ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.

(a) In General.—Section 40(d) (relating to alcohol used as fuel) is amended by adding at the end the following:

"(6) Allocation of small ethanol producer credit to patrons of cooperative.—

"(A) In General.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization made on a timely filed return (including extensions) for such year, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year. Such an election, once made, shall be irrevocable for such taxable year.

"(B) Treatment of organizations and patrons.—The amount of the credit apportioned to patrons pursuant to subparagraph (A)—

"(i) shall not be included in the amount determined under subsection (a) for the taxable year of the organization, and

"(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron in which the patronage dividend for the taxable year referred to in subparagraph (A) is includible in gross income.

"(C) Special rule for decreasing credit for taxable year.—If the amount of the credit of a cooperative organization determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the cooperative organization's return for such year, an amount equal to the excess of such reduction over the amount not apportioned to the patrons under subparagraph (A) for the taxable year shall be treated as an increase in tax imposed by this chapter on the organization. Any such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G of this part."

(b) Technical Amendment.—Section 1388 (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following:

"(k) Cross Reference.—

"For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(d)(6)."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

TITLE IV—AUTOMOBILES

SEC. 401. EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) Extension of Credit For Qualified Electric Vehicles.—Subsection (f) of section 30 (relating to termination) is amended by striking "December 31, 2004" and inserting "December 31, 2006".

(b) Repeal of Phaseout.—Subsection (b) of section 30 (relating to limitations) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(c) No Double Benefit.—

(1) Subsection (d) of section 30 (relating to special rules) is amended by adding at the end the following:

"(5) No double benefit.—No credit shall be allowed under subsection (a) with respect to any vehicle if the taxpayer claims a credit for such vehicle under section 25B(a)(1)(B) or 48A(a)(2)."

(2) Paragraph (3) of section 30(d) (relating to property used outside United States, etc., not qualified) is amended by striking "section 50(b)" and inserting "section 25B, 48A, or 50(b)".

(3) Paragraph (5) of section 179A(e) (relating to property used outside United States, etc., not qualified) is amended by striking "section 50(b)" and inserting "section 25B, 48A, or 50(b)".

(d) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

TITLE V—CLEAN COAL TECHNOLOGIES

SEC. 501. CREDIT FOR INVESTMENT IN QUALIFYING CLEAN COAL TECHNOLOGY.

(a) Allowance of Qualifying Clean Coal Technology Facility Credit.—Section 46 (relating to amount of credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and," and by adding at the end the following:

"(4) the qualifying clean coal technology facility credit."

(b) Amount of Qualifying Clean Coal Technology Facility Credit.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by section 101(a), is amended by inserting after section 48A the following:

Sec 48B. Qualifying clean coal technology facility credit.

"(a) In General.—For purposes of section 46, the qualifying clean coal technology facility credit for any taxable year is an amount equal to 10 percent of the qualified investment in a qualifying clean coal technology facility for such taxable year.

"(b) Qualifying Clean Coal Technology Facility—

"(1) In general.—For purposes of subsection (a), the term 'qualifying clean coal technology facility' means a facility of the taxpayer—

"(A)(i)(I) which replaces a conventional technology facility of the taxpayer and the original use of which commences with the taxpayer, or

"(II) which is a retrofitted or repowered conventional technology facility, the retrofitting or repowering of which is completed by the taxpayer (but only with respect to that portion of the basis which is properly attributable to such retrofitting or repowering), or

"(ii) that is acquired through purchase (as defined by section 179(d)(2)),

"(B) that is depreciable under section 167,

"(C) that has a useful life of not less than 4 years,

"(D) that is located in the United States, and

"(E) that uses qualifying clean coal technology.

"(2) Special rule for sale-leasebacks.—For purposes of subparagraph (A) of paragraph (1), in the case of a facility that—

"(A) is originally placed in service by a person, and

"(B) is sold and leased back by such person, or is leased to such person, within 3 months after the date such facility was originally placed in service, for a period of not less than 12 years,

such facility shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback (or lease) referred to in subparagraph (B). The preceding sentence shall not apply to any property if the lessee and lessor of such property make an election under this sentence. Such an election, once made, may be revoked only with the consent of the Secretary.

"(3) Qualifying clean coal technology.—For purposes of paragraph (1)(A)—

"(A) In general.—The term 'qualifying clean coal technology' means, with respect to clean coal technology—

"(i) applications totaling 1,000 megawatts of advanced pulverized coal or atmospheric fluidized bed combustion technology installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a design average net heat rate of not more than 8,750 Btu's per kilowatt hour,

"(ii) applications totaling 1,500 megawatts of pressurized fluidized bed combustion technology installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a design average net heat rate of not more than 8,400 Btu's per kilowatt hour,

"(iii) applications totaling 1,500 megawatts of integrated gasification combined cycle technology installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a design average net heat rate of not more than 8,550 Btu's per kilowatt hour, and

"(iv) applications totaling 2,000 megawatts or equivalent of technology for the production of electricity installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a carbon emission rate that is not more than 85 percent of conventional technology.

"(B) Exceptions.—Such term shall not include clean coal technology projects receiving or scheduled to receive funding under the Clean Coal Technology Program of the Department of Energy.

"(C) Clean coal technology.—The term 'clean coal technology' means advanced technology that utilizes coal to produce 50 percent or more of its thermal output as electricity including advanced pulverized coal or atmospheric fluidized bed combustion, pressurized fluidized bed combustion, integrated gasification combined cycle, and any other technology for the production of electricity that exceeds the performance of conventional technology.

"(D) CONVENTIONAL COAL TECHNOLOGY.—The term 'conventional technology' means—

"(i) coal-fired combustion technology with a design average net heat rate of not less than 9,300 Btu's per kilowatt hour (HHV) and a carbon equivalents emission rate of not more than 0.53 pounds of carbon per kilowatt hour; or

"(ii) natural gas-fired combustion technology with a design average net heat rate of not less than 7,500 Btu's per kilowatt hour (HHV) and a carbon equivalents emission rate of not more than 0.24 pound of carbon per kilowatt hour.

"(E) DESIGN AVERAGE NET HEAT RATE.—The term 'design average net heat rate' shall be based on the design average annual heat input to and the design average annual net electrical output from the qualifying clean coal technology (determined without regard to such technology's co-generation of steam).

"(F) SELECTION CRITERIA.—Selection criteria for clean coal technology facilities.—

"(i) shall be established by the Secretary of Energy as part of a competitive solicitation,

"(ii) shall include primary criteria of minimum design average net heat rate, maximum design average thermal efficiency, and lowest cost to the government, and

"(iii) shall include supplemental criteria as determined appropriate by the Secretary of Energy.

"(c) QUALIFIED INVESTMENT.—For purposes of subsection (a), the term 'qualified investment' means, with respect to any taxable year, the basis of a qualifying clean coal technology facility placed in service by the taxpayer during such taxable year.

"(d) QUALIFIED PROGRESS EXPENDITURES.—

"(1) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under paragraph (5), the amount of the qualified investment of such taxpayer for the taxable year (determined under subsection (c) without regard to this section) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

"(2) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this subsection, the term 'progress expenditure property' means any property being constructed by or for the taxpayer and which it is reasonable to believe will qualify as a qualifying clean coal technology facility which is being constructed by or for the taxpayer when it is placed in service.

"(3) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this subsection—

"(A) SELF-CONSTRUCTED PROPERTY.—In the case of any self-constructed property, the term 'qualified progress expenditures' means the amount which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

"(B) NON-SELF-CONSTRUCTED PROPERTY.—In the case of non-self-constructed property, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for the construction of such property.

"(4) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) SELF-CONSTRUCTED PROPERTY.—The term 'self-constructed property' means property for which it is reasonable to believe that more than half of the construction expenditures will be made directly by the taxpayer.

"(B) NON-SELF-CONSTRUCTED PROPERTY.—The term 'non-self-constructed property' means property which is not self-constructed property.

"(C) CONSTRUCTION, ETC.—The term 'Construction' includes reconstruction and erection, and the term 'constructed' includes reconstructed and erected.

"(D) ONLY CONSTRUCTION OF QUALIFYING CLEAN COAL TECHNOLOGY FACILITY TO BE TAKEN INTO ACCOUNT.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefor are properly chargeable to capital account with respect to the property.

"(5) ELECTION—An election under this subsection may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

"(e) COORDINATION WITH OTHER CREDITS.—This section shall not apply to any property with respect to which the rehabilitation credit under section 47 or the energy credit under section 48A is allowed unless the taxpayer elects to waive the application of such credit to such property.

"(f) TERMINATION.—This section shall not apply with respect to any qualified investment after December 31, 2014."

(c) RECAPTURE.—Section 50(a) (relating to other special rules) is amended by adding at the end the following:

"(6) SPECIAL RULES RELATING TO QUALIFYING CLEAN COAL TECHNOLOGY FACILITY.—For purposes of applying this subsection in the case of any credit allowable by reason of section 48B, the following shall apply:

"(A) GENERAL RULE.—In lieu of the amount of the increase in tax under paragraph (1), the increase in tax shall be an amount equal to the investment tax credit allowed under section 38 for all prior taxable years with respect to a qualifying clean coal technology facility (as defined by section 48B(b)(1)) multiplied by a fraction whose numerator is the number of years remaining to fully depreciate under this title the qualifying clean coal technology facility disposed of, and whose denominator is the total number of years over which such facility would otherwise have been subject to depreciation. For purposes of the preceding sentence, the year of disposition of the qualifying clean coal technology facility property shall be treated as a year of remaining depreciation.

"(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a qualifying clean coal technology facility under section 48B, except that the amount of the increase in tax under subparagraph (A) of this paragraph shall be substituted in lieu of the amount described in such paragraph (2).

"(C) APPLICATION OF PARAGRAPH.—This paragraph shall be applied separately with respect to the credit allowed under section 38 regarding a qualifying clean coal technology facility."

(d) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules), as amended by section 101(b)(2), is amended by adding at the end the following:

"NO CARRYBACK OF SECTION 48B CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the qualifying clean coal technology facility credit determined under section 48B may be carried back to a taxable year ending before the date of the enactment of section 48B."

(e) TECHNICAL AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting, "and," and by adding at the end the following:

"(iv) the portion of the basis of any qualifying clean coal technology facility attributable to any qualified investment (as defined by section 48B(c))."

(2) Section 50(a)(4) is amended by striking "and (2)" and inserting ", (2), and (6)."

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 101(d), is amended by inserting after the item relating to section 48A the following:

"SEC. 48B. Qualifying clean coal technology facility credit."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 502. CREDIT FOR PRODUCTION FROM QUALIFYING CLEAN COAL TECHNOLOGY.

(a) CREDIT FOR PRODUCTION FROM QUALIFYING CLEAN COAL TECHNOLOGY.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following:

"SEC. 45D. Credit for production from qualifying clean coal technology.

"(a) GENERAL RULE.—For purposes of section 38, the qualifying clean coal technology production credit of any taxpayer for any taxable year is equal to the applicable amount for each kilowatt hour—

"(1) produced by the taxpayer at a qualifying clean coal technology facility during the 10-year period beginning on the date the facility was originally placed in service, and

"(2) sold by the taxpayer to an unrelated person during such taxable year.

"(b) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount with respect to production from a qualifying clean coal technology facility shall be determined as follows:

"(1) In the case of a facility originally placed in service before 2007, if—

"The facility design average net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is:	
	For 1st 5 yrs of such service	For 2d 5 yrs of such service
Not more than 8400	$0.0130	$0.0110
More than 8400 but not more than 8550	.0100	.0085
More than 8550 but not more than 8750	.0090	.0070.

"(2) In the case of a facility originally placed in service after 2006 and before 2011, if—

"The facility design average net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is:	
	For 1st 5 yrs of such service	For 2d 5 yrs of such service
Not more than 7770	$.0100	.0080
More than 7770 but not more than 8125	0080	0065
More than 8125 but not more than 8350	.0070	.0055.

"(3) in the case of a facility originally placed in service after 2010 and before 2015, if—

The facility design average net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is:	
	For 1st 5 yrs of such service	For 2d 5 yrs of such service
Not more than 7720	$.0085	$.0070
More than 7720 but not more than 7380	.0070	0045

"(c) Inflation Adjustment Factor.—Each amount in paragraphs (1), (2), and (3) shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the amount is applied. If any amount as increased under the preceding sentence is not a multiple of 0.01 cent, such amount shall be rounded to the nearest multiple of 0.01 cent.

"(d) Definitions and Special Rules.—For purposes of this section—

"(1) any term used in this section which is also used in section 48B shall have the meaning given such term in section 48B,

"(2) the rules of paragraphs (3), (4), and (5) of section 45 shall apply,

"(3) the term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 1998, and

"(4) the term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed by the Department of Commerce before March 15 of the calendar year."

(b) Credit Treated as Business Credit.—Section 38(b) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following:

"(13) the qualifying clean coal technology production credit determined under section 45D(a)."

(c) Transitional Rule.—Section 39(d) (relating to transitional rules), as amended by section 501(d), is amended by adding at the end the following:

"(11) No carryback of certain credits before effective date.—No portion of the unused business credit for any taxable year which is attributable to the credits allowable under any section added to this subpart by the amendments made by the Energy Security Tax Act of 1999 may be carried back to a taxable year ending before the date of the enactment of such Act."

(d) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

"Sec. 45D. Credit for production from qualifying clean coal technology."

(e) Effective Date.—The amendments made by this section shall apply to production after the date of the enactment of this Act.

SEC. 503. RISK POOL FOR QUALIFYING CLEAN COAL TECHNOLOGY.

(a) Establishment.—The Secretary of the Treasury shall establish a financial risk pool which shall be available to any United States owner of qualifying clean coal technology (as defined in section 48B(b)(3) of the Internal Revenue Code of 1986) to offset for the first 3 years of the operation of such technology the costs (not to exceed 5 percent of the total cost of installation) for modifications resulting from the technology's failure to achieve its design performance.

(b) Authorization of Appropriations.—There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

TITLE VI—METHANE RECOVERY

SEC. 601. CREDIT FOR CAPTURE OF COALBED METHANE GAS.

(a) Credit for Capture of Coalbed Methane Gas.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by section 502(a), is amended by adding at the end the following:

SEC. 45E. CREDIT FOR CAPTURE OF COALBED METHANE GAS.

(d) Definition of Coalmine Methane Gas.—The term "Coalmine Methane Gas" as used in this section means any methane gas which is being liberated, or would be liberated, during coal mine operations or as a result of past coal mining operations, or which is extracted up to ten years in advance of coal mining operations as part of specific plan to mine a coal deposit.

For the purpose of section 38, the coalmine methane gas capture credit of any taxpayer for any taxable year is $1.21 for each one million British thermal units of coalmine methane gas captured by the taxpayer and utilized as a fuel source or sold by or on behalf of the taxpayer to an unrelated person during such taxable year (within the meaning of section 45)."

Credits for the capture of coalmine methane gas shall be earned upon the utilization as a fuel source or sale and delivery of the coalmine methane gas to an unrelated party, except that credit for coalmine methane gas which is captured in advance of mining operations shall be claimed only after coal extraction occurs in the immediate area where the coalmine methane gas was removed.

(c) Credit Treated as Business Credit.—Section 38(b), as amended by section 502(b), is amended by striking "plus" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", plus", and by adding at the end the following:

"(14) the coalmine methane gas capture credit determined under section 45E(a)."

(d) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 502(d), is amended by adding at the end the following:

"Sec. 45E. Credit for the capture of coalmine methane gas."

(e) Effective Date.—The amendments made by this section shall apply to the capture of coalmine methane gas after the date of the enactment of this Act and on or before December 31, 2006.

TITLE VII—OIL AND GAS PRODUCTION

SEC. 701. CREDIT FOR PRODUCTION OF RE-REFINED LUBRICATING OIL.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by section 601(a), is amended by adding at the end the following:

SEC. 45F. CREDIT FOR PRODUCING RE-REFINED LUBRICATING OIL.

(a) General Rule.—For purposes of section 38, the re-refined lubricating oil production credit of any taxpayer for any taxable year is equal to $4.05 per barrel of qualified re-refined lubricating oil production which is attributable to the taxpayer (within the meaning of section 29(d)(3)).

(b) Qualified Re-Refined Lubricating Oil Production.—For purposes of this section—

"(1) In general.—The term 'qualified re-refined lubricating oil production' means a base oil manufactured from at least 95 percent used oil and not more than 2 percent of previously unused oil by a re-refining process which effectively removes physical and chemical impurities and spent and unspent additives to the extent that such base oil meets industry standards for engine oil as defined by the American Petroleum Institute document API 1509 as in effect on the date of the enactment of this section.

"(2) Limitation on amount of production which may qualify.—Re-refined lubricating oil produced during any taxable year shall not be treated as qualified re-refined lubricating oil production but only to the extent average daily production during the taxable year exceeds 7,000 barrels.

"(3) Barrel.—The term 'barrel' has the meaning given such term by section 613A(e)(4).

"(c) Inflation Adjustment.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amount contained in subsection (a) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 29(d)(2)(B) by substituting '1998' for '1979')."

(b) Credit Treated as Business Credit.—Section 38(b) (relating to current year business credit), as amended by section 601(b), is amended by striking "plus" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting ", plus," and by adding at the end the following:

"(15) the re-refined lubricating oil production credit determined under section 45F(a)."

(c) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 601(c), is amended by adding at the end the following:

"Sec. 45F. Credit for producing re-refined lubricating oil."

(d) Effective Date.—The amendments made by this section shall apply to production after the date of the enactment of this Act.

SEC. 702. OIL AND GAS FROM MARGINAL WELLS.

"SEC. 45D. Credit for Producing Oil and Gas From Marginal Wells

"(a) General Rule.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

"(1) the credit amount, and

"(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

"(b) Credit Amount.—For purposes of this section—

"(1) In general.—The credit amount is—

"(A) $3 per barrel of qualified crude oil production, and

"(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

"(2) Reduction as oil and gas prices increase.—

"(A) In general.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

"(i) the excess (if any) of the applicable reference price over $14 ($1.56 for qualified natural gas production), bears to

"(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

"(B) Inflation adjustment.—In the case of any taxable year beginning in a calendar year after 2000, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '1999' for '1990').

(C) Reference price.—For purposes of this paragraph, the term 'reference price means, with respect to any calendar year—

"(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

"(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

"(c) Qualified Crude Oil and Natural Gas Production.—For purposes of this section—

"(1) In general.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a marginal well.

"(2) Limitation on amount of production which may qualify.—

"(A) In general.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

"(B) Proportionate reductions.—

"(i) Short taxable years.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

"(ii) Wells not in production entire year.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

"(3) Definitions.—

"(A) Marginal well.—The term 'marginal well' means a domestic well—

(i) "the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

"(ii) which, during the taxable year—

"(I) has average daily production of not more than 25 barrel equivalents, and

"(II) produces water at a rate not less than 95 percent of total well effluent.

"(B) Crude oil, etc.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

"(C) Barrel equivalent.—The term 'barrel equivalent' means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

"(d) Other Rules.—

"(1) Production attributable to the taxpayer.—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

"(2) Operating interest required.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

"(3) Production from nonconventional sources excluded.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 29 with respect to the well."

"(c) Credit treated as business credit.—Section 38(b) is amended by striking 'plus' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting', 'plus', and by adding at the end the following new paragraph:

"(13) the marginal oil and gas well production credit determined under section 45D(a)."

(d) Credit Allowed Against Regular and Minimum Tax.—

(1) In general.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Special rules for marginal oil and gas well production credit.—

"(A) In general.—In the case of the marginal oil and gas well production credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraphs (A) and (B) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (1)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).

"(B) Marginal oil and gas well production credit.—For purposes of this subsection, the term 'marginal oil and gas well production credit' means the credit allowable under subsection (a) by reason of section 45D(a)."

(2) Conforming amendment.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting "or the marginal oil and gas well production credit" after "employment credit".

(e) Carryback.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following new paragraph:

"(3) 10-year carryback for marginal oil and gas well production credit.—In the case of the marginal oil and gas well production credit—

"(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

"(B) paragraph (1) shall be applied by substituting '10 taxable years' for '1 taxable year' in subparagraph (A) thereof, and

"(C) paragraph (2) shall be applied—

"(i) by substituting '31 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

"(ii) by substituting '30 taxable years' for '20 taxable years' in subparagraph (B) thereof."

(f) Coordination With Section 29.—Section 29(a) is amended by striking "There" and inserting "At the election of the taxpayer, there".

(g) Clerical amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following item:

"Sec. 45D. Credit for producing oil and gas from marginal wells."

(h) Effective Date.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 1999.

SEC. 703. DEDUCTION FOR DELAY RENTAL PAYMENTS.

(a) In General.—Section 263 (relating to capital expenditures) is amended by adding after subsection (i) the following new subsection:

"(j) Delay Rental Payments for Domestic Oil and Gas Wells.—

"(1) In general.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

"(2) Delay rental payments.—For purposes of paragraph (1), the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well."

(b) Conforming Amendment.—Section 263A(c)(3) is amended by inserting "263(j)," after "263(i),".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 1999.

SEC. 704. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) In General.—Section 263 (relating to capital expenditures) is amended by adding after subsection (j) the following new subsection:

"(k) Geological and Geophysical Expenditures for Domestic Oil and Gas Wells.—Notwithstanding subsection (a), a taxpayer may elect to treat geological and geophysical expenses incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) as expenses which are not chargeable to capital account. Any expenses so treated shall be allowed as a deduction in the taxable year in which paid or incurred."

(b) Conforming Amendment.—Section 263A(c)(3) is amended by inserting "263(k)," after "263(j),"

(c) Effective Date.—The amendments made by this section shall apply to costs paid or incurred in taxable years beginning after December 31, 1999.

TITLE VIII—RENEWABLE POWER GENERATION

SEC. 801. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) Expansion of qualified energy resources.—

(1) In general.—Section 45(c)(1) (defining qualified energy resources) is amended by striking 'and' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma, and by adding at the end the following:

"(C) biomass (other than closed-loop biomass), or

"(D) poultry waste."

(2) Definitions.—Section 45(c) is amended by redesignating paragraph (3) as paragraph (4) and by striking paragraph (2) and inserting the following:

"(2) Biomass.—

"(A) In general.—The term 'biomass' means—

"(i) closed-loop biomass, and

"(ii) any solid, nonhazardous, cellulosic waste material, which is segregated from other waste materials, and which is derived from—

"(I) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

"(II) waste pallets, crates, and dunnage, and landscape or right-of-way tree trimmings, but not including unsegregated municipal solid waste (garbage) and post-consumer wastepaper, or

"(III) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues, and

"(iii) poultry waste, including poultry manure and litter, wood shavings, straw, rice hulls, and other bedding material for the disposition of manure.

"(B) CLOSED-LOOP BIOMASS.—The term 'closed-loop biomass' means any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity."

(b) EXTENSION AND MODIFICATION OF PLACED-IN-SERVICE RULES.—Paragraph (4) of section 45(c), as redesignated by subsection (a), is amended to read as follows:

"(4) QUALIFIED FACILITY.—

"(A) WIND FACILITY.—In the case of a facility using wind to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after December 31, 1993, and before January 1, 2004.

"(B) CLOSED-LOOP BIOMASS FACILITY.—In the case of a facility using closed-loop biomass to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is—

"(i) originally placed in service after December 31, 1992, and before January 1, 2004, or

"(ii) originally placed in service before December 31, 1992, and modified to use closed loop biomass to co-fire with coal such date and before January 1, 2004.

"(C) BIOMASS FACILITY.—In the case of a facility using biomass (other than closed-loop biomass) to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of this paragraph and before January 1, 2004.

"(E) SPECIAL RULES.—

"(i) COMBINED PRODUCTION FACILITIES INCLUDED.—For purposes of this paragraph, the term qualified facility shall include a facility using biomass to produce electricity and ethanol.

"(ii) SPECIAL RULES.—In the case of a qualified facility described in subparagraph (C) or (D)—

"(I) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

"(II) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997."

(c) ELECTRICITY PRODUCED FROM BIOMASS CO-FIRED IN COAL PLANTS.—Paragraph (1) of section 45(a) (relating to general rule) is amended by inserting "(1.0 cents in the case of electricity produced by biomass cofired in a facility which produces electricity from coal)" after "1.5 cents."

(d) COORDINATION WITH OTHER CREDITS.—Section 45(d) (relating to definitions and special rules) is amended by adding at the end the following:

"(8) COORDINATION WITH OTHER CREDITS.—This section shall not apply to any production with respect to which the clean coal technology production credit under section 45(b) is allowed unless the taxpayer elects to waive the application of such credit to such production."

"(9) PROPORTIONAL CREDIT FOR FACILITY USING COAL TO CO-FIRE WITH BIOMASS.—In the case of a qualified facility described in subsection (c)(3) (B) using coal to co-fire with biomass, the amount of the credit determined under subsection (a) for taxable year shall be reduced by the percentage of coal comprises (on a Btu Basis) of the average fuel input of the facility for the taxable year.."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced after the of the enactment of this Act.

SEC. 802. CREDIT FOR CAPITAL COSTS OF QUALIFIED BIOMASS-BASED GENERATING SYSTEM.

(a) ALLOWANCE OF QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY CREDIT.—Section 46 (relating to amount of credit), as amended by section 501(a), is amended by striking 'and' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ', and', and by adding at the end the following:

"(5) the qualified biomass-based generating system facility credit."

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by section 501(b), is amended by inserting after section 48C the following:

"SEC. 48C. QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the qualified biomass-based generating system facility credit for any taxable year is an amount equal to 20 percent of the qualified investment in a qualified biomass-based generating system facility for such taxable year.

"(b) QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY.—

"(1) IN GENERAL.—For purposes of subsection (a), the term 'qualified biomass-based generating system facility' means a facility of the taxpayer—

"(A)(i) the original use of which commences with the taxpayer or the reconstruction of which is completed by the taxpayer (but only with respect to that portion of the basis which is properly attributable to such reconstruction), or

"(ii) that is acquired through purchase (as defined by section 179(d)(2)),

"(B) that is depreciable under section 167,

"(C) that has a useful life of not less than 4 years, and

"(D) that uses a qualified biomass-based generating system.

"(2) SPECIAL RULE FOR SALE-LEASEBACKS.—For purposes of subparagraph (A) of paragraph (1), in the case of a facility that—

"(A) is originally placed in service by a person, and

"(B) is sold and leased back by such person, or is leased to such person, within 3 months after the date such facility was originally placed in service, for a period of not less than 12 years, such facility shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback (or lease) referred to in subparagraph (B). The preceding sentence shall not apply to any property if the lessee and lessor of such property make an election under this sentence. Such an election, once made, may be revoked only with the consent of the Secretary.

"(3) QUALIFIED BIOMASS-BASED GENERATING SYSTEM.—For purposes of paragraph (1)(D), the term 'qualified biomass-based generating system' means a biomass-based integrated gasification combined cycle (IGCC) generating system which has an electricity-only generation efficiency greater than 40 percent.

"(c) QUALIFIED INVESTMENT.—For purposes of subsection (a), the term 'qualified investment' means, with respect to any taxable year, the basis of a qualified biomass-based generating system facility placed in service by the taxpayer during such taxable year.

"(d) QUALIFIED PROGRESS EXPENDITURES.—

"(1) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under paragraph (5), the mount of the qualified investment of such taxpayer for the taxable year (determined under subsection (c) without regard to this section) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

"(2) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this subsection, the term 'progress expenditure property' means any property being constructed by or for the taxpayer and which—

"(A) cannot reasonably be expected to be completed in less than 18 months, and

"(B) it is reasonable to believe will qualify as a qualified biomass-based generating system facility which is being constructed by or for the taxpayer when it is placed in service.

"(3) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this subsection—

"(A) SELF-CONSTRUCTED PROPERTY.—In the case of any self-constructed property, the term 'qualified progress expenditures' means the amount which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

"(B) NON-SELF-CONSTRUCTED PROPERTY.—In the case of non-self-constructed property, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for the construction of such property.

"(4) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) SELF-CONSTRUCTED PROPERTY.—The term 'self-constructed property' means property for which it is reasonable to believe that more than half of the construction expenditures will be made directly by the taxpayer.

"(B) NON-SELF-CONSTRUCTED PROPERTY.—The term 'non-self-constructed property' means property which is not self-constructed property.

"(C) CONSTRUCTION, ETC.—The term 'construction' includes reconstruction and erection, and the term 'constructed' includes reconstructed and erected.

"(D) ONLY CONSTRUCTION OF QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY TO BE TAKEN INTO ACCOUNT.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefor are properly chargeable to capital account with respect to the property.

"(5) ELECTION.—An election under this subsection may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

"(e) COORDINATION WITH OTHER CREDITS.—This section shall not apply to any property with respect to which the rehabilitation credit under section 47 or the energy credit under section 48A is allowed unless the taxpayer elects to waive the application of such credits to such property.".

(c) RECAPTURE.—Section 50(a) (relating to other special rules), as amended by section 501(c), is amended by adding at the end the following:

“(7) Special rules relating to qualified biomass-based generating system facility.—For purposes of applying this subsection in the case of any credit allowable by reason of section 48C, the following shall apply:

“(A) General rule.—In lieu of the amount of the increase in tax under paragraph (1), the increase in tax shall be an amount equal to the investment tax credit allowed under section 38 for all prior taxable years with respect to a qualified biomass-based generating system facility (as defined by section 48C(b)) multiplied by a fraction whose numerator is the number of years remaining to fully depreciate under this title the qualified biomass-based generating system facility disposed of, and whose denominator is the total number of years over which such facility would otherwise have been subject to depreciation. For purposes of the preceding sentence, the year of disposition of the qualified biomass-based generating system facility shall be treated as a year of remaining depreciation.

“(B) Property ceases to qualify for progress expenditures.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a qualified biomass-based generating system facility under section 48C, except that the amount of the increase in tax under subparagraph (A) of this paragraph shall be substituted in lieu of the amount described in such paragraph (2).

“(C) Application of paragraph.—This paragraph shall be applied separately with respect to the credit allowed under section 38 regarding a qualified biomass-based generating system facility.”.

(d) Transitional Rule.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules), as amended by section 501(d), is amended by adding at the end the following:

“(11) No carryback of section 48C credit before effective date.—No portion of the unused business credit for any taxable year which is attributable to the qualified biomass-based generating system facility credit determined under section 48C may be carried back to a taxable year ending before the date of the enactment of section 48C.”

(e) Technical Amendments—

(1) Section 49(a)(1)(C), as amended by section 501(e), is amended by striking “and” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “, and”, and by adding at the end the following:

“(v) the portion of the basis of any qualified biomass-based generating system facility attributable to any qualified investment (as defined by section 48C(c)).”

(2) Section 50(a)(4), as amended by section 501(e), is amended by striking “and (6)” and inserting “, (6), and (7)”.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 501 (e), is amended by inserting after the item relating to section 48B the following:

“SEC. 48C. QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY CREDIT.”

(f) Effective Date.—The amendments made by this section shall apply to periods after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 803. TREATMENT OF FACILITIES USING BAGASSE TO PRODUCE ENERGY AS SOLID WASTE DISPOSAL FACILITIES ELIGIBLE FOR TAX-EXEMPT FINANCING.

(a) In General.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following:

“(k) Solid Waste Disposal Facilities.—For purposes of subsection (a)(6), the term “solid waste disposal facilities” includes property located in Hawaii and used for the collection, storage, treatment, utilization, processing, or final disposal of bagasse in the manufacture of ethanol.”.

(b) Effecitive Date.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

TITLE IX—STEELMAKING

SEC. 901. CREDIT FOR INVESTMENT IN ENERGY-EFFICIENT STEELMAKING FACILITIES.

(a) Allowance of Energy-Efficient Steelmaking Facility Credit.—Section 46 (relating to amount of credit), as amended by section 802(a), is amended by striking ‘and’ at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ‘, and’, and by adding at the end the following:

“(b) the energy-efficient steelmaking facility credit.”

(b) Amount of Energy-Efficient Steelmaking Facility Credit.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by section 802(b), is amended by inserting after section 48C the following:

SEC. 48D. ENERGY-EFFICIENT STEELMAKING FACILITY CREDIT.

“(a) In General.—For purposes of section 46, the energy-efficient steelmaking facility credit for any taxable year is an amount equal to 10 percent of the qualified investment in an energy-efficient steelmaking facility for such taxable year.

“(b) Energy-Efficient Steelmaking Facility.—

“(I) In general.—For purposes of subsection (a), the term ‘energy-efficient steelmaking facility’ means a facility of the taxpayer—

“(A)(i) which—

“(I) with respect to a facility the original use of which commences with the taxpayer, improves steelmaking energy efficiency by 20 percent over the energy efficiency norm of the industry as determined by the Secretary for the year in which such facility is placed in service, or

“(II) with respect to a facility which replaces an existing steelmaking facility and the original use of which commences with the taxpayer, improves steelmaking energy efficiency by 20 percent over the average energy efficiency of the replaced facility for the 2 taxable years preceding the year in which the replacing facility is placed in service (but only with respect to that portion of the basis which is properly attributable to such replacement), or

“(ii) that is acquired through purchase (as defined by section 179(d)(2)),

“(B) that is depreciable under section 167, and

“(C) that has a useful life of not less than 4 years.

“(2) Special rule for sale-leasebacks.—For purposes of subparagraph (A) of paragraph (1), in the case of a facility that—

“(A) is originally placed in service by a person, and

“(B) is sold and leased back by such person, or is leased to such person, within 3 months after the date such facility was originally placed in service, for a period of not less than 12 years, such facility shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback (or lease) referred to in subparagraph (B). The preceding sentence shall not apply to any property if the lessee and lessor of such property make an election under this sentence. Such an election, once made, may be revoked only with the consent of the Secretary.

“(3) Steelmaking energy efficiency.—For purposes of paragraph (1)(A), steelmaking energy efficiency shall be measured in BTu's per ton of raw steel produced.

“(c) Qualified Investment.—For purposes of subsection (a), the term ‘qualified investment’ means, with respect to any taxable year, the basis of an energy-efficient steelmaking facility placed in service by the taxpayer during such taxable year.

“(d) Qualified Progress Expenditures.—

“(1) Increase in qualified investment.—In the case of a taxpayer who has made an election under paragraph (5), the amount of the qualified investment of such taxpayer for the taxable year (determined under subsection (c) without regard to this section) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

“(2) Progress expenditure property defined.—For purposes of this subsection, the term ‘progress expenditure property’ means any property being constructed by or for the taxpayer and which it is reasonable to believe will qualify as an energy-efficient steelmaking facility which is being constructed by or for the taxpayer when it is placed in service.

“(3) Qualified progress expenditures defined.—For purposes of this subsection—

“(A) Self-constructed property.—In the case of any self-constructed property, the term ‘qualified progress expenditures’ means the amount which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

“(B) Non-self-constructed property.—In the case of non-self-constructed property, the term ‘qualified progress expenditures’ means the amount paid during the taxable year to another person for the construction of such property.

“(4) Other definitions.—For purposes of this subsection—

(A) Self-constructed property.—The term ‘self-constructed property’ means property for which it is reasonable to believe that more than half of the construction expenditures will be made directly by the taxpayer.

“(B) Non-self-constructed property.—The term ‘non-self-constructed property’ means property which is not self-constructed property.

“(C) Construction, etc.—The term ‘construction’ includes reconstruction and erection, and the term ‘constructed’ includes reconstructed and erected.

“(D) Only construction of energy-efficient steelmaking facility to be taken into account.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefor are properly chargeable to capital account with respect to the property.

“(5) Election.—An election under this subsection may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

"(e) COORDINATION WITH OTHER CREDITS.—This section shall not apply to any property with respect to which the rehabilitation credit under section 47 or the energy credit under section 48A is allowed unless the taxpayer elects to waive the application of such credits to such property.

"(f) TERMINATION.—This section shall not apply with respect to any qualified investment after December 31, 2004."

(c) RECAPTURE.—Section 50(a) (relating to other special rules), as amended by section 802(c), is amended by adding at the end the following:

"(8) SPECIAL RULES RELATING TO ENERGY-EFFICIENT STEELMAKING FACILITY.—For purposes of applying this subsection in the case of any credit allowable by reason of section 48D, the following shall apply:

"(A) GENERAL RULE.—In lieu of the amount of the increase in tax under paragraph (1), the increase in tax shall be an amount equal to the investment tax credit allowed under section 38 for all prior taxable years with respect to an energy-efficient steelmaking facility (as defined by section 48D(b)) multiplied by a fraction whose numerator is the number of years remaining to fully depreciate under this title the energy-efficient steelmaking facility disposed of, and whose denominator is the total number of years over which such facility would otherwise have been subject to depreciation. For purposes of the preceding sentence, the year of disposition of the energy-efficient steelmaking facility property shall be treated as a year of remaining depreciation.

"(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for an energy-efficient steelmaking facility under section 48D, except that the amount of the increase in tax under subparagraph (A) of this paragraph shall be substituted in lieu of the amount described in such paragraph (2).

"(C) APPLICATION OF PARAGRAPH.—This paragraph shall be applied separately with respect to the credit allowed under section 38 regarding an energy-efficient steelmaking facility."

(d) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules), as amended by section 802(d), is amended by adding at the end the following:

"(12) NO CARRYBACK OF SECTION 48D CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy-efficient steelmaking facility credit determined under section 48D may be carried back to a taxable year ending before the date of the enactment of section 48D."

(e) TECHNICAL AMENDMENTS.—

(1) Section 49(a)(1)(C), as amended by section 802(e), is amended by striking 'and' at the end of clause (iv), by striking the period at the end of clause (v) and inserting ', and', and by adding at the end the following:

"(vi) the portion of the basis of any energy-efficient steelmaking facility attributable to any qualified investment (as defined by section 48D(c))."

(2) Section 50(a)(4), as amended by section 802(e), is amended by striking "and (7)" and inserting ", (7), and (8)".

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 802(e), is amended by inserting after the item relating to section 48C the following:

"Sec. 48D. Energy-efficient steelmaking facility credit."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 902. EXTENSION OF CREDIT FOR ELECTRICITY TO PRODUCTION FROM STEEL COGENERATION.

(a) EXTENSION OF CREDIT FOR COKE PRODUCTION AND STEEL MANUFACTURING FACILITIES.—Section 45(c)(1) (defining qualified energy resources), as amended by section 801(a)(1), is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following:

"(E) steel cogeneratiory."

(b) STEEL COGENERATION.—Section 45(c), as amended by subsections (a)(2) and (b) of section 801, is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following:

"(4) STEEL COGENERATION.—

"(A) IN GENERAL.—The term 'steel cogeneration' means the production of steam or other form of thermal energy of at least 20 percent of total production and the production of electricity or mechanical energy (or both) of at least 20 percent of total production if the cogeneration meets regulatory energy-efficiency standards established by the Secretary and only to the extent that such energy is produced from—

"(i) gases or heat generated during the production of coke,

"(ii) blast furnace gases or heat generated during the production of iron ore or iron, or

"(iii) waste gases or heat generated from the manufacture of steel that uses at least 20 percent recycled material.

"(B) TOTAL PRODUCTION.—For purposes of subparagraph (A), the term 'total production' means, with respect to any facility which produces coke, iron ore, iron, or steel, production from all waste sources described in clauses (i), (ii), and (iii) of subparagraph (A) (whichever applicable) from the entire facility."

(c) MODIFICATION OF PLACED IN SERVICE RULES FOR STEEL COGENERATION FACILITIES.—Section 45(c)(5) (defining qualified facility), as amended by section 801(b) and redesignated by subsection (b), is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following:

"(E) STEEL COGENERATION FACILITIES.—In the case of a facility using steel cogeneration to produce electricity, the term 'qualified facility' means any facility permitted to operate under the environmental requirements of the Clean Air Act Amendments of 1990 which is owned by the taxpayer and originally placed in service after December 31, 1999, and before January 1, 2005. Such a facility may be treated as originally placed in service when such facility was last upgraded to increase efficiency or generation capability. However, no facility shall be allowed a credit under this section for more than 10 years of production."

(d) CONFORMING AMENDMENTS.—

(1) The heading for section 45 is amended by inserting "and waste energy" after "renewable".

(2) The item relating to section 45 in the table of sections subpart D of part TV of subchapter A of chapter 1 is amended by inserting "and waste energy" after "renewable".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001, and before January 1, 2005.

TITLE X—AGRICULTURE

SEC. 1001. AGRICULTURAL CONSERVATION TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter I (relating to business related credits), as amended by section 701(a), is amended by adding at the end the following:

"SEC. 45G. AGRICULTURAL CONSERVATION CREDIT.

"(a) IN GENERAL.—For purposes of section 38, in the case of an eligible person, the agricultural conservation credit determined under this section for the taxable year is an amount equal to—

"(1) 10 percent of the eligible conservation tillage equipment expenses, and

"(2) 10 percent of the eligible irrigation equipment expenses, paid or incurred by such person in connection with the active conduct of the trade or business of fanning for the taxable year.

"(b) ELIGIBLE PERSON.—For purposes of this section, the term 'eligible person' means, with respect to any taxable year, any person if the average annual gross receipts of such person for the 3 preceding taxable years do not exceed $1,000,000. For purposes of the preceding sentence, rules similar to the rules of section 448(c)(3) shall apply.

"(c) LIMITATION.—The amount of the credit allowed under subsection (a) for any taxable year shall not exceed $2,500 for each credit determined under paragraph (1) or (2) of such subsection.

"(d) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE CONSERVATION TILLAGE EQUIPMENT EXPENSES.—

"(A) IN GENERAL.—The term 'eligible conservation tillage equipment expenses' means amounts paid or incurred by a taxpayer to purchase and install conservation tillage equipment for use in the trade or business of the taxpayer.

"(B) CONSERVATION TILLAGE EQUIPMENT.—The term 'conservation tillage equipment' means a no-till planter or drill designed to minimize the disturbance of the soil in planting crops, including such planters or drills which may be attached to equipment already owned by the taxpayer.

"(2) ELIGIBLE IRRIGATION EQUIPMENT EXPENSES.—The term 'eligible irrigation equipment expenses' means amounts paid or incurred by a Taxpayer—

"(A) to purchase and install on currently irrigated lands new or upgraded equipment which will improve the efficiency of existing irrigation systems used in the trade or business of the taxpayer, including—

"(i) spray jets or nozzles which improve water distribution efficiency,

"(ii) irrigation well meters,

"(iii) surge valves and surge irrigation systems, and

"(iv) conversion of equipment from gravity irrigation to sprinkler or drip irrigation, including center pivot systems, and

"(B) for service required to schedule the use of such irrigation equipment as necessary to manage water application to the crop requirement based on local evaporation and transpiration rates or soil moisture.

"(e) SPECIAL RULES.—

"(1) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is determined under this section with respect to any property, the basis of such property shall be reduced by the amount of the credit so determined.

"(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—For purposes of this section, under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—For purposes of this section, in the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(4) DENIAL OF DOUBLE BENEFIT.—No other deduction or credit shall be allowed to the taxpayer under this chapter for any amount taken into account in determining the credit under this section.".

(b) Conforming Amendments—

(1) Section 38(b), as amended by section 701 (b), is amended by striking 'plus' at the end of paragraph (14), by striking the period at the end of paragraph (15), and inserting ', 'plus', and by adding at the end the following:

"(16) the agricultural conservation credit determined under section 45G.".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 701 (c), is amended by adding at the end the following:

"SEC. 45G. Agricultural conservation credit.".

(3) Section 1016(a), as amended by section 201 (b)(1), is amended by striking 'and' at the end of paragraph (27), striking the period at the end of paragraph (28) and inserting '; and', and adding at the end the following:

"(29) in the case of property with respect to which a credit was allowed under section 45G, to the extent provided in section 45G(d)(1).".

(c) EFFECTIVE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

TITLE XI—ENERGY EMERGENCIES

SEC. 1101. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(a) In section 166 (42 U.S.C. 6246), by inserting "through 2003" after "2000.".

(b) In section 181 (42 U.S.C. 6251), by striking "March 31, 2000" each place it appears and inserting "September 30, 2003.".

Title 11 of the Energy Policy and Conservation Act (42 U.S.C. 6261–6285) is amended—

(a) In section 256(h) (42 U.S.C. 6276(h)), by inserting "through 2003" after "1999.".

(b) In section 281 (42 U.S.C. 6285), by striking "March 31, 2000" each place it appears and inserting "September 30, 2003.".

(a) AMENDMENT.—Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D:

"Part D—Northeast Home Heating Oil Reserve

"ESTABLISHMENT

"SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.".

"(b) For the purposes of this part—

"(1) the term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey; and

"(2) the term 'petroleum distillate' includes heating oil and diesel fuel.

AUTHORITY

"SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

"(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

"(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

"(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

"(4) store petroleum distillate in facilities not owned by the United States;

"(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part; and

"(6) notwithstanding paragraph (5), on terms the Secretary considers reasonable, sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part in order to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

"CONDITIONS FOR RELEASE; PLAN

"SEC. 183. (a) The Secretary may drawdown the Reserve only upon a finding by the President that an emergency situation exists in accordance with this section.

"(b) The Secretary may recommend to the President a drawdown of petroleum distillate from the Reserve under section 182(5) in an emergency situation if at least one of the following conditions applies:

"The price differential between crude oil and residential No. 2 heating oil in the northeast increases by—

"(1) more than 15% over a two week period, or

"(2) more than 25% over a four week period, or

"(3) more than 60% over its five year seasonally adjusted rolling average.

"(c) An emergency situation shall be deemed to exist if the President determines a severe energy supply disruption or a severe price increase exists, as demonstrated by the Secretary as set forth in (b), and the price differential continues to increase during the most recent week for which price information is available.

"(c) The Secretary shall conduct a continuing evaluation of the residential price data supplied by the Energy Information Administration for the Northeast and data on crude oil prices from published sources.

"(d) The drawdown of the Reserve shall be conducted by competitive bid. Bids shall be evaluated to ensure comparable market value.

"(e) Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

"(1) the acquisition of storage and related facilities or storage services for the Reserve;

"(2) the acquisition of petroleum distillate for storage in the Reserve;

"(3) the anticipated methods of disposition of petroleum distillate from the Reserve; and

"(4) the estimated costs of establishment, maintenance, and operation of the Reserve.

NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

"SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the 'Northeast Home Heating Oil Reserve Account' (referred to in this section as the 'Account').

"(b) The Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

"(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

"EXEMPTIONS

"SEC. 185. An action taken under this part is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code; and

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out part D of title I of the Energy Policy and Conservation Act.".

SEC. 1102. ANNUAL HOME HEATING READINESS REPORTS.

(a) IN GENERAL.—Part A of title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

"ANNUAL HOME HEATING READINESS REPORTS.

"(a) IN GENERAL.—On or before September 1 of each year, Secretary, acting through the Administrator of the Energy Information Agency, shall submit to Congress a Home Heating Readiness Report on the readiness of the heating oil and propane industries to supply fuel under various weather conditions, including rapid decreases in temperature.

"(b) CONTENTS.—The Home Heating Readiness Report shall include—

"(1) estimates of the consumption, expenditures, and average price per gallon of heating oil and propane for the upcoming period of October through March for various weather conditions, with special attention to extreme weather, and various regions of the country;

"(2) an evaluation of—

"(A) global and regional crude oil and refined product supplies;

"(B) the adequacy and utilization of refinery capacity;

"(C) the adequacy, utilization, and distribution of regional refined product storage capacity;

"(D) weather conditions;

"(E) the refined product transportation system;

"(F) market inefficiencies; and

"(G) any other factor affecting the functional capability of the heating oil industry and propane industry that has the potential to affect national or regional supplies and prices;

"(3) recommendations on steps that the Federal, State, and local governments can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane; and

"(4) recommendations on steps that companies engaged in the production, refining, storage, transportation of heating oil or propane, or any other activity related to the heating oil industry or propane industry, can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane.

"(c) Information Requests.—The Secretary may request information necessary to prepare the Home Heating Readiness Report from companies described in subsection (b)(4).".

(b) Conforming and Technical Amendments.—The Energy Policy and Conservation Act is amended—

(1) in the table of contents in the first section (42 U.S.C. prec. 6201), by inserting after the item relating to section 106 the following:

"Sec. 107. Major fuel burning stationary source.

"Sec. 108. Annual home heating readiness reports;" and

(2) in section 107 (42 U.S.C. 6215), by striking "Sec. 107. (a) No Governor" and inserting the following:

"SEC. 107. MAJOR FUEL BURNING STATIONARY SOURCE.

"(a) No Governor.".

SEC. 1103. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

(a) In General.—Part C of title II of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

"SEC. 273. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

"(a) Definitions.—In this section:

"(1) Budget contract.—The term 'budget contract' means a contract between a retailer and a consumer under which the heating expenses of the consumer are spread evenly over a period of months.

"(2) Fixed-price contract.—The term 'fixed-price contract' means a contract between a retailer and a consumer under which the retailer charges the consumer a set price for propane, kerosene, or heating oil without regard to market price fluctuations.

"(3) Price cap contract.—The term 'price cap contract' means a contract between a retailer and a consumer under which the retailer charges the consumer the market price for propane, kerosene, or heating oil, but the cost of the propane, kerosene, or heating oil may not exceed a maximum amount stated in the contract.

"((b) Assistance—At the request of the chief executive officer of a State, the Secretary shall provide information, technical assistance, and funding—

"(1) to develop education and outreach programs to encourage consumers to fill their storage facilities for propane, kerosene, and heating oil during the summer months; and

"(2) to promote the use of budget contracts, price cap contracts, fixed-price contracts, and other advantageous financial arrangements;

to avoid severe seasonal price increases for and supply shortages of those products.

"(c) Preference—In implementing this section, the Secretary shall give preference to States that contribute public funds or leverage private funds to develop State summer fill and fuel and fuel budgeting programs.

"(d) Authorization of appropriations.—There are authorized to be appropriated to carry out this section—

"(1) $25,000,000 for fiscal year 2001; and

"(2) such sums as are necessary for each fiscal year thereafter.

"(e) Inapplicability of expiration provision.—Section 281 does not apply to this section.

(b) Conforming Amendment.—The table of contents in the first section of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 272 the following:

"Sec. 273. Summer fill and fuel budgeting programs.".

SEC. 1104. USE OF ENERGY FUTURES FOR FUEL PURCHASES.

(a) Heating Oil Study.—The Secretary shall conduct a study—

(1) to ascertain if the use of energy futures and options contracts could provide cost-effective protection from sudden surges in the price of heating oil (including number two fuel oil, propane, and kerosene) for governments, consumer cooperatives, and other organizations that purchase heating oil in bulk to market to end use consumers in the Northeast (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and New Jersey); and

(2) to ascertain how these entities may be most effectively educated in the prudent use of energy futures and options contracts to maximize their purchasing effectiveness, protect themselves against sudden or unanticipated surges in the price of heating oil, and minimize long-term heating oil costs.

(b) Report.—The Secretary, no later than 180 days after appropriations are enacted to carry out this Act, shall transmit the study required in this section to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall contain a review of prior studies conducted on the subjects described in subsection (a).

(c) Pilot Program.—If the study required in subsection (a) indicates that futures and options contracts can provide cost-effective protection from sudden surges in heating oil prices, the Secretary shall conduct a pilot program, commencing not later than 30 days after the transmission of the study required in subsection (b), to educate such governmental entities, consumer cooperatives, and other organizations on the prudent and cost-effective use of energy futures and options contracts to increase their protection against sudden or unanticipated surges in the price of heating oil and increase the efficiency of their heating oil purchase programs.

(d) Authorization.—There is authorized to be appropriated $3 million in fiscal year 2001 to carry out this section.

SEC. 1105. FULL EXPENSING OF HOME HEATING OIL AND PROPANE STORAGE FACILITIES

(a) In General.—Section 179(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following—

"(5) Full Expensing of Home Heating Oil and Propane Storage Facilities—Paragraphs (1) and (2) shall not apply to section 179 property which is any storage facility (not including a building or its structural components) used in connection with the distribution of home heating oil."

TITLE XII—ENERGY EFFICIENCY

SEC. 1201. ENERGY SAVINGS PERFORMANCE CONTRACTS

That Section 155, Energy Savings Performance Contracts, of the Energy Policy Act (42 U.S.C. 8262), is amended—

(1) in section D,

(A) by striking from subsection iii, "$750,000";

(B) by inserting in subsection iii, $10,000,000"; and

(C) by inserting a new subsection v to read, "Each agency head shall submit an annual report to Congress on the number, locations, and size of each Federal Energy Service Performance Contract into which they have entered."

(2) by inserting a new section E to read, "A federal agency may conduct a pilot program to use multiyear contracts under this title to cover the cost of constructing a new building from the energy savings resulting from closing an older building. Up to five pilot contracts may be entered into under this authority. Each agency participating in the pilot program shall submit a report to Congress on the location, energy savings, cost of new construction, and size of the Federal Energy Service Contract for each pilot project under this section."

SEC. 1202. WEATHERIZATION.

(a) Section 414 of the Energy and Conservation and Production Act (42 U.S.C. 6865) is amended by inserting the following sentence in subsection (a) the following sentence, "The application shall contain the state's best estimate of matching funding available from state and local governments and from private sources," after the words "assistance to such persons". And, by inserting the words, "without regard to availability of matching funding", after the words "low-income persons throughout the States,"

(b) Section 415 of the Energy and Conservation and Production Act (42 U.S.C. 6865) is amended—

(1) in subsection (a)(1) by striking the first sentence;

(2) in subsection (a)(2) by—

(A) striking "(A)",

(B) striking "approve a State's application to waive the 40 percent requirement established in paragraph (1) if the State includes in its plan" and inserting "establish", and

(C) striking subparagraph (B);

(3) in subsection (c)(1) by—

(A) striking "paragraphs (3) and (4)" and inserting "paragraph (3)",

(B) striking "$1600" and inserting "$2500",

(C) striking "and" at the end of subparagraph (C),

(D) striking the period and inserting ";and" in subparagraph (D), and

(E) inserting after subparagraph (D) the following new subparagraph: "(E) the cost of making heating and cooling modifications, including replacement.";

(4) in subsection (c)(3) by—

(A) striking "1991, the $1600 per dwelling unit limitation" and inserting "2000, the $2500 per dwelling unit average",

(B) striking "limitation" and inserting "average" each time it appears, and

(C) inserting "the" after "beginning of" in subparagraph (B); and

(5) by striking subsection (c)(4).

TITLE XIII—ELECTRIC RELIABILITY

SEC. 1301. SHORT TITLE.

This Act may be cited as the "Electric Reliability 2000 Act".

SEC. 1302. ELECTRIC RELIABILITY ORGANIZATION.

(a) In General.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 215. ELECTRIC RELIABILITY ORGANIZATION.

"(a) Definitions.—In this section:

"(1) Affiliated regional reliability entity.—The term 'affiliated regional reliability entity' means an entity delegated authority under subsection (h).

(2) Bulk-power system.—

"(A) In general.—The term 'bulk-power system' means all facilities and control systems necessary for operating an interconnected electric power transmission grid or any portion of an interconnected transmission grid.

“(B) Inclusions.—The term ‘bulk-power system’ includes—

“(i) high voltage transmission lines, substations, control centers, communications, data, and operations planning facilities necessary for the operation of all or any part of the interconnected transmission grid; and

“(ii) the output of generating units necessary to maintain the reliability of the transmission grid.

“(3) Bulk-power system user.—The term ‘bulk-power system user’ means an entity that—

“(A) sells, purchases, or transmits electric energy over a bulk-power system; or

“(B) owns, operates, or maintains facilities or control systems that are part of a bulk-power system; or

“(C) is a system operator.

“(4) Electric reliability organization.—The term “electric reliability organization” means the organization designated by the Commission under subsection (d).

“(5) Entity rule.—The term ‘entity rule’ means a rule adopted by an affiliated regional reliability entity for a specific region and designed to implement or enflorce 1 or more organization standards.

“(6) Independent director.—The term ‘independent director’ means a person that—

“(A) is not an officer or employee of an entity that would reasonably be perceived as having a direct financial interest in the outcome of a decision by the board of directors of the electric reliability organization; and

“(B) does not have a relationship that would interfere with the exercise of independent judgment in carrying out the responsibilities of a director of the electric reliability organization.

“(7) Industry sector.—The term ‘industry sector’ means a group of bulkpower system users with substantially similar commercial interests, as determined by the board of directors of the electric reliability organization.

“(8) Interconnection.—The term ‘interconnection’ means a geographic area in which the operation of bulk-power system components is synchronized so that the failure of 1 or more of the components may adversely affect the ability of the operators of other components within the interconnection to maintain safe and reliable operation of the facilities within their control.

“(9) Organization standard.—

“(A) In general.—The term ‘organization standard’ means a policy or standard adopted by the electric reliability organization to provide for the reliable operation of a bulk-power system.

“(B) Inclusions.—The term ‘organization standard’ includes—

“(i) an entity rule approved by the electric reliability organization; and

“(ii) a variance approved by the electric reliability organization.

“(10) Public interest group.—

“(A) In general.— The term ‘public interest group’ means a nonprofit private or public organization that has an interest in the activities of the electric reliability organization.

“(B) Inclusions.—The term ‘public interest group’ includes—

“(i) a ratepayer advocate,

“(ii) an environmental group; and

“(iii) a State or local government organization that regulates participants in, and promulgates government policy with respect to, the market for electric energy.

“(11) System operator.—

“(A) In general.—The term ‘system operator’ means an entity that operates or is responsible for the operation of a bulk-power system.

“(B) Inclusions.—The term ‘system operator’ includes—

“(i) a control area operator;

“(ii) an independent system operator;

“(iii) a transmission company;

“(iv) a transmission system operator; and

“(v) a regional security coordinator.

“(12) Variance.—The term ‘variance’ means an exception from the requirements of an organization standard (including a proposal for an organization standard in a case in which there is no organization standard) that is adopted by an affiliated regional reliability entity and is applicable to all or a part of the region for which the affiliated regional reliability entity is responsible.

“(b) Commission Authority.—

“(1) Jurisdiction.—Notwithstanding section 201(f), within the United States, the Commission shall have jurisdiction over the electric reliability organization, all affiliated regional reliability entities, all system operators, and all bulk-power system users, including entities described in section 201(f), for purposes of approving organization standards and enforcing compliance with this section.

“(2) Definition of terms.—The Commission may by regulation define any term used in this section consistent with the definitions in subsection (a) and the purpose and intent of this Act.

(c) Existing Reliability Standards.—

“(1) Submission to the commission.—Before designation of an electric reliability organization under subsection (d), any person, including the North American Electric Reliability Council and its member Regional Reliability Councils, may submit to the Commission any reliability standard, guidance, practice, or amendment to a reliability standard, guidance, or practice that the person proposes to be made mandatory and enforceable.

“(2) Review by the commission.—The Commission, after allowing interested persons an opportunity to submit comments, may approve a proposed mandatory standard, guidance, practice, or amendment submitted under paragraph (1) if the Commission finds that the standard, guidance, or practice is just, reasonable, not unduly discriminatory or preferential, and in the public interest.

“(3) Effect of approval.—A standard, guidance, or practice shall be mandatory and applicable according to its terms following approval by the Commission and shall remain in effect until it is—

“(A) withdrawn, disapproved, or superseded by an organization standard that is issued or approved by the electric reliability organization and made effective by the Commission under section (e); or

“(B) disapproved by the Commission if, on complaint or upon motion by the Commission and after notice and an opportunity for comment, the Commission finds the standard, guidance, or practice to be unjust, unreasonable, unduly discriminatory or preferential, or not in the public interest.

“(4) Enforceability.—A standard, guidance, or practice in effect under this subsection shall be enforceable by the Commission.

“Designation of Electric Reliability Organization.—

“(1) Regulations.—

“(A) Proposed regulations.—Not later than 90 days after the date of enactment of this section, the Commission shall propose regulations specifying procedures and requirements for an entity to apply for designation as the electric reliability organization.

“(B) Notice and comment.—The Commission shall provide notice and opportunity—for comment on the proposed regulations.

(C) Final regulation.—Not later than 180 days after the date of enactment of this section, the Commission shall promulgate final regulations under this subsection.

“(2) Application.—

“(A) Submission.—Following the promulgation of final regulations under paragraph (1), an entity may submit an application to the Commission for designation as the electric reliability organization.

“(B) Contents.—The applicant shall describe in the application—

“(i) the governance and procedures of the applicant; and

“(ii) the funding mechanism and initial funding requirements of the applicant.

“(3) Notice and comment.—The Commission shall—

“(A) provide public notice of the application; and

(B) afford interested parties an opportunity to comment.

“(4) Designation of electric reliability organization.—The Commission shall designate the applicant as the electric reliability organization if the Commission determines that the applicant—

“(A) has the ability to develop, implement, and enforce standards that provide for an adequate level of reliability of bulk-power systems;

“(B) permits voluntary membership to any bulk-power system user or public interest group;

“(C) ensures fair representation of its members in the selection of its directors and fair management of its affairs, taking into account the need for efficiency and effectiveness in decisionmaking and operations and the requirements for technical competency in the development of organization standards and the exercise of oversight of bulk-power system reliability;

“(D) ensures that no 2 industry sectors have the ability to control, and no 1 industry sector has the ability to veto, the applicant's discharge of its responsibilities as the electric reliability organization (including actions by committees recommending standards for approval by the board or other board actions to implement and enforce standards);

“(E) provides for governance by a board wholly comprised of independent directors;

“(F) provides a funding mechanism and requirements that—

“(i) are just, reasonable, not unduly discriminatory or preferential and in the public interest; and

“(ii) satisfy the requirements of subsection (l);

“(G) has established procedures for development of organization standards that—

“(i) provide reasonable notice and opportunity for public comment, taking into account the need for efficiency and effectiveness in decisionmaking and operations and the requirements for technical competency in the development of organization standards;

(ii) ensure openness, a balancing of interests, and due process; and

“(iii) includes alternative procedures to be followed in emergencies;

“(H) has established fair and impartial procedures for implementation and enforcement of organization standards, either directly or through delegation to an affiliated regional reliability entity, including the imposition of penalties, limitations on activities, functions, or operations, or other appropriate sanctions;

"(I) has established procedures for notice and opportunity for public observation of all meetings, except that the procedures for public observation may include alternative procedures for emergencies or for the discussion of information that the directors reasonably determine should take place in closed session, such as litigation, personnel actions, or commercially sensitive information;

"(J) provides for the consideration of recommendations of States and State commissions; and

"(K) addresses other matters that the Commission considers appropriate to ensure that the procedures, governance, and funding of the electric reliability organization are just, reasonable, not unduly discriminatory or preferential, and in the public interest.

"(5) EXCLUSIVE DESIGNATION.—

"(A) IN GENERAL.—The Commission shall designate only 1 electric reliability organization.

"(B) Multiple applications.—If the Commission receives 2 or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application that the Commission determines will best implement this section.

"(e) ORGANIZATION STANDARDS.—

"(1) SUBMISSION OF PROPOSALS TO COMMISSION.—

"(A) IN GENERAL.—The electric reliability organization shall submit to the Commission proposals for any new or modified organization standards.

"(B) CONTENTS.—A proposal submitted under subparagraph (A) shall include—

"(i) a concise statement of the purpose of the proposal; and

"(ii) a record of any proceedings conducted with respect to the proposal.

"(2) REVIEW BY THE COMMISSION.—

"(A) NOTICE AND COMMENT.—The Commission shall—

"(i) provide notice of a proposal under paragraph (1); and

"(ii) allow interested persons 30 days to submit comments on the proposal.

"(B) ACTION BY THE COMMISSION.—

"(i) IN GENERAL.—After taking into consideration any submitted comments, the Commission shall approve or disapprove a proposed organization standard not later than the end of the 60-day period beginning on the date of the deadline for the submission of comments, except that the Commission may extend the 60-day period for an additional 90 days for good cause.

"(ii) FAILURE TO ACT.—If the Commission does not approve or disapprove a proposal within the period specified in clause (i), the proposed organization standard shall go into effect subject to its terms, without prejudice to the authority of the Commission to modify the organization standard in accordance with the standards and requirements of this section.

"(C) EFFECTIVE DATE.—An organization standard approved by the Commission shall take effect not earlier than 30 days after the date of the Commission's order of approval.

"(D) STANDARDS FOR APPROVAL.—

"(i) IN GENERAL.—The Commission shall approve a proposed new or modified organization standard if the Commission determines the organization standard to be just, reasonable, not unduly discriminatory or preferential, and in the public interest.

"(ii) CONSIDERATIONS.—In the exercise of its review responsibilities under this subsection, the Commission—

"(I) shall give due weight to the technical expertise of the electric reliability organization with respect to the content of a new or modified organization standard; but

"(II) shall not defer to the electric reliability organization with respect to the effect of the organization standard on competition.

"(E) REMAND.—A proposed organization standard that is disapproved in whole or in part by the Commission shall be remanded to the electric reliability organization for further consideration.

"(3) ORDERS TO DEVELOP OR MODIFY ORGANIZATION STANDARDS.—The Commission, on complaint or on motion of the Commission, may order the electric reliability organization to develop and submit to the Commission, by a date specified in the order, an organization standard or modification to an existing organization standard to address a specific matter if the Commission considers a new or modified organization standard appropriate to carry out this section, and the electric reliability organization shall develop and submit the organization standard or modification to the Commission in accordance with this subsection.

"(4) VARIANCES AND ENTITY RULES.—

"(A) PROPOSAL.—An affiliated regional reliability entity may propose a variance or entity rule to the electric reliability organization.

"(B) EXPEDITED CONSIDERATION.—If expedited consideration is necessary to provide for bulk-power system reliability, the affiliated regional reliability entity may—

"(i) request that the electric reliability organization expedite consideration of the proposal; and

"(ii) file a notice of the request with the Commission.

"(C) FAILURE TO ACT.—

"(i) IN GENERAL.—If the electric reliability organization fails to adopt the variance or entity rule, in whole or in part, the affiliated regional reliability entity may request that the Commission review the proposal.

"(ii) ACTION BY THE COMMISSION.—If the Commission determines, after a review of the request, that the action of the electric reliability organization did not conform to the applicable standards and procedures approved by the Commission, or if the Commission determines that the variance or entity rule is just, reasonable, not unduly discriminatory or preferential, and in the public interest and that the electric reliability organization has unreasonably rejected or failed to act on the proposal, the Commission may—

"(I) remand the proposal for further consideration by the electric reliability organization; or

"(II) order the electric reliability organization or the affiliated regional reliability entity to develop a variance or entity rule consistent with that requested by the affiliated regional reliability entity.

"(D) PROCEDURE.—A variance or entity rule proposed by an affiliated regional reliability entity shall be submitted to the electric reliability organization for review and submission to the Commission in accordance with the procedures specified in paragraph (2).

"(5) IMMEDIATE EFFECTIVENESS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, a new or modified organization standard shall take effect immediately on submission to the Commission without notice or comment if the electric reliability organization—

"(i) determines that an emergency exists requiring that the new or modified organization standard take effect immediately without notice or comment;

"(ii) notifies the Commission as soon as practicable after making the determination;

"(iii) submits the new or modified organization standard to the Commission not later than 5 days after making the determination; and

"(iv) includes in the submission an explanation of the need for immediate effectiveness.

"(B) NOTICE AND COMMENT.—The Commission shall—

"(i) provide notice of the new or modified organization standard or amendment for comment; and

"(ii) follow the procedures set out in paragraphs (2) and (3) for review of the new or modified organization standard.

"(6) COMPLIANCE.—Each bulk power system user shall comply with an organization standard that takes effect under this section.

"(f) COORDINATION WITH CANADA AND MEXICO.—

"(1) RECOGNITION.—The electric reliability organization shall take all appropriate steps to gain recognition in Canada and Mexico.

"(2) INTERNATIONAL AGREEMENTS.—

"(A) IN GENERAL.—The President shall use best efforts to enter into international agreements with the appropriate governments of Canada and Mexico to provide for—

"(i) effective compliance with organization standards; and

"(ii) the effectiveness of the electric reliability organization in carrying out its mission and responsibilities.

"(B) COMPLIANCE.—All actions taken by the electric reliability organization, an affiliated regional reliability entity, and the Commission shall be consistent with any international agreement under subparagraph (A).

"(g) CHANGES IN PROCEDURE, GOVERNANCE, OR FUNDING.—

"(1) SUBMISSION TO THE COMMISSION.—The electric reliability organization shall submit to the Commission—

"(A) any proposed change in a procedure, governance, or funding provision; or

"(B) any change in an affiliated regional reliability entity's procedure, governance, or funding provision relating to delegated functions.

"(2) CONTENTS.—A submission under paragraph (1) shall include an explanation of the basis and purpose for the change.

"(3) EFFECTIVENESS.—

"(A) CHANGES IN PROCEDURE.—

"(i) CHANGES CONSTITUTING A STATEMENT OF POLICY, PRACTICE, OR INTERPRETATION.—A proposed change in procedure shall take effect 90 days after submission to the Commission if the change constitutes a statement of policy, practice, or interpretation with respect to the meaning or enforcement of the procedure.

"(ii) OTHER CHANGES.—A proposed change in procedure other than a change described in clause (i) shall take effect on a finding by the Commission, after notice and opportunity for comment, that the change—

"(I) is just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

"(II) satisfies the requirements of subsection (d)(4).

"(B) CHANGES IN GOVERNANCE OR FUNDING.—A proposed change in governance or funding shall not take effect unless the Commission finds that the change—

"(i) is just, reasonable, not unduly discriminatory or preferential, and in the public interest; and "(ii) satisfies the requirements of subsection (d)(4).

"(4) ORDER TO AMEND.—

"(A) IN GENERAL.—The Commission, on complaint or on the motion of the Commission, may require the electric reliability organization to amend a procedural, governance, or funding provision if the Commission determines that the amendment is necessary to meet the requirements of this section.

"(B) FILING.—The electric reliability organization shall submit the amendment in accordance with paragraph (1).

"(h) DELEGATIONS OF AUTHORITY.—

"(1) IN GENERAL.—

"(A) IMPLEMENTATION AND ENFORCEMENT OF COMPLIANCE.—At the request of an entity, the electric reliability organization shall enter into an agreement with the entity for the delegation of authority to implement and enforce compliance with organization standards in a specified geographic area if the electric reliability organization finds that—

"(i) the entity satisfies the requirements of subparagraphs (A), (B), (C), (D), (F), (J), and (K) of subsection (d)(4); and

"(ii) the delegation would promote the effective and efficient implementation and administration of bulk-power system reliability.

"(B) OTHER AUTHORITY.—The electric reliability organization may enter into an agreement to delegate to an entity any other authority, except that the electric reliability organization shall reserve the right to set and approve standards for bulk-power system reliability.

"(2) APPROVAL BY THE COMMISSION.—

"(A) SUBMISSION TO THE COMMISSION.—The electric reliability organization shall submit to the Commission—

"(i) any agreement entered into under this subsection; and

"(ii) any information the Commission requires with respect to the affiliated regional reliability entity to which authority is delegated.

"(B) STANDARDS FOR APPROVAL.—The Commission shall approve the agreement, following public notice and an opportunity for comment, if the Commission finds that the agreement—

"(i) meets the requirements of paragraph (1); and

"(ii) is just, reasonable, not unduly discriminatory or preferential, and in the public interest.

"(C) REBUTTABLE PRESUMPTION.—A proposed delegation agreement with an affiliated regional reliability entity organized on an interconnection-wide basis shall be rebuttably presumed by the Commission to promote the effective and efficient implementation and administration of the reliability of the bulk-power system.

"(D) INVALIDITY ABSENT APPROVAL.—No delegation by the electric reliability organization shall be valid unless the delegation is approved by the Commission.

"(3) PROCEDURES FOR ENTITY RULES AND VARIANCES.—

"(A) IN GENERAL.—A delegation agreement under this subsection shall specify the procedures by which the affiliated regional reliability entity may propose entity rules or variances for review by the electric reliability organization.

"(B) INTERCONNECTION-WIDE ENTITY RULES AND VARIANCES.—In the case of a proposal for an entity rule or variance that would apply on an interconnection-wide basis, the electric reliability organization shall approve the entity rule or variance unless the electric reliability organization makes a written finding that the entity rule or variance—

"(i) was not developed in a fair and open process that provided an opportunity for all interested parties to participate;

"(ii) would have a significant adverse impact on reliability or commerce in other interconnections;

"(iii) fails to provide a level of reliability of the bulk-power system wiin the interconnection such that the entity rule or variance would be likely to cause a serious and substantial threat to public health, safety, welfare, or national security; or

"(iv) would create a serious and substantial burden on competitive markets within the interconnection that is not necessary for reliability.

"(C) NONINTERCONNECTION-WIDE ENTITY RULES AND VARIANCE.—In the case of a proposal for an entity rule or variance that would apply only to part of an interconnection, the electric reliability organization shall approve the entity rule or variance if the affiliated regional reliability entity demonstrates that the proposal—

"(i) was developed in a fair and open process that provided an opportunity for all interested parties to participate;

"(ii) would not have an adverse impact on commerce that is not necessary for reliability;

"(iii) provides a level of bulk-power system reliability that is adequate to protect public health, safety, welfare, and national security and would not have a significant adverse impact on reliability; and

"(iv) in the case of a variance, is based on a justifiable difference between regions or subregions within the affiliated regional reliability entity's geographic area.

"(D) ACTION BY THE ELECTRIC RELIABILITY ORGANIZATION.—

"(i) IN GENERAL.—The electric reliability organization shall approve or disapprove a proposal under subparagraph (A) within 120 days after the proposal is submitted.

"(ii) FAILURE TO ACT.—If the electric reliability organization fails to act within the time specified in clause (i), the proposal shall be deemed to have been approved.

"(iii) SUBMISSION TO THE COMMISSION.—After approving a proposal under subparagraph (A), the electric reliability organization shall submit the proposal to the Commission for approval under the procedures prescribed under subsection (e).

"(E) DIRECT SUBMISSIONS.—An affiliated regional reliability entity may not submit a proposal for approval directly to the Commission except as provided in subsection (e)(4).

(4) FAILURE TO REACH DELEGATION AGREEMENT.—

"(A) IN GENERAL.—If an affiliated regional reliability entity requests, consistent with paragraph (1), that the electric reliability organization delegate authority to it, but is unable within 180 days to reach agreement with the electric reliability organization with respect to the requested delegation, the entity may seek relief from the Commission.

"(B) REVIEW BY THE COMMISSION.—The Commission shall order the electric reliability organization to enter into a delegation agreement under terms specified by the Commission if, after notice and opportunity for comment, the Commission determines that—

"(i) a delegation to the affiliated regional reliability entity would—

"(I) meet the requirements of paragraph (1); and

"(II) would be just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

"(ii) the electric reliability organization unreasonably withheld the delegation.

"(5) ORDERS TO MODIFY DELEGATION AGREEMENTS.—

"(A) IN GENERAL.—On complaint, or on motion of the Commission, after notice to the appropriate affiliated regional reliability entity, the Commission may order the electric reliability organization to propose a modification to a delegation agreement under this subsection if the Commission determines that—

"(i) the affiliated regional reliability entity—

"(I) no longer has the capacity to carry out effectively or efficiently the implementation or enforcement responsibilities under the delegation agreement;

"(II) has failed to meet its obligations under the delegation agreement; or

"(III) has violated this section;

"(ii) the rules, practices, or procedures of the affiliated regional reliability entity no longer provide for fair and impartial discharge of the implementation or enforcement responsibilities under the delegation agreement;

"(iii) the geographic boundary of a transmission entity approved by the Commission is not wholly within the boundary of an affiliated regional reliability entity, and the difference in boundaries is inconsistent with the effective and efficient implementation and administration of bulk-power system reliability; or

"(iv) the agreement is inconsistent with a delegation ordered by the Commission under paragraph (4).

"(B) SUSPENSION.—

"(i) IN GENERAL.—Following an order to modify a delegation agreement under subparagraph (A), the Commission may suspend the delegation agreement if the electric reliability organization or the affiliated regional reliability entity does not propose an appropriate and timely modification.

"(ii) ASSUMPTION OF RESPONSIBILITIES.—If a delegation agreement is suspended, the electric reliability organization shall assume the responsibilities delegated under the delegation agreement.

"(i) ORGANIZATION MEMBERSHIP.—Each system operator shall be a member of—

"(1) the electric reliability organization; and

"(2) any affiliated regional reliability entity operating under an agreement effective under subsection (h) applicable to the region in which the system operator operates, or is responsible for the operation of, a transmission facility.

"(j) ENFORCEMENT.—

"(1) DISCIPLINARY ACTIONS.—

"(A) IN GENERAL.—Consistent with procedures approved by the Commission under subsection (d)(4)(H), the electric reliability organization may impose a penalty, limitation on activities, functions, or operations, or other disciplinary action that the electric reliability organization finds appropriate against a bulk-power system user if the electric reliability organization, after notice and an opportunity for interested parties to be heard, issues a finding in writing that the bulk-power system user has violated an organization standard.

"(B) NOTIFICATION.—The electric reliability organization shall immediately notify the Commission of any disciplinary action imposed with respect to an act or failure to act of a bulk-power system user that affected or threatened to affect bulk-power system facilities located in the United States.

"(C) RIGHT TO PETITION.—A bulk-power system user that is the subject of disciplinary action under paragraph (1) shall have the right to petition the Commission for a modification or rescission of the disciplinary action.

"(D) INJUNCTIONS.—If the electric reliability organization finds it necessary to prevent a serious threat to reliability, the electric reliability organization may seek injunctive relief in the United States district court for the district in which the affected facilities are located.

"(E) EFFECTIVE DATE.—

"(i) IN GENERAL.—Unless the Commission, on motion of the Commission or on application by the bulk-power system user that is the subject of the disciplinary action, suspends the effectiveness of a disciplinary action, the disciplinary action shall take effect on the 30th day after the date on which—

"(I) the electric reliability organization submits to the Commission—

"(aa) a written finding that the bulk-power system user violated an organization standard; and

"(bb) the record of proceedings before the electric reliability organization; and

"(II) the Commission posts the written finding on the Internet.

"(ii) DURATION.—A disciplinary action shall remain in effect or remain suspended unless the Commission, after notice and opportunity for hearing, affirms, sets aside, modifies, or reinstates the disciplinary action.

"(iii) EXPEDITED CONSIDERATION.—The Commission shall conduct the hearing under procedures established to ensure expedited consideration of the action taken.

"(2) COMPLIANCE ORDERS.—The Commission, on complaint by any person or on motion of the Commission, may order compliance with an organization standard and may impose a penalty, limitation on activities, functions, or operations, or take such other disciplinary action as the Commission finds appropriate, against a bulk-power system user with respect to actions affecting or threatening to affect bulk-power system facilities located in the United States if the Commission finds, after notice and opportunity for a hearing, that the bulk-power system user has violated or threatens to violate an organization standard.

"(3) OTHER ACTIONS.—The Commission may take such action as is necessary against the electric reliability organization or an affiliated regional reliability entity to ensure compliance with an organization standard, or any Commission order affecting electric reliability organization or affiliated regional reliability entity.

"(k) RELIABILITY REPORTS.—The electric reliability organization shall—

"(1) conduct periodic assessments of the reliability and adequacy of the interconnected bulk-power system in North America; and

"(2) report annually to the Secretary of Energy and the Commission its findings and recommendations for monitoring or improving system reliability and adequacy.

"(l) ASSESSMENT AND RECOVERY OF CERTAIN COSTS.—

"(1) IN GENERAL.—The reasonable costs of the electric reliability organization, and the reasonable costs of each affiliated regional reliability entity that are related to implementation or enforcement of organization standards or other requirements contained in a delegation agreement approved under subsection (h), shall be assessed by the electric reliability organization and each affiliated regional reliability entity, respectively, taking into account the relationship of costs to each region and based on an allocation that reflects an equitable sharing of the costs among all electric energy consumers.

"(2) RULE.—The Commission shall provide by rule for the review of costs and allocations under paragraph (1) in accordance with the standards in this subsection and subsection (d)(4)(F).

"(m) APPLICATION OF ANTITRUST LAWS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the following activities are rebuttably presumed to be in compliance with the antitrust laws of the United States:

"(A) Activities undertaken by the electric reliability organization under this section or affiliated regional reliability entity operating under a delegation agreement under subsection (h).

"(B) Activities of a member of the electric reliability organization or affiliated regional reliability entity in pursuit of the objectives of the electric reliability organization or affiliated regional reliability entity under this section undertaken in good faith under the rules of the organization of the electric reliability organization or affiliated regional reliability entity.

"(2) AVAILABILITY OF DEFENSES.—In a civil action brought by any person or entity against the electric reliability organization or an affiliated regional reliability entity alleging a violation of an antitrust law based on an activity under this Act, the defenses of primary jurisdiction and immunity from suit and other affirmative defenses shall be available to the extent applicable.

"(n) REGIONAL ADVISORY ROLE.—

"(1) ESTABLISHMENT OF REGIONAL ADVISORY BODY.—The Commission shall establish a regional advisory body on the petition of the Governors of at least two-thirds of the States within a region that have more than one-half of their electrical loads served within the region.

"(2) MEMBERSHIP.—A regional advisory body—

"(A) shall be composed of 1 member from each State in the region, appointed by the Governor of the State; and

"(B) may include representatives of agencies, States, and Provinces outside in United States, on execution of an appropriate international agreement described in subsection (f).

"(3) FUNCTIONS.—A regional advisory body may provide advice to the electric reliability organization, an affiliated regional reliability entity, or the Commission regarding—

"(A) the governance of an affiliated regional reliability entity existing or proposed within a region;

"(B) whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and the public interest; and

"(C) whether fees proposed to be assessed within the regions are—

"(i) just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

"(ii) consistent with the requirements of subsection (1).

"(4) DEFERENCE.—In a case in which a regional advisory body encompasses an entire interconnection, the Commission may give deference to advice provided by the regional advisory body under paragraph (3).

"(o) APPLICABILITY OF SECTION.—This section does not apply outside the 48 contiguous States.

"(p) REHEARINGS COURT REVIEW OF ORDERS.—Section 313 applies to an order of the Commission issued under this section.

"(q) PRESERVATION OF STATE AUTHORITY.—

"(1) The Electric Reliability Organization shall have authority to develop, implement, and enforce compliance with standards for the reliable operation of only the Bulk Power System.

"(2) This section does not provide the Electric Reliability Organization or the Commission with the authority to set and enforce compliance with standards for adequacy or safety of electric facility or services.

"(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any Organization Standard.

"(4) Not later than 90 days after the application of the Electric Reliability Organization or other affected party, the Commmission shall issue a final order dtermining whether a state action is inconsistent with an Organization Standard, after notice and opportunity for comment, taking into consideration any recommendations of the Electric Reliability Organization.

"(5) The Commission, after consultation with the Electric Reliability Organization, may stay the effectiveness of any state action, pending the Commission's issuance of a final order.".

"(b) ENFORCEMENT.—

"(1) GENERAL PENALTIES.—Section 316(c) of the Federal Power Act (16 U.S.C. 825o(c)) is amended—

"(A) by striking "subsection" and inserting "section"; and

"(B) by striking "or 214" and inserting "214 or 215".

"(2) CERTAIN PROVISIONS.—Section 316A of the Federal Power Act (16 U.S.C. 8250-1) is amended by striking "or 214" each place it appears and inserting "214, or 215".

HATCH (AND LEAHY) AMENDMENT NO. 3653

Mr. HATCH (for himself and Mr. LEAHY) proposed an amendment to the bill, H.R. 4577, supra; as follows:

Insert at the end the following:

SEC. . PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet Service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material or the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers. In performing such surveys, neither the Department nor the Commission shall collect personally identifiable information of subscribers of the Internet service providers.

(2) FREQUENCY.—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) Fees.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) Applicability.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) Internet Service Provider Defined.—In this section, the term 'Internet service provider' means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

FRIST AMENDMENT NO. 3654

(Ordered to lie on the table.)

Mr. FRIST submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 18, line 7, insert before ": *Provided,*" the following: "(minus $10,000,000)".

On page 68, line 23, strike "$496,519,000" and insert "$506,519,000".

On page 69, line 3, strike "$40,000,000" and insert "$50,000,000".

On page 69, line 6, insert after "103–227" the following: "and $20,000,000 of that $50,000,000 shall be made available for the Interagency Education Research Initiative".

JEFFORDS (AND OTHERS) AMENDMENT NO. 3655

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself, Mr. Gregg, Mr. Frist, Mr. Enzi, Mr. Hutchinson, Ms. Collins, Mr. Hagel, Mr. Sessions, Mr. Brownback, Mr. DeWine, Mr. Santorum, and Mr. Voinovich) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 58, line 15, strike "$4,672,534,000" and insert "$3,372,534,000".

On page 58, line 17, strike "$2,915,000,000" and insert "$1,615,000,000".

On page 58, line 22, strike "$3,100,000,000" and insert "$1,800,000,000".

JEFFORDS AMENDMENT NO. 3656

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 43, line 9, before the colon, insert the following: ", of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions".

COLLINS AMENDMENT NO. 3657

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. Feingold, Mr. Jeffords, Mr. Biden, Mrs. Murray, Mr. Enzi, Mr. Wellstone, Mr. Bingaman, Mr. Robb, Mr. Kerry, Mr. Abraham, and Mr. Reed) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 24, line 1, strike "and".

On page 24, line 7, insert before the colon the following: ", and of which $4,000,000 shall be provided to the Rural Health Outreach Office of the Health Resources and Services Administration for the awarding of grants to community partnerships in rural areas for the purchase of automated external defibrillators and the training of individuals in basic cardiac life support".

DASCHLE (AND OTHERS) AMENDMENT NO. 3658

Mr. HARKIN (for Mr. Daschle (for himself, Mr. Murkowski, Mr. Johnson, Mr. Wyden, Mrs. Murray, Mr. Harkin, and Mr. Reid)) proposed an amendment to the bill H.R. 4577, supra; as follows:

On page 27, line 4, insert before the colon the following: ", and of which $10,000,000 shall remain available until expended to carry out the Fetal Alcohol Syndrome prevention and services program".

On page 34, line 13, insert before the colon the following: ", of which $15,000,000 shall remain available until expended to carry out the Fetal Alcohol Syndrome prevention and services program".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on June 29, 2000 in SR–328A at 10 a.m. The purpose of this meeting will be to mark up new legislation.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 27, 2000 at 9:30 a.m., in open session to consider the nominations of Lieutenant General Tommy R. Franks, USA for appointment to the grade of General and to be commander-in-chief, United States Central Command and Lieutenant General William F. Kernan, USA for appointment to the grade of General and to be commander-in-chief, United States Joint Forces Command/Supreme Allied Commander, Atlantic.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 27, 2000 at 11:30 a.m., in open session to consider the nominations of Lieutenant General Tommy R. Franks, USA for appointment to the grade of General and to be commander-in-chief, United States Central Command and Lieutenant General William F. Kernan, USA for appointment to the grade of General and to be commander-in-chief, United States Joint Forces Command/Supreme Allied Commander, Atlantic.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 27, 2000 at 2:15 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Reprocessing of Single Use Medical Devices during the session of the Senate on Tuesday, June 27, 2000, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Tuesday, June 27, 2000, at 9:30 a.m., in SD–226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, June 27, 2000, at 2 p.m., in Hart 216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 27, 2000, at 8:30 a.m., to receive testimony on the operations of the Library of Congress and the Smithsonian Institution.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research, Development, Production and Regulation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 27, 2000, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the April 2000 GAO Report entitled "Nuclear Waste Cleanup—DOE's Paducah Plan Faces Uncertainties and Excludes Costly Cleanup Activities."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent that Andrew Scott and Tracy Harris of my office have floor privileges for the remainder of the consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President. I ask unanimous consent that a fellow in my office, Paul Tibbits, be granted floor privileges during the debate on the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Caroline Chang, a fellow in my office, be granted the privilege of the floor for the remainder of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2801

Mr. MURKOWSKI. Mr. President, I understand that S. 2801 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2801) to prohibit funding of the negotiation of the move of the Embassy of the People's Republic of China in the United States until the Secretary of State has required the divestiture of property purchased by the Xinhua News Agency in violation of the Foreign Missions Act.

Mr. MURKOWSKI. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will remain at the desk.

COMMENDING AND CONGRATULATING THE LOUISIANA STATE UNIVERSITY TIGERS ON WINNING THE 2000 COLLEGE WORLD SERIES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 328, introduced earlier today by Senators LANDRIEU and BREAUX.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 328) to commend and congratulate the Louisiana State University Tigers on winning the 2000 College World Series.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I congratulate the Louisiana State University Tigers on winning the 2000 College World Series. The Tigers finished the 2000 season with a regular season record of 46 and 12 and a perfect post season record of 13 and 0. Even though the Tigers enjoyed great success in both the regular and post seasons, winning the national title was no easy feat. Despite their stunning success in earlier post season games, the Tigers found themselves trailing the Stanford Cardinal 5 to 2 in the eighth inning of the final game of the world series. Through sheer will and determination the Tigers were able to come from behind with a single by Tiger catcher Brad Cresse, which brought Ryan Theriot home for the game winning run. LSU's thrilling victory enraptured loving fans throughout Louisiana.

This final victory was the culmination of a season's worth of persistence and hard work which has characterized their performance throughout the decade. To date, the Tigers have won five national titles but have refused to rest on their laurels. LSU's team batting average of .341 this season is a truly commendable achievement. Senior catcher Brad Cresse distinguished himself by hitting 30 home runs over the course of the season. Senior pitcher Trey Hodges earned the Most Outstanding Player Award of the College World Series by exhibiting the same discipline and skill that carried him through the year. The guiding hand for the Tiger's winning season, LSU coach Skip Bertman, continually instilled in his players a sense of dedication, teamwork, and sportsmanship. Coach Bertman's tireless efforts were recognized when he was awarded the National Coach of the Year Award by the Collegiate Baseball Newspaper. The accomplishments of these heroes of college baseball will certainly serve as the standard for generations to come.

Louisiana State University's national championship spotlights one of the Nation's premier State universities, which is committed to academic and athletic excellence.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 328) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 328

Whereas the Louisiana State University baseball team completed the year with 13 consecutive wins, with a record of 4-0 in the Southeastern Conference tournament, 3-0 in Subregional action, 2-0 in Super Regional contests and 4-0 in the College World Series, ending its exciting season by defeating the previously undefeated Stanford Cardinal 6-5 on June 17, 2000, in Omaha, Nebraska, to win its fifth national championship in 10 years;

Whereas Louisiana State University firmly established itself as the dominant college baseball team of the decade, winning the College World Series title in 1991, 1993, 1996, and 1997;

Whereas Louisiana State University finished with a regular season record of 46-12 and a team batting average of .341;

Whereas Louisiana State University's senior catcher, Brad Cresse, distinguished himself in the championship game and throughout the season as one of the premier players in all of college baseball, leading the nation by hitting a total of 30 home runs in 2000;

Whereas Louisiana State University's senior right-handed pitcher, Trey Hodges, who earned the Most Outstanding Player Award of the College World Series, gave up just 2 hits and 1 walk in 4 innings while striking out 4 batters in his second victory of the College World Series, personifying the persistence and competitiveness that carried Louisiana State University throughout the year;

Whereas Louisiana State University's coach, Skip Bertman, named The Collegiate Baseball Newspaper's National Coach of The Year, has never allowed the Tigers to lose a College World Series championship game;

Whereas Coach Skip Bertman has instilled in his players unceasing dedication and teamwork, and has inspired in the rest of us an appreciation for what it means to win with dignity, integrity, and true sportsmanship;

Whereas Louisiana State University's thrilling victory in the College World Series championship game enraptured their loyal and loving fans from Baton Rouge to Shreveport, taking "Tigermania" to new heights and filling the people of Louisiana with an overwhelming sense of pride, honor, and community; and

Whereas Louisiana State University's national championship spotlights one of the nation's premier State universities, which is committed to academic and athletic excellence: Now, therefore, be it

Resolved,

SECTION 1. COMMENDING AND CONGRATULATING LOUISIANA STATE UNIVERSITY ON WINNING THE 2000 COLLEGE WORLD SERIES CHAMPIONSHIP.

The Senate commends and congratulates the Tigers of Louisiana State University on winning the 2000 College World Series championship.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the chancellor of the Louisiana State University and Agriculture and Mechanical College in Baton Rouge, Louisiana.

30TH ANNIVERSARY OF THE POLICY OF INDIAN SELF-DETERMINATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 611, S. Res. 277.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 277) commemorating the 30th Anniversary of the Policy of Indian Self-Determination.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 277) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 277

Whereas the United States of America and the sovereign Indian Tribes contained within its boundaries have had a long and mutually beneficial relationship since the beginning of the Republic;

Whereas the United States has recognized this special legal and political relationship and its trust responsibility to the Indian Tribes as reflected in the Federal Constitution, treaties, numerous court decisions, federal statutes, executive orders, and course of dealing;

Whereas Federal policy toward the Indian Tribes has vacillated through history and often failed to uphold the government-to-government relationship that has endured for more than 200 years;

Whereas these Federal policies included the wholesale removal of Indian tribes and their members from their aboriginal homelands, attempts to assimilate Indian people into the general culture, as well as the termination of the legal and political relationship between the United States and the Indian tribes;

Whereas President Richard M. Nixon, in his "Special Message to Congress on Indian Affairs" on July 8, 1970, recognized that the Indian Tribes constitute a distinct and valuable segment of the American federalist system, whose members have made significant contributions to the United States and to American culture;

Whereas President Nixon determined that Indian Tribes, as local governments, are best able to discern the needs of their people and are best situated to determine the direction of their political and economic futures;

Whereas in his "Special Message" President Nixon recognized that the policies of legal and political termination on the one hand, and paternalism and excessive dependence on the other, devastated the political, economic, and social aspects of life in Indian America, and had to be radically altered;

Whereas in his "Special Message" President Nixon set forth the foundation for a new, more enlightened Federal Indian policy grounded in economic self-reliance and political self-determination; and

Whereas this Indian self-determination policy has endured as the most successful policy of the United States in dealing with the Indian Tribes because it rejects the failed policies of termination and paternalism and declared that "the integrity and right to continued existence of all Indian Tribal and Alaska native governments, recognizing that cultural pluralism is a source of national strength": Now, therefore, be it

Resolved, That the Senate of the United States recognizes the unique role of the Indian Tribes and their members in the United States, and commemorates the vision and leadership of President Nixon, and every succeeding President, in fostering the policy of Indian Self-Determination.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MURKOWSKI. Mr. President, turning to the Executive Calendar, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar:

Executive Calendar Nos. 544, 545, 546, 551, 552, 553, 554, 555, 556, 564, the nominations on the Secretary's desk in the Coast Guard and, finally, all the military nominations reported by the Armed Services Committee during today's session.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Anna Blackburne-Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Thomas J. Motley, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

John McAdam Mott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

DEPARTMENT OF TRANSPORTATION

J. Randolph Babbitt, of Virginia, to be a Member of the Federal Aviation Management Advisory Council for a term of three years. (New Position)

Robert W. Baker, of Texas, to be a Member of the Federal Aviation Management Advisory Council for a term of three years. (New Position)

Geoffrey T. Crowley, of Wisconsin, to be a Member of the Federal Aviation Management Advisory Council for a term of two years. (New Position)

Robert A. Davis, of Washington, to be a Member of the Federal Aviation Management Advisory Council for a term of two years. (New Position)

Kendall W. Wilson, of the District of Columbia, to be a Member of the Federal Aviation Management Advisory Council for a term of one year. (New Position)

Edward M. Bolen, of Maryland, to be a Member of the Federal Aviation Management Advisory Council for a term of two years. (New Position)

DEPARTMENT OF AGRICULTURE

Christopher A. McLean, of Nebraska, to be Administrator, Rural Utilities Service, Department of Agriculture, vice Wally B. Beyer.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Craig P. Rasmussen, 9204

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Bruce S. Asay, 4017

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Robert H. Foglesong, 8617

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William T. Hobbins, 8417

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Tome H. Walters, Jr., 3355

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Peter M. Cuviello, 4052

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Timothy J. Maude, 3591

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Paul T. Mikolashek, 2507

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert W. Noonan, Jr., 6884

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Daniel R. Zanini, 1319

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Tommy R. Franks, 0864

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Wayne D. Marty, 9856

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Dan K. McNeill, 4203

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William F. Kernan, 5841

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Donald L. Kerrick, 7369

MARINE CORPS

The following named officer for appointment as Assistant Commandant of the Marine Corps and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5044:

To be general

Lt. Gen. Michael J. Williams, 8024

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Carlton W. Fulford, Jr., 5783

NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Peter L. Andrus, 0199
Capt. Steven B. Kantrowitz, 3208
Capt. James M. McGarrah, 3828
Capt. Elizabeth M. Morris, 6562

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James W. Metzger, 6693

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601;

To be vice admiral

Rear Adm. Michael G. Mullen, 9509

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John J. Grossenbacher, 5514

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Gregory G. Johnson, 3052

The following named officer for appointment in the United States Navy to the grade indicated in accordance with Article II, Section 2, Clause 2, of the Constitution:

To be rear admiral (lower half)

Capt. Eleanor C. Mariano, 1175

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Nancy E. Brown, 4870
Capt. Donald K. Bullard, 9348
Capt. Albert M. Calland III, 0101
Capt. Robert T. Conway, Jr., 2950
Capt. John P. Cryer III, 2940
Capt. Thomas Q. Donaldson V, 4793
Capt. John J. Donnelly, 7223
Capt. Steven L. Enewold, 1316
Capt. Jay C. Gaudio, 4607
Capt. Charles S. Hamilton II, 0584
Capt. John C. Harvey, Jr., 4323
Capt. Timothy L. Heely, 5830
Capt. Carlton B. Jewett, 6193
Capt. Rosanne M. Levitre, 5718
Capt. Samuel J. Locklear III, 1250
Capt. Richard J. Mauldin, 9775
Capt. Alexander A. Miller, 3450
Capt. Mark R. Milliken, 2189
Capt. Christopher M. Moe, 5342
Capt. Matthew G. Moffit, 5223
Capt. Michael P. Nowakowski, 8399
Capt. Stephen R. Pietropaoli, 2654
Capt. Paul J. Ryan, 3801
Capt. Michael A. Sharp, 7495
Capt. Vinson E. Smith, 7673
Capt. Harold D. Starling II, 4248
Capt. James Stavridis, 5127
Capt. Paul E. Sullivan, 4158
Capt. Michael C. Tracy, 7439
Capt. Miles B. Wachendorf, 0963
Capt. John J. Waickwicz, 3192
Capt. Anthony L. Winns, 7593

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Joseph W. Dyer, 0881

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John B. Nathman, 6751

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Paul G. Gaffney II, 0479

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

Air Force nominations beginning Catherine T. Bacon, and ending Karin G. Murphy, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

Air Force nominations beginning Ronald A. Gregory, and ending Melody A. Warren, which nominations were received by the Senate and appeared in the Congressional Record of June 15, 2000.

ARMY

Army nominations beginning Philip W. Hill, and ending Joseph F. Hannon, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2000.

Army nominations beginning Ronald J. Buchholz, and ending *Jean M. Davis, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2000.

Army nominations beginning Jack R. Christensen, and ending Daniel J. Travers, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2000.

Army nominations beginning Brent M. Boyles, and ending Frank J. Toderico, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

Army nominations beginning *Robin M. Adamsmccallum, and ending Esmeraldo Zarzabal, Jr., which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

Army nominations beginning Richard A. Gaydo, and ending John E. Zydron, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2000.

Army nomination Thomas A. Holditz, , which was received by the Senate and appeared in the Congressional Record of June 14, 2000.

Army nominations beginning Karen A. Dixon, and ending Jesse J. Rose, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2000.

COAST GUARD

Coast Guard nominations beginning Jeffrey D. Kotson, and ending Kimberly Orr, which nominations were received by the Senate and appeared in the Congressional Record of April 25, 2000.

MARINE CORPS

Marine Corps nominations beginning Dennis J. Allston, and ending David L. Stokes, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2000.

Marine Corps nominations beginning Arthur J. Athens, and ending Marc A. Workman, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

Marine Corps nominations beginning Tray J. Ardese, and ending Barian A. Woodward, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

Marine Corps nomination of John M. Dunn, which was received by the Senate and appeared in the Congressional Record of June 14, 2000.

NAVY

Navy nomination of James R. Lake, which was received by the Senate and appeared in the Congressional Record of April 11, 2000.

Navy nomination of Robert E. Davis, which was received by the Senate and appeared in the Congressional Record of May 11, 2000.

Navy nominations beginning Lawrence J. Chick, and ending James R. Wimmer, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2000.

Navy nomination of Ray A. Stapf, which was received by the Senate and appeared in the Congressional Record of May 17, 2000.

Navy nomination of Jeffrey M. Armstrong, which was received by the Senate and appeared in the Congressional Record of June 14, 2000.

Navy nomination of Billy J. Price, which was received by the Senate and appeared in the Congressional Record of June 14, 2000.

Navy nominations beginning Aurora S. Abalos, and ending Jerry L. Zumbro, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–34

Mr. MURKOWSKI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 27, 2000, by the President of the United States: Extradition Treaty with Sri Lanka (Treaty Document No. 106–34).

Further, I ask unanimous consent the treaty be considered as having been read for the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the Government of the United States of America and the Government of the Democratic Socialist Republic of Sri Lanka, signed at Washington September 30, 1999.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report states, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

Upon entry into force, this Treaty would enhance cooperation between the law enforcement authorities of both countries, and thereby make a significant contribution to international law enforcement efforts. The Treaty would supersede the 1931 United States-United Kingdom extradition treaty currently applicable to the United States and Sri Lanka.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 27, 2000.*

ORDERS FOR WEDNESDAY, JUNE 28, 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 28. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Hutchison and Daschle amendments to the Labor-Health and Human Services appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I further ask unanimous consent that a vote occur in relation to the Hutchison amendment at 9:45, to be followed by a vote in relation to the Daschle amendment, with 4 minutes of debate equally divided prior to each vote and that no second-degree amendments be in order prior to the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. For the information of all Senators, on Wednesday, the Senate will resume consideration of the Labor-HHS appropriations bill at 9:30 a.m. Under the previous order, there will be closing remarks on the Hutchison amendment regarding same-sex schools with a vote in relation to the amendment to occur at approximately 9:45 a.m. Following that vote, the Senate will proceed to a vote in relation to the Daschle amendment regarding fetal alcohol. After the votes, the Senate will continue debate on amendments as they are offered. Senators can anticipate votes throughout the day with the expectation of completing action on the bill during tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:02 p.m., adjourned until Wednesday, June 28, 2000, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 27, 2000:

THE JUDICIARY

ANNA BLACKBURNE-RIGSBY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

THOMAS J. MOTLEY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

JOHN MCADAM MOTT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

DEPARTMENT OF TRANSPORTATION

J. RANDOLPH BABBITT, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS.

ROBERT W. BAKER, OF TEXAS, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS.

GEOFFREY T. CROWLEY, OF WISCONSIN, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS.

ROBERT A. DAVIS, OF WASHINGTON, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS.

KENDALL W. WILSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF ONE YEAR.

EDWARD M. BOLEN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS.

DEPARTMENT OF AGRICULTURE

CHRISTOPHER A. MCLEAN, OF NEBRASKA, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CRAIG P. RASMUSSEN, 9204

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRUCE S. ASAY, 4017

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT H. FOGLESONG, 8617

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM T. HOBBINS, 8417

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TOME H. WALTERS, JR., 3355

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PETER M. CUVIELLO, 4062

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TIMOTHY J. MAUDE, 3591

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL T. MIKOLASHEK, 2507

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT W. NOONAN, JR., 6884

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be Lieutenant General

MAJ. GEN. DANIEL R. ZANINI, 1319

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. TOMMY R. FRANKS, 0864

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WAYNE D. MARTY, 9856

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAN K. MCNEILL, 4203

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM F. KERNAN, 5841

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DONALD L. KERRICK, 7369

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5044:

To be general

LT. GEN. MICHAEL J. WILLIAMS, 8024

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CARLTON W. FULFORD, JR., 5783

NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. PETER L. ANDRUS, 0199
CAPT. STEVEN B. KANTROWITZ, 3208
CAPT. JAMES M. MCGARRAH, 3828
CAPT. ELIZABETH M. MORRIS, 6562

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES W. METZGER, 6693

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601;

To be vice admiral

REAR ADM. MICHAEL G. MULLEN, 9509

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN J. GROSSENBACHER, 5514

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. GREGORY G. JOHNSON, 3052

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION:

To be rear admiral (lower half)

CAPT. ELEANOR C. MARIANO, 1175

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. NANCY E. BROWN, 4870
CAPT. DONALD K. BULLARD, 9348
CAPT. ALBERT M. CALLAND, III, 0101
CAPT. ROBERT T. CONWAY JR., 2950
CAPT. JOHN P. CRYER, III, 2940
CAPT. THOMAS Q. DONALDSON, V, 4793
CAPT. JOHN J. DONNELLY, 7223
CAPT. STEVEN L. ENEWOLD, 1316
CAPT. JAY C. GAUDIO, 4607
CAPT. CHARLES S. HAMILTON, II, 0584
CAPT. JOHN C. HARVEY JR., 4323
CAPT. TIMOTHY L. HEELY, 5830
CAPT. CARLTON B. JEWETT, 6193
CAPT. ROSANNE M. LEVITRE, 5718
CAPT. SAMUEL J. LOCKLEAR, III, 1250
CAPT. RICHARD J. MAULDIN, 9775
CAPT. ALEXANDER A. MILLER, 3450
CAPT. MARK R. MILLIKEN, 2189
CAPT. CHRISTOPHER M. MOE, 5342
CAPT. MATTHEW G. MOFFIT, 5223
CAPT. MICHAEL P. NOWAKOWSKI, 8399
CAPT. STEPHEN R. PIETROPAOLI, 2654
CAPT. PAUL J. RYAN, 3801
CAPT. MICHAEL A. SHARP, 7495
CAPT. VINSON E. SMITH, 7673
CAPT. HAROLD D. STARLING, II, 4248
CAPT. JAMES STAVRIDIS, 5127
CAPT. PAUL E. SULLIVAN, 4158
CAPT. MICHAEL C. TRACY, 7439
CAPT. MILES B. WACHENDORF, 0963
CAPT. JOHN J. WAICKWICZ, 3192
CAPT. ANTHONY L. WINNS, 7593

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOSEPH W. DYER, 0881

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN B. NATHMAN, 6751

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PAUL G. GAFFNEY, II, 0479

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING CATHERINE T. BACON, AND ENDING KARIN G. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2000.

AIR FORCE NOMINATIONS BEGINNING RONALD A. GREGORY, AND ENDING MELODY A. WARREN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2000.

IN THE ARMY

ARMY NOMINATIONS BEGINNING PHILIP W. HILL, AND ENDING JOSEPH F. HANNON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2000.

ARMY NOMINATIONS BEGINNING RONALD J. BUCHHOLZ, AND ENDING JEAN M. *DAVIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2000.

ARMY NOMINATIONS BEGINNING JACK R. CHRISTENSEN, AND ENDING DANIEL J. TRAVERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2000.

ARMY NOMINATIONS BEGINNING BRENT M. BOYLES, AND ENDING FRANK J. TODERICO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRFSSIONAL RECORD ON JUNE 6, 2000.

ARMY NOMINATIONS BEGINNING ROBIN M. *ADAMS-MCCALLUM, AND ENDING ESMERALDO ZARZABAL JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2000.

ARMY NOMINATIONS BEGINNING RICHARD A. GAYDO, AND ENDING JOHN E. ZYDRON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be lieutenant colonel

THOMAS A. KOLDITZ, 9144

ARMY NOMINATIONS BEGINNING KAREN A. DIXON, AND ENDING JESSE J. ROSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2000.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING JEFFREY D. KOTSON, AND ENDING KIMBERLY ORR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 25, 2000.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING DENNIS J. ALLSTON, AND ENDING DAVID L. STOKES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2000.

MARINE CORPS NOMINATIONS BEGINNING ARTHUR J. ATHENS, AND ENDING MARC A. WORKMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2000.

MARINE CORPS NOMINATIONS BEGINNING TRAY J. ARDESE, AND ENDING BARIAN A. WOODWARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN M. DUNN, 1225

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES R. LAKE, 6527

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT E. DAVIS, 3304

NAVY NOMINATIONS BEGINNING LAWRENCE J. CHICK, AND ENDING JAMES R. WIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RAY A. STAPF, 2035

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JEFFREY M. ARMSTRONG, 3701

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BILLY J. PRICE, 3767

NAVY NOMINATIONS BEGINNING AURORA S. ABALOS, AND ENDING JERRY L. ZUMBRO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2000.

HOUSE OF REPRESENTATIVES—*Tuesday, June 27, 2000*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. WALDEN of Oregon).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 27, 2000.

I hereby appoint the Honorable GREG WALDEN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

TRIBUTE TO TECHNICAL SERGEANT JAMES CAMERON, MARINE CORPS WAR HERO

Mr. JONES of North Carolina. Mr. Speaker, earlier this month I was in New Orleans as the city was preparing to celebrate the 56th anniversary of D-Day and the opening of the national D-Day museum. The event brought together thousands of World War II veterans and attracted even more to pay tribute to the soldiers, sailors, airmen and marines who risked and far too often gave their lives to protect the freedoms that you and I enjoy every day. These brave Americans make up what is called "the greatest generation." Many of them are our parents and grandparents, husbands and wives, who endured through often unthinkable circumstances to build the United States of America into what it is today.

Mr. Speaker, Daniel Webster once said, "God grants liberty to those who love it and are always willing and prepared to defend it." Unfortunately, the cost of our liberty has not come easy. Throughout our Nation's history, brave men and women have sacrificed their lives in order to defend and protect the principles this Nation was founded upon. Together, they have ensured the strength of this Nation.

Mr. Speaker, I am proud and honored to represent a district with a strong military presence, both active and retired. The Third District of North Carolina is home to Marine Corps Base Camp Lejuene, Air Station Cherry Point and New River, Seymour Johnson Air Force Base, and the Elizabeth City Coast Guard Station. In addition, Eastern North Carolina is home to 77,000 retired veterans and nearly 13,000 retired military. While each individual can provide a unique perspective and account of their service, I would like to take time today to pay tribute to a gentleman whose service during World War II is worthy of recognition.

Technical Sergeant James Cameron, Jr., was a navigator-bombardier during the Second World War. His remarkable military record both in combat and in peace represents that of many citizens who answered their call to duty and accepted the highest responsibility to preserve peace and freedom both here and abroad. Although regrettably 25 years after his death, Tech Sergeant Cameron was finally rewarded for his service. Earlier this year at Camp Lejuene Marine Corps in Jacksonville, North Carolina, Tech Sergeant Cameron's wife was part of a ceremony to honor her late husband's valiant service to this country. On behalf of her husband, Ms. Cameron received eight air medals. He is also eligible for two Distinguished Flying Crosses which are forthcoming. Technical Sergeant Cameron has also been awarded the Asiatic-Pacific Campaign Medal with one Bronze Star, the World War II Victory Medal, the American Campaign Medal, and the Air Medal with two gold stars and one silver star.

Mr. Speaker, James Cameron enlisted in the Marine Corps in November of 1942 at the age of 22. After attending the Navy Air Training Center in Jacksonville, Florida and the navigation-bombardier school at Quantico, he joined the 423rd bombing squadron at Cherry Point. He had served his country at war in the Southwest Pacific region from February 1944 to March 1945. His B–25 crew flew more than 50 combat missions, bombing targets in New Britain and New Ireland.

In 1944, his crew was on a crack bomber mission that was raiding Japanese positions when they were caught in the midst of heavy crossfire and were shot down. To survive, the crew was forced to spend 10 hours on a life raft, averting enemy fire, before finally being rescued. Before this mission, Tech Sergeant Cameron and four combat air crewmen helped rescue a downed flyer in the sea off Green Island. Mr. Cameron helped secure a five-man raft and carried it down a 75-foot cliff in order to rescue the pilot. For his brave assistance, he received the Navy and Marine Corps medal for heroism.

On October 2, 1945, Technical Sergeant Cameron was honorably discharged from the Marines. His dedication to his country can only be matched by his dedication to his family. James Cameron married his wife Elizabeth on September 27, 1941. Together they have three sons, James, Bruce and Doug.

After leaving the service, Mr. Cameron served as a mounted policeman in New York City where he helped to train horses and taught other officers to ride horses. He retired from the police force at the rank of sergeant.

Mr. Speaker, Technical Sergeant Cameron died on September 15, 1975 after a long battle with cancer. But today we celebrate and honor his life and his dedication to preserve peace and freedom for all Americans.

In closing, I want to share a quote from one of the Founding Fathers of this country, Gouveneur Morris, who once said, "I anticipate the day when to command respect in the most remotest regions it will be sufficient to say, 'I am an American.' "

Mr. Speaker, I want to thank Tech Sergeant Cameron and all United States veterans for their heroic courage in the name of freedom. Yes, Mr. Speaker, we are free but it is because of the sacrifice made by many men and women to defend the freedom of this country.

LIVABLE COMMUNITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I came to Congress with a keen interest in having the Federal Government be a better partner in promoting livable communities, things that we can do with the private sector, with business,

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□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

with individual neighborhood associations, with government at all levels to help make our families safe, healthy and economically secure. I found that one of the most powerful things that we can do in the Federal Government is to simply lead by example, for the Federal Government to model the type of behavior that we want the rest of America to abide by.

We have had great fun with a very simple concept that would require the post office to obey local land use laws, zoning codes and environmental regulations. This legislation has already commanded the cosponsorship of the majority of Members of this assembly and has excited people around the country who see the post office as potential building blocks to stabilize their small towns, to stabilize neighborhood installations in over 40,000 facilities around the country.

One of the best opportunities is to be found with the Department of Defense. Our Pentagon budget houses the largest inventory of infrastructure in the world. The value is placed at some $550 billion. It is a huge land inventory. The Department of Defense is the third largest repository of Federal lands, but unlike BLM or the U.S. Forest Service land, this is oftentimes intensively managed. There are some 12,000 properties in the inventory of the Department of Defense right now that is eligible for historic building status. Over the course of the next 30 years, there will be 50,000 more. These facilities represent important aspects of military history and important elements that lead to actually building the components of communities. We have seen around the country base decommissioning arise as a larger and larger issue where they have to be closed and recycled, turned over to the private sector where there is an opportunity here to revitalize communities. Where at one point this was fought by local communities who felt that they would be losing an opportunity for economic development and security, we are finding as is the case in the transitioning of Fort Ord to private ownership that this can actually be a tremendous source of job generation, new housing and facilities that can make a difference for the community.

Camp Pendleton is the only significant open space between Los Angeles and San Diego. It is home to some 17 endangered species requiring special stewardship on the part of the military establishment. In the area of housing, here too is an opportunity. There is an interesting initiative taking place in the Department of the Army under the leadership of Under Secretary Apgar looking for ways to use the private sector to be able to finance and upgrade and design quality housing that our military employees deserve.

In my own district in Portland, Oregon, there is an opportunity to decommission Navy ships that employs family wage jobs and modern environmental technology to make sure that these ships are dismantled in not only a cost effective but an environmentally sensitive way as opposed to what some would do, simply tow them overseas and allow them to be disposed of in Bangladesh under who knows what standards. It is simply not a responsible activity on our part.

And then there is the issue of unexploded ordnance. Throughout the United States, there are areas where we have used land for training purposes that are filled with bombs and shells that have not exploded. At the current rate, it is going to take us 100 years to be able to decontaminate, to be able to deal with this problem of unexploded ordnance.

Mr. Speaker, it is clear that throughout the military establishment, there are challenges and opportunities for the Federal Government to promote more livable communities, a better environment for the men and women who serve in the military, and to protect our environment by providing leadership by example.

I invite my colleagues to join us the evening of July 20 at the National Building Museum for a discussion in greater detail dealing with how the military can promote livable communities.

DEPARTMENT OF ENERGY COMES UNDER SCRUTINY IN WAKE OF MISSING NUCLEAR SECRETS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. FOLEY) is recognized during morning hour debates for 5 minutes.

Mr. FOLEY. Mr. Speaker, I appreciate the option to discuss with the House this morning an issue that does cause me quite a bit of concern. It really revolves around the missing nuclear secrets from the Los Alamos lab. We have spent about $16 billion a year on the Department of Energy; 15,000 plus employees, 125,000 contract employees and over $16 billion of spending of the taxpayers' money. On their own website, they have the following two mission statements: To provide affordable and available fuel now and in the future, and the security of our nuclear weapons stockpile.

It would seem to me based on those two statements, those two mission statements by the Department and the amount of money the American taxpayers have put into the fund in order to run the agency, you would have assumed with those types of numbers you would have gotten at least a modicum of success in protecting either the nuclear secrets or providing affordable energy for Americans now and in the future.

I am sure some of you recently have had the pleasure and joy of filling up your car at the gas station and witnessed prices escalating almost at every week, an increase in prices of fuel. In some areas in my community, prices for regular unleaded are about $1.65 and in some places in the country, including the Midwest, we see prices upwards of $2.25. Is that affordable? Yes, it is available but is it affordable? And how much does that take out of the American family's budget weekly, money that they could spend on clothes for their kids, textbooks for school, health care or purchasing prescription drugs? It is a lot of money. Filling up a 20-gallon tank costs somewhere between 4 and 8 additional dollars a week now due to the price of energy. Now, that is the administration that is doing America a favor by spending $16 billion on the Department of Energy.

We have heard recently that, of course, we do not think there was espionage involved. We do not know obviously because we are not certain where the disk drives were and who had them. But we are comforted by the fact that we are being told by the administration, at least by the Secretary of Energy, that we do not suspect espionage. Initially it was reported that there was a 4-week breach of time between the reporting of the missing hard drives and the notification to the FBI. Then we heard erroneous or maybe possibly accurate reports that it was upwards of 6 months when the hard drives were missing. Then on Meet the Press, Secretary Richardson said, "Oh, no, it wasn't that long, it was only possibly March 28." Talk about the gang that could not shoot straight, nobody can give us definitive answers where the hard drives were, how they were stored, how long they had been missing, and who checks in and out of this secret vault. Just last week testifying before the Senate, the Secretary said, we are going to institute technology like bar coding and putting bar codes onto the devices.

I mean, we bar code lettuce in the grocery store. You cannot leave a record store without paying for the CD. Otherwise, the security devices at the door will make an alarm so that the detectives or guards there can try and stop a shoplifter. But the nuclear secrets of America, the most sensitive of all data stored by our government, is wandering around with nobody watching, nobody monitoring, nobody taking the blame.

Mr. Speaker, we have got a serious issue on our hands. I think rather than politicize it, we need to get to the bottom of it. If this incident occurred to a corporation, the CEO's head would roll. If this announcement of this problem was a stock market activity, the stock would collapse. If this was a student in school, they would fail. Somebody has to take account for the pilferage or the potential misuse or even the missing hard drives.

General Gordon with this House attempted to set up a separate nuclear agency, if you will, to run the very sensitive lab. We were rebuffed oftentimes by both the administration, the Secretary of Energy and others. I think we need a full and fair explanation of what happened. America deserves it. Our security depends on it.

We urge the administration to come forward with an explanation reasonable to the taxpayers.

IN OPPOSITION TO H.R. 4680, REPUBLICAN PRESCRIPTION DRUG BENEFIT BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. BENTSEN) is recognized during morning hour debates for 5 minutes.

Mr. BENTSEN. Mr. Speaker, later this week, the Republican leadership will bring to the floor a bill purporting to be a new prescription drug benefit for America's senior citizens. Yesterday, I gave a number of reasons why the Republican prescription drug bill is fatally flawed and issued a challenge to the Republican majority to allow the Democrats to put forth our own prescription drug plan. Today, I want to stress the hypocrisy of the Republicans' procedure for considering this important issue.

Rather than allow an open and honest debate on how Congress would provide for a prescription drug benefit for America's senior citizens, the Republicans apparently will script a closed rule with limited debate predicated on an arbitrary budget resolution which they have shown a willingness time and again to violate when it suits their purposes. Unfortunately, both their flawed insurance subsidy plan and their desire to stifle debate in this the people's House on a question of vital importance to nearly 40 million American Medicare beneficiaries indicates once and for all that responding to the needs of America's senior citizens does not suit the political purposes of congressional Republicans.

The Republicans' claim that no Medicare prescription drug benefit can exceed the cost of $40 billion over 5 years is false. As such, they have designed a flawed plan that fits neatly under this cap by delaying implementation and limiting catastrophic coverage only to those costs that exceed $6,000. Under their plan, if the government pays an insurer enough to create a plan where the premiums are not set too high by the insurer that someone can afford it, you still only get a benefit of about $1,000 less premiums and after that you are on your own until you reach $6,000. The Republicans know full well that a real, affordable, workable prescription drug plan will cost more but they are opposed to investing in this coverage for America's senior citizens.

During the drafting of the fiscal year 2001 budget resolution, the Republican majority found room for nearly $200 billion in tax cuts but said that if and when a Medicare prescription drug plan could be developed, it would be limited to $40 billion. There was no study, no scientific basis, no analysis that resulted in this figure. Rather it was a back-of-the-envelope calculation to make room for the huge tax cut they wanted to fund. Furthermore, during the markup, I offered an amendment to restore funding for teaching hospitals, academic medical centers and other Medicare in-patient costs. My amendment was rejected and I was told that by the Republican majority that any changes to the Balanced Budget Act of 1997 could be addressed out of that $40 billion set aside. I was also told that money could be used for Medicare reform. But of course that is the same money that was supposed to be set aside for prescription drug coverage.

Now we hear that the Republican leadership has promised to push legislation later this year to make those exact same fixes but they have said they are already spending that on prescription drugs. So clearly the Republicans have no intention of abiding by the fiscal year 2001 budget resolution as long as it does not serve their political purposes.

This is not a new phenomenon. Under the Balanced Budget Act of 1997, agriculture was to be funded at $11.3 billion in 1999 and $10.7 billion in 2000. But when it came time for Congress to live by these caps, the Republican majority, recognizing the harsh effects of these constraints, abandoned them. Agriculture was funded at $23 billion in 1999 and $35 billion in 2000. The same is true when it came to highways. When Congress set caps in 1997 and then passed a highway construction bill, the Republicans busted the caps. So far they have funded transportation and highway construction far above what was set in 1997. It is true again for defense. In 1997, we set caps for defense spending going out 5 years and we have busted those caps every year.

Mr. Speaker, do not get me wrong. I do not dispute the need at times to adjust balanced budget caps when the need is justified. What I challenge is whether the Republican leadership is really sincere about helping America's senior citizens. They found a way to finesse budget limits for national defense, for highways and for our farmers. They are all worthy causes, but why will they not work around the budget resolution for America's senior citizens? Why will they not do this for the generation that fought "The Great War" and built the Nation? Why will they not do that for those we honored this past week who fought "The Forgotten War" in Korea?

If the Republicans were really sincere about helping our seniors, they would not hide behind artificial budgets and stifle debate. They would allow the Democrats who started this debate in the first place to bring up our bill which provides for meaningful, voluntary, universal prescription drug coverage under Medicare. Let us have the debate on what is best for America's senior citizens even if it means debating a real drug benefit versus large tax cuts. But, Mr. Speaker, let us have this debate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 22 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Reverence for You, O God, breathes forth a spirit of freedom within us. It is this spirit that gives us true self-esteem, a gracious attitude toward everyone else, and the power to live out our commitments to others with love.

It is this same spirit that urges us to seek out even greater freedom within ourselves and work for the good of our brothers and sisters wherever they may be in this country and beyond.

Thomas Jefferson taught us, O Lord, that "the very God who gave us life gave us liberty at the same time." Help us never to separate these two great gifts. Make us instruments of life and liberty now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. PASCRELL) come forward and lead the House in the Pledge of Allegiance.

Mr. PASCRELL led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 one-minutes on each side.

THE NEED TO ADDRESS OIL PRICE FIXING

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, recently gasoline prices have increased at rates not seen since the 1970s. While the Clinton-Gore administration vows that it will not tolerate companies who fix prices here at home, it remains reluctant to get tough on foreign countries that simultaneously receive U.S. aid and engage in oil price fixing that affects every American.

Although it is almost too late, it is time that the administration begin working for the American people.

Mr. Speaker, many Americans are seeing their family vacation plans evaporate as prices rise. I call upon the administration to adopt a national policy with other oil-consuming nations to take steps towards reducing, suspending, or even eliminating assistance or arms sales to exporters engaged in price fixing.

The hard-working American families deserve more than just a vacation. They deserve national leadership that is concerned about their future rather than the hollow rhetoric and empty promises of the Clinton-Gore White House.

FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT ACT

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, I am the proud sponsor of the Firefighter Investment and Response Enhancement Act, better known as the Fire Bill. It has almost 280 sponsors.

The bill will provide competitive grants directly to over 32,000 paid, part-paid, and volunteer fire departments across America.

On April 12 of this year, we had a hearing on this legislation before the Subcommittee on Oversight, Investigations and Emergency Management of the House Committee on Transportation and Infrastructure. At this hearing, a colleague from across the aisle stated that my legislation does not have the support of the administration. He challenged me to get it. Today I am here to present the administration's unwavering support of H.R. 1168 to the House.

I have a letter from Jack Lew, who is the Budget Director for the White House. This letter expresses, and I quote, "the Administration supports passage of the Firefighter Investment and Response Enhancement Act."

We owe it to the firefighters of America, Mr. Speaker, who put their lives at risk every day to save ours, to bring this legislation to the floor. It is about time we took care of the other side of the public safety equation, our firefighters.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today to tell my colleagues the story of Anthony and Timothy Azarmgin. Anthony and Timothy were abducted from Missouri by their noncustodial father, Mr. Tony Hossein Azarmgin, during their father's visitation period on January 2, 1991.

By August of 1991, both warrants for kidnapping and unlawful flight to avoid prosecution were in place. In 1992, Ms. Lewis, the boys' mother, was contacted by Mr. Azarmgin when he insinuated that he and the boys were in another country. In 1994, the Interpol developed reason to believe that Mr. Azarmgin, Anthony, and Timothy were in Tehran, Iran.

In 1994, Ms. Lewis established phone contact with Mr. Azarmgin, but it has been irregular at best. Mr. Azarmgin is not willing to return to the United States unless the charges are dropped.

Mr. Speaker, there are 10,000 American children just like Anthony and Tim who have been abducted to foreign countries. I urge this House to continue to work with me and help bring our children home.

MOVE FORWARD WITH BROWNFIELDS LEGISLATION AND CLEAN UP COMMUNITIES

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Speaker, there are almost half a million pieces of property in the United States that are polluted and useless because people are afraid to buy them to clean them up.

We have seen these properties. Many of them are fenced with chain-link or have signs that say "hazardous material, keep out." The problem with that is individuals will not buy these properties, because when they do, they accept the historical problems that go along with that, and they accept the liability with EPA and likely to be sued because of that.

We need to change the law. We need to say that individuals and businesses can buy these properties and clean them up and put them to a useful purpose without being concerned about EPA taking them to court and suing them because pollution occurred 40 years ago.

We have done nothing on this. We need to move forward rapidly with Brownfields legislation and help clean up our communities throughout the United States and help put these properties that are polluted, that are continuing to pollute our environment to a good purpose.

WORLD'S FIRST CANINE TRAVEL AGENCY

(Mr. TRIFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the world's first canine travel agency opened in Austria. No joke. A company advertises health spas for Rottweilers, massage parlors for Dobermans, beauty parlors for poodles.

If that is not enough to throw up one's Alpo, they offer a frequent flier program for doggy owners who vacation with Fido. Unbelievable. What is next, Mr. Speaker, fire hydrants on all 747s?

Think about it, with children starving all over the world, doggy discos are popping up like beagle patties. Beam me up.

I yield back all the rabies and fleas that have evidently constipated the minds of these rich canine owners who have simply gone to the dogs.

AMERICA NEEDS ENERGY POLICY TO PROTECT AMERICA'S INTERESTS AND FAMILIES

(Mrs. CUBIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CUBIN. Mr. Speaker, driving is not a luxury to most Americans, it is a necessity, especially in the mountain West where I live where one might have to drive 100 miles to go see the doctor.

Americans need their cars, and they need their cars to get to work, to school, to church, and to the grocery store. Truckers need their rigs to deliver food, clothing, and other goods across the Nation.

When gas prices get out of hand, it is more than just inconvenient, it is a considerable financial problem. Truckers across the country are having their livelihoods threatened because they cannot afford the price of fuel. Families are curbing their long-anticipated summer vacation plans. This is simply wrong.

The gas prices that plague our Nation represent a complete failure of the energy policy or lack of energy policy, I should say, of the Clinton-Gore administration. It is time for Mr. Clinton and Mr. GORE to wake up. America needs an energy policy that will protect America's interests, help our families and our national security.

GIVE OUR SENIORS SIMPLICITY AND CHEAPER PRICES FOR PRESCRIPTION DRUGS

(Mr. WEYGAND asked and was given permission to address the House for 1 minute.)

Mr. WEYGAND. Mr. Speaker, 4 years ago Paul and Judy from Warwick, Rhode Island, retired hoping that they would have a great retirement with a great pension. They are now spending about $8,350 a year for prescription drugs. They want a plan that will cover them under Medicare that will be simple, effective, and reduce the cost for them, but all seniors.

Over the next few days, we are going to address a plan that the Republican leadership will offer that will simply put more money back into the insurance companies, provide a prescription drug plan that will be nothing more than another boondoggle.

We ask for simplicity. We ask for universal coverage. We ask for our seniors to be given cheaper prices for prescription drugs.

ADMINISTRATION BLAMING GAS COMPANIES FOR FUEL CRISIS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, rising gas prices are a serious concern to Americans everywhere.

The hike in fuel prices has hurt the truckers who deliver our food and clothing. It has hurt our farmers who need gas to run their farm equipment. It has hurt the average American who just wants to get to and from work.

The Clinton-Gore administration has often claimed it feels the pain of the American people. But instead of working with OPEC to increase oil production or moving to temporarily suspend expensive regulations, the administration is choosing to play the blame game.

The administration's new claim is that gas companies are engaging in price gouging. Gas companies are not to blame for our fuel prices, the Clinton-Gore administration is. While they are focusing their efforts on shifting the blame, the American people are the ones paying the price.

This is not price gouging, it is "price-Gore-ging."

CONCERN FOR LACK OF ENERGY POLICY

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, I want to join my colleagues in expressing my concern for a lack of an energy policy in the country over the last 7 years.

Really, there are three areas that we should have been watching and three areas where we failed to take the necessary steps. We have not done what we should have done to maintain our relationships with the countries we buy oil from.

At the same time, we have allowed our country to become more and more dependent on those countries. Somewhere between 56 and 58 percent of all our oil is now imported. We have done everything we could during that same period of time to discourage domestic supply, and we have not done anything to encourage alternative use.

Now suddenly, at the end of 7 years of no policy, the Secretary of Energy says we were caught napping. Well, it seems to me the Secretary of Energy has been napping a lot. Whether it was involving our nuclear codes at Los Alamos or our dependence on foreign oil, we cannot afford to have an Energy Department napping. We need to look and see what happened at the same time we need to do everything we can to provide relief to the families that are being caught in this crisis right now.

RECESS

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10:25 a.m.

Accordingly (at 10 o'clock and 15 minutes a.m.), the House stood in recess until 10:25 a.m.

☐ 1025

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 10 o'clock and 25 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

PLACEMENT OF STATUE OF CHIEF WASHAKIE IN NATIONAL STATUARY HALL

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 333) providing for the acceptance of a statue of Chief Washakie, presented by the people of Wyoming, for placement in National Statuary Hall, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 333

Whereas Chief Washakie was a recognized leader of the Eastern Shoshone Tribe;

Whereas Chief Washakie contributed to the settlement of the west by allowing the Oregon and Mormon Trails to pass through Shoshone lands;

Whereas Chief Washakie, with his foresight and wisdom, chose the path of peace for his people;

Whereas Chief Washakie was a great leader who chose his alliances with other tribes and the United States Government thoughtfully; and

Whereas in recognition of this alliance and long service to the United States Government, Chief Washakie was the only chief to be awarded a full military funeral: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. ACCEPTANCE OF STATUE OF CHIEF WASHAKIE FROM THE PEOPLE OF WYOMING FOR PLACEMENT IN NATIONAL STATUARY HALL.

(a) IN GENERAL.—The statue of Chief Washakie, furnished by the people of Wyoming for placement in National Statuary Hall in accordance with section 1814 of the Revised Statutes of the United States (40 U.S.C. 187), is accepted in the name of the United States, and the thanks of the Congress are tendered to the people of Wyoming for providing this commemoration of one of Wyoming's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Wyoming is authorized to use the rotunda of the Capitol on September 7, 2000, at 11 o'clock ante meridian, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The statue shall be displayed in the rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be moved to its permanent location in National Statuary Hall.

SEC. 2. TRANSMITTAL TO GOVERNOR OF WYOMING.

The Clerk of the House of Representatives shall transmit a copy of this concurrent resolution to the Governor of Wyoming.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

As visitors move around the Capitol, one of the most striking examples of State representation is, in fact, the ability of each State to send two statues to the Capitol. It is fascinating to look at the regional and especially the historical differences of who States recognize as appropriate figures to memorialize by statue in the Capitol.

We have before us today a resolution which completes the State of Wyoming's decision to send two statues. I think it is emblematic, the particular statue that Wyoming has chosen.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Wyoming (Mrs. CUBIN) to really give the details of the reason for the selection of this particular statue.

Mrs. CUBIN. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for yielding me this time, and I also wish to thank him in his capacity as the chairman of the Committee on House Administration for moving this important piece of legislation forward in such a timely manner, as well as the ranking member, the gentleman from Maryland (Mr. HOYER). It is very important to the people of Wyoming.

I am proud to bring before the House today this resolution to provide for the placement of a statue of Chief Washakie in Statuary Hall presented by the people of the State of Wyoming.

In 1840, Chief Washakie became the principal chief of the eastern Shoshone tribe, a role he would fill until his death over 60 years later. Chief Washakie was well-known as a distinguished leader and a stately warrior who bravely defended the Shoshone and their allies. He was a skilled linguist. He spoke English, French and Shoshone.

Adhering to the philosophy of making the best of what cannot be changed, Chief Washakie maintained friendly relations with the United States Government, with the settlers, and other American immigrants. He always placed the peace and welfare of his people above all other concerns. Chief Washakie worked tirelessly to seek the best for his people, requesting schools, churches, and hospitals on Shoshone land.

He peacefully surrendered the Green River Valley to provide for the right-of-way for the Union Pacific railroad, thus helping complete the first transcontinental railroad and the settlement of the west.

□ 1030

As the last Chief of the Shoshone tribe, Chief Washakie successfully preserved the Wind River Mountain Range for his tribe's homeland. The Wind River Mountains are truly some of the most magnificent mountains in the world. Anyone who has not seen them needs to take a trip and look at the vast beauty.

In the role of chief, Chief Washakie greatly contributed to the settlement of the West by allowing the Oregon and the Mormon trails to pass through Shoshone lands. When wagon trains carrying these pioneers passed through the Shoshone territory in the 1850s, Chief Washakie and his people aided overland travelers in fording the streams and recovering stray animals.

I think that it is interesting to note that over 9,000 emigrants signed a thank-you document to Chief Washakie and his people for safe passage through their territory.

In the 1870s, Chief Washakie served as a military leader of over 150 Shoshone men who were serving with United States Cavalry General Crook in the campaign to return the Sioux and the Cheyenne bands to their assigned reservations.

This campaign ended with Custer's ill-fated attack at the Little Big Horn in 1876. This was an attack which Chief Washakie seriously advised Colonel Custer against doing.

My own maternal great, great grandfather migrated to Wyoming around 1846. He was a mountain man and a trapper. He traded fur pelts with the Indians, and surely the Shoshones were among those with whom he traded.

When Chief Washakie died in 1900, some say over the age of 100, Chief Washakie received a full military funeral and burial honoring his career in the U.S. Army. He is the only chief who has ever been awarded such a distinction.

The Wind River Indian Reservation in central Wyoming is the home of many Shoshone and Arapaho Indians today. Their culture and their art work are still being passed to young generations. For this legacy, we should all be grateful.

On behalf of the people of Wyoming. I am proud to put forth this legislation providing a commemoration of one of the States' most celebrated names, Chief Washakie.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join the gentleman from California (Mr. THOMAS) and the gentlewoman from Wyoming (Mrs. CUBIN), who represents Wyoming so well, in rising in support of this resolution. The gentlewoman from Wyoming (Mrs. CUBIN) referred to it as an important resolution, and that it is. It may not be controversial, but it is important.

Mr. Speaker, as ranking minority member of the House Administration Committee and the Joint Committee on the Library, I am pleased to support this concurrent resolution to enhance the National Statuary Hall collection by accepting this statue of Chief Washakie submitted by the State of Wyoming.

Each of the 50 States, Mr. Speaker, as my colleagues know, is permitted to submit two statues for our collection, which then become the property of the United States. This is Wyoming's second statue and brings the total number of such statues in the Capitol to 97 since the law creating the collection was enacted in 1864.

Mr. Speaker, Congress has usually adopted concurrent resolutions such as the one before us today upon the arrival of a new statue for the collection from a State. H. Con. Res. 333 provides that the statue of Chief Washakie will be displayed for not to exceed 6 months in the Capitol rotunda. It will then be moved to a permanent site within the Capitol, as directed by the Joint Committee on the Library, since there is not sufficient enough space in Statuary Hall to accommodate all of the existing collection.

The concurrent resolution would also authorize use of the Capitol rotunda on Thursday, September 7, at 11 o'clock a.m., for a ceremony where Wyoming will formally present the bronze statue of Chief Washakie by the noted sculptor Dave McGary.

The concurrent resolution would provide for the printing of an appropriate number of copies of the transcript of the proceedings, under the direction of the Joint Committee on the Library, for use by both Chambers of Congress and by the senators and the representative from Wyoming.

Chief Washakie, as it has been noted, lived from 1798 to 1900. He was a leader of the Shoshone tribe who united his people into a significant political and military force. Both warrior and peacemaker, he recognized that survival of Indian tribes in the western United States depended upon accommodation with migrating settlers and the United States Government.

In 1868, he signed the Fort Bridger Treaty, establishing reservation boundaries of more than three million acres around the Warm Valley area of Wyoming.

Chief Washakie spoke English and French as well as a number of other Indian languages, including, of course, Shoshone. He was a skilled negotiator who gained substantial benefits for his people at a time when many other tribes engaged in futile warfare with the army and incoming settlers.

Chief Washakie knew that peace was better than war for his people and, as a result, did very well by them and was honored until his death by them and is honored today by them and by their State, Wyoming.

When Chief Washakie died on February 23, 1900, he was accorded a full military funeral. I am told that he is the only known Indian chief to receive such an honor.

Mr. Speaker, Wyoming has exercised its prerogative to honor Chief Washakie for his significant role in the early history of the State.

We in this Congress, I know, are pleased to support this concurrent resolution and congratulate its sponsor on her leadership and for helping to facilitate the presentation of the statue to the people of the United States.

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I thank my very good friend for yielding me the time.

Mr. Speaker, I just want to rise to compliment the gentlewoman from

Wyoming (Mrs. CUBIN) for the fine job she has done. The Native American Indians and that whole story in this country is a tragic scar on our history, and I believe her efforts are indicative of the feelings and the spirit of the people of Wyoming and are well appreciated here and are absolutely necessary.

It is good to see that we honor those who at times were dishonored in a Nation that now respects the greatness of the action they had taken. So I want to compliment my good friend, who is one of the Democratic Party's finer leaders, that is the gentleman from Maryland (Mr. HOYER); and I want to compliment the gentleman from California (Mr. THOMAS) for giving the opportunity for the gentlewoman from Wyoming (Mrs. CUBIN) to bring her legislation to the floor. I am honored to support it.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, a distinguished son of Wyoming, Mike Sullivan, now an ambassador, is quoted on this very impressive brochure related to the Chief Washakie sculpture project. I think he says it well:

"Washakie is a model for leaders across the generations."

How appropriate it is to have a statue representing the State of Wyoming, representing Native Americans, and representing the kind of country that does and should honor a leader across the generations.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER) for his comments.

He was indeed an impressive historical figure. The purpose in allowing States to send statues is to illustrate the diversity of the historical figures that by adding up the statues of the States give us an even better understanding of the history of the United States.

It is not by accident that the other statue from the State of Wyoming is a statue of Esther Hobart Morris, who was a suffragette, who was the first woman governor anywhere in the United States, and who pushed the legislation that made Wyoming the first State in the Union to afford the full voting privileges to women.

So this impressive statue, and my understanding is that Chief Washakie is going to be more than 12-feet tall in full Indian headdress with a spear, it will be a focal point on the tours given to the Capitol visitors and they will be able to visit a portion of our history, all Americans' history, presented to us by the State of Wyoming.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 333, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 333, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMITTING USE OF ROTUNDA OF CAPITOL FOR PRESENTATION CEREMONY OF CONGRESSIONAL GOLD MEDAL TO FATHER THEODORE HESBURGH

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 344) permitting the use of the rotunda of the Capitol for a ceremony to present the Congressional Gold Medal to Father Theodore Hesburgh, as amended.

The Clerk read as follows:

H. CON. RES. 344

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on July 13, 2000, for a ceremony to present the Congressional Gold Medal to Father Theodore Hesburgh. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as was indicated, this is a resolution to use the rotunda of the Capitol for the ceremony of awarding a Congressional Gold Medal to Father Theodore Hesburgh.

Dr. Hesburgh's history is truly an impressive one, especially when we look at the rapidity with which he moved to the presidency of one of the more distinguished private religious and secular universities in the United States, the University of Notre Dame.

He received his ordination as a priest in 1943; studied here at the Catholic University of America in Washington, D.C., receiving his doctorate in 1945; moved to Notre Dame to teach; and then at the age of 35, in 1952, became the 15th president of the University of Notre Dame and held that position until 1987, shaping in a significant way the current position of the University of Notre Dame.

Based upon additional activities, along with this very short biography, which my friend the gentleman from Indiana (Mr. ROEMER) will elaborate on, it is absolutely appropriate that we authorize the use of the rotunda to present the Congressional Gold Medal to a religious scholar, a scholar, an administrator, and someone who has made a significant impact not just on students, not just on faculty, not just on Catholics, not just on the United States, but upon the world.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman of our committee, the gentleman from California (Mr. THOMAS) for facilitating this resolution moving forward.

I particularly want to commend my colleague, the gentleman from Indiana (Mr. ROEMER), for sponsoring this resolution and for all his hard work in getting this body to pass legislation giving the Congressional Gold Medal to Father Theodore Hesburgh, the President Emeritus of the University of Notre Dame.

I leaned over to my colleague, the gentleman from Indiana (Mr. ROEMER), and said that when we talked about him being a doctor or this, that, or the other, that really what he was was a parish writ large, not just for the United States but all the world.

The gentleman from Indiana (Mr. ROEMER) I know is extraordinarily proud that his district is the home of Notre Dame, one of our Nation's great academic institutions. Whether it is in the classroom, the laboratory, or the athletic fields, Notre Dame is rightfully known for producing extraordinary leaders, including, I might say, our colleague, the gentleman from Indiana (Mr. ROEMER), who received both his masters and his Ph.D. at that school.

I was, as all of us were, pleased to support the legislation granting Father Hesburgh a Congressional Gold Medal. I am honored to rise today in support of H. Con. Res. 344, which will grant use of the Capitol rotunda on July 13, 2000, for the presentation ceremony.

□ 1045

The Congressional Gold Medal is the highest honor, Mr. Speaker, that Congress can give to a private citizen of this Nation. We have given them to the heroes of our history, those who have displayed uncommon valor on the field of battle, courage in the pursuit of civil rights and insight in the quest of knowledge. Last October, Congress gave the Congressional Gold Medal to Father Hesburgh. We now will provide for the awarding of that medal.

For 35 years, Father Hesburgh guided one of our country's finest universities, through a period of unparalleled growth. I spoke at the beginning about the excellence of Notre Dame, not just on the athletic field but in the classroom and in the community. In large measure, it is because of the extraordinary people that have led Notre Dame, none of them more extraordinary than Father Hesburgh.

When he stepped down from the University's presidency in 1987, his tenure was the longest among active American college and university presidents. During his years as president of Notre Dame, Father Hesburgh used his leadership to seek the advancement of civil rights, peace and justice around the world. He has held 15 presidential appointments, confronting such diverse issues as the peaceful use of atomic energy, campus unrest, immigration reform and Third World development.

Throughout these efforts, Mr. Speaker, Father Hesburgh maintained an unwavering commitment to fairness, equality and justice. In 1964 when President Johnson awarded the Medal of Freedom to Father Hesburgh, he could have sat back and rested on his laurels as one of the most respected leaders of our Nation. He could have; but, of course, we know he did not. Rather he used his mantle of respect to fight for those whose voices are not always heard, whose issues are not always respected, and whose needs are not always met.

In those pursuits, he served not only his country, but most importantly, I am sure, to him, his God, and his faith. There is not enough time in this debate to review all the good work that Father Hesburgh has done in his life, but let me review just a few highlights.

He sought to bridge America's racial divide as chairperson of the Commission on Civil Rights from 1969 to 1972. He fought for the interests of the underdeveloped nations as chair of the Overseas Development Council for 11 years. He helped heal the scars of the Vietnam War with his service as a member of President's Ford's Presidential Clemency Board.

He worked to promote peace by organizing a meeting of world class scientists from both sides of the Iron Curtain urging the elimination of nuclear weapons.

After the meeting, he organized a convention of religious leaders who endorsed the views of the scientists. In addition, Mr. Speaker, to his honors, which include the Franklin Roosevelt Four Freedoms Medal, the Distinguished Peace Leader Award and the National Service Lifetime Award, Father Hesburgh has received 135 honorary degrees, the most ever awarded to any American.

Father Hesburgh is a wonderful, magnificent example of a good man who rose up and did great things. He however, was a humble person, walking closely with his God. I can think of no person for whom the honor is more appropriate.

Mr. Speaker, I urge my colleagues, as I know they will, to unanimously support this resolution.

Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend from Maryland (Mr. HOYER) for his very articulate comments about Father Hesburgh and for his overly generous comments about me.

Mr. Speaker, I want to also thank the gentleman from California (Mr. THOMAS) for his hard work and help on this resolution. I would also like to thank the Republican and Democratic leadership for their help and assistance in passing this Gold Medal to Father Hesburgh, and I want to pick out a couple of individual Members of Congress on the Democratic and Republican side who helped gather the cosponsors, the gentleman from Indiana (Mr. VISCLOSKY), the gentleman from New York (Mr. KING), the gentleman from Indiana (Mr. SOUDER), the gentleman from Georgia (Mr. LEWIS), the gentlewoman from Kentucky (Mrs. NORTHUP), all were very, very helpful. Senator BAYH and Senator LUGAR on the Senate side in helping us get the needed cosponsors to pass this very important resolution.

Mr. Speaker, I rise in strong support of H. Con. Res. 344 to authorize the use of the U.S. Capitol rotunda for the ceremony in which the President will present Father Theodore M. Hesburgh with the Congressional Gold Medal. I am deeply grateful to the leadership that has called up this resolution and recognizes that the use of the rotunda for this occasion is a fitting tribute to one of America's most distinguished educators and humanitarians.

Mr. Speaker, I would also like to take just a quick minute to salute the University of Notre Dame for its excellence in research and its faculty, for its commitment by its student body, where 10 percent of its student body that just graduated will go into voluntary service throughout the world, not just America, to help the hungry, to help the poor, to help the thirsty and to put a lot of emphasis on social justice.

I want to thank the Holy Cross Order that helps Father Hesburgh and Father Malloy, now the president of the university.

Last year, more than two-thirds of the U.S. House of Representatives cosponsored my bill to award the Gold Medal to Father Hesburgh. The companion bill was also cosponsored by more than two-thirds of the U.S. Senate. The legislation was passed with unanimous consent and signed into law by President Clinton on December 9, 1999.

This bipartisan measure recognizes Father Hesburgh's countless and enduring contributions to the United States and the global community.

Father Hesburgh's remarkable record of public service is as distinguished as his contributions are numerous. Over the years, he has held 15 Presidential appointments and remained a national leader in education, civil rights, and in social justice issues in the Third World. Highlighting a long list of awards received by Father Hesburgh is a Presidential Medal of Freedom, our Nation's highest civilian honor, bestowed on him by President Johnson in 1964.

Equal justice has been the primary focus of Father Hesburgh's pursuits. He was a charter member of the U.S. Commission on Civil Rights, and later, its chairman. Father Hesburgh passionately supported the civil rights movement and was dismissed from the commission when he criticized the administration for not fully implementing its recommendations.

Father Hesburgh was the longest serving active president of an institution of higher learning when he retired from the University of Notre Dame in 1987. He continues, he continues, Mr. Speaker, in retirement as a leading educator, a leading humanitarian, and inspiring generations of students and citizens to serve their country while sharing his wisdom and vision for the rights of man.

Father Hesburgh has served his Nation well, not only on matters of civil rights here and abroad, but he has fought against unemployment, fought against poverty, fought against hunger, and in support of better agriculture for developing nations so that they can feed their people.

In a recent speech, the United Nations Secretary Kofi Annan said that there are one in five of the population in the world today that does not have access to safe drinking water. Kofi Annan went on to say one out of every five people in the world lives on less than a dollar per day.

Father Hesburgh continues to make these people his highest priority, the hungry and the thirsty. Father Hesburgh is beloved by all who have known him. I am personally grateful to Father Hesburgh for his friendship and guidance, starting with my years as a student at the University of Notre Dame. I firmly believe that this resolution to use the Rotunda for presenting the Congressional Gold Medal to Father Hesburgh is entirely an appropriate tribute to one of America's greatest citizens and champions of human rights.

Mr. Speaker, I strongly encourage my colleagues to support the resolution and, again, express my deep gratitude to the gentleman from California

(Mr. THOMAS), to the gentleman from Maryland (Mr. HOYER), to the leadership of both sides in this bipartisan tribute to be considered on the House floor today. I thank both gentlemen for the 6 minutes of time to talk about Father Hesburgh's lifetime of accomplishments.

Mr. HOYER. Reclaiming my time, I want to again thank the gentleman from Indiana (Mr. ROEMER), a distinguished graduate of an institution that was led so ably and whose service to this country, not only leading Notre Dame but service to this country, is so deserving of recognition, which the gentleman from Indiana (Mr. ROEMER) has assured will happen. I congratulate the gentleman for his leadership.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I did not plan to speak on this issue, I will be brief. As an athlete, I played against Notre Dame. I think it is fitting that the Congressional Gold Medal be awarded to this great American.

I want to commend the gentleman from Indiana (Mr. ROEMER) and I know the gentleman from Indiana (Mr. VISCLOSKY) is not here, a great Notre Dame fan as well, but I think as we think about the Congressional Gold Medal, the world will always think about Father Hesburgh every time they see that golden dome on the television screen and the tenacity and the spirit of Notre Dame, much of it has been imbued, developed by Father Hesburgh. I think his fingerprints rest on the university of such great acclaim. It is known throughout the world.

Mr. Speaker, I say to the gentleman from Indiana (Mr. ROEMER), this is very fitting, so I want to thank the Republican leadership, the gentleman from California (Mr. THOMAS), the gentleman from Maryland (Mr. HOYER), our ranking member, I believe this is most fitting. I am just honored to be a part, to be able to say that I had a vote in this Congressional Gold Medal award.

Mr. HOYER. Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, lest anyone think that although this is being presented in a bipartisan way, that it is purely a partisan interest in Notre Dame. I really would be remiss if I did not mention that there are a number of Republicans who have attended and indeed graduated from Notre Dame, and one that I know is no greater Irish hunk than our former colleague Dan Lungren from California, who not only bleeds green and gold, but would occasionally wear green and gold on the floor of the House, especially after a much-needed win over the University of Southern California in the annual football contest.

Having heard these words about Father Hesburgh, this is simply an introduction and an invitation to join in the Rotunda in the presentation of that Congressional Gold Medal.

Mr. GILMAN. Mr. Speaker, I am pleased to support this legislation, which authorizes the use of the Capitol rotunda on July 13, 2000 for a ceremony to present the Congressional Gold Medal to Father Theodore M. Hesburgh.

We look forward to honoring Father Hesburgh for his many achievements in such areas as education and international and peace studies. This remarkable leader has not only served our nation's presidents but has also served a 35 year tenure as President of the University of Notre Dame and has demonstrated his leadership in a number of international organizations. The list of his accomplishments reflects his devotion to many noteworthy and noble causes.

Father Hesburgh was born in Syracuse, N.Y. on May 25, 1917, the son of Anne Murphy Hesburgh and Theodore Bernard Hesburgh.

Educated at Notre Dame and the Gregorian University in Rome, Father Hesburgh received a bachelor of philosophy degree in 1939. In 1943 he was ordained a priest of the Congregation of Holy Cross. He received his doctorate at the Catholic University of America in Washington, DC, and he joined the Notre Dame Department of Religion in 1945. In 1948, he was appointed head of the department and also served as chaplain to World War II veterans on campus. When he was 35, in 1952, Notre Dame named him their 15th president, and he retired on June 1, 1987.

In addition to his accomplishments at Notre Dame, Father Hesburgh's list of appointments and public service demonstrates a life-time of promoting peace, justice, civil and human rights, and education. He has held 15 Presidential appointments in such fields as civil rights, peaceful uses of atomic energy, and Third World development. He chaired the U.S. Commission on Civil Rights from 1969–1972. Between 1979–1981, he chaired the Select Commission on Immigration and Refugee Policy, and its recommendations became the groundwork for Congressional reform legislation 5 years later.

He has also served four Popes, and from 1956–1970 he was Vatican City's representative to the International Atomic Energy Agency in Vienna. In 1968, Pope Paul IV appointed him head of the Vatican representatives attending the 20th anniversary of the UN's human rights declaration in Teheran, Iran.

In the field of education, Father Hesburgh has served on a number of commissions and study groups that have analyzed issues such as public funding of independent colleges and universities and the purpose of foreign languages and international studies in higher education. His dedication has earned him 135 honorary degrees.

After retiring as president of Notre Dame, Father Hesburgh has continued to promote important causes and, as President Emeritus, to work for his university's future. He has continued to participate in international organizations; he has traveled the world as a distinguished speaker; written numerous articles, books as well as his autobiography, "God, Country, Notre Dame;" and furthered the interest of several Notre Dame academic institutes. Moreover, Father Hesburgh chairs the advisory committee for the Kellogg Institute for International Studies and the Hesburgh Center for International Studies, which was named in his honor.

Numerous awards reflect all of these achievements. In 1964, President Lyndon Johnson awarded him the Medal of Freedom. Other awards include the Franklin D. Roosevelt Four Freedoms Medal for Worship, the Distinguished Peace Leader Award, and the National Service Lifetime Achievement Award.

Mr. Speaker I urge our colleagues to join in supporting this legislation to recognize Father Hesburgh's many accomplishments as well as his honorable life dedicated to noble causes.

Mr. SOUDER. Mr. Speaker, I rise today to express my strong support for the resolution authorizing the use of the Capitol rotunda for a ceremony to present the Congressional Gold Medal to Father Theodore Hesburgh, President Emeritus of the University of Notre Dame. I also want to thank my colleague from Indiana, TIM ROEMER, for his leadership in the effort to bestow this honor on Fr. Hesburgh.

As a graduate of the University of Notre Dame, I have long admired Father Hesburgh's commitment to excellence in higher education and his extraordinary leadership in the cause of civil rights. I was happy to cosponsor the legislation last fall to present him with this distinguished award.

Under Father Hesburgh's stewardship as Notre Dame's president from 1952 to 1987, Notre Dame established itself as a top academic institution while maintaining its standing as a leading Catholic university. Fr. Hesburgh's greatest challenge was to demonstrate that it was possible to achieve prominence in both arenas and he succeeded, creating a model for other Catholic institutions of higher learning across the country.

One of Father Hesburgh's most enduring contributions to the Nation as a whole is his commitment to the pursuit of civil rights for all Americans. As a member of the U.S. Commission on Civil Rights for 15 years, three of them as its chairman, Fr. Hesburgh was instrumental in the movement that culminated in the enactment of the Civil Rights Act of 1964. His legacy of leadership in the cause of civil rights and other issues of moral imperative has served as an example for America and, indeed, the world.

Mr. Speaker, in light of these and all of Father Hesburgh's many contributions in service to our Nation, I wholeheartedly support this resolution.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 344, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 344, as amended, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SENSE OF CONGRESS THAT STATES SHOULD MORE CLOSELY REGULATE TITLE PAWN TRANSACTIONS AND OUTLAW IMPOSITION OF USURIOUS INTEREST RATES ON TITLE LOANS TO CONSUMERS

Mrs. ROUKEMA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 312) expressing the sense of the Congress that the States should more closely regulate title pawn transactions and outlaw the imposition of usurious interest rates on title loans to consumers, as amended.

The Clerk read as follows:

H. CON. RES. 312

Whereas title loan lenders make title loans and title pawns to consumers by attaining the consumer's automobile title as collateral;

Whereas these loans and pawns are often offered at unscrupulously high rates of interest;

Whereas in many cases borrowers are forced to pay interest rates of up to 300 percent per year;

Whereas many of these borrowers are unaware of applicable rates and are forced into deeper and deeper debt to pay the initial lien;

Whereas this industry takes advantage of uneducated and poor consumers through usurious and exploitive lending practices;

Whereas title loans and title pawns threaten the ability of consumers to hold a job since default on the loan or pawn will result in repossession and sale of their car, which is often their only means of transportation to and from work;

Whereas this industry is expanding rapidly throughout the United States;

Whereas both the Federal Government and States have traditionally acted within their respective jurisdictions to protect citizens from usurious lending and abusive credit practices;

Whereas the spread of abusive lending practices, including those often characteristic of title loan and title pawn transactions, have recently resulted in heightened Federal interest, at the congressional, executive, and regulatory levels, in curbing predatory lending practices;

Whereas, as the result of extensive field hearings, a task force established by the Secretary of the Treasury and the Secretary of Housing and Urban Development has just underscored the need for Federal legislation to curb predatory lending;

Whereas the title loan and title pawn transaction problem is particularly acute in Alabama, Georgia, Idaho, Illinois, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, Oregon, South Carolina, South Dakota, Tennessee, and Utah; and

Whereas this problem has the potential to spread to other States that currently do not closely regulate the title loan and title pawn industry: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Federal Government and the States should—

(1) engage in greater oversight of title loan and title pawn transactions;

(2) work cooperatively to address the problem of abuses in title loan and title pawn transactions through effective legislation at both the Federal and State level, as necessary, including by prohibiting title pawn transactions and prohibiting usurious interest rates in title loan transactions; and

(3) ensure that any Federal legislative effort preserves the ability of the States to enact stronger protections for consumers with respect to such transactions.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Pennsylvania (Mr. MASCARA) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chair of the Subcommittee on Financial Institutions and Consumer Credit of the Committee on Banking and Financial Services, I bring this to the floor, but I want to expressly thank and recognize the gentleman from Florida (Mr. SHAW), who is the original author of this concurrent resolution, and has brought before us the increasing awareness of the usury problems associated with title pawn and title loan industry.

□ 1100

The resolution expresses the sense of Congress that the Federal Government and the States should work together cooperatively to outlaw title pawn transactions and the imposition of excessive interest rates.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SHAW), the author of the resolution.

Mr. SHAW. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, House Concurrent Resolution 312 puts this Congress on record as opposing the predatory and unscrupulous lending practices of the title loan industry. As many of my colleagues are aware, abuse by the title loan industry is an ever-increasing problem all across America. These fringe banking services offer short-term loans to people unable to borrow from traditional lending institutions, taking the consumer's car, title and spare keys as collateral.

The interest rate on these loans which are usually not adequately disclosed to the borrower are so exorbitant that debtors frequently must take out additional loans just to pay the interest on the initial lien, sending them deeper and deeper into debt. These rates can often be as much as 300 percent, and, in some cases, even higher.

Take, for example, the blight of a Miami, Florida, resident whom I will simply call John. As reported in the Miami Herald, John, in need of cash to pay bills, borrowed $1,000, using the spare keys of his car as collateral. Not fully aware of the terms of the loan, he was quickly incapable of making the monthly interest-only payments of $220 and subsequently took out additional loans just to pay the interest on the initial loan. This amounts to an annual rate of nearly 350 percent. Now knee-deep in debt and fearful that any day his car would be repossessed, which would likely cost him his job, John struggled to pay back what amounted to three times his initial loan. He eventually ended up destitute and in a homeless shelter. Unfortunately, this one example is not uncommon and reflects the cases of far too many Americans who have found themselves trapped in an ever-worsening cycle of debt because of the title loan industry.

As this industry spreads across this country, more and more States are taking action to eliminate this type of institutional usury. Just last month, in my home State, Florida, Governor Jeb Bush signed into law legislation limiting the outrageous rates that loan companies in Florida had been charging and limited it to 30 percent.

Nationwide recognition of this problem is needed. However, title loan companies can circumvent prohibitions imposed by individual States by crossing State lines and filing the proper paperwork in a State that has yet to regulate this industry. The result is that loan companies continue to spread like wildfire in States which are unregulated, and more and more people find themselves swimming in outrageous debt. This problem will persist until elected officials make the protection of their constituents a priority and rein in this fringe industry.

Mr. Speaker, passage of this resolution will put those who engage in this type of legal loan-sharking on notice that such predatory lending practices will no longer be tolerated. Although a number of States like Florida have stopped the title loan industry in its tracks, much remains to be done and Congress may need to play a role. While respecting the rights of the States to improve upon existing consumer protection laws, H. Con. Res. 312 makes it clear that, if necessary, Congress will take appropriate action to combat predatory lending practices.

Mr. Speaker, H. Con. Res. 312 puts Congress on record as condemning the practice of legal loan-sharking and opposing usury and unfair lending practices. I urge my colleagues to take this opportunity to express their concern for the consumer rights of their constituents and support this resolution.

This resolution goes to protect the most vulnerable in our society from some of the most unscrupulous practices in our society.

Mr. MASCARA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, the House takes up a bipartisan resolution, H. Con. Res. 312, that, with the cooperation of its sponsor, the gentleman from Florida (Mr. SHAW), we amend it in a way that I can support. This resolution, as amended, expresses the sense of Congress that the Federal Government and the States should work together to better oversee abuses and unscrupulous practices of title loan and title pawn lenders and that both levels of government should address the problem with effective legislation, where necessary.

The resolution also urges that any Federal effort in this area should preserve the ability of the States to enact stronger consumer protection in this area. In fact, the State of Florida recently enacted legislation sponsored by State Assemblyman Kendrick Meek of Miami whose mother, the gentlewoman from Florida (Mrs. MEEK), represents the 17th District of Florida and is a cosponsor of this resolution.

Mr. Speaker, I am pleased to support this resolution which puts the Congress on record as urging State and Federal action to address the devastating consequences to consumers of the predatory practices of title loan and title pawn lenders.

Our Nation is progressively being segmented into two separate, unequal, financial service systems: one serving middle- and upper-income individuals through mainstream financial institutions, and another serving lower-income households through check-cashers and pawnshops. This resolution sends the right message that Congress and the States, as appropriate, must take action to protect the vulnerable segment of the population who are preyed upon by unscrupulous lenders.

In many parts of our country, we are seeing the growth of title loan and title pawn lenders as yet another class of fringe lenders who take advantage of the lower-income consumers strapped for cash. Through deceptive practices, title pawnshops and other title lenders too often lure unwary consumers into using the title to their automobile and trucks as security for loans equal to a fraction of the value of the vehicle. Such loans typically carry interest rates in triple digits, often around 300 percent on an annual basis. At such a high interest rate, many of these borrowers are unable to pay off their loan and their vehicles are repossessed. When these loans are structured as a title pawn transaction, the title pawn broker sells the automobile and retains transfer to the pawn broker. The consumer loses all of his or her equity in the automobile and typically has little or no recourse to regain the automobile.

As is the case for most Americans, these consumers depend on their automobiles and trucks for transportation to their jobs, vital medical appointments, and school for their children. So the loss of a vehicle through an unfair foreclosure often results in the loss of a job or other serious consequences.

Mr. Speaker, it is incumbent upon both Congress and the States to act cooperatively with their respective jurisdictions to curb predatory lending practices. The abuses in the title pawn and title loan industry are just one of the areas which merit immediate and aggressive legislative action. The Congress must take action to curb the abuses in the title pawn and title loan industry. As the Clinton administration's Task Force on Predatory Lending recently urged in its report, Congress should enact new legislation in the title pawn and title loan industry. Congress should begin to do that forthwith.

The joint HUD-Treasury Task Force also urged Congress to amend existing laws to give borrowers more timely and more precise information regarding the cost and terms of loans. I am hopeful that we can work in a bipartisan fashion to enact legislation that will wipe out predatory lending practices, regardless of where and how they occur.

Mr. Speaker, I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

This resolution expresses the sense of the Congress that the Federal government and the States should work together cooperatively to outlaw title pawn transactions and the imposition of excessive interest rates on title loans. In these types of transactions, the business takes the consumer's automobile title as collateral, often as part of a very small pawn transaction or title loan. Abuses in title loans and title pawn transactions often include excessively high interest rates and other exploitive lending practices.

I want to note, in light of what the gentleman from Pennsylvania (Mr. MASCARA) has stated and certainly what the author of this amendment has stated, I want to note that as the chairwoman of the Subcommittee on Financial Institutions and Consumer Credit, I want to make the point that we, on the committee, are continuing to study predatory lending. The Committee on Banking and Financial Services recently held a hearing on this very subject, and while title loan and title pawn transactions are certainly a component of the practices that are considered predatory, we are also considering what regulatory or legislative changes might be needed on a broader scale; and I think our colleague from Pennsylvania has referenced that possibility.

Clearly, cooperation among the Federal and State governments and Federal and State regulators and the financial services industry is critical and key. With respect to the abuses in the title pawn transactions and the title loans and the lack of meaningful regulation of this area in some States, the cooperation, as outlined and required in this concurrent resolution, H. Con. Res. 312, is absolutely necessary. A consistent set of rules must be applied and consumers should not be taken advantage of because of weak laws or regulations in a particular State.

Mr. Speaker, again, I want to thank the gentleman from Florida (Mr. SHAW) for his leadership on this issue.

Mr. McCOLLUM. Mr. Speaker, I support H. Con. Res. 312, expressing the sense of the Congress that the States should more closely regulate title pawn transactions and outlaw the imposition of usurious interest rates on title loans to consumers.

As a Floridian, I am acutely aware of the struggles in which the citizens of Florida have engaged in order to rein in unscrupulous practices and usurious interest rates on title loans. I am pleased that the culmination of these efforts has lead to wise and judicious legislation. I praise the Floridian approach of title lending because it weighs both the importance of curbing the abuses that too often surround title loan transactions against the importance of providing otherwise "un-lendable" borrowers with access to credit. This emergency credit can keep a small businessman from going under, or cover immediate needs at the end of the month.

Starting October 1, 2000, the Florida Department of Banking and Finance will begin to license and regulate title lenders in the state of Florida. Among initial changes will be an annual interest rate cap of 30%. Other improvements include empowering the Department of Banking and Finance to impose fines and promulgate rules. For worst case offenders, the Florida legislation establishes criminal penalties.

Furthermore, the Florida legislation does not preclude local governments in the state of Florida from enacting more stringent restriction. I firmly believe that democracy is best served when state and local governments can exercise their informed judgement to serve their citizens. This Sense of the Congress reiterates my concern both for the abuses that have dogged title lending throughout several states across the nation, but also my sincere wish that states will take up this issue in their home legislative chambers.

I look forward to casting my vote for this excellent legislation, sponsored by fellow Floridian, CLAY SHAW, and I encourage my colleagues from all 50 states to do the same.

Mr. SMITH of Michigan. Mr. Speaker, H. Con. Res. 312 calls on states to more closely regulate certain types of loans and establish ceilings on the rates of interest that can be charged for them. I oppose H. Con., Res. 312 for two reasons.

The first is that regulation of lending markets, especially the establishment of ceilings on interest rates, can harm those who most need access to them. None of us can help but be appalled by unscrupulous lenders who take advantage of needy borrowers. However, the regulations encouraged by this resolution would most likely reduce the number and availability of lenders.

As a member of the Michigan legislature, I remember that we attempted to "help" people in a similar manner by restricting lending practices and interest rates to what we consider a "fair" rate. The result wasn't that interest rates were lowered. Instead, the borrowers came to us and asked us to remove the restrictions because they couldn't get loans any more. Mr. Speaker where there is competition, rates of interest are best left to the marketplace rather than to the notions of politicians.

Second, I find it odd that we in Washington need to tell the states how they should handle what are traditionally local measures. We certainly have no greater understanding of these issues than our counterparts at the state level.

Mrs. ROUKEMA. Mr. Speaker, I yield back the balance of my time.

Mr. MASCARA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentlewoman from New Jersey (Mrs. ROUKEMA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 312, as amended.

The question was taken.

Mrs. ROUKEMA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mrs. ROUKEMA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 312, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE OHIO MOTTO IS CONSTITUTIONAL

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 494) expressing the sense of the House of Representatives that the Ohio State motto is constitutional and urging the courts to uphold its constitutionality.

The Clerk read as follows:

Whereas the official motto of the State of Ohio—"With God All Things Are Possible"—has been the State motto for 41 years, since October 1, 1959;

Whereas the motto is a powerful expression of hope and humility for all the people of Ohio;

Whereas the motto does not establish, promote, endorse, advance, or discriminate against any specific set of religious beliefs;

Whereas the motto is consistent with the American tradition of seeking spiritual guidance in matters of public affairs;

Whereas faith in God was a founding principle of the Nation and the State of Ohio;

Whereas the motto helps promote positive values and citizenship in the youth of Ohio;

Whereas several States or territories and the United States have mottoes or seals making explicit reference to God or Providence;

Whereas the Declaration of Independence and the constitutions or preambles of 45 States make explicit reference to a divine power;

Whereas since 1864, United States coins have borne the motto "In God We Trust", which Congress made mandatory on all gold and silver coins in 1908 (35 Stat. 164, Chap. 173) and on all United States coins and currency in 1955 (69 Stat. 290, Chap. 303);

Whereas in 1956, Congress declared the national motto of the United States to be "In God we trust" (70 Stat. 732, Chap. 795); and

Whereas Members of Congress take an oath to uphold the Constitution and vigilantly do so in the performance of their legislative duties: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) the Ohio State motto and other long-standing mottoes which make reference to God or Providence do so as long-accepted expressions consistent with American tradition and rooted in the sentiments of the American people;

(B) such mottoes are "those references to God that we accept in ceremonial phrases or in other contexts that assure neutrality", Lynch v. Donnelly, 465 U.S. 668, 717 (1984) (Brennan, J., dissenting), and State and Federal courts should uphold them as such; and

(C) the decision of a three-judge panel of the United States Court of Appeals for the Sixth Circuit striking down the Ohio State motto is a misinterpretation and misapplication of the United States Constitution; and

(2) the House of Representatives—

(A) finds repugnant all misinterpretations and misapplications of the Constitution by Federal courts which disregard those references to God which are well within the American tradition and within the Constitution;

(B) supports the decision of the Governor and the Attorney General of the State of Ohio to appeal the ruling; and

(C) affirms its support for the Ohio State motto and other State mottoes making reference to a divine power.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.Res. 494.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 494, expressing the sense of the House of Representatives that the Ohio State motto is constitutional. I would like to thank the gentleman from Ohio (Mr. OXLEY), who will be speaking shortly, for introducing this legislation.

"With God, all things are possible." Those are the offending words, words that the Sixth Circuit Court of Appeals, in a 2 to 1 vote, held to be unconstitutional because, according to the majority judges, they constitute a government endorsement of religion.

Mr. Speaker, 41 years ago the State of Ohio was looking for a new motto, one that expressed both the unbending optimism and quiet humility of the people of our State. A 10-year-old schoolboy submitted his choice, a passage that said simply, with God, all things are possible. The selection was easy; and in 1959, the new Ohio motto was adopted.

Mr. Speaker, 38 years passed without controversy until 1997 when then Governor GEORGE VOINOVICH, decided to place the motto carved in stone in front of the State House, in Columbus, our capital. This apparently caused a great deal of alarm. The Sixth Circuit has ruled that this passage comes directly from the Gospel according to Matthew and therefore must be stricken as Ohio's creed. Other scholars in Ohio dispute this and have traced its non-Christian origins back to Homer's epic poem "The Odyssey" and point out its prevalence as an inspirational catch phrase throughout the history of Western literature, before Christ and after.

The official motto of the United States is, "In God We Trust." We have it right up there in front of us. As I am looking here today it says, in very large letters, "In God We Trust," here on the floor of the House of Representatives. The Supreme Court of the United States heralds the beginning of every session with the words, "God save this honorable court." We in Congress pause each morning for a prayer that calls upon guidance from God.

Like these other reflections upon faith, the Ohio motto does not seek to promote a certain religion or endorse one set of religious beliefs over another.

□ 1115

Ohio's Secretary of State, J. Kenneth Blackwell, has said and I quote, "The motto implies a challenge for self-betterment, and that solid ethics must be at the root of all our actions as individuals and communities. It inspires and instructs that with faith and hard work, any challenge can be met." That is what our Secretary of State, J. Kenneth Blackwell, said.

George Washington said, and I quote, "Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

I am inclined to agree with the father of our country, the man who, against all odds, led an army of untrained farmers to victory against the most powerful army in the world. I am also inclined to think that he would certainly approve of our motto.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Let me just note, Mr. Speaker, that I am here at the request of the ranking minority member. This particular resolution, while it was referred to the Committee on the Judiciary, was not acted on by the committee. I am here in the absence of the ranking minority member to express the fact that he has no objection to the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this resolution. I am proud to be a cosponsor of this important legislation with the gentleman from Ohio (Mr. OXLEY) and others.

Mr. Speaker, this bill expresses the sense of the House of Representatives that the Ohio State motto is constitutional, and urges the courts to uphold its Constitutionality.

Earlier this year, a three-judge panel of the Sixth United States Circuit Court of Appeals ruled that Ohio's State motto "With God all things are possible" was unconstitutional. The two-to-one decision was based on a belief that that motto expressed a particular affinity towards Christianity.

I find it a real stretch to interpret the Ohio State motto as supporting a specific religion. In one instance the Koran reads, "Know you not that God is able to do all things?" Mr. Speaker, the United States has been using the phrase "In God we trust" on all our coins since 1864, and Congress made this saying, which has been held constitutional which by the courts, mandatory on all gold and silver coins in 1908 and on all U.S. currency in 1955. Clearly, legal precedents in these cases support the conclusion that Ohio's State motto should be upheld.

On a personal note, God can do all things. I would urge all Member to support this resolution.

Mr. CHABOT. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY), the principal sponsor of this resolution.

Mr. OXLEY. Mr. Speaker, while I am proud to join my good friend, the gentleman from Ohio (Mr. HALL), and 54 of our colleagues on both parties in supporting this resolution, I want to particularly thank my good friend, the gentleman from Cincinnati (Mr. CHABOT), for his work as well. I am troubled by the misinterpretation of the Constitution that has compelled us to introduce it and bring us here today.

Two months ago, with a 2-to-1 decision, a three-judge panel in the Sixth Circuit Court of Appeals struck down Ohio's official State motto, "With God all things are possible." The court sided with the ACLU in declaring that the motto expresses a particular affinity towards Christianity and thus violates the establishment clause of the Constitution.

While the phrase does appear in the Gospel according to Matthew, it actually predates Christianity by almost 1,000 years. The line "With the gods all things are possible" appears in Homer's Odyssey. Similar lines appear throughout other ancient Greek works and in the writings of Cicero, all of which were written before Matthew's counsel. According to the Council on American-Islamic relations, a similar phrase appears throughout the Koran.

Mr. Speaker, certainly this simple phrase of optimism and faith is not offensive to anyone. These six words make no reference to Jesus Christ in this context, and cannot be said to promote the Christian faith in any way. The court's action is nothing more than political correctness run rampant.

Four other States and American Samoa mention God in their mottos. Ohio's expression of faith in God is no different from any of these references. Together with "In God we trust," these mottos stand as a testament to the religious foundation of this great country.

While the courts have upheld the biblically-based "In God we trust" as the Nation's motto time and time again, the Sixth Circuit panel ignored precedent and struck down Ohio's similar expression of faith. In fact, the 10-year-old boy who suggested the phrase as Ohio's motto more than 40 years ago was not even aware of its Biblical origin. He said it was something his mother and grandmother would say to him all the time. Despite the ACLU's position, I doubt that this 10-year-old set out to establish Christianity as Ohio's official religion.

Mr. Speaker, I have received many letters on this issue from my constituents in Ohio and from all across the Nation, each one supporting Ohio's right to keep the motto as it is. People around the country are tired of having their religious freedom squelched by fringe groups in the name of separation of church and State.

As one of my constituents noted, "Ours is a government of the people and by the people, not of the ACLU and by the ACLU." To paraphrase another of my constituents, "We would be a very fortunate Nation if the biggest threat our society had to face was a saying attributed to Jesus Christ."

I would urge my colleagues to vote for this bipartisan resolution supporting Ohio's appeal of the court ruling, and upholding the right of every State and Territory to affirm the Founders' faith that, with God, all things are, indeed, possible.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Something bothers me, Mr. Speaker. In America, the courts have ruled that we can burn our flag, communists can work in our defense plants, murderers are entitled to cable television, including the Playboy Channel, pornography has been ruled to be allowed not only on television but now on the Internet, because we just cannot prove that kids may watch it and adults may miss an opportunity to see such tangos.

What is next? Will the Supreme Court allow students to trade in their baseball cards for Playboy Magazines, Mr. Speaker? I think if these decisions are not enough to make the Founders pray, something is really wrong.

Think about it, the court ruled that school prayer is illegal. Prayer before a football game is unconstitutional. That is getting heavy. God is not even allowed to be mentioned on television. Some of the television shows that refer to God, Touched by Angels, they want to remove that. My God, America is talking about God.

Now we hear about the fact that the Ohio motto "With God all things are possible" is the real killer. That is unbelievable to me. The court allows students to learn about the devil, but not Jesus. The court allows students to study devil worship, but not religion.

This bunch of overeducated nincompoops on the courts have not interpreted the Constitution. They have become so politically correct they are street stupid and miss the whole point. The Constitution and the Founders designed the Constitution to make sure there was not one State-sponsored religion. They did want to separate church and State, but they never intended to separate God and the American people.

What is next? How about our currency, "In God we trust"? Bring it all back and print it. How about the Chamber, "In God we trust"? Our fine Speaker pro tempore, above him, "In God we trust," that may be unconstitutional.

Mr. Speaker, I say let Ohio go, because with God, all things are possible. Would the court ban a motto that said "With the devil there is a lot more fun"? I do not mean to be light on this, but we have a Supreme Court established in this country. They seem to be acting like some sort of supreme being.

I am going to ask Congress today a question that I think the American people are asking: When will Congress grow some anatomy and stand up for God and the principles on which our Founders initiated our great Nation? I yield back all these harebrained, convoluted, nincompoop, stupid rulings of the courts that have literally removed God from America.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

As usual, the gentleman from Ohio makes imminent sense. I compliment him for his remarks.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from the Second District of Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank my colleague from Cincinnati for yielding time to me. I also want to commend my friend, the gentleman from Ohio (Mr. OXLEY) for bringing this resolution to the floor.

As some have probably already heard in this debate, our State motto, "With God all things are possible," was actually adopted in 1959 at the suggestion of a 10-year-old. This 10-year-old was from my hometown, STEVE's hometown, of Cincinnati, Ohio.

Jim Mastronardo found out that the State did not have a motto. There was no motto at all for Ohio. So this enterprising young man, and I have a 10-year-old son and I think that is interesting that a 10-year-old was that enterprising, came up with this motto.

Eventually the State adopted it. Then recently, during renovations to our historic State House in Columbus, our then Governor, now Senator, GEORGE VOINOVICH had this motto engraved in the granite plaza outside the building. I think that is probably what resulted in the controversy, and certainly what resulted in the specific complaint being filed.

I want to commend little Jimmy Mastronardo at 10 years old and Governor VOINOVICH for coming up with the idea, in one case, and then allowing more Ohioans to understand that this was our motto, and its significance.

I find the Sixth Circuit ruling to be headed in the wrong direction. I think it establishes a precedent that is troubling. In essence, I think what they are saying is that because "With God all things are possible" is attributed to the Gospel of Matthew, that therefore it is inappropriate.

As I look at it, and I know many other constitutional scholars other than those on the court share this view, it is on its face a generic, nondenominational, and definitely a ceremonial reference to God. I think it is exactly an example of the kind of ceremonial deism that the courts have accepted over the years. Beyond that, as the gentleman from Ohio (Mr. TRAFICANT) and others have pointed out, it is something that is positive for our State and our country.

I find the court ruling troubling, and I think it is appropriate that Congress establish today, I hope through a strong bipartisan majority of the House, that we also believe that this is a troubling precedent. It does not advocate a particular religious stance. It does not promote the establishment of a particular religion. I think it is very similar to our national motto, In God we trust, which adorns this Chamber, which adorns our currency, which is an example of the faith with which our Founding Fathers created this great Nation over 200 years ago.

Instead of following the years of court precedent that upheld, again, the ceremonial use of the references, this court of the Sixth Circuit chose, I think, a very narrow First Amendment interpretation. As a result, not only is this motto in danger, but of course the mottos of other States. There are five other States and territories that have "God" in their motto. They are also endangered. In the end, the national motto "In God we trust" is endangered.

This was, incidentally, added to our Nation's paper currency in 1954 at the urging of a fellow named Matthew Rothert, another Ohio connection, because he was the father of our First Lady of Ohio, Hope Taft, and Hope has spoken out on this issue, as well. I think she has made a lot of sense in terms of her comments. Recently she summed it up with a statement, "You knock one down, and you are on to the next one."

I think both mottos, the national motto and the State motto, should stay just as they are. I agree with Hope Taft. Our Founding Fathers did envision a nation, Mr. Speaker, where there could be freedom of religion, not the absence of any form of religious expression.

I urge my colleagues on both sides of the aisle today to show their support for the State of Ohio's motto, and I think also in doing so show their support for our national motto, by voting in support of the measure today offered by the gentleman from Ohio (Mr. OXLEY).

Mr. CHABOT. Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, because this resolution had not come through the Committee on the Judiciary process, I am at what I feel to be a disadvantage in commenting on the court opinion, since I have not read it. That may appear to me to be more of a disadvantage than some of my colleagues think it is.

As I said, not having read the opinion, I am somewhat reluctant to discuss it at great length, but I did want to say that I would disagree with my colleague, the gentleman from Ohio, in the suggestion that there is some danger that references to God will be removed from television. People would be understandably very unhappy about that. I want to allay their fears. The likelihood that there would be any governmental action removing references to God from television is zero. It would not be constitutional.

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It would not be constitutional; it would not be appropriate. No official body is talking about it, whether that is people conducting the services on television or programs.

So I do hope people will not unduly fear that.

Mr. Speaker, I yield back the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in concluding, I remember hearing this decision when it came over my car radio and just shaking my head and thinking of all the other people in my State that are out there hearing this same court decision. It is one of the things that I think makes people wonder about their government and what is going on here. It is just such a ludicrous decision. It is almost incomprehensible.

It is incomprehensible to me that every morning we can pray in this Chamber before we start business here; that we can have a visiting rabbi, a priest, a minister, people of many different religions who come in here and start in the People's House the first session every morning with prayer; that we can have on the wall in front of us right now, "In God We Trust"; that we could have on our money, the currency that goes all around our country every day on behalf of our government and says "In God We Trust," yet it is somehow unconstitutional for the State of Ohio to have a very similar phrase, "In God All Things Are Possible"; that that is unconstitutional.

Mr. Speaker, I think that is just incomprehensible. It makes absolutely no sense. I certainly hope that the court's decision is overturned by the higher level in the court system. I feel very confident that it will be, but I think it is important that this House, the People's House, does express a sense of the House of Representatives that the Ohio State motto is constitutional. I think that is appropriate.

Mr. Speaker, I want to again thank the gentleman from Ohio (Mr. OXLEY) for proposing this particular resolution.

Mr. WATTS of Oklahoma. Mr. Speaker, today this body has the opportunity to speak out against a grave injustice that occurred in our country on April 25, 2000. For on April 25, 2000 the U.S. Court of Appeals of the Sixth Circuit ruled that the state motto of Ohio, "With God all Things Are Possible", is in violation of the Constitution.

Mr. Speaker, as we come to our Independence Day recess, I recall some 224 years ago we came together as a group to proclaim our independence from Britain. And in our Declaration of Independence we stated that all men "are endowed by their Creator with certain unalienable Rights, that among these are life, Liberty, and the pursuit of happiness." From our nation's beginning we recognized the importance of God.

Mr. Speaker every day in this body before we begin our day we are led in a prayer, we ask God to bless and guide us in our proceedings. Before we begin our day we pledge allegiance to our country, and proclaim that we are one nation under God. Mr. Speaker look around these chambers at our "law-givers" statues you will find two Popes and one Biblical figure, Moses. These are the men who laid the foundation of our American democracy.

Mr. Speaker for nearly 150 years our nation has lived under the motto "In God We Trust." The mint places copies of this motto on every nickel, dime, quarter, and paper money. The people of Ohio lived under their motto for forty years. Now, the judicial system after 224 years of foundation in our religious beliefs are trying to strike this down.

Mr. Speaker our nation has a strong heritage in our religious beliefs. For the past 224 yeas, we as a nation have asked God for leadership, guidance, and His blessing. I urge every member to stand today and support Mr. OXLEY'S resolution H. Res. 494 and support the motto of Ohio.

Mr. EDWARDS. Mr. Speaker, I respect the right of every member of this House to take a stand of conscience on the subject of religion, but the process of this resolution, in my opinion, does a disservice to the Constitution and to this House.

If this is intended to be a serious resolution, then it subjects matter of religious freedom in state mottoes deserves a full and open debate in Judiciary Committee hearings and on this floor.

Let us be honest with our constituents. The Constitution in Article III makes it absolutely clear that the Supreme Court—not the Congress—has the power to determine what is or is not constitutional.

Let us be honest, the passage of this resolution will have absolutely no impact upon whether the Supreme Court determines the constitutionality of the motto, "With God, all things are possible". No press releases today will change that fact.

If some members of this House envision this Congress as an advisory body to the Supreme Court, I would suggest that declaring an action constitutional, without any consideration of hearings on related court cases, would make our advice so grievously superficial as to make it ignored at best and counterproductive at worst.

I would hope that the Leadership of this House would honestly say to the American people that only the Supreme Court—not Congress—ultimately decides the constitutionality of an issue.

The first 16 words of the Bill of Rights have protected American's religious liberty for over two hundred years. It is a shame the House Republican leadership seems more interested in sound bite politics than in respecting our Constitution.

Mr. HOBSON. Mr. Speaker, I rise in support of my home state of Ohio and its motto, "With God All Things Are Possible."

This motto was adopted by an act of the State Legislature in 1959 to express an optimistic and poignant view of what it means to be a resident of our great state. The motto embodies the belief that faith and Providence have played an important role in the development of the State of Ohio from pioneer times to the present day.

The 6th U.S. Circuit Court of Appeals has ruled that the motto is an unconstitutional endorsement of Christianity because the motto is derived from the Gospel of St. Matthew in the New Testament, yet followers of Islam have stated publicly that they have no objection to the motto since it simply references God.

The court's ruling is part of a disturbing trend to completely remove religious symbolism from public forums. This was never the intention of the Founding Fathers. The entire purpose behind the First Amendment was to prevent the establishment of an official state-endorsed religion like the Church of England and to protect the individual right to worship without fear of persecution by the government.

I'm sure that the authors of our Constitution would truly be perplexed at the way this straightforward constitutional matter has been interpreted to mean that the name of God or a supreme creator is never to be seen on a public document or inside a public building.

We have a state motto which states that the belief in God can inspire Ohioans to accomplish even greater achievements in the future. If the court's interpretation of the matter is allowed to stand we will soon be faced with the unpleasant task of striking the words "In God We Trust" from our currency, suspending prayer before the meetings of virtually every elected town council and state legislature in the nation, and eliminating the Prayer Room and the Office of the Chaplain from the U.S. Congress.

Is this the reality that we want to create? Must God only be praised in the voice of the individual and from private homes and established houses of worship? I truly hope not.

The First Amendment of the Constitution was created to protect religious freedoms, not to restrict the right of an individual state to determine its own motto. This ruling is a misguided attempt to negate the democratic process which allowed the motto to be established.

Mr. KIND. Mr. Speaker, I will vote "present" today on this bill, not because I do not personally believe in the motto adopted by the State of Ohio, but because to do otherwise would be a disservice to my elected office, the judicial branch of our federal government, and the Constitution upon which our government is based.

This body has no authority to act in an advisory capacity to the courts of this land. The separation of powers embodied in the Constitution establishes separate and co-equal branches of government each possessing a unique role in the governance of the nation. Congress is authorized to enact laws, and the courts—under Article III as administered by the Supreme Court—are authorized to determine the constitutionality of those laws.

Congress should not purport to advise the courts regarding the constitutionality of a ruling of a particular court involving a particular matter. Such action is well beyond the scope of our constitutional role. The bill brought today is a knee-jerk reaction to a court decision that many Members disagree with. While I respect their opinions and their right to express themselves, I cannot support their attempt to influence this nation's courts in this manner and by this process.

I am disturbed that a bill that claims to express this body's well-reasoned and deliberative judgment over the constitutionality of a state motto was brought to the floor using the suspension of the rules process. This bill was never fully researched and no committee hearing was held. Instead, it was rushed to the floor with no opportunity for amendment, scrutiny or serious discussion.

As a Member of this great body, I have sworn to uphold the Constitution of the United States. Accordingly, I must abstain from voting on this measure which was blatantly brought to the floor for the sole purpose of trying to score cheap political points during an election year.

Ms. PRYCE of Ohio. Mr. Speaker, I rise in strong support of the resolution.

"With God, all things are possible." If we could teach our children only one thing, it should be that with hard work, perseverance, and faith in themselves, all things are possible with God. I can think of no better message to send our future generations than to tell them that nothing is beyond their reach.

The Sixth Circuit Court of Appeals, by ruling that the motto of the state of Ohio is unconstitutional, is keeping the people of Ohio from sharing this message. No branch of government should strip Ohioans of this, their expression of hope and optimism.

Certainly, I believe strongly in the First Amendment, which protects individuals' freedom of religion but also prohibits government establishment of religion. I for one believe that we cannot be overzealous to the point of discouraging expression: historic, traditional, time-honored expression that has defined us as a state and nation for generations.

Let us be clear: The motto of the State of Ohio does not establish any particular religion nor does it express any religious belief. Rather, the Ohio motto simply represents an expression of American optimism—one that for over 200 years has served to help steer this great nation.

I urge you to support the people of my home state, and the people of our nation, by supporting the resolution.

Mr. KUCINICH. Mr. Speaker, I rise in support of H. Res. 494.

"With God All Things Are Possible." This phrase, the Ohio State motto, represents optimism in the human spirit.

The motto suggests that Ohioans should be optimistic and hopeful about the future. Although the motto is a Biblical reference, its meaning extends beyond the scope of religion. In fact this phrase was expressed in many ancient Greek texts such as The Odyssey.

Since the founding fathers of this great nation created a "more perfect Union," the concepts of god and country have been deeply intertwined. Observe the Great Seal, which dates back to 1782, on the back of our dollar bill. The "All Seeing Eye" above the pyramid suggests the importance of divine guidance in favor of the American cause. A closer look on the back of the dollar reveals America's intimacy with spirituality: The Latin phrase ANNUIT COEPTIS, which is also inscribed in this very chamber, means "He (God) has favored our undertakings," and refers to the many instances of Divine Providence during our Government's formation. Even our own Pledge of Allegience mentions that the United States is "One Nation Under God," which is a prime example of America's relationship with spirituality.

My fellow colleagues, it's clear to me that the Ohio State motto is analogous to the beloved phrase "In God We Trust"—our national motto, displayed prominently above the seat of our own Speaker of the House of Representatives. With God all things are possible, especially the United States of America.

Mr. CHABOT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, H. Res. 494.

The question was taken.

Mr. CHABOT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2000

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1515) to amend the Radiation Exposure Compensation Act, and for other purposes, as amended.

The Clerk read as follows:

S. 1515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radiation Exposure Compensation Act Amendments of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) recognized the responsibility of the Federal Government to compensate individuals who were harmed by the mining of radioactive materials or fallout from nuclear arms testing;

(2) a congressional oversight hearing conducted by the Committee on Labor and Human Resources of the Senate demonstrated that since enactment of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), regulatory burdens have made it too difficult for some deserving individuals to be fairly and efficiently compensated;

(3) reports of the Atomic Energy Commission and the National Institute for Occupational Safety and Health testify to the need to extend eligibility to States in which the Federal Government sponsored uranium mining and milling from 1941 through 1971;

(4) scientific data resulting from the enactment of the Radiation Exposed Veterans Compensation Act of 1988 (38 U.S.C. 101 note), and obtained from the Committee on the Biological Effects of Ionizing Radiations, and the President's Advisory Committee on Human Radiation Experiments provide medical validation for the extension of compensable radiogenic pathologies;

(5) above-ground uranium miners, millers and individuals who transported ore should be fairly compensated, in a manner similar to that provided for underground uranium miners, in cases in which those individuals suffered disease or resultant death, associated with radiation exposure, due to the failure of the Federal Government to warn and otherwise help protect citizens from the health hazards addressed by the Radiation Exposure Compensation Act of 1990 (42 U.S.C. 2210 note); and

(6) it should be the responsibility of the Federal Government in partnership with State and local governments and appropriate healthcare organizations, to initiate and support programs designed for the early detection, prevention and education on radiogenic diseases in approved States to aid the thousands of individuals adversely affected by the mining of uranium and the testing of nuclear weapons for the Nation's weapons arsenal.

SEC. 3. AMENDMENTS TO THE RADIATION EXPOSURE COMPENSATION ACT.

(a) CLAIMS RELATING TO ATMOSPHERIC NUCLEAR TESTING.—Section 4(a)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"(1) CLAIMS RELATING TO LEUKEMIA.—

"(A) IN GENERAL.—An individual described in this subparagraph shall receive an amount specified in subparagraph (B) if the conditions described in subparagraph (C) are met. An individual referred to in the preceding sentence is an individual who—

"(i)(I) was physically present in an affected area for a period of at least 1 year during the period beginning on January 21, 1951, and ending on October 31, 1958;

"(II) was physically present in the affected area for the period beginning on June 30, 1962, and ending on July 31, 1962; or

"(III) participated onsite in a test involving the atmospheric detonation of a nuclear device; and

"(ii) submits written documentation that such individual developed leukemia—

"(I) after the applicable period of physical presence described in subclause (I) or (II) of clause (i) or onsite participation described in clause (i)(III) (as the case may be); and

"(II) more that 2 years after first exposure to fallout.

"(B) AMOUNTS.—If the conditions described in subparagraph (C) are met, an individual—

"(i) who is described in subclause (I) or (II) of subparagraph (A)(i) shall receive $50,000; or

"(ii) who is described in subclause (III) of subparagraph (A)(i) shall receive $75,000.

"(C) CONDITIONS.—The conditions described in this subparagraph are as follows:

"(i) Initial exposure occurred prior to age 21.

"(ii) The claim for a payment under subparagraph (B) is filed with the Attorney General by or on behalf of the individual.

"(iii) The Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.".

(b) DEFINITIONS.—Section 4(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by inserting "Wayne, San Juan," after "Millard,"; and

(B) by amending subparagraph (C) to read as follows:

"(C) in the State of Arizona, the counties of Coconino, Yavapai, Navajo, Apache, and Gila; and"; and

(2) in paragraph (2)—

(A) by striking "the onset of the disease was between 2 and 30 years of first exposure," and inserting "the onset of the disease was at least 2 years after first exposure, lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam),";

(B) by striking "(provided initial exposure occurred by the age of 20)" after "thyroid";

(C) by inserting "male or" before "female breast";

(D) by striking "(provided initial exposure occurred prior to age 40)" after "female breast";

(E) by striking "(provided low alcohol consumption and not a heavy smoker)" after "esophagus";

(F) by striking "(provided initial exposure occurred before age 30)" after "stomach";

(G) by striking "(provided not a heavy smoker)" after "pharynx";

(H) by striking "(provided not a heavy smoker and low coffee consumption)" after "pancreas"; and

(I) by inserting "salivary gland, urinary bladder, brain, colon, ovary," after "gall bladder,".

(c) CLAIMS RELATING TO URANIUM MINING.—

(1) IN GENERAL.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"(a) ELIGIBILITY OF INDIVIDUALS.—

"(1) IN GENERAL.—An individual shall receive $100,000 for a claim made under this Act if—

"(A) that individual—

"(i) was employed in a uranium mine or uranium mill (including any individual who was employed in the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, and Texas at any time during the period beginning on January 1, 1942, and ending on December 31, 1971; and

"(ii)(I) was a miner exposed to 40 or more working level months of radiation and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease; or

"(II) was a miller or ore transporter who worked for at least 1 year during the period described under clause (i) and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease or renal cancers and other chronic renal disease including nephritis and kidney tubal tissue injury;

"(B) the claim for that payment is filed with the Attorney General by or on behalf of that individual; and

"(C) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

"(2) INCLUSION OF ADDITIONAL STATES.—Paragraph (1)(A)(i) shall apply to a State, in addition to the States named under such clause, if—

"(A) an Atomic Energy Commission uranium mine was operated in such State at any time during the period beginning on January 1, 1942, and ending on December 31, 1971;

"(B) the State submits an application to the Department of Justice to include such State; and

"(C) the Attorney General makes a determination to include such State.

"(3) PAYMENT REQUIREMENT.—Each payment under this section may be made only in accordance with section 6.".

(2) DEFINITIONS.—Section 5(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in paragraph (3)—

(i) by striking "and" before "corpulmonale"; and

(ii) by striking "; and if the claimant," and all that follows through the end of the paragraph and inserting ", silicosis, and pneumoconiosis;";

(B) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(C) by adding at the end the following:

"(5) the term 'written medical documentation' for purposes of proving a nonmalignant respiratory disease or lung cancer means, in any case in which the claimant is living—

"(A)(i) an arterial blood gas study; or

"(ii) a written diagnosis by a physician meeting the requirements of subsection (c)(1); and

"(B)(i) a chest x-ray administered in accordance with standard techniques and the interpretive reports of a maximum of 2 National Institute of Occupational Health and Safety certified 'B' readers classifying the existence of the nonmalignant respiratory disease of category 1/0 or higher according to a 1989 report of the International Labor Office (known as the 'ILO'), or subsequent revisions;

"(ii) high resolution computed tomography scans (commonly known as 'HRCT scans') (including computer assisted tomography scans (commonly known as 'CAT scans'), magnetic resonance imaging scans (commonly known as 'MRI scans'), and positron emission tomography scans (commonly known as 'PET scans')) and interpretive reports of such scans;

"(iii) pathology reports of tissue biopsies; or

"(iv) pulmonary function tests indicating restrictive lung function, as defined by the American Thoracic Society;

"(6) the term 'lung cancer'—

"(A) means any physiological condition of the lung, trachea, or bronchus that is recognized as lung cancer by the National Cancer Institute; and

"(B) includes in situ lung cancers;

"(7) the term 'uranium mine' means any underground excavation, including 'dog holes', as well as open pit, strip, rim, surface, or other aboveground mines, where uranium ore or vanadium-uranium ore was mined or otherwise extracted; and

"(8) the term 'uranium mill' includes milling operations involving the processing of uranium ore or vanadium-uranium ore, including both carbonate and acid leach plants.".

(3) WRITTEN DOCUMENTATION.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following:

"(c) WRITTEN DOCUMENTATION.—

"(1) DIAGNOSIS ALTERNATIVE TO ARTERIAL BLOOD GAS STUDY.—

"(A) IN GENERAL.—For purposes of this Act, the written diagnosis and the accompanying interpretive reports described in subsection (b)(5)(A) shall—

"(i) be considered to be conclusive; and

"(ii) be subject to a fair and random audit procedure established by the Attorney General.

"(B) CERTAIN WRITTEN DIAGNOSES.—

"(i) IN GENERAL.—For purposes of this Act, a written diagnosis made by a physician described under clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation shall be considered to be conclusive evidence of that disease.

"(ii) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) is a physician who—

"(I) is employed by the Indian Health Service or the Department of Veterans Affairs; or

"(II) is a board certified physician; and

"(III) has a documented ongoing physician patient relationship with the claimant.

"(2) CHEST X-RAYS.—

"(A) IN GENERAL.—For purposes of this Act, a chest x-ray and the accompanying interpretive reports described in subsection (b)(5)(B) shall—

"(i) be considered to be conclusive; and

"(ii) be subject to a fair and random audit procedure established by the Attorney General.

"(B) CERTAIN WRITTEN DIAGNOSES.—

"(i) IN GENERAL.—For purposes of this Act, a written diagnosis made by a physician described in clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation that meets the definition of that term under subsection (b)(5) shall be considered to be conclusive evidence of that disease.

"(ii) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) is a physician who—

"(I) is employed by—

"(aa) the Indian Health Service; or

"(bb) the Department of Veterans Affairs; and

"(II) has a documented ongoing physician patient relationship with the claimant.".

(d) DETERMINATION AND PAYMENT OF CLAIMS.—

(1) FILING PROCEDURES.—Section 6(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "In establishing procedures under this subsection, the Attorney General shall take into account and make allowances for the law, tradition, and customs of Indian tribes (as that term is defined in section 5(b)) and members of Indian tribes, to the maximum extent practicable.".

(2) DETERMINATION AND PAYMENT OF CLAIMS, GENERALLY.—Section 6(b)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant.".

(3) OFFSET FOR CERTAIN PAYMENTS.—Section 6(c)(2)(B) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in clause (i), by inserting "(other than a claim for workers' compensation)" after "claim"; and

(B) in clause (ii), by striking "Federal Government" and inserting "Department of Veterans Affairs".

(4) APPLICATION OF NATIVE AMERICAN LAW TO CLAIMS.—Section 6(c)(4) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following:

"(D) APPLICATION OF NATIVE AMERICAN LAW.—In determining those individuals eligible to receive compensation by virtue of marriage, relationship, or survivorship, such determination shall take into consideration and give effect to established law, tradition, and custom of the particular affected Indian tribe.".

(5) ACTION ON CLAIMS.—Section 6(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) by inserting "(1) IN GENERAL.—" before "The Attorney General";

(B) by inserting at the end the following: "For purposes of determining when the 12-month period ends, a claim under this Act shall be deemed filed as of the date of its receipt by the Attorney General. In the event of the denial of a claim, the claimant shall be permitted a reasonable period in which to seek administrative review of the denial by the Attorney General. The Attorney General shall make a final determination with respect to any administrative review within 90 days after the receipt of the claimant's request for such review. In the event the Attorney General fails to render a determination within 12 months after the date of the receipt of such request, the claim shall be deemed awarded as a matter of law and paid."; and

(C) by adding at the end the following:

"(2) ADDITIONAL INFORMATION.—The Attorney General may request from any claimant under this Act, or from any individual or entity on behalf of any such claimant, any reasonable additional information or documentation necessary to complete the determination on the claim in accordance with the procedures established under subsection (a).

"(3) TREATMENT OF PERIOD ASSOCIATED WITH REQUEST.—

"(A) IN GENERAL.—The period described in subparagraph (B) shall not apply to the 12-month limitation under paragraph (1).

"(B) PERIOD.—The period described in this subparagraph is the period—

"(i) beginning on the date on which the Attorney General makes a request for additional information or documentation under paragraph (2); and

"(ii) ending on the date on which the claimant or individual or entity acting on behalf of that claimant submits that information or documentation or informs the Attorney General that it is not possible to provide that information or that the claimant or individual or entity will not provide that information.

"(4) PAYMENT WITHIN 6 WEEKS.—The Attorney General shall ensure that an approved claim is paid not later than 6 weeks after the date on which such claim is approved.

"(5) NATIVE AMERICAN CONSIDERATIONS.—Any procedures under this subsection shall take into consideration and incorporate, to the fullest extent feasible, Native American law, tradition, and custom with respect to the submission and processing of claims by Native Americans.".

(e) REGULATIONS.—

(1) IN GENERAL.—Section 6(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "Not later than 180 days after the date of enactment of the Radiation Exposure Compensation Act Amendments of 2000, the Attorney General shall issue revised regulations to carry out this Act.".

(2) AFFIDAVITS.—

(A) IN GENERAL.—The Attorney General shall take such action as may be necessary to ensure that the procedures established by the Attorney General under section 6 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) provide that, in addition to any other material that may be used to substantiate employment history for purposes of determining working level months, an individual filing a claim under those procedures may make such a substantiation by means of an affidavit described in subparagraph (B).

(B) AFFIDAVITS.—An affidavit referred to under subparagraph (A) is an affidavit—

(i) that meets such requirements as the Attorney General may establish; and

(ii) is made by a person other than the individual filing the claim that attests to the employment history of the claimant.

(f) LIMITATIONS ON CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by inserting "(a) IN GENERAL.—" before "A claim"; and

(2) by adding at the end the following:

"(b) RESUBMITTAL OF CLAIMS.—After the date of enactment of the Radiation Exposure Compensation Act Amendments of 2000, any claimant who has been denied compensation under this Act may resubmit a claim for consideration by the Attorney General in accordance with this Act not more than 3 times. Any resubmittal made before the date of enactment of the Radiation Exposure Compensation Act Amendments of 2000 shall not be applied to the limitation under the preceding sentence.".

(g) EXTENSION OF CLAIMS AND FUND.—

(1) EXTENSION OF CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking "20 years after the date of the enactment of this Act" and inserting "22 years after the date of enactment of the Radiation Exposure Compensation Act Amendments of 2000".

(2) EXTENSION OF FUND.—Section 3(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended in the first sentence by striking "date of the enactment of this Act" and inserting "date of enactment of the Radiation Exposure Compensation Act Amendments of 2000".

(h) ATTORNEY FEES LIMITATION.—Section 9 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"SEC. 9. ATTORNEY FEES.

"(a) GENERAL RULE.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this Act, more than that percentage specified in subsection (b) of a payment made under this Act on such claim.

"(b) APPLICABLE PERCENTAGE LIMITATIONS.—The percentage referred to in subsection (a) is—

"(1) 2 percent for the filing of an initial claim; and

"(2) 10 percent with respect to—

"(A) any claim with respect to which a representative has made a contract for services before the date of enactment of the Radiation Exposure Compensation Act Amendments of 2000; or

"(B) a resubmission of a denied claim.

"(c) PENALTY.—Any such representative who violates this section shall be fined not more than $5,000.".

(i) GAO REPORTS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and every 18 months thereafter, the General Accounting Office shall submit a report to Congress containing a detailed accounting of the administration of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) by the Department of Justice.

(2) CONTENTS.—Each report submitted under this subsection shall include an analysis of—

(A) claims, awards, and administrative costs under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(B) the budget of the Department of Justice relating to such Act.

SEC. 4. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.

Subpart I of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

"SEC. 417C. GRANTS FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.

"(a) DEFINITION.—In this section the term 'entity' means any—

"(1) National Cancer Institute-designated cancer center;

"(2) Department of Veterans Affairs hospital or medical center;

"(3) Federally Qualified Health Center, community health center, or hospital;

"(4) agency of any State or local government, including any State department of health; or

"(5) nonprofit organization.

"(b) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration in consultation with the Director of the National Institutes of Health and the Director of the Indian Health Service, may make competitive grants to any entity for the purpose of carrying out programs to—

"(1) screen individuals described under section 4(a)(1)(A)(i) or 5(a)(1)(A) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for cancer as a preventative health measure;

"(2) provide appropriate referrals for medical treatment of individuals screened under paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services;

"(3) develop and disseminate public information and education programs for the detection, prevention, and treatment of radiogenic cancers and diseases; and

"(4) facilitate putative applicants in the documentation of claims as described in section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

"(c) INDIAN HEALTH SERVICE.—The programs under subsection (a) shall include programs provided through the Indian Health Service or through tribal contracts, compacts, grants, or cooperative agreements with the Indian Health Service and which are determined appropriate to raising the health status of Indians.

"(d) GRANT AND CONTRACT AUTHORITY.—Entities receiving a grant under subsection (b) may expend the grant to carry out the purpose described in such subsection.

"(e) HEALTH COVERAGE UNAFFECTED.—Nothing in this section shall be construed to affect any coverage obligation of a governmental or private health plan or program relating to an individual referred to under subsection (b)(1).

"(f) REPORT TO CONGRESS.—Beginning on October 1 of the year following the date on which amounts are first appropriated to carry out this section and annually on each October 1 thereafter, the Secretary shall submit a report to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Commerce of the House of Representatives. Each report shall summarize the expenditures and programs funded under this section as the Secretary determines to be appropriate.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purpose of carrying out this section $20,000,000 for fiscal year 1999 and such sums as may be necessary for each of the fiscal years 2000 through 2009.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 1515, the Radiation Exposure Compensation Act Amendments of 2000 updates a similar 1990 law. The law now compensates individuals exposed to radiation from either being downwind of a nuclear test blast or engaged in the mining of uranium during the Cold War.

The legislation we are considering today increases the number of radiogenic and chronic diseases compensable under the 1990 act. This bill increases the number of individuals and States eligible for compensation in accordance with the scientific and medical information gathered over the past decade.

S. 1515 responds to concerns raised by exposed victims and their survivors, data from the scientific and medical communities, information gained from the Department of Justice administering the program, and the Government's responsibility to see that all individuals seeking just compensation are eligible. S. 1515 makes the needed changes in the existing law to give compensation to more individuals harmed by the Government's nuclear arms testing programs.

S. 1515 would amend the Radiation Exposure Compensation Act of 1990. The 1990 act provides payments to certain civilian individuals exposed to radiation between 1947 and 1971. Those individuals include underground uranium miners, individuals present at nuclear blast test sites, and individuals who experienced fallout from those blasts in certain geographical areas, known as downwinders.

Compensation is based on documented proof of the individual's presence in each location and on the occurrence of certain cancers and diseases associated with each type of exposure to radiation. In the case of uranium miners, they had to have experienced a certain level and length of radiation exposure as well.

S. 1515 would expand the number of individuals who could receive payment under the act to include aboveground uranium miners, uranium millers, and ore transporters. It would also make changes to the current law to address inadequacies in the program that have been apparent over time.

In 1995, the President's Advisory Committee on Human Radiation Experiments released its review of the history of radiation experiments and testing and made recommendations for appropriate government responses to their findings. S. 1515 addresses the concerns raised by the advisory committee.

Congress has a duty to revisit this act periodically to assure that all individuals who should be covered are included based on new science as it becomes available. This legislation revises the act to address those deficiencies that we now know exist due to information and scientific data recently gathered.

The bill before us today contains a manager's amendment which embodies language worked out between the majority and the minority of the Committee on the Judiciary concerning attorneys fees and technical and conforming changes. The attorneys fees provision has been changed from a 2 percent restriction on attorneys fees to 2 percent restriction on attorneys fees if only one application needs to be submitted under the act after enactment, a 10 percent restriction on attorneys fees if more than one application needs to be submitted under the act after enactment, and a 10 percent restriction on attorneys fees for any cases where a contract for services is already in place prior to enactment.

This legislation is supported by the Navajo RECA Reform Working Group, the Pueblo of Acoma, the Colorado Plateau Uranium Workers, and the Western States RECA Reform Coalition.

Mr. Speaker, I understand that the Radiation Exposure Compensation Act is an ongoing piece of legislation. It is likely that as we learn and document more of the effects of radiation exposure, we will once again revisit the issue. In particular, I recognize there are other counties where people believe they should be included. I am committed to helping these counties document the extent of their problems and amending the act again if we come to realize that they should be covered. I look forward to working with members of the other body, the gentleman from Illinois (Chairman HYDE) and others to continue to improve the Radiation Exposure Compensation Act.

This legislation will probably allow compensation to go to approximately 9,600 individuals who lost their health, and in many cases their lives, working to further this country's nuclear defense program. These people and their families need our help now.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as is often the case, I find myself in substantial agreement with what my colleague had just said. And in what is not often enough the case, for that reason I do not intend to repeat any of it. I realize this is a violation, if not of the rules of the House, of its norms. But I will nonetheless carry that out.

Mr. Speaker, I was particularly pleased that the committee agreed to a modification of the language involving legal fees. We have all agreed to try and send this back over to the other body and work together to get it enacted. The gentleman is correct that further work needs to be done, but this is a great improvement.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for his comments. Did the gentleman not have someone who wanted to speak on his side?

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would yield, I appreciate his solicitude; but I do not have subpoena power and there is nobody here. There are some people who are going to submit statements. There were people who wanted to come, but they were called to votes elsewhere.

Mr. CANNON. Mr. Speaker, reclaiming my time, I received a communication from the gentleman from New Mexico (Mr. SKEEN), my friend and colleague and tireless worker on this bill. I would like to summarize some of his comments.

Mr. Speaker, the gentleman from New Mexico and I both want to thank several people for their involvement in this bill. First of all, Mr. Hicks and his wife, Mr. Paul Hicks and his wife, Delfina Hicks. I am confident that Paul, who has since passed away, is looking down on the floor of the House today and smiling on the fruits of his tireless efforts.

Paul, who was from Grants, New Mexico, was first a uranium miner, then a lead miner, a shift boss, and then finally a mine foreman. However, his most important work was saved for post-retirement when he began his tireless efforts to amend the Radiation Exposure Compensation Act, by serving as the president of the New Mexico Uranium Workers Council and sacrificing his time and finances to help others. Those efforts are directly reflected in the legislation before us today.

While Paul was a vocal and effective voice for the plight of the uranium miners and millers, he had lots of support from those on whose behalf he fought, numerous individuals in the private and political realm who worked towards the same goal.

Former Congressman Bill Redmond introduced the legislation on which much of S. 1515 is modeled and which resulted in the legislation the gentleman from New Mexico (Mr. SKEEN) introduced in this Congress, H.R. 1516.

Navajo Nation President Kelsey Begaye and Vice President Taylor McKenzie put the resources of the Nation to work for the countless Navajo miners and millers. In addition, Melton Martinez, Ben Shelley, Lori Goodman, and numerous others worked tirelessly to better the lives of miners and millers whose health suffered as a result of their time in the mines and mills.

Mr. Speaker, the bottom line is that this legislation, like all others, is the result of the efforts of many to obtain a common goal. I am confident that the changes in eligibility requirements, amount of working level exposure, medical documentation, addition of fallout compensation, consideration of Native American law, and addition of millers and transport workers to those eligible for compensation will make a real difference to those who quietly served their country in the uranium mines of the West.

Finally, I want to thank the gentleman from Illinois (Chairman HYDE), the gentleman from Texas (Mr. SMITH), the subcommittee chairman, and subcommittee staffer Cindy Blackstone for their support and assistance in moving this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I join in the deserved accolades for Cindy Blackstone for her work, because there was a little glitch that she helped iron out. And I note that the gentleman from New Mexico (Mr. UDALL) had intended to make a statement. He was called to a committee vote, and I know under General Leave he will be submitting a statement.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from New Mexico (Mr. UDALL) was going to speak on the floor. I had hoped that we would have the opportunity to have a colloquy. TOM is the son of Stewart Udall, who was the visionary lawyer who brought the lawsuits in the first case for the downwinders and others and that resulted in the legislation that is before us.

I have always felt close to TOM in particular. He is a Westerner, but I had the great privilege of serving in my first legal job in Washington, DC, as a clerk to Mr. Stewart Udall on this very case. And so I take this back over 2 decades when I first began. I will say that having read all of the documentation of all the meetings that were held as it related to the downwinders and the potential injury that was caused by our efforts, often covert during the Cold War, to expand our knowledge and understanding and our stores of nuclear weapons, that we as a Nation have a serious obligation to the people who suffered, sometimes ignorantly, but nevertheless with serious disease and life-threatening, in fact, life-ending health problems; that we as a Nation owe those people what this bill allows for.

Mr. Speaker, it is people like Stewart Udall who saw the problem and worked tirelessly to move that problem forward.

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So I think this bill and this amendment should be a tribute to Mr. Stewart Udall, the father of the gentleman from New Mexico (Mr. UDALL).

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, just to once again agree with the gentleman from Utah (Mr. CANNON), and I can attest to Mr. Stewart Udall's continued vigor and use of the telephone from personal experience.

Mr. UDALL of New Mexico. Mr. Speaker, I speak today in support of S. 1515, the Radiation Exposure Compensation Act Amendments of 2000. This revision is an important step in improving the program to compensate uranium workers, atomic veterans, and those who were exposed to fallout from atmospheric testing of nuclear weapons.

In 1990, Congress first accepted responsibility for the cancers caused by exposure to radioactive materials from our nuclear programs. The Radiation Exposure Compensation Act (RECA) provided payments to individuals who suffered from diseases as a result of their exposure to radiation in connection with the federal government's nuclear weapons program. Although the original legislation was a good first step, the existing compensation program has proven to place an additional burden on the radiation victims. Progress on implementing RECA has been impeded by criteria for compensation that is far more stringent than for other groups for which compensation is provided.

These brave workers were essential to our national security efforts. The U.S. Atomic Energy Commission was the sole purchaser of the uranium ore and knew in the early 1950's that levels of radon and uranium dust in the mines were unhealthy. We also knew atmospheric fallout was dangerous. These brave people, the uranium miners, millers, and transporters, and the "downwinders" were used as atomic guinea pigs. The United States owes a debt of gratitude to the workers and their families who unknowingly sacrificed their health to help win the Cold War. I have listened to many of these victims, who have bravely fought their cancers and the U.S. Government for justice.

The Senate bill addresses some, not all, concerns with the current RECA program. Mr. HATCH's bill revises RECA in the following ways:

Includes residents of areas where atmospheric nuclear testing was conducted;

Streamlines current payments schedules by requiring the government to pay compensation to eligible victims within six weeks;

Authorizes a grant program to provide for the early detection, prevention, and education of diseases caused by radiation exposure;

Expands coverage to include uranium millers in addition to miners;

Expands current criteria for victims of radiation exposure to include a wider variety of covered cancers.

Although I support these improvements, the bill I introduced in the House last year would have done much more to provide justice for the victims of radiation-induced diseases. The bill we are voting on today must be accepted or rejected in total, without any amendments. As the Judiciary Committee stated at their markup of the bill, RECA is a work in progress. Therefore, in order to ensure immediate and badly needed improvements in the RECA program, I support the Senate bill. However, we all agree and recognize that improvements need to be made to the Radiation Exposure Compensation Act. I am especially concerned that uranium workers employed between 1971 to 1990 are not covered under this bill nor under current law and that the level of compensation remains at $100,000.

My bill would have increased compensation to $200,000, which more fairly covers the medical expenses, hardships, and lost income to the victims. My bill also contained provisions to address victims of experiments who were exposed to radiation without their consent, and would have shifted the burden of proof off the victims onto the Government. Other changes in my bill would have removed the smoking distinction, and included workers exposed after 1971. Especially important was the requirement to take into consideration and incorporate, to the fullest extend feasible, the compensation claims process for Navajo claimants to conform to Navajo law, tradition, and customs. For example, claims should be based on traditional ties of family.

One of the champions in this fight was a man by the name of Paul Hicks. He passed away recently and is unable to be with us and witness this victory. I also want to thank the Navajo Nation, President Kelsey A. Begaye, Vice-President Taylor McKenzie, Speaker Edward T. Begay, Mr. Phillip Harrison, Mr. Gilbert Badoni, Mrs. Sarah Benally, and Mr. Melton Martinez and all the others who have worked so hard on this effort.

The Navajos are taught to respect, honor, and take care of their elders. We can do no less. Many of these workers are now dying. They desperately need justice. They cannot afford to wait for Congress to act. We need to pass this bill. Justice delayed is justice denied.

Mr. CONYERS. Mr. Speaker, I strongly support S. 1515, "The Radiation Exposure Compensation Act Amendments of 2000," which updates the 1990 law that currently compensates individuals exposed to radiation by either being downwind of a nuclear test blast or by being involved in the mining of uranium ore during the Cold War.

Uranium is used by our Government in the production of nuclear weapons. This legislation increases the number of radiogenic and chronic diseases compensable under the Act. The bill also increases the number of individual and states eligible for compensation based on scientific and medical information gathered over the past decade.

I would like to address the issue of attorneys' fees in the bill. The original version of the bill reduces the 10% limitation on attorneys' fees to 2%. While I generally do not support limitations on attorneys' fees, I will not oppose the compromise language in the manager's amendment that was reached between Representatives FRANK, SMITH, and HYDE. The compromise language reduces the 10% limitation on attorneys' fees in the bill to 2%, but retains the 10% limitation in existing cases and in cases where there is a resubmission of a denied claim.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the bill before us today is important because it relieves suffering and pain that is brought on by illness. Illness that was contracted due to activity by the United States government. S. 1515, the "Radiation Exposure Compensation Act Amendments of 1999." On October 15, 1990, Congress passed the Radiation Exposure Compensation Act of 1990 (RECA), which provided for compassionate payments to individuals who suffered from specified diseases presumably as a result of exposure to radiation in connection with the federal government's nuclear weapons testing program. Among those eligible for compensation under the Act are individuals who were employed in underground uranium mines in Arizona, Colorado, New Mexico, Utah or Wyoming during the 1947 to 1971 time period, who were exposed to specified minimum levels of radon, and who contracted specified lung disorders. The Department of Justice administers the RECA through the Radiation Exposure Program.

The bill before us today, The Radiation Exposure Compensation Act Amendments of 1999, would reform and expand the 1990 law which was enacted to provide fair and swift compensation for those miners and downwinders who contracted certain radiation-related illnesses. Primary changes to RECA outlined in this bill include: expanding the list of compensable diseases to include new cancers, including leukemia, thyroid and brain cancer. It also includes certain non-cancer diseases, including pulmonary fibrosis. Medical science has been able to link these diseases to uranium mining in the 10 years since the enactment of the original RECA.

This bill is a positive step in the right direction. However, I do have several concerns. The first is to point out that the Congressional Budget Office has scored this at almost $1 billion over the course of five years. The CBO has estimated that this bill will cost $500 million in the next three years. If this bill is going to pass, then the appropriators must do their job to ensure that the RECA fund has enough money to administer these claims, and relieve the suffering of these claimants.

When RECA was initially passed in 1990, the principal authors of the legislation recognized that the federal government owed a special duty under RECA to the Navajo uranium miners due to the violation during the mining operations of the government's trust responsibilities. Thousands of men who were members of the Navajo nation who worked in these mines not only were uniformed of the extreme dangers of uranium (which is harmful if touched, inhaled, or digested), but were ordered into the mine by the American contractors immediately after blasting, when uranium dust was thick in the air. Headaches and nosebleeds resulted, and many of these Navajo miners still suffer the long term effects of their experience.

S. 1515 requires the Department of Justice to take Native American law and customs into account when deciding these claims. This legislation also directs the Justice Department to be more attuned to the culture and customs of American Indian claimants.

Since the RECA trust fund began making awards in 1992, the Justice Department has approved a total of 3,135 claims valued at nearly $232 million. In New Mexico, there have been 371 claims approved with a value of nearly $37 million. The Radiation Exposure Compensation Trust Fund is designed to compensate victims and their families who were affected by radiation fall-out from open air nuclear testing and radiation mining from the 1950s through the 1970s. This legislation extends the trust fund and establishes a grant program to states for education, prevention, and early detection of radiogenic cancers and diseases.

This is a good bill and I fully support its passage.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the Senate bill, S. 1515, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 533) providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 2614.

The Clerk read as follows:

H. RES. 533

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 2614, with the amendment of the Senate thereto, and to have concurred in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Certified Development Company Program Improvements Act of 2000".

SEC. 2. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma "or women-owned business development".

SEC. 3. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

"(2) LOAN LIMITS.—Loans made by the Administration under this section shall be limited to $1,000,000 for each such identifiable small business concern, other than loans meeting the criteria specified in section 501(d)(3), which shall be limited to $1,300,000 for each such identifiable small business concern.".

SEC. 4. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

"(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (d) shall apply to any financing approved by the Administration during the period beginning on October 1, 1996 and ending on September 30, 2003.".

SEC. 5. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 697e note) is repealed.

SEC. 6. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking "On a pilot program basis, the" and inserting "The";

(2) by redesignating subsections (d) though (i) as subsections (e) though (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)";

(4) in subsection (h) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)"; and

(5) by inserting after subsection (c) the following:

"(d) SALE OF CERTAIN DEFAULTED LOANS.—

"(1) NOTICE.—

"(A) IN GENERAL.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, the Administration shall give prior notice thereof to any certified development company that has a contingent liability under this section.

"(B) TIMING.—The notice required by subparagraph (A) shall be given to the certified development company as soon as possible after the financing is identified, but not later than 90 days before the date on which the Administration first makes any record on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

"(2) LIMITATIONS.—The Administration may not offer any loan described in paragraph (1)(A) as part of a bulk sale, unless the Administration—

"(A) provides prospective purchasers with the opportunity to examine the records of the Administration with respect to such loan; and

"(B) provides the notice required by paragraph (1).".

SEC. 7. LOAN LIQUIDATION.

(a) LIQUIDATION AND FORECLOSURE.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

"SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

"(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) of this section the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

"(b) ELIGIBILITY FOR DELEGATION.—

"(1) REQUIREMENTS.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

"(A) the company—

"(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before the date of issuance of final regulations by the Administration implementing this section;

"(ii) is participating in the Premier Certified Lenders Program under section 508; or

"(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not fewer than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

"(B) the company—

"(i) has 1 or more employees—

"(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

"(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

"(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

"(2) CONFIRMATION.—On request, the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

"(c) SCOPE OF DELEGATED AUTHORITY.—

"(1) IN GENERAL.—Each qualified State or local development company to which the Administration delegates authority under subsection (a) may, with respect to any loan described in subsection (a)—

"(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner, according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

"(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

"(i) defend or bring any claim if—

"(I) the outcome of the litigation may adversely affect management by the Administration of the loan program established under section 502; or

"(II) the Administration is entitled to legal remedies not available to a qualified State or local development company, and such remedies will benefit either the Administration or the qualified State or local development company; or

"(ii) oversee the conduct of any such litigation; and

"(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosure, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

"(2) ADMINISTRATION APPROVAL.—

"(A) LIQUIDATION PLAN.—

"(i) IN GENERAL.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

"(ii) ADMINISTRATION ACTION ON PLAN.—

"(I) TIMING.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

"(II) NOTICE OF NO DECISION.—With respect to any liquidation plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the plan.

"(iii) ROUTINE ACTIONS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake any routine action not addressed in a liquidation plan without obtaining additional approval from the Administration.

"(B) PURCHASE OF INDEBTEDNESS.—

"(i) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

"(ii) ADMINISTRATION ACTION ON REQUEST.—

"(I) TIMING.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

"(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the request.

"(C) WORKOUT PLAN.—

"(i) IN GENERAL.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

"(ii) ADMINISTRATION ACTION ON PLAN.—

"(I) TIMING.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

"(II) NOTICE OF NO DECISION.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the plan.

"(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

"(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

"(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

"(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under subparagraph (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

"(i) shall be in writing;

"(ii) shall state the specific reason for the inability of the Administration to act on the subject plan or request;

"(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

"(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

"(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender (or any associate of a third party lender) or any other person participating in a liquidation, foreclosure, or loss mitigation action.

"(d) SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

"(1) does not meet the requirements of subsection (b)(1);

"(2) has violated any applicable rule or regulation of the Administration or any other applicable provision of law; or

"(3) has failed to comply with any reporting requirement that may be established by the Administration relating to carrying out functions described in subsection (c)(1).

"(e) REPORT.—

"(1) IN GENERAL.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on the results of delegation of authority under this section.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

"(A) with respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

"(i) the total cost of the project financed with the loan;

"(ii) the total original dollar amount guaranteed by the Administration;

"(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

"(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

"(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed;

"(B) with respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A);

"(C) with respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A);

"(D) a comparison between—

"(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

"(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period; and

"(E) the number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subsection (c)(2)(A) or a workout plan in accordance with subsection (c)(2)(C), or to approve or deny a request for purchase of indebtedness under subsection (c)(2)(B), including specific information regarding the reasons for the failure of the Administration and any delay that resulted.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 150 days after the date of enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) TERMINATION OF PILOT PROGRAM.—Effective on the date on which final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) shall cease to have legal effect.

SEC. 8. FUNDING LEVELS FOR CERTAIN FINANCINGS UNDER THE SMALL BUSINESS INVESTMENT ACT OF 1958.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

"(g) PROGRAM LEVELS FOR CERTAIN SMALL BUSINESS INVESTMENT ACT OF 1958 FINANCINGS.—The following program levels are authorized for financings under section 504 of the Small Business Investment Act of 1958:

"(1) $4,000,000,000 for fiscal year 2001.

"(2) $5,000,000,000 for fiscal year 2002.

"(3) $6,000,000,000 for fiscal year 2003.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the resolution before us returns H.R. 2614, the Certified Development Companies Improvement Act to the Senate. The House originally passed H.R. 2614 last August by a voice vote.

The resolution before us will accept one of the four Senate amendments added during Senate consideration of H.R. 2614 2 weeks ago. The amendment authorizes the 504 program for 3 more years, through fiscal 2003. The resolution rejects the other three Senate amendments.

The three rejected amendments includes language that the House cannot accept.

The first rejected amendment would transfer funds from the DELTA loan program and the guaranteed microloan program to the 7(a) loan program. While we understand the need for the transfer, the amendment violates the

Committee on the Budget and the Committee on Appropriations rules since the funds have dissimilar outlay rates.

The second rejected amendment mandates that, if certain outstanding 504 license applications are not acted upon within 21 days, those licenses shall be deemed approved.

While we agree that the delay at the SBA is unconscionable, Congress should not be in the position of, whenever executive branch inaction arises, stepping in to do their jobs for them. It sets an unhealthy precedent and opens a Pandora's box.

The third rejected amendment changes certain eligibility standards for the HUBZone contracting program. Regardless of its merits, this amendment is best discussed as part of the larger reauthorization legislation. It has no bearing on H.R. 2614 and is best discussed with similar provisions in the reauthorization currently being negotiated with the Senate.

Mr. Speaker, I ask my colleagues to support the House version of H.R. 2614. It amends the Small Business Investment Act to make changes in the Small Business Administration's section 504 loan program without adding any unnecessary language or issues.

The 504 program guarantees small business loans for construction and renovation and provides nearly $3 billion of financial assistance every year. It is an important program that needs our unencumbered support.

H.R. 2614 makes five basic changes to the 504 program. It increases the maximum debenture size for section 504 loans from $750,000 to $1 million and the size of public policy debenture-backed loans from $1 million to $1.3 million. It adds women-owned businesses to the current list of businesses eligible for the larger public policy loans up to $1.3 million, continuing our efforts to increase assistance to women-owned businesses.

It will reauthorize the fees for the program which keep the 504 program at a zero subsidy rate, covering all the costs resulting in no cost to the taxpayer.

H.R. 2614 will also grant permanent status to the Preferred Certified Lender Program before it sunsets at the end of fiscal year 2000. Finally, to improve recovery rates on defaulting 504 loans, H.R. 2614 makes the Loan Liquidation Pilot Program a permanent program.

Mr. Speaker, I again want to urge my colleagues to support the House amendment to H.R. 2614. It would mean a significant improvement in services to their small business constituents.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as may consume.

Mr. Speaker, as a strong supporter of SBA 504 loan programs, I rise in support of House Resolution 533.

The 504 program is one of the most important small business loan programs administered by the Small Business Administration. It represents access to capital for countless entrepreneurs who might not otherwise have a chance to turn their dreams into reality. Since 1980, over 25,000 businesses have received more than $20 billion in fixed-asset financing through the 504 program.

Mr. Speaker, in August of last year, the House passed a clean bipartisan bill to reauthorize the 504 loan program. That original House bill, which passed under suspension of the rules, was supported by the administration as well as by small businesses and the participating lenders.

The changes made to the legislation streamlined the program, and they also recognized the role that women-owned businesses play in the economy by making lending to women owners a public policy priority. In addition, the bill increased the loan sizes from $750,000 to $1 million to keep the pace with inflation and allow more businesses the access to the critical capital they need to expand their business.

These changes in the program represent reasonable improvements to update the program, making it more responsive to the needs of lenders and small businesses alike.

Ten months later, we have received a bill from the other body that includes several nonrelated provisions, some that could potentially be harmful. These changes include reallocating funding to help the 7(a) program. While this is a critical need, the language will constitute appropriating on an authorizing bill. The legislation would also expand the HUBZone program to allow those businesses that no longer reside in low-income areas to continue in the program. This change is contrary to the intention of the HUBZone program and further dilutes its mission.

Finally, the legislation will remove decision-making power regarding certain program licenses from the regulators at SBA. This represents micromanaging at its worst.

Moreover, these changes divert us from the original purpose of the 504 program which must be reauthorized quickly to ensure that it continues to provide access to critical capital for our Nation's small businesses.

Mr. Speaker, the 504 program serves as an engine of our economic development. I have seen its effect on a community. In my district, Les Fres Ford, a car dealership, is using a 504 loan to better serve its customers and to expand its business. It will also bring up to 50 new jobs to the community. These are good-paying jobs that will help families in the community I represent. This is just one example of the success that is taking place across this country, making the 504 program one of the SBA's bedrock programs.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. KELLY. Mr. Speaker, I have no additional speakers, so I reserve my right to close.

Ms. VELÁZQUEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all, I want to commend the gentleman from Missouri (Chairman TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ), ranking member, as well as the gentlewoman from New York (Mrs. KELLY) and all of the other members of the Committee on Small Business for the outstanding bipartisan way in which this committee conducts its business. We can all see that, when people work together that way, there are results, and they are results which can be measured. So I rise in strong support of this resolution.

Over the past 20 years, the 504 program has clearly been one of the real success stories in business development. As many on the committee know, the 504 program is a completely fee-generated program and is not supported by any Federal funds. So we are not really talking about dipping into the Treasury. We are talking about making something work as part of business and economic development.

Due to the success of the program, this bill will extend the current fee system for the program until October 1, 2003. The bill will also increase the loan guarantee from $750,000 to $1 million.

Of course, Mr. Speaker, as we all know, it will benefit women-owned businesses, and women-owned businesses currently employ 18.5 million United States workers and contribute more than $3.38 trillion annually to the economy. As a result, the 504 program increases the amount of loan guarantee available to women-owned businesses.

But most importantly, I think this bill is affirmation and a testament to the idea that, when people come together and work for the common interests, it does not matter which party they come from, which area of the country, which city, what their real philosophies and ideas are, other than if they come to work together, they can arrive at a common direction and a common success. Of course that direction and success means providing capital and direct services to the businesses that need it.

So, once again, I want to commend the gentleman from Missouri (Chairman TALENT); the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member; and all members of the Committee on Small Business for an outstanding job well done that will benefit businesses in America.

Ms. VELÁZQUEZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I also want to join the gentleman from Illinois (Mr. DAVIS) in commending the gentleman from Missouri (Chairman TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ), ranking member, for their leadership and the bipartisan way in which they guide our committee, and to also commend the gentlewoman from New York (Mrs. KELLY) for her leadership as well.

Mr. Speaker, today I rise in support of H.R. 2614 to reauthorize and improve upon the Small Business 504 program. This program is considered one of the premier small business loan programs administered by the Small Business Administration.

Mr. Speaker, the 504 program is a completely fee-generated program and is not supported by Federal funds. Its work is done through certified community development corporations.

I am particularly proud of the work that is done in my district by the St. Croix Foundation for Community Development, the Community Foundation for the Virgin Islands on St. Thomas, and the St. John Community Foundation, who are doing so much to stimulate economic development for my constituents.

Last year, through a strong bipartisan effort, the House passed H.R. 2614. Among the various improvements, it provided for the extension of the current fee system for the program until October 1, 2003, an increase of the government loan guarantee level from $750,000 to $1 million. Most importantly, Mr. Speaker, H.R. 2614 added women to the list of public policy goals for the 504 program. By doing so, the 504 program increased the amount of government loan guarantees available to women-owned businesses. This is very important as one out of five individuals are employed by women-owned businesses.

However, Mr. Speaker, the Senate included several unrelated and, in some cases, harmful provisions that would delay the passage of this legislation. These changes include, but are not limited to, the Senate language that would allow Congress to regulate the agency and decide who receives licenses under this program. Mr. Speaker, this is an ultimate form of micromanagement.

The Senate also included language that would expand the HUBZone program to allow businesses that move out of a low-income or underutilized area to continue to benefit, which is in clear contradiction to the original intent of that program.

Mr. Speaker, I urge my colleagues to vote to maintain the original intent of H.R. 2614, which will improve the 504 program and increase the access of this valuable loan program to more of our constituents.

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Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentlewoman from New York (Mrs. KELLY), who I know has been, along with Members of the Women's Caucus, very strong on the issues of small business, along with the chairman, the gentleman from Missouri (Mr. TALENT), for reauthorizing this legislation.

I came to the floor because I cannot think of a greater economic engine in this Nation than small businesses. The 504 loan program and the increase of loan opportunity from $750,000 to $1 million is going to take us leaps and bounds into the 21st century.

We have had some vigorous debates on the floor of the House over these past couple of months. A lot of them have involved the idea of trade and international business. My community is dominated by small businesses, minority-owned businesses and women-owned businesses, and one of their visions, as they have come to me, is the opportunity to reach beyond the boundaries of the United States. And as they are the economic engine of this Nation, I believe that their counterparts are in various places around the world. This opportunity of funding with a loan program that is reasonably responsive allows our small businesses to expand their vision and their opportunities to do international trade. At the same time, it continues to reaffirm their importance in our economy.

One of the things that small businesses ask for when I meet with them and dialogue with them on their issues is to be given the opportunity to be as small as they want to be, but also to be as big as they want to be. So this loan program allows small businesses to keep the familiarity of a small, a minority-owned, a women-owned business, but it also allows them to grow exponentially with respect to resources, finance, income, and revenue, and that I applaud.

Let me also say that I am very pleased to compliment the regional office, the local office of the Small Business Administration in my district, headed by Milton Wilson. That region and that locality has utilized its outreach efforts to ensure that small businesses in the one-stop office and the general store that has been implemented in my district know how to reach out to resources. I am hoping this legislation will be well announced so that our small businesses are aware of the increase and the modifications that have been made in a positive way so that we can increase the participation of small businesses in this economy.

This is a good piece of legislation. I am looking forward to its movement and for it to be signed. I do understand that we have responded to some modifications that need to be made in order to improve the bill; so I, therefore, applaud its passage and I ask my colleagues to support the legislation.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Oftentimes in a debate the question is asked, are we giving taxpayers good value for their dollars. I would say to my colleagues that the 504 program, which is totally run on fees, with no cost to the taxpayers, is a perfect example of where the taxpayer clearly gets his money's worth. It is also a good example of how best to spur entrepreneurship, because we know that access to capital is access to opportunity.

With today's reauthorization we are ensuring that the 504 program will continue to be available to provide loans to the small businesses that are the driving force behind America's unprecedented economic growth.

Mr. Speaker, I want to thank the chairman of the committee, the gentleman from Missouri (Mr. TALENT), and the gentlewoman from New York (Mrs. KELLY) for their hard work on this bill. I would also like to thank the staff, Charles Roe and Harry Katrice of the majority, and Michael Day and Eric Edwards of my staff, as well as all the members of the Committee on Small Business for their bipartisan efforts to reauthorize this loan program. I urge my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume, and I wish to thank the chairman of the committee, the gentleman from Missouri (Mr. TALENT), for all his efforts; and I also want to thank very much the ranking Democratic member, the gentlewoman from New York (Ms. VELÁZQUEZ), for her assistance and cooperation. It is a hallmark of our committee that we work in such a bipartisan way.

This is solid legislation that we, the small business owners of America, need to have in place. This resolution supports a clear House position and accepts a reasonable Senate amendment, and I ask all the Members to support it.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today in strong support of H. Res. 533. Earlier last year, we passed H.R. 2614 with overwhelming bipartisan support. The 504 Certified Development Company is considered one of the premier business loan programs administered by the Small Business Administration (SBA). Over the past 20 years, the 504 program has clearly been one of the greatest success stories in business development efforts made by the Small Business Administration. It is considered one of the "best values for the taxpayers." In that time, we have seen it mature into one of SBA's bedrock programs, by providing over $20 billion dollars in assistance to more than 25,000 businesses. Since 1980, the 290 CDC's nationwide have provided more than $20 billion in fixed asset financing to over 25,000 business concerns.

H.R. 2614 left the House as a good bill, however, the Senate included several unrelated, and in some way harmful provisions that will delay the passage of this legislation. The Senate language would have allowed Congress to regulate the agency and decide who receives licenses under the 504 program. This is the ultimate in micro-managing. Furthermore, the language reprogrammed critically needed money into the 7(a) program. This constitutes appropriating on an authorizing bill that will cause serious delays. I believe that the most damaging provision put forth by the Senate is the expansion of the HUBZone program to allow businesses that no longer reside in low-income areas to continue to enjoy the benefits of the program. This is a clear contrast and violation to the original intent of the program.

Colleagues, we cannot let these bad provisions spoil the good that is in H.R. 2614. The bill extends current fee system for the program until October 1, 2003. As a member of the Committee, I know that the 504 program is completely fee generated and is not currently supported by any federal funds. The "Premier Certified Lenders Program" was granted permanent status. PCLP is designed to allow established lenders to expedite the loan application process. This streamlines the process and provides immediate access to funds. I was proud to see that during Committee we raised the amount of loan guarantee available from $750,000 to $1,000,000.

One of the vital improvements was the addition of women to the list of public policy goals for the 504 program. By doing so, the 504 program increased the amount of government loan guarantee available to women-owned businesses. As we all know, women-owned business are the growth agents of the future. Presently they contribute more than $2.38 trillion dollars annually in revenues to the economy. This is more than the gross domestic product of most countries. In the United States, women-owned businesses employ one out of every five U.S. workers—a total of 18.5 million employees.

I urge my colleagues to support H. Res. 533 and continue to ensure that the 504 Certified Development Company is prepared to continue helping new small businesses, grow existing ones, and provide opportunities so that none are not left out of the changing marketplace.

Mrs. KELLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and agree to the resolution, House Resolution 533.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 533, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

JAMES H. QUILLEN UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4608) to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the "James H. Quillen United States Courthouse".

The Clerk read as follows:

H.R. 4608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, shall be known and designated as the "James H. Quillen United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "James H. Quillen United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4608 designates the new courthouse in Greeneville, Tennessee, as the James H. Quillen United States Courthouse. This is a good bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. JENKINS), so that rather than me standing here and telling my colleagues about it, the bill's primary sponsor and Mr. Quillen's successor to the Congress may do so.

Mr. JENKINS. Mr. Speaker, I thank the gentleman for yielding me this time, and as the gentleman has pointed out, this bill names our new Federal courthouse in Greeneville, Tennessee, for Jim Quillen.

Jim Quillen served in this House of Representatives for 34 years, longer than any other Tennesseean has ever served. He was, for many years, the ranking member of the Committee on Rules, and at the time of his retirement was chairman emeritus of the Committee on Rules.

Before he came to this Congress, he spent 6 years in the general assembly in the State of Tennessee and before that 4 years in the United States Navy in World War II.

Jim Quillen had a total of 44 years of dedicated service to his State and to his Nation, and along the way he was able to found several successful businesses, the first of which was a newspaper when he was 19 years of age. He went on to establish real estate, construction and insurance businesses that were very successful down through the years.

Jim Quillen fought hard for many things for the first district of Tennessee and for this country. I think his most notable achievement was the good work that he did in helping to create a medical school under the Teague-Cranston Act at the Veterans Administration Hospital in Johnson City, Tennessee. It is now in operation. It bears his name. It is the James H. Quillen College of Medicine, and it has been a very successful operation for not only the State of Tennessee but for this Nation in preparing physicians.

One of the last projects that Jim Quillen worked on in this House of Representatives was this new courthouse in Greeneville, Tennessee. Mr. Speaker, we outgrew a very beautiful historic old courthouse in downtown Greeneville, very near the home of Andrew Johnson, who was our 17th President. Jim Quillen got appropriations to purchase the land for a new courthouse and to design the new courthouse. And since his retirement, we have been able to get appropriations to complete that courthouse, and it is very near completion.

Jim Quillen's life and work are a great American success story, Mr. Speaker; and I believe that this would be a very fitting tribute to his lifetime of hard work for his constituents and the people of this country. I am proud of the fact that all nine of the House Members in the State of Tennessee, all of the Republicans and all the Democrats, are cosponsors of this legislation. I would ask that every Member of this House vote favorably for H.R. 4608.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4608 is a bill to designate the Federal Courthouse in Greeneville, Tennessee, as the James H. Quillen United States Courthouse. Jim Quillen served with distinction his constituents of the first district of Tennessee for 35 years and holds the record for having the longest continuous service of any Tennessee Member of the U.S. House of Representatives.

Jim was a member of the Committee on Rules and served as ranking minority member for many years. He was also chairman of the TVA Caucus and a member of the Republican Policy Committee. Jim was also conscious of needs of his constituents and worked very hard to secure funding for medical facilities in northeast Tennessee and was diligent in his work for farmers and veterans.

Jim Quillen has received numerous awards and honors, including having a medical facility named in his honor, Route 181 from Virginia to North Carolina is named in his honor, and a Chair of Excellence in Education was named for him at East Tennessee State University. It is with great pleasure that I support H.R. 4608 that designates the new Federal Courthouse in Greeneville, Tennessee, in Jim's honor.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), another great Member from the Volunteer State, and the chairman of the Subcommittee on Aviation, who is making air traffic cheaper and safer all across the country.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time, and I thank him for those very kind words. I also want to express my appreciation to the gentleman from the first district of Tennessee (Mr. JENKINS) for his prime sponsorship of this very appropriate legislation naming the new Federal courthouse in Greeneville after Congressman James H. "Jimmy" Quillen.

As the gentleman from Tennessee (Mr. JENKINS) mentioned and as the gentlewoman from the District of Columbia (Ms. NORTON) mentioned, Congressman Quillen served the first district of Tennessee for 34 years in this House, longer continuous service than any Member of the House of Representatives in the history of the State of Tennessee. Congressman Quillen was very proud of that, and rightly so.

He was a very district-oriented, constituent service-type of Congressman. In fact, I think he was one of the first Members of this body to just routinely fly home each and every weekend. I think it is fair to say and proper to note that he probably spent more time at home in Tennessee than he did in Washington, D.C., and so he stayed in constant contact with his constituents and was always on top of the needs of his district.

As the gentleman from Tennessee (Mr. JENKINS) mentioned, probably his greatest accomplishment was the medical school at East Tennessee State University. There was tremendous opposition to that medical school, because some people thought that the State could not support two medical schools. But the other medical school is in Memphis, which is at the opposite end of the State, Tennessee is a very long State across, and that medical school would not have been opened, I do not believe, if it had not been for the strong support and determination that Congressman Quillen put behind it.

Congressman Quillen did rise to become the ranking Republican and chairman emeritus of the Committee on Rules, and served with great distinction on that committee. He also contributed to so many other things. There is a highway in his district named after him. I think the main building at the Methodist Children's Home is named after Congressman Quillen; and this courthouse, as the gentleman from Tennessee (Mr. JENKINS) noted, was the last major project that Congressman Quillen worked on for his district of many, many projects.

Congressman Quillen was born into what some people would call absolute poverty today, in Gate City, Virginia. He was born into a good family but a family of very little money, and one of 10 children. He came up surely the hard way. In fact, I would say that people on welfare today have much, much more than Congressman Quillen's family had. But he started the newspaper that the gentleman from Tennessee (Mr. JENKINS) mentioned at the age of 19, and then he became one of the biggest developers in the city of Kingsport, and then one of the leading insurers in that community and one of the most successful businessmen in that entire area.

Then, as the gentleman from Tennessee (Mr. JENKINS) noted, he served in the Navy for 4 years. He was very proud of that, a very patriotic man, very pro-military, and then he served 6 years in the legislature and 34 years in this House, for 44 years of public service.

Most of us will remember that Congressman Quillen always sat in the second seat in the second row, right below me here. In fact, many of us thought that we should have named that the James H. Quillen seat here in the House. I heard that NPR had on the news the other day that there were no seats designated in the House except the Speaker's chair and one that the gentleman from Pennsylvania (Mr. MURTHA) sits in on the other side. But everyone knew that that second seat in the second row was Congressman Quillen's seat in this House; and he was, I think, very proud of that too.

□ 1215

I am proud of the fact that, for 32 of the 34 years that Congressman Quillen spent in this House, he served with a Duncan. He served 12 terms with my father; and they were very, very close friends. And then I had the privilege and honor of serving with Congressman Quillen for 8 years. During that time, he was my mentor, he was my advisor, he took me under his wing.

I will say this, Mr. Speaker: Congressman James H. Quillen was one of the finest and is one the finest men that I have ever known in my lifetime. I am proud to support this legislation.

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, I thank the gentlewoman from the District of Columbia for yielding me the time.

Mr. Speaker, I rise to congratulate the people of Greeneville, Tennessee, for their newly named James H. Quillen Courthouse.

Now that they will be naming this courthouse after Jimmy Quillen, Mr. Speaker, I think that every single building, medical school, and road in eastern Tennessee should be named after Jimmy Quillen.

Mr. Speaker, that is the way it should be.

I served with Jimmy in the House Committee on Rules for over 21 years, and I can tell my colleagues from first-hand experience that he deserves every accolade that comes his way.

Jimmy joined the Committee on Rules back in 1965 with another dear friend of mine, Claude Pepper, and he served until 1996, at which point he became the longest-serving Republican on the House Committee on Rules. He also served in Congress longer than any other representative from Tennessee, some 34 years.

Jimmy Quillen rose from a humble background to serve in the Navy in World War II. He served the Tennessee State House, where he became the minority leader. In 1963, he went on to represent the first district of Tennessee in the United States Congress.

Jimmy believed in old-fashioned, constituent-oriented representation. To prove his point, Jimmy even took his office door off its hinges to represent his open-door policy, and that open door served as an inspiration for many of us who followed him.

Jimmy was a true Southern gentlemen whose word was his bond. I can remember in the 1980's when we were working on the S&L bailout and someone proposed eliminating some of the benefits that were promised to the people who bought these failing S&L's and Jimmy Quillen stood up and fought that amendment tooth and nail, saying, "a deal is a deal." And, Mr. Speaker, he was right. But every time after that we would look at Jimmy and say, "a deal is a deal."

What was important to Jimmy was comity and good faith above all else. He was a distinguished, hard-working, kind member of the Committee on Rules and a very worthy adversary.

Every once in a while, I catch myself looking for Jimmy in the second seat in the second row on the House floor.

He is sorely missed here in the Congress.

Mr. Speaker, it was an honor to have served with Jimmy Quillen and even a greater honor to call him my friend.

Once again, Mr. Speaker, I congratulate the people of Greeneville on their newly named courthouse.

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, as I was sitting here listening to our good friend from Massachusetts (Mr. MOAKLEY) talk about some of the years involved here, I was thinking back to 1965 and how long ago that has been, and I was thinking that it has been so long that the gentleman from Tennessee (Mr. TANNER) was just finishing shooting jump shots in Union City back in those days. That was a long time. I think they were set shots back in those days. I know there were peach baskets up there. It has been a while.

I do want to thank my other colleague, the gentleman from Tennessee (Mr. JENKINS), for sponsoring this bill, introducing this legislation, which, as has been said, does designate the Federal courthouse there in Greeneville, Tennessee, as the James H. Quillen United States Courthouse.

I had an opportunity recently to go to Greeneville. I used to live there as a child myself. I do not have a lot of recollection about it, but I was able to go about the town and to not only visit the current courthouse there but also to see the newly constructed courthouse in progress. It certainly is going to be a wonderful facility there, and I know will be well used; and in that it carries Congress Quillen's name, I think it certainly has a distinctive honor.

There are a lot of things up in east Tennessee already named for Congressman Quillen, the medical school and highways and things, and certainly all well-deserved.

I, among others and many that have been in this body, have been privileged to serve with Mr. Quillen. There was an overlap when I came up in 1994 of about one or two terms there. And, as has been pointed out, I very quickly learned about the chair on the second row and not to sit there. Although, we did tend to gather around him and seek his wisdom and judgment that he always possessed.

Many of my colleagues do recall him as a Member who dedicated his entire career up here, as well as his life so far, and he is still very active back in east Tennessee today, but he dedicated his life to the pursuit of hard work and honesty and, particularly, love of family.

Going back just a minute, I know that the gentleman from Tennessee (Mr. DUNCAN) has talked a great deal about Mr. Quillen's background, but I wanted to share a couple of things that, as I went back and studied about Mr. Quillen, I was just tremendously impressed by those folks who served in World War II and the book that has been written about the greatest generation and the folks that saved the world and came back and built the economy and built America into the country it is today. Mr. Quillen was certainly a part of that great generation.

Back in 1942, he served on the aircraft carrier U.S.S. *Antietam* as an ensign; and after serving honorably his country, there he was discharged as a lieutenant in 1946 after the war. Although he was offered an opportunity to go to West Point and become an officer there and go through the Academy, he declined this in order to return to Tennessee and to his civilian life.

In 1954, he was persuaded to enter a race for the Tennessee State Legislature and was elected into the position that he held until 1962. And during his service in Tennessee in Nashville, he served as the minority leader and was nominated for the Speaker of the House.

In 1962, Mr. Quillen went on to be victorious in a race for the seat in this very House of Representatives. As a Member of Congress, Mr. Quillen quickly developed a reputation as a man dedicated to constituent services. All of us that serve in this body can really appreciate that and can look at people like Mr. Quillen and the job that he did representing the people in the first district of Tennessee that he came to represent up here, as well as taking care of their needs back in the district, and certainly envy that record.

In fact, as the gentleman from Massachusetts (Mr. MOAKLEY) said, on election night when he was first elected into this body, his supporters took the hinges off the campaign office to signify his promise that he was always going to be available to the people that he represented.

In 1965, he became a member of the House Committee on Rules and served as the ranking member for the committee for many years. He later served as Chairman Emeritus, an honor that is the first for any Member of Congress.

In addition to his service as chair and vice chairman of several committees, he holds the record for the longest continuous service by any Tennessee Member of the United States House of Representatives.

Over the years, he has received numerous awards and honors in recognition of his years of service to his constituents and to his State. On January 3, 1997, he retired in his position from the House of Representatives.

I am proud to have served with Mr. Quillen, and I am proud to cosponsor this bill. I urge its adoption. I urge my colleagues to adopt this bill.

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I thank the gentlewoman for yielding me the time. I thank the gentleman from Tennessee (Mr. JENKINS) for introducing this legislation to designate the U.S. Federal Courthouse Building in Greeneville, Tennessee, after a great man, James H. Quillen.

Mr. Speaker, I had the opportunity, like others did here, to serve with Mr. Quillen. Not only was he a friend of mine, but he was also a close personal friend of my late father, Frank G. Clement, who served as governor of Tennessee. While my father was serving as governor, Jimmy served in the Tennessee State Legislature, where their mutual friendship and admiration for one another blossomed.

Jimmy Quillen was a man of his word, he was a man of tremendous integrity, and he was a true patriot. There are a lot of accomplishments by his name, including those that have already been mentioned by my Tennessee colleagues and those also that knew him and loved him and admired him and respected him from across the country.

Among his list of accomplishments, also, he served in the U.S. Navy. And, no doubt, he was a savvy businessman, but he was a true public servant. He entered the political arena in 1955, serving in the Tennessee State House of Representatives.

In 1962, he was elected to serve in the 88th Congress and served honorably from January 3, 1963, to January 3, 1997. Jimmy was the kind of Member that brought people together. He worked for the greater good and always did what was in the best interest of the people of Tennessee, Democrats and Republicans alike. This great House misses Jimmy Quillen and misses his leadership. He was a role model and still today is one of the greatest statesmen that Tennessee has ever produced.

One thing I do remember about him, and I think all of my colleagues would remember this, as well, is that handshake. Now, when he put that hand out there and grabbed their hand, he would drag them about halfway across the room. I remember that because he did that to me and did that to many others. I do not know how many people's arms he pulled out of socket, but I will tell my colleagues one thing, it got their attention and the next time they shook hands with Mr. Quillen they were ready for him so he would not do it to them.

It is with great enthusiasm that I support this legislation, H.R. 4608, and encourage my other colleagues in the U.S. House of Representatives to support this meaningful legislation.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from

Tennessee (Mr. HILLEARY), another member of the Tennessee delegation who represents many points of interest in Tennessee, but my most favorite, Lynchburg.

Mr. HILLEARY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I do represent a lot of interesting places in Tennessee, as we have talked about several times. But Mr. Quillen, who we are honoring here today, represents, I think, one of the most beautiful areas in the whole country.

I am proud to cosponsor this piece of legislation. I think it has been an honor for me to have at least 2 years to serve in this House with Mr. Quillen. As has been said, he served longer than any other Member in the history of the State of Tennessee in this House, 34 years.

The thing about him that I think I find the most interesting is that he was a role model for us as being a Member of Congress, and we learned a lot from him. He did not care for partisan politics one bit. He always put his district and his constituents first, without question. I think that those who have come on after Mr. Quillen's tenure really did not get that advantage of being able to kind of learn the ropes under his tutelage.

The thing that I find very impressive about him, as well, is that he is the stereotypical American dream in the sense that he was very much and is a self-made man. He was born into a pretty poor family in 1916 with 10 children, very little money; and he was, as one of my colleagues said, part of that greatest generation that Tom Brokaw talks about. He did join the U.S. Navy during World War II.

He is a family man. He married his lovely wife, Cecile in 1952; and through sickness as in health, as the vows go, he has stood by her all those many years.

I recently got married, 3 weeks ago almost to the day, 3 weeks ago Saturday, and I can only hope to follow in the footsteps of the model that he showed all of us as far as being a loving husband.

□ 1230

He was in the State House for 8 years. He has basically spent his entire life in service to others and in service to his State and Nation and this country. I think it is very appropriate that we honor him in this way. The James H. Quillen, Jimmy Quillen United States Courthouse in Greeneville will be just yet another structure in the first district that is named after Mr. Quillen.

We cannot go around a bend in that lovely First Congressional District without seeing a school or a highway or a building, something that was an accomplishment of Mr. Quillen's while he was in Congress, named in honor of him; and I think that is very appropriate.

Mr. Speaker, Mr. Quillen used to sit right there, the second seat over here from the aisleway in the second row. I often bring groups in here at night, and I say this was Mr. Quillen's seat; and even though we do not have assigned seats in this House, some of the Members who have been here for a while, as we all know, sort of pick one seat as their seat, and that is where they always sit, and out of respect for them and their tenure and their service, we do not sit there. Except for my first time I was in here, I made the mistake of sitting there and with that big yank of a handshake, he popped me up and sat down in it.

We have no problem with that, because we revered and respected Mr. Quillen so much. That seat, as far as I am concerned, will always be Mr. Quillen's seat, no matter who else sits there while I am here in this House. I am honored to be a part of this legislation. I certainly ask everybody to get behind this in an enthusiastic way, and I was proud to serve with Mr. Jimmy Quillen.

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I would just reiterate and endorse what my friends from Tennessee have had to say about Mr. Jimmy Quillen. I want to thank my friend, the gentleman from Tennessee (Mr. JENKINS), for introducing this resolution. I came to the Tennessee Assembly in 1976; and for the longest time, it seems Mr. Quillen and I were the graduates, I guess we might say, of the Tennessee General Assembly. The gentleman from Tennessee (Mr. JENKINS) also served there.

Mr. Quillen not only was the king of East Tennessee, as we used to call him, I live over in West Tennessee and his service to our State transcended the First Congressional District. I live in the Eighth Congressional District, and Mr. Quillen journeys over there to one of the premier political events in the springtime every year, down in Covington, Tennessee, the Oney Naifeh political dinner and his service to our State is appreciated, not only by those citizens in the first district in East Tennessee, but it was appreciated throughout, across the width and breadth of Tennessee.

Many, many mutual friends from Joe Bewley, who was in the legislature and lives in Greeneville, to many others, Ralph Cole and others I have known through the years and all from up there in the first district had the same love and respect for Mr. Quillen that those of us who got to know him from other parts of the State developed.

Mr. Speaker, he truly has given a very large measure of his life to the service of others, and it is with a great deal of pleasure and pride that I think that almost every Member from the Tennessee delegation, Democratic and Republican alike, has been down here this morning to say a kind word for Mr. Jimmy Quillen and I would add with great appreciation for the opportunity, my thanks and my endorsement of this process.

Mr. LATOURETTE. Mr. Speaker, I reserve the balance of my time to close.

Ms. NORTON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, Mr. Quillen was a friend of mine, and I can remember he and another dear friend, Walter Jones, sitting down with me on occasion, giving me sound advice to sit down and shut up. As a member of the Committee on Rules, he helped me bring to the floor many amendments that many people did not have a shot.

I just wanted to chime in and say, if there is any distinguishing element to his great career, he was fair. He treated everyone fairly, and he was always a consummate gentleman. So I think the naming of this courthouse in his honor is absolutely fitting, because he was a great American. I appreciated the times that he and I were able to speak, and he imparted much of that wisdom to me, as he did to other Members at that time who were young and just coming on; and his advice to shut up probably was the best I ever got. Mr. Quillen, God bless you and the family.

Mr. LATOURETTE. Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, this is a good bill. I urge its passage, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4608.

The question was taken.

Mr. LATOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FEDERAL PROTECTIVE SERVICE REFORM ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 809) to amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service, as amended.

The Clerk read as follows:

H.R. 809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Protective Service Reform Act of 2000".

SEC. 2. DESIGNATION OF POLICE OFFICERS.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is amended—

(1) in section 1 by striking the section heading and inserting the following:

"SECTION 1. POLICE OFFICERS.";

(2) in sections 1 and 3 by striking "special policemen" each place it appears and inserting "police officers";

(3) in section 1(a) by striking "uniformed guards" and inserting "certain employees"; and

(4) in section 1(b) by striking "Special policemen" and inserting the following:

"(1) In general.—Police officers".

SEC. 3. POWERS.

Section 1(b) of the Act of June 1, 1948 (40 U.S.C. 318(b)), is further amended—

(1) by adding at the end the following:

"(2) Additional powers.—Subject to paragraph (3), a police officer appointed under this section is authorized while on duty—

"(A) to carry firearms in any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

"(B) to petition Federal courts for arrest and search warrants and to execute such warrants;

"(C) to arrest an individual without a warrant if the individual commits a crime in the officer's presence or if the officer has probable cause to believe that the individual has committed a crime or is committing a crime; and

"(D) to conduct investigations, on and off the property in question, of offenses that have been or may be committed against property under the charge and control of the Administrator or against persons on such property.

"(3) Approval of regulations by Attorney General.—The additional powers granted to police officers under paragraph (2) shall become effective only after the Commissioner of the Federal Protective Service issues regulations implementing paragraph (2) and the Attorney General of the United States approves such regulations.

"(4) Authority outside Federal property.—The Administrator may enter into agreements with State and local governments to obtain authority for police officers appointed under this section to exercise, concurrently with State and local law enforcement authorities, the powers granted to such officers under this section in areas adjacent to property owned or occupied by the United States and under the charge and control of the Administrator."; and

(2) by moving the left margin of paragraph (1), as designated by section 2(4) of this Act, so as to appropriately align with paragraphs (2), (3), and (4), as added by paragraph (1) of this subsection.

SEC. 4. PENALTIES.

Section 4(a) of the Act of June 1, 1948 (40 U.S.C. 318c(a)), is amended to read as follows:

"(a) In General.—Except as provided in subsection (b), whoever violates any rule or regulation promulgated pursuant to section 2 shall be fined or imprisoned, or both, in an amount not to exceed the maximum amount provided for a Class C misdemeanor under sections 3571 and 3581 of title 18, United States Code.".

SEC. 5. SPECIAL AGENTS.

Section 5 of the Act of June 1, 1948 (40 U.S.C. 318d), is amended—

(1) by striking "nonuniformed special policemen" each place it appears and inserting "special agents";

(2) by striking "special policeman" and inserting "special agent"; and

(3) by adding at the end the following: "Any such special agent while on duty shall have the same authority outside Federal property as police officers have under section 1(b)(4).".

SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE SERVICE.

(a) In General.—The Act of June 1, 1948 (40 U.S.C. 318–318d), is amended by adding at the end the following:

"SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE SERVICE.

"(a) In General.—The Administrator of General Services shall establish the Federal Protective Service as a separate operating service of the General Services Administration.

"(b) Appointment of Commissioner.—

"(1) In general.—The Federal Protective Service shall be headed by a Commissioner who shall be appointed by and report directly to the Administrator.

"(2) Qualifications.—The Commissioner shall be appointed from among individuals who have at least 5 years of ment experience in a command or supervisory position.

"(c) Duties of the Commissioner.—The Commissioner shall—

"(1) assist the Administrator in carrying out the duties of the Administrator under this Act;

"(2) except as otherwise provided by law, serve as the law enforcement officer and security official of the United States with respect to the protection of Federal officers and employees in buildings and areas that are owned or occupied by the United States and under the charge and control of the Administrator (other than buildings and areas that are secured by the United States Secret Service);

"(3) render necessary assistance, as determined by the Administrator, to other Federal, State, and local law enforcement agencies upon request; and

"(4) coordinate the activities of the Commissioner with the activities of the Commissioner of the Public Buildings Service.

Nothing in this subsection may be construed to supersede or otherwise affect the duties and responsibilities of the United States Secret Service under sections 1752 and 3056 of title 18, United States Code.

"(d) Appointment of Regional Directors and Assistant Commissioners.—

"(1) In general.—The Commissioner may appoint regional directors and assistant commissioners of the Federal Protective Service.

"(2) Qualifications.—The Commissioner shall select individuals for appointments under paragraph (1) from among individuals who have at least 5 years of direct law enforcement experience, including at least 2 years in a supervisory position.".

(b) Pay Level of Commissioner.—Section 5316 of title 5, United States Code, is amended by inserting after the paragraph relating to the Commissioner of the Public Buildings Service the following:

"Commissioner, Federal Protective Service, General Services Administration.".

SEC. 7. PAY AND BENEFITS.

(a) In General.—The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

"SEC. 7. PAY AND BENEFITS.

"Notwithstanding any other provision of law or any other rule or regulation, the pay and benefits for any employee of the Federal Protective Service who maintains active law enforcement status under section 1 shall be determined in accordance with a pay and benefits package established and maintained by the Administrator of General Services that is equivalent to the pay scale and benefits package applicable to members of the United States Capitol Police. Such pay scale and benefits package shall be established by regulation, shall apply with respect to the pay period beginning January 1, 2001, and ending December 31, 2001 (and such other pay periods as may be authorized by law), and shall not result in a decrease in the pay or benefits of any individual for such pay period.".

(b) Conforming Amendment.—Section 1(a) of such Act (40 U.S.C. 318(a)), is amended by striking "without additional compensation".

SEC. 8. NUMBER OF POLICE OFFICERS.

(a) In General.—The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

"SEC. 8. NUMBER OF POLICE OFFICERS.

"After the 1-year period beginning on the date of enactment of this section, there shall be at least 730 full-time equivalent police officers in the Federal Protective Service. This number shall not be reduced unless specifically authorized by law.".

SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

"SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.

"The Commissioner of the Federal Protective Service shall prescribe minimum standards of suitability for employment to be applied in the contracting of security personnel for buildings and areas that are owned or occupied by the United States and under the control and charge of the Administrator of General Services.".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated from the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)) such sums as may be necessary to carry out this Act.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LaTourette) and the gentlewoman from the District of Columbia (Ms. Norton) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LaTourette).

Mr. LaTOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 809, as amended, the Federal Protective Service Reform Act of 2000, makes the Federal Protective Service a freestanding service within the General Services Administration and creates a Federal Protective Service commissioner with line authority over regional directors. Federal Protective Service is currently under the Public Buildings Service, a real estate function within the GSA.

The commissioner of the Public Building Service currently has no line authority over regional directors and can only recommend policies and procedures.

This structure leaves the Federal Protective Service with just disjointed authority and blurred accountability.

H.R. 809 establishes police and training experience standards for the new Federal Protective Service commissioner, including at least 5 years of professional law enforcement experience.

The bill clarifies and broadens authority for the officers regarding arrest and investigative powers and expands jurisdiction to areas adjacent to Federal property. All regulations implementing these expanded authorities are subject to the approval of the Attorney General.

The bill requires contract security guards to undergo more rigorous background checks and increases the number of full-time FPS officers to 730.

Mr. Speaker, I am pleased that our committee could work out a compromise with the Committee on Government Reform and Oversight, and section 7 on pay and benefits reflects that compromise. It has been modified to direct that the Office of Personnel Management conduct a study of the pay and benefits of all Federal police forces to determine whether there are disparities between the pay and benefits of such forces.

We expect this record will be transmitted to the Congress no later than 12 months following enactment of this legislation. The change to section 7 will reduce the costs of the legislation to those costs to hire additional officers.

This legislation enhances the FPS and will make Federal buildings more secure. It has no impact on the facilities secured by the Secret Service, Federal Bureau of Investigation, and the United States Marshal Service. I want to emphasize that this bill does not affect the statutory authority and responsibility of the Marshal Service to provide protection to the United States judges, U.S. attorneys and others connected with the functions of United States courthouses.

The law enforcement community strongly supports this measure. This legislation is long overdue, and I want to commend my colleague, the gentleman from the 17th District of Ohio (Mr. TRAFICANT), for his persistence and active involvement in bringing this measure to the floor. I support this bill and encourage its passage.

Mr. Speaker, I submit the following letter for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, June 13, 2000.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In the interest of expediting Floor consideration of the bill, the Committee will not exercise its jurisdiction over H.R. 809. However, we have agreed that the following language is to replace the existing language in section 7 of the legislation.

"The Office of Personnel Management shall survey the pay and benefits of all federal police forces to determine whether there are disparities between the pay and benefits of such forces that are not commensurate with differences in duties or working conditions. The Office shall submit a report to the Congress within 12 months after the date of enactment of this Act, which shall contain the Office's findings and recommendations. In order for the Committees to properly evaluate granting law enforcement status, the Committees expect the report to be completed and submitted within the stated timeframe."

As you know, House Rules grant the Committee on Government Reform wide jurisdiction over government management issues including matters related to Federal civil service. This action should not, however, be construed as waiving the Committee's jurisdiction over future legislation of a similar nature.

I look forward to working with you on this and other issues throughout the remainder of the 106th Congress.

Sincerely,

DAN BURTON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 13, 2000.

Hon. DAN BURTON,
Chairman, Committee on Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: Soon the House will consider H.R. 809, the Federal Protective Service Reform Act of 2000. While H.R. 809 primarily contains provisions related to matters solely in the jurisdiction of the Committee on Transportation and Infrastructure, I recognize that Section 7 of the bill regarding federal pay issues are under the jurisdiction of the Committee on Government Reform and agree to modify Section 7 to meet your concern.

I agree that allowing this bill to go forward in no way impairs upon your jurisdiction over these provisions, and I would be pleased to place this letter and your letter of June 13, 2000 in the Committee's Report. In addition, if a conference is necessary on this bill, I would support any request to have the Committee on Government Reform be represented on the conference with respect to the matters in question.

I look forward to passing this bill on the Floor soon and thank you for your assistance.

Sincerely,

BUD SHUSTER,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, yield myself such time as I may consume.

Mr. Speaker, I am a strong cosponsor of H.R. 809, a bill to provide a higher level of law enforcement professionalism in the Federal Protective Service, or FPS. The FPS is responsible for providing security not only in Federal buildings but also for the public who visit those buildings and the employees who work in them.

For over a year, the Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation has reviewed and considered a bill to make the Federal Protective Service an independent entity within the General Services Administration. Through several Congresses, the subcommittee held hearings on the status of security in government-owned buildings. However, the nature of threats to Federal property changed forever with the bombing of the Murrah Federal Building in Oklahoma City.

In general, the subcommittee was concerned about the quality of Federal protection, including the use of contract guard services. The Members focused on the overall management of the FPS and received testimony from the General Accounting Office reporting how well the public building services was managing the protective function.

We became convinced that separating the Federal Protective Service from the real estate function in GSA would help achieve a higher level of professionalism we thought essential in Federal buildings today.

We received numerous letters in support from local law enforcement entities from across the country that supported strengthening the management of FPS by making it an independent entity within GSA. After reviewing testimony, the subcommittee determined that making the Federal Protective Service a separate entity within GSA makes sense. It makes good management sense.

This move makes operational sense as well. The commissioner of the FPS will now have command and control over his own employees. The commissioner will be able to make immediate decisions and deploy police officers without having to check with the real estate arm of GSA.

It is not a decision the subcommittee made quickly or without extensive discussion and deliberations. The staff has had numerous discussions with GSA, managers from the Federal Protective Service, officials from the Department of Justice, and finally the officials of the United States Secret Service.

The time has come to move forward with legislation that will professionalize the Federal protective workforce. It is time to update and upgrade the quality of protection offered to the public who visits our public buildings and the employees who work in these buildings.

The bill will create a separate entity within GSA. The commissioner will have control over his own employees; and as important, he will have the authority to set the standards for hiring the contract guards who are so ubiquitous in Federal buildings today.

The bill accomplishes a great deal, but a great deal remains to be done to ensure higher level of security in Federal buildings and for Federal property.

Architectural design needs to incorporate security features, sufficient funding for technology needs to be identified, and our cop on the beat needs to be the best trained and knowledgeable employee.

Mr. Speaker, I very much support H.R. 809, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I have no additional requests for time, and I reserve the balance of our time.

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TRAFICANT), the chief sponsor of the bill.

Mr. TRAFICANT. Mr. Speaker, I want to thank the gentlewoman from the District (Ms. NORTON) for yielding me the time and the former prosecutor, the gentleman from Northern Ohio (Mr. LATOURETTE), who understands that the best case that prosecutor may see or a sheriff may see is the one that we never see, because we may have prevented that particular deed which has caused the need for a prosecutor and sheriff to be involved.

I want to start out by saying that our Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation is probably the best kept secret in the Congress. I want to commend the two directors of the staff, Rick Barnett and Susan Brita; they do a great job. They did a great job on this bill.

I want to compliment the gentleman from Pennsylvania (Mr. SHUSTER), the chairman; and the gentleman from Minnesota (Mr. OBERSTAR), our ranking member; the gentleman from New Jersey (Mr. FRANKS), the subcommittee chairman; and the gentleman from West Virginia (Mr. WISE), the ranking member; and Members like the gentleman from Ohio (Mr. LATOURETTE), with his extensive knowledge of law enforcement; and everybody else on that subcommittee who has passed such important legislation, and sometimes it goes unrelated in this Congress. There is always a bipartisanship that emanates from that behavior; and as a result, the legislation is effective and makes a difference.

I just wanted to start out talking about Oklahoma City. Mr. Speaker, we know that if we look at Oklahoma City, as I did as a sheriff, I can understand why Oklahoma City became that target, the Alfred P. Murrah building.

There were three Federal buildings guarded by one guard that day, and that guard was a contract guard. Now, I am not demeaning the contract guards that serve in the Federal Protective Service; many of them are former law enforcement officers that are working now and extending their career. I think they should be paid more. I think that the bill would be better had we made that particular type of adjustment, but I think the compromise made with the Committee on Government Reform and the gentleman from Indiana (Mr. BURTON), who has been very fair, is good. I would hope that in the future that all law enforcement and the parity for law enforcement would be a top priority of this body.

The bottom line remains that that contract guard as it existed did not go through the same type of background checks and training as do our regular officers and these men and women are underpaid, overworked. And the big beacon light that beams out there for terrorists targets is our great buildings.

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It is easy to make international headlines and these terrorist groups can, in fact, compete with America, with our military might so their guerilla warfare tactics that center on terrorist activities must be recognized and must be dealt with. This bill does that.

The first thing it does is it makes a fundamental change absolutely necessary. The director of the Federal Protective Service right now answers to the director of the Public Building Service, who is a real estate expert. He is a good one, but he does not understand law enforcement. We want to make sure that that director of the law enforcement activities covering our Federal buildings reports directly to the General Services administrator. We want to make sure that those contract guards have the exact training, they have the background checks, they have expanded police powers.

So the bill is simplistic, it is common sense, but more importantly, it speaks to the fact that the Congress of the United States did not just grieve and hold hearings over Oklahoma City. The Congress of the United States promulgated a plan predicated on reasonable factors and brought forward a legislative remedy.

Mr. Speaker, understand that there are some people in GSA that are going to oppose this legislation. As the sponsor of this bill on the floor, I want to make this statement: the responsibility in the future for a terrorist act in one of our buildings now rests in their hands if, over turf battles, they hold back an excellent piece of legislative initiative brought before the Congress. So I want to echo the statements of the gentleman from Ohio (Mr. LATOURETTE) and his expertise in this field, and I want to thank again the staff.

Mr. Speaker, I ask all Members of Congress to support the bill.

Mr. Speaker, as the author of H.R. 809, the "Federal Protective Service Reform Act," I rise in strong support of the bill.

I have been working for the past six years to improve federal building security. This bill will make a big difference. It will put us in a position where we can reduce the likelihood of another Oklahoma City.

Good security starts and ends with good people. One of the keys to dramatically improving building security is having a well-trained FPS led by experienced law enforcement and security professionals—not real estate managers. Congress also needs to clearly establish, by statute, FPS's mission and jurisdiction.

H.R. 809 will achieve all of these goals.

I want to thank full committee chairman BUD SHUSTER, ranking member OBERSTAR, the subcommittee chair BOB FRANKS and the ranking member BOB WISE.

I also want to thank Chairman DAN BURTON of the Government Reform Committee for working with our committee on the issue of FPS pay. While I would have liked to have kept in the bill a provision increasing FPS pay, I believe that the OPM study provision, which was drafted in consultation with the Government Reform Committee, will ultimately result in FPS officers be fairly compensated.

I, for one, intend to keep working to pass separate legislation to ensure that all federal law enforcement officers—including FPS officers—are fairly and fully compensated.

Why is this legislation needed?

Low manpower levels, a flawed management structure, and the increasing use of unqualified contract guards are seriously compromising the ability of FPS to do its job.

For example, FPS is part of GSA's real estate management arm, the Public Building Service. As such, the head of FPS does not have command and control authority over FPS regional directors. Regional FPS directors report directly to Public Building Service regional administrators—individuals with no law enforcement experience.

In addition, the majority of FPS regional directors have no law enforcement or intelligence experience.

H.R. 809 embodies the FPS-related recommendations made in a 1995 Justice Department study conducted in the wake of the April 19, 1995 bombing of the Murrah building in Oklahoma City. The study's recommendations, which included upgrading the position of FPS within GSA, were endorsed by the FBI, Marshals Service, Department of Defense, Secret Service, State Department and Administrative Office of the U.S. Courts.

I would also point out that a 1996 review conducted for GSA by Arthur Andersen strongly recommended that FPS be made a stand-alone service within GSA. Unfortunately, through four separate hearings conducted over the past two years by the Transportation and Infrastructure Committee, PBS never once mentioned this key study.

H.R. 809 has been strongly endorsed by every major law enforcement organization in the country, including the National Fraternal Order of Police, the Federal Law Enforcement Officers Association and the International Brotherhood of Police Officers.

The only issue that has been contentious, as far as the Public Building Service is concerned, is whether or not FPS should be a stand-alone service within GSA.

On this issue I side with the law enforcement community.

The fact is, the entire law enforcement community believes that making FPS a stand-alone service within GSA is essential to upgrading and improving federal building security.

Mr. Speaker, this bill is much needed and long overdue. The sad reality is that since Oklahoma City, the terrorist threat to federal buildings—foreign and domestic—has increased dramatically. Right now, we are still unprepared to deal with this threat.

H.R. 809 will give us a fighting chance to effectively combat terrorism. I urge its approval.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, a good bill deserves to be passed; I support it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 809, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ADRIAN A. SPEARS JUDICIAL TRAINING CENTER

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1959) to designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center," as amended.

The Clerk read as follows:

H.R. 1959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 643 East Durango Boulevard in San Antonio, Texas, shall be known and designated as the "Adrian A. Spears Judicial Training Center".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Adrian A. Spears Judicial Training Center".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1959, as amended, designates the Federal building located at 643 East Durango Boulevard in San Antonio, Texas as the "Adrian A. Spears Judicial Training Center."

Adrian Spears was born in Darlington, South Carolina, on July 8, 1910. He attended local schools, graduated from the University of North Carolina in 1929, and the South Carolina School of Law in 1934. After practicing law in South Carolina for 2 years, he moved to San Antonio in 1937 and practiced law there until his appointment by President Kennedy to the Federal bench in 1961.

The Senate confirmed his appointment in 1962, the same year that he became chief judge, a position that he held until 1979. He was the longest-serving chief judge and will hold that distinction indefinitely, since current law prohibits a judge from serving as chief judge for longer than 7 years. He assumed senior status in 1979 and retired from the Federal bench in 1982, when he became vice president of an oil company, a position that he held until his death in 1991.

Judge Spears was a member in good standing of the Texas State bar, a member of the Judicial Conference Committee on the Administration of Criminal Law, served on the Federal Judicial Center Board, and was the recipient of the Rosewood Gavel Award, St. Mary's School of Law.

This is a fitting honor to a dedicated public servant. I support this bill, and I encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1959, a bill to designate the Judicial Training Center in San Antonio, Texas, in honor of Judge Adrian A. Spears.

President John Kennedy appointed Judge Spears to the Federal bench in 1961. Judge Spears distinguished himself for 22 years as the United States District Judge in the Western District of Texas; and for 17 of those years Judge Spears served as the Chief Judge. He was also a member of the Emergency Court of Appeals, the Judicial Conference of the United States Commission on Administration Justice, president of the 5th Circuit District Judges Association, and president of the San Antonio Bar Association.

Judge Spears was born in South Carolina and attended undergraduate school and law school at the University of North Carolina. In 1937 he moved to San Antonio and became an integral part of the community.

He was respected by his colleagues and admired for his dedication and diligence in attending to the needs of the Federal courts in the 5th circuit. In 1998 the San Antonio Bar Association passed a resolution to petition the local elected Federal officials to sponsor suitable legislation to name a facility in his honor. It is most fitting and proper to honor Judge Spears with this designation, and I strongly urge support for H.R. 1959.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I have no additional requests for time, and I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I would like to thank the gentlewoman from the District of Columbia (Ms. NORTON), as well as members of the House Committee on Transportation and Infrastructure's Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation, and the entire Committee on Transportation and Infrastructure for the action on this legislation.

This bill, which I introduced in May of last year, would designate the Federal Judicial Training Center located at 643 East Durango Boulevard in San Antonio, Texas, as the Adrian A. Spears Judicial Training Center.

Judge Spears was the epitome of an outstanding and truly dedicated United States district judge. As Chief Judge of the Western District of Texas, Judge Spears' career was highlighted by a commitment to ensuring fairness and justice in the courtrooms under his jurisdiction. To many of those who practiced in his courtroom, Judge Spears will forever be remembered for his desire to maintain a standard of professionalism second to none. He taught all of us that demanding our best effort in behalf of our individual client was the surest way of assuring justice for all, and he led by example. He felt he needed to take the extra steps to ensure that he was being fair, not only to the Government, but also to the defendant.

To that extent, he was meticulous about his preparation; and he paid particular attention to detail. In fact, I have heard that Judge Spears' secretary would often bring three or four briefcases filled with pretrial work for the next day's caseload for Judge Spears to review. Judge Spears would go through each document in the file, reading everything, including probation reports, so that he would not have to rely solely on the attorneys' oral reports in open court.

Adrian Anthony Spears was born on July 8, 1910, in Darlington, South Carolina. After graduating from the University of North Carolina in 1929 and South Carolina Law School in 1934, he practiced law in Darlington until 1936. In 1937, Adrian Spears moved to San Antonio where he continued in private practice until President John F. Kennedy appointed him United States District Judge in 1961. It was an opportunity which came as the result of a 1961 congressional act creating a third judgeship for the Western District of Texas. Judge Spears became Chief Judge of the Western District in 1962 and served in that capacity until 1979, a record 17 years.

In addition to serving as U.S. District Judge for a total of 22 years, Judge Spears was also a member of the Board of Directors of the Federal Judicial Center, the temporary Emergency

Court of Appeals, the Judicial Conference of the United States Mission on the Administration of Criminal Law, the Committee to Consider Standards for Admission to Practice in Federal Courts, and a member of the faculty of the Seminar for Newly Appointed Judges.

From 1959 to 1960, Judge Spears also served as president of the San Antonio Bar Association. Upon his retirement from Federal judicial service on December 31, 1982, Judge Spears joined the oil company Tetco as the vice president and served there in that capacity until his death on May 9, 1991.

While his judicial accomplishments alone are noteworthy, it is also his tireless efforts and commitment to improving and expanding the facilities of the Federal court system in San Antonio that merits this proper and long overdue recognition of Judge Spears' contributions to San Antonio. In fact, it was Judge Spears' guidance that the United States Pavilion, now the John H. Wood, Jr. United States Courthouse, was acquired and made part of the Federal Judicial Complex in San Antonio after Hemisfair in 1968.

Mr. Speaker, this is truly a fitting honor to bestow upon Judge Adrian Anthony Spears.

Finally, I want to take this opportunity to recognize his family, particularly his sons Monroe and Jimmy and his daughters, Sally and Carol. Without great elaboration I do need to tell my colleagues that two of his children are lawyers, one of his granddaughters is presently in law school, but many of his nephews and great nephews have distinguished themselves both as lawyers in the community and as jurists.

Mr. Speaker, I urge Congress to pass H.R. 1959, and I would like to offer special thanks to the gentleman from Texas (Mr. SANDLIN), my fellow Texan, for his assistance and that of his staff.

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentlewoman from the District of Columbia for yielding me this time.

Mr. Speaker, I rise in support of H.R. 1959, which would rename a part of the San Antonio Federal Building as the Adrian A. Spears Judicial Training Center. Judge Spears was an outstanding and dedicated U.S. district judge. Judge Spears holds the record as the longest serving chief judge for the western district of Texas. He moved to San Antonio in the years before World War II and lived there until his death in 1991. He was appointed by President Kennedy and confirmed by the Senate in 1962; and he remained on the bench until 1979, after which he assumed senior status until 1982. Judge Spears was a highly respected jurist who is worthy of this permanent honor.

Mr. Speaker, I want to take this opportunity also to thank the gentleman from Texas (Mr. GONZALEZ) for his efforts on this particular piece of legislation, and I would indicate that Judge Spears should be honored for his tireless efforts for this country and the work that he accomplished. I encourage all of my colleagues to support the legislation as we move forward in memorializing Judge Spears.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1959, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the 'Adrian A. Spears Judicial Training Center'.".

A motion to reconsider was laid on the table.

FLOYD H. FLAKE FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3323) to designate the Federal building located at 158–15 Liberty Avenue in Jamaica, Queens, New York, as the "Floyd H. Flake Federal Building".

The Clerk read as follows:

H.R. 3323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 158–15 Liberty Avenue in Jamaica, Queens, New York, shall be known and designated as the "Floyd H. Flake Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be reference to the "Floyd H. Flake Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3323 designates the FDA facility in Jamaica, Queens, New York, as the Floyd H. Flake Federal Building. This is a leased facility and the building owners have expressed their strong support for this action.

Floyd Flake was born in Los Angeles, California, one of 13 children to parents with elementary school educations. He grew up in Houston, attending local schools. Congressman Flake earned his Bachelor of Arts degree from Wilberforce University in Wilberforce, Ohio, the first black college in America, founded in 1856. This university was founded by the African Methodist Episcopal Church and was named for the English statesman and abolitionist James Wilberforce.

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Dr. Flake went on to attend Payne Theological Seminary in Wilberforce before attending Northeastern University and St. Johns University in Queens, New York.

Reverend Dr. Flake has been the pastor of the Allen A.M.E. Church in Jamaica, New York, since 1976. He is the founder of the Allen Housing Development Fund Corporation, the Allen Christian School and Multi-purpose Center, the Allen Home Care Agency, Allen Housing Corporation, Allen Neighborhood Preservation and Development Corporation, and a member of the NAACP.

Dr. Flake was elected to the 100th Congress and served until his retirement in the 105th Congress. Dr. Flake retired from the Congress to return to his Church, which is 10,000 members strong.

When Dr. Flake was in Congress, he was a staunch advocate for policies to revitalize blighted urban and residential communities. His bipartisan nature commanded the respect from Members on both sides of the aisle of this House. He is certainly missed in the House.

This is a fitting tribute to a former Member of Congress. I support the bill, and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with special and personal pleasure that I rise in support of this legislation. H.R. 3323 would designate the new FDA laboratory located in Jamaica, Queens, New York, in honor of our former colleague and Member, Floyd Flake.

This facility is the product of many years of hard work by our former colleague. He worked with the General Services Administration, the Food and Drug Administration, the city of New York, the State of New York, the New York City University system, and countless local officials to finally bring this idea to fruition. Reverend Flake is well known for his tenacity.

Floyd Flake is a firm and dedicated believer in the power of community and the benefits of community development. His legislative accomplishments, built on the principle of a positive Federal role in urban revitalization, include the Bank Enterprise Act of the Community Development Financial Institutions Act of 1993. This act provides incentives for financial institutions to make market-oriented investments in destabilized urban and rural communities.

Reverend Flake truly lives what he preaches, and has devoted himself to the Allen A.M.E. Church in New York. His works have made the church one of the most productive religious and social service organizations in the country. It is most fitting and proper to honor his work on the FDA lab by designating the facility as the Floyd H. Flake Federal Building.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentlewoman for yielding time to me. Let me also thank the leaders of the committee for bringing forth this legislation, and the gentleman from New York (Mr. MEEKS) for sponsoring the bill to designate the Floyd Flake Federal Building in Jamaica, Queens, New York.

Throughout Reverend Flake's life, he has been the personification of the greatest traditions of America. He has consistently fought to empower each person in this country, and ensure that everyone had the tools to pursue the American dream. Designation of the Federal building in his former district as the Floyd H. Flake Federal Building would be a fitting tribute to his work in that area here in the House, and his tireless activism since he has returned home.

In Congress, Reverend Flake represented the Sixth Congressional District from 1986 until his retirement in 1997. He fought fearlessly to establish programs and craft legislation designed to revitalize urban areas. He was an innovator, frequently reaching across party lines to solve problems. One of his initiatives, the Bank Enterprise Act, has resulted in millions of dollars of investment for both urban and rural economies.

The language in the Bank Enterprise Act, which became law through the Community Development Financial Institutions Act, is the catalyst for investments which have led to residential development and commercial growth. It has also increased private sector commitment to aid the economies of traditionally neglected areas.

Through his work, Congressman Flake helped to make certain that all segments of our society feel the benefits of our unprecedented economic expansion.

Since his retirement, Reverend Flake has charted new territory regarding community activism and civic responsibility. As pastor of the Allen A.M.E. Church in Queens, he has led a revolution in church-based nonprofit activity. His $24 million operation is a national model and has helped to revitalize his community. Following his example, countless churches around the country have restructured their operations and reached new levels of efficiency and effectiveness.

As leader, he has directly and indirectly helped thousands of Americans have a legitimate chance to compete in our global marketplace.

Mr. Speaker, there is perhaps no other American as worthy of this honor as former Representative Reverend Floyd H. Flake. By bestowing this designation on the Queens Federal Building, this Congress will help to show the world that America places a premium on the values of leadership, determination, and innovation with high moral standards. I strongly support this resolution, and urge my colleagues to do the same.

Ms. NORTON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, might I thank the distinguished gentlewoman from the District of Columbia (Ms. NORTON), both for her leadership and her guiding of this legislation, and likewise the gentleman from Ohio (Chairman LATOURETTE) for his guidance of some of the sometimes very special tributes made to individuals by way of acknowledging them in their community.

I would also like to commend the gentleman from New York (Mr. MEEKS) of the Sixth District of New York for spearheading this legislation as well.

Mr. Speaker, in the next couple of days thousands of members of the A.M.E. Church will gather in Cincinnati, Ohio. I would imagine that Dr. Flake will be joining them, as he is a well-respected Member of that august body, and one of their shining stars, he was one of the Congress' shining stars as well.

He wears many hats, and I am delighted to rise to the floor of the House to support this legislation to name the new FDA laboratory located in Jamaica, New York, after Dr. Floyd Flake, and to acknowledge his partner in life, Mrs. Flake, who stands alongside of him as a visionary that has provided great insight and opportunity for the citizens of the Sixth Congressional District and surrounding areas.

I have a special role in rising today because I happen to have the privilege of representing Dr. Flake's relatives in Acres Home, Texas, located in the 18th Congressional District in Houston, Texas. It has been a remarkable journey for Dr. Flake as he has traveled from Acres Home, Texas, of which he speaks fondly, of a very strong family upbringing, but yet, a very humble upbringing. He has been an inspiration for the young people of the Acres Home area and the Houston area, as well, as they have watched him ascend to the very high offices of government.

Yes, he is a graduate of the Wilberforce College, the Payne Theological Seminary, and attended St. Johns University, and, as well, the pastoral leader of the A.M.E. Church that has helped to promote housing and education in the community, but he also has been a mentor to many in the ministerial community and the religious community, because it was his vision that indicated or at least advocated for faith-based participation, to be able to collaborate with government where government was not taking over the church or the religious institution, but that they were working for the greater good.

Since his advocacy in this Congress, we have looked at ways that faith-based institutions can work on children's violence issues, can work on welfare-to-work, can work on education in the way that we have the separation of church and State.

Let me close by also acknowledging that he has made a great impact on individuals in Texas even though he is honored and claimed by New York, and has done great work there. I might note that State Representative Sylvester Turner, who grew up in Acres Home, who looked to Congressman Floyd Flake as a leader and role model for him, he now stands as one of the outstanding leaders in the State of Texas.

Dr. Flake practiced what he preached, so this is an appropriate honor for him. I am very proud to stand on the floor of the House and to have counted him as one of my colleagues, having served with him in the early part of my tenure in this Congress, and to thank him for his strong support of legislation such as the Community Reinvestment Act, that has made the lives of all Americans much better. Who better to deserve this honor?

I applaud him and his family and the great works he continues to do in the State of New York in the area of Jamaica, but as well, in the Nation that we call America. He is a great American and he is a national treasure.

Mr. Speaker, I rise in strong support of H.R. 3323, a bill that will designate the federal building located in Jamaica, Queens, New York, as the "Floyd H. Flake Federal Building." Sadly, it was not too long ago that Rev. Flake served along side this body, but undoubtedly he made a lasting impression on us all as well as the Nation.

Congressman Flake was born in Los Angeles on January 30, 1945, and came to my home district of Houston, TX, to attend public school. After growing up in the great State of Texas, he studied at Wilberforce University in Ohio, and earned his BA. He continued to broaden his education and graduated from Payne Theological Seminary and Northeastern University. In 1994, he earned his doctorate of ministry degree from the United Theological Seminary in Dayton, OH.

Congressman Flake evolved from student to educator, serving as dean of students and university chaplain at Boston University in 1976 and served as the director of the Martin Luther King, Jr. Afro-American Center at Boston University from 1973 to 1976. From 1970 to 1973, he served as the associate dean of students, director of student activities at Lincoln University. Thereafter, he moved to business, and served as a market analyst for Xerox and as a sales representative for Reynolds Tobacco Co. In addition, Rev. Flake served as a social worker for an early child development/Head Start program.

Mr. Speaker, Congressman Flake lent his talents and energy to other activities important to our Nation. Legislatively, he is remembered for his work on the Committee on Banking and Financial Services and increasing investment opportunities for underserved communities through the Bank Enterprise Act and the Reform of the Community Reinvestment Act. In addition, Rev. Flake is remembered by many of us for his initiatives to revitalize urban commercial and residential communities.

After retiring from Congress, Rev. Floyd has remained active by developing the Allen A.M.E. Church in Jamaica, Queens. During his 23 years as Pastor there, the church has grown to include some 12,000 members, an annual budget of $27 million, expansive commercial and residential development, a 500-student private school and is regarded as one of the Nation's foremost Christian churches and non-profit corporations. Also, the church has created local jobs, affordable homes, schools and multiservice centers that provide health care for the surrounding district.

Floyd Flake served in the House with honor, with sincerity, and with unwavering commitment to his district as well as our Nation. He was a model of excellence to all of us in this body, and for over a decade, he fulfilled a calling to public service with passion and nobility.

As a result, I can think of no better reason than to honor Floyd Flake by renaming the federal building in Jamaica, queens. Throughout, his service in his public, personal and congressional career Rev. Flake remained dedicated to improving the lives of the residents of Jamaica, Queens. Today, Rev. Flake continues to leave a lasting imprint on this community and our Nation.

In closing, again Mr. Speaker I urge all my colleagues to unanimously adopt this bill and rename this federal building in honor of a truly dedicated and great public servant, Reverend Floyd Flake.

Ms. NORTON. Mr. Speaker, it gives me special pleasure to yield such time as he may consume to the gentleman from New York (Mr. MEEKS), the primary sponsor of the bill before us.

Mr. MEEKS of New York. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, let me also thank the gentleman from Pennsylvania (Chairman SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) from the Committee on Transportation and Infrastructure for bringing this bill to the floor.

The consideration of this legislation is most timely, as Reverend Flake and I recently cut the ribbon to open the newly constructed Food and Drug Administration facility on the campus of York College in Jamaica, New York.

What can I say about my friend and predecessor, the Reverend Dr. Floyd H. Flake? His name has become synonymous with economic development in the Sixth Congressional District and throughout this country.

Congressman Flake ran for Congress in 1986 during a special election to replace the recently deceased, and a strong member of this body, Joseph P. Addabbo. Though he narrowly lost the special election in June, he continued campaigning with the exuberance and charisma that is his trademark and won an overwhelming victory in the fall.

Many new and previously disenfranchised individuals were attracted to Reverend Flake's campaign by the economic development projects that he had initiated since becoming the pastor of the Allen A.M.E. Episcopal Church in Jamaica, Queens, and through his ministry that emphasizes self-improvement and community development.

Since Floyd Flake became the pastor of Allen A.M.E. over 22 years ago, the church has developed a school with over 500 students, extensive commercial and residential development, including private homes and senior quarters, a multi-service facility, and a transportation company. The various enterprises at Allen A.M.E. comprise a workforce of over 800, people making it one of the largest private sector employers in the county of Queens.

As Congressman, Floyd H. Flake fulfilled the wishes of his constituents by bringing his community development expertise to Washington. He was a bipartisan legislator who focused on initiatives to revitalize urban neighborhoods.

One of his most notable legislative accomplishments included the provisions of the Community Development Financial Institutions Act of 1993, known as the Bank Enterprise Act. The Bank Enterprise Act provided incentives for financial institutions to make market-oriented investments in destabilized urban and rural economies. The Bank Enterprise Act has directly impacted the volume of residential mortgages and commercial lending in traditionally underserved areas in America.

The Sixth Congressional District benefited from his legislative and political acumen as Reverend Flake secured a one-stop capital shop to provide counseling for start-up and fledgling small businesses, funds for the improvement of National Gateway Park, and Hope 6 funds to greatly improve social and economic conditions in selected New York City public housing complexes and throughout America.

Consistent with his reputation for bricks and mortar development through his church, Floyd used his legislative position to deftly advocate to have the new sites for the Federal Aviation Administration and the Food and Drug Administration located in the Sixth Congressional District in Queens, which will create more jobs and economic spin-off for the district.

As the rest of the Sixth Congressional District in New York, I have benefited from Floyd's experience and his accomplishments. As the pastor of Allen A.M.E., he has also given spiritual upliftment to me, to my family, and to those within the Sixth Congressional District.

Let me finally say that too often we have great individuals in our midst and we wait until they are long gone, until they are dead and buried, before we acknowledge their accomplishments. They never know of the appreciation of the individuals who receive the benefits of their greatness.

I think that it is only appropriate that we allow one to smell the flowers, if you will, as they still walk on this great Earth. We surely want to give appreciation to the Dr. Reverend Floyd H. Flake for his continued support and commitment to making life better for his community and for all of Americans.

I want to thank the gentlewoman from the District of Columbia (Ms. NORTON) for supporting this measure.

Mr. WATTS of Oklahoma. Mr. Speaker, today, I rise to support H.R. 3323 and honor a former colleague and friend, Rev. Floyd Flake. Rev. Flake honorably served the people of the 6th District of New York for over a decade.

It was a great pleasure to meet Floyd Flake my first year in Congress and to learn of his abiding interest in community renewal. We began working together that year on the American Community Renewal Act—which will be reaching the House floor next month. During the drafting of the American Community Renewal Act and our subsequent tours of towns and cities across the nation to learn from local folks what works and what doesn't, I had the opportunity to visit Rev. Flake's church, the Allen African Methodist Episcopal Church in Jamaica, Queens, New York, and I can tell you that Floyd Flake walks the walk.

Under his inspired and inspiring leadership, that congregation had come together and built housing, small business opportunities, counseling centers, and a school where the children in the neighborhood actually got an education—a living thriving, vibrant community where neighbor cares about neighbor and God is part of your life.

Since the Constitution won't allow us to rename the entire city of Jamaica, New York, after my good friend Floyd Flake, I am delighted to rise in support of this measure to honor him in this meaningful way. I urge my colleagues to support H.R. 3323 and show our great respect for our former colleague Floyd Flake.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

☐ 1315

Mr. LaTOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. LaTOURETTE) that the House suspend the rules and pass the bill, H.R. 3323.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LaTOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4608; H.R. 809, as amended; H.R. 1959, as amended; and H.R. 3323, the measures just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 2 p.m. today.

Accordingly (at 1 o'clock and 15 minutes p.m.), the House stood in recess until approximately 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 2 p.m.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-261)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 27, 2000.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H. Con. Res. 312, by the yeas and nays;

H.R. 494, by the yeas and nays;

H.R. 4608, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

SENSE OF CONGRESS THAT STATES SHOULD MORE CLOSELY REGULATE TITLE PAWN TRANSACTIONS AND OUTLAW IMPOSITION OF USURIOUS INTEREST RATES ON TITLE LOANS TO CONSUMERS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 312, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Jersey (Mrs. ROUKEMA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 312, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 6, not voting 8, as follows:

[Roll No. 331]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions

Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—6

Doolittle
Paul
Pombo
Rohrabacher
Sanford
Smith (MI)

NOT VOTING—8

Cook
Lazio
Linder
Markey
McIhtosh
Tiahrt
Vento
Young (AK)

□ 1422

Ms. GRANGER and Mr. ADERHOLT changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read:

"Concurrent resolution expressing the sense of the Congress that the Federal Government and the States should engage in greater oversight of title loan and title pawn transactions, work cooperatively to address the problem of abuses in title loan and title pawn transactions through effective legislation at both the Federal and State level, as necessary, and ensure that any Federal legislative effort preserves the ability of the States to enact stronger protections for consumers with respect to such transactions.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE OHIO MOTTO IS CONSTITUTIONAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 494.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, H. Res. 494, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 333, nays 27, answered "present" 66, not voting 8, as follows:

[Roll No. 332]

YEAS—333

Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Toomey
Towns
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (FL)

NAYS—27

Ackerman
Campbell
Chenoweth-Hage
Clay
Conyers
Davis (IL)
Edwards
Gejdenson
Gonzalez
Hastings (FL)
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Lee
McDermott
McKinney
Nadler
Oberstar
Payne
Pickett
Scott
Stark
Thompson (CA)
Velazquez
Waters

ANSWERED "PRESENT"—66

Abercrombie
Baird
Baldwin
Barrett (WI)
Becerra
Berman
Blumenauer
Boucher
Boyd
Capuano
Carson
Clayton
Coyne
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Engel
Frank (MA)
Hilliard
Hinchey
Hooley
Hoyer
Inslee
Kennedy
Kind (WI)
Kleczka
Lantos
Larson
Levin
Lewis (GA)
Lofgren
Lowey
McCarthy (MO)
McGovern
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moran (VA)
Neal
Obey
Olver
Owens
Pelosi
Rangel
Rivers
Sabo
Sanchez
Sanders
Schakowsky
Sisisky
Slaughter
Smith (WA)
Stupak
Tauscher
Thurman
Tierney
Udall (CO)
Watt (NC)
Waxman
Woolsey

NOT VOTING—8

Cook
Lazio
Linder
Markey
McIntosh
Tiahrt
Vento
Young (AK)

□ 1432

Ms. WATERS and Mr. STARK changed their vote from "yea" to "nay."

Mr. OSE and Mr. FORD changed their vote from "nay" to "yea."

Mr. DICKS changed his vote from "nay" to "present."

Messrs. DELAHUNT, HOYER, MORAN of Virginia and KENNEDY of Rhode Island changed their vote from "yea" to "present."

So (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CHENOWETH-HAGE. Mr. Speaker, it was my intention to vote "yea" on rollcall vote No. 332 (H. Res. 494), but was recorded as voting "nay." H. Res. 494 acknowledges the importance of God in our institutions and our lives.

JAMES H. QUILLEN UNITED STATES COURTHOUSE

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and passing the bill, H.R. 4608.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4608, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 2, answered "present" 1, not voting 10, as follows:

[Roll No. 333]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
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Chenoweth-Hage
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Frank (MA)
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Green (TX)
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Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
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Kind (WI)
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McGovern
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McKeon
McKinney
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Meehan
Meek (FL)
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Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
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Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
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Obey
Olver
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Packard
Pallone
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Paul
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Pelosi
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Price (NC)
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Rodriguez
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Ros-Lehtinen
Rothman
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Roybal-Allard
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Scarborough
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Slaughter
Smith (MI)
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Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
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Taylor (MS)
Taylor (NC)
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Thomas
Thompson (CA)
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Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—2

Hefley
Sanford

ANSWERED "PRESENT"—1

Metcalf

NOT VOTING—10

Camp
Cook
Kilpatrick
Lazio
Markey
McIntosh
Sanchez
Tiahrt
Vento
Young (AK)

☐ 1441

So (two-thirds having voted in the favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 331–333. Rollcall vote No. 331 was on passage of H. Con. Res. 312, Expressing the Sense of Congress that States Should More Closely Regulate Pawn and Title Loan Transactions; rollcall vote. No. 332 was on passage of H. Res. 494, Expressing the Sense of the House that the Ohio State Motto is Constitutional and Courts Should Uphold It; rollcall vote No. 333 was on passage of H.R. 4608, Designating the "James H. Quillen United States Courthouse". Had I been present, I would have voted "yea" on each of the three suspension bills.

PROVIDING FOR CONSIDERATION OF H.R. 4733, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 532 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 532

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4 of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of orders against provisions in the bill for failure to comply with clause 2 or clause 5(a) of rule XXI are waived. The amendment printed in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment printed in the report are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1445

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 532 provides an open rule for consideration of H.R. 4733, the Energy and Water appropriations bill for fiscal year 2001. The resolution waives clause 4 of rule XIII, requiring a 3-day layover of the committee report and requiring a 3-day availability of printed hearings on a general appropriation bill against consideration of the bill.

The rule provides 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule waives clause 2 of Rule XXI, prohibiting unauthorized or legislative provisions in an appropriations bill, and clause 5(1) of rule XXI, prohibiting a tax or tariff provision in a bill not reported by a committee with jurisdiction over revenue measures, against provisions in the bill.

The bill further provides that the amendment printed in the Committee on Rules may be offered only by a Member designated in the report and only at the appropriate time in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The rule also waives all points of order against the amendment printed in the report, and authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides on a motion to recommit with or without instructions.

Mr. Speaker, the gentleman from California (Mr. PACKARD), the chairman of the Subcommittee on Energy and Water Development, and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the subcommittee, are to be commended for their efforts on this legislation. H.R. 4733 appropriates funds for civil projects of the Corps of Engineers, the Department of Interior's Bureau of Reclamation, most of the Department of Energy, and several independent agencies such as the Tennessee Valley Authority, the Bonneville Power Administration, and the Nuclear Regulatory Commission.

The bill appropriates $21.7 billion in new budget authority, which is $546 million more than fiscal year 2000, but $952 million less than the President's request. The vast majority of the bill's funding, $17.3 billion, goes to various programs run by the Department of Energy, such as cleanup of nuclear waste on a number of Federal facilities, including the Hanford Nuclear Reservation in my district.

The bill also allocates $4.1 billion for the Army Corps of Engineers and $770 million to the Department of the Interior. The funding in this bill is necessary to protect important investments in our Nation's water and energy infrastructure and to maintain and operate the wide range of facilities and programs within the subcommittee's jurisdiction.

As a Member of Congress from the West, I am particularly aware of the importance of these projects. Therefore, I commend the members of the Energy and Water subcommittee for their effort on this legislation, and I urge my colleagues to support both the rule and the underlying bill, H.R. 4733.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS), my colleague, for yielding me the customary ½ hour, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the open rule, but have several concerns regarding the underlying bill. Despite the best efforts of the Subcommittee on Energy and Water Development chairman and members to put together a bipartisan bill, the fiscal year 2001 Energy and Water Development appropriations bill is yet another spending bill that misses the boat.

On the one hand, the bill funds numerous projects of critical importance to many of our districts. At the same time, however, it leaves serious spending gaps that fail to address real-world concerns that will have to be dealt with before the bill is signed into law.

For instance, gas prices have topped $2 per gallon in many places. While the Federal Government has launched an investigation through the Federal Trade Commission in hopes of uncovering the answer to what is behind the soaring prices, the bill fails to adequately address the roots of the gasoline price problem.

When oil prices plunged to $8 to $10 a barrel in March of 1999, the current leadership took little action to protect domestic oil producers, and when gas prices across the Nation stood at $1 per gallon, the majority party leadership pushed to eliminate the Energy Department entirely. They ignored efforts by Members to replenish the Strategic Petroleum Reserve with oil from struggling domestic producers. Had they acted, the Strategic Petroleum Reserve could have 115 million barrels more of oil, and we might have a healthier domestic oil industry.

Fortunately, the rule will protect efforts in committee by the gentlewoman from Michigan (Ms. KILPATRICK) to amend the bill to reauthorize the Strategic Petroleum Reserve. Were it not for the gentlewoman from Michigan (Ms. KILPATRICK) offering this amendment adopted in the committee, the floor amendment proposed today would not be germane to the bill. The full House will also have an opportunity in the amendment process to establish a new regional home heating oil reserve in the Northeast, a program of critical importance to my district in Rochester and one I have long supported.

Nevertheless, the underlying bill is $100 million short of the President's request for solar and renewable energy research, stifling hope for developing marketable solutions to what promises to be a perennial problem. This makes little sense. The majority continues to criticize the administration for failing to have an energy policy, yet has systematically shut down administration initiatives to fund energy research efforts that could help in finding a solution to this problem.

During consideration of this bill at full committee, the gentlewoman from

Ohio (Ms. KAPTUR) offered an amendment to restore the line for Solar and Renewable Energy Research to the level requested in the President's budget. The amendment was rejected by the committee on a party line vote.

This has been a continuing pattern throughout the appropriations process. The House has just passed the VA-HUD appropriations bill, which slashes the President's budget request for the National Science Foundation by half a billion dollars. Floor action on the Interior bill made a bad situation worse by leaving the bill $100 million below last year's level on energy efficiency.

The Congress does not have the ability or the desire to set fuel prices, but we should have the good sense to support research into ways to avoid the kinds of shocks high fuel prices can deliver to our economy and encourage the development of alternative energy sources and domestic energy production.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I would advise the gentlewoman from New York that I have no requests for time, and I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today to set the record straight as far as the rule that is before us. The Energy and Water bill, as reported out of subcommittee, includes only the language offered in committee by the gentlewoman from Michigan (Ms. KILPATRICK) that would deal with the critical issue of rising gasoline prices, and I want to make that very clear today.

Why is this the case? Perhaps it is because the appropriations bill that should have been dealt with on this issue was the Interior bill. That bill passed the House on June 15 after the House rejected a proposal by the gentleman from Vermont (Mr. SANDERS) to include funding for the Northeast home heating oil reserve, as requested by the President of the United States.

The majority's interior appropriation bill did nothing to address the rising gasoline prices in this country. After their refusal to do anything in the full Committee on Appropriations, the gentlewoman from Michigan (Ms. KILPATRICK) did seek a vehicle, that is this bill, the Energy and Water bill, to address the issue. I would also parenthetically add that she follows on other initiatives taken by many Members on our side of the aisle from New England, the State of Pennsylvania, and other areas, pursuant to negotiations and meetings with the President in January, in February, and other legislative initiatives.

The gentlewoman from Michigan did take the lead in full committee to add a simple reauthorization for the short-term extension of the strategic petroleum reserve. If it was not for her efforts in full committee and the efforts of her Democratic cosponsors, the amendment in order by this rule would not have been germane, and it would not have been allowed to be offered today in this Chamber. In fact, the Chairman of the authorizing committee, the gentleman from Virginia (Mr. BLILEY), wrote to the Committee on Rules asking that the Kilpatrick language not be protected from a point of order since it was authorizing in an appropriations bill. If the chairman of the Committee on Commerce objected so strongly to the Kilpatrick language, a simple 1-year reauthorization of the Strategic Petroleum Reserve just to get the process moving, then surely he must have even more vehemently objected to the language made in order by this rule, which goes much further.

Mr. Speaker, this rule makes in order an amendment by the gentleman from Pennsylvania (Mr. SHERWOOD) that basically duplicates language that was in the bill passed by the House a few weeks ago, the same language of the majority of the other body. So I do want to make one thing clear. We are today considering a bill with language put into it at full committee by the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, not only has there been a failure of leadership on the part of the Republican majority when it comes to energy independence, there has been a concerted effort to undercut the efforts of the administration to address energy issues. In fact, members of the Republican leadership have jeopardized our abilities to address our energy needs by attempting to abolish the Department of Energy, slashing energy efficiency programs, and selling off the strategic petroleum reserve.

In the past few weeks, as the price of gasoline has soared, the Republican majority has offered not one solution to America's consumers.

□ 1500

Instead, where American families see an energy crisis that jeopardizes their summer vacations, Republican leaders see an opportunity to score political points and cover up their 6-year record of negligence on energy independence.

The Republicans have cut crucial energy supply programs by 23 percent below the President's request, including $106 million less than requested for solar and renewable energy programs. They have even cut these programs by $61 million below the current appropriation.

The Republican bill also cuts research by $320 million, or 10 percent below the President's request.

Mr. Speaker, today the Congress is rightly taking action to reauthorize the President's ability to use the Strategic Petroleum Reserve, establish a Northeast Home Heating Reserve, and authorize the Department of Energy to purchase oil from stripper wells when the price drops below $15 a barrel, all measures Democrats have long been advocating, as indicated by the previous speaker, the ranking member on the subcommittee.

But the Republican budget continues to ignore many of the crucial long-term investments that are vital to America's future energy independence. I call on the Republican leadership to call a halt to the photo ops and press releases and stop attempting to abolish the Department of Energy, and finally work with Democrats to make investments in research and renewable energy sources that are vital to America's energy independence.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I thank my colleague, the gentlewoman from New York (Ms. SLAUGHTER), for yielding time to me.

Mr. Speaker, I rise in support of the rule and in general support of the bill. The rule appropriately provides an opportunity for the House to consider germane amendments to this important appropriations measure.

On the bill, I am sure each of us might want it to be different one way or another. For example, I do not think it does enough for solar and renewable energy programs. That is why I will be joining many others in trying to improve that part of the bill. Overall, I think the committee has done a good job, especially considering the limits imposed by the budget resolution.

In particular, I want to express my appreciation for the fact the committee has included all the money that was requested for the nuclear facilities closure projects, an increase of more than $21.8 million over this year's amount for that purpose. This is crucial for my district because the Rocky Flats facility, located in my congressional district, is just a few miles from the center of our State's major population areas. Safe, effective, and timely clean-up and closure of the flats is a matter of highest priority for all Coloradans. I greatly appreciate the committee's inclusion of the requested funding for this purpose.

I also want to join the committee in urging the DOE to ensure that the complex-wide funding issues are addressed as they relate to closure for Rocky Flats. As the committee has correctly noted, if DOE is to keep on its timetable for closing Rocky Flats, important tasks must be completed at other sites, as well.

I urge support for the rule so the House can begin to consider this very important measure.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to support the rule, to make brief comments in support of the energy and water bill, and to make a few comments on security issues and the current oil crisis.

Mr. Speaker, our committee, under the leadership of the gentleman from California (Chairman PACKARD), rightly has addressed the critical issues of security at our Nation's nuclear labs by providing an additional $331 million for the National Nuclear Security Administration, for a total of over $6 billion.

Mr. Speaker, the problem of security at our national labs is one of leadership, not of resources. The security at our national labs, or at least some of our labs, has not just been compromised, it has been violated. It is time for Secretary Richardson to accept the responsibility for the ongoing security violations and to take whatever actions are necessary to restore the faith of the American people in their ability to secure our Nation's nuclear secrets.

Furthermore, even with the strong congressional support from our committee, the leadership of the Department of Energy has been lacking, particularly in regard to developing a comprehensive energy strategy. Getting as much oil as we can for as little as we can is not energy policy. Recent oil prices clearly show that the Secretary has once again been negligent.

One of the core missions of the Department of Energy, and I quote, is "to develop and implement a national energy policy." Congress has provided the necessary resources, and the increased funding for the Department contained in this bill needs to be spent wisely and with strict accountability so that a workable energy strategy can be developed to address exorbitant energy costs.

On the issue of national security, on the issue of an energy policy, the Secretary needs to do better.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I rise in support of the rule today, and to thank our ranking member for the tenacity that he has shown and the leadership he has shown in protecting a very important amendment as we address the high gas prices in America today.

To the gentleman from California (Mr. PACKARD), I thank him for his work and for the product he has brought before us today. This, unlike some of the other bills, is a close call. We can support this bill. It is not perfect, it could be better, but we certainly are going to support the rule and the bill that will be before us.

I want to urge the Federal Trade Commission, who has been now assigned the task, to look at the high gasoline prices that Americans are facing today. In our State of Michigan, people who are on fixed incomes, who do work, who have to drive to work, find buying gas at over $2 a gallon is too much. It restricts their family resources, it restricts what they need for their housing, what they need for their children. We ought to take a look at that.

Additionally, truckers have advised me that the high gas prices really make it impossible for them to bring in revenues, bring in profits that they use to take care of their families. Many independent truckers find that the high gasoline prices, in Michigan anywhere from $2.19 to $2.39 a gallon, are not adequate. We have to look at it. I want to urge the Federal Trade Commission to take a good look.

In the State of Michigan, tourism is our third revenue producer for our State. With the high gas prices, many people are rethinking their travel plans. Many people are not going to be going as far or coming to our State because of the high gasoline prices.

I believe we have to do something, that we have to have the Trade Commission act on it soon and not take a long time, and at the same time, that we do not posture as Congressmen and Congresswomen to get credit. This is not a credit issue, this is an American issue.

I want to thank the Committee on Rules as well as the subcommittee for doing their work. It seems possible that in this great, prosperous time of ours, we can succeed as a nation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I would like to thank the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for doing outstanding work as the ranking member of the Subcommittee on Energy and Water Development of the Committee on Appropriations.

I am supporting the rule and I support the bill. It is completely unfortunate that the circumstances in relationship to the heating oil and petroleum and gasoline supplies in our country have taken this long to address.

There has been a delegation from the Northeast and New England that have worked together since early January meeting with the President, meeting with the Energy Secretary, trying to get this Congress to confront the issues. All we have been able to get from this Congress, the leadership of this Congress, is to cut and gut the weatherization conservation efforts, not to address fuel efficiency standards, not to do anything to lay the groundwork to having a comprehensive energy policy so we can become energy-independent and not energy-dependent.

It is easy to try to blame people, but it is a lot harder to work together and establish these policies. We have been working very hard in the Northeast and the Southeast and throughout the country to establish a comprehensive, bipartisan energy policy.

Many months ago, legislation was authored by the gentleman from Vermont (Mr. SANDERS), the gentleman from Massachusetts (Mr. MARKEY), and the gentleman from Michigan (Mr. BARTON) and many of us in the Northeast and across the aisle to try to get the heating oil reserve established, to try to lay the groundwork for the Strategic Petroleum Reserve reauthorization, to give the President the power to be able to do that.

Congress and the leadership in Congress, where have they been? It has been weeks since the last action was taken. We have the legislation in an amendment form before us that has been submitted, and it takes away the issue from the gentlewoman from Michigan (Ms. KILPATRICK) and others who have worked on this legislation. Nowhere do we see any credit being able to be given for all of the hard work they have done in regard to this legislation.

We must seek to have a bipartisan, comprehensive energy policy. It is way beyond time that any reasonable person would have taken action. Mr. Speaker, today we are considering an amendment that is identical to the legislation that this Congress should have sent to the President a long time ago.

Mr. Speaker, we must act on this legislation. We must get it to the President, or history is going to repeat itself again in the Northeast. That is not going to be pleasant for the people that we seek to represent.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in support of the rule and in support of H.R. 4733, the fiscal year 2001 energy and water appropriations bill.

I would like to thank the gentleman from California (Chairman PACKARD) and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for their hard work on this important legislation, as well as my good friend, the gentleman from Texas (Mr. EDWARDS) for all the help they have provided our constituents in the greater Houston area.

In particular, I want to highlight that the bill fully funds the request for important U.S. Army Corps of Engineers projects in the greater Houston area. In particular, the bill provides the second consecutive year full funding for the Brays Bayou project in southwest Houston at $6 million for fiscal year 2001.

This project is necessary to improve flood protection for an extensively developed residential area along the Brays Bayou in southwest Harris County. This project was originally authorized in the WRDA 1990 act as part of a $400 million local flood control project.

Subsequently, the Brays project was reauthorized as one of the original sites for a demonstration project for new Federal reimbursement program as part of the WRDA 1996 bill based upon legislation drafted by my colleague, the gentleman from Texas (Mr. DELAY) and myself, which has strengthened the core and local sponsor role in giving the local sponsor a greater responsibility.

Recently, the local sponsor, the Harris County, Texas, Commissioners Court, approved the Brays redesign per the WRDA 1996 Act, and now this project can move forward with strong public support.

I am also gratified the subcommittee decided to fully fund the Sims Bayou project at $11.8 million. This is a project that also affects an area of southeastern Harris County that is heavily residential. This project is 2 years ahead of schedule. It is about midstream right now, scheduled to be completed in 2004. It is critically important to a number of my constituents who live in areas that are otherwise ravaged by continual flooding.

Finally, Mr. Speaker, I am gratified that the committee chose to fully fund the request for the Houston Ship Channel deepening and widening project. This is the largest deepening and widening project that the Corps of Engineers has been involved in since the Panama Canal. It is important to the local economy that I and my colleagues in the Houston area represent. It is also being done in a very environmentally sound manner in reestablishing natural habitat throughout the Galveston Bay.

I appreciate the fact that the committee has kept this project on track and fully funded the administration's request.

I urge my colleagues to support the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I want to thank the gentleman from Indiana (Mr. VISCLOSKY) for his outstanding work, and the gentlewoman from New York (Ms. SLAUGHTER), as well.

I would note to my colleagues that victory has many fathers, and defeat, of course, is an orphan. But defeat is not an option, especially for those who are dependent upon home heating oil and have to make the awful choice between heating their homes, providing themselves with prescription drugs that they need, or in fact the food that they place on their table.

Mr. Speaker, I associate myself with the remarks of the gentleman from Maine (Mr. BALDACCI) who spoke eloquently about the coalition of those of us in the Northeast who have sought bipartisan support, especially in the area of the release of the Strategic Petroleum Reserve and the establishment of a strategic home heating oil fuel base for those who need this kind of relief.

I further concur with the gentlewoman from Michigan (Ms. KILPATRICK) about the need for the Federal Trade Commission to further pursue these companies with respect to what seems to be gouging at the gas lines.

Further, I would also note that there is an important need for an investment that is not addressed in this legislation. We currently import somewhere in the area of $5 billion worth of oil a month. That is $60 billion a year. We are making cuts in the very area of research and development, specifically in the area of fuel cells, that could benefit us and allow us to compete in a global economy, and get us to a point where we are not dependent upon foreign sources of oil, so we can provide ourselves with efficient home heating oil and the means to provide us with transportation to and from our jobs.

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Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise in strong support of the specific rule to permit an amendment on the floor offered by the gentleman from Pennsylvania (Mr. SHERWOOD), the gentleman from Texas (Mr. BARTON), and the gentleman from Massachusetts (Mr. MARKEY) authorizing the establishment of a Northeast Home Heating Oil Reserve. Not only do we need to pass this rule, but what we really need to do is to appropriate funding for the creation of a Northeast Home Heating Oil Reserve.

Mr. Speaker, we are experiencing an energy crisis in this country. The price of gasoline is skyrocketing. In the Midwest and other parts of the country, the price of a gallon of gas is now over $2 a gallon. Throughout the rest of the country, including my State of Vermont, it is well over $1.50 a gallon, and that is unacceptable.

Mr. Speaker, the price of crude oil has more than tripled since last year and is the highest it has been since the Gulf War. The reason the prices are high is because the supply for gasoline is low. This can only mean one thing. If we do not adequately prepare for next winter, we will have a home heating oil disaster on our hands.

But my colleagues do not have to take my word for it. I quote from an article that appeared in USA Today just yesterday: "Those who heat with oil will shiver this winter and pay a premium. Just 15.3 million barrels of heating oil are stockpiled for the East Coast, which uses 75 percent of the Nation's heating oil in the winter. That's well down from 41.3 million barrels on hand last June."

Mr. Speaker, we all know what happened last year. Home heating oil prices were the highest they have ever been in history. And now we are faced with a home heating oil stockpile that is 37 percent lower than last year. It does not take a genius to figure out that we are setting ourselves up for a huge heating oil crisis next year unless Congress acts now.

According to Bill O'Grady, oil analyst at A.G. Edwards & Sons, "If we have a cold winter early, we could end up seeing in heating oil what we're seeing in gas prices in spades."

Mr. Speaker, we must not let this happen. We must make certain that the huge increase in home heating oil prices that we experienced last winter never happens again. Too many people were hurt by that huge increase in home heating oil prices. The astronomical prices that our constituents were forced to pay for home heating oil in order to stay warm last winter was unconscionable. Let us unite behind the creation of a Northeast Home Heating Oil Reserve, and let us make sure that we have adequate funding to guarantee that it is up and running as soon as possible.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 4733, and that I may be permitted to include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT REGARDING LIMITATION OF AMENDMENTS DURING CONSIDERATION OF H.R. 4733, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

Mr. PACKARD. Mr. Speaker, I wish to advise all Members that we are working on a unanimous consent request to bring about a time agreement on all amendments to the bill. Any Members who have not yet contacted us regarding possible amendments should do so as soon as possible so that we can protect their right to offer amendments. Otherwise, we will be asking for unanimous consent that the amendments that have now been submitted will be the only amendments that will be considered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 532 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4733.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. PACKARD).

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a privilege for me to present to the Committee of the Whole for its consideration the bill, H.R. 4733, making appropriations for energy and water development for the fiscal year ending September 30, 2001.

Mr. Chairman, this bill provides annual funding for a wide array of Federal Government programs which include such diverse matters as national security, environmental cleanup, flood control, advanced scientific research, navigation, alternative energy sources, nuclear power regulations.

Programs funded by this bill affect multiple aspects of American life having significant implications for domestic security, commercial competitiveness, and the advance of science. I am proud of this bill as reported by the Committee on Appropriations, and I believe it merits the support of every Member of this body.

Total funding for H.R. 4733 is $21.7 billion. This is over $500 million more than the fiscal year 2000 for energy and water development programs, but almost a billion dollars below the President's budget request.

We were presented with an additional constraint in fiscal year 2001 because our 302(b) allocation consisted of two distinct parts: defense and nondefense. While the defense allocation in the bill is $12.9 billion, and that is about $755 million over the fiscal year 2000 and $191 million below the budget request, the nondefense portion of the allocation is significantly less. For the nondefense portion of our bill we received $8.8 billion, which is about $210 million below the last fiscal year.

Despite the bill's constrained funding levels for nondefense programs, it provides adequate funding for the continuation of high-priority programs, promising the greatest return on the investment of taxpayer dollars.

Title I of the bill provides funding for the civil works program of the Corps of Engineers. This includes, of course, projects for flood control, navigation, shoreline protection, and a variety of other things. The bill acknowledges the importance of water infrastructure by funding the civil works program at the same level as last year, a little over $4 billion.

Within the amount appropriated for the Corps of Engineers, $153 million is for general investigations and $1.38 billion is for the construction program, and about $1.8 billion for the operation and maintenance.

Mr. Chairman, funding for title II, most of which is for the Bureau of Reclamation, totals $770 million, a reduction of $35 million from last year's fiscal level. The bill also includes no funding for the CALFED Bay-Delta restoration program, a project which I have been greatly interested, in California. The reason for this is because we did not fund any unauthorized projects and the authorization for CALFED expired this year. Therefore, it was not funded, to my regret. But to be consistent with all of the Members, we followed that rule.

There are reductions in title III of the bill, which includes the budget of the Department of Energy, particularly the nondefense programs. Despite constrained funding levels, most DOE nondefense programs are funded at last year's level or slightly below. One exception to that policy is the Yucca Mountain program to site a permanent geologic repository for spent nuclear fuel, high-level nuclear fuel. This program was increased about $413 million to maintain its schedule which calls for the Department of Energy to issue a site recommendation during the fiscal year 2001. We wanted to keep that on schedule, and thus we funded it accordingly.

We sought to maintain the level of funding for science programs, and we increased that area over fiscal year 2000. We also recognized that there are delays in some ongoing projects such as the Spallation Neutron Source, and we were unable to fund several new science initiatives as proposed in the fiscal year 2001.

Funding for the energy supply programs of the Department totals $576 million. This includes about $350 million for research and development of renewable energy technologies. We recognize that this is a little bit short of what the administration requested, and we wished that we had the funds to beef that up; but we feel that it is adequate to fund the renewable research effort.

The bill provides $301 million for uranium facilities maintenance and remediation, a new account established to consolidate uranium programs that were spread through many other accounts.

The largest spending category for the Energy and Water bill is that of environmental restoration and waste management of the Department of Energy. Funding for cleanup activities at the variety of sites in title III of the bill exceeds $6.4 billion for defense and nondefense programs.

The bill also includes $6.1 billion for new National Nuclear Security Administration, a semiautonomous agency within the Department of Energy. Title IV of the bill provides $107 million reduction of $21 million in fiscal year 2000 for certain independent agencies of the Federal Government, including the Nuclear Regulatory Commission, the Appalachian Regional Commission, the Defense Nuclear Facilities Safety Board, and the Nuclear Waste Technical Review Board.

Mr. Chairman, I owe a great deal of gratitude to the hard-working members of my Subcommittee on Energy and Water Development. They have labored with difficult fiscal constraints to produce a bill that I think is fair and balanced. I particularly want to thank the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), the chairman and ranking member of the full Committee on Appropriations, who helped us and cooperated with us in crafting the bill.

Perhaps more importantly than any, I thank the gentleman from Indiana (Mr. VISCLOSKY), the ranking minority member of the subcommittee. It has been a joy to work with him. He has been extremely helpful in crafting the bill. And then I certainly want to pay tribute to our staff on both sides of the aisle for their hard work in constructing an excellent bill.

Mr. Chairman, I have been pleased to hear during the debate in the Committee on Rules the willingness of virtually, well, not virtually, every Member that spoke of a willingness to support this bill. I would hope that every Member of the House would support this bill. We feel it is an excellent bill within the constraints that we had to live with, and I would encourage every Member to support it.

It is my privilege to present to the Committee of the Whole for its consideration H.R. 4733, making appropriations for energy and water development for the fiscal year ending September 30, 2001. Mr. Chairman, this bill provides annual funding for a wide array of Federal government programs which include such diverse matters as national security, environmental cleanup, flood control, advanced scientific research, navigation, alternative energy sources, and nuclear power regulation. Programs funded by this bill affect multiple aspects of American life, having significant implications for domestic security, commercial competitiveness, and the advance of science. I am proud of the bill reported by the Committee on Appropriations, and I believe it merits the support of the entire membership of this body.

Total funding for H.R. 4733 is $21.7 billion. This is $546 million more than fiscal year 2000 for energy and water development programs, but $951.8 million below the President's budget request.

We were presented with an additional constraint in fiscal year 2001 because our 302b allocation consisted of two distinct parts: defense and non-defense. While the defense allocation in the bill is $12.893 billion which is $755.5 million over fiscal year 2000 and $191 million below the budget request, the non-defense portion of the allocation is significantly less. For the non-defense portion of our bill, we received $8.85 billion which is $209.5 million below fiscal year 2000 and $760.7 million below the budget request. This was a severe constraint on our ability to provide funding for many programs in this bill.

Despite the bill's constrained funding levels for non-defense programs, it provides adequate funding for the continuation of high-priority programs promising the greatest return on the investment of taxpayer dollars.

Title I of the bill provides funding for the civil works program of the Corps of Engineers. The Subcommittee on Energy and Water Development is unanimous in its belief that this program is among the most valuable within the Subcommittee's jurisdiction. The national benefits of projects for flood control, navigation and shoreline protection demonstrably exceed project costs. The bill acknowledges the importance of water infrastructure by funding the civil works programs at $4.1 billion, an increase of $59.9 million over the amount requested by the Administration, and level with fiscal year 2000.

Within the amount appropriated to the Corps of Engineers, $153.3 million is for general investigations, $1.38 billion is for the construction program, and $1.85 billion is for operation and maintenance. In addition, the bill includes $323.4 million for Flood Control, Mississippi River and Tributaries, project. The bill also fully funds the budget request of the regulatory program and the Formerly Utilized Sites Remedial Action Program.

Mr. Chairman, funding for Title II, most of which is for the Bureau of Reclamation, totals $770.5 million—a reduction of $35.3 million from the fiscal year 2000 level. The bill includes no funding for the CALFED Bay-Delta restoration program whose authorization expires in fiscal year 2000 and fully funds the budget request of $38.4 million for the Central Valley Project restoration fund.

There are reductions in Title III of the bill which includes the budget of the Department of Energy, particularly in the non-defense programs. Despite constrained funding levels, most DOE non-defense programs are funded at last year's level or slightly below. The one exception is the Yucca Mountain program to site a permanent geologic repository for spent nuclear fuel. This program was increased to $413 million to maintain its schedule which calls for the Department of Energy to issue a site recommendation in fiscal year 2001.

We sought to maintain level funding for science programs and provided $2.83 billion, an increase of $43.3 million over fiscal year 2000. However, there are delays in some ongoing projects such as the Spallation Neutron Source, and we were unable to fund several new science initiatives proposed in fiscal year 2001.

Funding for energy supply programs of the Department totals $576.5 million. This includes $350.5 million for research and development on renewable energy technologies. Although this falls short of the Administration's unrealistic budget request, it is a substantial and credible level of funding. The energy supply account also includes $231.8 million nuclear energy programs. The bill provides $22.5 million for the nuclear energy research initiative and $5 million, the full amount of the budget request, for the nuclear energy plant optimization program.

The bill provides $301.4 million for uranium facilities maintenance and remediation, a new account established to consolidate uranium programs that were spread throughout other accounts. These programs were merged to enhance coordination and eliminate duplication in the environmental remediation work performed at the uranium enrichment facilities in Tennessee, Kentucky, and Ohio.

The largest spending category in the Energy and Water Bill is that of environmental restoration and waste management at Department of Energy sites. Funding for cleanup activities in title III of the bill exceeds $6.4 billion for defense and non-defense programs. The Committee is dedicated to the environmental restoration of areas that participated in the development and maintenance of our nuclear security complex. This bill reflects the Committee's continued efforts to promote actual, physical site cleanups and to accelerate the completion of remediation work at DOE sites. Accordingly, the Committee has provided $1.08 billion, the full amount of the budget request, for defense facilities closure projects. This account concentrates funding on discrete sites that are on schedule for cleanup completion by the year 2006. The Committee has also directed the Department to establish a cleanup program for those sites and projects that can be completed by 2010.

The bill includes $6.16 billion for the new National Nuclear Security Administration, a semi-autonomous agency within the Department of Energy. The bill provides $4.6 billion for stewardship of the Nation's nuclear weapons stockpile, $861.5 million for defense nuclear nonproliferation programs, and $677.6 million for the naval reactors program.

Title IV of the bill provides $107.5 million, a reduction of $21 million from fiscal year 2000, for certain independent agencies of the Federal Government, including the Nuclear Regulatory Commission, the Appalachian Regional Commission, the Defense Nuclear Facilities Safety Board, and the Nuclear Waste Technical Review Board.

Mr. Chairman, I owe a debt of gratitude to the hard-working and dedicated Members of the Subcommittee on Energy and Water Development. They have labored under difficult fiscal constraints to produce a bill that is balanced and fair. I am especially grateful to the Ranking Minority Member, the Honorable PETE VISCLOSKY. It is in large part due to his efforts that we present a bill that merits the support of all Members of the House.

Mr. Chairman, I urge all Members to support H.R. 4733 as reported by the Committee on Appropriations, and I reserve the balance of my time.

ENERGY AND WATER APPROPRIATIONS BILL, 2001 (H.R. 4733)
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations	161,994	137,700	153,327	-8,667	+15,627
Construction, general	1,385,032	1,346,000	1,378,430	-6,602	+32,430
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	309,416	309,000	323,350	+13,934	+14,350
Operation and maintenance, general	1,853,618	1,854,000	1,854,000	+382	
Regulatory program	117,000	125,000	125,000	+8,000	
FUSRAP	150,000	140,000	140,000	-10,000	
General expenses	149,500	152,000	149,500		-2,500
Total, title I, Department of Defense - Civil	4,126,560	4,063,700	4,123,607	-2,953	+59,907
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	22,436	19,566	19,566	-2,870	
Fish, wildlife, and recreation mitigation and conservation	10,476	14,158	14,158	+3,682	
Utah reclamation mitigation and conservation account	5,000	5,000	5,000		
Subtotal	37,912	38,724	38,724	+812	
Program oversight and administration	1,321	1,216	1,216	-105	
Total, Central Utah project completion account	39,233	39,940	39,940	+707	
Bureau of Reclamation					
Water and related resources	605,992	643,058	635,777	+29,785	-7,281
Loan program	11,577	9,369	9,369	-2,208	
(Limitation on direct loans)	(43,000)	(27,000)	(27,000)	(-16,000)	
Central Valley project restoration fund	42,000	38,382	38,382	-3,618	
California Bay-Delta ecosystem restoration	60,000	60,000		-60,000	-60,000
Policy and administration	47,000	50,224	47,000		-3,224
Total, Bureau of Reclamation	766,569	801,033	730,528	-36,041	-70,505
Total, title II, Department of the Interior	805,802	840,973	770,468	-35,334	-70,505
TITLE III - DEPARTMENT OF ENERGY					
Energy supply	637,962	752,895	576,482	-61,480	-176,413
(By transfer)	(5,821)			(-5,821)	
Non-defense environmental management	332,350	286,001	281,001	-51,349	-5,000
Uranium enrichment decontamination and decommissioning fund	249,247	303,038		-249,247	-303,038
Uranium facilities maintenance and remediation			301,400	+301,400	+301,400
Science	2,787,627	3,151,065	2,830,915	+43,288	-320,150
Nuclear Waste Disposal	239,601	325,500	213,000	-26,601	-112,500
Departmental administration	205,581	213,339	153,527	-52,054	-59,812
Miscellaneous revenues	-106,887	-128,762	-111,000	-4,113	+17,762
Net appropriation	98,694	84,577	42,527	-56,167	-42,050
Office of the Inspector General	29,500	33,000	31,500	+2,000	-1,500
Environmental restoration and waste management:					
Defense function	(5,716,037)	(6,148,824)	(5,864,004)	(+147,967)	(-284,820)
Non-defense function	(581,597)	(589,039)	(582,401)	(+804)	(-6,638)
Total	(6,297,634)	(6,737,863)	(6,446,405)	(+148,771)	(-291,458)
Atomic Energy Defense Activities					
National Nuclear Security Administration:					
Weapons activities	4,427,052	4,594,000	4,625,684	+198,632	+31,684
Defense nuclear nonproliferation	729,100	906,035	861,477	+132,377	-44,558
Naval reactors	677,600	677,600	677,600		
Subtotal, National Nuclear Security Administration	5,833,752	6,177,635	6,164,761	+331,009	-12,874
Defense environmental restoration and waste management	4,467,308	4,551,527	4,522,707	+55,399	-28,820
Defense facilities closure projects	1,060,447	1,082,297	1,082,297	+21,850	
Defense environmental management privatization	188,282	515,000	259,000	+70,718	-256,000
Subtotal, Defense environmental management	5,716,037	6,148,824	5,864,004	+147,967	-284,820
Other defense activities	309,199	555,122	592,235	+283,036	+37,113
Defense nuclear waste disposal	111,574	112,000	200,000	+88,426	+88,000
Energy employees compensation initiative (proposal)		17,000			-17,000
Total, Atomic Energy Defense Activities	11,970,562	13,010,581	12,821,000	+850,438	-189,581
Power Marketing Administrations					
Operation and maintenance, Southeastern Power Administration	39,579	3,900	3,900	-35,679	
Operation and maintenance, Southwestern Power Administration	27,891	28,100	28,100	+209	
(By transfer)	(773)			(-773)	
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	192,602	164,916	160,930	-31,672	-3,986
Falcon and Amistad operating and maintenance fund	1,309	2,670	2,670	+1,361	
Total, Power Marketing Administrations	261,381	199,586	195,600	-65,781	-3,986

ENERGY AND WATER APPROPRIATIONS BILL, 2001 (H.R. 4733)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Energy Regulatory Commission					
Salaries and expenses	174,950	175,200	175,200	+250	
Revenues applied	-174,950	-175,200	-175,200	-250	
Total, title III, Department of Energy	16,606,924	18,146,243	17,293,425	+686,501	-852,818
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission	66,149	71,400	63,000	-3,149	-8,400
Defense Nuclear Facilities Safety Board	16,935	18,500	17,000	+65	-1,500
Delta Regional Authority		30,000			-30,000
Denali Commission	19,924	20,000		-19,924	-20,000
Nuclear Regulatory Commission:					
Salaries and expenses	464,913	481,900	481,900	+16,987	
Revenues	-442,000	-447,958	-457,100	-15,100	-9,142
Subtotal	22,913	33,942	24,800	+1,887	-9,142
Office of Inspector General	5,000	6,200	5,500	+500	-700
Revenues	-5,000	-6,076	-5,500	-500	+576
Subtotal		124			-124
Total	22,913	34,066	24,800	+1,887	-9,266
Nuclear Waste Technical Review Board	2,589	3,200	2,700	+111	-500
Total, title IV, Independent agencies	128,510	177,166	107,500	-21,010	-69,666
TITLE V - RESCISSIONS					
DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations (rescission)	-930			+930	
Construction, general (rescission)	-12,819			+12,819	
Total, Corps of Engineers - Civil	-13,749			+13,749	
DEPARTMENT OF ENERGY					
Nuclear Waste Disposal (rescission)	-4,000			+4,000	
Defense nuclear waste disposal (rescission)		-85,000	-85,000	-85,000	
Power Marketing Administrations					
Southeastern Power Administration:					
Purchase power and wheeling (rescission)	-3,000			+3,000	
Total, title V, Rescissions	-20,749	-85,000	-85,000	-64,251	
Grand total:					
New budget (obligational) authority	21,647,047	23,143,082	22,210,000	+562,953	-933,082
Appropriations	(21,667,796)	(23,228,082)	(22,295,000)	(+627,204)	(-933,082)
Rescissions	(-20,749)	(-85,000)	(-85,000)	(-64,251)	
(By transfer)	(6,594)			(-6,594)	

Mr. PACKARD. Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would begin by also commending the gentleman from California (Chairman PACKARD) and would point out to every Member of the body in this institution that this will be the last Energy and Water bill that the gentleman will bring to the House floor during his tenure as a Member of Congress, given the fact that he will now retire after the 106th Congress.

Mr. Chairman, the gentleman from California is a very decent man. He is a God-fearing man whose family is the most important thing in his life, his wife, Jean, as well as his seven children. Clearly as important to him is his country. And whether it was his service in defense of this country as a member of the United States Navy; whether it was his service as a member of a school board ensuring that the youth of his community receive the best education possible for their future; whether it be as the mayor and chief executive of his local community or his years of service in this Congress, I certainly respect the gentleman's three great passions in life.

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But I would be remiss, as I would have been remiss in full committee, Mr. Chairman, if I did not mention for one moment the other great passion in life of the gentleman from California (Mr. PACKARD), and that is golf. For those who do not yet know the good work, the foursome of the gentleman from California (Mr. PACKARD) did win the recent Bob Michael's, Founder, Golf Tournament with the lowest team score.

I salute the gentleman from California (Mr. PACKARD). He has been a gentleman, a friend, and we will all miss him.

I also want to add my thanks, my deepest thanks as a former staff member myself, to all of the staff involved on both sides of the aisle, whether they be professional committee staff, detailees, or associate staff.

But today, because this is the last bill of the gentleman from California (Mr. PACKARD), I would also point out to the House, this is John McNutt's last bill. He is my associate staff member and has been for the last 7 years 6 months and 27 days, not that we are counting.

But as I pointed out in my previous remarks before the full committee, Mr. McNutt is moving on with his life. He is going to be attending the University of Virginia Law School and made the wise choice, from an academic consideration, when he had the option of going to either UVA or the University of Notre Dame, that he chose Virginia. I do wish him well in his endeavor.

I would advise all of the Members that I do support this bill. I do believe that the gentleman from California (Mr. PACKARD) has done the best job humanly possible with this bill given the allocations the subcommittee had.

But I would note that I for one did not vote for the budget resolution adopted by this institution, and I did not vote for the allocations adopted by the committee and have not agreed with the allocation we were given.

On the civilian side particularly of the legislation, it gives us great trouble. The fact is we are $210 million today under a freeze level for civilian purposes. Let me note for the Members of this Chamber several problems that it causes.

In the area of water projects, and there is hardly a Member in this institution who does not have a problem one way or the other with water in their district, the spending this year, while $60 million over the President's request, is $6 million under a freeze. Given the fact that the Corps today has responsibilities of over 400 multipurpose reservoirs, 12,000 miles of navigation channels, hundreds of ports, and 11.6 million acres of land, we fall woefully short.

It is anticipated just to fully fund authorized active construction projects, those projects that this Congress has authorized, that are economically justified, and are supported by a non-Federal entity, we would need an additional $30 billion.

It is further anticipated that if the shadows of the future are not unaltered, the backlog for critically deferred maintenance this coming fiscal year will amount to $450 million.

The Assistant Secretary of the Army, Mr. Westphal, has indicated that, to ensure that projects proceed on the most efficient schedule possible, we should probably be spending almost $700 million more a year.

People have noted in the past that there has been mission creep by the Corps, that, first, it is flood control projects, then it is navigation, then it is hydropower, shoreline protection, and recreation.

But I would point out to the body that those are all responsibilities we collectively have given to the Corps. We have also seen fit, both the legislative branch and the executive branch, to give them additional responsibilities as far as environmental restoration, water treatment facilities, sewer treatment facilities, and the clean up of contaminated sites.

Within the last couple of weeks, we had a very controversial debate and vote relative to trade with China. I would point out that global commerce is projected to double over the next 20 years, and the harbors and inland waterways that lead to them will have to be expanded and maintained for us to stay competitive, and that nearly half of the inland waterway locks and dams today are over 50 years old.

To put it in another perspective, in 1999 constant dollars, in the 1960s, we were spending nearly $5 billion on water construction projects. Today for inflation adjusted dollars, we are spending about $1.7 billion.

There is no money in the bill for a new recreation facility modernization initiative by the administration. There is no money for the Challenge 21 Riverine Restoration Program to move towards more nonstructural solutions to many of our flooding and water problems. They would also be looking to have greater coordination with environmental restoration. Given the fact that we have at least a two to one cost benefit ratio, I think it is a mistake not to further fund these programs.

In the arena of science, I would mention renewables. There was a debate during the rule about gas prices going up. Whether one blames OPEC, the oil companies, EPA, ethanol, the fact is they have gone up. Funding in this bill currently as we debate it has gone down $12 million from last year's level. It is my anticipation and I appreciate the fact that it would appear that later today that figure will go up.

Finally, I would point to an initiative that the administration asks for in the area of nanoscience and nanotechnology. In 1959, Richard Feynman delivered a famous lecture; and in it he challenged his audience to envision a time when materials could be manipulated and controlled on the smallest of scales. He said then in 1959 that, when they looked back at this age, they will wonder why it was not until 1960 that anybody began seriously to move in this direction, and here we are 40 years later.

Nanoscale science and synthesis would result in a number of benefits: significant improvements in solar energy conservation, more energy efficient lighting, stronger, lighter materials that would improve efficiency in transportation, greatly improved chemical and biological sensing, and others. Again, a new science initiative would not be funded.

I would simply close again by assuring Members that, within the allocations provided, the gentleman from California (Mr. PACKARD) has done a very good job. I do support the bills, but I would have been remiss in my remark for not pointing out the deficiencies given the allocations that we were given that I did not support.

Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, yield such time she may consume to the gentlewoman from New York (Mrs. KELLY) for purposes of a colloquy.

Mrs. KELLY. Mr. Chairman, I rise to enter into the colloquy with the gentleman from California (Mr. PACKARD), chairman of the Subcommittee on Energy and Water Development of the Committee on Appropriations.

Mr. Chairman, as the gentleman from California knows, I had intended to offer an amendment today on an issue of great importance to my district. I am not going to offer this amendment, however, with the understanding that the gentleman from California is willing to work with me on this matter.

I wish to bring to the gentleman's attention some serious concerns I have regarding the Indian Point 2 nuclear power facility in my district.

This plant was shut down in February after a steam generator started leaking radioactive material into the atmosphere. It goes without saying that this was a distressing situation for my community. What merits mentioning, and what brings me to the floor today, however, are the string of revelations in the months following this incident which have fundamentally undermined the community's confidence in the safety of the plant.

The Nuclear Regulatory Commission itself admitted in March that previous inspections of the plant were "weak and incomplete."

The NRC determined in May that operational deficiencies at the plant were serious enough to place it on the agency's watch list.

Then we learned that the conduct of the NRC staff responsible for plant safety is now the subject of an investigation by the Inspector General. Despite my repeated requests, the NRC will not postpone their decision on the restart of this plant at least until the investigation is complete, as they would have us believe that it is somehow irrelevant.

Just last week, an internal memo from the plant's operator was discovered revealing serious problems which occurred at the plant on the night of the leak. Mr. Chairman, it appears that the NRC saw this document only after stories were written about it in local newspapers.

Mr. Chairman, there is a problem here. These are legitimate concerns, and it is reasonable for me and my constituents to expect for them to be given full and fair deliberation before that plant is restarted. I would like to make it clear on this floor that this is not the case, that this issue is not being dealt with reasonably, and it is unsettling my community.

Mr. Chairman, I feel strongly that the NRC should postpone a decision on restart of Indian Point 2 until the serious and legitimate concerns that have arisen on this issue are addressed. At the very least, it would seem prudent to postpone the NRC's decision on restarting the plant until the final investigation report of the Inspector General's office is released and carefully reviewed by the NRC officials to ensure that the outstanding issues are identified and corrected.

Would the gentleman from California (Mr. PACKARD) agree to work with me in ensuring that the committee continue to provide strict oversight of this serious matter?

Mr. Chairman, I yield to the gentleman from California (Mr. PACKARD).

Mr. PACKARD. Mr. Chairman, I appreciate very much the gentlewoman from New York bringing this serious matter to the attention of the House, and I share her concerns over the serious nature of the problem at Indian Point 2 nuclear facility, and agree that the NRC inspector general should provide to the NRC all relevant information that its investigation developed prior to the decision and restart. Let me say to the gentlewoman that I will work closely with her to see that this issue is provided with continued congressional attention in the coming months.

Mrs. KELLY. Mr. Chairman, I thank the gentleman from California for his attention to this matter. I hope that this matter will be resolved in the interest of my constituents.

Mr. VISCLOSKY. Mr. Chairman, I am happy to yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY), the ranking minority member.

Mr. OBEY. Mr. Chairman, I rise, not so much to comment on the content of the legislation, as to take note, as has the gentleman from Indiana (Mr. VISCLOSKY) that the gentleman from California (Mr. PACKARD) is bringing this bill to the floor for the last time.

Without getting into the merits of the bill, which are considerably constricted because of the budget resolution, which I find to be ill-advised, I simply, Mr. Chairman, wanted to say that I think that the gentleman from California (Mr. PACKARD) is one of the people who have added to the decency of this institution.

In the years that he has been on the committee, I think he has been an extremely genial Member. I think he has been extremely fair-minded as chairman. I think he has worked very hard to try to produce a rational set of priorities in an irrational situation. I for one want to say that it has been a distinct pleasure for me to share our service in this institution.

What I admire about the gentleman from California most of all is that he does not, he is not one of those Members who is prone to cheapshot the institution. He recognizes that this institution is a precious asset to the American people and tries to remind others of that fact in virtually everything he does.

I simply want to congratulate him for the service he has provided to his district, to the country, to his State, to his party, and to this institution, and wish him good luck in whatever he does after he leaves this place.

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. GILMAN) on the same issue that the gentlewoman from New York (Mrs. KELLY) addressed.

Mr. GILMAN. Mr. Chairman, I would like to engage the gentleman from California (Mr. PACKARD) in a colloquy.

Mr. Chairman, for more than 25 years, along with my colleagues in my area, I have been working with the communities throughout our Hudson Valley region to ensure the safety of the Indian Point 2 nuclear power plant in Buchanan, New York. Over the past year, that plant has had to be shut down on two separate occasions. Prior thereto, over the past 25 years, this nuclear plant has had to be shut down on a number of occasions due to the failure of the plant's outmoded steam generators, insufficient emergency preparedness, and questions about the integrity of the nuclear plant.

The facility has been plagued with safety problems over the years. It is the only nuclear power reactor in the entire country which is still operating with the outmoded Westinghouse Model 44 steam generators. Nevertheless, the NRC is presently considering an application by Consolidated Edison to restart the plant.

During a recent public meeting, I joined with Senator SCHUMER, the gentlewoman from New York (Mrs. KELLY), and the gentlewoman from New York (Mrs. LOWEY), and the citizens of our Hudson Valley region in requesting that the application for restarting this plant not be approved until the existing steam generators have been replaced and emergency and safety deficiencies outlined in the NRC's inspection team's report are remedied.

Mr. Chairman, this nuclear facility is located only 35 miles from New York City and in the heart of our heavily populated Hudson Valley region. It is obvious that the replacement of these outmoded steam generators and the remediation of emergency and safety procedures at Indian Point 2 is vital to the safety and welfare of millions of our citizens.

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Will the chairman be able to assist us in assuring the future safety of this nuclear facility?

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from California.

Mr. PACKARD. I advise the gentleman from New York that I would be pleased to offer any assistance that I may be able to in monitoring this situation at Indian Point 2 and work with the gentleman to resolve the situation.

Mr. GILMAN. Reclaiming my time, Mr. Chairman, I thank our distinguished chairman for his time and attention on this pressing matter.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague for yielding me this time. I also wish to thank our chairman, the gentleman from California (Mr. PACKARD), as well as our ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for their support, and the whole committee's hard work, both the full committee and the subcommittee. I also want to thank my good friend and colleague, the gentleman from Texas (Mr. EDWARDS), for his dedication and hard work and especially for his advice.

Because of the committee's efforts, the Houston-Galveston Navigation Project is appropriated the full $53.5 million needed to maintain the optimal construction schedule for the deepening and widening of the Houston Ship Channel. This subcommittee had the foresight to maintain this construction schedule. By providing the necessary funds now, this project's return on investment will save taxpayers many millions of dollars in increased construction costs.

Also, the Port of Houston generates $300 million annual customs fees and $213 million annually in State and local taxes, which demonstrates that the Houston-Galveston Navigation Project will more than pay for itself in the long run, both for the local taxpayers but also for the Federal taxpayers of the United States.

The continued expansion of the Port of Houston is important on many levels. More than 7,000 vessels navigate the ship channel each year. The port provides 5.5 billion in annual business revenues and creates directly and indirectly 196,000 jobs.

It is anticipated that the number and size of vessels will only increase. Completing the widening and deepening of the ship channel in a timely manner will increase the safety and economic viability of the port and of the City of Houston.

In addition to the Houston Ship Channel, there are several flood control projects that the Corps of Engineers, in partnership with our Harris County Flood Control District, have undertaken. Hunting Bayou Flood Control Project, $337,000 in this bill. This project will affect 29 square miles of the Hunting Bayou watershed and benefit over 7,000 homes and businesses located within that watershed. The environmental evaluation and the General Reevaluation Report should be completed on that and submitted to the Corps by November of this year.

Another project of importance is the Greens Bayou Flood Control Project. This 213 square miles of watershed will provide important protection for hundreds of homes that are currently extremely vulnerable to flooding.

Mr. Chairman, I again thank the committee for their hard work.

Mr. PACKARD. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS), for the purpose of colloquy.

Mr. HASTINGS of Washington. Mr. Chairman, I want to thank the distinguished gentleman from California (Mr. PACKARD) for yielding to me.

Mr. Chairman, as the gentleman is aware, the Office of River Protection at the Hanford site in my district is currently engaged in the world's largest and most pressing environmental cleanup project. The President's fiscal year 2001 budget request for the privatization account at Hanford was $450 million. However, due to recent developments, privatization is no longer a viable option at this time.

In light of these developments, the Department of Energy has identified a new path forward to ensure the timely cleanup of the waste. As a result of this new path forward, the Department identified an updated funding requirement of $370 million instead of the $450 million for FY 2001 to fully fund the necessary design and long-lead procurement to keep the project on schedule.

I would like to ask the gentleman if he will insist that the necessary $370 million of design and long-lead procurement needs for this project will be preserved during the conference with the other body.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I would respond to the gentleman by saying, absolutely, we will continue to press for that figure and do all we can to make sure the amount of money is available for fiscal year 2001.

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Chairman, I thank the gentleman for that commitment. The gentleman's assurance certainly gives me and my constituents in central Washington, and for that matter all of us in the Pacific Northwest, confidence that the final legislation will contain the full funding that has been identified for the work that is required this year.

Finally, I wish to thank the gentleman from California (Mr. PACKARD) personally for all the efforts the gentleman has given on behalf of me and my constituents in my district. I want to associate myself with the remarks of the gentleman from Wisconsin (Mr. OBEY) and wish the gentleman the very best in his retirement.

Mr. PACKARD. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a valuable member of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of our energy and water appropriation bill. I also wish to thank our chairman, the gentleman from California (Mr. PACKARD), and ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for their bipartisan approach to our bill.

Unfortunately, this is our chairman's last year in Congress and his last energy and water bill. The gentleman from California has achieved many things during his tenure as chairman. He has been the driving force for reform of the Department of Energy. He has made sure that we honor our commitment to a balanced Federal budget and that we focus our scarce resources where they really need to go. I will miss the gentleman from California, as I am sure all of us will; and I want to thank him personally for his leadership, his friendship, and his very good nature.

I want to also say a word to the staff of the Subcommittee on Energy and Water Development for their tireless work on all our behalf.

Mr. Chairman, our bill addresses important national priorities at the same time it honors our commitment to a balanced Federal budget. As the chairman can attest, there are always more requests for funding than our budget allocation can provide for. The no new-start policy contained in this bill is difficult but necessary. We need to focus our dollars on ongoing projects that are on schedule and on budget. And even with this strict requirement, our bill provides funding for projects that will benefit virtually every congressional district in our Nation.

This is in stark contrast to the President's budget request for the Army Corps of Engineers, which was wholly inadequate. It is a poor reflection on the White House that each and every year this committee must add funds for our Nation's waterways and coastal areas.

This is particularly true for my home State of New Jersey, where we have 137 miles of ocean coast that we need to protect. In addition, New Jersey has experienced severe and devastating floods, and the only long-term solution is effective flood mitigation. Our State is also committed to the preservation of wetlands. All of these important priorities were shortchanged in the President's budget.

For over 170 years, the Army Corps of Engineers has provided solutions to flooding, dredging and environmental problems, as well as shore and beach protection. Our bill also maintains funding for flood safety, coastal protection, dredging, and environmental restoration. It restores funds for these vital projects in order to protect lives and property.

Our bill also provides funding for the Department of Energy. Most importantly, we have increased our commitment to scientific research, providing $2.8 billion for the Office of Science, a $43 million increase. With this funding, important scientific research will continue in the area of high energy and nuclear physics, technology, basic energy sciences, biological and environmental research.

I especially want to thank the chairman, the gentleman from California (Mr. PACKARD), for his support of $255 million for fusion research and $25 million for laser research. While I would have preferred more funding for this, we did increase fusion research above the current level. Fusion energy has the potential to be an unlimited and ultraclean source of energy for the world. And after a number of years of declining budgets for this program, and with the chairman's help, this is the second year of increased funding for fusion research.

The committee has also provided $19.6 million for the decommissioning of the Tokamak Fusion Test Reactor at Princeton University. This decommissioning must stay on schedule and on budget, and this funding will allow us to do so.

Mr. Chairman, I am pleased to support the bill. I thank the chairman, the gentleman from California (Mr. PACKARD), and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for their support.

Mr. VISCLOSKY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR), a member of the committee.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to have a colloquy with the distinguished chairman of the committee, but I just noticed that both the chairman of the Whole House and the chairman of the subcommittee are both retiring this year, and I have to express my own personal regrets that they are retiring. They are both very distinguished gentlemen, and I have enjoyed serving with them.

I have really enjoyed serving with the chairman of the subcommittee, not only as a fellow Californian; but we have been engaged together in issues for the State, and I remember when I was in the State legislature his work with the supercollider, where I really got to know him well; and I have appreciated his leadership here in the Congress.

I want to thank him for the opportunity to discuss with him the funding for a critical project in my district, which is the central part of California. This is the second year I have sought appropriations to carry out a preconstruction engineering design of a flood control measure on the Pajaro River, which runs right through the City of Watsonville, California, as well as funding for the Pajaro River Basin Study. This is an area in my district with substantial flood control problems, which threatens homes and businesses in Santa Cruz and Monterey Counties. I have worked extensively with officials in both of these counties and the Corps of Engineers to resolve this problem in order to provide safety for the residents there.

I recognize that the Subcommittee on Energy and Water Development is under significant budgetary constraints this fiscal year and has thus adopted a policy to fund investigations at a level no higher than requested by the administration. The administration's request for investigations on the Pajaro River was $600,000, with an additional $50,000 request for the basin study. However, this request was prepared prior to the agreement between the Corps and the local sponsors, which subsequently set a higher level of funding for the project.

The Corps has revised their earlier estimates, and has developed a new work plan and budget that calls for a total of $1.95 million in fiscal year 2001. They have submitted a revised estimate on their ability to spend which reflects this new higher amount. I would like to request that my good friend, the chairman of the Subcommittee on Energy and Water Development of the Committee on Appropriations, amend the amount as we go along to allocate to the investigations on the Pajaro River to reflect this agreement with the Corps and the new estimate of their ability to pay.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I thank my colleague from California for yielding, and I want to state that I recognize the importance to his constituents to improve flood control on the Pajaro River. The Corps has demonstrated their ability to spend $1.95 million on the investigations of these two projects.

Given the revision of the Corps's estimates since the submission of the President's budget, I pledge to do everything I can to help the gentleman receive additional monies from the Corps for purposes of implementing these worthy projects.

Mr. FARR of California. Reclaiming my time, Mr. Chairman, I thank the gentleman for working on this matter; and I look forward to working with him in the future.

Mr. PACKARD. Mr. Chairman, may I inquire what time is remaining on each side.

The CHAIRMAN. The gentleman from California (Mr. PACKARD) has 8½ minutes remaining, and the gentleman from Indiana (Mr. VISCLOSKY) has 15 minutes remaining.

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), for the purposes of a colloquy.

Mr. WAMP. Mr. Chairman, I hope I can do it in 2 minutes.

Before I engage in a colloquy, I do want to associate myself quickly with all the outstanding comments that have been made about the brilliant political career, the public service, and especially the attitude of the gentleman from California (Mr. PACKARD). People from one end of this place to the other really appreciate the spirit of the gentleman from California. The gentleman from California has done a great job and brought so much to public service in this country. And I hope the gentleman enjoys the game of golf from this point on, because the gentleman deserves his retirement.

Mr. Chairman, the Spallation Neutron Source is one of the most important science initiatives of our generation and represents a $1.4 billion major construction project supported by the Department of Energy's Office of Science to build the world's's most powerful source of pulsed beams for scientific research and development.

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With its advanced accelerator technology and world-class instrument design, SNS will be more than 12 times as powerful as the world's current leading neutron source in the U.K. and offer unprecedented research opportunities for up to 2,000 scientists each year. This research is crucial to supporting advances in biology, polymers, magnetic materials, superconductivity, and materials research that will continue to keep the U.S. economy strong and keep us at the forefront of scientific endeavors around the globe.

SNS has been subject to many technical and management reviews in the past 4 years, including review by the DOE, several external independent review teams, the GAO, and the House Committee on Science. These reviews have shown conclusively that the technical basis of the SNS is sound and that the SNS management is on a solid path to complete the project within budget by 2006 as planned. All conditions prescribed in the committee report on last year's Energy and Water appropriations bill have been satisfied, and the House Committee on Science has recommended full funding of the SNS in fiscal year 2001.

The SNS will fully obligate $190 million in this fiscal year, including the fiscal year 2000 appropriation of $100 million in construction funds and $17.9 in R&D, plus the fiscal year 1999 balances brought forward of about $71.4 million. Significant design and construction activity has taken place in the last year, with most title I design completed, approximately $75 million in procurements being awarded and major excavation and grading of the 100-acre site well underway.

Fully funding the fiscal year 2000 requested level is essential to maintain the current schedule to complete SNS in 2006 within the total project cost of $1.4 billion.

I know how hard the chairman and his staff have worked to get this project to where we are today, and I appreciate that. I acknowledge the budget constraints that we are currently under and that so far we have not been able to provide the necessary funding that this project needs to meet the necessary milestones over the next 12 months.

I am asking the commitment of the chairman that, as we work together during conference, we will do everything possible to significantly increase the funding for the Spallation Neutron Source.

Mr. Chairman, I yield to the gentleman from California (Mr. PACKARD) for his response.

Mr. PACKARD. Mr. Chairman, I appreciate the request of the gentleman. I will certainly work in conference to adequately fund the Spallation Neutron Source and, of course, additional funds if that will help.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS) a member of the committee, as well as the subcommittee.

Mr. EDWARDS. Mr. Chairman, I thank the ranking member for yielding me the time.

Mr. Chairman, I would like to engage the gentleman from California (Mr. PACKARD) in a short colloquy.

As the gentleman knows, the Nuclear Regulatory Commission now has before it certain legal issues relating to the off-site disposal of FUSRAP material.

My question to the chairman is, will the gentleman confirm that the Committee on Appropriations does not wish to influence the judgment of the Commission on those issues?

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, the gentleman is correct. If any committee of Congress wishes to take action regarding the off-site disposal issue the Commission is now considering, it ought to be the relevant authorization committee of the House that does it.

I would have no objections to the authorizers of this body taking up such issues. But the Committee on Appropriations, appropriately, has chosen not to do so.

Mr. EDWARDS. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, even more importantly, I want to thank the gentleman from California (Mr. PACKARD) for a lifetime of service to his Nation. He served this country with great distinction in military uniform. And much like my mentor in politics, the late Olin E. "Tiger" Teague, who served this country in such a distinguished way for so many years, the gentleman from California (Mr. PACKARD) continued to serve his country after he took off the uniform and put on the civilian uniform of public servant.

As someone who worked with the chairman both when he was chairman of the Subcommittee on Military Construction of the Committee on Appropriations, now the Subcommittee on Energy and Water, I want to say it was an honor to work with him, to work under him, and to know him. He gives the name "public service" the very best of meaning because of his lifetime of service to our country. And there are military families living in better housing today, there are people in communities that are less prone to flood control today, there are millions of American citizens who, whether they know the name of the gentleman or not, are living a better life today and for many years to come for their families because of the service of the gentleman from California (Mr. PACKARD) to our country.

Mr. PACKARD. Mr. Chairman, I thank the gentleman for those kind remarks, and I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a member of the subcommittee.

Mr. KNOLLENBERG. Mr. Chairman, I thank the chairman for yielding me the time, and I rise in very, very strong support of this bill.

I wish good luck to the gentleman from California (Mr. PACKARD). He has done a great job here. We salute him.

If the gentleman from Indiana (Mr. VISCLOSKY) is still about, we salute him. And the staff has done a remarkable job, as well.

The fiscal year 2001 Energy and Water appropriations bill is a balanced piece of legislation balancing the Corps of Engineers, the Department of Energy, along with important portions of the Department of Interior and other agencies. This is a good and fiscally responsible bill, with the non-defense portion of it being some $200 million below last area.

The Nation's energy policy is a prime focus of this bill. We have the opportunity here to improve what we can all agree is a lacking and flawed energy policy on the part of the Clinton-Gore administration.

The bill provides for a variety of important education funding for our universities, as well as research and development at our national labs which are related to the energy supply. This includes nuclear energy research under NERI, under NEPO, and under the NEER programs along with investment in the future energy source called fusion and the Advanced Scientific Computing Research initiative that will bridge the software gap, thereby substantially improving our scientific research capacity.

This bill also contains some fantastic work, I believe, on nuclear fuel supply, from the beginning of the fuel cycle involving mining, conversion and enrichment, to the end of the fuel cycle involving Yucca Mountain.

A new potential cancer cure is advanced in this bill.

One of the most successful on-time, on-budget programs at the Department of Energy is the fusion energy program. Fusion energy is treated fairly.

The cleanup, finally, of our World War II legacy, our nuclear waste sites, is another important priority in this bill. It contains some excellent work that will refocus the Department of Energy on its responsibilities with a new priority on accomplishments by 2010.

We have all the various interests of the American people at heart when we all have programs we hope will be strongly supported. If we have more money at some future time, I cannot say at that time or at this time that we will, but I am confident we will have an even better bill.

I urge support of this bill.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the Energy and Water Development appropriations bill. I thank the distinguished chairman for recognizing the need for two flood projects in my area, the Elmsford Saw Mill River area and the Ramapo River area, and for providing adequate funding for these projects. We thank the distinguished chairman for his good work.

Mr. Chairman, I rise in strong support of H.R. 4733, the Energy and Water Development Appropriations bill, 2001 and want to thank the distinguished Committee chairman, the gentleman from California, Mr. PACKARD for his diligent work on producing this important bill.

The Energy and Water Appropriations bill provides funding for the Army Corps of Engineers to provide necessary flood control protection against the devastating impact of flooding on lives and property.

My constituents in Elmsford and Suffern, New York have and continue to suffer from the flooding of the Saw Mill River, as evidenced in 1999, when Hurricane Floyd dropped over 11 inches of rain on my congressional district, creating a devastating impact on human life and property. Included in Floyd's destruction were constituents who were faced with flood waters from both the Saw Mill River and the Ramapo River in southwestern N.Y.—destroying homes, businesses and creating severe financial stress. After witnessing the destruction in my district first-hand, I contacted the U.S. Army Corps and Chairman PACKARD for assistance.

Accordingly, Chairman PACKARD has provided the Army Corps with adequate funding to begin the phases necessary to prevent such destruction in the future.

I look forward to continuing my work with Chairman PACKARD as the flood control work proceeds in both Elmsford and Suffern.

I thank Chairman PACKARD for his efforts and I urge my colleagues to support this important measure.

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), a member of the subcommittee.

Mr. LATHAM. Mr. Chairman, I thank the chairman very, very much. I rise today in support of this very excellent bill under tight budget constraints.

I would like to also extend my thanks to the chairman. This is my first term on this subcommittee, and he has done an outstanding job, being actually new to the subcommittee himself. But the learning curve that I have had on this committee has been quite steep; and, with his leadership, it has made it much easier.

And also, anyone who knows the chairman, much has been said about the golf, but he attacks his work the same way that he attacks the golf course and never stopping, and we have to be on our toes all the time. I just want to say how much I appreciate his friendship and really the honor of serving here with him.

This bill is something under the tight budget constraints, like I said before, with no new starts as far as projects. The chairman is very well aware, and I think the Congress is, that there are scores of billions of dollars that are authorized in projects which are waiting to be started; and because of the tight constraints that we have, it was impossible to have any new starts.

I also want to emphasize how important this bill is for the upper Midwest, for the State of Iowa, as far as the Army Corps of Engineers, the projects that they have to deal with in my district as far as navigation on the rivers, and what an excellent job I think that they do and the constraints that we have.

If I have a disappointment in the bill, it is in the area of renewable energy and as far as biorenewable energy research that I think is so very, very important for the future.

Just in closing, again, I want to thank the chairman and extend my gratitude for the great job that he has done.

Mr. PACKARD. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FOSSELLA) for the purpose of a colloquy.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I thank the gentlemen for yielding me the time.

Mr. Chairman, let me add my words of praise to the gentleman from California (Chairman PACKARD) for his great service to this county. He is a great man and a friend. I am sure not only his constituents appreciate his service, but all his colleagues here and people of this great country.

Mr. Chairman, I would like to thank the chairman for giving me the opportunity to discuss a dredging project that is vital to the Port of New York and New Jersey. As the gentleman knows, the Arthur Kill channel serves the Howland Hook Marine Terminal on Staten Island, one of the United States Army's strategic seaports of embarkation. The present 35-foot depth of the Arthur Kill serves as a considerable obstacle to large commercial and military vessels that may forestall any future growth or endanger the existence of these seaport facilities.

The Port of New York and New Jersey, the Eastern Seaboard's largest, is an economic engine for the region and the entire Nation. Locally, Port commerce serves as a consumer market of 18 million Americans and is estimated to provide 165,000 jobs and $20 billion in economic activity.

As a result of its location, goods that enter the United States through the Port can reach the homes of 110 million Americans within 24 hours. The New York site of the Arthur Kill was for years an eyesore, however, vacant of any real activity.

Today, I am happy to note, that the New York-side is a vibrant and expanding area bursting at the seams with almost 1,000 good paying jobs and adding $20 million to the existing tax base. This new activity can all be predicated on the responsible measure to deepen the Arthur Kill channel, which will not only maintain the current business but will attract new businesses to the entire region, including New Jersey.

The modernization and dredging efforts of the Arthur Kill is one of the most important economic issues for the New York and New Jersey region, as well as the entire Eastern Seaboard.

In addition to the new jobs that will come with the adequate dredging, the completion of this project will help to ensure that the United States does not continue to lose more shipping business to Canadian shipping competitors in Halifax.

Last year, the two largest shippers on the New York City side nearly relocated their operations to Halifax and have indicated they will do so unless considerable harbor improvements are completed by the year 2009.

The chairman and the committee have done an excellent job in putting this bill together and crafting what I think is a fiscally responsible bill and has taken the key step in recognizing the importance of the Port of New York and New Jersey by providing funding to dredge the Kill Van Kull in Newark Bay. This is welcome news, Mr. Chairman, but it does not go far enough to ensure that the Port maintains its position to provide millions of consumers with low-cost goods in a timely fashion.

The Arthur Kill is a natural waterway and tributary to the Kill Van Kull. It is not only vital but common sense to begin construction to dredge the waterway since the Kill Van Kull is already being dredged today.

The Water Resources Development Act of 1999 authorized the deepening of the Arthur Kill channel from 35 to 41 feet. This is prudent. Construction to deepen the channel has been included in the President's fiscal year 2001 budget for $5 million.

The Army Corps and the Port Authority, which is the local partner in this project, estimate that they will be ready to begin construction in November. We have been waiting for years for this opportunity, and I think it would be a big mistake not to take action now.

The chairman has been a terrific leader in all of this, and I would like to thank him for allowing me, again, this opportunity to discuss with him this important project vital to my district.

I respectfully request that the gentleman from California (Mr. PACKARD), the gentleman from Florida (Chairman YOUNG) and other members of the Committee on Appropriations help to make this project a reality.

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Before I hear from the gentleman from California (Mr. PACKARD), I respectfully yield to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, first let me join in the encomiums to the distinguished chairman of the subcommittee for his great work over the years and the decades, and we will miss him.

Let me say that it is true that part of the port of New York is now bustling again and part of it still needs major development. The channels we are talking about are in the district of the gentleman from New York (Mr. FOSSELLA), and I appreciate his leadership on this project.

I rise on this because I believe this project is vital not only to the district of the gentleman from New York (Mr. FOSSELLA) but to the entire port region of New York and New Jersey.

The Kill Van Kull is the boundary between Staten Island on the south and Bayonne on the north and leads from New York Harbor to New York Bay, and we are presently dredging that to achieve a depth of 45 feet, blasting through solid rock to get to 45 feet.

If achieved or when achieved, I should say, this will open up access to the ports of Newark and Elizabeth. The Arthur Kill is an extension of the Kill Van Kull where the shore of Staten Island turns a little south, and that has to be part of the same project. That will afford access to Howland Hook and Staten Island.

Without that part of it, the Kill Van Kull project helps New Jersey but does not help New York.

With that part, the Kill Van Kull project helps both States.

It was always anticipated and intended that the ports of New York and New Jersey would be for the benefit of both States, and the little added piece of the Arthur Kill is critical to enabling the New York as well as the New Jersey side of the port to be accessed by the existing Kill Van Kull project.

So this project has to be looked at as a unified whole, and the Arthur Kill as an extension of the existing Kill Van Kull project. When completed, the project together will afford the ability of bigger ships to get to New York, Elizabeth, and Howland Hook and will give us a leg up on retaining our port business in the United States as against the port of Halifax, Nova Scotia, which is not in the United States, obviously.

So I appreciate the cooperation of the gentleman in helping us to achieve this dual nature project.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. FOSSELLA. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I want to thank the gentleman from New York (Mr. FOSSELLA), and I would like to say that I can see how a reasonable person would conclude that the Arthur Kill is an extension of the Kill Van Kull. I understand how the completion in totality of this project will benefit both New York and New Jersey.

I thank the gentleman much for his efforts to ensure that this project moves expeditiously forward. I will do what I can in conference to find the funds to fund the project.

Mr. MATSUI. Mr. Chairman, I would like to take this opportunity to thank Chairman PACKARD and the Ranking Member, Mr. VISCLOSKY, and the Members of the Committee, for their support of Sacramento flood control projects included in the FY 2001 Energy and Water Appropriations bill. Flooding remains the single greatest threat to the public safety of the Sacramento community, posing a constant risk to the lives of my constituents and to the regional economy. Thanks to your efforts and the efforts of this Committee, Sacramento can continue to work toward improved flood protection.

With a mere 85-year level of protection, Sacramento remains the metropolitan area in this nation most at risk to flooding. More than 400,000 people and $37 billion in property reside within the Sacramento flood plain, posing catastrophic consequences in the event of a flood. While Congress will continue to consider the best long-term solution to this threat, funding in this bill will provide much needed improvements to the existing flood control facilities throughout the region.

Specifically, this legislation will allow for the continuation of levee improvements and bank stabilization projects along the lower American and Sacramento Rivers, increasing levee reliability and stemming bank erosion. Additionally, I greatly appreciate the Committee's willingness to provide funding for projects—including the Strong Ranch and Chicken Ranch Sloughs, and Magpie Creek—aimed at preventing flooding from a series of smaller rivers and streams that present substantial threats separate from those posed by the major rivers in the region. Importantly, the Committee's willingness to include funding for the American River Comprehensive Plan will allow for ongoing Corps of Engineers general investigation work on all area flood control needs, including a permanent long-term solution.

As this legislation moves to a House and Senate conference committee, I also would like to ask conferees to support two "new start" projects of critical importance to the long-term safety of the Sacramento region that were included in the 1999 Water Resources Development Act. The first would make modifications to the outlet works on Folsom Dam, improving its flood control efficiency. The second would begin construction on the South Sacramento Streams, which will provide a 500-year level of protection for a portion of south Sacramento that has long been vulnerable to rising flood waters.

Mrs. TAUSCHER. Mr. Chairman, I have concerns about the impact of language in the House Energy and Water bill that requires competition for aspects of the Department of Energy's (DOE) nonproliferation programs. DOE serves a unique role in our nation's nonproliferation efforts, and these efforts could be threatened by micro-management that forces a piecemeal approach to nonproliferation. The DOE laboratories fulfill an essential role in developing and integrating advanced scientific techniques and equipment into large-scale prototype systems which are critically necessary for our nonproliferation efforts. Unlike the National Science Foundation (NSF) and the Department of Defense (DOD), the DOE selects lead laboratories to serve as overall coordinators to facilitate these large-scale development projects. The laboratories rely on universities and industry to provide their unique expertise to make these efforts successful. Lawrence Livermore National Laboratory (LLNL) out-sources approximately 20 percent of the funds it receives to universities and industry as appropriate with the sensitive nature of these projects. Many aspects of these projects are very sensitive and/or classified. Success requires a knowledge and focus on customer requirements, which may also be classified. They require a multi-disciplinary approach to accomplish deliverables to the intelligence and defense communities. DOE needs to maintain its flexibility in using universities and laboratories to meet its critical needs in this arena. This work is far too important to experiment with. Furthermore, we need to expeditiously pursue all possible advances to protect this nation against weapons of mass destruction. We need to empower the new National Nuclear Security Administration (NNSA) Administrator, General John Gordon, and give him the necessary flexibility and the resources to strengthen our atomic energy defense and nonproliferation activities. We must give General Gordon the freedom to make the decisions he needs to make.

Mr. DEFAZIO. Mr. Chairman, I rise to express my strong concerns about a provision inserted in House Report 106–693, the report to accompany H.R. 4733, the Fiscal Year Energy and Water Development Appropriations bill. This provision, which relates to the Army Corps of Engineers' hopper dredge fleet, was not in the report considered by the House Appropriations Committee and was inserted at the last minute without any public debate.

Although I plan to vote in favor of H.R. 4733, I am concerned about the Committee's statement of support for placing the hopper dredge *McFarland* in ready reserve, which was included in House Report 106–693. Placing the *McFarland* in ready reserve would be bad public policy and likely mean higher costs to taxpayers.

The Committee justifies its support for placing the *McFarland* in ready reserve on a report recently issued by the Corps touting the success of placing another hopper dredge, the *Wheeler*, home-ported in Louisiana, in ready reserve in 1996. However, I am dubious about the validity of this report. An earlier draft of the report, prepared at the working level in the New Orleans District, directly contradicts the final report, revised at Corps headquarters, by recommending that the *Wheeler* be put back in active status and that no other hopper dredge be placed in ready reserve.

The draft *Wheeler* report, authored by the New Orleans District office of the U.S. Army Corps of Engineers states, "Based on the findings of this report, there is no other logical recommendation, except for the Secretary [of the Army] to report to Congress that the Dredge *Wheeler* is needed to be returned to active status and that no other Federal hopper dredges should be placed in ready reserve at this time." This is a compelling statement.

The earlier, more substantive draft, found that keeping the *Wheeler* in ready reserve resulted in insufficient response times to meet port dredging needs and higher costs to taxpayers because of a lack of capacity and competitive bids. The final draft makes no mention of any of these problems and makes conclusions and assertions without supplying any supporting data or analysis.

The final Corps report is seriously undermined by the substantive conclusions of the draft report. This raises serious questions that need to be fully investigated. The House Committee report should not rely on this final report as a basis for making further changes to the hopper dredge fleet.

To remain competitive in world markets, to meet domestic transportation needs, and to serve the fishing industry, Northwest ports and their customers rely on hopper dredges for low-cost and timely completion of dredging projects. Without the *McFarland* to do needed work on the East Coast, the Northwest dredges might be obligated to meet needs outside the region.

Timely availability of dredges to perform both planned and emergency dredging work remains a concern in the Pacific Northwest. Sufficient capacity must be available to conduct the necessary annual dredging at numerous ports during the short dredging season. In addition, emergency dredging is often needed to restore the federal navigation channel to allow commerce to pass. Shoaling can occur rapidly with potentially dangerous impact on export shipping and the sport and commercial fishing fleet. Shippers and ports cannot afford to wait several weeks or even months for dredging while private contractors are engaged and move their dredges to the site of the work, often from long distances. Trade commitments and vessel safety are at risk. At this time, it does not appear that the private dredge industry has sufficient capacity to conduct all the needed dredging work in the Pacific Northwest.

Even with expanded capacity, I am also concerned that the low number of private industry bids for work in the Northwest could force dredging costs higher without the availability of the federal dredges. In 1996, an Army's Audit Agency report raised serious questions about private dredge company bidding practices.

In 1997, the Corps itself released a study outlining eight options for the future of its hopper dredge fleet. Of these options, the one that showed the lowest cost to the U.S. taxpayers required full active status of the Corps hopper dredge fleet. All the other options, while providing more work for the private industry, meant higher costs to the taxpayer.

The federal dredges designed specifically for Corps navigation projects, are uniquely capable of performing the required maintenance dredging work at Northwest coastal ports. The experience of these ports is that when the private dredges have been contracted by the Corps, they have often not performed the work in a manner consistent with the navigation and operational needs of the local port authorities and port users. From reports that reach me from the field, the quality of the dredging work performed by the private dredges is not equal to the level of the federal dredges, resulting in disruption to navigation and port operations. In short, the private dredges have not shown that they can perform the work presently being performed by the federal dredges in the Northwest.

For these reasons, it would be imprudent to make changes in the operation of the Corps minimum dredge fleet at this time. I hope that the provisions in the House Report will not be endorsed in the final product of this Congress.

Mr. WELDON of Florida. Mr. Chairman, I rise today to thank the committee for providing $5 million for the Brevard County Beach Renourishment Project. This $5 million, when combined with the $5 million we approved last year and the 37 percent local match will provide a total of $14 million in renourishment funding this year. Beginning in October, just a few short months from now, the contractor will move into place and begin placing sand on these beaches. This is a great accomplishment and everyone who has worked on this effort should be commended.

This $5 million appropriation matches last year's earmark of $5 million and moves the project forward. Last year's Water Resources and Development Act (WRDA) authorized more than 150 new projects; however, the bill before us does not provide funding for any of those new starts. This clearly demonstrates the difficulty in securing an appropriation for a new Corps project. We were successful in securing funding in the fiscal year 2000 budget and this additional funding builds on that success.

This will help us make significant progress on the north reach of the renourishment project. This 9.4 mile stretch reaches from Patrick Air Force Base north to Canaveral Inlet.

Clearly, a considerable amount of the erosion along Brevard's beaches south of Canaveral Inlet is due to the federal navigation inlet which has disrupted the natural southward flow of the sand. Corps studies as far back as the early 1960s have documented the severe loss of sand along Brevard's beaches. More recently, and with more years of measured losses available, the Jacksonville District Corps of Engineers concluded, in June 1989, that "the net loss of littoral material from the shore line to the south of the harbor is estimated to be between 335,000 and 410,000 cubic yards a year."

Consistent with Section 227(A)(2) of WRDA '96, this Project should receive preference based on the mitigation of damages attributable to the Federal Navigation Project. The bill before us recognizes this preference. Over the 40 year history of the inlet, we have lost approximately 18 million cubic yards of sand along Brevard's beaches, primarily as a result of the federal navigation channel. Houses that once stood great distances from the shore now literally have waves at their doorstep. This funding will help us take some significant steps toward addressing this concern and will add another 75 to 100 feet of beach along Brevard's coast.

Mr. BEREUTER. Mr. Chairman, this Member would like to commend the distinguished gentleman from California (Mr. PACKARD), the chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the subcommittee for their exceptional work in bringing this bill to the Floor.

This Member recognizes that extremely tight budgetary constraints made the job of the subcommittee much more difficult this year. Therefore, the subcommittee is to be commended for its diligence in creating such a fiscally responsible bill. In light of these budgetary pressures, this Member would like to express his appreciation to the subcommittee and formally recognize that the Energy and Water Development appropriations bill for fiscal year 2001 includes funding for several water projects that are of great importance to Nebraska.

This Member greatly appreciates the $12 million funding level provided for the four-state Missouri River Mitigation Project. The funding is needed to restore fish and wildlife habitat lost due to the federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri, and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in predevelopment days.

In 1986, the Congress authorized over $50 million to fund the Missouri River Mitigation Project to restore fish and wildlife habitat lost due to the construction of structures to implement the Pick-Sloan plan.

In addition, this bill provides additional funding for flood-related projects of tremendous importance to residents of Nebraska's 1st Congressional District. Mr. Chairman, flooding in 1993 temporarily closed Interstate 80 and seriously threatened the Lincoln municipal water system which is located along the Platte River near Ashland, NE. Therefore, this Member is extremely pleased the committee agreed to continue funding for the Lower Platte River and Tributaries Flood Control Study. This study should help formulate and develop feasible solutions which will alleviate future flood problems along the Lower Platte River and tributaries.

This Member is also particularly pleased that this bill includes $220,000 for the planning, engineering and design phase of the Sand Creek Watershed project in Saunders County, NE.

Mr. Chairman, additionally, the bill provides $275,000 for the ongoing flood control project for Antelope Creek which runs through the heart of Nebraska's capital city, Lincoln. The funding is to be used for preconstruction engineering and design work. The purpose of the project is to implement solutions to multi-faceted problems involving the flood control and drainage problems in Antelope Creek as well as existing transportation and safety problems all within the context of broad land use issues. This Member continues to have a strong interest in the project since he was responsible for stimulating the city of Lincoln, the Lower Platte South Natural Resources District, and the University of Nebraska-Lincoln to work jointly and cooperatively with the Army Corps of Engineers to identify an effective flood control system for downtown Lincoln.

Antelope Creek, which was originally a small meandering stream, became a straightened urban drainage channel as the city of Lincoln grew and urbanized. Resulting erosion has deepened and widened the channel and created an unstable situation. A ten-foot by twenty-foot (height and width) closed underground conduit that was constructed between 1911 and 1916 now requires significant maintenance and major rehabilitation. The current situation represents a dangerous flood threat to adjacent public and private facilities.

The goals of the project are to construct a flood overflow conveyance channel which would narrow the flood plain from up to seven blocks wide to the 150-foot wide channel. The project will include trails and bridges and improve bikeway and pedestrian systems.

Finally, this Member is also pleased that the bill provides funding for the Missouri National Recreational River Project. This project addresses a serious problem by protecting the river banks from the extraordinary and excessive erosion rates caused by the sporadic and varying releases from the Gavins Point Dam. These erosion rates are a result of previous work on the river by the Federal Government.

Again Mr. Chairman, this Member commends the distinguished gentleman from California (Mr. PACKARD), the chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the subcommittee for their support of projects which are important to Nebraska and the 1st Congressional District, as well as to the people living in the Missouri River Basin.

To Chairman PACKARD, who is retiring from Congress at the end of this term, this Member wants you to know what your courteous and conscientious contact with this Member and all of our colleagues is very widely recognized. You and your contributions to the public interest through your service in the House will be greatly missed.

Mr. LIPINSKI. Mr. Chairman, I rise today in support of the FY 2001 Energy and Water Development Appropriations bill.

Once again, under the leadership of the chairman and the ranking member, we have before us a relatively well-balanced and bipartisan bill despite the restrictive allocations. I want to thank both of them for all of their hard work and time they have invested in this bill. I understand that they have not had an easy job, but they were able to do very well with what little they had. I also want to congratulate Chairman PACKARD for his years of public service and his leadership at the helm of the subcommittee during this Congress.

These budgetary constraints, as my colleague from Indiana has pointed out before, does not keep pace with the growing water infrastructure needs of this nation. The Army Corps of Engineers has tremendous responsibilities across this nation, and this funding bill shortchanges a number of Corps water projects when money is needed the most.

In my district, the Corps has a number of ongoing flood control projects. Unfortunately, this bill does not fully fund these important priorities. Ongoing flood control projects at Stoney Creek and Natalie Creek could provide meaningful and substantive protection from flooding to thousands of my constituents and save the communities from millions of dollars of potential damages. I believe that it is critical to ensure that these flood control projects proceed without unnecessary delays, and I will continue to work with the Corps of Engineers to make sure this happens.

I hope that as this bill goes to conference, we can all work toward a final bill that will more accurately reflect the funding needs for our nation's water infrastructure and fully fund the important Corps water projects in my district.

Again, I want to salute the chairman and ranking member for their dedication and hard work in bringing this bill to the floor. I look forward to working with them when this bill goes to conference.

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 4733, the FY 2001 Energy and Water Appropriations bill. I would first like to thank Chairman PACKARD and Ranking Member VISCLOSKY for their hard work on this important legislation. I would also like to thank my good friend from Texas, Mr. EDWARDS, for all the help he and his office have provided me.

I strongly support the decision of the Subcommittee on Energy & Water to ensure the U.S. Army Corps of Engineers receives adequate funding to continue their vital work in the areas of flood control and navigational improvement. I would also like to compliment the administration for their decision to fully fund the Corps' budget. This funding level recognizes the critical economic and public safety initiatives contained within the legislation. Because many flood and navigation projects located in my district are on accelerated construction schedules, full funding by the administration and the subcommittee will ensure the expedited completion at great savings to the taxpayers.

I am very pleased by the support this legislation provides for addressing the chronic flooding problems of Harris County, TX. H.R. 4733, includes vital funding for several flood control projects in the Houston area. These projects include Brays, Sims, Buffalo, Hunting, and White Oaks bayous.

I am most gratified that the subcommittee, for the second consecutive year, decided to fully fund the Brays Bayou project at $6 million for FY 2001. This project is necessary to improve flooding protection for an extensively developed residential area along Brays Bayou in southwest Harris County. The project consists of 3 miles of channel improvements, three flood detention basins, and 7 miles of stream diversion and will provide a 25-year level of flood protection. The project was originally authorized in the Water Resources Development Act of 1990, as part of a $400 million federal/local flood control project.

Subsequently, the Brays project as reauthorized was one of the original sites for a demonstration project for a new federal reimbursement program, as part of the Water Resources Development Act (WRDA) of 1996 based upon legislation drafted by Mr. DELAY and myself. This unique program has strengthened and enhanced the Corps/Local Sponsor role by giving the local sponsor a lead role and providing for reimbursement by the Federal Government to the local sponsor for the traditional Federal portion of work accomplished. Recently, the local sponsor, the Harris County Commissioners Court approved of the Brays redesign per WRDA '96 and now this project was moved forward with strong public support.

I am also gratified that the subcommittee decided to fund the Sims Bayou project at $11.8 million, the level requested by the administration. This project is necessary to improve flood protection for an extensively developed urban area along Sims Bayou in southern Harris County. This project, authorized as part of the 1988 WRDA bill, consists of 19.3 miles of channel enlargement, rectification, and erosion control beginning at the mouth of the bayou at the Houston Ship Channel and will provide a 25-year level of flood protection. This ongoing project is scheduled to be completed 2 years ahead of schedule in 2004.

Mr. Chairman, I am also pleased that this legislation provides $53.5 million to fully fund continuing construction on the Houston Ship Channel expansion project. Upon completion, this project will likely generate tremendous economic and environmental benefits to the Nation and will enhance one of our region's most important trade and economic centers.

The Houston Ship Channel, one of the world's most heavily trafficked ports, desperately needs expansion to meet the challenges of expanding global trade and to maintain its competitive edge as a major international port. Currently, the Port of Houston is the second largest port in the United States in total tonnage, and is a catalyst for the southeast Texas economy, contributing more than $5 billion annually and providing 200,000 jobs.

The Houston Ship Channel expansion project calls for deepening the channel from 40 to 45 feet and widening it from 400 to 530 feet. The ship channel modernization, considered the largest dredging project since the construction of the Panama Canal, will preserve the Port of Houston's status as one of the premier deep-channel gulf ports and one of the top transit points for cargo in the world.

Mr. Chairman, I am also pleased that H.R. 4733 also reauthorizes the operation and utilization of the Strategic Petroleum Reserve through the end of FY 2001 and restores the President's authority to release oil from the reserve. In light of today's rising oil prices, it is imperative that the President has the power to access oil reserves paid for with taxpayer dollars.

Again, I thank the chairman and ranking member for their support and I urge my colleagues to support this legislation.

Mr. VISCLOSKY. Mr. Chairman, I have no other requests for time, and I yield back the balance of my time.

Mr. PACKARD. Mr. Chairman, I have no further requests for time under general debate, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment printed in House Report 106–701 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 4733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $153,327,000, to remain available until expended: *Provided*, That in conducting the Southwest Valley Flood Damage Reduction, Albuquerque, New Mexico, study, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from feasibility analysis based on restrictive policies regarding the frequency of flooding, the drainage area, and the amount of runoff.

AMENDMENT NO. 5 OFFERED BY MR. HULSHOF

Mr. HULSHOF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HULSHOF:

In title I of the bill, under the heading "DEPARTMENT OF DEFENSE—CIVIL, DEPARTMENT OF THE ARMY—GENERAL INVESTIGATIONS" insert after the first dollar amount "(increased by $2,000,000)".

In title I of the bill, under the heading "DEPARTMENT OF DEFENSE—CIVIL, DEPARTMENT OF THE ARMY, GENERAL EXPENSES" insert after the first dollar amount "(decreased by $2,000,000)".

Mr. HULSHOF. Mr. Chairman, let me commence by also commending the chairman of the appropriations subcommittee and add my kudos to those that have been mentioned previously and wish him well as he begins his next chapter.

Mr. Chairman, I rise today to offer an amendment to increase the U.S. Army Corps of Engineers' general investigations account by $2 million. Funding for this amendment would be offset by a $2 million decrease in the U.S. Army Corps of Engineers' general expense account.

The intent of this amendment is to provide the Corps with adequate funding to begin its initial study of the Upper Mississippi River Comprehensive Plan.

Now, Mr. Chairman, many Members who served this body back in 1993 and through 1995 remember the great flood, as we called it in the Midwest. The great flood of 1993 took 47 lives, left roughly 74,000 individuals homeless, and caused between $15 billion and $20 billion in damages. While existing flood control measures at the time did prevent nearly $19 billion in potential damages along the Upper Mississippi River Basin, an integrated flood control policy could have prevented further loss of life and property.

The Upper Mississippi and Illinois River Valleys currently lack a coordinated approach to address navigation, flood control and environmental restoration. I would announce to the Chair that the comprehensive plan was authorized by section 459 of the Water Resources Development Act, otherwise known as WRDA 1999, and it would be the first to focus on developing and implementing a system for integrated river management.

Specifically, the comprehensive plan will call for systemic flood control and flood damage reduction; continued maintenance and improvement of navigation; improved management of nutrients and sediment, including bank erosion; environmental stewardship and increased recreation opportunities in the Upper Mississippi and Illinois River Basins.

The plan will be a collaborative effort among three core districts, specifically the St. Paul, Rock Island and Saint Louis Army Corps district offices; other Federal agencies, including the States of Minnesota, Wisconsin, Iowa, Illinois, and of course my home State of Missouri, and a host of other non-Federal organizations. A task force will be created to guide and coordinate development of the plan. The plan will identify future management actions and make recommendations for systemic improvement of the river basin again to provide multiple benefits.

Mr. Chairman, to comply with House rules, I again want to reiterate that the $2 million increase in the Corps' general investigations account should be used to fund this comprehensive plan. Recognizing that we were not trying to legislate on an appropriations bill, we crafted it such. It is my understanding that within the general investigations account that $2 million for the comprehensive plan should be designated under the Illinois subheading on page 13 of the committee report.

One other point I would like for this body to consider is that WRDA 1999 gave the Army Corps of Engineers 3 years from its enactment to submit a project study on the comprehensive plan, and to the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works.

Mr. Chairman, WRDA 1999 was signed into law last August without adopting this amendment, this bipartisan amendment, I might add, cosponsored by my colleague, the gentleman from Iowa (Mr. BOSWELL), and the gentleman from Illinois (Mr. SHIMKUS), with support from the gentleman from Wisconsin (Mr. KIND). Without adopting this amendment, the Corps will not have the financial resources to do as required by law.

To conclude, I do want to remind my colleagues that the comprehensive plan enjoys bipartisan support. This is not the locks and dams study, as some have asked. This is completely offset. I, along with the gentleman from Iowa (Mr. BOSWELL), the co-chair of the Mississippi River Caucus, proposed this amendment along with the gentleman from Illinois (Mr. SHIMKUS).

The Mississippi River Caucus was formed back in 1997 with the expectation that those Members whose districts include and depend on the Mississippi River could work together in a bipartisan manner to help the Corps and those river stakeholders improve the Mississippi River system as a whole. This is exactly what the comprehensive plan would do, and I urge my colleagues to support the amendment.

Mr. KIND. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise today in support of the Hulshof amendment to the energy and water appropriations bill. The amendment provides $2 million to the Corps of Engineers so they can begin implementation of The Comprehensive Plan for the Upper Mississippi River Basin. This is something that was already authorized in WRDA 1999; but it has received no funding, so the implementation has yet to take place.

The plan calls for the Corps to develop a coordinated basin-wide approach to flood control and flood damage reduction, and as a co-chair of the Upper Mississippi River Task Force, I have consistently worked to develop bipartisan support for Corps plans and projects that take a comprehensive and basin-wide approach and that support the vision of the Mississippi River as a complex, multiple-use resource. The Comprehensive Plan calls for the Corps to investigate the fullest range of flood control and damage reduction measures, including nonstructural approaches to flood control, management plans to reduce runoff from farm fields and city streets, and habitat restoration programs.

These nontraditional approaches to flood control are particularly beneficial and cost effective. They protect farmers and city dwellers from floods at the same time that they improve water quality and restore the aquatic wetland and floodplain habitats that are so highly valued by fisherman, hunters, and recreationalists. The comprehensive plan embodies an approach to planning that I think should become the norm for the Corps of Engineers in future years.

I would also like to take this opportunity to express my appreciation to the gentleman from California (Mr. PACKARD) and to the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for the work in increasing the funding levels for the Upper Mississippi River Environmental Management Program. The EMP is a cooperative effort among the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Geological Service and five Upper Mississippi River Basin

States to ensure the coordinated development and enhancement of the Upper Mississippi River system.

The program widely cited as a model for inner-agency and interstate cooperation is designed to evaluate, restore and enhance riverine and wetland habitat along a 1,200 mile stretch of the Upper Mississippi and Illinois Rivers.

In WRDA 1999, the EMP received permanent reauthorization at an increased funding level of $33.2 million, and while the Upper Mississippi River Task Force had requested $25 million for the EMP for this fiscal year, I recognize that the House's inadequate 302(b) allocations impose considerable restraints on the subcommittee and that the $3 million increase over the administration's request represents a significant, if still insufficient, increase in funding.

Maintaining a proper balance between the economic growth and the environmental protection is essential to maintain the health of the Mississippi and Illinois Rivers and the communities within its watershed.

Achieving this balance requires the innovative and cooperative efforts of the Federal, State, local interests. The comprehensive plan and the EMP program are core programs that embody this spirit. It is important for this Congress to show our support for programs that will work proactively and cooperatively to reduce flood damage, maintain an appropriate navigation infrastructure, and enhance the environmental qualities of the Mississippi River system for generations to come.

Mr. Chairman, I for too long now have felt that the Mississippi River, America's river, has been the great natural resource cutting right through the heart of our country that has gone neglected as a national priority in this Congress. And working within the task force in a bipartisan fashion, we have been trying to coordinate our efforts between the north and south ends of the river to develop programs and to offer the support and resources we need to protect this very important natural resource.

Why is this important? It is important because it is North America's largest migratory route. It is also the primary drinking source for 22 million Americans, and for the Upper Mississippi region alone it has a $1.6 billion recreation impact as well as a $6.6 billion tourism impact for local communities. In fact, we have more visitors that come every year to visit the Upper Mississippi Wildlife Refuge than who visit the entire Yellowstone National Park system. So this is a very valuable resource that we need to do, as a body, a better job of providing resources.

The comprehensive plan that my friend, the gentleman from Missouri (Mr. HULSHOF), is trying to fund with this amendment is a step in the right direction, along with other efforts that we have taken on the task force to draw more attention to programs that affect the Mississippi River Basin.

So I would call upon my colleagues to look at this amendment and support it. I think the offset is something that is reasonable in working with the Corps of Engineers coming out of administrative expenses, and this is a step, a very important step, to developing the comprehensive plan on a basin-wide approach which is long overdue for the Mississippi River.

I thank the gentleman again for offering the amendment.

□ 1630

Mr. PACKARD. Mr. Chairman, it is with great reluctance that I rise to oppose the amendment of the gentleman from Missouri (Mr. HULSHOF). I have no problem with the project. In fact, if we would have had the funds, we would have liked to have funded the request of the gentleman, but because of a lack of funds, we treated every person's project equally in the bill.

There were literally hundreds of projects that were authorized in WRDA 1999; and if we open up one project to funding, then we have to give equal treatment to all applicants for funding as a result of WRDA 1999 authorizations, and it is for that reason, and that reason only, that I oppose the amendment.

In fact, if the gentleman from Missouri (Mr. HULSHOF) would withdraw his amendment, I will commit to do all I can to help find the funds as we go to conference. There is a hope that we might get additional funds before we go to conference, and if we do, we are hoping that we can fund some of the new starts.

We have not even funded all of the ongoing projects in the bill this year, those that are already under construction and to fund a new project and not have the funds to complete existing projects, I think would be irresponsible.

With that in mind, I would sincerely ask the gentleman to withdraw the amendment, with the assurance that I will do all I can to find the funds for him as we go to conference, otherwise I would have to oppose the amendment.

Mr. HULSHOF. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from Missouri.

Mr. HULSHOF. Again, with all the great respect for the gentleman from California (Mr. PACKARD), I consider him just that, a gentleman, in this body, were it not for the time limit on the authorization, and that is the clock is running on this authorized project and the fact that the Corps of Engineers is expected to report back in about a year and a half, I would accept the invitation of the gentleman, otherwise, I am afraid I am going to have to insist on my amendment.

Mr. PACKARD. Mr. Chairman, if I can reclaim my time, I would simply like to ask Members then under the circumstances to vote against the amendment. Certainly it is at the expense of all other WRDA 1999 authorized projects, if we fund one. It would not be fair to the rest of the Members of Congress that have asked for funding for authorized projects in WRDA 1999. I think it is imperative that we are fair to all Members.

Mr. BOSWELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in favor of the Hulshof amendment. In fact, the gentleman from Illinois (Mr. SHIMKUS) and I have worked very closely with him on a number of things, and my good friend from Missouri, my neighbor, my good friend from Illinois, just across the river, "kattywompus" as we say down our way, has a lot of concerns.

I would say to the gentleman from California (Chairman PACKARD), we respect the gentleman's work on this very, very much, but this is not really a project in the sense that we think of projects. This involves the Mississippi. This involves the Illinois. This involves a great expanse, involving much more than any of us would have in an individual project, and our joint interest in this is for a number of reasons.

We have worked very hard to get folks along the river to realize what a great resource it is in many, many ways. I think that the gentleman from California (Chairman PACKARD) recognizes and appreciates that. I have no doubt about that, but there is a lot of interest groups out there that have different opinions.

Part of our process with our Mississippi River Caucus that the gentleman from Missouri (Mr. HULSHOF) and I have cosponsored is to bring those folks together to see if we cannot work out how to take care of the navigation needs, the commerce needs, the things to do with recreation, the environment and so on, and we feel like we are making some progress.

We feel good about it. Now, this plan is needed so we can proceed, so we can go forth. It has been authorized by WRDA, and we would like now to put the resource with it to make this happen. In fact, I say to the gentleman from California (Chairman PACKARD) this very respectfully, we had hoped that if this would pass today that the gentleman would carry forth with the enthusiasm to conference to maybe restore that offset to keep things going.

We would not want to put an idea in the gentleman's mind, but I will take that opportunity. So thanks so much for listening, but different things have been said about how people depend on that river for commerce. They depend on the river for recreation. They are concerned about preserving the environment and all these things, and we are, too.

We are going forward with the premise with this study and what would bring to bear that we can put those kinds of folks together in the same room, so to speak, and we can work these things out. That is really what we are trying to do. It is not a project for me. It is not a project for the gentleman from Missouri (Congressman HULSHOF) or the gentleman from Illinois (Congressman SHIMKUS) or anybody else, it is for the entire resource of the Mississippi and the Illinois. I think actually it will go on to be even beyond that.

PARLIAMENTARY INQUIRY

Mr. PACKARD. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. PACKARD. Mr. Chairman, did the rule provide for a rolling of the votes to a later date if a vote is called for on any amendment?

The CHAIRMAN. The Chair has the authority to postpone requests for recorded votes.

Mr. PACKARD. I thank the Chair.

Mr. SHIMKUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with reluctance I come to the floor also making an appeal to the gentleman from California (Chairman PACKARD) to be supportive of this amendment, I do that with great respect to my friend, the gentleman from Iowa (Mr. BOSWELL), the gentleman from Missouri (Mr. HULSHOF), myself, the gentleman from Wisconsin (Mr. KIND) who just spoke earlier.

In our short 4 years of being Members of Congress, we have tried to marry the interests of a great diverse group of people who want to preserve this great national asset that we have, which is the Mississippi River, and preserve it for a lot of activities, a lot of things, from the transportation needs of our agricultural sector to get our goods south to take advantage of the world markets, to environmental stewardship of some of the greatest hunting and fishing locations in the country.

In fact, in my district, Pike County, Illinois has the largest white tail deer population; and hunters come from all over which helps the farmers meet their ends in low commodity prices. We know of the problem in the Gulf of Mexico, and having a good plan to address the runoff issues is a good way to be environment stewards, increased recreational activities on the Mississippi.

A lot of these groups that we have been dealing with for 4 years would not like to see any other group exist, but if we work with a plan, if we go in a manner to bring people at the table and work on a plan for the stewardship of this great national resource, then we have something that we cannot only benefit from, but that we can pass down to our families and our grandchildren.

The Mississippi River Caucus' members stretch from Minnesota all the way down to Louisiana. We are concerned about the river. I think that the Hulshof amendment, which takes funds from just the core staffing to focus on the time-sensitive issue of getting this plan developed, is to be commended.

Mr. Chairman, I urge all of my colleagues who are concerned about our ability to compete in the world market, the agricultural sector of the world, environmental stewardship and creating recreational opportunities up and down the Mississippi to be in support of this amendment.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate what the gentleman is attempting to do with his amendment. I appreciate the need, and I also appreciate the comments of the Members who spoke before me. I would associate myself with the remarks of the gentleman from California (Mr. PACKARD) and rise in opposition to the Hulshof amendment for three key reasons.

One is we have worked very hard to wisely spend every penny of water money available in as fair a fashion as possible, and in making that money go as far as possible, we did not, in this bill, fund any new starts, any new reimbursements, any new studies. That is an arbitrary decision, but it is one that both sides have stuck to with a great deal of scrupulous care. I think at this late moment, understanding the need, coming from a Great Lakes State myself and the intercontinental United States, I would oppose, first of all, for that reason.

Secondly, I am concerned that because we are taking money from one Army Corps account and moving it to another, we are simply obligating the Corps with an additional responsibility that we are not paying for with new money. The fact is, the account that the gentleman is taking the money from is at current level, there is no increase. It is $2½ million below the administration's request, and we would cut it by an additional $2 million.

Finally, the obvious point, and that is that this would also then require a reduction in force at the very time when we are asking the Corps to assume greater responsibilities than ever before across the Nation.

Again, it is out of no disrespect for the Member or the need of the constituents he represents or the other speakers, but I am adamantly opposed to his amendment.

The CHAIRMAN. Is there further discussion on the amendment?

The question is on the amendment offered by the gentleman from Missouri (Mr. HULSHOF).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. PACKARD. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 532, further proceedings on the amendment offered by the gentleman from Missouri (Mr. HULSHOF) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. GILCHREST

Mr. GILCHREST. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GILCHREST:

Page 2, line 18, after the dollar amount insert "(decreased by $100,000)".

Mr. GILCHREST. Mr. Chairman, my amendment would reduce the Corps of Engineer's General Investigation Account by $100,000, the amount provided to continue the study to deepen the C&D Canal in my district.

Mr. Chairman, I would like to inform the Members that this is a project that has been ongoing for most of the 1990s. And in 1996, in a meeting I had at the Corps of Engineers headquarters in Washington, with the Philadelphia Corps in my district in Chestertown, Maryland, we went over all of the numbers, the math and came to a very, very clear determination that the benefit-to-cost ration on this particular project in Maryland did not meet the threshold in order to be funded by the Federal Government because there was no benefit to the taxpayers.

It is 4 years later. Every year since 1996, the Philadelphia district has come up with a benefit-to-cost ratio. Under scrutiny from the headquarters in Washington, it has always failed muster. We are not going to close the C&D Canal, there will be no decrease in commerce, but there is two things that we have seen very clearly, that to continue studying this issue that the Corps of Engineers has not been able to justify for most of the 1990s is a waste of the taxpayers dollars, so therefore we would like to cut $100,000 from any more study in this particular area.

It does not reduce commerce in the C&D Canal. I want to make that very clear, that is in the Corps' own document. The Corps says if we deepen it, there will be no increase in commerce to the Port of Baltimore. The Port of Baltimore has a 50-foot deep channel right now to the Port down the Bay out into the ocean. It is not a matter of not being able to accommodate the number of ships that are necessary.

In these studies, if we looked at it from an environmental perspective, deepening the canal will bring in more salty, polluted water from the Delaware River, into the sensitive spawning areas in the upper Chesapeake Bay.

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But even more interesting than that, the environmental study has not been concluded. Even though the Washington Corps asked it to go along with the feasibility study, the Philadelphia district did not do that. But there is something that we found out just a few months ago, which was rather astounding, in the study to determine whether there was going to be a change of water flow from the Delaware River or from the Chesapeake Bay.

There is an organization in the Corps in Mississippi called the Water Environmental Studies, or WES. WES gave to the State of Delaware an environmental water flow study that showed the water flowing from Delaware to Maryland, and then WES gave a study to Maryland showing that the water, as a result of the deepening, would go from the Chesapeake Bay to the Delaware River. When we confronted them with this rather minor conflict, they said, well, we have to redo the study.

Mr. Chairman, one other comment about the environmental aspect of this. The northern route, which is not necessary to increase commerce by deepening it, if it is deepened, will result in 18 million cubic yards of dredge material being dumped overboard into the Chesapeake Bay. Now, to use the Corps' own words, what does that mean as far as nutrients are concerned, and nutrients is really another word for pollution. By dumping 18 million cubic yards of dredge material directly into the Chesapeake Bay, a stone's throw north of the Chesapeake Bay Bridge, it means the equivalent of adding a sewage treatment plant the size of the City of Annapolis, dumping in an uncontrolled amount of 2 million pounds of ammonia, some people call that nitrogen, they are the same thing, and 700,000 pounds of phosphorous.

Now, the average farmer in my congressional district is taking great pains to reduce the amount of silt or nutrients that they let into the Chesapeake Bay or its tributaries. A homeowner, if he wants to build a driveway has to put up a silt fence. The whole State of Maryland is going to great lengths to try to figure out how they can reduce the number of nutrients going into the Chesapeake Bay. All we want to do with this amendment, Mr. Chairman, is because the Corps has not been able to, in the decade of the 1990s, financially justify to the taxpayers of the United States this project and time and time and time again, every time it came up for scrutiny, the project was not justified, we want to save the taxpayers' dollars and cut $100,000 from this study.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I first heard about this amendment about 4 hours ago.

Let me first put this in context for the Members. I believe that five Members of the Maryland delegation will rise in strong opposition to this amendment. Furthermore, while I have great respect for my colleague, we all adjoin the Chesapeake Bay, as a number of other districts adjoin parts of other waterways. We are talking about the waterways of Maryland. No particular one of us owns the waterways; they are common to all of us.

The gentleman says this has been a controversy in the 1990s and that throughout the decade of the 1990s, the Corps has been unable to justify the costs of this project. Now, the gentleman has another amendment and we will be talking about it as well; but I want to call to the attention of the House of Representatives, my colleagues, a letter dated April 30, 1996. That letter was sent to the gentleman from Pennsylvania (Mr. SHUSTER), chairman of the Committee on Transportation and Infrastructure. In it, the Maryland delegation, all eight Members, all 4 Republicans and all 4 Democrats, wrote to the committee stating: "We write to ask your committee's favorable consideration of 3 important channel dredging projects affecting the welfare of the Port of Baltimore and the State of Maryland."

We went on to say in the next paragraph, "We cannot stress enough the importance of these projects in maintaining the vitality of the port. In fact, the competitive position of the port could turn, in large measure, on their implementation."

That letter was signed by the gentleman from Maryland (Mr. CARDIN), the gentlewoman from Maryland (Mrs. MORELLA) the gentleman from Maryland (Mr. BARTLETT), the gentleman from Maryland (Mr. EHRLICH), the gentleman from Maryland (Mr. CUMMINGS), the gentleman from Maryland (Mr. WYNN), myself, and the gentleman from Maryland (Mr. GILCHREST). Why? Because we felt this was a vital project to our State and to the economic viability of our port on which thousands of persons rely. Now, my two colleagues from Baltimore will speak, I think, more pointedly to that.

Mr. Chairman, I oppose the amendment offered by the gentleman from Maryland (Mr. GILCHREST). The deepening of the C&D Canal is absolutely essential for the viability of Maryland's port. The Port of Baltimore operates in an increasingly competitive environment. Anybody who represents a port knows that to be the case. The C&D Canal is a major access route between the Port of Baltimore and the North Atlantic coast ports. Use of the canal saves shipping lines time and money, which means competitive positions. The size of ships entering North Atlantic coast ports, including Baltimore, are already outgrowing the depth of the C&D Canal.

That is why this study is being conducted, and this $100,000 is absolutely essential to complete this study before this project can proceed. As container vessels outgrow their ability to safely use the C&D Canal because of sailing draft constraints, they will be forced to sale substantially greater distances, via Cape Henry between the Port of Baltimore and North Atlantic coast ports, or use another port. That is why we wrote this letter. All eight Members of the Maryland delegation signed this letter.

The transfer of cargo jobs and taxes to other States will have an absolutely deleterious effect on the citizens of the State of Maryland. Moreover, although vessel services and cargo may be lost due to a failure to maintain competitive access channel depth, the substantial fixed costs of the port do not change for the smaller volume of remaining cargo. This will result in reduced port efficiency, increased Corps' costs of port improvements for the remaining users and, therefore, put us in an increasingly uncompetitive status.

Mr. Chairman, I would say to the gentleman from California (Mr. PACKARD) that I would hope that he and the ranking member would oppose this amendment. The gentleman from California (Mr. PACKARD) and I have talked about this amendment; the gentleman from Indiana (Mr. VISCLOSKY) and I have talked about this amendment.

I understand the gentleman's concern. The gentleman's concern is the dredging and where we put the spoil. That is a very significant issue that all of us are engaged in trying to figure out so that we do that correctly. But I would urge this body to reject this amendment, which stops the study. This does not deal with the dredging. The gentleman is correct, if we go ahead with a project, at some point in time we have to figure out where to put the spoil. I understand the gentleman's concern. Perhaps he did not have that concern in 1996 when he signed this letter.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 30 additional seconds.)

Mr. HOYER. Mr. Chairman, the argument as to where to dump the spoil will have to be debated at some point in time. I would suggest to my friend, for whom I have a great deal of respect, that now is not the time to join it. I know the gentleman wants to stop this project and other projects; the gentleman has had, presumably, a change of heart since the 1996 letter, but we have moved ahead as a united delegation on this. I cannot speak for our two colleagues in the Senate, but I know they support this project as well.

Mr. Chairman, I would urge my colleagues in the Congress to reject this amendment and not stop the study from being completed. We will argue the issue of dredging at some later time.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Gilchrest amendment. I hate to see time limited on a discussion of this very important amendment. I am supporting the amendment because I think the gentleman from Maryland (Mr. GILCHREST) has made a compelling case in support of his amendment. This is his congressional district. I do not think there is anyone in this Chamber that knows more about this project than the gentleman from Maryland.

Mr. Chairman, I would like to hear more from him about the amendment, so I yield to the gentleman from Maryland (Mr. GILCHREST) at this time.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding.

We do many things up here as Members of Congress that cause us to take awhile to begin to investigate and look deeper into a particular process. I certainly would like to continue the work in harmony with the Maryland delegation on numerous other projects. However, having spent literally years looking into the details of this particular issue, I have come full circle in realizing that not only is this project bad environmentally, not only because of the dredge material and where it is going to be disposed of, but because of the ground water and the aquifers when we deepen this canal and the problems that that will cause.

Also, the reason the cost-benefit analysis, the reason we are here today, and the feasibility study did not go through in December of 1996 was because we are spending money, Federal taxpayers' dollars, and we are getting no benefit. The argument that the Port of Baltimore desperately needs this goes counter to the records of the Corps of Engineers' evaluation that there will be no increase in commerce as a result of the deepening. Not only will there be no increase in commerce, there has been a steady decline of container cargo moving through the canal over the past 4 or 5 or 6 years.

Mr. Chairman, most of the ships, 60 percent of the ships that can use the C&D Canal right now choose not to use it. Why do they choose not to use the C&D Canal if it is available to them right now? Well, number one, it saves them no time. Going through the canal saves no time as opposed to going around Cape Henry and up the Chesapeake Bay. Number two, it costs more to use the C&D Canal as opposed to going around through the Chesapeake Bay where there is a 50-foot deep channel. It costs more because of the pilotage fees. The third reason many captains on board these ships choose not to use the C&D Canal, whether it is deeper or not, is that it is a narrow channel and they simply prefer the wide expanse of the Chesapeake Bay than moving through the narrow channel.

Now, I want to urge my colleagues to vote for this amendment because the Port of Baltimore is not at risk. No one will lose any jobs as a result of this measure. We are not closing the C&D Canal; it will remain open. Marsk and Sealand, if that issue comes up with their huge ships, could never, under any circumstances, no matter how deep it is, use the C&D Canal.

The C&D Canal is a vital link for commerce. It is used by ships that have roll-on, roll-off trucks and tractors; it is used by bulk cargo; it is used by any one of a number of ships. The deepening of the C&D Canal is simply not necessary.

Mr. Chairman, I urge my colleagues to vote for fiscal responsibility. Here is the interesting thing: this project, since it has been turned down by Corps' headquarters time after time because it does not meet the cost-benefit analysis, this project is probably never going to be approved by the Corps of Engineers through their own process, so there is no need to spend $100,000 again for a new study.

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, I thank my colleague for that explanation. As usual, he has done his homework, and he presents compelling evidence to support his position.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment.

Mr. Chairman, my colleague from the Eastern Shore might represent the area around the C&D Canal, whereas I represent, along with the gentleman from Maryland (Mr. EHRLICH) and the gentleman from Maryland (Mr. CUMMINGS), the Port of Baltimore. Although none of us can judge what the Army Corps will or will not do in their studies, we all acknowledge, those of us who represent the Port of Baltimore, how important it is to maintain and strengthen the entry into the Baltimore port.

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The Baltimore port is unique. It is more inland than the East Coast ports, but because of that, it takes more time to get to the Port of Baltimore. The fact that we have two days to enter and exit the port is one of the key advantages to the Port of Baltimore.

The maintenance of the C&D Canal is absolutely essential to the health of the Port of Baltimore. The Port of Baltimore represents 18,000 direct jobs, 87,000 port-related jobs, 69,000 indirect jobs in our region, and $1.3 billion annually to Maryland. Business revenues are affected by the Port of Baltimore, $40 million in U.S. custom receipts.

So, Mr. Chairman, the majority of our delegation, the overwhelming majority of our delegation, is going to ask this body to reject the Gilchrest amendment because it could jeopardize very much the health of the Port of Baltimore.

As my friend, the gentleman from Maryland (Mr. HOYER) pointed out, we authorized this project several years ago by unanimous support within our delegation. Democrats, Republicans, support the maintenance of our channels.

My colleague, the gentleman from Maryland (Mr. GILCHREST) mentioned the environmental issues, the Chesapeake Bay. We are all working very hard on the Chesapeake Bay, Mr. Chairman. I am proud of the work that my constituents are doing on the streams that lead into the Bay. We have worked very hard at the State level and the national level to deal with the Bay.

But to raise the issue of maintaining decent entry or exits to our ports as compromising the Bay is an insult to the Army Corps, an insult to those of us who worked very hard on this issue.

The Army Corps is going to release its report, the gentleman from Maryland (Mr. HOYER) is absolutely correct. My colleague is more concerned, I think, about where the dredge materials are being placed than the actual dredging within the C&D Canal. All of us in our delegation strongly support the independence of the Army Corps in reaching the right decision as to the environmental risks involved.

We also believe it is the Army Corps' responsibility to go through the economics of it and come out with the right conclusion. We set up the Army Corps as our agents in this matter, and now the gentleman from Maryland (Mr. GILCHREST) is saying we cannot trust the Army Corps. Let us at least let the process move forward.

This is not a local project that affects one congressional district in this country, this is a project that affects the health of our region. That is why we are going to find that the overwhelming majority, Democrats and Republicans, in our region, in our State, are going to oppose the Gilchrest amendment.

We ask Members to respect our delegation's point of view, respect the fact that we need to maintain a healthy and competitive and safe port. Safety is very much at issue here. We will do nothing to compromise our environment. We are all committed to it. I urge my colleagues to reject the amendment.

Mr. EHLERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment, and I yield to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. I thank the gentleman from Michigan for yielding to me.

Mr. Chairman, there are two other Republican Members in the Maryland delegation at this time that, as a result of new information, also now oppose this particular amendment.

I would like to say that this entire project is in my congressional district, which gives me plenty of time when I go home to look into the details of the process. I am not about to insult the Corps of Engineers, I am not about to insult anybody. But we as Members of Congress have the responsibility of oversight of all Federal agencies. When we see some peculiar numbers in Federal agencies that are not correct, we investigate. That is what we have done.

So the cost-benefit analysis in 1996, no; it was redone in 1997 and it was turned down; it was redone in 1998 and turned down by the Washington Corps; and it was redone in 1999 and also turned down. That is one of the oversight responsibilities that we have.

We are not stopping maintenance of these channels to the Port of Baltimore. None of the maintenance will be stopped. The Corps says, and other agencies, but the Corps, who we are talking about here now, their numbers show, and we have checked them out, that there will be no jobs lost in the Port of Baltimore if we do not deepen the C&D Canal because there will be no commerce lost in the C&D Canal if it is not deepened because more than half, 60 to 70 percent of the ships that use that canal right now, with plenty of draft, choose not to use it.

Mr. Chairman, let us go back to the Corps of Engineers. Why should we have oversight of the Corps of Engineers? One of my colleagues mentioned that I was concerned about where the dredge material is dumped. Yes, I am concerned about where the dredge material is dumped, because there is a little community in Cecil County, in the northern part of my district. No one in that community, no one in that town, can drink their water now. They all have wells and they cannot drink the water because the Maryland Department of the Environment says the dredge disposal site is leaching acid into the groundwater so they cannot drink their water.

What does the Corps of Engineers say after the Maryland Department of the Environment says that any elementary school child that looked at the analysis of that dredge disposal site would say, yes, that is causing acidity in the ground water, so those people cannot drink their water?

What does the Corps say to that? "It is not our fault. We do not think that dredge disposal site is causing that problem." So what did the Maryland Department of the Environment say to the Corps of Engineers? You cannot dump that material here anymore. Should we have oversight of what the Corps does? Absolutely, yes.

Now, there is another dredge disposal site a little further up the C&D Canal that we investigated, and we have found that the Corps did not put enough lime in the layers of that disposal site, either, so that is leaching acidity into the water of the C&D Canal, which has an impact on the fish.

The other thing, the Corps, when they finally finished with that dredge disposal site, they put material on the top of that from sewage treatment plants. Well, there is some question about that. But if we deal with that correctly, and when we dump sludge from sewage treatment plants, there are a lot of heavy metals in that sludge.

We found out that after they dumped the sludge on that dredge disposal site, they did not do anything to it. Half of the heavy metals from that sludge dumping leached into the C&D Canal where my constituents catch and eat fish. If we look on the Delaware side, Delaware has said, do not eat any fish in the C&D Canal.

So is it our responsibility to have oversight over the Corps of Engineers and uncover some of these things. Whether they are innocent mistakes, whether it is incompetence, it is our responsibility as elected officials to conduct that oversight.

One other thing with the Corps of Engineers. We have great respect for the Corps of Engineers because they do good work. But when there is a problem, I think we should deal with that problem. When they deepened the canal the last time more than 25 years ago, they cut the line, the sewer line.

If we look at the C&D Canal, there is a little town there called Chesapeake City. Chesapeake City is divided by the C&D Canal. When they deepened the project the last time, Chesapeake City had one sewage treatment plant and one drinking water plant. Well, they cut those lines. Now, almost 30 years later, the Corps has never compensated that little town. That little town had to build another sewage treatment system. The people in that little town pay high rent for that.

I urge support for the amendment.

Mr. CUMMINGS. Mr. Chairman, I move to strike the requisite number of words in opposition to the amendment.

Mr. Chairman, as I sit here and I listen to the discussion, it just reminds me of why we need to study. My good friend, the gentleman from Maryland (Mr. GILCHREST), who I have the utmost respect for, and I know that this is a major, major issue for him, has stated a number of things just now. I do respect what he has said.

He has talked quite extensively about the Corps of Engineers. But one of the things that he said just a moment ago is that the Corps does a good job. It is one of the last things he said. The fact is that the Corps should be allowed to continue its work with regard to this matter.

I think the gentlemen from Maryland, Mr. CARDIN and Mr. HOYER, laid it out quite succinctly. While this may be an issue, and the issue arises out of the district of the gentleman from Maryland (Mr. GILCHREST), it affects all of us in one way or another. That is why we all joined together not very long ago asking for the study, so we could move forward in a way that was very careful, in a way that we felt was prudent.

Of course, our good friend, the gentleman from Maryland (Mr. GILCHREST), joined us on that occasion. We want to thank him for doing that. But there is something that is very important to all of us. That is, and we agree with the gentleman on the point that we want our tax dollars to be spent in a cost-efficient and effective manner, a cost-efficient and effective manner. We are talking about $100,000 here. We are talking about a study. We are not talking about the end result, we are talking about a study.

We have been going back and forth here about what the study may show. The gentleman from Maryland (Mr. GILCHREST) just spent the majority of the time that he just spent talking about the end result as far as the sludge material, where it would go. We are not at that point right now. I just think, in fairness to all of us from the State of Maryland, that we should be allowed to proceed with the study that all of us asked for.

Some people may have changed their minds since then, Mr. Chairman, but the fact is that we have asked for this. I think we should proceed so that whatever we do, it is based upon some good, sound knowledge.

I do not think that one day the Corps of Engineers are some of the worst people in the world and the next day they do good work. The fact is that I think we have all depended on them throughout these United States, and we have relied on them extensively. I would hope that we would let this study proceed.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maryland (Mr. GILCHREST), and in respect to my colleagues from Maryland, who will be the experts in dealing with the Maryland problem, but I rise in support of the principle that we all have an obligation and responsibility to defend the interests of our own district. I have great respect for my friend, the gentleman from Maryland, who is doing that I think very eloquently.

Mr. Chairman, I yield to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. I thank the gentleman from New Jersey for yielding to me, Mr. Chairman.

Mr. Chairman, my colleague, the gentleman from Baltimore, Maryland (Mr. CUMMINGS), made some good comments about the importance of research and study. But I feel there is a point at which the study finally does come to an end, because it cannot be proven.

For example, the cost-benefit analysis which justifies the Corps continuing the project must show that there is a benefit to the taxpayers of the United States. It did not show that in 1996. The cost-benefit analysis failed the Corps' own scrutiny in 1996. It failed the Corps' scrutiny in 1997. It failed again in 1998. It failed again in the spring of 1999.

The Corps has spent hundreds and hundreds of thousands of dollars studying this issue. When do we say, there is no benefit to the taxpayers, no benefit to the Port of Baltimore, and the study comes to an end? I would say that that point of time is now.

Mr. PACKARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we do not have a dog in this fight. This is a squabble within the Maryland delegation. However, generally we as a committee like to finish projects that have been started.

The project does meet the cost-sharing responsibilities. That is economically favorable. It has been authorized. Under those conditions, we generally like to see the project funded. It is funded at the level that the administration has requested. I would hope that the debate can conclude and that we can move on and have a vote on this.

Mr. EHRLICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, real briefly, with great respect to the gentleman from Maryland (Mr. GILCHREST), the author of the amendment, and our personal friendship, I am going to have a lot to say about the gentleman's next amendment, but for present purposes I will adopt the comments given by my colleagues, the gentlemen from Maryland, Mr. HOYER, Mr. CARDIN, and Mr. CUMMINGS.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. EHRLICH. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding, Mr. Chairman. I appreciate his comments.

Mr. Chairman, I would remind my colleagues, in listening to the debate of my friend, the gentleman from Maryland (Mr. GILCHREST), what he is particularly animated about and what we all share his concern about is pollution, not only in the Chesapeake Bay but in its tributaries as well, that obviously run to and from the Bay, irrespective of studies that tell me it is running both ways.

□ 1715

That is a little perverse, and I share the gentleman's skepticism at this finding. But he is very concerned. And he has talked about the pollution in Chesapeake City, the pollution in other areas, the results of dredging, the results of spoil. That is the gentleman's issue. The issue is he does not want dredging. I understand that.

Now, the gentleman has offered very frankly some comments about the studies: that the studies that he believes were done in 1997 and 1998 are not accurate; that the Corps has asked for new studies, and that they are trying to complete this study.

The gentleman wants to, in effect, preliminarily cut the head off of this item. And his staffer is shaking his head very vigorously, yes. That is what the gentleman wants to do. He wants to kill this project. I understand that.

He did not want to kill it in 1996, when he signed a MD delegation support letter. Now, why do we have a joint letter? We had a delegation letter because we thought it was a State issue and all eight of us signed the letter. All eight of us, including the gentleman from Maryland (Mr. BARTLETT) whose district does not touch the Chesapeake Bay, although his district does touch on the Potomac River, which does come into the Chesapeake Bay, the gentlewoman from Maryland (Mrs. MORELLA), whose district touches the Potomac River which connects to the Chesapeake Bay; myself and every other Member in the delegation signed the letter.

The gentleman's concern is well understood in the delegation. He is very well-schooled on this and works hard on it, and I have the utmost respect for the work that he does and the work he expresses. But as the gentleman from Baltimore, Maryland (Mr. CARDIN), pointed out, we are all concerned about that. All of us are very concerned about this issue.

Mr. Chairman, I frankly will tell the gentleman that I have been involved in trying to clean up the Chesapeake Bay and support Chesapeake Bay cleanup programs since long before he was in office, when I was in the State Senate, as has the gentleman from Maryland (Mr. CARDIN). The fact of the matter is that he is concerned about that.

Now, we should allow the Army Corps of Engineers to complete this study. Then we can have the debate, because it will take money to dredge. Then we can have the debate. At this point in time I would assure my colleagues that this is a State issue, not a local issue. This is a State issue.

Mr. Chairman, I thank the gentleman from Baltimore County, Maryland (Mr. EHRLICH), who represents parts around Baltimore City, County and Anne Arundel County as well and Hartford County that all border the Chesapeake Bay and its tributaries who himself has an interest in the Port of Baltimore, for yielding me this time.

Mr. EHRLICH. Mr. Chairman, reclaiming my time, I would state that we pay these folks to do a job. If we do not trust them, we should not hire them. We should let them finish their job.

However, I think the gentleman from Maryland (Mr. HOYER) puts it very succinctly. Our respected colleague has a different view. In the interest of fairness, I will yield to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I am not only concerned about the Chesapeake Bay; I want to get involved in doing something about the Chesapeake Bay. Just speaking words does not have an impact on the ground.

And as far as that letter was concerned, once we evaluated the process after we supported it in the beginning, we saw some oversight problems.

I would rather be right than be consistent. And Abraham Lincoln said, "The foolish and the dead alone never change their mind."

Now, we all have disagreements on this, and I respect those disagreements. But not only is my issue dredging, and not only is my issue where to dispose of it and the environmental vulnerability of the Chesapeake Bay and its estuaries, but I am also concerned about jobs; and I would do nothing that would eliminate jobs in the City of Baltimore.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. GILCHREST).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GILCHREST. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 532, further proceedings on the amendment offered by the gentleman from Maryland (Mr. GILCHREST) will be postponed.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the distinguished gentleman from California (Mr. PACKARD), chairman of the Subcommittee on Energy and Water Development Appropriations.

Mr. Chairman, I have closely monitored the progress of the Alabama-Coosa-Tallapoosa, or ACT, and the Apalachicola-Chattahoochee-Flint, or ACF, Tri-State Water Compact negotiations over the last 3 years. I am most concerned with a proposal that has recently and repeatedly surfaced concerning a major interbasin transfer of water from Lake Allatoona in northwest Georgia in the ACT river basin to Lake Lanier, which is in a completely different river basin, the ACF. The proposal calls for an authorization of up to 200 million gallons per day transfer of water from Lake Allatoona to Lake Lanier.

Not only is this a strong point of contention in negotiations between Alabama and Georgia, but it is also causing a great deal of concern among Federal stakeholders and the many elected officials, local governments, water authorities, and other stakeholders within the ACT, and in particular the Coosa and Tallapoosa regions.

Mr. Chairman, I strongly oppose any consideration of an interbasin transfer. It would seem, though, at a minimum, before such a proposal would be even considered as an option, this proposal should be both reviewed and studied by the authorizing and appropriations committees and subcommittees in the Congress.

An interbasin transfer would have a major detrimental effect on the environment and the economic growth of Northwest Georgia.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. BARR of Georgia. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I thank the gentleman for yielding to me, and I want to thank the distinguished gentleman from Georgia for bringing this issue to the attention of the committee.

I understand the idea of an interbasin transfer has been discussed in Northwest Georgia, and I assure the gentleman from Georgia the subcommittee understands the serious nature of any interbasin transfer of this magnitude and would be very concerned should such proposals be considered precipitously or without full and exhaustive public study, consistent with all the Federal and State laws and regulations.

Mr. BARR of Georgia. Mr. Chairman, I reclaim my time only to thank the gentleman from California.

AMENDMENT OFFERED BY MR. EHLERS

Mr. EHLERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EHLERS:

Page 2, line 18, after "$153,327,000" insert "(increased by $100,000)".

Page 5, line 11, after "$323,350,000" insert "(reduced by $100,000)".

Mr. EHLERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EHLERS. Mr. Chairman, last year we passed the Water Resources Development Act of 1999, which included a provision directing the Corps of Engineers to inventory and report to Congress on the existing information base for the Great Lakes biohydrological system. The intent of this provision is that the Corps compile the information existing within the Federal Government, including other agencies, which is relevant to sustainable water use management.

This information will be needed to make decisions about the appropriate sustainable use of Great Lakes waters. Building a comprehensive database, and identifying gaps in our knowledge, is especially critical at this time when the binational community in the Great Lakes Basin is taking a close look at water diversions and other consumptive use.

And on that latter point, I also have legislation pending which would deal with the issue of diversions of water from the Great Lakes, not just within the 48 States, but also international diversions. I think everyone is aware that we had a situation last year where a ship was initially granted permission to load on water for transport to a faraway country to be used as fresh water supply there. In an effort to prevent those diversions, we need studies and the legislation I am preparing.

This particular amendment would allocate $100,000, with an appropriate offset, to allow the Corps to begin what is authorized in the legislation we passed last year, that is, to provide an information base for the Great Lakes biohydrological system.

This has been brought to the fore by an announcement just made yesterday that the Great Lakes governors have allocated from the Great Lakes Protection Fund $745,000 for the Great Lakes Commission to study and improve the amount and quality of information available to decision-makers and the general public regarding water resources of the Great Lakes. That program fits in directly with what we have asked the Corps to do.

Now I do regret and apologize to the gentleman from California (Chairman PACKARD) for rushing to the floor at the last moment with this amendment, but it is because we have just received the information that the Great Lakes governors have released this funding. I would like to pursue the amendment; but out of consideration for the gentleman, I am quite willing to withdraw it if he can give me assurances that he will seek to address this funding matter in conference.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, we certainly do wish and we hope that we could take care of the gentleman's problem in conference, and I assure him that we will make every effort to do so. The $100,000 is not a great deal of money; and if we get additional funds, we may be able to take care of it.

Mr. EHLERS. Mr. Chairman, reclaiming my time, I thank the gentleman for his reassurances.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,378,430,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, and Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000;

Indianapolis Central Waterfront, Indiana, $7,000,000;

Southern and Eastern Kentucky, Kentucky, $4,000,000;

Clover Fork, Middlesboro, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Martin County, and Harlan County, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, Kentucky, $19,000,000: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with planning, engineering, design and construction of the Town of Martin, Kentucky, element, in accordance with Plan A as set forth in the preliminary draft Detailed Project Report, Appendix T of the General Plan of the Huntington District Commander: *Provided further*, That using $900,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the Bowie County Levee project, which is defined as Alternative B Local Sponsor Option, in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, Project Design Memorandum No. 1, Bowie County Levee, dated April 1997.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $323,350,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,854,000,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities.

AMENDMENT OFFERED BY MR. GILCHREST

Mr. GILCHREST. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GILCHREST:

Page 5, line 22, after the dollar amount insert "(reduced by $6,801,000)".

Mr. GILCHREST. Mr. Chairman, my amendment would decrease the Corps of Engineers' operations and maintenance account by $6,801,000 for the Tolchester S-turn straightening project in my district.

Mr. Chairman, similar to the amendment that we debated just a few minutes ago, this particular project, this straightening of a natural channel, would cost the taxpayers $13 million. Now, as the Corps has run through its process to analyze the cost benefit to the taxpayers in this country, this particular project in the First Congressional District of Maryland dealing with the Tolchester Channel does not meet the Corps' own justification to do. The Corps of Engineers has not met the threshold to benefit the taxpayers in the United States.

So my colleagues have come to Congress to get this project, I guess I would say, pushed through. This project, the Tolchester S-turn, does not meet the cost-benefit analysis to benefit the taxpayers anywhere, including Baltimore City. The project, therefore, is not necessary.

Let us take a look at the environmental impact of this particular project. The channel right now is a natural channel. It is the old Susquehanna Riverbed that flows from Pennsylvania out to the Chesapeake Bay. This is a natural-flowing channel. There is a natural scouring in this particular area, so very little dredging is necessary. If we straighten the Tolchester Channel, the likelihood of an increased cost for dredging is there.

Now, when the channel is straightened, it will change the direction of the flow of water. And when the direction of the flow of water is changed, great damage will be done to one of the largest oyster bars in the Chesapeake Bay. This oyster bar just off Tolchester is 300 acres, and it is a very active site.

□ 1730

When one changes the flow of the water, one will slow the water down over the oyster bed. That means it will silt up. Now, if one straightens the channel and ships can flow faster through this channel, which they will do, one will increase the wake. When one increases the wake, one will do several things.

One, it will cause more erosion on the shore. It has already caused significant damage to people's property, whether it is a garage, cars, docks, you name it. But the third thing, which is really a safety hazard, the wake will increase the danger of children playing on the beach that have already found it difficult to play on the beach. When one of the ships goes by, these young people could be washed into the Chesapeake Bay and potentially drown.

Now, the question will arise that we are dredging this new channel for safety purposes that has been asked for by the Coast Guard, the Corps of Engineers. When that issue comes up, let me say this, I had a direct face-to-face conversation with the Corps of Engineers, the District Engineer in the City of Baltimore. I asked them that question: Does this rise to the threshold of a safety hazard for shipping through the Tolchester Channel. The answer, Mr. Chairman, was no, it does not rise to a safety hazard through the Tolchester Channel.

The only reason we are dredging the Tolchester Channel is because we are dredging the whole northern route, the Brewerton Extension, the Tolchester Channel, the C&D Canal.

We have already talked about the C&D Canal, and we know that is not necessary to dredge. So if it is not necessary to dredge the northern route, if it is not a safety hazard, which the Corps of Engineers in Baltimore said it is not a safety hazard, and the Coast Guard if you ask them direct, the Coast Guard will say that the Tolchester S-turn, since over 6,000 ships have passed through there in the last 6 years with no incident, that the Tolchester S-turn does not rise to the level of a safety hazard with their office.

Now, can one make it safer? Sure. Can one dredge the Tolchester S-turn and make it a straight channel? Sure. Would it be safer if it were straight? Sure. But what damage will be done if one does that if it is not a safety hazard? The damage that will be done as a result of that S-turn is great.

I ask my colleagues to support my amendment.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, very quickly, this is about dredging. It is contrary to the letter that all of us signed receiving it as a State project in 1986. No doubt about it. This was not perceived by any of the delegation to be a local project. It was a Statewide project, which is why all eight Members of the delegation signed.

In the letter that I reference, we also strongly supported and urged the inclusion of the straightening of the S-turn, the Tolchester Channel. Why did we do that? July 14, 1998, the gentleman from Maryland (Mr. GILCHREST) says he has talked to the Coast Guard. Now, with all due respect to the gentleman, until 4 hours ago, I did not know of any of this. My office was not talked to. I got no information. I did not know about his conversations with the Coast Guard. I do not think the committee knew about his conversations with the Coast Guard. Maybe they did.

But at any event, let me read a letter, 26 August 1994, signed by Rear Admiral Eckart of the United States Coast Guard, Commander of the Fifth Coast Guard District. I quote a part of that, Mr. Chairman. "The S-turn in Tolchester Channel presents one of the most difficult navigational challenges to a large ship within the Fifth Coast Guard District, not just within Maryland, not just within the Chesapeake Bay, but within the entire district." Yes safety is going to be raised.

Now, July 14, 1998, some 2 years later, this is a Vice Admiral, United States Coast Guard, then Commander, I am not sure whether he is still Commander of the Fifth Coast Guard District. A letter referring to the Tolchester Channel. "With increases to vessel size, the severity of the turns have caused difficulty with maneuvering. The Coast Guard would prefer to be proactive in preventing any potential serious mishaps. The removal of the S-curve in the Tolchester Channel would be a significant step."

Now, I do not have a subsequent letter from the Coast Guard saying, no, we did not mean that. Apparently they have had a personal conversation with the gentleman from Maryland (Mr. GILCHREST) who claims this is in his district. Technically I suppose, if one surrounds waterways, they are in one's district, but the fact of the matter is I would again reiterate this is perceived by the State legislature, by the governor, and by the majority of our delegation as an issue of our State and of our port.

Mr. Chairman, the 1996 water bill directs the Corps to expedite review of potential straightening of the channel, Tolchester Channel S-turn. It came out of a committee of which the gentleman from Maryland (Mr. GILCHREST) was a member.

If determined to be feasible and necessary for safe and efficient navigation, and I have just read my colleagues two letters of the Coast Guard that indicated it was necessary for the safe and efficient movement of vessels through this channel, to implement such straightening as part of the project maintenance.

Now, earlier the gentleman said he was not opposed to maintenance dredging. Now, I am not sure what maintenance dredging he refers to, but the fact of the matter is he tried by saying that, if we had ships going through, then children were going to drown. I do not know that any children had drowned, and that would be a serious problem we would have to protect against, apparently in anticipation of the safety argument that somehow making the water flow faster could be dangerous. I have not heard the oyster problem before, but we ought to look at that problem as well.

But the fact of the matter is this is essential. In two letters from the Coast Guard, I do not have a more recent letter telling me they were wrong, the 1994 and 1998 letters say it is a safety issue. It is a problem. It is not only a problem, it is the worst problem in the Fifth Coast Guard District. That is why they believe this project is absolutely critical.

I know the gentleman from Maryland (Mr. EHRLICH) is going to speak on this. We have a bipartisan position on this issue, I think. In fact, the committee has included this money at the request of the administration, this is not an add-on project, this has been a planned project that is moving ahead to provide for safer navigation. It is essential.

We would ask our colleagues to reject this amendment which, again, is designed to stop dredging. I understand that that is the objective of the gentleman from Maryland (Mr. GILCHREST). I agree with him to stop dredging if it is entirely harmful. But until that finding is made, then we need to proceed to make sure, A, the economic viability of the port and, B, directly related to that the safety of the vessels using the channels that access and egresses the port of Baltimore.

Mr. BOEHLERT. Mr. Chairman, I rise in support of the amendment of the gentleman from Maryland (Mr. GILCHREST), and I would like to ask him a question, and then I would like to have him expound a little bit more on that.

I ask the gentleman from Maryland (Mr. GILCHREST), is there an environmental impact statement on this project, because that is something that should concern us all.

Mr. Chairman, I yield to the gentleman from Maryland (Mr. GILCHREST) for a response to that question.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from New York (Mr. BOEHLERT) for yielding to me.

There has been no environmental impact statement done on this particular project. I have talked to the Corps of Engineers from Baltimore City, along with the Coast Guard, along with numerous other people involved in this in Chestertown, Maryland once again, and the Corps cannot tell us how high the wake will be when it hits the shore except that it is going to be higher.

The Corps cannot tell us whether or not that slow down in the current will have an impact on those oysters because they have not done the study.

I would like to, if I may, just respond to some of my colleague's comments. This is not a maintenance project. We do maintain the Tolchester Channel. The Tolchester Channel is maintained on a regular basis. This amendment has no impact on normal maintenance of the Tolchester Channel. This is considered new work.

Now, the Corps of Engineers has stated that this is not appropriate nor proper when considering it as a safety project. Because since 1994, there has been 6,700 ships pass through the Tolchester S-turn without an incident. There has been some groundings north of the Tolchester S-turn and there has been some groundings south of the Tolchester S-turn, but there has been no groundings in the Tolchester S-turn.

Now, as far as the Coast Guard saying that this is the biggest navigation challenge in this particular Coast Guard district, well, that is correct. This is a challenge. But apparently the pilots and the captains have met that challenge, and they have not had an incident in the Tolchester S-turn.

So since they have not had an incident, a safety hazard incident in the Tolchester S-turn, what are we talking about here? We are talking about straightening the channel where there has been no incidents of safety problems reported.

Then we are creating a safety hazard for people on the banks that are less than 1,000 feet from these huge ships that pass by that cause major wakes and potential problems with young children on the shore. Plus the fact we are then going to increase the cost to homeowners' property. Remembering now there is no safety hazard in the S-turn, there is a challenge to the pilots, they pass through there all the time. But a safety hazard, has it risen to the legality of a safety hazard by the Coast Guard or Corps of Engineers? The answer is no in their documents.

So I would urge the Members of this House to think two ways, to think fiscally, conservative, as to why we do not want to throw good money down a sink hole when a project is not necessary; and when a project is not necessary, why do we do it to create another safety hazard and another environmental hazard?

So I would urge my colleagues in the House to vote for this amendment.

Mr. EHRLICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, again, with great deference and respect to the gentleman from Maryland, Mr. Speaker, countries probably watching, tuning in today are saying "S-turn, what S-turn?"

This S-turn is important in Tolchester Channel because it is part of the approach to the Canal, the C&D Canal. Ships change course five times within 3 miles, often beginning a new turn sometimes in the opposite direction before completing the previous turn. With ships approaching 1,000 feet in length, it is becoming increasingly difficult to navigate the channel, especially in winter, especially in poor weather with the wind and tide conditions.

The gentleman from Maryland talked about pilots and the pilots association. Well, the pilots association is on record. It has urged for a number of years that this channel S-turn be modified as soon as possible to avoid potential ship groundings.

As my friend from southern Maryland has stated on numerous occasions in this year's Energy and Water Appropriations Bill, Congress appropriated $6 million for the S-turn.

The project was also authorized in 1999 as part of the operations and maintenance program. In order to complete the job, we need $6.8 million dollars. The project is totally 100 percent Federally funded.

Now, we have talked about safety, and that is the primary reason to get this job done. We can reduce the likelihood of an accident. But the project also produces economic benefits, many economic benefits.

The economic consequences of a serious accident, for instance, were one to occur, would be significant, something we certainly do not want to visit. Accordingly, the avoidance of such an accident, while not easily quantifiable, contains economic benefits.

Moreover, Mr. Chairman, since this project was approved by the Corps and authorized by this Congress, the Corps has reserved the environmental assessment. In fact, the Corps is finishing the environmental assessment for the project. It will be circulated in July and approved in settlement or October at or near the beginning of fiscal year 2001.

☐ 1745

My friend and colleague from Maryland is someone for whom I have great respect on these issues. We disagree from time to time when it comes to dredging issues. But the majority of the Maryland delegation is letting this House know that this is an important project for the economic engine, which is the Port of Baltimore, the economic engine that drives the State of Maryland.

Congress recognized this fact by appropriating these funds last year, and all we are asking this House to do is to complete the job. Accordingly, I urge all of my colleagues to oppose the Gilchrest amendment.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. EHRLICH. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I have a map here, and the gentleman represents, am I correct, Baltimore County?

Mr. EHRLICH. That is correct.

Mr. HOYER. And the Tolchester Channel is essentially southeast of the gentleman's congressional district and northeast of the district of the gentleman from Maryland (Mr. GILCHREST)?

Mr. EHRLICH. That is correct.

Mr. HOYER. Whose district is it in? It is in the middle of the water; is that correct?

Mr. EHRLICH. That is correct.

Mr. HOYER. So because it borders the district of the gentleman from Maryland (Mr. EHRLICH) and it borders his district, both gentleman can equally claim it; am I correct?

Mr. EHRLICH. I certainly claim economic benefits to be derived from this project.

Mr. HOYER. I just wanted to make sure that we understood.

Mr. EHRLICH. In fact, the map is up.

Mr. HOYER. Good. We have all got maps.

Mr. QUINN. Mr. Chairman, I move to strike the requisite number of words.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. QUINN. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from New York for yielding. I just wanted to make a couple of points very quickly, if I can.

The last comment: Whose district is the Tolchester Channel in? I do not think it really makes a difference whose district the Tolchester Channel is in. It happens to be in my district, though, and I will show my colleagues on the map. Not the district of the gentleman from Maryland (Mr. EHRLICH) and not the district of the gentleman from Maryland (Mr. HOYER).

If my colleagues will look at this map, it is a little busy, a little hard to see, but if we look at the map, the C&D Canal channel comes down the eastern side of the Chesapeake Bay along the Eastern Shore, and the area we are talking about is Kent County on the Eastern Shore. Following this line coming down here, we can see the C&D Canal approach the channel. Down in this area, what do we have right here, less than a thousand feet off the shores of Kent County, in a pretty little place called Tolchester? The Tolchester Channel.

Now, in the Tolchester Channel is the Tolchester S-turn, which we have already concluded is not classified as a hazard but a challenge. So just a quick clarification. The Tolchester Channel, the Tolchester S-turn is contained within the first congressional district.

Now, since we are reading letters, I want to read something from the report of the Corps of Engineers that was recently put out about the Tolchester S-turn. Here is what it says. "The benefit for straightening the Tolchester S-turn is based solely on transit time savings." It might be a challenge to get through the Tolchester S-turn, but well over 6,000 ships have done it since 1994 without one incident in the Tolchester S-turn.

What are the hazards for straightening the Tolchester S-turn? As we can see right along here, the shores of Kent County in the first congressional district, the hazards apply to the people on the shore. The hazards apply to those watermen who want to catch the few remaining oysters in the Chesapeake Bay that will be silted over, which is about the largest oyster bar in the Chesapeake Bay, well over 300 acres.

One last comment. The only reason they would straighten the Tolchester Channel, the Corps of Engineers, is if it was a benefit to the taxpayers; and they have concluded that it is not a benefit to the taxpayers. There is no financial justification for it. And the other one, is it really a safety hazard? And we have concluded that it is a challenge. The safety hazard lies with those residents on the shoreline.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I ask unanimous consent that the debate time on this amendment and all amendments thereto be limited to 10 minutes, equally divided.

Mr. VISCLOSKY. Mr. Chairman, is that 10 minutes per side, proponents and opponents? Mr. Chairman, there was 20 minutes total on this amendment.

Mr. PACKARD. I adjust the unanimous consent request to 10 minutes each side.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from Maryland (Mr. GILCHREST) and the gentleman from Maryland (Mr. CARDIN) each will control 10 minutes.

PARLIAMENTARY INQUIRY

Mr. GILCHREST. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. GILCHREST. Mr. Chairman, who controls the time in support of the amendment?

The CHAIRMAN. The gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. I thank the gentleman.

The CHAIRMAN. Who seeks time in opposition?

Mr. CARDIN. I seek time in opposition, Mr. Chairman.

The CHAIRMAN. The gentleman from Maryland (Mr. CARDIN) is recognized for 10 minutes.

Mr. CARDIN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first let me say to my friend, the gentleman from Maryland (Mr. GILCHREST), if we get a ship that is moving through the S-turn that happens to go aground and starts spilling oil, I think then all of us are going to say why did we let this happen.

I am thinking about what I can say to my colleagues who are listening to this debate to try to impress upon them why they should reject this amendment. Sure, I can go through the safety considerations, and we have gone through that. I can read to them a letter signed by the gentleman from Maryland (Mr. GILCHREST) that says the Tolchester project involves safety-related modifications of the existing channel which makes five course changes within 3 miles. The Corps of Engineers is completing a safety-related study of the project. We request that the committee indicate support for the execution of the project as a safety improvement using operation and maintenance funding authority. This was signed by our entire delegation, including the gentleman from Maryland (Mr. GILCHREST).

I could tell my colleagues that this does meet the standards to be funded, otherwise the distinguished chairman and ranking member would not have included it in the bill they brought forward. The administration would not have included it in its funding. This is not an add-on. This is authorized funding and has met all of the standards.

I could talk about the need, about the pilots, the bay pilots that have been in my office that tell us of the safety hazards and the time delays that are caused because of the S-turn and how this change should be made from the point of view of the efficiency and safety of our port.

I could tell my colleagues about the environmental issues; that all of us are very concerned about the environment and we have worked very hard. Our entire delegation will stand by the Army Corps' findings. And if this is not consistent with the environmental standards, that we are not going to support any type of activity that jeopardizes the progress that we have made in the last 25 years for the Port of Baltimore.

I could tell my colleagues all these things, but let me just maybe make one point. This has followed the orderly process. And if my colleagues believe there should be a process in approving these projects, reject the gentleman's amendment. We have four Members of our delegation on the floor that represent this area, two Democrats, one Republican, opposing the gentleman's amendment.

We all are concerned about the area; but we recognize that in order to make progress, in order for safety, in order for the efficiency of this port and in order for the environment of our area, we must reject the gentleman's amendment. As well intended as it is, the gentleman is opposed to dredging. He is opposed to any new dump sites. I understand his position, but it is not the orderly process that we followed.

We have complied with all of the requests that have been asked of us. Allow the study to go forward. Let the Army Corps reach its judgment. We are all satisfied to be controlled by how the Army Corps reaches that decision.

Mr. Chairman, I reserve the balance of my time.

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume.

Let me just make some comments. The gentleman from Maryland (Mr. CARDIN) said we stand by the Corps' findings. The Corps found that the benefit for the straightening is based solely upon time saving. It is not economically justified. And the Corps' findings go on to say, "Based on our information, general funding for this purpose," straightening the Tolchester S-turn, "is not considered feasible or appropriate." That is what the Corps of Engineers said.

Now, the gentleman is saying that we did not follow an orderly process. Well, we did follow an orderly process. The orderly process rejected the widening and the straightening of the Tolchester S-turn by the Corps of Engineers. What we are doing here is interrupting, we are bypassing, we are leapfrogging the orderly process with this appropriation of $6 million for what the Corps of Engineers said was not a necessary project.

Now, at this point I would like to wax a little bit philosophical with Justice Felix Frankfurter's statement, which goes and I quote, and this has to do with the letter that I signed approving this project some years ago. And after some investigation and a closer look at the project, I would like to quote Justice Felix Frankfurter. Here is what he said: "Wisdom so often never comes. When it does, we ought not to reject it merely because it's late." And in this particular situation, I think that is appropriate.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS), my colleague from Baltimore.

Mr. CUMMINGS. Mr. Chairman, I want to thank the gentleman for yielding me this time, and I rise to strongly oppose the gentleman's amendment to strike the funding to straighten the S-turn in the Tolchester Channel leading to the Port of Baltimore.

The straightening of the Tolchester S-turn is critical to maintaining navigational safety and economic viability of the Port of Baltimore. Nearly 8,000 Baltimore City residents are directly employed by port businesses and as many as 30,000 additional city residents have jobs related to port activities.

The S-turn poses a serious problem with regard to safety risks, as my colleagues on this side stated a little bit earlier. Ships often have to change course five times within 3 miles to navigate the turn. With vessels nearly a thousand feet in length, it is difficult to safely navigate the channel, particularly in poor weather conditions.

The straightening of the turn has been recommended and supported by the State of Maryland, the Maryland Port Administration, the Fifth U.S. Coast Guard District, and the Maryland Pilots Association.

And speaking of the Maryland Pilots Association, in a letter dated April 26, 2000, written by Captain Michael Watson to Colonel Berwick of the Army Corps of Engineers, and I quote this because this is a very interesting statement and it goes to that whole issue of safety, and we are talking about the pilots who are out there every day, it says: "Tolchester Channel was originally designed to utilize deep water in order to minimize dredging costs and allow for increases in vessel loads. This resulted in the creation of the S-turn at the northern end of the channel. As vessel size has increased, the S-turn has become more difficult and groundings have resulted. Subsequent modifications and additional buoys have addressed the problem, but only in part. Pilots," and I emphasize pilots, "continue to report close calls and near misses, especially during periods of reduced visibility during winter ice. A straightened channel will have many advantages, increasing navigational safety, reducing the protection for maritime accidents, and thereby helping to protect the Chesapeake Bay environment."

With that, Mr. Chairman, I oppose the amendment.

□ 1800

Mr. GILCHREST. Mr. Chairman, could the Chair tell me how much time I have remaining.

The CHAIRMAN. The gentleman from Maryland (Mr. GILCHREST) has 8 minutes remaining. The gentleman from Maryland (Mr. CARDIN) has 4½ minutes remaining.

Mr. GILCHREST. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Maryland (Mr. GILCHREST) has the right to close.

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to make a comment about the S-turn and the pilots. The S-turn was not made to accommodate ship traffic. The S-turn is a natural channel, as the old Susquehanna River bed that is a natural channel. It is naturally deep.

Now, when we straighten out that S-turn, we are going to do a number of things, one of which is to increase the cost of dredging because many of those areas will be filled in.

Now, we are talking about $6 million, $13 million dollars, to complete a project that we asked the Corps to look into. When the Corps looked into this project, their answer to do this project was no. It is written down no. I have talked to Colonel Berwick that the gentleman from Maryland (Mr. CUMMINGS) has referred to, and Colonel Berwick, from the Baltimore district, said, number one, it does not rise to a safety hazard, it is a challenge to get through there, but it is not a safety hazard for ships to pass through and this particular channel is an environmental problem if we dredge this channel.

So the Corps of Engineers said no. So what does Congress say if this amendment fails? The Corps of Engineers, through their study that we say we ought to trust, we hold on to their study, the Corps says no, for sound fundamental reasons. Congress says yes.

I strongly urge my colleagues in the House to be fiscally responsible, environmentally smart, and consider the safety hazard of the people on the shore because of the increasing wake that will result from these bigger ships that will go faster through this straightened Tolchester channel.

One other quick comment. There is at this point in time no Environmental Impact Statement that has been concluded by the Corps of Engineers on this project.

Mr. HOYER. Mr. Chairman, will my friend, the gentleman from Maryland (Mr. GILCHREST), yield on that issue?

Mr. GILCHREST. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding. I know he has mentioned that a couple of times.

As I think he knows, that is not a unique situation of this project, but that statement is applicable to a number of the safety-related projects in this bill as well as previous bills.

Mr. GILCHREST. Mr. Chairman, reclaiming my time, and I will close with this comment, the other problem with this, it is a much broader issue than the Sandy Canal or a safety concern for the Tolchester area.

The whole northern route that would be dredged by my colleagues would involve 18 million cubic yards of dredge material being dumped overboard in the middle of the Chesapeake Bay just north of the Chesapeake Bay Bridge.

I guess we could get into a dispute whether or not that is actually in my district or in the district of the gentleman from Maryland (Mr. CUMMINGS) or anybody else's district. It does not matter. That 18 million cubic yards is 2 million pounds of ammonia, 700,000 pounds of phosphorus. It is the equivalent of putting a sewage treatment plant the size of the city of Annapolis right there in the middle of the Chesapeake Bay, and I do not think that is what we want to do.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. PACKARD), the distinguished chairman of the subcommittee.

Mr. PACKARD. Mr. Chairman, the Gilchrest amendment seeks to zero out funding for the Baltimore Channel and Channels navigation channel maintenance and straightening project. This is an ongoing project which was funded in the current fiscal year, and the proposed funding is to complete the project in fiscal year 2001.

The committee included report language to address the apparent concerns of the gentleman which involves environmental analysis and effects of proposed dredged-material disposal sites.

On this point, we have stated in our report our expectation that the Corps of Engineers will comprehensively consider alternative disposal sites in its ongoing Environmental Impact Statement which is to be released as a revised document later this year.

It is inappropriate to pre-judge the outcome of that analysis as being unsatisfactory; and, therefore, I reluctantly oppose the amendment of the gentleman from Maryland (Mr. GILCHREST).

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank my colleague from Maryland for yielding me the time.

Mr. Chairman, I would like to join most of my Maryland colleagues certainly in strongly opposing this amendment. We have looked at this issue thoroughly and, as has been indicated through today's testimony, we are near unanimous agreement that this amendment is inappropriate.

We have here fundamental safety issues with respect to Tolchester, and we ought to acknowledge that fact and then act upon it and not implement this amendment, which would, in effect, overturn a lot of the work that has already been done.

This is a channel that has many shifts and turns in order to accommodate the traffic and, also, to accommodate safety concerns. Straightening the channel is a desirable objective. That is an objective that we are pursuing through, I say, the majority of the Maryland delegation. We have studied this issue thoroughly. As was indicated, Environmental Impact Studies are underway and we certainly cannot pre-judge them to be in the negative.

Under the circumstances, I think it is both prudent and sound that we proceed with the position that the delegation has taken and reject this amendment. I would urge the membership to do so.

Mr. GILCHREST. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this project was approved by Congress even though the Corps said in their analysis it did not rise to the cost benefit analysis that was necessary to do a project like this. But, nevertheless, this has been approved by Congress. But we have not started this project. We continue the maintenance of the Tolchester Channel, but we have not started this new work project which I am so adamantly opposed to.

Now, I do want to sincerely thank the chairman of this committee, the gentleman from California (Mr. PACKARD), for working with me on this issue and many other dredging issues in the past dealing with the Chesapeake Bay.

I wish the gentleman from California (Mr. PACKARD) a long, successful, joyous retirement. And at this particular point, I am thinking about that myself. So if I am ever out in San Diego, Mr. Chairman, I would like to do a little kayaking in the Pacific Ocean out there. But I do want to thank the chairman for being a gentleman with all these various issues.

Now, as far as the delegation is concerned, the delegation is not united on this. There is no unanimous agreement on this particular issue. The gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Maryland (Mr. BARTLETT), and myself are all opposed to this particular project. We are going forward with the maintenance of the Tolchester Channel, but we do not want to deal at this point, because all the evidence points against it, with the widening of the Tolchester S-turn; and we do not want to do that because there is no need to dredge the northern route at this point because it is not a safety hazard, it is not necessary for increasing commerce, it has nothing to do with jobs in the city of Baltimore.

This has everything to do with spending the taxpayers' dollars unwisely. This has everything to do with an environmental project that is not wise to do and all the environmental groups are opposed to it.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say that I ask my colleagues to support the chairman of the subcommittee, to support the majority of the Maryland delegation, and to support common sense and fair play and allow this project to move forward and reject the Gilchrest amendment.

Mr. Chairman, I yield the balance of the time to the gentleman from Maryland (Mr. HOYER), the dean of the Maryland delegation.

Mr. HOYER. Mr. Chairman, this is an issue on which Maryland is not divided. The Governor of Maryland opposes this amendment. The State Legislature opposes this amendment, not because they voted on this particular amendment, but because they support the Tolchester Channel straightening.

Why? Because it is a safety issue.

The pilots have been lobbying this very heavily. The Coast Guard, in two letters I read to my colleagues, said this is a significant safety issue, it needs to be resolved.

The gentleman says we have not had any accidents. Well, the Exxon Valdez had an accident where there had been no accident. Very frankly, we have a pipeline down on the Patuxent River which for 40 years carried oil without an accident. But there is going to be an accident here, and the consequences may be very significant.

The chairman of the committee and the ranking member of the committee have heard this issue, they have gone the regular process, and they have approved this project. The majority of the Maryland delegation opposes the amendment of the gentleman.

One of our former colleagues has worked very hard on this issue, Helen Bentley, a Republican; and I, as a Democrat, have worked hard on this issue. I share absolutely the concern of the gentleman about the environmental impact of dredging. We ought not to dredge if we cannot do so environmentally safely, period. That is a given.

But we ought not to by this amendment with, and I reiterate, 4 hours' notice to the Maryland delegation that this amendment was going to be offered, defeat this project, which has been worked on since 1996, actually before that, with the participation of the gentleman from Maryland (Mr. GILCHREST).

Now he has changed his mind. Let us not change our minds. Oppose the Gilchrest amendment. Support the Maryland delegation, the bipartisan Maryland delegation.

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in our closing comments, when we look at each issue of dredging or straightening or deepening one at a time, it is not an environmental problem. When we take the cumulative impact of all of these projects throughout the Chesapeake Bay, it is an environmental problem.

And, no, there are many people throughout the State of Maryland that oppose this particular issue. Every environmental group in the State of Maryland opposes this widening. My constituents, especially those that have property on the shoreline, oppose this widening and straightening of the Tolchester S-turn. And, believe it or not, my colleagues, the Corps of Engineers opposes this straightening with their cost benefit analysis because it does not rise to the threshold necessary to benefit taxpayers.

The Environmental Impact Statement is not complete and there are many environmental hazards that we are considering.

The gentleman from Maryland (Mr. HOYER) mentioned the problem with the oil tanker, the *Exxon Valdez*. 6,700 ships have passed through here in the last 6 years without one incident. And there are no rocks here. One of the reasons the Corps of Engineers said it was not necessary and one of the reasons the Coast Guard says it is a challenge but it is not a safety hazard is because there is nothing but sand here, nothing but sand and mud.

If anything runs aground, and they have not, they will slowly move into the sand bar and it is probably because the tide is down and when the tide comes up, they will move along.

This is not about safety, my colleagues. This is about convenience. This is about convenience.

The Corps of Engineers, in their statement, said this is about time saving. And so, we have not paid enough attention as Members of Congress, as our oversight responsibility, to some of these issues.

So I urge my colleagues to vote for fiscal responsibility, to vote for an environmentally sound amendment, and to vote for the average constituent that needs a voice in the U.S. House of Representatives.

Mr. Chairman, I yield back the balance of my time.

□ 1815

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. GILCHREST).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GILCHREST. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 532, further proceedings on the amendment offered by the gentleman from Maryland (Mr. GILCHREST) will be postponed.

The Clerk will read.

The Clerk read as follows:

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $125,000,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to: (1) by March 1, 2001, revise the report, Cost Analysis For the 1999 Proposal to Issue and Modify Nationwide Permits, to reflect the Nationwide Permits actually issued on March 9, 2000, including changes in the acreage limits, preconstruction notification requirements and general conditions between the proposed rule and the rule promulgated and published in the Federal Register; (2) by September 30, 2001, prepare, submit to Congress and publish in the Federal Register a Permit Processing Management Plan by which the Corps of Engineers will handle the additional work associated with all projected increases in the number of individual permit applications and preconstruction notifications related to the new and replacement permits and general conditions so that within two years the number of pending individual permits shall not be greater than the number of said permits pending at the end of fiscal year 1999. The Permit Processing Management Plan shall include specific objective criteria by which the Corps of Engineers progress towards reducing any permit backlog can be measured; (3) beginning on December 31, 2001, and at the end of each quarter thereafter, report to Congress and publish in the Federal Register, an analysis of the performance of its program as measured against the criteria set out in the Permit Processing Management Plan; (4) implement a one-year pilot program to publish quarterly on the U.S. Army Corps of Engineer's Regulatory Program website all Regulatory Analysis and Management Systems (RAMS) data for the South Pacific Division beginning within 30 days of enactment of this Act; and (5) publish in Division Office websites all findings, rulings, and decisions rendered under the administrative appeals process for the Corps of Engineers Regulatory Program as established in Public Law 106–60: *Provided further*, That Corps shall allow any appellant to keep a verbatim record of the proceedings of the appeals conference under the aforementioned administrative appeals process: *Provided further*, That within 30 days of enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall require all U.S. Army Corps of Engineers Divisions and Districts to record the date on which a Section 404 individual permit application or nationwide permit notification is filed with the Corps of Engineers: *Provided further*, That "filed" shall mean the date an applicant first submits its application or notification to the Corps and not the date the application or notification is deemed complete.

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT:

Page 6, line 12, strike "revise" and insert "supplement".

Page 6, line 17, strike "proposed rule" and insert "rule proposed on July 21, 1999,".

Page 6, line 19, after "(2)" insert "after consideration of the cost analysis for the 1999 proposal to issue and modify nationwide permits and the supplement prepared pursuant to this Act and".

Page 6, line 25, strike "so that within" and all that follows through "1999" on page 7, line 3.

Page 7, line 4, after "specific objective" insert "goals and".

Page 7, line 5, strike "Engineers progress" and insert "Engineers' progress".

Page 7, line 7, strike "at the end of each quarter" and insert "on a biannual basis".

Page 7, line 15, insert "and North Atlantic Division" after "South Pacific Division".

Page 7, line 20, insert after "Public Law 106–60: *Provided further*, That" the following: ", through the period ending on September 30, 2003,".

Page 8, line 4, strike "That 'filed' shall mean" and all that follows through "deemed complete." on line 7 and insert the following: That the Corps of Engineers, when reporting permit processing times, shall track both the date a permit application is first received and the date the application is considered complete, as well as the reason that the application is not considered complete upon first submission.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, my amendment is straightforward and noncontroversial. I believe it not only has the support of the gentleman from California (Mr. PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY) and other members of the Committee on Appropriations, but also the gentleman from Pennsylvania (Mr. SHUSTER) and other members, on a bipartisan basis, of the Committee on Transportation and Infrastructure.

It also accomplishes something that is relatively rare in this day and age. We have support for the amendment from those within both the environmental community and the regulated community.

I have details on the amendment. Both the chairman and the ranking member have the details, and I would have them inserted into the RECORD at the end of this statement.

What does this noncontroversial, but important amendment do? It updates and revises the authorizing language included by Chairman PACKARD in his Subcommittee relating to the Corps wetlands permitting program—specifically nationwide permits and administrative appeals.

The general intent of my amendment is twofold: (1) to increase the public's and the regulated community's right to know about the Corps wetlands permitting program; and (2) to remove provisions that might cause unnecessary controversy or debate.

While I'm including a detailed summary of the amendment in my written statement, let me highlight its major features. First, it removes the reference to the number of pending individual permits at the end of FY 99 as the performance measure of the proposed Permit Processing Management Plan (PPMP). It shouldn't be necessary to legislatively require that the Plan revolve around a chosen prior fiscal year. I would note, however, that there is legitimate concern that the new nationwide permit restrictions and conditions will create an unmanageable workload for processing individual permits. To be effective, the Plan must address this concern head-on; in the context of its Plan, the Corps may certainly want to look at the number of pending individual permit applications in FY 99.

The other major highlight of the amendment is to modify provisions on recording the filing of permits so as to require the Corps to track both the date of permit application is received and the date the application is considered complete, as well as the reason the application is not considered complete upon first submission. This should go a long way in providing useful information to help resolve the never-ending debate over the length of time it takes a review and approve or deny wetlands permit applications.

Chairman PACKARD is to be commended for his overall efforts in developing and advancing this year's bill. He has done a good job balancing the need for increased knowledge about wetlands permit processing times, workload impacts, and administrative appeals.

My modest, yet important amendment will improve the language in the bill, and I urge all of my colleagues to accept it.

Deletes the reference to the number of pending individual permits at the end of FY 99 as the performance measure of the Permit Processing Management Plan (PPMP) for future years, It shouldn't be necessary to legislatively require that the Plan revolve around a chosen prior fiscal year.

Modifies the performance measures report to Congress (and publication in the Federal Register) from being quarterly to bi-annual (i.e. twice a year). This should help address concerns about "excessive" reporting and paperwork burdens.

Expands the one-year pilot program for the South Pacific Division to include the North Atlantic Division. Increased geographic diversity should increase the value of the pilot program.

Modifies provisions on recording the filing of permits to require the Corps to track both the date a permit application is received and the date the application is considered complete, as well as the reason the application is not considered complete upon first submission.

Sunsets after 3 fiscal years the proviso allowing appellants to keep verbatim records of appeals conference proceedings. This should provide ample time to determine if such verbatim records help or hinder equitable and just resolutions.

Makes technical and clarifying amendments.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I appreciate the gentleman from New York (Mr. BOEHLERT) yielding.

Mr. Chairman, I think the amendment is a very good amendment, and I am very pleased to accept the amendment. I appreciate the fact that he has offered it.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise not to object to the Boehlert amendment. I will not do so, but I do think it is imperative that the House understand the situation relative to funding for the Army Corps of Engineers.

A year ago on this floor, in considering the bill, we had several very serious controversies relative to wetland regulation. When the budget was sent to the United States Congress in January of this year, those rules were not yet in effect. Subsequent to that period of time, they went into effect, and the Army Corps of Engineers has estimated that the additional cost to ensure that there is no delay to developers and contractors and members of the general public would be 6 million additional dollars over and above the budget request. Those $6 million are not contained in this bill.

To add further to the Corps' problem, in the subcommittee mark there were additional requirements placed on the Corps to the tune of a March 1, 2001, revised report cost analysis for a proposal to issue modified nationwide permits: to wit, by September 30, the year 2001, prepare and submit to Congress and publish in the Federal Register a permit processing management plan; to wit, beginning on December 31, 2001, at the end of each quarter thereafter, and I would acknowledge the gentleman has lengthened this to a biannual report, report to Congress and published in the Federal Register an analysis of the performance of its programs as registered against the criteria set out in the permit processing management plan; and, four, implement a 1-year pilot program to publish quarterly on the U.S. Army Corps of Engineers' regulatory program for the South Pacific Division.

Additionally, how we compute time relative to delays that had been complained about was changed in the subcommittee mark. That was an additional burden. We then went to the full committee. The chairman of the committee offered an amendment that was ultimately adopted that further increased that burden by requiring that the Corps Division Office publish on its Web site all findings, rulings and decisions. Additionally, a provision that I do think can potentially have a chilling impact on the appellate procedure that the Corps shall allow an appellant to keep a verbatim record of the proceedings of the appeals conference under the aforementioned administrative appeals process.

The gentleman has now come forth and, as I indicated, changed a quarterly reporting to biannual. That is an improvement. There were several other improvements, but it also did place another burden on the Corps by also now including the North Atlantic Division as far as those reporting requirements.

So I do not object to what the gentlemen has done. He has added a burden but he has improved the legislation that was reported by the committee.

The Corps does not have the money, and I would just want to emphasize I would hope at some point we have corrected that procedure so there is no delay to those who seek permits.

Finally, I do think the gentleman has made one important change, and that is that we do continue the current counting period as far as when an application for a permit is considered to have been received, because my concern as expressed in the full committee, and would be here, that 12 months from now, 24 months from now when the wetlands issue is potentially debated again, people will come in and say we told you so. If it was not for those two changes in the year 2000, we would not have had this additional delay, not because of any failing of the Corps or the contractor or developer, but because we changed how those dates are computed. The gentleman in his amendment would compute them in both fashions, the previous fashion as well as the new fashion contained in the committee bill.

So I did want to make sure that people understand for the record that is the situation we find ourselves in. I do not object to what he wants to do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The amendment was agreed to.

Mr. PACKARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, for the benefit of the Members, we would like to now offer a motion that will allow us to offer a unanimous consent request that will put some limitations and some controls on the balance of the evening, and hopefully shorten the debate.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. QUINN) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4733, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4733 in the Committee of the Whole pursuant to House Resolution 532, no further amendment to the bill shall be in order except, one, pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Two, the amendment printed in the House Report 106–701;

Three, the following additional amendments, which shall be debatable for 30 minutes: Mr. SALMON's amendment regarding solar energy.

Mr. VISCLOSKY. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Speaker, if we would also have an understanding on the Salmon amendment that the gentleman from Arizona (Mr. SALMON) would control 15 minutes of the 30 minutes and that the gentleman from Colorado (Mr. UDALL) would control the other 15 minutes?

Mr. PACKARD. That is my understanding.

Number four, the following additional amendments, which shall be debatable for 20 minutes: Mr. RYAN of Wisconsin regarding National Ignition Facility; and the amendment printed in the portion of the CONGRESSIONAL

RECORD designated for that purpose in clause 8 of rule XVIII and numbered 1.

Number five, the following additional amendments, which shall be debatable for 10 minutes: Mr. GEKAS, regarding energy independence; Mr. STEARNS, regarding Secretary of Energy travel; Mr. STEARNS, regarding Secretary of Energy travel before January 20, 2001; Mr. RYAN of Wisconsin, regarding construction of the National Ignition Facility; Mr. HANSEN, regarding nuclear waste storage; Mr. CAMP, regarding Strategic Petroleum Reserve Exchanges; Mr. RYUN of Kansas, regarding compensation of Department of Energy employees; Mr. NEY, regarding Appalachian Regional Commission; Ms. BROWN of Florida, regarding alternative energy sources; and the amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII that are numbered 2, 3, 4, 8, 9, 10, 11, and 12.

Each additional amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, and shall be considered as read. Each additional amendment shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

That is the unanimous consent request that I propose, and I believe we have agreement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. OBEY. Mr. Speaker, reserving the right to object, I do not intend to object. I simply would like to point out that the distinguished chairman of the committee, the gentleman from Florida (Mr. YOUNG), yesterday asked Members to give notice of amendments that they might intend to offer so that they could be incorporated in any unanimous consent request today; and also said that the committee would know what we are doing when we are asked to either accept or reject them.

I note that in the last hour there have been some eight additional amendments that have come out of the woodwork. Seven of those, I think it is fair to say, are coming from the majority side of the aisle. I would simply take note, for the benefit of Members who will want to know why we will be in so late tonight on this bill, that the committee tried to make certain that we had early notice of what the amendments were and apparently we have a lot more who desire to prolong the debate on that side of the aisle than we do on this side of the aisle.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 532 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4733.

□ 1826

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from New York (Mr. BOEHLERT) had been disposed of, and the bill was open for amendment from page 6, line 6 through page 8, line 7.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 532, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 5 by the gentleman from Missouri (Mr. HULSHOF); amendment by the gentleman from Maryland (Mr. GILCHREST); a second amendment by the gentleman from Maryland (Mr. GILCHREST).

The Chair will reduce to 5 minutes the time for any electronic vote after the first in this series.

AMENDMENT NO. 5 OFFERED BY MR. HULSHOF

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentleman from Missouri (Mr. HULSHOF) on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 262, not voting 7, as follows:

[Roll No. 334]

AYES—165

Aderholt
Andrews
Archer
Baca
Baldwin
Barr
Barrett (WI)
Bartlett
Barton
Becerra
Berman
Berry
Biggert
Blagojevich
Bliley
Boehner
Boswell
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Camp
Canady
Cannon
Capps
Carson
Chambliss
Clay
Clyburn
Coburn
Cooksey
Costello
Crane
Cubin
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
Deutsch
Diaz-Balart
Doggett
Dooley
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Ewing
Farr
Foley
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Graham
Green (WI)
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hayes
Hill (MT)
Hilliard
Hinchey
Hoekstra
Holt
Hostettler
Hoyer
Hulshof
Hutchinson
Hyde
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kennedy
Kildee
Kind (WI)
Kleczka
LaHood
Lantos
Largent
Latham
Leach
Lee
Lewis (GA)
Linder
Luther
Manzullo
McCarthy (MO)
McCrery
McDermott
McHugh
McInnis
McKinney
McNulty
Meek (FL)
Miller, George
Minge
Moran (KS)
Myrick
Nadler
Ney
Northup
Norwood
Nussle
Oxley
Paul
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Porter
Portman
Price (NC)
Ramstad
Rangel
Riley
Rogan
Ros-Lehtinen
Ryan (WI)
Sabo
Salmon
Sanders
Sandlin
Sanford
Scarborough
Schakowsky
Sensenbrenner
Serrano
Shadegg
Shays
Sherman
Shimkus
Shows
Shuster
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stark
Sununu
Sweeney
Talent
Tancredo
Tauzin
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Udall (CO)
Vitter
Weller
Wexler
Whitfield
Wynn

NOES—262

Abercrombie
Ackerman
Allen
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Bass
Bateman
Bentsen
Bereuter
Berkley
Bilbray
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (OH)
Callahan
Calvert
Campbell
Capuano
Cardin
Castle
Chabot
Chenoweth-Hage
Clayton
Clement
Coble
Collins
Combest
Condit
Conyers
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Dickey
Dicks
Dingell
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
Everett
Fattah
Filner
Fletcher
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Greenwood
Gutierrez
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hobson
Hoeffel
Holden
Hooley
Horn
Houghton
Hunter
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly

Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Larson
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McGovern
McIntyre
McKeon
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Pickett
Pombo
Pomeroy
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sanchez
Sawyer
Saxton
Schaffer
Scott
Sessions
Shaw
Sherwood
Simpson
Sisisky
Skeen
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tierney
Toomey
Towns
Traficant
Turner
Udall (NM)
Upton
Velázquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—7

Cook
Hinojosa
Lazio
Markey
McIntosh
Thomas
Vento

□ 1852

Messrs. SMITH of Washington, CUMMINGS, HALL of Texas, LEWIS of California, KUCINICH, WEYGAND, ACKERMAN, ALLEN, ROHRABACHER, CONYERS, MEEKS of New York, TOWNS, HAYWORTH, FORD, CROWLEY, HERGER and MEEHAN, and Ms. SANCHEZ, Mrs. MINK of Hawaii, and Ms. MILLENDER-MCDONALD changed their vote from "aye" to "no."

Messrs. BARR of Georgia, BURTON of Indiana, EVANS, DEFAZIO, COBURN, LEWIS of Georgia, DAVIS of Illinois, SABO, MINGE, TIAHRT, SPENCE, FARR of California, UDALL of Colorado, MCNULTY, and BERMAN, and Ms. LEE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD). Pursuant to House Resolution 532, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. GILCHREST

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. GILCHREST) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 273, not voting 8, as follows:

[Roll No. 335]

AYES—153

Abercrombie
Andrews
Archer
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blumenauer
Boehlert
Bonilla
Bono
Brady (TX)
Bryant
Burton
Calvert
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cooksey
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
Delahunt
DeLay
Diaz-Balart
Duncan
Ehlers
Ewing
Farr
Foley
Ganske
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Greenwood
Gutknecht
Hansen
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hunter
Hyde
Inslee
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kolbe
Kuykendall
LaHood
LaTourette
Leach
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lucas (OK)
Luther
Manzullo
Martinez
McCarthy (MO)
McCollum
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Norwood
Nussle
Olver
Oxley
Paul
Pease
Peterson (PA)
Petri
Pickering
Pombo
Porter
Pryce (OH)
Ramstad
Riley
Rivers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Salmon
Sanford
Saxton
Scarborough
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Smith (MI)
Smith (NJ)
Smith (WA)
Spence
Stump
Sununu
Tancredo
Tauzin
Taylor (MS)
Terry
Toomey
Traficant
Udall (CO)
Upton
Walden
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Wolf

NOES—273

Ackerman
Aderholt
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blunt
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Camp
Capps
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
DeLauro
DeMint
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Filner
Fletcher
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gonzalez
Goodling
Gordon
Granger
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hutchinson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
Larson
Latham
Lee
Levin
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Oberstar
Obey
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pitts
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Scott
Serrano
Sherman
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (TX)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Turner
Udall (NM)
Velázquez
Visclosky
Vitter
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wicker
Wise
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Cook
Hinojosa
Knollenberg
Lazio
Markey
McIntosh
Thomas
Vento

□ 1900

Mrs. NORTHUP changed her vote from "aye" to "no."

Messrs. GRAHAM, ROYCE, and COOKSEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(Mr. STUPAK asked and was given permission to allowed to speak out of order for 1 minute.)

EXPRESSING GRATITUDE FOR SUPPORT OF MEMBERS OF CONGRESS AND PEOPLE ACROSS AMERICA DURING RECENT FAMILY TRAGEDY

Mr. STUPAK. Mr. Speaker, I rise tonight to speak out of order for a few minutes to express my gratitude to the Members of this distinguished body and to the thousands of individuals and families across my district and in this great Nation who have offered my family and me their support, prayers, and love for the loss of our son and brother, B.J.

It is often said that the true measure of any institution is how it comes together for one of its own in times of trouble. As I stand here tonight with a broken heart, I am reminded of the strength and greatness in each of the Members, their congressional staffs, and the men and women who work each day with us in the U.S. House of Representatives.

Not only have they displayed their kindness to Laurie, Ken, and me, but also to the Menominee community when so many Members traveled to our hometown to attend B.J.'s funeral. While Members' trips have been reported as a Who's Who in Congress, led by the Speaker, the Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), and Tipper Gore, the newspaper failed to mention the personal sacrifice each Member made, failed to mention that a number were left standing on the tarmac because there was no room on the plane. The newspaper failed to recognize the kindness of this House, which is found in its Members.

B.J. realized the greatness of the U.S. House of Representatives, as he often told me that I could not leave the House until he was 25, so he could succeed me. B.J. knew that Article 1, Section 2 of the United States Constitution states, "No person shall be a representative who shall not have attained the age of 25 years."

He told Laurie shortly before he died that he felt he could be an even better Congressman than his dad. I am sure he could have been. Earlier today when I announced my reelection plans for a fifth term, I know B.J. was pleased.

We have received thousands of calls and letters from Members and their families, friends, neighbors, even complete strangers. This outpouring of support has given us strength. It has renewed our faith in the goodness of people and in the love of friends and neighbors. The love, support, and understanding that we have received and still continue to receive are blessings for which we will be forever grateful.

I would like to take a moment and thank the gentleman from Oklahoma (Mr. LARGENT), the gentleman from Pennsylvania (Mr. DOYLE), the gentleman from Oklahoma (Mr. COBURN), the gentleman from Tennessee (Mr. WAMP), and the gentleman from Maine (Mr. BALDACCI), who came to Michigan immediately after B.J. died. These Members and I, we all live together here in D.C., not as Democrats or Republicans, but as individuals who have profound respect and love for one another. They are a great source of comfort for me, Laurie, and Ken.

My family and I ask that each Member also keeps in mind and close to heart the friends and classmates of B.J. at Menominee High School as they deal with this tragedy. They need all our love, care, and support. B.J. was their class leader. He would have been president of the student body this coming year.

B.J. was concerned when the student leadership team could not attend out-of-town functions or conferences because there was never enough money in the student government budget. So in B.J.'s memory we have established the B.J. Fund, to finance in part student participation in leadership programs.

Through the generosity of many individuals, organizations, and some Members of this House, I am proud to say we have over $35,000 in the B.J. Fund. Mr. Speaker, I do not wish to make my son larger than what he was in life, but B.J. was one of those people who we remember they were here. He was blessed with a personality, charm, and charisma. That was B.J. His life is a harsh reminder of how fragile life is, for we do not know what life holds for any of us.

For Laurie, Ken, and me, B.J. will be forever in our hearts, on our minds, and on our lips. Tonight we would like to express our heartfelt thanks for Members' support.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD). Without objection, the next vote will be 5 minutes.

There was no objection.

AMENDMENT OFFERED BY MR. GILCHREST

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. GILCHREST) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 281, not voting 8, as follows:

[Roll No. 336]

AYES—145

Abercrombie
Andrews
Archer
Armey
Barrett (NE)
Bartlett
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Blumenauer
Boehlert
Bonilla
Brady (TX)
Bryant
Burton
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cooksey
Cox
Cunningham
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLay
Diaz-Balart
Duncan
Ehlers
Ewing
Farr
Foley
Fossella
Ganske
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hansen
Hayes
Hefley
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hunter
Hyde
Inslee
Isakson
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kingston
Kolbe
Kuykendall
LaHood
LaTourette
Leach
Lewis (GA)
Linder
LoBiondo
Lucas (OK)
Luther
Manzullo
Martinez
McCarthy (MO)
McCollum
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Norwood
Nussle
Olver
Ose
Oxley
Paul
Pease
Petri
Porter
Pryce (OH)
Ramstad
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Salmon
Sanford
Saxton
Scarborough
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Sununu
Tancredo
Taylor (MS)
Terry
Thornberry
Thune
Traficant
Udall (CO)
Upton
Walden
Wamp
Watts (OK)
Weller
Whitfield
Wolf
Young (FL)

NOES—281

Ackerman
Aderholt
Allen
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bliley
Blunt
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
DeLauro
DeMint
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Filner
Fletcher
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gonzalez
Gordon
Granger
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hutchinson
Istook
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
Lampson
Lantos
Largent
Larson
Latham
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Scott
Serrano
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skelton
Slaughter
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (NM)
Velázquez
Visclosky
Vitter
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Wicker
Wilson
Wise
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—8

Cook
Hinojosa
Lazio
Markey
McIntosh
Moakley
Peterson (PA)
Vento

☐ 1914

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the order of the House of today, no further amendments shall be in order except pro forma amendments offered by the chairman and the ranking member or their designees and the following further amendments which may be offered only by the Member designated in the order of the House or a designee, or the Member who has caused it to be printed or a designee, shall be considered read, debatable for the time specified, equally divided and controlled by the proponent and opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question:

The amendment printed in House Report 106–701;

The following additional amendment, which shall be debatable for 30 minutes: Mr. SALMON, regarding solar energy;

The following additional amendments, which shall be debatable for 20 minutes:

Mr. RYAN of Wisconsin regarding National Ignition Facility; and

The amendment printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII, and numbered 1;

The following additional amendments, which shall be debatable for 10 minutes:

Mr. GEKAS, regarding energy independence;

Mr. STEARNS, regarding Secretary of Energy travel;

Mr. STEARNS, regarding Secretary of Energy travel before January 20 of 2001;

Mr. RYAN of Wisconsin regarding construction of National Ignition Facility;

Mr. HANSEN, regarding nuclear waste storage;

Mr. CAMP, regarding Strategic Petroleum Reserve exchanges;

Mr. RYUN of Kansas, regarding compensation of Department of Energy employees;

Mr. NEY, regarding the Appalachian Regional Commission;

Ms. BROWN of Florida, regarding alternative energy sources; and

The amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII, and numbered 2, 3, 4, 8, 9, 10, 11, and 12.

Mr. PACKARD. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill from page 8, line 8, through page 10, line 18, is as follows:

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center, $149,500,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further*, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

REVOLVING FUND

Amounts in the Revolving Fund are available for the costs of relocating the U.S. Army Corps of Engineers headquarters to office space in the General Accounting Office headquarters building in Washington, D.C.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. 16 U.S.C. 777c(a) is amended in the second sentence by striking "2000" and inserting "2001".

SEC. 102. (a) The Secretary of the Army shall enter into an agreement with the City of Grand Prairie, Texas, wherein the City agrees to assume all of the responsibilities of the Trinity River Authority of Texas under Contract #DACW63–76–C–0166, other than financial responsibilities, except as provided for in subsection (c) of this section. The Trinity River Authority shall be relieved of all of its financial responsibilities under the Contract as of the date the Secretary of the Army enters into the agreement with the City.

(b) In consideration of the agreement referred to in subsection (a), the City shall pay the Federal Government a total of $4,290,000 in two installments, one in the amount of $2,150,000, which shall be due and payable no later than December 1, 2000, and one in the amount of $2,140,000, which shall be due and payable no later than December 1, 2003.

(c) The agreement executed pursuant to subsection (a) shall include a provision requiring the City to assume all costs associated with operation and maintenance of the recreation facilities included in the Contract referred to in that subsection.

The CHAIRMAN. Are there any amendments to this portion of the bill?

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR) for purposes of a colloquy.

Ms. KAPTUR. Mr. Chairman, I thank the able gentleman from Indiana (Mr. VISCLOSKY) for yielding me this time.

Mr. Chairman, I have risen to engage the distinguished gentleman from California (Mr. PACKARD), chairman of the Subcommittee on Energy and Water Development Appropriations, in a colloquy. As the gentleman and the ranking member knows, I have an ongoing interest in the enlarged use of biomass materials as a source of domestic energy. Serving on the Subcommittee on Agriculture Appropriations, I have always been somewhat puzzled that biomass fuels such as ethanol and biodiesel have not become a more substantial energy resource for our country to displace our unwise reliance on imported sources of energy.

Mr. Chairman, it appears that we have a win-win-win situation if biomass fuels can provide a domestic energy source to help relieve our dependence on foreign oil, if we maintain it as a renewable resource that will last as long as we can grow crops, and it will provide a new and substantial market for our farmers, especially if linked to on-farm storage of inputs and broadly competitive processing and distribution arrangements.

One issue that seems to stand in the way of additional progress in the development of biomass fuels is the reluctance of the Departments of Energy and Agriculture to work together to move biofuels research and development forward. I assume that that lack of coordination is the product of bureaucratic inertia and can be overcome with some well-directed prodding by this Congress.

So if the Chairman and ranking member agree, I hope that our two subcommittees and we as leaders in the Congress can work together to find ways to encourage cooperation between the Departments of Agriculture and Energy in the development of biomass fuels. I would suggest we ask the Departments to report back to the committee before we consider next year's appropriation bill on suggested initiatives that can be undertaken to increase the production and use of biofuels, including recommendations for engaging more broadly the U.S. farm sector in the storage, production, processing, and distribution of biofuel inputs and outputs.

Mr. PACKARD. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, we would be very happy, and I would be very happy, to work with the gentlewoman on this issue and, of course, with the committee upon which she serves.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for his willingness to work with me. I want to again thank the able gentleman from Indiana (Mr. VISCLOSKY), ranking member, for yielding me this time.

Mr. VISCLOSKY. Mr. Chairman, reclaiming my time, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND) for purposes of a colloquy.

Mr. KIND. Mr. Chairman, I thank the gentleman from Indiana (Mr. VISCLOSKY), our ranking member, for yielding me this time for purposes of a colloquy. As the ranking member and the chairman of the subcommittee understand, I have been a strong proponent of the Environmental Management Program for the Upper Mississippi River Basin. This is a program that has habitat restoration and long-term resource monitoring to better preserve and protect the Mississippi River Basin.

I had originally intended to offer an amendment with appropriate offsets in order to increase funding for this vitally important program, but out of the respect for the committee and the work that they have done, and the 302(b) allocations that they have had to work within, and the difficulty, frankly, of finding appropriate offsets without impinging upon other vitally important programs in this bill, I decided not to offer the amendment.

We do have allies on the Senate side that are also very strong proponents of the Environmental Management Program. As the ranking member and chairman undoubtedly recall, EMP was permanently reauthorized last year; and it was authorized from a $19 million level up to $33 million. This year, the committee I think did a wonderful job of trying to increase funding from $19 million for this fiscal year up to $21 million that is contained in this bill.

Mr. Chairman, we were hoping as part of the bipartisan Mississippi River Caucus to get the funding up to around $24 million, $25 million, which we feel would be sufficient for the program to absorb the new cost, yet still be able to accomplish the objectives that exist under the program; and that is still our goal. We are hoping that given the greater flexibility over the allocation numbers as they are in the Senate, we are going to be able to achieve increased funding from that side. Based on conversations I have now had with the gentleman from Indiana (Mr. VISCLOSKY) and also the gentleman from California (Mr. PACKARD), ranking member and chairman of the subcommittee, we are hoping to get a more favorable outcome in conference, if we are more successful on the Senate side for EMP.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. KIND. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, the gentleman and I have discussed this previously, and we certainly would like to work with the gentleman in trying to find additional funds for this project in conference with the Senate. If the Senate has a higher figure, there is a good chance that we could find a way to come up from what the House level is.

Mr. KIND. Mr. Chairman, reclaiming my time, I appreciate the gentleman's commitment to the program, his leadership on the issue, and look forward to working with the gentleman in the future on this.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. KIND. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I would also agree. Obviously, there is no guarantee at all because the budget is so very tight. But I do appreciate the commitment of the gentleman from Wisconsin (Mr. KIND). And as the chairman indicated, we would be happy to try to work with the gentleman.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. BOSWELL) for purposes of a colloquy.

Mr. BOSWELL. Mr. Chairman, I thank the gentleman from Indiana (Mr. VISCLOSKY) for yielding me this time. I appreciate that.

Mr. Chairman, it seems like I go these long spells and do not say much, but today I come asking for the consideration of the gentleman from California (Mr. PACKARD). I had intended, I had hoped today, to offer an amendment which would have added $4.3 million to the Environment, Health, and Safety section of title III of the bill. This addition would have matched the administration's request for important health screening and treatment for workers at the Iowa Army Ammunition Plant in Burlington, Iowa, which I am proud to represent. Unfortunately, this was not accepted by the committee. I know, from what we have discussed earlier, I understand the dilemma that the committee is in.

Mr. Chairman, I will say that from 1946 until 1975, the U.S. Atomic Energy Commission operated a portion of this plant near Burlington to assemble nuclear weapons, employing approximately 4,000 people, 4,000 workers. A recent review by the EPA of documents provided by the Department of Energy has revealed the release of radioactive isotopes and hazardous chemicals at the plant during this time period. This development raises serious concerns regarding the health and welfare of the workers at the plant. There is a tremendous need for this funding to properly screen and treat those that were exposed to harmful elements.

Funding for screening and treatment at this plant at Burlington is not the only important screening activity which will not be funded in this bill. Medical monitoring of more than 1,000 workers who were employed at Amchitka, Alaska, during the time that the U.S. Government maintained a nuclear testing facility on the island will be canceled. The project identifies, locates and provides targeted medical screening for those workers.

Other sites such as Pantex in Texas and Los Alamos in New Mexico will not be able to begin medical monitoring projects because the funding is not available.

So, Mr. Chairman, I ask of the gentleman from California (Chairman PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, and so on and all the rest, that when they go to conference, and any other opportunity that they may have, I ask that they consider the service the workers in these ammunition plants, these tests sites, did for our country during this Cold War period. Their noble service is as responsible as some of us who wore the uniform, some of us that make the decisions we have to make in operations such as this now.

Mr. Chairman, these Cold War warriors need our country's help to deal with the health problems they have incurred due to their service. So I hope that these gentlemen and my colleagues in the House will work with me and others to get this restored during conference committee or any other possible opportunity. That is my request that I come to the floor with today.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. BOSWELL. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I appreciate the gentleman's concern, and particularly his concern over the health and safety of those who have worked in his district and continue to do so. I for one, and I think the gentleman from California (Chairman PACKARD) shares my concern, appreciate the gentleman bringing it to the committee's attention.

As I indicated to the gentleman from Wisconsin, there is no guarantee in this process, except the sincerity of our efforts. And I do appreciate the gentleman's commitment very much.

Mr. BOSWELL. Mr. Chairman, I thank the gentleman for his response, and I thank the gentleman from California (Mr. PACKARD) for his nodding response.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $38,724,000, to remain available until expended, of which $19,158,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $14,158,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,216,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $635,777,000, to remain available until expended, of which $1,916,000 shall be available for transfer to the Upper Colorado River Basin Fund and $39,467,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; and of which not to exceed $200,000 is for financial assistance for the preparation of cooperative drought contingency plans under Title II of Public Law 102–250: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2000, and 2001" in lieu of "and 2000": *Provided further*, That the amount authorized for Minidoka Project North Side Pumping Division, Idaho, by section 5 of Public Law 81–864, is increased by $2,805,000: *Provided further*, That none of the funds appropriated in this Act may be used by the Bureau of Reclamation for closure of the Auburn Dam, California, diversion tunnel or restoration of the American River channel through the Auburn Dam construction site.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $8,944,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $27,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $38,382,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $47,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 202. The Secretary of the Interior is authorized to assess and collect annually from Central Valley Project (CVP) water and power contractors the sum of $540,000 (June 2000 price levels), and to remit that amount annually to the Trinity Public Utilities District (TPUD). This assessment shall be payable 70% by CVP Preference Power Customers and 30% by CVP Water Contractors. The CVP Water Contractor share of this assessment shall be collected by the Secretary through established Bureau of Reclamation (Reclamation) Operation and Maintenance ratesetting practices. The CVP Power Contractor share of this assessment shall be assessed by Reclamation to the Western Area Power Administration, Sierra Nevada Region (Western), and collected by Western through established power ratesetting practices. The authorized amount collected shall be paid annually to the TPUD.

Mr. PACKARD (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the title II be considered as read, printed in the RECORD, and open for amendments at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, $576,482,000 to remain available until expended: *Provided*, That, in addition, royalties received to compensate the Department of Energy for its participation in the First-Of-A-Kind-Engineering program shall be credited to this account to be available until September 30, 2002, for the purposes of Nuclear Energy, Science and Technology activities.

AMENDMENT OFFERED BY MR. SALMON

Mr. SALMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SALMON:

Page 16, line 18, after the dollar amount insert the following: "(increased by $40,000,000)".

Page 21, line 19, after the dollar amount insert the following: "(reduced by $46,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. SALMON) and the gentleman from Colorado (Mr. UDALL) each will control 15 minutes.

The Chair recognizes the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I begin I would like to express my gratitude to the gentleman from California (Chairman PACKARD) for graciously accepting this amendment. He and his staff have been more than generous with their ideas, their time; and thanks to their efforts, we have agreed to fund renewable energy programs well above this year's subcommittee mark and above final funding levels for the last 2 years.

This is particularly notable given this year's limited House Energy and Water budget allocation. Again, I thank the gentleman. We will go golfing together when we get out of here.

Mr. Chairman, I would also like to offer special thanks to the gentleman from Colorado (Mr. UDALL) for his assistance and support of this amendment. His outstanding work is much appreciated by the renewable energy community, and myself, and the future of this planet. I thank the gentleman very much.

The amendment that the gentleman from Colorado and I are proposing today is a timely and responsible effort to increase funding for renewable energy for research and development programs. The amendment adds $40 million to the renewable energy budget. This funding is necessary to ensure continued quality research and development that is so vital to our national security.

The amendment is offset by a reduction in contractor travel. Though the committee cut funding for this program last year, abuses still persist. Additionally, given the choice between travel dollars for contractors and research dollars for the future of America, it is clear that we must choose the latter.

Today, I urge my colleagues to join me in declaring that the time for renewable energy is now. Americans are paying more for fuel right now than at any time in our history. Dependency on foreign oil is at all-time highs. We fought a war less than 10 years ago over threats to our oil supply, and we agreed then we had to decrease our reliance on foreign oil. Domestic oil production is down 17 percent since the start of the current administration.

Mr. Chairman, we must now work to diversify our energy portfolio and draw on domestic renewable energy resources that, given the funding and priority they deserve, will provide much-needed reliable, affordable energy to American homes, businesses, and industry, and free us from foreign control.

The urgency of this situation is most clearly illustrated by the recent gas prices. Climbing fuel costs across the Nation have served as a painful reminder of our overdependence on foreign oil. For over a year, countries from the OPEC cartel and other oil-producing countries have conspired to steal from Americans by artificially inflating the price of oil. These hikes have had a dramatic effect on the life of every American and threaten the state of our economy.

Clearly, we rely too heavily on unreliable foreign oil supply from the world's most volatile region. We must lessen our dependence on foreign oil and recognize renewable energy as a vitally important and, I believe, undervalued component of responsible energy.

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This morning, Secretary Richardson spoke before the Committee on International Relations and commented that our increased technology and renewable energy will be one of the factors that will bring oil prices back down and lessen our dependence on foreign oil.

Despite exciting advances and promising advantages, renewable energy has been underfunded in comparison to competing energy programs. From 1973, when Federal funding for renewable energy technologies started in earnest, through fiscal year 1996, in real 1977 dollars, the Federal Government has spent $42 billion for research and development in nuclear and $19 billion for fossil fuels.

Contrast those figures with the $11 billion spent for renewable energy research and development and $7 billion for energy efficiency. Clearly, renewable energy technologies need and deserve more comparable support, particularly in light of the fact that we are losing the technology race to other countries, causing an even greater imbalance in trade.

Countries like Germany and Japan are placing much higher priority on funding renewable energy research and development, posing the risk of U.S. technology advancement being lost to overseas competition.

Despite the financial inequity of research and development funding, renewable energy and energy efficiency technologies have made impressive progress. Take, for example, the advances being made in my home State of Arizona. Arizona recently became the first State to require that a certain percentage of our electricity come from solar sources and one of 27 States to require derivation of energy from renewable sources, including landfill gas, wind and biomass generators.

These renewable energy technologies are steadily gaining acceptance and are just beginning to deliver on the promise of clean, abundant, reliable and increasingly competitive renewable energy. I am confident that with consistent, healthy funding, renewable energy technologies will continue to faithfully deliver on that promise.

As my colleagues know, or many of them know and probably are happy about this, this is my final term, and the close of my service as chairman of the House Renewable Energy and Energy Efficiency Caucus. I am very pleased at the progress that renewables have made during my stewardship. House caucus membership is at an all-time high of 160 Members. Senate caucus membership has grown to an impressive 26 Members. Nationwide support for renewable energy is strong and growing, and funding levels are back on the rise.

I am optimistic about this year's House and Senate funding levels and hope that, as more funds become available, the conference bill will further boost appropriations for renewable energy and energy efficiency programs.

I urge my colleagues to support renewable energy and energy efficiency research and development. Together, we can ensure a secure, abundant, clean and promising renewable energy future.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer this amendment with the gentleman from Arizona (Mr. SALMON) who chairs the House Caucus on Renewable Energy and Energy Efficiency, and with the gentleman from New York (Mr. BOEHLERT) and the gentlewoman from Ohio (Ms. KAPTUR). I especially want to thank the gentleman from Arizona (Mr. SALMON) for working with me on this amendment. This is our second joint effort in the last 2 years.

I join with many of my colleagues in saying we will miss the leadership of the gentleman from Arizona (Mr. SALMON) on this issue. We look forward to working with him from his home

State of Arizona, and who knows what the future may hold.

I do also want to thank the gentleman from California (Chairman PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY), ranking member, for agreeing to accept this amendment.

The amendment will add $40 million to solar and renewable energy programs in fiscal 2001 and will offset this sum with Department of Energy contractor funds. While this increase is not even close to the levels of the request, it is a good start, and I hope it can begin a trend toward increased funding for these programs in future years.

After all the rhetoric we have been hearing in the last few weeks in the newspapers, on the talk shows, and on the floor about our lack of an energy policy, I am glad to have this opportunity today to rise above recrimination to get to the heart of the problem.

I want to talk about the importance of agreeing on a long-term energy policy, one that requires us to think beyond today's gasoline prices and beyond the elections in November. I want to talk about the real crisis that will develop in 10 or 20 years from now when oil prices will probably go up permanently as a result of increasing global demand and of passing the peak in global petroleum production.

We have not done enough to prepare for this eventuality. But we might have the opportunity to do so now. If there is a silver lining to the current crisis in oil prices, it is that we are being forced to consider alternative energy sources.

The Department of Energy has been looking into these alternatives for years. Twenty years after research on clean energy technologies began, these technologies are becoming a part of the solution to concerns about the quality of our water and air and changes in our climate.

DOE's renewable energy programs are vital to our Nation's interests, helping to provide strategies and tools to address the environmental challenges we will face in the coming decades. By reducing air pollution and other environmental impacts from energy production and use, these programs also constitute the single largest and most effective Federal pollution prevention program.

Investments in sustainable energy technologies meet multiple other public policy objectives. Far from decreasing, U.S. dependence on imported oil has actually increased to record levels over the past 25 years. The gentleman from Arizona (Mr. SALMON) and I are old enough to remember the gas lines and the early crisis of the early 1970s. These programs are helping us to reduce our reliance on oil imports, thereby strengthening our national security, and also creating hundreds of new domestic businesses, supporting thousands of American jobs, and opening new international markets for American goods and services.

It is estimated that the world market for energy supply and construction over the next 30 years will be in the range of several hundred billion dollars per year. America currently leads the world technologically in developing advanced renewable instruments and products; and we cannot, I say cannot, afford to surrender this lead to our foreign competitors.

Past Federal support for sustainable energy programs has been key to the rapid growth of these emerging renewable technologies. Solar, wind, geothermal, and biomass technologies have together more than tripled their contribution to the Nation's energy mix of our Nation over the last two decades. Including hydropower renewables, renewables now account for over 10 percent of domestic energy production, and approximately 13 percent of domestic electricity generation.

While these technologies have become increasingly cost-competitive, the pace of their penetration into the market will be determined largely by government support for future research and development as well as by assistance in catalyzing public-private partnerships, leading to full commercialization.

Not only economic independence, but also environmental health and lower energy costs are advanced by our investment in renewable energy. But for our investment in these technologies to pay off, efforts must be sustained over the long term. It is time for us to recognize the value of clean energy research and development to our communities and to our world and to commit to sustaining our investment in clean energy in the years to come.

Our amendment does not quite do all that should be done, but it does greatly improve the bill. I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. SALMON. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman from Arizona for yielding me this time. I thank him and congratulate him on his amendment.

Mr. Chairman, there has never been a time when this country should be ready for alternatives. There has never been a time when we should be working together to solve our energy problems in this country and start moving away from a 60 percent dependency. It is bad enough to be 60 percent dependent, but worse when one is dependent on unstable parts of the world, some parts of it who desperately do not like us.

On the renewable side, I think one part I want to emphasize on is the hydrogen side. One of the most renewable resources in this country is hydrogen. I believe it has been undervalued as a potential. I believe it has not received, for a long time, the support it should.

This is why I have such a strong interest in the potential for the evolution of a hydrogen economy, an economy where hydrogen can compete and win both as an energy supplement, a pure energy commodity rather than simply as a chemical. Rather than suffering a dependency upon imported energy sources, we can use hydrogen produced here at home as an abundant, efficient energy source with the capacity to increase U.S. competitiveness, bringing high-salaried jobs to this country.

Secondly, hydrogen is abundant. It can be produced from a variety of renewable resources, and it has many uses, offering the promise of significant benefits to the agricultural, manufacturing, transportation, and service sectors of our economy. Our aerospace and chemical industries are ready right now to implement significant increases in the production, distribution, and storage of hydrogen as an energy commodity.

Also, hydrogen is a proven, effective carrier of energy. Today, our cars are fueled with hydrogen-enriched gasoline. Our automobile industry is developing fuel-cell powered cars, and researchers are closing in on ways to power entire communities with hydrogen technology.

There are many who feel that the Third World developing countries will be able to utilize it before us. We can create it and sell it to them, another way to increase American jobs.

I am told that hydrogen can be combined with gasoline, ethanol, methanol, or natural gas. Just adding 5 percent hydrogen to the gasoline/air mixture in an internal combustion engine can reduce nitrogen oxide emissions from 30 to 40 percent. An engine converted to burn pure hydrogen produces mostly clean water as exhaust.

For example, NASA, in addition to using hydrogen to propel the space shuttle, uses hydrogen to provide all the shuttles electric power in on-board fuel cells, whose exhaust, pure water, is used to drink by those who are on the trip.

While this is no secret, some people might be surprised to know that the largest user of hydrogen is the petrochemical industry which infuses oil with growing amounts of hydrogen in order to meet environmental regulations. Hydrogen also improves the potency and lowers emissions of natural gas. I believe this is one of the most immediate targets of continuing opportunity for our industry.

Our economy is a fossil fuel-based economy, and we should be thankful for the success we have had there. But hydrogen, not only is an energy itself, but is an enhancer of the current fossil fuels.

I urge the adoption of this amendment, and I urge a stronger emphasis be put on hydrogen. There is no downside to hydrogen. It is what we should put our investment in. I believe it will be the fuel that will operate our future economy.

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Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume, before yielding to my colleague from Ohio, to speak to the gentleman from Pennsylvania (Mr. PETERSON) and tell him that I was very interested to hear his remarks and I look forward to working together with him on this exciting potential that hydrogen does offer to us.

As the gentleman points out, it may well be the fuel economy of the future, and it has very clean by-products and has applications across all the energy needs we now have in our society. So I look forward to working with the gentleman to promote the use of hydrogen for the long term.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Colorado (Mr. UDALL) for yielding me this time, and I also want to thank the gentleman from Arizona (Mr. SALMON) and the gentleman from New York (Mr. BOEHLERT) for their cosponsorship of this very important amendment.

I want to also thank the chairman of the subcommittee, the gentleman from California (Mr. PACKARD), and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for their cooperation. Because when this legislation was considered in the full Committee on Appropriations, I offered an amendment to make sure that we did not spend any less this coming year than we did the current year, and the original bill that came to us was about $12 million under what we were spending for this area of renewables and solar. In fact, it was $106 million under the administration's request. The gentleman from California (Mr. PACKARD) very willingly tried to work with us and to tick up this account a bit.

Certainly in light of rising fuel prices in this country, we really thank the chairman for his cooperation and interest, and I sincerely hope as this bill progresses farther down the appropriations process in our work with the other body we will be able to find additional dollars for this important addition to America's energy security.

Every person in this Chamber and every American listening tonight knows that this is the right direction for America, and that in fact America's chief strategic vulnerability now is our energy dependence. To see American diplomats on their knees to the leaders of other countries, oil producing states, asking them to try to take care of us and to increase their production, is not a position America wants to be in at the beginning of this new millennium.

We spend over $50 billion a year on imported petroleum products and crude. And when we go and pump gasoline in our tanks, over half of every dollar that we spend goes in the pocket of a leader of business in some other nation, not this one. To put it in perspective, America's farmland and our farmers, our agriculture infrastructure, can produce enough energy to replace half of our Nation's gasoline usage and all of our nuclear power supply. And we can do so without a major impact on food prices. That is how productive agricultural America can be if given this challenge.

Imagine taking that $50 billion we pay to someone else and putting it to work here at home for domestic investment in rural America, in terms of jobs created for production, harvesting, storage of biofuel inputs, and industrial growth with the creation of facilities for the conversion of biomass to fuel. What an energy boost, in fact, this would be and an income boost for so many communities across this country.

I have been very surprised at how slow we have made progress in this area. Progress has come, but not in as fast a way as we have seen progress, for example, in our space program. So I rise in very strong support of the amendment. This is the right direction for America, the right direction for the future, and I commend both gentlemen.

Mr. SALMON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY), who not only talks the talk, he walks the walk. He has a convertible so that he does not have to use his blow dryer in the morning and saves on energy that way.

Mr. FOLEY. Mr. Chairman, I certainly appreciate the personal observation of the gentleman from Arizona.

Mr. Chairman, I first want to salute the gentlewoman from Ohio (Ms. KAPTUR), who just made some very, very important statements. I think it is important for America to note the strongest Nation on Earth, the one everyone comes to for aid and assistance, is on bended knee at OPEC headquarters pleading for lower fuel prices. The United States of America, who when asked to defend other nations is the first to respond, sends its emissaries to plead with the oil emirates to please bring down our prices, our voters are upset.

This amendment goes a long way to rectifying not only the pleadings but, hopefully, the passage of a new era in seeking alternative fuels that will not degrade the environment, that will be available, and will create opportunities and jobs. So I applaud the gentleman from Arizona and the gentleman from Colorado (Mr. UDALL) for their leadership on this initiative. I do think it is important.

Mr. Chairman, we flick on switches and electricity immediately comes on. We start our cars; we drive. We immediately have access to virtually anything we want in this country. Yet at the end of the day we are indeed dependent on other people to supply the basic resources of this country to run our operations. Let us not continue to find ourselves at this place at this time. Let us support this amendment, let us move forward, let us strive in the 21st century to bring about technologies that will improve the quality of life, that will improve the quality of the atmosphere and make our lives less dependent on outside and external forces.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume to respond to my colleague from Florida that I agree with him; that this is an issue of national security at its core. It is also an issue of great economic opportunity. And in an interesting way, it is an issue that could provide more freedom to every American.

If we think about it, we bring our oil from all over the world, and we have to centralize the production of it and the distribution of it. If we move in the direction that the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Arizona (Mr. SALMON) are providing leadership in, we can be producing these fuels in our home areas and in ways that provide maximum freedom to all our citizens.

It is an interesting thought and an exciting one, I thank the gentleman for his leadership on this.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman from Colorado (Mr. UDALL) for yielding me this time, and I rise in strong support of this alternative energy amendment.

In the past few months, gasoline prices have skyrocketed, with my western Wisconsin constituents paying nearly $1.90 per gallon for conventional gasoline, not the reformulated gasoline, but conventional gasoline. Unfortunately, many elected officials, from both sides of the political aisle, would rather play politics with this issue and blame someone else for the problem rather than work to find answers and fix the problem for the future.

Many of my colleagues claim that the current gasoline prices are the result of an inadequate national energy policy. To them, however, increased domestic drilling and greater reliance on oil seems to be the panacea for decreasing the rising prices at the pump. Other Members believe the big oil companies and refiners are gouging consumers with inflated gasoline prices, leading to a 512 percent profit margin for the oil industry in this year alone.

While the arguments of both parties may well have some merit, it is undeniable this Nation needs to invest more in renewable and alternative energy technologies that are more environmentally friendly. Wind, solar, geothermal, biomass, and hydropower are important components in our Nation's energy mix. Unfortunately, between fiscal year 1973 and fiscal year 1995, renewable energy technologies accounted for approximately 10 percent of all Federal Government research and development spending. Private sector energy R&D declined 42 percent between 1985 and 1994. In fact, it has continued, this downward decline.

Investments in efficient and renewable energy sources deliver value for taxpayers by lowering our energy demand while developing additional domestic energy sources that strengthen our national security, spur new high-tech jobs, boost world economic development, and help protect the environment.

My constituents are currently suffering from inordinately high gas prices. And while it is important that we find out the causes for the regional differentials in gas prices as they exist today, especially in the upper Midwest region, we must also use this opportunity to advance a proactive and more sustainable long-term energy policy so we are in more control of our own energy needs in the future. This amendment helps us get there, and I urge my colleagues to support it.

Mr. UDALL of Colorado. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Salmon-Udall amendment to increase funding for renewable programs. Renewables are a clean energy source and renewables are good for our environment.

It is no secret that current sources of energy, nuclear and fossil fuel-burning power plants, produce emissions and pollutants. These harmful by-products include long-lived radioactive wastes, greenhouse gases, and the air pollutants responsible for acid rain. By increasing our support for renewable energy sources to meet our Nation's electric needs, we can significantly reduce our contribution to the release of these pollutants.

Supporting renewable energy is a powerful and direct way to help protect the environment, and it is also a way to make a long-lasting commitment to our children's future and to the future of our planet. It is only responsible, and it is prudent that we support the technological development of renewable energy sources, especially in light of the current oil price crisis we are all experiencing across this Nation.

I firmly believe that we already rely too heavily on foreign oil. We must develop a responsible domestic energy policy. We must shift our focus to domestic fuel sources, like wind, like solar and geothermal; and we must assure a guaranteed supply of available and affordable energy. Yet in order for us to have options other than foreign-produced fossil fuel in the future, we must have genuine investments in renewables today.

This amendment is a key step in that direction. It is also a statement of what our energy priorities must and should be. Mr. Chairman, I urge my colleagues to support this amendment. We must develop renewable sources of energy that our children can depend upon.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Again, I want to just close and thank my colleague, the gentleman from Arizona (Mr. SALMON), for all his terrific work in this regard over the last couple of years. I do look forward to working with him in the future.

I might leave the discussion with a couple of additional thoughts. I was reminded that just 100 years ago humans depended on three sources of energy: their own muscle power, that of animals, and wood. And over the last hundred years we have created an immensely powerful supply of energy that is based on petroleum and fossil fuels. When that potential energy source became apparent, the Federal Government was very involved in the research and development that occurred that determined and explored and discovered all these terrific uses for petroleum.

Now we are on the cusp of a new age, and I think it is very appropriate that we continue this kind of involvement as we move into a new energy century and we explore all the great possibilities of clean energy that involves biomass, solar, hydrogen, and the like. This is something that will be exciting, that will be great for our economy and great for our environment.

Mr. Chairman, I yield back the balance of my time.

Mr. SALMON. Mr. Chairman, I yield myself such time as I may consume and would simply like to concur with the gentleman from Colorado.

We have a very exciting opportunity right now. We are on the cusp of some things that are very great. We can stay at the leading edge on technology, or we can move to the back of the pack. I propose that we are doing the right thing tonight by moving one step closer on this commitment toward renewable energy.

I thank the gentleman for his tireless commitment. It has been an honor and a privilege to work with him on this.

Mr. SALMON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SALMON).

The amendment was agreed to.

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AMENDMENT NO. 4 OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FOLEY:

Page 16, line 18, insert after "$576,482,000" the following: "(reduced by $22,500,000) (increased by $13,000,000) (increased by $6,000,000)".

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Florida (Mr. FOLEY) and the gentleman from California (Mr. PACKARD) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me take this opportunity to thank the gentleman from California (Chairman PACKARD) for his hard work on this legislation before us today. I am proud of the work he has done to help preserve our water resources, particularly in the Everglades in Florida.

This is probably one the most important bills Members deal with relative to their legislative responsibilities because it clearly works within the districts and the multitude of projects that make America the great Nation it is.

I join my colleague today the gentleman from Massachusetts (Mr. MARKEY). He is unavoidably detained or he would be here today at this moment to argue with us the importance of this amendment.

But I think we can do more to preserve those truly important resources while ending some of the wasteful spending and corporate welfare in so many of the programs brought before this Congress.

The amendment I am offering today would shift funding from the Nuclear Energy Research Initiative, or NERI, to renewable energy research, which is truly a clean renewable source of energy.

After pouring more than $47 billion into the nuclear power industry over the last 50 years, this industry is still attempting to have the taxpayers fund its research and industry improvement efforts. Included in the fiscal year 2001 funding for the Department of Energy, the nuclear power industry will still get another $22.5 million in Nuclear Energy Research Initiative subsidies.

I think this is wrong, Mr. Chairman. The money goes to such corporate giants as Westinghouse and General Electric. Why does this mature industry need the help of the American taxpayers to develop and design the next generation nuclear reactors?

I would ask my colleagues, are any planned in their hometown or community? Probably not. But we are still spending money on research. Six of the nine largest investor-owned utilities by revenue were nuclear energy in 1998. They made profits of nearly $200 billion last year. Yet, the American people must continue to fund them.

Westinghouse and General Electric have been in the business for more than 40 years, and it is their turn to lead and to use their huge profits to advance their own industry.

The American taxpayers have over the last 50 years put $47 billion, again, $47 billion into nuclear subsidies. They should not have to subsidize this giant of an industry any longer.

Again, the amendment I am offering today with my colleague, the gentleman from Massachusetts (Mr. MARKEY), would ensure this money is used to support clean renewable energy. We would further help this emerging industry reinforce their infrastructure and keep it a reliable source for the future.

It is projected that voting for this amendment could save the American people at least $95 million over the next 5 years.

I urge my colleagues to adopt this common sense initiative. We would move out of the $22.5 requested in the cut, $13 million to wind energy and $6 million to Electric Energy Systems account, with the remaining $3.5 million to be returned to the Treasury for debt reduction.

I believe this is a good amendment, and I urge my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong opposition to this amendment. The gentleman from Florida (Mr. FOLEY) and the gentleman from Massachusetts (Mr. MARKEY) would pull the rug out from under the Department of Energy's important Nuclear Research Initiative, NERI, as it is called.

This chart behind me represents the latest data from the Energy Information Agency. There are 103 operating nuclear power plants in this country. They provide 23 percent of the Nation's electricity, more than ever before in our history. Think about it, almost one quarter comes from nuclear. Nuclear is clean and it is green and it is emissions free.

I implore every Member with a nuclear-related university or industry in their district to think about this. Regardless of whether it is a university program or nuclear engineering, a national laboratory or one of those 103 power plants, the NERI program provides vital information to support innovative research in nuclear technology.

This program is reinvigorating the Department of Energy's nuclear energy R&D based upon competitive and, more importantly, peer-reviewed projects. Even the President's very own committee of advisors says that PCAST as it is called, recommended in 1997 that further nuclear energy research and development is absolutely necessary to maintain the Nation's energy mix.

So it is absolutely amazing to me that someone would want to cut the modest amount of funding for the NERI program and instead send it to fund solar and renewables.

Let us take a look at this chart for a little bit. This is 1999. In 1999, 22.78, almost 23 percent, more than it was 10 years ago, more than it was 20 years ago. And guess what? The very things that my colleagues are talking about, such as the renewables, we can hardly find them on here.

When my colleagues turn the switch on in their house, where do they think the power comes from? It does not come from solar. It does not come from biomass or wind. In fact, the gentleman over here said 13 percent of it was all wrapped up in renewables. He is counting hydro. Hydro is a part of this. Hydro is clean.

But look at this. This is 1999. In 1990, it was the same thing, with nuclear down about 2 percent. In 1980, about the same thing. In the 30 years we have been funding this renewable program, we have seen very little gain.

I am not suggesting we drop it. I am suggesting we balance it. Do not take away funding that is needed. There are kids that want to go to school to learn how to keep these things going in the new generation of these nuclear plants that is coming on line.

Would my colleagues believe that nuclear plants can operate at a 100 percent capacity. Do they know that wind cannot get above 28? They talk about 100 percent capacity. Look, the wind does not blow all the time. Do not let that word fool us. Solar. The sun does not shine all the time.

So they said 100 percent capacity. No such thing, my colleagues. It is way below 28 percent, down around 20 percent. So keep that in mind when we are talking about dropping this program.

I admit I, too, like the solar. But let us not kill what works. We have got to prove this thing works. And it does not yet, the way nuclear does—reject the Markey-Foley amendment.

Mr. Chairman, I rise in strong, strong opposition to this amendment.

Students and teachers and universities are the issue here.

Students are endangered by Mr. FOLEY and Mr. MARKEY. They're threatening the education of real live students. Students, as a part of their education, engage in research. This scientific research enables them to get their degrees. In fact, without this research, these students don't get their degrees.

Let's take real, live students and professors in the state of Massachusetts where Mr. MARKEY lives and the interests of which he supposedly represents.

The Massachusetts Institute of Technology (MIT) happens to be in Massachusetts. In fact it is about one mile from the edge of Mr. MARKEY's congressional district. The Massachusetts Institute of Technology has been awarded eleven NERI grants. These grants are awarded on a competitive, peer-reviewed, sound scientific basis by a panel of expert scientists.

At the Massachusetts Institute of Technology, fully 20 students and eight professors thus receive the very funds that Mr. MARKEY is trying to take away and benefit from the very program that Mr. MARKEY is destroying.

For example, let's take two students at the Massachusetts Institute of Technology: Jini Curran and Martin Busse. These students are studying engineering and they have chosen to study the specific discipline of nuclear engineering. Jini and Martin are doing research under the guidance of a particular Professor Mujid Kazimi.

Without the funding that the NERI program provides, Jini and Martin's NERI research will have to be stopped and the future of their education is in doubt.

Professor Kazimi's research here will cease. Substantial financial resources that now go to the Massachusetts Institute of Technology will be stopped dead by Mr. MARKEY. MIT's Nuclear Engineering Department will therefore be diminished.

When these students Jini and Martin and the other eighteen students at MIT are hurt by Mr. MARKEY, and when Professor Kazimi and the other seven professors at MIT are hurt by Mr. MARKEY, and MIT's Nuclear Engineering Department is diminished in this way by Mr. MARKEY, then indeed the city of Boston and the state of Massachusetts themselves are hurt by Mr. MARKEY.

Rest assured that if they are not already aware of the damage Mr. MARKEY seeks to do here today, I will work to make sure that all of the students and the professors and the universities all across this great nation will be made fully aware of his actions and the effects of his actions.

Perhaps some of these twenty student and these eight professors live in Mr. MARKEY's congressional district. Thus, perhaps they are thus his constituents.

For the sake of the Jini and Martin and professor Kazimi and all of the students and professors and universities across the nation, Mr. MARKEY and this amendment must be stopped.

A vote for the amendment advocated by Mr. MARKEY and Mr. FOLEY is a vote against education.

Vote no on the Foley/Markey amendment.

Mr. Chairman, I rise against the amendment.

Mr. PACKARD. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the subcommittee.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman yielding and would add my voice to the gentleman from Michigan (Mr. KNOLLENBERG) in opposition to the amendment.

Mr. Chairman, my first concern is that we have just had a vote on this floor to, essentially, increase funding for renewables by $40 million. And secondly, I do think under the NERI program we are doing very important research. We are looking to continue to improve efficiency and reliability and to reduce the cost of existing nuclear energy applications. We are looking for proliferation resistant reactors in fuels. We are looking for new reactor designs with improved safety, higher efficiency, and lower costs that would be competitive in the global market. And we are looking for new technologies for nuclear waste management and investigations into fundamental nuclear science.

I do oppose the amendment put forth and would encourage my colleagues to vote against it.

Mr. PACKARD. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I simply have to oppose this amendment because it totally eliminates the Nuclear Energy Research Initiative, which I think would be a terrible mistake. This has been an initiative very modestly funded while essential to keep nuclear energy safe and to continue nuclear energy as a viable part of our energy resources.

It is clean. It is proven to be safe. It is 20 percent of our Nation's electricity. And to eliminate the entire NERI project I think would be absolutely unconscionable.

We have beefed up, as has already been said just in the previous amendment tonight, $40 million additional to renewable energy resources. And we think that that is even beyond what is necessary, but certainly we are willing to do that. But to add $19 million more to that I think would not be appropriate.

And so, I urge all Members to vote against the amendment to cut nuclear R&D.

Mr. BARTON of Texas. Mr. Chairman, the NERI R&D program at DOE is an innovative program to spur new thinking at DOE labs, the nation's universities and in industry. The NERI program represents a revitalization of the Department's nuclear energy research program.

Begun two years ago, these awards also represent excellence. Out of 120 proposals received by DOE, only 10 were selected, including one from Texas A&M University.

Through NERI, the Department has ushered in a new management approach to long-term nuclear energy research that applies the competitive, peer-reviewed selection of investigator-initiated R&D proposals.

Through NERI, the Department has initiated an R&D effort focused on resolving barriers to the future expansion of nuclear energy—including proliferation, economics and nuclear waste.

Through NERI, we are maintaining our seat at the table of the international discussion on the future of nuclear energy. This is critical if we are to participate in discussions on clean air, climate change and energy security.

Advancing the state of nuclear science and technology, resolving key technology issues, and engaging the international community will all contribute to enabling the United States to reassert its leadership role in the development of nuclear energy technologies.

I am therefore pleased to support NERI and oppose the Foley amendment that would eliminate this vital program at DOE.

Mr. MARKEY. Mr. Chairman, a few summers ago a boondoggle was born: the Nuclear Energy Research Initiative—NERI. When I think of this program, I can't help but think "There's something about NERI. Just like the movie from which it was inspired, this program is a bad spoof—it passes itself off as a necessary research initiative to maintain the viability of the nuclear power industry. But it is really nothing more than the same subsidy for the nuclear power industry that Congress cut in 1998.

It is amazing that such a mature, established industry still has a subsidy from the federal government. In the last few years, the nuclear power industry has been a $140 billion dollar a year industry. In fact, the Nuclear Energy Institute (NEI), the industry trade group for the revenue were nuclear utilities. That hardly sounds like a fledgling industry in need of government subsidy.

But that is exactly what the industry would have you think. They will tell you we need this money to conduct research into new reactor designs. The problem is this research helps the industry improve the economic performance of existing facilities. I don't think an industry that already produces 20% of the nation's electricity needs any more help from the federal government to improve the performance of its facilities. The industry has the resources and expertise to deal with those issues on its own.

Before you think this is important academic research let me remind you that NERI awarded grants to Westinghouse and General Electric to develop new advanced reactor designs. These are companies that have been designing and building equipment for the nuclear industry for over 40 years. They should know by now how to develop new generations of reactors. More importantly, they have the resources to carry out that research.

Mr. Chairman, this industry has received $47 billion dollars in subsidy over the last fifty years. That's close to $1 billion dollars a year! Imagine what wind, solar or other clean renewable energy projects could do in fifty years if they received subsidies of $1 billion per year.

The time to be subsidizing this industry is over. The nuclear energy film is on the last reel and it is time to begin making room for the digital age of electricity generation—multiple, reliable, clean renewable energy generating sources integrated into a seamless transmission network.

So with the funds available from NERI, we will take $6 million form the NERI program and put it into research into the reliability of the electricity transmission system. Brownouts and blackouts are looming this summer. This research will help keep the lights on and the air conditioners running. In addition, the research will examine how to ensure that the clean, renewable distributed generating facilities can be integrated into the transmission infrastructure.

In addition, we will increase wind power research and development by $13 million to bring it closer to the Administration request level. This is a true, clear renewable energy source. With the research the Department of Energy is conducting, the industry will ensure wind energy a viable alternative to other forms of electricity generation.

We have decided to make regarding the future of our electricity generating facilities. I encourage members to put a stop to subsidies for mature industries. Instead give the new industries a chance to research their potential to deliver clean, renewable energy for the future.

I urge members to vote yes on the Foley Amendment.

Mrs. BIGGERT. Mr. Chairman, I rise today in strong opposition to the Foley/Markey amendment to eliminate the Nuclear Energy Research Initiative, or NERI.

I support both renewable energy research programs and nuclear energy research programs, but the numbers speak for themselves.

This bill already provides $350 million for solar and renewable energy programs compared to $40 million for nuclear energy research and development.

With passage of the Salmon amendment earlier this evening, funding for solar and renewable research programs has increased to almost $400 million.

Funding for solar and renewable energy research now dwarfs funding for nuclear energy research. In this situation, it makes no sense to eliminate what little funding exists for research aimed at an energy source that provides 20 percent of the nation's electricity. In my home state of Illinois, that percentage is even higher.

Again, the numbers speak for themselves. In FY 1999, 91 percent of NERI's funding went to independent, peer-reviewed research projects at America's research universities and national laboratories, including Argonne National Laboratory, a Department of Energy multi-program laboratory located in the district I represent. Only 9 percent went to private sector entities.

I would encourage my colleagues to remember that we are talking about a source of energy that does not produce harmful air emissions. Again, the number speak for themselves. At least 165 million metric tons of carbon are not emitted each year because of this country's operating nuclear power plants.

Mr. Chairman, as electricity demand grows, we cannot ignore a viable and significant source of electricity like nuclear energy, especially one that does not dirty the air. I support nuclear energy research and development, and would urge my colleagues to oppose the Foley/Markey amendment.

Mr. HOEFFEL. Mr. Chairman, I rise in support of the Foley-Markey amendment with transfers funds from nuclear energy research to renewable energy programs.

As a follow-up to the Budget Committee's hearing on my legislation, the Corporate Welfare Reform Commission Act, I continue to support efforts to root out corporate welfare. While my legislation is a comprehensive approach to get at all corporate welfare in the federal budget and tax code, I have been looking closely at programs funded through the appropriations bills that provide unnecessary and wasteful subsidies to industry.

Over the past fifty years, the nuclear power industry has received $47 billion in subsidies from the American taxpayers. The nuclear power industry is now a mature industry with over $140 billion in revenues last year alone. Funding under the Nuclear Energy Research Initiative (NERI) is funneled to some of the largest corporations in the country. These very successful companies can stand to do without the support of the American taxpayer.

This amendment also has the benefit of transferring this money to a more deserving cause which is in the early stages of development and which provides a truly clean source of energy: wind power research. Some of the funds transferred under this amendment would also go to research on other renewable, cleaner forms of energy.

I urge the House to support the amendment by Mr. FOLEY and Mr. MARKEY.

Mr. PACKARD. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FOLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FOLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 532, further proceedings on the amendment offered by the gentleman from Florida (Mr. FOLEY) will be postponed.

The CHAIRMAN. The Clerk will read.

The Clerk read, as follows:

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $281,001,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $301,400,000, of which $260,000,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund and of which $12,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 58 passenger motor vehicles for replacement only, $2,830,915,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $213,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That not to exceed $2,500,000 may be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: *Provided further*, That not to exceed $5,887,000 may be provided to affected units of local governments, as defined in Public Law 97-425, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97-425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982 in Public Law 97-425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $153,527,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $111,000,000 in fiscal year 2001 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than $42,527,000.

AMENDMENT OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NEY:

Page 20, line 8, after the dollar amount insert "(reduced by $3,000,000)".

Page 2D, line 25, after the dollar amount insert "(reduced by $3,000,000)."

Page 33, line 13, after the dollar amount insert "(increased by $3,000,000)".

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Ohio (Mr. NEY) and a Member opposed each will control 5 minutes.

The gentleman from Ohio (Mr. NEY) is recognized for 5 minutes.

Mr. NEY. Mr. Chairman, today I wanted to offer an amendment that would increase funding for the Appalachian Regional Commission. However, it is my intention to withdraw my amendment and ask the distinguished chairman the gentleman from California (Mr. PACKARD) if he would instead enter into a colloquy with me in regard to this matter.

Mr. Chairman, I say to the gentleman from California (Mr. PACKARD) that I have offered my amendment today and have withdrawn it in order to bring attention to the funding level contained in the Energy and Water appropriations bill for the Appalachian Regional Commission.

I assure the gentleman it is with my utmost respect to the chairman and members of the subcommittee and full committee that I bring this matter to the attention of the House because I am fully aware of the constraints placed on them with regard to the 302(b) allocation made to it.

I commend the chairman and ranking member on the fine job they have done on this bill, considering the funding levels with which they have had to work.

Unfortunately, because of the funding restraints placed on the subcommittee, the Appalachian Regional Commission is being funded at a level that is $3.149 million less than the appropriation in fiscal year 2000. That funding is also nearly $8.4 million less than was requested in the President's budget.

As Members of Congress and as a Member of Congress that represents counties that have some of the highest unemployment rates in the State and are indicative of conditions within Appalachia, I believe it is important to properly and adequately fund the ARC so that these depressed counties can take advantage of the economic development opportunities that ARC provides.

It is my understanding that the chairman, along with other members of the subcommittee, including the distinguished gentleman from Kentucky

(Mr. ROGERS) who is also well aware of the needs of Appalachia residents, would consider increased funding for ARC should the subcommittee's 302(b) allocation be increased.

I ask the gentleman, am I correct in assuming that?

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. NEY. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, yes, the gentleman from Ohio (Mr. NEY) is correct in assuming this. Should the committee receive a revised 302(b) allocation which increases our funding level, then our effort will be to consider increasing funding for the ARC to at least the fiscal year 2000 funding level.

Mr. NEY. Mr. Chairman, I thank the gentleman for his comments.

It is also my understanding that the other body intends on appropriating a level for ARC which is higher than the level proposed in this bill. As a result, I would like to inquire further of the chairman if it would be his intention during conference negotiations that he could support an agreement to increase this funding for ARC at least to the fiscal year 2000 levels even if an increase in the 302(b) allocation is not made?

Mr. PACKARD. Mr. Chairman, if the gentleman will continue to yield, yes, in response to his question, I am prepared to work with the other body during the conferencing of the bill to negotiate funds to fund for the ARC at a minimum of the fiscal year 2000 level.

Mr. NEY. Mr. Chairman, I thank the distinguished chairman for entering into this colloquy. I appreciate all of his hard work on this bill and for taking the time to speak with me on a matter that affects really millions of people in Appalachia.

I look forward to seeing this bill advance as the process moves along and offer any assistance that I can.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

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The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,500,000, to remain available until expended.

AMENDMENT NO. 8 OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. KINGSTON: Page 21, line 5 insert ", including conducting a study of the economic basis of recent gasoline price levels" after "until expended".

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not know if there is anybody opposed to this or not. I hope this is a constructive amendment. All it simply asks is that the Office of Inspector General give us a study of the economic basis of the recent gasoline price increases, and this is just because we are not exactly sure what all caused the increases from the $1.20 range as high as the $2.80 per-gallon range. And that is all we are trying to do, not fingerpoint.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, we are prepared to accept the amendment. We think it is a very good amendment.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman from Georgia (Mr. KINGSTON) yielding.

Mr. Chairman, as I mentioned in my earlier remarks, I am not opposed to the gentleman's amendment but would simply point out that we are now applying an additional responsibility to the Inspector General's office and not providing any additional funds; and the fact is the funding for the Inspector General in this bill is $1.5 million less than the administration request.

The final observation I would make is obviously we are dealing with the Department of Energy. The gentleman is very concerned, as we all are, about the high price of gasoline; but I do not know whether the expertise to do the best job possible in the Department of Energy resides with the Inspector General.

Mr. KINGSTON. Mr. Chairman, let me say this, that we will be happy to work with this committee as the process continues to make sure that there are enough funds to do this, because we think that it is important. I know the gentleman has been a leader in this also. So we will be glad to work with him.

We do have another amendment that affects the Secretary of Energy in a similar way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. KINGSTON).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 12 for replacement only), $4,625,634,000, to remain available until October 1, 2003.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses necessary for atomic energy defense and defense nuclear nonproliferation activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant and capital equipment, facilities, and facility expansion, $861,477,000, to remain available until October 1, 2003: *Provided*, That not to exceed $7,000 may be used for official reception and representation expenses for national security and nonproliferation (including transparency) activities in fiscal year 2001.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $677,600,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 30 passenger motor vehicles for replacement only, $4,522,707,000, to remain available until expended: *Provided*, That any amounts appropriated under this heading that are used to provide economic assistance under section 15 of the Waste Isolation Pilot Plant Land Withdrawal Act, Public Law 102–579, shall be utilized to the extent necessary to reimburse costs of financial assurances required of a contractor by any permit or license of the Waste Isolation Pilot Plant issued by the State of New Mexico.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,082,297,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $259,000,000, to remain available until expended.

Other Defense Activities

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $592,235,000, to remain available until expended.

Defense Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $200,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the Nez Perce Tribe Resident Fish Substitution Program, the Cour D'Alene Tribe Trout Production facility, and for official reception and representation expenses in an amount not to exceed $1,500.

During fiscal year 2001, no new direct loan obligations may be made.

Operation and Maintenance, Southeastern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $3,900,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, amounts collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to $34,463,000; for fiscal year 2002, up to $26,463,000; for fiscal year 2003, up to $20,000,000; and for fiscal year 2004, up to $15,000,000.

Operation and Maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,100,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,200,000 in reimbursements, to remain available until expended: *Provided*, That amounts collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to $288,000; for fiscal year 2002, up to $288,000; for fiscal year 2003, up to $288,000; and for fiscal year 2004, up to $288,000.

Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $160,930,000, to remain available until expended, of which $154,616,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $4,036,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That amounts collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to $35,500,000; for fiscal year 2002, up to $33,500,000; for fiscal year 2003, up to $30,000,000; and for fiscal year 2004, up to $20,000,000.

Falcon and Amistad Operating and Maintenance Fund

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,670,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

Federal Energy Regulatory Commission

salaries and expenses

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $175,200,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $175,200,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2001 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than $0.

Mr. PACKARD (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 29 line 5 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there amendments at this point?

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. (a) None of the funds appropriated by this Act may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 303. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 304. None of the funds appropriated by this Act may be used to augment the $24,500,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 305. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(transfers of unexpended balances)

SEC. 306. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 307. Of the funds in this Act provided to government-owned, contractor-operated laboratories, not to exceed 4 percent shall be available to be used for Laboratory Directed Research and Development.

SEC. 308. (a) Of the funds appropriated by this title to the Department of Energy, not more than $150,000,000 shall be available for reimbursement of management and operating contractor travel expenses.

(b) Funds appropriated by this title to the Department of Energy may be used to reimburse a Department of Energy management and operating contractor for travel costs of its employees under the contract only to the extent that the contractor applies to its employees the same rates and amounts as those that apply to Federal employees under subchapter I of chapter 57 of title 5, United States Code, or rates and amounts established by the Secretary of Energy. The Secretary of Energy may provide exceptions to the reimbursement requirements of this section as the Secretary considers appropriate.

SEC. 309. No funds are provided in this Act or any other Act for the Administrator of the Bonneville Power Administration to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies that such services are not available from private sector businesses.

SEC. 310. None of the funds appropriated in this or any previous Energy and Water Development Appropriation Act for payment into the Department of Energy Working Capital Fund may be used to pay salaries and expenses of any employee of the United States Government.

AMENDMENT NO. 9 OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. KINGSTON:

Page 33, after line 2, insert the following new section:

SEC. 311. Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall transmit to the Congress a report on activities of the executive branch to address high gasoline prices and to develop an overall national energy strategy.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is somewhat similar to the last amendment which asks the Inspector General's office to come up with a report on what the economic basis for the gas price increase so rapidly was and/or has been, and this is similar to that in that it asks the Secretary of Energy to transmit to the Congress a report on the activities of the executive branch and, of course, the agency, the Department of Energy, does serve at the will, it is an executive agency; and this just asks for a report within 30 days and what activities the executive branch is doing to address the high gasoline prices.

I know, having served on the Subcommittee on the Interior of the Committee on Appropriations and having had the Secretary of Energy come before our committee, they have been working on this. So I hope this is not anything new. It should not be expensive for them just to give us the report of what they have been up to.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, we are prepared to accept the amendment.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, as with the gentleman's earlier amendment, I am not going to rise in opposition to it but would again point out an additional burden has now been placed on the Department of Energy with no additional funding for it, and just want to state that for the membership.

Mr. KINGSTON. Mr. Chairman, I do think that this probably is going to be a lot easier for the Secretary of Energy than the other one was for the Inspector General. We will work with the committee, obviously, and follow their wisdom on it; but we just want to make sure that we in government on the legislative branch, on the executive branch, we are doing everything we can to address this situation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. KINGSTON).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $63,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, $17,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), $481,900,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $21,600,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $457,100,000 in fiscal year 2001 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That $3,200,000 of the funds herein appropriated for regulatory reviews and assistance to other Federal agencies and States shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than $24,800,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,500,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $5,500,000 in fiscal year 2001 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, $2,700,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V—RESCISSIONS

DEPARTMENT OF ENERGY

INTERIM STORAGE ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

(RESCISSION)

Of the funds appropriated in Public Law 104-46 for interim storage of nuclear waste, $85,000,000 are transferred to this heading: *Provided*, That such amount is hereby rescinded.

TITLE VI—GENERAL PROVISIONS

SEC. 601. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 602. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 603. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

SEC. 604. Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990, as amended (42 U.S.C. 2214(a)(3)) is amended by striking "September 30, 2000" and inserting "September 30, 2001".

SEC. 605. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

AMENDMENT NO. 12 OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. VISCLOSKY:

Page 39, line 5, insert after the period the following:

The limitation established in this section shall not apply to any activity otherwise authorized by law.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Indiana (Mr. VISCLOSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment deals with the Kyoto Protocol that has been debated a number of times on the House floor within literally the last several days, as well as committee; and I would simply want to point out several things.

One is, Kyoto did not simply come full clothed from the Clinton administration but rather from negotiations begun under President Bush's administration pursuant to a treaty that President Bush signed on June 1, 1992.

There was a Kyoto Protocol subsequent to that, and concerns have been expressed as far as various administration agencies engaging in actions that are not authorized.

The gentleman from Michigan (Mr. KNOLLENBERG) has made a point of this, and I would simply indicate that the concern I have is we have legitimate authorized programs that the various departments in this case, the Department of Energy, should pursue and they should not in any way, shape or form be precluded from doing so because coincidentally they also happen to have been mentioned in the Kyoto Protocol.

I would agree with the concerns expressed on previous occasions by the gentleman from Michigan (Mr. KNOLLENBERG) that the Kyoto Treaty is not the law of the land. We should not be implementing it; but because there are diversions and parallel tracks in many programs, I do want to make sure that we are clear that we are not in any way inhibiting duly authorized programs from proceeding.

Mr. Chairman, I reserve the balance of my time.

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Mr. PACKARD. Mr. Chairman, I do not rise in opposition. In fact, on the contrary, I am willing to accept the amendment.

Mr. KNOLLENBERG. Mr. Chairman, today the House Appropriations Committee accepted my amendment to the Foreign Operations Appropriations bill. The amendment that the gentleman from Indiana now offers is exactly the same wording as what I offered and what was accepted this morning in the full House Appropriations Committee.

Mr. Chairman, I want to point out that this amendment regarding the Kyoto Protocol offered by me earlier and now by Mr. VISCLOSKY cannot, under the Rules of the House of Representatives, authorize anything whatsoever on this Energy and Water Appropriations bill, H.R. 4733, lest it be subject to a point of order.

This amendment shall not go beyond recognition of the original and enduring meaning of the law that has existed for years now—specifically that no funds be spent on unauthorized activities for the fatally flawed and unratified Kyoto Protocol.

Mr. Chairman, the whole nation deserves to hear the plea of this Administration in the words of the coordinator of all environmental policy for this administration, George Frampton, in his position as Acting Chair of the Council on Environmental Quality. On March 1, 2000, on behalf of the Administration he stated before this appropriations subcommittee, and I quote, "Just to finish our dialogue here, my point was that it is the very uncertainty about the scope of the language . . . that gives rise to our wanting to not have the continuation of this uncertainty created next year."

Mr. Chairman, I agree with Mr. OBEY when he stated to the Administration, "You're nuts!" upon learning of the fatally flawed Kyoto Protocol that Vice President GORE negotiated.

Mr. Chairman, I thank the gentleman from Indiana for his focus on the activities of this Administration, both authorized and unauthorized.

This amendment shall be read to be fully consistent with the provision that has been signed by President Clinton in six current appropriations laws.

A few key points must be reviewed:

First, no agency can proceed with activities that are not specifically authorized and funded. Mr. Chairman, there has been an effort to confuse the long-standing support that I as well as other strong supporters of the provision on the Kyoto Protocol have regarding important energy supply and energy conservation programs. For example, there has never been a question about strong support for voluntary programs, development of clean coal technology, and improvements in energy conservation for all sectors of our economy. Notwithstanding arguments that have been made on the floor in recent days, I have never, ever tried to undermine, eliminate, delete, or delay any programs that have been specifically authorized and funded.

Second, no new authority is granted.

Third, since neither the United Nations Framework Convention on Climate Change nor the Kyoto Protocol are self executing, specific implementing legislation is required for any regulation, program, or initiative.

Fourth, since the Kyoto Protocol has not been ratified and implementing legislation has not been approved by Congress, nothing contained exclusively in that treaty is funded.

Mr. Chairman, as you know, the Administration negotiated the Kyoto Climate Change Protocol sometime ago but has decided not to submit this treaty to the United States Senate for ratification.

The Protocol places severe restrictions on the United States while exempting most countries, including China, India, Mexico, and Brazil, from taking measures to reduce carbon dioxide equivalent emissions. The Administration undertook this course of action despite unanimous support in the United States Senate for the Senate's advice in the form of the Byrd-Hagel resolution calling for commitments by all nations and on the condition that the

Protocol not adversely impact the economy of the United States.

We are also concerned that actions taken by Federal agencies constitute the implementation of this treaty before its submission to Congress as required by the Constitution of the United States. Clearly, Congress cannot allow any agency to attempt to interpret current law to avoid constitutional due process.

Clearly, we would not need this debate if the Administration would send the treaty to the Senate. The treaty would be disposed of and we could return to a more productive process for addressing our energy future.

During numerous hearings on this issue, the administration has not been willing to engage in this debate. For example, it took months to extract the documents the administration used for its flawed economics. The message is clear—there is no interest in sharing with the American public the real price tag of this policy.

A balanced public debate will be required because there is much to be learned about the issue before we commit this country to unprecedented curbs on energy use while most of the world is exempt.

Worse yet, some treaty supporters see this as only a first step to elimination of fossil energy production. Unfortunately, the Administration has chosen to keep this issue out of the current debate.

I look forward to working to assure that the administration and EPA understand the boundaries of the current law. It will be up to Congress to assure that backdoor implementation of the Kyoto Protocol does not occur.

In that regard I would like to include in the Record a letter with legislative history of the Clean Air Act reported by Congressman JOHN DINGELL who was the Chairman of the House Conference on the Clean Air Act amendments of 1990. No one knows the Clean Air Act like Congressman DINGELL. He makes clear, and I quote, "Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases."

In closing, I look forward to the report language to clarify what activities are and are not authorized.

OCTOBER 5, 1999.

Hon. DAVID M. MCINTOSH,
Chairman, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, Committee on Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: I understand that you have asked, based on discussion between our staffs, about the disposition by the House-Senate conferees of the amendments in 1990 to the Clean Air Act (CAA) regarding greenhouse gases such as methane and carbon dioxide. In making this inquiry, you call my attention to an April 10, 1998 Environmental Protection Agency (EPA) memorandum entitled "EPA's Authority to Regulate Pollutants Emitted by Electric Power Generation Sources" and an October 12, 1998 memorandum entitled 'The Authority of EPA to Regulate Carbon Dioxide Under the Clean Air Act' prepared for the National Mining Association. The latter memorandum discusses the legislative history of the 1990 amendments.

First, the House-passed bill (H.R. 3030) never included any provision regarding the regulation of any greenhouse gas, such as methane or carbon dioxide, nor did the bill address global climate change. The House, however, did include provisions aimed at implementing the Montreal Protocol on Substances that Deplete the Ozone Layer.

Second, as to the Senate version (S. 1630) of the proposed amendments, the October 12, 1998 memorandum correctly points out that the Senate did address greenhouse gas matters and global warming, along with provisions implementing the Montreal Protocol. Nevertheless, only Montreal Protocol related provisions were agreed to by the House-Senate conferees (see Conf. Rept. 101–952, Oct. 26, 1990).

However, I should point out that Public Law 101–549 of November 15, 1990, which contains the 1990 amendments to the CAA, includes some provisions, such as sections 813, 817 and 819–821, that were enacted as free-standing provisions separate from the CAA. Although the Public Law often refers to the 'Clean Air Act Amendments of 1990,' the Public Law does not specify that reference as the 'short title' of all of the provisions included in the Public Law.

One of these free-standing provisions, section 821, entitled 'Information Gathering on Greenhouse Gases contributing to Global Climate Change' appears in the United States code as a 'note' (at 42 U.S.C. 7651k). It requires regulations by the EPA to 'monitor carbon dioxide emissions' from 'all affected sources subject to title V" of the CAA and specifies that the emissions are to be reported to the EPA. That section does not designate carbon dioxide as a 'pollutant' for any purpose.

Finally, Title IX of the Conference Report, entitled 'Clean Air Research,' was primarily negotiated at the time by the House and Senate Science Committee, which had no regulatory jurisdiction under House-Senate Rules. This title amended section 103 of the CAA by adding new subsections (c) through (k). New subsection (g), entitled 'Pollution Prevention and Control,' calls for non-regulatory strategies and technologies for air pollution.' While it refers, as noted in the EPA memorandum, to carbon dioxide as a 'pollutant,' House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory or other purposes.

Based on my review of this history and my recollection of the discussions, I would have difficulty concluding that the House-Senate conferees, who rejected the Senate regulatory provisions (with the exception of the above-referenced section 821), contemplated regulating greenhouse gas emissions or addressing global warming under the Clean Air Act. Shortly after enactment of Public Law 101–549, the United Nations General Assembly established in December 1990 the Intergovernmental Negotiating Committee that ultimately led to the Framework Convention on Climate Change, which was ratified by the United States after advice and consent by the Senate. That Convention is, of course, not self-executing, and the Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases.

I hope that this is responsive.

With best wishes,

Sincerely,

JOHN D. DINGELL,
Ranking Member.

Mr. VISCLOSKY. Mr. Chairman, if there are no further speakers, I yield back the balance of my time

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY).

The amendment was agreed to.

PARLIAMENTARY INQUIRY

Mr. KINGSTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Georgia (Mr. KINGSTON) will state his parliamentary inquiry.

Mr. KINGSTON. Mr. Chairman, I have an amendment at the desk to section 607, which would be inserting at line 19, and I am not certain if I am in order now or if the gentleman from Wisconsin (Mr. RYAN) or the gentleman from Pennsylvania (Mr. SHERWOOD) would be first.

The CHAIRMAN. The Clerk will have to read the next section first before the Committee gets to that point.

Mr. PACKARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Georgia (Mr. KINGSTON) to discuss his upcoming amendment.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from California (Mr. PACKARD) for yielding to me.

Mr. Chairman, let me say, first of all, I certainly appreciate the hard work that the gentleman from California (Chairman PACKARD) and the ranking member have done on this bill.

This bill is extremely important to all of the 435 Congressional districts, and we all appreciate their work. I represent coastal Georgia and do a lot of Corps of Engineer-type projects in our area. None of those are easy, they all can be controversial. I appreciate the way, the delicate touch that the ranking member and the chairman have when dealing with this.

The amendment that I have deals with the Secretary of Energy's Department, not the Secretary of Energy, but it deals with some of the recent, I am not going to use the word scandal, but some of the recent concern that has gone on at the Los Alamos labs, which this Congress, has on a bipartisan basis, tried to address and do our best to work with it.

It appears that there are certain employees who have decided that well, it is good enough to take a government paycheck, the government is not good enough to require that they take a polygraph test. I stress that we do not randomly ask people to take polygraph tests, but when there has been an apparent disappearance of highly-sensitive nuclear secrets, then if there are employees who are not necessarily even under suspicion, but in the category where it is possible they could have some knowledge on it, then it is appropriate for the U.S. government in a highly-sensitive nuclear lab to go out and ask some questions and, unfortunately, some employees are far from that investigation.

Mr. Chairman, that is what we will be dealing with on this amendment when the appropriate time comes, and I will be glad to deal with the gentleman from New Jersey (Mr. ANDREWS) if he wanted to comment on that, because I know the gentleman has been very concerned about security at Los Alamos.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I commend the gentleman from Georgia (Mr. KINGSTON) for this effort. We are embarking on a long national nightmare about security in this area. It is not a Republican problem or a Democratic problem. It is a national problem. It deserves a heightened degree of attention, and I commend my friend, the gentleman from Georgia (Mr. KINGSTON) for giving it that attention.

PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Chairman, parliamentary inquiry?

The CHAIRMAN. The gentleman from New Jersey (Mr. ANDREWS) will state his parliamentary inquiry.

Mr. ANDREWS. Mr. Chairman, at what point in the bill is the Clerk now reading?

The CHAIRMAN. We are to the point where the Clerk will read section 606.

Mr. ANDREWS. Mr. Chairman, I have an amendment to section 607; is that in order at this time?

The CHAIRMAN. After 606 is read it would be in order.

The Clerk will read.

The Clerk read as follows:

SEC. 606. The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 166. There are authorized to be appropriated for fiscal years 2000 and 2001 such sums as may by necessary to implement this part.";

(2) in section 181 (42 U.S.C. 6251) by striking "March 31, 2000" both places it appears and inserting "September 30, 2001"; and

(3) in section 281 (42 U.S.C. 6285) by striking "March 31, 2000" both places it appears and inserting "September 30, 2001".

AMENDMENT NO. 1 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ANDREWS:

Page 39, after line 19, insert the following:

SEC. 607. None of the funds made available in this Act may be used to carry out the project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802), as modified by section 308 of the Water Resources Development Act of 1999 (113 Stat. 300), before the June 1, 2001.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. ANDREWS) will control 10 minutes and a Member opposed will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, which is cosponsored by the gentleman from South Carolina (Mr. SANFORD), my very able colleague, the gentleman from Maryland (Mr. GILCHREST), is a sensible due diligence amendment, and here is what it says. The bill proposes to spend approximately $30 million of our constituent's money to pursue a project to deepen the main channel of the Delaware River which divides the States of New Jersey and Pennsylvania and which empties into a bay which sits next to the State of Delaware.

We believe that there are significant unanswered questions about this project, and the purpose of our amendment is to be sure that there is adequate time for this Congress to first get the facts, and then decide whether to spend the $30 million of our respected taxpayers' money.

There are questions in this project about environmental concerns which is why the amendment is supported by the League of Conservation Voters, the Sierra Club, the U.S. Public Interest Research Group, the National Wildlife Federation and Friends of the Earth.

There are questions about the economics of this project, which is why the amendment is supported by Citizens Against Government Waste and Taxpayers for Common Sense. Finally, there are questions about the equity and feasibility of the plan to distribute the dredged spoils from this project.

Due diligence requires that we gain the answers to these questions, and that is the way this amendment works. It says that funds for this deepening project are prohibited to be spent before June 1 of 2001 so that this Congress and the executive branch can answer these kinds of questions.

Environmentally, is this project going to be a significant threat to the drinking water and the natural resources of the Delaware River and bay system? The proponents would say that the environmental impact statement answers that question.

I think the environmental impact statement raises more questions. The method that is used with respect to toxic and polluted sediment is to average the presence of those sediments in the river bed, but that does not allow for toxic hot spots which could arise.

It does not deal with the question of the environmental consequences that could be done to the dredged disposal sites, and it does not deal with the consequences of the dredging that would take place for berths next to oil refineries, if they are ever dredged, that are relevant to this project. There are too many environmental questions to go forward with this project at this time.

On the economics, the proponents of this project, the Army Corps of Engineers, say that 80 percent of the economic benefit derives from being able to get more crude oil to six oil refineries along the Delaware River at a cheaper rate which then lowers production costs. Mr. Chairman, that requires those oil refineries to make a commitment with their money to dredge their berths and make themselves available for this crude oil before we spend $30 million of the public's money.

The record though shows that Best One Company has committed to make that investment; the others have not. They have given us words. They have given us gestures. They have not given us commitment or money. Mr. Chairman, this project proposes to build a superhighway with no exit ramps. A $311 million superhighway without an exit ramp.

Mr. Chairman, finally, there is the question of the equity of dredged disposal sites. This project calls for 10 million cubic yards of dredged material to be distributed on the beaches of Delaware, but the Army Corps has refused to cooperate with the Delaware environmental agency and get the appropriate permits which is why Senator ROTH and Senator BIDEN in the other body have urged that this project not be funded at this time.

The project takes the remaining 22 million cubic yards of material and proposes to put it all in southern New Jersey, which is why elected officials, Republican and Democrat, State, local, and county throughout southern New Jersey have objected to this project. We need due diligence here, Mr. Chairman. We need to look at the essentials of this project when it comes to environment, economics and dredged disposal before we commit $30 million of the public's money to this project, which is why environmental groups and taxpayer groups support this amendment and why I urge my colleagues to do so as well.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Indiana (Mr. VISCLOSKY) is recognized for 10 minutes.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the ranking member for yielding me the time.

Mr. Chairman, I rise in opposition to the Andrews amendment. Quite frankly, I make no apologies for fighting for our State, the gentleman from New Jersey (Mr. ANDREWS) and my State and our priorities. I do so within the spending restraints of the Balanced Budget, and I have looked and investigated closely the actual nature of each of these types of projects in the Appropriations Subcommittee on Energy and Water Development.

Let me say I do not and have not supported any project in New Jersey that would harm my State's environment. The Delaware Deepening project meets all environmental standards and has been approved by the Environmental Protection Agency. Since some groups in the sponsor have raised the prospect that this project is nonenvironmently justified, I decided to contact the Environmental Protection Agency Region 2 Office, the agency required under the Federal law to review the project.

Mr. Chairman, I asked if the EPA had any outstanding environmental concerns over the deepening of the Delaware River. The EPA's response was no.

I have also heard the argument that the State of New Jersey is opposed to the project. Let me state very clearly to all Members that the State of New Jersey supports the project and Governor Whitman has written to me to express her support. She writes, and I quote her letter of June 5, "given the importance of this project to New Jersey's economy and Pennsylvania's willingness to work with us to ensure that they accept a more equitable share of the dredged materials, I support Congress funding this project in the fiscal year 2000 Energy and Water Appropriations bill."

In addition to Governor Whitman, our senior senator from New Jersey, Senator LAUTENBERG, supports this project.

Dredging on the Delaware River is not new. The U.S. Army Corps of Engineers has dredged the river every year for generations. The shorelines of both sides of the river and bay contain dirt and sand removed from the river. None of the dire environmental consequences predicted as a result of the project have ever occurred. My colleague from New Jersey (Mr. ANDREWS) has repeatedly stated in letters and other things that the dirt and sand taken from the Delaware River is dangerous. It is not. The EPA, the U.S. Fish and Wildlife, the New Jersey DEP, the Pennsylvania DER have studied the project. Surely one of these agencies after years of review would have raised some objection.

Mr. Chairman, I oppose the amendment most strongly.

Mr. ANDREWS. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, I would say to my friend, the gentleman from New Jersey (Mr. FRELINGHUYSEN), that the New Jersey legislature has failed to yet appropriate its match for this project because of the very concerns that I made reference to.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST), my friend and coauthor. The gentleman from Maryland is one of the leading environmentalists of this Congress who will reflect some of the reasons that the League of Conservation Voters, the Sierra Club, the U.S. Public Interest Research Group, National Wildlife Federation and others so strongly support this amendment.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from New Jersey (Mr. ANDREWS) for yielding me the time.

Mr. Chairman, I will make a comment about the State of Delaware and the State of New Jersey supporting this project. There are numerous agencies within each of those States, and the State of Delaware has a problem with this dredging from the governor to the two senators, to the Member of Congress from that State.

The issues that they have had are environmental issues, and those environmental issues deal with the toxins that are in these regions of the river that is going to be dredged. They have a problem with the dredged spoil that is supposed to be considered clean, which, in fact, when we move tiny particles of dredged material, each of those grains of sand, because of the physical nature of that structure, when it is moved, exposed to air, deposited someplace else, releases nitrogen and phosphorus. Those are concerns.

Delaware does not want this project to go forward, because of the environmental concerns that the Corps of Engineers have been asked to address, and they have not addressed those issues.

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The other issue my colleague from New Jersey talked about, when they dredge this channel in the river from 40 to 45 feet, it is going to cost the taxpayers millions of dollars. Well, what good is that dredged deeper channel going to do when we do not dredge the equivalent depth to the berths where the ships are going to dock? And almost all of those ships are owned by somebody. Whether it is an oil company or a foreign steamship company, they have intimated that they are not going to dredge from the channel to the berths.

Now, why are we dredging? I think that is the question that needs to be asked. What are we dredging? We are dredging for fundamentally two reasons. One so that we can get a 6-pack of Heineken for a couple of pennies less. That is what it amounts to.

Mr. Chairman, I strongly urge support for the Andrews amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. PACKARD), the chairman of the subcommittee.

Mr. PACKARD. Mr. Chairman, I thank the gentleman for yielding me this time.

Funding should not be withheld, and this project should not be delayed.

Issues raised by the opponents to the project have been adequately addressed during the planning stages and appropriate analyses and project modifications have been made to ensure the environment is protected. This project is included in the President's budget request; it is supported by the governors of both States, New Jersey and Pennsylvania, as well as numerous Members of this body.

The project will deepen the Delaware main shipping channel from the existing 40 feet to 45 feet and will provide substantial benefits. I urge all of the Members to support the project and to oppose the amendment.

Mr. ANDREWS. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), the former governor of the State of Delaware and a supporter of the amendment.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time.

I would point out to my colleagues than there are three States involved in this. The State of Delaware actually runs the whole length of this Delaware River and our State, at this moment, at least, opposes this particular measure to dig this channel deeper, and we support the Andrews amendment.

There are various reasons for that. One could argue waste or whatever it may be, because this is an expensive project. But in Delaware, we are trying to determine the environmental impact, as has been stated by several speakers here, whether it will cause undue harm to Delaware's natural resources.

Last year I supported funding because it moved the process forward and we could find out more. Then we tried to work with the Army Corps of Engineers in the course of this year, and the Army Corps of Engineers and our Department of Natural Resources and Environmental Control began negotiations about how the environment would be guaranteed: would it be through a State permit or some memorandum of agreement. It is my opinion that the forum is not as important as the substance. Any agreement needs to be mutually acceptable, legally enforceable, and allow for meaningful public participation.

Mr. Chairman, I had hoped that I would be able to come to the floor tonight saying these conditions have been met, but I cannot do that; they have not been met. Given the lack of assurances from the Corps to my State's environmental agency, I cannot support funding for this project this year, and that is exactly what the gentleman from New Jersey's amendment does, it delays it for a year. I think the wiser course of action today is to delay funding for actual dredging until this issue is resolved.

In fact, many in my State thought that that was the Corps' position too. This spring, a Corps spokesman stated to the Delaware press that the Corps had all the necessary permits, and it had addressed all of the environmental concerns created by the dredging project. The very next day the Corps reversed itself and stated that we are not going to start dredging without resolving the permit issues first, admitting they did not have it resolved. Sadly, a few weeks ago when I gave the Corps the opportunity to support my efforts to put their promise in writing and delay actual dredging funds, they declined.

Mr. Chairman, it is no wonder citizens in Delaware do not trust the economic justifications and environmental propositions the Corps makes. It is no wonder our Department of Natural Resources insists on a legally enforceable agreement with the Corps. I know we all hope the DNREC, our environmental people and the Corps can reach a mutually acceptable, legally enforceable agreement before the fiscal year 2001 begins; but until that time, I urge the House to withhold funding for this project.

Mr. VISCLOSKY. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. BORSKI).

Mr. BORSKI. Mr. Chairman, I rise in opposition to the amendment from the gentleman from New Jersey and in strong support of the Delaware River main channel deepening project. This project was included in the President's fiscal year 2001 budget and is supported by Governor Ridge and Governor Whitman.

In the early 1980s, Congress directed the Army Corps to study the viability of modifying the channel. We authorized this and funded it in 1992. The final Environmental Impact Statement was filed by the Corps in 1997; and it was approved by EPA, U.S. Fish and Wildlife, and the U.S. Geological Survey.

The Corps has spent $7 million on numerous studies over the past 6 years. Reports have been submitted on salinity, shellfish, sediments, wetlands, groundwater, and oil spills; and all of these reports have shown no significant impact on these areas of concern.

As for economic benefits, the Army Corps cost-benefit ratio is $1.40 for every dollar invested. There is also an unprecedented level of involvement by beneficiaries. It is not only the oil companies who will benefit, even though Sunoco and Valero have expressed support for this project and are ready to take advantage of a deeper tier channel. Additionally, there are almost 1,200 groups that support the deepening of the Delaware River to 45 feet. They range from labor to shippers to port groups. Virtually every facet of the community that benefits from port commerce is supportive of this project.

Why does the Port of Philadelphia need to go to 45 feet? Because the trend in the world is towards bigger ships. If we do not deepen the Delaware, the region will be severely affected. We will lose jobs and our port will become less competitive.

In addition to benefiting labor, oil companies, and shippers, deepening only 5 more feet can potentially benefit consumers from Maine to Maryland. Because of reduced transportation costs associated with the deepening, oil companies could very well pass these lower costs on to consumers in order to stay competitive. These savings by oil companies can translate into reduced home heating oil and gas prices for consumers.

As to the environmental issues associated with this project, first, less lightering gives less of a chance for oil spills. Second, this project provides for wetland restoration and beach fill projects built with clean sand.

Finally, Mr. Chairman, the gentleman from New Jersey has requested a GAO report. He has asked that the money for this project be delayed until a report is finished. However, my experience with the GAO as a former chairman of the Subcommittee on Investigations and Oversight leads me to believe that this is beyond the purview of the GAO. Typically, the GAO conducts more broad-based reviews which are requested by committees of jurisdiction or mandated by law. The GAO does not have the resources to respond to individual Member requests; and it is highly unlikely, in my view, that a report would be available within a year.

Mr. Chairman, I oppose the amendment offered by the gentleman from New Jersey, and I offer my strong support for this important project.

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume.

I would simply conclude our side of the debate, Mr. Chairman, by indicating that I respect the gentleman from New Jersey and those who have spoken on his side very much, both in terms of their intelligence, their passion on the issue, and their commitment for their constituents. I happen, in this instance, however, to seriously disagree with them. I believe that we have an authorized program, the procedures and laws of this country have been followed; and I do think that we ought to proceed. I do oppose the Andrews amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield myself the remainder of my time.

The bill as it presently is constituted is spend first, think later. I think we should do the opposite, think first and then maybe spend later.

We are being asked to invest nearly $30 million into a project that is not economically proven, that is environmentally risky, and that is fundamentally unfair to the people of southern New Jersey. Think first, then maybe spend later. Join with us and join with the League of Conservation Voters, Citizens Against Government Waste, Republicans and Democrats in support of this amendment.

Mr. Chairman, at this point I will insert into the RECORD reports from the GAO which study other similar projects.

Report by the Comptroller General of the United States: Montana's Libby Dam Project: More Study Needed Before Adding Generators and a Reregulating Dam

The U.S. Army Corps of Engineers has not shown that its proposed project to add more generators to the Libby Dam and a reregulation dam downstream is economically justified or the best alternative for meeting Pacific Northwest electricity peaking needs:

GAO questions the Corps method of calculating the project's benefits. The Corps plans to reassess the benefit-cost ratio using a better method and submit the results to the Congress by early 1980.

Neither the Corps nor the Bonneville Power Administration has adequately studied other was of meeting forecasted peak power shortages. Combustion turbines, cogeneration, power exchanges, load management, and peak pricing options should be evaluated before the proposed project proceeds.

This report responds to a request from Senator Baucus.

Report to the Congress by the Comptroller General of the United States: The Tennessee Valley Authority's Tellico Dam Project—Costs, Alternatives, And Benefits

In January 1977 the nearly completed $116 million Tellico Dam project was stopped because it would harm the habitat of the snail darter—an endangered species of fish. Several alternatives to the project have been proposed. However, neither the current project nor alternatives are supported by current benefit-cost analyses.

The Tennessee Valley Authority should update the remaining benefit-cost data for the Tellico project and alternatives to it. The Congress should prohibit the Authority from further work on the project and should not act on the proposed legislation to exempt the project from the Endangered Species Act until more current information is received.

Report by the U.S. General Accounting Office: Information on Corps of Engineers' Clarence Cannon Dam and Mark Twain Lake Project

This report discusses the 1981 flooding along the Salt River in northeast Missouri and the resulting damages above and below the Corps of Engineers' Clarence Cannon Dam project. It further discuses the potential impact hydropower operations of the dam will have on downstream landowner, and the current cost and schedule estimates for completing the project.

Report to the Honorable George Miller, United States House of Representatives by the U.S. General Accounting Office: Proposed Pricing of Irrigation Water From California's Central Valley New Melones Reservoir

The New Melones Reservoir in California is the latest addition to the Bureau of Reclamation's vast network of dams, reservoirs, canals, and pumping stations known as the Central Valley Project. Since New Melones is part of the CVP, the Bureau adds its irrigation construction, operation, and maintenance costs to other CVP costs. The entire irrigation costs are then used in calculating rates for water repayment.

As a result, New Melones irrigation rates are lower than they would be if its water users had to repay construction and operating costs of the reservoir. Costs associated with New Melones will eventually cause the rates of other CVP users to increase. Because of existing long-term contracts, however, the increased rates cannot be passed on to other users until their contracts expire or are amended.

REPORT TO THE HONORABLE JAMES H. WEAVER HOUSE OF REPRESENTATIVES BY THE COMPTROLLER GENERAL OF THE UNITED STATES: CORPS OF ENGINEERS SHOULD REEVALUATE THE ELK CREEK PROJECT'S BENEFITS AND COSTS

The Corps of Engineers' fiscal year 1982 estimates of benefits and costs for the Elk Creek project, under construction in Jackson County, Oregon, show an excess of benefits over costs.

This report questions most of the Corps' estimates of benefits to be obtained from the project's flood control, water supply, recreation, irrigation, and area redevelopment purposes. It also questions some of the Corps' project cost estimates. These issues affect the benefit cost value reported to the Congress in support of the project's economic feasibility.

GAO recommends that the Corps resolve these matters and recalculate project benefits and cost.

REPORT TO THE CONGRESS OF THE UNITED STATES BY THE COMPTROLLER GENERAL: CONGRESSIONAL GUIDANCE NEEDED ON FEDERAL COST SHARE OF WATER RESOURCE PROJECTS WHEN PROJECT BENEFITS ARE NOT WIDESPREAD

Many water resource projects provide benefits to large segments of the country; however, the Corps of Engineers and the Soil Conservation Service have built some projects that primarily benefit only a few landowners or businesses.

For Corps and Service projects, the non-Federal entity is seldom required to share a larger portion of project cost to compensate for these special benefits, such as land enhancement or increased local taxes. The Congress needs to clarify its intent regarding cost sharing on such projects.

Non-Federal entities provide land, easements, rights-of-way, and relocate utilities. The estimated costs of such items are shown as the non-Federal cost share in project feasibility studies. GAO found that the estimated non-Federal cost share for Service projects usually contained extraneous cost items which are not actual project costs. Such costs inflate the total project cost and also make the non-Federal "share" appear much higher than it actually is. GAO says this practice should be stopped.

CHAPTER 3: SOME WATER RESOURCE PROJECTS DO NOT PROVIDE WIDESPREAD BENEFITS

The Corps and SCS, after congressional approval, finance, construct, and often maintain water resource projects. In some instances, these projects have only one primary beneficiary or provide special localized benefits—such as increased earning potential or extraordinary land enhancement—to certain groups, businesses, or individuals primarily at the expense of the U.S. taxpayer. However cost sharing between Federal and non-Federal entities for these projects is generally the same as for other projects providing more general widespread benefits.

Legislation and procedures generally require local project sponsors to provide the necessary land, easements, rights-of-way, and utility relocations for most projects except flood control reservoirs. For projects providing benefits such as beach erosion control, the local sponsor is also required to contribute a designated percentage of the total project construction cost. If the land, easements, and rights-of-way do not fulfill the required non-Federal contribution, cash contributions are required. The traditional formulas establishing the required non-Federal share have evolved over the years as new agencies, programs, and project purposes have been authorized by the Congress.

Although many variations in the traditional cost-sharing formulas exist, the requirements are reasonably well defined and are usually met.

However, when the projects benefit only a small group or yield significant secondary or special localized benefits, the Federal Government rarely requires a larger percentage of project cost from local sponsors. Corps policies and procedures (as discussed in ch. 2) address limited beneficiary situations, but their requirements are vague and inconsistently applied at the various districts. Although SCS recognizes that these situations occur, their policies and procedures do not address these issues.

Consequently, some project beneficiaries have reaped significant special localized benefits at the Federal tax-payers' expense. The following synopses briefly identify and discuss several water resource projects which we believe provide significant special or localized benefits to identifiable beneficiaries. Additional information concerning each project is included in appendix I.

SOME PROJECTS HAVE ONLY A FEW BENEFICIARIES

In 4 of the 14 cases we reviewed a high percentage of project benefits went to only a few people or businesses. Estimated project costs ranged from about $7 million to $111 million.

Project name; purpose and location	Total cost (thousands)	Federal cost (thousands)	Number of beneficiaries
Blue River Channel Flood control, Missouri	111,000	94,100	[1] 281
Hendry County Flood control, Florida	17,719	13,190	[2] 21
Southern Branch of Elizabeth River Navigation, Virginia	7,634	5,282	2
York and Pamunkey Rivers Navigation, Virginia	50,500	47,200	[3] 3

[1] One company will receive 55 percent of total project benefits.

[2] Four landowners have control over 61 percent of benefited area.

[3] One company will receive 86 percent of total project benefits.

York and Pamunkey Rivers Navigation Project

The York and Pamunkey Rivers Navigation Project in Virginia is an example of a proposed project which will benefit a limited number of identified users. (See p. 61). The project was internally approved by the Corps in 1973, but has not yet been authorized by the Congress. Although it is expected to provide transportation savings to only three users, additional non-Federal contributions were not recommended.

The recommended plan provides a two-lane navigation channel. The estimated total project cost is $50.5 million of which the non-Federal share is estimated at $3.3 million (6.5 percent). The non-Federal share is for lands, levees, spillways, relocations, berthing areas, and access channels.

The project has only three identified users, two of which are expected to receive 98.5 percent of the total project benefits. It provides a more economically efficient method of transporting oil to the American Oil Company and the Virginia Electric and Power Company. It is also expected to maintain depth in the York River entrance channel sufficient for present and future use by the Navy.

The estimated annual benefits for each project beneficiary are shown below.

Beneficiary	Amount	Percent
American Oil Company	$17,013,800	86.4
Virginia Electric and Power Company	2,386,200	12.1
U.S. Navy	300,000	1.5
Total	19,700,000	100.0

Additional non-Federal contributions were not recommended by the Corps despite the fact that the project is expected to benefit only three users and one user is expected to receive 86 percent of the estimated annual savings. One of the beneficiaries, American Oil Company, could completely repay the project cost in 3 years with its annual transportation savings. Instead, the Nation's taxpayers, if this project is approved, would have to pay for 98.5 percent of the project.

IDENTIFIABLE BENEFICIARIES SHOULD MAKE ADDITIONAL CONTRIBUTIONS

Some projects built by the Corps and SCS provided significant special localized benefits to direct, identifiable beneficiaries. These benefits can accrue in the form of increased earning potential, land enhancement, or in the case of a State or local entity, increased local real estate and income tax bases.

In these situations, the Federal Government is subsidizing individuals or groups of individuals who often have the ability (because of increased earnings) to make additional contributions.

Pohick Watershed Flood Prevention Project

The SCS Pohick Watershed project in Fairfax County, Virginia, provides significant increased income to housing developers and increased tax revenue to Fairfax County. (See p. 69.) The project is creating choice lakefront property within 17 miles of Washington, D.C. SCS did not require any additional non-Federal contributions for these benefits.

The Pohick Watershed was the first SCS flood prevention project undertaken in a watershed being totally converted from rural to urban land use. It was authorized in 1968 because of the anticipated rapid change in land use. The plan was to supplement an overall development plan for an area rapidly converting from nearly natural cover conditions to an area of intensive urbanization.

In June 1970, SCS estimated the project construction and installation would cost $1,878,520 with the Federal share being $904,142 and the non-Federal share $974,378. The project consists of seven floodwater retarding structures and is about 70 percent complete.

The project provides special local benefits to a small number of housing developers. After the SCS project was authorized and construction started, developers began building large subdivisions in this formerly undeveloped area. In addition to the homesites surrounding the lakes, many sites are directly on the lakeshores. At project completion, the seven lakes formed by the floodwater retarding structures will create 571 choice lakefront homesites. Subdivisions have already been completed around four of the seven lakes. According to local real estate agents and county officials, homes in Fairfax County with a lake view sell at a $2,000 premium; therefore, the developers could receive additional income of $1,142,000 because of the lakefront sites. One development company building a subdivision around one of the lakes paid $104,000 to increase the lake size. The subdivision has 150 lakefront homesites, and as a result of the sites, the company received additional gross income of $300,000.

The Fairfax County real estate tax base has increased greatly during the period 1970 to 1979. Overall, the total county assessed value has increased 146 percent while the value in the Pohick Watershed area has increased about 1,800 percent. County officials did not know how much the project contributed to the 1,800-percent increase in value. However, with the advent of the SCS project and a county sewage system the project area developed rapidly. Real estate values in the project area increased $1.1 billion from 1970 to 1979 resulting in additional annual county tax revenues of approximately $17 million.

SCS has not required additional non-Federal contributions to compensate for these special localized benefits. We believe the local sponsor should have contributed more because there were readily identifiable beneficiaries who receive significant secondary benefits because of the project.

Hendry County Flood Control Project

In Hendry County, Florida, the Corps has planned a $17.7 million flood control and water supply project which will benefit a total of 21 local farmers/corporations—four owners control 61 percent of the benefited land (See p. 46.) Although the Corps considers this project a flood control project, it will also provide major drainage benefits to vast amounts of marginal grassland which can then be used for more intensified ranching and farming operations (land enhancement). It also will increase the county's tax revenue. Even though the project had identifiable beneficiaries and may result in substantial land enhancement, the Corps did not request additional non-Federal contributions.

Special localized benefits will accrue to identifiable beneficiaries

The Corps analysis of future land use acknowledges that the project will permit 5,400 acres—presently used for pasture, rangeland, woodland, and truck crops cultivation—to be upgraded for sugarcane production. The four largest landowners have stated that once the project is complete, they plan to grow sugarcane on land that was previously less productive. The largest landowner, a corporation that owns 34 percent of the project land, stated that the project will greatly improve its economic potential because an additional 3,200 acres of sugarcane could be grown on land previously used for a less productive purpose. A large sugar company, the second largest landowner, plans to move current cattle operations to its 17,846 acres in the water supply area. This move will allow them to develop their present ranch near Clewiston, Florida, into sugarcane, which they indicated would be more profitable. The largest family farm landowner also plans to convert 960 acres of land from cattle to sugarcane when the project is completed. Another rancher indicated plans to produce sugarcane on land currently used as pasture but has not determined the exact acres involved.

In addition, the project could provide a large land development company an estimated additional $18 million gross income from sales. In 1975 the company transferred 2,560 . . .

* * * * *

CONCLUSIONS

When Federal Water resource developments were first authorized, the programs were designed to encourage transportation, settlement, and economic development of the Nation. As early as 1920 the Congress recognized that some water resource projects provided a high percentage of "special local benefits," and in the 1920 River and Harbor Appropriation Act voiced its intent to require a higher non-Federal cost share for projects with a high percentage of special local benefits.

Conditions have since changed. Much of the Nation is now highly developed and new national concerns and priorities have surfaced (energy and the environment) and there is increasing competition for the Nation's resources. Because of these changing priorities it is even more important that the Federal agencies carefully evaluate the local versus the national benefits provided by each proposed project and consider this when recommending to the Congress the non-Federal cost share.

Both the Corps and SCS have financed, constructed, and sometimes maintained water resources projects which benefit a very few individuals or businesses or provide a significant special or localized benefits to an identifiable group of beneficiaries.

Although both agencies recognize these situations, they have rarely required additional non-Federal contributions (over and above established standard cost-sharing formulas) as compensation. Consequently, the Federal taxpayer, most of whom will receive no direct project benefit, pays for most of the associated project cost. We believe the Corps and SCS should have required additional non-Federal funds for each of the projects discussed in this report.

As discussed in chapter 2, the law requires that the Corps identify and discuss the national project benefits vs. limited special benefits and recommend appropriate non-Federal cooperation.

While section 2 of the 1920 River and Harbor Appropriation Act literally only requires that the Federal agency include its findings of local versus national benefits and recommend what the local cost share should be on the basis of these benefits, its purpose is to secure a higher non-Federal contribution under certain circumstances. We believe that the Corps' multiple use policy (discussed in ch. 2) does not fully conform with the intent of section 2. Further the Corps did not specifically compare local versus national benefits in each of the studies we reviewed. We believe that a separate discussion of these benefits should be included in each feasibility study to fully inform the Congress of the nature of the project benefits and any additional non-Federal contributions which should be required.

The Secretary of Agriculture also has discretionary authority under the Watershed Protection and Flood Protection Act of 1954 to require additional non-Federal contribution for projects with limited benefits. (See p. 13.)

We believe that the Federal agencies should require local sponsors to share a larger percentage of project cost when significant special local benefits (secondary benefits) accrue to project beneficiaries.

In our draft report we proposed that the secretary of the Army direct the Corps to provide the Congress more detailed information concerning the nature of project benefits as required by section 2 of the River and Harbor Appropriation Act. We also proposed that the Corps clarify its procedures and establish more specific criteria to help the District offices determine when a larger non-Federal share of project cost should be required.

Further, in our draft report we proposed that the Secretary of Agriculture use his discretionary authority under the Watershed Protection and Flood Prevention Act of 1954 and collect additional non-Federal funds for projects with limited benefits. We recommended that the secretary direct the SCS Administrator to prepare regulations which recognize "special beneficiary situations," and ensure that each office applies these regulations when preparing future studies.

AGENCY COMMENTS AND OUR EVALUATION

On August 7, 1980, we met with Corps officials to obtain oral comments because the agency could not respond within the 30 days allowed for submitting written comments. However, in a September 8, 1980, letter (see app. II), the Corps provided written comments on our draft report. The Corps did not concur with out recommendations, providing the following overall comments.

The Corps stated that:

"The Flood Control Act of June 22, 1936, recognized that fact that flood damages destroy portions of the national wealth and adversely affect national productive capacity. That recognition has been followed by all studies since that time. Flood damages to anyone in the nation are measured and counted as benefits in this national program. The present term for these types of benefits as approved by the United States Water Resources Council, is "National Economic Development Benefits" (NED). Your report does not follow this definition for national benefits, and thus gives rise to considerable confusion. It also suggests implicitly the allocation of costs to beneficial outputs which are not now recognized in the computation of benefit-cost ratios or in the Federal decision process."

We are familiar with the Water Resources Council's terminology but chose not to use it for several reasons.

First, many of the "National Economic Development" benefits discussed in the report are secondary type benefits which directly accrue to individuals, businesses, or communities around a project, such as land enhancement and intensified or changed land use. Granted, such benefits also tend to increase the economic value of the national output, but the impact of such benefits is much greater for those beneficiaries whose land or income is directly affected or improved.

We believe that the report message is more clearly communicated to most readers by stressing the immediate impact these benefits have on the direct beneficiaries. Therefore, the report addresses these as special localized or secondary benefits (benefits which go beyond project purposes). For example, the Corps letter points out that flood damage destroys portions of the national wealth and adversely affects national wealth and national productive capacity. Projects are authorized and built to prevent such damage. However, in addition to flood damage prevention, the same projects often provide substantial secondary benefits which go beyond the authorized project purpose. In addition to flood damage prevention (a NED benefit which is related to the project purpose), secondary benefits such as significant land enhancement and changed or intensified land use accrue to individuals, businesses, and communities located around a project. These benefits also contribute to increased national productivity; however, the impact of the benefit is much greater to the individual whose income or property is directly affected or improved.

Secondly, many of those who read our reports are not necessarily familiar with the Council's precise definitions which Federal agencies use in their planning.

Mr. Chairman, I urge a yes vote; and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 532, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) will be postponed.

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS:

Page 39, after line 19, insert the following new title:

TITLE VII—RESOURCE GOVERNANCE

SEC. 701. SHORT TITLE.

This title may be cited as the "National Resource Governance Act of 2000".

SEC. 702. FINDINGS.

Congress finds that—

(1) energy prices have risen dramatically, leading to significant harm to particular sectors of the economy;

(2) an affordable domestic energy supply is vital to the continued growth and vitality of our Nation's economy;

(3) an uninterrupted supply of oil and other energy is necessary to protect the United States national security interests; and

(4) the United States continued dependence on foreign sources of energy, particularly on the Organization of Petroleum Exporting Countries (OPEC), for the majority of its petroleum and energy needs is harmful to our national security and will not guarantee lower fuel prices and protect our economy.

SEC. 703. ESTABLISHMENT OF COMMISSION.

There is established the National Energy Self-Sufficiency Commission (in this title referred to as the "Commission").

SEC. 704. DUTIES OF COMMISSION.

(a) DUTIES.—The duties of the Commission are—

(1) to investigate and study issues and problems relating to issues involving the importation of and dependence on foreign sources of energy;

(2) to evaluate proposals and current arrangements with respect to such issues and problems with the goal of seeking out ways to make the United States self-sufficient in the production of energy by the year 2010;

(3) to explore whether alternate sources of energy such as ethanol, solar power, electricity, natural gas, coal, hydrogen, wind energy, and any other forms of alternative power sources should be considered, including other potential and actual sources;

(4) to investigate the affordability of oil exploration and drilling in areas which currently are not being used for drilling, whether because of the cost of doing so, because of current law, or because of environmental regulation that may prohibit such drilling;

(5) to appear at any congressional oversight hearing before the proper congressional oversight committee to testify as to the progress and operation of the Commission and its findings;

(6) to consider tax credits and other financial incentives, along with expanded drilling in areas such as the Arctic National Wildlife Refuge and offshore, to help promote and establish the viability and research of alternative forms of energy and domestic oil exploration;

(7) to prepare and submit to the Congress and the President a report in accordance with section 709; and

(8) to take into account the adverse environmental impact of its proposals.

(b) LIMITATION.—This title shall not permit the Commission to recommend an increase in taxes or other revenues or import restrictions on oil or other commodities.

SEC. 705. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members as follows:

(1) 3 members appointed by the President, 1 of whom shall be designated as chairman by the President.

(2) 2 members appointed by the Majority Leader of the Senate.

(3) 1 member appointed by the Minority Leader of the Senate.

(4) 2 members appointed by the Speaker of the House of Representatives.

(5) 1 member appointed by the Minority Leader of the House of Representatives.

(b) TERM.—Members of the Commission shall be appointed for the life of the Commission.

(c) QUORUM.—5 members of the Commission shall constitute a quorum, but a lesser number may conduct meetings.

(d) APPOINTMENT DEADLINE.—The first appointments made under subsection (a) shall be made within 60 days after the date of enactment of this Act.

(e) FIRST MEETING.—The first meeting of the Commission shall be called by the chairman and shall be held within 90 days after the date of enactment of this Act.

(f) VACANCY.—A vacancy on the Commission resulting from the death or resignation of a member shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(g) CONTINUATION OF MEMBERSHIP.—If any member of the Commission who was appointed to the Commission as a Member of Congress or as an officer or employee of a government leaves that office, or if any member of the Commission who was not appointed in such a capacity becomes an officer or employee of a government, the member may continue as a member of the Commission for not longer than the 90-day period beginning on the date the member leaves that office or becomes such an officer or employee, as the case may be.

SEC. 706. COMPENSATION.

(a) PAY.—

(1) NONGOVERNMENT EMPLOYEES.—Each member of the Commission who is not otherwise employed by the United States Government shall be entitle to receive the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which he or she is engaged in the actual performance of duties as a member of the Commission.

(2) GOVERNMENT EMPLOYEES.—A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation.

(b) TRAVEL.—Members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 707. STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) STAFF.—

(1) APPOINTMENT.—The chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other personnel as are necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter II of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(b) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

SEC. 708. POWERS OF THE COMMISSION.

(a) HEARINGS AND MEETINGS.—The Commission or, on authorization of the Commission, a member of the Commission may hold such hearings, sit and act at such time and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission or a member of the Commission may administer oaths or affirmations to witnesses appearing before it.

(b) OFFICIAL DATA.—The Commission may secure directly from any Federal department, agency, or court information necessary to enable it to carry out this title. Upon request of the chairman of the Commission, the head of a Federal department or agency or chief judge of a Federal court shall furnish such information to the Commission.

(c) FACILITIES AND SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such facilities and support services as the Commission may request. Upon request of the Commission, the head of a Federal department or agency may make any of the facilities or services of the agency available to the Commission to assist the Commission in carrying out its duties under this title.

(d) EXPENDITURES AND CONTRACTS.—The Commission or, on authorization of the Commission, a member of the Commission may make expenditures and enter into contracts for the procurement of such supplies, services, and property as the Commission or member considers appropriate for the purposes of carrying out the duties of the Commission. Such expenditures and contracts may be made only to such extent or in such amounts as are provided in appropriation Acts.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal departments and agencies of the United States.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 709. REPORT.

The Commission shall submit to the Congress and the President a report not later than 2 years after the date of its first meeting. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislative or administrative action as it considers appropriate.

SEC. 710. TERMINATION.

The Commission shall cease to exist on the date that is 30 days after the date on which it submits its report under section 709.

SEC. 711. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $3,500,000 to carry out this title for each fiscal year for the duration of the Commission.

Mr. PACKARD. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from California (Mr. PACKARD) reserves a point of order.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, I thank the Chair, but I do not thank my friend, the gentleman from California, for reserving a point of order, but I understand.

There is no question about it, I say to my colleagues, that the current crisis and all the crises that came before it with respect to the rising tide of prices for gas at the pump have come about because of our dependence on foreign oil. That is the short and the tall of it. We are dependent for our sustenance in this country on foreign oil; more than 55 percent of it comes from other countries.

What does that mean? It means that our energy policy as a Nation is reduced to sending an ambassador to the foreign countries involved, to OPEC in particular, to beg them to produce more oil. Our policy is, please sell us more oil. Please produce more oil. That is intolerable, and it is embarrassing to the greatness of our Nation to have to so depend.

So my amendment is one which will allow ourselves to pledge as a Nation that within 10 years, we will become self-sufficient in energy. How? By appointment now of a nine-member, blue ribbon commission, much like the one that was appointed and worked to save Social Security in the 1970s and 1980s and which did save the then tottering Social Security program. This blue ribbon commission would be empowered to look at every conceivable source of domestic, self-induced and self-prepared energy for the use of our people. This would include, of course, the Alaskan oil fields, the ANWR reserves. It would include tax incentives for domestic drilling. It would include exploration of natural gas and solar energy and water energy and ethanol and every other conceivable type of energy that has been proved to be somewhat, if not greatly, sufficient and efficient for the uses of our people.

This commission would report back, and then we would be on the road to self-sufficiency within 10 years. Does that sound spectacularly narrow in its scope within 10 years to be self-sufficient? We went to the moon in 10 years; we now have discovered there is water on Mars, and no one can tell me that if we did not focus on this crisis after crisis type of situation, that we could not complete a program within 10 years and recommend it to the Congress and bring it about so that our people will have no need any longer to depend on foreign oil.

Mr. Chairman, this amendment is one that is bred of common sense. I have noticed that over the last 6 or 7 weeks, piece by piece, the administration is moving ever more closely to the adoption of some of the facets of what I have been speaking of.

□ 2100

For instance, right after I introduced a bill and others started talking about Alaskan exploration, Joe Lockhart of the White House denounced it as being something that the White House would not be interested in developing.

Very recently, little bits and pieces have come out of the White House where the exploration of ANWR seems more feasible now. Where 7 months ago and a year ago there was no talk of tax credits for domestic drilling, now dribbles of information coming out of the White House indicate that they could, yes, indulge in some tax credits for domestic drilling.

We can do it, I say to my colleagues. We can enforce a speed-up program of development of our own resources, and fairly soon we will see that OPIC will be out of the question as a menacing feature of our existence today, because that is what it is. It is endangering our national security, it endangers our domestic security, and prevents us from doing what Americans do best, to be self-sufficient, to be independent of foreign influences, to be independent of the need to look to other countries to sustain our way of life.

Our way of life is important enough and precious enough that if we can put our minds to it, we will preserve it and enhance our way of life with energy independence for all time.

I ask the gentleman from California (Mr. PACKARD) to reconsider his intention to raise a point of order. This is too vital for that.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California (Mr. PACKARD) insist on his point of order?

Mr. PACKARD. Mr. Chairman, I must insist on the point of order.

The CHAIRMAN. The gentleman from California is recognized to speak on the point of order.

Mr. PACKARD. Mr. Chairman, this is absolutely legislating on an appropriations bill. I make a point of order that the amendment violates clause 2(c) of rule XXI, which provides that an amendment to a general appropriations bill is not in order if it changes existing law.

The rule states very clearly, "An amendment to a general appropriations bill shall not be in order if changing existing law." The amendment authorizes the creation of a new commission, and is clearly in violation of the rule.

Therefore, I must insist on the point of order. I hate to do that to one of my dear colleagues and classmates, but if I made an exception here, I would have to make it in many, many other cases.

Mr. GEKAS. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman may be heard.

Mr. GEKAS. I may be heard, but I may be heard agreeing with the gentleman from California, that it indeed is out of order.

So, with a song in my heart, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to use this time to engage in a colloquy with the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentlewoman from Florida.

Ms. BROWN of Florida. Mr. Chairman, I have an amendment at the desk that I am going to withdraw, but I hope that the ranking member and the committee will work with me to get it in conference.

I have had several Members call me concerning my amendment because they think it is so appropriate at this time. I would like to take a moment to discuss this amendment.

Mr. Chairman, independent truckers in my home State of Florida have experienced difficulty earning an honest living as a result of the escalating gas prices. The average independent truckers earn roughly $35,000 a year. With the cost of the fuel skyrocketing, these independent truckers spend approximately $15,000 a year on fuel. As a result, they are faced with making incredibly tough decisions that impact their ability to take care of their families. Almost half of their income goes to gas.

As recently as last week, a constituent called my office to tell me that his truck will be repossessed soon. It is sitting in the front of his house idle because he simply cannot afford the cost of the fuel. At one point his wife, who was a homemaker, had to leave their children and take a second job just so her husband could afford to purchase fuel.

This amendment is an attempt to emphasize the importance and urgency of the problem. In addition to giving the President the authority to tap into the petroleum reserve, we should be aggressively engaging in research that allows us to use cost-efficient alternative energy. The intent is to decrease our dependency on foreign oil so in the future Americans will not be subject to the ups and downs of the crude oil market.

As the administration pointed out, with mounting evidence of global climate change and concerns over oil prices, the DOE's renewable energy budget is $11 million below the current appropriation, and $106 million, or 23 percent, below the President's request. This shortsightedness undercuts our Nation's efforts to implement a 21st century energy policy.

I understand that the point of order is important, but we have a responsibility in Congress to do our part to make sure that our energy policy is pro-American, and making sure that we are not dependent upon foreign oil.

I thank the gentleman very much for giving me the opportunity to discuss this issue. I am hoping that on this amendment, we can work as we go to conference and it can be included.

Mr. VISCLOSKY. I appreciate the gentlewoman's commitment to her constituents, and also, in terms of her attempt in trying to begin to solve the energy crisis we face in this country. I do look forward to working with the gentlewoman on this issue as we approach conference, but obviously I cannot make a commitment to the gentlewoman here on the House floor. Again, I do appreciate the gentlewoman raising the issue this evening.

AMENDMENT OFFERED BY MR. SHERWOOD

Mr. SHERWOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 106-701 offered by Mr. SHERWOOD:

Page 39, lines 6 through 19, amend section 606 to read as follows:

SEC. 606. (a) ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.—The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 166. There are authorized to be appropriated for fiscal years 2000 through 2003 such sums as may be necessary to implement this part.";

(2) in section 181 (42 U.S.C. 6251) by striking "March 31, 2000" both places it appears and inserting "September 30, 2003"; and

(3) in section 281 (42 U.S.C. 6285) by striking "March 31, 2000" both places it appears and inserting "September 30, 2003".

(b) PURCHASE OF OIL FROM MARGINAL WELLS.—

(1) PURCHASE OF OIL FROM MARGINAL WELLS.—Part B of Title I of the Energy Policy and Conservation Act (42 U.S.C. 6232 et seq.) is amended by adding the following new section after section 168:

"PURCHASE OF OIL FROM MARGINAL WELLS

"SEC. 169. (a) IN GENERAL.—From amounts authorized under section 166, in any case in which the price of oil decreases to an amount less than $15.00 per barrel (an amount equal to the annual average well head price per barrel for all domestic crude oil), adjusted for inflation, the Secretary may purchase oil from a marginal well at $15.00 per barrel, adjusted for inflation.

"(b) DEFINITION OF MARGINAL WELL.—The term "marginal well" means a well that—

"(1) has an average daily production of 15 barrels or less;

"(2) has an average daily production of 25 barrels or less with produced water accounting for 95 percent or more of total production; or

"(3) produces heavy oil with an API gravity less than 20 degrees.".

(2) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 168 the following:

"Sec. 169. Purchase of oil from marginal wells.".

(c) NORTHEAST HOME HEATING OIL RESERVE.—

(1) AMENDMENT.—Title I of the Energy Policy and Conservation Act is amended by—

(A) redesignating part D as part E;

(B) redesignating section 181 as section 191; and

(C) inserting after part C the following new part D:

"PART D—NORTHEAST HOME HEATING OIL RESERVE

"ESTABLISHMENT

"SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

"(b) For the purposes of this part—

"(1) the term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey; and

"(2) the term 'petroleum distillate' includes heating oil and diesel fuel.

"AUTHORITY

"SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

"(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

"(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

"(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

"(4) store petroleum distillate in facilities not owned by the United States;

"(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part; and

"(6) notwithstanding paragraph (5), on terms the Secretary considers reasonable, sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part in order to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

"CONDITIONS FOR RELEASE; PLAN

"SEC. 183. (a) The Secretary may release petroleum distillate from the Reserve under section 182(5) only in the event of—

"(1) a severe energy supply disruption;

"(2) a severe price increase; or

"(3) another emergency affecting the Northeast, which the President determines to merit a release from the Reserve.

"(b) Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

"(1) the acquisition of storage and related facilities or storage services for the Reserve;

"(2) the acquisition of petroleum distillate for storage in the Reserve;

"(3) the anticipated methods of disposition of petroleum distillate from the Reserve; and

"(4) the estimated costs of establishment, maintenance, and operation of the Reserve.

The storage of petroleum distillate in a storage facility that meets existing environmental requirements is not a 'major Federal action significantly affecting the quality of the human environment' as that term is used in section 102(2)(C) of the National Environmental Policy Act of 1969.

"NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

"SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account know as the 'Northeast Home Heating Oil Reserve Account' (referred to in this section as the 'Account').

"(b) The Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

"(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

"EXEMPTIONS

"SEC. 185. An action taken under this part—

"(1) is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code; and

"(2) is not subject to laws governing the Federal procurement of goods and services, including the Federal Property and Administrative Services Act of 1949 (including the Competition in Contracting Act) and the Small Business Act.".

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out part D of title I of the Energy Policy and Conservation Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 532, the gentleman from Pennsylvania (Mr. SHERWOOD) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment simply substitutes the language in Section 606, which contains a 1-year reauthorization of the Strategic Petroleum Reserve, with the text of H.R. 2884, which passed the House 416 to 8.

This House-passed bill reauthorizes the Strategic Petroleum Reserve through fiscal year 2003. Additionally, it provides new discretion for the Secretary of Energy to purchase oil from marginal domestic wells known as stripper wells when the average market price falls below $15 per barrel.

Finally, it provides new authority for the Secretary of Energy to disburse home heating oil from any future Northeast Home Heating Oil Reserve during a national emergency, a regional emergency.

The Northeast Heating Oil Reserve, which will be a separate entity from the Strategic Petroleum Reserve, will be authorized to contain no more than 2 million barrels of petroleum distillate. Additionally, the reserve may be employed during severe energy disruptions, extreme price hikes, or when the President determines an energy emergency merits its use in the Northeast.

The bottom line is that this amendment will help to preserve and enhance our domestic energy-producing infrastructure, and help provide reasonably-priced home heating fuel oil during supply shortages.

It is simple, having more domestic oil production and supply capacity will result in lower prices at the pump and less dependence on foreign oil.

This last winter we in the Northeast were feeling the economic sting of an oil crisis due to high heating oil and diesel prices. That was our first warning. Now, with severely increased gasoline prices across the Nation, the rest of the country is feeling the pain that we in the Northeast have experienced for several months.

The question on everyone's mind is, why did we not see this coming, and why were we not prepared to meet it? I am here today to work with the Members in this Chamber to find the answers to these questions; also, to make sure that we will never be held hostage again by Middle East oil princes. These are the same friends for whom a decade ago we risked the lives of our sons and daughters to protect against Iraqi aggression.

The bottom line, and this is probably the most important thing that will be said tonight, is that we lack a coherent national energy policy to insulate us from the volatility of these markets.

During the 1998–1999 time frame, our Nation lost 500,000 barrels of production capacity every day due to the failure of marginal stripper wells to be economically viable. This amendment allows the Secretary of Energy to purchase oil from stripper wells when prices are low so they can adequately operate during extreme price drops, and our Nation's new heating oil reserve can be filled more cheaply.

This is an excellent bill which will help maintain the Nation's oil production capacity when prices are low, and provide relief to homeowners when heating prices are high and in short supply. I strongly urge the Secretary of Energy to utilize the new authority given him with the establishment of the Northeast Heating Oil Reserve and the reauthorization of the Strategic Petroleum Reserve, to use these reserves as pressure release valves during energy crises.

Support of this measure is a step in the right direction towards solving our current gas price crisis, which we are all suffering through. It is simple: The more domestic oil supply capacity we can maintain, the lower the prices will be at the pump.

I urge my colleagues to vote for this bipartisan, prudent, and timely measure so that relief can be brought to the pocketbook of the American consumer.

In closing, I would like to thank the gentleman from Texas (Mr. BARTON) and the gentleman from Massachusetts (Mr. MARKEY) for all their hard work in crafting this legislation, and the gentleman from Vermont (Mr. SANDERS) for his leadership on the issue.

I urge passage of this very commonsense, bipartisan amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I would seek to claim the time, on the understanding that no other Member is seeking the time in opposition.

The CHAIRMAN. Without objection, the gentleman from Indiana (Mr. VISCLOSKY) is recognized for 15 minutes.

There was no objection.

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I indicated on the remarks on the rule earlier, we find ourselves with an amendment that I do support that the gentleman from Pennsylvania (Mr. SHERWOOD) has offered. But I would want to remind Members of the history of this House in legislative action over the last several weeks.

First of all, we had an amendment that was offered by the gentleman from Vermont (Mr. SANDERS) to the Interior bill about a week ago. His proposal was essentially to fund the Northeast Home Heating Oil Reserve that the gentleman would seek authorization for in his legislation. The amendment of the gentleman from Vermont (Mr. SANDERS) was defeated by two votes in this body literally a week ago.

Additionally, this body has essentially already passed through the authorization process the amendment that the gentleman has already put forth, so we are for a second time now stating a proposition that to date the majority in the other body has refused to act on.

I would further point out that in full committee, when the energy and water bill was considered during the past week, the gentlewoman from Michigan (Ms. KILPATRICK), in trying to break this logjam, whether it be in this body or in the other body, offered an amendment for a 1-year extension of the Strategic Petroleum Reserve that was essentially unanimously agreed to by the committee.

Under the amendment, her language stripped out "and a full 3-year authorization is entered into."

Again, I support what the gentleman is doing. I would simply encourage people to remember that the gentlewoman from Michigan (Ms. KILPATRICK) was active on this issue and offered her amendment a week ago. The gentleman from Vermont (Mr. SANDERS) was denied on a two-vote margin in this House funding for one of the propositions the gentleman put forth, and a majority in the other body, again, refuses to act.

I appreciate again the gentleman's initiative, but there is, again, bipartisan support for what is taking place here tonight.

Mr. Chairman, I reserve the balance of my time.

Mr. SHERWOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman from Pennsylvania for offering this amendment. It is similar to an amendment that we reported out of the Subcommittee on Energy and Power on a bipartisan basis.

Mr. Chairman, it was debated and voted on in the House, and passed I think in the neighborhood of 400 votes for and five or six votes against. It is an amendment that is in conference now with the Senate on the reauthorization of the Strategic Petroleum Reserve and the Energy Policy Conservation Act of 1992.

It is a classic compromise in that it has the heating oil reserve in the Northeast, which would be filled most likely with fuel oil. It has for the Southwest in the production region the ability for the Secretary of Energy to purchase stripper well oil, which is oil that comes from wells that produce less than 10 barrels a day when the price of oil falls below $15 a barrel on the world market, if that would ever happen again.

□ 2115

So we get something for the production sector; we get something for the consuming sector. It is bipartisan. It passed the House overwhelmingly earlier this year.

Mr. Chairman, I want to commend again the gentleman from Pennsylvania (Mr. SHERWOOD) for offering it tonight, and I hope that we would adopt it unanimously.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. SHERWOOD. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Sherwood-Markey-Barton Energy and Water amendment. It just makes so much sense. I would say in a Nation like ours where we had a condition like we did this past winter, shame on us for not having something available that could meet the urgent and pressing needs of American families.

In the Northeast, it was devastating. We had families that could not afford to pay the heating bill. We had families that were suffering because of the failure on the part of so many who they have every right to expect to be responsive to their needs; and quite frankly, we just were not.

This is an amendment that will address that need in a very responsible way. And as the gentleman from Texas (Mr. BARTON), my friend who preceded me, said, this is a delicate compromise that has been worked out on a bipartisan basis. It is something that, for all the right reasons, deserves our very strong support. I ask my colleagues to do just that, give it strong support.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. SHERWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this winter we had severe price disruptions in the Northeast that would be almost unbelievable if we had not experienced them. In a period of 60 days, home heating oil, which all the old people depend on in the Northeast, we do not have any gas mains and home heating oil is the heating source of choice, went from 80 cents a gallon to $1.80 a gallon. People could not fund that in their budgets.

Diesel fuel for trucks and tractors and farm equipment and snowmobiles and school buses went from $1.30 to $2.60 per gallon. Now, there is no real understandable reason for a price spike of this magnitude. What happened, we had a little shortage and then because there was a shortage, they got speculating on the New York Merc and this price was run up to double its historic record and double what we were expecting for the winter.

Mr. Chairman, the purpose of my amendment is to put some things in place that will help this from happening again. If we could keep these stripper wells in production during low-price periods, we will have that much more domestic production. If we can have the Northeast Heating Reserve, that will be some hedge against this happening again.

These are things that we need to do. We need to become more self-sufficient. I think that is a much bigger discussion for another day. But we have to look at our drilling policies and find out how we got in this position where we have all of these reserves, but we do not have refinery capacity enough and we do not have drilling capacity enough. We need to look these policies over down the road and develop a very comprehensive energy policy.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Pennsylvania has 5 minutes remaining.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. SHERWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is going to be a national debate that is going to take awhile. Tonight might be the start of that. People in my district certainly cannot put in another winter like we had last winter. I do not think people in Chicago want to put in another summer like they are having right now with $2.50 gasoline. We do not want to go back to $2.60 diesel fuel. These are problems that we have got to address.

We have got to make sure that we do not have artificial barriers to the movement of product throughout the various regions of the country. The reformulated product for different air quality standards has made it very difficult for the big oil companies to move product from one part of the country to the other, and that leads to regional dislocations like we have in Chicago at the present time.

We have to have more refinery capacity. Some of our areas of the country that are complaining about high heating oil prices and high gasoline prices have not allowed refineries to be built. So we have to have a comprehensive discussion that includes the environmentalists, includes the oil companies, includes the consumers and distributors so that we get a comprehensive national oil policy.

We are being held hostage now to some items that have come up, because we have not addressed them for the future. It will take awhile, but we cannot just blunder off into the future like we have in the last few years.

I think we were lulled to sleep by the fact that world demand was low, and we had historically low oil prices here in the U.S. Because we had historically low oil prices, nobody wanted to do anything about a policy. Well, that bit us this winter. It is biting us this summer. And if we do not get a comprehensive policy, we will continue to have these oil spikes.

The two features of my amendment will help. But we need to do more than that. We need to have a comprehensive policy. I appreciate this opportunity this evening to speak on this issue. It is something that we need to continue to discuss, and we need to get our national oil policy that brings all the stakeholders into play so that when this comes together, it will make sense. It will make sense environmentally, and it will make sense to the producers and the consumers in the country.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. SHERWOOD. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I am just reading the handout that our colleagues will be getting as this vote is taken, and I want to call everyone's attention to a particular paragraph. It reads: "When prices are high in the northeast, which uses a lot of home heating oil, the Secretary of Energy may," not must, but may, "disburse home heating oil from a reserve."

This reserve, as we all know all too well, does not exist today, although current law allows it. This amendment would authorize the creation of a Northeast reserve of up to 2 million barrels and allow it to be tapped during a regional emergency. And I thank the gentleman for yielding me this time. That is a very important observation.

Mr. SHERWOOD. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. SHERWOOD) has 1 minute remaining.

Mr. SHERWOOD. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. LAZIO).

Mr. VISCLOSKY. Mr. Chairman, I assume the gentleman from Pennsylvania has the right to close. So he would use his time to close?

The CHAIRMAN pro tempore. The gentleman from Indiana (Mr. VISCLOSKY) has the right to close.

The gentleman from New York (Mr. LAZIO) is recognized for 1 minute.

Mr. LAZIO. Mr. Chairman, I want to begin by thanking the gentleman from Pennsylvania (Mr. SHERWOOD) for his leadership on this issue which addresses a crisis that is facing the Northeast: high gas prices and high fuel prices.

We experienced this during the winter when many of our most vulnerable citizens, our seniors, our disabled, those in rural America were suffering the most. Many of us have been calling for immediate relief, including the rollback of the 4.3-cent Clinton-Gore gas tax at the gas pump.

But this method of creating a regional reserve will help address an issue, that has been a dramatic problem, in the years ahead. The ability to try and provide more liquidity in the market, to lance the boil of insufficient supply of oil, especially in our Northeast area that is so dependent on both oil for transportation and for home fuel oil.

Mr. Chairman, I want to thank the gentleman from Pennsylvania, and I urge our colleagues to support this amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. MALONEY).

Mr. MALONEY of Connecticut. Mr. Chairman, I thank the gentleman from Indiana for yielding me this time.

Mr. Chairman, I rise to express my strong support for this amendment, which is modeled in large part after legislation that I and many of my colleagues introduced earlier this year.

This amendment will not only provide relief to residents in the Northeast through the creation of a regional home heating oil reserve, it will give the President the authority he needs to release oil from the Strategic Petroleum Reserve to have an impact on the market price.

As the price of gasoline reaches $2 a gallon in Connecticut and $2.50 across the Midwest, there is no better time to address this issue. My constituents and families across the Northeast have been hit with high gasoline prices; and if we do not act, they will face high heating bills during the cold winter months ahead. If this crisis is not addressed now, the situation will only become worse. Most importantly, the seniors and others in my district who live on fixed incomes cannot afford these high prices. Having to choose between heating their home and other life necessities is simply unacceptable.

Mr. Chairman, I say to my colleagues, this crisis has gone on already far too long. We have the means; we have the ability to solve this problem. Let us act, and let us act now.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

□ 2130

Ms. DELAURO. Mr. Chairman, this past winter, families across the Northeast saw their budget stretched to the limit by skyrocketing home heating oil costs. Over 50 percent of families in Connecticut depend on oil to heat their homes in the winter months. For middle-class working families in my State and throughout the Northeast, the increase in home heating oil prices broke the bank.

I received thousands of calls from my constituents asking for help. For example, I received a call from Thomas Marcarelli of East Haven. He has a family with four children, ages three, six, seven and nine. In order to pay for heating oil, he has had to send in his mortgage payment late, cut back on his family's groceries, and drop his thermostat by 10 degrees with children in the house to stretch out his supply.

It appears that Mr. Marcarelli and his family and families across the Northeast may face another very cold season. This winter they are estimating that home heating oil will increase by another 10 percent.

My concern is, and I support this amendment, but we had an opportunity several weeks ago with the gentleman from Vermont (Mr. SANDERS) when he offered such an amendment and was defeated by two votes. In terms of allowing the President the authority to release the Strategic Petroleum Reserve, the gentlewoman from Michigan (Ms. KILPATRICK) offered this amendment in committee just a few days ago.

I support this amendment, but my concern, as always, is that we try to play politics with these issues when families in my part of the country and families in other parts of the country are suffering because, in fact, the Republican leadership has not allowed us to create an energy policy in this country. It fails to reduce our dependence on oil.

That is the direction that we need to move in. We need to support this amendment tonight. But we also need to do something about solar renewable energy. We also need to do something about providing the opportunity for an energy policy that meets the needs of the people in this country.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise on behalf of the gentleman from Massachusetts (Mr. MARKEY) and myself in support of the Sherwood-Markey-Barton amendment to reauthorize the Energy Policy and Conservation Act and establish the Northeast Home Heating Oil Reserve.

On April 12 of this year, the House overwhelmingly approved the Energy Policy Conservation Act reauthorization by a vote of 416 to 8. This bill included language that the gentleman from Massachusetts (Mr. MARKEY) authored to provide for the establishment of the heating oil reserve in the Northeast. Unfortunately, these provisions have languished at the hands of the Republican leadership in the Senate. The administration supports these provisions, and these provisions have bipartisan support here in the House.

The Democrats and some House Republicans are working to address our high gas and heating oil prices by crafting bipartisan solutions. Unfortunately, some members of the Republican leadership are using tactics to prevent this Congress from implementing a long-term energy strategy, one that will provide real energy security for all Americans.

This legislation would give the President the flexibility that he needs to create a Northeast heating oil reserve and release the heating oil from this reserve in the event we have a repetition of the type of severe price spikes, supply disruptions or severe weather situations that we saw last winter which drove home heating oil prices way up.

This provision helped assure that as we are reauthorizing EPCA, that we are addressing both the needs of the producing States, who are worried about what happens when prices go too low, and the consuming States, who worry about what happens when prices get too high.

So if my colleagues voted aye for H.R. 2884, the EPCA reauthorization to create a Northeast Home Heating Oil Reserve, they should vote aye today to assure that we can make the Reserve a reality.

I urge adoption of this bipartisan amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD). The Chair was in error a minute ago in stating that the gentleman from Indiana (Mr. VISCLOSKY) had the right to close. Since he is not opposed to the amendment, the gentleman from Pennsylvania has the right to close.

Without objection, the Chair will extend to each side 1 additional minute. The gentleman from Pennsylvania (Mr. SHERWOOD), at the conclusion, will have 1 minute remaining to close. We will add 1 minute on the time of the gentleman from Indiana (Mr. VISCLOSKY), so he has 8 minutes remaining.

Mr. VISCLOSKY. Mr. Chairman, that is perfect. I appreciate the Chair's courtesy.

Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I rise to support the Markey amendment, and I certainly believe that this is a step in the right direction.

Exorbitant gasoline prices are clearly a problem as we begin the summer season. I am even more concerned about home heating oil costs for next winter. In fact, the current inventory for home heating oil on the East Coast is 40 percent lower than at this time last year.

We Democrats have called for urgent action on several fronts. We have asked the Federal Trade Commission to expedite its investigation into price gouging on the part of oil companies. Major oil companies have nearly tripled their profits as a result of these price increases, from $4.5 billion in profits in the first 3 months of 1999 to more than $12 billion in the same period this year.

Democrats have also urged the Republican leadership and Congress to show some leadership and renew the Strategic Petroleum Reserve. This is a key tool in our Nation's energy security, and the President must have the authority to release or exchange oil reserves from the SPR.

Finally, we have called on the Congress to authorize the Northeast Oil Reserve.

I am glad that we have finally gotten our colleagues in the majority to move in this direction, despite all of our previous efforts to get them to move in that direction. But we must also understand that the Republican leadership is also responsible and has failed to provide Americans with energy security. It has failed to reauthorize the Strategic Petroleum Reserve to date. It has failed to fund research and development into alternative fuels and energy efficiency.

In fact, in the past 5 years, Republicans in Congress have funded only 12 percent of the administration's request for new investments in renewable sources of energy and energy efficiency initiatives. This measly and irresponsible level of funding has been nearly $2 billion short of the administration's request.

When they were not funding the requests, they were out trying to get rid of the Department of Energy and selling off the reserve policy itself. That would have been extremely detrimental if carried out as proposed.

So I am glad that we begin on a course tonight that works with the Democratic proposals that we have talked about and that clearly have been copied here in the context of the work of the gentleman from Massachusetts (Mr. MARKEY) and to begin to work on energy security for American families before we enter into a winter of discontent.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Sherwood-Barton-Markey amendment to replace section 606 of this bill with the text of H.R. 2884, which passed the House by a vote of 416 to 8 on April 12.

Among its provisions, H.R. 2884 authorized the creation of a two million barrel home heating oil reserve in the Northeast.

Winter is a perennial event. It is sensible to prepare for the cold weather, regardless of external circumstances.

We can help ensure stable home heating oil, diesel fuel, and jet fuel prices by creating a two million barrel reserve of home heating oil that can be drawn down when fuel prices rise dramatically, as they did last winter.

The recent increase in oil prices led fuel costs in some areas of the Northeast to reach their highest point since the Gulf War. This winter it cost some Connecticut residents as much as $2 for a gallon of home heating oil, approximately double the cost of a year ago.

We should not force families to choose between heating their homes and buying food during the winter months.

Establishing a home heating oil reserve in the Northeast, much like the Strategic Petroleum Reserve, to help stabilize prices when fuel costs rise dramatically, will ensure consumers have access to home heating fuel at predictable, affordable prices.

I commend my colleagues for their hard work and leadership on this issue.

Many industry experts agree an influx of home heating oil into the market would drive prices down and allow families access to affordable home heating oil in times of drastic price increase.

According to a 1998 Department of Energy report, the creation of a home heating oil reserve will be an effective method of stabilized home heating oil prices in the future, and the use of a Government-owned reserve in the Northeast would provide benefits to consumers in the Northeast and to the Nation at large.

Mr. Chairman, I hope we move forward with this amendment.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support this effort to ensure consumers have an adequate supply of home heating fuel at reasonable, predictable prices throughout the year.

Mr. VISCLOSKY. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Indiana, the ranking member, for giving me this time.

Mr. Chairman, I rise in very strong support of this amendment authored by the gentleman from Pennsylvania (Mr. SHERWOOD), the gentleman from Texas (Mr. BARTON), and the gentleman from Massachusetts (Mr. MARKEY), authorizing the establishment of a Northeast Home Heating Oil Reserve.

This amendment is very similar to freestanding legislation which I have authored which has some 98 cosponsors and similar to an amendment that passed this body as part of a larger bill a little while ago.

What is important to understand is that we not only have to pass this amendment tonight, but that we must go forward to adequately appropriate money to make sure that this Northeast Home Heating Oil Reserve becomes a reality.

We had a vote last week where we lost by two votes, but I think a majority of the Members actually support it, and I hope we will support the roughly $10 million that we need for appropriations.

It is no secret to anybody that this country is facing an energy crisis from one end of the Nation to the other. We are seeing gasoline prices skyrocketing. We know that the price of crude oil has more than tripled since last year and is the highest that it has been since the Gulf War. The reason that prices are high is because the supply for gasoline is low. That obviously can mean only one thing; and that is, if we do not adequately prepare now for next winter, we will have a home heating oil disaster on our hands. That is why we have got to move very quickly on this Home Heating Oil Reserve.

Let me just quote what USA Today said yesterday. USA Today yesterday said, "Those who heat with oil will shiver this winter, and pay a premium. Just 15.3 million barrels of heating oil are stockpiled for the East Coast, which uses 75 percent of the Nation's heating oil in the winter. That's well down from the 41.3 million barrels on hand last June."

Mr. Chairman, we all know what happened last year. Home heating oil prices were the highest they have ever been in history. Now we are faced with a home heating oil stockpile that is 37 percent lower than last year. It does not take a genius to figure out that we are setting ourselves up for a huge heating oil crisis next year unless Congress acts now.

I do not believe that the Home Heating Oil Reserve is going to solve all of the problems. Far from it. But it is an important step forward. We have got to do all that we can to make sure that the huge increase in home heating oil prices that we experienced last winter does not happen again. Too many elderly people, too many people on fixed incomes just cannot afford to pay a doubling of the price that they paid the previous year for oil.

I urge support for this very important amendment and thank the sponsors of it.

The CHAIRMAN pro tempore. The gentleman from Indiana (Mr. VISCLOSKY) has 30 seconds remaining.

Mr. VISCLOSKY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SHERWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge support of this bipartisan, indeed tripartisan amendment. It does some very important things. It reauthorizes the strategic petroleum reserve through 2003. It is new discretion for the Secretary of Energy to purchase oil from domestic stripper wells when the price falls below $15, and it is new discretion for the Secretary of Energy to disburse home heating oil for many future Northeast Home Heating Oil Reserves upon a regional emergency.

But more than that, we need to keep alive this bipartisan debate of how we will have a coherent energy policy in this country, the drilling, the refining, the production, and the distribution so that we will not be held hostage again.

People do not want to put up with this forever. There is no reason in this country that we have to. I urge passage of this amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise today in support of the Sherwood amendment. But I must ask why this House continues to debate this issue? On April 13th of this year we voted 417–8 in favor of H.R. 2884 a bill that would provide for a Northeast Home Heating Oil Reserve.

This legislation, calls for the federal government to create a two million barrel home heating oil reserve in New York—which could be released by the President when oil prices rise sharply.

It's now 75 days later and the only thing that has happened is that our gas prices have continued to rise.

We have been working hard to make sure that our neighbors and family do not have to spend another winter being gouged by home heating oil prices—which is why the Senate must act today.

Today I again ask for swift passage of H.R. 2884.

Mr. MARKEY. Mr. Chairman, I support the Sherwood-Markey-Barton amendment to reauthorize the Energy Policy and Conservation Act and establish a Northeast Home Heating Oil Reserve.

On April 12th of this year, the House approved the Energy Policy and Conservation Act reauthorization by an overwhelming vote of 416 to 8. This bill included language that I authored to provide for the establishment of a heating oil reserve in the Northeast.

What we did on that legislation was to work out an agreement with the Chairman of the Energy and Power Subcommittee (Mr. BARTON) that constructed a kind of a classic Austin-Boston piece of legislation. The gentleman from Texas was concerned about the fate of certain marginal oil producers that operate so-called stripper wells. He noted that during the 1998–1999 price drop, these domestic producers had the proper set of incentives in order to continue to keep their wells open. As a result, our Nation lost at least 500,000 barrels per day due to the closure of hard-to-reopen stripper wells.

So, what the legislation says is that when the price of stripper well oil goes below $15 a barrel, that there would be an authorization for that oil to be purchased in order, one, to fill up the Strategic Petroleum Reserve but, secondly, in order to keep the price of stripper well oil high enough so that there is an incentive for that industry to continue to make the proper investment in maintaining them as viable domestic sources of energy for our country.

As well, the legislation made it possible for there to be constructed a Regional Home Heating Oil Reserve in the northeastern part of the United States. That is very important to those of us that live within a region that does have, on an ongoing basis, the threat that we are going to be cut off from that home heating oil supply. Last winter, our region experienced a very severe spike the price of home heating oil, and supplies were so tight that had the bad weather continued we faced the very real prospect of being just a few days away from having no supply on hand to meet the needs of our constituents. This was simply unacceptable.

Now, maybe over the next 20 years, as Sable Island, this rich resource of natural gas off of the Newfoundland coast comes on line, and as our constituents convert over to gas, we may not need this kind of protection. But that is not really going to be possible for another 5, 10, 15 years before it fully penetrates the entire Northeast. And by the Northeast, I also mean Eastern Pennsylvania, all of New Jersey, and the State of New York. Those are the parts of our country that are very much dependent upon imported oil for home heating.

Now, we have, without question, the need to give the President the flexibility that he needs to release the heating oil from the reserve in the event we have a repetition of the type of severe price spikes, supply disruptions or severe weather situations that we saw last winter which drove home heating oil prices over the $2 a gallon level. This provision helped assure that as we are reauthorizing EPCA, that we are addressing both the needs of the producing States, who are worried about what happens when prices go too low, and the consuming States, who worry about what happens when prices get too high.

Now, H.R. 2884 is currently sitting over in the other body. So far, the leadership in that body has failed to take any action on the bill. I am informed, however, that there may be some efforts underway to work out an agreement on both the stripper well and the Northeast Home Heating Oil Reserve provisions that will be acceptable to various Senators and to the Administration. If so, perhaps we can soon send the EPCA reauthorization to the President's desk that contains both the stripper well and regional reserve provisions.

But what we also need to do, and what the amendment that gentleman from Pennsylvania, the gentleman from Texas, and myself would accomplish, is to demonstrate to the other body that this House is seriously committed to an EPCA reauthorization that contains both the Northeast Home Heating Oil and stripper well provisions. And so, if you were one of the 416 Members who on April 12th of this year voted for H.R. 2884, the EPCA reauthorization to create a Northeast Home Heating Oil Reserve, you should vote "aye" today to assure that we can make the Reserve a reality. At the same time, I would hope and expect that the Appropriators would recognize the urgent need to provide the estimated $10 million in funding needed to get the Northeast Reserve up and running. We cannot afford to wait and delay on this matter any loner. It is time to act now.

I urge adoption of this bipartisan amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHERWOOD).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SHERWOOD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 532, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. SHERWOOD) will be postponed.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word to engage in a colloquy with the gentleman from Texas (Mr. STENHOLM).

Mr. Chairman, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I appreciate the courtesy of the gentleman from Indiana for allowing me to take these 5 minutes and to speak relatively out of order.

I do not have an amendment, but I want to speak about a very, very real and growing problem in my district back home dealing with water. In almost any part of Texas, drive into a rural area and look for a large pond; and when one finds one, it is likely to have been built, funded and managed through a unique coalition of Federal, State, and local agencies.

These projects provide many benefits, including flood control and bettering water quality, but more importantly the improve water availability in areas of perpetual drought.

No resource is more crucial than water. There is an increasing need for water as the population and economy continues to grow rapidly. Water shortage problems arise primarily as a result of limited access to supplies and uneven distribution of water resources. It is these small watershed projects that provide many communities the means to maintain a viable water supply and literally keep the community alive.

Unfortunately, many of these projects do not always find their way to completion on a smooth road. Time and time again I have seen projects back home held up by multiple bureaucratic hurdles that in the end seriously impact the health, safety, and welfare of the community involved.

□ 2145

For example, the City of Stamford, Texas, is facing a very serious water availability problem in which the Army Corps of Engineers was involved as required by law. The population of Stamford is approximately 3,300. However, the city provides water to 10,000 residents in the area.

Lake Stamford is the sole source of water supply for the city, as well as several surrounding communities and West Texas Utilities' 237 megawatt Paint Creek Steam Electric power station. The city is operating under a 1-year supply of water.

A diversion project was formulated to supplement the inflow to Lake Stamford. The diversion project would be located on Paint Creek and would consist of a pump station, a pipeline and a channel dam, creating a detention pond along the stream channels.

The city began by requesting a preapplication meeting to speed up the process. However, this request was denied by the Corps on the grounds that dams generally destroy and/or degrade riverine systems, even those that do not permanently impound water.

As such, they should be avoided when a practical alternative exists. The applicant, City of Stamford, should evaluate alternatives to supplementing its water supply. Obviously, the authors of this regulatory requirement have never set foot in west Texas, as finding an alternative water source is about as likely as finding an udder on a bull.

After 6 months of jumping through hoops and over hurdles, including the proposed mitigation of 2,200 acres of mesquite trees, a species and often eradicated throughout the State, the city was faced with their next obstacle, an on-site assessment of the project area to evaluate the culture resource sites identified through a required archeological survey which was requested to discuss the project's potential impact on the aquatic environment and formulate possible alternatives that might help reduce the project's adverse environmental impact.

As expected, a site was identified, a site which if left alone would continue to wash away as a result of normal creek flow regardless of whether or not this project was implemented. However, the city is now required to mitigate this site as a mandate by the National Historic Preservation Act. As a result of this untimely process, and because of some recent spring rains as recorded by the USGS, the City of Stamford has missed out on a 2-year water supply increase of approximately 4,400 acre feet of water because the infrastructure was not in place.

Opportunities to collect water come rarely in west Texas, and it is painful for those of us from the area to watch the opportunities flow away from us unnecessarily.

Now, Stamford is not alone in this problem. Most, if not all, of the communities in my district are facing serious water availability concerns. The cities of Throckmorton and Winters have a 118-day supply of drinking water remaining with no other options, and the cities of Abilene and Snyder are currently working on potential solutions to their water shortage problem.

Each of these cases will likely involve the Corps, as well as the numerous laws and regulations that require the Corps to dot every "I" and cross every "T."

Granted, it is important to carefully scrutinize projects ensuring that the requirements of the Clean Water Act, the Endangered Species Act, and the National Historic Preservation Act are fulfilled; but 118 days does not allow much room for bureaucratic red tape, especially when one is dealing with an emergency situation involving the economic stability of a community, in addition to people's lives and well-being.

The situation at hand is not entirely the fault of the Corps. We in Congress need to be mindful of the legislation passed. It is not implemented in a vacuum. A common sense approach to emergency situations like this, I hope, will get the attention of this committee and the committees of jurisdiction so that we might in fact find a solution to a very, very real problem in the near future.

AMENDMENT OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HANSEN:

Page 39, after line 19, insert the following new section:

SEC. 607. No funds appropriated under this Act shall be expended for the purpose of processing, granting, or otherwise moving forward a license, permit, or other authorization or permission for the interim storage of spent nuclear fuel, low-level radioactive waste, or high-level radioactive waste on any reservation lands of the Skull Valley Band of Goshute Indians.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Utah (Mr. HANSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is very interesting that we just had an amendment earlier in the day about sludge going into a certain State. It was amazing how many people stood up and were incensed at the idea that they may have sludge go into their State.

I find it interesting the State of Utah right now a lot of people want to put in high-level nuclear waste, and why is that? That is because many of us voted in both Houses to put a permanent place for nuclear waste in Yucca Mountain. However, the President chose to veto this bill, another example of the poor, irresponsible program that they have.

So where do we go now? We do not have a place to put it, because the President, after we spent literally billions of dollars, determined, oh, I am going to veto this. Obviously, for political reasons; but I guess he has a right to do that. So a group of five big polluters called the Private Fuel Storage, who have all of their stuff in the East right now, decided what they would do is they would go to the West.

So they went to a place called the Goshute Indian Reservation, that is Skull Valley. Maybe some of my colleagues think it is a God-forsaken place, but a lot of folks live out there. We have a lot of military issues out in that particular area. And they decided that they could go in there and put a temporary site down.

What is temporary? Four hundred years? I have never seen one of these temporary sites that ever stayed temporary, at least not in my lifetime. Maybe that will happen.

Now in this situation, they decided what they are going to do. Did anyone check out the water source to see if any of these aquifers would fill up? No, not anybody.

What about the idea that the Utah Testing and Training Range, one of the largest testing and training ranges in the world, is right there? I want to point out that 1 mile away from this site a cruise missile crashed not too long ago. Numerous F–16s, F–4s and others have crashed there. It does not seem to bother these people who have gotten these things in the East.

Now as I look at my friends in the East, I find it very interesting that they have never been to our State, but they want to put bills in to tell us how much wilderness we can have. They want to tell us where we can have legacy highways. They want to tell us where we can do various other things, but no one bothers to come out and see it or even care. But now that we have the trash, they want to get rid of their nuclear waste. Let us put it out in Utah; that is a great place to put it. Forget about these other things. Let us put it there.

Now it just seems to me, Mr. Chairman, that it is about time that the people out there had a say in their own destiny, that they would have the opportunity to say what they want and what they do not want.

I find it interesting that of these five big polluters, this Private Fuel Storage, not one volt from those areas goes into the West. It all goes east of the Mississippi River. So they get the advantage of the wattage, they get the advantage of the volts, and we get the crap that is left over, if I may say that.

So it comes down to the idea, Mr. Chairman, I personally feel that this amendment is worth doing; but my good friend, the gentleman from California (Mr. PACKARD), has convinced me that maybe I ought to give it some thought, and so I am thinking about it.

Let me say this: the solicitor general of the Department of Interior has made a ruling that says the language we put in the authorization bill last year prohibits any of these things from happening until the Department of Interior and the Department of Defense gives a study to this. So why are they even looking at it? That has not been accomplished. In fact, it has not even been started.

Let me add one other thing. I am asking the IG of the Department of Interior to look into this thing. I think they are taking advantage of some of our Indian friends out there. In my opinion, there are some financial irregularities, and I want a full investigation of it before they move out on this particular area.

So, Mr. Chairman, in my opinion, I would hope that people from the East who love to tell the West how to run our affairs, what we can do, how we can handle our land but they never bother to come out, I wish they were all standing here now saying the beautiful area that we put all these bills in is now going to be inundated with high-level nuclear waste. I do not see them here, but I guess that is their privilege.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I appreciate the gentleman from Utah (Mr. HANSEN) yielding.

Mr. Chairman, I do consider him one of my dear friends here, but I have to oppose the amendment and would urge him to withdraw the amendment.

We should not prevent the NRC from licensing nuclear waste disposal sites.

It is very difficult to find suitable sites, and in this instance we should certainly not interfere with the established procedures of the NRC. I would hope that the investigation that has been mentioned by the gentleman from Utah (Mr. HANSEN) would shed light on where we should go with this in the future, but let us not kill it tonight.

Mr. HANSEN. Would the gentleman like to have it in his district?

Mr. PACKARD. I do not know that there is any room in my district for it. It is already filled with houses.

Mr. HANSEN. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

AMENDMENT OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RYAN of Wisconsin:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used for construction of the National Ignition Facility.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH), a co-sponsor of this amendment.

Mr. KUCINICH. Mr. Chairman, I rise today in support of the Ryan-Kucinich amendment. I rise in support of nuclear nonproliferation and concern for U.S. taxpayers.

The National Ignition Facility, NIF, is planned to be the most powerful laser in the world, a super laser designed to test U.S. nuclear weapons through laboratory simulations of nuclear explosions.

The construction of this facility will promote the expansion of nuclear weapons testing at a time when the United States should be working toward nonproliferation both here and internationally.

I strongly support cutting $74.1 million, the construction budget for the National Ignition Facility. This investment in nuclear weapons research capabilities runs counter to achieving a comprehensive test ban treaty and undermines efforts worldwide to reduce the spread of nuclear weapons.

The NIH would enhance the capability for design of new nuclear weapons and modification of existing weapons. Laboratory directors might then agree that some of the new nuclear weapons cannot be reliably certified without full scale nuclear testing, providing a rationale for future testing.

The creation of new nuclear weapons may serve to ignite a new arms race.

Mr. PACKARD. Mr. Chairman, I claim the time in opposition to the amendment.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this project has been underway for 5 years now. To interrupt the ongoing construction project, I think, would be very inappropriate, would be a very wasteful effort with monies that have already been expended. I would strongly urge that we oppose the amendment and allow us to continue the project. The committee has provided $80 million for the National Ignition Facility in this bill. This is less than the Department of Energy wanted. The Department requested $95 million, but the committee did not believe that the Department had provided sufficient information on the new cost schedule. Therefore, we funded it, however, at $80 million. We certainly are not passing judgment on the quality of the project at this time, but we should not take the money away from it.

I also understand that there are several Members that wish to speak on this.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman from California (Mr. PACKARD) for yielding.

Mr. Chairman, I rise in strong opposition to the Kucinich-Ryan amendment. This amendment would eliminate funding for construction of the National Ignition Facility, called the NIF, at the Lawrence Livermore National Laboratory. It would waste nearly $1 billion that has already been spent on development of this important project. It would contradict the action this House took last month when we authorized $175 million for the NIF.

Most importantly, this amendment would severely cripple our Nation's arms control and nonproliferation efforts.

The United States has made a commitment to end nuclear testing, and that commitment is a fundamental tenet of our national security. In the absence of testing, Mr. Chairman, the only way to maintain an effective, secure, reliable nuclear deterrent is through a science-based stockpile stewardship program.

Mr. Chairman, the NIF is the cornerstone of that program. The NIF is the best way to ensure the safety and reliability of our nuclear weapons and to promote arms control and nonproliferation.

I urge my colleagues very strongly to oppose the Kucinich-Ryan amendment.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this NIF project is over budget. It is behind schedule. It has experienced several technical difficulties and problems. It has been criticized by the other labs, and it has been plagued with mismanagement.

For example, first in the FY 2000 energy and water appropriations bill, the committee asked the DOE for a rebaselining of costs by June 1 of 2000 for this year's appropriations. However, the DOE has pushed off this deadline until mid-September, conveniently past the appropriations date.

Given the fact that the GAO report has cited so many problems with the management and the construction of this facility, which DOE acknowledges, these overruns should not be continued. Congress should not appropriate these funds until we have that rebaselining report.

Second, a GAO report again was requested by the House Committee on Science last September in 1999. However, we still do not have this report yet, but we have found some preliminary findings from the draft report which is imminently due, yet not in time for this appropriations bill.

It shows that the cost estimates are still being overrun. It shows that a project management assessment was required as part of the DOD authorization bill in this year, and that has not been done.

It shows that this project began as a $1.2 billion project in 1997 and then slipped to $2.1 billion in the year 2000, according to the DOE. Now the GAO is telling us this thing is going to cost us between $3.6 billion and $4 billion.

□ 2200

This has tripled in costs over the last 3 years alone, the management problems, the cost overruns, the fact that the other laboratories, Sandia specifically, is saying this ought to be scaled back, because it does pilfer from other laboratory programs, which seeks to serve the same purposes.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, the NIF is esoteric physics, but it is essential to the quest for reliability of nuclear weapons. If my colleagues believe, as I do that we should forebear testing and one day ratify the comprehensive test band treaty, believe me canceling NIF is not the way to do it.

What does the NIF do? The NIF essentially creates the conditions inside of a thermonuclear weapon to an extent we have never been able to explore before, and it helps us to ensure the reliability of our nuclear weapons to validate these complex computer models that we have developed and know that they are reliable.

Mr. Chairman, if we ask anyone to list the challenges to our security, almost everyone will say that this spread of fissile materials and nuclear weapons leads to less. One way to curb the proliferation of nuclear weapons is to stop the testing that proves unfeasible, but it is hard for us to advocate that others should not test if we test.

The CTBT, therefore, is one of the key pieces to this puzzle, but politically, the CTBT is unlikely to be ratified in country until we are satisfied that our arsenal is reliable and secure and to that end, the NIF is essential; that is why we must proceed with this project and defeat this amendment.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. RYAN) for yielding to me.

Mr. Chairman, many experts agree that the National Ignition Facility has no relevance to its goal of maintaining the nuclear arsenal. Edward Teller, better known as the Father of the Atomic Bomb when asked about the NIF's usefulness in maintaining nuclear weapons he replied, none whatsoever.

Los Alamos's theoretical weapon physicist Rod Schultz wrote that the NIF supposed importance to the weapons stockpile does not reflect the technical judgment of the nuclear weapons designed community. Eliminating funding for the National Ignition Facility does not cut funding for research and development for any future commercial energy technology.

Mr. Chairman, our future energy path is clearly in renewable technologies, such as fuel cells, wind and solar power. As the gentleman from Wisconsin (Mr. RYAN) has said, NIF is a budgetary black hole. The Department of Energy's initial estimate of NIF's cost overruns were about $350 million, but current cost overruns estimates from the DOE stand between $750 million to $1 billion, 100 percent more than originally estimated.

Mr. PACKARD. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I also rise in opposition to the amendment. I do think the NIF is an important program. Clearly there have been some very serious problems that have angered everyone in this body, and clearly have angered the Secretary of Energy; that is why a penalty was imposed, that is why $55 million of the proposed $95 million additional investment that needs to be made is going to come out of the hide of the contractor essentially Lawrence Livermore.

I do think that the Department of Energy, finding a very serious problem, is trying to take the appropriate corrective action, I do not believe the amendment of the gentleman from Wisconsin (Mr. RYAN) is in the best interests of our national security or the testing program and do oppose the amendment.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very simple. It does not cut off the research and development. I am not suggesting that I am opposing the goal of this project, what it does it says do not go forward with the construction because of these amazing mismanagement problems, because of these phenomenal cost overruns, because of the fact that this project has been delayed in its implementation due to these problems for years.

What this amendment does, it says if you cannot build the construction, work on the R&D. Mr. Chairman, $914 million has been spent on this, yet 5 percent of the infrastructure and the laser components are completed.

This amendment simply says let us watch our taxpayers' dollars. Congress asked the DOE to actually take a look at this. Congress asked the GAO to get back to us to see if these problems had been dealt with.

We have not heard from the DOE. We have not heard from the GAO yet. I would suggest that on behalf of our taxpayers that we represent, let us wait till we hear from them before obligating this money, and let us spend it on research and development in the meantime.

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume.

The Ryan amendment would take $74 million from the National Ignition Facility and terminate the project; that is premature. We are aware that the project has not run smoothly, and that it has had its problems both management and fiscally on schedule, but some of this funding will be needed, whether the committee agrees to complete NIF or not.

If the decision is made to cancel NIF, the funds will be needed for termination costs.

For the last remaining few seconds that I have, I will yield to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise in opposition to this amendment offered by my friend, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Wisconsin (Mr. Ryan) because of the effect it would have on the nuclear deterrent power of the United States.

The National Ignition Facility is a cornerstone requirement of the stockpile stewardship program and the only facility that would allow the experimental study of fusion burning in the laboratory. The capability is an essential element of our ability to maintain our nuclear deterrent into the future.

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me simply say that let us not kill the project tonight; the jury is still out on it. I urge a no vote on the amendment.

Ms. LEE. Mr. Chairman, I strongly support the Ryan-Kucinich amendments to cut construction funds for the National Ignition Facility.

Every time this project comes before us, its costs rise and its scientific rationale grows more dubious.

Criticism of NIF has come from groups as diverse as the Friends of the Earth and the Armed Services Committee.

This project has already sucked up billions of taxpayer dollars while endangering our environment and sabotaging efforts to reduce nuclear proliferation.

The National Ignition Facility represents the flagship of the Stockpile Stewardship nuclear weapons program. That is no great honor.

This project, together with National Missile Defense, symbolizes the American failure to lead the way on global nuclear arms control.

If the National Ignition Facility continues to fail to achieve its stated goal of ignition, it will remain a financial quagmire that has depleted badly needed financial resources. If it succeeds, it threatens to send the arms race spiraling to an ever higher level.

Now is the time to seriously evaluate this program. We should not put more money into construction for a project that is neither necessary nor productive.

This project is now approximately one billion dollars over budget. It is 5 years behind schedule.

Ultimately, there are economic, geopolitical, and environmental reasons to oppose continued construction of the National Ignition Facility.

Economically, NIF is over budget and over due.

Geoplitically, this effort to create thermonuclear explosions in a laboratory setting undermines U.S. efforts to reduce nuclear weapons across the globe.

Environmentally, Californians are already justifiably concerned about the release of tritium into their environment. Increasing nuclear waste is not the solution.

I repeat, it is time to seriously reevaluate this program. I urge your support for the Ryan-Kucinich amendments.

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. RYAN and Mr. KUCINICH. It is simply too early to cut funding for the National Ignition Facility. We all realize that there are problems with the project. I am just as concerned as my colleagues here with the troubles that have beset this project. The subcommittee Members and myself are keeping a watchful eye on each and every development at NIF. The Department of Energy has indeed determined that NIF will take longer than projected and cost more than originally expected. But the final cost and schedule are yet to be determined.

Those increases must be viewed in light of the fact that the National Ignition Facility is a key component of our stockpile stewardship program. With over 60 times the energy of any laser in existence, NIF will provide us with unprecedented insights into the science of nuclear fusion. The NIF project will provide vital information on our weapons stockpile that would have previously required expensive underground testing. In addition, NIF will offer us some exceptional science related to the underlying physics of nuclear fusion—a source of power that could potentially fuel our future.

The Department of Energy is working hard to straighten out the difficulties with the NIF project. It is currently undertaking a thorough evaluation of this project and considering every alternative. It has already been determined that the underlying science associated with NIF is sound.

Until DOE's investigation is complete, it is premature to cut funding for this program. We need to get all the facts before proceeding—especially when the issue is the security of our national defenses. I urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The amendment was rejected.

AMENDMENT NO. 10 OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. KINGSTON.

Page 39, after line 19, insert the following new section:

SEC. 607. None of the funds made available by this Act shall be used to pay the salaries of employees of the Department of Energy who handle classified information related to computer equipment containing sensitive national security information at Los Alamos, New Mexico, and have refused to take a lawfully authorized lie detector test related to their official duties.

MODIFICATION TO AMENDMENT NO. 10 OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. Chairman, I ask unanimous consent to change Amendment No. 10 to another amendment that is at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 10 offered by Mr. KINGSTON:

Page 39, after line 19, add the following new section:

"SEC.   . None of the funds in this Act may be used to pay the salary of any employee of the Department of Energy at the Los Alamos National Laboratory who has failed to undergo a polygraph examination pursuant to section 3154(e) of Public Law 106–65.".

The CHAIRMAN. Is there objection to the modification to the amendment offered by the gentleman from Georgia (Mr. KINGSTON)?

There was no objection.

The CHAIRMAN. The amendment is modified.

Pursuant to the order of the House today, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is part of the continuing effort of this House on a bipartisan basis to reign in maybe the loose security or the mistakes we have all made in the security at the Los Alamos lab, and this is not directed at anything. This is supposed to be a constructive amendment.

The idea behind it is, we had the situation, as all Members of the House well know and all Members of the House are concerned about, that has to do with the disappearance of two highly sensitive disks, computer disks, that contained nuclear secrets. The disks disappeared and reappeared, and during that period of time, we are not exactly sure what happened.

We do know that they searched behind a copying machine, and then later, they researched behind there and found out that they were there. It appears that they were kind of stuck in after the search. What we are trying to do as a Government is to investigate this and yet much to our dismay, I believe on a bipartisan basis, we have employees out there who have refused to take a polygraph test.

Mr. Chairman, we have a precedent now. We have a law that can require employees in sensitive areas to take polygraph tests and certainly employees who are dealing with nuclear secrets are in highly sensitive areas, and what this simply says is that if you will not take a polygraph test and you are working in a highly-sensitive area, we are not going to pay you. We are urging employees and have the lawful right to do that.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I have no objection to the Kingston amendment.

Mr. PACKARD. Mr. Chairman, I would like to say that I think it is probably micromanaging to a degree, but I am willing to accept the amendment.

Mr. KINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER) to speak on this amendment, who is a member of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just want to rise in support of the amendment of the gentleman from Georgia (Mr. KINGSTON). Let me just say there are people, a number of people, at the laboratories who have clearances and access to classified material; that is, nuclear material or nuclear design material. Also what we know is special access programs, it is absolutely imperative that we have the right to polygraph those folks, and it is absolutely equitable and fair that those who would refuse to take the polygraphs cannot be paid, cannot be employed in this capacity.

Mr. Chairman, I support the gentleman. I think it is an excellent amendment. I thank the subcommittee for agreeing to accept this amendment.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from California (Mr. HUNT) and I thank the gentleman from California (Chairman PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, for their support of this amendment.

I want to say that what this amendment does, Mr. Chairman, on a bipartisan basis is send a signal out to any employee who works at Los Alamos in a sensitive area who refuses to take a polygraph test that we believe the security of our Nation is more important than their personal pride or whatever conflict they may have that prevents them from doing this. We are just saying, you have to do it, that is part of taking care of our nuclear secrets.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Georgia (Mr. KINGSTON).

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RYUN of Kansas:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . (a) IN GENERAL.—None of the funds made available in this Act may be used to pay any basic pay of an individual who simultaneously holds or carries out the responsibilities of—

(1) a position within the National Nuclear Security Administration; and

(2) a position within the Department of Energy not within the Administration.

(b) EXCEPTIONS FOR ADMINISTRATOR FOR NUCLEAR SECURITY AND DEPUTY ADMINISTRATOR FOR NAVAL REACTORS.—The limitation in subsection (a) shall not apply to the following cases:

(1) The Under Secretary of Energy for Nuclear Security serving as the Administrator for Nuclear Security, as provided in section 3212(a)(2) of the National Nuclear Security Administration Act (50 U.S.C. 2402(a)(2)).

(2) The director of the Naval Nuclear Propulsion Program provided for under the Naval Nuclear Propulsion Executive Order serving as the Deputy Administrator for Naval Reactors, as provided in section 3216(a)(1) of such Act (50 U.S.C. 2406(a)(1)).

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Kansas (Mr. RYUN) and a

Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, the National Nuclear Secret Administration was put in place by this Congress to be an independent agency within the Department of Energy; their sole purpose was to secure our most vital national nuclear secrets.

My amendment does one simple thing, it requires the Secretary of the Energy to properly implement the National Nuclear Security Administration. It does so by prohibiting the practice of dual hatting that the Secretary of Energy engaged in to circumvent the law that this Congress passed and that the President signed last year.

Dual hatting involves the giving of titles and responsibility for the National Nuclear Security Administration to current employees of the Department of Energy, thereby removing the independent status of the agency.

Removing dual hatting is an idea that the Committee on Appropriations was leading toward in its own report. The report says that the committee encourages the new administrator and deputy administrator for defense programs to review the urgency for organization and management changes in the NNSA headquarters and field structure. It goes on to say that simply renaming the same employees to the same organizational structure, the same management culture will not address the fundamental program that Congress sought to address by creating this new entity.

Finally, the committee strongly urges the new administrator and deputy administrator to use this opportunity to make bold and strategic improvements.

Mr. Chairman, I, too, believe that we should not focus on the recent security failures within the current nuclear laboratories complex. Instead, I believe we should focus on strengthening the Department of Energy's ability to protect this Nation's national security.

We must manage the risks associated with the development of the nuclear technology. Mr. Chairman, the other body recently approved a new administrator of the National Nuclear Security Administration. I urge my colleagues to join me and give him the tools needed to effectively protect our Nation's most vital nuclear secrets.

Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have to rise in opposition to the amendment. This is an issue that should be addressed and has been addressed by the authorizing committee. The House Committee on Armed Services did not include this provision in the bill that passed this House recently.

□ 2215

The Senate has included the provision in the Defense authorization bill; and, therefore, it will clearly be a conferencible item between the House and Senate on the defense authorization bill. This House should not preempt the conference committee in doing their job. Let us leave it to those that have the responsibility, and that is the authorizers.

We believe this amendment should be addressed by the authorizing committee, it will be addressed in the conferencing of the Defense authorization bill, and for that reason, I urge the Members to allow that process to take its rightful place; and I urge the Members to vote against the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the subcommittee.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the Ryun amendment, which would restrict the ability of the Department of Energy to maintain the country's nuclear stockpile. The amendment would prohibit the Department from dual-hatting certain senior physicists and nuclear weapon designers and would mandate certain job functions encompassed in the requirement of the Defense authorization bill to split the Department of Energy into two independent organizations.

The practical problem inherent in the gentleman's amendment is that it is not enforceable. Less than 20 Federal employees are currently dual-hatted in the Department of Energy. These officials are the core of the nuclear weapons program, and these scientists and military officers are not attempting to politicize the Department; they are men and women who won the Cold War.

What the amendment is attempting to do is to set a date certain by which these people must be replaced. Hiring permanent replacements for these officials is not a frivolous issue. Replacing nuclear weapon experts takes time and very careful consideration.

Earlier this month, the Senate confirmed the new chief of the National Nuclear Security Administration, General Gordon. General Gordon has a Ph.D. in nuclear physics and is a former deputy director of the Central Intelligence Agency. General Gordon should not be forced to hire 18 new senior government executives in literally the next 30 to 60 days. I do not believe that it is a sound proposition, and I am opposed to the gentleman's amendment.

Mr. PACKARD. Mr. Chairman, I reserve the balance of my time.

Mr. RYUN of Kansas. Mr. Chairman, I would like to point out that the House Committee on Armed Services does not oppose this.

Mr. Chairman, I yield the remainder of my time to the gentleman from Texas (Mr. THORNBERRY), the Chairman of the National Security Special Oversight Panel of the Department of Energy Reorganization, who has been a leader in this effort, watching over our nuclear secrets.

Mr. THORNBERRY. Mr. Chairman, I thank the gentleman from Kansas for yielding me this time and for all of his contributions to the special oversight panel.

Mr. Chairman, when Congress passed the bill to reorganize the Department of Energy last year, it was clear from the language of the law and the intention behind the law that we intended to have some separation between the nuclear weapons complex and the rest of the Department of Energy. That is exactly what the President's foreign intelligence advisory board recommended as well as many other studies. We did exactly what his commission recommended.

Yet, in implementing the law, the current Department has dual-hatted several positions. What that means is they give one person two jobs, one job inside the nuclear weapons complex and one job outside the nuclear weapons complex. I would tell my friend from Indiana, it is not nuclear weapons experts. These are procurement people, they are lawyers, they are security and counterintelligence people.

The American Law Division at CRS has said that this dual-hatting practice is against the law we passed, period. The Ryun amendment simply enforces the law that we passed. The gentleman is correct, it is less than 20 people that this applies to, but let me tell my colleagues who one of those persons is.

In the bill that we passed last year, we created a Chief of Defense for Nuclear Security whose job explicitly in the law is to set up policies and implement security policies at our nuclear laboratories and plants. That position has been held by a part-time person. That position has been held by a guy who has a job inside and a job outside in the rest of the Department of Energy.

Now, I would suggest that that is partly responsible for the serious security problems that we have had. We have not had a full-time person looking at security inside the NNSA.

Mr. Chairman, this amendment stops dual-hatting. It says we have to have a full-time person dealing with security; we have to have a full-time person dealing with counterintelligence, a full-time procurement officer, a full-time lawyer inside the NSA.

I would also say to my friend from Indiana that I suggest General Gordon looks forward to the opportunity of putting his own people in here so that he can have them devoted fully to the nuclear weapons complex, rather than have other responsibilities in the rest of the Department.

Mr. Chairman, this nuclear security breach at Los Alamos is a very, very serious matter. Certainly, there are other proposals to deal with it, but I think we have to be very careful and be responsible in what we do. Knee-jerk reactions are not appropriate.

It is true that the authorizers are dealing with several provisions associated with this, but we should not miss any opportunity to stand up and say, when Congress passes a law and the President signs a law, it ought to be enforced. We should not allow any administration to get away with not enforcing the law, particularly when it has such serious security consequences for our country.

Mr. Chairman, this amendment ought to be passed, and it ought to be passed strongly.

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume to simply reiterate this is being done and taken care of by the authorizers both in the House and the Senate. Let us leave it to them to do it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. RYUN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RYUN of Kansas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 532, further proceedings on the amendment offered by the gentleman from Kansas (Mr. RYUN) will be postponed.

Mr. PACKARD. Mr. Chairman, I move to strike the last word.

For the benefit of the Members, I believe this is the last business before we call for the series of votes. I am not aware of any other amendments, but I yield to the gentleman from Michigan (Mr. KNOLLENBERG), a member of the subcommittee, for a very short colloquy.

Mr. KNOLLENBERG. Mr. Chairman, I report to the gentleman that today it was emphasized to me that the Department of Energy is readying a "Power Scorecard" that disparages energy produced by nuclear means, coal and natural gas. I ask that as we move forward to and through the conference that the matter be investigated and addressed, if necessary.

Mr. PACKARD. Mr. Chairman, reclaiming my time, I appreciate the gentleman bringing that to our attention, and we will certainly look at the issue as we go into conference; and hopefully, we can resolve it.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 532, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 offered by Mr. FOLEY of Florida; amendment No. 1 offered by Mr. ANDREWS of New Jersey; an amendment by Mr. SHERWOOD of Pennsylvania; and an amendment by Mr. RYUN of Kansas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. FOLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 4 offered by the gentleman from Florida (Mr. FOLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 71, noes 356, not voting 7, as follows:

[Roll No. 337]

AYES—71

Abercrombie
Blumenauer
Capps
Capuano
Conyers
Cox
DeFazio
Delahunt
Deutsch
Doggett
Eshoo
Foley
Frank (MA)
Gilman
Goodling
Goss
Green (WI)
Hoeffel
Horn
Inslee
Jackson (IL)
Kelly
Kingston
Kucinich
Lazio
Lee
Lewis (GA)
Luther
Maloney (NY)
McDermott
McGovern
McKinney
Meehan
Metcalf
Miller, George
Minge
Moran (KS)
Nadler
Olver
Owens
Pallone
Paul
Payne
Pelosi
Petri
Pombo
Rahall
Rangel
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sanchez
Sanders
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shays
Sununu
Tancredo
Taylor (MS)
Thompson (CA)
Thune
Tierney
Toomey
Udall (CO)
Waters
Wexler
Woolsey

NOES—356

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Salmon
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thurman
Tiahrt
Towns
Traficant
Turner
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Cook
Lantos
Markey
Martinez
McIntosh
Stark
Vento

□ 2248

Messrs. GANSKE, WISE, LEVIN, and WAXMAN, Ms. BERKLEY and Ms. DEGETTE changed their vote from "aye" to "no."

Messrs. HOEFFEL, TIERNEY, McGOVERN, METCALF, KUCINICH, BLUMENAUER, GILMAN, INSLEE, OWENS, SUNUNU, DELAHUNT, PAYNE, COX, UDALL of Colorado, McDERMOTT, LEWIS of Georgia and OLVER, Mrs. MALONEY of New York, Ms. ESHOO, Ms. SANCHEZ, Ms. PELOSI, Ms. ROS-LEHTINEN, Ms. McKINNEY, and Ms. WATERS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 532, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 1 OFFERED BY MR. ANDREWS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 1 offered by the gentleman from New Jersey (Mr. Andrews) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 249, not voting 9, as follows:

[Roll No. 338]

AYES—176

Ackerman
Aderholt
Andrews
Baldwin
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Becerra
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Boehner
Bono
Brown (OH)
Burr
Capps
Carson
Castle
Chabot
Chambliss
Clay
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cox
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeMint
Deutsch
Diaz-Balart
Doggett
Dooley
Duncan
Ehlers
Eshoo
Everett
Fletcher
Foley
Ford
Gallegly
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hayes
Hefley
Hill (IN)
Hill (MT)
Hinchey
Hoekstra
Holt
Horn
Inslee
Istook
Jackson (IL)
Johnson (CT)
Kelly
Kingston
Kolbe
Kucinich
LaHood
Lazio
Leach
Lee
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
McCarthy (MO)
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meeks (NY)
Metcalf
Miller (FL)
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Norwood
Olver
Owens
Pallone
Pascrell
Paul
Pease
Petri
Porter
Portman
Radanovich
Ramstad
Rivers
Roemer
Ros-Lehtinen
Royce
Rush
Ryan (WI)
Salmon
Sanchez
Sanders
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Shimkus
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Stabenow
Stearns
Stenholm
Sununu
Sweeney
Tancredo
Tauscher
Terry
Thompson (CA)
Thune
Tiahrt
Towns
Udall (CO)
Udall (NM)
Upton
Velázquez
Walsh
Wamp
Watt (NC)
Waxman
Wexler
Weygand
Wilson
Woolsey

NOES—249

Abercrombie
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Barcia
Barrett (WI)
Barton
Bateman
Bentsen
Berkley
Berry
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Chenoweth-Hage
Clayton
Clement
Coburn
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
DeFazio
Delahunt
DeLauro
DeLay
Dickey
Dicks
Dingell
Dixon
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gekas
Gephardt
Gibbons
Gonzalez
Goodling
Gordon
Granger
Green (TX)
Green (WI)
Greenwood
Hansen
Hastings (WA)
Hayworth
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Levin
Lewis (CA)
Lipinski
Lowey
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Moakley
Mollohan
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Ryun (KS)
Sabo
Sandlin
Sawyer
Scott
Shaw
Sherwood
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (TX)
Snyder
Souder
Spence
Spratt
Strickland
Stump
Stupak
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Thurman
Tierney
Toomey
Traficant
Turner
Visclosky
Vitter
Walden
Waters
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Bonior
Cook
Ganske
Markey
Martinez
McIntosh
Stark
Taylor (MS)
Vento

□ 2257

Mr. KUCINICH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2300

(Mr. SABO asked and was given permission to speak out of order for one minute.)

BASEBALL PRACTICE

Mr. SABO. Mr. Chairman, to all my colleagues on the Democratic side who were planning to be at baseball practice at 7:00 in the morning, our first practice will be at 7 a.m. on Thursday morning, not 7 a.m. tomorrow morning.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I thank the gentleman for yielding to me. The good news on the Republican side, we will not practice tomorrow morning due to wet ground.

AMENDMENT OFFERED BY MR. SHERWOOD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. SHERWOOD) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 393, noes 33, not voting 8, as follows:

[Roll No. 339]

AYES—393

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—33

Ballenger
Burton
Coble
Coburn
Cox
Cunningham
Doolittle
Duncan
Goss
Gutknecht
Hefley
Hill (MT)
Hostettler
Johnson, Sam
Jones (NC)
Miller, Gary
Paul
Pease
Pitts
Pombo
Rohrabacher
Royce
Salmon
Sanford
Schaffer
Sensenbrenner
Shimkus
Souder
Sununu
Tancredo
Toomey
Walden
Wu

NOT VOTING—8

Barcia
Cook
Ganske
Markey
Martinez
McIntosh
Stark
Vento

□ 2305

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. RYUN OF KANSAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. RYUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 187, not voting 8, as follows:

[Roll No. 340]

AYES—239

Abercrombie
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
Kingston
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Pallone
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)

NOES—187

Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bishop
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers

Costello
Coyne
Cramer
Crane
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Spratt
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—8

Cook
Ganske
Lantos
Markey
Martinez
McIntosh
Stark
Vento

☐ 2312

Mr. MEEHAN changed his vote from "aye" to "no."

Mr. BOEHLERT and Mr. ENGLISH changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. PACKARD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

AMENDING INTERNAL REVENUE CODE TO REQUIRE 527 ORGANIZATIONS TO DISCLOSE POLITICAL ACTIVITIES

Mr. HOUGHTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4762) to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

The Clerk read as follows:

H.R. 4762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIRED NOTIFICATION OF SECTION 527 STATUS.

(a) In General.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations) is amended by adding at the end the following new subsection:

"(i) Organizations Must Notify Secretary That They Are Section 527 Organizations.—

"(1) In general.—Except as provided in paragraph (5), an organization shall not be treated as an organization described in this section—

"(A) unless it has given notice to the Secretary, electronically and in writing, that it is to be so treated, or

"(B) if the notice is given after the time required under paragraph (2), the organization shall not be so treated for any period before such notice is given.

"(2) Time to give notice.—The notice required under paragraph (1) shall be transmitted not later than 24 hours after the date on which the organization is established.

"(3) Contents of notice.—The notice required under paragraph (1) shall include information regarding—

"(A) the name and address of the organization (including any business address, if different) and its electronic mailing address,

"(B) the purpose of the organization,

"(C) the names and addresses of its officers, highly compensated employees, contact person, custodian of records, and members of its Board of Directors,

"(D) the name and address of, and relationship to, any related entities (within the meaning of section 168(h)(4)), and

"(E) such other information as the Secretary may require to carry out the internal revenue laws.

"(4) Effect of failure.—In the case of an organization failing to meet the requirements of paragraph (1) for any period, the taxable income of such organization shall be computed by taking into account any exempt function income (and any deductions directly connected with the production of such income).

"(5) Exceptions.—This subsection shall not apply to any organization—

"(A) to which this section applies solely by reason of subsection (f)(1), or

"(B) which reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year.

"(6) Coordination with other requirements.—This subsection shall not apply to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee.".

(b) Disclosure Requirements.—

(1) Inspection at internal revenue service offices.—

(A) In general.—Section 6104(a)(1)(A) of the Internal Revenue Code of 1986 (relating to public inspection of applications) is amended—

(i) by inserting "or a political organization is exempt from taxation under section 527 for any taxable year" after "taxable year",

(ii) by inserting "or notice of status filed by the organization under section 527(i)" before ", together",

(iii) by inserting "or notice" after "such application" each place it appears,

(iv) by inserting "or notice" after "any application",

(v) by inserting "for exemption from taxation under section 501(a)" after "any organization" in the last sentence, and

(vi) by inserting "OR 527" after "SECTION 501" in the heading.

(B) Conforming amendment.—The heading for section 6104(a) of such Code is amended by inserting "OR NOTICE OF STATUS" before the period.

(2) Inspection of notice on internet and in person.—Section 6104(a) of such Code is amended by adding at the end the following new paragraph:

"(3) Information available on internet and in person.—

"(A) In general.—The Secretary shall make publicly available, on the Internet and at the offices of the Internal Revenue Service—

"(i) a list of all political organizations which file a notice with the Secretary under section 527(i), and

"(ii) the name, address, electronic mailing address, custodian of records, and contact person for such organization.

"(B) Time to make information available.—The Secretary shall make available the information required under subparagraph (A) not later than 5 business days after the Secretary receives a notice from a political organization under section 527(i).".

(3) Inspection by committee of congress.—Section 6104(a)(2) of such Code is amended by inserting "or notice of status of any political organization which is exempt from taxation under section 527 for any taxable year" after "taxable year".

(4) Public inspection made available by organization.—Section 6104(d) of such Code (relating to public inspection of certain annual returns and applications for exemption) is amended—

(A) by striking "AND APPLICATIONS FOR EXEMPTION" and inserting ", APPLICATIONS FOR EXEMPTION, AND NOTICES OF STATUS" in the heading,

(B) by inserting "or notice of status under section 527(i)" after "section 501" and by inserting "or any notice materials" after "materials" in paragraph (1)(A)(ii),

(C) by inserting or "or such notice materials" after "materials" in paragraph (1)(B), and

(D) by adding at the end the following new paragraph:

"(6) Notice materials.—For purposes of paragraph (1), the term 'notice materials' means the notice of status filed under section 527(i) and any papers submitted in support of such notice and any letter or other document issued by the Internal Revenue Service with respect to such notice.".

(c) Failure To Make Public.—Section 6652(c)(1)(D) of the Internal Revenue Code of 1986 (relating to public inspection of applications for exemption) is amended—

(1) by inserting "or notice materials (as defined in such section)" after "section)", and

(2) by inserting "AND NOTICE OF STATUS" after "EXEMPTION" in the heading.

(d) Effective Date.—

(1) In general.—Except as provided in paragraphs (2) and (3), the amendments made

by this section shall take effect on the date of the enactment of this section.

(2) ORGANIZATIONS ALREADY IN EXISTENCE.—In the case of an organization established before the date of the enactment of this section, the time to file the notice under section 527(i)(2) of the Internal Revenue Code of 1986, as added by this section, shall be 30 days after the date of the enactment of this section.

(3) INFORMATION AVAILABILITY.—The amendment made by subsection (b)(2) shall take effect on the date that is 45 days after the date of the enactment of this section.

SEC. 2. DISCLOSURES BY POLITICAL ORGANIZATIONS.

(a) REQUIRED DISCLOSURE OF 527 ORGANIZATIONS.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations), as amended by section 1(a), is amended by adding at the end the following new section:

"(j) REQUIRED DISCLOSURE OF EXPENDITURES AND CONTRIBUTIONS.—

"(1) PENALTY FOR FAILURE.—In the case of—

"(A) a failure to make the required disclosures under paragraph (2) at the time and in the manner prescribed therefor, or

"(B) a failure to include any of the information required to be shown by such disclosures or to show the correct information,

there shall be paid by the organization an amount equal to the rate of tax specified in subsection (b)(1) multiplied by the amount to which the failure relates.

"(2) REQUIRED DISCLOSURE.—A political organization which accepts a contribution, or makes an expenditure, for an exempt function during any calendar year shall file with the Secretary either—

"(A)(i) in the case of a calendar year in which a regularly scheduled election is held—

"(I) quarterly reports, beginning with the first quarter of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the 15th day after the last day of each calendar quarter, except that the report for the quarter ending on December 31 of such calendar year shall be filed not later than January 31 of the following calendar year,

"(II) a pre-election report, which shall be filed not later than the 12th day before (or posted by registered or certified mail not later than the 15th day before) any election with respect to which the organization makes a contribution or expenditure, and which shall be complete as of the 20th day before the election, and

"(III) a post-general election report, which shall be filed not later than the 30th day after the general election and which shall be complete as of the 20th day after such general election, and

"(ii) in the case of any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year, or

"(B) monthly reports for the calendar year, beginning with the first month of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the 20th day after the last day of the month and shall be complete as if the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with subparagraph (A)(i)(II), a post-general election report shall be filed in accordance with subparagraph (A)(i)(III), and a year end report shall be filed not later than January 31 of the following calendar year.

"(3) CONTENTS OF REPORT.—A report required under paragraph (2) shall contain the following information:

"(A) The amount of each expenditure made to a person if the aggregate amount of expenditures to such person during the calendar year equals or exceeds $500 and the name and address of the person (in the case of an individual, including the occupation and name of employer of such individual).

"(B) The name and address (in the case of an individual, including the occupation and name of employer of such individual) of all contributors which contributed an aggregate amount of $200 or more to the organization during the calendar year and the amount of the contribution.

Any expenditure or contribution disclosed in a previous reporting period is not required to be included in the current reporting period.

"(4) CONTRACTS TO SPEND OR CONTRIBUTE.—For purposes of this subsection, a person shall be treated as having made an expenditure or contribution if the person has contracted or is otherwise obligated to make the expenditure or contribution.

"(5) COORDINATION WITH OTHER REQUIREMENTS.—This subsection shall not apply—

"(A) to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee,

"(B) to any State or local committee of a political party or political committee of a State or local candidate,

"(C) to any organization which reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year,

"(D) to any organization to which this section applies solely by reason of subsection (f)(1), or

"(E) with respect to any expenditure which is an independent expenditure (as defined in section 301 of such Act).

"(6) ELECTION.—For purposes of this subsection, the term 'election' means—

"(A) a general, special, primary, or runoff election for a Federal office,

"(B) a convention or caucus of a political party which has authority to nominate a candidate for Federal office,

"(C) a primary election held for the selection of delegates to a national nominating convention of a political party, or

"(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.".

(b) PUBLIC DISCLOSURE OF REPORTS.—

(1) IN GENERAL.—Section 6104(d) of the Internal Revenue Code of 1986 (relating to public inspection of certain annual returns and applications for exemption), as amended by section 1(b)(4), is amended—

(A) by inserting "REPORTS," after "RETURNS," in the heading,

(B) in paragraph (1)(A), by striking "and" at the end of clause (i), by inserting "and" at the end of clause (ii), and by inserting after clause (ii) the following new clause:

"(iii) the reports filed under section 527(j) (relating to required disclosure of expenditures and contributions) by such organization,", and

(C) in paragraph (1)(B), by inserting ", reports," after "return".

(2) DISCLOSURE OF CONTRIBUTORS ALLOWED.—Section 6104(d)(3)(A) of such Code (relating to nondisclosure of contributors, etc.) is amended by inserting "or a political organization exempt from taxation under section 527" after "509(a))".

(3) DISCLOSURE BY INTERNAL REVENUE SERVICE.—Section 6104(d) of such Code is amended by adding at the end the following new paragraph:

"(6) DISCLOSURE OF REPORTS BY INTERNAL REVENUE SERVICE.—Any report filed by an organization under section 527(j) (relating to required disclosure of expenditures and contributions) shall be made available to the public at such times and in such places as the Secretary may prescribe.".

(c) FAILURE TO MAKE PUBLIC.—Section 6652(c)(1)(C) of the Internal Revenue Code of 1986 (relating to public inspection of annual returns) is amended—

(1) by inserting "or report required under section 527(j)" after "filing)",

(2) by inserting "or report" after "1 return", and

(3) by inserting "AND REPORTS" after "RETURNS" in the heading.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenditures made and contributions received after the date of enactment of this Act, except that such amendment shall not apply to expenditures made, or contributions received, after such date pursuant to a contract entered into on or before such date.

SEC. 3. RETURN REQUIREMENTS RELATING TO SECTION 527 ORGANIZATIONS.

(a) RETURN REQUIREMENTS.—

(1) ORGANIZATIONS REQUIRED TO FILE.—Section 6012(a)(6) of the Internal Revenue Code of 1986 (relating to political organizations required to make returns of income) is amended by inserting "or which has gross receipts of $25,000 or more for the taxable year (other than an organization to which section 527 applies solely by reason of subsection (f)(1) of such section)" after "taxable year".

(2) INFORMATION REQUIRED TO BE INCLUDED ON RETURN.—Section 6033 of such Code (relating to returns by exempt organizations) is amended by redesignating subsection (g) as subsection (h) and inserting after subsection (f) the following new subsection:

"(g) RETURNS REQUIRED BY POLITICAL ORGANIZATIONS.—In the case of a political organization required to file a return under section 6012(a)(6)—

"(1) such organization shall file a return—

"(A) containing the information required, and complying with the other requirements, under subsection (a)(1) for organizations exempt from taxation under section 501(a), and

"(B) containing such other information as the Secretary deems necessary to carry out the provisions of this subsection, and

"(2) subsection (a)(2)(B) (relating to discretionary exceptions) shall apply with respect to such return.".

(b) PUBLIC DISCLOSURE OF RETURNS.—

(1) RETURNS MADE AVAILABLE BY SECRETARY.—

(A) IN GENERAL.—Section 6104(b) of the Internal Revenue Code of 1986 (relating to inspection of annual information returns) is amended by inserting "6012(a)(6)," before "6033".

(B) CONTRIBUTOR INFORMATION.—Section 6104(b) of such Code is amended by inserting "or a political organization exempt from taxation under section 527" after "509(a)".

(2) RETURNS MADE AVAILABLE BY ORGANIZATIONS.—

(A) IN GENERAL.—Paragraph (1)(A)(i) of section 6104(d) of such Code (relating to public inspection of certain annual returns, reports, applications for exemption, and notices of status) is amended by inserting "or section 6012(a)(6) (relating to returns by political organizations)" after "organizations)".

(B) CONFORMING AMENDMENTS.—

(i) Section 6104(d)(1) of such Code is amended in the matter preceding subparagraph (A) by inserting "or an organization exempt from taxation under section 527(a)" after "501(a)".

(ii) Section 6104(d)(2) of such Code is amended by inserting "or section 6012(a)(6)" after "section 6033".

(c) FAILURE TO FILE RETURN.—Section 6652(c)(1) of the Internal Revenue Code of 1986 (relating to annual returns under section 6033) is amended—

(1) by inserting "or section 6012(a)(6) (relating to returns by political organizations)" after "organizations)" in subparagraph (A)(i),

(2) by inserting "or section 6012(a)(6)" after "section 6033" in subparagraph (A)(ii),

(3) by inserting "or section 6012(a)(6)" after "section 6033" in the third sentence of subparagraph (A), and

(4) by inserting "OR 6012(a)(6)" after "SECTION 6033" in the heading.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after June 30, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HOUGHTON) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. HOUGHTON).

GENERAL LEAVE

Mr. HOUGHTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4762.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the hour is late and it has been a long day, but I frankly thought I would be here tonight talking about another bill, H.R. 4717. It has a long title, the Full and Fair Political Activity Disclosure Act of 2000, but this is not the case.

As it turned out, it was not the right time, either. This is a fact, and we now move on to H.R. 4762, an entirely different bill.

Furthermore, it is the way our democratic process works. One shoots as high as they possibly can and ends up with something the majority feels is the best practical solution at the time.

Personally, I wanted to do two things. One is to get something done, which means produce the first piece of campaign reform legislation that will pass not only this House but also the Senate in years.

Secondly, to make it bipartisan this bill, 4762, is the base McCain-Feingold-Lieberman bill with strong inputs from the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Texas (Mr. DOGGETT) and the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Delaware (Mr. CASTLE).

We changed the Senate sanction provision to apply 35 percent tax rate against nondisclosed amounts, and that is all. So I just have to feel that passing this bill on suspension will send a signal that, yes, that we can do something on campaign finance reform, just as the Senate did.

This is not the end. It is the first step and a big one; and we still need to move forward on better disclosure, but that will come. First, we must pass this legislation.

Mr. Speaker, I reserve the balance of my time.

□ 2320

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know we all are anxious to vote, but this is such a great victory for Republicans and Democrats to do the right thing.

I would like to believe that many on the other side would really want to join with us, because I think that the voters are very concerned about how we got to where we are this evening.

Mr. Speaker, I want to compliment my friend, the gentleman from New York (Mr. HOUGHTON) and the gentleman from Connecticut (Mr. SHAYS), but I am afraid that I do them more harm than good by doing that, but it does show what happens when good people decide that they are going to do the right thing. We do not care what we will call the bill, but we are concerned that we do have a bill that we can move forward on a bipartisan basis.

Mr. Speaker, I would like to congratulate the gentleman from Texas (Mr. DOGGETT) for doggedly following through.

Mr. Speaker, in view of the overwhelming support on this side of the aisle, we can see whether the gentleman from Texas (Mr. DOGGETT) has earned it on the other side.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, since March, we have called on the House to come together to support in a bipartisan fashion a cleanup of some of the worst excesses in our campaign finance system, what one expert referred to as the most dangerous loophole that has ever come along, period, what Senator MCCAIN has rightly called this 527 political loophole, an egregious and obscene distortion of everything the American people believe in.

I think it is unfortunate that we have this sudden switch to the suspension calender at this late hour, which will deny Members, both Republicans and Democrats, an opportunity to offer amendments to perfect the reform that has been advanced and to broaden it to be more comprehensive reform, and certainly its passage is imperiled by the two-thirds requirement.

Mr. Speaker, I did not pick the procedure. We have it, I think we should utilize it now to try to move forward in the most constructive way possible to approve a reform that will be significant, though modest, in addressing this abuse.

Mr. HOUGHTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding me the time, and I particularly appreciate his efforts to put together a bipartisan bill. This is one of the most contentious issues for all of us, because the Democrats say we have to have an advantage and the Republicans say we have to have an advantage. When we get into campaign finance reform, it is highly charged politically.

The gentleman from New York (Mr. HOUGHTON), I think, has done a tremendous job in trying to work through that; and I applaud him for that.

First, this bill does nothing but require disclosure. It does not change anything as to how much money can be given or how it can be used, any of those other substantive things in the law.

I am sad that we could not broaden it more. I think any tax exempt entity that is excused from paying any income tax under our law and engages in significant political activity should have to disclose and report. It should not be simply limited to one group, but, unfortunately, that was not going to be accepted on a bipartisan basis.

We are back now on what has been agreed to basically on the Senate side and by a large number of Members of the House of Representatives, and it is a disclosure bill.

Mr. Speaker, I support it, but I wish we had more significant campaign finance reform that was much broader in nature. I, again, applaud the gentleman from New York (Mr. HOUGHTON) for his work, and I do urge the passage of this bill.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to congratulate my distinguished chairman, the gentleman from Texas (Mr. ARCHER), for the leadership that he has displayed on this most important piece of legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I would like to congratulate the gentleman from New York (Mr. HOUGHTON), the gentleman from Texas (Mr. DOGGETT), the gentleman from Connecticut (Mr. SHAYS), and the gentleman from Massachusetts (Mr. MEEHAN) for their excellent work on this bill.

Back in February, I filed the Campaign Integrity Act of 2000 which is required as to 527s only disclosure, I think that should be the bottom line, and that is where we are now. I am proud, even though this is not my bill, to support this bill, because it is what the American people demand, it is what the American people deserve. When I go home, I hear from my constituents, and I think a lot of my colleagues do, too, we are so tired of all the partisan bickering, the Democrats did this and the Republicans did that; what they wanted it us to do is come up here and do the people's agenda.

That is what we are doing tonight by just campaign finance reform bill is disclosure so people will know who is trying to influence their vote and who is trying to influence Federal elections. That is the bottom line. I invite all people of good will to vote for this bill tonight.

Mr. HOUGHTON. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman from New York (Mr. HOUGHTON) for yielding to me.

Mr. Speaker, I also credit the gentleman from New York (Mr. RANGEL) for the tremendous work which he did, along with other Members in the House of Representatives and in the United States Senate who have been involved with this.

Tonight the House of Representatives has the opportunity to ensure that meaningful campaign finance reform is passed in time for this year's election. H.R. 4762 is the campaign finance bill with the best chance to pass both Chambers and be signed into law that has reached the floor of this House in years.

Mr. Speaker, last week when I testified before the Committee on Ways and Means, I said that I would help lead the fight to pass legislation that would reign in the section 527 groups if the House could not pass more comprehensive disclosure legislation. I will do that tonight.

In this case, we cannot afford to make the perfect, the enemy of the good. Section 527 organizations set up under section 527 of the Tax Code are established to engage in political activities which influence our political process by funding an election-related communications without having to disclose their donors.

H.R. 4762 is needed because current campaign laws are wholly unable to adequately regulate the torrent of political advising by groups exploiting this loophole in both our taxation and election laws.

Huge sums of money are being spent to influence the election system. This is a troubling new trend in campaign-finance spending by groups operating under unique designations in our Tax Code such as section 527.

Mr. Speaker, while I would have liked to cover more groups engaging in electioneering communications, I am pleased that we will pass significant legislation that will tackle the 527 stealth political organization problem.

We explored many possible alternatives, and I believe we have laid the groundwork for further legislation in this area. Tonight we will vote on H.R. 4762 language taken from Senator JOHN MCCAIN's legislation which has already passed the Senate.

This legislation requires section 527 organizations that have gross receipts of more than $25,000 to disclose their donors. Whether or not we agree with the message of any advertisement campaign, I hope we can agree that voters have the right to know who is paying for any campaign-related ad and who is trying to influence their vote.

The 2000 general election cycle is fast approaching, and section 527 political groups are expanding at a rapid pace that will be a dominant force in the 2000 election.

Mr. Speaker, I am convinced this bill will curb some of the most blatant abuses and will allow the public to know who is supporting these groups that are now operating behind a veil of secrecy.

I urge my colleagues to join us in supporting H.R. 4762 in an effort to restore integrity to our election process and return the election process to the American people. It is a real step forward, and we should take it.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, let me thank the Republican Members, the gentleman from New York (Mr. HOUGHTON), who worked so hard to bring this here and the gentleman from Delaware (Mr. CASTLE), the gentleman from Connecticut (Mr. SHAYS), as well as Democratic Members.

□ 2330

Can any of us forget over the period of the last several months the efforts of the gentleman from Kansas (Mr. MOORE) and the gentleman from Texas (Mr. DOGGETT) to bring us to this point in time? And I congratulate both of them for that.

This is an important step, but it is a step. Let none of us forget the fact that this House passed a campaign finance reform bill by a wide bipartisan margin that would have dealt with the problems in this bill. The problem is the bill went over to the United States Senate with 53 Members of that body, the majority of the Members, all of the Democrats and several Republicans, a majority of that body voted to pass that bill; and it could have gone to the President's desk for signature, but 60 Members of that other body were required to break a filibuster.

So let no Member in this body or no one in this country make the mistake of thinking this is comprehensive campaign finance reform, because it is not. We still have our work cut out for us, and we are going to try to push our colleagues in the other body to break that filibuster, and we are going to be back at it. If we cannot get this done before this session, then next session. It is an important step, and I congratulate my colleagues.

Mr. Speaker, it is very important that we reduce the influence of money in American politics. At every turn we have met with obstacles, but we will continue in this effort; we will push this effort until we break the filibuster in the other body and send a real campaign finance reform bill for the President's signature, because he is waiting to sign it.

Mr. HOUGHTON. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. BATEMAN).

Mr. BATEMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I ask the indulgence of the House. This will not be a 1-minute filibuster, I assure my colleagues.

I am concerned about the process and how we got to where we are, as much as I congratulate my good friend, the gentleman from New York (Mr. HOUGHTON), and those who have labored with him.

I stand here with a perception that there are many, many Members of this body who would not like to have any form of campaign finance reform. I think there are many, many Members of this body who would buy into any form of campaign finance reform. I am not sure what we are buying into, because I know so little of what we are doing. But I do know that when we start limiting what people can do with their money to influence the outcome of the political process, we are treading on very serious constitutional ground. I choose not to tread there without knowing much more about where I tread.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. LEWIS), a member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Speaker, I rise to support this bill, H.R. 4762. I want to commend the gentleman from Texas (Mr. DOGGETT) and the gentleman from New York (Mr. HOUGHTON), my good friends and colleagues, for their work on this important issue. We all know that it is time to fix our broken system of financing elections, and this bill is a good and necessary first step.

Mr. Speaker, H.R. 4762 would close a huge loophole by requiring simple disclosure by these secret political organizations and groups. The American people have a right to know. They have a right to know who is funding political campaigns in this country. They have a right to know who is trying to influence their votes. The American people have a right to a free and open election process.

It is time to close this loophole. It is time to get rid of the secrecy; it is time to fix this mess. So tonight, I urge all of my colleagues to support this bill. It is the right thing to do. The time is always right to do right. Tonight is the first step down a long road toward political campaign finance reform.

Mr. HOUGHTON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Speaker, I would like to say to the House that of course, 527 should have to disclose. But in the name of disclosure, it just should not be the political organizations that have to disclose; it should be any of the other organizations in this country, whether it be business organizations like the Chamber of Commerce, or whether it be labor organizations, whether it be the Christian right. It does not matter who it is, if they are engaging in blatant political activity, they ought to have to be forced to disclose so that the American people can understand where they get their money from. To limit this just to political organizations is worse than even half a loaf. Frankly, it does not matter which organization is electioneering. If they are electioneering, make them all report. Do my colleagues know why? Because with disclosure comes power to the ordinary citizen.

The fact is, some in this House believe that the way we fix election law and we give power to ordinary people is to restrict access to the political process, to shut them down. I despise that idea. But I will tell my colleagues what I do believe in. Give the ordinary citizen the right and the power to know who is behind all of these political organizations, all of them, and they will make the smart decision and they will use the real power in America, which is the power of the ballot box.

This is a debate tonight about one big thing. Do we want to restrict Americans and their ability to communicate, or do we want to let the sun shine in and let Americans decide for themselves who is behind these political activities.

Mr. Speaker, I vote for openness. Let the sun shine in. Freedom. And at the end of the day, the people will have their way, and they will make a decision.

Mr. Speaker, this bill is a sham when it comes to real campaign finance reform. We should have gone the whole way and forced anybody, from the right and the business community, to the left and the labor community, to have to square with the American people about where they get their money and let the American people decide, and this will be a long ongoing fight.

Tonight, I am going to vote for 527, but I want to tell my colleagues, it is such a fig leaf, it is a shame. The House had a real chance at reform. We blew it.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman in the well for his vote for 527, and I hope we will see who is not voting for 527. But that was an eloquent statement against the bill; but I guess in the final analysis, it is the vote that really counts.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington, a member of the committee (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I agree with the gentleman from Virginia (Mr. BATEMAN), I dislike the process by which we got here. We voted this bill down twice on this floor, and now suddenly we went to committee, and we passed a bill out of that committee, which is not the bill which we are voting on here on the floor. The gentleman from New York (Mr. Houghton), my good friend, has worked hard to work this problem; but it is pretty clear that this is being put out at 20 minutes to 12:00 so that disclosure is done in the middle of the night. It is kind of an irony, if one has that kind of mind, to look at the fact that we are bringing out a bill that nobody in a committee has actually looked at the words.

We passed another bill out of our committee, and obviously, we could not get the votes on the floor for that, so suddenly, miraculously, we have a bill at 12 minutes to 12:00. I understand all the rules and the way things work, but this process is not a good one.

I think the importance of campaign finance reform is very clear. It is not a Democrat issue, it is not a Republican issue, it is an issue about whether people are willing to participate in the elections.

□ 2340

It is expected that this election will be the least participation since 1924 because people are turned off, and they are turned off by all the money in the election. It is our job to clean that up and get the American people back involved. This is a very small step forward.

Mr. Speaker, I include for the RECORD the following statement:

[From the Office of Congressman Tom DeLay, June 27, 2000]

DELAY TO OPPOSE MCCAIN BILL

AN ATTACK ON OUR FIRST AMENDMENT RIGHTS

Washington, DC: Tom Delay (R–TX), the House Majority Whip, issued the following statement tonight on the vote in the House on the campaign finance reform.

Majority Whip Tom DeLay stated: "I am first and foremost a constitutionalist, and this bill is a clear violation of the First Amendment. Again and again, the courts have upheld the right of groups to participate in the political process while retaining privacy for their members. I am therefore confident that the courts will quickly and decisively strike down this legislation. How will the Democrats explain to their constituents that any American who supports these issue advocacy groups could find his or her names on a government list? This lack of privacy and free speech is chilling.

"This so-called 'reform' bill is in reality nothing more than a last ditch effort by the Democrats to protect their vulnerable incumbent Members from valid attacks on their positions and beliefs. The Left is trying to stamp out our right to free speech for their own political purposes while protecting their big labor friends and political contributors. The Democrats are the ultimate hypocrites and they must explain their double standard to the American people."

Mr. HOUGHTON. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of this legislation. These are stealth PACs. That is exactly what they are. They are completely operating in secret, and it is a dangerous loophole in the law that we have to close. We can close it tonight.

It is not everything we would like to do, but we cannot let the perfect be the enemy of the good. Let us deal with these stealth PACs, close this loophole, and restore democracy to our electoral process.

Mr. RANGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise in strong support of this bill. I thank the gentleman from Kansas (Mr. MOORE) for bringing it to my attention.

Mr. Speaker, I rise this evening in support of the measure before us.

Sincere advocates of campaign finance reform have named 527 organizations Public Enemy number One—and with good reason. 527s illustrate everything that has gone wrong in America's political campaign financing system.

We have all heard from our constituents how much they hate big money in politics. But the one thing that undermines public confidence in our electoral process more than the obvious influence of big monied special interests is the hidden, disingenuous influence of the big monied special interests. That, as we all know, is what 527s represent. The widely applied term "Stealth PAC" aptly describes these groups, because they operate 'under the radar' of public scrutiny and cloaked in a veil of secrecy.

527s wield vast power over American elections. They are authorized under present law to raise unlimited sums of money, and they do. They can spend their vast warchests to buy elections for favored candidates or ruin opponents—and they do. The time has come to make 527 Stealth organizations accountable to the American people.

That is what the legislation before us would do. This bill would level the playing field, by applying the same public disclosure requirements to 527s as are applied to PACs under current law. It would give you and me a way to find out just who is running those ads encouraging everyone in a media market to 'Call For More Information About Congressman Whomever's Bad Record on Clean Air'. Most importantly, it would allow our constituents to find out just exactly which big monied special interest is trying to tell them what to think and how to vote.

This bill is not perfect. Some would prefer to apply similar disclosure requirements to labor unions and social welfare organizations, when they spend money to influence elections. Others would like to require corporations to do the same. These are both important points and deserve serious debate.

But the bill before us allows us take an important first step. It allows us to build on the momentum generated in the Senate, and it has been freed of poison pill provisions forcefed by opponents who sought to scuttle this important reform effort. This clean, consensus bill gives us a chance to restore a measure of fairness, candor, and accountability to America's political system.

I disagree with those opponents of reform who argue that, if we cannot do everything, we should do nothing. I encourage my colleagues to join me in voting to ground the Stealth campaign and in launching a new strike against secrecy and corruption in American electoral politics.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I feel that I may be betraying the Constitution. The Supreme Court just decided that a party has a right to settle its own disputes and non-members should not interfere. I find myself in the midst of an internal Republican dispute here tonight, but I have no choice, because that is the way the majority chose to bring it up.

I congratulate my Republican friends who have brought this bill forward. For those who think it is being brought up without adequate notice, they should know that it is essentially the bill they voted down when we had a motion to recommit a while ago, so this is not the first time Members are seeing this bill.

It does, I think, give some confidence in the political process because there has been a great transmogrification on the other side from people who did not like this bill a couple of weeks ago who have now found some merit in it. I think it is a good idea. I am delighted to see the wheel reinvented and campaign finance reform passed.

I would agree with the gentlemen who have complained about the procedure. We of course had no say in this procedure: bringing this bill up in a fashion that it cannot be amended, it has not had a chance to be studied, and at midnight, that was their choice.

I do think that the debate has been a little one-sided. For people who think I may be being too partisan, I would say that we on our side deserve a lot of credit for the bill.

Let me quote a congressional leader: "This bill is in reality nothing more than a last-ditch effort by the Democrats," and I am quoting the majority whip, the gentleman from Texas (Mr. DeLay), who put out a statement giving us credit for the bill, although not too cheerfully.

Under the general leave, I do think that in the interests of full disclosure and full debate, and I do not see the majority Whip, he was apparently tied up somewhere, I knew he was eager to be here, but under the general leave that was gotten by the gentleman from New York, I include the majority whip's statement into the CONGRESSIONAL RECORD.

The material referred to is as follows:

[From the Office of Congressman Tom DeLay, June 27, 2000]

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AN ATTACK ON OUR FIRST AMENDMENT RIGHTS

Washington, DC: Tom DeLay (R–TX), the House Majority Whip, issued the following statement tonight on the vote in the House on the campaign finance reform.

Majority Whip Tom DeLay stated: "I am first and foremost a constitutionalist, and this bill is a clear violation of the First Amendment. Again and again, the courts have upheld the right of groups to participate in the political process while retaining privacy for their members. I am therefore confident that the courts will quickly and decisively strike down this legislation. How will the Democrats explain to their constituents that any American who supports these issue advocacy groups could find his or her names on a government list? This lack of privacy and free speech is chilling.

"This so-called 'reform' bill is in reality nothing more than a last ditch effort by the Democrats to protect their vulnerable incumbent Members from valid attacks on their positions and beliefs. The Left is trying to stamp out our right to free speech for their own political purposes while protecting their big labor friends and political contributors. The Democrats are the ultimate hypocrites and they must explain their double standard to the American people."

Mr. HOUGHTON. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. I thank the gentleman for yielding time to me, Mr. Speaker.

There is a gentleman at Rutgers University named Dr. Troy who has been studying spending in campaigns for 20 years. What he said is that in the last two cycles, 1996 and 1998, labor unions spent between $400 million and $600 million. If they are in our neighborhoods knocking on doors, they were paid by labor unions.

This bill does not touch that. This bill yields them all they want. They totally cover all that the Republican committees do combined, and there was an original bill that covered all the spending by all the groups, labor unions, right-to-life, political parties, and it was determined by a variety of folks, including our friend Senator MCCAIN, that this is a poison pill.

If we include labor unions, Democrats cannot vote for it, and therefore, it is not bipartisan and we cannot pass that. Excuse me. If Members want to have disclosure, I think we should have total disclosure, including all that the unions spend all the rest spend.

I want to notify my friends, this is a suspension. One-third of the votes will kill this bill. We ought to do it.

Mr. RANGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DOGGETT), the primary sponsor of this bill.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, briefly, this is in no way a substitute for comprehensive campaign finance reform of the type that the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) have so admirably led this House in pursuing.

But to those who have said they wanted a much broader bill, the first thing to point out is that 527s can be used by a union, they can be used by the trial lawyers, they can be used by right-to-life, by Planned Parenthood. This treats everyone who chooses to use a 527 in exactly the same way. It discriminates neither for nor in favor of anyone.

The second thing, however, is that in the committee, seven Republicans, led by the gentleman from Delaware (Mr. CASTLE), and six Democrats came to the committee and they said, why do we not take a Republican idea advanced by Senator SNOW and Senator JEFFORDS and add that onto the bill so we will cover more people.

And we Democrats on the committee said, yes, that is a good idea. We will do that. Republicans on the committee raised numerous objections that that just was not broad enough, so we said, well, we will do more than that. We will extend this. We will do more to be sure we are covering and ensuring fairness and equity. We will cover unions and their activities, we will cover business organizations and their activities. We will try to treat everyone fairly and comprehensively.

And both privately in our discussions with Members on the other side and publicly in the committee we sought to pursue this in a bipartisan way. Not one change, not the slightest change, were our Republican colleagues willing to even contemplate.

So what they produced was a bill that all Members have heard about. They have heard from right-to-life, they have heard, I believe, from at least 30 organizations, saying that it is blatantly unconstitutional, and they are absolutely right. The bill that came out of that committee was blatantly unconstitutional, and the woman that wrote it admitted she could not find the lawyer that would say it was constitutional.

It is unfortunate that such a bill should come out of the committee. I am very proud I voted against it, and so did every other Democrat, in urging a constructive alternative, in trying to negotiate a way to deal fairly with all these problems.

The problem all along has been that we are attacked from both directions. The bill is either too narrow or it is too broad. It is either too deep or it is too shallow. So it has been impossible to meet all of the conflicting objections that have been raised.

So we find ourselves back tonight where we started in March essentially, as my colleague, the gentleman from Massachusetts, said, voting on the same issue that the House has already voted on twice, but hopefully with a better outcome. I think we are moving forward with what is an important but obviously a small step to open up the secret organizations to sunshine.

For months while we have waited for this coming together on this approach there have been those who have obstructed reform that have been working as hard as they can to raise as much secret money as they can to fill our air waves with hate in the fall and our mailboxes with misinformation.

We are going to get a very narrow window now, a too narrow window, I must say, because of the way the effective date is constructed in this legislation, but a very narrow window to look at those stealth organizations with their secret stash. As they plan for the fall, we will at least be able to know who is launching the attack and identify the attackers.

Tonight I believe we must take a firm stance on the only action we can on this very constricted midnight debate that denies an opportunity for Republicans or Democrats to add and strengthen and expand and perfect this bill, but we should take the action that we are permitted to take because it is aimed directly at corruption in the American political system, where someone can come in and ask for a favor one day and deliver a contribution that is never disclosed on the next day.

Disclosure by the secret 527 political funds is the one modest reform that we can still put in place to affect a little bit of this year's election, and we ought to do it without any more delay. I believe that this represents one small triumph for democracy over secrecy.

□ 2350

Mr. HOUGHTON. Mr. Speaker, I yield 1½ minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, all is well that ends well; and at least we are moving forward in the right direction. I am in very strong support, and I hope this body is, of H.R. 4762. Again, I applaud the very hard work and dedication of my friends, particularly the gentleman from New York (Mr. HOUGHTON), the gentleman from Connecticut (Mr. SHAYS), and the gentleman from Delaware (Mr. CASTLE) and others on both sides of the aisle who have, indeed as we know, worked tirelessly around the clock to craft a meaningful, bipartisan and genuine step forward in campaign finance disclosure legislation, legislation that can and should become law.

The growing abuse of anonymous political advertising has reached such extremes that many of us in Congress who are strong supporters of campaign finance reform feel that at least disclosure of 527 organizations is something to which every voter is entitled. Our American principles stress the importance and the value of transparency in government; and this legislation, a small step, but a step forward, this legislation demonstrates that this Congress is sincere.

Mr. Speaker, I would like to stress sincerity. It is, in fact, a step that demonstrates that we do care, that we are sincere in our belief that we can restore the public's voice and the public's confidence in the Federal election system. This bill, H.R. 4762, moves us in that direction.

Mr. Speaker, I certainly urge this entire body's support of this legislation, and I thank the author for working so hard on it.

Mr. RANGEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to vote for this bill. I would just like to say one other thing. I am proud to be a Member here, and I am proud to have friends such as everyone. The Chamber badly needs to pull itself together, to work together, to craft legislation together and finally feel good about something they have done together.

So through this bill, H.R. 4762, I would like to feel we can reinforce that process.

If I believed half of what I have heard about the Full and Fair Political Activity Disclosure Act of 2000, I would have to vote against my own bill.

Some have said that the bill requires disclosure by too many organizations. Some say it should be expanded. Others have said that the bill is too narrow. Some say it is unfair to labor; others that it lets labor off the hook. Still others claim the bill is unconstitutional, but somehow would pass muster if its provisions applies 30 days before a primary and 60 days before a general election. Or 60 to 90 days. Take your pick.

It becomes difficult to separate the fact from fiction.

Fiction: This issue is so politically charged that Congress should simply require disclosure by Sec. 527 organizations, period.

Fact: Some of us feel we need the "disinfectant of sunshine" regardless of the specific section of the Internal Revenue Code that confers tax-exempt status on a group trying to influence an election. If we limit disclosure to Sec. 527 groups alone, the money will certainly flow to other tax-exempt groups. Section 501(c) organizations will become the new haven for those who wish to avoid scrutiny. Our approach is fairly straightforward: if you are tax-exempt and intervene meaningfully in an election, you disclose.

Fiction: The Houghton bill applies to lobbying.

Fact: This is a real red herring. The bill does not impact lobbying by anyone—unless an "issue ad" identifies a candidate for office, or otherwise tries to influence the election of a person. The right to know your accuser is a basic element of American fairness. If your ad attacks a candidate, the public should know who's paying for it.

Fiction: The bill is too vague. It isn't clear what must be disclosed.

Fact: For 25 years, Sec. 527 of the Internal Revenue Code has provided the definition of political activity for tax law purposes. That's the same definition in our bill as well as the Doggett bill. Tax-exempt social welfare organizations (sec. 501(c)(4)), labor unions and agricultural organizations (sec. 501(c)(5)) trade associations, and chambers of commerce (sec. 501(c)(6)) have been interpreting and complying with this law for 25 years.

Fiction: The bill's disclosure requirements are overly broad. Less disclosure should be required of 501(c) organizations.

Fact: Our basic approach here is what's good for the goose . . . . If we have a strict set of rules for Sec. 527 organizations and a loophole-ridden set of rules for other tax-exempt organizations, it isn't too hard to figure out where the money and the activity will go.

Fiction: The bill is unconstitutional.

Fact: Because we have no way of knowing how the courts will rule on any legislation we consider in Congress, this is always the perfect excuse for doing nothing. Some of the bill's critics believe its provisions are constitutional on some days, but not on others, depending on proximity to an election. I'm not a lawyer but it is clear that no group has a constitutional right to tax-exempt status. There is no question that Congress has the right to impose conditions on such privileged status. And our bill is severable; if one part is found unconstitutional, the rest will stand. It's that simple.

Fiction: (1) The bill is unfair to organized labor. (2) The bill gives labor an unfair advantage.

Fact: Presumably, these claims are mutually exclusive. Apparently, some would prefer to shield a number of labor's political activities from sunshine while others would like to impose unreasonable disclosure requirements on unions. Let me be clear: the bill imposes exactly the same disclosure requirements on organized labor as it does on Sec. 527 political organizations, social welfare organizations, and chambers of commerce and trade associations.

Fiction: The bill will have a chilling effect on participation in the political process.

Fact: The bill simply requires disclosure, nothing more, by tax-exempt organizations which attempt to influence the outcome of an election. The bill should not have a chilling effect unless someone has something to hide. Public Citizen, Common Cause, the League of Women Voters, Public Campaign and PIRG have lobbied Congress to pass Sec. 527 disclosure. If disclosure is good for one group, why not all?

Fact: This is not a perfect bill. There is no perfect bill. But this bill, I hope, strikes a difficult balance of promoting meaningful disclosure without creating unwarranted burdens for people who want to participate in the political process. Senator JOHN MCCAIN is absolutely right. We cannot let the perfect be the enemy of the good.

Mr. SMITH of Michigan. Mr. Speaker, I support this legislation to require disclosure of political activities by section 527 organizations.

The legislation is identical to the McCain amendment which passed the Senate.

This is an excellent step forward in campaign finance reform.

The bill will require section 527 organizations to disclose their contributions and expenditures on political campaigns.

While the bill does not address the campaign activities of other 501 © organizations, coverage of the 527s will address the fastest growing problem in campaign advertising—independent groups that can spend millions of dollars to influence a campaign—without disclosing their contributors.

Eventually we must have total disclosure of all groups that try to influence voting. If the American people know where the money is coming from and can measure the significance of the special interest bias they will ultimately make the best decision.

Mr. COYNE. Mr. Speaker, I rise in support of campaign finance reform—and in particular the elimination of secret political slush funds. With that in mind, I am pleased to support this legislation, and I want to commend Chairman HOUGHTON for his leadership and his earnest efforts at bipartisanship.

Legislation addressing the abuse of section 527's operate in total secrecy outside the view of the public. These organizations do not apply for tax-exempt status with the Internal Revenue Service nor file annual returns with the IRS describing their activities and contributors.

This bill is essentially identical to the legislation introduced by Representative LLOYD DOGGETT. It is very similar to the legislation that House Democrats have been trying to pass for several months now. But this is not some bill designed to score partisan points. Rather, it reflects the priorities identified by a bipartisan group of witnesses who testified before the Oversight Subcommittee last week in advance of the full Committee markup—witnesses like Senators MCCAIN and LIEBERMAN and Representatives CASTLE and DOGGETT.

I urge my colleagues to support this important legislation. If we can't pass comprehensive campaign finance legislation this year, let's at least subject the activities of these organizations to public scrutiny. It is essential in a democracy that the voters know who is spending money to influence elections.

Mr. HOUGHTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 4762.

The question was taken.

RECORDED VOTE

Mr. RANGEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 385, noes 39, not voting 11, as follows:

[Roll No. 341]

AYES—385

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—39

Barr
Barton
Bateman
Bonilla
Burton
Canady
Chenoweth-Hage
Coburn
Combest
Cooksey
Crane
DeLay
Dickey
Doolittle
Hayworth
Hefley
Herger
Hostettler
Jenkins
Johnson, Sam
Kingston
Lewis (CA)
Linder
Manzullo
Mica
Myrick
Oxley
Paul
Peterson (PA)
Pitts
Pombo
Radanovich
Ryun (KS)
Souder
Stump
Tancredo
Thomas
Thornberry
Tiahrt

NOT VOTING—11

Cook
Markey
Martinez
McCarthy (MO)
McIntosh
Northup
Oberstar
Schaffer
Vento
Waters
Young (AK)

☐ 0007

So (two-thirds having voted to favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NORTHRUP. Mr. Speaker, on rollcall No. 341, I was inadvertently detained. Had I been present, I would have voted "aye."

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 341, had I been present, I would have voted "aye".

Ms. WATERS. Mr. Speaker, on rollcall No. 341, I was detained on an emergency call in my office and was not present on the floor when rollcall 341 was voted.

Had I been present, I would have voted "aye."

Mr. OBERSTAR. Mr. Speaker, during the consideration of H.R. 4762, legislation to require Section 527 disclosure, my vote was not recorded on final passage.

Had I been present, I would have voted "aye" on Rollcall 341.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 532 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4733.

□ 0010

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment of the gentleman from Kansas (Mr. RYUN) had been disposed of and the bill was open for amendment on page 39, line 19.

The Clerk will read the final lines of the bill.

The Clerk read as follows:

> This Act may be cited as the "Energy and Water Development Appropriations Act, 2001".

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the hour is late because many hours ago we started the final energy and water bill under the guidance of the gentleman from California (Mr. PACKARD). As we all know in this Chamber, the gentleman from California (Mr. PACKARD) has served all of us, his country and his family well, both in the military service, local and Federal service. I think as we conclude consideration of a well-done work product, which we have come to expect from the gentleman from California (Mr. PACKARD) day in and day out, that we owe the gentleman from California (Mr. PACKARD) our appreciation and a round of applause.

The CHAIRMAN. Are there any other amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having resumed the Chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 532, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The CHAIRMAN. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 19, not voting 8, as follows:

[Roll No. 342]

YEAS—407

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—19

Andrews
Castle
Doggett
Gibbons
Goodlatte
Inslee
Johnson, E. B.
Luther
Paul
Peterson (MN)
Ramstad
Royce
Sanford
Schaffer
Sensenbrenner
Shays
Smith (WA)
Stearns
Tancredo

NOT VOTING—8

Clay
Cook
Delahunt
Markey
Martinez
McIntosh
Vento
Young (AK)

□ 0027

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON EXPANDED THREAT REDUCTION INITIATIVE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 263)

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Enclosed is a report to the Congress on the Expanded Threat Reduction Initiative, as required by section 1309 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 27, 2000.*

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1598

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor to the bill H.R. 1598, the Patent Fairness Act of 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR CHAIRMAN OF COMMITTEE ON THE BUDGET TO INSERT COMMUNICATIONS IN THE RECORD

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio (Mr. KASICH) be permitted to insert Committee on the Budget communications into the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

Mr. KASICH. Mr. Speaker, in accordance with section 218 of H. Con. Res. 290, I hereby submit for printing in the CONGRESSIONAL RECORD adjustments to the 302(a) allocation for the House Committee on Agriculture, set forth in H. Rept. 106–577, to reflect $5.5 billion in additional new budget authority and outlays for fiscal year 2000 and $1.640 billion in new budget authority and outlays for both fiscal year 2000 and $1.640 billion in new budget authority and outlays for both fiscal year 2001 and for the period of fiscal years 2001 through 2005.

Section 218 of H. Con. Res. 290 authorizes the Chairman of the House Budget Committee to increase the 302(a) allocation of the Committee on Agriculture for a conference report on a bill that provides assistance for producers of program crops and specialty crops. Under the terms of section 218, the adjustments is in the amount of budget authority provided by that bill for the specified purpose but may not exceed $5.5 billion in new budget authority and outlays for fiscal year 2000 and $1.640 billion in new budget authority and outlays for fiscal year 2001.

This adjustment is for the conference report accompanying H.R. 2559 (H. Rept. 106–300).

If you have any questions, please contact Jim Bates of my staff at 6–7270.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2000 AND THE 5-YEAR PERIOD FY 2000 THROUGH FY 2004

Mr. KASICH. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2000 and for the 5-year period of fiscal year 2000 through fiscal year 2004.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of June 15, 2000.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 290. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2000.

The second table compares the current levels of budget authority and outlays of each direct spending committee with the "section 302(a)" allocations for discretionary action made under H. Con. Res. 290 for fiscal year 2000 and fiscal years 2000 through 2004. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2000 with the revised "section 302(a)" sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act because the point of order under that section also applies to measures that would breach the applicable section 302(b) sub-allocation.

The fourth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Section 251 requires that, if at the end of a session discretionary spending in any category exceeds the limits set forth in section 251(c) (as adjusted pursuant to provisions of section 251(b)), there shall be a sequestration of funds within that category to bring spending within the established limits. This table is provided for information purposes only. Determination of the need for a sequestration is based on the report of the President required by section 254.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2000 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 290

[Reflecting action completed as of June 15, 2000—On-budget amounts, in millions of dollars]

	Fiscal year 2000	Fiscal year 2000–2004
Appropriate level (as amended):		
Budget authority	1,471,750	([1])
Outlays	1,453,390	([1])
Revenues	1,465,500	7,768,100
Current level:		
Budget authority	1,465,562	([1])
Outlays	1,44,558	([1])
Revenues	1,465,492	7,871,246
Current level over (+)/under (−) appropriate level:		
Budget authority	−6,188	([1])
Outlays	−8,832	([1])
Revenues	−8	103,146

[1] Not applicable because annual appropriations Acts for Fiscal Year 2001 through 2004 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of any measure providing new budget authority for FY 2000 of more than $6,188,000,000 (if not already included in the current level estimate) would cause FY 2000 budget authority to exceed the appropriate level set by H. Con. Res. 290.

OUTLAYS

Enactment of any measure providing new outlays for FY 2000 of more than $8,832,000,000 (if not already included in the current level estimate) would cause FY 2000 outlays to exceed the appropriate level set by H. Con. Res. 290.

REVENUES

Enactment of any measure resulting in any revenue loss for FY 2000 through 2004 in excess of $103,146,0000,000 (if not already included in the current level) would cause revenues to fall below the appropriate levels set by H. Con. Res. 290.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(a) REFLECTING ACTION COMPLETED AS OF JUNE 15, 2000

[Fiscal year, in millions of dollars]

	2000		2000–2004	
	BA	Outlays	BA	Outlays
House Committee:				
Agriculture:				
Allocation	5,500	5,500	13,489	12,533
Current level	5,500	5,500	13,485	12,559
Difference			(4)	26
Armed Services:				
Allocation				
Current level				
Difference				
Banking and Financial Services:				
Allocation				(968)
Current level				
Difference				968
Commerce:				
Allocation				
Current level			10	10
Difference			10	10
Education & the Workforce:				
Allocation				
Current level				
Difference				
Government Reform & Oversight:				
Allocation				
Current level				
Difference				
House Administration:				
Allocation				
Current level				
Difference				
International Relations:				
Allocation				
Current level				
Difference				
Judiciary:				
Allocation				
Current level			(456)	(410)
Difference			(456)	(410)
Resources:				
Allocation			121	6
Current level	7	3	13	13
Difference	7	3	(108)	7
Science:				
Allocation				
Current level				
Difference				
Select Committee on Intelligence:				
Allocation				
Current level				
Difference				
Small Business:				
Allocation				
Current level				
Difference				
Transportation & Infrastructure:				
Allocation				
Current level				
Difference				
Veterans' Affairs:				
Allocation			4,666	4,492
Current level				
Difference			(4,666)	(4,492)
Ways and Means:				
Allocation	(50)		3,012	3,064
Current level	53	52	21	20
Difference	103	52	(2,991)	(3,044)
Total authorized:				
Allocation	5,450	5,500	21,288	19,127
Current level	5,560	5,555	13,073	12,192
Difference	110	55	(8,215)	(6,935)

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2000—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(b) ·

[In millions of dollars]

	302(b) suballocations last updated on October 12, 1999[1]		Current level reflecting action completed as of June 15, 2000		Difference	
	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,882	14,346	14,614	14,830	732	484
Commerce, Justice, State	35,774	34,907	38,095	38,356	2,321	3,449
National Defense	267,692	259,130	268,605	261,933	913	2,803
District of Columbia	453	448	430	501	(23)	53
Energy & Water Development	20,190	20,140	21,094	21,275	904	1,135
Foreign Operations	12,625	13,168	15,306	13,527	2,681	359
Interior	13,888	14,354	14,769	14,833	881	479
Labor, HHS & Education	75,763	77,063	86,451	86,345	10,688	9,282
Legislative Branch	2,478	2,484	2,449	2,448	(29)	(36)
Military Construction	8,374	8,775	8,352	8,595	(22)	(180)
Transportation[2]	12,400	43,445	12,493	43,502	93	57
Treasury-Postal Service	13,706	14,115	13,761	14,231	55	116
VA-HUD-Independent Agencies	68,633	82,045	72,104	83,445	3,471	1,400
Reserve/Offsets	0	0	0	0	0	0
Unassigned[3]	22,719	14,326	0	(768)	(22,719)	(15,094)
Grand total	568,577	598,746	568,523	603,053	(54)	4,307

[1] The Appropriations Committee did not revise the fiscal year 2000 302(b) suballocations after the passage of H. Con. Res. 290.

[2] Transportation does not include mass transit BA.

[3] Unassigned refers to the allocation adjustments provided under Section 314, but not yet allocated under Section 302(b).

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SEC. 251(c) OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

[In millions of dollars]

	Defense[1]		Nondefense[1]		General purpose		Violent Crime Trust Fund		Highway category		Mass transit category	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Statutory Caps[2]	NA	NA	NA	NA	566,472	564,913	4,500	6,344	NA	24,574	NA	4,117
Current Level[3]	289,927	283,543	274,110	283,549	564,037	567,092	4,486	6,999	0	24,393	NA	4,569
Difference (Current level-caps)	NA	NA	NA	NA	−2,435	2,179	−14	655	NA	−181	NA	452

[1] Defense and nondefense categories are advisory rather than statutory.
[2] Established by OMB Budget Enforcement Act Preview Report.
[3] Consistent with H. Con. Res. 290.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 19, 2000.
Hon. JOHN R. KASICH,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2000 budget and is current through June 15, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 290, the Concurrent Resolution on the Budget for Fiscal Year 2001, which replace H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000.

Since the beginning of the second session of the 106th Congress, in addition to the changes in budget authority, outlays, and revenues from adopting H. Con. Res. 290, the Congress has cleared and the President has signed an act to amend the Food Stamp Act of 1977 (P.L. 106–171), the Omnibus Parks Technical Corrections Act of 1999 (P.L. 106–176), the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (P.L. 106–181), the Civil Asset Forfeiture Reform Act of 2000 (P.L. 106–185), and the Trade and Development Act of 2000 (P.L. 106–200). In addition, the Congress cleared for the President's signature the Agricultural Risk Protection Act of 2000 (H.R. 2559).

Sincerely,
ROBERT A. SUNSHINE
(For Dan L. Crippen, Director.)

Enclosure.

FISCAL YEAR 2000 HOUSE CURRENT STATUS REPORT AS OF JUNE 15, 2000

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	0	0	1,465,500
Permanents and other spending legislation	876,422	836,631	0
Appropriation legislation	869,318	889,756	0
Offsetting receipts	−284,184	−284,184	0
Total, enacted in previous sessions	1,461,556	1,442,203	1,465,500
Enacted this session:			
Omnibus Parks Technical Corrections Act of 1999 (P.L. 106–176)	7	3	0
Wendell H. Ford Aviation Investment & Reform Act for the 21st Century (P.L. 106–181)	2,805	0	0
Trade and Development Act of 2000 (P.L. 106–200)	53	52	−8
Total, enacted this session	2,865	55	−8

FISCAL YEAR 2000 HOUSE CURRENT STATUS REPORT AS OF JUNE 15, 2000—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Cleared pending signature:			
Agricultural Risk Protection Act of 2000 (H.R. 2559)	5,500	5,500	0
Total current level[1]	1,465,562	1,444,558	1,465,492
Total budget resolution	1,471,750	1,453,390	1,465,500
Current level over budget resolution	0	0	0
Current level under budget resolution	−6,188	−8,832	−8
Memorandum:			
Revenues, 2000–2004:			
House current level	0	0	7,871,246
House budget resolution	0	0	7,768,100
Current level over budget resolution	0	0	103,146

[1] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority or outlays for Social Security administrative expenses. As a result, current level excludes these items. In addition, for comparability purposes, current level budget authority excludes $1,159 million that was appropriated for mass transit.

Note.—P.L.=Public Law.

Source: Congressional Budget Office.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2001 AND THE 5-YEAR PERIOD FY 2001 THROUGH FY 2005

Mr. KASICH. Mr. Speaker, to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 202 and 203 of the conference report accompanying H. Con. Res. 290, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2001 and for the 5-year period of fiscal years 2001 through fiscal year 2005.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of June 15, 2000.

The first table in the report compares the current levels of total budget authority, outlays, revenues, the surplus and advance appropriations with the aggregate levels set forth by H. Con. Res. 290. This comparison is needed to implement section 311(a) of the Budget Act and sections 202 and 203(b) of H. Con. Res. 290, which create points of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2001 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays of each direct spending committee with the "section 302(a)" allocations for discretionary action made under H. Con. Res. 290 for fiscal year 2001 and fiscal years 2001 through 2005. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2001 with the revised "section 302(b)" sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act because the point of order under that section also applies to measures that would breach the applicable section 302(b) sub-allocation.

The fourth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Section 251 requires that, if at the end of a session discretionary spending in any category exceeds the limits set forth in section 251(c) (as adjusted pursuant to section 251(b)), there shall be a sequestration of amounts within that category to bring spending within the established limits. This table is provided for information purposes only. The determination of the need for a sequestration is based on the report of the President required by section 254.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2001 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 290

[Reflecting action completed as of June 15, 2000—On-budget amounts, in millions of dollars]

	Fiscal year 2001	Fiscal year 2001–2005
Approprate Level (as amended):		
Budget Authority	1,529,886	([1])
Outlays	1,495,196	([1])
Revenues	1,503,200	8,022,400
Surplus	8,004	([1])
Advance Appropriations	23,500	([1])
Current Level:		
Budget Authority	952,967	([1])
Outlays	1,149,381	([1])
Revenues	1,514,241	8,169,171
Surplus	364,860	([1])
Advance Appropriations	0	([1])
Current Level over (+)/under(−) Approprate Level:		
Budget Authority	−576,919	([1])
Outlays	−345,815	([1])
Revenues	11,041	146,771
Surplus	356,856	([1])

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2001 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 290—Continued

[Reflecting action completed as of June 15, 2000—On-budget amounts, in millions of dollars]

	Fiscal year 2001	Fiscal year 2001–2005
Advance Appropriations	−23,500	(1)

[1] Not applicable because annual appropriations Acts for Fiscal Years 2002 through 2005 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of any measure providing new budget authority for FY 2001 (if not already included in the current level estimate) in excess of $576,919,000,000 would cause FY 2001 budget authority to exceed the appropriate level set by H. Con. Res. 290.

OUTLAYS

Enactment of any measure providing new outlays for FY 2001 in excess of $345,815,000,000 (if not already included in the current level estimate) would cause FY 2001 outlays to exceed the appropriate level set by H. Con. Res. 290.

REVENUES

Enactment of any measure that would result in any revenue loss for FY 2001 in excess of $11,041,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 290.

Enactment of any measure resulting in any revenue loss for FY 2001 through 2005 in excess of $146,771,000,000 (if not already included in the current level) would cause revenues to fall below the appropriate levels set by H. Con. Res. 290.

SURPLUS

Enactment of any measure that reduces the surplus for FY 2001 by more than $356,856,000,000 (if not already included in the current level estimate)(would cause FY 2001 surplus to fall below the appropriate level set by Section 2092 of H. Con. Res. 290.

ADVANCE APPROPRIATIONS

Enactment of any measure that would result in FY 2001 advance appropriations in excess of $23,500,000,000 (if not already included in the current level estimate) would cause the FY 2001 advance appropriations to exceed the appropriate level set by Section 203(b) of H. Con. Res. 290.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(a), REFLECTING ACTION COMPLETED AS OF JUNE 15, 2000

[Fiscal years, in millions of dollars]

	2001		2001–2005	
	BA	Outlays	BA	Outlays
House Committee:				
Agriculture:				
Allocation	3,062	2,295	9,837	8,824
Current Level	3,061	2,166	9,787	8,833
Difference	(1)	(129)	(50)	9
Armed Services:				
Allocation				
Current Level				
Difference				
Banking and Financial Services:				
Allocation		(107)		(1,329)
Current Level				
Difference		107		1,329
Commerce:				
Allocation				
Current Level			15	15
Difference			15	15
Education & the Workforce:				
Allocation				
Current Level				
Difference				
Government Reform & Oversight:				
Allocation				
Current Level				
Difference				
House Administration:				
Allocation				
Current Level				
Difference				
International Relations:				
Allocation				
Current Level				
Difference				
Judiciary:				
Allocation				
Current Level	(114)	(75)	(570)	(524)
Difference	(114)	(75)	(570)	(524)
Resources:				
Allocation			162	44
Current Level	8	6	6	10
Difference	8	6	(156)	(34)
Science:				
Allocation				
Current Level				
Difference				
Select Committee on Intelligence:				
Allocation				
Current Level				
Difference				
Small Business:				
Allocation				
Current Level				
Difference				
Transportation & Infrastructure:				
Allocation				
Current Level				
Difference				
Veterans' Affairs:				
Allocation	510	479	7,280	7,037
Current Level				
Difference	(510)	(479)	(7,280)	(7,037)
Ways and Means:				
Allocation	55	25	3,035	3,038
Current Level	(47)	(47)	(29)	(28)
Difference	(102)	(72)	(3,064)	(3,066)
Total Authorized:				
Allocation	3,627	2,692	20,314	17,614
Current Level	2,908	2,050	9,209	8,306
Difference	(719)	(642)	(11,105)	(9,308)

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2001—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(b)

[In millions of dollars]

	Revised 302(b) suballocations as of June 8, 2000 (H. Rpt. 106–660)		Current level reflecting action completed as of June 15, 2000		Difference	
	BA	O	BA	O		
Agriculture, Rural Development	14,491	14,974	42	3,882	(14,449)	(11,092)
Commerce, Justice, State	34,904	35,977	283	12,279	(34,621)	(23,698)
National Defense	288,414	279,025	0	89,078	(288,414)	(189,947)
District of Columbia	414	414	0	36	(414)	(378)
Energy & Water Development	21,743	22,025	0	7,908	(21,743)	(14,117)
Foreign Operations	13,281	8,512	0	9,859	(13,281)	1,347
Interior	14,742	15,322	36	5,399	(14,706)	(9,923)
Labor, HHS & Education	97,159	91,156	18,954	64,188	(78,205)	(26,968)
Legislative Branch	2,355	2,383	0	352	(2,355)	(2,031)
Military Construction	8,634	8,684	0	6,101	(8,634)	(2,583)
Transportation[1]	14,989	48,513	20	28,651	(14,969)	(19,862)
Treasury-Postal Service	14,088	14,563	62	3,202	(14,026)	(11,361)
VA–HUD–Independent Agencies	76,194	84,154	3,561	47,808	(72,633)	(36,346)
Reserve/Offsets	0	0	0	0	0	0
Unassigned	273	273	0	768	(273)	495
Grand Total	601,681	625,975	22,958	279,511	(578,723)	(346,464)

[1] Transportation does not include mass transit BA.

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SEC. 251(c) OF THE BALANCED BUDGET & EMERGENCY DEFICIT CONTROL ACT OF 1985

[Dollars in millions]

	Defense[1]		Nondefense[1]		General purpose		Highway category		Mass transit category	
	BA	O	BA	O	BA	O	BA	O	BA	O
Statutory Caps[2]	(3)	(3)	(3)	(3)	541,095	547,279	0	26,920	(3)	4,639
Current Level	0	99,470	22,958	156,530	22,958	256,000	0	18,968	0	4,543
Difference (Current Level—Caps)	(3)	(3)	(3)	(3)	−518,137	−291,279	(3)	−7,952	(3)	−96

[1] Defense and nondefense categories are advisory rather than statutory.
[2] Established by OMB Budget Enforcement Act Preview Report.
[3] Not applicable.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 19, 2000.

Hon. JOHN R. KASICH,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2001 budget and is current through June 15, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 290, the Concurrent Resolution on the Budget for Fiscal Year 2001. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for emergency requirements, disability reviews, and adoption assistance. These revisions are required by section 314 of the Congressional Budget Act, as amended. This is my first letter for fiscal year 2001.

Since the beginning of the second session of the 106th Congress, the Congress has cleared and the President has signed an act to amend the Food Stamp Act of 1977 (P.L. 106–17), the Omnibus Parks Technical Corrections Act of 1999 (P.L. 106–176), the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (P.L. 106–181), the Civil Asset Forfeiture Reform Act of 2000 (P.L. 106–185), and the Trade and Development Act of 2000 (P.L. 106–200). In addition, the Congress cleared for the President's signature the Agricultural Risk Protection Act of 2000 (H.R. 2559).

Sincerely,
ROBERT A. SUNSHINE
(For Dan L. Crippen, Director).

Enclosure.

FISCAL YEAR 2001 HOUSE CURRENT LEVEL REPORT AS OF JUNE 15, 2000

[In millions of dollars]

	Budget (authority)	Outlays	Revenues	Surplus
Enacted in previous sessions:				
Revenues	0	0	1,514,800	
Permanents and other spending legislation	961,064	916,715	0	
Appropriation legislation[1]	0	266,010	0	
Offsetting receipts	−297,807	−297,807	0	
Total, previously enacted	663,257	884,918	1,514,800	n.a.
Enacted this session: An act to amend the Food Stamp Act of 1977 (P.L. 106–171)	1	1	0	
Omnibus Parks Technical Corrections Act of 1999 (P.L. 106–176)	8	6	0	
Wendell H. Ford Aviation Investment & Reform Act for the 21st Century (P.L. 106–181)	3,200	0	−2	
Civil Asset Forfeiture Reform Act of 2000 (P.L. 106–185)	−114	−75	−115	
Trade and Development Act of 2000 (P.L. 106–200)	−47	−47	−442	
Total, enacted this session	3,048	−115	−559	n.a.
Cleared pending signature:				
Agricultural Risk Protection Act of 2000 (H.R. 2559)	3,060	2,165	0	n.a.
Entitlements and Mandatories:				
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	283,602	262,778	0	n.a.
Total Current Level[1]	952,967	1,149,381	1,514,241	364,860
Total Budget Resolution	1,529,886	1,495,196	1,503,200	8,004
Current Level Over Budget Resolution	0	0	11,041	356,856
Current Level Under Budget Resolution	−576,919	−345,815	0	0
Memorandum:				
Revenues, 2001–2005:				
House Current Level	0	0	8,169,171	n.a.
House Budget Resolution	0	0	8,022,400	n.a.
Current Level Over Budget Resolution	0	0	146,771	n.a.
2001 Advances:				
FY 2002 House Current Level	0	0	0	n.a.
FY 2001 House Budget Resolution	0	0	23,500	n.a.
Current Level Under Budget Resolution	0	0	−23,500	n.a.

[1] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority or outlays for Social Security administrative expenses. As a result, current level excludes these items.

Source: Congressional Budget Office.
Notes.—P.L.=Public Law; n.a.=not applicable.

OPPOSE H.R. 4717

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, as chairman of the Values Action Team, I rise to bring to the Members' attention the strong opposition of many of the outside pro-family groups to the Archer-Houghton disclosure bill, H.R. 4717.

Since this bill has been broadened to include, not only 527s, but now 501(c)(4)s, (c)(5)s, (c)(6)s, and it is being marketed as a disclosure bill, the provision would result in such burdensome regulations that many of these organizations feel they would be out of business as far as issue advocacy and representing their constituencies in lobbying.

I submit for the RECORD about 30 letters from 30 organizations, including the Family Research Council, Eagle Forum, Christian Coalition, National Right to Life, Concerned Women for America, American Conservative Union, Traditional Values Coalition, U.S. Business and Industry Council, Citizens Against Government Waste, and many others, and trust that Members will take this into consideration.

The letters are as follows:

NATIONAL RIGHT TO
LIFE COMMITTEE, INC.,
Washington, DC, June 23, 2000.

DEAR MEMBER OF CONGRESS: We are writing to express the strong objections of the National Right to Life Committee (NRLC) to the punitive and unconstitutional legislation approved yesterday by the Ways & Means Committee, which is expected to come before the full House during the week of June 26.

NRLC, Inc. and its state affiliates are 501(c)(4) corporations. These organizations have non-profit status simply because they exist not to make a profit but to promote a cause—the protection of innocent human life. Contributions to 501(c)(4) corporations are not tax-deductible.

HR 4717 is being marketed as merely requiring "disclosure" by organizations, including 501(c)(4) corporations, that engage in so-called "political activities." But in fact it would impose extremely burdensome regulations on the day-to-day advocacy and grassroots lobbying activities of many long-established and respectable membership organizations, including NRLC and NRLC's state affiliates. The bill would required groups such as NRLC and NRLC affiliates to file reports with the IRS giving a "detailed description," including "the purpose and intended results," of communications to our members or to members of the public merely because those communications mention the name of a member of Congress, or Vice-president Gore or some other "candidate." (Under current federal law, the term "candidate" includes every member of Congress who has not announced his retirement, including each senator throughout his six-year term.)

These requirements are triggered by an expenditure of as little as $1,000 on any such activity. This requirement would apply, among other things, to routine grassroots alerts regarding upcoming legislative events—whether disseminated by mail, telephone, paid ads, e-mail alert systems, or websites.

Incredibly, these requirements would apply even to communications to our own members that mention the name of a member of Congress or other federal politician, if the communication "urges such members to communicate with another person or to take an action as a result of such communication." Thus, an "action alert" in the National Right to Life News, urging our members to write "letters to the editor" of local newspapers expressing support for the "Hyde Amendment," would need to be reported to the IRS. Indeed, if a group spent $1,000 on a mailing to urge its members to "pray for the defeat of the Kennedy bill," that group would be required to give a "detailed description" of that activity to the IRS, including a listing of "the candidates intended to be affected."

In addition, the bill would unconstitutionally require that our organizations report to the government—and place in the public domain—the name, address, occupation, and employer of any person who contributes $1,000 per year or more to our organizations. Stripping our best donors of privacy in this manner will expose them to harassment and exploitation by fly-by-night telemarketers and other outside parties. It would also expose them to retribution from employers or pro-abortion activists who do not agree with their support for the right-to-life cause. This is not a hypothetical concern—pro-abortion activists have in the past used boycotts and other means to "punish" businessmen and others who support pro-life causes.

Respectfully, we do not believe that the Constitution permits our elected representatives to demand that groups of citizens, organized to promote a cause, must report to government bureaucrats every instance in which they dare to utter the name of a federal politician to multiple listeners. The Constitution protects the rights of our members to associate, to express opinions on the actions of federal politicians, and to urge other citizens to communicate with their elected representatives, without being subjected to intrusive oversight by politicians, political appointees, or federal bureaucrats.

Finally, it is worth noting that the burdens imposed by HR 4417 would not apply to the largest organizational sponsor of proabortion lobbying and issue advocacy—the Planned Parenthood Federation of America (PPFA). That is because PPFA is 501(c)(3) organization, which are not covered by the bill. Private donors to PPFA obtain tax deductions, unlike donors to NRLC. Yet, because PPFA files under the special 501(h) category, PPFA can and does engage extensively in mass communications that mention the names of members of Congress (issue advocacy), including grassroots lobbying campaigns aimed at Congress. Inclusion of 501(h) organizations would not make the bill constitutional, but the exclusion of PPFA makes the bill even more outrageous.

We strongly urge you to oppose this legislation. We intend to inform our members and donors regarding how members of the House vote regarding protection of their rights to privacy and their ability to collectively petition their elected representatives.

Sincerely,

DAVID N. O'STEEN, PH.D.,
Executive Director.
DOUGLAS JOHNSON,
Legislative Director.

CHRISTIAN COALITION,
Chesapeake, VA, June 26, 2000.

DEAR MEMBER OF CONGRESS: I am writing to you about one of the most important votes for the Christian Coalition membership that you may ever cast in your career—that is the upcoming vote on campaign finance reform. The Christian Coalition strongly opposes H.R. 4717, the "Full and Fair Political Activity Disclosure Act," because of the impact it would have on the Christian Coalition as an organization by forcing us to publicly disclose the names of our donors, and because of its intrusive and burdensome reporting requirements. H.R. 4717 is a blatant violation of our constitutional right to free speech and to freedom of association. Be assured that the Christian Coalition intends to publicize to our supporters in the clearest possible terms how you vote on H.R. 4717, and the impact of your vote on the Christian Coalition.

H.R. 4717 would require the Christian Coalition and many of our affiliates to publicly report the name, address, occupation, and employer of any contributors who contribute an aggregate of $1,000 or more during the reporting period. Freedom of speech and freedom of association are two of the most fundamental rights acknowledged by the U.S. Constitution. The freedom to donate money to support controversial or unpopular views is crucial to both these rights. Activists committed to social change will never be able to lead the rest of us to a better life without the financial support of generous souls willing to sacrifice their hard earned capital as an investment for the future. H.R. 4717 would punish individuals who support political action on controversial issues. Opposition activists could target contributors for harassment, both legal and illegal. What would have happened to the Civil Rights movement of the 1950's and 60's if the KKK had access to the donor lists for the NAACP and the ACLU? Americans must never be forced to risk their jobs, their homes, their friends, or their lives merely because they choose to contribute money for causes that others may not yet understand.

The United States Supreme Court has recognized that the public disclosure of donors has "the practical effect of discouraging the exercise of constitutionally protected political rights," *Buckley* v. *Valeo*, 424 U.S. 1, 65 (1976), since "revelation of the identity of rank-and-file members expose[s] these members to economic reprisal, loss of employment, threat of physical coercion and other manifestations of public hostility." *NAACP* v. *Alabama*, 357 U.S. 449, 462 (1958). In light of the controversial issues that the Christian Coalition has been willing to stand and fight for over the years, the public reporting of our donor base cold cripple the Christian Coalition as our donations dry up.

H.R. 4717 would also require the Christian Coalition to file quarterly reports of any communications over $1,000 that involve the name or likeness of a candidate, or which meet the IRS definition of political intervention—an extremely vague and nebulous definition. But the bill goes even further and goes so far as to force disclosure of the money spent for internal communications from an organization's officers to its general membership regarding elected officials if the communication calls for the membership to take action. Even legislative alerts and other communications to our membership regarding pending legislation would need to be reported to the government if they exceed the $1,000 threshold. We reject the notion that Congress can require grassroots citizen organizations like the Christian Coalition that are organized to promote a cause, to constantly report to the government our internal communications with our membership regarding pending legislation would need to be reported to the government if they exceed the $1,000 threshold. We reject the notion that Congress can require grassroots citizen organizations like the Christian Coalition that are organized to promote a cause, to constantly report to the government our internal communications with our membership, or our communications with the public merely because they mention the name of a candidate, and be subjected to intrusive oversight by political appointees and other government employees.

It is particularly offensive that H.R. 4717 applies to groups like the Christian Coalition, but not to the Planned Parenthood Federation of America, a 501c3 organization that is the largest organizational sponsor of pro-abortion lobbying.

On behalf of the members and supporters of the Christian Coalition, I urge you to stand up for the rights of our membership and vote against H.R. 4717.

Sincerely,

SUSAN T. MUSKETT,
Director, Legislative Affairs.

EAGLE FORUM,
June 23, 2000.

DEAR SPEAKER HASTERT, MAJORITY LEADER ARMEY, AND MAJORITY WHIP DELAY: On behalf of Eagle Forum members nationwide, I am writing in strong opposition to the Full and Fair Political Activity Disclosure Act of 2000 (H.R. 4717), which was approved by the Ways and Means Committee yesterday. This bill gives the federal government the authority to police the activities of section 527, 501(c)(4), 501(c)(5), and section 501(c)(6) organizations.

Eagle Forum functions as a 501(c)(4) tax-exempt organization and does not receive tax-deductible contributions. While H.R. 4717 is being marketed as a "disclosure" bill, implementing its provisions would result in burdensome paperwork that would take a heavy toll on our day-to-day activities and grassroots lobbying. Once Eagle Forum spends $10,000 on legislative activities that merely mention the name of a Member of Congress or a candidate, we would be required to file reports with the Internal Revenue Service giving a "detailed description . . . including the purpose and intended results" of our communications. We do not want the IRS knocking on our door every time we send an alert, conduct a postcard campaign, or generate phone calls.

It is Eagle Forum's policy to respect and protect the privacy of our members. Therefore, we do not rent or share our lists. However, H.R. 4717 would force us to report to the government, thereby placing in the public domain, the name, address, occupation, and employer of any person who contributes $1,000 or more in one year to Eagle Forum. This requirement would force our members into the public sphere despite our long-standing policy of protecting our members' privacy, which is guaranteed by the First Amendment, see *NAACP* v. *Patterson*, 357 U.S. 449 (1958).

Finally, our system of government relies on citizen participation. The U.S. Constitution does not give federal government the authority to police or force organizations, such as Eagle Forum, to report to government bureaucrats. Freedom of speech and association are fundamental principles. Yet, H.R. 4717 replaces these freedoms with intrusive government oversight.

I urge you to pull the bill from the legislative calendar. If this bill in fact reaches the floor, I encourage you to oppose it. Eagle Forum members in your district will be waiting to hear our report on how you voted.

Faithfully,

PHYLLIS SCHLAFLY,
President.

FAMILY RESEARCH COUNCIL,
Washington DC, June 26, 2000.

Re: HR 4717, "Exempt Organization Political Activity Disclosure Act of 2000"

DEAR MEMBER OF CONGRESS: The Family Research Council urges you in the strongest possible terms to vote "NO" on the "Exempt Organization Political Activity Disclosure Act of 2000" (H.R. 4417) and the Doggett substitute. These measures would unconstitutionally restrict First Amendment freedom of speech rights and permit the government to intrude egregiously on the privacy of millions of Americans. The measures also would impose an undue burden on the constitutional right to petition government for the grievances and unnecessarily limit freedom of association.

Requiring non-profit organizations to report all contributions in excess of $1,000 would needlessly expose donors to possible harassment, reprisals and public abuse. The U.S. Supreme Court already has ruled that non-profit donor confidentiality is constitutional and an important privacy protection for those who wish to exercise their constitutional rights by expressing their opinions on matters of public policy. Two weeks ago, a federal appeals court struck down a Vermont law that sought to force disclosure by groups that sponsor issue ads. "The constitutional defects are particularly serious because of their impact on anonymous communications, which have played a central role in the development of free expression and democratic governance," the appeals court said.

Information regarding donors, moreover, is proprietary. Making such information public through government agencies would allow competing groups, unscrupulous hucksters or other outside parties to target an organization's supporters.

Extending donor reporting requirements to non-profit organizations is unneeded. Such organizations already are "explicitly barred from having a primarily electoral purpose." H.R. 4417 has nothing to do with "campaign finance." It would, however, subject non-profit organizations to unwarranted government scrutiny when they are engaged in good faith, lawful public policy advocacy. This requirement would have a profound chilling effect on public policy debate and almost all grassroots issues advocacy.

H.R. 4417 would inappropriately cede too much power to the IRS to scrutinize the daily activities of issue advocacy groups. The bill would not only require the reporting of gifts and contributions to non-profit organizations, but would compel them to disclose the "purpose and intended results" of such donations. This would drive the IRS into the mind-reading business. The potential here for abuses of power or manipulation of the tax-collecting agency for political purposes is painfully self-evident. H.R. 4417 effectively would empower the government to control and limit public debate on policy issues or pending legislation. This would be fatal to participatory democracy.

Our nation's founders neither intended nor imagined that one day American citizens would be required to subject themselves to the dictates of the government, federal bureaucrats or political appointees, or be required to obtain permission simply to exercise their unalienable rights. The Constitution protects the rights of the American people to freely associate, to petition their elected representatives and express their opinions individually or collectively without intrusive oversight by the government.

The Family Research Council strongly urges you to oppose the misguided provisions contained in H.R. 4417 and the Doggett substitute.

Sincerely,

CHARLES A. DONOVAN,
Executive Vice President.

CONCERNED WOMEN FOR AMERICA,
Washington, DC, June 26, 2000.

Hon. JOE PITTS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE PITTS, Concerned Women for America (CWA) is writing to express our firm opposition to the Houghton 527 amendment. This amendment *threatens the future of "issue advocacy"* for many non-profit public policy groups.

This measure is over-broad and attempts to solve a perceived problem with one type of organization by targeting even 501(c)(4) non-profit educational groups. Reporting their donors is wholly unwarranted and a violation of the donor's right of association.

Furthermore, the IRS definition of "political activity" is vague and may change in the future. Organizations which in good faith attempt law-abiding efforts to further their public policy agenda could be held hostage by the IRS and this legislation.

This measure has been hastily drawn and it shows. Therefore, the over 500,000 members of Concerned Women for America urge the House of Representatives and House leadership to oppose the Houghton 527 amendment.

Sincerely,

BEVERLY LAHAYE,
Chairman and Founder.

June 23, 2000.

HON. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT: A vote on a bill sponsored by Representative Amo Houghton (R–NY) in regard to disclosure of tax-exempt group's political activities is scheduled to take place prior to the Congressional July 4th recess. This vote should be postponed.

The signers of this letter are gravely concerned that this important issue is being treated with undue haste. Hasty, ill-considered legislation may not only fail to address the problem this legislation purports to solve, by may also broadly impact all public policy organizations.

The current version of the "Exempt Organization Political Activity Disclosure Act of 2000" suffers from several drafting problems. The legislation includes language which would require the Internal Revenue Service to hire mind readers to conduct audits by establishing an intent standard (e.g. page 2, lines 12 & 13: "The intended results for the major categories of expenditures").

Exactly how the IRS will verify compliance with the reporting requirements this legislation imposes on all law-abiding 501(c)(4) organizations also merits scrutiny. Will an organization's entire computer membership file be turned over to the IRS during an audit in order to allow the IRS computers to search for undisclosed donors? The security of this information, which is the lifeblood of any organization, may well be compromised if accessed by persons opposed to the organization's beliefs.

This chilling effect of membership disclose on Constitutionally-protected activity has been addressed by the Supreme Court in NAACP v. Alabama 78 S. Ct. 1163 (1958): "It is hardly a novel perception that compelled disclosure of affiliation with groups engaged in advocacy may constitute a(n) effective restraint on freedom of association."

Please postpone consideration of the "Exempt Organization Political Activity Disclosure Act of 2000" until affected organizations and concerned Members of Congress can properly and fully evaluate the scope and impact of this legislation.

(Titles and organizations of signers listed for identification purposes only)

Paul Weyrich, National Chairman, Coalitions for America; Beverly LaHaye, Founder and Chairman, Concerned Women for America; David Keene, Chairman, American Conservative Union; Larry Pratt, Executive Director, Gun Owners of America; Rev. Lou Sheldon, Chairman, Traditional Values Coalition; Gordon S. Jones, President, Association of Concerned Taxpayers; Joe Glover, President, Family Policy Network; Ronald W. Pearson, Executive Director, Conservative Victory Fund Kent Snyder, Executive Director, Liberty Study Committee; Joe Douglas, Director, Redwood Institute; Dr. Emillio-Adolpho Rivera, Popular Republican Party of Cuba; Tom DeWeese, President, American Policy Center; David N. O'Steen, Ph.D., Executive Director, National Right to Life Committee; Tom Schatz, President, Council for Citizens Against Government Waste; Kevin L. Kearns, President, U.S. Business and Industry Council; Linda Chavez, President, One Nation Indivisible; Jennifer Bingham, Executive Director, Susan B. Anthony List; C. Preston Noell, III, President, Traditio, Family, Property, Inc.; Jim Boulet, Jr., Exeutive Director, English First; Laszlo Pasztor, Honorary Chairman, National Republican Heritage Groups Council; Juraj Slavik, Washington Representative, Czechoslovak National Council of America; Jack Clayton, Washington Representative, Public Advocate; Joan Hueter, American Council for Immigration Reform; Wes Vernon, Writer & Broadcaster.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 31 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 0329

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 3 o'clock and 29 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4461, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–704) on the resolution (H. Res. 538) providing for consideration of the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4680, MEDICARE RX 2000 ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–705) on the resolution (H. Res. 539) providing for consideration of the bill (H.R. 4680) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1309. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

The Committee on House Administration reports that on June 27, 2000 they presented to the President of the United States, for his approval, the following bills:

H.R. 642. To redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building".

H.R. 643. To redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building".

H.R. 2460. To designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the "Jay Hanna 'Dizzy' Dean Post Office".

H.R. 2357. To designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the "Louise Stokes Post Office".

H.R. 2307. To designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building".

H.R. 1666. To designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office".

H.R. 2591. To designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the "William H. Avery Post Office".

H.R. 2952. To redesignate the facility of the United States Post Office located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station".

H.R. 3018. To designate certain facilities of the United States Postal Service in South Carolina.

H.R. 3699. To designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building".

H.R. 3701. To designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building".

H.R. 3903. To deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

H.R. 4241. To designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building".

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 clock and 30 minutes a.m.), the House adjourned until today, Wednesday, June 28, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8373. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Mancozeb; Reestablishment of Tolerance for Emergency Exemptions [OPP–301001; FRL–6556–9] (RIN: 2070–AB78) received May 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8374. A letter from the Secretary of Defense, transmitting notification of munitions disposal, pursuant to 50 U.S.C. 1512(4); to the Committee on Armed Services.

8375. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting the TRICARE Program Effectiveness Interim Evaluation Report for March 2000; to the Committee on Armed Services.

8376. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research—received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8377. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District [CA 240–0237a; FRL–6602–2] received May 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8378. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Antelope Valley Air Pollution Control District [CA 226–0186a; FRL–6606–3] received May 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8379. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: To amend the EPA Acquisition Regulation Clause 1552.216–70, Award fee [FRL–6606–6] (RIN: 2030–AA74) received May 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8380. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan; South Dakota; New Source Performance Standards [SD–001–0010 & SD–001–0011; FRL–6603–1] received May 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8381. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Iowa; Correction [IA 104–1104; FRL–6702–9] received May 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8382. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 00–36), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8383. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for the Taipei Economic and Cultural Representative Office [Transmittal No. 0A–00], pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on International Relations.

8384. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Italy, Sweden, Norway, Germany, Australia, UAE (Transmittal No. DTC 008–00), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8385. A letter from the Assistant General Counsel for Regulatory Law, Office of Arms Control and Nonproliferation, Department of Energy, transmitting the Department's final rule—Assistance to Foreign Atomic Energy Activities (RIN: 1992–AA24) received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8386. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 1999 Report on IAEA Activities in Countries Described in Section 307 (a) of the Foreign Assistance Act, pursuant to Public Law 105—277; to the Committee on International Relations.

8387. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Addition—received May 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8388. A letter from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting the Department's final rule—Privacy Act of 1974; Implementation [AAG/A Order No. 196–2000] received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8389. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General ending October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8390. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Definition of Napa County, CA, to a Nonappropriated Fund Wage Area (RIN: 3206–AI86) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8391. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Washington, MD, Nonappropriated Fund Wage Area (RIN: 3206–AI97) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8392. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systemsl Abolishment of the Dubuque, IA, Appropriated Fund Wage Area (RIN: 3206–AI90) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8393. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Administrative Fines [Notice 2000–10] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

8394. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off the West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2000 Management Measures [Docket No. 0005–0119–01; I.D. 042400J] (RIN: 0648–AN81) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8395. A letter from the Assistant Administrator for Fisheries, National Marine Fisherie's Service, National Oceanic and Atmospheric Administration, transmitting the Administratition's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program [Docket No. 00424110–0110–01; I.D. 040600A] (RIN: 0648–AO01) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8396. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Prohibitation of Nonpelagic Trawl Gear in the Bering Sea and Aleutian Islands Pollock Fishery [Docket No. 991221345–0108–02; I.D. 113099B] (RIN: 0648–AL30) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8397. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Catch Specifications for Gulf Group King and Spanish MACKerel [Docket No. 991112303–0069–02; I.D. 100499A] (RIN: 0648–AM01) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8398. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting the Department's final rule—St. Marys Falls Canal and Locks, Michigan; Use, Administration and Navigation—received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8399. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Allocation of Fiscal Year 2000 Youth and the Environment Training and Employment Program Funds—received May 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8400. A letter from the the Board of Trustees, Federal Hospital Insurance Trust Fund, the Department of Health and Human Services, transmitting the Amended 2000 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 106—262); to the Committee on Ways and Means and ordered to be printed.

8401. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—June 2000 Applicable Federal Rates [Rev. Rul. 2000–28] received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8402. A letter from the Legislative Liaison, Trade and Development Agency, transmitting a prospective funding obligation which requires special notification under section

520 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000; jointly to the Committees on Appropriations and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 4717. A bill to amend the Internal Revenue Code of 1986 to require 527 organizations and certain other tax-exempt organizations to disclose their political activities; with an amendment (Rept. 106–702). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 4680. A bill to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes; with an amendment (Rept. 106–703 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 538. Resolution providing for consideration of the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–704). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 539. Resolution providing for consideration of the bill (H.R. 4680) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes (Rept. 106–705). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Commerce discharged. H.R. 4680 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4680. Referral to the Committee on Commerce extended for a period ending not later than June 27, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOUGHTON:

H.R. 4762. A bill to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities; to the Committee on Ways and Means.

By Mr. CONDIT:

H.R. 4763. A bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes; to the Committee on Government Reform.

By Mr. EWING (for himself, Mr. MCCRERY, and Mr. THOMAS):

H.R. 4764. A bill to require the United States Trade Representative to enter into negotiations to eliminate price controls imposed by certain foreign countries on prescription drugs; to the Committee on Ways and Means.

By Mr. QUINN (for himself, Mr. FILNER, Mr. STUMP, and Mr. EVANS):

H.R. 4765. A bill to amend title 38, United States Code, to improve employment and training services provided to veterans and disabled veterans by requiring the use of measurable performance outcomes in an era of electronic-based self services and one-stop career service centers; to the Committee on Veterans' Affairs.

By Mr. GOODLING (for himself, Mr. ISAKSON, Mr. CASTLE, Mr. MCKEON, Mr. PETRI, Mr. UPTON, and Mr. FLETCHER):

H.R. 4766. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize the appropriation of funds to assist States and local educational agencies with the expenses of Federal education statutory requirements and priorities relating to infrastructure, technology, and equipment; to the Committee on Education and the Workforce.

By Mr. GREENWOOD:

H.R. 4767. A bill to suspend temporarily the duty on Exisulind; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4768. A bill to provide compensation to individuals who are injured by an escaped prescribed fire and to amend the tort procedure provisions of title 28, United States Code, relating to claims for such fires, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 4769. A bill to amend the Communications Act of 1934 to prohibit the imposition of time-based access charges on Internet telephony; to the Committee on Commerce.

By Mr. GEPHARDT (for himself, Mr. HOEFFEL, Mr. BONIOR, Mr. RANGEL, Mr. DINGELL, Mr. STARK, Mr. BROWN of Ohio, Mr. MATSUI, Mr. COYNE, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mr. TANNER, Mr. BECERRA, Mrs. THURMAN, Mr. DOGGETT, Mr. WAXMAN, Mr. MARKEY, Mr. BOUCHER, Mr. PALLONE, Mr. STUPAK, Mr. ENGEL, Mr. GREEN of Texas, Mr. ALLEN, Mr. BACA, Mr. BENTSEN, Ms. BERKLEY, Mr. BISHOP, Mrs. CAPPS, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. CAPUANO, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CONYERS, Mr. COSTELLO, Mr. CUMMINGS, Ms. DANNER, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DIXON, Mr. DOYLE, Mr. EDWARDS, Mr. EVANS, Mr. FARR of California, Mr. FORBES, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HILLIARD, Ms. NORTON, Mr. HOYER, Mr. INSLEE, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KUCINICH, Mr. LAMPSON, Mr. LANTOS, Ms. LEE, Mrs. LOWEY, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. MEEHAN, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. MOAKLEY, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. PASCRELL, Mr. PASTOR, Ms. PELOSI, Mr. PHELPS, Mr. POMEROY, Mr. REYES, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. SANCHEZ, Mr. SANDLIN, Mr. SKELTON, Ms. SLAUGHTER, Mr. SNYDER, Mr. SPRATT, Ms. STABENOW, Mrs. JONES of Ohio, Mr. TURNER, Mr. UDALL of New Mexico, Mr. UNDERWOOD, Mr. WEYGAND, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 4770. A bill to amend title XVIII of the Social Security Act to provide a prescription medicine benefit under the Medicare Program, to enhance the preventive benefits covered under such program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 4771. A bill to amend title XVIII of the Social Security Act to provide increased access to health care for Medicare beneficiaries through telemedicine; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 4772. A bill to provide for prices of pharmaceutical products that are fair to the producer and the consumer, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 4773. A bill to provide for the conservation and rebuilding of overfished stocks of Atlantic highly migratory species of fish, and for other purposes; to the Committee on Resources.

By Mr. WALDEN of Oregon:

H.R. 4774. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes; to the Committee on Resources.

By Mr. WELDON of Florida:

H.R. 4775. A bill to direct the Secretary of the Army to mitigate the adverse impacts of shoreline erosion in Brevard County, Florida, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TALENT:

H. Res. 533. A resolution providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 2614; considered and agreed to.

By Mr. SPENCE (for himself, Mr. SKELTON, Mr. HUNTER, Mr. SISISKY, Mr. WELDON of Pennsylvania, Mr. THORNBERRY, and Mrs. TAUSCHER):

H. Res. 534. A resolution expressing the sense of the House of Representatives that the recent nuclear weapons security failures at Los Alamos National Laboratory demonstrate that security policy and security procedures within the National Nuclear Security Administration remain inadequate, that the individuals responsible for such policy and procedures must be held accountable for their performance, and that immediate action must be taken to correct security deficiencies; to the Committee on Armed Services.

By Mr. BILBRAY (for himself and Mrs. Wilson):

H. Res. 535. A resolution expressing the sense of the House of Representatives concerning use of additional projected surplus funds to supplement Medicare funding, previously reduced under the Balanced Budget Act of 1997; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALDACCI (for himself, Mr. Frost, Mr. Hinchey, Mr. Kildee, Mr. Jackson of Illinois, Mr. Hilliard, Mr. Boswell, Mr. Green of Texas, Mr. Brady of Pennsylvania, Mr. Capuano, Mr. Pascrell, Mr. Doyle, Mr. Holden, and Mr. George Miller of California):

H. Res. 536. A resolution expressing the sense of the House of Representatives that the Board of Governors of the Federal Reserve System should take action to reduce interest rates; to the Committee on Banking and Financial Services.

By Mrs. THURMAN (for herself and Mr. Shaw):

H. Res. 537. A resolution expressing the sense of the House of Representatives with respect to the serious national problems associated with polycystic kidney disease; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 61: Mr. Bonior.

H.R. 141: Mr. Evans, Mr. Saxton, and Mr. Tierney.

H.R. 303: Mr. Ortiz and Mr. Walsh.

H.R. 363: Mr. Owens, Mr. Cook, Mr. Romero-Barcelo, and Mr. Goode.

H.R. 372: Mr. Baca, Mr. Brady of Pennsylvania, Mrs. Capps, Mr. Lantos, and Mr. Peterson of Minnesota.

H.R. 460: Mr. Doolittle, Ms. Brown of Florida, and Ms. Lee.

H.R. 531: Ms. Schakowsky and Mr. Doyle.

H.R. 583: Mr. Canady of Florida and Ms. Brown of Florida.

H.R. 783: Mr. Tierney and Mr. Boswell.

H.R. 904: Mr. Olver and Mr. Baird.

H.R. 960: Mr. Franks of New Jersey.

H.R. 1116: Mr. Hutchinson.

H.R. 1122: Mr. Bentsen.

H.R. 1146: Mr. Salmon.

H.R. 1311: Mr. Isakson.

H.R. 1560: Mr. Herger.

H.R. 1824: Mr. Hinojosa and Mr. Foley.

H.R. 1870: Ms. Brown of Florida.

H.R. 1976: Mr. Barrett of Wisconsin and Mr. Andrews.

H.R. 2273: Mrs. Myrick.

H.R. 2308: Mr. Calvert.

H.R. 2451: Mr. Doyle.

H.R. 2457: Mr. Jefferson, Ms. Berkley, and Mr. Bentsen.

H.R. 2538: Ms. McCarthy of Missouri.

H.R. 2624: Mr. Smith of Washington.

H.R. 2738: Mr. Davis of Florida.

H.R. 2814: Mr. Hilleary.

H.R. 2882: Ms. Schakowsky.

H.R. 2892: Mr. Jefferson.

H.R. 3003: Ms. Lee, Mr. Bonior, and Mr. Canady of Florida.

H.R. 3032: Mr. Costello.

H.R. 3144: Ms. Brown of Florida.

H.R. 3250: Mr. Dickey.

H.R. 3433: Mr. Price of North Carolina, Mr. Boehlert, and Mr. Kildee.

H.R. 3453: Mr. Visclosky.

H.R. 3517: Mr. Holt, Mr. Nethercutt, Mr. Costello, Mr. Etheridge, Mr. Doyle, Mr. Hutchinson, and Mr. Schaffer.

H.R. 3561: Ms. Pelosi and Mr. Wexler.

H.R. 3580: Mr. Ney, Mr. Stenholm, Mr. Hinojosa, Mr. Inslee, Mr. Houghton, Mr. Sabo, Mrs. Northup, Mr. Hansen, and Mr. Hastings of Washington.

H.R. 3590: Mr. Hilleary.

H.R. 3610: Ms. Woolsey and Mr. Tierney.

H.R. 3625: Mr. Smith of Washington, Mr. Wise, and Mr. Combest.

H.R. 3634: Mr. McDermott.

H.R. 3676: Mr. Andrews, Mr. Ehrlich, Mr. Manzullo, Mr. Goodlatte, Mr. Young of Florida, Mr. Quinn, Mr. Spence, Ms. Millender-McDonald, Mr. Cannon, Mr. Bachus, Mr. Canady of Florida, Mr. Hayes, Mr. Moakley, Ms. Schakowsky, Mr. Ewing, Mr. Jackson of Illinois, Mrs. Kelly, Mr. Nethercutt, Mrs. Capps, Mr. Dooley of California, Mr. Horn, Mr. Saxton, Mr. Stearns, Mr. Cox, Mr. Diaz-Balart, and Mrs. Cubin.

H.R. 3677: Mr. LoBiondo, Mr. Duncan, and Mr. McKeon.

H.R. 3798: Ms. Lee.

H.R. 3800: Mr. Sandlin.

H.R. 3825: Ms. Woolsey.

H.R. 3844: Mr. Thornberry.

H.R. 3850: Mr. Sawyer.

H.R. 3880: Mr. Hilleary.

H.R. 4033: Mr. Young of Alaska and Ms. Kilpatrick.

H.R. 4046: Ms. Woolsey.

H.R. 4049: Mr. Isakson and Mr. Shimkus.

H.R. 4066: Mr. Blumenauer and Mr. Borski.

H.R. 4100: Mrs. Christensen.

H.R. 4157: Mr. Farr of California, Mr. Dooley of California, Mrs. Capps, and Ms. Millender-McDonald.

H.R. 4211: Ms. Brown of Florida.

H.R. 4219: Mr. Engel, Mr. Radanovich, Mr. Udall of Colorado, Mr. Weiner, Mr. Whitfield, and Mr. Romero-Barcelo.

H.R. 4290: Mr. Gejdenson.

H.R. 4292: Mr. Shadegg and Mr. Weldon of Florida.

H.R. 4320: Mr. Saxton.

H.R. 4328: Mr. Kolbe.

H.R. 4362: Mr. Wynn.

H.R. 4383: Mr. Matsui.

H.R. 4410: Mr. Delahunt, Mr. Romero-Barcelo, Mr. Kennedy of Rhode Island, and Mr. Allen.

H.R. 4412: Ms. Lee.

H.R. 4467: Mr. Hill of Indiana.

H.R. 4487: Ms. McCarthy of Missouri.

H.R. 4492: Mr. Boyd, Mr. Frank of Massachusetts, Mr. Mascara, Mr. Taylor of North Carolina, Mr. Hobson, Ms. Lee, and Mr. Spence.

H.R. 4502: Mr. Baker, Mr. Blunt, Mr. McIntosh, Mr. McInnis, Mr. Buyer, Mr. Boswell, Mr. Nussle, Mr. English, Mr. Peterson of Minnesota, Mr. Hilliard, Mr. Thune, Mr. Phelps, Mr. Pickett, and Mrs. Chenoweth-Hage.

H.R. 4508: Mr. Allen and Mr. Coyne.

H.R. 4539: Mr. Wexler and Mr. Berman.

H.R. 4547: Mr. Buyer and Mr. Hoekstra.

H.R. 4548: Mr. Quinn.

H.R. 4565: Mr. George Miller of California, Mrs. McCarthy of New York, Ms. Woolsey, Ms. Rivers, Mr. DeFazio, Mrs. Tauscher, Mr. Tanner, Mr. Forbes, Ms. Stabenow, Mr. Boswell, Mrs. Emerson, Ms. Kilpatrick, and Mr. Lantos.

H.R. 4566: Mr. Sawyer, Mr. Filner, and Mr. Mollohan.

H.R. 4596: Mr. Clay and Ms. Brown of Florida.

H.R. 4607: Mr. Farr of California.

H.R. 4651: Mr. McDermott.

H.R. 4652: Mr. Sanders and Mr. Hinchey.

H.R. 4659: Ms. McKinney, Ms. Ros-Lehtinen, and Mrs. Myrick.

H.R. 4660: Mr. Hostettler and Mr. McInnis.

H.R. 4687: Mr. Nadler, Ms. Pelosi, Mr. Hinchey, Mr. Stark, Mr. Bonior, Mr. Andrews, Mrs. Mink of Hawaii, Mr. Farr of California, Ms. McCarthy of Missouri, Mr. Sawyer, Mr. Kucinich, and Mr. Watt of North Carolina.

H.R. 4711: Mr. Watt of North Carolina.

H.R. 4712: Mr. Bryant.

H.R. 4722: Mr. Abercrombie.

H.R. 4727: Mr. Smith of Washington, Mr. Rodriguez, Mr. Rahall, Mr. McNulty, Mr. Baldacci, Mr. Ney, Mr. Towns, Mr. Peterson of Minnesota, Mr. Tierney, and Mrs. Christensen.

H.R. 4734: Mr. Metcalf.

H.R. 4742: Mr. Hill of Indiana.

H.R. 4750: Mrs. McCarthy of New York.

H.J. Res. 102: Mr. Hutchinson, Mr. Sweeney, and Mr. Ryan of Wisconsin.

H. Con. Res. 62: Mr. Meehan.

H. Con. Res. 276: Mr. McHugh.

H. Con. Res. 322: Mr. Bereuter and Mr. Hastings of Florida.

H, Con. Res. 327: Mr. Ehrlich, Ms. McKinney, Mr. Stump, and Mr. Lantos.

H. Con. Res. 348: Ms. Waters, Mrs. Maloney of New York, Ms. Schakowsky, Mr. DeFazio, Mr. Gutierrez, Mr. Gejdenson, and Mr. Blumenauer.

H. Con. Res. 350: Ms. Waters and Mr. Inslee.

H. Res. 347: Mr. Bonior.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1598: Mr. McCollum.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

Offered By: Mr. Brown of Ohio

Amendment No. 37: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to approve any application for a new drug submitted by an entity that does not agree to publicly disclose, on a quarterly basis during the patent life of the drug, the average price charged by the manufacturer for the most common dosage of the drug (expressed as total revenues divided by total units sold) in each country that is a member of the Organisation for Economic Co-operation and Development.

H.R. 4461

Offered By: Mr. Brown of Ohio

Amendment No. 38: Page 58, line 4, insert after the colon the following: "*Provided further*, That $3,000,000 may be for activities carried out pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act with respect to new animal drugs, in addition to the amounts otherwise available under this heading for such activities:".

H.R. 4461

Offered By: Mr. DeFazio

Amendment No. 39: Insert before the short title the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. Notwithstanding any other provision of this Act, not more than $28,684,000 of the funds made available in this Act may be used for Wildlife Services Program operations under the heading "Animal and Plant Health Inspection Service", and none of the funds appropriated or otherwise made available by this Act for Wildlife Services Program operations to carry out the first section of the Act of March 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild animals for the purpose of protecting stock.

H.R. 4461

Offered By: Mr. DeFazio

Amendment No. 40: Insert before the short title the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. Notwithstanding any other provision of this Act, not more than $35,636,999 of the funds made available in this Act may be used for Wildlife Services Program operations under the heading "Animal and Plant Health Inspection Service", and none of the funds appropriated or otherwise made available by this Act for Wildlife Services Program operations to carry out the first section of the Act of March 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild animals for the purpose of protecting stock.

H.R. 4461

Offered By: Mr. Knollenberg

Amendment No. 41: Strike Section 734 and insert as Section 734:

None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol; Provided further, the limitation established in this section shall not apply to any activity otherwise specifically authorized by law.

H.R. 4461

Offered By: Mr. Kucinich

Amendment No. 42: Page 58, line 4, insert after the colon the following: "*Provided further*, That $500,000 is available for the purpose of drafting guidance for industry on how to assess genetically engineered food products for allergenicity until a predictive testing methodology is developed, and reporting to the Congress on the status of the guidance by September 1, 2001; for the purpose of making it a high agency priority to develop a predictive testing methodology for potential food allergens in genetically engineered foods; and for the purpose of reporting to the Congress by April 30, 2001, on research being conducted by the Food and Drug Administration and other Federal agencies concerning both the basic science of food allergy and testing methodology for food allergens, including a prioritized description of research needed to develop a predictive testing methodology for the allergenicity of proteins added to foods via genetic engineering and what steps the Food and Drug Administration is taking or plans to take to address these needs:".

H.R. 4461

Offered By: Mr. Miller of Florida

Amendment No. 43: Page 31, after line 5, insert the following:

PURCHASES OF RAW OR REFINED SUGAR

For fiscal year 2001, the Commodity Credit Corporation shall not expend more than $54,000,000 for purchases of raw or refined sugar from sugarcane or sugar beets.

H.R. 4461

Offered By: Mr. Miller of Florida

Amendment No. 44: Page 10, line 23, insert "(reduced by $54,000,000)" after "$850,384,000".

Page 19, line 4, insert "(increased by $20,000,000)" after "$470,000,000".

Page 32, line 8, insert "(increased by $5,000,000)" after "$676,812,000".

Page 34, line 8, insert "(increased by $3,500,000)" after "$83,423,000".

Page 36, line 13, insert "(increased by $10,000,000)" after "$41,015,000".

Page 37, line 10, insert "(increased by $5,000,000)" after "$775,837,000".

Page 37, line 11, insert "(increased by $5,000,000)" after "$33,150,000".

Page 50, line 11, insert "(increased by $1,000,000)" after "$4,067,000,000".

Page 51, line 2, insert "(increased by $5,000,000)" after "$6,000,000".

Page 51, line 21, insert "(increased by $1,500,000)" after "$21,231,933,000".

H.R. 4461

Offered By: Mr. Miller of Florida

Amendment No. 45: Insert before the short title the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. None of the funds appropriated or otherwise made available by this Act to the Department of Agriculture may be used to pay the salaries and expenses of personnel who issue, under section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272), any nonrecourse loans to sugar beet or sugar cane processors.

H.R. 4461

Offered By: Mr. Miller of Florida

Amendment No. 46: Insert before the short title the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. None of the funds appropriated or otherwise made available by this Act to the Department of Agriculture may be used to pay the salaries and expenses of personnel in fiscal year 2001 to store, maintain, market, transport, donate, or otherwise dispose of raw or refined sugar that has been purchased by the Secretary of Agriculture or the Commodity Credit Corporation in excess of quantity of raw or refined sugar so purchased during fiscal year 1999.

H.R. 4461

Offered By: Mr. Royce

Amendment No. 47: Page 96, after line 7, insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. ACROSS-THE-BOARD PERCENTAGE REDUCTION.

Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by one percent.

H.R. 4461

Offered By: Mr. Sanford

Amendment No. 48: Insert before the short title the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. None of the funds appropriated or otherwise made available by this Act to the Department of Agriculture may be used to pay the salaries and expenses of personnel who make payments to producers of wool and mohair under section 204(d) of the Agricultural Risk Protection Act of 2000.

H.R. 4461

Offered By: Mr. Sanford

Amendment No. 49: Page 13, line 17, insert after the dollar amount the following: "(reduced by $14,406,000)".

Page 13, line 24, insert after the dollar amount the following: "(reduced by $14,406,000)".

H.R. 4733

Offered By: Ms. Brown of Florida

Amendment No. 13: Page 33, after line 2, insert the following new section:

Sec. 311. The Secretary of Energy shall expeditiously conduct a program of research into alternative energy resources capable of mitigating United States dependence on foreign oil, and shall promote the use by the Federal Government, and the development and use by the private sector, of any alternative energy resource the Secretary considers a proven resource that is not cost-prohibitive.

H.R. 4733

Offered By: Mr. Camp

Amendment No. 14: Page 33, after line 2, insert the following new section;

Sec. 311. Upon the requests of an oil company incorporated in the United States, or at the discretion of the Secretary of Energy, the Secretary may enter into an arrangement with such company under which the company receives petroleum product from the Strategic Petroleum Reserve in exchange for a commitment to replace an equal amount of petroleum product into the Strategic Petroleum within 1 year after the date of withdrawal.

H.R. 4733

Offered By: Mr. Hansen

Amendment No. 15: Page 39, after line 19, insert the following new section:

Sec. 607. No funds appropriated under this Act shall be expended for the purpose of processing, granting, or otherwise moving forward a license, permit, or other authorization or permission for the interim storage of spent nuclear fuel, low-level radioactive waste, or high-level radioactive waste on any reservation lands of the Skull Valley Band of Goshute Indians.

H.R. 4733

Offered By: Mr. Ney

Amendment No. 16: Page 20, line 8, after the dollar amount insert "(reduced by $3,000,000)".

Page 20, line 5, after the dollar amount insert "(reduced by $3,000,000)".

Page 33, line 13, after the dollar amount insert "(increased by $3,000,000)".

H.R. 4733

OFFERED BY: MR. STEARNS

AMENDMENT NO. 17: Page 39, after line 19, insert the following new section:

SEC. 607. None of the funds provided by this Act may be used for travel expenses incurred by the Secretary of Energy or the Deputy Secretary of Energy before January 20, 2001, other than for official business conducted before the Congress.

EXTENSIONS OF REMARKS

TRIBUTE TO THE LATE ANNE SPERRY RULE

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. FOLEY. Mr. Speaker, this Friday, June 30, 2000, the ashes of Anne Sperry Rule will be laid to rest with her late husband, Col. Richard Rule, in a ceremony at Arlington National Cemetery.

Anne was an overly dedicated, respected and well loved member of her community. Anne would not want us to be sad or to suffer from her loss. Rather, she would want us to cherish our memories of her and celebrate her life.

Anne's daughter, Cathi, will read the following poem on Friday which serves as a message for us all.

TO THOSE I LOVE AND THOSE WHO LOVED ME

When I am gone, release me, let me go—
I have so many things to see and do.
You mustn't tie yourself to me with tears.
Be happy that we had so many years.
I gave you my love, you can only guess
How much you gave to me in happiness.
I thank you for the love you each have shown,
But now it's time I traveled on alone.
So grieve a while for me if grieve you must,
Then let your grief be comforted by trust.
It's only for a while that we must part.
So bless the memories within your heart.
I won't be far away, for life goes on.
So if you need me, call and I will come.
Though you can't see or touch me, I'll be near—
And if you listen with your heart, you'll hear
All of my love around you soft and clear.
And then, when you must come this way alone,
I'll greet you with a smile and "Welcome Home."

RECOGNITION OF NICOLA M. ANTAKLI RECEIVING THE ANTONIAN GOLD MEDAL AWARD

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. BONIOR. Mr. Speaker, on June 9th of this year, His Eminence Metropolitan Philip Saliba visited my home State of Michigan in order to present a very prestigious award to Nicola Antakli. The Antonian Gold Medal Award is the highest honor the Antiochian Orthodox Christian Archdiocese of North America can bestow upon a member.

Born in Homs, Syria, Nicola Antakli came to the United States as a student in 1955. After establishing Middle East/African operations for an auto company, he founded Intraco Corp., an international trading, consulting and export management company with branches in Lebanon, Syria, Cyprus, and the United Arab Emirates. Through his guidance and vision, the company has mastered the art of developing mutually beneficial business partnerships in the world economy.

Nicola has been honored by many different organizations for his hard work and dedication to international commerce, but his church and community involvement are his most rewarding duty. His civic interests range from state, local and national politics to philanthropic associations and Arab-American groups. He is, of course, deeply involved in his church. A life member of the Order of St. Ignatius, he has served as a member of the Board of Trustees of the Antiochian Orthodox Christian Archdiocese of North America for the past 11 years. Currently Nicola is a member of St. George Antiochian Orthodox Church in Troy, MI, and is a founding member of St. Paul Antiochian Orthodox Church in Naples, FL.

Few have achieved the same success in life as Nicola Antakli has. Fewer still have dedicated so much of the energy and resources of that success to the betterment of others. I am proud to know Nicola Antakli and to consider him a friend. I understand the devotion and sense of civic responsibility that one must have in order to receive an Antonian Gold Medal Award, and I ask each of you join me in recognizing this remarkable achievement.

HONORING TERRY KRAEMER, JR.

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. McKEON. Mr. Speaker, today I commend a young constituent of mine for his insightful letter.

Terry Kraemer, Jr., of Palmdale, CA, sent me a very thought provoking letter about the recent death of his father, Terry Kraemer, Sr., due to melanoma. His letter recounted how his father endured a painful death as his skin cancer traveled from a small mole on his leg to his lymph system and then to other vital organs.

He also told me about how his father served his community as a Boy Scout leader, a counseling intern, and as a "father figure" for many of the children in the neighborhood.

In his dad's memory, Terry wrote to me to ask that Congress place a special emphasis on finding a cure for melanoma and on educating other Americans, so they will not suffer as Terry's family has suffered.

His letter compelled me to find out what the federal government is doing to prevent this devastating disease. I was pleased to see that both the National Institutes of Health (NIH) and the Centers for Disease Control (CDC) have extensive programs on melanoma.

First, the NIH's CancerNet website contains a comprehensive page on melanoma including information on early detection, symptoms, diagnosis, and treatment. CancerNet also addresses genetics, risk factors, and prevention so that sun worshipers will be able to protect themselves early and properly. You can find CancerNet at http://cancernet.nci.nih.gov/cancer_types/melanoma.shtml.

Second, the CDC sponsors the "Choose Your Cover" Campaign—a skin cancer prevention initiative aimed at children and young adults. This program uses education materials, brochures, posters, and public service announcements to remind young Americans that they can have fun in the sun and still be safe. For more information on this campaign, see the CDC website at http://www.cdc.gov/ChooseYourCover.

As we head to the beaches and outdoors over this 4th of July recess, I appeal to all my colleagues to learn more about melanoma by reviewing these websites and to educate their families and constituents about the ways to prevent this horrible disease.

In closing, I want to thank Terry for bringing this important issue to my attention. Terry put aside his grief so that others will not suffer as he has. He is a brave young man and deserves to be recognized. I am proud for this opportunity to do so.

And, finally, on Terry's behalf, I encourage you all to "Choose Your Cover."

HONORING TOM ARCHER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Tom Archer for a lifetime of public service. Today he retires from years of serving the citizens of Mariposa County as the Human Services Director.

Tom's academic endeavors have taken him to some of our nation's top universities. He received a Bachelor's degree in Social Science from the California State University, Stanislaus, a Master's degree in Political Science from the University of California, Berkeley, and a Master of Social Work degree from West Virginia University. He is currently a Ph.D. candidate at the University of California, Davis.

Not only is Tom an accomplished scholar, he is also a compassionate social worker and an American soldier. Tom served in the United States Navy, and has served as Director of the Central Valley Regional Center in Merced, California, as Council Member and Mayor Pro Temp of the City of Merced, and most recently as Human Services Director for the County of Mariposa.

Tom has spent his lifetime dedicated to sound community planning, managed growth,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and intergovernmental relations in diverse communities throughout the country. He has served selflessly and strengthened every community he has touched with his longstanding interest in extending social and cultural programs to all citizens.

Mr. Speaker, I want to congratulate Tom Archer on his achievements and thank him for his dedication to our communities. I ask my colleagues to join me in wishing Mr. Archer many more years of continued success.

INTERNET TELEPHONY ACCESS CHARGE PROHIBITION ACT OF 2000

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. MARKEY. Mr. Speaker, I rise today to introduce legislation to permanently prohibit "per minute," or time sensitive, access charges on Internet telephone calls. Mr. Speaker, telephone calls over the Internet—often referred to as "IP telephony" or "VOIP (voice over Internet protocol)"—has a bright future for telecommunications competitors and consumers but only if we succeed in treating it from a regulatory standpoint in a way that is consistent with the flat rate nature of the Internet itself.

The legislation I am introducing today prevents per minute access charges on the providers of Internet telephone service. This prohibition would cover any per minute access charges irrespective of whether such access charges are levied for the purpose of universal service funding or for any underlying cost of providing such access.

A little history of how we got here I believe is important. Back in the late 1980s, the Reagan FCC was poised to abandon the access charge exemption that so-called "enhanced service providers" such as Prodigy and Compuserve had enjoyed. I convened hearings as then-Telecommunications Subcommittee Chairman to battle any per minute access charge on this nascent information industry. At a Boston field hearing in October of 1987, I argued to the Chairman of the FCC that it was vital to nurture and foster the development of this new industry and that the resulting rate shock from per minute fees would destroy the economic base of the information providers. I was greatly concerned that the FCC proposal would put this exciting service out of reach financially for millions of consumers.

Successfully defeating that Reagan FCC proposal was one of the key decisions in the development of the Internet. In other words, it was not by accident that the Internet has developed largely as a flat rate medium, it was by design—but not without a battle.

Recently, the House of Representatives approved a bill (H.R. 1291) that purportedly was crafted to address a "threat" that Congress or the FCC was going to impose access charges on the Internet. No such threat exists. Nevertheless many Members of Congress had received letters—generated by rumors on the Internet—about a bill that would impose a "modem tax," or a per minute fee, on email or consumers' general Internet use. This fictitious bill—sponsored by the equally fictitious Representative Schnell—allegedly aimed to impose new fees on Internet use.

The bill that the House approved however, didn't technically prohibit access charges on the Internet—the bill only prohibits access charge fees that would support universal service. It did not prohibit per minute access charges that could be assessed by local phone companies for recovering access costs that did not go into any universal service support mechanism. Most shocking, however, is the fact that the bill includes a legislative "green light" to the FCC to support per minute fees on internet telephone calls by specifically exempting IP telephony from H.R. 1291's (albeit incomplete) access charge prohibition.

This big "legislative wink" that the bill's supporters give to the FCC, i.e., to look at access charges on Internet telephony providers may accelerate and embolden efforts by local phone companies to pressure the FCC into permitting local phone companies to assess per minute charges on IP telephony providers. Congress should not, in my view, be expressly and overtly exempting Internet telephone calls from the current access charge exemption.

Moreover, my legislation to close the IP telephone exemption contained in H.R. 1291 would also mitigate against the creation of a potentially huge privacy issue. Who is going to monitor your Internet usage to see which of your bits are email bits, which are websurfing bits, and which are bits representing telephone calls?

The bill I introduce today is designed to remedy this situation. It is based upon the amendment that I offered in the House Commerce Committee to prohibit the FCC from authorizing per minute charges on Internet telephony. I believe we need to safeguard the flat rate nature of the Internet for consumers. Mr. Speaker, I hope my colleagues in the House will look favorably upon this policy.

PERSONAL EXPLANATION

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. WYNN. Mr. Speaker, on June 21, 2000 through June 23, 2000, I missed rollcall votes number 298 through 321, due to the death of my father, Albert F. Wynn. Had I been present I would have voted "no" on rollcall votes 299, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 321 and "aye" on votes 298, 300, 301, 304, 315, 316, 317, 318, 319 and 320.

RECOGNIZING THE FREMONT FESTIVAL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. STARK. Mr. Speaker, I would like to take this opportunity to recognize an event in the 13th district that has become widely popular and enormously successful. The Fremont Festival of the Arts, sponsored by the Fremont Chamber of Commerce, will continue for this, its 17th year.

This festival attracts over 400,000 attendees and will feature more than 750 artists, 40 culinary selections and 20 bands. This efforts is underwritten by the Fremont Chamber of Commerce and made possible by over 300 volunteers who give willingly of their time for the betterment of our community.

It takes generous and concerned individuals like those volunteers to reach out and make a difference, ensuring promise and opportunity for this and future generations to enjoy. The spirit of community service is alive and thriving in Fremont, as in many communities throughout our nation. The City of Fremont has recently been recognized as an All-American City, an honor which was also promoted by the Fremont Chamber of Commerce.

I am indeed proud to salute the efforts of the organizers of the Fremont Festival of the Arts for making my district a better place in which to live. I particularly would like to commend the efforts of David M. O'Hara, the volunteer Chairman of the Festival for his generous and untiring efforts on behalf of my constituents.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, on June 26, 2000 I was unavoidably detained and consequently missed one vote, rollcall 326. Had I been here I would have voted "no" on the passage of H.R. 4690.

PERSONAL EXPLANATION

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. BOSWELL. Mr. Speaker, I was unavoidably detained while en route from Iowa back to Washington yesterday afternoon. Due to an aircraft mechanical problem, I missed rollcall vote No. 322, the Sanford amendment. Had I been present, I would have voted "no." I also missed rollcall vote No. 323, the Olver amendment. Had I been present, I would have voted "yea." Finally, I also missed rollcall vote No. 324, the Hostettler amendment. Had I been present, I would have voted "yea."

RECOGNIZE THE CENTENNIAL OF STAMFORD, TEXAS

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. STENHOLM. Mr. Speaker, I rise today with a great deal of Texas pride to recognize the Centennial of my hometown, Stamford, Texas.

On June 30, 2000, citizens in this small West Texas town will gather to celebrate this event. Founded by owners of the SMS Ranches and the President of the Texas Central Railway, Stamford will honor the Centennial with the unveiling of a large sculpture made of steel that depicts a mounted cowboy meeting the railroad. The sculpture acknowledges the two industries—agriculture and railways—that contributed to the City's founding. Citizens will also place items into a time capsule that will be opened at the Bicentennial.

I wish to include in the RECORD a brief history of the City. In addition, I want to include an excellent article by Stamford native Ron Calhoun that appeared in the June 2000 issue of Texas Co-Op Power.

I know that many of my colleagues join me in congratulating Stamford on this important occasion.

THE CITY OF STAMFORD

The City of Stamford was established through the combined influence of the owners of the SMS Ranches and the Texas Central Railroad.

Svante Magnus Swenson, who immigrated from Sweden in 1836, bought 100,000 acres of West Texas land, sight-unseen from railroad scrip which included portions of Jones, Throckmorton, Shackelford, Haskell and Stonewall Counties.

Until 1882, because of the threat of Indian depredation, isolation and lack of operating capital, the ranch land lay unused. It was at that time, after receiving word that Texas was imposing taxes on land, that Swenson decided to bring his two sons, Eric Pierson (E.P.) and Swen Albin (S.A.) to Texas to begin utilizing the family's vast holdings in West Texas—thus beginning the SMS Ranches.

The Swenson Brothers realized that a railroad in their area was a necessity. In 1899, a meeting of the Swensons and Henry McHarg, president of the Texas Central Railway, resulted in the extension of the line from Albany, Texas, and the beginnings of a new townsite. The Swensons gave every other lot in the new townsite to the railroad, which was laid out on ranch property.

McHarg named the new town Stamford after his hometown of Stamford, Connecticut. It was also the hometown of Eleanora Swenson Towne, a daughter of S.M. Swenson.

The first building in Stamford was opened on January 8, 1900. Robert Lee Penick had the building moved from Anson to the site for the new town.

Penick had arranged with P.P. Berthelot, manager of the townsite company, for certain lots to be established by the first business establishment. Sale of lots had not officially begun, but Berthelot assured Penick that he could have the lot if he were willing to take on possible change of price, since they had not yet been determined. A small frame structure, the house was set into place on that site and a sign tacked on the front of the building reading, "The Bank of Stamford." The first deposit was 15 cents and was made by Nathan Leavitt, Stamford's first postmaster. Just one week later, J.S. Morrow of Anson opened up a second bank, the Morrow-Lowden.

Additional lots were sold on January 15. Penick-Colbert-Hughes and Baker-Bryant were two of the firms to buy lots. Leavitt bought a lot for the post office. The town was plotted and the principal streets were named McHarg and Swenson, thus beginning the town of Stamford. The first train came over the new extension on February 11, 1900.

In the spring of 1900, the construction of the historic Stamford Inn was begun. It was formally opened in February 1901, operated by the Townsite Company, under the direction of W.E. Gunnig. Destroyed by fire in 1924, the motel was rebuilt and purchased by A.C. Cooper, and in the 1930's, 40's and 50's became a well-known hotel for travelers, visitors and railroad workers. The Stamford Inn was sold in the mid 40's and was a retirement home until the mid 70's.

Most of Stamford's early operatives were established by the Townsite Company. The electric light plant was installed in 1900. This was later disposed of to the Stamford Gas and Electric Company in 1907 and still later was acquired by the West Texas Utilities, still operating the City.

Stamford's first chamber of Commerce was established a few days after the town started as the old Commercial Club with Penick as president.

The town was incorporated on January 24, 1901, and P.P. Berthelot, secretary and business manager of the Townsite Company was elected as the first mayor.

In 1903, city fathers built a two-story building in the middle of the downtown square. The first floor served as City Hall and the second floor was an Opera House. R.L. Penick had been elected mayor just prior to the construction.

In 1917, the U.S. government purchased the land to build a new Post Office. The City Hall was torn down and rebuilt in it's existing location at the corner of Wetherbee and McHarg Streets.

Agriculture was the primary industry. The Swenson's Hereford cattle herd combined with other area ranches were a huge boost to the economy. Additionally, cotton was the primary crop in the area. In 1905, a world-record 40,000 bales were shipped from the area.

Another factor for growth was the building of other railroads through Stamford. In 1907, the Texas Central extended its rails 40 miles west to Rotan and the Wichita Valley Railroad reached Stamford, linking Wichita Falls and Abilene. The Stamford Northwestern Railway Company was chartered in 1909 and the railroad was built from Stamford to Spur. Swenson Cattle company was a large stockholder in this railroad and they built cotton gins for the farmers along the route. By 1915, approximately twelve passenger trains were departing from Stamford and many wholesale houses were opened to accommodate business in the area.

Stamford's early religious, cultural and educational life was not neglected. Churches were especially deemed desirable additions to the community by the Townsite organizers who donated plots to each denomination. In fact, Cumberland Presbyterian Church (later re-named Central Presbyterian) was organized prior to the actual beginning of the town, on September 3, 1899. St. John's United Methodist church and the First Baptist Church were both organized in 1900 followed by the Christian Church and the West Side Baptist Mission.

Stamford's first school was built on Moran Street with Professor Coss Rose as the first superintendent. Citizens subscribed $4,000 for the erection of the building.

In 1906, twenty acres was donated by the Townsite Company to establish Stamford College. A fire in 1916 destroyed the administration building and the college was moved to Abilene and the name changed to McMurry University.

In early Spring of 1930, a small group of Stamford men organized the Texas Cowboy Reunion as an annual rodeo and reunion of cowboys and ranchers of the area which would help boost the local economy, as well. Staged each year during the Fourth of July weekend, the Texas Cowboy Reunion, known as the World's Largest Amateur Rodeo, continues to entertain approximately 25,000 each year.

In 1950, Paint Creek, north of Stamford, was damned to enable Stamford to have a lake with an adequate water supply. Today the lake is a popular recreational area for boating, camping and fishing.

Today, the railroad which played such a large role in the development of Stamford one hundred years ago, is no more. The Burlington Northern Railroad (final proprietor of the line) abandoned the track in the late 1990s.

However, cotton, cattle and wheat continue to be among the town's leading industry with Swenson Land and Cattle Company still in operation and headquartered in Stamford.

[From the Texas Co-op Power, June 2000]

STAMFORD CENTENNIAL CELEBRATION—THE SAGA OF THE SWENSONS

(By Ron Calhoun)

Out in the wide open spaces between Abilene and Wichita Falls, a traveler hardly notices Stamford anymore—not since Highway 277 bypassed the town square a few years ago. Unfortunately, it has gone the way of other small West Texas towns in loss of population and businesses. But Stamford still takes pride in its history in the settlement of the area.

Stamford celebrates its centennial this year, and no family had more to do with the founding of the town and development of the area's economy than the Swenson family, one of the most remarkable ranching families in Texas. The visionary family donated the land on which Stamford was built, recruited fellow Swedes to settle the area and helped develop modern ranching techniques.

Swante Magnus (S.M.) Swenson left Sweden at 22 and arrived penniless in Galveston in 1838. He was the first Swede in Texas and destined to lead many others from his native land to settle in the Lone Star State. Swenson, a resourceful, ambitious man, didn't take long to overcome tough circumstances. Knowing no English, he talked his way into a $15 a month job at a mercantile business in Columbia, Texas' first capital. Shortly afterward, he was selling goods out of a wagon among the plantations of the Stephen F. Austin Colony and shortly after that he was managing, then buying plantations.

Swenson headed to Austin, the new state capital, in 1850 and became a close friend of Sam Houston and other Texas leaders of the day. He was put in charge of such important matters as furnishing the new governor's mansion and determining how to finance state and local government.

He quickly became the biggest land dealer in Texas, retaining for himself 100,000 acres in unsettled northwest Texas—land he mainly obtained from railroad companies that were granted millions of acres by the state to extend their lines into the interior.

But Swenson would never live in West Texas. An abolitionist, he fled to Mexico during the Civil War and afterward moved to New York City with his family. He leased his acreage to his sons Eric and Albin. They also lived on the East Coast, but distance didn't discourage them from forming an ambitious Texas ranching operation known as Swenson Brothers. They started by fencing 50,000 acres east of what today is Stamford and stocking the acreage with quality cattle and horses.

Those 50,000 acres eventually were sold off to Swedish immigrants encouraged by the Swensons to come to Texas. A community called Ericsdahl was formed, landmarked today by a beautiful Lutheran Church. Many Swedish immigrants worked as cowboys for the Swensons; others prospered by farming, and later by the discovery of oil on their land.

The Swensons bought more and more land. Eventually their holdings included the Throckmorton Ranch (106,000 acres); the Flat Top Ranch (41,000 acres) adjacent to Stamford; and the Tongue River Ranch (79,000 acres) in King, Motley and Dickens counties. In 1898, the Swensons donated land for the Stamford townsite, giving every other lot to Texas Central Railroad to entice the company to extend lines from Albany. The railroad reached Stamford on February 11, 1900.

The Swensons built the Stamford Inn to accommodate cattle buyers and other visitors. Known as the "high bosses," the aloof and reserved Swenson brothers visited Stamford only occasionally. They wore derby hats and toured the ranches in Model T Fords. The Swensons also founded the town of Spur in Dickens County, the site of which was part of the Espuela Land & Cattle Co. and its 438,000 acres, which they'd purchased.

In 1926, the firm became the Swenson Land & Cattle Co. Much of the Espuela acreage was sold over the years, and today hundreds of farmers and small ranches in the Stamford-Spur area trace their original land titles to Swenson land.

The Swensons were to become even wealthier when oil was discovered on their land. They used the profits for water development and pasture improvements that were widely copied. Their firm had such a good reputation for management that one of their top employees, Clifford B. Jones, was named president of Texas Tech in 1938.

But, alas, the Swenson Land & Cattle Co. is no more. It died in a Dallas law office in 1978. Like many other famous ranching empires in Texas, it fell victim to heirs who could not agree on the company's future. The ranches were divided and much of the acreage has been sold.

Bruce Swenson of Dallas still owns the Flat Top and Throckmorton ranches. His great-grandfather, S.M., died in 1896, but his legacy lives on in the famed SMS brand (with the S's turned backward).

On June 30, Stamford will celebrate its centennial with a parade, a hamburger cookout and the dedication of a monument. And, as it has for the past 70 years, the town will throw its annual Texas Cowboy Reunion (July 1–4), the world's largest amateur rodeo, complete with working cowboys, a parade, an old timers reunion, a ball, a western art show and real chuckwagon food. (For information, call Gary Mathis or Beverly Swenson at the Swenson Ranches office at (915) 773–3614.)

The Swenson record is finely detailed in a book by Mary Whatley Clarke, a Palo Pinto native and journalist. Published in 1976, it's titled The Swenson Saga and the SMS Ranches. Partly based on Gail Swenson's master's thesis at the University of Texas and conversations Clarke had with the last of the Swenson managers, it is the story of an astute, risk-taking family that helped make Texas the great state that it is today.

HOUSE OF REPRESENTATIVES—*Wednesday, June 28, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 28, 2000.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Mark A. Teslik, Pastor, Immanuel Lutheran Church, East Moline, Illinois, offered the following prayer:

Almighty God, Creator and Ruler of the universe, accept our praise and thanks for Your help in times past in our individual and corporate lives.

Remind us that Your power is chiefly shown through acts of love and mercy in the day-to-day context of our present lives.

Direct and empower us, Mighty God, to be part of a present so marked by acts of love and mercy that the future of this country and the world might be shaped by Your love.

Bless the Members and staff of this House, their families, and all who visit here today with Your love and presence.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. MANZULLO) come forward and lead the House in the Pledge of Allegiance.

Mr. MANZULLO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain one 1-minute address to introduce the guest Chaplain. All other 1-minutes will be at the end of the legislative day.

INTRODUCING THE REVEREND MARK TESLIK OF ROCKFORD, ILLINOIS, GUEST CHAPLAIN

(Mr. MANZULLO asked and was given permission to address the House for 1 minute.)

Mr. MANZULLO. Mr. Speaker, it is my pleasure that the House has had its invocation given by the Reverend Mark Teslik of Rockford, Illinois. He is here with his wife, Annette, and son Tom, who are in the gallery just in front of me.

Mark was an Eagle Scout. He was an outstanding ROTC Cadet in Jefferson High School in Rockford, Illinois. He is a Ripon College 1976 graduate, with additional studies at Northern Illinois University in Dekalb.

Mark served with the Third Armor in Germany and was a Second Lieutenant in the Signal Corps. He is a graduate of the Airborne School in Fort Benning, Georgia. He is a graduate of Lutheran Northwestern Theological Seminary in St. Paul.

Mark underwent clinical pastoral training with residency at Alexian Brothers Medical Center in Elk Grove Village, Illinois, and was ordained in 1984.

Mr. Speaker, he is the pastor of Immanuel Lutheran Church in East Moline, Illinois, and chairman of the World Hunger Appeal Committee of the Northern Illinois Synod of the Evangelical Lutheran Church of America.

Mr. Speaker, we are honored today to have in our presence the Reverend Mark Teslik and we have been honored with his prayer for our country.

PARLIAMENTARY INQUIRIES

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BONIOR. Mr. Speaker, under House Rule 539, which governs the debate on prescription drug coverage that we will engage in today, is it in order to consider the text of our Democratic proposal, H.R. 4770, to provide affordable, voluntary, and guaranteed Medicare prescription drug coverage to all seniors?

The SPEAKER pro tempore. The Chair will not respond to the content of a resolution before the House. That is determined during the course of the debate on the resolution.

Mr. BONIOR. Mr. Speaker, I have another parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BONIOR. Mr. Speaker, is it a fact that in order to consider any substitute or alternative, Democratic or otherwise under this shutdown rule, that it would be impossible to do that?

The SPEAKER pro tempore. The Chair would give the same response, and that information can also be discerned during the course of debate on the rule.

Mr. BONIOR. Mr. Speaker, that is my understanding of the situation; that we would not be able to offer our substitute or any substitute on the floor under this rule. With that, Mr. Speaker, I strongly object to the procedures that deny the American people a vote on any real plan to help with the soaring cost of prescription medicine, and I protest this shutdown procedure.

MOTION TO ADJOURN

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Michigan (Mr. BONIOR).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BONIOR. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 166, nays 237, not voting 32, as follows:

[Roll No. 343]

YEAS—166

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Danner
Davis (FL)
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kleczka
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rangel
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Velazquez
Visclosky
Waters
Weiner
Wexler
Weygand
Woolsey
Wynn

NAYS—237

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bono
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Farr
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Morella
Nethercutt
Ney
Northup
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Souder
Spence
Stabenow
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Udall (NM)
Upton
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu

NOT VOTING—32

Boehner
Burton
Canady
Clay
Clement
Cook
Cummings
Delahunt
Dixon
Emerson
Hinchey
Kaptur
Linder
Markey
Martinez
McIntosh
Meek (FL)
Moran (VA)
Murtha
Myrick
Norwood
Porter
Reynolds
Serrano
Smith (TX)
Strickland
Vento
Vitter
Waxman
Wise
Young (AK)
Young (FL)

□ 1027

Mr. DELAY, Mrs. FOWLER, and Messrs. BLILEY, BARTON of Texas, MOORE, and HORN changed their vote from "yea" to "nay."

Messrs. SPRATT, GEPHARDT and RUSH changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 4680, MEDICARE RX 2000 ACT

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 539 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 539

Resolved, That upon the adoption of this resolution it shall be in order, without intervention of any point of order, to consider in the House the bill (H.R. 4680) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, equally divided among and controlled by the chairmen and ranking minority members of the Committee on Ways and Means and the Committee on Commerce; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 4680, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill until a time designated by the Speaker.

SEC. 3. It shall be in order at any time on or before the legislative day of Friday, June 30, 2000, for the Speaker to entertain motions to suspend the rules with respect to the following measures:

(1) the bill (H.R. 3240) to amend the Federal Food, Drug, and Cosmetic Act to clarify certain responsibilities of the Food and Drug Administration with respect to the importation of drugs into the United States; and

(2) the resolution (H. Res. 535) expressing the sense of the House of Representatives concerning use of additional projected surplus funds to supplement Medicare funding, previously reduced under the Balanced Budget Act of 1997.

UNFUNDED MANDATES POINT OF ORDER

Mr. STENHOLM. Mr. Speaker, I make a point of order against consideration of the resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will state his point of order.

Mr. STENHOLM. Mr. Speaker, House Resolution 539 waives all points of order against consideration of H.R. 4680, including points of order against provisions of the House Rules pertaining to intergovernmental mandates as defined in the Unfunded Mandates Reform Act.

Mr. Speaker, the offending language in the resolution is "without intervention of any point of order." Included in that waiver are points of order that would possibly lie against consideration of H.R. 4680.

The SPEAKER pro tempore. The gentleman from Texas (Mr. STENHOLM) makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

According to section 426(b)(2) of the Act, the gentleman must specify precise language in the resolution that has that effect. Having met his threshold burden to identify the specific language of the resolution under section 426(b)(2), the gentleman from Texas (Mr. STENHOLM) and a Member opposed each will control 10 minutes of debate on the question of consideration under section 426(b)(4).

Following the debate, the Chair will put the question of consideration, to wit: "Will the House now consider the resolution?"

The gentleman from Texas (Mr. STENHOLM) is recognized for 10 minutes.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

I would point out, Mr. Speaker, that the bill contains a number of preemptions of State law that would be intergovernmental mandates as defined in the Unfunded Mandates Reform Act. CBO cannot estimate the cost of a preemption of State taxing authority because of uncertainties about market changes.

The bill also contains a private sector mandate on Medigap insurers that would bar them from providing coverage of prescription drug expenses for certain individuals. But CBO estimates that its cost would not exceed the threshold specified.

Mr. Speaker, we have spent a lot of time in this body over the last several years discussing unfunded mandates; and there has been very strong bipartisan acknowledgment and support that the Federal Government, the United States Congress in particular, should pass no additional legislation that causes States and/or private businesses to incur cost without at least conferring with them and getting their acquiescence.

This bill, developed somewhere in the middle of the night, no real bipartisan hearings, no discussions regarding the question of the point of order that I bring up at this moment, no one has had an acknowledgment of what do we do about these unfunded mandates. It seems that this bill has been agreed to and that unfunded mandates on this particular bill are okay.

I would hope that we could have some consistency in our opinions regarding legislation and again would point out the number of preemptions that are in this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I rise in opposition to the point of order, and I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, we all understand electoral pressures. None of us parachuted in here without getting votes. But I have never seen people react so badly to electoral pressures as we are now seeing on the part of the majority. The legislative process is becoming a total shambles.

Last night, at midnight, we debated on suspension of the rules, without any chance of amendment, on important campaign reform. It was one where there were constitutional objections. The majority whip said it was unconstitutional. Unfortunately, he must have got stuck in the elevator and could not be here to talk about it.

Now we have a complex bill addressing one of the most important problems in this country, that of older people who cannot afford to pay for their prescription drugs; and, once again, we are dealing with a travesty of the legislative process.

The Committee on Rules met. First of all, we do major campaign reform at midnight. Then they get to the Committee on Rules and the Committee on Rules waives points of order. On the one hand, of course, it could not possibly take any of the increased revenues that are available to try to help middle income, older people. On the other hand, the unfunded mandate issue, to which Members on the other side intermittently profess great support, suddenly goes out the window.

Why? Because a pollster said, you guys better move in a hurry. This is the most policy driven, ill-advised overly hasty piece of legislation on a major issue I have ever seen.

I do not know, because I have been skeptical of some of the unfunded mandate talk, whether there is a problem or not. I do know that because in carrying out their pollsters instructions to move quickly so they seem to be doing something, they did not allow adequate consideration of this.

Most of their own Members do not know, Mr. Speaker, what the unfunded mandates are or are not. Perhaps we should use some of the extra revenue the Federal Government is getting to alleviate this impact on the States. They will never know. They will just vote yes because their pollster said, hey, the House may be at stake.

So a month ago the majority obediently votes against a campaign reform bill which last night the majority of them obediently voted for, one of the great convergences in history.

Today the party that says, leave the Government out of it, the private sector will do it, decides it better try to show that it does think a Government response is there.

Now, I will once again congratulate the majority on its flexibility. This is an expansion of the Federal Government's role. But they have done it too hastily, maybe because the whole notion of expanding the Government's role so bothers Members of the majority that they have to get it over with in a hurry, they cannot stand to think about it. But when they do it this hastily, when they do not allow adequate consideration in the Committee on Ways and Means, when they rush this thing through the Committee on Rules, when they do not allow the other side, ourselves, give an alternative that is well thought out, they make mistakes.

The gentleman from Texas (Mr. STENHOLM) has been a model of consistency and fiscal integrity; and when he invokes a point of order against unfunded mandates, he is speaking from a demonstrated history of this House of concern.

Their legislative procedure has made a travesty of the House and of their own professed principles.

Mr. GOSS. Mr. Speaker, I continue to reserve the balance of my time, and I want to be sure I have the right to close.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) has the right to close.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think there is very strong agreement on both sides of the aisle that we need to deal with the pharmaceutical cost issue.

I know in my own district at home that I have hundreds, if not thousands, of individuals who have to choose between the cost of their medicine and food every month. And I know that folks on both sides of the aisle agree to that.

What bothers me about the bill that is being rushed to the floor and those of us on this side who would have had some differing opinions, or at least having a substitute, or at least having the opportunity to amend in some way being denied.

Okay, I understand the rule of the majority. The majority can do anything that they wish to do, and they are doing it. But by the same token, I would hope that there would be large numbers of Members on the other side of the aisle that would have just a tinge of conscience in following their leadership down a path in which, when we ask the question, what is this plan that we will vote on later today going to cost, I do not know. That is up to the private sector to determine.

That is where the unfunded mandates in this point of order come from. If my colleagues read carefully the legislation, they will find that there are mandates on the private sector and mandates on local and State government that I do not think most of my colleagues want to vote for.

Most of them are like most of us, we have not seen in detail this bill that we are considering. We are rushing it to the floor because somebody thinks it is a good idea and everybody on that side suggests that we should not be allowed to even amend it on this floor.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, this will be my only floor statement on the rule and the bill. I will vote "no" on the rule, "no" on the Democratic bill, and "no" on the GOP bill.

Why? Number one, regular order has not been followed. The Committee on Commerce, which has equal jurisdiction, has held no hearings on the bill.

□ 1045

We certainly held no markups.

Number two, both parties' plans are fundamentally flawed because of adverse risk selection. Read the USA Today lead editorial on both of the bills. They are right.

Number three, I offered four amendments and a substitute at the Committee on Rules. No amendments from anyone or substitutes are allowed, and that is not right on such an important issue.

Finally, Mr. Speaker, I hope that we address this issue in a more thoughtful way after the July 4 recess. If this rule goes down, it is not over for the year. We simply must deal with this later this year.

Mr. GOSS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, in the interest of bipartisanship and a better debate, I know last night there were obviously some constraints which kept some Members of the Republican side, including the leadership, from participating in the debate. In case the same constraints are applied today, if there are Republican Members, particularly in the leadership, who have doubts about this bill that they have been asked not to express we are available. If they send them to us, we would be glad once again to put them into the RECORD so that there is a fuller debate than apparently otherwise we are going to have. We are available for those Republicans suffering from that kind of floor censorship to get their message out.

Mr. GOSS. Mr. Speaker, the gentleman from Florida continues to reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, I rise because I am moved by the comments of the gentleman from Iowa (Mr. GANSKE) that indeed what we are looking at today is a bill that really does not have a true dollar sign on it. When we came before the Committee on Rules last night, many of us were talking about making sure that whatever we brought before the House is going to be a cost effective, efficient piece of legislation that could indeed provide us with a reduction in prescription costs for all seniors.

Indeed, what we have today, unfortunately, is a bill that does not have a bottom line to it. In fact, has a very, very expensive way of providing for prescription drugs and does not provide us with a basic fundamental purpose of what the bill is all about, making sure that all seniors are covered in a universal way so that indeed they can have reduced costs of their prescription drugs.

We implore the other side to take into account what the people in their districts and our districts are talking about. When people are spending $3,000, $4,000, $5,000 a year for prescription drugs, we have to have a bill that will clearly address the issue of dollars in a reasonable way. We hope that they will listen to us because we are just repeating what the people in their districts are talking about.

Mr. GOSS. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I just want to take 30 seconds to respond to the gentleman from Massachusetts (Mr. FRANK). There is no one more cantankerous or contrary with our leadership than I am, and we have never been stifled in our conversation and we have never been limited in terms of our ability to express our viewpoint.

Mr. STENHOLM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the point of order is raised on the unfunded mandates. Read the bill, my friends on the other side who are about to blindly follow their leadership down the path. This is not the way to legislate. This is not the way to deal with the question as important as the pharmaceutical costs to all Americans is, and it is certainly not the way to have an unfunded mandate after spending the hours passing bills and doing all of the things and saying we are not going to impose costs on State and local government and private business for any purpose.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Texas (Mr. STENHOLM) has raised the possibility that H.R. 4680 may contain an unfunded mandate. There is a provision for that. The provision is to proceed forward with the question will the committee now consider the amendment. I would like to get to that point so we can get on with the important business of the day, which is this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair will now put the question of consideration.

The question is, Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GOSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 200, not voting 10, as follows:

[Roll No. 344]

YEAS—224

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
Matsui
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez

Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—10

Burton
Cook
Hinojosa
Hyde
Markey
McIntosh
Porter
Scott
Strickland
Vento

□ 1108

Mrs. CHENOWETH-HAGE, Mrs. CUBIN, and Messrs. WHITFIELD, HOEKSTRA, MATSUI and PETERSON of Pennsylvania changed their vote from "nay" to "yea."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, on rollcall Nos. 343 and 344, I was unavoidably detained and therefore unable to be present on the House floor during that time. Had I been present, I would have voted "no" on rollcall vote 343 and "aye" on rollcall vote 344.

MOTION TO RECONSIDER THE VOTE: OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Speaker, I move to reconsider the vote.

The SPEAKER pro tempore (Mr. LATOURETTE). Did the gentleman from Massachusetts vote on the prevailing side?

Mr. FRANK of Massachusetts. Yes, I did, Mr. Speaker.

MOTION TO TABLE OFFERED BY MR. GOSS

Mr. GOSS. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Florida (Mr. GOSS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 200, not voting 15, as follows:

[Roll No. 345]

AYES—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeMint
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—15

Cannon
Cook
DeLay
Hansen
Hinojosa
Hyde
Markey
McIntosh
Olver
Porter
Radanovich
Scott
Strickland
Tauzin
Vento

□ 1127

Messrs. STENHOLM, SNYDER, PRICE of North Carolina and Ms. MCKINNEY changed their vote from "aye" to "no."

Mr. DEAL of Georgia changed his vote from "no" to "aye."

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 242, not voting 18, as follows:

[Roll No. 346]

AYES—174

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Spratt
Stabenow
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Velazquez
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Woolsey
Wynn

NOES—242

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
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Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Evans
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
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Graham
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Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
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Hastings (WA)
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Hill (MT)
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Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Isakson
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
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Pease
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Peterson (PA)
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Portman
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Ramstad
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Rogers
Rohrabacher
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Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Sensenbrenner
Serrano
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Smith (MI)
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Stump
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Sweeney
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Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Towns
Traficant
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—18

Conyers
Cook
Delahunt
Dingell
Emerson
Hinojosa
Hutchinson
Hyde
Jones (NC)
Lazio
Markey
McIntosh
Porter
Schaffer
Scott
Strickland
Vento
Wicker

□ 1147

Mr. SNYDER changed his vote from "aye" to "no."

Mr. WEXLER changed his vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would make the general pronouncement to remind all Members to be properly attired when they appear in the Chamber.

PROVIDING FOR CONSIDERATION OF H.R. 4680, MEDICARE RX 2000 ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. GOSS) for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield, in the spirit of comity and bipartisanship, which is customary in this Chamber, the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), my friend; pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate on this matter only.

Mr. Speaker, this is an appropriate structured rule that ensures a rigorous debate on how best to provide our Nation's seniors with prescription drug coverage, a matter of great concern to them. The rule provides 2 hours of general debate divided equally between the minority and the majority of two committees of jurisdictions, the Committee on Ways and Means and the Committee on Commerce.

The rule provides that the amendment recommended by the Committee on Ways and Means now printed in the bill, modified by the one printed in the Committee on Rules report, shall be considered as adopted.

The rule also provides that, at any time on or before this Friday, it shall be in order for the House to entertain motions to suspend the rules with respect to two bills only. Mr. Speaker, I will repeat, it shall be in order for the House to entertain motions to suspend the rules with respect to two bills only, H.R. 3240 and H. Res. 535.

Finally, the rule provides a motion to recommit with or without instructions. This is a minority right that has become standard in every bill under the Republican majority.

Today is another historic day for our Nation's seniors. Three years ago, the Medicare program was speeding toward bankruptcy, many will recall. While the partisans and the naysayers said it could not be done to fix it, a Republican-led Congress appropriately stepped in and saved Medicare through sound structural reform of that program. Had we not acted responsibly, then our seniors would not even have access to hospitals or doctors let alone the services necessary to modernize the program. We met that challenge head on. We met it successfully.

Today we take the logical next step to provide every senior with the opportunity of a safe and secure prescription drug benefit. This is very good news. As in 1995 and in 1997, we will hear a lot of partisan vitriol and rhetoric today, probably see even a little more theater of the type we have already seen this morning, what The Washington Post has labeled as "Mediscare." We will hear poll-tested attack words like "vouchers" and "privatize" and maybe even words like "risky scheme."

To be sure, this is an election year and nothing plays better than some good old-fashioned scare tactics aimed at the most vulnerable among us, our Nation's seniors, who we are here to serve, not walk out on.

While we should expect such attacks, we cannot let them go unanswered. The bipartisan plan crafted by the gentleman from California (Mr. THOMAS) and the gentleman from Minnesota (Mr. PETERSON) will provide a sound drug benefit while also recognizes the weakness of the current Medicare bureaucracy. It is a new universal benefit for all seniors that reflects the advances of our modern health care delivery system, not the outdated top-down bureaucracy of the old system.

Unlike the President's plan, the bipartisan program we bring forward today promotes individual choice, choice so that our seniors can tailor the benefit to meet their own needs. Members of Congress currently enjoy a menu of choices when they choose their health care. We think it only appropriate that we extend that same privilege to our seniors.

We also think it is important to recognize that two-thirds of our seniors already have drug coverage, and we do not want to force any of them to abandon what they already have. We let them keep their coverage if they like it and focus most of our attention on the one-third who currently lack coverage.

Every senior has a right to complain about the rising cost of prescription drugs, this one included. Under the bipartisan plan, drug costs for the average senior will be cut by 25 percent, more than double the savings envisioned under the Clinton plan. This according to the independent Congressional Budget Office. We do not ignore those Americans with the highest drug costs.

The bipartisan plan delivers a strong stop-loss program in 2003 that will cap the cost of drugs for every senior. The Democrat plan does not offer this protection until the year 2006, 3 years later, conveniently escaping the 5-year budget window, and calling into question the sincerity of their commitment to this goal and their fiscal rationales.

Most importantly, the bipartisan plan provides unprecedented protections for our most needy seniors. We pay the full premium for any senior up to 135 percent of poverty with partial subsidies for those up to 150 percent. Poor seniors will no longer have to choose between paying their rent and getting needed prescription drugs.

While H.R. 4780 is not a perfect plan, it does provide a workable benefit and a meaningful and lasting reform to our Medicare program. It does so without busting the budget and without endangering the safety of the security of the overall medical program, Medicare, which we care about and need to preserve and make strong.

I am hopeful that Members will study the details, ignore the demagoguery, the dilatory tactics which we have already seen an abundance of, and support this historic reform to improve the quality of life of seniors across America.

This rule will ensure a vigorous debate. That is the purpose of the rule. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Florida (Mr. GOSS), my dear friend, for yielding me the customary half hour.

Mr. Speaker, if people say they have not had much time to look at the bill, it is probably because we voted it out of the Committee on Rules at 2:30 this morning, and not too many people were here in the Chamber at the time.

Mr. Speaker, American seniors are having a very hard time today, and the House could really do something about it. Today we could have passed a Democratic bill to make sure that every single senior citizen gets help with their expensive prescription drugs and never again has to make the terrible choice between putting food on the table or medicine in their cabinet.

But my Republican colleagues decided against legitimate help for seniors. Instead, they decided to offer a bill to pour billions of dollars into the coffers of insurance companies and drug companies on the off chance that these companies will offer people some kind, any kind of drug benefit. In fact, Mr. Speaker, the Republican drug bill does more for insurance companies and the Grand Old Party than it does for grandparents.

Mr. Speaker, people with incomes over $12,600 get no direct help whatsoever from this Republican bill. But, Mr. Speaker, we have a chance to do something different. We have a Democratic prescription drug bill that would give every single senior American affordable, dispensable prescription drug coverage. It is ready right now. But the Republicans would not allow that amendment to be heard.

Mr. Speaker, seniors need our help. American senior citizens were promised Social Security and health care. They were promised dignity. They took their country at its word. I believe we should keep that word and shore up their health care with a real prescription drug bill.

Mr. Speaker, right now, the elderly account for one-third of the drug spending in this country. They spend an average of $1,100 each year. Let me repeat that, Mr. Speaker. The average senior citizen spends $1,100 each year on his or her medicine. But instead of us coming to their rescue, this rule makes in order a Republican drug bill that sounds great, but just does nothing to make seniors lives easier.

Now, Monday's New York Times, this is not my statement, this is not the Democratic statement, this is the editorial in Monday's New York Times, described the Republican bill as guaranteeing the elderly nothing but undefined policy of uncertain costs. That is a wonderful thing for seniors to look forward to.

Mr. Speaker, my Republican colleagues may cite respect for the Budget Act as an excuse not to help seniors with their prescription drugs, but let me tell my colleagues, Mr. Speaker, my Republican colleagues waived the Budget Act against eight appropriation bills, two emergency supplementals, and the Bankruptcy Reform Act in this very Congress alone.

□ 1200

The Republicans were willing to also waive the budget act for the minimum wage bill in order to accommodate tax cuts for the very rich. But, Mr. Speaker, they will not touch the budget act for senior citizens, even though we learned yesterday that the budget surplus will be twice as large as we originally anticipated.

Mr. Speaker, seniors should get their prescription drugs from the same place they get their prescriptions, Medicare, no matter where they live, no matter how sick they are. The Democrats have a bill that will just do that. So I urge my colleagues to oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, who will speak to the question of doing the Nation's business on behalf of affordable prescription drugs for our seniors.

Mr. DREIER. Mr. Speaker, I rise in strong support of this very fair and balanced rule which will allow the opportunity for each side to come forward with its proposals.

Mr. Speaker, each of us knows how important Medicare is to the American people, and not just to our Nation's senior citizens. Health care is obviously a key quality of life issue for seniors, so we are deeply concerned that parents, grandparents, and our older friends are, in fact, cared for and assured a strong and long and great quality of life.

Winston Churchill said that democracy is the worst form of government, except for all the rest. Similarly, the health care system that we have here in the United States is the worst, except for all the rest. And Medicare has clearly got to be included in that. Make no mistake, as I said, we have the best health care system in the world, but it is not perfect.

Medicare itself has clearly helped improve the quality of life for seniors for 3 decades now. The biggest mistake we can make is to try to look at a 3-decade-old program, which Medicare is, and freeze it in time. Here we are in a new millennium, and it is obvious that changes need to be made. We need to have a Medicare system which is going to focus on how it is that we can improve access and affordability of quality health care for our Nation's seniors.

Clearly, prescription drugs and the availability of those prescription drugs is very high on the priority list. We want to make sure that we get the best quality and the most affordable prescription drugs and that they are available to the American people. We know that those drugs save lives. We know that we, clearly, as a Nation, have an industry which is on the cutting edge at developing so many of these new drugs. The biotechnology industry. We have just in the last few days had this very historic development in genome research.

I believe that we have now a wonderful opportunity to ensure that we get those quality drugs through this plan that we have put forward for our seniors. We are committed to ensuring that every American senior has the opportunity to have affordable and effective prescription drug programs to deal with this under the Medicare plan.

Frankly, both sides share that priority. I know the Democrats like to believe that they have a corner on this, but they do not. We have stepped forward, and we have been working hard with what is a very, very fair plan.

Our plan, I am happy to say, accomplishes this goal as part of a very fiscally responsible program. And we believe, as Republicans, that we can do much better than a one-size-fits-all plan, which is what my colleagues on the other side of the aisle are proposing. Our plan clearly should enjoy strong bipartisan support. And I predict that, at the end of the day, when we do have this vote, we will have the support of both Democrats and Republicans on this issue.

Now, let me take just a moment, Mr. Speaker, if I may, to talk about the rule itself and how we got to where we are. Many people are talking about the fact that we met in the middle of the night. And yes, it is true that it was 3:31 this morning when the gentleman from Texas (Mr. SESSIONS) and I were here and filed this rule. The fact of the matter is, it does, as I said, give an opportunity for the Republicans to come forward with a Republican plan and the Democrats to come forward with their plan.

Now, that is not something that would have existed when the Democrats were in the majority. And the reason I say that is that time and time again the minority, Republicans at that point, were not offered the chance to propose their alternative. Yet we, when we took the majority in 1994, having served for four long decades in the minority, said that we wanted to guarantee minority rights, and we made that change, Mr. Speaker. And the change is one which allows the Democrats the chance to come forward with their minority proposal. We made that change.

We guarantee the minority that right. Now, they will scream that they should have two bites of the apple while we, as Republicans, have one bite of the apple. That seems to me to be unfair to the majority. So we have a proposal which says let us look at their plan, let us look at our plan, and then have a vote. And that is exactly what this will consist of.

So it is a fair and balanced rule. It allows everyone the opportunity to look at the two choices and then have a vote. And I hope very much that my colleagues will support the rule and at the end of the day support this very fair bill.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume so that, before my chairman leaves, I can read him something from the Washington Post this morning.

In the editorial page it says: "The legislation was hastily assembled and in our judgment wouldn't work. Not well, anyway. But the bill will achieve its principal purpose, which is to provide Republicans with cover, a basis for saying in the fall campaign that they are, too, for drug benefits, just not the kind the Democrats propose."

Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, every time seniors have to choose between drugs and food, they are going to remember this vote. Every time, in the future, when seniors have to cut their pills in order to make them last longer, they are going to remember this vote. Every time seniors are going to have to share their medications because they cannot afford them, they are going to remember this vote.

But I will tell my colleagues when they are really going to remember this vote. They are going to remember this vote in the November election, when they vote to return a Democratic majority to the House of Representatives. Because this Republican plan is nothing more than empty promises. And what do America's seniors get when they get empty promises? They get empty pill jars.

That is what this prescription drug plan that the Republicans have is all about: empty promises equaling empty pill jars.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the distinguished ranking member for the time and for his leadership on this important issue.

Mr. Speaker, this is a very important debate today. Too bad we cannot have the Democratic option before us so that we could have a discussion that this issue deserves.

Since the creation of Medicare 35 years ago, the curative power of prescription medicines has increased dramatically. What once required surgeries and hospital care now can be treated with prescription medicines. However, these medicines are often very expensive. Prices for the 50 most prescribed drugs for senior citizens have been going up, on average, at twice the rate of inflation over the past 6 years. As these prices have soared, our Nation's elderly and disabled populations have found it harder and harder to afford the treatments their doctors prescribe.

As with so many of the issues that we have recently debated in this Chamber, the debate between the Democratic and Republican prescription drug plans comes down to a question of priorities. Democrats offer a voluntary, affordable, guaranteed prescription drug benefit that is available to all citizens through Medicare, the same program that has provided reliable access to doctor and hospital care for 30 years.

But the American people will not have a chance to hear about it, because in the dark of night the Republican majority has foisted a rule on this House that does not give us a chance to present our option to the American people. But America should know that we will be tireless in our efforts to have our proposal of direct benefits prevail.

It is no wonder that the Republican's scheme shies away from Medicare. The Republicans have always opposed it. Former Speaker Gingrich once said that Medicare would wither on the vine because we think people are voluntarily going to leave it. And the gentleman from Texas (Mr. ARMEY), in 1995, called Medicare "a program I would have no part of in the free world."

Mr. Speaker, it is very important that the Democratic plan prevail; that we have a plan that has a guaranteed defined benefit that gives seniors the benefit of being in a purchasing group which is private. We will work tirelessly to that end. I urge a "no" vote on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate very much his leadership and that of my colleagues that are working so hard on this issue.

I rise today to express my deep, deep disappointment that this rule does not allow for a vote on a real solution to the high cost of prescription drugs for older Americans. I want to share just a few words from Connie Lisuzzo from Dearborn, Michigan, who wrote me, as thousands of seniors and disabled have written me from Michigan, pleading for some help so they do not have to choose between getting their food and getting their medications.

She writes, "I am a widow of 18 years. I am now 72 years of age. I find prescriptions going up every day. I have no insurance to cover any of these costs. I call around for the best price I can get. Seems that every visit to the doctor adds one more prescription. Please help us so we won't have to make choices between food and prescriptions."

Unfortunately, today, Mr. Speaker, this bill does not directly help Connie Lisuzzo and the millions of other seniors who earn above $12,525 a year, barely enough to live on, which, by the way, are the majority of seniors in Michigan. I urge us to pass a bill that makes sense and modernize Medicare.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, I rise in strong opposition to this rule and against the Republican plan.

This bill that has been forced on to the floor will provide nothing for my constituents back in Rhode Island. Matter of fact, it will be more harmful than helpful. Our Democratic colleagues and I have put together a proposal that will be a prescription drug coverage as part of Medicare versus part of private insurance.

That is really the clear difference between our two proposals. We would have a reliable consistent option that would provide for choices and be a voluntary plan. Their proposal would really put more money in or pad the pockets of insurance companies.

Rhode Islanders already know what happens when we rely too heavily on private insurance coverage. Over 120,000 Rhode Islanders, about 12 percent of our population, lost their health care coverage overnight when an HMO pulled out because it was not profitable for them to stay in our State any more. This is the same type of system that is proposed today as part of prescription drug coverage by the Republican plan. This will just not work.

We want to create a system that will truly be beneficial for our seniors, but this is a system that will surely fail. Vote "no" on the rule; vote "no" on the Republican plan.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Speaker, the Republican leadership has noticed that affordable prescription medicine is a major problem. Unfortunately, all they see is a major political problem. That is why today they have come to the floor with a purely political response, a scheme that, in the words of the National Senior Citizens Law Center, and I quote, says "does nothing to address the needs of seniors for meaningful and affordable prescription drug coverage." Nothing.

America would be better off if the Republican leadership spent less time talking to their pollsters and more time listening to Dolores Martin, a person in my district. We call her Dee. She is 70 years of age. In April, she had two angioplasties. She does not need any pollsters to tell her about the high cost of medicine. She spends $330 each month.

What does the Republican plan offer seniors like Dee? Well, the chance to buy insurance she cannot afford from companies who do not even want to sell it to her. That is what they are all about. And all the sponsors say that the insurance companies and the HMOs will lower their prices only if we give them enough money. Their message is: trust the HMOs and trust the insurance companies.

□ 1215

My God, have we not learned anything in these last few years?

Older Americans deserve better. They have earned the right to affordable prescription medicine. And that is exactly what our plan would provide. But, as we heard today, we are not allowed to present our plan. We are not given an opportunity to each debate our proposal, let alone vote on it.

At a time when older Americans desperately need affordable medicine, the Republicans have written a prescription for disaster.

Say no to this sham. Vote "no" on this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, this Republican bill is bad medicine. Instead of providing prescription coverage for seniors, this bill provides political coverage for Republicans. Premiums are 40 percent higher than the Democratic plan. Worst of all, it puts seniors desperate for life-saving drugs at the mercy of greedy HMOs.

Sorry Mom, one year you are covered, the next you are not.

Instead of helping seniors get well, this plan helps insurance companies get wealthy.

Mr. Speaker, seniors deserve a second opinion by allowing a vote on the Democratic plan which guarantees Medicare drug coverage. Republicans are guilty of congressional malpractice. And since they killed the Patients' Bill of Rights, we cannot even sue them.

Who will this bill truly cover? Republicans on election day.

Mr. MOAKLEY. Mr. Speaker, may I inquire of my dear friend from Florida (Mr. GOSS) if he has any speakers to defend his position?

Mr. GOSS. Mr. Speaker, I would be happy to inform the distinguished gentleman from the Commonwealth of Massachusetts (Mr. MOAKLEY) that we actually have several speakers who are on their way. We have been trying to let the time balance out.

Mr. MOAKLEY. Mr. Speaker, could the gentleman tell me where they are on their way from?

Mr. GOSS. Mr. Speaker, they are nearby.

Mr. MOAKLEY. Mr. Speaker, so the gentleman does not have any speakers at the present time?

Mr. GOSS. Mr. Speaker, actually, at this time we do have a speaker. If I could inquire how much time is remaining.

The SPEAKER pro tempore (Mr. LAHOOD). Both sides have 19 minutes remaining.

Mr. GOSS. Mr. Speaker, perhaps the gentleman from Massachusetts (Mr. MOAKLEY) would like to continue on his side since we are going to close, and then we will have a speaker ready to go.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) actually has 17½ minutes remaining, and the gentleman from Florida (Mr. GOSS) has 19½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, the gentleman from Florida (Mr. GOSS) has more time, so he can go if he would like.

Mr. GOSS. Mr. Speaker, I thank the gentleman very much, and I appreciate the consideration. We see the spirit of bipartisan comity at work in the House, and we are very thankful for that.

Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I rise in strong support of this rule, which will allow the House to debate a plan to give seniors access to affordable prescription drugs. This bipartisan plan is voluntary, affordable, and covers all Medicare beneficiaries.

Yet, the other side wants to change the subject. They want to divert our attention away from the fact that this Congress is about to vote on one of the most significant issues we face this year by trying to bring this House to a halt and to prove their claim that we are a "do nothing Congress."

It has been their plan all along. Before this rule was even written, they had the press release out celebrating their dramatic walk-out on the debate this morning.

Regardless of how many substitutes, amendments, hours of debate, their rhetoric and antics would be the same.

Well, methinks thou doth protest too much.

My colleagues know full well that, under this fair process, the rule provides that both Republicans and Democrats get one bite of the apple, one for them and one for us.

I would remind my colleagues that even this basic fairness was never guaranteed until the Republicans took control of the House and ensured that a motion to recommit would always be available to the minority.

But they do not want a fair fight. They want an unfair advantage. The Democrats do not want to debate the issue. They are throwing a temper tantrum to divert attention away from the merits of this bill.

Well, frankly, it is a transparent political strategy and it is irresponsible. But these political stunts are not surprising. It has been clear for some time that the issue of prescription drugs has been a political game to the Democrats all along. And every minute they waste, every dilatory tactic and every delay they employ will show their real intentions. They did not walk out on us, Mr. Speaker. They walked out on American seniors. And shame on them.

Mr. Speaker, I think the American people deserve better. They deserve an honest debate about the merits of the Medicare prescription drug plan that is before this House. Unfortunately, the Democrats' political grandstanding is designed to eclipse an honest debate on the merits. But we will walk through it if we must. We will do it cheerfully. The American people deserve no less. They want to hear an honest debate.

I urge my colleagues, come back from their grandstanding, their press conferences, their parade, and let us get to work. I urge my colleagues to support this fair rule.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very happy to hear my colleague talk about a fair debate. If this were a fair debate, a Democratic substitute or an alternative would have been allowed. It was not. And if they call a motion to recommit a fair debate, which allows 10 minutes of debate at the end of the bill after all the debate, I do not understand it. And if it were not for that poll that was taken by some Republican leadership, this bill would not be on the floor because it showed the American people want a prescription bill.

So if they want to talk about politics, let us talk about politics.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I hope that people here and people watching on C–SPAN have a sense of what is going on. We are debating a rule, and what that rule does, it prevents the Democrats from offering a prescription drug coverage bill. That is what the rule does.

Now, why would the Republican leadership want to do that rule? Think about that for a second. The reason they want that rule is it might pass, the Democratic proposal might pass if offered. And so, by this rule, the Democratic option will not be available.

Why not? Well, the Republican proposal, specifically when we get into what it does, literally destroys Medicare. It changes Medicare from a universal mandatory health care system for seniors to a selective system only for seniors who are at 130 percent of poverty.

So the broad-based political support that we have for Social Security and Medicare would end, and the things that we have done to sustain Medicare would end.

Mr. Speaker, the issue of a voucher part of the program would also be part of the Republican proposal, fundamentally different than what the Democrats are trying to do.

Finally, very quickly, in closing I say that, in 1965, Medicare would not have been passed if the Republicans were in charge. It will not pass in the year 2000 with the Republican majority.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, in our small little meeting room on the third floor of the Capitol last night, long after the evening television news and safely passed newspaper deadlines, at approximately 2:30 a.m., Republican Congressional leaders moved to kill the momentum for prescription medicine help for seniors.

That is why there will be no vote in the House of Representatives today on a guaranteed Medicare prescription coverage plan for all seniors who want it, which Democrats offered in the Committee on Rules last night and which we are being prevented by this rule being debated right now from offering on the floor today.

Instead, this Republican Congress would do its best today to place an attractive shroud on the coffin of Medicare prescription coverage. The Republican plan provides seniors with nothing but an empty promise, one guaranteed by nothing more than their faith in the Republican party and their allies among the HMOs and insurance companies.

Until recently, Republicans made little secret of their indifference to skyrocketing prescription costs or their hostility toward Medicare itself. Over the past few years, we have all become aware of how poorly Americans have been treated by HMOs and insurance companies.

Under the Republican plan, though, their HMO or insurance company will decide which prescription medicines they get as well as which doctors they see. That is why Democrats earlier today took the dramatic step of walking off the House floor, because Republicans know that only in the dark of night can they hope to get away with denying seniors guaranteed Medicare prescription coverage and because guaranteed Medicare prescription coverage will remain a top Democratic priority until we get it done in a Republican Congress this year or in a Democratic Congress next year.

Mr. MOAKLEY. Mr. Speaker, I would like to inquire of my friend if any of his wandering minstrels have showed up.

Mr. GOSS. Mr. Speaker, we are doing very well attracting some very quality testimony for this debate. And, of course, we have Members out doing other things today despite efforts by the opposition to shut down the House, which they announced last night, which is regrettable because there is the Nation's business to do.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, Social Security and Medicare, as we know it today, are not going to go away. Please do not listen to those scare tactics and listen to the honest debate that is before this House today on prescription drug benefits.

People have always wanted insurance to protect against their losses whether it is their house from burning or their car from being wrecked or loss of income from death or disability and, as always, they wanted a choice to be able to select the insurance that best fits their specific needs.

People do not want to look to Washington for the one-sheet-fits-all that we hear about so often, that solution that we know best in Washington. We all want to be in charge of making our own health care decisions.

Our bipartisan Republican/Democratic bill that we are talking about on this side does just that. If my mother likes the prescription drug program she is on, she gets to stay on that. She does not have to look to Washington for that one-shoe-fits-all. Now, if she wants to shop around for something better, then she has that freedom to do so. She has a real choice here.

Our bipartisan bill establishes a cap or a limit what a senior would have to pay each year even for high-cost drugs. So if we want a cap or limitation, our bipartisan bill establishes this cap or a limit on what a senior citizen will have to pay each year, even in high-cost drug situations.

So if my colleagues have seniors in their district who like to make their own health care choices, they ought to vote for this bipartisan bill. And if they have seniors who would really enjoy the security and the peace of mind of knowing that their yearly drug bill is limited, they might want to vote for this bill also and for this rule, which I strongly support.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to this unfair, partisan, shameful rule. The fact, Mr. Speaker, is Medicare works. That is why we should add to Medicare a prescription drug benefit. That is the only way to add a reliable, affordable, guaranteed benefit for seniors.

We should not force seniors to deal with private insurance companies to get prescription drug coverage. Why?

Those private insurance companies are not reliable.

The two major private insurance companies in Philadelphia that dominate the market have both in recent months reduced their prescription drug coverage, one company reducing from an $1,800 a year benefit to $1,000 and now down to $500 a year benefit, for the same premium I might add; and the second company refusing to cover any more brand name drugs, only covering generics for the same premium they originally charged. That will not do.

What can I say to Earl and Irene Baker of Lansdale, Pennsylvania? They need real insurance coverage for prescription drugs.

I urge a no vote on this rule.

Mr. GOSS. Mr. Speaker, might I inquire about the status of the time on either side at this point.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) has 15½ minutes remaining. The gentleman from Texas (Mr. FROST) has 13 minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oklahoma (Mr. COBURN).

□ 1230

Mr. COBURN. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me this time.

Mr. Speaker, I would ask unanimous consent for the body to extend the time on this debate for 4 minutes and allow me a total of 5 minutes to speak.

The SPEAKER pro tempore (Mr. LAHOOD). Does the gentleman from Florida (Mr. GOSS) yield for the request?

Mr. GOSS. I regret I am unable to yield the additional 4 minutes.

The SPEAKER pro tempore. The gentleman is recognized for 1 minute.

PARLIAMENTARY INQUIRY

Mr. COBURN. Mr. Speaker, point of inquiry. Is it out of order to make a unanimous consent request outside of the rule for additional time on extension of the rule?

The SPEAKER pro tempore. The manager of the resolution must yield for that request and has not yielded. The gentleman is recognized for 1 minute.

Mr. COBURN. Mr. Speaker, we are having a debate today; and we have heard a lot of partisan bickering back and forth, and it is because what we are doing is the wrong thing, and the politics of Washington is claiming to fix a problem that is very real, but it is fixing the wrong problem. The problem is, there is no competition within the pharmaceutical industry and what is there is limited in its base. As we seek to solve the problem for the very seniors that need our help, if we do not solve the problem on competition, then we will, in fact, have wasted Medicare dollars and cost-shifted another large cost of health care to the private sector.

I would like to introduce into the RECORD the FTC Web site showing four pharmaceutical companies who have been paying their competitors not to bring drugs to market, costing the American consumers over $250 million a year. I would also enter into the RECORD various portions of the paper talking about the pricing of prescription drugs, not the availability but the pricing. If we fail to address that, we have shirked our duty completely. Neither the Republican or the Democrat bill does that.

Why the High Cost of Prescription Drugs Is a Problem We Can't Afford to Ignore

Spending on prescriptions rose a record 17.4% last year. Elderly patients saw the largest increases, with average prescription prices increasing 18% for women aged 70-79 and 20% for women 80 and older. Men in the same age groups fared a bit better, experiencing 9% and 11% increases, respectively. For all Americans, prescription spending averaged $387.09 per person in 1999, up from $329.83 in 1998.—Study by Express Scripts, a St. Louis-based pharmacy benefits manager, which examined claims data from more than 9 million patients, reflecting average wholesale prices, June 27, 2000.

Express Scripts projects that spending on prescription drugs will nearly double over the next five years, reaching $758.81 per person in 2004.—Wall Street Journal, June 27, 2000.

The history of Medicare shows that the federal government has seriously underestimated the future growth of the program. In 1964, the Johnson administration projected that Medicare in 1990 would cost about $12 billion (with an adjustment for inflation); the actual cost was $110 billion—almost a 1,000% cost underestimate. How much of a cost underestimate can we afford for prescription drugs?—The Origins of Medicare by Robert B. Helms, American Enterprise Institute, April 1999.

Express Scripts noted that the introduction of new drugs, such as the arthritis medicines Vioxx and Celebrex, contributed significantly to the rise in spending last year. However, roughly half of the total increase in drug spending was due to higher prescription costs.—New York Times, June 27, 2000.

Of the 50 top selling drugs for seniors in 1999; 11 increased at least 5 times the rate of inflation; 16 increased at least 3 times the rate of inflation; 33 increased at least 1.5 times the rate of inflation, and only 12 increased slower than the rate of inflation.—Families USA, April 2000.

Of the 50 top selling drugs for seniors between 1994 and 2000, 39 of which were marketed for all six years, 6 increased at least 5 times the rate of inflation; 11 increased at least three times the rate of inflation; 22 increased at least 2 times the rate of inflation; 30 increased at least 1.5 times the rate of inflation, and 37 increased faster than inflation.—Families USA, April 2000.

While prescription drugs accounted for about 5% of overall health care spending in 1992, some experts have predicted that that figure could rise to about 15% within 10 years.—Los Angeles Times, May 29, 2000.

Drug spending is increasing 15% to 20% a year even in well-run private health plans.—New York Times, May 15, 2000.

For 1999, drug spending is projected to have risen 14% to 18%, according to HCFA. A recent study by Families USA, a health-care advocacy group, said the average cost of the 50 drugs most used by the elderly rose 3.9% last year, outpacing the 2.2% inflation rate, and the prices of some medications jumped as much as 10%.—Wall Street Journal, May 11, 2000.

Pharmacia Corp., which markets a generic version of the drug called Toposar, reported a price of $157.65 for a 20-milligram dose in the 1999 industry guide. But the actual average wholesale price is $9.70, according to a government price list.—Wall Street Journal, June 2, 2000.

Today, federal and state investigators are threatening civil litigation against pharmaceutical makers that authorities believe have induced Medicare and Medicaid to overpay for prescription drugs by $1 billion or more a year.—Wall Street Journal, May 12, 2000.

In 1997, Zachary Bentley, an employee of a Florida company called Ven-A-Care that offered patients the option of receiving intravenous drugs in their homes rather than at a hospital, sent a toilet seat and an overpriced drug to HCFA. Bentley noted that Medicare was paying providers almost $428 a day for a product that could be bought for $49—proof, in Bentley's view, that the agency was wasting tax dollars as the Pentagon did with its high-priced toilet seats in the 1980s.—Wall Street Journal, May 12, 2000.

FTC Charges Drug Manufacturers with Stifling Competition in Two Prescription Drug Markets

COMPLAINT FILED AGAINST HOECHST MARION ROUSSEL, INC. AND ANDRX CORP.; PROPOSED SETTLEMENT REACHED WITH ABBOTT LABORATORIES AND GENEVA PHARMACEUTICALS, INC.

COMPLAINTS CHARGE MULTI-MILLION-DOLLAR ARRANGEMENTS WERE DESIGNED TO KEEP GENERIC VERSIONS OF CARDIZEM CD AND HYTRIN OFF THE MARKET

The Federal Trade Commission today charged two drug makers, Hoechst Marion Roussel (now Aventis) and Andrx Corporation, with engaging in anticompetitive practices in violation of Section 5 of the FTC Act, alleging that Hoechst, the maker of Cardizem CD, a widely prescribed drug for treatment of hypertension and angina, agreed to pay Andrx millions of dollars to delay bringing its competitive generic product to market. The Commission also announced a proposed settlement with two other drug makers, Abbott Laboratories and Geneva Pharmaceuticals, Inc., resolving charges that the companies entered into a similar anticompetitive agreement in which Abbott paid Geneva substantial sums to delay bringing to market a generic alternative to Abbott's brand-name hypertension and prostate drug, Hytrin.

"The financial arrangements between the branded and generic manufacturers were designed to keep generic versions of Cardizem CD and Hytrin off the market for an extended period of time," said Richard Parker, Director of the FTC's Bureau of Competition. "These types of agreements have the potential to cost consumers hundreds of millions of dollars each year, Parker noted. He further explained that "the proposed consents with Abbot and Geneva will provide immediate guidance to the drug industry and the antitrust bar with regard to these kinds of arrangements, and the Hoechst-Andrx complaint will allow the Commission to further consider the issues as it examines the arrangement in that case in light of a record developed during an administrative hearing."

Under legislation commonly known as the Hatch-Waxman Act, a company can seek approval from the Food and Drug Administration (FDA) to market a generic drug before the expiration of a patent relating to the brand name drug upon which the generic is based. Pursuant to this Act, the first company to file an Abbreviated New Drug Application (ANDA) with the FDA has the exclusive right to market the generic drug for 180 days. No other generic can gain FDA approval until this 180-day period expires. The purpose of the exclusivity period is to encourage generic entry.

To begin the FDA approval process, the generic applicant must: (1) certify in its ANDA that the patent in question is invalid or is not infringed by the generic product (known as a "paragraph IV certification"); and (2) notify the patent holder of the filing of the ANDA. If the patent holder files an infringement suit against the generic applicant within 45 days of the ANDA notification, FDA approval to market the generic drug is automatically stayed for 30 months, unless, before that time, the patent expires or is judicially determined to be invalid or not infringed. This 30-month automatic stay allows the patent holder time to assert its patent rights in court before a generic competitor is permitted to enter.

Hoechst-Andrx complaint allegations

Hoechst sells Cardizem CD, a once-a-day diltiazem product used to treat hypertension and angina—chronic, severe chest pain due to a reduction in blood flow to the heart. The Hoechst product accounts for approximately 70 percent of all once-a-day diltiazem products sold in the United States. In September 1995, Andrx filed its ANDA with the FDA to manufacture and distribute a generic version of the drug, and, as the first to file, was entitled to the 180-day exclusivity right. Hoechst promptly sued Andrx for patent infringement, which triggered the 30-month stay on FDA approval of Andrx's ANDA. This 30-month period expired in July 1998.

In September 1997, the FTC's complaint alleges, Hoechst and Andrx entered into an agreement in which Andrx was paid to stay off the market. Under the agreement, Andrx would not market its product when it received FDA approval, would not give up or transfer its 180-day exclusivity right, and would not even market a non-infringing generic version of Cardizem CD.

In exchange, Hoechst paid Andrx $10 million per quarter, beginning in July 1998, when Andrx gained FDA approval for its product. The agreement also stipulated that Hoechst would pay Andrx an additional $60 million per year from July 1998 to the conclusion of the lawsuit of Andrx prevailed.

According to the FTC, the agreement acted as a bottleneck that prevented any other potential competitors from entering the market because: (1) Andrx would not market its product and thus its 180 days of exclusivity would not begin to run; and (2) other generics were precluded from entering the market because Andrx agreed not to give up or transfer its exclusivity.

According to the complaint, Hoechst's agreement with Andrx had the "purpose or effect, or the tendency or capacity" to restrain trade in the market for once-a-day diltiazem and in other narrower markets. Entry of a generic into the market immediately would have introduced a lower-cost alternative and would have started the 180-day waiting period.

The complaint alleges that the agreement between Hoechst and Andrx constituted an unreasonable restraint of trade; that Hoechst attempted to preserve its monopoly in the relevant market; that Hoechst and Andrx conspired to monopolize the relevant market; and that the acts and practices are anticompetitive and constitute unfair methods of competition, all in violation of Section 5.

Abbott-Geneva: Complaint allegations

Hytrin is the brand-name for terazosin HCL, a prescription drug marketed and sold by Abbott Laboratories. This drug is used to treat hypertension and benign prostatic hyperplasia ("BPH" or enlarged prostate). Both hypertension and BPH are chronic conditions affecting millions of Americans each year, many of them senior citizens. According to the complaint, Abbott paid Geneva $4.5 million per month to keep Geneva's generic version of Hytrin off the U.S. market. This agreement also resulted in a significant delay in the introduction of other generic versions of Hytrin because Geneva was the first filer with the FDA and other companies could not market their generic products until 180 days after Geneva's entry.

In January 1993, Geneva filed an ANDA with the FDA for a generic version of terazosin HCL in tablet form; Geneva filed a similar ANDA for a generic version of terazosin in capsule from in December 1995. In April 1996, Geneva filed a Paragraph IV certification with the FDA for both ANDAs.

On June 4, 1996, Abbott sued Geneva, claiming patent infringement by Geneva's generic terazosin HCL tablet product. Abbott mistakenly made no such claim against Geneva's capsule version of the product, even though both tablets and capsules involved the same potential infringement issues. Pursuant to the Hatch-Waxman Act, Abbott's lawsuit triggered a 30-month stay of final FDA approval of Geneva's generic tablet ANDA, until December 1998. Because no similar lawsuit was filed regarding the generic capsule, the FDA's review and approval process regarding this product continued.

The complaint alleges that Geneva, confident that it would win its patent infringement dispute with Abbott, planned to bring its generic terazosin HCL capsule to market as soon as possible after FDA approval. As the first filer for approval of generic Hytrin capsules, Geneva would enjoy the 180-day exclusivity period provided under the Hatch-Waxman Act.

When Geneva actually received FDA approval to market its generic capsules, Geneva contacted Abbott and announced that it would launch its product unless Abbott paid it not to enter the market. Abbott, which estimated that the entry of a generic would eliminate $185 million in Hytrin sales in the first six months, reached an agreement with Geneva on April 1, 1998, pursuant to which Geneva would not bring a generic terazosin HCL product to market until the earlier of: (1) final resolution of the patent infringement lawsuit involving the generic tablet product (including possible review by the Supreme Court); or (2) entry into the market of another generic terazosin HCL product. Geneva also agreed not to transfer, assign or relinquish its 180-day exclusivity right to market its generic product.

In exchange, the complaint alleges, Abbott would pay Geneva $4.5 million per month until the district court ruled on the ongoing patent infringement dispute. If the court found that Geneva's tablet product did not infringe any "valid and enforceable claim" of Abbott's patent, Abbott agreed to pay $4.5 million monthly after that decision into an escrow account until the final resolution of the litigation. Under the agreement, the party ultimately prevailing in the patent litigation would receive the escrow funds. The court hearing the patent infringement case was not made aware of the agreement between the companies.

In accordance with the agreement, Geneva did not introduce its generic capsules in April 1998, and instead began collecting the $4.5 million monthly payments from Abbott, which exceeded the amount Abbott expected Geneva to receive from actually marketing the drug. On September 1, 1998, the district court granted Geneva's motion for summary judgment in its patent litigation with Abbott, invalidating Abbott's patent. Despite this victory, Geneva still did not enter the market with its generic product, content to have Abbott make monthly $4.5 million payments into the escrow account. On July 1, 1999, the Court of Appeals for the Federal Circuit affirmed the decision invalidating Abbott's patent. Under the agreement, Geneva was to await Supreme Court consideration of the matter before entering. According to the complaint, Geneva did not enter until August 13, 1999, when, aware of the Commission's investigation, it canceled its agreement with Abbott.

The complaint alleges that Abbott's agreement with Geneva had the "purpose or effect, or the tendency or capacity" to restrain competition unreasonably and to injure competition by preventing or discouraging the entry of competition into the relevant market. As a result of the anticompetitive behavior, the complaint alleges, the lower-priced generic version of Hytrin was not made available to consumers, pharmacies, hospitals, insurers, wholesalers, government agencies, managed care organizations and others during the time the agreement was in place.

Entry by a generic competitor would have had a significant procompetitive effect. The complaint alleges that the agreement between Abbott and Geneva constituted an unreasonable restraint of trade; that Abbott monopolized the relevant market; that Abbott and Geneva conspired to monopolize the relevant market; and that the acts and practices are anticompetitive in nature and tendency and constitute unfair methods of competition, all in violation of Section 5.

The proposed consent orders

Under the terms of the proposed settlement, Abbott and Geneva would be barred from entering into agreements pursuant to which a first-filing generic company agrees with a manufacturer of a branded drug that the generic company will not (1) give up or transfer its exclusivity or (2) bring a non-infringing drug to market. In addition, agreements involving payments to a generic company to stay off the market would have to be approved by the court when undertaken during the pendency of patent litigation (with notice to the Commission), and the companies would be required to give the Commission 30 days' notice before entering into such agreements in other contexts. In addition, Geneva would be required to waive its right to a 180-day exclusivity period for its generic terazosin HCL tablet product, so other generic tablets could immediately enter the market.

The proposed orders, which would expire in 10 years, also contain certain reporting and other provisions designed to help the Commission monitor compliance by the companies.

The Commission vote to issue the administrative complaint against Hoechst/Andrx was 5–0. The vote to accept the proposed consent orders with Abbott and Geneva was 5–0.

In a unanimous statement, the Commissioners said: "These consent orders represent the first resolution of an antitrust challenge by the government to a private agreement whereby a brand name drug company paid the first generic company that sought FDA approval not to enter the market, and to retain its 180-day period of market exclusivity. Because the behavior occurred in the context of the complicated provisions of the Hatch-Waxman Act, and because this is the first government antitrust enforcement action in this area, we believe the public interest is satisfied with orders that regulate future conduct by the parties. We recognize that there may be market settings in which similar but less restrictive arrangements could be justified, and each case must be examined with respect to its particular facts.

"We have today issued an administrative complaint against two other pharmaceutical companies with respect to conduct that is in some ways similar to the conduct addressed by these consent orders. We anticipate that the development of a full factual record in the administrative proceeding, as well as the public comments on these consent orders, will help to shape further the appropriate parameters of permissible conduct in this area, and guide other companies and their legal advisors.

"Pharmaceutical firms should now be on notice, however, that arrangements comparable to those addressed in the present consent orders can raise serious antitrust issues, with a potential for serious consumer harm. Accordingly, in the future, the Commission will consider its entire range of remedies in connection with enforcement actions against such arrangements, including possibly seeking disgorgement of illegally obtained profits."

The Commission is accepting public comment on the consent in the Abbott/Geneva matter until April 17, 2000, after which it will decide whether to make it final. Comments should be sent to the FTC, Office of the Secretary, 600 Pennsylvania Ave., N.W., Washington, D.C. 20580.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, this is a particularly sad day for the House. My colleagues talked about this walk-out. The reason this man's portrait is on the wall right here is because they walked out on the British 224 years ago because they would not allow free and fair debate. Today we are not allowed free and fair debate on the floor.

The gentleman from Oklahoma (Mr. COBURN) just spoke about his opinion. The problem is that the Republicans are going to allow debate on only one opinion, that gentleman's opinion over there. We are going to take up a bill that one man has written, that the full House is not going to get to debate, that affects 39 million Americans and we are going to hide behind a phony debate, a phony argument, of a limitation in a budget resolution that the Republican leadership violates time and again; in fact, intends to violate later this week with a waiver on a bill dealing with doctors.

They violated it on defense spending. Perhaps if we added an aircraft carrier to this, we might be able to get a real debate going on this issue.

They violated it for highway construction. They violated it for agriculture. When it comes to senior citizens and whether or not we can have a fair, full and open debate on the question of what type of Medicare prescription drug coverage they ought to have, the Republicans who never wanted to do this in the first place say, no, we will have one issue on our bill alone, which the industry has already said will not work, but we will talk about nothing else because they are afraid, they are afraid, that too many of their Republicans may side with too many of the Democrats in putting a real prescription drug plan under Medicare; and we cannot allow that to happen because we lose the political advantage.

Perhaps that is the unfair advantage that the gentlewoman from Ohio was talking about.

Let us do what our forefathers intended us to do, the whole reason that we are on the House floor today. Let us have a full, fair and honest debate as Americans in the same way that the country was established 224 years ago and be done with this sham debate on this rule behind a phony argument of budget constraint that the Republicans have already violated this year, violated last year, will violate apparently later this week, and will violate for the rest of the year.

Mr. FROST. Mr. Speaker, I would inquire as to whether the gentleman on the other side has a speaker on the floor at this point.

Mr. GOSS. Actually, we have several very excellent speakers on the floor at this time; but I think that the balance of the time, if the gentleman wishes to go forward for the short yield, that would be fine with us.

Mr. FROST. I would inquire of the Chair of the time remaining on each side.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) has 14½ minutes remaining. The gentleman from Texas (Mr. FROST) has 11 minutes remaining.

Mr. FROST. Does the gentleman still wish that we proceed?

Mr. GOSS. I have no strong preference. We are prepared to proceed if the gentleman would like us to.

Mr. FROST. The gentleman has more time available at this time.

Mr. GOSS. I think I am detecting a suggestion that we proceed. In that case, I am most delighted to yield 4 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT), as part of a bipartisan spirit of unity.

Mr. TRAFICANT. Mr. Speaker, I heard the words today too risky, too hasty, bad procedure, not enough money, bad for seniors, unfunded mandates, politics, empty promises, on and on. And once again, divide, confuse, obstruct, pit seniors against youth, management against labor, more and more class warfare in the House of Representatives.

I think enough is enough, and I think it is time to tell it like it is today. The Democrats controlled Congress for 50 years. The Democrats never balanced the budget. The Democrats never did a thing about welfare. The Democrats never did a thing about prescription drugs. The Democrats never did a thing about IRS reform and how well I know, because for 12 years I tried to get the Democrats to take up the Traficant bill to change the burden of proof and to require judicial consent before the IRS can seize our property.

The Democrats would not even hold a hearing. The Republicans not only had a hearing, they included the Traficant provisions in the bill, even though the Democrats were against it and the President threatened to veto it for the Traficant provisions.

Now listen to the statistics, and I want to compliment the Republican Party. 1997 was the last year of the Democratic law; 1999 the first year of the Republican law. Attachment of wages, $3.1 million under the Democrats; $540,000 under the Republican reform. Property liens, $680,000 under the Democrats; $160,000 under the Republican reform. Seizure of our constituents' farms, businesses and homes, 10,037 under the Democrat law; only 161 under the Republican law.

But that is not what bugs me today. JFK would have never walked out from a fight. Truman would have never walked up that aisle. Eisenhower would have never walked that aisle. Colin Powell would have resisted that aisle like he resisted America's enemies. Warriors do not walk out. I am disgusted today because we are not warriors. We walked away.

I am going to vote for the rule. I am going to vote for the bill. Is it perfect? No. But what are the Republicans doing? What are they doing? They are giving us the first prescription drug opportunity to amend a great dilemma that as Democrats we have done nothing with. Now, ours is better. Bring a better one out, and I am going to vote for it; but I am going to vote for their bill because their bill is an incremental process step that can be perfected, made better.

I want my constituents to have the benefit of a prescription drug plan that begins the process of mitigating and remediating this horrible problem; but I will say one thing, I did not walk out and I want to commend the Republican Party, the Speaker and the gentleman from Texas (Mr. ARCHER) for helping me in the IRS reform bill, and I want to commend the Republican Party for not only not walking out but standing here and bringing forward this bill; and I am going to vote for it.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I urge my colleagues to oppose this rule. This rule does not allow us to consider the best prescription drug plan that we can offer our senior citizens. I represent the fastest-growing senior population in the United States. Not a day goes by that I do not receive a call from a frightened senior begging me to help them obtain affordable prescription medication; sharing their feelings of despair and worry; sharing their horror stories of having to choose between buying food to survive or medicine that will help them survive; of having to choose between paying their rent and purchasing their prescription medication.

I have seen the Republican plan firsthand. The Nevada State legislature passed similar legislation over 13 months ago, relying on private insurance companies to provide drug coverage. To date, no insurance company, not one, has agreed to participate.

My friends in Nevada are attempting to fix the program. They have the best of intentions, just like my friends across the aisle. But why in the world, when it is not yet functioning for the 223,000 seniors in Nevada, would we try to replicate it for the millions of seniors that are desperately in need of affordable prescription medication?

I urge my colleagues to consider the Democratic alternative that would provide a comprehensive volunteer affordable prescription drug plan. Our parents and our grandparents are expecting better from us.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me this time. I too rise to join the gentleman from Ohio (Mr. TRAFICANT) and the other Democrats who are helping us pass and support this bipartisan bill. I am doing that in the name of some constituents of mine, Brian and Sue Doe in Vidalia, Georgia.

Now Mr. Doe is retired from the police force, and Mrs. Doe is retired from the Piggly-Wiggly Grocery Store chain. They are on a fixed income, $20,000 a year. They do not know what procedural motions are, motions to rise, motions to adjourn. In fact, it would be funny for them to figure why would people who are paid $136,000 a year vote to adjourn and quit working at 11:00 in the morning. But that is Washington.

Here is what they know, and here is what they are real experts on. On their fixed income they have to pay about $8,200 a year for prescription drugs, $8,200. Anything from Lipitor for his cholesterol to something for her heart murmur; and they know that these expensive drugs, this one right here at $10 a shot, that they have to take three or four times a week, they know under this plan, this bipartisan plan today, it will go down from $10 to about $6. They know that $8,200 a year will go down to $6,000; even more than that. They know that they will have the choice of plans. They know that this will not get in the way of their doctor relationship. They will still have a doctor-patient relationship, and they know they will be able to go to the neighborhood pharmacist still, and they think this is very important because they do not really want a one-size cookie cutter Washington bureaucracy getting into their drug cabinet and telling them how to live.

It is very important for the Does in Vidalia, Georgia, for the folks in Savannah, Georgia, for the people in Miami, for the people in Maine, for the people in San Francisco. It is time to come together and put seniors over politics, and that is why I support this bill today.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I oppose the rule because this bill is a sham. It covers only the poorest senior citizens whose incomes place them near or below the poverty standard. It deliberately creates another division in America: us who are wealthy enough to take care of ourselves and them who are given a taxpayer handout because they are poor. In fact, the Republican plan is carefully designed to fail, not immediately, of course, certainly not before the November election. It is being polished to look like gold until after the election. But next year when everyone realizes this plan was virtually useless and worthless, fool's gold, that failure will be used as a spear to attack Medicare, the hammer the Republicans hope to use to privatize Medicare.

That is the bottom line, privatization. Eliminate the Medicare program that provides universal, dependable, quality, guaranteed health insurance for every senior citizen by right of American citizenship. This bill is political chicanery at its very worst.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. BALLENGER), my friend and colleague.

Mr. BALLENGER. Mr. Speaker, I am a senior citizen. I actually am that proper age and have Medicare and each night I use Zocor and Cardura and Claritin D and Timoptin, but I pay for them myself. We in Congress earn over $130,000 per year. We should not receive government assistance. Let us help the poor who need it. The Democrat plan would take care of us, the Kennedys, the Houghtons and the Ballengers. We are too rich. We do not need it and nobody in Congress should get it, and yet the Democrat plan allows it.

□ 1245

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, I am concerned about the hundreds of thousands of rural West Virginians earning $12,000, $15,000 a year, sometimes less than that, and that is why I am voting for a bill, the substitute, that would extend the Medicare program as we already know it. We know it, it has worked, let us have a prescription drug benefit.

I am voting against the Republican bill, however, that would simply put this into the hands of the private insurance agencies, private insurance industry that says they do not want it. It would put it into the hands of private HMOs that are not functioning in rural States.

I am voting for a bill that would provide real prescription drug coverage. I will not vote for a bill that will deny almost 300,000 senior citizens, many of them in rural areas, true coverage.

At a time when senior citizens need real medicine, strong medicine, the Republican substitute unfortunately only gives them two aspirins and tells them to go home and forget about it. That is not what we ought to be doing here today.

Mr. Speaker, we should have a real bill on the floor to provide the prescription drug benefits. I oppose the rule.

Mr. GOSS. Mr. Speaker, I would like to advise my colleague, the distinguished gentleman from the Commonwealth of Massachusetts (Mr. MOAKLEY), that I have one speaker left besides myself to close.

Mr. MOAKLEY. Mr. Speaker, I say to the gentleman from Florida (Mr. GOSS), I appreciate the warning.

Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time.

The Republican majority touts their plan for offering people choices. Why do they not begin by giving us a choice of bills? It is unthinkable that seniors would buy into a plan that thrusts them further into the managed care and HMO market that today routinely is dumping them. It is unthinkable that we would commit scarce health care dollars to the costly, countless administrative structures of HMOs instead of relying on low costs, administrative efficiency built into Medicare.

It is unthinkable that we would send our seniors to a private sector HMO party that private insurers say they will boycott. It is unthinkable that we would send seniors shopping among the chaos of premiums and deductibles and copayments, out there to snare even the most sophisticated.

This rule gives seniors choices they cannot take and cannot afford. It gives them every choice, except the choice they must have, a choice between a cosmetic bill and one that works.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this rule is a terrible rule. The rule does not recognize alternatives. It does not recognize the importance of this debate. For instance, in rural Maine, there is no private insurance market and no matter how high we pile the money, no one is going there to offer the care.

We are going to be writing a check to the HMO insurance companies instead of providing universal voluntary and affordable coverage for Maine senior citizens. We have over 211,000 seniors in Maine on Medicare, over 15 percent, 16 percent of the State's population. They are dependent upon having the ability to have drug coverage and there is no private insurance market. They pay higher costs than urban or suburban areas.

We need to make sure that it is part of the Medicare program and it is universal across the board. I have heard references here today about John Kennedy and Harry Truman. Let me tell my colleagues, I do not know them, but I have read about them, and if they were here, I am sure that they would be distressed about what is being passed by the Republican leadership in the House today.

Mr. Speaker, I urge a vote against this rule and for more common sense legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I want to thank the gentleman for yielding me the time.

Mr. Speaker, I want to say a couple of things. When I go home, I am an elected official, I represent Democrats, Republicans, and Independents. And what I heard from my constituents, and why we are protesting so loudly, is because there are Americans that are not being heard in this debate today.

I just want to bring up a few of those. We have the Older Women League who says that they are a national grassroots membership organization focusing soley on issues unique to women as they age, there was a disappointment to see that the Republican prescription drug plan does not represent a defined benefit added to the Medicare program but rather a private insurance option.

We can go on, and we can talk about the National Council of Senior Citizens. In short, the Republican RX 2000 Act is a fraud and a callous and partisan attempt to create the illusion of sensitivity to a desperate need of millions. It is based on private market plans in the face of massive withdrawals from Medicare coverage by health insurance industry.

Then on top of that, my colleagues should hear the health care industry that they think is going to give them this insurance.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, I rise today in opposition to the rule and in opposition to the majority bill that is before us today. I believe that the bill before us is set up for failure, and it is set up for failure for one simple reason, they don't want to do it. I do not want to question the motives of the Republican leadership in offering this type of bill, but we do know the intent and motivation of the insurance industry that is being called upon to provide the drug-only insurance plan in order to make this bill work.

They do not want to do it. In fact, in recent testimony by Charles Kahn III, President of the Health Insurance Association of America, before the Committee on Ways and Means earlier this month, he stated and I quote, the proposals we have examined that rely on stand-alone drug-only insurance policies simply would not work in practice. Designing a theoretical drug coverage model through legislative language does not guarantee that private insurers will develop the product in the market.

Mr. Speaker, good things happen in this place when we come together and work in a bipartisan manner to deal with a serious yet complicated issue such as providing affordable drug coverage to seniors who need it. That process did not take place today. I think we need to go back to the drawing board and get it right.

Providing affordable Medicare prescription drug coverage for our nation's seniors is one of the most pressing issues facing our country today. Even though the elderly use the most prescriptions, more than 75 percent of seniors on Medicare lack reliable drug coverage. It is time to modernize Medicare to reflect our current health care delivery system. The use of prescription medications is as important today as the use of hospital beds was in 1965 when Medicare was created.

I have heard from a number of seniors in western Wisconsin regarding the problems they have paying for prescription drugs. One woman from a small town in my district wrote to me and said:

> I am sending you my medicine receipts for the month of March. Why doesn't Medicare cover the cost of these drugs? This is more than I can handle on my Social Security income.

Her monthly cost for prescription medicines is $382.13. That is a lot of money for a widow on a fixed income.

Other seniors in my district are paying substantially higher medicine prices than pharmaceutical companies most favored customers, such as HMOs. A study conducted in my district found that price discrimination by pharmaceutical manufacturers is one of the principle causes of the high prescription medicine prices that confront seniors. Senior citizens who pay for their own drugs pay more than twice as much for drugs than do the pharmaceutical companies' most favored customers.

Not only are my seniors facing price discrimination in their hometowns, but they can go to Canada and get the same medicine for a substantially cheaper price. For example, a senior in Rice Lake, Wisconsin pays $105 for a prescription of Zocor. If this senior makes the short trip to Canada, then she would only pay $59 for the Zocor prescription—a 129 percent difference. On average my constituents would pay about 80 percent less for their drugs in Canada than they do at home in western Wisconsin. That is wrong.

The cost of prescription medicines should not place financial strains on seniors that would force them to choose between buying drugs and buying food. We need to make prescription medicines affordable and accessible to all of our seniors.

Unfortunately, today's debate is a sham. We will not have the opportunity to discuss this issue in a fair and open process. The majority decided to railroad the debate and silence the minority by not allowing an alternative to be debated and voted upon. Our nation's seniors deserve better. They deserve an open process, but the Republican leadership has failed to deliver this.

The leadership has also failed seniors with their prescription drug proposal. The Republican plan is doomed to fail because the plan relies on health insurance companies to offer drug only policies which they have said they won't offer. If insurance companies won't offer these policies, how will seniors actually obtain prescription drug coverage under the leadership plan?

Every insurance company with whom I have spoken has said that they will not offer a drug-only insurance policy. In fact, in February, the Health Insurance Association of America, which consists of 294 insurance companies, released a statement claiming, "These 'drug only' policies represent an empty promise to America's seniors. They are not workable or realistic."

Why should the insurance companies provide these drug only policies? They are in the business of insuring risk and there is no risk associated with a drug only policy because most seniors need prescription medications. This single benefit policy also will result in adverse risk selection—only people with predictably high prescription medicine costs will purchase the plan. This will increase the cost to the insurance companies who in turn will pass the costs on to the beneficiaries through higher premiums.

In addition, under the Republican plan, there is no guarantee that seniors will have access to the specific drugs that they need. Plans may establish restrictive formularies and exclude medicines they don't want to cover. If a senior needs a drug the policy doesn't cover, then he must prove that other similar drugs have an adverse effect on him and go through the hoops of an uncertain appeals process just to get the drug he needs.

We must provide a real solution to the problem of prescription drug coverage for our seniors. The Republican plan falls woefully short.

The Democratic proposal heads in the right direction and builds on the current Medicare program. Our plan would allow Medicare beneficiaries the choice of traditional Medicare or Medicare HMO with a defined benefit that would be available across the country. Further, seniors would have lower premiums and a lower catastrophic cap.

Another issue our plan addresses is the regional disparities in Medicare reimbursement rates and payments. There are some seniors in select parts of the country that receive prescription drug coverage through Medicare+Choice plans, an HMO. Most seniors across the country, however, do not have this benefit. For example, the only Medicare+Choice plan in my district cannot afford to offer a drug benefit because of the low Medicare payment. Even though all seniors pay into the Medicare system, only a few receive the extra drug benefit. While both the Republican and Democratic proposals provide for some target relief such as increasing the minimum payment and moving faster to the 50/50 blend, the Democratic plan includes language that Congress will work to provide equal treatment for all seniors by not compounding the geographic disparities that unfairly penalize Medicare+Choice plans from doing business in low payment areas. The Republican plan is silent on this issue.

It is unfortunate that the Republican leadership has squandered an excellent opportunity to try and solve the problem of prescription drug coverage in a bipartisan fashion. Instead they have steam-rolled ahead and presented our nation's seniors with an unworkable solution to a grave problem. I urge my colleagues to reject this flawed proposal.

Mr. MOAKLEY. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) has 4 minutes remaining. The gentleman from Florida (Mr. GOSS) has 8 minutes remaining.

Mr. MOAKLEY. I have one remaining speaker so the gentleman from Florida (Mr. GOSS) may proceed.

Mr. GOSS. Mr. Speaker, I also have one remaining speaker other than myself to close.

Mr. Speaker, it is my privilege to yield 5 minutes to the distinguished gentleman from California (Chairman THOMAS), the author of the bill.

Mr. THOMAS. Mr. Speaker, today actually started in 1998, when, under the 1997 Balanced Budget Act, we created the Bipartisan Commission on Medicare. We knew that Medicare had to change, that prescription drugs had to be integrated into Medicare, that it was overdue. The bipartisan commission met for more than a year, and we came up with the proposal. That bipartisan effort has continued even though the commission ended.

In January of this year, the President, in his budget, finally presented a prescription drug proposal on the administration's behalf. Remember, 1999, the bipartisan commission offered a proposal, then early this year, the President offered it.

We have been working, on a bipartisan basis, to carry forward a plan to put prescription drugs in Medicare. Today we have that debate. Most of the discussion so far has been on the rule, that somehow when the bipartisan plan gets a vote and the Democratic plan gets a vote, that is unfair.

Their argument is they cannot argue their issue. Every Democratic speaker that has gotten up to speak has condemned the bipartisan plan and praised theirs. There is an hour debate on the rule evenly divided. There is a 2-hour debate on the bill evenly divided. There is one vote for the bipartisan plan, and one vote for the Democratic plan.

The reason the Democrats are upset is because it is not two bites of the apple for them and one bite for us. They say the bipartisan plan is not in Medicare. They say it is not guaranteed. That, in fact, is a shame. Now, I could spend a lot of time arguing with my colleagues on the other side to tell them they are wrong. Do not let me make the argument. We will let Horace Deets, the executive director of the American Association for Retired Persons, make the argument, and what does he say, we are pleased that both bills include a voluntary prescription drug benefit in Medicare.

If my colleagues are honest, they will not make that argument again. I quote from Horace Deets: "Our plan and their plan puts it in Medicare. Further, both bills provide a benefit that would be available in either fee-for-service or managed care settings." They have made the argument. If they are honest, they will not make it again. It is available in fee-for-service, and managed. It is not just one area. Let us see if they are honest.

He goes on to say, "There are differences between both bills, but the core prescription drug benefit is in statute." It is not illusionary. My colleagues have made the argument that we are offering something that does not really exist. Horace Deets and the American Association of Retired Persons say the bipartisan plan is in statute. It is guaranteed. It is part of Medicare. It is available on a voluntary basis, and we can get it in fee-for-service or in managed care.

I imagine that is going to require my colleagues to scratch out a lot of lines of their debate. Let us see if they scratch it out, so it is an honest debate or if they continue to repeat the untruths that Horace Deets shows are, in fact, untruths.

Now, what is it the real debate is going to be? It is going to be this: The bipartisan plan offers choice. Their plan does not. We offer pocketbook protection now, seniors should not have to pay high costs.

We incorporated it into the $40 billion, which was in the budget resolution, pocketbook protection for seniors now. Look at the Democratic plan. They matched the $40 billion over the first 5 years, the same as the bipartisan plan, but the Congressional Budget Office says over the next 5 years, it goes to $295 billion. Why? Because the pocketbook protection is not in the first 5 years, it is in the last 5 years.

They lose on that comparison. We have twice the savings that their plan has. The Congressional Budget Office certifies it. As we listen to this debate, just remember they get one vote, we get one vote. The time of the debate is evenly divided, they are making their points, we are making ours. The rule is fair. The question is will the debate be honest.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. GEPHARDT), our Democratic minority leader.

Mr. GEPHARDT. Mr. Speaker, this process, this rule is an outrage against the American people. It has been said that the Republican plan is a bipartisan plan. It is not a bipartisan plan.

There has been no conversation about this plan and the putting together of the plan with the members of our Committee on Ways and Means. There has been no conversation between the leadership on either side about how we could build a bipartisan plan to add a prescription drug benefit to Medicare.

This process is a grave disservice to all Americans. The debate is being shut down on the most important issue to American seniors since the creation of Medicare. The decision of the majority does more than deny the view of the Democratic minority to be heard, it denies the American people a vote on a plan that would provide real affordable, definable, and guaranteed prescription medicine benefits for America's seniors.

This debate, like so many of the debates we have held in this Congress this year, is always my way or the highway.

□ 1300

Bipartisan is defined by: Are you for our partisan bill? Not: Can we work together to find real bipartisanship?

I believe the other party is stooping to this level simply for politics. They are intent on passing anything that is called "prescription coverage" in order to avoid the issue being raised in the November elections. It is the passage of a press release. It is the passage of a statement of intent. They want to ram through their bill and shut down debate so that the American people will not know what this sham bill really is. Their posters said it best when Glen Bolger told them, and I quote, "It is more important to communicate that you have a plan than it is to communicate what is in the plan." This is a PR effort. It is a sham. It is a hoax. It is public relations. It is electioneering. It is not writing a plan that will help the American people.

Mr. Speaker, instead of making prescriptions more affordable for seniors, they want to hand a huge subsidy to the insurance industry, which has said it will not write these plans. The head of the association came and said, we will not write these plans. Why will they not write these plans? They will not write them because this is not what insurance companies do. They underwrite risk. We have fire policies on our houses. Why? Because most houses do not burn down. The lucky people pay for the unlucky people. When we come to prescription drug benefits, everybody makes a claim, because everybody needs prescription drugs. It is a benefit, not an insurance plan. That is why the basic supposition of the Republican plan that they are going to turn this over to insurance companies is completely flawed, and completely wrong.

Mr. Speaker, we believe this should be done through Medicare. We believe it should be affordable. We believe it should be definable. We feel it should be equal all over this country.

What is really happening today is what really happened 35 years ago. This is the same debate we had over Medicare. The Republicans wanted to privatize Medicare; we wanted to have Medicare run through a Medicare system. They want to set up a new bureaucracy in the Government to run this program; we say we can run it through the Medicare system.

Republicans have never believed in Medicare. As former Speaker Gingrich once said, "Medicare would wither on the vine because we think people are voluntarily going to leave it." The majority leader once said, Medicare should not be part of our society. We should not have to be in this program.

Mr. Speaker, I say to my friends in the Republican Party, that is an honest debate. If my colleagues want to get rid of Medicare, say so. If they want to privatize it, try to do so. But let us have an honest debate. Let us have real alternatives on the floor. Our plan is a real benefit, it is definable, it is affordable, it is equal for everybody in this country. It would have catastrophic coverage so that people over $4,000 a year of costs would have all of their Medicare costs picked up.

I was in a press conference with seniors a few days ago. A woman who had a heart transplant got up and said her costs are $1,300 a month for her drugs. She said her Social Security benefit is $1,300 a month. And then she broke down and cried, because she could not figure out where the money to live on was going to come from.

Mr. Speaker, we need a plan that offers a real benefit to people like that who right now in today's world are facing this problem. Vote against this rule, vote to defeat this plan, let us get back to writing a real bipartisan plan that will help the seniors citizens of this country.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

I think it has all been pretty well said on this rule. Each side has had a bite of the apple and, as we can tell from the debate so far, there are different points of view on what is the best plan. They are both being aired, so those who would say there is no debate obviously would be incorrect. There is debate, and it is happening as we speak.

One of the problems I think that we are facing today is, indeed, the emergence of partisan politics again. I think the record is fairly well clear, the public record, I think it is established that the minority leader's game plan, and it has been stated as such, is to ensure that this is a "do-nothing Congress." On our side of the aisle, our leadership intends to ensure that we are a "do the important American business Congress," the business of America that they want done; and that important thing that is called affordable prescription drugs for our seniors certainly falls on the list of important things to do. We are doing that. We are not walking out, and I am a little confused by the minority leader's comments about press conferences that he has been going to, because I understand that that is exactly what the instructions were this morning to the minority, was to get up en masse and walk out and attend a press conference on the east front steps of the Capitol which, in fact, we witnessed.

I do not think that is the way to do the Nation's business. I realize we can get good sound bites at press conferences, but it does not get the hard work done, and we are here to do the hard work. I congratulate the gentleman from California (Mr. THOMAS), and I congratulate those on the other side of the aisle who have participated in working with him to bring forward a bipartisan bill which provides affordable prescription drugs for seniors. That is what we are doing today; that is the important Nation's business. The rule is fair, each side gets a bite at the apple; and I believe that the Thomas bill, along with his colleagues on the other side, have come up with a good bipartisan plan which will bring affordable prescription relief for our seniors; and I think that will be a huge accomplishment, and it will be well received.

Mr. Speaker, I urge a yes vote on this rule.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong opposition to the rule which has a sole purpose of prohibiting Democrats from offering our prescription drug benefit plan, for which we have been advocating long before the majority realized that it is a "political imperative", in this election year, to at least address the issue of prescription drugs.

As one of the first to join the Democrats prescription drug bill, I have been a vociferous advocate for the need for real prescription drug coverage and not the type of ineffective coverage proposed by the majority.

The Republican prescription drug plan is a political sham crafted to mislead America's seniors.

It has been said, "The healthy, the strong individual, is the one who asks for help when he needs it. Whether he has an abscess on his knee or in his soul." Our senior citizens are asking for our help to continue to live their lives as healthy individuals. It is time for us to answer this call, but the majority refuses to do so.

If the majority were truly concerned about the needs of this nation's elderly and the disabled, then I ask them to allow alternative proposals to be offered, so that we can work together on both sides of the aisle, to benefit America's seniors and the disabled.

This is an absolute travesty of the legislative process. The majority voted in the wee hours of the morning to prohibit any amendments to their supposed "prescription drug" proposal because they are more concerned about their political races, than about true prescription drug coverage.

The drug plan introduced by the GOP will in no way guarantee access to coverage. Instead, this proposal allows plans to ration the prescription drugs available for coverage by limiting coverage to a specific list of drugs.

Therefore, if a doctor prescribes a medication which they deem medically necessary, but is not on the list, then seniors will not receive coverage. To make matters worse, this bill would actually limit seniors' choice of drugs and pharmacies and raise cost for some seniors with medical problems.

It is tragic that the majority truly believes that it can play games with the lives of this nation's seniors by attempting to disguise H.R. 4680 as a prescription drug plan, when it is actually a meaningless proposal to advance special interests.

Many senior citizens live on a limited, fixed income. The cost of prescription drugs is an important issue because senior citizens are more likely to suffer from chronic long-term illnesses, such as diabetes, high blood pressure, and Alzheimer's disease which require medication.

Although prescription drugs are covered by most private insurance, 37 percent of senior citizens do not have their own prescription drug coverage. The average senior citizen takes several medications a day (up to 30 prescriptions a year) and many of them pay for their own medications out of pocket.

If the majority were truly concerned about providing prescription drug coverage, then H.R. 4680 would provide benefits everywhere in the United State and not limit it according to the plans the private insurance industry and pharmaceutical industry decide to offer.

Currently, our nation's Medicare program provides vital health insurance for 39 million aged and disabled Americans.

The Republican leadership has never supported the Medicare program; thus it is not surprising that their prescription drug bill fails to adequately address the concerns of those seniors and the disabled currently on Medicare. Democrat proposals better reflect senior citizen's concerns.

It is clear the Republicans truly do not understand the needs of this nation's seniors and the disabled on Medicare. Instead of providing the prescription drug benefit plan that they request, the majority instead asks Americans to "trust the HMOs."

The Republican proposal fails to provide a single dollar directly to seniors or the disabled. Instead, they must rely on the private insurance industry that already fails to insure millions of this nation's population.

The Republican plan does nothing to address the soaring price of prescription drugs. However, under the Democrat plan, the nation's seniors and the disabled are protected, allowing them to obtain their needed medications without worrying about whether this purchase will prohibit them for paying rent, purchasing food or other necessities.

The facts are simple, Democrat proposals do more for seniors and the disabled. Democrat proposals provide comprehensive care for all of the nation's seniors and not just some.

Mr. Speaker, I strenuously object to the imposition of a closed rule because we all know that H.R. 4680 is simply the latest attempt to appease the nation's seniors into believing that they will obtain comprehensive prescription drug coverage while actually providing them with an empty excuse for a prescription drug plan.

Under H.R. 4680, it is the drug companies that benefit, not the nation's seniors. Yet, even these same insurance companies fail to believe that this proposal of a drug-only private insurance scheme will work in practice.

Heads of top Insurance associations and companies like the Health Insurance Association of America, Mutual of Omaha, and even Blue Cross & Blue Shield believe that a private sector drug benefit provides a false hope to America's seniors because it is "neither workable nor affordable."

In fact, the executive vice president of Mutual of Omaha Companies has stated "I'm convinced that stand-alone drug policies won't work.

The National Association of Chain Drug Stores strongly opposed H.R. 4680 as do the United Auto Workers, the National Association of Manufacturers, the National Council of Senior Citizens, the Older Women's League, and even the American Association of People with Disabilities.

All of these groups agree that what America's seniors need is a prescription drug bill with substantive protection and not simply empty rhetoric. Simply communicating the message that "I have a plan," despite what pollsters say, is not what America needs.

I stand in opposition to this rule and ask my colleagues to allow sincere measures to be offered on behalf of America's seniors. We need to invest in this nation's elderly who have contributed so much to the stability of this society. I urge my colleagues to reject this rule and the majority's attempt to deceive the American people.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LaHood). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 227, nays 204, not voting 4, as follows:

[Roll No. 347]

YEAS—227

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—4

Cook
Markey
Strickland
Vento

□ 1326

Mr. SNYDER changed his vote from "yea" to "nay."

Mrs. CUBIN and Mr. MOAKLEY changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. MOAKLEY

Mr. MOAKLEY. Mr. Speaker, I move to reconsider the vote by which the previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). Did the gentleman from Massachusetts vote on the prevailing side?

Mr. MOAKLEY. I did, Mr. Speaker.

MOTION TO TABLE OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I move to lay on the table the motion to reconsider the vote.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DREIER) to lay on the table the motion offered by the gentleman from Massachusetts (Mr. MOAKLEY) to reconsider the vote.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 205, not voting 10, as follows:

[Roll No. 348]

AYES—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—205

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—10

Buyer
Cook
Gekas
Goodlatte
Hunter
Markey
Meeks (NY)
Stearns
Strickland
Vento

☐ 1337

Ms. WOOLSEY, Mr. DOGGETT, and Mr. McDERMOTT changed their vote from "aye" to "no."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 15-minute vote on the resolution, followed by a possible 5-minute vote on a question incidental thereto.

The vote was taken by electronic device, and there were—ayes 216, noes 213, not voting 6, as follows:

[Roll No. 349]

AYES—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon

Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—213

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shadegg
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—6

Cook
Jones (NC)
Markey
Souder
Strickland
Vento

□ 1400

Mr. GEORGE MILLER of California changed his vote from "aye" to "no."

Mr. WHITFIELD and Mr. MORAN of Kansas changed their vote from "no" to "aye."

Mr. DEFAZIO changed his vote from "present" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, a motion to reconsider is laid on the table.

Mr. MOAKLEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. GOSS

Mr. GOSS. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DREIER) to lay on the table the motion to reconsider the vote offered by the gentleman from Florida (Mr. GOSS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 204, not voting 9, as follows:

[Roll No. 350]

AYES—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard

Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—9

Cook
Edwards
Franks (NJ)
Gekas
Goodling
Markey
Peterson (MN)
Strickland
Vento

□ 1411

Mr. SNYDER and Mr. WEYGAND changed their vote from "aye" to "no."

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. MOAKLEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 244, not voting 13, as follows:

[Roll No. 351]

AYES—178

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
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Fattah
Filner
Forbes
Ford
Frank (MA)
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Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lowey
Lucas (KY)
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McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
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McKinney
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Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
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Moakley
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Moran (VA)
Murtha
Nadler
Napolitano
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Obey
Ortiz
Owens
Pallone
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Pastor
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Pelosi
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
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Serrano
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Smith (WA)
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Spratt
Stabenow
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Taylor (MS)
Thompson (CA)
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Turner
Udall (CO)
Velazquez
Visclosky
Waters
Waxman
Weiner
Wexler
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Woolsey
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Wynn

NOES—244

Aderholt
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Baker
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Barrett (NE)
Bartlett
Barton
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Bateman
Bereuter
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Brady (TX)
Bryant
Burr
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Buyer
Callahan
Calvert
Camp
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Canady
Cannon
Castle
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Chenoweth-Hage
Coble
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Collins
Combest
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Costello
Cox
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Davis (VA)
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Emerson
English
Etheridge
Evans
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
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Gekas
Gibbons
Gilchrest
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Goode
Goodlatte
Gordon
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Green (TX)
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Greenwood
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Hall (TX)
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Hostettler
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Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
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Latham
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Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Porter
Portman
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
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Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
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Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
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Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Cook
Gilman
Goodling
Herger
Maloney (CT)
Maloney (NY)
Markey
Myrick
Olver
Pombo
Radanovich
Strickland
Vento

□ 1428

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

MEDICARE RX 2000 ACT

Mr. ARCHER. Mr. Speaker, pursuant to H. Res. 539, I call up the bill (H.R. 4680), to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 539, the bill is considered read for amendment.

The text of the bill, H.R. 4680, is as follows:

H.R. 4680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Rx 2000 Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MEDICARE PRESCRIPTION DRUG BENEFIT

Sec. 101. Establishment of a medicare prescription drug benefit.

"PART D—VOLUNTARY PRESCRIPTION DRUG BENEFIT PROGRAM

"Sec. 1860A. Benefits; eligibility; enrollment; and coverage period.
"Sec. 1860B. Requirements for qualified prescription drug coverage.
"Sec. 1860C. Beneficiary protections for qualified prescription drug coverage.
"Sec. 1860D. Requirements for prescription drug plan (PDP) sponsors.
"Sec. 1860E. Process for beneficiaries to select qualified prescription drug coverage.
"Sec. 1860F. Premiums.
"Sec. 1860G. Premium and cost-sharing subsidies for low-income individuals.
"Sec. 1860H. Subsidies for all medicare beneficiaries through reinsurance for qualified prescription drug coverage.
"Sec. 1860I. Medicare Prescription Drug Account in Federal Supplementary Medical Insurance Trust Fund.

"Sec. 1860J. Definitions; treatment of references to provisions in part C.
Sec. 102. Offering of qualified prescription drug coverage under the Medicare+Choice program.
Sec. 103. Medicaid amendments.
Sec. 104. Medigap transition provisions.

TITLE II—MODERNIZATION OF ADMINISTRATION OF MEDICARE

Subtitle A—Medicare Benefits Administration

Sec. 201. Establishment of administration.
"Sec. 1807. Medicare Benefits Administration.
Sec. 202. Miscellaneous administrative provisions.

Subtitle B—Oversight of Financial Sustainability of the Medicare Program

Sec. 211. Additional requirements for annual financial report and oversight on medicare program.

Subtitle C—Changes in Medicare Coverage and Appeals Process

Sec. 221. Revisions to medicare appeals process.
Sec. 222. Provisions with respect to limitations on liability of beneficiaries.
Sec. 223. Waivers of liability for cost sharing amounts.
Sec. 224. Elimination of motions by the Secretary on decisions of the Provider Reimbursement Review Board.

TITLE III—MEDICARE+CHOICE REFORMS; PRESERVATION OF MEDICARE PART B DRUG BENEFIT

Subtitle A—Medicare+Choice Reforms

Sec. 301. Increase in national per capita Medicare+Choice growth percentage in 2001 and 2002.
Sec. 302. Permanently removing application of budget neutrality beginning in 2002.
Sec. 303. Increasing minimum payment amount.
Sec. 304. Allowing movement to 50:50 percent blend in 2002.
Sec. 305. Increased update for payment areas with only one or no Medicare+Choice contracts.
Sec. 306. Permitting higher negotiated rates in certain Medicare+Choice payment areas below national average.
Sec. 307. 10-year phase in of risk adjustment based on data from all settings.

Subtitle B—Preservation of Medicare Coverage of Drugs and Biologicals

Sec. 311. Preservation of coverage of drugs and biologicals under part B of the medicare program.

TITLE I—MEDICARE PRESCRIPTION DRUG BENEFIT

SEC. 101. ESTABLISHMENT OF A MEDICARE PRESCRIPTION DRUG BENEFIT.

(a) IN GENERAL.—Title XVIII of the Social Security Act is amended—

(1) by redesignating part D as part E; and

(2) by inserting after part C the following new part:

"PART D—VOLUNTARY PRESCRIPTION DRUG BENEFIT PROGRAM

"SEC. 1860A. BENEFITS; ELIGIBILITY; ENROLLMENT; AND COVERAGE PERIOD.

"(a) PROVISION OF QUALIFIED PRESCRIPTION DRUG COVERAGE THROUGH ENROLLMENT IN PLANS.—Subject to the succeeding provisions of this part, each individual who is enrolled under part B is entitled to obtain qualified prescription drug coverage (described in section 1860B(a)) as follows:

"(1) MEDICARE+CHOICE PLAN.—If the individual is eligible to enroll in a Medicare+Choice plan that provides qualified prescription drug coverage under section 1851(j), the individual may enroll in the plan and obtain coverage through such plan.

"(2) PRESCRIPTION DRUG PLAN.—If the individual is not enrolled in a Medicare+Choice plan that provides qualified prescription drug coverage, the individual may enroll under this part in a prescription drug plan (as defined in section 1860C(a)).

Such individuals shall have a choice of such plans under section 1860E(d).

"(b) GENERAL ELECTION PROCEDURES.—

"(1) IN GENERAL.—An individual may elect to enroll in a prescription drug plan under this part, or elect the option of qualified prescription drug coverage under a Medicare+Choice plan under part C, and change such election only in such manner and form as may be prescribed by regulations of the Administrator of the Medicare Benefits Administration (appointed under section 1807(b)) (in this part referred to as the 'Medicare Benefits Administrator') and only during an election period prescribed in or under this subsection.

"(2) ELECTION PERIODS.—

"(A) IN GENERAL.—Except as provided in this paragraph, the election periods under this subsection shall be the same as the coverage election periods under the Medicare+Choice program under section 1851(e), including—

"(i) annual coordinated election periods; and

"(ii) special election periods.

In applying the last sentence of section 1851(e)(4) (relating to discontinuance of a Medicare+Choice election during the first year of eligibility) under this subparagraph, in the case of an election described in such section in which the individual had elected or is provided qualified prescription drug coverage at the time of such first enrollment, the individual shall be permitted to enroll in a prescription drug plan under this part at the time of the election of coverage under the original fee-for-service plan.

"(B) INITIAL ELECTION PERIODS.—

"(i) INDIVIDUALS CURRENTLY COVERED.—In the case of an individual who is enrolled under part B as of November 1, 2002, there shall be an initial election period of 6 months beginning on that date.

"(ii) INDIVIDUAL COVERED IN FUTURE.—In the case of an individual who is first enrolled under part B after November 1, 2002, there shall be an initial election period which is the same as the initial election period under section 1851(e)(1).

"(C) ADDITIONAL SPECIAL ELECTION PERIODS.—The Medicare Benefits Administrator shall establish special election periods—

"(i) in cases of individuals who have and involuntarily lose prescription drug coverage described in subsection (c)(2)(C); and

"(ii) in cases described in section 1837(h) (relating to errors in enrollment), in the same manner as such section applies to part B.

"(D) ONE-TIME ENROLLMENT PERMITTED FOR CURRENT PART A ONLY BENEFICIARIES.—In the case of an individual who as of November 1, 2002—

"(i) is entitled to benefits under part A; and

"(ii) is not (and has not previously been) enrolled under part B;

the individual shall be eligible to enroll in a prescription drug plan under this part but only during the period described in subparagraph (B)(i). If the individual enrolls in such a plan, the individual may change such enrollment under this part, but the individual may not enroll in a Medicare+Choice plan under part C unless the individual enrolls under part B. Nothing in this subparagraph shall be construed as providing for coverage under a prescription drug plan of benefits that are excluded because of the application of section 1860B(f)(2)(B).

"(c) GUARANTEED ISSUE; COMMUNITY RATING; AND NONDISCRIMINATION.—

"(1) GUARANTEED ISSUE.—

"(A) IN GENERAL.—An eligible individual who is eligible to elect qualified prescription drug coverage under a prescription drug plan or Medicare+Choice plan at a time during which elections are accepted under this part with respect to the plan shall not be denied enrollment based on any health status-related factor (described in section 2702(a)(1) of the Public Health Service Act) or any other factor.

"(B) MEDICARE+CHOICE LIMITATIONS PERMITTED.—The provisions of paragraphs (2) and (3) (other than subparagraph (C)(i), relating to default enrollment) of section 1851(g) (relating to priority and limitation on termination of election) shall apply to PDP sponsors under this subsection.

"(2) COMMUNITY-RATED PREMIUM.—

"(A) IN GENERAL.—In the case of an individual who maintains (as determined under subparagraph (C)) continuous prescription drug coverage since first qualifying to elect prescription drug coverage under this part, a PDP sponsor or Medicare+Choice organization offering a prescription drug plan or Medicare+Choice plan that provides qualified prescription drug coverage and in which the individual is enrolled may not deny, limit, or condition the coverage or provision of covered prescription drug benefits or increase the premium under the plan based on any health status-related factor described in section 2702(a)(1) of the Public Health Service Act or any other factor.

"(B) LATE ENROLLMENT PENALTY.—In the case of an individual who does not maintain such continuous prescription drug coverage, a PDP sponsor or Medicare+Choice organization may (notwithstanding any provision in this title) increase the premium otherwise applicable or impose a pre-existing condition exclusion with respect to qualified prescription drug coverage in a manner that reflects additional actuarial risk involved. Such a risk shall be established through an appropriate actuarial opinion of the type described in subparagraphs (A) through (C) of section 2103(c)(4).

"(C) CONTINUOUS PRESCRIPTION DRUG COVERAGE.—An individual is considered for purposes of this part to be maintaining continuous prescription drug coverage on and after a date if the individual establishes that there is no period of 63 days or longer on and after such date (beginning not earlier than January 1, 2003) during all of which the individual did not have any of the following prescription drug coverage:

"(i) COVERAGE UNDER PRESCRIPTION DRUG PLAN OR MEDICARE+CHOICE PLAN.—Qualified prescription drug coverage under a prescription drug plan or under a Medicare+Choice plan.

"(ii) MEDICAID PRESCRIPTION DRUG COVERAGE.—Prescription drug coverage under a medicaid plan under title XIX, including through the Program of All-inclusive Care for the Elderly (PACE) under section 1934, through a social health maintenance organization (referred to in section 4104(c) of the Balanced Budget Act of 1997), or through a Medicare+Choice project that demonstrates the application of capitation payment rates for frail elderly medicare beneficiaries through the use of a interdisciplinary team and through the provision of primary care services to such beneficiaries by means of such a team at the nursing facility involved.

"(iii) PRESCRIPTION DRUG COVERAGE UNDER GROUP HEALTH PLAN.—Any outpatient prescription drug coverage under a group health plan, including a health benefits plan under the Federal Employees Health Benefit Plan under chapter 89 of title 5, United States Code, and a qualified retiree prescription drug plan as defined in section 1860H(f)(1).

"(iv) PRESCRIPTION DRUG COVERAGE UNDER CERTAIN MEDIGAP POLICIES.—Coverage under a medicare supplemental policy under section 1882 that provides benefits for prescription drugs (whether or not such coverage conforms to the standards for packages of benefits under section 1882(p)(1)), but only if the policy was in effect on January 1, 2003, and only until the date such coverage is terminated.

"(v) STATE PHARMACEUTICAL ASSISTANCE PROGRAM.—Coverage of prescription drugs under a State pharmaceutical assistance program.

"(vi) VETERANS' COVERAGE OF PRESCRIPTION DRUGS.—Coverage of prescription drugs for veterans under chapter 17 of title 38, United States Code.

"(D) CERTIFICATION.—For purposes of carrying out this paragraph, the certifications of the type described in sections 2701(e) of the Public Health Service Act and in section 9801(e) of the Internal Revenue Code shall also include a statement for the period of coverage of whether the individual involved had prescription drug coverage described in subparagraph (C).

"(E) CONSTRUCTION.—Nothing in this section shall be construed as preventing the disenrollment of an individual from a prescription drug plan or a Medicare+Choice plan based on the termination of an election described in section 1851(g)(3), including for non-payment of premiums or for other reasons specified in subsection (d)(3), which takes into account a grace period described in section 1851(g)(3)(B)(i).

"(3) NONDISCRIMINATION.—A PDP sponsor offering a prescription drug plan shall not establish a service area in a manner that would discriminate based on health or economic status of potential enrollees.

"(d) EFFECTIVE DATE OF ELECTIONS.—

"(1) IN GENERAL.—Except as provided in this section, the Medicare Benefits Administrator shall provide that elections under subsection (b) take effect at the same time as the Secretary provides that similar elections under section 1851(e) take effect under section 1851(f).

"(2) NO ELECTION EFFECTIVE BEFORE 2003.—In no case shall any election take effect before January 1, 2003.

"(3) TERMINATION.—The Medicare Benefits Administrator shall provide for the termination of elections in the case of—

"(A) termination of coverage under part B (other than the case of an individual described in subsection (b)(2)(D) (relating to part A only individuals); and

"(B) termination of elections described in section 1851(g)(3) (including failure to pay required premiums).

"SEC. 1860B. REQUIREMENTS FOR QUALIFIED PRESCRIPTION DRUG COVERAGE.

"(a) REQUIREMENTS.—

"(1) IN GENERAL.—For purposes of this part and part C, the term 'qualified prescription drug coverage' means either of the following:

"(A) STANDARD COVERAGE WITH ACCESS TO NEGOTIATED PRICES.—Standard coverage (as defined in subsection (b)) and access to negotiated prices under subsection (d).

"(B) ACTUARIALLY EQUIVALENT COVERAGE WITH ACCESS TO NEGOTIATED PRICES.—Coverage of covered outpatient drugs which meets the alternative coverage requirements of subsection (c) and access to negotiated prices under subsection (d).

"(2) PERMITTING ADDITIONAL OUTPATIENT PRESCRIPTION DRUG COVERAGE.—

"(A) IN GENERAL.—Subject to subparagraph (B), nothing in this part shall be construed as preventing qualified prescription drug coverage from including coverage of covered outpatient drugs that exceeds the coverage required under paragraph (1), but any such additional coverage shall be limited to coverage of covered outpatient drugs.

"(B) DISAPPROVAL AUTHORITY.—The Medicare Benefits Administrator shall review the offering of qualified prescription drug coverage under this part or part C. If the Administrator finds that, in the case of a qualified prescription drug coverage under a prescription drug plan or a Medicare+Choice plan, that the organization or sponsor offering the coverage is purposefully engaged in activities intended to result in favorable selection of those eligible medicare beneficiaries obtaining coverage through the plan, the Administrator may terminate the contract with the sponsor or organization under this part or part C.

"(3) APPLICATION OF SECONDARY PAYOR PROVISIONS.—The provisions of section 1852(a)(4) shall apply under this part in the same manner as they apply under part C.

"(b) STANDARD COVERAGE.—For purposes of this part, the 'standard coverage' is coverage of covered outpatient drugs (as defined in subsection (f)) that meets the following requirements:

"(1) DEDUCTIBLE.—The coverage has an annual deductible—

"(A) for 2003, that is equal to $250; or

"(B) for a subsequent year, that is equal to the amount specified under this paragraph for the previous year increased by the percentage specified in paragraph (5) for the year involved.

Any amount determined under subparagraph (B) that is not a multiple of $5 shall be rounded to the nearest multiple of $5.

"(2) LIMITS ON COST-SHARING.—The coverage has cost-sharing (for costs above the annual deductible specified in paragraph (1) and up to the initial coverage limit under paragraph (3)) that is equal to 50 percent or that is actuarially consistent (using processes established under subsection (e)) with an average expected payment of 50 percent of such costs.

"(3) INITIAL COVERAGE LIMIT.—Subject to paragraph (4), the coverage has an initial coverage limit on the maximum costs that may be recognized for payment purposes (above the annual deductible)—

"(A) for 2003, that is equal to $2,100; or

"(B) for a subsequent year, that is equal to the amount specified in this paragraph for the previous year, increased by the annual percentage increase described in paragraph (5) for the year involved.

Any amount determined under subparagraph (B) that is not a multiple of $25 shall be rounded to the nearest multiple of $25.

"(4) LIMITATION ON OUT-OF-POCKET EXPENDITURES BY BENEFICIARY.—

"(A) IN GENERAL.—Notwithstanding paragraph (3), the coverage provides benefits without any cost-sharing after the individual has incurred costs (as described in subparagraph (C)) for covered outpatient drugs in a year equal to the annual out-of-pocket limit specified in subparagraph (B).

"(B) ANNUAL OUT-OF-POCKET LIMIT.—For purposes of this part, the 'annual out-of-pocket limit' specified in this subparagraph—

"(i) for 2003, is equal to $6,000; or

"(ii) for a subsequent year, is equal to the amount specified in the subparagraph for the previous year, increased by the annual percentage increase described in paragraph (5) for the year involved.

Any amount determined under clause (ii) that is not a multiple of $100 shall be rounded to the nearest multiple of $100.

"(C) APPLICATION.—In applying subparagraph (A)—

"(i) incurred costs shall only include costs incurred for the annual deductible (described in paragraph (1)), cost-sharing (described in paragraph (2)), and amounts for which benefits are not provided because of the application of the initial coverage limit described in paragraph (3); but

"(ii) costs shall be treated as incurred without regard to whether the individual or another person, including a State program, has paid for such costs, but shall not be counted insofar as such costs are covered as benefits under a prescription drug plan, a Medicare+Choice plan, or other third-party coverage.

"(5) ANNUAL PERCENTAGE INCREASE.—For purposes of this part, the annual percentage increase specified in this paragraph for a year is equal to the annual percentage increase in average per capita aggregate expenditures for covered outpatient drugs in the United States for medicare beneficiaries, as determined by the Medicare Benefits Administrator for the 12-month period ending in July of the previous year.

"(c) ALTERNATIVE COVERAGE REQUIREMENTS.—A prescription drug plan or Medicare+Choice plan may provide a different prescription drug benefit design from the standard coverage described in subsection (b)(1) so long as the following requirements are met:

"(1) ASSURING AT LEAST ACTUARIALLY EQUIVALENT COVERAGE.—

"(A) ASSURING EQUIVALENT VALUE OF TOTAL COVERAGE.—The actuarial value of the total coverage (as determined under subsection (e)) is at least equal to the actuarial value (as so determined) of standard coverage.

"(B) ASSURING EQUIVALENT UNSUBSIDIZED VALUE OF COVERAGE.—The unsubsidized value of the coverage is at least equal to the unsubsidized value of standard coverage. For purposes of this subparagraph, the unsubsidized value of coverage is the amount by which the actuarial value of the coverage (as determined under subsection (e)) exceeds the actuarial value of the reinsurance subsidy payments under section 1860H with respect to such coverage.

"(C) ASSURING STANDARD PAYMENT FOR COSTS AT INITIAL COVERAGE LIMIT.—The coverage is designed, based upon an actuarially representative pattern of utilization (as determined under subsection (e)), to provide for the payment, with respect to costs incurred that are equal to the sum of the deductible under subsection (b)(1) and the initial coverage limit under subsection (b)(3), of an amount equal to at least such initial coverage limit multiplied by the percentage specified in subsection (b)(2).

"(2) Limitation on out-of-pocket expenditures by beneficiaries.—The coverage provides the limitation on out-of-pocket expenditures by beneficiaries described in subsection (b)(4).

"(d) Access to Negotiated Prices.—Under qualified prescription drug coverage offered by a PDP sponsor or a Medicare+Choice organization, the sponsor or organization shall provide beneficiaries with access to negotiated prices (including applicable discounts) used for payment for covered outpatient drugs, regardless of the fact that no benefits may be payable under the coverage with respect to such drugs because of the application of cost-sharing or an initial coverage limit (described in subsection (b)(3)).

"(e) Actuarial Valuation; Determination of Annual Percentage Increases.—

"(1) Processes.—For purposes of this section, the Medicare Benefits Administrator shall establish processes and methods—

"(A) for determining the actuarial valuation of prescription drug coverage, including—

"(i) an actuarial valuation of standard coverage and of the reinsurance subsidy payments under section 1860H;

"(ii) the use of generally accepted actuarial principles and methodologies; and

"(iii) applying the same methodology for determinations of alternative coverage under subsection (c) as is used with respect to determinations of standard coverage under subsection (b); and

"(B) for determining annual percentage increases described in subsection (b)(5).

"(2) Use of outside actuaries.—Under the processes under paragraph (1)(A), PDP sponsors and Medicare+Choice organizations may use actuarial opinions certified by independent, qualified actuaries to establish actuarial values.

"(f) Covered Outpatient Drugs Defined.—

"(1) In general.—Except as provided in this subsection, for purposes of this part, the term 'covered outpatient drug' means—

"(A) a drug that may be dispensed only upon a prescription and that is described in subparagraph (A)(i) or (A)(ii) of section 1927(k)(2); or

"(B) a biological product or insulin described in subparagraph (B) or (C) of such section.

"(2) Exclusions.—

"(A) In general.—Such term does not include drugs or classes of drugs, or their medical uses, which may be excluded from coverage or otherwise restricted under section 1927(d)(2), other than subparagraph (E) thereof (relating to smoking cessation agents).

"(B) Avoidance of duplicate coverage.—A drug prescribed for an individual that would otherwise be a covered outpatient drug under this part shall not be so considered if payment for such drug is available under part A or B (but shall be so considered if such payment is not available because benefits under part A or B have been exhausted), without regard to whether the individual is entitled to benefits under part A or enrolled under part B.

"(3) Application of formulary restrictions.—A drug prescribed for an individual that would otherwise be a covered outpatient drug under this part shall not be so considered under a plan if the plan excludes the drug under a formulary that meets the requirements of section 1860C(f)(2) (including providing an appeal process).

"(4) Application of general exclusion provisions.—A prescription drug plan or Medicare+Choice plan may exclude from qualified prescription drug coverage any covered outpatient drug—

"(A) for which payment would not be made if section 1862(a) applied to part D; or

"(B) which are not prescribed in accordance with the plan or this part.

Such exclusions are determinations subject to reconsideration and appeal pursuant to section 1860C(f).

"SEC. 1860C. BENEFICIARY PROTECTIONS FOR QUALIFIED PRESCRIPTION DRUG COVERAGE.

"(a) Guaranteed Issue and Nondiscrimination.—For provisions requiring guaranteed issue, community-rated premiums, and nondiscrimination, see sections 1860A(c) and 1860F(b).

"(b) Dissemination of Information.—

"(1) General information.—A PDP sponsor shall disclose, in a clear, accurate, and standardized form to each enrollee with a prescription drug plan offered by the sponsor under this part at the time of enrollment and at least annually thereafter, the information described in section 1852(c)(1) relating to such plan. Such information includes the following:

"(A) Access to covered outpatient drugs, including access through pharmacy networks.

"(B) How any formulary used by the sponsor functions.

"(C) Co-payments and deductible requirements.

"(D) Grievance and appeals procedures.

"(2) Disclosure upon request of general coverage, utilization, and grievance information.—Upon request of an individual eligible to enroll under a prescription drug plan, the PDP sponsor shall provide the information described in section 1852(c)(2) (other than subparagraph (D)) to such individual.

"(3) Response to beneficiary questions.—Each PDP sponsor offering a prescription drug plan shall have a mechanism for providing specific information to enrollees upon request. The sponsor shall make available, through an Internet website and in writing upon request, information on specific changes in its formulary.

"(4) Claims information.—Each PDP sponsor offering a prescription drug plan must furnish to enrolled individuals in a form easily understandable to such individuals an explanation of benefits (in accordance with section 1806(a) or in a comparable manner) and a notice of the benefits in relation to initial coverage limit and annual out-of-pocket limit for the current year, whenever prescription drug benefits are provided under this part (except that such notice need not be provided more often than monthly).

"(c) Access to Covered Benefits.—

"(1) Assuring pharmacy access.—The PDP sponsor of the prescription drug plan shall secure the participation of sufficient numbers of pharmacies (which may include mail order pharmacies) to ensure convenient access (including adequate emergency access) for enrolled beneficiaries. Nothing in this paragraph shall be construed as requiring the participation of all pharmacies in any area under a plan.

"(2) Access to negotiated prices for prescription drugs.—The PDP sponsor of a prescription drug plan shall issue such a card that may be used by an enrolled beneficiary to assure access to negotiated prices under section 1860B(d) for the purchase of prescription drugs for which coverage is not otherwise provided under the prescription drug plan.

"(3) Requirements on development and application of formularies.—Insofar as a PDP sponsor of a prescription drug plan uses a formulary, the following requirements must be met:

"(A) Formulary committee.—The sponsor must establish a pharmaceutical and therapeutic committee that develops the formulary. Such committee shall include at least one physician and at least one pharmacist.

"(B) Inclusion of drugs in all therapeutic categories.—The formulary must include drugs within all therapeutic categories and classes of covered outpatient drugs (although not necessarily for all drugs within such categories and classes).

"(C) Appeals and exceptions to application.—The PDP sponsor must have, as part of the appeals process under subsection (f)(2), a process for appeals for denials of coverage based on such application of the formulary.

"(d) Cost and Utilization Management; Quality Assurance; Medication Therapy Management Program.—

"(1) In general.—The PDP sponsor shall have in place—

"(A) an effective cost and drug utilization management program, including appropriate incentives to use generic drugs, when appropriate;

"(B) quality assurance measures and systems to reduce medical errors and adverse drug interactions, including a medication therapy management program described in paragraph (2); and

"(C) a program to control fraud, abuse, and waste.

"(2) Medication therapy management program.—

"(A) In general.—A medication therapy management program described in this paragraph is a program of drug therapy management and medication administration that is designed to assure that covered outpatient drugs under the prescription drug plan are appropriately used to achieve therapeutic goals and reduce the risk of adverse events, including adverse drug interactions.

"(B) Elements.—Such program may include—

"(i) enhanced beneficiary understanding of such appropriate use through beneficiary education, counseling, and other appropriate means; and

"(ii) increased beneficiary adherence with prescription medication regimens through medication refill reminders, special packaging, and other appropriate means.

"(C) Development of program in cooperation with licensed pharmacists.—The program shall be developed in cooperation with licensed pharmacists and physicians.

"(D) Considerations in pharmacy fees.—The PDP sponsor of a prescription drug program shall take into account, in establishing fees for pharmacists and others providing services under the medication therapy management program, the resources and time used in implementing the program.

"(3) Treatment of accreditation.—Section 1852(e)(4) (relating to treatment of accreditation) shall apply to prescription drug plans under this part with respect to the following requirements, in the same manner as they apply to Medicare+Choice plans under part C with respect to the requirements described in a clause of section 1852(e)(4)(B):

"(A) Paragraph (1) (including quality assurance), including medication therapy management program under paragraph (2).

"(B) Subsection (c)(1) (relating to access to covered benefits).

"(C) Subsection (g) (relating to confidentiality and accuracy of enrollee records).

"(e) Grievance Mechanism.—Each PDP sponsor shall provide meaningful procedures for hearing and resolving grievances between the organization (including any entity or individual through which the sponsor provides covered benefits) and enrollees with prescription drug plans of the sponsor under this part in accordance with section 1852(f).

"(f) COVERAGE DETERMINATIONS, RECONSIDERATIONS, AND APPEALS.—

"(1) IN GENERAL.—A PDP sponsor shall meet the requirements of section 1852(g) with respect to covered benefits under the prescription drug plan it offers under this part in the same manner as such requirements apply to a Medicare+Choice organization with respect to benefits it offers under a Medicare+Choice plan under part C.

"(2) APPEALS OF FORMULARY DETERMINATIONS.—Under the appeals process under paragraph (1) an individual who is enrolled in a prescription drug plan offered by a PDP sponsor may appeal to obtain coverage for a medically necessary covered outpatient drug that is not on the formulary of the sponsor (established under subsection (c)) if the prescribing physician determines that the therapeutically similar drug that is on the formulary is not effective for the enrollee or has significant adverse effects for the enrollee.

"(g) CONFIDENTIALITY AND ACCURACY OF ENROLLEE RECORDS.—A PDP sponsor shall meet the requirements of section 1852(h) with respect to enrollees under this part in the same manner as such requirements apply to a Medicare+Choice organization with respect to enrollees under part C.

"SEC. 1860D. REQUIREMENTS FOR PRESCRIPTION DRUG PLAN (PDP) SPONSORS.

"(a) GENERAL REQUIREMENTS.—Each PDP sponsor of a prescription drug plan shall meet the following requirements:

"(1) LICENSURE.—Subject to subsection (c), the sponsor is organized and licensed under State law as a risk-bearing entity eligible to offer health insurance or health benefits coverage in each State in which it offers a prescription drug plan.

"(2) ASSUMPTION OF FULL FINANCIAL RISK.—

"(A) IN GENERAL.—Subject to subparagraph (B) and section 1860E(d)(2), the entity assumes full financial risk on a prospective basis for qualified prescription drug coverage that it offers under a prescription drug plan and that is not covered under reinsurance under section 1860H.

"(B) REINSURANCE PERMITTED.—The entity may obtain insurance or make other arrangements for the cost of coverage provided to any enrolled member under this part.

"(3) SOLVENCY FOR UNLICENSED SPONSORS.—In the case of a sponsor that is not described in paragraph (1), the sponsor shall meet solvency standards established by the Medicare Benefits Administrator under subsection (d).

"(b) CONTRACT REQUIREMENTS.—

"(1) IN GENERAL.—The Medicare Benefits Administrator shall not permit the election under section 1860A of a prescription drug plan offered by a PDP sponsor under this part, and the sponsor shall not be eligible for payments under section 1860G or 1860H, unless the Administrator has entered into a contract under this subsection with the sponsor with respect to the offering of such plan. Such a contract with a sponsor may cover more than 1 prescription drug plan. Such contract shall provide that the sponsor agrees to comply with the applicable requirements and standards of this part and the terms and conditions of payment as provided for in this part.

"(2) INCORPORATION OF CERTAIN MEDICARE+CHOICE CONTRACT REQUIREMENTS.—The following provisions of section 1857 shall apply, subject to subsection (c)(5), to contracts under this section in the same manner as they apply to contracts under section 1857(a):

"(A) MINIMUM ENROLLMENT.—Paragraphs (1) and (3) of section 1857(b).

"(B) CONTRACT PERIOD AND EFFECTIVENESS.—Paragraphs (1) through (3) and (5) of section 1857(c).

"(C) PROTECTIONS AGAINST FRAUD AND BENEFICIARY PROTECTIONS.—Section 1857(d).

"(D) ADDITIONAL CONTRACT TERMS.—Section 1857(e); except that in applying section 1857(e)(2) under this part—

"(i) such section shall be applied separately to costs relating to this part (from costs under part C);

"(ii) in no case shall the amount of the fee established under this subparagraph for a plan exceed 20 percent of the maximum amount of the fee that may be established under subparagraph (B) of such section; and

"(iii) no fees shall be applied under this subparagraph with respect to Medicare+Choice plans.

"(E) INTERMEDIATE SANCTIONS.—Section 1857(g).

"(F) PROCEDURES FOR TERMINATION.—Section 1857(h).

"(3) RULES OF APPLICATION FOR INTERMEDIATE SANCTIONS.—In applying paragraph (2)(E)—

"(A) the reference in section 1857(g)(1)(B) to section 1854 is deemed a reference to this part; and

"(B) the reference in section 1857(g)(1)(F) to section 1852(k)(2)(A)(ii) shall not be applied.

"(c) WAIVER OF CERTAIN REQUIREMENTS TO EXPAND CHOICE.—

"(1) IN GENERAL.—In the case of an entity that seeks to offer a prescription drug plan in a State, the Medicare Benefits Administrator shall waive the requirement of subsection (a)(1) that the entity be licensed in that State if the Administrator determines, based on the application and other evidence presented to the Administrator, that any of the grounds for approval of the application described in paragraph (2) has been met.

"(2) GROUNDS FOR APPROVAL.—The grounds for approval under this paragraph are the grounds for approval described in subparagraph (B), (C), and (D) of section 1855(a)(2), and also include the application by a State of any grounds other than those required under Federal law.

"(3) APPLICATION OF MEDICARE+CHOICE PSO WAIVER PROCEDURES.—With respect to an application for a waiver (or a waiver granted) under this subsection, the provisions of subparagraphs (E), (F), and (G) of section 1855(a)(2) shall apply.

"(4) LICENSURE DOES NOT SUBSTITUTE FOR OR CONSTITUTE CERTIFICATION.—The fact that an entity is licensed in accordance with subsection (a)(1) does not deem the entity to meet other requirements imposed under this part for a PDP sponsor.

"(5) REFERENCES TO CERTAIN PROVISIONS.—For purposes of this subsection, in applying provisions of section 1855(a)(2) under this subsection to prescription drug plans and PDP sponsors—

"(A) any reference to a waiver application under section 1855 shall be treated as a reference to a waiver application under paragraph (1); and

"(B) any reference to solvency standards were treated as a reference to solvency standards established under subsection (c).

"(d) SOLVENCY STANDARDS FOR NON-LICENSED SPONSORS.—

"(1) ESTABLISHMENT.—The Medicare Benefits Administrator shall establish, by not later than October 1, 2001, financial solvency and capital adequacy standards that an entity that does not meet the requirements of subsection (a)(1) must meet to qualify as a PDP sponsor under this part.

"(2) COMPLIANCE WITH STANDARDS.—Each PDP sponsor that is not licensed by a State under subsection (a)(1) and for which a waiver application has been approved under subsection (c) shall meet solvency and capital adequacy standards established under paragraph (1). The Medicare Benefits Administrator shall establish certification procedures for such PDP sponsors with respect to such solvency standards in the manner described in section 1855(c)(2).

"(e) OTHER STANDARDS.—The Medicare Benefits Administrator shall establish by regulation other standards (not described in subsection (d)) for PDP sponsors and plans consistent with, and to carry out, this part. The Administrator shall publish such regulations by October 1, 2001. In order to carry out this requirement in a timely manner, the Administrator may promulgate regulations that take effect on an interim basis, after notice and pending opportunity for public comment.

"(f) RELATION TO STATE LAWS.—

"(1) IN GENERAL.—The standards established under this subsection shall supersede any State law or regulation (including standards described in paragraph (2)) with respect to prescription drug plans which are offered by PDP sponsors under this part to the extent such law or regulation is inconsistent with such standards, in the same manner as such laws and regulations are superseded under section 1856(b)(3).

"(2) STANDARDS SPECIFICALLY SUPERSEDED.—State standards relating to the following are superseded under this subsection:

"(A) Benefit requirements.

"(B) Requirements relating to inclusion or treatment of providers.

"(C) Coverage determinations (including related appeals and grievance processes).

"(3) PROHIBITION OF STATE IMPOSITION OF PREMIUM TAXES.—No State may impose a premium tax or similar tax with respect to premiums paid to PDP sponsors for prescription drug plans under this part, or with respect to any payments made to such a sponsor by the Medicare Benefits Administrator under this part.

"SEC. 1860E. PROCESS FOR BENEFICIARIES TO SELECT QUALIFIED PRESCRIPTION DRUG COVERAGE.

"(a) IN GENERAL.—The Medicare Benefits Administrator, through the Office of Beneficiary Assistance, shall establish, based upon and consistent with the procedures used under part C (including section 1851), a process for the selection of the prescription drug plan or Medicare+Choice plan which offer qualified prescription drug coverage through which eligible individuals elect qualified prescription drug coverage under this part.

"(b) ELEMENTS.—Such process shall include the following:

"(1) Annual, coordinated election periods, in which such individuals can change the qualifying plans through which they obtain coverage, in accordance with section 1860A(b)(2).

"(2) Active dissemination of information to promote an informed selection among qualifying plans based upon price, quality, and other features, in the manner described in (and in coordination with) section 1851(d), including the provision of annual comparative information, maintenance of a toll-free hotline, and the use of non-federal entities.

"(3) Coordination of elections through filing with a Medicare+Choice organization or a PDP sponsor, in the manner described in (and in coordination with) section 1851(c)(2).

"(c) Medicare+Choice Enrollee In Plan Offering Prescription Drug Coverage May Only Obtain Benefits Through the Plan.—An individual who is enrolled under a Medicare+Choice plan that offers qualified prescription drug coverage may only elect to receive qualified prescription drug coverage under this part through such plan.

"(d) Assuring Access to a Choice of Qualified Prescription Drug Coverage.—

"(1) In general.—The Medicare Benefits Administrator shall assure that each individual who is enrolled under part B and who is residing in an area has available a choice of enrollment in at least 2 qualifying plans (as defined in paragraph (5)) in the area in which the individual resides, at least 1 of which is a prescription drug plan.

"(2) Guaranteeing access to coverage.—In order to assure access under paragraph (1) and consistent with paragraph (3), the Medicare Benefits Administrator may provide financial incentives (including partial underwriting of risk) for a PDP sponsor to expand the service area under an existing prescription drug plan to adjoining or additional areas or to establish such a plan (including offering such a plan on a regional or nationwide basis), but only so long as (and to the extent) necessary to assure the access guaranteed under paragraph (1).

"(3) Limitation on authority.—In exercising authority under this subsection, the Medicare Benefits Administrator—

"(A) shall not provide for the full underwriting of financial risk for any PDP sponsor;

"(B) shall not provide for any underwriting of financial risk for a public PDP sponsor with respect to the offering of a nationwide prescription drug plan; and

"(C) shall seek to maximize the assumption of financial risk by PDP sponsors or Medicare+Choice organizations.

"(4) Reports.—The Medicare Benefits Administrator shall, in each annual report to Congress under section 1807(f), include information on the exercise of authority under this subsection. The Administrator also shall include such recommendations as may be appropriate to minimize the exercise of such authority, including minimizing the assumption of financial risk.

"(5) Qualifying plan defined.—For purposes of this subsection, the term 'qualifying plan' means a prescription drug plan or a a Medicare+Choice plan that includes qualified prescription drug coverage.

"SEC. 1860F. PREMIUMS.

"(a) Submission of Premiums and Related Information.—

"(1) In general.—Each PDP sponsor shall submit to the Medicare Benefits Administrator information of the type described in paragraph (2) in the same manner as information is submitted by a Medicare+Choice organization under section 1854(a)(1).

"(2) Type of information.—The information described in this paragraph is the following:

"(A) Information on the qualified prescription drug coverage to be provided.

"(B) Information on the actuarial value of the coverage.

"(C) Information on the monthly premium to be charged for the coverage, including an actuarial certification of—

"(i) the actuarial basis for such premium;

"(ii) the portion of such premium attributable to benefits in excess of standard coverage; and

"(iii) the reduction in such premium resulting from the reinsurance subsidy payments provided under section 1860H.

"(D) Such other information as the Medicare Benefits Administrator may require to carry out this part.

"(3) Review.—The Medicare Benefits Administrator shall review the information filed under paragraph (2) and shall approve or disapprove such rates, amounts, and values so submitted. In exercising such authority, the Administrator shall take into account the reinsurance subsidy payments under section 1860H and the adjusted community rate (as defined in section 1854(f)(3)) for the benefits covered and shall have the same authority to negotiate the terms and conditions of such premiums and other terms and conditions of plans as the Director of the Office of Personnel Management has with respect to health benefits plans under chapter 89 of title 5, United States Code.

"(b) Uniform Premium.—The premium for a prescription drug plan charged under this section may not vary among individuals enrolled in the plan in the same service area, except as is permitted under section 1860A(c)(2)(B) (relating to late enrollment penalties).

"(c) Terms and Conditions for Imposing Premiums.—The provisions of section 1854(d) shall apply under this part in the same manner as they apply under part C, and, for this purpose, the reference in such section to section 1851(g)(3)(B)(i) is deemed a reference to section 1860A(d)(3)(B) (relating to failure to pay premiums required under this part).

"(d) Acceptance of Reference Premium as Full Premium if No Standard (or Equivalent) Coverage in an Area.—

"(1) In general.—If there is no standard prescription drug coverage (as defined in paragraph (2)) offered in an area, in the case of an individual who is eligible for a premium subsidy under section 1860G and resides in the area, the PDP sponsor of any prescription drug plan offered in the area (and any Medicare+Choice organization that offers qualified prescription drug coverage in the area) shall accept the reference premium under section 1860G(b)(2) as payment in full for the premium charge for qualified prescription drug coverage.

"(2) Standard prescription drug coverage defined.—For purposes of this subsection, the term 'standard prescription drug coverage' means qualified prescription drug coverage that is standard coverage or that has an actuarial value equivalent to the actuarial value for standard coverage.

"SEC. 1860G. PREMIUM AND COST-SHARING SUBSIDIES FOR LOW-INCOME INDIVIDUALS.

"(a) In General.—

"(1) Full premium subsidy and reduction of cost-sharing for individuals with income below 135 percent of federal poverty level.—In the case of a subsidy eligible individual (as defined in paragraph (3)) who is determined to have income that does not exceed 135 percent of the Federal poverty level, the individual is entitled under this section—

"(A) to a premium subsidy equal to 100 percent of the amount described in subsection (b)(1); and

"(B) subject to subsection (c), to the substitution for the beneficiary cost-sharing described in paragraphs (1) and (2) of section 1860B(b) (up to the initial coverage limit specified in paragraph (3) of such section) of amounts that are nominal.

"(2) Sliding scale premium subsidy for individuals with income above 135, but below 150 percent, of federal poverty level.—In the case of a subsidy eligible individual who is determined to have income that exceeds 135 percent, but does not exceed 150 percent, of the Federal poverty level, the individual is entitled under this section to a premium subsidy determined on a linear sliding scale ranging from 100 percent of the amount described in subsection (b)(1) for individuals with incomes at 135 percent of such level to 0 percent of such amount for individuals with incomes at 150 percent of such level.

"(3) Determination of eligibility.—

"(A) Subsidy eligible individual defined.—For purposes of this section, subject to subparagraph (D), the term 'subsidy eligible individual' means an individual who—

"(i) is eligible to elect, and has elected, to obtain qualified prescription drug coverage under this part;

"(ii) has income below 150 percent of the Federal poverty line; and

"(iii) meets the resources requirement described in section 1905(p)(1)(C).

"(B) Determinations.—The determination of whether an individual residing in a State is a subsidy eligible individual and the amount of such individual's income shall be determined under the State medicaid plan for the State under section 1935(a). In the case of a State that does not operate such a medicaid plan (either under title XIX or under a statewide waiver granted under section 1115), such determination shall be made under arrangements made by the Medicare Benefits Administrator.

"(C) Income determinations.—For purposes of applying this section—

"(i) income shall be determined in the manner described in section 1905(p)(1)(B); and

"(ii) the term 'Federal poverty line' means the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(D) Treatment of territorial residents.—In the case of an individual who is not a resident of the 50 States or the District of Columbia, the individual is not eligible to be a subsidy eligible individual but may be eligible for financial assistance with prescription drug expenses under section 1935(e).

"(b) Premium Subsidy Amount.—

"(1) In general.—The premium subsidy amount described in this subsection for an individual residing in an area is the reference premium (as defined in paragraph (2)) for qualified prescription drug coverage offered by the prescription drug plan or the Medicare+Choice plan in which the individual is enrolled.

"(2) Reference premium defined.—For purposes of this subsection, the term 'reference premium' means, with respect to qualified prescription drug coverage offered under—

"(A) a prescription drug plan that—

"(i) provides standard coverage (or alternative prescription drug coverage the actuarial value is equivalent to that of standard coverage), the premium imposed for enrollment under the plan under this part (determined without regard to any subsidy under this section or any late enrollment penalty under section 1860A(c)(2)(B)); or

"(ii) provides alternative prescription drug coverage the actuarial value of which is greater than that of standard coverage, the premium described in clause (i) multiplied by the ratio of (I) the actuarial value of standard coverage, to (II) the actuarial value of the alternative coverage; or

"(B) a Medicare+Choice plan, the standard premium computed under section 1851(j)(4)(A)(iii), determined without regard to any reduction effected under section 1851(j)(4)(B).

"(c) RULES IN APPLYING COST-SHARING SUBSIDIES.—

"(1) IN GENERAL.—In applying subsection (a)(1)(B)—

"(A) the maximum amount of subsidy that may be provided with respect to an enrollee for a year may not exceed 95 percent of the maximum cost-sharing described in such subsection that may be incurred for standard coverage;

"(B) the Medicare Benefits Administrator shall determine what is 'nominal' taking into account the rules applied under section 1916(a)(3); and

"(C) nothing in this part shall be construed as preventing a plan or provider from waiving or reducing the amount of cost-sharing otherwise applicable.

"(2) LIMITATION ON CHARGES.—In the case of an individual receiving cost-sharing subsidies under subsection (a)(1)(B), the PDP sponsor may not charge more than a nominal amount in cases in which the cost-sharing subsidy is provided under such subsection.

"(d) ADMINISTRATION OF SUBSIDY PROGRAM.—The Medicare Benefits Administrator shall provide a process whereby, in the case of an individual who is determined to be a subsidy eligible individual and who is enrolled in prescription drug plan or is enrolled in a Medicare+Choice plan under which qualified prescription drug coverage is provided—

"(1) the Administrator provides for a notification of the PDP sponsor or Medicare+Choice organization involved that the individual is eligible for a subsidy and the amount of the subsidy under subsection (a);

"(2) the sponsor or organization involved reduces the premiums or cost-sharing otherwise imposed by the amount of the applicable subsidy and submits to the Administrator information on the amount of such reduction; and

"(3) the Administrator periodically and on a timely basis reimburses the sponsor or organization for the amount of such reductions.

The reimbursement under paragraph (3) with respect to cost-sharing subsidies may be computed on a capitated basis, taking into account the actuarial value of the subsidies and with appropriate adjustments to reflect differences in the risks actually involved.

"(e) RELATION TO MEDICAID PROGRAM.—

"(1) IN GENERAL.—For provisions providing for eligibility determinations, and additional financing, under the medicaid program, see section 1935.

"(2) MEDICAID PROVIDING WRAP AROUND BENEFITS.—The coverage provided under this part is primary payor to benefits for prescribed drugs provided under the medicaid program under title XIX.

"SEC. 1860H. SUBSIDIES FOR ALL MEDICARE BENEFICIARIES THROUGH REINSURANCE FOR QUALIFIED PRESCRIPTION DRUG COVERAGE.

"(a) REINSURANCE SUBSIDY PAYMENT.—In order to reduce premium levels applicable to qualified prescription drug coverage for all medicare beneficiaries, to reduce adverse selection among prescription drug plans and Medicare+Choice plans that provide qualified prescription drug coverage, and to promote the participation of PDP sponsors under this part, the Medicare Benefits Administrator shall provide in accordance with this section for payment to a qualifying entity (as defined in subsection (b)) of the reinsurance payment amount (as defined in subsection (c)) for excess costs incurred in providing qualified prescription drug coverage—

"(1) for individuals enrolled with a prescription drug plan under this part;

"(2) for individuals enrolled with a Medicare+Choice plan that provides qualified prescription drug coverage under part C; and

"(3) for medicare primary individuals (described in subsection (f)(3)(D)) who are enrolled in a qualified retiree prescription drug plan.

This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Administrator to provide for the payment of amounts provided under this section.

"(b) QUALIFYING ENTITY DEFINED.—For purposes of this section, the term 'qualifying entity' means any of the following that has entered into an agreement with the Administrator to provide the Administrator with such information as may be required to carry out this section:

"(1) A PDP sponsor offering a prescription drug plan under this part.

"(2) A Medicare+Choice organization that provides qualified prescription drug coverage under a Medicare+Choice plan under part C.

"(3) The sponsor of a qualified retiree prescription drug plan (as defined in subsection (f)).

"(c) REINSURANCE PAYMENT AMOUNT.—

"(1) IN GENERAL.—Subject to subsection (d)(2) and paragraph (4), the reinsurance payment amount under this subsection for a qualifying covered individual (as defined in subsection (g)(1)) for a coverage year (as defined in subsection (g)(2)) is equal to the sum of the following:

"(A) For the portion of the individual's gross covered prescription drug costs (as defined in paragraph (3)) for the year that exceeds $1,250, but does not exceed $1,350, an amount equal to 30 percent of the allowable costs (as defined in paragraph (2)) attributable to such gross covered prescription drug costs.

"(B) For the portion of the individual's gross covered prescription drug costs for the year that exceeds $1,350, but does not exceed $1,450, an amount equal to 50 percent of the allowable costs attributable to such gross covered prescription drug costs.

"(C) For the portion of the individual's gross covered prescription drug costs for the year that exceeds $1,450, but does not exceed $1,550, an amount equal to 70 percent of the allowable costs attributable to such gross covered prescription drug costs.

"(D) For the portion of the individual's gross covered prescription drug costs for the year that exceeds $1,550, but does not exceed $2,350, an amount equal to 90 percent of the allowable costs attributable to such gross covered prescription drug costs.

"(E) For the portion of the individual's gross covered prescription drug costs for the year that exceeds $7,050, an amount equal to 90 percent of the allowable costs attributable to such gross covered prescription drug costs.

"(2) ALLOWABLE COSTS.—For purposes of this section, the term 'allowable costs' means, with respect to gross covered prescription drug costs under a plan described in subsection (b) offered by a qualifying entity, the part of such costs that are actually paid under the plan, but in no case more than the part of such costs that would have been paid under the plan if the prescription drug coverage under the plan were standard coverage.

"(3) GROSS COVERED PRESCRIPTION DRUG COSTS.—For purposes of this section, the term 'gross covered prescription drug costs' means, with respect to an enrollee with a qualifying entity under a plan described in subsection (b) during a coverage year, the costs incurred under the plan for covered prescription drugs dispensed during the year, including costs relating to the deductible, whether paid by the enrollee or under the plan, regardless of whether the coverage under the plan exceeds standard coverage and regardless of when the payment for such drugs is made.

"(4) INDEXING DOLLAR AMOUNTS.—

"(A) AMOUNTS FOR 2003.—The dollar amounts applied under paragraph (1) for 2003 shall be the dollar amounts specified in such paragraph.

"(B) FOR 2004.—The dollar amounts applied under paragraph (1) for 2004 shall be the dollar amounts specified in such paragraph increased by the annual percentage increase described in section 1860B(b)(5) for 2004.

"(C) FOR SUBSEQUENT YEARS.—The dollar amounts applied under paragraph (1) for a year after 2004 shall be the amounts (under this paragraph) applied under paragraph (1) for the preceding year increased by the annual percentage increase described in section 1860B(b)(5) for the year involved.

"(D) ROUNDING.—Any amount, determined under the preceding provisions of this paragraph for a year, which is not a multiple of $5 shall be rounded to the nearest multiple of $5.

"(d) ADJUSTMENT OF PAYMENTS.—

"(1) IN GENERAL.—The Medicare Benefits Administrator shall estimate—

"(A) the total payments to be made (without regard to this subsection) during a year under this section; and

"(B) the total payments to be made by qualifying entities for standard coverage under plans described in subsection (b) during the year.

"(2) ADJUSTMENT OF PAYMENTS.—The Administrator shall proportionally adjust the payments made under this section for a coverage year in such manner so that the total of the payments made for the year under this section is equal to 35 percent of the total payments described in paragraph (1)(B) during the year.

"(e) PAYMENT METHODS.—

"(1) IN GENERAL.—Payments under this section shall be based on such a method as the Medicare Benefits Administrator determines. The Administrator may establish a payment method by which interim payments of amounts under this section are made during a year based on the Administrator's best estimate of amounts that will be payable after obtaining all of the information.

"(2) SOURCE OF PAYMENTS.—Payments under this section shall be made from the Medicare Prescription Drug Account.

"(f) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN DEFINED.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified retiree prescription drug plan' means employment-based retiree health coverage (as defined in paragraph (3)(A)) if, with respect to an individual enrolled (or eligible to be enrolled) under this part who is covered under the plan, the following requirements are met:

"(A) ASSURANCE.—The sponsor of the plan shall annually attest, and provide such assurances as the Medicare Benefits Administrator may require, that the coverage meets the requirements for qualified prescription drug coverage.

“(B) AUDITS.—The sponsor (and the plan) shall maintain, and afford the Medicare Benefits Administrator access to, such records as the Administrator may require for purposes of audits and other oversight activities necessary to ensure the adequacy of prescription drug coverage, the accuracy of payments made, and such other matters as may be appropriate.

“(C) PROVISION OF CERTIFICATION OF PRESCRIPTION DRUG COVERAGE.—The sponsor of the plan shall provide for issuance of certifications of the type described in section 1860A(c)(2)(D).

“(D) OTHER REQUIREMENTS.—The sponsor of the plan shall comply with such other requirements as the Medicare Benefits Administrator finds necessary to administer the program under this section.

“(2) LIMITATION ON BENEFIT ELIGIBILITY.—No payment shall be provided under this section with respect to an individual who is enrolled under a qualified retiree prescription drug plan unless the individual is a medicare primary individual who—

“(A) is covered under the plan; and

“(B) is eligible to obtain qualified prescription drug coverage under section 1860A but did not elect such coverage under this part (either through a prescription drug plan or through a Medicare+Choice plan).

“(3) DEFINITIONS.—As used in this section:

“(A) EMPLOYMENT-BASED RETIREE HEALTH COVERAGE.—The term ‘employment-based retiree health coverage’ means health insurance or other coverage of health care costs for medicare primary individuals (or for such individuals and their spouses and dependents) based on their status as former employees or labor union members.

“(B) EMPLOYER.—The term ‘employer’ has the meaning given such term by section 3(5) of the Employee Retirement Income Security Act of 1974 (except that such term shall include only employers of two or more employees).

“(C) SPONSOR.—The term ‘sponsor’ means a plan sponsor, as defined in section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

“(D) MEDICARE PRIMARY INDIVIDUAL.—The term ‘medicare primary individual’ means, with respect to a plan, an individual who is covered under the plan and with respect to whom the plan is not a primary plan (as defined in section 1862(b)(2)(A)).

“(g) GENERAL DEFINITIONS.—For purposes of this section:

“(1) QUALIFYING COVERED INDIVIDUAL.—The term ‘qualifying covered individual’ means an individual who—

“(A) is enrolled with a prescription drug plan under this part;

“(B) is enrolled with a Medicare+Choice plan that provides qualified prescription drug coverage under part C; or

“(C) is covered as a medicare primary individual under a qualified retiree prescription drug plan.

“(2) COVERAGE YEAR.—The term ‘coverage year’ means a calendar year in which covered outpatient drugs are dispensed if a claim for payment is made under the plan for such drugs, regardless of when the claim is paid.

“SEC. 1860I. MEDICARE PRESCRIPTION DRUG ACCOUNT IN FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND.

“(a) IN GENERAL.—There is created within the Federal Supplementary Medical Insurance Trust Fund established by section 1841 an account to be known as the ‘Medicare Prescription Drug Account’ (in this section referred to as the ‘Account’). The Account shall consist of such gifts and bequests as may be made as provided in section 201(i)(1), and such amounts as may be deposited in, or appropriated to, such fund as provided in this part. Funds provided under this part to the Account shall be kept separate from all other funds within the Federal Supplementary Medical Insurance Trust Fund.

“(b) PAYMENTS FROM ACCOUNT.—

“(1) IN GENERAL.—The Managing Trustee shall pay from time to time from the Account such amounts as the Medicare Benefits Administrator certifies are necessary to make—

“(A) payments under section 1860G (relating to low-income subsidy payments);

“(B) payments under section 1860H (relating to reinsurance subsidy payments); and

“(C) payments with respect to administrative expenses under this part in accordance with section 201(g).

“(2) TRANSFERS TO MEDICAID ACCOUNT FOR INCREASED ADMINISTRATIVE COSTS.—The Managing Trustee shall transfer from time to time from the Account to the Grants to States for Medicaid account amounts the Secretary certifies are attributable to increases in payment resulting from the application of a higher Federal matching percentage under section 1935(b).

“(c) DEPOSITS INTO ACCOUNT.—

“(1) MEDICAID TRANSFER.—There is hereby transferred to the Account, from amounts appropriated for Grants to States for Medicaid, amounts equivalent to the aggregate amount of the reductions in payments under section 1903(a)(1) attributable to the application of section 1935(c).

“(2) APPROPRIATIONS TO COVER GOVERNMENT CONTRIBUTIONS.—There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Account, an amount equivalent to the amount of payments made from the Account under subsection (b), reduced by the amount transferred to the Account under paragraph (1).

“SEC. 1860J. DEFINITIONS; TREATMENT OF REFERENCES TO PROVISIONS IN PART C.

“(a) DEFINITIONS.—For purposes of this part:

“(1) COVERED OUTPATIENT DRUGS.—The term ‘covered outpatient drugs’ is defined in section 1860B(f).

“(2) INITIAL COVERAGE LIMIT.—The term ‘initial coverage limit’ means the such limit as established under section 1860B(b)(3), or, in the case of coverage that is not standard coverage, the comparable limit (if any) established under the coverage.

“(3) MEDICARE PRESCRIPTION DRUG ACCOUNT.—The term ‘Medicare Prescription Drug Account’ means the Account in the Federal Supplementary Medical Insurance Trust Fund created under section 1860I(a).

“(4) PDP SPONSOR.—The term ‘PDP sponsor’ means an entity that is certified under this part as meeting the requirements and standards of this part for such a sponsor.

“(5) PRESCRIPTION DRUG PLAN.—The term ‘prescription drug plan’ means health benefits coverage that—

“(A) is offered under a policy, contract, or plan by a PDP sponsor pursuant to, and in accordance with, a contract between the Medicare Benefits Administrator and the sponsor under section 1860D(b);

“(B) provides qualified prescription drug coverage; and

“(C) meets the applicable requirements of the section 1860C for a prescription drug plan.

“(6) QUALIFIED PRESCRIPTION DRUG COVERAGE.—The term ‘qualified prescription drug coverage’ is defined in section 1860B(a).

“(7) STANDARD COVERAGE.—The term ‘standard coverage’ is defined in section 1860B(b).

“(b) APPLICATION OF MEDICARE+CHOICE PROVISIONS UNDER THIS PART.—For purposes of applying provisions of part C under this part with respect to a prescription drug plan and a PDP sponsor, unless otherwise provided in this part such provisions shall be applied as if—

“(1) any reference to a Medicare+Choice plan included a reference to a prescription drug plan;

“(2) any reference to a provider-sponsored organization included a reference to a PDP sponsor;

“(3) any reference to a contract under section 1857 included a reference to a contract under section 1860D(b); and

“(4) any reference to part C included a reference to this part.”.

(c) CONFORMING AMENDMENTS TO FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND.—Section 1841 of the Social Security Act (42 U.S.C. 1395t) is amended—

(1) in the last sentence of subsection (a)—

(A) by striking “and” before “such amounts”, and

(B) by inserting before the period the following: “and such amounts as may be deposited in, or appropriated to, the Medicare Prescription Drug Account established by section 1860I”; and

(2) in subsection (g), by inserting after “by this part,” the following: “the payments provided for under part D (in which case the payments shall come from the Medicare Prescription Drug Account in the Trust Fund),”.

(d) ADDITIONAL CONFORMING CHANGES.—

(1) CONFORMING REFERENCES TO PREVIOUS PART D.—Any reference in law (in effect before the date of the enactment of this Act) to part D of title XVIII of the Social Security Act is deemed a reference to part E of such title (as in effect after such date).

(2) SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this subtitle.

SEC. 102. OFFERING OF QUALIFIED PRESCRIPTION DRUG COVERAGE UNDER THE MEDICARE+CHOICE PROGRAM.

(a) IN GENERAL.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21) is amended by adding at the end the following new subsection:

“(j) AVAILABILITY OF PRESCRIPTION DRUG BENEFITS.—

“(1) IN GENERAL.—A Medicare+Choice organization may not offer prescription drug coverage (other than that required under parts A and B) to an enrollee under a Medicare+Choice plan unless such drug coverage is at least qualified prescription drug coverage and unless the requirements of this subsection with respect to such coverage are met.

“(2) COMPLIANCE WITH ADDITIONAL BENEFICIARY PROTECTIONS.—With respect to the offering of qualified prescription drug coverage by a Medicare+Choice organization under a Medicare+Choice plan, the organization and plan shall meet the requirements of section 1860C, including requirements relating to information dissemination and grievance and appeals, in the same manner as they apply to a PDP sponsor and a prescription drug plan under part D. The Medicare Benefits Administrator shall waive such requirements to the extent the Administrator determines that such requirements duplicate requirements otherwise applicable to the organization or plan under this part.

"(3) TREATMENT OF COVERAGE.—Except as provided in this subsection, qualified prescription drug coverage offered under this subsection shall be treated under this part in the same manner as supplemental health care benefits described in section 1852(a)(3)(A).

"(4) AVAILABILITY OF PREMIUM AND COST-SHARING SUBSIDIES FOR LOW-INCOME ENROLLEES AND REINSURANCE SUBSIDY PAYMENTS FOR ORGANIZATIONS.—For provisions—

"(A) providing premium and cost-sharing subsidies to low-income individuals receiving qualified prescription drug coverage through a Medicare+Choice plan, see section 1860G; and

"(B) providing a Medicare+Choice organization with reinsurance subsidy payments for providing qualified prescription drug coverage under this part, see section 1860H.

"(5) SPECIFICATION OF SEPARATE AND STANDARD PREMIUM.—

"(A) IN GENERAL.—For purposes of applying section 1854 and section 1860G(b)(2)(B) with respect to qualified prescription drug coverage offered under this subsection under a plan, the Medicare+Choice organization shall compute and publish the following:

"(i) SEPARATE PRESCRIPTION DRUG PREMIUM.—A premium for prescription drug benefits that constitute qualified prescription drug coverage that is separate from other coverage under the plan.

"(ii) PORTION OF COVERAGE ATTRIBUTABLE TO STANDARD BENEFITS.—The ratio of the actuarial value of standard coverage to the actuarial value of the qualified prescription drug coverage offered under the plan.

"(iii) PORTION OF PREMIUM ATTRIBUTABLE TO STANDARD BENEFITS.—A standard premium equal to the product of the premium described in clause (i) and the ratio under clause (ii).

The premium under clause (i) shall be compute without regard to any reduction in the premium permitted under subparagraph (B).

"(B) REDUCTION OF PREMIUMS ALLOWED.—Nothing in this subsection shall be construed as preventing a Medicare+Choice organization from reducing the amount of a premium charged for prescription drug coverage because of the application of section 1854(f)(1)(A) to other coverage.

"(C) ACCEPTANCE OF REFERENCE PREMIUM AS FULL PREMIUM IF NO STANDARD (OR EQUIVALENT) COVERAGE IN AN AREA.—For requirement to accept reference premium as full premium if there is no standard (or equivalent) coverage in the area of a Medicare+Choice plan, see section 1860F(d).

"(6) TRANSITION IN INITIAL ENROLLMENT PERIOD.—Notwithstanding any other provision of this part, the annual, coordinated election period under subsection (e)(3)(B) for 2003 shall be the 6-month period beginning with November 2002.

"(7) QUALIFIED PRESCRIPTION DRUG COVERAGE; STANDARD COVERAGE.—For purposes of this part, the terms 'qualified prescription drug coverage' and 'standard coverage' have the meanings given such terms in section 1860B.".

(b) CONFORMING AMENDMENTS.—Section 1851 of such Act (42 U.S.C. 1395w–21) is amended—

(1) in subsection (a)(1)—

(A) by inserting "(other than qualified prescription drug benefits)" after "benefits";

(B) by striking the period at the end of subparagraph (B) and inserting a comma; and

(C) by adding after and below subparagraph (B) the following:

"and may elect qualified prescription drug coverage in accordance with section 1860A."; and

(2) in subsection (g)(1), by inserting "and section 1860A(c)(2)(B)" after "in this subsection".

(c) EFFECTIVE DATE.—The amendments made by this section apply to coverage provided on or after January 1, 2003.

SEC. 103. MEDICAID AMENDMENTS.

(a) DETERMINATIONS OF ELIGIBILITY FOR LOW-INCOME SUBSIDIES.—

(1) REQUIREMENT.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)—

(i) by striking "and" at the end of paragraph (64);

(ii) by striking the period at the end of paragraph (65) and inserting "; and"; and

(iii) by inserting after paragraph (65) the following new paragraph:

"(66) provide for making eligibility determinations under section 1935(a).".

(2) NEW SECTION.—Title XIX of such Act is further amended—

(A) by redesignating section 1935 as section 1936; and

(B) by inserting after section 1934 the following new section:

"SPECIAL PROVISIONS RELATING TO MEDICARE PRESCRIPTION DRUG BENEFIT

"SEC. 1935. (a) REQUIREMENT FOR MAKING ELIGIBILITY DETERMINATIONS FOR LOW-INCOME SUBSIDIES.—As a condition of its State plan under this title under section 1902(a)(66) and receipt of any Federal financial assistance under section 1903(a), a State shall—

"(1) make determinations of eligibility for premium and cost-sharing subsidies under (and in accordance with) section 1860G;

"(2) inform the Administrator of the Medicare Benefits Administration of such determinations in cases in which such eligibility is established; and

"(3) otherwise provide such Administrator with such information as may be required to carry out part D of title XVIII (including section 1860G).

"(b) PAYMENTS FOR ADDITIONAL ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—The amounts expended by a State in carrying out subsection (a) are, subject to paragraph (2), expenditures reimbursable under the appropriate paragraph of section 1903(a); except that, notwithstanding any other provision of such section, the applicable Federal matching rates with respect to such expenditures under such section shall be increased as follows:

"(A) For expenditures attributable to costs incurred during 2003, the otherwise applicable Federal matching rate shall be increased by 20 percent of the percentage otherwise payable (but for this subsection) by the State.

"(B) For expenditures attributable to costs incurred during 2004, the otherwise applicable Federal matching rate shall be increased by 40 percent of the percentage otherwise payable (but for this subsection) by the State.

"(C) For expenditures attributable to costs incurred during 2005, the otherwise applicable Federal matching rate shall be increased by 60 percent of the percentage otherwise payable (but for this subsection) by the State.

"(D) For expenditures attributable to costs incurred during 2006, the otherwise applicable Federal matching rate shall be increased by 80 percent of the percentage otherwise payable (but for this subsection) by the State.

"(E) For expenditures attributable to costs incurred after 2006, the otherwise applicable Federal matching rate shall be increased to 100 percent.

"(2) COORDINATION.—The State shall provide the Secretary with such information as may be necessary to properly allocate administrative expenditures described in paragraph (1) that may otherwise be made for similar eligibility determinations.".

(b) PHASED-IN FEDERAL ASSUMPTION OF MEDICAID RESPONSIBILITY FOR PREMIUM AND COST-SHARING SUBSIDIES FOR DUALLY ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Section 1903(a)(1) of the Social Security Act (42 U.S.C. 1396b(a)(1)) is amended by inserting before the semicolon the following: ", reduced by the amount computed under section 1935(c)(1) for the State and the quarter".

(2) AMOUNT DESCRIBED.—Section 1935 of such Act, as inserted by subsection (a)(2), is amended by adding at the end the following new subsection:

"(c) FEDERAL ASSUMPTION OF MEDICAID PRESCRIPTION DRUG COSTS FOR DUALLY-ELIGIBLE BENEFICIARIES.—

"(1) IN GENERAL.—For purposes of section 1903(a)(1), for a State that is one of the 50 States or the District of Columbia for a calendar quarter in a year (beginning with 2003) the amount computed under this subsection is equal to the product of the following:

"(A) MEDICARE SUBSIDIES.—The total amount of payments made in the quarter under section 1860G (relating to premium and cost-sharing prescription drug subsidies for low-income medicare beneficiaries) that are attributable to individuals who are residents of the State and are entitled to benefits with respect to prescribed drugs under the State plan under this title (including such a plan operating under a waiver under section 1115).

"(B) STATE MATCHING RATE.—A proportion computed by subtracting from 100 percent the Federal medical assistance percentage (as defined in section 1905(b)) applicable to the State and the quarter.

"(C) PHASE-OUT PROPORTION.—The phase-out proportion (as defined in paragraph (2)) for the quarter.

"(2) PHASE-OUT PROPORTION.—For purposes of paragraph (1)(C), the 'phase-out proportion' for a calendar quarter in—

"(A) 2003 is 80 percent;

"(B) 2004 is 60 percent;

"(C) 2005 is 40 percent;

"(D) 2006 is 20 percent; or

"(E) a year after 2006 is 0 percent.".

(c) MEDICAID PROVIDING WRAP-AROUND BENEFITS.—Section 1935 of such Act, as so inserted and amended, is further amended by adding at the end the following new subsection:

"(d) ADDITIONAL PROVISIONS.—

"(1) MEDICAID AS SECONDARY PAYOR.—In the case of an individual dually entitled to qualified prescription drug coverage under a prescription drug plan under part D of title XVIII (or under a Medicare+Choice plan under part C of such title) and medical assistance for prescribed drugs under this title, medical assistance shall continue to be provided under this title for prescribed drugs to the extent payment is not made under the prescription drug plan or the Medicare+Choice plan selected by the individual.

"(2) CONDITION.—A State may require, as a condition for the receipt of medical assistance under this title with respect to prescription drug benefits for an individual eligible to obtain qualified prescription drug coverage described in paragraph (1), that the individual elect qualified prescription drug coverage under section 1860A.".

(d) TREATMENT OF TERRITORIES.—

(1) IN GENERAL.—Section 1935 of such Act, as so inserted and amended, is further amended—

(A) in subsection (a)(1), by inserting "subject to subsection (e)," after "section 1903 ";

(B) in subsection (c)(1), by inserting "subject to subsection (e)," after "1903(a)"; and

(C) by adding at the end the following new subsection:

"(e) TREATMENT OF TERRITORIES.—

"(1) IN GENERAL.—In the case of a State, other than the 50 States and the District of Columbia—

"(A) the previous provisions of this section shall not apply to residents of such State; and

"(B) if the State establishes a plan described in paragraph (2) (for providing medical assistance with respect to the provision of prescription drugs to medicare beneficiaries), the amount otherwise determined under section 1108(f) (as increased under section 1108(g)) for the State shall be increased by the amount specified in paragraph (3).

"(2) PLAN.—The plan described in this paragraph is a plan that—

"(A) provides medical assistance with respect to the provision of covered outpatient drugs (as defined in section 1860B(f)) to low-income medicare beneficiaries; and

"(B) assures that additional amounts received by the State that are attributable to the operation of this subsection are used only for such assistance.

"(3) INCREASED AMOUNT.—

"(A) IN GENERAL.—The amount specified in this paragraph for a State for a year is equal to the product of—

"(i) the aggregate amount specified in subparagraph (B); and

"(ii) the amount specified in section 1108(g)(1) for that State, divided by the sum of the amounts specified in such section for all such States.

"(B) AGGREGATE AMOUNT.—The aggregate amount specified in this subparagraph for—

"(i) 2003, is equal to $20,000,000; or

"(ii) a subsequent year, is equal to the aggregate amount specified in this subparagraph for the previous year increased by annual percentage increase specified in section 1860(b)(5) for the year involved.

"(4) REPORT.—The Secretary shall submit to Congress a report on the application of this subsection and may include in the report such recommendations as the Secretary deems appropriate.".

(2) CONFORMING AMENDMENT.—Section 1108(f) of such Act is amended by inserting "and section 1935(e)(1)(B)" after "Subject to subsection (g)".

SEC. 104. MEDIGAP TRANSITION PROVISIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no new medicare supplemental policy that provides coverage of expenses for prescription drugs may be issued under section 1882 of the Social Security Act on or after January 1, 2003, to an individual unless it replaces a medicare supplemental policy that was issued to that individual and that provided some coverage of expenses for prescription drugs.

(b) ISSUANCE OF SUBSTITUTE POLICIES IF OBTAIN PRESCRIPTION DRUG COVERAGE THROUGH MEDICARE.—

(1) IN GENERAL.—The issuer of a medicare supplemental policy—

(A) may not deny or condition the issuance or effectiveness of a medicare supplemental policy that has a benefit package classified as "A", "B", "C", "D", "E", "F", or "G" (under the standards established under subsection (p)(2) of section 1882 of the Social Security Act, 42 U.S.C. 1395ss) and that is offered and is available for issuance to new enrollees by such issuer;

(B) may not discriminate in the pricing of such policy, because of health status, claims experience, receipt of health care, or medical condition; and

(C) may not impose an exclusion of benefits based on a pre-existing condition under such policy,

in the case of an individual described in paragraph (2) who seeks to enroll under the policy not later than 63 days after the date of the termination of enrollment described in such paragraph and who submits evidence of the date of termination or disenrollment along with the application for such medicare supplemental policy.

(2) INDIVIDUAL COVERED.—An individual described in this paragraph is an individual who—

(A) enrolls in a prescription drug plan under part D of title XVIII of the Social Security Act; and

(B) at the time of such enrollment was enrolled and terminates enrollment in a medicare supplemental policy which has a benefit package classified as "H", "I", or "J" under the standards referred to in paragraph (1)(A) or terminates enrollment in a policy to which such standards do not apply but which provides benefits for prescription drugs.

(3) ENFORCEMENT.—The provisions of paragraph (1) shall be enforced as though they were included in section 1882(s) of the Social Security Act (42 U.S.C. 1395ss(s)).

(4) DEFINITIONS.—For purposes of this subsection, the term "medicare supplemental policy" has the meaning given such term in section 1882(g) of the Social Security Act (42 U.S.C. 1395ss(g)).

TITLE II—MODERNIZATION OF ADMINISTRATION OF MEDICARE

Subtitle A—Medicare Benefits Administration

SEC. 201. ESTABLISHMENT OF ADMINISTRATION.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1806 the following new section:

"MEDICARE BENEFITS ADMINISTRATION

"SEC. 1807. (a) ESTABLISHMENT.—There is established within the Department of Health and Human Services an agency to be known as the Medicare Benefits Administration.

"(b) ADMINISTRATOR AND DEPUTY ADMINISTRATOR.—

"(1) ADMINISTRATOR.—

"(A) IN GENERAL.—The Medicare Benefits Administration shall be headed by an Administrator (in this section referred to as the 'Administrator') who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall be in direct line of authority to the Secretary.

"(B) COMPENSATION.—The Administrator shall be paid at the rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(C) TERM OF OFFICE.—The Administrator shall be appointed for a term of 5 years. In any case in which a successor does not take office at the end of an Administrator's term of office, that Administrator may continue in office until the entry upon office of such a successor. An Administrator appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

"(D) GENERAL AUTHORITY.—The Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration, and shall have authority and control over all personnel and activities thereof.

"(E) RULEMAKING AUTHORITY.—The Administrator may prescribe such rules and regulations as the Administrator determines necessary or appropriate to carry out the functions of the Administration. The regulations prescribed by the Administrator shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.

"(F) AUTHORITY TO ESTABLISH ORGANIZATIONAL UNITS.—The Administrator may establish, alter, consolidate, or discontinue such organizational units or components within the Administration as the Administrator considers necessary or appropriate, except that this subparagraph shall not apply with respect to any unit, component, or provision provided for by this section.

"(G) AUTHORITY TO DELEGATE.—The Administrator may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Administration as the Administrator may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Administrator.

"(2) DEPUTY ADMINISTRATOR.—

"(A) IN GENERAL.—There shall be a Deputy Administrator of the Medicare Benefits Administration who shall be appointed by the President, by and with the advice and consent of the Senate.

"(B) COMPENSATION.—The Deputy Administrator shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(C) TERM OF OFFICE.—The Deputy Administrator shall be appointed for a term of 5 years. In any case in which a successor does not take office at the end of a Deputy Administrator's term of office, such Deputy Administrator may continue in office until the entry upon office of such a successor. A Deputy Administrator appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

"(D) DUTIES.—The Deputy Administrator shall perform such duties and exercise such powers as the Administrator shall from time to time assign or delegate. The Deputy Administrator shall be Acting Administrator of the Administration during the absence or disability of the Administrator and, unless the President designates another officer of the Government as Acting Administrator, in the event of a vacancy in the office of the Administrator.

"(3) SECRETARIAL COORDINATION OF PROGRAM ADMINISTRATION.—The Secretary shall ensure appropriate coordination between the Administrator and the Administrator of the Health Care Financing Administration in carrying out the programs under this title.

"(c) DUTIES; ADMINISTRATIVE PROVISIONS.—

"(1) DUTIES.—

“(A) General duties.—The Administrator shall carry out parts C and D, including—

“(i) negotiating, entering into, and enforcing, contracts with plans for the offering of Medicare+Choice plans under part C, including the offering of qualified prescription drug coverage under such plans; and

“(ii) negotiating, entering into, and enforcing, contracts with PDP sponsors for the offering of prescription drug plans under part D.

“(B) Other duties.—The Administrator shall carry out any duty provided for under part C or part D, including demonstration projects carried out in part or in whole under such parts, the programs of all-inclusive care for the elderly (PACE program) under section 1894, the social health maintenance organization (SHMO) demonstration projects (referred to in section 4104(c) of the Balanced Budget Act of 1997), and through a Medicare+Choice project that demonstrates the application of capitation payment rates for frail elderly medicare beneficiaries through the use of a interdisciplinary team and through the provision of primary care services to such beneficiaries by means of such a team at the nursing facility involved).

“(C) Annual reports.—Not later March 31 of each year, the Administrator shall submit to Congress and the President a report on the administration of parts C and D during the previous fiscal year.

“(2) Staff.—

“(A) In general.—The Administrator, with the approval of the Secretary, may employ, without regard to chapter 31 of title 5, United States Code, such officers and employees as are necessary to administer the activities to be carried out through the Medicare Benefits Administration.

“(B) Flexibility with respect to civil service laws.—

“(i) In general.—The staff of the Medicare Benefits Administration shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, subject to clause (ii), shall be paid without regard to the provisions of chapter 51 and chapter 53 of such title (relating to classification and schedule pay rates).

“(ii) Maximum rate.—In no case may the rate of compensation determined under clause (i) exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(3) Redelegation of certain functions of the health care financing administration.—

“(A) In general.—The Secretary, the Administrator, and the Administrator of the Health Care Financing Administration shall establish an appropriate transition of responsibility in order to redelegate the administration of part C from the Secretary and the Administrator of the Health Care Financing Administration to the Administrator as is appropriate to carry out the purposes of this section.

“(B) Transfer of data and information.—The Secretary shall ensure that the Administrator of the Health Care Financing Administration transfers to the Administrator of the Medicare Benefits Administration such information and data in the possession of the Administrator of the Health Care Financing Administration as the Administrator of the Medicare Benefits Administration requires to carry out the duties described in paragraph (1).

“(C) Construction.—Insofar as a responsibility of the Secretary or the Administrator of the Health Care Financing Administration is redelegated to the Administrator under this section, any reference to the Secretary or the Administrator of the Health Care Financing Administration in this title or title XI with respect to such responsibility is deemed to be a reference to the Administrator.

“(d) Office of Beneficiary Assistance.—

“(1) Establishment.—The Secretary shall establish within the Medicare Benefits Administration an Office of Beneficiary Assistance to carry out functions relating to medicare beneficiaries under this title, including making determinations of eligibility of individuals for benefits under this title, providing for enrollment of medicare beneficiaries under this title, and the functions described in paragraph (2). The Office shall be separate operating division within the Administration.

“(2) Dissemination of information on benefits and appeals rights.—

“(A) Dissemination of benefits information.—The Office of Beneficiary Assistance shall disseminate to medicare beneficiaries, by mail, by posting on the Internet site of the Medicare Benefits Administration and through the toll-free telephone number provided for under section 1804(b), information with respect to the following:

“(i) Benefits, and limitations on payment (including cost-sharing, stop-loss provisions, and formulary restrictions) under parts C and D.

“(ii) Benefits, and limitations on payment under parts A and B, including information on medicare supplemental policies under section 1882.

Such information shall be presented in a manner so that medicare beneficiaries may compare benefits under parts A, B, D, and medicare supplemental policies with benefits under Medicare+Choice plans under part C.

“(B) Dissemination of appeals rights information.—The Office of Beneficiary Assistance shall disseminate to medicare beneficiaries in the manner provided under subparagraph (A) a description of procedural rights (including grievance and appeals procedures) of beneficiaries under the original medicare fee-for-service program under parts A and B, the Medicare+Choice program under part C, and the Voluntary Prescription Drug Benefit Program under part D.

“(3) Medicare ombudsman.—

“(A) In general.—Within the Office of Beneficiary Assistance, there shall be a Medicare Ombudsman, appointed by the Secretary from among individuals with expertise and experience in the fields of health care and advocacy, to carry out the duties described in subparagraph (B).

“(B) Duties.—The Medicare Ombudsman shall—

“(i) receive complaints, grievances, and requests for information submitted by a medicare beneficiary, with respect to any aspect of the medicare program;

“(ii) provide assistance with respect to complaints, grievances, and requests referred to in clause (i), including—

“(I) assistance in collecting relevant information for such beneficiaries, to seek an appeal of a decision or determination made by a fiscal intermediary, carrier, Medicare+Choice organization, a PDP sponsor under part D, or the Secretary; and

“(II) assistance to such beneficiaries with any problems arising from disenrollment from a Medicare+Choice plan under part C or a prescription drug plan under part D; and

“(iii) submit annual reports to Congress, the Secretary, and the Medicare Policy Advisory Board describing the activities of the Office, and including such recommendations for improvement in the administration of this title as the Ombudsman determines appropriate.

“(C) Coordination with state ombudsman programs and consumer organizations.—The Medicare Ombudsman shall, to the extent appropriate, coordinate with State medical Ombudsman programs, and with State- and community-based consumer organizations, to—

“(i) provide information about the medicare program; and

“(ii) conduct outreach to educate medicare beneficiaries with respect to manners in which problems under the medicare program may be resolved or avoided.

“(e) Medicare Policy Advisory Board.—

“(1) Establishment.—There is established within the Medicare Benefits Administration the Medicare Policy Advisory Board (in this section referred to the ‘Board’). The Board shall advise, consult with, and make recommendations to the Administrator of the Medicare Benefits Administration with respect to the administration of parts C and D, including the review of payment policies under such parts.

“(2) Reports.—

“(A) In general.—With respect to matters of the administration of parts C and D, the Board shall submit to Congress and to the Administrator of the Medicare Benefits Administration such reports as the Board determines appropriate. Each such report may contain such recommendations as the Board determines appropriate for legislative or administrative changes to improve the administration of such parts, including the topics described in subparagraph (B). Each such report shall be published in the Federal Register.

“(B) Topics described.—Reports required under subparagraph (A) may include the following topics:

“(i) Fostering competition.—Recommendations or proposals to increase competition under parts C and D for services furnished to medicare beneficiaries.

“(ii) Education and enrollment.—Recommendations for the improvement to efforts to provide medicare beneficiaries information and education on the program under this title, and specifically parts C and D, and the program for enrollment under the title.

“(iii) Implementation of risk-adjustment.—Evaluation of the implementation under section 1853(a)(3)(C) of the risk adjustment methodology to payment rates under that section to Medicare+Choice organizations offering Medicare+Choice plans. that accounts for variations in per capita costs based on health status and other demographic factors.

“(iv) Disease management programs.—Recommendations on the incorporation of disease management programs under parts C and D.

“(C) Maintaining independence of board.—The Board shall directly submit to Congress reports required under subparagraph (A). No officer or agency of the United States may require the Board to submit to any officer or agency of the United States for approval, comments, or review, prior to the submission to Congress of such reports.

“(3) Duty of administrator of medicare benefits administration.—With respect to any report submitted by the Board under paragraph (2)(A), not later than 90 days after the report is submitted, the Administrator of the Medicare Benefits Administration shall submit to Congress and the President an analysis of recommendations made by the Board in such report. Each such analysis shall be published in the Federal Register.

"(4) MEMBERSHIP.—

"(A) APPOINTMENT.—Subject to the succeeding provisions of this paragraph, the Board shall consist of 7 members to be appointed as follows:

"(i) 3 members shall be appointed by the President.

"(ii) 2 members shall be appointed by the Speaker of the House of Representatives, with the advice of the chairman and the ranking minority member of the Committees on Ways and Means and on Commerce of the House of Representatives.

"(iii) 2 members shall be appointed by the President pro tempore of the Senate with the advice of the chairman and the ranking minority member of the Senate Committee on Finance.

"(B) QUALIFICATIONS.—The members shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education and experience in health care benefits management, exceptionally qualified to perform the duties of members of the Board.

"(C) PROHIBITION ON INCLUSION OF FEDERAL EMPLOYEES.—No officer or employee of the United States may serve as a member of the Board.

"(5) COMPENSATION.—Members of the Board shall receive, for each day (including travel time) they are engaged in the performance of the functions of the board, compensation at rates not to exceed the daily equivalent to the annual rate in effect for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(6) TERMS OF OFFICE.—

"(A) IN GENERAL.—The term of office of members of the Board shall be 3 years.

"(B) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

"(i) 1 shall be appointed for a term of 1 year;

"(ii) 3 shall be appointed for terms of 2 years; and

"(iii) 3 shall be appointed for terms of 3 years.

"(C) REAPPOINTMENTS.—Any person appointed as a member of the Board may not serve for more than 8 years.

"(D) VACANCY.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

"(7) CHAIR.—The Chair of the Board shall be elected by the members. The term of office of the Chair shall be 3 years.

"(8) MEETINGS.—The Board shall meet at the call of the Chair, but in no event less than 3 times during each fiscal year.

"(9) DIRECTOR AND STAFF.—

"(A) APPOINTMENT OF DIRECTOR.—The Board shall have a Director who shall be appointed by the Chair.

"(B) STAFF.—With the approval of the Board, the Director may appoint and fix the pay of such additional personnel as the Director considers appropriate.

"(C) FLEXIBILITY IN APPLICATION OF CIVIL SERVICE LAWS.—

"(i) IN GENERAL.—The Director and staff of the Board shall be appointed without regard to the provisions of chapter 31 of title 5, United States Code, governing appointments in the competitive service, and, subject to clause (ii), shall be paid without regard to the provisions of chapters 51 and 53 of such title (relating to classification and General Schedule pay rates).

"(ii) MAXIMUM RATE.—In no case may the rate of compensation determined under clause (i) exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(D) ASSISTANCE FROM THE ADMINISTRATOR OF THE MEDICARE BENEFITS ADMINISTRATION.—The Administrator of the Medicare Benefits Administration shall make available to the Board such information and other assistance as it may require to carry out its functions.

"(10) CONTRACT AUTHORITY.—The Board may contract with and compensate government and private agencies or persons to carry out its duties under this subsection, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

"(f) FUNDING.—There is authorized to be appropriated, in appropriate part from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund (including the Medicare Prescription Drug Account), such sums as are necessary to carry out this section.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) TIMING OF INITIAL APPOINTMENTS.—The Administrator and Deputy Administrator of the Medicare Benefits Administration may not be appointed before March 1, 2001.

(3) DUTIES WITH RESPECT TO ELIGIBILITY DETERMINATIONS AND ENROLLMENT.—The Administrator of the Medicare Benefits Administration shall carry out enrollment under title XVIII of the Social Security Act, make eligibility determinations under such title, and carry out part C of such title for years beginning or after January 1, 2003.

SEC. 202. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) ADMINISTRATOR AS MEMBER OF THE BOARD OF TRUSTEES OF THE MEDICARE TRUST FUNDS.—Section 1817(b) and section 1841(b) of the Social Security Act (42 U.S.C. 1395i(b), 1395t(b)) are each amended by striking "and the Secretary of Health and Human Services, all ex officio," and inserting ", the Secretary of Health and Human Services, and the Administrator of the Medicare Benefits Administration, all ex officio,".

(b) INCREASE IN GRADE TO EXECUTIVE LEVEL III FOR THE ADMINISTRATOR OF THE HEALTH CARE FINANCING ADMINISTRATION.—

(1) IN GENERAL.—Section 5314 of title 5, United States Code, by adding at the end the following:

"Administrator of the Health Care Financing Administration.".

(2) CONFORMING AMENDMENT.—Section 5315 of such title is amended by striking "Administrator of the Health Care Financing Administration.".

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on March 1, 2001.

Subtitle B—Oversight of Financial Sustainability of the Medicare Program

SEC. 211. ADDITIONAL REQUIREMENTS FOR ANNUAL FINANCIAL REPORT AND OVERSIGHT ON MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1817 of the Social Security Act (42 U.S.C. 1395i) is amended by adding at the end the following new subsection:

"(l) COMBINED REPORT ON OPERATION AND STATUS OF THE TRUST FUND AND THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND.—

"(1) IN GENERAL.—In addition to the duty of the Board of Trustees to report to Congress under subsection (b), on the date the Board submits the report required under subsection (b)(2), the Board shall submit to Congress a report on the operation and status of the Trust Fund and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 (in this subsection referred to as the 'Trust Funds'). Such report shall included the following information:

"(A) OVERALL SPENDING FROM THE GENERAL FUND OF THE TREASURY.—A statement of total amounts obligated during the preceding fiscal year from the General Revenues of the Treasury to the Trust Funds for payment for benefits covered under this title, stated in terms of the total amount and in terms of the percentage such amount bears to all other amounts obligated from such General Revenues during such fiscal year.

"(B) HISTORICAL OVERVIEW OF SPENDING.—From the date of the inception of the program of insurance under this title through the fiscal year involved, a statement of the total amounts referred to in subparagraph (A).

"(C) 10-YEAR AND 50-YEAR PROJECTIONS.—An estimate of total amounts referred to in subparagraph (A) required to be obligated for payment for benefits covered under this title for each of the 10 fiscal years succeeding the fiscal year involved and for the 50-year period beginning with the succeeding fiscal year.

"(D) RELATION TO GDP GROWTH.—A comparison of the rate of growth of the total amounts referred to in subparagraph (A) to the rate of growth in the gross domestic product for the same period.

"(2) PUBLICATION.—Each report submitted under paragraph (1) shall be published by the Committee on Ways and Means as a public document and shall be made available by such Committee on the Internet.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning on or after the date of the enactment of this Act.

(c) CONGRESSIONAL HEARINGS.—It is the sense of Congress that the committees of jurisdiction shall hold hearings on the reports submitted under section 1817(l) of the Social Security Act.

Subtitle C—Changes in Medicare Coverage and Appeals Process

SEC. 221. REVISIONS TO MEDICARE APPEALS PROCESS.

(a) CONDUCT OF RECONSIDERATIONS OF DETERMINATIONS BY INDEPENDENT CONTRACTORS.—Section 1869 of the Social Security Act (42 U.S.C. 1395ff) is amended to read as follows:

"DETERMINATIONS; APPEALS

"SEC. 1869. (a) INITIAL DETERMINATIONS.—The Secretary shall promulgate regulations and make initial determinations with respect to benefits under part A or part B in accordance with those regulations for the following:

"(1) The initial determination of whether an individual is entitled to benefits under such parts.

"(2) The initial determination of the amount of benefits available to the individual under such parts.

"(3) Any other initial determination with respect to a claim for benefits under such parts, including an initial determination by the Secretary that payment may not be made, or may no longer be made, for an item or service under such parts, an initial determination made by a utilization and quality control peer review organization under section 1154(a)(2), and an initial determination made by an entity pursuant to a contract with the Secretary to administer provisions of this title or title XI.

"(b) Appeal Rights.—

"(1) In general.—

"(A) Reconsideration of initial determination.—Subject to subparagraph (D), any individual dissatisfied with any initial determination under subsection (a) shall be entitled to reconsideration of the determination, and, subject to subparagraphs (D) and (E), a hearing thereon by the Secretary to the same extent as is provided in section 205(b) and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

"(B) Representation by provider or supplier.—

"(i) In general.—Sections 206(a), 1102, and 1871 shall not be construed as authorizing the Secretary to prohibit an individual from being represented under this section by a person that furnishes or supplies the individual, directly or indirectly, with services or items, solely on the basis that the person furnishes or supplies the individual with such a service or item.

"(ii) Mandatory waiver of right to payment from beneficiary.—Any person that furnishes services or items to an individual may not represent an individual under this section with respect to the issue described in section 1879(a)(2) unless the person has waived any rights for payment from the beneficiary with respect to the services or items involved in the appeal.

"(iii) Prohibition on payment for representation.—If a person furnishes services or items to an individual and represents the individual under this section, the person may not impose any financial liability on such individual in connection with such representation.

"(iv) Requirements for representatives of a beneficiary.—The provisions of section 205(j) and section 206 (regarding representation of claimants) shall apply to representation of an individual with respect to appeals under this section in the same manner as they apply to representation of an individual under those sections.

"(C) Succession of rights in cases of assignment.—The right of an individual to an appeal under this section with respect to an item or service may be assigned to the provider of services or supplier of the item or service upon the written consent of such individual using a standard form established by the Secretary for such an assignment.

"(D) Time limits for appeals.—

"(i) Reconsiderations.—Reconsideration under subparagraph (A) shall be available only if the individual described subparagraph (A) files notice with the Secretary to request reconsideration by not later than 180 days after the individual receives notice of the initial determination under subsection (a) or within such additional time as the Secretary may allow.

"(ii) Hearings conducted by the Secretary.—The Secretary shall establish in regulations time limits for the filing of a request for a hearing by the Secretary in accordance with provisions in sections 205 and 206.

"(E) Amounts in controversy.—

"(i) In general.—A hearing (by the Secretary) shall not be available to an individual under this section if the amount in controversy is less than $100, and judicial review shall not be available to the individual if the amount in controversy is less than $1,000.

"(ii) Aggregation of claims.—In determining the amount in controversy, the Secretary, under regulations, shall allow 2 or more appeals to be aggregated if the appeals involve—

"(I) the delivery of similar or related services to the same individual by one or more providers of services or suppliers, or

"(II) common issues of law and fact arising from services furnished to 2 or more individuals by one or more providers of services or suppliers.

"(F) Expedited proceedings.—

"(i) Expedited determination.—In the case of an individual who—

"(I) has received notice by a provider of services that the provider of services plans to terminate services provided to an individual and a physician certifies that failure to continue the provision of such services is likely to place the individual's health at significant risk, or

"(II) has received notice by a provider of services that the provider of services plans to discharge the individual from the provider of services,

the individual may request, in writing or orally, an expedited determination or an expedited reconsideration of an initial determination made under subsection (a), as the case may be, and the Secretary shall provide such expedited determination or expedited reconsideration.

"(ii) Expedited hearing.—In a hearing by the Secretary under this section, in which the moving party alleges that no material issues of fact are in dispute, the Secretary shall make an expedited determination as to whether any such facts are in dispute and, if not, shall render a decision expeditiously.

"(G) Reopening and revision of determinations.—The Secretary may reopen or revise any initial determination or reconsidered determination described in this subsection under guidelines established by the Secretary in regulations.

"(2) Review of coverage determinations.—

"(A) National coverage determinations.—

"(i) In general.—Review of any national coverage determination shall be subject to the following limitations:

"(I) Such a determination shall not be reviewed by any administrative law judge.

"(II) Such a determination shall not be held unlawful or set aside on the ground that a requirement of section 553 of title 5, United States Code, or section 1871(b) of this title, relating to publication in the Federal Register or opportunity for public comment, was not satisfied.

"(III) Upon the filing of a complaint by an aggrieved party, such a determination shall be reviewed by the Departmental Appeals Board of the Department of Health and Human Services. In conducting such a review, the Departmental Appeals Board shall review the record and shall permit discovery and the taking of evidence to evaluate the reasonableness of the determination. In reviewing such a determination, the Departmental Appeals Board shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

"(IV) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

"(ii) Definition of national coverage determination.—For purposes of this section, the term 'national coverage determination' means a determination by the Secretary respecting whether or not a particular item or service is covered under this title, including such a determination under 1862(a)(1).

"(B) Local coverage determination.—In the case of a local coverage determination made by a fiscal intermediary or a carrier under part A or part B respecting whether a particular type or class of items or services is covered under such parts, the following limitations apply:

"(i) Upon the filing of a complaint by an aggrieved party, such a determination shall be reviewed by an administrative law judge of the Social Security Administration. The administrative law judge shall review the record and shall permit discovery and the taking of evidence to evaluate the reasonableness of the determination. In reviewing such a determination, the administrative law judge shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

"(ii) Such a determination may be reviewed by the Departmental Appeals Board of the Department of Health and Human Services.

"(iii) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

"(C) No material issues of fact in dispute.—In the case of review of a determination under subparagraph (A)(i)(III) or (B)(i) where the moving party alleges that there are no material issues of fact in dispute, and alleges that the only issue is the constitutionality of a provision of this title, or that a regulation, determination, or ruling by the Secretary is invalid, the moving party may seek review by a court of competent jurisdiction.

"(D) Pending national coverage determinations.—

"(i) In general.—In the event the Secretary has not issued a national coverage or noncoverage determination with respect to a particular type or class of items or services, an affected party may submit to the Secretary a request to make such a determination with respect to such items or services. By not later than the end of the 90-day period beginning on the date the Secretary receives such a request, the Secretary shall take one of the following actions:

"(I) Issue a national coverage determination, with or without limitations.

"(II) Issue a national noncoverage determination.

"(III) Issue a determination that no national coverage or noncoverage determination is appropriate as of the end of such 90-day period with respect to national coverage of such items or services.

"(IV) Issue a notice that states that the Secretary has not completed a review of the national coverage determination and that includes an identification of the remaining steps in the Secretary's review process and a deadline by which the Secretary will complete the review and take an action described in subclause (I), (II), or (III).

"(ii) In the case of an action described in clause (i)(IV), if the Secretary fails to take an action referred to in such clause by the deadline specified by the Secretary under such clause, then the Secretary is deemed to have taken an action described in clause (i)(III) as of the deadline.

"(iii) When issuing a determination under clause (i), the Secretary shall include an explanation of the basis for the determination.

An action taken under clause (i) (other than subclause (IV)) is deemed to be a national coverage determination for purposes of review under subparagraph (A).

"(3) PUBLICATION ON THE INTERNET OF DECISIONS OF HEARINGS OF THE SECRETARY.—Each decision of a hearing by the Secretary shall be made public, and the Secretary shall publish each decision on the Medicare Internet site of the Department of Health and Human Services. The Secretary shall remove from such decision any information that would identify any individual, provider of services, or supplier.

"(4) LIMITATION ON REVIEW OF CERTAIN REGULATIONS.—A regulation or instruction which relates to a method for determining the amount of payment under part B and which was initially issued before January 1, 1981, shall not be subject to judicial review.

"(5) STANDING.—An action under this section seeking review of a coverage determination (with respect to items and services under this title) may be initiated only by one (or more) of the following aggrieved persons, or classes of persons:

"(A) Individuals entitled to benefits under part A, or enrolled under part B, or both, who are in need of the items or services involved in the coverage determination.

"(B) Persons, or classes of persons, who make, manufacture, offer, supply, make available, or provide such items and services.

"(c) CONDUCT OF RECONSIDERATIONS BY INDEPENDENT CONTRACTORS.—

"(1) IN GENERAL.—The Secretary shall enter into contracts with qualified independent contractors to conduct reconsiderations of initial determinations made under paragraphs (2) and (3) of subsection (a). Contracts shall be for an initial term of three years and shall be renewable on a triennial basis thereafter.

"(2) QUALIFIED INDEPENDENT CONTRACTOR.—For purposes of this subsection, the term 'qualified independent contractor' means an entity or organization that is independent of any organization under contract with the Secretary that makes initial determinations under subsection (a), and that meets the requirements established by the Secretary consistent with paragraph (3).

"(3) REQUIREMENTS.—Any qualified independent contractor entering into a contract with the Secretary under this subsection shall meet the following requirements:

"(A) IN GENERAL.—The qualified independent contractor shall perform such duties and functions and assume such responsibilities as may be required under regulations of the Secretary promulgated to carry out the provisions of this subsection, and such additional duties, functions, and responsibilities as provided under the contract.

"(B) DETERMINATIONS.—The qualified independent contractor shall determine, on the basis of such criteria, guidelines, and policies established by the Secretary and published under subsection (d)(2)(D), whether payment shall be made for items or services under part A or part B and the amount of such payment. Such determination shall constitute the conclusive determination on those issues for purposes of payment under such parts for fiscal intermediaries, carriers, and other entities whose determinations are subject to review by the contractor; except that payment may be made if—

"(i) such payment is allowed by reason of section 1879;

"(ii) in the case of inpatient hospital services or extended care services, the qualified independent contractor determines that additional time is required in order to arrange for postdischarge care, but payment may be continued under this clause for not more than 2 days, and only in the case in which the provider of such services did not know and could not reasonably have been expected to know (as determined under section 1879) that payment would not otherwise be made for such services under part A or part B prior to notification by the qualified independent contractor under this subsection;

"(iii) such determination is changed as the result of any hearing by the Secretary or judicial review of the decision under this section; or

"(iv) such payment is authorized under section 1861(v)(1)(G).

"(C) DEADLINES FOR DECISIONS.—

"(i) DETERMINATIONS.—The qualified independent contractor shall conduct and conclude a determination under subparagraph (B) or an appeal of an initial determination, and mail the notice of the decision by not later than the end of the 45-day period beginning on the date a request for reconsideration has been timely filed.

"(ii) CONSEQUENCES OF FAILURE TO MEET DEADLINE.—In the case of a failure by the qualified independent contractor to mail the notice of the decision by the end of the period described in clause (i), the party requesting the reconsideration or appeal may request a hearing before an administrative law judge, notwithstanding any requirements for a reconsidered determination for purposes of the party's right to such hearing.

"(iii) EXPEDITED RECONSIDERATIONS.—The qualified independent contractor shall perform an expedited reconsideration under subsection (b)(1)(F) of a notice from a provider of services or supplier that payment may not be made for an item or service furnished by the provider of services or supplier, of a decision by a provider of services to terminate services furnished to an individual, or of a decision of the provider of services to discharge the individual from the provider of services, in accordance with the following:

"(I) DEADLINE FOR DECISION.—Notwithstanding section 216(j), not later than 1 day after the date the qualified independent contractor has received a request for such reconsideration and has received such medical or other records needed for such reconsideration, the qualified independent contractor shall provide notice (by telephone and in writing) to the individual and the provider of services and attending physician of the individual of the results of the reconsideration. Such reconsideration shall be conducted regardless of whether the provider of services or supplier will charge the individual for continued services or whether the individual will be liable for payment for such continued services.

"(II) CONSULTATION WITH BENEFICIARY.—In such reconsideration, the qualified independent contractor shall solicit the views of the individual involved.

"(D) LIMITATION ON INDIVIDUAL REVIEWING DETERMINATIONS.—

"(i) PHYSICIANS.—No physician under the employ of a qualified independent contractor may review—

"(I) determinations regarding health care services furnished to a patient if the physician was directly responsible for furnishing such services; or

"(II) determinations regarding health care services provided in or by an institution, organization, or agency, if the physician or any member of the physician's family has, directly or indirectly, a significant financial interest in such institution, organization, or agency.

"(ii) PHYSICIAN'S FAMILY DESCRIBED.—For purposes of this paragraph, a physician's family includes the physician's spouse (other than a spouse who is legally separated from the physician under a decree of divorce or separate maintenance), children (including stepchildren and legally adopted children), grandchildren, parents, and grandparents.

"(E) EXPLANATION OF DETERMINATIONS.—Any determination of a qualified independent contractor shall be in writing, and shall include a detailed explanation of the determination as well as a discussion of the pertinent facts and applicable regulations applied in making such determination.

"(F) NOTICE REQUIREMENTS.—Whenever a qualified independent contractor makes a determination under this subsection, the qualified independent contractor shall promptly notify such individual and the entity responsible for the payment of claims under part A or part B of such determination.

"(G) DISSEMINATION OF INFORMATION.—Each qualified independent contractor shall, using the methodology established by the Secretary under subsection (d)(4), make available all determinations of such qualified independent contractors to fiscal intermediaries (under section 1816), carriers (under section 1842), peer review organizations (under part B of title XI), Medicare+Choice organizations offering Medicare+Choice plans under part C, and other entities under contract with the Secretary to make initial determinations under part A or part B or title XI.

"(H) ENSURING CONSISTENCY IN DETERMINATIONS.—Each qualified independent contractor shall monitor its determinations to ensure consistency of determinations with respect to requests for reconsideration of similar or related matters.

"(I) DATA COLLECTION.—

"(i) IN GENERAL.—Consistent with the requirements of clause (ii), a qualified independent contractor shall collect such information relevant to its functions, and keep and maintain such records in such form and manner as the Secretary may require to carry out the purposes of this section and shall permit access to and use of any such information and records as the Secretary may require for such purposes.

"(ii) TYPE OF DATA COLLECTED.—Each qualified independent contractor shall keep accurate records of each decision made, consistent with standards established by the Secretary for such purpose. Such records shall be maintained in an electronic database in a manner that provides for identification of the following:

"(I) Specific claims that give rise to appeals.

"(II) Situations suggesting the need for increased education for providers of services, physicians, or suppliers.

"(III) Situations suggesting the need for changes in national or local coverage policy.

"(IV) Situations suggesting the need for changes in local medical review policies.

"(iii) ANNUAL REPORTING.—Each qualified independent contractor shall submit annually to the Secretary (or otherwise as the Secretary may request) records maintained under this paragraph for the previous year.

"(J) HEARINGS BY THE SECRETARY.—The qualified independent contractor shall (i) prepare such information as is required for an appeal of its reconsidered determination to the Secretary for a hearing, including as necessary, explanations of issues involved in the determination and relevant policies, and (ii) participate in such hearings as required by the Secretary.

"(4) Number of qualified independent contractors.—The Secretary shall enter into contracts with not more than 12 qualified independent contractors under this subsection.

"(5) Limitation on qualified independent contractor liability.—No qualified independent contractor having a contract with the Secretary under this subsection and no person who is employed by, or who has a fiduciary relationship with, any such qualified independent contractor or who furnishes professional services to such qualified independent contractor, shall be held by reason of the performance of any duty, function, or activity required or authorized pursuant to this subsection or to a valid contract entered into under this subsection, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) provided due care was exercised in the performance of such duty, function, or activity.

"(d) Administrative Provisions.—

"(1) Outreach.—The Secretary shall perform such outreach activities as are necessary to inform individuals entitled to benefits under this title and providers of services and suppliers with respect to their rights of, and the process for, appeals made under this section. The Secretary shall use the toll-free telephone number maintained by the Secretary (1-800-MEDICAR(E)) (1-800-633-4227) to provide information regarding appeal rights and respond to inquiries regarding the status of appeals.

"(2) Guidance for reconsiderations and hearings.—

"(A) Regulations.—Not later than 1 year after the date of the enactment of this section, the Secretary shall promulgate regulations governing the processes of reconsiderations of determinations by the Secretary and qualified independent contractors and of hearings by the Secretary. Such regulations shall include such specific criteria and provide such guidance as required to ensure the adequate functioning of the reconsiderations and hearings processes and to ensure consistency in such processes.

"(B) Deadlines for administrative action.—

"(i) Hearing by administrative law judge.—

"(I) In general.—Except as provided in subclause (II), an administrative law judge shall conduct and conclude a hearing on a decision of a qualified independent contractor under subsection (c) and render a decision on such hearing by not later than the end of the 90-day period beginning on the date a request for hearing has been timely filed.

"(II) Waiver of deadline by party seeking hearing.—The 90-day period under subclause (I) shall not apply in the case of a motion or stipulation by the party requesting the hearing to waive such period.

"(ii) Departmental appeals board review.—The Departmental Appeals Board of the Department of Health and Human Services shall conduct and conclude a review of the decision on a hearing described in subparagraph (B) and make a decision or remand the case to the administrative law judge for reconsideration by not later than the end of the 90-day period beginning on the date a request for review has been timely filed.

"(iii) Consequences of failure to meet deadlines.—In the case of a failure by an administrative law judge to render a decision by the end of the period described in clause (ii), the party requesting the hearing may request a review by the Departmental Appeals Board of the Department of Health and Human Services, notwithstanding any requirements for a hearing for purposes of the party's right to such a review.

"(iv) DAB hearing procedure.—In the case of a request described in clause (iii), the Departmental Appeals Board shall review the case de novo.

"(C) Policies.—The Secretary shall provide such specific criteria and guidance, including all applicable national and local coverage policies and rationale for such policies, as is necessary to assist the qualified independent contractors to make informed decisions in considering appeals under this section. The Secretary shall furnish to the qualified independent contractors the criteria and guidance described in this paragraph in a published format, which may be an electronic format.

"(D) Publication of medicare coverage policies on the internet.—The Secretary shall publish national and local coverage policies under this title on an Internet site maintained by the Secretary.

"(E) Effect of failure to publish policies.—

"(i) National and local coverage policies.—Qualified independent contractors shall not be bound by any national or local medicare coverage policy established by the Secretary that is not published on the Internet site under subparagraph (D).

"(ii) Other policies.—With respect to policies established by the Secretary other than the policies described in clause (i), qualified independent contractors shall not be bound by such policies if the Secretary does not furnish to the qualified independent contractor the policies in a published format consistent with subparagraph (C).

"(3) Continuing education requirement for qualified independent contractors and administrative law judges.—

"(A) In general.—The Secretary shall provide to each qualified independent contractor, and to administrative law judges that decide appeals of reconsiderations of initial determinations or other decisions or determinations under this section, such continuing education with respect to policies of the Secretary under this title or part B of title XI as is necessary for such qualified independent contractors and administrative law judges to make informed decisions with respect to appeals.

"(B) Monitoring of decisions by qualified independent contractors and administrative law judges.—The Secretary shall monitor determinations made by all qualified independent contractors and administrative law judges under this section and shall provide continuing education and training to such qualified independent contractors and administrative law judges to ensure consistency of determinations with respect to appeals on similar or related matters. To ensure such consistency, the Secretary shall provide for administration and oversight of qualified independent contractors and administrative law judges through a central office of the Department of Health and Human Services. Such administration and oversight may not be delegated to regional offices of the Department.

"(4) Dissemination of determinations.—The Secretary shall establish a methodology under which qualified independent contractors shall carry out subsection (c)(3)(G).

"(5) Survey.—Not less frequently than every 5 years, the Secretary shall conduct a survey of a valid sample of individuals entitled to benefits under this title, providers of services, and suppliers to determine the satisfaction of such individuals or entities with the process for appeals of determinations provided for under this section and education and training provided by the Secretary with respect to that process. The Secretary shall submit to Congress a report describing the results of the survey, and shall include any recommendations for administrative or legislative actions that the Secretary determines appropriate.

"(6) Report to congress.—The Secretary shall submit to Congress an annual report describing the number of appeals for the previous year, identifying issues that require administrative or legislative actions, and including any recommendations of the Secretary with respect to such actions. The Secretary shall include in such report an analysis of determinations by qualified independent contractors with respect to inconsistent decisions and an analysis of the causes of any such inconsistencies.".

(b) Applicability of Requirements and Limitations on Liability of Qualified Independent Contractors to Medicare+Choice Independent Appeals Contractors.—Section 1852(g)(4) of the Social Security Act (42 U.S.C. 1395w-22(e)(3)) is amended by adding at the end the following: "The provisions of section 1869(c)(5) shall apply to independent outside entities under contract with the Secretary under this paragraph.".

(c) Conforming Amendment to Review by the Provider Reimbursement Review Board.—Section 1878(g) of the Social Security Act (42 U.S.C. 1395oo(g)) is amended by adding at the end the following new paragraph:

"(3) Findings described in paragraph (1) and determinations and other decisions described in paragraph (2) may be reviewed or appealed under section 1869.".

SEC. 222. PROVISIONS WITH RESPECT TO LIMITATIONS ON LIABILITY OF BENEFICIARIES.

(a) Expansion of Limitation of Liability Protection for Beneficiaries With Respect to Medicare Claims Not Paid or Paid Incorrectly.—

(1) In general.—Section 1879 of the Social Security Act (42 U.S.C. 1395pp) is amended by adding at the end the following new subsections:

"(i) Notwithstanding any other provision of this Act, an individual who is entitled to benefits under this title and is furnished a service or item is not liable for repayment to the Secretary of amounts with respect to such benefits—

"(1) subject to paragraph (2), in the case of a claim for such item or service that is incorrectly paid by the Secretary; and

"(2) in the case of payments made to the individual by the Secretary with respect to any claim under paragraph (1), the individual shall be liable for repayment of such amount only up to the amount of payment received by the individual from the Secretary.

"(j)(1) An individual who is entitled to benefits under this title and is furnished a service or item is not liable for payment of amounts with respect to such benefits in the following cases:

"(A) In the case of a benefit for which an initial determination has not been made by the Secretary under subsection (a) whether payment may be made under this title for such benefit.

"(B) In the case of a claim for such item or service that is—

"(i) improperly submitted by the provider of services or supplier; or

"(ii) rejected by an entity under contract with the Secretary to review or pay claims for services and items furnished under this title, including an entity under contract with the Secretary under section 1857.

"(2) The limitation on liability under paragraph (1) shall not apply if the individual signs a waiver provided by the Secretary under subsection (l) of protections under this paragraph, except that any such waiver shall not apply in the case of a denial of a claim for noncompliance with applicable regulations or procedures under this title or title XI.

"(k) An individual who is entitled to benefits under this title and is furnished services by a provider of services is not liable for payment of amounts with respect to such services prior to noon of the first working day after the date the individual receives the notice of determination to discharge and notice of appeal rights under paragraph (1), unless the following conditions are met:

"(1) The provider of services shall furnish a notice of discharge and appeal rights established by the Secretary under subsection (l) to each individual entitled to benefits under this title to whom such provider of services furnishes services, upon admission of the individual to the provider of services and upon notice of determination to discharge the individual from the provider of services, of the individual's limitations of liability under this section and rights of appeal under section 1869.

"(2) If the individual, prior to discharge from the provider of services, appeals the determination to discharge under section 1869 not later than noon of the first working day after the date the individual receives the notice of determination to discharge and notice of appeal rights under paragraph (1), the provider of services shall, by the close of business of such first working day, provide to the Secretary (or qualified independent contractor under section 1869, as determined by the Secretary) the records required to review the determination.

"(l) The Secretary shall develop appropriate standard forms for individuals entitled to benefits under this title to waive limitation of liability protections under subsection (j) and to receive notice of discharge and appeal rights under subsection (k). The forms developed by the Secretary under this subsection shall clearly and in plain language inform such individuals of their limitations on liability, their rights under section 1869(a) to obtain an initial determination by the Secretary of whether payment may be made under part A or part B for such benefit, and their rights of appeal under section 1869(b), and shall inform such individuals that they may obtain further information or file an appeal of the determination by use of the toll-free telephone number (1–800–MEDICAR(E)) (1–800–633–4227) maintained by the Secretary. The forms developed by the Secretary under this subsection shall be the only manner in which such individuals may waive such protections under this title or title XI.

"(m) An individual who is entitled to benefits under this title and is furnished an item or service is not liable for payment of cost sharing amounts of more than $50 with respect to such benefits unless the individual has been informed in advance of being furnished the item or service of the estimated amount of the cost sharing for the item or service using a standard form established by the Secretary.".

(2) Conforming amendment.—Section 1870(a) of the Social Security Act (42 U.S.C. 1395gg(a)) is amended by striking "Any payment under this title" and inserting "Except as provided in section 1879(l), any payment under this title".

(b) Inclusion of Beneficiary Liability Information in Explanation of Medicare Benefits.—Section 1806(a) of the Social Security Act (42 U.S.C. 1395b–7(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) lists with respect to each item or service furnished the amount of the individual's liability for payment;";

(4) in paragraph (3), as so redesignated, by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new paragraph:

"(4) includes the toll-free telephone number (1–800–MEDICAR(E)) (1–800–633–4227) for information and questions concerning the statement, liability of the individual for payment, and appeal rights.".

SEC. 223. WAIVERS OF LIABILITY FOR COST SHARING AMOUNTS.

(a) In General.—Section 1128A(i)(6)(A) of the Social Security Act (42 U.S.C. 1320a–7a(i)(6)(A)) is amended by striking clauses (i) through (iii) and inserting the following:

"(i) the waiver is offered as a part of a supplemental insurance policy or retiree health plan;

"(ii) the waiver is not offered as part of any advertisement or solicitation, other than in conjunction with a policy or plan described in clause (i);

"(iii) the person waives the coinsurance and deductible amount after the beneficiary informs the person that payment of the coinsurance or deductible amount would pose a financial hardship for the individual; or

"(iv) the person determines that the coinsurance and deductible amount would not justify the costs of collection.".

(b) Conforming Amendment.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended by adding at the end the following new paragraph:

"(4) In this section, the term 'remuneration' includes the meaning given such term in section 1128A(i)(6).".

SEC. 224. ELIMINATION OF MOTIONS BY THE SECRETARY ON DECISIONS OF THE PROVIDER REIMBURSEMENT REVIEW BOARD.

Section 1878(f)(1) of such Act (42 U.S.C. 1395oo(f)(1)) is amended—

(1) in the first sentence, by striking "unless the Secretary, on his own motion, and within 60 days after the provider of services is notified of the Board's decision, reverses, affirms, or modifies the Board's decision";

(2) in the second sentence, by striking ", or of any reversal, affirmance, or modification by the Secretary," and "or of any reversal, affirmance, or modification by the Secretary"; and

(3) in the fifth sentence, by striking " and not subject to review by the Secretary".

TITLE III—MEDICARE+CHOICE REFORMS; PRESERVATION OF MEDICARE PART B DRUG BENEFIT

Subtitle A—Medicare+Choice Reforms

SEC. 301. INCREASE IN NATIONAL PER CAPITA MEDICARE+CHOICE GROWTH PERCENTAGE IN 2001 AND 2002.

Section 1853(c)(6)(B) of the Social Security Act (42 U.S.C. 1395w–23(c)(6)(B)) is amended—

(1) in clause (iv), by striking "for 2001, 0.5 percentage points" and inserting "for 2001, 0.4 percentage points"; and

(2) in clause (v), by striking "for 2002, 0.3 percentage points" and inserting "for 2002, 0.2 percentage points".

SEC. 302. PERMANENTLY REMOVING APPLICATION OF BUDGET NEUTRALITY BEGINNING IN 2002.

Section 1853(c) of the Social Security Act (42 U.S.C. 1395w–23(c)) is amended—

(1) in paragraph (1)(A), in the matter following clause (ii), by inserting "(for years before 2002)" after "multiplied"; and

(2) in paragraph (5), by inserting "(before 2002)" after "for each year".

SEC. 303. INCREASING MINIMUM PAYMENT AMOUNT.

(a) In General.—Section 1853(c)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(B)(ii)) is amended—

(1) by striking "(ii) For a succeeding year" and inserting "(ii)(I) Subject to subclause (II), for a succeeding year"; and

(2) by adding at the end the following new subclause:

"(II) For 2002 for any of the 50 States and the District of Columbia, $450.".

(b) Effective Date.—The amendments made by subsection (a) apply to years beginning with 2002.

SEC. 304. ALLOWING MOVEMENT TO 50:50 PERCENT BLEND IN 2002.

Section 1853(c)(2) of the Social Security Act (42 U.S.C. 1395w–23(c)(2)) is amended—

(1) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(2) by adding after and below subparagraph (F) the following:

"except that a Medicare+Choice organization may elect to apply subparagraph (F) (rather than subparagraph (E)) for 2002.".

SEC. 305. INCREASED UPDATE FOR PAYMENT AREAS WITH ONLY ONE OR NO MEDICARE+CHOICE CONTRACTS.

(a) In General.—Section 1853(c)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(C)(ii)) is amended—

(1) in clause (i), by striking "(ii) For a subsequent year" and inserting "(ii)(I) Subject to subclause (II), for a subsequent year"; and

(2) by adding at the end the following new subclause:

"(II) During 2002, 2003, 2004, and 2005, in the case of a Medicare+Choice payment area in which there is no more than 1 contract entered into under this part as of July 1 before the beginning of the year, 102.5 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year.".

(b) Construction.—The amendments made by subsection (a) do not affect the payment of a first time bonus under section 1853(i) of the Social Security Act (42 U.S.C. 1395w–23(i)).

SEC. 306. PERMITTING HIGHER NEGOTIATED RATES IN CERTAIN MEDICARE+CHOICE PAYMENT AREAS BELOW NATIONAL AVERAGE.

Section 1853(c)(1) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)) is amended—

(1) in the matter before subparagraph (A), by striking "or (C)" and inserting "(C), or (D)"; and

(2) by adding at the end the following new subparagraph:

"(D) Permitting higher rates through negotiation.—

"(i) In general.—For each year beginning with 2004, in the case of a Medicare+Choice payment area for which the Medicare+Choice capitation rate under this paragraph would otherwise be less than the United States per capita cost (USPCC), as calculated by the Secretary, a Medicare+Choice organization may negotiate with the Medicare Benefits

Administrator an annual per capita rate that—

"(I) reflects an annual rate of increase up to the rate of increase specified in clause (ii);

"(II) takes into account audited current data supplied by the organization on its adjusted community rate (as defined in section 1854(f)(3)); and

"(III) does not exceed the United States per capita cost, as projected by the Secretary for the year involved.

"(ii) MAXIMUM RATE DESCRIBED.—The rate of increase specified in this clause for a year is the rate of inflation in private health insurance for the year involved, as projected by the Medicare Benefits Administrator, and includes such adjustments as may be necessary—

"(I) to reflect the demographic characteristics in the population under this title; and

"(II) to eliminate the costs of prescription drugs.

"(iii) ADJUSTMENTS FOR OVER OR UNDER PROJECTIONS.—If subparagraph is applied to an organization and payment area for a year, in applying this subparagraph for a subsequent year the provisions of paragraph (6)(C) shall apply in the same manner as such provisions apply under this paragraph.".

SEC. 307. 10-YEAR PHASE IN OF RISK ADJUSTMENT BASED ON DATA FROM ALL SETTINGS.

Section 1853(a)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(C)(ii)) is amended—

(1) by striking the period at the end of subclause (II) and inserting a semicolon; and

(2) by adding after and below subclause (II) the following:

"and, beginning in 2004, insofar as such risk adjustment is based on data from all settings, the methodology shall be phased in equal increments over a 10 year period, beginning with 2004 or (if later) the first year in which such data is used.".

Subtitle B—Preservation of Medicare Coverage of Drugs and Biologicals

SEC. 311. PRESERVATION OF COVERAGE OF DRUGS AND BIOLOGICALS UNDER PART B OF THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended, in each of subparagraphs (A) and (B), by striking "(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)" and inserting "(including drugs and biologicals which are not usually self-administered by the patient)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to drugs and biologicals administered on or after October 1, 2000.

The SPEAKER pro tempore. The amendment recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in House Report 106–703, is adopted.

The text of H.R. 4680, as amended, as modified, is as follows:

H.R. 4680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Rx 2000 Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MEDICARE PRESCRIPTION DRUG BENEFIT

Sec. 101. Establishment of a medicare prescription drug benefit.

"PART D—VOLUNTARY PRESCRIPTION DRUG BENEFIT PROGRAM

"Sec. 1860A. Benefits; eligibility; enrollment; and coverage period.
"Sec. 1860B. Requirements for qualified prescription drug coverage.
"Sec. 1860C. Beneficiary protections for qualified prescription drug coverage.
"Sec. 1860D. Requirements for prescription drug plan (PDP) sponsors; contracts; establishment of standards.
"Sec. 1860E. Process for beneficiaries to select qualified prescription drug coverage.
"Sec. 1860F. Premiums.
"Sec. 1860G. Premium and cost-sharing subsidies for low-income individuals.
"Sec. 1860H. Subsidies for all medicare beneficiaries through reinsurance for qualified prescription drug coverage.
"Sec. 1860I. Medicare Prescription Drug Account in Federal Supplementary Medical Insurance Trust Fund.
"Sec. 1860J. Definitions; treatment of references to provisions in part C."
Sec. 102. Offering of qualified prescription drug coverage under the Medicare+Choice program.
Sec. 103. Medicaid amendments.
Sec. 104. Medigap transition provisions.
Sec. 105. State Pharmaceutical Assistance Transition Commission.
Sec. 106. Demonstration project for disease management for severely chronically ill medicare beneficiaries.

TITLE II—MODERNIZATION OF ADMINISTRATION OF MEDICARE

Subtitle A—Medicare Benefits Administration

Sec. 201. Establishment of administration.
"Sec. 1807. Medicare Benefits Administration."
Sec. 202. Miscellaneous administrative provisions.

Subtitle B—Oversight of Financial Sustainability of the Medicare Program

Sec. 211. Additional requirements for annual financial report and oversight on medicare program.

Subtitle C—Changes in Medicare Coverage and Appeals Process

Sec. 221. Revisions to medicare appeals process.
Sec. 222. Provisions with respect to limitations on liability of beneficiaries.
Sec. 223. Waivers of liability for cost sharing amounts.
Sec. 224. Elimination of motions by the Secretary on decisions of the Provider Reimbursement Review Board.
Sec. 225. Effective date of subtitle.

TITLE III—MEDICARE+CHOICE REFORMS; PRESERVATION OF MEDICARE PART B DRUG BENEFIT

Subtitle A—Medicare+Choice Reforms

Sec. 301. Increase in national per capita Medicare+Choice growth percentage in 2001 and 2002.
Sec. 302. Permanently removing application of budget neutrality beginning in 2002.
Sec. 303. Increasing minimum payment amount.
Sec. 304. Allowing movement to 50:50 percent blend in 2002.
Sec. 305. Increased update for payment areas with only one or no Medicare+Choice contracts.
Sec. 306. Permitting higher negotiated rates in certain Medicare+Choice payment areas below national average.
Sec. 307. 10-year phase in of risk adjustment based on data from all settings.
Sec. 308. Delay from July to October, 2000 in deadline for offering and withdrawing Medicare+Choice plans for 2001.

Subtitle B—Preservation of Medicare Coverage of Drugs and Biologicals

Sec. 311. Preservation of coverage of drugs and biologicals under part B of the medicare program.
Sec. 312. GAO report on part B payment for drugs and biologicals and related services.

TITLE I—MEDICARE PRESCRIPTION DRUG BENEFIT

SEC. 101. ESTABLISHMENT OF A MEDICARE PRESCRIPTION DRUG BENEFIT.

(a) IN GENERAL.—Title XVIII of the Social Security Act is amended—

(1) by redesignating part D as part E; and

(2) by inserting after part C the following new part:

"PART D—VOLUNTARY PRESCRIPTION DRUG BENEFIT PROGRAM

"SEC. 1860A. BENEFITS; ELIGIBILITY; ENROLLMENT; AND COVERAGE PERIOD.

"(a) PROVISION OF QUALIFIED PRESCRIPTION DRUG COVERAGE THROUGH ENROLLMENT IN PLANS.—Subject to the succeeding provisions of this part, each individual who is enrolled under part B is entitled to obtain qualified prescription drug coverage (described in section 1860B(a)) as follows:

"(1) MEDICARE+CHOICE PLAN.—If the individual is eligible to enroll in a Medicare+Choice plan that provides qualified prescription drug coverage under section 1851(j), the individual may enroll in the plan and obtain coverage through such plan.

"(2) PRESCRIPTION DRUG PLAN.—If the individual is not enrolled in a Medicare+Choice plan that provides qualified prescription drug coverage, the individual may enroll under this part in a prescription drug plan (as defined in section 1860C(a)).

Such individuals shall have a choice of such plans under section 1860E(d).

"(b) GENERAL ELECTION PROCEDURES.—

"(1) IN GENERAL.—An individual may elect to enroll in a prescription drug plan under this part, or elect the option of qualified prescription drug coverage under a Medicare+Choice plan under part C, and change such election only in such manner and form as may be prescribed by regulations of the Administrator of the Medicare Benefits Administration (appointed under section 1807(b)) (in this part referred to as the 'Medicare Benefits Administrator') and only during an election period prescribed in or under this subsection.

"(2) ELECTION PERIODS.—

"(A) IN GENERAL.—Except as provided in this paragraph, the election periods under this subsection shall be the same as the coverage election periods under the Medicare+Choice program under section 1851(e), including—

"(i) annual coordinated election periods; and

"(ii) special election periods.

In applying the last sentence of section 1851(e)(4) (relating to discontinuance of a Medicare+Choice election during the first year of eligibility) under this subparagraph, in the case of an election described in such section in which the individual had elected or is provided qualified prescription drug coverage at the time of such first enrollment, the individual shall be permitted to enroll in a prescription drug plan under this part at the time of the election of coverage under the original fee-for-service plan.

"(B) INITIAL ELECTION PERIODS.—

"(i) INDIVIDUALS CURRENTLY COVERED.—In the case of an individual who is enrolled under part B as of November 1, 2002, there shall be an initial election period of 6 months beginning on that date.

"(ii) INDIVIDUAL COVERED IN FUTURE.—In the case of an individual who is first enrolled under part B after November 1, 2002, there shall be an initial election period which is the same as the initial enrollment period under section 1837(d).

"(C) ADDITIONAL SPECIAL ELECTION PERIODS.—The Medicare Benefits Administrator shall establish special election periods—

"(i) in cases of individuals who have and involuntarily lose prescription drug coverage described in subsection (c)(2)(C);

"(ii) in cases described in section 1837(h) (relating to errors in enrollment), in the same manner as such section applies to part B; and

"(iii) in the case of an individual who meets such exceptional conditions (including conditions recognized under section 1851(d)(4)(D)) as the Administrator may provide.

"(D) ONE-TIME ENROLLMENT PERMITTED FOR CURRENT PART A ONLY BENEFICIARIES.—In the case of an individual who as of November 1, 2002—

"(i) is entitled to benefits under part A; and

"(ii) is not (and has not previously been) enrolled under part B;

the individual shall be eligible to enroll in a prescription drug plan under this part but only during the period described in subparagraph (B)(i). If the individual enrolls in such a plan, the individual may change such enrollment under this part, but the individual may not enroll in a Medicare+Choice plan under part C unless the individual enrolls under part B. Nothing in this subparagraph shall be construed as providing for coverage under a prescription drug plan of benefits that are excluded because of the application of section 1860B(f)(2)(B).

"(c) GUARANTEED ISSUE; COMMUNITY RATING; AND NONDISCRIMINATION.—

"(1) GUARANTEED ISSUE.—

"(A) IN GENERAL.—An eligible individual who is eligible to elect qualified prescription drug coverage under a prescription drug plan or Medicare+Choice plan at a time during which elections are accepted under this part with respect to the plan shall not be denied enrollment based on any health status-related factor (described in section 2702(a)(1) of the Public Health Service Act) or any other factor.

"(B) MEDICARE+CHOICE LIMITATIONS PERMITTED.—The provisions of paragraphs (2) and (3) (other than subparagraph (C)(i), relating to default enrollment) of section 1851(g) (relating to priority and limitation on termination of election) shall apply to PDP sponsors under this subsection.

"(2) COMMUNITY-RATED PREMIUM.—

"(A) IN GENERAL.—In the case of an individual who maintains (as determined under subparagraph (C)) continuous prescription drug coverage since first qualifying to elect prescription drug coverage under this part, a PDP sponsor or Medicare+Choice organization offering a prescription drug plan or Medicare+Choice plan that provides qualified prescription drug coverage and in which the individual is enrolled may not deny, limit, or condition the coverage or provision of covered prescription drug benefits or increase the premium under the plan based on any health status-related factor described in section 2702(a)(1) of the Public Health Service Act or any other factor.

"(B) LATE ENROLLMENT PENALTY.—In the case of an individual who does not maintain such continuous prescription drug coverage, a PDP sponsor or Medicare+Choice organization may (notwithstanding any provision in this title) increase the premium otherwise applicable or impose a pre-existing condition exclusion with respect to qualified prescription drug coverage in a manner that reflects additional actuarial risk involved. Such a risk shall be established through an appropriate actuarial opinion of the type described in subparagraphs (A) through (C) of section 2103(c)(4).

"(C) CONTINUOUS PRESCRIPTION DRUG COVERAGE.—An individual is considered for purposes of this part to be maintaining continuous prescription drug coverage on and after a date if the individual establishes that there is no period of 63 days or longer on and after such date (beginning not earlier than January 1, 2003) during all of which the individual did not have any of the following prescription drug coverage:

"(i) COVERAGE UNDER PRESCRIPTION DRUG PLAN OR MEDICARE+CHOICE PLAN.—Qualified prescription drug coverage under a prescription drug plan or under a Medicare+Choice plan.

"(ii) MEDICAID PRESCRIPTION DRUG COVERAGE.—Prescription drug coverage under a medicaid plan under title XIX, including through the Program of All-inclusive Care for the Elderly (PACE) under section 1934, through a social health maintenance organization (referred to in section 4104(c) of the Balanced Budget Act of 1997), or through a Medicare+Choice project that demonstrates the application of capitation payment rates for frail elderly medicare beneficiaries through the use of a interdisciplinary team and through the provision of primary care services to such beneficiaries by means of such a team at the nursing facility involved.

"(iii) PRESCRIPTION DRUG COVERAGE UNDER GROUP HEALTH PLAN.—Any outpatient prescription drug coverage under a group health plan, including a health benefits plan under the Federal Employees Health Benefit Plan under chapter 89 of title 5, United States Code, and a qualified retiree prescription drug plan as defined in section 1860H(f)(1).

"(iv) PRESCRIPTION DRUG COVERAGE UNDER CERTAIN MEDIGAP POLICIES.—Coverage under a medicare supplemental policy under section 1882 that provides benefits for prescription drugs (whether or not such coverage conforms to the standards for packages of benefits under section 1882(p)(1)), but only if the policy was in effect on January 1, 2003, and only until the date such coverage is terminated.

"(v) STATE PHARMACEUTICAL ASSISTANCE PROGRAM.—Coverage of prescription drugs under a State pharmaceutical assistance program.

"(vi) VETERANS' COVERAGE OF PRESCRIPTION DRUGS.—Coverage of prescription drugs for veterans under chapter 17 of title 38, United States Code.

"(D) CERTIFICATION.—For purposes of carrying out this paragraph, the certifications of the type described in sections 2701(e) of the Public Health Service Act and in section 9801(e) of the Internal Revenue Code shall also include a statement for the period of coverage of whether the individual involved had prescription drug coverage described in subparagraph (C).

"(E) CONSTRUCTION.—Nothing in this section shall be construed as preventing the disenrollment of an individual from a prescription drug plan or a Medicare+Choice plan based on the termination of an election described in section 1851(g)(3), including for non-payment of premiums or for other reasons specified in subsection (d)(3), which takes into account a grace period described in section 1851(g)(3)(B)(i).

"(3) NONDISCRIMINATION.—A PDP sponsor offering a prescription drug plan shall not establish a service area in a manner that would discriminate based on health or economic status of potential enrollees.

"(d) EFFECTIVE DATE OF ELECTIONS.—

"(1) IN GENERAL.—Except as provided in this section, the Medicare Benefits Administrator shall provide that elections under subsection (b) take effect at the same time as the Secretary provides that similar elections under section 1851(e) take effect under section 1851(f).

"(2) NO ELECTION EFFECTIVE BEFORE 2003.—In no case shall any election take effect before January 1, 2003.

"(3) TERMINATION.—The Medicare Benefits Administrator shall provide for the termination of an election in the case of—

"(A) termination of coverage under part B (other than the case of an individual described in subsection (b)(2)(D) (relating to part A only individuals)); and

"(B) termination of elections described in section 1851(g)(3) (including failure to pay required premiums).

"SEC. 1860B. REQUIREMENTS FOR QUALIFIED PRESCRIPTION DRUG COVERAGE.

"(a) REQUIREMENTS.—

"(1) IN GENERAL.—For purposes of this part and part C, the term 'qualified prescription drug coverage' means either of the following:

"(A) STANDARD COVERAGE WITH ACCESS TO NEGOTIATED PRICES.—Standard coverage (as defined in subsection (b)) and access to negotiated prices under subsection (d).

"(B) ACTUARIALLY EQUIVALENT COVERAGE WITH ACCESS TO NEGOTIATED PRICES.—Coverage of covered outpatient drugs which meets the alternative coverage requirements of subsection (c) and access to negotiated prices under subsection (d).

"(2) PERMITTING ADDITIONAL OUTPATIENT PRESCRIPTION DRUG COVERAGE.—

"(A) IN GENERAL.—Subject to subparagraph (B), nothing in this part shall be construed as preventing qualified prescription drug coverage from including coverage of covered outpatient drugs that exceeds the coverage required under paragraph (1), but any such additional coverage shall be limited to coverage of covered outpatient drugs.

"(B) DISAPPROVAL AUTHORITY.—The Medicare Benefits Administrator shall review the offering of qualified prescription drug coverage under this part or part C. If the Administrator finds that, in the case of a qualified prescription drug coverage under a prescription drug plan or a Medicare+Choice plan, that the organization or sponsor offering the coverage is purposefully engaged in activities intended to result in favorable selection of those eligible medicare beneficiaries obtaining coverage through the plan, the Administrator may terminate the contract with the sponsor or organization under this part or part C.

"(3) APPLICATION OF SECONDARY PAYOR PROVISIONS.—The provisions of section 1852(a)(4) shall apply under this part in the same manner as they apply under part C.

"(b) STANDARD COVERAGE.—For purposes of this part, the 'standard coverage' is coverage of covered outpatient drugs (as defined in subsection (f)) that meets the following requirements:

"(1) DEDUCTIBLE.—The coverage has an annual deductible—

"(A) for 2003, that is equal to $250; or

"(B) for a subsequent year, that is equal to the amount specified under this paragraph for the previous year increased by the percentage specified in paragraph (5) for the year involved.

Any amount determined under subparagraph (B) that is not a multiple of $5 shall be rounded to the nearest multiple of $5.

"(2) LIMITS ON COST-SHARING.—The coverage has cost-sharing (for costs above the annual deductible specified in paragraph (1) and up to the initial coverage limit under paragraph (3)) that *is equal to 50 percent or that is actuarially consistent (using processes established under subsection (e)) with an average expected payment of 50 percent of such costs.*

"(3) INITIAL COVERAGE LIMIT.—Subject to paragraph (4), the coverage has an initial coverage limit on the maximum costs that may be recognized for payment purposes (above the annual deductible)—

"(A) for 2003, that is equal to $2,100; or

"(B) for a subsequent year, that is equal to the amount specified in this paragraph for the previous year, increased by the annual percentage increase described in paragraph (5) for the year involved.

Any amount determined under subparagraph (B) that is not a multiple of $25 shall be rounded to the nearest multiple of $25.

"(4) LIMITATION ON OUT-OF-POCKET EXPENDITURES BY BENEFICIARY.—

"(A) IN GENERAL.—Notwithstanding paragraph (3), the coverage provides benefits without any cost-sharing after the individual has incurred costs (as described in subparagraph (C)) for covered outpatient drugs in a year equal to the annual out-of-pocket limit specified in subparagraph (B).

"(B) ANNUAL OUT-OF-POCKET LIMIT.—For purposes of this part, the 'annual out-of-pocket limit' specified in this subparagraph—

"(i) for 2003, is equal to $6,000; or

"(ii) for a subsequent year, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (5) for the year involved.

Any amount determined under clause (ii) that is not a multiple of $100 shall be rounded to the nearest multiple of $100.

"(C) APPLICATION.—In applying subparagraph (A)—

"(i) incurred costs shall only include costs incurred for the annual deductible (described in paragraph (1)), cost-sharing (described in paragraph (2)), and amounts for which benefits are not provided because of the application of the initial coverage limit described in paragraph (3); and

"(ii) such costs shall be treated as incurred without regard to whether the individual or another person, including a State program or other third-party coverage, has paid for such costs.

"(5) ANNUAL PERCENTAGE INCREASE.—For purposes of this part, the annual percentage increase specified in this paragraph for a year is equal to the annual percentage increase in average per capita aggregate expenditures for covered outpatient drugs in the United States for medicare beneficiaries, as determined by the Medicare Benefits Administrator for the 12-month period ending in July of the previous year.

"(c) ALTERNATIVE COVERAGE REQUIREMENTS.—A prescription drug plan or Medicare+Choice plan may provide a different prescription drug benefit design from the standard coverage described in subsection (b) so long as the following requirements are met:

"(1) ASSURING AT LEAST ACTUARIALLY EQUIVALENT COVERAGE.—

"(A) ASSURING EQUIVALENT VALUE OF TOTAL COVERAGE.—The actuarial value of the total coverage (as determined under subsection (e)) is at least equal to the actuarial value (as so determined) of standard coverage.

"(B) ASSURING EQUIVALENT UNSUBSIDIZED VALUE OF COVERAGE.—The unsubsidized value of the coverage is at least equal to the unsubsidized value of standard coverage. For purposes of this subparagraph, the unsubsidized value of coverage is the amount by which the actuarial value of the coverage (as determined under subsection (e)) exceeds the actuarial value of the reinsurance subsidy payments under section 1860H with respect to such coverage.

"(C) ASSURING STANDARD PAYMENT FOR COSTS AT INITIAL COVERAGE LIMIT.—The coverage is designed, based upon an actuarially representative pattern of utilization (as determined under subsection (e)), to provide for the payment, with respect to costs incurred that are equal to the sum of the deductible under subsection (b)(1) and the initial coverage limit under subsection (b)(3), of an amount equal to at least such initial coverage limit multiplied by the percentage specified in subsection (b)(2).

"(2) LIMITATION ON OUT-OF-POCKET EXPENDITURES BY BENEFICIARIES.—The coverage provides the limitation on out-of-pocket expenditures by beneficiaries described in subsection (b)(4).

"(d) ACCESS TO NEGOTIATED PRICES.—Under qualified prescription drug coverage offered by a PDP sponsor or a Medicare+Choice organization, the sponsor or organization shall provide beneficiaries with access to negotiated prices (including applicable discounts) used for payment for covered outpatient drugs, regardless of the fact that no benefits may be payable under the coverage with respect to such drugs because of the application of cost-sharing or an initial coverage limit (described in subsection (b)(3)). Insofar as a State elects to provide medical assistance under title XIX for a drug based on the prices negotiated by a prescription drug plan under this part, the requirements of section 1927 shall not apply to such drugs.

"(e) ACTUARIAL VALUATION; DETERMINATION OF ANNUAL PERCENTAGE INCREASES.—

"(1) PROCESSES.—For purposes of this section, the Medicare Benefits Administrator shall establish processes and methods—

"(A) for determining the actuarial valuation of prescription drug coverage, including—

"(i) an actuarial valuation of standard coverage and of the reinsurance subsidy payments under section 1860H;

"(ii) the use of generally accepted actuarial principles and methodologies; and

"(iii) applying the same methodology for determinations of alternative coverage under subsection (c) as is used with respect to determinations of standard coverage under subsection (b); and

"(B) for determining annual percentage increases described in subsection (b)(5).

"(2) USE OF OUTSIDE ACTUARIES.—Under the processes under paragraph (1)(A), PDP sponsors and Medicare+Choice organizations may use actuarial opinions certified by independent, qualified actuaries to establish actuarial values.

"(f) COVERED OUTPATIENT DRUGS DEFINED.—

"(1) IN GENERAL.—Except as provided in this subsection, for purposes of this part, the term 'covered outpatient drug' means—

"(A) a drug that may be dispensed only upon a prescription and that is described in subparagraph (A)(i) or (A)(ii) of section 1927(k)(2); or

"(B) a biological product described in clauses (i) through (iii) of subparagraph (B) of such section or insulin described in subparagraph (C) of such section;

and such term includes any use of a covered outpatient drug for a medically accepted indication (as defined in section 1927(k)(6)).

"(2) EXCLUSIONS.—

"(A) IN GENERAL.—Such term does not include drugs or classes of drugs, or their medical uses, which may be excluded from coverage or otherwise restricted under section 1927(d)(2), other than subparagraph (E) thereof (relating to smoking cessation agents) and except to the extent otherwise specifically provided by the Medicare Benefits Administrator with respect to a drug in any of such classes".

"(B) AVOIDANCE OF DUPLICATE COVERAGE.—A drug prescribed for an individual that would otherwise be a covered outpatient drug under this part shall not be so considered if payment for such drug is available under part A or B (but shall be so considered if such payment is not available because benefits under part A or B have been exhausted), without regard to whether the individual is entitled to benefits under part A or enrolled under part B.

"(3) APPLICATION OF FORMULARY RESTRICTIONS.—A drug prescribed for an individual that would otherwise be a covered outpatient drug under this part shall not be so considered under a plan if the plan excludes the drug under a formulary that meets the requirements of section 1860C(f)(2) (including providing an appeal process).

"(4) APPLICATION OF GENERAL EXCLUSION PROVISIONS.—A prescription drug plan or Medicare+Choice plan may exclude from qualified prescription drug coverage any covered outpatient drug—

"(A) for which payment would not be made if section 1862(a) applied to part D; or

"(B) which are not prescribed in accordance with the plan or this part.

Such exclusions are determinations subject to reconsideration and appeal pursuant to section 1860C(f).

"(5) STUDY ON INCLUSION OF DRUGS TREATING MORBID OBESITY.—The Medicare Policy Advisory Board shall provide for a study on removing the exclusion under paragraph (2)(A) for coverage of agents used for weight loss in the case of morbidly obese individuals. The Board shall report to Congress on the results of the study not later than March 1, 2002.

"SEC. 1860C. BENEFICIARY PROTECTIONS FOR QUALIFIED PRESCRIPTION DRUG COVERAGE.

"(a) GUARANTEED ISSUE COMMUNITY-RELATED PREMIUMS AND NONDISCRIMINATION.—For provisions requiring guaranteed issue, community-rated premiums, and nondiscrimination, see sections 1860A(c)(1), 1860A(c)(2), and 1860F(b).

"(b) DISSEMINATION OF INFORMATION.—

"(1) GENERAL INFORMATION.—A PDP sponsor shall disclose, in a clear, accurate, and standardized form to each enrollee with a prescription drug plan offered by the sponsor under this part at the time of enrollment and at least annually thereafter, the information described in section 1852(c)(1) relating to such plan. Such information includes the following:

"(A) Access to covered outpatient drugs, including access through pharmacy networks.

"(B) How any formulary used by the sponsor functions.

"(C) Co-payments and deductible requirements.

"(D) Grievance and appeals procedures.

"(2) DISCLOSURE UPON REQUEST OF GENERAL COVERAGE, UTILIZATION, AND GRIEVANCE INFORMATION.—Upon request of an individual eligible to enroll under a prescription drug plan, the PDP sponsor shall provide the information described in section 1852(c)(2) (other than subparagraph (D)) to such individual.

"(3) RESPONSE TO BENEFICIARY QUESTIONS.—Each PDP sponsor offering a prescription drug plan shall have a mechanism for providing specific information to enrollees upon request. The sponsor shall make available, through an Internet website and in writing upon request, information on specific changes in its formulary.

"(4) CLAIMS INFORMATION.—Each PDP sponsor offering a prescription drug plan must furnish to enrolled individuals in a form easily understandable to such individuals an explanation of benefits (in accordance with section 1806(a) or in a comparable manner) and a notice of the benefits in relation to initial coverage limit and annual out-of-pocket limit for the current year, whenever prescription drug benefits are provided under this part (except that such notice need not be provided more often than monthly).

"(c) ACCESS TO COVERED BENEFITS.—

"(1) ASSURING PHARMACY ACCESS.—The PDP sponsor of the prescription drug plan shall secure the participation of sufficient numbers of pharmacies (which may include mail order pharmacies) to ensure convenient access (including adequate emergency access) for enrolled beneficiaries, in accordance with standards established under section 1860D(e) that ensure such convenient access. Nothing in this paragraph shall be construed as requiring the participation of (or permitting the exclusion of) all pharmacies in any area under a plan.

"(2) ACCESS TO NEGOTIATED PRICES FOR PRESCRIPTION DRUGS.—The PDP sponsor of a prescription drug plan shall issue such a card that may be used by an enrolled beneficiary to assure access to negotiated prices under section 1860B(d) for the purchase of prescription drugs for which coverage is not otherwise provided under the prescription drug plan.

"(3) REQUIREMENTS ON DEVELOPMENT AND APPLICATION OF FORMULARIES.—Insofar as a PDP sponsor of a prescription drug plan uses a formulary, the following requirements must be met:

"(A) FORMULARY COMMITTEE.—The sponsor must establish a pharmaceutical and therapeutic committee that develops the formulary. Such committee shall include at least one physician and at least one pharmacist.

"(B) INCLUSION OF DRUGS IN ALL THERAPEUTIC CATEGORIES.—The formulary must include drugs within all therapeutic categories and classes of covered outpatient drugs (although not necessarily for all drugs within such categories and classes).

"(C) APPEALS AND EXCEPTIONS TO APPLICATION.—The PDP sponsor must have, as part of the appeals process under subsection (f)(2), a process for appeals for denials of coverage based on such application of the formulary.

"(d) COST AND UTILIZATION MANAGEMENT; QUALITY ASSURANCE; MEDICATION THERAPY MANAGEMENT PROGRAM.—

"(1) IN GENERAL.—The PDP sponsor shall have in place—

"(A) an effective cost and drug utilization management program, including appropriate incentives to use generic drugs, when appropriate;

"(B) quality assurance measures and systems to reduce medical errors and adverse drug interactions, including a medication therapy management program described in paragraph (2); and

"(C) a program to control fraud, abuse, and waste.

"(2) MEDICATION THERAPY MANAGEMENT PROGRAM.—

"(A) IN GENERAL.—A medication therapy management program described in this paragraph is a program of drug therapy management and medication administration that is designed to assure that covered outpatient drugs under the prescription drug plan are appropriately used to achieve therapeutic goals and reduce the risk of adverse events, including adverse drug interactions.

"(B) ELEMENTS.—Such program may include—

"(i) enhanced beneficiary understanding of such appropriate use through beneficiary education, counseling, and other appropriate means; and

"(ii) increased beneficiary adherence with prescription medication regimens through medication refill reminders, special packaging, and other appropriate means.

"(C) DEVELOPMENT OF PROGRAM IN COOPERATION WITH LICENSED PHARMACISTS.—The program shall be developed in cooperation with licensed pharmacists and physicians.

"(D) CONSIDERATIONS IN PHARMACY FEES.—The PDP sponsor of a prescription drug program shall take into account, in establishing fees for pharmacists and others providing services under the medication therapy management program, the resources and time used in implementing the program.

"(3) TREATMENT OF ACCREDITATION.—Section 1852(e)(4) (relating to treatment of accreditation) shall apply to prescription drug plans under this part with respect to the following requirements, in the same manner as they apply to Medicare+Choice plans under part C with respect to the requirements described in a clause of section 1852(e)(4)(B):

"(A) Paragraph (1) (including quality assurance), including medication therapy management program under paragraph (2).

"(B) Subsection (c)(1) (relating to access to covered benefits).

"(C) Subsection (g) (relating to confidentiality and accuracy of enrollee records).

"(4) PUBLIC DISCLOSURE OF PHARMACEUTICAL PRICES FOR GENERIC EQUIVALENT DRUGS.—Each PDP sponsor shall provide that each pharmacy or other dispenser that arranges for the dispensing of a covered outpatient drug shall inform the beneficiary at the time of purchase of the drug of any differential between the price of the prescribed drug to the enrollee and the price of the lowest cost generic drug that is therapeutically and pharmaceutically equivalent and bioequivalent.

"(e) GRIEVANCE MECHANISM.—Each PDP sponsor shall provide meaningful procedures for hearing and resolving grievances between the organization (including any entity or individual through which the sponsor provides covered benefits) and enrollees with prescription drug plans of the sponsor under this part in accordance with section 1852(f).

"(f) COVERAGE DETERMINATIONS, RECONSIDERATIONS, AND APPEALS.—

"(1) IN GENERAL.—A PDP sponsor shall meet the requirements of section 1852(g) with respect to covered benefits under the prescription drug plan it offers under this part in the same manner as such requirements apply to a Medicare+Choice organization with respect to benefits it offers under a Medicare+Choice plan under part C.

"(2) APPEALS OF FORMULARY DETERMINATIONS.—Under the appeals process under paragraph (1) an individual who is enrolled in a prescription drug plan offered by a PDP sponsor may appeal to obtain coverage for a covered outpatient drug that is not on the formulary of the sponsor (established under subsection (c)) if the prescribing physician determines that the therapeutically similar drug that is on the formulary is not as effective for the enrollee or has significant adverse effects for the enrollee.

"(g) CONFIDENTIALITY AND ACCURACY OF ENROLLEE RECORDS.—A PDP sponsor shall meet the requirements of section 1852(h) with respect to enrollees under this part in the same manner as such requirements apply to a Medicare+Choice organization with respect to enrollees under part C.

"SEC. 1860D. REQUIREMENTS FOR PRESCRIPTION DRUG PLAN (PDP) SPONSORS; CONTRACTS; ESTABLISHMENT OF STANDARDS.

"(a) GENERAL REQUIREMENTS.—Each PDP sponsor of a prescription drug plan shall meet the following requirements:

"(1) LICENSURE.—Subject to subsection (c), the sponsor is organized and licensed under State law as a risk-bearing entity eligible to offer health insurance or health benefits coverage in each State in which it offers a prescription drug plan.

"(2) ASSUMPTION OF FULL FINANCIAL RISK.—

"(A) IN GENERAL.—Subject to subparagraph (B) and section 1860E(d)(2), the entity assumes full financial risk on a prospective basis for qualified prescription drug coverage that it offers under a prescription drug plan and that is not covered under reinsurance under section 1860H.

"(B) REINSURANCE PERMITTED.—The entity may obtain insurance or make other arrangements for the cost of coverage provided to any enrolled member under this part.

"(3) SOLVENCY FOR UNLICENSED SPONSORS.—In the case of a sponsor that is not described in paragraph (1), the sponsor shall meet solvency standards established by the Medicare Benefits Administrator under subsection (d).

"(b) CONTRACT REQUIREMENTS.—

"(1) IN GENERAL.—The Medicare Benefits Administrator shall not permit the election under section 1860A of a prescription drug plan offered by a PDP sponsor under this part, and the sponsor shall not be eligible for payments under section 1860G or 1860H, unless the Administrator has entered into a contract under this subsection with the sponsor with respect to the offering of such plan. Such a contract with a sponsor may cover more than 1 prescription drug plan. Such contract shall provide that the sponsor agrees to comply with the applicable requirements and standards of this part and the terms and conditions of payment as provided for in this part.

"(2) NEGOTIATION REGARDING TERMS AND CONDITIONS.—The Medicare Benefits Administrator shall have the same authority to negotiate the terms and conditions of prescription drug plans under this part as the Director of the Office of Personnel Management has with respect to health benefits plans under chapter 89 of title 5, United States Code. In negotiating the terms and conditions regarding premiums for which information is submitted under section 1860F(a)(2), the Administrator shall take into account the reinsurance subsidy payments under section 1860H and the adjusted community rate (as defined in section 1854(f)(3)) for the benefits covered.

"(3) INCORPORATION OF CERTAIN MEDICARE+CHOICE CONTRACT REQUIREMENTS.—The following provisions of section 1857 shall apply, subject to subsection (c)(5), to contracts under this section in the same manner as they apply to contracts under section 1857(a):

"(A) MINIMUM ENROLLMENT.—Paragraphs (1) and (3) of section 1857(b).

"(B) CONTRACT PERIOD AND EFFECTIVENESS.—Paragraphs (1) through (3) and (5) of section 1857(c).

"(C) PROTECTIONS AGAINST FRAUD AND BENEFICIARY PROTECTIONS.—Section 1857(d).

"(D) ADDITIONAL CONTRACT TERMS.—Section 1857(e); except that in applying section 1857(e)(2) under this part—

"(i) such section shall be applied separately to costs relating to this part (from costs under part C);

"(ii) in no case shall the amount of the fee established under this subparagraph for a plan exceed 20 percent of the maximum amount of the fee that may be established under subparagraph (B) of such section; and

"(iii) no fees shall be applied under this subparagraph with respect to Medicare+Choice plans.

"(E) INTERMEDIATE SANCTIONS.—Section 1857(g).

"(F) PROCEDURES FOR TERMINATION.—Section 1857(h).

"(4) RULES OF APPLICATION FOR INTERMEDIATE SANCTIONS.—In applying paragraph (3)(E)—

"(A) the reference in section 1857(g)(1)(B) to section 1854 is deemed a reference to this part; and

"(B) the reference in section 1857(g)(1)(F) to section 1852(k)(2)(A)(ii) shall not be applied.

"(c) WAIVER OF CERTAIN REQUIREMENTS TO EXPAND CHOICE.—

"(1) IN GENERAL.—In the case of an entity that seeks to offer a prescription drug plan in a State, the Medicare Benefits Administrator shall waive the requirement of subsection (a)(1) that

the entity be licensed in that State if the Administrator determines, based on the application and other evidence presented to the Administrator, that any of the grounds for approval of the application described in paragraph (2) has been met.

"(2) GROUNDS FOR APPROVAL.—The grounds for approval under this paragraph are the grounds for approval described in subparagraph (B), (C), and (D) of section 1855(a)(2), and also include the application by a State of any grounds other than those required under Federal law.

"(3) APPLICATION OF WAIVER PROCEDURES.—With respect to an application for a waiver (or a waiver granted) under this subsection, the provisions of subparagraphs (E), (F), and (G) of section 1855(a)(2) shall apply.

"(4) LICENSURE DOES NOT SUBSTITUTE FOR OR CONSTITUTE CERTIFICATION.—The fact that an entity is licensed in accordance with subsection (a)(1) does not deem the entity to meet other requirements imposed under this part for a PDP sponsor.

"(5) REFERENCES TO CERTAIN PROVISIONS.—For purposes of this subsection, in applying provisions of section 1855(a)(2) under this subsection to prescription drug plans and PDP sponsors—

"(A) any reference to a waiver application under section 1855 shall be treated as a reference to a waiver application under paragraph (1); and

"(B) any reference to solvency standards shall be treated as a reference to solvency standards established under subsection (d).

"(d) SOLVENCY STANDARDS FOR NON-LICENSED SPONSORS.—

"(1) ESTABLISHMENT.—The Medicare Benefits Administrator shall establish, by not later than October 1, 2001, financial solvency and capital adequacy standards that an entity that does not meet the requirements of subsection (a)(1) must meet to qualify as a PDP sponsor under this part.

"(2) COMPLIANCE WITH STANDARDS.—Each PDP sponsor that is not licensed by a State under subsection (a)(1) and for which a waiver application has been approved under subsection (c) shall meet solvency and capital adequacy standards established under paragraph (1). The Medicare Benefits Administrator shall establish certification procedures for such PDP sponsors with respect to such solvency standards in the manner described in section 1855(c)(2).

"(e) OTHER STANDARDS.—The Medicare Benefits Administrator shall establish by regulation other standards (not described in subsection (d)) for PDP sponsors and plans consistent with, and to carry out, this part. The Administrator shall publish such regulations by October 1, 2001. In order to carry out this requirement in a timely manner, the Administrator may promulgate regulations that take effect on an interim basis, after notice and pending opportunity for public comment.

"(f) RELATION TO STATE LAWS.—

"(1) IN GENERAL.—The standards established under this section shall supersede any State law or regulation (including standards described in paragraph (2)) with respect to prescription drug plans which are offered by PDP sponsors under this part to the extent such law or regulation is inconsistent with such standards.

"(2) STANDARDS SPECIFICALLY SUPERSEDED.—State standards relating to the following are superseded under this subsection:

"(A) Benefit requirements.

"(B) Requirements relating to inclusion or treatment of providers.

"(C) Coverage determinations (including related appeals and grievance processes).

"(D) Establishment and regulation of premiums.

"(3) PROHIBITION OF STATE IMPOSITION OF PREMIUM TAXES.—No State may impose a premium tax or similar tax with respect to premiums paid to PDP sponsors for prescription drug plans under this part, or with respect to any payments made to such a sponsor by the Medicare Benefits Administrator under this part.

"SEC. 1860E. PROCESS FOR BENEFICIARIES TO SELECT QUALIFIED PRESCRIPTION DRUG COVERAGE.

"(a) IN GENERAL.—The Medicare Benefits Administrator, through the Office of Beneficiary Assistance, shall establish, based upon and consistent with the procedures used under part C (including section 1851), a process for the selection of the prescription drug plan or Medicare+Choice plan which offer qualified prescription drug coverage through which eligible individuals elect qualified prescription drug coverage under this part.

"(b) ELEMENTS.—Such process shall include the following:

"(1) Annual, coordinated election periods, in which such individuals can change the qualifying plans through which they obtain coverage, in accordance with section 1860A(b)(2).

"(2) Active dissemination of information to promote an informed selection among qualifying plans based upon price, quality, and other features, in the manner described in (and in coordination with) section 1851(d), including the provision of annual comparative information, maintenance of a toll-free hotline, and the use of non-federal entities.

"(3) Coordination of elections through filing with a Medicare+Choice organization or a PDP sponsor, in the manner described in (and in coordination with) section 1851(c)(2).

"(c) MEDICARE+CHOICE ENROLLEE IN PLAN OFFERING PRESCRIPTION DRUG COVERAGE MAY ONLY OBTAIN BENEFITS THROUGH THE PLAN.—An individual who is enrolled under a Medicare+Choice plan that offers qualified prescription drug coverage may only elect to receive qualified prescription drug coverage under this part through such plan.

"(d) ASSURING ACCESS TO A CHOICE OF QUALIFIED PRESCRIPTION DRUG COVERAGE.—

"(1) CHOICE OF AT LEAST 2 PLANS IN EACH AREA.—

"(A) IN GENERAL.—The Medicare Benefits Administrator shall assure that each individual who is enrolled under part B and who is residing in an area has available, consistent with subparagraph (B), a choice of enrollment in at least 2 qualifying plans (as defined in paragraph (5)) in the area in which the individual resides, at least one of which is a prescription drug plan.

"(B) REQUIREMENT FOR DIFFERENT PLAN SPONSORS.—The requirement in subparagraph (A) is not satisfied with respect to an area if only one PDP sponsor or Medicare+Choice organization offers all the qualifying plans in the area.

"(2) GUARANTEEING ACCESS TO COVERAGE.—In order to assure access under paragraph (1) and consistent with paragraph (3), the Medicare Benefits Administrator may provide financial incentives (including partial underwriting of risk) for a PDP sponsor to expand the service area under an existing prescription drug plan to adjoining or additional areas or to establish such a plan (including offering such a plan on a regional or nationwide basis), but only so long as (and to the extent) necessary to assure the access guaranteed under paragraph (1).

"(3) LIMITATION ON AUTHORITY.—In exercising authority under this subsection, the Medicare Benefits Administrator—

"(A) shall not provide for the full underwriting of financial risk for any PDP sponsor;

"(B) shall not provide for any underwriting of financial risk for a public PDP sponsor with respect to the offering of a nationwide prescription drug plan; and

"(C) shall seek to maximize the assumption of financial risk by PDP sponsors or Medicare+Choice organizations.

"(4) REPORTS.—The Medicare Benefits Administrator shall, in each annual report to Congress under section 1807(f), include information on the exercise of authority under this subsection. The Administrator also shall include such recommendations as may be appropriate to minimize the exercise of such authority, including minimizing the assumption of financial risk.

"(5) QUALIFYING PLAN DEFINED.—For purposes of this subsection, the term 'qualifying plan' means a prescription drug plan or a Medicare+Choice plan that includes qualified prescription drug coverage.

"SEC. 1860F. PREMIUMS.

"(a) SUBMISSION OF PREMIUMS AND RELATED INFORMATION.—

"(1) IN GENERAL.—Each PDP sponsor shall submit to the Medicare Benefits Administrator information of the type described in paragraph (2) in the same manner as information is submitted by a Medicare+Choice organization under section 1854(a)(1).

"(2) TYPE OF INFORMATION.—The information described in this paragraph is the following:

"(A) Information on the qualified prescription drug coverage to be provided.

"(B) Information on the actuarial value of the coverage.

"(C) Information on the monthly premium to be charged for the coverage, including an actuarial certification of—

"(i) the actuarial basis for such premium;

"(ii) the portion of such premium attributable to benefits in excess of standard coverage; and

"(iii) the reduction in such premium resulting from the reinsurance subsidy payments provided under section 1860H.

"(D) Such other information as the Medicare Benefits Administrator may require to carry out this part.

"(3) REVIEW.—The Medicare Benefits Administrator shall review the information filed under paragraph (2) for the purpose of conducting negotiations under section 1860D(b)(2).

"(b) UNIFORM PREMIUM.—The premium for a prescription drug plan charged under this section may not vary among individuals enrolled in the plan in the same service area, except as is permitted under section 1860A(c)(2)(B) (relating to late enrollment penalties).

"(c) TERMS AND CONDITIONS FOR IMPOSING PREMIUMS.—The provisions of section 1854(d) shall apply under this part in the same manner as they apply under part C, and, for this purpose, the reference in such section to section 1851(g)(3)(B)(i) is deemed a reference to section 1860A(d)(3)(B) (relating to failure to pay premiums required under this part).

"(d) ACCEPTANCE OF REFERENCE PREMIUM AS FULL PREMIUM IF NO STANDARD (OR EQUIVALENT) COVERAGE IN AN AREA.—

"(1) IN GENERAL.—If there is no standard prescription drug coverage (as defined in paragraph (2)) offered in an area, in the case of an individual who is eligible for a premium subsidy under section 1860G and resides in the area, the PDP sponsor of any prescription drug plan offered in the area (and any Medicare+Choice organization that offers qualified prescription drug coverage in the area) shall accept the reference premium under section 1860G(b)(2) as payment in full for the premium charge for qualified prescription drug coverage.

"(2) STANDARD PRESCRIPTION DRUG COVERAGE DEFINED.—For purposes of this subsection, the term 'standard prescription drug coverage' means qualified prescription drug coverage that is standard coverage or that has an actuarial value equivalent to the actuarial value for standard coverage.

"SEC. 1860G. PREMIUM AND COST-SHARING SUBSIDIES FOR LOW-INCOME INDIVIDUALS.

"(a) IN GENERAL.—

"(1) FULL PREMIUM SUBSIDY AND REDUCTION OF COST-SHARING FOR INDIVIDUALS WITH INCOME BELOW 135 PERCENT OF FEDERAL POVERTY LEVEL.—In the case of a subsidy eligible individual (as defined in paragraph (3)) who is determined to have income that does not exceed 135 percent of the Federal poverty level, the individual is entitled under this section—

"(A) to a premium subsidy equal to 100 percent of the amount described in subsection (b)(1); and

"(B) subject to subsection (c), to the substitution for the beneficiary cost-sharing described in paragraphs (1) and (2) of section 1860B(b) (up to the initial coverage limit specified in paragraph (3) of such section) of amounts that are nominal.

"(2) SLIDING SCALE PREMIUM SUBSIDY FOR INDIVIDUALS WITH INCOME ABOVE 135, BUT BELOW 150 PERCENT, OF FEDERAL POVERTY LEVEL.—In the case of a subsidy eligible individual who is determined to have income that exceeds 135 percent, but does not exceed 150 percent, of the Federal poverty level, the individual is entitled under this section to a premium subsidy determined on a linear sliding scale ranging from 100 percent of the amount described in subsection (b)(1) for individuals with incomes at 135 percent of such level to 0 percent of such amount for individuals with incomes at 150 percent of such level.

"(3) DETERMINATION OF ELIGIBILITY.—

"(A) SUBSIDY ELIGIBLE INDIVIDUAL DEFINED.—For purposes of this section, subject to subparagraph (D), the term 'subsidy eligible individual' means an individual who—

"(i) is eligible to elect, and has elected, to obtain qualified prescription drug coverage under this part;

"(ii) has income below 150 percent of the Federal poverty line; and

"(iii) meets the resources requirement described in section 1905(p)(1)(C).

"(B) DETERMINATIONS.—The determination of whether an individual residing in a State is a subsidy eligible individual and the amount of such individual's income shall be determined under the State medicaid plan for the State under section 1935(a). In the case of a State that does not operate such a medicaid plan (either under title XIX or under a statewide waiver granted under section 1115), such determination shall be made under arrangements made by the Medicare Benefits Administrator.

"(C) INCOME DETERMINATIONS.—For purposes of applying this section—

"(i) income shall be determined in the manner described in section 1905(p)(1)(B); and

"(ii) the term 'Federal poverty line' means the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(D) TREATMENT OF TERRITORIAL RESIDENTS.—In the case of an individual who is not a resident of the 50 States or the District of Columbia, the individual is not eligible to be a subsidy eligible individual but may be eligible for financial assistance with prescription drug expenses under section 1935(e).

"(b) PREMIUM SUBSIDY AMOUNT.—

"(1) IN GENERAL.—The premium subsidy amount described in this subsection for an individual residing in an area is the reference premium (as defined in paragraph (2)) for qualified prescription drug coverage offered by the prescription drug plan or the Medicare+Choice plan in which the individual is enrolled.

"(2) REFERENCE PREMIUM DEFINED.—For purposes of this subsection, the term 'reference premium' means, with respect to qualified prescription drug coverage offered under—

"(A) a prescription drug plan that—

"(i) provides standard coverage (or alternative prescription drug coverage the actuarial value is equivalent to that of standard coverage), the premium imposed for enrollment under the plan under this part (determined without regard to any subsidy under this section or any late enrollment penalty under section 1860A(c)(2)(B)); or

"(ii) provides alternative prescription drug coverage the actuarial value of which is greater than that of standard coverage, the premium described in clause (i) multiplied by the ratio of (I) the actuarial value of standard coverage, to (II) the actuarial value of the alternative coverage; or

"(B) a Medicare+Choice plan, the standard premium computed under section 1851(j)(5)(A)(iii), determined without regard to any reduction effected under section 1851(j)(5)(B).

"(c) RULES IN APPLYING COST-SHARING SUBSIDIES.—

"(1) IN GENERAL.—In applying subsection (a)(1)(B)—

"(A) the maximum amount of subsidy that may be provided with respect to an enrollee for a year may not exceed 95 percent of the maximum cost-sharing described in such subsection that may be incurred for standard coverage;

"(B) the Medicare Benefits Administrator shall determine what is 'nominal' taking into account the rules applied under section 1916(a)(3); and

"(C) nothing in this part shall be construed as preventing a plan or provider from waiving or reducing the amount of cost-sharing otherwise applicable.

"(2) LIMITATION ON CHARGES.—In the case of an individual receiving cost-sharing subsidies under subsection (a)(1)(B), the PDP sponsor may not charge more than a nominal amount in cases in which the cost-sharing subsidy is provided under such subsection.

"(d) ADMINISTRATION OF SUBSIDY PROGRAM.—The Medicare Benefits Administrator shall provide a process whereby, in the case of an individual who is determined to be a subsidy eligible individual and who is enrolled in prescription drug plan or is enrolled in a Medicare+Choice plan under which qualified prescription drug coverage is provided—

"(1) the Administrator provides for a notification of the PDP sponsor or Medicare+Choice organization involved that the individual is eligible for a subsidy and the amount of the subsidy under subsection (a);

"(2) the sponsor or organization involved reduces the premiums or cost-sharing otherwise imposed by the amount of the applicable subsidy and submits to the Administrator information on the amount of such reduction; and

"(3) the Administrator periodically and on a timely basis reimburses the sponsor or organization for the amount of such reductions.

The reimbursement under paragraph (3) with respect to cost-sharing subsidies may be computed on a capitated basis, taking into account the actuarial value of the subsidies and with appropriate adjustments to reflect differences in the risks actually involved.

"(e) RELATION TO MEDICAID PROGRAM.—

"(1) IN GENERAL.—For provisions providing for eligibility determinations, and additional financing, under the medicaid program, see section 1935.

"(2) MEDICAID PROVIDING WRAP AROUND BENEFITS.—The coverage provided under this part is primary payor to benefits for prescribed drugs provided under the medicaid program under title XIX.

"SEC. 1860H. SUBSIDIES FOR ALL MEDICARE BENEFICIARIES THROUGH REINSURANCE FOR QUALIFIED PRESCRIPTION DRUG COVERAGE.

"(a) REINSURANCE SUBSIDY PAYMENT.—In order to reduce premium levels applicable to qualified prescription drug coverage for all medicare beneficiaries, to reduce adverse selection among prescription drug plans and Medicare+Choice plans that provide qualified prescription drug coverage, and to promote the participation of PDP sponsors under this part, the Medicare Benefits Administrator shall provide in accordance with this section for payment to a qualifying entity (as defined in subsection (b)) of the reinsurance payment amount (as defined in subsection (c)) for excess costs incurred in providing qualified prescription drug coverage—

"(1) for individuals enrolled with a prescription drug plan under this part;

"(2) for individuals enrolled with a Medicare+Choice plan that provides qualified prescription drug coverage under part C; and

"(3) for medicare primary individuals (described in subsection (f)(3)(D)) who are enrolled in a qualified retiree prescription drug plan.

This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Administrator to provide for the payment of amounts provided under this section.

"(b) QUALIFYING ENTITY DEFINED.—For purposes of this section, the term 'qualifying entity' means any of the following that has entered into an agreement with the Administrator to provide the Administrator with such information as may be required to carry out this section:

"(1) A PDP sponsor offering a prescription drug plan under this part.

"(2) A Medicare+Choice organization that provides qualified prescription drug coverage under a Medicare+Choice plan under part C.

"(3) The sponsor of a qualified retiree prescription drug plan (as defined in subsection (f)).

"(c) REINSURANCE PAYMENT AMOUNT.—

"(1) IN GENERAL.—Subject to subsection (d)(2) and paragraph (4), the reinsurance payment amount under this subsection for a qualifying covered individual (as defined in subsection (g)(1)) for a coverage year (as defined in subsection (g)(2)) is equal to the sum of the following:

"(A) For the portion of the individual's gross covered prescription drug costs (as defined in paragraph (3)) for the year that exceeds $1,250, but does not exceed $1,350, an amount equal to 30 percent of the allowable costs (as defined in paragraph (2)) attributable to such gross covered prescription drug costs.

"(B) For the portion of the individual's gross covered prescription drug costs for the year that exceeds $1,350, but does not exceed $1,450, an amount equal to 50 percent of the allowable costs attributable to such gross covered prescription drug costs.

"(C) For the portion of the individual's gross covered prescription drug costs for the year that exceeds $1,450, but does not exceed $1,550, an amount equal to 70 percent of the allowable costs attributable to such gross covered prescription drug costs.

"(D) For the portion of the individual's gross covered prescription drug costs for the year that exceeds $1,550, but does not exceed $2,350, an amount equal to 90 percent of the allowable costs attributable to such gross covered prescription drug costs.

"(E) For the portion of the individual's gross covered prescription drug costs for the year that exceeds $7,050, an amount equal to 90 percent of the allowable costs attributable to such gross covered prescription drug costs.

"(2) ALLOWABLE COSTS.—For purposes of this section, the term 'allowable costs' means, with *respect to gross covered prescription drug costs under a plan described in subsection (b) offered by a qualifying entity, the part of such costs that are actually paid under the plan, but in no case more than the part of such costs that would have been paid under the plan if the prescription drug coverage under the plan were standard coverage.*

“(3) GROSS COVERED PRESCRIPTION DRUG COSTS.—For purposes of this section, the term ‘gross covered prescription drug costs’ means, with respect to an enrollee with a qualifying entity under a plan described in subsection (b) during a coverage year, the costs incurred under the plan for covered prescription drugs dispensed during the year, including costs relating to the deductible, whether paid by the enrollee or under the plan, regardless of whether the coverage under the plan exceeds standard coverage and regardless of when the payment for such drugs is made.

“(4) INDEXING DOLLAR AMOUNTS.—

“(A) AMOUNTS FOR 2003.—The dollar amounts applied under paragraph (1) for 2003 shall be the dollar amounts specified in such paragraph.

“(B) FOR 2004.—The dollar amounts applied under paragraph (1) for 2004 shall be the dollar amounts specified in such paragraph increased by the annual percentage increase described in section 1860B(b)(5) for 2004.

“(C) FOR SUBSEQUENT YEARS.—The dollar amounts applied under paragraph (1) for a year after 2004 shall be the amounts (under this paragraph) applied under paragraph (1) for the preceding year increased by the annual percentage increase described in section 1860B(b)(5) for the year involved.

“(D) ROUNDING.—Any amount, determined under the preceding provisions of this paragraph for a year, which is not a multiple of $5 shall be rounded to the nearest multiple of $5.

“(d) ADJUSTMENT OF PAYMENTS.—

“(1) IN GENERAL.—The Medicare Benefits Administrator shall estimate—

“(A) the total payments to be made (without regard to this subsection) during a year under this section; and

“(B) the total payments to be made by qualifying entities for standard coverage under plans described in subsection (b) during the year.

“(2) ADJUSTMENT OF PAYMENTS.—The Administrator shall proportionally adjust the payments made under this section for a coverage year in such manner so that the total of the payments made for the year under this section is equal to 35 percent of the total payments described in paragraph (1)(B) during the year.

“(e) PAYMENT METHODS.—

“(1) IN GENERAL.—Payments under this section shall be based on such a method as the Medicare Benefits Administrator determines. The Administrator may establish a payment method by which interim payments of amounts under this section are made during a year based on the Administrator's best estimate of amounts that will be payable after obtaining all of the information.

“(2) SOURCE OF PAYMENTS.—Payments under this section shall be made from the Medicare Prescription Drug Account.

“(f) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN DEFINED.—

“(1) IN GENERAL.—For purposes of this section, the term ‘qualified retiree prescription drug plan’ means employment-based retiree health coverage (as defined in paragraph (3)(A)) if, with respect to an individual enrolled (or eligible to be enrolled) under this part who is covered under the plan, the following requirements are met:

“(A) ASSURANCE.—The sponsor of the plan shall annually attest, and provide such assurances as the Medicare Benefits Administrator may require, that the coverage meets the requirements for qualified prescription drug coverage.

“(B) AUDITS.—The sponsor (and the plan) shall maintain, and afford the Medicare Benefits Administrator access to, such records as the Administrator may require for purposes of audits and other oversight activities necessary to ensure the adequacy of prescription drug coverage, the accuracy of payments made, and such other matters as may be appropriate.

“(C) PROVISION OF CERTIFICATION OF PRESCRIPTION DRUG COVERAGE.—The sponsor of the plan shall provide for issuance of certifications of the type described in section 1860A(c)(2)(D).

“(D) OTHER REQUIREMENTS.—The sponsor of the plan shall comply with such other requirements as the Medicare Benefits Administrator finds necessary to administer the program under this section.

“(2) LIMITATION ON BENEFIT ELIGIBILITY.—No payment shall be provided under this section with respect to an individual who is enrolled under a qualified retiree prescription drug plan unless the individual is a medicare primary individual who—

“(A) is covered under the plan; and

“(B) is eligible to obtain qualified prescription drug coverage under section 1860A but did not elect such coverage under this part (either through a prescription drug plan or through a Medicare+Choice plan).

“(3) DEFINITIONS.—As used in this section:

“(A) EMPLOYMENT-BASED RETIREE HEALTH COVERAGE.—The term ‘employment-based retiree health coverage’ means health insurance or other coverage of health care costs for medicare primary individuals (or for such individuals and their spouses and dependents) based on their status as former employees or labor union members.

“(B) EMPLOYER.—The term ‘employer’ has the meaning given such term by section 3(5) of the Employee Retirement Income Security Act of 1974 (except that such term shall include only employers of two or more employees).

“(C) SPONSOR.—The term ‘sponsor’ means a plan sponsor, as defined in section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

“(D) MEDICARE PRIMARY INDIVIDUAL.—The term ‘medicare primary individual’ means, with respect to a plan, an individual who is covered under the plan and with respect to whom the plan is not a primary plan (as defined in section 1862(b)(2)(A)).

“(g) GENERAL DEFINITIONS.—For purposes of this section:

“(1) QUALIFYING COVERED INDIVIDUAL.—The term ‘qualifying covered individual’ means an individual who—

“(A) is enrolled with a prescription drug plan under this part;

“(B) is enrolled with a Medicare+Choice plan that provides qualified prescription drug coverage under part C; or

“(C) is covered as a medicare primary individual under a qualified retiree prescription drug plan.

“(2) COVERAGE YEAR.—The term ‘coverage year’ means a calendar year in which covered outpatient drugs are dispensed if a claim for payment is made under the plan for such drugs, regardless of when the claim is paid.

“SEC. 1860I. MEDICARE PRESCRIPTION DRUG ACCOUNT IN FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND.

“(a) IN GENERAL.—There is created within the Federal Supplementary Medical Insurance Trust Fund established by section 1841 an account to be known as the ‘Medicare Prescription Drug Account’ (in this section referred to as the ‘Account’). The Account shall consist of such gifts and bequests as may be made as provided in section 201(i)(1), and such amounts as may be deposited in, or appropriated to, such fund as provided in this part. Funds provided under this part to the Account shall be kept separate from all other funds within the Federal Supplementary Medical Insurance Trust Fund.

“(b) PAYMENTS FROM ACCOUNT.—

“(1) IN GENERAL.—The Managing Trustee shall pay from time to time from the Account such amounts as the Medicare Benefits Administrator certifies are necessary to make—

“(A) payments under section 1860G (relating to low-income subsidy payments);

“(B) payments under section 1860H (relating to reinsurance subsidy payments); and

“(C) payments with respect to administrative expenses under this part in accordance with section 201(g).

“(2) TRANSFERS TO MEDICAID ACCOUNT FOR INCREASED ADMINISTRATIVE COSTS.—The Managing Trustee shall transfer from time to time from the Account to the Grants to States for Medicaid account amounts the Secretary certifies are attributable to increases in payment resulting from the application of a higher Federal matching percentage under section 1935(b).

“(3) TREATMENT IN RELATION TO PART B PREMIUM.—Amounts payable from the Account shall not be taken into account in computing actuarial rates or premium amounts under section 1839.

“(c) DEPOSITS INTO ACCOUNT.—

“(1) MEDICAID TRANSFER.—There is hereby transferred to the Account, from amounts appropriated for Grants to States for Medicaid, amounts equivalent to the aggregate amount of the reductions in payments under section 1903(a)(1) attributable to the application of section 1935(c).

“(2) APPROPRIATIONS TO COVER GOVERNMENT CONTRIBUTIONS.—There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Account, an amount equivalent to the amount of payments made from the Account under subsection (b), reduced by the amount transferred to the Account under paragraph (1).

“SEC. 1860J. DEFINITIONS; TREATMENT OF REFERENCES TO PROVISIONS IN PART C.

“(a) DEFINITIONS.—For purposes of this part:

“(1) COVERED OUTPATIENT DRUGS.—The term ‘covered outpatient drugs’ is defined in section 1860B(f).

“(2) INITIAL COVERAGE LIMIT.—The term ‘initial coverage limit’ means the such limit as established under section 1860B(b)(3), or, in the case of coverage that is not standard coverage, the comparable limit (if any) established under the coverage.

“(3) MEDICARE PRESCRIPTION DRUG ACCOUNT.—The term ‘Medicare Prescription Drug Account’ means the Account in the Federal Supplementary Medical Insurance Trust Fund created under section 1860I(a).

“(4) PDP SPONSOR.—The term ‘PDP sponsor’ means an entity that is certified under this part as meeting the requirements and standards of this part for such a sponsor.

“(5) PRESCRIPTION DRUG PLAN.—The term ‘prescription drug plan’ means health benefits coverage that—

“(A) is offered under a policy, contract, or plan by a PDP sponsor pursuant to, and in accordance with, a contract between the Medicare Benefits Administrator and the sponsor under section 1860D(b);

“(B) provides qualified prescription drug coverage; and

“(C) meets the applicable requirements of the section 1860C for a prescription drug plan.

“(6) QUALIFIED PRESCRIPTION DRUG COVERAGE.—The term ‘qualified prescription drug coverage’ is defined in section 1860B(a).

“(7) STANDARD COVERAGE.—The term ‘standard coverage’ is defined in section 1860B(b).

"(b) Application of Medicare+Choice Provisions Under This Part.—For purposes of applying provisions of part C under this part with respect to a prescription drug plan and a PDP sponsor, unless otherwise provided in this part such provisions shall be applied as if—

"(1) any reference to a Medicare+Choice plan included a reference to a prescription drug plan;

"(2) any reference to a provider-sponsored organization included a reference to a PDP sponsor;

"(3) any reference to a contract under section 1857 included a reference to a contract under section 1860D(b); and

"(4) any reference to part C included a reference to this part.".

(b) Conforming Amendments to Federal Supplementary Medical Insurance Trust Fund.—Section 1841 of the Social Security Act (42 U.S.C. 1395t) is amended—

(1) in the last sentence of subsection (a)—

(A) by striking "and" before "such amounts", and

(B) by inserting before the period the following: "and such amounts as may be deposited in, or appropriated to, the Medicare Prescription Drug Account established by section 1860I"; and

(2) in subsection (g), by inserting after "by this part," the following: "the payments provided for under part D (in which case the payments shall come from the Medicare Prescription Drug Account in the Trust Fund),".

(c) Additional Conforming Changes.—

(1) Conforming references to previous part D.—Any reference in law (in effect before the date of the enactment of this Act) to part D of title XVIII of the Social Security Act is deemed a reference to part E of such title (as in effect after such date).

(2) Secretarial submission of legislative proposal.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this subtitle.

SEC. 102. OFFERING OF QUALIFIED PRESCRIPTION DRUG COVERAGE UNDER THE MEDICARE+CHOICE PROGRAM.

(a) In General.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21) is amended by adding at the end the following new subsection:

"(j) Availability of Prescription Drug Benefits.—

"(1) In general.—A Medicare+Choice organization may not offer prescription drug coverage (other than that required under parts A and B) to an enrollee under a Medicare+Choice plan unless such drug coverage is at least qualified prescription drug coverage and unless the requirements of this subsection with respect to such coverage are met.

"(2) Compliance with additional beneficiary protections.—With respect to the offering of qualified prescription drug coverage by a Medicare+Choice organization under a Medicare+Choice plan, the organization and plan shall meet the requirements of section 1860C, including requirements relating to information dissemination and grievance and appeals, in the same manner as they apply to a PDP sponsor and a prescription drug plan under part D. The Medicare Benefits Administrator shall waive such requirements to the extent the Administrator determines that such requirements duplicate requirements otherwise applicable to the organization or plan under this part.

"(3) Treatment of coverage.—Except as provided in this subsection, qualified prescription drug coverage offered under this subsection shall be treated under this part in the same manner as supplemental health care benefits described in section 1852(a)(3)(A).

"(4) Availability of premium and cost-sharing subsidies for low-income enrollees and reinsurance subsidy payments for organizations.—For provisions—

"(A) providing premium and cost-sharing subsidies to low-income individuals receiving qualified prescription drug coverage through a Medicare+Choice plan, see section 1860G; and

"(B) providing a Medicare+Choice organization with reinsurance subsidy payments for providing qualified prescription drug coverage under this part, see section 1860H.

"(5) Specification of separate and standard premium.—

"(A) In general.—For purposes of applying section 1854 and section 1860G(b)(2)(B) with respect to qualified prescription drug coverage offered under this subsection under a plan, the Medicare+Choice organization shall compute and publish the following:

"(i) Separate prescription drug premium.—A premium for prescription drug benefits that constitute qualified prescription drug coverage that is separate from other coverage under the plan.

"(ii) Portion of coverage attributable to standard benefits.—The ratio of the actuarial value of standard coverage to the actuarial value of the qualified prescription drug coverage offered under the plan.

"(iii) Portion of premium attributable to standard benefits.—A standard premium equal to the product of the premium described in clause (i) and the ratio under clause (ii).

The premium under clause (i) shall be compute without regard to any reduction in the premium permitted under subparagraph (B).

"(B) Reduction of premiums allowed.—Nothing in this subsection shall be construed as preventing a Medicare+Choice organization from reducing the amount of a premium charged for prescription drug coverage because of the application of section 1854(f)(1)(A) to other coverage.

"(C) Acceptance of reference premium as full premium if no standard (or equivalent) coverage in an area.—For requirement to accept reference premium as full premium if there is no standard (or equivalent) coverage in the area of a Medicare+Choice plan, see section 1860F(d).

"(6) Transition in initial enrollment period.—Notwithstanding any other provision of this part, the annual, coordinated election period under subsection (e)(3)(B) for 2003 shall be the 6-month period beginning with November 2002.

"(7) Qualified prescription drug coverage; standard coverage.—For purposes of this part, the terms 'qualified prescription drug coverage' and 'standard coverage' have the meanings given such terms in section 1860B.".

(b) Conforming Amendments.—Section 1851 of such Act (42 U.S.C. 1395w–21) is amended—

(1) in subsection (a)(1)—

(A) by inserting "(other than qualified prescription drug benefits)" after "benefits";

(B) by striking the period at the end of subparagraph (B) and inserting a comma; and

(C) by adding after and below subparagraph (B) the following:

"and may elect qualified prescription drug coverage in accordance with section 1860A."; and

(2) in subsection (g)(1), by inserting "and section 1860A(c)(2)(B)" after "in this subsection".

(c) Effective Date.—The amendments made by this section apply to coverage provided on or after January 1, 2003.

SEC. 103. MEDICAID AMENDMENTS.

(a) Determinations of Eligibility for Low-Income Subsidies.—

(1) Requirement.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)—

(i) by striking "and" at the end of paragraph (64);

(ii) by striking the period at the end of paragraph (65) and inserting "; and"; and

(iii) by inserting after paragraph (65) the following new paragraph:

"(66) provide for making eligibility determinations under section 1935(a).".

(2) New section.—Title XIX of such Act is further amended—

(A) by redesignating section 1935 as section 1936; and

(B) by inserting after section 1934 the following new section:

"SPECIAL PROVISIONS RELATING TO MEDICARE PRESCRIPTION DRUG BENEFIT

"Sec. 1935. (a) Requirement for Making Eligibility Determinations for Low-Income Subsidies.—As a condition of its State plan under this title under section 1902(a)(66) and receipt of any Federal financial assistance under section 1903(a), a State shall—

"(1) make determinations of eligibility for premium and cost-sharing subsidies under (and in accordance with) section 1860G;

"(2) inform the Administrator of the Medicare Benefits Administration of such determinations in cases in which such eligibility is established; and

"(3) otherwise provide such Administrator with such information as may be required to carry out part D of title XVIII (including section 1860G).

"(b) Payments for Additional Administrative Costs.—

"(1) In general.—The amounts expended by a State in carrying out subsection (a) are, subject to paragraph (2), expenditures reimbursable under the appropriate paragraph of section 1903(a); except that, notwithstanding any other provision of such section, the applicable Federal matching rates with respect to such expenditures under such section shall be increased as follows:

"(A) For expenditures attributable to costs incurred during 2003, the otherwise applicable Federal matching rate shall be increased by 20 percent of the percentage otherwise payable (but for this subsection) by the State.

"(B) For expenditures attributable to costs incurred during 2004, the otherwise applicable Federal matching rate shall be increased by 40 percent of the percentage otherwise payable (but for this subsection) by the State.

"(C) For expenditures attributable to costs incurred during 2005, the otherwise applicable Federal matching rate shall be increased by 60 percent of the percentage otherwise payable (but for this subsection) by the State.

"(D) For expenditures attributable to costs incurred during 2006, the otherwise applicable Federal matching rate shall be increased by 80 percent of the percentage otherwise payable (but for this subsection) by the State.

"(E) For expenditures attributable to costs incurred after 2006, the otherwise applicable Federal matching rate shall be increased to 100 percent.

"(2) Coordination.—The State shall provide the Secretary with such information as may be necessary to properly allocate administrative expenditures described in paragraph (1) that may otherwise be made for similar eligibility determinations.".

(b) Phased-In Federal Assumption of Medicaid Responsibility for Premium and Cost-Sharing Subsidies for Dually Eligible Individuals.—

(1) In general.—Section 1903(a)(1) of the Social Security Act (42 U.S.C. 1396b(a)(1)) is amended by inserting before the semicolon the following: ", reduced by the amount computed under section 1935(c)(1) for the State and the quarter".

(2) AMOUNT DESCRIBED.—Section 1935 of such Act, as inserted by subsection (a)(2), is amended by adding at the end the following new subsection:

"(c) FEDERAL ASSUMPTION OF MEDICAID PRESCRIPTION DRUG COSTS FOR DUALLY-ELIGIBLE BENEFICIARIES.—

"(1) IN GENERAL.—For purposes of section 1903(a)(1), for a State that is one of the 50 States or the District of Columbia for a calendar quarter in a year (beginning with 2003) the amount computed under this subsection is equal to the product of the following:

"(A) MEDICARE SUBSIDIES.—The total amount of payments made in the quarter under section 1860G (relating to premium and cost-sharing prescription drug subsidies for low-income medicare beneficiaries) that are attributable to individuals who are residents of the State and are entitled to benefits with respect to prescribed drugs under the State plan under this title (including such a plan operating under a waiver under section 1115).

"(B) STATE MATCHING RATE.—A proportion computed by subtracting from 100 percent the Federal medical assistance percentage (as defined in section 1905(b)) applicable to the State and the quarter.

"(C) PHASE-OUT PROPORTION.—The phase-out proportion (as defined in paragraph (2)) for the quarter.

"(2) PHASE-OUT PROPORTION.—For purposes of paragraph (1)(C), the 'phase-out proportion' for a calendar quarter in—

"(A) 2003 is 80 percent;

"(B) 2004 is 60 percent;

"(C) 2005 is 40 percent;

"(D) 2006 is 20 percent; or

"(E) a year after 2006 is 0 percent.".

(c) MEDICAID PROVIDING WRAP-AROUND BENEFITS.—Section 1935 of such Act, as so inserted and amended, is further amended by adding at the end the following new subsection:

"(d) ADDITIONAL PROVISIONS.—

"(1) MEDICAID AS SECONDARY PAYOR.—In the case of an individual dually entitled to qualified prescription drug coverage under a prescription drug plan under part D of title XVIII (or under a Medicare+Choice plan under part C of such title) and medical assistance for prescribed drugs under this title, medical assistance shall continue to be provided under this title for prescribed drugs to the extent payment is not made under the prescription drug plan or the Medicare+Choice plan selected by the individual.

"(2) CONDITION.—A State may require, as a condition for the receipt of medical assistance under this title with respect to prescription drug benefits for an individual eligible to obtain qualified prescription drug coverage described in paragraph (1), that the individual elect qualified prescription drug coverage under section 1860A.".

(d) TREATMENT OF TERRITORIES.—

(1) IN GENERAL.—Section 1935 of such Act, as so inserted and amended, is further amended—

(A) in subsection (a) in the matter preceding paragraph (1), by inserting "subject to subsection (e)" after "section 1903(a)";

(B) in subsection (c)(1), by inserting "subject to subsection (e)" after "1903(a)(1)"; and

(C) by adding at the end the following new subsection:

"(e) TREATMENT OF TERRITORIES.—

"(1) IN GENERAL.—In the case of a State, other than the 50 States and the District of Columbia—

"(A) the previous provisions of this section shall not apply to residents of such State; and

"(B) if the State establishes a plan described in paragraph (2) (for providing medical assistance with respect to the provision of prescription drugs to medicare beneficiaries), the amount otherwise determined under section 1108(f) (as increased under section 1108(g)) for the State shall be increased by the amount specified in paragraph (3).

"(2) PLAN.—The plan described in this paragraph is a plan that—

"(A) provides medical assistance with respect to the provision of covered outpatient drugs (as defined in section 1860B(f)) to low-income medicare beneficiaries; and

"(B) assures that additional amounts received by the State that are attributable to the operation of this subsection are used only for such assistance.

"(3) INCREASED AMOUNT.—

"(A) IN GENERAL.—The amount specified in this paragraph for a State for a year is equal to the product of—

"(i) the aggregate amount specified in subparagraph (B); and

"(ii) the amount specified in section 1108(g)(1) for that State, divided by the sum of the amounts specified in such section for all such States.

"(B) AGGREGATE AMOUNT.—The aggregate amount specified in this subparagraph for—

"(i) 2003, is equal to $20,000,000; or

"(ii) a subsequent year, is equal to the aggregate amount specified in this subparagraph for the previous year increased by annual percentage increase specified in section 1860B(b)(5) for the year involved.

"(4) REPORT.—The Secretary shall submit to Congress a report on the application of this subsection and may include in the report such recommendations as the Secretary deems appropriate.".

(2) CONFORMING AMENDMENT.—Section 1108(f) of such Act is amended by inserting "and section 1935(e)(1)(B)" after "Subject to subsection (g)".

SEC. 104. MEDIGAP TRANSITION PROVISIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no new medicare supplemental policy that provides coverage of expenses for prescription drugs may be issued under section 1882 of the Social Security Act on or after January 1, 2003, to an individual unless it replaces a medicare supplemental policy that was issued to that individual and that provided some coverage of expenses for prescription drugs.

(b) ISSUANCE OF SUBSTITUTE POLICIES IF OBTAIN PRESCRIPTION DRUG COVERAGE THROUGH MEDICARE.—

(1) IN GENERAL.—The issuer of a medicare supplemental policy—

(A) may not deny or condition the issuance or effectiveness of a medicare supplemental policy that has a benefit package classified as "A", "B", "C", "D", "E", "F", or "G" (under the standards established under subsection (p)(2) of section 1882 of the Social Security Act, 42 U.S.C. 1395ss) and that is offered and is available for issuance to new enrollees by such issuer;

(B) may not discriminate in the pricing of such policy, because of health status, claims experience, receipt of health care, or medical condition; and

(C) may not impose an exclusion of benefits based on a pre-existing condition under such policy,

in the case of an individual described in paragraph (2) who seeks to enroll under the policy not later than 63 days after the date of the termination of enrollment described in such paragraph and who submits evidence of the date of termination or disenrollment along with the application for such medicare supplemental policy.

(2) INDIVIDUAL COVERED.—An individual described in this paragraph is an individual who—

(A) enrolls in a prescription drug plan under part D of title XVIII of the Social Security Act; and

(B) at the time of such enrollment was enrolled and terminates enrollment in a medicare supplemental policy which has a benefit package classified as "H", "I", or "J" under the standards referred to in paragraph (1)(A) or terminates enrollment in a policy to which such standards do not apply but which provides benefits for prescription drugs.

(3) ENFORCEMENT.—The provisions of paragraph (1) shall be enforced as though they were included in section 1882(s) of the Social Security Act (42 U.S.C. 1395ss(s)).

(4) DEFINITIONS.—For purposes of this subsection, the term "medicare supplemental policy" has the meaning given such term in section 1882(g) of the Social Security Act (42 U.S.C. 1395ss(g)).

SEC. 105. STATE PHARMACEUTICAL ASSISTANCE TRANSITION COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established as of October 1, 2000, a State Pharmaceutical Assistance Transition Commission (in this section referred to as the "Commission") to develop a proposal for addressing the unique transitional issues facing State pharmaceutical assistance programs, and program participants, due to the implementation of the medicare prescription drug program under part D of title XVIII of the Social Security Act.

(2) DEFINITIONS.—For purposes of this section:

(A) STATE PHARMACEUTICAL ASSISTANCE PROGRAM DEFINED.—The term "State pharmaceutical assistance program" means a program (other than the medicaid program) operated by a State (or under contract with a State) that provides as of the date of the enactment of this Act assistance to low-income medicare beneficiaries for the purchase of prescription drugs.

(B) PROGRAM PARTICIPANT.—The term "program participant" means a low-income medicare beneficiary who is a participant in a State pharmaceutical assistance program.

(b) COMPOSITION.—The Commission shall consist of the following:

(1) A representative of each governor of each State that the Secretary identifies as operating on a statewide basis a State pharmaceutical assistance program that provides for eligibility and benefits that are comparable or more generous than the low-income assistance eligibility and benefits offered under part D of title XVIII of the Social Security Act.

(2) Representatives from other States that the Secretary identifies have in operation other State pharmaceutical assistance programs, as appointed by the Secretary.

(3) Representatives of organizations that represent the interests of program participants, as appointed by the Secretary but not to exceed the number of representatives under paragraphs (1) and (2).

(4) The Secretary (or the Secretary's designee). The Secretary shall designate a member to serve as chair of the Commission and the Commission shall meet at the call of the chair.

(c) DEVELOPMENT OF PROPOSAL.—The Commission shall develop the proposal described in subsection (a) in a manner consistent with the following principles:

(1) Protection of the interests of program participants in a manner that is the least disruptive to such participants.

(2) Protection of the financial interests of States so that States are not financially worse off as a result of the enactment of this title.

(d) REPORT.—By not later than July 1, 2001, the Commission shall submit to the President and the Congress a report that contains a detailed proposal (including specific legislative or administrative recommendations, if any) and such other recommendations as the Commission deems appropriate.

(e) SUPPORT.—The Secretary shall provide the Commission with the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(f) TERMINATION.—The Commission shall terminate 30 days after the date of submission of the report under subsection (d).

SEC. 106. DEMONSTRATION PROJECT FOR DISEASE MANAGEMENT FOR SEVERELY CHRONICALLY ILL MEDICARE BENEFICIARIES.

(a) IN GENERAL.—The Administrator of the Medicare Benefits Administration (in this section referred to as the "Administrator") shall conduct a demonstration project under this section (in this section referred to as the "project") to demonstrate the impact on costs and health outcomes of applying disease management to medicare beneficiaries with diagnosed, advanced-stage congestive heart failure, diabetes, or coronary heart disease. In no case may the number of participants in the project exceed 30,000 at any time.".

(b) VOLUNTARY PARTICIPATION.—

(1) ELIGIBILITY.—Medicare beneficiaries are eligible to participate in the project only if—

(A) they meet specific medical criteria demonstrating the appropriate diagnosis and the advanced nature of their disease;

(B) their physicians approve of participation in the project; and

(C) they are not enrolled in a Medicare+Choice plan.

(2) BENEFITS.—A beneficiary who is enrolled in the project shall be eligible—

(A) for disease management services related to their chronic health condition; and

(B) if the beneficiary—

(i) is enrolled in a prescription drug plan under part D of title XVIII of the Social Security Act, for payment of any premiums for such plan, any deductible or cost-sharing, and any amounts not covered under the plan because of the application of an initial coverage limit; or

(ii) is not enrolled in such a plan, for payment for all costs for prescription drugs without regard to whether or not they relate to the chronic health condition;

except that the project may provide for modest cost-sharing with respect to prescription drug coverage.

(3) TREATMENT AS QUALIFYING COVERAGE FOR PURPOSES OF CONTINUOUS COVERAGE.—For purposes of applying section 1860A(c)(2)(C) of the Social Security Act, coverage under the project shall be treated as coverage under a prescription drug plan under part D of title XVIII of such Act.

(c) CONTRACTS WITH DISEASE MANAGEMENT ORGANIZATIONS.—

(1) IN GENERAL.—The Administrator shall carry out the project through contracts with up to 3 disease management organizations. The Administrator shall not enter into such a contract with an organization unless the organization demonstrates that it can produce improved health outcomes and reduce aggregate medicare expenditures consistent with paragraph (2).

(2) CONTRACT PROVISIONS.—Under such contracts—

(A) such an organization shall be required to provide for prescription drug coverage described in subsection (b)(2)(B);

(B) such an organization shall be paid a fee negotiated and established by the Administrator in a manner so that (taking into account savings in expenditures under parts A and B of the medicare program) there will be a net reduction in expenditures under the medicare program as a result of the project; and

(C) such an organization shall guarantee, through an appropriate arrangement with a reinsurance company or otherwise, the net reduction in expenditures described in subparagraph (B).

(3) PAYMENTS.—Payments to such organizations shall be made in appropriate proportion from the Trust Funds established under title XVIII of the Social Security Act.

(d) DURATION.—The project shall last for not longer than 3 years.

(e) REPORT.—The Administrator shall submit to Congress an interim report on the project not later than 2 years after the date it is first implemented and a final report on the project not later than 6 months after the date of its completion. Such reports shall include information on the impact of the project on costs and health outcomes and recommendations on the cost-effectiveness of extending or expanding the project.

TITLE II—MODERNIZATION OF ADMINISTRATION OF MEDICARE

Subtitle A—Medicare Benefits Administration

SEC. 201. ESTABLISHMENT OF ADMINISTRATION.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1806 the following new section:

"MEDICARE BENEFITS ADMINISTRATION

"SEC. 1807. (a) ESTABLISHMENT.—There is established within the Department of Health and Human Services an agency to be known as the Medicare Benefits Administration.

"(b) ADMINISTRATOR AND DEPUTY ADMINISTRATOR.—

"(1) ADMINISTRATOR.—

"(A) IN GENERAL.—The Medicare Benefits Administration shall be headed by an Administrator (in this section referred to as the 'Administrator') who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall be in direct line of authority to the Secretary.

"(B) COMPENSATION.—The Administrator shall be paid at the rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(C) TERM OF OFFICE.—The Administrator shall be appointed for a term of 5 years. In any case in which a successor does not take office at the end of an Administrator's term of office, that Administrator may continue in office until the entry upon office of such a successor. An Administrator appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

"(D) GENERAL AUTHORITY.—The Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration, and shall have authority and control over all personnel and activities thereof.

"(E) RULEMAKING AUTHORITY.—The Administrator may prescribe such rules and regulations as the Administrator determines necessary or appropriate to carry out the functions of the Administration. The regulations prescribed by the Administrator shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.

"(F) AUTHORITY TO ESTABLISH ORGANIZATIONAL UNITS.—The Administrator may establish, alter, consolidate, or discontinue such organizational units or components within the Administration as the Administrator considers necessary or appropriate, except that this subparagraph shall not apply with respect to any unit, component, or provision provided for by this section.

"(G) AUTHORITY TO DELEGATE.—The Administrator may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Administration as the Administrator may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Administrator.

"(2) DEPUTY ADMINISTRATOR.—

"(A) IN GENERAL.—There shall be a Deputy Administrator of the Medicare Benefits Administration who shall be appointed by the President, by and with the advice and consent of the Senate.

"(B) COMPENSATION.—The Deputy Administrator shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(C) TERM OF OFFICE.—The Deputy Administrator shall be appointed for a term of 5 years. In any case in which a successor does not take office at the end of a Deputy Administrator's term of office, such Deputy Administrator may continue in office until the entry upon office of such a successor. A Deputy Administrator appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

"(D) DUTIES.—The Deputy Administrator shall perform such duties and exercise such powers as the Administrator shall from time to time assign or delegate. The Deputy Administrator shall be Acting Administrator of the Administration during the absence or disability of the Administrator and, unless the President designates another officer of the Government as Acting Administrator, in the event of a vacancy in the office of the Administrator.

"(3) SECRETARIAL COORDINATION OF PROGRAM ADMINISTRATION.—The Secretary shall ensure appropriate coordination between the Administrator and the Administrator of the Health Care Financing Administration in carrying out the programs under this title.

"(c) DUTIES; ADMINISTRATIVE PROVISIONS.—

"(1) DUTIES.—

"(A) GENERAL DUTIES.—The Administrator shall carry out parts C and D, including—

"(i) negotiating, entering into, and enforcing, contracts with plans for the offering of Medicare+Choice plans under part C, including the offering of qualified prescription drug coverage under such plans; and

"(ii) negotiating, entering into, and enforcing, contracts with PDP sponsors for the offering of prescription drug plans under part D.

"(B) OTHER DUTIES.—The Administrator shall carry out any duty provided for under part C or part D, including demonstration projects carried out in part or in whole under such parts, the programs of all-inclusive care for the elderly (PACE program) under section 1894, the social health maintenance organization (SHMO) demonstration projects (referred to in section 4104(c) of the Balanced Budget Act of 1997), and through a Medicare+Choice project that demonstrates the application of capitation payment rates for frail elderly medicare beneficiaries through the use of a interdisciplinary team and through the provision of primary care services to such beneficiaries by means of such a team at the nursing facility involved).

"(C) NONINTERFERENCE.—In carrying out its duties with respect to the provision of qualified prescription drug coverage to beneficiaries under this title, the Administrator may not—

"(i) require a particular formulary or institute a price structure for the reimbursement of covered outpatient drugs;

"(ii) interfere in any way with negotiations between PDP sponsors and Medicare+Choice organizations and drug manufacturers, wholesalers, or other suppliers of covered outpatient drugs; and

"(iii) otherwise interfere with the competitive nature of providing such coverage through such sponsors and organizations.

"(D) ANNUAL REPORTS.—Not later March 31 of each year, the Administrator shall submit to Congress and the President a report on the administration of parts C and D during the previous fiscal year.

"(2) STAFF.—

"(A) In general.—The Administrator, with the approval of the Secretary, may employ, without regard to chapter 31 of title 5, United States Code, such officers and employees as are necessary to administer the activities to be carried out through the Medicare Benefits Administration.

"(B) Flexibility with respect to compensation.—

"(i) In general.—The staff of the Medicare Benefits Administration shall, subject to clause (ii), be paid without regard to the provisions of chapter 51 and chapter 53 of such title (relating to classification and schedule pay rates).

"(ii) Maximum rate.—In no case may the rate of compensation determined under clause (i) exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(C) Limitation on full-time equivalent staffing for current HCFA functions being transferred.—The Administrator may not employ under this paragraph a number of full-time equivalent employees, to carry out functions that were previously conducted by the Health Care Financing Administration and that are conducted by the Administrator by reason of this section, that exceeds the number of such full-time equivalent employees authorized to be employed by the Health Care Financing Administration to conduct such functions as of the date of the enactment of this Act.

"(3) Redelegation of certain functions of the Health Care Financing Administration.—

"(A) In general.—The Secretary, the Administrator, and the Administrator of the Health Care Financing Administration shall establish an appropriate transition of responsibility in order to redelegate the administration of part C from the Secretary and the Administrator of the Health Care Financing Administration to the Administrator as is appropriate to carry out the purposes of this section.

"(B) Transfer of data and information.—The Secretary shall ensure that the Administrator of the Health Care Financing Administration transfers to the Administrator of the Medicare Benefits Administration such information and data in the possession of the Administrator of the Health Care Financing Administration as the Administrator of the Medicare Benefits Administration requires to carry out the duties described in paragraph (1).

"(C) Construction.—Insofar as a responsibility of the Secretary or the Administrator of the Health Care Financing Administration is redelegated to the Administrator under this section, any reference to the Secretary or the Administrator of the Health Care Financing Administration in this title or title XI with respect to such responsibility is deemed to be a reference to the Administrator.

"(d) Office of Beneficiary Assistance.—

"(1) Establishment.—The Secretary shall establish within the Medicare Benefits Administration an Office of Beneficiary Assistance to carry out functions relating to medicare beneficiaries under this title, including making determinations of eligibility of individuals for benefits under this title, providing for enrollment of medicare beneficiaries under this title, and the functions described in paragraph (2). The Office shall be separate operating division within the Administration.

"(2) Dissemination of information on benefits and appeals rights.—

"(A) Dissemination of benefits information.—The Office of Beneficiary Assistance shall disseminate to medicare beneficiaries, by mail, by posting on the Internet site of the Medicare Benefits Administration and through the toll-free telephone number provided for under section 1804(b), information with respect to the following:

"(i) Benefits, and limitations on payment (including cost-sharing, stop-loss provisions, and formulary restrictions) under parts C and D.

"(ii) Benefits, and limitations on payment under parts A and B, including information on medicare supplemental policies under section 1882.

Such information shall be presented in a manner so that medicare beneficiaries may compare benefits under parts A, B, D, and medicare supplemental policies with benefits under Medicare+Choice plans under part C.

"(B) Dissemination of appeals rights information.—The Office of Beneficiary Assistance shall disseminate to medicare beneficiaries in the manner provided under subparagraph (A) a description of procedural rights (including grievance and appeals procedures) of beneficiaries under the original medicare fee-for-service program under parts A and B, the Medicare+Choice program under part C, and the Voluntary Prescription Drug Benefit Program under part D.

"(3) Medicare ombudsman.—

"(A) In general.—Within the Office of Beneficiary Assistance, there shall be a Medicare Ombudsman, appointed by the Secretary from among individuals with expertise and experience in the fields of health care and advocacy, to carry out the duties described in subparagraph (B).

"(B) Duties.—The Medicare Ombudsman shall—

"(i) receive complaints, grievances, and requests for information submitted by a medicare beneficiary, with respect to any aspect of the medicare program;

"(ii) provide assistance with respect to complaints, grievances, and requests referred to in clause (i), including—

"(I) assistance in collecting relevant information for such beneficiaries, to seek an appeal of a decision or determination made by a fiscal intermediary, carrier, Medicare+Choice organization, a PDP sponsor under part D, or the Secretary; and

"(II) assistance to such beneficiaries with any problems arising from disenrollment from a Medicare+Choice plan under part C or a prescription drug plan under part D; and

"(iii) submit annual reports to Congress, the Secretary, and the Medicare Policy Advisory Board describing the activities of the Office, and including such recommendations for improvement in the administration of this title as the Ombudsman determines appropriate.

"(C) Coordination with State ombudsman programs and consumer organizations.—The Medicare Ombudsman shall, to the extent appropriate, coordinate with State medical Ombudsman programs, and with State- and community-based consumer organizations, to—

"(i) provide information about the medicare program; and

"(ii) conduct outreach to educate medicare beneficiaries with respect to manners in which problems under the medicare program may be resolved or avoided.

"(e) Medicare Policy Advisory Board.—

"(1) Establishment.—There is established within the Medicare Benefits Administration the Medicare Policy Advisory Board (in this section referred to the 'Board'). The Board shall advise, consult with, and make recommendations to the Administrator of the Medicare Benefits Administration with respect to the administration of parts C and D, including the review of payment policies under such parts.

"(2) Reports.—

"(A) In general.—With respect to matters of the administration of parts C and D, the Board shall submit to Congress and to the Administrator of the Medicare Benefits Administration such reports as the Board determines appropriate. Each such report may contain such recommendations as the Board determines appropriate for legislative or administrative changes to improve the administration of such parts, including the topics described in subparagraph (B). Each such report shall be published in the Federal Register.

"(B) Topics described.—Reports required under subparagraph (A) may include the following topics:

"(i) Fostering competition.—Recommendations or proposals to increase competition under parts C and D for services furnished to medicare beneficiaries.

"(ii) Education and enrollment.—Recommendations for the improvement to efforts to provide medicare beneficiaries information and education on the program under this title, and specifically parts C and D, and the program for enrollment under the title.

"(iii) Implementation of risk-adjustment.—Evaluation of the implementation under section 1853(a)(3)(C) of the risk adjustment methodology to payment rates under that section to Medicare+Choice organizations offering Medicare+Choice plans that accounts for variations in per capita costs based on health status and other demographic factors.

"(iv) Disease management programs.—Recommendations on the incorporation of disease management programs under parts C and D.

"(v) Rural access.—Recommendations to improve competition and access to plans under parts C and D in rural areas.

"(C) Maintaining independence of Board.—The Board shall directly submit to Congress reports required under subparagraph (A). No officer or agency of the United States may require the Board to submit to any officer or agency of the United States for approval, comments, or review, prior to the submission to Congress of such reports.

"(3) Duty of Administrator of Medicare Benefits Administration.—With respect to any report submitted by the Board under paragraph (2)(A), not later than 90 days after the report is submitted, the Administrator of the Medicare Benefits Administration shall submit to Congress and the President an analysis of recommendations made by the Board in such report. Each such analysis shall be published in the Federal Register.

"(4) Membership.—

"(A) Appointment.—Subject to the succeeding provisions of this paragraph, the Board shall consist of 7 members to be appointed as follows:

"(i) 3 members shall be appointed by the President.

"(ii) 2 members shall be appointed by the Speaker of the House of Representatives, with the advice of the chairman and the ranking minority member of the Committees on Ways and Means and on Commerce of the House of Representatives.

"(iii) 2 members shall be appointed by the President pro tempore of the Senate with the advice of the chairman and the ranking minority member of the Senate Committee on Finance.

"(B) Qualifications.—The members shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education and experience in health care benefits management, exceptionally qualified to perform the duties of members of the Board.

"(C) Prohibition on inclusion of Federal employees.—No officer or employee of the United States may serve as a member of the Board.

"(5) Compensation.—Members of the Board shall receive, for each day (including travel time) they are engaged in the performance of the functions of the board, compensation at

rates not to exceed the daily equivalent to the annual rate in effect for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(6) TERMS OF OFFICE.—

"(A) IN GENERAL.—The term of office of members of the Board shall be 3 years.

"(B) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

"(i) 1 shall be appointed for a term of 1 year;

"(ii) 3 shall be appointed for terms of 2 years; and

"(iii) 3 shall be appointed for terms of 3 years.

"(C) REAPPOINTMENTS.—Any person appointed as a member of the Board may not serve for more than 8 years.

"(D) VACANCY.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

"(7) CHAIR.—The Chair of the Board shall be elected by the members. The term of office of the Chair shall be 3 years.

"(8) MEETINGS.—The Board shall meet at the call of the Chair, but in no event less than 3 times during each fiscal year.

"(9) DIRECTOR AND STAFF.—

"(A) APPOINTMENT OF DIRECTOR.—The Board shall have a Director who shall be appointed by the Chair.

"(B) IN GENERAL.—With the approval of the Board, the Director may appoint, without regard to chapter 31 of title 5, United States Code, such additional personnel as the Director considers appropriate.

"(C) FLEXIBILITY WITH RESPECT TO COMPENSATION.—

"(i) IN GENERAL.—The Director and staff of the Board shall, subject to clause (ii), be paid without regard to the provisions of chapter 51 and chapter 53 of such title (relating to classification and schedule pay rates).

"(ii) MAXIMUM RATE.—In no case may the rate of compensation determined under clause (i) exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(D) ASSISTANCE FROM THE ADMINISTRATOR OF THE MEDICARE BENEFITS ADMINISTRATION.—The Administrator of the Medicare Benefits Administration shall make available to the Board such information and other assistance as it may require to carry out its functions.

"(10) CONTRACT AUTHORITY.—The Board may contract with and compensate government and private agencies or persons to carry out its duties under this subsection, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

"(f) FUNDING.—There is authorized to be appropriated, in appropriate part from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund (including the Medicare Prescription Drug Account), such sums as are necessary to carry out this section.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) TIMING OF INITIAL APPOINTMENTS.—The Administrator and Deputy Administrator of the Medicare Benefits Administration may not be appointed before March 1, 2001.

(3) DUTIES WITH RESPECT TO ELIGIBILITY DETERMINATIONS AND ENROLLMENT.—The Administrator of the Medicare Benefits Administration shall carry out enrollment under title XVIII of the Social Security Act, make eligibility determinations under such title, and carry out part C of such title for years beginning or after January 1, 2003.

SEC. 202. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) ADMINISTRATOR AS MEMBER OF THE BOARD OF TRUSTEES OF THE MEDICARE TRUST FUNDS.—Section 1817(b) and section 1841(b) of the Social Security Act (42 U.S.C. 1395i(b), 1395t(b)) are each amended by striking "and the Secretary of Health and Human Services, all ex officio," and inserting "the Secretary of Health and Human Services, and the Administrator of the Medicare Benefits Administration, all ex officio,".

(b) INCREASE IN GRADE TO EXECUTIVE LEVEL III FOR THE ADMINISTRATOR OF THE HEALTH CARE FINANCING ADMINISTRATION.—

(1) IN GENERAL.—Section 5314 of title 5, United States Code, by adding at the end the following:

"Administrator of the Health Care Financing Administration.".

(2) CONFORMING AMENDMENT.—Section 5315 of such title is amended by striking "Administrator of the Health Care Financing Administration.".

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on March 1, 2001.

Subtitle B—Oversight of Financial Sustainability of the Medicare Program

SEC. 211. ADDITIONAL REQUIREMENTS FOR ANNUAL FINANCIAL REPORT AND OVERSIGHT ON MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1817 of the Social Security Act (42 U.S.C. 1395i) is amended by adding at the end the following new subsection:

"(l) COMBINED REPORT ON OPERATION AND STATUS OF THE TRUST FUND AND THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND.—

"(1) IN GENERAL.—In addition to the duty of the Board of Trustees to report to Congress under subsection (b), on the date the Board submits the report required under subsection (b)(2), the Board shall submit to Congress a report on the operation and status of the Trust Fund and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 (in this subsection referred to as the 'Trust Funds'). Such report shall included the following information:

"(A) OVERALL SPENDING FROM THE GENERAL FUND OF THE TREASURY.—A statement of total amounts obligated during the preceding fiscal year from the General Revenues of the Treasury to the Trust Funds for payment for benefits covered under this title, stated in terms of the total amount and in terms of the percentage such amount bears to all other amounts obligated from such General Revenues during such fiscal year.

"(B) HISTORICAL OVERVIEW OF SPENDING.—From the date of the inception of the program of insurance under this title through the fiscal year involved, a statement of the total amounts referred to in subparagraph (A).

"(C) 10-YEAR AND 50-YEAR PROJECTIONS.—An estimate of total amounts referred to in subparagraph (A) required to be obligated for payment for benefits covered under this title for each of the 10 fiscal years succeeding the fiscal year involved and for the 50-year period beginning with the succeeding fiscal year.

"(D) RELATION TO GDP GROWTH.—A comparison of the rate of growth of the total amounts referred to in subparagraph (A) to the rate of growth in the gross domestic product for the same period.

"(2) PUBLICATION.—Each report submitted under paragraph (1) shall be published by the Committee on Ways and Means as a public document and shall be made available by such Committee on the Internet.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning on or after the date of the enactment of this Act.

(c) CONGRESSIONAL HEARINGS.—It is the sense of Congress that the committees of jurisdiction shall hold hearings on the reports submitted under section 1817(l) of the Social Security Act.

Subtitle C—Changes in Medicare Coverage and Appeals Process

SEC. 221. REVISIONS TO MEDICARE APPEALS PROCESS.

(a) CONDUCT OF RECONSIDERATIONS OF DETERMINATIONS BY INDEPENDENT CONTRACTORS.—Section 1869 of the Social Security Act (42 U.S.C. 1395ff) is amended to read as follows:

"DETERMINATIONS; APPEALS

"SEC. 1869. (a) INITIAL DETERMINATIONS.—The Secretary shall promulgate regulations and make initial determinations with respect to benefits under part A or part B in accordance with those regulations for the following:

"(1) The initial determination of whether an individual is entitled to benefits under such parts.

"(2) The initial determination of the amount of benefits available to the individual under such parts.

"(3) Any other initial determination with respect to a claim for benefits under such parts, including an initial determination by the Secretary that payment may not be made, or may no longer be made, for an item or service under such parts, an initial determination made by a utilization and quality control peer review organization under section 1154(a)(2), and an initial determination made by an entity pursuant to a contract with the Secretary to administer provisions of this title or title XI.

"(b) APPEAL RIGHTS.—

"(1) IN GENERAL.—

"(A) RECONSIDERATION OF INITIAL DETERMINATION.—Subject to subparagraph (D), any individual dissatisfied with any initial determination under subsection (a) shall be entitled to reconsideration of the determination, and, subject to subparagraphs (D) and (E), a hearing thereon by the Secretary to the same extent as is provided in section 205(b) and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

"(B) REPRESENTATION BY PROVIDER OR SUPPLIER.—

"(i) IN GENERAL.—Sections 206(a), 1102, and 1871 shall not be construed as authorizing the Secretary to prohibit an individual from being represented under this section by a person that furnishes or supplies the individual, directly or indirectly, with services or items, solely on the basis that the person furnishes or supplies the individual with such a service or item.

"(ii) MANDATORY WAIVER OF RIGHT TO PAYMENT FROM BENEFICIARY.—Any person that furnishes services or items to an individual may not represent an individual under this section with respect to the issue described in section 1879(a)(2) unless the person has waived any rights for payment from the beneficiary with respect to the services or items involved in the appeal.

"(iii) PROHIBITION ON PAYMENT FOR REPRESENTATION.—If a person furnishes services or items to an individual and represents the individual under this section, the person may not impose any financial liability on such individual in connection with such representation.

"(iv) REQUIREMENTS FOR REPRESENTATIVES OF A BENEFICIARY.—The provisions of section 205(j) and section 206 (regarding representation of claimants) shall apply to representation of an individual with respect to appeals under this section in the same manner as they apply to representation of an individual under those sections.

"(C) SUCCESSION OF RIGHTS IN CASES OF ASSIGNMENT.—The right of an individual to an appeal under this section with respect to an item

or service may be assigned to the provider of services or supplier of the item or service upon the written consent of such individual using a standard form established by the Secretary for such an assignment.

“(D) TIME LIMITS FOR APPEALS.—

“(i) RECONSIDERATIONS.—Reconsideration under subparagraph (A) shall be available only if the individual described subparagraph (A) files notice with the Secretary to request reconsideration by not later than 180 days after the individual receives notice of the initial determination under subsection (a) or within such additional time as the Secretary may allow.

“(ii) HEARINGS CONDUCTED BY THE SECRETARY.—The Secretary shall establish in regulations time limits for the filing of a request for a hearing by the Secretary in accordance with provisions in sections 205 and 206.

“(E) AMOUNTS IN CONTROVERSY.—

“(i) IN GENERAL.—A hearing (by the Secretary) shall not be available to an individual under this section if the amount in controversy is less than $100, and judicial review shall not be available to the individual if the amount in controversy is less than $1,000.

“(ii) AGGREGATION OF CLAIMS.—In determining the amount in controversy, the Secretary, under regulations, shall allow 2 or more appeals to be aggregated if the appeals involve—

“(I) the delivery of similar or related services to the same individual by one or more providers of services or suppliers, or

“(II) common issues of law and fact arising from services furnished to 2 or more individuals by one or more providers of services or suppliers.

“(F) EXPEDITED PROCEEDINGS.—

“(i) EXPEDITED DETERMINATION.—In the case of an individual who—

“(I) has received notice by a provider of services that the provider of services plans to terminate services provided to an individual and a physician certifies that failure to continue the provision of such services is likely to place the individual's health at significant risk, or

“(II) has received notice by a provider of services that the provider of services plans to discharge the individual from the provider of services,

the individual may request, in writing or orally, an expedited determination or an expedited reconsideration of an initial determination made under subsection (a), as the case may be, and the Secretary shall provide such expedited determination or expedited reconsideration.

“(ii) EXPEDITED HEARING.—In a hearing by the Secretary under this section, in which the moving party alleges that no material issues of fact are in dispute, the Secretary shall make an expedited determination as to whether any such facts are in dispute and, if not, shall render a decision expeditiously.

“(G) REOPENING AND REVISION OF DETERMINATIONS.—The Secretary may reopen or revise any initial determination or reconsidered determination described in this subsection under guidelines established by the Secretary in regulations.

“(2) REVIEW OF COVERAGE DETERMINATIONS.—

“(A) NATIONAL COVERAGE DETERMINATIONS.—

“(i) IN GENERAL.—Review of any national coverage determination shall be subject to the following limitations:

“(I) Such a determination shall not be reviewed by any administrative law judge.

“(II) Such a determination shall not be held unlawful or set aside on the ground that a requirement of section 553 of title 5, United States Code, or section 1871(b) of this title, relating to publication in the Federal Register or opportunity for public comment, was not satisfied.

“(III) Upon the filing of a complaint by an aggrieved party, such a determination shall be reviewed by the Departmental Appeals Board of the Department of Health and Human Services. In conducting such a review, the Departmental Appeals Board shall review the record and shall permit discovery and the taking of evidence to evaluate the reasonableness of the determination. In reviewing such a determination, the Departmental Appeals Board shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

“(IV) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

“(ii) DEFINITION OF NATIONAL COVERAGE DETERMINATION.—For purposes of this section, the term ‘national coverage determination’ means a determination by the Secretary respecting whether or not a particular item or service is covered nationally under this title, including such a determination under 1862(a)(1).

“(B) LOCAL COVERAGE DETERMINATION.—In the case of a local coverage determination made by a fiscal intermediary or a carrier under part A or part B respecting whether a particular type or class of items or services is covered under such parts, the following limitations apply:

“(i) Upon the filing of a complaint by an aggrieved party, such a determination shall be reviewed by an administrative law judge of the Social Security Administration. The administrative law judge shall review the record and shall permit discovery and the taking of evidence to evaluate the reasonableness of the determination. In reviewing such a determination, the administrative law judge shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

“(ii) Such a determination may be reviewed by the Departmental Appeals Board of the Department of Health and Human Services.

“(iii) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

“(C) NO MATERIAL ISSUES OF FACT IN DISPUTE.—In the case of review of a determination under subparagraph (A)(i)(III) or (B)(i) where the moving party alleges that there are no material issues of fact in dispute, and alleges that the only issue is the constitutionality of a provision of this title, or that a regulation, determination, or ruling by the Secretary is invalid, the moving party may seek review by a court of competent jurisdiction.

“(D) PENDING NATIONAL COVERAGE DETERMINATIONS.—

“(i) IN GENERAL.—In the event the Secretary has not issued a national coverage or noncoverage determination with respect to a particular type or class of items or services, an affected party may submit to the Secretary a request to make such a determination with respect to such items or services. By not later than the end of the 90-day period beginning on the date the Secretary receives such a request, the Secretary shall take one of the following actions:

“(I) Issue a national coverage determination, with or without limitations.

“(II) Issue a national noncoverage determination.

“(III) Issue a determination that no national coverage or noncoverage determination is appropriate as of the end of such 90-day period with respect to national coverage of such items or services.

“(IV) Issue a notice that states that the Secretary has not completed a review of the request for a national coverage determination and that includes an identification of the remaining steps in the Secretary's review process and a deadline by which the Secretary will complete the review and take an action described in subclause (I), (II), or (III).

“(ii) In the case of an action described in clause (i)(IV), if the Secretary fails to take an action referred to in such clause by the deadline specified by the Secretary under such clause, then the Secretary is deemed to have taken an action described in clause (i)(III) as of the deadline.

“(iii) When issuing a determination under clause (i), the Secretary shall include an explanation of the basis for the determination. An action taken under clause (i) (other than subclause (IV)) is deemed to be a national coverage determination for purposes of review under subparagraph (A).

“(E) ANNUAL REPORT ON NATIONAL COVERAGE DETERMINATIONS.—

“(i) IN GENERAL.—Not later than December 1 of each year, beginning in 2001, the Secretary shall submit to Congress a report that sets forth a detailed compilation of the actual time periods that were necessary to complete and fully implement national coverage determinations that were made in the previous fiscal year for items, services, or medical devices not previously covered as a benefit under this title, including, with respect to each new item, service, or medical device, a statement of the time taken by the Secretary to make the necessary coverage, coding, and payment determinations, including the time taken to complete each significant step in the process of making such determinations.

“(ii) PUBLICATION OF REPORTS ON THE INTERNET.—The Secretary shall publish each report submitted under clause (i) on the medicare Internet site of the Department of Health and Human Services.

“(3) PUBLICATION ON THE INTERNET OF DECISIONS OF HEARINGS OF THE SECRETARY.—Each decision of a hearing by the Secretary shall be made public, and the Secretary shall publish each decision on the Medicare Internet site of the Department of Health and Human Services. The Secretary shall remove from such decision any information that would identify any individual, provider of services, or supplier.

“(4) LIMITATION ON REVIEW OF CERTAIN REGULATIONS.—A regulation or instruction which relates to a method for determining the amount of payment under part B and which was initially issued before January 1, 1981, shall not be subject to judicial review.

“(5) STANDING.—An action under this section seeking review of a coverage determination (with respect to items and services under this title) may be initiated only by one (or more) of the following aggrieved persons, or classes of persons:

“(A) Individuals entitled to benefits under part A, or enrolled under part B, or both, who are in need of the items or services that are the subject of the coverage determination.

“(B) Persons, or classes of persons, who make, manufacture, offer, supply, make available, or provide such items and services.

“(c) CONDUCT OF RECONSIDERATIONS BY INDEPENDENT CONTRACTORS.—

“(1) IN GENERAL.—The Secretary shall enter into contracts with qualified independent contractors to conduct reconsiderations of initial determinations made under paragraphs (2) and (3) of subsection (a). Contracts shall be for an initial term of three years and shall be renewable on a triennial basis thereafter.

“(2) QUALIFIED INDEPENDENT CONTRACTOR.—For purposes of this subsection, the term ‘qualified independent contractor’ means an entity or organization that is independent of any organization under contract with the Secretary that makes initial determinations under subsection (a), and that meets the requirements established by the Secretary consistent with paragraph (3).

“(3) REQUIREMENTS.—Any qualified independent contractor entering into a contract with the Secretary under this subsection shall meet the following requirements:

“(A) IN GENERAL.—The qualified independent contractor shall perform such duties and functions and assume such responsibilities as may be *required under regulations of the Secretary promulgated to carry out the provisions of this subsection, and such additional duties, functions, and responsibilities as provided under the contract.*

"(B) DETERMINATIONS.—The qualified independent contractor shall determine, on the basis of such criteria, guidelines, and policies established by the Secretary and published under subsection (d)(2)(D), whether payment shall be made for items or services under part A or part B and the amount of such payment. Such determination shall constitute the conclusive determination on those issues for purposes of payment under such parts for fiscal intermediaries, carriers, and other entities whose determinations are subject to review by the contractor; except that payment may be made if—

"(i) such payment is allowed by reason of section 1879;

"(ii) in the case of inpatient hospital services or extended care services, the qualified independent contractor determines that additional time is required in order to arrange for postdischarge care, but payment may be continued under this clause for not more than 2 days, and only in the case in which the provider of such services did not know and could not reasonably have been expected to know (as determined under section 1879) that payment would not otherwise be made for such services under part A or part B prior to notification by the qualified independent contractor under this subsection;

"(iii) such determination is changed as the result of any hearing by the Secretary or judicial review of the decision under this section; or

"(iv) such payment is authorized under section 1861(v)(1)(G).

"(C) DEADLINES FOR DECISIONS.—

"(i) DETERMINATIONS.—The qualified independent contractor shall conduct and conclude a determination under subparagraph (B) or an appeal of an initial determination, and mail the notice of the decision by not later than the end of the 45-day period beginning on the date a request for reconsideration has been timely filed.

"(ii) CONSEQUENCES OF FAILURE TO MEET DEADLINE.—In the case of a failure by the qualified independent contractor to mail the notice of the decision by the end of the period described in clause (i), the party requesting the reconsideration or appeal may request a hearing before an administrative law judge, notwithstanding any requirements for a reconsidered determination for purposes of the party's right to such hearing.

"(iii) EXPEDITED RECONSIDERATIONS.—The qualified independent contractor shall perform an expedited reconsideration under subsection (b)(1)(F) of a notice from a provider of services or supplier that payment may not be made for an item or service furnished by the provider of services or supplier, of a decision by a provider of services to terminate services furnished to an individual, or in accordance with the following:

"(I) DEADLINE FOR DECISION.—Notwithstanding section 216(j), not later than 1 day after the date the qualified independent contractor has received a request for such reconsideration and has received such medical or other records needed for such reconsideration, the qualified independent contractor shall provide notice (by telephone and in writing) to the individual and the provider of services and attending physician of the individual of the results of the reconsideration. Such reconsideration shall be conducted regardless of whether the provider of services or supplier will charge the individual for continued services or whether the individual will be liable for payment for such continued services.

"(II) CONSULTATION WITH BENEFICIARY.—In such reconsideration, the qualified independent contractor shall solicit the views of the individual involved.

"(D) LIMITATION ON INDIVIDUAL REVIEWING DETERMINATIONS.—

"(i) PHYSICIANS.—No physician under the employ of a qualified independent contractor may review—

"(I) determinations regarding health care services furnished to a patient if the physician was directly responsible for furnishing such services; or

"(II) determinations regarding health care services provided in or by an institution, organization, or agency, if the physician or any member of the physician's family has, directly or indirectly, a significant financial interest in such institution, organization, or agency.

"(ii) PHYSICIAN'S FAMILY DESCRIBED.—For purposes of this paragraph, a physician's family includes the physician's spouse (other than a spouse who is legally separated from the physician under a decree of divorce or separate maintenance), children (including stepchildren and legally adopted children), grandchildren, parents, and grandparents.

"(E) EXPLANATION OF DETERMINATIONS.—Any determination of a qualified independent contractor shall be in writing, and shall include a detailed explanation of the determination as well as a discussion of the pertinent facts and applicable regulations applied in making such determination.

"(F) NOTICE REQUIREMENTS.—Whenever a qualified independent contractor makes a determination under this subsection, the qualified independent contractor shall promptly notify such individual and the entity responsible for the payment of claims under part A or part B of such determination.

"(G) DISSEMINATION OF INFORMATION.—Each qualified independent contractor shall, using the methodology established by the Secretary under subsection (d)(4), make available all determinations of such qualified independent contractors to fiscal intermediaries (under section 1816), carriers (under section 1842), peer review organizations (under part B of title XI), Medicare+Choice organizations offering Medicare+Choice plans under part C, and other entities under contract with the Secretary to make initial determinations under part A or part B or title XI.

"(H) ENSURING CONSISTENCY IN DETERMINATIONS.—Each qualified independent contractor shall monitor its determinations to ensure the consistency of its determinations with respect to requests for reconsideration of similar or related matters.

"(I) DATA COLLECTION.—

"(i) IN GENERAL.—Consistent with the requirements of clause (ii), a qualified independent contractor shall collect such information relevant to its functions, and keep and maintain such records in such form and manner as the Secretary may require to carry out the purposes of this section and shall permit access to and use of any such information and records as the Secretary may require for such purposes.

"(ii) TYPE OF DATA COLLECTED.—Each qualified independent contractor shall keep accurate records of each decision made, consistent with standards established by the Secretary for such purpose. Such records shall be maintained in an electronic database in a manner that provides for identification of the following:

"(I) Specific claims that give rise to appeals.

"(II) Situations suggesting the need for increased education for providers of services, physicians, or suppliers.

"(III) Situations suggesting the need for changes in national or local coverage policy.

"(IV) Situations suggesting the need for changes in local medical review policies.

"(iii) ANNUAL REPORTING.—Each qualified independent contractor shall submit annually to the Secretary (or otherwise as the Secretary may request) records maintained under this paragraph for the previous year.

"(J) HEARINGS BY THE SECRETARY.—The qualified independent contractor shall (i) prepare such information as is required for an appeal of its reconsidered determination to the Secretary for a hearing, including as necessary, explanations of issues involved in the determination and relevant policies, and (ii) participate in such hearings as required by the Secretary.

"(4) NUMBER OF QUALIFIED INDEPENDENT CONTRACTORS.—The Secretary shall enter into contracts with not fewer than 12 qualified independent contractors under this subsection.

"(5) LIMITATION ON QUALIFIED INDEPENDENT CONTRACTOR LIABILITY.—No qualified independent contractor having a contract with the Secretary under this subsection and no person who is employed by, or who has a fiduciary relationship with, any such qualified independent contractor or who furnishes professional services to such qualified independent contractor, shall be held by reason of the performance of any duty, function, or activity required or authorized pursuant to this subsection or to a valid contract entered into under this subsection, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) provided due care was exercised in the performance of such duty, function, or activity.

"(d) ADMINISTRATIVE PROVISIONS.—

"(1) OUTREACH.—The Secretary shall perform such outreach activities as are necessary to inform individuals entitled to benefits under this title and providers of services and suppliers with respect to their rights of, and the process for, appeals made under this section. The Secretary shall use the toll-free telephone number maintained by the Secretary (1–800–MEDICAR(E)) (1–800–633–4227) to provide information regarding appeal rights and respond to inquiries regarding the status of appeals.

"(2) GUIDANCE FOR RECONSIDERATIONS AND HEARINGS.—

"(A) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall promulgate regulations governing the processes of reconsiderations of determinations by the Secretary and qualified independent contractors and of hearings by the Secretary. Such regulations shall include such specific criteria and provide such guidance as required to ensure the adequate functioning of the reconsiderations and hearings processes and to ensure consistency in such processes.

"(B) DEADLINES FOR ADMINISTRATIVE ACTION.—

"(i) HEARING BY ADMINISTRATIVE LAW JUDGE.—

"(II) IN GENERAL.—Except as provided in subclause (II), an administrative law judge shall conduct and conclude a hearing on a decision of a qualified independent contractor under subsection (c) and render a decision on such hearing by not later than the end of the 90-day period beginning on the date a request for hearing has been timely filed.

"(II) WAIVER OF DEADLINE BY PARTY SEEKING HEARING.—The 90-day period under subclause (i) shall not apply in the case of a motion or stipulation by the party requesting the hearing to waive such period.

"(ii) DEPARTMENTAL APPEALS BOARD REVIEW.—The Departmental Appeals Board of the Department of Health and Human Services shall conduct and conclude a review of the decision on a hearing described in subparagraph (B) and make a decision or remand the case to the administrative law judge for reconsideration by not later than the end of the 90-day period beginning on the date a request for review has been timely filed.

"(iii) CONSEQUENCES OF FAILURE TO MEET DEADLINES.—In the case of a failure by an administrative law judge to render a decision by the end of the period described in clause (ii), the party requesting the hearing may request a review by the Departmental Appeals Board of the Department of Health and Human Services, notwithstanding any requirements for a hearing for purposes of the party's right to such a review.

"(iv) DAB HEARING PROCEDURE.—In the case of a request described in clause (iii), the Departmental Appeals Board shall review the case de novo.

"(C) POLICIES.—The Secretary shall provide such specific criteria and guidance, including all applicable national and local coverage policies and rationale for such policies, as is necessary to assist the qualified independent contractors to make informed decisions in considering appeals under this section. The Secretary shall furnish to the qualified independent contractors the criteria and guidance described in this paragraph in a published format, which may be an electronic format.

"(D) PUBLICATION OF MEDICARE COVERAGE POLICIES ON THE INTERNET.—The Secretary shall publish national and local coverage policies under this title on an Internet site maintained by the Secretary.

"(E) EFFECT OF FAILURE TO PUBLISH POLICIES.—

"(i) NATIONAL AND LOCAL COVERAGE POLICIES.—Qualified independent contractors shall not be bound by any national or local medicare coverage policy established by the Secretary that is not published on the Internet site under subparagraph (D).

"(ii) OTHER POLICIES.—With respect to policies established by the Secretary other than the policies described in clause (i), qualified independent contractors shall not be bound by such policies if the Secretary does not furnish to the qualified independent contractor the policies in a published format consistent with subparagraph (C).

"(3) CONTINUING EDUCATION REQUIREMENT FOR QUALIFIED INDEPENDENT CONTRACTORS AND ADMINISTRATIVE LAW JUDGES.—

"(A) IN GENERAL.—The Secretary shall provide to each qualified independent contractor, and, in consultation with the Commissioner of Social Security, to administrative law judges that decide appeals of reconsiderations of initial determinations or other decisions or determinations under this section, such continuing education with respect to policies of the Secretary under this title or part B of title XI as is necessary for such qualified independent contractors and administrative law judges to make informed decisions with respect to appeals.

"(B) MONITORING OF DECISIONS BY QUALIFIED INDEPENDENT CONTRACTORS AND ADMINISTRATIVE LAW JUDGES.—The Secretary shall monitor determinations made by all qualified independent contractors and administrative law judges under this section and shall provide continuing education and training to such qualified independent contractors and administrative law judges to ensure consistency of determinations with respect to appeals on similar or related matters. To ensure such consistency, the Secretary shall provide for administration and oversight of qualified independent contractors and, in consultation with the Commissioner of Social Security, administrative law judges through a central office of the Department of Health and Human Services. Such administration and oversight may not be delegated to regional offices of the Department.

"(4) DISSEMINATION OF DETERMINATIONS.—The Secretary shall establish a methodology under which qualified independent contractors shall carry out subsection (c)(3)(G).

"(5) SURVEY.—Not less frequently than every 5 years, the Secretary shall conduct a survey of a valid sample of individuals entitled to benefits under this title, providers of services, and suppliers to determine the satisfaction of such individuals or entities with the process for appeals of determinations provided for under this section and education and training provided by the Secretary with respect to that process. The Secretary shall submit to Congress a report describing the results of the survey, and shall include any recommendations for administrative or legislative actions that the Secretary determines appropriate.

"(6) REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report describing the number of appeals for the previous year, identifying issues that require administrative or legislative actions, and including any recommendations of the Secretary with respect to such actions. The Secretary shall include in such report an analysis of determinations by qualified independent contractors with respect to inconsistent decisions and an analysis of the causes of any such inconsistencies.".

(b) APPLICABILITY OF REQUIREMENTS AND LIMITATIONS ON LIABILITY OF QUALIFIED INDEPENDENT CONTRACTORS TO MEDICARE+CHOICE INDEPENDENT APPEALS CONTRACTORS.—Section 1852(g)(4) of the Social Security Act (42 U.S.C. 1395w–22(e)(3)) is amended by adding at the end the following: "The provisions of section 1869(c)(5) shall apply to independent outside entities under contract with the Secretary under this paragraph.".

(c) CONFORMING AMENDMENT TO REVIEW BY THE PROVIDER REIMBURSEMENT REVIEW BOARD.—Section 1878(g) of the Social Security Act (42 U.S.C. 1395oo(g)) is amended by adding at the end the following new paragraph:

"(3) Findings described in paragraph (1) and determinations and other decisions described in paragraph (2) may be reviewed or appealed under section 1869.".

SEC. 222. PROVISIONS WITH RESPECT TO LIMITATIONS ON LIABILITY OF BENEFICIARIES.

(a) EXPANSION OF LIMITATION OF LIABILITY PROTECTION FOR BENEFICIARIES WITH RESPECT TO MEDICARE CLAIMS NOT PAID OR PAID INCORRECTLY.—

(1) IN GENERAL.—Section 1879 of the Social Security Act (42 U.S.C. 1395pp) is amended by adding at the end the following new subsections:

"(i) Notwithstanding any other provision of this Act, an individual who is entitled to benefits under this title and is furnished a service or item is not liable for repayment to the Secretary of amounts with respect to such benefits—

"(1) subject to paragraph (2), in the case of a claim for such item or service that is incorrectly paid by the Secretary; and

"(2) in the case of payments made to the individual by the Secretary with respect to any claim under paragraph (1), the individual shall be liable for repayment of such amount only up to the amount of payment received by the individual from the Secretary.

"(j)(1) An individual who is entitled to benefits under this title and is furnished a service or item is not liable for payment of amounts with respect to such benefits in the following cases:

"(A) In the case of a benefit for which an initial determination has not been made by the Secretary under subsection (a) whether payment may be made under this title for such benefit.

"(B) In the case of a claim for such item or service that is—

"(i) improperly submitted by the provider of services or supplier; or

"(ii) rejected by an entity under contract with the Secretary to review or pay claims for services and items furnished under this title, including an entity under contract with the Secretary under section 1857.

"(2) The limitation on liability under paragraph (1) shall not apply if the individual signs a waiver provided by the Secretary under subsection (l) of protections under this paragraph, except that any such waiver shall not apply in the case of a denial of a claim for noncompliance with applicable regulations or procedures under this title or title XI.

"(k) An individual who is entitled to benefits under this title and is furnished services by a provider of services is not liable for payment of amounts with respect to such services prior to noon of the first working day after the date the individual receives the notice of determination to discharge and notice of appeal rights under paragraph (1), unless the following conditions are met:

"(1) The provider of services shall furnish a notice of discharge and appeal rights established by the Secretary under subsection (l) to each individual entitled to benefits under this title to whom such provider of services furnishes services, upon admission of the individual to the provider of services and upon notice of determination to discharge the individual from the provider of services, of the individual's limitations of liability under this section and rights of appeal under section 1869.

"(2) If the individual, prior to discharge from the provider of services, appeals the determination to discharge under section 1869 not later than noon of the first working day after the date the individual receives the notice of determination to discharge and notice of appeal rights under paragraph (1), the provider of services shall, by the close of business of such first working day, provide to the Secretary (or qualified independent contractor under section 1869, as determined by the Secretary) the records required to review the determination.

"(l) The Secretary shall develop appropriate standard forms for individuals entitled to benefits under this title to waive limitation of liability protections under subsection (j) and to receive notice of discharge and appeal rights under subsection (k). The forms developed by the Secretary under this subsection shall clearly and in plain language inform such individuals of their limitations on liability, their rights under section 1869(a) to obtain an initial determination by the Secretary of whether payment may be made under part A or part B for such benefit, and their rights of appeal under section 1869(b), and shall inform such individuals that they may obtain further information or file an appeal of the determination by use of the toll-free telephone number (1–800–MEDICAR(E)) (1–800–633–4227) maintained by the Secretary. The forms developed by the Secretary under this subsection shall be the only manner in which such individuals may waive such protections under this title or title XI.

"(m) An individual who is entitled to benefits under this title and is furnished an item or service is not liable for payment of cost sharing amounts of more than $50 with respect to such benefits unless the individual has been informed in advance of being furnished the item or service of the estimated amount of the cost sharing for the item or service using a standard form established by the Secretary.".

(2) CONFORMING AMENDMENT.—Section 1870(a) of the Social Security Act (42 U.S.C. 1395gg(a)) is amended by striking "Any payment under this title" and inserting "Except as provided in section 1879(i), any payment under this title".

(b) INCLUSION OF BENEFICIARY LIABILITY INFORMATION IN EXPLANATION OF MEDICARE BENEFITS.—Section 1806(a) of the Social Security Act (42 U.S.C. 1395b–7(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) lists with respect to each item or service furnished the amount of the individual's liability for payment;";

(4) in paragraph (3), as so redesignated, by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new paragraph:

"(4) includes the toll-free telephone number (1–800–MEDICAR(E)) (1–800–633–4227) for information and questions concerning the statement, liability of the individual for payment, and appeal rights.".

SEC. 223. WAIVERS OF LIABILITY FOR COST SHARING AMOUNTS.

(a) IN GENERAL.—Section 1128A(i)(6)(A) of the Social Security Act (42 U.S.C. 1320a–7a(i)(6)(A)) is amended by striking clauses (i) through (iii) and inserting the following:

"(i) the waiver is offered as a part of a supplemental insurance policy or retiree health plan;

"(ii) the waiver is not offered as part of any advertisement or solicitation, other than in conjunction with a policy or plan described in clause (i);

"(iii) the person waives the coinsurance and deductible amount after the beneficiary informs the person that payment of the coinsurance or deductible amount would pose a financial hardship for the individual; or

"(iv) the person determines that the coinsurance and deductible amount would not justify the costs of collection.".

(b) CONFORMING AMENDMENT.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended by adding at the end the following new paragraph:

"(4) In this section, the term 'remuneration' includes the meaning given such term in section 1128A(i)(6).".

SEC. 224. ELIMINATION OF MOTIONS BY THE SECRETARY ON DECISIONS OF THE PROVIDER REIMBURSEMENT REVIEW BOARD.

Section 1878(f)(1) of such Act (42 U.S.C. 1395oo(f)(1)) is amended—

(1) in the first sentence, by striking "unless the Secretary, on his own motion, and within 60 days after the provider of services is notified of the Board's decision, reverses, affirms, or modifies the Board's decision";

(2) in the second sentence, by striking ", or of any reversal, affirmance, or modification by the Secretary," and "or of any reversal, affirmance, or modification by the Secretary"; and

(3) in the fifth sentence, by striking "and not subject to review by the Secretary".

SEC. 225. EFFECTIVE DATE OF SUBTITLE.

In no case shall the amendments made by this subtitle apply before October 1, 2000.

TITLE III—MEDICARE+CHOICE REFORMS; PRESERVATION OF MEDICARE PART B DRUG BENEFIT

Subtitle A—Medicare+Choice Reforms

SEC. 301. INCREASE IN NATIONAL PER CAPITA MEDICARE+CHOICE GROWTH PERCENTAGE IN 2001 AND 2002.

Section 1853(c)(6)(B) of the Social Security Act (42 U.S.C. 1395w–23(c)(6)(B)) is amended—

(1) in clause (iv), by striking "for 2001, 0.5 percentage points" and inserting "for 2001, 0 percentage points"; and

(2) in clause (v), by striking "for 2002, 0.3 percentage points" and inserting "for 2002, 0 percentage points".

SEC. 302. PERMANENTLY REMOVING APPLICATION OF BUDGET NEUTRALITY BEGINNING IN 2002.

Section 1853(c) of the Social Security Act (42 U.S.C. 1395w–23(c)) is amended—

(1) in paragraph (1)(A), in the matter following clause (ii), by inserting "(for years before 2002)" after "multiplied"; and

(2) in paragraph (5), by inserting "(before 2002)" after "for each year".

SEC. 303. INCREASING MINIMUM PAYMENT AMOUNT.

(a) IN GENERAL.—Section 1853(c)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(B)(ii)) is amended—

(1) by striking "(ii) For a succeeding year" and inserting "(ii)(I) Subject to subclause (II), for a succeeding year"; and

(2) by adding at the end the following new subclause:

"(II) For 2002 for any of the 50 States and the District of Columbia, $450.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to years beginning with 2002.

SEC. 304. ALLOWING MOVEMENT TO 50:50 PERCENT BLEND IN 2002.

Section 1853(c)(2) of the Social Security Act (42 U.S.C. 1395w–23(c)(2)) is amended—

(1) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(2) by adding after and below subparagraph (F) the following:

"except that a Medicare+Choice organization may elect to apply subparagraph (F) (rather than subparagraph (E)) for 2002.".

SEC. 305. INCREASED UPDATE FOR PAYMENT AREAS WITH ONLY ONE OR NO MEDICARE+CHOICE CONTRACTS.

(a) IN GENERAL.—Section 1853(c)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(C)(ii)) is amended—

(1) by striking "(ii) For a subsequent year" and inserting "(ii)(I) Subject to subclause (II), for a subsequent year"; and

(2) by adding at the end the following new subclause:

"(II) During 2002, 2003, 2004, and 2005, in the case of a Medicare+Choice payment area in which there is no more than 1 contract entered into under this part as of July 1 before the beginning of the year, 102.5 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year.".

(b) CONSTRUCTION.—The amendments made by subsection (a) do not affect the payment of a first time bonus under section 1853(i) of the Social Security Act (42 U.S.C. 1395w–23(i)).

SEC. 306. PERMITTING HIGHER NEGOTIATED RATES IN CERTAIN MEDICARE+CHOICE PAYMENT AREAS BELOW NATIONAL AVERAGE.

Section 1853(c)(1) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)) is amended—

(1) in the matter before subparagraph (A), by striking "or (C)" and inserting "(C), or (D)"; and

(2) by adding at the end the following new subparagraph:

"(D) PERMITTING HIGHER RATES THROUGH NEGOTIATION.—

"(i) IN GENERAL.—For each year beginning with 2004, in the case of a Medicare+Choice payment area for which the Medicare+Choice capitation rate under this paragraph would otherwise be less than the United States per capita cost (USPCC), as calculated by the Secretary, a Medicare+Choice organization may negotiate with the Medicare Benefits Administrator an annual per capita rate that—

"(I) reflects an annual rate of increase up to the rate of increase specified in clause (ii);

"(II) takes into account audited current data supplied by the organization on its adjusted community rate (as defined in section 1854(f)(3)); and

"(III) does not exceed the United States per capita cost, as projected by the Secretary for the year involved.

"(ii) MAXIMUM RATE DESCRIBED.—The rate of increase specified in this clause for a year is the rate of inflation in private health insurance for the year involved, as projected by the Medicare Benefits Administrator, and includes such adjustments as may be necessary—

"(I) to reflect the demographic characteristics in the population under this title; and

"(II) to eliminate the costs of prescription drugs.

"(iii) ADJUSTMENTS FOR OVER OR UNDER PROJECTIONS.—If subparagraph is applied to an organization and payment area for a year, in applying this subparagraph for a subsequent year the provisions of paragraph (6)(C) shall apply in the same manner as such provisions apply under this paragraph.".

SEC. 307. 10-YEAR PHASE IN OF RISK ADJUSTMENT BASED ON DATA FROM ALL SETTINGS.

Section 1853(a)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(C)(ii)) is amended—

(1) by striking the period at the end of subclause (II) and inserting a semicolon; and

(2) by adding after and below subclause (II) the following:

"and, beginning in 2004, insofar as such risk adjustment is based on data from all settings, the methodology shall be phased in equal increments over a 10 year period, beginning with 2004 or (if later) the first year in which such data is used.".

SEC. 308. DELAY FROM JULY TO OCTOBER, 2000 IN DEADLINE FOR OFFERING AND WITHDRAWING MEDICARE+CHOICE PLANS FOR 2001.

Notwithstanding any other provision of law, the deadline for a Medicare+Choice organization to withdraw the offering of a Medicare+Choice plan under part C of title XVIII of the Social Security Act (or otherwise to submit information required for the offering of such a plan) for 2001 is delayed from July 1, 2000, to October 1, 2000, and any such organization that provided notice of withdrawal of such a plan during 2000 before the date of the enactment of this Act may rescind such withdrawal at any time before October 1, 2000.

Subtitle B—Preservation of Medicare Coverage of Drugs and Biologicals

SEC. 311. PRESERVATION OF COVERAGE OF DRUGS AND BIOLOGICALS UNDER PART B OF THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended, in each of subparagraphs (A) and (B), by striking "(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)" and inserting "(including injectable and infusable drugs and biologicals which are not usually self-administered by the patient)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to drugs and biologicals administered on or after October 1, 2000.

SEC. 312. GAO REPORT ON PART B PAYMENT FOR DRUGS AND BIOLOGICALS AND RELATED SERVICES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to quantify the extent to which reimbursement for drugs and biologicals under the current medicare payment methodology (provided under section 1842 (o) of the Social Security Act (42 U.S.C. 1395u(o)) overpays for the cost of such drugs and biologicals compared to the average acquisition cost paid by physicians or other suppliers of such drugs

(b) ELEMENTS.—The study shall also assess the consequences of changing the current medicare payment methodology to a payment methodology that is based on the average acquisition cost of the drugs. The study shall, at a minimum, assess the effects of such a reduction on—

(1) the delivery of health care services to Medicare beneficiaries with cancer;

(2) total Medicare expenditures, including an estimate of the number of patients who would, as a result of the payment reduction, receive chemotherapy in a hospital rather than in a physician's office;

(3) the delivery of dialysis services;

(4) the delivery of vaccines;

(5) the administration in physician offices of drugs other than cancer therapy drugs; and

(6) the effect on the delivery of drug therapies by hospital outpatient departments of changing the average wholesale price as the basis for Medicare pass-through payments to such departments, as included in the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999.

(c) PAYMENT FOR RELATED PROFESSIONAL SERVICES.—The study shall also include a review of the extent to which other payment methodologies under part B of the medicare program, if any, intended to reimburse physician and other suppliers of drugs and biologicals described in subsection (a) for costs incurred in handling, storing and administering such drugs and biologicals are inadequate to cover such costs and whether an additional payment would be required to cover these costs under the average acquisition cost methodology.

(d) CONSIDERATION OF ISSUES IN IMPLEMENTING AN AVERAGE ACQUISITION COST METHODOLOGY.—The study shall assess possible means by which a payment method based on average acquisition cost could be implemented, including at least the following:

(1) Identification of possible bases for determining the average acquisition cost of drugs, such as surveys of wholesaler catalog prices, and determination of the advantages, disadvantages, and costs (to the government and public) of each possible approach.

(2) The impact on individual providers and practitioners if average or median prices are used as the payment basis.

(3) Methods for updating and keeping current the prices used as the payment basis.

(e) COORDINATION WITH BBRA STUDY.—The Comptroller General shall conduct the study under this section in coordination with the study provided for under section 213(a) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A-350), as enacted into law by section 1000(a)(6) of Public Law 106-113.

(f) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall submit a report on the study conducted under this section, as well as the study referred to in subsection (e). Such report shall include recommendations regarding such changes in the medicare reimbursement policies described in subsections (a) and (c) as the Comptroller General deems appropriate, as well as the recommendations described in section 213(b) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER), the gentleman from New York (Mr. RANGEL), the gentleman from Virginia (Mr. BLILEY), and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4680.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today 12 million seniors and disabled Americans on Medicare, including 7 million women, have no prescription drug coverage. For the vast majority of seniors living on fixed incomes, this is a very difficult situation. This bill brings them help.

Clearly, Mr. Speaker, now is the time for us to add to Medicare prescription drug coverage. Our Republican bipartisan plan does just that. 5.5 million low-income seniors, almost half of those on Medicare today, are without coverage. They now will have a prescription drug plan. For about the cost of a movie ticket, those seniors will be able to get the medicines that they need, no matter the cost, no matter the illness.

We do not just cover low-income Americans. We cover every senior who wishes to enroll. Seniors will be given the right to choose, the right to voluntarily choose the drug plan that works best for them. They will receive a 25 percent reduction in the price of the drugs they buy and the security also of catastrophic coverage in the case of chronic illness or excessively high drug costs.

So all 6½ million middle-income seniors without coverage will also get to choose a prescription drug benefit plan as well. This is truly a complete package, but there are some things that our plan will not do. First, it will not affect the millions of seniors who have existing drug coverage and like it. They will be able to continue with that.

Second, it will not force seniors into a bureaucratic government-run plan that dictates what drugs seniors can and cannot have.

Third, it will not evaporate over time if drug costs continue to outpace inflation.

Finally, it will not break the bank or threaten Medicare's future.

All of these items that I mentioned are concerns that we have with the Democrat plan. Democrats will offer seniors no choice. They offer seniors only a single government-run plan, and seniors will have to take it or leave it.

Finally, the Democrat plan makes seniors wait until the year 2006, 6 years from now, before they can get catastrophic coverage and then only if Washington has a surplus.

Why the delay? Why the contingency? The Democrat plan is a big step toward Washington-run health care but a step backward in helping seniors with the high cost of prescription drugs.

Our Republican bipartisan bill, by contrast, gives seniors the right to choose the coverage that works best for them. It gives seniors a 25 to 39 percent discount off the price of their drugs.

This vote is a simple choice, Mr. Speaker. I urge my colleagues to vote for the Republican bipartisan bill that makes prescription drugs available, affordable and voluntary.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, every time there is a good idea that we have in this House of Representatives, the Republican majority has to figure some way to find some wording that either it is going to be deep-sixed and never be brought to the floor or that it becomes a political statement because they can be assured that it is going to be vetoed. It is not only affordable health care. Whether it is school construction, minimum wage, gun safety, patient bill of rights, all good ideas, but they have to find some way to make certain that it never becomes the law; that they have to challenge Democrats and challenge the President.

They keep calling this a bipartisan bill because they found a Democrat or two that lost their way. The truth of the matter is, bipartisanship starts with the committee. The gentleman from Texas (Mr. ARCHER) is supposed to talk with the gentleman from New York (Mr. RANGEL) and say, hey, can we get a bipartisan bill? The gentleman from California (Mr. THOMAS) is supposed to talk to the gentleman from California (Mr. STARK) and say, hey, can we work out something? That is how we get bipartisanship. That is historically how we do it here.

But, no, what the other side has chosen to do is to wait until 2:00 or 3:00 in the morning and decide that we are not going to have any option. It is going to be the Republican way or no way.

One of my favorite Republicans once said, if one gets a telephone call at 2:30 in the morning, it must be suspicious, that something is going wrong. Well, if one gets it at 3:00 in the morning, then they can rest assured that something is going on that they do not want the American people to know.

What is it? That they have a bill, they have a statement. We do not challenge the fact that they just do not like government helping people. That is their way. That is how they think. If it is Social Security, if it is Medicare, if it is education, privatize it and forget it. Get some vouchers, let the private sector do it. Give the money to the HMOs, give it to the insurers because they cannot trust old folks with their own prescription drugs.

All we are asking for is a chance to have another way. So I can say this, it is possible that the voters were sleeping when the Republicans had concocted this scheme to deny us an option to really provide health care for those who need it, but I assure them that when they vote today that the voters will not be sleeping when they check out the voting records as to who really was concerned about affordable health care. Even those that they want to help reject this cockamamie scheme that they can feed money into the HMO and that they are going to now go into the rural areas and provide health care.

Mr. Speaker, I ask unanimous consent to yield the remainder of my time to the gentleman from California (Mr. STARK), the ranking member of the Subcommittee on Health, so that he may designate and yield to other Members of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield 1¼ minutes to the gentleman from Missouri (Mr. HULSHOF), the respected member of the Committee on Ways and Means.

Mr. HULSHOF. Mr. Speaker, talk is cheap. Prescription drugs are not. They are expensive and getting more expensive every day. Seniors need help now. The competing plans are alike in certain respects, monthly premiums, deductibles, out-of-pocket costs, taking care of low-income seniors; but I agree with the gentleman who just spoke that there are some philosophical differences between the two plans. In other words, shall seniors have a right to choose or shall America's seniors be forced to lose? That is what is at stake. Do we trust older Americans to be able to choose for themselves the prescription drug plans and let them keep the plans that they like? Or shall we force them into a take-it-or-leave-it approach? I think we should trust those in their golden years to make those decisions for themselves.

We have seen health-run plans in other nations, and we have seen they have not worked. In Canada and England they are not on the cutting edge of having miracle drug therapies; or the fact that seniors cannot get prescription drugs, have their doctors prescribe them and then get those drugs as they need it.

When Medicare began in 1965, the corner drugstore was the gathering place. People would sit around and catch up. Pharmacists would know a person's name, know their medical history. That has not changed even though the country has. Under our plan, that will not change, except that prescription medicines will be cheaper.

I urge a yes vote on the bipartisan plan.

Mr. STARK. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, to the previous speaker in the well I would say things have not changed, or maybe they have. Now the lobbyists for the pharmacists get together with Members of Congress in the dead of night and draw a bill that will benefit only the pharmaceutical corporations and the managed care companies. So where we used to be able to consult with our local pharmacist about what is good for us, now we have to let the Republicans cozy up to the lobbyists in whose pocket they reside and get their campaign contributions and whatever other gifts they want to give them as they draft a bill which will only help the pharmaceutical industry and the HMOs in this country.

I would like to say that the Democrats' bill, if it were allowed to be voted on by the Republicans, is a better bill. We will hear in the debate that there are some similarities, and there are. The principal difference is that the Democrats bill is dependable. It uses real resources, and it is an integral part of Medicare.

The Republican bill will never come into law. We see before us the statement that was given to us this morning by the administration which opposes H.R. 4680 because its private insurance benefit does not meet the President's test of being a meaningful Medicare prescription drug benefit that is affordable and accessible for all beneficiaries; and if H.R. 4680 were presented to the President, he would veto it.

So we are today debating something that will never come to pass, and we have been foreclosed from offering an option. Admittedly, the option would be much more expensive, and we are proud of that. We, in our limited bill, have half the number of uninsured seniors than the Republicans do. If the Republican bill were to pass, which is not likely, there would still be 10 million Medicare beneficiaries without any health care.

Our bill would leave 4½ million Medicare beneficiaries, half as few, that would not have insurance. Yet we are begging to spend this surplus and not waste it on a relief from the inheritance tax, which will benefit 3,000 or 4,000 of the very richest Americans. With that money alone, we could provide an added benefit at a low enough premium and eliminate the copay so that we could include all the Medicare beneficiaries in a generous, dependable benefit with a reliable premium that would be the same across the country and allow the seniors to get their drugs from any provider in the country. This is not true under the Republican bill.

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We think that the government can do a better job than subsidizing managed care drug plans whose record has been to increase the premiums, leave the program, abandon their beneficiaries, kick up the premiums, cut benefits, where Medicare has done none of that, it has been dependable. I wish we could bring our bill to the public.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania, (Mr. ENGLISH), another respected member of the Ways and Means Committee.

Mr. ENGLISH. Mr. Speaker, if we can set aside for a moment the hot bipartisan rhetoric, today the House has an opportunity to take a historic step to ensure that no senior will ever have to face the choice again between destitution and neglecting their prescriptions.

The House bipartisan prescription drug plan is a balanced, market-oriented approach targeted to updating Medicare and providing prescription coverage, more generous coverage as it happens than what the President has originally proposed.

For my district, the plan does some very important things. It takes vital steps toward improving Medicare as a whole. It expedites the appeals process by mandating Medicare appeals. They used to take an average of 400 days now it takes less than a quarter of that time.

Our plan is the only one that addresses the problems in Medicare+Choice, particularly a problem in portions of my district, where plans are raising rates or cutting benefits.

Under our bipartisan bill, we move the prescription drug benefit of Medicare+Choice out from under the cold shadow of the Health Care Financing Administration that has haunted the program, instead we create the Medicare Benefit Administration to safeguard prescription drug plans and negotiate lower prescription prices for seniors.

Mr. Speaker, today the House takes a historic step to ensure that no senior will ever have to face the choice between destitution and prescription drugs. The House Bipartisan Prescription Drug Plan is available, affordable and voluntary for ALL seniors.

Under this proposal, seniors will no longer have to pay exorbitant prices for drugs. Using group bargaining power, seniors will enjoy a 25 percent discount on necessary prescriptions.

Many seniors in my district will qualify for direct subsidies. About 100,000 seniors in Pennsylvania will be covered 100 percent under this plan.

But the best part is that those seniors who are struggling to pay runaway drug costs would have access to a Medicare entitlement which covers all of their costs about $6,000.

Seniors at all income levels will have access to affordable prescription drug coverage that best meets their individual needs.

The House Bipartisan Prescription Drug Plan is a balanced, market-oriented approach targeted at updating Medicare and providing prescription drug coverage.

Under our prescription drug plan, the government would share in insuring the sickest seniors, making the risk more manageable for private insurers.

By sharing the risk and the cost associated with caring for the sickest beneficiaries, premiums will be lower for every beneficiary.

Keeping rural seniors in mind, our plan guarantees at least two drug plans will be available in every area of the country with the government serving as the insurer of last resort.

The President's plan shoehorns seniors—many of whom have private drug coverage which they are happy with—into what I call a "one-size-fits-few" plan with Washington bureaucrats in control of their benefits.

MEDICARE REFORMS

The plan takes vital steps toward improving Medicare as a whole. It expedites the appeals process by mandating that appeals that used to take an average of 400 days now take less than a quarter of that time.

Our plan is the only one that addresses the problems of Medicare+Choice. In portions of my district, plans are raising rates and cutting benefits to seniors because the dismal reimbursement rates.

We move the prescription drug benefit and Medicare+Choice out from under the cold shadow of the Health Care Financing Administration that has haunted and nearly bankrupted the system.

The Medicare Benefit Administration will be created to safeguard prescription drug plans and negotiate lower prescription prices for seniors. The administration will allow the plan to realize its potential, free from interference from the bureaucracy.

We further strengthen Medicare+Choice plans by: raising the base rate that counties currently receive; providing higher updates for those areas who currently have 1 or no plans—thereby encouraging plans to continue to provide coverage in these areas.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Washington State (Mr. McDERMOTT), who knows why the National Committee to Preserve Social Security and Medicare and National Council on Aging supports the Democrats' plan and opposes the Republicans' plan.

Mr. McDERMOTT. Mr. Speaker, this bill is like a bad April Fool's Day joke. You know there is a purse that is laying out on the street with a string on it. And the person comes along and pulls the string and the people keep reaching for it and they cannot quite get it.

The Republican bill has no guaranteed premium in it. It has no guaranteed costs reduction in it. I do not care what figures they throw around out here, 25 percent to 39 percent reduction, it is not in the bill. There is no assurance of two choices.

One Republican Member let the cat out of the bag, it may be enough just to introduce a bill, but if we don't even have a bill, we are open to charges that we didn't do anything. That tells us where they really are, and it also tells us what their consultant told them.

He said, it is more important to communicate that you have a plan as it is to communicate what is in the plan. The reason this was done at night, the reason they will not allow us to make an alternative, the reason they do not want any open debate is because they do not want to communicate to anybody until they put out those commercials in the election.

They will say we passed a bipartisan bill for seniors with a couple of Democrats and a joke in terms of how it works. In this bill, we ask ourselves, where are they going to get the two plans that they talk about?

The bill says on one page, we will subsidize up to 35 percent. What if nobody will take it at 35 percent, they hold out. The bill later says they can add incentives and the chairman of the subcommittee said in the committee room that you could subsidize up to 99 percent.

If there is an insurance company out there that can get 99 percent subsidy on the plan maybe they will offer it, but I am telling my colleagues it is going to cost the American people. It is a bad bill.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON), someone who believes in policy over politics.

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentleman for yielding to me. He and I have been working together on one aspect of this Medicare problem that I have depicted in this chart here, and that is the fact that we have 3,025 counties in this country that are being paid below the average of the normal reimbursement, and 168 counties that are being paid above.

I am going to say something that I have heard a lot of my colleagues say, but I do not think very many people are going to dare say on the floor of this House, and, that is, that it is irresponsible for us to be providing a drug benefit without reforming this system. And where I am coming from with this issue is that I think if we add a drug benefit, such as my friends on the Democratic side, on top of the existing system, the chances of us ever getting this fixed are going to be almost zero.

What has happened since we started work on this in 1995 in Dade County, which started off at $620 a month reimbursement, they are now up to $809 a month. In my area, we had $239 reimbursements, we raised that floor to $375, and it has stuck there ever since.

Since 1997, what has happened, Dade County has gone up 8 percent, we are still at $375; and the problem I have with this whole thing is that we cannot set another benefit where we are going to have the Government pick up 100 percent of these benefits, that nobody else is at risk except the government and think we are going to have the money available to fix this plan.

Mr. Speaker, at least on this side, the gentleman from California (Mr. THOMAS) and others have come forward and tried to address this issue, have funded the blend, have raised the cap and then after we got done with that, then the administration and my friends on this side of the aisle came along and said, well, we will do the same thing on our bill.

I have not seen a lot of interest, unfortunately, on my side of the aisle dealing with this problem, but this map shows where in this country they have zero premium plans or drug coverage, the dark areas are those areas, the whole rest of this is the area where they are not getting this kind of coverage. I would argue with the Democratic plan, they will never get it.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a distinguished member of the Subcommittee on Health of the Committee on Ways and Means, who understands that Families USA and the Leadership Council of Aging organizations vehemently oppose the Republican bill and support the Democratic substitute.

Mr. KLECZKA. Mr. Speaker, I am trying to figure out what the previous speaker said. He is the one supporting the Republican drug bill, and as I recall, he said it is irresponsible for us to provide a drug benefit at this time. Nevertheless, he signs on to the Republican drug benefit bill. That tells me, and he is a pretty honest guy, that their bill does not provide a drug benefit at all. I agree with that.

Mr. Speaker, the Republican drug bill is a cruel hoax and an empty promise to our senior citizens. We are going to end up passing their bill today, and we are going to go home for the 4th of July break. I challenge the senior citizens in their districts to ask a few questions. My friends here is a copy of the bill, I challenge constituents to say, Mr. Republican Congressman, where in the bill is the premium that I am going to be charged? They are going to say well, it is not in there. I will be darned.

Mr. Republican Congressman, what are the drugs covered? Where is the listing of the drugs? It is not in here. Well, Mr. Republican Congressman, how about the deductibles and copays; is that in there? No, that is not in there either.

The constituent will say, what kind of bill is this? They will say we are going to hire a new bureaucrat for $140,000 a year who will work with the insurance companies to make those decisions.

Our bill is voluntary, defines a premium of $25 a month. In the Republican bill insurance companies will decide that with this new bureaucrat. That is a drug benefit? That is a farce. This bill does not provide a universal program, where doctors coverage for Medicare is the same in this part of the country as in that part. This bill hopes and prays that the insurance companies will offer it.

Mr. Speaker, if this type of policy was profitable for insurance companies, they would offer it today. They are not going to do this. This bill is going to fail.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Illinois (Mr. WELLER), a member of the Ways and Means Committee.

Mr. WELLER. Mr. Speaker, over the last several years, as I have represented the South Side of Chicago and the south suburbs, I have often been asked the question should our senior citizens today have to make a choice between buying lunch or dinner or paying for their prescription drugs?

Today we are answering that question with bipartisan legislation to ensure that seniors no longer have to make that choice between paying for their prescription drugs or paying for lunch or breakfast or dinner. We have a bipartisan plan that is now before us that is available for every senior. If you qualify for Medicare under this bipartisan plan, you qualify for prescription drug coverage. It is affordable.

If you have prescription drug coverage today, another benefit is we let you keep it; if your retirement has good coverage, you do not have to worry about losing, because it is covered by Medicare as well. It is also voluntary, which means if you like what you have, you do not have to take it.

We have the security of insuring that if you have a catastrophic situation, of course, that is covered as well. The bottom line is it is a bipartisan plan. It is affordable. There are choices, and it is secure for every senior.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the former chairman of the Committee on Appropriations, who understands that the National Council of Senior Citizens and the National Senior Citizens Law Center both oppose the Republican plan and wholeheartedly endorses the Democratic plan.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, the drug companies vigorously support the Republican plan, because they understand that the Republican plan is like the wolf giving Little Red Riding Hood a roadmap through the woods. It is a phony deal.

The Republican leadership says we can afford to provide $200 billion in tax cuts to the wealthiest 400 people in this country. They say we can afford to provide $90 billion in tax cuts to the wealthiest 1 percent who make more than $300,000 a year, but somehow we cannot afford to provide a real affordable prescription drug benefit for every senior citizen under Medicare.

Under the Republican approach, they simply privatize Medicare, because they do not have the guts to let us vote on a real plan, because they know if they did, they would lose.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Illinois (Mr. Crane), a valued member of the Ways and Means Committee, the chairman of the Subcommittee of Trade, a member of the Subcommittee on Health.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to take this opportunity to share with my colleagues my strong support for this legislation, H.R. 4680, the Medicare Rx 2000 Act.

Medicare was facing insolvency in the year 2002 when Republicans took control of the House in January 1995. As a result of our hard work, and despite false charges from those on the other side of the aisle about our intent, the Medicare Trust Fund is now solvent until 2025.

Nearly every Member on our side of the aisle voted for the fiscal year 2001 budget resolution that set aside $40 billion over the next 5 years for a Medicare prescription drug benefit because we recognized the need to modernize and strengthen Medicare for the 21st century.

Speaker Hastert then formed a working group to write a Medicare prescription drug plan within the budget guidelines. To the credit of Subcommittee on Health chairman, the gentleman from California (Mr. THOMAS); Committee on Commerce chairman, the gentleman from Virginia (Mr. BLILEY); and other Members of the working group, a market-based approach was drafted to provide a Medicare prescription drug benefit that is voluntary, affordable and available to all senior citizens.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, the plan is so well drafted it has gained bipartisan support. Unfortunately, many of my friends in the minority are supporting a government-run, take it or leave it, one-size fits all program that will cost hundreds of billions of dollars. That plan would also force millions of seniors to give up the private coverage they now have.

This bipartisan legislation provides seniors with a voluntary program, under which they would have several options and could choose which plan fits their individual needs best. This legislation also provides for coverage for seniors with unusually high drug costs. For seniors with unusually high drug costs, the plan provides security by covering 100 percent of out-of-pocket costs beyond $6,000.

I strongly urge you to support the Medicare Rx 2000 Act. I am well aware that some may think another approach might work better and others are concerned about the budget impact of adding a prescription drug benefit to Medicare. As a member of the Ways and Means Health Subcommittee, I can assure you these are questions I have answered to my own satisfaction during consideration of this legislation.

The Congressional Budget Office is expected to score the legislation under the $40 billion level we have already set aside in this year's budget.

The fact remains that our nation's health care system has changed since Medicare was first created and, to be effective, Medicare must change too. We must modernize Medicare before the Baby Boom generation retires, and we must recognize that every individual has unique health care needs. This legislation makes Medicare more flexible to address the differing needs of seniors and recognizes the importance of both prevention and treatment. In the long term, this approach will save money because preventive medicine can delay or eliminate the need for hospitalization.

As a fiscal conservative, I strongly believe the Medicare Rx 2000 Act does an excellent job of providing senior citizens the prescription drug benefits they need without squandering our nation's budget surplus. It does so by relying on the free enterprise system that has served our country so well and by giving senior citizens the choices they demand at prices for prescription drugs they can afford.

Once again, I urge your support for the Medicare Rx 2000 Act. Let's give our nation's seniors the choices they deserve at prices they can afford.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), who understands that the Alzheimers' Association and Consumers Union both oppose the Republican plan and endorse the Democrats' plan. He understands the working group, who put this bill together for the Republicans, is mostly comprised of lobbyists for the pharmaceutical industry and the managed care industry.

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Mr. LEWIS of Georgia. Mr. Speaker, under the Republican plan, there is no defined benefit. There is no set premium. This is a scheme written by the insurance companies. The Republicans did not like Medicare back in 1965, and they do not like it now. Here they are, once again, trying to privatize prescription drugs for seniors, just like they tried to privatize Medicare. This is nothing but a scheme.

The Republican scheme requires low-income seniors to go to the State welfare office. Are my Republican sisters and brothers suggesting that my 86-year-old mother go down to the welfare office to find out whether she can get her prescription medicine?

This is a sham. This is a shame, and this is a disgrace.

My Republican colleagues, on the other hand, would prefer to give the money away in tax breaks to the wealthy, rather than to offer a sensible and affordable prescription medicine benefit. The availability of prescription medicine should not depend on the size of one's wallet or one's ZIP code.

There is no room, but no room in here to play partisan politics. No person in the twilight of his or her life should not have to choose between putting food on the table and getting his or her blood pressure and heart medicine.

This is not just, this is not right, and this is not fair. We have a moral obligation, a mission, and a mandate to stand up for our seniors. Our seniors do not want a prescription drug benefit next year, our seniors want it now, and they deserve it now. We can do no less for the seniors of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the House.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, seniors are living longer because of innovative new treatments that extend and improve their quality of life. Unfortunately, many of these new treatments carry a cost that puts a huge burden on the shoulders of seniors who are living on fixed incomes. Today will ensure that low-income seniors no longer need to have to decide between purchasing drugs and buying food or paying for rent. This bill of ours will provide all seniors access to affordable prescription drug coverage that will limit their out-of-pocket payments.

In addition, for low-income seniors, the bill will provide drug coverage that is free of premiums, deductibles and copayments. Regardless of income, seniors will be able to have peace of mind that they will have access to a voluntary drug benefit plan.

More importantly, Mr. Speaker, we offer seniors a choice of selecting a drug plan that meets their individual needs. We leave the decisions in the hands of seniors, not in the hands of government bureaucrats. In this way, we can make sure that those who offer drug plans are accountable to seniors who can choose to vote with their feet.

Mr. Speaker, I urge passage of our bill.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN), a member of the Subcommittee on Health of the Committee on Ways and Means, who twice offered an amendment to give seniors a discount on their pharmaceutical drugs at no cost to the Federal Government, only to see every Republican on the Committee on Ways and Means vote against her amendment.

Mrs. THURMAN. Mr. Speaker, I find it quite interesting that we are talking about an insurance plan. In this country, we already have these plans. We have Medigap plans, we have Medicare Choice. But the problem is, they failed; and yet this is what we have to vote on again today. That is why this is the hottest issue in the country.

Senior groups who have nothing to gain have written and talked to us about why they cannot support the bill in front of us. They do not have any politics in this game. They want a drug benefit. They want to have life-sustaining drugs available to them.

So listen to them. The Senior Citizens League says, "After considerable study, the Medicare RX 2000 Act will do more harm than good to the people that it is intended to help."

How about Families of USA? They said, "This proposal has all the attributes of a mirage. It looks inviting from a distance, but once you get up close, you realize there is nothing there. What is more, consumers do not know what they will actually get out of this. The Republican proposal leaves the actual benefit undefined."

How about the Older Women's League who actually says, "the Republican prescription drug plan does not represent a defined benefit added to the Medicare program but, rather, a private insurance program."

Or how about the National Committee to Preserve Social Security and Medicare. "The congressional Republican plan for prescription drug coverage for senior citizens is not what the American people need or want," according to one of the country's leading citizens advocate groups.

Mr. Speaker, these are folks that have come to talk to us. These are the folks that are in my town hall meetings. These are the folks that have told me: we want a defined benefit; we want a Medicare benefit. We are tired of being switched from plan to plan. We are tired of seeing our prices go up, and we have no control over it. The only way we get this is to make sure it goes through Medicare.

Please vote against this bill. Give our seniors what they deserve, and that is prescription drugs that they can afford.

Mr. THOMAS. Mr. Speaker, I yield myself 10 seconds.

Just so that people understand, letters of support for H.R. 4680 have come in from a number of institutions. The American Cancer Research Institute, the Kidney Cancer Association, National Alliance for the Mentally Ill. There are a number of organizations that simply disagree with the gentlewoman.

Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON), a member of the Subcommittee on Health of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, this is a red letter day for seniors. It is just a red letter day. For the first time in history, out of this House is going to go legislation to provide prescription drug coverage for seniors across America, every village, every city. I am proud of that. This is not about insurance companies, and here is the proof.

In the Democrats' bill, they are going to use, and it says, "or insurers." They are going to use insurers; we are going to use insurers. They are going to use pharmaceutical benefits managers; we are going to use pharmaceutical benefits managers. They are going to use pharmacy chains; we are going to use pharmacies. The difference is, they are going to use one. They are going to use one plan. Seniors will have no choice, one formulary. Seniors will have no choice. In that one formulary, they may have only one drug in each category. In our bill, they must have multiple drugs. In our bill, we guarantee that we will cover off-label uses. Sixty percent of cancer victims depend on off-label uses of drugs for their cure.

Mr. Speaker, our plan offers them not only prescription coverage, but choice and hope.

Mr. Speaker, today is a great day for our nation's seniors because today we are considering historic legislation that will expand Medicare to cover the rising cost of prescription drugs.

When Medicare was created in 1965, prescription drug coverage was not included because there were relatively few drugs available and the focus was on physician and hospital care.

Today, however, it's clear that you can't have modern health care without having access to lifesaving pharmaceuticals.

Thankfully, two-thirds of seniors have prescription drug coverage under other health plans, but 12 million have no coverage at all.

This is simply morally wrong in the world's most prosperous nation because no senior should have to choose between filling the prescription they need and putting food on the table.

So, today is truly a red letter day. We will pass a House Republican bill with bipartisan support to make prescription drug coverage a part of Medicare for all seniors in America, in every town and every city.

While some of my Democrat colleagues are dramatizing their opposition to this bill, I would remind those watching that if it weren't an election year, they'd be claiming victory. The similarities between the two proposals, ours and theirs, is striking and broad.

The AARP acknowledged this point in a letter that they sent to Congress yesterday. "We are pleased that both the House Republican and Democratic bills include a voluntary prescription drug benefit in Medicare—a benefit to which every Medicare beneficiary is entitled. Further, both bills provide for a benefit that would be available in either fee-for-service or managed care settings. And while there are differences, both bills describe the core prescription drug benefit in statute. These are important steps and represent real progress over the past year." Horace B. Deets, AARP, June 27.

In other words, our plan is universal, just like the President's.

Our plan is voluntary, just like the President's.

Our plan provides an entitlement under Medicare, just like the President's.

Our plan contracts with private health organizations, just like the President's.

And like Part B coverage for doctor services and diagnostic tests, it is funded with both premiums and government subsidies, just like the President's.

But our plan is unique in two important ways. It is the only plan—and was the first—to provide immediate protection for seniors from out-of-control drug costs. All seniors will get full coverage for their drugs when their spending reaches the catastrophic threshold. We included this provision in our legislation from the very beginning because we realized how important it is for seniors peace of mind and retirement security. The President's original proposal did not include catastrophic coverage. When he realized the importance of our provision, he added it. I am hopeful that his movement toward the Republicans on this issue is a signal that we can work together in a bipartisan way to provide seniors with prescription drug coverage this year.

The second unique aspect of the House Republican bill is that it guarantees every senior in America access to at least two prescription drug plans.

We know every senior has different health care needs, and therefore needs different plans to choose from.

But a choice of plans also assures an immediate 25% price discount; lowering prescription drug costs for our seniors, just as large employers lower drug costs for their employees through group purchasing power. In contrast, the President's proposal—because it offers only a "one-size-fits-all" plan, would only save seniors, on average, 12 percent off retail prices. Our seniors will be able to get the best possible price on their medicines.

In addition, our plan requires companies to offer multiple drugs in each category—not just one as the Democrat's bill does. And our bill requires coverage of off-label uses of drugs, while the Democrat's bill does not. That's particularly important to the 60% of seniors who rely on off-label uses to threat their cancer.

And finally, with drug costs expected to rise 10 percent a year for the next decade, we think it's critical to adjust funding each year for drug cost inflation. In sum, the bipartisan bill creates a structure that will give seniors the best bang for their buck!

And for those who have great employer-provided retiree coverage, the House plan helps ensure that employers will continue to offer it. The bill provides employers with subsidies to address the cost of offering seniors insurance against catastrophic drug costs. The Democrat plan does not provide this same public-private partnership to preserve private retiree health coverage. Our legislation will not jeopardize the coverage that seniors already have, and they'll have the choice to keep it!

In addition to providing seniors with many choices, our legislation also contains an important initiative that I authored. For the first time, we will help seniors with serious chronic diseases—diabetes and heart disease. They will be able to enroll in a disease management program and will receive their prescription drugs at a low cost. By helping seniors manage their disease, we will be able to help them avoid hospitalizations and emergency room visits, thereby lowering Medicare spending. The private sector has moved ahead of Medicare and had success offering these programs. Now we'll be able to ensure that seniors on Medicare will have this choice to improve their health and lower Medicare's costs.

And finally, this legislation also includes an important provision for states like Connecticut that have already had the foresight to provide prescription drugs for low-income seniors. It assumes that these states will not be penalized, but rather helped to integrate their successful programs with this new federal benefit.

Indeed, this is a red letter day for seniors. The House is demonstrating its support on both sides of the aisle to commit significant funding to make prescription drugs available for the millions of seniors who are having difficulty meeting their health needs today. The AARP confirms this in a letter to Congress saying that we are taking "important steps" and that our work represents "real progress."

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means, who understands that the Older Women's League and the Alliance for Children and Families have endorsed the Democrat bill and violently oppose the Republican bill.

Mr. LEVIN. Mr. Speaker, the Republicans took the advice of their consultants. Look at the label, they said, and forget about the contents. It is true. They have used bottles and vials here on the floor; but for many seniors, they would be empty. If seniors have $1,000 in prescription costs, they would pay more for the insurance under the Republican plan than they would get back, and if it is $7,000 in medicine costs, seniors would pay 85 percent.

I ask this question: Why should coverage for medicines be different than for visits to physicians and to hospitals? We Democrats say there should be no difference. My Republican colleagues say, set it up under the private insurance plan. They say, ours is one-size-fits-all. Yes, ours is under Medicare that has choice. My Republican colleagues essentially do not build theirs within Medicare. They say have it through private insurance with no assured premium, and I emphasize this, and no assured set of benefits. We can do better.

Mr. THOMAS. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise today in support of this legislation, and I urge my colleagues on both sides of the aisle to support it.

There is one issue that should transcend politics, and this is it. Some analysts out there are saying that this is the big political vote of the year, and they may be right. But we should not vote for this out of a concern for political futures. We should vote for this out of the concern for our constituents who need our help in dealing with the high cost of prescription drugs.

We should do this to help our mothers and our grandmothers and our neighbors down the street. We should do this to help those seniors that gather for coffee every morning down at the local McDonald's. We should do this to help those who rely on prescription drugs to stay alive and those who need them to enhance their already vibrant lives. We should work together to provide our senior citizens a better quality of life.

No senior should be forced to choose between paying the rent and putting food on the table or paying for life-saving and life-enhancing prescription drugs.

Prescription drugs are too expensive in this country, and too many of our seniors do not have an adequate prescription drug benefit. This legislation addresses both problems in a responsible way that allows seniors to have a choice and not a one-size-fits-all Federal program. Those seniors who choose the plans offered by this legislation will reduce their prescription costs by 25 percent from the first day they enter the plan. By lowering the cost of prescription drugs, this proposal gives seniors the peace of mind that they are getting the best deal for their health care dollar.

The seniors I talk do not want a handout. They are willing to pay their fair share. But they do not want to be afraid of having all of their savings wiped out if they find that they have an illness that has a very expensive drug treatment.

Mr. Speaker, our plan insures seniors against such catastrophic loss from the day this plan becomes law, not 6 years from now, as the Democratic plan does. Seniors need coverage now. We all have a special concern for low-income seniors. They will be fully subsidized by the Federal Government. All seniors will have insurance against high out-of-pocket costs.

Mr. Speaker, there is much talk from some members of the minority about our motivations for bringing this bill forward. They say we are doing the bidding of the insurance company. Well, I will say to my colleagues, last week they criticized the plan because the insurance company did not like it. They say that we are in the pocket of the pharmaceutical industry when, in fact, our bipartisan bill would cut drug costs by 25 percent and theirs only by 12 percent. They turn to the usual excuses that this bill does not do this or it does not quite do that; Republicans do not like Medicare; or Republicans do not like seniors.

It seems to me that some Members may be looking too hard for an excuse to vote against this bill. Democracy sometimes looks a bit chaotic. Those who are watching this debate can attest to that. But I am disheartened by a story that I saw on the wire last night.

According to the Associated Press: "Democrats have already begun testing campaign commercials, preparing to hit Republicans for failing to offer prescription drug coverage to seniors."

My friends, put those commercials away. America is sick and tired of bickering. Americans want us to create a product that will benefit them.

□ 1515

Join us in a bipartisan effort to give senior citizens a Medicare-based prescription drug benefit. The time for demagoguery is over. It is time to modernize Medicare by adding a prescription drug benefit so that all seniors can get the chance to enjoy their golden years.

Mr. STARK. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I would inform the House that the minority office of the Committee on Ways and Means just received a telephone call from the executive director of the National Alliance for the Mentally Ill, which one of the previous speakers on the Republican side said endorsed the Republican bill. They said they do not, that that was a misstatement.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. NEAL), who understands that the Network of National Catholic Social Justice Lobby does endorse the Democrat bill and oppose the Republican bill.

Mr. NEAL of Massachusetts. Mr. Speaker, let me just call attention to something, with great deference, that the Speaker said. He says this should be above politics. Is he not right?

Try to square that with the argument in front of us that we were not even allowed as members of the Democratic Party to bring an alternative to the floor. Do Members know why we could not bring an alternative to the floor? Because we would have won. We would have peeled off enough Members from the Republican side who would have voted for our plan, because this battle is about certainty versus uncertainty.

Is there anybody who believes that the Republican party would do a better job with Medicare than we would? We argue that a certain benefit kicks in on a certain date and people can rely upon it. They argue that we should subsidize the insurance industry to provide a benefit to the general citizenry.

Let me quote Chip Kahn, a former Republican staff director of the Subcommittee on Health: "We continue to believe that the concept of the so-called drug-only private insurance simply will not work in practice. Designing a theoretical drug coverage model through legislative language does not guarantee that the private insurers will develop that product in the market," end of the argument.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON), a member of the Committee on Ways and Means, a member of the Subcommittee on Health, and a Medicare beneficiary.

Mr. SAM JOHNSON of Texas. Mr. Speaker, this prescription drug plan gives American seniors choices. They can choose a new plan or they can keep the plan they already have. This is in stark contrast, no pun intended, to the Democrat plan that forces seniors into a government-run bureaucracy-led program that will leave seniors without the choices they deserve.

Do Members remember when we were kids and we used to talk to each other with this antiquated communication system, talking through the cup and listening on the other end? Today's Medicare program is like two Dixie cups connected by a string. We can talk to one another, it works, but it does not meet the communications demands of the 21st century.

Medicare today sometimes works, but our seniors deserve a program that meets their health needs in the 21st century. That includes prescription drugs. This bill will bring Medicare into the 21st century.

Mr. STARK. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Tennessee (Mr. TANNER), a member of the Committee on Ways and Means, who knows that the Consortium for Citizens With Disabilities and the National Academy for Elder Law Attorneys both support the Democratic bill and oppose the Republican bill.

Mr. TANNER. Mr. Speaker, I am in favor of Medicare revision and all of the things that the previous speaker said. The problem with the Republican bill is they are trying make an insurance product out of a benefit, and one cannot do that. Insurance is a pooling of risk. When all of the claimants are beneficiaries, there is no pooling or spreading of risk. Therefore, it has to be a benefit.

Put another way, if everyone's house burned down, we would not be able to purchase fire insurance in the private marketplace, simply because they would not be able to offer it.

This is particularly true in the rural areas. Short of importing people into the rural areas, we do not have HMOs. We do not have satellite dishes because we think it is cool, we have satellite dishes because there is no cable TV in rural areas. There are no HMOs in the rural areas.

Therefore, we have to have a defined benefit under Medicare if we truly believe in delivering a prescription drug benefit to the senior citizens, all of them, in this country.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Kentucky (Mr. FLETCHER), a medical doctor and someone who has provided considerable assistance in writing a plan that not only works but also meets the needs of seniors.

Mr. FLETCHER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am very disappointed in the minority. They seem to want to obstruct this very important legislation and benefit for our seniors for political purposes. That is very disturbing.

Let me tell the Members, this bipartisan bill we have will benefit 606,000 Kentuckians, people like Lois Hamilton from Stamping Ground, Kentucky, who makes $700 a month and has several hundred dollars of prescription drug costs. This will pay for her medication so she does not have to make a choice between food on the table and providing the medicine she needs to make sure she continues her health.

Let me tell the Members about the partisan plan, I will call it. It sets up a plan where there is a single government-mandated plan.

Let me talk about the Canadian plan for a minute. There, they cannot get the latest, even though it is approved by the FDA, they cannot get the latest medications for breast cancer, for metastatic ovarian cancer, metastatic colon cancer. That is because they have run a system under a mandated single plan. That is what the minority wants. Our plan offers a choice of plans, a voluntary plan that is affordable for everyone. I encourage my colleagues to support it.

Mr. STARK. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Maryland (Mr. CARDIN), who knows that the National Association of Area Agencies and the Center for Medicare Advocacy, Incorporated, of the Health Care Rights Project both endorse the Democratic bill and oppose the Republican bill.

Mr. CARDIN. Mr. Speaker, the Sun Papers, my local paper, in looking at a plan that solely relies upon private insurance, said in this morning's editorial, "Some Congressional Republicans concede it is an unworkable approach. Even health insurance companies oppose this plan. They know there is little or no profit in it for them, but plenty of administrative headaches. The best way to handle a prescription drug program is through the existing Medicare system."

Mr. Speaker, that is a system that works on a 3 percent overhead versus private insurance at 25 percent overhead, one that guarantees benefits to our seniors, unlike the Republican bill, that does not guarantee any specific benefit or any specific premium to our seniors.

Mr. Speaker, the Sun Papers goes on to say, "The Republican plan should be rejected. A more sensible approach championed by the Democrats would be tying prescription drug subsidies to the existing Medicare program."

The Sun Papers called the Republican plan "a placebo, which the dictionary defines as a substance containing no medication and given merely to humor a patient." This is an apt description of the Republican plan. It should be rejected.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH), a member of the committee who has more than three-quarters of a million Medicare beneficiaries in the State of Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank the chairman of the Subcommittee on Health for yielding time to me.

I would echo the words of our speaker, that no senior should be forced to choose between putting food on the table or paying for the prescription medications they need. That is just plain wrong.

But by the same token, the question we need to ask today, and why I rise in support of our bipartisan plan, is that we need to fairly ask, who is in charge? Mr. Speaker, I come to the floor today to reassert the authority of seniors to choose the type of benefit they want. That is the major difference.

Our friends on the left, advocates of big government, say, let the Washington bureaucrats do it. Let us put the bureaucrats in charge of the pharmacies. Let us put the bureaucrats in charge of the plans. We say no, let us ensure freedom of choice. Give seniors choices and let them decide what is best.

Mr. Speaker, simply stated, the plan on the left would fill the medicine bottles of America with red tape. We do not need that. Our seniors need choice. Support the bipartisan plan.

Mr. STARK. Mr. Speaker, I am privileged to yield 1 minute to the gentleman from California (Mr. BECERRA), the next mayor of Los Angeles and a distinguished member of the Committee on Ways and Means, who knows that the American Federation of Teachers and the National Hispanic Council on Aging have both endorsed the Democratic bill and opposed the Republican bill.

Mr. BECERRA. Mr. Speaker, I truly thank the gentleman for yielding the 1 minute to me.

Mr. Speaker, what American seniors want is a real plan, a plan that is defined, a plan that is dependable and guaranteed with regard to the benefit for prescription drugs, and a plan that fits within Medicare.

Does H.R. 4680 provide any of those things? No, it does not. H.R. 4680 puts $40 billion in the hands of the insurance industry and HMOs and says, you now go out and offer in the private sector an insurance policy that right now they are not willing to do, because they do not like to offer insurance plans for prescription drugs to seniors because it costs too much.

So by giving them $40 billion, we are giving them a bone saying, okay, you get $40 billion to offset some of those costs. Come on, this is your incentive. Go offer plans in the private sector for folks to buy.

This puts nothing in the hands of seniors except a charade. It is giving them a coupon and saying, go out and see if you can find something now for that coupon. Medicare guarantees a right to a doctor, it guarantees a right to a hospital. It should guarantee a right to prescription drugs. Vote against this bill.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Minnesota (Mr. RAMSTAD), a member of the Subcommittee on Health of the Committee on Ways and Means.

Mr. RAMSTAD. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I rise in strong support of the bipartisan prescription drug plan. It is bipartisan. I want to pay special tribute to my friend and colleague, the gentleman from Minnesota (Mr. PETERSON), a member of the other side of the aisle, a Democrat who worked hand-in-hand with all of us on the Prescription Drug Task Force to craft this truly bipartisan, pragmatic plan. I thank the gentleman for putting the interests of Minnesota seniors ahead of politics.

We should all put the interests of America's seniors ahead of politics and pass this bipartisan plan today. It truly is, Mr. Speaker, all about choices. The question we must ask ourselves, if health care choices are okay for Members of Congress, why are some so opposed to expanding choices for our seniors?

Let us not try to have it both ways. Let us expand choices for seniors. Seniors deserve choices in their health care just like younger Americans, just like Members of Congress. This bill, this bipartisan bill, guarantees all seniors access to at least two different health plans.

Do not take choices away from seniors. Let us give them the choices, the access, to prescription drugs that they deserve.

Mr. STARK. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Maine (Mr. ALLEN), a gentleman who understands that the American Federation of State, County, and Municipal Employees and AFSCME retirees both endorse the Democrat plan and oppose the Republican plan.

Mr. ALLEN. Mr. Speaker, this is a day of shame for the House of Representatives. The Republican leadership will not allow a vote in a debate on the Democratic prescription drug benefit under Medicare. Instead, Republicans have produced a bill that says to our seniors, HMOs and insurance companies can help you. We will give those companies your tax dollars, and we will hope they will offer you insurance coverage.

But the insurance companies are saying loudly and clearly, we will not provide stand-alone prescription drug coverage. Every day in this country seniors do not fill their prescriptions. They cut their tablets in half. They do not take their medicines or do not eat well because the most profitable industry in this country is charging the highest prices in the world to people who can least afford it, including our seniors.

Canadians, Mexicans, HMOs, insurance companies, they all pay far less than our seniors. The Republican bill is not relief for seniors, it is a prescription to protect drug company profits and Republican Members of this House from defeat in November.

Mr. Speaker, when we look at a person who pays $2,300, they will wind up paying $1,700 out of their own pocket under the Republican plan. That plan is a fraud.

□ 1530

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Dakota (Mr. POMEROY), the former insurance commissioner of North Dakota.

Mr. POMEROY. Mr. Speaker, I hope today's debate represents bipartisan consensus that we need to help our seniors with the high cost of prescription drugs. The choice, however, presented on the House floor falls far short of meeting that need, because we will only be allowed to vote on the proposition that we should take Federal dollars, send it to insurance companies and hope that they provide benefits to seniors.

Mr. Speaker, I used to be an insurance commissioner. I regulated insurance companies. The dollars that the majority would propose for insurance companies will go to sales commission, it will go to insurance company executive salaries, it will go to fancy office buildings. It will not go to the hard coverage that our seniors need for the high cost of prescription drugs.

It is not the way to go. The way to go is the alternative that we will not be allowed to vote on, Medicare coverage for prescription drugs. It is time to update the coverage of the Medicare program and offer the protection our seniors need. North Dakota's seniors want Medicare coverage for prescription drugs, not an insurance company sham.

Mr. THOMAS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. STARK. Mr. Speaker, I would like to inquire of the gentleman from California (Mr. THOMAS) how many speakers he has remaining.

Mr. THOMAS. Mr. Speaker, it is indeterminate at this time.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means who understands that the American Association of Mental Retardation and Elder Care America both endorse the Democratic bill and oppose the Republican bill.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, we consider this bill today for one reason and one reason only: the Republicans took a poll. Here are the results in this report. Their pollster told them that Americans believe, "Republicans aren't doing anything for seniors."

I cannot believe these folks paid good money to learn the obvious. For the last 6 years, a principal Republican concern for seniors has been how to dismantle Medicare, or in the words of their great leader, how to let Medicare "wither on the vine."

Then this pollster gave them four pages of what were called "phrases that work" to explain away the well-justified feeling of the American people that Republicans are totally indifferent to the plight of seniors who have to choose between purchasing groceries and prescription medications.

And here are particularly important words from Public Opinion Strategies delivered to the Republican Caucus: "It is more important to communicate that you have a plan than it is to communicate what is in the plan."

This is not a plan. It is a ploy. The Republican Congress is a prescription for failure.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would ask all Members to abide by the time that they are allotted.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to yield 1 minute to the gentleman from Florida (Mr. FOLEY), a member of the Committee on Ways and Means.

[H28JN0-416]{H5357}FOLEY

Mr. FOLEY. Mr. Speaker, maybe people should switch to decaf around here. A little excited. A little tense. I know they want to leave the Capitol, but they should remain and discuss the issue.

It is so complicated, our Medicare prescription drug coverage. It is so hard to understand. And yet every Member of Congress is entitled to it. I do not hear any of them turning in their cards because it is difficult to get prescription drug coverage.

They can go to the pharmacy. They can order from Merck-Medco. They can go to any place in America and get covered under their policy here, provided by the taxpayers, at the House of Representatives.

But today, Mr. Speaker, a similar plan is being offered for our seniors and is this abomination? Now, we can have disagreements on policy; we can certainly have disagreement on how we arrive. But I would suggest this is a good plan. And if we wait 48 hours, AL GORE will endorse it; and the President will support it. He did not like marriage penalty elimination. It was too expensive. Give him a month; he will support it and trade us drugs.

Mr. Speaker, I urge my colleagues to vote for a very good, responsible policy and give the seniors drugs they need.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. JEFFERSON), a distinguished member of the Committee on Ways and Means who understands that the Friends Committee on National Legislation and the International Union of United Automobile, Aerospace, Agriculture and Implement Workers both support the Democrat bill and oppose the Republican bill.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman from California (Mr. STARK) for yielding me this time.

Mr. Speaker, I am glad my colleagues on the other side of the aisle have finally turned to a discussion of our Nation's most pressing priority, the need to ensure affordable access for seniors to prescription drugs. Unfortunately, Mr. Speaker, the debate is all that we really have.

The sharp rise in prescription drug prices has placed an intolerable burden on our Nation's seniors. This burden is aggravated by the fact that there is no Medicare prescription drug benefit. Three-fourths of Medicare beneficiaries lack decent, dependable coverage of prescription drugs.

Our Nation's seniors are not fooled by this legislation that is on the floor today, Mr. Speaker, and neither are we. A clear majority of senior and consumer groups have labeled this legislation a "sham," providing no real hope of a solution.

We need a bill that will afford a solid guarantee of a drug benefit for all Medicare beneficiaries, not a bill that relies on the profit-driven whims of the private insurance industry. If Medicare is indeed an entitlement program for seniors, should we not pass a drug benefit bill that clearly lets seniors know what drug benefit they are going to get and they are entitled to?

Mr. Speaker, the program we have in front of us makes no sense. I hoped for a real choice today. It is a shame we do not have it. Our Nation's seniors deserve better.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON), and I hope this is not disruptive of the debate, who wishes to talk about something that is actually in the bipartisan plan.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, in my earlier remarks, I did mention the breadth of formulary that seniors would have access to under the Republican bill, because they would have access to competing plans. So they would have access to a number of prescription drugs in every category, and assurance that off-label use of drugs, so important to cancer treatment, will be at their beck and call.

But there is another wonderful provision of the bill that I want to point out to my colleagues. It allows our seniors to participate in a demonstration project if they are diagnosed with advanced stage congestive heart failure, diabetes, or coronary heart disease.

These are the very seniors with the highest drug costs, and participating in these disease management programs will enable them to get their pharmaceuticals essentially covered and through a disease management approach they will get support in recovering and adopting preventative health life style changes, following all of their doctor's orders, that will improve their health and reduce their health care costs all the while covering their drug costs. It has been proven that disease management · lowers hospital costs, lowers doctor costs, lowers emergency costs. Good for Medicare and good health for seniors.

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MASCARA).

Mr. MASCARA. Mr. Speaker, I rise in opposition to H.R. 4680.

Mr. Speaker, I come to the floor today to air my deep concerns regarding the lack of prescription drug coverage for many of our nation's seniors.

Last year I introduced H. Con. Res. 152, which called upon Congress to fix this problem. The bill we are debating today does nothing to fix the problem.

I am sure my colleagues here in the House are aware of enormity of this issue. They know that upwards of 14 million seniors in this nation are without any kind of prescription drug benefit. They know that millions of seniors are suffering in ways that are morally wrong, especially for such a wealthy and caring nation.

How can we on one hand give away billions of dollars in foreign aid, yet turn our backs on seniors who often times must choose between buying food or buying prescription drugs.

This bill can't see the forest for the trees. It does nothing to solve the problem on how to provide 13 million seniors with adequate prescription drugs at an affordable price.

This bill H.R. 4680 does not accomplish that. I oppose it and ask my colleagues to vote "No."

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I rise in opposition to H.R. 4680.

Mr. Speaker, I rise today to express my strong opposition to H.R. 4680, the Medicare Rx 2000 Act. This overly complicated bill fails to guarantee affordable prescription drug coverage for all seniors and disabled persons. Prescription drug coverage for seniors is one of the most serious issues facing this Congress, and it is time to stop making empty promises.

I am a strong supporter of responsible Medicare prescription drug coverage for our senior citizens. Coverage that ensures that seniors do not have to make life and death monetary choices, coverage that at the same time does not bust the budget and represents a promise we can keep. I therefore believe that any program we pass must have a co-pay, premium, and benefit cap. It is important that we pass meaningful and real prescription drug coverage. To do less is a cruel hoax to the elderly of this country.

When Medicare was created in 1965, prescription drugs did not play a significant role in the nation's healthcare. Today, prescription drugs have become an increasingly important part of seniors' health care. The drugs that are now routinely prescribed for seniors to regulate blood pressure, lower cholesterol, and ward off osteoporosis had not even been invented when Medicare was created in 1965. Instead of frequent doctor visits and expensive hospital stays, today's innovative drugs keep more seniors out of the doctor's office and away from hospitals.

Unfortunately, drug prices have been rising rapidly. National spending on prescription drugs increased 51 percent between 1990 and 1995. More than one-third of seniors on Medicare spend over $1,000 a year on their drug prescriptions. There are approximately 13 million seniors with no prescription drug coverage, and another 13 million have coverage which is inadequate, costly, or both. As this trend continues, drug expenses threaten to erode many seniors' modest incomes even further, placing more and more Americans in a difficult position reminiscent of an earlier era.

A constituent of mine, Eunice Bailey, a 69-year-old resident of Hammond, Indiana, receives a monthly Social Security check of $840. Unfortunately, Ms. Bailey is not only a diabetic, but suffers additionally from high blood pressure, high cholesterol, arthritis, and osteoporosis. In an average month, Ms. Bailey can spend close to $300 for her prescription drugs, not to mention $225 in rent, $280 in groceries, and $120 for her utilities and telephone. This leaves Ms. Bailey with a deficit of $85. Since she cannot possibly afford to buy medicine and pay for her basic living expenses, Ms. Bailey saves money by either splitting her pills in half, or simply does not purchase her medicine at all. In addition, Ms. Bailey sometimes finds herself reducing the amount of food she purchases, a dangerous thing to do considering she is a diabetic. I find this absolutely appalling. In a country as wealthy and as good as the U.S., no citizen should have to decide between buying food or buying medicine.

Unfortunately, the Republican bill provides subsidies to private insurance companies while denying a real prescription drug benefit for all. The plan would only provide financial incentives to encourage private health insurance companies to offer "Medigap" policies to provide prescription drug coverage. This approach simply will not work. It will force seniors to deal with private insurance companies rather than having the choice of getting their prescriptions through Medicare. The Health Insurance Association of America has even stated that many private insurance companies still will not offer Medigap drug policies because they will not want to assume the financial risks. The end result is that millions of individuals will not be guaranteed access to prescription drug coverage at an affordable price.

Additonally, it will do nothing to control the cost of drugs since it would not provide for direct negotiations with prescription drug companies. Instead, it creates small purchasing groups that will have little leverage in getting better prices for seniors. We need to be providing seniors the same benefits that other large purchasing groups, like HMOs, currently get.

The only way to guarantee an affordable prescription drug coverage for all elderly and disabled persons is to expand the Medicare program to include prescription drug coverage. Like the existing hospital and medical coverage under Medicare, a new prescription drug program should benefit everyone, not just the insurance companies. There is no reason why we cannot be fiscally responsible while balancing people's health care needs. Providing a prescription drug benefit for our seniors will result in savings to both consumers and American taxpayers by reducing expensive hospital stays and medical bills.

As you cast your vote this week, remember that the Republican plan is a huge misstep toward providing real Medicare prescription drug coverage for our seniors. A stand-alone, drug-only policy will not work. It provides false hope to people who need help, and will do more harm than good. It is time to move past the empty rhetoric and join together in the fight to provide substantive assistance to America's senior citizens like Eunice Bailey.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. McCARTHY).

Mrs. McCARTHY of New York. Mr. Speaker, I would like to speak as a nurse. I can tell my colleagues, in the last few months these are the bills that my senior citizens have sent to me. And I am telling my colleagues that the plan that is being put on the floor today will not help my senior citizens and that is a shame.

I am here to fight for my seniors so they can take their medications. I think what everyone is forgetting, the majority of people that cannot buy their medications cannot also afford the premiums. When we see the insurance companies saying this plan cannot work, then I as a nurse have to stand up and say let us do something right. Let us take care of our seniors, and let us stop playing politics with this.

This will help so many of my seniors if we could do something for them. Let us think about how much money we are going to end up saving if our seniors take their medications, so they do not end up calling for an ambulance, ending up in the emergency room causing our health care costs to go up even more than they are.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to yield 1 minute to the gentleman from Florida (Mr. SHAW), who has more than 2.7 million Medicare beneficiaries in his State.

Mr. SHAW. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I want to compliment the gentleman and the colleagues that originally cosponsored this bipartisan plan on both sides of the aisle.

Mr. Speaker, there can be criticism for this plan. There is no question about that. No plan is perfect. But let us look closely at what this plan offers. It offers choice. Our seniors want choice. That is an important thing.

It offers catastrophic care on drugs, and that is tremendously important. The expense of drugs is becoming more and more expensive as they become more and more sophisticated and more and more part of our health care plan.

This is a tremendously important step. Can we do more? Yes. But should we get into a bidding war? Should we turn this into an auction? No. We need to put this plan into place. It is a good plan. We can say it is a good first step; we can do more. This is the plan that we are working with, and this is the plan that I am very hopeful that we will retain our bipartisan support for.

Mr. Speaker, I rise in support of H.R. 4680, the Medicare Prescription 2000, which is a historic first step towards modernizing the Medicare health benefits that nearly 40 million senior citizens and disabled citizens of all ages rely on for all their health care needs.

Mr. Speaker, I have the honor of representing a congressional district that is home to the largest number of senior citizens and Medicare beneficiaries in America. So perhaps more than other member of this House, I am concerned about doing what is best for preserving and improving the Medicare program which has served seniors and the disabled so well for the past thirty-five years.

Is the current Medicare program perfect? Does the current Medicare program cover every service and meet every medical problem that seniors and the disabled have? We all know that it doesn't. No one knows better than I do, as Chairman of the House Social Security Subcommittee, that both the Social Security and Medicare programs need to be updated in order to be prepared for the large wave of baby boomers who will begin retiring soon. This Congress, and the last Congress and the next Congress have been grappling with the many competing ideas for modernizing Social Security and Medicare. There clearly is no consensus on what the silver bullet is for Social Security or for Medicare. What is clear is that I am committed to work with Chairman ARCHER and Chairman THOMAS and all my colleagues on the Ways and Means Committee and, indeed, all the members of this House to improve these two programs that provide security for the seniors I represent. What I would say to my colleagues who claim that H.R. 4680 isn't adequate, is that it is a very good first step. Let me be clear, however, this is just not just a symbolic first step—this bill will provide real prescription drug coverage for any senior who chooses it.

As a matter of fact, choice is one of the most important features of Medicare Prescription 2000. H.R. 4680 preserve's senior's choice on many different levels. First, I respect my seniors wishes to choose the coverage that is best for their individuals health care needs. I also respect individuals wishes to choose to not participate in one of these new Medicare prescription drug programs. Second, many of my seniors—over 150 of them—have taken the time to write and call me over the last month in order to let me know how happy they are with the prescription drug coverage and other benefits they are receiving through their Medicare+Choice HMOs. Mr. Speaker, this bill will respect their wishes to choose to remain in their Medicare+Choice plans. Third, this bill also protects the many retirees who have excellent retiree prescription drug coverage through their former employer. Finally, and most importantly, this bill gives seniors who want to participate the choice between at least two different prescription drug plans no matter where they live. Whether a senior lives in a large metropolitan area like the greater Miami-Ft Lauderdale-Palm Beach area or in the rural areas of Central Florida or in the Mid-West, every senior will be able to choose a plan that is best for them—not a plan that a government bureaucrat imposes on them and every other senior citizen in America. I, for one, do not believe, like the President's does, that the Health Care Financing Administration should make this choice for seniors. Under his plan, the President wouldn't give seniors any such choice. It would force seniors to choose between a government-run plan or nothing.

Another important provision of this bill is peace of mind for every senior citizen who fears that they and their loved ones could be faced with large drug bills reaching into the hundreds of thousand of dollars. The Medicare Prescription 2000 bill protects all seniors from catastrophic drug expenses—once a senior's drug costs exceed $6000 in a year, this plan will completely cover the rest of their drugs for the year. Unfortunately, the President's plan did not protect beneficiaries from these huge expenses until our Republican plan came out—now the President has agreed that this was a major oversight in his plan and has agreed to support it.

Mr. Speaker, this plan also has special provisions to make sure that low-income seniors will have all their drug expenses covered by Medicare. And this plan helps make prescription drugs more affordable for all seniors by ensuring that they get the same drug-price discounts that each of us enjoys when we buy drugs through our private health insurance plans. The Congressional Budget Office has calculated that my seniors will save at least 25 percent on every prescription they buy under our plan. Other experts estimate that seniors could save between 30–35 percent on every drug purchase.

I would like to close by saying that the Medicare Prescription Drug 2000 bill will help the many seniors I represent who currently have no coverage. Am I satisfied that this is all Congress needs to do to improve the Medicare? No, I am not. But I am satisfied that this is a good place to start—just as Chairman ARCHER and I have done in announcing the outlines of our Social Security Reform proposal. By announcing the Archer-Shaw plan, we have started a rush of excellent Social Security reform ideas and suggestions from both parties. I believe that passage of H.R. 4680 will engender the continuation of a similarly energetic debate on how to build upon this newly created Medicare prescription drug benefit. I urge all my colleagues to vote yes on Medicare Prescription 2000.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. TURNER), who recognizes that the American Medical Student Association and the American Network of Community Options and Resources both support the Democratic bill and oppose the Republican bill.

Mr. TURNER. Mr. Speaker, the House leadership has twisted the rules today so that we have only one choice: their bill or no bill. So let us talk about what their bill does.

First of all, it gives millions of dollars to insurance companies instead of giving it back to seniors in the form of lower prescription drug prices.

Secondly, the bill leaves out middle-income Americans. Middle-income Americans cannot get any help. All they are told is to go buy insurance. There are millions of middle-income Americans who are struggling to pay the costs of high prescription medications.

Thirdly, this bill simply rewards the pharmaceutical industry who has spent almost $100 million trying to be sure that this bill that is on the floor today is the only bill we have a chance to debate.

A group called Citizens for Better Medicare, formed by the pharmaceutical industry, has worked hard to be sure that this day arrives in the form that we have it.

Finally, the Republican bill lets the greedy HMOs decide what medicines seniors get. We believe seniors and their doctors should decide what kind of medications they get.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds. Mr. Speaker, I submit for the RECORD a letter from the National Alliance for the Mentally Ill. I initially said they supported H.R. 4680, which had been contradicted by the other side. And I believe the RECORD should show that the letter from the National Alliance for the Mentally Ill shows support for H.R. 4680. No number of denials will change the fact that they are in support.

Mr. Speaker, the letter reads as follows:

NATIONAL ALLIANCE
FOR THE MENTALLY ILL,
Arlington, VA, June 27, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On behalf of the 210,000 members and 1,200 affiliates of the National Alliance for the Mentally Ill (NAMI), I am writing to thank you for bringing forward the Medicare Rx 2000 Act (HR 4680). This legislation offers tremendous potential for assisting Medicare beneficiaries with severe mental illnesses who do not currently have access to outpatient prescription coverage.

As the nation's largest organization representing people with severe mental illnesses and their families, NAMI has long argued for the need to modernize the Medicare program and include coverage for outpatient prescription drugs. The past decade has seen tremendous advances in treatment for severe mental illnesses such as schizophrenia, bipolar disorder and major depression. This is especially the case with respect to new medications such as atypical anti-psychotic drugs for schizophrenia and selective serotonin reuptake inhibitors (SSRIs) for bipolar disorder and major depression. Unfortunately, the lack of outpatient prescription coverage within the Medicare program has left beneficiaries without access to the coverage for the treatment they need.

NAMI is pleased that both Congress and the President have made legislation extending an outpatient drug benefit to Medicare a top priority in 2000. As part of NAMI's advocacy on this critically important issue, we have set forward a set of key objectives that we believe must be a part of any legislation Congress acts on this year. NAMI was pleased to offer these policy objectives in testimony to the Ways and Means Committee earlier this year. On each of these criteria, HR 4680 appears to meet the pressing needs of Medicare beneficiaries living with severe mental illnesses.

Eligibility for non-elderly disabled beneficiaries on the same terms and conditions as senior citizens—NAMI is pleased that HR 4680 does not restrict coverage to elderly Medicare beneficiaries and requires plans offering prescription coverage to do so on a non-discriminatory basis during specified open enrollment periods,

Affordable premiums, deductibles and cost sharing requirements—NAMI is pleased that HR 4680 specifies uniform, community-rated premiums for all beneficiaries and allows those below 135% of poverty to participate at no cost (with subsidized premiums for those between 135% and 150% of poverty), 135% and 150% of poverty),

Adequate coverage for catastrophic drug expenses—NAMI is extremely pleased that HR 4680 includes a "stop loss" provision that will protect beneficiaries whose out of pocket cost exceed $6,000 per year,

Bar on the use of overly restrictive formularies—NAMI is strongly supportive of provisions in HR 4680 designed to prevent use of overly restrictive formularies that limit access to the newest and most effective psychiatric medications. NAMI is also pleased that HR 4680 requires a process for beneficiaries to access coverage for medically necessary non-formulary medications in cases where a physician determines that a formulary medication is not as effective.

Mr. Speaker, as you know, 5 million Medicare beneficiaries are people with disabilities under age 65 (13% of the 39 million Americans on Medicare). It is important to note that 30% of these 5 million Medicare beneficiaries are non-elderly people with disabilities have incomes below 100% of the federal poverty level and that 63% are below 200% of poverty. Further, it is estimated that a quarter of these non-elderly disabled Medicare beneficiaries have a severe mental illness. NAMI feels strongly that this legislation is critically important to their ability to access adequate coverage for their treatment needs. While no single Medicare prescription drug proposal meets the unique needs of each and every beneficiary with a severe mental illness, it is clear that HR 4680 addresses many of the key concerns that NAMI believes must be a part of any legislation Congress acts on this year.

On behalf of NAMI's consumer and family membership, we would like to thank you for moving this legislation forward. NAMI looks forward to working with all House members—on both sides of the aisle—and the Clinton Administration to ensure that Medicare prescription drug legislation is enacted in 2000.

Sincerely,

LAURIE M. FLYNN,
Executive Director.

□ 1545

Mr. STARK. Mr. Speaker, may I inquire of the time.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. STARK) has 1½ minutes remaining. The gentleman from California (Mr. THOMAS) has 4½ minutes remaining.

Mr. STARK. Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Iowa (Mr. NUSSLE), someone who has been extremely important in helping us shape the rural assistant portions of this particular legislation.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, as the chairman of the Rural Health Care Coalition, one of the first things that I looked at in the draft of this particular prescription drug bill was whether or not it provided seniors choice, whether it provided them access, security and affordability.

First of all, on choice, the seniors that I represent in Iowa, they want to know that they are going to have choices in this particular bill. They are tired of a one-size-fits-all government program called Medicare that tells them exactly what to do, when to do it, how to do it, and takes the decision making away from doctors. This bill gives them a prescription drug plan to choose from.

Second it provides access. In rural Iowa, one has a real concern about whether or not the local pharmacy is going to be involved. This particular bill gives them access to their local pharmacies.

Finally, security and affordability, all rural seniors will be guaranteed a prescription drug benefit just like they are guaranteed drug benefits under all other Medicare benefits, and that once they reach $6,000, they will be held harmless.

This is the bill for rural Iowa, for rural America. Please support this bill.

Support H.R. 4680 for two important reasons.

I. PRESCRIPTION DRUG BENEFIT

H.R. 4680 provides rural seniors with choice:

All seniors will have at least two different prescription drug plans to choose from.

Rural seniors have to rely too much on Washington bureaucratic "one-size fits all" solutions to their health care.

This bill provides rural seniors with the ability to adapt drug coverage to meet their individuals needs, not to adopt coverage dictated by bureaucrats that don't fully understand the uniqueness of rural health care.

H.R. 4680 provides rural seniors with access:

All rural seniors will have access to their local pharmacies.

Pharmacists play a vital role in the delivery of health care to rural seniors. This relationship will not be compromised under this bill.

Medicare must require plans to provide access to "bricks and mortar" pharmacies.

Seniors who choose to receive their drugs through the mail will still be able to under this bill.

Medicare will work to ensure prescription drug plans provide seniors with the balanced benefits of being able to both consult with their local pharmacist face-to-face and receive their medications directly in their mailbox.

H.R. 4680 provides rural seniors with security and affordability:

All rural seniors are guaranteed a prescription drug benefit, just like they are guaranteed all other Medicare benefits.

All rural seniors will have the security of full catastrophic coverage once their drug bills reach $6,000.

Because of the market-based approach, all rural seniors will be provided with negotiated drug coverage savings.

II. MEDICARE+CHOICE

The BBA took steps to provide rural America with health care choices. However, these choices have been slow in reaching rural communities.

Because the delivery of health care in rural areas tends to be more efficient and wage rates in rural areas are typically lower, the Adjusted Average Per Capita Cost (AAPCC), the measure at which managed care plans are reimbursed under Medicare, for rural counties is less than other counties. As such, rural areas have difficulties in attracting health care competition.

In order to alleviate the discrepancy in AAPCC payments, the BBA: (1) established a national floor payment, and (2) changed the formula used to calculate the AAPCC to a blended rate of 50% local cost and 50% national average.

Unfortunately, annual Medicare updates have not provided enough funding to fully fund the blend.

H.R. 4680 addresses these problems by: (1) raising the national floor payment to $450; (2) eliminating the budget neutrality factor to fund the blend; and (3) allows plans below the national average to negotiate for a higher AAPCC.

H.R. 4680 takes a good step in the right direction towards stimulating health care competition in rural America.

Mr. STARK. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Tennessee (Mr. CLEMENT). The gentleman from Tennessee understands that the National Senior Service Corps Directors Association and the American College of Nurse Midwives both support the Democratic bill and oppose the Republican bill.

Mr. CLEMENT. Mr. Speaker, I rise in opposition to the Republican prescription drug plan. First, there is no guarantee that these private insurance coverage companies will provide an affordable drug plan to seniors. Second, the Democratic plan that will not be considered today offers seniors a low, affordable premium. Third, the Republican plan would require seniors to shop around and find an HMO or insurance company to offer them coverage.

Mr. Speaker, under the Republican plan, the catastrophic coverage for seniors does not become effective until after $6,000 is spent while the Democratic plan is $4,000.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Michigan (Mr. CAMP), a member of the Subcommittee on Health of the Committee on Ways and Means.

Mr. CAMP. Mr. Speaker, yesterday, I received a call from one of my constituents; and he told me that he currently receives prescription drug coverage from his employer. He wanted to ensure that prescription drug coverage was available for seniors that do not have any coverage at all, but he did not want to give up on the coverage that he already has.

The bipartisan legislation that we are discussing today protects him and everyone. It allows seniors with coverage to keep their plan. It allows seniors without coverage to choose from two plans. Not only can they elect to receive prescription drug coverage, they can elect not to receive it if they do not need it.

Our seniors spend more than any other age group on prescription drugs. This legislation brings the benefits of marketplace and negotiating power to our seniors. By negotiating with pharmacies and manufacturers, plans will seek the best possible discount. In fact, according to the nonpartisan Congressional Budget Office, our plan, the bipartisan plan, is expected to result in twice the reduction in drug costs as the alternative.

I ask Members to support the bipartisan drug plan.

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in opposition to the Republican proposal for a prescription drug benefit for seniors.

Mr. Speaker, I rise today in opposition to the Republicans' proposal for a prescription drug benefit for seniors. The House leaderships' decision to block a Democratic proposal shows their unwillingness to discuss a real drug benefit for seniors. This stonewalling is a sham of the legislative process.

As we know, the Medicare program provides significant health insurance coverage for more than 39 million seniors and disabled beneficiaries. However, the program fails to offer protection against the costs of most outpatient prescription drugs.

Prescription drug prices continue to rise and the percentage of Americans over age 65 is sharply on the rise. Medicare is therefore in need of modernization and the addition of a drug benefit for all beneficiaries, regardless of income level or location. The Republican plan falls far short of addressing the reality of the problem that many of our seniors face. I oppose the Republican proposal for three chief reasons:

First of all, their proposal is based on the faulty premise that insurance companies will write prescription drug plans for seniors. The insurance industry admits that this private insurance model will not work and leaders in the industry deny that such plans will even be offered. Charles N. Kahn, President of the Health Insurance Association of American—a group comprised of 294 insurance companies—told The New York Times on Feb. 21, 2000: "I don't know of an insurance company that would offer a drug-only policy like that or even consider it." Mr. Kahn also comments that "Private drug-insurance policies are doomed from the start. The idea sounds good, but it cannot succeed in the real world."

Even if insurance companies write drug plans for seniors, there will be instability in coverage. It is well known that health insurers would use the system to move in and out of markets depending on their advantage, not seniors' health. We see many examples of such pullouts today. This is not right. The Republican plan stresses competition in an already-flawed private Medigap insurance market rather than adding a prescription drug benefit to Medicare.

Secondly, the Republican proposal is not affordable: This plan offers no defined benefit. It appears to specify only the "stop loss amount"—$2,100/yr, maximum limit on beneficiary out-of-pocket costs—while private insurers could define deductibles, co-pays, and benefit limits. Also, seniors would pay a $250 deductible. Furthermore, their plan would break up seniors into various private plans—if even written—and thus their bargaining power would be significantly reduced.

Finally, the Republican plan is not accessible to all Medicare beneficiaries: their plan fails to provide direct premium assistance for low- and middle-income Medicare beneficiaries. Any senior with an income above $12,600 will not have the assurance of lower premiums. This plan, therefore, does not protect against the risk of industry "cherry picking" and the negative selection of the sickest and disabled seniors. This is a Darwinian scheme where only the strongest survive.

Thus, I believe the Republican plan falls far short of providing a real drug benefit for our nation's seniors. The leaderships' denial to hear our alternative is a travesty.

I therefore rise in opposition to the Republican proposal.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume to bring this portion of the debate on our side to an end.

Mr. Speaker, we are denied, not only the last word, which I am sure the gentleman from California (Mr. THOMAS) will have, but we have been denied the opportunity to offer a bill.

Had we had the opportunity, we would of course have suggested that we spend more money, hundreds of billions of dollars more money to provide a seamless guaranteed dependable benefit to seniors who could have the unknowing security that the government would be there in the last resort if no insurance company showed up, to see that they got the pharmaceutical drugs at a reasonable price.

At a time in this country when we are so wealthy and when the surpluses are predicted to be many trillions of dollars, to me it is obscene to be sitting, offering to give away inheritance taxes and telephone taxes and taxes that nobody really cares about when we could be insuring our seniors, indeed we could be insuring our children and other folks in this country. But, no, this money is denied and is reserved for the wealthy few who would benefit from Republican tax cuts.

Oppose the Republican bill, please, and support whatever minor motion to recommit we are finally allowed.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Georgia (Mr. COLLINS), a member of the Committee on Ways and Means.

Mr. COLLINS. Mr. Speaker, I rise in support of this prescription drug bill for our seniors. It will be voluntary for our seniors. It will give them the freedom to choose as to whether or not to stay in a plan they may already be in or to choose this plan which they may need assistance for.

It will assist low income. It will also assist those who have high drug costs and catastrophic coverage. Others it will assist in a different way. It will help reduce the cost of drugs by having the administration deal with drug companies. It is very similar to the way we do with the Federal Employee Health Benefit Program, lowering the cost of those who have to pay the co-pay and those who would be between the low income and the catastrophic.

It is not a one-size-fits-all; that is for sure. I respect those who have the program or the plan that one size does fit all. But we must be aware of their plan, because of the back-end costs of their plans. We must be aware of the costs of any plan because, under the pay-as-you-go system, those who work today will pay the benefits.

It is not a perfect plan, but it is moving in progress, a work in progress.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this really is an opportunity for the House of Representatives to address a problem that, frankly, needed to be addressed for some time. The two plans have a lot in common, but I do think people need to understand that the Democrats' plan does not afford seniors choice.

The bipartisan plan, not only affords them choice, but requires at least two options in every area of the country.

The way in which we have structured our plan, the Congressional Budget Office says we save seniors twice as much as the Democrats' plan out-of-pocket. We provide pocketbook protection now. It is not true of the Democrats' plan because they wrote a plan to fit a budget window. Not until 2006 does their catastrophic or out-of-pocket protection plan really begin.

AARP, the American Association of Retired Persons, has said the bipartisan plan is in Medicare, notwithstanding whatever may be said on the floor today. The American Association of Retired Persons has said this is an entitlement regardless of whatever may be said on the floor today.

Most importantly, it provides seniors comfort and assurance that the bipartisan plan is a prescription drug benefit in statute. No amount of an attempt to confuse seniors should alter that position. This is in Medicare. It is an entitlement, and the benefit is in statute. Do not take my word for it. Take the word of the American Association of Retired Persons. Vote yes on H.R. 4680.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am pleased to give my full support to the bill before the House today, H.R. 4680, the Medicare Prescription Drug Act of 2000. This bill would provide for a universal, voluntary, and affordable drug benefit to Medicare beneficiaries.

I have been studying this issue for some time. In addition to the five hearings our Subcommittee on Health and Environment held on this issue, I worked closely with a group of my colleagues on the Committee on Commerce for months studying different models for delivering drug coverage to seniors that offer them choice and affordability.

Through this effort, a number of things have become clear to me. First, seniors want security, and they want choice. H.R. 4680 ensures that every Medicare beneficiary will have access to at least two choices of drug coverage everywhere in America. This proposal also provides, for the first time in the Medicare program, protections for those beneficiaries who have the highest out-of-pocket spending on drugs. True security is knowing one will not have to mortgage one's home or become Medicaid dependent because of one's prescription drug needs.

Second, HCFA's house is not in order and cannot be asked to take on the task of administering a new drug benefit. One example of problems we have experienced with HCFA in the area of drug coverage is its policy on coverage for self-injectable drugs. Prior to August 1997, HCFA covered self-injectable drugs when administered by a physician. In August of that year, however, HCFA issued a program memorandum to its carriers instructing them not to pay for drugs that can usually be self-administered, regardless of the patient's health condition.

As a result of this instruction, many Medicare beneficiaries lost coverage for drugs that had been previously covered. These were MS victims and people in the late stages of cancer who could not possibly be expected to inject themselves with a needle. I find this totally unacceptable and am pleased that this bill includes language to permanently correct this problem.

H.R. 4680 creates the Medicare Benefits Administration which will administer the new drug program as well as the Medicare+Choice program. I am not convinced that HCFA can be reformed to better meet beneficiary needs. More fundamental change is needed, a shift in the culture of the agency from one that micromanages benefits and administers prices to one that is more flexible, that adapts to changes in the marketplace, and has the expertise to negotiate with providers on behalf of Medicare beneficiaries. I believe the Medicare Benefits Administration is designed to meet beneficiaries' needs.

Third, many seniors have drug coverage today that they like and want to keep. A key feature of our plan is that it is voluntary, and it preserves the good coverage that many seniors have today. Our proposal encourages employers to continue providing coverage by giving them access to the new reinsurance pool for beneficiaries with extraordinary drug costs.

Mr. Speaker, Medicare needs to be modernized to reflect how health care is delivered today. By denying the seniors the types of choices we all have as Members of Congress, we are relegating them to a system of care that does not meet the high standards we want for ourselves, our staffs, and our families.

I have been in this institution for 20 years, and I have seen thousands of bills come up for votes, some small in scope, some large. Many of the laws we pass do not stand the test of time. Medicare is an exception to that rule. It has fundamentally shaped the way health care is delivered in this country and provides needed coverage for millions of seniors and disabled Americans. But the program is not keeping pace with the change we have seen in medicine. A pill or an injection has, in many instances, replaced the need for a surgeon to use his scalpel. This is amazing progress that should continue without our interference.

This bill is about more than drug coverage. It is about ensuring that the Medicare program continues to meet the needs of a growing number of elderly and disabled. It has my full support, and I urge all my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

☐ 1600

Mr. DINGELL. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, this "bipartisan bill" our Republican colleagues have put on the floor reminds me of a great story. A fellow went into a restaurant and asked for stew. He was delivered stew, and he said, "Oh, that's the worst I ever had. Where did you get it? What's the recipe?" They said, "It's easy. It's horse and rabbit stew." He said, "What is the recipe for it? It's the worst I've ever had." They said, "It's equal: one parts horse, and one rabbit."

Well, that is kind of what we have here: it is bipartisan. Three Democrats support this outrage, the rest of the Democrats oppose it. This is a Republican bill that our Republican colleagues have finally decided they would put on the floor after the pollsters told them that they are in serious trouble on their opposition to something that the people want and the people need and that is good for the country. That is what is at stake.

There is a very simple difference between the two bills. One is that the Democratic bill helps seniors to get insurance coverage. The Republican bill only offers to subsidize insurance companies, if they can find an insurance company that happens to want some more money.

Now, having said that, the Democratic bill also sees to it that senior citizens and Medicare recipients get their pharmaceuticals at affordable prices. The Republican bill gives money to insurance companies to maybe pay to pharmaceutical houses so that both can make more money, if they decide they want it. That is what is at stake here.

Now, man and boy, I have been in this place for a long time. I have never seen a worse process than we are confronted with today. The Speaker says how he would like this to be bipartisan. Well, so would we. But it is not. Apparently, however, our Republican colleagues want this to be a partisan process. But I am not surprised, because this has been going on this whole session, and it is not something that we have not seen before.

I would just make another little observation for the benefit of my Republican colleagues. I have watched my Republican colleagues, going back to 1935, when the Social Security bill was enacted. The Republicans opposed enactment of the Social Security Act, and they fought it for everything they were worth. My Republican colleagues also opposed Medicare. And by and large, with the exception of 68 courageous decent men, they opposed the Patient's Bill of Rights. They have also opposed universal coverage of people under health insurance, again something that is desperately needed.

So this is not new. What we are observing is the Republicans are again looking after their rich buddies and seeing to it that the people who need help are going to get nothing. And I will simply point out there are few who will draw any significant benefits under this piece of legislation. It is a sham, a fraud and an outrage; and it is almost as bad as the process under which we function today.

It is a sham, a fraud and an outrage; and it is almost as bad as the grossly unfair process under which we function today, a process which denies the people of the United States a vote on a meaningful bill which really meets the needs of our retirees, and which does not simply benefit insurance companies and pharmaceutical manufacturers.

Medicare is one of our most successful social programs in history. It insures more than 39 million disabled and senior Americans, and has drastically reduced poverty and improved the health of our elderly.

Over the years, Congress has enacted a number of additions to the program, including coverage for physicians' services and coverage of certain preventive benefits. Now the House is being denied an opportunity to debate seriously the most significant program change in recent time—the addition of a prescription drug benefit to the program.

The private insurance market was not willing to provide meaningful, dependable coverage for seniors and the disabled in 1965. That is why we created Medicare. Today, the private market is failing to provide seniors with adequate coverage for prescription drugs.

We all know the important role prescription drugs play in our lives, and they are particularly important for seniors or the disabled. Yet, three out of five Medicare beneficiaries lack dependable coverage. Those without coverage are forced to pay for medically necessary drugs quit of their own fixed incomes, and too many forgo medications that will keep them healthy, out of the hospital, and living longer, more productive lives.

What this Congress does with regard to a Medicare prescription drug benefit will have a profound impact on America's seniors and disabled. Unfortunately, the Republican leadership's prescription drug proposal would break the promise that Congress made to America's seniors and the disabled over three decades ago. Instead of providing an entitlement to a guaranteed, affordable, defined benefit, the Republican drug bill is a sham and a scam.

The Republican leadership's prescription drug proposal relies on private sector insurance companies to deliver a benefit. These are the same companies that failed to provide adequate health insurance to seniors thirty-five years ago, and the same companies that are saying now the Republican proposal just won't work.

For the first time in Medicare's history, seniors and the disabled would not be guaranteed access to a standard benefit. Instead, they would be limited to whatever private insurance plans decided to sell precription drug policies in their area. Private plans could vary their benefits, vary their cost-sharing, and vary their networks of pharmacies. There would be no guarantee that the particular drug plan a senior needed would be available to them, and there would be no guarantee that a drug plan that a senior picked one year would be available the next year.

Unfortunately, we will not be allowed to vote for a real benefit. The Democratic substitute would have provided a guaranteed, affordable prescription drug coverage for every single senior and disabled person in Medicare. Whether they live in Miami, Ohio or Miami, Florida, seniors would be guaranteed the same benefit at the same premium. The Democratic substitute would guarantee seniors and the disabled access to the medically necessary drugs their doctor prescribes, and it would guarantee that they could continue to get their medication from their local pharmacist. Finally, the Democratic substitute should provide sufficient subsidies so that the benefit would remain affordable to all. That is why the Republican leadership will not even allow the House to vote on our substitute.

Members of Congress don't have a choice before them today. We must reject a bill that would undermine all the principles that has made Medicare the most successful social program in history. And we will need to wait for another day, or another Congress, to vote for a package that provides a real Drug benefit in the Medicare program.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey (Mrs. ROUKEMA) for purposes of a colloquy.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time to have a colloquy with our colleague, the gentleman from California (Mr. THOMAS).

Mr. Speaker, as the gentleman from California knows, we have heard concerns from our States, several of them, like New Jersey, Pennsylvania, and Connecticut, regarding the potential negative interactions between State drug assistance programs and H.R. 4680, this bipartisan bill. Has the gentleman been made aware of this, and have the issues been resolved as we have presented them to the gentleman?

Mr. THOMAS. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from California.

Mr. THOMAS. I would respond that, yes, the issues have been resolved.

Mrs. ROUKEMA. Can the gentleman briefly describe them?

Mr. THOMAS. Yes, I can describe them.

First, we federalize the dual eligibles. We give the governors more than $22.8 billion in additional funds to spend in their States.

Second, the bill allows maximum flexibility to take current State programs and so-called wraparound or integrate them with the Federal program.

But most importantly the legislation creates a commission which is charged with developing a program to address these transitional issues. And it says in the legislation that the proposal must protect current program participants and the financial interests of the States involved. Those States, who on their own offer seniors Medicare prescription drugs should have a special handling to handle the transition with the Federal and the State program.

Mrs. ROUKEMA. I thank the gentleman for his instructions.

Mr. Speaker, another point that I would like made explicitly clear is ensuring that insurance providers will not pull out of an area, leaving seniors without any coverage. As you know, in New Jersey and other areas, HMOs participating Medicare Plus Choice have been leaving the program leaving many seniors without coverage. It is my understanding that under the bill, that at least two insurance providers must be available in each area. To ensure that at least two providers are always available, the government will step in and reimburse providers at a higher rate if necessary to make sure they are available to seniors. I would like reassurance from the Chairman that under this bill, seniors will not have to worry that HMOs will leave the program leaving them without any coverage.

Mr. THOMAS. Mr. Speaker, my answer to the Gentlelady from New Jersey is that this bill guarantees that at least two plans will be available in each area.

In fact, the Medicare Benefits Administrator would administer the program in a manner such that all eligible individuals would be assured of the availability of at least two qualifying plan options in their area of residence, at least one of which is a drug plan. If necessary to ensure such access, the Administrator would be authorized to provide financial incentives, including the partial underwriting of risk, for a PDP sponsor to expand its service area under an existing prescription drug plan to adjoining or additional areas, or to establish such a plan (including offering such plan on a regional or nationwide basis).

It would be written in the statute that all participating seniors will be guaranteed at least two plans from which to choose. I thank the Gentlelady for seeking this important clarification.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), who was denied, along with the rest of the Committee on Commerce, the opportunity to discuss this matter in committee through this irregular process.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

The bill the Republican leadership in this House has insisted on bringing to the floor today is a sham. It purports to provide drugs for the Medicare population. It does not. It purports to give seniors peace of mind that their drug costs will be covered. It does not. It claims to cover the drugs they need, and it does not do that.

Instead, it would allow insurance companies to establish restrictive formularies and use that as a barrier in the way of patients getting medically necessary drugs if those drugs are not on the formularies. It would not assure that Medicare beneficiaries could get their drugs from their neighborhood drugstore. It would not assure that coverage was available in every area of the country. Seniors in rural areas would be particularly likely to find no coverage is available to them.

What does the Republican bill do if it does not spend money to give seniors a drug benefit? It gives money to America's insurance companies. It tries to bribe them into offering an insurance policy that covers just drugs. The companies say they cannot cover just drugs. It will not be affordable, and it will not be available.

Evidently, our Republican colleagues still regret that we passed Medicare. If they had their way, they would design Medicare the way they have this drug plan: use taxpayer dollars to pay insurance companies, and then cross their fingers and hope the insurance companies will provide health care to America's seniors and disabled people.

No guaranteed benefit, differing premiums all over the country, no guarantee of affordability or availability and no accountability. America's seniors would not have wanted that from Medicare, and they will not be fooled by a sham plan for drug coverage now.

What we are seeing here is really about a difference between Democrats and Republicans on Medicare. Democrats know Medicare works. We do not want to throw it out. We want to make it better. We want to add to Medicare a real, defined, guaranteed prescription drug benefit.

We want a benefit that's available wherever you live in this country, whatever your income, whether you're sick or not, whether you're in traditional Medicare or in managed care.

Republicans want to go back to the days before Medicare and tell seniors to depend on private insurance companies.

It they are so sure that's the right way to go, why are they so afraid to let us vote on the plan the Democrats and the President want? Why are they so afraid of adding a real benefit to Medicare for all our senior and disabled citizens?

Mr. BLILEY. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health and Environment of the Committee on Commerce.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of H.R. 4680, the Medicare RX 2000 Act.

The addition of prescription drug coverage to the Medicare program is one of the most important things we can do this year. I am saddened, Mr. Speaker, by the strictly partisan and political debate that has arisen on this vital issue and by the efforts to continuously interrupt these proceedings with nonsensical procedural motions. This conduct reinforces my sincere belief that the Democratic leadership does not want to take real action this year on this issue, just like they failed to address the problem for over 40 years when they controlled the House.

This is a critical concern for seniors throughout the country, and it should not be reduced to merely a political issue or to one of spite. I am reminded of a debate in the 104th Congress when we worked successfully to save Medicare from bankruptcy. At that time the Democratic leadership exploited the crisis facing Medicare by engaging in demagoguery for political gain. The Washington Post editorial board rightly labeled them "Medagogues." Now they are playing politics with seniors in desperate need of prescription drugs. In the words of the Great Communicator, Ronald Reagan, "There they go again."

Many of the latest drug and biological therapies are targeted at preventing or curing diseases that affect senior citizens and persons with disabilities. However, the Federal health insurance program serving these individuals, Medicare, currently, as we know, lacks coverage for most prescription drugs and biologicals. As a result, one-third of Medicare beneficiaries have no drug coverage at all. The two-thirds of beneficiaries who have coverage have to obtain it through a variety of sources, often at considerable expense.

Last year, I introduced legislation to help the neediest and sickest seniors now. The bill before us, although not perfect, helps those seniors in greatest need and those who are the sickest and, thus, has my support. There is always room for improvement, but in the meantime, we can help the most vulnerable seniors now.

This bill includes provisions that I introduced with my colleague, the gentleman from Florida (Mr. SHAW), to ensure access to self-injectable drugs. Currently, Medicare part B only covers drugs that are furnished "incident to a physician's service." In August 1997, however, HCFA issued a memorandum to Medicare carriers stating that Medicare part B would not reimburse for any drugs that were administered incident to a physician's service, if the drugs were capable of being self- injected.

This memorandum, which reversed a previous policy of 30 years, does not take into account the health status of each patient. Many beneficiaries, including cancer and MS patients, are not able to self-inject their necessary medications, even if the drug is normally able to be self-administered. The provision included in H.R. 4680 guarantees the Medicare beneficiaries who are receiving lifesaving injectable drugs and biologicals will continue to have access to those therapies under Medicare part B.

It is also important that this reimbursement continue under Medicare part B because the physician's service must also be reimbursed. The bill before us will ensure that patients who cannot self-administer injectable drugs will be able to have those drugs administered by their physician and receive coverage under the Medicare program.

In closing, Mr. Speaker, I want to again emphasize that for 40 years the Democratic leadership, which controlled the House, did nothing to help seniors gain access to prescription drugs. The problem existed then as it does today, and yet they made little or no mention of it. This Congress is working to solve the problem on a bipartisan basis, and I urge Members to demonstrate their concern by voting for a bill which will help beneficiaries in need today.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. WYNN), to join the American Federation of Teachers in opposition to the Republican bill and in support of our bill.

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong opposition to this bill. It is a bad product of a bad process. They shut out the Democrats today from introducing the Democratic alternative, and now they have on the floor essentially a bad bill.

There are two ways to approach this. On the Democratic side, we have an expansion of Medicare, a guaranteed affordable benefit for all seniors who need coverage to help with prescription drugs. On the Republican side, we have a premium-driven system that basically is designed to benefit insurance companies.

Now, I will tell my colleagues why this is problematic. The benefit is not guaranteed. They have a higher deductible. They have a higher premium. As a matter of fact, we do not have a deductible. They have a $250 deductible. It is a bad idea.

We should not put this issue of prescription drug coverage in the hands of the private HMOs, and I will tell my colleagues why. We are already down here concerned about HMOs and are trying to pass a Patient's Bill of Rights, trying to get the right to see a specialist, trying to get the right for emergency care. The same people that are denying those fundamental rights are now going to be handling prescription drug coverage. I do not think that makes a great deal of sense.

I believe we ought to opt for the Democratic alternative and reject the Republican proposal and reject the Republican process.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD), a member of the committee.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to read from a letter I received recently from a 70-year-old widow who has been widowed for 14 years. She writes, "I am in pain daily, and I cannot correct this problem because of financial difficulty. I have stopped taking Prilosec, Zoloft, Lossomax, Zanax, and Zocor. I need these drugs filled monthly and simply cannot afford them. I also am in need of a pain pill, and I have not been able to purchase it. I have cried myself to sleep over this dilemma."

I think if this lady from my district were here today, she would cry to witness this process. Because over and over again Members from the Republican side of the aisle have stood up and talked about how to solve the problem, and over and over again Members from the Democratic side of the aisle have walked to the microphone with nothing more to offer than blasting away at the plan we have tried to put together in a bipartisan fashion.

We have been criticized for partisanship. Early last year the gentleman from California (Mr. THOMAS) and others put together, extended a wide invitation to Democrats to join Republicans to work out a plan. A few Democrats came over. Some of them have stayed with the bipartisan plan. Most of the others have been driven off by leadership, told not to participate with Republicans in writing a bipartisan bill.

Why? It has been obvious from day one. The plan is that the Democrats want power back, and they think the way to get power back is to stop everything that gets done in this House. And so my colleagues on the other side will say anything and do anything to do it, including denying senior citizens prescription drugs, including my constituent's prescription drugs. And she ought to cry herself to sleep over this process.

□ 1615

There is a heck of a lot more in common between these plans than there is different, and we ought to work on the difference.

What did the AARP say? "We are pleased that both the House Republican and Democratic bills provide a voluntary prescription drug benefit in Medicare, a benefit to which every Medicare beneficiary is entitled. And while there are differences, both bills describe the core prescription drug benefit in statute."

The AARP, the most respected seniors' organization in the country, says we ought to work together and stop fighting in a partisan way.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Louisiana (Mr. JOHN) for purposes of debate in support of this legislation, along with the American Association of People with Disabilities, who join in support of the legislation.

Mr. JOHN. Mr. Speaker, I rise today in order to express my frustrations with the consequences of the Republican plan.

Today the last Medicare Choice HMO servicing the seventh district of Louisiana announced they are pulling out. This is not the case unique to Louisiana's seventh district. This is the case all over America, especially in rural America.

In a few short years since inception of this Medicare+Choice, my seniors have been forced to change health services numerous times. The Republican prescription drug proposal would privatize prescription drug coverage in the same manner that Medicare+Choice privatized Medicare health care services. And this plan, too, is doomed to fail.

Why would the Republicans choose to model a failed plan that has failed seniors? A prescription drug benefit is important to all seniors, not just geographically where they are from.

The Democratic plan guarantees all seniors will have equal access to prescription drugs. The Democratic plan guarantees all seniors will pay the same for prescription drugs.

I urge all of my colleagues to join with me in opposing the Republican unrealistic plan and support the Democratic plan.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding me the time, and I rise in support of this legislation.

Mr. Speaker, most of our lives are regulated by the calendar and the clock. But if my colleagues come to my home and sit at my dinner table, they will soon find that it is the pill box that is both the calendar and the clock.

The reason is that my 93-year-old mother, who had to have one of her legs amputated, lives with us, along with my wife's 86- and 84-year-old father and mother. They have had major surgery, and one suffers from Alzheimer's.

So as my colleagues sit around our table, they will soon see that it is the pill box that tells us what day of the week it is and what hour of the day, because it is the medication that they must take that keeps them going. So I understand the importance of prescription drugs.

But these three senior citizens who are now members of our family, and we are so pleased to have them, have served over three-quarters of a century as public school teachers in our State of Georgia; and, as such, they earned the right as a part of their retirement to a medical prescription drug program.

One thing that is very important to them is that this Congress not force them to go into a program they do not want. Age and failing health have deprived them of many of their choices, and they want to retain this one to keep what they have.

But, also, one of the things that they are concerned about is that they have lived frugal lives on school teachers' salaries and they do not want catastrophic illness to wipe that out. I am pleased that our plan provides that kind of financial security for them.

So tonight, to Mary, to George, and to Ida Lu, this plan is for them. And do not forget to take your medication, by the way.

Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from California (Mrs. CAPPS) in support of the legislation. She is joined in support of this legislation by the American Association of University Women.

Mrs. CAPPS. Mr. Speaker, I rise to express my deep disappointment about the bill before us and this process, which does not even allow a vote on an alternative plan.

As a nurse, I would never shortchange seniors out of their prescription drugs. That is what this legislation does. It is an empty bill which will lead to empty pill bottles for seniors across this country. Simply put, this bill sells our seniors short.

Let us pass secure, affordable prescription drug coverage today for all older Americans, not a risky program that subsidizes private insurance companies.

I urge a no vote.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. LAZIO) a member of the committee.

Mr. LAZIO. Mr. Speaker, first I would like to congratulate the chairman of the full committee for his leadership in driving us toward a solution. I would like to also thank the gentleman from Texas (Chairman ARCHER) from the Committee on Ways and Mean. I would like to thank all my colleagues on the task force that helped put this together and, in particular, the gentleman from North Carolina (Mr. BURR) who worked so hard on this issue.

Without their leadership and vision, we just simply would not be here today with a bill that will improve the lives of millions of Americans.

Make no mistake about it. We have an opportunity for those who can just lift their eyes up a little bit higher to see to do the fair and right thing for millions of American seniors and disabled.

Mr. Speaker, senior citizens and disabled Americans are being squeezed between fixed incomes and rising drug prices. Every day many of them are forced to maybe a Hobson's choice between a flat line and the bread line, between paying for life-saving medications or next week's trip to the grocery, seniors like 62-year-old Diane, who worry about whether she will be able to keep a roof over her head when she retires in a couple years.

Well, why does she worry? Because Diane has an IRA, a small pension, a number of chronic conditions that include diabetes, high blood pressure, and a degenerative disk disease. Diane's $1,100 per month medication bill will effectively cut her take-home family income in half.

Mr. Speaker, these are the people who are in the fight of their lives to beat chronic and debilitating diseases. It is immoral to add monetary worries to their burden.

Seniors and disabled Americans deserve to live secure lives, to live secure in the knowledge that the drugs that will save them medically do not ruin them financially.

Mr. Speaker, we are now taking action to give them that security. The House bipartisan plan relies on the public-private partnership model that has proven so successful in the past. It is completely voluntary. It provides universal coverage to all Medicare beneficiaries who want it, senior citizens and the disabled alike.

It contains a provision that will prevent financial ruin and will save older and disabled Americans from being thrown into poverty because of unexpected medication costs. It provides incentives to private insurers to offer subsidized drug coverage to the seniors and disabled Medicare beneficiaries. And the block purchasing power created by these new private sector plans will allow discounts of up to 25 percent to be negotiated with drug manufacturers.

Mr. Speaker, for the last 12 years, the State of New York has had its own prescription drug plan. Yet, even a large State like New York cannot implement a program with the same economies of scale and savings that a national plan would provide.

Recent estimates show that between the years 2002 and 2008 this plan could save New York over $1 billion. Mr. Speaker, this is a good plan. It is a plan that helps our seniors and our disabled Americans but in a way that will not spawn bloated bureaucracies, budget-bursting spending, and Government waste.

Let us do the right thing. Let us pass this bill.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arkansas (Mr. BERRY). He is joined in his opposition to the Republican bill by the National Council of Churches of Christ in America.

Mr. BERRY. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

Mr. Speaker, this is a sad day in this House. The reason it is so sad is because the Republicans have presented us with not a bill, not a plan, but a sham that is so bad and so ugly that they do not even want it compared to anything else. We have not been allowed a substitute. We have not been allowed an amendment. And this is a sad thing for the Republicans to do to the good people of this country.

We have real people with real problems and real pain suffering every day because they cannot afford their prescription medicine. The Republican plan is nothing more than an attempt to deceive our senior citizens and protect the outrageous profits of the prescription medicine makers of this country.

It is a shame that we would allow this important debate to take place with no alternatives at all offered. I urge the defeat of the Republican plan.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. Kelly).

Mrs. KELLY. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise to enter into a colloquy with the gentleman from Florida (Mr. Bilirakis) if he is willing.

Mr. Speaker, access to affordable prescription drugs and health care coverage is a pressing issue for seniors in my district, which is why I support the Medicare Prescription Drug Act.

I recently introduced legislation, H.R. 4753, which will create Medicare Consumer Coalition Demonstrate projects under the Medicare+Choice program. These nonprofit, regional coalitions would boost seniors' purchasing clout by allowing large groups of independent beneficiaries to join together and, through market-driven negotiations, drive down costs.

I would ask the gentleman to review this legislation and to work with me to see that the concepts embodied in the Seniors Health Care Empowerment Act are incorporated into this and other Medicare reform initiatives that we consider in the coming months.

Mr. Speaker, I yield to the gentleman from Florida (Mr. Bilirakis).

Mr. BILIRAKIS. Mr. Speaker, I appreciate the gentlewoman bringing to my attention and to our attention the innovative legislation which she has recently introduced.

Consumer coalitions could serve a dual purpose by educating the beneficiaries who are negotiating for lower health care costs. I appreciate her comments on the legislation before us and on her legislation, which is an innovative concept. The proposal is certainly worthy of a close review, and I look forward to working with her on this subject in the coming months.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. Eshoo) to discuss matters which she was denied an opportunity to discuss in any appropriate proceeding in our committee.

Ms. ESHOO. Mr. Speaker, I thank the distinguished ranking member of the House Committee on Commerce for yielding me the time.

I want to underscore something today that I think at the base of all of this is enormously sad; and that is, for the people that are tuned in and listening, this indeed is the House of Representatives, the Congress of the United States of America, the freest nation in the world. At the heart of our democracy is debate. And yet, the majority of this House will not and did not allow one side to bring their idea to the floor of the house.

What are they afraid of? I can debate their idea. I do not support many parts of their plan. That is my prerogative on behalf of the people that I represent. I do not think insurance companies should be subsidized in order to bring about a Medicare drug prescription coverage for our seniors.

But I think the saddest part of this today is that they are afraid of our idea. Why be afraid of what this side could bring to the floor of the House?

In addition, I want to correct the Record. Democrats did do something. They established Medicare for the people of our great Nation.

Mr. BLILEY. Mr. Speaker, I reserve the balance of my time and suggest that the minority use some more of their time.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. Stupak) to discuss matters that he was denied the opportunity to discuss in this strangled proceeding in our committee.

Mr. STUPAK. Mr. Speaker, I urge my colleagues to reject this Republican non-plan for prescription drug coverage.

The Republican non-plan does not guarantee that seniors will be offered drug coverage. It does not guarantee that seniors in rural areas like I represent will have access to their medications from their local pharmacy or that they will have access to the medications they need.

Instead, the Republican non-plan provides a subsidy to insurance companies so seniors can continue to pay high prices to drug companies for prescription drugs.

Seniors do not want us to give a handout to the insurance and drug companies. They want affordable drugs now.

□ 1630

Let us stand with America's seniors. Let us support a real benefit for our seniors, not a cash benefit to the drug and insurance companies. This has not been a bipartisan day. The GOP majority will not even allow us a Democratic substitute or even a Democratic amendment to their bill. They will not even debate the merits of a prescription drug coverage policy for our seniors. That is why we have a nonplan before us. It does not guarantee us anything. It does not provide a benefit. It provides nothing for our seniors.

The SPEAKER pro tempore. Mr. Dingell.

Mr. DINGELL. Mr. Speaker, I believe it is customary to refer to a Member as the gentleman from Michigan.

The SPEAKER pro tempore. The gentleman from Michigan.

Mr. DINGELL. Am I incorrect in that, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Michigan is recognized.

Mr. DINGELL. I thank the Chair for observing the regular order.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. Green), since he was denied an opportunity to discuss this matter in our committee.

Mr. GREEN of Texas. Mr. Speaker, I thank my ranking member, the gentleman from Michigan (Mr. Dingell), for yielding me this time.

Mr. Speaker, I am surprised my Republican colleagues can get up the last couple of hours with a straight face and talk about their bipartisan bill. I rise in opposition to this prescription drug gimmick. It is not bipartisan. They even refused us an option to have a vote on an alternative plan. We should be putting the benefits in the hands of senior citizens and not in the hands of insurance companies. We should be providing a secure and reliable benefit instead of creating a new bureaucratic nightmare, a new Medigap policy for seniors to have to fight with. We should be building Medicare up and not tearing it down.

The Republican bill is flawed. It gives seniors the right to buy an insurance policy. They want prescriptions. They do not want an insurance policy. It allows the insurance companies to limit the number of medications it covers. It restricts them from using their local pharmacy. The Republican bill does nothing but get them past the November elections, but our seniors who built this country, who fought in World War II and the Korean War, they know this is a trick, and they are not going to be fooled by it.

The Republican bill costs seniors more each year and it gives them less. The deductibles can increase leaps and bounds. Our seniors deserve more than a voucher. We know this bill is bad for seniors. That is because it is supported by the pharmaceutical companies who are already charging them millions more than they should.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. Deutsch), to discuss matters he was denied an opportunity to discuss in our committee.

Mr. DEUTSCH. Mr. Speaker, the Republicans have been calling this the Medicare prescription drug legislation. I think it would be more accurately described as the anti-Medicare prescription drug legislation. Essentially, what this legislation would do is destroy Medicare. That is what it does. It changes the entire concept that Medicare has had for over 30 years in this country of a universal health care system. If one makes more than $12,600, they get nothing. So it is welfare for health. The incredible broad-based political support that we have for Medicare in America would be lost if this plan passes. What it also does is effectively creates a voucher system for anyone above that amount of income.

The author of this bill, the chairman of the Subcommittee on Health, has said that our accusations of saying that this is not part of Medicare are not true. Well, this plan is being created that has nothing to do with Medicare, and calling it Medicare does not make it Medicare. If we put the Transportation Department into Medicare, it still would be the Transportation Department. It would not be Medicare. I urge its defeat.

Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I would like to thank the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, for yielding me this time.

Mr. Speaker, I would like to share with my colleagues the position of the Fairness Caucus. The Fairness Caucus is committed to ending the regional disparities that exist with respect to Medicare today. The fact that seniors in some parts of the country are already receiving prescription drugs as a part of Medicare, at no premium cost, while seniors in other parts of the country have to buy prescription drugs with their own dollars, this is fundamentally unfair. People are paying the same amounts in regardless of where they live, but the benefits are different. We must end these regional inequities. The motion to recommit will have language making that commitment in an unambiguous way, and I urge that we support the motion to recommit.

Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, it is right that this body address the problem of prescription medications. It is far past time. I have worked on this issue since I came to this Congress. But as we do so, we must not make the mistake of perpetuating and exacerbating a fundamental inequity in the Medicare system right now. That inequity is this: although every single American pays into the rate at the same payroll rate, we actually receive differential benefits depending upon where we live, such that small urban, suburban and rural hospitals in my district are closing; people are doing without benefits while beneficiaries elsewhere in the country are receiving prescription drug benefits already.

This is wrong. The Republican bill is a placebo bill. It makes one feel good if they believe in it, but it does nothing of substance. We must redress the inequities in the AAPCC rates.

Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I urge Members to vote against this bill because this bill indeed does nothing for seniors in general but particularly for those who live in rural areas. There is a differential for those of us who live in rural areas. Already we have lack of access. This does not indeed provide any additional care for them. This puts into the system the differential that is there now. So I object to this bill because it is bad for rural America.

Mr. Speaker, I urge the rejection of this unfair, insensitive and closed Rule.

Under this Rule, the Democratic Substitute is not allowed. The Democratic Substitute would have provided a guaranteed prescription drug benefit, and that guarantee is vital to any prescription drug plan. Indeed, this Rule does not allow any Substitute. It is unfair, undemocratic and should be rejected.

We must make sure that our Seniors, especially those in Rural communities, are able to obtain medicines essential to a comfortable and pain free quality of life. Many Seniors do not have drug coverage, and they also do not have access to the discounts and rebates that insured people receive. Older Americans and people with disabilities, without drug coverage, typically pay 15 percent more for the same prescription drug as those with insurance. And, that gap is growing.

Uncovered Medicare beneficiaries purchase one-third fewer drugs but pay nearly twice as much out-of-pocket. Chronically ill, uninsured Medicare beneficiaries spend over $500 more out-of-pocket than those with coverage. This is true, despite the fact that these ill beneficiaries purchase fewer prescriptions than those with coverage.

Rural beneficiaries are particularly vulnerable. There is a Rural Differential that must be considered and that challenges us to construct a plan that benefits all Seniors. More than half of all Rural elderly live below 200 percent of the Federal poverty level. Rural Medicare beneficiaries are over 50 percent more likely than urban beneficiaries to lack prescription drug coverage for the entire year. Moreover, Rural seniors are less likely to have private Medicare supplemental insurance coverage than their urban counterparts—seventy-five percent to sixty-five percent. Rural seniors are far less likely to have access to Medicare-Choice Plans with drug coverage—seventy-nine percent to sixteen percent. And Rural Seniors will spend more out of pocket for prescription drugs than Urban Seniors—twenty-four percent of Urban seniors will spend more than $500, compared to thirty-two percent of Rural seniors. Therefore, any prescription drug legislation, before it can be said that it helps our Seniors, must contain certain basic benefits.

First and foremost, it must be affordable. The proposed legislation fails that test.

Next, it must be available. The proposed legislation fails this test.

Then, the benefits it provides must be set. There must be continuity in coverage. Again, the legislation fails this test.

And, finally, the plan must provide choice. The proposed legislation also fails this test.

While the proposed legislation fails each of these tests for most of our seniors in this Nation, as I indicated, it is especially brutal in its failure to address the needs of our seniors in Rural America. Proportionately, there are more low income senior citizens in Rural America than in any place else in the Country. The high deductibles, combined with the premium payments and the co-payments will discourage many seniors in Rural America from enrolling in the plan.

Subsidies, under the proposal, are provided to insurers rather than seniors, apparently with the hope that premium costs will be lower. That is false hope. And, that false hope is further found in the premise of the proposal that insurers will participate and that seniors will have access to prescription drug plans. There are insurers who choose not to participate in Medigap, and that is especially true in Rural America.

Mr. Speaker, we have a unique opportunity to help millions of our senior citizens with their critically needed prescription medicine. Far too many of our seniors are having to make a choice between the medication that they critically need and other basics, such as food and shelter.

With the essential elements I have described, we can construct a prescription drug plan that helps rather than hurts our seniors. Reject this rule.

Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the distinguished gentleman from Michigan (Mr. DINGELL) for yielding me this time.

Mr. Speaker, I oppose this bill because it fails to provide seniors in my district who are crying out for prescription drug relief with comprehensive coverage under Medicare. I favor a drug plan that is voluntary, affordable and reliable, one in which seniors feel secure and know that the Congress has not abandoned them.

I urge my colleagues to vote against this half-hearted effort and stand up for seniors by demanding a comprehensive drug benefit under Medicare now.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Michigan (Mr. DINGELL) for yielding me this time.

Mr. Speaker, President Harry Truman received the very first honorary card from President Johnson when Medicare was created. We need some Truman honesty about what this bill is about.

Charles Kahn, the president of the Health Insurance Association of America, a group comprised of 294 insurance companies, said this, quote, "we will withhold judgment on the House Republican bill until we see its details. Nevertheless, we continue to believe that the concept of a so-called drug-only private insurance simply would not work in practice," unquote.

I am the first to work in a bipartisan way around here on balancing the budget, reforming welfare, improving education; but a plan has to be given to me that will work.

This will not work. The insurance companies who are getting the subsidy even say it will not work. Mr. Kahn says wait until we see the details.

What is the copay? We do not know. What are the deductibles? We do not know. What are the premiums? We do not know. Let us sit down in a bipartisan way after we reject this plan and work for the senior citizens of this country to get a plan based on Medicare that will work.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, I thank the gentleman from Virginia (Mr. BLILEY) for yielding time to me.

Mr. Speaker, I too want to add my appreciation for all the hard work that the chairman has done in coming up with this very fine bill.

As I sat here and listened to some of the debate, I realized that talk is cheap but prescription drugs are not cheap. They are expensive and they are getting more expensive every day. Seniors need our help today, not 4 years from now, 6 years from now.

Some of us in Congress have been working together to develop a truly bipartisan plan because there is no role for politics or partisanship in this debate. There should not be.

The health and financial security of millions of our seniors are at stake. And, yes, we do need to tackle and reduce the cost of medicine, but not with a Washington-based one-size-fits-all program.

Every senior is a different person. Every situation is unique, and we must maintain a health care system that recognizes the sanctity of the personal doctor-patient relationship.

Our plan guarantees that every senior, in a big city or in a small town across America, has access to prescription drug coverage under Medicare.

Now, there are several benefits that are unique to our plan. First, our plan gives citizens the right to choose, the right of choice. Seniors will have a choice of at least two plans. Every senior has different health care needs, and that is why they may need different health care plans to choose from. What is more, our plan is completely voluntary, so if a senior likes the coverage they already have, they can stick with it.

Rather than enforcing government price controls, which some would argue in this body, our plan uses group buying power to reduce the costs of prescription drugs by as much as 25 to 39 percent. Millions of these seniors have benefited from these expanded choices and cheaper prices by banding together in private organizations like AARP. They get all the benefits of Washington-mandated price controls but without rules and regulations and choice limitations and inefficiency.

Seniors who already have that private coverage should also be able to keep it and not be forced into a big government plan. And our plan has always provided real protection from being wiped or having to file bankruptcy because of high prescription drug costs. Once a beneficiary under our plan spends $6,000 out of pocket, she pays not another dime for prescription medicines that year.

Our plan provides beneficiaries with this security and peace of mind while other proposals fall short. The Democrats tried to respond to this part of our proposal, but they have resorted simply to budget gimmickry. We offer this protection now and not in 6 years.

I invite my congressional Democrats to work with us. This should not be a Republican, should not be a Democrat partisan issue. It is an American issue. It is a senior issue.

I urge my colleagues to support this bill so we can give our seniors and the disabled the prescription drug coverage they need now.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Connecticut (Ms. DELAURO). She is joined in her opposition to this outrageous bill by the AFL-CIO and the UAW.

Ms. DELAURO. Mr. Speaker, a month ago the Republican leadership was told by their pollsters that if they did not at least start to sound like they cared about helping seniors with the cost of prescription drugs they would pay a heavy political price. That is why we are here today, saddled with a sham Republican prescription drug bill and a rigged process. The Republican proposal does not provide all seniors with an affordable Medicare prescription drug benefit. It benefits insurance companies. It is complex, takes the very worst from an already failing HMO system. If one needs a medicine that their HMO does not approve, their only recourse is to appeal to the insurance company. My God, we know that that does not work.

Today I was notified by an insurance company that offers Medicare+Choice HMO coverage to seniors in Connecticut that they are no longer going to be able to offer them coverage. Seniors know that they cannot rely on the HMOs, but the Republican leadership is building their plan on this crumbling foundation. The Democratic Medicare prescription drug plan is rooted in the Medicare program that seniors know and trust. It provides affordable, voluntary, dependable coverage, and a guaranteed benefit. It gives seniors security and dignity. Reject the Republican sham bill.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. LEE). She is joined in her opposition to this bill by Americans for Democratic Action.

Ms. LEE. Mr. Speaker, let me thank the gentleman from Michigan (Mr. DINGELL) for yielding me this time and just emphasize my very strong opposition to the Republican prescription coverage plan.

Mr. Speaker, this proposal really claims to help seniors, but in actuality all it really does is help insurance companies. This plan will not guarantee access to coverage, and it will limit seniors' choice of drugs and pharmacies. It could even raise costs for some seniors with medical problems. It is really a sham, and it is a disgrace that the Republicans would not allow a debate on a Democratic proposal which includes a full prescription benefits package including $21 billion in assistance to Medicare health providers and a $3.6 billion rural health package.

Why do we want to have our seniors to be subjected to have to deal with the HMOs and the insurance companies for their medications when these for-profit businesses have really been an impediment to quality patient care for our senior citizens? Our seniors do deserve better. Let us go back to the drawing board. Let us allow for a full debate, one that really does make sense, which will help all of our seniors ensure that they live a safe and sound, long, healthy life.

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Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I come to the floor on behalf of the seniors in my district who demand affordable, comprehensive, prescription drug coverage to ask what are you afraid of. Instead of debating this very serious issue, we are playing election-year politics with the health of our parents and grandparents, like my 94-year-old grandmother.

What are my colleagues afraid of? The only plan we will consider today throws money at special interests. It is a plan that subsidizes the very same private insurance companies that have fought our efforts to hold them accountable, and allows for pharmaceutical companies to continue their current price gauging.

What are my colleagues afraid of? My constituents demand an answer.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS), a member of the committee.

Mr. STEARNS. Mr. Speaker, in response to the last speaker, I hope she has a chance just to listen. I have here a letter from Governor Tommy Thompson who talks about this particular bill, and lauds the bill and says it is very important that Congress pass this bill.

I hope the gentlewoman from Wisconsin (Ms. BALDWIN) will take some time this afternoon and perhaps read what Governor Thompson says about this from her State. I would be glad, if the gentlewoman wants to, the gentlewoman can come up now, if she has an urgent need to read this letter.

Mr. Speaker, I say to the gentleman from Michigan (Mr. DINGELL) who is talking about bipartisanship, we have three times as many people who are going to vote for our bill than voted and supported the gentleman's bill that the gentleman called bipartisan last year dealing with managed care.

I think when we talk about bipartisanship, at least we have three times the weight of power to say it is bipartisan than the gentleman did.

Mr. Speaker, I rise obviously in support of H.R. 4680, the Medicare Prescription Act of 2000. Our plan is market based, this is the key, rather than relying upon a government-run program, like many of the Democrats have proposed time and time again.

My colleagues might ask themselves, why is this so important, because we know that one of the overwhelming components of any plan that we offer that it must provide individuals with choice. Joshua Hammond wrote a great book on the seven cultural forces that define who we are as Americans, and the number one item is choice.

Choice must be the centerpiece of anything we propose, and that is why as Republicans and some of the Democrats on that side who agree have joined us.

Our bill fosters competition by empowering individuals with buying power, and it encourages consumers to spend health care dollars much more efficiently than the Democrat plan.

Here is the key. It guarantees Medicare beneficiaries Nationwide that they would have access to at least two competing prescription drug plans. Let me repeat that, not just one, it is choice, but two competing prescription drug plans. To ensure that rural areas are not underserved, the plan must also offer local pharmacy access, insuring that drugs would be available for seniors in rural areas and not just through the mail.

Recently in the press, the human genome project has been all over the front pages. It has now completed its work. The medications that will come on the market in the future as a result of the scientific breakthroughs that will occur because of the genome project will be prodigious, those will be available to Medicare with the passage of this bill.

The real question my colleagues and our seniors should think about, here is what they are faced with. Who do they trust? That is the key question. Who do they trust with their prescription drug plan? Do they want to make their own choices and control the money that they spend, or do they want the government, the United States Government-run plan that leaves them without any say so on what works best for them?

Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I speak from Florida, and let me just say to my colleague from Florida (Mr. STEARNS), we are being hurt most by this, not one program left in your county in Marion County. This Republican bill is a slap in the face to every senior citizen struggling to pay for a needed medicine.

The leadership of this House does not support this bill, they never have. They do not support Medicaid. In fact, in 1995, they said they hoped it would wither on the vine. A zebra cannot change its stripes, Mr. Speaker, and the American people are not buying this sham.

American seniors deserve a program that works. This is a life-threatening situation. This is a hollow bill, vote no.

Mr. BLILEY. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Virginia (Mr. BLILEY) has 6½ minutes remaining. The gentleman from Michigan (Mr. DINGELL) has 12 minutes remaining. The gentleman from Virginia has the right to close.

Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), who is joined in her opposition to this outrageous bill by the National Medical Association.

Mrs. CHRISTENSEN. Mr. Speaker, I rise as a family physician who has taken care of seniors on Medicare and worked with them as they tried unsuccessfully to stretch their limited funds to purchase the medications they needed.

H.R. 4680 does not represent prescription coverage for all seniors, at best it is an initial misstep to jeopardizing Medicare completely through privatization.

The leadership of this body is doing a disservice by not even allowing the Democratic alternative to the floor for debate.

I ask my colleagues to reject H.R. 4680, and I ask our colleagues to work with us to give our older citizens the kind of help they deserve and the medication they need and support the Democratic proposal.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, any prescription drug benefit worthy of the name will provide a defined benefit as part of Medicare. It must be available to all seniors who wish to take advantage of it. The Republican plan does not measure up. It simply throws some taxpayers' money at some insurance companies in the hopes they will offer affordable coverage.

It just will not work. The national president of Blue Cross/Blue Shield recently said, "This idea provides false hope to America's seniors because it is neither workable nor affordable."

The Republican plan also defies logic. To get $1,000 worth of prescription drug coverage a senior would have to pay $1,070. Who is going to do that? Who wants to pay more to get less? Certainly not my constituents.

The 1.1 million Medicare beneficiaries in North Carolina deserve a real prescription drug benefit, and it is outrageous that through partisan maneuvering we were not even allowed to offer a substitute plan today.

Why are the Republicans scared of a vote? They must know we have a better plan, a real plan, and one that will help seniors get the coverage they need.

Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, in the dark of night, the Republican Majority's Committee on Rules voted for nothing for American seniors. However, I refuse today to add to their farce by voting again for nothing. I will not vote for this Republican bill that provides no prescription drug benefit for the seniors in my district.

I will not support the continuance of the travesty of seniors having money only to pay for rent and food and dying because they cannot pay for their needed prescription drugs. The Democrats have a plan that has no deductible, a plan that will allow a minimum premium of $25, and cover $2,000 of costs. In my own community, HMOs and health coverage insurance companies have jumped up and run out of town, or simply shut down. I will not condemn my seniors to dialing a phone number to some insurance company and there is a busy signal because that insurance company refuses to cover the costs of the prescription drugs. This Republican bill is a sham, vote it down and get on with the work we should do, provide a guaranteed drug prescription plan for America's Seniors as the Democrats' plan provides.

Mr. Speaker, I rise to respond to this newest attempt by the majority to mislead this nation's seniors into the belief that they are truly concerned about prescription drug coverage.

What the majority is proposing today fails as a legitimate response to the Democrats longstanding position that America's seniors need a comprehensive drug benefit.

Today, the elderly constitute 13 percent of the population, yet account for more than one-third of the nation's annual drug expenditures.

Since 1968, the percentage of seniors' expenditures on prescription drugs has risen from $64 annually to $848 annually which amounts to 4.1 percent of their incomes.

Additionally, despite the fact that 65 percent of the 39 million beneficiaries have some private or public coverage many still do not have adequate supplemental coverage for drug costs.

To address this gap in medical coverage for our nation's elderly, President Clinton proposed a Medicare reform plan, but at that time, the Republicans felt that addressing this issue was not politically expedient.

Yet, in light of the hotly debated Presidential and Congressional races, it appears that the Republicans have suddenly gotten religion!

This latest "revelation" by the majority is not even that, in fact, this bill is merely a revelation that the polls indicate it is politically necessary for Republicans to at least address the issue of prescription drug benefits, even if their bill is void of any real relief for this nation's seniors.

Senior and consumer advocates groups alike oppose the majority's Prescription Drug bill because it is fundamentally at odds with any meaningful prescription drug bill.

Groups like the National Council of Senior Citizens, the National Committee to Preserve Social Security and Medicare and Families USA, the National Senior Citizens Law Center, and the American Association of People with Disabilities oppose the majority's plan.

We must pay attention to this nation's seniors when they tell us that the majority's Rx 2000 Act risks the health and well being of not only seniors, but also people with disabilities.

It is particularly enlightening when the head of the Health Insurance Association of America even admits that the Republican's concept of a "so-called drug-only private insurance simply would not work in practice."

The seniors living in the 18th Congressional District of Texas located in the City of Houston want real relief from the high price of prescription drugs. They have always told me that you have to watch what someone does, not what they say, in order to know what kind of person you are dealing with.

Let me tell you what you are dealing with under the Republican plan because to hear it from their mouths one would believe that all this nation's seniors and the disabled would be provided with the prescription drug coverage they need . . . however, that is not the case.

The Democratic prescription drug plan is secure because it is part of the Medicare system. However, the Republican scheme relies on private insurance.

The Democratic plan provides comprehensive coverage through the Medicare program while the Republican scheme hopes the private insurers will provide these benefits. Can we really trust such a scheme that is based on the profit of big insurance companies that are in the business to make money without regard to affordability or reliability.

The biggest issue in the debate on a Medicare drug plan is how much will seniors be required to pay out of pocket in order to receive this benefit. Under the Democratic plan there is no deductible, while the Republicans want our nation's elderly to pay $250 a year. If the household were two elderly people than they would be expected to pay $500 a year in medical prescriptions before they earn their benefit to prescription medicines.

Under the Democratic plan, Medicare will pay half the costs of medicines up to $2000 and by the year 2009 Medicare will pay half of all prescription expenses for seniors up to $5000.

The Republican's will only pay half the cost of medicines up to $2100, increasing at the rate of inflation in drug prices. Under the Democratic plan you can see that the real meaning of catastrophic is understood to be a great often, sudden calamity, which ordinary people could not possibly plan to overcome without assistance.

For this reason, the democratic plan has a catastrophic benefit limit of $4,000, after which Medicare pays all costs. Unfortunately, the Republicans have a total life time limit of $6,000.

I am disappointed that the needs of seniors is not at the top of the House's legislative agenda for consideration of a bill that should have addressed the life and death issue of affordable prescription medication, especially for our nation's elderly poor.

Therefore, I ask that, my Colleagues on both sides of the isle use reason and right mindedness to find the best road to a real prescription for what is ailing our nation's Medicare System, which every American knows is affordable prescription medication for our nation's seniors.

Our nations' elderly have given to this nation the opportunity to successfully compete in today's ever-changing world, which has lead to great economic prosperity for all of us.

Now that our economy and our nation's people are in a position to reap benefits, that are far in a excess of our current needs, we should not hesitate to provide those benefits, which are needed by our nations disabled and senior citizens.

This is a small investment for our nation so that our society can benefit from a healthier senior population, which happens to be a vital and growing sector of our nation's economy.

It is a fact that the baby boomer generation who will be retiring over the next decade will be the wealthiest group of seniors in our nation's history. For this reason their long health and active participation as consumers in our nation's economy makes great economic sense.

I urge my colleagues to oppose this critically flawed semblance of a prescription drug plan offered by the majority and support meaningful prescription drug plans to improve the health of our nation's elderly.

Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, I rise in opposition to this proposal, as I did earlier today, as we have been doing all day long today. What has been happening to the American public is outrageous that, indeed, in fact, that the Republicans will propose today a bill that will actually cost us more in the long run, provide us less with prescription drug coverage and do a disservice to all of our seniors.

I ask all of our Members to vote no on the bill. I ask all of our Members not to even entertain any inkling of an idea that this will be good for our senior citizens, and I hope that all of us will be able to come back with a real bill for prescription drug coverage that will be part of Medicare, not part of a bailout for insurance companies.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, as Republicans deny us a chance to offer real prescription benefit under Medicare, I think of my mother and the millions of seniors like her across this country who may not understand Washington politics, but know all too well the every day struggle to buy their medications. Like so many seniors, my mother relies solely on her Social Security benefit, and yet her drug costs totals more than half of her monthly income.

Mr. Speaker, very simply stated, the Republican plan is the first step towards privatizing Medicare and denying Democrats the opportunity to provide the only real Medicare benefit.

Mr. WEYGAND. Mr. Speaker, I raise a point of order. I object to the use of this exhibit that is here. Pursuant to clause 6 of rule XVII, I object to the use of this exhibit by the gentleman from New Jersey (Mr. MENENDEZ).

The SPEAKER pro tempore. Under the rule, the Chair will put the question to the House. The question is: Shall the gentleman from New Jersey (Mr. MENENDEZ) be permitted to use the exhibit?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WEYGAND. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 48, not voting 15, as follows:

[Roll No. 352]

YEAS—371

Abercrombie
Ackerman
Aderholt
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers

Ehrlich
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Martinez
Mascara
McCarthy (MO)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—48

Allen
Baldacci
Barr
Bentsen
Bonior
Brown (OH)
Capuano
Clayton
Coburn
Cox
Danner
Davis (IL)
Deutsch
Dingell
Emerson
English
Evans
Ewing
Green (TX)
Hefley
Hooley
Hutchinson
Jackson-Lee (TX)
Kanjorski
Kelly
Matsui
McCarthy (NY)
McDermott
Meek (FL)
Mica
Miller, Gary
Mink
Murtha
Neal
Radanovich
Sherwood
Slaughter
Sweeney
Tancredo
Tanner
Taylor (MS)
Terry
Thomas
Tierney
Towns
Weldon (PA)
Weygand
Wu

NOT VOTING—15

Archer
Cook
Crane
Edwards
Filner
Goodling
Kasich
Maloney (CT)
Markey
McIntosh
Moran (VA)
Pelosi
Stearns
Vento
Waxman

□ 1718

Mrs. EMERSON and Messrs. COBURN, MICA, ENGLISH, BARR of Georgia, and TOWNS changed their vote from "yea" to "nay."

Ms. LEE, Ms. BROWN of Florida, Ms. ESHOO, and Messrs. GEJDENSON, HOLDEN, McNULTY, McGOVERN, PALLONE, DeFAZIO, MENENDEZ, GEORGE MILLER of California, JEFFERSON, RUSH, OWENS, LaHOOD, and PAYNE changed their vote from "nay" to "yea."

So the gentleman was permitted to use the exhibit in question.

The result of the vote was announced as above recorded.

PERSONAL POINT OF PRIVILEGE

Mrs. EMERSON. Personal point of privilege, Mr. Speaker.

The SPEAKER pro tempore (Mr. LaHOOD). The gentlewoman from Missouri will state it.

Mrs. EMERSON. Mr. Speaker, is that poster eligible to be displayed on the House floor? Can the Speaker answer my question as to whether or not the quote that is in poster form on the other side of the Chamber is going to be allowed in the Chamber here to be shown to everybody? Because if the Speaker is going to allow that, then I would like to make a clarification on one point in that quote.

Mr. KLECZKA. Regular order, Mr. Speaker.

Mr. FRANK of Massachusetts. Regular order.

Mrs. EMERSON. Point of personal privilege, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will suspend.

By the previous vote of the House, the exhibit will be allowed for the gentleman from New Jersey (Mr. MENENDEZ) to finish. He has 15 seconds remaining.

Mrs. EMERSON. Point of personal privilege, Mr. Speaker.

The SPEAKER pro tempore. The Chair will recognize the gentlewoman if she is yielded time, but there is no personal privilege involved here. This is a matter of debate.

Mrs. EMERSON. Mr. Speaker, was my name on the poster?

The SPEAKER pro tempore. By the vote of the House, just the previous vote, the House has agreed to allow the poster to be used.

The gentleman from New Jersey (Mr. MENENDEZ) is recognized to finish his statement before he was interrupted by the previous vote. He has 15 seconds remaining.

Mr. MENENDEZ. Mr. Speaker, the Republican plan is a cruel hoax that fails my mother and seniors across the country. We have one of the largest budget surpluses in our Nation's history, and Republicans would prefer to give it away in tax cuts to the wealthy. But that is not going to help my mother, and it is not going to help the millions of other seniors struggling to buy medications with only their Social Security check for income.

Vote against this unwise, unnecessary, and deceptive plan.

Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from New York (Mr. CROWLEY), in opposition to the bill, in which he is joined by the Service Employees International Union.

Mr. CROWLEY. Mr. Speaker, I rise in strong opposition to the so-called Medicare prescription drug bill of 2000. This legislation will not provide the necessary drug coverage for my constituents, like Don and Gertrude Schwartz of Long Island City. He is 89 and she is 84 years of age. Today they pay almost $400 for 100 tablets of Prilosec.

Mr. Schwartz writes, "Isn't that an outrageous price for a medication my wife will have to take on a regular basis?" Yes, Mr. Schwartz, it is. Unfortunately, his concerns will not be addressed by this legislation today. This measure will do nothing to assist middle class seniors like the Schwartzes, but then again, our Republican colleagues have never been fans of the Medicare program.

This legislation subsidizes insurance companies and threatens the stability provided to seniors by Medicare. I urge all Members to oppose this sham of a bill.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts (Mr. OLVER), who is joined in his opposition to this outrageous bill by the United Steelworkers of America.

POINT OF ORDER

Mr. WEYGAND. Mr. Speaker, I raise a point of order.

The SPEAKER pro tempore. The gentleman from Rhode Island will state his point of order.

Mr. WEYGAND. I object to the use of this exhibit, Mr. Speaker, pursuant to clause 6 of rule XVII.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 4680, all Members be permitted to use exhibits in debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. WEYGAND. I object, Mr. Speaker.

The SPEAKER pro tempore. The Chair did hear an objection.

The question is: Shall the gentleman from Massachusetts (Mr. OLVER) be permitted to use the exhibit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WEYGAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 326, noes 92, not voting 16, as follows:

[Roll No. 353]

AYES—326

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Bereuter
Berkley
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Cardin
Carson
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Kasich
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Morella
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Wilson
Wise
Wolf
Woolsey
Wynn
Young (FL)

NOES—92

Armey
Baker
Ballenger
Barr
Bass
Bentsen
Biggert
Bilbray
Bilirakis
Brady (TX)
Burr
Canady
Capuano
Castle
Chenoweth-Hage
Collins
Cooksey
Cox
Deal
DeLay
DeMint
Diaz-Balart
Everett
Fowler
Goss
Granger
Greenwood
Gutknecht
Hayworth
Hefley
Hilleary
Hulshof
Hyde
Isakson
Kanjorski
Kelly
Largent
Lewis (KY)
Lucas (OK)
McCarthy (NY)
Mica
Mink
Moran (KS)
Murtha
Myrick
Ney
Olver
Packard
Paul
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Radanovich
Regula
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun (KS)
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simpson
Souder
Spence
Stark
Sununu
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tierney
Toomey
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weygand
Whitfield
Wicker
Wu

NOT VOTING—16

Archer
Bateman
Cook
Crane
Dooley
Ewing
Filner
Gekas
Goodling
Kennedy
Maloney (CT)
Markey
McIntosh
Moran (VA)
Vento
Young (AK)

□ 1747

Mrs. MYRICK and Mrs. KELLY changed their vote from "aye" to "no."

Mr. TAYLOR of Mississippi and Mr. GEORGE MILLER of California changed their vote from "no" to "aye."

So the gentleman was permitted to use the exhibit in question.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair recognizes the gentleman from Massachusetts (Mr. OLVER) for 1 minute.

Mr. OLVER. Mr. Speaker, the Republican plan is designed to fail because it is a little more than a request for insurance companies and HMOs to provide insurance for prescription drugs for senior citizens.

But, in fact, those HMOs and insurance companies that would provide their plan have already made market decisions to abandon their Medicare HMO program and pull out of virtually every rural and semi-rural area all over America.

Why would they provide this plan? They have said that they will not. Republicans claim that their drug plan will provide choices for senior citizens, but their plan guarantees nothing. What would provide choice for seniors is a simple, straight forward, universal, guaranteed prescription medicine benefit that every American eligible for Medicare can choose. That would provide at least one more choice for every single American than they have today. Vote no on this sham plan.

Mr. BILIRAKIS. Mr. Speaker, I reserve the balance of my time for the same reasons I indicated earlier.

Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, the gentleman from Massachusetts (Mr. OLVER) is correct. What happened with this plan that is before us tonight is it will fail. It will fail because insurance companies are not capable of making sure that our seniors will have prescription drugs at the lowest affordable price.

Just 45 minutes ago, Mr. Speaker, I received this letter from United Health Care of Rhode Island that proved that very same point. They are pulling out of Bristol County, Rhode Island, and telling all of their subscribers they will no longer have coverage at the end of the year.

This is what this plan will do for our seniors with regard to prescription drugs. It will fail as soon as it is passed. That is why we should vote no on this bill.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. DINGELL) has 6½ minutes remaining. The gentleman from Florida (Mr. BILIRAKIS) has 6½ minutes.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentlewoman from Oregon (Ms. HOOLEY) 1 minute.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Oregon (Ms. HOOLEY).

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California for his parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, parliamentary inquiry. Is it permissible under the rules for a member of the minority party to present a chart and then a member of the minority party to object to the member of the minority party presenting a chart?

The SPEAKER pro tempore. The gentleman may object to the use of the chart if he likes.

Mr. THOMAS. Mr. Speaker, my understanding is that the Chair has ruled that, under the rules, a member of the minority party may object to another member of the minority party offering a chart.

The SPEAKER pro tempore. Any Member may object under the rule.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 4680, all Members be permitted to use exhibits in debate.

Mr. WEYGAND. Mr. Speaker, I object.

Mr. FRANK of Massachusetts. Mr. Speaker, reserving the right to object.

Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. FRANK) is not recognized. There was an objection.

The Chair recognizes the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, I object. I object.

I yield whatever time I may have to the gentleman from Massachusetts (Mr. FRANK).

Mr. Speaker, I reserve the right to object.

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Objections was heard. The question is: Shall the gentlewoman from Oregon (Ms. HOOLEY) be permitted to use the exhibit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WEYGAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California will state his parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, am I permitted under the rules, under parliamentary inquiry, to inform all members of the majority party that the leadership urges a no vote?

The vote was taken by electronic device, and there were—ayes 224, noes 191, answered "present" 2, not voting 17, as follows:

[Roll No. 354]

AYES—224

Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Barton
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Capps
Cardin
Carson
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Danner
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Dunn
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Foley
Ford
Frank (MA)
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilman
Gonzalez
Goodlatte
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Moore
Morella
Nadler
Napolitano
Neal
Ney
Nussle
Oberstar
Obey
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Phelps
Pickett
Pomeroy
Portman
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Talent
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Wolf
Woolsey
Wynn

NOES—191

Ackerman
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Bryant
Burr
Burton
Buyer
Calvert
Campbell
Canady
Cannon
Capuano
Castle
Chenoweth-Hage
Coble
Collins
Combest
Cooksey
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Knollenberg
Kolbe
Kuykendall
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCarthy (NY)
McCollum
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Mink
Moran (KS)
Murtha
Myrick
Nethercutt
Northup
Norwood
Olver
Ortiz
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (TX)
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wu
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Callahan
Wilson

NOT VOTING—17

Abercrombie
Brady (TX)
Coburn
Cook
Davis (FL)
Dooley
Ewing
Filner
Forbes
Gutierrez
Maloney (CT)
Markey
Martinez
Moran (VA)
Souder
Vento
Weldon (FL)

☐ 1813

Mr. SAXTON changed his vote from "aye" to "no."

Messrs. SNYDER, ADERHOLT, GEORGE MILLER of California, McDERMOTT, GALLEGLY, and CHABOT changed their vote from "no" to "aye."

☐ 1815

So the gentlewoman was permitted to use the exhibit in question.

The result of the vote was announced as above recorded.

Ms. HOOLEY of Oregon. Mr. Speaker, every senior in the United States that needs a prescription should be able to get it filled, no extra paperwork, no hunting around to find a private insurance company that might be so kind as to decide they are a good enough risk and sell them a policy.

Unfortunately, the bill being rammed through Congress today is all smoke and mirrors.

In this bill, who knows what the premium will be? We do not know. Who knows what the benefit will be? We do not know. Who knows what the co-pay will be? We do not know.

We have seen private insurance companies in the Medicare+Choice plan pull out of areas in Oregon. The insurance companies have said they will not be in this plan. Our seniors are demanding coverage through the tried-and-true insurer that has not failed them, and that is Medicare.

I want to make sure we take care of our seniors. I want to do it in a bipartisan way, but it is very hard to be bipartisan when we cannot get an amendment in, and we cannot get an alternative here.

I urge my colleagues to vote no on this sham of a bill and support real drug benefits for our seniors.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I only ask that my Republican colleagues be honest about the substance and the procedure here tonight. They are not giving us a Medicare prescription drug benefit, and they are not willing to work on a bipartisan basis. They have stopped us from bringing the Democratic plan to the floor, no substitute, no amendments.

All the Republicans are doing is throwing some money at the insurance companies hoping they will sell a drug-only insurance policy that the insurance companies have already told us that they will not sell.

Let us look at this from the point of view of the average American senior. That senior will benefit directly from the Democratic plan and they will get absolutely nothing from the Republican plan.

Seniors know what Medicare is. They get their hospitalization under Part A. They pay a monthly premium through Part B and they get their doctors bills paid.

What the Democrats are saying, very simply, is we will give them a prescription drug benefit in the same way. They pay a modest premium and the Government pays for a certain percentage of their drug bills. The Democrats give them the benefit through Medicare if that is what they want, it is voluntary, and it covers all their medicines that are medically necessary as determined by their doctor, not by the insurance company.

What the Republicans tell them is to go out and see if they can find an insurance policy to cover their medicine. If they cannot find it, tough luck. And even if they do find it, there is no guarantee as to what the monthly premiums are going to be or what kind of medicine they are going to get.

Lastly, Mr. Speaker, and just as important, the Republicans leave America's seniors open to continued price discrimination. We know that our seniors have complained to us about the high cost and about the discrimination, about the prices in Canada versus the prices in Mexico, or the prices that they pay for their pet.

The Republicans do nothing to prevent the drug companies from charging them whatever they want.

Mr. BLILEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. UPTON) a member of the committee.

Mr. UPTON. Mr. Speaker, I rise in strong support of the bipartisan Medicare prescription drug plan that we are now considering this evening.

No senior citizen should be forced to forego needed medication, take less than the prescribed dose, or go without other necessities of life in order to afford life-saving medication.

I have watched and I have heard stories and seen seniors literally cutting their pills in half so that they can make it last just a little bit longer and at a little bit less cost.

Helping provide this benefit is important. As I have had a whole wave of town meetings across my district earlier this spring, I can remember one man who brought a bag of prescriptions with him and he said, "Mr. UPTON, I know you are an optimist. Can you get this bill done in 2 weeks, because that is when this prescription is due and when I have to get it renewed?" And I pledged to him I would work very hard to try to get a bill through this House this year but, sadly, not within the 2-week time frame that he wanted.

As a member of the House Prescription Drug Task Force, I had several core goals, tests that this bill does indeed meet. First, I wanted to make sure that seniors are not forced into a one-size-fits-all plan run by a distant, faceless, Federal bureaucracy and all that means in rules, regulations, restrictions, and red tape.

Second, I wanted my constituents to have the same type of plan of choice that the President, all of us as Members of Congress, and the rest of the Federal workforce does. I want my constituents to have the ability that I have to select from plans that are competing for premiums on the basis of how well the restraining health care costs, providing access to high quality care.

I urge all Members to support this bipartisan plan.

Mr. DINGELL. Mr. Speaker, I yield the balance of the time to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

Mr. Speaker, I have an idea. What if Congress broke Medicare apart? Congress would tell seniors to look to the private insurance market if they want to piece it back together, the seniors could buy one plan to cover doctors' visits, another plan to cover hospital stays, a third to cover home health services. Perhaps they could purchase an Aetna plan for outpatient care, a Kaiser plan for physical therapy, a Blue Cross plan for medical equipment.

No one in this body, Mr. Speaker, would dare offer a proposal like that because it is simply absurd. But why is it any less absurd to isolate prescription drugs and require Medicare beneficiaries to carry a separate private insurance policy for that benefit?

If the GOP prescription drug plan is a back-door attempt to privatize Medicare, my colleagues should tell us so. If the goal of this Congress truly is to help America's senior citizens, this bill simply is not a real option.

Medicare came into being because half of all seniors could not get coverage. Medicare, a nationwide plan with a risk pool of 39 million strong, is a stable, reliable means of ensuring coverage for our seniors. Medicare works because it guarantees the same basic benefits to all beneficiaries regardless of where they live, regardless of their income, regardless of their social status, regardless of their gender. It is fair.

H.R. 4680 costs $40 billion. Yet, it offers Medicare beneficiaries nothing tangible. Think about the kind of questions seniors might have about this proposal: Will I be able to buy this new coverage? How much will it cost me? How much will the Government contribute on my behalf? Which drugs will my doctor be able to prescribe? Is this new benefit a good deal for me?

Under the Republican proposal, the answer to every one of these questions is "who knows." When we are allegedly addressing the single most important problem for millions of people in this country, that answer, Mr. Speaker, should get them fired.

Vote no on H.R. 4680.

Mr. BLILEY. Mr. Speaker, I yield the balance of the time to the gentleman from North Carolina (Mr. BURR) the distinguished member of the committee who has worked long and hard on this bill.

Mr. BURR of North Carolina. Mr. Speaker, while we have been here today to debate this bill, many Medicare beneficiaries across this country have taken their medication now for the third time. How long must they wait? The time is right today for us to solve this problem.

Look around us. Look at this Chamber, the power that exists here, the Members before us who have handled the legislation that is so important to the future of this country. I wonder if in the old Statuary Hall just down the hall from here if the words "sham," "hoax," "dangerous" were used when they debated legislation that we still look at today that affects our lives.

I do not believe they did. Because there was a spirit then that there were some things that rose above politics.

There were some things that were so important for future generations that it bypassed everything.

Thomas Jefferson said, "I am not an advocate of frequent changes in laws and institutions, but laws and institutions must advance to keep pace with the progress of the human mind."

It was a message to us. It was a message to America that we have an obligation to revise and update our laws and, importantly, this institution.

This is such an opportunity to take a 35-year-old program and to make an addition that technology has now made possible to be part of that.

Mr. Speaker, it is time for us to see the human face, the seniors, the disabled that qualify for Medicare all across this country that are waiting for us. They are waiting for us to devise a plan. They are waiting for us to create a benefit. I truly believe today that Republicans and Democrats are both trying to supply that benefit. But we have some very stark differences.

The President would like to administer this program through the Health Care Financing Administration. We want to do it through a new entity, not an entity that is bogged down with a system today that they cannot run but with one whose only responsibility it is is to administer and negotiate a drug benefit.

The President wants a one-size-fits-all. We believe that choice is important. Choice is important at HCFA today because they use private-sector insurance companies in Part A and Part B and they have the flexibility in each region to design that benefit to meet the needs of that region.

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Mr. Speaker, my mother deserves the passage of this bill. She is one of those seniors that takes quite a bit of medication. Thank goodness she is able to afford it. But she deserves it because she has reached that golden age; and just as much as she deserves it, my children deserve that whatever we do today they can afford tomorrow, and that is why it is so delicate an issue.

Mr. Speaker, this plan makes drug benefits available. It makes them affordable. They are voluntary. It has the security and predictability that seniors need. It has choice and it does not come from that face we know as government.

It will stand the test of time. It will stand the test of the cost; and more importantly, Mr. Speaker, it will stand the weight of a doubling of the senior population in America.

George Bush stood on the steps of this Capitol in 1988, and he said in his inaugural address, we are not the sum of our possessions. They are not the measure of our lives. In our hearts, we know what matters. We cannot hope only to leave our children a bigger car or a bigger bank account. We must hope to give them a sense of what it means to be a loyal friend, a loving parent, a citizen who leaves his home, his neighborhood and his town better than he found it.

Mr. Speaker, as we close in on July 1, the year 2000, the 35th anniversary of the creation of Medicare, I hope it is this body that passes that date, having passed a prescription drug benefit so for the first time seniors in America will have access to affordable drugs for their well-being.

I thank the gentleman from Virginia (Chairman BLILEY) for his help, the gentleman from Texas (Mr. ARCHER), and all the Members that were involved.

Mr. SANFORD. Mr. Speaker, I rise today, with great regret, to oppose H.R. 4680. It's been said that the road to hell is paved with good intentions. If you follow this debate on prescription drug coverage for Medicare beneficiaries you would understand that adage all too well. Throughout the debate, both Republicans and Democrats have tried to gain a political advantage in this election year by offering competing plans that would provide drug coverage. These plans, in the end, represent a bidding war for votes. So while I am the first to recognize the fact that many people need help with prescription drugs, I am not convinced that adding another element to the Medicare program that the Trustees say is going bankrupt is the way to get there. In particular, Washington's current proposals have two problems: 1. It does little good to add prescription drugs to Medicare if it still goes bankrupt, and 2. Both plans, particularly the President's leaves room for this "cure" to get much more expensive.

First, let's identify the problem. Today, one out of every three seniors does not have any prescription drug coverage. Compounding that problem is that prescription drug costs have increased an average of 12.4 percent annually, while overall health care spending has increased by 5 percent. The average senior spends $500 or less each year on prescription drugs. In looking at the proposals, you can see that they we are using shotgun rather than a rifle in our aim to fix this problem. The plans are designed to offer prescription care to all Medicare beneficiaries—including the millionaire widow living in Palm Beach—rather than just those who truly need it, low-income seniors without prescription drug coverage. It's important to focus because, despite current opinion, dollars are limited in Washington.

The House Republican plan is designed to implement a voluntary, market-oriented approach to prescription drug coverage, added as Medicare part D. The Republicans guarantee that each region of the country will have two competing insurance plans from which to choose. The insurance coverage includes a $250 deductible and require seniors to co-pay 50 percent of costs up to $2,100 each year. If a senior's drug costs go beyond $6,000 then the government and insurance pay all of the costs. The new program is projected to cost $37.5 billion over 5 years and $155 billion over 10. However, that projection includes a couple of unlikely assumptions—that there will be no growth in Medicare and that 80 percent of seniors will participate in this program.

Remember, only 33 percent of seniors have no drug coverage and only 28 percent pay more than $500 a year out of pocket. Under this voluntary plan, only seniors with little or no coverage and high prescription drug costs will sign onto this plan. Such enrollment is known as adverse selection and leads to high premiums. This legislation will, in the long run, force the taxpayers to pick up the cost of the increasing premiums. Taxpayers will also have to guarantee the profitability of the insurance plans. If you include adverse selection into the formula, the costs of this prescription drug legislation could go as high as $600 billion over the next 10 years. The financial risks of this bill are just too great. The prescription drug coverage proposal starts looking like the Medicare private insurance plans set up in the Balanced Budget Act of 1997. Many seniors signed up for those plans in the first year, only to see the plans close out the next year.

The President's plan presented different but equally bad options. His plan is optimistically estimated to cost $35 billion over 5 years and nearly $300 billion over 10 years. The prescription drug program would be a part of the current Medicare system, similar to Medicare part B. Monthly premiums begins at $24 and seniors would co-pay 50 percent of prescription drug costs up to $2,000. Premiums would go up to $51 a month for premiums and the ceiling is lifted to $5,000 a year. Again, the proposal is voluntary, so there would also be adverse selection—making premiums again, much more expensive than now advertised.

The problem with this plan is that, like all other portions of Medicare, the government gets to decide how big the benefit and whether or not you even get it. Seniors today can probably already relate to this. Since I came to Congress in 1995, more and more seniors tell me that they can not longer see their doctor simply because they have retired and joined Medicare. Today, Medicare pays 70 percent of what the private sector pays for the same procedure. Since the creation of Medicare in 1965, payments to providers have been cut 14 times, the net result is less access for patients. One can reasonably believe that the same will happen under a prescription drug program. Imagine Congress, trying to save billions of dollars sometime in the future, cutting prescription payments (cost controls) or taking expensive medications off the list of approved medications. The government should simply not be in the business of making those life or death decisions.

At the end of the day, I maintain that Congress and the President should implement a more comprehensive reform bill that gives seniors the power to design their health care coverage. They could choose the type of insurance plan they want, whether or not to have prescription drug coverage, and how much they are willing to share in the cost burden. Such a proposal was offered by the Bipartisan Medicare Commission Co-Chairs Representative BILL THOMAS and Senator JOHN BREAUX. The proposal would use the market place to make a more financially secure and less expensive plan for seniors. Perhaps when the dusts clears and November has passed, calmer heads will prevail.

Mrs. FOWLER. Mr. Speaker, the Medicare Prescription Act of 2000 is of particular importance to me as I represent hundreds of thousands of senior Floridians who are seeing prescription drug costs skyrocket out of control forcing many to choose between food and medicine.

We now have a tremendous opportunity to help millions of senior Americans afford the prescription drugs they need, without jeopardizing the Medicare benefits many already enjoy.

Our bipartisan effort offers the best prescription for America. We strengthen Medicare while providing prescription drug coverage.

More importantly—it is affordable, available, and voluntary for all.

Under this bipartisan plan—seniors will no longer have sticker-shock when paying for their medicine. For the first time, they will have meaningful bargaining power.

Unlike the Clinton/Gore plan—we give all seniors and the disabled the right to choose an affordable prescription drug benefit that best fits their need. They can choose a "Cadillac" plan or opt for a more affordable "Honda" plan—which ever they need.

We lower costs of prescription drug coverage through group buying power—not by having politicians or federal bureaucrats set their prices. This will reduce prices by an average 25 percent and up to 39 percent. The CBO even estimates we will save seniors twice as much than the Clinton/Gore plan.

Our plan also includes a cap on catastrophic drug costs. This cap on out of pocket expenses at $6,000 a year gives seniors peace of mind—no longer will they be forced to choose between bankruptcy and the drugs they need.

I urge my colleagues to support this important legislation.

Mr. BENTSEN. Mr. Speaker, I rise in strong opposition to H.R. 4680, the Medicare Rx 2000 Act, legislation purporting to provide a new prescription drug benefit for America's senior citizens. I believe that this bill is fatally flawed and should be defeated.

While Medicare has been a tremendously successful program in providing health care for senior citizens and a better quality of life, the rising use and cost of prescription drugs demands congressional action. Prescription drugs now account for about one-sixth of all out-of-pocket health spending by senior citizens. The percent of beneficiaries without coverage who cannot afford to buy their medicine is about five times higher than those with coverage (10 percent compared to 2 percent). Almost 40 percent of those over age 85 do not have prescription drug coverage. H.R. 4680 not only does nothing to address this crisis in health care but also cruelly raises the hopes of America's senior that this problem will be meaningfully addressed.

Specifically, Mr. Speaker, this plan subsidizes insurance companies and sets us on a path of privatizing Medicare. H.R. 4680 provides premium subsidies to insurers but does nothing to ensure that these premium subsidies are passed on to seniors. Moreover, private insurance plans have said that they will not offer this coverage. Scott Serota, acting president of Blue Cross & Blue Shield put it best when he said "The idea [a private sector drug benefit] provides false hope to America's seniors because it is neither workable nor affordable." Thus, the benefits offered are illusory and unstable, and the Republican majority know it. Moreover, even after these large subsidies, there are no guarantees under the Republican plan that seniors can afford to buy this coverage.

As a senior member of the House Budget Committee, I offered a meaningful prescription drug benefit during the markup of the fiscal year 2001 budget. At the time, Chairman KASICH and others committed this effort to devising a budget that sacrifices everything in the name of giving the largest possible tax cuts without doing anything to address the long-term needs of Social Security or Medicare. H.R. 4680 is the unfortunate offspring of budget language that the House Budget Committee adopted and that, at the time, I characterized as mere lip-service to the public's desire for a prescription drug benefit. The budget provision provided for a "$40 billion reserve" that, during the Budget Committee markup, was spent several times on prescriptions, Medicare reform, and debt reduction. Today, The Republicans are married to "$40 billion," an seemingly arbitrary number. However, actually the Republicans are putting tax cuts ahead of the needs of seniors.

Both during the budget process and throughout the 106th Congress, I have witnessed the Republican majority purposefully and effectively provide for tax cuts, particularly for the highest income bracket. When it comes to providing for meaningful relief for our seniors, we see this limp halfhearted political measure that in no way guarantees any prescription drug relief for our seniors.

I also believe that this procedure has not provided adequate debate about a critically important issue to 39 million Americans, our nation's senior citizens. Rather than allow an open and honest debate on how the Congress would provide for a prescription drug benefit for America's seniors citizens, the Republicans has scripted a closed rule limited debate, predicated on an arbitrary budget resolution, which they have shown a willingness, time and again, to violate when it suits their purposes. Unfortunately, both their flawed insurance subsidy plan and their desire to stifle debate in "The People's House" on a question of vital importance to nearly 40 million beneficiaries, indicates, once and for all, that responding to the needs of America's senior citizens does not suit the political purpose of congressional Republicans.

The Republicans have designed a flawed plan that delays implementation and limits catastrophic coverage to only those costs that exceed $6,000. Under their plan, if the government pays an insurer enough to create a plan where the premiums are not set too high by the insurer that someone can afford it, you still only get a benefit of about $1,000 less premiums and after that you are on your own until you reach $6,000. The Republicans know full well that a real, affordable, workable prescription drug plan costs more, but they are opposed to investing in this coverage for America's senior citizens.

During the drafting of the FY 2001 Budget Resolution, the Republican majority found room for $175 billion of tax cuts, primarily for upper-income Americans, but said that "if and when" a Medicare prescription drug plan could be developed it would have to be limited to $40 billion. There was no study, no scientific basis, no analysis that resulted in this $40 billion figure, rather it was a back of the envelope calculation to make room for the huge tax cut they wanted to fund.

Furthermore, during the markup of the budget resolution, I offered an amendment to restore funding for teaching hospitals, academic medical centers and other Medicare impatient costs. My amendment was rejected and I was told by the Republican majority that any changes to the Balanced Budget Act (BBA) of 1997 could be addressed out of the $40 billion set aside. I was also told that money could be used for Medicare reform. But, of course that's the same money that was supposedly set aside for prescription drug coverage.

Now we hear that the Republican leadership has promised to push legislation later this year to revise the 1997 BBA as it relates to Medicare providers to the tune of $21 billion. But, if we are to abide by the FY 2001 Budget Resolution and adopt the Republican's prescription drug plan, there will be no money left for a BBA fix. Clearly, the Republicans have no intention of abiding by the FY 2001 Budget Resolution so long as it does not serve their political purposes.

This is not a new phenomenon. History shows that when the Republican majority wants to violate the budget resolution, they do it with finesse.

Under the Balanced Budget Act of 1997, Agriculture programs were to be funded at $11.3 billion in 1999 and $10.7 billion in 2000. But, when the time came for Congress to live by these caps, the Republican majority, recognizing the harsh effects these constraints would have on America's farmers, abandoned them. Agriculture was funded at $23 billion in 1999 and $35 billion, more than double the BBA figure for 1999 and nearly three and half times the BBA level for 2000.

When the Republican leadership decided they wanted to spend more, not less, on highway construction, than provided for under the 1997 BBA, they busted the caps. So far, they have funded the Transportation at $40.6 billion in 1999 and $44.3 billion in 2000, $1.7 billion and $5 billion for each year respectively.

Again, when the Republican leadership wanted to increase funding for the Department of Defense, they did not let arbitrary restrictions, in place since the BBA of 1997, hinder them. They increased outlays over the prescribed BBA level for 1999 by $17.1 billion and, for 2000, by $14.5 billion.

Mr. Speaker, don't get me wrong. I do not dispute the need, at times, to adjust BBA caps when the need is justified. What I do challenge is whether the Republican leadership is really sincere about helping America's senior citizens. They found a way to finesse budget limits for national Defense, for highways and for our struggling farmers. These are all worthy causes, but why won't they work around the budget resolution for America's senior citizens? Why won't they do this for the generation that fought "The Great War" and built the nation? Why won't they do this for those we honored this past week, who fought the "Forgotten War" in Korea?

If the Republicans were really sincere about helping our seniors, they would not hide behind artificial budgets and stifle debate. They would allow the Democrats, who started this debate in the first place, to bring up our bill which provides for meaningful, voluntary, universal prescription drug coverage under Medicare.

Let us have the debate on what is best for senior citizens, even if it means debating a real drug benefit versus large tax cuts. But, let us have the debate.

I am strongly supporting the Democratic alternative legislation that would provide meaningful, comprehensive prescription drug benefits for our nation's senior citizens. The Democratic plan provides better benefits at a lower cost for the elderly. It includes zero deductible and a premium of $25 per month in 2003. It also includes subsidized premiums for low-income seniors who may have difficulty paying these premiums. The Democratic plan provides immediate coverage for prescription drugs starting in 2003, rather than the delayed implementation included in the Republican plan. The Democratic plan also provides better catastrophic benefits by limiting out-of-pocket expenses to $4,000, a full $2,000 lower than the $6,000 limit included in the Republican plan.

The Democratic plan would also provide $21 billion in relief to rural and urban hospitals, nursing homes, home health agencies, and other health care providers who have faced difficulties due to the reductions included in the Balanced Budget Act of 1997. In my district, many of the teaching hospitals at the Texas Medical Center are facing increased pressures to maintain their teaching mission in a time of lower Medicare reimbursements. This comprehensive plan would provide needed revenues to ensure that our health care system remains the envy of the world.

I am disappointed that the Democratic plan will not be considered today and for all of these reasons, I urge my colleagues to oppose this bill.

Mr. GILMAN. Mr. Speaker, I rise today in qualified support of H.R. 4680, the Medicare Rx 2000 Act. I urge my colleagues to carefully consider this issue in making a final decision.

Mr. Speaker, we are all fully aware of the explosion in costs for prescription drugs in recent years. This phenomenon has in part been linked to the rapid proliferation of the number of new drugs that have become available in the past decade. We are currently enjoying a period of revolutionary advances in the fields of medicine and medical technology. Yet, at the same time, a significant portion of our elderly population is unable to benefit from these new advances, due to the high costs that are associated with them. This is ironic, when one realizes that senior citizens are the primary group that these new advances are targeting.

One fact that has become increasingly apparent is that Medicare is woefully inadequate in meeting the medical needs of today's senior citizens. When Medicare was created in 1965, outpatient prescription drugs were simply not a major component of health care. For this reason, Medicare did not provide coverage for self-administered medicine.

Today's health care environment is vastly different from that of 1965. The majority of care is now provided in an outpatient setting, and dozens of new prescription drugs enter the market every year to treat the common ailments of the elderly, including cancer, heart disease, arthritis, and osteoporosis.

But while the health care environment has made remarkable progress since 1965, Medicare has stood in place. Consequently, most of my colleagues and I have heard from constituents who are now facing the dilemma of paying for these expensive new drugs while living on a fixed income. The individual who is forced to choose between food and medicine is no exaggeration. It is an all too common occurrence across the country. The high cost of prescription drugs have become a threat to the retirement security of our nation's senior citizens.

It is for this reason that I am pleased to see that the Ways and Means Committee has completed its work on a proposal to provide prescription drug coverage for Medicare beneficiaries. What concerns me, however, is the process by which this measure was brought to the full House for consideration.

Mr. Speaker, the decision to add prescription drug coverage will result in the greatest change in the Medicare Program since its creation. This is not something that should be done lightly or in haste. Given that, I have serious reservations about bringing such major policy-changing legislation to the floor for final passage less than 3 weeks after it was introduced.

With that said, I would like to comment on the positive points of the bill as well as to highlight some of my specific concerns with the legislation.

In my view, any proposal to offer prescription drug coverage under Medicare needs to contain the following characteristics to be voluntary, to have universal eligibility under Medicare, contain stop-loss protections to guard against catastrophic expenses, offer choices in the type of coverage provided, and remain a good value over time.

The proposal outlined in H.R. 4680 clearly meets these requirements. It differs from the administration's proposal in that it defines the scope of its stop-loss protections, and ties its benefits to medical inflation and the actual costs of the drugs, rather than the Consumer Price Index, H.R. 4680 also avoids a one-size-fits-all government-imposed solution by offering senior citizens a choice in the types of plans in which to enroll. In doing this, the government will guarantee that at least two plans will be available in every area of the country. Moreover, the proposal fully funds all costs for those enrollees below 135% of the poverty rate, and partially funds the costs of those up to 150% of the poverty rate.

In addition, this legislation also establishes a new agency, the Medicare Benefit Administration, to oversee the implementation of the plans. It further creates an office of beneficiary assistance and Medicare ombudsman to serve as a patient advocate, and mandates the establishment of a policy advisory board much like those for the IRS and Social Security Administration.

As I mentioned, I do have some reservations about certain aspects of this bill. The first of these is the matter of adverse selection. Simply put, this is the condition whereby most seniors in good health avoid signing up for a plan, leaving the majority of enrollees coming from the sickest segment of the population. If this were to occur, the premium and deductibles would have to be far higher than presently outlined.

The bill's sponsors reply that by covering part or all of the costs of those with incomes up to 150 percent of the poverty level, the proposal would ensure that there would be an adequate base of healthy seniors to offset the portion in greatest need of the benefit. This remains to be seen, and I believe that this particular aspect of the plan needs to be monitored closely.

I am also concerned about the viability of private insurers underwriting plans in areas where it is not profitable for them to do so. Recent experience with Medicare+Choice plans in my district have borne out this concern. In such cases, the government would step in as the "insurer of last resort," assuming a share of the risk as well as subsidizing the cost of offering service in a rural area. My chief concern with this is that it has the potential to become a costly venture for the government, where the private insurers deliberately hold out in order to secure a greater level of government funding.

In spite of these concerns, I firmly believe that this legislation is an important first step in providing a benefit to our senior citizens which is long overdue. The prescription drugs situation will not change on its own in the future. Rather, we will continue to see a flood of new revolutionary products hitting the market. However, there is a price to pay for innovation, as our recent experience has shown. In accepting this, it is important that we do not continue to fall into the trap in which we presently find ourselves—having new products that are too expensive for their target audience.

This bill is the first step towards correcting this problem. For that reason, despite my stated reservations, I intend to give it my qualified support. It is my hope that my concerns will be addressed in a future House-Senate conference on this issue. Should this not be the case, I will reconsider my future support when the final compromise language comes before the House.

Regardless of the final outcome, I will not support any legislation which, under the claim of reducing drug prices, denies doctors the ability to prescribe those medicines which they deem best for their patients simply to save money. This is exactly what has happened to the government-run systems in the United Kingdom and Canada.

The relationship between the doctor and patient is sacred and should not be tread upon—especially by any government bureaucrat. This issue is too serious for party politics, and, as I stated at the outset, I urge my colleagues to give it their careful and thoughtful consideration.

Mr. COYNE. Mr. Speaker, I rise today in opposition to the Republican Prescription Modernization Act and in support of the Democratic Substitutes. The Republican bill before us today does not assure all Medicare recipients access to affordable prescription drugs. Seniors have learned that they cannot rely on private insurance plans.

The Democratic Substitute is a true entitlement for Medicare beneficiaries and it would be administrated by Medicare. Under our bill, all seniors are entitled to defined premiums and defined benefits.

Under the Democratic Substitute, seniors are entitled to a prescription drug benefit with a $25 premium and no deductible. The Republican plan offers no defined premium and no fixed deductible. Both of these factors will vary from region to region and from year to year.

I urge my colleagues to vote against the Republican plan with its entitlements for the drugs and insurance industries. The Democratic substitutes is the only plan that entitles seniors to the benefits they deserve. The Republican plan is not an entitlement for senior citizens but an entitlement for insurance companies and pharmaceutical companies.

Mr. Speaker, for these reasons, I urge my colleagues to vote against this bill.

Mr. KNOLLENBERG. Mr. Speaker, I rise in strong support of H.R. 4680, the Medicare Rx 2000 Act, and urge its adoption.

We all know that American society is growing older and there is a lot of discussion about the best way to prepare for this reality. Despite the fact that older Americans make up only 13 percent of our population, this age group consumes more than one-third of the prescription medicines in our country.

The non-partisan Congressional Budget Office recently found that, in three years, the average senior will spend $2,075 annually on medication. Compare that to 1970, a year when surveys revealed that people over the age of 65 spent an average of $56 on prescription drugs. That equates to $247 in today's dollars, which is a mere fraction of the cost citizens are currently paying. This is a steep increase by any measure.

The bipartisan plan we have before us is eminently fair. It provides reasonable choices for consumers. Every consumer is guaranteed a choice of a least two prescription plans. We should reject the 'one size fits some' solution that some Members advocate. I think a recent New York Times (June 18, 2000) subtitle says it all: "Democrats' Prescription Plan Calls for 'One Size Fits All'—G.O.P. Offers Choice". The American people saw through this scheme in 1994 when they rejected the Clinton health plan and they do not want to see a repeat of this mentality.

The bipartisan plan ensures that our nation's neediest seniors receive prescription drug coverage. This vital safety net ensures that no one will be left without coverage.

The bipartisan plan fits within the framework of the budget resolution this Congress adopted. I sit on the Budget Committee and we responsibly set aside $40 billion specifically for a prescription drug benefit. In fact, I would remind my colleagues that substitutes offered by the Ranking Democrat on the committee, Mr. SPRATT, and the Blue Dog Coalition both offered $40 billion—exactly the same figure we are using today.

Some Members advocate busting the budget through a $100 bill scheme. Like every household, we have to live within our means, especially since we are at the dawn of the balanced budget era.

With all of the pomp and bluster of the prescription drug issue it is easy to lose sight of the bigger, more important issue: overall Medicare modernization. The bill we have before us is a nice step but we need to do more to address this critical issue. I look forward to the day when we turn our full attention towards saving and strengthening our Medicare system.

I urge a "yes" vote on the bipartisan prescription drug plan.

Ms. KILPATRICK. Mr. Speaker, I rise in opposition to the bill, H.R. 4680, the Medicare Drug 2000 Act. I am outraged and frustrated that my colleagues across the aisle gave us no opportunity to vote or debate our Democratic alternative. That is ironic when you consider the opposition likes to champion itself as the party choice; yet, we are denied the opportunity to vote for a different choice today. It is either the Republican plan or no plan. Can it be that they are afraid to have their bill measured against a more affordable and comprehensive prescription drug proposal that Democratic Members sought to offer but were denied by the majority? The Republican plan cannot stand up to the rigors of a full, fair and honest debate.

I oppose the legislation not only on procedural grounds, but for reasons of substance as well. I believe that a prescription drug benefit under Medicare must adhere to three principles: the benefit must be universal, it must be comprehensive, and it must be affordable. The Republican proposal fails on all three times tests.

This bill lacks universality. I believe a Medicare prescription drug program should be available to eligible senior citizens or disabled persons from Michigan to Maine, from Oregon to Ohio, from Alaska to Alabama. This bill does not guarantee prescription drug coverage for all Medicare beneficiaries at an affordable price. It is restricted to only those who can afford to purchase private market drug plans.

The Republican plan lacks a comprehensive package of benefits. My Republican colleagues point out that their plan is not a "one size fits all" plan. That is a cliché without meaning. I would suggest it is important to define by what "one size fits all" means. If one size fits all means a comprehensive set of pharmaceutical products, then I am for it. If one size fits all means that new drugs become available to everyone then I am for it. If one size fit all means that the prescription drug program is responsive to the needs of our severely disabled, then I am for that, too. The Republican plan is far from comprehensive.

The Republican bill creates a multi-tiered system of coverage with the lowest beneficiaries limited to bargain basement plans. The Republican plan subsided private health insurance companies to offer "Medigap-like" policies providing prescription drug coverage to Medicare beneficiaries. Even the president of the Health Insurance Association of America (HIAA) has said that private insurance companies will not offer these drug policies because they do not want to assume the financial risks.

Although the bill contains no set deductible or premium, it is guesstimated by members of the Ways and Means Committee that seniors will pay a $250 deductible and a monthly premium of $37 to $40—a total of $700 off the top of modest budget as the price of admission for the benefit. The only way to make an affordable prescription drug coverage for all beneficiaries is to establish a prescription drug benefit administered by the Medicare program—just like benefits under part A and part B of Medicare. We need only look at Medigap insurance premiums costs seniors are charged for prescription drug coverage. Depending on the state, drug coverage can be more than $100 per month for a person 65 years of age and more than $200 per month for a 75-year old. This plan for fails to meet the test of affordability.

Another glaring defect of the Republican plan is that the benefits are not guaranteed. Medicines may be limited by private plans, and pharmacies may also be limited. Private insurers could discourage seniors with high drug costs from enrolling by offering plans that have few up-front costs such as no deductible and low co-payments but leave seniors paying a large amount before the $6,000 catastrophic threshold kicks in. Under the GOP bill, Medicare would not provide a single dollar of direct premium assistance for middle-class beneficiaries whose income is above $12,000 a year. The bill subsidizes the insurers under theory that the private sector offer drug benefit coverage at significant cost savings. Given the meager subsidies, it is very likely that the premiums would still be too expensive for many seniors.

The Republican plan is all bread and no meat, a false promise to our senior citizens. The plan undermines the Medicare program by contracting out the program to private insurers who will repeat corporate subsidies and produce very little for the health security needs of the nation's seniors. What the Republicans are asking us to do today is "buy a pig in a poke." Frankly, that's not good enough for us and it's not good enough for our senior citizens.

We live in a special time in our nation's history. We are experiencing recorded economic growth and generating budget surpluses that are without precedent. The President's Mid-Session Review reported that budget surpluses over the next 10 years will total $4.2 trillion, a $1.3 trillion increase from the 10-year surpluses estimated in the President's budget issued last February.

We have no modern day record to guide us through this period of economic prosperity. Even in era of record budget surpluses and economic growth, I recognize the importance of keeping a watchful eye on the bottom line. At the same time, we have the resources to fund a reasonable prescription drug benefit that is universal, comprehensive and affordable. The Republican plan fails.

I urge my colleagues to joint me in voting against this bill.

Mr. WATTS of Oklahoma. Mr. Speaker, today I rise in support of H.R. 4680, the Medicare Prescription Drug Act of 2000. The Medicare program provides significant health insurance coverage for 39 million aged and disabled beneficiaries. However, the program does not offer protection against the costs of most outpatient prescription drugs. This has created a critical need for a significant drug benefit.

However, the potential cost of adding prescription drug coverage has been the primary impediment to its implementation. In response to this, Republicans have unveiled a plan to strengthen Medicare and provide prescription drug coverage for all senior citizens and disabled Americans, including those in rural areas. It focuses on three key principles: coverage will be affordable for all, available for all and voluntary for all—regardless of income or location.

In Oklahoma and other parts of rural America, health care is a matter of access. The Republican plan offers protections for seniors in rural areas by guaranteeing availability of at least two drug plans in every area of the country and requires convenient access to pharmacies.

The Republican plan utilizes a public-private partnership to let seniors choose the right coverage from several competing prescription drug plans, or to keep their existing coverage. The plan also protects seniors from high out-of-pocket drug costs, without resorting to price-fixing or government price controls.

We want to give individuals the power to decide what is best for them and choose the prescription drug coverage that best meets their needs. Therefore, I urge my colleagues to vote in favor of the Medicare Prescription Drug Act.

Mrs. MALONEY of New York. Mr. Speaker, today I rise in opposition to the Republican prescription drug plan. I want to make very clear that the 2 plans are strikingly different.

As co-chair of the Women's Caucus I want to stress the importance prescription drug coverage to older women throughout the country.

The average income for a woman over the age of 65 is just $14,820. Thus the Republican Leadership's prescription drug plan, which has proposed only a 50 percent decrease in drug costs, is still unaffordable to most older women.

Additionally, the suggested prescription plan's catastrophic coverage is not initiated until the beneficiary's drug costs have reached $6,000. This obviously does not provide seniors with the safety net they deserve given their limited incomes.

Furthermore, prescription drugs are now the largest out-of-pocket health care expense for America's seniors. On average, America's seniors fill 18 prescriptions each year, and nationally, spending on prescription medications increases 15 percent annually.

But even more disturbing is the growing evidence that many of America's major drug companies are engaging in a deliberate pattern of price discrimination.

Many seniors, without drug coverage, are being forced to pay prices that are significantly higher than those charged to other customers, such as large HMOs.

I was so concerned about this problem that I had the staff of one of the committees I serve on work with my staff to study the problem of drug pricing in my own district. And what they found shocked me.

First, they discovered that seniors in Manhattan without prescription drug coverage—and that is about three-quarters of today's seniors—pay two and a half times as much for certain prescription drugs as other consumers, such as members of large HMOs.

The study looked at the five best-selling prescription drugs and found that, in each case, seniors in my district pay more than twice what other consumers pay.

In one instance—the cholesterol medication Zocor—seniors in my district pay four times what consumers in HMOs pay.

In addition, they took a look at the prices American seniors pay and compared them to the prices that seniors in Mexico and Canada pay. In some cases, they pay seven times what consumers in other countries pay.

The conclusions of both studies were clear: drug companies are gouging America's seniors only to increase their own profits.

No senior should ever have to choose between buying needed prescription drugs and putting food on the table, or heating their homes, or having a decent retirement.

But with what drug companies are charging these days, those are the choices many seniors face without prescription drug coverage.

Prescription drugs prolong the lives of thousands of women and men each year. Enough is enough. Congress needs to produce a prescription drug plan that actually help seniors. America's seniors deserve better than this.

Mr. DIXON. Mr. Speaker, today I had hoped to have the opportunity to vote to create an affordable, workable prescription drug benefit for Medicare beneficiaries. Unfortunately, I was not given that opportunity by the House leadership. The only bill before us—the Medicare Rx 2000 Act, H.R. 4680—will not offer seniors the kind of protection against rising drug costs that they deserve.

While both Republicans and Democrats may agree on the need for a Medicare drug benefit, we disagree about important details such as affordability and reliability. I am disappointed that the Republican leadership has chosen to prevent the Democrats from offering our prescription drug plan as an alternative to their own during today's debate. An issue as serious as the availability of prescription drugs for seniors requires an open debate that explores all competing proposals.

I support the Democratic plan, H.R. 4770, which would create a voluntary, affordable prescription drug benefit in Medicare. The plan features inexpensive premiums and catastrophic coverage for drug costs over $4,000 annually. This is the type of plan my constituents have been asking for.

The Republican plan, in contrast, invites private insurance companies to offer drug-only plans to Medicare beneficiaries. There is no guarantee that private insurers would even want to offer these types of plans or that they would be affordable. In fact, the Health Insurance Association of America has said that drug-only plans are unworkable. Under the Republican plan, premiums will vary and catastrophic coverage would not begin until an enrollee reached $6,000 in yearly costs.

I will vote against H.R. 4680 because it does not provide the guaranteed, affordable Medicare drug benefit that my constituents need. I urge my colleagues to vote against this ill-advised bill so we can work together to craft a bipartisan prescription drug proposal that truly works for America's seniors.

Mr. BUYER. Mr. Speaker, I rise in support of the measure to provide prescription drug coverage to our seniors and disabled with Medicare coverage.

When Republicans took control of Congress in 1995, Medicare was going broke. Because of the bipartisan actions taken in 1997, the Medicare program was preserved. Now, we are in a financial position to enhance Medicare, by adding a prescription drug benefit.

Mr. Speaker, seniors should not have to choose between buying food and buying prescription medicines. This bill, H.R. 4680, will give Medicare beneficiaries access to prescription drug insurance plans that negotiate lower prices and comprehensive coverage, something many seniors now lack.

Fortunately, near two-thirds of seniors have access to prescription drug coverage, most of which is provided as a retiree benefit from a lifetime of working. Seniors who prefer the coverage they have now should not be forced into a government run plan. But this is exactly what the President and the Democrat plan would do. If the President's plan were enacted, between 50 percent to 75 percent of employers would drop their coverage . . . coverage that many seniors like.

This plan, H.R. 4680, guarantees seniors choice on the type of prescription drug coverage that best suits their needs. All seniors will have at least 2 plans to choose from. The measure provides incentives for plans to be offered in rural areas and requires access to a "bricks and mortar" pharmacy. As a member who represents a rural constituency, I am pleased that this bill takes special care to see to the needs of seniors in rural America.

It is the senior who will decide what elements in a plan make sense for their situation. The President gives seniors one option, one benefit . . . take it or leave it.

H.R. 4680 provides subsidies for low-income seniors, just like the President's plan, and its also provides assurance that no senior would have to go bankrupt in order to pay high drug costs, unlike the President's original proposal. It guarantees that above $6,000, no senior would pay a penny more out-of-pocket. This catastrophic drug coverage is an extremely important provision.

The Republican plan also begins structural reforms in Medicare. It creates an ombudsman to advocate on behalf of the beneficiary, and not the bureaucracy. The ombudsman would help beneficiaries navigate Medicare's requirements. It reforms Medicare rules regarding appeals to eliminate the endless waits for decisions.

Under the President's plan, the government would become the largest HMO . . . deciding what drugs you can receive, and when you can get it. Like Canada, the President's plan would result in rationing of drug treatments, more hospital stays, and a lower standard of health care of our seniors.

This is a bill that provides access to affordable prescription drugs with a choice of affordable plans to meet the beneficiary's needs. This coverage is delivered in a way to protect the doctor-patient relationship. It does not compromise seniors' access to modern miracle medicines and ensures that research and development into new and improved drugs can continue.

I urge all Members to support this much needed bill.

Mr. BLUMENAUER. Mr. Speaker, I am encouraged that Congress is finally working to provide relief to our nation's seniors; however, the bill under consideration today does not do enough to help them. The only bill the Republicans offer, H.R. 4680, relies too much on private insurers who have already expressed opposition to providing drug coverage and who have already failed to provide adequate health insurance for many areas of the country, particularly rural areas.

Prescription drugs are an increasingly vital part of health care and are the fastest growing component of health care expenditures. Spending on prescription drugs is expected to reach $112 billion this year alone. Seniors, only 13 percent of the total population, account for more than a third of the annual expenditure. The average senior uses 18 prescriptions a year, prescriptions essential to their quality of life.

The rising costs of pharmaceuticals combined with the increasing reliance on drugs for medical treatments have created a serious threat to the financial security of a vulnerable population, seniors on fixed incomes.

The alternative legislation supported by the Administration and Congressional Democrats would do more to alleviate some of the financial burden imposed by prescription medications. The substitute bill, which was, unfortunately, prohibited from consideration today, offers coverage through the Medicare program that uses the purchasing power of the federal government to guarantee affordable prescription drug prices. Our seniors are paying the highest prescription drug prices in the world, not just in comparison with Canada, Mexico and other countries, but also with comparable medications offered to animals in veterinary clinics. The Republican proposal offers no guarantees that seniors who are purchasing drug coverage are being offered the best possible price for their pharmaceuticals.

The debate today on perhaps the most important domestic issue of this Congress has been haphazard and rushed. Consequently, it is likely that even if passed, the Administration will veto H.R. 4680. However, I hope the debate today is the beginning of a truly bi-partisan conversation about how we can focus our efforts beyond election year politics to a proposal that makes a real difference for those who depend on prescription drugs for their quality of life.

Mr. ETHERIDGE. Mr. Speaker, I rise today to announce my opposition to H.R. 4680, the Medicare Rx 2000 Act. This plan will not guarantee affordable prescription medicine coverage for all seniors and it takes the first step towards privatizing Medicare, forcing seniors to deal with private insurance companies instead of having the choice of getting their prescriptions through Medicare. The Republican plan provides huge subsidies to insurance companies and does not provide any direct assistance to our nation's seniors. Even after large subsidies, there is no guarantee that affordable prescription medicine coverage will be offered in every region of the country. In fact, we have heard from several insurance companies that "the concept of 'dug-only' private insurance simply would not work in practice."

I strongly support providing our nation's seniors with a real prescription medicine benefit. However, any such plan must be a defined benefit that is administered under Medicare. It must be voluntary, affordable, and available to all seniors regardless of their income level. The benefit must ensure that copayments and premiums are uniform for all seniors in all areas of the country. Finally, any plan enacted by this Congress must include a cap on the cost to seniors in order to protect them from any unexpected catastrophic events.

Mr. Speaker, for too long our nation's seniors have been forced to choose between purchasing prescription medicines and putting food on their tables. Because of this, I rise in support of the Democratic substitute. This plan will provide seniors with a meaningful, affordable, and universal medicine benefit. Under this plan, there is no deductible, there is a low, affordable monthly premium of $25 for all seniors and half of seniors' costs will be covered by Medicare up to $2000. In addition, this legislation includes a catastrophic benefit that will cap seniors' costs at a maximum of $4000. Finally, Mr. Speaker, I rise in support of the Democratic substitute because it will provide much needed relief to rural and urban Medicare hospitals, nursing homes, home health agencies, rural HMOs, and others providers.

Our North Carolina values call on us to provide health care security and retirement security for our senior citizens. The Republican bill utterly fails to meet that test.

Mrs. MEEK of Florida. Mr. Speaker, the American people want and need affordable, voluntary and reliable Medicare prescription drug coverage for all seniors, not this poll-driven attempt to con them. I rise in strong opposition to both the Republican Leadership's bill and to the disgraceful Rule adopted for this bill, a Rule that deprives the Democrats of an opportunity to present their substitute, a substitute that would give America's seniors the option to obtain affordable, reliable prescription drug coverage through Medicare. The procedures adopted by the Republican leadership for consideration of this bill are a travesty. The American people deserve better.

H.R. 4680, the Medicare 2000 Rx Prescription Act, is a prescription for disaster. This bill won't work. It seeks to provide prescription drug coverage to Medicare beneficiaries, not through Medicare, but by creating "drugs only" insurance policies through private insurers. It does so even in the face of the continuing massive withdrawals from Medicare by the health insurance industry. If you live on more than $12,525 a year, the Republican plan would not pay one dime toward your premium, while the Democratic plan would provide a 50 percent subsidy for monthly premiums for all seniors.

The bill would pour money into the pocket of wealthy insurance companies even though the insurance companies themselves have called this "private insurer" approach unworkable. There is no reason to believe that any legitimate private insurers will step forward and offer this coverage to seniors. A prescription drug benefit surely can and should be offered through the existing regulatory structure, but the Republican leadership simply cannot overcome their longstanding history of hostility to Medicare.

Instead of creating a defined benefit plan that would cover all with the same comprehensive benefits, the Republican bill would create a multi-tiered system of coverage that would relegate low-income beneficiaries to bargain basement plans. Private insurers would be free to define different deductibles, co-payments and benefit limits in different parts of the country.

The Republican plan would provide whatever subsidy might be required to persuade two insurers to offer a prescription drug benefit, but provide no assurance whatsoever that the benefits offered would be comprehensive and affordable. Plans would come in and out of communities frequently, perhaps even on a yearly basis, and seniors would be left to fend with the fear, confusion, and uncertainty that all too many of them already have experienced when their insurers carrier abandons coverage in their market.

To induce insurance companies to offer this coverage, participating companies would receive a 35 percent subsidy for their operating costs with no requirement that such payments be passed on to the beneficiaries. Reflecting their never-ending devotion to "trickle-down" economics, the Republican bill would end up subsidizing insurers, not seniors. Plans also would be able to create restrictive formularies that would maximize the insurer's profits at the expense of seniors by refusing payment for many drugs, even though a beneficiary's doctor had determined that a particular drug is medically necessary.

This is not the approach that we need. What seniors want and deserve is a simple, reliable, affordable prescription drug plan financed through Medicare with no deductibles, universal benefits, guaranteed access to needed drugs and local pharmacies, and guaranteed access to negotiated discounts in drug prices using the purchasing power of the Federal government. Under the Democratic plan, all drug costs would be covered once a senior incurred $4,000 in out-of-pocket drug costs. Simply put, the Democratic plan offers far better coverage than the Republican plan and at a lower cost.

Mr. Speaker, it's no coincidence that the Republican leadership bill came to the Ways and Means Committee for a markup within days of being introduced and that seniors, the disabled, low income and minority populations, most members of the Congress and other citizens did not receive a chance to testify on H.R. 4680 before that markup. Nor is it an accident that this bill is now being rushed to the floor for a vote. There's a simple explanation.

After years of resisting Democratic proposals for a prescription drug benefit, the Leadership's pollsters told them that they could not ignore the issue any longer. They would pay too heavy a price politically. So the challenge then became one of figuring out how to appear to be addressing the issue without involving Medicare; to portray concern for the desperate needs of seniors for prescription drug coverage.

H.R. 4680 is the product of that exercise. 148 pages intended to suggest concern, but fundamentally inadequate to create affordable and reliable voluntary prescription drug coverage. Mr. Speaker, the leadership may have labored mightily to produce this bill, but they brought forth a mouse! As Families USE put it: "This plan relies on the insurance industry to provide policies they don't want to sell and consumers can't afford to buy. It's impossible to tell what consumers will get or whether it will even be available. This is a false promise to Medicare beneficiaries."

Mr. Speaker, the nature and extent of a senior's prescription drug benefit should not depend upon the accident of where that senior is located. Beneficiaries should pay the same premium and get the same benefits no matter where they live, just like they do for other Medicare services like doctors' visits and surgery. Seniors should be covered for all drugs that their doctors say are medically necessary. They should not be at the mercy of the insurance company's drug formulary.

Our constituents deserve a benefit that they can count on and understand, a guaranteed and affordable benefit—not the confusion and uncertainty that the Republican leadership's plan will promote.

Medicare has been the cornerstone of health security for the elderly and the disabled for over 30 years. We should build on the existing Medicare program to create a reliable and affordable prescription drug benefit for all beneficiaries who wish to participate. Our constituents need real affordable, reliable voluntary prescription drug coverage, not just election year rhetoric. Reject this sham proposal, adopt a fair process for considering the prescription drug issue, and let's work to adopt the Democratic substitute.

Mr. COSTELLO. Mr. Speaker, I rise today in strong opposition to H.R. 4680. It is outrageous that the Republican leadership blocked all attempts for free and open debate. A vote on the Democratic substitute was ruled out of order. The leadership has stifled consideration of any plan other than their own. It is obvious they are catering to the insurance companies. The ones who stand to gain the most from this legislation are not the seniors that the Republicans would lead you to believe but the multi-million dollar drug companies that only stand to get wealthier as a result of this legislation.

The Republican leadership's prescription drug plan fails miserably to help our nation's seniors. The leadership should be ashamed to submit a plan that forces seniors to shop around for benefits when there is no guarantee that the insurance companies will continue to provide the benefit a year or two down the road, especially when the fees for such a plan can be raised to exorbitant rates.

A better solution is President Clinton's plan which provides guaranteed benefits through Medicare, allows seniors to keep their current prescription drug plan if they choose and provides 100 percent of prescription expenses for low-income seniors. I support the President's plan because the plan provides affordable, voluntary and reliable prescription coverage for all seniors.

Give our nation's seniors what they deserve, prescription drug coverage without all the strings. I urge my colleagues to oppose the Republican prescription drug plan.

Mr. BALLENGER. Mr. Speaker, I rise today in support of H.R. 4680, the Medicare Prescription Drug and Modernization Act, as introduced by Subcommittee Chairman BILL THOMAS and my good friend and colleague from North Carolina Representative RICHARD BURR. I encourage my colleagues on both sides of the aisle to support this legislation which provides senior citizens with a voluntary drug benefit, giving seniors the right of choice.

Seniors comprise 12 percent of the population in the U.S., but consume more than one-third of all prescription drugs. Leaving seniors without a drug benefit is not an option. The time has come to correct this shortfall in Medicare and implement a program that provides a Medicare drug benefit for seniors. H.R. 4680 is a cost effective way to provide this benefit through the efficiency of the private sector.

I believe H.R. 4680 provides the best approach by giving seniors the flexibility of choice. Unlike the Democrats proposed bill, H.R. 4680 greatly diminishes the power of the Health Care Financing Administration (HCFA). Our bill creates a new agency to oversee the prescription drug and Medicare+Choice programs. This is a huge improvement, as the new agency's mission would be to foster innovation and competition in Medicare and ensure coverage in rural areas.

Our new drug benefit would reduce prescription drug costs to seniors by giving them market-based bargaining power. A recent study by the Lewin group found that individuals enrolled in private insurance plans are getting 30 percent to 39 percent discounts on their prescription drugs through their plans' negotiations with pharmaceutical manufacturers. Yet today more than ⅓ of seniors have no prescription coverage and pay the highest price for their medication. H.R. 4680 enables seniors to enroll in prescription drug plans (or Medicare+Choice plans) that will negotiate lower prescription drug prices on their behalf.

And, last by certainly not least, the funding for this bill comes entirely from greater than anticipated savings from the 1997 Balanced Budget Act. Congressional Republicans have committed $40 billion (or about ⅓ of those unanticipated savings) to fund a better and stronger Medicare system. This is an investment which will pay large dividends in the immediate future.

Mr. Speaker, I urge my colleagues to support this common sense legislation that provides maximum coverage and optimum choice for seniors. Simply put, H.R. 4680 is affordable, available, and voluntary for all.

Mr. HOLT. Mr. Speaker, I rise in opposition to the weak and untested legislation we are considering and in support of real voluntary, reliable, affordable, Medicare prescription drug coverage for our seniors.

I strongly support the inclusion of prescription drug coverage under the Medicare plan. Unfortunately, the only bill being considered on the floor of Congress today is not a Medicare prescription drug plan—it's an untested, unreliable, proposal that gives money to private insurance companies instead of seniors. What's worse, it offers no real relief to those in central New Jersey who need it.

Today, more than at any time in our nation's history, prescription medications are helping Americans live longer, healthier lives. It is difficult, however, for many that lack good health care coverage to afford these products. Older Americans—the men and women that won World War II, built our nation, and raised our families—shouldn't be forced to choose between medicine and food. They shouldn't have to worry that an insurance company clerk is going to deny them lifesaving medicine to save a buck.

It is only common sense that Medicare include drugs as an integral part of health care in its benefits package. Medicare is a program that works. Seniors rely on it. All of us should be able to agree on that. We must work together in a bipartisan fashion to include drug coverage under Medicare.

There are too many questions about this hastily-written plan we are voting on today. Insurance companies say they have no interest in writing the prescription drug coverage policies that the bill calls for. In central New Jersey, just a handful of insurance companies dominate the market. In addition, seniors' experience with HMO insurance plans is not good. Service is often unreliable. Premiums have risen by more than 100 percent in some instances. Well . . . health care that you can't count on is no health care at all. We need to do better than that.

There are several proposals being considered in Congress which are intended to help seniors pay for prescription drugs. While I have opposed policies that put government price controls on medicines, some of the other proposals being discussed are promising. We need to put the politics aside and have a serious discussion about how to help seniors. They deserve it. We must help seniors by passing a voluntary, affordable, reliable Medicare prescription drug benefit that helps seniors and allows us to continue to develop these lifesaving drugs.

The choice we are faced with today is an easy one. We can vote with insurance companies or with senior citizens. Mr. Speaker, I choose to side with the seniors.

Mr. HOBSON. Mr. Speaker: I rise in support, of the important legislation before us today that will help seniors in Ohio's 7th Congressional District with the high cost of prescription drugs.

I first want to acknowledge the efforts of Chairman BLILEY and Chairman THOMAS, as well as the efforts of Representative BURR, Representative GREENWOOD, and Representative McCRERY. They've worked long hours, and they have written a very good bill that adds a sustainable, fair, and compassionate drug benefit that modernizes the Medicare program so seniors can afford the drugs they depend on to stay healthy.

Our bill puts in place a new benefit in Medicare that allows seniors to receive their prescription drugs through at least two choices—as opposed to the one-size-fits-some approach advocated by the President. It does so in a fair way that lets seniors in my district keep their existing coverage, and in a way that provides assistance to every senior in financial distress or with unusually high drug costs. And every senior will benefit from the power of group discounts that will reduce the out-of-pocket cost of prescription drugs.

One of the truly innovative things this bill does, and which is long overdue in the Medicare program, is to create a new Medicare Benefits Administration outside of the current bureaucracy that will be focused on seniors and their benefits first and foremost.

Let's compare that to the existing agency that runs Medicare and that would run the program proposed by the President.

Seniors and health care providers in my district are very familiar with HCFA, the Health

Care Financing Administration which runs Medicare. They also—unfortunately—also are very familiar with the technical answers they can't understand, busy phone lines, a general level of unresponsiveness, and the endless delays at that agency.

You might think that Congress would have a little better luck. Sadly, that is not the case. I want to tell my colleagues today about a letter I sent this week to HCFA that demonstrates the importance of our plan entrusting the administration of a new prescription drug benefit to a new senior-focused agency rather than HCFA.

For example, in 1997, Congress included a simple and straight-forward provision in the Balanced Budget Act of 1997 that would allow seniors that depend on a wheelchair or a similar piece of medical equipment some flexibility in "upgrading" an old or deteriorating piece of equipment.

Today, three years after Congress enacted this improvement for seniors, seniors are still waiting for the current bureaucracy to act. The point is, three, four or five years is too long to make seniors wait. And the President's new claim that HCFA could implement a new prescription drug benefit in a year and a half flies in the face of their actual track record.

My colleagues can point to scores of missed deadlines on similar changes approved by Congress. We can't afford to take the same road with a prescription drug plan, and I believe our creation of a new Medicare Benefits Administration is a key improvement over the President's plan.

I also want to address the idea that a prescription drug benefit should follow the Canadian model. Some have advocated the solution is simple—seniors just need to import the drugs from Canada.

However, for those who support importing the Canadian system, let's take a look at prescription drugs in Canada. Since we last had this debate in 1994, Americans have not forgotten that the way Canada keeps costs down is simple—they don't provide the type of quality care we do in the United States, they allow the government instead of doctors make medical decisions, and health care is rationed—and the result is long waiting periods, where months or even years, for medical treatments are the norm.

With respect to drugs, in Canada, it takes an average of one and a half times as long as in the U.S. to approve a new drug. Since Canadians then can only take the drugs their government has approved payment for, they then have to wait even longer to learn if the government will allow that drug in their medicine cabinet.

In comparison, our bill provides the same type of discounts available under the socialist, state-run Canadian health care monopoly but instead relies on the power of the marketplace, group discounts, and competitive pricing to achieve these price reductions for seniors. Let's duplicate the cost savings, but let's not think again about importing a failed Canadian health care plan—which Americans overwhelmingly rejected the last time it was proposed.

Let me conclude by saying that it is time for Congress to act. I am deeply disappointed by reports in the media that opponents of our legislation don't want to support this bill so they can point their fingers and say that this is a "do-nothing Congress." Enough already.

It's time to stop playing politics with this issue and pass this legislation to help the seniors in my Ohio district afford prescription drugs. I urge my colleagues to support the bill.

Mr. McGOVERN. Mr. Speaker, I rise today in strong opposition to the sham of a prescription drug plan the Republican Majority has forced upon this Chamber. For the past few years, I have joined many members in attempting to create a guaranteed Medicare Prescription Drug Benefit. Today, we are voting on a poll-driven handout to the insurance companies, and not a defined benefit available to all seniors that want such a plan.

Mr. Speaker, the Democratic prescription drug plan, which the Majority is refusing to let us offer today, is a true Medicare benefit. Our plan is simple, common sense. We use the existing and successful Medicare program to administer a guaranteed benefit for every Medicare patient that wants to take part. Our plan has deductible, very low monthly premiums and a catastrophic benefit. The catastrophic benefit is the key part of our plan because thousands of seniors across this country are facing extremely high prescription drug bills that they have trouble paying. There is no reason that in this time of economic prosperity that America's seniors should have to choose between food and medicine. The Democratic bill will provide real relief for seniors so they do not have to make these life-threatening decisions.

The Republican plan is nothing more than a handout to the insurance companies. Their plan is a means-tested, private plan that would provide modest incentives for insurance companies to provide a deficient benefit to a limited number of seniors. But the irony is that the insurance companies have already rejected this handout. Insurance companies are in the business of making profits, and they are not going to enter a market where they cannot make a profit.

Instead of working to provide a comprehensive prescription benefit that every senior can have the option of joining, the Majority devised a poll-driven plant hat furthers their political goal of privatizing Medicare. They have never supported Medicare and have been waiting anxiously for, as former Speaker Gingrich said, Medicare to "wither on the vine."

Across my district, seniors consistently approach me, clutching their drug bills, and ask me how they can pay for their expensive bills on their fixed incomes. Unfortunately, there's no help for the seniors across America unless they have access to a Medicare HMO (which thousands of rural patients do not), have a private health insurance plan, or have a costly Medigap plan. The reality is that if Medicare were developed from scratch today, a prescription drug benefit would be one of the first provisions added to the program. We have a responsibility to provide seniors with a guaranteed prescription drug benefit.

Mr. Speaker, this debate today is an exercise in futility. The Majority is attempting to insulate itself from public opinion with a prescription drug plan that is hollow and provides no real relief for America's seniors. They are trying to pull a fast one on the American public. I urge my colleagues to reject this political grandstanding and to work for a real, guaranteed Medicare prescription drug benefit.

Mr. FRELINGHUYSEN. Mr. Speaker, I spent the last two Saturdays in the 11th Congressional District of New Jersey meeting with my constituents in town meetings as I have done on so many other weekends in the past. Through winter, spring and now summer, one of the issues I get asked about is: when will Congress provide a prescription drug benefit for our older Americans?

Our constituents should not have to choose between putting food on the table or paying for their next month's supply of medicine. Our older men and women want, and deserve, the peace of mind that comes with knowing they are covered by a safe, affordable, and easily accessible prescription drug benefit.

The tremendous advances in medical science have produced amazing medical breakthroughs that help older Americans live longer, healthier, more active and independent lives. And so much of this is due to the continued development of new and better medicines that keep people healthy and out of hospitals.

And while 65 percent of older men and women in America already have some form of prescription medication coverage, there are still too many who do not. Congress, and the President, need to provide a prescription benefit that allows choice, is affordable, available to all, and one that our older Americans can depend on to provide safe, effective therapies now and for the future.

Today's action in the House is a good first step—and it's not the last step, either. But as we take this first step, and each one that will follow, we need to work together, Democrats and Republicans alike. Prescription medication coverage isn't a political issue; it's a health issue. Older Americans need us to work together to keep the Medicare program strong and solvent and to modernize the Medicare program to reflect today's health care needs. Unlike 30 years ago when Medicare was first designed, today medicines are an integral, important part of health care, and without such prescription drug coverage, medical coverage for our seniors is incomplete. So, let's work together and help give our older Americans the health care coverage they need and deserve.

Mr. PORTMAN. Mr. Speaker, when Medicare was created in 1965, prescription drugs were not used as they are today to treat health problems. That's all changed. Advances in pharmaceutical research and development have made it possible to address many complex health problems with a simple trip to the pharmacist.

Unfortunately, as more and more Americans have come to rely on prescription drugs, their costs have escalated, making it difficult for many seniors to make ends meet. Clearly, it is time to offer a prescription drug benefit to all seniors.

Today, about two-thirds of seniors have some kind of prescription drug coverage—either through a private plan they purchased or through a company retirement plan—that helps them to offset the cost of prescription drugs. But the remaining one-third of seniors have no coverage, and everyone feels the pinch of rising drug costs.

Under the plan before us today, Medicare would offer a voluntary prescription drug benefit that would be similar to private drug insurance that many seniors carry today. If you're eligible for Medicare, you'd be given a choice between at least two plans that offer prescription drug coverage. All you would have to do is to go to a local pharmacy to get your prescription filled, show them your Medicare prescription drug card, and pay a pre-determined co-payment. There would be no claims to file or forms to fill out.

To ensure that prescription drugs remain affordable, seniors who choose to enroll in such a Medicare prescription drug program would also be covered for so-called "catastrophic" prescription drug expenses. In other words, seniors would have the peace-of-mind to know that they will not be responsible for paying additional costs that might accrue if drug prices rise unexpectedly.

Because of the unprecedented purchasing power that a Medicare-wide prescription drug program will have, it will also help to lower drug prices for all Americans. A recent study concluded that, on average, there would be a 25% discount on the prescription drugs people need so badly. This will really help protect seniors from higher drug prices and rising out-of-pocket expenses. And, because this will be a voluntary program, it will help seniors who need it most while allowing seniors who currently have prescription drug coverage they like to continue to enjoy their existing plan.

Mr. Speaker, despite the heated rhetoric we're hearing on the floor today, Members on both sides of the aisle are very interested in adding a prescription drug benefit to Medicare. Yes, there are legitimate differences of opinion and approach. But we have a real opportunity to pass this bipartisan bill today—and to enact a Medicare prescription drug benefit this year.

I urge my colleagues on both sides of the aisle—let's do the right thing for America's seniors. Let's set aside the attack ads and the "MediScare" tactics—and provide Medicare prescription drug coverage for our constituents.

Mr. PASTOR. Mr. Speaker, with prescription drug expenses climbing ever higher, 75% of Medicare beneficiaries do not have dependable, comprehensive prescription drug coverage, and many American seniors are forced to decide between the purchase of medication and other necessities such as food or electricity. This situation is simply not acceptable in a nation as prosperous as ours.

Congress must take action to restore the dignity of American seniors and ease the growing burden on American families. The time has come for an affordable, voluntary, and reliable Medicare prescription coverage plan. The need has never been greater and public support has never been stronger.

I am deeply disappointed that the Republican leadership in Congress seems intent on squandering this opportunity for meaningful action by limiting floor consideration to a single Republican proposal which would do little to provide affordable drug coverage to seniors.

While American seniors need the opportunity to purchase affordable drug coverage no matter where they live, the Republican proposal guarantees opportunities only to the insurance and drug industries it would subsidize, with no guarantee of affordable plans for all seniors.

While American families want the peace of mind that comes from defined and dependable coverage, the Republicans have introduced a sham proposal that even the insurance companies it would rely on say will simply not work.

While Americans seek universal relief from bearing the full burden of devastating prescription drug expenses, regardless of their health or income, the Republicans offer only a divisive political ploy.

There is an alternative. The Democrats today have introduced a plan that offers the security, equity and universality of coverage that our seniors deserve. Rather than private, stand-alone drug coverage that is neither affordable or workable, the Democratic plan builds upon the strengths of the Medicare program, providing voluntary access to basic drug benefits to all Medicare beneficiaries, regardless of their income, health status, or where they live. It is a plan that will truly help the Arizonans I represent, and a plan that I am proud to co-sponsor.

I call on the Republican leadership to move beyond political maneuvering and allow for meaningful and comprehensive debate on this issue which affects all of our constituents. Seniors in my district, and across America, deserve the security of an affordable and defined Medicare drug benefit. It is time that Congress rise to the occasion, listen to what the American people are so clearly calling for, and make it happen.

Mr. CALVERT. Mr. Speaker, I rise in support of H.R. 4680, the Medicare Prescription 2000 Act. The bill is a fiscally sound way to help our seniors with a vital need. As co-chair of the bi-partisan Generic Drug Equity Caucus, I am encouraged by the bill's support for generic drug use.

Currently, generics fill over 40 percent of all prescriptions in the United States, and are extremely affordable at only 10 to 15 cents for every dollar spent on brand name drugs. The Congressional Budget Office reported in 1994 that generic drug competition results in a cost savings to consumers of 8 to 10 billion dollars annually.

Mr. Speaker, I urge my colleagues to vote for this sensible bill. I hope that we can include an even more explicit preference for the use of generic drugs when the bill is conferenced with the Senate. This is a good bill, it's right solution at a critical time. We all should vote aye.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 4680, the Medicare Rx 2000 Act. I believe that this important piece of legislation is the best way to address the dire impact the run-away costs of prescription drugs are having on our nation's senior citizens and disabled Americans.

The Medicare program provides significant health insurance coverage for its 39 million aged and disabled beneficiaries. However, the program fails to offer protection against the costs of most outpatient prescription drugs. Even though 65% of beneficiaries have some private or public coverage for these costs, many do not have adequate supplemental coverage for their drug costs.

The absence of a significant drug benefit has concerned me and many of my colleagues for quite a long time. However, the potential cost of adding prescription drug coverage has been the primary impediment to its implementation. This year, Congress has made a serious commitment to providing prescription drugs for seniors by specifically setting aside $40 billion dollars of the budget surplus to create a prescription drug plan and to strengthen the Medicare program.

I commend the Speaker's Task Force on Prescription Drugs, which has worked diligently to create a voluntary prescription drug plan that is accessible, affordable, and will not encroach on seniors who are currently satisfied by their supplemental plan. This private-public sector approach to providing prescription drugs to every interested senior is modeled after the Federal Employees Health Benefit Program (FEHBP), which combines the advantages of a "defined benefits" plan and a "defined contribution" plan. To those who choose to participate in this plan, the premiums are affordable, averaging just $37 a month. And by allowing seniors to participate in an insurance-based plan at a reduced cost, it will give seniors the benefit of group bargaining power, which will reduce the price tag for prescription drugs. Studies show that Americans with insurance coverage pay 15 to 39 percent less for prescription drugs than those without insurance.

Most importantly, the Medicare Rx plan creates choices for seniors. H.R. 4680 will mandate that at least two prescription drug plans will be available in every area of the United States. A choice of plans will give Medicare beneficiaries the power to determine which high-quality private insurance plan would best serve their individual healthcare needs. Having more than one plan in every district also spurs competition between plans, creating incentives for plans to create better products.

H.R. 4680 also reaches out to those individuals who are not financially able to afford their prescription medicine needs due to their income level or their escalating drug needs. This bill provides a full subsidy to low-income beneficiaries up to 135% of the poverty level and phases out that subsidy on a sliding scale to 150% of the poverty level. Furthermore, H.R. 4680 caps exorbitant drug costs with catastrophic drug coverage, meaning that Medicare will pay 100% of every seniors' drug costs beyond a certain level.

Mr. Speaker, seniors deserve access to the best medicines available to lead healthy and independent lives and, in many cases, to avoid more expensive treatments such as surgery or hospitalization. We need to expand seniors' access to the same kind of private-sector plans that millions of working Americans benefit from. I urge all my colleagues to vote in support of the Medicare Rx Act of 2000, a fair and responsible prescription drug plan for all of America's seniors.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to House Resolution 539, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STARK

Mr. STARK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STARK. I am, Mr. Speaker.

Mr. THOMAS. Mr. Speaker, I reserve all points of order against the motion.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. STARK moves to recommit the bill H.R. 4680 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Guaranteed and Defined Rx Benefit and Health Provider Relief Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—MEDICARE PRESCRIPTION MEDICINE BENEFIT PROGRAM

Sec. 101. Prescription medicine benefit program.

"PART D—PRESCRIPTION MEDICINE BENEFIT FOR THE AGED AND DISABLED

"Sec. 1860. Establishment of defined prescription medicine benefit program for the aged and disabled under the medicare program.
"Sec. 1860A. Scope of defined benefits; coverage of all medically necessary prescription medicines.
"Sec. 1860B. Payment of defined basic and catastrophic benefits.
"Sec. 1860C. Eligibility and enrollment.
"Sec. 1860D. Monthly premium; initial $25 premium.
"Sec. 1860F. Prescription medicine insurance account.
"Sec. 1860G. Administration of benefits .
"Sec. 1860H. Incentive program to encourage employers to continue coverage .
"Sec. 1860I. Appropriations to cover government contributions.
"Sec. 1860J. Definitions.".
Sec. 102. Medicaid buy-in of medicare prescription drug coverage for certain low-income individuals.
"Sec. 1860E. Special eligibility, enrollment, and copayment rules for low-income individuals.".
Sec. 103. Offset for catastrophic prescription medicine benefit.
Sec. 104. GAO ongoing studies and reports on program; miscellaneous studies and reports.

TITLE II—IMPROVEMENT IN BENEFICIARY SERVICES

Subtitle A—Improvement of Medicare Coverage and Appeals Process

Sec. 201. Revisions to medicare appeals process.
Sec. 202. Provisions with respect to limitations on liability of beneficiaries.
Sec. 203. Waivers of liability for cost sharing amounts.

Subtitle B—Establishment of Medicare Ombudsman

Sec. 211. Establishment of Medicare Ombudsman for Beneficiary Assistance and Advocacy.

TITLE III—MEDICARE+CHOICE REFORMS; PRESERVATION OF MEDICARE PART B DRUG BENEFIT

Subtitle A—Medicare+Choice Reforms

Sec. 301. Increase in national per capita Medicare+Choice growth percentage in 2001 and 2002.
Sec. 302. Permanently removing application of budget neutrality beginning in 2002.
Sec. 303. Increasing minimum payment amount.
Sec. 304. Allowing movement to 50:50 percent blend in 2002.
Sec. 305. Increased update for payment areas with only one or no Medicare+Choice contracts.
Sec. 306. Permitting higher negotiated rates in certain Medicare+Choice payment areas below national average.
Sec. 307. 10-year phase in of risk adjustment based on data from all settings.

Subtitle B—Preservation of Medicare Coverage of Drugs and Biologicals

Sec. 311. Preservation of coverage of drugs and biologicals under part B of the medicare program.
Sec. 312. Comprehensive immunosuppressive medicine coverage for transplant patients.

Subtitle C—Improvement of Certain Preventive Benefits

Sec. 321. Coverage of annual screening pap smear and pelvic exams.

TITLE IV—ADJUSTMENTS TO PAYMENT PROVISIONS OF THE BALANCED BUDGET ACT

Subtitle A—Payments for Inpatient Hospital Services

Sec. 401. Eliminating reduction in hospital market basket update for fiscal year 2001.
Sec. 402. Eliminating further reductions in indirect medical education (IME) for fiscal year 2001.
Sec. 403. Eliminating further reductions in disproportionate share hospital (DSH) payments.
Sec. 404. Increase base payment to Puerto Rico hospitals.

Subtitle B—Payments for Skilled Nursing Services

Sec. 411. Eliminating reduction in SNF market basket update for fiscal year 2001.
Sec. 412. Extension of moratorium on therapy caps.

Subtitle C—Payments for Home Health Services

Sec. 421. 1-year additional delay in application of 15 percent reduction on payment limits for home health services.
Sec. 422. Provision of full market basket update for home health services for fiscal year 2001.

Subtitle D—Rural Provider Provisions

Sec. 431. Elimination of reduction in hospital outpatient market basket increase.

Subtitle E—Other Providers

Sec. 441. Update in renal dialysis composite rate.

Subtitle F—Provision for Additional Adjustments

Sec. 451. Guarantee of additional adjustments to payments for providers from budget surplus.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Prescription medicine coverage was not a standard part of health insurance when the medicare program under title XVIII of the Social Security Act was enacted in 1965. Since 1965, however, medicine coverage has become a key component of most private and public health insurance coverage, except for the medicare program.

(2) At least ⅔ of medicare beneficiaries have unreliable, inadequate, or no medicine coverage at all.

(3) Seniors who do not have medicine coverage typically pay, at a minimum, 15 percent more than people with coverage.

(4) Medicare beneficiaries at all income levels lack prescription medicine coverage, with more than ½ of such beneficiaries having incomes greater than 150 percent of the poverty line.

(5) The number of private firms offering retiree health coverage is declining.

(6) Medigap premiums for medicines are too expensive for most beneficiaries and are highest for older senior citizens, who need prescription medicine coverage the most and typically have the lowest incomes.

(7) While the management of a medicare prescription medicine benefit program should mirror the practices employed by benefit administrators in delivering prescription medicines, the Secretary of Health and Human Services should oversee that program to assure that a guaranteed and defined prescription drug benefit is provided to all medicare beneficiaries.

(8) All medicare beneficiaries should have access to a voluntary, reliable, affordable, dependable, and defined outpatient medicine benefit as part of the medicare program that assists with the high cost of prescription medicines and protects them against excessive out-of-pocket costs.

TITLE I—MEDICARE PRESCRIPTION MEDICINE BENEFIT PROGRAM

SEC. 101. ESTABLISHMENT OF THE MEDICARE PRESCRIPTION MEDICINE BENEFIT PROGRAM.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(1) by redesignating part D as part E; and

(2) by inserting after part C the following new part:

"PART D—PRESCRIPTION MEDICINE BENEFIT FOR THE AGED AND DISABLED

"ESTABLISHMENT OF DEFINED PRESCRIPTION MEDICINE BENEFIT PROGRAM FOR THE AGED AND DISABLED UNDER THE MEDICARE PROGRAM

"SEC. 1860. (a) IN GENERAL.—There is established as a part of the medicare program under this title a voluntary insurance program to provide defined prescription medicine benefits, including pharmacy services, in accordance with the provisions of this part for individuals who are aged or disabled or have end-stage renal disease and who voluntarily elect to enroll under such program, to be financed from premium payments by enrollees together with contributions from funds appropriated by the Federal Government.

"(b) NONINTERFERENCE BY THE SECRETARY.—In administering the prescription medicine benefit program established under this part, the Secretary may not—

"(1) require a particular formulary, institute a price structure for benefits, or in any way ration benefits;

"(2) interfere in any way with negotiations between benefit administrators and medicine manufacturers, or wholesalers; or

"(3) otherwise interfere with the competitive nature of providing a prescription medicine benefit using private benefit administrators, except as is required to guarantee coverage of the defined benefit.

"SCOPE OF DEFINED BENEFITS; COVERAGE OF ALL MEDICALLY NECESSARY PRESCRIPTION MEDICINES

"SEC. 1860A. (a) IN GENERAL.—The benefits provided to an individual enrolled in the insurance program under this part shall consist of—

"(1) payments made, in accordance with the provisions of this part, for covered prescription medicines (as specified in subsection (b)) dispensed by any pharmacy participating in the program under this part (and, in circumstances designated by the benefit administrator, by a nonparticipating pharmacy), including any specifically named medicine prescribed for the individual by a qualified health care professional regardless of whether the medicine is included in a formulary established by the benefit administrator if such medicine is certified as medically necessary by such health care professional (except that to the maximum extent possible the substitution and use of lower-cost generics shall be encouraged); and

"(2) charging by pharmacies of the negotiated discount price—

"(A) for all covered prescription medicines, without regard to such basic benefit limitation; and

"(B) established with respect to any drugs or classes of drugs described in subparagraphs (A), (B), (D), (E), or (F) of section 1927(d)(2) that are available to individuals receiving benefits under this title.

"(b) COVERED PRESCRIPTION MEDICINES.—

"(1) IN GENERAL.—Covered prescription medicines, for purposes of this part, include all prescription medicines (as defined in section 1860J(1)), including smoking cessation agents, except as otherwise provided in this subsection.

"(2) EXCLUSIONS FROM COVERAGE.—Covered prescription medicines shall not include drugs or classes of drugs described in subparagraphs (A) through (D) and (F) through (H) of section 1927(d)(2) unless—

"(A) specifically provided otherwise by the Secretary with respect to a drug in any of such classes; or

"(B) a drug in any of such classes is certified to be medically necessary by a health care professional.

"(3) NONDUPLICATION OF PRESCRIPTION MEDICINES COVERED UNDER PART A OR B.—A medicine prescribed for an individual that would otherwise be a covered prescription medicine under this part shall not be so considered to the extent that payment for such medicine is available under part A or B (including all injectable drugs and biologicals for which payment was made or should have been made by a carrier under section 1861(s)(2) (A) or (B) as of the date of enactment of the Medicare Guaranteed and Defined Rx Benefit and Health Provider Relief Act of 2000). Medicines otherwise covered under part A or B shall be covered under this part to the extent that benefits under part A or B are exhausted.

"(4) STUDY ON INCLUSION OF HOME INFUSION THERAPY SERVICES.—Not later than one year after the date of the enactment of the Medicare Guaranteed and Defined Rx Benefit and Health Provider Relief Act of 2000, the Secretary shall submit to Congress a legislative proposal for the delivery of home infusion therapy services under this title and for a system of payment for such a benefit that coordinates items and services furnished under part B and under this part.

"PAYMENT OF DEFINED BASIC AND CATASTROPHIC BENEFITS

"SEC. 1860B. (a) PAYMENT OF BENEFITS.—There shall be paid from the Prescription Medicine Insurance Account within the Supplementary Medical Insurance Trust Fund, in the case of each individual who is enrolled in the insurance program under this part and who purchases covered prescription medicines in a calendar year, the sum of the benefit amounts under subsections (b) and (c).

"(b) BASIC BENEFIT.—

"(1) IN GENERAL.—An amount (not exceeding 50 percent of the annual limitation under paragraph (3)) equal to the applicable government percentage (specified in paragraph (2)) of the negotiated price for each such covered prescription medicine or such higher percentage as is proposed under section 1860G(d)(9).

"(2) APPLICABLE GOVERNMENT PERCENTAGE.—The applicable government percentage specified in this paragraph is 50 percent or such higher percentage as may be proposed under section 1860G(d)(9), if the Secretary finds that such higher percentage will not increase aggregate costs to the Prescription Medicine Insurance Account.

"(3) ANNUAL LIMITATION IN BASIC BENEFIT.—

"(A) FOR 2003 THROUGH 2009.—For purposes of the basic benefit described in paragraph (1), the annual limitation under this paragraph is—

"(i) $2,000 for each of 2003 and 2004;

"(ii) $3,000 for each of 2005 and 2006;

"(iii) $4,000 for each of 2007 and 2008; and

"(iv) $5,000 for 2009.

"(B) FOR 2010 AND SUBSEQUENT YEARS.—For purposes of paragraph (1), the annual limitation under this paragraph for 2010 and each subsequent year is equal to the limitation for the preceding year adjusted by the annual percentage increase in average per capita aggregate expenditures for covered outpatient medicines in the United States for medicare beneficiaries, as estimated by the Secretary. Any amount determined under this subparagraph that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

"(c) CATASTROPHIC BENEFIT.—

"(1) FOR 2003.—In the case of and with respect to out-of-pocket expenditures, the amount of such expenditures that exceeds the catastrophic benefit level established by the Secretary under paragraph (2) and increased in subsequent years by the annual percentage increase under paragraph (3).

"(2) ESTABLISHMENT OF CATASTROPHIC BENEFIT LEVEL.—The Chief Actuary shall estimate, over each five-year period, beginning with 2003, the amount of savings to the program under this title attributable to the operation of section 103 of the Medicare Guaranteed and Defined Rx Benefit and Health Provider Relief Act of 2000. Based on such estimates, the Secretary shall establish the catastrophic benefit level in a manner so that the aggregate amount of expenditures under this paragraph does not exceed the aggregate amount of such savings, except that in 2003 and each year thereafter, the catastrophic benefit level may not be greater than $4,000, as adjusted under paragraph (3).

"(3) INDEXING FOR OUTYEARS.—For a year beginning after 2003, the catastrophic benefit level shall be increased by annual percentage increase determined for the year involved under subsection (b)(3)(B).

"ELIGIBILITY AND ENROLLMENT

"SEC. 1860C. (a) ELIGIBILITY.—Every individual who, in or after 2003, is entitled to hospital insurance benefits under part A or enrolled in the medical insurance program under part B is eligible to enroll in the insurance program under this part, during an enrollment period prescribed in or under this section, in such manner and form as may be prescribed by regulations.

"(b) ENROLLMENT.—

"(1) IN GENERAL.—Each individual who satisfies subsection (a) shall be enrolled (or eligible to enroll) in the program under this part in accordance with the provisions of section 1837, as if that section applied to this part, except as otherwise explicitly provided in this part.

"(2) SINGLE ENROLLMENT PERIOD.—Except as provided in section 1837(i) (as such section applies to this part), 1860E (relating to loss of coverage under the medicaid program), or 1860H(e) (relating to loss of employer or union coverage), or as otherwise explicitly provided, no individual shall be entitled to enroll in the program under this part at any time after the initial enrollment period without penalty, and in the case of all other late enrollments, the Secretary shall develop a late enrollment penalty for the individual that fully recovers the additional actuarial risk involved in providing coverage for the individual.

"(3) SPECIAL ENROLLMENT PERIOD IN 2003.—

"(A) IN GENERAL.—An individual who first satisfies subsection (a) in 2003 may, at any time on or before December 31, 2003—

"(i) enroll in the program under this part; and

"(ii) enroll or reenroll in such program after having previously declined or terminated enrollment in such program.

"(B) EFFECTIVE DATE OF COVERAGE.—An individual who enrolls under the program under this part pursuant to subparagraph (A) shall be entitled to benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

"(c) PERIOD OF COVERAGE.—

"(1) IN GENERAL.—Except as otherwise provided in this part, an individual's coverage under the program under this part shall be effective for the period provided in section 1838, as if that section applied to the program under this part.

"(2) PART D COVERAGE TERMINATED BY TERMINATION OF COVERAGE UNDER PARTS A AND B.—In addition to the causes of termination specified in section 1838, an individual's coverage under this part shall be terminated when the individual retains coverage under neither the program under part A nor the program under part B, effective on the effective date of termination of coverage under part A or (if later) under part B.

"MONTHLY PREMIUM; INITIAL $25 PREMIUM

"SEC. 1860D. (a) ANNUAL ESTABLISHMENT OF GUARANTEED SINGLE RATE FOR ALL PARTICIPATING BENEFICIARIES.—

"(1) $25 MONTHLY PREMIUM RATE IN 2003.—The monthly premium rate in 2003 for prescription medicine benefits under this part is $25.

"(2) PREMIUM RATES IN SUBSEQUENT YEARS.—

"(A) IN GENERAL.—The Secretary shall, during September of 2003 and of each succeeding year, determine and promulgate a monthly premium rate for the succeeding year in accordance with the provisions of this paragraph.

"(B) Determination of annual benefit costs.—The Secretary shall estimate annually for the succeeding year the amount equal to the total of the benefits (but not including catastrophic benefits under section 1860B(c)) that will be payable from the Prescription Medicine Insurance Account for prescription medicines dispensed in such calendar year with respect to enrollees in the program under this part. In calculating such amount, the Secretary shall include an appropriate amount for a contingency margin.

"(C) Determination of monthly premium rates.—

"(i) In general.—The Secretary shall determine the monthly premium rate with respect to such enrollees for such succeeding year, which shall be $\frac{1}{12}$ of the share specified in clause (ii) of the amount determined under subparagraph (B), divided by the total number of such enrollees, and rounded (if such rate is not a multiple of 10 cents) to the nearest multiple of 10 cents.

"(ii) Enrollee and employer percentage shares.—The share specified in this clause, for purposes of clause (i), shall be—

"(I) one-half, in the case of premiums paid by an individual enrolled in the program under this part; and

"(II) two-thirds, in the case of premiums paid for such an individual by a former employer (as defined in section 1860H(f)(2)).

"(D) Publication of assumptions.—The Secretary shall publish, together with the promulgation of the monthly premium rates for the succeeding year, a statement setting forth the actuarial assumptions and bases employed in arriving at the amounts and rates determined under this paragraph.

"(b) Payment of Premiums.—

"(1) Generally through deduction from social security, railroad retirement benefits, or benefits administered by OPM.—

"(A) In general.—In the case of an individual who is entitled to or receiving benefits as described in subsection (a), (b), or (d) of section 1840, premiums payable under this part shall be collected by deduction from such benefits at the same time and in the same manner as premiums payable under part B are collected pursuant to section 1840.

"(B) Transfers of deduction to account.—The Secretary of the Treasury shall, from time to time, but not less often than quarterly, transfer premiums collected pursuant to subparagraph (A) to the Prescription Medicine Insurance Account from the appropriate funds and accounts described in subsections (a)(2), (b)(2), and (d)(2) of section 1840, on the basis of the certifications described in such subsections. The amounts of such transfers shall be appropriately adjusted to the extent that prior transfers were too great or too small.

"(2) Otherwise through direct payments by enrollee to secretary.—

"(A) In the case of inadequate deduction.—An individual to whom paragraph (1) applies (other than an individual receiving benefits as described in section 1840(d)) and who estimates that the amount that will be available for deduction under such paragraph for any premium payment period will be less than the amount of the monthly premiums for such period may (under regulations) pay to the Secretary the estimated balance, or such greater portion of the monthly premium as the individual chooses.

"(B) Other cases.—An individual enrolled in the insurance program under this part with respect to whom none of the preceding provisions of this subsection applies (or to whom section 1840(c) applies) shall pay premiums to the Secretary at such times and in such manner as the Secretary shall by regulations prescribe.

"(C) Deposit of premiums in account.—Amounts paid to the Secretary under this paragraph shall be deposited in the Treasury to the credit of the Prescription Medicine Insurance Account in the Supplementary Medical Insurance Trust Fund.

"(c) Certain Low-Income Individuals.—For rules concerning premiums for certain low-income individuals, see section 1860E.

"PRESCRIPTION MEDICINE INSURANCE ACCOUNT

"Sec. 1860F. (a) Establishment.—There is created within the Federal Supplemental Medical Insurance Trust Fund established by section 1841 an account to be known as the 'Prescription Medicine Insurance Account' (in this section referred to as the 'Account').

"(b) Amounts in Account.—

"(1) In general.—The Account shall consist of—

"(A) such amounts as may be deposited in, or appropriated to, such fund as provided in this part; and

"(B) such gifts and bequests as may be made as provided in section 201(i)(1).

"(2) Separation of funds.—Funds provided under this part to the Account shall be kept separate from all other funds within the Federal Supplemental Medical Insurance Trust Fund.

"(c) Payments From Account.—

"(1) In general.—The Managing Trustee shall pay from time to time from the Account such amounts, subject to appropriations, as the Secretary certifies are necessary to make the payments provided for by this part, and the payments with respect to administrative expenses in accordance with section 201(g).

"(2) Treatment in relation to part B premium.—Amounts payable from the Account shall not be taken into account in computing actuarial rates or premium amounts under section 1839.

"ADMINISTRATION OF BENEFITS

"Sec. 1860G. (a) Administration.—

"(1) Use of private benefit administrators as provided for under parts A and B.—The Secretary shall provide for administration of the benefits under this part through a contract with a private benefit administrator designated in accordance with subsection (c), for enrolled individuals residing in each service area designated pursuant to subsection (b) (other than such individuals enrolled in a Medicare+Choice program under part C), in accordance with the provisions of this section.

"(2) Guarantee of program administration.—In the case of a service area in which no private benefit administrator has entered into a contract with the Secretary under paragraph (1) for the administration of this part, the Secretary shall seek to enter into a contract with a fiscal intermediary under part A (with a contract under section 1816) or a carrier under part B (with a contract under section 1842) to administer this part in that service area in accordance with the provisions of subsection (d). If the Secretary is unable to enter into such a contract for that service area, the Secretary shall provide for the administration of this part in that service area in accordance with the provisions of subsection (d) through another benefit administrator.

"(b) Designation of Geographic Service Areas.—

"(1) In general.—The Secretary shall divide the total geographic area served by the programs under this title into an appropriate number of service areas for purposes of administration of benefits under this part.

"(2) Considerations in determining service areas.—In determining or adjusting the number and boundaries of service areas under this subsection, the Secretary shall seek to ensure that—

"(A) there is a reasonable level of competition among entities eligible to contract to administer the benefit program under this section for each area; and

"(B) the designation of areas is consistent with the goal of securing contracts under this section that use the volume purchasing power of enrollees to obtain the same or similar type of prescription medicine discounts as are afforded favored, large purchasers.

"(c) Designation of Benefit Administrator.—

"(1) Award and duration of contract.—

"(A) Competitive award.—Each contract for a service area shall be awarded competitively in accordance with section 5 of title 41, United States Code, for a period (subject to subparagraph (B)) of not less than 2 nor more than 5 years.

"(B) Review.—A contract for a service area shall be subject to an evaluation after a year and termination for cause.

"(2) Eligible benefit administrators.—An entity shall not be eligible for consideration as a benefit administrator responsible for administering the prescription medicine benefit program under this part in a service area unless it meets at least the following criteria:

"(A) Type of entity.—The entity shall be capable of administering a prescription medicine benefit program, and may be a prescription medicine vendor, wholesale and retail pharmacy delivery system, health care provider or insurer, any other type of entity as the Secretary may specify, or a consortium of such entities.

"(B) Performance capability.—The entity shall have sufficient expertise, personnel, and resources to perform effectively the benefit administration functions for such area.

"(C) Financial integrity.—The entity and its officers, directors, agents, and managing employees shall have a satisfactory record of professional competence and professional and financial integrity, and the entity shall have adequate financial resources to perform services under the contract without risk of insolvency.

"(3) Proposal requirements.—

"(A) In general.—An entity's proposal for award or renewal of a contract under this section shall include such material and information as the Secretary may require.

"(B) Specific information.—A proposal described in subparagraph (A) shall—

"(i) include a detailed description of—

"(I) the schedule of negotiated prices that will be charged to enrollees;

"(II) how the entity will deter medical errors that are related to prescription medicines; and

"(III) proposed contracts with local pharmacy providers designed to ensure access, including compensation for local pharmacists' services;

"(ii) be accompanied by such information as the Secretary may require on the entity's past performance; and

"(iii) disclose ownership and shared financial interests with other entities involved in the delivery of the benefit as proposed.

"(4) Criteria for competitive selection.—In awarding a contract competitively, the Secretary shall consider the comparative merits of each of the applications by eligible entities, as determined on the basis of the entities' past performance and other relevant factors, with respect to the following:

“(A) the estimated total cost of the contract, taking into consideration the entity's proposed fees and price and cost estimates, as evaluated and adjusted by the Secretary in accordance with the provisions of the Federal Acquisition Regulation concerning contracting by negotiation;

“(B) prior experience in administering a type of health insurance program;

“(C) effectiveness in containing costs through obtaining discounts from manufacturers, pricing incentives, utilization management, and drug utilization review;

“(D) the quality and efficiency of benefit management services with respect to such matters as claims processing and benefits coordination; record-keeping and reporting; maintenance of medical records confidentiality; and drug utilization review, patient information, customer satisfaction, and other activities supporting quality of care; and

“(E) such other factors as the Secretary deems necessary to evaluate the merits of each application.

“(5) FLEXIBILITY IN SECURING BEST BENEFIT ADMINISTRATOR.—In awarding contracts under this subsection, the Secretary may waive conflict of interest rules generally applicable to Federal acquisitions (subject to such safeguards as the Secretary may find necessary to impose) in circumstances where the Secretary finds that such waiver—

“(A) is not inconsistent with the purposes of the programs under this title and the best interests of enrolled individuals; and

“(B) will permit a sufficient level of competition for such contracts, promote efficiency of benefits administration, or otherwise serve the objectives of the program under this part.

If the Secretary waives such rules, the Secretary shall establish a special monitoring program to ensure that beneficiaries served by the benefit administrator have access to all necessary pharmaceuticals as prescribed.

“(6) MAXIMIZING COMPETITION AND SAVINGS.—In awarding contracts under this section, the Secretary shall give consideration to the need to maintain sufficient numbers of entities eligible and willing to administer benefits under this part to ensure vigorous competition for such contracts, while also giving consideration to the need for a benefit administrator to have sufficient purchasing power to obtain appropriate cost savings.

“(d) FUNCTIONS OF BENEFIT ADMINISTRATOR.—A benefit administrator for a service area shall (or in the case of the function described in paragraph (9), may) perform the following functions:

“(1) PARTICIPATION AGREEMENTS, PRICES, AND FEES.—

“(A) PRIVATELY NEGOTIATED PRICES.—Each benefit administrator shall establish, through negotiations with medicine manufacturers and wholesalers and pharmacies, a schedule of prices for covered prescription medicines.

“(B) AGREEMENTS WITH ANY WILLING PHARMACY.—Each benefit administrator shall enter into participation agreements under subsection (e) with any willing pharmacy, that include terms that—

“(i) secure the participation of sufficient numbers of pharmacies to ensure convenient access (including adequate emergency access);

“(ii) permit the participation of any willing pharmacy in the service area that meets the participation requirements described in subsection (e); and

“(iii) allow for reasonable dispensing and consultation fees for pharmacies.

“(C) LISTS OF PRICES AND PARTICIPATING PHARMACIES.—Each benefit administrator shall ensure that the negotiated prices established under subparagraph (A) and the list of pharmacies with agreements under subsection (e) are regularly updated and readily available in the service area to health care professionals authorized to prescribe medicines, participating pharmacies, and enrolled individuals.

“(2) TRACKING OF COVERED ENROLLED INDIVIDUALS.—In coordination with the Secretary, each benefit administrator shall maintain accurate, updated records of all enrolled individuals residing in the service area (other than individuals enrolled in a plan under part C).

“(3) PAYMENT AND COORDINATION OF BENEFITS.—

“(A) PAYMENT.—Each benefit administrator shall—

“(i) administer claims for payment of benefits under this part and encourage, to the maximum extent possible, use of electronic means for the submissions of claims;

“(ii) determine amounts of benefit payments to be made; and

“(iii) receive, disburse, and account for funds used in making such payments, including through the activities specified in the provisions of this paragraph.

“(B) COORDINATION.—Each benefit administrator shall coordinate with the Secretary, other benefit administrators, pharmacies, and other relevant entities as necessary to ensure appropriate coordination of benefits with respect to enrolled individuals, including coordination of access to and payment for covered prescription medicines according to an individual's in-service area plan provisions, when such individual is traveling outside the home service area, and under such other circumstances as the Secretary may specify.

“(C) EXPLANATION OF BENEFITS.—Each benefit administrator shall furnish to enrolled individuals an explanation of benefits in accordance with section 1806(a), and a notice of the balance of benefits remaining for the current year, whenever prescription medicine benefits are provided under this part (except that such notice need not be provided more often than monthly).

“(4) REQUIREMENTS WITH RESPECT TO FORMULARIES.—If a benefit administrator uses a formulary to contain costs under this part, the benefit administrator shall—

“(A) use a pharmacy and therapeutics committee comprised of licensed practicing physicians, pharmacists, and other health care practitioners to develop and manage the formulary;

“(B) include in the formulary at least 1 medicine from each therapeutic class and, if available, a generic equivalent thereof; and

“(C) disclose to current and prospective enrollees and to participating providers and pharmacies in the service area, the nature of the formulary restrictions, including information regarding the medicines included in the formulary and any difference in cost-sharing amounts.

“(5) COST AND UTILIZATION MANAGEMENT; QUALITY ASSURANCE.—Each benefit administrator shall have in place effective cost and utilization management, drug utilization review, quality assurance measures, and systems to reduce medical errors, including at least the following, together with such additional measures as the Secretary may specify:

“(A) DRUG UTILIZATION REVIEW.—A drug utilization review program conforming to the standards provided in section 1927(g)(2) (with such modifications as the Secretary finds appropriate).

“(B) FRAUD AND ABUSE CONTROL.—Activities to control fraud, abuse, and waste, including prevention of diversion of pharmaceuticals to the illegal market.

“(C) MEDICATION THERAPY MANAGEMENT.—

“(i) IN GENERAL.—A program of medicine therapy management and medication administration that is designed to assure that covered outpatient medicines are appropriately used to achieve therapeutic goals and reduce the risk of adverse events, including adverse drug interactions.

“(ii) ELEMENTS OF MEDICATION THERAPY MANAGEMENT.—Such program may include—

“(I) enhanced beneficiary understanding of such appropriate use through beneficiary education, counseling, and other appropriate means; and

“(II) increased beneficiary adherence with prescription medication regimens through medication refill reminders, special packaging, and other appropriate means.

“(iii) DEVELOPMENT OF PROGRAM IN COOPERATION WITH LICENSED PHARMACISTS.—The program shall be developed in cooperation with licensed pharmacists and physicians.

“(iv) CONSIDERATIONS IN PHARMACY FEES.—The benefit administrators shall take into account, in establishing fees for pharmacists and others providing services under the medication therapy management program, the resources and time used in implementing the program.

“(6) EDUCATION AND INFORMATION ACTIVITIES.—Each benefit administrator shall have in place mechanisms for disseminating educational and informational materials to enrolled individuals and health care providers designed to encourage effective and cost-effective use of prescription medicine benefits and to ensure that enrolled individuals understand their rights and obligations under the program.

“(7) BENEFICIARY PROTECTIONS.—

“(A) CONFIDENTIALITY OF HEALTH INFORMATION.—Each benefit administrator shall have in effect systems to safeguard the confidentiality of health care information on enrolled individuals, which comply with section 1106 and with section 552a of title 5, United States Code, and meet such additional standards as the Secretary may prescribe.

“(B) GRIEVANCE AND APPEAL PROCEDURES.—Each benefit administrator shall have in place such procedures as the Secretary may specify for hearing and resolving grievances and appeals, including expedited appeals, brought by enrolled individuals against the benefit administrator or a pharmacy concerning benefits under this part, which shall include procedures equivalent to those specified in subsections (f) and (g) of section 1852.

“(8) RECORDS, REPORTS, AND AUDITS OF BENEFIT ADMINISTRATORS.—

“(A) RECORDS AND AUDITS.—Each benefit administrator shall maintain adequate records, and afford the Secretary access to such records (including for audit purposes).

“(B) REPORTS.—Each benefit administrator shall make such reports and submissions of financial and utilization data as the Secretary may require taking into account standard commercial practices.

“(9) PROPOSAL FOR ALTERNATIVE COINSURANCE AMOUNT.—

“(A) SUBMISSION.—Each benefit administrator may submit a proposal for decreased beneficiary cost-sharing for generic prescription medicines, prescription medicines on the benefit administrator's formulary, or prescription medicines obtained through mail order pharmacies.

“(B) CONTENTS.—The proposal submitted under subparagraph (A) shall contain evidence that such decreased cost-sharing would not result in an increase in aggregate costs to the Account, including an analysis of differences in projected drug utilization patterns by beneficiaries whose cost-sharing would be reduced under the proposal and those making the cost-sharing payments that would otherwise apply.

“(10) OTHER REQUIREMENTS.—Each benefit administrator shall meet such other requirements as the Secretary may specify.

“(e) PHARMACY PARTICIPATION AGREEMENTS.—

“(1) IN GENERAL.—A pharmacy that meets the requirements of this subsection shall be eligible to enter an agreement with a benefit administrator to furnish covered prescription medicines and pharmacists' services to enrolled individuals residing in the service area.

“(2) TERMS OF AGREEMENT.—An agreement under this subsection shall include the following terms and requirements:

“(A) LICENSING.—The pharmacy and pharmacists shall meet (and throughout the contract period will continue to meet) all applicable State and local licensing requirements.

“(B) LIMITATION ON CHARGES.—Pharmacies participating under this part shall not charge an enrolled individual more than the negotiated price for an individual medicine as established under subsection (d)(1), regardless of whether such individual has attained the basic benefit limitation under section 1860B(b)(3), and shall not charge an enrolled individual more than the individual's share of the negotiated price as determined under the provisions of this part.

“(C) PERFORMANCE STANDARDS.—The pharmacy and the pharmacist shall comply with performance standards relating to—

“(i) measures for quality assurance, reduction of medical errors, and participation in the drug utilization review program described in subsection (d)(3)(A);

“(ii) systems to ensure compliance with the confidentiality standards applicable under subsection (d)(5)(A); and

“(iii) other requirements as the Secretary may impose to ensure integrity, efficiency, and the quality of the program.

“(D) DISCLOSURE OF PRICE OF GENERIC MEDICINE.—A pharmacy participating under this part that dispenses a prescription medicine to a medicare beneficiary enrolled under this part shall inform the beneficiary at the time of purchase of the drug of any differential between the price of the prescribed drug to the enrollee and the price of the lowest cost generic drug that is therapeutically and pharmaceutically equivalent and bioequivalent.

“(f) FLEXIBILITY IN ASSIGNING WORKLOAD AMONG BENEFIT ADMINISTRATORS.—During the period after the Secretary has given notice of intent to terminate a contract with a benefit administrator, the Secretary may transfer responsibilities of the benefit administrator under such contract to another benefit administrator.

“(g) GUARANTEED ACCESS TO MEDICINES IN RURAL AND HARD-TO-SERVE AREAS.—

“(1) IN GENERAL.—The Secretary shall ensure that all beneficiaries have guaranteed access to the full range of pharmaceuticals under this part, and shall give special attention to access, pharmacist counseling, and delivery in rural and hard-to-serve areas, including through the use of incentives such as bonus payments to retail pharmacists in rural areas and extra payments to the benefit administrator for the cost of rapid delivery of pharmaceuticals, and any other actions necessary.

“(2) GAO REPORT.—Not later than 2 years after the implementation of this part the Comptroller General of the United States shall submit to Congress a report on the access of medicare beneficiaries to pharmaceuticals and pharmacists' services in rural and hard-to-serve areas under this part together with any recommendations of the Comptroller General regarding any additional steps the Secretary may need to take to ensure the access of medicare beneficiaries to pharmaceuticals and pharmacists' services in such areas under this part.

“(h) INCENTIVES FOR COST AND UTILIZATION MANAGEMENT AND QUALITY IMPROVEMENT.—The Secretary is authorized to include in a contract awarded under subsection (c) such incentives for cost and utilization management and quality improvement as the Secretary may deem appropriate, including—

“(1) bonus and penalty incentives to encourage administrative efficiency;

“(2) incentives under which benefit administrators share in any benefit savings achieved;

“(3) financial incentives under which savings derived from the substitution of generic medicines in lieu of non-generic medicines are made available to beneficiaries enrolled under this part, benefit administrators, pharmacies, and the Prescription Medicine Insurance Account; and

“(4) any other incentive that the Secretary deems appropriate and likely to be effective in managing costs or utilization.

“INCENTIVE PROGRAM TO ENCOURAGE EMPLOYERS TO CONTINUE COVERAGE

“SEC. 1860H. (a) PROGRAM AUTHORITY.—The Secretary shall develop and implement a program under this section called the ‘Employer Incentive Program’ that encourages employers and other sponsors of employment-based health care coverage to provide adequate prescription medicine benefits to retired individuals and to maintain such existing benefit programs, by subsidizing, in part, the cost of providing coverage under qualifying plans.

“(b) SPONSOR REQUIREMENTS.—In order to be eligible to receive an incentive payment under this section with respect to coverage of an individual under a qualified retiree prescription medicine plan (as defined in subsection (f)(3)), a sponsor shall meet the following requirements:

“(1) ASSURANCES.—The sponsor shall—

“(A) annually attest, and provide such assurances as the Secretary may require, that the coverage offered by the sponsor is a qualified retiree prescription medicine plan, and will remain such a plan for the duration of the sponsor's participation in the program under this section; and

“(B) guarantee that it will give notice to the Secretary and covered retirees—

“(i) at least 120 days before terminating its plan; and

“(ii) immediately upon determining that the actuarial value of the prescription medicine benefit under the plan falls below the actuarial value of the insurance benefit under this part.

“(2) OTHER REQUIREMENTS.—The sponsor shall provide such information, and comply with such requirements, including information requirements to ensure the integrity of the program, as the Secretary may find necessary to administer the program under this section.

“(c) INCENTIVE PAYMENT.—

“(1) IN GENERAL.—A sponsor that meets the requirements of subsection (b) with respect to a quarter in a calendar year shall have payment made by the Secretary on a quarterly basis to the appropriate employment-based health plan of an incentive payment, in the amount determined as described in paragraph (2), for each retired individual (or spouse) who—

“(A) was covered under the sponsor's qualified retiree prescription medicine plan during such quarter; and

“(B) was eligible for but was not enrolled in the insurance program under this part.

“(2) AMOUNT OF INCENTIVE.—The payment under this section with respect to each individual described in paragraph (1) for a month shall be equal to ⅔ of the monthly premium amount payable from the Prescription Medicine Insurance Account for an enrolled individual, as set for the calendar year pursuant to section 1860D(a)(2).

“(3) PAYMENT DATE.—The incentive under this section with respect to a calendar quarter shall be payable as of the end of the next succeeding calendar quarter.

“(d) CIVIL MONEY PENALTIES.—A sponsor, health plan, or other entity that the Secretary determines has, directly or through its agent, provided information in connection with a request for an incentive payment under this section that the entity knew or should have known to be false shall be subject to a civil monetary penalty in an amount up to 3 times the total incentive amounts under subsection (c) that were paid (or would have been payable) on the basis of such information.

“(e) PART D ENROLLMENT FOR INDIVIDUALS WHOSE EMPLOYMENT-BASED RETIREE HEALTH COVERAGE ENDS.—

“(1) ELIGIBLE INDIVIDUALS.—An individual shall be given the opportunity to enroll in the program under this part during the period specified in paragraph (2) if—

“(A) the individual declined enrollment in the program under this part at the time the individual first satisfied section 1860C(a);

“(B) at that time, the individual was covered under a qualified retiree prescription medicine plan for which an incentive payment was paid under this section; and

“(C)(i) the sponsor subsequently ceased to offer such plan; or

“(ii) the value of prescription medicine coverage under such plan became less than the value of the coverage under the program under this part.

“(2) SPECIAL ENROLLMENT PERIOD.—An individual described in paragraph (1) shall be eligible to enroll in the program under this part during the 6-month period beginning on the first day of the month in which—

“(A) the individual receives a notice that coverage under such plan has terminated (in the circumstance described in paragraph (1)(C)(i)) or notice that a claim has been denied because of such a termination; or

“(B) the individual received notice of the change in benefits (in the circumstance described in paragraph (1)(C)(ii)).

“(f) DEFINITIONS.—In this section:

“(1) EMPLOYMENT-BASED RETIREE HEALTH COVERAGE.—The term ‘employment-based retiree health coverage’ means health insurance or other coverage of health care costs for retired individuals (or for such individuals and their spouses and dependents) based on their status as former employees or labor union members.

“(2) EMPLOYER.—The term ‘employer’ has the meaning given to such term by section 3(5) of the Employee Retirement Income Security Act of 1974 (except that such term shall include only employers of 2 or more employees).

"(3) QUALIFIED RETIREE PRESCRIPTION MEDICINE PLAN.—The term 'qualified retiree prescription medicine plan' means health insurance coverage included in employment-based retiree health coverage that—

"(A) provides coverage of the cost of prescription medicines whose actuarial value to each retired beneficiary equals or exceeds the actuarial value of the benefits provided to an individual enrolled in the program under this part; and

"(B) does not deny, limit, or condition the coverage or provision of prescription medicine benefits for retired individuals based on age or any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

"(4) SPONSOR.—The term 'sponsor' has the meaning given the term 'plan sponsor' by section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

"APPROPRIATIONS TO COVER GOVERNMENT CONTRIBUTIONS

"SEC. 1860I. (a) IN GENERAL.—There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Prescription Medicine Insurance Account, a Government contribution equal to—

"(1) the aggregate premiums payable for a month pursuant to section 1860D(a)(2) by individuals enrolled in the program under this part; plus

"(2) one-half the aggregate premiums payable for a month pursuant to such section for such individuals by former employers; plus

"(3) the benefits payable by reason of the application of section 1860B(c) (relating to catastrophic benefits).

"(b) APPROPRIATIONS TO COVER INCENTIVES FOR EMPLOYMENT-BASED RETIREE MEDICINE COVERAGE.—There are authorized to be appropriated to the Prescription Medicine Insurance Account from time to time, out of any moneys in the Treasury not otherwise appropriated such sums as may be necessary for payment of incentive payments under section 1860H(c).

"DEFINITIONS

"SEC. 1860J. As used in this part—

"(1) the term 'prescription medicine' means—

"(A) a drug that may be dispensed only upon a prescription, and that is described in subparagraph (A)(i), (A)(ii), or (B) of section 1927(k)(2); and

"(B) insulin certified under section 506 of the Federal Food, Drug, and Cosmetic Act, and needles, syringes, and disposable pumps for the administration of such insulin; and

"(2) the term 'benefit administrator' means an entity which is providing for the administration of benefits under this part pursuant to 1860G.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO FEDERAL SUPPLEMENTARY HEALTH INSURANCE TRUST FUND.—Section 1841 of the Social Security Act (42 U.S.C. 1395t) is amended—

(A) in the last sentence of subsection (a)—

(i) by striking "and" after "section 201(i)(1)"; and

(ii) by inserting before the period the following: ", and such amounts as may be deposited in, or appropriated to, the Prescription Medicine Insurance Account established by section 1860F";

(B) in subsection (g), by inserting after "by this part," the following: "the payments provided for under part D (in which case the payments shall come from the Prescription Medicine Insurance Account in the Supplementary Medical Insurance Trust Fund),";

(C) in the first sentence of subsection (h), by inserting before the period the following: "and section 1860D(b)(4) (in which case the payments shall come from the Prescription Medicine Insurance Account in the Supplementary Medical Insurance Trust Fund)"; and

(D) in the first sentence of subsection (i)—

(i) by striking "and" after "section 1840(b)(1)"; and

(ii) by inserting before the period the following: ", section 1860D(b)(2) (in which case the payments shall come from the Prescription Medicine Insurance Account in the Supplementary Medical Insurance Trust Fund)".

(2) PRESCRIPTION MEDICINE OPTION UNDER MEDICARE+CHOICE PLANS.—

(A) ELIGIBILITY, ELECTION, AND ENROLLMENT.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21) is amended—

(i) in subsection (a)(1)(A), by striking "parts A and B" inserting "parts A, B, and D"; and

(ii) in subsection (i)(1), by striking "parts A and B" and inserting "parts A, B, and D".

(B) VOLUNTARY BENEFICIARY ENROLLMENT FOR MEDICINE COVERAGE.—Section 1852(a)(1)(A) of such Act (42 U.S.C. 1395w–22(a)(1)(A)) is amended by inserting "(and under part D to individuals also enrolled under that part)" after "parts A and B".

(C) ACCESS TO SERVICES.—Section 1852(d)(1) of such Act (42 U.S.C. 1395w–22(d)(1)) is amended—

(i) in subparagraph (D), by striking "and" at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(F) the plan for prescription medicine benefits under part D guarantees coverage of any specifically named covered prescription medicine for an enrollee, when prescribed by a physician in accordance with the provisions of such part, regardless of whether such medicine would otherwise be covered under an applicable formulary or discount arrangement.".

(D) PAYMENTS TO ORGANIZATIONS.—Section 1853(a)(1)(A) of such Act (42 U.S.C. 1395w–23(a)(1)(A)) is amended—

(i) by inserting "determined separately for benefits under parts A and B and under part D (for individuals enrolled under that part)" after "as calculated under subsection (c)";

(ii) by striking "that area, adjusted for such risk factors" and inserting "that area. In the case of payment for benefits under parts A and B, such payment shall be adjusted for such risk factors as"; and

(iii) by inserting before the last sentence the following: "In the case of the payments for benefits under part D, such payment shall initially be adjusted for the risk factors of each enrollee as the Secretary determines to be feasible and appropriate. By 2006, the adjustments would be for the same risk factors applicable for benefits under parts A and B.".

(E) CALCULATION OF ANNUAL MEDICARE+CHOICE CAPITATION RATES.—Section 1853(c) of such Act (42 U.S.C. 1395w–23(c)) is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting "for benefits under parts A and B" after "capitation rate";

(ii) in paragraph (6)(A), by striking "rate of growth in expenditures under this title" and inserting "rate of growth in expenditures for benefits available under parts A and B"; and

(iii) by adding at the end the following new paragraph:

"(8) PAYMENT FOR PRESCRIPTION MEDICINES.—The Secretary shall determine a capitation rate for prescription medicines—

"(A) dispensed in 2003, which is based on the projected national per capita costs for prescription medicine benefits under part D and associated claims processing costs for beneficiaries under the original medicare fee-for-service program; and

"(B) dispensed in each subsequent year, which shall be equal to the rate for the previous year updated by the Secretary's estimate of the projected per capita rate of growth in expenditures under this title for prescription medicines for an individual enrolled under part D.".

(F) LIMITATION ON ENROLLEE LIABILITY.—Section 1854(e) of such Act (42 U.S.C. 1395w-24(e)) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE FOR PROVISION OF PART D BENEFITS.—In no event may a Medicare+Choice organization include as part of a plan for prescription medicine benefits under part D the following requirements:

"(A) NO DEDUCTIBLE; NO COINSURANCE GREATER THAN 50 PERCENT.—A requirement that an enrollee pay a deductible, or a coinsurance percentage that exceeds 50 percent.

"(B) MANDATORY INCLUSION OF CATASTROPHIC BENEFIT.—A requirement that the catastrophic benefit level under the plan be greater than such level established under section 1860B(c).".

(G) REQUIREMENT FOR ADDITIONAL BENEFITS.—Section 1854(f)(1) of such Act (42 U.S.C. 1395w–24(f)(1)) is amended by adding at the end the following new sentence: "Such determination shall be made separately for benefits under parts A and B and for prescription medicine benefits under part D.".

(H) PROTECTIONS AGAINST FRAUD AND BENEFICIARY PROTECTIONS.—Section 1857(d) of such Act (42 U.S.C. 1395w–27(d)) is amended by adding at the end the following new paragraph:

"(6) AVAILABILITY OF NEGOTIATED PRICES.—Each contract under this section shall provide that enrollees who exhaust prescription medicine benefits under the plan will continue to have access to prescription medicines at negotiated prices equivalent to the total combined cost of such medicines to the plan and the enrollee prior to such exhaustion of benefits.".

(3) EXCLUSIONS FROM COVERAGE.—

(A) APPLICATION TO PART D.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended in the matter preceding paragraph (1) by striking "part A or part B" and inserting "part A, B, or D".

(B) PRESCRIPTION MEDICINES NOT EXCLUDED FROM COVERAGE IF APPROPRIATELY PRESCRIBED.—Section 1862(a)(1) of such Act (42 U.S.C. 1395y(a)(1)) is amended—

(i) in subparagraph (H), by striking "and" at the end;

(ii) in subparagraph (I), by striking the semicolon at the end and inserting ", and"; and

(iii) by adding at the end the following new subparagraph:

"(J) in the case of prescription medicines covered under part D, which are not prescribed in accordance with such part;".

SEC. 102. MEDICAID BUY-IN OF MEDICARE PRESCRIPTION MEDICINE COVERAGE FOR CERTAIN LOW-INCOME INDIVIDUALS.

(a) STATE OPTION TO BUY-IN DUALLY ELIGIBLE INDIVIDUALS.—

(1) COVERAGE OF PREMIUMS AS MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d) is amended in the second sentence of the flush matter at the

end by striking "premiums under part B" the first place it appears and inserting "premiums under parts B and D".

(2) State commitment to continue participation in part D after benefit limit exceeded.—Section 1902(a) of such Act (42 U.S.C. 1396a) is amended—

(A) by striking "and" at the end of paragraph (64);

(B) by striking the period at the end of paragraph (65)(B) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(66) provide that in the case of any individual whose eligibility for medical assistance is not limited to medicare or medicare medicine cost-sharing and for whom the State elects to pay premiums under part D of title XVIII pursuant to section 1860E, the State will purchase all prescription medicines for such individual in accordance with the provisions of such part D, without regard to whether the basic benefit limitation for such individual under section 1860B(b)(3) has been reached.".

(b) Government Payment of Medicare Medicine Cost-Sharing Required for Qualified Medicare Beneficiaries.—Section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by inserting "and" at the end; and

(C) by adding at the end the following new clause:

"(iii) premiums under section 1860D."; and

(2) in subparagraph (D)—

(A) by inserting "(i)" after "(D)"; and

(B) by adding at the end the following:

"(ii) Part d cost-sharing.—The difference between the amount that is paid under section 1860B and the amount that would be paid under such section if any reference to '50 percent' therein were deemed a reference to '100 percent' (or, if the Secretary approves a higher percentage under such section, if such percentage were deemed to be 100 percent).".

(c) Government Payment of Medicare Medicine Cost-Sharing Required for Medicare Beneficiaries With Incomes Between 100 and 150 Percent of Poverty Line.—

(1) State plan requirement.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

(A) in clause (iii), by striking "and" at the end; and

(B) by adding at the end the following new clause:

"(v) for making medical assistance available for medicare medicine cost-sharing (as defined in section 1905(x)(2)) for qualified medicare medicine beneficiaries described in section 1905(x)(1); and".

(2) 100 percent federal matching of state medical assistance costs for medicare medicine cost-sharing.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph:

"(7) except in the case of amounts expended for an individual whose eligibility for medical assistance is not limited to medicare or medicare medicine cost-sharing, an amount equal to 100 percent of amounts as expended as medicare medicine cost-sharing for qualified medicare medicine beneficiaries (as defined in section 1905(x)); plus".

(3) Additional funds for medicare medicine cost-sharing in territories.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(A) in subsection (f), by striking "subsection (g)," and inserting "subsections (g) and (h)"; and

(B) by adding at the end the following new subsection:

"(h) Additional Medicaid Payments to Territories for Medicare Medicine Cost-Sharing.—.

"(1) In general.—In the case of a territory that develops and implements a plan described in paragraph (2) (for providing medical assistance with respect to the provision of prescription drugs to medicare beneficiaries), the amount otherwise determined under subsection (f) (as increased under subsection (g)) for the State shall be increased by the amount specified in paragraph (3).

"(2) Plan.—The plan described in this paragraph is a plan that—

"(A) provides medical assistance with respect to the provision of some or all medicare medicine cost sharing (as defined in section 1905(x)(2)) to low-income medicare beneficiaries; and

"(B) assures that additional amounts received by the State that are attributable to the operation of this subsection are used only for such assistance.

"(3) Increased amount.—

"(A) In general.—The amount specified in this paragraph for a State for a year is equal to the product of—

"(i) the aggregate amount specified in subparagraph (B); and

"(ii) the amount specified in subsection (g)(1) for that State, divided by the sum of the amounts specified in such section for all such States.

"(B) Aggregate amount.—The aggregate amount specified in this subparagraph for—

"(i) 2003, is equal to $25,000,000; or

"(ii) a subsequent year, is equal to the aggregate amount specified in this subparagraph for the previous year increased by annual percentage increase specified in section 1860B(b)(3)(B) for the year involved.".

(4) Definitions of eligible beneficiaries and coverage.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(x)(1) The term 'qualified medicare medicine beneficiary' means an individual—

"(A) who is enrolled or enrolling under part D of title XVIII;

"(B) whose income (as determined under section 1612 for purposes of the supplemental security income program, except as provided in subsection (p)(2)(D)) is above 100 percent but below 150 percent of the official poverty line (as referred to in subsection (p)(2)) applicable to a family of the size involved; and

"(C) whose resources (as determined under section 1613 for purposes of the supplemental security income program) do not exceed twice the maximum amount of resources that an individual may have and obtain benefits under that program.

"(2) The term 'medicare medicine cost-sharing' means the following costs incurred with respect to a qualified medicare medicine beneficiary, without regard to whether the costs incurred were for items and services for which medical assistance is otherwise available under the plan:

"(A) In the case of a qualified medicare medicine beneficiary whose income (as determined under paragraph (1)) is less than 135 percent of the official poverty line—

"(i) premiums under section 1860D; and

"(ii) the difference between the amount that is paid under section 1860B and the amount that would be paid under such section if any reference to '50 percent' therein were deemed a reference to '100 percent' (or, if the Secretary approves a higher percentage under such section, if such percentage were deemed to be 100 percent).

"(B) In the case of a qualified medicare medicine beneficiary whose income (as determined under paragraph (1)) is at least 135 percent but less than 150 percent of the official poverty line, a percentage of premiums under section 1860D, determined on a linear sliding scale ranging from 100 percent for individuals with incomes at 135 percent of such line to 0 percent for individuals with incomes at 150 percent of such line.

"(3) In the case of any State which is providing medical assistance to its residents under a waiver granted under section 1115, the Secretary shall require the State to meet the requirement of section 1902(a)(10)(E) in the same manner as the State would be required to meet such requirement if the State had in effect a plan approved under this title.".

(d) Medicaid Medicine Price Rebates Unavailable With Respect to Medicines Purchased Through Medicare Buy-In.—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended by adding at the end the following new subsection:

"(l) Medicines Purchased Through Medicare Buy-In.—The provisions of this section shall not apply to prescription medicines purchased under part D of title XVIII pursuant to an agreement with the Secretary under section 1860E (including any medicines so purchased after the limit under section 1860B(b)(3) has been exceeded).".

(e) Amendments to Medicare Part D.—Part D of title XVIII of the Social Security Act (as added by section 2) is amended by inserting after section 1860D the following new section:

"SPECIAL ELIGIBILITY, ENROLLMENT, AND CO-PAYMENT RULES FOR LOW-INCOME INDIVIDUALS

"Sec. 1860E. (a) State Options for Coverage: Continuation of Medicaid Coverage or Enrollment under this Part.—

"(1) In general.—The Secretary shall, at the request of a State, enter into an agreement with the State under which all individuals described in paragraph (2) are enrolled in the program under this part, without regard to whether any such individual has previously declined the opportunity to enroll in such program.

"(2) Eligibility groups.—The individuals described in this paragraph, for purposes of paragraph (1), are individuals who satisfy section 1860C(a) and who are—

"(A) in a coverage group or groups permitted under section 1843 (as selected by the State and specified in the agreement); or

"(B) qualified medicare medicine beneficiaries (as defined in section 1905(x)(1)).

"(3) Coverage period.—The period of coverage under this part of an individual enrolled under an agreement under this subsection shall be as follows:

"(A) Individuals eligible (at state option) for part b buy-in.—In the case of an individual described in subsection (a)(2)(A), the coverage period shall be the same period that applies (or would apply) pursuant to section 1843(d).

"(B) Qualified medicare medicine beneficiaries.—In the case of an individual described in subsection (a)(2)(B)—

"(i) the coverage period shall begin on the latest of—

"(I) January 1, 2003;

"(II) the first day of the third month following the month in which the State agreement is entered into; or

"(III) the first day of the first month following the month in which the individual satisfies section 1860C(a); and

"(ii) the coverage period shall end on the last day of the month in which the individual is determined by the State to have become ineligible for medicare medicine cost-sharing.

"(4) Enrollment for low-income subsidy through other means.—

"(A) Flexibility in enrollment process.—With respect to low-income individuals residing in a State enrolling under this part on or after January 1, 2003, the Secretary shall provide for determinations of whether the individual is eligible for a subsidy and the amount of such individual's income to be made under arrangements with appropriate entities other than State medicaid agencies.

"(B) Use of certain information.—Arrangements with entities under subparagraph (A) shall provide for —

"(i) the use of existing Federal government databases to identify eligibility; and

"(ii) the use of information obtained under section 154 of the Social Security Act Amendments of 1994 for newly eligible medicare beneficiaries, and the application of such information with respect to other medicare beneficiaries.

"(b) Special Part D Enrollment Opportunity for Individuals Losing Medicaid Eligibility.—In the case of an individual who—

"(1) satisfies section 1860C(a); and

"(2) loses eligibility for benefits under the State plan under title XIX after having been enrolled under such plan or having been determined eligible for such benefits;

the Secretary shall provide an opportunity for enrollment under the program under this part during the period that begins on the date that such individual loses such eligibility and ends on the date specified by the Secretary.

"(c) Definition.—For purposes of this section, the term 'State' has the meaning given such term under section 1101(a) for purposes of title XIX.".

(f) Removal of Sunset Date for Cost-Sharing in Medicare Part B Premiums for Certain Qualifying Individuals.—

(1) In general.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv))is amended to read as follows—

"(iv) subject to section 1905(p)(4), for making medical assistance available for medicare cost-sharing described in section 1905(p)(3)(A)(ii) for individuals who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds the income level established by the State under section 1905(p)(2) and is at least 120 percent, but less than 135 percent, of the official poverty line (referred to in such section) for a family of the size involved and who are not otherwise eligible for medical assistance under the State plan;".

(2) Relocation of provision requiring 100 percent federal matching of state medical assistance costs for certain qualifying individuals.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)), as amended by subsection (c)(3), is amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following new paragraph:

"(8) an amount equal to 100 percent of amounts expended as medicare cost-sharing described in section 1903(a)(10)(E)(iv) for individuals described in such section; plus".

(3) Repeal of section 1933.—Section 1933 is repealed.

(4) Effective date.—The amendments made by this subsection shall take effect on January 1, 2003.

SEC. 103. OFFSET FOR CATASTROPHIC PRESCRIPTION MEDICINE BENEFIT.

If the mid-summer 2000 budget estimate prepared by the Director of the Congressional Budget Office results in a higher level of projected on-budget surplus over the ten fiscal year period beginning with fiscal year 2001 than the projected on-budget surplus in the estimate prepared by the Director in March, 2000, there shall be transferred out of any moneys in the Treasury not otherwise appropriated in a fiscal year (beginning with fiscal year 2003) to the Prescription Medicine Insurance Account (created in the Federal Supplemental Medical Insurance Trust Fund established by section 1841 of the Social Security Act (42 U.S.C. 1395t)) such sums as are necessary to offset the costs attributable to the operation of section 1860B(a)(2) of the Social Security Act (as added by section 3) (relating to catastrophic benefit payment amounts) in that fiscal year.

SEC. 104. GAO ONGOING STUDIES AND REPORTS ON PROGRAM; MISCELLANEOUS REPORTS.

(a) Ongoing Study.—The Comptroller General of the United States shall conduct an ongoing study and analysis of the prescription medicine benefit program under part D of the Medicare program under title XVIII of the Social Security Act (as added by section 3 of this Act), including an analysis of each of the following:

(1) The extent to which the administering entities have -achieved volume-based discounts similar to the favored -price paid by other large purchasers.

(2) Whether access to the benefits under such program are in fact available to all beneficiaries, with special attention given to access for beneficiaries living in rural and hard-to-serve areas.

(3) The success of such program in reducing medication error and adverse medicine reactions and improving quality of care, and whether it is probable that the program has resulted in savings through reduced hospitalizations and morbidity due to medication errors and adverse medicine reactions.

(4) Whether patient medical record confidentiality is being maintained and safeguarded.

(5) Such other issues as the Comptroller General may consider.

(b) Reports.—The Comptroller General shall issue such reports on the results of the ongoing study described in (a) as the Comptroller General shall deem appropriate and shall notify Congress on a timely basis of significant problems in the operation of the part D prescription medicine program and the need for legislative adjustments and improvements.

(c) Miscellaneous Studies and Reports.—

(1) Study on methods to encourage additional research on breakthrough pharmaceuticals.—

(A) In general.—The Secretary of Health and Human Services shall seek the advice of the Secretary of the Treasury on possible tax and trade law changes to encourage increased original research on new pharmaceutical breakthrough products designed to address disease and illness.

(B) Report.—Not later than January 1, 2003, the Secretary shall submit to Congress a report on such study. The report shall include recommended methods to encourage the pharmaceutical industry to devote more resources to research and development of new covered products than it devotes to overhead expenses.

(2) Study on pharmaceutical sales practices and impact on costs and quality of care.—

(A) In general.—The Secretary of Health and Human Services shall conduct a study on the methods used by the pharmaceutical industry to advertise and sell to consumers and educate and sell to providers.

(B) Report.—Not later than January 1, 2003, the Secretary shall submit to Congress a report on such study. The report shall include the estimated direct and indirect costs of the sales methods used, the quality of the information conveyed, and whether such sales efforts leads (or could lead) to inappropriate prescribing. Such report may include legislative and regulatory recommendations to encourage more appropriate education and prescribing practices.

(3) Study on cost of pharmaceutical research.—

(A) In general.—The Secretary of Health and Human Services shall conduct a study on the costs of, and needs for, the pharmaceutical research and the role that the taxpayer provides in encouraging such research.

(B) Report.—Not later than January 1, 2003, the Secretary shall submit to Congress a report on such study. The report shall include a description of the full-range of taxpayer-assisted programs impacting pharmaceutical research, including tax, trade, government research, and regulatory assistance. The report may also include legislative and regulatory recommendations that are designed to ensure that the taxpayer's investment in pharmaceutical research results in the availability of pharmaceuticals at reasonable prices.

(4) Report on pharmaceutical prices in major foreign nations.—Not later than January 1, 2003, the Secretary of Health and Human Services shall submit to Congress a report on the retail price of major pharmaceutical products in various developed nations, compared to prices for the same or similar products in the United States. The report shall include a description of the principal reasons for any price differences that may exist.

TITLE II—IMPROVEMENT IN BENEFICIARY SERVICES

Subtitle A—Improvement of Medicare Coverage and Appeals Process

SEC. 201. REVISIONS TO MEDICARE APPEALS PROCESS.

(a) Conduct of Reconsiderations of Determinations by Independent Contractors.—Section 1869 of the Social Security Act (42 U.S.C. 1395ff) is amended to read as follows:

"DETERMINATIONS; APPEALS

"Sec. 1869. (a) Initial Determinations.—The Secretary shall promulgate regulations and make initial determinations with respect to benefits under part A or part B in accordance with those regulations for the following:

"(1) The initial determination of whether an individual is entitled to benefits under such parts.

"(2) The initial determination of the amount of benefits available to the individual under such parts.

"(3) Any other initial determination with respect to a claim for benefits under such parts, including an initial determination by the Secretary that payment may not be made, or may no longer be made, for an item or service under such parts, an initial determination made by a utilization and quality control peer review organization under section 1154(a)(2), and an initial determination made by an entity pursuant to a contract with the Secretary to administer provisions of this title or title XI.

"(b) Appeal Rights.—

"(1) In general.—

"(A) Reconsideration of initial determination.—Subject to subparagraph (D), any individual dissatisfied with any initial determination under subsection (a) shall be entitled to reconsideration of the determination, and, subject to subparagraphs (D) and (E), a hearing thereon by the Secretary to the same extent as is provided in section 205(b) and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

"(B) Representation by provider or supplier.—

"(i) In general.—Sections 206(a), 1102, and 1871 shall not be construed as authorizing the Secretary to prohibit an individual from being represented under this section by a person that furnishes or supplies the individual, directly or indirectly, with services or items, solely on the basis that the person furnishes or supplies the individual with such a service or item.

"(ii) Mandatory waiver of right to payment from beneficiary.—Any person that furnishes services or items to an individual may not represent an individual under this section with respect to the issue described in section 1879(a)(2) unless the person has waived any rights for payment from the beneficiary with respect to the services or items involved in the appeal.

"(iii) Prohibition on payment for representation.—If a person furnishes services or items to an individual and represents the individual under this section, the person may not impose any financial liability on such individual in connection with such representation.

"(iv) Requirements for representatives of a beneficiary.—The provisions of section 205(j) and section 206 (regarding representation of claimants) shall apply to representation of an individual with respect to appeals under this section in the same manner as they apply to representation of an individual under those sections.

"(C) Succession of rights in cases of assignment.—The right of an individual to an appeal under this section with respect to an item or service may be assigned to the provider of services or supplier of the item or service upon the written consent of such individual using a standard form established by the Secretary for such an assignment.

"(D) Time limits for appeals.—

"(i) Reconsiderations.—Reconsideration under subparagraph (A) shall be available only if the individual described subparagraph (A) files notice with the Secretary to request reconsideration by not later than 180 days after the individual receives notice of the initial determination under subsection (a) or within such additional time as the Secretary may allow.

"(ii) Hearings conducted by the Secretary.—The Secretary shall establish in regulations time limits for the filing of a request for a hearing by the Secretary in accordance with provisions in sections 205 and 206.

"(E) Amounts in controversy.—

"(i) In general.—A hearing (by the Secretary) shall not be available to an individual under this section if the amount in controversy is less than $100, and judicial review shall not be available to the individual if the amount in controversy is less than $1,000.

"(ii) Aggregation of claims.—In determining the amount in controversy, the Secretary, under regulations, shall allow 2 or more appeals to be aggregated if the appeals involve—

"(I) the delivery of similar or related services to the same individual by one or more providers of services or suppliers, or

"(II) common issues of law and fact arising from services furnished to 2 or more individuals by one or more providers of services or suppliers.

"(F) Expedited proceedings.—

"(i) Expedited determination.—In the case of an individual who—

"(I) has received notice by a provider of services that the provider of services plans to terminate services provided to an individual and a physician certifies that failure to continue the provision of such services is likely to place the individual's health at significant risk, or

"(II) has received notice by a provider of services that the provider of services plans to discharge the individual from the provider of services,

the individual may request, in writing or orally, an expedited determination or an expedited reconsideration of an initial determination made under subsection (a), as the case may be, and the Secretary shall provide such expedited determination or expedited reconsideration.

"(ii) Expedited hearing.—In a hearing by the Secretary under this section, in which the moving party alleges that no material issues of fact are in dispute, the Secretary shall make an expedited determination as to whether any such facts are in dispute and, if not, shall render a decision expeditiously.

"(G) Reopening and revision of determinations.—The Secretary may reopen or revise any initial determination or reconsidered determination described in this subsection under guidelines established by the Secretary in regulations.

"(2) Review of coverage determinations.—

"(A) National coverage determinations.—

"(i) In general.—Review of any national coverage determination shall be subject to the following limitations:

"(I) Such a determination shall not be reviewed by any administrative law judge.

"(II) Such a determination shall not be held unlawful or set aside on the ground that a requirement of section 553 of title 5, United States Code, or section 1871(b) of this title, relating to publication in the Federal Register or opportunity for public comment, was not satisfied.

"(III) Upon the filing of a complaint by an aggrieved party, such a determination shall be reviewed by the Departmental Appeals Board of the Department of Health and Human Services. In conducting such a review, the Departmental Appeals Board shall review the record and shall permit discovery and the taking of evidence to evaluate the reasonableness of the determination. In reviewing such a determination, the Departmental Appeals Board shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

"(IV) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

"(ii) Definition of national coverage determination.—For purposes of this section, the term 'national coverage determination' means a determination by the Secretary respecting whether or not a particular item or service is covered nationally under this title, including such a determination under 1862(a)(1).

"(B) Local coverage determination.—In the case of a local coverage determination made by a fiscal intermediary or a carrier under part A or part B respecting whether a particular type or class of items or services is covered under such parts, the following limitations apply:

"(i) Upon the filing of a complaint by an aggrieved party, such a determination shall be reviewed by an administrative law judge of the Social Security Administration. The administrative law judge shall review the record and shall permit discovery and the taking of evidence to evaluate the reasonableness of the determination. In reviewing such a determination, the administrative law judge shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

"(ii) Such a determination may be reviewed by the Departmental Appeals Board of the Department of Health and Human Services.

"(iii) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

"(C) No material issues of fact in dispute.—In the case of review of a determination under subparagraph (A)(i)(III) or (B)(i) where the moving party alleges that there are no material issues of fact in dispute, and alleges that the only issue is the constitutionality of a provision of this title, or that a regulation, determination, or ruling by the Secretary is invalid, the moving party may seek review by a court of competent jurisdiction.

"(D) Pending national coverage determinations.—

"(i) In general.—In the event the Secretary has not issued a national coverage or noncoverage determination with respect to a particular type or class of items or services, an affected party may submit to the Secretary a request to make such a determination with respect to such items or services. By not later than the end of the 90-day period beginning on the date the Secretary receives such a request, the Secretary shall take one of the following actions:

"(I) Issue a national coverage determination, with or without limitations.

"(II) Issue a national noncoverage determination.

"(III) Issue a determination that no national coverage or noncoverage determination is appropriate as of the end of such 90-day period with respect to national coverage of such items or services.

"(IV) Issue a notice that states that the Secretary has not completed a review of the request for a national coverage determination and that includes an identification of the remaining steps in the Secretary's review process and a deadline by which the Secretary will complete the review and take an action described in subclause (I), (II), or (III).

"(ii) In the case of an action described in clause (i)(IV), if the Secretary fails to take an action referred to in such clause by the deadline specified by the Secretary under such clause, then the Secretary is deemed to have taken an action described in clause (i)(III) as of the deadline.

"(iii) When issuing a determination under clause (i), the Secretary shall include an explanation of the basis for the determination. An action taken under clause (i) (other than subclause (IV)) is deemed to be a national coverage determination for purposes of review under subparagraph (A).

"(E) Annual Report on National Coverage Determinations.—

"(i) In general.—Not later than December 1 of each year, beginning in 2001, the Secretary shall submit to Congress a report that sets forth a detailed compilation of the actual time periods that were necessary to complete and fully implement national coverage determinations that were made in the previous fiscal year for items, services, or medical devices not previously covered as a benefit under this title, including, with respect to each new item, service, or medical device, a statement of the time taken by the Secretary to make the necessary coverage, coding, and payment determinations, including the time taken to complete each significant step in the process of making such determinations.

"(ii) Publication of Reports on the Internet.—The Secretary shall publish each report submitted under clause (i) on the medicare Internet site of the Department of Health and Human Services.

"(3) Publication on the Internet of Decisions of Hearings of the Secretary.—Each decision of a hearing by the Secretary shall be made public, and the Secretary shall publish each decision on the Medicare Internet site of the Department of Health and Human Services. The Secretary shall remove from such decision any information that would identify any individual, provider of services, or supplier.

"(4) Limitation on Review of Certain Regulations.—A regulation or instruction which relates to a method for determining the amount of payment under part B and which was initially issued before January 1, 1981, shall not be subject to judicial review.

"(5) Standing.—An action under this section seeking review of a coverage determination (with respect to items and services under this title) may be initiated only by one (or more) of the following aggrieved persons, or classes of persons:

"(A) Individuals entitled to benefits under part A, or enrolled under part B, or both, who are in need of the items or services that are the subject of the coverage determination.

"(B) Persons, or classes of persons, who make, manufacture, offer, supply, make available, or provide such items and services.

"(c) Conduct of Reconsiderations by Independent Contractors.—

"(1) In general.—The Secretary shall enter into contracts with qualified independent contractors to conduct reconsiderations of initial determinations made under paragraphs (2) and (3) of subsection (a). Contracts shall be for an initial term of three years and shall be renewable on a triennial basis thereafter.

"(2) Qualified independent contractor.—For purposes of this subsection, the term 'qualified independent contractor' means an entity or organization that is independent of any organization under contract with the Secretary that makes initial determinations under subsection (a), and that meets the requirements established by the Secretary consistent with paragraph (3).

"(3) Requirements.—Any qualified independent contractor entering into a contract with the Secretary under this subsection shall meet the following requirements:

"(A) In general.—The qualified independent contractor shall perform such duties and functions and assume such responsibilities as may be required under regulations of the Secretary promulgated to carry out the provisions of this subsection, and such additional duties, functions, and responsibilities as provided under the contract.

"(B) Determinations.—The qualified independent contractor shall determine, on the basis of such criteria, guidelines, and policies established by the Secretary and published under subsection (d)(2)(D), whether payment shall be made for items or services under part A or part B and the amount of such payment. Such determination shall constitute the conclusive determination on those issues for purposes of payment under such parts for fiscal intermediaries, carriers, and other entities whose determinations are subject to review by the contractor; except that payment may be made if—

"(i) such payment is allowed by reason of section 1879;

"(ii) in the case of inpatient hospital services or extended care services, the qualified independent contractor determines that additional time is required in order to arrange for postdischarge care, but payment may be continued under this clause for not more than 2 days, and only in the case in which the provider of such services did not know and could not reasonably have been expected to know (as determined under section 1879) that payment would not otherwise be made for such services under part A or part B prior to notification by the qualified independent contractor under this subsection;

"(iii) such determination is changed as the result of any hearing by the Secretary or judicial review of the decision under this section; or

"(iv) such payment is authorized under section 1861(v)(1)(G).

"(C) Deadlines for decisions.—

"(i) Determinations.—The qualified independent contractor shall conduct and conclude a determination under subparagraph (B) or an appeal of an initial determination, and mail the notice of the decision by not later than the end of the 45-day period beginning on the date a request for reconsideration has been timely filed.

"(ii) Consequences of failure to meet deadline.—In the case of a failure by the qualified independent contractor to mail the notice of the decision by the end of the period described in clause (i), the party requesting the reconsideration or appeal may request a hearing before an administrative law judge, notwithstanding any requirements for a reconsidered determination for purposes of the party's right to such hearing.

"(iii) Expedited reconsiderations.—The qualified independent contractor shall perform an expedited reconsideration under subsection (b)(1)(F) of a notice from a provider of services or supplier that payment may not be made for an item or service furnished by the provider of services or supplier, of a decision by a provider of services to terminate services furnished to an individual, or in accordance with the following:

"(I) Deadline for decision.—Notwithstanding section 216(j), not later than 1 day after the date the qualified independent contractor has received a request for such reconsideration and has received such medical or other records needed for such reconsideration, the qualified independent contractor shall provide notice (by telephone and in writing) to the individual and the provider of services and attending physician of the individual of the results of the reconsideration. Such reconsideration shall be conducted regardless of whether the provider of services or supplier will charge the individual for continued services or whether the individual will be liable for payment for such continued services.

"(II) Consultation with beneficiary.—In such reconsideration, the qualified independent contractor shall solicit the views of the individual involved.

"(D) Limitation on individual reviewing determinations.—

"(i) Physicians.—No physician under the employ of a qualified independent contractor may review—

"(I) determinations regarding health care services furnished to a patient if the physician was directly responsible for furnishing such services; or

"(II) determinations regarding health care services provided in or by an institution, organization, or agency, if the physician or any member of the physician's family has, directly or indirectly, a significant financial interest in such institution, organization, or agency.

"(ii) Physician's family described.—For purposes of this paragraph, a physician's family includes the physician's spouse (other than a spouse who is legally separated from the physician under a decree of divorce or separate maintenance), children (including stepchildren and legally adopted children), grandchildren, parents, and grandparents.

"(E) Explanation of determinations.—Any determination of a qualified independent contractor shall be in writing, and shall include a detailed explanation of the determination as well as a discussion of the pertinent facts and applicable regulations applied in making such determination.

"(F) Notice requirements.—Whenever a qualified independent contractor makes a determination under this subsection, the qualified independent contractor shall promptly notify such individual and the entity responsible for the payment of claims under part A or part B of such determination.

"(G) Dissemination of information.—Each qualified independent contractor shall, using the methodology established by the Secretary under subsection (d)(4), make available all determinations of such qualified independent contractors to fiscal intermediaries (under section 1816), carriers (under section 1842), peer review organizations (under part B of title XI), Medicare+Choice organizations offering Medicare+Choice plans under part C, and other entities under contract with the Secretary to make initial determinations under part A or part B or title XI.

"(H) Ensuring consistency in determinations.—Each qualified independent contractor shall monitor its determinations to ensure the consistency of its determinations with respect to requests for reconsideration of similar or related matters.

"(I) Data collection.—

"(i) In general.—Consistent with the requirements of clause (ii), a qualified independent contractor shall collect such information relevant to its functions, and keep and maintain such records in such form and manner as the Secretary may require to carry out the purposes of this section and shall permit access to and use of any such information and records as the Secretary may require for such purposes.

"(ii) Type of data collected.—Each qualified independent contractor shall keep accurate records of each decision made, consistent with standards established by the Secretary for such purpose. Such records shall be maintained in an electronic database in a manner that provides for identification of the following:

"(I) Specific claims that give rise to appeals.

"(II) Situations suggesting the need for increased education for providers of services, physicians, or suppliers.

"(III) Situations suggesting the need for changes in national or local coverage policy.

"(IV) Situations suggesting the need for changes in local medical review policies.

"(iii) ANNUAL REPORTING.—Each qualified independent contractor shall submit annually to the Secretary (or otherwise as the Secretary may request) records maintained under this paragraph for the previous year.

"(J) HEARINGS BY THE SECRETARY.—The qualified independent contractor shall (i) prepare such information as is required for an appeal of its reconsidered determination to the Secretary for a hearing, including as necessary, explanations of issues involved in the determination and relevant policies, and (ii) participate in such hearings as required by the Secretary.

"(4) NUMBER OF QUALIFIED INDEPENDENT CONTRACTORS.—The Secretary shall enter into contracts with not fewer than 12 qualified independent contractors under this subsection.

"(5) LIMITATION ON QUALIFIED INDEPENDENT CONTRACTOR LIABILITY.—No qualified independent contractor having a contract with the Secretary under this subsection and no person who is employed by, or who has a fiduciary relationship with, any such qualified independent contractor or who furnishes professional services to such qualified independent contractor, shall be held by reason of the performance of any duty, function, or activity required or authorized pursuant to this subsection or to a valid contract entered into under this subsection, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) provided due care was exercised in the performance of such duty, function, or activity.

"(d) ADMINISTRATIVE PROVISIONS.—

"(1) OUTREACH.—The Secretary shall perform such outreach activities as are necessary to inform individuals entitled to benefits under this title and providers of services and suppliers with respect to their rights of, and the process for, appeals made under this section. The Secretary shall use the toll-free telephone number maintained by the Secretary (1–800–MEDICAR(E)) (1–800–633–4227) to provide information regarding appeal rights and respond to inquiries regarding the status of appeals.

"(2) GUIDANCE FOR RECONSIDERATIONS AND HEARINGS.—

"(A) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall promulgate regulations governing the processes of reconsiderations of determinations by the Secretary and qualified independent contractors and of hearings by the Secretary. Such regulations shall include such specific criteria and provide such guidance as required to ensure the adequate functioning of the reconsiderations and hearings processes and to ensure consistency in such processes.

"(B) DEADLINES FOR ADMINISTRATIVE ACTION.—

"(i) HEARING BY ADMINISTRATIVE LAW JUDGE.—

"(II) IN GENERAL.—Except as provided in subclause (II), an administrative law judge shall conduct and conclude a hearing on a decision of a qualified independent contractor under subsection (c) and render a decision on such hearing by not later than the end of the 90-day period beginning on the date a request for hearing has been timely filed.

"(II) WAIVER OF DEADLINE BY PARTY SEEKING HEARING.—The 90-day period under subclause (I) shall not apply in the case of a motion or stipulation by the party requesting the hearing to waive such period.

"(ii) DEPARTMENTAL APPEALS BOARD REVIEW.—The Departmental Appeals Board of the Department of Health and Human Services shall conduct and conclude a review of the decision on a hearing described in subparagraph (B) and make a decision or remand the case to the administrative law judge for reconsideration by not later than the end of the 90-day period beginning on the date a request for review has been timely filed.

"(iii) CONSEQUENCES OF FAILURE TO MEET DEADLINES.—In the case of a failure by an administrative law judge to render a decision by the end of the period described in clause (ii), the party requesting the hearing may request a review by the Departmental Appeals Board of the Department of Health and Human Services, notwithstanding any requirements for a hearing for purposes of the party's right to such a review.

"(iv) DAB HEARING PROCEDURE.—In the case of a request described in clause (iii), the Departmental Appeals Board shall review the case de novo.

"(C) POLICIES.—The Secretary shall provide such specific criteria and guidance, including all applicable national and local coverage policies and rationale for such policies, as is necessary to assist the qualified independent contractors to make informed decisions in considering appeals under this section. The Secretary shall furnish to the qualified independent contractors the criteria and guidance described in this paragraph in a published format, which may be an electronic format.

"(D) PUBLICATION OF MEDICARE COVERAGE POLICIES ON THE INTERNET.—The Secretary shall publish national and local coverage policies under this title on an Internet site maintained by the Secretary.

"(E) EFFECT OF FAILURE TO PUBLISH POLICIES.—

"(i) NATIONAL AND LOCAL COVERAGE POLICIES.—Qualified independent contractors shall not be bound by any national or local medicare coverage policy established by the Secretary that is not published on the Internet site under subparagraph (D).

"(ii) OTHER POLICIES.—With respect to policies established by the Secretary other than the policies described in clause (i), qualified independent contractors shall not be bound by such policies if the Secretary does not furnish to the qualified independent contractor the policies in a published format consistent with subparagraph (C).

"(3) CONTINUING EDUCATION REQUIREMENT FOR QUALIFIED INDEPENDENT CONTRACTORS AND ADMINISTRATIVE LAW JUDGES.—

"(A) IN GENERAL.—The Secretary shall provide to each qualified independent contractor, and, in consultation with the Commissioner of Social Security, to administrative law judges that decide appeals of reconsiderations of initial determinations or other decisions or determinations under this section, such continuing education with respect to policies of the Secretary under this title or part B of title XI as is necessary for such qualified independent contractors and administrative law judges to make informed decisions with respect to appeals.

"(B) MONITORING OF DECISIONS BY QUALIFIED INDEPENDENT CONTRACTORS AND ADMINISTRATIVE LAW JUDGES.—The Secretary shall monitor determinations made by all qualified independent contractors and administrative law judges under this section and shall provide continuing education and training to such qualified independent contractors and administrative law judges to ensure consistency of determinations with respect to appeals on similar or related matters. To ensure such consistency, the Secretary shall provide for administration and oversight of qualified independent contractors and, in consultation with the Commissioner of Social Security, administrative law judges through a central office of the Department of Health and Human Services. Such administration and oversight may not be delegated to regional offices of the Department.

"(4) DISSEMINATION OF DETERMINATIONS.—The Secretary shall establish a methodology under which qualified independent contractors shall carry out subsection (c)(3)(G).

"(5) SURVEY.—Not less frequently than every 5 years, the Secretary shall conduct a survey of a valid sample of individuals entitled to benefits under this title, providers of services, and suppliers to determine the satisfaction of such individuals or entities with the process for appeals of determinations provided for under this section and education and training provided by the Secretary with respect to that process. The Secretary shall submit to Congress a report describing the results of the survey, and shall include any recommendations for administrative or legislative actions that the Secretary determines appropriate.

"(6) REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report describing the number of appeals for the previous year, identifying issues that require administrative or legislative actions, and including any recommendations of the Secretary with respect to such actions. The Secretary shall include in such report an analysis of determinations by qualified independent contractors with respect to inconsistent decisions and an analysis of the causes of any such inconsistencies.".

(b) APPLICABILITY OF REQUIREMENTS AND LIMITATIONS ON LIABILITY OF QUALIFIED INDEPENDENT CONTRACTORS TO MEDICARE+CHOICE INDEPENDENT APPEALS CONTRACTORS.—Section 1852(g)(4) of the Social Security Act (42 U.S.C. 1395w–22(e)(3)) is amended by adding at the end the following: "The provisions of section 1869(c)(5) shall apply to independent outside entities under contract with the Secretary under this paragraph.".

(c) CONFORMING AMENDMENT TO REVIEW BY THE PROVIDER REIMBURSEMENT REVIEW BOARD.—Section 1878(g) of the Social Security Act (42 U.S.C. 1395oo(g)) is amended by adding at the end the following new paragraph:

"(3) Findings described in paragraph (1) and determinations and other decisions described in paragraph (2) may be reviewed or appealed under section 1869.".

SEC. 202. PROVISIONS WITH RESPECT TO LIMITATIONS ON LIABILITY OF BENEFICIARIES.

(a) EXPANSION OF LIMITATION OF LIABILITY PROTECTION FOR BENEFICIARIES WITH RESPECT TO MEDICARE CLAIMS NOT PAID OR PAID INCORRECTLY.—

(1) IN GENERAL.—Section 1879 of the Social Security Act (42 U.S.C. 1395pp) is amended by adding at the end the following new subsections:

"(i) Notwithstanding any other provision of this Act, an individual who is entitled to benefits under this title and is furnished a service or item is not liable for repayment to the Secretary of amounts with respect to such benefits—

"(1) subject to paragraph (2), in the case of a claim for such item or service that is incorrectly paid by the Secretary; and

"(2) in the case of payments made to the individual by the Secretary with respect to any claim under paragraph (1), the individual shall be liable for repayment of such amount only up to the amount of payment received by the individual from the Secretary.

"(j)(1) An individual who is entitled to benefits under this title and is furnished a service or item is not liable for payment of amounts with respect to such benefits in the following cases:

"(A) In the case of a benefit for which an initial determination has not been made by the Secretary under subsection (a) whether payment may be made under this title for such benefit.

"(B) In the case of a claim for such item or service that is—

"(i) improperly submitted by the provider of services or supplier; or

"(ii) rejected by an entity under contract with the Secretary to review or pay claims for services and items furnished under this title, including an entity under contract with the Secretary under section 1857.

"(2) The limitation on liability under paragraph (1) shall not apply if the individual signs a waiver provided by the Secretary under subsection (l) of protections under this paragraph, except that any such waiver shall not apply in the case of a denial of a claim for noncompliance with applicable regulations or procedures under this title or title XI.

"(k) An individual who is entitled to benefits under this title and is furnished services by a provider of services is not liable for payment of amounts with respect to such services prior to noon of the first working day after the date the individual receives the notice of determination to discharge and notice of appeal rights under paragraph (1), unless the following conditions are met:

"(1) The provider of services shall furnish a notice of discharge and appeal rights established by the Secretary under subsection (l) to each individual entitled to benefits under this title to whom such provider of services furnishes services, upon admission of the individual to the provider of services and upon notice of determination to discharge the individual from the provider of services, of the individual's limitations of liability under this section and rights of appeal under section 1869.

"(2) If the individual, prior to discharge from the provider of services, appeals the determination to discharge under section 1869 not later than noon of the first working day after the date the individual receives the notice of determination to discharge and notice of appeal rights under paragraph (1), the provider of services shall, by the close of business of such first working day, provide to the Secretary (or qualified independent contractor under section 1869, as determined by the Secretary) the records required to review the determination.

"(l) The Secretary shall develop appropriate standard forms for individuals entitled to benefits under this title to waive limitation of liability protections under subsection (j) and to receive notice of discharge and appeal rights under subsection (k). The forms developed by the Secretary under this subsection shall clearly and in plain language inform such individuals of their limitations on liability, their rights under section 1869(a) to obtain an initial determination by the Secretary of whether payment may be made under part A or part B for such benefit, and their rights of appeal under section 1869(b), and shall inform such individuals that they may obtain further information or file an appeal of the determination by use of the toll-free telephone number (1-800-MEDICAR(E)) (1-800-633-4227) maintained by the Secretary. The forms developed by the Secretary under this subsection shall be the only manner in which such individuals may waive such protections under this title or title XI.

"(m) An individual who is entitled to benefits under this title and is furnished an item or service is not liable for payment of cost sharing amounts of more than $50 with respect to such benefits unless the individual has been informed in advance of being furnished the item or service of the estimated amount of the cost sharing for the item or service using a standard form established by the Secretary.".

(2) CONFORMING AMENDMENT.—Section 1870(a) of the Social Security Act (42 U.S.C. 1395gg(a)) is amended by striking "Any payment under this title" and inserting "Except as provided in section 1879(i), any payment under this title".

(b) INCLUSION OF BENEFICIARY LIABILITY INFORMATION IN EXPLANATION OF MEDICARE BENEFITS.—Section 1806(a) of the Social Security Act (42 U.S.C. 1395b–7(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) lists with respect to each item or service furnished the amount of the individual's liability for payment;";

(4) in paragraph (3), as so redesignated, by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new paragraph:

"(4) includes the toll-free telephone number (1-800-MEDICAR(E)) (1-800-633-4227) for information and questions concerning the statement, liability of the individual for payment, and appeal rights.".

SEC. 203. WAIVERS OF LIABILITY FOR COST SHARING AMOUNTS.

(a) IN GENERAL.—Section 1128A(i)(6)(A) of the Social Security Act (42 U.S.C. 1320a-7a(i)(6)(A)) is amended by striking clauses (i) through (iii) and inserting the following:

"(i) the waiver is offered as a part of a supplemental insurance policy or retiree health plan;

"(ii) the waiver is not offered as part of any advertisement or solicitation, other than in conjunction with a policy or plan described in clause (i);

"(iii) the person waives the coinsurance and deductible amount after the beneficiary informs the person that payment of the coinsurance or deductible amount would pose a financial hardship for the individual; or

"(iv) the person determines that the coinsurance and deductible amount would not justify the costs of collection.".

(b) CONFORMING AMENDMENT.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended by adding at the end the following new paragraph:

"(4) In this section, the term 'remuneration' includes the meaning given such term in section 1128A(i)(6).".

Subtitle B—Establishment of Medicare Ombudsman

SEC. 211. Establishment of Medicare Ombudsman for Beneficiary Assistance and Advocacy.

(a) IN GENERAL.—Within the Health Care Financing Administration of the Department of Health and Human Services, there shall be a Medicare Ombudsman, appointed by the Secretary of Health and Human Services from among individuals with expertise and experience in the fields of health care and advocacy, to carry out the duties described in subsection (b).

(b) DUTIES.—The Medicare Ombudsman shall—

(1) receive complaints, grievances, and requests for information submitted by a medicare beneficiary, with respect to any aspect of the medicare program;

(2) provide assistance with respect to complaints, grievances, and requests referred to in clause (i), including—

(A) assistance in collecting relevant information for such beneficiaries, to seek an appeal of a decision or determination made by a fiscal intermediary, carrier, Medicare+Choice organization, a benefit administrator responsible for administering the prescription medicine benefit program under part D of title XVIII of the Social Security Act, or the Secretary;

(B) assistance to such beneficiaries with any problems arising from disenrollment from a Medicare+Choice plan under part C of title XVIII of such Act or a benefit administrator responsible for administering such prescription medicine benefit program; and

(C) submit annual reports to Congress and the Secretary, and include in such reports recommendations for improvement in the administration of this title as the Medicare Ombudsman determines appropriate.

(c) COORDINATION WITH STATE OMBUDSMAN PROGRAMS AND CONSUMER ORGANIZATIONS.—The Medicare Ombudsman shall, to the extent appropriate, coordinate with State medical Ombudsman programs, and with State- and community-based consumer organizations, to—

(1) provide information about the medicare program; and

(2) conduct outreach to educate medicare beneficiaries with respect to manners in which problems under the medicare program may be resolved or avoided.

(d) DEFINITIONS.—In this section:

(1) The term "medicare beneficiary" means an individual entitled to benefits under part A of title XVIII of the Social Security Act, or enrolled under part B of such title, or both.

(2) The term "medicare program" means the insurance program established under title XVIII of the Social Security Act.

(3) The term "fiscal intermediary" has the meaning given such term under section 1816(a) of the Social Security Act (42 U.S.C. 1395h(a)).

(4) The term "carrier" has the meaning given such term under section 1842(f) of the Social Security Act (42 U.S.C. 1395u(f)).

(5) The term "Medicare+Choice organization" has the meaning given such term under section 1859(a)(1) of the Social Security Act (42 U.S.C. 1395w-29(a)(1)).

(6) The term "Secretary" means the Secretary of Health and Human Services.

TITLE III—MEDICARE+CHOICE REFORMS; PRESERVATION OF MEDICARE PART B DRUG BENEFIT

Subtitle A—Medicare+Choice Reforms

SEC. 301. INCREASE IN NATIONAL PER CAPITA MEDICARE+CHOICE GROWTH PERCENTAGE IN 2001 AND 2002.

Section 1853(c)(6)(B) of the Social Security Act (42 U.S.C. 1395w–23(c)(6)(B)) is amended—

(1) in clause (iv), by striking "for 2001, 0.5 percentage points" and inserting "for 2001, 0 percentage points"; and

(2) in clause (v), by striking "for 2002, 0.3 percentage points" and inserting "for 2002, 0 percentage points".

SEC. 302. PERMANENTLY REMOVING APPLICATION OF BUDGET NEUTRALITY BEGINNING IN 2002.

Section 1853(c) of the Social Security Act (42 U.S.C. 1395w–23(c)) is amended—

(1) in paragraph (1)(A), in the matter following clause (ii), by inserting "(for years before 2002)" after "multiplied"; and

(2) in paragraph (5), by inserting "(before 2002)" after "for each year".

SEC. 303. INCREASING MINIMUM PAYMENT AMOUNT.

(a) IN GENERAL.—Section 1853(c)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(B)(ii)) is amended—

(1) by striking "(ii) For a succeeding year" and inserting "(ii)(I) Subject to subclause (II), for a succeeding year"; and

(2) by adding at the end the following new subclause:

"(II) For 2002 for any of the 50 States and the District of Columbia, $450.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to years beginning with 2002.

SEC. 304. ALLOWING MOVEMENT TO 50:50 PERCENT BLEND IN 2002.

Section 1853(c)(2) of the Social Security Act (42 U.S.C. 1395w–23(c)(2)) is amended—

(1) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(2) by adding after and below subparagraph (F) the following:

"except that a Medicare+Choice organization may elect to apply subparagraph (F) (rather than subparagraph (E)) for 2002.".

SEC. 305. INCREASED UPDATE FOR PAYMENT AREAS WITH ONLY ONE OR NO MEDICARE+CHOICE CONTRACTS.

(a) IN GENERAL.—Section 1853(c)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(C)(ii)) is amended—

(1) by striking "(ii) For a subsequent year" and inserting "(ii)(I) Subject to subclause (II), for a subsequent year"; and

(2) by adding at the end the following new subclause:

"(II) During 2002, 2003, 2004, and 2005, in the case of a Medicare+Choice payment area in which there is no more than 1 contract entered into under this part as of July 1 before the beginning of the year, 102.5 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year.".

(b) CONSTRUCTION.—The amendments made by subsection (a) do not affect the payment of a first time bonus under section 1853(i) of the Social Security Act (42 U.S.C. 1395w–23(i)).

SEC. 306. PERMITTING HIGHER NEGOTIATED RATES IN CERTAIN MEDICARE+CHOICE PAYMENT AREAS BELOW NATIONAL AVERAGE.

Section 1853(c)(1) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)) is amended—

(1) in the matter before subparagraph (A), by striking "or (C)" and inserting "(C), or (D)"; and

(2) by adding at the end the following new subparagraph:

"(D) PERMITTING HIGHER RATES THROUGH NEGOTIATION.—

"(i) IN GENERAL.—For each year beginning with 2004, in the case of a Medicare+Choice payment area for which the Medicare+Choice capitation rate under this paragraph would otherwise be less than the United States per capita cost (USPCC), as calculated by the Secretary, a Medicare+Choice organization may negotiate with the Medicare Benefits Administrator an annual per capita rate that—

"(I) reflects an annual rate of increase up to the rate of increase specified in clause (ii);

"(II) takes into account audited current data supplied by the organization on its adjusted community rate (as defined in section 1854(f)(3)); and

"(III) does not exceed the United States per capita cost, as projected by the Secretary for the year involved.

"(ii) MAXIMUM RATE DESCRIBED.—The rate of increase specified in this clause for a year is the rate of inflation in private health insurance for the year involved, as projected by the Medicare Benefits Administrator, and includes such adjustments as may be necessary—

"(I) to reflect the demographic characteristics in the population under this title; and

"(II) to eliminate the costs of prescription drugs.

"(iii) ADJUSTMENTS FOR OVER OR UNDER PROJECTIONS.—If subparagraph is applied to an organization and payment area for a year, in applying this subparagraph for a subsequent year the provisions of paragraph (6)(C) shall apply in the same manner as such provisions apply under this paragraph.".

SEC. 307. 10-YEAR PHASE IN OF RISK ADJUSTMENT BASED ON DATA FROM ALL SETTINGS.

Section 1853(a)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(C)(ii)) is amended—

(1) by striking the period at the end of subclause (II) and inserting a semicolon; and

(2) by adding after and below subclause (II) the following:

"and, beginning in 2004, insofar as such risk adjustment is based on data from all settings, the methodology shall be phased in equal increments over a 10 year period, beginning with 2004 or (if later) the first year in which such data is used.".

Subtitle B—Preservation of Medicare Coverage of Drugs and Biologicals

SEC. 311. PRESERVATION OF COVERAGE OF DRUGS AND BIOLOGICALS UNDER PART B OF THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended, in each of subparagraphs (A) and (B), by striking "(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)" and inserting "(including injectable and infusable drugs and biologicals which are not usually self-administered by the patient)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to drugs and biologicals administered on or after October 1, 2000.

SEC. 312. COMPREHENSIVE IMMUNOSUPPRESSIVE DRUG COVERAGE FOR TRANSPLANT PATIENTS.

(a) REVISION OF MEDICARE COVERAGE FOR IMMUNOSUPPRESSIVE DRUGS.—

(1) IN GENERAL.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J)) (as amended by section 227(a) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–354), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended by striking ", to an individual who receives" and all that follows before the semicolon at the end and inserting "to an individual who has received an organ transplant".

(2) CONFORMING AMENDMENTS.—

(A) Section 1832 of the Social Security Act (42 U.S.C. 1395k) (as amended by section 227(b) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–354), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b).

(B) Subsections (c) and (d) of section 227 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–355), as enacted into law by section 1000(a)(6) of Public Law 106–113, are repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to drugs furnished on or after the date of enactment of this Act.

(b) EXTENSION OF CERTAIN SECONDARY PAYER REQUIREMENTS.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following: "With regard to immunosuppressive drugs furnished on or after the date of enactment of the Medicare Guaranteed and Defined Rx Benefit and Health Provider Relief Act of 2000, this subparagraph shall be applied without regard to any time limitation.".

(c) ESTABLISHMENT OF PART D CATASTROPHIC LIMIT ON PART B COPAYMENTS FOR IMMUNOSUPPRESSIVE DRUGS.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by inserting after subsection (o) the following new subsection:

"(p) LIMITATION ON AMOUNT OF DEDUCTIBLES AND COINSURANCE FOR IMMUNOSUPPRESSIVE DRUGS FOR CERTAIN BENEFICIARIES.—With respect to 2003 and each subsequent year, no deductibles and coinsurance applicable to immunosuppresive drugs (as described in section 1861(s)(2)(J)) in a year under this part shall be imposed to the extent that the individual has incurred expenditures in that year for out-of-pocket expenditures for immunosuppressive drugs in excess of the catastrophic benefit level provided for under section 1860B(c).".

Subtitle C—Improvement of Certain Preventive Benefits

SEC. 321. COVERAGE OF ANNUAL SCREENING PAP SMEAR AND PELVIC EXAMS.

(a) IN GENERAL.—

(1) ANNUAL SCREENING PAP SMEAR.—Section 1861(nn)(1) of the Social Security Act (42 U.S.C. 1395x(nn)(1)) is amended by striking "if the individual involved has not had such a test during the preceding 3 years, or during the preceding year in the case of a woman described in paragraph (3)." and inserting "if the woman involved has not had such a test during the preceding year.".

(2) ANNUAL SCREENING PELVIC EXAM.—Section 1861(nn)(2) of such Act (42 U.S.C. 1395x(nn)(2)) is amended by striking "during the preceding 3 years, or during the preceding year in the case of a woman described in paragraph (3)," and inserting "during the preceding year,".

(3) CONFORMING AMENDMENT.—Section 1861(nn) of such Act (42 U.S.C. 1395x(nn)) is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to items and services furnished on or after January 1, 2001.

TITLE IV—ADJUSTMENTS TO PAYMENT PROVISIONS OF THE BALANCED BUDGET ACT

Subtitle A—Payments for Inpatient Hospital Services

SEC. 401. ELIMINATING REDUCTION IN HOSPITAL MARKET BASKET UPDATE FOR FISCAL YEAR 2001.

Section 1886(b)(3)(B)(i)(XVI) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)(XVI)) is amended by striking "minus 1.1 percentage points for hospitals (other than sole community hospitals) in all areas, and the market basket percentage increase for sole community hospitals," and inserting "for hospitals in all areas,".

SEC. 402. ELIMINATING FURTHER REDUCTIONS IN INDIRECT MEDICAL EDUCATION (IME) FOR FISCAL YEAR 2001.

Section 1886(d)(5)(B)(ii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)(V)) is amended—

(1) in subclause (IV)—

(A) by striking "fiscal year 2000" and inserting "each of fiscal years 2000 and 2001"; and

(B) by adding "and" at the end;

(2) by striking subclause (V); and

(3) by redesignating subclause (VI) as subclause (V).

SEC. 403. ELIMINATING FURTHER REDUCTIONS IN DISPROPORTIONATE SHARE HOSPITAL (DSH) PAYMENTS.

(a) MEDICARE PAYMENTS.—Section 1886(d)(5)(F)(ix) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)(ix)) is amended—

(1) in subclause (III), by striking "and 2001";

(2) by redesignating subclauses (IV) and (V) as subclauses (V) and (VI), respectively; and

(3) by inserting after subclause (III) the following new subclause:

"(IV) during fiscal year 2001, such additional payment amount shall be reduced by 0 percent;".

(b) FREEZE IN MEDICAID DSH ALLOTMENTS FOR FISCAL YEAR 2001.—Notwithstanding section 1923(f)(2) of the Social Security Act (42 U.S.C. 1396r–4(f)(2)), the DSH allotment under such section for a State for fiscal year 2001 shall be the same as the DSH allotment under such section for fiscal year 2000.

SEC. 404. INCREASE BASE PAYMENT TO PUERTO RICO HOSPITALS.

Section 1886(d)(9)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(9)(A)) is amended—

(1) in clause (i), by striking "October 1, 1997, 50 percent (" and inserting "October 1, 2000, 25 percent (for discharges between October 1, 1997 and September 30, 2000, 50 percent,"; and

(2) in clause (ii), in the matter preceding subclause (I), by striking "after October 1, 1997, 50 percent (" and inserting "after October 1, 2000, 75 percent (for discharges between October 1, 1997, and September 30, 2000, 50 percent,".

Subtitle B—Payments for Skilled Nursing Services

SEC. 411. ELIMINATING REDUCTION IN SNF MARKET BASKET UPDATE FOR FISCAL YEAR 2001.

Section 1888(e)(4)(E) of the Social Security Act (42 U.S.C. 1395yy(e)(4)(E)) is amended—

(1) by redesignating subclauses (II) and (III) as subclauses (III) and (IV) respectively;

(2) in subclause (III) as redesignated, by striking "for each of fiscal years 2001 and 2002," and inserting "for fiscal year 2002,"; and

(3) by inserting after subclause (I) the following new subclause:

"(II) for fiscal year 2001, the rate computed for fiscal year 2000 increased by the skilled nursing facility market basket percentage increase for fiscal year 2000.".

SEC. 412. EXTENSION OF MORATORIUM ON THERAPY CAPS.

Section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) is amended in paragraph (4) by striking "2000 and 2001." and inserting "2000 through 2002.".

Subtitle C—Payments for Home Health Services

SEC. 421. 1-YEAR ADDITIONAL DELAY IN APPLICATION OF 15 PERCENT REDUCTION ON PAYMENT LIMITS FOR HOME HEALTH SERVICES.

Section 1895(b)(3)(A)(i) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(A)(i)) is amended—

(1) by redesignating subparagraph (II) as subparagraph (III);

(2) by inserting in subparagraph (III), as redesignated, "24 months" following "periods beginning"; and

(3) by inserting after subclause (I) the following new subclause:

"(II) For the 12-month period beginning after the period described in subclause (I), such amount (or amounts) shall be equal to the amount (or amounts) determined under subclause (I), updated under subparagraph (B).".

SEC. 422. PROVISION OF FULL MARKET BASKET UPDATE FOR HOME HEALTH SERVICES FOR FISCAL YEAR 2001.

Section 1861(v)(1)(L)(x) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(x)) is amended—

(1) by striking "2001."; and

(2) by adding at the end the following: "With respect to cost reporting periods beginning during fiscal year 2001, the update to any limit under this subparagraph shall be the home health market basket.".

Subtitle D—Rural Provider Provisions

SEC. 431. ELIMINATION OF REDUCTION IN HOSPITAL OUTPATIENT MARKET BASKET INCREASE.

Section 1833(t)(3)(C)(iii) of the Social Security Act (42 U.S.C. 1395l(t)(3)(C)(iii)) is amended by striking "reduced by 1 percentage point for such factor for services furnished in each of 2000, 2001, and 2002" and inserting "reduced by 1 percentage point for such factor for services furnished in 2000 and reduced (except in the case of hospitals located in a rural area, as defined for purposes of section 1886(d)) by 1 percentage point for such factor for services furnished in each of 2001 and 2002."

Subtitle E—Other Providers

SEC. 441. UPDATE IN RENAL DIALYSIS COMPOSITE RATE.

The last sentence of section 1881(b)(7) of the Social Security Act (42 U.S.C. 1395rr(b)(7)) is amended by striking "for such services furnished on or after January 1, 2001, by 1.2 percent" and inserting "for such services furnished on or after January 1, 2001, by 2.4 percent".

Subtitle F—Provision for Additional Adjustments

SEC. 451. GUARANTEE OF ADDITIONAL ADJUSTMENTS TO PAYMENTS FOR PROVIDERS FROM BUDGET SURPLUS.

Notwithstanding any other provision of law, from amounts estimated to be in excess social security surpluses estimated under the Balanced Budget and Emergency Deficit Control Act of 1985 for the 5 fiscal year and 10 fiscal year periods beginning in fiscal year 2001, there shall be made available for further adjustments to payment policies established by the Balanced Budget Act of 1997, amounts that would provide for additional improvements to the medicare and medicaid programs carried out under titles XVIII and XIX of the Social Security Act and payments to providers of services and suppliers furnishing items and services for which payments is made under those programs in the aggregate amounts over such 5 fiscal year and 10 fiscal year periods of $11,000,000, and $21,000,000, respectively.

PARLIAMENTARY INQUIRY

Mr. THOMAS (during the reading). Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) will state his parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, under the rules, is the majority allowed a copy of the motion that the Clerk is reading? We do not have a motion, a copy of the motion.

The SPEAKER pro tempore. The Clerk will try and make copies available, but it is not a prerequisite.

The Clerk may proceed.

The Clerk continued reading the motion to recommit.

Mr. THOMAS (during the reading). Mr. Speaker, we have received a copy of the bill. We are familiar with it, and I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. DOGGETT. Mr. Speaker, reserving the right to object, on my reservation I believe that this is the same bill that was submitted to the Committee on Rules last night and the night before and that they rejected last night, or perhaps it was 2:30 or 3:00 this morning. It is the only genuine Medicare plan that is before us. We have been denied an opportunity to see it other than at this point. She is really in the reading just getting to the good part, which is the plan itself that will provide real benefit.

Mr. Speaker, I would object to suspending the reading.

Mr. THOMAS. Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The Clerk will continue to read.

The Clerk continued reading the motion to recommit.

□ 1845

Mr. KLECZKA (during the reading) Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Wisconsin?

Mr. DOGGETT. Mr. Speaker, reserving the right to object, subject to my reservation, I believe the part that was being read regards the ability of any citizen under the Medicare program to be able to go out to their own pharmacy. There will be, under this plan, the right for a guaranteed benefit instead of the ploy that we have heard about all day that is really the product of the public relations firm.

Mr. THOMAS. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued reading the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois (during the reading). Mr. Speaker, may I make a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. JACKSON of Illinois. Mr. Speaker, do the rules of the House provide an opportunity for the reader to have relief over the next hour?

The SPEAKER pro tempore. The Clerk's office takes care of people very well.

Mr. JACKSON of Illinois. Mr. Speaker, then I would like to make a motion that the reading be dispensed with.

The SPEAKER pro tempore. That is not in order.

The Clerk will proceed.

The Clerk continued reading the motion to recommit.

□ 1945

Mr. STARK (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. STARK) for 5 minutes.

Mr. STARK. Mr. Speaker, this plan does what should be done for our seniors. It provides that there will be benefits far in excess of the Republican plan. There is no deductible that pays half the cost.

POINT OF ORDER

The SPEAKER pro tempore. The gentleman from California (Mr. STARK) will suspend.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I had reserved points of order against the measure.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) has reserved the point of order and is recognized on his point of order.

Mr. THOMAS. Mr. Speaker, I raise a point of order against the motion on the grounds that it violates section 302(f) of the Budget Act which prohibits consideration of legislation that would exceed the Committee on Ways and Means allocation of New Budget Authority for the period of 2001 to 2005.

The SPEAKER pro tempore. It is proper for the gentleman from California to insist on his point of order.

Mr. STARK. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The gentleman may be heard.

Mr. STARK. Mr. Speaker, I ask the Speaker's brief indulgence as this is a complex issue, but it is important to the seniors in our country.

Mr. Speaker, this Republican resolution has all points of order waived, and we have none. The budget resolution which the Republicans have created that makes our hundred billion dollar bill out of order does not comport with what the Republicans have done to provide tax cuts for the wealthiest.

For example, there is $661,000 each for the wealthiest Americans under a tax cut, and yet only $460 a year for senior citizens in prescription drugs. That basically gets to the heart of why I would object to the gentleman's point of order against our bill.

There is a doctrine. It is clearly not fair. We have no points of order waived, and they do.

I think it was Asher Hinds' for Speaker Jubilation Cornpone in 1867 on a cold Thanksgiving evening who ruled on an issue of fairness, and I think it was Speaker Cornpone's statement, that goose again. What is sauce for the goose is sauce for the gander. Parliamentarian Cannon-Deschler Precedents have carried this fairness doctrine down to today.

So, Mr. Speaker, I would like to object to the point of order on the grounds of fairness that has been established in this House for over 100 years and urge that the Speaker rule to allow the Democrats to present a plan which is arguably better than the Republican plan. Based on fairness, I do urge that the point of order is overridden.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, am I allowed to speak on the point of order, or would it be appropriate for others to speak?

The SPEAKER pro tempore. The gentleman from California may proceed.

Mr. THOMAS. Mr. Speaker, I am tempted to use the statement of the gentleman from California (Mr. STARK) who conceded that it was, in fact, in violation of the Budget Act, but I believe the Chair is in possession of a statement from the chairman on the Committee of the Budget which, in fact, supports the point of order that has been presented. Therefore, I would insist on my point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The gentleman from Rhode Island may proceed.

Mr. WEYGAND. Mr. Speaker, as a member of the Committee on the Budget, I know that the Committee on the Budget went through much frustration with regard to the concept that the Republicans are floating before us till now with regard to a prescription drug plan.

They had allocated, in a very unusual way, about $40 billion based upon CBO estimates for anticipated surpluses and monies that would be available for such expenditures. The fact of the matter is that, over the last week and half, if we are talking about fairness, is the amount of surplus has been more than doubled even by CBO.

So the basic premise for which the budget resolution and the Committee on the Budget deliberated is no longer valid because the amount of money that has been realized for the surplus is far more than what we realized when we first had those budget deliberations.

In true fairness, if we are to look at this particular legislation that we are proposing, one should look at the fairness of the amount of surplus that is presently available to the Committee on the Budget. If indeed we are going to be fair, the chairman of the Committee on the Budget should reconvene the whole committee to take a look at exactly what truly is a surplus and, therefore, what could be spent on various other items, including a prescription drug benefit.

We seek only to provide our seniors with a cost-effective way of providing for prescription drugs. I believe many of the people on the other side also want to do that. But what we propose is a system that will clearly work, will not be putting it into an insurance company program, but into a Medicare universal program that will be available to all seniors.

I ask them to consider not raising this point of order, and I hope that we will dismiss with this point of order.

Mr. RANGEL. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, it just seems to me that, whether one is Republican or Democrat, that we all have at least the same concern for our older Americans who, as they get older, more susceptible to illness and pain, we have done a pretty good job with Medicare and giving older people access to doctors and to hospitals. Even initially those people who did not like the program would have to admit that it has really removed a lot of pain for some deserving Americans.

Now, we reach the point in saying, what good is access to health care if after the doctors prescribed the medicine to keep one well, that one cannot afford to do it.

Well, it was easy for us to say that we had to establish priorities. We always had the Communist threat. We always had to invest in defense. But now when everybody agrees that, no matter who takes the credit for it, we have an opportunity really, not to pick and choose which are the winners and losers among the older people, but to be able to say we thank them for the investments that they have made in this great Republic. They are aged, but they are not forgotten; and that we trust them enough that we will take some of this surplus and make them whole so that they will never have to worry about not paying their rent or their mortgage or getting the foods that they need because they had to pay for their medicine.

It seems to me that it may be that the majority, from a technical point of view, may be correct. But I think the American people would know or should know that the majority holds in its hands this evening the ability to waive that point of order and to say that they are prepared to do what is right, what is moral, and what is in their power to do.

I just hope that the gentleman from California (Mr. THOMAS) would be sensitive enough to at least consider at this point in time waiving the point of order so that we can give a better deal to those older people who deserve it.

□ 2000

The SPEAKER pro tempore (Mr. LAHOOD). The Chair is prepared to rule.

The gentleman from California (Mr. THOMAS) makes a point of order that the amendment proposed by the instructions in the motion to recommit offered by the gentleman from California (Mr. STARK) violates section 302(f) of the Congressional Budget Act of 1974.

Section 302(f) of the Budget Act prescribes a point of order against consideration of an amendment providing new budget authority if the adoption of the amendment and enactment of the bill, as amended, would cause the pertinent allocation of new budget authority for the relevant fiscal years under section 302(a) of the Act to be exceeded.

The Chair is authoritatively guided by estimates provided by the Committee on the Budget indicating that (1) any amendment that proposes to provide new budget authority in excess of $2.964 billion over the amount provided by the underlying bill for the period of fiscal years 2001 through 2005 would exceed the section 302(a) allocation of the Committee on Ways and Means, as adjusted under section 214 of House Concurrent Resolution 290, in violation of section 302(f) of the Congressional Budget Act of 1974; and

(2) the bill, as it is proposed to be changed by the amendment, would so cause the new budget authority provided by the bill to exceed that level.

The Chair therefore holds that the amendment violates section 302(f) of the Budget Act. Accordingly, the point of order is sustained and the motion to recommit is not in order.

Mr. WEYGAND. Mr. Speaker, I respectfully disagree with the Chair's ruling and appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I move to table the motion to appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) to lay on the table the appeal of the ruling of the Chair.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STARK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 224, nays 202, not voting 8, as follows:

[Roll No. 355]

YEAS—224

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—8

Cook
Filner
Fowler
Hinojosa
Jefferson
Markey
Serrano
Vento

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Messrs. UDALL of Colorado, WYNN, SNYDER, and SPRATT changed their vote from "yea" to "nay."

Mr. BALLENGER and Mrs. BIGGERT changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO RECOMMIT OFFERED BY MR. STARK

Mr. STARK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). Is the gentleman opposed to the bill?

Mr. STARK. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. STARK of California moves to recommit the bill H.R. 4680 to the Committee on Ways and Means with instructions to report the same back to the House promptly with a Medicare prescription medicine plan that accomplishes the following by, among other things, the amendment-in-the-nature-of-a-substitute specified below:

(1) Provide a benefit which is available to all medicare beneficiaries, including those in rural areas.

(2) Provide equal treatment for all medicare beneficiaries, without disparities in coverage between rural, urban, and suburban regions, and without compounding current disparities in coverage.

(3) Ensure that medicare beneficiaries receive a price substantially similar to the best prices paid by preferred customers for their prescription medications.

(4) Help low and middle-income medicare beneficiaries afford prescription medicine costs.

(5) Allow participation by local pharmacists, not just mail order pharmacies.

(6) Be consistent with medicare modernization.

The amendment-in-the-nature-of-a-substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Guaranteed and Defined Rx Benefit and Health Provider Relief Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—MEDICARE PRESCRIPTION MEDICINE BENEFIT PROGRAM

Sec. 101. Prescription medicine benefit program.

"PART D—PRESCRIPTION MEDICINE BENEFIT FOR THE AGED AND DISABLED

"Sec. 1860. Establishment of defined prescription medicine benefit program for the aged and disabled under the medicare program.
"Sec. 1860A. Scope of defined benefits; coverage of all medically necessary prescription medicines.
"Sec. 1860B. Payment of defined basic and catastrophic benefits.
"Sec. 1860C. Eligibility and enrollment.
"Sec. 1860D. Monthly premium; initial $25 premium.
"Sec. 1860F. Prescription medicine insurance account.
"Sec. 1860G. Administration of benefits .
"Sec. 1860H. Incentive program to encourage employers to continue coverage .
"Sec. 1860I. Appropriations to cover government contributions.
"Sec. 1860J. Definitions.".
Sec. 102. Medicaid buy-in of medicare prescription medicine coverage for certain low-income individuals.
"Sec. 1860E. Special eligibility, enrollment, and copayment rules for low-income individuals.
Sec. 103. GAO ongoing studies and reports on program; miscellaneous reports.

TITLE II—IMPROVEMENT IN BENEFICIARY SERVICES

Subtitle A—Improvement of Medicare Coverage and Appeals Process

Sec. 201. Revisions to medicare appeals process.
Sec. 202. Provisions with respect to limitations on liability of beneficiaries.
Sec. 203. Waivers of liability for cost sharing amounts.

Subtitle B—Establishment of Medicare Ombudsman

Sec. 211. Establishment of Medicare Ombudsman for Beneficiary Assistance and Advocacy.

TITLE III—MEDICARE+CHOICE REFORMS; PRESERVATION OF MEDICARE PART B DRUG BENEFIT

Subtitle A—Medicare+Choice Reforms

Sec. 301. Increase in national per capita Medicare+Choice growth percentage in 2001 and 2002.
Sec. 302. Permanently removing application of budget neutrality beginning in 2002.
Sec. 303. Increasing minimum payment amount.
Sec. 304. Allowing movement to 50:50 percent blend in 2002.
Sec. 305. Increased update for payment areas with only one or no Medicare+Choice contracts.
Sec. 306. Permitting higher negotiated rates in certain Medicare+Choice payment areas below national average.
Sec. 307. 10-year phase in of risk adjustment based on data from all settings.

Subtitle B—Preservation of Medicare Coverage of Drugs and Biologicals

Sec. 311. Preservation of coverage of drugs and biologicals under part B of the medicare program.
Sec. 312. Comprehensive immunosuppressive medicine coverage for transplant patients.

Subtitle C—Improvement of Certain Preventive Benefits

Sec. 321. Coverage of annual screening pap smear and pelvic exams.

TITLE IV—ADJUSTMENTS TO PAYMENT PROVISIONS OF THE BALANCED BUDGET ACT

Subtitle A—Payments for Inpatient Hospital Services

Sec. 401. Eliminating reduction in hospital market basket update for fiscal year 2001.
Sec. 402. Eliminating further reductions in indirect medical education (IME) for fiscal year 2001.
Sec. 403. Eliminating further reductions in disproportionate share hospital (DSH) payments.
Sec. 404. Increase base payment to Puerto Rico hospitals.

Subtitle B—Payments for Skilled Nursing Services

Sec. 411. Eliminating reduction in SNF market basket update for fiscal year 2001.
Sec. 412. Extension of moratorium on therapy caps.

Subtitle C—Payments for Home Health Services

Sec. 421. 1-year additional delay in application of 15 percent reduction on payment limits for home health services.
Sec. 422. Provision of full market basket update for home health services for fiscal year 2001.

Subtitle D—Rural Provider Provisions

Sec. 431. Elimination of reduction in hospital outpatient market basket increase.

Subtitle E—Other Providers

Sec. 441. Update in renal dialysis composite rate.

Subtitle F—Provision for Additional Adjustments

Sec. 451. Guarantee of additional adjustments to payments for providers from budget surplus.

TITLE V—IMPLEMENTATION OF CERTAIN PROVISIONS CONTINGENT ON GUARANTEE OF CERTIFICATION OF TRUST FUND SURPLUSES

Sec. 501. Implementation of certain provisions before 2006 contingent on ensuring debt retirement and integrity of the Social Security and Medicare Trust Fund surpluses.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Prescription medicine coverage was not a standard part of health insurance when the medicare program under title XVIII of the Social Security Act was enacted in 1965. Since 1965, however, medicine coverage has become a key component of most private and public health insurance coverage, except for the medicare program.

(2) At least ⅔ of medicare beneficiaries have unreliable, inadequate, or no medicine coverage at all.

(3) Seniors who do not have medicine coverage typically pay, at a minimum, 15 percent more than people with coverage.

(4) Medicare beneficiaries at all income levels lack prescription medicine coverage, with more than ½ of such beneficiaries having incomes greater than 150 percent of the poverty line.

(5) The number of private firms offering retiree health coverage is declining.

(6) Medigap premiums for medicines are too expensive for most beneficiaries and are highest for older senior citizens, who need prescription medicine coverage the most and typically have the lowest incomes.

(7) While the management of a medicare prescription medicine benefit program should mirror the practices employed by benefit administrators in delivering prescription medicines, the Secretary of Health and Human Services should oversee that program to assure that a guaranteed and defined prescription drug benefit is provided to all medicare beneficiaries.

(8) All medicare beneficiaries should have access to a voluntary, reliable, affordable, dependable, and defined outpatient medicine benefit as part of the medicare program that assists with the high cost of prescription medicines and protects them against excessive out-of-pocket costs.

TITLE I—MEDICARE PRESCRIPTION MEDICINE BENEFIT PROGRAM

SEC. 101. PRESCRIPTION MEDICINE BENEFIT PROGRAM.

(a) In General.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(1) by redesignating part D as part E; and

(2) by inserting after part C the following new part:

"Part D—Prescription Medicine Benefit for the Aged and Disabled

"ESTABLISHMENT OF DEFINED PRESCRIPTION MEDICINE BENEFIT PROGRAM FOR THE AGED AND DISABLED UNDER THE MEDICARE PROGRAM

"Sec. 1860. (a) In General.—There is established as a part of the medicare program under this title a voluntary insurance program to provide defined prescription medicine benefits, including pharmacy services, in accordance with the provisions of this part for individuals who are aged or disabled or have end-stage renal disease and who voluntarily elect to enroll under such program, to be financed from premium payments by enrollees together with contributions from funds appropriated by the Federal Government.

"(b) Noninterference by the Secretary.—In administering the prescription medicine benefit program established under this part, the Secretary may not—

"(1) require a particular formulary, institute a price structure for benefits, or in any way ration benefits;

"(2) interfere in any way with negotiations between benefit administrators and medicine manufacturers, or wholesalers; or

"(3) otherwise interfere with the competitive nature of providing a prescription medicine benefit using private benefit administrators, except as is required to guarantee coverage of the defined benefit.

"SCOPE OF DEFINED BENEFITS; COVERAGE OF ALL MEDICALLY NECESSARY PRESCRIPTION MEDICINES

"Sec. 1860A. (a) In General.—The benefits provided to an individual enrolled in the insurance program under this part shall consist of—

"(1) payments made, in accordance with the provisions of this part, for covered prescription medicines (as specified in subsection (b)) dispensed by any pharmacy participating in the program under this part (and, in circumstances designated by the benefit administrator, by a nonparticipating pharmacy); and

"(2) charging by pharmacies of the negotiated discount price—

"(A) for all covered prescription medicines, without regard to basic benefit limitation specified in section 1860B(b)(3); and

"(B) established with respect to any drugs or classes of drugs described in subparagraphs (A), (B), (D), (E), or (F) of section 1927(d)(2) that are available to individuals receiving benefits under this title.

"(b) Covered Prescription Medicines.—

"(1) In general.—Covered prescription medicines, for purposes of this part, include all prescription medicines (as defined in section 1860J(1)), including smoking cessation agents, except as otherwise provided in this subsection.

"(2) Exclusions from coverage.—Covered prescription medicines shall not include drugs or classes of drugs described in subparagraphs (A) through (D) and (F) through (H) of section 1927(d)(2) unless specifically provided otherwise by the Secretary with respect to a drug in any of such classes.

"(3) Nonduplication of prescription medicines covered under part A or B.—A medicine prescribed for an individual that would otherwise be a covered prescription medicine under this part shall not be so considered to the extent that payment for such medicine is available under part A or B (including all injectable drugs and biologicals for which payment was made or should have been made by a carrier under section 1861(s)(2) (A) or (B) as of the date of enactment of the Medicare Guaranteed and Defined Rx Benefit and Health Provider Relief Act of 2000). Medicines otherwise covered under part A or B shall be covered under this part to the extent that benefits under part A or B are exhausted.

"(4) Study on inclusion of home infusion therapy services.—Not later than one year after the date of the enactment of the Medicare Guaranteed and Defined Rx Benefit and Health Provider Relief Act of 2000, the Secretary shall submit to Congress a legislative proposal for the delivery of home infusion therapy services under this title and for a system of payment for such a benefit that coordinates items and services furnished under part B and under this part.

"PAYMENT OF DEFINED BASIC AND CATASTROPHIC BENEFITS

"Sec. 1860B. (a) Payment of Benefits.—There shall be paid from the Prescription Medicine Insurance Account within the Supplementary Medical Insurance Trust Fund, in the case of each individual who is enrolled in the insurance program under this part and who purchases covered prescription medicines in a calendar year, the sum of the benefit amounts under subsections (b) and (c).

"(b) Basic Benefit.—

"(1) In general.—An amount (not exceeding 50 percent of the annual limitation under paragraph (3)) equal to the applicable government percentage (specified in paragraph (2)) of the negotiated price for each such covered prescription medicine or such higher percentage as is proposed under section 1860G(d)(9).

"(2) Applicable government percentage.—The applicable government percentage specified in this paragraph is 50 percent or such higher percentage as may be proposed under section 1860G(d)(9), if the Secretary finds that such higher percentage will not increase aggregate costs to the Prescription Medicine Insurance Account.

"(3) Annual limitation in basic benefit.—

"(A) For 2003 through 2009.—For purposes of the basic benefit described in paragraph (1), the annual limitation under this paragraph is—

"(i) $2,000 for each of 2003, 2004, and 2005;

"(ii) $3,000 for 2006;

"(iii) $4,000 for each of 2007 and 2008; and

"(iv) $5,000 for 2009.

"(B) For 2010 and subsequent years.—For purposes of paragraph (1), the annual limitation under this paragraph for 2010 and each subsequent year is equal to the limitation for the preceding year adjusted by the annual percentage increase in average per capita aggregate expenditures for covered outpatient medicines in the United States for medicare beneficiaries, as estimated by the Secretary. Any amount determined under this subparagraph that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

"(c) Catastrophic Benefit.—

"(1) In general.—With respect to out-of-pocket expenditures incurred by a beneficiary enrolled under this part in a year specified in paragraph (2), the amount of such expenditures that exceeds the catastrophic benefit level specified in paragraph (3).

"(2) Application in a year.—A year specified in this paragraph is—

"(A) any year (during the period beginning with 2003 and ending with 2005) for which the certification described in section 501 of the Medicare Guaranteed and Defined Rx Benefit and Health Provider Relief Act of 2000 has been made; and

"(B) 2006 and any subsequent year.

"(3) Catastrophic benefit limit.—

"(A) For 2003.—The catastrophic benefit level specified in this paragraph for 2003 is $4,000.

"(B) Indexing for subsequent years.—For a year after 2003, the catastrophic benefit level specified in this paragraph is the catastrophic benefit level specified in this paragraph for the previous year increased by annual percentage increase determined for the year involved under subsection (b)(3)(B). Any such amount which is not a multiple of $10 shall be rounded to the nearest multiple of $10.

"ELIGIBILITY AND ENROLLMENT

"Sec. 1860C. (a) Eligibility.—Every individual who, in or after 2003, is entitled to hospital insurance benefits under part A or enrolled in the medical insurance program under part B is eligible to enroll in the insurance program under this part, during an enrollment period prescribed in or under this section, in such manner and form as may be prescribed by regulations.

"(b) Enrollment.—

"(1) In general.—Each individual who satisfies subsection (a) shall be enrolled (or eligible to enroll) in the program under this part in accordance with the provisions of section 1837, as if that section applied to this part, except as otherwise explicitly provided in this part.

"(2) Single enrollment period.—Except as provided in section 1837(i) (as such section applies to this part), 1860E (relating to loss of coverage under the medicaid program), or 1860H(e) (relating to loss of employer or union coverage), or as otherwise explicitly provided, no individual shall be entitled to enroll in the program under this part at any time after the initial enrollment period without penalty, and in the case of all other late enrollments, the Secretary shall develop a late enrollment penalty for the individual that fully recovers the additional actuarial risk involved in providing coverage for the individual.

"(3) Special enrollment period in 2003.—

"(A) In general.—An individual who first satisfies subsection (a) in 2003 may, at any time on or before December 31, 2003—

"(i) enroll in the program under this part; and

"(ii) enroll or reenroll in such program after having previously declined or terminated enrollment in such program.

"(B) Effective date of coverage.—An individual who enrolls under the program under this part pursuant to subparagraph (A) shall be entitled to benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

"(c) Period of Coverage.—

"(1) In general.—Except as otherwise provided in this part, an individual's coverage under the program under this part shall be effective for the period provided in section 1838, as if that section applied to the program under this part.

"(2) Part D coverage terminated by termination of coverage under parts A and B.—In addition to the causes of termination specified in section 1838, an individual's coverage under this part shall be terminated when the individual retains coverage under neither the program under part A nor the program under part B, effective on the effective date of termination of coverage under part A or (if later) under part B.

"MONTHLY PREMIUM; INITIAL $25 PREMIUM

"Sec. 1860D. (a) Annual Establishment of Guaranteed Single Rate for All Participating Beneficiaries.—

"(1) $25 monthly premium rate in 2003.—The monthly premium rate in 2003 for prescription medicine benefits under this part is $25.

"(2) Premium rates in subsequent years.—

"(A) In general.—The Secretary shall, during September of 2003 and of each succeeding year, determine and promulgate a monthly premium rate for the succeeding year in accordance with the provisions of this paragraph.

"(B) Determination of annual benefit costs.—The Secretary shall estimate annually for the succeeding year the amount equal to the total of the benefits (but not including catastrophic benefits under section 1860B(c)) that will be payable from the Prescription Medicine Insurance Account for prescription medicines dispensed in such calendar year with respect to enrollees in the program under this part. In calculating such amount, the Secretary shall include an appropriate amount for a contingency margin.

"(C) Determination of monthly premium rates.—

"(i) In general.—The Secretary shall determine the monthly premium rate with respect to such enrollees for such succeeding year, which shall be $1/12$ of the share specified in clause (ii) of the amount determined under subparagraph (B), divided by the total number of such enrollees, and rounded (if such rate is not a multiple of 10 cents) to the nearest multiple of 10 cents.

"(ii) Enrollee and employer percentage shares.—The share specified in this clause, for purposes of clause (i), shall be—

"(I) one-half, in the case of premiums paid by an individual enrolled in the program under this part; and

"(II) two-thirds, in the case of premiums paid for such an individual by a former employer (as defined in section 1860H(f)(2)).

"(D) Publication of assumptions.—The Secretary shall publish, together with the promulgation of the monthly premium rates for the succeeding year, a statement setting forth the actuarial assumptions and bases employed in arriving at the amounts and rates determined under this paragraph.

"(b) Payment of Premiums.—

"(1) Generally through deduction from social security, railroad retirement benefits, or benefits administered by OPM.—

"(A) In general.—In the case of an individual who is entitled to or receiving benefits as described in subsection (a), (b), or (d) of section 1840, premiums payable under this part shall be collected by deduction from such benefits at the same time and in the same manner as premiums payable under part B are collected pursuant to section 1840.

"(B) Transfers of deduction to account.—The Secretary of the Treasury shall, from time to time, but not less often than quarterly, transfer premiums collected pursuant to subparagraph (A) to the Prescription Medicine Insurance Account from the appropriate funds and accounts described in subsections (a)(2), (b)(2), and (d)(2) of section 1840, on the basis of the certifications described in such subsections. The amounts of such transfers shall be appropriately adjusted to the extent that prior transfers were too great or too small.

"(2) Otherwise through direct payments by enrollee to secretary.—

"(A) In the case of inadequate deduction.—An individual to whom paragraph (1) applies (other than an individual receiving benefits as described in section 1840(d)) and who estimates that the amount that will be available for deduction under such paragraph for any premium payment period will be less than the amount of the monthly premiums for such period may (under regulations) pay to the Secretary the estimated balance, or such greater portion of the monthly premium as the individual chooses.

"(B) Other cases.—An individual enrolled in the insurance program under this part with respect to whom none of the preceding provisions of this subsection applies (or to whom section 1840(c) applies) shall pay premiums to the Secretary at such times and in such manner as the Secretary shall by regulations prescribe.

"(C) Deposit of premiums in account.—Amounts paid to the Secretary under this paragraph shall be deposited in the Treasury to the credit of the Prescription Medicine Insurance Account in the Supplementary Medical Insurance Trust Fund.

"(c) Certain Low-Income Individuals.—For rules concerning premiums for certain low-income individuals, see section 1860E.

"PRESCRIPTION MEDICINE INSURANCE ACCOUNT

"Sec. 1860F. (a) Establishment.—There is created within the Federal Supplemental Medical Insurance Trust Fund established by section 1841 an account to be known as the 'Prescription Medicine Insurance Account' (in this section referred to as the 'Account').

"(b) Amounts in Account.—

"(1) In general.—The Account shall consist of—

"(A) such amounts as may be deposited in, or appropriated to, such fund as provided in this part; and

"(B) such gifts and bequests as may be made as provided in section 201(i)(1).

"(2) Separation of funds.—Funds provided under this part to the Account shall be kept separate from all other funds within the Federal Supplemental Medical Insurance Trust Fund.

"(c) Payments From Account.—

"(1) In general.—The Managing Trustee shall pay from time to time from the Account such amounts, subject to appropriations, as the Secretary certifies are necessary to make the payments provided for by this part, and the payments with respect to administrative expenses in accordance with section 201(g).

"(2) Treatment in relation to part B premium.—Amounts payable from the Account shall not be taken into account in computing actuarial rates or premium amounts under section 1839.

"ADMINISTRATION OF BENEFITS

"Sec. 1860G. (a) Administration.—

"(1) Use of private benefit administrators as provided for under parts A and B.—The Secretary shall provide for administration of the benefits under this part through a contract with a private benefit administrator designated in accordance with subsection (c), for enrolled individuals residing in each service area designated pursuant to subsection (b) (other than such individuals enrolled in a Medicare+Choice program under part C), in accordance with the provisions of this section.

"(2) Guarantee of program administration.—In the case of a service area in which no private benefit administrator has entered into a contract with the Secretary under paragraph (1) for the administration of this part, the Secretary shall seek to enter into a contract with a fiscal intermediary under part A (with a contract under section 1816) or a carrier under part B (with a contract under section 1842) to administer this part in that service area in accordance with the provisions of subsection (d). If the Secretary is unable to enter into such a contract for that service area, the Secretary shall provide for the administration of this part in that service area in accordance with the provisions of subsection (d) through another benefit administrator.

"(b) Designation of Geographic Service Areas.—

"(1) In general.—The Secretary shall divide the total geographic area served by the programs under this title into an appropriate number of service areas for purposes of administration of benefits under this part.

"(2) Considerations in determining service areas.—In determining or adjusting the number and boundaries of service areas under this subsection, the Secretary shall seek to ensure that—

"(A) there is a reasonable level of competition among entities eligible to contract to administer the benefit program under this section for each area; and

"(B) the designation of areas is consistent with the goal of securing contracts under this section that use the volume purchasing power of enrollees to obtain the same or similar type of prescription medicine discounts as are afforded favored, large purchasers.

"(c) Designation of Benefit Administrator.—

"(1) Award and duration of contract.—

"(A) Competitive award.—Each contract for a service area shall be awarded competitively in accordance with section 5 of title 41, United States Code, for a period (subject to subparagraph (B)) of not less than 2 nor more than 5 years.

"(B) Review.—A contract for a service area shall be subject to an evaluation after a year and termination for cause.

"(2) Eligible benefit administrators.—An entity shall not be eligible for consideration as a benefit administrator responsible for administering the prescription medicine benefit program under this part in a service area unless it meets at least the following criteria:

"(A) Type of entity.—The entity shall be capable of administering a prescription medicine benefit program, and may be a prescription medicine vendor, wholesale and retail pharmacy delivery system, health care provider or insurer, any other type of entity as the Secretary may specify, or a consortium of such entities.

"(B) Performance capability.—The entity shall have sufficient expertise, personnel, and resources to perform effectively the benefit administration functions for such area.

"(C) FINANCIAL INTEGRITY.—The entity and its officers, directors, agents, and managing employees shall have a satisfactory record of professional competence and professional and financial integrity, and the entity shall have adequate financial resources to perform services under the contract without risk of insolvency.

"(3) PROPOSAL REQUIREMENTS.—

"(A) IN GENERAL.—An entity's proposal for award or renewal of a contract under this section shall include such material and information as the Secretary may require.

"(B) SPECIFIC INFORMATION.—A proposal described in subparagraph (A) shall—

"(i) include a detailed description of—

"(I) the schedule of negotiated prices that will be charged to enrollees;

"(II) how the entity will deter medical errors that are related to prescription medicines; and

"(III) proposed contracts with local pharmacy providers designed to ensure access, including compensation for local pharmacists' services;

"(ii) be accompanied by such information as the Secretary may require on the entity's past performance; and

"(iii) disclose ownership and shared financial interests with other entities involved in the delivery of the benefit as proposed.

"(4) CRITERIA FOR COMPETITIVE SELECTION.—In awarding a contract competitively, the Secretary shall consider the comparative merits of each of the applications by eligible entities, as determined on the basis of the entities' past performance and other relevant factors, with respect to the following:

"(A) the estimated total cost of the contract, taking into consideration the entity's proposed fees and price and cost estimates, as evaluated and adjusted by the Secretary in accordance with the provisions of the Federal Acquisition Regulation concerning contracting by negotiation;

"(B) prior experience in administering a type of health insurance program;

"(C) effectiveness in containing costs through obtaining discounts from manufacturers, pricing incentives, utilization management, and drug utilization review;

"(D) the quality and efficiency of benefit management services with respect to such matters as claims processing and benefits coordination; record-keeping and reporting; maintenance of medical records confidentiality; and drug utilization review, patient information, customer satisfaction, and other activities supporting quality of care; and

"(E) such other factors as the Secretary deems necessary to evaluate the merits of each application.

"(5) FLEXIBILITY IN SECURING BEST BENEFIT ADMINISTRATOR.—In awarding contracts under this subsection, the Secretary may waive conflict of interest rules generally applicable to Federal acquisitions (subject to such safeguards as the Secretary may find necessary to impose) in circumstances where the Secretary finds that such waiver—

"(A) is not inconsistent with the purposes of the programs under this title and the best interests of enrolled individuals; and

"(B) will permit a sufficient level of competition for such contracts, promote efficiency of benefits administration, or otherwise serve the objectives of the program under this part.

If the Secretary waives such rules, the Secretary shall establish a special monitoring program to ensure that beneficiaries served by the benefit administrator have access to all necessary pharmaceuticals as prescribed.

"(6) MAXIMIZING COMPETITION AND SAVINGS.—In awarding contracts under this section, the Secretary shall give consideration to the need to maintain sufficient numbers of entities eligible and willing to administer benefits under this part to ensure vigorous competition for such contracts, while also giving consideration to the need for a benefit administrator to have sufficient purchasing power to obtain appropriate cost savings.

"(d) FUNCTIONS OF BENEFIT ADMINISTRATOR.—A benefit administrator for a service area shall (or in the case of the function described in paragraph (9), may) perform the following functions:

"(1) PARTICIPATION AGREEMENTS, PRICES, AND FEES.—

"(A) PRIVATELY NEGOTIATED PRICES.—Each benefit administrator shall establish, through negotiations with medicine manufacturers and wholesalers and pharmacies, a schedule of prices for covered prescription medicines.

"(B) AGREEMENTS WITH ANY WILLING PHARMACY.—Each benefit administrator shall enter into participation agreements under subsection (e) with any willing pharmacy, that include terms that—

"(i) secure the participation of sufficient numbers of pharmacies to ensure convenient access (including adequate emergency access);

"(ii) permit the participation of any willing pharmacy in the service area that meets the participation requirements described in subsection (e); and

"(iii) allow for reasonable dispensing and consultation fees for pharmacies.

"(C) LISTS OF PRICES AND PARTICIPATING PHARMACIES.—Each benefit administrator shall ensure that the negotiated prices established under subparagraph (A) and the list of pharmacies with agreements under subsection (e) are regularly updated and readily available in the service area to health care professionals authorized to prescribe medicines, participating pharmacies, and enrolled individuals.

"(2) TRACKING OF COVERED ENROLLED INDIVIDUALS.—In coordination with the Secretary, each benefit administrator shall maintain accurate, updated records of all enrolled individuals residing in the service area (other than individuals enrolled in a plan under part C).

"(3) PAYMENT AND COORDINATION OF BENEFITS.—

"(A) PAYMENT.—Each benefit administrator shall—

"(i) administer claims for payment of benefits under this part and encourage, to the maximum extent possible, use of electronic means for the submissions of claims;

"(ii) determine amounts of benefit payments to be made; and

"(iii) receive, disburse, and account for funds used in making such payments, including through the activities specified in the provisions of this paragraph.

"(B) COORDINATION.—Each benefit administrator shall coordinate with the Secretary, other benefit administrators, pharmacies, and other relevant entities as necessary to ensure appropriate coordination of benefits with respect to enrolled individuals, including coordination of access to and payment for covered prescription medicines according to an individual's in-service area plan provisions, when such individual is traveling outside the home service area, and under such other circumstances as the Secretary may specify.

"(C) EXPLANATION OF BENEFITS.—Each benefit administrator shall furnish to enrolled individuals an explanation of benefits in accordance with section 1806(a), and a notice of the balance of benefits remaining for the current year, whenever prescription medicine benefits are provided under this part (except that such notice need not be provided more often than monthly).

"(4) REQUIREMENTS WITH RESPECT TO FORMULARIES.—If a benefit administrator uses a formulary to contain costs under this part, the benefit administrator shall—

"(A) use a pharmacy and therapeutics committee comprised of licensed practicing physicians, pharmacists, and other health care practitioners to develop and manage the formulary;

"(B) include in the formulary at least 1 medicine from each therapeutic class and, if available, a generic equivalent thereof; and

"(C) disclose to current and prospective enrollees and to participating providers and pharmacies in the service area, the nature of the formulary restrictions, including information regarding the medicines included in the formulary and any difference in cost-sharing amounts.

"(5) COST AND UTILIZATION MANAGEMENT; QUALITY ASSURANCE.—Each benefit administrator shall have in place effective cost and utilization management, drug utilization review, quality assurance measures, and systems to reduce medical errors, including at least the following, together with such additional measures as the Secretary may specify:

"(A) DRUG UTILIZATION REVIEW.—A drug utilization review program conforming to the standards provided in section 1927(g)(2) (with such modifications as the Secretary finds appropriate).

"(B) FRAUD AND ABUSE CONTROL.—Activities to control fraud, abuse, and waste, including prevention of diversion of pharmaceuticals to the illegal market.

"(C) MEDICATION THERAPY MANAGEMENT.—

"(i) IN GENERAL.—A program of medicine therapy management and medication administration that is designed to assure that covered outpatient medicines are appropriately used to achieve therapeutic goals and reduce the risk of adverse events, including adverse drug interactions.

"(ii) ELEMENTS OF MEDICATION THERAPY MANAGEMENT.—Such program may include—

"(I) enhanced beneficiary understanding of such appropriate use through beneficiary education, counseling, and other appropriate means; and

"(II) increased beneficiary adherence with prescription medication regimens through medication refill reminders, special packaging, and other appropriate means.

"(iii) DEVELOPMENT OF PROGRAM IN COOPERATION WITH LICENSED PHARMACISTS.—The program shall be developed in cooperation with licensed pharmacists and physicians.

"(iv) CONSIDERATIONS IN PHARMACY FEES.—The benefit administrators shall take into account, in establishing fees for pharmacists and others providing services under the medication therapy management program, the resources and time used in implementing the program.

"(6) EDUCATION AND INFORMATION ACTIVITIES.—Each benefit administrator shall have in place mechanisms for disseminating educational and informational materials to enrolled individuals and health care providers designed to encourage effective and cost-effective use of prescription medicine benefits and to ensure that enrolled individuals understand their rights and obligations under the program.

"(7) BENEFICIARY PROTECTIONS.—

‘‘(A) Confidentiality of health information.—Each benefit administrator shall have in effect systems to safeguard the confidentiality of health care information on enrolled individuals, which comply with section 1106 and with section 552a of title 5, United States Code, and meet such additional standards as the Secretary may prescribe.

‘‘(B) Grievance and appeal procedures.—Each benefit administrator shall have in place such procedures as the Secretary may specify for hearing and resolving grievances and appeals, including expedited appeals, brought by enrolled individuals against the benefit administrator or a pharmacy concerning benefits under this part, which shall include procedures equivalent to those specified in subsections (f) and (g) of section 1852.

‘‘(8) Records, reports, and audits of benefit administrators.—

‘‘(A) Records and audits.—Each benefit administrator shall maintain adequate records, and afford the Secretary access to such records (including for audit purposes).

‘‘(B) Reports.—Each benefit administrator shall make such reports and submissions of financial and utilization data as the Secretary may require taking into account standard commercial practices.

‘‘(9) Proposal for alternative coinsurance amount.—

‘‘(A) Submission.—Each benefit administrator may submit a proposal for decreased beneficiary cost-sharing for generic prescription medicines, prescription medicines on the benefit administrator's formulary, or prescription medicines obtained through mail order pharmacies.

‘‘(B) Contents.—The proposal submitted under subparagraph (A) shall contain evidence that such decreased cost-sharing would not result in an increase in aggregate costs to the Account, including an analysis of differences in projected drug utilization patterns by beneficiaries whose cost-sharing would be reduced under the proposal and those making the cost-sharing payments that would otherwise apply.

‘‘(10) Other requirements.—Each benefit administrator shall meet such other requirements as the Secretary may specify.

‘‘(e) Pharmacy Participation Agreements.—

‘‘(1) In general.—A pharmacy that meets the requirements of this subsection shall be eligible to enter an agreement with a benefit administrator to furnish covered prescription medicines and pharmacists' services to enrolled individuals residing in the service area.

‘‘(2) Terms of agreement.—An agreement under this subsection shall include the following terms and requirements:

‘‘(A) Licensing.—The pharmacy and pharmacists shall meet (and throughout the contract period will continue to meet) all applicable State and local licensing requirements.

‘‘(B) Limitation on charges.—Pharmacies participating under this part shall not charge an enrolled individual more than the negotiated price for an individual medicine as established under subsection (d)(1), regardless of whether such individual has attained the basic benefit limitation under section 1860B(b)(3), and shall not charge an enrolled individual more than the individual's share of the negotiated price as determined under the provisions of this part.

‘‘(C) Performance standards.—The pharmacy and the pharmacist shall comply with performance standards relating to—

‘‘(i) measures for quality assurance, reduction of medical errors, and participation in the drug utilization review program described in subsection (d)(3)(A);

‘‘(ii) systems to ensure compliance with the confidentiality standards applicable under subsection (d)(5)(A); and

‘‘(iii) other requirements as the Secretary may impose to ensure integrity, efficiency, and the quality of the program.

‘‘(D) Disclosure of price of generic medicine.—A pharmacy participating under this part that dispenses a prescription medicine to a medicare beneficiary enrolled under this part shall inform the beneficiary at the time of purchase of the drug of any differential between the price of the prescribed drug to the enrollee and the price of the lowest cost generic drug that is therapeutically and pharmaceutically equivalent and bioequivalent.

‘‘(f) Flexibility in Assigning Workload Among Benefit Administrators.—During the period after the Secretary has given notice of intent to terminate a contract with a benefit administrator, the Secretary may transfer responsibilities of the benefit administrator under such contract to another benefit administrator.

‘‘(g) Guaranteed Access to Medicines in Rural and Hard-To-Serve Areas.—

‘‘(1) In general.—The Secretary shall ensure that all beneficiaries have guaranteed access to the full range of pharmaceuticals under this part, and shall give special attention to access, pharmacist counseling, and delivery in rural and hard-to-serve areas, including through the use of incentives such as bonus payments to retail pharmacists in rural areas and extra payments to the benefit administrator for the cost of rapid delivery of pharmaceuticals, and any other actions necessary.

‘‘(2) GAO report.—Not later than 2 years after the implementation of this part the Comptroller General of the United States shall submit to Congress a report on the access of medicare beneficiaries to pharmaceuticals and pharmacists' services in rural and hard-to-serve areas under this part together with any recommendations of the Comptroller General regarding any additional steps the Secretary may need to take to ensure the access of medicare beneficiaries to pharmaceuticals and pharmacists' services in such areas under this part.

‘‘(h) Incentives for Cost and Utilization Management and Quality Improvement.—The Secretary is authorized to include in a contract awarded under subsection (c) such incentives for cost and utilization management and quality improvement as the Secretary may deem appropriate, including—

‘‘(1) bonus and penalty incentives to encourage administrative efficiency;

‘‘(2) incentives under which benefit administrators share in any benefit savings achieved;

‘‘(3) financial incentives under which savings derived from the substitution of generic medicines in lieu of non-generic medicines are made available to beneficiaries enrolled under this part, benefit administrators, pharmacies, and the Prescription Medicine Insurance Account; and

‘‘(4) any other incentive that the Secretary deems appropriate and likely to be effective in managing costs or utilization.

‘‘INCENTIVE PROGRAM TO ENCOURAGE
EMPLOYERS TO CONTINUE COVERAGE

‘‘Sec. 1860H. (a) Program Authority.—The Secretary shall develop and implement a program under this section called the ‘Employer Incentive Program’ that encourages employers and other sponsors of employment-based health care coverage to provide adequate prescription medicine benefits to retired individuals and to maintain such existing benefit programs, by subsidizing, in part, the cost of providing coverage under qualifying plans.

‘‘(b) Sponsor Requirements.—In order to be eligible to receive an incentive payment under this section with respect to coverage of an individual under a qualified retiree prescription medicine plan (as defined in subsection (f)(3)), a sponsor shall meet the following requirements:

‘‘(1) Assurances.—The sponsor shall—

‘‘(A) annually attest, and provide such assurances as the Secretary may require, that the coverage offered by the sponsor is a qualified retiree prescription medicine plan, and will remain such a plan for the duration of the sponsor's participation in the program under this section; and

‘‘(B) guarantee that it will give notice to the Secretary and covered retirees—

‘‘(i) at least 120 days before terminating its plan; and

‘‘(ii) immediately upon determining that the actuarial value of the prescription medicine benefit under the plan falls below the actuarial value of the insurance benefit under this part.

‘‘(2) Other requirements.—The sponsor shall provide such information, and comply with such requirements, including information requirements to ensure the integrity of the program, as the Secretary may find necessary to administer the program under this section.

‘‘(c) Incentive Payment.—

‘‘(1) In general.—A sponsor that meets the requirements of subsection (b) with respect to a quarter in a calendar year shall have payment made by the Secretary on a quarterly basis to the appropriate employment-based health plan of an incentive payment, in the amount determined as described in paragraph (2), for each retired individual (or spouse) who—

‘‘(A) was covered under the sponsor's qualified retiree prescription medicine plan during such quarter; and

‘‘(B) was eligible for but was not enrolled in the insurance program under this part.

‘‘(2) Amount of incentive.—The payment under this section with respect to each individual described in paragraph (1) for a month shall be equal to ⅔ of the monthly premium amount payable from the Prescription Medicine Insurance Account for an enrolled individual, as set for the calendar year pursuant to section 1860D(a)(2).

‘‘(3) Payment date.—The incentive under this section with respect to a calendar quarter shall be payable as of the end of the next succeeding calendar quarter.

‘‘(d) Civil Money Penalties.—A sponsor, health plan, or other entity that the Secretary determines has, directly or through its agent, provided information in connection with a request for an incentive payment under this section that the entity knew or should have known to be false shall be subject to a civil monetary penalty in an amount up to 3 times the total incentive amounts under subsection (c) that were paid (or would have been payable) on the basis of such information.

‘‘(e) Part D Enrollment for Individuals Whose Employment-Based Retiree Health Coverage Ends.—

‘‘(1) Eligible individuals.—An individual shall be given the opportunity to enroll in the program under this part during the period specified in paragraph (2) if—

‘‘(A) the individual declined enrollment in the program under this part at the time the individual first satisfied section 1860C(a);

"(B) at that time, the individual was covered under a qualified retiree prescription medicine plan for which an incentive payment was paid under this section; and

"(C)(i) the sponsor subsequently ceased to offer such plan; or

"(ii) the value of prescription medicine coverage under such plan became less than the value of the coverage under the program under this part.

"(2) SPECIAL ENROLLMENT PERIOD.—An individual described in paragraph (1) shall be eligible to enroll in the program under this part during the 6-month period beginning on the first day of the month in which—

"(A) the individual receives a notice that coverage under such plan has terminated (in the circumstance described in paragraph (1)(C)(i)) or notice that a claim has been denied because of such a termination; or

"(B) the individual received notice of the change in benefits (in the circumstance described in paragraph (1)(C)(ii)).

"(f) DEFINITIONS.—In this section:

"(1) EMPLOYMENT-BASED RETIREE HEALTH COVERAGE.—The term 'employment-based retiree health coverage' means health insurance or other coverage of health care costs for retired individuals (or for such individuals and their spouses and dependents) based on their status as former employees or labor union members.

"(2) EMPLOYER.—The term 'employer' has the meaning given to such term by section 3(5) of the Employee Retirement Income Security Act of 1974 (except that such term shall include only employers of 2 or more employees).

"(3) QUALIFIED RETIREE PRESCRIPTION MEDICINE PLAN.—The term 'qualified retiree prescription medicine plan' means health insurance coverage included in employment-based retiree health coverage that—

"(A) provides coverage of the cost of prescription medicines whose actuarial value to each retired beneficiary equals or exceeds the actuarial value of the benefits provided to an individual enrolled in the program under this part; and

"(B) does not deny, limit, or condition the coverage or provision of prescription medicine benefits for retired individuals based on age or any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

"(4) SPONSOR.—The term 'sponsor' has the meaning given the term 'plan sponsor' by section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

"APPROPRIATIONS TO COVER GOVERNMENT CONTRIBUTIONS

"SEC. 1860I. (a) IN GENERAL.—There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Prescription Medicine Insurance Account, a Government contribution equal to—

"(1) the aggregate premiums payable for a month pursuant to section 1860D(a)(2) by individuals enrolled in the program under this part; plus

"(2) one-half the aggregate premiums payable for a month pursuant to such section for such individuals by former employers; plus

"(3) the benefits payable by reason of the application of section 1860B(c) (relating to catastrophic benefits).

"(b) APPROPRIATIONS TO COVER INCENTIVES FOR EMPLOYMENT-BASED RETIREE MEDICINE COVERAGE.—There are authorized to be appropriated to the Prescription Medicine Insurance Account from time to time, out of any moneys in the Treasury not otherwise appropriated such sums as may be necessary for payment of incentive payments under section 1860H(c).

"DEFINITIONS

"SEC. 1860J. As used in this part—

"(1) the term 'prescription medicine' means—

"(A) a drug that may be dispensed only upon a prescription, and that is described in subparagraph (A)(i), (A)(ii), or (B) of section 1927(k)(2); and

"(B) insulin certified under section 506 of the Federal Food, Drug, and Cosmetic Act, and needles, syringes, and disposable pumps for the administration of such insulin; and

"(2) the term 'benefit administrator' means an entity which is providing for the administration of benefits under this part pursuant to 1860G.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO FEDERAL SUPPLEMENTARY HEALTH INSURANCE TRUST FUND.—Section 1841 of the Social Security Act (42 U.S.C. 1395t) is amended—

(A) in the last sentence of subsection (a)—

(i) by striking "and" after "section 201(i)(1)"; and

(ii) by inserting before the period the following: ", and such amounts as may be deposited in, or appropriated to, the Prescription Medicine Insurance Account established by section 1860F";

(B) in subsection (g), by inserting after "by this part," the following: "the payments provided for under part D (in which case the payments shall come from the Prescription Medicine Insurance Account in the Supplementary Medical Insurance Trust Fund),";

(C) in the first sentence of subsection (h), by inserting before the period the following: "and section 1860D(b)(4) (in which case the payments shall come from the Prescription Medicine Insurance Account in the Supplementary Medical Insurance Trust Fund)"; and

(D) in the first sentence of subsection (i)—

(i) by striking "and" after "section 1840(b)(1)"; and

(ii) by inserting before the period the following: ", section 1860D(b)(2) (in which case the payments shall come from the Prescription Medicine Insurance Account in the Supplementary Medical Insurance Trust Fund)".

(2) PRESCRIPTION MEDICINE OPTION UNDER MEDICARE+CHOICE PLANS.—

(A) ELIGIBILITY, ELECTION, AND ENROLLMENT.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21) is amended—

(i) in subsection (a)(1)(A), by striking "parts A and B" inserting "parts A, B, and D"; and

(ii) in subsection (i)(1), by striking "parts A and B" and inserting "parts A, B, and D".

(B) VOLUNTARY BENEFICIARY ENROLLMENT FOR MEDICINE COVERAGE.—Section 1852(a)(1)(A) of such Act (42 U.S.C. 1395w–22(a)(1)(A)) is amended by inserting "(and under part D to individuals also enrolled under that part)" after "parts A and B".

(C) ACCESS TO SERVICES.—Section 1852(d)(1) of such Act (42 U.S.C. 1395w–22(d)(1)) is amended—

(i) in subparagraph (D), by striking "and" at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(F) the plan for prescription medicine benefits under part D guarantees coverage of any specifically named covered prescription medicine for an enrollee, when prescribed by a physician in accordance with the provisions of such part, regardless of whether such medicine would otherwise be covered under an applicable formulary or discount arrangement.".

(D) PAYMENTS TO ORGANIZATIONS.—Section 1853(a)(1)(A) of such Act (42 U.S.C. 1395w–23(a)(1)(A)) is amended—

(i) by inserting "determined separately for benefits under parts A and B and under part D (for individuals enrolled under that part)" after "as calculated under subsection (c)";

(ii) by striking "that area, adjusted for such risk factors" and inserting "that area. In the case of payment for benefits under parts A and B, such payment shall be adjusted for such risk factors as"; and

(iii) by inserting before the last sentence the following: "In the case of the payments for benefits under part D, such payment shall initially be adjusted for the risk factors of each enrollee as the Secretary determines to be feasible and appropriate. By 2006, the adjustments would be for the same risk factors applicable for benefits under parts A and B.".

(E) CALCULATION OF ANNUAL MEDICARE +CHOICE CAPITATION RATES.—Section 1853(c) of such Act (42 U.S.C. 1395w–23(c)) is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting "for benefits under parts A and B" after "capitation rate";

(ii) in paragraph (6)(A), by striking "rate of growth in expenditures under this title" and inserting "rate of growth in expenditures for benefits available under parts A and B"; and

(iii) by adding at the end the following new paragraph:

"(8) PAYMENT FOR PRESCRIPTION MEDICINES.—The Secretary shall determine a capitation rate for prescription medicines—

"(A) dispensed in 2003, which is based on the projected national per capita costs for prescription medicine benefits under part D and associated claims processing costs for beneficiaries under the original medicare fee-for-service program; and

"(B) dispensed in each subsequent year, which shall be equal to the rate for the previous year updated by the Secretary's estimate of the projected per capita rate of growth in expenditures under this title for prescription medicines for an individual enrolled under part D.".

(F) LIMITATION ON ENROLLEE LIABILITY.—Section 1854(e) of such Act (42 U.S.C. 1395w–24(e)) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE FOR PROVISION OF PART D BENEFITS.—In no event may a Medicare+Choice organization include as part of a plan for prescription medicine benefits under part D the following requirements:

"(A) NO DEDUCTIBLE; NO COINSURANCE GREATER THAN 50 PERCENT.—A requirement that an enrollee pay a deductible, or a coinsurance percentage that exceeds 50 percent.

"(B) MANDATORY INCLUSION OF CATASTROPHIC BENEFIT.—A requirement that the catastrophic benefit level under the plan be greater than such level established under section 1860B(c).".

(G) REQUIREMENT FOR ADDITIONAL BENEFITS.—Section 1854(f)(1) of such Act (42 U.S.C. 1395w–24(f)(1)) is amended by adding at the end the following new sentence: "Such determination shall be made separately for benefits under parts A and B and for prescription medicine benefits under part D.".

(H) PROTECTIONS AGAINST FRAUD AND BENEFICIARY PROTECTIONS.—Section 1857(d) of such Act (42 U.S.C. 1395w–27(d)) is amended by adding at the end the following new paragraph:

"(6) AVAILABILITY OF NEGOTIATED PRICES.—Each contract under this section shall provide that enrollees who exhaust prescription medicine benefits under the plan will continue to have access to prescription medicines at negotiated prices equivalent to the total combined cost of such medicines to the plan and the enrollee prior to such exhaustion of benefits.".

(3) EXCLUSIONS FROM COVERAGE.—

(A) APPLICATION TO PART D.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended in the matter preceding paragraph (1) by striking "part A or part B" and inserting "part A, B, or D".

(B) PRESCRIPTION MEDICINES NOT EXCLUDED FROM COVERAGE IF APPROPRIATELY PRESCRIBED.—Section 1862(a)(1) of such Act (42 U.S.C. 1395y(a)(1)) is amended—

(i) in subparagraph (H), by striking "and" at the end;

(ii) in subparagraph (I), by striking the semicolon at the end and inserting ", and"; and

(iii) by adding at the end the following new subparagraph:

"(J) in the case of prescription medicines covered under part D, which are not prescribed in accordance with such part;".

SEC. 102. MEDICAID BUY-IN OF MEDICARE PRESCRIPTION MEDICINE COVERAGE FOR CERTAIN LOW-INCOME INDIVIDUALS.

(a) STATE OPTION TO BUY-IN DUALLY ELIGIBLE INDIVIDUALS.—

(1) COVERAGE OF PREMIUMS AS MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d) is amended in the second sentence of the flush matter at the end by striking "premiums under part B" the first place it appears and inserting "premiums under parts B and D".

(2) STATE COMMITMENT TO CONTINUE PARTICIPATION IN PART D AFTER BENEFIT LIMIT EXCEEDED.—Section 1902(a) of such Act (42 U.S.C. 1396a) is amended—

(A) by striking "and" at the end of paragraph (64);

(B) by striking the period at the end of paragraph (65)(B) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(66) provide that in the case of any individual whose eligibility for medical assistance is not limited to medicare or medicare medicine cost-sharing and for whom the State elects to pay premiums under part D of title XVIII pursuant to section 1860E, the State will purchase all prescription medicines for such individual in accordance with the provisions of such part D, without regard to whether the basic benefit limitation for such individual under section 1860B(b)(3) has been reached.".

(b) GOVERNMENT PAYMENT OF MEDICARE MEDICINE COST-SHARING REQUIRED FOR QUALIFIED MEDICARE BENEFICIARIES.—Section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by inserting "and" at the end; and

(C) by adding at the end the following new clause:

"(iii) premiums under section 1860D."; and

(2) in subparagraph (D)—

(A) by inserting "(i)" after "(D)"; and

(B) by adding at the end the following:

"(ii) PART D COST-SHARING.—The difference between the amount that is paid under section 1860B and the amount that would be paid under such section if any reference to '50 percent' therein were deemed a reference to '100 percent' (or, if the Secretary approves a higher percentage under such section, if such percentage were deemed to be 100 percent).".

(c) GOVERNMENT PAYMENT OF MEDICARE MEDICINE COST-SHARING REQUIRED FOR MEDICARE BENEFICIARIES WITH INCOMES BETWEEN 100 AND 150 PERCENT OF POVERTY LINE.—

(1) STATE PLAN REQUIREMENT.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

(A) in clause (iii), by striking "and" at the end; and

(B) by adding at the end the following new clause:

"(v) for making medical assistance available for medicare medicine cost-sharing (as defined in section 1905(x)(2)) for qualified medicare medicine beneficiaries described in section 1905(x)(1); and".

(2) 100 PERCENT FEDERAL MATCHING OF STATE MEDICAL ASSISTANCE COSTS FOR MEDICARE MEDICINE COST-SHARING.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph:

"(7) except in the case of amounts expended for an individual whose eligibility for medical assistance is not limited to medicare or medicare medicine cost-sharing, an amount equal to 100 percent of amounts as expended as medicare medicine cost-sharing for qualified medicare medicine beneficiaries (as defined in section 1905(x)); plus".

(3) ADDITIONAL FUNDS FOR MEDICARE MEDICINE COST-SHARING IN TERRITORIES.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(A) in subsection (f), by striking "subsection (g)," and inserting "subsections (g) and (h)"; and

(B) by adding at the end the following new subsection:

"(h) ADDITIONAL MEDICAID PAYMENTS TO TERRITORIES FOR MEDICARE MEDICINE COST-SHARING.—

"(1) IN GENERAL.—In the case of a territory that develops and implements a plan described in paragraph (2) (for providing medical assistance with respect to the provision of prescription drugs to medicare beneficiaries), the amount otherwise determined under subsection (f) (as increased under subsection (g)) for the State shall be increased by the amount specified in paragraph (3).

"(2) PLAN.—The plan described in this paragraph is a plan that—

"(A) provides medical assistance with respect to the provision of some or all medicare medicine cost sharing (as defined in section 1905(x)(2)) to low-income medicare beneficiaries; and

"(B) assures that additional amounts received by the State that are attributable to the operation of this subsection are used only for such assistance.

"(3) INCREASED AMOUNT.—

"(A) IN GENERAL.—The amount specified in this paragraph for a State for a year is equal to the product of—

"(i) the aggregate amount specified in subparagraph (B); and

"(ii) the amount specified in subsection (g)(1) for that State, divided by the sum of the amounts specified in such section for all such States.

"(B) AGGREGATE AMOUNT.—The aggregate amount specified in this subparagraph for—

"(i) 2003, is equal to $25,000,000; or

"(ii) a subsequent year, is equal to the aggregate amount specified in this subparagraph for the previous year increased by annual percentage increase specified in section 1860B(b)(3)(B) for the year involved.".

(4) DEFINITIONS OF ELIGIBLE BENEFICIARIES AND COVERAGE.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(x)(1) The term 'qualified medicare medicine beneficiary' means an individual—

"(A) who is enrolled or enrolling under part D of title XVIII;

"(B) whose income (as determined under section 1612 for purposes of the supplemental security income program, except as provided in subsection (p)(2)(D)) is above 100 percent but below 150 percent of the official poverty line (as referred to in subsection (p)(2)) applicable to a family of the size involved; and

"(C) whose resources (as determined under section 1613 for purposes of the supplemental security income program) do not exceed twice the maximum amount of resources that an individual may have and obtain benefits under that program.

"(2) The term 'medicare medicine cost-sharing' means the following costs incurred with respect to a qualified medicare medicine beneficiary, without regard to whether the costs incurred were for items and services for which medical assistance is otherwise available under the plan:

"(A) In the case of a qualified medicare medicine beneficiary whose income (as determined under paragraph (1)) is less than 135 percent of the official poverty line—

"(i) premiums under section 1860D; and

"(ii) the difference between the amount that is paid under section 1860B and the amount that would be paid under such section if any reference to '50 percent' therein were deemed a reference to '100 percent' (or, if the Secretary approves a higher percentage under such section, if such percentage were deemed to be 100 percent).

"(B) In the case of a qualified medicare medicine beneficiary whose income (as determined under paragraph (1)) is at least 135 percent but less than 150 percent of the official poverty line, a percentage of premiums under section 1860D, determined on a linear sliding scale ranging from 100 percent for individuals with incomes at 135 percent of such line to 0 percent for individuals with incomes at 150 percent of such line.

"(3) In the case of any State which is providing medical assistance to its residents under a waiver granted under section 1115, the Secretary shall require the State to meet the requirement of section 1902(a)(10)(E) in the same manner as the State would be required to meet such requirement if the State had in effect a plan approved under this title.".

(d) MEDICAID MEDICINE PRICE REBATES UNAVAILABLE WITH RESPECT TO MEDICINES PURCHASED THROUGH MEDICARE BUY-IN.—Section 1927 of the Social Security Act (42 U.S.C. 1396r-8) is amended by adding at the end the following new subsection:

"(l) MEDICINES PURCHASED THROUGH MEDICARE BUY-IN.—The provisions of this section shall not apply to prescription medicines purchased under part D of title XVIII pursuant to an agreement with the Secretary under section 1860E (including any medicines so purchased after the limit under section 1860B(b)(3) has been exceeded).".

(e) AMENDMENTS TO MEDICARE PART D.—Part D of title XVIII of the Social Security Act (as added by section 2) is amended by inserting after section 1860D the following new section:

"SPECIAL ELIGIBILITY, ENROLLMENT, AND COPAYMENT RULES FOR LOW-INCOME INDIVIDUALS

"SEC. 1860E. (a) STATE OPTIONS FOR COVERAGE: CONTINUATION OF MEDICAID COVERAGE OR ENROLLMENT UNDER THIS PART.—

"(1) IN GENERAL.—The Secretary shall, at the request of a State, enter into an agreement with the State under which all individuals described in paragraph (2) are enrolled in the program under this part, without regard to whether any such individual has previously declined the opportunity to enroll in such program.

"(2) ELIGIBILITY GROUPS.—The individuals described in this paragraph, for purposes of paragraph (1), are individuals who satisfy section 1860C(a) and who are—

"(A) in a coverage group or groups permitted under section 1843 (as selected by the State and specified in the agreement); or

"(B) qualified medicare medicine beneficiaries (as defined in section 1905(x)(1)).

"(3) COVERAGE PERIOD.—The period of coverage under this part of an individual enrolled under an agreement under this subsection shall be as follows:

"(A) INDIVIDUALS ELIGIBLE (AT STATE OPTION) FOR PART B BUY-IN.—In the case of an individual described in subsection (a)(2)(A), the coverage period shall be the same period that applies (or would apply) pursuant to section 1843(d).

"(B) QUALIFIED MEDICARE MEDICINE BENEFICIARIES.—In the case of an individual described in subsection (a)(2)(B)—

"(i) the coverage period shall begin on the latest of—

"(I) January 1, 2003;

"(II) the first day of the third month following the month in which the State agreement is entered into; or

"(III) the first day of the first month following the month in which the individual satisfies section 1860C(a); and

"(ii) the coverage period shall end on the last day of the month in which the individual is determined by the State to have become ineligible for medicare medicine cost-sharing.

"(4) ENROLLMENT FOR LOW-INCOME SUBSIDY THROUGH OTHER MEANS.—

"(A) FLEXIBILITY IN ENROLLMENT PROCESS.—With respect to low-income individuals residing in a State enrolling under this part on or after January 1, 2006, the Secretary shall provide for determinations of whether the individual is eligible for a subsidy and the amount of such individual's income to be made under arrangements with appropriate entities other than State medicaid agencies.

"(B) USE OF CERTAIN INFORMATION.—Arrangements with entities under subparagraph (A) shall provide for —

"(i) the use of existing Federal government databases to identify eligibility; and

"(ii) the use of information obtained under section 154 of the Social Security Act Amendments of 1994 for newly eligible medicare beneficiaries, and the application of such information with respect to other medicare beneficiaries.

"(b) SPECIAL PART D ENROLLMENT OPPORTUNITY FOR INDIVIDUALS LOSING MEDICAID ELIGIBILITY.—In the case of an individual who—

"(1) satisfies section 1860C(a); and

"(2) loses eligibility for benefits under the State plan under title XIX after having been enrolled under such plan or having been determined eligible for such benefits;

the Secretary shall provide an opportunity for enrollment under the program under this part during the period that begins on the date that such individual loses such eligibility and ends on the date specified by the Secretary.

"(c) DEFINITION.—For purposes of this section, the term 'State' has the meaning given such term under section 1101(a) for purposes of title XIX.".

(f) REMOVAL OF SUNSET DATE FOR COST-SHARING IN MEDICARE PART B PREMIUMS FOR CERTAIN QUALIFYING INDIVIDUALS.—

(1) IN GENERAL.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv))is amended to read as follows—

"(iv) subject to section 1905(p)(4), for making medical assistance available for medicare cost-sharing described in section 1905(p)(3)(A)(ii) for individuals who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds the income level established by the State under section 1905(p)(2) and is at least 120 percent, but less than 135 percent, of the official poverty line (referred to in such section) for a family of the size involved and who are not otherwise eligible for medical assistance under the State plan;".

(2) RELOCATION OF PROVISION REQUIRING 100 PERCENT FEDERAL MATCHING OF STATE MEDICAL ASSISTANCE COSTS FOR CERTAIN QUALIFYING INDIVIDUALS.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)), as amended by subsection (c)(3), is amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following new paragraph:

"(8) an amount equal to 100 percent of amounts expended as medicare cost-sharing described in section 1903(a)(10)(E)(iv) for individuals described in such section; plus".

(3) REPEAL OF SECTION 1933.—Section 1933 is repealed.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2003.

SEC. 103. GAO ONGOING STUDIES AND REPORTS ON PROGRAM; MISCELLANEOUS REPORTS.

(a) ONGOING STUDY.—The Comptroller General of the United States shall conduct an ongoing study and analysis of the prescription medicine benefit program under part D of the Medicare program under title XVIII of the Social Security Act (as added by section 3 of this Act), including an analysis of each of the following:

(1) The extent to which the administering entities have -achieved volume-based discounts similar to the favored -price paid by other large purchasers.

(2) Whether access to the benefits under such program are in fact available to all beneficiaries, with special attention given to access for beneficiaries living in rural and hard-to-serve areas.

(3) The success of such program in reducing medication error and adverse medicine reactions and improving quality of care, and whether it is probable that the program has resulted in savings through reduced hospitalizations and morbidity due to medication errors and adverse medicine reactions.

(4) Whether patient medical record confidentiality is being maintained and safeguarded.

(5) Such other issues as the Comptroller General may consider.

(b) REPORTS.—The Comptroller General shall issue such reports on the results of the ongoing study described in (a) as the Comptroller General shall deem appropriate and shall notify Congress on a timely basis of significant problems in the operation of the part D prescription medicine program and the need for legislative adjustments and improvements.

(c) MISCELLANEOUS STUDIES AND REPORTS.—

(1) STUDY ON METHODS TO ENCOURAGE ADDITIONAL RESEARCH ON BREAKTHROUGH PHARMACEUTICALS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall seek the advice of the Secretary of the Treasury on possible tax and trade law changes to encourage increased original research on new pharmaceutical breakthrough products designed to address disease and illness.

(B) REPORT.—Not later than January 1, 2003, the Secretary shall submit to Congress a report on such study. The report shall include recommended methods to encourage the pharmaceutical industry to devote more resources to research and development of new covered products than it devotes to overhead expenses.

(2) STUDY ON PHARMACEUTICAL SALES PRACTICES AND IMPACT ON COSTS AND QUALITY OF CARE.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study on the methods used by the pharmaceutical industry to advertise and sell to consumers and educate and sell to providers.

(B) REPORT.—Not later than January 1, 2003, the Secretary shall submit to Congress a report on such study. The report shall include the estimated direct and indirect costs of the sales methods used, the quality of the information conveyed, and whether such sales efforts leads (or could lead) to inappropriate prescribing. Such report may include legislative and regulatory recommendations to encourage more appropriate education and prescribing practices.

(3) STUDY ON COST OF PHARMACEUTICAL RESEARCH.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study on the costs of, and needs for, the pharmaceutical research and the role that the taxpayer provides in encouraging such research.

(B) REPORT.—Not later than January 1, 2003, the Secretary shall submit to Congress a report on such study. The report shall include a description of the full-range of taxpayer-assisted programs impacting pharmaceutical research, including tax, trade, government research, and regulatory assistance. The report may also include legislative and regulatory recommendations that are designed to ensure that the taxpayer's investment in pharmaceutical research results in the availability of pharmaceuticals at reasonable prices.

(4) REPORT ON PHARMACEUTICAL PRICES IN MAJOR FOREIGN NATIONS.—Not later than January 1, 2003, the Secretary of Health and Human Services shall submit to Congress a report on the retail price of major pharmaceutical products in various developed nations, compared to prices for the same or similar products in the United States. The report shall include a description of the principal reasons for any price differences that may exist.

TITLE II—IMPROVEMENT IN BENEFICIARY SERVICES

Subtitle A—Improvement of Medicare Coverage and Appeals Process

SEC. 201. REVISIONS TO MEDICARE APPEALS PROCESS.

(a) CONDUCT OF RECONSIDERATIONS OF DETERMINATIONS BY INDEPENDENT CONTRACTORS.—Section 1869 of the Social Security Act (42 U.S.C. 1395ff) is amended to read as follows:

“DETERMINATIONS; APPEALS

“Sec. 1869. (a) Initial Determinations.—The Secretary shall promulgate regulations and make initial determinations with respect to benefits under part A or part B in accordance with those regulations for the following:

“(1) The initial determination of whether an individual is entitled to benefits under such parts.

“(2) The initial determination of the amount of benefits available to the individual under such parts.

“(3) Any other initial determination with respect to a claim for benefits under such parts, including an initial determination by the Secretary that payment may not be made, or may no longer be made, for an item or service under such parts, an initial determination made by a utilization and quality control peer review organization under section 1154(a)(2), and an initial determination made by an entity pursuant to a contract with the Secretary to administer provisions of this title or title XI.

“(b) Appeal Rights.—

“(1) In general.—

“(A) Reconsideration of initial determination.—Subject to subparagraph (D), any individual dissatisfied with any initial determination under subsection (a) shall be entitled to reconsideration of the determination, and, subject to subparagraphs (D) and (E), a hearing thereon by the Secretary to the same extent as is provided in section 205(b) and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

“(B) Representation by provider or supplier.—

“(i) In general.—Sections 206(a), 1102, and 1871 shall not be construed as authorizing the Secretary to prohibit an individual from being represented under this section by a person that furnishes or supplies the individual, directly or indirectly, with services or items, solely on the basis that the person furnishes or supplies the individual with such a service or item.

“(ii) Mandatory waiver of right to payment from beneficiary.—Any person that furnishes services or items to an individual may not represent an individual under this section with respect to the issue described in section 1879(a)(2) unless the person has waived any rights for payment from the beneficiary with respect to the services or items involved in the appeal.

“(iii) Prohibition on payment for representation.—If a person furnishes services or items to an individual and represents the individual under this section, the person may not impose any financial liability on such individual in connection with such representation.

“(iv) Requirements for representatives of a beneficiary.—The provisions of section 205(j) and section 206 (regarding representation of claimants) shall apply to representation of an individual with respect to appeals under this section in the same manner as they apply to representation of an individual under those sections.

“(C) Succession of rights in cases of assignment.—The right of an individual to an appeal under this section with respect to an item or service may be assigned to the provider of services or supplier of the item or service upon the written consent of such individual using a standard form established by the Secretary for such an assignment.

“(D) Time limits for appeals.—

“(i) Reconsiderations.—Reconsideration under subparagraph (A) shall be available only if the individual described subparagraph (A) files notice with the Secretary to request reconsideration by not later than 180 days after the individual receives notice of the initial determination under subsection (a) or within such additional time as the Secretary may allow.

“(ii) Hearings conducted by the Secretary.—The Secretary shall establish in regulations time limits for the filing of a request for a hearing by the Secretary in accordance with provisions in sections 205 and 206.

“(E) Amounts in controversy.—

“(i) In general.—A hearing (by the Secretary) shall not be available to an individual under this section if the amount in controversy is less than $100, and judicial review shall not be available to the individual if the amount in controversy is less than $1,000.

“(ii) Aggregation of claims.—In determining the amount in controversy, the Secretary, under regulations, shall allow 2 or more appeals to be aggregated if the appeals involve—

“(I) the delivery of similar or related services to the same individual by one or more providers of services or suppliers, or

“(II) common issues of law and fact arising from services furnished to 2 or more individuals by one or more providers of services or suppliers.

“(F) Expedited proceedings.—

“(i) Expedited determination.—In the case of an individual who—

“(I) has received notice by a provider of services that the provider of services plans to terminate services provided to an individual and a physician certifies that failure to continue the provision of such services is likely to place the individual's health at significant risk, or

“(II) has received notice by a provider of services that the provider of services plans to discharge the individual from the provider of services,

the individual may request, in writing or orally, an expedited determination or an expedited reconsideration of an initial determination made under subsection (a), as the case may be, and the Secretary shall provide such expedited determination or expedited reconsideration.

“(ii) Expedited hearing.—In a hearing by the Secretary under this section, in which the moving party alleges that no material issues of fact are in dispute, the Secretary shall make an expedited determination as to whether any such facts are in dispute and, if not, shall render a decision expeditiously.

“(G) Reopening and revision of determinations.—The Secretary may reopen or revise any initial determination or reconsidered determination described in this subsection under guidelines established by the Secretary in regulations.

“(2) Review of coverage determinations.—

“(A) National coverage determinations.—

“(i) In general.—Review of any national coverage determination shall be subject to the following limitations:

“(I) Such a determination shall not be reviewed by any administrative law judge.

“(II) Such a determination shall not be held unlawful or set aside on the ground that a requirement of section 553 of title 5, United States Code, or section 1871(b) of this title, relating to publication in the Federal Register or opportunity for public comment, was not satisfied.

“(III) Upon the filing of a complaint by an aggrieved party, such a determination shall be reviewed by the Departmental Appeals Board of the Department of Health and Human Services. In conducting such a review, the Departmental Appeals Board shall review the record and shall permit discovery and the taking of evidence to evaluate the reasonableness of the determination. In reviewing such a determination, the Departmental Appeals Board shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

“(IV) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

“(ii) Definition of national coverage determination.—For purposes of this section, the term ‘national coverage determination’ means a determination by the Secretary respecting whether or not a particular item or service is covered nationally under this title, including such a determination under 1862(a)(1).

“(B) Local coverage determination.—In the case of a local coverage determination made by a fiscal intermediary or a carrier under part A or part B respecting whether a particular type or class of items or services is covered under such parts, the following limitations apply:

“(i) Upon the filing of a complaint by an aggrieved party, such a determination shall be reviewed by an administrative law judge of the Social Security Administration. The administrative law judge shall review the record and shall permit discovery and the taking of evidence to evaluate the reasonableness of the determination. In reviewing such a determination, the administrative law judge shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

“(ii) Such a determination may be reviewed by the Departmental Appeals Board of the Department of Health and Human Services.

“(iii) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

“(C) No material issues of fact in dispute.—In the case of review of a determination under subparagraph (A)(i)(III) or (B)(i) where the moving party alleges that there are no material issues of fact in dispute, and alleges that the only issue is the constitutionality of a provision of this title, or that a regulation, determination, or ruling by the Secretary is invalid, the moving party may seek review by a court of competent jurisdiction.

“(D) Pending national coverage determinations.—

“(i) In general.—In the event the Secretary has not issued a national coverage or noncoverage determination with respect to a particular type or class of items or services, an affected party may submit to the Secretary a request to make such a determination with respect to such items or services. By not later than the end of the 90-day period beginning on the date the Secretary receives such a request, the Secretary shall take one of the following actions:

“(I) Issue a national coverage determination, with or without limitations.

“(II) Issue a national noncoverage determination.

“(III) Issue a determination that no national coverage or noncoverage determination is appropriate as of the end of such 90-day period with respect to national coverage of such items or services.

“(IV) Issue a notice that states that the Secretary has not completed a review of the request for a national coverage determination and that includes an identification of the remaining steps in the Secretary's review process and a deadline by which the Secretary will complete the review and take an action described in subclause (I), (II), or (III).

"(ii) In the case of an action described in clause (i)(IV), if the Secretary fails to take an action referred to in such clause by the deadline specified by the Secretary under such clause, then the Secretary is deemed to have taken an action described in clause (i)(III) as of the deadline.

"(iii) When issuing a determination under clause (i), the Secretary shall include an explanation of the basis for the determination. An action taken under clause (i) (other than subclause (IV)) is deemed to be a national coverage determination for purposes of review under subparagraph (A).

"(E) ANNUAL REPORT ON NATIONAL COVERAGE DETERMINATIONS.—

"(i) IN GENERAL.—Not later than December 1 of each year, beginning in 2001, the Secretary shall submit to Congress a report that sets forth a detailed compilation of the actual time periods that were necessary to complete and fully implement national coverage determinations that were made in the previous fiscal year for items, services, or medical devices not previously covered as a benefit under this title, including, with respect to each new item, service, or medical device, a statement of the time taken by the Secretary to make the necessary coverage, coding, and payment determinations, including the time taken to complete each significant step in the process of making such determinations.

"(ii) PUBLICATION OF REPORTS ON THE INTERNET.—The Secretary shall publish each report submitted under clause (i) on the medicare Internet site of the Department of Health and Human Services.

"(3) PUBLICATION ON THE INTERNET OF DECISIONS OF HEARINGS OF THE SECRETARY.—Each decision of a hearing by the Secretary shall be made public, and the Secretary shall publish each decision on the Medicare Internet site of the Department of Health and Human Services. The Secretary shall remove from such decision any information that would identify any individual, provider of services, or supplier.

"(4) LIMITATION ON REVIEW OF CERTAIN REGULATIONS.—A regulation or instruction which relates to a method for determining the amount of payment under part B and which was initially issued before January 1, 1981, shall not be subject to judicial review.

"(5) STANDING.—An action under this section seeking review of a coverage determination (with respect to items and services under this title) may be initiated only by one (or more) of the following aggrieved persons, or classes of persons:

"(A) Individuals entitled to benefits under part A, or enrolled under part B, or both, who are in need of the items or services that are the subject of the coverage determination.

"(B) Persons, or classes of persons, who make, manufacture, offer, supply, make available, or provide such items and services.

"(c) CONDUCT OF RECONSIDERATIONS BY INDEPENDENT CONTRACTORS.—

"(1) IN GENERAL.—The Secretary shall enter into contracts with qualified independent contractors to conduct reconsiderations of initial determinations made under paragraphs (2) and (3) of subsection (a). Contracts shall be for an initial term of three years and shall be renewable on a triennial basis thereafter.

"(2) QUALIFIED INDEPENDENT CONTRACTOR.—For purposes of this subsection, the term 'qualified independent contractor' means an entity or organization that is independent of any organization under contract with the Secretary that makes initial determinations under subsection (a), and that meets the requirements established by the Secretary consistent with paragraph (3).

"(3) REQUIREMENTS.—Any qualified independent contractor entering into a contract with the Secretary under this subsection shall meet the following requirements:

"(A) IN GENERAL.—The qualified independent contractor shall perform such duties and functions and assume such responsibilities as may be required under regulations of the Secretary promulgated to carry out the provisions of this subsection, and such additional duties, functions, and responsibilities as provided under the contract.

"(B) DETERMINATIONS.—The qualified independent contractor shall determine, on the basis of such criteria, guidelines, and policies established by the Secretary and published under subsection (d)(2)(D), whether payment shall be made for items or services under part A or part B and the amount of such payment. Such determination shall constitute the conclusive determination on those issues for purposes of payment under such parts for fiscal intermediaries, carriers, and other entities whose determinations are subject to review by the contractor; except that payment may be made if—

"(i) such payment is allowed by reason of section 1879;

"(ii) in the case of inpatient hospital services or extended care services, the qualified independent contractor determines that additional time is required in order to arrange for postdischarge care, but payment may be continued under this clause for not more than 2 days, and only in the case in which the provider of such services did not know and could not reasonably have been expected to know (as determined under section 1879) that payment would not otherwise be made for such services under part A or part B prior to notification by the qualified independent contractor under this subsection;

"(iii) such determination is changed as the result of any hearing by the Secretary or judicial review of the decision under this section; or

"(iv) such payment is authorized under section 1861(v)(1)(G).

"(C) DEADLINES FOR DECISIONS.—

"(i) DETERMINATIONS.—The qualified independent contractor shall conduct and conclude a determination under subparagraph (B) or an appeal of an initial determination, and mail the notice of the decision by not later than the end of the 45-day period beginning on the date a request for reconsideration has been timely filed.

"(ii) CONSEQUENCES OF FAILURE TO MEET DEADLINE.—In the case of a failure by the qualified independent contractor to mail the notice of the decision by the end of the period described in clause (i), the party requesting the reconsideration or appeal may request a hearing before an administrative law judge, notwithstanding any requirements for a reconsidered determination for purposes of the party's right to such hearing.

"(iii) EXPEDITED RECONSIDERATIONS.—The qualified independent contractor shall perform an expedited reconsideration under subsection (b)(1)(F) of a notice from a provider of services or supplier that payment may not be made for an item or service furnished by the provider of services or supplier, of a decision by a provider of services to terminate services furnished to an individual, or in accordance with the following:

"(I) DEADLINE FOR DECISION.—Notwithstanding section 216(j), not later than 1 day after the date the qualified independent contractor has received a request for such reconsideration and has received such medical or other records needed for such reconsideration, the qualified independent contractor shall provide notice (by telephone and in writing) to the individual and the provider of services and attending physician of the individual of the results of the reconsideration. Such reconsideration shall be conducted regardless of whether the provider of services or supplier will charge the individual for continued services or whether the individual will be liable for payment for such continued services.

"(II) CONSULTATION WITH BENEFICIARY.—In such reconsideration, the qualified independent contractor shall solicit the views of the individual involved.

"(D) LIMITATION ON INDIVIDUAL REVIEWING DETERMINATIONS.—

"(i) PHYSICIANS.—No physician under the employ of a qualified independent contractor may review—

"(I) determinations regarding health care services furnished to a patient if the physician was directly responsible for furnishing such services; or

"(II) determinations regarding health care services provided in or by an institution, organization, or agency, if the physician or any member of the physician's family has, directly or indirectly, a significant financial interest in such institution, organization, or agency.

"(ii) PHYSICIAN'S FAMILY DESCRIBED.—For purposes of this paragraph, a physician's family includes the physician's spouse (other than a spouse who is legally separated from the physician under a decree of divorce or separate maintenance), children (including stepchildren and legally adopted children), grandchildren, parents, and grandparents.

"(E) EXPLANATION OF DETERMINATIONS.—Any determination of a qualified independent contractor shall be in writing, and shall include a detailed explanation of the determination as well as a discussion of the pertinent facts and applicable regulations applied in making such determination.

"(F) NOTICE REQUIREMENTS.—Whenever a qualified independent contractor makes a determination under this subsection, the qualified independent contractor shall promptly notify such individual and the entity responsible for the payment of claims under part A or part B of such determination.

"(G) DISSEMINATION OF INFORMATION.—Each qualified independent contractor shall, using the methodology established by the Secretary under subsection (d)(4), make available all determinations of such qualified independent contractors to fiscal intermediaries (under section 1816), carriers (under section 1842), peer review organizations (under part B of title XI), Medicare+Choice organizations offering Medicare+Choice plans under part C, and other entities under contract with the Secretary to make initial determinations under part A or part B or title XI.

"(H) ENSURING CONSISTENCY IN DETERMINATIONS.—Each qualified independent contractor shall monitor its determinations to ensure the consistency of its determinations with respect to requests for reconsideration of similar or related matters.

"(I) DATA COLLECTION.—

"(i) In general.—Consistent with the requirements of clause (ii), a qualified independent contractor shall collect such information relevant to its functions, and keep and maintain such records in such form and manner as the Secretary may require to carry out the purposes of this section and shall permit access to and use of any such information and records as the Secretary may require for such purposes.

"(ii) Type of data collected.—Each qualified independent contractor shall keep accurate records of each decision made, consistent with standards established by the Secretary for such purpose. Such records shall be maintained in an electronic database in a manner that provides for identification of the following:

"(I) Specific claims that give rise to appeals.

"(II) Situations suggesting the need for increased education for providers of services, physicians, or suppliers.

"(III) Situations suggesting the need for changes in national or local coverage policy.

"(IV) Situations suggesting the need for changes in local medical review policies.

"(iii) Annual reporting.—Each qualified independent contractor shall submit annually to the Secretary (or otherwise as the Secretary may request) records maintained under this paragraph for the previous year.

"(J) Hearings by the secretary.—The qualified independent contractor shall (i) prepare such information as is required for an appeal of its reconsidered determination to the Secretary for a hearing, including as necessary, explanations of issues involved in the determination and relevant policies, and (ii) participate in such hearings as required by the Secretary.

"(4) Number of qualified independent contractors.—The Secretary shall enter into contracts with not fewer than 12 qualified independent contractors under this subsection.

"(5) Limitation on qualified independent contractor liability.—No qualified independent contractor having a contract with the Secretary under this subsection and no person who is employed by, or who has a fiduciary relationship with, any such qualified independent contractor or who furnishes professional services to such qualified independent contractor, shall be held by reason of the performance of any duty, function, or activity required or authorized pursuant to this subsection or to a valid contract entered into under this subsection, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) provided due care was exercised in the performance of such duty, function, or activity.

"(d) Administrative Provisions.—

"(1) Outreach.—The Secretary shall perform such outreach activities as are necessary to inform individuals entitled to benefits under this title and providers of services and suppliers with respect to their rights of, and the process for, appeals made under this section. The Secretary shall use the toll-free telephone number maintained by the Secretary (1–800–MEDICAR(E)) (1–800–633–4227) to provide information regarding appeal rights and respond to inquiries regarding the status of appeals.

"(2) Guidance for reconsiderations and hearings.—

"(A) Regulations.—Not later than 1 year after the date of the enactment of this section, the Secretary shall promulgate regulations governing the processes of reconsiderations of determinations by the Secretary and qualified independent contractors and of hearings by the Secretary. Such regulations shall include such specific criteria and provide such guidance as required to ensure the adequate functioning of the reconsiderations and hearings processes and to ensure consistency in such processes.

"(B) Deadlines for administrative action.—

"(i) Hearing by administrative law judge.—

"(I) In general.—Except as provided in subclause (II), an administrative law judge shall conduct and conclude a hearing on a decision of a qualified independent contractor under subsection (c) and render a decision on such hearing by not later than the end of the 90-day period beginning on the date a request for hearing has been timely filed.

"(II) Waiver of deadline by party seeking hearing.—The 90-day period under subclause (i) shall not apply in the case of a motion or stipulation by the party requesting the hearing to waive such period.

"(ii) Departmental appeals board review.—The Departmental Appeals Board of the Department of Health and Human Services shall conduct and conclude a review of the decision on a hearing described in subparagraph (B) and make a decision or remand the case to the administrative law judge for reconsideration by not later than the end of the 90-day period beginning on the date a request for review has been timely filed.

"(iii) Consequences of failure to meet deadlines.—In the case of a failure by an administrative law judge to render a decision by the end of the period described in clause (ii), the party requesting the hearing may request a review by the Departmental Appeals Board of the Department of Health and Human Services, notwithstanding any requirements for a hearing for purposes of the party's right to such a review.

"(iv) DAB hearing procedure.—In the case of a request described in clause (iii), the Departmental Appeals Board shall review the case de novo.

"(C) Policies.—The Secretary shall provide such specific criteria and guidance, including all applicable national and local coverage policies and rationale for such policies, as is necessary to assist the qualified independent contractors to make informed decisions in considering appeals under this section. The Secretary shall furnish to the qualified independent contractors the criteria and guidance described in this paragraph in a published format, which may be an electronic format.

"(D) Publication of medicare coverage policies on the internet.—The Secretary shall publish national and local coverage policies under this title on an Internet site maintained by the Secretary.

"(E) Effect of failure to publish policies.—

"(i) National and local coverage policies.—Qualified independent contractors shall not be bound by any national or local medicare coverage policy established by the Secretary that is not published on the Internet site under subparagraph (D).

"(ii) Other policies.—With respect to policies established by the Secretary other than the policies described in clause (i), qualified independent contractors shall not be bound by such policies if the Secretary does not furnish to the qualified independent contractor the policies in a published format consistent with subparagraph (C).

"(3) Continuing education requirement for qualified independent contractors and administrative law judges.—

"(A) In general.—The Secretary shall provide to each qualified independent contractor, and, in consultation with the Commissioner of Social Security, to administrative law judges that decide appeals of reconsiderations of initial determinations or other decisions or determinations under this section, such continuing education with respect to policies of the Secretary under this title or part B of title XI as is necessary for such qualified independent contractors and administrative law judges to make informed decisions with respect to appeals.

"(B) Monitoring of decisions by qualified independent contractors and administrative law judges.—The Secretary shall monitor determinations made by all qualified independent contractors and administrative law judges under this section and shall provide continuing education and training to such qualified independent contractors and administrative law judges to ensure consistency of determinations with respect to appeals on similar or related matters. To ensure such consistency, the Secretary shall provide for administration and oversight of qualified independent contractors and, in consultation with the Commissioner of Social Security, administrative law judges through a central office of the Department of Health and Human Services. Such administration and oversight may not be delegated to regional offices of the Department.

"(4) Dissemination of determinations.—The Secretary shall establish a methodology under which qualified independent contractors shall carry out subsection (c)(3)(G).

"(5) Survey.—Not less frequently than every 5 years, the Secretary shall conduct a survey of a valid sample of individuals entitled to benefits under this title, providers of services, and suppliers to determine the satisfaction of such individuals or entities with the process for appeals of determinations provided for under this section and education and training provided by the Secretary with respect to that process. The Secretary shall submit to Congress a report describing the results of the survey, and shall include any recommendations for administrative or legislative actions that the Secretary determines appropriate.

"(6) Report to congress.—The Secretary shall submit to Congress an annual report describing the number of appeals for the previous year, identifying issues that require administrative or legislative actions, and including any recommendations of the Secretary with respect to such actions. The Secretary shall include in such report an analysis of determinations by qualified independent contractors with respect to inconsistent decisions and an analysis of the causes of any such inconsistencies.".

(b) Applicability of Requirements and Limitations on Liability of Qualified Independent Contractors to Medicare+Choice Independent Appeals Contractors.—Section 1852(g)(4) of the Social Security Act (42 U.S.C. 1395w–22(e)(3)) is amended by adding at the end the following: "The provisions of section 1869(c)(5) shall apply to independent outside entities under contract with the Secretary under this paragraph.".

(c) Conforming Amendment to Review by the Provider Reimbursement Review Board.—Section 1878(g) of the Social Security Act (42 U.S.C. 1395oo(g)) is amended by adding at the end the following new paragraph:

"(3) Findings described in paragraph (1) and determinations and other decisions described in paragraph (2) may be reviewed or appealed under section 1869.".

SEC. 202. PROVISIONS WITH RESPECT TO LIMITATIONS ON LIABILITY OF BENEFICIARIES.

(a) EXPANSION OF LIMITATION OF LIABILITY PROTECTION FOR BENEFICIARIES WITH RESPECT TO MEDICARE CLAIMS NOT PAID OR PAID INCORRECTLY.—

(1) IN GENERAL.—Section 1879 of the Social Security Act (42 U.S.C. 1395pp) is amended by adding at the end the following new subsections:

"(i) Notwithstanding any other provision of this Act, an individual who is entitled to benefits under this title and is furnished a service or item is not liable for repayment to the Secretary of amounts with respect to such benefits—

"(1) subject to paragraph (2), in the case of a claim for such item or service that is incorrectly paid by the Secretary; and

"(2) in the case of payments made to the individual by the Secretary with respect to any claim under paragraph (1), the individual shall be liable for repayment of such amount only up to the amount of payment received by the individual from the Secretary.

"(j)(1) An individual who is entitled to benefits under this title and is furnished a service or item is not liable for payment of amounts with respect to such benefits in the following cases:

"(A) In the case of a benefit for which an initial determination has not been made by the Secretary under subsection (a) whether payment may be made under this title for such benefit.

"(B) In the case of a claim for such item or service that is—

"(i) improperly submitted by the provider of services or supplier; or

"(ii) rejected by an entity under contract with the Secretary to review or pay claims for services and items furnished under this title, including an entity under contract with the Secretary under section 1857.

"(2) The limitation on liability under paragraph (1) shall not apply if the individual signs a waiver provided by the Secretary under subsection (l) of protections under this paragraph, except that any such waiver shall not apply in the case of a denial of a claim for noncompliance with applicable regulations or procedures under this title or title XI.

"(k) An individual who is entitled to benefits under this title and is furnished services by a provider of services is not liable for payment of amounts with respect to such services prior to noon of the first working day after the date the individual receives the notice of determination to discharge and notice of appeal rights under paragraph (1), unless the following conditions are met:

"(1) The provider of services shall furnish a notice of discharge and appeal rights established by the Secretary under subsection (l) to each individual entitled to benefits under this title to whom such provider of services furnishes services, upon admission of the individual to the provider of services and upon notice of determination to discharge the individual from the provider of services, of the individual's limitations of liability under this section and rights of appeal under section 1869.

"(2) If the individual, prior to discharge from the provider of services, appeals the determination to discharge under section 1869 not later than noon of the first working day after the date the individual receives the notice of determination to discharge and notice of appeal rights under paragraph (1), the provider of services shall, by the close of business of such first working day, provide to the Secretary (or qualified independent contractor under section 1869, as determined by the Secretary) the records required to review the determination.

"(l) The Secretary shall develop appropriate standard forms for individuals entitled to benefits under this title to waive limitation of liability protections under subsection (j) and to receive notice of discharge and appeal rights under subsection (k). The forms developed by the Secretary under this subsection shall clearly and in plain language inform such individuals of their limitations on liability, their rights under section 1869(a) to obtain an initial determination by the Secretary of whether payment may be made under part A or part B for such benefit, and their rights of appeal under section 1869(b), and shall inform such individuals that they may obtain further information or file an appeal of the determination by use of the toll-free telephone number (1-800-MEDICAR(E)) (1-800-633-4227) maintained by the Secretary. The forms developed by the Secretary under this subsection shall be the only manner in which such individuals may waive such protections under this title or title XI.

"(m) An individual who is entitled to benefits under this title and is furnished an item or service is not liable for payment of cost sharing amounts of more than $50 with respect to such benefits unless the individual has been informed in advance of being furnished the item or service of the estimated amount of the cost sharing for the item or service using a standard form established by the Secretary.".

(2) CONFORMING AMENDMENT.—Section 1870(a) of the Social Security Act (42 U.S.C. 1395gg(a)) is amended by striking "Any payment under this title" and inserting "Except as provided in section 1879(i), any payment under this title".

(b) INCLUSION OF BENEFICIARY LIABILITY INFORMATION IN EXPLANATION OF MEDICARE BENEFITS.—Section 1806(a) of the Social Security Act (42 U.S.C. 1395b-7(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) lists with respect to each item or service furnished the amount of the individual's liability for payment;";

(4) in paragraph (3), as so redesignated, by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new paragraph:

"(4) includes the toll-free telephone number (1-800-MEDICAR(E)) (1-800-633-4227) for information and questions concerning the statement, liability of the individual for payment, and appeal rights.".

SEC. 203. WAIVERS OF LIABILITY FOR COST SHARING AMOUNTS.

(a) IN GENERAL.—Section 1128A(i)(6)(A) of the Social Security Act (42 U.S.C. 1320a-7a(i)(6)(A)) is amended by striking clauses (i) through (iii) and inserting the following:

"(i) the waiver is offered as a part of a supplemental insurance policy or retiree health plan;

"(ii) the waiver is not offered as part of any advertisement or solicitation, other than in conjunction with a policy or plan described in clause (i);

"(iii) the person waives the coinsurance and deductible amount after the beneficiary informs the person that payment of the coinsurance or deductible amount would pose a financial hardship for the individual; or

"(iv) the person determines that the coinsurance and deductible amount would not justify the costs of collection.".

(b) CONFORMING AMENDMENT.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a-7b(b)) is amended by adding at the end the following new paragraph:

"(4) In this section, the term 'remuneration' includes the meaning given such term in section 1128A(i)(6).".

Subtitle B—Establishment of Medicare Ombudsman

SEC. 211. Establishment of Medicare Ombudsman for Beneficiary Assistance and Advocacy.

(a) IN GENERAL.—Within the Health Care Financing Administration of the Department of Health and Human Services, there shall be a Medicare Ombudsman, appointed by the Secretary of Health and Human Services from among individuals with expertise and experience in the fields of health care and advocacy, to carry out the duties described in subsection (b).

(b) DUTIES.—The Medicare Ombudsman shall—

(1) receive complaints, grievances, and requests for information submitted by a medicare beneficiary, with respect to any aspect of the medicare program;

(2) provide assistance with respect to complaints, grievances, and requests referred to in clause (i), including—

(A) assistance in collecting relevant information for such beneficiaries, to seek an appeal of a decision or determination made by a fiscal intermediary, carrier, Medicare+Choice organization, a benefit administrator responsible for administering the prescription medicine benefit program under part D of title XVIII of the Social Security Act, or the Secretary;

(B) assistance to such beneficiaries with any problems arising from disenrollment from a Medicare+Choice plan under part C of title XVIII of such Act or a benefit administrator responsible for administering such prescription medicine benefit program; and

(C) submit annual reports to Congress and the Secretary, and include in such reports recommendations for improvement in the administration of this title as the Medicare Ombudsman determines appropriate.

(c) COORDINATION WITH STATE OMBUDSMAN PROGRAMS AND CONSUMER ORGANIZATIONS.—The Medicare Ombudsman shall, to the extent appropriate, coordinate with State medical Ombudsman programs, and with State- and community-based consumer organizations, to—

(1) provide information about the medicare program; and

(2) conduct outreach to educate medicare beneficiaries with respect to manners in which problems under the medicare program may be resolved or avoided.

(d) DEFINITIONS.—In this section:

(1) The term "medicare beneficiary" means an individual entitled to benefits under part A of title XVIII of the Social Security Act, or enrolled under part B of such title, or both.

(2) The term "medicare program" means the insurance program established under title XVIII of the Social Security Act.

(3) The term "fiscal intermediary" has the meaning given such term under section 1816(a) of the Social Security Act (42 U.S.C. 1395h(a)).

(4) The term "carrier" has the meaning given such term under section 1842(f) of the Social Security Act (42 U.S.C. 1395u(f)).

(5) The term "Medicare+Choice organization" has the meaning given such term under section 1859(a)(1) of the Social Security Act (42 U.S.C. 1395w–29(a)(1)).

(6) The term "Secretary" means the Secretary of Health and Human Services.

TITLE III—MEDICARE+CHOICE REFORMS; PRESERVATION OF MEDICARE PART B DRUG BENEFIT

Subtitle A—Medicare+Choice Reforms

SEC. 301. INCREASE IN NATIONAL PER CAPITA MEDICARE+CHOICE GROWTH PERCENTAGE IN 2001 AND 2002.

Section 1853(c)(6)(B) of the Social Security Act (42 U.S.C. 1395w–23(c)(6)(B)) is amended—

(1) in clause (iv), by striking "for 2001, 0.5 percentage points" and inserting "for 2001, 0 percentage points"; and

(2) in clause (v), by striking "for 2002, 0.3 percentage points" and inserting "for 2002, 0 percentage points".

SEC. 302. PERMANENTLY REMOVING APPLICATION OF BUDGET NEUTRALITY BEGINNING IN 2002.

Section 1853(c) of the Social Security Act (42 U.S.C. 1395w–23(c)) is amended—

(1) in paragraph (1)(A), in the matter following clause (ii), by inserting "(for years before 2002)" after "multiplied"; and

(2) in paragraph (5), by inserting "(before 2002)" after "for each year".

SEC. 303. INCREASING MINIMUM PAYMENT AMOUNT.

(a) In General.—Section 1853(c)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(B)(ii)) is amended—

(1) by striking "(ii) For a succeeding year" and inserting "(ii)(I) Subject to subclause (II), for a succeeding year"; and

(2) by adding at the end the following new subclause:

"(II) For 2002 for any of the 50 States and the District of Columbia, $450.".

(b) Effective Date.—The amendments made by subsection (a) apply to years beginning with 2002.

SEC. 304. ALLOWING MOVEMENT TO 50:50 PERCENT BLEND IN 2002.

Section 1853(c)(2) of the Social Security Act (42 U.S.C. 1395w–23(c)(2)) is amended—

(1) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(2) by adding after and below subparagraph (F) the following:

"except that a Medicare+Choice organization may elect to apply subparagraph (F) (rather than subparagraph (E)) for 2002.".

SEC. 305. INCREASED UPDATE FOR PAYMENT AREAS WITH ONLY ONE OR NO MEDICARE+CHOICE CONTRACTS.

(a) In General.—Section 1853(c)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(C)(ii)) is amended—

(1) by striking "(ii) For a subsequent year" and inserting "(ii)(I) Subject to subclause (II), for a subsequent year"; and

(2) by adding at the end the following new subclause:

"(II) During 2002, 2003, 2004, and 2005, in the case of a Medicare+Choice payment area in which there is no more than 1 contract entered into under this part as of July 1 before the beginning of the year, 102.5 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year.".

(b) Construction.—The amendments made by subsection (a) do not affect the payment of a first time bonus under section 1853(i) of the Social Security Act (42 U.S.C. 1395w–23(i)).

SEC. 306. PERMITTING HIGHER NEGOTIATED RATES IN CERTAIN MEDICARE+CHOICE PAYMENT AREAS BELOW NATIONAL AVERAGE.

Section 1853(c)(1) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)) is amended—

(1) in the matter before subparagraph (A), by striking "or (C)" and inserting "(C), or (D)"; and

(2) by adding at the end the following new subparagraph:

"(D) Permitting higher rates through negotiation.—

"(i) In general.—For each year beginning with 2004, in the case of a Medicare+Choice payment area for which the Medicare+Choice capitation rate under this paragraph would otherwise be less than the United States per capita cost (USPCC), as calculated by the Secretary, a Medicare+Choice organization may negotiate with the Medicare Benefits Administrator an annual per capita rate that—

"(I) reflects an annual rate of increase up to the rate of increase specified in clause (ii);

"(II) takes into account audited current data supplied by the organization on its adjusted community rate (as defined in section 1854(f)(3)); and

"(III) does not exceed the United States per capita cost, as projected by the Secretary for the year involved.

"(ii) Maximum rate described.—The rate of increase specified in this clause for a year is the rate of inflation in private health insurance for the year involved, as projected by the Medicare Benefits Administrator, and includes such adjustments as may be necessary—

"(I) to reflect the demographic characteristics in the population under this title; and

"(II) to eliminate the costs of prescription drugs.

"(iii) Adjustments for over or under projections.—If subparagraph is applied to an organization and payment area for a year, in applying this subparagraph for a subsequent year the provisions of paragraph (6)(C) shall apply in the same manner as such provisions apply under this paragraph.".

SEC. 307. 10-YEAR PHASE IN OF RISK ADJUSTMENT BASED ON DATA FROM ALL SETTINGS.

Section 1853(a)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(C)(ii)) is amended—

(1) by striking the period at the end of subclause (II) and inserting a semicolon; and

(2) by adding after and below subclause (II) the following:

"and, beginning in 2004, insofar as such risk adjustment is based on data from all settings, the methodology shall be phased in equal increments over a 10 year period, beginning with 2004 or (if later) the first year in which such data is used.".

Subtitle B—Preservation of Medicare Coverage of Drugs and Biologicals

SEC. 311. PRESERVATION OF COVERAGE OF DRUGS AND BIOLOGICALS UNDER PART B OF THE MEDICARE PROGRAM.

(a) In General.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended, in each of subparagraphs (A) and (B), by striking "(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)" and inserting "(including injectable and infusable drugs and biologicals which are not usually self-administered by the patient)".

(b) Effective Date.—The amendment made by subsection (a) applies to drugs and biologicals administered on or after October 1, 2000.

SEC. 312. COMPREHENSIVE IMMUNOSUPPRESSIVE DRUG COVERAGE FOR TRANSPLANT PATIENTS.

(a) Revision of Medicare Coverage for Immunosuppressive Drugs.—

(1) In general.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J)) (as amended by section 227(a) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–354), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended by striking ", to an individual who receives" and all that follows before the semicolon at the end and inserting "to an individual who has received an organ transplant".

(2) Conforming amendments.—

(A) Section 1832 of the Social Security Act (42 U.S.C. 1395k) (as amended by section 227(b) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–354), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b).

(B) Subsections (c) and (d) of section 227 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–355), as enacted into law by section 1000(a)(6) of Public Law 106–113, are repealed.

(3) Effective date.—The amendments made by this subsection shall apply to drugs furnished on or after October 1, 2001.

(b) Extension of Certain Secondary Payer Requirements.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following: "With regard to immunosuppressive drugs furnished on or after October 1, 2001, this subparagraph shall be applied without regard to any time limitation.".

(c) Establishment of Part D Catastrophic Limit on Part B Copayments for Immunosuppressive Drugs.—

(1) In general.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by inserting after subsection (o) the following new subsection:

"(p) Limitation on Amount of Deductibles and Coinsurance for Immunosuppressive Drugs for Certain Beneficiaries.—With respect to 2006 and each subsequent year, no deductibles and coinsurance applicable to immunosuppressive drugs (as described in section 1861(s)(2)(J)) in a year under this part shall be imposed to the extent that the individual has incurred expenditures in that year for out-of-pocket expenditures for such immunosuppressive drugs in excess of the catastrophic benefit level specified in section 1860B(c).".

(2) Effective date.—The amendment made by this subsection shall apply to drugs furnished on or after October 1, 2001.

Subtitle C—Improvement of Certain Preventive Benefits

SEC. 321. COVERAGE OF ANNUAL SCREENING PAP SMEAR AND PELVIC EXAMS.

(a) In General.—

(1) Annual screening pap smear.—Section 1861(nn)(1) of the Social Security Act (42 U.S.C. 1395x(nn)(1)) is amended by striking "if the individual involved has not had such a test during the preceding 3 years, or during the preceding year in the case of a woman described in paragraph (3)." and inserting "if the woman involved has not had such a test during the preceding year.".

(2) Annual screening pelvic exam.—Section 1861(nn)(2) of such Act (42 U.S.C.

1395x(nn)(2)) is amended by striking "during the preceding 3 years, or during the preceding year in the case of a woman described in paragraph (3)," and inserting "during the preceding year,".

(3) CONFORMING AMENDMENT.—Section 1861(nn) of such Act (42 U.S.C. 1395x(nn)) is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to items and services furnished on or after January 1, 2006.

Amend the title so as to read: "A Bill to amend title XVIII of the Social Security Act to provide a prescription medicine benefit under the medicare program, to enhance the preventive benefits covered under such program, and for other purposes."

TITLE IV—ADJUSTMENTS TO PAYMENT PROVISIONS OF THE BALANCED BUDGET ACT

Subtitle A—Payments for Inpatient Hospital Services

SEC. 401. ELIMINATING REDUCTION IN HOSPITAL MARKET BASKET UPDATE FOR FISCAL YEAR 2001.

Section 1886(b)(3)(B)(i)(XVI) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)(XVI)) is amended by striking "minus 1.1 percentage points for hospitals (other than sole community hospitals) in all areas, and the market basket percentage increase for sole community hospitals," and inserting "for hospitals in all areas,".

SEC. 402. ELIMINATING FURTHER REDUCTIONS IN INDIRECT MEDICAL EDUCATION (IME) FOR FISCAL YEAR 2001.

Section 1886(d)(5)(B)(ii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)(V)) is amended—

(1) in subclause (IV)—

(A) by striking "fiscal year 2000" and inserting "each of fiscal years 2000 and 2001"; and

(B) by adding "and" at the end;

(2) by striking subclause (V); and

(3) by redesignating subclause (VI) as subclause (V).

SEC. 403. ELIMINATING FURTHER REDUCTIONS IN DISPROPORTIONATE SHARE HOSPITAL (DSH) PAYMENTS.

(a) MEDICARE PAYMENTS.—Section 1886(d)(5)(F)(ix) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)(ix)) is amended—

(1) in subclause (III), by striking "and 2001";

(2) by redesignating subclauses (IV) and (V) as subclauses (V) and (VI), respectively; and

(3) by inserting after subclause (III) the following new subclause:

"(IV) during fiscal year 2001, such additional payment amount shall be reduced by 0 percent;".

(b) FREEZE IN MEDICAID DSH ALLOTMENTS FOR FISCAL YEAR 2001.—Notwithstanding section 1923(f)(2) of the Social Security Act (42 U.S.C. 1396r-4(f)(2)), the DSH allotment under such section for a State for fiscal year 2001 shall be the same as the DSH allotment under such section for fiscal year 2000.

SEC. 404. INCREASE BASE PAYMENT TO PUERTO RICO HOSPITALS.

Section 1886(d)(9)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(9)(A)) is amended—

(1) in clause (i), by striking "October 1, 1997, 50 percent (" and inserting "October 1, 2000, 25 percent (for discharges between October 1, 1997 and September 30, 2000, 50 percent,"; and

(2) in clause (ii), in the matter preceding subclause (I), by striking "after October 1, 1997, 50 percent (" and inserting "after October 1, 2000, 75 percent (for discharges between October 1, 1997, and September 30, 2000, 50 percent,".

Subtitle B—Payments for Skilled Nursing Services

SEC. 411. ELIMINATING REDUCTION IN SNF MARKET BASKET UPDATE FOR FISCAL YEAR 2001.

Section 1888(e)(4)(E) of the Social Security Act (42 U.S.C. 1395yy(e)(4)(E)) is amended—

(1) by redesignating subclauses (II) and (III) as subclauses (III) and (IV) respectively;

(2) in subclause (III) as redesignated, by striking "for each of fiscal years 2001 and 2002," and inserting "for fiscal year 2002,"; and

(3) by inserting after subclause (I) the following new subclause:

"(II) for fiscal year 2001, the rate computed for fiscal year 2000 increased by the skilled nursing facility market basket percentage increase for fiscal year 2000.".

SEC. 412. EXTENSION OF MORATORIUM ON THERAPY CAPS.

Section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) is amended in paragraph (4) by striking "2000 and 2001." and inserting "2000 through 2002.".

Subtitle C—Payments for Home Health Services

SEC. 421. 1-YEAR ADDITIONAL DELAY IN APPLICATION OF 15 PERCENT REDUCTION ON PAYMENT LIMITS FOR HOME HEALTH SERVICES.

Section 1895(b)(3)(A)(i) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(A)(i)) is amended—

(1) by redesignating subparagraph (II) as subparagraph (III);

(2) by inserting in subparagraph (III), as redesignated, "24 months" following "periods beginning"; and

(3) by inserting after subclause (I) the following new subclause:

"(II) For the 12-month period beginning after the period described in subclause (I), such amount (or amounts) shall be equal to the amount (or amounts) determined under subclause (I), updated under subparagraph (B).".

SEC. 422. PROVISION OF FULL MARKET BASKET UPDATE FOR HOME HEALTH SERVICES FOR FISCAL YEAR 2001.

Section 1861(v)(1)(L)(x) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(x)) is amended—

(1) by striking "2001,"; and

(2) by adding at the end the following: "With respect to cost reporting periods beginning during fiscal year 2001, the update to any limit under this subparagraph shall be the home health market basket.".

Subtitle D—Rural Provider Provisions

SEC. 431. ELIMINATION OF REDUCTION IN HOSPITAL OUTPATIENT MARKET BASKET INCREASE.

Section 1833(t)(3)(C)(iii) of the Social Security Act (42 U.S.C. 1395l(t)(3)(C)(iii)) is amended by striking "reduced by 1 percentage point for such factor for services furnished in each of 2000, 2001, and 2002" and inserting "reduced by 1 percentage point for such factor for services furnished in 2000 and reduced (except in the case of hospitals located in a rural area, as defined for purposes of section 1886(d)) by 1 percentage point for such factor for services furnished in each of 2001 and 2002."

Subtitle E—Other Providers

SEC. 441. UPDATE IN RENAL DIALYSIS COMPOSITE RATE.

The last sentence of section 1881(b)(7) of the Social Security Act (42 U.S.C. 1395rr(b)(7)) is amended by striking "for such services furnished on or after January 1, 2001, by 1.2 percent" and inserting "for such services furnished on or after January 1, 2001, by 2.4 percent".

Subtitle F—Provision for Additional Adjustments

SEC. 451. GUARANTEE OF ADDITIONAL ADJUSTMENTS TO PAYMENTS FOR PROVIDERS FROM BUDGET SURPLUS.

Notwithstanding any other provision of law, from amounts estimated to be in excess social security surpluses estimated under the Balanced Budget and Emergency Deficit Control Act of 1985 for the 5 fiscal year and 10 fiscal year periods beginning in fiscal year 2001, there shall be made available for further adjustments to payment policies established by the Balanced Budget Act of 1997, amounts that would provide for additional improvements to the medicare and medicaid programs carried out under titles XVIII and XIX of the Social Security Act and payments to providers of services and suppliers furnishing items and services for which payments is made under those programs in the aggregate amounts over such 5 fiscal year and 10 fiscal year periods of $11,000,000, and $21,000,000, respectively.

TITLE V—IMPLEMENTATION OF CERTAIN PROVISIONS CONTINGENT ON GUARANTEE OF CERTIFICATION OF TRUST FUND SURPLUSES

SEC. 501. IMPLEMENTATION OF CERTAIN PROVISIONS BEFORE 2005 CONTINGENT ON ENSURING DEBT RETIREMENT AND INTEGRITY OF THE SOCIAL SECURITY AND MEDICARE TRUST FUND SURPLUSES.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, the amendments made by title IV (and catastrophic benefits under section 1860B(c) of the Social Security Act, as inserted by section 101(a)(2)) shall not take apply for a year before 2006 (or, in the case of title IV, a fiscal year before fiscal year 2006), unless the certifications specified by subsection (b) for the fiscal year (or the fiscal year in which the calendar year involved begins) are made before the beginning of such fiscal year.

(b) CERTIFICATIONS SPECIFIED.—The certifications specified in this subsection are the following:

(1) The Director of Office of Management and Budget has certified that a law has been enacted which—

(A) ensures that a sufficient portion of the on-budget surplus is reserved for debt retirement to put the Government on a path to eliminate the publicly held debt by fiscal year 2012 under current economic and technical projections; and

(B) ensures that, under current economic and technical projections, the unified budget surplus for the fiscal year in which such calendar year begins shall not be less than the surplus of the Federal Old-Age and Survivors Insurance Trust Fund and Federal Hospital Insurance Trust Fund for such fiscal year.

(2) The Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund has certified either—

(A) that outlays from such trust funds are not anticipated to exceed the revenues to such trust funds during such fiscal year and any of the next 5 fiscal years; or

(B) that legislation has been enacted extending the solvency of such trust funds for 75 years.

(3) The Board of Trustees of the Federal Hospital Insurance Trust Fund has certified—

(A) that the outlays from such trust fund are not anticipated to exceed the revenues to such trust fund during such fiscal year and any of the next 5 fiscal years; and

(B) that legislation has been enacted which strengthens and modernizes the medicare program and extends the solvency of such trust fund beyond 2030.

Mr. STARK (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the man from California?

There was no objection.

Mr. STARK. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, what is this House going to say to Earl and Irene Baker, who came to my town hall meeting and told me about the 21 pills that Earl takes every day and how Irene cannot fill her prescription drugs because she figures her husband is sicker than she is and they cannot afford to fill both sets of prescriptions?

I say, do not put them at the mercy of private insurance companies, do not make them write a $39 check each month to pay their premium and keep their coverage. Give them a guaranteed, defined benefit, reliable Medicare prescription drug coverage. They deserve it and they need it.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to explain that this Democratic motion to recommit would give the American people a true Medicare benefit and start us on the road to providing meaningful, adequate protection for seniors.

Mr. Speaker, this is the same bill as was just ruled out of order with some changes to make the benefit to extend the benefits in time so that it fits within the budget requirements. It covers half of all spending on medicines up to $5,000. It has a $25 a month premium and that is deductible.

It will not require our seniors to mail a check for $39 a month to some private insurance company, as would be required under the Republican bill. It has an out-of-pocket limit of $4,000. After the beneficiaries have spent $4,000, all funds above that spent for pharmaceutical prescriptions will be covered.

Our package, in essence, provides twice as much help for our seniors as does the Republican bill.

Mr. Speaker, in our motion to recommit, we use a budget determination safety device. It would provide up to $21 billion over 5 years and $40 billion over 10 years to help health care providers, hospitals, nursing homes, home health agencies, rural hospitals, and others to deal with the unexpected tough cuts in the balanced budget amendment.

It would provide these where there is certification by OMB and we are on a path to retiring the publicly held national public debt by 2012, that Social Security is safe, and that Medicare is solvent past 2030.

Mr. Speaker, our proposal is not the Republicans' let-us-help-you-buy-a-Medigap scheme, it is a benefit in Medicare as to Part A. They go to the doctor, any doctor, Medicare pays the bill. They pay 20 percent of that bill unless they have supplemental insurance or a union plan or they are in a managed care plan, in which case they pay nothing. That is what we do with pharmaceuticals.

□ 2030

They do not shop around from insurance company to insurance company. They can, in our plan, stay with their company plan. They can stay with their HMO. They can stay with whatever they are happy with, or they can voluntarily join the Medicare plan for a premium of $25 a month, $14 a month less than the Republican premium for twice the benefits.

The plan will cover all Medicare beneficiaries, and it will cover 5½ million more beneficiaries, according to the Congressional Budget Office, than the Republican plan.

It helps low-income seniors, and it contains the same relief for rural HMOs as does the Republican bill.

This is a bill that will help the American people, not the drug industry or the insurers. Quite contrarily, it will do nothing for the drug industry or the insurers. It will do something for our seniors who need the help.

This should say, if one likes high-priced pills, support the Republican bill, which is supported by the drug makers' lobby. If they like hassles of HMOs, support the Republican bill. It would force everyone into a drug HMO program where they will be hassled over every pill their doctor prescribes, and they will be forced to drive miles and miles to some distant pharmacy. Under our bill, any pharmacy, any provider, would be able to provide their prescription if they chose to.

If one wants a true, dependable, reliable benefit that covers all Americans who need help, support the Democratic bill and support the motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). Does the gentleman from California (Mr. THOMAS) seek the time in opposition?

Mr. THOMAS. I do, Mr. Speaker.

Mr. Speaker, this was an important debate, although at some point the seniors are tired of waiting for Congress to act to put prescription drugs in Medicare. I want all Members to understand the significance of this vote on the motion to recommit. Although it may not seem important, the motion to recommit of the gentleman from California (Mr. STARK) is not forthwith. If the motion were forthwith, the legislation the gentleman described would be substituted for the bipartisan plan, and it would come back in front of the House to be voted upon.

The motion the gentleman offered on the motion to recommit was to report promptly. That means, in reality, that any prescription drug benefit for seniors this year is gone.

I would sober everyone up by saying that if they vote for this motion to recommit, they will have denied the seniors the opportunity that all of us want to provide them with.

The reason there is no point of order against this motion, although over the 10-year period it spends $295 billion, is because, as the gentleman from California said, there is a trigger.

One really ought to examine the trigger that is in this legislation. First of all, it says that there has to be a law that says we are going to retire the entire Federal debt by 2012. We are for that, but this bill adds $300 billion to the job of doing that.

Secondly, it says that there has to be legislation that has been passed guaranteeing the solvency of Social Security for 75 years. We could have already done that.

The chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER), and the chairman of the subcommittee, the gentleman from Florida (Mr. SHAW), have legislation ready to go that will not worry about the 75-year provision because it resolves the solvency of Social Security for all time.

If the President had been willing to address that problem, this would not have been in their bill. We would have guaranteed the solvency of Social Security.

There is another trigger that says solvency has to be guaranteed, under law, for the hospital trust fund, Medicare, beyond 2030.

The bipartisan commission that this Congress created could have provided a plan had the President been willing to cooperate with the public and private Members of the House and the Senate, the Democrats and the Republicans who all came together and provided 10 votes for that plan, but not one of the President's appointees agreed with that plan. That would have been met had the President been willing to work with the bipartisan commission.

So what do we have in front of us? A bill that gives no choice, limits choices of drugs. Basic benefits are flat, not just for 2003, 2004 but 2005 as well, and provides no out-of-pocket protection for seniors until the year 2006. Two presidential elections have to go by before seniors are guaranteed that their exposure to drug costs are limited.

The bipartisan plan has freedom to choose. There are a number of drugs in the various classes. The benefits are increased by the drug inflation rate, and one gets immediate pocketbook protection when they vote for H.R. 4680.

I would ask everyone here to make sure that seniors get prescription drugs this year. Vote no on the motion to recommit, and vote yes on the bipartisan H.R. 4680.

Mr. STENHOLM. Mr. Speaker, I rise in strong support of a Medicare prescription drug benefit that is available, affordable, dependable and voluntary for all seniors and against the bill the leadership has brought to the floor today.

The Democratic plan will provide a meaningful prescription benefit that is available to all seniors, including those in rural areas. Unlike H.R. 4680, it will provide equal treatment for all seniors, without disparities in coverage between rural, urban and suburban regions. It will use market power of seniors to reduce costs through competition, and it will help low and middle-income seniors afford prescription medicine.

I am particularly pleased that the Democratic plan contains an amendment I suggested which will ensure that the Medicare prescription drug benefit will fit within a fiscally responsible budget. Specifically, the Democratic plan requires that we stay on a course to take the Medicaid trust fund off budget and eliminate the debt held by the public by 2012. In addition, despite what some of my colleagues on the other side have stated, the Democratic plan would provide a catastrophic benefit in 2003 if Congress and the President work together to enact reforms to strengthen and modernize Medicare. Several supporters of H.R. 4860 have said we need to reform Medicare, but unlike the Democratic plan, H.R. 4860 does not call for action on Medicare reform.

Relying on private sector plans to deliver prescription drug coverage as H.R. 4860 would do will not provide a meaningful benefit which is available to all seniors, including those in rural areas. It will not be cost effective for private plans to offer coverage in rural areas, which will result in expensive government subsidies to attract plans to rural areas. Rural seniors should not be forced to pay higher premiums or have less generous benefits, simply because they live in areas that are not financially attractive to private insurance companies.

I am not hostile to private sector solutions. But we understand the role of the private sector is to make a profit. Meanwhile, the role of the government is to provide benefits in situations of great need that go unanswered by business.

Over the past decade, crop insurance for farmers has shown not only that private insurance sometimes fails to provide a guaranteed safety net in necessary situations, but also that it can become enormously costly. Even though the Republican's prescription drug bill is tallied at $40 billion today, I have no doubt that, just like crop insurance, its costs would multiply many, many time as we have to come back to provide higher and higher subsidies over the coming years, and still seniors would be left without the guarantee of prescription drug coverage.

Seniors deserve certainty about getting help with their prescription drugs. They deserve to be treated equally, regardless of whether they live in rural communities like my District or big cities like Dallas. They deserve to have their government supporting them with their most basic life needs. They deserve to have a Medicare program which is modernized in a way that reassures them the program will be strong for their grandkids. That is what the Democratic motion to recommit would do and what the bill before us fails to do.

Mr. EVANS. Mr. Speaker, over the past few weeks, the Republican leadership in Congress has been scrambling to score political points by pushing a flawed prescription drug bill. But to millions of America's seniors, this is not a political game, but a matter of life or death.

The Republican prescription drug plan is barely a plan at all. It is a sham that favors insurance companies over older Americans and profits over quality care. It fails to provide affordable prescription coverage for all seniors and limits the choices of essential medications and pharmacies.

The so-called plan doesn't even lay out a defined benefits package. Private insurers will be able to establish restrictive formularies and exclude coverage of drugs that they deem too expensive.

The Republicans are offering a benefits package that offers no benefits at all. If we pass this plan, our seniors would be left no better off then they are today. Let's give our seniors the health care they need and deserve. Please support the motion to recommit.

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Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of the Democratic Alternative to the Republican proposal for a prescription drug benefit for seniors.

As we know, the Medicare program provides significant health insurance coverage for more than 39 million seniors and disabled beneficiaries. However, the program fails to offer protection against the costs of most outpatient prescription drugs. In the 7th District of Illinois, there are 57,353 seniors (65 years and older) who need quality, affordable drug coverage. Patricia Conyers, William Danne, Cassandra Moore, and many others from my district deserve this.

Life-saving and sustaining drugs are just as important to seniors today as surgery and clinical evaluation. For example, cardiovascular disease is the leading cause of death in America. Patients with severe heart failure must take at least 3, often 5, medicines at a time.

Prescription drug prices continue to rise and the percentage of Americans over age 65 is sharply on the rise—as technology improves, it prolongs life. Last year alone, our nation spent $105 billion on prescription drugs. Accordingly to one study, we will spend 15–18% more in the next five years, more than $200 billion each year. This year, more than one-third of seniors on Medicare will spend over $1,000 on prescription medication.

Even worse still are the seniors in our communities who have no drug coverage at all. They are forced to make life-threatening decisions between prescription drugs or food and clothing. These decisions are unfair and un-Democratic. Twenty-seven percent of urban beneficiaries, and 43% of rural beneficiaries lack prescription drug coverage for the entire year (1996).

Clearly, neither Medicare nor the private insurance industry are addressing the problem adequately. Medicare is therefore in need of modernization and the addition of a drug benefit that is accessible and affordable to all beneficiaries, regardless of income level or location. The Democratic Plan would provide a voluntary prescription drug benefit accessible and affordable to all Medicare beneficiaries. This is not a new entitlement program as some Republican colleagues claim; it's simply a long-needed modernization of Medicare.

Regarding accessibility. Our plan guarantees a prescription benefit for all Medicare beneficiaries, whether or not they are rich or poor, enrolled in traditional fee-for-service or Medicare+Choice plans. In our plan, low-income beneficiaries—below 150% poverty level ($17,000 for a couple)—would receive extra help with the cost of premiums; those below 135% would have no cost-sharing.

And regarding affordability: Under the Democratic plan, beneficiaries who join the program receive a high quality, defined benefit. It is affordable to all beneficiaries. Premiums would be $25 per month in 2003. Seniors would pay no yearly deductible. Also, the plan offers catastrophic protection (over $4000 out-of-pocket costs) for beneficiaries. This plan, therefore, protects against the risk of industry "cherry picking" and negative selection of seniors with the greatest need.

Finally, the Democratic prescription drug benefit is consistent with broader reform to strengthen and modernize Medicare. This plan includes greater access to the wide array of prescription drugs available in our marketplace by providing affordable premiums to all Medicare beneficiaries. Therefore, I urge all my colleagues to support the Democratic Plan for prescription drug coverage for seniors. This is true reform.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. STARK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 204, nays 222, not voting 9, as follows:

[Roll No. 356]

YEAS—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Bass
Cook
DeGette
Filner
Hooley
Knollenberg
Markey
Serrano
Vento

□ 2052

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SERRANO. Mr. Speaker, I was unfortunately detained during rollcall No. 356, and I want the RECORD to reflect that if I had been present, my vote would have been "yea."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STARK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 214, not voting 4, as follows:

[Roll No. 357]

YEAS—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—214

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch

Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—4

Cook
Filner
Markey
Vento

□ 2109

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2115

PROVIDING FOR CONSIDERATION OF H.R. 4461, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 538 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 538

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. When the reading for amendment reaches title VIII, that title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 74, line 19, through page 75, line 4; page 84, line 21, through page 96, line 4. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. House Resolution 513 is laid on the table.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 538 is an open rule providing for the consideration of H.R. 4461, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001.

The rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Further, the rule waives points of order against provisions of the bill for failure to comply with clause 2 of rule XXI, except as specified in the rule.

The rule allows the Chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and further, it allows the Chairman to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. The rule provides 1 motion to recommit, with or without instructions.

Finally, the rule provides that House Resolution 513 is laid on the table.

Mr. Speaker, I am pleased to support this open rule which provides for the consideration of the agriculture appropriations bill for fiscal year 2001. The primary difference between this rule and the one reported by our committee last month, House Resolution 513, is the removal of the amendment which would have offset funds provided for relief to apple and potato farmers. Due to the reallocation of funds by the Committee on Appropriations, which now keeps this funding within the subcommittee's budget limits, the offset amendment is no longer necessary.

A substantive legislative provision which constitutes a change in current law has been exposed to a point of order by this rule, title VIII of the bill, a provision which would, in my view, undermine U.S. foreign policy goals with regard to terrorist states by eliminating restrictions on the sale of agricultural commodities to the terrorist states, Iran, Libya, Iraq, Cuba, and North Korea.

Mr. Speaker, the reason why the House rules preclude major changes in substantive legislative policy on appropriations bills is that the appropriations process has hearings and is set up for deliberation on appropriations issues, while the authorizing process, the authorizing committees, have hearings on major legislative policy changes, and they are set up to concentrate on and improve major, substantive legislative policy proposals.

I think that an example of why the House has this rule is in fact before us today. My friend, the gentleman from Washington (Mr. NETHERCUTT), included an amendment in the appropriations bill, as I mentioned, to end restrictions on the sale of agricultural commodities to rogue regimes. The legislation allegedly precluded exports from the terrorist states to the United States, and prohibited Federal financing of sales to those States.

After reviewing the legislation carefully, however, the Congressional Research Service, for example, informed my office that that is not necessarily correct. It was not clear, for example, that exports to the United States from the terrorist states would be precluded, and secondly, with regard to Federal financing, at least one significant credit program would have become available to any of those rogue regimes if the administration simply deleted them from the State Department terrorist list; something, by the way, Mr. Speaker, that the administration has admitted it is considering doing with a number of terrorist states, despite the fact that some of these States have recently carried out the murders of United States citizens.

In fact, only last week Secretary of State Albright tinkered with the terminology by declaring that the terrorist states are no longer rogue states, but rather, states of concern. It is obvious that various or all of these terrorist regimes will soon be taken off the terrorist list by the current administration.

I informed my friend, the gentleman from Washington (Mr. NETHERCUTT), of these concerns. But in the appropriations process, we simply cannot amend this legislation pursuant to and after the necessary study to make certain that we are not doing what even the legislation's proponents do not wish to do.

In addition, in my view, the timing of the legislation offered by the gentleman from Washington (Mr. NETHERCUTT) has been unfortunate. We are dealing here with states that have engaged in acts of terrorism against Americans in recent years. We are dealing with states against which American victims of terrorism, their surviving family members, have obtained judgments in the Federal courts under the Antiterrorism Act of 1996 for the murders of their family members by those terrorist regimes.

We are dealing with regimes which harbor murderers, terrorists, drug dealers, and other fugitives from United States justice. We are dealing with the terrible message that we would be sending, for example, to the regime in Iran if we were to pass the legislation as is, the legislation which is left exposed to a point of order by this rule.

In a letter just a few days ago by, for example, the American-Israel Public Affairs Committee, the timing of this legislative language, the unfortunate timing of the language, was made clear.

The letter reads, "We have serious concerns regarding the Nethercutt language. Our concerns center on the changes in U.S. export policy towards Iran that the legislation would require, changes which we believe are unjustified. Such changes would be particularly untimely, coming at the very time that the government of Iran is engaged in a major show trial of 13 Iranian Jews. We are deeply troubled by the direction that trial is taking. Any action taken to help Iran at this moment would send exactly the wrong message to the Iranian regime, particularly coming on the heels of the outrageous decision last month by the World Bank to proceed with new loans to Iran. Now is the wrong time to be seen as helping Iran."

Mr. Speaker, this issue is much more serious than simply the purported attempt to open some markets for American food products. We must remember that the ingredients, for example, in the deadly car bombs which killed hundreds of our brave troops in Beirut, or the Oklahoma City car bombing, ingredients from fertilizers to other chemicals, also in the opinion of experts may fall within the definition of "agricultural commodities" which would become available to terrorist states.

If the language were to become law as it passed out of the Committee on Appropriations, the only option available to a United States president to counter the development of chemical or biological weapons by a terrorist state in effect would be military action. In other words, Mr. Speaker, this issue is much more complicated and serious than it seems at first glance.

The Committee on Rules did its duty pursuant to House rules in exposing the language to a point of order in this rule. The issue will, under the rule, certainly be open for resolution in conference. I am pleased that we have been able to reach a compromise on the Nethercutt language which I believe contains some improvements over current law.

However, in this particular bill today, the agriculture appropriations bill, that original language is subject to a point of order. I support wholeheartedly including the compromise language in either the conference report on this bill or another legislative vehicle to get it to the President's desk as soon as possible, but to get to that stage, Mr. Speaker, we must first pass the open rule that is before the House this evening.

This is a fair rule, and I ask for all of my colleagues' support for it today.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill has come to the floor through such a convoluted, twisted process I am surprised that it is here at all.

Mr. Speaker, this all started 2 months ago when an amendment to lift the American embargo on food and medicine to five countries passed the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, and later the full Committee on Appropriations as part of the agriculture appropriations bill. That amendment would have ended the horrible United States policy of denying people food and medicine just because we disagree with that country's leaders.

☐ 2130

This was a great step forward, Mr. Speaker. Not only for American farmers, but also for the residents of Cuba, North Korea, Libya, Sudan, and Iran.

But evidently, the Miami Cuban community got wind of it and started their powerful lobbying wheels turning; and by the time the bill came to the Committee on Rules, the embargo-lifting amendment that was approved by the majority of the committee had been exposed to points of order which meant it was essentially dead on arrival.

When word got out, the American people were horrified to learn that the decision of the majority of the Committee on Appropriations had been subverted and the Congress was forced to continue its ill-advised debacle. So the rule sat around for weeks and weeks waiting for some sort of resolution.

Late yesterday, Mr. Speaker, it became official. The Miami community is more powerful than the American farmers. The Miami community is more powerful than the majority of the Congress. At 2 a.m. this morning, the Committee on Rules met to do a new agricultural appropriations rule. This one delivered a fatal blow to the amendment lifting the embargo.

Apparently, some supporters of the bill were bought off with the promise that the food and medicine amendment would come up later in a different form, in a milder form that makes it nearly impossible for American farmers to sell even one kernel of corn to the hungry Cuban families. But at this point, we have not even seen the new amendment, so we really cannot be sure.

Mr. Speaker, when the amendment is finally unveiled, if the rumors are true, American farmers will be able to sell to Libya, the 15 million people at risk of starving in Sudan, and the 25 million starving people in North Korea. However, that will not be tonight, thanks to this rule which takes the embargo out of the agriculture bill.

So the House, Mr. Speaker, will not have the chance to vote up or down on the momentous issue of ending the embargo. Instead, the end of the embargo will probably be rolled into another bill, and the House once again will be denied a separate vote.

Mr. Speaker, there should be a separate vote on ending the embargo. I think that vote should be on this bill. I have been to Cuba. I have seen the suffering to which our embargo has contributed. Three years ago, I met a little boy in a pediatric hospital. I will never forget that sight as he lay in his hospital bed in Cuba. The 3-year-old had a respiratory disorder that is widely treated here in the United States with a simple plastic shunt. But because the shunt was made in the United States, it was prohibited from entering Cuba.

Mr. Speaker, that little boy spent 86 days in intensive care, lost a lung, nearly died. By the time we met him, he was lying in a hospital bed covered with tubes and barely breathing. And all he needed, Mr. Speaker, was a little piece of plastic, very available, just 90 miles away in Miami. I carry that image of the boy to this day because politics kept him in that bed when he should have been outside playing ball.

Mr. Speaker, I can tell my colleagues that despite what people say, Castro will always have the best steaks. Castro will always have the best wines. Castro will always have whatever he wants, no matter what we do here today or tomorrow. But for the rest of the Cuban people, it is a very different story.

My Republican colleagues have erected a number of hurdles making it close to impossible for children in Cuba to get their food and medicine in a straightforward fashion. See, people view these situations very differently, Mr. Speaker. When some people think of lifting the embargo, they see Castro's face. When I think of lifting the embargo, I see that little boy's face in that pediatric hospital.

We are not arguing for normal trade with these countries. We are not trying to send them sneakers or CDs or VCRs or television sets. We are arguing for simple human decency, and I should think that all of my colleagues would want to support that with no strings attached.

Mr. Speaker, the embargo may have been right 40 years ago, 39 years ago, 38 years ago, or whatever. But it just did not work, and all it does is hurt people. It hurts children. I think we should end it with this bill. So I hope that this rule is defeated.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, before yielding to the distinguished gentleman from Washington (Mr. NETHERCUTT), I yield myself such time as I may consume.

Mr. Speaker, I vigorously, obviously, disagree with the merits of what the gentleman from Massachusetts (Mr. MOAKLEY) has just said. The gentleman from Massachusetts has a number of others who are here ready to speak and consistently come forth with subterfuges to hide their support for a brutal regime that has maintained itself for 40 years.

He has a right, and they have a right, to admire and to support that regime. But I will not accept from the gentleman . . . There is no community in this United States, sir, that would accept a Member of Congress getting up and saying, like you have said, "the Miami community got word of it." No community. No community in the United States. No ethnic community in the United States would accept that, whether it is the Boston Irish community or any community in any city, and I do not accept it.

And you owe, sir—you can have all the views you wish, but you owe an apology to that community in South Florida . . .

Mr. OBEY. Mr. Speaker, I demand that the words of the gentleman from Florida (Mr. DIAZ-BALART) be taken down. The gentleman has accused the gentleman from Massachusetts of making an ethnic slur.

The gentleman referred to a city. The gentleman, to my knowledge, made no ethnic slur, whatsoever; and I think it is the gentleman from Florida who owes the gentleman from Massachusetts an apology.

The SPEAKER pro tempore (Mr. PEASE). The gentleman will be seated, the Clerk will report the words and then the Chair will be prepared to rule.

☐ 2145

Mr. OBEY. Mr. Speaker, parliamentary inquiry. Do we have an opportunity to be heard before the Chair makes a decision?

The SPEAKER pro tempore (Mr. PEASE). Perhaps at a later point.

Mr. DIAZ-BALART. Mr. Speaker, I ask unanimous consent to withdraw my words with regard to the attribution of ethnic slur.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DIAZ-BALART. Mr. Speaker, I yield 6 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman from Florida for yielding to me.

I rise tonight, Mr. Speaker, with some concern about this rule, but with a commitment to vote for it. I will vote for it, not because I am happy that the provision that I had worked so hard to get into the appropriations bill will not be protected, but because of the very strong commitment I have received from the House leadership to make certain that the agreement that has been reached between the gentleman from Florida, (Mr. DIAZ-BALART) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) is one that I believe is in the best interest of the country and I believe is in the best interest of moving the agriculture appropriations bill forward and completing our appropriations process.

I have been working on this issue of lifting sanctions on food and medicine to the countries that our Nation unilaterally sanctions for 3 years. It is a turnaround in my thinking, because I came to Congress in 1995 thinking that unilateral embargoes on food and medicine are in the best interest of our Nation. But I have changed my view.

I have changed my view because I do not believe that food and medicine should be used as weapons in foreign policy against governments or people, I should say, that we disagree with around the world. We disagree with the leadership of Fidel Castro. We disagree with the leadership of other countries that are terrorist in nature. But we must have some compassion and some feeling for the people that reside within those countries.

That is what my amendment was designed to accomplish was to yield our sanctions policy such that we help people and still oppose dictator governments around the world.

I wanted to say here that I have great respect for the passion with which my friends from Florida expressed their views on this issue. I know they care deeply about this policy. We disagree on policy. We are friends. I have great personal respect for them and anybody else who disagrees with me on this policy. But I feel this is the right policy for agriculture. It is the right humanitarian policy for our Nation.

So faced again this year with the potential for having no relief on the policy of sanctions that have been imposed unilaterally by this country on food and medicine, I felt we had to sit down and negotiate some agreement that may not be perfect. And believe me, Mr. Speaker, I do not believe this is a perfect agreement; but I believe it is a workable and valid and helpful agreement as we seek to lift sanctions on food and medicine for people of the world and give Congress a chance to be a part of that sanctions relief. Not just the President imposing it, but having the Congress have some help as well in trying to implement this policy.

It was my expectation, and is, that this measure, this agreement that has been reached, and it is a commitment by our leadership, by the gentleman from New Mexico (Mr. SKEEN), chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, and the leadership of the House that it would be put on the military construction supplemental bill today or tomorrow, that is still my hope, so that we can have a chance to vote for this.

But in lieu of that, I have the commitment that it will go on the Agriculture Appropriations bill in conference, and I will be a conferee, and there will be other conferees as well who feel that this agreement is a fair one.

It is not a perfect one. But if we do not implement this agreement, then I fear that we have no agreement, and the policy to lift sanctions on food and medicine will die for another year, and that is wrong. That is wrong for the people of the world who need food and medicine.

So I would just say to my friends on the other side, and they are my friends in this fight, the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from New York (Mr. HINCHEY), the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from California (Mr. FARR), the gentleman from Wisconsin (Mr. OBEY), many, many Democrats who worked with us on this issue, it is not what we want completely, but it is an open door, a change in policy for the first time in 38 years, and more with respect to our policy of unilaterally sanctioning people of the world on food and medicine.

It is not perfect, but it is evolving. I think, if we do nothing, we implement and keep that policy as it has always been. I think that is wrong for the world. It is wrong for American farmers. It is wrong for American humanitarian groups.

So I just conclude my remarks, Mr. Speaker, by saying that I know that there is criticism of this agreement, but it is workable. It is going to accomplish the objective that all of us who feel that sanctions imposition is wrong. It will lift them. It is a start, and I think it is in the best interest of the Nation.

So I am going to vote for this rule, and I am going to vote for the bill. I am going to fight my heart out along with my colleagues who feel strongly as I do that this is the right policy to lift these sanctions on food and medicine to make sure that it becomes law.

The President mentioned it today in his press conference. I think we are very, very close to getting the White House to agree to this. It is not perfect, but we are working hard to get to this result.

So I know there are Members who want to vote no, and that is their right. But I am going to vote yes because I have faith that the commitment that has been made to me on this issue and this subject will be met.

Mr. MOAKLEY. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I think it is fitting that, at the end of a daffy day we should be discussing a daffy deal on a daffy rule that will bring a daffy bill to the floor.

Let me first say that I am mystified by the way the leadership of the House is proceeding on this. My understanding of the way one is supposed to use the legislative body is that the committees are supposed to make their recommendations to the full House. Then the leadership is supposed to use the House as the vehicle that makes decisions by determining what the majority view is.

That is the way we work out most of our differences out here. We bring our differences to the floor. We have an honest debate about them, and then we vote, and we see who wins and who loses.

The problem that we are running into in this session is that, time and time again, when committees make recommendations that the leadership worries about, they then proceed to try to twist the rules to prevent the House from working out our differences by preventing us from even voting on them. This is another such case tonight.

What is happening tonight is that the gentleman from Washington (Mr. NETHERCUTT) offered a proposal which I and many others supported on both sides of the aisle which would not make American farmers who are suffering record low prices the first victims of foreign policy decisions. That is a controversial action taken by the gentleman and taken by us. But now we are told that a deal has been struck.

□ 2200

Well, let me describe what that deal is, because I think what the gentleman from Washington (Mr. NETHERCUTT) is buying to take home to his farmers is a bushel basket with no bottom. It is empty.

What has happened is that the language which was adopted by a majority in the committee was not protected by the Committee on Rules, and so that language is now going to be stricken on a point of order on this bill in return for a promise that maybe it will be attached to the supplemental bill. The problem is that at this point all four major conferees, Senator STEVENS, myself, Senator BYRD, and the gentleman from Florida (Mr. YOUNG), have been made to understand that it is going to be almost impossible to attach that provision to the supplemental because of Senate rules.

As I understand it, if that proposal is attached to a supplemental, it then becomes subject to a point of order under Senate rules. And Senator DODD has already promised that if that language is attached to the supplemental, he will force the Senate to read word by word the entire bill, and that takes us to about next Wednesday. So we can be celebrating July 4th here in the Capitol. That is what happens if this is transferred to the supplemental bill.

So what we have is the gentleman from Washington buying a deal that allows him to possibly transfer this debate to a bill which will go nowhere if this provision is attached to it. That is not going to help a single farmer in America. So I think he bought a very bad deal.

I also think that it puts in jeopardy the passage of the supplemental. Now, I have opposed most of the items in the supplemental. I am deeply opposed to what that supplemental provides for aid to Colombia, for instance. I agree with Senator STEVENS that that is likely to get us into a protracted war. I hope I am wrong. I have been wrong many times before; I hope this is another time. But the problem is that if we attach this provision to that bill, we will have instant controversy; and it will mean that we put at risk the passage of that supplemental. And if we put at risk the passage of that supplemental, the U.S. Army begins to have some real problems because of their drawdowns.

So I do not understand why on earth the House is proceeding this way. If I were the House leadership, I would not even be bringing up this rule tonight because I would not want to put myself in a box foreclosing the possible use of this vehicle for the Nethercutt language. By adopting this rule tonight, we lock the House into a position where they have to either attach this to the supplemental or not. And if we attach it to the supplemental, we create a 50–50 chance that the supplemental is dead as the Dodo bird.

Now, I do not think that moves legislation forward; and it confuses me, as someone who is trying to cooperate to help pass that supplemental, because I have lost at battles, but it is still my duty to try to help the House complete its business in conference.

So in addition to that, there are a number of other problems with this rule, and there are a lot of problems with the underlying bill which I do not have time to get into, including the fact that it shortchanges antitrust, shortchanges food safety, shortchanges the budget for pest and disease control and for agriculture conservation practices. So at this point I am forced to declare my opposition to the bill, to the underlying bill, and to the rule itself.

I would urge the leadership of the House not to put at risk the passage of the supplemental, because the Pentagon needs that too badly, and they are going to have to begin to do a lot of things which are going to embarrass the Congress as an institution if that supplemental cannot pass.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume, before yielding to my distinguished friend from Missouri. I think that we, in the words of the gentleman from Wisconsin, saw an example of where we have significant disagreements, but the disagreements have been stated in a respectful way and not in a way that, certainly as before, I considered personally offensive. So I want to thank the gentleman from Wisconsin for that.

As the gentleman from Washington stated previously, a number of us have had very significant and strong disagreements, but I think in a frank and respectful way we have been able to come to an agreement that improves on current law and that is in the national interest of the United States, protecting this country from business transactions which may accrue to the benefit of terrorist states. And I think that in the agreement that we have achieved that is accomplished.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON), an individual who has been a formidable negotiator, who has been very strong in her views and has demonstrated great leadership in bringing forth what she believes in, and who I have had disagreements with. I wish to publicly recognize the seriousness and the forthrightness with which she addresses issues such as this.

Mrs. EMERSON. Mr. Speaker, I thank the gentleman for yielding me this time and for those kind words.

I want to say for the record that I hate this rule. I hate the fact that all of us have worked so hard and passed something that would mean a great deal to the American farmer, and still will mean a great deal to the farmer; but I have to say, too, that it is important to move to process forward.

Let me just digress for a minute here. This evening the Faith & Politics Institute held the first-ever Bill Emerson-Walter Capps Civility Lecture Series, and we asked George Mitchell to come and address the group tonight to talk about the peace process in Ireland. He was incredible and so eloquent, and he talked about how it took a year and a half, a year and a half, before he got any movement at all. He sat in a room that long.

Now, the gentleman from Washington (Mr. NETHERCUTT) has done a magnificent job talking and working hard on this issue, as have the gentleman from Florida (Mr. DIAZ-BALART) and the gentlewoman from Florida (Ms. ROS-LEHTINEN), as well as all of our Democratic friends. There is so much passion about this, as there was so much passion with the British and the Irish in those rooms with Senator Mitchell. And he got them to move forward, as they did. Not in a perfect sense whatsoever, because it took a year and a half.

We have spent maybe tens of hours talking, and we have gotten a compromise that gives something to the gentlewoman from Florida (Ms. ROS-LEHTINEN) and to the gentleman from Florida (Mr. DIAZ-BALART), and it gives an awful lot to our American farmers. It is not perfect, but it cracks the door open. And if we can just crack the door open a little bit, other things will follow.

So as much as I would love to vote against this rule, I am not going to do that because I think it is more important to not only follow through on our commitment, that when we give our word, as the Speaker and the leadership have given their word to us, we will in turn give our word to them that that is the most important thing and that this will happen.

I would ask my colleagues who are not as happy about this to remember that little baby steps make a big difference in the long run, and that while we cannot get everything we want today, it does not mean that we will not tomorrow.

Mr. MOAKLEY. Mr. Speaker, I yield 3¼ minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong opposition to this rule.

I do not think I have ever risen in opposition to a rule for an agriculture appropriations measure coming out of our subcommittee, but indeed I must do so this evening, mainly because we have to look at this bill in the broader context of what is happening in rural America. The only chances we have to help are this bill and the related supplemental bill, which was to have had funding in it for agriculture.

Unfortunately, the members of our committee have essentially been defanged. We have not been allowed to participate in conference committees occurring on the supplemental bill. This particular bill is $400 million below what was spent in the year of 2000. It is $1.6 billion below what the administration asked for to meet these historic low prices that our farmers are struggling with, the drought problems we are having and the disaster problems. In my part of America, farmers cannot even get tractors into the field because of the water. So the bill is not adequate.

We had pinned our hopes on the supplemental. We had proposed to try to level the playing field of the $400 million that is short in this bill compared to last year's spending and put it in the supplemental. This evening we find out that the conferees, who did not include anybody on the committee but essentially four people negotiating, the leaders in both Houses, absolutely did not consult with any of the other conferees that were supposedly appointed.

My colleagues might remember that last year the leadership decided that they were going to appoint conferees, and then the conferees met and they were dismissed. Well, this year they appointed conferees and we never met. And so now we face this bill which so underfund our programs.

In fact, we will not have enough people in the field, technical assistance for natural resource and conservation service to give farmers to apply for the programs to keep their noses above water. Our rural development programs will be $200 million under. Our pest and disease programs $40 million under for citrus canker for tree replacement in States like Florida, all of the different plum pox problems in Pennsylvania, and so forth. The FDA lab in Los Angeles is canceled in the supplemental; the renovations to the building here in Washington; the money that we need to move people into the new FDA facility in College Park.

This bill is absolutely linked to the supplemental, and this evening we learned that that supplemental is completely inadequate and we have absolutely been divested of our authority as duly elected Members of this House. So I would have to say to the Members to vote "no" on this rule. It is our only way to send a message to the leadership of this Chamber that the Members need to be involved at the table.

I would just urge the membership on both sides of the aisle to restore the powers to the subcommittees. No subcommittee likes to be treated in this way. No committee likes to be treated in this way. Vote "no" on this rule and allow us to bring a bill to the floor that reflects the will of the majority of the members of the committee.

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the chairman of the Subcommittee on International Economic Policy and Trade of the Committee on International Relations.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I would hope that our colleagues would support the rule tonight. The compromise that has been discussed previously on the floor, I believe, represents a well-balanced approach to a very difficult and thorny and delicate issue that I know is very important to everyone here.

I think it is a well-crafted compromise. Certainly not a perfect vehicle, like many negotiations that end up with a document that is not perfect for either side. But I want to thank tonight the individuals who participated in the many hours of difficult negotiations, starting with our good friend, the gentleman from Washington (Mr. NETHERCUTT); the gentlewoman from Missouri (Mrs. EMERSON); the gentleman from Florida (Mr. Young), the chairman of the Committee on Appropriations; and the gentleman from Missouri (Mr. BLUNT), who was really the person who helped us reach this compromise.

The gentleman from Florida (Mr. DIAZ-BALART) and I have been working, as all of my colleagues know, for many years on the issue of freedom for Cuba. We were both born in Cuba, came here to the United States young. We know what it is like to live under a Communist regime, and the districts that we represent, although not homogeneous, certainly heterogeneous districts, but the people, many of whom we represent, are in similar situations.

□ 2215

They lost what little they had in Cuba. And I am not talking about material possessions. I am talking about freedom, democracy, liberty, justice. And so, when we hear in this Chamber and we talk about negotiations with a communist regime, the political is the personal and the personal is the political for us. We thank the Republican leadership for their help in getting us to this point.

A credible case perhaps could be made that in other dictatorships throughout the world there has been a semblance of reform and a semblance of change, and perhaps that is why this body has in other bills voted to have trading relations with those dictatorships. I have not been on that list, but a credible case could be made for some market reforms in other countries.

But what reforms have taken place in Castro's Cuba in these 41 years of tyranny and dictatorship? They are no closer to freer elections. There have not been any free elections in Castro's Cuba for 41 years. The violations of human rights continue to this very day. While we are here discussing this issue, dissidents are being rounded up and thrown in jail, opposition leaders are persecuted and prosecuted, people of religious faith who want to practice their religion are also rounded up and thrown in jail on bogus charges, child prostitution continues to be the order of the day. And we wink and nod and continue to believe that we could have faith in such a regime.

In fact, foreign firms who go to Cuba to do business, by law, are not allowed to pay the worker directly. They must pay Fidel Castro in dollars, and Castro then pays the worker in actually worthless pesos. The Cuban worker is a slave. And those who deal with business with the Castro dictatorship, they are here to talk against slavery. In the United States, of course we would abhor that. But yet, slavery is the norm of the day in Cuba, and we are supposed to accept that because we have a global marketplace and everything is all right.

Everything is not all right in Castro's Cuba, and that is why my family came to the United States. That is why so many hundreds and thousands of Cubans die trying to come to the United States. And thank God that there is this wonderful country where people with very dissimilar views can come together and fashion a compromise because we have democracy, because we have discussions, and because we have an open system.

So I hope that, in celebration of that open system, our colleagues would accept the compromise. I thank the Republican leadership and so many on the other side who have helped us to get to this point. I hope that we adopt the rule tonight, Mr. Speaker.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, I rise in opposition to this rule.

I believe the original provision authored by the gentleman from Washington (Mr. NETHERCUTT) to lift sanctions on food and medicine deserves a real debate and should not be stripped out of this bill on a point of order.

This language, which is so far past the test of democratic debate, is going to disappear. It will be replaced by language worked out in back rooms by a handful of people. That deal will come before the House attached to some conference report or another in a way that denies amendment and debate.

Why? Because a small group of Members has, in my opinion, a counterproductive obsession with Cuba. They appear to be determined to smother all debate, choke off free speech, undermine our democratic legislative process so that no measure that might affect U.S.-Cuba policy, even one as modest and as reasonable as the original provision of the gentleman from Washington (Mr. NETHERCUTT), will ever see the light of day.

They are afraid of what might happen should the House be allowed to work its will. They are afraid of the democratic process of free, fair, and open debate.

Ironically, what we are witnessing today on the floor of this House is something we would expect to see in Cuba and not in the United States of America. No one knows what the outcome might be if there was a fair vote to limit sanctions on food and medicine to Cuba and these other countries. It might win or it might lose. But I do know we should not be afraid to find out. I do know it deserves a debate and a vote. I should add, that is what makes our country so wonderfully unique.

I would like to commend the gentleman from Washington (Mr. NETHERCUTT) for his leadership and the bravery that he has shown on this issue. He has forced his leadership to take a step in the right direction. I know he has agitated them to no end, so I respect him very much.

But I cannot accept this deal. It is full of ugly and gratuitous measures that continue to put a wall between Americans and the people of Cuba. The financing of sales of food and medicine and medical devices to Cuba is far more restrictive than the other countries.

And who does it hurt? It hurts small- and medium-size American farmers, American pharmaceutical companies and manufacturers of medical devices by making sales of food and medicine to Cuba as difficult as possible.

It also shuts down the possibility of increased travel by American citizens to Cuba, which is something that dissidents of Cuba have urged more of.

Mr. Speaker, we in the House will not be allowed to debate this back-room deal. We will not be allowed to amendment it or vote on it. We will not be able to exercise our democratic rights.

If my colleagues care about freedom and democracy not only in Cuba but in the United States House of Representatives, I urge my colleagues to oppose this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with regard to the statement made by the gentleman from Massachusetts (Mr. McGOVERN) who just spoke, no, there is no comparison between what is going on here this evening and what goes on in Castro's Cuba.

I wish that I could show the gentleman a card that I carry with me from a political prisoner. He snuck it out of prison and sent it to me. I wish I could show it to him. I will not because making public his name would cost him, in all likelihood, his life.

That political prisoner is in a gulag because of an opinion, a belief. No, there is no comparison between what is going on this evening here and what goes on in Castro's Cuba.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, a gentleman who has been in Cuba many times.

Mr. RANGEL. Mr. Speaker, young Elian Gonzalez finally got back home to Cuba with his dad. I really think that this young man has, more than any one thing in recent history, caused the American people to focus on Cuba.

I think the worst indictment that I can make about the deals that are being cut in the Committee on Appropriations is that most Americans really do not care, they do not care about Cuba, and anybody that wants to cut a deal, cut a deal, if it does not pass in the House, it will pass in the conference. What arrogance, our foreign policy, our trade policy is going to be because half a dozen people got together and decided what makes them feel good. They are going to determine who the dictators are and how foreign nationals are being treated.

What happened to the old-fashioned way where we used to have hearings, we used to have witnesses, we used to have votes on the floor? I have never heard a deal being bragged about so openly. But, fortunately, this little Elian has been able to show America that some people are more concerned by the passionate dislike of who runs Cuba than what is in the best interest of the United States of America, what is in the best interest of our farmers, what is in the best interest of our trade, and they can cut a deal.

If I had known this, why would I work so hard on permanent trade relations with China? I would have gone to the Committee on Appropriations and picked half a dozen people. The way to do these things is go to the Committee on Appropriations and say, hey, can we cut a deal? Let us send some food and technology to these Communist Chinese, forgetting what kind of government they have, and run it out to conference if they do not like what happens in the House.

We cannot say that we have such passion in our heart that we distort what this institution is about. Today if we do it for Cuba, who is going to pick the next country that we have a dislike for?

And it is insulting to say that Americans cannot travel to Cuba. Americans should be able to travel any place that we want because we are the best ambassadors ever for this great country. And I refuse to believe that Castro and those little Communists can influence us. The truth of the matter is we should be influencing them with our American flag, with our know-how, with our productivity and being able to say we are not afraid of their incompetent government.

But if my colleagues think the way to do it is to cut a deal and say, do not talk to anybody, do not trade with anybody, use food, use medicine as a tool to show how much we dislike their form of government, how many forms of government do we dislike where deals are cut? The Communists in North Korea? The Communists in Vietnam? The Communists in Red China? No deals are being cut for those Communists. But we have to have a special deal, our farmers have to suffer, our exporters have to suffer, our tourism has to suffer, and Americans have the indignation to know that they are not trusted because a handful of people want to cut a deal and restrict the President of the United States from being able to determine who visits what.

Well, I hope this deal thing is not that contagious. I hope it is contained. I hope that maybe the other House does not allow this thing to spread over there to say that we will vote on this rule because we know ahead of time what the law is going to be.

Shame.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish that once, just once, the colleagues who get up and with such passion, and the word "passion" has been used so often this evening, talk about their objection to financing and credits and trade with that brutal dictatorship that has oppressed a noble people, our closest neighbors, for 41 years. Just once I wish, Mr. Speaker, that they would come and demand and ask for free elections, the rule of law, the liberation of the political prisoners, including the political prisoner who had the courage to sneak out a card to send me.

What is wrong about demanding, just once the liberation of those people in a gulag rotting away because of their belief and support for the rule of law and for democracy?

Why not ask for the legalization of political parties and labor unions and the press, the press that has the freedom in this country and in so many other countries in the world to cover what we say without censorship?

Never, Mr. Speaker, never do we hear any of these colleagues who come and defend with such passion that dictatorship 41 years in power. Not even when I was away, not even once have we heard them come and demand the rule of law in elections.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, for as long as I have been in Congress, I have worked to lift sanctions against Cuba. One hundred, sixty-seven Members from both sides have cosponsored H.R. 1644, my legislation, to lift the embargo on the sale of food and medicine without restrictions.

I and many others of my colleagues applauded the efforts of the gentleman from Washington (Mr. NETHERCUTT) to include other countries in the removal of sanctions on food and medicine.

Unfortunately, this agreement is the result of negotiations that took place without the participation of many of the people deeply involved in this issue over a long period of time. However, the good news is that a door has been opened that will never, ever close again.

□ 2230

Elian Gonzalez, who left today, helped us to put aside some of the hate in Miami and to move forward. We will keep pushing that door and that door until it falls and it opens forever. When Juan Miguel Gonzalez stood at the airport today and looked at the American people and in both English and Spanish said thank you for giving my child back to me, thank you for having your system work on my behalf, and try to work with each other so that we can have better relations in the future, Juan Miguel had no understanding, I am sure, the legacy that he and his little boy have left behind.

This door is open, and it will never, ever close again. We will trade with Cuba as much as we can now, and we will lift the embargo soon. People can stand here and accuse people of being bad Americans and supporters of the Castro regime. I am a supporter of Juan Miguel Gonzalez. I am a supporter of Elian Gonzalez. I am a supporter of children in Cuba who have never harmed my child; and their father, this Congressman, should not harm them at all.

The bad news is that this was a back room deal that is going to be hard in some cases to enforce. The good news is that we have 170 people over here that are going to stay on the State Department, Treasury Department, the administration, joining Members from the other side, to make sure that every possible opening in that door works to our advantage and to the advantage of the Cuban people.

It is over. It is over. Mark it on the calendar. The day Elian left, he took with him the sickness of the embargo and he threw it away at sea. Elian's tragedy is going to be our sanity, because starting today we will do what is right and some day when that little boy grows up some reporter will go to him and say, do you know that you played a role in these two people coming together? And he will know what happened, and his father, that 31-year-old articulate, direct, but compassionate man, who had the courage and the strength to say I will wait the system out, if they had taken my child, I would not have been the diplomat that he was.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, recently this House passed significant legislation to open up trade with China, a Communist nation, in direct contradiction to the policy we established with that bill and to the policy established in H.R. 4461, the agricultural appropriations bill for fiscal year 2001. This rule will limit our efforts to allow limited trade with Cuba and several other nations.

Let me hasten to add that the sanctions that would be lifted by the agricultural appropriations would be related to food and medicine, a very limited trade but yet significant. Our American farmers would welcome this trade opportunity.

Putting aside it is bad policy to use food and medicine as political leverage, this House, by a substantial margin, engaged with China trade, which is in the right direction, rather than isolation. We should do that for Cuba. Why not trade with Cuba? Cuba is only a few miles away; and China indeed is many, many thousands of miles away. This rule is a bad rule.

Mr. Speaker, recently, this House passed significant legislation, designed to open up trade with China—a communist Nation.

In direct contravention to the policy we established with that Bill and to the policy embodied in H.R. 4461, the Agriculture Appropriations Bill for Fiscal Year 2001, this rule limited our effort to allow limited trade with Cuba and several other nations.

Under this Rule, the provisions in the Agriculture Appropriations Bill that would lift current economic sanctions against Cuba, Libya, North Korea, Iraq and Sudan, would be subject to a point of order.

That means that one Member of this House—for any reason or for no reason—will have the ability, the power to overturn the policy trend of trading with other nations, notwithstanding their governmental structures.

Let me hasten to add that the sanctions that would be lifted by the Agriculture Appropriations Bill would relate only to food and medicine, a very limited trade policy. Our American farmers would welcome this trade opportunity.

Putting aside the fact that it is bad policy to use food and medicine as political leverage, this House, by a substantial margin, voted to engage China in trade, rather than pursue isolation.

We are willing to trade with China.

Why not Cuba?

China is thousands of miles away.

Cuba is a stones throw away.

Under this Rule, points of order against legislating on an appropriations bill are waived generally.

However, several provisions are specifically left without waivers.

Those unprotected provisions include Title Eight of the Agriculture Appropriations Bill, and that Title consists of the "Trade Sanctions Reform and Export Enhancement Act of 2000."

If Title Eight remains in the Bill, the President could not impose sanctions against Cuba and the other countries, unless Congress consents.

It seems to me that such a process provides adequate oversight, in the event our Government finds it prudent to sanction one of these so-called "rogue" nations.

Mr. Speaker, we can well expect that the food and medicine trade provisions of this Bill will be struck.

Similar provisions were struck from the Fiscal Year 2000 Agriculture Appropriations Bill.

I understand that some Members feel strongly about the practices of those governments in Cuba, Libya, North Korea, Iraq and the Sudan.

I too feel strongly about some of their practices.

But, this House took a bold step recently, an historic step.

Why then today, should one Member, for good reason or bad, be able to reverse that step, change that policy position?

There is no good answer, Mr. Speaker.

I urge my colleagues to stand for consistency in our foreign policy—Reject this Rule!

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this rule. It does not protect a decision that was made by members of the Committee on Appropriations to take vital steps towards sanction reform, to lift the ban on food and medicine to innocent citizens of the Sudan, Libya, North Korea, Iran and, yes, Cuba. I worked hard, along with my colleague, the gentleman from New York (Mr. HINCHEY), along with our colleagues on the other side of the aisle, the gentleman from Washington (Mr. NETHERCUTT) and the gentlewoman from Missouri (Mrs. EMERSON), to work to make sure that we could lift these sanctions to be able to help American farmers, to be able to sell their products abroad, because they are suffering from low prices today.

This rule ignores what we did, two votes in the subcommittee and in the full committee. Let me say, while we worked hard with our colleagues, we were not, the gentleman from New York (Mr. HINCHEY) and I, included in the deal, in the negotiations. This is not a compromise. It is a capitulation. That is what this is about.

The Republican leadership has made a promise that sanction reform is going to be attached to some other future legislative vehicle, but that vehicle remains a mystery. We are going to leave sanction reform by the wayside. There is too much at stake for our farmers, and our foreign policy should not punish people who suffer under repressive regimes.

These unilateral agricultural sanctions hurt the most vulnerable in target nations. Imagine, my God, food and medicine we want to deny to people. Who are we, for God's sakes?

Just 2 weeks ago in this body, or several weeks ago, we talked about permanent trade relations with China; and we said that China that abuses human rights, that pirates our intellectual properties, that proliferates nuclear warfare, is all right but Cuba is not. It is mindless. It is absolutely mindless and disingenuous. Vote against this rule.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. FARR).

The SPEAKER pro tempore (Mr. PEASE). The gentleman from California (Mr. FARR) has 1¾ minutes.

Mr. FARR of California. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, this is a rule about the agricultural appropriations bill. The underlying bill is about America. It is about its land and its people. It is about the farmers that grow our food. It is about how we treat that food, how we deliver it, how we give it to poor people, how we give it to the school lunch program, school breakfast program, how we give it to women and infants, how we deal with poverty in America. That is what this bill is about.

The people who produce that food came to this committee and they said, why can we not sell that food and sell our medicines to other countries? Why do we have sanctions against the products that we do such a good job in raising? Why do we not lift those embargoes that we have created in our country, embargoes against Sudan, against Libya, against North Korea, against Iran and, yes, against Cuba?

Yes, these countries have been problem countries; but we have never, as the richest, most powerful Nation in the world, used the food as a weapon to hurt women and children.

So this bill is about people. It is about food, and it is about medicine. This debate on this rule is a sham, because what the Committee on Rules did is they undermined the whole intent of bipartisan debate in the subcommittee, of bipartisan debate of the vote in the full committee; and the Committee on Rules comes along and waives all points of order except for one, and that is the point of order that deals with this issue.

They waive another point, but they take care of it in another part of the bill.

It is interesting what the gentleman from New York (Mr. SERRANO) just said. Elian went home and he is free, and here the United States Congress is held hostage. It is a bad rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I wish to thank the House for its deliberation. I agree with the gentleman from New York (Mr. SERRANO) on one thing he said today. Today is an important date. It is a date that is infamous. It is the only time that the United States has sent back over the Berlin Wall a child whose mother died to bring him to freedom, and in that sense I agree that today is a date that will be remembered by history.

Mark my words, yes, soon we will have trade with Cuba. Soon there will be a Cuba whose concentration camp doors will be open and you, yes you, will have to see what you have been purposefully ignoring. There will be, there will be a——

Mr. OBEY. Mr. Speaker, I demand that the words of the gentleman from Florida (Mr. DIAZ-BALART) be taken down.

The SPEAKER pro tempore. The gentleman will be seated. The Clerk will report the words.

☐ 2245

Mr. OBEY. Mr. Speaker, I object to the word "purposely."

Mr. Speaker?

The SPEAKER pro tempore (Mr. PEASE). For what purpose does the gentleman from Wisconsin (Mr. OBEY) seek recognition?

Mr. OBEY. Mr. Speaker, I will withdraw my request that the gentleman's words be taken down, with the expectation that there will be no words used on this floor which can in any way be interpreted as attacking another Member.

The SPEAKER pro tempore. The demand of the gentleman from Wisconsin is withdrawn.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) has 30 seconds remaining.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I do not attack other Members, I attack injustice. I attack oppression. I believe in those words, "In God We Trust," not "In Gold We Trust." I believe that the people who have come here and defended the embargoes against South Africa, and I defended the embargo against South Africa, should not have the double standard that they show.

I believe that Cuba will be free, and I believe that the American people will be proud of this Congress having stood with the freedom and the aspirations of the Cuban people. This is an important rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DIAZ-BALART. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 179, not voting 24, as follows:

[Roll No. 358]

YEAS—232

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holt
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Pallone
Pascrell
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—179

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Weiner
Weygand
Wise
Woolsey
Wynn

NOT VOTING—24

Boucher
Clay
Clement
Cook
Danner
Dicks
Fattah
Goodling
Gordon
Hall (OH)
Hefley
Markey
Martinez
Matsui
Miller, George
Murtha
Oxley
Pelosi
Pickett
Shuster
Stark
Stearns
Vento
Waxman

☐ 2303

Messrs. DEUTSCH, WEXLER, ROTHMAN, and McINTYRE changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken tomorrow.

SENSE OF THE HOUSE CONCERNING USE OF ADDITIONAL PROJECTED SURPLUS FUNDS TO SUPPLEMENT MEDICARE FUNDING

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 535) expressing the sense of the House of Representatives concerning use of additional projected surplus funds to supplement Medicare funding, previously reduced under the Balanced Budget Act of 1997.

The Clerk read as follows:

H. RES. 535

Whereas Congress is responsible for oversight and spending under the Medicare program;

Whereas the Balanced Budget Act of 1997 was passed in response to major economic concerns about inflation in costs in the Medicare program;

Whereas the savings resulting from enactment of that Act exceeded the estimates at the time of enactment and has resulted in payment rates for classes of providers below the rates previously anticipated;

Whereas the Congress adjusted some elements of the Medicare program in the Balanced Budget Refinement Act of 1999;

Whereas a significant number of Medicare+Choice organizations is withdrawing, or considering withdrawing, from the Medicare+Choice program because of inadequate reimbursement rates;

Whereas the Medicare prescription drug bill pending in the Congress will delay the date by which Medicare+Choice organizations must decide whether to remain in the Medicare+Choice program from July 1, 2000, to October 1, 2000; and

Whereas, because of improved economic performance, it is anticipated that the Congressional Budget Office in its mid-year reestimates will project dramatically increased non-Social Security surpluses above those assumed in the adoption of the most recent Congressional Budget Resolution for fiscal year 2001: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that, upon receipt of such mid-year CBO re-estimates, the House of Representatives shall promptly assess the budgetary implications of such reestimates and provide for appropriate adjustments to the Medicare program during this legislative session.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Tennessee (Mr. TANNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 535 is an important resolution because just as we have discussed, and the House has passed, Medicare modernization and prescription drugs for seniors, there are still other areas of Medicare that continue to need adjustment.

If we have additional surplus money, we want to make sure that we alert both the seniors who are the recipients and the providers of that Medicare care that we believe a high priority is to make sure that a significant portion of that surplus is reserved for reinvestment back into Medicare.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. BILBRAY) and ask unanimous consent that he be permitted to control the time and yield further blocks of time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have had a discussion between Democrats and Republicans that I think the American people would prefer to see us avoid in the future. Yesterday, we had some bipartisan efforts of people reaching out across the aisle to work for betterment of this country.

Resolution 535 is one of those resolutions that we can do this. This is a chance for us to reach across the aisle in a bipartisan effort to show that Medicare really is a priority of this body; and hopefully, in the future we will find the funds to be able to do all of things that both sides and America would like us to do.

Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON). Let me point out to every Member, this Member has fought hard to raise this issue, to articulate the issue that we have to continue to do better for our seniors when it comes to Medicare. She has been a constant champion of the fact that Republicans and Democrats need to put their differences aside and truly work for our seniors in America.

□ 2310

Mrs. WILSON. Mr. Speaker, I thank the gentleman from California (Mr. BILBRAY) for his kind words.

Mr. Speaker, when it became clear that we were going to do a prescription drug bill, there is a part of this bill in title 3 that we did not get a chance to talk about much today, and that has to do with some changes that are needed for Medicare to provide some urgent relief to hospitals in this country, particularly in a program called Medicare+Choice. About half of the citizens in my district in New Mexico choose Medicare+Choice. It is kind of managed care for Medicare. They have the Lovelace Senior Plan or the Presbyterian Senior Plan.

The problem is that the reimbursement rates for Medicare+Choice and for most of the other Medicare programs in the State of New Mexico are terribly low. In New Mexico, if one is a part of the Lovelace plan, Lovelace gets about $370 per member per month to cover one's health care in the rural parts of New Mexico. It is about $430 a month if one is in Albuquerque. That compares with a reimbursement rate in Staten Island, New York of $811 and in Dade County, Florida of almost $800 per member per month.

The reason is that New Mexico had managed care so much earlier than other parts of the country. We had one of the earliest HMOs in the country, Lovelace Hospital. We had controlled many of the costs that everyone else was struggling to control. But we were penalized for that, penalized for that continuing efficiency.

Now as CIGNA pulls out of Medicare+Choice and a lot of other different States, we are facing that potential in New Mexico as well. But it is not unique to New Mexico. There are seven States who are suing the Federal Government because of the inequities in reimbursement under Medicare, and they are right.

Mr. Speaker, what I wanted to try to do is to get some immediate relief so that seniors do not lose their preferred medical care coverage. The 1st of July is when a lot of companies have to decide whether they are going to stay in Medicare+Choice. The bill that we passed earlier today will extend that deadline to the 1st of October.

But there are some things I think we can do without hurting those States that have high reimbursement rates to get some changes and some fixes for those of us who are on the low end of the scale and losing money because the Federal Government is inadequately subsidizing Medicare.

Many of those fixes were included in this bill, but I wanted to see them accelerated because the need is not 2004, the need is now. Companies are having to decide whether the 1st of July or at the latest the 1st of October whether they are going to continue to be able to insure people under Medicare.

For a variety of procedural reasons, that is not possible today and was not possible in the bill, mostly because we do not have the new estimates from the Congressional Budget Office of projected surplus next year.

But everyone in this House on both sides of the aisle knows that we have a problem. It seems to me the right thing to do is to stand up and acknowledge to the people of this country that we know we have a problem with Medicare reimbursement rates, whether it is for physicians or Medicare+Choice. We know that, within a month, we are probably going to have some new projections on the amount of money we will have available, and we also know and agree that a significant amount of that money has to be put into health care in this country.

I support a prescription drug benefit, and I supported the Patients' Bill of Rights. But if one does not have a doctor, a Patients' Bill of Rights or prescription drug benefit does not do one much good.

While we were not able to solve everything in this bill, I would like to see this House come together in a common commitment to fix some of the problems in Medicare and the immediate crisis facing our health care system. Because if we do not, we are going to have a lot of seniors who are told that they are going to have to change their doctors or that they can no longer have Medicare+Choice.

While some may think that that really affects those who are at the upper end of the income scale, that is not the case in my district. Those who are most likely to choose Medicare+Choice have an income of below $20,000 a year. That is the option for those who cannot afford some pretty expensive Medigap plans.

In fact, as this chart shows, this is insurance coverage by household income in Albuquerque, New Mexico. Those who rely most on Medicare HMOs are here. Almost 60 percent of those who have an income of $20,000 and less are on Medicare+Choice, and it goes down from there. Those who have Medicare Plus, a supplement, are generally upper income folks. But still almost half of the folks in Albuquerque, New Mexico have Medicare+Choice.

I would like to see us commit here tonight that we will use some of the surplus that we expect to be available when the budget estimates come out to fix some of the immediate problems with Medicare, to accelerate some of these appeals mechanisms, and to provide some immediate relief for the people who are providing health care to our seniors.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we do not have any particular problem with this House resolution, but it is almost surrealistic what we are seeing here. This is not even a concurrent resolution, it is a sense of the House.

Now, 2 weeks ago, in the committee, I offered in statutory legislative language an amendment to the debt reduction bill that would have done just exactly what this House resolution says ought to be done, and we would have it passed in law by the House tonight for immediate relief for the providers in this country if it had not been ruled out of order by the majority.

So it is hard to understand, given the fact that we have had three different times we could have actually done something in law rather than come down here with a House resolution after this procedure that we witnessed all day today.

Number one, it could have been put on the debt reduction package. Number two, it could have been put in the Medicare lockbox. Number three, an hour ago, the majority voted down the motion to recommit which says exactly what this House resolution says.

So when I say it is hard to understand, it is hard to understand from the standpoint of asking what can we do as Members of Congress to bring relief to these procedures. We could have already done it. We could have already had the Medicare restoration fund that captures these unanticipated savings. We could already be in the process of giving immediate relief to the country. But, no, it was our idea, so I guess that that is not the way this place runs.

We come with this House resolution. Real good. It says a lot of things that everybody agrees with, but it does not do anything.

I understand being ruled out of order when it is not one's idea, and I understand, I guess, a little something about politics. But when one has an amendment on a bill that, in my view, is clearly in order 2 weeks ago that would have done this in law and been passed so that we could replenish the Medicare trust fund with these captured savings that were unanticipated when the Balanced Budget Act of 1997 was passed, and then have a resolution to say we really want to do this, it is awfully hard for some of us to believe in the credibility of this one pager that says we really want to do something to help the providers in Medicare.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to say to the gentleman from Tennessee (Mr. TANNER) that I am not on his committee. The gentlewoman from New Mexico (Mrs. WILSON) and I are on the Committee on Health of the Committee on Commerce.

Let me assure my colleagues that, even those of us who were on the Committee on Commerce get ruled out of order every once in a while when we know it is the right thing to do, it is common sense to do, but sometimes procedures here stand in the way. I had that on the floor here this week three times. So I appreciate that.

We did not have a chance to vote with the gentleman from Tennessee on that issue. We did not have a chance to stand up and speak for him on that motion at that time. But we do have a chance now using this procedure to say party affiliation, procedural guidelines, whatever we want to talk about, there is a consensus here that, if the projections come in the way we are hoping it comes in, that Medicare should be a priority.

□ 2320

And I would just say to my colleague from Tennessee that I understand his frustration; I have gone through the same thing. Here is a chance for us, though, to say, yes, we can do what the gentleman wanted to do on that day and at least move the ball forward. And as it was said with campaign finance reform, let us not let the perfect be the enemy of the good. This is an opportunity to move one step forward, and I hope the gentleman will support us on that.

Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. First of all, Mr. Speaker, let me commend the gentleman from California and the gentlewoman from New Mexico for bringing forward what I think is an opportunity for this entire House to make a strong and unanimous statement that this surplus that we have, a lot of it, can be placed on Medicare.

Achieving a balanced budget has long been a Republican economic objective, and it is a good one; and we can credit our current strong vibrant economy to our fiscal discipline. But damaging our health care system was never our intent in passing the Balanced Budget Act. It was the intent of Congress to slow the growth of Medicare to a manageable 5 percent. However, in 1999, it was actually a negative 1 percent. Hopefully, we can all agree that is not acceptable.

The CBO now reports that Medicare reductions achieved through the Balanced Budget Act are $124 billion larger than Congress actually voted for, $124 billion; and part of that, a good bit of that, is because of HCFA's restrictive interpretations.

Our hospitals are experiencing increasingly smaller profit margins, and we should all realize that this threatens to diminish the quality of care that they provide. Credible sources report that these margins are currently at their lowest point in years. And some valid responsible authorities are projecting that within 4 years half our Nation's hospitals will actually be losing money.

In my home State of Alabama, studies are projecting that 70 percent of our hospitals are currently running in the red and several will close. We cannot stand by and let this happen and call it an unintended consequence. That is what this resolution is about. We owe our constituents more than that. Our challenge is to find a balance, responsibly controlling government spending on one hand and sufficiently funding our hospitals on the other.

America can boast the finest health care system in the world. There have been incredible advances in medicine in recent years, with the real hope of miraculous achievement in defeating illness, pain and suffering. Just this week the magnificent accomplishment of mapping the human Genome was formally announced, bringing with it the promise of major breakthroughs in preventive medicine. But all of these new miraculous developments come with a hefty price tag. Our hospitals must have sound and reliable financial support to be able to offer these new miracles to all of us. Making sure that our financial support is available is a mandate we in Congress cannot sidestep. We should be true to our obligations.

I close by saying, Mr. Speaker, that there is a bottom line in this discussion. When our loved one is seriously ill, only the very best medical care is good enough. We must not fail to provide sufficient funding to assure such care is reasonably available to all. American medical care is an honest and undeniable bargain by any measure. Its true cost is not measured in dollars and cents alone but also in the health and well-being of all our people.

For that reason, I enthusiastically support this resolution and hope that people on both sides of the aisle will join with me.

Mr. TANNER. Mr. Speaker, I yield myself 1 minute to reply to my friend from California that I understand about being ruled out of order. What I am saying is an hour ago we had a motion to recommit that did this. The gentleman could have joined with us on that motion to recommit, any number of my Republican colleagues could have if they had wanted to do something now.

This resolution is fine, but it ought to be a special order instead of coming into the legislative process. We have a bill, 4770, that will do this very thing. And so I understand that the gentleman is not on the committee, but what goes on from here is nothing except, well, we are going to do something later. Another promise.

Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I think this is kind of a fitting ending to this day. My colleague, the gentleman from Tennessee (Mr. TANNER), says he cannot understand what this is. Well, let me give my colleagues my interpretation. This is press release time. The Washington Post called this the Pretend Congress, and this is a piece of activity we are going to go through here that pretends to do something.

Now, there was a cartoonist by the name of Walt Kelly who created Pogo. And one of his most famous cartoons is one in which they are searching for who is doing some bad deed, and finally Pogo gets up and says, "We have found the enemy, and they is us." Well, the fact is that it is the Congress that created the problems. We should not be blaming bureaucrats.

The balanced budget amendments of 1997 were designed by the Republicans, passed by the Republicans, to do one thing, let Medicare wither on the vine, as we know it, and create

Medicare+Choice. Now, a few of us voted no because we knew enough about the situation to know what they were doing.

This is not mystery. This is no bureaucratically created problem. It was created by the Subcommittee on Health of the Committee on Ways and Means, and they did it without talking to us. They did not want to have any input. They said, we know what we are doing; we are going to get rid of that old Medicare that does not work, and we are going to have all these HMOs out everywhere.

We have had HMOs out all over everywhere, and they have been pulling out. A million people have lost their health coverage in this country in the last couple of years because of the system that my colleagues tried to push onto people. My colleagues wanted to push them all into the arms of the Medicare HMOs, and today it is boggling that having had that experience with HMOs and insurance companies not working, that we would go through and set up exactly the same process for delivering prescription medications to seniors in this country.

My Republican colleagues are telling 90-year-old women like my mother to go out and find themselves an insurance company and ask them if they will sell them a policy that they can afford. And if they cannot afford it, well then they can go on down to the welfare office and can ask them for money, and they will cover what cannot be covered because they are poor. That is what we set up today.

And the fact is, if I had done that, I would want to come out here and put something in that looked like I was really in favor of really fixing Medicare. But as the gentleman from Tennessee (Mr. TANNER) has said, we have had opportunity after opportunity. That bill that went through today was done without Democratic input. Not one single amendment was accepted in the committee. Our Republican colleagues did not allow an amendment out here. And when it fails, and my colleagues are looking around for who did this, who put this plan out here, they will have to take a good look in the mirror, because they did it to themselves; and now they are trying to fix it.

I will bet when this is all done that all the money that we saved in 1997 we will have put back into the budget piece by piece by piece, always blaming somebody else; well, they looked at the rules too carefully, or they were too tight-fisted or something.

□ 2330

But it was us who made those cuts. And we offered them right here $21 billion to fix Medicare, and we were ruled out of order. Everybody said, no, we cannot do that. But less than an hour later, we are seriously out here looking as though there is money right around the corner.

We know that money is there. They know that money is there. But they did not want to do it tonight. They want to do it tomorrow. Vote yes. It will not hurt anything.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague the gentleman from Washington (Mr. McDERMOTT) said we know the money is there. Look, there are some of us that are trying to work bipartisan here and have for years. But every time we try to reach across the aisle, we hear the rhetoric about the fact that we are just not spending money, let us keep going.

Why this resolution is here is because not until July are we going to know if the money is there. Now, if this is a sin of saying let us not spend or commit money until we have at least the commitment down there that we think is coming down the pike. We are trying to be responsible with this.

Now, in all fairness I just asked any colleagues on the other side how did they sign on to the DeGette bill. I have signed on to the bill of the gentlewoman from Colorado (Ms. DEGETTE). And though she may be a member of the minority party, she is right on how to address that issue.

The gentleman from Kentucky (Mr. WHITFIELD) has got a Republican version. But always we have to take the political cheap shot. We have always got to do that.

For once, even on a resolution, if it does not say enough, then it does not do that much damage. Can my colleagues not, at least, try to meet us halfway? Those of us that have met them halfway more times than they have ever come across our side of the aisle are standing here today and asking them, those of us that have crossed the aisle consistently, that on this resolution, all it is saying is, in July, let us see if the money is there and let us make the effort.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I know my colleagues wanted to do it today. So did I. And that is why I offered an amendment in the Committee on Rules.

The reason I was not ruled in order is probably the same reason my colleagues were not ruled in order is because we cannot spend money in this House that we do not yet have. But we all know in this room that we expect new estimates within a month.

It would have, I think, been irresponsible on our part to not move forward on prescription drugs and to keep this process moving forward to get a prescription drug plan. And I support that. But I would not want to have held that back to get a fix on more Medicare fixes this year and in the year starting in October just because we do not have the budget estimates yet. And that is the nature of this.

I have kind of taken this up as my personal cause on this side of the aisle. I think some of my colleagues sitting here know that I make it a pretty regular effort to do things in a bipartisan way, whether it is on low-power radio or Superfund or a whole variety of other things we are working on, Baca land in northern New Mexico, and quite a few things in the Committee on Commerce. That is just kind of who I am, and that is my style.

I commit to work with those of my colleagues who are concerned about Medicare reimbursement rates and the disparity in different parts of the country to try to make this work as soon as we have the budget estimates to do so. I give my colleagues my personal word on that.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just say to my friend from California (Mr. BILBRAY), as I said at the outset of my remarks, we are going to support his resolution here. And there is nothing wrong with it.

It is just that when, at the end of this day, we had probably one of the most important Medicare bills in the history of the program here, this prescription drug benefit, and his leadership would not even give the Democrats an alternative.

Today, an hour ago, we tried to do this very thing this resolution does in a motion to recommit. Not one single vote for help. And so, when my colleague says they reach across the aisle more than we do, when their leadership does not even give us an alternative, reduces us to nothing more than a motion to recommit and we cannot get that, when we have a bill that does this, when we have an amendment that did this, after a while we begin to say, what is going on here? Do these people really want to do this?

We have the wherewithal to do it. It is called a bill. This resolution is fine, and we are going to support it, and we are going to reach across every time we can.

But I just tell my colleague, when we try to work legislatively and we are virtually shut out, as we were today, from any input at all and then after the fact, as the gentleman from Washington (Mr. McDERMOTT) said, they have a resolution that says we are going to promptly do this, well, we could have promptly done it 2 weeks ago or tonight but we did not.

So I do not want to be partisan, either. I just say there is a way to do this called a bill and we are ready, willing, and able to do it. In fact, we would have done it an hour ago if we would have had some help.

Mr. Speaker, I yield back the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to say that I appreciate the support for this resolution. I just want to articulate that the gentleman is not the only one who gets frustrated the way sometimes this House is run. A lot of people were frustrated the way the House was run before the new majority took over.

Remember, I have got family that served with the gentleman that talked about the bad old days. So everybody gets frustrated with the leadership, even those of us on the majority side.

What we are asking as two individuals here and three individuals here that represent a lot of people out there that do not hold the Members responsible for party affiliation. When my colleagues look across the aisle, I hope they see the gentleman from California (Mr. BILBRAY), representative of San Diego, not just a Republican. And I think we need do more of that.

The gentlewoman from New Mexico (Mrs. WILSON) is probably the most sincere individual that could ever work on this issue, and I think that my colleagues recognize that she has worked hard with both sides of the aisle.

The gentleman from Alabama (Mr. BACHUS) has made his efforts. All we are asking is that here is a place we may disagree, we might have had disagreements today, but let us finish off the evening by at least saying this is something we can meet halfway and start building a future from now on rather than talking about animosity in the past.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from California (Mr. BILBRAY) that the House suspend the rules and agree to the resolution, H.Res. 535.

The question was taken.

Mr. BILBRAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DRUG IMPORT FAIRNESS ACT OF 1999

Mr. BILBRAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3240) to amend the Federal Food, Drug, and Cosmetic Act to clarify certain responsibilities of the Food and Drug Administration with respect to the importation of drugs into the United States.

The Clerk read as follows:

H.R. 3240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Import Fairness Act of 1999".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Pharmacists, patients, and other persons sometimes have reason to import into the United States drugs that have been approved by the Food and Drug Administration ("FDA").

(2) There have been circumstances in which—

(A) a person seeking to import such a drug has received a notice from FDA that importing the drug violates or may violate the Federal Food, Drug, and Cosmetic Act; and

(B) the notice failed to inform the person of the reasons underlying the decision to send the notice.

(3) FDA should not send a warning notice regarding the importation of a drug without providing to the person involved a statement of the underlying reasons for the notice.

SEC. 3. CLARIFICATION OF CERTAIN RESPONSIBILITIES OF FOOD AND DRUG ADMINISTRATION WITH RESPECT TO IMPORTATION OF DRUGS INTO UNITED STATES.

Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by adding at the end the following subsection:

"(g)(1) With respect to a drug being imported or offered for import into the United States, the Secretary may not send a warning notice to a person (including a pharmacist or wholesale importer) unless the following conditions are met:

"(A) The notice specifies, as applicable to the importation of the drug, that the Secretary has made a determination that—

"(i) importation is in violation of section 801(a) because the drug is or appears to be adulterated, misbranded, or in violation of section 505;

"(ii) importation is in violation of section 801(a) because the drug is forbidden or restricted in sale in the country in which it was produced or from which it was exported;

"(iii) importation by any person other than the manufacturer of the drug is in violation of section 801(d); or

"(iv) importation is otherwise in violation of Federal law.

"(B) The notice does not specify any provision described in subparagraph (A) that is not applicable to the importation of the drug.

"(C) The notice states the reasons underlying such determination by the Secretary, including a brief application to the principal facts involved of the provision of law described in subparagraph (A) that is the basis of the determination by the Secretary.

"(2) The term 'warning notice', with respect to the importation of a drug, means a communication from the Secretary (written or otherwise) notifying a person, or clearly suggesting to the person, that importing the drug is, or appears to be, a violation of this Act.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BILBRAY) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent to yield the time for the purpose of management to the gentleman from Oklahoma (Mr. COBURN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COBURN. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am delighted that we are finally getting a chance to talk about this bill. We have had a lot of discussion today about the high cost of prescription drugs. I do not know if this chart was shown or a chart similar to it, but we have got a lot of charts and a lot of research has been done by a number of groups around the United States about the differences between what Americans pay for prescription drugs and what people around the rest of the world pay for exactly the same prescription drugs.

□ 2340

Let me give one example. My father takes a drug called coumadin. If one buys that drug in the United States, the price is $30, roughly $30.50 for a 30-day supply. If one buys that same drug made in the same plant under the same FDA approval in Europe, Switzerland, for example, you pay $2.85.

Now, Mr. Speaker, we have the North American Free Trade Agreement. We have passed a number of free trade agreements and somehow we always wind up on the short end of that stick.

Let me show another example. This is an example of a very commonly-prescribed drug called prilosec. If one buys it in Minneapolis, the average price for a 30-day supply is $99.95, but if one buys it in Winnipeg, Manitoba, if one happens to be vacationing and they have their prescription, they take it into a pharmaceutical shop and it can be bought for $50.88, but if one happens to be vacationing down in Mexico, in Guadalajara, Mexico, the same drug, made in the same plant, under the same FDA approval, can be bought for $17.50.

Mr. Speaker, this is really about basic fairness. If we are going to have the North American Free Trade Agreement, American consumers ought to be able to benefit from this. It is easy for us to blame the big pharmaceutical supply companies, the big manufacturers, but the truth of the matter is, one of the real culprits and one of the real reasons we can see these big differentials is our own Food and Drug Administration, because when consumers try to order these drugs or reorder drugs that they have bought at a pharmacy, whether it be in Guadalajara or Winnipeg or wherever, when they try to reimport, bring those drugs back in and reorder, they get a very threatening letter from our own FDA.

The unvarnished truth is, Mr. Speaker, our own FDA is defending this system. Our own FDA is standing between

American consumers and lower drug prices.

So I have offered a bill. It is a relatively simple bill. Part of the problem is that right now the burden of proof is on the importer to prove that it is a legal drug in the United States, and that is very difficult for a senior citizen living in Minnesota or Montana or wherever.

What my bill basically says is the burden of proof is now going to be on the FDA. They must prove that those drugs are, in fact, illegal. Now, it is not the complete answer but it is a very important first step. If we can pass this here in the House, if we can get it passed in the Senate, if we can get it passed by the conference committee, we can begin the path to opening up our borders and having lower prescription drug prices for American consumers.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. GUTKNECHT) for bringing attention to the fundamental issue underlying all of our efforts on prescription drugs. His efforts are admirable. Prescription drug prices are priced unreasonably, unjustifiably, outrageously high in the United States. That is the issue. Why are drug prices two times, three times, four times higher here than in other industrialized countries? Because the prescription drug industry can get away with it.

We do not negotiate prices. We do not demand that drug manufacturers reduce their prices to reflect the taxpayer-funded portion of research and development. We do not make use of the collective purchasing power of 39 million Medicare beneficiaries to demand reasonably priced drugs.

Two weeks ago I took a dozen seniors from northeast Ohio across the border to a Canadian pharmacy in Windsor, Ohio, where they paid one-half, one-third and in a couple of cases one-sixth of what it would have cost to purchase their prescriptions in Cleveland or Loraine or Medina.

What these seniors were doing out of desperation was engaging in a practice called parallel importing. Current law prohibits reimportation of prescription drugs manufactured in the United States. FDA, however, permits exemptions for individuals who are purchasing a limited supply of an FDA-approved prescription drug for personal use.

The U.S. is the wealthiest nation in the world. Our tax dollars finance a significant portion of R&D underlying new prescription drugs. Our senior citizens should not have to leave the United States to get the medicines they need. It should never have reached this point.

Why do we tolerate it? We tolerate it because the prescription drug industry has a huge stake in the status quo and spends lavishly on television and in this institution to preserve it. They pour money into political campaigns. They pour money into front groups like Citizens for a Better Medicare. They pour money into advertising campaigns, campaigns touting the GOP's prescription drug coverage proposal, which this Congress in a partisan vote passed today, all of which undercuts the plan's credibility.

They try to scare Americans into believing that if we do not let drug manufacturers charge obscenely high prices that medical research and development will dry up, but drug companies could afford to spend $8.3 billion last year on marketing and advertising. Drug company profits outpace those of every other industry in this country by more than 5 percentage points.

Last year, Bristol-Myers-Squibb paid their CEO $146 million in salary and benefits.

The drug industry consistently leads every other industry in return on investment, in return on assets and return on equity. Thanks to huge tax breaks, the drug industry's effective tax rate is 65 percent lower than the average for other U.S. industries. Drug prices can come down in the United States without stifling research and development. Unfortunately, it does not matter whether we could take steps to make prescription drugs more affordable. The only thing that matters is whether we actually do take those steps, and if the Republicans' prescription drug coverage plan is any indication GOP leadership is not going to sneeze without asking the drug industry's permission.

That leaves American consumers who need affordable medicines with imperfect options like traveling to Canada to fill their prescriptions or to Mexico in the southern part of the United States. That is what my colleague's amendment is about and I applaud him for that. It is intended to help pave the way for seniors to purchase their drugs across the border. Unfortunately, it does not fulfill that objective. It does not codify a senior's right to parallel import their prescription medications. The paperwork burden this amendment could create may force FDA to shift resources away from intercepting counterfeit or unsafe drugs.

The gentleman from Arkansas (Mr. BERRY), the gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from Vermont (Mr. SANDERS) requested the right to offer an amendment during today's deliberations that would have explicitly enabled seniors to purchase their prescription drugs from countries where prices are reasonable, without compromising FDA's ability to protect consumers from counterfeit and unsafe medicines. The Republican leadership refused to permit consideration of that amendment.

Once again, the Republicans have created a Catch-22 that protects the drug industry at the expense of consumers.

Earlier, we were given a choice of voting for a smoke and mirrors prescription drug plan or voting for no plan at all. Now we are placed in a position of either, one, voting for an amendment that could compromise FDA's ability to protect consumers from counterfeit and unsafe medicines or, two, voting against an amendment that at least acknowledges the need to address prescription drug price discrimination and, most importantly, that asserts the right of consumers to fight back by getting their medicines outside the United States.

Again, I applaud the gentleman from Minnesota (Mr. GUTKNECHT) for his good work and for underscoring the need to do something about the drug industry's discriminatory pricing, but regretfully I must oppose this particular bill.

Mr. Speaker, I reserve the balance of my time.

Mr. COBURN. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, just a couple of points on the points that the gentleman from Ohio (Mr. BROWN) made. We also are not allowed by the rule and by the powers that be with an ability to limit the direct consumer advertising that should be a part of this, that consumed $1.9 billion last year, will consume $3.8 billion this year and will consume $7.6 billion a year from now, all of which has no benefit for the American consumer except the American consumer is paying for it.

□ 2350

Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

I congratulate the gentleman from Minnesota (Mr. GUTKNECHT) for bringing this issue up. I have been an early cosponsor of his legislation.

My congressional district in Florida has more seniors than any district, or as many as any district in the country. It is a beautiful retirement area in southwest Florida.

At my town meetings, I have had two concerns expressed by seniors. One is, we need help with our prescription coverage. Our prescription costs are so much higher today than they were certainly in 1965 when Medicare came in. We need to do something about it.

This House for the first time in history finally passed legislation. Let us hope the Senate will act and we will get something to the President in the next few months. We really need to help the seniors.

The other issue is, why are drugs lower in Canada and elsewhere around the world? I do not know the answer to that. As the gentleman from Minnesota (Mr. GUTKNECHT) showed in his chart, we just look at prescription after prescription where this is a fraction of the cost in Europe, whether it is in England, Ireland, France, or if we go to Mexico, it is lower.

Why? I do not have an answer, but I do know how to solve the problem: Buy it where it is cheapest. If we can find a cheaper place to buy it, that is what the marketplace is all about. Let us let the market work. We should not have the government stand in the way to cause problems.

That is what this FDA is doing, just making it more difficult. There is no reason why we cannot go buy our drugs from Montreal or London or Belfast or Bombay or Mexico City. Why not allow the marketplace to work?

This is just a first step in the right direction. For my constituents, it is not going to be as convenient to go to Canada as for those of the gentleman from Minnesota (Mr. GUTKNECHT) or those of the gentleman from Vermont (Mr. SANDERS) over there, but we should be able to pick up an 800 number, a fax, or the Internet.

This is a global economy we are in. We have been opening up trade since I have been in Congress, whether it is the NAFTA bill back in 1993, then we had the GATT, and just a month or so ago we had opening more trade with China.

Why are not drugs available easily over the Internet? We should make that possible. Most drugs are manufactured outside the United States, anyway. The FDA certifies those laboratories where the drugs come from. It should not be that complicated to solve the problem.

I think our government is just too bureaucratic to solve the problem. I urge support for this bill, and I hope we can go further beyond this bill. I congratulate the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY), who has been a leader on this and an absolute warrior against outrageously high prescription drug prices.

Mr. BERRY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I applaud the gentleman from Minnesota (Mr. GUTKNECHT) for his effort and his work addressing a very legitimate problem of Americans getting ripped off by drug manufacturers every time they visit their local pharmacy.

Undoubtedly, something is needed to rectify the injustice that has resulted in Americans paying more for FDA-approved products made in FDA-approved facilities than citizens of any other country in the world.

I have here two bottles. Both of them are Claritin, made by Schering Corporation. One of them is sold in North Dakota for $219 for 100 tablets. The same 100 tablets in Canada is $61. It is one of the safest drugs ever made by man. It is unbelievable how safe this product is. Yet, the American people get ripped off, pay four times what they ought to have to pay for this product just because of the laws of the country that protect the prescription drug manufacturers in this country.

The gentleman from Minnesota (Mr. GUTKNECHT) has approached this legislation with noble intentions and placed much effort into passing it. While I support his efforts, Congress should take a much more comprehensive approach in dealing with this situation.

Under the Food, Drug, and Cosmetic Act, the burden is on the importer to demonstrate that an imported drug is safe, effective, and approved by the FDA. That product was originally made in an FDA-approved facility. As long as FDA approval information is not required to follow drugs sold abroad, importation by anyone other than the manufacturer will be next to impossible.

There is also a great need to revisit a provision in the Food, Drug, and Cosmetic Act that protects American pharmaceutical companies at the expense of the consumers. This provision makes it illegal for anyone other than the manufacturer to reimport into the U.S. prescription medicine made by an American pharmaceutical manufacturer.

Mr. Speaker, I include for the RECORD a Dear Colleague letter concerning H.R. 1885.

The letter referred to is as follows:

SINCE 1994, DRUG MAKERS HAVE IMPORTED MORE FOREIGN-MADE DRUGS INTO THE U.S. THAN THEY HAVE EXPORTED!

ALLOWING PHARMACIES AND WHOLESALERS THE SAME AUTHORITY TO IMPORT SAFE, LOWER-PRICED, FDA APPROVED PRESCRIPTION DRUGS WOULD SAVE BILLIONS OF DOLLARS FOR PATIENTS AND AMERICAN BUSINESSES!!!

According to a recent analysis of global prescriptions drug pricing, the same prescription drugs an American citizen would spend $1.00 to purchase, would only cost $0.71 in Germany, $0.68 in Sweden, $0.65 in the United Kingdom, $0.64 in Canada, $0.57 in France, or $0.51 in Italy.

Economic experts agree that under a market system without regulatory or trade barriers, significant price differentials in prescription drugs would not be sustainable. Products would be bought from the lower-priced, foreign countries and then resold in the higher-priced country. Economic theory holds that as this process (known as arbitrage) occurs, prices in the lower-priced country would rise while prices in the higher-priced country would fall.

Under FDA regulations and the Food, Drug, and Cosmetic Act, only the manufacturers of a drug can import it into the United States. Drug makers have unfairly used this monopoly control over distribution in the United States to discriminate against American consumers.

By supporting H.R. 1885, The International Prescription Drug Parity Act, you can help level the playing field for American patients as well as businesses who are struggling to continue providing employees and retirees with quality, private sector coverage for prescription drugs.

H.R. 1885 amends the Food, Drug, and Cosmetic Act to allow American pharmacies and wholesalers to competitively purchase drugs abroad that were manufactured in FDA approved facilities, which have been safely stored and still meet FDA's standards, and pass significant savings down to consumers. Americans will benefit by being able to obtain needed prescription medicines on a more affordable basis. Under H.R. 1885, pharmacies and wholesalers importing drugs would still have to meet the same standards set by FDA, which allowed $12.8 billion worth of drugs to be imported into the U.S. by manufacturers in 1997.

Sincerely,

JO ANN EMERSON,
MARION BERRY,
BERNIE SANDERS,
Members of Congress.

(Table attachment).

PHARMACEUTICALS: U.S. SHIPMENTS, DOMESTIC EXPORTS, IMPORTS FOR CONSUMPTION, MERCHANDISE TRADE BALANCE, APPARENT CONSUMPTION, EXPORTS AS A PERCENT OF SHIPMENTS, AND IMPORTS AS A PERCENT OF CONSUMPTION, 1993–97

[Dollars in millions]

Year	Shipments	Exports	Imports	Trade balance	Apparent consumption	Exports as a percent of shipments (percent)	Imports as a percent of consumption (percent)
1993	$58,428	$7,222	$6,094	$1,128	$59,556	12.4	10.2
1994	60,811	7,565	6,966	599	61,410	12.4	11.3
1995	68,473	7,996	8,583	−587	67,886	11.7	12.6
1996	75,047	8,889	11,161	−2,272	72,775	11.8	15.3
1997	[1] 82,550	9,600	[1] 12,836	−3,236	79,314	11.6	16.2

[1] Estimated by U.S. International Trade Commission Staff.

Source: U.S. Department of Commerce.

Mr. Speaker, I include for the RECORD the text of the bipartisan amendment offered by the gentlewoman from Missouri (Mrs. EMERSON), myself, and the gentleman from

Vermont (Mr. SANDERS), to the House Committee on Rules, which failed.

The amendment referred to is as follows:

Add at the end the following title:

TITLE IV—INTERNATIONAL PRICE COMPETITION REGARDING COVERED DRUGS

SEC. 401. FACILITATION OF IMPORTATION OF CERTAIN DRUGS APPROVED BY FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(d)—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively; and

(2) by inserting after section 801 the following section:

"IMPORTATION OF CERTAIN DRUGS

"SEC. 801A. (a) IN GENERAL.—After consultation with the United States Trade Representative (through the Office of International Relations under section 803), the Secretary shall promulgate regulations to carry out subsection (c) for the purpose of facilitating the importation into the United States of covered drugs (as defined in subsection (f)).

"(b) COMPLIANCE WITH REQUIREMENTS REGARDING SAFETY AND EFFECTIVENESS, ADULTERATION AND MISBRANDING, AND OTHER MATTERS.—With respect to the importation of covered drugs into the United States pursuant to this section, regulations under subsection (a) shall include such provisions as the Secretary determines to be appropriate (such as requiring tests or documents) to ensure that each of the requirements of this Act for the importation of drugs is met, including requirements with respect to—

"(1) the safety and effectiveness of the drugs;

"(2) good manufacturing practices and other provisions regarding the adulteration of the drugs;

"(3) the misbranding of the drugs; and

"(4) whether the drugs are forbidden or restricted in sale in the country in which they were produced or from which they were exported.

"(c) FACILITATION OF IMPORTATION.—If a covered drug is domestically approved and is manufactured in a State and then exported, or is domestically approved and is for commercial distribution manufactured in a foreign establishment registered under section 510, the manufacturer shall, as a condition of maintaining the domestic approval of the drug, comply with the following:

"(1) For each shipment of the drug that is manufactured in compliance with current good manufacturing practice and other standards under section 501, the manufacturer shall (without regard to whether the shipment is intended for importation into the United States) maintain a record that identifies the shipment and purchaser of the shipment and states the fact of such compliance.

"(2) For each such shipment, the manufacturer shall (without regard to whether the shipment is intended for importation into the United States) maintain a record that identifies the shipment and provides the labeling required for the drug pursuant to section 502 and pursuant to the application for domestic approval.

"(3) Upon the request of pharmacist, wholesaler, or other person who intends to import into the United States drugs from such shipment (and who meets applicable legal requirements to be an importer of covered drugs), the manufacturer shall provide to the person a copy of each of the records maintained under paragraphs (1) and (2) with respect to the shipment.

"(d) CERTAIN CRITERIA.—For the purpose of facilitating the importation into the United States of covered drugs, the Secretary shall through regulations under subsection (a) establish the following criteria:

"(1) Criteria regarding the records required in subsection (c) and the use of the records to demonstrate the domestic approval of the drugs and compliance of the drugs with sections 501 and 502.

"(2) Such criteria regarding the labeling of the drugs as the Secretary determines to be appropriate.

"(3) Criteria regarding the amount of charges that may be imposed by manufacturers of the drugs for maintaining and providing the records specified in paragraph (1). Any such charge may not exceed an amount reasonably calculated to reimburse the manufacturer involved for the costs of maintaining and providing the records.

"(4) Criteria regarding the information that may be required by manufacturers of covered drugs as a condition of providing the records.

"(5) Criteria regarding entities that may serve as agents of persons described in subsection (c)(3) or that otherwise may serve as intermediaries between such persons and manufacturers of covered drugs.

"(e) AUTHORITY TO REQUIRE REGISTRATIONS.—

"(1) IN GENERAL.—In promulgating regulations under subsection (a), the Secretary may provide that a person may not import a covered drug into the United States unless—

"(A) the person registers with the Secretary the name and places of business of the person; and

"(B) in the case of each factory or warehouse in a foreign country that held the covered drug prior to the drug being offered for importation into the United States (other than ones owned or operated by the manufacturer of the drug), the owner or operator of the factory or warehouse—

"(i) registers with the Secretary the name and places of business of the owner or operator; and

"(ii) agrees that the factory or warehouse is subject to inspection in accordance with section 704.

"(2) EXEMPTION FOR MANUFACTURER.—Paragraph (1) does not apply with respect to a covered drug that is domestically approved, manufactured in a State, exported, and then imported by the manufacturer of the drug.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'covered drug' means a drug that is described in section 503(b) or is composed wholly or partly of insulin.

"(2) The term 'domestically approved', with respect to a drug, means a drug for which an application is approved under section 505, or as applicable, under section 351 of the Public Health Service Act. The term 'domestic approval', with respect to a drug, means approval of an application for a drug under such a section.

"(3) The term 'pharmacist' means a person licensed by a State to practice pharmacy in the State, including the dispensing and selling of prescription drugs.

"(4) The term 'wholesaler' means a person licensed in the United States as a wholesaler or distributor of prescription drugs.".

(b) CONFORMING AMENDMENT.—Section 801(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(d)) is amended in paragraph (2) (as redesignated by subsection (a)(1) of this section) by striking "paragraph (3)" each place such term appears and inserting "paragraph (1)".

MEMORANDUM

To:

From: Christopher J. Sroka, Economic Analyst, Resources, Science, and Industry Division, Congressional Research Service.

Subject: Summary of H.R. 1885, the International Prescription Drug Parity Act.

This memorandum responds to your request for a summary of the International Prescription Drug Parity Act (H.R. 1885). H.R. 1885 seeks to amend the Federal Food, Drug, and Cosmetic Act to facilitate the importation of prescription drugs into the United States.

It has been widely reported that prescription drug prices are lower in many foreign countries than in the United States. Two studies were conducted by the U.S. General Accounting Office in the early 1990s. One study examined prices in the U.S. relative to those charged in Canada, while the second study examined prices in the U.S. vis-a-vis the United Kingdom. The studies concluded that prices are typically higher in the U.S. than in Canada or the U.K. Complementing these empirical studies, there are many anecdotal accounts of American citizens traveling to Canada or Mexico to obtain their prescription drugs at a lower price. Differences between the prices charged in the U.S. and those charged in other countries have been attributed to various factors.

In theory, under a market system without regulatory or trade barriers, significant price differentials in prescription drugs would not be sustainable. Products would be bought from the lower-priced, foreign countries and then resold in the higher-priced country. Economic theory holds that as this process (known as arbitrage) occurs, prices in the lower-priced country would rise while prices in the higher-priced country would fall. Arbitrage would continue until, after taking into account differences in transportation costs, a uniform price would prevail in both countries.

Current federal law and Food and Drug Administration (FDA) policy prevents arbitrage in prescription drugs. All drugs sold in the U.S., including imported drugs, must have been manufactured in an FDA-approved facility. The FDA's policy is to assume that, unless the importer has proof to the contrary, imported drugs are not manufactured at FDA-approved facilities. Obtaining proof that a drug sold abroad was actually manufactured in an FDA-approved facility can be burdensome for the importer because the foreign seller of the drug might not have accurate documentation proving the drug's origin. Furthermore, the Prescription Drug Marketing Act of 1987 limits the reimportation of prescription drugs. Reimportation occurs when a drug manufactured in the U.S. is exported to another country and then imported back into the U.S. The prescription Drug Marketing Act of 1987 prohibits reimportation by an entity other than the original manufacturer of the drug. Thus, even if an importer could prove that the pharmaceutical it wishes to import was manufactured in an FDA-approved facility in the U.S., the reimportation would be illegal.

The intent of the FDA's importation policy and the Prescription Drug Marketing Act was not to prevent American consumers from obtaining drugs at lower prices. The purpose was to ensure the safety of prescription drugs for American consumers. At the time, the concern was that drugs imported into the U.S. may have been counterfeit copies of FDA-approved products. Counterfeit drugs could pose a serious health threat if they are not manufactured properly. Another concern was that, even if the drugs were not counterfeit, the proper storage and handling of legitimate products could not be guaranteed once they exited the U.S. Furthermore, drugs manufactured domestically but intended for export may be labeled for use in the country of destination. Thus, these drugs, if imported, might not meet the FDA's labeling requirements. Drugs not labeled in accordance to FDA regulations might pose additional health threats to American consumers.

H.R. 1885 seeks to remove the barrier to the importation of prescription drugs, while at the same time ensuring the safety of these drugs. The bill would strike the provisions of the Federal Food, Drug, and Cosmetic Act that were added by the Drug Marketing Act of 1987. Thus, entities other than the original manufacturer could reimport pharmaceuticals.

Furthermore, the bill would establish certain record-keeping requirements for pharmaceutical manufacturers. These requirements would apply to (1) all drugs manufactured in the U.S. and intended for export, and (2) all drugs manufactured in FDA-approved facilities in foreign countries. The record-keeping requirements would apply regardless of whether the drugs are intended for final sale in the U.S. Under the bill, pharmaceutical manufacturers would be required to keep records proving that each shipment of drugs was manufactured in an FDA-approved facility. Manufacturers would also be required to keep a record of the FDA-approved labeling for each shipment of drugs, regardless of its final destination. The bill would allow importers to obtain the manufacturing and labeling records from the pharmaceutical manufacturer. By obtaining these records, importers might be able to more easily prove that the drugs they wish to import are safe and comply with FDA regulations.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to add to what the gentleman from Arkansas had to say. Mr. Speaker, $5.9 billion of Claritin were sold last year. There are four other drugs with similar chemical moieties that have been approved by the FDA. Guess what, they are all priced the same. Why is that? Because there is not price competition in the pharmaceutical industry.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding time to me. I also applaud my colleague, the gentleman from Minnesota (Mr. GUTKNECHT), for introducing this legislation and bringing it to the floor this evening.

Mr. Speaker, there is no doubt that U.S. consumers are paying a premium for their prescription drugs. It is wrong. U.S. consumers have no problem paying for the product that they consume. They have no problem paying for the research and development costs that the companies incur. They do not mind paying a fair return to the investor and the drug companies.

What they do object to is paying the profits and the research and development costs of our colleagues and our neighbors in Mexico, in Canada, in other parts of the world. We are subsidizing the consumption of prescription drugs in Canada, Mexico, and Europe. It is not fair to the American consumer, it is not fair to our American taxpayer.

What this bill does is it says that if our consumers find these drugs, prescription drugs, available at a lower price in Canada, Mexico, or somewhere else, these drugs, prescription drugs, will be made available to the American consumer. It is the fair thing and it is the right thing to do.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Vermont (Mr. SANDERS), who has been very involved in fighting for parallel importation of prescription drugs.

Mr. SANDERS. Mr. Speaker, I very much thank my friend, the gentleman from Ohio, for yielding time to me.

I want to congratulate my colleague, the gentleman from Minnesota (Mr. GUTKNECHT), for introducing what I think is important legislation which raises some very, very fundamental issues.

I think that tonight's discussion in terms of prescription drugs is good, and I am delighted to hear it taking place in a nonpartisan way, progressives, conservatives, who are standing up for the American consumer.

I believe that I was the first Member of Congress to go across the border with constituents to purchase prescription drugs. I have made that trip twice. I made a trip a year ago to Canada. Like everyone else that we have heard tonight, my experience was that we went across the border and we were able to save Vermont constituents thousands and thousands of dollars.

The one particular drug that comes to my mind now is Tamoxifen, which is widely prescribed for breast cancer. Here we have women fighting for their lives, they go across the Canadian border and they purchase that product for one-tenth the price that they were paying in the United States.

It seems to me, and we have heard it all already, I must tell the Members, I have concerns about NAFTA and I voted against it; concerns about that aspect of the global economy.

The bottom line is, as the gentleman from Florida (Mr. MILLER) said a few moments ago, in every single product one can think of, whether it is a food product, whether it is shoes, whether it is apparel, there are massive amounts of trade taking place throughout the world. The question that the American people have to ask is why is it that there is an exception with prescription drugs.

Legislation that has been offered by the gentleman from Arkansas (Mr. BERRY) and the gentlewoman from Missouri (Mrs. EMERSON) and myself which now has 85 cosponsors is a very simple piece of legislation. It is a free trade piece of legislation.

What it says is exactly what the gentleman from Florida (Mr. MILLER) was talking about a moment ago. That is, if one is a prescription drug distributor, if they are a pharmacist, they should be able to go out and purchase anyplace in the world that they can FDA-safety-approved products at the best price that one can purchase it.

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And if the case is that one can go to Canada, the reason that Tamoxifen and all the other products are sold less expensively in Canada is that the pharmacists purchase the product for significantly lower amounts of money. Why is it that an American pharmacist has to pay 10 times more for a product than a Canadian or Mexican pharmacist?

Mr. Speaker, it seems that people who believe in the competitive, free enterprise system should support legislation which says that a prescription drug distributor, so long as the product that comes into the country is safe and that is easily done, that that businessperson has a right to purchase that product at the lowest price he or she can so that it can be sold to the American people at a lower price, so that we end the disgrace that that chart was showing us that Americans are paying by far more than the people of any other country for the same exact prescription drug.

Mr. Speaker, I think this particular piece of legislation is a small step forward, but it may open the door for further discussion. I hope tonight, and I mean this very sincerely, that in a nonpartisan way we can go forward. I think we are in basic agreement. The only rational objection that anyone can throw us is the fear of adulteration from abroad and so forth. That is easily addressed. If we can bring into this country pork and beef and lettuce and tomatoes from farms and ranches all over this continent, my God, we can regulate the importation of prescription drugs which are made in a relatively few factories.

I think that we are onto something big tonight, and I think if we continue to work together in developing the concept of reimportation, we can substantially lower the cost of prescription drugs in this country 30, 40, or 50 percent and not see the American consumer the laughing stock of the world by paying two, three, five times more for products than other people throughout this world.

So I see this discussion as a very, very important step forward. I congratulate the gentleman from Minnesota (Mr. Gutknecht) for bringing this piece of legislation to the floor;

and I hope that after tomorrow, we will continue to meet and go forward and represent the American consumers and finally stand up to the pharmaceutical industry which is ripping our people off.

Mr. COBURN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me this time. It is very interesting, but since 1996, drug costs have increased by over 50 percent. But in yesterday's Wall Street Journal, the Wall Street Journal reported that the average cost of a prescription rose almost 10 percent in 1999.

Now, for those aged 70 and up, costs for prescriptions rose by 15 percent. Tell me, our senior citizens who are on fixed incomes, where are they going to get the extra 15 percent? From their heating bill? From their food? From the cost of their air conditioner? Where? And yet the drug companies are making massive profits off of the American consumer.

Prilosec here for instance, $109 here. But in Mexico, it is $17.64 for the same prescription. Something is dreadfully wrong.

The Canadian Government yesterday released a study showing that the Canadian consumers pay 56 percent less than Americans for patented medications.

Now, our drug companies are well supported by the American taxpayer. According to a 1993 report by the Office of Technology, in addition to general research and training support, there are 13 programs specifically targeted to fund pharmaceutical research and development. That same report noted, of all U.S. industries, innovation within the pharmaceutical industry is the most dependent upon academic research and the Federal funds that support it. Translate that to the taxpayers' dollars that already support it.

In fact, in 1997, Merck and Pfizer devoted only 11.2 percent of their revenue to research and development. Pfizer and Merck devoted 11.2 percent to research and development, while marketing costs consumed 30 percent. And that includes all the television ads that we are seeing now. So generally across the board for the drug companies, research and development is about 20 percent, marketing about 20 to 30 percent; but manufacturing is 5 to 25 percent. That is the level that other countries draw when they negotiate these contracts with American drug manufacturers.

Mr. Speaker, I highly support the bill offered by the gentleman from Minnesota.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), who tried so hard to offer an alternative plan today, and was not allowed, on the prescription drug bill.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentleman from Ohio (Mr. BROWN) for making this time available to me.

I would love to support this bill. I think it is a wonderful thing. I am looking at the picture down there which tells how outrageously high drug prices are in this country. I commend the author of the legislation, and I hope that in some way this is helpful.

Mr. Speaker, I wish that we had considered these matters with a greater degree of care at a little earlier time when we were considering the legislation which related to what we are going to do to American citizens who are senior citizens who are desperately in need of fairer and more appropriate prices for prescription pharmaceuticals.

I think it is a great shame that this body did want to have a rule which permitted the proper consideration of a perfectly germane amendment which would have been offered by the gentleman from Arkansas (Mr. BERRY), the gentleman from Vermont (Mr. SANDERS), and the gentlewoman from Missouri (Mrs. EMERSON) on the other side of the aisle. I think that we would then have come up with an end package which would have afforded us a great deal more hope that, in fact, we were doing good for the American people in seeing to it that they got prescription pharmaceuticals at more fair and more competitive prices.

But, unfortunately, this curious rule has precluded us from considering a perfectly germane amendment which would have done that. We now find ourselves in the regrettable position of confronting the possibility that the easing of the law with regard to food and drug and cosmetics, which is going to be done here under this legislation, will in fact reduce the safety of the American consuming public.

I would like my colleagues to know that this Congress has worked very carefully to see to it that the American people got the greatest protection with regard to prescription pharmaceuticals. We did it by putting the burden upon the importers, putting the burden upon the manufacturers, so that at every stage the burden was on him who would release into the marketplace substances which have enormous capacity for doing good, but which also have intolerable and enormous capacity to do great hurt to the consuming public: to kill, to maim, to hurt, to blind, to poison, and, indeed, to sicken.

The practical result of this legislation the way it is done is going to be to facilitate the entry into this country of pharmaceutical products over which the Food and Drug Administration is going to lose much of its power to protect the American consuming public. And, in fact, the practical result of this legislation is going to be to increase the risk to the American public in order to afford competition for what we all know are, in fact, excessively highly priced prescription pharmaceuticals.

What we are doing here, and what history is going to tell us we have done, is that we have increased the risk but afforded a very small increase in benefits in terms of competition and that the risk that we are increasing is going to be very, very large and that we are going to find that there will be some splendid scandal on the hands of those of us who vote for this legislation tonight.

Mr. Speaker, the result of that is going to be that we are going to be compelled at some time in the not-distant future, after we have seen what is going to occur under this legislation, to come back and address something which could have been handled better if the rule had permitted the consideration of the amendment which the gentleman from Arkansas (Mr. BERRY), the gentleman from Vermont (Mr. SANDERS), and the gentlewoman from Missouri (Mrs. EMERSON) would have offered to the people of this country and upon which we might have done a better job of legislating in the overall public interest.

Mr. Speaker, I regret what we are doing. We will be sorry.

Mr. Speaker, I rise in opposition to H.R. 3240, because, although it seems benign, it would hurt the enforcement of laws ensuring the safety and efficacy of imported drugs.

The Prescription Drug Marketing Act came into being after an investigation that revealed serious irregularities with respect to adulterated and counterfeit drugs from abroad. Recent investigations of Internet Web sites indicate there is still cause for concern. Significant quantities of prescription drugs from every source around the globe are entering this country on a daily basis through the U.S. mail. In fact, just last year the U.S. Customs agency had a more than 400 percent increase in the amount of pharmaceutical drugs they found being sent into this country from abroad. In many cases, these drugs arrive in unmarked plastic bags, with no indications of what they are, where they came from, or even how they should be taken. Are they real? Who knows? Are they adulterated? Who knows? Can they cause harm? Who knows? What we do know is that there was a problem with certain drug sources when we first looked into this matter more than decade ago, and there continues to be a problem today.

I do want to acknowledge the beneficial aspects of the bill before us. Lack of access to medically necessary prescription drugs is a real problem faced by millions of Americans. I command my colleague, Mr. GUTKNECHT, and all who will support him today, for recognizing that the price Americans pay for drugs is too high. But, first and foremost, the PDMA is a public health and safety law. We should therefore tread carefully before changing it. I am greatly concerned that the bill before us has not been the subject of hearings, or a thorough examination about why the Food and

Drug Administration (FDA) sends warning letters to consumers that may be engaged in potentially risky behavior. This bill may make it very difficult for the FDA, as a practical matter, to provide thousands of consumers with a warning regarding what may be potentially risky behavior. I speak not only about the person that drives across to border to Mexico, but also to the numerous individuals now purchasing their drugs from one of hundreds of Internet sites that now exist.

I am open to a careful review and revision of PDMA for the purpose of creating a paradigm for drug importation that is safe for our consumers while facilitating access to the international market prices at which many commonly prescribed prescription drugs are available. But this bill, and this process, do not have my support.

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Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to make note of the fact that the wonderful Food and Drug Administration bureaucracy that we have seen built over the last 40 years, the average price to get a drug through that organization is $450 million, of which only $50 million is allocated for safety, $400 million for efficacy for a Food and Drug Administration to tell somebody where to put a bathroom in a plant, and bureaucratic overregulation.

So when we talk about how effective it is, it is important to know what portion of the costs are really on safety and that portion which is not associated with safety.

Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me the time, and I thank the gentleman from Minnesota (Mr. GUTKNECHT) for bringing this measure before the House. I am proud to be a sponsor of the bill and to stand here to support it.

We just spent I think about 12 hours debating Medicare reform and prescription drugs. Regardless of where my colleagues were on the final vote, I think that everybody in this House should be happy with the fact that the Congress has finally got on record that it is going to do something to try to help senior citizens with prescription drugs. I know that everybody here is hopeful that we can get a bill that the Senate can pass and the President can sign to do that.

But we have a big problem in this country, and that is the soaring cost of pharmaceutical drugs. The General Accounting Office estimated the bill we just passed will reduce the price of prescription drugs to seniors by 25 percent, perhaps as much as 39 percent. But I am concerned whether that will become a reality as a consequence of that bill. Drugs are going up at the rate of four times the rate of inflation. Last year, almost 10 percent, the price of pharmaceutical drugs went up.

The irony is that, in my State of Montana, people can go right across the border, and they can buy these same prescription drugs for 56 percent less in Canada. The reason is that the FDA, in essence, has created a barrier so that Montanans cannot purchase drugs. They cannot purchase their pharmacy needs in Canada.

Now, the irony of all this is that we have the North American Free Trade Agreement. We have below-cost, cheap cattle pouring across the border in Montana, over a million of them last year. We have below-cost wheat pouring across the Montana border taking away our markets. Cheap cattle and cheap grain come across the border, no problem at all.

As a matter of fact, I do not know if the Members of the House realize it, but cattle, swinging carcases, come into this country from Canada, and they have a USDA stamp on them that says that they are inspected and graded by the U.S. Department of Agriculture even though they are not because the NAFTA agreement says that they can do that.

Now, Montanans would like to have a little benefit from NAFTA. They would like to buy their medicines from Canada as well. The irony is that ag producers who are being forced to sell their products below cost are saying, buck it up. You cannot compete in this marketplace.

Yet, the FDA has, in essence, protected, created a protected market for one of the wealthiest industries in this country, in the world, in the pharmacy companies here in this country.

So what the Gutknecht bill basically says is, no, we are not going to do that anymore. We are going to try to induce competition by allowing people to buy their medications elsewhere.

The gentleman from Vermont (Mr. SANDERS) is absolutely correct. This does not just apply to retail. The bill of the gentleman from Minnesota (Mr. GUTKNECHT) basically applies only to retail trade and pharmaceutical drugs. It ought to apply to the wholesale as well so that our local pharmacists can buy from any distributor anywhere in the world.

Now, the gentleman from Michigan (Mr. DINGELL) raised a concern about the safety issue. But what we have to realize is that these are the exact same formulations that are licensed in the United States. They are produced in exactly the same plants as they are that come into the United States. They are in the same package.

I urge my colleagues to support this bill and also support the bill of the gentleman from Vermont (Mr. SANDERS).

Mr. BROWN of Ohio. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Ohio (Mr. BROWN) has 4½ minutes remaining. The gentleman from Oklahoma (Mr. COBURN) has 6 minutes remaining.

Mr. BROWN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. COBURN. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speakers, one of the ironic things about today's debate is the debate was about whose prescription drug bill would do the problem. We had a debate about the wrong problem. The problem is the lack of price competition in the pharmaceutical industry. For if prices were not rising, seniors would not be screaming, and we would not be addressing this issue at all, putting the risk of the Medicare program and its viability in the future on the line.

It is interesting to note that we have a President that is screaming for a prescription drug bill, and his own Justice Department will not even answer letters requesting an investigation into the antitrust activities of the pharmaceutical industry.

It is interesting to note that politics has reigned supreme in the debate about pharmaceutical and Medicare drug benefit when, in fact, we can accomplish a limitation on advertising, we can accomplish setting in force of motion of the very administrative agencies that are already in place to assure the American people that we do not have monopolies and we do not have price gouging and we do not have price fixing.

It is to be noted that the FTC has already received two consent decrees from two large pharmaceuticals manufacturers, one of which was paying $60 million a year to another pharmaceutical company not to bring a drug to market, consequently costing American consumers for $250 million for that drug alone. That drug was a calcium channel blocker known as diltiazen.

Another one, Hytrin, used for prostatic hypertrophy and hypertension, same thing, $15 million a month paid to another pharmaceutical company so they will not bring a drug to market.

We have collusion, and we have lack of competition. Until we address that, we will not be good stewards of the Medicare program. We will not be good stewards, whatever drug benefit we offer.

The other point that I would make, as we have done in every other area of Medicare, because we have not been good stewards, we are going to cost shift. We are going to lower the prices. Under the Democrat plan or the Republican plan, the prices for Medicare seniors will go down. But that price, if we do not work on the industry, will cost shift to the private sector.

So we are going to raise taxes on everybody else, their cost of health care, to supplant the lack of the proper benefits in Medicare.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4¼ minutes to the gentleman from Pennsylvania (Mr. KLINK) who has worked hard for a prescription drug benefit for Medicare beneficiaries.

Mr. KLINK. Mr. Speaker, I would start off by thanking the gentleman from Ohio for yielding me the time, even though the hour is late, and I would like to compliment the gentleman from Minnesota (Mr. GUTKNECHT) for his bill.

However, I must rise in opposition to H.R. 3240 because, while it seems harmless, and I laud the goal in the end of making sure that we can get the most fair price for drugs for all of our senior citizens, in fact for all of our citizens, this bill may seem harmless, but it could very seriously undercut the Food and Drug Administration's ability to warn the public that they are importing something that may not, in fact, be real.

The gentleman from Montana (Mr. HILL) I will tell him I wished I had the same surety that he does that these drugs were made in the same factory. We have seen with a lot of the investigations that we have done that, in fact, we have seen adulterated products. We have seen products that are not what they purport to be.

My colleagues may not realize it, but the Internet has become the new frontier for international drug purchases. Anyone with a computer and a mouse can click on a site, and one does not even need prescriptions, one does not need a doctor's okay, one just gets the drugs, and who knows where they are shipped from.

One recent investigation that we had in the Committee on Commerce of Internet pharmaceutical sales shows that buying drugs on-line can really be the on-line equivalent of trick-or-treating on Halloween in a very dangerous neighborhood. The drugs are often shipped in unmarked packages. There are no indications of strength or quality, no way of knowing what the products are, no way of knowing where they came from, no way of knowing who handled them, where they were stored or even what is in them.

We have seen reports in the news of arrests that were made for smuggling in fake Viagra. We have seen accounts of arrests being made for selling fake Xenical that was made only from starch and a small amount of an anti-asthmatic drug. We have seen reports of fake ampicillin and AZT made from starch and anti-mold powder.

How prevalent are these bogus drugs? Well, the fact of the matter is we do not know. That is the frightening thing about all of this. Much of our investigation has focused on what the Federal Government is doing to protect consumers from unknowingly being harmed by something they import from one of these rogue sites.

Now, we have got to remember the Prescription Drug Marketing Act, which regulates the import of pharmaceutical products, was enacted in response to a lot of problems people had when they unknowingly imported drugs that were being adulterated or counterfeit drugs from abroad.

The gentleman, who had spoken earlier about the importation of food, one of the problems that he and I have both had with NAFTA and with GATT and with some of these other agreements is that we know that food has been brought into this country that was bad.

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We have seen strawberries in Michigan that have caused kids to get very sick. We have seen meat products that have come in that have caused people to get sick. We have seen vegetables and fruits that come in with DDT and other kinds of things sprayed on them that we could not get away with here. So we know that the safety of food has been a problem, and the safety of drugs has been a problem too.

I want to get where the author of this bill is trying to get, but I do not think this is the way to get there. We want to help the FDA be better. They are not perfect. The reality is that this piece of legislation, with virtual conveyor belts at every international airport coming in, with these drugs being shipped by the Internet, if it were just Canada, we could deal with that, because their system is very similar to ours. The problem is we are talking about Africa and Asia and South America and central America and all of these islands nations. These drugs are being set up and manufactured all over the place, and some are real, some are not. We do not know what we are getting into.

What the gentleman is doing here, we are putting unrealistic burdens on an FDA that we have found out in the Committee on Commerce that they cannot deal with the problem as it is now. They do not have enough people to deal with what is coming in now. And the communications between the FDA and Customs is horrible, and the public is at risk already.

We cannot make it more at risk. We all want to get senior citizens access to cheaper drugs. I have concerns about the potential unintended regulatory consequences of this bill. If this bill dealt only with imports from countries like Canada, we would not have a problem. I think we need to amend the Prescription Drug Marketing Act. I wish we that we had had hearings on this bill. I wish we had had a chance to talk more about it. I am not prepared tonight to gamble with the safety and efficacy of the drugs coming into this country.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COBURN. Could I inquire of the Chair the time remaining.

The CHAIRMAN. The gentleman from Oklahoma (Mr. COBURN) has 3½ minutes remaining.

Mr. COBURN. Mr. Speaker, I yield 3½ minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, first of all, I want to clarify something. Section 3 of our bill says including a pharmacist or wholesale importer. We want our local pharmacies to be able to set up correspondent relationships.

In terms of the whole issue of people getting bad drugs, I mean, the truth of the matter is, this is happening now; and the reason is because of these huge differentials. We have tried now for 2 years to work with the FDA to come up with a plan so that we can bring down these barriers to local pharmacists and HMOs.

Let me give an example. One of the HMOs in Minneapolis, they did a study on their own, and if they could buy their drugs from Winnipeg, if they could realize half of the savings that they recognized in this study, they could save their subscribers $30 million a year. Now, they are already negotiating better deals with their drugs than the average consumer, certainly the average senior citizen can. So what we are talking about is opening up markets.

We want to work with the FDA, but for 2 years the FDA has basically refused to return our phone calls. Mr. Speaker, there is a crisis out there; but the crisis is price. I am not here tonight to beat up on the pharmaceutical companies. The truth of the matter is they are going to charge as much as they can. I mean, shame on the pharmaceutical companies, yes, for what they are charging; but shame on the FDA for letting them get away with it, and shame on us for not doing something about it.

Now, this bill is not perfect, and I understand that we should be going further; but I think that is as far as we can get this year, or at least in the next several weeks. As we go forward, perhaps in the Senate, perhaps in conference committee, sometime perhaps before we get it to the President's desk, maybe we can strengthen it this year. And if the FDA does not respond appropriately, I guarantee I will be back next year and we will be fighting for even stronger legislation. Because this idea that American consumers should pay $30.25 for Coumadin when consumers in Switzerland pay $2.85 for the same drug, that is simply wrong. And shame on us if we let that continue.

The time has come to send a very clear message to our own FDA that we are not going to allow them to stand between American consumers in the day and age of NAFTA, in the day and age of the Internet, and in the day and age of the information age. The game is over. We are not going to allow them to stand between American consumers, and particularly American seniors, and lower drug prices. The game is over.

This is the night when we begin the journey to bring lower prices to American consumers. When we allow markets to work, we will see lower prices for American consumers, and especially for American seniors.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from California (Mr. BILBRAY) that the House suspend the rules and pass the bill, H.R. 3240.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Mr. GOSS (during consideration of H.R. 3240), from the Committee on Rules, submitted a privileged report (Rept. No. 106–707) on the resolution (H. Res. 540) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF A CONCURRENT RESOLUTION FOR THE ADJOURNMENT OF THE HOUSE AND SENATE FOR THE INDEPENDENCE DAY DISTRICT WORK PERIOD

Mr. GOSS (during consideration of H.R. 3240), from the Committee on Rules, submitted a privileged report (Rept. No. 106–708) on the resolution (H. Res. 541) providing for consideration of a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1304, QUALITY HEALTH-CARE COALITION ACT OF 2000

Mr. GOSS (during consideration of H.R. 3240), from the Committee on Rules, submitted a privileged report (Rept. No. 106–709) on the resolution (H. Res. 542) providing for consideration of the bill (H.R. 1304) to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ADJOURNMENT

Mr. COBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 27 minutes a.m.), the House adjourned until today, Thursday, June 29, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8403. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Prohexadione Calcium; Pesticide Tolerance [OPP–300998; FRL–6555–2] (RIN: 2070–AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8404. A letter from the Secretary of the Air Force, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

8405. A letter from the Secretary of the Army, transmitting notification that a major defense acquisition program thresholds have been exceeded, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

8406. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting the TRICARE Prime Remote Report to Congress January 2000; to the Committee on Armed Services.

8407. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting the report entitled, "Report to the United States Congress Regarding Anthrax Vaccine and Adverse-Event Reporting"; to the Committee on Armed Services.

8408. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting a report to Congress on the Status of the Oxford House Pilot Project; to the Committee on Armed Services.

8409. A letter from the Assistant Secretary, Force Management Policy, Department of Defense, transmitting a plan to issue policy governing the pricing of tobacco products sold in military exchanges and commissary stores as exchange consignment items; to the Committee on Armed Services.

8410. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting a notice that the military treatment facility report for fiscal year 1999 is forth coming; to the Committee on Armed Services.

8411. A letter from the Comptroller, Department of Defense, transmitting a notice that the Department of the Navy is pursing a multiyear procurement (MYP) for the fiscal year 2000 through fiscal year 2004; to the Committee on Armed Services.

8412. A letter from the Secretary of the Navy, transmitting the report entitled, "Multi-Technology Automated Reader Card Demonstration Program: Smart Cards in the Department of the Navy"; to the Committee on Armed Services.

8413. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the determination and a memorandum of justification pursuant to Section 2(b)(6)(B) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking and Financial Services.

8414. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to the transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking and Financial Services.

8415. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's semiannual report on the activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking and Financial Services.

8416. A letter from the Principal Deputy Assistant Administrator, Environmental Protection Agency, transmitting the 1998 Toxic Release Inventory (TRI) Data Summary; to the Committee on Commerce.

8417. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. DTC–001–00), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8418. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the second of six annual reports on enforcement and monitoring of the Convention on Combating Bribery of Foreign Public Officials in International Business Development ("OECD Convention"); to the Committee on International Relations.

8419. A letter from the Deputy Director, Federal Mediation and Conciliation Service, transmitting the FY 1999 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

8420. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the denial of VISAS to Confiscators of American Property; to the Committee on the Judiciary.

8421. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Lake Erie, Ottawa River, Washington Township, Ohio [CGD09–00–014] (RIN: 2115–AA97) received June 23, 2000, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8422. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Chickahominy River, VA [CGD05-00-016] (RIN: 2115-AA97) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8423. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Agency's final rule—Oil Pollution Act of 1990 Phase-out Requirements for Single Hull Tanks Vessels [USCG-1999-6164] (RIN: 2115-AF86) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8424. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Agency's final rule—Temporary Regulations: OPSAIL 2000, Port of New London, Connecticut [CGD01-99-203] (RIN: 2115-AA98, AA 84, AE46) received June 23, 2000, pursuant to 5 U.S.C, 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8425. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Wappoo Creek (ICW), Charleston, SC [CGD07-00-054] received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8426. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of Funds for Source Water Protection—received May 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8427. A letter from the Director, Congressional Budget Office, transmitting a copy of the report, "An Assessment of the Unfunded Mandates Reform Act in 1999," pursuant to 2 U.S.C. 1538; jointly to the Committees on Government Reform and Rules.

8428. A letter from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs, transmitting the Fiscal Year 2000 Veterans Equitable Resource Allocation (VERA); jointly to the Committees on Veterans' Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. H.R. 2848. A bill to amend the Small Business Investment Act of 1958 and the Small Business Act to establish a New Markets Venture Capital Program, to establish an America's Private Investment Company Program, to amend the Internal Revenue Code of 1986 to establish a New Markets Tax Credit, and for other purposes; with amendments (Rept. 106-706 Pt. 1). Ordered to be printed.

Mrs. MYRICK: Committee on Rules. House Resolution 540. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106-707). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 541. Resolution providing for consideration of a concurrent resolution providing for adjournment of the House and Senate of the Independence day district work period (Rept. 106-708). Referred to the House Calendar.

Mr. GOSS: Committee on Rules; House Resolution 542. Resolution providing for consideration of the bill (H.R. 1304) to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act (Rept. 106-709). Referred to the House Calendar.

TIME LIMITATIONS OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2848. Referral to the Committees on Ways and Means and Small Business extended for a period ending not later than July 28, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COLLINS (for himself, Mr. Hayworth, Mr. Kingston, Mr. Sam Johnson of Texas, Mr. Blunt, Mr. McKeon, Mr. Hobson, Mr. Bishop, Mr. English, Mr. LoBiondo, Mr. Linder, Mr. Coburn, Mr. Hefley, and Mr. Norwood):

H.R. 4776. A bill to amend the Internal Revenue Code of 1986 to suspend all motor fuel taxes until March 31, 2001, to permanently repeal the 4.3 cent per gallon increases in rail, barge, and aviation fuel taxes enacted in 1993, and for other purposes; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 4777. A bill to establish the Commission on Gasoline and Fuel Pricing; to the Committee on Commerce.

By Mr. KUYKENDALL (for himself and Mr. Upton):

H.R. 4778. A bill to ban the transfer of a firearm or ammunition to, and the receipt of a firearm or ammunition by, persons subject to certain restraining orders; to the Committee on the Judiciary.

By Ms. McCARTHY of Missouri (for herself, Mr. Moore, and Mr. Blunt):

H.R. 4779. A bill to allow certain donations of property and services to the Bureau of Prisons; to the Committee on the Judiciary.

By Mr. PICKERING (for himself, Mr. Hall of Texas, Mr. Combest, Mr. Stenholm, and Mr. Pombo):

H.R. 4780. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Internal Revenue Code of 1986 with respect to drugs for minor animal species, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WICKER (for himself, Mr. Ford, Mr. Goodling, Mr. Gary Miller of California, Mr. Wamp, Mr. Kolbe, Mr. Pickering, Mr. Baker, and Mr. Calvert):

H.R. 4781. A bill to amend the National Apprenticeship Act to provide that applications relating to apprenticeship programs are processed in a fair and timely manner, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HUNTER (for himself, Mr. Bilbray, Mrs. Kelly, Mr. Rohrabacher, Mr. Cunningham, and Mr. Wolf):

H. Con. Res. 365. Concurrent resolution expressing the sense of the Congress regarding liability of Japanese companies to former prisoners of war used by such companies as slave labor during World War II; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. Lantos and Mr. Baca.
H.R. 207: Mr. Coyne.
H.R. 515: Mr. Filner.
H.R. 534: Mr. Mica.
H.R. 628: Mr. Norwood.
H.R. 828: Mr. Pease.
H.R. 914: Mr. McHugh.
H.R. 957: Mr. Buyer.
H.R. 976: Ms. McKinney.
H.R. 1001: Mr. Cardin.
H.R. 1112: Ms. McCarthy of Missouri.
H.R. 1187: Mr. Berman.
H.R. 1217: Mr. Minge.
H.R. 1248: Mrs. Bono, Mr. Snyder, and Mr. Condit.
H.R. 1293: Mr. Pastor.
H.R. 1388: Mr. Udall of Colorado and Mr. Doyle.
H.R. 1414: Mr. Baird.
H.R. 1422: Mr. Jackson of Illinois.
H.R. 1731: Mrs. Bono.
H.R. 1871: Mr. Wynn, Ms. Lee, Mr. Baca, Mr. Terry, Mr. Brady of Pennsylvania, and Mr. Sandlin.
H.R. 2001: Mr. Salmon.
H.R. 2059: Ms. Schakowsky and Mr. Hilleary.
H.R. 2102: Mr. Kuykendall.
H.R. 2171: Mr. Salmon.
H.R. 2250: Mr. Smith of Michigan.
H.R. 2261: Mr. Paul.
H.R. 2814: Mr. Sandlin, Mr. Lantos, and Mr. Stark.
H.R. 2870: Mrs. Mink of Hawaii.
H.R. 3032: Mr. Petri.
H.R. 3132: Ms. McKinney.
H.R. 3192: Mr. Lampson, Mr. Serrano, Mrs. Meek of Florida, Mr. Foley, and Ms. Brown of Florida.
H.R. 3193: Mr. Jones of North Carolina.
H.R. 3462: Mr. Hoekstra, Mr. Fletcher, and Mr. Petri.
H.R. 3489: Mr. Gonzalez.
H.R. 3540: Mr. Sanders, Mr. Lewis of Georgia, Mr. Davis of Illinois, Mr. Barr of Georgia, Mr. Hoeffel, Mr. Baker, and Mr. Norwood.
H.R. 3573: Ms. McCarthy of Missouri.
H.R. 3676: Mr. Nussle, Mr. Bryant, Mr. Ehlers, Mr. Crane, Ms. McCarthy of Missouri, Mr. Bartlett of Maryland, Mr. Taylor of North Carolina, Mr. Tiahrt, Mr. Conyers, Mr. Vitter, Mr. Thornberry, Ms. Granger, Mr. Sam Johnson of Texas, Mr. Ryun of Kansas, Mrs. Biggert, Mr. Royce, Mr. Hansen, Mr. Wicker, Mr. Fletcher, Ms.

Dunn, Mr. Bonilla, Mr. Lazio, Mrs. Mink of Hawaii, Mr. Greenwood, Mr. Pease, Ms. Pryce of Ohio, Mr. Schaffer, Mr. Hulshof, Mr. Smith of New Jersey, Mr. Leach, Mrs. Myrick, Mr. Sessions, Mr. Moran of Kansas, Mr. Hoekstra, Mr. Gutknecht, Mr. Scarborough, Mr. Fossella, Mr. Goode, Mr. Jones of North Carolina, Mr. Stenholm, and Mr. Hyde.

H.R. 3710: Mr. Stenholm, Mr. Hinojosa, Mr. Lampson, and Mr. Isakson.

H.R. 3841: Mr. Rahall, Mr. Filner, and Mr. Coyne.

H.R. 3844: Mr. Schaffer.

H.R. 3872: Mr. Davis of Florida, Mr. Kuykendall, and Mr. Ryun of Kansas.

H.R. 4001: Ms. Schakowsky, Mr. Barrett of Wisconsin, and Mr. Waxman.

H.R. 4063: Mr. Underwood.

H.R. 4106: Mr. Rahall.

H.R. 4157: Ms. Lofgren.

H.R. 4178: Mr. Sandlin, Mr. Frost, Ms. Berkley, Mr. Dicks, Mr. Payne, Ms. Carson, and Mr. Filner.

H.R. 4210: Mr. Bereuter, Mr. DeMint, and Mrs. Tauscher.

H.R. 4213: Mr. Fletcher, Mr. Weller, and Ms. McKinney.

H.R. 4222: Mr. Hilliard.

H.R. 4239: Mr. Jefferson.

H.R. 4271: Mr. Lampson, Mrs. Bono, Ms. Carson, Ms. Slaughter, and Ms. Dunn.

H.R. 4272: Mr. Lampson, Mrs. Bono, Ms. Carson, Ms. Slaughter, and Ms. Dunn.

H.R. 4273: Mr. Lampson, Mrs. Bono, Ms. Carson, Ms. Slaughter, and Ms. Dunn.

H.R. 4284: Mr. Matsui and Mr. Sandlin.

H.R. 4303: Mr. Ganske.

H.R. 4320: Mr. Cunningham.

H.R. 4438: Mr. Rohrabacher and Mr. Foley.

H.R. 4442: Mr. LoBiondo.

H.R. 4467: Mr. Isakson.

H.R. 4481: Mr. Holt, Mr. Pastor, Ms. Roybal-Allard, Mr. Frank of Massachusetts, Ms. Baldwin, Mr. Abercrombie, Mr. Frost, Mrs. Meek of Florida, Ms. Danner, Mr. Bentsen, Ms. Schakowsky, Mrs. Maloney of New York, Ms. DeGette, Ms. Lee, Mr. Gejdenson, and Mr. Franks of New Jersey.

H.R. 4483: Ms. Lee, Mr. Gonzalez, Ms. DeGette, and Ms. Baldwin.

H.R. 4492: Mr. Deal of Georgia, Mr. Peterson of Minnesota, Mr. Reyes, Mr. LoBiondo, Mr. Rush, and Mr. Weller.

H.R. 4503: Mr. Tauzin, Mr. Kingston, and Mr. Burr of North Carolina.

H.R. 4538: Mr. Frost and Mr. Gonzalez.

H.R. 4539: Ms. Ros-Lehtinen and Mr. Gutierrez.

H.R. 4548: Mr. Ballenger and Mr. Bartlett of Maryland.

H.R. 4600: Mr. Foley and Mr. McIntyre.

H.R. 4605: Ms. Lee.

H.R. 4697: Mr. Kolbe, Ms. Millender-McDonald, Mr. Hastings of Florida, Mr. Underwood, Mr. Gilman, Ms. Ros-Lehtinen, Mrs. Lowey, and Mr. Waxman.

H.R. 4737: Mr. Cooksey and Mr. Buyer.

H.R. 4744: Mr. Armey, Mr. Wamp, Mr. Talent, Mr. Doolittle, Mr. Campbell, and Mr. Barcia.

H.R. 4747: Mr. Dicks.

H.J. Res. 41: Mr. Lampson.

H.J. Res. 56: Mrs. Kelly.

H.J. Res. 102: Mr. Ewing and Mr. Castle.

H. Con. Res. 58: Mr. Kind.

H. Con. Res. 319: Mr. Knollenberg.

H. Con. Res. 321: Ms. Carson, Mr. Mascara, Mr. Lampson, Mrs. Jones of Ohio, Ms. Berkley, Mr. Cook, and Mr. Costello.

H. Con. Res. 348: Mr. Meeks of New York.

H. Con. Res. 353: Ms. McKinney and Mrs. Lowey.

H. Con. Res. 356: Mr. Barrett of Wisconsin, Mr. Clay, and Ms. Schakowsky.

H. Con. Res. 357: Mr. King.

H. Con. Res. 362: Mr. Capuano, Mr. Cummings, Ms. Lee and Mr. Goodling.

H. Res. 458: Mr. Fossella, Ms. Carson, and Mr. Mascara.

H. Res. 531: Mr. Payne, Mr. Chabot, Mr. Hastings of Florida, Mr. Davis of Florida, Mr. Crowley, Mr. Tancredo, Mr. Diaz-Balart, Mr. Ballenger, and Mr. Weiner.

H. Res. 535: Mr. Bachus.

H. Res. 536: Mr. Rahall.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

Offered By: Mr. Burton of Indiana

Amendment No. 50: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. With respect to serving as a member of a Federal advisory committee that has responsibilities regarding vaccines, no scientist, physician, or other individual who is a member or prospective member of such a committee may be granted a waiver from conflict-of-interest rules that are applicable to such service.

H.R. 4461

Offered By: Mr. Chabot

Amendment No. 51: Page 96, after line 4, insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. None of the funds appropriated or otherwise made available by this Act may be used to award any new allocations under the market access program or to pay the salaries of personnel to award such allocations.

H.R. 4461

Offered By: Mr. Chabot

Amendment No. 52: Strike section 741.

H.R. 4461

Offered By: Mr. Hayes

Amendment No. 53: Page 12, strike lines 12 through 15.

H.R. 4461

Offered By: Mr. Hayes

Amendment No. 54: Page 15, strike lines 5 through 8.

H.R. 4461

Offered By: Mr. Hayes

Amendment No. 55: Page 31, after line 5, insert the following:

Administrative Provision

Any limitation established in this title on funds to carry out research related to the production, processing, or marketing of tobacco or tobacco products shall not apply to research on the medical, biotechnological, food and drug, and industrial uses of tobacco and tobacco products.

H.R. 4461

Offered By: Mr. Hinchey

Amendment No. 56: Page 72, lines 18 and 19, strike "Town of Harris" and insert "Town of Thompson".

H.R. 4461

Offered by Ms. Jackson-Lee of Texas

Amendment No. 57: Page 10, line 23, insert after the aggregate dollar amount the following: "(reduced by $6,800,000)".

Page 13, line 17, insert after the dollar amount the following: "(increased by $4,000,000)".

Page 13, line 23, insert after the dollar amount the following: "(increased by $4,000,000)".

Page 15, line 22, insert after the dollar amount the following: "(increased by $2,800,000)".

Page 17, line 5, insert after the dollar amount the following: "(increased by $2,800,000)".

H.R. 4461

Offered By: Mr. Knollenberg

Amendment No. 58: Strike Section 734 and Insert as Section 734:

None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol; Provided further, the limitation established in this section shall not apply to any activity otherwise authorized by law.

H.R. 4461

Offered By: Mrs. Lowey

Amendment No. 59: Page 10, line 23, insert after the dollar amount the following: "(increased by $8,600,000), of which $8,600,000 shall be available for research regarding the cause of the commercial fishery failure in the Long Island Sound lobster fishery".

Page 85, after line 15, insert the following new section:

Sec. 753. In addition to funds otherwise appropriated or made available by this Act, there is appropriated to the Secretary to make available to the State of New York and to the State of Connecticut, for persons that have incurred losses as a result of the commercial fishery failure in the Long Island Sound lobster fishery, $9,500,000 and $9,500,000, respectively.

H.R. 4461

Offered By: Mr. Payne

Amendment No. 60: Page 91, line 11, strike "or".

Page 91, line 25, strike the period and insert "; or".

Page 91, after line 25, insert the following: (3) against Sudan.

H.R. 4461

Offered By: Mr. Payne

Amendment No. 61: At the end of the bill (preceding the short title) insert the following:

OPERATION LIFELINE SUDAN (OLS) PROGRAM

Sec. ___. The Administrator of the United States Agency for International Development shall take appropriate action to reform the Operation Lifeline Sudan (OLS) program so that humanitarian assistance operations under the program function properly.

H.R. 4461

Offered By: Mr. Reyes

Amendment No. 62: Page 53, beginning line 25, strike ": *Provided further*, That none of the funds appropriated or otherwise made available by this Act or any other Act shall be available to carry out a Colonias initiative without the prior approval of the Committee on Appropriations".

H.R. 4461

OFFERED BY: MR. REYES

AMENDMENT NO. 63: Page 85, after line 15, insert the following new section:

Sec. ___. The amounts otherwise provided by this Act are revised by reducing the total amount provided under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE" (to be derived from amounts for Wildlife Services Program operations) and by increasing the total amount provided under the heading "FOOD PROGRAM ADMINISTRATION", by $5,000,000.

H.R. 4461

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 64: At the end of the bill, insert after the last section, preceding the short title (page 96, after line 4), the following new title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used to allow the importation into the United States of any agricultural or fishery product that is the growth, product, or manufacture of the Islamic Republic of Iran.

H.R. 4461

OFFERED BY: MR. WEINER

AMENDMENT NO. 65: Page 19, line 4, insert after the first dollar amount the following: "(reduced by $15,510)".

SENATE—*Wednesday, June 28, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation and Lord of our lives, we celebrate the anniversary of the opening of the Constitutional Convention in 1787, by remembering Benjamin Franklin's call to prayer at a time when the deliberations were deadlocked. He said, "I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth: that God governs in the affairs of men. If a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? I believe that without His concurring aid we shall succeed no better than the builders of Babel. We shall be divided by our partial local interests; our projects will be confounded."

Gracious Lord, we join our voices with the Founding Fathers in confessing our total dependence on You. We believe that You are the Author of the glorious vision that gave birth to our beloved Nation. What You began You will continue to develop to full fruition, and today the women and men of this Senate will grapple with the issues of moving this Nation forward in keeping with Your vision. It is awesome to realize that You use people to accomplish Your goals. Think Your thoughts through the Senators; speak Your truth through their words; enable Your best for America through what You lead them to decide. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The acting majority leader.

SCHEDULE

Mr. SPECTER. Mr. President, on behalf of the distinguished majority leader, I have been asked to announce that today we will immediately resume consideration of the appropriations bill on Labor, Health and Human Services, and Education. Under the order, there will be closing remarks on the amendment offered by the distinguished Senator from Texas, Mrs. HUTCHISON, regarding same-sex schools, with a vote to occur at approximately 9:45 a.m. Following the vote, there will be closing remarks and then a vote on the Daschle amendment regarding fetal alcohol syndrome.

We are urging all Senators who have amendments to come to the floor. It is the intention of the majority leader to conclude action on this bill today. It is my hope that we could have a limit on the number of amendments, perhaps have a unanimous consent agreement limiting the number of amendments, and that we can work through time agreements to proceed to conclude the bill.

MEASURE PLACED ON THE CALENDAR—S. 2801

Mr. SPECTER. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report by title.

The assistant legislative clerk read as follows:

> A bill (S. 2801) to prohibit funding of the negotiation of the move of the Embassy of the People's Republic of China in the United States until the Secretary of State has required the divestiture of property purchased by the Xinhua News Agency in violation of the Foreign Missions Act.

Mr. SPECTER. Mr. President, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. SPECTER. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4577 which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

> Harkin (for Daschle) amendment No. 3658, to fund a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect.
>
> Hutchison/Collins amendment No. 3619, to clarify that funds appropriated under this Act to carry out innovative programs under section 6301(b) of the Elementary and Secondary Education Act of 1965 shall be available for same gender schools.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I rise today in support of the Hutchison amendment, which would allow local school districts to use Title VI funds to establish same-gender schools if they so choose. I have opposed a similar amendment in the past because I have been concerned that many of these "separate but equal" programs are sometimes not equal in reality. I am pleased that the Senator from Texas has made modifications to her amendment that deal with these concerns, and ensures that single-gender schools will not result in a system where one gender is educationally disadvantaged.

I believe this amendment is another important step in our drive toward more flexibility and local control in education. I am pleased to be an original cosponsor of the Public Education Reinvestment, Reinvention and Responsibility Act—better known as "Three R's"—which would also provide school districts with the flexibility to design programs that best meets their needs. The Hutchison amendment, which allows local officials to make the decision to set up a single-gender school, is consistent with the "Three R's" philosophy. We must continue to move toward a public education system that gives States and local school districts—who are in the best position to know what their educational needs are—the ability to create innovative programs that allow all students to achieve to high standards.

The PRESIDING OFFICER. Under the previous order, the hour of 9:40 a.m. having arrived, there will be 4 minutes of debate prior to the vote on or in relation to the Hutchison amendment No. 3619.

Mrs. HUTCHISON. Mr. President, if there is no one on the other side, which

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I believe is the case, I ask unanimous consent to give 2 minutes to Senator COLLINS, and then 2 minutes to myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I commend the Senator from Texas for her extraordinary leadership on this issue. She has been an advocate for girls and women in so many different ways, and she truly is committed to ensuring that young girls growing up get the very best education they deserve, and that they have every opportunity available to them. The amendment that she has proposed, which I am proud to cosponsor, is in keeping with that commitment.

I commend her for her leadership on this very important issue.

I first became very interested in the issue of having same-gender classrooms because of an experience of a high school all-girls math class in northern Maine. This math class, which is an advanced math class taught at Presque Isle High School, has been proven to be of enormous benefit to the young women who are enrolled in it. They do very advanced math. It has been shown that their SAT scores soared.

Moreover, it gives them the confidence that they can handle advanced math and science and other subjects that unfortunately women sometimes have felt uneasy about, even though obviously girls and women have every ability in the world to handle such subjects. This class has been an enormous success for the girls at Presque Isle High School.

Unfortunately, a few years ago, the Department of Education objected to this class despite the fact that it was showing such enormous results for the young women who were enrolled in it. They were taught by a very gifted teacher, Donna Lisnik, who has subsequently gone on to be the principal of a school in Aroostook County. But she was the one who originated this course.

The Department of Education objected because it was a same-sex class. They have been able to get around that. But that shouldn't require a waiver or a circumvention of the law.

The amendment of the Senator from Texas would cure this situation.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator COLLINS, the cosponsor of this amendment, who has worked with me because of the very example that she just gave.

She has the situation in her State where this actually has curbed the creativity of public schools in offering more options for parents who believe their adolescent boys or their young girls would do better in a single-sex setting. In fact, in Detroit, MI, there is a boys school that has the same success that Senator COLLINS has just mentioned about a girls class in Maine; the boys are able to have a single-sex atmosphere. And sometimes it is shown by studies that adolescent boys do better in that atmosphere.

We want public schools to have the same options and the Federal help that are available in parochial and private schools for creative approaches and solutions to our education problems. We want options, not mandates. But we want every child in this country to reach his or her full potential. We want that child to be given opportunities in a way that best fit that child's needs.

That is why I think this amendment is going to be overwhelmingly accepted in the Senate—just as these amendments have been in the past. It will give the guidance to the Department of Education that will clarify the issue once and for all; that we want absolutely every option available in our public schools that will give every child in this country the ability to succeed.

Thank you, Mr. President.

I yield the floor and ask my colleagues for their support of the Hutchison-Collins amendment.

The PRESIDING OFFICER. The question now occurs on the Hutchison amendment numbered 3619.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent

The PRESIDING OFFICER (Mr. L. CHAFEE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Inouye

The amendment (No. 3619) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3658

The PRESIDING OFFICER. There will now be 4 minutes for debate on the Daschle amendment No. 3658.

Mr. DASCHLE. Mr. President, I offered this amendment on behalf of the thousands of individuals who have been impacted by prenatal exposure to alcohol, their families, and the estimated 12,000 children who will be born with fetal alcohol syndrome, FAS, or fetal alcohol effects, FAE, during the next year.

My amendment will provide $25 million to establish a competitive grant program to fund prevention and treatment services to individuals with FAS and FAE and their families. This grant program is absolutely critical for several reasons.

FAS and FAE are 100 percent preventable. Despite this fact, the Centers for Disease Control have reported a sixfold increase in the incidence of babies born with FAS between 1960 and 1995. One in five women still drink during pregnancy.

Once a child has been born with FAS or FAE, there is still much we can do to help prevent the secondary disabilities that often accompany the disease.

For too long, we have treated the birth of an FAS or FAE child as the losing end of a battle, rather than the beginning of one we can win. We have neglected children with FAS and FAE at the peril of those individuals, their families and their communities.

Let me illustrate this point with two real life examples—Karli Schrider and Lucy Klene.

Twenty-eight years ago, when Karli's mother, Kathy, was pregnant with Karli, it was not uncommon for expectant mothers to be told to "drink a beer a day for a fat, healthy baby." Women who were in danger of miscarrying were sometimes hospitalized and given alcohol intravenously for five or six hours in the mistaken belief it would prevent miscarriage.

Back then, it never crossed Kathy's mind that her occasional glasses of wine might be harming her unborn child. Besides, just the year before, Kathy had had another baby who was perfectly healthy, and she drank during that pregnancy too.

The first time Karli was misdiagnosed, she was an infant. A doctor attributed her developmental delays to chronic ear infections. When she was 4 years old, a psychologist offered another explanation for Karli's difficulties. He said she was being "willfully disobedient."

When Karli was 8, a team of specialists misdiagnosed her again—with cerebral palsy.

Eight years later, when Karli was 16, Kathy was training to be a substance abuse counselor. As part of her training, she attended a conference on "crack babies." Sitting in the audience, she was stunned. Every characteristic of "crack babies" the lecturer described, Karli had. But Kathy had never used crack.

She tracked down the few studies that had been done at that time on the effects of alcohol on fetuses. Again, she saw the same list of symptoms.

Years later, researchers would announce that most of the symptoms they originally thought were the result of fetal exposure to crack were actually the result of fetal alcohol exposure, and that alcohol is much more devastating to fetuses than crack—or any other drug.

Learning the real cause of Karli's special challenges has not lessened them. FAS and FAE are lifelong conditions. But, knowing the truth has enabled Kathy—and others in Karli's life —to focus less on Karli's deficits, and more on her strengths.

One of those strengths is Karli's extraordinary kindness and empathy. In addition to her volunteer work at NOFAS, Karli also volunteers to help people with cerebral palsy, and the elderly. Two years ago, she was named one of America's "Thousand Points of Light" by former President Bush. She is an inspiration to everyone who meets her, and one of the reasons I believe so deeply in advocating for children with FAS and FAE.

Another reason is a pint-sized girl named Lucy Klene. Lucy is 4 years old. She spent the first two years of her life in an orphanage in Russia. When she was 2, she was adopted by Stephan and Lydia Klene, of Herndon, Virginia. The Klenes also adopted a son from Russia, Paul, who is 3 years old and has no apparent fetal alcohol effects.

Within a month after bringing Lucy and Paul home, Stephan and Lydia began to suspect that Lucy had special challenges. Over the next 16 months, Lucy was evaluated eight times by pediatricians and other specialists.

Not one of them recognized the symptoms of Lucy's fetal alcohol effects. Finally, scouring the Internet, Stephan stumbled on the truth. He and Lydia took their research to Lucy's pediatrician, who read it and confirmed their hunch.

Today, Lucy is a talented little gymnast who attends special education preschool. And while it's still too early to know for sure, her doctor and parents think there is a good chance she will be able to live an independent and productive life when she grows up.

Together, Karli and Lucy illustrate the challenges that families with FAS and FAE face and the need for expanded prevention, early detection and real support for FAS/FAE families. While we have certainly seen progress—it took Karli's family 16 years to get a correct diagnosis and Lucy's family about 16 months—there is still much more that needs to be done.

A study recently released by Anne Streissguth at the University of Washington illustrates the importance of early intervention with individuals with FAS and FAE:

94 percent of children and adults with FAS experience mental health problems;

45 percent exhibit inappropriate sexual behavior;

43 percent have a disrupted school experience;

42 percent have trouble with the law;

Of the 90 adults studied, 83 percent do not live independently and 79 percent have problems with employment; and,

72 percent have been victims of physical or sexual abuse or domestic violence.

This study also showed that the presence of protective factors such as an early diagnosis and a stable and nurturing home reduce secondary disabilities. Even though early diagnosis is critical for preventing secondary disabilities, only 11 percent of kids and adults studied were diagnosed by age 6.

While intensive intervention is critical to enabling individuals with FAS and FAE to live productive, safe lives, there is still widespread ignorance about this disease in the health care, scientific and educational communities. There is little advice available to families on parenting skills or how to utilize outside resources.

Even when parents seek help from professionals, those teachers, counselors or health care providers may not have the training to provide necessary assistance or offer the right information.

Teachers often do not have the tools they need to serve these special-need students. Physicians frequently do not know which medications to provide, if any. And, like Karli, many individuals with FAS and FAE still remain unidentified and mislabeled as noncompliant or delinquent.

This amendment will fund a grant program within HHS to develop FAS training and treatment models that can be replicated around the country. The grant program was authorized by Congress in the fiscal year 1999 appropriations bill. The program will provide much-needed assistance to families, who, in many cases, have been bearing the burden of this national public health problem unaided and alone.

The grant program will be directed by the Centers for Disease Control and the Substance Abuse and Mental Health Services Administration. Portions of the funding for the grant will come from each of these agencies.

It is time for Congress to join those who have already dedicated time and resources to this effort. Particularly, I want to recognize the National Organization of Fetal Alcohol Syndrome that has been aiding children and families and fighting for prevention for the last 10 years. I would also like to thank the directors of the Family Resource Institute, who have educated and been a voice for parents of children with alcohol-related birth defects. I also greatly appreciate the work of those in my own state, including Judy Struck and those at the University Affiliated Program, Charles Schaad, and the South Dakota March of Dimes.

The National Institute of Alcoholism and Alcohol Abuse, NIAAA, has been studying FAS and FAE for more than 20 years, and it has provided excellent leadership with the Inter-Agency Coordinating Committee. The Centers for Disease Control and the Substance Abuse and Mental Health Services Administration should also be commended for their growing dedication to this cause.

We have developed a model for dealing with FAS and FAE that will bring our nation's best scientists together with advocates, service providers and families and will enable us to develop our knowledge of successful prevention, diagnosis, early detection, and education. It is the result of extensive consultation and input from experts in the field. I urge my colleagues to vote in support of this important amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before I comment on the pending amendment, the ranking member of the subcommittee and I have conferred, as we have been trying to have all of the amendments submitted. We make a request at this time that any Senator who has an amendment to this bill, let us know what it is by 11 o'clock. It is our intention, shortly thereafter, to propound a unanimous consent request that the amendments submitted to us at that time be the only amendments which will be considered on the bill. That is by 11 o'clock.

Briefly, on the pending amendment offered by the Senator from South Dakota, it is a very good amendment which allocates $25 million to fetal alcohol syndrome. Some $15 million is currently allocated. It may be even a greater amount should be allocated for this very pressing problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I compliment my colleague from South Dakota for bringing attention to this serious problem. Fetal alcohol syndrome affects 2,000 infants born every year. At the same time, we must keep in mind that birth defects generally are a major, even larger health care problem in this country. Birth defects are the leading cause of infant mortality, and about 150,000 children will be born with a major birth defect annually.

This year, CDC is spending only $16.5 million total on all birth defects, with an additional $2 million being spent on a folic acid awareness campaign for which I fought and worked with my colleagues in this body to support. The $10 million for CDC to fight fetal alcohol syndrome would be well spent. At the same time, we need to significantly increase our overall investment in the fight against birth defects.

I look forward to working with the chairman and ranking member and Senator DASCHLE as we move forward to make sure this critical area of children's health is adequately addressed in this bill and in the work of the CDC in the coming year.

I thank the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. I yield back the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3658. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?-

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—98

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Allard

NOT VOTING—1

Inouye

The amendment (No. 3658) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Senator from Iowa and I had announced previously our request that all Senators submit amendments by 11 a.m. this morning. It is our intention, as soon thereafter as we can, to compile a list and to ask unanimous consent that that be the exclusive list for amendments to be considered on this bill.

Mr. HARKIN. Mr. President, if the Senator will yield, I fully support him in that. At 11 o'clock, which is about 20 minutes from now, we hope to be informed of all amendments. I say to Senators on our side, please let us know, either through the Cloakroom or directly, because shortly after that, I will be joining with our chairman in propounding a unanimous consent request to make that a finite list.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Iowa. We had announced that between the votes, but we repeat it at this time. We think we can conclude this bill today. If we have the cooperation of Senators on letting us know about their amendments, we will be able to do that.

Mr. President, we are about to have an amendment offered by the distinguished Senator from Massachusetts, Mr. KENNEDY. This has been worked out, but I formally ask unanimous consent that time on the amendment by Senator KENNEDY be limited to 60 minutes equally divided with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the Kennedy amendment will be followed in sequence by an amendment by the Senator from Connecticut, Mr. DODD. This has been cleared.

I ask unanimous consent that the time on the Dodd amendment, prior to the vote in relation to that amendment, be limited to 30 minutes equally divided with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I yield the floor to Senator KENNEDY.

AMENDMENT NO. 3661

(Purpose: To provide an additional $202,000,000 to carry out title II of the Higher Education Act of 1965)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. REED, Mr. BINGAMAN, Mr. WELLSTONE, Mr. DODD, Mrs. MURRAY, Mr. LEVIN, Mr. SCHUMER, and Mr. DURBIN, proposes an amendment numbered 3661.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the title III, insert the following:

SEC. . TEACHER QUALITY ENHANCEMENT.

In addition to any other funds appropriated under this Act to carry out title II of the Higher Education Act of 1965, there are appropriated $202,000,000 to carry out such title.

Mr. KENNEDY. Mr. President, I offer this amendment along with Senators REED, BINGAMAN, WELLSTONE, DODD, MURRAY, LEVIN, SCHUMER, and DURBIN.

Mr. President, this amendment is one of the most important policy matters that we are going to consider on this appropriation bill, and that is whether we are going to provide adequate resources to train the needed number of teachers for our classrooms and for children across this country.

We believe—at least I do—that the funds that have been allocated in the current bill are inadequate to do the job. I spelled out in my earlier comments that I know the Appropriations Committee received allocations. But, I don't believe those allocations given to the committee were adequate to really respond to the challenges we are facing in education. It is as a result of the fact that the Republican leadership wants to have a tax break. It seems to me that these priorities take preference over that. I wish these priorities had been given additional funds. In spite of that, we ought to make an expression in the Senate about our priorities for the children of this country, particularly in the area of training teachers, so that we are going to have a well-trained teacher in every classroom in the country.

Mr. President, it was only in February of this year that the Wall Street Journal had an article on the front page:

SCHOOLS TURN TO TEMP AGENCIES FOR SUBSTITUTE TEACHERS

Most school districts begin each day with a nerve-racking hunt for substitutes to fill in for absent teachers. With a tight labor market making the task especially tough, a few are starting to outsource the job. Kelly Services Inc. unveiled the first nationwide substitute teacher program four months ago, and now handles screening and scheduling for 20 schools in 10 States.

Mr. President, this is a national indictment of policy out of the local, State, and Federal level, where we are using the Kelly Services, which have provided professional secretaries and office assistants, and now they are out there recruiting teachers to teach in the schools for the children of this country. We have to be more serious about this issue. We know what needs to be done, and we ought to get about the business of doing it.

We have a number of groups that support our amendment, which include the American Association of Colleges for Teacher Education, the Association of Community Colleges, American Council on Education, the National Association of Independent Colleges, the NEA, the AFT, Council of Chief State School Officers, and others.

I ask unanimous consent that the full list of those supporting the program be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GROUPS THAT SUPPORT THE KENNEDY TEACHER QUALITY AMENDMENT

American Association of Colleges for Teacher Education.
American Association of Collegiate Registrars and Admissions Officers.
American Association of Community Colleges.
American Association of State Colleges and Universities.
American Council on Education.
American Federation of Teachers.
Association of Jesuit Colleges and Universities.
Boston College.
National Association of College and University Business Officers.
National Association of Independent Colleges and Universities.
National Association of State Universities and Land-Grant Colleges.
National Education Association.
National PTA.
The California State University.
Clark University.
The College Board.
Council of Chief State School Officers.
Lesley College, School of Education.
University of California.
University of Massachusetts.

Mr. KENNEDY. Mr. President, in 1996, what is basically the most important document that has been published on the need for getting high-quality teachers for the children of this country has been published by the National Commission on Teaching in America's Future, in September of 1996—"What Matters Most: Teaching for America's Future." There are many other studies and documents, but I think this is about as fine a document as we could have. In our Health, Education, Labor, and Pensions Committee, we relied on it very substantially, but not completely. We had over 20 days of hearings on our elementary and secondary education bill. Nonetheless, this document was, I thought, very profound.

The problem in making recommendations is about how to address them. I will take a moment to read the major flaws in teacher preparation:

> For new teachers, improving standards begins with teacher preparation. Prospective teachers learn just as other students do: by studying, practicing, and reflecting; by collaborating with others; by looking closely at students and their work; and by sharing what they see. For prospective teachers, this kind of learning cannot occur in college classrooms divorced from schools or in schools divorced from current research.
>
> Yet, until recently, most teacher education programs taught theory separately from application. Teachers were taught to teach in lecture halls from texts and teachers who frequently had not themselves ever practiced what they were teaching. Students' courses on subject matter were disconnected from their courses on teaching methods, which were in turn disconnected from their courses on learning and development. They often encountered entirely different ideas in their student teaching, which made up a tiny taste of practice added on, without connections, to the end of their course work.

Mr. President, they made a series of recommendations about what we ought to do. One was to reinvent teacher preparation and professional development. It included professional development in the schools themselves. Also, it talked about the importance of mentoring. Those are two very important features which have been left out in terms of this underlying appropriations bill which were included in our authorization bill.

Then, further, it goes on and says:

> . . . fix teacher recruitment and put qualified teachers in every classroom.

That was one of the very strong commitments that we had in our Democratic proposal, our Democratic commitment for the Elementary and Secondary Education Act—a commitment to American families that we would put a well-qualified teacher in every classroom in this country within 4 years.

Look at what happened last year across this country, where school districts hired 50,000 unqualified teachers. This isn't a problem of just 1996, this is a problem of the year 2000 and 2001. We have to address it.

So where are we in terms of these recommendations that we took to heart in a very bipartisan way—which I will come back to—in terms of our Elementary and Secondary Education Act?

In this legislation, there is effectively no new money for teacher preparation. We are going to have level funding for title II of the Higher Education Act. This is what is requested; $98 million was requested last year and $98 million for this year. So there is virtually no increase. There will be absolutely no new Federal participation in working with States and local communities in terms of enhanced teacher recruitment—zero, none.

If you look at what is happening in this last year, as this money is being expended in 2000, where the grants are being made, now, it is only the difference between $77 million and $98 million because about 95 percent of the $77 million is carried through in 2- to 3-year programs. So the current situation is that over a 2-year period, with the demand for 2.2 million teachers, our Federal response has been to provide $21 million to help States and local communities go out and recruit teachers, when we have a need for 2.2 million of them. That is effectively wrong. We cannot do that. It is so important, and I will come back to this.

Let me just show you here what happened. For the $77 million that we had, we had 366 total applicants, but only 77 applications could be funded. We had 5 times the number of applications for the number of grants available. The desire is out there. The interest is out there. Parents and local communities want this kind of help and assistance. We are funding one out of five. And this is what is happening, also: We are expecting $21 million in grants for this current year, zero for next year. We expect that 11 applications will be funded out of 141 total applications. That is more than 12 times the number. People across this country—States, educational centers, local communities—want the help. One of the most important aspects of education is having well-trained teachers. What I find so troublesome is the fact that we worked out a bipartisan effort in the Higher Education Act of 1998, which is basically what this is all about.

It is about funding the provisions in the 1998 Higher Education Act. When we authorized the Higher Education Act in 1998, we had strong bipartisan support. Efforts were led by Senators REED, BINGAMAN, JEFFORDS, and GREGG. Our goal was to create a program to address the Nation's needs and to recruit better qualified teachers to enter the classroom. Each day, we agreed on that basic principle.

I hope our colleagues will agree to give it the full support it deserves.

Senator DEWINE during the course of the debate on title II:

> Really, there is nothing more important in regard to education than the teacher. Our children deserve to be taught by teachers who really understand their subject, understand the subject matter.
>
> I have worked hard to incorporate measures concerning good teaching into this bill. I want to thank Chairman Jeffords for the assistance that he has given me and the cooperation in getting these sections incorporated into this very good bill.

Senator JEFFORDS:

> As its foundation, Title II embraces the notion that investing in the preparation of our nation's teachers is a good one. Well-prepared teachers play a key role in making it possible for our students to achieve the standards required to assure both their own well being and the ability of our country to compete internationally.

Senator MCCAIN on July 8:

> Another important component of this bill is the establishment of a comprehensive program promoting statewide reforms to enhance the performance of teachers in the classroom by improving the quality of teacher training. Having professional, well-trained teachers is an essential component for ensuring that our children achieve high educational standards.

Senator SMITH of Oregon:

> By improving the quality of teacher training and recruitment, increasing the purchasing power of students through Pell grants and other forms of student assistance, and by improving access to higher education for students with disabilities, this legislation provides opportunity for the young people of our Nation to seek a higher education.

The list goes on and on. It keeps going on, with the exception to stop when it comes to putting funding into these kinds of commitments.

These are efforts that have been made in a bipartisan way to try to get an effective program and partnership with the State and local communities. Effectively, we are zeroing this out. We had $21 million provided for this last year. That is wrong.

Research shows that the national need for high-quality teachers is growing:

Doing What Matters Most: Investing in Quality Teaching, November 1997:

> Nationally, relatively few teachers have access to sustained, intensive professional development about their subject matter, teaching methods, or new technologies.

National Center for Education Services, The Baby Boom Echo Report, 1998:

> An estimated 2.2 million teachers will be needed over the next 10 years to make up for a large number of teachers nearing retirement and rapid enrollment growth.

One thing is for sure: They are not getting them in here. The Federal Government is AWOL on that issue of education.

What matters most is teaching for America's future.

The National Commission on Teaching and America's Future found that more than 50,000 people who lack the training for the job enter teaching annually on emergency or provisional licenses. And, 30–50% of teachers leave within the first three to five years. In urban district, the attrition rate can be 30–50% in the first year.

That is what is happening. You get them in there, and they leave, unless you have some very important changes, such as providing skills for teachers who will be working with newer teachers in situations involving mentoring, where we have seen these figures change dramatically and where teachers will remain and work in these communities.

The Urban Teacher Challenge Report of January 2000:

> One hundred percent of 40 urban school districts surveyed have an urgent need for teachers in at least one subject area. 95% of urban districts report a critical need for math teachers; 98% report a critical need in science; and 97% report a critical need in special education.

There it is. In urban areas across the country: No math, no science, no special education. We are asking ourselves: What can we do as a nation to try to make a difference for children in our country? I don't know how many more studies we have to have. I am not saying if you just pour buckets of money, it is going to solve the problem. But one thing we know is that without the investment of resources in these areas, we are not going to solve it either.

My colleagues will speak about other aspects. But we need investment in terms of recruitment and professional development and in terms of mentoring.

Listen to the results of some of these studies.

"Teacher Quality and Student Achievement", Linda Darling-Hammond, December 1999:

> The states that repeatedly lead the nation in math and reading achievement have among the nation's most highly qualified teachers and have made long-standing investments in the quality of teaching. The top scoring states—Minnesota, North Dakota, and Iowa, recently joined by Wisconsin, Maine, and Montana—all have rigorous standards for teaching that include requiring extensive study of education plus a major in the field to be taught. By contrast, states such as Georgia and South Carolina, where reform initiatives across a comparable period focused on curriculum and testing but invested less in teacher learning, showed little success in raising student achievement within this timeframe.

Do we have that? What are the conclusions? If you invest more in quality teachers and recruiting, and providing and keeping professional enhancement and mentoring, you are going to have the corresponding results in enhanced academic achievement.

That is what these reports show. If you do not do this, and spend the money in other ways, which you could do with the general funds—which I would call the block grant way—you find that you are failing the children in those particular areas.

> 1996 Mathematics Report Card for the Nation and the States, and 1994 Reading Report Card for the Nation and the States (National Assessment of Education Progress): Over the last decade of reform, North Carolina and Connecticut have made sizable investments in major statewide increases in teacher salaries and intensive recruitment efforts and initiatives to improve preservice teacher education, licensing, beginning teacher mentoring, and ongoing professional development. Since then, North Carolina has posted among the largest students achievement gains in math and reading of any state in the nation, now scoring well above the national average in 4th grade reading and math, although it entered the 1990s near the bottom of the state rankings. Connecticut has also posted significant gains, becoming one of the top scoring states in the nation in math and reading, despite an increase in the proportion of students with special needs during that time.

That has impacted many of our communities. Many of our communities are increasingly challenged with a wide expansion of diversity that eventually, of course, adds such extraordinary value to these communities. But they initially put additional kinds of pressures on education institutions and other institutions. That has been true in Connecticut, and it has been true in my own State of Massachusetts.

What does this report say? The report says that when you have sizable investments and intensive recruitment efforts and initiatives to improve preservice teacher educating, licensing, beginning teacher mentoring, and ongoing professional development, you see dramatic increases in the quality of education for these children.

I think that would be fairly self-evident for people in this Chamber to understand. We certainly understood it in the Health, Education, Labor and Pensions committee. It was understood there. As I pointed out, there is broad bipartisan support for those particular provisions.

We find that the various studies—I mentioned just a few of them—are compelling and convincing, and those who wrote those studies made presentations which were compelling. Others, in response to those measures, indicated they were compelling.

I see Senator REED. I understand I only have 10 minutes left. I yield myself 3 more minutes.

Let me point out exactly what this amendment does.

My amendment increases the appropriation for the Teacher Quality Enhancement Grants from $98 million in the underlying FY2001 Labor, Health and Human Services, and Education appropriations bill to the full authorization level of $300 million to enable much greater participation in this vital program to improve teacher preparation and recruitment.

This increase in appropriations from $98 million to $300 million will help fund over 100 additional partnerships.

The Teacher Quality Enhancement Program provides three types of grants to improve teacher training and recruitment:

One, local partnership grant to improve teacher training; two, State grants are to implement statewide teacher reform efforts; and three, local partnerships for State grants to focus on innovative teacher recruit programs.

The teacher quality enhancement grants support local partnerships among teachers, institutions, and local schools to help improve in many ways the quality of teachers entering the classroom. By increasing the cooperation between college programs that prepare new teachers in the schools that hire the teachers, teachers obtain the effective training they need to teach in classroom settings. The prospective teachers have more opportunities to observe successful veteran teachers and obtain feedback.

I urge the Senate to support this amendment to increase the funding for this critical program so more of the Nation's schools and communities can improve teacher training programs. The Nation's children deserve no less.

Under the current proposal in the Senate, there is no new money for teacher preparation level for title II. There is minimal increase in the Eisenhower program, which effectively had been block granted in the Elementary and Secondary Education Act, so it may disappear completely. There are no funds for mentoring or recruitment. I think the bipartisan program that passed out of our human resources committee on higher education considered these various measures and had bipartisan support. I think we ought to give life to those recommendations. That is what this amendment does.

I withhold the remainder of my time.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I prefer to hear the balance of the argument of the proponents of the amendment before responding.

How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes remaining. The Senator from Pennsylvania has 30 minutes remaining.

Mr. KENNEDY. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank Senator KENNEDY for yielding and for sponsoring this amendment. He has grasped the most critical aspect of educational reform in the United States today—improving the quality of teachers. He has simply brought forward the bipartisan, unanimous consent we reached in the Higher Education Act amendments of 1998 where, in the vote of 96–0, we passed the teacher quality enhancement grants program. We authorized a magnificent program on a unanimous vote, but we have failed to fully fund it. If we have the plan, but not the money, we are not going to succeed.

Senator KENNEDY is simply saying, we have a good plan, let's put the resources behind it.

We understand we need to have high-quality teachers to meet the challenges of the 21st century classroom. These challenges are different from 50, 30, 20, even 10 years ago. It is no longer sufficient for a student to go to a teacher college and learn about pedagogy and then go into the classroom. They need to have clinical exposure. They must have real-life experiences in the classroom before they become new teachers.

They also have to understand their subject matter. Technique is one aspect, but it can't substitute for detailed knowledge of the subject—be it science, history, or mathematics. They also have to understand how to integrate technology, which is at the key of most of the breakthroughs in education in the United States today.

They have to be able to deal with a diverse population of students, some with limited English proficiency, some who are coming from cultures much different from the culture in which the teacher grew up.

All of this necessitates significant reform in our educational practice. That is why, in the Higher Education Act, I worked closely with my colleague, Senator KENNEDY, and others to develop partnerships between teacher colleges and elementary and secondary schools—real partnerships where aspiring teachers can get the clinical experience, and the other things necessary to be prepared for today's classrooms. It is similar to the model of physician training. We would never send a physician into an operating room simply with a few lectures on theory. It is practice, practice, practice, before they are allowed to operate. It should be the same for teachers.

We can't do that unless we fully fund the teacher quality grants. They cover the spectrum. First, they provide the opportunity for these partnerships to develop. Second, they support statewide reforms. Third, they allow for recruitment of teachers, particularly to reduce shortages of qualified teachers in high-need school districts.

We will need 2 million new teachers over the next 10 years because of the changing population of teachers, retiring teachers who are leaving, and the increase of our student population entering first grade and kindergarten. Look at any urban school district in this country, and you will see they are suffering severe teacher shortages. Recruitment is necessary.

We also need to stimulate partnerships that are so essential between colleges of education and elementary and secondary schools.

Last year, $77 million was available for new grants. Mr. President, 366 applications were received—a huge response—from States and local school districts. This is a popular program. The Department of Education could only fund 77: 25 local partnerships, 24 State grants, and 28 teacher recruitment grants. Rhode Island, I am proud to say, got a State grant and is using it very well.

This year, however, only $21 million was available for new grants. There were 141 applicants, but the Department of Education estimates they will only be able to fund 11 grants—1 in 12. The need is there and the plan is there; the resources are lacking. That is why we are here today.

We want to fully fund this program up to the authorized total of $300 million, creating an additional 100 partnerships, State and recruitment grants. This will help meet the demand and do the one thing that is so critical to education reform in this country, which is not questioned by anyone, evidenced by a 96–0 vote in this Chamber approving the program: We have to enhance the quality of teachers in this country. We can't do it just with admonitions. We can't do it just with sentiments. We have to do it with dollars.

We have a program that works. We have a popular program. We just don't have the resources. Senator KENNEDY's amendment, which I am proud to cosponsor, will give us the resources to do the job.

I thank the Senator. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the bill which has been reported out by the Appropriations Committee appropriates some $40.2 billion to education funding, an increase of $4.6 billion over last year. This bill has $100 million more than the President asked for. We have assessed the priorities as the subcommittee saw them and as the full committee saw them and have made very substantial increases in very many important accounts.

For example, on the title I grants, there is an increase of $394 million, bringing the total to $8.3 billion. On the 21st Century Afterschool Program, there is an increase of $146 million, coming to $600 million. On special education, where we have made an extraordinary effort to try to have the Federal Government meet its obligation, we have made an increase of $1.3 billion to $7.3 billion. On title VI innovative education State grants, we had an increase—this was considered so important—from $400 million to $3.1 billion. On Pell grants, we had an increase of $350, to $3,650, a very important grant program enabling people to go to college. On the higher education programs, we had an increase of $165 million to $1.7 billion.

The amendment which the Senator from Massachusetts has offered is a very worthwhile amendment. I do not deny that for a moment. If we had more funding, I would be glad to see us increase the money in that account by what the Senator from Massachusetts would like to have. But the difficulty is that we have assessed the priorities. We have stretched the subcommittee allocation to $104.5 billion. That is the maximum amount which could be obtained, consistent with the wishes of our caucus. In fact, that is stretching the matter.

Last year, we lost some 20 members of the Republican caucus of 55 because there was too much money in the bill as it was viewed on our side of the aisle. But we have come in here with $104.5 billion and made allocations as we see fit, as we assessed the priorities.

Regrettably, I could not be on the floor yesterday to debate the Wellstone amendment and the Bingaman amendment and the Murray amendment because I was busy on a Judiciary Committee hearing where I have the responsibility to chair the subcommittee on the Department of Justice oversight. If time permits today, I am going to talk a little bit about that. But when Senator WELLSTONE offered an amendment for $1.7 billion to increase title I funding, I would, frankly, like to see that funding done. Title I is very important, but I had to vote against it because it is a matter of assessing the priorities.

When Senator BINGAMAN offered a $250 million increase, again on title I, it was very meritorious. There is no higher priority, in my opinion, than education. The only priority which equals education is health care.

The allocations which our subcommittee has made have to take into account education and health care. We have increased the funding very materially on the National Institutes of Health and on drug rehabilitation programs and on school violence programs—all of which have to come out of the overall funding of $104.5 billion.

Senator MURRAY offered an amendment on class size, wanting to add $350 million. She disagreed with what the committee has done on the subcommittee recommendation, meeting the President's request for $1.4 billion for teachers to reduce class size. But we added a provision, if the local school districts want to use it for something else, they could get their share somewhere else.

So we come now to the amendment which is pending. It was just authorized in 1997–1998. There was no appropriation for support for teacher quality and professional development in 1998. In fiscal year 1999, there was an allocation of $77 million. It went up last year to $98 million. It is true, the funding has leveled.

I heard the Senator from Massachusetts say this funding is an indictment. That is just a figure of speech, but if it is an indictment, the President is included as well as the Appropriations Committee because that is the President's request. The President has already issued a veto threat on the bill because he doesn't like our allocations and our priorities. But the last time I read the Constitution, the Congress has the appropriations responsibility. Certainly the President has to sign the bill, or we can have passage over the veto, but we have established the priorities. On this matter of teacher quality and professional development, we have met the President's figure.

I approached the Senator from Massachusetts for some light talk before the amendment was offered. I said: Senator KENNEDY, how much money do we have to have in the bill so as to preclude a Kennedy amendment to add money? I ask him that every year. I want to know what the answer is next year, so we can bring a bill, hopefully, which would have sufficient money. But if it is $1.4 billion for class size, someone is going to offer an amendment for more money. Senator MURRAY did so, for $350 million more. Whatever the amount of money we put in, somebody is going to offer an amendment for more money.

I said last year, in voting against the add-ons, that I had cast more difficult votes that I did not like in the 4 days I managed this bill than I had cast in the previous 18 years I had been in the Senate because I am a firm believer in education.

In the Specter household, my parents had very little. My mother went to the eighth grade; my father, an immigrant, had no formal education. My brother and two sisters and I have been able to share in the American dream because of educational opportunity. I have been on this subcommittee for my entire tenure in the Senate and I am doing everything I can to promote education in America so everybody has the maximum opportunity.

I would like to spend more money on teacher recruitment, teacher development, but it cannot be done within the confines of the very enormous allocation we have at the present time.

Mr. President, how much time do I have left on the 30 minutes?

The PRESIDING OFFICER. The Senator has 22 minutes remaining.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for his comments and his explanation. But the fact remains, these allocations are within a context about how we are going to allocate resources in the Federal Government. This explanation we heard is in the context of a 10-year, $792 billion tax cut. If we did not have the $792 billion tax cut, we would have the opportunity to do more.

I personally believe this is a higher priority. I think most of us on this side of the aisle believe that it is a higher priority than having a tax cut and putting on the squeeze, in terms of improving quality of education. That is philosophical and that is decided in this body, where the majority are the Republicans and where they have had the votes in order to be able to do that. But that is the harsh truth.

The fact is, in more recent years, between 1980 and 1999, we are finding out the support for elementary and secondary education is falling down, and in higher education it is falling down.

Against that background, we have the explosion of the number of children who are going on to schools, K–12 schools. These are the numbers—54 million. I don't think we can do business as usual. I don't think it is a matter of shifting priorities from here to there on this matter, and shuffling the debt. I respect the Senator from Pennsylvania's strong commitment to education and health. There is nobody in this body who doubts it. But we are talking about the broader issue, and that is, given the announcement yesterday that we are going to have a $750 billion surplus in addition to what was expected, whether we are going to be able to find some $300 million to improve the quality of education, and do it in a program that has strong bipartisan support, that is what this is about. That is really what is at issue.

With regard to our program, in the legislation, the national commission, they say:

> We recommend that colleges and schools work with the States to redesign teacher education so that the 2 million teachers hired in the next decade are adequately prepared.

Then they list the various criteria:

> . . . stronger disciplinary preparation, greater focus on learning, more knowledge about curricula, greater understanding of special needs, multicultural competence, preparation for collaboration, technological skills, and strong emphasis on reflection.

Those have all been incorporated in our underlying amendment, which we are trying to fund. That is why it had the strong bipartisan support. Without this amendment, we have, effectively, flat funding. In our appropriation priorities, we are saying to the American people that we are not going to fund resources to provide the best teachers in the classrooms of America. I think we ought to be able to do so.

Mr. SPECTER. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Pennsylvania has 22 minutes remaining.

Mr. SPECTER. Mr. President, with respect to the argument on education, it is a matter of priorities. We have a very extensive allocation of $104.5 billion. Much as I would like to see additional funding for teacher training and teacher recruitment, it is simply a matter of priorities. I am constrained to oppose the amendment by the distinguished Senator from Massachusetts.

INDEPENDENT COUNSEL

Mr. SPECTER. Mr. President, in my remaining time, or at least in a portion of it, I think it worthwhile to comment on the very extensive hearing which was held by the Judiciary Committee yesterday on the issue of independent counsel because the matter is now pending before the Attorney General of the United States as to whether independent counsel ought to be appointed.

The subcommittee on the Department of Justice oversight has conducted extensive hearings. Even before the subcommittee began its hearing process, this is an issue which I raised with the Attorney General on judiciary oversight more than 3 years ago in April of 1997. At that time, I raised the question of hard money and have consistently called for an investigation. We had the Chairman and Vice Chairman of the Federal Election Commission testify a week ago today on current complaints which have been stated by Common Cause and by Century 21, that both political parties ought to be investigated for abuses on soft money and for coordination of soft money with their campaign accounts. I have long contended that the investigations ought to be as to both parties on a bipartisan or on a nonpartisan basis.

The issue, as I say, was raised first in April of 1997. FBI Director Freeh then made a request for independent counsel. That recommendation to the Attorney General was in November of 1997. Charles LaBella, who was appointed by the Attorney General as special counsel, made a similar request for independent counsel in July of 1998.

Within a week after the Freeh report was issued, I asked for a copy and was denied that. Within a week after the LaBella report was issued, I requested a copy and was denied that. We finally received those documents when Judiciary Committee subpoenas were issued, returnable on the 20th of April.

Then it came to light when Vice President GORE announced that he had been questioned by the new chief of the task force, Robert Conrad, that the matter was still open. Somehow, notwithstanding the fact that the Vice President had been questioned on four prior occasions, no questions were ever asked on two matters which had received very substantial publicity: the Hsi Lai Buddhist Temple fundraiser and the issue of coffees in the White House.

As a result of the investigation of the judiciary subcommittee, we determined that Mr. Conrad had made a recommendation to the Attorney General again for independent counsel, just like the LaBella recommendation, just like the Freeh recommendation. Mr. Conrad testified before our subcommittee a week ago today and declined to respond to questions about that matter. It was my judgment that it was a matter for the public to know. The public had a right to know. There was a necessity for the public to know if we were to have accountability by the Attorney General. As is the established custom as a subcommittee chairman, I made that public disclosure which was in accordance with our practice and something where there was solid justification for doing so.

In the hearing which we had with the Attorney General yesterday, it had been scheduled long before the disclosure was made that Mr. Conrad had made a recommendation of independent counsel. We went over with the Attorney General quite a number of factors, starting with the statements which Attorney General Reno had made during her confirmation hearing in 1993.

The Attorney General—then not the Attorney General but the district attorney of Dade County in Miami, FL—came in and asked for our support and our votes, and I voted for her in the Judiciary Committee and on the floor, in part because of her strong stand that the Independent Counsel Act was an important act. She said this during her confirmation hearings:

> It is absolutely essential for the public to have confidence in the system, and you cannot do that when there is a conflict or an appearance of conflict in the person who is, in effect, the chief prosecutor.

The Attorney General serves at the pleasure of the President who appoints her and is obviously very close to the President and to the Vice President.

Attorney General Reno further said at her confirmation hearing:

> The credibility and public confidence engendered with the fact that an independent and impartial outsider has examined the evidence and concluded prosecution is not warranted serves to clear a public official's name in a way that no Justice Department investigation ever could.

She quoted from Archibald Cox who said:

> The public could never feel easy about the vigor and thoroughness with which the investigation was pursued. Some outside person is absolutely essential.

It is in that context that the evidence was examined in our hearing yesterday as to whether independent counsel should have been appointed as to the Vice President and as to the President as well.

As to the Vice President, the issue arose about the veracity of statements which he made about telephone calls raising hard money from the White House. If the money was so-called soft money, it was not a contribution and not covered by the act. But if it was hard money, then there could be a violation of the act. The Vice President was questioned about that and said he did not raise hard money, did not know that hard money was to be raised.

I questioned the Attorney General at some length about the specifics which had been produced. For example, there were four witnesses who testified that at a meeting on November 21, 1995, hard money was discussed, certainly probative raising the inference that if a Vice President is at a meeting where hard money is discussed, he knew he was raising hard money or that hard money was the objective.

Leon Panetta, White House Chief of Staff, was very blunt about his testimony that the Vice President was there and listening and said the purpose of the meeting was "to make sure they"—the President and Vice President—"knew what the hell was going on."

The Attorney General and I had a protracted discussion about the fact that she discounted the evidence from David Strauss who was the deputy Chief of Staff for the Vice President who had made contemporaneous notes at this November 21, 1995, meeting: "Sixty-five percent soft, 35 percent hard."

Mr. Strauss said he could not remember. Notwithstanding that, the law of evidence is conclusive that if there is prior recollection recorded and a contemporaneous record made, that is evidence which can go before a grand jury or before a court.

The attorney said he did not remember, even after he looked at his notes. That raises an evidentiary report of prior recollection refreshed, and that is evidence. Even if a person does not now remember, if they had notes and that refreshes their recollection, the person may testify from the notes on the approach of current recollection refreshed. It does not rule out what his notes had on prior recollection recorded, even though he could not remember it. That was some very important evidence.

In addition, the Vice President received 13 memoranda from Harold Ickes who was involved and running the campaign. Those 13 memoranda recited hard money. The Vice President said he did not read the memoranda. That is a question which would call for further investigation.

The memoranda were put in his in box. And a secretary testified that the input was culled very carefully to keep out extraneous matters. But the Ickes memoranda always went in.

Then the Vice President further said that: The subject matter of the memoranda would have already been disclosed in his and the President's presence.

The Vice President further conceded, in interviews with the FBI—he acknowledged that he had "been a candidate for 16 years and thought he had a good understanding of hard and soft money."

It is important to focus on the fact that the matters presented to the Attorney General are not such that would warrant a prosecution, but only that the matters call for further investigation.

The independent counsel statute is very carefully structured so that the Department of Justice does not do very much. The Department of Justice only makes a preliminary inquiry, and then, in the language of the statute, "The Attorney General, on completion of a preliminary investigation, determines that there are reasonable grounds to believe that further investigation is warranted."

The others who were present at the meeting, who "did not recall," should have been called before a grand jury, which the Attorney General cannot do on her preliminary inquiry. That is to keep the Department of Justice really out of it, but to turn it over to an independent counsel at an early stage.

The Attorney General did say yesterday that they did not submit this to a grand jury. Certainly that is the next step. When witnesses are questioned, it is one thing, but it is quite another to come into the formality of a grand jury, under oath, and to be asked questions. That is why there is the provision for further investigation.

The Attorney General testified yesterday, relying on her submission to the court declining the appointment of independent counsel, that "the Government would have to prove beyond a reasonable doubt." That said, the standard for further investigation for appointment of independent counsel does not involve proof beyond a reasonable doubt, it is only that there is reason to have a further investigation.

I shall not characterize the Attorney General or draw conclusions at this stage, but only lay out the facts and suggest that on the face of the very substantial materials produced, further investigation was required and independent counsel should have been appointed.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. SPECTER. Mr. President, the subject then arose as to what were the factors related to the famous fundraiser at the Hsi Lai Buddhist Temple on April 29, 1996.

The Vice President had received an e-mail from his scheduler asking whether there should be another stop on the April 29 itinerary on top of the "two fundraisers in San Jose and LA."

The Vice President responded:

> If we have already booked the fundraisers, then we have to decline.

But the Vice President said he did not know there were any fundraisers, that the Hsi Lai Temple was a fundraiser.

Then Harold Ickes sent the Vice President a memorandum on April 10 identifying the Los Angeles fundraiser which would raise $250,000 and a supplemental memorandum on April 25 saying the Los Angeles fundraiser would raise up to $325,000. Within 24 hours of receiving this memorandum, the Vice President was given briefing materials from the Democratic National Committee informing him that the DNC luncheon he would attend on April 29 was at the Buddhist temple.

During the course of the event, two of the guests who ate lunch with the Vice President talked about fundraising. Witnesses there said—"One speaker commented that they had raised *x* amount of dollars." And another witness at the luncheon said that a speaker took the podium and reassured the assembled guests that they had "doubled checked" and it was "OK to give contributions at the Buddhist temple."

So here again, there are substantial indicators which certainly would call for going forward with independent counsel.

Then the question was raised about the coffees which raised more than $26 million. When the Vice President was questioned about the coffees—and the Vice President released the transcript—he said:

Question:

> In terms of a fundraising tool, what was the purpose of the coffees?

His response was:

> I don't know.

Then he was asked:

> With respect to raising $108 million, did you have discussions with anybody concerning the role coffees would play in raising that type of money?

The answer of the Vice President:

> Well, let me define the term "raising."

Shades of what "is" is.

Later, he was questioned:

> You had indicated earlier you may have attended one coffee. What were you talking about?

His response:

> Although it was not my practice to go to any of these coffees, there may have been one that I attended briefly.

The Vice President's lawyer then submitted a letter 2 days later, saying:

> As best we can determine from the Vice President's schedule, he was designated to attend four White House coffees. The Vice President hosted approximately 21 coffees at the Old Executive Office Building.

Here again, those matters require further inquiry.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. SPECTER. Mr. President, I raised a question with the Attorney General as to why the Department of Justice went to ask the Vice President these questions on April 18. The apparent reason was that the subcommittee had finally gotten subpoenas out to get the Freeh and LaBella memoranda returnable on April 20.

So the subcommittee would soon find out that the Vice President had never been questioned about the Buddhist temple fundraiser or about the coffee klatsches and that, in fact, the Department of Justice was embarrassed by that omission.

I believe the Attorney General did a substantial disservice to the Vice President in failing to have these matters resolved one way or another at an early stage.

I said at the outset, last Thursday, when I discussed the matter as to the Conrad recommendation for independent counsel, that there is a sharp distinction between the level of information evidenced to call for an independent counsel's investigation and the level to return a criminal prosecution.

I raised a question with the Attorney General yesterday that her failure to act on these matters in 1997, and when Director Freeh called for an independent counsel in 1998, and when LaBella called for an independent counsel, has now put the 2000 Presidential elections in some state of controversy. These matters should have been cleared up. Why the questioning on April 18?

If independent counsel is appointed now, can there possibly be a determination to clear the Vice President before the Democratic convention in August? It seems highly unlikely.

If independent counsel or special counsel is appointed now, is there time to resolve the matter before the general election? It seems highly unlikely.

So that by delaying, it really is too late, at this point, to have special counsel. And that is a responsibility which falls squarely with the Department of Justice and the Attorney General for failing to appoint independent counsel in a timely manner.

It is puzzling why the matter would be reinvestigated and re-inquired into on April 18. The reason is obvious—so they would not be further embarrassed by not having asked about these two matters before. But what is to be done at this stage?

All of this leads to a conclusion that there ought to be some form of judicial review on the Attorney General's judgment on an independent counsel. I had tried for a long time to have a mandamus action brought to take it for judicial review to see if an independent counsel should have been appointed under the mandatory provisions of the statute or the discretionary provisions where there was an abuse of discretion. The problem was one of standing.

It would be my recommendation to the subcommittee that the subcommittee recommend that there be provision for standing to the Judiciary Committee to bring an action for judicial review to have a court determine whether an independent counsel should be appointed because of an abuse of discretion by the Attorney General or because of mandatory provisions of a new statute. This will be a very constructive result, so we do not find ourselves in a situation where these questions linger for more than 3 years and cannot really be resolved before the conventions and so that the Democratic Party would know who their candidate ought to be or what baggage that candidate would have.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, I follow boxing. When I was a younger man, I did some boxing of my own.

One of the things I remember more than anything else regarding fights is when Evander Holyfield fought Mike Tyson. You remember the famous fight where they were in the ring and suddenly Mike Tyson was chewing and biting on Evander Holyfield's ear. That was unfair. It was unnecessary. Mills Lane, the referee, said: You shouldn't do that.

They come out again. He does it again.

I feel, with all due respect to my good friend from Pennsylvania, that that is kind of what has happened here.

The two leaders want to speed up this very important bill. The minority will do everything we can. We have agreed to a time when the amendments could be filed. We have agreed that I will work, as other members of this conference will, to have some of the amendments disappear. The majority leader wants to finish this bill today.

Instead, we have an anti-GORE campaign speech coming from nowhere.

If we want to do something about campaign finance, why don't we do something in the Senate Chamber such as trying to outlaw campaign soft money? That would be a good step to take. We have been trying for years to have campaign finance reform. We have narrowed the issues. We will now just take doing away with soft money. We will take that. But, no, we are prevented from having a vote on that. Why? Because the majority won't let us vote on it. So we have an anti-GORE campaign speech today by the manager of this bill.

I don't serve on the Judiciary Committee. I can't answer all the questions that have been asked. I read the newspapers.

We know that the Attorney General is an impeccably honest person. For example, when she was the chief law enforcement officer of Dade County, Miami, she would go to a car dealership to buy a car and would pay only the sticker price on the window. She didn't want anyone thinking she was getting some kind of a special deal from the car dealership. No one can question the veracity of Janet Reno. She is an honest woman and has been a good Attorney General and has called things the way she believes they should be.

I don't know anything about Conrad, other than he donated money to JESSE HELMS. The only donation he has made in his life was to JESSE HELMS. I also find it interesting that this came out as a result of a leak, a leak from supposedly secret information.

Then my friend from Pennsylvania has the audacity to talk about an independent counsel. We have had our fill of independent counsels, majority and minority. We don't want anymore. They have harassed and berated President Reagan, President Clinton. Independent counsel is out. Remember, we didn't reauthorize that. Of course, we can, because the law was in effect about the period of time the Senator from Pennsylvania was talking about. We could have another independent counsel, and maybe they could break the record of some of the others. For example, Walsh, he was at $50 million or thereabouts. We have had a tag team on the Whitewater stuff. We will probably break all records there. It will probably be about $75 or $80 million by the time that is finished. We all should be a little suspect that this great concern has taken place 4 months before the election.

To advance campaign finance reform, the House, in a bipartisan fashion, as they did last year, passed a bipartisan campaign finance bill that we had buried over here; it went no place—late at night passed a campaign finance bill to outlaw 527s. These are the secret committees that are formed. You don't have to list how much money you give, who gives it, or why they give it. You list nothing. They are secret. The House, in a bipartisan fashion, outlawed that yesterday.

Why don't we do that same thing in the Senate before the Fourth of July recess? If we want to do something to help the political process, let's do that, rather than gin up all this stuff that is so patently political from my friend from Pennsylvania that anybody could see through it.

This is simply an effort to hurt AL GORE in his election against George W. Bush. That is all it is about. Let's call it the way it is. You can dress it in all kinds of clothes and be very self-righteous about all this, but the fact is, this a campaign speech and a campaign effort to hurt Vice President GORE.

Let's talk about Vice President GORE. He also is an honest man, has a wonderful family; he is a religious man.

Now we have the "bite on the ear" this morning. I don't know how much we can take over here. We have worked very hard to move along the appropriations bills. The majority leader said: Work with us on these appropriations bills. It would be the right thing to.

We believe it is the right thing to do also. But we need the majority to go halfway. Do we now want Senators coming in here all day debating this? We have Senator LEAHY. We could have him come. He is ranking member on the Judiciary Committee. He would be happy to come over and spend an hour or two talking about what went on in the Judiciary Committee. We could have BOB TORRICELLI come over and spend an hour or two. He is articulate; he could do that. Is that what we want to happen today or do we want to go ahead with the Labor-HHS bill, a very important bill for the country?

I know the Presiding Officer believes strongly in the defense of this country. We should do the Defense authorization bill. We can't do the Defense authorization bill because it is tied up with campaign finance reform. If we did 527s, Senators MCCAIN and FEINGOLD would be happy to move on to another issue and allow us to complete the Defense authorization bill. A lot of items could be completed in the Senate. The minority needs a little help to move these things along. We can't be burdened, come Thursday afternoon or Wednesday night late, with: Why aren't we moving this bill along? We are not getting cooperation.

With regard to the work we have ahead of us on this bill, right now we have 88 amendments on the Democratic side—I don't know how many on the Republican side—to try to get rid of before we are able to complete the bill. That takes a lot of time. I don't think we should be diverted with this phony campaign finance issue, an attempt to interject it into the Presidential race 4 months before the election.

I think the majority leader has to make a decision. Are we going to spend the day on campaign finance? We would be happy to do that. What went on in the Judiciary Committee, we will come over and talk about it if that is what they want to do. I see my friend from Illinois, a member of the Judiciary Committee. I think he has something to say. I think he spent some time in the last few days in the Judiciary Committee. Is that fair?

Mr. DURBIN. Mr. President, I was on the Judiciary Committee assignment and Government Affairs assignment in the last Congress, and I sat through literally 1 whole year of this under Chairman THOMPSON.

Mr. REID. Well, I didn't. I can only comment on what I read in the papers. But I know when somebody's ear is bitten, as Tyson did to Holyfield, and it is unfair; that is what happened here today. I am not a member of the Judiciary Committee, but I am not going to let this go on being unannounced. We are on a Labor-HHS bill, and we are getting a lot of pressure to do something about it. Here we have a campaign speech in the middle of this bill, and that isn't fair.

Mr. DURBIN. Mr. President, if I might address the Senator from Nevada through the Chair, the situation we saw yesterday is clear evidence that we are in the campaign season. Instead of dealing with issues that many of us think are critical for families, such as prescription drugs and gun safety legislation, we are instead talking about further investigations.

I think there is a point where this Congress is expected to legislate rather than investigate. The closer we get to the election, I think the more the American people discount some of the rhetoric they are hearing on this issue.

Mr. REID. Well, if we want to do some work on this issue, then we will spend the day doing it on this issue, if that is what the majority wants. Or, as I say, I make an invitation: If we want to do something constructive about campaign finance reform, let's pass what the House did last night and do it before the Fourth of July recess. Let's make a goal when we get back, in that 3-week period, that we get rid of soft money, that corrupting influence on political campaigns.

Early in this century, there was a decision made by the Congress that we would not have soft money, corporate money, in Federal elections. The Supreme Court turned that on its head and now soft money is the money of choice, putting millions of dollars in these Federal elections. That is the invitation I make to the majority. Let's do 527 tomorrow and do soft money when we get back.

I know my time is gone. I want to move on with this bill. But the choice is that of the majority as to what we are going to do. Are we going to do appropriations bills? Are we going to debate what went on in the Judiciary Committee for the last several days?

The PRESIDING OFFICER. All time has expired on the Kennedy amendment.

Mr. SPECTER. I believe I have 30 seconds left.

The PRESIDING OFFICER. The Parliamentarian says there is no way to reserve that 30 seconds of time. All time did expire.

Mr. SPECTER. Mr. President, I ask unanimous consent to speak for 1 minute.

Mr. DODD. Reserving the right to object, and I don't intend to object, but I have an amendment on the bill, a relevant amendment. If it is going to be much longer, I will come back in an hour. If we can get to it, I would like to do that or let me go, so I can do something else.

Mr. SPECTER. Within the confines of 30 seconds, simply to reply, we are taking the time that we had on this amendment and nothing more. This is not a matter that has arisen in 4 months but 3½ years ago.

Mr. President, I raise a point of order under section 302(f) of the Budget Act, as amended, that the effect of adopting the amendment provides budgetary authority in excess of the subcommittee's 302(b) allocation under the fiscal year 2001 concurrent resolution on the budget and is not in order.

Mr. DODD. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of that act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER (Mr. ROBERTS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Collins
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Smith (OR)
Snowe
Torricelli
Wellstone
Wyden

NAYS—48

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, just so we know what is happening here, after the Senator from Connecticut offers his amendment—I don't see the manager of the bill—there was an understanding that Senator KERRY from Massachusetts would offer the next amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Connecticut is recognized.

AMENDMENT NO. 3672

(Purpose: To provide $1,000,000,000 for 21st Century Community Learning Centers)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. KENNEDY, and Mr. WELLSTONE, proposes an amendment numbered 3672.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, insert the following:

SEC. . 21ST CENTURY COMMUNITY LEARNING CENTERS.

Notwithstanding any other provision of this Act, the total amount appropriated under this Act to carry out part I of title X of the Elementary and Secondary Education Act of 1965 shall be **$1,000,000,000.**

Mr. DODD. Mr. President, very briefly, this is an amendment on the 21st Century Community Learning Centers program.

Before getting to the substance of this amendment, I want to take a minute to thank my colleague from Pennsylvania and my colleague from Iowa for the work they have done on this bill in a number of areas—and in the are of child care in particular. Last year, when I offered an amendment to increase the funding for the Child Care and Development Block Grant, the distinguished Senator from Pennsylvania reluctantly opposed that amendment. In so doing, he said he would make every effort to raise the level up in this year's appropriation, which he did. I am very pleased with the level of funding that he has provided for child care.

So, while I am offering an amendment on afterschool, which is related in some ways to child care, I want to express my gratitude to the chairman of the subcommittee for his commitment to this issue and to our nation's families and children. As a result of the efforts of the Senator from Pennsylvania and the Senator from Iowa and their colleagues on the committee, 220,000 children will have access to affordable childcare next year who would not have had the increase in funding not been provided by the Senator from Pennsylvania.

Second, I commend Senator KENNEDY for his amendment on teacher quality. I am sorry it had a point of order raised against it. Similar motions have been made other Democratic education amendments—against Senator BINGAMAN's amendment on accountability, Senator MURRAY's amendment on class size, and Senator WELLSTONE's on title I.

I cannot let the moment pass without expressing my deep regrets that these amendments were necessary because the Elementary and Secondary Education Act has still not been considered. As many of you know, we only deal with that bill once every 6 years. I know we are in a rush to get everything done, but once every 6 years to focus on the elementary and secondary education needs of 2.5 million children and their parents is not a great amount of time.

I am sorry I am offering this amendment on the Labor-HHS bill. I would have liked to have considered this issue on the ESEA reauthorization. But, I know we are not going to have a chance to get back to the authorizing bill, so I am left with no alternative but to offer this amendment on afterschool programs on this bill. I express my apologies to my colleagues for doing so. If my colleagues care about afterschool programs, as most Americans do, this may be our only chance to do something about it.

The committee did increase funding for afterschool programs in this bill. They have raised that amount from $453 million up to $600 million. There has been an increase. It is interesting to note, we appropriated only $1 million in 1997 for afterschool programs. The demand has been so great by school districts across the country to fill this need that we have watched this program grow tremendously.

I will show my colleagues why. People ask: Why do we need more afterschool funding? The answer is not difficult to understand. In fact, parents across the country will tell you this without looking at statistics. You can go to any community in America, and around 3 o'clock in the afternoon, you will find people who work will try to find that 5, 10, 15 minutes to get to a phone if they do not have one at their own workstation, to call home to find out whether or not their child has gotten home and is safe.

This is a huge concern for parents. Do my colleagues remember the old bumper sticker which said: "It is 11 p.m. Do you know where your child is?" Mr. President, the fact is that 11 p.m. is not the problem, the hours right after the school day ends are the problem.

The statistics on this chart come from our major police organizations. They show that the peak period for serious violent crimes is between 3 p.m. and 6 p.m. That is the problem time.

Percent of robbery incidents for children under age 18: The peak period is 3 p.m., 4 p.m., 5 p.m., up to around 8 o'clock in the evening.

Percent of aggravated assault incidents for children under 18: The peak period is about 4 o'clock in the afternoon.

The first chart show when children are the perpetrators of crime. The second chart shows when children are at risk of being victims of crime. The peak period is 3 to 4 o'clock in the afternoon.

As I said, parents know about this and care about it. Let me show you to what extent they care about it. Through the 21st Century program, we are now offering 310 afterschool programs around the country. Yet the demand for these programs is much higher—in FY 2000, 2,252 schools applied for grants to provide afterschool services through this program. That demand is coming from the parents through the schools. And, frankly, we're not coming even close to meeting that demand with an increase in funding of $147 million. Increasing funding to $1 billion, as this amendment would do, would allow us to triple the number of children serviced to 2.5 million.

Before he even says anything, I can tell you the chairman is not going to argue with me about whether or not we need to do this. The chairman is going to say: Where are the resources going to come from? We are up against a wall on this.

It is a very difficult situation. If I want to find an offset for my amendment, I have to raid health care or child care. With these budget caps we have forced competition between programs that are serving the same families.

I know we have budget caps, but, like most Americans, I believe if people care enough about this, we will find a way to deal with it. We always manage to on other issues. This certainly qualifies as a crisis, if not a natural disaster where the winds and fires have devastated areas, it is close to something of a natural disaster when we have the violent crimes, the victimization of children, the fear that parents have about who is watching their kids, and what are they doing when they are home alone.

I will share with my colleagues, aside from the crime elements, what happens to kids when they are home alone.

Drug abuse, alcohol, cigarettes all begin with these age groups when kids are unsupervised. Parents, as I said earlier, are not unmindful of this. Eighty-five percent of the most recent study of voters think "afterschool programs are a necessity. More than a third of the voters believe the single biggest threat to their children today is being unsupervised. Voters rank afterschool programs, along with parent involvement and reducing class size, as the most effective means of improving academic performance.

Two months ago, I attended an event at the White House to release a report by a group called Fight Crime: Invest in Kids. It is a coalition of over 700 police chiefs and prosecutors across the country. Many of the individuals are conservative Republicans.

These police chiefs said: If you are going to address the issue of juvenile crime and the victimization of children, you have to focus on the issue of after school. The parents get it; the police officers get it. The question is whether or not we are going to find some means to do something about it, to support a program that can serve 2.5 million children of the 5 million who are home alone in the afterschool hours.

I mentioned earlier—and I will repeat it again today—that we spend less than one-half of 1 percent of the entire Federal budget on elementary and secondary education. I suspect that could be a great trivia question. I suspect most Americans think that as a percentage of our Federal budget that we would spend something more than less than one-half of 1 percent of the entire Federal budget on the 50 million children who attend public schools. Out of the 55 million children who go to school every day in this country, 50 million of them go to a public school. Five million children go to private, parochial schools.

Less than one-half of 1 percent of our budget goes to serve 50 million children. I suspect not one of us has been home in our states, regardless of the audience, where we do not find some way to talk about education in our remarks. We do so because I think all of us in this Chamber—regardless of party or political ideology—understand deeply how important education is to the well-being of our Nation and the need to improve the quality of our public schools.

Shutting down failed schools may provide some quick satisfaction, but too often those kids in a rural school—in Nebraska or Connecticut—or an urban school—in Los Angeles or Chicago or Philadelphia—have no alternative if you shut down the school. There are not a lot of schools around where they can all of a sudden go the next day or the next week. And these are the very children we most need to help. We have to do a better job in trying to help these underserved kids, the ones who come from single-parent families, or where two parents are working because they have to put food on the table.

Contributing only 7 cents out of the entire education dollar in the country, does not make the federal government a very good partner. Our local communities are strapped, our States are struggling to try to do a better job on class size, teacher quality, accountability, and afterschool programs.

We are not measuring up, in my view, to the level of partnership that we ought to provide. I am not suggesting we ought to assume all of the responsibility for education. That would be ridiculous. But right now we only contribute 7 cents on the dollar—$15 billion out of about $190 billion—that is spent nationwide on elementary and secondary education.

Again, here we are at the dawn of the 21st century. It is so obvious, it is so self-evident, that if we have hopes of succeeding as a people in this century, we must meet the educational needs of our children. This is about as fundamental as it gets. This is the hub of the wheel. People always say kids represent 25 percent of the population but they are 100 percent of our future. We are the ones who will set the ground rules on whether or not they are going to have the chance to succeed and prosper in the years ahead.

Mrs. BOXER. Will my friend yield for a question?

Mr. DODD. I am happy to yield to my colleague.

The PRESIDING OFFICER. The distinguished Senator's time has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent that my friend be given 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mrs. BOXER. I thank my friend. I was not able to hear his entire presentation, but he and I have worked together on afterschool programs. We have made some progress because, frankly, in the first budget fight that this President had, he put afterschool on the table, and he insisted we increase our participation.

I don't know if my friend went over the details of how many people in this country really support what he is trying to do today. I wanted to make sure my friend knew, in the last poll I saw, about 90 percent of the people said: We need to do more for our children after school. I wonder if my friend knew that.

Mr. DODD. I did make that point. The Senator from California has been a leader on this issue for a long time and on many other issues related to education. But I made the point about how many people care about this issue and I shared the polling numbers with my colleagues.

Mrs. BOXER. I am happy my friend did that.

We call ourselves representatives. What we are supposed to do is represent the hopes and the dreams and the needs of the people. We have a bill that comes to the floor that is a cap bill. We understand that. But my goodness, we know there are surpluses coming. If we can't do more to meet this need, and get that 60 votes for the Senator in this amendment, I think we are failing our children.

I thank my friend for his leadership.

Mr. DODD. I thank the Senator.

I suspect my time has expired, Mr. President.

The PRESIDING OFFICER. The distinguished Senator has 30 seconds remaining.

Mr. DODD. Again, I urge my colleagues to vote to waive the budget point of order that I know my friend from Pennsylvania will have to make. I thank him again.

I will end where I began. He has been a very good friend on a lot of these issues. I realize his objections to this are not on the policy issue as much as it is a problem financially.

But I wanted to offer this amendment because it is a critically important one. My hope is we get back to the Elementary and Secondary Education Act and that we spend more time on that bill before this session ends. We have a chance to address these kinds of policy questions, on which I think more of my colleagues would like to be heard.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Pennsylvania is recognized.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 125, the adjournment resolution, which is at the desk. I further ask consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there an objection?

The Chair hears none, and it is so ordered.

The concurrent resolution (S. Con. Res. 125) was agreed to, as follows:

S. CON. RES. 125

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, June 29, 2000, Friday, June 30, 2000, or on Saturday, July 1, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 10, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 29, 2000, or Friday, June 30, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, July 10, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

Mr. SPECTER. Mr. President, I ask unanimous consent that a vote on or in relation to the Dodd amendment not take place at the conclusion of argument; that it be stacked later this afternoon at a time to be mutually agreed upon after consulting with the leaders on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, there is not too much need for me to respond to the Senator from Connecticut. I think he has already stated my position in toto. I do think this afterschool program, which he has proposed to add to, is a worthwhile program. But it is beyond the limits with which our subcommittee has to work. He is correct that I will make a motion that it exceeds the allocation to our committee at the appropriate time.

Afterschool is very important. It is sort of a twin brother to day care. Last year, I agreed with the Senator from Connecticut to scrimp and save and use a sharp pencil to find $817 million more to bring day care up to $2 billion, which we did. I thought that kind of an allocation might have satisfied the Senator from Connecticut for a year. But it has not. So we will have to face this when it comes along.

He said to me: That is day care.

I said: Day care is very important. Bringing it up by more than $800 million to $2 billion was a tough job, Senator DODD.

I called him CHRIS at the time.

We thought that being a twin brother to afterschool, we might have avoided an amendment.

Mr. DODD. If my colleague will yield.

Mr. SPECTER. I will be glad to yield.

Mr. DODD. I was as complimentary as I could be. But I will be even more complimentary. I am deeply grateful to the Senator.

Mr. SPECTER. It is very tough being the manager of a bill that funds the Department of Education because there is no priority higher than education. The only one on a level with it is health care. And we have the funding coming out of the same pool of money.

We made the allocations as best we could. I know of the devotion of the Senator from Connecticut to this cause. He and I were elected at the same time. He withstood the Reagan landslide in 1980 to be one of two Democrats elected to open seats, when 16 Republicans came in. And he and I cochaired the Children's Caucus at that time.

In 1987, when he proposed family leave, I was his cosponsor, with a lot of turmoil just on this side of the aisle. We have worked together over the years for education and for children. I commend him for all that he has done.

We have added to education some $4.6 billion. We are $100 million more than the President in education this year.

We have increased funding tremendously for children and young people in America. The Head Start Program comes, curiously enough, under the Department of Health and Human Services. There is an increase this year of $1 billion to Head Start, coming up to $6.2 billion. We have increased special education by $1.3 billion, bringing it up to $7.3 billion. We have increased innovative State grants by $2.7 billion for more teachers, class size, and for school construction, with the proviso that it is limited. It is up to the local school district if they decide to do something else with it.

When it comes to the program the Senator from Connecticut is talking about, the 21st Century Learning Centers, we have added $146.6 million to bring the figure up to $600 million. In fiscal year 1999, it was $200 million. So we are moving right along on it to provide the maximum amount of money we can.

It is not an easy matter to allocate $104.5 billion—as much money as that is—for the National Institutes of Health and for drug programs and for school violence programs. We have done the best job we could. It is with reluctance that I raise a point of order.

How much time remains, Mr. President?

The PRESIDING OFFICER. The distinguished Senator has 9 minutes remaining.

Mr. SPECTER. I have made the essential arguments which are relevant. In the interest of moving the bill along and saving time, I make a point of order under section 302(b) of the Budget Act, as amended, that the effect of adopting the Dodd amendment provides budget authority in excess of the subcommittee's 302(b) allocation under the fiscal year 2001 concurrent resolution on the budget and is not in order.

Mr. DODD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, as previously agreed to by unanimous consent, the vote will be delayed to a time agreed upon by the leaders later today. I yield back the remainder of my time so we may proceed with the amendment of the Senator from Massachusetts.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts is recognized.

AMENDMENT NO. 3659

(Purpose: To increase funding for the technology literacy challenge fund)

Mr. KERRY. Mr. President, I call up amendment No. 3659 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Massachusetts [Mr. KERRY], proposes an amendment numbered 3659.

The amendment is as follows:

> At the end of title III, insert the following:
>
> SEC. . Notwithstanding any other provision of this Act, the total amount made available under this title to carry out the technology literacy challenge fund under section 3132 of the Elementary and Secondary Education Act of 1965 shall be $517,000,000.

Mr. SPECTER. Mr. President, I ask unanimous consent that time on the Kerry amendment be 1 hour equally divided. We have already talked about this. I understand there is agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that Senators BINGAMAN and MIKULSKI be added as original cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me pick up, if I may, on the comments made by the Senator from Connecticut. There is a relationship between these amendments that are proposed by Senator KENNEDY, Senator BINGAMAN, Senator DODD, and myself. They are made with great respect for the leadership of the appropriations subcommittee. I share the feelings expressed by Senator DODD that they are working within the constraints that have been imposed on them by the Congress in a sense through the budgeting process.

What we are asking of our colleagues is to begin a process by which we more accurately reflect the truth of the budgeting process and the choices we as Senators face. The fact is, we have the ability to provide 60 votes to waive and to proceed to make a statement as the Senate that we believe a specific priority is significant enough that we ought to depart from the constraints. The constraints under which we are operating, that were very properly and articulately listed by the Senator from Pennsylvania, are restraints imposed by a Budget Act and by allocations that do not reflect the reality of the budget choice we face as a country because of the level of surplus. Since those allocations were made, we have in fact learned that we have a significant amount of additional funds available to us to begin to choose how we will reflect the priorities of our Nation.

I say to my colleagues on the other side of the aisle, a lot of us on this side of the aisle joined with them to put in place the fiscal discipline we all laud and believe is appropriate. It was a 1993 vote, in fact, that put in place the Deficit Reduction Act. Many of us are pleased that we finally were able to set this country on a course where we now have the current surpluses. We have to start to be smart about what kind of choices we are going to make.

I keep hearing colleagues on both sides of the aisle come to the floor. They lament what is happening to children in America. They lament what is happening with respect to young people who are increasingly feeding into the juvenile justice system of the Nation. We hear the cries of anguish about children having children out of wedlock, about the failure of marriage in this country. But we don't seem to connect our legislative actions to things that really might make a difference in the lives of young people so they will choose a more moral, traditional, affirmative course for their own life.

How do kids make those kinds of choices? Traditionally, in the America we always hear Members talking about, we have family, which is the best teacher of all, the most important connection of a child to their future. We have schools and teachers. History in America is replete with great personalities who harken back to a particular teacher who affected their life. We hear less and less of those stories in modern America. Finally, there is organized religion. Organized religion is the other great teaching entity. Not one that we are supposed to, in this body, specifically legislate about, but it is proper to acknowledge the role that religion plays as one of those three great teachers in the lives of children.

The truth is, in America today we have an awful lot of young children who don't have contact with any one of those three teachers, not one. Their teachers are the streets. Colin Powell talks about it in his America's Promise, which appeals to people to make a voluntary commitment to try to intervene in the lives of some of those children and replace the absence of those three great teachers.

What kids learn in the streets is not the real values of America; it is what I call "coping skills." They learn how to get by. They learn how to survive. They learn the sort of "law of the jungle," as some used to call it. The fact is, we are not doing enough, we Senators are not doing enough, to leverage those things that make a difference in the absence of the three great teachers.

I ask any one of my colleagues: How do we break the cycle of a kid having a kid out of wedlock? How do we break the cycle of a child raised in an abusive household, whose role models in life are people who beat up on each other, shoot drugs, get into trouble, such as the role models for that 6-year-old kid who shot a 6-year-old classmate living in a crack house with an uncle, a parent in jail, no one responsible?

What is that child's future, unless adults make the decision to somehow provide those positive forces that make a difference? What are the positive forces? Well, the positive forces are often some of the faith-based interventions, whether it is the Jewish Community Center or a Baptist organization or the Catholic Charities; but there are those entities out there that have a wonderful, extraordinary capacity to bring kids back from the brink. And then there are those organized entities that also do it, such as the Boys and Girls Club; Big Brother/Big Sister; YMCA and YWCA; or a program in Boston called Youth Build, or City Year. All of these provide young people with alternatives and the ability to have surrogate parenting, fundamentally. That is what is really taking place. What is really taking place is those entities is providing an alternative.

Now, we will debate in the Senate whether or not we are going to provide 200,000 H–1B visas. I am for it. I think we ought to provide that, or more, because we have an immediate need in this country to provide skilled people in order to keep the economic boom going and provide for critical technologies, to have good working people. But has it not occurred to my colleagues what an insult it is to our own system that we have to go abroad and import skilled labor to the United States, even as we are putting thousands of young kids into prison, into the juvenile justice system, and out into the streets, as the Senator from Connecticut just said, because we don't have afterschool programs? What are we going to do? We are going to import 200,000 skilled people to make up for the unskilled people whom we leave unskilled because we are unwilling to make the adult choices in the Senate that would make a difference in their lives.

How can we boast about the extraordinary surplus we have in this country, with the stock market climbing to record levels, the most extraordinary amounts of wealth ever created in the history of any nation on the planet right here in the United States, but poverty among children has increased by 50 percent and the number of kids who are at risk has increased.

I don't believe in the Federal Government taking over these programs. I don't believe in Washington dictating the solutions. But I do believe in Washington leveraging the capacity of people at the local level to be able to do what they know they need to do. So we are reduced to a debate where the Senator from Pennsylvania has to say, well, oh, my gosh, under our 201(b) allocation—or whatever the appropriate section is—we don't have enough money to be able to allocate because we have a total cap that has no relationship to the reality of what we must do.

We keep saying, isn't it terrific that we have raised the amount of money—and it is terrific—when the real question is, are we doing what we need to do to get the job done? That is the question we ought to be asking.

What is it going to take to guarantee that children in the United States of America are safe? What does it take to guarantee that we don't dump 5 million kids out into the streets in the afternoons, unsafe, and exposed to drug dealers and to all of the vagaries of the teenage years and all of the pressures that come with it in a modern society that doesn't have parents around to be able to help those kids make a better choice? We don't have to do that. We ought to make it the goal of the Senate to guarantee that every child in America is going to be safe and secure between the hours when teachers stop teaching and when those parents are coming home. And we can ask 100,000 questions about why it is we are not providing arts and music and sports and libraries that are open full-time, and Internet access.

That is where my amendment comes in, Mr. President. Senator KENNEDY has an amendment on teacher quality, which is linked to the capacity of kids to fill those high tech jobs that we talk about. Senator DODD has an amendment talking about making those kids safe after school. My amendment seeks to increase the funding for the technology literacy challenge fund, which is a critically important education program that helps provide technology access, education, professional development, and instruction in elementary and secondary schools.

All we say is that to qualify for the money, States have to submit a statewide technology plan that includes a strategy on how the States will include private, State, local, and other entities in the continued financing and support of technology in schools.

There are two points that I can't stress enough. One is the importance of providing young people with the opportunity to learn how to use technology. I am not one of those people. I don't want to celebrate technology to the point of it being put up on a pedestal and it becomes an entity unto itself. Technology is not a god; it is not a philosophy; it is not a way of life. Technology is a tool, a useful tool. It is a critical tool for the modern marketplace and the modern world. But we are preordaining that we are going to have to have next year's H–1B plan, and the next year's H–1B plan, and another prison, and another program to deal with a whole lot of young kids for whom the digital divide becomes more and more real, who don't have accessability or the capacity to be able to gain the skills necessary to share in this new world. The fact is that there are too many teachers who don't have the ability to even teach; we have the schools wired; we have the e-rate.

We are beginning to get increased access to the Internet. But what do you do with it? How many teachers know how to use the technology to really be able to educate kids? How many kids are, in fact, having the benefit of the opportunity of having teachers who have those skills so that they can ultimately maximize their opportunities?

All we are suggesting is that we ought to be doing more to empower—not to mandate, not to dictate, but to empower—those local communities that desperately want to do this but don't have the tax base to be able to do it. Let's give them that ability. That is the best role the Federal Government can play—to leverage things that represent national priorities, leverage the things that represent the best goals and aspirations of ourselves as a Nation. It is not micromanagement; it is, rather, putting in place a mechanism by which we have national priorities—to have good, strong families, to have kids who are computer literate, and to have more skilled workers. Those are national priorities. But if we turn our heads away and say the only priority in this country is to sort of sequester this money for the senior generation in one form or another, without any regard to the generation that is coming along that needs to fund Social Security, that needs to have a high value-added job so they can pay into it and adequately protect it, that is not Social Security protection.

We have gone from 13 workers paying in for every 1 that is taking out—13 workers paying into the system for every 1 worker taking out—to three paying in and one taking out. Now there are two paying in and one taking out.

We have a vested interest as a nation in making sure those two paying in are capable of paying in; that they have a high value-added job that empowers them to pay in; when they pay in, it doesn't take so much of their income that they feel so oppressed by the system that they are not able to invest in their own children and in their own future.

That is in our interest. That is a national priority.

If we don't begin in the Senate tomorrow to adequately reflect the needs of our children in the money that we allocate, we will be seriously missing one of the greatest priorities the country faces.

All of us understand the degree to which there is an increase in the digital divide of the country. The technology literacy challenge fund is a critical effort to try to provide those kids with an opportunity to close that gap.

Last year, my home State of Massachusetts received $8.1 million. Some of the programs it put in place are quite extraordinary. Let me share with my colleagues one of the examples of this program that works so effectively. It is called the Lighthouse Technology Grant.

The Lighthouse Technology Grant incorporates new technologies into the State curriculum framework so that it better motivates children to be able to learn.

One of the schools in my State—the Lynn Woods Elementary School in Lynn—is integrating technology into the classroom by virtue of this grant. Fifth grade students at the Lynn Woods school are studying Australia. They have been able to videoconference directly with Australian students who are studying the Boston area.

You have students engaging in a very personal and direct way, all of which encourages their learning and enhances their interest in the topic. They have also developed writing skills through special e-mail pen pal programs with Australian students.

In addition, they have been able to connect more directly with the experience of life, thereby asking very direct questions and engaging in a personal exchange that they never could have experienced before because of telephone rates and because of the difficulties of communication under any kind of telephone circumstance.

The Lighthouse Technology Grant is only one of eight programs funded by this challenge grant in Massachusetts. It also provides grants to a virtual high school program which enables school districts to offer students Internet courses ranging from advanced academic courses to technical and specialized courses. Let me emphasize the importance of that to my colleagues.

A few weeks ago, I visited a high school in Boston, an inner-city high school, Dorchester High. I found that in this high school of almost 1,000 students in the inner city they are not able to provide advanced placement courses. I ask everybody here to imagine a high school that is supposed to be state of the art that doesn't have advanced placement courses.

Yet, because of the virtual high school and because of the access to the Internet, if we close the digital divide, we can in fact make it affordable and accessible for schools that today have difficulty finding the teachers, affording the teachers, and providing the curriculum—and be able to do so immediately.

That is the difference between somebody being able to go to college or being college ready or being able to go to college and advance rapidly in the kinds of curriculum and courses that will make even a greater difference in their earning capacity and in their citizen-contributing capacity at a later time. We need to recognize that unless we encourage this to happen, the transformation could take a lot longer than we want it to take.

For example, it has taken only 7 years for the Internet to be adopted by 30 percent of Americans. That is compared to 17 years for television to be adopted by 38 percent, and for the telephone, 38 percent during the same amount of time.

The world of work is obviously so much different and at a faster rate. But if we leave kids behind for a longer period of time, we will greatly restrain their learning capacity as well as our growth capacity as a country.

The technology literacy challenge fund has been funded under the committee's mark at about $425 million. The administration actually asked for $450 million. The House has set a figure of $517 million. I think that is more reflective of the level of funding that is necessary in order to achieve the kind of transition that we wish for in this country. Some might argue we could even do more. But it is clear to me that by measuring the priorities as expressed by other colleagues we can, in fact, do more if we will challenge the system a little bit, if we will push the limits a little bit, and if we will look at the reality of the budget choices that the Congress faces.

I think nothing could be more important for all of us as Senators and as Congress this year. I hope my colleagues will embrace the notion that we can in fact do an appropriate waiver of the budget and set this as a priority of the Senate.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, here again, there is little doubt that technology literacy is a very important matter for America. There is no doubt about that at all. Here again, it is a matter of how our allocations are going to run.

We debated the Dodd amendment earlier today about afterschool programs—again, a good program. There is a question about the amount of money and where the priorities are.

We debated the Kennedy amendment about teacher recruitment—another good program.

We had to turn down amendments yesterday by Senator WELLSTONE who wanted more money for title I; Senator BINGAMAN, also more money for title I; Senator MURRAY asked for an additional $325 million on top of $1.4 billion which was supplied for class size. There is no doubt that so many of these programs are excellent programs.

The Senator from Massachusetts in offering this amendment noted the constraints we are operating under with respect to how much money we have in our allocation. We have established priorities. We have greatly increased the education account by some $4.6 billion. That is a tremendous increase, coming to a total of $40.2 billion. In our education account, we have $100 million more than the President asked for.

I have already today gone over a long list of items where we have increased funding on education on very important items. It is a matter of making the appropriate allocation and the setting of priorities.

I say to my colleague from Massachusetts that the House of Representatives has established a mark of $517 million in this account. It is entirely plausible that the figure that is in the Senate bill will be substantially increased.

We will certainly keep in mind the eloquence of Senator KERRY's arguments. There is no doubt about technology and about the need for more funding in technology.

I believe that a country with an $8 trillion gross national product can do better on education. I said earlier today and have said many times on this floor that I am committed to education, coming from a family which emphasizes education so heavily, my parents having very little education and my siblings and I being able to succeed—I guess you would call it success to come to the Senate—because of our educational opportunities.

That is the essence of our position. We have substantially more time.

I inquire of the Chair: How much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 26 minutes remaining. The Senator from Massachusetts has 8 minutes remaining.

Mr. SPECTER. Mr. President, I yield the floor, and I reserve the remainder of my time.

Mr. REID. Mr. President, if I could direct a question to the manager of the bill, it is my understanding Senator WELLSTONE will offer one of his amendments next.

Mr. SPECTER. That is fine.

Mr. REID. I will also have Senator WELLSTONE agree to a time limit.

Mr. SPECTER. Speaking of the time limit with Senator WELLSTONE on the floor, may we agree to 30 minutes equally divided, 20 minutes equally divided, 15 minutes equally divided? How much time does Senator WELLSTONE desire?

Mr. WELLSTONE. Mr. President, I did not hear the Senator.

Mr. SPECTER. Mr. President, I suggested a time agreement of 30 minutes equally divided, perhaps 20 minutes equally divided.

Mr. WELLSTONE. I say to my colleague from Pennsylvania, my guess is it will take me about 40 minutes on my side. I prefer not to agree to a time limit. I don't think I will go more than that.

Mr. SPECTER. Would the Senator from Minnesota be willing to enter a time agreement of an hour, 40 minutes for the Senator from Minnesota, and 20 minutes for our side?

Mr. WELLSTONE. I am pleased to do so.

Mr. SPECTER. I ask unanimous consent the time be set on the Wellstone amendment at 1 hour, with the Senator from Minnesota having 40 minutes and our side having 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I also ask unanimous consent that no second-degree amendments be in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. If the Senator from Pennsylvania wants to yield back time, I am prepared to do the same. I want to reserve one comment.

I appreciate everything the Senator has said. I appreciate his comments. I know he wants to do more. Unless we in the Senate tackle this beast called the allocation process, and unless we begin to challenge the constraints within which we are now dealing, we are not doing our job.

These votes are an opportunity to try to do that. My plea is to the Senator, the Appropriations Committee, and others, that we begin to try to change these shackles that are keeping us from responding to the real needs of the country. The measurement should not be what we are doing against a baseline set by us. The measurement should be, what will it take to guarantee we can turn to Americans and say we are addressing the problem, we are getting the job done.

We need to close that gap.

I am happy to yield back the remainder of my time.

Mr. SPECTER. Mr. President, I ask unanimous consent the vote on the Kerry amendment be deferred, to be stacked later today at a time to be mutually agreed upon by our respective leaders.

I raise a point of order under section 302(f) of the Budget Act, as amended, that the effect of adopting the Kerry amendment provides budget authority in excess of the subcommittee's 302(b) allocations under the fiscal year 2001 concurrent resolution on the budget, and is not in order.

Mr. KERRY. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable section of that act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. I thank my colleague.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 3644

(Purpose: To provide funds for the loan forgiveness for child care providers program, with an offset)

Mr. WELLSTONE. I call up amendment 3644.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 3644.

Mr. WELLSTONE. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 71, after line 25, add the following:

SEC.   . (a) In addition to any amounts appropriated under this title for the loan forgiveness for child care providers program under section 428K of the Higher Education Act of 1965 (20 U.S.C. 1078-11), an additional $10,000,000 is appropriated to carry out such program.

(b) Notwithstanding any other provision of this Act, amounts made available under titles I and II, and this title, for salaries and expenses at the Departments of Labor, Health and Human Services, and Education, respectively, shall be reduced on a pro rata basis by $10,000,000.

Mr. WELLSTONE. Mr. President, I come to the floor to offer a very simple amendment. This amendment asks only that we appropriate an additional $10 million to fund the loan forgiveness program which was authorized under the Higher Education Act. This is a loan forgiveness program for women and men who go into child care work. This would be taken from administrative expenses in the overall budget.

Despite the fact that we know that child care workers struggle to pay back their student loans, and that all too many of them earn poverty-level wages without benefits, which means in turn that many of them are forced to leave their work for higher paid work, we have yet to appropriate one penny for this forgiveness program.

I originally offered this amendment calling for loan forgiveness for those men and women who go into the child care field with Senator DEWINE. My thought was this is sacred work. This is important work. This is work with small children. If people are going to be paid miserably low wages—many having no health care benefits at all, and we understand the importance of early childhood development—then let's at least have a loan forgiveness that will encourage men and women to go into this area.

Right now the child care situation in the United States is critical. We have a system in place where child care is prohibitively high for working families. It is not uncommon for a family to be paying $6,000 per child, $12,000 per year, $10,000 per year. Maybe the family's overall income is $35,000 or $40,000.

At the same time, we have child care workers who are taking care of children during the most critical years of development and they don't even make poverty wages.

It seems counterintuitive. How can it be that on the one hand child care is so expensive, but on the other hand those men and women who work in this field are so underpaid?

The problems of the high costs and the low wages are inevitable under the current system of child care delivery in the United States. Colleagues, this amendment is just one vote, but this is a central issue of American politics. Talk to working families in this country and they will list child care as one of their top concerns. They are not just talking about the cost of child care, but they are also saying when both parents work, or as a single parent working, they worry most of all that their child is receiving the best care—not custodial, not in front of a television for 8 hours, but developmental care.

On a personal note, I can remember as a student at the University of North Carolina, barely age 20, Sheila and I had our first child. I will never forget, 6 weeks after David was born, Sheila had to go back to work. That is all the time she could take off. Six weeks is not enough time to bond with a child. We had hardly any money. We asked around and we heard about a woman who took care of children. We took David over. After about 3 days of picking him up, every day he was listless. Before he had gone to this child care, this home child care setting, he was engaged and lively. It was wonderful.

I was at school, I was working; Sheila was working. At 5 o'clock or 5:30 we would come to pick him up and he was listless. Finally, after 3 days I got concerned and I showed up at her home in the middle of the day. The problem was she had about 20 children she was trying to take care of. Most of them were in playpens and she had stuck a pacifier in their mouth and they were receiving no real care. There was no real interaction. Parents worry about this.

I argue today on the floor of the Senate, one of the keys to making sure there is decent developmental child care—not custodial child care—is to have men and women working in this field being paid a decent wage. Right now, we have a 40-percent turnover in this field. Who pays the price? The children.

I have said on the Senate floor before, when I was teaching at Carleton College as a college teacher for 20 years, I had conversations with students who came to me and said: Look, don't take it personally. We think you are a good teacher, Paul, and we really appreciate your work as a teacher. But we would like to go into early childhood development. The problem is, when you make $8 an hour, with no health care benefits, and you have a huge student loan to pay off, especially at a college like Carleton, you can't afford to do it. Some of the people want to go into this field, which we say is so important, but they can't afford to do it.

The least we could do is have a small loan forgiveness program.

The result of the system we have right now is poverty-level earnings for the workforce.

By the way, who are the child care providers in the country today? Mr. President, 98 percent of them are women, and one-third of them are women of color. We can do a lot better. We pay parking lot attendants and men and women who work at the zoos in America twice as much as we pay those men and women who take care of our small children. Something is profoundly wrong when we pay people who care for our cars and our pets more money than we do for those who care for our children.

Let me go over the facts. The average teacher based at a child care center earns roughly $7 an hour. Despite above average levels of education, roughly one-third of the child care workers earn the minimum wage. Even those at the highest end of the pay scale, who are likely to have a college degree and several years of experience, make about $10 an hour. Family child care providers—a lot of child care is in homes—make even less money. People who care for small groups of children in their home make on average about $9,000 per year after all expenses are figured in.

A recent study by the Center For The Childcare Workforce finds that family child care providers earn on the average, when you take into account their costs, $3.84 an hour, given their typical 55-hour week. Not only that, but the majority of child care workers in our country receive no health benefits, despite high exposure to illness. A lot of kids, when they come, have the flu and they pass it around. Fewer than one-third of the child care providers in this country today have health insurance, and an even smaller percentage of child care workers have any pension plan whatsoever. A recent study in my State of Minnesota found that only 31 percent of child care centers offered full-time employees fully paid health care.

The consequences of these dismal conditions are clear. Let me just put it into perspective for colleagues. In the White House Conference on the Development of the Brain, they talked about how important it is that we get it right for children in the very early years of their lives. The medical evidence is irrefutable and irreducible that these are the most critical years. We all want to have our pictures taken next to children —the smaller the children are, the better. Yet at the same time we have done so precious little to make a commitment to this area. We have child care workers, men and women who work in these centers, who do not even make half of what people make who work in our zoos. I think work in the zoo is important, but I also think work with small children is important.

We have the vast majority of child care workers barely making minimum wage or a little bit above, only about a third at best having any health care coverage whatsoever.

Senator DEWINE and I, several years ago, help pass a bill that authorized some loan forgiveness so you would have men and women who could go to college, with the idea they would go into this critically important field and their loans would be forgiven. What I am trying to do, taking it out of administrative expenses, is just finally to get a little bit of appropriation; start out with $10 million so we finally set the precedent that we are willing to fund this. We have not put one penny into this program so far.

What happens is that we have this high turnover. As I said before, probably about 40 percent or thereabouts of child care workers in any given year go from one job to another. That figure may be a little high, but it is a huge turnover. Who pays the price? The children pay the price. As I look at my own figures, I guess it is about a third, a third of this country's child care workforce leaves the job each year because they are looking for better work. This leads to a dangerous decline in the quality of child care for our families. The most dangerous decline in quality is the care for toddlers, for infants. They are exposed to the poorest care of all.

We have not appropriated one cent for the loan forgiveness program we authorized 2 years ago, and at the same time you have 33 percent of child care workers every year leaving, and you don't have the continuity of care for our children, for families in this country. At the same time, it is the infants and the toddlers who are the ones who are most in jeopardy. At the same time, we have not made any commitment whatsoever to at least—at least, this doesn't change everything in the equation—make sure we have a loan forgiveness program.

Another thing that is happening is that as we begin to see a severe teacher shortage, a lot of child care workers are saying that they can't make it on $8 an hour with no health care benefits. A lot of younger people say they can't make it on $8 an hour with no health care benefits and a big loan to pay off. They now become our elementary school teachers or middle school teachers.

As a result, what you have is, at the same time the number of child care providers is decreasing, the number of families who need good child care for their children is dramatically increasing. That is not just because of the welfare bill, but because the reality of American families today, for better or for worse—sometimes I wonder—is that you just don't have one parent staying at home. In most families, both parents are working full time. This is a huge concern to families in this country. We could help by passing this amendment.

I want to talk about one study in particular that I think, in a dramatic way, puts into focus what I am talking about. It was a recent study by the University of California at Berkeley and Yale University. They found that a million more toddlers and preschoolers are now in child care because of the welfare law. That wouldn't surprise anyone, given the emphasis on people going to work. So far, so good.

But they also found that many of these children are in low-quality care, where they lag behind other children in developmental measures. This was a study of 1,000 single mothers moving from welfare to work. They wanted to know where were their children. What they found out was their children were, by and large, placed in child care settings where they watched TV all the time, wandered aimlessly, and there was little interaction with caregivers. Here is the tragedy of it. Many of these toddlers from these families showed developmental delays.

Would anybody be surprised? Anyone who has spent any time with small children would not be surprised. When asked to point to a picture of a book from among three different pictures, fewer than two in five of the toddlers in the study pointed to the right picture compared to a national norm of four out of five children.

One of the study's authors is quoted as saying:

> We know that high quality child care can help children and that poor children can benefit the most. So we hope that this will be a wake-up call to do something about the quality of child care in this country. The quality of daycare centers is not great for middle class families, but it is surprising and distressing to see the extent to which welfare families' quality was even lower.

I simply want to point out that just because a family is a welfare family or just because a family is a poor family does not mean these small children are not as deserving of good child care. That is not the situation today in the country.

Ironically, as we see the child care system deteriorating, we are now putting more and more emphasis on the importance of developmental child care. We are saying at the same time that we want to make sure single parents work and families move from welfare to work. We are putting the emphasis on work, and more families have to work to make it.

The median income in our country today is about $40,000 a year. The income profile is not that high. We know investment in early childhood development pays for itself many times over.

We know good child care programs dramatically increase the chances for children to do well in school, for children to go on beyond K–12 and go to college and do well in their lives, and we know the lives of low-income families, in particular, quite often lack some of the advantages other families in this country have. Children from low-income families do not always have the same vocabulary; there is not always the opportunity for a parent or parents to read to them. Therefore, the learning gap by kindergarten is wide. Some children start way behind, and then they fall further behind.

I cite one study which began in the seventies on the effects of early childhood intervention. Children who received comprehensive, quality, early education did better on cognitive, reading and math tests than children who did not. This positive effect continues through age 21 and beyond. Parents benefit as well. I do not understand where our priorities are. We should want to make a commitment to working families in this country and make a commitment to children.

I want to give some evidence from the State of Minnesota, and then I will finish up at least with my first comments. This loan forgiveness program works. First, it gives people an opportunity to go to college who want to become child care workers. Second, the turnover is reduced. Third, this means we get better people.

My own State of Minnesota has experimented. We have a State level loan forgiveness program. In 1998, we offered child care providers up to $1,500 in forgivable student loans for the first time. Fifty percent of the money was set aside for what we call the metro area, and 50 percent of the money was set aside for greater Minnesota, outside the metro area. The money was awarded on a first come, first served basis. People began lining up on the first day. In the metro area, all the money was gone by 5 p.m. on the second day, and all of the money for rural Minnesota was awarded within 2 weeks.

This year, Minnesota has made over $900,000 available through their loan forgiveness program. They started accepting applications in March, and they have committed nearly half the money to family care providers and 50 percent to center-based providers. A lot of it goes to rural Minnesota and a lot of it goes to urban Minnesota.

I am saying to my colleagues, I am hoping I can win on this amendment. I take it out of administrative expenses. We know the budget is going to be better for this Health and Human Services bill. We know we do not have a good budget with which to work right now. We know the cap is going to go up. We know we are going to have more resources with which to work.

We all say we are committed to developmental child care.

It is one of the top issues of working families. It seems to me several years ago—I did this with Senator DEWINE—we authorized legislation that called for loan forgiveness to men and women who want to go into this critical area, and we have not appropriated one penny. We can at least find it in our hearts and find our way to put some appropriations into this legislation. I am calling for $10 million as a start.

I am saying to Senators today—and I do not think anybody can argue with me—there is not one Senator who can dispute the clear set of facts that we have to get it right for children. We have to get it right for them before age 3, much less before age 5. Nobody can argue with that.

Nobody can argue these are not critical developmental years. Look at the spark in their eyes. They are experiencing all the unnamed magic in the world before them, as long as we encourage them. No one can argue that for working families this is not a huge issue, both the expense of child care, which I cannot deal with in this amendment, and the quality of the care for their children. If both parents are working or a single parent is working, there is nothing more important to them than making sure their child is receiving the best care. They do not want their child warehoused. They do not want their child in front of a television 8 hours a day. They want to make sure their child is stimulated. They want to make sure there is nurturing for their child. They want to make sure there is interaction with their child.

I do not know how some of the people who work in the child care field do it. They are saints; they do it out of love for children; but they should not be the ones who subsidize this system. We are not going to have good people in the child care field if they are making $8 an hour. We are not going to have good people if they do not have any health care benefits. I cannot deal with that in this amendment, but I can deal with one thing. I can call on my colleagues, Democrats and Republicans, who say they are committed to good child care, who say they are committed to family values. If they are committed to family values, what better way to value families than to make sure that when people are working, their children are receiving good care? What better way to make sure that happens than to do something about the one-third turnover every year?

How can we best deal with the one-third turnover? We need to do a lot of things, but this amendment in its own small way helps. I am simply saying we ought to at least put $10 million into this loan forgiveness program so we can encourage men and women—frankly, I would like to see more men in this field; it is almost all women in this field. At least they know their loan will be forgiven. That will make a huge difference. That is all this amendment is about.

I also say to my colleagues, I offer this amendment on behalf of myself and Senator DEWINE. I am so pleased Senator DEWINE is a cosponsor. I have done a number of different bills and legislation with Senator DEWINE. We did the Workforce Investment Act together, and we did this authorization together. I do not think we are asking too much.

This is actually a crisis. The fact is, the studies that have come out about the quality of child care in this country are pretty frightening. Sometimes it is downright dangerous, but almost always it is barely adequate, and we have to do something about it. One of the best ways we can show we care is to at least begin putting some funding into this loan forgiveness program.

I reserve the remainder of my time if, in fact, there is substantive debate on this issue. Otherwise, I will make a few other points. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time on the amendment?

The Senator from Alaska.

Mr. STEVENS. Mr. President, on behalf of the committee, we are prepared to accept this Wellstone amendment which provides $10 million for loan forgiveness for child care providers. The program was authorized by the Higher Education Amendment of 1998 and has never been funded.

The administration did not request funding, I might add. A $10 million offset in administrative expenses will pay for this amendment.

If the Senator is agreeable, I will accept the amendment to forgive loans for child care providers who complete a degree in early childhood education and obtain employment in a child care facility located in low-income communities. That is acceptable to us.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague from Alaska. And if this is not presumptuous of me to say, normally I like to call for a recorded vote, but I would be pleased to have a voice vote, if that is what my colleague wants. And there is one reason why. I can't get an ironclad commitment from the Senator from Alaska, but I make a plea to him to please try to help me keep it in conference. It would be a small step toward getting funding for this. I know the Senator is very effective. I don't need to have a recorded vote if he can at least tell me he will certainly try.

Mr. STEVENS. The Senator does not need a recorded vote. This amendment probably applies to my State more than any other State in the Union. I assure him I will be asserting his position in conference.

Mr. WELLSTONE. Mr. President, I am very glad to hear that. I think I would be pleased to go forward with a voice vote.

Mr. STEVENS. Mr. President, we ask for the adoption of the amendment.

The PRESIDING OFFICER. Do both Senators yield back their time?

Mr. STEVENS. I yield back our time.

Mr. WELLSTONE. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3644) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. Mr. President, we are awaiting clearance—I understand there is a Kennedy amendment on job training. We would like to get a time agreement on that. I would urge that we consider that at this time.

Does the Senator wish the floor?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to the manager, the chairman of the full committee, Senator STEVENS, we would like to have Senator REED of Rhode Island offer the next amendment. He is on his way over to do that.

Mr. STEVENS. Is it possible to get a time agreement on that?

Mr. REID. Yes, it is.

Mr. STEVENS. We would like to get time agreements so it would be possible to stack votes later, if that is possible. Is the Senator prepared to indicate how long it might be?

Mr. REID. We will wait until he gets here, but I don't think he will take a lot of time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, might I ask my colleagues, there is some order here. There is going to be a Reed amendment—is that correct?—next, and then a KENNEDY amendment. I have an amendment with Senator REID that deals with mental health and suicide prevention. Might I add that I follow Senator KENNEDY? I am ready to keep rolling.

Mr. STEVENS. I am not prepared to agree to that yet. We are not sure Senator KENNEDY wants to offer his amendment yet. We are prepared to enter into a time agreement on the KENNEDY amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I might state for the information of the Senate, we are trying to arrange amendments from each side of the aisle. We urge Members on the Republican side of the aisle to come forward with amendments if they wish to call them up today.

For the time being, I ask unanimous consent that on the amendment offered by Senator REED of Rhode Island there be a time limit of 30 minutes equally divided, with no second-degree amendments prior to a vote on or in relation to that amendment.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and, it is so ordered.

Mr. STEVENS. We presume that there may be a Republican amendment offered after the Reed amendment. But in any event, the next Democratic amendment to be offered would be that of Senator KENNEDY, his job training amendment, and prior to that vote, there would be—let's put it this way, that time on that amendment be limited to 60 minutes equally divided, with no second-degree amendments prior to a vote.

It is my understanding there would be 2 minutes on each side. Is that the procedure now prior to the vote? Is that correct, may I inquire? Is that your desire?

Mr. REID. That is appropriate.

Mr. STEVENS. I ask unanimous consent that on each of these consents there be a 4-minute period prior to the vote to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Can I ask my colleague in that sequence, that following Senator KENNEDY there be a Republican and then I be allowed——

Mr. STEVENS. It is my understanding the third Democratic amendment to be offered would be the amendment from Senator WELLSTONE. We are awaiting the Republican amendments to see. But it will be the Reed amendment, then a Republican amendment, then the Kennedy amendment, then a Republican amendment, and then the Wellstone amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Senator WELLSTONE has agreed to 1 hour evenly divided.

Mr. STEVENS. I don't know what the subject matter is.

Mr. REID. Mental health.

Mr. WELLSTONE. Suicides.

Mr. REID. It deals with suicides.

Mr. STEVENS. We haven't seen it, but we will be pleased to consider an hour on that amendment and get back to the Senator.

Mr. REID. If you need more time, we don't care. If you decide you do, we will add it on to ours.

Mr. STEVENS. Let's decide the time on that amendment once we have seen it.

Mr. President, while we are awaiting the next amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

AMENDMENT NO. 3638

(Purpose: To provide funds for the GEAR UP Program)

Mr. REED. Mr. President, I have an amendment at the desk, No. 3638, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mr. KENNEDY, and Mrs. MURRAY, proposes an amendment numbered 3638.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, insert the following:

SEC. . GEAR UP PROGRAM.

In addition to any other funds appropriated under this Act to carry out chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated $100,000,000.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, this amendment would increase funding for GEAR UP by $100 million. GEAR UP is a critical component of our efforts to provide disadvantaged young people a chance to go on to college. GEAR UP reaches out very early in their educational careers, giving them the mentoring, the support, and the information necessary to succeed, not only in high school but to go beyond, to enter and complete college.

I offer this amendment along with Senator KENNEDY and Senator MURRAY. We are offering it because we believe—as I am sure everyone in the Chamber believes—that the opportunity to go on to postsecondary education is central to our country and central to our aspirations in the Senate.

This opportunity is particularly difficult to achieve if one is a low-income student in the United States. The GEAR UP program is specifically designed to reach out early in the career of a child, the sixth or seventh grade, and give them not only the skills but the confidence and the expectation that they can succeed and can go on to college. Both these skills and information, together with the confidence that they can succeed, are essential to their progress and to our progress as a Nation.

GEAR UP is based upon proven early intervention models such as the I Have a Dream Program and Project GRAD. These programs have succeeded in improving low-income student achievement, high school graduation rates, and college enrollment rates. We are building on a successful set of models.

GEAR UP provides students with very specific services tailored to help them prepare for college. These services include tutoring, mentoring, and counseling. They are critical to ensure that students are equipped both academically and emotionally to succeed in college. We often hear about the lack of opportunities available to low-income families. This is particularly the case when we talk about entering and succeeding in college. Low-income children are the least likely individuals in the United States to attend college. In fact, if we look at high-achieving students from low-income schools and backgrounds, they are five times less likely to attend college as comparable students in higher-income schools across this country. By focusing on college preparation for these needy students, GEAR UP is directly targeted at eliminating this disparity.

There is something else that is important about GEAR UP. There are many talented young people who, if they are the first child in their family to seriously contemplate college, do not have the advantage of parents who are knowledgeable about the system. Their parents often do not have the information and the incentives to provide the kind of support and assistance these young people need. That, too, must be addressed, and GEAR UP does that.

In fact, GEAR UP addresses the needs not only of students but also of parents. In a recent survey, 70 percent of parents indicated they have very little information or they want more information about which courses their child should take to prepare for college. Eighty-nine percent of parents wanted more information about how to pay for college. This information disparity is particularly acute in low-income areas. Again, GEAR UP provides that type of information and assistance.

It is well documented that continuous programs that are integrated into the daily school life of a child are the best types of programs to provide for successful outcomes. That is exactly what GEAR UP does. It starts early in a career, sixth and seventh grade, follows the child through their middle school years and into high school, and is integrated with other subjects so there is both continuous support and an integrated approach to preparing a child for college.

GEAR UP does this through partnerships and collaborations among State departments of education, high-poverty school districts, institutions of higher education, businesses, and other private or non-profit community organizations. GEAR UP is a college preparatory program, a Federal program that focuses on children in early grades. As such, the existence of other programs such as TRIO does not eliminate the need to fully fund GEAR UP. We have to recognize that we have not only the responsibility but also an opportunity to fully fund the GEAR UP program.

I commend Senator HARKIN and Senator SPECTER. They have dealt with a variety of educational issues in a budget that constrains their choices—indeed, their desires—significantly. They have done remarkable work, including funding for the LEAP program, which provides low-income students with funds to go to college. But if you don't have the first piece, if you don't have a GEAR UP program that gives students the skills, the confidence, the insights to get into college, Pell grants and LEAP grants are irrelevant because these deserving young students won't even be in the mix.

GEAR UP is important. It is fundamental. The budget that Senators SPECTER and HARKIN were dealing with did not give them the full range of choices they needed to ensure they could fund these important priorities. That is why we are here today, to provide a total of $325 million for GEAR UP, an increase of $100 million over what is in this current appropriations bill. If we do this, it will allow every State to have a GEAR UP program. As a result of the additional $100 million, GEAR UP would serve over 1.4 million low-income students across the country. That would be a significant and commendable increase in our efforts.

If we don't provide this full $325 million, we will see over 400,000 needy students denied essential academic services which are provided through GEAR UP. Without this amendment, the need for these types of skills and support systems will not be met.

Furthermore, the demand for GEAR UP is not being met. In 1999, GEAR UP received 678 partnership and State grant applications covering all 50 States. However, due to limited resources, only one out of four partnerships and half of the State applications could be funded. Clearly, the need is there. The demand is there. We must meet it with sufficient resources.

Today GEAR UP's reach is limited because of the constraints on our appropriations. We need to provide sufficient resources so we can do our best to reach all the needy students in the United States.

My home State of Rhode Island was fortunate to be one of the States to receive GEAR UP funding. The current Rhode Island GEAR UP program is comprised of a partnership of 21 non-profit organizations known as the College Access Alliance of Rhode Island. They reach out to schools. They reach out to homes. They provide community support, a network which helps these young students understand their potential and tells them: Yes, you can go on to college; yes, you can succeed; yes, you can be part of this great American economy and this great American country.

Providing these resources has helped countless young Rhode Islanders to reach their full academic potential. In just one year, Rhode Island GEAR UP has provided invaluable services. It has helped 1,300 students enroll and participate in summer academic programs. It has tracked the academic progress of over 8,000 highly mobile, disadvantaged students. They move many times from school to school, city to city. Rhode Island GEAR UP has been able to track these youngsters, keep in contact with them, keep encouraging them, keep getting them ready to go on to college. It has also identified 1,000 low-income students in need of extra support. It has linked these students to academic tutoring and mentoring, the kind of help they need to succeed.

Although these are impressive numbers, because of limited resources we currently cannot duplicate this type of effort in every State, in every community across the country. I believe we should.

My amendment is cosponsored by Senators KENNEDY and MURRAY. It is also supported by a broad coalition of interested groups: the United States Student Association, the California State University; the College Board, the National Association for College Admission Counseling, the Association of Jesuit Colleges and Universities, the American Association of Community Colleges, the National Association of State Student Grant and Aid Programs, the American Association of University Women, the American Counseling Association, the National Association of Secondary School Principals, the National Association of State Boards of Education, and the National PTA.

I have a letter representing their support. At this time, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES STUDENT ASSOCIATION,
Washington, DC, June 23, 2000.

Hon. JACK REED,
U.S. Senate,
Washington, DC.

DEAR SENATOR REED: On behalf of the undersigned, I wish to express my strong support and appreciation for your amendment to provide $325 million for GEAR UP in FY 2001.

As you know, early intervention and mentoring programs drastically increase the chances that low-income students will attend and graduate from college. GEAR UP takes a unique approach to early intervention. First, GEAR UP involves whole cohorts of students, beginning in middle school and extending throughout high school. Research clearly demonstrates that we must help students to begin preparing for college no later than the middle school grades.

Second, GEAR UP is sparking the development of university/K-12 partnerships that often include businesses and community-based organizations. In fact, more than 4,500 big and small businesses, community-based organizations, religious and civic organizations, chambers of commerce, and others joined the states, universities, and middle schools that submitted applications for the first round of GEAR UP awards in 1999. Clearly, our nation's business and community leaders recognize that the quality of tomorrow's workforce depends, in large part, upon what we do today to prepare middle and high school students for the rigors of college-level work.

Because such programs are crucial to increasing access to higher education, we believe that it is important to point out that the undersigned strongly support all efforts to increase access through early intervention programs, including TRIO. Although the objectives of these programs are similar, the approaches that TRIO and GEAR UP employ are quite different. In view of the tremendous challenges we face in breaking down the barriers to college attendance for students from low-income families, we also support funding the TRIO program at the highest possible level.

Some $231 million in FY01 funding is needed just to keep year-one and year-two GEAR UP grantees on their current trajectory. Should the Senate fail to adopt your amendment, needy students in communities that have not yet received GEAR UP grants will be denied the opportunity to gain the skills and information essential for going to college.

Senator Reed, we thank you for all you are doing to ensure that the door to higher education is opened wide to low-income students in Rhode Island and throughout our nation.

With best regards,

Sincerely,

KENDRA FOX-DAVIS,
President,
The United States Student Association.

This letter is sent on behalf of the following entities:

American Association of University Women
American Counseling Association
The California Community Colleges
The California State University
Chicago Education Alliance
Chicago Teachers' Center
Cincinnati Public Schools
Cincinnati State Technical and Community Colleges
Cincinnati Youth Collaborative
The College Board
Council of the Great City Schools
DePaul University
Gadsden State Community College
Hispanic Association of Colleges and Universities
Loyola University
National Alliance of Black School Educators
National Association for College Admission Counseling
The National Association for Migrant Education
National Association of School Psychologists
National Association of Secondary School Principals
National Association of State Boards of Education
National Association of State Student Grant and Aid Programs
National Education Association
The National HEP-CAMP Association
National PTA
New York State Education Department
Northeastern Illinois University
Ohio Appalachian Center for Higher Education
Oklahoma State Regents for Higher Education
Pennsylvania State System for Higher Education
Roosevelt University
Rutgers, The State University of New Jersey
Saint Olaf College
State Higher Education Executive Officers
State University System of Florida
United States Student Association
University of Cincinnati
University of North Carolina
University of Washington
Vermont Student Assistance Corporation

Mr. REED. Mr. President, one of our primary educational goals should be to ensure that all students with the skill, talent, and ambition to go to college can go to college. In order to accomplish that goal, we have to fund, of course, Pell grants; we have to fund the LEAP program. We have to do many of the things Senators SPECTER and HARKIN have insisted upon in this bill. But we also have to do something which helps students early on through the GEAR UP program, and give these young students the skills, the confidence, and the expectation that they can and should go on to college. That is why I urge my colleagues to support this amendment.

At this time, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, there is no doubt that the GEAR UP program is a very fine program. It has been in existence for a fairly short period of time. It originated with Congressman CHAKA FATTAH from Philadelphia, who had the initial idea and took it to the President, who agreed with it. It was put into effect just a few years ago. It started out at a funding level of $120 million. Last year, the President requested an increase, and we came up to some $200 million, and our Senate bill has $225 million in the program.

Coincidentally, I happened to attend the President's program where he did one of his Saturday speeches on it. So I know the program thoroughly. In fact, with Congressman CHAKA FATTAH, I visited a school in west Philadelphia where this program was being used. Regrettably, there is simply not enough money to accommodate all of the programs, which are good programs, which we would like to have. It is not possible to accommodate the program Senator KERRY of Massachusetts offered about technical training, or the Bingaman amendment on an extra $250 million for title I, or the Wellstone amendment of $1.7 billion.

We have put substantial money into job training programs. Job Corps is up to more than $650 million, with almost a $20 million increase. We have structured a program on school safety as to violence and a program as to drugs. These are programs we have structured to do the best we can.

The Senator from Rhode Island has commented about what Senator HARKIN and I have attempted to do in this bill, which is the maximum stretch, as I had said earlier, that can be accommodated on this side of the aisle at $104.5 billion. Regrettably, the money is simply not present. I wish it were.

The House has $200 million, which is less than the $225 million we have on the Senate side. We will do our best to maintain that kind of an increase, which would be $25 million, which is as far as we can realistically go.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 12 and a half minutes.

Mr. SPECTER. I have 12 and a half minutes out of the 15?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. I have said what I had to say. I will not use all of my time. How much time does the Senator from Rhode Island have left?

The PRESIDING OFFICER. The Senator from Rhode Island has 4 minutes.

Mr. SPECTER. I intend to raise a point of order under section 302(f) of the Budget Act, as amended, that the effect of adopting the Reed amendment would provide budget authority in excess of the subcommittee's 302(b) allocation and therefore it is not in order.

The PRESIDING OFFICER. The Chair notes that the Senator from Rhode Island still has time pending and the motion would not be in order.

Mr. SPECTER. As I said, I intend to raise that point of order after he has completed his statement.

I yield the floor and reserve the remainder of my time.

Mr. REED. Mr. President, I recognize Senator SPECTER's dilemma with the budget resolution, as it fairly constrains his ability and the ability of his colleagues on the committee to fund programs that are worthwhile. In fact, I note that GEAR UP is a program that evolved from a model that was very popular in Pennsylvania, the I Have a Dream Program, and others. The Senator is familiar with it and is supportive of it. My point is that this is one of those critical programs, and we have to reach beyond this budget resolution and budget constraints and try to find the resources.

It is particularly appropriate at this moment, as we are looking ahead at significant surpluses that are growing—dividends from tough fiscal decisions we have made over several years—that we begin to develop a strategy to invest more and more into education. GEAR UP is a worthwhile program—eminently worthwhile. One could argue it is the first step in so much of what is included in this legislation, such as Pell grants, LEAP, and all of those programs that actually give these youngsters the money to go to college. But if they don't have the skill, motivation, and the confidence to try, those grants won't be useful to them.

So I once again urge that we move forward with this amendment. I understand that the Senator from Pennsylvania will make a budget point of order. At that time, I will make a request to waive that applicable section. If the Senator is ready to make the motion, I am happy to yield back all my time and then be recognized.

Mr. SPECTER. Mr. President, I will just add one thing. I appreciate the sincerity of the comments of the Senator from Rhode Island that this is a more important program. That is what the proponents of all of the amendments have had to say. If the Senator from Rhode Island could find offsets within the budget resolution and tell me and Senator HARKIN what programs are less important and have offsets, I would be pleased to entertain that consideration. To add to the budget, it is the same point that has been made repeatedly—that everybody's program is special. And I happen to agree with them; they are all special programs. But if you made it more special than something already in the program and have an offset, we would not raise the rule.

I ask unanimous consent that the vote on the Reed amendment be stacked to occur later today at a time to be agreed upon by the leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I yield back all time if the Senator from Rhode Island is prepared to do the same.

Mr. REED. Yes.

Mr. SPECTER. Mr. President, it is now relevant to raise the point of order under section 302(f) of the Budget Act that the amendment would exceed the subcommittee's 302(b) allocation and therefore it is not in order.

Mr. REED. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, sequencing now comes to the Senator from Massachusetts, Mr. KENNEDY. Parliamentary inquiry: It is my understanding that there is a time agreement for 1 hour equally divided.

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3678

(Purpose: To adjust appropriations for workforce investment activities and related activities)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. WELLSTONE, Mr. ROBB, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. REED, Mr. DODD, Mr. AKAKA, Mr. DURBIN, Mr. KERRY, and Mr. BAYH, proposes an amendment numbered 3678.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 12, strike "$2,990,141,000" and insert "$3,889,387,000".

On page 2, line 13, strike "$1,718,801,000" and insert "$2,239,547,000".

On page 2, line 15, strike "$1,250,965,000" and insert "$1,629,465,000".

On page 2, line 17, strike "$1,000,965,000" and insert "$1,254,465,000".

On page 2, line 18, strike "$250,000,000" and insert "$375,000,000".

On page 5, line 6, strike "$153,452,000" and insert "$197,452,000".

On page 5, line 7, strike "$3,095,978,000" and insert "$3,196,746,000".

On page 5, line 26, strike "$153,452,000" and insert "$197,452,000".

On page 6, line 1, strike "$763,283,000" and insert "$788,283,000".

On page 20, line 1, strike "$19,800,000" and insert "$22,300,000".

Mr. KENNEDY. Mr. President, this amendment is based upon a rather basic and fundamental concept; that is, every worker who enters the job market is going to have seven or eight jobs over the course of his or her lifetime.

A number of years ago when I first entered the Senate many of the workers in my own State got a job at the Fall River Shipyard, and their father or mother had a job there, and many times their grandfather had a job there, as well. They knew early in their lives that they would enter the same career as their family before them. They acquired their skills through training. They lived their lives more often than not with only a high school diploma. They acquired their skills and upgraded their skills at the place of employment, but usually their job changed very little. They were able to have a very useful and constructive and satisfying life.

The job market has changed dramatically in recent years. It is changing more every single day with the obvious globalization and the move towards the information economy. New technologies are creating new careers and new businesses, and many people are in jobs that didn't exist a generation ago. These new businesses are an important part of our new economy, and they also create many new jobs. But they have also created new challenges for our workers. Education has become increasingly important to move up the ladder in the job market. And the idea of continuous skill development has become a critical part of workplace success.

We have learned that continuing ongoing training has to be a lifetime experience. We know that some companies are providing training programs. More often than not, those training programs are directed to those in the upper levels of the management of those companies. For too long we have left behind those who have been the real backbone of so many of these companies—the workers who often lack basic academic and technical skills.

These programs which have been included in the amendment that I have offered are basically to try to make sure we are going to offer more workers the skills necessary in order to continue to be the world leader in terms of our economy.

I don't know how many others in this body go back home over the weekends and meet with various groups, including various business groups. I find in my State of Massachusetts and generally throughout New England that the first issue people raise is: When are we going to do something about the H–1B issue? People who listen to talk about H–1B wonder what in the world it is. H–1B is a visa program. It permits importation of highly skilled foreign nationals to work in our plants and corporations. That is a key question on the minds of those involved in so many of the expanding economies in this country.

I always say: Yes. We ought to move ahead. I hope we can move ahead and expand that program before we leave this Congress.

H–1B visa provides a temporary solution to a labor market shortage of highly skilled workers. I think the answer to this is not only in the temporary way to have an expansion of the highly skilled workers coming to the United States, but to develop the skills for American workers so they can have those jobs in the future. Those are good jobs. They are well-paying jobs. Americans ought to be qualified for those. The only thing that is between Americans gaining those jobs are the training programs for upgrading their skills. We need to strengthen our secondary education and provide better access to post-secondary education for more students. And we have to improve the access to on-the-job training for current workers, and provide the resources to support dislocated workers with training and re-employment services.

What happened in the Senate? It is almost as if this appropriations bill just fell off the ceiling. It has lacked, with all due respect, the focus and attention to what we have tried to do in some of the authorizing committees.

This fall, for the first time, we will put in place the Workforce Investment Act, which I was proud to cosponsor with Senators JEFFORDS, DEWINE and WELLSTONE, to consolidate the 126 different workforce programs in 12 different agencies that too often are tied up with a good deal of bureaucracy. We started working on that legislation with Senator Kassebaum and it took three years before we passed that program.

I had the opportunity on Monday of this last week to go out to Worcester, MA. There were 800 people gathered there interested in the work training programs from all over New England. They are eager to know how they are going to get the resources to try to put together this consolidation of training programs in order to get the skills for people in our region of the country. Workers know that they have to increase their skills, especially in the area of computer technology, and they want to know how to access those programs. Those discussions are taking place in cities and towns all over the country.

Part of that consolidation was what we call one-stop shopping where a worker, for example, who has been dislocated or has lost their job, maybe because of the merging of various industries, would be able to come to one place to learn about all the options that they have for training. They would be able to have their skills assessed. They could get information on jobs that are available in their areas and the skills that they would need to compete for those jobs. And they would get an accurate assessment of their current skills.

They could see how long each training program takes, and a look at the employment prospects. They also get information about how many former participants in those programs did in the job market. How many of them got jobs right away, and at what salary? They also get a look at how many of those workers were still employed after a year, and how many were able to move up in those jobs to better paying jobs with their companies.

The person can make up their mind. They can say: OK. I want to take that particular program, and they are going to be able to go to that program and acquire the skills. It could be at a community college, a four year college or at a private center. Wherever they choose, they are aware of how participants of that program performed in the workplace.

That is what we attempted to do in a bipartisan way 3 years ago. Those programs are ready to go. What happens? The appropriations bill pulls the rug out from under those programs.

Our amendment is trying to restore the funding at the President's request to make sure we are going to have the training programs that are necessary so American workers can get the skills to be able to compete in the modern economy.

That is what this is all about. It may not be a "front-page issue." It may not be a "first-10-pages issue." But as workers can tell you all over this country, skills are the defining issue as to what your future is going to be and what you are going to be able to provide for your family.

This provides additional resources out of the surplus to be able to fund these programs in the way that the President has recommended.

There has been a lack of serious attention to the various programs which we mentioned. Tragically, I think the most dramatic has been in the Summer Jobs Program.

Here is the story in the Wall Street Journal: "Fewer youths get a shot at the Summer Jobs Program. This summer the Workforce Investment Act replaces the Nation's previous federally supported summer jobs."

We tried to upgrade it and tighten it to eliminate some of the bureaucracy. We know that there needs to be a year-round connection to the job experiences that young people have in the summer. What happens? The minute we expand the mission of the Summer Jobs program, they cut out all of the funds for the Summer Jobs Programs for youth. We mandate a year-round approach to getting some of the neediest youth equipped for the world of work and we critically under-fund that effort. In doing that we doom those young people to fail.

While local groups agree that the expansion will make the program more effective, it will be more expensive. Washington hasn't provided the funds. The Labor Department estimates participation will drop 25 percent to 50 percent from last year's 500,000 young people.

Dropping over 500,000 young people—most of them in the cities of this country—and cutting them loose is probably about as shortsighted of a decision as could be made by this Congress.

At a time where we just had the announcement yesterday of surpluses going up through the roof, we are talking about today cutting out effectively the Summer Jobs Program for the most economically challenged urban and rural areas of our country.

You can't talk to a mayor in any city of this country, large or small, who won't tell you that is the most shortsighted decision that could possibly be made by the Congress today.

I know in my own city of Boston where they have anywhere from 10,000 to 12,000 Summer Jobs Programs, what happens? The private sector comes in and provides maybe 2,000 to 3,000 jobs. They try to build upon the jobs program that existed in previous summers. High school students get a chance to improve their academic skills and learn important workplace skills that enable them to get higher paying jobs in future summers. Many of them make business connections that give them employment opportunities throughout high school and college.

They will find children who have completed 1 year in the Summer Jobs Program, a second year in the Summer Jobs Program, and the third year the private sector picks them up, and more often than not they get the job. If the young person is interested enough to continue the Summer Jobs Program and acquire some skills, more often than not in my city of Boston they will be picked up and given a job to move ahead.

I wonder how many Members of this body have ever been with a young person in the summer youth program the day they get their first paycheck and see the pride and satisfaction and joy of those young people? They have a paycheck, many of them for the first time. They have a sense of involvement, a sense of participation, a responsibility, a willingness to stay the course.

We are saying to those young people: No way, we are cutting back. We have record surpluses, but not for you, young America. Then we wonder around this body about violence in school, we wonder why young people are upset, disoriented, or out of touch with what is going on. We send them back into the confusion of the inner city, send them out there without any supervision, send them out there without any sense of training or pride. That is what we are doing. We are basically abdicating our essential and important responsibility to the children of this country and abandoning our commitment to give workers help and assistance.

Soon the Senate will discuss the issue of expanded trade with China. The votes are there to pass it. Many have pointed out that some are concerned because some will benefit, and benefit considerably, while others are going to sacrifice, and sacrifice considerably. We have heard those arguments about this providing new opportunities for many aspects of our American economy. Many have said yes. But what about others who will be laid off? They ought to get a little training to find a future for themselves and their family.

What is happening now? We are closing the door for them. We are denying them the right to have that kind of job training. We are denying young people their first job experience and we are denying older workers the training programs to give them job security. It is fine for those who will make the big fortunes. Increase the number of billionaires in our society. What about those men and women who are laid off? The only way they can survive is to get training in a different job. That training will not be there with this budget.

Our amendment provides $1 billion additional dollars to the various training programs and the summer job programs. This is a tangible way to show Americans that we are going to provide the tools for them to fully participate in this growing, expanding, and global society. We need to send a clear message that workers are the backbone of this country, the backbone of our economy, and every hard-working American is going to be able to gain skills to be useful and productive workers in the future in our society. This amendment ought to pass.

How much time remains?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. KENNEDY. I yield 6 minutes to each Senator.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank my colleague from Massachusetts, Senator KENNEDY, for yielding time. I am pleased to be a cosponsor of the Democratic skills training amendment to the Labor-HHS-Education Appropriations bill for fiscal year 2001. This amendment further increases our country's human capital by adding $1.05 billion to skills training programs at the U.S. Department of Labor.

Mr. President, while I commend the chairman and ranking member for their efforts in coming forward with a bill that avoids many of the drastic cuts approved by the House of Representatives, there are still a number of vital programs that continue to be seriously underfunded. This amendment provides adequate funding for Federal skills training programs to serve more individuals who are seeking to improve their ability to contribute to the workplace. Today's global economy demands that the United States do all it can to ensure that every member of our workforce is prepared to meet new workplace chllenges. Unfortunately, the gap between high-skilled and low-skilled workers continues to grow, leaving many at the lower end of the spectrum even farther behind.

One particular program I would like to mention is the Fathers Work, Families Win program. This important initiative improves the employment potential of certain low income individuals who generally have lower levels of education and work experience. As a result, these individuals usually end up accepting jobs that pay relatively low wages and have few benefits. They often have irregular track records in employment: they hold several jobs at a time, work part-time or intermittently, or endure periods of unemployment. Many of these individuals have been on the welfare rolls or are living under conditions that make them vulnerable to becoming dependent on Federal assistance.

We must not forget that these individuals have the potential to make meaningful contributions to the economy and, given the opportunity, can become self-sufficient and successfully support their families. This is one reason why I am interested in seeing the Fathers Work, Families Win program funded. The portion of the program entitled Families Win provides $130 million in competitive grants for programs to help low income parents stay employed, move up the career ladder, and remain off welfare.

The program's Fathers Work component provides $125 million for competitive grants to help certain non-custodial parents find a job, maintain employment, and advance on their career path. This is important because many fathers, rather than being "deadbeat dads," are "dead broke dads." They have the desire to support their families through child support payments and other means, but cannot do so because they cannot secure or maintain steady employment paying a living wage.

Fathers Work, Families Win would build on the investments and partnerships started under the Workforce Investment Act and the Welfare-to-Work program. State and local Workforce Investment Boards are eligible applicants under both parts of Fathers Work, Families Win. These boards have been implementing WIA [weeeea] across the country, reforming the way in which job training and job placement services are conducted. The competitive grant program funds enable the Boards to further integrate services for the population of low income workers under programs such as WIA, Wagner-Peyser [wag-ner pie-zer] grants, Welfare-to-Work grants, and grants under the Temporary Assistance for Needy Families program. This integrated approach will help to ensure that many low income families will not fall through the cracks and will find it easier to use the network of services at their disposal.

I continue to be a strong supporter of the Welfare-to-Work program. Last year, I introduced the Welfare-to-Work Amendments of 1999 which included provisions to reauthorize the program and to improve access to the program for more low income individuals. The eligibility changes were included in the consolidated appropriations bill for fiscal year 2000, which I thank my colleagues for working on and supporting. However, the Welfare-to-Work program itself has not yet been renewed. With eligibility changes taking effect for competitive grantees at the beginning of 2000 and for formula grantees later this year, Welfare-to-Work efforts must be given more time to run. If the program is not reauthorized, worthwhile efforts at the State and local levels to help low income families will be adversely impacted.

Because the Welfare-to-Work program has not been extended, many local communities are concerned because their efforts to help Welfare-to-Work participants have just begun. An abrupt end to the program would cause significant investments to go to waste. As the U.S. Conference of Mayors states in a letter dated June 10, 2000, "Without the extension of the Welfare-to-Work program, welfare reform will be dealt a serious set back in our nation's cities which are home to the highest concentrations of people still on welfare." I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, June 10, 2000.

DEAR MEMBER: The United States Conference of Mayors, assembled in Seattle, is gravely concerned about the future of the Welfare-to-Work Program. We urge you to extend the Welfare-to-Work program as proposed in the Clinton FY 2001 budget. Without the extension of the Welfare-to-Work program, welfare reform will be dealt a serious set back in our nation's cities which are home to the highest concentrations of the people still on welfare.

Mayors are aware that some members of Congress have legitimately raised concerns about the low expenditure rate in the current Welfare-to-Work program. Unfortunately, a large percentage of the funding did not reach the local level until the last quarter of 1998. In addition, the initial Welfare-to-Work eligibility requirements have excluded a large segment of the hardest-to-serve welfare population and thus inhibited the expenditure of the first $3 billion in funding.

We were pleased that Congress made the necessary changes in the eligibility requirements in the FY 2000 appropriations bill. However, these eligibility changes were not effective immediately. The changes are not effective for WTW formula grant funds until October 1, 2000. For WTW competitive grant funds, the changes became effective January 1, 2000.

We believe that the need for the extension of this funding will become increasingly evident as the program becomes fully operational and the eligibility changes are enacted. In fact, indications from the U.S. Department of Labor's quarterly reports on WTW spending are he expenditures for formula and competitive grant funding have increased overall and that expenditures for competitive grant funding has increased significantly since January 1, 2000, when the eligibility changes became effective. It is also expected that spend-out rates will also increase significantly as larger numbers of

TANF recipients reach their time limits and lose eligibility for cash assistance.

Mayors more than anyone else recognize that although welfare roles have declined significantly across states, great numbers of former welfare clients living in cities who are in need of services still remain. Many of these individuals who are still not working have little or no skills, are unable to read and write beyond the 8th grade level, and have no work experience. When they are able to go to work, the jobs often pay below minimum wage, have no health benefits and are insufficient to support the individual, let alone his or her family.

As Mayors we realize that while many in the nation believe the job of welfare reform is complete, we know that much work remains to be done. The targeted and direct resources provided by Welfare-to-Work are essential for us to address the concentrated welfare caseloads in our cities and ensure that those still on welfare make the transition into the workforce. Discontinuing the Welfare to Work program at this time would be a great disservice to those welfare recipients still unable to find self-sustaining jobs.

The U.S. Conference of Mayors urges you to extend the Welfare-to-Work program until we can honestly say that most of those in need of these services are working in permanent, self-sustaining jobs. Now is not the time to stop the progress already made on Welfare Reform and Welfare-to-Work. Now is the time to ensure that those remaining on the welfare rolls who have the greatest challenges to employment are served.

Sincerely,

WELLINGTON E. WEBB,
President Mayor of Denver.
BEVERLY O'NEILL,
Chair, Jobs, Education and the Workforce Standing Committee, Mayor of Long Beach.
H. BRENT COLES,
Vice President, Mayor of Boise.
MARC H. MORIAL,
Chair, Advisory Board, Mayor of New Orleans.
DAVID W. MOORE,
Chair, Health and Human Services Standing Committee, Mayor of Beaumont.

Mr. AKAKA. The letter goes on to note that although welfare rolls have decreased significantly across the country, "great numbers of former welfare clients living in cities who are in need of services still remain." These are the hardest-to-help families who need our greatest assistance. Furthermore, many of these individuals will be reaching their lifetime limit on welfare benefits imposed by the 1996 welfare reform law and will no longer be able to rely on regular cash assistance to support their families. We cannot allow these families to be left without any safety net and should continue pursuing efforts to "teach them how to fish"—this is what the amendment before us would do.

While I am disappointed that the bill before us does not extend the Welfare-to-Work program, I hope that under the eligibility changes I helped to pass last year, Welfare-to-Work program accomplishments will continue to grow and provide strong impetus for the program's reauthorization. In the meantime, I strongly urge my colleagues to support programs such as Fathers Work, Families Win for low income individuals.

It is interesting to note that in 1998 and 1999, while the nation was experiencing low unemployment, layoffs were still widespread. This trend was mainly due to companies requiring new skills to meet the demands of a new economy. Unfortunately, as we have seen by the announcements of large-scale layoffs from companies such as Coca-Cola, J.C. Penney Company, and Exxon Mobil Corporation, the situation is not getting any better.

So, why are we in Congress looking at reducing or eliminating funding for vital programs that empower former welfare recipients and low-wage workers with the information and skills necessary to become viable citizens in their communities? Skills Training programs are essential to ensure that displaced workers will be able to transition into another trade. We must not forget that the Federal Reserve Board is reviewing the possibility of raising interest rates in an effort to slow down U.S. economic growth. This could negatively impact not only Hawaii's economy, especially the construction industry that is one of Hawaii's leading areas for job growth, but the nation as a whole. Hawaii's economy is just recovering from a decade of economic stagnation and layoffs and cannot afford another recession without providing the necessary funds for skills training programs.

The current and proposed funding levels for skills training programs are inadequate to ensure the availability of a trained workforce. We must remain committed in our efforts to equip employers with an employment system capable of addressing potential labor shortages. For the State of Hawaii, eliminating all new funding for One Stop Career Centers/Labor Market Information will adversely impact Hawaii's ability to comply with the Workforce Investment Act. Hawaii will not be able to develop core employment statistics products used by employers, job seekers, educators, students, and others. More specifically, valuable labor market information would no longer be provided to the public.

I commend Hawaii's Job Corps program for its successful placement rate of 70 percent. This is significant given Hawaii's fragile economy in recent years. The success of this program clearly illustrates the positive effect the skills training programs have on our communities. We should not reduce or eliminate funding for these vital programs that enhance employment opportunities for individuals and their families.

The amendment offered by my distinguished colleague from Massachusetts, Senator KENNEDY, would address the potential shortcomings in funding as proposed in the House and Senate. This amendment provides appropriate funding for the Department of Labor's Youth and Adult Employment and Training Programs, especially funding for Dislocated Worker assistance, Youth Opportunity grants, Job Corps, and One Stop Career Centers. In addition, this amendment also provides appropriate funding for the Summer Jobs program resulting from implementation of the Workforce Investment Act.

We must continue to improve our skills training program to ensure that America's workforce remains competitive to the global economy. I urge my colleagues to support this important amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, we have just learned within the last few minutes that a decision has been made on Capitol Hill to eliminate the Summer Jobs Program for this year. That decision was made by Republican leaders who have decided that it costs too much—$40 million.

We have to sit back, from time to time, and measure the relative cost of decisions we make. If we are going to say to literally tens of thousands of young people across America that there will not be a Summer Jobs Program, what price will we pay for that decision? For many of these kids, it means there will not be an opportunity for the first time in their lives to have a real job, a real learning experience in the workplace.

In this country we are prepared to pay whatever it takes when we sentence someone to prison. In Illinois, it costs about $30,000 a year to keep someone in prison. That failed life that led to crime and conviction ends up costing us $30,000 a year. Is it too much to pay? No, we will pay it. But when it comes to jobs for kids during the summer, the Republican leadership has decided it is too much to pay.

How about school dropouts? When kids drop out of school, they not only ruin their own lives but often affect the communities in which they live. These are the kids hanging out on the street corners. These are the ones who may never have a job. These are the ones who become chronic statistics in our society. We will pay for those statistics one way or the other. We have decided that is a cost we will pay. But when it comes to providing jobs in the summer for kids going to school, the Republican leadership decided today it was too high a cost to pay. Of course, when we talk about tomorrow's workers, we realize that kids who are not put on the right track with the right values early in life may not go on to finish school or to become the workforce of the 21st century for America.

That is an expense to this country. It is obviously something the Republican leadership is willing to pay, rather than pay for a Summer Jobs Program.

What does this program mean? In my home State of Illinois, the decision today by the Republican leaders to take out the Summer Jobs Program means that 10,000 kids coming out of schools in the Chicagoland area will not have a 6-week minimum wage summer job. Is that an important life experience? Boy, it sure was for me. Going to work meant a lot for me. As my folks used to say: We want you to learn the value of a dollar. When I went to work, I understood the value of a dollar. I added up every paycheck and how I was going to save it, how I was going to spend it. It also teaches you the value of hard work, the fact that you do get up with the rest of the world and go to work and don't expect somebody to hand you something. That is the value of a summer job, a value that will be denied to tens of thousands of kids because of a decision the Republican leadership made to kill the Summer Jobs Program. The value of showing up on time to work, dressed properly, prepared to work with your coworkers, you cannot teach all that in school. Some of that is a life experience. It is an experience I had and virtually everyone has on their way to a successful life. For tens of thousands of kids, they will be denied that opportunity because of this decision by the Republican leadership.

Of course, for me and a lot of others, that summer job taught us the value of staying in school. How many times did I stop behind that shovel and think: I don't want to do this the rest of my life. I am going to go back to school. I am going to get my college degree and go on. That is the value of a summer job, too.

Senator KENNEDY is right. If we have the values, the same values of families across America, we would be voting for this program and this amendment he is proposing for summer jobs for kids so they can have a valuable work experience. We would be voting for this amendment so there will be job training for those dislocated from their jobs. We don't want to give up on workers. I believe in free trade, but I know that millions of workers in America lose their jobs each year because of technology and trade and change. We should be there with programs to help them move to the next job so they do not lose pace with the economy and the quality of life they are used to.

This amendment gets to the heart of the values of the Members of the Senate. Senator KENNEDY is right. I am happy to cosponsor it. The mayor of the city of Chicago said: The School Jobs Program keeps kids away from gangs, guns, and drugs. He hit the nail on the head. If we put more and more kids into positive programs where they learn how to work and continue to learn in the workplace, their lives can be transformed. If there is one value we share as Americans, it is the value of hard work.

The decision by the Republican leadership to close down the Summer Jobs Program is a decision that flies in the face of the values of this country.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. KENNEDY. I yield myself 2 minutes.

Mr. President, I welcome the superb statement made by my friend and colleague from Illinois. The Commission for Economic Development says that half of manufacturing companies nationwide do not offer any training programs. Nationally, all employer training programs equal just 1 percent of their payroll costs.

I have here this "Opportunity Knocks," a study done as a Joint Project of Mellon New England and Massachusetts Institute for a New Commonwealth. It says:

> Which workers get employer-provided job skills? For large employers with 50 workers or more, 80 percent are management. These employers are more likely to provide job skills training for managers, computer technicians, and sales workers that for production or service workers. How are these lower skilled workers supposed to improve their skills and move up the ladder? This really is the case. Companies are doing more hiring and firing simultaneously than ever before. Workers who need a new set of skills are often replaced rather than retrained. We need to get workers the skills that they need to compete in this information-age economy. That is quite different from Europe, for example, where the companies are required to provide a range of different skills training so there is an investment in a company's workers. They value the individual, and they know that continual, ongoing training programs in each of those major industries makes good business sense.

This study goes on to say that the poor odds of an employer offering any training is only part of the problem. Access to employer-provided training is by no means equal across categories of workers. Most businesses are unlikely to provide any training opportunities to clerical or production workers and when they do offer training it is in the form of an orientation to their present job. There is no attention to up-grading the skills of those workers.

I want to mention, as we reach the end of this presentation, the comments of Federal Reserve Chairman Alan Greenspan. He recently said:

> [The] rapidity of innovation and unpredictability of the directions it may take imply a need for considerable investment in human capital.

Workers in almost every occupation are being asked to strengthen their skills to ensure long-term success in the workplace. The technical know-how that workers need to stay on the cutting edge is being redefined every day.

We are being told by the head of the Federal Reserve that this is what is necessary to keep America's economy strong. We are being told that by the business community. We are being told that by workers. We are being urged to do that by the President of the United States. It makes no sense to undermine that.

We have taken action in a bipartisan way to develop a workforce development system that will be effective. In the next month every state will come on board to implement the new law. Without this amendment we are effectively undermining this Nation's commitment to provide important, necessary skills for America's workers so they will be able to be full participants in the American economy of tomorrow.

It is wrong. I hope the Senate will accept my amendment.

I reserve the remainder of my time.

Mr. President, I ask unanimous consent to print letters from the U.S. Conference of Mayors, National Association of Counties, and the Mayor of Boston.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE UNITED STATES CONFERENCE OF MAYORS,
Washington, DC, June 27, 2000.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to express the strong support of The U.S. Conference of Mayors for the Skills Training Amendment that you will be offering to the Labor-Health and Human Services and Education appropriations bill. At our recent Annual Conference in Seattle, we sent a letter to Majority Leader Lott urging him to do just what your amendment does—restore critical funding to the Department of Labor for youth and skills training.

The U.S. Conference of Mayors just released a survey, Examining Skills Shortages in America's Cities, which shows that 86 percent of cities suffer shortages in technology workers; 73 percent suffer shortages in health workers; 72 percent lack enough construction workers to fill available jobs; 71 percent lack manufacturing workers; and 50 percent lack enough workers to fill retail and wholesale jobs. It is imperative that we make the critical investment in our nation's current and future workforce by supporting the President's budget proposals and increasing year-round funding for youth. It is crucial that sufficient resources are provided to address the needs of our nation's youth and the skills gap that seriously affects our nation's economy.

The funding level for the Summer Jobs and year-round youth programs currently proposed in the FY 2001 appropriation bill is unacceptable, especially as programs gear up under the recently enacted Workforce Investment Act of 1998 (WIA). The funding level of the Youth Opportunity Grant Program for out-of-school youth is also shortsighted, as there are massive unmet needs of unemployed, out-of-school youth in high poverty areas.

We applaud your leadership in addressing these issues and your efforts to restore this critical funding. We should be investing in our current and our future workforce—the health and vitality of our cities, and our nation, depend on it.

Sincerely,

J. THOMAS COCHRAN,
Executive Director.

NATIONAL ASSOCIATION OF COUNTIES,
June 28, 2000.

Subject: Sen. Kennedy's amendment to the Labor/H appropriation to increase funding for skills training.

DEAR SENATOR: The National Association of Counties (NACo), the only organization representing America's counties in Washington, DC, fully supports Senator EDWARD M. KENNEDY's amendment to increase appropriations for workforce investment activities by $792 million for fiscal year 2001. NACo urges the Senate to adopt this amendment to H.R. 4577, the Labor, Health and Human Services and Education Appropriations bill.

NACo has identified increased funding for workforce development programs as a critical funding priority for 2000. Therefore, we will be tracking your vote on this amendment and any related motion to waive the Budget Act. Your vote will be recorded on our web site (*www.naco.org*) and the information will be made available to county commissioners in your state.

This amendment is of critical importance to America's counties. Current and proposed funding levels for inadequate to ensure that America's counties can effectively implement the Workforce Investment Act. Sen. Kennedy's amendment would address the substantial shortfall in funding currently proposed in the House and Senate by addressing funding for youth programs, incumbent and dislocated worker programs, and one-stop career centers.

Sincerely,

LARRY E. NAAKE,
Executive Director.

CITY OF BOSTON, MA,
Boston, MA, June 27, 2000.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to express my outrage at efforts to cut funding for summer jobs programs and other youth and skills related programs. As you know, Boston operates one of the nation's largest summer jobs programs. While we are at record low unemployment levels nationally, youth unemployment rates in our cities are still unacceptably high. There is a crisis among our young people as evidenced by the violence and despair among youth in many of our cities. The move to strip summer jobs funding from the Emergency Supplemental comes at a time when we should be investing in our young people, not cutting the future out from under them.

I applaud your efforts to restore critical funding to the Department of Labor for our youth and our nation's workers. The Skills Training Amendment you are offering to the Labor-Health and Human Services and Education Appropriations bill will do exactly what we need to be doing—providing sufficient resources to address the needs of our nation's youth and the skills gap that seriously affects our nation's economy.

As always, thank you for your tremendous efforts on behalf of our youth.

Sincerely,

THOMAS M. MENINO,
Mayor of Boston.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we start from the proposition that this bill, for various education and health care and job training efforts, is dramatically larger than the bill that was passed in this body last year, to everyone's satisfaction, increasing at a rate far more rapid than the pace of inflation or population growth in the United States.

Obscured in the debate so far is the fact that there is some $5.4 billion in job training programs in this bill, at a time of record low unemployment. This represents an increase of more than $16 million over the bill that is currently in effect for the present year. The greater increases in the bill, of course, were for education and for biomedical research, both of which exceed the amounts requested by President Clinton. Even so, the bill provides funding for two new programs requested by the Clinton administration: Worker training and responsible reintegration of youthful offenders, each at $30 and $20 million respectively, a 22-percent increase for dislocated workers in the course of the last 4 years, and a 25-percent increase in the same period of time for the Job Corps.

The private sector, of course, now looking more than ever for qualified employees, has dramatically increased its own hiring and training programs. Of course, in comparison with the House bill, this rejects the $400 million cut in the House bill in that field.

As for summer training, the argument of the Senator from Illinois was a peculiar one. The current law for summer jobs, a law passed last fall, of course, well after last summer was over, has $1 billion in it for just exactly that purpose: $1 billion for summer jobs for youth.

We have another in a series of amendments that illustrates the proposition that no matter how generous this body is, even I may say in many cases no matter how generous the administration is, some Members will come to the floor and demand more, whatever its impact on the budget.

To quote the Chairman of the Federal Reserve Board implicitly as being in favor of programs such as this is to fly in the face of logic. It is the clear position, often quoted by Members on the other side, that the Chairman of the Federal Reserve Board believes that the single most important means to the goal of a stronger economy we can follow is not to increase Federal spending and, in fact, to decrease it. He has consistently, over the years, held to the position that for the economy as a whole, for future job growth, the best thing we can do is be modest in our spending, not to increase it, I suspect, as much as it is increased in this bill.

In any event, as has been the case with previous amendments of this nature, it will simply add millions, in some cases billions, of dollars to the bill. It is subject to a point of order under the Budget Act. At the appropriate time, that budget point of order will be presented.

Mr. KERRY. Mr. President, I would like to take a few minutes to express my enthusiastic support for the amendment offered by my colleague and friend, Senator KENNEDY. Mr. President, Labor Secretary Herman summed up the challenge of today's economy when she declared at the National Skills Summit in April that in this country we have "a skills shortage, not a labor shortage."

Right now we have the lowest unemployment rate in this country in the last 30 years. But even as we celebrate this remarkable feat—and it is remarkable—we must remember that there are still some 13 million people in this country who want, but do not have, a full-time job. The Kennedy amendment would make full-time employment a real possibility for homeless veterans, young people, and for youths seeking summer employment.

I appreciate that the Labor-HHS subcommittee's allocations were inadequate to fund at sufficient levels all of the programs in this legislation and I think they have done a good job with what they had to work with. But clearly Mr. President this bill retreats from our commitment to fund many critical education, training, and health programs. I am troubled that the bill before us does not adequately fund job training programs for homeless veterans. Veterans issues are especially important to me, and I know it is of great importance to my fellow veterans here in the Senate. The Kennedy amendment would allow 1,400 more veterans to receive employment placement and economic security than does the bill put forth by the Republicans.

This appropriations bill severely under-funds many important programs, but none more critical than the youth job programs like Job Corps, Youth Opportunity Grants program, and the Summer Jobs program.

Mr. President, Job Corps is the nation's largest residential education and training program for disadvantaged youth. This program takes head on the issues and the people who have been left behind in this period of economic expansion. While many Americans enjoy unprecedented prosperity, the nation's unemployment rate among African-American teenagers is 22%, almost double the national teenage unemployment rate. Twenty-six percent of those who dropped out of high school between October 1998-99 are unemployed. We cannot relegate these people to the margins of our society, especially during this moment of great national wealth.

There are 120 Job Corps centers in 46 states, including three in my state of Massachusetts. Since 1964, Job Corps has given 1.7 million young people in this country the academic and vocational training they need to get good, entry-level jobs, join the military, or go to college. Job Corps offers GED or high school equivalency programs and training in various occupations, as well as advanced training and additional support services. Graduates of Job Corps go on to work in every field from automotive mechanics and repair, to business, and to health occupations. This amendment would allow Job Corps to serve more than 70,000 additional students and reduce staff turnover by offering Job Corps employees a more competitive salary.

This amendment would also greatly increase funding for the Youth Opportunity Grants. These grants serve some of the poorest inner-city areas and Native American reservations in the country, where unemployment levels are well above the national average. Unfortunately, the Republican legislation would not allow the Department of Labor to expand this program. Last year, the Department of Labor was able to fund only 36 of 150 grants under the Youth Opportunity Grant program, two of which are in Boston and Brockton, Massachusetts. This amendment would allow the Department of Labor to fund 15–20 new grants, allowing us to provide job skills and real work experience to people who live in areas that have only heard rumors about our nation's economic growth, but have not seen it for themselves.

I would also like to voice my support for increasing funding by $254 million to restore cuts in the Summer Jobs program. In late March I met with 20 members of the Boston Mayor's Youth Council, who raised money to travel to Washington. We met right outside this chamber on the Senate steps. The 20 young people that I met with spoke extremely eloquently and passionately about their experiences in summer jobs programs, and they asked me to speak on their behalf in Washington in support of the Summer Jobs program.

Well, Mr. President, I intend to speak on their behalf. Approximately 85% of youths in the summer jobs program last year were between the ages of 14–17. Teens in that age group typically do not find private-sector work. But these young people were afforded the opportunity to learn job skills and responsibility. We have all heard teachers lament that students often greet lessons with cries of "When are we ever going to have to use this again?" Summer jobs make education relevant to teenagers, helping to reduce drop-out rates and fostering an interest in higher education.

The Workforce Investment Act consolidates the Summer Jobs program and year-round jobs program into a comprehensive system of services for at-risk, low-income youth. But under the bill before us, 13,000 teens will be eliminated from this program. The Kennedy amendment would add back $254 million, allowing us the opportunity to provide summer jobs to 152,400 low-income students, 85% of whom would not otherwise be able to find summer employment.

In March I received a letter signed by 22 mayors in the State of Massachusetts, urging me to fight for Summer Jobs program funding. In this letter, the mayors write "The state has benefitted because with the young people working, negative behaviors that often result from idleness are prevented." Mr. President, I ask unanimous consent that this letter be printed in the record following my statement. I know these programs are important and are working. And I know they should receive greater funding.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. KERRY. Mr. President, I don't want to end today without pointing out the importance of this amendment to our national trade policy. I believe very strongly in free trade. I know that the Trade and Development Act that we passed earlier this year and granting PNTR to China—if we ever get the chance to debate it in the Senate—will grow Massachusetts's economy and produce long-term benefits for workers in Massachusetts and across the country. But the budget put forth by the Republicans takes no responsibility for protecting those who are most at risk for being left behind. This amendment does claim that responsibility. As we continue with our push to open new markets, we have got to ensure those who lack the skills, the income or the education to get quality jobs can have an opportunity to succeed in the new economy. I urge my colleagues to support this amendment.

EXHIBIT I

MASSACHUSETTS MUNICIPAL ASSOCIATION,
Boston, MA, March 22, 2000.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.
Hon. JOHN F. KERRY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS KENNEDY AND KERRY: We are writing to urge you to advocate for summer jobs funding in the Emergency Supplemental Appropriations bill currently before Congress.

As you are aware, the Workforce Development Act (WIA), which was signed into law in August 1998, will become effectively July 1st, 2000. While we certainly support the WIA goal of offering more comprehensive services for youth on a year-round basis, we are concerned that the additional requirements of WIA and the lack of an increase in funding for year-round youth programs will result in the Commonwealth's inability to provide the number of jobs that we need to serve our youth population this summer. Estimates project that we may have to turn over half of the eligible youth away this summer barring an increase in summer jobs funding.

The summer jobs program in Massachusetts has been phenomenally successful, both for our young people and the state as a whole. The young people gain work experience (many for the first time), earn a paycheck (which many contribute to household expenses), and have the chance to gain academic skills (as summer is often a time when young people slide backwards academically). The state has benefited because with the young people working, negative behaviors that often result from idleness are prevented.

This year we face a double threat, as Governor Cellucci has chosen not to fund the state summer jobs program in his budget. We are working with the Legislature and others to restore this funding to the state budget. We will certainly have a major problem if we lose funding from both the federal and state programs.

At its winter meeting in January, the U.S. Conference of Mayors passed a resolution to support: (1) an emergency appropriation to address the shortfall of funds needed to serve youth this summer; and (2) increased funding in the FY2001 budget to meet the projected doubling of program costs resulting from the new requirements of the Workforce Investment Act. A copy of the resolution is enclosed.

Please keep us updated on the efforts to include funding for summer jobs in the emergency appropriation and increased funding in the FY 2001 budget. Thank you for your continued support and assistance on this high priority issue.

Sincerely,

Thomas Menino Mayor, Boston; Daniel Kelly Mayor, Gardner; Mary Whitney Mayor, Fitchburg; Michael Tautznik Mayor, Easthampton; Robert Dever Mayor, Woburn; William Scanlon Mayor, Beverly; Mary Clare Higgins Mayor, Northampton; Lisa Mead Mayor, Newburyport; John Yunits Mayor, Brockton; Thomas Ambrosino Mayor, Revere; Ted Strojny Mayor, Taunton; David Madden Mayor, Weymouth; Edward Lambert, Jr. Mayor, Fall River; Gerald Doyle Mayor, Pittsfield; Patrick Guerriero Mayor, Melrose; Peter Torigian, Mayor, Peabody; James Rurak, Mayor, Haverhill; John Barrett III Mayor, North Adams; Richard A. Cohen Mayor, Agawam; David Ragucci Mayor, Everett; Frederick Kalisz, Jr. Mayor, New Bedford; James A. Sheets Mayor, Quincy.

Mr. BINGAMAN. Mr. President, I rise to speak briefly about the amendment my good friend from Massachusetts, Senator KENNEDY, has offered to the Labor/HHS appropriations bill to restore critical funding to skills training programs at the Department of Labor.

Mr. President, I appreciate the work that Senators SPECTER and HARKIN have put into this bill. Finding the appropriate balance in this bill is particularly difficult. And, while I am disappointed with the funding levels for many of the programs at the Department of Labor, I do understand that Senator SPECTER and Senator HARKIN care deeply about the programs affected by this amendment.

There are several components of the amendment offered by Senator KENNEDY but I would like to take a minute to discuss one in particular that is of critical importance to my state of New Mexico.

Mr. President, the amendment calls for an additional $181 million for dislocated worker assistance This additional funding would meet the President's request for fiscal year 2001.

When Congress passed the Workforce Investment Act a couple years ago, an important component was the funding stream for dislocated workers. While much of the Nation has prospered over the past eight years, many in my home state have not. I have seen plant closing from Roswell and Carlsbad in the east, to Las Cruces in the south, Albuquerque in the north and Cobre in the west. Thousands of high paying jobs have been lost, and especially hard hit has been the extractive industries. I don't need to tell my colleagues how devastating a plant closing can be on a community and families.

The Workforce Investment Act authorizes grants to States and local areas to provide core, intensive training and supportive services to laid off workers with the aim being to help them return to work as quickly as possible at wages as close as possible to those received prior to the layoff. These funds are critically important as the nature of our economy has changed over the last decade from an industrial base economy to a technologically based one. Workers who are laid off today, particularly those who have been with the same company for a number of years, are often unprepared to reenter the work place or for the new economy they face. Training and retraining is critical to develop the skills they need to quickly find a decent paying job and get back on their feet.

Under President Clinton, dislocated worker funding has tripled from $517 million in Program Year 1993 to $1.589 billion in Program Year 2000. Yet despite these increases, the need for these services has unfortunately kept pace with, and in some cases exceeded, the availability of funds. The President's budget for year 2001 continues the commitment to dislocated worker programs by providing adequate funding levels that will give dislocated workers the tools to compete in the new economy. This is the second installment of a five-year Universal Reemployment Initiative. Under the Universal Reemployment Initiative, dislocated worker funding was to be increased each year to ensure that by 2004 every dislocated worker would receive training and reemployment services if they want and need it, every unemployment insurance claimant who loses their job through no fault of their own would get the reemployment services they want and need, and every American would have access to One-Stop Career Centers.

However, and unfortunately in my opinion, unless the level of funding in the Senate's Labor/HHS bill is not increased, this will be the first year since 1994 that there will be no increase in these funds, and our commitment to universal reemployment will be in serious jeopardy. Specifically, this bill cuts over $181 million from the President's request which will mean the Department of Labor will be able to serve 100,825 fewer recipients. While the bulk of this cut would fall on State/local formula funding, it is important to note that 20 percent of the cut—over $36 million, would be in the Secretary's reserve funds, reducing her capacity to make National Emergency Grants to respond to disasters and large scale layoffs.

Mr. President, as my colleagues know, New Mexico has been through a couple rough months. These funds for dislocated workers are extremely important and I urge my colleagues to support the Kennedy amendment to bring the level of funding for this, and many other important programs, up to the level of the President's request.

Finally, Mr. President, I would also encourage my colleagues to support this amendment because of the increased funding levels for Youth Opportunity Grants, the Summer Jobs Program, and for Job Corps, among others. These programs, and the funding levels contained in this amendment are likewise critical to meeting the needs of young people in my state.

Again, Mr. President, I hope my colleagues will support this amendment and commend my friend, Senator KENNEDY, for his leadership on issues that are so important to families and working men and women throughout this country.

Mr. BAYH. Mr. President, I rise today in support of Senator KENNEDY's skills training amendment. This amendment contains important measures to provide individuals with the necessary skills to succeed in the workforce. The amendment addresses the need to provide employment skills training to noncustodial parents, particularly fathers. The "Fathers Work, Families Win" initiative begins to address a very troubling epidemic, fatherlessness.

The number of children living in households without fathers has tripled over the last forty years, from just over five million in 1960 to more than 17 million today. Although the work of single mothers is truly heroic, father absence has caused unnecessary burdens on women and has forced millions of children to overcome difficult social hurdles. For example, children that live absent their biological fathers are five times more likely to live in poverty. They are more likely to bring weapons and drugs into the classroom, to commit a crime, to drop out of school, to be abused, to commit suicide, to abuse alcohol or drugs, and to become pregnant as teenagers. The $255 million requested for this initiative is dwarfed in comparison by the amount of money. the Federal Government spends on dealing with the consequences of fatherlessness.

There are several pieces to this puzzle, one of which is employment services. Too many fathers are unable to provide financial support for their children. Although many of these fathers have the desire to take responsibility for their children, they do not have the means. In short, these fathers are not dead-beat, they are dead-broke. The "Fathers Work, Families Win" initiative gives us a way to work through the current infrastructure to deliver employment services to fathers and noncustodial parents. Skill-building and employment services will help to increase the employment rate among noncustodial fathers and therefore, increase child support payments.

Our challenge is to give fathers the tools necessary to be successful parents. While employment services for noncustodial parents is an essential component to making fathers responsible, it is not the only service that is needed to ensure these fathers become good parents. Senator DOMENICI and I have introduced a comprehensive package designed to address the fatherlessness epidemic. S. 1364, the Responsible Fatherhood Act of 1999 would provide states with funds to promote the maintenance of married, two-parent families, strengthen fragile families, and promote responsible fatherhood. In addition to the program grants available to states, states would receive funds for a media campaign. A media campaign would be an effective way to communicate the message of father responsibility across ethnic, racial, and income barriers. The bill also recognizes the need to remove federal disincentives to pay child support.

We face a great challenge, but we must not let it overwhelm us. We must instead begin to put the pieces of the puzzle together. I commend Senator KENNEDY for including the "Fathers Work, Families Win" initiative in his amendment. It is my hope that the Senate will enact this legislation and continue to pursue other solutions to the epidemic of fatherlessness.

Mr. REED. Mr. President, I'm here to speak about the Kennedy Workforce Investment amendment restoring cuts to the Department of Labor's training funds.

This amendment is just plain common sense. The single best thing we can do for our society, and for every working family, is to make sure that every American who wants a decent paying job has the skills necessary to obtain a decent paying job. By helping youths and adults get the job training they need, we help turn them into taxpaying citizens who can purchase goods and services, buy homes and afford health care, and contribute to our growing economy.

This amendment, in a multitude of ways, tries to address the most basic challenge facing our country: How do we help American workers develop the skills they need to excel in an increasingly complex and constantly evolving economy?

First, our amendment helps by fully funding the Dislocated Worker Assistance Program. It restores $181 million in funding to a program that has made a substantial difference in the lives of Rhode Island workers. We, like many formerly industrial states, have suffered great worker dislocation as industries have left, often to go somewhere overseas where labor was cheaper. Restoring this funding to the President's request would allow 100,000 more workers, dislocated through no fault of their own, access to training, job search and re-employment services.

Our amendment also grants the Administration's request for $44 million to improve access to One-Stop services for million of Americans and make the job search process less overwhelming and more efficient. The Director of the Rhode Island Department of Labor and Training informed me that the current cuts to this program will "seriously impact" the ability of our state to provide the services and information now required by the Workforce Investment Act for use by job seekers and employers.

In addition to fully funding adult worker skills programs, our amendment would add $254 million to restore cuts in the Summer Jobs Program resulting from implementation of the Workforce Investment Act. Many states, like my own, were unprepared for this dramatic change in the federal funding stream. Thousands of kids in Rhode Island, especially 14- and 15-year-olds, are now going without summer jobs. Many of these kids are from small towns, others are from inner city Providence—both are limited by their age and the lack of job opportunities in their respective communities.

Giving young people job experience benefits the entire country. The development of good work habits and a respect for the virtues of labor alone are strong payoffs. Everyone in this Congress should be supporting a restoration of these cuts.

Finally, our amendment would restore $29 million to the Job Corps program, one of the most effective programs in the country for kids between the ages of 16 and 24. A recent Mathematica Policy Research Inc. study shows that 16- to 17-year-old youths who go through the Job Corps program are 80 percent more likely to earn a high school diploma or GED than a control group excluded from the program. This group also earned salaries that were 20 percent higher and had arrest rates that were 14 percent lower. This program works, and we should be fully funding it.

Strengthening our workforce strengthens our families, and ultimately makes our entire country stronger. Adopting this skills training amendment is good for both American business and American workers, and every member of this Chamber should be in support of it.

The PRESIDING OFFICER (Mr. CRAPO). Who yields time?

The Senator from Massachusetts has 1 minute remaining. The Senator from Washington has 26 minutes remaining.

The Senator from Washington.

The Chair notes there is time still pending on the amendment.

Mr. KENNEDY. I yield back the remainder of my time.

Mr. GORTON. I yield. back the remainder of my time.

I raise a point of order under section 302(f) of the Budget Act, as amended, that the effect of adopting the amendment provides budget authority in excess of the subcommittee's 302(b) allocation under the fiscal year 2001 Concurrent Resolution on the Budget and, therefore, is not in order.

Mr. KENNEDY. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the Budget Act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that for the time being we lay aside the current amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that following the conclusion of the debate on the Wellstone amendment on the subject of suicide, the Senate proceed to vote in relation to the previously debated amendments, with 2 minutes prior to each vote for explanation. Those votes are as follows:

Dodd amendment No. 3672 on community learning centers;

Kerry of Massachusetts amendment No. 3659 on technology literacy;

Reed of Rhode Island amendment No. 3638 on the GEAR UP program; and Kennedy amendment No. 3678 on workforce investment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Those votes, Mr. President, will start at about 3:30 p.m., for the information of my colleagues.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

AMENDMENT NO. 3680

(Purpose: To provide for a certification program to improve the effectiveness and responsiveness of suicide hotlines and crisis centers)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. WELLSTONE, proposes an amendment numbered 3680.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, line 17, insert before the period the following: ": *Provided further*, That within the amounts provided herein, $3,000,000 shall be available for the Center for Mental Health Services to support through grants a certification program to improve and evaluate the effectiveness and responsiveness of suicide hotlines and crisis centers in the United States and to help support and evaluate a national hotline and crisis center network".

Mr. REID. Mr. President, it is my understanding there are 30 minutes that have been designated for the amendment being offered.

The PRESIDING OFFICER. No formal time agreement has been entered regarding this amendment.

Mr. REID. If the Chair would be kind enough to advise me when I have used 15 minutes, I won't ask for a unanimous consent agreement, but there was an agreement that there would be approximately a half hour on this.

This amendment would provide $3 million to certified crisis centers. This deals with the plague of suicide that is sweeping this country. Every year in America, 31,000 people kill themselves. This is probably far fewer than the actual number. It is something that is very devastating to those who are survivors. But there is also a situation in this country that creates a tremendous loss of economic benefits for everyone concerned.

I offered this amendment on behalf of Senator WELLSTONE because I was asked to by his staff. Since Senator WELLSTONE is the prime sponsor of this amendment and is now on the floor, I would like for him to proceed. I will be happy to proceed when the Senator has completed his remarks. The amendment has been offered.

Mr. SPECTER. Mr. President, parliamentary inquiry: Is there any pending business at the moment?

The PRESIDING OFFICER. The pending business before the Senate is amendment No. 3680.

Mr. SPECTER. Is that the amendment by the Senator from Minnesota?

The PRESIDING OFFICER. It is.

Mr. SPECTER. Mr. President, I believe we were scheduled to vote at 3:30

on four amendments. So I inquire of my colleague from Minnesota how long he will be on this matter.

Mr. WELLSTONE. Mr. President, I will be quite brief. I apologize. I didn't realize the amendment was coming up now. Senator REID and I were doing this together. Probably 10 minutes is what I will need. My understanding is that the Senator from Pennsylvania, who has been focused on suicide prevention and trying to do better with mental health treatment, would accept the amendment. I think I can do this in 10 minutes.

Mr. REID. Mr. President, I was going to take 15 minutes, but 10 minutes would be fine.

Mr. SPECTER. Mr. President, I ask unanimous consent that we proceed to the Wellstone amendment on a 10-minute time agreement.

The PRESIDING OFFICER. The Chair advises Senators that there is no time agreement, unless we get this unanimous consent agreement.

Mr. SPECTER. Mr. President, I ask unanimous consent that the time on the Wellstone amendment be divided with 7 minutes for Senator WELLSTONE and 3 minutes for this Senator.

Mr. REID. I haven't spoken yet. I have only spoken for 1 minute.

Mr. WELLSTONE. I object. I say to my colleague from Pennsylvania, I haven't been out here on the amendment. He knows that, and I don't want the Senator from Nevada to only have a few moments. It is an important issue. I don't think we can do it in that time.

Mr. SPECTER. I withdraw my request and suggest that we proceed.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, we will move forward and not go through any unnecessary delay. This amendment would support a certification program to improve and evaluate the effectiveness and responsiveness of suicide hotlines and crisis centers in the U.S. and to help support and evaluate a national hotline and crisis center network.

Let me go through these figures here on the chart.

Suicide facts for our country:

Every 42 seconds someone attempts suicide.

Each 16.9 minutes someone completes suicide.

Suicide is the eighth leading cause of all deaths.

Death rates from suicide are highest for those over age 75.

The incidence of suicide among 15- to 24-year-olds has tripled over the past 40 years, making it the third leading killer in that age group of 15- to 24-year-olds.

In the State of Minnesota, it is the second leading killer of young people from age 15 to 24. These statistics that deal with mental illness and suicides are disturbing. I point out to my colleagues that one of the factors that makes it so disturbing is that so much of suicide is connected to mental illness, especially depression or substance abuse, and so much of it is diagnosable. Frankly, it is treatable.

Really, there should be a hue and cry in the country for corrective action. I do a lot of work with Senator DOMENICI, and I get to do this work with Senator REID and Senator KENNEDY as well. There are a whole host of issues that deal with our failure to provide decent mental health coverage for people.

I thank Surgeon General David Satcher for doing marvelous work. The Surgeon General's report, which came out recently, talks about 500,000 people every year in our country requiring emergency room treatment as a result of attempted suicide. In 1996, nearly 31,000 Americans took their own lives.

I think of Al and Mary Kluesner in the State of Minnesota who started this organization called SAVE. They themselves have lost two children to suicide. Several of their other children have been unbelievably successful in their lives. There has been, up until fairly recently, this shame and people feeling as if it is their own moral failure. But it has so little to do with that.

I met a couple weeks ago with Dr. David Shaffer from Columbia University and Kay Jamison from Johns Hopkins University. She has done some of the most powerful writing. It was Dr. Jamison who said before Senator SPECTER's committee, "The gap between what we know and what we do is lethal."

We know so much about the ways in which we can treat this illness and we can prevent people from taking their lives, but we have not done nearly as much. We have many different organizations that support this amendment. I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS SUPPORTING THE WELLSTONE-REID-KENNEDY SUICIDE PREVENTION AMENDMENT TO THE LHHS APPROPRIATIONS BILL, JUNE 28, 2000

38 ORGANIZATIONS

American Association of Suicidology (AAS).
American Foundation for Suicide Prevention (AFSP).
Suicide Prevention and Advocacy Network (SPAN).
Suicide Awareness/Voices of Education (SA/VE).
National Mental Health Association (NMHA).
National Alliance for the Mentally Ill (NAMI).
Bazelon Center for Mental Health Law.
American Psychiatric Association.
American Psychological Association.
National Mental Health Awareness Campaign.
Light for Life Foundation (Yellow Ribbon Campaign).
QPR Institute (Question/Persuade/Refer).
National Organization of People of Color Against Suicide (NOPCAS).
National Institute for Gay, Lesbian, Bisexual, Transgender (NIGLBT).
With One Voice.
Contact USA.
Crisis Support Services of Alameda County.
Contra Costa Crisis Center.
Didi Hirsch Community Mental Health Center.
San Mateo Crisis Intervention and Suicide Prevention Center.
Pueblo Suicide Prevention Center.
Alachua County Crisis Center.
CrisisLine of Lantana.
Switchboard of Miami.
Cedar Rapids Foundation 2.
Prince George's County Hotline and Suicide Prevention Center.
St. Louis Life Crisis Services.
Crisis Call Center, Reno, Nevada.
Covenant House.
Fargo HotLine.
HelpLine of Delaware County.
HelpLine of Morrow County.
CONTACT of Pittsburgh.
Sioux Falls, Volunteer Information Center HelpLine.
Nashville Crisis Intervention Center.
Houston Crisis Center.
Crisis Link of Northern Virginia.
Friends of Mental Health of Loudon County.

Mr. WELLSTONE. Mr. President, what this amendment does is add $3 million to SAMHSA to support, through grants, a certification program that would evaluate the effectiveness and responsiveness of crisis centers and suicide hotlines across the United States.

It also helps to support a national hot line and crisis center network. There are 750 such crisis services in place across the country today. These centers are documented in the directory kept by the American Association of Suicidology.

To date, there has been little or no funding to help support the training and to improve the quality of guidance through these hot line and crisis services. This amendment does exactly that. These funds will be used to improve the training and the skills of the staff at the crisis hot lines for suicides. There will be a variety of ways in which we can get the money to people so this work can be done.

In awarding these grants, I encourage the Secretary of Health and Human Services to collect an experienced non-profit organization with significant expertise to administer this program.

According to U.S. Surgeon General David Satcher, approximately 500,000 people each year require emergency room treatment as a result of attempted suicide. In 1996 alone, nearly 31,000 Americans took their own lives. In the U.S., suicide is the third leading cause of death of people age 15–34. A suicide takes place in our country every 17 minutes.

In some parts of our country, including my own state of Minnesota, suicide is the second leading cause of death for these young people. Three times the number of Minnesotans die from suicide than from homicide.

We know, without a doubt, that 90 percent of all completed suicides are linked to untreated or inadequately treated mental illness or addiction. To prevent suicide requires an all-out public health effort that will recognize this problem, and will educate our country that we can no longer afford to turn our eyes away from the unthinkable reality that our citizens, even our children, may want to die.

Dr. Satcher and other national mental health experts, such as Dr. Steve Hyman, Director of the National Institute of Mental Health, have helped bring this issue forward, and to help us understand that, with proper treatment, this is one of the most preventable tragedies that we face as a country.

In 1996, the World Health Organization also issued a report urging members worldwide to address the problem of suicide, and one result was the creation of a public/private partnership to seek a national strategy for the U.S., involving many government agencies and advocacy groups. This is clearly a serious problem throughout the world.

For too long, mental illness has been stigmatized, or viewed as a character flaw, rather than as the serious disease that it is. A cloak of secrecy has surrounded this disease, and people with mental illness are often ashamed and afraid to seek treatment, for fear that they will be seen as admitting a weakness in character. For this reason, they may delay treatment until their situation becomes so severe that they may feel incapable of reaching out.

Although mental health research has well-established the biological, genetic, and behavioral components of many of the forms of serious mental illness, the illness is still stigmatized as somehow less important or serious other than illnesses. Too often, we try to push the problem away, deny coverage, or blame those with the illness for having the illness. We forget that someone with mental illness can look just like the person we see in the mirror, or the person who is sitting next to us on a plane. It can be our mother, our brother, our son, or daughter. It can be one of us. We have all known someone with a serious mental illness, within our families or our circle of friends, or in public life. Many people have courageously come forward to speak about their personal experiences with their illness, to help us all understand better the effects of this illness on a person's life, and I commend them for their courage.

The statistics concerning mental illness, and the state of health care coverage for adults and children with this disease are startling, and disturbing.

One severe mental illness affecting millions of Americans is major depression. The National Institute of Mental Health, an NIH research institute, within the U.S. Department of Health and Human Services, describes serious depression as a critical public health problem. More than 18 million people in the United States will suffer from a depressive illness this year, and many will be unnecessarily incapacitated for weeks or months, because their illness goes untreated. Many will die.

I recently had the good fortune to meet with a group of some of the foremost experts on suicide prevention, including Dr. David Shaffer, from Columbia University, and Dr. Kay Jamison, from John Hopkins University. They gave me an extraordinary overview of the many critical points of intervention where suicide may be prevented, and it is my intention to develop a larger bill, in collaboration with Senator HARRY REID, and hopefully many of my colleagues, that will address many of these issues.

But this amendment will meet an important need right now, one that is timely, and even with its modest funding can help save many lives. This amendment has the support of Senators REID and KENNEDY, as well as the support of the national groups:

American Association of Suicidology,

American Foundation for Suicide Prevention,

SPAN (Suicide Prevention and Advocacy Network),

National Mental Health Association,

National Alliance for the Mentally Ill,

American Psychiatric Association,

American Psychological Association,

Bazelon Center for Mental Health Law, and SA/VE, a group based in Minnesota (Suicide Awareness/Voices of Education), headed by Al and Mary Kluesner.

My amendment will add $3 million to SAMHSA to support through grants a certification program to improve and evaluate the effectiveness and responsiveness of crisis centers and suicide hotlines across the United States, and to help support a national hotline and crisis center network. Although there are 750 such crisis services in place across our country—these centers are documented in the directory kept by the American Association of Suicidology—to date there has been little or no funding to help support the training and improve the quality of the guidance that is provided through these hotline and crisis services.

This amendment will do exactly that. These funds will be used to help improve the training and skills of the staff at crisis hotline suicides, through guidance provided by the American Society of Suicidology, the Center for Mental Health Services, the National Institute Mental Health, and other mental health professionals. It will also help support the development of a national hotline and network of certified crisis centers.

In the awarding of grants, I would encourage the Secretary of HHS to select an experienced non-profit organization with significant expertise in this area to administer the certification process, so that this process of training can begin as quickly as possible.

Telephone hotlines are only one of the points of intervention, and are not and cannot be the only solution to those who suffer from severe mental illness and the extraordinary despair that leads to suicide. Our country also needs to ensure that Americans have fair access to medical care, that the stigma associated with mental illness is reduced, and more education and training for health care providers is made available. But the hotline does provide a lifeline for those who need to reach out for help and have nowhere else to turn too when they reach the point of despair.

The crisis centers that run suicide hotlines are often patched together through a variety of funding sources, and struggle to keep their staff trained and their services of the highest quality. Although some centers are certified by the American Association of Suicidology, and some are connected through the Hope Line Network that is working to establish a national network, this process has only just begun. These centers perform a critically important service and would benefit enormously from a national certification process and regular staff training. The time is right to fund such a process.

Staff at crisis centers need to be trained to conduct a suicide risk assessment to determine the seriousness and urgency of someone who may be contemplating suicide. They also need to know when to refer the individual to a local community mental health provider if the person is not in crisis. But most importantly, they need to know when to send the police to the person's home or workplace if the staff person is convinced that a suicide is about to take place.

Most people think that there is a national suicide hotline already in place that links people throughout the country. But until recently, this was not so. Crisis centers operated on their own, with volunteer help, and few resources. Recently, a national hotline number (1-800-SUICIDE) was established through the Hope Line Network, through the National Mental Health Awareness Campaign. As an example of the incredible need for such a number, the national hotline found itself flooded with calls after recently advertising on MTV and Fox Family Channel. Additionally, 1.5 million Americans logged onto their website during the 2 weeks after this advertising began. There are obviously many people who are in need of this service. And it needs to be the best possible service, and linked as best it can be to local help.

By improving the training and skills of crisis hotline operators, such contact can be of the highest quality. Certification would require rigorous on site training and visits, evaluation of operations, records reviews, verification of staff training and skills, and the like.

The Surgeon General is to be commended for bringing this issue of suicide forward as a major public health crisis in his 1999 report, Call to Action to Prevent Suicide. In his report, he specifically cited the need for instituting training programs concerning suicide risk assessment and recognition, treatment, management, and aftercare intervention. He also asked that community care resources be enhanced as referral points for mental health services. This amendment helps to support both of these requests.

I must emphasize that suicide is often linked to severe depression and other forms of mental illness. These illnesses are not the normal ups and downs everyone experiences. They are illnesses that affect mood, body, behavior, and mind. Depressive disorders interfere with individual and family functioning. Without treatment, the person with a depressive disorder is often unable to fulfill the responsibilities of spouse or parent, worker or employer, friend or neighbor. And far too often, without treatment, a person can reach such a level of despair that they will take their own life. This amendment will fund programs to help people get the treatment they need before it is too late. As Dr. Kay Redfield Jamison stated in a recent Senate hearing on suicide, when it comes to treatment for mental illness, "the gap between what we know and what we do is lethal."

The issue of suicide prevention is one that we have discussed before, at a hearing held by Senator SPECTER, and during other discussions about mental health research and treatment. I am proud of my colleagues who have supported these efforts, including the cosponsors of this amendment, Senator REID and Senator KENNEDY. I am proud to join them in bringing this amendment forward, and I ask you for your support.

There is a piece of legislation I have with Senator DOMENICI called the Mental Health Equitable Treatment Act. We believe, especially when it comes to physician visits and days in hospitals, that people with a mental illness should be treated the same way as people with a physical illness. We think it is time to end this discrimination.

I have two other amendments that are included in other legislation which deal with the problem of suicide and mental health—especially with young people—and ways of getting money to communities that can then put the money to use, whether it be substance abuse treatment programs, whether it be family counseling, or whether it be pharmacological treatment, or you name it.

The amendment I introduced with Senator REID is very basic. It is very straightforward.

It basically provides the grants through a certification program to improve the effectiveness of these suicide hot lines and crisis centers in the United States. It will help them support and evaluate a national hot line and crisis center network.

I say to my colleague from Nevada that this is really incremental. It is not the be all or the end all. But the additional resources will really help SAMHSA. It will help us make sure these crisis hot lines are put to the very best use; that the people who are working there have the best training; that people who will be working these lines will do their very best in taking calls and know how to help people.

This is important. It is a network of support for people. It is one step and only one step.

But I will finish my remarks and then hear from my colleague from Nevada who really is taking the lead on this amendment.

Again, every 42 seconds someone in our country attempts suicide. Every 16.9 minutes someone completes suicide. Suicide is the eighth leading cause of all deaths.

This one really gets to me. I admit that until I saw this—I believe I do a lot of work in the mental health area—I didn't realize the suicide rates are highest for those over age 75. I didn't realize that. My focus has really been on young people because in my State of Minnesota, for the age of 15 to 24, suicide is the second leading cause of death.

We need to do better. In this piece of legislation, we take this funding from administrative services and put it into this program. I think it will make a very positive difference.

I am delighted that my colleagues on the other side of the aisle are going to support this amendment.

Mr. KENNEDY. Mr. President, I strongly support this amendment, which is a long overdue attempt to deal more effectively with suicide, a serious public health threat in the United States.

In 1998, suicide was the cause of more than 29,000 deaths—nearly 60 percent higher than the number of homicides in that year. The nation's Surgeon General, Dr. David Satcher, issued a Call to Action to Prevent Suicide in 1999, in which he recommended a national strategy to reduce the high toll that suicide takes. Our amendment will provide grants through the Center for Mental Health Services to help support a national network of suicide hotlines and crisis centers, and to provide a certification program for the staff members of the network. This program will ensure that people who seek help during a crisis will receive an effective response from appropriately trained and certified personnel.

In Massachusetts, the state's 1999 Youth Risk Behavior Survey found that one of every five adolescents had seriously considered suicide in the previous year, and one in twelve—more than 20,000 teenagers—made an actual attempt. But this serious problem is not limited to young Americans. It affects all age groups. In fact, suicide rates increase with age, and are highest among men aged 75 years and older.

Suicide also affects all racial and ethnic groups. Between 1980 and 1996, the rate of suicide among African-American male teenagers more than doubled. Native American communities have long experienced high suicide rates.

Suicide and suicide attempts affect both genders. Although males are four times more likely to die of suicide, females are more likely to attempt suicide. Each year in the United States, half a million people require emergency room treatment for a suicide attempt.

But suicide and suicide attempts can be prevented. Ninety percent of people who complete suicide have depression or another mental or substance abuse disorder. These disorders respond to effective treatment.

The amendment we offer today will ensure that when a person is in crisis anywhere in our nation, there is a network of hotlines and crisis centers to call for help, and that a trained and certified staff member will be available to intervene effectively. Every 17 minutes another American completes suicide. We can do much more to prevent this national tragedy. Our proposal is a small, but significant, step toward preventing the unnecessary loss of American lives, and I urge the Senate to support it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, my friend from Minnesota has been a great partner on this issue. He has been very understanding. He is a very caring person, as indicated by the work he has done. He has outlined very generally and in many cases specifically the problems we have in America today relating to suicide.

There is no question about it. Suicides occur more often in this country than can be calculated. As I have indicated, the statistics that the Senator from Minnesota gave us are reported suicides. There are many deaths that appear to be accidents that are suicides, and they cannot be calculated.

The State of Nevada leads the Nation in suicide. It doesn't matter what age group it is. It doesn't matter whether they are teenagers or senior citizens. The State of Nevada has the dubious distinction of leading the Nation in suicide. That is too bad.

This amendment is a step in the direction of helping people not only in Nevada but all over the country. The amendment offered by the Senator from Minnesota and the Senator from Nevada will set up a number of crisis centers. Today, we have about 78 crisis centers that are certified. This would allow hundreds more to be certified.

What does this mean? It means that when you call 1-800-SUICIDE, which was activated a little more than a year ago—people who are depressed or suicidal or those concerned about someone else who is depressed or suicidal—you are automatically connected to someone who is at one of these centers and who is trained. These calls are routed to the crisis center nearest to the person where the call is placed.

The crisis center calls are answered by certified counselors 24 hours a day, 7 days a week—on Thanksgiving and on Christmas; it is sad to say but Christmas is one of the biggest suicide days in this country.

In the event the nearest crisis center is at a maximum volume, the call is routed to the next nearest center. There is never a busy signal, or a voice mail. People in crisis usually reach a trained counselor within two or three rings, or about 20 to 30 seconds from the moment they dial 1-800-SUICIDE.

What does this suicide crisis line mean?

Let me read excerpts from a few letters.

This one is written to the Northern Virginia hot line. It says, among other things:

> I would like to name NVHL (Northern Virginia Hotline) as one of my beneficiaries on my life insurance policy . . .
>
> The reason for this act of kindness is to give back to your organization what your organization has given to me. You see, over the past twenty years I have used your listeners during moments of crises in my life. When I had no one to turn to, I could turn to your listeners for insight and support . . .
>
> I want to give back to the organization that has been responsible for helping me through many tough late nights over the past twenty years.

We have a letter from the Catholic Newman Association in Houston, TX. It is a three-paragraph letter. I will read only one paragraph.

> I simply want to say that because of you, Karen, a girl named is alive today and has, for perhaps the first time in her life, a real hope and desire to live. She called you a few weeks ago, with a razor blade in her hand, and she had already begun to cut her wrist. You talked to her for almost an hour, though she tried to hang up a number of times. You were able to get information about the fact that she had recently talked to me, as well as where she lived. You were able to keep her on the line while you had someone contact me and I got to her apartment in time to keep her from completing the suicide attempt. She has been hospitalized and has undergone intensive therapy and is soon to be released, with real hope that there are good reasons to stay alive. You must have been very skillful, Karen because she is a very sharp girl and it was a true suicide attempt prevented only by the fact that she wanted to talk to one human being—you—before killing herself. Because you took her seriously, because you cared, because you knew what to say and do, she is alive today and wants to continue to live.

We also have a letter addressed to Arlene, someone who works at one of these hot line centers.

Among other things, this woman says:

> A member of my staff had come to me with some family problems, both financial and emotional, which were causing that person to be very despondent . . .
>
> Fortunately, I was able to refer my employee to the Hotline. I don't know the details of the conversations but I can see the results. Having someone available to talk to, combined with the follow-up counseling, has helped this person to find a solution to problems which had seemed overwhelming. I now have a valuable, productive employee and the individual now feels in control of life and circumstances.

Finally, I have a letter from the Fairfax County Police Department. This is from Capt. Art Rudat. He is a commander in the McLean substation. He is writing a letter to say having this hotline helps the police department, freeing them to do other things. He says:

> Upon our arrival, we found the subject in his room and he was extremely upset and agitated. He was holding a 4″ knife to his jugular vein, threatening to kill himself. This threat was not taken lightly because he had already cut his left wrist and was bleeding. The atmosphere at the time was tense, not knowing if anything that the officers would say would further upset the subject. There was a moment, when the subject stood up screaming and pressing the knife into his throat almost cutting his jugular vein, that it was thought the incident would have a tragic ending. * * *
>
> Even this was occurring, the subject was on the phone, still deep in conversation with Miss Dicke. He would go from being out of control to a very peaceful state. Slowly though, he became less upset and eventually sat down and began listening to Miss Dicke reason with him and win him over. Of course, the officers didn't know what Miss Dicke was saying, but it was enough for him to eventually give up his knife and go to the hospital with rescue to receive much needed assistance.
>
> It is my understanding that of the nearly 18,000 calls that are received at the hotline center per year, approximately 600 are suicide calls and only 5 involve weapons. We at Fairfax County Police Department were quite fortunate to have had both Miss Dicke and Miss Ross working that night. Without their teamwork, tenaciousness and training, this incident could have had a tragic ending. * * *
>
> Although hotlines do not historically receive the fanfare and headlines that other public service groups do, we at the Police Department realize what a tremendous resource you are to us and the outstanding service which you provide to the community.

I ask unanimous consent these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

REVENUE RECOVERY CONSULTANTS, INC.,
Fairfax, VA, October 8, 1998.

MS. ARLENE KROHMAL,
Northern Virginia Hotline,
Arlington, VA.

DEAR ARLENE: I just wanted to take a moment to thank you and to compliment the Hotline for the assistance your staff provided to one of my employees recently.

A member of my staff had come to me with some family problems, both financial and emotional, which were causing that person to be very despondent. This attitude was affecting the individual's work and life. An appointment with a counselor had been set, but it was ten days away and it seemed as if help was needed immediately. This person told me that, if not for worry about two children, life wouldn't be worth living.

Fortunately, I was able to refer my employee to the Hotline. I don't know the details of the conversations but I can see the results. Having someone available to talk to, combined with the follow-up counseling, has helped this person to find a solution to problems which had seemed overwhelming. I now have a valuable, productive employee and the individual now feels in control of life and circumstances.

Thank you for providing a valuable service to the community.

Sincerely,

FRAN FISHER,
President.

CATHOLIC NEWMAN ASSOCIATION, RELIGION CENTER, UNIVERSITY OF HOUSTON,
Houston, TX.

PEACE!

I am writing this letter simply out of my own need to express gratitude, plus the fact that I am aware you likely don't get much positive feedback for what you are doing. It is addressed primarily to one of your people named "Karen" whom I have been unable to contact personally, but really to all of you because it could have been any one who happened to answer the phone that day.

I simply want to say that because of you, Karen, a girl named is alive today and has, for perhaps the first time in her life, a real hope and desire to live. She called you a few weeks ago, with a razor blade in her hand, and she had already begun to cut her wrist. You talked to her for almost an hour, though she tried to hang up a number of times. You were able to get information about the fact that she had recently talked to me, as well as where she lived. You were able to keep her on the line while you had someone contact me and I got to her apartment in time to keep her from completing the suicide attempt. She has been hospitalized and has undergone intensive therapy and is soon to be released, with real hope that there are good reasons to stay alive. You must have been very skillful, Karen because she is a very sharp girl and it was a true suicide attempt prevented only by the fact that she wanted to talk to one human being—you—before killing herself. Because you took her seriously, because you cared, because you knew what to say and do, she is alive today and wants to continue to live.

I am writing this, as I say, simply because I want to let you know—and all of you who work at Crisis Hotline—that what you are doing is beautiful as beautiful as life compared to death, as beautiful as hope compared to depression, as beautiful as loved compared to apathy. I realize, because of my own life-work in this way that you often don't know the effects of your listening, your caring, your loving, that you very likely wonder sometimes if it's worth the time and effort. All I can say is: "Hey, today I saw the sun shine in a girl's eyes!" It's worth it!!!

Thank you, Karen, I love you,

Rev. JIM BARNETT.

ASHBURN, VA, *June 14, 1999.*

ARLENE KROHMAL,
Director, Northern Virginia Hotline,
Arlington, VA.

DEAR ARLENE, I have a request. Please send to me information about your organization, for you see, I would like to name NVHL (Northern Virginia Hotline) as one of my beneficiaries on my life insurance policy. I need to know exactly how to word NVHL as a beneficiary so that there would be no loop holes for anyone to contest.

The reason for this act of kindness is to give back to your organization what your organization has given to me. You see, over the past twenty years I have used your listeners during moments of crises in my lie. When I had no one to turn to, I could turn to your listeners for insight and support.

I came to know about the benefit of your hotline due to meeting the original director Bobby Schazenbach and hearing her story why this wonderful and unique organization was set up. I have very fond memories of Bobby and everytime I call your hotline, I often think of her and wonder how she is doing. Her creation of this hotline has been a link to my survival for many years. I won't bother you with the details, but I want to give back to the organization that has been responsible for helping me through many tough late night over the past twenty years.

Please sent to me any information on your organization that might help facilitate in changing my beneficiary to your organization. I also want you to know that I will be naming the Loudoun Abused Women's Shelter as well.

Thank God for all of you and thank God for Bobby.

Fondly, and forever grateful,

FAIRFAX COUNTY POLICE DEPARTMENT,
Fairfax, VA, March 31, 1998.

MS. ARLENE KROHMAL,
Northern Virginia Suicide Hotline,
Arlington, VA.

DEAR MS. KROHMAL: I would like to bring to your attention, the actions of two of your volunteers and the impact it had upon a family's future. On March 7, 1998, at approximately 5:59 pm, officers from the McLean District Station responded to the Ritz Carlton, near Tysons Corner, for a subject threatening to commit suicide with a knife. The 911 call was made to the Fairfax County Police by Miss Katie Ross, of the Northern Virginia Suicide Hotline, who was assisting Miss Marilyn Dicke, also with the Suicide Hotline, The information received was that the subject had been involved in a continuing domestic dispute with his parents and was at the end of his rope.

From the beginning, the information given to us by Miss Ross was clear and concise and left little for us to wonder about. This is a key element in our response to a complaint and how the officers will handle the case from the onset. Upon our arrival, we found the subject in his room and he was extremely upset and agitated. He was holding a 4″ knife to his jugular vein, threatening to kill himself. This threat was not taken lightly because he had already cut his left wrist and was bleeding. The atmosphere at the time was tense, not knowing if anything that the officers would say would further upset the subject. There was a moment, when the subject stood up screaming and pressing the knife into his throat almost cutting his jugular vein, that it was thought the incident would have a tragic ending.

Even this was occurring, the subject was on the phone, still deep in conversation with Miss Dicke. He would go from being out of control to a very peaceful state. Slowly though, he became less upset and eventually sat down and began listening to Miss Dicke reason with him and win him over. Of course, the officers didn't know what Miss Dicke was saying, but it was enough for him to eventually give up his knife and go to the hospital with rescue to receive much needed assistance.

It is my understanding that of the nearly 18,000 calls that are received at the hotline center per year, approximately 600 are suicide calls and only 5 involve weapons. We at Fairfax County Police Department were quite fortunate to have had both Miss Dicke and Miss Ross working that night. Without their teamwork, tenaciousness and training, this incident could have had a tragic ending.

This exemplifies how the citizens of Fairfax County and the Police Department benefit from programs such as yours. Although hotlines do not historically receive the fanfare and headlines that other public service groups do, we at the Police Department realize what a tremendous resource you are to us and the outstanding service which you provide to the community. It is without any reservation that I commend Miss Dicke and Miss Ross for the outstanding job they did that evening. They should be very proud of themselves and the organization they are affiliated with.

Sincerely,

CAPTAIN ART RUDAT,
Commander, McLean District Station.

Mr. REID. I extend my appreciation to the Senator from Minnesota.

Mr. DORGAN. Will the Senator yield?

Mr. REID. I am happy to yield to the Senator.

Mr. DORGAN. Mr. President, I support the legislation dealing with the issue of suicide. It is very important.

Many, many years ago, early one morning I came to an office and found a coworker had taken his life. It was, of course, a morning I will remember the rest of my life, finding a coworker and a friend who had, over the nighttime hours, taken his life.

I suppose only those who have been acquainted with that circumstance can barely imagine the kind of horrors that persuade someone to take their own life. I think anything we can do as a country in public policy to reach out and say to those who are visited by those emotional difficulties, those pressures and internal problems that persuade them to consider taking their life, anything we can do to reach out to them to say, here is some help, we ought to be able to do that.

This amendment is very small. Incrementally, it will be helpful.

I appreciate the work of Senator WELLSTONE and Senator REID. I think someday—we may never know the name—adding these resources will help someone who is ravaged by these emotional difficulties and can be prevented from taking their own life, and we will be rewarded for having paid attention to this issue.

Mr. REID. The Senator from South Dakota knows I had the misfortune of my father committing suicide. As the Senator from North Dakota, I saw my father lying there after having shot himself. This is something that never leaves you.

People think suicide always happens to someone else, but it doesn't. I say to my friend from North Dakota, we could go around this room and we would be surprised; almost everyone in this Senate Chamber has had a relative, a neighbor, or a friend who committed suicide. It is remarkable and sad.

I appreciate the Senator from North Dakota sharing his story. The reason it is important he shares it is to recognize what a universal problem this is, at 31,000 people a year. We know, as I indicated a number of other times on this floor, many more people commit suicide.

I think the mere fact that we talk about it is going to help the problem. We now have this crisis hotline established. We also, of course, have support groups that we didn't have 15, 20 years ago. The problem is not getting easier, but it is getting better with people better understanding the issue.

Mr. WELLSTONE. Mr. President, two things. First, I thank the Senator from Nevada for his comments. Second, I say to Senator SPECTER, I am sure he remembers when Kay Jamison testified before his committee, saying the gap between what we know and what we do is lethal. This is just a small step. I am hoping that the Senate—the sooner the better—will embrace this issue and put some resources back to communities that can put this money to work in terms of suicide prevention. Much of this is diagnosable and preventable.

We have some confusion. Before I agree, I say to Senator REID, I want to suggest the absence of a quorum. We have a disagreement about how we will deal with this amendment.

Mr. SPECTER. Let me make a short statement. We are anxious to move ahead with our votes scheduled at 3:30.

The amendment is acceptable. The subcommittee held a hearing on this matter in February and had extraordinarily heartrending testimony from families who had been touched directly by suicide. The hearing was held at the request of the Senator from Nevada, Mr. REID. It was quite compelling.

The subcommittee and the full committee allocated $662 million to the mental health services, an increase of $31 million over last year. A number of amendments have been offered seeking to reallocate the money in a variety of ways. I have responded that, unless they have offsets, we have made the allocations as best we can.

I think the fact we have such a large sum of money in mental health services on a relative basis, including a $31 million increase for this year, is a testament to the propriety or the value judgments which have gone into the structure of this bill. The $3 million for the hotline can be accommodated easily within the existing funds. We had already urged the mental health services to find ways through their research to prevent suicides—to find other means of communicating with people who were emotionally stressed coming to grips with the issue, and preventing suicides. The substantial allocation the Appropriations Committee has made is a testament to the value judgments and the priorities we have established.

I thank Senator REID for sharing his own experiences. It is a very telling matter. At his request, we had a very informative hearing in February, with quite a few people coming forward, including Danielle Steel, the noted authoress who talked about her own son's experience. It made quite an impact. I think it is true that while the C-SPAN 2 audience may not be enormous, people will hear what is being said and it can have a salutary effect.

Mr. REID. Will the Senator yield?

Mr. SPECTER. I am happy to yield to the Senator.

Mr. REID. It was very difficult for the Senator to work this hearing into the very busy schedule of this huge subcommittee. The Senator did that. I think it has done so much good across the country to have people such as Danielle Steel and Kay Jamison, who are experts, to come in and talk about their experiences. I am grateful to you for doing this, as I think anyone is who has had the misfortune of having had some connection with suicide. You are to be applauded for having done this with schedule that was really a burden to you.

We appreciate this very much.

Mr. SPECTER. Mr. President, I thank the Senator from Nevada for those kind remarks. Perhaps we could move ahead to acceptance of the amendment.

I urge the adoption of the amendment.

Mr. WELLSTONE. Mr. President, I thank my colleague from Pennsylvania for his genuine concern, and the ways in which, as the chair of this committee, he has supported this initiative. He cares about it deeply. I thank him. I am pleased he will accept the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3680) was agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3672

Mr. SPECTER. Mr. President, I ask for the yeas and nays on the pending motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There are 2 minutes equally divided on the motion to waive the Budget Act with regard to the Dodd amendment.

Mr. SPECTER. Mr. President, parliamentary inquiry: Which is the first amendment?

The PRESIDING OFFICER. The Dodd amendment No. 3672 on community learning centers.

Mr. SPECTER. Mr. President, the point of order has been raised because, although the Dodd amendment for afterschool programs takes up a meritorious subject, we have already added approximately $150 million to that account, bringing it up to $600 million.

The program has been in effect for only a few years. We have provided for additional funding in many similarly related situations. We believe the priorities established were appropriate. Had there been a suggestion for an offset, had the Senator from Connecticut made a suggestion that this priority was more valuable than others, we would have been willing to consider it. But it simply breaks the allocations and therefore the point of order has been raised. We urge it be sustained and not waived.

The PRESIDING OFFICER. Who yields time in favor of the motion to waive the Budget Act?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is a motion, to the Senator's amendment, on the Budget Act.

Mr. DODD. Mr. President, as I understand it, I have 2 minutes to explain the amendment?

The PRESIDING OFFICER. It was reduced to 2 minutes equally divided. Those opposed to the motion have already spoken. The Senator has 1 minute to speak.

Mr. DODD. Mr. President, to my colleagues, very briefly, this amendment is a carryforward to what has been offered by Senator KENNEDY, Senator BINGAMAN, Senator WELLSTONE, and Senator MURRAY, all trying to improve the quality of public education in the country. One of the key issues is afterschool programs.

We know from parents all across the country the most dangerous period for 5 million children unattended is between 3 and 6 in the afternoon. Good afterschool programs are meaningful. The country wants it. School boards have asked for it. But despite efforts, we have only funded 310 afterschool programs. Last year, there were 2,500, close to 3,000, applications for afterschool dollars. We could only meet the requests of 310 school districts.

It seems to me we must do something to improve the quality of education with good afterschool programs, when children are most at risk, most vulnerable, when they get involved with habits of smoking, and alcohol, of marijuana, when they are victimized. As we know by every police study, afterschool programs work.

I realize there are budgetary concerns, but we spend less than one-half of 1 percent of the entire Federal budget on the quality of public education in this country. That is a disgrace.

What we have offered in these series of amendments is to improve our Federal investment in education. This amendment is to improve the quality of afterschool programs for the 5 million children in America who need that assistance.

The PRESIDING OFFICER (Mr. SESSIONS). The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 3672. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The yeas and nays resulted—yeas 48, nays 51, as follows:

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Torricelli
Wellstone
Wyden

NAYS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Specter

Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The amendment would increase budget authority and outlays scored against the allocation of the Labor, Health and Human Services, and Education Subcommittee of the Appropriations Committee, and that subcommittee has reached the limit of its allocations. Therefore, the point of order is sustained and the amendment falls.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I think it is only fair to say to the Members that we are going to try to enforce the more limited time on these votes. I know we try to accommodate Senators on both sides when they get delayed because of elevators or the subway or whatever. But it is also unfair to the managers and people trying to do the bill, when we are all here, if we can't do the votes in the prescribed time. We will push for that.

Secondly, I commend the managers for trying to begin to make some progress. We have had a whole series of votes here in this grouping—four, I guess. But we still have an awful lot of pending amendments. I don't want to mention a number because it is too scary.

I can't complain about the Democratic side because there are almost as many amendments on the Republican side. When Members are asked to come and either work out their amendments or offer them, they are too busy to get it done. We need to get this Labor, HHS, and Education appropriations bill done tonight. In order to do that, it is going to take an awful lot of work. The managers, or the whips, HARRY REID and DON NICKLES, can't do it by themselves. Some are beginning to say how about Thursday night. When we get Labor-HHS appropriations done, we are going to the Interior appropriations bill, plus we have the military construction conference report with the emergency provisions, providing funds that we have been wanting to get completed for defense and for disasters and for Colombia. We may not get that until late Thursday night, so that we can't vote on it until Friday. We will have other votes on Friday. So we have to complete this bill, the Interior appropriations bill, and the MILCON conference report.

I thank Senator DASCHLE for his work in that effort and for his support as we try to complete this work. I know it is a lot to do in 3 days, but I know we can do it if we really stick with it.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I join in the request made by the majority leader to try to cooperate in a way to allow us closure on this bill. He has proposed an aggressive agenda. At the very least, we have to finish this bill. As he said, there are scores of amendments that have to be addressed before we can complete our work. I want to finish this bill this week. I want to be as cooperative and as forceful with our colleagues on both sides of the aisle in accommodating that kind of schedule. We have been on this bill, and we have had a good debate with good amendments and a lot of votes. There will be more amendments and votes.

There comes a time when we have to try to bring this to a close. I want to do it as soon as we can and still accommodate Senators who have good amendments to offer. Please come to the floor and agree to time limits for each amendment. Work with us to see if we can't winnow down the list a little bit. We have had some cooperation, but it is going to take a lot more cooperation if we, indeed, are going to get the bill done on time.

I believe we are ready to vote, Mr. President.

AMENDMENT NO. 3659

The PRESIDING OFFICER. There are 2 minutes equally divided on the motion to waive the Budget Act with regard to the Kerry amendment. Who yields time?

Mr. SPECTER. Mr. President, the pending matter is the motion of the Senator from Massachusetts to waive.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 minute.

Mr. KERRY. Mr. President, my amendment seeks to address the digital divide that all of us are aware is significantly handicapping the capacity of a lot of Americans to participate in the new marketplace. The House of Representatives has recognized this problem to the tune of $517 million. In our budget, we are only at $425 million. We are going to vote in the Senate on the H-1B visa, allowing 200,000-plus people to be imported into this country because of our lack of commitment to our own citizens in developing their skills for the new marketplace.

This is an opportunity to make it clear that, for teachers and their ability to be able to teach, for virtual high school capacity to have advanced placement, in order to enhance the ability of our young to learn the new marketplace skills and to close the digital divide, we need to make this commitment.

I think everybody in the Senate knows that with this surplus, with our ability to be able to make the choices we have in the budget, we have allowed for a waiver of the budget precisely for this kind of moment. I ask my colleagues to join me in saying the House of Representatives will not have a better sense of this priority than the Senate.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I call on our colleagues to oppose the waiver. This bill has $4.5 billion more than last year's, $100 million over the President's request, and it is a matter of allocation of priorities.

There is no doubt that technical literacy is an important objective. We have, in the Senate bill, $425 million. If the Senator from Massachusetts could establish its priority over others, and add offsets, that is something we would be glad to consider. I wish we had more money to spend on things such as technical literacy, but we do not. To accept this amendment would exceed our 302(b) allocations. Therefore, I ask my colleagues to vote no on the waiver.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the budget act in relation to Amendment No. 3659. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays, 51, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—48

Abraham
Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli
Wellstone
Wyden

NAYS—51

Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack

McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 48, and the nays are 51. Three-fifths of the Senators present and voting, not having voted in the affirmative, the motion to waive the Budget Act is not agreed to.

The amendment would increase the budget authority and outlays scored against the allocations of the Labor, Health, and Human Services, and Education Subcommittee of the Appropriations Committee, and that subcommittee has reached the limits of its allocation. Therefore, the point of order is sustained and the amendment falls.

AMENDMENT NO. 3638

The PRESIDING OFFICER. There will now be 2 minutes equally divided on the motion to waive the Budget Act by the Senator from Rhode Island, Mr. REED.

The Senator from Rhode Island.

Mr. REED. Mr. President, this amendment would add an additional $100 million to the appropriated funds for the GEAR UP program. GEAR UP is the centerpiece of our efforts to reach out to disadvantaged students and give them both the skills and the confidence to go on to college. It is particularly clear in low-income neighborhoods that young people and families do not have either the access to college or the kind of skills they need to make it all the way through high school into college.

This program does that. It complements the Pell grant. It complements other programs because it actually gives young people, starting the sixth or seventh grade, the tutoring, the mentoring, the confidence, the ability to go through high school, and go on to college.

By voting for this amendment, we will say to scores of disadvantaged children: You can succeed; you can go to college; you can take your place in American society as a college graduate. I urge all of my colleagues to support this incredibly important program, to make opportunities real in the lives of all of our citizens.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1 minute.

Mr. SPECTER. Mr. President, there is no doubt this is a good program. It has been in effect only since 1999 when we put in $120 million; last year, up to $200 million; this year our figure is $225 million.

Again, it is a matter of priorities. This bill has $4.5 billion more than last year's education bill. It is $100 million higher than the President's figure. When the Senator from Rhode Island argued the matter as being a very special program, I posed a practical question: What should be offset? What is less important?

We think we have established the appropriate priorities. As much as we want to have additional funds for a program of this sort, it simply isn't there. The extra million dollars would exceed our 302(b) allocation. Therefore, we ask our colleagues not to waive the Budget Act.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 3638. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The amendment would increase budget authority and outlays scored against the allocations to the Labor, Health and Human Services, and Education Subcommittee of the Appropriations Committee and that subcommittee has reached the limit of its allocations. Therefore, the point of order is sustained and the amendment falls.

AMENDMENT NO. 3678

The PRESIDING OFFICER. There will be 2 minutes for debate on the Kennedy amendment. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this amendment basically follows the President's recommendation, and that is to provide a cost-of-living increase to the training programs for youth and adult workers in this country.

At the present time, half of all the employers in this country provide no training whatsoever, the other half of the employers provide 1 percent of payroll costs, and 80 percent of that training goes to management level workers.

We have talked a good deal about H-1B visas and bringing into the United States those guest workers who have special skills, but I think we have a basic responsibility to ensure continuing training programs for America's workers as we continue to expand our economy and compete in the world.

That amendment provides an important increase for training programs. Two years ago, along with Senator JEFFORDS, we consolidated the training programs. We now have an effective one-stop system that will offer real opportunities for workers.

Finally, this amendment also restores the Summer Jobs Program. Without this amendment, there will be no Summer Jobs Program for the youth of this country. I hope this amendment will be accepted.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as with so many of the pending amendments, the objective is good if we had more funding. We have increased the funding for the Department of Labor by $400 million. We have funded two new programs requested by the administration: incumbent worker training for $30 million and responsible reintegration of youthful offenders for $20 million.

Over the last 4 years, there has been a 32-percent increase for dislocated workers and a 25-percent increase for the Job Corps. If it were possible to have additional funding, we would be glad to provide it. We think we have established the priorities in an appropriate order for this complex bill. I ask the motion to waive the Budget Act be denied.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 3678. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—49

Abraham
Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli
Wellstone
Wyden

NAYS—50

Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The amendment would increase budget authority and outlays scored against the allocations to the Labor, Health and Human Services, and Education Subcommittee of the Appropriations Committee, and that subcommittee has reached the limit of its allocations. Therefore, the point of order is sustained and the amendment falls.

The Senator from Texas.

Mr. GRAMM. Mr. President, I yield to the distinguished Senator from Pennsylvania for the purpose of making a unanimous consent request and will then reclaim the floor.

Mr. SPECTER. Parliamentary inquiry, Mr. President: Who has the floor?

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. GRAMM. Mr. President, I yield to the distinguished chairman of the subcommittee for the purpose of propounding a unanimous consent request.

Mr. SPECTER. Mr. President, I ask unanimous consent that the following listed amendments be the only remaining first-degree amendments in order to the pending Labor-HHS appropriations bill and they be subject to relevant second-degree amendments.

I further ask unanimous consent that with respect to HMO-related amendments, they be subject to second-degree amendments relating to the subject matter of the conferenced HMO bill or the underlying Labor-HHS bill or the original first-degree language.

The list is Specter managers' amendment; Domenici 3561, telecom training center; Domenici 3662, telecom training center; Frist 3654, education research; Jeffords 3655, IDEA; Jeffords 3656, medicine management; Jeffords 3677, Public Health Service Act; Jeffords 3676, high school; Collins 3657, defibrillator——

Mr. REID. Will the Senator withhold for a moment? If I could respectfully request, maybe we could just submit our two lists, Democrat and Republicans lists. The staffs have looked at them. Unless the Senator wants to read them for some reason, we have 80-some on our side that we don't want to read.

Mr. SPECTER. Well, that would be fine with me, Mr. President. The question would arise as to how we are going to get consent if Members don't know what is on the list.

Mr. REID. We have made on our side numerous hotlines to Members. We had the 11 o'clock time that we were going to submit the amendments. If the Senator wants to read them, that is fine with me.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment lists be printed in the RECORD as they are. Senators knew there was a time. They checked this list. Statements were made. I think it would save some time.

Mr. BAUCUS. Reserving the right to object, I will object until I can get some understanding or we can get some understanding from the majority leader as to when we are going to have a date set for a vote on PNTR. This is an issue which transcends politics, if I might have the attention of the majority leader.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed for 2 minutes.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. GRAMM. Mr. President, I know we are in a hurry. We are trying to get through with this bill. I think that is important work, and I am for it. Let me make my point very succinctly.

This bill, in section 515, has a provision that changes current law and shifts the payment date for SSI, the Supplemental Security Income program, from October back to September. What that does is shift $2.4 billion worth of spending out of the budget year for which we are writing this appropriation back into the previous fiscal year. In the process, it allows $2.4 billion more to be spent this year by spending $2.4 billion in the previous fiscal year. This payment shift was specifically debated during the budget resolution debate. It was rejected. Part of the agreement that was made that passed the budget was that there would be no payment shift on SSI.

This provision is subject to a point of order because it violates the budget agreement. It shifts spending into fiscal year 2000 and drives up spending in that year $2.4 billion above the level provided for in the budget.

If we are going to write budgets, they have to have some meaning. This is not just some minor provision. The debate on this issue was a key element of the debate on that budget, and the Budget Committee and the Senate specifically rejected this payment shift.

So on the basis of that, Mr. President, I make a point of order that section 515 of the bill, as amended, violates section 311 of the Budget Act, since it would cause fiscal year 2000 budget authority and outlays to exceed the spending aggregates in the budget resolution.

Mr. SPECTER. Mr. President, pursuant to section 904 of the Budget Act, as amended, I move to waive section 311 of that act with respect to the consideration of this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have just had a discussion with the Senator from Texas about setting this issue aside so that we can proceed with other matters and try to make a determination as to how we can solve this issue.

Mr. REID. Mr. President, objection. Respectfully, I know how hard the Senator from Pennsylvania and the Senator from Iowa worked on this measure. But with this hanging over our heads, we might as well get this resolved now. We have spent 3 or 4 days on this bill already. If this prevails, we are all through here. So we believe this matter should be resolved now.

Mr. SPECTER. Mr. President, it takes unanimous consent to set it aside. I urge the Senator from Nevada to reconsider. We had an issue yesterday raised by the chairman of the Finance Committee, and there was an agreement between the chairman of the Finance Committee and the chairman of the full Appropriations Committee as to what would happen in conference, that items would be taken out, and that we would seek an additional allocation.

Mr. GRAMM. Mr. President, if the Senator will yield, I want to remind my colleagues that sustaining this point of order does not bring down the bill. Under the unanimous consent agreement the bill is being considered under, sustaining this point of order would simply strike section 515.

I am perfectly willing to let the Senate go on with other amendments. I am going to insist on this point of order at some point, and it will have to come to a resolution. But if we can do other business while this is being discussed, I think that is a good idea. The point of order is a very targeted point of order against section 515, not against the bill.

Mr. REID. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada will state it.

Mr. REID. Mr. President, if the objection of the Senator from Nevada is withdrawn and another amendment is considered, would the Senator still have the same right to object to any further proceedings after this amendment that would be brought up next is disposed of?

The PRESIDING OFFICER. Normally, the point of order would occur after another amendment had been disposed of.

Mr. DORGAN. Mr. President, reserving the right to object, I will propound a question under the reservation.

I am trying to understand the consequences of the amendment. Let me reserve the right to object while I ask the Senator from Texas and the Senator from Pennsylvania this: If the point of order is sustained, can we get some notion of what consequences it will have on the spending in this bill for education, labor, and other issues?

Mr. SPECTER. Mr. President, if I might respond, if the point of order is sustained, we would lose $2.4 billion and there would be required an adjustment of the bill which would be catastrophic.

So it is my suggestion that we set it aside, taking the willingness of the Senator from Texas to do that, and then proceed with other amendments so we can try to figure out what other allocation might be possible. We have an amendment ready by the Senator from Vermont and one by the Senator from North Carolina. We have not had many Republican amendments. It is my hope that we can proceed. We have to find a way out of this. If we have a little time, we have a chance to find our way out of it. So I hope we will proceed.

If I may have the attention of the Senator from Nevada, he will have the opportunity to—we will have to set it aside, as I understand the parliamentary ruling, each time a new amendment is called up. Is that correct, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. So I hope we will set it aside for the two amendments that we now have lined up and ready to go.

Mr. DORGAN. Mr. President, continuing to reserve the right to object, the Senator from Pennsylvania talked about if this prevails, the requirement of an adjustment to the bill would be "catastrophic." That was the word he used. I am trying to understand the consequences of that. What kind of adjustment would we be talking about with respect to this bill on Education and Labor?

Mr. SPECTER. Mr. President, I don't know how this percentage worked. I am advised that with this provision there would be an across-the-board 6.75 percent cut to bring the bill under the allocation.

I am not sure of that math, although that is the representation made to me. If you take $2.4 billion out of $104.5 billion, that, it would seem to me, would be under 3 percent. But it would be very material.

Mr. DORGAN. Mr. President, reserving the right to object, this is a critically important piece of legislation. It is a funding bill for education and labor issues and a range of things that are very important. If the consequence of the motion offered by the Senator from Texas would be to require a substantial across-the-board cut to this piece of legislation, it is of significant interest to virtually every Member of this body.

I don't believe we ought to go on. If the Senator from Nevada chooses not to object, I shall object. But I will leave it to the Senator from Nevada to comment as well.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, before we break down in the tears and the shock that would come from not shifting spending from one year to another to break the budget by $2.4 billion, let me remind my colleagues that with this shift and with the entitlement changes that Senator STEVENS has said we are not going to make, this bill will grow by 20.5 percent over last year. You can't find that growth rate even going as far back as the Carter administration. You have to go all the way back to when L.B.J. was President to find a bill growing that fast.

If the point of order is sustained eliminating the phony pay shift and an adjustment is made in spending, this bill will still be growing by 17.7 percent. Granted that we each look at the world through different glasses. I don't see that as cataclysm; I see that as somewhat of a movement toward fiscal restraint.

But the important point is this provision violates the Budget Act. We considered this payment shift in the budget. We specifically rejected it. We set out numbers that were meant to meet the targets for spending that were agreed to. This provision violates the Budget Act, and it should be stricken. I will insist on the point of order against it, but I am perfectly willing to let amendments move forward. If the minority doesn't want amendments to be considered, it is up to them.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am advised that the 17.7 percent would be the across the board on outlays. I have heard what the Senator from Texas says about those percentages. I do not think they are accurate. We will compute the percentages. That simply is not factually so. I managed last year's bill. But we will tally them up and make representation on the floor at a later point.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I believe the pending motion is the motion to waive the Budget Act. Is that not true?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Is that not a debatable motion?

The PRESIDING OFFICER. It is a debatable motion.

Mr. HARKIN. Thank you.

Mr. President, the figures we just heard from the Senator from Texas really are quite phony. They include all kinds of advanced funding and everything else to come to that figure that the Senator threw out on the 20 percent.

But you have to ask yourself: Why are we facing this now? What the Senator from Texas is trying to do is to save one day. It is one day, I tell my friend from North Dakota.

This provision was put in there not by me and not by the minority. It was put in there by Senator STEVENS in order to allow us to do the legitimate work we have to do to meet the obligations we have in education and in health and NIH, and all of the other things in this bill which has pretty wide support. It wasn't us. The chairman of the Appropriations Committee put it in.

The Senator from Texas—let's be clear about it—is moving the outlays for SSI paychecks from one day to the previous day—that is all he is doing—one day. But that one day will cause about a 6-percent across-the-board cut in NIH, cancer research, Alzheimer's research, education funding, Pell grants, Elementary and Secondary Education Act, IDEA, you name it—a 6-percent across-the-board cut because the Senator from Texas wants to move by one day the payment of SSI. He wants to move it to one day later. Last year, we moved it one day forward. He wants to move it to one day later.

Who cares about one day? Why is it such a big deal to go from September 30 to October 1? But if it means that it allows us to move forward with this bill and to have the adequate funding in this bill when we go to conference, it means a lot.

This really is a mischievous point of order because it really doesn't do anything. It doesn't save us any money. The money we will spend on SSI will either go out September 30 or it will go out October 1. It is going out. The Senator from Texas is not stopping that money. It is going to go out. It is either going to go out on one day or the next day. He is not saving a nickel. But by doing this, he is causing all kinds of problems on this bill. That is why I say it is just simply a mischievous motion.

Of course, I support my colleague, the chairman, in the motion to waive. Hopefully, we will hear from Senator STEVENS on this. But there is really no substance. I guess what I am trying to say is that there is no substance to the motion—none. You don't save a nickel. You don't help anybody. You don't hurt anybody. You just move the payment from one day to the next. That is all. But you sure hurt this bill.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. HARKIN. Reserving my right to the floor, I will yield for a question.

Mr. DORGAN. If the Senator will yield for a question, I wonder if the Senator recalls last year a technique similar to this used on the Department of Defense bill. I am just curious whether our colleague, the Senator from Texas, came to the floor to make a point of order when it had to do with defense. I don't know the answer to that. I am curious. It seems to me if there is a consistent point of order against the deployment of this technique, one wouldn't just make it on education issues, which, of course, to you, me, and others is very important. It is some of the most important spending we do. It is some of the most important investments we make in the country.

I ask the question, Does the Senator know whether a similar point of order was made by our colleague when it had to do with the Defense Department last year?

Mr. HARKIN. I don't know the answer to that question. I was not involved in the appropriations bill for defense. I will leave that to others. I have no knowledge of that. I accept the Senator's insight into that. I don't know the answer as to whether the Senator from Texas objected to that. The Senator from Texas can certainly speak for himself in that regard. But I guess the RECORD will show one way or the other.

Mr. DORGAN. If I might ask another question, the point here is this bill deals with the effort the Federal Government makes to respond to the education needs in this country. Most of education funding, of course, comes from State and local governments. We provide some funding in a range of areas. We provide assistance in VA, health care, and a range of other issues. This is a very important piece of legislation that invests prominently in the lives of the people of this country.

The technique that is being objected to is not a new technique; it has been employed before. That is the point I was making. Is it a good technique? I don't know. You could find other ways to adequately fund these needed programs. Some in this Chamber may not want to fund these programs. They may think they are not a priority perhaps. This is not a new technique. But apparently when it comes to funding for VA, health care, and education, we have people come to the floor to make a point of order.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Mr. President, I am glad to yield for a question.

Mr. BAUCUS. On another matter, Mr. President, I ask the Senator from Iowa to yield for a question.

Mr. HARKIN. Mr. President, I will yield, without losing my right to the floor, for a question from my friend from Montana.

Mr. BAUCUS. Mr. President, if I could consult with the good Senator from Iowa on a matter which I raised earlier, that is, the Senator from Mississippi, the majority leader, asked unanimous consent for the Senate to take up a list of amendments on both sides and to have printed that list of amendments with respect to the pending bill.

I asked the majority leader if it might not be a good idea for the leader to set a date certain in July to bring up PNTR. I am not asking the Senator for his view on the bill, but I ask the Senator if he thinks it is a good idea to bring the bill up and at least have a vote on it, particularly in July. Wouldn't it be better to have a bill brought up in July than, say, in September, given the fact that it has passed the House, given the fact that we will bring it up sometime this session of Congress, and given the fact that delay is dangerous?

Does the Senator agree it would be a good idea to bring it up and have a date certain, at least for insurance that we are going to vote on it this year? The month of July would be the preferable month to vote on it rather than a subsequent month; does the Senator agree?

Mr. HARKIN. I say to my friend from Montana, who is a strong supporter on the Finance Committee of the permanent normal trade relations with China—and he has worked very hard on this issue—I know he desires, as many others, to get on with that, debate it, have a vote and move on.

The Senator is asking this Senator a question on which I do not feel qualified to make an answer. I am not involved in this issue or on the Finance Committee. Right now my interest is getting this bill through. I am trying to help and do what I can to get the amendments through and get adequate funding for education, for NIH, for health care, for human services, to try to educate our kids, and attend to the human needs of our people. We are trying to get this through.

I have not had time now to consider when the PNTR should be brought up. I know my friend from Montana is obviously well versed in this subject. I probably would accede to his knowledge of this issue and when it ought to be brought up. As to my own view, I don't think this Senator is qualified to respond.

Mr. BAUCUS. I thank the Senator. I will not object to a unanimous consent request on this bill today, but I do hope prior to recessing for the July recess we can work out an agreement, that the majority leader will be able to make a statement, the result of which is to make it clear that the vote will come up in July.

I reserve my right as to what action I will take tomorrow. I thank the Senator.

Mr. HARKIN. Mr. President, back to the point at hand, I want everyone to understand what this mischievous motion is all about. All it does, in order to save the money, is move the date from October 1 to September 30. Last year, we moved it up to October 1; we moved it back to September 30.

The motion of the Senator from Texas says, no, you can't do it September 30; you have to do it on October 1. In fairness and in reality, the SSI checks should go out at the end of the month. If the Senator has an objection, he should have filed it last year because we moved it from September 30 to October 1. SSI checks are to go out the end of the month. All we are doing is bringing it back to where it really ought to be, at the end of the month.

Be that as it may, we are only talking about 1 day. I don't think too many people are hurt by 1 day. The Senator moves it back to October 1 when it ought to be September 30.

What does his motion do if it is upheld? We will have almost a $3 billion cut in education, a $1.4 billion cut in NIH, a $210 million cut from the Centers for Disease Control, a $300 million cut from Head Start, a $77 million cut from community health centers.

I heard some talk earlier about going to conference and taking care of it there. The House bill is lower than ours. If we cut these numbers here, when we go to conference, we will be locked into the lower numbers. So it has a great impact.

We have a lot of amendments that have been filed—not only on the Democratic side but the Republican side as well—from Senators COLLINS, DEWINE, SMITH, LOTT, HUTCHISON, COVERDELL, ASHCROFT, HELMS, NICKLES, SMITH, GRAMM, and a whole bunch on our side, too.

How can we debate these amendments in any kind of a legitimate fashion, if, in fact, we don't even know what kind of money we are talking about? Some of the amendments add money; Some take it away; Some modify.

If we go ahead and have the amendments, we don't know whether the motion from the Senator from Texas is going to hold or whether it will be waived, so we will be debating these amendments in a vacuum without the full knowledge of exactly what dollar amounts we are looking at. Are we going to cut it by 6.75 percent across the board or not? We don't know that yet.

Mr. SPECTER. Will the Senator yield?

Mr. HARKIN. I am happy to yield to the Senator.

Mr. SPECTER. In formulating this question as to whether we are going to cut it by 6.75 percent, may I suggest to the distinguished ranking member and comanager that we will not cut funding by 6.75 percent.

What we are seeking to do now is to obtain a reallocation. Discussions are underway with the chairman of the full committee to reallocate some funds to this bill from other bills, which delays the day of reckoning for the whole process. That is the way things are done, not only around here but generally.

It is my hope we can accomplish that. The chairman of the full committee is now busy working on a supplemental, but he will be here in a few minutes. I believe we will find a way on a reallocation to satisfy the issue which has been raised by the Senator from Texas.

Unfortunately, we had three amendments queued up and ready to go to make progress, but seeing the state of affairs on the floor, our amendment offerers have dispersed. We are trying to find some more amendments, and we have an amendment ready to be offered.

It is my hope that on the representation we are making progress on finding an allocation, which will leave our bill at $104.5 billion, we take the Senator from Texas up on his willingness to set his issue aside so we can proceed with the bill.

Mr. REID. It sounds reasonable. We have one person who wanted me to protect him. He is across the hall. I will see if I can get that taken care of. We object for a little bit.

Mr. HARKIN. Mr. President, I reclaim the floor. I had yielded for a question. I hope we can get this clearance. I think we probably can move ahead. From what my distinguished chairman said, I hope that can happen in terms of reallocation and we can put this thing to bed.

An objection to laying the motion to waive aside holds right now until we can get clearance on our side.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I want to respond to some of the comments made by our colleague from Iowa. My point of order can be called many things, but calling it mischievous—not that there is anything wrong with being mischievous in defense of the public interest—but my point of order is anything but mischievous.

Our colleague from Iowa would have us believe that shifting SSI payments from fiscal year 2001 to 2000 does not increase spending. Nothing could be further from the truth. Under current law, the payments for SSI will be made on October 2 and they will be part of the 2001 budget. What this illegal—under the Budget Act—payment shift does is shift this payment back into fiscal year 2000 and raids the surplus that we have all pledged to protect by a total of $2.4 billion, freeing up $2.4 billion more to be spent next year. So the first point is, sustaining this point of order will mean we will spend $2.4 billion less.

Second, a point of order was not raised against the D.C. appropriations bill last year on the pay shift because there was no point of order available. That pay shift did not violate the budget in effect at that time. This SSI payment shift was considered in the budget and it was rejected, specifically rejected.

Let me explain exactly the arithmetic of where we are. In allocating spending for this fiscal year, the Appropriations Committee allocated to Labor-HHS appropriations, a subcommittee that funds many important programs for America, a 13.5-percent increase in spending. That was far and away the largest increase in spending of any budget allocation. You would have to go all the way back to when Jimmy Carter was President to find that level of spending.

The first thing this committee did was it put some entitlement reforms in the bill, which the chairman of the committee has already said are not going to be made. They are going to be taken out in conference. But by claiming that they are going to be made, they magically raised their increase in spending from 13.5 percent over last year's level to 17.7 percent over last year's level. You are now in the range where going back to when Jimmy Carter was President does not hold up. We are getting to the point where you have to go back to the time when Lyndon Johnson was President to find increases like that.

But even that was not enough. What they did was include a phony payment shift—by taking SSI payments, which by law are to be made on October 2, which is after the beginning of the new fiscal year, in other words, money they would have had to have funded in the 2001 budget—by taking that payment and moving it into fiscal year 2000, they can rob the surplus by $2.4 billion and spend $2.4 billion next year. By doing that, they would then raise the increase in spending over last year's level to 20.5 percent.

These tears that are being shed about my point of order, which simply calls on the Senate to live up to its budget, these tears are being shed because by doing that we could increase spending in this area only by 17.7 percent. By enforcing the budget, rather than increasing spending by 20.5 percent, we would increase spending by 17.7 percent. How many working families have seen their income go up by 17.7 percent in the last year? I submit, not very many families.

So what I have done is simply said: When we adopted a budget we meant it. When we set out what we were going to spend in this coming year, we meant for those constraints to be binding. What is literally happening in the Congress is that this surplus is burning a gigantic hole in our pocket. We are seeing spending increases at levels that have not been approached since Lyndon Johnson was President of the United States. It is very dangerous for two reasons. No. 1, if we have a downturn, those surpluses are not going to be there. Second, some of us had hoped that we would repeal the marriage penalty, so we do not have to make people in America who fall in love and get married pay $1,400 a year in additional income taxes for that right. We had hoped to repeal the death tax so your family would not have to sell off your family farm or your business that your parents worked a lifetime to build up, simply because they died. But if we are going to be increasing spending like this and busting the budget, we are never going to have an opportunity to share the benefits of this prosperity with working Americans.

When our colleague says this point of order does not save money, that is simply not true. It saves $2.4 billion.

Second, I am going to raise a point of order on the supplemental appropriation for military construction. I am going to raise it because what we are doing is obscene in terms of spending, and the bill does violate the Budget Act. I intend to raise the point of order.

Let me finally say that this point of order is important. In fact, we have used it five times today to prevent new spending from being added. The amazing thing is that we have before us an appropriations bill that grows by one-fifth, over 20 percent, and yet we have spent all day long where the minority has been trying to add more and more and more spending. You begin to wonder when is it enough? Is there any appropriations bill that could have been written that would have been enough?

Yet with all this spending, we are all talking about locking away money for Social Security, locking away money for Medicare, but the spending goes on and on and on.

I raised the budget point of order. If Senator STEVENS comes over and reallocates money and takes it away from another use so the total level of spending does not rise, he certainly has a right to do that. That will mean this point of order will stand. This phony payment shift will be stricken. But the money will be allocated to be spent on these programs and taken away from something else. That is how the budget is supposed to work. We are supposed to make decisions like American families make decisions. If they want a new refrigerator they don't buy a new washing machine. If they want to go on vacation, they don't buy a new car. They set priorities.

Our problem is we never set priorities. So I think this point of order is important. This point of order is an enforcement of the budget. We ought to be holding the line on spending. I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Texas. I know sometimes it upsets people when we come out and say: Wait a minute, we are breaking the budget.

I work with the Senator from Texas on the Budget Committee and he happens to be right. I also compliment my colleague from Pennsylvania, who is managing the bill. As the Senator from Texas mentioned, no matter what is in this bill, many people—particularly on the other side—say it is never enough. No matter what is in there, it is never enough. The Senator from Pennsylvania put in more money than the President requested for education, and we have had four or five amendments saying let's spend billions more. It is never enough. No matter what, we more than matched the President.

The bill we have before us has outlays greater than the President requested and it is still not enough.

I happen to be one who is, I don't want to say a wonk on numbers, but I am really picky on numbers. I think we ought to be accurate on numbers. I asked people before, by how much does this bill grow? The Senator from Texas just says it grows by a fifth. He understates the growth by just a tad. The growth in this bill is 20.4 percent in budget authority according to CBO. That is a lot of BA growth. Some people say we are growing other areas of the budget, and that is true. No other area of the budget is growing nearly as fast. The Defense appropriations bill we already had before us and passed, if my memory serves me correctly, was growing at 7-point-some percent. That is a lot. It is a big increase. This is growing almost three times as much in budget authority.

People ask: What does that mean? It means the money we authorize to be spent; we are committing the Government to spend that amount.

What are outlays? Sometimes outlays are easier to figure. The growth percentage in outlays is not quite as much. The growth percentage in outlays is 12 percent. The Senator from Texas wants to take off $2.4 billion because that is an offset. That is, frankly, a faulty offset. It is only in there so we can have more money in real growth in outlays, in budget authority, in commitment to growth spending.

There is actually $4.9 billion in outlay offsets. The Senator from Texas might have been able to do the full $4.9 billion. I know he can do $2.4 billion, but there is $4.9 billion in offsets. I believe the chairman of the Appropriations Committee said we will drop those offsets.

The real program growth—and this is what we are talking about in BA—is $104.1 billion. That compares to last year's $86.5 million in budget authority. That is a growth of 20.4 percent. That is a lot.

If we adopt the amendment of the Senator from Texas, the growth will still be in excess of 17 percent. Granted, I know it will cause some consternation. I know the members of the committee will have to reshuffle and limit the growth of the spending in commitment to 17.5 percent. I happen to think that is doable. Maybe it is not the easiest thing in the world because we made commitments to grow spending more than the President did in this area or that area. Certainly, 17-percent growth is adequate, sufficient, and responsible.

As to the bill before us, one can only say it complies with the budget if they take into consideration $4.9 billion of offsets which, frankly, will not happen.

Again, I compliment my colleague from Texas for his amendment. I will submit for the RECORD a chart I put together which shows budget authority and outlays for the Labor-HHS bill for the last 10 years.

For my colleagues' information, in 1990, 10 years ago, budget authority was $43.9 billion. Last year, it was $86.5 billion. It basically doubled in the last 10 years.

The bill before us is trying to grow at 20 percent. In other words, it will double in about 4 years at twice the rate of growth of what we have done in the last 10 years. I think that would be a mistake.

I am not critical of anyone. I compliment my colleague from Texas. He has a good amendment.

I ask unanimous consent that the chart which shows the growth in this particular area of the budget, the Labor-HHS budget, be printed in the RECORD. It shows growth in outlays and in budget authority for the last 10 years.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LABOR/HHS APPROPRIATIONS

	Budget authority	Outlays	BA growth (percent)	Outlay growth (percent)
1990	43.9	49.4	....	....
1991	51.0	54.4	16.2	10.2
1992	60.1	58.5	17.9	7.5
1993	63.2	62.7	5.1	7.3
1994	68.1	68.7	7.8	9.6
1995	67.4	70.2	−1.0	2.1
1996	63.4	69.1	−5.9	−1.6
1997	71.0	71.9	11.9	4.1
1998	80.7	76.2	13.7	6.1
1999	85.1	80.2	5.4	5.2
2000	86.5	86.3	1.6	7.7
2001 House Net	97.2	91.1	12.4	5.5
2001 House Gross*	101.8	94.3	17.8	9.2
2001 Senate Net	98.1	93.1	13.5	7.9
2001 Senate Gross*	104.1	96.7	20.4	12.0
2001 President	105.8	94.6	22.3	9.6

*=Gross spending levels do not include mandatory offsets, contingent emergencies, or other adjustments.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I will take a couple minutes. I heard the Senator from Texas talking about there is never enough. Of course, he just talked about Democrats on this side offering amendments to increase funding. I thought what is good for the goose is good for the gander.

There are Senators on that side of the aisle who have amendments to increase spending in this bill: Senator COCHRAN, Senator COLLINS, Senator DEWINE, Senator INHOFE, Senator JEFFORDS. Those are the only ones I have right now from their side that I know of who add money to the bill. It is not only Democrats; Republicans, too. There are some on that side of the aisle, as well as on this side of the aisle, who understand we have unmet needs in this country when it comes to dealing with education, health, human services, and research.

I point out there is all this talk about how much this budget has increased. It all depends on how you look at it. It depends on your baseline. It depends on your numbers. The Senator from Texas probably knows that as well as anybody around here. So we can look at it a different way.

Let's look at it this way, for example: Twenty years ago, the share of the dollar that went for elementary and secondary education in this country that came from the Federal Government was a little over 11 cents. In other words, 20 years ago, 11 cents out of every dollar that was put into elementary and secondary education came from the Federal Government. Today, that is down to 7 cents. We are going backwards. We put the burden on our property taxpayers around the country. It is an unfair tax, a tax that can be highly regressive, especially in an area where there are a lot of elderly people who may not be working and live on Social Security, but they still have to pay the property taxes. When one looks at it that way, one can say we are shirking our responsibility. If we had just kept up that 11-percent level for the last 20 years, we would not be having all these amendments.

Second, the figures they are throwing out about a 20-percent increase is about as phony as the piece of paper it is written on because that takes into account a lot of things that are not figured into how much we are actually increasing programs. If one looks at the program increases—education and the other program increases—this year over last year, it comes in at a little over 9 percent, somewhere between 9 and 10 percent.

Mr. SPECTER. Mr. President, 8.2 percent.

Mr. HARKIN. My chairman is always ahead of me on these things—8.2 percent. If one looks at the increases we are making next year over this year, it comes to 8.2 percent, not 20 percent. I wanted to make the record clear. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have one sentence in reply, and that is, we will provide the details as to increasing 8.2 percent instead of the alleged 20.4 percent, but we want to do it at a later point so we can move ahead with amendments.

We have two amendments lined up: one from the Senator from Ohio, Mr. VOINOVICH, and one from the Senator from Louisiana, Ms. LANDRIEU. I ask unanimous consent that the pending amendments be set aside so we can proceed with the Voinovich amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Reserving the right to object, will I be next in line for an amendment?

Mr. SPECTER. Mr. President, I ask unanimous consent that following the Voinovich amendment, we proceed to the Landrieu amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio.

AMENDMENT NO. 3641

(Purpose: To permit appropriations to be used for programs under the Individuals with Disabilities Education Act)

Mr. VOINOVICH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Ohio [Mr. VOINOVICH] proposes an amendment numbered 3641.
>
> On page 59, line 10, insert "; to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);" after "qualified teachers".

Mr. VOINOVICH. Mr. President, before I speak on this amendment I sent to the desk, I would like to say just a couple of words in regard to the point of order the Senator from Texas has just made.

I was one of the Members of the Senate who worked with the Senator from Texas to place in the budget resolution certain points of order which we believed we needed to have to make sure spending did not increase more than what the budget resolution provided for.

His point of order is directed at exactly what we were concerned about. It is what I might refer to, in all due respect, as a gimmick. In considering the 2001 budget, money that was put into the FY 2001 budget is being moved back into the 2000 budget in order to make available $2.4 billion more than could be spent otherwise.

What does that mean? That means that when you shove the cost back into the year 2000, you are going to use $2.4 billion of the on-budget surplus that many of us recently voted to use to pay down the national debt.

When we put a budget resolution together, at least—I thought it meant something. One of the things that disturbed me last year was that, at the end of the game, we did all kinds of things to exceed what we had originally anticipated to spend. So here we are today, trying to do the same kind of thing we did at the end of last year.

I think this Senate should sustain the point of order; that we ought to live by the budget resolution we agreed to earlier this year, and that the committee should make the hard choices.

One of the things that was brought up is that in order to pay for many of the new increases in spending in new programs, mandatory programs were cut, mandatory programs that I think are fundamental. Things such as the social services block grant, things such as the CHIP program. I have been told they will be taken care of later on.

My belief is that if we have a budget resolution and we agree to spend a certain amount of money, we ought to live within that budget resolution. I hope we sustain the point of order.

Mr. President, few will dispute that each and every child in this Nation deserves to be able to obtain a quality education, a fact Congress recognized 25 years ago when it passed the Individuals with Disabilities Education Act.

Since that time, IDEA has helped ensure that all students, regardless of their disability, are able to receive the educational services they need in order to attend their local school.

In my State of Ohio, IDEA has helped thousands of young men and women go beyond their disabilities and obtain a quality education.

Thanks to IDEA, Ohio students with debilitating problems like Cerebral Palsy and autism have been able to receive help in reading and writing from special education teachers. They can use programs like Dragon Dictate—a speech recognition program that can be used to control a word processor— in order to help them better understand their school work.

Before IDEA, these children would have been virtually forgotten elements in our education system. With IDEA, these children are in school, they are learning and they are growing. And IDEA doesn't just help disabled students. Alexandra Shannon, a 16 year old student from Beavercreek, OH, believes that "enhanced educational opportunities help everyone." In a meeting with one of my staff members just a few months ago, she told of her friend, Peter, who had learned to walk at school with the help of his schoolmates. The entire school was brought closer together by the experience that Alexandra called, the "joy of the year."

However, even with all the success of IDEA across the Nation, the fact remains that the cost to implement this program is draining money from our schools and significantly impeding the ability of State and local educators to fund their own priorities—priorities that include some of the items my colleagues here in the Senate think should be funded at the Federal level.

The cost of serving a handicapped student is typically twice as much as the average amount spent per pupil, while in some school districts, the cost is higher still. Think of this. In Centerville, OH, Centerville High School superintendent, Frank DePalma estimates that in his school, special education services cost 4 to 5 times as much as do services for nonhandicapped students. He said:

> Costs for services such as occupational therapy, speech therapy and physical therapy continue to skyrocket.

Indeed, the Cincinnati Post wrote in an editorial just 2 months ago that the city's public schools spend:

> $40.3 million a year on disabilities education. That's nearly 11% of its $365 million budget.

That is 11 percent of their budget.

Many school districts recognize that students with disabilities require different, and often, expensive needs. They want to help their students, but they also need and want the financial help that the Federal Government has promised.

As many of my colleagues may recall, when IDEA was passed in 1975, Congress thought it was such a national priority, that it promised that the Federal Government would pay up to 40 percent of the cost of this program.

To date, the most that Washington has provided to our school districts under IDEA is 12.6 percent of the educational costs for each handicapped child; and that was in fiscal year 2000.

The remainder of the cost for IDEA still falls on State and local governments.

Because the Federal Government has not lived up to its commitment, IDEA amounts to a huge unfunded Federal mandate. When I was Governor of Ohio, I fought hard for passage of the Unfunded Mandates Reform Act in 1995 so that circumstances like this could be avoided in the future.

And just how large an unfunded mandate has IDEA become?

In fiscal year 2000, Congress allocated almost $5 billion for special education for school-age children. If we had funded IDEA at the 40 percent level that Congress had promised in 1975, we would have allocated $15.6 billion in fiscal year 2000 rather than $4.9 billion.

In essence, a $10.7 billion unfunded mandate was passed along to our State and local governments for IDEA. And that is on top of the 60 percent—or $23.3 billion—for which they are already responsible. So, for a federally created program, our State and local governments' "share" in this fiscal year will amount to $34 billion out of a total of $38.9 billion.

Indeed, Mr. R. Kirk Hamilton from Southwestern City School, Grove City, OH has written to me, stating that IDEA is:

> an enormous, unfunded mandate which is so expensive and so cumbersome that the funds are not available to deliver needed services to children.

Mr. President, that is just wrong.

For all programs under IDEA, the President of the United States assumes an expenditure of $6.3 billion in fiscal year 2001. That is only a $332 million increase from the $6 billion level of funding in fiscal year 2000.

However, the President's fiscal year 2001 budget contained a whopping $40.1 billion in discretionary education spending. That is almost double the $21.1 billion in discretionary education spending allocated by the Federal Government just 10 years ago in fiscal year 1991, and nearly 5 times the $8.2 billion spent on discretionary education spending 25 years ago in 1976. Where is that money going? Think of that. Where is it going?

It is important to understand that the White House and some of my colleagues on the other side of the aisle are very good at reading polls. They see that education is of high interest to the American people.

Even though the Federal Government only provides 7 percent of the funds for education in this country, the White House and these same colleagues consider themselves, sometimes, I think, to be members of a national school board.

They have other, new priorities that they believe Washington should fund instead of providing additional funding for the federally created IDEA—programs like school construction, after-school programs, hiring more teachers, improving technology and training in schools, and creating community learning centers. They are all great ideas.

They are important initiatives, but they are the responsibility of our States and local communities. Of course, the politically expedient thing to do is to support funding for all these programs at the federal level; it makes us look as if we are "for" education. They are high in the polls. Nevertheless, I believe in the delineation of Federal and State responsibility, and increased funding for IDEA is a Federal responsibility.

It is one that we mandated on the school districts. It is part of our responsibility. We said we would pay for 40 percent of it. It is about time we paid for 40 percent of it, rather than going off on a lot of new initiatives.

During our debate on the fiscal year 2001 budget resolution, I offered, and this body adopted, by a vote of 53–47, an amendment stating that before we fund new education programs, we should make funds available for IDEA.

The amendment that I am offering today makes good on the commitment we made in the budget resolution.

Specifically, my amendment would give local education agencies the flexibility to take $2.7 billion of Federal money under title VI of this appropriations bill and spend it on IDEA, if they choose. In other words, we are saying that school districts, if they choose, can use new money for IDEA.

If the Federal Government was fully funding IDEA, most of the education initiatives my colleagues are proposing—school construction, after-school programs—could be and likely would be taken care of at the State and local level. That is how our State and local education leaders want it.

In February, with the help of the Ohio School Board Association and the Buckeye Association of School Administrators, I contacted Ohio teachers, superintendents, and educational leaders from urban, suburban, and rural districts in every part of Ohio to ask what they would prefer: a full Federal commitment to IDEA or new Federal funding initiatives.

More than 90 percent of the responses I received so far have shown that Ohio's education community leaders prefer a full commitment to IDEA over new programs. I am confident this same poll conducted in other States would produce a similar result.

Let me read a few responses I received. Mr. Philip Warner, Superintendent of Ravenna City School wrote:

> I believe school districts would benefit the most if Congress met its obligations under IDEA, therefore allowing school districts to fund programs that would be specific in each school district.

David VanLeer, Director of Pupil Services, Euclid City Schools, right across the street from where I live:

> Congress should honor that pledge to provide 40 percent of the cost of IDEA before any new programs are funded.

Doreen Binnie, speech language pathologist at Colombia local School District responded, "Absolutely," to the question of whether Congress should fund IDEA before new programs.

We must stop acting as if we are the Nation's school board, trying to fund every education program possible. The truth is, many of the programs that Members of Congress and the President want to enact should be funded at the State and local level. In my view, those programs would have a better chance of being funded if State and local governments didn't have to divert such a large percentage of their funds to pay for IDEA. The Federal Government has a commitment to IDEA and that commitment should be fully honored. I believe our State and local leaders should be given the flexibility they need to spend new Federal education dollars that are allocated under this bill to honor the commitment of IDEA. I appreciate the fact that the appropriations committee provided increased money for IDEA in this budget.

The fact is, we should say to our local school districts that with the $2.7 billion which is allocated in title VI one of the options we should give them is to fund the Individuals with Disabilities Education Act.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair. Under the unanimous consent agreement, I have the right to offer my amendment at this time.

Mr. REID. Not until we finish the Voinovich amendment.

The PRESIDING OFFICER. The Voinovich amendment must be disposed of.

Mr. SPECTER. Mr. President, we have been consulting on the complexities of the bill. If I understand the amendment by the Senator from Ohio, it is that the title XI block grant of $2.7 billion, which is divided for class size and construction, may be used for other purposes at the discretion of the local boards. If they choose not to use it for construction or class size, it could be used at their discretion. He wants to be sure those funds can be used for special education.

Mr. VOINOVICH. That is correct.

Mr. SPECTER. That would be acceptable. It is our purpose that the local boards, having decided they do not want it for the other purposes—construction or reduction in class size—may use it as they decide. We are prepared to accept the Voinovich amendment. We are also anxious to proceed with the bill.

Mr. VOINOVICH. I thank the Senator.

Mr. REID. Mr. President, the minority has reviewed the amendment. I have spoken with Senator HARKIN. We have no objection to it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3641) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. May we have a time agreement on the amendment of the Senator from Louisiana?

Ms. LANDRIEU. I would need about 20 minutes.

Mr. SPECTER. May we have a time agreement of 30 minutes, 20 minutes for the proponents of the measure and 10 minutes for the opponents, if there are opponents?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 3645

(Purpose: To provide funding for targeted grants under section 1125 of the Elementary and Secondary Education Act of 1965, and for other purposes)

Ms. LANDRIEU. Mr. President, I am hoping there will not be opponents because we think this amendment makes a lot of sense. We are happy to agree to a time limit because we are interested in moving this debate along.

I agree with our distinguished colleague from Ohio. I think his is a good amendment. I commend him for coming to the floor and bringing to the Senate an issue that is very important to Louisiana, to our educators, teachers, superintendents, and parents who are very interested in funding. I thank the Senator for continuing to advocate for us to fulfill our commitment and meet our promises to our special education students. I hope the leadership would consider accepting this amendment, which I offer in good faith, because it does not add money to the budget. It simply provides greater flexibility.

I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3645.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, strike line 21 and all that follows through page 56, line 8, and insert the following: "Higher Education Act of 1965, $9,586,800,000, of which $2,912,222,521 shall become available on July 1, 2001, and shall remain available through September 30, 2002, and of which $6,674,577,479 shall become available on October 1, 2001, and shall remain available through September 30, 2002, for academic year 2000–2001: *Provided*, That $6,985,399,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 2000, to obtain updated local educational agency level census poverty data from the Bureau of the Census: *Provided further*, That $1,200,400,000 shall be available for concentration grants under section 1124A: *Provided further*, That $750,000,000 shall be available for targeted grants under section 1125 of the Elementary and Secondary Education Act of 1965: *Provided further*, That grant awards under sec-".

Ms. LANDRIEU. Mr. President, this amendment will not require 60 votes because it does not seek to waive the Budget Act.

I am somewhat in agreement with what Senator GRAMM said and our ranking member, Senator HARKIN, about the fact that we do need to be concerned with the amount of spending. We need to be concerned about the amount of spending for education, for health, for our military. We want to make sure we are making smart and wise investments. We want to make sure we are not getting back into the era of big Government or irresponsible Government with irresponsible tax breaks. I am much inclined to support many of the comments that were made.

This amendment fits that debate exactly. I am hoping the leadership on both sides will see it that way.

Let me begin by telling my colleagues again what this amendment does not do. It does not ask to waive the Budget Act. It does not add any money to this budget. It does not reduce one penny of title I money to any State in the Nation.

It simply attempts to redistribute the moneys within this budget to reflect a value about which we all speak on both sides of the aisle each day; that is, the value of trying to target the money in this budget to those children, families, and communities that need the most help.

Many communities in Louisiana, California, New York, Michigan, and Mississippi are struggling to meet their obligations to provide a quality education for all children, regardless of their race, religion, or what side of the track they were born on, or whether they have a lot of money in their household or little money.

We believe that in America every child deserves a quality education. We say that on this floor over and over and over again. We speak these words. We say this. But when it comes to writing our budget, which we are doing today, we don't do it. We don't do it. We have the power to do it. Fifty votes, right now, could do this. But, unfortunately, I don't think we may get more than maybe one or two or three or four because we are very good at talking about equality, fairness and justice, but when it comes to writing a budget, we don't do it.

As a Democrat, it is hard for me to say, but I have to be honest and say I am not sure the President's budget reflects that value as closely as it should. I have to say the Republican budget doesn't reflect that value, and some of my own colleagues were not reflecting that value.

This amendment, with all due respect to the committee and to everybody who tried to work on this, attempts to say that with some portion of this increase, we should increase title I because it is the only title that attempts to send money out in a way to this Nation where the poor children, the neediest children, get the help and attention, giving complete flexibility to the local government to decide whether it is additional teachers, additional resources. Title I has great flexibility. There are few limitations, but it says let's help the poorest children, whether it is in Louisiana or Arkansas or Mississippi or California, and there are many States that would benefit from this change.

All of the increases Senator GRAMM talked about, whether it is a 20-percent increase or an 8-percent increase, for the purpose of my amendment, are not really the issue because of all of the increase—whether 20 percent or 8 percent—a small amount, a few tiny pennies, have been devoted to title I. The poorest children in this Nation, who have no lobbyists, no big and powerful agencies to represent them up here, have literally been left out. In addition, the accountability money that was placed in this budget in past years to make sure the money was going to the poor districts, the middle-income districts, and the wealthy districts has been totally taken out.

So this bill we are debating, that has either a 20-percent or 8-percent increase, literally underfunds the poor children of the Nation, the moderate-income families, the lower income families, who are struggling to make the American dream possible for themselves. Yet we all come here every day and talk about widening the circle of opportunity, how we want to share the great wealth of this Nation. But when it comes to funding education for the kids who need it the most, so they can have a chance, we say no, no, and no. That "no" is being said on the Democratic side, the Republican side and, frankly, from the White House.

This is one Senator who thinks it is wrong. If I am the only vote on the bill, let it be so. I think there will be a few others. I don't think this amendment will pass. I am sure it will be second degreed because when we can't agree, we offer a commission—I am sure someone is going to do that—to study the issue because we have to keep studying the issue of how poor children are affected when their education is at a disadvantage.

I will vote against a study. I am going to vote for this amendment because it will simply move within the confines of this bill $750 million, which is still a reasonable amount of money, from one title into the title I.

I ask unanimous consent that this document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE ALLOCATIONS AT $738 MILLION (THROUGH BASIC, CONCEN. AND TARGETED)

State	Landrieu Amendment	Appropriations Committee
Alabama	144,564	134,762+10 million
Alaska	21,513	20,225+1 million
Arizona	140,669	130,766+10 million
Arkansas	89,736	84,016+5 million
California	1,155,500	1,075,015+80 million
Colorado	76,628	72,531+4 million
Connecticut	83,202	77,575+6 million
Delaware	23,653	22,429+1 million
DC	31,071	28,611+3 million
Florida	430,617	403,006+27 million
Georgia	249,983	234,458+15 million
Hawaii	23,306	21,956+2 million
Idaho	26,254	24,716+2 million
Illinois	362,951	332,172+30 million
Indiana	129,110	122,037+7 million
Iowa	57,129	54,715+3 million
Kansas	62,627	59,452+3 million
Kentucky	141,777	131,270+10 million
Louisiana	209,188	191,242+18 million
Maine	35,358	33,785+2 million
Maryland	116,722	109,446+7 million
Massachusetts	170,733	161,058+9 million
Michigan	380,257	353,215+27 million
Minnesota	94,030	89,526+5 million
Mississippi	134,957	124,813+10 million
Missouri	154,238	144,421+10 million
Montana	29,986	28,346+1 million
Nebraska	34,320	32,636+2 million
Nevada	27,397	25,713+2 million
New Hampshire	22,034	20,919+2 million
New Jersey	202,046	189,679+13 million
New Mexico	78,176	72,541+6 million
New York	874,009	803,360+71 million
North Carolina	174,860	167,151+7 million
North Dakota	22,389	20,984+2 million
Ohio	326,933	305,597+21 million
Oklahoma	111,448	104,642+7 million
Oregon	75,647	72,354+3 million
Pennsylvania	376,332	351,631+25 million
Puerto Rico	299,038	282,528+17 million
Rhode Island	28,262	26,427+2 million
South Carolina	116,887	110,255+6 million
South Dakota	22,223	20,672+2 million
Tennessee	147,499	138,396+9 million
Texas	782,711	726,154+56 million
Utah	37,139	35,293+2 million
Vermont	19,834	18,659+1 million
Virginia	136,709	128,802+8 million
Washington	118,831	113,362+5 million
West Virginia	80,579	74,627+6 million
Wisconsin	136,280	126,519+10 million
Wyoming	19,942	18,798+1 million

Ms. LANDRIEU. Mr. President, this shows clearly that every State in the Union will benefit. The poor children in every State will benefit significantly by this amendment. I will read specifically into the RECORD the poorest States that will greatly benefit, and those States are: Louisiana, Mississippi, Alabama, Arkansas, California, District of Columbia, Georgia, Illinois, Kentucky, Michigan, New Mexico, New York, Texas, and West Virginia.

Just to read out a few pretty startling numbers, let's take California. This amendment, without adding one penny to the budget, will give California $80 million more because they have in certain areas a concentration of very poor children who need additional help. Louisiana will get an $18 million increase. Without this amendment, Senator BREAUX and I will basically go home empty-handed to a State where a headline in one of our major newspapers this week was: Louisiana's Children Suffer.

The Kids Count Data Book just came out. It clearly demonstrates which States need the help and which States could use the help. I don't believe in just throwing around new money. I am arguing for flexibility and accountability. But I am also arguing that we have an obligation to target our Federal resources better than we do. I am hoping my colleagues on both sides of the aisle will see the wisdom in this amendment.

I am going to yield a few minutes of my time to my colleague from Arkansas, Senator LINCOLN, who has waited patiently to speak. I thank her for her support, her passion, and her interest in helping us make our point. At this point, I yield 5 minutes to my colleague from Arkansas, and then I respectfully request the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I, too, join my colleague, Senator LANDRIEU, in applauding what our colleague from Ohio, Senator VOINOVICH, was doing previously in bringing up the importance of not only the program of IDEA but also the importance for us to be able to make good on commitments we have made, things we have asked our States and our localities to do and yet have not provided them the resources to do them.

This is just one of those requests. When we look at the targeted grants for the title I dollars, it is a program that was authorized over 6 years ago and never has been funded. That is all the Senator from Louisiana is asking—that we make good on our obligation that came about several years ago to target those dollars to the neediest of children across this Nation.

And to our colleague, Senator GRAMM from Texas, who mentioned that one of the most important things we need to do in this debate is to set priorities, I say: Exactly. Let's set the priorities of educating our children and understanding that we are only as strong as our weakest link, and that devoting the resources we have obligated long ago to the neediest of children should be done.

So I rise in support of the amendment offered by my good friend from Louisiana, Senator LANDRIEU, which would provide a modest increase in title I funding and target those additional resources to the neediest public schools. As I have said on many occasions, I believe strongly that we need to increase the Federal investment in public education to ensure that all students have access to quality education. But spending more money to help educators meet higher standards is only one part of that solution. We also have to ensure that Federal dollars are spent responsibly and that we allocate those resources where we can make a real difference.

Right now, in those title I funds, there are three categories. These targeted grants don't receive any of that funding. Eighty-five percent goes to basic grants and 15 percent goes to concentration grants. Statistics consistently demonstrate that, on average, children who attend schools with a high concentration of low-income students lag behind students from more affluent areas. This is certainly true in Arkansas, where students in the delta region score lower on academic achievement tests than students in our more prosperous regions of the State.

To me, these statistics are a clear indication that title I, which again was created to aid the education of disadvantaged children, isn't working as well as it should. We have diluted our title I program funds to so many different areas, until they have become less effective in the areas where they are supposed to be directed—to the disadvantaged.

Congress recognized that problem back in 1994 when it created those targeted grants for title I dollars. In the most recent ESEA Reauthorization Act, unlike basic and concentrated grants, targeted grants are designed so that school districts with a high percentage of low-income students receive a greater share of title I funding.

I think we were on to something, but unbelievably these targeted grants have never been funded.

This is unfortunate because these are the kids who need the Federal assistance the most, and it is where we could do the most good. Income status alone doesn't determine student achievement. It is the concentration of economically disadvantaged students in a school that makes the most difference.

After visiting dozens of schools and talking with hundreds of parents in my home State, I am convinced that we have to change our approach if we want to maintain public confidence and support for a strong role in education at the Federal level. In addition to more targeted funding, we need tough accountability standards to ensure students are learning core academic subjects, and more flexibility at the local level to allow school districts to meet their most pressing needs. Ultimately, we have to account for the money we spend in Washington and show our constituents results to sustain their support.

I also call on my colleagues to support an amendment Senator LIEBERMAN will be offering later which will address this issue. It calls for a comprehensive GAO study of targeting under title I. At the very least, I believe we have a responsibility to take a good, hard look at the current system because the status quo isn't good enough.

This amendment is an important step in the right direction. I applaud my colleague from Louisiana for the courage to stand up for what is right. Maybe it is not the most popular, but it is right.

I urge support for this proposal. This may not be a political issue, and this certainly may not be the most popular issue with those in this body who want to keep the status quo, but it is the right issue. It is the right decision to make, and it is the right amendment to support. If nothing else, this body should support this amendment on behalf of the neediest children in this Nation.

I applaud my colleague's courage, and I appreciate her leadership in this effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Ms. LANDRIEU. Mr. President, I yield 4 of those minutes. But I ask for an additional 5 minutes.

Mr. COVERDELL. Mr. President, I have no objection.

Ms. LANDRIEU. I thank the Senator. I yield 5 of those minutes to my colleague from Connecticut, and I would like 5 minutes to close.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend and colleague from Louisiana.

Mr. President, I commend my friend and colleague from Louisiana, Senator LANDRIEU, and express my strong support for her amendment to better target our Federal education funding to the schools and children who need it most. I know from our collaboration on our comprehensive new Democrat education reform plan, the Three R's legislation. that Senator LANDRIEU's commitment to rescuing failing schools and providing every child with a quality education is unsurpassed in this body.

I also want to thank my friend and colleague from Arkansas for her devotion to this cause, and for her very eloquent statement on behalf of this amendment.

As Senator LANDRIEU and many others have rightly pointed out, we are facing an educational crisis in our poorest urban and rural communities, where learning too often is languishing, where dysfunction is too often the norm, and where as a result too many children are being denied the promise of equal opportunity. It is just not right or acceptable that 35 years after the passage of the Elementary and Secondary Education Act, that the average 17-year-old black and Latino student reads and performs math at the same level as the average 13-year-old Caucasian American student. We must begin to respond to this emergency with a greater sense of urgency, and that is exactly what the Landrieu amendment aims to do, infusing $1 billion in new funding for FY 2001 into the Title I program for disadvantaged students and allocating those resources to the districts with the highest concentrations of poverty.

We are currently spending $8 billion a year on Title I. No one in this body questions the value or mission of Title I, which was enacted in 1965 to compensate for local funding inequities and help level the playing field for low-income students. But the unpleasant truth is that this well-intentioned program is not nearly as focused on serving poor communities as it is perceived to be, leaving many poor children without any aid or hope whatsoever.

According to the Department of Education, 58 percent of all schools received at least some Title I funding, including many suburban schools with small pockets of low-income students. Of the 42 percent that don't receive any Title I support, a disturbing number have high concentrations of poor students. In fact, one out of every five schools with poverty rates between 50 percent and 75 percent do not get a dime from Title I. Let me repeat that startling statistic, because the first time I heard it I did not believe it—one of every five schools that have half to three quarters of its children living in poverty receives no Title I funding. None.

How does this happen? The formulas we are using to allocate these funds purposely spreads the money thin and wide. Any school district with at least 2 percent of its students living below the poverty level qualifies for funding under Title I's Basic Grants formula, through which 85 percent of all Title I funding is distributed. The rest of the money is channeled through the Concentration Grant formula, which is only marginally more targeted than the Basic formula, providing aid to districts with as few as 15 percent of their students at the poverty level. As a result, almost every school district in the country—9 out of every 10—receives some aid from this critical aid pool.

In fairness, Congress did make an effort to correct this imbalance in 1994 through the last reauthorization of the ESA. We approved the creation of a new Targeted formula, which puts a much heavier weight on poverty and therefore would direct a much higher percentage of funds to schools with higher concentrations of poor children. The key word there, of course, is would. Congress has unfortunately never appropriated funding through the Target formula. Not a penny, Instead, we have perpetuated a system that promises one thing and delivers another, that succeeds in letting us bring home funding to each of our districts but fails to meet its fundamental goal of helping those most in need.

That is exactly what this amendment introduced by the junior Senator from Louisiana will do. Once again, I congratulate her on her leadership. This is an amendment which would put our money where the needs generally are. I urge my colleagues to support it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I will try to be brief as I conclude my remarks on this important amendment.

I thank my colleague from Connecticut for his extraordinary leadership in the area of education. It is particularly wonderful and refreshing to note that there are some Members of this body who will take their time and give their energy to speak on an amendment on the principles because States benefit from this—and Connecticut most certainly benefits from this. Connecticut is not one of the poorer States in the Union. I thank my colleague for his extraordinary leadership and commitment, even though he doesn't come from a State where the per capita income is low. It is quite high. It makes his leadership on this issue all the more inspiring. I thank him for his help.

Connecticut will do well under this formula, as will many other States. But it is the States that have poorer rural students and poorer urban students that will do the best because that is what the Federal Government should be doing with a portion of our education money, helping to level the playing field.

We talk a lot about opportunities, and then we don't fund them. We talk a lot about fairness, but we don't fund it. We talk a lot about equality, but we don't fund it.

Mr. President, talk is cheap. Whether it comes from this side, that side, or down Pennsylvania Avenue, that is what this amendment is about. That is why I am insisting on a vote. That is why, while a study may be helpful, what really would be helpful is a vote for the poor kids of this Nation.

One of the great Presidents of one of our distinguished universities said: If you think education is expensive, try ignorance.

I offer to this body that there is not any way in this world, not with any tax cut, not with any fancy new technology, not with any new program that anybody in this Chamber can think of, we can help sustain this economic miracle of growth if we don't fund a quality education for every child in this Nation.

Mr. President, this budget doesn't do it.

This amendment helps to target some money to the kids who need it the most. We need to put back our accountability money, put our money where we say our values are.

I yield the floor, and I ask for a vote on my amendment.

Mr. LOTT. Mr. President, parliamentary inquiry: I believe Senator REID was going to offer a second-degree amendment on this matter.

The PRESIDING OFFICER (Mr. BROWNBACK). A second degree amendment would not be in order until the time has been used.

Mr. LOTT. How much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 10 minutes and the Senator from Louisiana has 2 minutes.

Mr. LOTT. Mr. President, I renew the unanimous consent request with respect to the limit of first-degree amendments to the pending bill and send the list of amendments to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list of amendments is as follows:

Ashcroft, Medicare; Baucus, Medicare; Baucus, Impact aid; Bayh, State children's health program, No. 3614; Bingaman, Energy, No. 3652; Bingaman, Drop out; Bingaman, Tribal colleges; Bingaman, Relevant.

Bingaman, Relevant; Bingaman, Relevant; Bingaman, Relevant; Bingaman, Relevant; Boxer, Relevant; Boxer, Relevant; Boxer, Relevant; Breaux, Point of order.

Brownback, Disease treatment, No. 3640; Brownback, Family research, No. 3646; Byrd, Relevant; Byrd, Relevant; Collins, Defibrillator, No. 3657; Collins, Defibrillator, No. 3643; Collins, Drug treatment for homeless, No. 3642; Collins, Rural education.

Conrad, Relevant; Conrad, Relevant; Coverdell, Contracts with criminals, No. 3647; Coverdell, Needles, No. 3648; Daschle, Discrimination; Daschle, Relevant; Daschle, Relevant to any on list; Daschle, Relevant to any on list.

Daschle, Relevant to any on list; DeWine, Troops to teachers, No. 3591; DeWine, Poison control, No. 3592; Dodd, After school program; Dodd, Restraints; Dodd, Relevant; Domenici, Telcom training center, No. 3651; Domenici, Telecom training center, No. 3662.

Dorgan, Relevant; Dorgan, Relevant; Dorgan, Institutional Development Award Program, No. 3611; Durbin, Asthma, No. 3606; Durbin, Asthma, No. 3607; Durbin, Immunization, No. 3608; Durbin, Immunization, No. 3609; Edwards, Relevant.

Edwards, Plan to eliminate syphilis, No. 3613; Enzi, OSHA (ERGO), No. 3660; Feingold, Defibrillations; Feingold, Relevant; Feingold, Campaign finance; Feingold, Campaign finance; Feinstein, Master teachers; Frist, Education research, No. 3654.

Graham, Social services, No. 3595; Graham, Healthcare providers, No. 3597; Graham, Health; Graham, Health; Graham, Relevant; Gramm, Budget limit, No. 3667; Gramm, Relevant; Harkin, School construction.

Harkin, Discrimination; Harkin, Relevant; Harkin, Relevant; Helms, School facilities; Hollings, Amendment; Hollings, Amendment; Hollings, Amendment; Hutchinson, NLRB, No. 3627.

Hutchinson, Medicaid waivers; Jeffords, IDEA, No. 3655; Jeffords, Medicine management, No. 3656; Jeffords, Public Health Service Act, No. 3677; Jeffords, High school, No. 3676; Kennedy, Mental health services; Kennedy, Health professionals; Kennedy, Job training.

Kennedy, Relevant; Kennedy, Relevant; Kennedy, Health care; Kennedy, Health care; Kerrey, Web-based education, No. 3605; Kerry, Technology literacy, No. 3636; Kerry, Technology, No. 3659; Landrieu, Adoption services, No. 3668.

Lautenberg, Health spending; Lautenberg, Relevant; Leahy, Office of Civil Rights; Levin, Relevant; Levin, Relevant; Lieberman, GAO study on Title I funds; Lieberman, Targeted education, No. 3650; Lott, Relevant.

Lott, Relevant to any on list; Lott, Relevant to any on list; Lott, Relevant to any on list; Lott, Energy, No. 3615; Murray, Class size; Nickles, Relevant to any on list; Nickles, Relevant to any on list; Nickles, Relevant to any on list.

Nickles, Relevant to any on list; Nickles, Relevant to any on list; Nickles, Health care; Reed, Gear-Up, Nos. 3637, 3638, 3639; Reed, Immunization; Reed, Summer job; Reed, Youth violence-drug and gun free schools; Reed, Relevant.

Reid, National Institute of Child Health, No. 3599; Reid, Relevant; Reid, Relevant; Robb, School Construction; Schumer, Vocational rehab; Schumer, Cancer funding; Schumer, Relevant; Smith, (NH) CHIMPS, No 3603.

Smith (NH), CHIMPS, No. 3670; Smith (NH), Invasive medical tests in schools; Smith (NH), Davis-Bacon; Smith (NH), Davis-Bacon; Smith (NH), Relevant; Smith (NH), Relevant; Specter, Managers amendment; Stevens, Relevant.

Stevens, Relevant; Torricelli, Fire sprinklers; Torricelli, HCFA regulation; Torricelli, Lead poisoning; Torricelli, Lead poisoning; Torricelli, Lead poisoning; Torricelli, Cost effective emergency transportation, No. 3612.

Wellstone, Perkins Loan cancellations; Wellstone, Stafford Loan forgiveness; Wellstone, NIH grants and drug pricing; Wellstone, Child care, No. 3644; Wellstone, Social services, No. 3596; Wellstone, Suicide prevention; Wellstone, 1.1 billion advance LIHEAP; Wellstone, Relevant; Wellstone, Relevant; Wyden, NIH.

Mr. LOTT. Mr. President, the Senator from Louisiana has 2 minutes remaining. Does she wish to use that time or reserve it?

Ms. LANDRIEU. I thank the distinguished leader. I have made my closing arguments. If there is no one else to speak, I am happy to receive a motion on the amendment so we can call for a vote.

Mr. SPECTER. Mr. President, I have a very short statement to make.

I applaud the Senator from Louisiana for this amendment. I do believe it is a very good idea to target funds for disadvantaged children under title I. The difficulty is that the $600 million will be taken from title VI, where we have already allocated the principal sum of those funds to meet the President's requirements for new school construction and for class size on the condition that local boards may use it for other purposes if they decide they do not need classroom construction or additional teachers.

When the Senator from Louisiana concludes, I will move to table the amendment.

Ms. LANDRIEU. I ask the Senator, is it not true that there is a $1.5 billion increase in title VI; yet there is a very small percentage or a $400 million increase for title I? If we are going to build schools or reduce class size, and this is a question, does the Senator think we should try to do it for the poorer communities first and then we can do it for everyone else? That is what my amendment attempts to do. I ask the Senator that.

Is that in the interest of the Nation, to do it for the poor schools first and then worry about everyone else?

Mr. SPECTER. If I may respond, my preference would be to move for the poor schools first.

In constructing this bill, there were many objections as to how the money was going to be allocated. The only way we could work through the complications was to put it in title VI. That was not my first choice, nor are the programs my first choice.

Working through a great many considerations, we ended up in title VI leaving the options to school districts, if they choose not to have construction, or if they choose not to have reduction in class size. That is an accommodation to very many disparate views.

Ms. LANDRIEU. I thank the Senator for his honesty, and I yield the floor.

Mr. SPECTER. Mr. President, I ask unanimous consent, and this has been cleared on the other side, that the vote on the Landrieu amendment be set at 7:45.

Mr. LOTT. Mr. President, if I could amend that request to ask consent that votes occur on the pending amendments at 7:45 in the order which they were debated, with no second-degree amendments in order prior to the votes, and that there be 2 minutes for explanation prior to each vote.

Mr. REID. Reserving the right to object, there will be a motion to table on the Landrieu amendment. There will be a motion to table on the Jeffords amendment. We would not want a right taken away, in case a motion to table fails, to second degree.

Mr. LOTT. That is not limited by this.

I further ask consent that the time between now and 7:45 be equally divided on the Jeffords amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

AMENDMENT NO. 3655

(Purpose: To increase the appropriations for carrying out the Individuals with Disabilities Education Act, with an offset)

Mr. JEFFORDS. Mr. President, I now send amendment No. 3655 to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. GREGG, Mr. FRIST, Mr. ENZI, Mr. HUTCHINSON, Ms. COLLINS, Mr. HAGEL, Mr. SESSIONS, Mr. BROWNBACK, Mr. DEWINE, Mr. SANTORUM, and Mr. VOINOVICH, proposes an amendment numbered 3655.

Mr. JEFFORDS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 58, line 15, strike "$4,672,534,000" and insert "$3,372,534,000".

On page 58, line 17, strike "$2,915,000,000" and insert "$1,615,000,000".

On page 58, line 22, strike "$3,100,000,000" and insert "$1,800,000,000".

On page 58, line 26, strike "$2,700,000,000" and insert "$1,400,000,000".

On page 60, line 16, strike "$7,352,341,000" and insert "$8,652,341,000".

On page 60, line 19, strike "$4,624,000,000" and insert "$5,924,000,000".

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senators COVERDELL and CHAFEE be added to the other cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I begin by commending my colleague from Pennsylvania for his leadership as chairman of the Labor, HHS, Education, and related agencies subcommittee. His efforts to increase funding for education and health care often receive too little attention. I offer him my thanks on behalf of all Members who share our dedication to education.

He has had a challenging job crafting appropriations bills that balance the many real and competing needs of the Nation. He has been a strong advocate for education funding and an even stronger advocate for the funding of IDEA. He has been an equally strong advocate for more funding for the National Institutes of Health. This year he has once again taken up the challenge of balancing competing needs. The appropriations bill he brought to the Senate is a product of difficult negotiations between competing viewpoints.

Because of my respect for my friend from Pennsylvania, I come to the floor with an amendment only because of my conviction that there is an unmet Federal obligation that must now be met in full. Almost all the Members of this body have gone on record in support of fully funding our commitment to our local schools. We should fully fund IDEA for special education.

I also commend my good friend from Iowa, Senator HARKIN, who has been a tireless champion of education funding and health care funding.

I anticipate that the opponents of my amendment may argue that this amendment should be defeated because it takes funds from one education program and provides it to another. I, too, support increased funding for education, and have voted repeatedly over the past several days to waive the Budget Act in order to secure additional funds for education. It is clear, however, that this does not reflect the will of the Senate.

Because it is very clear that there is not sufficient support for an amendment which would exceed the budget caps, we must make difficult choices regarding which programs should be given priority. I have been a longtime advocate for funding for the title VI block grant program. This appropriations bill provides this program with a $2.7 billion increase, while providing a $1.3 billion increase for IDEA. I believe, and this belief is held by every school board in Vermont, that IDEA should be our very first priority.

In 1974 we made a commitment to fully fund IDEA. If 25 years later we cannot meet this commitment in an era of unprecedented economic prosperity and budgetary surpluses, when do we plan to keep this pledge?

When I first arrived in Congress, one of the very first bills that I had the privilege of working on was the Education of All Handicapped Act of 1975.

As a freshman Member of Congress, I was proud to sponsor that legislation and to be name as a member of the House and Senate conference committee along with my chairman Johns Brademus and then Vermont Senator Bob Stafford.

At that time, despite a clear Constitutional obligation to educate all children, regardless of disability, thousands of disabled students were denied access to a free and appropriate public education. Passage of the Education of All Handicapped Act offered financial incentives to states to fulfill this existing obligation.

Recognizing that the costs associated with educating these children was more than many school districts could bear alone, we pledged to pay 40 percent of these costs of educating students.

I know that there is some disagreement about whether or not a commitment was made. I want to tell you as someone that was there at the time that we made a pledge to fully fund this program.

I have in my hands a petition from every school board in my State. I urge all of my colleagues to come by my desk and look at these petitions. They know we made that commitment. Passing this amendment will do more to help our school districts meet their obligation to improve education in this country than nearly anything else we can do.

In 1997 Congress once again took up this landmark legislation. This a complex bill that has profound impact on classrooms across the Nation. With the strong leadership of Senator LOTT, Senator FRIST, Senator GREGG, Senator KENNEDY, Senator DODD, Senator HARKIN, and many others, we passed the first reauthorization of IDEA in 22 years. It is an accomplishment that many of us are very proud of.

At that time, we reaffirmed our commitment to pay 40 percent of the costs of educating children. We made this pledge to families, to school boards and to the Governors of our States. Over the past 3 years, we have made some progress.

But as my good friend from New Hampshire has pointed out several times over the past year, we are only supporting 13 percent of these costs. In 1975, we made a pledge which we did not keep. In 1997 we made that same pledge once again when we reauthorized IDEA.

In the 105th Congress we felt it important to reaffirm our commitment to full funding for IDEA. We added language to the fiscal year 1999 Budget that stated that IDEA should be fully funded as soon as feasible. And it is feasible now. We know that. This language was adopted unanimously by the Senate. At that time, we still faced budget deficits and it was argued that full funding was not feasible.

In the 106th Congress we continued to press for full funding for IDEA. The fiscal year 2000 appropriations provided a $600 million increase in funding for IDEA. During the debate over the 2001 Budget Resolution the Senate adopted language that I advocated calling for full funding of IDEA as soon as feasible.

The appropriations bill that is before us raises funding for IDEA by $1.3 billion in fiscal year 2001. I commend Senator SPECTER and Senator HARKIN for providing for this historic increase in funding for IDEA. Nonetheless, this increase does not put us on the path toward fully funding this program.

Our amendment is simple. It doubles the increase that is provided in the bill and provides IDEA with an increase that is comparable to the increase that Senators SPECTER and HARKIN have provided for the National Institutes of Health.

It provides a path by which we will achieve full funding for IDEA by fiscal year 2005. It sends a clear message to the Nation that we, as a body, make good on the commitment we make.

I urge my colleagues to join me in supporting this amendment.

Good Lord, if we can't do it now with budget surpluses and the economy we have, if not now, when will we do it? I do not believe anyone can rationally argue this is not the time to fulfill that promise. I intend to do all I can to make sure we do.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Iowa controls 14 minutes.

Mr. HARKIN. Mr. President, I rise in opposition to the amendment offered by my friend from Vermont. I want to make it clear I am not rising in opposition to his goal. Senator JEFFORDS' goal is the same goal I have. We both want to do everything we can to fully fund, on the Federal level, our stated goal of paying 40% of the costs of special education. We should do it. So I agree with the Senator on that. Senator JEFFORDS has been a stalwart supporter of that goal. I believe I have been, too. So I do not rise in opposition to what my friend from Vermont is trying to do Just like me, he wants to educate kids with disabilities and ensure the Federal Government meets its authorized funding goal that was stated in the bill, in IDEA, when it was passed 25 years ago.

I do, however, feel compelled to clarify once again, as I have every year that this issue has come up, usually presented by the Senator from New Hampshire, the terms of the 40 percent. The stated assumption that the Federal Government is to fund 40 percent of the cost of educating children with disabilities is not correct. You must look at the legislation. The authorizing legislation of 25 years ago authorized the maximum award per State as being the number of children served times 40 percent of the national average per pupil expenditure. It was not 40 percent of the cost of educating kids with disabilities.

Mr. JEFFORDS. I did not say it was. I carefully deleted that and said it is the cost of educating a child.

Mr HARKIN. A child? Then the Senator is correct. Usually it is stated the other way around. The Senator correctly stated the law.

But back to the point I wanted to make. Should we reach that 40-percent goal? Absolutely. We should have reached it a long time ago. I agree the Federal Government has fallen down on its effort to reach that goal.

What I rise in opposition to is how my friend from Vermont does this. What my friend is doing is he is taking money out of title VI, which was put in there for school construction and modernization—$1.3 billion.

He is taking that money and saying it should be used to help meet our goals on IDEA.

Again, it is a classic case of robbing Peter to pay Paul. Do we have a need for the Federal Government to educate kids with disabilities and meet its goals to our States? Yes. We ought to fully fund IDEA.

Do we also have a responsibility to help States and our local school districts rebuild our dilapidated and crumbling schools? I believe the answer to that is yes. The average school in America now is over 40 years old. They are crumbling. They need to be modernized. They need to be updated.

I say to my friend from Vermont—and he is my friend and he is a great supporter of education, I know that—but I ask my friend to consider this: When we modernize schools and rebuild schools, one of the biggest beneficiaries is a kid with a disability. I want the Senator to consider that because when many of our old schools were built, they were not accessible. The doors are too narrow, the bathrooms are not accessible, and even the drinking fountains are not accessible, especially for someone who uses a wheelchair.

When we talk about school construction and modernization, we talk about $1.3 billion, which is a mere pittance of what is required. What the Senator from Vermont is actually doing by taking that money and putting it into IDEA, is penalizing kids with disabilities who need these schools modernized and upgraded. But then the Senator proposes that he is putting the money in IDEA to help kids with disabilities. Please, someone make some sense out of that for me.

As I said, the Senator's intentions are very good and laudable to increase funding for IDEA. If he were to do this in an open way and say we ought to increase money for IDEA, I would be on his side, but not at the expense of school modernization and construction because it is kids with disabilities, maybe above all others, who need to have some of these schools modernized, I say to my friend from Vermont.

Second, we just adopted an amendment offered by Senator Voinovich from Ohio. I said: Yes, we will accept it. The amendment of the Senator from Ohio says the schools can use title VI money, an allowable expense, to meet the requirements of IDEA. I submit to my friend from Vermont that the acceptance of the Voinovich amendment takes care of that. It leaves the money in there for school modernization and construction. However, out of the total pot of title VI money, the VOINOVICH amendment says that one of the allowable uses would be to use it to meet the requirements of IDEA.

I hope that will satisfy the Senator from Vermont. It still leaves the money in there for construction and modernization. I want to make that clear. Because this is where I differ with my friend from Vermont. Under his amendment we will have zero dollars for school construction and modernization. Zero. At least with the Voinovich amendment, they will be able to decide what they want to do. They will have money in there for school modernization and construction.

I hope the Senator from Vermont will perhaps reconsider this amendment. I know the goal is laudable. Heck, I support that. We ought to fund IDEA, but not take it out of school construction and modernization.

I hope we can move beyond this and meet our obligations to all our children in this country in education and not penalize one group to help another group. In this case, we penalize kids with disabilities to help kids with disabilities. That does not seem to make much sense to this Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I suggest to the Senator from Iowa, perhaps we can add a phrase to this amendment that says the communities should make it a high priority to fix any problems with access. Would he then support this amendment?

Mr. HARKIN. The Senator asks me a legitimate question. As I understand it, under the Voinovich amendment, IDEA is an allowable use under title VI. I believe that is well covered in the Voinovich amendment.

Again, the Senator wants to restrict the use of the construction and modernization money. A lot of it will be used for accessibility. Some may not be. Some may be used to repair a ceiling. A ceiling is leaking, and they need to repair it. It might not just help kids with disabilities, it would help all kids. I would not want to narrow it this way.

Mr. JEFFORDS. Again, I want to point out that the people's understanding of our responsibilities are pretty clear in this case. If there is a statutory obligation and a commitment to fully fund a program—as there is in IDEA—this should be our highest priority. And again, I remind my colleague that this body has gone on record in vote after vote that we should fully fund IDEA. To suggest that fully funding IDEA should not be given higher priority than our desire to create a new construction program, is to abandon our original commitment. Certainly, if you owe money to a bank, that is a first priority over putting money in your savings account.

We made these pledges. The people back home know that the best way to improve education using Federal money is to have financial relief from the pressures of IDEA. It should be obvious what our conscience is telling us. We should fully fund the obligations we made back in 1975. That should be our primary priority. We said it over and over again and now we are turning our back on our commitment. We say: No, we are going to use it for other things, and we are going to use it for things for which we have not already made a commitment, and that is to help with the construction of schools. School construction has always been a state and local responsibility. Fully funding IDEA will allow local communities to fund their own priorities, including construction.

I urge my friends to recognize our commitment to fulfill the promise we made and to use these funds to fund IDEA.

Look at these petitions from every single school board in my state. Every school district in the state says that the first thing we should do is fulfill our promise to fully fund IDEA.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 4 minutes.

Mr. HARKIN. I just heard my friend from Vermont say some magical words with which I totally agree. I wrote them down as he said them: "Take budget surpluses and meet our commitments." I agree with that.

Do you know what? Just this week we now found out we are going to have $1.9 trillion over the next 10 years we didn't know we were going to have in surplus.

If my friend from Vermont wants to offer an amendment to fully fund IDEA, and to take it out of the surpluses, I am with him 100 percent of the way because he would be right on. The Senator just said that: "Let's take our budget surpluses." I agree with that.

That is not what my friend is doing. He is taking it out of school modernization and construction.

I say to my friend from Vermont, if you want to rewrite the amendment and take it out of surpluses in the future, I am with you.

Mr. JEFFORDS. If I may respond.

Mr. HARKIN. Sure.

Mr. JEFFORDS. I say to the Senator, as you know, I have voted that way. In fact, I offered the amendment to the budget resolution that would have done that. My amendment would have made mandatory money available for IDEA. But it was rejected. I agree with my friend from Iowa that we should dedicate more of the surplus to fully funding IDEA. It is the right route, but we were turned down by three votes. It failed.

Now I am trying to use a different route. I am interested in offering an amendment that I hope will be supported by a simple majority of this body. An amendment which funds education using the surplus is in violation of the budget resolution and must be approved by a sixty vote majority. The Senate has repeatedly voted to reject similar amendments.

This amendment is the one that has a chance to succeed in spite of the limitations imposed by the budget resolution. We can take the money from a brand new program, which we are doing, and shift it over to IDEA where I believe it ought to be our first priority. That is something we can do on this bill. We can't tap the surplus now, as I tried during the budget resolution. That was turned down.

Mr. HARKIN. As the Senator knows, I supported that when he offered it.

Mr. JEFFORDS. Right.

Mr. HARKIN. That was on the budget. This is on appropriations.

I say to my friend, offer an amendment. The Senator can offer an amendment right now to fully fund IDEA and take it out of budget surpluses. I will support him on it right now.

Mr. JEFFORDS. It will take 60 votes and fail.

Mr. HARKIN. Who knows if it will fail? Wouldn't it be nice to try?

Mr. JEFFORDS. Sure. If I fail, you can try. All right?

Mr. HARKIN. We should not be taking it out of school construction and modernization—not at all. Our local school districts need this money. Go out and talk to your school districts. The people who are paying our property taxes are getting hit pretty darn hard. Ceilings are falling down. They are leaking. They need this help from the Federal Government. We have the wherewithal to do it. And that is what we ought to stick with.

If the Senator wants to offer an amendment to fully fund IDEA, take it out of the $1.9 trillion budget surplus—"take it out of the budget surpluses," as my friend said, I am in lockstep with him because that is what we ought to be doing with that surplus. We ought to be meeting this basic goal of our Federal Government.

Of course, while I believe some of the surplus should be invested in quality education, we don't need to touch the surplus to meet the goal of fully funding IDEA. There are many savings we could achieve that could more than pay for the investment.

For example, look at Medicare fraud, waste and abuse. While we've cut it over the last few years, the HHS IG testified before our Subcommittee this March that last year Medicare made $13.5 billion in inappropriate payments. Eliminating that waste alone would more than pay for IDEA. Yet, the House passed Labor-HHS bill actually cuts funding for auditors and investigators. That means we would lose hundreds of millions more to fraud and abuse.

In addition, I've introduced The Fiscal Responsibility Act of 1999 to promote greater fiscal responsibility in the Federal government by eliminating special interest tax loopholes, reducing corporate welfare, eliminating unnecessary programs, reducing wasteful spending, enhancing government efficiency and requiring greater accountability. This bill would result in savings of approximately $20 billion this year and up to $140 billion over five years.

For example, by enhancing the government's ability to collect defaulted student loans, the bill would save $1 billion over five years. By ending tax deductions for tobacco promotions that entice our children to smoke, we'd save $10 billion. And by limiting the foreign tax credit that allows big oil and gas companies to escape paying their fair share of royalties, we'd save about $3.1 billion.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Vermont has 1 minute.

Mr. JEFFORDS. Good.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Iowa has 1 minute.

Mr. JEFFORDS. I am willing to yield back my 1 minute.

Mr. HARKIN. The Senator from Pennsylvania may want a minute.

The PRESIDING OFFICER. Does the Senator from Iowa yield back his minute?

Mr. HARKIN. I want to see if the chairman wants to say anything.

Mr. SPECTER. Mr. President, I know the Senator from Vermont believes very deeply about the importance of the IDEA program and the necessity and desirability of the Federal Government to fund it.

The difficulty is—and we wish we had more funds in the education budget, although this budget has $4.5 billion more than last year, and $100 million more than the President's figure—but when it comes out of the construction account, or any other account, they are very carefully calibrated to provide the appropriate balance.

The construction account is one of the President's priorities. We have met that, as with class size, subject to the discretion of the local school boards. If they make a finding they do not need additional buildings or additional teachers, they may use it for what they choose. It may be that they could use it for the purposes articulated by the distinguished Senator from Vermont. So it is with reluctance that we are opposing his amendment. And I move to table.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3645

The PRESIDING OFFICER. There are 2 minutes for debate prior to the vote on the Landrieu amendment.

Who yields time?

Mr. SPECTER. Mr. President, we would ask the proponent of the amendment to step forward to debate.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I move to table the Landrieu amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table has already been made on the Landrieu amendment.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: I just moved to table the Landrieu amendment, and the Chair advised me a motion had already been made to table. And I might ask, by whom was that made?

The PRESIDING OFFICER. The Senator from Pennsylvania, prior to the quorum call, made a motion to table.

Mr. HARKIN. I ask the Senator from Pennsylvania, I believe the Senator from Pennsylvania was moving to table the Jeffords amendment and not the Landrieu amendment.

The PRESIDING OFFICER. At 7:45, the Landrieu amendment was pending. The motion to table was made.

Mr. HARKIN. I believe the hour of 7:45 had not arrived at that point, and that Senator Jeffords had made his remarks. I believe the Senator from Pennsylvania was moving to table the Jeffords amendment.

Mr. SPECTER. Mr. President, if I moved to table, I withdraw the motion and yield to the Senator from Iowa to make a motion.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, now I understand the Senator from Louisiana is here, and she wants a minute. I will make my motion to table after her minute.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I was under the impression that perhaps the other amendment would go first on the vote, but I thank my colleagues for giving me a moment to get here.

I want to object, of course, to the tabling of this amendment. As I described earlier, I believe very strongly, as do some others, that this money should be better targeted. That is what this amendment does. It does not add new money to this bill. It simply says, of the money that we are going to spend—whether it is a 20-percent increase that Senator GRAMM earlier spoke about, or an 8-percent increase—whatever the increase, if we are going to increase funding in this bill, the money should go to help the poorer children first, the communities around this Nation that need the most help, whether they be in rural areas or urban areas.

Every State will gain. Every State will leave with additional money for title I. The States that need the most help will get that help. That is simply what this amendment does. I object to the tabling.

I thank the Senators for granting the time.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. HARKIN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table Landrieu amendment No. 3645. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—75

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Brownback
Burns
Byrd
Campbell
Chafee, L.
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
Dodd
Domenici
Dorgan
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerry
Lautenberg
Levin
Lott
Lugar
Mack
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—23

Bayh
Biden
Breaux
Bryan
Bunning
Cleland
DeWine
Durbin
Edwards
Feinstein
Graham
Helms
Kerrey
Kohl
Kyl
Landrieu
Leahy
Lieberman
Lincoln
McCain
McConnell
Moynihan
Torricelli

NOT VOTING—2

Gregg
Inouye

The motion was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3655

The PRESIDING OFFICER. There are now 2 minutes for debate on the Jeffords amendment.

The Senator from Iowa requested order in the Chamber. We need order in the Chamber. We will withhold business until there is order in the Chamber.

Who seeks recognition?

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, this is the Jeffords amendment relating to title VI of the bill. It takes money which is dedicated to school construction and puts it into IDEA and special education.

We have over and over again pledged to fully fund up to 40 percent of the cost of educating children in special education. We have not done that. All of you committed to doing that. We have no comparable historical obligation to contribute money for school construction. That is an option under title VI and will remain an option even if my amendment is approved. We believe we should fund and pay for our current Federal obligations first before we take on new and open ended obligations. It is a promise we have all made. It is a promise we should keep.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I agree with my distinguished colleague from Vermont that it would be desirable to put more money into the program for individuals with disabilities. But in constructing this bill, we have tried to fashion it in a way that it will be signed by the President. We have put the money into construction to meet requests with the proviso that if the local boards do not need it for construction, or want it, they can use it as they choose. If we had additional funds, I would be delighted to acknowledge Senator JEFFORDS' request. But in its present form, we cannot take those funds without increasing the chance of a veto.

This carefully constructed bill ought to stand. Therefore, I move to table the Jeffords amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 3655. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Gorton
Graham
Harkin
Hatch
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Specter
Stevens
Thompson
Torricelli
Warner
Wellstone
Wyden

NAYS—47

Abraham
Allard
Ashcroft
Bond
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Leahy
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Thomas
Thurmond
Voinovich

NOT VOTING—2

Gregg
Inouye

The motion was agreed to.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

UNANIMOUS CONSENT AGREEMENT—H.R. 4762

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate receives from the House the campaign disclosure bill, it be immediately placed on the calendar. I further ask unanimous consent that it become the pending business after the final vote this evening—just concluded—and that it be considered under the following agreement: 30 minutes for total debate on the bill to be equally divided in the usual form; that no amendments be in order; that following the disposition of the time, the bill be automatically advanced to third reading and passage occur, all without any intervening action or debate, with the vote occurring on passage at 9:40 a.m. on Thursday, with 7 minutes for closing remarks prior to the vote, with 5 of those minutes under the control of Senator McCAIN. Finally, I ask unanimous consent that following the passage of the bill, the action on the McCain amendment No. 3214 be vitiated and the amendment then be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, and I do not intend to object, I first say to my distinguished colleague and friend of almost a quarter of a century, JOHN McCAIN, I judge this action will enable the defense bill then to no longer have this amendment, and at what point will that occur?

Mr. COVERDELL. That needs to be addressed to the Parliamentarian.

Mr. McCAIN. Immediately following the vote.

The PRESIDING OFFICER. The amendment will be withdrawn following passage of the bill tomorrow.

Mr. WARNER. I want to make certain I hear. The Chair and the distinguished Senator from Arizona were speaking at the same time. Can it be repeated?

The PRESIDING OFFICER. Following final passage of the bill tomorrow, the amendment will be withdrawn.

Mr. WARNER. And that bill being?

The PRESIDING OFFICER. H.R. 4762.

Mr. WARNER. That clarifies it. I thank the leadership on both sides of the aisle.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. If I might just continue, I have consulted with the majority leader, and it is hoped at a subsequent time we can clarify when the Department of Defense bill can be brought up because I know the distinguished Democratic whip, who has helped tremendously on this bill, as have others, is anxious to see this Defense authorization bill move forward; am I not correct, I say to Senator REID?

Mr. REID. I say to my friend from Virginia, I have spoken with the comanager of the bill, Senator LEVIN, and we are anxious to get to this bill. We have a defined number of amendments. We have spoken to proponents of the amendments. I think it is something we can dispose of within a few hours.

Mr. WARNER. Good. That is interesting. I see my distinguished ranking member.

Mr. REID. I did not see Senator LEVIN. I am very sorry.

Mr. LEVIN. If the Senator will yield, I agree with our whip. It is our intention to, No. 1, limit amendments to relevant amendments, if we can, and, No. 2, begin to work through those amendments and eliminate as many as possible that do not need to be offered, modifying some, agreeing to some, and, if necessary, obviously voting on some. We will be working very hard with our good friend, the chairman of our committee, to proceed through the bill as soon as it is before the Senate, and the moment it is, we think we can make some real progress.

Mr. WARNER. Mr. President, I thank my distinguished colleagues. I hope germaneness will prevail as to the amendments that come up on this bill.

Mr. McCAIN. I ask for the regular order.

The PRESIDING OFFICER. The regular order has been requested. Is there objection?

Mr. WARNER. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

Mr. COVERDELL. Mr. President, I ask unanimous consent that the pending motion to waive be laid aside and Senator FRIST be recognized to offer his amendment regarding education and that no second-degree amendments be in order prior to the vote in relation to the amendment. I further ask unanimous consent that the Senate turn to the Frist amendment immediately following the debate on H.R. 4762, and the vote occur in a stacked sequence beginning at 9:40 a.m. under the same terms as outlined for H.R. 4762.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, we have not seen a copy of the Frist amendment yet. I want to have it described or see a copy so we know to what we are agreeing. I do not think that is an unreasonable request.

Mr. COVERDELL. I am sorry, I thought the conference on this side was over the Frist amendment.

Mr. HARKIN. I heard conflicting things about it, and I want to see how it is written.

Mr. COVERDELL. Do we have a copy at the desk?

Mr. HARKIN. Just let us see it. I have no objection.

Mr. COVERDELL. I propound the unanimous consent I just read.

Mr. REID. Reserving the right to object, Mr. President, I ask the unanimous consent request be amended so that after the disposition of the Frist amendment, Senator DASCHLE be allowed to offer an amendment; following the disposition of that, the Republicans will offer an amendment; and following that, Senator DORGAN will offer an amendment.

Mr. COVERDELL. I amend it so that the Republican amendment will be the Ashcroft amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Inquiry: We are asking unanimous consent that following the Frist amendment, Senator DASCHLE be recognized for an amendment, Senator ASHCROFT be recognized for an amendment, and then Senator DORGAN be recognized for an amendment?

The PRESIDING OFFICER. Following disposition of the Frist amendment.

Mr. HARKIN. Yes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

INTERNAL REVENUE CODE OF 1986 AMENDMENT

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 4762) to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am extremely pleased we have reached an agreement to consider and almost certainly pass H.R. 4762, which passed the House last night by an overwhelming vote of 385–39. Tomorrow will be a historic day. For the first time since 1979, the Congress is going to pass a campaign finance reform bill. The bill we are going to pass is by no means a solution to all the problems of our campaign finance system, but it is a start—and an important start—because it will close the loophole that was opened at the intersection of the tax laws and election laws that allows unlimited amounts of completely secret contributions to flow into our campaign finance system and influence our elections.

I yield 3 minutes to the initial leader on this issue, the Senator from Connecticut, Mr. LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank my friend from Wisconsin.

Mr. President, I rise to express my strong support for this bill, which contains nearly identical language to a bill I introduced earlier this session and to an amendment Senators MCCAIN, FEINGOLD, and I sponsored to the Defense authorization bill. This bill deals with the proliferation of so-called stealth PACs operating under section 527 of the Tax Code. These groups exploit a recently discovered loophole in the tax code that allows organizations seeking to influence federal elections to fund their election work with undisclosed and unlimited contributions at the same time as they claim exemption from both Federal taxation and the Federal election laws.

Section 527 of the Tax Code offers tax exemption to organizations primarily involved in election-related activities, like campaign committees, party committees and PACs. It defines the type of organization it covers as one whose function is, among other things, "influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office. . . ." Because the Federal Election Campaign Act, (FECA) uses near identical language to define the entities it regulates—organizations that spend or receive money "for the purpose of influencing any election for Federal office"—section 527 formerly had been generally understood to apply only to those organizations that register as political committees under, and comply with, FECA, unless they focus on State or local activities or do not meet certain other specific FECA requirements.

Nevertheless, a number of groups engaged in what they term issue advocacy campaigns and other election-related activity recently began arguing that the near identical language of FECA and section 527 actually mean two different things. In their view, they can gain freedom from taxation by claiming that they are seeking to influence the election of individuals to Federal office, but may evade regulation under FECA, by asserting that they are not seeking to influence an election for Federal office. As a result—because, unlike other tax-exempt groups like 501(c)(3)s and (c)(4)s, section 527 groups do not even have to publicly disclose their existence—these groups gain both the public subsidy of tax exemption and the ability to shield from the American public the identity of those spending their money to try to influence our elections. Indeed, according to news reports, newly formed 527 organizations pushing the agenda of political parties are using the ability to mask the identities of their contributors as a means of courting wealthy donors seeking anonymity in their efforts to influence our elections.

Because section 527 organizations are not required to publicly disclose their existence, it is impossible to know the precise scope of this problem. The IRS's private letter rulings, though, make clear that organizations intent on running what they call issue ad campaigns and engaging in other election-related activity are free to assert Section 527 status, and news reports provide specific examples of groups taking advantage of these rulings. Roll Call reported the early signs of this phenomenon in late 1997, when it published an article on the decision of Citizens for Reform and Citizens for the Republic Education Fund, two Triad Management Services organizations that ran $2 million issue ad campaigns during the 1996 elections, to switch from 501(c)(4) status, which imposes limits on a group's political activity, to 527 status after the 1996 campaigns. A more recent Roll Call report recounted the efforts of a team of GOP lawyers and consultants to shop an organization called Citizens for the Republican Congress to donors as a way to bankroll up to $35 million in pro-Republican issue ads in the 30 most competitive House races. And Common Cause's recent report Under The Radar: The Attack of The "Stealth PACs" On Our Nation's Elections offers details on 527 groups set up by politicians, Congressmen J.C. WATTS and TOM DELAY industry groups; the pharmaceutical industry-funded Citizens for Better Medicare; and ideological groups from all sides of the political spectrum, the Wyly Brothers' Republicans for Clean Air, Ben & Jerry's Business Leaders for Sensible Priorities and a 527 set up by the Sierra Club. The advantages conferred by assuming the 527 form—the anonymity provided to both the organization and its donors, the ability to engage in unlimited political activity without losing tax-exempt status, and the exemption from the gift tax imposed on very large donors—leave no doubt that these groups will proliferate as the November election approaches.

None of us should doubt that the proliferation of these groups—with their potential to serve as secret slush funds for candidates and parties, their ability to run difficult-to-trace attack ads, and their promise of anonymity to those seeking to spend huge amounts of money to influence our elections—poses a real and significant threat to the integrity and fairness of our elections. We all know that the identity of the messenger has a lot of influence on how we view a message. In the case of a campaign, an ad or piece of direct mail attacking one candidate or lauding another carries a lot more weight when it is run or sent by a group called "Citizens for Good Government" or "Committee for our Children" than when a candidate, party or someone with a financial stake in the election publicly acknowledges sponsorship of the ad or mailing. Without a rule requiring a group involved in elections to disclose who is behind it and where the group gets its money, the public is deprived of vital information that allows it to judge the group's credibility and its message, throwing into doubt the very integrity of our elections. With this incredibly powerful tool in their hands, can anyone doubt that come November, we will see more and more candidates, parties and groups with financial interests in the outcome of our elections taking advantage of the 527 loophole to run more and more attack ads and issue more and more negative mailings in the name of groups with innocuous-sounding names?

The risk posed by the 527 loophole goes even farther than depriving the American people of critical information. I believe that it threatens the very heart of our democratic political process. Allowing these groups to operate in the shadows pose a real risk of corruption and makes it difficult for us to vigilantly guard against that risk. The press has reported that a growing number of 527 groups have connections to—or even have been set up by—candidates and elected officials. Allowing wealthy individuals to give to these groups—and allowing elected officials to solicit money for these groups—without ever having to disclose their dealings to the public, at a minimum, leads to an appearance of corruption and sets the conditions that would allow actual corruption to thrive. If politicians are allowed to continue secretly seeking money—particularly sums of money that exceed what the average American makes in a year—there is no telling what will be asked for in return.

The bill we are addressing today gives us hope for forestalling the conversion of yet another loophole into yet another sinkhole for the integrity of our elections. The bill aims at forcing section 527 organizations to emerge from the shadows and let the public know who they are, where they get their money and how they spend it. The bill would require 527 organizations to disclose their existence to the IRS, to file publicly available tax returns and to file with the IRS and make public reports specifying annual expenditures of at least $500 and identifying those who contribute at least $200 annually to the organization. Although this won't solve the whole problem, at least it will make sure that no group can hide in the shadows as it spends millions to influence the way we vote and who we choose to run this country.

Opponents of this legislation claim that our proposal infringes on their First Amendment rights to free speech and association. Nothing in our bills infringes on those cherished freedoms in the slightest bit. To begin with, the Supreme Court in Buckley versus Valeo made absolutely clear that Congress may require organizations whose major purpose is to elect candidates to disclose information about their donors and expenditures.

Even without that opinion, the constitutionality of this bill would be clear for an entirely different reason. And that is that this bill does not prohibit anyone from speaking, nor does it force any group that does not currently have to comply with FECA or disclose information about itself to do either of those things. Instead, the bill speaks only to what a group must do if it wants the public subsidy of tax exemption—something the Supreme Court has made clear no one has a constitutional right to have. As the Court explained in Regan versus Taxation with Representation of Washington, 461 U.S. 540, 544, 545, 549 (1983), "[b]oth tax exemptions and tax-deductibility are a form of subsidy that is administered through the tax system," and "Congressional selection of particular entities or persons for entitlement to this sort of largesse is obviously a matter of policy and discretion . . ." Under this bill, any group not wanting to disclose information about itself or abide by the election laws would be able to continue doing whatever it is doing now—it would just have to do so without the public subsidy of tax exemption conferred by section 527.

Let me address one final issue: that it is somehow wrong to apply this bill to 527s but not to other tax exempt groups. I believe deeply in the cleansing tide of disclosure, whether the contributing organization involved is a labor union, a business association, a for-profit company or a tax-exempt organization. For that reason, I worked hard with a bipartisan bicameral group of reformers to come up with a fair proposal requiring across the board disclosure from all organizations that engage in election activity. I thought we had a good proposal, but we were unable to get enough support for it to see it pass the House at this time. We should continue to work to enact such disclosure, but we cannot let that goal stand in the way of passing this urgently needed legislation now, because there are real differences between 527 organizations and other tax exempts, and these differences justify closing the loophole, even if we can't enact broader reform.

First and foremost, section 527 organizations are different because they are the only tax-exempts that exist primarily to influence elections. That is not my characterization. That is the statutory definition. 527s are not lobbying organizations. They are not public-interest issue organizations. They are not labor organizations or business organizations. They are election organizations, plain and simple. You can't say the same about the AFL–CIO or the Chamber of Commerce, or Handgun Control or the NRA, whose primary purpose is to advocate a policy position or to represent specific constituencies. So I say to anyone who claims these groups are just like other tax-exempts, "Read the tax code."

Just as importantly, there is a greater need for improved disclosure by 527 organizations than there is for disclosure by other tax exempts. When the AFL or the Chamber of Commerce runs an ad, we know exactly who is behind it and where their money came from: union member dues in the case of the AFL, and business member dues in the case of the Chamber. These groups provide the basic information the public needs to evaluate the motivation of the messenger. The absolute opposite is the case with 527s. The public can't know what hidden agenda may lie behind the message because so many 527s have unidentifiable names and are funded by sources no one knows anything about.

In the best of all possible worlds, all money supporting election-related activity would be disclosed. But we should not allow our inability to achieve that goal now to stand in the way of closing the most egregious abuse of our hard-won campaign laws that we have seen during this election cycle. We all agree the American people have an absolute right to know the identity of those trying to influence their vote. So why let another day go by allowing these self-proclaimed election groups to operate in the shadows. Let's work together, across party lines, to close the 527 loophole.

We have become so used to our campaign finance system's long, slow descent into the muck that it sometimes is hard to ignite the kind of outrage that should result when a new loophole starts to shred the spirit of yet another law aimed at protecting the integrity of our system, but this new 527 loophole should outrage us, and we must act to stop it. On June 8, a bipartisan majority of the Senate said that we stand ready to do so when we adopted nearly this precise language as an amendment to the Defense authorization bill. An overwhelming majority of the House of Representatives did the same when it passed this bill on June 28. We cannot retreat from what we have already said we are ready to do. We must pass this bill now.

I am thrilled to support this bill. I pay appropriate tributes to Senators McCAIN and FEINGOLD for their principled and persistent leadership of this movement to bring some sanity, openness, limits, and control back to our campaign finance laws. I have been honored to work with them in the front lines of this effort.

This is a turning point. The campaign finance laws of America adopted after Watergate say very clearly that individuals cannot give more than $2,000 to a campaign. Corporations and unions are prohibited by law from giving anything. Yet we know that unlimited contributions have been given by individuals, corporations, and unions, but at least that soft money, if anyone can say anything for it, is fully disclosed.

In this cycle, we have seen increasing use of the most egregious violation of the clear intention of our campaign finance laws: So-called 527 organizations that not only invite unlimited contributions from corporations, unions, and individuals, but keep them a secret.

Finally, we have come to a point in the abuse of our campaign finance laws that Members can no longer defend the indefensible. This is a victory for common sense, for our democracy, for the public's right to know. It has value in itself. But I hope it will also be a turning point that will lead us to further reform of our campaign finance laws.

I will say this: In the battle that has brought us to the eve of this victory—that we will enjoy tomorrow, I am confident—we have put together a broad bipartisan, bicameral group committed to cleaning up our election laws, our campaign finance laws.

I hope and believe the debate tonight and the vote tomorrow are the beginning of finally returning some limitation, some sanity, some disclosure, some public confidence to our campaign finance laws.

I thank the Chair and thank the leaders in this effort—Senator McCAIN and Senator FEINGOLD—and am proud to walk behind them in this.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I am delighted to yield 4 minutes to our fearless leader on this issue, the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank my friend from Wisconsin.

Mr. President, I am pleased that we are about to pass and send to the President the first piece of campaign finance legislation in 21 long years. This bill is simple, just, and the right thing to do in order to ensure that our electoral system is not further debased.

My friend from Wisconsin and my friend from Connecticut have described the details of the bill. I just want to point out again that making these requirements a contingency for certain tax credit status ensures that these requirements are clearly constitutional. The Constitution guarantees freedom of speech and association, not an entitlement to tax-exempt status. Further, because of the simplicity of this approach, no vagueness problems will arise and compliance will be easy.

What could be more American? What could be more democratic?

Before I go further, I want to take a moment to thank my colleagues in arms who fought so hard to bring this issue forward. I thank Senator SNOWE and Senator LEVIN for their hard work. I thank my colleagues from the House: Congressmen CHRIS SHAYS, MARTY MEEHAN, MIKE CASTLE, LINDSEY GRAHAM, AMO HOUGHTON, and others. Without their courage to stand up and demand to do what is right, we would not be here tonight and on the verge of the vote tomorrow.

I especially thank Senators FEINGOLD and LIEBERMAN. Senator LIEBERMAN was the author of legislation mandating 527 disclosure. It was his bill that served as the basis for this debate. And, of course, I must again thank Senator FEINGOLD for all the courage he has shown in fighting for reform at any cost. I sincerely appreciate his efforts.

Just yesterday, the House of Representatives overwhelmingly voted in favor of this modest reform by a vote of 385–39. I hope the Senate vote will be equally overwhelming.

Would I have liked to accomplish more? Absolutely. Will I continue the fight, along with my good friend from Wisconsin, to enact more sweeping reform? I absolutely promise to do so. Will we continue to do whatever is necessary to restore the public's confidence in an electoral system perceived by many, if not most, to be corrupt? You can be assured of it.

But tomorrow—I say to all those across this great land who want reform—will be a great first step. It will, indeed, be a great day for democracy and a government accountable to the governed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I yield 2 minutes of our time to the other co-initiator of this issue, Senator LEVIN.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I commend the real leaders in this effort, Senators MCCAIN and FEINGOLD. They have been extraordinary in their tenacity. We look forward to their continuing tenacity to close two egregious loopholes—the one we are closing through this bill, and the other one is the soft money loophole.

I thank Senator LIEBERMAN for his leadership in terms of the 527 loophole itself. We are about to take a step on a long journey. It is a journey to bring back some limits on campaign contributions. Those limits have been destroyed by two loopholes: The soft money loophole and the so-called 527 loophole.

We are about to shed some light, pour some sunshine on the 527 loophole. And the public will respond, I believe, when they see just how egregious this loophole is. When the disclosure required by this bill becomes law—as it will—the public will respond to the unlimited contributions which are also hidden. That disclosure, I believe, will lead to the closure of this loophole. And for that, we commend the leaders in this effort.

It is an ongoing struggle. It can only be said to be successful when the soft money loophole is closed, and when the 527 loophole is not just brought out into the sunshine but, hopefully, when it shrivels away and is closed because the public wants the restoration of limits on campaign contributions. They want them disclosed, but they want them limited.

We have taken the important step of disclosure relative to one of those loopholes, and for that we have to thank Senators MCCAIN, FEINGOLD, and LIEBERMAN. I very much express the gratitude of a bipartisan coalition to all of them.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I would like to make just a few comments about the legislation that is before the Senate.

First, everyone in the Senate supports disclosure by any group that: contributes to a federal candidate, or expressly advocates the election or defeat of a federal candidate. And, I might add that currently every organization set up under section 527 of the Internal Revenue Code that contributes to federal candidates, or expressly advocates the election or defeat of a federal candidate does, in fact, publicly disclose their contributions and expenditures.

So, let's be clear: nearly every 527 organization in America publicly discloses its donors and its expenditures.

Second, the narrow legislation before this body would target a handful of tax-exempt organizations established under section 527 of the tax code that do not make contributions to candidates, or engage in express advocacy, and thus, are not required to publicly disclose contributors or expenditures.

Although these 527 groups are small and few, the constitutional questions are real. The caselaw demonstrates that there are serious questions as to whether the government can require public donor disclosure of groups that are not engaging in express advocacy. In fact, the Supreme Court has rejected public disclosure of membership lists and contributors to issue groups as a violation of the First Amendment in landmark cases like Buckley v. Valeo, 424 U.S. 1, 80 (1976) and NAACP v. Alabama, 357 U.S. 449, 462 (1958). And, less than two weeks ago, yet another federal court—the United States Court of Appeals for the Second Circuit—struck down an attempt to regulate groups that do not engage in express advocacy. I would like to have two items printed in the RECORD that explain in detail the constitutional concerns with this legislation. The first item is a letter from the American Civil Liberties Union, and the second item is testimony by election law expert, James Bopp, Jr., of the James Madison Center for Free Speech. Mr. Bopp's testimony from a Senate Rules Committee hearing this year cites a long string of court decisions striking down this type of regulation over the past quarter century.

Mr. President, I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, June 8, 2000.

DEAR SENATOR: I am writing to communicate the American Civil Liberties Union's opposition to the McCain Amendment No. 3214 concerning disclosure by organizations covered by Section 527 of the Internal Revenue Code.

The American Civil Liberties Union supports certain methods of disclosure for tax exempt issue organizations and for organizations that engage in express advocacy. However, different methods of disclosure are appropriate for express advocacy groups that are not appropriate for groups that engage in issue advocacy. It is appropriate to require a 527 group to provide the Internal Revenue Service (IRS) with the name and address of the organization, the purpose of the organization and other information that is now required of other issue advocacy organizations such as 501(c)(4)s, 501(c)(3)s and 501(c)(5)s.

However, it is certainly inappropriate and unconstitutional to require issue organizations to report donor lists and membership lists to the IRS, as they would be required to do under the McCain Amendment. This is not about protecting secrecy, this is about preserving the rights of all people to express their opinions on issues without requiring them to report to the government in order to do so. By participating in groups that elevate a particular issue, citizens are exercising their much cherished free speech rights. It would greatly chill free expression if the IRS or the Federal Election Commission (FEC) required donor lists of groups that represent unpopular viewpoints, minority viewpoints or views that are highly critical of government policies.

THIS IS NOT A NEW ISSUE

Three years after it passed the Federal Election Campaign Act of 1971, Congress amended the Act to require the disclosure to the Federal Election Commission of any group or individual engaged in: any act directed to the public for the purpose of influencing the outcome of an election, or . . . [who] publishes or broadcasts to the public any material referring to a candidate (by name, description, or other reference . . . setting forth the candidate's position on any public issue, [the candidate's] voting record, or other official acts . . . or [is] otherwise designed to influence individuals to cast their votes for or against such candidates or to withhold their votes from such candidates.

Such issue advocacy groups would have been required to disclose to the FEC in the same manner as a political committee or

PAC. They would have to make available every source of funds that were used in accomplishing such acts. This unconstitutional regulatory scheme is the template for the McCain amendment now before you.

The ACLU challenged this provision of the 1974 amendments as part of the Buckley v. Valeo case. When the challenge came before the US Court of Appeals for the DC Circuit, the law was unanimously struck down because it was vague and imposed an undue burden on groups engaged in activity that is, and should be, protected by the First Amendment. The DC Circuit Court ruling stated: to be sure, any discussion of important public questions can possibly expert some influence on the outcome of an election . . . But unlike contributions and expenditures made solely with a view to influencing the nomination or election of a candidate, issue discussions unwedded to the cause of a particular candidate hardly threaten the purity of the elections. Moreover, and very importantly, such discussions are vital and indispensable to a free society and an informed electorate. Thus the interest group engaging in nonpartisan discussions ascends to a high plane, while the governmental interest in disclosure correspondingly diminishes.

Because of the Court's unanimous and unambiguous ruling, the FEC did not even attempt to appeal this aspect of the courts ruling concerning issue group regulation disclosure, and that defective section of the Act was allowed to die.

The ACLU urges members of the Senate to vote against Amendment No. 3214, the McCain Amendment on 527 group disclosure.

Sincerely,

LAURA W. MURPHY,
Director.

TESTIMONY OF JAMES BOPP, JR., APRIL 26, 2000, SENATE RULES COMMITTEE

THE REFORMERS' ATTACK ON ISSUE ADVOCACY HAS ANOTHER FRONT—SECTION 527 OF THE INTERNAL REVENUE CODE

There is another bill that I want to discuss today that is also part of the unrelenting attack on citizens' ability to participate in public discourse. Not content with a frontal assault through the FECA, reformers have turned their attention to the Internal Revenue Code. HR 4168 proposes to amend the Internal Revenue Code of 1986 to require that federal election rules apply to groups formed under §527 of the Internal Revenue Code.

Before I talk about the specific effects of House Resolution 4168, some clarifying background information about §527 and the FECA is necessary. Section 527 was added to the Internal Revenue Code in 1974 to resolve long-standing issues relating to inclusion of political contributions in the gross income of candidates. Drafters were concerned that candidates would use their campaign committees to earn investment income free of tax, and so a tax on investment earnings became the major limitation on the exemption available under §527.

Section 527 of the Internal Revenue Code provides an exemption from corporate income taxes for political organizations that are organized primarily to intervene in political campaigns. Thus, to qualify for the tax exemption, the organization must be a "political organization" that meets both the organizational and operational tests under §527.

A "political organization" is a party, committee, association, fund, or other organization organized primarily for the purpose of directly or indirectly accepting contributions or making expenditures for an exempt function activity. Section 527(e)(1) of the Code defines the term "exempt function" to mean, in relevant part, the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected or appointed. A "political organization" meets the organizational test if its articles of incorporation provide that the primary purpose of the organization is to influence elections. Under the operational test, a "political organization" must primarily engage in activities that influence elections but it need not do so exclusively.

The IRS has issued no precedential guidance in this area, but it has issued private letter rulings which provide an indication of what constitutes evidence of political intervention for purposes of §527. Activities that are intended to influence, or attempt to influence, the election of individuals to public office may include encouraging support among the general public for certain issues, policies and programs being advocated by candidates and Members of Congress.

Thus, the IRS has found that expenditures for issue advocacy could qualify as intervention in a political campaign within the meaning of §527(e)(2). Moreover, the distinction between issue advocacy activities that were educational within the meaning of § 501(c)(3) and issue advocacy activities that were not educational and therefore qualified as §527(e)(2) expenditures intended to influence the outcome of elections, was not based on major differences in the nature of conduct of the activities. The IRS instead pointed to the targeting of the activities to particular areas, the timing of them to coincide with the election, and the selection of issues based on an agenda. As will be discussed in a moment, these factors have been rejected by the courts as irrelevant to any determination of whether an organization's speech, regardless of its tax status, is express advocacy.

In a recent private letter ruling to an organization under §527, made public on June 25, 1999, the IRS determined that a wide range of programs qualified as "exempt functions" for a §527 political organization. The IRS found a political nexus even though some of the materials to be distributed, and techniques to be used, resembled issue advocacy and other materials and techniques often used in the past by charitable organizations without violating section 501(c)(3) of the Internal Revenue Code. However, because the materials and techniques were designed to serve a primarily political purpose and would be inextricably linked to the political process, the political nexus was substantiated.

Of particular interest is the IRS's conclusion that voter education, which may include dissemination of voter guides and voting records, grass roots lobbying messages, telephone banks, public meetings, rallies, media events, and other forms of direct contact with the public, can be apolitical intervention when it links issues with candidates. Whether an organization is participating or intervening, directly or indirectly, in a political campaign, however, depends, in the view of the IRS, upon all of the facts and circumstances. Thus, while voter education may be both factual and educational, the selective content of the material, and the manner in which it is presented, is intended to influence voters to consider particular issues when casting their ballots. This intent was seen by the evident bias on the issues, the selection of issues, the language used in characterizing the issues, and in the format. The targeting and timing of the distribution was aimed at influencing the public's judgment about the positions of candidates on issues at the heart of the organization's legislative agenda. These activities are partisan in the sense that they are intended to increase the election prospects of certain candidates and, therefore, would appear to qualify under §527(e)(2).

It is the perceived intersection between the Internal Revenue Code and the FECA that reformers want to regulate. Section 527 organizations must convince the IRS that they are organized and operated for the exempt function of influencing elections as required under § 527(e)(2). However, because the organization is engaged in only issue advocacy and does not make contributions to candidates or engage in express advocacy, the organization is not subject to the FECA. However, H.R. 4168 would treat them as if they engaged in such activities and require them to register as PACs under the FECA.

However, the Supreme Court has made it clear that an organization cannot be treated as a PAC because it engages in issue advocacy—which was one of the purposes of the express advocacy test in the first place. The Supreme Court, in one of its most oft-quoted footnotes, has provided an illustrative list of which terms could be "express words of advocacy:" "vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'" Since the Court's ruling in Buckley, district and federal courts of appeal have followed this strict interpretation of the express advocacy test and have struck down any state or federal regulation purporting to regulate based on intent or purpose to influence an election. These courts have unanimously required express words of advocacy in the communication itself before government may regulate such speech.

Furthermore, the organizations "major purpose" must be making contributions and express advocacy communications to be treated as a PAC. The FECA defines a "political committee" as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year. In Buckley, the U.S. Supreme Court narrowly construed this definition, holding that under the FECA's definition of political committee, an entity is a political committee only if its major purpose is the nomination or election of a candidate.

An organization's "major purpose" may be evidenced by its public statements of its purpose or by other means, such as its expenditures in cash or in kind to or for the benefit of a particular candidate or candidates. Even if the organization's major purpose is the election of a federal candidate(s), the organization does not become a political committee unless or until it makes expenditures in cash or in kind to support a person who has decided to become a candidate for federal office.

Recently, the Fourth Circuit found a definition of "political committee," that included both entities that have as a primary or incidental purpose engaging in express advocacy, and those that merely wish to influence an election (engage in issue advocacy), as being overbroad and unconstitutional. The court found that the definition of "political committee" could not encompass groups that engage only in issue advocacy and groups that only incidentally engage in express advocacy.

Thus, only an organization that engages primarily in excess advocacy triggers FECA reporting and disclosure requirements. Issue advocacy in the context of electoral politics does not cause an organization to be deemed a political committee. Merely attempting to influence the result of an election is not enough. This classic form of issue advocacy, influencing an election without express words of advocacy, does not cause an entity to be subject to the reporting and disclosure requirements of political committees under the FECA. Only those expenditures that expressly advocate the election or defeat of a clearly identified candidate do so.

Thus, it is perfectly consistent that an organization may qualify for exemption under §527 of the Internal Revenue Code yet not qualify as a PAC under the FECA. Tax law provides for exemption from corporate tax and a shield against disclosure of contributors. Election law mandates PACs to report all their contributors and expenses, subjects them to contribution limits, and prohibits them from receiving corporate or labor union contributions. These burdens on a PAC cannot be constitutionally applied to an issue advocacy organization.

Therefore, as discussed above, §527 casts a wider net than does the FECA. The FECA bases its requirements on narrowly defined activities, not on tax status. Thus, activities deemed political by the Internal Revenue Service, for purposes of determining tax exempt status, are not considered "political" under the FECA when there is no express advocacy of the election or defeat of a federal candidate.

With this background of how the provisions of §527 and the FECA work, it is apparent that the reformers are yet again attempting to regulate citizen participation in the form of protected issue advocacy. As a result of the IRS's amorphous definitions of "social and welfare activities" and "political intervention," many §501(c)(4) organizations are now forced to organize under §527 for tax purposes. In fact, the Christian Coalition has filed suit against the IRS challenging its overbroad interpretation of what is political intervention which caused it to be denied its §501(c)(4) exemption.

House Resolution 4168, however, would require issue advocacy organizations exempt under §527 to be treated as PACs under the FECA. However, it is unconstitutional to require issue advocacy groups to register as PACs. What the government may not do directly, it may also not do indirectly by bootstrapping onto the Internal Revenue Code a requirement of "political committee" registration and reporting requirements. In other words, Congress may not condition a tax exempt status on reporting and disclosure requirements of issue advocacy when it may not constitutionally require in the first instance.

The fact that issue advocacy groups may engage in activities which influence an election, or even admit that their purpose is to influence an election, is totally irrelevant to the analysis. What is pertinent is whether these groups engage in any express advocacy. The Buckley Court left intact, as constitutionally protected, speech that influences an election.

To make it clear that speech that only influences an election, but does not contain express words of advocacy, is completely free from regulation, the Supreme court explicitly stated this both positively and negatively. First, the Court stated that "[s]o long as persons and groups eschew expenditures that in express terms advocate the election or defeat of a clearly identified candidate, they are free to spend as much as they want to promote the candidate and his views. Second, the Court explained that the FECA did "not reach all partisan discussion for it only requires disclosure of those expenditures that expressly advocate a particular election result.

Therefore, in order to protect speech, especially speech that may influence an election, the Court drew a bright-line so that the speaker would know exactly when he crossed into regulable territory—the express advocacy realm. Anything on the other side of the line, speech that may influence an election, whether intentionally or not, was to be protected from government regulation so as to promote the free discussion of issues and candidates. Thus, speech free from explicit words of advocacy, whether made with the intent to influence an election or not, is perfectly appropriate and legitimate.

This is not to say that Congress is completely without power to lawfully regulate §527 organizations. The Joint Committee on Taxation's recommendation that §527 organizations should be required to disclose tax returns (except for donor information) would create parity between §527 organizations and §501(c)(3) and §501(c)(4) organizations. However, any disclosure that goes beyond the public disclosure of tax returns violates the constitutional protection of issue advocacy.

Mr. MCCONNELL. The Senate has precious few legislative days this year to finish the important business of the American people, and there is no time for a meaningful debate on campaign finance reform. I think that even my colleagues on the other side would concede that there are not sixty votes on substantive issues like the antiquated hard money limits and the soft money question. In fact, after two weeks of discussions, neither the House nor the Senate could cobble together a majority for broad and meaningful disclosure.

But I do commend Senator GORDON SMITH for his efforts to find a reasonable middle ground. His bill, the Tax-Exempt Political Disclosure Act, sought a compromise between the McCain-Lieberman 527-only bill and the broad bill reported out of the House Ways and Means Committee that went so far as to cover tax-exempt social welfare organizations like the AARP, the NAACP, and the Disabled American Veterans.

The Smith bill targeted the key tax-exempt groups in America: labor and business organizations set up under sections 501(c)(5) and (c)(6) of the tax code, like the Chamber of Commerce, the Teamsters and the National Education Association. Recent news stories underscored the need for meaningful disclosure of tax-exempt labor and business organizations. Documents reviewed by the Associated Press demonstrate that the National Education Association has spent millions of tax-exempt dollars to influence elections while simultaneously reporting to the IRS that the organization has spent no money on political activities. This gross reporting disparity has prompted the filing of formal complaints with the IRS and the Federal Election Commission against the NEA. And, I think we all can agree to the obvious: neither the National Education Association nor any labor union will be covered or affected in any way by this legislation. They can continue to spend millions of dollars on political activity with no meaningful disclosure.

Nevertheless, I have chosen to allow this matter to move forward for a vote without offering amendments or extended debate. The Senate needs to focus on the important business of the American people and return to our first priority of ensuring that all of our appropriation bills are passed on time.

I plan to vote against this legislation because I believe that the best and most constitutionally sound solution is to require 527 issue advocacy organizations to file public returns with the IRS similar to those filed by issue advocacy organizations organized under section 501(c)(4) of the Internal Revenue Code. Such public returns would include, among other things: the name and address of the organization, including an electronic mailing address; the purpose of the organization; the names and addresses of officers, highly-compensated employees, members of its Board of Directors, a contact person and a custodian of records; and the name and address of any related entities.

I also would require the Secretary of the Treasury to make this information publicly available on the Internet within 5 business days after receiving the information. However, Mr. President, I would not cross the constitutional line of requiring that the organizations' confidential donor lists be made public.

Again, Mr. President, I think this is an important debate, but respectfully disagree with my colleagues on the constitutional propriety of requiring public disclosure of confidential donor lists for groups that do not contribute to federal candidates or engage in express advocacy.

With that, I yield back the remaining amount of time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Senator from Kentucky said that nearly every 527 publicly discloses their contributors and expenditures. I don't know how the Senator from Kentucky can make that claim because he doesn't know. No one knows how many 527 organizations there are. They currently don't file any reports whatsoever, so we can't know that. They currently don't even notify the IRS that they exist. That is exactly what this bill will change.

I now yield 2 minutes to one of our strongest allies on this issue and on the entire issue of campaign finance reform, the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Senator from Wisconsin for yielding.

Both to the Senator from Arizona and the Senator from Wisconsin, kudos on their exemplary leadership on this issue and the general issue of campaign finance reform, as well as my colleagues from Connecticut, Michigan, and Maine who have been such reform leaders.

A Chinese proverb says that a trip of 1,000 miles begins with the first step. This is the first step, but we do have 1,000 miles to go. It is the first step, and it is a significant one. Until this proposal becomes law, organized crime, drug lords, and other various bottom crawlers in society unknown to any of us could influence the political process by contributing money and running ads that we all know are, for all practical purposes, political ads. To have no disclosure, let alone no limits, on these kinds of activities puts a dagger in the heart of democracy. Sunlight is the disinfectant we need. Sunlight is the disinfectant provided by this provision. It does no less; it does no more.

We have many more miles to go. The distinction between hard money and soft money, the fact that these days candidates don't have to worry about a $1,000 limit because soft money is so prevalent and so available and because of, in my judgment, recent misguided Supreme Court decisions that allow political parties to do political ads—we all know they are political ads; simply because they don't say vote for candidate X, they are not classified as political ads—makes our system a joke, makes our system a mockery.

What we are doing here is simply returning to the status quo of a year ago before these 527 accounts were founded. We have a very long way to go. The only confidence I have is that we do have leaders such as the Senator from Arizona and the Senator from Wisconsin to help us move forward.

If we were to rest on our laurels, if we were to think we had now cleaned up the system because we passed this legislation, we would be sadly mistaken. It is very much need because this is the part of campaign finance that remains under a rock with all the worms and critters crawling undiscovered. At the same time, we need to go much, much further. I will be glad to follow the banner of Senators McCAIN and FEINGOLD to try to help make that a reality.

I thank the Chair and the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from New York for everything he has done on this matter. I ask the Chair how much time remains on our side.

The PRESIDING OFFICER. Three minutes.

Mr. FEINGOLD. Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, let me note that there is no constitutional argument against this bill because these organizations receive a tax exemption. The public is entitled to this information in exchange for the substantial tax benefit these groups receive. I am so pleased this matter will be demonstrated in the courts because this bill is going to actually become law.

I would like to use the remaining time to remind my colleagues and the public of the scope of the loophole we are about to get rid of. This has been called the "mother of all loopholes." If left unchecked, literally millions upon millions of dollars originating from foreign governments, foreign companies, and even, theoretically, organized crime could be spent in our elections without a single solitary bit of reporting and accountability—totally secret money in unlimited amounts, and no one would know where the money was coming from. It is hard to imagine anything that would be worse for the health of our democracy.

We have a chart here containing, word for word, what is essentially an advertisement by one of these groups. It is as plain as day. This group solicits contributions from extremely wealthy individuals and groups. Contributions, it says, can be given in unlimited amounts. They can be from any source. They are not political contributions and are not a matter of public record. They are not reported to the FEC, to any State agency, or to the IRS.

Today, we are wiping out what might be the most important part of this advertisement, that the contributions are not a matter of public record. From now on, these groups will disclose their contribution to the IRS. The public will be able to see where their money is coming from and understand what is behind the message.

I do want to mention a number of people who have been central to this effort. Of course, my friend and colleague, Senator McCAIN, deserves a huge amount of the credit for putting forward our original amendment to the DOD bill and tenaciously continuing to push until it became law. Senators LIEBERMAN and LEVIN developed the original bill on 527s, recognizing the huge threat these stealth PACs posed. Their work over the past few weeks to make sure we finish the job has been extraordinary. Senator SNOWE, who has long been concerned about getting disclosure of phony issue ads run in the last days before an election, was a key supporter, as was Senator SCHUMER and many others. On the House side, Representative SHAYS, who is in the Chamber now, as well as Representatives MEEHAN, HOUGHTON, CASTLE, DOGGETT, and MOORE were crucial to getting the bill passed there, over the strong opposition of the House leadership. I am proud of how we worked in a bipartisan and bicameral fashion to get the bill done and close this loophole. This effort bodes well for the future of campaign finance reform.

This is my final point, Mr. President. This is not the end of the fight, as we have said. It is just the beginning. Now that we have cracked the wall of resistance to any reform at all, I think we are ready to move forward on truly cleaning up the corrupt campaign finance system. Now that we have disclosure of the unlimited amounts that are going to outside groups, I think we are ready to address the unlimited contributions from corporations, unions, and wealthy individuals that the soft money loophole permits to be given to the political parties.

Mr. President, I should have also mentioned Senator JEFFORDS, who is present in the Chamber, for his help on this issue.

I know that many of my colleagues want to clean up this system and are willing to work in good faith to find a way that we can do that.

In the few seconds I have remaining, I thank a number of staff for their incredibly hard work and dedication to the campaign finance issue and to this 527 disclosure will. We have not had many wins, and they are the ones responsible for keeping us in this fight. Mark Buse, Ann Choinere, Lloyd Ator of Senator McCAIN's staff, Laurie Rubenstein of Senator LIEBERMAN's staff, Linda Gustitus with Senator LEVIN, Jane Calderwood and John Richter from Senator SNOWE's staff, Andrea LaRue with Senator DASCHLE, and Bob Schiff of my own staff worked very long hours to make sure that we got to this point, and we appreciate all of their efforts and look forward to future victories together.

I yield the floor.

The PRESIDING OFFICER. Does the Senator yield back his remaining time?

Mr. FEINGOLD. Yes.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 4762) was ordered to a third reading and was read the third time.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001—Resumed

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 4577, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4577) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized to call up an amendment.

AMENDMENT NO. 3654

(Purpose: To increase the amount appropriated for the Inter-agency Education Research Initiative)

Mr. FRIST. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3654.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18, line 7, insert before ": *Provided*," the following: "(minus $10,000,000)".

On page 68, line 23, strike "$496,519,000" and insert "$506,519,000".

On page 69, line 3, strike "$40,000,000" and insert "$50,000,000".

On page 69, line 6, insert after "103–227" the following: "and $20,000,000 of that $50,000,000 shall be made available for the Interagency Education Research Initiative".

Mr. FRIST. Mr. President, I have a modification to my amendment, which I send to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment will be so modified.

The amendment (No. 3654), as modified, reads as follows:

On page 68, line 23, strike "$496,519,000" and insert "$506,519,000".

On page 69, line 3, strike "$40,000,000" and insert "$50,000,000".

On page 69, line 6, insert after "103–227" the following: "and $20,000,000 of that $50,000,000 shall be made available for the Interagency Education Research Initiative".

Amounts made available under this Act for the administrative and related expense of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro rata basis by $10,000,000.

Mr. FRIST. Mr. President, it is my understanding that a vote will be scheduled on my amendment tomorrow morning. Therefore, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FRIST. Mr. President, I rise tonight to offer an amendment that I think goes to the heart of so many of our debates here on the Senate floor regarding education. My amendment would fully fund the Department of Education's share of the Interagency Education Research Initiative (IERI)—a collaborative effort of the Department of Education's research arm—the Office of Educational Research and Improvement (OERI)—the National Science Foundation (NSF), and the National Institute of Child Health and Human Development (NICHD). The primary objective of the IERI is to support the development and wide dissemination of research-proven, technology-enabled educational strategies that improve K–12 education.

We debate many new program ideas here in the Senate that have little to no research to back up them up. Members offer new program after new program in a mad attempt to cure what ails American education. I ask my colleagues, "wouldn't it be better to know what works before we spend billions of dollars trying out things that may, in fact, not only not work, but harm student achievement?" Reading is a good example of this. We tried many fads before the scientifically-based research evidence came in that you've got to have phonics.

As we all know, advances in education, as in most other areas, depend in no small part on vigorous and sustained research and development. Indeed, state and local policymakers, as well as school level administrators, are clamoring for information about "what works" to guide their decisions. However, historic investments in such educational research have been woefully inadequate, and the small federal investments that have been made through the Department of Education have not always resulted in the high-quality, scientifically credible research that we have come to expect from many other research agencies. Much of research that has come out of the Department of Education in years past has been politically driven and not always of the highest quality. IERI is a first step on the road to changing that. Teaming up with highly respected research institutions like NSF and NICHD, OERI is improving its research processes. In the 1997 PCAST "Report to the President on the Use of Technology to Strengthen K–12 Education," an advisory panel of technology, business, and education leaders strongly urged that a significant Federal research investment be undertaken in education, with a focus on educational technology. The report pointed out that in 1997, we invested less than 0.1 percent of the more than $300 billion spent on K–12 public education each year to examine and improve educational practice; by contrast, the pharmaceutical industry invests nearly a quarter of its expenditures on the development and testing of new drugs. In addition to the President's 1997 Technology Advisory Report, the Budget Committee Task Force on Education's Interim Report, and this year's Republican Main Street Partnership Paper on "Defining the Federal Role in Education, A Republican Perspective." both call for more spending on Education R&D. At our Budget Committee Task Force on Education hearing on education research, we learned that one of our main Federally funded research institutions was operating with a budget that was smaller than what a seed company expended in a facility devoted solely to breeding petunias down the road.

Dr. Robert Slavin, the Co-Director of the Center for Research on the Education of Students Placed At-Risk (CRESPAR), one of the Department of Education's research centers, likened our current expenditures in federal education research to health research that was limited to "basic research and descriptions of how sick people are, but never produced any cures for anything." Additionally, another proponent of education research warns that "poor research often leaves us with inadequately tested and replicated fads, masquerading as innovations, penetrating the system, frustrating the teachers, administrators, parents and, most importantly, the children, and leaving us all worse off than before." Unfortunately, it is often difficult to discern good research from bad.

The precursor to the Office of Educational Research and Improvement (OERI) was the National Institute of Education (NIE). Modeled after the National Institutes of Health, which is widely respected, the NIE never realized the same success as its role model. A Budget Committee Education Task Force heard in 1998 that progress at OERI was stymied by inadequate peer-review processes and a lack of good quality control measures. Recognizing these problems, OERI—most recently under Dr. Kent McGuire's leadership—has embarked on a number of promising reforms, including an overhaul of its peer review system in partnership with NIH. However, it is clear we must do more.

In response to the calls of practitioners and experts, the Federal government launched the Interagency Education Research Initiative (IERI) in FY1999. The ultimate objective of the IERI is to accelerate the translation of robust research findings into concrete lessons for educators to improve student achievement in preK–12 reading, mathematics, and science. To achieve this goal, the National Science Foundation, Department of Education, and National Institute of Child Health and Human Development are supporting a fundamentally new character of research in education that builds on the research portfolios of each agency while filling a gap no one agency could address alone. This research features interdisciplinary collaborations across learning-related disciplines, is substantively focused on key aspects of preK–12 education, and is conducted on a scale large enough to learn generalizable lessons about what works and why. Witnesses at hearings related to educational research in both the Senate and the House over the past year (e.g., June 1999 in the Senate Health, Education, Labor and Pensions Committee, and October 1999 in the House Basic Science Subcommittee) have urged the Congress to build upon and support the IERI model.

Calls for all levels of the educational system to be accountable for student learning are escalating at the same time that technologies offer exciting new ways to help all students meet high standards of excellence. Now more than ever is the time to elevate the role of rigorous, peer-reviewed educational research—with a focus on technology—in addressing the urgent challenges of educational reform. With $30 million in FY1999 funds, the IERI team has already laid the groundwork for this innovative research program with 14 new research awards averaging $2 million per year. Another joint program solicitation for $38 million in FY2000 funds has recently been released. My amendment will fully fund the Department of Education's share in order to continue to grow the IERI to leverage potentially vast gains in student achievement with a relatively modest investment in finding out "what works."

Education R&D is a young discipline. While the taxonomy for medicine has been in development for millennia, engineering for centuries, and biology for a few hundred years, the widespread public education of children has occurred for barely more than a century. Consequently, education R&D is even younger than that.

The Interagency Education Research Initiative will help expand our knowledge base and will be money well spent.

The amendment is fully offset, and I urge my colleagues to support this very worthwhile investment in our children's education.

Mr. ROBB. Mr. President, a majority of this body—myself included—just voted to table both the Landrieu and Jeffords amendments, each of which have the laudable goals of increasing funding for disadvantaged and special education students. The problem with both amendments is that they rob Peter to pay Paul. Both amendments reduce the amount of funding in Title VI, which has been substantially increased this year. The distinguished Chairman, the Senator from Pennsylvania, has indicated that the $2.7 billion allocated for Title VI this year is for the continuation of our class size reduction efforts and for funding, for the first time since the 1950's, a massive school modernization effort. The effect of these amendments is simply to reduce the number of new teachers schools can hire or reduce the money they'll have available to fix fire code violations or upgrade old schools with new technology. That's not the answer. What we ought to be doing is making a greater overall investment in public education.

I have co-sponsored a bill to increase the amount of Title I funding from $8 billion to $12 billion in this year alone, and I have co-sponsored a bill that puts us on track to fully fund our federal commitment to IDEA within ten years. Our economically disadvantaged and special needs students deserve more of a commitment from the federal level, but they also deserve small class sizes and safe, modern schools. It's simply wrong to pit these objectives against each other, because in the end, our children are the ones that suffer and that is why I voted to table two amendments that I would otherwise support.

Ms. MIKULSKI. Mr. President, I rise today to express my disappointment that this bill does not provide $125 million for supportive services for caregivers under the Older Americans Act (OAA). As an appropriator, I understand the difficult funding constraints under which Senator SPECTER and Senator HARKIN operate. However, I also know that providing and funding supportive services for caregivers has strong bipartisan support and would meet a compelling human need.

Many of us have had personal experiences caring for parents or other loved ones and understand firsthand the stresses and strains caregivers face. Last year, the Subcommittee on Aging heard the compelling testimony of Carolyn Erwin-Johnson, a family caregiver in Baltimore, Maryland. Ms. Johnson has been caring for her mother who has Multiple Sclerosis for sixteen years. She left Chicago and her work on a second Masters degree to come to Baltimore and care for her mother at home, rather than put her mother in a nursing home. She found a community-based care system that was fragmented, underfunded, and overburdened. After months of frustration and trying to find help, Ms. Johnson took to hiring nursing aides off the street and training them to care for her mother while she worked a forty hour work week. Even then, she could only afford to pay for eight hours of help when her mother needed 24-hour care. She and her mother ended up paying on average between $17,000 and $20,000 annually in out-of-pocket costs to care for her mother at home.

Caregiving has taken its toll on Ms. Johnson. Today, she has been diagnosed with two incurable, stress-related illnesses, changed jobs, and seen her income drop to levels that mean she can no longer afford to hire private aides. Ms. Johnson is helped by the 164 hours of respite care she receives annually from the Alzheimer's Respite Care Program. In the words of Ms. Johnson, "Respite care programs are the key to the survival and longevity of family caregivers."

Mr. President, currently about 12.8 million adults need assistance from others to carry out activities of daily living, such as bathing and feeding. One in four adults currently provides care for an adult with a chronic health condition. Many caregivers struggle with competing demands of paid employment, raising a family, and caring for a parent or other relative. Caregiving can take an emotional, physical, mental, and financial toll. A recent study found that on average, workers who take care of older relatives lose $659,139 in wages, pension benefits, and Social Security over a lifetime. Further, the estimated national economic value of informal caregiving was $196 billion in 1997.

The National Family Caregiver Support Program, originally proposed by the President, would provide respite care, information and assistance, caregiver counseling, training and peer support, and supplemental services to caregivers and their families. Full funding of $125 million would provide services to about 250,000 families. Senators DASCHLE, GRASSLEY and BREAUX, DEWINE, and I have all sponsored legislation in this Congress to establish this program. Twenty four Senators joined me earlier this year in urging the Labor/HHS Appropriations Subcommittee to fully fund these supportive services for caregivers. I know other colleagues of mine have also voiced support for funding these worthwhile services. This is truly a step we can take that will meet a compelling human need. It gets behind our Nation's families and helps those who practice self-help.

As this bill moves to conference, I strongly urge the conferees to re-evaluate the current decision not to fund caregiver support services. As the Ranking Member of the Subcommittee on Aging, I am working with my colleagues on the Health, Education, Labor, and Pensions Committee to reauthorize the OAA this year. I hope that we are able to reach agreement on outstanding issues to reauthorize the OAA this year. While we are working on reauthorization, I believe that we must also move forward on funding caregiver support services. American families are counting on us to act.

Mr. MACK. Mr, President, as many of my colleagues are aware, cancer has played a prominent role in my family's history. Some in our family—me, my wife Priscilla, our daughter Debbie—have been lucky enough to have fought cancer and won. Others in our family have not been so lucky. My father died of esophageal cancer, my mother died of kidney cancer and my younger brother Michael died of melanoma at the very young age of thirty-five.

As a result, Priscilla and I have become very active in the fight against cancer and in spreading the message that early detection saves lives. It's a part of who we are as a family.

And there are other families with their own stories. Michael J. Fox and his family are waging war against Parkinson's disease. Mary Tyler Moore and her family are fighting diabetes. Christopher Reeve and his family are searching for a cure to paralysis. And millions of other families across the United States are fighting their own battles against AIDS, sickle-cell anemia, Lou Gehrig's disease, Alzheimer's and the many, many other diseases that take our loved ones away from us.

What I've come to realize in my fight against cancer is the crucial role the federal government plays in funding basic medical research at the National Institutes of Health, and how important basic research is to finding breakthroughs not just for cancer but for all of the diseases which affect our families.

For several years now, doubling funding at NIH has been a primary goal of mine in the Senate. The Federal Government, mainly through the NIH, funds about 36 percent of all biomedical research in this country, and plays an especially large role in basic research.

Recently, the Joint Economic Committee, released a first-of-its kind study: "The Benefits of Medical Research and the Role of the NIH," which examines how funding for the NIH cuts the high economic costs of disease, reduces suffering from illness, and helps Americans live longer, healthier lives. And I'd like to take a moment, Mr. President, to share with my colleagues some of the findings in this extensive report.

According to the JEC, the economic costs of illness in the U.S. are huge—approximately $3 trillion annually, or 31 percent of the nation's GDP. This includes the costs of public and private health care spending, and productivity losses from illness. Medical research can reduce these high costs. But, the NIH is fighting this $3 trillion battle with a budget of $16 billion. That's just half of a percent of the total economic cost of disease in the United States.

In addition to lowering the economic costs of illness, advances in medical research greatly help people live longer and healthier lives. A recent study found that longevity increases have created "value of life" gains to Americans of about $2.4 trillion every year. A significant portion of these longevity gains stem from NIH-funded research in areas such as heart disease, stroke and cancer. If just 10 percent of the value of longevity increases, $240 billion, resulted from NIH research, that would mean a return of $15 for every $1 invested in NIH.

Also according to the JEC, NIH-funded research helped lead to the development of one-third of the top 21 drugs introduced over the last few decades. These drugs treat patients with ovarian cancer, AIDS, hypertension, depression, herpes, various cancers, and anemia. Future drug research holds great promise for curing many diseases and lowering the costs of illness by reducing hospital stays and invasive surgeries. In fact, one study found that a $1 increase in drug expenditures reduces hospital costs by about $3.65.

We know that past medical advances have dramatically reduced health care costs for such illnesses as tuberculosis, polio, peptic ulcers, and schizophrenia. For example, the savings from the polio vaccine, which was introduced in 1955, still produces a $30 billion savings per year, every year.

Medical advances will help cut costs by reducing lost economic output from disability and premature death. For example, new treatments for AIDS—some developed with NIH-funded research—caused the mortality rate from AIDS to drop over 60 percent in the mid-1990s, thus allowing tens of thousands of Americans to continue contributing to our society and economy.

And medical research spending isn't just about reducing the enormous current burdens of illness. The costs of illness may grow even higher if we fail to push ahead with further research. Infectious diseases, in particular, are continually creating new health costs. The recent emergence of Lyme disease, E. coli, and hantavirus, for example, show how nature continues to evolve new threats to health. In addition, dangerous bacteria are evolving at an alarming rate and grow resistant to every new round of antibiotics.

This report extensively shows the benefits of medical research and reaffirms the enormous benefits we achieve from funding the National Institutes of Health in our fight against disease. But there is still a lot more work to be done. I am hopeful my colleagues will take a few moments to look at this report and recognize the important work done by the scientists and researchers at the NIH. It can be read in its entirety on the JEC website at: jec.senate.gov.

Funding for NIH is really about—hope and opportunity. The challenge before us is great, but America has always responded when our people are behind the challenge. America landed a man on the moon. We pioneered computer technology. America won the Cold War. Now it is time to win the war against the diseases that plague our society. We have the knowledge. We have the technology. Most important, we have the support of the American people.

I ask my colleagues to join me in the effort to double funding for the National Institutes of Health. It's good economic policy, it's good public policy, and most importantly, it's good for all Americans.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROFILE OF SENATOR JOHN CHAFEE'S KOREAN WAR SERVICE

Mr. MOYNIHAN. Mr. President, I rise today to honor my friend John Chafee. On Sunday June 25, 2000, an article appeared in Parade Magazine entitled, "Let Us Salute Those Who Served". The article chronicled John's service in the Korean War. I ask that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

He Was the Most Admirable Man I've Ever Known

(By James Brady)

(The author, a Marine who served in the Korean War, remembers his comrades in arms—and one extraordinary young leader in particular.)

Is Korea really America's "forgotten war?"

Not if you ask the foot soldiers who fought there, Marines and Army both. How could any infantryman ever forget the ridgelines and the hills, the stunning cold, the wind out of Siberia, the blizzards off the Sea of Japan? How do you forget fighting—and stopping—the Chinese Army, 40 divisions of them against a half-dozen U.S. divisions, plus the Brits and some gallant others? And how can anyone forget the thousands upon thousands of Americans who died there in three years, in that small but bloody war?

Korea began 50 years ago today—a brutal, primitive war in what Genghis Khan called "the land of the Mongols," a war in which I served under the most admirable man I've ever known, a 29-year-old Marine captain named John Chafee.

Most of us who fought the Korean War were reservists: Some, like me, were green kids just out of college. Others were combat-hardened, savvy veterans blooded by fighting against the Japanese only five years before—men like Chafee, my rifle-company commander, who would become a role model for life. I can see him still on that first November morning, squinting in the sun that bounced off the mountain snow as he welcomed a couple of replacement second lieutenants. Mack Allen and me, to Dog Company. He was tall, lean, ruddy-faced and physically tireless, a rather cool Rhode Islander from a patrician background with a luxuriant dark-brown mustache. "We're a trifle understrength at the moment," he said, a half-smile playing on his face. "We're two officers short." I was too awed to ask what happened to them.

Chafee didn't seem to carry a weapon, just a long alpine stave that he used as he loped, his long legs covering the rough ground in great strides. "Got to stay in the trench from here on," he said as he showed us along the front line. This sector of ridge was jointly held by us and the North Koreans, the trenches less than a football field apart. Chafee questioned the Marines we passed—not idle chat but about enemy activity, addressing each man by his last name, the troops calling him "Skipper." No one was uptight in the captain's presence, and the men spoke right up in answering. When enemy infantry are that close, both the questions and answers are important.

When I got there as a replacement rifle-platoon leader on Thanksgiving weekend of 1951, the 1st Marine Division was hanging on to a mountainous corner of North Korea along the Musan Ridge, about 3000 feet high. It took us a couple of hours to hike uphill, lugging rifles and packs along a narrow, icy footpath to where the rifle companies were dug in. As fresh meat, not knowing the terrain and nervous about mines, we followed close on the heels of Marines returning to duty after being hit in the hard fighting to take Hill 749 in September. In Korea they didn't send you home with wounds. Not if they could patch you up to fight again. These Marines, tough boys, understandably weren't thrilled to be going back. But they went. Dog Company of the 7th Marine Regiment needed them. There was already a foot of snow on the ground. When I think of Korea, it is always of the cold and the snow.

Yet the fighting began in summer on a Sunday morning—June 25, 1950—when the Soviet-backed army of Communist North Korea smashed across the 38th Parallel to attack the marginally democratic Republic of Korea with its U.S. trained and equipped (and not very good) army. Early in the war, Gen. Douglas MacArthur had bragged: "The boys could be home for Christmas," But "the boys' would be in Korea three Christmases—courtesy of the Chinese Army.

Every soldier thinks his own war was unique. But Korea did have its moments: proving a UN army could fight: ending MacArthur's career with a farewell address to Congress ("Old soldiers never die. They just fade away. . . . "): helping elect Eisenhower, who pledged in '52, "I will go to Korea"; demonstrating that Red China's huge army could be stopped; insulating Japan from attack; and enabling the South Korean economic miracle. But the war's lack of a clear-cut winner and loser may have set the stage for Vietnam.

As a junior officer, I had little grasp of such strategic matters. I commanded 40 Marines, combat veterans who had fought both the Chinese and the North Koreans. Captain Chafee led us: Red Philips was his No. 2; Bob Simonis, Mack Allen and I were his three rifle-platoon leaders.

Guided by Chafee, I saw my first combat. Mostly it was small firefights, patrols and ambushes, usually by night. I learned about staying cool and not doing stupid things. When darkness fell, we sent patrols through the barbed wire and down the ridgeline across a stream, the Soyang-Gang, trying to grab a prisoner or to kill North Koreans. Meanwhile, they came up Hill 749 and tried to kill us.

The second or third night I was there, the Koreans hit us with hundreds of mortar shells, then came swarming against the barbed wire, where our machine guns caught them. At dawn there were six dead Koreans hanging on the wire. Except for Catholic wakes at home, I'd never seen a dead man. That morning we tracked wounded Koreans from their blood in the snow. The following day, a single incoming mortar hit some Marines lazing in the sun. Two died; one lost his legs. I hadn't been in Korea a week.

Sergeants like Stoneking, Wooten, and Fitzgerald, and a commanding officer like Chafee, got a scared boy through those early days. When I tripped a mine in deep snow the morning of January 13, 1952, and blew up Sergeant Fitzgerald and myself, the first man I saw as they hauled up out by rope was Captain Chafee. We fought the North Koreans into spring and then, when the snow melted and the Chinese threatened to retake Seoul, the Marines shifted west to fight the Chinese again.

In July 1953, the fighting finally ended—not in peace but in an uneasy truce. So uneasy that even today some 35,000 American troops are dug in, defending the same ridgelines and hilltops that we did a half-century ago.

If you've seen combat in any war, you have memories. Also a duty to remember absent friends. And if, like me, you become a writer, you have a duty to write about the dead, memorializing them: young men like Wild Horse Callan, off his daddy's New Mexico ranch; Doug Brandlee, the big, red-haired Harvard tackle who wanted to teach; handsome Dick Brennan, who worked in a Madison Avenue ad agency; Mack Allen, the engineer from the Virginia Military Institute, Bob Bjornsen, the giant forest ranger, and Carly Rand of the Rand McNally clan.

As the survivors grow older, we stay in touch: Jack Rowe, who won a Navy Cross and lost an eye, teaches school and has 10 children; Taffy Sceva, still back-packing in the High Sierra; my pal Bob Simonis, retired as a colonel; Joe Owens, who fought at the "frozen Chosin" Reservoir; John Fitzgerald, the Michigan cop, twice wounded on Hill 749. Each of us appreciates how fortunate we are to have fought the good fight and returned. No heroic posturing. Just another dirty job the country wanted done, and maybe a million of us went. If we got lucky, a John Chafee was there to lead us.

Chafee later carved out a brilliant political career, including governor of Rhode Island, Secretary of the Navy and four terms as a U.S. Senator from Rhode Island. I had dinner with John and his wife, Ginnie, last fall: a meal, a little wine, laughter and good talk, a few memories. I'm glad we did that. Because John Chafee won't be marking today's anniversary. Last Oct. 24, still serving as a Senator, Captain Chafee died, 57 years after he first left Yale to fight for his country.

The funeral was in Providence, and my daughter Fiona, and I drove up. The President and First Lady were there and 51 Senators, as well as Pentagon chief Bill Cohen, the Commandant of the Marine Corps, a marine honor guard, people from Yale and just plain citizens, Chafee's five children and 12 grandkids, and a few guys like me who served under him in war. His son Zechariah began the eulogy on a note not of grief but of joyous pride:

"What a man! What a life!"

So, when you think today of that small war long ago in a distant country, remember the dead, those thousands of Americans. And the thousands of U.S. troops still there, ready to confront a new invasion. Think too of the Skipper—my friend. Capt. John Chafee.

THE HEROIC CAREER OF JOHN CHAFEE

I didn't know it at the time, but John Chafee already was a kind of legend when I met him. A college wrestling star, he dropped out of Yale at 19 to join the Marines after Pearl Harbor, fighting on Guadalcanal as a private, then made officers candidate school and fought on Okinawa as a lieutenant. He went back to Yale (and the wrestling team), was tapped by Skull and Bones, the honor society, and took a law degree at Harvard. Then as a married man (to Virginia Coates) with a child on the way, he went back to commanding riflemen in combat. A man with money and connections (his great-grandfather and great-uncle both had served as governor), he never took the easy out.

Chafee went on to become governor of Rhode Island, Secretary of the Navy and a four-term Senator—a Republican elected in one of our most Democratic states. He died last Oct. 14.

IN MEMORY

In the 37 months that the Korean War raged, thousands of Americans died. (For years, the number was thought to be 54,000 but recently was revised to 36,900.) More than 8000 are still missing. Yet only in 1995 was a national memorial finally dedicated. It includes a black granite wall with murals and stainless-steel statues of infantrymen slogging up a Korean hill. You can visit it at the National Mall in Washington, D.C.

The Korean War began on June 25, 1950, when the Soviet-backed army of North Korea smashed across the 38th Parallel to attack the marginally democratic Republic of Korea. With UN approval, the U.S. intervened, halting the Communists at the Naktong River. Then came Gen. Douglas MacArthur's brilliant end run at Inchon, the recapture of Seoul and the sprint north. But as winter approached, with temperatures at −20°F, about half a million Chinese came south, prolonging the fighting. The war ended with an armistice on July 27, 1953. It was an uneasy truce: Today, 35,000 American troops still are dug in, their weapons pointing north.

SEPARATING FACTS, FROM PARTISAN SMOKE

Mr. LEAHY. Mr. President, the Attorney General of the United States testified yesterday for almost 4 hours before the Senate Judiciary Committee to answer yet more questions about campaign finance investigations and independent counsel decisions. She did so with her typical candor and integrity.

Not willing to settle for the fact that this hearing revealed nothing new, certain Republican Members have today sought to muddy the waters and twist the facts. I would like to cut through this political haze and set the record straight.

These are rumored recommendation to appoint a special counsel.

It is not the "established custom" and "practice" of the Judiciary Committee or its subcommittees to announce publicly confidential Justice Department information relating to pending matters. Although Senator SPECTER did so this past week when he held a press conference and spoke on national television about a reported recommendation of the Justice Department's Campaign Finance Task Force Chief Robert Conrad, that disclosure was highly unusual. Although the Senator has characterized this information as obtained by way of "official investigation," such information nor its source has been shared with me or, to my knowledge, with any Democratic Member of the Committee or the Senate.

The only public statements of Mr. Conrad were made at a Judiciary Subcommittee hearing on June 21, 2000. In response to questions from Senator SPECTER regarding recommendations to the Attorney General with respect to a special prosecutor, Mr. Conrad stated, "That, I don't feel comfortable discussing in public. I would perceive whether I have done that or not as something that pertains to an ongoing investigation." (Subcommittee on Administrative Oversight and the Courts, "Oversight Hearing on 1996 Campaign Finance Investigations"). Senator SPECTER pressed him to discuss the matter in private, to which Mr. Conrad responded a firm, "no, I am not suggesting that. I am suggesting that my obligations as a prosecutor would prevent me from discussing that."

At the Judiciary Committee hearing yesterday, the Attorney General also declined to respond to any questions on recommendations that may or may not have been made regarding appointment of a special counsel. She said, "With respect to the present matter, as I said at the outset, I am not going to comment on pending investigations . . . I think it imperative for justice to be done that an investigation be conducted without public discussion so that it can be done the right way."

Other than the Attorney General and Mr. Conrad's public refusals to confirm or deny the existence of any recommendation, or to reveal the subject matter of any such recommendation, we have only Senator SPECTER's representation of information purportedly obtained from unknown sources and press accounts from unidentified "government officials" that Mr. Conrad has made any recommendation to the Attorney General about appointment of a special counsel. We have no confirmation from the principals involved that such a recommendation has actually been made nor of the subject matter of any such recommendation. Before Members of Congress invite the American public to think the worst about the Vice President and put him in the position of trying to prove his innocence of allegations, which even the anonymous sources have not detailed, we should heed the advise of the Attorney General to "be careful as you comment that you have the facts."

Despite the fact that the Attorney General has appointed seven independent counsels to investigate matters involving the President and various Cabinet Officers, and appointed a special counsel to investigate the tragic events at the Branch Davidian compound in Waco, Texas, Republican Members continue to press the charge that Attorney General Reno refused to appoint an independent counsel for campaign finance matters for some illegitimate reason. This charge is unfounded and refuted even by those people who disagreed with the Attorney General's decisions not to seek appointment of independent counsels for campaign finance matters, including the following.

> I do not believe for one moment that any of her decisions, but particularly her decisions in this matter, have been motivated by anything other than the facts and the law which she is obligated to follow.

Quoting FBI Director Louis Freeh, August 4, 1998.

> At the end of the process, I was completely comfortable with [the Attorney General's] decision not to seek an independent counsel and with the process by which she reached that decision.

Quoting Charles La Bella, Former Campaign Finance Task Force Supervisory Attorney, May 3, 1998.

The integrity and the independence of the Attorney General are "beyond reproach," quoting Charles La Bella, Former Campaign Finance Task Force Supervisory Attorney, August 4, 2000.

The Attorney General "made no decisions to protect anyone," quoting Charles La Bella, Former Campaign Finance Task Force Supervisory Attorney, May 2, 2000.

> [A]ll of the Attorney General's decisions were made solely on the merits, after full—indeed exhaustive—consideration of the factual and legal issues involved and without any political influence at all.

Quoting Robert Litt, Former Principal Associate Deputy Attorney General, June 21, 2000.

In response to whether he had any doubt about Attorney General Reno's integrity: "No, I do not," said Larry Parkinson, FBI General Counsel, May 24, 2000.

The only political pressure on the Attorney General has come from the Republican majority. I believe that it was on March 4, 1997 that Senator LOTT first introduced a Senate resolution proposing a sense of the Congress that the Attorney General should apply for the appointment of another independent counsel to investigate illegal fund-raising in the 1996 presidential election campaign.

Within 48 hours, on March 6, 1997, Senator HATCH had his own resolution to this effect added to the Judiciary Committee agenda. Ironically, Chairman HATCH made clear that we would not ask for an independent counsel to investigate the Vice President and telephone calls made from his White House office. He characterized the criticism of the Vice President as "scurrilous criticism." He said that he did "not think that the speculation surrounding the Vice President is as serious as some would make it" and indicated that he would not participate in making a big deal out of it. Even assuming that he had been engaged in a technical violation, the Chairman said that he would not call in an independent counsel to investigate those matters.

Rather than act in a fair, balanced and bipartisan way, on March 13, 1997, the ten Republican Senators on the Judiciary Committee served a letter on the Attorney General requesting the appointment of an independent counsel to investigate possible fund-raising violations.

The very next day, March 14, 1997, we were called upon to debate on the Senate floor the Republican Senate resolution that the Attorney General should call for the appointment of an independent counsel. During the five days of Senate debate, Senator BENNETT observed that he viewed the coffees at the White House as inappropriate but not illegal:

> [C]learly, it does not call for the appointment of an independent counsel. It is something we can talk about in the political arena. It is on the legal side of the line.

Nonetheless, when the time came to vote on the resolution the Republicans adopted it on a straight party-line vote. They then proceeded to table an alternative resolution, S.J. Res. 23, that would have called upon the Attorney General to exercise her best professional judgment, without regard to political pressures and in accordance with the standards of the law and the established policies of the Department of Justice to determine whether the independent counsel process should be invoked. That more even-handed language that did not prejudge the outcome or tell the Attorney General what to do was, likewise, opposed by every Republican Senator.

Thus, by their votes on March 14, 1997, every Republican Senator had evidenced that his or her mind was made up on these issues and as a party they marched lockstep to the conclusion that an independent counsel should be appointed. The House Republicans then refused to consider the resolution and it died without final action. Even after the multimillion dollar investigation by the Governmental Affairs Committee chaired by Senator THOMPSON into allegations of campaign finance, and the investigations by the Burton committee and in spite of the 20 convictions achieved by the Campaign Finance Task Force within the Department of Justice, the Specter investigation is now revisiting certain events from 1996.

The American people know a partisan endeavor when they see one. The American people know that the upcoming nomination and election of the next President of the United States are no justification for dragging these matters back into the Senate for more politics of personal destruction and innuendo and leaks and partisan investigating for short-term political gain. I had hoped that we had our fill of these efforts when the Senate rejected the efforts by Kenneth Starr and the House Republicans to force President Clinton out of the office to which he was twice elected by the American people. Regrettably, I was wrong and, apparently, some on this Committee are still engaged in destructive partisanship.

The Pendleton Act, 18 U.S.C. §607, prohibits the solicitation of campaign contributions, as defined by the Federal Election Campaign Act, on federal property. The Department of Justice has exercised a policy—through both Democratic and Republican Administrations—of declining to prosecute violations of section 607 that do not have some sort of aggravating factors like coercion of involuntary political donations. Indeed, the uncontroverted record of enforcement of the Pendleton Act demonstrates that both Republican and Democratic Justice Departments have applied this policy and declined to take action repeatedly over the past decades. By way of example, in 1976, the Justice Department declined to prosecute officials responsible for sending letters signed by President Ford to federal employees at their workplaces soliciting contributions on behalf of Republican congressional candidates. In 1988, prosecution was declined when two Republican Senators sent solicitation letters as part of a computerized direct-mailing to employees of the Criminal Division of the Justice Department. In response to my question at the hearing yesterday, the Attorney General confirmed that this remained the Justice Department's policy.

There is no evidence that fund-raising telephone calls, which the Vice President has acknowledged making from the White House, implicated any "aggravating factors" warranting prosecutorial attention. Nevertheless, and in the absence of such evidence, some have claimed that because a hard money component of the DNC media fund used to pay for television advertising in 1995 and 1996 may have been discussed at a meeting attended by the Vice President and fourteen others on November 21, 1995, the Vice President's statements two years later that he believed the media fund to be entirely of soft money were false. Yet, as the Attorney General testified yesterday, only two participants—not four as Senator SPECTER stated this morning—even recalled that the hard money component of the media fund had been mentioned at the 1995 meeting.

The Attorney General testified that thirteen participants did not recall any such discussion and:

> [w]hile the Vice President was present at the meeting, there is no evidence that he heard the statements or understood their implications so as to suggest the falsity of his statements 2 years later that he believed the media fund was entirely soft money, nor does anyone recall the Vice President asking any questions or making any comments at the meeting about the media fund, much less questions or comments indicating an understanding of the issues of the blend of hard and soft money needed for DNC media expenditures.

The Attorney General explained that the Justice Department lawyers had:

> concluded in this instance—that the range of impressions and vague misunderstandings among all the meeting attendees is striking and undercuts any reasonable inference that a mere attendance at the meeting should have served to communicate to the Vice President an accurate understanding of the facts.

The Attorney General did not "discount" the information provided by David Strauss, who was present at the time of the November 21, 1995 meeting in considering whether to appoint an independent counsel to investigate the Vice President and his knowledge of the hard money component of the media fund. Rather, as the Attorney General patiently explained yesterday, she fully considered the notes and the fact that Strauss himself believed the media campaign had been financed entirely with soft money. Indeed, this issue is discussed in full in the "Notification to the Court Pursuant to 28 U.S.C. 592(b) of Results of Preliminary Investigation" publicly filed on November 24, 1998.

As the Attorney General explained, the fact that Strauss's contemporaneous notes reflect discussion of the hard/soft money split, does not bear on the Vice President's recollection of the matter. Any discussion about "recorded recollection" misses the boat. Federal Rule of Evidence 803(5) states that a:

> memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made or adopted by this witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly

Will not be considered hearsay. However, regardless of whether Strauss's notes could be admissible at a hypothetical trial, the fact remains that they are irrelevant on the question of what the Vice President, not Strauss, knew or heard.

Although it was insinuated that thirteen memoranda from Harold Ickes are evidence as to the Vice President's knowledge of the hard money component of the media fund, as the Attorney General testified yesterday, only six or seven of those memoranda predated the telephone calls. In addition, as set forth in publicly filed court documents, there was no evidence that the Vice President had read them and the Attorney General testified that the Vice President's staff "corroborated his statement that he did not, as a matter of practice, read Ickes' memos."

As to the Standard of Proof to Move from a Preliminary Investigation to Independent Counsel, Republicans have repeatedly suggested that an independent counsel should have been appointed for the Vice President and have focused on whether there was "specific and credible information" regarding wrongdoing. This is a mischaracterization of the applicable standard under the now-lapsed Independent Counsel law. As the Attorney General clarified yesterday, that standard is only relevant to whether a preliminary investigation within the Justice Department should be commenced. Indeed, such an inquiry was conducted, and concluded, with regard to the Vice President on two occasions. The Attorney General also testified accurately that in order to seek an independent counsel following the conclusion of a preliminary investigation, she needed "reasonable grounds to believe that further investigation is warranted" of the matters that had been under investigation. This standard was also accurately reflected in the Attorney General's notifications to the court on this issue, in which she found no such "reasonable grounds" as to the Vice President.

Regarding the Hsi Lai Temple Matter, Republican Members questioned the Attorney General about the Vice President's visit on April 29, 1996 to the Hsi Lai Temple in Los Angeles and speculated that he was not fully forthcoming about his understanding of the nature of the event. The Vice President has consistently insisted that he was not aware this event was a fundraiser. Senator SMITH observed yesterday:

> I don't understand for the life of me why any individual would deny that he or she attended a fundraiser. Attending a fundraiser is not a bad thing.

Perhaps, the answer is as simple as this: that the Vice President did not know the temple event was a fund-raiser, just as he says.

The record is clear that the Vice President was initially scheduled to attend a fund-raising luncheon at a restaurant in Los Angeles on April 29, 1996, and that after the lunch, he was supposed to go to the temple, about 20 minutes away, for a community outreach event. No tickets were to be sold and no fund-raising was to take place at the temple. A few weeks before the events, the Vice President's schedulers determined there was not enough time for two events. The guests previously invited to the restaurant luncheon were told they could attend a luncheon at the temple dining hall after the formal ceremonies.

Although the luncheon at the temple was a DNC-sponsored event, no tickets were sold, no campaign materials were displayed, no table was set up to solicit or accept contributions, and the Vice President spoke about brotherhood and religious tolerance, not fund-raising. Attendees included a Republican member of the Los Angeles County Commission.

Notwithstanding these facts, Republican Senators have insisted that an email from an aide to the Vice President on March 15, 1996, suggests that the Vice President knew the Hsi Lai Temple event was a fund-raiser. This conclusion is wrong and ignores relevant facts. First, the original plan had been for the Vice President to participate both in a fund-raiser at a restaurant and a visit to the temple on April 29, 1996. Later that day he was to attend another fund-raiser at a private home in San Jose. The email to which the Republicans referred at the hearing, dated March 15, 1996, is from an aide and states in relevant part: "we've confirmed the fundraisers for Monday, April 29th. The question is whether you wish to seriously consider [another invitation in New York.]." The Vice President replied by email that "if we have already booked the fundraisers then we have to decline." Obviously, the fund-raisers to which these emails refer are the one fundraiser originally scheduled at a restaurant in Los Angeles, later cancelled, and the fundraiser in San Jose. They do not refer to the Hsi Lai temple visit.

Regarding oversight of the Peter Lee case, Senator SPECTER has claimed that the Peter Lee case is a closed matter and that it was somehow appropriate to interview the district court judge in that case. The record should be clear that the Lee case is in fact pending in at least two respects. First, Lee filed a motion to terminate his probation on September 28, 1999. Opposition to the motion was filed by the government on October 6, 1999. A decision on that motion had not yet been rendered at the time of the Senator's interview of the judge in February 1999 and may remain pending today. In addition, until either this motion is granted or Lee's term of probation expires, Lee will remain under the supervision of the court and the Probation Department. Should he commit any violations, his probation could be revoked by the judge and he could be sentenced to a term of imprisonment.

Concerning the idea that Judiciary Committee Senators should have standing in independent counsel matters, I have heard the suggestion that the Judiciary Committee should have standing to seek judicial review of the Attorney General's decisions on special counsel matters. This proposal seeks yet again to politicize the integrity of the process. It also ignores the fact that the independent counsel law is no longer in effect. The special counsel process is simply governed by Attorney General regulations. Surely this Committee should not have standing to intervene in the application of internal Justice Department regulations.

I have expressed concern about the damage that can be done to the integrity of the criminal justice system if the majority in Congress politicizes prosecutorial decision-making, including by interfering in ongoing criminal matters and pending investigations. Authorizing the majority of a standing Congressional Committee to initiate a criminal investigation is a bad idea.

VICTIMS OF GUN VIOLENCE

Mr. SCHUMER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

June 28, 1999:

Shawn Anderson, 28, Baltimore, MD; James Bennett, 54, Houston, TX; Charles Johnson, 43, Houston, TX; John J. Juska, 58, Cape Coral, FL; Kris Kempski, 32, St. Louis, MO; Samuel L. Leonard, 43, Chicago, IL; Keith McSwain, 21, Washington, DC; Alfredo Montano, 23, Chicago, IL; Ronald Posada, 22, Houston, TX; Latrell Thomas, 34, Chicago, IL; Robin Thompson, 21, Baltimore, MD; Taha Wheeler, 21, Detroit, MI; Willie Wilson, 44, Philadelphia, PA; Ronnie Woodall, 26, St. Louis, MO; and an unidentified male, 27, Portland, OR.

RUSSIA HUMAN RIGHTS

Mr. FEINGOLD. Mr. President, I wish to voice my concern about the deteriorating human rights situation in Russia. A decade after the break-up of the Soviet Union, Russia still faces enormous obstacles to becoming a stable and prosperous nation. Russia's GDP is less than half of what it was before the break-up, with much of its population impoverished and uncertain about its future. Russia's medical system is in near collapse, and both life expectancy birthrates have declined sharply. Crime is escalating, and corruption is widespread.

This is a scenario that would challenge any government. It will require great leadership to turn things around in order to move Russia towards greater freedom and prosperity. But recent events have made me fearful that, rather than leading Russia forward, President Putin and his government are leading their country back into the regrettable past.

The apparently baseless arrest of Vladimir Gusinsky raises new concerns about President Putin's commitment to an independent media, particularly in light of his government's abuse of Radio Liberty journalist Andrey Babitsky in retaliation for critical reporting from Chechnya. The Russian government has not heeded international calls for an independent investigation into reports of escalating human rights abuses allegedly committed by Russian troops against Chechen civilians. The reported harassment by the Putin government against some religious minorities, including pressure placed on a prominent Jewish group, is also extremely troubling.

Mr. President, a Russia that is democratic and free and follows the rule of law will be a strong and prosperity country, a source of pride to its people, and an ally respected by all nations. I call on Congress and the Administration to do all that is possible to ensure that President Putin moves his country towards this goal.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 27, 2000, the Federal debt stood at $5,650,719,953,982.79 (Five trillion, six hundred fifty billion, seven hundred nineteen million, nine hundred fifty-three thousand, nine hundred eighty-two dollars and seventy-nine cents).

One year ago, June 27, 1999, the Federal debt stood at $5,640,526,000,000 (Five trillion, six hundred forty billion, five hundred twenty-six million).

Five years ago, June 27, 1995, the Federal debt stood at $4,948,217,000,000 (Four trillion, nine hundred forty-eight billion, two hundred seventeen million).

Ten years ago, June 27, 1990, the Federal debt stood at $3,165,289,000,000 (Three trillion, one hundred sixty-five billion, two hundred eighty-nine million) which reflects almost a doubling of the debt—an increase of almost $2.5 trillion—$2,485,430,953,982.79 (Two trillion, four hundred eighty-five billion, four hundred thirty million, nine hundred fifty-three thousand, nine hundred eighty-two dollars and seventy-nine cents) during the past 10 years.

ADDITIONAL STATEMENTS

PRESERVING TYRE, LEBANON

• Mr. ABRAHAM. Mr. President, I rise today to recognize the American National Committee for Tyre and the International Association to Save Tyre for all the good work they are doing to raise awareness on the issue of preserving this great historical site. As many may know, Tyre, Lebanon was one of the most important cities in the classical era. It served as an administrative center of life for the people of the Mediterranean region, and was the birthplace for the modern day alphabet and democracy. If restored to its original beauty, and its antiquities are carefully unearthed and preserved, Tyre could become a world center for cultural education of past civilizations.

I am pleased to serve as the Honorary Chairman of the American National Committee and I am honored to work with my colleague and friend, Senator Claiborne Pell, whose previous 20 years of leadership on this issue remains invaluable.

There is no dispute that underneath the present day soil of Tyre lies the great archeological treasures of eight successive civilizations: the Phoenician, Persian, Roman, Greek, Byzantine, Arab, and Ottoman, as well as that of the Crusaders. Many attempts have been made to unearth these treasures, but present day realities have made it very difficult to implement a full fledged plan to discover these antiquities.

Tyre has been designated as a World Heritage site, and as such, should be treated with great respect for the education of future generations. The Government of Lebanon is searching for ways to protect the archeological sites while planning realistically for economic expansion and tourism. However there are problems.

The Lebanese Government recently approved building the southern extension of the coastal highway near many of the archeological treasures. The government has also permitted some of the coastal sea area to be refilled for the construction of parking lots. In addition, there has been damaging activity surrounding Tell El-Mashouk.

It is my hope that the Lebanese government will institute a master plan, cultural resources assessment, and a management plan for Tyre which will clearly map out the best approach at uncovering, preserving, and displaying these vast treasures. I do hope that the government will cease it present activity in the area until it can develop a workable and enforceable plan.

It seems a particularly appropriate time for the Lebanese Government to be planning their approach to the city of Tyre. With the Israeli withdrawal from the South of Lebanon, and peace close at hand, Lebanon can begin the process of rebuilding through tourism. It is my hope that part of the agenda to rebuild Southern Lebanon includes the preservation of the great city of Tyre and its surroundings, and I offer my assistance to do what I can in the United States to help the government of Lebanon achieve this goal.•

TRIBUTE TO WAYNE SHACKELFORD

• Mr. COVERDELL. Mr. President, I rise to pay tribute to a constituent, a distinguished public servant, and a friend—Wayne Shackelford, who recently retired as Commissioner of the Georgia Department of Transportation.

During his tenure, Commissioner Shackelford presided over the reshaping of Georgia's transportation network, helping build up our state's infrastructure for the 21st century. As one of the fastest growing states in the Union, with a population rapidly approaching 8 million, Georgia will face many challenges in the coming decades. We are well prepared to meet those challenges in large part thanks to the vision and leadership of Wayne Shackelford.

Since taking office in 1991, he has overseen the construction of more than 5,000 miles of new roads throughout the state, while stewarding such innovations as Georgia's first express lanes for buses and car pools and a computer system to monitor and manage traffic movement. In fact, Georgia DOT's Advanced Transportation Management System, NAVIGATOR, is the most complete model of an urban transportation management system in the United States and is being studied by transportation leaders worldwide.

Commissioner Shackelford is recognized for his interest in multimodal and intermodal transportation issues. He has refocused the efforts of Georgia DOT on the movement of people and goods, not just vehicles, and has looked beyond roads by initiating the development of passenger rail service and expanding rural airports to accommodate commuter aircraft.

His leadership extends to regional and national transportation policy development. He served as President of the Southeastern Association of State Highway and Transportation Officials in 1993 and was President of the American Association of State Highway and Transportation Officials in 1995. He was also Chairman of the Board of Directors of the Intelligent Transportation Society of America from 1998 to 1999 and continues to serve on the Board. In addition, he became Chairman of the Executive Committee of the Transportation Research Board of the National Research Council in January, 1999 and was a member of the President's Council on Year 2000 Conversion.

He has earned many national and state awards, including the Key Citizen of 1996 Award from the Georgia Municipal Association. In September, 1997, the State Transportation Board dedicated the Transportation Management Center in Atlanta as the Wayne Shackelford Building.

The Georgia DOT has also won many top national awards under Commissioner Shackelford's leadership, including the top national awards for asphalt and concrete paving for 1996 and the top quality construction awards from the National Asphalt Paving Association in 1997 and 1998. Georgia has been rated for two consecutive years—and for many of the past 15 years—as having the best-maintained roads in the nation.

For these and many other achievements it is my great pleasure to commend Commissioner Shackelford, to thank him for his many years of hard work and dedication on behalf of the people of Georgia, and to wish him well in all his future endeavors.•

TRIBUTE TO DR. NANCY FOSTER

• Mr. HOLLINGS. Mr. President, it is with the most heartfelt sadness that I rise today to commemorate the life of Dr. Nancy Foster, who passed away Tuesday at her home in Baltimore, Maryland. As I stand here today I recall that only a year ago I spoke to you about Dr. Foster's outstanding work as head of the National Ocean Service at the National Oceanic and Atmospheric Administration. The news of her passing was bitter pill. Not only was Dr. Foster a dedicated and visionary public servant, but she was also universally admired and loved. I know that her creativity, boundless energy, and compassion will be sorely missed both here and at NOAA. Dr. Foster's efforts in my home state of South Carolina both as head of NOS and then at NOAA's Fisheries Service were testaments to her skill at bringing groups together to solve incredibly complex coastal problems, from protecting our sea turtles to conserving and understanding our precious coastal resources. The world is a better place for her having served here with us.

Dr. Foster came to NOAA in 1977 and spent her career promoting programs to explore, map, protect and develop sustainably our Nation's coastal and fishery resources. She helped create the National Marine Sanctuary Program and Estuarine Research Reserve Program. These programs preserve America's near shore and offshore marine environments in the same manner as do the better known national parks and wildlife refuges on land. Nancy went on to serve as the Director of Protected Resources at NOAA's Fisheries Service, where she managed the Government's programs to protect and conserve whales, dolphins, sea turtles and other endangered and protected species. After that, Dr. Foster was named the Deputy Director of the Fisheries Service, where she forged alliances between fishing and conservation groups to ensure both the protection of our living marine resources and the sustainability of our human resources. I particularly recall her special efforts in South Carolina, where she worked hand in hand with our shrimpers to help them devise ways of keeping sea turtles out of their nets.

In 1977, Commerce Secretary Bill Daley and NOAA Under Secretary Jim Baker tapped Nancy to take over the National Ocean Service. Not only was she the first woman to direct a NOAA line office, but she was given one of the most senior levels a career professional can achieve; in other agencies or bureaus, such a position would be reserved for at least an Assistant Secretary-level official. NOS has the longest running mission of all the NOAA line offices—coastal mapping traces its lineage back to 1807—and she pioneered a reinvention effort that has made the Ocean Service one of the most modern and effective of the line offices. A proven innovator, she directed the total modernization of NOAA's essential nautical mapping and charting programs. In addition, along with Dr. Sylvia Earle she created a ground-breaking partnership with the National Geographic Society to launch a 5-year undersea exploration program called

'Sustainable Seas Expedition.' to rekindle our nation's interest in the oceans, and especially the national marine sanctuaries. This effort has sparked the kind of enthusiasm about the oceans that Jacques Cousteau created when I first came to the Senate.

While the Federal Government frequently recognized Dr. Foster's contributions through numerous important awards, she was also a person whom the rank and file employees at NOAA—the marine biologists, researchers, and managers—trusted and admired. She was a strong and enthusiastic mentor to young people and a staunch ally to her colleagues. She has, and always will, serve as a role model for professional women everywhere, especially those who work in the sciences. Nancy Foster was that rare official whom we in the Congress looked to for leadership, candor, and sensitivity, and we will all feel her loss deeply for years to come. I would like to offer my deepest appreciation for Dr. Foster's outstanding contribution to the Nation and send my sincerest condolences to her family and friends.•

NATIONAL DAY OF PRAYER

• Mr. ALLARD. Mr. President, on May 4, 2000 those attending the National Day of Prayer luncheon in Denver, Colorado got to hear an electrifying talk by Dr. Condoleezza Rice. I found the speech so moving, so inspiring that I wanted to share it with those who could not be in attendance that day to her remarks. "Condi," as she likes to be called, grew up in Denver, graduated Magna Cum Laude from Denver University and has served our country in many ways including service to former President George Bush as a chief expert on Russia. I ask that her speech be printed in the RECORD.

NATIONAL DAY OF PRAYER, DENVER, COLORADO, MAY 4, 2000

(By Dr. Condoleezza Rice)

Thank you very much. It is indeed a delight to be with you here in Denver for the Colorado Prayer Lunch. I do know quite a few people in the room, and there are good friends here from very far back in my history. I'm not going to tell you who they are because I don't want you to go up to them and ask them how I really was at fifteen or sixteen years old. But it's awfully nice to back here—home in Denver.

I bring you greetings from my family. My parents and I moved to Denver when I was twelve years old, and this is just a great place to live. I think the reason that it is such a great place to live is events like this. You look around and you see the love in the community, you see the strength in the community. It's nice to be back.

When I thought about what I'd like to talk with you about, I immediately reflected on the fact that this is of course our National Day of Prayer as well as the day for the Colorado Prayer Luncheon. And I thought about spending a few minutes with you talking about the relationship of personal faith, to faith in a community, to strength and forward movement in a community. Because very often we think about where we would like the community to go, we think about where we would like our leaders to take us. We very often forget that strong communities are built person by person, step by step, by the responsibility of each and every one of us. That responsibility and that strength, I believe, can come from many different sources, and certainly it comes from different sources for different people. But for many of us, and perhaps for most of the people in this room, it certainly relates to deep and abiding faith in God, whatever one's religious background. For me it comes from a deep and abiding faith in Jesus Christ.

Now I have to tell you that I was born into the church. I didn't have much choice. In fact, on the day that I was born which was a Sunday, at 11:48 my father was preaching a sermon. He had been told on Friday night that his child probably wasn't going to be born for a couple of days, so go ahead on Sunday and preach the sermon. And my goodness when he came out of the pulpit on Sunday, he had a little girl.

We lived in the back of the church until I was three and then moved into a parsonage. My grandparents were religious people. I studied piano from the age of three. I could read music before I could read. But the first song that I learned was "What a Friend We Have in Jesus." And then I learned to play "Amazing Grace," etc. etc.

My grandfather was a deeply religious person. Indeed I have a lot of heroes in my life, but Granddaddy Rice is perhaps the most remarkable because you see back in about 1920 he was a sharecropper's son in Ewtah, Alabama. One day he decided he wanted to get book learning, heaven knows why. And so he asked people how could a colored man go to college, and they said, "Well, you see if you could get to Stillman College (which is this little Presbyterian college down the road) then you could go to college there." So he saved up his cotton, went to Stillman College, paid for his first year and then the second year they said, "Now how do you plan to pay for your second year?" And he said, "Well, I've used all the money I have." And they said, "Well, you'll have to go home," And he said, "Well, how to those boys go to college?" They said, "Well, you see they have what's called a scholarship, and if you wanted to be a Presbyterian minister, then you could have a scholarship too." My grandfather said, "You know, that's exactly what I had in mind," and he became college educated, and my family has been Presbyterian ever since.

So I was born into the church. My earliest memories are of Sunday school and choir practice and youth fellowship, and indeed if you're a minister's child, you have some kind of strange memories because you see when I heard that story about Christ coming again, I figured when I was about six years old that if he was going to come again anyway, He might as well come to Westminster Presbyterian Church because that would certainly help the flagging attendance in the summer. And so I would pray, "If you're going to come, Christ, come to my father's church. He could use the help." You see you had different ways of thinking about religion when you were a preacher's child.

But because I was born into the church, I never really doubted the existence of God. I can tell you that I accepted from the earliest years the whole mystery of the faith, the birth, the life, the death, and the resurrection as truth. Mine then is not a story of conversion to faith. The existence of God was a given for me. That Jesus Christ was His son was a given for me. But while mine is not a story of conversion, it is a story of a journey to deepen my personal faith, and I would imagine that for many of you, a story that resonates, a story that has a familiar ring. You see, it's easy when you are born to religious faith to take that faith for granted, and not to deepen and to grow in it, not to question, and to become comfortable with it.

When we moved here to Denver, I was at Montview Boulevard Presbyterian Church. I was in the choir. I met some members of Montview Boulevard here today with whom I sang in the choir. It was a wonderful church, a large church. And then I moved to California, and for awhile I continued to go to church as I had done every Sunday since I could remember. But you know pretty soon things got busy. And so before you knew it, Sundays were for something else. Maybe I had to work. Maybe I had to do something about that lecture that I had to give on Monday. I was always traveling because I'm a specialist in international politics, so maybe I was in some other time zone, and when I got home I was just too tired to go to church. And slowly but surely my faith which I'd always taken for granted was there, but it was rather in the deeper recesses of my mind, not front and center in the way that I lived my life daily.

A funny thing happened in that period to me. One Sunday morning when I knew I should have been in church, I was in the Lucky Supermarket instead. And I was walking among the spices buying food, and I'll never forget running into a black man there. And if you know Palo Alto, that's a rare occurrence anyway. And he told me he was buying some food for his church picnic, and we talked a little, and then he looked right at me and he said, "Do you play the piano?" And I said "Yes, I play the piano," And he said, "You know my church, Jerusalem Baptist Church down the road here just a little bit, needs somebody to play the piano. Would you come and play the piano for us?" And so I did for several months go and play the piano for Jerusalem Baptist Church. And I thought, "If that's not the long reach of the Lord into the Lucky Supermarket on a Sunday morning, what is?" But as a result of going there and playing and getting involved again with the church community, I began to see how much my faith, which I'd taken for granted, was becoming unpracticed, that it was no longer really becoming a part of the way that I lived my daily life.

And so I started seeking out a church home, and I found Menlo Park Presbyterian in Menlo Park right next to Palo Alto. And one of the first sermons that I heard at Menlo Park Presbyterian Church just reached out and grabbed me because it said where I was in my own faith. And it was the story of the prodigal son. But it was the story of the prodigal son told from the perspective of the older son, not from the son who had to come home, but the son who had always been there. And the minister talked about how the older son was really appalled, angry, and couldn't quite understand why while be had been there toiling in the fields and had been a good son and had supported his family, why there was all this excitement when the prodigal son came home.

And I thought about it, and maybe what Christ was saying here, what God was saying, was that the prodigal son who had to be born again to this faith was being brought powerfully back to his faith. While the older son who had always been there doing what he was supposed to do but maybe just doing it in the most routine fashion was losing what's most important about faith, and that's the deepening and the fire that comes from having it tested, from having to worry about it, from having to think about it, from having to bat it around in your mind from time to time so that it doesn't become stale. And I suddenly saw myself as the elder son. And I thought at that time, it's time to renew my faith and not to take it for granted. And you know, it's a good thing that I did because I was soon to learn why faith is so important in your daily life.

It was about a year and a half after coming back to my faith that I lost my mother, and I can tell you that I could not have gotten through that without a strong and robust faith. You see the preparation for struggle that faith accords you is not something that you can call on the day that it happens. You have to have honed it, you have to have worked at it, it has to have become a part of you. I began to understand during that period of time when I really was experiencing the peace that passeth all understanding, that faith is honed in struggle, that Paul was absolutely right when he wrote in Romans that we are justified in faith and that struggle brings patience, and patience hope, and hope is not disappointed. Because it is in that time of struggle that we learn that we are resilient human beings, that we have at our core the ability to rebound and to go on.

Over the years, I have become more and more interested in the stories of struggle—whether it is the death of a loved one, whether it is what Colorado went through in Columbine, whether it is the struggle that interestingly built Stanford University. Do you know that Stanford University was built by Governor and Mrs. Stanford to honor their only child who died of typhoid at sixteen years old? And Mrs. Stanford writes in her letters that she wanted to die too when her son and then her husband died shortly thereafter, but she understood that her faith was telling her to go on, to pick up the pieces, to do something for other people's children. And so Stanford University was from the Stanfords a living monument to other people's children, born of the test of faith, the test that is struggle. And I began to understand too the words of an old Negro spiritual that had always been somewhat confusing—"Nobody knows the trouble I've seen. Glory Hallelujah"? What does that mean? It means that out of struggle, faith is honed.

Now why is faith honed out of struggle? First of all, because you are at that time forced to confront the relationship between faith and doubt. When my mother died, I didn't have any good answers. Did I on the one hand pray to God for understanding and on the other hand doubt why this had happened? Of course when Columbine happened, did you on the one hand pray for understanding and doubt why had it happened? But faith, and indeed the lessons of Christ teach us that faith can be strengthened by doubt. It doesn't have to be weakened by it.

Some of my favorite stories in the Bible actually come from the time when Christ is preparing to die. And when the disciples—men who had walked with Him for the entire time of His ministry, men who knew Him better than anyone else—found themselves doubting and fearful of what was to come. He said, "I'll go to prepare a place for you." They said, "Take us with you because we don't actually know where you're going." This isn't very reassuring. And of course the story of Thomas which we had always been taught in a kind of pejorative sense "the doubting Thomas," but in fact what did Christ say? "Here, feel my side. Touch the wounds." He didn't say just "Leave." Doubt and faith have gone together from the beginning of our religious experiences. And in times of struggle, we are forced to work through our doubts in order to re-energize our faith.

Times of struggle also challenge us on the relationship between faith and reason because most of us live most of our lives in our heads. We try and understand why. And if you are like me and you live in an intellectual community, if you can't prove it, if you can't see it, then you can't possibly believe it. And yet there are those times when reason just will not do the job. I noticed the little quote by Abraham Lincoln in the bulletin this morning. "I've been driven many times to my knees by the overwhelming conviction that I had nowhere else to go. My own wisdom and that of all about me seemed insufficient for the day." How many times has your reason, your intellect failed you and you've had to fall back on faith? In times of struggle, we learn to trust, we learn to fall back on faith, we learn to fall back on that which cannot be seen and cannot be understood, and it makes us stronger.

Finally, in times of struggle, perhaps more than at other times, we are reminded also of the responsibilities of faith, particularly if we've been through struggles ourselves and we are called on to participate in, to be a part of someone else's struggle. And it is that relationship between personal faith and taking one's faith into the community to make it better that I want to explore for a moment now—to take the lessons and the power of faith outside of our own personal experiences and into the community at large.

Now in order to do that, you have to draw on other parts of your faith. You have to draw on what has been honed and toughened inside you when you yourself have struggled. But you also have to draw on the power that is there for you to first and foremost be optimistic. When I am very often asked what has faith done for me that is most important, I say that yes it's been there for me in tough times and struggle, but I think it's also made me an optimistic person. It's made me a person who believes that there can be a better tomorrow.

If you don't believe that faith plays its role in making you an optimistic person, think of the people who built this country and the optimism that must have come from their faith. Have you ever wondered what it must have been like to come across the Continental Divide without roads? They must have had faith that they were going to make it. They must have had optimism about what was possible on the other side. They must have gone together and indeed from that they built a great country. Have you ever wondered about the faith and optimism of my ancestors, slaves who were three-fifths of a man who endured the most awful hardships of day-to-day life and yet somehow looked optimistically to a future? They must have done it out of the strength of their faith. They must have done it out of the optimism that only faith can give.

But imparting that optimism to people who are in need, imparting the mysteries and the lessons of faith to people who are in struggle is sometimes, oddly enough, easier than imparting and using the lessons of faith in everyday life. Sometimes we mobilize to use our faith when things are tough. This city mobilized around Columbine. People are able to bring themselves to love one another—Greeks and Turks after the earthquake in Turkey, because you're mobilized in your faith to help. But what about day to day in your interactions with people in the community? Can you mobilize your faith in the same way?

I think sometimes the biggest impediment to mobilizing our faith in our day to day interactions in trying to make our communities better is really in our lack of humility about what we as mere human beings can bring to the table. You know sometimes people of faith are wonderful at dealing with people in need. But in more normal times we're our own worst enemy because sometimes the shouting, the desire to lecture, overwhelms the desire to lecture, overwhelms the desire to listen and to understand. I think sometimes that the greatest impediment to people of faith in really making a difference in their communities to people on a daily basis—not just when we need to be mobilized—is that we sometimes have trouble, as people of faith, meeting people where they are, not where we would like them to be.

And hereto, I draw on a lesson from Christ. Have you ever noticed that when Christ was interacting with people, He found a way to meet them where they were? With the rich young leader, it was confrontational—to give up everything and to give it to the poor was pretty confrontational. With Lazarus and the sisters, it was dramatic—a miracle. With the woman at the well, it was kind and understanding and quiet. How many of us as people of faith have that entire repertoire at our disposal? When we deal with people, do we ever stop shouting so loud that they can hear through us the still, small voice of calm, remembering afterall that we will not personally work miracles in people's lives? That is the work of God. But if we are to be a conduit, we have to be a conduit that is willing to listen, a conduit that is willing to help with humility, and a conduit that is willing to meet people where they are.

Those I think are the lessons of faith—to hone our personal faith, to practice it every day, to pray for our leaders and for those who must carry the heavy burdens, and to try to use our faith and its lessons, not just when we need to be mobilized, but in our everyday interactions. Because only then can people of faith really make a difference in communities at home and communities abroad.

Thank you very much, and God bless you.●

MR. LLOYD A. SEMPLE RECEIVES 2000 JUDGE LEARNED HAND AWARD

● Mr. ABRAHAM. Mr. President, each year, the American Jewish Committee's Metropolitan Detroit Chapter presents one individual with its Judge Learned Hand Human Relations Award. Recipients of this award are honored for their outstanding leadership within the legal profession, and for exemplifying the high principles for which Judge Learned Hand was renowned. I rise today to recognize Mr. Lloyd A. Semple, who will receive the 2000 Judge Learned Hand Award on June 29, 2000, in Detroit, Michigan.

Mr. Semple is the Chairman of one of Detroit's oldest and most prestigious law firms, Dykema Gossett, PLLC.

Founded in 1926, Dykema Gossett provides legal services to a broad range of clients, from international and Fortune 500 companies to individuals and small "Mom and Pop" businesses. Its mission has remained constant throughout its almost seventy-five years: to provide the best possible legal advice and service to its clients. The firm has grown over 270 lawyers strong, and now has locations in the following Michigan cities: Ann Arbor, Bloomfield Hills, Grand Rapids, and Lansing; as well as offices in Chicago and Washington, D.C. In addition, Dykema Gossett has recently gone global, forming an affiliation with a firm in Bologna, Italy.

In his time as Chairman, Mr. Semple has overseen this growth and adaptation to the "new economy" while at the same time stressing the importance of pro bono work to the members and associates of Dykema Gossett. Twice in recent years the law firm has been recognized by the Detroit Metropolitan Bar Association for its efforts in this regard. In 1998, Dykema Gossett was selected by the Business Law Section of the American Bar Association as the firm that made the most outstanding pro bono contribution in the United States in transactional and business related areas. In addition, members and associates donate their time and resources to a host of charitable and civic organizations, recognizing the importance of being not only a community member, but a community leader. Much of this is attributable, I think, to the strong leadership of Mr. Semple, and his belief that a good business should also strive to be a good neighbor.

Mr. Semple himself practices general corporate law, including acquisitions, divestitures, mergers and financings. He received his Bachelor of Arts degree from Yale University, and his Jurist Doctorate from the University of Michigan. He is a member of the Detroit Metropolitan Bar Association, the American Bar Association, and the State Bar of Michigan. He is a Director and/or Officer of Interface Systems, Inc., Sensys Technologies Inc., Tracy Industries, Inc., and Civix, Inc.

In addition, Mr. Semple serves as Chairman of the Board of Trustees of the Detroit Medical Center; Chairman of the Executive Committee of the Detroit Zoological Society; and is a Trustee of Detroit Symphony Orchestra Hall. He is the Director and Corporate Secretary, as well as a Trustee, of the Barbara Ann Karmanos Cancer Center, an organization which raises funds for the awareness and prevention of breast cancer. He has served as Chairman of the Board of Harper Hospital, Councilman and Mayor Pro Tem of the City of Grosse Pointe Farms, President of the Yale Alumni Association of Michigan and President of the Country Club of Detroit.

I applaud Mr. Semple on his many achievements within the realm of the law, and his many charitable endeavors outside of that realm. Not only the City of Detroit, but the entire State of Michigan, has benefitted from his many great works. On behalf of the United States Senate, I congratulate Mr. Lloyd A. Semple on receiving the 2000 Judge Learned Hand Award, and wish him continued success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 809. An act to amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service.

H.R. 1959. An act to designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center."

H.R. 3323. An act to designate the Federal building located at 158–15 Liberty Avenue in Jamaica, Queens, New York, as the "Floyd H. Flake Federal Building."

H.R. 4608. An act to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the "James H. Quillen United States Courthouse."

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 312. Concurrent resolution expressing the sense of the Congress that the States should more closely regulate title pawn transactions and outlaw the imposition of usurious interest rates on title loans to consumers.

H. Con. Res. 333. Concurrent resolution providing for the acceptance of a statue of Chief Washakie, presented by the people of Wyoming, for placement in National Statutory Hall, and for other purposes.

H. Con. Res. 344. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to present the Congressional Gold Medal to Father Theodore Hesburgh.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, with an amendment.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 1309. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

H.R. 2614. An act to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes.

At 3:45 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 4733. An act making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILLS SIGNED

The enrolled bill (S. 1309) was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 809. an act to amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service; to the Committee on Environment and Public Works.

H.R. 4608. An act to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the "James H. Quillen United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 4733. An act making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

The following concurrent resolutions was read, and referred as indicated:

H. Con. Res. 312. Concurrent resolution expressing the sense of the Congress that the States should more closely regulate title pawn transactions and outlaw the imposition of usurious interest rates on title loans to consumers; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2801. A bill to prohibit funding of the negotiation of the move of the Embassy of the People's Republic of China in the United States until the Secretary of State has required the divestiture of property purchased by the Xinhua News Agency in violation of the Foreign Missions Act.

The following bill was read the first and second times by unanimous consent, and ordered placed on the calendar:

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9427. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Packaging, Handling, and Transportation" received on June 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9428. A communication from the Associate Administrator of Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Risk Management" received on June 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9429. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fishery Management Plans of the Gulf of Mexico; Addition to FMP Framework Provisions; Stone Crab Gear Requirements" (RIN0648-AL81) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9430. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Fisheries of the Northeastern United States; Final 2000 Fishing Quotas for Atlantic Surf Clams, Ocean Quahogs, and Maine Mahogany Quahogs" (RIN0648-AM49) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9431. A communication from the Federal Highway Administration Regulations Officer, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Carrier Safety Regulations; General; Commercial Motor Vehicle Marking" (RIN2126-AA14) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9432. A communication from the Regulations Officer, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Policy Guidance Concerning Application of Title VI of the Civil Rights Act of 1964 to Metropolitan and Statewide Planning" received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9433. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Sturgeon Fishery" (RIN0648-AL38) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9434. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Regulatory Amendment Under the Framework Provisions of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico to Set Gag/Black Grouper Management" (RIN0648-AM70) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9435. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Reexamination of the Comparative Standards for Noncommercial Educational Applicants" (MM Docket No. 95-31, FCC 00-120) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9436. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cheyenne, Wyoming, and Gering, Nebraska)" (MM Docket No. 97-106; RM-9044,9741) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9437. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Anniston and Ashland, Alabama, and College Park, Covington, Milledgeville and Social Circle, Georgia)" (MM Docket No. 98-112) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9438. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bayfield, Colorado and Teec Nos Pos, Arizona)" (MM Docket No. 99-103; RM-9506; RM-9829) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9439. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Drummond and Victor, Montana" (MM Docket No. 99-134) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9440. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Madisonville, Texas" (MM Docket No. 99-236) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9441. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Seymour, Texas" (MM Docket No. 99-340) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9442. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Saranac Lake and Westport, New York)" (MM Docket No. 99-83) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9443. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Moncks Corner, Kiawah Island, and Sampit, South Carolina)" (MM Docket No. 94-70) received on June 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9444. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cheyenne, Wyoming and Grover, Colorado)" (MM Docket No. 96-242; RM-8940, RM-9243) received on June 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9445. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Monahans and Gardendale, Texas" (MM Docket No. 99-302) received on June 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9446. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, East River, Wards Island (CGD01-00-113)" (RIN2115-AA97(2000-0025)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9447. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, Naval Station Newport, Newport, RI (CGD01-99-197)" (RIN2115-AA97(2000-0026)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9448. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Parade of Tall Ships Newport 2000, Newport, RI (CGD01-99-198)" (RIN2115-AA97(2000-0027)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9449. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; China Basin, Mission Creek, San Francisco, CA (CGD11-00-003)" (RIN2115-AE47(2000-0029)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9450. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; OPSAIL 2000 Fireworks Displays and Search and Rescue Demonstrations, Port of New York/New Jersey (CGD01–00–009)" (RIN2115–AA97(2000–0028)) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9451. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Ocean View Beach Park, Chesapeake Bay, VA (CGD05–00–118)" (RIN2115–AA97(2000–0029)) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9452. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Coast Guard Activities New York Annual Fireworks Displays (CGD01–00–005)" (RIN2115–AA97(2000–0030)) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9453. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, New York Harbor Ellis Island (CGD01–00–137)" (RIN2115–AA97(2000–0031)) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9454. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Pine River (Charlevoix), Michigan (CGD09–00–001)" (RIN2115–AE47(2000–0030)) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9455. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Atlantic Intracoastal Waterway, mile 1084.6, Miami, FL (CGD07–00–053)" (RIN2115–AE47(2000–0031)) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9456. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Navigable Waters Within the First Coast Guard District (CGD01–98–151)" (RIN2115–AE48(2000–0002)) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9457. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fishing Capacity Reduction Program" (RIN0648–AK76) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9458. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Final rule to revise at-sea scales and observer sampling station and observer transmission of data requirements" (RIN0648–AL88) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9459. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Tautog; Interstate Fishery Management Plans; Cancellation of Moratorium" (RIN0648–AN48) received on June 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9460. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Designating the Cook Inlet, Alaska, Stock of Beluga Whale as Depleted Under the Marine Mammal Protection Act" (RIN0648–AM84) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9461. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closure for Hook-and-Line Gear Groundfish in the Gulf of Alaska, Except for Sablefish or Demersal Shelf Rockfish" received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9462. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Bering Sea Subarea of the Bering Sea and Aleutian Islands to Directed Fishing for Greenland Turbot" received on June 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9463. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Gulf of Alaska for Shallow-Water Species Using Trawl Gear" received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9464. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2000 Specifications" (RIN0648–AM49) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9465. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Extension of Expiration Date of an Emergency Interim Rule Implementing Stellar Sea Lion Protection Measures for the Pollock Fisheries Off Alaska" (RIN0648–AM32) received on June 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9466. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 4 to the Fishery Management Plan for the Coral, Coral Reefs, and Live/Hard Bottom Habitat of the South Atlantic Region" (RIN0648–AL43) received on June 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9467. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Interim rule; extension of effective date" (RIN0648–AN41) received on June 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9468. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Shark Fishing Season Notification" (RIN: I.D.052500B) received on June 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9469. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Uniform Tire Quality Grading Test Procedures" (RIN2127–AG96) received by May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9470. A communication from the Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Improved Methods for Ballast Water Treatment and Management and Prevention of Small Boat Transport of Invasive Species: Request for Proposals for Fiscal Year 2000" received by May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9471. A communication from the Chairman of the Office of General Counsel, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Interpretations and Statements of Policy Regarding Ocean Transportation Intermediaries" received by June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9472. A communication from the Deputy Division Chief, Competitive Pricing Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long Distance Users, Federal-State Joint Board On Universal Service. CC Docket Nos. 96–262, 94–1, 99–249, and 96–45." (FCC00–193) received by June 1, 2000; to the Committee on Commerce, Science , and Transportation.

EC–9473. A communication from the Senior Attorney, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Smoking Aboard Aircraft" (RIN2105–AC85) received by June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9474. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Privacy of Consumer Financial Information" (RIN3084–AA85) received on June 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9475. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Maine Yankee Steam Generator and Pressurizer Removal Wiscasset, ME (CGD1-00-129)" (RIN2115-AA97 (2000-0021)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9476. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; OpSail Miami 2000, Port of Miami (COTP Miami 00-015)" (RIN2115-AA97 (2000-0022)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9477. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Transit of S/V Amerigo, Vespucci, Chesapeake Bay, Baltimore, MD (CGD05-00-004)" (RIN2115-AA97 (2000-0023)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9478. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; (Including 69 regulations)" (RIN2115-AA97 (2000-0024)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9479. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; (Including 13 regulations)" (RIN2115-AE46 (2000-0004)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9480. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Termination of Regulated Navigation Area: Monongahela River, Mile 81.0 to 83.0 (CGD08-00-010))" (RIN2115-AE84 (2000-0001)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9481. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Outer Continental Shelf Platforms in the Gulf of Mexico (CGD08-99-023)" (RIN2115-AF93) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system (Rept. No. 106-324).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

H.R. 4249: An act to foster cross-border cooperation and environmental cleanup in Northern Europe.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 239: A resolution expressing the sense of the Senate that Nadia Dabbagh, who was abducted from the United States, should be returned home to her mother, Ms. Maureen Dabbagh.

S. Res. 309: A resolution expressing the sense of the Senate regarding conditions in Laos.

S. Res. 329: A resolution urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Con. Res. 57: A concurrent resolution concerning the emancipation of the Iranian Baha'i community.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 122: Concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania, and calling for positive steps to promote a peaceful and democratic future for the Baltic region.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

Ross L. Wilson, of Maryland, a Career Member of the Senior Foreign Service Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

Nominee: Ross L. Wilson.

Post: Ambassador to Azerbaijan.

Nominated: February 1, 2000.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, Donee:

1. Self: none.
2. Spouse: Marguerite H. Squire, none.
3. Children and Spouses: C. Blake Wilson, none; Grady S. Wilson, none.
4. Parents: John A. Wilson, none; Winnidell G. Wilson, approximately $50.00 (total), various 1995-2000, women candidates of Democratic Farmer Labor Party of Minnesota.
5. Grandparents: Osmyn B. Wilson, deceased; Edna B. Wilson, deceased; Andrew J. Gravitt, deceased; Winnidell Gravitt, deceased.
6. Brothers and Spouses: Murray D. Wilson, approximately $100.00 (total), various 1995-2000, Democratic Farmer-Labor Party of Minnesota; Becky Wilson, none.
7. Sisters and Spouses Joanne Lindahl, approximately $200.00 annually, 1995-2000, American Express Political Action Committee; Duane Lindahl, none.

Karl William Hofmann, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic.

Nominee: Karl Hofmann.

Post: Togo.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Barrie F. Hofmann, spouse, none.
3. Elisabeth B. Hofmann, daughter, none; William K. Hofmann, son, none; Zoe R. Hofmann, daughter, none.
4. Janet R. Hofmann, mother, $100—1994, $200—1995, $175—1996, $200—1998, Representative Anna Eshoo; $60—1994, $35—1995, Senator Diane Feinstein; $125—1998, Senator Barbara Boxer; William W. Hofmann, father, none.
5. George J. Reese, grandfather, deceased; Florence R. Reese, grandmother, deceased; William Hofmann, grandfather, deceased; Madeleine W. Hofmann, grandmother, deceased.
6. Mark R. Hofmann, brother, none; Janice Hofmann, sister-in-law, none.
7. Marilyn Hofmann Jones, sister, none; Steven Jones, brother-in-law, none;

Janet A. Sanderson, of Arizona, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic and Popular Republic of Algeria.

Nominee: Janet A. Sanderson.

Post: Ambassador to Algeria.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse:
3. Children and Spouses names, none.
4. Parents names: John M. Sanderson, none; Patricia M. Sanderson, none.
5. Grandparents names: Emil and Marjorie Budde, deceased; John and Gail Sanderson, deceased.
6. Brothers and Spouses names: Michael J. Sanderson, none.
7. Sisters and Spouses names, none.

Donald Y. Yamamoto, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

Nominee: Donald Y. Yamamoto.

Post: Ambassador to Djibouti.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: Donald Yamamoto, none.
2. Spouse: Margaret Yamamoto, none.
3. Children and Spouses, names: Michael Yamamoto, none; Laura Yamamoto, none.
4. Parents names: Mr. & Mrs. Hideo & Lillian Yamamoto, none.
5. Grandparents names: Mr. and Mrs. Yamamoto, deceased; Mr. and Mrs. Matsuura, deceased.
6. Brothers and Spouses, names: Mr. Ronald Yamamoto, none.

7. Sisters and Spouses names: No Sister.

John W. Limbert, of Vermont, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

Nominee: John W. Limbert.

Post: Ambassador to Mauritania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses names: Mandana Limbert, Shervin Limbert, none.
4. Parents: deceased.
5. Grandparents: deceased.
6. Brothers and Spouses, none.
7. Sisters and Spouses names: Ms. Lois Witt, none; Mr. Hal Witt, none; Ms. Valerie Olson, none; Spouse deceased.

Roger A. Meece, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America, to the Republic of Malawi.

Nominee: Roger A. Meece.

Post: Ambassador to Malawi.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee

1. Self: none.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents names: Mary Jane Meece, none.
5. Grandparents names: N/A.
6. Brothers and Spouses, names: Stephen and Victoria Meece, none; Lawrence and Barbara Meece, $35.00 2/1/99, Sen. Slade Gorton, $25.00 10/2/98, Wash. State Repub. Committee, $25.00 1/15/95 Sen. Slade Gorton.
7. Sisters and Spouses names: N/A.

Mary Ann Peters, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Nominee Mary Ann Peters.

Post Ambassador to Bangladesh.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: Timothy M. McMahon, none.
3. Children and Spouses Names: Margaret McMahon, none; Anthony McMahon, none.
4. Parents Names: Margaret C. Peters, none; Robert M. Peters none.
5. Grandparents Names: Anthony Camarata deceased; Mark W. Peters, deceased, Cornelia Camarata deceased; Margaret D. Peters deceased.
6. Brothers and Spouses, Names: Mark W. Peters, none.
7. Sisters and Spouses Names: Margaret Peters Fox, none, Theodore P. Fox none; Susan P. Peters, $250, May 19/99, Rep. Anne Northrup (R-Ky), $500, July 2/98, GEPAC (Rep. Anne Northrup), $200, Sept. 5/97, GEPAC (Rep. Anne Northrup), $50, Aug. 7/96, GEPAC, $30, Sept. 5/95, GEPAC, $25, Sept. 13/94, GEPAC; Constance Peters Murphy none; Brian P. Murphy, $100, 1997, Tom Davis (R-Va), $100, 1997, Jim Moran (D-Va); Virginia M. Peters, none; Robert A Peters Bigley, none, Mark Bidley none.

John Edward Herbst, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

Nominee: John E. Hebst.

Post: Uzbekistan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: None.
3. Children and Spouses Names: Maria Herbst, Ksenia Herbst, Alexsandra Herbst, Nicholas Herbst, John Herbst, none.
4. Parents: Christopher Herbst, deceased; Mary Herbst, deceased.
5. Grandparents Names: John Herbst and Sadia Herbst, deceased; Egidio Vaccheli and Ierene Vaccheli, deceased.
6. Brothers and Spouses. Names: none.
7. Sisters and Spouses. Names: Christine Herbst: none; Mitchelle Stern: none.

E. Ashley Wills, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Nominee: E. Ashley Wills.

Post: Sri Lanka and the Maldives.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: 0.
2. Spouse: 0.
3. Children and Spouses Names: Zachary, 0, Olivia, 0.
4. Parents Names: James A. Wills, 0, Frankie B. Wills, 0.
5. Grandparents Names: All deceased years ago.
6. Brothers and Spouses Names: James A. Wills III, 0, Kadi Wills, 0.
7. Sisters and Spouses Names: Joan L. Wills, 0.

Carlos Pascual, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Nominee: Carlos Pascual.

Post: Ambassador to Ukraine.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: $100.
2. Spouse: $100.
3. Children and Spouses names: no children.
4. Parents names: none.
5. Grandparents names: deceased.
6. Brothers and Spouses names: no brothers.
7. Sisters and Spouses names: no sisters.

Sharon P. Wilkinson, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Nominee: Sharon P. Wilkinson.

Post: Ambassador to Mozambique.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: NA.
3. Children and Spouses Names: NA.
4. Parents Names: Fred Wilkinson (deceased), Jeane Ann Wilkinson, none.
5. Grandparents Names: Deceased.
6. Brothers and Spouses Names: Frederick D. Wilkinson III, none.
7. Sisters and Spouses Names: Dayna J. Wilkinson, none.

Owen James Sheaks, of Virginia, a Career Member of the Senior Executive Service, to be an Assistant Secretary of State (Verification and Compliance). (New Position)

Pamela E. Bridgewater, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

Nominee: Pamela E. Bridgewater.

Post: Ambassador to the Republic of Benin.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: no spouse.
3. Children and Spouses Names: no children.
4. Parents Names: Mary E. Bridgewater, $200.00, April 2000, Lawrence Davies for Congress campaign; Joseph N. Bridgewater (deceased).
5. Grandparents Names: Rev. B.H. and Blance A. Hester (deceased); Mrs. Ethel Bridgewater (deceased).
6. Brothers and Spouses Names: Joseph Bridgewater III (stepbrother), none; no spouse.
7. Sisters and Spouses Names: Claudia Walton (stepsister) none; Michael Walton (spouse), none.

Pamela E. Bridgewater, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

(The above nominations were reported with the recommendations that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 2803. A bill to provide for infant crib safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2804. A bill to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office"; to the Committee on Governmental Affairs.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN) (by request):

S. 2805. To amend the Federal Property and Administrative Services Act of 1949, as amended, to enhance Federal asset management, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2806. A bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX (for himself Mr. FRIST, Mr. KERREY, Mr. BOND, Mr. SANTORUM, Ms. LANDRIEU, Mr. ASHCROFT, and Ms. COLLINS):

S. 2807. A bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and to stabilize and improve the Medicare+Choice program, and for other purposes; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. FITZGERALD, Mrs. HUTCHISON, and Mr. GRAMS):

S. 2808. A bill to amend the Internal Revenue Code of 1986 to temporarily suspend the Federal fuels tax; read the first time.

By Mr. DODD (for himself and Mr. DEWINE):

S. 2809. A bill to protect the health and welfare of children involved in research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. DEWINE):

S. 2810. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE (for himself and Mr. CONRAD):

S. 2811. A bill to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. L. CHAFEE (for himself and Mr. HELMS):

S. Res. 329. A resolution urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina; placed on the calendar.

By Mr. LOTT:

S. Con. Res. 125. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mrs. FEINSTEIN:

S. 2803. A bill to provide for infant crib safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE INFANT CRIB SAFETY ACT

Mrs. FEINSTEIN. Mr. President, today, I am introducing legislation designed to eliminate injuries and deaths that result from crib accidents.

While there are strict guidelines on the manufacture and sale of new cribs, there are still 25 to 30 million unsafe cribs sold throughout the U.S. in "secondary markets," such as thrift stores and resale furniture stores. These cribs should be taken off the market, and either made safe, or destroyed.

There are a number of reasons why unsafe cribs should be taken off the market:

Each year, at least 45 children die from injuries sustained in cribs. That is almost one child a week.

The number of deaths from crib incidents exceeds deaths from all other nursery products combined.

Over 9,000 children are hospitalized each year as a result of injuries sustained in cribs.

To illustrate the need for this legislation, I want to share with you the story of Danny Lineweaver.

At the age of 23 months, Danny was injured during an attempt to climb out of his crib. Danny caught his shirt on a decorative knob on the cornerpost of his crib and hanged himself.

Though his mother was able to perform CPR the moment she found him, Danny lived in a semi-comatose state for nine years and died in 1993. This injury and subsequent death could have been prevented.

Since Danny's accident, we have passed laws mandating safety standards for the manufacture of new cribs. But this is not enough.

There are nearly four million infants born in this country each year, but only one million new cribs sold. As many as half of all infants are placed in secondhand, hand-me-down, or heirloom cribs—cribs that are sold in thrift stores or resale furniture stores. These cribs may be unsafe, and may in fact threaten the life of the infants placed in them.

This legislation requires thrift stores and retail furniture stores to remove decorative knobs on the cornerposts of cribs before selling those cribs.

Additionally, the bill prohibits hotels and motels from providing unsafe cribs to guests, or risk being fined up to $1,000.

The Infant Crib Safety Act makes the sale of used, unsafe cribs illegal. I hope my colleagues will join me in putting a stop to preventable injuries and deaths resulting from unsafe cribs.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2804. A bill to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office"; to the Committee on Governmental Affairs.

DESIGNATION OF THE "JOHN BRADEMAS POST OFFICE"

• Mr. BAYH. Mr. President. It is with great pride that I rise today to pay tribute to a good friend and a great man, former United States Congressman John Brademas. I am honored to introduce legislation designating the United States Post Office located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office."

John Brademas was born on March 2, 1927, in Mishawaka, Indiana, a small town in Indiana's third congressional district, which he would later represent for more than two decades (1959–1981). John's father was a Greek immigrant restauranteur and his mother was a Hoosier school teacher. Upon graduation from high school, John joined the Navy and soon thereafter became a Veterans National Scholar at Harvard University, from which he graduated with a B.A., Magna Cum Laude, in 1949. From 1950 to 1953, he studied as a Rhodes Scholar at Oxford University, England, receiving the degree of Doctor of Philosophy in Social Studies.

From 1955 to 1956, John Brademas served as Executive Assistant to the late Adlai E. Stevenson, where he assumed research responsibilities during the 1956 Presidential campaign. Three years later, John Brademas became the first native-born American of Greek origin to be elected to Congress. In the House, he quickly became a leader in the areas of education, the arts and humanities, as well as a staunch defender of the rights of the disabled and the elderly. During his service on the House Committee on Education and Labor, Congressman Brademas was largely responsible for writing major federal legislation concerning elementary and secondary education, higher education, vocational education, as well as support for libraries, museums, and the arts and humanities.

Congressman Brademas was also the chief House sponsor of the Education for all Handicapped Children Act; the Arts, Humanities, and Cultural Affairs Act; and the Older Americans Comprehensive Services Act. In 1977, Congressman Brademas was chosen by his colleagues for the influential position of House Majority Whip, in which he served for his last four years in office. Among his numerous accomplishments, Congressman Brademas was responsible for attaining the necessary funding for the very same Post Office that I seek to name in his honor.

Today, Congressman Brademas is President Emeritus of New York University, where he served as President from 1981–1992. During that time, he led the transition of New York University from a regional commuter school to a national and international research university. In addition to his responsibilities at New York University, he is the Chairman of the National Endowment for Democracy and serves as co-chairman for the Center on Science, Technology and Congress at the American Association for the Advancement of Science. He also serves on the Consultants' Panel to the Comptroller General of the United States.

During his long and distinguished service, both as a leader in government and a leader in higher education, John Brademas has provided inspiration and guidance to two generations of men and women committed to public service and to education. I want to thank Congressman Brademas for his enduring contributions to the State of Indiana and the nation.

Mr. President, it is my hope that the Postal facility located at 424 South Michigan Street will soon bear the name of my good friend and fellow Hoosier, former Congressman John Brademas.•

By Mr. THOMPSON (for himself and Mr. LIEBERMAN) (by request):

S. 2805. To amend the Federal Property and Administrative Services Act of 1949, as amended, to enhance Federal asset management, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL PROPERTY ASSET MANAGEMENT REFORM ACT OF 2000

• Mr. THOMPSON. Mr. President, today Senator Lieberman and I are introducing, by request, the Federal Asset Management Reform Act of 2000. This legislation is the result of the work of the General Services Administration, under the leadership of its Administrator David Barram, to modernize and reform the management, use and disposal of the Federal government's real property and surplus personal property.

The Federal government owns or controls over 24 million acres of land and facilities which have been acquired for use and operation by Federal agencies in support of their missions. Since 1949, the Federal Property and Administrative Services Act has provided the foundation for the management and disposal of these properties as well as for surplus personal property. This legislative proposal is intended to improve life cycle planning and management of Federal assets.

We are introducing this proposal today for the purpose of encouraging study and comment by all interested parties. Key participants in the current property disposal process are state and local governments, non-profit organizations and federal agencies. The Governmental Affairs Committee intends to review this legislative measure and all comments received about it to better understand what changes are desirable in the management of the Federal government's billions of dollars worth of real and surplus property. The Committee expects to follow through with further legislative action in the next Congress.

Mr. President, I ask unanimous consent that the full text of the Federal Asset Management Reform Act of 2000 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE 1. SHORT TITLE.

This Act may be cited as the "Federal Property Asset Management Reform Act of 2000".

TITLE 2. DEFINITIONS.

Section 3 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §472), is amended by adding at the end the following:

"(m) The term "landholding agency" means any Federal agency that, by specific or general statutory authority, has jurisdiction, custody, and control over real property, or interests therein. The ten-n does not include agencies, when they are acting as the sponsors of real property conveyances for public benefit purposes pursuant to section 203 of the Act (40 U.S.C. 33 §484).

TITLE 3. LIFE CYCLE PLANNING AND MANAGEMENT

Title 11 of the Federal Property and Administrative Services Act of 1949, as amended, is amended by adding at the end thereof the following new sections:

"SEC. 213. (a) In accordance with the authorities vested in the Administrator under section 205(c) of this Act, the Administrator, in collaboration with the heads of affected Federal agencies, shall establish and maintain current asset management principles to be used as guidance by such agencies in making major decisions concerning the planning, acquisition, use, maintenance, and disposal of real and personal property assets subject to this Act and under the jurisdiction, custody and control of such agencies.

"(b) In order to accumulate and maintain a single, comprehensive descriptive listing of all Federal real property interests under the custody and control of each Federal agency, the Administrator, in coordination with the heads of affected Federal agencies, shall collect such descriptive information, except for classified information, as the Administrator deems will best describe the nature, use, and extent of the real property holdings of the United States. For purposes of this section, real property holdings include all public lands of the United States and all real property of the United States located outside the States of the Union, to include, but not be limited to the District of Columbia, Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands and the Virgin Islands. To facilitate the reporting on a uniform basis, the Administrator is authorized to establish data and other information technology standards for use by Federal agencies in developing or upgrading agency real property infon-nation systems.

"(c) The listing compiled pursuant to this section shall be public record; however, the Administrator is authorized to withhold infon-nation, including the location of classified facilities, when it is determined that withholding such information would be in the public interest. Nothing herein shall require the public release of information which is exempt from disclosure pursuant to the Freedom of Information Act (5 U.S.C. §552).

"(d) Nothing in this section shall authorize the Administrator to assume jurisdiction over the acquisition, management, or disposal of real property not subject to this Act.

"SEC. 214. (a) Within ISO days of the effective date of this section, the head of each landholding agency shall appoint, or designate from among persons who are employees within such agency, a Senior Real Property Officer. The head of any landholding agency who so desires may also appoint a Real Property Officer for any major component part of an agency, and such Real Property Officers, for the purposes of complying with this Act, shall report to the Senior Real Property Officer.

"(b) The Senior Real Property Officer for each agency shall be responsible for continuously monitoring agency real property assets to:

"(1) ensure that the management of each asset, including but not limited to its functional use, occupancy, reinvestment requirements and future utility, is fully consistent with and supportive of the goals and objectives set forth in the agency's Strategic Plan required under section 3 of the Government Performance and Results Act of 1993, Public Law 103–62 (5 U.S.C. §306), consistent with the framework provided by the real property asset management principles published by the Administrator pursuant to section 213(a) of this Act, and reflected in an agency asset management plan. The asset management plan shall be prepared according to guidelines issued by the Administrator, shall be maintained to reflect current agency program and budget priorities, and be consistent with capital planning and programming guidance issued by the Office of Management and Budget;

"(2) identify real property assets that can benefit from the application of the enhanced asset management tools described in section 216 of this Act;

"(3) ensure, in those cases where a real property asset can benefit from application of an enhanced asset management tool, that any resulting transaction will result in a fair return on the Federal government investment and protect the Federal government from unreasonable financial or other risks; and

"(4) ensure that a listing and description of the real property assets, under the jurisdiction, custody and control of that agency, including public lands of the United States and property located in foreign lands, is provided to the Administrator, along with any other relevant information the Administrator may request, for inclusion in a government-wide listing of all Federal real property interests established and maintained in accordance with section 213(b) of this Act.

"(c) Except as otherwise provided by Federal law, prior to a Federal agency acquiring any interests in real property from any non-Federal source, the Senior Real Property Officer of the acquiring agency shall give first consideration to available Federal real property holdings.".

TITLE 4. ENHANCED AUTHORITIES FOR REAL PROPERTY ASSET MANAGEMENT

SEC. 401. Title 11. of the Federal Property and Administrative Services Act of 1949, as amended, is amended by adding at the end thereof the following new sections:

"SEC. 215. CRITERIA FOR USING ENHANCED ASSET MANAGEMENT TOOLS.—

"(a) Subject to the requirements of subsection (b) of this section, the head of a landholding agency may apply an enhanced asset management tool described in section 216 of this Title to a real property interest under the agency's jurisdiction, custody and control when the head of the agency has determined that such real property interest—

"(1) when used to acquire replacement real property, is not excess property within the meaning given in subsection 3(e) of this Act (40 U.S.C. §472(e));

"(2) is used to fulfill or support a continuing mission requirement of the agency; and

"(3) can, by applying an enhanced asset management tool, improve the support of such mission.

"(b) Before applying an enhanced asset management tool defined in section 216 to a real property interest identified under subsection (a) of this section, the head of the agency shall determine that such application meets all of the following criteria:

"(1) supports the goals and objectives set forth in the agency's Strategic Plan required under section 3 of the Government Performance and Results Act of 1993, Public Law 103–62 (5 U.S.C. §306) and the agency's real property asset management plan as required in section 214;

"(2) is the most economical and cost effective option available for the use of the real property; and

"(3) is documented in a business plan which, commensurate with the nature of the selected tool, analyzes all reasonable options for using the property; takes into account applicable provisions of law including but not limited to the National Environmental Policy Act; and evidences compliance with the requirements of the Stewart B. McKinney Homeless Assistance Act, including (i) describing the result of the determination by the Department of Housing and Urban Development of the suitability of the property for use to assist the homeless; and (ii) explaining the rationale for the landholding agency's decision not to make the property available for use to assist the homeless.

"SEC. 216. ENHANCED ASSET MANAGEMENT TOOLS.—

"(a) INTERAGENCY TRANSFERS OR EXCHANGES.—Any landholding agency may acquire replacement real property by transfer or exchange of real property subject to this Act with other Federal agencies under terms mutually agreeable to the agencies involved.

"(b) SALES TO OR EXCHANGES WITH NON-FEDERAL SOURCES.—Any landholding agency may acquire replacement real property by selling or exchanging a real property asset or interests therein with any non Federal source; provided that: (1) this transaction does not conflict with other applicable laws governing the acquisition of interests in real property by Federal agencies; (2) the agency first made the property available for transfer or exchange to other Federal agencies; and (3) the transaction results in the agency receiving fair market value consideration, as determined by the agency head, for the asset sold or exchanged.

"(c) SUBLEASES.—The head of any landholding agency, by lease, permit, license or similar instrument, may make available to other Federal agencies and to non-Federal entities the unexpired portion of any government lease for real property; provided that the term of any sublease shall not exceed the unexpired portion of the term of the original government lease of the property and the sublease results in the agency receiving fair market rental value for the asset. Prior to subleasing to any private person or private sector entity, the Federal landholding agency shall give consideration to the needs of the following entities with the needs of entities listed in paragraph (1) being considered before the needs of entities listed in paragraph (2):

"(1) FIRST PRIORITY.—The needs of each of the following entities, equally, shall be given first priority by the agency:

"(A) Federal agencies; and

"(B) Indian tribes (as defined by section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)), urban Indian organizations (as defined by that section), and tribal organizations (as defined by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) when the property is to be used in connection with an Indian self-determination contract or grant pursuant to the Indian Self-Determination Act (25 U.S.C. 450f et seq.); and

"(C) urban Indian organizations (defined as in subparagraph (B)) when the property is to be used in connection with a contract or grant pursuant to title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.).

"(2) SECOND PRIORITY.—The needs of each of the following entities, equally, shall be given second priority by the agency:

"(A) State and local governments; and

"(B) Indian tribes, tribal organizations, and urban Indian organizations (defined as in paragraph (1)(B)) when the property is to be used other than as described in paragraph (1).

"(d) OUTLEASES.—The head of any landholding agency may make available by outlease agreements with other Federal agencies and non-Federal entities any unused or underused portion of or interest in any agency real and related personal property after finding that (i) there is no long-term mission requirement for the property, but the Federal government is not permitted to dispose of it; or (ii) there is a continuing long-term mission requirement for the property to remain in Government ownership but no known agency need for the property over the term of the outlease and (iii) the use of the real property by the lessee will not be inconsistent with the statutory mission of the landholding agency; provided that such an outlease transaction is conducted competitively.

"(1) OUTLEASE AGREEMENTS.—Any outlease agreements authorized under this subsection:

"(A) shall be for a term no longer than 20 years; with the exception that property that cannot be sold may be outleased for up to 35 years provided any such agency head determination of whether property cannot be sold shall be based on criteria established by the Administrator;

"(B) shall result in the agency receiving fair market value consideration, as defined by the agency head, for the asset, including cash, services, and/or in-kind consideration;

"(C) shall not provide a leaseback option to the Federal government to occupy space in any facilities acquired, constructed, repaired, renovated or rehabilitated by the non-governmental entity, unless the net present value, including the market value of the land provided through the outlease, of such an outlease and leaseback arrangement is less expensive for the Federal government than a simple Government-financed renovation or construction project; provided further that any subsequent agreements to leaseback space in such facilities must be in accordance with the competition requirements of Title III of this Act (41 U.S.C. §253 et seq.) and meet the guidelines for operating leases set forth in Conference Report No. 105–217, to accompany the Balanced Budget Act of 1997.

"(D) shall provide (i) that neither the United States, nor its agencies or employees, shall be liable for any actions, debts or liability of the lessee, and (ii) that the lessee shall not be authorized to execute and shall not execute any instrument or document creating or evidencing any indebtedness unless such instrument or document specifically disclaims any liability of the United States, and of any Federal agency or employee, thereunder; and

(E) may contain such other terms and conditions as the head of the agency making the property available deems necessary to protect the interests of the Federal government.

"(2) ORDER OF CONSIDERATION.—In making property available for outlease, the landholding agency shall follow the order of consideration listed in subsection (c) of this section.

"(3) PREREQUISITES TO AGREEMENTS.—Prior to the head of any landholding agency executing any agreement authorized under subsection (d) of this section which would result in the development or major rehabilitation/renovation of Federal assets in partnership with a non-Federal entity, the head of such agency shall undertake an analysis of the proposed arrangement or transaction, which provides that any Federal real property, financial capital or other resources committed to the transaction are not placed at unreasonable financial risk or legal jeopardy.

"(4) OTHER AUTHORITIES.—The authority under this subsection shall not be construed to affect any other authority of any agency to outlease property or to otherwise make property available for any reason.

"SEC. 217. FORMS OF CONSIDERATION.—Notwithstanding any other provision of law, the forms of consideration received from an enhanced asset management tool as described in section 216 may include cash or cash equivalents, in-kind assets, services, or any combination thereof.

"SEC. 218. TRANSACTIONAL REPORTS.—For those transactions authorized under section 216 involving the sale, exchange or outlease to a non-Federal source of any asset valued in excess of $2 million at the time of the transaction, the head of the landholding agency sponsoring the transaction shall submit the business plan required by subsection 215(b)(3) to the Office of Management and Budget and to the appropriate Committees of the United States Senate and the House of Representatives at least 30 calendar days prior to final execution of such transaction. The $2 million reporting threshold in this subsection may be adjusted upward or downward by the Administrator to reflect the annual inflation/deflation factor as determined by the Department of Commerce Consumer Price Index.

"SEC. 219. ANNUAL REPORTS.—The head of each landholding agency shall include a list of all transactions using enhanced asset management tools under section 216 during the previous fiscal year with the materials the agency annually submits under section 3515 of Title 3 1, United States Code."

SEC. 402. Section 321 of the Act of June 30, 1932, 47 Stat. 412 (40 U.S.C. §303b), is repealed.

SEC. 403. Subsection 203(b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §484(b)), is amended to read as follows:

"(b)(1) The care and handling of surplus personal property, pending its disposition, and the disposal of such property, may be performed by the General Services Administration or, when so determined by the Administrator, by the executive agency in possession thereof or by any other executive agency consenting thereto.

"(2) The responsibilities and authorities for the care and handling of surplus real and related personal property, pending its disposition, and for the disposal of such property, provided to the Administrator elsewhere in this Act, are hereby transferred to the head of the landholding agency. The head of the landholding agency may request the General Services Administration or any other entity to provide disposal services, as long as the landholding agency retains the authority to make disposal decisions and agrees to reimburse the related disposal costs. The head of the affected landholding agency may also delegate the authority to manage the disposal process (including responsibility for the related disposal costs) and to make disposal decisions to the General Services Administration. In the latter event, the landholding agency foregoes any claim to any related disposal proceeds pursuant to section 204 of this Act and the General Services Administration, after deducting any disposal expenses incurred, shall deposit any net proceeds in the Treasury. The Administrator of General Services retains the authority to promulgate general policies and procedures for disposing of such property. These policies and procedures shall require that the General Services Administration:

(A) notify the agencies responsible elsewhere in this Act for sponsoring public benefit conveyances of the availability of excess property as soon as it has been declared excess and solicit their input on whether their public benefit represents the highest and best use of such property;

(B) serve as the central point of contact for agencies, prospective donees, and the public on the availability of surplus property as soon as it has been declared surplus;

(C) assure that the agencies with the authority to make disposal decisions give full consideration to the public benefit uses of surplus Federal property in making their disposal decisions; and

(D) serve as a clearinghouse for information on all phases of the surplus property disposal process, including appeals from sponsoring agencies and prospective donees that insufficient consideration was given to public benefit donations.

TITLE 5. INCENTIVES FOR REAL AND PERSONAL PROPERTY MANAGEMENT IMPROVEMENT

SEC. 501. Section 204 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §485), is amended as follows:

(a) in paragraph (2) of subsection (h) by striking "(b)" and inserting in lieu thereof "(c)", and by striking the phrase ", to the extent provided in appropriations Acts,";

(b) by revising subsection (i) to read as follows:

"Federal agencies may retain from the proceeds of the sale of personal property amounts necessary to recover, to the extent practicable, the full costs, direct and indirect, incurred by the agencies in disposing of such property including but not limited to the costs for warehousing, storage, environmental services, advertising, appraisal, and transportation. Such amounts shall be deposited into an account available for such expenses without regard to fiscal year limitations. Amounts that are not needed to pay such costs shall be transferred at least annually to the general fund or to a specific account in the Treasury as required by statute.";

(c) by redesignating subsections (c), (d), (e), (f), (g), (h) and (i), as subsections (d), (e), (f), (g), (h), (i) and (j), respectively; and

(d) by striking subsections (a) and (b) and by inserting in lieu thereof the following subsections (a), (b), and (c):

"SEC. 204. PROCEEDS FROM TRANSFER OR DISPOSITION OF PROPERTY—

"(a)(1) AGENCY RETENTION OF PROCEEDS FROM REAL PROPERTY.—Proceeds resulting from the transfer or disposition of real and related property under this Title shall be credited to the fund, account or appropriation of the agency which made the property available and shall be treated as provided in subsections (b) and (c) of this section.

"(2) PROCEEDS FROM PERSONAL PROPERTY.—Proceeds from any transfer of excess personal property to a Federal agency or from any sale, lease, or other disposition of surplus personal property shall be treated as prescribed in subsection (j) or permitted by law or otherwise.

"(3) OTHER PROCEEDS.—All proceeds under this title not deposited or credited to a specific agency account, shall be covered into the Treasury as miscellaneous receipts except as provided in subsections (d), (e), (f), (g), (h), (i) and (j) of this section or permitted by law or otherwise.

"(b) MONETARY PROCEEDS TO AGENCY CAPITAL ASSET ACCOUNTS.—Monetary proceeds received by agencies from the transfer or disposition of real and related personal property shall be credited to an existing account or an account to be established in the Treasury to pay for the capital expenditures of the particular agency making the property available, which account shall be known as the agency's capital asset account. Subject to subsection (c), any amounts credited or deposited to such account under this section, along with such other amounts as may be appropriated or credited from time to time in annual appropriations acts, shall be devoted to the sole purpose of funding that agency's capital asset expenditures, including any expenses necessary and incident to the agency's real property capital acquisitions, improvements, and dispositions, and such funds shall remain available until expended, in accordance with the agency's asset management plan as required in Section 214, without further authorization: *Provided*, That monies from an exchange or sale of real property, or a portion of a real property holding, under subsection 216(b) of this Act shall be applied only to the replacement of that property or to the rehabilitation of the portion of that real property holding that remains in Federal ownership.".

"(c) TRANSACTIONAL AND OTHER COSTS.—Agencies may be reimbursed, from the monetary proceeds of real property dispositions or from other available resources including from the agency's capital asset account, the full costs, direct and indirect, to the agency of disposing of such property, including but not limited to the costs of site remediation or other environmental services, relocating affected tenants and occupants, advertising, surveying, appraisal, brokerage, historic preservation services, title insurance, document notarization and recording services and the costs of managing leases and providing necessary services to the lessees.".

SEC. 502. Nothing in Act shall be construed to repeal or supersede any other provision of Federal law directing the use of proceeds from specific real property transactions or directing how or where a particular Federal agency is to deposit, credit or use the proceeds from the sale, exchange or other disposition of Federal property except as expressly provided for herein.

SEC. 503. (a) Section 2(a) of the Land and Water Conservation Act of 1965 as amended (16 U.S.C. §4601–5(a)), is superseded only to the extent that the Federal Property and Administrative Services Act of 1949, as amended, or a provision of this Act, provide for an alternative disposition of the proceeds from the disposal of any surplus real property and related personal property subject to this Act, or the disposal of any interest therein.

(b) Subsection 3302(b) of Title 31, United States Code, is superseded only to the extent that this Act or any other Act provides for the disposition of money received by the Government.

SEC. 504. For purposes of implementing Title V of this Act, the following shall apply:

(a) For fiscal years 2001 through 2005, OMB shall allocate by agency a prorata share of the baseline estimate of total surplus real property sales receipts transferred to the Land and Water Conservation Fund that were contained in the President's Budget for Fiscal year 2001, made pursuant to section 1109 of title 31 U.S. Code. OMB shall notify the affected agencies and Appropriation Committees of the U.S. House of Representatives and Senate in writing of this allocation within 30 days of enactment of this Act and shall not subsequently revise the allocation.

(b) On September 30 of each fiscal year, each agency shall transfer to the Treasury an amount equal to its allocation for that fiscal year, out of the proceeds realized from any sales of the agency's surplus real property assets during that fiscal year.

(c) If an agency's actual sale proceeds in any fiscal year are less than the amount allocated to it by OMB for that fiscal year, the agency shall transfer all of its sale proceeds to the Treasury, and its allocation for the subsequent fiscal year shall be increased by the difference.

(d) On September 30, 2005, if an agency has transferred less sale proceeds to the Treasury than its total allocation for the five years, the agency shall transfer the difference out of any other funds available to the agency.

TITLE 6. STREAMLINED AND ENHANCED DISPOSAL AUTHORITIES

SEC. 601. (a) Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §484), is amended in paragraph (k)(3) as follows—

(1) by striking "or municipality" and inserting in lieu thereof "municipality, or qualified nonprofit organization established for the primary purpose of preserving historic monuments"; and

(2) by inserting after the first sentence "Such property may be conveyed to a nonprofit organization only if the State, political subdivision, instrumentalities thereof, and municipality in which the property is located do not request conveyance under this section within thirty days after notice to them of the proposed conveyance by the Administrator to that nonprofit organization.".

(b) Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C.§484), is amended by revising paragraph (k)(4)(C) to read as follows—

"(C) the Secretary of the Interior, in the case of property transferred pursuant to the surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions, and instrumentalities thereof, and municipalities for use as a public park or public recreation area, and to State, political subdivisions, and instrumentalities thereof, municipalities, and nonprofit organizations for use as an historic monument for the benefit of the public; or".

SEC. 602. (a) Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §484), is amended in subsection (e) as follows—

(1) by striking subparagraphs (3)(A), (3)(B), (3)(C) and (3)(E);

(2) by redesignating subparagraph (3)(D) and subparagraphs (3)(F) through (3)(I), as subparagraphs (3)(A) through (3)(E), respectively;

(3) by amending redesignated subparagraph (3)(E) to read as follows:

"(E) otherwise authorized by this Act or other law or with respect to personal property deemed advantageous to the Government."; and

(4) by amending subparagraph (6)(A) to read as follows:

"(6)(A) An explanatory statement shall be prepared of the circumstances of each disposal by negotiation of any real property that has an estimated fair market value in excess of the threshold value for which transactional reports are required under Section 218."; and

(5) by deleting subparagraphs (6)(C) and (6)(D).

(b) Section 203 of the Federal Property and Administrative Services Act of 1949, as amended, is further amended by adding to the end thereof the following new subsection:

"(s) The authority of any department, agency, or instrumentality of the executive branch or wholly owned Government corporation to convey or give surplus real and related personal property for public airport purposes under Subchapter II of Title 49, United States Code, shall be subject to the requirements of this Act, and any surplus real property available for conveyance under that subchapter shall first be made available to the Administrator for disposal under this section, including conveyance for any public benefit purposes, including public airport use, as the Administrator, after consultation with the affected agencies, deems advisable.".

SEC. 603. Subsection 201(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §481(c)), is revised to read as follows:

"(c) In acquiring personal property or related services, or a combination thereof, any executive agency, under regulations to be prescribed by the Administrator, subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act (41 U.S.C. §401 et seq.), may exchange or sell personal property and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment for similar property or related services, or a combination thereof, acquired: Provided, That any transaction carried out under the authority of this subsection shall be evidenced in writing. Sales of property pursuant to this subsection shall be governed by subsection 203(e) of this title, and shall be exempted from the provisions of section 5 of Title 41.".

SEC. 604. Subsection 202(h) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §483(h)), is amended to read as follows:

"(h) The Administrator may authorize the abandonment, destruction, or other disposal of property which has no commercial value or of which the estimated cost of continued care and handling would exceed the estimated fair market value.".

SEC. 605. Subsection 203(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §484(j)), is further amended as follows:

(a) Paragraph (j)(1) is amended—

(1) by striking the phrase "the fair and equitable distribution, through donation," and inserting in lieu thereof "donation on a fair and equitable basis"; and

(2) by striking "paragraphs (2) and (3)" and inserting in lieu thereof "paragraph (2)".

(b) Paragraph (j)(2) is deleted.

(c) Paragraph (j)(3) is renumbered (j)(2) and amended as follows:

(1) by deleting the introductory paragraph and inserting in lieu thereof the following:

"(2) The Administrator shall, pursuant to criteria which are based on need and utilization and established after such consultation with State agencies as is feasible, allocate surplus personal property among the States on a fair and equitable basis, taking into account the condition of the property as well as the original acquisition cost thereof, and transfer to the State agency property selected by it for purposes of donation within the State—";

(2) in subparagraph (B) by—

(A) deleting "providers of assistance to homeless individuals, providers of assistance to families or individuals whose annual incomes are below the poverty line (as that term is defined in section 673 of the Community Services Block Grant Act),";

(B) striking out "schools for the mentally retarded, schools for the physically handicapped" and by inserting in lieu thereof "schools for persons with mental or physical disabilities";

(C) striking the word "and" before "libraries"; and

(D) inserting "and educational activities identified by the Secretary of Defense as being of special interest to the Armed Services," following the word "region,"; and

(3) by adding a new subparagraph (C) to read as follows:

"(C) to nonprofit institutions or organizations which are exempt from taxation under section 501 of Title 26, and which have for their primary function the provision of food, shelter, or other necessities to homeless individuals or families or individuals whose annual income is below the poverty line (as that term is defined in section 673 of the Community Services Block Grant Act) for use in assisting the poor and homeless.".

(d) Paragraph (j)(4) is renumbered (j)(3) and amended as follows:

(1) in subparagraph (C)(ii) by inserting before the period at the end thereof the following: ": *Provided*, That such requirement shall not apply to property identified by the Administrator in subparagraph (E) of this paragraph as property for which no terms, conditions, reservations, or restrictions shall be imposed.";

(2) by deleting subparagraph (E) and inserting the following new paragraph:

"(E) The State plan of operation shall provide that the State agency may impose reasonable terms, conditions, reservations, and restrictions on the use of property to be donated under paragraph (2) of this subsection and shall impose such terms, conditions, reservations, and restrictions as required by the Administrator. The Administrator shall determine the condition, age, value, or cost of property for which no terms, conditions, reservations or restrictions shall be imposed and for property so identified, title shall pass to the recipient immediately upon transfer by the State agency. If the Administrator finds that an item or items have characteristics that require special handling or use limitations, the Administrator may impose appropriate conditions on the donation of such property.".

(e) Paragraph (j)(5) is renumbered (j)(4).

SEC. 606. (a) Section 501 of the Stewart B. McKinney Homeless Assistance Act, as amended, and as codified at section 11411 of title 42, United States Code, is amended as follows:

(1) in the first sentence of subsection (a), by inserting before the period the following: ", and that have not been previously reported on by an agency under this subsection";

(2) in the second sentence of subsection (a), by inserting after "to the Secretary" the following: ", which shall not include information previously reported on by an agency under this subsection";

(3) in subsection (b)(1), (c)(1)(A), and (c)(2)(A), by striking "45" and inserting "30";

(4) in subsection (c)(1)(A)(i), by inserting after "(a)" the following: "that have not been previously published";

(5) in subsection (c)(1)(A)(ii), by inserting after "properties" the following: "which have not been previously published";

(6) by striking subsections (c)(1)(D) and (c)(4);

(7) in subsections (d)(1) and (d)(2), by striking "60 and inserting "90";

(8) in subsection (d)(4)(A), by striking "after the 60-day period described in paragraph (1) has expired." and inserting "during the 90-day period described in paragraph (1)." and by striking the remainder of the paragraph;

(9) in subsection (e)(3), by inserting the following sentence immediately after the first sentence: "The Secretary of Health and Human Services shall give a preference to applications that contain a certification that their proposal is consistent with the local Continuum of Care strategy for homeless assistance.";

(10) in subsection (h) heading, by striking "APPLICABILITY TO PROPERTY UNDER BASE CLOSURE PROCESS" and inserting "EXEMPTIONS"; and

(11) in subsection (h), by adding the following new paragraph at the end:

"(3) The provisions of this section shall not apply to buildings and property that are—

(A) in a secured area for national defense purposes; or

(B) inaccessible by road and can be reached only by crossing private property.".

(b) Within 30 days of the date of enactment of this section, the Secretary of Housing and Urban Development shall survey landholding agencies to determine whether the properties included in the last comprehensive list of properties published pursuant to section 501(c)(1)(A) of the Stewart B. McKinney Homeless Assistance Act remain available for application for use to assist homeless. The Secretary shall publish in the Federal Register a list of all such properties. Such properties shall remain available for application for use to assist the homeless in accordance with sections 501(d) and 501(e) of such Act (as amended by subsection (a) of this section) as if such properties had been published under section 501(c)(1)(A)(ii) of such Act.

TITLE 7. MISCELLANEOUS

Sec. 701. Scope and Construction.—The authorities granted by this Act to the heads of Federal agencies for the management of real and personal property and the conduct of transactions involving such property, including the disposition of the proceeds therefrom, shall be in addition to, and not in lieu of, any authorities provided in any law existing on the date of enactment hereof. Except as expressly provided herein, nothing in this Act shall be construed to repeal or supersede any such authorities.

Sec. 702. Severability.—Although this Act is intended to be integrated legislation, should any portion or provision of this Act be found to be invalid or otherwise unenforceable by a court of competent jurisdiction, such portion or portions of this Act shall be considered independent and severable for all other provisions of this Act and such invalidity shall not, by itself, invalidate any other provisions of this Act, which remaining provisions shall have the full force and effect of law.

Sec. 703. Judicial Review.—Any determination or any asset management decision by an authorized agency official to transfer, outlease, sell, exchange or dispose of Federal real property or an interest therein in accordance with applicable law shall be at the sole discretion of the authorized agency official and shall not be the basis of any suit, claim or action.

Sec. 704. No Waiver.—Nothing in this Act should be construed to limit or waive any right, remedy, immunity, or jurisdiction of any Federal agency or any claim, judgement, lien or benefit due the United States of America.

Sec. 705. Effective Date.—This Act and the amendments made by its provisions shall be effective upon enactment except as otherwise specifically provided for herein.●

● Mr. LIEBERMAN. Mr. President, today, along with Senator THOMPSON, I am introducing a bill at the request of the administration to amend the Federal Property and Administrative Services Act of 1949. The bill is designed to improve the federal government's role in managing both its personal and real property. By granting agencies enhanced tools to handle their assets, the bill's goal is to bring federal asset management into the 21st century. I invite comments on the administration's proposal and look forward to reviewing them.●

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2806. A bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees; to the Committee on Banking, Housing, and Urban Affairs.

CREDIT WATCH ACT OF 2000

● Mr. SARBANES. Mr. President, today I am introducing, "Credit Watch," a bill that will authorize the Federal Housing Administration (FHA) to identify lenders who have excessively high early default and claim rates and terminate their origination approval. This legislation is necessary to protect the FHA fund and take action against lenders who are contributing to the deterioration of our neighborhoods.

A recent rash of FHA loan defaults have led to foreclosures and vacant properties in a number of cities around the country. In Baltimore, the effects of high foreclosure rates are acute. In some neighborhoods, there are numerous foreclosed homes, now abandoned, within just a few blocks of each other. This can often be the beginning of a neighborhood's decline. It creates a perception that the property and the neighborhood is not highly valued. In turn, these neighborhoods become physically deteriorated and often attract criminal activity.

It's like a rotten apple in a barrel. The rundown appearance of one home spreads to the surrounding neighborhood. Neighborhoods that are struggling to stabilize and revitalize find their efforts undermined by the presence of abandoned homes.

The Department of Housing and Urban Development (HUD), community activists, and local law makers have come together to examine the loans being made in neighborhoods with high foreclosure rates.

In Baltimore and other cities, these groups found that careless lenders are offering FHA insured loans to families who cannot afford to pay them back. Early default or claim of these loans frequently leads to foreclosure of the home. A foreclosed property can easily turn into an uninhabited home, which can either begin or continue a cycle of decline.

In an effort to reduce the number of loans that end in foreclosure, the FHA developed several new oversight methods. One of which is "Credit Watch."

"Credit Watch" is an automated system that compares the number of early foreclosures and claims of lenders in the same area. This legislation authorizes FHA to revoke the origination approval of lenders who have significantly higher rates of early defaults and claims than the other lenders in the same area. FHA is currently targeting lenders with default rates over 300% of the area average. They estimate that in Baltimore this threshold would allow them to terminate the origination privileges of three major lenders that account for 40% of early defaults and claims.

The legislation accounts for differing regional economies by ensuring that lenders are only compared to others making loans in the same community. It also provides a manner by which terminated lenders may appeal the decision of the FHA, if they believe there are mitigating factors that may justify higher rates.

When lenders make loans with no regard for the consumer or the health of the community, the FHA must be able to take action in a timely manner. This practice is a costly abuse of the FHA insurance fund. Quick action not only protects the health of the Mutual Mortgage Insurance (MMI) fund, but it protects neighborhoods from the detrimental effects of high vacancy rates and consumers from the pain of foreclosure and serious damage to their credit.

Lenders that offer loans to individuals who cannot afford them should not be able to continue making those loans. It is a bad deal for taxpayers. It is a bad deal for neighborhoods. It is a bad deal for the families who take out the loan.

Credit Watch is an effective and efficient way that the FHA can prevent these unfortunate foreclosures from happening. While we need to address the larger issue of predatory lending in our communities, "Credit Watch" is an obvious and immediate solution to one part of the problem.●

By Mr. BREAUX (for himself, Mr. FRIST, Mr. KERREY, Mr. BOND, Mr. SANTORUM, Ms. LANDRIEU, Mr. ASHCROFT, and Ms. COLLINS):

S. 2807. A bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and to stabilize and improve the Medicare+Choice program, and for other purposes; to the Committee on Finance.

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2000

● Mr. FRIST. Mr. President, I am pleased to be here today to join Senators BREAUX, KERREY, BOND, SANTORUM, LANDRIEU, ASHCROFT, and COLLINS in introducing the "Medicare Prescription Drug and Modernization Act of 2000"—a truly bipartisan effort to address the real need to provide seniors the prescription drugs they deserve and strengthen and improve the Medicare program overall.

Last fall, I introduced the "Medicare Preservation and Improvement Act of 1999", with Senators BREAUX, KERREY, and HAGEL. This was the first bipartisan attempt to comprehensively reform Medicare in the program's 35 year history. When Medicare was first enacted in 1965, it had the goal of providing seniors necessary acute health care that would otherwise have been unaffordable. However today's health care delivery systems are far more advanced than the program's creators ever imagined. Our goal over the past year was to create an atmosphere for further discussion on ways to strengthen and improve the Medicare program, including proposals for an outpatient prescription drug benefit. Today, we take the first step in the right direction—a direction to bring Medicare in line with the benefits and delivery systems commonplace in the 21st century today.

Building on last year's bill and the findings of the Bipartisan Commission on the Future of Medicare, the "Medicare Prescription Drug and Modernization Act of 2000" takes the first steps towards long-term Medicare reform while adding a much needed outpatient prescription drug benefit to the program. Unlike in 1965, prescription drugs are integral to the delivery of health care and treating diseases prevalent among the elderly population. We must include a prescription drug benefit in the Medicare system. However, we must also address some of the other problems facing Medicare.

For instance, we must recognize the need to update the total benefit package and increase the flexibility of the program. Today's Medicare coverage is inadequate, covering only 53 percent of beneficiary's average health costs, and still does not include coverage for many preventive services, eyeglasses, or dental care, much less prescription drugs.

Medicare is also facing a doubling of beneficiaries over the coming decades. Today, there are 39 million Medicare beneficiaries, but within the next 10 years, 77 million baby boomers will begin entering the program. Our ability to effectively respond to this increased demand is further limited by the declining number of workers paying payroll taxes, which fund Medicare obligations each year, as the number of workers per retiree has continued to decline, from 4.5 in 1960 to 3.9 today. This figure is expected to further decline to 2.8 in 2020.

We all know that Medicare spending consumes much of the federal budget. But this will only get worse. Currently absorbing nearly 12 percent of the federal outlays, Medicare will balloon to 25 percent of the federal budget by 2030. The program, which relies on general revenues to pay for close to 40 percent of total program expenditures today, will continue to use an increasing share of general revenues, leaving fewer and fewer federal dollars available to support other federal programs.

Finally, with over hundred thousand pages of HCFA regulations governing Medicare, the program has become so bloated and heavily micro-managed that it cannot adopt to the daily advances in medicine and health care delivery. Even when life-saving diagnostic tests become available, such as a breakthrough prostate cancer-screening test that came on the market in the early 1990s, it takes years before they can be approved. Medicare has only recently begun reimbursing for prostate screening and only because a new law was passed to allow it.

The very fact that Congress must past such laws illustrates perfectly the problem with a heavily micro-managed system. No government program can possibly keep up with the increasingly rapid rate at which new drugs and technologies are brought to the market. As a physician, I know that today, more than ever, access to lifesaving drugs and technology as they become available is the key to providing quality health care, and we must modernize Medicare to meet these demands.

The need to modernize Medicare has never been more apparent. The measures included in the "Medicare Prescription Drug and Modernization Act of 2000" will provide seniors the option to choose the kind of health care coverage that best suit their individual needs, including enhanced benefits, outpatient prescription drug coverage, and protections against high out-of-pocket drug costs.

The "Medicare Prescription Drug and Modernization Act of 2000" establishes that Competitive Medicare Agency (CMA), an independent, executive-branch agency to spearhead an advanced level of Medicare management and oversight—leaving behind the intransigent bureaucracy and outdated mindset infecting the program and instead guaranteeing seniors choice, health care security, and improved benefits and delivery of care. Modeled after the Social Security Administration, the CMA functions in a manner similar to the Office of Personnel Management, which has a 40-year track record of success in providing quality comprehensive health coverage for the millions of federal employees and their families through the Federal Employees Health Benefits Program.

Vital to this bill is the Prescription Drug and Supplemental Benefit Program that provides beneficiaries outpatient prescription drugs and other additional benefits through new Medicare Prescription Plus plans offered by private entities or through Medicare+Choice plans. The drug benefit will provide, at a minimum, a standard prescription drug package consisting of a $250 deductible, 50 percent cost-sharing up to $2,100, and stop-loss protection at $6,000. Seniors are guaranteed this minimum benefits, but also have the choice of other drug benefit packages. I recognize more than anyone that a one-size-fits-all approach to health care does not work. It is important to pass along the same choices we, as members of Congress, have. Seniors deserve no less.

We ensure that low-income beneficiaries receive necessary drug coverage by providing premium subsidies. Beneficiaries below 135 percent of poverty, beneficiaries receive a 100 percent premium subsidy and 95 percent of all cost-sharing. Beneficiaries between 135% and 150 percent of poverty receive premium subsidiaries on a sliding scale from a much as 100 percent to no less than 25 percent, and all beneficiaries, regardless of income, will receive a 25% premium subsidy. Since 39 percent of beneficiaries below 150 percent of poverty have no drug coverage, this provision alone will provide comprehensive drug coverage for over 5 million seniors and individuals with disabilities.

We also address the high costs of drugs by ensuring that no beneficiary will ever pay retail prices for prescription drugs again. We do this through a prescription drug discount card program that passes on price discounts negotiated between pharmaceutical companies and insurers to beneficiaries. For example, today a senior may pay $100 for a particular drug. Under the "Medicare Prescription Drug and Modernization Act of 2000", this senior would have access to the insurers negotiated rate of $70, but then would also receive an even further discount through coinsurance, reducing the total price of the drug by over 60 percent down to just $35.

The "Medicare Prescription Drug and Modernization Act of 2000" modernizes Medicare by establishing a new competitive system under Medicare+Choice where plans bid for the costs of delivering care and compete with traditional Medicare based on benefits, price, and quality so that beneficiaries receive the highest-quality, affordable health care possible. Under this new system, plans are allowed maximum flexibility to reduce current beneficiary Part B premiums and cost-sharing as well as offer new and additional benefits to beneficiaries, including outpatient prescription drug coverage.

Finally, the "Medicare Prescription Drug and Modernization Act of 2000", for the first time in Medicare's history provides lawmakers and the public a better measure for evaluating Medicare's financial health and establishes strong reporting requirements for the Medicare program as a whole.

Medicare must be modernized to provide seniors integrated health care choices, including outpatient prescription drug coverage. This afternoon my colleagues and I have moved beyond the demagoguery and disinformation campaigns and have come together to propose bipartisan legislation that balances the very real need for outpatient prescription drug coverage with the need for meaningful modernizations. By moving forward on this legislation, I believe we can truly provide choice and security for our Medicare beneficiaries to ensure their individual health care needs are met, today and well into the future.●

By Mr. DODD (for himself and Mr. DEWINE):

S. 2809. A bill to protect the health and welfare of children involved in research; to the Committee on Health, Education, Labor, and Pensions.

CHILDREN'S RESEARCH PROTECTION ACT

Mr. DODD. Mr. President, I rise today with my colleague from Ohio, Senator DEWINE, to introduce important legislation to enhance the safety of our children. The Children's Research Protection Act will strengthen protections for children participating in research and also increase the number researchers expert in pediatric pharmacology.

Three years ago, Senator DEWINE and I were successful in enacting legislation to reverse a troubling statistic—the fact that only 20 percent of drugs on the market have been tested specifically for their safety and efficacy in children. Our legislation, The Better Pharmaceuticals for Children Act, for the first time provided a incentive for drug companies to test their products for use with children. The results of that legislation have been overwhelming. In the 2 years since this initiative was started, drug manufacturers have launched more than 300 new pediatric studies of 127 drugs. In contrast, in the 5 years prior to enactment of our legislation, the industry conducted only 11 pediatric safety studies for drugs already on the market—11 studies in five years versus over 300 in just 2 years. The most immediate consequence of this surge in the industry's interest in testing their products in children is the rapid increase in the number of children being signed up to participate in research studies—more than 18,000 children will eventually be needed just for the 300 trials that have been proposed so far.

While we're thrilled with the success of our legislation, it has forced us to take a hard look at the adequacy of the safety protections for children participating in research. All experimental treatments, by their very nature, contain some risk. Research involving children is no exception. Yet, despite the risks, each year thousands of parents agree to allow their children to participate in a clinical trial, either in hopes of improving their own health or the health of other children. In doing so, they place their trust in the expertise and ethics of the researchers and in strong oversight by the federal government. The vast majority of the time that trust is well-founded. But recent isolated incidents involving children harmed during clinical trials, as well as increasing concerns about the adequacy of federal oversight for clinical trials, generally point to the need to proactively address the issue of the safety of children in research.

It is that need to be proactive that has led Senator DEWINE and I to introduce the Children's Research Protection Act. This legislation will address critical safety issues in children's research by:

(1) Requiring the Secretary of Health and Human Services (HHS) to review the current regulations for the protection of children participating in research and to clarify and update them to ensure the highest standards of safety.

Requiring that all HHS funded and regulated research comply with these strengthened federal protections. (Currently research overseen by the Food and Drug Administration, but funded by private pharmaceutical companies, is not required to comply with the additional children's protections, although many pharmaceutical companies do so voluntarily.)

(3) Requiring the 15 federal agencies that don't currently have special guidelines for children's research to develop them within 12 months.

(4) Asking the Secretary of HHS to review the adequacy of the IRB (Institutional Review Board) process for protecting children in clinical trials and to report to Congress within 6 months on the question of whether we should have a national board(s) to review adverse events arising out of research on children.

(5) Increasing the number of researchers that are experts in conducting drug research with children by providing grants for fellowship training and creating a loan repayment program for pediatric drug researchers. Only 20 physicians complete clinical pharmacology speciality training programs each year—of these, only 2 or fewer specialize in pediatric pharmacology.

We still have a long way to go to make sure that children are not an afterthought when it comes to drug research, but we can start by making sure that when they volunteer to help other children by participating in research, their safety is paramount. This measure prescribes a strong dose of safety for our children. It provides critically important safeguards and protections when it comes to pediatric medicine testing, allowing us to increase our knowledge of children's medication without increasing the danger to children.

I am pleased to join Senator DEWINE in this effort and I look forward to working with my colleague to pass this legislation.

I ask unanimous consent that the attached letters and a copy of the bill be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 2809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Research Protection Act".

SEC. 2. FINDINGS, PURPOSES, AND DEFINITION.

(a) FINDINGS.—Congress makes the following findings:

(1) Children are the future of the Nation and the preservation and improvement of child health is in the national interest.

(2) The preservation and improvement of child health may require the use of pharmaceutical products.

(3) Currently only 1 out of 5 drugs on the market in the United States have been approved for use by children. The enactment of the provisions of the Food and Drug Administration Modernization Act (Public Law 105-115) relating to pediatric studies of drugs, however, is expected to increase the pediatric testing of pharmaceuticals and thus to increase the numbers of children involved in research.

(4) Children are a vulnerable population and thus need additional protections for their involvement in research relative to adults. Yet, current Federal guidelines for the protection of children involved in research have not been updated since 1981, do not currently apply to Food and Drug Administration-regulated research that is not Federally funded, and have not been adopted by all Federal agencies that conduct research involving children.

(5) Currently, in the United States, there is a shortage of pharmacologists trained to address the unique aspects of developing therapies for children. There are fewer than 200 academic-based clinical pharmacologists in the United States, of which 20 percent or fewer are pediatricians. Currently, only 20 physicians complete clinical pharmacology specialty training programs each year, and of these, only 2 or fewer specialize in pediatric pharmacology.

(b) PURPOSES.—It is the purpose of this Act to—

(1) ensure the adequate and appropriate protection of children involved in research by—

(A) reviewing and updating as needed the Federal regulations that provide additional protections for children participating in research as contained in subpart D of part 45 of title 46, Code of Federal Regulations;

(B) extending such subpart D to all research regulated by the Secretary of Health and Human Services; and

(C) requiring that all Federal agencies adopt regulations for additional protections for children involved in research that is conducted, supported, or regulated by the Federal Government; and

(2) ensure that an adequate number of pediatric clinical pharmacologists are trained and retained, in order to meet the increased demand for expertise in this area created by the pediatric studies provisions of the Food and Drug Administration Modernization Act (Public law 105-115), so that all children have access to medications that have been adequately and properly tested on children.

(c) DEFINITION.—In this Act, the term "pediatric clinical pharmacologist" means an individual—

(1) who is board certified in pediatrics; and

(2) who has additional formal training and expertise in human pharmacology.

SEC. 3. REVIEW OF REGULATIONS.

(a) REVIEW.—By not later than 6 months after the date of enactment of this Act, the

Secretary of Health and Human Services shall have conducted a review of the regulations under subpart D of part 45 of title 46, Code of Federal Regulations, considered any modifications necessary to ensure the adequate and appropriate protection of children participating in research, and report the findings of the Secretary back to Congress.

(b) Areas of Review.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consider—

(1) the appropriateness of the regulations for children of differing ages and maturity levels, including legal status;

(2) the definition of "minimal risk" and the manner in which such definition varies for a healthy child as compared to a child with an illness;

(3) the definitions of "assent" and "permission" for child clinical research participants and their parents or guardians and of "adequate provisions" for soliciting assent or permission in research as such definitions relate to the process of obtaining the informed consent of children participating in research and the parents or guardians of such children;

(4) the definitions of "direct benefit to the individual subjects" and "generalizable knowledge about the subject's disorder or condition";

(5) whether or not payment (financial or otherwise) may be provided to a child or his or her parent or guardian for the participation of the child in research, and if so, the amount and type given;

(6) the expectations of child research participants and their parent or guardian for the direct benefits of the child's research involvement;

(7) safeguards for research involving children conducted in emergency situations with a waiver of informed assent;

(8) parent and child notification in instances in which the regulations have not been complied with;

(9) compliance with the regulations in effect on the date of enactment of this Act, the monitoring of such compliance, and enforcement actions for violations of such regulations; and

(10) the appropriateness of current practices for recruiting children for participation in research.

(c) Consultation.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consult broadly with experts in the field, including pediatric pharmacologists, pediatricians, bioethics experts, clinical investigators, institutional review boards, industry experts, and children who have participated in research studies and the parents or guardians of such children.

(d) Consideration of Additional Provisions.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consider and, not later than 6 months after the date of enactment of this Act, report back to Congress concerning—

(1) whether the Secretary should establish national data and safety monitoring boards to review adverse events associated with research involving children; and

(2) whether the institutional review board oversight of clinical trials involving children is adequate to protect the children.

SEC. 4. REQUIREMENT FOR ADDITIONAL PROTECTIONS FOR CHILDREN INVOLVED IN RESEARCH.

(a) In General.—Notwithstanding any other provision of law, not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall require that all research involving children that is conducted, supported, or regulated by the Department of Health and Human Services be in compliance with subpart D of part 45 of title 46, Code of Federal Regulations.

"(b) Other Federal Agencies.—Not later than 12 months after the date of enactment of this Act, all Federal agencies shall have promulgated regulations to provide additional protections for children involved in research.

SEC. 5. GRANTS FOR PEDIATRIC PHARMACOLOGY.

(a) In General.—The Secretary of Health and Human Services shall award grants to qualified academic research institutions and research networks with the appropriate expertise to provide training in pediatric clinical pharmacology, such as the Pediatric Pharmacology Research Units of the National Institute of Child Health and Human Development, and the Research Units of the National Institute of Mental Health, to enable such entities to provide fellowship training to individuals who hold an M.D. in order to ensure the specialized training of pediatric clinical pharmacologists.

(b) Amount of Grant.—In awarding grants under subsection (a), the Secretary of Health and Human Services shall ensure that each grantee receive adequate amounts under the grant to enable the grantee to fund at least 1 fellow each year for a 3-year period, at a total of $100,000 per fellowship per year.

(c) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

SEC. 6. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 487E (42 U.S.C. 288–5) the following:

"SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING PEDIATRIC PHARMACOLOGY.

"(a) In General.—The Secretary, acting through the Director of the National Institutes of Health, shall establish a program to enter into contracts with qualified individuals who hold an M.D. under which such individuals agree to undergo training in, and practice, pediatric pharmacology, in consideration of the Federal Government agreeing to repay, for each year of service as a pediatric pharmacologist, not more than $35,000 of the principal and interest of the educational loans of such individuals.

"(b) Application of Provisions.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to the program established under subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) Funding.—

"(1) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

"(2) Availability.—Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.".

SEC. 7. EFFECTIVE DATE.

The provisions of sections 5 and 6 shall take effect on the date that is 6 months after the date of enactment of this Act.

May 1, 2000.

Dear Senator Dodd, I am addressing you today in support of proposed senate bill, AAC: "Children's Research Protection Act" ". . . that will protect the health and welfare of children involved in research." Additionally, this bill will serve to ascertain whether specific guidelines should be included in the Code of Federal Regulations for conducting research with other vulnerable members of our society.

As a long time advocate and provider of services for persons with disabilities, families and children, my ongoing research of the informed consent process as it relates to clinical trials dates back to 1979. At that time, I focused on some very complex issues of conducting medical research with children who had mental retardation and were being placed under state care.

We are a wealthy and powerful nation and I believe that our children are our greatest treasure. They deserve the highest ethical standards that we can provide in all areas of their lives including medical research and health. With the passage of the Food and Drug Administration Modernization Act, we have widened the field of pediatric clinical research, as should be the case since until this time it has been seriously lacking attention. Due to this surge in new research, it is the opportune time to review federal regulations that provide guidelines for clinical trials. We need to close gaps and better define protections so that our children will be offered the safest environment possible during research efforts. Furthermore, the parents and guardians of our children need to have every advantage and possible opportunity afforded them so they can more fully understand the experimental nature of any research before giving consent.

I am particularly excited that there are provisions in this bill to help increase the number of pediatric clinical pharmacologists and clinical investigators. This action will strengthen the quality of research and treatment prescribed for children.

In closing, this bill helps reach a goal of optimal health therapy for our children. As always, I appreciate the hard work and time that has been expended to bring this issue forward for legislative action. Thank you.

Sincerely,

Sheila S. Mulvey.

May 1, 2000.

To Whom It May Concern: My name is David Krol and I am a pediatrician in New Haven, Connecticut and a recent graduate of pediatric residency training. I am writing in support of the Children's Research Protection Act. As both a practicing pediatrican and a child health researcher I am very interested in studies that can improve the lives of children. These studies, however, need to keep in mind the unique biology of children as well as the developmental needs of those who would participate in these studies. Children are most definitely a unique population and require protections in the research environment that are adequate, appropriate, and different from adults. I am pleased to see that the Children's Research and Protection Act addresses these issues.

In addition, as a recent graduate from medical school with a debt burden hovering near $90,000, I am very aware of the difficult decision that many medical school graduates face in choosing a specialty. It can be a very difficult decision to pursue further training and postpone the reduction of the significant debt many of us face. Those who pursue pediatric subspecialty training, including pediatric pharmacologists, are no exception to this fact. I am very happy to see that the Children's Research Protection Act provides both funding for pediatric pharmacology positions and loan repayment for those who would choose to further their education in such an important and rewarding specialty. I hope we can extend this opportunity to all who pursue pediatric subspecialty training. Pediatric research requires not only experts in pediatric pharmacology but also in the specific diseases that need to be researched.

It is with great pleasure that I write this letter in support of the Children's Research Protection Act. I ask for your support concerning this important issue in child health.

Sincerely,

DAVID M. KROL, MD.

AMERICAN ACADEMY OF PEDIATRICS,
May 1, 2000.

Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.
Hon. MIKE DEWINE,
U.S. Senate,
Washington, DC.

DEAR SENATORS DODD AND DEWINE: The American Academy of Pediatrics, representing 55,000 pediatricians throughout the United States, is pleased to support the Children's Research Protection Act. This legislation provides appropriate and needed requirements for the inclusion of children in any research conducted, supported, or regulated by the U.S. Department of Health and Human Services.

Protection of children in all research settings is an imperative. Under your strong leadership, important advances are being made in therapeutic research for children through the Food and Drug Administration Modernization Act (FDAMA). As a result of FDAMA, the increase in the number of new clinical trials involving pediatric patients is unprecedented. The Children's Research Protection Act balances the need to continue and encourage more and better clinical trials involving children while at the same time ensuring that children are protected by requiring that all research be in compliance with subpart D of part 45 of title 46, Code of Federal Regulations.

This legislation also recognizes the importance of increasing the number of pediatric clinical researchers through the grant and loan repayment provisions. We strongly believe that this kind of greater support is needed for all pediatric research scientists. Still, we recognize that this legislation specifically addresses FDAMA's significant increase on the need for additional pediatric clinical pharmacologists to conduct pediatric drug studies. The grant program and loan repayment provisions of this bill are important incentives to securing greater numbers of well-trained experts of pediatric clinical pharmacology, and can hopefully be used as models for promoting a broader scope of pediatric research.

Throughout the years, you have been a strong and successful advocate for children and their needs and the American Academy of Pediatrics is grateful to you. The Children's Research Protection Act will be an advance for children. We offer our assistance as this bill moves through the Congress.

Sincerely,

DONALD E. COOK, MD, FAAP,
President.

PHARMACEUTICAL RESEARCH AND
MANUFACTURERS OF AMERICA,
Washington, DC, June 26, 2000.

Hon. MIKE DEWINE,
U.S. Senate,
Washington, DC.
Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATORS DEWINE AND DODD: The Pharmaceutical Research and Manufacturers of America (PhRMA) is pleased to offer its support for The Children's Research Protection Act. This piece of legislation addresses several key gaps towards the successful implementation of Section 111 of the Food and Drug Modernization Act of 1997 (FDAMA). This particular section of FDAMA has had an enormous impact on the investigation of important medicines in children. There has been a remarkable increase in the number of medicines being studied by pharmaceutical companies. The pharmaceutical industry has proposed pediatric studies on 177 medicines and the FDA has issued 145 written requests for studies as of May 1, 2000. In the short time since its inception, the legislation has fundamentally changed our approach to the study of medicines in children and holds enormous promise for improved treatment of sick children.

Several issues have become apparent as we have embarked on this new era of clinical investigation. There is clearly a shortage of experienced pediatric clinical pharmacologists, and those active in the field are generally quite senior. There is thus a need for training the next generation of investigators. If children are to receive the benefits of the new medicines now under development, and of the exciting therapies of the future, we will need highly qualified pediatric investigators, knowledgeable in the safe, ethical, and efficient study of medicines in children. The NICHD Pediatric Pharmacology Research Unit network has been instrumental in doing excellent studies in this area, and is an exemplary training ground for young pediatric investigators. It is vital that pediatric clinical investigation be performed by our best physician/scientists, in centers fully equipped to ensure a positive environment for children who participate in studies, and to ensure that all studies are done with the very highest standards of clinical investigation and clinical care.

It is also crucial, as the number of patients studied is expanding, to re-emphasize the ethical standards for conducting studies in children. The FDA has held meetings of its Pediatric Pharmacology Subcommittee, and one issue of concern was that the DHHS Guidelines in investigation of vulnerable subjects, 45 CRF 46, Subpart D does not cover all of the studies or investigative centers where studies of medicines under FDAMA might be done. It is clear that it is in the interest of children, and of the clinical investigative process, that the provision be reviewed and that all studies of medicines in children be covered under this provision.

To assure career paths for the new trainees in pediatric clinical pharmacology, renewal of Section 111 of FDAMA is particularly important since it assures continued pediatric clinical investigation of new medicines. These two legislative initiatives will have a major impact on the future of the health of our children.

Sincerely,

STEPHEN P. SPIELBERG,
MD, Ph.D.,
Vice President, Pediatric
Drug Development,
Janssen Research
Foundation, Chair,
Pediatric Task Force,
PhRMA.
ALAN GOLDHAMMER, Ph.D.,
Associate Vice President, US Regulatory
Affairs PhRMA.

AMERICAN SOCIETY FOR CLINICAL
PHARMACOLOGY AND THERAPEUTICS,
Alexandria, VA, May 16, 2000.

Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: The American Society for Clinical Pharmacology and Therapeutics is pleased to express support of the Children's Research Protection Act. Our society is the largest academic society of clinical pharmacologists in the United States and consists of member scientists, clinicians and researchers from the academic, regulatory and industry sectors including physicians, PhDs and PharmDs. We endorse the great need for this legislation as a means of improving the care of children by improving medications available to them and by increasing the effective use of medicines that are already on the market for children. In addition, we believe that the provisions of this legislation will ultimately lead to a reduced incidence of side effects and the rate of medication errors in children.

There are only two pediatric clinical pharmacology training programs in this country, and it is estimated that the number of practicing pediatric clinical pharmacologists may be as few as 20. Consequently, it is little wonder that 80% of the drugs already on the market have yet to be approved for use in children. We must expand the cadre of well-trained pediatric clinical pharmacologists who can focus their scientific and clinical skills on assuring that children have access to the same therapies readily available to adult patients. Further, special studies are required regarding the proper dosage and safe use of medications in children. The ASCPT applauds your recognition of these needs, and we believe that your bill includes the means to these ends: a program to increase the number of funded pediatric clinical pharmacology fellowships and a loan repayment program to attract physicians to careers in clinical pharmacology will improve the health of children through the safe use of available medications.

Thank you for your leadership on children's health care, and please add the American Society for Clinical Pharmacology and Therapeutics to the list of organizations endorsing the Children's Research Protection Act.

Yours sincerely,

RAYMOND L. WOOSLEY, M.D.,
President.

NATIONAL ASSOCIATION OF
CHILDREN'S HOSPITALS,
Alexandria, VA, May 9, 2000.

Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.
Hon. MIKE DEWINE,
U.S. Senate, Washington, DC.

DEAR SENATORS DODD AND DEWINE. On behalf of the National Association of Children's Hospitals (N.A.C.H.), an organization representing more than 100 freestanding children's hospitals and pediatric departments of major medical centers, I am writing to support the "Children's Research Protection Act." This legislation represents an important step in assuring that children enrolled in federally supported and/or regulated research receive important protections for their safety and well-being when participating as research subjects.

Children's hospitals are major centers for pediatric clinical research—research supported by the federal government, as well as private industry. The biomedical research efforts undertaken by children's hospitals recognize that "children are not little adults" and that their unique needs must be taken into account when developing and monitoring research protocols to address pediatric diseases and conditions. With the relatively recent adoption of the Food and Drug Administration Modernization Act (FDAMA), the number of children enrolled in pediatric clinical trials is rising. Therefore, it is especially important that a consistent set of additional protections for children participating in research, such as those included within subpart D of part 45 of title 46, Code of Federal Regulations (i.e. the "common rule"), be reviewed and extended to all federally conducted, supported, or regulated clinical research.

The "Children's Research Protection Act" also establishes a grant program and loan repayment provision. to help address the expected shortage of pediatric clinical pharmacologists and clinical investigators trained to develop therapies for children. This is especially important given the increased demand for expertise in this area created by the pediatric studies provisions of FDAMA. In addition, we are hopeful that such a model of grant and loan repayment can eventually be replicated to provide added incentives to increase the overall pediatric research workforce, such as is proposed in Sen. Bond's "Healthy Kids 2000 Act."

N.A.C.H. applauds your efforts for introducing this important piece of legislation. Please feel free to contact me if I can be of further assistance as this bill moves through Congress.

Sincerely,

LAWRENCE A. MCANDREWS.

Mr. DEWINE. Mr. President, I rise today to join my friend and colleague from Connecticut, Senator DODD, in introducing the Children's Research Protection Act. This bill is a logical and necessary follow-up to the Better Pharmaceuticals for Children Act, which Senator DODD and I got passed and enacted into law in 1997 as part of the FDA Modernization Act. This law created incentives for drug manufacturers for use by children. Since the law has been in place, more children than ever before are participating in clinical trials for drug testing.

Mr. President, it is imperative that we test drugs for children—on children. There are several reasons that such testing is necessary. Children have different physical make-ups from adults, which means they metabolize drugs differently. They likely need different doses and different amounts of time between doses for medications to be safe and effective. Also, because the same disease can manifest itself very differently in children and adults, we need to thoroughly test the drugs that we are using for children to treat the same illness.

As I noted already, since our Better Pharmaceuticals Act was enacted, we have seen a rapid increase in the number of children being enrolled in clinical trials. More than 18,000 children will be needed just for the 300 studies that have been proposed so far. Research has been completed and exclusivity granted on 22 drugs that were previously used for children without safety information, and more than 300 pediatric studies of 127 products are currently underway. Of those 22 drugs for which studies have been completed, eight drugs have already been re-labeled to reflect, the new pediatric safety information.

In contrast, in the five years prior to enactment of our Better Pharmaceuticals Act, only 11 studies to gather additional pediatric safety information about drugs already on the market were conducted—that's 11 studies in five years versus over 125 in just two years since this legislation was enacted. The increase in pediatric studies is good news for children and parents and is certainly a welcome improvement at a time when only one in five drugs currently on the market in the United States has been approved for use by children.

While we want to encourage better drug testing for children, we also need to ensure that strong federal protections are in place to protect children who participate in such research. Tragically, there are parts of the current law that do not protect children who participate in HHS federally-regulated research, unless it is also federally funded research. These federal protections for children also have not been updated since 1981, and have not been adopted by all of the federal agents that conduct research involving children.

That's why the Children's Research Protection Act we are introducing would require the Secretary of Health and Human Services (HHS) to review the current regulations governing the protection of children participating in research and update them to ensure that the strongest federal protections exist for such children.

Now, only HHS federally funded and federally regulated research has to comply with certain protections for children.

Our bill also would extend research protections for children to all research regulated by the Secretary of HHS, even if it is not federally funded.

Furthermore, our bill would require that all other federal agencies that conduct, support, or regulate research involving children must adopt regulations to provide greater protections for those children.

Finally, our bill would address the shortage of pediatric clinical pharmacologists whose specialized expertise is essential in performing pediatric studies, because the bill would authorize grants to ensure that an adequate number of pediatric clinical pharmacologists and clinical investigators are trained and retained to meet the increased demand for expertise created by the Better Pharmaceuticals law. There are fewer than 200 academic-based clinical pharmacologists in the United States, of whom 20 percent are pediatricians. Moreover, the bill would authorize the Secretary of HHS to enter into loan repayment contracts with doctors who agree to train and practice in pediatric pharmacology.

Mr. President, it is very important that we pass our legislation this year. While we have successfully encouraged better drug testing for children through the incentives in the "Better Pharmaceuticals for Children Act," we must take the next step and ensure that strong federal protections are in place to protect the children who participate in such research.

The children who are participating in clinical trials are medical pioneers. They will help to ensure that drugs used for children will be proven to be safe and appropriate for use in children. At the very least, we should make certain that strong federal safeguards exist to ensure their safety as they participate in these trials.

By Mr. KERRY (for himself and Mr. DEWINE):

S. 2810. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CHILD HANDGUN INJURY PREVENTION ACT

Mr. DEWINE. Mr. President, I rise today as an original cosponsor of the Child Handgun Injury Prevention Act being introduced by my friend and colleague from Massachusetts, Senator KERRY. I support this bill because I believe it will save lives.

Recently, we have all witnessed a disturbing trend. Day after day after day, we see shocking news reports about children dying because they got their hands on a loaded, unlocked firearm. In 1999 alone, this was an almost daily occurrence. Last year, more than 300 children died in gun accidents. Most of these accidents occurred in a child's own home, or in the home of a close friend or relative—the very places where these children should feel the safest.

Mr. President, the mixture of children and loaded firearms is deadly. An estimated 3.3 million children in the United States live in homes with firearms—firearms that are always or sometimes loaded and unlocked. I believe that the majority of parents with firearms believe they are being responsible about gun storage and other safety measures dealing with firearms. But, the sad fact is that some parents simply have a fundamental misunderstanding of a child's ability to access and fire a gun, to distinguish between real and toy guns, to make good judgments about handling a gun, and to consistently follow rules about gun safety. These are children, after all, and we can't expect them to understand completely what is involved with handling a gun safely.

Here's a startling fact: Nearly two-thirds of parents with school-age children who keep a gun in the home believe that the firearm is safe from their children. However, another study found that when a gun was in the home, 75 to 80 percent of first and second graders knew where the gun was kept.

Many gun owners, state and local governments, as well as this Senate, have started to recognize the combustible relationship between children and loaded, accessible firearms. This recognition has led many gun owners to purchase gun safety locks to ensure the safe storage of their handguns. In some states, gun locks are required at the time handguns are purchased. Seventeen states have Child Firearm Access Prevention laws that permit prosecution of adults if their firearm is left unsecured and a child uses that firearm to harm themselves or others. And, also, the Senate passed an amendment to the juvenile justice bill last year that would require the use of gun safety locks.

Despite the fact that gun owners are buying more firearm safety devices and governments are rushing to mandate their use, surprisingly there are no minimum safety standards for these devices. Currently, there are many different types of trigger locks, safety locks, lock boxes, and other devices available. And, there is a wide range in the quality and effectiveness of these devices. Some are inadequate to prevent the accidental discharge of the firearm or to prevent a child access to the firearm.

As governments move toward mandated safety devices, it is crucial that consumers know whether or not the devices they are buying will actually keep children from harming themselves. If states are going to prosecute adults when a child uses a firearm, these gun owners should—at the very least—have some peace of mind that their gun storage or safety lock device is adequate.

The legislation I am introducing today with Senator KERRY would help responsible gun owners and parents know that the safety devices they buy are at least minimally adequate. This legislation just makes sense. It requires the Consumer Product Safety Commission (CPSC) to formulate minimum safety standards for gun safety locks and to ensure that only adequate locks meeting those standards are available for purchase by consumers. The standards to be used by the Commission require that gun safety locks are sufficiently difficult for children to deactivate or remove and that the safety locks prevent the discharge of the handgun unless the lock has been deactivated or removed.

Mr. President, I would also like to note what this bill does not do. First of all, it does not give CPSC any say in standards of firearms or ammunition. In other words, it is not intended to regulate firearms, themselves, in any way whatsoever. Second, it would not mandate which type of gun lock device consumers use.

As I said earlier, there are many different types of gun locks currently available. Some of these allow for easy access and use of firearms for adults should they decide that is important to them. Other devices are more cumbersome and do not provide quick and easy access. Gun owners would be free to decide what device is best for them. This legislation would have no effect on that issue. Finally, this legislation does not require the use of gun safety locks. While the Senate has already passed legislation to do this, if that language is removed in conference, this legislation will not affect that.

As I have stated already, Mr. President, I believe that this legislation will save lives. But, more than that, this legislation will empower parents—parents who decide that they want to have a gun safety lock but are awash in a sea of different devices—to purchase only gun safety locks that provide adequate protection for their children. I urge my colleagues to join Senator KERRY and me in support of this bill.

By Mr. DASCHLE (for himself and Mr. CONRAD):

S. 2811. A bill to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants; to the Committee on Agriculture, Nutrition, and Forestry.

AMENDING THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding at the end the following:

"(20) COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.—

"(A) GRANT AUTHORITY.—The Secretary may make grants to associations, units of general local government, nonprofit corporations, and Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) in a State to provide the Federal share of the cost of developing specific essential community facilities in any geographic area—

"(i) that is represented by—

"(I) any political subdivision of a State;

"(II) an Indian tribe on a Federal or State reservation; or

"(III) other federally recognized Indian tribal group;

"(ii) that is located in a rural area (as defined in section 381A);

"(iii) with respect to which, during the most recent 5-year period, the net out-migration of inhabitants, or other population loss, from the area equals or exceeds 5 percent of the population of the area; and

"(iv) that has a median household income that is less than the nonmetropolitan median household income of the United States.

"(B) FEDERAL SHARE.—Paragraph (19)(B) shall apply to a grant made under this paragraph.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year, of which not more than 5 percent of the amount made available for a fiscal year shall be available for community planning and implementation.".

(b) CONFORMING AMENDMENT.—Section 381E(d)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)(B)) is amended by striking "section 306(a)(19)" and inserting "paragraph (19) or (20) of section 306(a)".

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 635

At the request of Mr. MACK, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 1197

At the request of Mr. ROTH, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1197, a bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

S. 1858

At the request of Mr. BREAUX, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1858, a bill to revitalize the international competitiveness of the United States-flag maritime industry through tax relief.

S. 1874

At the request of Mr. GRAHAM, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1997

At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1997, a bill to simplify Federal oil and gas revenue distributions, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2413

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2417

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2459

At the request of Mr. DODD, his name was added as a cosponsor of S . 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 2459, supra.

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 2459, supra.

At the request of Mr. KERREY, his name was added as a cosponsor of S. 2459, supra.

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 2459, supra.

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 2459, supra.

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 2459, supra.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 2459, supra.

S. 2557

At the request of Mr. LOTT, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2557, a bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

S. 2608

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2608, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 2641

At the request of Mr. CLELAND, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2641, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 2644

At the request of Mr. GORTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2644, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 2700

At the request of Mr. L. CHAFEE, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from New York (Mr. SCHUMER), the Senator from Maine (Ms. SNOWE), the Senator from New York (Mr. MOYNIHAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mr. GORTON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Virginia (Mr. WARNER), the Senator from Vermont (Mr. LEAHY), the Senator from North Carolina (Mr. HELMS), the Senator from Hawaii (Mr. AKAKA), the Senator from Florida (Mr. MACK), the Senator from Michigan (Mr. LEVIN), the Senator from Minnesota (Mr. GRAMS), the Senator from Nevada (Mr. BRYAN), the Senator from Ohio (Mr. DEWINE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oregon (Mr. SMITH), the Senator from Maryland (Mr. SARBANES), the Senator from Maine (Ms. COLLINS), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Louisiana (Mr. BREAUX), the Senator from Kansas (Mr. BROWNBACK), the Senator from Nebraska (Mr. KERREY), the Senator from Iowa (Mr. HARKIN), the Senator from Nevada (Mr. REID), the Senator from Georgia (Mr. CLELAND), the Senator from Virginia (Mr. ROBB), the Senator from Florida (Mr. GRAHAM), the Senator from North Carolina (Mr. EDWARDS), the Senator from California (Mrs. FEINSTEIN), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2739

At the request of Mr. LAUTENBERG, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. ABRAHAM), the Senator from North Carolina (Mr. EDWARDS), the Senator from North Dakota (Mr. CONRAD), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2775

At the request of Mr. DORGAN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2775, to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes.

S. 2779

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2779, a bill to provide for the designation of renewal communities and to provide tax incentives relating to such communities, to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities, and to provide for the establishment of Individual Development Accounts (IDAs), and for other purposes.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2793

At the request of Mr. HOLLINGS, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2793, a bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. RES. 268

At the request of Mr. EDWARDS, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. Res. 268, a resolution designating July 17 through July 23 as "National Fragile X Awareness Week."

S. RES. 294

At the request of Mr. ABRAHAM, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Washington (Mr. GORTON), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 3602

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 3602 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3641

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3641 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3644

At the request of Mr. WELLSTONE, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 3644 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3655

At the request of Mr. JEFFORDS, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of amendment No. 3655 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

At the request of Mr. CAMPBELL, his name was added as a cosponsor of amendment No. 3655 proposed to H.R. 4577, supra.

AMENDMENT NO. 3658

At the request of Mr. DASCHLE, the names of the Senator from North Dakota (Mr. DORGAN), and the Senator from Washington (Mr. GORTON) were added as cosponsors of amendment No. 3658 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

SENATE CONCURRENT RESOLUTION 125—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. SPECTER (for Mr. LOTT) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 125

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, June 29, 2000, Friday, June 30, 2000, or on Saturday, July 1, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 10, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 29, 2000, or Friday, June 30, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, July 10, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE RESOLUTION 329—URGING THE GOVERNMENT OF ARGENTINA TO PURSUE AND PUNISH THOSE RESPONSIBLE FOR THE 1994 ATTACK ON THE AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTIA

Mr. L. CHAFEE (for himself and Mr. HELMS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 329

Whereas on July 18, 1994, 86 innocent persons were killed and 300 were wounded when the AMIA Jewish Community Center was bombed in Buenos Aires, Argentina;

Whereas the United States welcomes Argentine President Fernando de la Rua's political will to pursue the investigation of the bombing of the AMIA Jewish Community Center to its ultimate conclusion;

Whereas circumstantial evidence attributes the attack to the terrorist group Hezbollah, based in Lebanon and sponsored by Iran;

Whereas the investigation indicates that this bombing could not have been carried out without assistance from former elements of local security forces;

Whereas additional evidence indicates that the tri-border area where Argentina, Paraguay, and Brazil meet was used to channel resources for the purpose of carrying out the bombing attack;

Whereas Argentine officials have acknowledged that there was negligence in the initial phases of the investigation and that the institutional and political conditions must be created to advance the investigation of this terrorist attack;

Whereas on March 17, 1992, terrorists bombed the Embassy of Israel in Buenos Aires, killing 29 persons and injuring more than 200 others, and the Government of Argentina has not yet brought anyone to justice for that act of terrorism;

Whereas failure to duly punish the culprits of these acts serves to reward these terrorists and help spread terrorism throughout the Western Hemisphere;

Whereas the democratic leaders of the Western Hemisphere issued mandates at the 1994 and 1998 Summits of the Americas that condemned terrorism in all its forms and that committed governments to combat terrorist acts anywhere in the Americas with unity and vigor; and

Whereas it is the long-standing policy of the United States to stand firm against terrorist attacks wherever and whenever they occur and to work with its allies to ensure that justice is done: Now, therefore, be it

Resolved, That the Senate—

(1) reiterates its condemnation of the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and remembers the victims of this heinous act;

(2) strongly urges the Government of Argentina to fulfill its international obligations and commitments and its promise to the Argentine people by pursuing the local and international connections to this act of terrorism, wherever they may lead, and to duly punish all those who were involved;

(3) urges the Government of Argentina to pursue and prosecute any person with ties to Hezbollah or any other terrorist organization;

(4) calls on the President to raise this issue in bilateral discussions with Argentine officials and to underscore the United States concern regarding the 6-year delay in the resolution of this case;

(5) recommends that the United States Permanent Representative to the Organization of American States should seek support from the countries comprising the Inter-American Committee Against Terrorism to assist, if requested by the Government of Argentina, in the investigation of this terrorist attack;

(6) encourages the President to direct United States law enforcement agencies to provide support and cooperation to the Government of Argentina, if requested, for purposes of the investigation into this and other terrorist activities in the tri-border area; and

(7) desires a lasting and positive relationship between the United States and Argentina based on a mutual commitment to the rule of law and democracy in the Western Hemisphere and mutual abhorrence of terrorism.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President and the United States Permanent Representative to the Organization of American States.

AMENDMENTS SUBMITTED

DEPARTMENT OF LABOR APPROPRIATIONS ACT, 2001

KERRY (AND OTHERS) AMENDMENT NO. 3659

(Ordered to lie on the table.)

Mr. KERRY (for himself, Mr. BINGAMAN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the end of title III, insert the following:

Sec. . Notwithstanding any other provision of this Act, the total amount made available under this title to carry out the technology literacy challenge fund under section 3132 of the Elementary and Secondary Education Act of 1965 shall be $517,000,000.

ENZI AMENDMENT NO. 3660

(Ordered to lie on the table.)

Mr. ENZI submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 13, line 20, strike "*Provided*" and insert the following: ": *Provided*, That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 2000, at least $22,200,000 shall be used to carry out education, training, and consultation activities as described in subsections (c) and (d) of section 21 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670(c) and (d)): *Provided further,*".

KENNEDY (AND OTHERS) AMENDMENT NO. 3661

Mr. KENNEDY (for himself, Mr. REED, Mr. BINGAMAN, Mr. WELLSTONE, Mr. DODD, Mrs. MURRAY, Mr. LEVIN, Mr. SCHUMER, and Mr. DURBIN) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. . TEACHER QUALITY ENHANCEMENT.

In addition to any other funds appropriated under this Act to carry out title II of the Higher Education Act of 1965, there are appropriated $202,000,000 to carry out such title.

(Ordered to lie on the table.)

DOMENICI AMENDMENT NO. 3662

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 4, between lines 6 and 7, insert the following:

Of the funds made available under this heading for dislocated worker employment and training activities, $5,000,000 shall be made available to the New Mexico Telecommunications Call Center Training Consortium for such activities.

LIEBERMAN (AND OTHERS) AMENDMENTS NOS. 3663-3664

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself, Mr. GORTON, Mr. BAYH, Mr. BRYAN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. ROBB, and Mr. BREAUX) submitted two amendments intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

Amendment No. 3663

On page 57, between lines 19 and 20, insert the following:

TITLE I TARGETING STUDY

For carrying out a study by the Comptroller General of the United States, evaluating the extent to which funds made available under part A of title I of the Elementary and Secondary Education Act of 1965 are allocated to schools and local educational agencies with the greatest concentrations of school-age children from low-income families, the extent to which allocations of such funds adjust to shifts in concentrations of pupils from low-income families in different regions, States, and substate areas, the extent to which the allocation of such funds encourage the targeting of state funds to areas with higher concentrations of children from low-income families, the implications of current distribution methods for such funds, and formula and other policy recommendations to improve the targeting of such funds to more effectively serve low-income children in both rural and urban areas, and for preparing interim and final reports based on the results of the study, to be submitted to Congress not later than February 1, 2001, and April 1, 2001, respectively, $10,000, which shall become available on October 1, 2000.

On page 70, line 7, strike "$396,672,000" and insert "$396,662,000".

Amendment No. 3664

In lieu of the matter proposed to be inserted, insert the following: "Higher Education Act of 1965, $8,986,800,000, of which $2,729,958,000 shall become available on July 1, 2001, and shall remain available through September 30, 2002, and of which $6,223,342,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2000–2001: *Provided*, That $7,113,403,000 shall be available for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965: *Provided further*, That up to $3,500,000 of those funds shall be available to the Secretary on October 1, 2000, to obtain updated local educational agency level census poverty data from the Bureau of the Census: *Provided further*, That $1,222,397,000 shall be available for concentration grants under section 1124A of that Act: *Provided further*, That, in addition to the amounts otherwise made available under this heading, an amount of $1,000 (which shall become available on October 1, 2000) shall be transferred to the account under this heading from the amount appropriated under the heading "PROGRAM ADMINISTRATION" under the heading "Departmental Management" in title III, for carrying out a study by the Comptroller General of the United States, evaluating the extent to which funds made available under part A of title I of the Elementary and Secondary Education Act of 1965 are allocated to schools and local educational agencies with the greatest concentrations of school-age children from low-income families, the extent to which allocations of such funds adjust to shifts in concentrations of pupils from low-income families in different regions, States, and substate areas, the extent to which the allocation of such funds encourage the targeting of state funds to areas with higher concentrations of children from low-income families, the implications of current distribution methods for such funds, and formula and other policy recommendations to improve the targeting of such funds to more effectively serve low-income children in both rural and urban areas, and for preparing interim and final reports based on the results of the study, to be submitted to Congress not later than February 1, 2001, and April 1, 2001, respectively: *Provided further*, That grant awards under sec-".

FEINSTEIN AMENDMENT NO. 3665

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, H.R. 4577, supra; as follows:

On page 71, after line 25, add the following:

Sec. 305. (a) Definitions.—In this section:

(1) Local educational agency.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) Master teacher.—The term "master teacher" means a teacher who—

(A) is licensed or credentialed under State law;

(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

(C) is selected upon application, is judged to be an excellent teacher, and is recommended by administrators and other teachers who are knowledgeable of the individual's performance;

(D) at the time of submission of such application, is teaching and based in a public school;

(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

(F) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 additional years.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

(b) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Not later than July 1, 2001, the Secretary shall conduct a demonstration project under which the Secretary shall award competitive grants to local educational agencies to increase teacher salaries and employee benefits for teachers who enter into contracts with the local educational agencies to serve as master teachers.

(2) REQUIREMENTS.—In awarding grants under the demonstration project, the Secretary shall—

(A) ensure that grants are awarded under the demonstration project to a diversity of local educational agencies in terms of size of school district, location of school district, ethnic and economic composition of students, and experience of teachers; and

(B) give priority to local educational agencies in school districts that have schools with a high proportion of economically disadvantaged students.

(c) APPLICATIONS.—In order to receive a grant under the demonstration project, a local educational agency shall submit an application to the Secretary that contains—

(1) an assurance that funds received under the grant will be used in accordance with this section; and

(2) a detailed description of how the local educational agency will use the grant funds to pay the salaries and employee benefits for positions designated by the local educational agency as master teacher positions.

(d) MATCHING REQUIREMENT.—The Secretary may not award a grant to a local educational agency under the demonstration project unless the local educational agency agrees that, with respect to costs to be incurred by the agency in carrying out activities for which the grant was awarded, the agency shall provide (directly, through the State, or through a combination thereof) in non-Federal contributions an amount equal to the amount of the grant awarded to the agency.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than July 1, 2005, the Secretary shall conduct a study and transmit a report to Congress analyzing the results of the demonstration project conducted under this section.

(2) CONTENTS OF REPORT.—The report shall include—

(A) an analysis of the results of the project on—

(i) the recruitment and retention of experienced teachers;

(ii) the effect of master teachers on teaching by less experienced teachers;

(iii) the impact of mentoring new teachers by master teachers; and

(iv) the impact of master teachers on student achievement; and

(B) recommendations regarding—

(i) continuing or terminating the demonstration project; and

(ii) establishing a grant program to expand the project to additional local educational agencies and school districts.

(f) FUNDING.—Of the amount made available under this title under the heading relating to school improvement programs for carrying out activities under title VI of the Elementary and Secondary Education Act of 1965, $50,000,000 shall become available on October 1, 2000, and shall remain available through September 30, 2005, for making grants under this section.

HARKIN (AND OTHERS) AMENDMENT NO. 3666

(Ordered to lie on the table.)

Mr. HARKIN (for himself, Mr. ROBB, Mr. BINGAMAN, Mr. KENNEDY, Mr. WELLSTONE, Mr. CONRAD, Mr. REED, Mr. DODD, and Mr. DURBIN) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. ___. EDUCATION INFRASTRUCTURE.

Notwithstanding any other provision of this Act—

(1) from the amount appropriated under this title under the heading "SCHOOL IMPROVEMENT PROGRAMS" the Secretary of Education shall make available $1,300,000,000 to carry out the Education Infrastructure Act of 1994;

(2) the total amount made available under this title to carry out title VI of the Elementary and Secondary Education Act of 1965 shall be $1,800,000,000; and

(3) $1,400,000,000 of such $1,800,000,000—

(A) shall be available for purposes described in the second proviso under such heading; and

(B) may be used for purposes described in the third proviso under such heading.

GRAMM AMENDMENT NO. 3667

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 91, strike section 515.

LANDRIEU AMENDMENT NO. 3668

(Ordered to lie on the table.)

Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill, H.R. 4577, supra; as follows:

On page 41, lines 11 and 12, strike "$7,881,586,000, of which $41,791,000" and insert "$7,895,723,000, of which $55,928,000".

LEAHY AMENDMENT NO. 3669

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 45, line 4, insert before the period the following: ": *Provided*, That an additional $2,500,000 shall be made available for the Office for Civil Rights: *Provided further*, That amounts made available under this title for the administrative and related expenses of the Department of Health and Human Services shall be reduced by $2,500,000".

SMITH OF NEW HAMPSHIRE (AND OTHERS) AMENDMENT NO. 3670

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire (for himself, Ms. LANDRIEU, and Mr. DURBIN) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

At the appropriate place, add the following: "None of the funds appropriated under this Act shall be expended by the National Institutes of Health on a contract for the care of the 288 chimpanzees acquired by the National Institutes of Health from the Coulston Foundation, unless the contractor is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International or has a Public Health Services assurance, and has not been charged multiple times with egregious violations of the Animal Welfare Act.".

WELLSTONE AMENDMENT NO. 3671

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 71, after line 25, add the following:

SEC. ___. (a) In addition to any amounts appropriated under this title for the Perkin's loan cancellation program under section 465 of the Higher Education Act of 1965 (20 U.S.C. 1087ee), an additional $30,000,000 is appropriated to carry out such program.

(b) Notwithstanding any other provision of this Act, amounts made available under titles I and II, and this title, for salaries and expenses at the Departments of Labor, Health and Human Services, and Education, respectively, shall be reduced on a pro rata basis by $30,000,000.

DODD (AND OTHERS) AMENDMENT NO. 3672

Mr. DODD (for himself, Mr. KENNEDY, and Mr. WELLSTONE) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. . 21ST CENTURY COMMUNITY LEARNING CENTERS.

Notwithstanding any other provision of this Act, the total amount appropriated under this Act to carry out part I of title X of the Elementary and Secondary Education Act of 1965 shall be $1,000,000,000.

WELLSTONE (AND OTHERS) AMENDMENT NO. 3673

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself, Mr. REID, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 34, line 17, insert before the period the following: ": *Provided further*, That in addition to amounts provided herein, $3,000,000 shall be available for the Center for Mental Health Services: *Provided further*, That amounts made available under this title for the administrative and related expenses of the Department of Health and Human Services shall be reduced on a pro rata basis by $3,000,000".

WELLSTONE AMENDMENT NO. 3674

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 92, between lines 4 and 5, insert the following:

SEC. . (a) LIMITATION ON USE OF FUNDS FOR CERTAIN AGREEMENTS.—Except as provided in subsection (b), none of the funds made available under this Act may be used by the Secretary of Health and Human Services to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or on another exclusive right to a drug;

(2) an agreement on the use of information derived from animal tests or human clinical trials that are conducted by the Department of Health and Human Services with respect to a drug, including an agreement under which such information is provided by the Department to another Federal agency on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug.

(b) EXCEPTIONS.—Subsection (a) shall not apply to an agreement where—

(1) the sale of the drug involved is subject to a price agreement that is reasonable (as defined by the Secretary of Health and Human Services); or

(2) a reasonable price agreement with respect to the sale of the drug involved is not required by the public interest (as defined by such Secretary).

BINGAMAN (AND OTHERS) AMENDMENT NO. 3675

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. REID, Ms. COLLINS, and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 59, line 12, strike the period and insert the following: "*Provided further*, That of the amount made available under this heading for activities carried out through the Fund for the Improvement of Education under part A of title X, $20,000,000 shall be made available to enable the Secretary of Education to award grants to develop and implement school dropout prevention programs.".

JEFFORDS AMENDMENTS NOS. 3676–3677

(Ordered to lie on the table.)

Mr. JEFFORDS submitted two amendments intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3676

(a) On page 59, between lines 12 and 13, insert the following:

"HIGH SCHOOL ACADEMIC ACHIEVEMENT PROGRAM

For necessary expenses to help school students reach their full academic and technical skills potential through enriched learning experiences, $20,000,000."

(b) OFFSET.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $20,000,000.

AMENDMENT NO. 3677

On page 92, between lines 4 and 5, insert the following:

SEC. . AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 2111(c)(1)(D) of the Public Health Service Act (42 U.S.C. 300aa-11(c)(1)(D)) is amended by striking "and" at the end and inserting "or (iii) suffered such illness, disability, injury or condition from the vaccine which resulted in inpatient hospitalization and surgical intervention to correct such illness, disability, injury or condition, and".

KENNEDY (AND OTHERS) AMENDMENT NO. 3678

Mr. KENNEDY (for himself, Mr. WELLSTONE, Mr. ROBB, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. REED, Mr. DODD, Mr. AKAKA, Mr. DURBIN, Mr. KERRY, and Mr. BAYH) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 2, line 12, strike "$2,990,141,000" and insert "$3,889,387,000".

On page 2, line 13, strike "$1,718,801,000" and insert "$2,239,547,000".

On page 2, line 15, strike "$1,250,965,000" and insert "$1,629,465,000".

On page 2, line 17, strike "$1,000,965,000" and insert "$1,254,465,000".

On page 2, line 18, strike "$250,000,000" and insert "$375,000,000".

On page 5, line 6, strike "$153,452,000" and insert "$197,452,000".

On page 5, line 7, strike "$3,095,978,000" and insert "$3,196,746,000".

On page 5, line 26, strike "$153,452,000" and insert "$197,452,000".

On page 6, line 1, strike "$763,283,000" and insert "$788,283,000".

On page 20, line 1, strike "$19,800,000" and insert "$22,300,000".

BREAUX AMENDMENT NO. 3679

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the appropriate place, insert the following:

SEC. . POINT OF ORDER AGAINST CONSIDERATION OF OMNIBUS APPROPRIATIONS CONFERENCE REPORTS IF NOT AVAILABLE FOR 2 DAYS.

It shall not be in order in the Senate to consider a conference report on an Omnibus Appropriations bill (an appropriations bill containing 2 or more of the 13 regular appropriations Acts) unless that conference report has been available at least 2 days prior to consideration.

WELLSTONE (AND OTHERS) AMENDMENT NO. 3680

Mr. REID (for Mr. WELLSTONE (for himself, Mr. KENNEDY, and Mr. REID)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 34, line 17, insert before the period the following: ":*Provided further*, That within the amounts provided herein $3,000,000 shall be available for the Center for Mental Health Services to support through grants a certification program to improve and evaluate the effectiveness and responsiveness of suicide hotlines and crisis centers in the United States and to help support and evaluate". a national hotline and crisis center network.

TORRICELLI AMENDMENTS NOS. 3681–3682

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendments intended to be proposed to him to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3681

On page 27, line 24, strike the period and insert the following: ": *Provided further*, That the funds made available under this heading for section 317A of the Public Health Service Act may be made available for programs operated in accordance with a strategy (developed and implemented by the Director for the Centers for Disease Control and Prevention) to identify and target resources for childhood lead poisoning prevention to high-risk populations, including ensuring that any individual or entity that receives a grant under that section to carry out activities relating to childhood lead poisoning prevention shall use 10 percent of the grant funds awarded for the purpose of funding screening assessments and referrals at sites of operation of the Early Head Start programs under the Head Start Act.".

AMENDMENT NO. 3682

On page 42, line 12, strike the period and insert the following: ": *Provided further*, That the funds made available under this heading for section 645A of the Head Start Act shall be made available for Early Head Start programs in which the entity carrying out such a program may—

"(1) determine whether a child eligible to participate in the program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program; and

"(2) in the case of a child who has not received such a blood lead screening test, ensure that each enrolled child receives such a test either by referral or by performing the test (under contract or otherwise).".

TORRICELLI AMENDMENT NO. 3683

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 92, between lines 4 and 5, insert the following:

PART —MISCELLANEOUS PROVISIONS

SEC. 01. DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES WITH RESPECT TO CAMPUS BUILDINGS.

(a) SHORT TITLE.—This section may be cited as the "Campus Fire Safety Right to Know Act".

(b) AMENDMENT.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(1)—

(A) by striking "and" at the end of subparagraph (N);

(B) by striking the period at the end of subparagraph (O) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(P) the fire safety report prepared by the institution pursuant to subsection (h)."; and

(2) by adding at the end the following new subsection:

"(h) Disclosure of Fire Safety Standards and Measures.—

"(1) Fire safety reports required.—Each eligible institution participating in any program under this title shall, beginning in academic year 2001-2002, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual fire safety report containing at least the following information with respect to the campus fire safety practices and standards of that institution:

"(A) A statement that identifies each student housing facility of the institution, and whether or not each such facility is equipped with a fire sprinkler system or another equally protective fire safety system.

"(B) Statistics concerning the occurrence on campus, during the 2 preceding calendar years for which data are available, of fires and false fire alarms.

"(C) For each such occurrence, a statement of the human injuries or deaths and the structural damage caused by the occurrence.

"(D) Information regarding fire alarms, smoke alarms, the presence of adequate fire escape planning or protocols (as defined in local fire codes), rules on portable electrical appliances, smoking and open flames (such as candles), regular mandatory supervised fire drills, and planned and future improvement in fire safety.

"(2) Rule of construction.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to fire safety.

"(3) Reports.—Each institution participating in any program under this title shall make periodic reports to the campus community on fires and false fire alarms that are reported to local fire departments in a manner that will aid in the prevention of similar occurrences.

"(4) Reports to secretary.—On an annual basis, each institution participating in any program under this title shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(B). The Secretary shall—

"(A) review such statistics;

"(B) make copies of the statistics submitted to the Secretary available to the public; and

"(C) in coordination with representatives of institutions of higher education, identify exemplary fire safety policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus fires.

"(5) Definition of campus.—In this subsection the term 'campus' has the meaning provided in subsection (f)(6).".

(c) Report to Congress by Secretary of Education.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall prepare and submit to the Congress a report containing—

(1) an analysis of the current status of fire safety systems in college and university facilities, including sprinkler systems;

(2) an analysis of the appropriate fire safety standards to apply to these facilities, which the Secretary shall prepare after consultation with such fire safety experts, representatives of institutions of higher education, and other Federal agencies as the Secretary, in the Secretary's discretion, considers appropriate;

(3) an estimate of the cost of bringing all nonconforming dormitories and other campus buildings up to current new building codes; and

(4) recommendations from the Secretary concerning the best means of meeting fire safety standards in all college and university facilities, including recommendations for methods to fund such cost.

BAUCUS (AND JEFFORDS) AMENDMENT NO. 3684

(Ordered to lie on the table.)

Mr. BAUCUS (for himself and Mr. Jeffords) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . SENSE OF THE SENATE REGARDING IMPACTS OF THE BALANCED BUDGET ACT OF 1997.

(a) Findings.—The Senate makes the following findings:

(1) Since its passage in 1997, the Balanced Budget Act of 1997 has drastically cut payments under the medicare program under title XVIII of the Social Security Act in the areas of hospital, home health, and skilled nursing care, among others. While Congress intended to cut approximately $100,000,000,000 from the medicare program over 5 years, recent estimates put the actual cut at over $200,000,000,000.

(2) A recent study on home health care found that nearly 70 percent of hospital discharge planners surveyed reported a greater difficulty obtaining home health services for medicare beneficiaries as a result of the Balanced Budget Act of 1997.

(3) According to the Medicare Payment Advisory Commission, rural hospitals were disproportionately affected by the Balanced Budget Act of 1997, dropping the inpatient margins of such hospitals over 4 percentage points in 1998.

(b) Sense of Senate.—It is the sense of the Senate that Congress and the President should act expeditiously to alleviate the adverse impacts of the Balanced Budget Act of 1997 on beneficiaries under the medicare program under title XVIII of the Social Security Act and health care providers participating in such program.

BAUCUS (AND OTHERS) AMENDMENT NO. 3685

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. Bingaman, Mr. Domenici, and Mrs. Hutchison) submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

Sec. . Notwithstanding any other provision of this Act—

(1) the total amount made available under this title to carry out section 8007 of the Elementary and Secondary Education Act of 1965 shall be $50,000,000; and

(2) the amount of funds provided to each Federal agency that receives appropriations under this Act in an amount greater than $20,000,000 shall be reduced by a uniform percentage necessary to achieve an aggregate reduction of $25,000,000 in funds provided to all such agencies under this Act.

WELLSTONE (AND OTHERS) AMENDMENT NO. 3686

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself, Mr. Jeffords, Mr. Kohl, Mr. Lieberman, Mr. Levin, Mr. Schumer, and Mr. Reed) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 37, between lines 21 and 22, insert the following:

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,100,000,000, to be available for obligation in the period October 1, 2001 through September 30, 2002.

BAUCUS (AND OTHERS) AMENDMENT NO. 3687

Mr. BAUCUS (for himself, Mr. Bingaman, Mr. Domenici, and Mrs. Hutchison) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

Sec. . Notwithstanding any other provision of this Act—

(1) the total amount made available under this title to carry out section 8007 of the Elementary and Secondary Education Act of 1965 shall be $50,000,000; and

(2) Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be reduced on a pro rata basis by $25,000,000.

* * *

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, July 11, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2195, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water; S. 2350, a bill to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah; and S. 2672, a bill to provide for the conveyance of various reclamation projects to local water authorities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, June 28, 2000, at 9:30 a.m., on airline customer service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the session of the Senate on Wednesday, June 28, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, June 28, 9:30 a.m., Hearing Room (SD-406), to conduct a business meeting to consider the following items: Everglades Restoration, Water Resources development, and GSA Authorizations—(a) Multiple FY01 Prospectuses and (b) One FY02 Design Project.

The PRESIDING OFFICER. Without objection,s it is so ordered.

COMMITTEE ON FINANCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, June 28, 2000, for an Open Executive Session to consider the chairman's Mark of the Marriage Tax Relief Reconciliation Act of 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 28, 2000, at 11 a.m., to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 28, 2000, at 2:30 p.m., in room 485 of the Russell Senate Building to mark up pending committee business to be followed by a hearing on S. 2283, to amend the Transportation Equity Act (TEA-21) to make certain amendments with respect to Indian tribes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, June 28, 2000, at 10 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs be authorized to meet during the session of the Senate on Wednesday, June 28, 2000, at 2 p.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Wednesday, June 28, 2000, at 9 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Wednesday, June 28 at 2 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—H.R. 4577

Mr. DODD. I ask unanimous consent that Meredith Miller and Kathy HoganBruen, of my staff, be granted the privilege of the floor for the remainder of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Laura Chow, a legislative fellow in my office, be granted floor privileges during the debate on the Labor-HHS bill.

Mr. JEFFORDS. Mr. President, I further ask consent that Diane Lenz be granted access to the floor during consideration of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Vinu Pillai, an intern, Nina Rossomando, a fellow, and Ellen Gerrity be allowed the privilege of the floor this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

GAMBLING ON COLLEGE ATHLETICS

Mr. BROWNBACK. Mr. President, I draw quick attention of the body to the amendment I hope to bring up sometime during the session—or on a freestanding bill--banning gambling on college athletics. There is currently only one State in the Union where you can bet on college sports. That is in Nevada. It is called the "Vegas Exception." That has led to a lot of problems of gambling on college athletics and on college campuses.

Also, one of the aspects I want to point out briefly—and why I want to bring this up yet this session of Congress because of the impact it is having on our young people—is the expansion into gambling and getting addicted.

We are finding that one of the leading gateways for young people to get into gambling is through sports gambling—betting on sporting events. That is one of the top two ways of getting young people involved. They are among the most susceptible to becoming addicted to gambling.

There is a study by the Harvard Medical School on addiction. It reported that college students are three times as likely to develop a severe gambling problem as compared with other adults. It shows that the leading gateway for college students becoming addicted is through sports betting.

There is only one place in the country where it is legal. That is in Nevada. It is the "Vegas Exception." That provides this atmosphere where it is legal or thought to be legal in many places, and we are seeing this problem grow.

The NCAA is strongly supportive of this amendment. They want to get at this issue of gambling that is expanding exponentially across the country, and the problems they are having they want to be able to deal with so people will know there is a fair game that is going on. They want to deal with it now.

Some Members are opposed to this amendment. I simply stand here to say I am prepared to bring this amendment up at any time with limited debate—1 hour of debate equally divided between each side—and I am willing to go late into the night, as it is obvious now at this hour—to talk about this issue, get an up-or-down vote on it, and simply move forward. If the body agrees, let the body work its will. If the body disagrees, so be it. Let's move on.

This is an important issue to our young people, to our colleges, and to college athletics. These games should remain honest and not be influenced by gambling. We are even hearing of some referees now who are betting on games. It is causing people to question whether these are legitimate sporting events or fixed events on the point spread.

I simply continue to state to my colleagues that this is an important amendment on which I want to get a vote in this session of Congress. I am prepared to have limited debate at any point in time or bring the matter up as a freestanding bill so we are able to address it. I don't want to hold up other bills. I want to be able to get a vote on this particular item. We can do so in a limited time fashion. It is important that we get this addressed now.

FEASIBILITY STUDY ON THE JICARILLA APACHE RESERVATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 625, H.R. 3051.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3051) to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3051) was read the third time and passed.

NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 630, S. 2719.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2719) to provide for business development and trade promotion for Native Americans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2719) was read the third time and passed, as follows:

S. 2719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Business Development, Trade Promotion, and Tourism Act of 2000".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) clause 3 of section 8 of article I of the United States Constitution recognizes the special relationship between the United States and Indian tribes;

(2) beginning in 1970, with the inauguration by the Nixon Administration of the Indian self-determination era, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States.

(3) in 1994, President Clinton issued an Executive memorandum to the heads of departments and agencies that obligated all Federal departments and agencies, particularly those that have an impact on economic development, to evaluate the potential impacts of their actions on Indian tribes;

(4) consistent with the principles of inherent tribal sovereignty and the special relationship between Indian tribes and the United States, Indian tribes retain the right to enter into contracts and agreements to trade freely, and seek enforcement of treaty and trade rights;

(5) Congress has carried out the responsibility of the United States for the protection and preservation of Indian tribes and the resources of Indian tribes through the endorsement of treaties, and the enactment of other laws, including laws that provide for the exercise of administrative authorizes.

(6) the United States has an obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency among Indian tribes;

(7) the capacity of Indian tribes to build strong tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities on Indian lands;

(8) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, native Americans suffer high rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States;

(9) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the tribes; and

(B) facilitate economic ventures with outside entities that are not tribal entities;

(10) the economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(11) the lack of employment and entrepreneurial opportunities in the communities referred to in paragraph (7) has resulted in a multigenerational dependence on Federal assistance that is—

(A) insufficient to address the magnitude of needs; and

(B) unreliable in availability; and

(12) the twin goals of economic self-sufficiency and political self-determination for Native Americans can best be served by marking available to address the challenges faced by those groups—

(A) the resources of the private market;

(B) adequate capital; and

(C) technical expertise.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To revitalize economically and physically distressed Native American economies by—

(A) encouraging the formation of new businesses by eligible entities, and the expansion of existing businesses; and

(B) facilitating the movement of goods to and from Indian lands and the provision of services by Indians.

(2) To promote private investment in the economies of Indian tribes and to encourage the sustainable development of resources of Indian tribes and Indian-owned businesses.

(3) To promote the long-range sustained growth of the economies of Indian tribes.

(4) To raise incomes of Indians in order to reduce the number of Indians at poverty levels and provide the means for achieving a higher standard of living on Indian reservations.

(5) To encourage intertribal, regional, and international trade and business development in order to assist in increasing productivity and the standard of living of members of Indian tribes and improving the economic self-sufficiency of the governing bodies of Indian tribes.

(6) To promote economic self-sufficiency and political self-determination for Indian tribes and members of Indian tribes.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBILITY ENTITY.—The term "eligible entity" means an Indian tribe or tribal organization, an Indian arts and crafts organization, as that term is defined in section 2 of the Act of August 27, 1935 (commonly known as the "Indian Arts and Crafts Act") (49 Stat. 891, chapter 748; 25 U.S.C. 305a), a tribal enterprise, a tribal marketing cooperative (as that term is defined by the Secretary, in consultation with the Secretary of the Interior), or any other Indian-owned business.

(2) INDIAN.—The term "Indian" has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(3) INDIAN GOODS AND SERVICES.—The term "Indian goods and services" means—

(A) Indian goods, within the meaning of section 2 of the Act of August 27, 1935 (commonly known as the "Indian Arts and Crafts Act") (49 Stat. 891, chapter 748; 25 U.S.C. 305a);

(B) goods produced or originated by an eligible entity; and

(C) services provided by eligible entities.

(4) INDIAN LANDS.—

(A) IN GENERAL.—The term "Indian lands" includes lands under the definition of—

(i) the term "Indian country" under section 1151 of title 18, United States Code; or

(ii) the term "reservation" under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) FORMER INDIAN RESERVATIONS IN OKLAHOMA.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term "former Indian reservations in Oklahoma" shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) INDIAN-OWNED BUSINESS.—The term "Indian-owned business" means an entity organized for the conduct of trade or commerce with respect to which at least 50 percent of the property interests of the entity are owned by Indians or Indian tribes (or a combination thereof).

(6) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(8) TRIBAL ENTERPRISE.—The term "tribal enterprise" means a commercial activity or business managed or controlled by an Indian tribe.

(9) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department of Commerce an office known as the Office of Native American Business Development (referred to in this Act as the "Office").

(2) DIRECTOR.—The Office shall be headed by a Director, appointed by the Secretary, whose title shall be the Director of Native American Business Development (referred to in this Act as the "Director"). The Director shall be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall ensure the coordination of Federal programs that provide assistance, including financial and technical assistance, to eligible entities for increased business, the expansion of trade by eligible entities, and economic development on Indian lands.

(2) INTERAGENCY COORDINATION.—The Secretary, acting through the Director, shall coordinate Federal programs relating to Indian economic development, including any such program of the Department of the Interior, the Small Business Administration, the Department of Labor, or any other Federal agency charged with Indian economic development responsibilities.

(3) ACTIVITIES.—In carrying out the duties described in paragraph (1), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(A) Federal programs designed to provide legal, accounting, or financial assistance to eligible entities;

(B) market surveys;

(C) the development of promotional materials;

(D) the financing of business development seminars;

(E) the facilitation of marketing;

(F) the participation of appropriate Federal agencies or eligible entities in trade fairs;

(G) any activity that is not described in subparagraphs (A) through (F) that is related to the development of appropriate markets; and

(H) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(4) ASSISTANCE.—In conjunction with the activities described in paragraph (3), the Secretary, acting through the Director, shall provide—

(A) financial assistance, technical assistance, and administrative services to eligible entities to assist those entities with—

(i) identifying and taking advantage of business development opportunities; and

(ii) compliance with appropriate laws and regulatory practices; and

(B) such other assistance as the Secretary, in consultation with the Director, determines to be necessary for the development of business opportunities for eligible entities to enhance the economies of Indian tribes.

(5) PRIORITIES.—In carrying out the duties and activities described in paragraphs (3) and (4), the Secretary, acting through the Director, shall give priority to activities that—

(A) provide the greatest degree of economic benefits to Indians; and

(B) foster long-term stable economies of Indian tribes.

(6) PROHIBITION.—The Secretary may not provide under this section assistance for any activity related to the operation of a gaming activity on Indian lands pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).

SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PROMOTION.

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Native American export and trade promotion program (referred to in this section as the "program").

(b) COORDINATION OF FEDERAL PROGRAMS AND SERVICES.—In carrying out the program, the Secretary, acting through the Director, and in cooperation with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services designed to—

(1) develop the economies of Indian tribes; and

(2) stimulate the demand for Indian goods and services that are available for eligible entities.

(c) ACTIVITIES.—In carrying out the duties described in subsection (b), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate carry out—

(1) Federal programs designed to provide technical or financial assistance to eligible entities;

(2) the development of promotional materials;

(3) the financing of appropriate trade missions;

(4) the marketing of Indian goods and services;

(5) the participation of appropriate Federal agencies or eligible entities in international trade fairs; and

(6) any other activity related to the development of markets for Indian goods and services.

(d) TECHNICAL ASSISTANCE.—In conjunction with the activities described in subsection (c), the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities with—

(1) the identification of appropriate markets for Indian goods and services;

(2) entering the markets referred to in paragraph (1);

(3) compliance with foreign or domestic laws and practices with respect to financial institutions with respect to the export and import of Indian goods and services; and

(4) entering into financial arrangements to provide for the export and import of Indian goods and services.

(e) PRIORITIES.—In carrying out the duties and activities described in subsections (b) and (c), the Secretary, acting through the Director, shall give priority to activities that—

(1) provide the greatest degree of economic benefits to Indians; and

(2) foster long-term stable international markets for Indian goods and services.

SEC. 6. INTERTRIBAL TOURISM DEMONSTRATION PROJECTS.

(a) PROGRAM TO CONDUCT TOURISM PROJECTS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall conduct a Native American tourism program to facilitate the development and conduct of tourism demonstration projects by Indian tribes, on a tribal, intertribal, or regional basis.

(2) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—Under the program established under this section, in order to assist in the development and promotion of tourism on and in the vicinity of Indian lands, the Secretary, acting through the Director, shall, in coordination with the Under Secretary of Agriculture for Rural Development, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) PROJECTS DESCRIBED.—In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and lands in the vicinity of Indian lands, including projects that provide for—

(i) the development and distribution of educational and promotional materials pertaining to attractions located on and near Indian lands;

(ii) the development of educational resources to assist in private and public tourism development on and in the vicinity of Indian lands; and

(iii) the coordination of tourism-related joint revenues and cooperative efforts between eligible entities and appropriate State and local governments that have jurisdiction over areas in the vicinity of Indian lands.

(3) GRANTS.—To carry out the program under this section, the Secretary, acting through the Director, may award grants or enter into other appropriate arrangements with Indian tribes, tribal organizations, intertribal consortia, or other tribal entities that the Secretary, in consultation with the Director, determines to be appropriate.

(4) LOCATIONS.—In providing for tourism development demonstration projects under the program under this section, the Secretary, acting through the Director, shall provide for a demonstration project to be conducted—

(A) for Indians of the Four Corners area located in the area adjacent to the border between Arizona, Utah, Colorado, and New Mexico;

(B) for Indians of the northwestern area that is commonly known as the Great Northwest (as determined by the Secretary);

(C) for the Oklahoma Indians in Oklahoma;

(D) for the Indians of the Great Plains area (as determined by the Secretary); and

(E) for Alaska Natives in Alaska.

(b) ASSISTANCE.—The Secretary, acting through the Director, shall provide financial assistance, technical assistance, and administrative services to participants that the Secretary, acting through the Director, selects to carry out a tourism development project under this section, with respect to—

(1) feasibility studies conducted as part of that project;

(2) market analyses;

(3) participation in tourism and trade missions; and

(4) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(c) INFRASTRUCTURE DEVELOPMENT.—The demonstration projects conducted under this section shall include provisions to facilitate the development and financing of infrastructure, including the development of Indian reservation roads in a manner consistent with title 23, United States Code.

SEC. 7. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary, in consultation with the Director, shall prepare and submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a report on the operation of the Office.

(b) CONTENTS OF REPORT.—Each report prepared under subsection (a) shall include—

(1) for the period covered by the report, a summary of the activities conducted by the Secretary, acting through the Director, in carrying out sections 4 through 6; and

(2) any recommendations for legislation that the Secretary, in consultation with the Director, determines to be necessary to carry out sections 4 through 6.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

ACCEPTANCE OF STATUE OF CHIEF WASHAKIE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 333, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 333) providing for the acceptance of a statue of Chief Washakie, presented by the people of Wyoming, for placement in National Statuary Hall, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 333) was agreed to.

The preamble was agreed to.

AUTHORIZING USE OF ROTUNDA OF THE CAPITOL

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H. Con. Res. 344, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 344) permitting the use of the Rotunda of the Capitol for a ceremony to present the Congressional Gold Medal to Father Theodore Hesburgh.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 344) was agreed to.

RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2000

Mr. BROWNBACK. I ask unanimous consent the Chair lay before the Senate a message from the House of Representatives to accompany S. 1515, an Act to amend the Radiation Exposure Compensation Act, and for other purposes.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1515) entitled "An Act to amend the Radiation Exposure Compensation Act, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radiation Exposure Compensation Act Amendments of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) recognized the responsibility of the Federal Government to compensate individuals who were harmed by the mining of radioactive materials or fallout from nuclear arms testing;

(2) a congressional oversight hearing conducted by the Committee on Labor and Human Resources of the Senate demonstrated that since enactment of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), regulatory burdens have made it too difficult for some deserving individuals to be fairly and efficiently compensated;

(3) reports of the Atomic Energy Commission and the National Institute for Occupational Safety and Health testify to the need to extend eligibility to States in which the Federal Government sponsored uranium mining and milling from 1941 through 1971;

(4) scientific data resulting from the enactment of the Radiation Exposed Veterans Compensation Act of 1988 (38 U.S.C. 101 note), and obtained from the Committee on the Biological Effects of Ionizing Radiations, and the President's Advisory Committee on Human Radiation Experiments provide medical validation for the extension of compensable radiogenic pathologies;

(5) above-ground uranium miners, millers and individuals who transported ore should be fairly compensated, in a manner similar to that provided for underground uranium miners, in cases in which those individuals suffered disease or resultant death, associated with radiation exposure, due to the failure of the Federal Government to warn and otherwise help protect citizens from the health hazards addressed by the Radiation Exposure Compensation Act of 1990 (42 U.S.C. 2210 note); and

(6) it should be the responsibility of the Federal Government in partnership with State and local governments and appropriate healthcare organizations, to initiate and support programs designed for the early detection, prevention and education on radiogenic diseases in approved States to aid the thousands of individuals adversely affected by the mining of uranium and the testing of nuclear weapons for the Nation's weapons arsenal.

SEC. 3. AMENDMENTS TO THE RADIATION EXPOSURE COMPENSATION ACT.

(a) CLAIMS RELATING TO ATMOSPHERIC NUCLEAR TESTING.—Section 4(a)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"(1) CLAIMS RELATING TO LEUKEMIA.—

"(A) IN GENERAL.—An individual described in this subparagraph shall receive an amount specified in subparagraph (B) if the conditions described in subparagraph (C) are met. An individual referred to in the preceding sentence is an individual who—

"(i)(I) was physically present in an affected area for a period of at least 1 year during the period beginning on January 21, 1951, and ending on October 31, 1958;

"(II) was physically present in the affected area for the period beginning on June 30, 1962, and ending on July 31, 1962; or

"(III) participated onsite in a test involving the atmospheric detonation of a nuclear device; and

"(ii) submits written documentation that such individual developed leukemia—

"(I) after the applicable period of physical presence described in subclause (I) or (II) of clause (i) or onsite participation described in clause (i)(III) (as the case may be); and

"(II) more that 2 years after first exposure to fallout.

"(B) AMOUNTS.—If the conditions described in subparagraph (C) are met, an individual—

"(i) who is described in subclause (I) or (II) of subparagraph (A)(i) shall receive $50,000; or

"(ii) who is described in subclause (III) of subparagraph (A)(i) shall receive $75,000.

"(C) CONDITIONS.—The conditions described in this subparagraph are as follows:

"(i) Initial exposure occurred prior to age 21.

"(ii) The claim for a payment under subparagraph (B) is filed with the Attorney General by or on behalf of the individual.

"(iii) The Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.".

(b) DEFINITIONS.—Section 4(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by inserting "Wayne, San Juan," after "Millard,"; and

(B) by amending subparagraph (C) to read as follows:

"(C) in the State of Arizona, the counties of Coconino, Yavapai, Navajo, Apache, and Gila; and"; and

(2) in paragraph (2)—

(A) by striking "the onset of the disease was between 2 and 30 years of first exposure," and inserting "the onset of the disease was at least 2 years after first exposure, lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam),";

(B) by striking "(provided initial exposure occurred by the age of 20)" after "thyroid";

(C) by inserting "male or" before "female breast";

(D) by striking "(provided initial exposure occurred prior to age 40)" after "female breast";

(E) by striking "(provided low alcohol consumption and not a heavy smoker)" after "esophagus";

(F) by striking "(provided initial exposure occurred before age 30)" after "stomach";

(G) by striking "(provided not a heavy smoker)" after "pharynx";

(H) by striking "(provided not a heavy smoker and low coffee consumption)" after "pancreas"; and

(I) by inserting "salivary gland, urinary bladder, brain, colon, ovary," after "gall bladder,".

(c) CLAIMS RELATING TO URANIUM MINING.—

(1) IN GENERAL.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"(a) ELIGIBILITY OF INDIVIDUALS.—

"(1) IN GENERAL.—An individual shall receive $100,000 for a claim made under this Act if—

"(A) that individual—

"(i) was employed in a uranium mine or uranium mill (including any individual who was employed in the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, and Texas at any time during the period beginning on January 1, 1942, and ending on December 31, 1971; and

"(ii)(I) was a miner exposed to 40 or more working level months of radiation and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease; or

"(II) was a miller or ore transporter who worked for at least 1 year during the period described under clause (i) and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease or renal cancers and other chronic renal disease including nephritis and kidney tubal tissue injury;

"(B) the claim for that payment is filed with the Attorney General by or on behalf of that individual; and

"(C) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

"(2) INCLUSION OF ADDITIONAL STATES.—Paragraph (1)(A)(i) shall apply to a State, in addition to the States named under such clause, if—

"(A) an Atomic Energy Commission uranium mine was operated in such State at any time during the period beginning on January 1, 1942, and ending on December 31, 1971;

"(B) the State submits an application to the Department of Justice to include such State; and

"(C) the Attorney General makes a determination to include such State.

"(3) PAYMENT REQUIREMENT.—Each payment under this section may be made only in accordance with section 6.".

(2) DEFINITIONS.—Section 5(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in paragraph (3)—

(i) by striking "and" before "corpulmonale"; and

(ii) by striking "; and if the claimant," and all that follows through the end of the paragraph and inserting ", silicosis, and pneumoconiosis;";

(B) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(C) by adding at the end the following:

"(5) the term 'written medical documentation' for purposes of proving a nonmalignant respiratory disease or lung cancer means, in any case in which the claimant is living—

"(A)(i) an arterial blood gas study; or

"(ii) a written diagnosis by a physician meeting the requirements of subsection (c)(1); and

"(B)(i) a chest x-ray administered in accordance with standard techniques and the interpretive reports of a maximum of two National Institute of Occupational Health and Safety certified 'B' readers classifying the existence of the nonmalignant respiratory disease of category 1/0 or higher according to a 1989 report of the International Labor Office (known as the 'ILO'), or subsequent revisions;

"(ii) high resolution computed tomography scans (commonly known as 'HRCT scans') (including computer assisted tomography scans (commonly known as 'CAT scans'), magnetic resonance imaging scans (commonly known as 'MRI scans'), and positron emission tomography scans (commonly known as 'PET scans')) and interpretive reports of such scans;

"(iii) pathology reports of tissue biopsies; or

"(iv) pulmonary function tests indicating restrictive lung function, as defined by the American Thoracic Society;

"(6) the term 'lung cancer'—

"(A) means any physiological condition of the lung, trachea, or bronchus that is recognized as lung cancer by the National Cancer Institute; and

"(B) includes in situ lung cancers;

"(7) the term 'uranium mine' means any underground excavation, including 'dog holes', as well as open pit, strip, rim, surface, or other aboveground mines, where uranium ore or vanadium-uranium ore was mined or otherwise extracted; and

"(8) the term 'uranium mill' includes milling operations involving the processing of uranium ore or vanadium-uranium ore, including both carbonate and acid leach plants.".

(3) WRITTEN DOCUMENTATION.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following:

"(c) WRITTEN DOCUMENTATION.—

"(1) DIAGNOSIS ALTERNATIVE TO ARTERIAL BLOOD GAS STUDY.—

"(A) IN GENERAL.—For purposes of this Act, the written diagnosis and the accompanying interpretive reports described in subsection (b)(5)(A) shall—

"(i) be considered to be conclusive; and

"(ii) be subject to a fair and random audit procedure established by the Attorney General.

"(B) CERTAIN WRITTEN DIAGNOSES.—

"(i) IN GENERAL.—For purposes of this Act, a written diagnosis made by a physician described under clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation shall be considered to be conclusive evidence of that disease.

"(ii) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) is a physician who—

"(I) is employed by the Indian Health Service or the Department of Veterans Affairs; or

"(II) is a board certified physician; and

"(III) has a documented ongoing physician patient relationship with the claimant.

"(2) CHEST X-RAYS.—

"(A) IN GENERAL.—For purposes of this Act, a chest x-ray and the accompanying interpretive reports described in subsection (b)(5)(B) shall—

"(i) be considered to be conclusive; and

"(ii) be subject to a fair and random audit procedure established by the Attorney General.

"(B) CERTAIN WRITTEN DIAGNOSES.—

"(i) IN GENERAL.—For purposes of this Act, a written diagnosis made by a physician described in clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation that meets the definition of that term under subsection (b)(5) shall be considered to be conclusive evidence of that disease.

"(ii) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) is a physician who—

"(I) is employed by—

"(aa) the Indian Health Service; or

"(bb) the Department of Veterans Affairs; and

"(II) has a documented ongoing physician patient relationship with the claimant.".

(d) DETERMINATION AND PAYMENT OF CLAIMS.—

(1) FILING PROCEDURES.—Section 6(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "In establishing procedures under this subsection, the Attorney General shall take into account and make allowances for the law, tradition, and customs of Indian tribes (as that term is defined in section 5(b)) and members of Indian tribes, to the maximum extent practicable.".

(2) DETERMINATION AND PAYMENT OF CLAIMS, GENERALLY.—Section 6(b)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant.".

(3) OFFSET FOR CERTAIN PAYMENTS.—Section 6(c)(2)(B) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in clause (i), by inserting "(other than a claim for workers' compensation)" after "claim"; and

(B) in clause (ii), by striking "Federal Government" and inserting "Department of Veterans Affairs".

(4) APPLICATION OF NATIVE AMERICAN LAW TO CLAIMS.—Section 6(c)(4) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following:

"(D) APPLICATION OF NATIVE AMERICAN LAW.—In determining those individuals eligible to receive compensation by virtue of marriage, relationship, or survivorship, such determination shall take into consideration and give effect to established law, tradition, and custom of the particular affected Indian tribe.".

(5) ACTION ON CLAIMS.—Section 6(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) by inserting "(1) IN GENERAL.—" before "The Attorney General";

(B) by inserting at the end the following: "For purposes of determining when the 12-month period ends, a claim under this Act shall be deemed filed as of the date of its receipt by the Attorney General. In the event of the denial of a claim, the claimant shall be permitted a reasonable period in which to seek administrative review of the denial by the Attorney General. The Attorney General shall make a final determination with respect to any administrative review within 90 days after the receipt of the claimant's request for such review. In the event the Attorney General fails to render a determination within 12 months after the date of the receipt of such request, the claim shall be deemed awarded as a matter of law and paid."; and

(C) by adding at the end the following:

"(2) ADDITIONAL INFORMATION.—The Attorney General may request from any claimant under this Act, or from any individual or entity on behalf of any such claimant, any reasonable additional information or documentation necessary to complete the determination on the claim in accordance with the procedures established under subsection (a).

"(3) TREATMENT OF PERIOD ASSOCIATED WITH REQUEST.—

"(A) IN GENERAL.—The period described in subparagraph (B) shall not apply to the 12-month limitation under paragraph (1).

"(B) PERIOD.—The period described in this subparagraph is the period—

"(i) beginning on the date on which the Attorney General makes a request for additional information or documentation under paragraph (2); and

"(ii) ending on the date on which the claimant or individual or entity acting on behalf of that claimant submits that information or documentation or informs the Attorney General that it is not possible to provide that information or that the claimant or individual or entity will not provide that information.

"(4) PAYMENT WITHIN 6 WEEKS.—The Attorney General shall ensure that an approved claim is paid not later than 6 weeks after the date on which such claim is approved.

"(5) NATIVE AMERICAN CONSIDERATIONS.—Any procedures under this subsection shall take into consideration and incorporate, to the fullest extent feasible, Native American law, tradition, and custom with respect to the submission and processing of claims by Native Americans.".

(e) REGULATIONS.—

(1) IN GENERAL.—Section 6(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "Not later than 180 days after the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000, the Attorney General shall issue revised regulations to carry out this Act.".

(2) AFFIDAVITS.—

(A) IN GENERAL.—The Attorney General shall take such action as may be necessary to ensure that the procedures established by the Attorney General under section 6 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) provide that, in addition to any other material that may be used to substantiate employment history for purposes of determining working level months, an individual filing a claim under those procedures may make such a substantiation by means of an affidavit described in subparagraph (B).

(B) AFFIDAVITS.—An affidavit referred to under subparagraph (A) is an affidavit—

(i) that meets such requirements as the Attorney General may establish; and

(ii) is made by a person other than the individual filing the claim that attests to the employment history of the claimant.

(f) LIMITATIONS ON CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by inserting "(a) IN GENERAL.—" before "A claim"; and

(2) by adding at the end the following:

"(b) RESUBMITTAL OF CLAIMS.—After the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000, any claimant who has been denied compensation under this Act may resubmit a claim for consideration by the Attorney General in accordance with this Act not more than three times. Any resubmittal made before the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000 shall not be applied to the limitation under the preceding sentence.".

(g) EXTENSION OF CLAIMS AND FUND.—

(1) EXTENSION OF CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking "20 years after the date of the enactment of this Act" and inserting "22 years after the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000".

(2) EXTENSION OF FUND.—Section 3(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended in the first sentence by striking "date of the enactment of this Act" and inserting "date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000".

(h) ATTORNEY FEES LIMITATION.—Section 9 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"SEC. 9. ATTORNEY FEES.

"(a) GENERAL RULE.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this Act, more than that percentage specified in subsection (b) of a payment made under this Act on such claim.

"(b) APPLICABLE PERCENTAGE LIMITATIONS.—The percentage referred to in subsection (a) is—

"(1) 2 percent for the filing of an initial claim; and

"(2) 10 percent with respect to—

"(A) any claim with respect to which a representative has made a contract for services before the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000; or

"(B) a resubmission of a denied claim.

"(c) PENALTY.—Any such representative who violates this section shall be fined not more than $5,000.".

(i) GAO REPORTS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and every 18 months thereafter, the General Accounting Office shall submit a report to Congress containing a detailed accounting of the administration of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) by the Department of Justice.

(2) CONTENTS.—Each report submitted under this subsection shall include an analysis of—

(A) claims, awards, and administrative costs under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(B) the budget of the Department of Justice relating to such Act.

SEC. 4. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.

Subpart I of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

"SEC. 417C. GRANTS FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.

"(a) DEFINITION.—In this section the term 'entity' means any—

"(1) National Cancer Institute-designated cancer center;

"(2) Department of Veterans Affairs hospital or medical center;

"(3) Federally Qualified Health Center, community health center, or hospital;

"(4) agency of any State or local government, including any State department of health; or

"(5) nonprofit organization.

"(b) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration in consultation with the Director of the National Institutes of Health and the Director of the Indian Health Service, may make competitive grants to any entity for the purpose of carrying out programs to—

"(1) screen individuals described under section 4(a)(1)(A)(i) or 5(a)(1)(A) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for cancer as a preventative health measure;

"(2) provide appropriate referrals for medical treatment of individuals screened under paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services;

"(3) develop and disseminate public information and education programs for the detection, prevention, and treatment of radiogenic cancers and diseases; and

"(4) facilitate putative applicants in the documentation of claims as described in section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

"(c) INDIAN HEALTH SERVICE.—The programs under subsection (a) shall include programs provided through the Indian Health Service or through tribal contracts, compacts, grants, or cooperative agreements with the Indian Health Service and which are determined appropriate to raising the health status of Indians.

"(d) GRANT AND CONTRACT AUTHORITY.—Entities receiving a grant under subsection (b) may expend the grant to carry out the purpose described in such subsection.

"(e) HEALTH COVERAGE UNAFFECTED.—Nothing in this section shall be construed to affect any coverage obligation of a governmental or private health plan or program relating to an individual referred to under subsection (b)(1).

"(f) REPORT TO CONGRESS.—Beginning on October 1 of the year following the date on which amounts are first appropriated to carry out this section and annually on each October 1 thereafter, the Secretary shall submit a report to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Commerce of the House of Representatives. Each report shall summarize the expenditures and programs funded under this section as the Secretary determines to be appropriate.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purpose of carrying out this section $20,000,000 for fiscal year 1999 and such sums as may be necessary for each of the fiscal years 2000 through 2009.".

Mr. HATCH. Mr. President, I am pleased that the Congress is approving one of my top legislative priorities, the "Radiation Exposure Compensation Act Amendments of 2000," (S. 1515) which will update the compensation program Congress enacted a decade ago. The amendments we pass tonight will make certain that more Utahns who were exposed to radiation during the Cold War can now be granted deserved compensation to recognize the injuries and hardship they and their families have suffered. It will also streamline the application process, making it easier for eligible claimants to qualify.

Mr. President, we our government can never truly make right the unanticipated illness and injury caused by our Nation's nuclear testing program. But we should do all we can, and it is my fervent hope these amendments show Congress' commitment to righting a wrong in which the government played such a substantial role.

S. 1515 is aimed at improving a program which provides a measure of compensation to individuals who have sustained illness due to radiation exposure. These are fellow Americans who have suffered terribly from cancer and other debilitating diseases resulting from exposure to fallout and uranium mining during this narrow period of our history.

In meetings with constituents over the past several years, I have heard countless heart-rending stories about the devastating effects families have felt due to their exposure to radiation. I recall so vividly one young woman in St. George, Utah talking about the "beautiful sky" that her mother called all the children outside to view, thus exposing every family member to radiation. Tragically, many of those family members were eventually diagnosed with cancer.

Through advances in science, we now know so much more about the effects of that radiation than we did in the late 1950s and 1960s. In fact, we know so much more today than we did in 1990 when Congress passed the original compensation program, the Radiation Exposure Compensation Act. Our current state of scientific knowledge allows us to pinpoint with more accuracy which diseases are reasonably believed to be related to radiation exposure, and that is what necessitated the legislation we are considering today.

The RECA amendments of 2000 updates that 1990 law in a number of important areas. Let me briefly take this opportunity to summarize the improvements to RECA that S. 1515 makes:

1. It expands the list eligible diseases (leukemia) and other cancers eligible for compensation to include: lung; thyroid; breast (male and female); esophagus; stomach; pharynx, small intestine; pancreas; bile ducts; salivary gland; urinary bladder; brain, colon; ovary; gall bladder, or liver in those claimants referred to as "downwinders" and onsite test participants.

2. It extends eligibility to other diseases (non-cancers) including pulmonary fibrosis, silicosis and pneumoconiosis to millers and miners.

3. It includes two new counties, Wayne and San Juan, as well as several other counties from other states.

4. It extends eligibility for compensation to include above-ground and open-pit uranium mine workers, uranium mill workers, and individuals who transported uranium ore. Under the 1990 law, only underground miners of uranium were included.

5. In an important change, it eliminates a distinction between smokers and nonsmokers. While I appreciate the concern of government officials that smokers who became ill could not reasonably attribute that illness to radiation exposure, many constituents have explained to me that it was virtually impossible to provide reliable documentation about as to whether they had smoked or not. Thus, I insisted in this change so that claimants no longer need to prove they were nonsmokers. For many individuals, this will ease the application process immeasurably.

6. It allows for certified physician/patient written documentation and appropriate tests (e.g. CAT scans and MRIs) to be used in the verification of a claim. This will also ease the claimant's application process tremendously. Before, claimants had to search for specific documentation that may have never existed or was disposed of years earlier.

7. In another important provision, these amendments respect Native American law in claims processing as it applies to survivor eligibility based on law, tradition, and custom of a particular Indian tribe (i.e. martial status).

8. While the bill retains the RECA'90 levels of compensation and does not alter the documentation requirements showing that a person was present during the atomic testings, at the request of Senator DASCHLE, the bill does extend compensation to a new group of individuals: millers (and ore transporters) who are also eligible for $100,000.

9. In the case of millers, miners, and ore transporters, the bill lowers the amount of documented radiation from 200 Working Level Months (WLM) to 40 Working Level Months. If a miller or ore transporter applies for compensation, their exposure documentation can be either proof of 40 WLM or one year documented employment. This is a big change, for with RECA 90, millers and ore transporters were not even eligible for compensation and miners were required to show proof of 200 WLMs.

10. Miners and millers are eligible for compensation if they meet the eligibility criteria for lung cancer and chronic lung diseases mentioned above in #2. Millers are eligible for compensation if they develop renal cancers, chronic renal disease including nephritis and kidney tubal tissue injury. The compensation would be $100,000.

11. Finally, at the suggestion of several Washington County, Utah constituents, the bill includes a new grant program that will help with early detection, prevention and screening of radiogenic diseases. These programs will screen for the early warning signs of cancer, provide medical referrals and educate individuals on prevention and treatment of radiogenic diseases. The grant program is designed to be available to a wide range of community-based groups, including cancer centers, hospitals, Veterans Affairs medical centers, community health centers and state departments of health.

I am extremely grateful to the interested and concerned constituents who helped in the drafting of the RECA amendments. Many times, their heartfelt stories helped lead to provisions in the legislation which can only help improve the program. For example, in one meeting on the bill held in St. George, Utah, a woman explained to my office that the compensation program, while well-intended, could never make families who had experienced radiation-caused illness whole again. She expressed her feeling that the greater good could come not from compensating individuals, but from instituting programs which will help families detect potential illness earlier, allowing them to be treated more successfully and cost-effectively. From that conversation was born the new prevention grant program, which I believe will prove to be extremely successful.

Our nation has a commitment to the thousands who suffered ill-effects from radiation exposure during a period of nuclear testing critical to our Nation's defense capabilities. I believe we have an obligation to those who were injured, especially since they were not adequately warned about the potential health hazards involved in their exposure.

This legislation was made possible by a staunch group of bipartisan supporters who have worked several years to see these program modernizations through. In particular, I want to thank my colleagues from the Beehive State, Representative CHRIS CANNON, a Judiciary Committee member who worked so hard to get this bill through, and Senator BOB BENNETT, for his support on this measure.

Likewise, I want to thank a number of other Senators for their help in passing this legislation—Senators BEN NIGHTHORSE CAMPBELL, JON KYL, and PETE DOMENICI, and Minority Leader TOM DASCHLE and Senator JEFF BINGAMAN. All of these Senators assisted substantially in developing this legislation.

I would be remiss if I did not thank members of the Senate Judiciary Committee, and especially Senator PAT LEAHY, for their help and cooperation on this issue. And, I want to pay special tribute to my counterpart in the House, Chairman HENRY HYDE, as well as to Representative LAMAR SMITH, Chairman of the Subcommittee on Immigration and Claims.

Finally, I would also like to thank the ranking member of the House Judiciary Committee, Representative JOHN CONYERS, Representative BARNEY FRANK, and Representative JOE SKEEN for their generous support and contributions toward the passage of this bill. I would also be remiss if I did not mention the contributions made to this bill by Stewart Udall, whose substantial work on RECA and these amendments should not go unnoticed.

I want to offer sincere appreciation for the assistance and cooperation of key staff, including Cindy Blackston of the House Judiciary Committee, Trudy Vincent of Senator BINGAMAN's staff, Peter Hansen and Mark Childress of Senator DASCHLE's staff, and Ed Pagano of Senator LEAHY's staff.

Also, I want to recognize the hard work by my own staff on this legislation. I have often thought that the probability of any bill passing by unanimous consent is an inverse relationship to the number of hours spent developing it. This bill has been a long time in development. Dr. Marlon Priest began the research phase for this bill over two years ago. Dr. David Russell has brought the legislation to its completion. Pattie DeLoatche, Rob Foreman, Shawn Bently, Troy Dow, Jeannine Holt, and Patricia Knight have worked tirelessly together on behalf of this legislation.

And last, but not least, I want to thank the many constituents who offered helpful suggestions to me as we worked to enact S. 1515. I have a tremendous appreciation for their determination, dedication and hard work which was such a necessary part of crafting this legislation.

The Radiation Exposure Compensation Act Amendment of 2000 is an important piece of legislation which will speed up the application process as well as modernize the criteria for compensation, helping thousands of fellow Utahns and other deserving Americans who were injured by our nation's nuclear development and testing programs. I am hopeful that President Clinton will sign this bipartisan bill into law on a priority basis.

Mr. DASCHLE. Mr. President, I am delighted that the Senate is passing S. 1515, the Radiation Exposure Compensation Improvement Act Amendments of 2000. I deeply appreciate the hard work of my colleague, Senator HATCH, in developing this legislation and bringing it to this point.

Hundreds of former uranium workers in South Dakota and thousands across the nation have developed cancer and other life-threatening diseases as a result of their work producing uranium on behalf of the United States government. Although the federal government knew that this work put the health of these men and women at risk, it failed to take appropriate steps to warn or protect them.

In 1990, Congress passed landmark legislation to compensate these individuals. The legislation before us today takes critically-needed steps to amend this act to make it easier for victims to apply for and receive compensation. It also broadens the availability of compensation by updating the list of compensable diseases to take into account the latest science and by extending compensation to groups of workers excluded from the original law. Most importantly, it makes compensation available to workers in all states, including my home state of South Dakota. The original law limited compensation to workers in five states only, despite the fact that workers in other states faced identical circumstances.

It is critical that we pass this legislation as quickly as possible in order to provide these individuals with compensation. Many are sick, and unable to afford adequate health insurance. This compensation will provide them with vital assistance.

While I believe we need to send this legislation to the President immediately, there is one issue I hope to address as quickly as possible. The current version of this legislation sets different standards of eligibility for compensation for uranium millers and uranium miners. Uranium millers must demonstrate that they worked in a mill for a year. However, miners must demonstrate that they were exposed to 40 or more working level months of radiation. Given that miners' records about their level of exposure have now been lost, or were kept inaccurately, I believe we should set the one year standard for both categories of workers. Would the Senator from Utah agree at the first available opportunity to seek to amend this legislation to state that miners must simply demonstrate that they worked in a mine for one year to be eligible to receive compensation?

Mr. HATCH. I agree to work with the Democratic Leader. While we cannot afford a delay in sending the current bill to the resident, a strong argument can be made that both miners and mill workers should have the same standard of eligibility for compensation. I will work with the Senator in an expeditious manner to address this issue and make any necessary amendment.

Mr. DASCHLE. I thank my colleague and once again commend him for his outstanding work on this issue.

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing S. 1515, the Radiation Exposure Compensation Act Amendments of 2000, and sending it to President Clinton for his signature into law. I want to congratulate the Chairman of the Judiciary Committee, Senator HATCH, and the Senator from New Mexico, Senator BINGAMAN, for their leadership on this bill.

During the Senate Judiciary Committee consideration of this legislation last year, I offered an amendment on behalf of Senator BINGAMAN to add the category of renal disease affecting uranium miners to the coverage of the Radiation Exposure Compensation Act. I am pleased to report that our amendment has been retained in the final version of this legislation. I know that Senator BINGAMAN sought higher compensation levels for radiation exposure victims in his original legislation, but has agreed to this bipartisan compromise to ensure the bill's final passage into law this year and to expedite compensation to radiation exposure victims in New Mexico.

I want to commend Senator HATCH and Senator BINGAMAN for a job well done.

Mr. BINGAMAN. Mr. President, I rise today with my colleague from Utah, Senator HATCH, and others, to recognize we are passing S. 1515, which makes long overdue improvements to the Radiation Exposure Compensation Act of 1990.

Mr. President, RECA was originally enacted in 1990 as a means of compensating the individuals who suffered from exposure to radiation as a result of the U.S. government's nuclear testing program and federal uranium mining activities. While the government can never fully compensate for the loss of a life or the reduction in the quality of life, RECA serves as a cornerstone for the national apology Congress extended to those adversely affected by the various radiation tragedies. In keeping with the spirit of that apology, the legislation the Senate is passing today will further correct existing injustices and provide compassionate compensation for those whose lives and health were sacrificed as part of our nation's effort to win the Cold War. While this bill does not go as far as the bill I originally introduced in the Senate this Congress, I am pleased that we have been able to take these important steps to begin to compensate our citizens for the sacrifices they made.

During the period of 1947 to 1961, the Federal Government controlled all aspects of the production of nuclear fuel. One of these aspects was the mining of uranium in New Mexico, Colorado, Arizona, Wyoming and Utah. Even though the Federal Government had adequate knowledge of the hazards involved in uranium mining, these miners, many of whom were Native Americans, were sent into inadequately ventilated mines with virtually no instruction regarding the dangers of ionizing radiation. These miners had no idea of those dangers. Consequently, they inhaled radon particles that eventually yielded substantial doses of ionizing radiation. As a result, these miners have a substantially elevated cancer rate and incidence of incapacitating respiratory disease. The health effects of uranium mining in the fifties and sixties remain the single greatest concern of many former uranium miners and millers and their families and friends.

In 1990, I was pleased to co-sponsor the original RECA legislation to provide compassionate compensation to uranium miners. I believe that our efforts in 1990 were well intentioned but have not proven to be as effective as we had hoped in providing redress to those individuals who suffered the effects of working in uranium mines or mills or transporting the ore. The government has the responsibility to compensate all those adversely affected and who have suffered health problems because they were not adequately informed of the risks they faced while mining, milling, and transporting uranium ore.

Now we are getting ready to pass this comprehensive amendment to RECA to correct omissions, make RECA consistent with current medical knowledge, and to address what have become administrative horror stories for the claimants. With passage of this bill, we're now a Presidential signature away from offering compensation to thousands more uranium workers than ever.

Mr. President, the success of this bill is due in large part to Paul Hicks, who stood up for uranium workers, and strongly encouraged Congress to do the right thing by passing this bill. Paul was President of the Uranium Workers of New Mexico, and his passing just two months ago makes today's action bittersweet. But I hope his family can take comfort in the fact that he made a tremendously positive impact on the lives of thousands of uranium workers.

Mr. President, I am appreciative of all the hard work done on this bill by Senator HATCH and others, and I hope the President will sign this bill as soon as possible so that justice will be delayed no longer.

Mr. BROWNBACK. I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—S. 2808

Mr. BROWNBACK. Mr. President, I understand that S. 2808 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (S. 2808) to amend the Internal Revenue Code of 1986 to temporarily suspend the Federal fuels tax.

Mr. BROWNBACK. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR THURSDAY, JUNE 29, 2000

Mr. BROWNBACK. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, June 29. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4762, the disclosure bill under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information of all Senators, on Thursday the Senate will resume consideration of the disclosure bill at 9:30 a.m. Under the previous order, there will be closing remarks on the bill with a vote on final passage to occur at approximately 9:40 a.m. Under the order, a vote in relation to the Frist amendment to the Labor-HHS appropriations bill will immediately follow the disposition of the disclosure bill.

As a reminder, there is a finite list of amendments to the Labor appropriations bill. Those Senators who have amendments on the list should work with the bill managers on a time to offer their amendments during tomorrow's session. Final passage on the bill is expected to occur by midafternoon.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:32 p.m., adjourned until Thursday, June 29, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 28, 2000:

DEPARTMENT OF DEFENSE

DONALD MANCUSO, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, VICE ELEANOR HILL.

CORPORATION FOR PUBLIC BROADCASTING

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2006, VICE HENRY J. CAUTHEN, TERM EXPIRED.

EXTENSIONS OF REMARKS

NATIONAL JUNETEENTH CELEBRATION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. CUMMINGS. Mr. Speaker, today I pay tribute to the Juneteenth National Museum, located in my home district of Baltimore, MD., and in observance of the National Juneteenth Celebration.

On June 17–18, 2000, the Juneteenth National Museum held its 12th annual "Juneteenth" celebration commemorating the Emancipation Proclamation. Juneteenth is generally celebrated on June 19, which is considered as the day of emancipation from slavery of African-Americans in Texas. It was this day in 1866 that Union Major General Gordon Granger read General Order #3 to the people of Galveston, Texas, informing them of their new status as free men. Since then, Juneteenth was celebrated in Texas, and quickly spread to other southern states, such as Louisiana, Arkansas, Oklahoma, and eventually the rest of the country. In addition to a festival, the celebration included the purchase of lands or "emancipation grounds" by freed slaves in honor of the celebration. On January 1, 1980, under the provisions of House Bill No. 1016, the 66th Congress of the United States declared June 19th "Emancipation Day in Texas," making Juneteenth a legal state holiday.

Juneteenth is an important event in Baltimore that celebrates American history and historical figures. The annual occurrence of Juneteenth attracts people from across the state to downtown Baltimore in observance of this event. Among the various festivities, the celebration included lectures on important historical figures and events, spoken word readings, and food venues that satisfied every taste imaginable. There were shopping opportunities for antique buffs, and a vast array of arts and crafts available for purchase. Attendees were able to tour the Underground Railroad site, the Mother Seton House, the Hampton National Park, Auburn Cemetery, and Historic East Baltimore on one of the Juneteenth van tours. Festivalgoers were also able to see slave artifacts and collect the Juneteenth commerative plates by Terra Treasures. Stamp collectors appreciated the first Juneteenth Post Office cachet.

Further, the Juneteenth festival also featured a Sweet Potato Pie contest, folklore and street dance, a Musical Craft Show, Double Dutch rope, and an Islamic Exhibit. Lastly, the festival would not be complete without the sounds of gospel and jazz. The attendees celebrated the 100th anniversary of the Negro National Anthem "Lift Every Voice and Sing" and the winner of the Billie Holiday Blues Contest graced all with moving hymns.

The Juneteenth Festival has grown to be a vitally important part of not only Baltimore, but African-American culture as well. True to tradition, this year's celebration proved to be as exciting as ever.

I congratulate Juneteenth National Museum on a successful Juneteenth celebration!

IN HONOR OF THE LATE WILLIAM SENQUIZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. KUCINICH. Mr. Speaker, today I honor the memory of William Senquiz on the tenth anniversary of his death.

William Senquiz was the first director of Esperanza, Inc., a non-profit organization which provides educational services to Hispanic students from elementary school through college. This organization, whose name, Esperanza, means "hope" in Spanish, has given assistance to Hispanic students in the Greater Cleveland area since 1983.

William Senquiz, the first director of the program, was a native of Lorain, Ohio, and a graduate of Bowling Green State University. He died in June, 1990, at the young age of 32. In his honor, Esperanza, Inc., along with several other organizations, established the William Senquiz Endowment Fund in 1990 to realize Willie's dream of establishing a fund that would serve as a continual source of scholarship funds for the Hispanic community.

Willie Senquiz was a mentor and teacher whose deep commitment to the Hispanic youth in the Greater Cleveland area is an example to us all.

My fellow colleagues, please join with me in honoring William Senquiz's memory on the tenth anniversary of his death.

INTRODUCTION OF THE CLASSROOM MODERNIZATION ACT

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. MCKEON. Mr. Speaker, today, I join with my other colleagues on the Education and the Workforce Committee—Committee Chairman BILL GOODLING, Early Childhood Subcommittee Chairman MIKE CASTLE, and JOHNNY ISAKSON—to introduce the Classroom Modernization Act.

I support this legislation because it is a reasonable and, more importantly, a responsible solution to our nation's school improvement and construction needs from a federal level. The building of new schools or the major renovations of existing ones has always been left to the states and local school districts. And it should continue to be that way.

Instead, the Classroom Modernization Act is responsible to the needs of the American taxpayer, our school boards, and our children.

It is responsible to the American taxpayer because it provides for a limited program aimed at fulfilling the most important needs of America's schools. We do not open the federal coffers to a broad, new—and potentially very costly—construction plan.

It is responsible to our school boards because it doesn't make promises the federal government cannot keep. Instead of promising them new schools paid for with federal dollars, we are promising them assistance to meet mandates and standards imposed on them by the federal government.

Finally, it is responsible to our children because through this legislation, we will give special needs students access to school buildings; we will make schools safer; and we will provide them with the resources they need to be ready to join the New Economy of the 2st Century.

To conclude, I want to thank Chairman GOODLING, Chairman CASTLE, Mr. ISAKSON, and the other Members who have worked to put this legislation together. It was truly a collaborative process.

I want to urge all my colleagues to support this legislation. Thank you.

H.R. 4365, THE CHILDREN'S HEALTH ACT

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. HAYWORTH. Mr. Speaker, autism is a severe, lifelong neurological disorder that usually manifests itself in children during the first two years of life and causes impairment in language, cognition and communication. For over forty years autism was thought to be an emotional disorder caused by trauma or bad parenting. This tragic mistake resulted in the loss of an entire generation of children to medical progress. Now that we know that autism is, in fact, a medical disorder for which medical treatments and a cure can and will be found, we must devote appropriate resources.

Autism is the third most common developmental disorder to affect children, following mental retardation and cerebral palsy. Autism currently affects over 400,000 individuals in the U.S. and 1 in every 500 children born today. Autism is more prevalent than Down syndrome, childhood cancer or cystic fibrosis.

Because we currently don't know what causes autism, it is imperative that we seek a better understanding of its origins. Some believe passionately that vaccines cause autism.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Some evidence links the disorder to environmental factors, as evidenced by autism "clusters". Others point to genetic causes, and still some others to a combination of the two. The bottom line is that we just don't know. This illustrates the need for a greater federal commitment to epidemiological and basic clinical research to get to the root cause of this devastating developmental disorder.

I strongly support legislative efforts to improve surveillance of autism and enhance federal research to prevent, treat and one day cure this developmental disorder. H.R. 4365, the Children's Health Act, would expand research and prevention activities in a number of childhood diseases.

Importantly, H.R. 4365 would help unravel the mystery of autism. This legislation would create up to five Centers of Excellence for autism. The bill would create a centralized and open facility for gene and brain banking, which is essential for scientific progress in autism. H.R. 4365 would also develop an autism awareness campaign for the public and physicians. Finally, it would bring together the resources of NIH, CSC, and DHHS to attack the problem of autism.

I look forward to working with my colleagues toward the enactment of this important legislation and other measures that will help move us toward finding a cure for autism.

TURKEY IN THE KOREAN WAR

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. MURTHA. Mr. Speaker, as someone who joined the Marine Corps during the Korean War, I've always felt strongly about our allies in Turkey.

As we mark the 50-year anniversary of the start of the Korean War on June 25th, the Turkish military's bravery and heroism deserve great praise. The Turkish Brigade demonstrated superior combat capability and courage from the critical moment it entered the battlefield in October 1950, through the cease-fire agreement of July 1953.

Turkey provided the fifth-largest military contingent among United Nations forces—5,453 soldiers at the peak of the war. The Turkish Brigade is credited with saving the U.S. Eighth Army and the IX Army Corps from encirclement by communist enemies, and the 2nd Division from total destruction during critical battles in November 1950.

United Nations' Forces Commander in Chief General Douglas MacArthur said "The Turks are the hero of heroes. There is no impossibility for the Turkish Brigade."

No enemy attack succeeded in penetrating the front of the Turkish Brigade, while British and American forces were forced to withdraw from defensive lines. Even though out of ammunition, the Turks affixed their bayonets and attacked the enemy, eventually in hand-to-hand combat. The Turks succeeded in withdrawing by continuous combat and carrying their injured comrades from the battlefield on their backs.

Among the twenty U.N. Members contributing military forces in Korea, Time Magazine praised the Turkish Brigade for its courageous battles and for "creating a favorable effect on the whole United Nations Forces." A U.S. radio commentary in December 1950 thanked the Turkish Brigade's heroism for giving hope to a demoralized American nation.

Although the Korean War is often called "the Forgotten War," partly because it ended inconclusively with no real winner, the fierce combat ability of the Turkish Brigade should never be forgotten. The 717 Turkish soldiers killed in action, and the 2,413 wounded in action, represent the highest casualty rate of any U.N. element engaged in the fighting. The simple white grave markers in a green field near Pusan will eternally remind us of the heroic soldiers of a heroic nation.

IN HONOR OF TIGER WOODS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. KUCINICH. Mr. Speaker, I rise today, to honor a living sports hero of our time. Having entertained millions around the world with his incredible skill and superb sportsmanship, the great Tiger Woods has most certainly earned the title of American Sports Legend. With a record-breaking 15-shot win at the U.S. Open last week, Tiger Woods once again amazed the golf world. This latest victory is now added to the long list of accomplishments that Tiger has achieved in his very impressive career.

Tiger Woods showed himself to be an exceptional athlete from very early on. He has had a remarkable beginning since becoming a professional golfer in the summer of 1996. He has won an impressive 22 tournaments, with 16 of those being on the PGA Tour. Most memorable was Tiger's victory in the 1999 PGA Championship and the 1997 Masters Tournament. With the latter, Tiger set yet another record by becoming the youngest Masters Champion in the history of golf; he was 21 years old.

This, however, is not the only record Mr. Woods has set. His 21 victories at age 23 exceed the career start of any other professional golfer. He won four consecutive PGA Tour events to end 1999, and started the millennium off with a fifth straight victory. This streak has only been surpassed by two other golfers more than 50 years ago. And possibly even more impressive is the fact that in Tiger Woods' last 21 PGA Tour starts, he has won 12 of them.

But how can any of us forget the sight of Tiger Woods this past weekend? As I watched Mr. Woods outshine his already astounding performances, I felt inspired by his motivation, his spirit, and his poise. I must admit, however, that I was most impressed by his drive. His drive not only to perform, but also his drive on the ball.

In the words of Tom Watson "Tiger has raised the bar." He has become, in the opinion of many, the best in professional golf. His story illustrates the value of practice, hard work, and positive character. The most astounding idea, however, is that his story is only beginning. America will watch in wonder at how much more Mr. Woods will accomplish in his future matches.

Mr. Speaker, I ask you and our colleagues to join me in congratulating Tiger Woods for his outstanding accomplishments. America should be proud to have such a fine athlete and such a fine citizen.

INTEREST RATE RESOLUTION

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. BALDACCI. Mr. Speaker, I rise this evening to introduce a sense of the House resolution with respect to interest rates.

As we all know, the Federal Reserve Board met today, and will meet again tomorrow, after which we will find out if interest rates will rise yet again, or remain at the current level. With six increases over the last year, we have seen a significant rise in rates. I recognize the Federal Reserve is doing the best job it can to maintain the longest economic expansion in U.S. history by keeping any signs of inflation in check. However, at this point I am convinced that any further increases could seriously impact ordinary working Americans without providing any sort of benefit.

Recent economic reports suggest that the economy is slowing in response to prior rate increases. Retail sales dropped in April and May, unemployment increased in May, and new home starts have decreased by 10% since December.

Just a few weeks ago, a number of our colleagues sent a letter to the Federal Reserve urging the board not to raise interest rates at their next meeting. They maintained that it could "lead to an unnecessary and socially damaging increase in unemployment without any significant offsetting advantage."

I agree with that sentiment. In addition to increased unemployment, it would raise borrowing costs yet again for working people and make it more difficult to purchase a home. While I understand the Fed's intent to engineer a "soft landing," do we really need additional actions to slow the economy when it is clear that is already occurring? As a follow up to the letter our colleagues sent to the Federal Reserve, I am introducing a resolution expressing the sense of the House that the Board of Governors should take action to decrease, or at a minimum not raise interest rates further at this time. I think it's important that we send the Fed a message about the impact continued increases will have on working families back in our districts. I hope you will join me in supporting this resolution.

RECOGNITION OF KOREAN WAR VETERAN STAFF SERGEANT MIGUEL BACH

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Ms. VELÁZQUEZ. Mr. Speaker, today, on the 50th anniversary of the day President

Harry S Truman ordered military intervention in Korea, I honor the combat veterans of that war. I would specifically like to recognize the efforts of one of my constituents, Staff Sergeant Miguel Bach, a highly decorated veteran.

Visitors to our Nation's Korean War Memorial, here in Washington DC will read a simple, yet true phrase inscribed on the wall: "Freedom is not free." Few know the complete truth of this quote so well as our veterans of the Korean war. We owe them a debt of gratitude which we can never repay. For these are the men and women who risked their lives to defend the freedom of another country, and in doing so defended our own freedom.

I am very proud to represent the many veterans who reside in New York's 12th District. Today, however, I would like to take a moment to commemorate the valor of one of those veterans. Mr. Miguel Bach, who is one of my constituents, is highly decorated veteran of the Korean war. He served in Korea with the 7th Infantry Division and the 45th Infantry Division. While on active duty in Korea in December of 1952, then Private First Class Bach was wounded during a battle in North Korea. For this he was awarded the Purple Heart. He later attained the rank of staff sergeant. In addition to the Purple Heart, Staff Sgt. Bach has been awarded with the Silver Star, Legion of Merit and the Bronze Star for his service to the Nation.

This nation owes its many freedoms to the thousands of men and women who have shown courage, such as that displayed by Staff Sgt. Bach. I wish to personally thank each and every one of our combat veterans. On this day I specifically wish to extend my warmest thanks to our veterans of the Korean war and say how proud I am to represent Staff Sergeant Bach and his many fellow Korean war veterans in New York's 12th District. Our Nation is forever in their debt.

TRIBUTE TO CAPTAIN DAVID MOORE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to a special service officer, Captain David Moore, commander of Coast Guard Group and Air Station Corpus Christi, who retires this week.

Captain Moore is the model service officer for the Coast Guard. In addition to just being an outstanding man, he deals squarely with whatever comes up, and he is a tireless advocate for the United States Coast Guard and the men and women who serve in his command.

This Coastie from the heartland (Iowa) began his service with the U.S. Coast Guard as a deck watch officer aboard the Coast Guard Icebreaker *Glacier*, deployed to both the Arctic and Antarctica, where he developed a love of the earth's polar regions. He later earned his Naval aviator wings in Pensacola, FL.

While stationed in Alabama, after his first Coast Guard aviation tour, he was the operational commander for recovery operations after the onslaught of Hurricane Frederick. More importantly, while there, he met and married the former Lisa Scott of Mobile, Alabama.

Returning to the Arctic, Captain Moore was stationed at Kodiak, Alaska. Following that, he moved to Air Station San Francisco where he deployed support to the Exxon Valdez cleanup and responded to the San Francisco Bay Area earthquake in 1988.

In 1994, he returned to Alaska, stationed at Coast Guard Air Station Sitka, the area to which he and Lisa will return upon his retirement. In 1996, he went south again, this time as chief of the Intelligence Division, Coast Guard Pacific Area in Alameda, California. He came to South Texas in 1998, assuming command of Group and Air Station Corpus Christi.

During his time in South Texas, he has overseen a growth in the Coast Guard facilities in Port Isabel/South Padre Island and was the incident commander for Hurricane Brett last year.

He is highly decorated; his personal awards for service include: 4 Coast Guard Commendation Medals, 4 Coast Guard Unit Commendations, 6 Coast Guard Meritorious Unit Commendations, a Navy Meritorious Unit Commendation, 5 Humanitarian Service Medals and both the Arctic and Antarctica Service Medals. Captain Moore has accumulated over 6,000 flight hours, and his flight accomplishments include instructor pilot and chief of the Training Division at the Aviation Training Center in Mobile, AL.

I ask my colleagues to join me in commending this unique patriot as he and his wife leave South Texas for life as civilians in Alaska.

IN HONOR OF LAKE COUNTY, CALIFORNIA'S TEN YEARS OF AIR QUALITY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. THOMPSON of California. Mr. Speaker, today I rise in honor of the outstanding environmental achievements of Lake County, California. June 28th of this year will mark the tenth consecutive year that the California Air Resources Board has designated Lake County as the only air district in California to attain all state ambient air quality standards. This is a great accomplishment for Lake County, as the State of California's Ambient Air Quality Standards are far more stringent than Federal standards, which makes this accomplishment even more remarkable.

The attainment of these air standards is a shared community achievement by the people of Lake County. The agencies, industries and individuals of this region have all contributed to the superior air quality of Lake County. There are many factors which have been involved in Lake County's success. All the best available control technologies in the geothermal, plastic fabrication and mining industries have been implemented. There has been a massive retrofitting of older gasoline stations and asphalt plants and a successful burn ban has been invoked during the summer season to decrease smog levels. Along with help from the public, these projects have been key factors in Lake County's continuous achievement in meeting state air quality standards.

There are thirteen official air basins in the state of California and the Lake County basin is the only one which complies with all ten of the state standards and has been the only one able to do so on a consistent basis. By implementing the Geyser's Air Monitoring Program, the Lake County Geyser industry has been able to drastically reduce the naturally occurring emissions of hydrogen sulfide gas, which is a known air contaminant. Yet, these geysers are still able to generate electricity for nineteen power plants which themselves create enough electricity to power 880,000 homes.

Mr. Speaker, it is proper that we honor the people, industries. and government of Lake County, California for their outstanding success in creating a healthy environment. They have been able to achieve standards of air quality which all communities should strive for. It is an honor for me to represent the people of Lake County, first as their State Senator and now as their Congressman. Through their efforts they have created a community which is both a safe and healthy place to live for all its citizens.

CATHOLIC PRIEST MURDERED IN INDIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. BURTON of Indiana. Mr. Speaker, a publication entitled the Burning Punjab reported recently that another priest was murdered in India on Tuesday, June 6, 2000 by militant Hindu fundamentalist extremists. He was murdered in his mission near Mathura in the state of Uttar Pradesh. The priest, Brother George, was a 35-year-old member of the Borivili order.

According to reports, the killers locked up Brother George's servant, broke into his room, and beat him to death. The assailants quickly escaped following the brutal attack. Because the crime seems to form a pattern with a previous incident in which a priest and two nuns were beaten in their rooms in Kosi Kalan, many people are beginning to believe that this act was the work of Hindu nationalist militants associated with a branch of the RSS, the parent organization of the ruling BJP. Several Christian organizations in India, including the All-India Catholic Union, the United Christian Forum of Human Rights, and the All-India Christian Council, have lodged strong protests about the incident with the government. They also condemned the attempt by the National Human Rights Commission to minimize two violent incidents against Christians in April. Unless the National Human Rights Commission begins taking these incidents seriously, it unfortunately will be regarded as a puppet for the government.

Mr. Speaker, just recently I informed my colleagues that many people already believe that the March massacre of 35 Sikhs at Chatti Singhpora was the responsibility of government forces. In fact, two separate investigations have already implicated Indian government counterinsurgency forces in that brutal massacre.

If we discover that these recent crimes have been committed by this group of BJP militants or government forces, India will have much explaining to do to this Congress. In fact, they should be held accountable for all their senseless actions. For years, I have been providing this Congress with reports that the Indian government has murdered over 250,000 Sikhs since 1984; 200,000 Christians in Nagaland since 1947; more than 65,000 Kashmiri Muslims since 1988; and tens of thousands of Assamese, Manipuris, Tamils, and Dalits.

As a result, I still believe we should cut off U.S. development aid to India until it respects the human rights of its people. Also, if we are looking for terrorism in South Asia, why are we completely ignoring India? Finally, we should openly support self-determination for the people of Christian Nagaland, of Khalistan, of Kashmir, and all the other nations seeking their freedom from India.

We must make it clear that oppression in India must end and all people in South Asia must enjoy freedom. This pattern of oppression of Christians, Sikhs, Muslims, and other minorities is not going to end until America, the only superpower in the world, takes a strong stand and makes it clear to India that these actions are not acceptable, especially in a country that claims to be democratic.

I am placing the article from Burning Punjab into the RECORD.

[From the Burning Punjab News, June 7, 2000]

CATHOLIC PRIEST MURDERED IN HIS MISSION HOME

New Delhi—A Catholic priest was murdered in his mission home near Mathura in Uttar Pradesh last night, All-India Catholic Union (AICU) alleged here. Quoting information from Archbishop of Agra Diocese Vincent Concessao, AICU said in a statement that "brother George, a 35-year-old member of the Borivili order, was found battered to death in Nevada in the Adviki post area on the Mathura bypass." The Union also alleged that though there were no indications about the motives, the crime seemed to follow the pattern of violence at Kosi Kalan earlier this year in which a priest and two nuns were assaulted and their rooms ransacked. "Early information said some persons, still to be identified, entered the house, locked up the servant, and then entered George's room. They beat him up till he was dead and then escaped in the night," the statement said. Besides AICU, other church and human rights groups, including the United Christian Forum for Human Rights and the All-India Christian Council, lodged strong protests with the Government on the violence. The church groups also condemned the alleged attempt by the National Commission for Minorities, which sent a team to Mathura and Agra in April to probe the attacks on Christians, to "trivialise" the violence in its report.

THE CLASSROOM MODERNIZATION ACT OF 2000

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. GOODLING. Mr. Speaker, today, I am pleased to introduce, along with several of my colleagues, the Classroom Modernization Act of 2000, otherwise known as the CMA. This legislation will provide the necessary federal response to ensure that all children receive a high-quality education in a safe, suitable, and fully equipped classroom.

Research shows that academic performance suffers when students are in school buildings that are below par. Safety code violations, outdated science equipment, inadequate vocational education laboratories, environmental hazards, structural impediments to personal safety, and facilities that are not user friendly for disabled students, can all adversely affect the degree to which students learn.

Joining me today in the introduction of CMA are three Members of the Committee on Education and the Workforce who have been involved from the beginning in developing the legislation. Representatives ISAKSON, CASTLE, and McKEON have devoted considerable time and effort to this initiative, and the results bear their imprints.

I have said repeatedly that the primary responsibility for school construction is and should remain at the state and local level. In FY 1995, President Clinton chose to rescind funds that Congress appropriated for the school construction program authorized in the Elementary and Secondary Education Act. In FY 1996, the administration did not request any construction funds, and Department of Education budget documents stated:

> The construction and renovation of school facilities has traditionally been, the responsibility of state and local governments, financed primarily by local taxpayers; we are opposed to the creation of a new federal grant program for school construction. . . . No funds are requested for this program. . . . For the reason explained above, the Administration opposes the creation of a new federal grant program for school construction.

However, I have come to believe that the federal government can provide a measured response to this urgent need without usurping state and local decision-making. That is exactly what the Classroom Modernization Act does. It assists states and local educational agencies, including charter schools, with the expenses of federal statutory requirements and priorities relating to infrastructure, technology, and equipment needs.

Specifically, it provides assistance to states and local schools to help them comply with federal statutory and regulatory requirements. Increasingly, states and school districts are finding that they must spend local funds on federal mandates. The CMA would help alleviate that burden. It is only proper that the federal government provide financing for such activities as facilities modifications in order to comply with the Americans with Disabilities Act, and asbestos removal from school buildings in order to comply with the Asbestos School Hazard Abatement Act.

It is also important that internet wiring, improvements in vocational and science laboratories and equipment, and school facility renovations undertaken to comply with fire and safety codes should be allowable uses of funds at the local level.

Charter schools should also benefit significantly through CMA. Charter schools are public schools established under state law. Although a relatively new concept, charter schools are making great strides in improving and reforming public education. Initial reports show parental satisfaction is high, students are eager to learn, teachers are enjoying teaching again, administrators are set free from bureaucratic red-tape, and more dollars are getting to the classroom.

Unfortunately, charter schools have faced roadblocks in financing the construction and acquisition of school facilities. Often those states that do allow charter schools do not provide a dedicated funding stream for capital improvements or new construction for charter schools. The bill I am introducing today remedies this situation by assisting with the infrastructure expenses of charter schools.

CMA provides flexibility in the use of funds for charter schools. Specifically, as an incentive for states to direct funds to charter schools, the bill does not require a match for federal funds directed toward charter school infrastructure activities. As an incentive for states to operate a state guaranteed loan program in which charter schools participate, CMA allows states to retain funds for the administrative costs of operating such a program.

I ask my colleagues in the House to take a look at the Classroom Modernization Act of 2000 and consider it as a carefully measured approach to dealing with school facilities.

INTRODUCTION OF THE CLASSROOM MODERNIZATION ACT

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. ISAKSON. Mr. Speaker, I am pleased to join Chairman Goodling as a co-sponsor the Classroom Modernization Act of 2000 to pay for federally mandated construction cost and start-up costs for charter school construction.

For years, the Federal Government has passed construction-related mandates on to local school boards for everything from asbestos removal and handicap access, to special education classrooms and IDEA related cost. Each requirement has failed to include a single dollar of federal money. Our proposal will fund these unfunded mandates and free up local dollars for school improvement.

The $150 Million dollars for start-up charter school related construction cost would be meaningful in expanding new charter school applications, and for more private sector and parental involvement in local schools. Both the White House and the Congress have verbally promoted the public charter school movement, and now we are making a meaningful financial commitment to charter schools.

HONORING TROOPER RODNEY GOODSON

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. SAXTON. Mr. Speaker, I rise today to honor Trooper Rodney Goodson for performing above and beyond the call of duty.

While on duty at the Red Lion Barracks, Mr. Goodson witnessed a traffic accident on a busy highway. One of the cars involved in the accident began to spin uncontrollably. Mr. Goodson attempted to stop the circling automobile but was unsuccessful. He then ran after the still spinning car, and reached through the broken drivers side window in order to steer the vehicle. When this too failed, Mr. Goodson steered the damaged car into his own.

In honor of this heroic achievement, Mr. Goodson received the Prosecutor's Commendation award at the PROCOPS Banquet on May 18.

Mr. Speaker, please join me in commending Mr. Goodson for his heroism, above and beyond the call of duty. He risked his life to protect the lives of others. In doing so, he has brought pride to his family, his community, and his country.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. RYUN of Kansas. Mr. Speaker, flight delays and cancellations from Chicago yesterday June 26th caused me to be absent for several rollcall votes. Had I been present, I would have voted yes on rollcall vote 322, no on rollcall vote 323, yes on rollcall vote 324, yes on rollcall vote 325, yes on rollcall vote 326 and yes on rollcall vote 327.

RECOGNIZING THE 50TH ANNIVERSARY OF THE KOREAN WAR

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. HAYES. Mr. Speaker, I want to recognize the many veterans from the 8th District and across North Carolina who served in the Korean War. June 25 marks the 50th anniversary of the Korean War, which is also called "the forgotten war" by many historians.

On June 25, 1950 Communist forces invaded South Korea and two days later, American military forces were called to intervene. Over the next 3 years, there would be a tremendous toll of sacrifice: 5.72 million Americans answered the call to service, more than 92,000 were wounded; 54,260 Americans died; and 8,176 were either prisoners of war or missing in action.

Last year, I had the opportunity to visit with our troops who are stationed at the 38th Parallel. They continue to bravely defend freedom for South Korea and the world. They remind us of the bravery and sacrifice made by the men and women in our Armed Forces 50 years ago.

We should take time out of every day to thank all veterans for the service they have given to our nation. I hope, however, that we will make a special effort to thank our Korean veterans and mark the contribution they made to defeat communism 50 years ago.

CONGRATULATING LARRY AND SALLY QUIST

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. RADANOVICH. Mr. Speaker, today I congratulate Larry and Sally Quist, as they celebrate their 50th wedding anniversary. Larry and Sally Quist were married on July 9, 1950.

Larry met Sally (previously Sally Doering) while he was attending Western State College in Gunnison, Colorado. At the time, Sally was still in high school in Montrose, Colorado. She later attended Western State College on a music scholarship.

Larry, a retired World War II Navy veteran, was a Park Service naturalist and manager. He retired from the Western Region at San Francisco after 33 years of service. While employed with the Park Service, Larry was stationed at Black Canyon National Park, Carlsbad Caverns National Park, Hot Springs National Park, and Zion National Park. He was also the Superintendent of Stones River National Battlefield. Larry was the first Park Superintendent at Herbert Hoover National Historic Site. He served as head of public relations for Yosemite National Park from 1969 to 1971. After his work with Yosemite, he moved to the Park Service Western Region in San Francisco and continued to work in public relations.

Sally Quist, a stay-at-home mom, left Western State College to join Larry when he began working with the Park Service. Since moving to the San Francisco Bay area, both she and Larry have been heavily involved in philanthropic support of Sunny Hills Retirement Home in Marin Country, near their home in Novato.

Among the Quists' many joys are their sons Kirt and Kris. Kirt is a retired Army officer, who has become a successful insurance and finance executive near Chicago, Illinois. He and his wife, Lynn, have two sons, Kyle and Kevin. Kris is the head curator for the State of California Parks in Monterey, California. He and his wife, Andrea, have a daughter, Lily, and a son, Jameson.

Mr. Speaker, I congratulate Larry and Sally Quist as they celebrate their 50th wedding anniversary and I urge my colleagues to join me in wishing them many more years of happiness.

THE KOREAN-AMERICAN ASSOCIATION OF GREATER NEW YORK

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to bring to the House's attention the 40th anniversary of the Korean-American Association of Greater New York, a community institution representing the interests, hopes and dreams of thousands of Korean-Americans. Mr. Speaker, the Korean-American community in New York epitomizes the American dream.

Decades ago, thousands of immigrants, fleeing from war, poverty and desolation came to our nation's gateway of opportunity: New York City. Without knowing the language, without great wealth, but with strong family ties, robust community support and countless hours of hard work, Korean-Americans, like waves of immigrants before them have taken root and thrived in America.

Critical to their success was their ability to organize themselves for mutual support and assistance. At the heart of the Korean-American community's efforts were organizations like the Korean-American Association of Greater New York. Beginning in 1960, the Korean-American Association of Greater New York has helped Korean immigrants in learning English, organizing themselves within the blue-collar industries where they were able to find work, registering to vote, and developing youth and government outreach programs.

Now, as is obvious to anyone who travels in the New York metropolitan area, second generation Korean-Americans have moved into every branch and corner of American life and have succeeded beyond the wildest expectations of their ancestors, who came to this country with so little in tangible goods, but with a wealth of determination and perseverance.

As we recalled so recently, on the anniversary of the Korean War, Korea and the United States are joined inseparably by a bond of allegiance formed in war and bound in the blood of the fallen soldiers of both nations. Similarly, Korean-Americans, whose presence here in the United States is tied with the great tragedy of that war, remember the great sorrow of the war for Korea together with an immeasurable appreciation for their adopted homeland. The courage and loyalty of the American soldier in answering the Republic of Korea in its hour of need is now matched by the devotion of Korean-Americans to this nation.

Just as the Republic of Korea and its relations with the United States have flourished and grown stronger in the years since the war, so too the Korean-American community has prospered and given back to this nation double what they have received. Nowhere is this fact more obvious than in New York.

I am honored, therefore, to pay tribute in this House to the Korean-American Association of Greater New York and its president, Sie Jong Lee, for their critical role in the success of the Korean-American community. I would also like to recognize all the current officers of the Association, Yong Sang Yoon, Jeong Ho Kim, Bok Ja Chang, Heon Gae Lee, Jay Joonseok Oh, Piljae Im, Hyun Woo Han, Myung Sook Chun, Daehong Kim, Mi Kyung Choi, Young-Joo Rhee, and Bo Young Jung, and to wish them all the best of success in the decades to come.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 3, 2001, and for other purposes:

Mr. UDALL of Colorado. Mr. Chairman, this is a very important bill for the country and for Colorado. I would like to be able to support it.

However, I cannot vote for it as it stands now, for a number of reasons.

For one thing, I am very concerned about the bill's funding for the National Oceanic and Atmospheric Administration.

NOAA operates six of its twelve Environmental Research Laboratories in Colorado, and my own hometown of Boulder has the largest concentration of NOAA research Federal staff in one area—300—as well as the largest concentration of university staff funded by NOAA research. So, NOAA is very important for Colorado.

Funding for NOAA in this bill is $113 million below this year's levels, and fully $530 million below the levels of the request. These cuts will have a devastating effect on NOAA's ability to maintain a top quality scientific workforce and to conduct crucial research into climate change and weather phenomenon.

In particular, the Committee has recommended a cut of $34 million to NOAA's Office of Oceanic and Atmospheric Research (OAR) from this year's levels. OAR's dedicated scientists forecast solar storms and conduct research activities into diverse atmospheric phenomenon such as air pollution, climate change, hurricanes and tornadoes. A cut of $34 million would result in layoffs of 10 percent of OAR's workforce, and the elimination of 41 university positions that NOAA currently supports through research grants. In addition to these workforce reductions, the vital research projects that these staff are engaged in will be delayed or terminated while other nations move forward with these important scientific endeavors.

The Appropriations Committee also failed to provide funding for several key research initiatives that are important to this country's future. For example, NOAA had requested $28 million for a Climate Observations and Services Initiative to make the transition from climate research to climate forecasting. Improving our forecasts of the future climate, including seasonal predictions and even into future decades, would result in billions of dollars in economic benefits to the agriculture and transportation industries.

A shortfall that directly impacts researchers in my district is in rent and related costs for the new NOAA research facility in Boulder. This facility, which became fully occupied in May of 1999, consolidates all of the six NOAA laboratories and two NOAA data centers in the Boulder area. The $1.5 million increase is needed to fund the incremental charges assessed by the General Services Administration (GSA) for space, above standard utilities, maintenance and security. A failure to provide this requested amount will result in a reduction in NOAA's Boulder base programs of approximately 5 percent, which will impact key programs in climate, weather research and data collection management. I hope that this oversight will be corrected as the appropriations process moves toward.

I am also concerned about funding for the National Polar-orbiting Operational Environmental Satellite System (NPOESS), a program that will replace two aging environmental satellite systems currently operated by NOAA and DOD.

The Committee cut NPOESS by $6.6 million from the request, but did include favorable language in its report, noting that "the NPOESS program should be the first priority for any reprogramming of funds." A failure to provide adequate funding for NPOESS would greatly jeopardize the U.S. ability to provide reliable meteorological support to NOAA for weather forecasting, to NASA for its science mission, and to support the Department of Defense's combat forces. This cut would also result in a loss of as many as 70 jobs in my district, where Ball Aerospace is deeply engaged in the NPOESS program. I am hopeful that NPOESS will be fully funded in the course of the appropriations process.

I am also concerned about the bill's provisions for the National Institute of Standards and Technology. NIST also has a laboratory in Boulder, where a staff of about 530 scientists, engineers, technicians, and visiting researchers conduct research in a wide range of chemical, physical, materials, and information sciences and engineering. Their worthwhile contributions to NIST's work cannot continue at funding levels that are 34 percent below the numbers for fiscal 2000.

NIST's laboratories in Boulder have a backlog of critically needed repairs and maintenance, approaching $70 million. As technology advances, the measurement and standards requirements become more and more demanding, requiring measurement laboratories that are clean, have reliable electric power, are free from vibrations, and maintain constant temperature and humidity. Most of the NIST Boulder labs are 45 years old, many have deteriorated so much that they can't be used for the most demanding measurements needed by industry, and the rest are deteriorating rapidly. Every day these problems go unaddressed means added costs, program delays, and inefficient use of staff time, but the bill eliminates the very modest fiscal 2001 request to begin to address the maintenance and construction needs.

The bill also insufficiently funds NIST initiatives for eCommerce, nanotechnologies, computer security, and assistance to small manufacturers in the area of eCommerce. It also completely eliminates funding for NIST's Advanced Technology Program, which has helped develop high-risk technologies with significant commercial potential through cost-shared projects. These funding decreases—at a time when we have all acknowledged the important role that technology has played in driving our current prosperity—make no to sense.

The bill also has other serious shortcomings. It does not provide adequate funding for the Legal Service Corporation, the Justice Department's Civil Rights Division, and the Equal Employment Opportunities Commission. It does not do enough for community-based crime prevention. It also fails to provide enough for coastal protection or for management of fishery resources.

Finally, the bill cuts $240 million from international peacekeeping efforts, denying funding for UN missions in Africa, including Sierra Leone, Congo, Ethiopia, Eritrea, Angola, and Western Sahara. In supporting funding for peacekeeping, I am not necessarily endorsing any single peacekeeping mission. However, we have a responsibility to pay our fair share to the troop-contributing countries, and we shouldn't abrogate that responsibility. In addition, I find it unfathomable that the Committee would ask us to place an upper limit on this funding even though we can't know a year in advance whether hostilities in different parts of the world will result in peace agreements requiring UN peacekeepers.

For all these reasons, I cannot support the bill.

A TRIBUTE TO LORNA MCNEILL, MISS NORTH CAROLINA 2000

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. MCINTYRE. Mr. Speaker, today I pay tribute to Lorna McNeill who was recently crowned Miss North Carolina 2000. A native of Saddletree Township which is near Lumberton, in my home county of Robeson, Lorna's recent accomplishment is a source of immense pride throughout our county and all of southeastern North Carolina. She is also the first Lumbee Indian to win the title of Miss North Carolina.

The American historian, James Truslow Adams, once said, "Seek out that particular mental attribute which makes you feel most deeply and vitally alive, along with which comes the inner voice which says, 'This is the real me,' and when you have found that attitude, follow it." With decision, dedication, and determination, Lorna has followed her heart and mind and become Miss North Carolina 2000.

Lorna is a woman of decision who trusts in her instincts, her deeply-rooted religious beliefs, and the guidance of her wonderful parents in setting her goals. She is a woman of decision who is always looking for ways to help others. She is a woman of decision who always asks, "How can I best serve my community?"

Lorna is a woman of dedication who does not rest on her laurels. A winner of the first pageant she entered at the age of 15—Miss St. Pauls—and subsequent crowns of Miss Lumbee in 1994, Miss Fayetteville in 1998, and Miss Topsail Island in 2000, Lorna has kept the fire and energy alive to reach her dream of Miss North Carolina. She is a woman of dedication who provides a positive example for all to follow. A woman of dedication who has served as a substance abuse counselor with the Palmer Drug Prevention Program in Lumberton, Lorna will now inform young people all across North Carolina of the danger of drugs and alcohol.

Finally, Lorna is a woman of determination: a woman determined to make a difference, a woman of determination who understands that we face challenges that will define our future, a woman of determination who knows that we must address these challenges, a woman of determination motivated by the hope of making life better for all.

Personally, my family and I have come to know and love Lorna over the last few years. She sang when I first announced I was running for Congress on September 25, 1995, in Lumberton's Downtown Plaza, and she also sang during my announcement for re-election on October 2, 1997. More recently, my wife, Dee, and Lorna have been "working out" together at a local fitness center for the last six months, leading up to her recent coronation. Lorna and Dee have even been taking boxing together under the same instructor, Staff Sgt. Andrew Baker, who is retired from the U.S. Army.

Mr. Speaker, Lorna often uses the words of Pastor Robert Schuller when speaking before young people on the importance of achieving their dreams—"If it's gonna be, it's up to me."

Lorna, thank you for fulfilling those words through your decision, your dedication, and your determination. We wish you continued success, and may God's strength, peace and joy be with you as you begin your reign as Miss North Carolina 2000 and as you compete for the title of Miss America!

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise in support of the amendment offered by Representatives LOWEY, MCCARTHY, DELAURO and STABENOW. This amendment would increase by $150 million the bill's appropriation for the Community Oriented Policing Service (COPS) program. The COPS program adds officers to the beat, enhances crime-fighting technology, and supports crime prevention initiatives.

The COPS program is a Clinton/Gore initiative that has been successful in adding cops to the beat and advancing community policing nationwide. To date, the COPS program has funded more than 104,000 officers. Community policing is a crime fighting strategy that encourages law enforcement to work in partnership with the community to solve crime problems. Mr. Chairman, this is a proven crime fighting initiative that has worked in my district and throughout the nation.

COPS is making a difference in our schools. Many communities are discovering that trained, sworn law enforcement officers assigned to schools make a difference. The presence of these officers provides schools with on-site security and a direct link to local enforcement agencies.

Community policing officers typically perform a variety of functions within the school. From teaching crime prevention and substance-abuse classes to monitoring troubled students to building respect for law enforcement among students, School Resource Officers combine the functions of law enforcement and education.

These funds will allow the COPS program to award grants to add up to 7,000 officers to our nation's streets and to provide added safety in our schools. These funds will be used to equip law enforcement with 21st century tools to fight 21st century crime. Grants will be used to invest in interagency information networks, technology centers, ballistics testing, DNA research and backlog reduction, crime lab enhancement, and crime mapping and analysis.

Mr. Chairman, my district is comprised of cities like Watts and Compton which struggle to meet the demands of crime fighting. While the rest of the nation is experiencing unprecedented drops in crime, our nation's urban centers are being left behind. I want to urge my colleagues to support this amendment which provides additional funding for a program that has truly taken a bite out of crime.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. COSTELLO. Mr. Chairman, I regret having to oppose this amendment offered by my good friend colleague from Illinois. While I appreciate what the gentleman is trying to do, I cannot support a reduction of $15 million dollars in the National Weather Service budget.

This bill does not provide sufficient funding for many valuable programs, and it fails to provide any funding for many others. The funding level provided in the bill for NOAA, which administers the National Weather Service is already $500 million below the Administration's request and the gentleman's amendment would essentially level fund the weather service at last year's level. That is simply unacceptable.

Every American in this country relies upon the weather service—at times to provide information that is vital to save lives and property. Weather Service programs cost each taxpayer a few dollars per year—a modest price to pay for the protection of life and property.

We have entered hurricane season. The gentleman's amendment would cut funding from the operations budget of the Hurricane Center in Miami and from other critical weather prediction centers around the country. Base operations at the 121 weather forecast offices around the country also would be impaired by this cut. This is simply too high a price to pay.

As the gentleman knows, the Administration included $15 million for The PRIME Technical Assistance Grants in its budget request. I am certain there are many Members who share the gentleman's desire to see this program funded, however it should not be funded by cutting funds from corps programs of the National Weather Service.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. CAPUANO. Mr. Chairman, I rise in support of my amendment to the FY 2001 Commerce-Justice-State Appropriations bill to help address the area code crisis that we are facing in America. Since 1995, we have added 95 new area codes in the United States. At our current pace, some estimate that we will run out of area codes entirely as early as 2007. If we run out of available numbers, your constituents will foot the estimated $150 billion bill.

The problem is not that there aren't enough numbers out there, it's that tens of thousands of numbers are being unused. Unfortunately companies have been forced to take numbers in blocks of 10,000—even if they were only going to use a handful of the numbers. The rest of the numbers just sit unused.

In Massachusetts, the problem has become quite large in the last few years. In 1998, we added two new area codes in the state—781 and 978—for a total of five area codes. At the time, we were assured that these new codes would last for many years and we wouldn't have to go through this disruptive process again. Unfortunately, less than two years later, we were informed that these new codes were running out of numbers already and that we would have to add four new codes in Eastern Massachusetts alone. Now the area code in Western Massachusetts is also in jeopardy. If we add all of these new codes, we'll have ten area codes in a state that had only three codes less than five years ago.

While the FCC has recently moved to reduce the amount of numbers companies can take from 10,000 to 1,000, the same companies will not have to fully comply with the order until 2002. The wireless providers have an even longer time to make this change. My amendment asks the Commission to look at the possibility of shortening the timeline for the implementation of this order. If we wait for two more years, we may have added dozens of new area codes that are not needed.

The amendment also offers several other suggestions that I believe the FCC should consider as they produce this study. These include encouraging states and telecommunications companies to work together on rate center consolidation plans. Some believe that the number of rate centers in certain areas is significantly contributing to the overall area code crisis. While I know this is a complicated issue, and there may be valid concerns about the cost, the Commission should study the issue closely.

In addition, my amendment asks that the FCC address the issue of technology-specific area codes reserved for wireless/paging services or data phone lines. As more and more Americans take advantage of the new technologies available, more and more telephone numbers must be set aside for these services. There may be an opportunity to ease the numbering problem by reserving specific area codes for these new technologies.

If none of these suggestions offer a real solution to the problem, my amendment asks that the Commission study the costs and technological problems of adding an additional digit to existing phone numbers. This should focus on any potential ways to minimize the impact and cost on consumers and the business community.

Mr. Chairman, I believe this is a commonsense amendment to help us deal with the area code crisis. We must act quickly to address this issue. I urge my colleagues to support this amendment.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. DIXON. Mr. Chairman, I requested that the Rules Committee waive points of order against my amendment to increase appropriations for the Contributions for International Peacekeeping Activities (CIPA) account. While I had few illusions that the Rules Committee would do so, it is important that Members understand what we are doing to the UN and our own foreign policy in the bill. My amendment would increase the account by $241 million, up to the President's request of $739 million. That level would allow the United States to pay its anticipated Fiscal Year 2001 assessments for United Nations Peacekeeping. Full funding includes the four missions in Africa that the current funding level and language in the Committee report restrict—Sierra Leone, Congo, Ethiopia/Eritrea, and Western Sahara. Unfortunately, the Rules Committee failed to protect the amendment.

BILL IMPAIRS U.S. FOREIGN POLICY

The CIPA account enables the United States to meet its treaty obligation to pay its assessed share of UN peacekeeping missions. The severe underfunding of CIPA in the bill impairs the conduct of American foreign policy in four important areas: (1) it restricts our foreign policy options; (2) It threatens to create new United Nations arrears; (3) It undermines our efforts to reform the United Nations; and (4) it sends the unfortunate message that Africa doesn't matter to this body.

The bill freezes CIPA funding at last year's level of $498 million. International peacekeeping cannot and should not be dictated by an arbitrary freeze level. History shows that the account fluctuates dramatically in response to world events. It was over $1 billion in FY 1994, but only $210 million in FY 1998. Rather than provide the flexibility to respond to unpredictable foreign affairs, the Committee asserts control of the United States' vote at the UN Security Council.

COMMITTEE ASSERTS CONTROL OF SECURITY COUNCIL VOTE

Two mechanisms in the legislation hamstring our actions in the Security Council:

(1) The Committee report directs the State Department to "live within" the arbitrary $498 million funding level and to "take no action to extend existing missions, or create new missions for which funding is not available." (2) The report spells out the missions for which funding is not available—the four UN peacekeeping missions in Africa: Sierra Leone, Congo, Ethiopia/Eritrea, and Western Sahara.

The funding level and report language could well have the effect of directing U.S. vetoes in the Security Council. The State Department would have to veto the missions listed, as well as any other unforeseen missions that are considered by the UN Security Council.

BILL LIMITS FOREIGN POLICY OPTIONS

This bill handicaps our nation's ability to respond to international crisis by removing United Nations multilateral action as a policy option. In many cases such a multilateral response is the most attractive option. We only pay 25 percent of the cost of UN peacekeeping missions. And we have no troops involved in the four missions in Africa blocked by this bill. Without the multilateral option, our policy makers are left to choose between unilateral action and inaction.

IMPACTS ON UN ARREARS

The underfunding of CIPA in this bill compounds fiscal year 2000 shortfalls and threatens to create new UN peacekeeping arrears. The Committee currently has requests pending from the State Department—some from August of last year—to reprogram CIPA funds to pay our assessments. This is not new money; State is only asking to shift existing funds. The Committee's failure to approve the $225 million in reprogrammings is preventing the payment of $93 million in bills the United States has already received.

So while the Committee blocks the payment of $93 million in current bills for UN missions in East Timor, Sierra Leone, and Congo, we now propose to underfund CIPA by $240 million in FY 2001. The resulting shortfalls in peacekeeping funds will require a peacekeeping supplemental early next year. In light of the Committee's failure to fund this year's peacekeeping supplemental, this bill is one step in creating a new arrears problem.

BILL UNDERMINES UN REFORM

The timing for these shortfalls could not be worse. Our representatives to the UN are attempting to negotiate reductions in our United Nations assessment rate. Those reductions require other nations to increase their own assessments. The accrual of new arrears will severely undermine our negotiating position at a critical time.

CONCLUSION

Mr. Chairman, it is crucial to our foreign policy in general, and specifically toward Africa, that we fully fund our obligations to United Nations Peacekeeping missions. As this legislation advances in the process, I will continue to work to meet those obligations and to remove the restrictions on missions in Africa.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes:

Mr. MALONEY of Connecticut. Mr. Chairman, I rise to express my concern about the deep cuts in the Veterans Administration-Housing and Urban Development—Independent Agencies (VA–HUD) Appropriations bill for Fiscal Year 2001. This legislation not only slashes funds for programs that have enhanced economic development and improved housing in Connecticut and the 5th Congressional District, but also short changes our nation's veterans and NASA programs. My support for the VA/HUD Appropriations bill is conditioned on a conference agreement that increases funding for HUD, the Veterans Administration and NASA.

If allowed to stand, the cuts to HUD programs will have a significant impact on the State of Connecticut and on my own congressional district, affecting both economic development initiatives and a variety of housing services. The Republican budget cutters have dug deep into initiatives that have proven track records of success. There is simply no reason to reduce our efforts to provide economic development for our towns and cities in the form of Brownfields monies and Community Development Block Grants (CDBG) funds. By doing so, we will set our communities and our economies backwards, rather than spur them forward.

My colleagues, the VA/HUD Appropriations legislation cuts funding for key NASA programs. Specifically, the bill that passed the House reduces aerospace technologies by $322 million as well as cutting $60 million for Human Space Flight. This shortsighted action jeopardizes our country's leadership in space and our national security. Unless NASA funding is restored in conference, this legislation should not pass this Congress.

I supported this bill because it contains an increase of $2.6 billion from last year funding for the Department of Veterans Affairs. The House-passed budget for the Department will go a long way toward helping our nation care for its veterans. For example, I am encouraged that the House provided $20.3 billion in funding for veterans medical care in Fiscal Year 2001. This is an increase of $1.3 billion over last year's funding. Funding totaling $351 million for veterans medical and prosthetic research also increased by $30 million from last year. Our veterans' cemeteries at the national and state levels were funded fairly as well. However, we need to do more for our veterans. There are a number of underfunded areas that require our attention. These include resources for veterans' extended care facilities and for the benefits they deserve. It is also essential that the Congress find additional funding to improve VA facilities across the country.

I supported the VA/HUD Appropriations bill for Fiscal Year 2001 because it restores badly needed funds for the Veterans Administration. I urge all of my colleagues to join me in working to reverse the housing, CDBG, economic development and NASA cuts in this bill. If this important funding is not restored, I reserve judgment on a Conference agreement on the final version of the bill. I urge you to do the same.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union and under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Ms. WATERS. Mr. Chairman, the Jackson amendment would restore funding for international peacekeeping in the Commerce-Justice-State Appropriations Act for Fiscal Year 2001.

The Commerce-Justice-State Appropriations Act cuts funding for international peacekeeping efforts by $241 million below the President's request. That is a 33 percent cut in an essential international program. These funds must be restored.

Peacekeeping operations play an important role in the maintenance and establishment of peace and stability in many parts of the world. In Cyprus, United Nations peacekeepers prevented two NATO allies from going to war. In El Salvador, peacekeepers helped bring a long and bloody civil war to an end. In Israel, peacekeeping operations on the Golan Heights helped preserve the peace between Israel and Syria.

I am particularly concerned about the situation in the Democratic Republic of the Congo. The war that erupted in the Congo in August of 1998 has been a widespread and destructive conflict, involving forces from several different countries. The peacekeeping efforts of the United Nations are essential to bring peace and stability to the Congo and the entire Great Lakes Region of Africa. Once peace and stability have been established, the Congo may begin to develop its natural resources, invest in health and education for its people, improve its infrastructure, pursue economic development and participate in mutually-beneficial trade with the United States.

There are conflicts all over the world that threaten peace and stability. These conflicts interfere with development and result in unimaginable suffering and countless violations of internationally recognized human rights. They also interfere with international trade and eliminate markets for American goods and services. They often cause significant increases in international refugee flows and illegal immigration into the United States. They threaten the lives of American citizens traveling abroad.

Peacekeeping allows the international community to attempt to restore peace, protect civilians and promote stability and development. Support for and participation in peacekeeping missions allow the United States to promote American values. In countries experiencing internal conflicts, peacekeeping is an essential ingredient in the restoration of democracy. Peacekeeping is a critical investment in our national security.

The cost of peacekeeping is small, and the benefits are tremendous. I urge my colleagues to support the Jackson amendment and restore funding for peacekeeping.

INVESTIGATION OF MURDERS IN AL-KOSHEH, EGYPT

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. ADERHOLT. Mr. Speaker, today in a meeting of the House Appropriations Committee to consider the Foreign Operations, Export Financing, and Related Programs Appropriations bill for Fiscal Year 2001, I added the following Report language to the paragraph about U.S. financial aid to Egypt: "Nevertheless, the Committee is concerned about ongoing violence experienced by the Christian minority in Egypt. The Committee urges Egypt to expedite the investigations of the murders of 2000 and 1998 in Al-Kosheh, and of the 1998 interrogations."

Mr. Speaker, it is a fact that Egypt is a valuable ally and has greatly helped U.S. efforts to advance peace in the Middle East. It is also a fact that Christians in Egypt, especially Coptic Christians, face ongoing violence and are in need of full protection of the Egyptian Judicial system. The worst of these outbreaks is the murder of 21 persons in January, 2000 in the town of Al-Kosheh, just a few weeks after I visited Egypt with three other Members of Congress.

My report language expresses the concern of the Committee about this violence and urges Egypt to expedite investigations regarding this incident but also of events in 1998 in the same small town. There were two murders in 1998 and allegations of brutal interrogations by the Police, 1014 Christians were arrested and interrogated.

President Mubarak ordered an investigation of these arrests, and in August of 1999, 129 persons were interviewed within the course of two days. The interviewing process lapsed and then resumed in October of 1999. To date, only 400 of those 1014 persons have been interviewed. That figure includes the 129. A conclusion of the investigation likely would suggest the dismissal or prosecution of several members of the Egyptian police. There is precedent for such action.

When tourists were killed in Luxor, the reaction of Cairo was swift and decisive, including the appointment of a new Minister of the Interior, who oversees the police. That sent a powerful message throughout the country, and Egypt is currently a very safe country to visit. The great majority of Muslim citizens of Egypt are law-abiding and desire peace. I am afraid that because of concerns about possibly energizing extremist Muslim groups to the point of violence, Cairo is reluctant to prosecute Muslims when there are incidents of violence against Christians.

Christians face a range of legal challenges and are in need of protection from violence. Since there is no stated government policy of discrimination, it is reasonable for Christian citizens to expect full justice from their courts, just as Muslim citizens do.

Mr. Speaker, I suggest that the taxpayers of the United States would be more than happy to see some of their aid to Egypt used to pay for additional personnel or equipment which would expedite these investigations and lead to the prosecution of any found persons found guilty of torture or other violations of civil rights. I am especially concerned that Shayboub William Arsal has been falsely accused and sentenced to 15 years hard labor even though the only two witnesses recanted their testimony and stated that their original accusations were coerced.

In accordance with Egypt's strategic alliance with the United States, the Foreign Operations Subcommittee agreed to the President's request to expedite a portion of Egypt's military aid. The adoption of these two sentences by the Full Committee in the Report expresses the expectation of the Appropriations Committee that Egypt will make progress on these important human rights matters.

HONORING THE CERKVENIK FAMILY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. OBERSTAR. Mr. Speaker, I am very pleased to honor a remarkable family in my congressional district: the Cerkvenik family, who will celebrate their heritage on July 6th, 2000, with a gathering on the Mesabi Iron Range in Northeastern Minnesota. The Cerkvenik family had its beginnings in the Republic of Slovenia in northwestern Yugoslavia. As the people of Slovenia celebrate their ninth year of independence from Yugoslavia this week, it is an appropriate time to recognize the people of Slovenia and those of Slovene ancestry in the United States. I am delighted that the Cerkvenik family is preparing to honor their Slovene ancestral roots next week.

Anton Cerkvenik was born in the small village of Vreme Britof on March 4, 1876, in a large pink stucco house, which his grandfather Joseph built in 1790. The family called it the House of Jelovsek. Joseph's daughter, Maria, married Matije Cerkvenik, son of Jacob, and from this union six children were born—a girl, Mary, and five boys, Matije, Franc, Joze, Pavel, and Anton. When Maria married Matija, the name of the house changed to the House of Cerkvenik. It held this distinction for over 100 years until Stanka Cerkvenik married and the name changed to that of her husband and the house then became known as the House of Milavec.

Anton had a great love of adventure, which led him astray from his homeland to the coffee fields of Brazil. He later returned to the army in Yugoslavia and immigrated to the United States. From Ellis Island, he traveled to Mountain Iron, Minnesota, where he worked in the iron ore mines. He lived in a boarding house owned by John and Agnes Simonich who became his best friends and godparents to his children. He met and married Johanna Intihar at the Simonich boarding house. She came to the United States from Strajesce, near Cerknica, Slovenia, in 1906. She was the daughter of Franc and Ursula Sevc Intihar who had five other children—John, Ursula, Niza, Mary, and Frank. Anton and Johanna had nine children, Anton, Mary, Ann, Florence, Frances, Frank, Amelia, Rose, and Edward.

Anton built a house in the Costin location of Mountain Iron, where the family had a large garden, farm, and animals. All helped pick blueberries, can garden vegetables, and put up wood for heat and cooking. Every child received a good education and graduated from Mountain Iron High School. Most went on to college to become professionals in their work, which ranged from teachers to nurses, and to become outstanding members of their communities. Ed and Frank served in World War II, as did Rose, a civilian radio instructor.

The Cerkvenik family has a strong tradition of public service in northern Minnesota; sons Anton and Frank served the City of Mountain Iron as Clerk and Mayor; the next generation of Cerkveniks has also continued to serve the state of Minnesota and the country. Second generation members Paul worked in Congress at the Democratic Study Group; Peter served on the Mountain Iron City Council; Steve was elected to the School Board; and Gary and his wife Kim both worked in my congressional office. Gary was also elected to the St. Louis County Board and Kim ran for Lieutenant Governor of Minnesota.

In addition to Kim, other spouses who have joined the Cerkvenik family have participated actively in politics and government, including Ann Mulholland who worked for the Democratic Congressional Campaign Committee and on Paul Simon's presidential campaign, and Kathleen Murray who has worked on Mayor Richard Daley's campaigns. On the Iron Range in Mountain Iron, Tony and his wife Mitzi opened a grocery store and meat market which has continued under Frank and his family. For nearly 40 years, Cerkvenik's Super Market has been known for great meats, good service, and a fair trade. Most importantly, it became a center of political and social life in Mountain Iron.

Other descendants continue to make their unique marks on our country. One Cerkvenik family member, Barrett, graduated from West Point and helped negotiate the START treaty. Others are business owners, computer specialists, bus drivers, teachers, lawyers, designers, advertisers, civil servants, biologists, and mothers and fathers. Together, they are a proud Slovene family who have not forgotten their roots and heritage.

Now there are four generations of Cerkvenik descendants in the United States of America. They are truly part of the unique fabric of lives and histories that make America the richest and most vibrant nation in the world. As they gather on Minnesota's Iron Range this July, I salute the Cerkvenik family for their invaluable contributions to this great land of ours.

TRIBUTE TO RABBI MORRIS RUBINSTEIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. BERMAN. Mr. Speaker, today my colleague, Mr. WAXMAN, and I pay tribute to an extraordinary individual and good friend, Rabbi Morris Rubinstein, who was honored this Sunday by the Valley Beth Israel Synagogue for his twenty eight years of dedication, leadership and service. The occasion will mark his retirement and will be celebrated with a "gala farewell dinner" attended by family, friends and congregants.

Throughout Rabbi Rubinstein's forty-one year rabbinical career he has demonstrated—through both his words and his deeds—an unwavering commitment to Torah and Mitzvos. For the past twenty-eight years, we in the San Fernando Valley have been blessed by his leadership, guidance, knowledge and understanding. He and his wife Miriam created a family-like atmosphere for all of the Valley Beth Israel congregants. Together they not only helped insure that Valley Beth Israel achieved a stellar reputation, but they made certain that the synagogue remained a unique and special place to worship, learn and congregate.

In addition to his character, intelligence and hard work, Rabbi Rubinstein successfully accomplished so much at Valley Beth Israel because he was able to apply lessons learned from an impressive and diverse background. He graduated as a rabbi and teacher with a Master's Degree in Hebrew Literature in 1959. He entered the Air Force Chaplaincy as a First Lieutenant in the same year and his first assignment was in Ankara, Turkey. His next assignment was Kessler Air Force Base in Biloxi, Mississippi where he became involved in the civil rights movement. There, at a clergy conference, he joined with Dr. Martin Luther King, Jr. in singing "We Shall Overcome" in Hebrew and English.

After Biloxi, he left the military chaplaincy to take a civilian pulpit. Between 1964 and 1972, when he joined Valley Beth Israel, he served as the spiritual leader at synagogues in Mattawan, New Jersey and Scottsdale, Arizona. He and Miriam, his loving wife and partner of forty-three years, have raised five wonderful and accomplished children.

We are honored today to ask our colleagues to join with us in saluting Rabbi Rubinstein for his dedicated service and tireless leadership. We wish him good health and every joy in his retirement.

PASSING THE CONSERVATION AND REINVESTMENT ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. DINGELL. Mr. Speaker, today one of my hometown newspapers, the Detroit Free Press, published the following editorial urging the other body to pass H.R. 701, the Conservation and Reinvestment Act (CARA). As my colleagues know, the House approved CARA last month by an overwhelming bipartisan margin.

The House bill may not be perfect, but clearly it is a strong foundation for a landmark conservation bill. The other body should proceed expeditiously so as not to let this once-in-a-generation opportunity pass us by.

[From the Detroit Free Press, June 27, 2000]

LAND PLAN

WORTHWHILE CONSERVATION ACT STUCK IN COMMITTEE

The country's best chance in a century to commit to conservation is staring it in the face, and yet the means to make it happen may not survive the U.S. Senate.

The Conservation and Reinvestment Act, which provides hundreds of millions of dollars for land acquisition and recreation projects nationwide, sits in committee, where it landed after the House passed it by a 3–1 margin. The full Senate seems likely to approve CARA, if it gets sprung from the committee.

The act does not require any new money to fund it. Rather it is the revival of a decades-old promise that royalties from oil and gas drilling on federal property would go toward land preservation. In the meantime, the money has been used to help mask the country's deficit-spending habit, a maneuver that's no longer needed and ripe for Congress to fix.

Some Western-state senators in key positions see CARA as a federal land grab, although only a sixth of the money would go toward federal purchases, and acquisitions would require the consent of both the owner and Congress. Far more would get funneled to the states, to set their own balance between buying land and improving existing public spaces.

One of CARA's most exciting aspects, in fact, is the ability to focus on smaller projects than the federal government normally would, including urban green spaces, walkways and small slices of important habitat. For those with visions of a walkable riverfront in Detroit, or selective preservation of natural spots in the path of development, CARA is a dream come true—if the senators controlling its fate will set it free.

HONORING HARRIS COUNTY COMMISSIONER JIM FONTENO AND THE EAST HARRIS COUNTY SENIOR CITIZENS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. BENTSEN. Mr. Speaker, today I honor Harris County Commissioner Jim Fonteno and the East Harris County Senior Citizens, which celebrates its 25th anniversary this month. The East Harris County Senior Citizens program, which Commissioner Fonteno built from the grassroots up, is a truly unique organization that has touched the lives of thousands of seniors in the eastern portion of Harris County, Texas for a quarter of a century. I commend Commissioner Fonteno for starting this vital program, and as we celebrate its anniversary, we also celebrate the career of Fonteno himself, the "Dean" of the Commissioners' Court, who, after 25 years, recently announced that he will retire in 2002.

The East Harris County Senior Citizens began in 1975, when the then newly-elected Precinct Two Harris County Commissioner Jim Fonteno offered his vision to create a program to give back to area seniors. His vision, inspired by his desire to give the people "what they asked for and what they needed," was to create a vehicle to deliver programs and services to thousands of senior citizens and veterans in the community. Despite the naysayers who claimed it couldn't be done, Fonteno's inspiration grew into a self-supportive, nonprofit organization that now boasts more than 350 senior citizens groups within its boundaries. With the help of private organizations and many community partners and volunteers, the East Harris County Senior Citizens program is a model for the nation, and is still growing strong.

Throughout its history, the East Harris County Senior Citizens program has been dedicated to encouraging social and physical activeness in seniors so that the humanity, dignity, independence, and strengths of each senior citizen is realized to the fullest. Through the program, thousands of senior citizens who otherwise would be unable to continue to develop new friendships and remain a vital force in their community, either because they lack transportation or appropriate places to meet, can reconnect with the world and continue to contribute their considerable talents to the community. The benefits of the community involvement and services offered by the East Harris County Senior Citizens to the lives of the elderly are immeasurable.

Mr. Speaker, at a time when America is aging and our parents are growing older, it is imperative that programs such as the East Harris County Senior Citizens exist to nurture and support the elderly. Our elderly are a tremendous asset and a source of great talent and inspiration. I commend the East Harris County Senior Citizens, Commissioner Fonteno and all the volunteers for their good works and for the organization's great contributions to the community, and I celebrate with them in honor of their 25 years of public service.

PROFILES OF SUCCESS HISPANIC LEADERSHIP AWARDS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. PASTOR. Mr. Speaker, I rise to recognize a special event in the State of Arizona, the Annual Profiles of Success Hispanic Leadership Awards presentation. This special event is Arizona's most prestigious Latin Awards event. The luncheon is held in conjunction with National Hispanic Heritage Month and coordinated by Valle del Sol, Inc., a community-based organization in Phoenix. This year marks the 10th anniversary for Profiles of Success.

Award recipients are selected for their sustained service over a period of years. They are considered for significant time devoted to activities, services or issues beyond work or family responsibilities; challenges met by the nominee that were unusual; motivating others through personal commitment and/or exemplary performance; creativity in devising new and better ways of performing volunteer assignments or meeting the needs of the community; and leadership and betterment of the community through undertakings that have wide impact on a large number of people.

In the last 10 years, Profiles of Success awards have been conferred in four categories upon the following individuals:

Hall of Fame: Honorable Raul Castro, Maria Luisa Urquides, Adam Diaz, Bennie M. Gonzales, Dr. Maria Vega, Ruben Perez and Silvestre Herrera, a Congressional Medal of Honor recipient.

Exemplary Leadership: Toni-Maria Avila, Rosie Lopez, Dr. Eugene Marin, Clara Ruiz Engel, Roger C. Romero, Mary Rose Garrido Wilcox, Ernest Calderon, Jose L. Conchola, Dr. Elizabeth Valdez, Dr. Mary Jo Franco-French, Jaime Gutierrez, Dr. Santos Vega, Jose Cardenas, Tom Espinoza, Patricia Ruiz, Dr. J. Oscar Maynes, Jr., Tommy Nuñez, Gloria G. Ybarra, Sandra Ferniza, Daniel Ortega, Jr., Art Othon, Patricia Escalante Garcia, Martin Sanmaniego, Tony Astorga, Eduardo Delci, Armando Flores, and Hilda Ortega-Rosales.

Special Recognition: Margie Emmermann, Cesar E. Chavez, Silvestre Herrera, Eugene Brassard, Manuel "Lito" Pena, Jr., Raul Lopez, Jess Torres, and Lorraine Lee.

Manuel Ortega Young Leaders Award: Marisa Calderon.

This year's recipients are: Eduardo "Lalo" Guerrero for Hall of Fame; Norma Guerra, Joe Elias and Lucia Madrid for Exemplary Leadership; Isabel Gonzales for the Manuel Ortega Young Leaders Award; and John Valenzuela, a South Tucson police officer who lost his life in the line of duty, who is posthumously receiving Special Recognition.

Each of the Profiles of Success recipients have stood out in the Latino community and demonstrated uncommon courage against tremendous odds. Words like dedication, integrity and compassion are synonymous with their names. Profiles of Success is the Latino community's opportunity to honor these champions. Therefore, Mr. Speaker, I ask you and my colleagues to join me in congratulating the Profiles of Success winners and extending them best wishes.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Mr. KNOLLENBERG. Mr. Speaker, I would like to include in the RECORD for the Commerce/State/Justice Appropriations bill a letter with legislative history of the Clean Air Act reported by Congressman JOHN DINGELL who was the Chairman of the House Conference on the Clean Air Act amendments of 1990. No one knows the Clean Air Act like Congressman DINGELL.

He makes clear, and I quote, "Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases."

October 5, 1999.

Hon. DAVID M. MCINTOSH,
Chairman, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, Committee on Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: I understand that you have asked, based on discussions between our staffs, about the disposition by the House-Senate conferees of the amendments in 1990 to the Clean Air Act (CAA) regarding greenhouse gases such as methane and carbon dioxide. In making this inquiry, you call my attention to an April 10, 1998 Environmental Protection Agency (EPA) memorandum entitled "EPA's Authority to Regulate Pollutants Emitted by Electric Power Generation

Sources" and an October 12, 1998 memorandum entitled "The Authority of EPA to Regulate Carbon Dioxide Under the Clean Air Act" prepared for the National Mining Association. The latter memorandum discusses the legislative history of the 1990 amendments.

First, the House-passed bill (H.R. 3030) never included any provision regarding the regulation of any greenhouse gas, such as methane or carbon dioxide, nor did the bill address global climate change. The House, however, did include provisions aimed at implementing the Montreal Protocol on Substances that Deplete the Ozone Layer.

Second, as to the Senate version (S. 1630) of the proposed amendments, the October 12, 1998 memorandum correctly points out that the Senate did address greenhouse gas matters and global warming, along with provisions implementing the Montreal Protocol. Nevertheless, only Montreal Protocol related provisions were agreed to by the House-Senate conferees (see Conf. Rept. 101-952, Oct. 26, 1990).

However, I should point out that Public Law 101-549 of November 15, 1990, which contains the 1990 amendments to the CAA, includes some provisions, such as sections 813, 817 and 819–821, that were enacted as free-standing provisions separate from the CAA. Although the Public Law often refers to the "Clean Air Act Amendments of 1990," the Public Law does not specify that reference as the "short title" of all of the provisions included the Public Law.

One of these free-standing provisions, section 821, entitled "Information Gathering on Greenhouse Gases contributing to Global Climate Change" appears in the United States code as a "note" (at 42 U.S.C. 7651k). It requires regulations by the EPA to "monitor carbon dioxide emissions" from "all affected sources subject to title V" of the CAA and specifies that the emissions are to be reported to the EPA. That section does not designate carbon dioxide as a "pollutant" for any purpose.

Finally, Title IX of the Conference Report, entitled "Clean Air Research," was primarily negotiated at the time by the House and Senate Science Committees, which had no regulatory jurisdiction under House-Senate Rules. This title amended section 103 of the CAA by adding new subsections (c) through (k). New subsection (g), entitled "Pollution Prevention and Control," calls for "non-regulatory strategies and technologies for air pollution prevention." While it refers, as noted in the EPA memorandum, to carbon dioxide as a "pollutant," House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory or other purposes.

Based on my review of this history and my recollection of the discussions, I would have difficulty concluding that the House-Senate conferees, who rejected the Senate regulatory provisions (with the exception of the above-referenced section 821), contemplated regulating greenhouse gas emissions or addressing global warming under the Clean Air Act. Shortly after enactment of Public Law 101-549, the United Nations General Assembly established in December 1990 the Intergovernmental Negotiating Committee that ultimately led to the Framework Convention on Climate Change, which was ratified by the United States after advice and consent by the Senate. That Convention is, of course, not self-executing, and the Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases.

I hope that this is responsive.

With best wishes,

Sincerely,

JOHN D. DINGELL,
Ranking Member.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 29, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 30

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the nationwide crisis of mortgage fraud.
SD–342

JULY 11

10 a.m.
Judiciary
To hold hearings to examine the future of digital music, focusing on whether there is an upside to downloading.
SD–226

2 p.m.
Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine the Federal Transit Administration's approval of extension of the Amtrak Commuter Rail contract.
SD–538

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2195, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water; S. 2350, to direct the Secretary of the Interior to convey to certain water rights to Duchesne City, Utah; and S. 2672, to provide for the conveyance of various reclamation projects to local water authorities.
SD–366

JULY 12

10 a.m.
Finance
To hold hearings on disclosure of political activity of tax code section 527 and other organizations.
SD–215

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the Draft Environmental Impact Statement implementing the October 1999 announcement by the Presidnet to review approximately 40 million acres of national forest for increased protection.
SD–366

Indian Affairs
To hold oversight hearings on risk management and tort liability relating to Indian matters.
SR–485

JULY 13

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to examine American gasoline supply problems.
SD–366

JULY 18

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

JULY 19

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.
SD–366

Indian Affairs
To hold oversight hearings on activities of the National Indian Gaming Commission.
SR–485

JULY 20

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the United States General Accounting Office's investigation of the Cerro Grande Fire in the State of New Mexico, and from Federal agencies on the Cerro Grande Fire and their fire policies in general.
SD–366

10 a.m.
Indian Affairs
To hold hearings on S. 2688, to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools.
SR–485

JULY 26

10 a.m.
Governmental Affairs
To hold hearings on S. 1801, to provide for the identification, collection, and

review for declassification of records and materials that are of extraordinary public interest to the people of the United States.

SD–342

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations.

SD–366

Indian Affairs

To hold hearings on S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act.

SR–485

JULY 27

10 a.m.

Indian Affairs

To hold oversight hearings on the Native American Graves Protection and Repatriation Act.

SR–485

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

SENATE—*Thursday, June 29, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You are never reluctant to bless us with exactly what we need for each day's challenges and opportunities. Sometimes we are stingy receivers who find it difficult to open our tight-fisted grip on circumstances and receive the blessing that You have prepared. You know our needs before we ask You, but You wait to bless us until we ask for help. We come to You now honestly to confess our needs. Lord, we need Your inspiration for our thinking, Your love for our emotions, Your guidance for our wills, and Your strength for our bodies. We have learned that true peace and lasting serenity results from knowing that You have an abundant supply of resources to help us meet any trying situation, difficult person, or disturbing complexity, and so we say with the psalmist, "Blessed be the Lord, who daily loads us with benefits."—Psalm 68:19. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SLADE GORTON, a Senator from the State of Washington, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, on behalf of the leader, I have been asked to announce that we will resume consideration of H.R. 4762. Under the previous order, there will be closing remarks on the bill with a vote on final passage to occur at approximately 9:40 a.m. and following that vote, a vote on or in relation to the Frist amendment, which is the Frist amendment to the Labor, HHS, and Education appropriations bill, will occur.

I have been asked to announce that it is the leader's intention to finish this bill by midafternoon and then to proceed to the Interior appropriations bill. I note a smile by our distinguished Presiding Officer. He has the Interior bill. But that is what the script says. We will be pushing as hard as we can to accomplish that and get that done. Our distinguished leader was in a persevering, strong mood last night, and I assume he will be this morning as well. We want people who have amendments to come to the floor. We will work out a schedule and work out time agreements so we can meet that demanding schedule.

I thank the Chair and yield the floor.

INTERNAL REVENUE CODE OF 1986 AMENDMENT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4762, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4762) to amend the Internal Revenue Code for 1986 to require 527 organizations to disclose their political activities.

The PRESIDING OFFICER. Under the previous order, there will now be 7 minutes for closing remarks, with 5 minutes of that time to be under the control of the Senator from Arizona, Mr. MCCAIN.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield 2 minutes of my 5 minutes to the Senator from Wisconsin, Mr. FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, despite the claims in the press by some opponents of this measure, this bill is fair and evenhanded. It affects groups on both sides of the political spectrum. It is not aimed at any particular group or players in the elections. It is aimed at getting rid of secrecy. It is not an attempt to silence anyone. It is an attempt to give the American people information. They are entitled to have this information about the groups who flood the airwaves with negative ads during an election campaign.

I thank all my colleagues who supported the McCain-Feingold-Lieberman amendment on the Department of Defense bill. They can be proud of what they did. With that vote, they have started in motion a process that has brought us to this day, when we will quickly pass and send to the President for his signature a good, fair, bipartisan bill that does the right thing for the American people.

Mr. ROTH. Mr. President, I believe in full disclosure of who is funding political campaigns. The public has a right to know who is paying for the political advertisements and direct mail that they see. While I think this bill may not go far enough in requiring disclosure of these groups, it is a first step and that is why I support H.R. 4762.

H.R. 4762 requires disclosure for political organizations which are tax exempt under section 527 of the Internal Revenue Code. 527 organizations which directly advocate the election or defeat of a particular candidate for federal office are subject to federal election campaign law disclosure obligations. However, 527 organizations that do not directly advocate for the election or defeat of a particular candidate are not subject to these federal election campaign laws and are not obligated to disclose the names of their contributors nor how they send the contributions they receive. This bill correctly adds disclosure requirements to these 527 organizations so that the activities performed and identity of contributors to these previously undisclosed will be available for public scrutiny, much like those 527 organizations that have to disclose under the federal election laws.

I am also glad that this bill follows the constitutional requirement that revenue measures originate in the House of Representatives. If the revenue measure did not originate in the House, then any member could subject the bill to a "blue slip," thereby voiding the entire bill, not just the part of the bill that is a revenue measure. I opposed an amendment similar to this bill a few weeks ago when it was offered as an amendment to the Defense Authorization bill because adoption of that amendment would have subjected the Defense Authorization bill to such a "blue slip" challenge. Since we are taking up a House-originated revenue measure, I do not have the concerns which forced me to vote against the previous amendment.

However, I do have some concerns with this bill. First, this bill is a tax measure and tax measures should first be addressed by this committee of jurisdiction, the Finance Committee. This we have not done. In fact, the Fiance Committee was scheduled to have a hearing on July 12, 2000 to review this and other similar legislation dealing with disclosure of political activity by tax-exempt and other organizations. This hearing will not happen now and we will not be able to have the Finance Committee review how effective this legislation will be.

My second concern is that this bill may not do enough. By only focusing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

on disclosure in one type of tax-exempt organization and not on others, we leave open the use of the other type of tax-exempt organizations by those who want to hide their contributions and activity behind the cloak of anonymity that these tax-exempt organizations provide. This view is shared by the staff of the Joint Committee on Taxation.

Finally, I am concerned that this legislation requires the Internal Revenue Service to do things that it is not prepared to do with regard to disclosure. For example, under the bill reported out of the Ways and Means Committee, the IRS could partner with another agency—most likely the Federal Election Commission—to provide that the results of the 527 disclosure to the public. Unfortunately, this and other technical matters that were addressed in the Ways and Means Committee bill were not incorporated in this bill. I fear that we will have to address these technical issues in the future in order to make the disclosure provisions work to effectively provide this information to the public.

Because this bill is a first step and that some disclosure is better than no disclosure, I will vote for H.R. 4762.

Mr. President, I ask unanimous consent that a letter from the Brennan Center for Justice expressing the view that this bill requiring disclosure by 527 organizations is constitutionally sound be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BRENNAN CENTER FOR JUSTICE,
New York, NY, June 28, 2000.

DEAR SENATOR: I am writing to express the views of the Brennan Center for Justice at New York University School of Law on the constitutional validity of attempts to seek disclosure from organizations covered by Section 527 of the Internal Revenue Code, as contained in the Lieberman-Levin-Daschle-McCain Bills (S.B. 2582 and 2583).

Senate Bill 2582 seeks to completely close the current Section 527 loophole, under which some organizations are claiming that they exist for the purpose of influencing electoral outcomes for income tax purposes, but that they are not "political committees" for purposes of federal election law. Senate Bill 2582 clarifies that tax exemption under Section 527 is available only to organizations that are "political committees" under FECA. Senate Bill 2583 is a more limited bill, which requires Section 527 organizations to disclose their existence to the IRS, to file publicly available tax returns, and to file with the IRS and make public reports disclosing large contributors and expenditures.

Both of these bills are constitutionally sound. *Buckley v. Valeo*, 424 U.S. 1 (1976), clearly established that groups whose *major purpose* is influencing elections—the operative test under both the Federal Election Campaign Act (FECA) and under Section 527 of the Internal Revenue Code—are appropriately subject to federal disclosure laws. A close textual analysis of *Buckley* reveals that the Supreme Court explicitly recognized the legitimacy of mandatory disclosure laws for organizations whose major purpose is influencing elections.

UNDERSTANDING BUCKLEY'S DISCLOSURE LIMITATIONS

In *Buckley v. Valeo*, the Supreme Court considered the constitutional validity of, among other things, various disclosure provisions that Congress had enacted on federal political activity. In general, the Court found mandatory disclosure requirements to be the least restrictive means for achieving the government's compelling interests in the campaign finance arena. However, the Court believed that, while it was constitutionally permissible to require advocacy groups that "expressly advocate" for or against particular federal candidates to comply with federal disclosure laws, advocacy groups that engage in a mere discussion of political issues (so-called "issue advocacy") cannot be subjected to public disclosure.

The Supreme Court was concerned that FECA could become a trap for unwary political speakers. Advocacy groups or individuals that participate in the national debate about important policy issues might discover that they had run afoul of federal campaign finance law restrictions simply by virtue of their having mentioned a federal candidate in connection with a pressing public issue. The Court found that FECA's disclosure provisions, as written, raised potential problems both of vagueness and overbreadth.

Under First Amendment "void for vagueness" jurisprudence, the government cannot punish someone without providing a sufficiently precise description of what conduct is legal and what is illegal. A vague or imprecise definition of regulated political advocacy might serve to "chill" some political speakers who, although they desire to engage in pure "issue advocacy," may be afraid that their speech will be construed as regulable "express advocacy." Similarly, the overbreadth doctrine in First Amendment jurisprudence is concerned with a regulation that, however precise, sweeps too broadly and reaches constitutionally protected speech. Thus, a regulation that is clearly drafted, but covers both "issue advocacy" and "express advocacy" may be overbroad as applied to certain speakers.

The Court's vagueness and overbreadth analysis centered on two provisions in FECA—section 608(e), which adopted limits on independent expenditures, and section 434(e), which adopted reporting requirements for individuals and groups. For these two provisions, the Supreme Court overcame the vagueness and overbreadth issues by adopting a narrow construction of the statute that limited its applicability to "express advocacy." However, the Court made it absolutely clear that the "express advocacy" limiting construction that it was adopting for these sections *did not apply* to expenditures by either candidates or political committees. According to the Court, the activities of candidates and political committees are "by definition, campaign related." *Buckley*, 424 U.S. at 79.

The "express advocacy" limitation was intended by the Court to give protection to speakers that are not primarily engaged in influencing federal elections. However, because candidates and political committees have as their major purpose the influencing of elections, they are not entitled to the benefit of the "express advocacy" limiting construction. The Supreme Court never suggested, as no rational court would, that political candidates, political parties, or political committees can avoid all of FECA's requirements by simply eschewing the use of "express advocacy" in their communications. As discussed above, the Supreme Court wanted to avoid trapping the unwary political speaker in the web of FECA regulation. However, for political parties, political candidates, and political committees, which have influencing electoral outcomes as their central mission, there is no fear that they will be unwittingly or improperly subject to regulation.

* * * * *

The *Buckley* Court's first invocation of the "express advocacy" standard appears in its discussion of the mandatory limitations imposed by FECA section 608(e) on independent expenditures. Section 608(e)(1) limited individual and group expenditures "relative to a clearly identified candidate" to $1,000 per year. The Court, in analyzing the constitutional validity of the $1,000 limit to independent expenditures by groups and individuals, focused first on the issue of unconstitutional vagueness. The Court noted that although the terms "expenditure," "clearly identified," and "candidate" were all defined in the statute, the term "relative to" a candidate was not defined. *Buckley*, 424 U.S. at 41. The Court found this undefined term to be impermissibly vague. Id. at 41. Due to the vagueness problem, the Court construed the phrase "relative to" a candidate to mean "advocating the election or defeat of" a candidate. *Id.* at 42.

Significantly, the Court did not adopt a limiting construction of the term "expenditure," which appears in a definitional section of the statute at section 591(f). Rather, the Court narrowly construed only section 608(e). *Id.* at 44 ("in order to reserve the provision against invalidation on vagueness grounds, §608(e)(1) must be construed to apply only to expenditures for communications that in express terms advocate the election or defeat of a clearly identified candidate for federal office."). The limitations under section 608(e) apply only to individuals and groups. *Id.* at 39–40. Political parties and federal candidates have separate expenditure limits that did not use the "relative to a clearly identified candidate" language, *see* §§608(c) & (f), which was found to be problematic in section 608(e)(1).

The Court, having solved the statute's vagueness problem, next turned to the question of whether section 608(e)(1), as narrowly construed by the Court, nevertheless continued to impermissibly burden the speaker's constitutional right of free expression. The Court found the government's interest in preventing corruption and the appearance of corruption, although adequate to justify contribution limits, was nevertheless inadequate to justify the independent expenditure limits. Therefore, the Court held section 608(e)(1)'s limitation on independent expenditures unconstitutional, even as narrowly construed.

In sum, in this portion of its opinion, the *Buckley* Court did not adopt a new definition of the term "expenditure" for all of FECA. Rather, the Court held that the limits on independent expenditures imposed on individuals and groups should be narrowly construed to apply only to "express advocacy," and that these limits were nevertheless unconstitutional even as so limited. Because the limits on independent expenditures in section 608(e) were ultimately struck down by the Court, the narrowing construction of that section became, in a practical sense, irrelevant.

The only other portion of the *Buckley* decision that raises the "express advocacy" narrowing construction is the Court's discussion of reporting and disclosure requirements under FECA section 434(e). It is here that the

Court makes it absolutely clear, in unambiguous language, that *political committees and candidates are not entitled to the benefit of the narrowing "express advocacy" construction* earlier discussed in section 608(e).

The Court begins its discussion of reporting and disclosure requirements, by noting that such requirements, "as a general matter, directly serve substantial governmental interests." *Buckley*, 424 U.S. at 68. After concluding that minor parties and independents are not entitled to a blanket exemption from FECA's reporting and disclosure requirements, the Court moved on to a general discussion of section 434(e).

As introduced by the Court, "Section 434(e) requires '[e]very person (*other than a political committee or candidate*) who makes contributions or expenditures' aggregating over $100 in a calendar year 'other than by contribution to a political committee or candidate' to file a statement with the Commission." *Id.* 74–75 (emphasis added). The Court noted that this provision does not require the disclosure of membership or contribution lists; rather, it requires disclosure only of what a person or group actually spends or contributes. *Id.* at 75.

The *Buckley* Court noted that the Court of Appeals had upheld section 434(e) as necessary to enforce the independent expenditure ceiling discussed above—section 608(e). *Id.* at 75. The Supreme Court, having just struck down these independent expenditure limits, concluded that the appellate court's rationale would no longer suffice. *Id.* at 76. However, the *Buckley* Court concluded that section 434(e) was "not so intimately tied" to section 608(e) that it could not stand on its own. *Id.* at 76. Section 434(e), which predated the enactment of section 608(e) by several years, was an independent effort by Congress to obtain "total disclosure" of "every kind of political activity." *Id.* at 76.

The Court concluded that Congress, in its effort to be all-inclusive, had drafted the disclosure statute in a manner that raised vagueness problems. *Id.* at 76. Section 434(e) required the reporting of "contributions" and "expenditures." These terms were defined in parallel FECA provisions in sections 431 (e) and (f) as using money or other valuable assets "for the purpose of . . . influencing" the nomination or election of candidates for federal office. *Id.* at 77. The Court found that the phrase "for the purpose of . . . influencing" created ambiguity that posed constitutional problems. *Id.* at 77.

In order to eliminate this vagueness problem, the Court then went back to its earlier discussions of "contributions" and "expenditures." The Court construed the term "contribution" in section 434(e) in the same manner as it had done when it upheld FECA's contribution limits. *Id.* at 78. It next considered whether to adopt the same limiting construction of "expenditure" that it had adopted when construing section 608(e)'s limits on independent expenditures by individuals and groups.

"When we attempt to define 'expenditure' in a similarly narrow way we encounter line-drawing problems of the sort we faced in 18 U.S.C. §608(e)(1) (1970 ed., Supp. IV). Although the phrase, 'for the purpose of . . . influencing' an election or nomination, differs from the language used in §608(e)(1), it shares the same potential for encompassing both issue discussion and advocacy of a political result. The general requirement that 'political committees' and candidates disclose their expenditures could raise similar vagueness problems, for "political committee" is defined only in terms of amount of annual "contributions" and "expenditures," and could be interpreted to reach groups engaged purely in issue discussion. The lower courts have construed the words "political committee" more narrowly. *To fulfill the purposes of the Act they need only encompass organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate. Expenditures of candidates and of "political committees" so construed can be assumed to fall within the core area sought to be addressed by Congress. They are, be definition, campaign related.*

"But when the maker of the expenditures is not within these categories—when it is an individual other than a candidate or a group other than a political committee—the relation of the information sought to the purposes of the Act may be too remote. To insure that the reach of §434(e) is not impermissibly broad, we construe "expenditure" for purposes of that section in the same way we construed the terms of §608(e)—to reach only funds used for communications that expressly advocate the election or defeat of a clearly identified candidate". *Id.* at 79–80 (footnotes omitted) (emphasis added).

The Court in *Buckley* could not have been more clear. When applied to a speaker that is neither a political candidate nor a political committee, the term "expenditure" in section 434(e) must be narrowly construed under the "express advocacy" standard. However, when applied to organizations that have as a major purpose the nomination or election of a candidate, the "express advocacy" limiting construction simply does not apply. The activities of these groups are, by definition, campaign related, and legitimately subject to regulation under FECA.

This, of course, is the only sensible reading of FECA. To suggest that political candidates, political parties, or political committees can escape FECA's regulatory reach by merely eschewing the use of express words of advocacy, reduces the law to meaninglessness. It may be necessary, as the Court held, to give advocacy groups that are not primarily engaged in campaign-related activity a bright-line test that will enable them to avoid regulatory scrutiny. But organizations whose very purpose is to influence federal elections need no such safety net, and have not been given one.

IMPLICATIONS FOR REGULATION OF SECTION 527 ORGANIZATIONS

FECA's definition of a "political committee" mirrors the Internal Revenue Service's definition of a Section 527 "political organization." Under FECA, a "political committee" is, among other things, "any committee, club, association, or other group of persons which . . . makes expenditures aggregating in excess of $1,000 during a calendar year." 2 U.S.C. §431(4)(A). The term "expenditures" includes, among other things, "any purchase, payment, distribution, loan, advance, deposit, gift of money or anything of value, made by any person *for the purpose of influencing any election for Federal office.*" 2 U.S.C. §431(9)(A)(i) (emphasis added).

Under the Internal Revenue Code, a Section 527 political organization is defined as "a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated *primarily for the purpose* of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function." 26 U.S.C. §527(e)(1) (emphasis added). An "exempt function" within the meaning of section 527 "means the function of *influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office* of office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed." 26 U.S.C. §527(e)(2) (emphasis added).

Thus, any organization that is a Section 527 organization is, by definition, organized and operated primarily for the purpose of "influencing or attempting to influence the selection, nomination, election, or appointment of any individual" to public office. *See* 26 U.S.C. §527(e)(2). Such an organization satisfies the "major purpose" standard established by the Supreme Court in *Buckley*, and may therefore be subject to reasonable public disclosure of its sources of funding for its political activities. *Buckley* offered protection to issue-oriented speakers and groups that are not organized for the explicit purpose of influencing election outcomes. Section 527 organizations, however, are subject to reasonable mandatory public disclosure requirements by virtue of their central mission.

CONCLUSION

There is no question that the Supreme Court in *Buckley* was concerned with protecting the rights of advocacy groups and individuals to engage in constitutionally protected "issue advocacy." The Court was particularly concerned that the Federal Election Campaign Act, as written, would become a trap for unwary or unsophisticated political speakers. However, the Court also recognized that there are some groups of speakers—political candidates, political parties, and political committees—whose major purpose is engaging in electoral politics. For these speakers, there is no danger of trapping the unwary, and thus, the Court provided them with no special constitutional protection. The actions of political candidates, political parties, and political committees are assumed to be campaign-related, and they are therefore appropriately subject to federal disclosure laws.

In order to qualify for tax exempt status under Section 527 of the Internal Revenue Code, an organization's primary purpose must be to influence election outcomes. Because a Section 527 organization is, by definition, primarily engaged in political activity, it satisfies the "major purpose" test promulgated in *Buckley*. Thus, there is no constitutional impediment to subjecting Section 527 Committees to reasonable disclosure laws. The "express advocacy" protections that the Supreme Court promulgated in order to protect unwary political speaker, as the Court itself explicitly recognized, have no applicability in the context of an organization whose primary purpose is engaging in electoral politics. Senate Bill 2582, which clarifies that tax exemption under Section 527 is available only to organizations regulated as "political committees" under FECA, as well as the more limited Senate Bill 2583, which simply requires public disclosure from Section 527 organizations, will both withstand constitutional scrutiny.

Very truly yours,

E. JOSHUA ROSENKRANZ,
President.

Mr. MOYNIHAN. Mr. President, while I support the objectives of this legislation, I regret that the Senate has chosen to rush ahead with a vote on this matter without following the customary Senate procedure. This bill should have been referred to its committee of jurisdiction, the Committee on Finance, and that committee ought to have had the opportunity to consider all its implications.

In fact, Chairman ROTH and I agreed to schedule a hearing on this matter for July 12. We contacted election and tax law experts to ask their opinions regarding fundamental questions surrounding Section 527 organizations.

As we thought, there are constitutional questions, and the possibility of unintended consequences that might result from this or similar legislation. The careful examination that Senator ROTH and I had planned is going to be cut short by our actions today. Without that careful examination, we can only hope that our conduct will withstand judicial scrutiny and not create additional problems.

Mr. LEVIN. Mr. President, I am pleased to join my colleagues Senators MCCAIN, FEINGOLD and LIEBERMAN in voting to send to the President H.R. 4762, a bill that hopefully will lead to closing one of the gaping loopholes in our Federal campaign finance laws. I use the words "lead to" because we aren't closing the so-called 527 loophole here today—we are forcing the disclosure of the contributors who use the loophole. Just as the disclosure of soft money hasn't yet ended the soft money loophole, this disclosure won't automatically close the 527 loophole. Most of our reform work lies ahead. But, our action today will hopefully give us momentum toward ending both the Section 527 loophole and the soft money loophole.

Having been in the Senate over 20 years, now, I've witnessed how slow and frustrating the legislative process can be, and I've also witnessed how we as an institution can come together quickly and directly when we see a compelling need to do so. Senators LIEBERMAN, DASCHLE, MCCAIN, FEINGOLD and I introduced legislation in the Senate, similar to H.R. 4762, in April of this year. With the upcoming November elections we were ever aware of the explosion in sham issue ad campaigns by anonymous contributors across the country that the public was going to experience this year without Section 527 reform. We wanted to beat the clock and get this legislation in place in time to have an effect on this year's campaigns.

With the leadership of a committed group in the House, and a significant bipartisan majority supporting such reform in the Senate, we have been able to do that. I commend the many dedicated House members and Senators who worked to bring this vote about over the past few weeks. The reforms we are passing today will have a meaningful effect on the campaigns being run this year.

The Section 527 loophole allows undisclosed, unlimited contributions. These are stealth contributions—tens of millions of dollars of stealth contributions that are off the campaign finance radar screen. How does that happen—that an organization that claims—on its own—to exist for the purpose of influencing an election can receive unlimited contributions and kept them secret? Well, it happens because these organizations seeking a tax exemption under Section 527 of the Internal Revenue Service Code say one thing to the IRS to get the tax exemption and say the opposite to the Federal Election Commission to avoid having to register as a political committee.

The Internal Revenue Service Code defines an organization subject to a tax exemption under Section 527 as an organization, "influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State or local public office . . ." The Federal Election Campaign Act defines a political committee which is subject to regulation by the FEC and that means disclosure as an organization that spends or receives money "for the purpose of influencing any election for Federal office." So people creating these organizations are claiming, with a straight face, that they are trying to influence an election in order to get the benefits of one agency while representing they are not trying to influence an election in order to avoid the requirements of another. We often say, "You can't have it both ways," but persons forming these organizations, Mr. President, turn that saying on its head. They are, so far, having it both ways, and our campaign finance system and the respect and trust of the American people in our elections and government are paying the price.

Section 527 was created by Congress in the 1970's to provide a category of tax exempt organizations for political parties and political committees. While contributions to a political party or political committee are not tax deductible, Congress did provide for a tax exemption for money contributed and spent on political activities by an organization created for the purpose of influencing elections. At the time Congress established the tax exemption, it assumed that such organizations would be filing with the FEC under the campaign finance laws for the obvious reason that the language for both coverage by the IRS and coverage by the FEC were the same—"influencing an election." Consequently it was assumed that Section 527 didn't need to require disclosure with the IRS, since the FEC disclosure was considerably more complete.

The legislation before us would require Section 527 organizations to file a tax return, something they are not required to do now, and disclose the basic information about their organization as well as their contributors over $200.

As good and important as this bill is, however, it does not stop the unlimited aspect of these secret contributions, nor the unlimited contributions permitted through the soft money loophole. This victory today is but one battle in the overall campaign to enact the McCain-Feingold bill, and I look forward to continuing to work with my colleagues to make that happen.

Mr. MCCAIN. Mr. President, I would like to address an issue of importance with respect to the 527 disclosure debate, and that is the constitutionality of H.R. 4762. I assert that the 527 disclosure legislation is Constitutional.

Among other things, the legislation requires 527 organizations claiming tax exempt status to disclose their members who make significant contributions to support the 527's political advocacy. Some opponents maintain that the legislation runs afoul of the Supreme Court ruling in NAACP v. Alabama, where as most of you know, the NAACP was protected from having to disclose its membership list to the Alabama government

The 527 disclosure legislation complies with the Constitution's protection of freedom of association upheld in NAACP v. Alabama. It does not require the disclosure of membership rosters, per se, just the members who are making politically related donations. More important, it does not constitute a significant restraint on members' rights to associate freely.

It is important to note that the circumstances are different here than those that surrounded the Alabama government's treatment of the NAACP during the 1950's and 1960's. The Supreme Court recognized that the members of the NAACP had every right to be concerned for their own and their families' safety if their identities were publicly disclosed. The prospect of public identification would have significantly discouraged people of color from joining the NAACP. While political contributors to 527 organizations may prefer to avoid public scrutiny, they have no need to fear for their lives as a result of that scrutiny.

That said, public safety is by no means the principal standard by which the 527 disclosure legislation will be judged. In the NAACP v. Alabama decision, the Supreme Court acknowledges that a valid governmental purpose must be weighed against the tendency for the disclosure requirement to abridge an individual's freedom of association. The decision emphasized that the governmental purpose for disclosure—in this case to prevent corruption of the American political system—must be achieved in the most narrow manner possible.

Like our Congressional leaders, I believe the more disclosure the better—as long as the associated requirements are constitutional. Focusing narrowly on 527 organizations is one thing that sets

H.R. 4762 apart from the Smith-McConnell legislation, to ensure that the legislation survives a constitutional test. I would like to submit a copy of the Smith-McConnell legislation, the Tax-Exempt Political Disclosure Act, into the record.

The Smith-McConnell legislation sweeps in business and labor organizations. As I said, disclosing their political activities is a laudable goal. I have advocated a similar approach, but one that would include bright line tests to determine precisely when contributions and expenditures would have to be disclosed. Those bright line tests, such as limiting the disclosure requirement to a time period close to an election, are lacking in the Smith-McConnell bill.

Unlike business and labor organizations, which engage in activities completely unrelated to elections, 527's are clearly political organizations. 527 organizations by law must have the function of influencing or attempting to influence elections. The Supreme Court in the Buckley decision upheld federal disclosure laws for these types of organizations. When it comes to disclosure laws for business and labor organizations, concerns about vagueness and overbreadth come into play.

527 organizations proliferated during the primary campaign season. Many had obscure names that made it hard to guess even the types of members funding political advocacy on behalf of each 527, much less their identities. Contrary to the 527's, most labor and business organizations have established identities, and clear-cut positions and purposes that go beyond funding issue ads. Since we have no window into the world of 527's, a disclosure requirement is more valid when compared with a disclosure requirement affecting labor and business organizations.

Unlike most, if not all, labor and business organizations, there is no way to determine how many members there are in a 527. In the example I often cite, there were only two contributors, each funneling what appears to be at least one million dollars into the accounts to be used for campaign advocacy. While we may have no idea how many contributors there are in a 527, or how much each contributed, you can bet their favored candidates know.

In a press conference announcing introduction of his bill, Senator McCONNELL admits the "dubious constitutionally" of his proposal. In order to regain the American public's trust, it is important that we support a proposal we feel confident will withstand the Court's scrutiny. Thank you, Mr. President.

Ms. SNOWE. Mr. President, I rise today in support of the legislation sent to us by the House concerning disclosure for so-called "Section 527 organizations".

I want to thank the efforts of those involved in making this day a reality, and that includes a bipartisan group from both sides of the aisle and both sides of the Hill who have taken a leadership role in working toward restoring Americans' faith in its election system. Senator McCAIN's herculean efforts and leadership on this issue have made today's vote possible. In addition, Senator FEINGOLD's leadership has been invaluable, and Senators LIEBERMAN and JEFFORDS and Congressmen SHAYS, MEEHAN, and CASTLE, have worked very hard to ensure that this legislation was both considered and passed.

I believe that disclosure of campaign activities is the most fundamental component of campaign finance reform. On the one hand, proponents of measures like the McCain-Feingold bill point to greater disclosure as part and parcel of additional reforms. On the other hand, opponents have argued that, rather than more comprehensive reforms, what we really need is simply more disclosure on what we already have. So disclosure should be common ground where we can all come together, a point proved by the overwhelming support for disclosure of 527 organizations in the House on a vote of 385–39.

As we know, these organizations have incorporated under the 527 section of the tax code to get tax exempt status to influence federal elections, but then they argue to the Federal Elections Commission that for their purposes these organizations aren't influencing federal elections, simply because they don't expressly advocate for the election or defeat of a particular candidate.

Right now, they don't have to disclose any of their activity—who they are, where they get their funding, and where they spend their money. Under this legislation, they will have to disclose on all their activities, and because political activities are all they do, that is as it should be.

It has also been expressed that if we are to target 527's, we should also have increased disclosure for other organizations that engage in political activities. And I couldn't agree more. Because the American people ought to know who these groups are, their major sources of funding, and where they are spending their money if they are working to influence a federal election. It's that simple.

Prior to this vote on 527's, we were working on legislation that would do just that—a bipartisan, bicameral measure that would satisfy the concerns that have also been raised about the scope of disclosure—that it not be so broad as to cover all manner of activities that have nothing to do with elections.

So we crafted a bill that was neither overly broad or vague. We narrowly and clearly defined political activities as those that mention a candidate for office, targeted specifically to the candidate's electorate, within a time frame near an election. And we only targeted large-scale communications so grassroots organizations will not be affected.

Our framework for this expanded disclosure drew from an amendment that Senator JEFFORDS and I, along with Senators McCAIN, FEINGOLD, LIEBERMAN, and others, developed and introduced in early 1998. Based on a proposal developed and advanced by constitutional scholars, our measure was designed to withstand constitutional scrutiny, address some of the most egregious campaign abuses, and focus on areas where we know the Supreme Court has already allowed us to go—like disclosure.

We've already been to the Senate floor twice with this language, and I'm proud to say that the constitutional arguments made against our provision quite simply didn't hold water. And a majority of the Senate went on record in support of our provision.

In short, the three major provisions of the bill we were working on could be summed up as follows—disclosure, disclosure, and, finally, disclosure. That's what we're talking about here—sunlight, not censorship. Not speech rationing, but information.

I cannot emphasize enough that our effort would not have prevented anyone from making any kind of communication at any time saying anything they want. All we said is, if you're attempting to influence a federal election, we ought to know who you are, your major sources of funding, and where you're spending your money.

As the Brennan Center for Justice stated to me in a letter I had included in the RECORD in our first debate on Snowe-Jeffords, and I quote, "As the Supreme Court has observed, disclosure rules do not restrict speech significantly. For that reason, the Supreme Court has made clear that rules requiring disclosure are subject to less exacting constitutional strictures than direct prohibitions on spending." So if the Congress is truly serious about increased disclosure, there is no reason why they should be able to support our approach.

The fact is, we all have to disclose as candidates, and we should. Is it unreasonable when we know groups running ads or sending out mass mailings to the public are influencing federal elections to ask them to disclose as well?

We know, for instance, that in the 1995–1996 election cycle, the Annenberg Public Policy Center estimates that between $135 to $150 million was spent by outside groups not associated with candidates on television ads. In the last cycle, that number jumped to between $275 to $350 million—more than double. But what we don't know is how much is being spent on efforts like mass mailings or phone banks, or who is funding them, and this legislation is designed to tell us.

As for those so-called issue ads, if any doubt remains about the real intent of many of the broadcast ads we see, the Brennan Center recently released a report on television advertising in the 1998 congressional elections. What did they find? When all the ads were evaluated in terms of how many within two months of the general election were actually political ads and how many were simply discussing issues or legislation, 82 percent were seen as campaign ads. Eighty-two percent. There's no question what these ads are attempting to do—yet, under current law, they fly right under the radar screen.

So, in short, our bipartisan approach got at the largest abuses while answering the critics who say that what's good for the 527 organizations are good for other groups and unions and corporations as well. Unfortunately, we did not reach agreement with the House on such an approach this year—but our work generated momentum for consideration and passage of this 527 bill. And we must look at this as a significant first step. Hopefully, we will have the opportunity to build on this legislation with the broader approach of Snowe-Jeffords.

The passage of this bill should also make it that much more difficult for those who supported it to now go back and say we shouldn't have greater disclosure for other groups engaging in political activities when Snowe-Jeffords is introduced next year. In other words, what we have done with this legislation is to throw a boulder in what has until this point been the still and brackish pond of the campaign finance status quo, and the ripple effect will continue expanding ever outward.

Again, I want to thank everyone involved in this great victory and I hope we will move forward to expand our efforts on campaign finance reform in the next Congress.

INTERNAL REVENUE SERVICE

Mr. MOYNIHAN. I understand that this legislation would allow the Secretary of the Treasury to partner with other Federal agencies, principally the Federal Election Commission, in a manner similar to that contemplated under the bill reported by the Ways and Means Committee. Is that understanding correct?

Mr. FEINGOLD. That is correct. We want to allow the Internal Revenue Service to enforce these disclosure rules with the assistance and cooperation of the Federal Election Commission.

Mr. McCAIN. Mr. President, as sponsor, I would like to make the final comments.

Mr. McCONNELL. Mr. President, this debate has come a long way from the days of trying to regulate the speech of politicians and other major players on the American political scene. Just a few years ago, folks on the other side of the aisle were trying to get taxpayer funding for elections, spending limits for campaigns, and regulation of any group that mentioned a candidate in an ad two months before an election day. As recently as last year, there were measures being debated in the Senate that would have devastated the Republican Party in trying to compete with the Democrats and with well-funded outside groups who are almost wholly and completely affiliated with the Democrats—groups such as the labor unions, the plaintiffs' lawyers, the Sierra Club, and the League of Conservation Voters.

This particular bill before us will not put Republicans at a disadvantage in this fall election. And, of course, it will not put Democrats at any disadvantage because it doesn't affect their political affiliates, the unions and the trial lawyers. In fact, it's hard to tell exactly who will be put at a disadvantage by this bill because there are so few groups that will actually be impacted. So, in many respects, it is a relatively benign and harmless bill.

But, let me be clear, there is an important constitutional principle at stake here—even though it may only affect a handful of groups in this country. This bill takes us down the constitutionally dubious path of disclosure related to issue advocacy, which the Supreme Court has said, falls outside of the boundaries of government regulation. In fact, the federal courts following Buckley v. Valeo have routinely struck down attempts to regulate speech that does not expressly advocate the election or defeat of a federal candidate. Just two weeks ago, the Second Circuit Court of Appeals struck down the latest attempt to regulate issue advocacy as a clear violation of the First Amendment. Nevertheless, I say to my Republican colleagues, particularly those who are up for election this year, that is a pretty hard argument to explain in a political campaign. The constitutional distinction between issue advocacy and express advocacy is complex and does not get reduced to a campaign commercial very easily.

So in light of the limited impact of this relatively benign bill, I recommend to my Republican colleagues that they vote for this bill. I will not be voting for it because I do think the constitutional law in this area is rather clear. But, ultimately, this is not a spear worth falling on 4 months in advance of an election. This vote will insulate them against absurd charges that they are in favor of secret campaign contributions or Chinese money or mafia money.

With regard to the few groups who may be in the 527 area, they will have a choice to make, either to no longer be organized under section 527 or to go to court. And, these groups will have to weigh the costs and make that choice.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, today, indeed, marks a seminal day in the battle to reform our electoral system and restore the faith of the American citizenry that ours is a government of and for the people. This is a vote for campaign finance reform. If the Senate approves this legislation, it will be the first campaign finance reform bill to become law in 21 long years. It will be action that is long overdue.

Whether we want to admit the fact or not, perception has an unfortunate tendency to become reality. And the American people perceive the Congress as controlled by the monied special interests. If we are to ensure the public's faith in its Government, we must obliterate that perception. This bill, although admittedly a very small step, is a step towards ending that perception. This is a step we should be proud to take.

This bill will not solve what is wrong with our campaign finance system. It will not do away with the millions of soft money dollars that are polluting our elections. We must yet undertake the task of doing away with soft money and make our Government more accountable to the people we represent.

It will give the public information regarding one especially pernicious weapon that is being used in modern campaigns. It is an egregious and outrageous insult to the very principles of how democracies function.

The bill is fair. It affects both parties. It affects interests on both sides of the aisle. It stifles no speech. It curbs no individual's rights, and it is clearly constitutional. If the Senate approves it today, it will become law, and the American people will be well served.

Before I close, I again thank the many who were involved with this issue. Many in the House courageously fought to pass this legislation. I thank and note again Congressmen CHRIS SHAYS, MARTY MEEHAN, MIKE CASTLE, LINDSEY GRAHAM, and AMO HOUGHTON who all worked tirelessly on this legislation. If it were not for their courage and tenacity, we would not have this legislation before the Senate today.

In the Senate, a bipartisan coalition of those who believe in reform refused to relent on this matter: Senators SNOWE and LEVIN played key roles in ensuring we move forward. Of course, I must pay special note of all the work done by Senators LIEBERMAN and FEINGOLD. I am proud not only to call them friends but partners in this crusade to return the Government to the people. I could be in no better company.

As I noted last night to all those who believe in reform, today is only the first step, but it is a great first step and it is, indeed, a great day for democracy and a Government that is accountable to the governed. I urge my colleagues to support this legislation.

Mr. President, I yield my remaining time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut has 25 seconds remaining.

Mr. McCAIN. I ask unanimous consent that the Senator from Connecticut be allowed to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my distinguished colleague from Arizona whom I have come to call our commanding officer in the war for campaign finance reform. I am proud to serve under him.

In this long struggle to cleanse our campaign finance system, we are about to achieve a victory. In a campaign finance system that is wildly and dangerously out of control today, we are about to draw a line. We are about to establish some controls based on the best of America's national principles.

The campaign finance reform adopted after the Watergate scandal had two fundamental principles: that contributions to political campaigns be limited, and that they be fully disclosed.

These so-called 527 organizations totally violate and undermine both of those principles. Individuals, corporations, and associations can give unlimited amounts to 527 organizations, and those contributions are absolutely secret, unknown to the public. The contributors then audaciously enjoy a tax benefit for those contributions. Today, we say no more of that. Unfortunately, contributions will continue to be unlimited to 527 organizations, but at least now the public will know.

As Senator McCAIN indicated, this is not the end of the effort to reform our campaign finance system. It is only the beginning, but it is a significant beginning. I urge my colleagues across the aisle to support it. I thank the Chair.

Mr. McCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the bill, H.R. 4762, pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—92

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—6

Coverdell
Helms
Inhofe
Mack
McConnell
Nickles

NOT VOTING—2

Gregg
Inouye

The bill (H.R. 4762) was passed.

Mr. REED. Mr. President, first, I commend my colleagues on both sides of the aisle for their persistence in negotiating a Section 527 disclosure bill that has passed both chambers of Congress. The overwhelming vote in both the House and Senate in support of H.R. 4762, a bill mirroring a successful amendment we made to the Defense Authorization bill several weeks ago, is an important step in fixing our broken campaign finance reform system.

Both parties have now acknowledged that some change in our campaign finance laws is warranted, the first such legislative consensus on this issue since technical changes were made in 1979 to the Federal Election Campaign Act of 1974.

A majority has agreed that Section 527 organizations need to both follow federal campaign law and to file tax returns. H.R. 4762, like our amendment to the Defense Authorization bill, requires Section 527s to disclose any contributors who give more than $200, and report any expenditures of more than $500. Unlike our original amendment, it requires a Section 527 organization that fails to disclose contributions and expenditures to the IRS to pay a penalty tax on the amounts it failed to disclose. The amendment we made to the Defense Authorization bill would have removed a Section 527's tax exempt status for the same violation. Although not as severe a penalty, I believe that this change in the House version of this legislation does reflect the spirit of the original Senate amendment.

Although disclosure is only part of the solution, the passage of H.R. 4762 ensures that the public understands what these committees are, who gives them their money, and how they spend that money to impact election outcomes. This law, once signed by the President, will close a major loophole and stop these stealth PACs from skirting campaign finance requirements, and I was pleased to vote in support of it. However, we still have much to do.

We cannot, and must not, rest with this vote today. Our campaign finance system still needs major overhaul if we are going to reduce the influence of almost unlimited amounts of campaign cash on our electoral system. Until a majority of our citizens believe again that our government is "by and for" the people, we cannot stop our battle to reform this process. We need to pass a ban on soft money, reduce skyrocketing campaign expectations, and return our electoral process to the people, where it belongs. The power in our country should rest with the vote, not with the purse.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4577, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4577) making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Frist modified amendment No. 3654, to increase the amount appropriated for the Interagency Education Research Initiative.

The PRESIDING OFFICER. Under the previous order, there are now 7 minutes of debate prior to a vote on the Frist amendment, with 5 minutes under the control of Senator FRIST.

The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, my amendment fully funds the Department of Education's share of the Interagency Education Research Initiative, IERI, which is a collaborative joint research and development education effort between the Department of Education and the National Science Foundation and the National Institute of Child Health and Human Development.

Quality education depends on quality research. We need to know the answers, if our goal is accountability and student achievement, on what works and what does not work. As we all know, advances in education, as in other fields, depend on knowing what works and what doesn't. If you look at our past investments in research in the field of education, pre-K through 12, our efforts have been woefully inadequate in terms of dollars and in the quality of the research that has been produced in the past.

This is a joint collaborative effort, where we link three agencies together and demand accountability, credibility, good science, and the exactness of science in determining what works and what does not work. The primary objective of this joint program is to support the research and development and the wide dissemination of research-proven educational strategies that improve student achievement from pre-K all the way through 12 in the key areas of reading, mathematics, and science.

I urge my colleagues to support this very worthwhile investment in our children's education.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I commend the Senator from Tennessee for this amendment. It is a worthwhile amendment. It is a relatively small sum of money. We are prepared to accept it, as we have accepted a number of amendments where the funds are not too high, and where we can offset it against administrative costs. I believe this one can be held in conference. I can't make an absolute commitment because we are going to have to balance this along with many others on the administrative cost line. But I think it is meritorious. We are trying to meet the leader's deadline of final passage by midafternoon, and in the interest of time and the value of the amendment, we are prepared to accept it.

Mr. FRIST. Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Gregg
Inouye

The amendment (No. 3654) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that a Helms amendment regarding school facilities be included in the amendment sequence following the Dorgan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

AMENDMENT NO. 3688

(Purpose: To prohibit health insurance companies from using genetic information to discriminate against enrollees, and to prohibit employers from using such information to discriminate in the workplace)

Mr. HARKIN. Mr. President, I call up amendment No. 3688 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. DASCHLE, for himself, Mr. KENNEDY, Mr. HARKIN, and Mr. DODD, proposes an amendment numbered 3688.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. COVERDELL. Mr. President, we just received the amendment. I am going to suggest the absence of a quorum for the moment so we can look at it. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, we have just had a discussion, and it may be that someone on our side of the aisle will want to offer a second-degree amendment. We are prepared, and have taken the quorum call off, on the assurance that that opportunity will be present.

I ask unanimous consent at this time there be 30 minutes of debate equally divided, and that at the end of 30 minutes someone on our side will have an opportunity, if he or she chooses, to offer a second-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader.

Mr. DASCHLE. Mr. President, I yield myself such time as I may require.

Mr. President, this week, we got our first glimpse of the first rough draft of the human genetic code.

The public-private partnership known as the Human Genome Project is the genetic equivalent of putting man on the moon.

By decoding our genetic makeup, researchers may soon discover how to cure and even prevent heart disease, cancer, birth defects, and other serious medical conditions.

We have every reason to be hopeful about this breakthrough. But we also have some reason to be concerned, because genetic information—used improperly—can also cause great harm.

Improvements in genetic testing can determine whether a person has an increased chance of developing breast cancer, or colon cancer, or some other serious illness—years before symptoms even appear.

In the right hands, that information could save your life. In the wrong hands, that same information could be used to deny you insurance, a mortgage, or even a job.

We need to make sure this new research—which has been funded largely by American taxpayers—is used to help America's families, not hurt them. That is the goal of this amendment.

Francis Collins probably knows more about the potential of genetic testing than anyone in the world. He is the head of the international research team that makes up the Human Genome Project.

Listen to what Dr. Collins said on Monday, the day the results of the first phase of the Human Genome Project were unveiled:

> Genetic discrimination in insurance and the workplace is wrong and it ought to be prevented by effective federal legislation.

He added:

> If we needed a wake-up call to say that it's time to do this, isn't today the wake-up call?

Dr. Collins is right. It would be an absolute travesty if a test that could save your life ends up costing you your job or your financial security.

Genetic discrimination isn't just a theoretical possibility. It isn't just something that might happen in the future. It is already happening—even without the information the human genome promises to uncover.

It is already happening to people like Terri Seargent.

Terri was a model employee who was moving up the corporate ladder—until the day a test revealed that she carried a gene that might—here I emphasize "might"—make her more susceptible to a potentially fatal pulmonary condition.

Before her employers saw those test results, they used to give Terri glowing job performance reviews. But after they saw the results, they asked her to resign. She did, because she had no choice, because genetic discrimination is not clearly prohibited—in the workplace, or anywhere else.

The solution is obvious. Dr. Collins is right. Our laws must keep pace with advances in science and technology. No one should suffer discrimination solely because of his or her genetic makeup.

Last year, the President signed an executive order outlawing genetic discrimination in the workplace for Federal employees. It is now time to expand these important protections to all Americans.

That is why I am offering, along with my colleagues—Senators KENNEDY, DODD, and HARKIN—the Genetic Nondiscrimination in Health Insurance and Employment Act as an amendment to this bill.

Our bill has three major components:

First, it forbids employers from discriminating in hiring, or in the terms and conditions of employment, on the basis of genetic information;

Second, it forbids health insurers from discriminating against individuals on the basis of genetic information; and

Third, it prevents the disclosure of genetic information to health insurers, health insurance data banks, employers, and anyone else who has no legitimate need for information of this kind.

Discrimination based on genetic factors is just as unacceptable as that based on race, national origin, religion, sex or disability. In each case, people are treated unfairly, not because of their inherent abilities but solely because of irrelevant characteristics.

Genetic discrimination, like other forms of discrimination, hurts us all. It hurts our economy by keeping talented people out of the workforce and diminishes us as a people. We cannot take one step forward in science but two steps back in civil rights.

And we will all pay the price in increased health care costs if we allow employers or insurers to use genetic information to discriminate. If fear of discrimination stops people from getting genetic tests, early diagnosis and preventative treatments, they may suffer much more serious and more expensive health problems in the long run. And we all have to pay for that, as well.

Finally, genetic discrimination undercuts the Human Genome Project's fundamental purpose of promoting public health. Investing resources in the Human Genome Project is justified by the benefits of identifying, preventing and developing effective treatments for disease. But if fear of discrimination deters people from genetic diagnosis, our understanding of the humane genome will be in vain.

A CNN/Time Poll released earlier this week, found that a full 80 percent of the respondents said genetic information should not be available to insurance companies.

And almost half of all Americans believe there will be negative consequences from the Human Genome Project. I think we ought to prove today that they are wrong.

Let us make sure that Americans are not afraid to take advantage of breakthroughs in genetic testing. Dramatic scientific advances should not have negative consequences for our health care.

We have an historic opportunity to preempt this problem. Today, Congress should expand the scope of its antidiscrimination laws to include a ban on genetic discrimination. I hope that my colleagues will join me in supporting this important amendment.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, earlier this week, as the leader has pointed out, scientists announced the completion of a task that once seemed unimaginable; and that is, the deciphering of the entire DNA sequence of the human genetic code. This amazing accomplishment is likely to affect the 21st century as profoundly as the invention of the computer or the splitting of the atom affected the 20th century. I believe that the 21st century will be the century of life sciences, and nothing makes that point more clearly than this momentous discovery. It will revolutionize medicine as we know it today.

Already, genetic tests can be used to identify and help those who are at risk for disease, and those who are already diagnosed. Scientists are using new knowledge gained from the genetic code to design better treatments for cancer, AIDS, depression, and many other conditions and diseases.

Tragically, the vast potential of genetic knowledge to improve health care will go unfulfilled it patients fear that information about their genetic characteristics will be used as the basis for job discrimination or other prejudices. To realize the unprecedented opportunities presented by these new discoveries, we must guarantee that private medical information remains private and that genetic information cannot be used for improper purposes.

I commend our leader, Senator DASCHLE, for offering this important amendment that would do just that. It would give the American people the protections against genetic discrimination they need and deserve.

The amendment would prohibit health insurers and employers from using predictive genetic information to discriminate in the health care system and the workplace. It would bar insurance companies from raising premiums or denying patients health care coverage based on the results of genetic tests, and prohibit insurers from requiring such tests as a condition of coverage. In the workplace, the amendment would outlaw the use of predictive genetic information for hiring, advancement, salary, or other workplace rights and privileges. And, because a right without a remedy is no right at all, this important measure would provide persons who have suffered genetic discrimination in either arena with the right to seek redress through legal action.

In too many cases, the hopeful promise of genetic discoveries is squandered, because patients rightly fear that information about their genes will be used against them in the workplace or the health system. That fear is clearly well-founded. Today, employers and insurers can and do use this information to deny health coverage, refuse a promotion, or reject a job applicant—all in the absence of any symptoms of disease.

Although many genetic discoveries and technologies are new, the problems they raise with respect to discrimination in insurance and in employment have been with us for decades.

It was clear in 1973 that new developments in genetics had the potential for enormous good, as well as significant harm. That's why I worked with the scientific community to bring together legal scholars, medical professionals, and scientists at the Asilomar Conference Center to assess the risks and benefits of genetics. That conference formed the basis for laws and established procedures for the use of genetic technology that helped create today's thriving biotechnology industry.

It was clear in 1993 and 1996 that genetic tests and information had the potential not only to help patients, but also to harm them. That's why we included protections against genetic discrimination in the Health Security Act of 1993 and the Kassebaum-Kennedy Act of 1996. While the Health Security Act did not become law, Kassebaum-Kennedy did. Its protections were an important step forward, but were far from complete. Insurers can still use genetic information to outright deny coverage or charge outrageous rates to individuals who are currently healthy, but may have a genetic pre-disposition to a particular disease or condition.

And, with this week's announcement, it is more clear than ever before that in the year 2000 the American people need strong federal laws to protect them against the malicious misuse of genetic data. The century may have changed, but the problem of discrimination hasn't—and neither has my commitment to protect the American people from discrimination in all its ugly forms. Discrimination is discrimination whether it's done at the ballot box, on a job application, or in the office of an insurance underwriter who denies an otherwise healthy patient the health care they need based solely on the result of a genetic test or medical history of a family member.

This is the same form of discrimination that would be evident on the question of race. Individuals have virtually no kind of control over their genetic makeup. What we are saying now is, without these kinds of protections, it will be permissible for insurance companies or for employers to say: I am not going to hire that person because of the genetic makeup they have, because it may mean they are going to get sicker over time and cost me in the workplace. Therefore, I am going to deny that person. On the other hand, it will require workers to take the test as a condition for employment. And then if they find that their genetic makeup demonstrates some kind of proclivity to acquire this kind of disease, they won't hire them. That is what is happening. They are going to find out that the workers are not going to take the test, which is increasingly the case, because they don't want to risk not being hired in a particular employment situation.

What happens is, they put themselves at greater risk of getting the disease because they deny themselves all the preventive health care that could keep them healthy and avoid getting sick and being more useful and valuable citizens in the community.

Fear of genetic discrimination causes patients to go without needed medical tests. The Journal of the American Medical Association reported that 57 percent of women at risk for breast or ovarian cancer had refused to take a genetic test that could have identified their risk for cancer and assisted them in receiving medical treatment to prevent the onset of these diseases because they feared reprisals for doing so.

As the potential for discrimination increases, more and more Americans are becoming concerned about the danger that employers and insurers will misuse and abuse genetic information. Just this week, in the aftermath of the historic completion of the genome sequencing project, a new CNN-Time magazine survey found that 46 percent of Americans believe that sequencing the genome would have harmful results.

Surely, using genetic information as a basis for discrimination would be one of the most harmful consequences of this remarkable scientific accomplishment. Experts in genetics are virtually unanimous in calling for strong protections to prevent such a misuse of science. Secretary Shalala's advisory panel on genetic testing—consisting of experts in the fields of law, science, medicine, and business—has recommended unambiguously that "Federal legislation should be enacted to prohibit discrimination in employment and health insurance based on genetic information."

Dr. Craig Venter, the president of the company that led the privately-financed genome sequencing effort, has testified before the Joint Economic Committee that genetic discrimination is "the biggest barrier against having a real medical revolution based on this tremendous new scientific information."

Without strong protections, the health and welfare of large numbers of our fellow citizens will be unfairly at risk. Last week, I was proud to stand with Terri Seargeant, a woman who carries a genetic trait that can—if untreated—lead to a lung disease often called "Alpha-1 deficiency." Let me emphasize that this trait only carries the potential to develop the lung disease. If persons at risk for the disorder take a simple genetic test and are appropriately treated, they can prevent development of the disease.

Terri Seargent is such a person. She received a genetic test that revealed her risk for this disease, and took the preventive measures needed to avoid the onset of symptoms. She worked hard at her job and received consistently positive performance reviews and salary increases. Nonetheless, her employer—who had access to her medical files and the records of her genetic tests—decided to terminate this hard-working, healthy employee. What are we to conclude except that she had been fired on the basis of her genetic potential for disease?

And for every Terri Seargent, who has suffered actual discrimination, there are millions of men and women across the nation who are either at risk of genetic discrimination or fear getting tested because of possible reprisals in the workplace or health system.

National Human Genome Research Institute, "Already, with but a handful of genetic tests in common use, people have lost their jobs, lost their health insurance, and lost their economic well being because of the misuse of genetic information."

Make no mistake: The potential for genetic discrimination is growing. Already DNA "chips" are available that can determine a person's genetic traits in only a few minutes. In the near future, genetic tests will become even cheaper and more widely available than they re today. If we do not pass legislation to ban genetic discrimination, it may become commonplace for an employer to require such tests, and to use the results of these tests to decide which employees to hire or promote and which to deny such advancement, based in whole or in part on their perceived risk for disease.

Even now, some employers require information about a person's genetic inheritance as a condition of employment or part of the job application process. A recent American Management Association survey of more than 2,000 companies showed that more than 18 percent of companies require genetic tests or family medical history data from employees or job applicants. According to the same survey, more than 26 percent of the companies that require this information use it in hiring decisions.

President Clinton recognized the need for employees to be protected from the dangers of genetic discrimination. In an action of great vision and wisdom, President Clinton signed an Executive order on February 8 of this year to ban any use of predictive genetic information as a basis for hiring, firing, promotion or any other condition of employment in the federal workplace. With the stroke of a pen, the President instituted for federal workers the types of protections that this amendment would provide for all workers and all patients.

Our amendment is strongly supported by leading patient groups, medical professional societies, and scientists. The need for these kinds of protections has been clearly and repeatedly endorsed by the two leaders of the genome sequencing project and by experts in law, medicine, and science. A host of editorial boards have written in favor of congressional action to protect people in this area.

In many respects, people's genetic composition is essentially a blueprint of their medical past and a crystal ball of the possibilities for their medical future. It is difficult to imagine more personal and more private information. This powerful information should be shared between patients and their doctors—not their employer and their co-workers.

The threat of genetic discrimination faces every American, because every American carries unique genetic characteristics that indicate risk of disease. This is not about Terri Seargent. This is about each and every one of us, and everyone we know.

The vote cast today in this Chamber will help determine whether the secrets of our DNA will be used for beneficial or for harmful purposes. Congress should give the American people the strong and comprehensive protection from genetic discrimination that they need and deserve. I urge my colleagues to vote for this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Mr. President, as I understand, it is the purpose of the Senator from Pennsylvania now to send a second-degree amendment to the desk.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, has time expired for the other side?

The PRESIDING OFFICER. It has.

Mr. SPECTER. Mr. President, we have asked people on our side who have worked on this in the HELP Committee to come over. We believe this amendment addresses important considerations and the objectives are very valid: to stop discrimination in employment and in health coverage.

What we would like to do is have an opportunity to propose a second-degree amendment and then to arrange an orderly debate and have the votes. That is going to take a few minutes for us to accomplish. In the interim, it is our hope that we can move along and get a short time agreement on the Ashcroft amendment, to present that and conclude it. By that time, our people will be in a position to present the second-degree amendment. We can figure out a time agreement and move ahead.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Pennsylvania is absolutely right. We need to move on with this issue. However, there are a number of people who have come to the floor. We believe it is appropriate they be allowed to complete their statements. It may take a little bit of time. Senator DASCHLE has agreed at the appropriate time to move on this and to go to something else. But Senator KENNEDY would like to finish his statement. There are others who want to speak on this issue. We would like to stay on this issue for a while.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, might I inquire of the Senator from Nevada how long he would like to stay on it—for 15 more minutes?

Mr. REID. I think it will take a little more time than that.

Mr. KENNEDY. I could just take 2 more minutes to conclude.

Mr. REID. The Senator from Connecticut.

Mr. SPECTER. What I would like to do would be to establish a parameter. This is the kind of subject which we could usefully debate for several days. I would like to see what our amendment is on this side. We can compare them. Then we are in a position to have a discussion as to how long we ought to spend. If we are to finish this bill this afternoon or even today, we are going to have to move through this amendment. We have other complicated amendments coming up.

Mr. REID. That is very appropriate. The Senator from Massachusetts desires another 5 minutes; the Senator from Connecticut, 15 minutes; the Senator from North Dakota, 10 minutes. Senator HARKIN also wishes to speak.

Mr. SPECTER. We just had an offer of 10 minutes.

Mr. REID. Senator KENNEDY, 5; the Senator from Connecticut.

Mr. SPECTER. Did my colleague say 5 for Senator DORGAN?

Mr. REID. Senator DORGAN wishes 7 minutes.

Mr. SPECTER. So we have a total of 22 minutes—10, 7, and 5.

Mr. REID. Yes, with the understanding that we will come back for further debate on this issue at a subsequent time.

Mr. SPECTER. Mr. President, I ask unanimous consent that there be an additional 22 minutes, at which point we will return to the Ashcroft amendment. After that, we will present a second-degree amendment and work through the time sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, as I understand it, CBO says the cost impact of this proposal on business is negligible but a destructive impact on individuals and society of the failure to act will be immense.

On the part of this proposal that deals with employment, without this kind of amendment, those who have been responsible for the breakthrough in terms of the sequencing of the gene understand very well, and have stated repeatedly, we are going to have a new form of discrimination in employment. We want to avoid that. Two, from a health point of view, if people don't believe they are going to be secure either in employment or in getting health insurance, they are not going to take the tests and they are going to, therefore, deny themselves the kind of treatment that is going to be available to them in order to remain healthy. So we ought to take these steps that this amendment includes; it is essential.

We already know from what is happening today that a number of people aren't taking these genetic tests because they fear genetic discrimination. This is one of the most important health issues we are going to face in this century. It has been identified by those on the cutting edge of progress in terms of the sequencing of the gene. We should take their advice and counsel and accept the Daschle amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I want to address this amendment, but first I want to speak to another issue. I know people are meeting on the conference report on the emergency supplemental. One of the provisions being considered is whether to add the Nethercutt language in the House supplemental.

I care deeply about a lot of provisions in the supplemental, including the Colombian aid package, but I want to let my colleagues know I will use whatever parliamentary procedure is available to me if that language comes over on the emergency supplemental. I know we all want to get out of here in the next few days. I care about the bill, but I also care about that language. I think it is wrong for it to be included in the bill. I want people to know I am serious about this. I will use whatever procedures are available to me when it comes to the supplemental if the Nethercutt language is included. I am going to meet with members of the conference shortly and express that view there as well.

I strongly support what Senator DASCHLE is proposing in his amendment on genetic discrimination. The world received wonderful news this past week that the genetic code had been deciphered. This discovery is breathtaking in scope, and I suspect over the next 50 years we are going to see it change the nature of medicine in this country. So it is really a remarkable occurrence, one that has been heralded, and properly so, for giving us the ability to understand ourselves better. I applaud the remarkable work done by the NIH and Celera.

Why is it important to offer this amendment today in the context of this bill? As we have seen with all the advances in technology, generally—and it has been a remarkable decade in that sense, with the Internet and communications technology—there is a great unease in the country about how much information people have about us as individuals.

We pride ourselves, I suppose, on the notion that we protect privacy in this country. It goes back to the founding days of our Republic. The right of privacy is as deeply rooted in the American conscience as almost any other principle I can think of. Yet, there is this uneasy sense that with the explosion of technology, too many people have too much information about us that they ought not to have—at least without our permission. The idea that people can peer into our financial records and our medicine cabinets and that information can be disseminated to broad audiences, violating our sense of privacy, is of great concern. And the genome breakthrough raises similar issues.

Let me share with you one anecdote. Last year I visited Yale University to hear about some of the genetics research that is being conducted there. One of the studies is attempting to determine the likelihood of certain women developing breast cancer by studying twin girls. They are getting to the point where they can determine almost at the birth, the possibility of individuals contracting breast cancer as adults. It is incredible information to have. Imagine parents of a newborn baby knowing, because of the genetic makeup of that child, that the baby has a possibility of contracting breast cancer. All of a sudden, diets change and lifestyles change. Prevention measures can be taken. These are the kinds of things the deciphering of the genome is going to be able to do for us.

It is wonderful to be able to have that kind of information. But imagine just that the information Yale Medical School is uncovering becomes available, as that child gets older, to an employer or to an insurance company—not information that the person has contracted the disease—but just that they might possibly do so. Just that predisposition for a certain illnesses can have a devastating impact on whether than individual gets insurance or keeps their job.

This amendment says that when it comes to that information—the propensity for acquiring these problems—we ought to be able to protect people in their jobs and in their ability to receive or get health insurance.

This need not be a partisan issue. Senator DOMENICI and I, 3 years ago, introduced legislation similar to this bill. We thought it was critical to bring up and address both insurance and employment discrimination. Two years ago, many colleagues joined our colleague from Maine, Senator SNOWE, who also offered strong legislation protecting patients from genetic discrimination in insurance. We have an opportunity today, with the breakthroughs announced on Monday of this week, to really say as a body—Republicans and Democrats across the board—this is an area where we are going to, early on, establish some ground rules when it comes to the use of genetic information.

I see that time has expired in terms of my few minutes.

I want our colleagues to know how important this amendment is, and I urge them to support it when the vote occurs.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, am I to be recognized for 7 minutes? Is that the order?

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 7 minutes.

Mr. DORGAN. Mr. President, I had intended to speak about this amendment. But I am compelled to speak about the point that the Senator from Connecticut discussed at the start of his comments because it is so important, and it is timely.

At this moment, I understand there are meetings going on right now somewhere in this building by a small group of people who are dealing with a piece of legislation that was cobbled together around 3 o'clock in the morning a couple of days ago dealing with the issue of imposing sanctions on food and medicine around the world, and whether that will be added to the supplemental bill that will be considered perhaps later today or tomorrow. If that is added, in my judgment, it is going to cause significant trouble.

Here is why: The House leaders have done what I am reminded of as the "Moon walk". You know the Moon walk Michael Jackson used to do. It looked like he was walking forward, but he was actually going backward. That is what they have done with respect to this issue of sanctions.

Senator DODD from Connecticut, myself, and others are saying we ought to end the use of sanctions on food and medicine anywhere in the world where it exists. This country has imposed sanctions on the shipment of food and medicine. It is wrong. When we take aim at dictators, we hit poor people and hungry people and sick people. It is not the best of what America stands for.

We ought to end all sanctions on food and medicine. Yet what was done in the House of Representatives 2 days ago, in my judgment, comes up far short. In fact, in some areas, it loses ground.

I want to point out an article in the Washington Post. I will come later with the legislation itself. But the Washington Post describes this legislator from Florida who opposes eliminating sanctions. She said the agreement will make it as difficult as possible for such sales to take place with respect to Cuba. Why? Because they prohibit private financing of the sale of food to Cuba. What is that about? It has nothing to do with good or common sense. They are not trying to get rid of sanctions. It has everything to do with the irrational notion about Cuba, and that if we can somehow restrict the food and medicine going to Cuba, we will enhance America's foreign policy. It is crazy. It doesn't make any sense at all.

Here is where we have sanctions: Cuba, Iran, Iraq, Libya, North Korea, and Sudan. These countries are countries that our Government has decided are not behaving properly. I support slapping them with economic sanctions. I do not support including food and medicine in those sanctions.

I do not support using food as a weapon. We are trying very hard to get rid of this practice of using food as a weapon. Seventy Senators voted last year to stop using food as a weapon.

We have a provision in the Senate agriculture appropriations committee bill that will come to the floor of the Senate within several weeks that includes an approach that will eliminate the use of food and medicine as part of our sanctions.

I think we ought not give up here. We ought to fight on behalf of our family farmers and others to say that we want to abolish the use of sanctions that include food and medicine.

The proposition that was cobbled together over in the House at 2 o'clock or 3 o'clock in the morning by some people who really do not want to do this, have made it seem as if they have made progress in this area. But, in fact, they have lost ground in a couple of cases, and especially with respect to Cuba in a couple of other circumstances. There will be no U.S. sales of food to Cuba. Canadian farmers can sell to Cuba. European farmers can sell to Cuba. Venezuelan farmers can sell to Cuba.

Seventy Members of the Senate said we ought to get rid of sanctions on the shipment of food and medicine—yes, to all countries, including Cuba. But now we have cobbled together a deal sometime early in the morning by a group of people who are going to apparently put it on a supplemental bill so we will have a circumstance where we don't solve this problem. The proposal that fails to solve this problem was not debated in the House. It was not debated in the Senate. But it was concocted at 3 a.m. in the morning and apparently was stuck on a supplemental appropriations bill. It is the wrong way to do it.

I just talked to a farm group that supports this. When I asked them a question about it, they admitted they had not read the language. They read the paper, I guess. The implication was that I was impeding the efforts to remove sanctions.

Another major farm group has just come out in opposition to it, saying this doesn't solve the problem; let's fight to solve the problem. The problem is that we include medicine and food as part of our sanctions.

The solution is that this country should not include food and medicine in sanctions that we impose on these countries. We should not use food as a weapon.

It is a very simple proposition. Seventy Senators have already weighed in in the Senate saying let's stop it. If they would allow a vote in the House, they would get 70 percent in the House of Representatives as well.

I hope we will not decide to cave in on this issue. Let's not make the perfect the enemy of the good. But let us at least continue to fight. We have some more months in this legislative session. We have a provision coming to the floor of the Senate in about 3 weeks that includes a real effort to stop using food and medicine as part of our sanctions. Let's fight for that. Let's not let a couple of people who run the other body decide for us at 3 a.m. in the morning what we were going to do in this circumstance.

Let's stand up and fight for family farmers, and let's fight for the moral principles that this country ought to hold dear. We should not use food and medicine as a weapon any longer. This is not about Republicans and Democrats.

Both administrations in recent years have used this approach, and they were wrong.

The Senate was right last year with 70 votes that said let us stop it.

And what was put together over in the House is now billed as some sort of a compromise. It is not a compromise at all. It falls far short of what we ought to expect. Those of us who are clearheaded enough believe we should not use food and medicine as part of economic sanctions in this country.

Mr. DODD. Mr. President, will my colleague yield?

Mr. DORGAN. Yes.

Mr. DODD. I urge people to read the bill. Unfortunately, a lot of people do not read the legislation. But if you read this legislation, section 808 imposes a prohibition on financing U.S. assistance. One part of this says no more sanctions. Then it says no more sanctions, except—"Notwithstanding any of the provisions of this law, the export of agricultural commodities, medicine, and medical devices to the government of a country"—as of June 1, 2000.

These are the countries that have been termed by the Secretary of State to be "terrorist states." Those are the very countries. The only countries that we have sanctions against are those countries. The very countries we say we have sanctions against are these countries. If you are on the list on June 1, 2000, none of this law applies.

Second, it says on financial assistance that you can't have any Government support for Libya, Iran, North Korea, and Sudan. And then, on private financing, it says no financing on the part of the U.S. Government, any State or local government, private person, or entity—including, I suspect, even foreign financing.

This says if sanctions are coming off, then we eliminate all means of financing it—both public and private—and we continue with the same list that was in effect June 1, 2000, which lists only countries on whom we have unilateral sanctions.

This is a bill that needs more work. The Senate Agriculture Appropriations Subcommittee bill is vastly superior to this. It is a bipartisan bill that colleagues cosponsored, and it deserves the consideration of this body.

For those reasons, I will strenuously object to the sanctions being included as part of a supplemental.

Mrs. MURRAY. Mr. President, I rise in strong support of the Daschle amendment to prohibit genetic discrimination in employment. I commend the Senator for his leadership in this area, and I thank him for bringing this amendment to the floor.

The issue of genetic discrimination is a timely debate in light of the recent announcement that science has conquered the genetic code. This is a major milestone that brings us closer to finding cure for cancer, heart disease, diabetes, Parkinsons, M.S., and a whole host of other tragic diseases.

The science is moving ahead rapidly, and our standards for the use of that science must not lag behind. We must ensure that genetic information is not used in discriminatory ways. If we do not take a stand prohibiting discrimination based on one's genetic make up, we could jeopardize the benefits offered by science. We must ensure that our genetic finger print is used only for good, and not as a tool to discriminate.

I've talked to many women in my state who are concerned about breast cancer. They know they should undergo genetic testing to find out if they are predisposed to breast cancer, but they don't. They avoid getting tested because they are afraid that the results could be used against them and could adversely affect their employment or insurance coverage.

They are concerned that if they use the science, it will be used against them. Enacting a tough federal ban on genetic discrimination will give these women, along with thousands of other people across the country, the peace of mind that they can take advantage of the latest tools of medicine without being taken advantage of in the process.

I urge my colleagues to support this amendment now. We have made a significant investment in genetic research. Let's make sure that we all benefit from this investment. If we act now, we will ensure this information is used to treat patients and not to penalize them.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri, Mr. ASHCROFT, is recognized to offer an amendment.

AMENDMENT NO. 3689

(Purpose: To protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms)

Mr. ASHCROFT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. ASHCROFT), for himself and Mr. VOINOVICH, Mr. ALLARD, Mr. GRAMS, and Mr. ABRAHAM, proposes an amendment numbered 3689.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, insert the following:

On page , after line , insert the following:

SEC. . SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 2000.

(a) SHORT TITLE.—This section may be cited as the "Social Security and Medicare Safe Deposit Box Act of 2000".

(b) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—

(1) MEDICARE SURPLUSES OFF-BUDGET.—Notwithstanding any other provision of law, the net surplus of any trust fund for part A of Medicare shall not be counted as a net surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;

(B) the congressional budget; or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) POINTS OF ORDER TO PROTECT SOCIAL SECURITY AND MEDICARE SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(g) POINTS OF ORDER TO PROTECT SOCIAL SECURITY AND MEDICARE SURPLUSES.—

"(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

"(2) SUBSEQUENT LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of that bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of that bill or resolution in the form recommended in that conference report,

would cause or increase an on-budget deficit for any fiscal year.

"(3) DEFINITION.—For purposes of this section, the term 'on-budget deficit', when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.".

(3) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(c) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—

(1) IN GENERAL.—Chapter 11 of subtitle II of title 31, United States Code, is amended by adding before section 1101 the following:

"§ 1100. Protection of social security and medicare surpluses

"The budget of the United States Government submitted by the President under this chapter shall not recommend an on-budget deficit for any fiscal year covered by that budget.".

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 31, United States Code, is amended by inserting before the item for section 1101 the following:

"1100. Protection of social security and medicare surpluses.".

(d) EFFECTIVE DATE.—This section shall take effect upon the date of its enactment and the amendments made by this section shall apply to fiscal year 2001 and subsequent fiscal years.

AMENDMENT NO. 3690

(Purpose: To establish an off-budget lockbox to strengthen Social Security and Medicare)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for Mr. CONRAD and Mr. LAUTENBERG, proposes an amendment numbered 3690.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert the following:

TITLE —SOCIAL SECURITY AND MEDICARE OFF-BUDGET LOCKBOX ACT OF 2000

SEC. 1. SHORT TITLE.

This title may be cited as the "Social Security and Medicare Off-Budget Lockbox Act of 2000".

SEC. 2. STRENGTHENING SOCIAL SECURITY POINTS OF ORDER.

(a) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by inserting at the end the following:

"(g) STRENGTHENING SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend section 13301 of the Budget Enforcement Act of 1990.".

(b) SUPER MAJORITY REQUIREMENT.—

(1) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(2) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(c) ENFORCEMENT IN EACH FISCAL YEAR.—The Congressional Budget Act of 1974 is amended in—

(1) section 301(a)(7) (2 U.S.C. 632(a)(7)), by striking "for the fiscal year" through the period and inserting "for each fiscal year covered by the resolution"; and

(2) section 311(a)(3) (2 U.S.C. 642(a)(3)), by striking beginning with "for the first fiscal year" through the period and insert the following: "for any of the fiscal years covered by the concurrent resolution.".

SEC. 3. MEDICARE TRUST FUND OFF-BUDGET.

(a) IN GENERAL.—

(1) GENERAL EXCLUSION FROM ALL BUDGETS.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"EXCLUSION OF MEDICARE TRUST FUND FROM ALL BUDGETS

"SEC. 316. (a) EXCLUSION OF MEDICARE TRUST FUND FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Hospital Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

"(1) the budget of the United States Government as submitted by the President;

"(2) the congressional budget; or

"(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

"(b) STRENGTHENING MEDICARE POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend this section.".

(2) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "316," after "313,".

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "316," after "313,".

(b) EXCLUSION OF MEDICARE TRUST FUND FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the Federal Hospital Insurance Trust Fund in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title."

(c) BUDGET TOTALS.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended by inserting after paragraph (7) the following:

"(8) For purposes of Senate enforcement under this title, revenues and outlays of the Federal Hospital Insurance Trust Fund for each fiscal year covered by the budget resolution.".

(d) BUDGET RESOLUTIONS.—Section 301(i) of the Congressional Budget Act of 1974 (2 U.S.C. 632(i)) is amended by—

(1) striking "SOCIAL SECURITY POINT OF ORDER.—It shall" and inserting "SOCIAL SECURITY AND MEDICARE POINTS OF ORDER.—

"(1) SOCIAL SECURITY.—It shall"; and

(2) inserting at the end the following:

"(2) MEDICARE.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the excess of the Federal Hospital Insurance Trust Fund revenues over Federal Hospital Insurance Trust Fund outlays in any of the fiscal years covered by the concurrent resolution. This paragraph shall not apply to amounts to be expended from the Hospital Insurance Trust Fund for purposes relating to programs within part A of Medicare as provided in law on the date of enactment of this paragraph.".

(e) MEDICARE FIREWALL.—Section 311(a) of the Congressional Budget Act of 1974 (2 U.S.C. 642(a)) is amended by adding after paragraph (3), the following:

"(4) ENFORCEMENT OF MEDICARE LEVELS IN THE SENATE.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in surpluses or an increase in deficits of the Federal Hospital Insurance Trust Fund in any year relative to the levels set forth in the applicable resolution. This paragraph shall not apply to amounts to be expended from the Hospital Insurance Trust Fund for purposes relating to programs within part A of Medicare as provided in law on the date of enactment of this paragraph.".

(f) BASELINE TO EXCLUDE HOSPITAL INSURANCE TRUST FUND.—Section 257(b)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "shall be included in all" and inserting "shall not be included in any".

(g) MEDICARE TRUST FUND EXEMPT FROM SEQUESTERS.—Section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"Medicare as funded through the Federal Hospital Insurance Trust Fund.".

(h) BUDGETARY TREATMENT OF HOSPITAL INSURANCE TRUST FUND.—Section 710(a) of the Social Security Act (42 U.S.C. 911(a)) is amended—

(1) by striking "and" the second place it appears and inserting a comma; and

(2) by inserting after "Federal Disability Insurance Trust Fund" the following: ", Federal Hospital Insurance Trust Fund".

SEC. 4. PREVENTING ON-BUDGET DEFICITS.

(a) POINTS OF ORDER TO PREVENT ON-BUDGET DEFICITS.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by adding at the end the following:

"(h) POINTS OF ORDER TO PREVENT ON-BUDGET DEFICITS.—

"(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would cause or increase an on-budget deficit for any fiscal year.

"(2) SUBSEQUENT LEGISLATION.—Except as provided by paragraph (3), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of that bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of that bill or resolution in the form recommended in that conference report,

would cause or increase an on-budget deficit for any fiscal year.".

(b) SUPER MAJORITY REQUIREMENT.—

(1) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(h)," after "312(g),".

(2) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(h)," after "312(g),".

AMENDMENTS NOS. 3689 AND 3690

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I want to address the amendment which I sent to the desk because for decades, in a business-as-usual context, Washington has constantly invaded various trust funds to spend for a variety of purposes and programs. One of those trust funds was the Social Security trust fund. We spent a lot of time and energy finding a way to protect the Social Security trust fund.

Having developed at least a budget rule to protect the Social Security trust fund, I think it is important for us to look to the protection of other trust funds that are important to the well-being of the people of this country and to protect them as well.

One of the other trust funds which remarkably has been invaded over and over and over again as a source for spending money for a variety of Government programs has been the Medicare trust fund. For over 30 years, working people have been contributing to the country's welfare by paying the taxes they owe, paying their debts, saving for the future. Those values were rejected inside the beltway when we went into the trust funds in order to meet our spending desires.

Washington tried to impose its own rules and values on the rest of the country. These misdirected rules—spending beyond our means, making promises we did not keep, misleading the American people about how their money is being spent—for too long these rules were allowed to continue. We have taken some very strong steps in the right direction.

Last year, this Congress took the first step toward stopping this raid on the Social Security trust fund by enacting the Social Security lockbox rule on the budget resolution. That creates a point of order against any budget for spending money out of what would be called the Social Security surplus. The Social Security surplus is pretty easy to understand. It is defined in our accounting as the amount of money that comes into Social Security because of Social Security taxes that aren't required in that year to meet the obligations in that year of Social Security.

Obviously, because we have a lot of young people working now, we have far more money coming in than we have going out with the relatively small group of older Americans consuming. In the years ahead, though, when this bulge of young people now contributing to the fund become consumers of the fund, we will need a lot of the money they are sending in. That money they are sending in is called the Social Security surplus. For years we spent that. I worked very hard to stop that spending. I worked to get included in the budget resolution a measure that would make it out of order for the Congress to spend money on other things that was sent in by taxpayers for Social Security purposes. That is the protection of the Social Security surplus.

In addition, last year Senator DOMENICI, Senator ABRAHAM, and I tried several times to enact a law, not just a budget rule which we did get put in place, but a law which would protect Social Security proceeds as a statutory measure. Obviously, the President would have to sign it for it to become a law. The President said he wanted a Social Security lockbox, but, unfortunately, despite all the words of support for saving the Social Security surplus and locking away the surplus, the Senate was unable to end the filibuster by Members of the Senate who opposed us and their President on the issue.

Despite that opposition, Congress was able to change how business in Washington was done on the Social Security surplus. We are far better off as a result.

Last year, for the first time since 1957, not one penny of the Social Security surplus was spent. Again this year, we passed a budget resolution that will not touch the off-budget or Social Security surplus, the Social Security trust fund. It will also provide tax relief for married couples and dedicate over $40 billion over the next 5 years to provide prescription drug coverage for needy, older Americans who receive Medicare.

When I saw what we accomplished last year, I knew we could, as well, protect Part A of the Medicare surplus. Part A of Medicare is the only Medicare provision of which there is a trust fund. It is not funded out of the general revenue. It is something people pay specifically their taxes for, with an anticipation that those resources will be available.

On November 18 of last year, I introduced S. 1962, the Social Security and Medicare Safe Deposit Box Act. I did this because Social Security is not the only trust fund that has been raised over the recent years, over decades. Over the next 5 years, taxpayers will pay in an estimated $179 billion more into the Medicare Part A trust fund than will be required to sustain the purpose of that trust fund, which is patient hospital care in Medicare.

The amendment I offer today will add the Social Security and Medicare Safe Deposit Box Act to this pending bill. The Social Security and Medicare Safe Deposit Box Act takes the Medicare Part A trust fund off budget and creates a permanent 60-vote point of order in the Senate and a majority point of order in the House against any budget resolution or subsequent bill that uses Medicare Part A or Social Security surpluses to finance on-budget deficits. This amendment protects the Medicare Part A surplus in the same way we protect the Social Security surplus. It says that Congress and the President cannot consider the Medicare surplus as part of the on-budget surplus. They can't look to this fund for ordinary spending. Therefore, Congress and the President should be unable to spend the Medicare surplus for additional spending or for additional tax cuts.

This lockbox protects the Medicare trust fund from the raids of the past. This is a historic time. I hope this will be a historic day. In this, an election year, we have an unusual bipartisan opportunity to support this measure. It is not surprising that this is the right policy. It is the right thing to do. The House of Representatives has already taken this step to protect the Medicare trust fund from invasion of spending for other Government programs. Last week, the House passed their version, a little different version, of the Medicare lockbox legislation, by a vote of 420-2. The House bill was offered by Representative Wally Herger and opposed by only two House Members.

Now, there are a lot of Members of this body who will want to protect, I believe, the Medicare trust fund sustaining the capacity of our Government to provide the hospitalization we have promised to individuals who are eligible for Medicare. I am pleased there are Members of this body who join me in cosponsoring this amendment, one of whom is Senator ABRAHAM from Michigan. He has been active in the lockbox movement to protect Social Security, to make sure that Social Security is not invaded for other spending, and much of the success we have had in protecting every dime of Social Security in the trust fund this year should flow to Senator ABRAHAM of Michigan. I am pleased he has endorsed this and is a cosponsor of this measure with me in the Senate.

It is just not several Senators who endorse this. Both the Vice President and the President of the United States have endorsed enactment of a Medicare lockbox such as the one I introduced last November. Earlier this month Vice President GORE announced his support for this kind of proposal. On June 13, GORE announced he would "place Medicare in a lockbox so its surpluses could only be used to pay down the national debt and to strengthen Medicare, not for pork barrel spending or tax cuts."

I am pleased that the Vice President has endorsed this Medicare lockbox. I welcome that support. Obviously, when he says "so its surpluses," he is referring to the kind of thing we are talking about—dedicated tax resources designed to support the program that are in excess of the needs of the program in any current year.

As we have already recounted this morning, there are 175 billion of anticipated such surplus that would be directed toward the Medicare trust fund for Medicare Part A, which is the only Medicare trust fund we have. I am pleased he would endorse this concept. I think it is a concept that is bipartisan that deserves our support.

Two days ago, the President of the United States called for protecting Medicare Part A surpluses through a lockbox. Allow me to quote from the President's announcement. This is from a text provided by the administration:

> President Clinton is proposing to take Medicare off budget. This would mean that, like the Social Security surplus, the projected $403 billion Medicare surplus would not count toward on-budget surplus and therefore could no longer be diverted for other purposes. Taking the Medicare surplus off-budget would ensure that Medicare is protected for paying down the debt to help strengthen the life of the Medicare Program.

So the President has recognized there are funds specifically paid in, and that they are in surplus of what is needed immediately to be paid out. He has indicated that for those surpluses, we should be safeguarding them with a Medicare lockbox.

Let me quote further from the White House release, because I believe the President has described the Medicare lockbox proposal in my amendment, which I proposed last November, in a very simple, understandable manner:

What taking Medicare off budget means, the administration, speaking of itself says, is:

> The Administration projects that if current policies are continued, Medicare Part A, which covers hospital expenses, will run a surplus of $403 billion from [the year] 2001 through [the year] 2010. This surplus is the excess of Medicare income, principally from the 2.9 percent payroll tax, combined employer and employee, over benefit payments and administrative costs. The Medicare surplus has grown from $4 billion in 1993 to $24 billion in the year 2000.

I am still quoting the President and the statement of the White House here:

> Under previous budget accounting conventions, this Medicare surplus was treated as part of the total on-budget surplus and was thus available for new spending on other programs or tax cuts.
>
> By taking Medicare Part A off budget, the President proposes to make it unavailable for other spending or tax cuts.

That is exactly what I proposed last November. I quote again from the White House:

> Instead, the projected baseline Medicare surplus would be used to pay down the debt.

Mr. SPECTER. Mr. President, if I might interrupt the distinguished Senator from Missouri for a moment?

Mr. ASHCROFT. I will be happy to yield with the understanding that at the conclusion of this interruption I continue to have the floor for my remarks.

The PRESIDING OFFICER. The Senator from Pennsylvania, without objection.

Mr. SPECTER. Mr. President, I thank the Senator from Missouri. We were conferring about the last amendment so I was unable to be on the floor when this debate started. We are interested in a time agreement. I have just discussed the matter with the Senator from North Dakota, who has the second-degree amendment. It would be in the managers' interest to see if we could limit debate to 1 hour equally divided on the first-degree and second-degree amendment, and then have votes on both amendments.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Reserving the right to object, I do not want to object, but I want to clarify. How much time have I consumed already with my explanation? Maybe I should ask, is the hour in addition to what I have already used?

Mr. SPECTER. If it is acceptable to the Senator from North Dakota. I hadn't discussed that with him earlier.

Mr. ASHCROFT. What I want to do is protect the right of my colleague, Senator ABRAHAM from Michigan, to make remarks. I don't want to have consumed all the time. That is what I am interested in doing. So if we can work something out with that in mind, I am willing.

Mr. SPECTER. I ask the Senator from Missouri, would 15 additional minutes satisfy you on your side?

Mr. ASHCROFT. Let's say we would take 20 additional minutes?

Mr. SPECTER. I suppose we then have 30 minutes. I discussed 1 hour equally divided with the Senator from North Dakota, so you would have 30 minutes and 20 minutes on the other side?

Mr. CONRAD. That will be acceptable if the understanding is this is "on or in relation to," any votes ordered for that period?

Mr. SPECTER. We would have two votes then on the two competing amendments: One on the Ashcroft amendment, and one on the Conrad amendment.

Mr. CONRAD. That would be on or in relation?

Mr. SPECTER. On or in relation.

Mr. ASHCROFT. Mr. President, I object and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that the Conrad amendment and the Ashcroft amendment each be considered amendments in the first degree; that there be 30 minutes for Senator CONRAD, 20 minutes for Senator ASHCROFT, and that there be votes on both of their amendments with no point of order being permitted, and that the time of the votes be determined later in the day by agreement of the leaders.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

Mr. SPECTER. The Conrad amendment will be voted on first.

Mr. REID. I was talking to Senator CONRAD. I apologize.

Mr. SPECTER. The unanimous consent agreement provides that each amendment, the Conrad amendment and the Ashcroft amendment, be considered as amendments in the first degree; that the Conrad amendment be voted on first, that there be no points of order raised, that Senator CONRAD will have 30 minutes, and Senator ASHCROFT 20 minutes, and the time of the votes will be determined later in the day by agreement of the leaders.

Mr. REID. Mr. President, if the Senator will allow us to go into a quorum call for a minute, Senator CONRAD and I have a couple of things about which we want to talk. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FITZGERALD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, just so nobody will get nervous, I want to talk about the schedule. I am working with Senator REID on a couple unanimous consent requests that we may offer later. But I wanted to talk about the progress being made and what our hopes are.

I realize this is a very big, very important bill—the Department of Labor, Health and Human Services, and Education Appropriations bill. It is important we get it done, and it is important we have a few minutes to think through critical amendments that are offered. We are in that process. I thank the managers for what they have been doing. I urge them to keep pushing forward. The number of amendments has been substantially reduced. The ones still pending are not easy amendments. But I think if we can keep focused, we can complete this very important appropriations bill at a reasonable hour today.

I urge my colleagues, when they have an amendment, when there is an amendment on both sides, that we find a way to accept them both or get a vote on both of them and let the Senate speak its will and then move on. I think that would be the best way to do it.

What I really want to comment on today about this bill, and others, is that there are Senators thinking we are going to finish tonight and there won't be votes tomorrow. Senator DASCHLE and I have been indicating for quite some time now that that is not going to happen. We have to complete this bill. I still would like to go to the Interior appropriations bill. But we also have a very important military construction appropriations bill with a title II that involves emergencies. That has to be completed and considered by the House Rules Committee, the House has to vote, and then it comes over here. That could be late this afternoon or tonight or tomorrow or later. If there are complications, it could take more time than that.

I assure everybody that we are going to be in session and voting tomorrow. I think that hoping we can wave a magic wand and miraculously complete this bill and the other measures by a reasonable time tonight is just not likely.

I wanted to say that now. Those who have planes booked for 10 o'clock tonight or 10 o'clock in the morning, you better start making other arrangements, unless you are willing to miss votes. Quite often, some Senators think that if enough of us leave, there won't be votes. That is not going to be the case this time. This work is too important. I urge my colleagues to help us get this very important work done in this critical week.

Mr. REID. If the Senator will yield, I say to my colleagues that I was here last night about 7 o'clock when the majority leader came to the floor. To say that he was upset is an understatement. I heard him clearly that there will be no more windows for the end of this session.

I also say to the leader that it would be a big help to those of us on the floor if we could shorten the time of the votes. We wasted tremendous time yesterday. We wasted at least 2½ hours on votes when people weren't here. We waited 20, 30 minutes for Senators on both sides. I believe that if a vote is completed within 15 or 18 minutes, we should go on to something else. If people miss a vote or two, everybody's record will be down a little bit, and it will be the same for everybody.

Mr. LOTT. Obviously, the Senator from Nevada is correct. We do allow these votes to drag on too long, and we should be prepared to cut them off after the 15 minutes and the 5-minute overtime. On both sides we try to be understanding, but the more we are understanding, the more it is abused by our colleagues. So, for today, I will work with Democrats and Republicans and be prepared to cut these votes off. It could save us a lot of time.

Let me say to the Senator from Nevada, we would not be making the progress we have made on this and other bills without his diligence, his presence on the floor, and the hard work he does. I appreciate that. Last night, even though I was disturbed about the timing because of commitments that have been made, we worked that out and we got a lot of good work done last night. I thank those who were involved.

UNANIMOUS CONSENT REQUEST—S. 2340

Mr. LOTT. I have a unanimous consent request I would like to propound now. I believe the Senators involved in this are on the floor. I ask unanimous consent that the Senate turn to the consideration of the NCAA gambling bill, S. 2340, and following the reporting of the bill by the clerk, the committee amendments be immediately agreed to.

I further ask consent that there be 4 hours of debate on the bill, to be equally divided in the usual form, and only relevant amendments be in order during the pendency of the bill.

Finally, I ask consent that following the conclusion of the time and the disposition of any amendments, the bill be advanced to third reading and passage occur, all without any intervening action or debate.

I know Senator REID will want to make some comments. This is an issue that has been pending for some time. We have tried to find a way to have it as an amendment on other bills. I know Senator BROWNBACK has been diligent and also very much interested in this matter, as are other Senators, including Senator MCCAIN.

Senator REID has indicated he would like to work with us on it. But I will let him speak for himself.

Part of what I am doing here is this: I made a commitment to the sponsors to try to find a way to consider this on some bill, or freestanding at some point. In order to complete work on the Department of Defense authorization bill, now that we have worked through the disclosure issue, this issue is one we also need to find a way to address. That is why I am asking for this consent.

Mr. President, I submit that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I know the deepness of feeling of the Senator from Kansas, Mr. BROWNBACK. I have spoken to him personally. I understand how he feels about this issue. I also feel very strongly about this issue.

I am willing to work with the Republican leadership and my leader to try to work out some kind of freestanding bill so this matter can be fully debated. This is not an appropriate time to do it. I say respectfully to the Senator from Kansas and the majority leader that we simply can't do this now.

I have been here since Thursday on the Labor-HHS bill that is before us. I arrived home late last night, as everyone else did. We are trying to carve out amendments. This is just not an appropriate time to do it.

I say to my friend from Kansas that I respect how he feels about this. There are strong feelings on this issue. This is an issue which should be debated. At an appropriate time, we will do that. Therefore, I object.

Mr. KENNEDY. Mr. President, will the Senator from Nevada yield?

Mr. REID. I would be happy to yield.

The PRESIDING OFFICER. Objection is heard.

The majority leader has the floor.

Mr. LOTT. Mr. President, will the Senator withhold his objection?

Mr. REID. I would be happy to withhold. I withdraw my objection.

I also say this: Seeing the Senator from Massachusetts here floods my mind with the work that needs to be done in this Chamber. We need to introduce the minimum wage bill. We have the Patients' Bill of Rights and prescription drugs. We have things to do on education. In addition to my personal situation, I know the Senator from Massachusetts is concerned about those bills.

Mr. KENNEDY. Mr. President, if the Senator will yield for just a brief observation, as I understand the request of the majority leader, this does not include any request to bring back the reauthorization of the Elementary and Secondary Education Act. Did the Senator from Nevada hear that clearly? I did not hear that clearly.

Mr. REID. That is true.

Mr. KENNEDY. That is not to be included.

Mr. LOTT. Mr. President, I did not include that. But I would be happy to work up an agreement where we could bring that back and have germane amendments on the Elementary and Secondary Education Act, have an agreed-to list of amendments that are germane, so we can deal with that important issue. I will be glad to work with Senator KENNEDY or anybody else to try to get that agreement.

Mr. BROWNBACK. Mr. President, if the majority leader will be willing to yield for a moment, I appreciate his offering this unanimous consent request. I note that we have considered a number of items on various bills—whether it has been items on prescription drugs or different items that have come forward.

This is one that has cleared through the committee by a strong vote of 13–2 with wide bipartisan support. The bill itself has broad bipartisan support across the country. It is an important issue. We are having a lot of difficulty with regard to our student athletes being involved in gambling themselves and referees in sporting events being involved in gambling. The NCAA and many of the sporting groups are saying this is a problem.

Bigger than all of that, the lead gateway for college students getting into addictive gambling is through sports wagering. What we are trying to deal with is the one place in the country where this remains a problem and where it remains legal.

I think we need to have a bill up and a vote.

I ask my colleague from Nevada—he has been so persistent on a number of different issues to bring up to the floor—when can we get this one up so we can have a set timeframe for debate? If the Senator from Nevada would like to have a long period of time, that is fine. I am willing to go as short as an hour equally divided. But can we get some idea of when we could do this?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, under the reservation, I will not reply to the substance of the statement made by my friend from Kansas, but there are merits on both sides of this legislation. I would be happy to work with leadership to find a time to bring this bill to the floor.

In the meantime, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

Mr. SPECTER. Mr. President, I think we are now prepared to go ahead with the Ashcroft amendment and the Conrad amendment.

We propounded a unanimous consent before, but I will repeat it.

There will be two votes on amendments, each treated as a first-degree amendment. The first vote will be on the Conrad amendment in regular order. The second vote will be on the Ashcroft amendment. There will be no points of order raised. Senator ASHCROFT will have 20 minutes because he already had time to speak. Senator CONRAD will have 30 minutes to speak.

I ask unanimous consent.

Mr. REID. Mr. President, reserving the right to object, the only addition I would like is that the two votes occur at 2 o'clock. We would be happy to have other amendments. Can we finish the debate on this? I know Senator LAUTENBERG, our ranking member of the Budget Committee, wishes to speak. Senator CONRAD wishes to speak on this matter. There are other Members who want to speak. I think it would be appropriate to lock in the time on this.

Mr. SPECTER. Mr. President, if I might respond, we want to come back to the Daschle amendment with the second-degree amendment. We want to come back to the Dorgan amendment. We have a Helms amendment. I urge that we defer these votes until later when we can have 10-minute votes. Perhaps we can get the majority leader to crack the whip, and, as the Senator from Nevada suggested, stay on the floor and limit them to 10 minutes, if we are going to finish this bill by mid-afternoon.

Mr. REID. There is no problem with that. I hope we do not vote before 2 o'clock on these matters.

Mr. SPECTER. We will not vote before 2 o'clock.

May we proceed, Mr. President?

The PRESIDING OFFICER. Is there objection?

Mr. ABRAHAM. Mr. President, reserving the right to object, I want to clarify: How much time will be available on the Ashcroft amendment?

Mr. SPECTER. Twenty minutes is requested.

Mr. ABRAHAM. I would only indicate that I know Senator DOMENICI wishes to speak on this issue as well.

Mr. SPECTER. Would the Senator like 30 minutes?

Mr. ABRAHAM. I think at least that much time.

Mr. SPECTER. We will take 30 minutes. It will save time in the long run.

Mr. REID. Now we have others who wish to speak. How long does Senator CONRAD wish to speak?

Mr. CONRAD. As long as it takes to persuade my colleagues to vote for it.

Mr. REID. As articulate as the Senator is, that should only take 10 minutes.

Mr. CONRAD. I need about 20 minutes.

Mr. REID. We should reserve 10 minutes for Senator LAUTENBERG.

Mr. BAUCUS. Mr. President, I would like to be able to speak about 5 minutes, if possible.

Mr. SPECTER. Now we are up to 35 minutes.

Mr. President, the unanimous consent request is modified to 35 minutes.

Mr. REID. Now we are up to 55.

Mr. NICKLES. We want equal time. I insist on equal time.

Mr. SPECTER. We have already had a considerable amount of time.

Mr. NICKLES. I would be happy to yield it back if we don't need it. I want equal time.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent we proceed with 45 minutes on each side to get this moving.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. ASHCROFT. I yield myself 5 minutes.

Mr. President, I previously spent some substantial time in talking about the need for a Medicare lockbox. I spent time indicating that as Social Security is off budget, I think it would be good to protect Medicare with a lockbox. In addition to talking about the common sense of not taking trust funds and spending them for things other than that for which they were paid into the trust fund, I indicated there were a broad group of people who supported this concept, including the Vice President, who has endorsed the concept of a Medicare lockbox, and the President of the United States, who very recently has endorsed the concept of a Medicare lockbox.

I was in the midst of reading an extensive set of points that had been made available by the White House supporting the concept. I believe the concept is worthy of our support.

I think it is important that we do it with integrity, that we don't leave any gaping holes or opportunities for the lockbox to be invaded or otherwise dispersed. It is important we not have a lockbox that appears to be a lockbox that doesn't satisfy the idea of a lockbox.

I hope Senators will join with me and with an almost unanimous House of Representatives and join the President and the Vice President of the United States, who have all voiced support for this concept of a Medicare lockbox.

When I came to Washington 5 years ago, people said it would be impossible to balance the budget, but we did it. They said we could not and would not balance the budget without using the Social Security trust fund. We have done it. And there are those who say we cannot and will not balance the budget and protect Medicare Part A surpluses. But we can and we will. We are more than halfway to this point. The House has voted. The President has expressed himself in support of a lockbox, as has the Vice President. Now it is the Senate's turn.

I believe the Senate will sign a Medicare lockbox measure. That would send a powerful message. A lockbox amendment also requires the President to protect Medicare and Social Security by submitting a budget that does not spend either surplus. We make these changes. They are beneficial changes for the people. I call upon the Members of this body to enact a Medicare lockbox that is durable and strong and real—not one with loopholes but one that will protect Part A Medicare surpluses for expenditure for their intended purpose.

It is with that in mind I ask my colleagues to vote in favor of the amendment I proposed.

I ask unanimous consent the Senator from Michigan, Mr. ABRAHAM, and the Senator from Wisconsin, Mr. FEINGOLD, be included as a cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. I yield the floor and I reserve the remainder of my time.

AMENDMENT NO. 3690

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise today to offer a lockbox amendment with Senator LAUTENBERG and Senator REID designed to protect Social Security and Medicare.

This amendment is simple but important.

First, it says we must protect Social Security surpluses each and every year. The budget has finally been balanced without counting Social Security, and we must make sure it stays balanced without counting Social Security and Medicare.

Second, my amendment takes the Medicare hospital insurance trust fund surpluses off budget to prevent those surpluses from being raided for anything but Medicare.

According to the Office of Management and Budget, the Medicare trust fund will run a surplus of over $400 billion from the year 2001 to 2010. Taking these surpluses off budget and locking them away will ensure that they are used only for Medicare and to pay down the debt. Taking the Medicare trust fund off budget, as in Social Security off budget, will ensure that these payroll taxes that workers pay will be used to meet the future demographic challenges Medicare and Social Security face.

We have reached a bipartisan agreement that Social Security belongs off budget and that its surpluses should be preserved solely for Social Security. For seniors, Medicare is just as critically important for financial independence in their golden years. It is now time to give the same protection to Medicare that we already accord to Social Security, by taking Medicare off budget, too.

Medicare is absolutely critical to the health and economic well-being of nearly 40 million senior citizens. Before Medicare, many of our senior citizens were one major medical event away from poverty. Today, our seniors enjoy the security of knowing Medicare is there for them. We should not put at risk Medicare because of a failure to protect Medicare from raids for other purposes. We have been through this on Social Security.

The amendment I am offering says we are going to treat Medicare the same as we are treating Social Security. Unfortunately, the amendment of the Senator from Missouri fails to do that. It suggests it is a Medicare lockbox, but it really isn't. When we examine the amendment of the Senator from Missouri, we find there is a fatal flaw. The fatal flaw is that the Senator from Missouri has no enforcement mechanism for its provision taking Medicare surpluses off budget. In fact, it does not move Medicare off budget. It only removes Medicare surpluses off budget.

The result is, under the Ashcroft amendment, no point of order would apply against legislation that uses Medicare surpluses for other reasons. Under the Ashcroft amendment, the Medicare trust fund could be depleted for any purpose, as long as the overall budget remained in balance. Unfortunately, because of the way the amendment of the Senator from Missouri has been drafted, it is opening Medicare to raids for other purposes. That is a fatal flaw. That is what my amendment corrects. My amendment takes Medicare trust fund surpluses off budget, protecting them with points of order so there could not be a raid on Medicare.

Let me make my point as clearly as I can. If we look at the fiscal year 2000, we have a unified surplus projection of $224 billion. Social Security is in surplus by $150 billion. We will not permit that to be raided.

Medicare is in surplus by $24 billion. We will not permit that to be raided under my amendment. But under the amendment of the Senator from Missouri, one could take every penny of the $24 billion in surplus in Medicare because the overall budget would still be in balance. That is the fatal flaw of the amendment of the Senator from Missouri. The Senator does not protect these Medicare funds if the overall budget is in balance. I don't know if that was realized by the other side, but that is a fatal flaw. That is why the amendment of the Senator from North Dakota, my amendment, the amendment I am offering with Senator LAUTENBERG and Senator REID, is critically important; we would prevent any raid on Medicare funds.

Our lockbox is simply stronger. We establish points of order that protect the integrity of the Medicare trust fund in each and every year. Our plan was drafted to make the Medicare trust fund status exactly the same as Social Security. For some reason, the amendment of the Senator from Missouri has been drafted differently. It does not give the full protections to Medicare that we have given to Social Security. Why not?

If we look at the Congressional Budget Act of 1974, and I direct my colleagues to page 17, on the bottom of that page are laid out the specific protections we provide for Social Security. We provide them for Medicare in the amendment that I am offering. The Senator from Missouri has failed to do so. He has left them out. For some reason he is giving lesser protection to Medicare than we give to Social Security. My amendment solves that fatal flaw that is in the amendment of the Senator from Missouri.

In our plan, we treat Medicare similar to Social Security by excluding all receipts and disbursements of the Federal Hospital Insurance trust fund from budget totals. We exclude the Medicare trust fund from sequestration procedures and create parallel Budget Act points of order to protect the surplus in the Medicare trust fund in each and every year.

Our plan also creates a new point of order against legislation that would cause or increase an on-budget deficit. So it protects the integrity of the Medicare trust fund and the on-budget surplus for debt reduction. Our plan also strengthens existing protections for Social Security by enforcing points of order against reducing Social Security surpluses in each and every year.

The Ashcroft amendment is silent on Social Security. It has verbiage there, but there is no new protection for Social Security in the amendment of the Senator from Missouri. Our amendment adds a point of order against violating the off-budget status of Social Security and requires Social Security revenues and outlays to be set forth for every fiscal year in a budget resolution rather than for only the 5 years under current law.

In addition, we strengthen existing points of order protecting Social Security by enforcing points of order against reducing the Social Security surplus in every year covered by the budget resolution rather than only in the first year and the total of all years covered by the budget resolution as current law provides.

The amendment I am offering with Senator LAUTENBERG and Senator REID is very clear: We are protecting Social Security and Medicare in a lockbox that has real protections, and we treat them in the same way. Unfortunately, the proposal of the Senator from Missouri creates a difference between the protection we provide Social Security and the protection we provide Medicare. The Senator from Missouri provides much less protection for Medicare than we provide Social Security. It has a fatal flaw: no enforcement mechanism. The result is, under the Ashcroft amendment, the Medicare trust fund could be depleted for any purpose as long as the overall budget remained in balance. That is a profound mistake.

The amendment of the Senator from Missouri would allow the Medicare trust fund surplus in the year 2000 to be raided of every penny. We should not allow that. That is not a lockbox; that is a "leakbox." We are trying to construct a lockbox here to protect Medicare, not a figleaf that will make people believe we protected Medicare but really open up a gigantic loophole that would allow for raids on Medicare as we used to see on Social Security.

This is a defining vote. Those who care about protecting Social Security and Medicare, and are serious about it, will support our amendment. Those who want a figleaf and a press release will be in opposition.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey. Who yields time?

Mr. LAUTENBERG. Mr. President, I think the Senator from North Dakota is going to yield the time. How much time do the proponents of the second-degree amendment have remaining?

The PRESIDING OFFICER. The proponents have 34 minutes remaining.

Mr. LAUTENBERG. Mr. President, I rise in support of the second-degree amendment, which I am pleased to be cosponsoring with Senator CONRAD.

This amendment would establish a lockbox to protect both Social Security and Medicare surpluses from being raided to pay for other programs or tax breaks. The amendment would take Medicare completely off-budget, and it would add iron-clad guarantees to ensure that neither Social Security nor Medicare surpluses can be used for any other purposes.

This amendment is based on a proposal first put forward last week by Vice President GORE. And I want to commend the Vice President for his leadership in this area. As he has argued so forcefully, it is wrong for Congress to use Social Security or Medicare surpluses as a piggy bank either for tax breaks or new spending. Instead, Social Security and Medicare should be taken off the table, and out of the Federal budget.

Social Security already is officially off budget. That is the law. There is a bipartisan consensus that we should not use Social Security surpluses for any other purpose. We all agree on that.

But what we have not all agreed on is that Medicare surpluses should be protected, as well.

Senate Democrats have long argued that Medicare must be included in any Social Security lockbox. That is why last year, when Republicans sought to move a lockbox that dealt only with Social Security, we held firm and insisted on our right to offer at least one amendment. The amendment we wanted to offer would have added Medicare to the GOP proposal.

But the Republicans were so opposed to that, they pulled the bill from the floor. In fact, this happened several times. Each time, we Democrats insisted that Medicare be part of the equation. And, each time, Republicans said: No.

I am hopeful that Republican opposition to protecting Medicare is softening, and I give Vice President GORE a lot of the credit for that. He has taken the lead and put this issue at the forefront of the public agenda. With the spotlight now clearly on the Congress, I am optimistic that we will respond.

We should not respond with half-hearted measures, like the bill approved in the House of Representatives or the pending Ashcroft amendment. We should do ti right, and that means taking Medicare completely off-budget, with all the procedural protections now provided to Social Security.

That is what this amendment does.

It treats Medicare just as we are already treating Social Security. It says: Medicare, like Social Security, will now be taken completely off of the Government's books. It will not be counted in the President's budget calculations. It will not be counted in the budget resolution, and it will not be used as a piggy bank for tax breaks, or for any other Government programs.

The legislation also creates points of order against any legislation that would deplete the Medicare Hospital Insurance Trust Fund for any other purpose. Similar points of order already apply for Social Security. Medicare deserves the same protections.

In addition, the amendment would protect Medicare from across-the-board cuts that could be triggered if Congress exceeds other budgetary limits. Under current law—the so-called "pay-as-you-go" rules—if Congress raids surpluses either for tax breaks or mandatory spending, Medicare automatically gets cut. That is not right, and that will end under this amendment.

In addition to taking Medicare off-budget, the amendment also strengthens existing rules that protect Social Security. For example, the amendment would establish a supermajority point of order against any measure that would put Social Security back on budget, or violate the prohibition against including Social Security in a budget resolution.

Our amendment also strengthens existing law by requiring every budget resolution to include Social Security totals for each year covered in the resolution, and then establishing a point of order to protect those funds in each year. This is an improvement over current law, which protects Social Security surpluses in the first year of a budget resolution, and for the entire period of the resolution, but not in each individual year. There is no similar provision in the pending Ashcroft amendment.

Mr. President, I want to take a moment to comment on the Ashcroft amendment.

The Ashcroft amendment is described as taking Medicare offbudget, something deserving consideration. But the proposed amendment does not really do it. It does not fully protect Medicare. And the public must know why it is an inferior proposal to the second-degree amendment proposed by Senator CONRAD and myself.

The Conrad-Lautenberg amendment calls for more than a surface accounting change. Yes, we take Medicare's Hospital Insurance Trust Fund off-budget, and that's important. But we are also insisting that we include procedural protections against any budget resolution or legislation that would use Medicare funds for other purposes, and permit undermining its solvency.

We do that by establishing a process that will protect Medicare by requiring a 60-vote point of order against any legislation that would invade the trust fund's solvency to be used for other purposes. Under our amendment, if you want to use Medicare funds to pay for tax breaks, or for anything else, you will need those 60 votes to do it.

That is not true of the prevailing amendment, however. The Ashcroft amendment isn't really able to protect Medicare. It does establish a point of order, a higher hurdle, that obstructs creation of a larger budget deficit. And that's a good thing that will help promote debt reduction.

But preventing an on-budget deficit is not the same thing as protecting the Medicare Trust Fund.

For example, if legislation was proposed that reduced revenues into Medicare's Trust Fund and increased the possibility of earlier Medicare insolvency, that legislation would not be subject to a point of order under the present Ashcroft amendment. That is because, again, the Ashcroft amendment isn't really designed to protect the solvency of Medicare. It is only designed to prevent on-budget deficits. And that just doesn't go far enough.

The point of all this talk about Medicare is to ensure that the program will still be solvent and strong in the future, when the baby boomers retire. Well, if you don't protect Medicare's solvency, you are really not accomplishing that goal.

That is why the Ashcroft amendment is grossly inadequate and why I urge my colleagues will instead support the Conrad-Lautenberg second degree amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I yield myself, initially, 7 minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, what we have before us is a genuine lockbox amendment by the Senator from North Dakota, and we have a "box" amendment offered by the Senator from Missouri. Now, notice I said "lockbox." A lockbox is what has been offered by the Senator from North Dakota; no lockbox by the Senator from Missouri. That really is the difference.

What do I mean by "lockbox"? What I mean is that we are trying to treat Medicare as we treat Social Security; that we are going to say that in the future, the Medicare trust fund should be off budget, should not be counted in budget totals, that it should be off budget and should not in any way be able to be tapped into by this Congress or any succeeding Congress to pay for any deficit, to pay for any tax cuts, to pay for any other kind of spending in which this Congress or any future Congress wants to engage.

That is really what a lockbox is. You take funds and you set them aside; you put them in a box and you lock it. That means you cannot tap into it.

That is what the American people want us to do with Medicare and with Social Security. This is money that they have paid into out of payroll taxes. This is money that has been set aside for them for Medicare—and for Social Security, if we are talking about Social Security. We are only talking about Medicare here.

The American people believe very deeply about this; that no Congress ought to be able to say: We want to give a tax cut to the wealthy, and we are going to pay for it by taking it out of the surplus. And if the only surplus we have is Medicare, we will take it out of there, or, if the only surplus we have is Social Security, we will take it out of there.

What we are saying on the Democratic side is, no, no deal. We are going to take Social Security and Medicare off budget, lock the money away, you cannot tap into it for tax cuts or spending or anything else.

The Senator from Missouri may think that is what he is doing. I heard him describe his amendment as a lockbox, taking it out, but that is not what his amendment does. His amendment does not do that. It does not protect the Medicare trust fund from procedures that might be used by a future Congress to pay for spending or tax cuts totally unrelated to Medicare.

I could get into the jargon used around here by talking about points of order and sequestration and stuff such as that. Who understands what all that means, unless it is just a few of us around here. And I am not certain all of us understand it either.

But just to put it in simple lay terms that the American people can understand, the amendment offered by the Senator from Missouri sort of puts the Medicare surplus in a box. It closes the lid. That looks pretty good, but the next Congress or two Congresses from now may decide: Hey, we have had a downturn in the economy. We might want to give a tax cut to a group. We might want to do some spending. We don't have enough of a surplus in our budget, but we do have a big surplus in that box. In that box there is a big surplus. We will just go open the lid and scoop a little bit out. That is what the Ashcroft amendment allows. It allows a future Congress to open the lid on the box, put the scoop in there, and dig some money out for whatever that Congress wants.

What the Conrad amendment does is take the Medicare money our people have paid out of their payroll taxes and puts it in a box, just as Ashcroft does, closes the lid, locks it, and throws the key away. That is the difference between the Conrad amendment and the Ashcroft amendment. What the Conrad amendment says to a future Congress is, if you want a tax cut for the wealthy, if you want to spend on some programs, go somewhere else to get the money. You can't pry open the box in which we have Medicare and Social Security funds; that is to be used only for Medicare and only for Social Security. That is what the Conrad amendment does.

Don't be misled that these two amendments are the same. They are not the same. The American people should not be misled. If your goal is to set aside Medicare funds and put them in a box but if a future Congress wants it can go in and open the lid and scoop some money out, vote for Ashcroft. Maybe some people think that is legitimate. Maybe some people say: Well, we should not tie the hands of future Congresses. If they want to take some of that Medicare surplus and use it for something, let them open the lid on the box and take the money out.

Maybe some people here believe that. I don't believe that. Senator Conrad does not believe that because it is his amendment. What he says is, we will put it in that box and lock it. The only thing you can use that money for is Medicare, just as we should only use Social Security for Social Security.

The PRESIDING OFFICER. The Senator's 7 minutes have expired.

Mr. HARKIN. How much more time remains on our side?

The PRESIDING OFFICER. Ten minutes remain.

Mr. HARKIN. Mr. President, I will take 1 more minute.

If you want to secure Medicare funding and you want to lock it away, you have to vote for the Conrad amendment. If, however, you want to take Medicare funding and put it in a box and say that future Congresses can go in there, open the lid and take the money out for other things, then vote for Ashcroft. It is that simple.

I yield back whatever time I have remaining.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I yield such time to the Senator from Michigan as he may consume.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I will be brief because in many ways I am very pleased with the direction of today's debate, particularly with the fact that it actually will result in some votes. We have been on the floor talking about trying to lock up Social Security on many occasions. I was seeking to get a final vote on a lockbox that I think really does do the job of protecting Social Security. I think we did it four times and couldn't get to a final vote.

Today, we are moving in the direction of getting final votes on both a form of Social Security lockbox and on the issue of locking up Medicare. I think that is an important step.

While I am happy to support almost any effort that makes it more difficult to spend the Social Security surplus, I do not believe that the forms offered today go as far as we should to ensure a permanent off-limits nature of the Social Security surplus. I hope the spirit which we have seen today, of working towards giving people options to vote, is one that we can build on, and that I will soon have an opportunity to have a vote on the Social Security lockbox proposal on which Senator DOMENICI, Senator ASHCROFT, and I have been working.

I think it is a very productive debate to talk about treating the Medicare surplus, the Part A of the Medicare trust fund, in the same fashion. The disagreements over details are ones that ought to be something we can work out.

I do not think implications of intent with respect to the future spending of these dollars that are being made are on point with the intent of the draft Senator ASHCROFT has offered. I think his goal is very clearly to try to protect the surplus in Social Security from being spent, period. I think that is his motive. I will leave it to him to comment.

I think implications that there were any ulterior goals in his proposal are off the mark. In fact, I hope people will examine more closely his longstanding position on this issue. While it may be now, in the middle of a Presidential campaign, that people are talking about a Medicare lockbox, I remember Senator ASHCROFT talking about a Medicare lockbox more than a year before the Presidential election and certainly months before it was an issue in terms of the national Presidential debate. As a colleague, I appreciate the fact that he was ahead of everybody else in trying to raise that issue on the Senate side. We have worked together to try to move both of these issues today and in the past.

I want to go on record in favor of having mechanisms in place that protect these trust funds from seeing these dollars used for anything other than their purpose. One hopes that would be the outcome. If not in the context of this legislation, then let us be honest about it: The likelihood that this type of amendment is going to be able to survive the entire conference process may be questionable. I hope by going on record—as I suspect by the end of this afternoon every Member of the Senate will—in favor of locking up both of these surpluses, we will take a step in the direction of ultimately achieving it. I certainly intend to come back to the Senate and, in the context of legislation that can get to final passage inclusive of such lockboxes, give the Senate opportunities to support such an effort.

As I talk to constituents in my State, and from comments made by people all over America, there is little doubt that one of the most frustrating things to people, whether they are already Social Security recipients or will be in the future, is the fact that they have watched as too many Social Security surplus dollars have been spent on other things in order to make the deficit appear smaller. I think they are going to be very pleased this year when we end the fiscal year not only with a balanced budget but also without spending one penny of Social Security on anything but Social Security or the reduction of debt. That is a sea change.

I don't think we should lose sight of the circumstances in which it has come about. Senator ASHCROFT, myself, Senator DOMENICI, and others in the budget process have worked to make sure there were in place the kinds of budget rules that precluded Social Security surpluses from being spent on other things. This year taxpayers who have been so disappointed in the past that such moneys were used for other purposes are going to receive the good news that they were not and that they are not going to be in the future. Indeed, this year's budget resolution, as last year's, incorporates the kinds of rules that will protect it. I am proud to have been involved in the drafting of those rules.

I am glad we are back on this topic. It may not resolve it fully, in the context of the Labor-HHS appropriations bill, but hopefully, after today, we have at least set the precedent that we will create these lockboxes, that we are not going to prevent votes from being taken on final passage of the various options that are out there, at least to get final votes on those options in some context.

I look forward to bringing back an even stronger Social Security lockbox and for a chance to get a vote on the version we have drafted. I would like to have that opportunity.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time will be charged equally against both sides.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for 15 minutes out of order, without the time being charged to anyone.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Mr. President, reserving the right to object, I know the Senator from West Virginia has some remarks he wants to make. We are about to get this tangle resolved. Does that side have any more speakers?

Mr. REID. Mr. President, with all due respect to my friend from Georgia, if the senior Member of the Republican side wanted to come out and speak, we would drop everything no matter what we were doing. I think we should give the Senator from West Virginia the same opportunity.

Mr. COVERDELL. Mr. President, the question is, Is there time on your side that we might use?

Mr. CONRAD. On this side, we have 4 minutes remaining. Obviously, we would like to reserve some of that time for the purpose of making a statement at the end.

Mr. COVERDELL. How much time remains on our side?

The PRESIDING OFFICER. There are 30 minutes remaining.

Mr. COVERDELL. Thirty minutes. Mr. President, I yield 10 minutes of our time to the distinguished Senator from West Virginia and do not object to the additional 5 minutes that would bring him to his 15 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I apologize for imposing myself at this moment. But I had noticed several quorums of considerable length, and I thought this might be a good time to have a statement made. I thank all Senators.

"THE SEARCH FOR JESUS"

Mr. BYRD. Mr. President, I found disappointing Peter Jennings' "The Search for Jesus," which aired on ABC Monday night. The promotions for the show promised a pilgrimage to the roots of Christianity, but I think what we were actually given was more of a slide show.

All too often we are told by members of the media that they are constrained by time. Broadcasters divvy up air time into 30 seconds, 60 seconds, an hour, 2 hours, and they are constrained by these blocks, which are further constrained by their ability to sell advertisements to support their use of time.

In case after case, including that of "The Search for Jesus," too little time is devoted to providing a serious look at important issues. Whatever one's view of Jesus may be, it is hard to deny that few, if any, other lives have so affected our world and humanity as that of Jesus Christ. Here is someone who literally split the centuries in two.

The questions and controversies surrounding His life on Earth certainly deserve more than the 2 hours devoted to it by ABC. Two hours—in fact, much less than that when one subtracts the commercial time, which was substantial—hardly scratches the surface.

The program presented many provocative ideas. A very limited number of theologians, historians, and ordinary folk had much to offer in the way of researched information, speculation, theory, heartfelt notions, and simple faith. But they were given only seconds here and there to provide us with what may well have been valuable insight and inspirational ideas. If there is a topic that deserves plenty of time, this is it. And, I daresay, as much as it may also cause what to many, including myself, is a distasteful commercialization of religion, this is a topic for which I assume the network easily sold loads of advertising time—as apparently it did for the broadcast Monday night. In this case, what actually aired was light on substance, but heavy on advertising, giving the effort the appearance, at the very least, of a high-toned money grab.

I cannot be sure what motivated the show, "The Search for Jesus." Evidently, Peter Jennings and staff spent months preparing for it, conducting interviews, researching, and traveling to Biblical sites. But viewers were certainly done a disservice by the encapsulated version that the network provided. As much as any journalist may try to let others do the talking, to give the experts the floor, and to present a rounded, unbiased view, when it comes right down to it, the finished piece—except on very rare occasions—reflects the decisions, good or bad, of producers and editors who must slice and trim to make their program fit into the time frame relegated to it by the network.

The show's conclusion—that Jesus was a man, that he existed—comes as no revelation to anyone who has lost someone dear and found solace only in the Trinity. As the program noted, there were others before and during His time who professed to be the messiah. They came and went, sometimes by execution, and their followers were either executed alongside their leaders or they found new "messiahs" in whom to place their faith. But, as the ABC show noted, Jesus was an exception. There was something extraordinary—one might say miraculous—in the way that His death promoted the proliferation of His teachings, and in the fact that, nearly 2,000 years after His crucifixion, He continues to inspire followers around the world.

There is, indeed, no need to go to the Middle East to find Jesus. He can be found in any West Virginia hamlet or hollow. He can be found in the arid West, among towering urban buildings, and along peaceful ocean shores.

In the words of Job, that ancient man of Uz, "Oh that my words were now written! Oh that they were printed in a book! That they were graven with an iron pen and lead in the rock for ever! For I know that my Redeemer liveth, and that He shall stand at the latter day upon the earth."

I do not judge the intentions or the views of those who helped to put together "The Search for Jesus" program, but I know exactly where to place my faith.

Mr. President, I ask unanimous consent that an article entitled "He's everywhere but here," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 25, 2000]

HE'S EVERYWHERE BUT HERE

(By Tom Shales)

An essentially thankless task that proves also to be a pointless one, "The Search for Jesus" is likely to anger many of those who see it—and merely bore others. A two-hour ABC News special, the documentary proceeds from a foolhardy premise and, in the end, doesn't accomplish much more than a dog chasing its tail.

And it's not much more illuminating to watch.

"Peter Jennings Reporting: The Search for Jesus"—yes, Jennings gets top billing over even the Messiah—supposedly aims to discover what can be learned about "Jesus, the man," in historical rather than religious terms. But can those two aspects of Jesus's life really be separated? The danger is that what you'll end up with is an exercise in myth-debunking potentially offensive to devout members of the Christian faith. And that is precisely what happens.

The program, at 9 tonight on Channel 7, is peppered with disingenuous disclaimers. "We are very aware of our limitations," Jennings says at one point, though much about the program suggests journalistic arrogance and hauteur. He concedes that it is difficult for a reporter "to get the story right" in this case, but isn't it rather presumptuous even to try? A little later, when Jennings says the question of Jesus's divinity is "a matter of taste," he sounds ridiculously nonchalant about a topic of the deepest spiritual profundity.

Devout Christians may not be the only ones taking umbrage. Whenever Jennings parades into the Middle East, warning flags are raised by American Jewish groups that have objected several times to what they see as a pro-Palestinian, anti-Israeli bias evident in some of the anchor's past work.

Thus one can only groan and shudder when Jennings, later in the broadcast, opens the old can of worms about whether "the Jews" or the Romans are more responsible for the crucifixion of Christ. Oh how we don't need to get into that again. As it turns out, the issue is rather diplomatically skirted by one of several guest theologians who says, tiptoeing carefully, that "a very narrow circle of the ruling Jewish elite" probably did collaborate with the ruling Roman elite in nailing Jesus to the cross.

As for the resurrection of Christ, upon which the entirety of Christian faith rests, Jennings notes in his cavalier style that there is "a wide range of opinions" about whether it occurred. Come, now. You believe it or you don't. That's the range of "opinions." Anyone looking for scientific or historical "proof" is flamboyantly Missing the Point.

"All but the most skeptical historians believe Jesus was a real person," Jennings is willing to concede. But one by one he sets about discrediting what Matthew, Mark, Luke and John say about the miracles and divinity of Jesus, making a big fuss, for one thing, over the fact that the four New Testament books contain inconsistencies in their recountings of the story.

Did a star in the east guide the Three Wise Men to the manger where Jesus was born? "I don't think there were Three Wise Men," a biblical scholar huffs, and that's supposed to dispel that detail. Jesus may not even have been born in Jerusalem but rather in Nazareth, Jennings says; does it make a particle of difference to the spiritual essence of the matter?

Sometimes Jennings is content with "analysis" of the most innocuous sort. Jesus "must have been a controversial figure" in his own time, Jennings says. No kidding. But mostly we get specious debunkery. Stories of Jesus performing miracles were most likely "invented" by "the gospel writers," Jennings tells us. Even as relatively mundane a detail as Jesus getting a hero's welcome when he entered Jerusalem on Palm Sunday is dismissed: The crowd "may have been singing and shouting, but not necessarily for Jesus," one of the "experts" opines.

It's also suggested, despite the daring Jennings pronouncement that Jesus was "controversial," that Jesus may in fact have been "a rather minor character" in the political turmoil of the era.

To the credit of producer Jeanmarie Condon, "The Search for Jesus" does contain many visually arresting images, and the program was for the most part beautifully shot by Ben McCoy. There are such piquant ironies as a sign warning "Danger! Mines!" near a spot where it is believed John the Baptist and Jesus himself once preached. The first image on the screen is striking: a silhouette of the Bethlehem skyline today, a cross atop one building and a satellite dish atop another.

Thus the program is handsomely produced yet stubbornly wrongheaded and bogus, often seeming a gratuitous effort to cast doubt on deeply and widely held beliefs. This isn't really proper terrain for journalists to traverse. It was a bad idea to do the show and it came out as flawed and muddled as anyone might have dreaded.

Some of the padding in the two-hour time slot is filled with modern, hip and usually dreadful recordings of hymns and religious songs. A lot of territory, physically as well as thematically, is covered, but for little purpose. At several of the shrines in the Holy Land, we see tourists with video cameras making their own personal documentaries about a visit to the Middle East. Some viewers would be quite justified in wishing they could look at those tapes rather than at ABC's misbegotten and misguided "Search."

It is a search that leads nowhere. Slowly.

Mr. BYRD. Mr. President, I yield the floor.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 2001—Resumed

Mr. BROWNBACK. Mr. President, I yield up to 15 minutes to the Senator from New Mexico, the chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Thank you very much. I hope I don't use all of the time and that I can yield Senator BROWNBACK time because he started this great discussion with his amendment, on which I support and commend him—the Ashcroft Medicare lockbox.

I have a pretty good suspicion that sometime soon it is going to be adopted by the Senate. The Senator can take great credit, being one who from the very beginning wanted to have a lockbox on Social Security—and even joined in the real lockbox bill, which, incidentally, was not the lockbox we are considering for Social Security today. He has been on the cutting edge of new ways to save both the Social Security trust fund and today on the Medicare HI part of the trust fund.

I rise to talk a little bit about the Social Security lockbox.

First of all, everybody should think for a minute. What kind of lockbox must the Democrats have when they have resisted a lockbox five times? That was a lockbox we came up with that the distinguished Senator from Michigan, Mr. ABRAHAM, introduced with me and others. And five times the Democrats have resisted it and have not let us pass it. That ought to put up a little bit of a question: what is the difference between the two, since all of a sudden today on an appropriations bill—which probably means amendments are going to go nowhere other than to make a little racket here—we have two distinguished and good colleagues of mine adopting a Democrat lockbox for Social Security.

First, let me change that to six occasions when we have offered a lockbox we put together. Most people who check for a real lockbox, in the sense of what that word means, say ours will do it and that others are questionable. Others are, in one degree or another, more easy to use in terms of violating the lockbox and spending the money elsewhere.

The reason they are different is that ours is real. In the very sense of a lockbox written into law, ours is real.

Let me essentially tell you what we did. We calculated where the debt of the United States would be if all of the Social Security money were left in, if we knew the numbers, and if we put in law and statute the level of debt each year for the foreseeable future. Then we said that statute locks that money in, except in the case of war or the case of economic emergency—we defined that as most economists do—and great national disaster.

That is a lockbox. In order to spend it, we have to have a statute, a law that will change that level of debt that is related to Social Security.

My friend on the Budget Committee, Senator CONRAD, has for a long time been a proponent of making sure we have the debt down, and I commend the Senator. He has been concerned about Social Security, as have many of us.

Essentially their lockbox is an invitation to waive the lockbox or, by a 60-vote majority, get rid of it. Thus, whatever you want you spend.

I urge, instead of the lockbox they have before the Senate, serious consideration of accepting the lockbox that Senator ABRAHAM, Senator DOMENICI, and Senator ASHCROFT have tendered on six occasions. It is truly what the senior citizens deserve when speaking about lockbox. We should not be telling them it is a lockbox, but it can be waived simply on the floor of the Senate.

How simple is it? We have just waived, for the two bills before the Senate, the Budget Act, which precluded doing what they were doing. We got up and said: Let's waive it. We could reach the point where we want to spend Social Security and Members could come to the floor with a vital program and say, just as we waived the Budget Act in order to take this off budget, let's waive it to spend it.

If you do the Abraham-Domenici-Ashcroft lockbox for Social Security, you have to introduce a bill, say we want to change the debt limit as Social Security impacts it. Frankly, I am very proud to have come up with that idea. I think my friend from Michigan would acknowledge I came up with it. I am very proud of him. For a long time, he has been trying to get that voted on. He has told people what he was for, as Senator ASHCROFT has. We have not had a vote.

We tried six times to get a lockbox vote, and we were denied it by this institution, by our fellow Senators on the other side. Then all of a sudden, on an appropriations bill, with a pretty positive chance that the amendments aren't going anywhere because we cannot pass this kind of an amendment on an appropriations bill when it gets to the House—you can take it out the door and send it to the House, but you are pretty sure if it is not dropped before getting to the House, it is probably dropped when you open the doors to the conference because it does not belong on this bill. I am not suggesting that either amendment is being offered knowing full well it is not going anywhere, but I am asking why doesn't the Senate vote on the real lockbox for Social Security.

We are going to have our vote today. I am wondering whether the Senator might give consideration to offering the real lockbox and see where we stand. I ask Senator ABRAHAM what he thinks of that idea in terms of being a chief proponent.

Mr. ABRAHAM. I spoke on the floor a few minutes ago and raised many of the same inquiries the Senator has raised. I am disappointed, after so many efforts on our part to get a vote, that we couldn't.

On the other hand, I indicated I was heartened that today at least there seems to be a willingness to begin to give people votes on issues relating to the lockbox. I want to have the votes.

There is a clear distinction between the lockbox we have authored together and we want to have an opportunity for that stronger lockbox to be considered. I want it done soon. It ought to be done on a vehicle that becomes a law.

Mr. DOMENICI. One last point in reference to the Medicare lockbox off-budget proposal that my friends on the other side of the aisle have offered.

There is a giant loophole that we have never considered in the Social Security trust fund lockbox, nor is it considered in their lockbox on Social Security. Current HI law permits all kinds of additions on the expenditure side of Medicare.

If we leave that language in, we are opening that trust fund instead of closing it. When we take it off budget we open it to spend it, which, to me, seems almost inconsistent with why we are doing it.

I am not going to vote for either of the Democratic lockboxes because I think the Medicare does not work and the Social Security is not a real lockbox.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from North Dakota.

Mr. CONRAD. I say to my colleague and my friend from New Mexico, his last reference is to a provision that says you can spend Medicare money for Medicare programs. That is so we can have a BBA add-back, a balanced budget add-back, for Medicare, as we did last year. There is nothing mysterious about that.

The Senator from New Mexico asked why we weren't supporting the lockbox proposal he made previously. There are two reasons: No. 1, we got a letter from the Secretary of the Treasury saying that could threaten default on the debt of the United States; No. 2, our analysts indicated that could threaten Social Security payments to those who are eligible for Social Security. Those are the reasons we have not accepted that lockbox proposal.

I didn't just come here today proposing a lockbox. For 2 years, I have proposed a Social Security and Medicare lockbox as a senior member of the Senate Budget Committee. Frankly, our friends on the other side of the aisle have resisted.

If the choice is between the lockbox proposal I have made today and the lockbox proposal of the Senator from Missouri on the question of which is stronger, there is no question which is stronger. The amendment I have offered is stronger. That is because there is a fatal flaw in the amendment of the Senator from Missouri. He provides no enforcement mechanism for the provision taking Medicare surpluses off budget.

Under the amendment of the Senator from Missouri, no point of order would apply against legislation that could use Medicare surpluses for other purposes. Under the Ashcroft amendment, the Medicare trust fund could be depleted for any purpose as long as the overall budget remained in balance. That is the fact. That is the reality.

I notice the chairman of the Budget Committee never referenced the amendment the Senator from Missouri has before the Senate today. Never referenced it. He talked about a lockbox proposal they have had previously—not about the lockbox proposal before us today.

I yield the floor.

Mr. ASHCROFT. Mr. President, I yield to the Senator from New Mexico 4 minutes.

Mr. DOMENICI. For 10 years, we have had a written proposal with reference to the lockbox for Social Security and never have we put in language that said what their Medicare lockbox amendment says, that the surpluses can be used for spending related to the programs currently in HI. As a matter of fact, we have used the money for Social Security with a lockbox, a "verbal" like theirs, that never included such language, and we have spent the money on Social Security.

What I am saying is this is an invitation to expansion and spending, rather than an invitation to protecting it. We could be making HI less solvent under this language rather than more solvent.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I yield to the Senator from Michigan so much time as he may consume up to 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I want to comment, in response to the comments of the Senator from North Dakota, the following: The Senator from North Dakota has characterized the stance of those of us who have not supported his proposal for a Medicare and Social Security lockbox as resisting his efforts for 2 years. Resisting his efforts is not, in my judgment, a proper characterization. We have not supported those efforts. But what we have done today is provided the Senator from North Dakota a chance to have a vote on a proposal he has worked on and for which he has sought support. I would like to distinguish that from what I consider to be the accurate definition of resistance, which is to not even give a vote to people who have a legitimate proposal to bring to the floor of the Senate, and I consider the amendment Senators DOMENICI and ASHCROFT and I drafted with respect to a Social Security lockbox to be a legitimate piece of legislation that deserves the same consideration that we will soon give the Senator from North Dakota.

I say to the Senator from North Dakota and his colleagues, I hope, in the spirit with which a vote is being offered on the proposal that he has today, we will get a straight up-or-down vote on the proposal we have been offering because now that you have had this chance we will see what happens, obviously, both here and in the conference that will follow the passage of this legislation. I would like to have the opportunity to get a straight up-or-down vote on the legislation that on five or six or whatever number it is separate occasions has been prevented from happening. That to me would be the difference between resistance and lack of support.

I do not ask the Senator from North Dakota to vote for my proposal. I hope he and his colleagues would at least give us an opportunity to let all of us cast our votes up or down on it. I hope we get that chance. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I am running out of time. The Senator from Missouri informs me he has 20 minutes left. I have 2 minutes left. Under the rules, if neither of us uses time right now, the remaining time of each of us is used equally, which means I would run out of time. He has indicated that is what he would do. If I do not take this time for my final argument, we just lose the time. Those are the rules of the Senate. That is fair.

I say this. I am saying this for the benefit of colleagues on my side who are wondering if there is additional time available. Clearly, there is not.

The Senator from Michigan and the Senator from New Mexico have again raised the question of the lockbox they offered previously; not the lockbox on which we are about to vote, but what they offered previously. The reason our side resisted that lockbox approach is because we received a letter from the Secretary of the Treasury from which I quote:

> Our analysis indicates that the provisions Senators Domenici and Abraham and Ashcroft were previously offering could preclude the United States from meeting its financial obligations to repay maturing debt and to make Social Security benefit payments, and could also worsen a future economic downturn.

That is the reason we resisted those plans, because they were flawed. That is the same reason I believe the amendment I have offered today, to have a Social Security and Medicare lockbox—something I have proposed for 2 years—is superior to the option we are actually voting on today. The reason our proposal is superior, I believe, is because it protects Medicare. It protects it in the same way we protect Social Security: by points of order to make certain that it is not raided.

Unfortunately, the amendment of the Senator from Missouri does not have that level of protection. He has less protection for Medicare than for Social Security. He does not have a point of order that can apply against legislation that would use Medicare surpluses for other purposes. The problem with that is under the Ashcroft amendment the Medicare trust fund could be raided, could be depleted for any purpose as long as the overall budget remained in balance.

I thank the Chair.

The PRESIDING OFFICER. All time under the control of the Senator from North Dakota has expired. Who yields time? The Senator from Missouri.

Mr. ASHCROFT. Mr. President, how much time remains?

The PRESIDING OFFICER. There remain 17 minutes.

Mr. ASHCROFT. I yield to the Senator from Michigan as much time as he may consume up to 5 minutes.

Mr. ABRAHAM. Mr. President, I thank the Senator from Missouri. I cannot resist responding to the closing remarks by the Senator from North Dakota. I have to say, I interpret his comments as saying he and his colleagues, because they oppose or would vote against the lockbox proposal we have offered so many times, would not even let us have an up-or-down vote on it. I think that is unfortunate.

I think the way the Senate works, they certainly have an ability to prevent votes. But so do we. I hope we will not have to get to the point where we have to engage both sides in those kinds of tactics. We have certainly demonstrated today a willingness to have a vote on his Social Security lockbox proposal. The concerns he raised in the letter that was written by Secretary Rubin, the long-since departed Secretary of the Treasury, were in fact responded to by us in the modifications that we brought in the most recent version of this lockbox.

Certainly I am not going to get into the merits of that at this point, but the notion that because the Secretary of the Treasury argues that something could cause problems should prevent us from having a chance to vote on an issue—there are plenty of issues we vote here where Cabinet members have raised the specter of problems if such votes or legislation were passed.

It is pretty clear to me that notwithstanding the seemingly positive steps taken today to give the Senator from North Dakota an opportunity to have his Social Security lockbox voted on, we are still going to meet impediments in the effort to get ours voted on. I would put the Presiding Officer and the Senate on notice, we are going to keep trying. We, unfortunately, may have to go into the sorts of tactical approaches that cause a lot of time to be taken when it seems to me we could accommodate both sides on this fairly easily. In any event, we will keep pressing forward on it.

I close by complimenting the Senator from Missouri whose steadfast efforts on both the Social Security lockbox as well as the Medicare lockbox front predated the efforts of anyone else of whom I am aware, certainly on the Medicaid issue. He has certainly demonstrated his commitment to that. Certainly his efforts to bring these issues to the floor deserve all our praise and thanks.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator from Michigan for his kind remarks and for his commitment to maintaining the integrity of our Social Security and Medicare trust fund. Frankly, I thank the Senator from North Dakota for coming to the floor to engage in the debate about a very important issue, as well as the other Senators who have come forward to indicate their support for discontinuing—or stopping—what has become a rather traditional exercise of this Congress: spending money out of the Medicare trust fund for other purposes.

It is time for us to cease that kind of expenditure. It is time for us to say the trust fund, which is made up of taxes specifically paid by working people—you have to work to pay the Medicare tax; it is a specific tax paid by working people—should be off limits to other expenditures.

I thank the Senator from North Dakota. I thank the Senator from Michigan. I thank the Senator from New Mexico. I am grateful for the others—the Senator from New Jersey and others—who have talked about this issue. It is a major step forward.

There are a lot of folks who have come to the floor talking about how they wanted this for a long time. Frankly, we have not had this kind of debate on protecting the Medicare trust fund in my memory. When I filed this legislation last November, I was not aware of any, and I still do not know that there is, any other legislation similar to this that had been filed at that time. I am delighted we are making this progress. I commend people on both sides of the aisle for this progress.

My amendment protects the Social Security surplus as well. Social Security is off budget already. My amendment prohibits on-budget deficits.

The Senator from North Dakota is talking about how durably he protects the Medicare trust fund with a point of order that takes 60 votes in the Senate. I am pleased for him to embrace that and to talk about it and say how good it is, in part because that is the budget rule which I proposed.

Mr. DASCHLE. Will the Senator from Missouri yield for 30 seconds? If he will yield for a couple of seconds, I want to yield 5 minutes of my leader time to the senior Senator from North Dakota.

Mr. ASHCROFT. I yield the floor for 5 minutes of leader time for the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 5 minutes.

Mr. CONRAD. Mr. President, I will not take 5 minutes at this point. I want to make the point that I appreciate the Senator from Missouri. He is serious and sincere about an effort to provide a Social Security and Medicare lockbox, but when you look at the specifics of what he has proposed, it falls short. There is a fatal flaw.

Let's look at fiscal year 2000. There is projected a $150 billion Social Security surplus. That is protected. There is a $24 billion projected Medicare surplus. Under the proposal of the Senator from Missouri, every penny of the Medicare surplus could be taken for other purposes because the protection he provides is aimed at the overall budget being in surplus, not at the Medicare component being in surplus. So he has a lockbox that leaks. That is the problem.

The reason the amendment I have offered, along with Senator LAUTENBERG, the ranking member of the Budget Committee, is superior is that it solves that problem. We do not have a leak. We have a budget point of order that prevails.

In addition, the Senator from Missouri does not have Social Security protection. We do. We have additional points of order that apply to make sure nobody raids Social Security.

Our colleagues are going to have a defining vote in just a few minutes: Do you want to have the strongest protection for Social Security and Medicare, or do you want a weak tea version? That is going to be the choice, and all of us are going to be held accountable for our votes. That is the point.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that I be allowed to finish my remarks on this measure without further interruption.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I begin——

Mr. REID. I am sorry, I was talking with someone else. What was the request?

Mr. ASHCROFT. Mr. President, I believe I have the floor.

Mr. REID. I am sorry, I could not hear the Senator's request.

The PRESIDING OFFICER. The Senator from Missouri has the floor, but the Chair will repeat the unanimous-consent request, which was, he be allowed to finish the remainder of his time uninterrupted.

Mr. REID. I apologize.

Mr. ASHCROFT. Mr. President, I tried to accommodate the Senators on the other side. When the leader from the other side asked for 5 additional minutes, I interrupted my own remarks, and I thought it would be fair for me to have an opportunity to spend my time without being interrupted. I will start over.

I commend the Senator from North Dakota for his concern and for coming to the floor to debate this issue. I am delighted we have now come to a place where we are debating "hows" instead of if we are going to do it—how we are going to do it. Both of these measures provide a 60-vote point of order, which is a pretty high hurdle to climb over, as a way of protecting Medicare. As a matter of fact, that is the mechanism that is used in the protection for Social Security.

The Senator from North Dakota has commended that as durable, strong, vigorous, robust protection. It happens to be the protection which I placed in the law as a result of an amendment I offered in the budget process in previous budget years so that we would find ourselves incapable of infringing the Social Security surplus. When we adopted that amendment and embraced it, we had tremendously good results.

This year, it looks as if there may be as many as $175 billion we will save, not spend; that we will respect instead of invade in terms of the Social Security surplus. That is a big positive. Really, what both sides of the aisle are talking about is getting the kind of robust, strong protection for Medicare that we have for Social Security.

I have to say how much I appreciate the remarks of the Senator from New Mexico, the chairman of the Budget Committee, who talked about the fact we need protection in the statute, not just in the budget rules. It is lamentable that each time we have sought to upgrade that protection from the budget rules to a statute, there has been a filibuster on the other side.

They now say the reason they were filibustering—one time they said it is because of Medicare; another time they waved an opinion that came from the Secretary of the Treasury. One of the reasons the Secretary of the Treasury indicated he would not want to support what we were offering was they might need to do additional spending in certain times in our economy. I understand there are those who believe wanting to spend more is a reason not to do this, but the real reason for wanting to do this is to spend less, especially to spend less of the money that is in the lockbox.

The Senator from North Dakota has raised issues regarding the security of the lockbox which I have proposed. A good debate on these issues is important and appropriate. As a matter of fact, we want to have the strongest lockbox we can. I would not come to this Chamber and offer lockbox legislation that is not durable and not strong. I do not think the Senator from North Dakota would either. There are problems with the proposal of the Senator from North Dakota. This particular phrase on the fifth page of his amendment beginning with the words:

> This paragraph shall not apply to amounts to be expended from the hospital insurance trust fund—

That is, Medicare trust fund——

> for purposes relating to programs within part A of the Medicare as provided in law on date of enactment of this paragraph.

Frankly, they may have a durable lock on that box; they may have reinforced corners on the box; they may have a stout handle on the box; but if there is a hole in the side of the box, we have problems.

I appreciate the Senator from New Mexico raising this issue about potential leakage from the box. What we should be about, though, is not trying to find ways in which our proposals are inadequate or whether there is a hole in his box or whether my supermajority point of order is as durable as his supermajority point of order. We should be about the business of protecting the Social Security surplus and the Medicare surplus and doing it in a durable way and a way which means this Congress will not relapse into habits that Congress engaged in for decade after decade. It is time for us to respect the need for a lockbox.

I filed the measure last November. Last month, Vice President GORE endorsed the concept of a lockbox. This week, 2 days ago, the President of the United States said we ought to have a lockbox to secure the Medicare box so that it would not be available for spending. I do not know what the Treasury said last year, but I know what the President said last week. And I agree with that.

So it is possible to quibble here or there about one aspect of this or the other. It is instructive for me to know that these amendments were not proposed until I came to the floor to propose this.

I am delighted that for the first time in my memory we are debating a Medicare lockbox, in conjunction with a Social Security lockbox, that is durable.

May I inquire as to the time remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 15 seconds remaining.

Mr. ASHCROFT. So with that in mind, I commend to the Members of the Senate, generally, the concept of a lockbox: a durable, secure, mechanism that keeps this Congress from reengaging in activities it has engaged in over time.

As this measure moves forward, let's do what we can to improve it in every way possible. Let's talk about a lockbox for Social Security that is statutory.

I was delighted to be able to put it in the budget rules of the Senate so that it is out of order for someone to propose spending Social Security income trust funds for non-Social Security purposes. But I would like to see it enshrined into law.

We have talked about waiving budget points of order. Obviously, I would like to have this be beyond a point of order. I would be very pleased to have a law enshrined for the way in which we would enforce these rules.

It is with that in mind that I express my appreciation to the Members of the Senate and say that our objective here is relatively uniform. From what I can tell from arguments made on the other side, to arguments made on this side, we both want a lockbox. We both want a lockbox that is durable. We want one that does not leak. We want one that is enforceable.

The lockbox—I think we are agreeing today—should be one that protects not only Social Security but Medicare. When we get this close to this kind of agreement on an issue that is this important, I think it is time for us to work together.

I do not want to fight with my colleagues on the other side of the aisle. I want to work with them. If we are close to having a durable Social Security lockbox and if we are close to having one that protects Medicare, I want to do it.

I have been working on this for over 2 years. Early in 1999, S. 502, the Social

Security Safe Deposit Act, was incorporated in the fiscal year 2000 budget resolution, and again in the fiscal year 2001 budget resolution, with those kinds of rules. That is why we have the durability of at least the rules.

Finally, the Conrad amendment does not offer stronger protection for Social Security than the Ashcroft budget rule. It is the same thing. It is codified. I think we can even do better than that. I would like to do better than that with a statute.

While both offer the same point of order protection for Medicare, my amendment does not have the hole in the side of the box and, as a result, I think it is stronger. But, very frankly, I want to work with folks on the other side of the aisle who agree with me on this issue. I am not opposed to the idea of our working together to get it done.

So I announce to my colleagues in the Senate, I do not think it is a difficult thing to vote for my amendment. I think it is a very good amendment. I do not think it is a difficult thing to vote for the amendment on the other side of the aisle.

I hope if we vote for these amendments, and they are enacted, that we will be able to work together toward a solution that really helps the American people, that protects senior citizens from having the Medicare trust fund violated, and from having the trust fund for Social Security violated as well.

I would like to see that done in statute as well as in the rules of the Senate. It is with that in mind that I thank the Members of the opposition and those who have spoken on behalf of this amendment. I think we can work together for a really important purpose.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

All time on the Conrad amendment and the Ashcroft amendment has expired.

Mr. CONRAD. Mr. President, I had 3 minutes of leader time remaining.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. CONRAD. Mr. President, first, I assure my colleague that my amendment was not in response to his. I had filed for an amendment yesterday. I offered this amendment in the Finance Committee yesterday. I have offered a lockbox for Social Security and Medicare for 2½ years—a different Medicare-Social Security lockbox than is advocated here today by the Senator from Missouri because I believe there is a fatal flaw in the amendment of the Senator from Missouri.

That fatal flaw is that his protection does not work. It does not work because, under the Ashcroft amendment, no point of order would apply against legislation that would use Medicare surpluses for other purposes. The result of that is, under the Ashcroft amendment, the Medicare trust fund could be depleted for any purpose as long as the overall budget remained in balance. That is the problem with the amendment of the Senator from Missouri.

That is the reason the amendment that I have offered is superior. It is stronger. It provides real protection for Medicare, by way of special points of order against a budget resolution that would violate the off-budget status of Medicare Part A.

The fact is, the amendment of the Senator from Missouri does not provide the same protection to Medicare that we provide to Social Security.

Now, why would we do that? If we are serious about protecting Medicare, wouldn't we have the same points of order apply to protect Medicare in the same way that we protect Social Security? I would hope so. Because if we do not, the hard reality is the amendment of the Senator from Missouri would permit us to go and raid every penny of the Social Security surplus or every penny of the Medicare surplus this year and use it for another purpose. That is a mistake.

In addition, the Ashcroft amendment is silent on Social Security, while the amendment that I have offered adds a point of order against violating the off-budget status of Social Security.

I hope my colleagues will vote for the Conrad-Lautenberg-Reid amendment so we really protect Medicare in the same way we protect Social Security. That is what we ought to do here today. That is the opportunity we have here today. We ought to take it. We ought to protect Medicare and Social Security. We ought to adopt this lockbox proposal.

Mr. President, I ask unanimous consent that Senator FEINGOLD be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

All time on the Conrad amendment and the Ashcroft amendment has expired.

Mr. REID. Mr. President, I ask unanimous consent that the yeas and nays be ordered on both amendments.

The PRESIDING OFFICER. Without objection, it will be in order to order the yeas and nays on both amendments.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the second vote be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. SPECTER. On the time of the votes that are about to occur, I remind my colleagues of what Senator LOTT said earlier today in response to what the Senator from Nevada said, that Senators need to be prepared to have the time limits enforced.

VOTE ON AMENDMENT NO. 3690

The PRESIDING OFFICER. The question is on agreeing to Conrad amendment No. 3690. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG and the Senator from Kentucky Mr. MCCONNELL) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?—

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—60

Abraham
Akaka
Ashcroft
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Burns
Byrd
Campbell
Chafee, L.
Cleland
Collins
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Gorton
Graham
Harkin
Hollings
Hutchison
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Torricelli
Voinovich
Wellstone
Wyden

NAYS—37

Allard
Bennett
Bond
Brownback
Bunning
Cochran
Coverdell
Craig
Crapo
Domenici
Enzi
Frist
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Inhofe
Kyl
Lott
Lugar
Mack
McCain
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—3

Gregg
Inouye
McConnell

The amendment (No. 3690) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will now proceed to vote on the Ashcroft amendment No. 3689. The yeas and nays have been ordered.

The Chair reminds the Senate that this is a 10-minute vote by previous order. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Stevens
Torricelli
Wellstone
Wyden

NOT VOTING—3

Gregg
Inouye
Leahy

The amendment (No. 3689) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that a Jeffords amendment be modified to be formatted as a first-degree amendment. I further ask unanimous consent that at a time determined by the majority leader, after consultation with the minority leader, a vote occur in relation to the Daschle amendment No. 3688, to be followed by a vote in relation to the Jeffords amendment, with no other amendments in order to either amendment prior to the votes.

I further ask consent that the time for debate prior to votes in relation to the amendments be the following: Senator JEFFORDS, 25 minutes; Senator DASCHLE, 25 minutes.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I ask if the distinguished manager of the bill would modify the request to allow for votes to take place immediately following the disposition of the debate on the two amendments. The unanimous consent did call for that. I assume that is the understanding of the proponent of the unanimous consent request.

Mr. SPECTER. Mr. President, it would be my preference to stack these votes at the end. We always run into delays. We have a number of amendments. If we vote in between, it is going to add considerable time to the bill. We will have three or four votes. It will be my hope—it requires the Senator's consent, of course—that we stack the votes.

Mr. DASCHLE. Mr. President, I was asked to delay the consideration of this amendment this morning. I said I would. I have been attempting to accommodate Senators all the way through. We have lost a couple of Senators already. I would be compelled to object to this unless we were able to get the two votes immediately following the debate on the two amendments.

Mr. SPECTER. Mr. President, it appears it will be faster to accept Senator DASCHLE's recommendation, so I do so.

Mr. DOMENICI. Reserving the right to object—I will not object—I ask if you could add 5 minutes for the Senator from New Mexico on this general subject, your amendment. I ask 5 minutes be set aside for me.

Mr. DASCHLE. Mr. President, I ask that Senator JEFFORDS and I be given 30 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

AMENDMENT NO. 3691

(Purpose: To prohibit health discrimination on the basis of genetic information or genetic services)

Mr. JEFFORDS. Mr. President, I call up my amendment, amendment No. 3691, and ask unanimous consent Senators FRIST and SNOWE be added as cosponsors. I ask unanimous consent also Senator ASHCROFT be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

> The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. FRIST, Ms. SNOWE, and Mr. ASHCROFT, proposes an amendment numbered 3691.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. JEFFORDS. Mr. President, may I inquire of the Chair as to the amount of time I have?

The PRESIDING OFFICER. The Senator from Vermont has 30 minutes.

The Senator from South Dakota has 30 minutes.

Mr. JEFFORDS. Mr. President, this week's announcement of the completion of the rough draft of the human genetic map is cause for both celebration and concern.

One of the challenges that comes to mind immediately is that we must protect Americans against genetic self-incrimination. What we are, should not be used against us.

This vast new storehouse of knowledge must be used to advance, not retard, individuals' health and welfare.

In 1998, the Senate Labor and Human Resources Committee held a hearing on genetic information and health care which proved to be one of the most important of the 105th Congress.

Following the hearing, I and Senator FRIST, with the other members of the HELP Committee, together with Senator MACK and Senator SNOWE, began drafting legislation that builds on Senator SNOWE's bill, S. 89, to ensure that individuals would be able to control the use of their predictive genetic information.

After a lot of hard work, we agreed to a set of strong protections against the use of genetic information to discriminate in health care. The results of these efforts are reflected in the genetic information provisions of The Patients' Bill of Rights Plus.

As Dr. Francis Collins, director of the public genomic effort, pointed out this week:

> Most of the sequencing of the human genome by this international consortium has been done in just the last fifteen months.

The pace of change is rapid, and this issue has increased in importance since our hearing two years ago.

Everyone in this Chamber and outside of it agrees we need to guard genetic privacy and guard against genetic discrimination.

Citing a study that found that 46 percent of Americans thought that the consequences of the Human Genome Project would be negative, Dr. Craig Venter said:

> New laws to protect us from genetic discrimination are critical in order to maximize the medical benefits from genome discoveries.

That's why it's included in the Bill of Patients' Rights passed by the Senate as our body of scientific knowledge about genetics increases, so, too, do the concerns about how this information may be used.

There is no question that our understanding of genetics has brought us to a new future. Our challenge as a Congress is to enact legislation to help ensure that our society reaps the full health benefits of genetic testing, and also to put to rest any concerns that the information will be used as a new tool to discriminate against specific ethnic groups or individual Americans.

Our amendment which is already in the Patients' Bill of Rights, addresses the concerns that were raised at our hearing two years ago:

First, it prohibits group health plans and health insurance companies in all markets from adjusting premiums on the basis of predictive genetic information;

Second, it prohibits group health plans and health insurance companies from requesting predictive genetic information as a condition of enrollment.

Finally, it bars health plans from requiring that an individual disclose or authorize the collection of predictive genetic information for diagnosis, treatment, or payment purposes. A plan or insurer may request such information, but if it does, it must provide individuals with a description of the procedures in place to safeguard the confidentiality of the information.

Our amendment is identical to the provision adopted by the Senate last July. We should adopt it again today.

Technology and scientific developments, stimulated by the Human Genome Project, have led to remarkable progress in genetics and better understanding of alterations in genes that are associated with diseases in humans. We should witness extraordinary opportunities to diagnose, treat, and prevent disease.

With the enactment of this amendment, we will be able to ensure that these breakthroughs will be used to provide better health for all members of our society.

A second challenge that we face is the possibility that employers might use genetic information to screen employees for various purposes, discriminating against one group or another based on genetic information. This, too, I think we should prevent.

I am not sure, and I do not think anyone in this Chamber can be sure, that we do not already do so. It was my understanding that the Americans With Disabilities Act already outlawed genetic discrimination in employment.

That was certainly Congress' intent when we enacted the ADA.

I am not alone in my belief. The Equal Employment Opportunity Commission has interpreted the ADA as including genetic information relating to illness, disease or other disorders and the Supreme Court issued a decision that provided further support for this position.

As recently as March of this year, EEOC Commissioner Paul Miller stated that the ADA does indeed cover genetic discrimination. However, if I am mistaken, then this just highlights the need for further examination of the issue.

I am also concerned that Senator DASCHLE's amendment contains new statutory language that is different from the ADA, which would result in treating genetics differently than other health care information.

More and more, I think this will be an increasingly difficult line to draw.

If that is not confusing enough, there is yet another definition of genetic information that is part of the rule being promulgated by the Department of Health and Human Services to protect individually identifiable health information.

I want to guard against employment discrimination, but I want to do it right.

The Health, Education, Labor, and Pensions Committee will hold a hearing in the next month or two on genetic discrimination in the workplace.

In the hearing, the committee will explore whether the ADA adequately covers genetic discrimination in the workplace. If we find that the ADA does not provide adequate coverage for genetic discrimination in the workplace then we will work to enact legislation that will provide adequate protection.

However, I think it is important that any law we enact is in parity with the ADA and our other employment discrimination laws.

Senator DASCHLE's amendment has good intentions, but putting provisions regarding genetic discrimination in employment into an appropriations bill, without studying the issue further, is inappropriate. This issue deserves and requires a thorough discussion in its own forum.

Again, I urge adoption of my amendment. It has already been agreed to by the Senate, and it is the product of two years of thought and hard work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, we now know what this is all about. Some of our Republican colleagues are going to try to convince a majority in this body that employment ought not be included when we consider discrimination based upon genetic character. I do not think employment discrimination should be treated differently from insurance discrimination. I do not think people who have experienced discrimination, as we have already seen in so many illustrations, ought to be told they have to be concerned about their job simply because of some genetic defect.

That has already happened. We have already seen that happen in case after case. I described a case this morning where Terri Seargent, who had moved up the corporate ladder and was given promotion after promotion, was asked to resign when it was learned that she had the genetic marker for "Alpha 1". No woman, no man, no person, no employee, should be subjected to discrimination based upon genetic characteristics, and that is happening today.

ADA passed a long time ago. That law did not envision the challenges science presents us today. We are simply proposing that we clarify that it should be unlawful to discriminate on the basis of genetic information.

The bottom line question is, when it comes down to these two proposals, whether we should prohibit both health insurers and employers from using predictive genetic information in a discriminatory fashion? There is agreement, at least with regard to one issue: we should prohibit health insurers from doing it, but our Republican colleagues—at least the senior Senator from Vermont—are saying we just should not cover employers. We should not do it because he would like to have us believe it is already being done. Tell that to Terri Seargent. Tell that to myriad other people who already have had difficulty explaining their situation, in large measure because they have found some genetic defect.

We agree that insurance companies should not discriminate. We agree there should not be any tests for conditions of coverage. We simply disagree at this moment about whether or not we ought to take what we have already done for virtually every other form of discrimination in this country and extend it to genetic information.

The senior Senator from Vermont says no, he does not want to do that. But I cannot imagine that in this day, in this age, given what we are doing with the genome project and our recognition of what it will mean, both good and bad, for this country and for our people that now is not the time to ensure that, regardless of circumstance, we will not allow this to be used as a means of discrimination in the workplace.

Listen to what Francis Collins, one of the key people who headed the international research team that makes up the human genome project, said about this very issue:

> Genetic discrimination in insurance and the workplace is wrong and it ought to be prevented by effective Federal legislation.

This is from the head of the research unit. He does not have any question about whether or not ADA covers genetic discrimination. He has already decided. He is the head of the research team. He said this ought to be a wake-up call; let's ban it today. He did not say let's wait for more hearings. He did not say let's get out there and try to figure out a way to do it through regulation. He said this ought to be a wake-up call. That is not TOM DASCHLE; that is not Terri Seargent who has been discriminated against; that is Francis Collins, the head of the international research project calling upon the Senate today to ban discrimination based upon employment. It cannot be any clearer than that, Mr. President.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. JEFFORDS. I yield the Senator from Tennessee 7 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 7 minutes.

Mr. FRIST. Mr. President, earlier this week we received tremendously exciting news in that we essentially had completion of the mapping of the human genome. It is tremendously exciting to me, both as a policymaker but also as a physician, as someone who has spent his life taking care of thousands of patients because it introduces a whole new way of thinking that in the history of mankind we just simply have not had. Now there will be whole new ways of thinking.

I think we should salute both Craig Venter from Celera and Francis Collins for pioneering, for leading this great effort, which will totally change the way we do such things as engineer drugs, the so-called gene drugs. Now and into the future, we can begin to think how we use our own genes, our own proteins, our own metabolites in such a way that they become the pharmaceutical agent instead of a manufactured drug.

It changes the way we will think about organ replacement. Before I came to the Senate, I would make an incision, remove a diseased heart, and have to put in a new heart. Hopefully, 10 years from now, or 15 years from now, when we transplant kidneys or a pancreas, or other organs, we will be able to engineer them based on what we have uncovered.

A third area which this human genome project opens up, as we look to the future, is that of genetic testing. We have been talking about and debating the issue of genetic testing over the last couple hours. That is where you can take a swab, and by rubbing that swap over an array, a pattern of DNA that is lined up, you will be able to predict that a person has a 75-percent chance of getting prostate cancer 10 years from now or a 90-percent chance a person will have breast cancer.

The potential good is the change in behavior, the change in lifestyle, the change in the intervention that can come about to preempt, preclude, stop the progress of cancer.

Unfortunately, as has been laid out and debated today, there are potential dangers, potential harm, if that information is misused. Should policymakers address this potential abuse of genetic information in the workplace? There is no question; yes, we have a responsibility.

Technology has given us new tools which give us new ways to think about gene therapy, organ replacement, genetic testing, and the treatment of cancers and heart disease. We are obligated to make sure the barriers are lowered to take the good in the development of science but also minimize whatever harm there might potentially be.

But to do that, what is our responsibility? Not to have a knee-jerk reaction and accept a proposal which very few people in this body have even read, much less studied, discussed, and debated. But first, we should focus on the issues that we have studied, that we have addressed in committee, that we have debated, including the input we have solicited from doctors, physicians, scientists, and consumer groups, with both sides of the aisle coming to certain agreements.

Let us start there and systematically address these ethical-type issues which have been introduced by this new science just 3 days ago. Let's not have a knee-jerk reaction until every Senator can ask the important questions.

I agree 100 percent that we should not discriminate in any way using predictive genetic information in the workplace. That needs to be put first. I think it is unfair for the other side to say we are for discrimination in the workplace by genetic testing. It is just unfair. It is just unfair because we are against that.

But to address the policies, in looking at this amendment that has been offered today by Senator DASCHLE and his colleagues, there is a health insurance section. I have read most of that because I have had several hours to do that. I read a little of the employment section. The genetic privacy is very complicated. I can tell you, we need to discuss that a lot more.

As to the various definitions of what a predictive genetic test is, I would have to say, the genetic tests they are talking about, where they are actually talking about metabolites, I don't know, I will have to go out and talk to the real experts, but they may go too far.

So I do not want to pass a major reform bill that will potentially totally underwrite or change the way we treat people in the workplace based on definitions that I do not fully agree with now. But I do not know enough about it until we can talk to people broadly.

This whole expansion of penalties in the fourth section of the bill, I do not know exactly what we are penalizing, if it is just that one statement of penalizing people who use genetic information. First of all, it depends on what that definition is—which I do not agree with—but if it goes beyond that—and I don't know whether it does—I need to know that.

I say all that because this amendment Senator DASCHLE has offered simply has not been vetted. It has not been discussed. I have been involved in the genetic debates with my colleagues on both sides of the aisle—some initial discussions—but I can tell you, we have not gone into any sort of detail on this whole issue of expanding penalties in this expanded, complicated field of genetic privacy and employment.

The one area that has been mentioned is that of health care quality and the use of genetic information in health care, in the health insurance arena.

It is very clear that patients need to be free to undergo genetic testing because that can influence, in a positive way, the outcome of their health care. If they receive information that there is an 80-percent chance they will develop breast cancer, that is likely to change how many times they do self-exams a week, how often they go to the doctor, how often they get a mammogram. That information should be used. There should be no chance that information will be used by an insurance company to discriminate against them in denying them insurance.

It can change lifestyle. If there is a test with an 80-percent chance that you will develop lung cancer, you will want to know that. Why? Because it can change lifestyle.

We have a bill we have debated extensively since 1996 which does just that. Our bill, the Jeffords-Frist bill, prohibits health insurers from requiring patients to undergo genetic testing and prohibits health insurers from using genetic information to deny coverage or set rates for currently healthy individuals who may be at risk for a future disease.

Again, this issue has been vetted through the process, has been vetted through Chairman JEFFORDS' committee. Discussion has gone on. In 1995, the debate in the markup of the Kassebaum-Kennedy bill was extensive in numerous areas.

Mr. President, I urge our colleagues to adopt the amendment Chairman JEFFORDS has offered.

The PRESIDING OFFICER. The time has expired.

The Democratic leader.

Mr. DASCHLE. Mr. President, let me just respond to a few of the arguments posed by the Senator from Tennessee.

First of all, with regard to the technicalities to which he made reference, I do not know what technicalities and what information could be murky about what it is we are trying to do.

We simply say there should not be any employment discrimination based on genetic information. That is it. He talked about these discrimination actions being subjected to a mysterious penalty. All we have said in section 4 of the bill is that if you think you were discriminated against, you can go to court and have a court make some decision with regard to whether there is discrimination or not. That is the penalty. We do not prescribe any penalties. We prescribe some degree of accountability. We simply say, if you think you were discriminated against, you get to sue, period. That is all.

On another point, let me say that the legislation proposed by our Republican colleagues has already been analyzed in some detail as part of their Patients' Bill of Rights, as the Senator from Vermont has said.

On April 12, Senator HARKIN received a letter from 59 health organizations that wrote with concern about the language propounded in this amendment by the Senator from Vermont. Fifty-nine health organizations have already said: This is not the way we ought to do it.

They don't need more hearings. They don't need more information. They have looked at the bill. They have come to the conclusion that if we are going to write public policy regarding genetic discrimination, this isn't it.

I ask unanimous consent that the letter and names of all 59 organizations be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 12, 2000.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: In the very near future, scientists will have deciphered the entire human genetic code, providing human beings with more information about our health than ever before. Tests are already available that can detect genetic traits associated with particular diseases, and the use of such tests is expected to increase dramatically in coming years.

Genetic testing will improve our lives by providing information on how we can prevent future health problems, and cope more effectively with unavoidable conditions. But the ability to predict diseases through genetic testing and family history opens troubling questions about discrimination, particularly in employment and health care.

As you begin to consider the House and Senate versions of managed care reform, we write to draw your attention to Title III of S. 1344, the Senate bill. We commend the Senate for including provisions intended to protect individuals from discrimination in health insurance based on genetic information. However, we believe that the provisions in the Senate bill as currently crafted are inadequate to meet the challenges raised by the extraordinary scientific advances of our time.

Without comprehensive protections covering both employment and health care, patients have reason to fear that their genetic information could be used as a basis for discrimination. Many health care professionals report that because of these fears many patients are reluctant to participate in important clinical studies that require genetic testing, slowing medical and scientific progress.

The undersigned organizations, representing patients, people with disabilities, consumers, women's and civil rights organizations and many others, urge the conferees to retain and improve Title III of the Senate Bill in the final conference bill, by incorporating the following changes.

1. Add meaningful penalties and sanctions. As currently drafted, the provision for punishing violators is tremendously weak. Without meaningful mechanisms for holding violators accountable, even the strongest genetic discrimination protections become meaningless. Victims of discrimination must have the ability to enforce their rights in state or federal court and to receive appropriate legal and equitable relief.

2. Add protections from discrimination in employment. As currently drafted, the Senate bill bans discrimination by group health plans and issuers, but provides no protection against job-based discrimination. Thus, even if group health plans and issuers are prevented from misusing genetic information, the very same information could be used against individuals in employment. Genetic information must not be misused to deny people employment opportunities.

3. Prevent unauthorized disclosure of genetic information. One of the best ways to protect people against discrimination is to prevent the disclosure of information to those in a position to misuse it. There is no federal law that prohibits group health plans or issuers from disclosing people's genetic information. We urge the committee to add strong protections against disclosure of genetic information.

4. Clarify plans' limited ability to request predictive genetic information. S. 1344 provides that a plan can request (but not require) that an individual disclose predictive genetic information for purposes of "diagnosis, treatment, or payment." We are concerned that this formulation makes it possible for plans to obtain an individual's genetic information in an overly broad set of circumstances. This language should be rewritten to clarify that when plans are seeking information related to payment for genetic services received, they may only request such evidence as is minimally necessary to verify that an individual received the services. In such circumstances, only individuals within the plan or insurance company who need access to the information for purposes of that claim should have access to it.

5. Clarify definition of "Predictive Genetic Information." As currently drafted, S. 1344's definition of predictive genetic information is potentially confusing. The legislation states that "predictive genetic information" means information "in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information." This phrasing is potentially troubling, because "diagnosis" is a fairly broad and imprecise term. In fact, as doctors and scientists learn more about genetics, it is possible that someday they will consider the presence or absence of a particular genetic trait a "diagnosis." Thus, we suggest that this phrase be rewritten to read "in the absence of symptoms or clinical signs, and a diagnosis", in order to clarify that the presence or absence of a genetic trait should not be considered a "diagnosis" if the individual has no symptoms or clinical signs, and genetic information would not be excluded from protection under those circumstances.

The definition of predictive genetic information in S. 1344 also specifically excludes information derived from "physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and information about physical exams of the individual." This language should be clarified so that it is clear that genetic information derived from either physical tests or physical exams is considered protected information. This can be accomplished by adding language such as "unless the physical test [or physical exam] reveals genetic information."

We would like to discuss these issues with you further at your convenience. Please feel free to contact Susannah Baruch at the National Partnership for Women & Families (202) 986-2600 if you have any questions about this letter. We commend you on your willingness to take on these critical and complex issues, and we wish you well as the conference continues its work.

American Association of Occupational Health Nurses, Inc.
American Association of People with Disabilities
American Association on Mental Retardation
American Cancer Society
American College of Nurse-Midwives
American Civil Liberties Union
American Health Information Management Association
American Heart Association
American Hemochromatosis Society
American Jewish Congress
American Nurses Association
Association of Women's Health, Obstetric and Neonatal Nurses
Beckwith-Wiedemann Support Network
Canavan Foundation
CARE Foundation (Cardiac Arythmia Research and Education Foundation)
Center for Patient Advocacy
Coalition for Heritable Disorders of Connective Tissue
Crohn's and Colitis Foundation of America
Digestive Disease National Coalition
DNA Dynamics
Dystonia Medical Foundation
The Ehlers-Danlos National Foundation
Genetic Alliance
Great Lakes Regional Genetics Group
Hadassah
Hemochromatosis Foundation
Intestinal Multiple Polyposis and Colorectal Cancer (IMPACC)
Little People of America, Inc.
National Medical Journeys Network
National Association for Pseudoxanthoma Elasticum (NAPE, Inc.)
National Association of People with AIDS
National Coalition for Cancer Survivorship
National Hemophilia Foundation
National Incontinential Pigmenti Foundation
National Marfan Foundation
National Multiple Sclerosis Society
National Organization for Rare Disorders (NORD)
National Osteoporosis Foundation
National Ovarian Cancer Alliance
National Partnership for Women & Families
National Pemphigus Foundation
National Society of Genetic Counselors
National Tay-Sachs & Allied Diseases Association
National Tuberous Sclerosis Association
National Women's Health Network
National Workrights Institute
Nationl Women's Law Center
Oncology Nursing Society
Polycystic Kidney Foundation
Religious Action Center of Reform Judaism
Ruth G. Gold
Spondylitis Association of America
Susan G. Komen Breast Cancer Foundation
The Sturge-Weber Foundation
The Title II Community AIDS National Network
Tourette Syndrome Association
Union of American Hebrew Congregations
University of North Dakota School of Medicine and Health Science, Division of Med. Genetics, Dept. of Pediatrics
Xavier University Health Education Program

Mr. DASCHLE. We have the director of the National Human Genome Research Institute who has said we have to pass a bill immediately to bar discrimination in the workplace. We have a bill pending that will allow us to do just that. We have another bill pending that does not provide that protection in terms of discrimination. Fifty-nine health organizations, including the

American Association of Occupational Health Nurses, the Genetic Alliance, the CARE Foundation, the Oncology Nursing Society have said: Please, do more than the legislation offered by the Senator from Vermont.

So it isn't just Dr. Collins, it isn't just Terri Seargent, it is a list of health organizations, the likes of which you rarely see, who have come together to say: We ought to do better than this.

I yield 5 minutes to the distinguished senior Senator from the State of Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. SPECTER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Massachusetts will withhold.

Mr. SPECTER. Isn't it the rule of the Senate that the first person seeking recognition gets recognition and the Senator does not have the authority to yield to another Senator without unanimous consent?

The PRESIDING OFFICER. The time is under the control of the Senator from South Dakota. He had the floor and is in control of the time, and he may yield time since he is on the floor and has recognition.

Mr. SPECTER. Mr. President, does that ruling supersede the rule that the first Senator seeking recognition gets it?

The PRESIDING OFFICER. The Senator was recognized and had the floor at the time that he yielded.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I want the record to show that I was on my feet seeking recognition at the time the Senator from South Dakota yielded the time.

I want to take a moment of the Senate's time to review what has happened in terms of this policy issue in the Human Resource Committee so there is no confusion about it. We had a hearing on genetic discrimination in health insurance on 21 May 1998. That was a good hearing. That was in 1998.

Then, in May of 1998, a number of us asked the chairman of the committee to have a further hearing about discrimination in the workplace. We have not received it. So I don't take kindly to those who suggest that when we raise this issue on the Senate floor, we are somehow acting out of order. Our committee, the committee of jurisdiction, has tried to focus attention on the dangers of the utilization of genetic information toward possible discrimination for health insurance and employment, and we have been unable to do so. Thankfully, with the Daschle amendment, we will have the opportunity to do so this afternoon.

The Jeffords amendment pretends to be a half a loaf because it addresses insurance, but does not address employment. But it is not a half a loaf. It is no more than a thin crust or a thin slice. It will not deal with the central problem of people failing to get needed genetic tests because of unfair discrimination. That is the issue. As long as they can lose their job and as long as their children can be denied jobs, this protection is no protection at all. This program is as full of holes as Swiss cheese. They can still require genetic information. They can still disclose it, and there is still no meaningful enforcement. An insurance company can still get the information to the employer. There is no prohibition on that in the amendment of the Senator from Vermont. They can still do that.

The fact is, they are doing that. In a 1990 survey by the American Management Association, 20 percent of employers collected family medical history information on applicants, including genetic information. Five percent of the employers acknowledged using that information in hiring decisions. We already know that employers are using genetic information to make employment decisions. We must ensure that employees and applicants are not discouraged against getting those kinds of tests. That is what this is all about.

I ask for 1 more minute.

Mr. DASCHLE. I yield the Senator 1 more minute.

Mr. KENNEDY. As Senator DASCHLE pointed out, there is a group of more than 60 organizations that support the Daschle amendment. The National Breast Cancer Coalition is, once again, supporting the Daschle amendment:

> Passage of this amendment, and the protections it offers, are essential not only for women with a genetic predisposition to breast cancer, but also for women living with breast cancer, their families, and the millions of women who will be diagnosed with breast cancer. We strongly urge you to support this legislation.

Let us stand with the patients. Let us stand with the victims. Let us not stand only with the insurance companies.

That is what this issue is about. I hope the Jeffords amendment will be defeated.

Mr. President, I ask unanimous consent to print in the RECORD a letter from the National Breast Cancer Coalition.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL BREAST CANCER COALITION,
Washington, DC, June 29, 2000.
Senator EDWARD KENNEDY,
Senate Committee on Health, Education, Labor and Pensions (Minority), Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the National Breast Cancer Coalition (NBCC), I am writing to urge you to support Senators Daschle, Kennedy, Dodd and Harkin's Genetic Nondiscrimination in Health Insurance and Employment Act, S. 1322, being offered today as an amendment to the Fiscal Year 2001 Labor, Health and Human Services, and Education Departments appropriations bill.

NBCC is a grassroots advocacy organization made up of over 500 organizations and tens of thousands of individuals, their families and friends. We are dedicated to the eradication of the breast cancer epidemic through action and advocacy. Addressing the complex privacy, insurance and employment discrimination questions raised by evolving genetic discoveries is one of our top priorities.

In light of the recent announcement by the White House about the completion of initial sequencing of the human genome, the National Breast Cancer Coalition is cautiously optimistic about this important step in learning more about disease, prevention, treatment and cure. However, while the mapping of the "genetic blueprint" has potential for great advancements in healthcare, there is also the potential for great harm. NBCC is committed to working to ensure that employers and health insurers do not use genetic information to discriminate. Information learned from one's genetic blueprint should only be used to cure and prevent various genetic diseases and cancer.

Discrimination in health insurance and employment is a serious problem. In addition to the risks of losing one's insurance or job, the fear of potential discrimination threatens both a woman's decision to use new genetic technologies and seek the best medical care from her physician. It also limits the ability to conduct the research necessary to understand the cause and find a cure for breast cancer.

The Kassebaum-Kennedy Health Insurance Reform Act (1996) took some significant steps toward extending protection in the area of genetic discrimination in health insurance. But it did not go far enough. Moreover, since the enactment of Kassebaum-Kennedy, there have been incredible discoveries at a very rapid rate that offer fascinating insights in the biology of breast cancer, but that may also expose individuals to an increased risk of discrimination based on their genetic information. For instance, because of the discovery of BRCA1 and BRCA2, breast cancer susceptibility genes, we now face the reality of a test that can detect the risk of breast cancer. Genetic testing may well lead to the promise of improved health as we better learn how genes work. But if women are too fearful to get tested, they won't be able to benefit from the knowledge genetic testing might offer.

We commend the efforts of Senators Daschle, Kennedy, Dodd and Harkin to go beyond Kassebaum-Kennedy toward ensuring that all individuals—not just those in group health plans—are guaranteed protection against discrimination in the health insurance and employment arenas based on their genetic information. S. 1322 would also guarantee individuals important protections against rate hikes based on genetic information, would prohibit insurers from demanding access to genetic information contained in medical records or family histories, and would restrict insurers' release of genetic information.

Passage of this amendment, and the protections it offers, are essential not only for women with a genetic predisposition to breast cancer, but also for women living with breast cancer, their families, and the millions of women who will be diagnosed with breast cancer. We strongly urge you to support this legislation.

Thank your for your support. Please do not hesitate to call me or NBCC's Government Relations Manager, Jennifer Katz at (202) 973-0595 if you have any questions.

Sincerely,

FRAN VISCO,
President.

Mr. JEFFORDS. I yield 5 minutes to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had sought a parliamentary inquiry a few minutes ago. I am glad to wait 5 minutes until Senator KENNEDY has finished his comments. I have asked the Parliamentarian to review his rules.

There was a very heated exchange for more than an hour back in 1987, shortly after Senator BYRD had Senator Packwood arrested, as to the practice of having one Senator, the leader, yield time to other Senators. I believe the correct application of the rule is that the first Senator who seeks recognition is recognized and then the question arises as to whether time will be yielded to him when there is a time agreement. That is the point I was making. I have no concern about waiting 5 minutes or longer for another Senator. I do have a concern about the propriety of a Senator being recognized who first seeks recognition.

I have sought recognition to comment briefly about this legislation. I believe the Jeffords amendment is a solid amendment. His committee has looked into this issue very extensively with respect to eliminating discrimination based upon genes and medical information and research with respect to health care.

I do think the objectives of the Daschle amendment are sound, in seeking to avoid discrimination in employment as well as in health care. I have had an opportunity to review the Daschle amendment very briefly. From the review which I have made and which staff has made, I have some grave concerns about some of the provisions which are very complicated and which have not been subjected to hearings.

Again, I think its objectives are laudable. I think the American people do expect protection and confidentiality on these issues on employment as well as on health care.

I express my concern about our ability to handle this matter in conference on this state of the record. I think it is more than a matter of people's rights and obligations and objectives and what we ought to have. We need to have a bill which sticks together, which makes sense, and which will stand the kind of scrutiny and examination and analysis to which it will be subjected.

One of the grave problems our legislation has, when subjected to judicial review, is that it is hard to figure out sometimes, especially when there are no hearings, no markups, and no analysis. I have discussed with the Senator from Vermont the possibility of his committee having hearings in July. He may have a problem with that. My subcommittee will have hearings on this subject so that if the Daschle amendment passes and we have in conference its consideration, we will try to work through the complexities of this legislation.

Again, I think the objectives of what Senator DASCHLE looks to are exactly right. I do think those people who vote against the Daschle amendment are going to be questioned for not having concerns about privacy on a very important matter.

Last week we had a motion to recommit this bill for prescription drugs. If that motion had passed, I, frankly, don't know what my subcommittee would have done on prescription drugs. Our subcommittee is a very competent subcommittee, but I don't know that our competence extends to legislating on prescription drugs, taking that into account and working that through, which is really a matter for the Finance Committee. I have been questioned about why I was unwilling to have the recommitment. I have said, because I have the responsibility for dealing with it as the manager of the bill.

So there is a lot to recommend the Daschle amendment in terms of objectives and moving along, but I caution my colleagues about where we end up in terms of this bill without the hearings, without the refinement, without the analysis. I am not making any critique or criticism of the author of the bill. Any bill which is constructed without hearings and without markup and without that kind of rigorous analysis has natural problems. Even with hearings and with markup, there are still problems that have to be worked out.

I express my agreement with the Senator from Vermont on his legislation, express my agreement with the objectives of the legislation of the Senator from South Dakota, and say that if we have it in conference, we will do our best to try to work through the kinds of problems and deal with this very important issue.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. DASCHLE. Mr. President, I have immense respect for the Senator from Pennsylvania and consider him a very able legislator. I am disappointed that he will be opposing my amendment when we have our vote.

Mr. SPECTER. If the Senator will yield, I ask him what makes him think I am going to oppose his legislation?

Mr. DASCHLE. I thought he announced he intended to oppose it because we didn't have hearings. If there is still an opportunity to gain his support, I will give him all the time he needs to further discuss the issue.

Mr. SPECTER. Mr. President, I am very much inclined to support the Daschle legislation, but I recognize the job ahead of trying to work it through for the reasons I have said. I think the objectives are admirable. I am not committed yet. I want to hear the balance of his argument. I have not stated an intention to oppose it.

Mr. DASCHLE. Mr. President, I appreciate the clarification. I am delighted to hear that there is still some hope I can persuade him with the merits of our legislation.

To ensure that everybody understands—I think it is pretty basic—three-fourths of the people in this country obtain their health insurance through their employer. Whether or not employers may discriminate against employees and potential employees on the basis of genetic information, in large measure, will be determined by whether or not we write into law a pretty simple concept. It doesn't take any complex legalism to say, look, you should not discriminate based upon genetic information, period. If you think you are discriminated against, you ought to have recourse in a court of law. That is all we are saying.

Now, the Jeffords amendment provides no protection against employment discrimination. That is clear. It does not prohibit insurers from disclosing the results of genetic tests without consent. That is clear. It does not prohibit the use of predictive genetic information for hiring, advancement, salary, or other workplace rights and privileges. That is clear. It doesn't provide persons who have suffered genetic discrimination in either arena with the right to seek redress through a legal action. That is clear.

It is no wonder that 59 health organizations have said: We have looked at what Senator JEFFORDS is proposing and we think you can do better. That is no accident. They are asking us not to support this legislation because there is no meaningful protection in the Jeffords amendment.

I am all for more hearings, but it is ironic—how many times has the majority bypassed a committee to go straight to the floor without hearings on bills of great import? We are going to do that as soon as we come back from the Fourth of July recess. We are going to vote on an estate tax provision that will cost, in the full 10-year period, three quarters of $1 trillion; we are going to vote on it without one hearing, without one committee markup. I will bet you we are not going to hear the argument by the other side that we ought to have hearings on that. This is pretty simple. This is basic math. If you don't want discrimination in the workplace, vote for the Daschle amendment.

Mr. President, I yield 5 minutes to the distinguished Senator from Iowa, Mr. HARKIN.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I am supporting the amendment of the Senator from South Dakota because I have been involved in this issue for a long time. In 1989, when I was chairman of the subcommittee that my good friend, Senator SPECTER, chairs now, we started funding for the Human Genome Center at NIH. So I have been involved in this effort for a long time and am very supportive of it.

I could not have been happier with the announcement that came out this week that we have now completed the map, and they will be completing the sequencing of the human genome. With that, we are going to have a very powerful diagnostic tool that will allow medical practitioners to more accurately assess the health of an individual and their proclivity to come down with an illness or a disease, or to be more predictive of what kind of illnesses to which a person might be subject.

Well, that is a very powerful diagnostic tool, and it is going to do a lot to help millions of people all over this world. There may be other spinoffs in terms of gene therapy, and things such as that, but I wish to focus on the diagnostic tool that will help people get better control over their health care. That is the upside.

The downside is that in the hands of the wrong person this information could then be used to discriminate against a person who may have a genetic predisposition toward a certain illness. As I understand it, both of the amendments we have before us—the one by the Senator from Vermont and the one by the Senator from South Dakota—prohibit discrimination when it comes to insurance. Well, that is all well and good, but that is only a part of it.

Why the amendment of the Senator from South Dakota is the one we need to adopt is that it also prohibits discrimination in the workplace. Why is that important? I understand that earlier my friend from Vermont said we didn't have to be too concerned about this because the Americans With Disabilities Act covered the workplace. Well, as the chief sponsor of the Americans With Disabilities Act, and one who has lived with it since its inception back in the 1980s, I say to my friend from Vermont that some lower courts have ruled, for example, that breast cancer is not a disability, so the ADA really does not cover the workplace when you come to genetic discrimination. Some lower courts have held that breast cancer is not a disability and not covered by the ADA. If they rule that, are they then going to rule that the gene for breast cancer is covered? Hardly.

So that is why I wanted to take this time to make it clear that genetic predispositions and disorders should be covered in employment, because of some of these lower court rulings regarding the Americans With Disabilities Act. So that is why it is so important that we have it in the workplace.

Secondly, we need to have better enforcement. The penalties that are in the amendment offered by the Senator from Vermont are toothless—$100 a day. Well, a large business concern can factor that into their cost of doing business. That is not really a stiff enough penalty.

It seems to me that if I am discriminated against, under the law, I ought to have a private right of action; I ought to be able to go to court and say, wait a minute, my rights are being abused, my civil rights are being abused. And if we have this law that says you can't discriminate against someone because of their genetic predisposition, that person ought to have a right of action. That person ought to be able to go to court and seek redress. So that is why I say the Daschle amendment is the only one that really protects people both in the workplace and in insurance.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. DASCHLE. Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

Although many of us came into today's debate believing that the ADA did in fact cover genetic discrimination in the workplace, we certainly understand the importance of this issue and of the need to hold a hearing on this issue. However, I would like to emphasize that as recently as a few months ago experts in employment law and, in particular, EEOC Commissioner Paul Miller is quoted as stating that

> * * * discrimination against an employee on the basis of diagnosted genetic predispositions toward an asymptomatic condition or illness is covered under the ADA's "regarded as disabled" prong.

So it is not as if we approached this debate believing that employees should not be protected against genetic discrimination in the workplace. We simply thought that they already were covered.

I want to reassure my colleagues that the HELP Committee will hold a hearing in the near future on this issue and that if we find that the ADA is not providing protection to workers we will develop and pass legislation to ensure that genetic information is properly protected. I yield 4 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I thank the Senator from Vermont.

Mr. President, I rise today with the Senator from Vermont, chairman of the Health, Education, Labor, and Pensions Committee. The matter of genetic discrimination in employment has taken on new relevance given a number of recent events. Most notably, the Human Genome Project announced this week that the "rough draft" of the map of some 3 billion human genes has just been completed. This just became a sexy issue. While there are months, if not years, of research still required to realize the potential of this information, we must be responsive to the range of pros and cons regarding its use.

The committee has spent a lot of time developing a bill to address where there do appear to be gaps in preventing discrimination. Those gaps are most apparent in health insurance, where a person's health information, as well as his family's health history, are a determinant in their access to coverage. This is an immediate concern that requires our immediate response. That is why I strongly support the amendment being offered by Senator FRIST, which would prohibit insurance companies from discriminating based on a person's genetic makeup.

The amendment Senator DASCHLE has offered also attempts to address genetic discrimination in employment. Unfortunately, this issue is not nearly as clear cut. Until very recently, the prevailing opinion among employment discrimination experts was that genetic discrimination was already captured under the Americans with Disabilities Act (or "ADA"). In fact, it is still not clear that the ADA does not cover genetic discrimination. Even as recently as March 24 of this year, the Commissioner of the Equal Employment Opportunity Commission, Paul Miller, told the American Bar Association genetic discrimination was covered under title I of the ADA. Specifically, Commissioner Miller said protect against genetic discrimination was provided by the prong of the act which prevents discrimination against people who are regarded as disabled.

However, because no court has ever ruled definitively on this issue and because of some related—but not controlling—recent Supreme Court cases, I understand that there may now be some insecurity about whether genetic discrimination is covered by the ADA. And understandably, this insecurity is being increased by the recent announcement of the Human Genome Project.

We are sympathetic to this insecurity, and I think we can all agree that employers should not be permitted to discriminate against employees based on genetic information in the same manner that employers may not discriminate based on disability, gender, race, age, and other characteristics. I believe our committee needs to evaluate the conflicting evidence as to whether or not genetic discrimination is already covered under current law, particularly in light of the recent scientific developments. I support holding a hearing on this issue as soon as possible and I understand my colleague Senator JEFFORDS has scheduled a hearing on this issue for July 11. We should examine not only the question of whether the ADA captures genetic discrimination, but also what the implications are for the numerous workplace and work force issues that will arise based on the availability of genetics. Safety concerns and privacy concerns being the most important. Also, I believe we should consider genetic discrimination in employment in the broader context of the cultural implications and evaluate the historical experience with genetic information. Researching this issue has been a 10-year priority of the Human Genome Project's Ethical, Legal and Social Implications (ELSI) program. I welcome my colleagues to join the hearing process in a bipartisan effort to address this matter.

Given the complexity of this issue, I believe it is critical that we not rush to accept Senator DASCHLE's amendment without resolving all of these important issues. We may determine that new legislation is necessary to protect against genetic discrimination—and if it is necessary, we will work hard to pass it. But Senator DASCHLE's amendment simply goes too far. We must be certain that any new legislation is comparable to existing discrimination legislation. Senator DASCHLE's amendment is not comparable, it is much broader.

For example, Senator DASCHLE's amendment would permit unlimited damages for genetic discrimination. It would also permit parties to completely bypass the Equal Employment Opportunity Commission—the federal body set up to deal with employment discrimination disputes—and go straight to federal court. This is significantly more extensive than the ADA, the ADEA and title VII discrimination protections. This just makes no sense at all. Under Senator DASCHLE's amendment, an individual with a genetic marker showing he may at some future point develop a genetic disease or condition would have more protection than a paraplegic. Again I say this makes no sense at all. And it will overtax federal courts and juries with highly complex genetic issues and give opportunistic trial lawyers a jackpot.

If Senator DASCHLE has a valid reason why genetics should have such substantial additional protections, I welcome him to come to our committee hearing and explain them, but we should be very careful not to rush into such significant legislation and treat genetic information differently than existing diseases, disorders, and illnesses. If we accept Senator DASCHLE's amendment, we are simply not doing our job. Again, I think we can all agree that genetic discrimination should not be permitted, but I think we should also be able to agree not to pass legislation on such a significant and important issue without having all the proper information before us. I urge my colleagues to vote against Senator DASCHLE's amendment so that we can examine this issue through the proper procedural channels and pass responsible, reasonable legislation if such legislation is necessary.

There isn't anybody here who wants to have any discrimination done on a genetic basis, or any other basis, in the workplace or in health care. We are being lead to believe that this is a very simple bill, and that we ought to accept it. "Simple" is not 50 pages. Simple is the statement that the Senator from South Dakota made. But 50 pages to explain that means it is a lot more complicated than the explanation we are being given. We don't want discrimination. Quite frankly, I think one of the reasons we are being presented with this is a good example of why you don't legislate on appropriations bills and avoid the entire process. It is a handy way to do it. If I had a bill, that is how I might try to do it too. But it isn't the right way to do it.

I hope we will step back a minute and go through the procedure for doing a 50-page bill that covers something as important to people as discrimination in the workplace, or discrimination in any other place.

If this bill passes, a person who can find and accidentally disclose a genetic marker will have greater protection in the workplace than a paraplegic would. Not only that—this allows people to bypass the legal system. You can go immediately to court.

This will become a turnstile for trial attorneys. This becomes a jackpot proposition. This will clog the courts, if it passes. It will be a heyday. Every single trial attorney will have their own slot machine. That is not what we are trying to do.

This isn't an area that just comes under the workplace safety and training subcommittee that I chair. It also comes under the health committee that Senator FRIST chairs.

It is a topic that our entire committee needs to address and will address. But it has to be done through a hearing process so we don't wind up with some of the unintended consequences that I have just mentioned.

As far as the Americans With Disabilities Act, on March 24 of this year, the commissioner of the Equal Employment Opportunity Commission, Paul Miller, told the American Bar Association that genetic discrimination was covered under title I of the ADA. I guess that is why this 50-page "simple" bill bypasses the Equal Employment Opportunity Commission. We shouldn't bypass that group. That is a bill for protection and for having a hearing process for individuals. The commissioner of the Equal Employment Opportunity Commission says it is covered under title I of the ADA. Maybe there have been some decisions that have come out since.

We can't just be doing knee-jerk legislation on an appropriations bill. This is an issue that deserves time and consideration, and a hearing that will produce the kind of bill of which we can be proud—the kind of bill that has some opportunity for amendment.

I know if we were trying to pass a bill of that magnitude and precluded the minority from having any say-so, or any amendment, they would raise a little bit of a fuss, as they have on other occasions, and as we do on occasion.

I don't believe there should be legislation on appropriations bills.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I have great admiration for the Senator from Wyoming. I have worked with him on many issues. I never find it easy to disagree with a colleague, but let me say with regard to his argument that this is going to be a turnstile to more lawsuits; that is the same argument used on so many occasions and that was used against the ADA.

I was on the floor. I remember those debates so well. I participated in them. They said this was going to cause a flurry of lawsuits.

Who today would vote to repeal the ADA? I daresay not one Senator—Republican or Democrat.

He made reference to the EEOC's position on whether the ADA covers genetic discrimination. I hope they are right. But what is wrong with making absolutely sure they are right? That is what this bill does. This bill isn't complicated. I know some of our colleagues would like to point to the volume of this amendment and say that bulk is clear evidence of complication.

We are simply saying, as simply as we can, that you shouldn't discriminate in the workplace; and, if you do, you ought to have some opportunity to redress that problem.

I have a real concern as well about what inaction means for research. Dr. Craig Venter was on the Hill on several occasions and has made several public statements. His concern about discrimination is one that we ought to be truly appreciative of as well. Dr. Venter, president of Celera Genomics, said:

> The biggest concern I have is genetic discrimination. This would be the biggest barrier against having a real medical revolution based on this tremendous new scientific information.

Dr. Venter is worried, if we see discrimination, that automatically and almost immediately it is going to bottle up his opportunity to continue the research.

I go to the next chart, and look at what others have said. Dr. Collins, somebody I have quoted on several occasions, says:

> Genetic information and genetic technology can be used in ways that are fundamentally unjust . . . Already, people have lost their jobs, lost their health insurance, and lost their economic well-being because of the misuse of genetic information.

It doesn't get any clearer than that. First, you have the top researcher saying they are concerned about the ramifications of a lack of congressional action, not only for job discrimination, but for research. Then you have Dr. Collins who says we have already seen cases where people have lost their jobs and lost their health insurance as a result of this.

The Secretary's Advisory Committee on Genetic Testing was equally as concerned in their public statement. Keep in mind that this isn't some Democratic advocate; this is the Advisory Committee on Genetic Testing. This is a quote:

> Federal legislation should be enacted to prohibit discrimination in employment and health insurance based on genetic information. . ..Without these protections, individuals will be reluctant to participate in research on, or the application of, genetic testing.

How much more information do we need? How many more hearings do we have to have when you have the most credible experts anywhere to be found, here or anywhere else, who are pleading with the Congress to do something before it gets even worse, before more people lose their jobs and their health insurance, and before we see some real ramifications with regard to medical testing?

That is what we are doing. That is what this amendment does. That is why it needs to be passed this afternoon.

I retain the remainder of my time and yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator MACK be added as a cosponsor of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SNOWE. Mr. President, I rise to speak in support of the amendment being offered by Senators JEFFORDS and FRIST on genetic nondiscrimination in health insurance. This amendment, based on language I authored with Senator JEFFORDS and Senator FRIST, provides strong protection to all Americans against the unfair and improper use of genetic information for insurance purposes.

> This amendment will:
>
> Prohibit insurers from collecting genetic information
>
> Prohibit insurers from using predictive genetic information, such as family background or the results of a genetic test, to deny coverage or to set premiums and rates, and
>
> Require insurers to inform patients of their health plan's confidentiality practices and safeguards.

The need for this legislation is clear. As Senators DASCHLE and DODD pointed out this morning the announcement this week that scientists have completed their mapping of the human gene is a remarkable and historic event. It opens the door to new scientific breakthroughs that may well help lead us one day to the cause and the cure for cancer, for Parkinson's and for Alzheimer's disease.

This remarkable new tool has the potential, unfortunately, to become a dangerous tool. Because knowledge is power—Mr. President—and an insurance company could use genetic information to deny insurance to an individual because they know that the person is predisposed to a particular disease or health problem.

Consider a letter that I received from a constituent, Bonnie Lee Tucker, of Hampden, Maine, who wrote:

> I'm a third generation [breast cancer] survivor and as of last October I have nine immediate women in my family that have been diagnosed with breast cancer . . . I want my daughter to be able to live a normal life and not worry about breast cancer. I want to have the BRCA test [for breast cancer] done but because of the insurance risk for my daughters future I don't dare.

Another of my constituents, Dr. Tracy Weisberg, Medical Director of the Breast Cancer at the Maine Medical Center Research Institute, told me that while she has offered screening for the breast cancer gene to approximately 35 women in 1997, only two opted for the test. She said that many of these women did not undergo testing because of their fear of discrimination in health insurance.

Dr. Weisberg emphasized the need for legislation to protect patients from this type of discrimination, so that they could make genetic testing decisions based on what they believe is best for their health, and not based on fear.

As a legislator who has worked for many years on the issue of breast cancer, and as a woman with a history of breast cancer in her family, I am delighted with the possibilities for further treatment advances based on the discoveries of two genes related to breast cancer—BRCA 1 and BRCA2. Women who inherit mutated forms of either gene have an 85 percent risk of developing breast cancer in their lifetime, and a 50 percent risk of developing ovarian cancer.

Although there is no known treatment to ensure that women who carry the mutated gene do not develop breast cancer, genetic testing makes it possible for carriers of these mutated genes to take extra precautions—such as mammograms and self-examinations—in order to detect cancer at its earliest states. This discovery is truly a momentous breakthrough.

But the tremendous promise of genetic testing is being significantly threatened by insurance companies that use the results of genetic testing to deny or limit coverage to consumers. Unfortunately, this practice is not uncommon. In fact, one survey of individuals with a known genetic condition in their family revealed that 22 percent had been denied health insurance coverage because of genetic information.

And consider that people may be unwilling to participate in potentially ground-breaking research trials because they do not want to reveal information about their genetic status. At NIH, 32 percent of women eligible for genetic testing for the breast cancer gene declined to undergo testing—the majority of those who declined cited privacy issues and a fear of discrimination as their reason.

Mr. President, this is simply unacceptable. The Jeffords, Frist, Snowe amendment before us today will go a long way toward putting a halt to the unfair practice of discriminating on the basis of genetic information, and to ensure that safeguards are in place to protect the privacy of genetic information. Now it's up to us to act by passing this amendment, and I urge my colleagues to join me in doing just that.

Mr. JEFFORDS. Mr. President, I yield to the Senator from New Mexico. I believe he has 5 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. JEFFORDS. I point out that is all of my time. So the Senator from Alabama will have to ask for additional time.

Mr. DOMENICI. He and I are going to share a little time.

Before I do that, I say to Senator DASCHLE, believe it or not, I was the first Senator involved in genome. Whether people know it or not, it was not the National Institutes of Health that started this program. It was the Department of Energy. In fact, the National Institutes of Health did not want the program, and a very distinguished doctor left them and went to DOE. They came to me. The first bill was introduced and Senator Lawton Chiles funded it. That is the origin, which I am going to talk with my friend, Senator SESSIONS, about in a minute.

Let me suggest that I don't know what is in the Senator's amendment. But I do know from the very beginning that there has been concern about the effect of discrimination. I don't believe we should go from being concerned about the effects of discrimination to a 30- or 40-page bill that we—how big is it? Ten. Frankly, we need to make sure that what we are not doing is putting genome research into a vulnerable position where it is not stable and people do not know precisely what they can do on it.

That is all I have to say about the amendment.

I yield to Senator SESSIONS for a question.

Mr. SESSIONS. I know the Senator has been involved in this. I am excited so many others are involved with the possibility that we can have a detailed map of the human genome through the identification of the 3 billion nucleotide basis that make up the human genome, helping to cure diseases.

It is an exciting time. This Congress has played an important role. I know Dr. Charles DeLisi has played a key role. I know Senator DOMENICI, perhaps more than any other official in government, saw the possibilities of this several years ago, and used the power and leverage he had to make it a governmental project of the highest priority. I know he cares about it.

Would the Senator share with the Senate his insight as to where we are in the human genome at this time.

Mr. DOMENICI. But whether it is Congress or the President, someone should recognize formally a Ph.D. named Dr. Charles DeLisi, the dean of engineering at Boston University. In the year 1986, he left the National Institutes of Health in protest over their unwillingness to proceed with a genome project of national significance. He went to the Department of Energy. He said there were a lot of big brains in the Department of Energy, and maybe they would listen and come to the same conclusion.

They were researching genetic projects because they were charged with deciding the extent of radiation incapacity generationally as a result of the two bombs that were dropped in Japan. The Department has all the scientists. He went there. They put together a team in DOE. I am very fortunate because they came to see me. They said: Why don't we do this since the National Institutes of Health doesn't want to? Why don't you start it?

I got a little tiny bit of a bill through, saying the DOE will run the program. That was the beginning for the National Institutes of Health. As soon as they saw the bill introduced saying DOE would do it, they came running to me saying: We told Lawton Chiles we would like to get in on it. Of course, then we passed legislation that said both DOE and the National Institutes of Health would run this program.

Since then, it has been a scientific marvel. The entire chromosome system of human beings is mapped. Pretty soon it will be available for scientists investigating grave diseases. They will have them at their fingertips in terms of transmutation.

Perhaps we have just laid before the public and the people of the world the greatest wellness potential in the history of mankind. We may find locked up genetically the secret to most diseases. The scientists may pick it up and find solutions in the next 25 or 30 years that nobody thought possible.

Sooner or later I will have somebody recognize Dr. Charles DeLisi. I have spoken to him. He is a marvelous educator at a great university. President Clinton is now aware of this and very interested. I am very hopeful he will be recognized. It is important people understand.

Mr. DASCHLE. How much time do I have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. DASCHLE. I compliment the Senator from New Mexico. He truly has been one of those leaders in the field. In fact, I have before me S. 422 which he introduced in the 105th Congress. Title IV of his bill, discrimination by employers or potential employers, is almost exactly what is in the Daschle amendment this afternoon.

He was one of the first to be out there. I give him great credit for what he has already done with his leadership on this issue. He has given some history this afternoon about how this started. He was here in the last Congress advocating that this body oppose discrimination in the workplace.

So that everyone knows prior to the time they vote what it is we are talking about, the Jeffords amendment does not prohibit insurers from discriminating on the basis of genetic information in the workplace. The Jeffords amendment does not prohibit the disclosure of test results without consent. It does not prohibit the use of predictive genetic information for hiring. It does not ensure that those who suffer from genetic discrimination have the right to seek redress through legal action. It fails on a basic level with regards to what we ought to do with respect to genetic discrimination.

It is on that basis I remind my colleagues that 59 organizations have come forward to urge Members to say no to legislation that fails to regulate the workplace. Don't listen to me. Listen to those organizations. Listen to Craig Venter of the Clera Genomics. Listen to Francis Collins, the director of the National Human Genome Research Institute. Listen to the editorial writers from papers across this country who have said, again and again, we must pass legislation quickly before it is too late.

This is a no-brainer. This is our opportunity today to say yes to Craig Venter, to say yes to Dr. Collins, to say yes to the organizations, and to say yes to Terri Seargent, who has already been victimized as a result of this. This is our opportunity to say no to discrimination in the workplace, to say the Senate will go on record for the first time that we will not allow any genetic discrimination regardless of circumstances.

I hope on a bipartisan basis our colleagues will join in support of this legislation. The time has come. It was introduced in the last Congress. It is now being offered in this Congress with every expectation and hope that we can send the clearest message possible that we will not tolerate discrimination. We will allow the research to go forward without any question that the information can be protected. That is what we want. That is what the health organizations want. That is what Terri Seargent wants. That is what we all should want in the Senate.

I ask unanimous consent to have printed in the RECORD editorials from around the country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Phoenix Gazette, Dec. 17, 1996]

DNA DILEMMA: GENE TESTS CAN COST YOU

Imagine the scene: A middle-age patient, visiting her doctor for her yearly physical, reminds him that her mother and aunt had breast cancer. With the patient's consent, her well-meaning physician decides to conduct a new test that will reveal whether she carries genetic mutations that could radically increase her chances of developing breast cancer.

The doctor submits a claim for the test to the woman's insurer. Before the results are back, the insurer, seeing what the test is for, triples the price of her coverage.

An impossible chain of events? Think again. Several companies have begun marketing tests that will tell women whether they have the recently discovered gene mutations that markedly increase their risks for breast and ovarian cancer.

A Utah biotechnology company, Myriad Genetics Laboratories, sent 100,000 cancer specialists a glossy "resource kit," boasting of its new "gold standard" testing for the gene mutations. The company warns doctors about the risks of insurance and job discrimination.

But the promotional kit also tells doctors that the Equal Employment Opportunity Commission "has in included language in the Americans with Disabilities Act making it unlawful to discriminate" base on the results of genetic tests.

Peggy Mastroianni, the associate legal counsel for the commission, dismissed this claim, saying that it merely issued an opinion, which has yet to be tested in the courts.

Some scientists and medical ethicists say that Myriad and other companies are overselling these tests. Should a woman test positive for a gene mutation, there is still no way of knowing whether she will develop cancer. Even if that information was available, there is no sure-fire preventive treatment.

The Food and Drug Administration could regulate genetic tests, as it regulates new drugs. But so far the agency has declined to become involved. And where discrimination is concerned, many women would have little recourse if their health insurance skyrocketed in cost or they lost their jobs on the basis of a genetic test.

More than a dozen states have enacted limits on insurance or employment discrimination related to genetic testing. But even in New Jersey, where Gov. Christine Todd Whitman signed the country's most comprehensive law last month, almost half of the insured aren't protected, because they belong to self-financed plans, which aren't subject to stringent state regulations.

At the federal level, the new Kennedy-Kassebaum law, among other things, protects people moving between jobs from being dropped by health insurers because of their genetic information. But the law doesn't protect those with individual health insurance from seeing their premiums raised if they happen to carry an unlucky genetic fingerprint. It also does not protect against job bias.

Women are not the only ones affected by this problem. Genetic tests for other diseases have been developed. Others are on the way. Last month, scientists announced that they were zeroing in on the mutant gene in hereditary prostate cancer.

In the last Congress, a dozen bills would have guarded against genetic discrimination and protected medical privacy. But even those with some bipartisan support fell victim to a crammed legislative calendar and insurance industry resistance.

The 105th Congress has a chance to pass comprehensive laws protecting medical privacy and barring insurers and employers from discriminating on the basis of genetic information. For its part, the FDA should regulator genetic tests. Those charged with protecting the public welfare have to move quickly.

[From the Washington Post, Feb. 12, 2000]

Genetic Privacy

President Clinton has issued an executive order limiting the use of genetic test results in deciding whether to hire, promote or extend particular benefits to federal employees. For now, the order will have limited significance, since genetic testing is not yet as common as it is likely to become. But it sets the right example; in a not-yet-settled area of medical ethics and privacy, it's a pioneering step. The order includes a plug for a bill by Senate Minority Leader Tom Daschle and Rep. Louise Slaughter that would impose the same restraints on employers nationwide as well.

The problem is that people fear—and, it has been shown, avoid—being tested for a predisposition to a genetic disease because they think employers or other authorities might penalize them for the results even if they never develop the disease. This specific concern is symptomatic of a larger one: the danger that people may become less open with their own doctors—or avoid treatment altogether—for lack of confidence that information about their health is any longer veiled in the traditional confidentiality.

Federal rules to protect patients' privacy when they give sensitive information to their doctors are finally nearing completion; the public comment period ends this month. These, too, are only a start, though an energetic one. They give patients a right to see and correct their medical records, oblige all health care providers and insurers to follow confidentiality safeguards and set civil and criminal penalties for violations. There are holes that Congress ought to fill: The rules cover only electronic transactions, and allow a formidable array of exceptions where information may be shared without a patient's consent.

Lawmakers have been slow to recognize the broad political appeal of strengthening medical privacy, partly because of the many conflicting interests that are represented in the fight over medical records. But polls show privacy concerns rank high, and a bipartisan Congressional Privacy Caucus and a Democratic privacy task force both declared their existence Wednesday. There's plenty for these privacy advocates to do.

[From the Houston Chronicle, Feb. 15, 2000]

Gene Secrets; Clinton Right To Oppose Genetic Discrimination

From the moment of conception, the lives and medical futures of human beings are greatly determined by the genes received from their mothers and fathers.

For the genes not only determine physical traits such as the color of a person's eyes and hair, but also a person's predisposition toward certain medical ailments, ranging from heart trouble and diabetes to cancer and Alzheimer's disease.

As the result of a national research effort, doctors are within a few years of completing a map of all the genes that make up human beings, carefully identifying which gene does what. The overall aim, of course, is that one day doctors will be able to use genetic information to treat people and make them healthier.

That's all well and good, as they say. Suffering from diabetes? Well, the doctors will just give you an injection of anti-diabetes genes, and you will soon become as healthy as a horse.

But this fascinating research, with all of its fine promise, has a terrible negative side if misused. Such genetic information on John and Jane Q. Citizen—information that they are likely to suffer from heart disease in their 40s or colon cancer in their 50s—could be used by employers, insurance companies or others to discriminate against them.

Employers might not hire or promote Jane or John Q. Citizen because of the potential displayed by their genes that some future medical condition might cost them lost time and higher insurance expenditures, as an example. Insurance companies, with a person's gene map in their hands, might refuse to sell that person insurance because of health risks.

President Clinton is acting correctly in signing an executive order barring federal agencies from discriminating against employees based on genetic testing. And he is also correct in urging Congress to pass legislation that would ban genetic discrimination in the private sector. Congress should attend to this matter as soon as possible and also to the problem of protecting individual gene maps.

Discrimination in the workplace is wrong, whether it is based on a person's personal genetic code or the color of his skin.

Genetic discrimination is un-American.

[From the St. Louis Post-Dispatch, Feb. 14, 2000]

Discrimination Goes High-Tech

CIVIL RIGHTS

The frightened middle-aged woman was relieved she would not have to give her name. She handed over several $100 bills, counting them out with trembling hands. She had never done anyuthing like this before. She rolled up her sleeve and looked away, awaiting the needle.

It was not a street corner drug deal, although it felt like it. She was in a major teaching hospital undergoing genetic testing to see if she had an increased risk of contracting a life-threatening disease. Along with her fears that this glass tube identified by number might render a deadly warning in every unseen strand of her DNA, she also was afraid of other threats unseen: that the test alone might prevent her, or a family member, from getting health or life insurance, a job, a promotion, custody of her children, an organ transplant; or perhaps even something as simple as a home loan.

As technology soars forward in the Human Genome Project and computer science, we will know more about ourselves than ever before, and be less capable of keeping it to ourselves. Medical science already has hundreds of genetic tests that detect mutations putting a person at increased risk for such ailments as ovarian, breast, colon and prostate cancers, Alzheimer's and other, rarer diseases. The potential for good abounds in areas of prevention, early detection, treatment and, most spectacularly, cures.

But there is also tremendous potential for abuse. In California, a government laboratory had for years genetically tested government employees for diseases, including sickle cell anemia, without their knowledge following pre-employment physicals. Even though genetic testing does not render a diagnosis, only indicators of increased risk, it has been used to deny medical insurance and charge higher rates. Such cases led Congress to pass legislation in 1996 outlawing genetic discrimination in group health insurance plans serving 50 or more employees.

But according to a Senior White House official, many people who could benefit from genetic testing still are deciding not to have it, solely because they are afraid the results will be used against them by employers and insurers.

Last week President Bill Clinton took an important step, issuing an executive order that forbids federal agencies genetic testing in any decision to hire, promote or dismiss workers. The order protects 2.8 milllion federal employees.

There is much left to be done. Genetic information that can be gleaned from testing will only increase, through innovations like the biochip, which one day may be able to map from one strand of hair a person's entire identity, from hair color to inquisitiveness. Mr. Clinton challenged private sector employers to adopt similar non-discriminatory policies. Even better is his endorsement of Congressional legislation sponsored by Sen. Tom Daschle, D-S.D., and Rep. Louise M. Slaughter, D-N.Y., that would make it illegal for employers to discriminate on the basis of genetic testing.

All of us are predisposed to some illness. No one should be penalized for discovering what that illness might be.

[From the Chicago Tribune, Apr. 27, 1996]

Ground Rules for DNA Sampling

Two Marine corporals were court-martialed in Hawaii recently and convicted of disobeying orders to give tissue samples for a Defense Department DNA registry.

The idea behind the registry is that should they become casualties in a future conflict, there would be a foolproof way of identifying their bodies. This is no frivolous concern, as the recent exhumation of an allegedly misidentified Vietnam War casualty in Ft. Wayne, Ind., demonstrated.

Despite their convictions, the two Marines got light penalties: seven days of restriction each, letters of reprimand and no dishonorable discharges.

This leniency may have stemmed from the fact that their concerns also were not frivolous: They feared that, somewhere down the line, the DNA samples could be used to their detriment. And the Defense Department, like the rest of American society, is only gradually evolving answers to such concerns.

Almost daily, it seems, scientists announce that they've found a new gene that causes or predisposes a person to some disease or trait. Almost as rapidly, biotechnology companies are developing tests to screen for those genes.

What those two Marines feared is what many Americans in many other walks of life fear: that samples given for one ostensibly benign purpose, or the data gleaned from such samples, may be put to other uses, not all necessarily benign.

Earlier this month, for example, researchers at Harvard and Stanford universities released a study citing more than 200 cases of "genetic discrimination." Prominent among these were cases in which insurance coverage was denied because a member of a family had a gene-based disorder. Employment discrimination is another common fear, along with social ostracism.

What happens when DNA screenings become readily and routinely available for a whole range of diseases or conditions? Will insurers be able to demand that would-be customers submit to such screenings? Will they be free to grant or deny coverage on the basis of the results? (The essence of insurance is, after all, assessing and balancing risks.) What about employers—what will they be able to demand?

By comparison with civilian society, the military has it easy. The Pentagon can simply promulgate rules for its DNA repository, and it recently did. Among other things, those rules allow a service member to request that his or her DNA sample be destroyed immediately upon final separation from the military and require that the request be fulfilled within 180 days.

Civilian society must work the issue through the process of public discussion, legislative debate and legal enforcement. Laws will have to provide tough anti-discrimination strictures and confidentiality requirements, with severe penalties for anyone who violates either. Congress should get to work on such laws quickly, because science is not standing still.

I yield the floor and I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3688. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

Mr. BYRD. Mr. President, may we have order, please.

Can we have the well cleared. Unless Senators are voting, Senators should not be in the well.

The PRESIDING OFFICER. The Senate will be in order.

Will those in the well vacate the well.

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Inouye
Leahy

The amendment was rejected.

VOTE ON AMENDMENT NO. 3691

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 3691.

Mr. JEFFORDS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—58

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—40

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—2

Inouye
Leahy

The amendment (No. 3691) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from North Dakota is recognized.

Mr. SPECTER. Mr. President——

Mr. KENNEDY. Parliamentary inquiry, Mr. President. Wasn't the Senator from North Dakota recognized?

The PRESIDING OFFICER. The Senator from North Dakota was recognized. If the managers wish to pose an inquiry——

Mr. SPECTER. Mr. President, I ask the Senator from North Dakota to yield for a moment.

Mr. DORGAN. I am happy to yield for the purpose of a question.

Mr. SPECTER. What I would like to say for the record is that we hope to have a unanimous consent agreement here—we are not ready to propound it—where the Dorgan amendment and the Nickles amendment, which would be ordinarily a second-degree amendment, would be treated as first-degree amendments and try to seek a time limit of 45 minutes on each. But we understand that we are not in a position to do that because there has not been an adequate opportunity to review the Nickles amendment. I wanted to make that statement.

If the Senator from North Dakota wants to lay his amendment down, that is entirely appropriate. We just hope that when we have another amendment ready to go, either the Helms amendment or Wellstone amendment, we could set aside the Dorgan amendment and proceed with argument on something we can close debate on, and then come back at the earliest moment to the Dorgan amendment, just as a management matter.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 3693

(Purpose: To require a federal floor with respect to protections for individuals enrolled in health plans)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. KENNEDY, Mr. DASCHLE, Mr. GRAHAM, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KERRY, Mr. EDWARDS, Mr. REID, and Mr. HARKIN, proposes an amendment numbered 3693.

The amendment is as follows:

On page 92, between lines 4 and 5, insert the following:

SEC. . Any Act that is designed to protect patients against the abuses of managed care that is enacted after June 27, 2000, shall, at a minimum—

(1) provide a floor of Federal protection that is applicable to all individuals enrolled in private health plans or private health insurance coverage, including—

(A) individuals enrolled in self-insured and insured health plans that are regulated under the Employee Retirement Income Security Act of 1974;

(B) individuals enrolled in health insurance coverage purchased in the individual market; and

(C) individuals enrolled in health plans offered to State and local government employees;

(2) provide that States may provide patient protections that are equal to or greater than the protections provided under such Act; and

(3) provide the Federal Government with the authority to ensure that the Federal floor referred to in paragraph (1) is being guaranteed and enforced with respect to all individuals described in such paragraph, including determining whether protections provided under State law meet the standards of such Act.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that the Nickles amendment be modified to be formatted as a first-degree amendment and that a vote occur on the Nickles amendment, to be followed by a vote on the Dorgan amendment, with no amendments in order to the amendments prior to the votes. I further ask unanimous consent that the debate prior to the vote be 45 minutes for Senator NICKLES and 45 minutes for Senator DORGAN.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, we are all operating in good faith and wanting to move ahead. I ask if our floor staff has seen this. I would like to, with all due respect, reserve a minute until our floor staff has an opportunity to see it.

Mr. SPECTER. Mr. President, I amend the request to 55 minutes on each side.

Mr. KENNEDY. Parliamentary inquiry: Is that on or in relation? Do I understand that it is their intention to have an up-or-down vote on both of these?

Mr. SPECTER. Up or down on both.

Mr. KENNEDY. No points of order.

Mr. NICKLES. If I may respond to my colleague, I have no objection personally. I understand the chairman of the Budget Committee doesn't want that waived. But it is not my intention to raise a point of order on the Senator's amendment, nor on our amendment. I think the Senator from New Mexico has a standing objection.

Mr. KENNEDY. If it is the understanding that we treat both of them the same way, is it agreeable with the floor manager that the point of order be on both so they are both treated the same way?

Mr. SPECTER. It is.

Mr. NICKLES. I have no objection to that.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I renew the request, and, as previously stated, I ask unanimous consent that there be 55 minutes on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me begin by describing this amendment and why I have offered it to this bill.

Let me also say that the amendment is not subject to a point of order. This amendment deals with the Patients' Bill of Rights. Quite simply, it says that when this Congress enacts patient protection legislation, we should protect all 161 million Americans enrolled in private health insurance plans.

Many of us have been attempting to get this Congress to pass a meaningful Patients' Bill of Rights, and so far, we have not been successful in doing so.

As most Americans know at this point, more and more of the American people are being herded into HMOs and managed care organizations which has jeopardized the quality of health care they receive. Too often these days, decisions about their health care are being made not by doctors but by some accountant in an HMO or in a managed care organization 1,000 miles away.

We have all heard stories on the floor of this Senate about the problems patients experience when their health care is viewed as a function of someone's profit and loss, not of his or her health care needs.

We proposed a Patients' Bill of Rights to address these problems. It is rather simple legislation. It says that:

Patients should have the right to know all of their medical options—not just the cheapest medical options. That ought to be a fundamental right.

Patients ought to have the right to choose the doctor they want for the care they need, including specialty care when they need it. That ought to be a right of patients who believe they are covered with a health care policy.

Patients ought to have the right to emergency room treatment and emergency room care wherever and whenever they need it.

Patients ought to have a right to a fair and speedy process to resolve disputes with their health care plan. And they ought to be able to hold their health care plan accountable if its decision results in injury or death.

The Senate passed a piece of legislation last year that was called the Patients' Bill of Rights. Some of us called it a patients' bill of goods because it was a relatively empty shell.

The House passed a Patients' Bill of Rights that is a good bill. It is a bipartisan bill sponsored by Republican Congressman Norwood and Democratic Congressman Dingell. It passed by a 275–151 vote.

Since that time, the Senate appointed a set of conferees on October 15, and the House appointed its conferees on November 3. It wasn't until the end of February that there was a meeting of the conference committee. As I said previously, the conference committee isn't making much progress.

In this amendment, we deal with only one aspect of the Patients' Bill of Rights and that is the question of the number of Americans that a bill of rights should cover. If a Patients' Bill of Rights is enacted by this Congress, we propose with this amendment that Congress will cover all of the American people with private health insurance, rather than just the 48 million Americans proposed to be covered in the Republican Patients' Bill of Rights. We believe the Patients' Bill of Rights should cover all 161 million Americans in private health insurance plans, including the 75 million people whose employers provide coverage through an HMO or private insurance. Unfortunately, these folks are not covered in the Republican plan. The 15 million people with individual policies are not covered in the majority party's plan. The 23 million State and local government employees are not covered in the majority party's plan.

We propose that when and if Congress passes a Patients' Bill of Rights, that all 161 million Americans are covered by those provisions. Very simple.

We understand from the previous vote held a couple of weeks ago that the majority in the Senate do not want to pass our Patients' Bill of Rights. We understand that. They voted against it. But how about at least passing a part of our Patients' Bill of Rights, the part that says everybody ought to be covered? That is what I offer today as an amendment.

Senator REID and I held a hearing in his home state of Nevada on the issue of the Patients' Bill of Rights. At the hearing we had a mother come, the mother of Christopher Thomas Roe. She stood up and told us about her son. He died October 12 of last year. It was his 16th birthday. The official cause of Christopher's death was leukemia, but the real reason he died is because he was denied the kind of opportunity for patient care that he needed to give him a chance to live. He was diagnosed with leukemia, but he had to fight cancer and his HMO at the same time. It is one thing to tell a kid you have to fight a dreaded disease, you have to battle cancer. It is quite another thing to tell that young child and his family: Take on cancer and, by the way, take on your insurance company as well. That is not a fair fight. That is never a fair fight.

The Roe family was told that the kind of treatment he needed to send his cancer into remission was experimental. The family immediately appealed the health plan's decision. The review, which was supposed to take 48 hours during a very critical period of this young boy's life, took 10 days. As the appeal dragged on, Christopher's condition worsened. And as Chris's doctor had known, the traditional chemotherapy did not work.

At the hearing, Chris's mother, Susan, held up a very large picture of Christopher, about the size of this chart. It was a picture of a strapping, bright-eyed, 16-year-old boy. Susan told Senator REID and I, with tears in her eyes, how Chris turned to her one day not long before he died and said: Mom, I just don't understand how they could do this to a kid.

This is a 16-year-old boy who died who wanted that extra chance to be cured but whose insurance company said no, no, no. And he died.

We all know the stories. There is the woman who fell off a 40-foot cliff in the Shenandoah Mountains. She was hauled into an emergency room unconscious with broken bones and all kinds of physical problems. She survived and was later told by her insurance plan: We will not cover your treatment because you didn't have prior approval to get emergency room care.

Or how about this young child, born with a horrible cleft lip? It is hard to look at. Dr. GREG GANSKE, a Member of the House of Representatives in the Republican Party who supports this legislation, says in his practice that it is often not considered a "medical necessity" to fix this kind of problem. Let me show you how a child with this condition looks when he receives proper medical intervention by a skilled surgeon. Is there a difference? How can anyone look at these two pictures and say fixing this condition is not a "medical necessity"?

The point we are making with this amendment is very simple. Managed care organizations hold the future of too many patients in the palm of their hands. Decisions are not being made by doctors in doctor's offices. Too often, they are made in accountants' offices 500 or 1,000 miles away. We are saying that it is wrong to make medical decisions a function of profit and loss. This country can do better than that. This ought to be a slam dunk. The legislation that provides real protection, a meaningful Patients' Bill of Rights, ought to get 100 votes in the Senate. But we can't get any movement on this at all from the conference committee charged with working out the differences between the House and Senate bills.

I know a few of the conferees and the chairman of the conference committee were saying we have made great progress. I describe that progress in glacial terms. At least glaciers move an inch or two a year. It is hard to see that this conference moves at all.

We are only asking today to say with this amendment that if we are going to pass a Patients' Bill of Rights, let's not create a hollow vessel. Let's create a Patients' Bill of Rights that provides real protection for 161 million Americans, not inadequate protection for 48 million Americans. If we are going to do this, let's do it right.

That is the amendment. We will have a chance to vote on it. We understand that the majority of the Senate decided they didn't want a real Patients' Bill of Rights. They wouldn't vote for the entire package, the one that provides protection for young kids such as Christopher, who are fighting leukemia, or for young people born with this severe cleft lip deformity. So all we ask is that whatever we are going to do with respect to patients' rights that we apply it to all Americans. Everyone ought to have the right and the opportunity to expect decent health care coverage if they have an insurance policy. What about a Patients' Bill of Rights for all Americans?

I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the issue of providing protection for American families has been before the Senate for the past 3 years, but we have been unable to pass legislation that will guarantee to the families of this country that medical decisions that are going to affect them and the treatment of the family are going to be made on the basis of sound medical reasons rather than for the interests of the HMOs. That is what this issue is all about.

This chart indicates very clearly what has been happening. The Senate, in July 1999, about a year ago, passed legislation, the Republican bill, 53–47. This 47 was basically the Norwood-Dingell bill, virtually identical to the Norwood-Dingell bill, which is a party-line vote. The House passed the Norwood-Dingell bill 275–151 in October, 1999. Then the House and the Senate conferees appointed. Now 8 months have passed. We have nothing that has come out of that conference.

We are going to have something now before the Senate, offered as an alternative to the Dorgan proposal, that evidently has been drafted solely by Republicans. Whether it includes Republicans in the House of Representatives or not is something we will have to wait and see. I doubt it very much.

Why? Because just this afternoon Congressman NORWOOD, who was the principal sponsor of the Norwood-Dingell bill, said in a press conference: What is significant about today is that all 21 Republican sponsors of the Norwood-Dingell bill are standing behind me and each of us has declared that we will not support any bill that does not allow patients to choose their own doctor, that does not protect all Americans, and that does not hold the insurance industry accountable for its decisions. It doesn't matter what the Senate does today. The 25 us will vote against any bill that does not guarantee patients the protections they deserve. If the Senate passes anything less, they are killing the bill.

That isn't a statement made by Democrats; that was made by Republicans.

So let's understand it. Here are the leaders in the House of Representatives, in a bipartisan effort that got a third of the Republican Party to pass an effective bill that we should pass, and it failed by one vote only 2 weeks ago. We are being denied, week after week after week, from being able to protect American families from being harmed.

That statement is made by the Republican Congressman. The legislation we on this side of the aisle support is supported by 300 organizations, including every medical organization, every doctor organization, every patient organization, every organization that represents women, every organization that represents children, every organization that cares about cancer—you name it, they support our proposal.

Do you know who supports the other side? The insurance industry. They supported them before and they are supporting them tonight. So you will have a chance to show, on the floor of the Senate, whether you are going to cast your vote with those who have been dedicated to protecting the lives and well-being of the families in this country, or protecting the profits of the HMOs. That is the issue as plain and simple as can be stated.

That is why Congressman NORWOOD, I think, has been so courageous, because he understands it. He was there when the Senate considered 2 weeks ago the Norwood-Dingell bill that failed by one vote. He was supporting our efforts, as was the American Medical Association.

The particular amendment that Senator DORGAN has proposed is a very basic and fundamental amendment that affects the Patients' Bill of Rights. It is the question of scope. Are we going to cover 161 million Americans, or are we going to cover only a third of those, as was covered in the Senate Republican bill before and I daresay will be in the Republican bill tonight—although they have not shared that with us, only with the staff for a few minutes. I daresay that will be the fact.

Here it is. They cover 48 million—self-funded proposals. They do not cover those fully insured; those who are represented by Blue Cross or by Kaiser. They don't cover those 75 million.

They don't cover the individual markets, the self-employed, the farmers, child care providers, the truckers.

They don't cover the teachers and the firefighters and the police officers.

We cover all 161 million. They cover 48 million. Here is a picture of Frank Raffa, Vietnam veteran, decorated war hero, 21 years in the fire department of Worchester, MA. He has two children. Do you think he is covered? No, not covered under the Republican plan. Why should Frank Raffa not be covered? Why should his family not be covered, his wife and his children? He has dedicated his life to the people of Worchester, MA, as a firefighter and to this country in Vietnam. But, oh, no, the Republicans say we are not going to cover State and county officials.

No. 2, here we have Dave Morgan, with two of his 63 employees. He is a pharmacist in Boston. Tonya Harris right here, she is a pharmacy technician, a single mother of two, and Rhonda Hines, another of Dave's employees. She is married and has three children. Do you think working for a business they are going to be covered? Absolutely not. He is a community pharmacist. He worked hard building a business employing 63 members of the community. Some are in training, some are getting advanced degrees—are they covered? Absolutely not. Why not? Why do you exclude those? Norwood-Dingell did not exclude them, why should we?

Finally, Leslie Sullivan, a family nurse practitioner in the Quincy Mental Health Center, a Massachusetts employee. She is not covered under the Republican plan. She has worked hard all her life.

I want to hear a justification from Senator NICKLES tonight why these people are being excluded. They can't get it. We have insisted, in that conference, on three basic things: One, you are going to have coverage and cover all Americans; No. 2, you are going to have accountability; No. 3, you are going to have a definition of medical necessity that is going to protect American consumers.

At the end of 3 months of hearings, 3 months of meetings in the Nickles office—as much as I like and respect DON NICKLES and consider him a friend, the fact is, of the 22 differences, only 2 had been agreed to.

I will just take 3 more minutes. Here are the guarantees under the legislation that the Democrats support: 22 different protections here. I would like to hear from the other side: Which ones don't you want to guarantee to the American consumers? You don't want to protect all of them? You don't want to guarantee the specialists? You don't want to guarantee that women that are going to be able to go to an OB-GYN without first going to a general practitioner? You don't want to guarantee prescription drugs? You don't want to guarantee the emergency room? These are our guarantees. This is what we stand for. If the Republican bill embraces those without the loopholes, we will support it. But if it does not, it ought to get defeated. That vote ought to be no, and we ought to continue to fight in this Congress to make sure we get a good Patients' Bill of Rights.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I regret our colleagues on the Democrat side of the aisle have decided to once again try to turn an issue, an important issue, Patients' Bill of Rights, into a political theater and not legislate, not come up with reasonable compromise. Instead, they want votes. They want to try to score points. I find that to be unfortunate because we are working very hard to try to come up with a responsible product.

A compromise in the conference committee is not easy on this issue because the differences between the House bill and the Senate bill are significant. They are significantly different in cost and scope and liability. We are trying to bridge those differences. It takes time, it takes compromise, it takes both sides working together.

We made a lot of progress with our colleagues on the Democrat side, in spite of what my good friend from Massachusetts says, a lot more progress than 2 out of 20 items. We agreed on an appeals process. Maybe not on every single last letter, but by and large we agreed on the appeals process. We invited the press in; we came to an agreement. It took about 2 months. I thought it should have taken a week. The reason why it took 2 months is because our friends on the Democrat side always kept wanting a little bit more. That is tough negotiating. I am not faulting them for that. But they are the reason why it took 2 months to come up with an appeals process. We basically agreed with it.

I just have to make a mention on scope. When they say: Wait a minute, their bill only applies to 50 million and our applies to 161 million; it should apply to everybody—our plan applies to everybody covered by ERISA. That is the plan we are amending, every employer-sponsored plan.

I know the Senator wants to overrule the State of Massachusetts State employee plan, he wants to regulate State individual plans—he wants national health care. I compliment him. He is being consistent. He always thought the Federal Government could do it better than States, and he always wanted the Federal Government to do it instead of States. I disagree with that. We have a disagreement. That is one of the items we were wrestling with in conference.

Now we have an amendment.

We tried to do this in a big fashion last year. They had their amendments. We had a lot of votes on amendments last year. Senator KENNEDY lost. We had an amendment on scope. We debated that last year. The Senator from Massachusetts lost. The majority of the Senate said: No, we don't want the Federal Government to take over State regulation of insurance. We don't think HCFA is very good at administering the insurance. They have a hard enough time in Medicare. Do we really want them to regulate State insurance? The Senate said no. The House said yes. We were negotiating that.

Incidentally, that is one of the things we are negotiating as we speak. But my colleagues on the Democrat side didn't wait for the conference. Two weeks ago they said: Let's ignore the conference. Let's just adopt the House position. In spite of the fact we have reached a bicameral agreement on a lot of patient protections, including the appeals process which, for my colleagues' information, is the backbone of the bill. It is the most important thing in the bill because if you do a good job in the appeals process, you don't have to go to the courthouse.

The patients who need care, whether it is the cleft palate that my colleague continues to show in the picture—they are going to have an appeal under the bill that we have. They are going to get care. It is going to be decided by a medical expert totally independent of the plan. That is going to be a binding decision. The person who is denied health care is going to have an appeal and is going to get the health care they need when they need it; not just go to court.

Mr. KENNEDY. Will the Senator yield?

Mr. NICKLES. No, I will not yield. I have a lot of comments to make. Maybe I will yield at a later time.

Instead of waiting for the conference to work, my colleague from Massachusetts put the Patients' Bill of Rights on either the Department of Defense authorization bill or the Defense appropriations bill.

There is no way in the world that bill is ever going to come out of conference. It was nothing but political theater. It disrupted the conference. I told him and my colleagues and I planned on having a conference that day with my Democratic colleagues. No, they engaged in political theater because maybe some people wanted to have a headline that said: "Senate defeated

Patients' Bill of Rights." We moved to table the amendment. The vote was 51-48. It accomplished nothing but headlines for my colleagues.

Two weeks after the vote, we have another Patients' Bill of Rights. Maybe we will have several and do them piecemeal. Maybe we will do one on scope and one on patient protections.

I tell my colleagues, this is not the way to legislate. We are on the Labor-HHS appropriations bill. Everyone knows this bill is not going to come back—maybe it will; maybe we will pass patient protections and put it on Labor-HHS. My colleagues put minimum wage on bankruptcy. Frankly, it is a complicated effort for both bills. Minimum wage did not belong on bankruptcy and patient protections does not belong on Labor-HHS.

Are they seriously legislating? No. Did they come up with a serious legislative proposal? They have a two-page proposal on scope. What is the amendment offered by my friend from North Dakota? He has an amendment which deals with scope.

My colleague talked about all these patient protections. Guess what. They are not in his amendment. His amendment basically says: We want the Federal Government to set standards, and, oh, States, you have to meet these standards. If not, the Federal Government is going to take over.

This little amendment, which looks innocuous and is like a thematic statement, says we are going to have the Federal Government design, mandate, and dictate benefits, and, States, if you do not meet these dictates, we are going to have the Federal Government take over; HCFA will take over; you will have to follow the HCFA standard.

This is the GAO report: Implementation of HCFA. The headline says: "Progress slow in enforcing Federal standards in nonconforming States." We have a lot of States not conforming with existing laws where HCFA is supposed to have control—ask any of your doctors. Some people profess they want to be helpful to doctors. Ask the doctors. If we adopt the Dorgan amendment, we are asking HCFA to take over State regulation of health care. That would be a disaster. That would not improve quality health care. That would duplicate State regulation, confuse State regulation, and have Federal regulators who do not have the wherewithal or the talent—they say so themselves. They say in this report they do not have the talent; they cannot do it. They are not doing it in existing law.

They have three areas in existing law they are supposed to enforce, and they are not doing it. This is the GAO report saying this, not DON NICKLES. It is fact. And we are going to give them regulation over State health care? That is absurd. I know some people want national health care. They want the Federal Government to regulate health care in the States. I do not. I think it would be a serious mistake.

What about scope?

Mr. KENNEDY. Will the Senator yield?

Mr. NICKLES. I want to continue before I lose my train of thought.

What about scope? The scope proposal in our bill applies to every single ERISA-covered plan. Every employer-sponsored plan would have an external appeal because that is ERISA. It has Federal remedies.

We also included in this proposal a cause of action, a cause of action liability. In case the external appeal overturns the HMO and they do not pay, we say you can sue the HMO. We did not have that in the bill before. We did not have liability. We compromised.

Some say the conference has not done anything. We made a concession. We have liability in our proposal so patients can sue HMOs. It turns out that a lot of our colleagues want to sue more, on every case. They want to turn this into an invitation for litigation. We do not.

We do have cause of action. We have remedies allowing patients to go after the HMO, and, frankly, the employer, if acting as the HMO, if they are the final decisionmaker, if they are the ones denying health care, if they are the ones causing injury, harm, damage, or death, because of their decision to deny health care, they can be held liable. My point being: We have moved forward in the conference. We have made compromises. We have been working.

This is not the way to legislate: We will put, at 5 o'clock on a Thursday afternoon, on the Labor-HHS bill and say we are going to do part of patient protections, we are going to pick out a piece of it, a very significant piece. Maybe we will do another piece tomorrow.

That is not the way we are going to do it. We offered a significant comprehensive proposal, one that deals with scope, liability, patient protections, one that has an appeals process that will apply to every single employer-sponsored plan in America. We are going to give everybody a chance.

You will not be voting on a real patient protections bill, not the one Senator DORGAN offered as a two-page amendment. We have an amendment pending that is 250 pages that has real patient protections and one we have been working on for over a year.

Frankly, over half that language—maybe over 70 percent of that language—has been negotiated with our colleagues on the Democratic side of the aisle. It had tentatively been signed off by Democrats and Republicans, House and Senate. It has patient protections. It has an appeals process. We have a significant proposal. We do not have two pages. We have a Patients' Bill of Rights. We have remedies and cause of action where someone can sue an HMO or sue a final decisionmaker if they are denied health care. We have a good proposal, and I hope my colleagues will vote for it and against the Dorgan proposal.

We will have up-and-down votes on both proposals, on a bill on which neither one belongs. That is not my choice. I told my colleagues on the Democratic side that I will agree to a time certain and a vote on both of these proposals sometime—July, September. I am happy to do that. No, they want to score points. They want press conferences. They are not interested in patient protections. They are interested in press conferences and political theater.

They are not interested in helping patients. If they were interested in helping patients, they would be working with us to resolve and compromise in conference. Unfortunately, that is not the case. Maybe they will have theater, but we are going to give people substance on which to vote.

Last time, when my colleague from Massachusetts offered basically the House-passed bill—let's adopt the House position—we said no, and we tabled it. We saw the headlines: "Republicans Defeat Patients' Bill of Rights." Guess what. Today we are going to pass a Patients' Bill of Rights. We are going to pass a Patients' Bill of Rights and give every single patient in America who happens to be in an employer-sponsored plan an appeal. If they are denied health care by an HMO, they will have an appeal, done by a medical professional, an expert, using the best medical evidence available. It is a binding decision.

If for some reason that appeal is not adhered to nor complied with, they will have a right to sue. They can sue their HMO, they can sue the final decisionmaker, if it is a self-funded, self-insured employer, if they make a decision to deny health care. They can sue them in those circumstances. We are offering real patient protections.

Time and again I have heard: We have to have patient protections where there is remedy against HMOs denying health care. We do that in this bill. We do not want people going to court; we want them to settle it in the appeals process so they get health care when they need it, not through the court system when it is too late. We want to resolve those cases. We want people to get health care.

On the patient protections—about which my colleague says the Senate does not do anything for the firefighter in Massachusetts, we want patient protections—we just do not think we are protecting patients by coming up with some facade that the Federal Government is going to take care of them when we know it cannot, and have the Federal Government basically preempt State law with national health insurance.

Look at the countries with national health care. Do they have the quality of health care that we do in this country? The answer is no; absolutely not. People think we can draft these patient protections in Washington, DC, and do a better job than the States. I happen to disagree. I will give some examples.

The States have done a lot with patient protections. We should not ignore that. We should encourage it and compliment it. We should encourage them to do more. It would be presumptive.

We negotiated access to emergency room care; direct access to pediatricians; provider nondiscrimination; direct access to specialists; continued care from a physician; timely binding appeals to an independent physician; agreement on direct access to OB/GYNs; agreement to improve plan information; agreement on access to out-of-network physicians; agreement on open discussion on treatment options with physicians; agreement on access to prescription drugs; and agreement on access to cancer clinical trials.

We have made a lot of progress. My colleagues say we have not done that. Are we going to say the language we drafted is so much better than anything the States can do and so we have to supersede their language? Some people think we are the font of all wisdom. I do not agree with that. It is absurd for us to say that.

States have been issuing patient protections. Forty-three States have already passed patient protection bills way ahead of the Federal Government.

I think it would be presumptuous of us to say: We are going to draft something. We know it is better. And States, you must comply. If you don't comply, the Federal Government is going to come in to regulate.

That is a serious mistake. I do not want to do it.

I urge my colleagues to vote yes on the proposal that I have submitted on behalf of myself and several others who have worked for over a year and a half to put together. I urge my colleagues to vote in favor of that. And I urge my colleagues to vote no on the Dorgan-Kennedy amendment.

I yield the floor.

Mr. KENNEDY. Will the Senator yield for one question?

Mr. NICKLES. I am happy to yield on your time.

Mr. KENNEDY. I yield myself 2 minutes for that purpose.

What is the scope of and coverage in the Senator's proposal, not what will apply in terms of internal-external appeals, but what is the total coverage?

Mr. NICKLES. The total coverage is, on scope, every single employer-sponsored plan in America would have the right to internal-external appeals.

Mr. KENNEDY. In terms of numbers, what are we talking about in the NICKLES proposal? The initial proposal, the first proposal, was 48 million. We are talking about 161 million in the Dorgan proposal. Does the Nickles proposal include 161 million American families?

Mr. NICKLES. To answer my colleague's question, on the appeals process, it applies to 131 million Americans. We do not say we should design plans written by the States for State employees or for city employees or individuals. Those have always been regulated by the Federal Government. They have never been regulated by ERISA, and they aren't regulated by them in our bill, either.

Mr. DORGAN. Mr. President, let me answer the question of the Senator from Massachusetts. The Senator from Oklahoma took a long while to say no. Their proposal does not cover the 161 million Americans. It is essentially the same proposal we have seen previously. It falls far short of covering the majority of the American people who our proposal would cover.

Mr. President, I yield 10 minutes to the Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, the issue before us today is whether we are going to give the American people what I believe they expect and what they have a right to receive which is uniform, consistent coverage of their fundamental rights as beneficiaries of an HMO contract and as patients in a health care facility as it relates to the responsibilities of that health maintenance organization.

The Senator from Oklahoma has indicated he is going to submit to us a counterproposal to the provision that has been offered by the Senator from North Dakota, which focuses on one of the most fundamental issues and that is, who is going to be covered.

It is a little difficult for us to respond to the Senator from Oklahoma since at least none of us on this side of the aisle has had an opportunity to see the version of the amendment that will be offered. It is similar to seeing a biplane fly by with a long sign dragging behind its tail. That is what we see—a long, fluttering sign that says Patients' Bill of Rights. But we can't see any of the detail that supports that title of a Patients' Bill of Rights.

The question raised by the amendment of the Senator from North Dakota is whether we should have a nationwide standard or whether we should have 50 standards.

We have already answered that question as it relates to the 39 million Americans who are covered by Medicare. We have a national standard for all of those 39 million Americans.

We have answered that question for the 20 to 25 million Americans who get their health care through the Medicaid program. All of those people are covered by a national standard.

The question is whether we are going to provide for those people who get their insurance through private HMO companies rather than through one of these governmental programs to also be granted the right to have a national standard.

The amendment Senator DORGAN has proposed would cover all 161 million Americans with private insurance. They will receive the same full array of protections. The proposal that I anticipate from the Senator from Oklahoma will only fund one type of insurance: self-funded employer plans, which cover only 48 million Americans. The others will be left out.

I take second place to no Member of this body in terms of my support for federalism. I basically believe in the principle that, where possible, decisions should be made at the community and State level. So I consider it incumbent upon myself to answer the question: Aren't you being inconsistent by now supporting a national standard of patients' rights? Why not leave it up to the 50 States to decide for the 113 million Americans who have private insurance rather than self-funded employer plans? Why shouldn't those 113 million Americans be covered by a State's Patients' Bill of Rights?

I would like to answer that question in the context of one of the provisions within this bill, and that is how you will be treated if you go to an emergency room. I think it is an appropriate provision to use as an example of the larger question of whether this should be determined 50 times by the 50 States or should there be a national consistent standard.

The emergency room happens to be the site of the largest number of complaints by patients against their HMO's treatment. There are more complaints as to access, as to standard of care, and as to care after the initial critical services are provided, there are more complaints by patients in that setting than any other aspect of patient-HMO relationships.

The emergency room is also a setting which is heavy with urgency and emotion. That is not just watching "ER" on television; it is the emergency room in reality.

I have a practice of taking a different job every month. In February of this year, my job was working at the emergency room in one of the largest hospitals in Florida, St. Joseph's Hospital in Tampa. In that setting, I had an opportunity, firsthand, to see some of the issues that an emergency room poses for an HMO patient, such as the question of the patient arriving and asking the question: Am I going to be covered for the services that I will secure from this emergency room?

Am I entitled to access to the emergency room?

It is the question of: Have I come to the right emergency room? Should I have gone to the emergency room that is part of the plan of my HMO or can I go to this emergency room because it is a half hour closer?

It is the question of: What is going to happen after they stop the hemorrhaging and have moved into the poststabilization period? What kind of services can I receive, and what types of authorization do I have to get from my HMO to be certain that those services are going to be paid for?

Those are very fundamental, tangible questions that a family who is taking a loved one to an emergency room will want to have answered.

I suggest it would be preferable to all of the parties involved in this urgent transaction in an emergency room if there were a standard set of answers, whether you were in Tampa or Topeka or Tacoma, WA; that you would get the same answer. It would be beneficial to the beneficiary, to the patient, to know that there would be a consistent set of standards, that he would know, for instance, that he would be judged by the standard of "the reasonable layperson" in terms of access, that he would not be judged, as happens to be the case in my own State of Florida, not by the reasonable layperson standard, which is the rule in Medicare and Medicaid and most States but, rather, as he is in Florida, by the standard of an appropriate health care provider making a determination after the fact as to whether the patient should or should not have considered his or her condition requiring emergency room treatment.

It also avoids confusion by the provider because the provider will know that they can render services to all the people who come into the emergency room based on a single set of standards in terms of what is in that individual's best interest.

Talking about emergency rooms specifically, as I understand it, in the provision of the Senator from Oklahoma, rather than using the norm, which is a 1-hour period in which the HMO can decide whether they will assume responsibility for the patient in the emergency room or allow the hospital of the emergency room to render poststabilization care, the Senator from Oklahoma is going to propose that that 1-hour standard, which is the standard for Medicare, for Medicaid, for most plans, is now going to be ballooned up to 3 hours. So for a person who has been in a serious automobile wreck, who has had bleeding, hemorrhaging, who is in very serious circumstances and has been stabilized but not yet cured or not yet cared for, we are going to have a 3-hour period for that individual to wait for the HMO to decide whether it is OK for the hospital where the injured patient is located to provide the care there, or is the patient going to have to be put in an ambulance and carried to one of their network hospitals. I don't think that confusion as to standard is good medical policy for the providers. It is even not good policy for the insurance companies that have to deal with 50 different State standards as to authorization, length of poststabilization care, the other issues that arise in an emergency room.

Mr. President, as a self-declared Jeffersonian Federalist, this is a case in which we need to have a national standard because it is for the benefit of the good health of the American people. I urge adoption of the amendment offered by the Senator from North Dakota.

Mr. NICKLES. Mr. President, I am assuming we have an informal agreement to go back and forth and to try to keep the time fairly equally divided. I might ask of the Parliamentarian what the division of time is remaining.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Oklahoma has 40 minutes remaining, and the Senator from North Dakota has 24 minutes.

Mr. NICKLES. I yield 7 minutes to my colleague from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise in support of the Nickles bill a little bit hesitantly—not my support—because of a conference which is underway which pulls together bills passed by the House of Representatives and by the Senate wherein progress is being made so that we can assure the American people of a real Patients' Bill of Rights.

This process seems to be interrupted time and time again, if not with bills brought to the floor, with press conferences day after day. You haven't seen that from this side. You have seen us working on a very aggressive, daily basis, in a bipartisan, bicameral way to put together a Patients' Bill of Rights—a real challenge because of the number of interests, the number of patient protection issues such as scope and liability. We are making progress.

Because of the political theater that seems to be the name of the play put forth on the other side, we have our response tonight. I am very excited about it. I am very excited because we are putting on the table a real Patients' Bill of Rights which has the objectives of returning decisionmaking back to that doctor-patient relationship, of getting HMOs out of the business of practicing medicine but not having the unnecessary mandates which needlessly drive the cost of health insurance so high that people lose their health insurance.

The alternative bill on the other side of the aisle—one that was defeated last year, a very similar bill defeated 2 weeks ago—we know would drive about 1.8 million people to the ranks of the uninsured.

I can tell the Senate, as a physician, as a policymaker, somebody who has now spent more than 2 years on this bill, we are obligated to the American people to present a bill which is a Patients' Bill of Rights that does not unnecessarily drive people to the ranks of the uninsured by driving up cost. That process is underway. It is interrupted once again tonight.

Tonight, for the first time, we are going to be able to put a new bill that reflects this bicameral, bipartisan work of the conference on the table. I would like to concentrate a few minutes on the actual ten or so patient protections that are in the bill that Senator NICKLES has put forward.

We heard a little bit from the Senator from Florida on a Florida Patients' Bill of Rights and patient protections. We will come back and talk about the scope of the bills a little bit more, but in Florida there are a total of 44 mandates that have already been passed by the legislature and are law in Florida today. The simple question is, Why do we in this body think we can do a better job when the State has jurisdiction already in putting forth mandates?

For example, in 1997, the State of Florida passed a comprehensive bill of rights, now 3 years ago. For ER services, emergency room services, 4 years ago they passed a Patients' Bill of Rights. They passed consumer grievance procedures; breast reconstruction in 1997; direct access to OB/GYNs passed in 1998 in Florida; direct access to dermatologists, 1997; external appeals, 1997.

It comes down to the basic premise that we believe we should write a bill in terms of scope, in terms of the ten patient protections that apply to those people under Federal jurisdiction, and not come in and say we know better than the Governor of the Assembly of Florida or Tennessee or Arkansas.

Very briefly, I will talk about the patient protections.

No. 1, emergency care: Under the Nickles bill, plans must allow access to emergency service. This provision guarantees that an individual can go to the nearest emergency room regardless of whether the emergency room is in the network, in the plan or outside of the plan. It is the nearest emergency room. So these press conferences where you see pictures of people skipping to different emergency rooms, it is not in the bill. In this bill you go to the nearest emergency room.

No. 2, point of service: In this bill all beneficiaries covered by a self-insured employer of 50 or more employees must have a point of service option regardless of how many different closed panel options an employer offers.

No. 3, access: Specialists such as an obstetrician/gynecologist, under the Nickles bill, patients receive a new right for direct access to a physician who specializes in obstetrics and gynecological care for all obstetrical and gynecological care.

No. 4, access to pediatricians: Under our plan, a pediatrician may be designated as the child's primary care provider; that is, if a plan requires the designation of a primary care provider for a child.

No. 5, continuity of care: Under the Nickles bill, when a provider is terminated from the plan network, patients currently receiving institutional care, if they are terminally ill, may continue that treatment with the provider for a period of up to 90 days.

No. 6, access to medication, a real issue for physicians and for patients, this whole idea of a formulary: under the Nickles bill, health plans that provide prescription drugs through a formulary are required to ensure the participation of physicians and pharmacists in designing the initial formulary and in reviewing that formulary.

If there are exceptions from that formulary and a nonformulary alternative is available, then the patient has access to that nonformulary alternative.

No. 7, access to specialists: As a heart and lung transplant surgeon, this is something I believe is absolutely critical and very important to have in the Patients' Bill of Rights. With the Nickles bill, patients will receive timely access to specialists when needed.

No. 8, gag rules: Under the Nickles bill, plans are prohibited from including gag rules in providers' contracts or restricting providers from communicating with patients about treatment options.

No. 9, access to approved cancer clinical trials: Again, this is very important. We have heard a lot about the human genome project today and the great advances. That is good because it gives you the "phone book." We have to figure out what it means. In the same way, if you have new pharmaceutical agents, or treatments for cancer, you have to figure out whether or not they work; therefore, access to approved cancer clinical trials. The Nickles bill provides coverage of routine patient costs associated with participation in approved cancer clinical trials sponsored by the NIH, the Department of Veterans Affairs, the Food and Drug Administration, and the Department of Defense.

No. 10, provider nondiscrimination: Under the Nickles bill, plans may not exclude providers based solely on their license or certification from providing services.

No. 11, after breast surgery, mastectomy length of stay, and coverage of second opinions: Plans are required, under the Nickles bill, to ensure inpatient coverage for the surgical treatment of breast cancer for a time determined by the physician, in consultation with the patient.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FRIST. Mr. President, I yield the floor.

Mr. LOTT. Mr. President, I have a unanimous consent request that has been cleared now on both sides of the aisle, if I may interrupt momentarily.

I ask unanimous consent that the motion to waive the Budget Act for consideration of the Gramm point of order be withdrawn.

I further ask consent that the Gramm point of order be temporarily laid aside, to be recalled by the Senator from Texas, after consultation with the majority leader and the minority leader, and the Chair rule on the point of order immediately, without any intervening action, motion, or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

Mr. REED. Mr. President, I rise in support of Senator DORGAN's proposal. It is very straightforward, simple, and it states categorically that all Americans covered by health insurance should have the protections of the Patients' Bill of Rights. Nothing could be clearer or more effective and efficient in providing protections to the American people, to which we all, by and large, agree.

We have seen this proposal in the Democratic legislation that was submitted to this Chamber. It is included within the Norwood-Dingell legislation in the other body. It is consistent, it is appropriate and, frankly, it seems so common sensical. Why should an American citizen be denied protections and practices and benefits because he or she is in an ERISA plan rather than a non-ERISA plan? ERISA is a time and security income program created to protect the solvency of retirement funds and the financial aspects of these plans. It was never intended to be a health care plan or to define the coverage for health care plans in the United States. So on that point alone, it seems to be an inappropriate way to discriminate against those Americans who have access to the protections of the Patients' Bill of Rights.

I have been listening to the proposals by the Senator from Oklahoma and the description of the Senator from Tennessee and trying to understand their proposals. My understanding is this: They have—and Senator FRIST has announced a long list of protections and rights, and they only apply to ERISA plans—48 million Americans. The appeals process, however, would be expanded to apply to 131 million Americans.

Now, it appears to be inconsistent, but I think the rationale and the logic is pretty clear. If you don't have rights, it doesn't matter whether or not you have an appeals process. If you don't have the rights outlined by the Senator from Tennessee, then you could have the appeals process, but what are you appealing? You are appealing nothing. It comes back to the point that Senator DORGAN has made so well. This issue is about scope, so that not only do you have the right to appeal—all Americans—but you actually have valid rights that you can insist upon in an appeals process. That is included within the Democratic proposal, the Norwood-Dingell bill, and it is significantly absent from the Republican proposal we are hearing today.

Now, the justification, of course, for this approach—the Republican approach—is we can't disrupt State regulations, or the sanctity of State regulations. However, step back and look again. Under the pressure of Norwood-Dingell, the pressure of Senator DORGAN's proposal, and the pressure building up month after month of trying to bring this Patients' Bill of Rights to the floor for final passage—something solid and substantive—the appeals process has been expanded. When it comes to appeals, we are saying we don't care about State regulations anymore. That argument falls out. If we don't care about the appeals process with respect to the sanctity of State regulations, why do we care when it comes down to fundamental rights? Or why do you care about it in this, I think, inappropriate, illogical, and irrelevant distinction between ERISA plans and non-ERISA plans? The answer is, this ERISA distinction is a convenient dodge to avoid providing rights for all Americans in this health care bill.

Now, also, they talk about the fact that the cost of these patient protections will go up dramatically. Yet the Senator from Tennessee just announced a long list of protections that apply to ERISA plans. Why, if these are so onerous and costly, would we allow them to be applied to ERISA plans and not to other plans? The answer, I think, also should be obvious. It is that, in fact, these proposals are not only necessary but appropriate, and that the costs will not unnecessarily drive people away from insurance protection.

So what we have in the Republican proposal is based upon illogical premises, distinctions that should not be in place with respect to ERISA or non-ERISA, and also would create a complexity that is one of the banes of our health care system today. On this side, and also on the bipartisan measure adopted by the House of Representatives, you have a very simple, direct proposal that will cover every American—not just in the appeals process but in the basic rights they have. I think, in comparison, it is clear that we should support the amendment of the Senator from North Dakota.

Mr. NICKLES. Mr. President, I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, if we are going to talk about improving patient care, we should talk about improving quality of care. We believe that every patient is entitled to the best medicine available. Reducing medical errors is an important part of improving quality. In fact, it is a critical issue.

The Institute of Medicine released a report late last year, which I requested. It focused our attention on the need to reduce medical errors to improve patient safety. The IOM report said that more people in this country die of medical errors than die of breast cancer, AIDS, or motor vehicle accidents—the one statistic we cannot ignore. In response to this report, the HELP Committee held four hearings. On June 15, Senator FRIST, Senator ENZI, and I introduced S. 2738, the Patient Safety and Errors Reduction Act.

This amendment, which is based on our legislation, will attack the problem of medical errors in several ways. First, it will provide a framework of support for the numerous efforts that are underway in the public and private sectors. Second, it will establish a center for quality improvement and patient safety within the agency for health care research and quality. Finally, it will provide needed confidentiality protections for voluntary medical error reporting systems. These provisions are consistent with the Institute of Medicine's recommendations.

The IOM report calls on Congress to establish a center for quality improvement and patient safety at the agency of health care research and quality.

This Center will take the lead on patient safety research and knowledge dissemination so that what is learned about reducing medical errors can be communicated across the country as quickly as possible.

The Institute of Medicine's report also calls on Congress to provide confidentiality protections for information that is collected for the purposes of quality improvement and patient study. This is the only way to get doctors and nurses to begin to voluntarily report their errors. These protections apply only to medical error reporting systems and do not diminish the current rights of injured patients. They will still have access to their medical records and they will still have the same right to sue as they do now.

We heard loud and clear at our four hearings that we need to encourage the reporting of close calls. A close call is a situation in which a mistake is made, but it does not result in injury to the patient. No harm is done, but the potential for harm is there.

Many times these "close calls" or "near misses" are the result of problems with the system. The nurse calculates the dose incorrectly because the medication name ordered was folinic acid and she is accustomed to giving folic acid. The doctor orders an inappropriate medication because he has no way to know that another doctor has given his patient a medicine that will interact.

Studies show that mandatory systems may actually suppress rather than encourage reporting. Punishment of individuals who make mistakes is not only ineffective, it is not the goal. The goal is patient safety.

It is time that we include our health care industry in the list of industries that have adopted continuously quality improvement and have taken significant steps to reduce human errors. Good people make mistakes. We need to do everything we can to put the systems in place to ensure that health care mistakes are very hard to make.

Neither the Institute of Medicine nor Congress discovered this medical error problem. Health care professionals have been at work for some time in trying to address medical errors. I hope that by becoming a partner in this process, the federal government can accelerate the pace of reform and provide the most effective structure possible.

I am pleased that this confidential, voluntary, non-punitive approach to addressing medical errors has the support of both the provider community and their oversight agencies.

We cannot afford to wait on this issue. The Nickles amendment will raise the quality of health care delivered by decreasing medical errors and increasing patient safety.

Mr. DORGAN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from North Dakota has 19 minutes, and the Senator from Oklahoma has 27 minutes.

Mr. NICKLES. Mr. President, I yield to the Senator from Wyoming 5 minutes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Oklahoma.

I, too, am distressed that we are debating the scope at this point. We had the opportunity to discuss this in a bipartisan way and to come up with good solutions. We were making good progress. We have been making good progress. Unfortunately, the opposition has decided that a national health care plan is the only way to go. A national health care plan has been defeated around here a lot of times. I can tell you that there are a lot of people who do not want a national health care plan. They do not understand a national health care plan. If I even considered one, folks wouldn't send me back again—not the ones from Wyoming. We have a little different atmosphere in Wyoming than they do maybe in Massachusetts or New York or Florida. But the people there want health care as bad as anywhere else. They don't want to be driven out of the market by rising costs for regulations that do not really even affect them. We don't have HMOs in Wyoming, except one small one owned by doctors.

The regulations that will work for other States in this country will not work for Wyoming. We have an insurance commissioner. His name is John McBride. The nice thing about Wyoming is if you have an insurance problem you call the insurance commissioner. You can talk to him or to one of the people who work for him. You can call them by their first names. I don't have to call them "Mr. Commissioner." And they will help you get your problems straightened out. They will help out a lot faster than using a national health care plan that results in a chart such as this.

Can you picture me telling the folks in Wyoming that the insurance commissioner can't help them anymore, and to just pick the phone up and call HIPAA? I don't know the thousands and thousands of employees who work there. I especially don't know any of the thousands and thousands who they will have to hire to do the kind of job that the scope is calling for by our opponent.

A reasonable scope that handles the rest of the people who are not covered by States where they can call the people and get the same person every time so they don't have to explain again their problem every single day is the kind of service people expect. It is the kind of service they can get, but not if we take away States rights.

Guess what. It looks even worse for consumers under the HCFA's "protection," according to a release by the GAO on March 31 of this year.

The model the Democrats are supporting for implementing the Patients' Bill of Rights is the Health Insurance Portability and Accountability Act, affectionately known as HIPAA. I quote from the report:

> Nearly only four years after HIPAA's enactment, HCFA continues to be in the early stages of fully identifying where enforcement will be required.

There are all kinds of stories about the Washington bureaucracy. Under their scope, they want us to give up the State plans in favor of this group that is still trying to figure out where they are going. Is that responsible? No.

There are other things that need to be negotiated out in this bill. But that is not an option we are being given when they start piecemeal. Every piece of a Patients' Bill of Rights interacts with the other part. When you jerk out one part of the scope and try to do that without talking about all of the other parts of it that interacts with the scope you wind up with nothing but a mess. To try to do that in a little two-page bill makes it look easy. We have gone from hard on an earlier one to a really easy one now. And neither of them will do it and protect the people in my State. I suggest that it will also not protect people in other States.

I am becoming less surprised that after walking away from the conference for the Patients' Bill of Rights, the Democrats are hurling accusations about others not wanting to get a bill done and enacted. That's an incredibly counter-productive reaction to giant steps on our part toward compromise. This conference has been long and time-consuming, but it has been working. There is not a single reason why we should abandon a process that is working. Yet, politics has been invited in, and I think the majority of us here to highlight why that's such a terrible mistake. Choosing this path is a vote to abandon patients in favor of a political issue.

Among the handful of principles that are fundamental to any true protection for health care consumers, probably the most important is allowing states to continue in their role as the primary regulator of health insurance.

This is a principle which has been recognized—and respected—for more than 50 years. In 1945, Congress passed the McCarran-Ferguson Act, a clear acknowledgment by the federal government that states are indeed the most appropriate regulators of health insurance. It was acknowledged that states are better able to understand their consumers' needs and concerns. It was determined that states are more responsive, more effective enforcers of consumer protections.

As recently as last year, this fact was re-affirmed by the General Accounting Office. GAO testified before the Health, Education Labor, and Pensions Committee, saying, "In brief, we found that many states have responded to managed care consumers' concerns about access to health care and information disclosure. However, they often differ in their specific approaches, in scope and in form."

Wyoming has its own unique set of health care needs and concerns. Every state does. For example, despite our elevation, we don't need the mandate regarding skin cancer that Florida has on the books. My favorite illustration of just how crazy a nationalized system of health care mandates would be comes from my own time in the Wyoming legislature. It's about a mandate that I voted for and still support today. You see, unlike in Massachusetts or California, for example, in Wyoming we have few health care providers; and their numbers virtually dry up as you head out of town. So, we passed an any willing provider law that requires health plans to contract with any provider in Wyoming who's willing to do so. While that idea may sound strange to my ears in any other context, it was the right thing to do for Wyoming. But I know it's not the right thing to do for Massachusetts or California, so I wouldn't dream of asking them to shoulder that kind of mandate for our sake when we can simply, responsibly, apply it within our borders. What's even more alarming to me is that Wyoming has opted not to enact health care laws that specifically relate to HMOs, because there are, ostensibly, no HMOs in the state! There is one, which is very small and is operated by a group of doctors who live in town, not a nameless, faceless insurance company. Yet, under the proposal the Democrats insist is "what's best for everybody," the state of Wyoming would have to enact and actively enforce at least fifteen new laws to regulate a style of health insurance that doesn't even exist in the state!

As consumers, we should be downright angry at how some of our elected officials are responding to our concerns about the quality of our health care and the alarming problem of the uninsured in this country.

It is being suggested that all of our local needs will be magically met by stomping on the good work of the states through the imposition of an expanded, unenforceable federal bureaucracy. It is being suggested that the American consumer would prefer to dial a 1-800-number to nowhere versus calling their State Insurance Commissioner, a real person whom they're likely to see in the grocery store after church on Sundays.

As for the uninsured population in this country, carelessly slapping down a massive new bureaucracy that supercedes our states does nothing more than squelch their efforts to create innovative and flexible ways to get more people insured. We should be doing everything we can to encourage and support these efforts by states. We certainly shouldn't be throwing up roadblocks.

And how about enforcement of the minority's proposal?

Well, almost one year ago this body adopted an amendment that stated, "It would be inappropriate to set federal health insurance standards that not only duplicate the responsibility of the 50 State insurance departments but that also would have to be enforced by the Health Care Financing Administration (HCFA) if a State fails to enact the standard."

Yet here we are one year later where, not only is it being suggested that we trample the traditional, overwhelmingly appropriate authority of the states with a three-fold expansion of the federal reach into our nation's health care, they still insist on having HCFA be in charge. HCFA, the agency that leaves patients screaming, has doctors quitting Medicare, and, lest we not forget, the agency in charge as the Medicare program plunges towards bankruptcy.

And guess what, it looks even worse for consumers under HCFA's "protection," according to a new report released by GAO on March 31 of this year. The model the Democrats are supporting for implementing the Patient's Bill of Rights is the Health Insurance Portability and Accountability Act, affectionately known as HIPAA. I quote from the report: "Nearly four years after HIPAA's enactment, HCFA continues to be in the early stages of fully identifying where federal enforcement will be required." Regarding HCFA's role in also enforcing additional federal benefits mandates that Congress has amended to HIPAA, the GAO states, "HCFA is responsible for directly enforcing HIPAA and related standards for carriers in states that do not. In this role, HCFA must assume many of the responsibilities undertaken by state insurance regulators, such as responding to consumers' inquiries and complaints, reviewing carriers' policy forms and practices, and imposing civil penalties on noncomplying carriers." And then, the GAO report reveals that HCFA has finally managed to take a baby step: "HCFA has assumed direct regulatory functions, such as policy reviews, in only the three states that voluntarily notified HCFA of their failure to pass HIPAA-conforming legislation more than 2 years ago."

Is this supposed to give consumers comfort? First we should usurp their local electoral rights or their ability to influence the appointment of their state insurance commissioner and then offer up this agency as an alternative? I'm sure I could find a single Wyomingite to clap me on the back for this kind of public service.

I could go on at length about the very real dangers of empowering HCFA to swoop into the private market, with its embarrassing record of patient protection and enforcement of quality standards. Such as how it took ten years for HCFA to implement a 1987 law establishing new nursing home standards intended to improve the quality of care for some of our most vulnerable patients. But I think the case has already been crystallized in the minds of many constituents: "enable us to access quality health care, but don't cripple us in the process."

The next, equally important issue is that of exposing employers to a new cause of action under a Patients' Bill of Rights. Employers voluntarily provide coverage for 133 million people in this country. That will no longer be the case if we authorize lawsuits against them for providing such coverage. This is basic math. If you add 133 million more people to the 46 million people already uninsured, I'd say we have a crisis on our hands. In my mind, a simpler decision doesn't exist. We should not be suing employers.

Let me close by saying that the conference has worked in incredible good faith. We have come to conceptual agreement on a bipartisan, bicameral basis on more than half of the common patient protections. We have come to bipartisan, bicameral conceptual agreement on the crown jewel of both bills—the independent, external medical review process. Most dramatically, the bicameral Republicans offered a compromise on liability and scope, to which the Democrats responded with only rhetoric and political jabs in the press. It is absolutely bad faith to have done so. I think it would be regrettable if these continued public relations moves torpedo what, so far, has produced almost everything we need for a far-reaching, substantive conference product.

I encourage all of my colleagues to take the high road and support the legislative process our forefathers had in mind, versus a public relations circus.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume.

I have listened to this discussion, and it is pretty interesting. It seems to me that if you don't want to pass a Patients' Bill of Rights—perhaps for the reason the Senator from Wyoming suggested, which is that the Federal Government ought not to have any involvement in this issue—then just say so. Don't come out here and describe an alternative as if it is doing something that it is not really doing.

According to my colleague, we have a 258-page amendment. It kind of reminds me of the "Honey, I shrunk the plan" approach, this suggestion that what we should go back to covering 48 million people rather than 161 million people.

The Senator from Tennessee talked earlier about emergency room care and a number of the patient protections we have proposed. I hope he will respond to my inquiry. Is it not the case that the emergency room care provisions in the Senator from Oklahoma's amendment applies only to about 48 million people. Isn't it so that two out of three people will not be covered with the kind of protection the Senator suggested was covered in their proposal? It seems to me it would be a much better approach to simply say we don't support a Patients' Bill of Rights.

Mr. FRIST. Mr. President, will the Senator yield?

Mr. DORGAN. I will yield for about 15 seconds.

Mr. FRIST. Mr. President, emergency room provisions are a good case in point. It comes up all the time. It is important that people have the right to go to emergency rooms. Emergency room provisions are important. The Senator is exactly right. For the 51 million people who the Federal Government regulates, we have a responsibility to put emergency room provisions in there. That is what the Nickles bill does for the States.

The other people the Senator is talking about—does he know how many people already have specific emergency room provisions legislated for managed care? We do. It is not 10 States or 20 States or 30 States or 40 States. I don't have the exact number. I know more than 43 States have taken care of the emergency room provisions.

Mr. DORGAN. I understand the Senator's answer, which is that the substitute offered by Senator NICKLES provides coverage for only about 48 million Americans. It is the same approach they have used previously.

One can suggest that all of these protections I am proposing are covered elsewhere. If that is the case, why does the Senator object?

The Senator from Oklahoma seems irritated we have raised this issue again. Let me tell you what Congressman NORWOOD, a Republican serving in the House who is a sponsor of the House legislation, said on May 25, and I quote: I am here to say the time's up on the conference committee. We have waited 8 months for this conference committee to approve a compromise bill. Senate Republicans have yet to even offer a compromise liability proposal. They have only demanded that the House conferees abandon their position.

This is a Republican saying the time is up on the conference committee.

Let me also point out that the Senate passed, in my judgment, a poor piece of legislation. It has the right title but it doesn't include the right provisions. The House passed a good piece of legislation, but the House leadership appointed conferees to the conference that voted against the House bill. Their conferees voted against the House bill. So the conference isn't even on the level.

If month after month after month goes by and you don't want to have a Patients' Bill of Rights because you don't believe the Federal Government ought to be involved in this, just tell the patients that. Say to the patients: We don't believe Congress ought to do this. You should go ahead and fight cancer and fight your HMO at the same time. Go ahead and do that.

The fact is, we can do better. The proposal we are offering today is very simple. We believe that a Patients' Bill of Rights establishing basic rights that patients ought to be able to expect in dealing with their insurance company is a proposal that ought to get 100 votes in this Congress.

There are some who say, when asked the question, Whose side are you on? Let us stand with the insurance companies.

We believe Members ought to stand with the patients. There is a genuine and serious problem in this country with patients not getting the treatment they expect, need, or deserve. Patients find themselves having to fight cancer and their insurance company. That is not fair.

The question is whether this Congress will do something about it. The question is not whether this Congress will pass a national health care plan. That is nonsense. That is not what is being debated. I see more shuffle and tap dances going on around here on this debate. The fact is, if you want to pass a good Patients' Bill of Rights, do what the House did. Understand that Dr. NORWOOD, a Republican Congressman, knows what he is talking about. This conference hasn't moved. This conference isn't accomplishing anything. That is why we have offered this amendment.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. To respond to a couple of comments, my colleague read from a Norwood letter that said the Republican conferees are not addressing liability. We have liability on the floor of the Senate. Mr. NORWOOD is not a conferee. Maybe he didn't know what he was talking about. We have liability on the proposal. Granted, there was not liability in the Senate bill we passed. There is on the bill we have before the Senate.

When we talk about scope, we have scope that applies to 131 million Americans in the appeals process and liability that they can sue their HMO.

To read a letter by a Congressman that says the conference is not doing anything, they don't have liability, and we have liability is a little misleading.

When my colleague from North Dakota says our proposal doesn't have a Federal takeover of insurance, you might read the amendment. The amendment on page 2 says:

> (3) provide the Federal Government with the authority to ensure the Federal floor referred to in paragraph (1) is being guaranteed and enforced with respect to all individuals described in such paragraph, including determining whether protections under State law meet the standards of such Act.

In other words, the Federal Government will run State insurance, period. The Federal Government is going to take over. It is in his amendment.

I think that needed to be pointed out.

I yield 10 minutes to my colleague and conferee on this bill, the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I thank Senator NICKLES, whose leadership on this issue I think is without equal on any issue on which I have worked since I have been in the Senate. I know the people of Oklahoma, who Senator NICKLES represents, watch this on television at home. They wonder, what is this all about? You did, you didn't; you did, you didn't. This has to be confusing.

In the limited time I have, I want to set this debate in historical perspective so everybody knows what this is about.

When Bill Clinton was elected President, he had a goal of having the Government take over and run the health care system. In fact, I have before me the Clinton health care bill. This would have mandated one giant, national HMO run by the Government; HMOs would set up health care collectives, and of course the right people would be chosen to decide what health care we all needed.

If you went to your doctor, he would have dictated, under the Clinton plan, the kind of treatment he could give. If he violated their guidelines because he thought you needed it, he would be fined $50,000.

If, under the Clinton health care bill, you went to a doctor and said, I don't think all these experts are right and my baby is sick, my baby could be dying, I will pay you to treat my baby, if the doctor did it, he could go to prison for 5 years.

That is the health care system my Democrat colleagues are for. The Members who were here voted for it and supported it. They know what they want. They want the Government to take over and run the health care system. They want to herd Americans into health care purchasing cooperatives, or collectives, as they call them, and you have to be a member or else you don't get health care in America. That is what they want. That is where this debate started.

Now, we are trying to give patients rights in dealing with HMOs. We want internal and external review. We want the external review to be independent. We want to guarantee them rights. But there is one fundamental difference between the Democrats and us. We think this is a delicate balance, because we don't want to drive up health care insurance costs so much that millions of people lose their health care.

Senator KENNEDY's bill was scored as driving up the cost of every person's health care in America by over 4 percent and costing 1.2 million American families their health insurance. What patient right is more basic than having health insurance? They give you lots of rights, but if you lose your health insurance, how do you pay for your health care? There is the difference between them and us. We have to be concerned about 1.2 million people losing their health care; they don't.

When Clinton said, let us take over and run the health care system and put everybody into these health care collectives, what did he say the problem was? The problem was that we had too many people without health insurance. So if their bill passed and millions of people lost their health insurance, what do you think they would say? They would say: We have a solution; the solution is a government takeover of health care.

This job is easier for them than it is for us because they don't care if the baby dies, because they want to replace it. It reminds me of that story in the Bible. Some of you may remember it. Two ladies had gone to bed, and during the night one of them's baby had died and the other one had taken the baby. They come before Solomon. Solomon, in his wisdom, after listening to their arguments, says let's just cut the baby in half. That is what they are saying—cut the baby in half. Then one lady said: OK, cut the baby in half; and the other said: No, let her have the baby. Then Solomon knew whose baby it was.

This is our baby. We love freedom. We love the right of people to choose. We love the greatest health care system the world has ever known. We are not going to let the Government take over and run the health care system. That is what this debate is about. That is what our Democrat colleagues want. They are willing to destroy the greatest health care system the world has ever known because they want the health care system where the Government runs it. They think it would work better. We don't. Neither did America in 1993 and 1994, which is why we have a Republican majority today.

The second issue is scope. What does that mean? For those watching this on television, what does "scope" mean? What it means is, what should this Federal law do as it relates to the State in which you live?

Our Democrat colleagues believe with all their heart—they are as sincere as they can be—that there is only one place in the world where people have really any sense: Washington, DC. They think people in city governments and county governments and State governments are ignorant and uncaring. They believe Washington is brilliant, all-knowing, and all-caring. So what they want to do is write one bill in Washington and impose it on every living person in America.

We do not agree. We do not believe that just coming to Washington all of a sudden makes you brilliant. In fact, it is a long way from Washington to Wyoming. It is a long way from Washington to Texas. We joined the Union in Texas because we wanted freedom. We didn't join the Union to give it up.

What is the difference between the two bills? Their bill says we are going to write things the way we want them, and you are going to do it that way or we are going to come to your State, we are going to cut off your money, we are going to cut off your health care, and in some cases we are going to put you in jail. That is their way of doing it. You remember, in their bill if you went to this doctor, got down on your knees and begged that he take your money and treat your child, he went to prison for it; That was in their bill, the Clinton health care bill.

What we say is: Look, we will write a basic standard for patient protections. But what if the people in Wyoming decide, since they don't have any HMOs—and this bill is about dealing with HMOs—that they should not have to come under the Federal Government to deal with a problem they don't have? They don't think they should. I don't they should either.

People in Tennessee and Texas were protecting patients before we got into this business. They passed comprehensive bills. All we are saying is our bill applies to those not already covered. But if people in Texas, through their government, through their elected Representatives, decide they appreciate our help, they appreciate our caring, they know we love them, they kind of figure we know everything—but just in case we are wrong, they would rather implement their own program for their own jurisdiction, our Democrat colleagues say: No, they don't care enough, they don't know enough, they are ignorant.

We do not agree. We want people in Wyoming to be able to say: Look we really appreciate the bill, we know you guys want to help us, but we don't have any HMOs; we say they ought to have the right to opt out.

If Tennessee says: Look, we set up TennCare because we adopted the Clinton health care bill in Tennessee—they wish they hadn't done it, but they did—if they say we would rather do it our way than your way, our Democrat colleagues say: What do you know? What do you know in Tennessee? You people in Tennessee don't know and don't care about people. We want to do it for you. We are going to tell you how to do it.

What we say is: Look, we have written a good bill. We want everybody to look at it very closely. In those areas where only Federal law applies, the bill applies. You can't get out from under it because there are no other protections. But if Tennessee decides in areas where they have already passed a Patients' Bill of Rights that they would rather do it their way than our way, we say if their elected Representatives, their Governor, decides to do it that way, they have the right to do it.

Is that an extreme view? Is that somehow denying people protection? Is freedom a denial of protection? Is keeping the right to choose denying people a basic health right? I don't think so. I think it enhances rights. And that is what this debate is about.

Our Democrat colleagues with all their hearts believe that the Government ought to take over the health care system and they think everything should be done in Washington.

I reserve the remainder of our time.

Mr. DORGAN. Mr. President, I yield 7 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is always interesting to listen to my friend and colleague from Texas. But I still am trying to find out why he is opposed to the protections which are included in our Patients' Bill of Rights. There was a lovely, wonderful statement about his reservations and about the importance of freedom to HMOs: If we give total freedom to HMOs, the public be damned. That is what has happened too often. What we are talking about is the protections that are guaranteed in a Patients' Bill of Rights, which is, interestingly, all the kinds of protections he has in his health insurance under the Federal employees program.

There is not a Member of the Senate who has not accepted the Federal employees program, and it guarantees virtually every one of these protections we are talking about tonight with the exception of the right to sue.

The question before the Senate tonight is this: Are we going to insist that whatever protections we are going to pass in a Patients' Bill of Rights are going to be available and accessible to all Americans? That is the Norwood-Dingell bill, the bill we on our side of the aisle favor. Whatever protections we are going to put in ought to include the 161 million Americans with private health insurance. That is our principle, that is what we stand for.

All you have to do is read the Nickles bill and you will find out that it covers exactly what was in the Senate Republican bill—only the 48 million Americans who are self-insured. Whatever protections they are talking about cover only those 48 million.

Look at the Nickles access to pediatric provision: "If a group health plan"—that would be 123 million people;—"other than a fully insured group plan." Other than; that knocks out the fully insured. It knocks all of them out. So the guarantees on pediatric care apply to only 48 million out of 161 million.

Go through the rest of the Nickles bill. Go through coverage of emergency services. It says, again, "If a group health plan"—they are covering 123 million. The next sentence, "other than a fully insured group health plan." Other than fully insured—75 million. How many are left out? Forty-eight million. They cover the same number of people they covered 7 months ago. That is the reality. Here it is in their bill. Every one of these guarantees: If a group plan, other than a fully insured group plan. You go for the 48 million in the legislation that is rejected by Dr. NORWOOD, who is the principal health spokesman for Republicans on health matters over in the House of Representatives.

There it is. Their own language. They cover 48 million. The Dorgan proposal said: Whatever we are going to do, in terms of protecting consumers, let's protect them all—161 million.

We are one vote away in the Senate from passing an effective Patients' Bill of Rights. The conference is a failure. The amendment offered by the Senator from Oklahoma does not even have the support of the House Republicans. And only one of the House Republican conferees was a supporter of the Norwood-Dingell bill.

There is no agreement on covering all Americans. There is no agreement on external appeals. There is no agreement on holding health plans accountable. There is no agreement on access to specialists, to clinical trials, or a host of other patient protections. There was no agreement.

This vote today is a chance for the Senate to make a statement. A vote for the Dorgan amendment is a vote for the proposition that every patient in America is entitled to protection. Establishment of that principle is a giant step towards the day the Senate will pass a true patients protection program. A vote for the Nickles amendment is a vote against patients and for insurance companies. It is a vote for covering less than a third of all Americans. It is a vote for the same limited coverage originally passed by the Senate. It is a vote for a review process that is not truly independent. It is a vote against meaningful accountability. It is a vote against access to specialists outside a plan, even if the specialist is the only one able to treat that condition. It is a vote against access to clinical trials for heart patients. It is a vote for a bill that is so inadequate it will never pass the House, and it will never be signed by the President. It will not protect the thousands of patients who are injured every day.

It is up to the Senate. We should vote for the principle that everyone be covered. We should vote against a plan rejected by every group of patients and doctors, and by House Republicans. And we should come back after the recess and pass a real patients' rights bill, of which we can all be proud, whether we are Republicans or Democrats. Let's protect patients, not HMOs. I withhold the remainder of my time.

Let's protect patients, not HMOs. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Oklahoma has 10 minutes, and the Senator from North Dakota has 7 minutes.

Mr. NICKLES. Mr. President, for the information of all of our colleagues, it is my expectation we will have a vote about 7:20 p.m. I say to the majority leader, all time will expire by about 7:20 p.m. We are happy to vote on both proposals. So colleagues should be on notice to expect two rollcall votes beginning at 7:20 p.m.

I yield 5 minutes to my colleague, a conferee on the bill, the Senator from Arkansas, Mr. HUTCHINSON.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I compliment and commend the Senator from Oklahoma, Mr. NICKLES, for the hard work he has done and the months of labor he has put into this conference. Anybody who has followed the reports of what has come out of this conference cannot honestly say it has been glacial movement. Enormous progress has been made. Concessions have been made on the part of the House conferees as well as the Senate conferees.

This is no way to legislate and no way to provide patient protections the way Senator KENNEDY and Senator DORGAN have done in parceling out a little piece here and there. Tonight we are going to do scope. That is not the way to legislate. This is truly the triumph of politics over policy.

I was writing as various Senators on the Democratic side made speeches. They spoke of a national standard, of universal coverage, and of a national health system. To this Senator's mind, they could be synonymous with a national health care system. We had that debate. We had it in 1993. It was called "Clinton care." Senator GRAMM piled it up over here, and it was about 2 feet tall.

The American people made a judgment on "Clinton care." We do not want a national health care system, nor is that in the best interest of Americans.

The real debate tonight centers around not whether we want protections for all Americans or whether we believe we are the only ones who can provide that protection or whether the States have a legitimate role in providing protections for their citizens. How many States have patient protection laws? Forty-three States have already enacted patient protection laws.

Do we not believe they have the best interests of their citizens in mind? What we are doing in our legislation is providing protection where States cannot do it where Federal jurisdiction is legitimate. Under ERISA and self-funded plans, we do that, as we should.

I listened to my colleague from Massachusetts, Senator KENNEDY. In his State, in 1996, they had a ban on gag clauses. They passed a grievance procedure. They, in fact, have 26 State mandates. Does the Senator not believe they care about their citizens?

I heard my colleague and good friend from Florida speak of the need for a national system. The State of Florida passed a comprehensive bill of rights in 1997, emergency room services in 1996. They have 44 State mandates. Do they not care? They care as much as we care, and they know their State better than we do.

I heard my colleague from the State of Rhode Island speak about the need for a national health care system. Rhode Island passed a comprehensive consumer rights bill in 1996. They have passed 27 mandates in Rhode Island. I can go on and on. Forty-three States already have a bill of rights. It is not our place to usurp their authority. It is not our place to take over insurance that has traditionally and historically been regulated at the State level. It is wrong for us to do that.

To my colleagues I say we have a conference in progress. It is progress. It is working hard. It is making progress. That is the way we should provide patient protections, not through an amendment on an appropriations bill.

I thank my colleague, Senator NICKLES, for the hard work he has done and all the conferees and look forward to when we will have a meaningful patients' rights bill passed into law.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, has the Senator from Oklahoma completed his debate? It is my intention to close debate on my amendment.

Mr. NICKLES. I will be happy to let my colleague close. How much time remains?

The PRESIDING OFFICER. The Senator from Oklahoma has 5 minutes, and the Senator from North Dakota has 7 minutes.

Mr. NICKLES. I yield 3 minutes to my colleague from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator for bringing forward this extremely positive proposal in the area of patient protections. This bill has a lot of initiatives, many of which have been outlined very well by my colleagues. One that has not been highlighted as completely as I would like because of time—and I want to touch on it quickly—is the issue of liability.

When our bill initially passed the Senate, we did not include an opportunity to sue, but we have changed that policy. Under the bill as it is proposed today, first there is a tremendously positive appeals process. If a patient believes they have been aggrieved by their HMO, they have the right to an internal appeal and an external appeal which is set up with an independent group of physicians who will review the case and who are knowledgeable on that subject. More importantly, if a patient thinks they have been aggrieved, under certain circumstances, they will be able to sue that HMO. What they will not be able to do is have an open season on the employer.

If one looks at the proposal that has been put forward by the other side, they are suggesting we have an open season on employers. The whole exercise in the Patients' Bill of Rights is not to have open season on employers. It is to address inequities occurring to people as they deal with their insurers, specifically with health maintenance organizations.

If we allow this open season on employers, we will simply drive people out of insurance. Instead of improving insurance for individuals across the country, individuals across this country will walk into work one morning and their employers will say: I did not give you this health care policy which happens to be a very expensive event in my day in trying to make an effective workplace; I did not give it to you so lawyers could use it as a game area to bring suits against me.

Employers across this Nation are going to simply drop their health care insurance. They will give their employees a certificate to buy their own health insurance or some other type of vehicle to allow them to compete in the marketplace. Because employers are able to get a better price and are able to tailor their insurance policies more effectively to the needs of their employees in different regions of this country, the practical effect will be employees get significantly much less health care under the proposal coming from the other side because employer after employer will simply drop their employees' health insurance programs and will allow the marketplace to compete for their employees. Unfortunately, the result will be the employees will be left with the short stick.

I think that is the actual goal of the other side. I think their real goal is to drive up the number of uninsured across this country. If one looks at the pattern of activity on the other side of the aisle, it has been to annually increase the number of uninsured by raising the price of insurance in this country.

Since this administration has been in office, the number of uninsured has gone up by 8 million people because the price of insurance has gone up and up as the other side has tried to drive up the price of that insurance.

What is the ultimate goal? "Hillary care." If they put enough people on the street, if they create enough uninsured, inevitably they will have to claim: I am sorry, everybody is uninsured so we have to nationalize the system.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I think that is a good place to stop. I reserve the remainder of the time on our side.

Mr. DORGAN. Mr. President, I yield 2 minutes to Senator EDWARDS.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I will respond to the Senator from New Hampshire. He argues there is a new provision in the Republican plan that provides for liability. That provision is a sham. There are three points I want to make in response.

First is the argument that we are creating an open season on employers. It is simply false. Not true. A letter from the American Medical Association of June 23 states clearly:

> The insurance industry—

And the Republican plan in this case—

> is flat wrong, and to imply otherwise is frankly deceptive. The fact is, the bipartisan House-passed bill would actually protect employers.

Under our bill, an employer cannot be held responsible under specific language unless they actively intervene in the decision of the insurance carrier, which never occurs. There is to reason for it to occur. It in fact never occurs. It is a false argument that employers can be held liable under our proposal. They cannot.

Second, the argument that they are providing for liability is simply not true. Under their plan, an insurance company can never be held responsible for their initial decision to deny coverage. So if somebody goes to their doctor with an emergency situation—they need care—and the insurance company says no, and, as a result, they suffer a lifelong injury, a debilitating injury, or death, the insurance company cannot be held accountable. They can only be held accountable, can only be held responsible, if they have exhausted the internal review process and the insurance company acted in bad faith or if they failed to follow the decision from the external review board.

The bottom line is, it creates an incentive for the insurance company to deny coverage in the first instance because under no circumstances can they be held responsible, and under no circumstances can they be held accountable. For those reasons, this provision for HMO insurance carrier liability is not real; it is a sham.

Our proposal provides real and meaningful accountability.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield the Senator from Tennessee—how much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. NICKLES. I yield the Senator 1 minute.

Mr. FRIST. Mr. President, very quickly, a vote for the Nickles amendment is a vote for patient protection, emergency room access to obstetricians, pediatricians, specialists, and clinical trials.

A vote for the Nickles amendment is a vote for a strong internal appeals process. If the HMO rejects the appeal of the doctor, you can go internally. If it is rejected again, you go to an external appeal process. The decision made by the external appeals process is made by an independent physician not bound by how the plan may define "medical necessity." If the external appeal overrules the plan, and the plan does not comply, you go to court. This new ability to go to court, which is what many people believe is so important, is a new right to sue in Federal court.

Lastly, the access provisions have not been mentioned.

In closing, all of these mandates are going to drive up the cost of health care.

Access provisions in the bill include an above-the-line deduction for health insurance expenses, a 100-percent self-employed health insurance deduction, expansion of medical savings accounts, and deductions for long-term care.

I reserve the remainder of our time.

Mr. LEAHY. Mr. President, I am please to be a cosponsor of the amendment offered by Senator DASCHLE to the FY 2001 Labor HHS Appropriations bill which will protect people from having their personal, genetic information used against them by their employers or their health insurance companies. The provision is identical to the legislation that Senator DASCHLE introduced earlier this year and which I have also cosponsored.

If adopted, the Daschle amendment will bar insurance companies from raising premiums or denying patients health care coverage based on genetic information. Employers will also be prohibited from using genetic information in hiring practices. Because a right without a remedy is not right at all, these measures also provide an individual who has suffered genetic discrimination with the right to take legal action. This is an essential protection to ensure that discrimination does not occur.

With the latest breakthrough earlier this week of the Human Genome Project in mapping human genetic make-up, protecting Americans from genetic discrimination—an issue that was already important—has become critical. We must support the advancement of science and discovery through research. But while we are embracing these new discoveries, we must also provide safeguards to ensure the protection of this new and potentially very sensitive and personal information. In order to help Americans embrace scientific discoveries we must ensure these discoveries will not cause personal harm.

This February, in recognition of the need to prevent abuse and misuse of genetic information, President Clinton signed an Executive Order that prevents federal agencies from discriminating against workers if they discover through genetic testing that they have a predisposition to a disease or some other conditions. President Clinton expressed his support for legislation to prevent genetic discrimination which will extend beyond the reach of the Executive Order. The Genetic Nondiscrimination in Health Insurance and Employment Act and today's amendment will allow Vermonters—and all Americans—to undergo genetic testing without being afraid that their employer or their insurance company will use this information to discriminate against them.

No one wants to find out they may be predisposed to a certain disease and then have to worry about losing their job. These important measures would give them the assurance and protection that their personal information will be protected and will not be used against them.

Mr. DORGAN. Are we finished? Will I close at this point? I have 5 minutes.

Mr. NICKLES. I have 1 minute.

Mr. DORGAN. I would like to close debate on my amendment, if the Senator would like to proceed.

Mr. NICKLES. I would like to close on ours. You have 5 minutes.

Mr. DORGAN. Mr. President, we are debating my amendment, I guess. I have the right to close debate on my amendment; is that correct?

The PRESIDING OFFICER. There is no right to do such.

Mr. DORGAN. All right, Mr. President. Let me take the 5 minutes at this point and close debate.

Mr. President, this has been an interesting discussion, but it has not been about what is on the floor today. We have had now a debate about the 1993 Clinton health plan. We have also had a discussion about "Hillary care." If you have the interest in debating that, hire a hall, get your own audience, speak until you are exhausted, and have a good time. But those are not the subjects on the floor today. We are debating the Patients' Bill of Rights.

Some people do not want to debate that. They certainly do not want to talk about the facts, but this is what we are talking about: The Patients' Bill of Rights.

Dr. GREG GANSKE, a Republican Congressman from Iowa, was just on the floor of the Senate and he indicated that the 258-page missive that is now offered as a substitute will in fact weaken HMO laws in the following States: California, Texas, Georgia, Washington, Louisiana, Oklahoma, Arizona, and Missouri. That is not from me; it is from Dr. GANSKE, a Republican Congressman.

By the way, let me read something Dr. GANSKE said some time ago in a discussion about all of these issues. He said:

> Let me give my colleagues one example out of many of a health plan's definition of medically necessary services. This is from the contractual language of one of the HMOs that some of you probably belong to: "Medical necessity means the shortest, least expensive or least intense level of treatment, care or service rendered or supply provided, as determined by us."
>
> Contracts like this demonstrate that some health plans are manipulating the definition of medical necessity to deny appropriate patient care by arbitrarily linking it to saving money, not to the patients' medical needs.

Some of my colleagues say we are playing politics with this issue? Why don't you tell that to some of these kids.

Dr. GANSKE described this child I show you a picture of, a child born with a severe cleft lip. Fifty percent of the medical professionals in Dr. GANSKE's field report that they have been told that correcting this kind of condition is not a medical necessity.

So tell that to the kids. Tell it to this young child, that it is not a medical necessity to correct this condition.

Dr. GANSKE also shared with us what a young child looks like who was born with this deformity—but who has it corrected by the right kind of surgery. Let me show you another picture of this child with the condition corrected. Does anybody want to tell this child it was not worth it?

Or maybe you want to talk to Ethan Bedrick. Tell Ethan that this is just politics. Ethan was born during a complicated delivery that resulted in severe cerebral palsy and impaired motor function in his limbs. When he was 14 months old, Ethan's insurance company abruptly curtailed his physical therapy, citing the fact that he had only a 50-percent chance of being able to walk by age 5.

So talk to Ethan about this. You think this is politics? Talk to Ethan. A 50-percent chance of being able to walk by age 5 was deemed, quote, "insignificant," and therefore you don't get the medical help you need. And some people say: Well, it doesn't matter. Apparently, you don't deserve it.

That is not the way health care ought to be delivered in this country. People ought to have basic rights. That is why we call this a Patients' Bill of Rights.

The question, at the end of the day, is: With whom do you stand?

Do you stand with the managed care companies that have developed contracts such as this, that say, "Medical necessity means the shortest, least expensive, or least intensive level of treatment, care, or service as determined by us," which means that this young child is told: Tough luck?

Or do you stand with the patients and decide that maybe we ought to do something, as a country, that responds to real problems and pass a real Patients' Bill of Rights?

A fellow once told me, in my little hometown: You never ought to buy something from somebody who is out of breath. There is a breathless quality to some of the discussion I have heard tonight. We raise the issue of a Patients' Bill of Rights, and instead we hear a discussion about the 1993 health care plan. Then we have a substitute that is 258 pages that kills a lot of trees for nothing. You don't need to take up 258 pages to offer an empty plan. Offer one page, and say: We don't support a Patients' Bill of Rights. Just be honest about it. But do not try to fool the American people any longer.

It is true we have had a few votes on this. It is also true that there is a conference committee that is supposed to be working. But it is also true, as Dr. Norwood and other Republican Congressmen said, that the time is up and the conference committee has not done a thing.

No one ever accuses the Congress of speeding. I understand that.

The PRESIDING OFFICER. All the time of the Senator has expired.

The Senator from Oklahoma has 1 minute.

Mr. NICKLES. I will give my colleague an additional minute.

Let me say, I know he holds up a lot of photographs. I think that is a crummy way to legislate. But I will say that every single example he mentioned would be covered by external appeal. Those decisions would be made by medical experts. We even put in language that they would not be bound by the plan's definition of "medical necessity." They would be covered.

Pass the bill. If you want those kinds of examples to be covered, pass the bill. We are going to give you a chance to vote on it tonight. I might mention, my colleague from Tennessee says: We have a bill that is a Patients' Bill of Rights-plus because we provide a lot of things for people who cannot afford it. We provide an above-the-line deduction to buy health care, so more people can buy health care. The Democrats' proposal is going to uninsure millions of Americans.

We should not do anything that is going to dramatically increase the price of health care and uninsure millions of Americans, as their proposal would do. We also don't think HCFA, that glorious Federal agency they are trying to empower, should be regulating all health care in the States.

I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, my colleagues have said we are one vote short. We are not one vote short. Unless somebody changes the rules of the Senate, the Norwood-Dingell bill is going to need a lot more votes. It will never pass this session of Congress.

I yield the floor and ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, on behalf of the leader, I am announcing that there will be no further votes this evening after these two votes. I will shortly ask unanimous consent that the debate and votes in relation to the following remaining amendments be postponed to occur in a stacked sequence beginning at 9:15 a.m. on tomorrow, Friday, with 2 minutes prior to each vote for explanation. Also in the request is a consent that no second-degree amendments be in order to the amendments prior to the votes just outlined.

The amendments are as follows: Wellstone No. 3674, Helms amendment regarding school facilities, and we have just added the Harkin amendment regarding IDEA.

I will also ask unanimous consent that following those votes and the disposition of the managers' amendment, the bill be advanced to third reading and passage occur, all without any intervening action and debate.

Finally, I ask unanimous consent the Senate insist on its amendments and request a conference with the House and the Chair appoint the entire subcommittee, including the chairman and the ranking member, as conferees.

I hope all of our colleagues will agree to this consent. If not, the Senate will be in session late into the day tomorrow concluding this bill and beginning the appropriations bill on Interior.

With that, I now propound the unanimous consent just outlined.

Mr. REID. Mr. President, if I could ask my friend to add one phrase, "any amendments that may not be cleared as part of the managers' package."

Mr. SPECTER. I make that addition.

Mr. GRAMM. Reserving the right to object, parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Texas will state his inquiry.

Mr. GRAMM. Mr. President, as I read this unanimous consent request, the phrase "without intervening business" suggests to me that possibly the point of order that has been set aside against the bill could not be raised. I would like to ask if that is the case.

The PRESIDING OFFICER. The Senator's interpretation is correct.

Mr. GRAMM. Mr. President, I ask unanimous consent that the request be revised to allow me to raise the point of order. I think that was always the intention, but I would like to be sure that is the case.

The PRESIDING OFFICER. Is there objection?

The unanimous consent request is as amended by the Senator from Texas.

Mr. REID. Mr. President, we just got a call in the Cloakroom. Somebody has a problem with this. We will try to take care of it as soon as we can. Should we go ahead with the vote?

Mr. SPECTER. Let us proceed with the vote, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania withdraws his unanimous consent request.

The question is on agreeing to amendment No. 3694. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
McCain
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—2

Inouye
Leahy

The amendment (No. 3694) was agreed to.

Mr. COVERDELL. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN. Mr. President, today the Senate voted on yet another proposal for providing patient protections to Americans enrolled in HMOs. Unfortunately, this proposal did not provide the strong safeguards and protections that I believe each and every American deserves to have.

This amendment failed on the three key areas for meaningful patient protections—fair legal accountability for denied care, the right of every American to choose their doctor, and basic patient rights for every American not just a limited few.

Under this amendment only a limited number of Americans would be provided with basic patient protections including the right for a woman to go directly to an OB/GYN and a parent to take their child directly to receive care from a pediatrician. Every American should be protected from having their doctors being "gagged" by HMO and prevented from sharing all health care information with them.

Another disturbing provision contained in this proposal was the lack of legal redress available to an individual if they did not complete the internal review process. Under this proposal if a patient died during the internal review process—which could take up to 14 days—then their surviving family would have no legal recourse against the HMO that denied or caused harm to the deceased individual. This is simply wrong and indefensible.

While I was disappointed in this proposal there were a few provisions that were applaudable and made an important step towards providing stronger protections to patients. I appreciated the efforts that were made to make the external review process more fair, unbiased and accessible. In addition I applaud the attempts made to provide patients with the right to sue including a cap on non-economic damages and no punitive damages. Both of these are items that I have consistently fought for inclusion in a HMO reform bill. People must be provided the right to sue for damages once all means have been exhausted but it must be done in a manner that does not cause excessive lawsuits and cause health care costs to exorbitantly rise.

I am disappointed that this proposal did not go far enough but I am hopeful that a strong patient protection bill can still be passed prior to Congress adjourning in the fall. It is the least we can do for America's patients.

Congress still has an excellent opportunity to show the American people that it can and will rise above partisan politics and find the consensus that serves the national interest and puts the health care needs of patients first. This is too important an issue to allow the influence of special interests to prevent us from doing what is right for all Americans and I am confident that the leaders in both the House and Senate will continue working with the conferees to ensure that an agreement is reached.

AMENDMENT NO. 3693

The PRESIDING OFFICER (Mr. GRAMS). The question is on agreeing to the DORGAN amendment.

Mr. BREAUX. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

The PRESIDING OFFICER (Mr. L. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
McCain
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

NAYS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Inouye
Leahy

The amendment (No. 3693) was rejected.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina wishes to be recognized to offer an amendment.

Mr. LOTT. Will the Senator from North Carolina yield so we can get an agreement on how to proceed for the remainder of the night?

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. HELMS. I yield.

Mr. LOTT. Mr. President I want to take a few moments to go over the schedule for the remainder of the night and the morning and get a final agreement on a unanimous consent request.

These were the last two votes of the night. We want to complete the offering and debating of the remaining amendments that have been requested tonight, and then we will have those votes stacked beginning at 9:30 a.m., which is a little different from the time earlier mentioned. We had discussed 9:15 a.m. and there was a request we do that at 9:30 a.m.

I renew the unanimous consent request regarding the Labor-HHS bill which now includes possible votes tomorrow, Friday morning, beginning at the amended time, 9:30 a.m., relative to the following issues: a Wellstone amendment regarding drug pricing; a Helms amendment regarding school facilities; a Harkin amendment regarding IDEA; a Baucus amendment regarding impact aid; any amendment that is not cleared within the managers' package; disposition of the point of order; and final passage of the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank my colleagues on both sides of the aisle for their cooperation.

Mr. WARNER. Mr. President, may I address my leader?

Mr. LOTT. I yield to Senator WARNER.

Mr. WARNER. Two things, Mr. President. The distinguished ranking member of the Armed Services Committee and I have a package of about a dozen amendments which we can clear tonight. They are agreed upon. We need to call up the bill.

Second, we want to discuss with our leadership the possibility of a UC which might help move our bill along. Can we give the general outline?

Mr. LOTT. That will be fine.

Mr. WARNER. It will take but a minute. I ask my distinguished colleague to generally outline what we had in mind. I ask him to articulate it if he can.

Mr. LEVIN. The idea would be, after this package of cleared amendments is adopted, we would offer a unanimous consent agreement to limit the bill to relevant amendments on the list, which would include Senator BYRD's amendment on bilateral trade because that probably is relevant under any circumstances.

Mr. WARNER. We think that is relevant, Mr. President.

Mr. LEVIN. The amendments will have to be on file no later than adjournment tomorrow for the recess. Second-degree amendments that are relevant would be in order even if they are not filed. This is just preliminary. Since the Senator from Virginia asked, I offer this at least as a suggestion preliminarily. This is what we are talking about.

Mr. WARNER. May I add, Senator DODD has an amendment in there which has been cleared.

Mr. LOTT. Mr. President, if I can respond to the comments, first, I want to make very clear I feel strongly we should try to find a way to pass this very important Department of Defense authorization bill. It has a lot of provisions in it, changes in the law we have to get done. We need to do this for our national security and for our men and women who serve in our military.

Senator DASCHLE and I have talked about the fact we want to work together to move it forward. That is one of the many reasons we tried to find a way to conclude the disclosure requirements of the section 527 issue. We have achieved that. That is why I have been working with Senator BROWNBACK to find a way to deal with an issue that is very important to him, NCAA gaming. We want to get it done.

What I had in mind was for the managers to continue to work and clear as many amendments as they can, and the week we come back—again, I have not discussed the details of this with Senator DASCHLE, so I will not agree to anything without us both having a chance to check on both sides and clear it. But I was thinking in terms of asking the managers, who have done yeoman's work, to be prepared to work on Monday night, Tuesday night, or Wednesday night while we do other issues during the day. I am hoping one night will do the job but work a couple or three nights and complete this bill the week we come back. We are glad to work with them toward that goal. We want to get this bill in conference. I think Senator DASCHLE wants to help with that effort.

Mr. DASCHLE. Mr. President, if I can add my thoughts, I share the view expressed just now by the majority leader. We really want to help the managers finish their work on this bill. They have been working on it now for weeks. We have come a long way.

The majority leader has also indicated to colleagues who have concerns about nonrelevant amendments that we will have an opportunity to consider other vehicles immediately following the completion of the Defense authorization bill so we will be able to continue this procedure of a dual track to allow the consideration of other issues.

With that understanding, we want to work with the managers to rid ourselves of nonrelevant amendments, stick to those amendments which are relevant in an effort to, as the leader suggested, finish the bill in a matter of a night or two. I commend the managers for the effort they have made thus far. We will work with them to see we finish it.

Mr. WARNER. I thank our respected leaders very much. I told my leader and Senator LEVIN, we will work nights, we will go right straight through the evenings and stack such votes that we feel are necessary. We will achieve that.

Mr. LOTT. I yield to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. I yield to the majority leader.

Mr. LOTT. I thank the Senator from North Carolina for yielding further. I ask his indulgence for a moment so the Senator from Kansas can respond.

Mr. BROWNBACK. Mr. President, I appreciate the majority leader mentioning trying to work out the issue on NCAA gaming. I hope we can get that worked out and come to a resolution and move the issue forward. I want to make sure we get that one taken care of as well.

Mr. LOTT. I thank my colleagues and yield the floor.

Mr. DASCHLE. Mr. President, if I can add one other thought.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. DASCHLE. Will the Senator yield for 30 seconds?

Mr. HELMS. I yield to the Senator.

Mr. DASCHLE. Mr. President, I would be remiss if I did not bring up also the understanding the leader and I have about further confirmation of judges. Obviously, when we come back, that is going to continue to be an important matter. The leader has certainly indicated a willingness to work with us on that.

It is also with that understanding that Senator LEVIN has some very important matters, Senator REID, and others. I appreciate very much the majority leader's commitment to work with us on that as well.

Mr. LOTT. Mr. President, if Senator HELMS will yield one second more, we are going to confirm some nominations tonight. I do note it is our intent after we complete Labor-HHS and the MILCON conference report to proceed to the Interior appropriations bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 3697

(Purpose: To prohibit the expenditure of certain appropriated funds for the distribution or provision of, or the provision of a prescription for, postcoital emergency contraception)

Mr. HELMS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 3697.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ____ . (a) None of the funds appropriated under this Act to carry out section 330 or title X of the Public Health Service Act (42 U.S.C. 254b, 300 et seq.), title V or XIX of the Social Security Act (42 U.S.C. 701 et seq., 1396 et seq.), or any other provision of law, shall be used for the distribution or provision of postcoital emergency contraception, or the provision of a prescription for postcoital emergency contraception, to an unemancipated minor, on the premises or in the facilities of any elementary school or secondary school.

(b) This section takes effect 1 day after the date of enactment of this Act.

(c) In this section:

(1) The terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) The term "unemancipated minor" means an unmarried individual who is 17 years of age or younger and is a dependent, as defined in section 152(a) of the Internal Revenue Code of 1986.

Mr. HELMS. Mr. President, I further ask unanimous consent that it be in order for me to deliver my remarks at my seat.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. President, Americans who follow international news will recall that the French Government recently created an uproar when it authorized its public schools to distribute the post-conception morning-after pill to girl students as young as 12 years old.

I wish parents in our country could be assured that such an initiative will never see the light of day in the United States, but no such assurance can be made under existing circumstances.

In fact, when the French Government announced that it would be distributing the morning-after pill in French schools, the Alan Guttmacher Institute—the research arm of Planned Parenthood—recommended almost immediately that the United States duplicate the Western European's approach in handing out contraceptions to teenage girls.

So, isn't it clear that attempts to distribute the morning-after pill in U.S. public schools are indeed underway in planning boards of Planned Parenthood?

Moreover, Americans will be alarmed to learn that Federal law currently gives schools the authorization to distribute these morning-after pills to schoolchildren.

In fact, the Congressional Research Service confirmed to me that Federal law does, indeed, permit the distribution of the morning-after pill at school-based health clinics receiving Federal funds designated for family planning services.

Simply put, this means that any school receiving Federal family planning money is prohibited by Federal law to place any sort of restriction on contraception. Even parental consent requirements.

In a handful of cases, the Federal courts have struck down parental consent laws, ruling that any Federal family planning program trumps a State or county parental consent statute because Federal law prohibits parental consent requirements—even though Federal law says recipients of Federal family planning money should "encourage family participation." I make this point because so many who oppose placing restrictions on contraception—like parental consent requirements—run for cover under this language "encourage family participation" when they know good and well that it means absolutely nothing in a court of law.

Let me reiterate a warning: There is nothing in Federal law to prevent the post-conception morning-after pill from being distributed on school grounds by clinics receiving Federal funding—regardless of whether a parental consent State statute exists.

That is why I asked the Congressional Research Service to look into whether or not school clinics are distributing the morning-after pill. What CRS found is that there is some discrepancy to the response to this question.

For example, according to CRS, the National Conference of State Legislatures spokesman said there was no knowledge that any school had distributed the morning-after pill. Yet, the National Assembly on School-Based Health Care—an organization which works closely with HHS—told Congressional Research Service that their group has recently conducted a national survey of their members, and that the resulting data reflected that out of 1,200 schools, 15 percent offer contraceptives, including the morning-after pill.

So, you see, it is not clear as to exactly what is being provided to schoolchildren these days. But it is clear that we are not just talking about condoms.

Simply put, Planned Parenthood and its cronies have been given free reign to distribute to American schoolchildren whatever they so please—to the point where schoolchildren are now being provided extremely controversial forms of contraception. And, in my judgment, this has gone on far too long.

That is why I am offering an amendment today that would forbid schools from using Federal funds from the Labor, HHS, Education appropriations bill to distribute the lawfully given morning-after pill in school.

But before the guardian angels of Planned Parenthood get themselves in a tizzy, let me make clear precisely what this amendment will and will not do.

Under the proposed measure, elementary and secondary schools will be forbidden to use funds from the Labor, HHS and Education appropriations bill to distribute to school children the morning-after pill—which is widely considered to be an abortifacient. In fact, many pharmacists nationwide have refused to fill prescriptions for the morning-after pill because they, too, see it as an abortifacient.

This amendment will apply only to school clinics on school property.

Clearly, Congress simply must not ignore the fact that our schoolchildren deserve to be protected.

Mr. President, I ask unanimous consent that two memoranda prepared by the Congressional Research Service be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, April 26, 2000.

To: Senator Jesse Helms

From: Kenneth R. Thomas, Legislative Attorney, American Law Division

Subject: Application of Parental Consent Requirements to Distribution of Emergency Contraceptives in School-Based Clinics Receiving Federal Funds

This revised memorandum is in response to your rush request to determine whether state parental notification statutes would apply to the distribution of emergency contraceptives at a school-based clinic which receives federal funds. Specifically, you requested an evaluation of whether state parental notification statutes, regulations or policies which applied to federally funded clinics distributing contraceptives would be preempted.

In a series of cases in the mid-1980's, various federal courts reviewed the application of parental notification requirements to federally funded programs which distributed contraception. In general, the courts found that the application of parental notification statutes to federally funded programs to provide contraception resulted in the frustration of the federal purpose of the statutes, and consequently the courts invalidated such restrictions.

There is currently no federal prohibition on the distribution of emergency contraceptives at school-based clinics.

If I can be of further assistance, please contact me at 7–5863.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, April 12, 2000.

To: Honorable Jesse Helms.

From: Technical Information Specialist, Domestic Social Policy Division.

Subject: School-Based Clinics.

Your office requested a memorandum describing policies of school-based clinics for distributing emergency contraceptives (more commonly known as the morning-after pill), including the number of schools estimated to be offering emergency contraception, and any existing federal prohibitions.

We contacted three different groups for this information:

(1) The National Assembly on School-Based Health Care informed us that their group has recently conducted a national survey of their members and that data reflected that out of 1200 schools, 77% do not offer contraceptives, 15% offer contraceptives, including emergency contraceptives, and the remaining 8% offer contraceptives, but not emergency contraceptives. The schools offering contraceptives are middle schools and high schools. The information is not yet available for publication.

(2) The National Conference of State Legislatures informed us that they currently have no knowledge of any schools distributing emergency contraceptives through school-based health clinics.

(3) The Healthy Schools/Healthy Communities (HSHC) Program, Health Resources and Services Administration, Department of Health and Human Services informed us that HSHC does not provide direct dollars for specialized services, such as emergency contraceptives, but does support school-based programs that provide full and comprehensive health services. HSHC is administered as a discretionary program under the Health Centers program, Section 330 of the Public Health Service Act. Section 330 allows the provision of voluntary family planning services at health centers.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague from North Carolina, is he finished with his prepared remarks on his amendment?

Mr. HELMS. Yes, I am.

Has the Chair ruled on the yeas and nays?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HELMS. They have been ordered.

Mr. President, I am advised I should ask unanimous consent that this amendment of mine be laid aside and the vote be put in regular order tomorrow morning. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair and yield the floor.

AMENDMENT NO. 3698

(Purpose: To provide for a limitation on the use of funds for certain agreements involving the conveyance or licensing of a drug)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. JOHNSON, proposes an amendment numbered 3698.

Mr. WELLSTONE. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 92, between lines 4 and 5, insert the following:

SEC. . (a) LIMITATION ON USE OF FUNDS FOR CERTAIN AGREEMENTS.—Except as provided in subsection (b), none of the funds made available under this Act may be used by the Secretary of Health and Human Services to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or on another exclusive right to a drug;

(2) an agreement on the use of information derived from animal tests or human clinical

trials that are conducted by the Department of Health and Human Services with respect to a drug, including an agreement under which such information is provided by the Department to another Federal agency on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug, excluding cooperative research and development agreements between the Department of Health and Human Services and a college or university.

(b) EXCEPTIONS.—Subsection (a) shall not apply to an agreement where—

(1) the sale of the drug involved is subject to a price agreement that is reasonable (as defined by the Secretary of Health and Human Services); or

(2) a reasonable price agreement with respect to the sale of the drug involved is not required by the public interest (as defined by such Secretary).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to any agreement entered into by a college or university and any entity other than the Secretary of Health and Human Services or an entity within the Department of Health and Human Services.

Mr. WELLSTONE. Mr. President, I offer this amendment on behalf of myself and Senator JOHNSON from South Dakota.

I am just going to take 1 minute to summarize this amendment, I say to my colleagues, and then Senator JOHNSON will proceed, and then I will come back to the amendment.

Mr. President, if you just look right here at this chart, it is very interesting. Tamoxifen and Prozac are two widely used drugs. Look at the difference between what the United States citizens pay for a vial versus what people in Canada pay.

In our country, a United States citizen pays $241 for tamoxifen; $34 in Canada. For Prozac, in this country it is $105; in Canada, it is $43.

What this amendment says—and I want to go back to Bernadette Healy's leadership at NIH. What this amendment says is that what Ms. Healy did is the right thing to do, which is to say to the pharmaceutical companies, when the NIH does the research, and then the patent is handed over to a pharmaceutical company, that pharmaceutical company—since we put the taxpayer dollars into the research—should at least agree to provide citizens in this country with a decent, affordable charge; that the pharmaceutical company should agree to an affordable price or a reasonable price which is defined specifically by the Secretary of Health and Human Services.

Again, this amendment says that pharmaceutical companies that negotiate an agreement with NIH—NIH is doing the research, helping out, the drug is then developed, the pharmaceutical company now has the patent—must sign an agreement to sell the drug at a reasonable price.

I do not think it is unreasonable from the point of view of your constituents and my constituents, people in this country who pay the taxes and support our Government, who feel just a little bit ripped off by the prices today, that if we are going to put our taxpayer dollars into the research and into the support and then the pharmaceutical companies are going to get a patent, at the very minimum they ought to be willing to sell the drug to people in our country at a reasonable price defined by the Secretary of Health and Human Services.

This amendment is all about corporate welfare at its worst. It is about being there for consumers. It is about assuring people that their taxpayer dollars are contributing toward some research that will in turn contribute toward affordable drugs for themselves and their children.

I yield the floor to my colleague, Senator JOHNSON of South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I am pleased to join my colleague from Minnesota, extending strong support for his amendment.

Very simply, this amendment would require that when companies receive federally funded drug research or a federally owned drug, the benefits of that research or drug be made available to the public on reasonable terms through what is called a "reasonable pricing clause."

This issue first surfaced during the Bush administration, in fact, when the NIH insisted that cooperative research agreements contain a reasonable pricing clause that would protect consumers from exorbitant prices of products developed from federally funded research.

Two weeks ago, during floor debate in the other body on the Labor, Health and Human Services, and Education appropriations bill, a very similar amendment to this one was offered and overwhelmingly accepted by nearly three-quarters of the House of Representatives in a bipartisan vote.

The circumstances we face today are extraordinary. As an example, between 1955 and 1992, 92 percent of drugs approved by the FDA to treat cancer were researched and developed by the taxpayers through the NIH. Today many of the most widely used drugs in this country dealing with a variety of critical illnesses such as AIDS, breast cancer, and depression were developed through the use of taxpayer-funded NIH research. The Federal Government funds about 36 percent of all medical research.

The unfortunate scenario for American taxpayers is that oftentimes this drug research, done at their expense, is frequently used then by the pharmaceutical industry with no assurance that American consumers will not be charged outrageously high prescription drug prices.

Take the drug Taxol, for instance. The NIH spent 15 years and $32 million of our money, taxpayer money, to develop Taxol, which is a popular cancer drug used for breast, lung, and ovarian cancers. Following the development of Taxol, the drug manufacturer was awarded exclusive marketing rights on the drug, and Taxol is now priced at roughly 20 times what Taxol costs the manufacturer to produce. So a cancer patient on Taxol will pay $10,000 a year while it only costs the drug company $500.

As reported by Fortune 500 magazine earlier this year, the pharmaceutical companies once again represent the most profitable sector of the American economy. On top of that, we are seeing drug prices soaring at unimaginable rates year after year. In the United States, drug spending is growing at more than twice the rate of all other health care expenditures. Furthermore, Americans are paying far more for prescription drugs than do the people in any other Western industrialized Nation—many of these drugs manufactured in the United States and the research having been conducted through American taxpayer dollars.

As an example, tamoxifen, a widely prescribed drug for breast cancer, recently received federally funded research and numerous NIH-sponsored clinical trials. Yet today the pharmaceutical industry charges women in this Nation 10 times more than they charge women in Canada for a drug widely developed with U.S. taxpayer support.

The evidence has shown that the pharmaceutical companies are charging enormously high rates for drugs developed with the help of taxpayer money. Americans then are forced to pay twice for lifesaving drugs: first as taxpayers to develop the drug, and then as a consumer to bolster pharmaceutical profits. Once again, who is hurt most by this? As one would expect, these costs fall hardest on those most vulnerable and least able to bear the burden, such as cancer patients, AIDS patients, and the elderly.

We have to put an end to the giveaway of billions of taxpayer dollars to finance drug research that goes on without any assurance whatsoever that the American taxpayers will not see a reasonable return on their investment in terms of affordable prescription drug prices.

I appreciate that this amendment may not be the silver bullet that solves all of the problems of assuring the American public they are receiving the return on their investment that they deserve. But it does serve as an important message that this Congress is here to protect the millions of American consumers who have invested their money in research to develop drugs that they now cannot afford to buy. Furthermore, it shows we are here to fight for affordable prescription drugs for every American in this Nation.

This is one part of an overall strategy that this Congress needs to enact to assure that we have equity, to assure that we have tax fairness, and to assure that we maximize the number of people in America who can afford their prescriptions.

I urge my colleagues to vote for passage of this critically important amendment tomorrow when the vote is taken on this amendment. I commend and applaud my colleague from Minnesota for his work in crafting this amendment and bringing it before the body.

Mr. WELLSTONE. Mr. President, I thank the Senator from South Dakota. Again, the amendment says that when the pharmaceutical companies negotiate an agreement with the NIH to develop and market a drug based on taxpayer-financed research, there must be an agreement signed by the pharmaceutical companies that they will sell the drug at a reasonable price.

This is an eminently reasonable amendment. This amendment does not cover extramural NIH research grants, such as grants to universities. It does not cover grants to universities. It does not establish a health care price control scheme.

This amendment will reinstate the Bush administration's reasonable pricing clause which was in effect from 1989 to 1995. This amendment directs the Secretary of Health and Human Services to determine what is a reasonable price. This amendment gives the Secretary flexibility to waive the pricing clause if it is in the public interest to do so.

As my colleague from South Dakota pointed out, a similar amendment, which was introduced by Congressmen SANDERS, ROHRABACHER, DEFAZIO, and others passed the House of Representatives by a 3-to-1 margin, 313 to 109. It is because people in the country feel ripped off by this industry. People in the country believe that the prices should be more reasonable. Certainly our constituents believe that if we are going to be funding some of the research and these companies are going to benefit from our taxpayer dollars, then there ought to be an agreement that these companies are going to be willing to charge us a reasonable price. That is not too much to ask.

This amendment is supported by Families U.S.A., the National Council of Senior Citizens, and the Committee to Preserve Social Security and Medicare.

I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FAMILIES USA,
Washington, DC.

Senator PAUL WELLSTONE,
Washington, DC.

DEAR SENATOR WELLSTONE: We applaud your amendment that would require that a price agreement be part of agreements between NIH and companies who do research on new drugs.

Currently, once NIH has successfully developed a new drug it signs over the commercial rights to pharmaceutical companies that charge American consumers as much as they want. Americans are forced to pay twice for lifesaving drugs, first as taxpayers to develop the drug and then as consumers to the drug companies for the product. These costs fall hardest on those least able to bear the burden such as seniors and the uninsured, although all consumers wind up paying more than they should have to.

Your amendment would help correct this burdensome situation. Please let us know how we can help make this amendment in law.

Sincerely,

RONALD F. POLLACK,
Executive Director.

NATIONAL COUNCIL
OF SENIOR CITIZENS,
Silver Spring, Maryland, June 29, 2000.

Senator PAUL WELLSTONE,
Washington, DC.

DEAR SENATOR WELLSTONE: The National Council of Senior Citizens fully supports your amendment to the FY 2001 Labor HHS appropriations bill to require that the Federal government negotiate a reasonable and fairer price for all drugs developed with public funds. The Federal government has for too long sold its most precious research findings for a mess of pottage to the pharmaceutical cartels. The drug companies, in turn, sell these findings back to the American people at unconscionably high retail prices. Pharmaceutical retail price reform must start at the source—where public drug research and development investment has borne fruit.

Your bill defines the public interest as requiring hard bargaining by the N.I.H. in behalf of the public when selling patents to drug companies. We also note that your amendment only covers intramural N.I.H. research. We call on your colleagues to support this needed amendment.

Sincerely,

DAN SCHULDER,
Director, Legislation & Public Affairs.

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, June 29, 2000.

Hon. PAUL WELLSTONE,
U.S. Senate, Washington, DC.

DEAR SENATOR WELLSTONE: It has come to our attention that the Senate is likely to consider H.R. 4577, an amendment to the Labor, Health and Human Services, and Education appropriations bill. The amendment would require drug companies to sell drugs at a reasonable price if the drugs were developed based on intramural research done by the National Institute of Health. On behalf of the members and supporters of the National Committee to Preserve Social Security and Medicare, I strongly support your proposed amendment.

When pharmaceutical companies build on NIH research they are using taxpayer money. A Congressional Joint Economic Committee report revealed that seven out of the top 21 most important drugs introduced between 1965 and 1992 were developed with federally funded research. Taxpayers deserve some return on their investment in terms of lower prices. This amendment will help to ensure that.

We appreciate your leadership on this important issue.

Sincerely,

MARTHA A. MCSTEEN,
President.

Mr. WELLSTONE. I will quote from Ron Pollack, executive director of Families U.S.A.:

> Currently, once NIH has successfully developed a new drug it signs over the commercial rights to pharmaceutical companies that charge American consumers as much as they want. Americans are forced to pay twice for lifesaving drugs, first as taxpayers to develop the drug and then as consumers to the drug companies for the product. These costs fall hardest on those least able to bear the burden such as senior citizens and the uninsured, although all consumers wind up paying more than they should have to.

I want to simply quote from a piece in the New York Times from April 23, which challenged the drug industry's contention that R&D cost justify the prices they charge the American consumer. That is what we keep hearing, that it is the R&D cost. That is why they have to charge so much. I quote from the New York Times piece of April 23:

> The industry's reliance on taxpayer-supported research—characterized as a "subsidy" by the very same economists whose work the industry relies on—is commonplace, the examination also found. So commonplace, in fact, that one industry expert is now raising questions about the companies' arguments.
>
> The expert, Dr. Nelson Levy, a former head of research and development at Abbott Laboratories, who now works as a consultant for industry and the Federal Government on drug development, bluntly challenged the industry's oft-repeated cost of developing the drug. "That it costs $500 million to develop a drug," Dr. Levy said in a recent interview, "is a lot of bull."

Finally, the examination found that Federal officials have abandoned or ignored policies that could have led to lower prices for medicines developed with taxpayer dollars. That is partly because the Government has lost track of what drugs have been invented with its money, and partly, officials say, because the industry has resisted any Government effort to insist that they charge people—our constituents—a reasonable price. As Dr. Bernadine Healy, a former Director of the NIH, said in a recent interview, "We sold away Government research so cheap."

Again, it is not a new issue. During the Bush administration, the NIH, from 1989 to 1995, insisted there be some reasonable pricing clause. There was heavy pressure from the pharmaceutical industry. They abandoned this practice. We are saying that we ought to be going back to it.

There are multiple factors contributing to the prescription drug cost crisis in our country today. I realize that this reasonable pricing clause is not a panacea for these egregiously high drug costs for America's seniors—and, for that matter, for families in our country—but this amendment makes it clear the Congress will not allow taxpayers to spend all of the money for this kind of research and then not get any kind of break in return.

For the most part, most of the drugs that are developed with taxpayer money are then given over to the pharmaceutical industry with no assurance whatsoever that Americans will not be charged outrageously high prices—in fact, no assurance that they won't be charged the highest prices in the world. Tamoxifen is a very important drug to women struggling with breast cancer. This is what a prescription costs that is getting filled. In Canada, it is $34. In the United States, it is $241. Prozac is $43 in Canada, and in the U.S. it is $105.

Here is the next chart. This amendment will ensure that we get some fair return on our investment and that we don't get the highest prices for medications in the world. Let me restate that. I don't think it ensures that, but it can only help. I have given some examples up here. Let me simply point out to colleagues that the cost of prescription drugs has skyrocketed. Our people in this country this past year paid 17 percent more.

Let me also point out that we are paying the highest costs for pharmaceutical drugs of any people anywhere in the world— exorbitant prices. I have this chart—The Fleecing of America—just to look at some of the profits of companies. Let me give some examples: entertainment companies, $4.2 billion; airline companies, $4.7 billion; oil companies are doing pretty well right now at $13.6 billion; auto companies, $15.4 billion; the drug companies, $20 billion.

As the Fortune 500 magazine said, this past year has been a "Viagra" kind of year for these drug companies. But do you know what. It is the consumers who paid the price. We are charged the highest prices of any country in the world, and I think it is time to say to the pharmaceutical companies that enough is enough.

This industry has opposed every measure that has been introduced in this Congress to try to lower prices and to provide a decent prescription drug benefit to senior citizens. Frankly, I hate talking about it in terms of senior citizens because there are a lot of working families being hurt by this.

I think the amendment we have introduced tonight is a small step, but I think it is a step in the right direction. It is not unreasonable to say to these companies that if we are going to finance the research, if NIH is going to do the research, if you are going to get valuable data and information from NIH to use to develop your drugs, and you are going to get the patent, at the very least you have to agree to charge a reasonable price.

That is all this amendment says. This is what we did under Dr. Healy's leadership. The pharmaceutical companies hated it. They were able to knock it out sometime around 1995. But do you know what. A lot has changed, I say to Democrats and Republicans alike, since 1995. People in our States are absolutely furious about the prices they are being charged by the pharmaceutical industry. This industry has basically become a cartel. I wish there were a lot of free enterprise. I wish there were a lot of competition. But that is not so. They basically have administered prices; they basically have price gouged; and they have made an immense amount of profit—an exorbitant amount of profit—based upon the sickness and misery and illness of people. That, in and of itself, is an obscene proposition.

This amendment goes after the worst of corporate welfare. This amendment is eminently reasonable, and I hope that my colleagues will support it.

Again, I point out the support of Families U.S.A. I think I will read from the letter of the National Council of Senior Citizens:

> The National Council of Senior Citizens fully supports your amendment to the FY2001 Labor HHS appropriations bill to require that the Federal government negotiate a reasonable and fairer price for all drugs developed with public funds.

Ask the people back home. Do any of our constituents think it is unreasonable for us to ask these companies that benefit from our taxpayer dollars and benefit from Government research to charge our citizens, our constituents, a reasonable price?

They go on to say:

> The Federal Government has for too long sold its most precious research findings for a mess of pottage to the pharmaceutical cartels. The drug companies, in turn, sell the findings back to the American people at unconscionably high retail prices. Pharmaceutical retail price reform must start at the source—where public drug research and development investment has borne fruit.

Finally, from the National Committee to Preserve Social Security and Medicare:

> On behalf of the members and supporters of the National Committee to Preserve Social Security and Medicare, I strongly support your proposed amendment.
>
> When pharmaceutical companies build on NIH research they are using taxpayer money. A Congressional Joint Economic Committee report revealed that seven out of the top 21 most important drugs introduced between 1965 and 1992 were developed with federally funded research. Taxpayers deserve some return on their investment in terms of lower prices. This amendment would help to ensure that.

This amendment would help to ensure that, and I don't know why the Senate tomorrow morning cannot go on record saying that when we, a Government agency supported by taxpayer dollars, by our constituents, do the research, provide the data, provide the information to these companies, which in turn get a patent for the drug, those companies will sign an agreement that they will charge the citizens in this country a reasonable price.

They make all the arguments about how they need all of these exorbitant profits for their research. But there is not a shred of evidence to support that. Their profits are so exorbitant that it goes way beyond any cost of research. We all know that. That is what is behind the record profits they make.

They make these arguments that I cannot believe—that if NIH is going to force us to sign an agreement, since we benefit from your research and the taxpayer money, we will charge people a reasonable price, then we may not even be willing to do this research. That is blackmail, or white mail, or whatever you want to call it. It is outrageous. These companies dare to say to the NIH—or dare to say to the Government, or to our constituents—if the Government says to the pharmaceutical companies that get the research dollars, do the work and research and get the patent, that they should charge a reasonable price, we might not do the research at all, enough is enough.

My final point: I think this is a reform issue as well. I think Senators vote their own way. But, honest to God, I think, at least speaking as a Senator from Minnesota, I am just tired of the way in which—if Fanny Lou Hammer were on the floor she would say "sick and tired"—this industry pours the dollars in, makes these huge contributions, has all of these lobbyists, has all of this political power, and is so well represented to the point where they believe they run the Congress. They do not.

This amendment with very similar language passed the House of Representatives by a huge margin. Very similar language, the same proposition, and the same subject matter passed the House of Representatives by a huge margin.

I hope tomorrow on the floor of the Senate there will be a strong vote for this amendment that I bring to the floor with Senator JOHNSON of South Dakota.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, it is just simply wrong that Americans are forced to pay extraordinarily high prices for prescription drugs and then have to cross the border to Canada and Mexico to buy those drugs manufactured in the United States at far lower prices. It is simply wrong. But it is doubly wrong when the U.S. taxpayers have paid for part of the research that produced those very same prescription drugs.

Many of us have constituents who go to Canada just for this purpose; they are unable to afford prescription drugs here in the United States. Sometimes they go great distances to cross the border to Canada or to Mexico in order to buy prescription drugs at prices they can afford.

We did a survey of a number of prescription drugs. These are seven of the most popular prescription drugs. We took a look at those seven drugs and then did a survey of the cost of those prescription drugs in Michigan and in Ontario across the border. Premarin, $23.24 in Michigan, $10.04 in Ontario; Synthroid, $13 compared to $8; Prozac, $82 compared to $43; Prilosec, $111 compared to $48; Zithromax, $48 compared to $28; Lipitor, $63 compared to $42; Norvasc, $76 compared to $41.

When particularly seniors—sometimes by the busload—gather together, drive to a border point, and cross the border to get a 30- or 60-day supply of prescriptions, and then come back into Michigan or other States with prescription drugs that they cannot afford to buy in their own hometown, something is fundamentally wrong with that system.

These are the percentages of those top seven drugs. The U.S. prices are above the Canadian prices based on that survey. That was a survey of prices in Detroit compared to Ontario across the border.

For the first one, Premarin, the U.S. price is 131 percent higher than the Canadian price; Synthroid is 63 percent higher than for Ontario purchasers; Prozac is 878 percent higher for Americans than for Canadians; Prilosec is 132 percent higher; for Zithromax, Americans are paying 674 percent more than Canadians; Lipitor is 51 percent more than for Canadians; and Norvasc is 783 percent more than for Canadians.

That is unconscionable. It is wrong. It is infuriating. It is costly. We have to do something to change the system that allows this to happen. But it is doubly wrong when U.S. taxpayers have paid for part of the research that produced those very same prescription drugs.

I don't know which of these particular prescription drugs were produced with U.S. taxpayer dollars or partly with U.S. taxpayer dollars. I don't have that data. But that is not the point of the amendment of the Senator from Minnesota. For the drugs produced with U.S. taxpayer dollars, there should be an agreement that the manufacturer will charge a fair price as determined by the Department of Health and Human Services.

That is a very reasonable approach, it seems to me. There are other approaches which have been suggested to address this issue. I think there are other approaches also worthy of consideration. But the approach before us today is an approach which I believe is eminently fair, which simply says if you want to use taxpayer dollars in your research, that you make sure your pricing system is fair to Americans who helped to fund that very research.

I hope we will adopt the amendment of the Senator from Minnesota. I think it is a fair approach. It is based on the contribution Americans have made to the creation of the very prescription drugs which too many Americans find they cannot afford.

We want pharmaceutical companies to be profitable. We want pharmaceutical companies to engage in robust research and development. But we do not and should not, as Americans, pay the share of research and development that consumers in other countries should be shouldering. We can't afford to subsidize other countries, and it is particularly wrong where we have originally done some of the subsidy of the very research and development which produced the drug which is now sold for so much less in those other countries.

I commend the Senator from Minnesota. I support his amendment. I hope we will adopt it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from Michigan for his remarks. I am very proud to have his support.

AMENDMENT NO. 3699

(Purpose: To fully fund IDEA)

Mr. HARKIN. Mr. President, I send my amendment to the desk on the Individuals With Disabilities Education Act.

The PRESIDING OFFICER. The pending amendment is laid aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, and Mr. WELLSTONE, proposes an amendment numbered 3699.

Mr. HARKIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 60, line 16, strike "$7,357,341,000" and insert "$15,800,000,000".

On page 60, line 19, strike "$4,624,000,000" and insert "$13,071,659,000".

Mr. HARKIN. Mr. President, this is a very simple amendment. It is very straightforward. It does not include a lot of pages of text. All it does is fully fund the Individuals With Disabilities Education Act. By passing this amendment, we meet our goal of paying 40 percent of the average per pupil expenditure.

For years, many on both sides of the aisle have agreed that the Federal Government should increase our support for States' efforts to provide children with disabilities a free and appropriate public education. With this amendment we can do just that.

Congress enacted the Education for All Handicapped Children Act, which is now known as IDEA, for two reasons. To establish a consistent policy of what constitutes compliance with the equal protection clause of the 14th amendment with respect to the education of kids with disabilities, and to help States meet their constitutional obligations.

Mr. President, I ask unanimous consent to add Senator WELLSTONE as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, there has been a lot of misperception about IDEA. That misperception is amplified in statement after statement until it almost becomes a state of fact that IDEA is a Federal mandate on the States. I hear it all the time: a Federal mandate that is not fully funded.

IDEA is not a mandate of the Federal Government on the States. The fact that the Federal courts have said if a State provides a free and appropriate public education to its children—and States don't have to do that—but if a State provides a free and appropriate public education for all of its kids, it cannot discriminate on the basis of race, it cannot discriminate on the basis of sex, or national origin, and in two court cases the court said it cannot discriminate on the basis of disability.

Simply because a child has a disability doesn't relieve the State of its obligation under the equal protection clause to provide that child a free and appropriate public education.

In 1975, the Congress said because this would be such a burden on the States, we will pass national legislation to help the States meet their constitutional obligation to educate kids with disabilities. That is what IDEA is. The Federal Government said, OK, if you meet these certain requirements, you will be eligible for IDEA for this money. If we had no legislation at all, if there were no Individuals With Disabilities Education Act, the States would still have to fund the education of kids with disabilities—not because the Federal Government says so, but because the Constitution of the United States says so. As long as a State is providing a free public education to other kids, they have to provide it to kids with disabilities. It is not a Federal mandate. It is a constitutional mandate.

We have said in the Federal Government, when we passed IDEA, we will help. Furthermore, we said in the authorizing legislation, that it would be a goal of the Federal Government to provide for 40 percent of the cost of the average per pupil expenditure for all other kids. We have never reached that

40 percent. It was a goal then. It is still a goal. Senators on both sides of the aisle talked about meeting this goal. Now we have the opportunity to do so.

My amendment is a win-win situation for everyone. We are able to fully fund both the IDEA and our general education priorities so that all kids, with and without disabilities, get the education they deserve and they are guaranteed by the Constitution of the United States.

Over the past 5 years, I have worked hard with my colleagues on the Appropriations Committee to more than double the appropriation for Part B of IDEA. This year we have included an additional $1.3 billion. Senator SPECTER and I, in a bipartisan fashion, worked very hard to get this increase. Because of the amendment offered by Senator JEFFORDS yesterday and the statements made on the floor, it became clear to me that there is a strong will on both sides of the aisle to fully fund IDEA to meet that 40-percent obligation.

Now we can step up to the plate and do it. This week the OMB informed us that the non-Social Security surplus will reach up to $1.9 trillion over the next 10 years. I believe we ought to use these good economic times to prepare for the future.

So, Mr. President, as I said, OMB has informed us we are going to have $1.9 trillion over the next 10 years in non-Social Security surplus. That means we can use some of this for a lot of different things: Pay down the national debt, shore up Social Security, Medicare, and make appropriate investments in education. One of the most appropriate investments we can make is to fully fund the Individuals with Disabilities Education Act. But there are a lot of other ways we can help pay for this. For example, we could save dollars by cracking down on Medicare waste fraud and abuse. The HHS Inspector General said last year, Medicare made $13.5 billion in inappropriate payments. Eliminating that waste alone would more than pay for the entire IDEA expenditure. Yet the House-passed Labor-HHS bill actually cuts the funding for detecting waste, fraud and abuse. I hope we can take care of that in conference. My point is we have a lot of waste, fraud, and abuse in Medicare we can cut out to help pay for this.

We have a lot of other things we can do also: Cutting out Radio Marti, and TV Marti; spending by Government agencies on travel, printing and supplies and other items could be frozen. This could save $2.8 billion this year, about $12 billion over 5 years. Pentagon spending could be tied to the rate of inflation. This would force the Pentagon to reduce duplication and other inefficiencies. This change would save taxpayers $9.2 billion this year alone; $69 billion over 5 years. Enhancing the Government's ability to collect student loan defaults would be $1 billion over 5 years.

The reason I cite these examples is to show there is a lot of waste and a lot of spending we can tighten down on to help pay for IDEA. We have the surplus, however. All this money that we found out there—as we go through this year, you wait and see, transportation will take a little bit of that money; housing will take a little bit of that money; defense will take a big chunk of that; the Finance Committee will have tax provisions—they want to do away with all the estate taxes now. That will take away a big chunk. I hope we don't pass it but I assume something will come through.

There is a big surplus out there and bit by bit special interests are going to come and take some of it away. Now is our time to get in there and say we are going to take enough to fully fund the Individuals with Disabilities Education Act. We can do it. We have the money to do it. And, if I listened correctly to my friends on both sides of the aisle, we seem to have the will to do it.

I just point out a range of organizations fully support full funding. It is one of the National Governors' Association top priorities. The Education Task Force of the Consortium for Citizens With Disabilities advocates full funding. The National School Boards Association just sent me a letter last week requesting an increase in funding for IDEA.

In January of 1997 the majority leader, Senator LOTT, announced that fully funding IDEA was a major component of the Republican agenda. Later, Senator GORTON said that failure to fully fund IDEA is fundamentally wrong—CONGRESSIONAL RECORD, May 13, 1997.

In January of 1998 the majority leader and other Republican Senators held a major press conference to announce they were going to introduce a bill, S. 1590, that would, among other things, fully fund IDEA.

Senator COVERDELL said the resolution of the issues in that bill were:

> As important a battle as the country has ever dealt with.

On his Web site, Senator GREGG from New Hampshire, who has always been a proponent of fully funding IDEA said that:

> He will continue to lead the fight to have the Federal Government meet its commitment to fund 40 percent of the special education costs.

On his Web site, Senator SANTORUM of Pennsylvania supports full funding for IDEA.

Last night, Senator VOINOVICH of Ohio said it is about time we paid for 40 percent of IDEA. That was last night.

And last night Senator JEFFORDS, with whom I have worked many years on this issue, said:

> This body has gone on record in vote after vote that we should fully fund IDEA.

Senator JEFFORDS also said:

> If we can't fully fund IDEA now with budget surpluses and the economy we have, when will we do it? I do not believe that anyone can rationally argue that this is not the time to fulfill that promise.

The reason I opposed the JEFFORDS amendment last night, and I said so openly last night in debate, is because his amendment would have taken money out of class-size reduction and out of funding for school modernization and construction to fund IDEA. I said we should not be robbing Peter to pay Paul. We need to reduce class sizes. We need school construction money.

In fact, some of the biggest beneficiaries of school construction and modernization are kids with disabilities.

Now we have an opportunity to fully fund IDEA because we have these big surpluses, as I said, $1.5 trillion on-budget surpluses over the next 10 years, not counting Social Security. To fully fund IDEA would amount to less than 6 percent of that over the next 10 years. And, like I said before, we wouldn't have to touch the surplus if we just implemented one of my proposals to close up special interest tax loopholes, eliminate wasteful government spending, including Pentagon waste, or deal with Medicare waste, fraud and abuse. If you want to give a gift to the States this year, if you really want to help our local school districts, this is the amendment with which to do it, to fully fund IDEA once and for all.

I yield for any comments or suggestions my colleague from Minnesota might have.

Mr. WELLSTONE. Mr. President, I am going to be very brief. Staff is here, and it is late. It has been a long week. I can do this in a couple of minutes. I wanted to stay with Senator HARKIN because I think this amendment goes right to the heart of what we are about. It is a win-win-win-win amendment. I do not know how many times I said "win." It is a win for us because we should match our budgets and our votes with the words we speak. Just about everybody on the floor of the Senate said they are for the Federal Government meeting this commitment of 40 percent funding of IDEA. It is also a win for children with special needs. It is about children. We ought to do well for all of our children.

Maybe it is because I am getting a little older and have six grandchildren, but I think all children are beautiful and all children have potential and all children can make contributions. We should do everything we can to nurture and support them. That is what this program has been about.

The Senator from Iowa has been, if not the leader, one of the great few leaders from early time on for kids with special needs. It is also a win because I do think our States and school districts, if we can do better by way of our investments, I say to Senator HARKIN, will not only be able to live up to this commitment but will have more resources to invest in other priority areas. One of the things that has troubled me is, the Senator talked about the surplus. What is it over 10 years, $1.9 trillion?

Mr. HARKIN. Mr. President, $1.5 trillion, non-Social Security.

Mr. WELLSTONE. It is $1.5 trillion non-Social Security over the next 10 years. Some of what has been discussed is a zero-sum gain, whether we are faced with the choice of do you support low-income kids with title I or do you support IDEA or do you support a lower class size or do you support trying to get more teachers into our schools, or do you support rebuilding crumbling schools. I believe we have a chance right now with the surplus, with these additional resources, to make these decisive investments. I cannot think of anything more important than making this investment in children and education.

My last point is, all of us—and I will even make this bipartisan, seeing Senator CHAFEE presiding, whom I think cares deeply about children and education, just like his dad did, and I mean that sincerely—we are all going to have to make some decisions about consistency.

It is like the old Yiddish proverb: You can't dance at two weddings at the same time. We cannot do everything. Some people want to put yet more into tax cuts, including Democrats, more here and more there. Ultimately, we have to decide what is most important. We have this surplus and we have the opportunity. We have had all the debate and discussion, and now we have an opportunity, with this amendment—of which I am proud to be a cosponsor—to match our votes with our rhetoric. We should do that. I hope there is a strong vote for this from Democrats and Republicans. I am proud to be a cosponsor. I yield the floor.

Mr. HARKIN. Mr. President, I thank my colleague for his words of support, not only tonight but for all the time I have known him and all the years he has been in the Senate for making kids and education, especially special needs kids, one of his top priorities.

I could not help but think when I was listening to the Senator speak, this vote on this amendment—I do not mean to puff it up bigger than it is. We are going to be faced the remainder of this year with vote after vote on what to do with that surplus. We may disagree on whether it is the estate tax cut or marriage penalty—whatever it might be. There might be other things coming down the pike, and we will have our debates and disagreement, but it seems to me that before we get into all that, we ought to do something for our kids with disabilities and we ought to do something that is right and is supported broadly, in a bipartisan way, and supported by our States.

I can honestly say to my friend from Minnesota, if every Senator voted for this amendment, they would not get one letter, one phone call taking them to task for their vote in support of this amendment. I believe I can say that without any fear that I would ever be wrong; that no Senator, whoever votes for this amendment, would ever get one letter or one phone call from anyone saying they voted wrong. I believe that because it is so widely supported.

Then we can go on with our other debates on tax cuts and other issues with the surplus and how we will deal with it.

At this point in time, let us say we are going to take this little bit and invest it in the Individuals With Disabilities Education Act and, once and for all, meet that 40-percent goal, and we will not have to be talking about it anymore.

As I said, this is a very simple and very straightforward amendment, but I will admit, for the record, it is going to take 60 votes. I understand that. It will take 60 votes, but I believe if Senators will just think about what they have said about IDEA and fully funding it and think about that big surplus we have and all of the demands that will be made on that surplus in the future, they just might think: Yes, we ought to carve out a little bit right now and put it into IDEA. It would help our States and our schools and, most of all, help our families who have special needs children who may not have all of the economic wherewithal to give their kids the best education.

As I understand it, this is the first vote up or down vote on fully funding IDEA ever. Let's make it our last.

I thank the Senator from Minnesota for his support. I yield the floor.

Mr. JEFFORDS. Mr. President, I rise to commend Chairman STEVENS, Chairman ROTH, and Chairman SPECTER for their commitment to working in conference to restore funding to the Social Services Block Grant (Title XX), the Temporary Assistance for Needy Families (TANF) program and for the State Children's Health Insurance Program (S-CHIP). These programs provide a vital safety net for our most vulnerable citizens.

The Social Services Block Grant program provides critical services for abused children, low-income seniors, and other families in need of assistance. For example, my own State of Vermont uses 80 percent of its Title XX funds to help abused and neglected children. Much of this money goes to assist the roughly 300 children in foster care in our State. This block grant was created under the Reagan Administration to provide States with a source of flexible funding to meet a variety of human service needs. It was the success of the Social Services Block Grant that paved the way for welfare reform.

When welfare reform was passed, Congress made several agreements with the states. One such agreement was that funds for the Social Services Block Grant would be reduced to $2.38 billion with States permitted to transfer up to 10 percent of allocated TANF funds into the block grant to "make up the difference."

Since making that agreement in 1996, Congress and the Administration have repeatedly cut the funds appropriated for the Block Grant to its current year funding level of $1.775 billion. I am grateful that there is a strong commitment to maintain this year's funding level in conference. However, the reduction of the amount of TANF funds that States can transfer also must be addressed. Vermont is one of several States which transfer the entire 10 percent that is allowable under TANF. Unfortunately, even with full use of the transferability, many states are no longer able to make up for the repeated reductions in Social Service Block Grant funds.

I believe that the amount of TANF funds that States are permitted to transfer should not be cut in half, as current law requires, but should be increased to help mitigate the loss of Title XX funds that States have experienced since the 1996 agreement. The commitment to restore Social Services Block Grant funds to the current level is a good first step, but we should keep in mind that it is just a first step.

In creating the TANF program, the Federal Government limited the amount of welfare funds that would be provided to States in exchange for giving States more flexibility in the use of those funds. The booming economy combined with successful State efforts to move more people from welfare to work have allowed States to reduce the costs of welfare. Congress urged States to save a portion of their TANF grants for the inevitable "rainy day" when additional funds would be needed. Many States did save part of their TANF allocation, and Congress has threatened to reduce the TANF allocations promised to the States, because the funds have not been fully expended. I thank Senators STEVENS, ROTH, and SPECTER for their commitment to uphold the promises we made in 1996 during conference negotiations on the Labor-HHS appropriations bill.

My home State of Vermont has an unparalleled track record in extending health insurance coverage to children and families, and the S-CHIP has played a key part in contributing to this success. While Vermont has achieved its enrollment goals for this program to date, it continues to reach out to enroll eligible children. Restoration of the S-CHIP funding is essential for Vermont and other States in order for them to continue enrolling children in this program. It is essential for Congress to keep its commitment to the S-CHIP program, otherwise States are not likely to continue their aggressive outreach and enrollment efforts and children may be left without health care.

I believe strongly that it is important for Congress to keep its agreements with the States—-particularly regarding the Social Services Block Grant, TANF, and S-CHIP. The success of States in implementing these programs and the extent to which Congress and the administration maintain promised funding levels for these critical programs will help determine the future of State block grants.

How can we expect States and advocates to agree to flexible block grant initiatives, if Congress cannot fulfill its promise to maintain adequate funding?

Mr. ALLARD. Mr. President, I would like to make a statement concerning the Federally funded research that is conducted at the various Centers for Disease Control (CDC) around the country.

February of this year I met with the Director of the CDC, Jeffrey Koplan. CDC was highlighted in newspaper articles concerning the misuse of research funds targeted for hantavirus disease. Because of the presence of this disease in our state, as with other neighboring states, I am very concerned at the lack of accountability from the CDC.

I expressed my concern for the correct utilization of funding for the disease research programs that are mandated by Congress. I stressed the importance of CDC's accountability and obligation to carry out the letter of our laws. Mr. Koplan assured me that they have taken measures to complete a full audit of the misdirected funds and that they will follow the intent of Congress in the future.

Being a member of Congress, I for one can fully understand that the process of appropriating funds for research is complicated at best. Although Congress designates specific funds for certain diseases, there are several levels of bureaucracy through which the dollars must pass before they are received by the appropriate agency. This still does not account for an agency's lack of dedication in meeting congressional direction that is law. Part of my responsibility as a U.S. Senator is the oversight of various agencies and their accountability to Congress to carry out the language of our laws.

Hantavirus outbreaks have rapidly affected the U.S., reaching as far as Vermont. Most recently, a 12-year-old girl who lives in Loveland—my hometown—was diagnosed with the disease. Doctor's believe she may have contracted the disease while visiting a ranch in Arizona last April. Once hantavirus is contracted it can be anywhere from one week to as little as one day before symptoms appear. Once symptoms are prevalent, it rapidly progresses to respiratory distress as the lungs fill with fluid.

Colorado has had 23 cases of hantavirus since 1998—with three cases already this year. It is time to act with no further delay by the CDC laboratory.

I hope that the CDC has worked out it's problems and will carry out what Congress expects of an agency.

Mr. FEINGOLD. Mr. President, I rise today to describe why I opposed the amendment offered by the senior Senator from Arizona, Mr. McCAIN, to this legislation on the issue of schools and libraries blocking children's access to certain materials on the Internet, and supported the alternative amendment on this topic offered by Senator SANTORUM.

The McCain amendment prohibits schools and libraries from receiving federal funds under the E-Rate program if they do not install software to block children's access to two specific kinds of information: materials that are obscene and materials that constitute child pornography. The Santorum amendment contains a similar prohibition on funding, but gives the local community the flexibility to decide what materials are inappropriate for children's viewing and to implement a comprehensive policy on minors' Internet use if they want to continue to receive the E-Rate. I feel that local communities, not the federal government, should decide what materials are suitable for children's viewing. Wisconsin communities may want to address or restrict whether children have access to adult chat rooms even though the chat may not be about child pornography or may not contain technically obscene topics of conversation. They also may want to restrict whether they post identifying information or photographs of students on school sponsored web sites. I simply feel that these decisions are best made locally.

Second, I am concerned that the McCain amendment imposes an additional cost to obtain filtering software upon schools and libraries without adequate input from those institutions. The McCain amendment relies upon the technical fix of filtering and imposes filtering software on all computers in a facility. The Santorum amendment allows a school or library to determine which computers are available for student access and then install blocking software upon those computers. Software licensing costs are not inexpensive, and requiring that software be installed on every machine may be financially difficult for small communities.

Finally, though I am concerned about protecting children on the Internet, I am also concerned about the constitutionality of blocking material on the Internet for adult computer users. The Santorum amendment allows communities to develop common sense solutions to protect the rights of adults to access information over the Internet in a place like a public library. A Wisconsin community could decide, under the Santorum amendment, for example, that it wanted to have a locked room in its public library with computers in it that only adults could use to access the Internet and not install blocking software on those machines. There are ways to block children's access to computers that are structural, Mr. President, like a locked door, that would still protect the First Amendment right of adults. These options are not available under the McCain amendment.

I appreciate the Senate's interest in protecting children from inappropriate material on the Internet, but I feel that the McCain amendment does not go far enough to ensure that local governments, libraries, schools, and individuals rights are protected.

Mr. WELLSTONE. Mr. President, I thank Chairman SPECTER and ranking member, Senator HARKIN, for working with me to see that funding is increased for the Perkins Loan Cancellation Program. I filed an amendment that would have increased the level of the Perkins Loan Cancellation Program by $30 million to $90 million. I am very appreciative that the committee increased funds for this valuable program by $30 million—especially given the terrible budget constraints on this bill. I am especially thankful that the Managers of this bill have agreed to raise the appropriation by another $15 million. This will get the government half way to where it needs to be to reimburse Perkins Revolving Funds for what they have lost to the Loan Cancellation Program. It is an important step.

The reason I asked for more is simple. If we give the extra $30 million, the federal government can pay back what it owes to the universities and colleges for the loans that have been canceled. This amendment would simply fulfill its IOUs to the Perkins program. Mr. President, we have a $1.9 trillion surplus, it is ironic and probably an oversight that we are still in debt to America's colleges and universities that provide loans to low income students, but it is a debt that I think we can and should repay. That is why I am thankful for the Managers' efforts, and that is why I will continue to push for the full $90 million in the future.

Both the cancellation program and the Perkins Loan Program are seriously undermined if the government does not fulfill its debt obligations to the universities and colleges that choose to administer it.

The Perkins Loan Program (formerly called the National Defense Student Loan Program) provides long-term, low-interest (5% per year) loans to the poorest undergraduate and graduate students. 25 percent of the loans go to students with family incomes of $18,000 or less, and 83% of the loans go to students with family incomes of $30,000 or less. Since its inception, 11 million students received $15 billion in loans through the Federal Perkins Loan Program. In the academic year 1997/98, 698,000 students received Perkins loans.

Perkins is exceptional because it is a public/private partnership that leverages taxpayers' dollars with private sector funding. The yearly Federal contribution to Perkins Loans revolving funds leverages more than $1 billion in student loans. This is because Perkins Loans are made from revolving funds, so the largest source of funding for Perkins Loans is from the repayment of prior-year loans.

The Perkins Loan Cancellation Program entitles any student who has received a Perkins loan who enters teaching, nursing and other medical services, law enforcement or volunteering to cancel their loans. This past year, more than 45,000 low income students who chose to enter these important professions were able to have their loans canceled. Last year, 26,000 teachers, 10,500 nurses and medical technicians, 4,000 people who work with high-risk children and families, 4,000 law enforcement and 700 volunteers had their loans canceled under this program.

This year, thanks to the efforts of Senator DURBIN and others, it looks like we may be able to expand the professions eligible for cancellation to include public defenders.

The value of Perkins loans is enormous. Since 1980 to 1998, the cost of higher education has almost tripled, leading to a decline in the purchasing power of federal grant programs. The maximum Pell grant this year is worth only 86% of what it was worth in 1980, making the Perkins program, and all loan programs, a more important part of low income students' financial aid packages.

The value of the cancellation program is also enormous. It provides the lowest income people who want to enter public service a small break from the crushing debts they incur attending higher education. Offering loan cancellation also highlights the need for well-trained people to enter public service and honors those who choose to enter public service. This is the kind of incentive and reward we should be doing more of and I thank the Senate for accepting my amendment earlier that would provide Stafford loan forgiveness for child care workers.

Mr. President, I am here today because the future of both of these programs is in great jeopardy because we are unable to repay the universities' revolving funds what they are owed for the cancellation program. There are colleges that receive only 47% of what they are owed by the government. They are given the rest on an IOU.

Because Perkins loans are funded through revolving loans, the people who end up paying the price for this IOU are low income students who are eligible for Perkins loans in the future. As loans are canceled, and the government is unable to reimburse the revolving funds, there is less and less money available in the funds to generate new loans. It is estimated that 40,000 fewer students will be eligible for Perkins loans because of the declining money available in the revolving fund.

When you combine the pressure from the unfulfilled government obligations with recent cuts to the Perkins program in general, I believe that both these key programs are at risk. Congress has cut the yearly Federal contributions to the Perkins Loans revolving funds by $58 million since fiscal year 1997. Since 1980, the Federal Government's contributions have declined by almost 80%. 900 colleges and universities around the country have cut their Perkins programs at least in part because they were not economically viable. In MN, colleges such as Metro State University have ended this valuable program in large part because they cannot afford to keep it going.

This means one thing and one thing only. There are less and less loans available for the lowest income students. The $15 million the manager's package will provide will go far to reverse this situation.

Reducing the number of loans available is not the direction we want to be going given what we know about the rising importance of college education and the increasing need for financial aid.

A study from Minnesota indicates that for every $1 that is invested in higher education, $5.75 is returned to Minnesota's economy. A 1999 Department of Education study indicates that the real rate of return on investment in higher education is 12% based on earnings alone. This does not include savings on health care and other factors. Further, a recent poll found that 91% of the American Public agree that financial aid is an investment in America's future (Student Aid Alliance, 1999).

The numbers indicate that this is true. In 1998, men who had earned a bachelors degree earned 150% more than men who had received only a high school diploma. Women earned twice as much. (NCES, "Condition of Education, 2000," 2000). College graduates earn on average $600,000 more in their lifetime than people with only a high school diploma. (US Department of Commerce, Bureau of the Census, 1994.

Despite the obvious benefits of investments in higher education, funding is declining. Since 1980 to 1998, the cost of higher education has almost tripled, leading to a decline in the purchasing power of federal grant programs. The maximum Pell grant this year is worth only 86% of what it was worth in 1980, making the Perkins program a more important part of low income students' financial aid package. Yet, the numbers of institutes of higher education offering the Perkins Loan Program has declined by 80% over the past 20 years. During the last decade, student aid funding has lagged behind inflation, yet in the next ten years, more than 14 million undergraduate students will be enrolled in the nation's colleges and universities, an increase of 11 percent. One-fifth of these students are from families below the poverty line. Many of them are the first in their families to go to college.

The effect of the decline in funding has a disproportionate impact on low income students—the very students that Perkins is designed to help. Studies show that an increase in tuition of $100 lowers the enrollment of low income students by 1%. (McPherson and Shapiro, 1998). In Minnesota, students from families that make $50,000 per year or more are three times as likely to attend a four year college as students from families who make $30,000 per year or less (and I remind my colleagues that 83% of Perkins loans would go directly to these students with incomes less than $30,000.) Further, more than 1/3 of students who enter college drop out. Often this is because they cannot afford to continue.

The Perkins Loan Program is vital to helping these low income students enter and stay in college. It would be a shame if the program failed because the government failed to pay universities back the money it owes this valuable program. By increasing the appropriation for the cancellation program, the managers have taken a strong step toward getting the government out of debt. I am also committed to seeing that this program is fully funded in the future. We have on-budget surpluses of $1.9 trillion. We should use this appropriation to ensure that we are not in debt to the 40,000 fewer students who will not receive the Perkins loans they once could have because the federal government did not meet its obligation to pay for its own cancellation program.

These are America's poorest students who are simply trying to afford a college education. With a $1.9 trillion surplus, we owe it to them to pay it back.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business and return to the pending business when I complete these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS

Mr. KENNEDY. Mr. President, before the Senate are the appropriations bills which provide the funding for education, health, and training programs. As I have mentioned over the past few days, I respect the work by Senator SPECTER and Senator HARKIN in trying to shape that proposal. We have some differences, even within the limited budget figures that were allocated, in areas we feel were shortchanged. We tried to bring some of those matters to the floor yesterday.

On the issues of making sure we will reach out in the areas of recruiting teachers, providing professional development for teachers, and mentoring for teachers, we received a majority of the Members of the Senate. I believe it was 51 votes. A majority of the Members felt that should be a higher priority than designated. Even in the majority party, there is a clear indication, particularly against the backdrop of the announcements made in the past 2 days with these enormous surpluses, that one of the priorities of the American people is investing the surpluses in the children of this country.

I think that is something that needs to be done. We are going to proceed during the course of this day on amendments which I think are very important. The next one, which will be offered by Senator DASCHLE to deal with issues of genetic discrimination and employment discrimination, is very important. We will go on, as has been agreed to by the leaders.

But as we are going through this debate, I cannot remain silent on the allocating of resources. We are hopeful, as a result of the action of the President of the United States, there will be a different form and shape of this appropriations bill by the time it comes back from the conference, or by the time it is actually enacted in the fall. We are not giving the priorities in the areas of education, and I must say even in the health area, that I think the American people want and deserve. The principal reason for that is there is an assumption within the Republican leadership that there will be a tax break of some $792 billion. So if you are going to write that into the budget, or parts of that into the budget, you are going to squeeze other programs. That is really what has happened.

I daresay that at a time when we are gaining increased awareness and understanding about what actually helps children expand their academic achievement and their accomplishments, as a result of some dramatic reports, which I find compelling—and actually self-evident—we find we are really not taking the benefits of those reports and using them in ways that can benefit the greatest number of children in this country.

I think again of the excellent presentations of the Senator from Washington, Mrs. MURRAY, when she spoke time and time again about the importance of smaller class sizes. She referred again and again to the excellent studies done in Tennessee with thousands of children, going back to 1985, that resulted in smaller class sizes, and we find that children have made very significant progress.

I remember Senator MURRAY mentioning the SAGE Program in Wisconsin, which has been enacted in recent years. I myself met these past weeks with members of the school board, parents and teachers out in Warsaw, WI, who participated in that program and commented about the importance of investing in children with smaller class sizes. So we know this is something that works. If we are going to have scarce resources, we ought to give focus and attention to something that works, as Senator MURRAY has pointed out. I think she brings credibility to this issue because she is a former school board member and a former first grade teacher herself. She has been in the classroom and knows what works. We have been very fortunate to have her presentation on this issue and her enthusiasm for it.

We also know, looking over the recent history, that we have actually had bipartisan support for smaller class sizes. We saw yesterday her amendment was not successful, but it was very closely fought in a divided Senate, and I am hopeful, with the strong support of the Senate, we can finally persuade Congress, as we have in the past, to move ahead in that direction.

We have to understand this legislation is going to go to the House of Representatives, which has seen a very sizable reduction in its commitment to the funding of these various programs. Whatever we do here is going to be knocked back significantly. That is why many of us were very hopeful we could go ahead and add some additional resources so at least coming out of the conference we would have something worthy of the children of this country. But we have been unable to do that. We have to look back over the years and see what has happened, ultimately, in allocating funding resources in the area of education when have had Republican leadership. We hear a great deal about the importance of investing in children, but the tragic fact is that it is not reflected in the requests by the Republicans either in the House or the Senate in recent years.

I remember very clearly the 1995 rescission because I remember the debate in 1994, when we had a rather significant enhancement in our investment in children. The ink was hardly dry, the results were in, and the results of 1994 and 1995 were that we had a very vigorous debate on rescinding money that had already been appropriated and signed by the President. After the extraordinary efforts made by the Republican leadership to actually rescind those funds, we had those rescissions in 1995.

Then the House bill in 1996 was $3.9 billion below what was actually enacted in 1995. Then in 1997, the Senate bill was $3.1 billion below the President's request; the House and Senate bill in 1998 was also below the President's request. This was a time when the Republicans were trying to abolish the Department of Education.

I think most parents feel it is important to have a Cabinet Member sitting in the Cabinet room so that every time the President of the United States meets with the Cabinet to make decisions on priorities, there will be someone in there to say, "What are we going to do on education, and particularly education that is going to affect the elementary and secondary schoolchildren of this country, particularly at a time when we have exploding numbers of children who are going into our classrooms?"

Nonetheless, what we continue to see, in 1999, is the House was $2 billion below the President's request; in 2000, $2.8 billion below the President's request; and in 2001, $2.9 billion below the President's request. This is what has happened.

Members ask: "Why do the Democrats try to force these issues? Why don't we just go ahead and accept what these appropriations committees have done?" They try to defend their positions with all these facts about what is really happening out there in education, but when you add them all up, this is what you are finding: The Federal share of education funding has declined. If you look at higher education, from 1980 to 1999, the federal share declined from 15.4 percent to 10.7 percent.

If you look at elementary-secondary education, from 1980 to 1999, we see a decline from 11.9 percent to 7.7 percent. Only 7.7 percent of every dollar spent locally is Federal money, and this is perhaps the lowest figure we have had in elementary-secondary education. In terms of the amount of our budget, which is $1.8 trillion, this is less than one percent. It is less than one penny per dollar. If you combine the elementary and higher education, you may be getting close to two pennies. That, I think, is what concerns many of us, particularly at a time when we are finding out the total number of children is increasing.

We recognize there should be a partnership among the Federal, State, and local governments in enhancing academic achievement. We have learned important lessons: Smaller class sizes work and better trained teachers work. Take the two States that have invested in teachers: North Carolina and Connecticut. They are seeing dramatic results in academic achievement.

We have been fighting to provide the resources to do that. That is what the debate is about. We have, I think, demonstrated to this body and, hopefully, the American people the seriousness of our purpose in allocating resources to what the American families want, and they want to invest in children and education. We believe that is quite preferable to the large tax breaks which have been included in the overall budget. We will continue this battle.

I yield the floor.

THE RURAL RECOVERY ACT OF 2000

Mr. DASCHLE. Mr. President, yesterday I introduced the Rural Recovery Act of 2000 to help address the economic malaise that has gripped certain rural areas of our country. The legislation will authorize the Department of Agriculture to provide grants to rural communities suffering from out-migration and low per-capita income.

Rural areas of our nation continue to experience an erosion in their economic well-being. Statistics bear out the decline in rural economic activity, but they fail to fully capture the human suffering that lies just beyond the numbers. Economic downturns lead to the migration away from farm-dependent, rural communities, further stifling economic opportunities for those left behind. The 1990 Census highlighted these migratory trends, and I anticipate that similar trends will be captured by the 2000 Census, as well.

In short, the prosperity from which many Americans have benefited from during the past decade has left many rural areas standing by the wayside. If this trend continues, more and more young people will be forced to leave the towns they grew up in for opportunities in urban areas. In towns like Webster, Eureka, and Martin, South Dakota, we are seeing farm families broken up, populations decline, and main street businesses close their doors. While there is no doubt that economic growth in our urban areas has benefited our nation, the disparity of economic development between our rural and urban areas cannot be ignored. If nothing is done to address the economic challenges facing these areas, we will jeopardize the future of rural America.

That is why I have introduced legislation to provide the nation's rural areas with the resources necessary to make critical investments in their future and, by doing so, to create economic opportunities that will help them sustain a valuable and important way of life. It also will help rural areas provide basic services at times when they are losing a significant part of their tax base. While federal agencies, such as the United States Department of Agriculture's Office of Rural Development and the Economic Development Administration, provide assistance for rural development purposes, there are no federal programs that provide a steady source of funding for rural areas most affected by severe out-migration and low per-capita income. For these areas, the process of economic development is often most arduous. This legislation will provide the basic, long-term assistance necessary to aid the coordination efforts of local community leaders as they begin economic recovery efforts and struggle to provide basic public services.

County and tribal governments will be able to use this federal funding to improve their industrial parks, purchase land for development, build affordable housing and create economic recovery strategies according to their needs. All of these important steps will help rural communities address their economic problems and plan for long-term growth and development.

Mr. President, I believe this legislation holds great potential for revitalizing many of our nation's most neglected and vulnerable areas. I urge my colleagues to support its enactment.

COMMEMORATING SENATOR DANIEL INOUYE: RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR

Mr. DOMENICI. Mr. President, I rise today to join my fellow Senators in honoring Senator DANIEL INOUYE with the Congressional Medal of Honor. This man is a representative of our nation who has persevered through war, debate, and many hard fought campaigns. I have had the pleasure of working with Senator INOUYE and applaud my colleagues for bestowing this great honor upon him.

Senator DANIEL INOUYE is a Veteran of World War II and was a captain in the Army with a Distinguished Service Cross (the second highest award for military valor), a Bronze Star, a Purple Heart with cluster, and several other medals and citations. Serving in the Senate almost 40 years, Senator INOUYE is also the first Congressman from the state of Hawaii. His courage in combat is a testament to the Senator's true commitment to his country and to freedom. Serving on the Defense Appropriations Committee, I know how much Senator INOUYE cares about the protection of our country and his professionalism and dedication to finding a balance for defensive spending. His diligence and dedication speak for themselves and I am proud to serve our Armed Forces with a man of this caliber near the helm.

I have also had the pleasure of working with Senator INOUYE on the Indian Affairs Committee for over 20 years and know first hand that his bravery did not cease on the battlefield, but still continues today. When he was chairman of the Senate Committee on Indian Affairs, Senator INOUYE was highly regarded among tribal leaders for his efforts to re-establish their sovereignty over their own people and their own affairs. Tribal leaders consider Senator INOUYE to be a true leader and friend to the Indian people to this day. I thank Senator INOUYE for his leadership and dedication to service to our country, and I thank him for his friendship and example.

Mr. President, inscribed on the medal is the word "Valor." Senator INOUYE is one of the most valiant men I know. I praise the Members of Congress for honoring him and hope that our young people may see that it takes courage, bravery, and valor to enjoy the freedom which so many men like Senator INOUYE fought to protect. Thank you, once again, to Senator INOUYE for your example, and thank you to all of the veterans who have served to protect liberty and justice.

VICTIMS OF GUN VIOLENCE

Mr. MOYNIHAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

June 29, 1999: Rokisha Denard, 18, Trenton, NJ; Herman Eastorly, 79, St. Louis, MO; Scott M. Echoles, 27, Chicago, IL; William Hunter, 33, Nashville, TN; Elton James, 28, New Orleans, LA; Craig Jones, 28, New Orleans, LA; Bernard Lathan, San Francisco, CA; Jackie Lee Nabor, 39, Detroit, MI; Billy J. Phillips, 43, Chicago, IL; Richard Rogers, 16, Fort Wayne, IN; Sidney Wilson, 14, Fort Wayne, IN; Tonya Tyler, 24, Nashville, TN; Unidentified male, 16, Chicago, IL.

POSITION ON VOTES

Mr. JOHNSON. Mr. President, I was absent from the Senate last Thursday afternoon to attend the high school graduation of my daughter, Kelsey. I missed two different votes, and I would like to state for the RECORD, how I would have voted in each instance.

I would have voted "yes" on rollcall vote number 141, the third reading of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for the fiscal year 2001.

I would have voted "yes" on rollcall vote number 142, the motion to instruct the Sergeant at Arms during the consideration of HR 4577, the Labor-HHS-Education Appropriations Act for fiscal year 2001.

I also was unavoidably detained due to a family commitment on the evening of June 27, and I missed one vote during that time. I would have voted "yes" on rollcall vote number 149, Senate amendment number 3610, a McCain amendment as amended to HR 4577, the Labor-HHS-Education Appropriations Act for fiscal year 2001.

SEPARATING THE FACTS FROM THE PARTISAN RHETORIC

Mr. LEAHY. Mr. President, this statement is part of my continuing effort to bring clarity to the facts underlying the oversight investigations on campaign finance being pursued by Senator SPECTER within the Subcommittee on Administrative Oversight and the Courts. Staying focused on the facts becomes even more important as the volume of the political rhetoric continues to increase.

Although oversight is an important function, there are obvious dangers of conducting oversight of pending matters. Applying, or seeming to apply, political pressure to pending matters has real consequences, which we are now seeing first-hand. Recently, the Judiciary Committee received requests for information from the defense attorney for Wen Ho Lee, a criminal defendant facing charges of improperly downloading classified information from computers at Los Alamos Nuclear Laboratory. Mr. Lee's defense attorney wants the Republican report on this matter, as well as other documents gathered during oversight, presumably to aid his defense or at least to get potential impeachment materials for prospective government witnesses.

Just today we learned that the Committee has now also been dragged into the pending case of Maria Hsia, a criminal defendant who was recently convicted of campaign finance violations and is awaiting sentencing. Ms. Hsia's attorney apparently found the questioning of the Justice Department prosecutor in charge of her case at last week's hearing so offensive that it is now the basis for a claim that Ms. Hsia's sentencing should be delayed because to set a sentencing date now would only serve political purposes.

Indeed, at a hearing of the Specter investigation on June 21, 2000, a Republican member of the Judiciary Committee queried Robert Conrad, the current head of the Justice Department Campaign Financing Task Force about the Hsia sentencing, despite Conrad's statements that he could not properly discuss pending matters. The Republican member stated that he expected Conrad to pursue Hsia's sentencing vigorously, and asked whether the government had filed a sentencing memorandum. After Conrad explained that the sentencing submissions had not yet been made, the Republican member stated: "I would expect that you would pursue vigorously the sentencing phase of that case and that you personally would oversee it . . . I have seen some cases previously involving these very matters in which I believe the Department of Justice was not sufficiently aggressive toward sentencing." He then expounded his view that the "only way" a person convicted at trial could get a downward departure at sentencing is to cooperate fully and stated "I would expect that you would treat this like any other case, that unless the defendant was prepared to testify fully and completely and provide information that you can verify, that you would not accept a recommendation of any downward departure." These comments clearly conveyed the Republican member's view that Maria Hsia should be treated harshly at sentencing,

The Specter investigation has broken long-standing precedent and routinely demanded documents and testimony involving ongoing criminal matters. I have warned repeatedly that such interference risks that prosecutions may be compromised, more work will be generated for prosecutors, and political agendas will appear to take precedence over effective and fair law enforcement. Nevertheless, at Senator SPECTER's request, the majority on the Judiciary Committee has approved subpoenas in a number of ongoing criminal cases, including Wen Ho Lee, Peter Lee, who remains on probation and under court supervision, multiple campaign finance cases and investigations, and the Loral/Hughes matter.

With respect to the Loral/Hughes matter, the Judiciary Committee approved issuance of a subpoena on May 11, 2000, to the Justice Department for "any and all" Loral and Hughes documents, over the objection of Wilma Lewis, the United States Attorney in D.C., which is conducting the investigation. Ms. Lewis explained that the United States Attorney's Office has "an open active investigation" into allegations of the unlicensed export of defense services and that thousands of documents in the possession of her office could be responsive to the pending requests from this Committee. Ms. Lewis explained that her office is at an "important point" in the investigation and will be making "critical prosecutorial decisions and recommendations" in the near future. She noted that if this Committee were to subpoena responsive documents from her office, not only would we adversely affect the investigation from a litigation standpoint, we also would be diverting the attention of the key prosecutors in that case. Instead of working diligently to conclude their investigation, these prosecutors would now be required to sift through thousands of documents and to redact those documents to protect grand jury material. The majority on the Senate Judiciary Committee refused to honor the U.S. Attorney's request and approved the subpoena.

The subject of the Vice President's attendance at coffees was the focus of inquiry at the Judiciary Committee's recent hearing with the Attorney General this week. In summary, the Vice President indicated in response to general questions during an interview with Justice Department prosecutors on April 18, 2000, that he had no concrete recollection of attending the coffees though may have attended one briefly. He fully acknowledged the fact that coffees took place and explained his understanding of their purpose.

Two days after the interview, on April 20th, the Vice President's attorney, James Neal, sent a letter to Conrad clarifying the Vice President's recollection since he had not been advised before the interview that this subject matter would come up. Neal explained that the Vice President "understood your questions about Coffees to concern the Coffees hosted by the President in the White House." Based upon a record review, the Vice President "was designated to attend four White House Coffees. The Vice President hosted approximately twenty-one Coffees in the Old Executive Office Building. He did not understand your questions to include the OEOB Coffees." Indeed, Conrad refers repeatedly in his questions on this subject to "White House coffees" or "White House hosted . . . coffees".

There is absolutely nothing unusual about witnesses in depositions or even in testimony at Congressional hearings supplementing or clarifying the record after the completion of their testimony. In fact, this common practice is embodied in Rule 30 of the Federal Rules of Civil Procedure, which grants deponent thirty days after the transcript is available to review the transcript and recite any changes in the testimony given. The same rules apply to depositions taken in criminal matters, under Rule 15(d) of the Federal Rules of Criminal Procedure.

At the June 27th Judiciary Committee hearing, one Republican member asserted that "there is a question of the coffees," without identifying the question. To the extent this implies that there is something wrong with clarifying a record with a letter shortly after providing testimony, this can be summed up as just more partisan haze.

GUN TRAFFICKING REPORT

Mr. LEVIN. Mr. President, last week the Bureau of Alcohol, Tobacco and

Firearms (ATF) released a new report about the illegal firearms market. The ATF's report documents 1,530 criminal investigations involving firearms traffickers for the time period between July 1996 and December 1998. These trafficking investigations led to the recovery of more than 84,000 illegal firearms and the prosecution of more than 1,700 defendants.

The ATF report provides significant insight in to the gun trafficking trade. The investigation reveals that too many loopholes in our national framework for firearms distribution permits traffickers to divert legal guns to the illegal marketplace. The vulnerabilities in our law, identified by the ATF, are a result of corrupt federal firearms licensees, who were associated with only 10 percent of the investigations in the report but accounted for nearly half of the firearms involved, a staggering 40,000 guns; gun shows, which supplied channels for 26,000 guns, the second highest number of illegally trafficked firearms in the investigation; straw purchasers, who bought and transferred firearms to unlicensed sellers or prohibited users; unlicensed sellers, who were not required to conduct Brady background checks or maintain records of their sales; and firearms theft.

Mr. President, we can no longer afford to ignore the deficiencies in our federal firearm laws. Gun trafficking gives criminal users and young people access to tens of thousands of illegal guns. If Congress wants to reduce firearm trafficking, then first and foremost, we must close the gun show loophole. Secretary Lawrence Summers, who oversees the ATF explained "This report . . . shows that we must do more to close every trafficking channel, starting with closing the gun show loophole . . ." Furthermore, we must increase criminal penalties for traffickers and crack down on corrupt federal firearms licensees, straw purchasers, and unlicensed sellers. I urge Congress to pay attention to this report and pass sensible gun measures that will end the deadly flow of firearms to the illegal marketplace.

I request an article be printed in the RECORD entitled "The Biography of a Gun," which explains how a single gun makes the transition from legal to illegal commerce.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 9, 2000]

THE NATION—THE BIOGRAPHY OF A GUN

(By Jayson Blair and Sarah Weissman)

In America, more than 200,000 guns are traced by law enforcement each year. This is the story of one of those weapons—named after its serial number—No. 997126, a 12-shot, 9 millimeter Jennings semi-automatic.

The gun, made mostly of plastic, was manufactured in 1995, at a factory near John Wayne International Airport in Costa Mesa, Calif. It is now wrapped in plastic, locked in a police property clerk's office near the New York State Supreme Court building in downtown Brooklyn. In between, the gun is believed to have been used in at least 13 crimes—including the murder of 2 people and the wounding of at least 3 others in the Brownsville section of Brooklyn.

The dead were a 16-year-old boy who was sitting on top of a mailbox and a 48-year-old shopkeeper who was the father of 4 children. The injured were a man who got in the way during a robbery, a Jehovah's Witness from Chicago who had moved to Brooklyn to do volunteer work, and a rookie New York City police officer.

In New York, about 6 in 10 murder victims are killed with firearms.

No. 997126 is 6 inches long and weighs 16 ounces. It was made at the Bryco Arms plant, where more than 200,000 inexpensive handguns are manufactured each year.

Byrco is owned by Janice Jennings, the former daughter-in-law of George Jennings, who founded the first in what became a cluster of Southern California gun manufacturers known collectively as the Ring of Fire.

From Byrco, the gun was shipped to B.L. Jennings, Inc., a Carson City, Nev., distributor owned by George Jennings's son and Janice's ex-husband, Bruce. No. 997126 was bought by Acua Sport Corporation, a federally licensed wholesaler in Bellefontaine, Ohio. Acua sold it, for about $90, to Classic Pawn and Jewelry, Inc. in Chickamauga, Ga.

In August 1998, Classic resold the gun to a Georgia woman for about $150. Investigators believe that the woman was buying the 9 millimeter gun as a straw purchaser on behalf of Charles Chapman. He was prohibited by federal law, because of a previous felony conviction, from purchasing firearms. Investigators say they believe Mr. Chapman drove the firearm to New York, where it was sold to a member of the Bloods gang. And that is how, investigators say, the gun got to Demeris Tolbert.

The police say No. 997126 was recovered when Mr. Tolbert was arrested on the roof of the Howard Houses after the shooting of a New York police officer, Tanagiot Benekos, who was looking for suspects in the killing of a pawnbroker earlier that afternoon.

Mr. Tolbert had been paroled the previous January after serving three years of a nine year sentence for drug possession. Prosecutors say that after the New York City Police Department's ballistics laboratory linked the gun to slugs recovered from the earlier shootings, Mr. Tolbert, 32, of Brownville confessed.

Investigators say he also took responsibility for a 1990 shooting of a clerk at an East New York bodega, the 1991 killing of a Crown Heights security guard, four other shootings and an attempted murder.

The Brooklyn District Attorney's office has charged him with murder, attempted murder and attempted murder of a police officer.

The ballistic information and serial number were matched against a Bureau of Alcohol, Tobacco and Firearms database, which prompted a federal gun-smuggling investigation. Special Agent Edgar A. Domenech, who oversees the bureau's New York and New Jersey division, said the A.T.F. traced the weapon and 30 others to Charles Chapman. He is being held, along with alleged accomplices, on charges of gun trafficking and conspiracy to illegally purchase firearms and transport them for sale to criminals in New York, where more stringent laws bar the sort of wholesale purchases permitted in Georgia.

Howard Safir, the New York City police commissioner, has proposed tighter, uniform national licensing regulations, and the annual registration of firearms to hold owners accountable for the illegal sales of weapons they purchase.

SOCIAL SECURITY ADMINISTRATIVE EXPENSES

Mr. CONRAD. Mr. President, I wanted to draw the attention of the Senate to an important funding issue that is pending in the Senate version of the Labor/HHS Appropriations bill. The funding level for Social Security administrative expenses doesn't receive much attention, but it is critical to the effective delivery of Social Security benefits to those who are entitled to them.

Social Security administrative expenses are actually partially funded from the Social Security trust funds, and they ensure that the programs administered by the Social Security Administration are delivered to the American public in an efficient, timely, and professional manner. In addition, SSA maintains records of the yearly earnings of over 140 million U.S. workers and provides them with annual estimates of their future benefits. The agency will also administer the Ticket to Work Program, and the administrative workload associated with the Retirement Earnings Test.

I am concerned that the level of funding contained in the Labor/HHS Appropriations bill is not sufficient, and does not recognize the administrative challenges Social Security will be facing in the near future. Last year the Social Security Administration provided service to 48 million people. In 2010 SSA will be providing services to 62 million people, due to the retirement of many baby boomers. During this same period, the SSA will lose nearly half of its staff to retirement, including many individuals who staff the offices located in our states and who work directly with the public.

In North Dakota, there have been large staff reductions in some of my state's main SSA offices. These shortages have affected timely completion of continuing disability reviews, and service delivery has been difficult to maintain for those who live in rural areas.

The Social Security Advisory Board—a bipartisan Congressionally mandated Board—recently issued a report on "How the Social Security Administration Can Improve Its Service to the Public," which stated that "there is a serious administrative deficit now in that there is a significant gap between the level of services the public needs and that which the agency is providing. Moreover, this gap could grow to far larger proportions in the long term if it is not adequately addressed."

The Senate Labor/HHS bill includes a funding level that is $123 million below the President's request. I hope that as the appropriations process moves forward, the Congress will work to ensure an adequate level of funding for SSA administrative expenses.

Mr. FEINGOLD. Mr. President, I rise today to celebrate National Dairy Month, and the wonderful history of our nation's dairy industry. During June Dairy Month we in Wisconsin take a special opportunity to celebrate Wisconsin dairy's proud tradition and heritage of quality. This month provides an opportunity for all Wisconsinites—both those on and off the farm—a special time to reflect on the historical importance, and future of America's dairy industry.

This month is especially important to my home state of Wisconsin, America's Dairyland. What many of my colleagues may not know is that Wisconsin became a leader in the dairy industry well before the 1930's when it was officially nicknamed America's Dairyland. It was soon after the first dairy cow came to Wisconsin in the 1800's that we began to take the dairy industry by storm.

In fact, before Wisconsin was even a state, Ms. Anne Pickett established Wisconsin's first cheese factory when she combined milk from her cows with milk from her neighbor's cows and made it into cheese.

Over the past month, Wisconsinites have recognized this proud tradition by holding over 100 dairy celebrations across our state, including dairy breakfasts, ice cream socials, cooking demonstrations, festivals and other events.

These functions help to reinforce the consumer's awareness of the quality variety and great taste of Wisconsin's dairy products and to honor the producers who make it possible.

Unfortunately, the picture for producers has not been that bright. Dairy prices for this year's National Dairy Month, along with most of the first half of this year, have reached all times lows.

Low milk prices—the lowest since 1978—are wreaking havoc on Wisconsin's rural communities. In addition to these low prices, dairy farmers are also facing month to month price fluctuations of up to 40 percent.

What is so troublesome is that farmers are experiencing these low prices while the retail price continues to increase. In fact, thanks to a 20 percent jump last year in the retail price, the farm retail price spread for dairy products has more than doubled since the early 1980s.

Because of this concern, earlier this year, Senator LEAHY and I asked the General Accounting Office to conduct a thorough investigation into the increasing disparity between the prices dairy farmers receive for their milk, and the price retail stores charge for milk.

In the study, GAO will focus its attention on the impact of market concentration in the retail, milk processing, procurement and handling industries and describe the potential risks of any such concentration for dairy farmers and federal nutrition programs.

Specifically, we asked the GAO to identify the factors that are depressing the price farmers receive for their milk, and why this trend has persisted while retail prices continue to rise. After all, this trend defies economic expectations, and frustrates the aspirations of hardworking farmers, with no apparent benefit to consumers.

During June Dairy Month, the dairy industry also called for mandatory price reporting for manufactured products. In early June, the sudden discovery of 24 million pounds of butter shined the spotlight on the need for an effective reporting system for storable dairy products .

The Chicago Mercantile Exchange (CME), which tracks domestic butter stocks, discovered a new warehouse that hadn't been reporting its butter inventory. When this huge quantity of butter was finally reported, prices went down sharply, and so did the dairy industry's faith in the reporting system for storable dairy products.

Wall Street would never put up with this kind of reporting errors in its markets, and neither should the agriculture industry.

Regardless of where the dairy industry chooses to get its information, through the National Agricultural Statistics Service or the Chicago Mercantile Exchange, that information must be accurate. These costly mistakes happen because the current reporting system is voluntary, leaving room for serious errors.

To address this growing concern, Senator CRAIG and I introduced the Dairy Market Enhancement Act of 2000, which takes the next step toward fair and accurate reporting. It would mandate reporting by dairy product manufacturing plants, would subject that reporting to independent verification, and would require the USDA to ensure compliance with the mandatory reporting and verification requirements.

Our bill also would direct the Commodities Futures Trading Commission to conduct a study on the reporting practices at the CME and report its findings to Congress.

We must also ensure that America's dairy farmers are put on a level playing field in the world economy. As I travel to each county in Wisconsin, I hear a growing concern over efforts to change the natural cheese standard to allow dry ultra-filtered milk in natural cheese.

Our dairy farmers have invested heavily in processes that make the best quality cheese ingredients, and I am concerned about recent efforts to change the law that would penalize them for those efforts by allowing lower quality ingredients to flood the U.S. market.

Senator JEFFORDS and I introduced the Quality Cheese Act of 2000 to respond to the call of our nation's dairy farmers.

Our legislation would disallow the use of so called "dry" ultra-filtered milk—milk protein concentrate and casein—in natural cheese products, and require USDA to consider the impact on the producer before any other changes may be made to the natural cheese standard.

I recognize that these efforts are only a step in the right direction.

In addition to addressing the increased market concentration, enacting mandatary price reporting, and protecting the natural cheese standard, Congress must also provide America's dairy farmers with a fair and truly national dairy policy and one that puts them all on a level playing field, from coast to coast.

TESTIMONY BY THE SECRETARY OF THE SMITHSONIAN INSTITUTION

Mr. DODD. Mr. President, this week the Committee on Rules and Administration held an oversight hearing on the Smithsonian Institution and received testimony from the new Secretary, Lawrence M. Small. Although he has only served in this capacity for a short 6 months, it is already clear that Secretary Small's vision for the Smithsonian will have a lasting impact on this uniquely American institution.

Secretary Small envisions the Smithsonian as ". . . the most extensive provider, anywhere in the world, of authoritative experiences that connect the American people to their history and to their cultural and scientific heritage." In other words, the Smithsonian documents who and what we are as Americans. And not surprisingly, over 90 percent of all visitors to the Smithsonian come from the United States.

Who are these visitors and what makes the Smithsonian such a draw? They are families who come to see the relics of our history, such as the Wright brothers' flyer or the Star Spangled Banner which moved Francis Scott Key to pen our national anthem. They are school children who are learning about the ancient inhabitants of this land, whether dinosaurs or insects. They are young parents retracing the pilgrimage to our nation's Capitol that they made as children. They are new immigrants and Americans of all ages who come to see the treasures that are housed in America's attic.

There are nearly 141 million objects in the Smithsonian's collections, fewer than 2 million of which can be displayed at any given time in the 16 museums that make up the Smithsonian.

On average, there are nearly 39 million visitors a year to the Smithsonian's museums and the national zoo. The fact is, 3 of the most visited museums in the world are right here on the mall.

They are the Smithsonian's Air and Space Museum, the Natural History Museum and the Museum of American History. And yet even with those amazing numbers, Secretary Small advised the Rules Committee this week that he believes the Smithsonian can do even better in making the Smithsonian accessible to the public, both in terms of the quality and quantity of the exhibits and the condition of the physical space.

But all of this popularity comes at a price, and that price is the physical wear and tear on the Smithsonian's buildings and exhibits. The buildings of the Smithsonian are in and of themselves historic monuments and landmarks within our nation's capital. The Smithsonian Castle, a fixture on the mall since the cornerstone was laid in 1847, receives nearly 2 million visitors a year, even though it houses no museum.

The oldest building, the Patent Office Building, houses the National Portrait Gallery and the National Museum of American Art. Construction of this Washington landmark was begun in 1836 and was the third great public building constructed in Washington, following the Capitol and The White House.

The National Museum of Natural History, home to the Hope Diamond and the Smithsonian elephant, opened its doors in 1910. This year, nearly 1.3 million visitors toured this museum in the month of April alone. The popularity of these grand and historic buildings is taking its toll, and they are quite simply in need of significant renovation and repair.

Secretary Small is committed to preserving not only the aging buildings of the Smithsonian, but to upgrading the exhibits as well to ensure that they provide a continuing educational experience. He is in the process of developing a 10-year plan to facilitate the necessary restorations and renovation.

These buildings are part of the historic fabric of this capital city, and it would be very short-sighted of Congress not to provide for their adequate maintenance and repair. I commend Secretary Small for his vision in this regard and believe that Congress should act on his recommendations when they are received. An op-ed piece by Secretary Small appeared in Monday's Washington Post in which he described his vision of the Smithsonian and the need to preserve these historic landmarks.

I urge my colleagues to acquaint themselves with the needs of this great American institution as it faces the opportunities and challenges of the 21st century.

I ask unanimous consent that the article by Secretary Small be included in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 26, 2000]

AMERICA'S ICONS DESERVE A GOOD HOME

(By Lawrence M. Small)

A recent report from the General Accounting Office identified 903 federal buildings around the country that are in need of some $4 billion in repairs and renovations. The buildings are feeling the effects of age. It's a feeling we know all too well at the Smithsonian.

Construction on the Patent Office Building, the Smithsonian's oldest, began in 1836. The cornerstone of the original Smithsonian Castle on the National Mall was laid in 1847; the National Museum building adjacent to it was completed in 1881, and the National Museum of Natural History opened in 1910.

The age of these four buildings would be reason enough for concern, but there's a significant additional stress on them. The Smithsonian's museum buildings are open to the world. They exist to be visited and to be used—and they've been spectacularly successful at attracting the public.

Attendance in recent months at the Natural History Museum has made it the most-visited museum in the world, a title held previously by our National Air and Space Museum. In the years ahead, the Smithsonian will be working to open its doors wider still and to attract even more visitors. So, what time doesn't do to our buildings, popularity will—and thank goodness for that.

More than 90 percent of Smithsonian visitors are Americans, many traveling great distances on a pilgrimage to the nation's secular shrines—the Capitol, the White House, the Library of Congress, the many memorials to brave Americans. The history of the nation is built into such structures. They're the physical manifestation of our shared sense of national identity.

Smithsonian Institution buildings belong in the company of those other monuments, because the Smithsonian is the center of our cultural heritage—the repository of the creativity, the courage, the aspirations and the ingenuity of the American people. Its collections hold a vast portion of the material record of democratic America.

The most sophisticated virtual representation on a screen cannot match the experience of standing just a few feet from the star-spangled banner, or the lap-top desk on which Thomas Jefferson wrote the Declaration of Independence, or the hat Lincoln wore the night he was shot, or the Wright brothers' Flyer and the Spirit of St. Louis. All those icons of America's history, and countless others of comparable significance, are at the Smithsonian.

And yet the experience of viewing them is compromised by the physical deterioration of the Smithsonian's buildings, which are becoming unworthy of the treasures they contain. The family on a once-in-a-lifetime trip to Washington and the Smithsonian should not have to make allowances—to overlook peeling paint, leak-stained ceilings and ill-lit exhibition spaces.

We can try to hide the problems behind curtains and plastic sheeting. But the reality cannot be concealed: The buildings are too shabby. In the nation's museum—to which Americans have contributed more than 12 billion of their tax dollars over the years—this embarrassment is not acceptable. It's no way to represent America.

The Smithsonian has hesitated in the past to put before Congress the full scale of its repair and renovation needs. It has tried instead to make do. But it will be undone by making do, and the American people will be the losers.

So we intend to face the problem and to transform the physical environment of the Smithsonian during the coming decade. The United States is in a period of immense public and private prosperity, and we should take every opportunity to turn that wealth to the long-term well-being and enhancement of the nation. Restoring the museums of the Smithsonian to a condition that befits the high place of our nation in the world will be a splendid legacy from this generation to future generations of Americans.

In January the nation will swear in the new century's first Congress and inaugurate its first president. They must be committed to preserving the nation's heritage. At the same time, we as private citizens must do our part to meet this critical need.

Americans should not have to wonder why their treasures are housed in buildings that seem to be falling apart. Instead they should marvel at the grandeur of the spaces and at the objects that are the icons of our history.

CHINA PERMANENT NORMAL TRADE RELATIONS LEGISLATION

Mr. BAUCUS. Mr. President, I would like to spend a few moments talking about the issue of PNTR, Permanent Normal Trade Relations, with China. Last month, the House passed H.R. 4444. That bill authorizes PNTR for China once the multilateral protocol negotiations are completed and the WTO General Council approves China's accession. The bill includes a solid package of provisions that establishes a framework for monitoring progress and developments in China in the human rights area. It also provides for enhanced monitoring of China's compliance with its trade commitments.

Now, it is our turn in the Senate to act. We have two challenges. First, we need to debate the bill now, not later. And, second, we need to pass the bill without amendment. I call on the Majority Leader to set a date certain in July to start this process.

Extending permanent normal trade relations status to China. Regularizing our economic and trade relationship with China. Bringing China into the global trade community. Helping the development of a middle class in China. Developing an environment between our two countries where we can productively engage China in significant security, regional, and global discussions. These are not Democratic issues. These are not Republican issues. These are national issues. Passage of PNTR is a first step, and it is critical to America's national economic and security interests.

Support in the Senate is strong. I believe there will be an overwhelming vote in favor of final passage. Republicans and Democrats. Small states and large. East and West. North and South. Conservative and liberal. Most of us recognize how important this is to our country, to the region, and to the world.

That is why I will continue to urge the Majority Leader to set a firm date to bring the PNTR bill to the floor so we can move this legislation. I ask my colleagues, Republican, as well as Democrat, to join me in delivering that message to the Majority Leader.

Once it comes to the floor, there will likely be a plethora of amendments, some germane and others non-germane. The Senate has its own rights and prerogatives. I will always defend the right of Senators to offer amendments to a bill. But, I am concerned that amendments in the Senate, which would force the bill into a conference with the House, would lead to delaying, and perhaps jeopardizing, final passage of this landmark legislation. We cannot afford such a development.

H.R. 4444 is a very balanced bill. It deals with the major concerns relative to China's entry into the global trading system. Therefore, along with many of my colleagues, I have made a commitment to oppose any amendment to H.R. 4444, no matter how meritorious the amendment might be on its own terms. Prompt passage and enactment of this bill should be a top bipartisan priority. I urge all my colleagues to join me in making the commitment to oppose any attempt to amend this legislation.

H.R. 4444 ensures that future U.S. administrations will closely monitor China's compliance with its WTO obligations and with other trade agreements made with the United States. It will make the administration in the future act promptly in the case of damaging import surges. It provides for a vigorous monitoring of human rights, worker rights, and the import of goods produced by forced or prison labor. H.R. 4444 also provides for technical assistance to help develop the rule of law in China. It enhances the ability of U.S. government radios to broadcast into China. And it states the sense of Congress regarding Taiwan's prompt admission to the WTO.

To repeat, extending PNTR to China is vitally important to America's economic and strategic interests. Our top priority should be a bill approved by the Senate identical to H.R. 4444 so that it can immediately be sent to the President for signature. I hope we complete action rapidly in July.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 28, 2000, the Federal debt stood at $5,649,147,080,050.00 (Five trillion, six hundred forty-nine billion, one hundred forty-seven million, eighty thousand, fifty dollars and no cents).

One year ago, June 28, 1999, the Federal debt stood at $5,640,294,000,000 (Five trillion, six hundred forty billion, two hundred ninety-four million).

Five years ago, June 28, 1995, the Federal debt stood at $4,948,205,000,000 (Four trillion, nine hundred forty-eight billion, two hundred five million).

Twenty-five years ago, June 28, 1975, the Federal debt stood at $535,337,000,000 (Five hundred thirty-five billion, three hundred thirty-seven million) which reflects a debt increase of more than $5 trillion—$5,113,810,080,050.00 (Five trillion, one hundred thirteen billion, eight hundred ten million, eighty thousand, fifty dollars and no cents) during the past 25 years.

ADDITIONAL STATEMENTS

HOW NOT TO SQUANDER OUR SUPERPOWER STATUS

• Mr. BIDEN. I rise today to comment briefly on an extremely thought-provoking opinion piece by Josef Joffe in the June 20th edition of the New York Times. The article was entitled "A Warning from Putin and Schroeder." It describes how the current global predominance of the United States is being countered by constellations of countries, which include allies and less-friendly powers alike, and how American behavior is aiding and abetting this development.

Mr. Joffe is the co-editor of the prestigious German weekly Die Zeit. He received his university education in the United States and is well known and respected in American foreign policy circles. In short, his thoughts are advice from a friend, not hostile criticism from an embittered or jealous antagonist.

The take-off point of the article, from which its headline is derived, was the recent summit meeting in Berlin between German Chancellor Gerhard Schroeder and Russian President Vladimir Putin during which Putin employed the classic Muscovite tactic of wooing Europe's key country in an effort to have it join Russia as a counterweight to us.

Fair enough, Joffe says. Whenever the international system has been dominated by one power, a natural movement to restore the balance has arisen. With regard to the United States, this is nothing new—the Chinese, as well as the Russians, have been decrying a "unipolar world" and "hegemonism" for years.

But Germany—the country the United States practically reinvented from the ashes of World War II, ushered back into the civilized family of nations, and then stood out as the only champion of re-unification only a decade ago? No matter how gushy a host he wished to be, how could the Chancellor of this Germany suddenly be calling for a "strategic partnership" with Russia?

One answer, according to Joffe, is the obvious and passionate hostility to the U.S. national missile defense project, known popularly as NMD, which the Russians and our German allies—for that matter, all of our European allies—share.

A second reason can be traced to the obvious shock at the overwhelming American military superiority shown in last year's Yugoslav air campaign. The manifest European military impotence impelled the European Union to launch its own security and defense policy, which NATO is now struggling to integrate into the alliance.

To some extent, then, the very fact of our current power—military, economic, and cultural—makes attempts at creating a countervailing force nearly inevitable.

But there is more. It is not only the policy that spawned NMD that irritates our European allies. What also irks them is the cavalier way in which we neglected to consult with them in our rush to formulate that policy. As Joffe trenchantly puts it, "America is so far ahead of the crowd that it has forgotten to look back."

In this, the second half of his explanation, I fear that Joffe is on to something: a new kind of American hubris. Again, his use of English is enviable. He describes the behavior of Congress these days as "obliviousness with a dollop of yahooism" (I assume he isn't talking about the search engine).

Mr. President, no one loves and respects this body more than I do. I believe that the American people is exceedingly well served by the one hundred Senators, all of whom are intelligent and hard-working.

Nevertheless, I note with dismay an increasing tendency in this chamber—I will leave judgments of the House of Representatives to others—for Members to advocate aspects of foreign policy with a conscious disregard, occasionally even disdain, for the opinions of our allies and the impact our policies have on them.

This kind of unilateralism was exhibited in the floor debate last fall on ratification of the Comprehensive Test Ban Treaty by one of my colleagues who, in responding to an article jointly authored by British Prime Minister Tony Blair, French President Jacques Chirac, and German Chancellor Schroeder, declared: "I don't care about our allies. I care about our enemies."

No one, Mr. President, is advocating abandoning or compromising the national interest of the United States simply because our allies oppose this or that aspect of our foreign and security policy.

But power—in the current context, our unparalleled power—must be accompanied by a sense of responsibility.

Mr. Joffe alludes to this power-and-responsibility duality in recalling the golden age of bipartisan American foreign policy in the years immediately following the Second World War, when

Republican Senator Arthur Vandenberg and Democratic President Harry S. Truman collaborated on halting the spread of communism and on helping create the international institutions that remain the cornerstones of our world more than half a century later. As he puts it "responsibility must defy short-term self-interest or the domestic fixation of the day."

Mr. President, one does not have to agree with all of Joffe's arguments to admit that his assertions at least merit our serious consideration. For if we do not begin to realize that even the United States of America needs to factor in the opinions of its friends when formulating foreign policy, it may not have many friends to worry about in the future.

And if that development occurs, we will almost certainly no longer retain the sole superpower status that we now enjoy.•

TRIBUTE ON THE 100TH ANNIVERSARY OF MANCHESTER, VERMONT

• Mr. JEFFORDS. Mr. President, I rise today to note the 100th anniversary of the Charter of Manchester Village.

Manchester Village lies in the valley of the Battenkill River nestled between the Green Mountains to the east and the Taconic Mountains to the west. Due to its geography and topography, Manchester Village has been at the crossroads of the earliest trails and roads in Vermont. The slopes of Mount Equinox, which rise 3,800 feet above the village, provide numerous fresh water streams and natural springs for the enjoyment of the resident and visiting populations.

From its earliest days to the period of the Civil War, Manchester was very much frontier country with numerous inns and taverns at its crossroads. In 1781, according to the town history detailed in the 1998 Village Plan, "there were no churches, but there were four taverns, a jail, a pillory and a whipping post." But by 1840, Vermont was the slowest growing state in the Union, as much of the natural resources of the state had been depleted, and wool imports from Australia had brought an end to a brief boom of sheep raising in Manchester and other parts of the state.

Beginning just prior to the Civil War, however, tourists began to discover Manchester. In 1853, the Equinox Hotel was opened by Franklin Orvis, who converted an inn that had begun in 1770. In 1863, when Mrs. Abraham Lincoln and her son, Robert Todd, stepped off the ten o'clock train, Manchester's reputation was made. Later, Presidents Ulysses S. Grant, William Howard Taft, Benjamin Harrison, Theodore Roosevelt, and Vice-President James S. Sherman would follow as visitors to Manchester Village.

Today, the Equinox remains as one of Vermont's grandest establishments. The Village is also home to Hildene, the summer home of Robert Todd Lincoln and now operated as a house museum. The Southern Vermont Art Center, the Mark Skinner Library, Burr and Burton Academy, and two world class golf courses can be found in Manchester Village, along with numerous delightful inns and hotels, charming churches, exquisite restaurants, engaging museums, enchanting galleries and unique shops.

Manchester Village thrives today in large part due to careful planning and the guardianship of an impressive streetscape characterized by marble sidewalks, deep front lawns, large, historic buildings, and an absence of fences. Village residents have faced the challenge of responsible and active stewardship since the tourist boom of the second half of the 19th century, and the Village Charter is an important part of that history.

For some details of the genesis of the incorporation of Manchester Village 100 years ago, I turn to "The Manchester Village Charter," written by Mary Hard Bort and reprinted here by permission of the Manchester Journal. Congratulations to the Village of Manchester on the event of its 100th birthday. I ask that that be printed in the RECORD.

The material follows.

THE MANCHESTER VILLAGE CHARTER

(By Mary Hard Bart)

By 1900 a building boom was flourishing in Manchester Village,. It was nearly impossible to hire a carpenter and the "summer people" who intended to build "cottages" that year often found it necessary to hire labor from out of town.

Some twenty years earlier in 1880 Village boundaries had been laid out by the town's selectmen and approved by the Vermont Legislature for the purpose of providing fire protection in Fire District #2 (the Village).

In 1894 John Marsden came to Manchester from Utica, NY and contracted to purchase the springs on Equinox Mountain from the Fire District and rights of way for a water system. Prior to this time water for fighting fires was stored in huge barrels strategically placed throughout the Village and individual households were supplied by wells, or springs, or cisterns.

Pipes were laid, a reservoir built and The Manchester Water Company was formed in October 1894. The company had purchased all the water contracts, springs, rights of way and conduits from the Marsden family. Officers of the corporation included Mr. Marsden, Mason Colburn of Manchester Center, J.W. Fowler of Manchester Depot and E.C. Orvis of the Village. The Marsden family continued to manage the water company until it was purchased by the Town of Manchester in 1980.

With a water system in place, the need for a sewage system was pressing. The inadequacy of the open trench installed by Franklin Orvis in 1882 was apparent and, in the spring of 1900, public spirited Village residents borrowed enough capital to build proper sewer lines through District #2. Many householders put in bathrooms at this time and eschewed the outhouses that had served their modest needs up til then. These sewer lines emptied directly into the Bauerkill and it was not until 1935 that a modern sewage treatment plant was built with federal funds, appropriated Village funds and private contributions.

Back in 1858 citizens of the Village had petitioned the Legislature for authority to create a charter and had received permission to do so but no action had ever been taken. Now, at the end of the century, an entity with the authority to purchase and construct a sewer, to provide street lights, to regulate the width and grade of roads and sidewalks, to prohibit certain activities, regulate others and to protect property was clearly in order.

The desire on the part of Village leaders to develop Manchester as a fine summer resort with all the amenities city people expected proved to be a strong incentive for action. These men whose vision of a thriving summer resort led to the building of elegant summer cottages, a golf course and the opening of new streets were not satisfied with the progress being made by the town in providing services they deemed essential.

Village voters were called to a series of meetings at the Courthouse where the need for a charter was explained and by October a bill was presented by Edward C. Orvis. He was the son of Franklin Orvis and the current operator of the Equinox House, a selectman for eight years and a representative and, later, senator in the Vermont Legislature. Also on the committee were William B. Edgerton, well-known realtor and creator of several spacious summer estates, and Charles F. Orvis, now elderly but with a wisdom greatly valued and respected in the village. He was the proprietor of the Orvis Inn as well as the manufacturer of fishing equipment.

On November 11, 1900 the Bill of Incorporation for the Village of Manchester, Vermont passed in the House of Representatives and was signed by the governor.

On December 3, 1900 the voters of Fire District #2 met at the Courthouse and following an explanation of the provisions of the charter, adopted the Village Charter, unanimously. The Charter compels the Village to assume the obligations and duties of Fire District #2, which ceased to exist with the adoption of the charter. Also incumbent upon it is care of its highways, bridges and sidewalks. Permitted are improvements to public grounds, sidewalks and parks and ordinances compelling property owners to remove ice, snow and garbage from their property. Also allowed are street lights provided by the Village and the purchase or construction of sewers as well as the regulation of the width and grade of streets and sidewalks.

Elected to serve this new Village of Manchester were: Edward C. Orvis, as president, D.K. Simonds, clerk, George Towsley, treasurer and Trustee; C.F. Orvis, Hiram Eggleston, M.J. Covey and Charles H. Hawley. Promptly on January 10, 1901, according to provisions in the Charter, the Village of Manchester purchased from private investors, the sewer that served it.

Quickly following on the heels of incorporation, the Manchester Development Association was formed in 1901 to promote tourism in the area. This group, made up of full-time and summer residents, underwrote the printing of 15,000 promotional booklets extolling the virtues of Manchester-in-the-Mountains as a summer resort. Its newly opened golf course (the Ekwanok), its pure spring water, its "salubious" climate were sure to bring people here.

In 1912 the Village hired a special police officer for the summer to control the traffic. The mix of automobiles and horses had created some dangerous situations and some automobile drivers were accused of driving too fast for conditions.

In 1921, the year after women secured the vote, Mrs. George Orvis, who had taken over the Equinox Hotel after her husband's death, was elected president of the Village.

Assaults on the integrity of the Village as a separate entity have been vigorously repelled. In 1956 a measure to consolidate the Village with the Town was soundly defeated and, though fire protection and police protection are provided by the Town of Manchester, the Village retains its own planning and zoning boards and its own road department and the privilege of hiring additional police officers if it deems that necessary.

Numerous amendments had been made to the charter over time. As estates bloomed land was added to the Village, other amendments brought the charter up to date as time went on. A new document was written to bring the charter up to date in language and in provision and it was approved by the Town of Manchester and by Village voters and by the Legislature in 1943.

For one hundred years Manchester Village has existed as a recognized legal entity with the rights, privileges and obligations that follow. Its officers today guard its integrity with as much vigor as did their predecessors.

July 2000.•

TRIBUTE TO JIM DUNBAR

• Mrs. BOXER. Mr. President, on July 14, Jim Dunbar will rise well before dawn, drive to San Francisco, and broadcast his morning show on KGO radio. As he has done each weekday for the past quarter century, Jim will read and comment on the news, tell a few stories, and take listeners' calls. He will help his audience start their day in a good mood, armed with good information about the world.

For 37 years, Jim Dunbar has served KGO and the people of the Bay Area with dignity, intelligence, and good humor. He blends solid reporting with amiable companionship without compromising either his journalist's integrity or his personal charm. He gives his listeners a good morning and his profession a good name.

Speaking as one of his many listeners, I must add the one piece of sad news in this story: Although Jim Dunbar will still contribute radio essays and special reports for KGO, July 14 will be his last morning show. Like thousands of others, I will miss Jim Dunbar in the morning, and I wish him all the best in his future endeavors.•

FAIRFAX COUNTY URBAN SEARCH AND RESCUE TEAM

• Mr. WARNER. Mr. President, I rise today to honor a fine group of Americans who have performed a remarkable service to this country and to our global community. The Fairfax County Urban Search and Rescue Team were honored on June 27, 2000 in a ceremony held at The Pentagon for their extraordinary efforts over the past 14 years. The following remarks were delivered on this occasion by Secretary of Defense William Cohen:

Senators Warner and Robb, Congressmen Moran and Davis, thank you all for joining us here today and for your tireless efforts on behalf of our men and women in uniform. Deputy Secretary DeLeon; Assistant Chief of Fairfax County Urban Fire and Rescue Team, Mark Wheatly; members of the Fairfax County Urban Search and Rescue Team and your families and friends; distinguished guests—including our canine friends; ladies and gentlemen. It is a pleasure to welcome all of our guests, whether they arrived on two legs or on four.

Two years ago, I received a call in the middle of the night. It was the tragic news of the embassy bombings in Kenya and Tanzania. And I think all Americans—indeed, people the world over—were simply stunned by the unspeakable cruelty and inhumanity of that act, the lives of 267 innocent men and women snuffed out in a single instant of indiscriminate violence.

Such moments force us to pause and reflect on the thinness of the membrane that separates this life from the next, on how quickly our hearts can be stopped and our voices can be silenced. And there is the futile wish that we all experience in grief: the wish to turn back the hand of time, to reverse what fate has just dictated. Of course, we cannot. But what we can do is renew our appreciation of the precarious and precious nature of our lives, resolve to use our time and energy to preserve and protect the sanctity of life and freedom, and rededicate ourselves to those principles of humaneness and generosity.

Today, we are here to honor and express our thanks to a group of men and women who have taken that ideal to its highest expression, who have made that ideal both a career and a calling. Time after time over the past 14 years, those of you in the Fairfax County Urban Search and Rescue Team have responded to some of the worst disasters of our time: Mexico City, Armenia, Oklahoma City, Turkey, the Philippines, and Taiwan. You have gone into cities whose devastation could vie with Dante's vision of hell. And upon your arrival, there has been no food, no water, no electricity. On every block, horrific scenes of carnage. On every face, confusion, fatigue, and grief. But in every case, you have used your energy, innovation, and skill to make a tangible difference in the lives of disaster victims.

Sometimes it has been risky and harrowing, such as in the Philippines, where your team worked more than 9 hours in a collapsed hotel to free a trapped man while ground tremors from the earthquake continued.

Sometimes it has been a combination of thoughtful planning and sheer luck, such as when a special camera was able to locate an 8-year-old boy, who had practically been buried alive when his bunk bed collapsed under the weight of a crushed building in Turkey.

Sometimes it has been grim and bittersweet, such as when you were able to save an elderly woman in Armenia who was the sole survivor from her building.

The rest of us can only imagine the physical and psychological toll that these types of missions take on each of you: day upon day of work without sleep, the chaos of the circumstances, the calls for help and relief that far outnumber your resources and manpower.

So we wanted, on behalf of the Department of Defense, to pay tribute to your efforts and say thank you; in particular, for the aid that you provided during our response to the tragedy in Kenya and Tanzania; but more broadly, for your sacrifices and those of your families and friends, who have provided so much support during your deployments.

We want to commend you for the message of friendship that you have sent to the people of other nations on behalf of the United States. When you go to a foreign country and raise your tents, with those American flags sewn on top, and use your skill, patience, courage, and compassion to help other people, that sends a powerful message of goodwill to other nations.

That is precisely the type of positive example that we in the Department of Defense encourage in our soldiers, sailors, airmen, Marines, and Coast Guardsmen when they are abroad. Because it is a very eloquent and enduring statement about what America stands for.

I cannot tell you how many times my counterparts abroad have expressed to me their gratitude—to the United States and the American people—for some type of assistance or aid. That type of relationship—including the trust, respect, and appreciation that you earn—is indispensable to diplomacy, stability, and peace. And so we thank you.

Finally, I want to congratulate you for the example that you have set for cooperation between the military community and the civilian community. Several of you have already participated in our Domestic Preparedness Program, and your efforts are going to be even more important in the future as terrorism and weapons of mass destruction become greater threats here in the United States. Every time we work with you to get your gear and trucks onto an air transport or fly you to a distant location, our partnership becomes more valuable for you and for us. Ultimately, when the sirens sound the next time, that experience will allow even more lives to be saved.

Just across the hall from my office here in the Pentagon there is a painting of a soldier in prayer. It is graced with an inscription taken from the Book of Isaiah. In the passage, God asks: "Whom shall I send? And who will go for us?" And Isaiah answers: "Here I am. Send me."

Today it is my pleasure to honor an extraordinary group of Americans who, in the dark and decisive hours after tragedies, have always been willing to say, "Here I am. Send me." You proudly represent not only Fairfax County and the state of Virginia, you represent the best of America and the better angels of our nature.

TRIBUTE TO LUCY CALAUTTI

• Mr. REID. Mr. President, I rise today to pay tribute to a woman who has dedicated her career to public service and is a good friend, Lucy Calautti.

I have known Lucy Calautti for twenty years, since she was the Chief of Staff for then Congressman DORGAN, even before becoming his chief of staff in the U.S. Senate. Throughout the years I have been inspired by her intelligence and political skills in the service of the United States Congress.

Many people on the Hill know about Lucy's professional accomplishments, but few of them know about the incredible service she has rendered our nation before she can to Washington. Lucy

Calautti's extensive and varied career in the interest of the public, includes service in the United States Navy as an aerial photographer during the Vietnam War. After that her inspiration to serve the American people never faded—in fact it was enhanced—as she photographed protesters outside the 1968 Democratic convention. Her experience in Chicago at the convention of the social turmoil in our country at that them were some of the experiences that has made Lucy the dynamic and sensitive person she is.

Lucy headed west to North Dakota from her birthplace in Queens, New York. She fell in love with the people and land of North Dakota as much as the people and land of North Dakota fell in love with her. She admired North Dakotans' independence, their hard work, and their idealism. It wasn't long after Lucy arrived in North Dakota that she began working with now Senator DORGAN when he became the elected State Tax Commissioner. Theirs was a unique working partnership—one that has lasted more than a quarter of a century.

In her lifetime, Lucy has also been a champion for the rights of women, children, and working families. Some may not know how tirelessly Lucy Calautti has fought for women's rights throughout her career. Lucy began her dedication to the rights of women when she participated in landmark anti-discrimination litigation. As a female GI, she was a courageous pioneer who realized first-hand that the benefits extended to women paled in comparison to the benefits extended to her male colleagues. Lucy took up the cause, and made sure that, for the first time, full GI benefits were provided to women serving in the military. Lucy continued her career in grassroots organizing on behalf of the Women's Democratic Caucus in North Dakota. In fact, The Hill newspaper would later anoint Lucy the "best political organizer the state of North Dakota has ever seen." And while so many people would have stopped with just these accomplishments, Lucy continued to establish the first public child care center in North Dakota, extending the most necessary service to women who juggle work, family, and far too often, poverty.

Lucy's career in public service has also included one of the most important positions in American society today—teaching. Lucy shaped the minds of our future leaders through her years as a high school and college-level teacher. To this day, Lucy continues her commitment to our nation's children, reading to DC-area children every week. Truly, an inspiration.

Lucy has, literally, shifted the political landscape in North Dakota and the U.S. Senate. As campaign manager Lucy Calautti engineered a come-from-behind victory for KENT CONRAD in the 1986 U.S. Senate race against a seated Republican, marking the first time since 1944 that an incumbent North Dakota Senator lost a reelection bid. Her knowledge of the people of North Dakota coupled with her superior grassroots organizing skills and her media savvy resulted in a campaign that is so respected, it was the subject of a book entitled "When Incumbency Fails."

Contemporaries know Lucy most for her leadership in the office of Senator DORGAN, as she has served as Chief of Staff to Senator DORGAN for more than twenty years. During this time, Lucy performed a key role in shepherding key legislation through the United States Senate. It wasn't too long ago that Lucy played an instrumental role with the Democratic party, staving off the Republican push for a Balanced Budget Amendment, and worked to push an amendment that would not harm Social Security. In those tense days, Lucy was the calm inside the storm, as she quickly worked for a common-sense approach to the issue at the same time she helped bring the state of North Dakota into the limelight. For her skills in politics and legislation, Lucy has been praised universally by her peers. A former aide to the late Senator Quentin Burdick lauded Lucy Calautti as "incredibly astute about politics and human nature, and absolutely brilliant at running a campaign." Former coworkers reserve the highest accolades for Lucy, including one, who praised Lucy as "smart, analytical, meticulous, loyal, and a hard worker." The Hill newspaper even crowned Lucy Calautti with the title of "most powerful woman in the nation's capital."

Now, we are losing Lucy to one of her lifetime loves—baseball. I suppose it is only natural that Lucy return to one of her first and most ardent interests. Growing up in Queens, Lucy lived not too far from Shea Stadium where she began her love of our nation's favorite pastime. Last week, her father passed away. He instilled in her a love of the game of baseball, among so many other attributes. She walks in her father's footsteps, and I'm sure he's the proudest Dad in the world. It is with a great deal of respect that I pay tribute to Lucy Calautti today. Soon, Lucy will join the Major League Baseball Organization as Director of Government Relations. She'll still be playing ball with us, and it's be fun.

Thank you, Lucy, for the time we have been able to enjoy your magnificent intellect and skills in the United States Senate. I thank you for your hard work, your dedication, your idealism, and your service to our country and most of all for you and KENT being the good friends you have been to Landra and to me.•

TRIBUTE TO R. GENE SMITH

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to my good friend and philanthropist, R. Gene Smith.

I have had the privilege of knowing Gene for many years, and have always been able to witness his compassion for others on numerous occasions. Gene has a kind heart and a giving spirit, and constantly thinks of ways to help those less fortunate than himself. Eight years ago, he offered another of his generous gifts to a fourth grade class in Louisville. In a spectacular show of kindness, Gene promised an all-expense paid college education to 58 students at Jefferson County's poorest school, Engelhard Elementary. The students' part of the deal entailed completing high school and gaining acceptance to a post-secondary college or university. As fourth graders, these children probably couldn't grasp the incredible opportunity they were offered then, but they certainly understand it now.

As Gene often does, he went the extra mile on his promise and committed to helping each of the 58 students graduate from high school. He created the R. Gene Smith Foundation to meet the academic, social, and emotional needs of each child. Over the students' eight-year journey to graduation, the Foundation served as a haven for the children and facilitated learning and personal growth opportunities. In spite of numerous obstacles, Gene and his students exceeded expectations and recently celebrated the graduation of 31 of the original 58 students.

Gene gave an amazing gift. Not only did Gene provided a free college education, but he provided each of the students and their parents with compassion, motivation, and peace of mind over the last eight years. He prevented 31 sets of parents from having to worry about whether they would have the money to pay for their child's education. He provided 31 students with hope for a bright and successful future.

Although this latest act of compassion is extraordinary, it is only one example of Gene's generosity. Gene chaired fund-raising efforts for Neighborhood House, a community center in a poverty-stricken area of Portland, Kentucky. He supports a preschool program for underprivileged children in Kentucky, called Jump Start. Additionally, he donated $1 million towards redevelopment of the Louisville waterfront. Gene also lends his support to such civic groups as the Speed Art Museum, the Cathedral Heritage Foundation, the University of Louisville Hospital Foundation, and Greater Louisville, Inc.

On behalf of myself and my colleagues in the United States Senate, I offer heartfelt thanks to Gene for his continuing commitment to helping others and a hearty congratulations to the 31 hardworking high school graduates.●

MARIA'S CHILDREN AND RUSSIAN ORPHANS

● Mr. DODD. Mr. President, I want to advise our colleagues and their staff, and their constituents visiting Washington, of an educational exhibit in the Russell Rotunda next week. The exhibit will include examples of colorful murals used by the volunteer group, Maria's Children, a Moscow-based arts rehabilitation center, as arts therapy and training for Russian orphans with learning difficulties. This therapy has produced encouraging results.

Maria's Children is a Moscow-based foundation, with U.S.-based Board members and volunteers, established to help children in Russian orphanages recognize their creative potential, thereby developing their talents and self-esteem so as to improve their chances of successful integration into Russian society. Created in 1993 by Maria Yeliseyeva, a local Moscow artist, and her friends, the project quickly found that through art, these orphans could come to express themselves in ways they had not known before, improving both their social and psychological development. Through a combination of arts therapy and exposure to normal family life, Maria's Children have literally given these children a second chance. The program has expanded over time and has started a summer art camp for orphans and is associated with Dr. Patch Adams annual clown tours of Moscow. The art work of the children has been featured in several Moscow exhibits and is helping to change Russian attitudes and views of what orphans are capable of achieving.

The exhibit will show in the Russell Rotunda from July 3–7. From there, it will move to the Russian Cultural Centre, here in Washington, and will be on display from July 8–21. The exhibit will also show across the United States throughout the summer, appearing in New York City at the National Art Club from July 28–August 6; at the Edina Southdale Court in Minneapolis from August 11–19; and at the Bumbershoot Festival in Seattle from September 1–4.

I invite our colleagues and their staff to visit this exhibit and learn about the important work that is being done by Maria and her colleagues to improve the opportunities for orphans in Russia.●

IN MEMORY OF MR. ARTHUR SALTZMAN

● Mr. ABRAHAM. Mr. President, I rise today in honor and in memory of a dear friend of mine, Mr. Arthur Saltzman, of Franklin, Michigan, who passed away on June 18, 2000, at the age of 79. Mr. Saltzman was not only a friend, but an inspiration—a man who dedicated much of his life to improving the State of Michigan.

Born in New York City in 1920, Mr. Saltzman came to Michigan to work for Ford Motor Company, where he was in charge of training/management programs for salaried employees.

After Mr. Saltzman retired from Ford, he worked for the Greater Detroit Chamber of Commerce, was a consultant with the U.S. Department of Energy in Washington, DC, and was Director of the Michigan State University Advanced Management Program in Troy, Michigan. He also was Director of the Michigan Economic Opportunity Office and a member of the Oakland University Charter Board of Trustees.

Mr. Saltzman earned his Bachelor's, Master's and Doctoral degrees from New York University. During World War II, he was with the Army Specialized Training Program, serving in both the Philippines and Tokyo.

Surviving Mr. Saltzman are his wife, Florence, with whom he celebrated his 50th Anniversary on January 30, 1999; daughters Amie R. Saltzman and Sarah Saltzman; his sister, Doris Chartow of Syracuse, New York; grandchildren, Joshua and Joanna; five nephews and four nieces.

Mr. President, Arthur Saltzman was a leader in the Michigan Republican Party at both the State and County level. I had the privilege to work with him on many occasions, and I found it to be a wonderful experience each and every time. Arthur was a man who truly enjoyed life, and his love for living was infectious. I am sure that he will be deeply missed by everyone who knew him.●

CHILD HANDGUN INJURY PREVENTION ACT

● Mr. KERRY. Mr. President, yesterday I introduced legislation, along with my good friend from Ohio Senator DEWINE, that will set minimum standards for gun safety locks. There has been a lot of discussion swirling around the U.S. Congress and in State legislatures throughout the country about the use of handgun safety locks to prevent children from gaining access to dangerous weapons. In fact, just last week New York became the latest State to require that safety locks be sold with firearms. Seventeen states have Child Access Protection, or CAP laws in place, which permit prosecution of adults if their firearm is left unsecured and a child uses that firearm to harm themselves or others.

An important element that is largely missing from the debate over the voluntary or required use of gun safety locks is the quality and performance of these locks. Mr. President, a gun lock will only keep a gun out of a child's hands if the lock works. There are many cheap, flimsy locks on the market that are easily overcome by a child. In fact just last week in Dale City, VA there was an absolutely heart-wrenching accidental shooting of a 10-year-old boy by his 13-year-old brother. The parents of these young boys purchased both a lock box and a trigger lock and I'm sure they assumed that they were safely storing their weapon.

But, as was reported in Saturday's Washington Post, the boys easily got past the flimsy lock box and then got around the lock. This incident ended in unspeakable, but all too common tragedy with the death of a 10-year-old boy at the hands of his brother.

Mr. President, the legislation Senator DEWINE and I introduced yesterday might have prevented the accidental shooting of that young boy last week. Our legislation gives authority to the Consumer Product Safety Commission to set minimum regulations for safety locks and to remove unsafe locks from the market. Our legislation empowers consumers by ensuring that they will only purchase high-quality lock boxes and trigger locks.

Storing firearms safely is an effective and inexpensive way to prevent the needless tragedies associated with unintentional firearm-related death and injury. And I am pleased that several states, including my home state of Massachusetts, have required the use of gun safety locks. Last July here in the U.S. Senate we passed an amendment that would require the use of gun safety locks.

So, while I am encouraged by this trend of increasing the use of gun safety locks, I am genuinely concerned that with the hundreds of different types of gun locks on the market today it is difficult—probably impossible—for consumers to be assured that the lock they are purchasing will be effective.

The latest data released by the Centers for Disease Control in 1999 revealed that accidental shootings accounted for 7 percent of child deaths and that more than 300 children died in gun accidents, almost one child every day. A study in the Archives of Pediatric and Adolescent Medicine found that 25 percent of 3- to 4-year-olds and 70 percent of 5- to 6-year-olds had sufficient finger strength to fire 59 (or 92 percent) of the 64 commonly available handguns examined in the study. Accidental shootings can be prevented by simple safety measures, one of which is the use of an effective gun safety lock.

As I have already mentioned, Mr. President, the use of gun safety locks is increasing in the United States. Despite the growing use of gun safety locks, such products are not subject to any minimal safety standards. Many currently available trigger locks, safety locks, lock boxes, and other similar devices are inadequate to prevent the accidental discharge of the firearms to which they are attached or to prevent access and accidental use by young children. Consumers do not have any objective criteria with which to judge the quality of gun safety locks.

My colleagues on both sides of the aisle should be able to support this amendment. The legislation does not require the use of gun safety locks. It only requires that gun safety locks meet minimum standards. The legislation does not regulate handguns. It applies only to after-market, external gun locks.

The Senate has been gridlocked since last July over the issue of gun control. And you can be sure that young lives have been needlessly lost due to our inaction. This legislation—which I truly believe every Senator can support—would make storing a gun in the home safer by ensuring safety devices are effective. It would empower consumers. And most importantly it would protect children and decrease the numbers of accidental shooting in this country.

We simply cannot stand by any longer and watch our young children fall victim to accidental shootings. We cannot hear about tragedies like the one last week in Dale City, VA without responding. This legislation is a step in the right direction, one I believe every Senator should support.•

CAREY FAMILY REUNION

• Mr. BURNS. Mr. President, I rise today to acknowledge the achievement of the Carey Cattle Operation in Boulder, Montana.

In the late 1800's Bart Carey settled in the Boulder Valley. Two of his sons worked the mines and mills in Montana and Idaho hoping to stake their own ranches in the Valley.

Frank, the patriarch of the operation, followed the gold rush north to Alaska, enduring shipwreck and a winter living with an Eskimo family. After returning to the Valley he established a ranching legacy that endures to this day. Frank and his wife Mary Ellen have 12 children and 45 grandchildren.

Their legacy of cussed independence, integrity, and determination instilled in their children the qualities of hard work, responsibility and most importantly a deep abiding faith in God.

This attitude of responsibility fostered a deep sense of patriotism and resulted in their son, Martin B., answering his nation's call during World War II. He was joined by four sisters—Lillian, Agnes, Eleanor, and Josephine—who served as Navy nurses.

Service to our country, in spite of the demands of managing a thriving cattle operation, and the concessions that were available under such conditions saw their youngest son Tom, the current patriarch, answering the call during the Korean conflict.

As the only remaining son, Tom and his extraordinary wife Helen, carry on the tradition. Operating out of the main ranch they have endeavored to instill these same values in their children and grandchildren. In spite of the current condition of American agriculture they are making every effort to ensure that their children and the children of Tom's siblings have every opportunity to continue their ranching legacy.

As the Carey family gathers for a reunion this Fourth of July they will find a base of operation being restored to its original state. They understand the importance of preserving history and their role in this dwindling aspect of the great American west.

I would like to extend my congratulations and sincere best wishes to the Carey family for high grass, plentiful water, and most importantly a fair market price for the fruits of their labor.•

RECOGNITION OF LOYAL CLARK AS NATIONAL FOREST SERVICE EMPLOYEE OF THE DECADE

• Mr. BENNETT. Mr. President, I rise today to recognize the accomplishments of Ms. Loyal Clark, Public Affairs Specialist and administrator of the Senior, Youth, and Volunteer Program in the Uinta National Forest located in my home state of Utah.

Ms. Clark has been instrumental in developing a model volunteer program that is clearly the largest in the nation, averaging 10,000 volunteers a year for the past decade. Ms. Clark has worked to ensure that the Uinta National Forest can accommodate and provide quality experiences for the numerous volunteer groups and individuals. When there have been more volunteers than available work, she has not turned them away, but has been able to direct their enthusiasm to adjacent forests and other state, county, and community projects. She is a key contact with the community, ensuring that volunteers know about opportunities and that they are matched with jobs they want to do.

Ms. Clark developed and presented a proposal to the forest supervisor to establish volunteer coordinators on each of the ranger districts in the forest. These coordinator positions have helped to provide the necessary staff for the Uinta to manage its huge volunteer program and to complete millions of dollars worth of vital project work, increasing the effectiveness of the Forest's budget by as much as twenty to thirty percent.

Ms. Clark has taken an active role to ensure various volunteers are recognized and rewarded. She has organized volunteer award ceremonies in the forest and actively ensures the nominations of volunteers for forest, regional, and national recognition. She is currently the team leader for the Uinta National Forest partnership team, which is active in pursing new partnerships with the forest while also maintaining its current relationships.

She has not only made a difference in the Uinta National Forest, but has also visited many of the forest management teams throughout the Intermountain Region and shared her wealth of knowledge and experience in the management of effective volunteer programs.

Because of Ms. Clark's career-long commitment to working with volunteers, the United States Forest Service recently presented her with an award for being the National Forest Service Employee of the Nineties. I congratulate Ms. Clark on her well-deserved award from the Forest Service.

In closing, I am pleased to recognize and thank Ms. Loyal Clark today for her sustained efforts to enlist and encourage citizens to take ownership in their national forests and communities through volunteering.•

TRIBUTE TO GARFIELD AND SUNNYSIDE ELEMENTARY SCHOOLS

• Mr. CRAPO. Mr. President, I rise today to commend two Idaho schools, Garfield Elementary School in Boise and Sunnyside Elementary School in Kellogg for their high standards and excellent teaching records.

Last month, these two schools were recognized by the U.S. Department of Education and the National Association of Title I Directors as Distinguished Title I Schools. These two elementary schools were among the ninety schools nationwide to be recognized for their efforts toward student achievement in schools that teach students from low-income households. Garfield Elementary and Sunnyside Elementary exemplify Idaho's high education standards and I am honored to congratulate these two schools for receiving this national award.

This national honor is especially impressive when one recognizes that more than fifty thousand schools across the country use Title I funds to boost the achievement levels of students from low-income households. The distinction of 2000 Distinguished Title I School is awarded to schools whose programs offer children from educationally disadvantaged communities access to effective academic lessons. Education is crucial to the well-being of these future adults because it is often their means of upward mobility. Improved education opportunities allows these children to become better citizens and achieve their education and career goals, including higher paying jobs, and a better quality of life.

Much of Sunnyside Elementary's success can be attributed to an active parent volunteer program. For example, while the school has only 300 students, approximately 124 parents volunteer their time at least once a year and forty-nine parents volunteer at the school on a regular basis. A web page, maintained by Principal Steve Shepperd and monthly school newsletters inform parents of school activities and highlight ways parents can get involved. The suggested tasks are often as simple as helping children with homework assignments.

Principal Shepperd says, "Just because sixty percent of the students we teach come from households that are at or near the poverty level, it doesn't mean that they cannot learn. We concentrate on setting high standards and we help the kids meet them by offering encouragement and extra assistance with their lessons." Principal Shepperd credits the dedicated teachers of Sunnyside Elementary for putting in extra time and for bringing so much of their energy into the classroom.

Garfield Elementary is noted for its tremendous community involvement. Student volunteers from Boise State University, most of them studying to be teachers, regularly tutor students after school. Garfield hosts an annual Career Day in which professionals from the community describe their careers and how they pursued them. The school also has a fifteen-member mentor program. Although none of the tutors have children of their own who attend Garfield, they come to the school frequently during lunchtime to read with children. This extensive community involvement is one of the reasons why the Iowa Test of Basic Skills for students at Garfield Elementary have risen as much as thirty points on a 100-point scale for some grades.

In addition to volunteering, parents at Garfield Elementary are encouraged by Principal Elaine Eichelberg to join one of the school's many committees. At the beginning of the year, each household receives a questionnaire that lists specific ways to help and asks parents to indicate their interest and availability. Principal Eichelberg says, "One of the best things parents can do to improve their child's education is to keep close tabs on their child's progress themselves and work with teachers when problems at school arise."

The national recognition that Sunnyside Elementary and Garfield Elementary have received reaffirms my belief that Idaho has some of the best teachers and administrators in the nation. Backed by strong involvement from parents and encouragement from the community, these elementary schools have demonstrated success in teacher training, utilized community resources, and established partnerships with parents.

There has been much debate about the success of the Title I program in the Elementary and Secondary Education Act. Schools like Garfield and Sunnyside show us that the programs implemented with the use of Title I funds do work. When we invest in quality education programs that focus on basic skills, such as reading and mathematics, our low-performing students will improve. The methods employed in Idaho serve as a reminder that community and parental support often make the biggest difference in elementary education.

I am very proud of the accomplishments of these two schools. Their steady focus on hard work has put their students on a path of continued academic success.•

IN MEMORY OF MRS. JACQUELYN STEWART

• Mr. ABRAHAM. Mr. President, I rise today in honor and in memory of a dear friend of mine, Mrs. Jacquelyn Stewart, who passed away on June 19 at the age of 59. Mrs. Stewart was not only a friend, but a truly special woman. She believed deeply in the ideals of the Republican Party, and worked extremely hard to fight for these ideals.

Mrs. Stewart was born in Detroit, Michigan. After attending Henry Ford Community College in Dearborn, Michigan, she attended the Oakland County Police Academy. She spent 15 years as an investigator with the Oakland County Prosecutor's Office.

On May 8, 1989, Mrs. Stewart was appointed to the Michigan Liquor Control Commission as an Administrative Commissioner. In 1997, Governor John Engler elevated her to position of Chairwoman of the Commission. For her work in that position, Mrs. Stewart is credited with restoring credibility to an agency that had fallen under controversy.

Mrs. Stewart also served the Oakland County Republican Party in many ways, most prominently as one of the top aides to former prosecutor and current County Executive, L. Brooks Patterson. In the mid-1980's, she led a petition drive that fell just short of placing a proposed restoration of the death penalty on the Michigan ballot.

Mrs. Stewart is survived by her husband, Mr. James Stewart, former longtime Huntington Woods Police Chief, as well as her sons, Chris and Timothy Boelter; daughter Elizabeth Rose; stepson James Stewart, and two brothers.

Mr. President, I consider it a privilege to have been able to know and work with Jackie Stewart. She was a woman of complete integrity, who fought for what she believed regardless of the odds against her. Her energy and boundless efforts were an inspiration to men and women throughout the State of Michigan, and I am sure she will be dearly missed by everyone who knew her.•

THE CHALLENGER LEARNING CENTER OF ALASKA

• Mr. MURKOWSKI. Mr. President, I rise to offer my congratulations to the Challenger Learning Center of Alaska, its Board of Directors, and staffers, on their Official Launch Ceremony on July 7, 2000.

The Challenger Learning Center of Alaska will be part of the national network of 50 Learning Centers operating in the United States, Canada, and England established in memory of the 1986 Challenger Space Shuttle crew. Located in Kenai, Alaska, the Challenger Learning Center of Alaska simulates space missions to give students the opportunity to explore the endless possibilities available in science and technology fields.

Mr. President, currently 40 percent of America's 4th graders read below the basic level on national reading tests. On international tests, the nation's twelfth graders rank last in Advanced Physics compared with students in 18 other countries. And one-third of all incoming college freshmen must enroll in a remedial reading, writing, or mathematics class before taking regular courses. If we are going to turn these dismal statistics around this country needs an innovative approach to teaching. The Challenger Learning Center of Alaska is working towards ensuring that our elementary and secondary students of today are the best-educated and motivated college graduates of tomorrow.

The Challenger Learning Center programs will not only create an environment conductive to pursuing the sciences, they will also assist students in developing skills vital to every field. In the Alaska workplace of the 21st century, survival will depend on teamwork, problem solving, communication and decision-making. Like no other educational program, the Challenger Learning Center of Alaska will help all of Alaska's students develop these critical skills while providing the solid educational content that promotes science literacy.

Mr. President, educators continue to site education as the number one determinate in an individual's success. I believe that the Challenger Learning Center of Alaska will profoundly affect the future of Alaska. I commend the Challenger Learning Center staff, Board of Directors, NASA and statewide communities for their tireless efforts and dedication to our young Alaskans.•

MESSAGES FROM THE HOUSE

At 12:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 4680. An act to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes.

H.R. 3240. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify certain responsibilities of the Food and Drug Administration with respect to the importation of drugs into the United States.

ENROLLED BILLS SIGNED

At 8:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes.

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

At 9:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3240. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify certain responsibilities of the Food and Drug Administration with respect to the importation of drugs into the United States; to the Committee on Health, Education, Labor, and Pensions.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on June 28, 2000, he had presented to the President of the United States the following enrolled bill:

S. 1309. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9482. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F.28 Mark 0070 Series Airplanes; request for comments; docket No. 99–NM–253 [5–12/5–22]" (RIN2120–AA64 (2000–0268)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9483. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Maule Aerospace Technology, Inc. M4, M5, M6, M7, MX7 and MXT7 Series Airplanes & Models MT7235 and M8235 Airplanes; request for comments; docket No. 2000–CE–04 [5–9/5–22]" (RIN2120–AA64 (2000–0269)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9484. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Unalaska, AK; docket No. 99–AAL–18 [4–24/5–22]" (RIN2120–AA66 (2000–0111)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9485. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Albion, NE, direct final rule, request for comments; docket No. 99–ACE–30 [5–5/5–22]" (RIN2120–AA66 (2000–0112)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9486. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishing of Class E Airspace; Salem, MO; docket No. 00–ACE–6 [5–5/5–22]" (RIN2120–AA66 (2000–0113)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9487. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Cuba, MO; direct final rule, confirmation of effective date; docket No. 00–ACE–3 [5–2/5–22]" (RIN2120–AA66 (2000–0114)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9488. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Marquette, MI; revocation of Class E Airspace; Sayer, MI and K.I. Sawyer, MI; new effective date; docket No. 99–AGL–42 [5–2/5–22]" (RIN2120–AA66 (2000–0116)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9489. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Visual Flight Rules; direct final rule; confirmation of effective date [5–19/5–22]" (RIN2120–AG94 (2000–0002)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9490. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Mitsubishi Heavy Industries, Ltd. MU–2B Series Airplanes; docket No. 97–CE–21 [5–15/5–18]" (RIN2120–AA64 (2000–0244)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9491. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc RB211–535 Series; docket No. 2000–NE–04 [5–12/5–18]" (RIN2120–AA64 (2000–0245)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9492. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–200 Series Airplanes equipped with GE CF6–80C2 Series Engines; request for comments; docket No. 2000–NM–93 [5–4/5–18]" (RIN2120–AA64 (2000–0246)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9493. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes equipped with GE CF6–80C2 Series Engines; request for comments; docket No. 2000–NM–94 [5–4/5–18]" (RIN2120–AA64 (2000–0247)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9494. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE Company CF6–6, CF6–45, and CF6–50 Series Turbofan Engines; docket No. 98–ANE–41 [4–24/5–18]" (RIN2120–AA64 (2000–0256)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9495. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE CF6–80A, CF6–80C2, and CF6–80E1 Series Turbofan Engines; docket No. 98–ANE–49 [4–24/5–18]" (RIN2120–AA64 (2000–0257)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9496. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE GE90 Series Turbofan Engines; docket No. 98–ANE–39 [4–24/5–18]" (RIN2120–AA64 (2000–0258)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9497. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; docket No. 99–NM–231 [5–1/5–18]" (RIN2120–AA64 (2000–0259)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9498. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 and 727C Series Airplanes; docket No. 98–NM–293 [5–1/5–18]" (RIN2120–AA64 (2000–0260)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9499. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters, INC. Model 369D, 369E, 500N, and 600N Helicopters; request for comments; docket No. 2000–SW–02 [5–5/5–18]" (RIN2120–AA64 (2000–0263)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9500. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Allison Engine Company AE3007 Series Turbofan Engines; docket No. 99–NE–46 [5–5/5–18]" (RIN2120–AA64 (2000–0264)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9501. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Andres-Murphy, NC; correction; docket No. 00–ASO–4 [5–12/5–18]" (RIN2120–AA66 (2000–0110)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9502. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–100, –200, –300, 747SR, and 747 SP Series Airplanes; docket No. 97–NM–88 [5–26/6–1]" (RIN2120–AA64 (2000–0291)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9503. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: New Piper Aircraft, Inc., Models PA46310P and PA46350P Airplanes; docket No. 99–CE–112 [5–25/6–1]" (RIN2120–AA64 (2000–0292)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9504. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737 Series Airplanes; docket No. 2000–NM–111 [5–26/6–1]" (RIN2120–AA64 (2000–0293)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9505. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes Equipped with P & W JT9D–70 Series Engines docket No. 99–NM–65 [5–26/6–1]" (RIN2120–AA64 (2000–0294)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9506. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Israel Aircraft Industries, LTD, model 1125 Westwind Astra and Astra SPX Series Airplanes; docket No. 99–NM–360 [5–26/6–1]" (RIN2120–AA64 (2000–0295)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9507. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket No. 99–NM–28 [5–26/6–1]" (RIN2120–AA64 (2000–0296)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9508. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320 Series Airplanes; docket No. 98–NM–99 [5–26/6–1]" (RIN2120–AA64 (2000–0297)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9509. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Industrie Model A300, A300–600, and A310 Series Airplanes; docket No. 99–NM–251 [5–26/6–1]" (RIN2120–AA64 (2000–0298)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9510. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SE3160, SA316B, SA316C, SA319B, SA330F, SA330G, SA330J, SA341G, and SA342J Helicopters; docket No. 99–SW–04 [5–25/6–1]" (RIN2120–AA64 (2000–0299)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9511. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Salisbury, MD; docket No. 99–AEA–07 [5–25/6–1]" (RIN2120–AA66 (2000–0125)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9512. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace; Alexandria England AFB, LA; Revocation of Class D Airspace; Alexandria Esler Reg Airport, LA; and Revision of Class E Airspace, Alexandria, LA; docket No. 2000–ASW–10 [5–26/6–1]" (RIN2120–AA66 (2000–0126)) received on June 1, 2000 ; to the Committee on Commerce, Science, and Transportation.

EC–9513. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E; Waco, TX; docket No. 2000–ASW–08 [5–25/6–1]" (RIN2120–AA66 (2000–0127)) received on June 8, 2000 ; to the Committee on Commerce, Science, and Transportation.

EC–9514. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Fort Stockton, TX; docket No. 2000–ASW–09 [5–25/6–1]" (RIN2120–AA66 (2000–0128)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9515. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Englewood, CO; docket No. 00–ANM–01 [5–25/6–1]" (RIN2120–AA66 (2000–0129)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9516. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Changes to the International Aviational Safety Assessment (IASA); Policy Statement; 14 CFR Part 129 [5–25/6–1]" (RIN2120–ZZ26) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9517. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Parks Air Tour Management; Notice of Statutory Requirement 14 CFR Part 91 [5–26/6–1]" (RIN2120–ZZ27) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9518. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Commander Aircraft Company Model 114TC Airplanes; docket no. 99–CE–81 [6–1/6–8]" (RIN2120–AA64 (2000–0301)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9519. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (60); No. 1991; [5–19/6–8]" (RIN2120–AA65 (2000–0029)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9520. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Willits, CA; docket no. 00–AWP–1 [5–26/8–10]" (RIN2120–AA66 (2000–0131)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9521. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Type of Certification Procedures for Changed Products; request for comments; docket no. 28903 [6/7–6/8]" (RIN2120–AF68) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9522. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fees for FAA Services for Certain Flights; interim final rule with request for comments; notice of public meeting; docket no. FAA–00–7018;" (RIN2120–AG17 (2000–0001)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9523. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Smoking on Scheduled Passenger Flights; Docket No. FAA–2000–7467 [6/9–6/8]" (RIN2120–AH04) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9524. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS332L2 Helicopters; docket no. 99–SW82 [6–14/6–15]" (RIN2120–AA64 (2000–0320)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9525. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE CF6–45/50 Series Turbofan Engines; docket no. 98–ANE–32 [6–13/6–15]" (RIN2120–AA64 (2000–0321)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9526. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFM International CFM56–2, 2A, 2B, 3, 3B, 3, 3C, 5, 5B, 5C, and 7B Series Turbofan Engines; docket no. 98–ANE–38 [6–13/6–15]" (RIN2120–AA64 (2000–0322)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9527. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Bae Model ATP Airplanes; docket no. 99–NM–230 [6–13/6–15]" (RIN2120–AA64 (2000–0323)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9528. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: bombardier Model DHC–8–100 and 300 Series Airplanes; docket no. 98–NM–380 [6–13/6–15]" (RIN2120–AA64 (2000–0324)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9529. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400 and 747–200 and 300 Series Airplanes powered by P & W Model PW4000 Series Engines; docket no. 99–NM–208 [6–13/6–15]" (RIN2120–AA64 (2000–0325)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9530. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767–200 and 300 Series Airplanes; docket no. 98–NM–313 [6–13/6–15]" (RIN2120–AA64 (2000–0326)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9531. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes; docket no. 2000–NM–138 [6–13/6–15]" (RIN2120–AA64 (2000–0327)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9532. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320–232 and 233 Series Airplanes; docket no. 2000–NM–22 [6–13/6–15]" (RIN2120–AA64 (2000–0328)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9533. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, A310 and A300–600 Series Airplanes; docket no. 99–NM–128 [6–13/6–15]" (RIN2120–AA64 (2000–0329)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9534. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320 and A321 Series Airplanes; docket no. 2000–NM–139" (RIN2120–AA64 (2000–0330)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9535. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes; docket no. 2000–NM–53 [6–13/6–15]" (RIN2120–AA64 (2000–0331)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9536. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket No. 99–NM–331 [6–13/6–15]" (RIN2120–AA64 (2000–0332)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9537. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: International Aero Engines AG V2500–A1/–A5/–D5 series Turbofan Engines; docket No. 99–ANE–45 [6–12/6–15]" (RIN2120–AA64 (2000–0333)) received on June 15, 2000 ; to the Committee on Commerce, Science, and Transportation.

EC–9538. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (43); Amdt. No. 1996 [6–14/6–15]" (RIN2120–AA65 (2000–0033)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9539. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (30); Amdt. No. 1995 [6–14/6–15]" (RIN2120–AA65 (2000–0034)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9540. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Jackson, WY, Establishment of effective date; docket no. 99–ANM–11 [5–22/6/15]]" (RIN2120–AA66 (2000–0123)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9541. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification and Revocation of VOR and Colored Federal Airways and Jet Routes; AK; docket No. 98–AAL–26 [6–6/6–15]" (RIN2120–AA66 (2000–0135)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9542. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Orange City, IA; Correction; docket No. 00–ACE–9 [6–9/6–15]" (RIN2120–AA66 (2000–0136)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9543. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Yukon-Kuskokwim Delta, Alaska; docket No. 99–AAL–24 [6–13/6–15]" (RIN2120–AA66 (2000–0137)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9544. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Time of Designation for Restricted Area R–7104, Vieques Island, PR; docket No. 00–ASO–8 [6–13/6–15]" (RIN2120–AA66 (2000–0138)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9545. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Correction to Class E Airspace; Unalaska, AK; docket No. 99–AAL–18 [6–14/6–15]" (RIN2120–AA66 (2000–0139)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9546. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Jet Route; TX; docket No. 99–ASW–33 [6–14/6–15]" (RIN2120–AA66 (2000–0140)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9547. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ltd. Models PC–12 and PC12/45; docket No. 99–CE–36 [6–2/6–12]" (RIN2120–AA64 (2000–0302)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9548. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Air Tractor Incorporated Model AT–301, AT–401, and AT–501 Airplanes; docket No. 2000–CE–21 [6–2/6–12]" (RIN2120–AA64 (2000–0303)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9549. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc. ALF502R and LF507; docket No. 99–NE–36 [6–5/6–12]" (RIN2120–AA64 (2000–0304)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9550. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 777–200 Series Airplanes; docket No. 99–NM–307 [6–5/6–12]” (RIN2120–AA64 (2000–0305)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9551. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Eurocopter France Model SA 365N1, AS 365N2, and SA 366G1 Helicopters; docket No. 99–SW–45 [6–7/6–12]” (RIN2120–AA64 (2000–0306)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9552. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Ayres Corp S2R Series and Model 600 S2D Airplanes; docket No. 98–CE–56 [6–7/6–12]” (RIN2120–AA64 (2000–0308)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9553. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Lockheed Model L 1011 385 Series Airplanes; docket no. 98–NM–311 [6–7/6–12]” (RIN2120–AA64 (2000–0309)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9554. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Allison Engine Company AE3007A and AE 3007C Series Turbofan Engines; docket no. 99–NE–07 [6–8/6–12]” (RIN2120–AA64 (2000–0310)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9555. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket no. 99–NM–343 [6–1/6–12]” (RIN2120–AA64 (2000–0311)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9556. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 747 and 767 Series Airplanes Powered by GE Model CF6 80C2 Series Engines; docket no. 99–NM–228 [6–1/6–12]” (RIN2120–AA64 (2000–0312)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9557. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 747 200, 300, and 400 Series Airplanes; docket no. 99–NM–30 [6–1/6–12]” (RIN2120–AA64 (2000–0313)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9558. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 767 Series Airplanes; docket no. 98–NM–316 [6–1/6–12]” (RIN2120–AA64 (2000–0314)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9559. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Dassault Model Falson 2000, Mystere–Falcon 900, Falcon 900EX, Fan Jet Falcon, Mystere–Falcon 50, Mystere–Falcon 20, and Mystere–Falcon 200 Series Airplanes–docket no. 2000–NM–109 [6–1/6–12]” (RIN2120–AA64 (2000–0315)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9560. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Eurocopter France Model SA–365C, C1, C2, N, and N1; AS 365N2 and N3; and SA366G1 Helicopters; Docket no. 99–SW–62 [6–1/6–12]” (RIN2120–AA64 (2000–0316)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9561. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Fokker Model F28, Mark 1000, 2000, 3000, and 4000 Series Airplanes docket no. 99–NM–358 [6–6/6–12]” (RIN2120–AA64 (2000–0317)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9562. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Rolls Royce plc Rb211 Series Turbofan Engines; docket n. 94–ANE–16 [6–6/6–12]” (RIN2120–AA64 (2000–0318)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9563. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (49); Amdt. 1994 [6–2/6–12]” (RIN2120–AA65 (2000–0030)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9564. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (72); Amdt. 1993 [6–2/6–12]” (RIN2120–AA65 (2000–0031)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9565. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Changing Using Agency for Restricted Area R2602 Colorado Springs, CO; docket no. 99–ANM–06 [6–2/6–12]” (RIN2120–AA65 (2000–0132)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9566. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Realignment and Establishment of VOR Federal Airways, KY and TN; Docket no. 97–ASO–18 [6–2/6–12]” (RIN2120–AA65 (2000–0133)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9567. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of the San Francisco Class B Airspace Area; CA; docket no. 97–AWA–1 [6–7/6–12]” (RIN2120–AA66 (2000–0134)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9568. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “IFR Altitudes; Miscellaneous Amendments (34); Amdt. no. 422 [5–9/5–25]” (RIN2120–AA63 (2000–0003)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9569. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 747–400 Series Airplanes; docket no. 2000–NM–75 [5–24/5–25]]” (RIN2120–AA64 (2000–0270)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9570. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A300, B2, A300B2K, A300 B4–2C, A300 Br–100, and A300 B4–200 Series Airplanes; docket no. 98–NM–56 [5–24/5–25]]” (RIN2120–AA64 (2000–0271)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9571. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Eurocopter France Model As350B, BA, B1, B2, and D and Model AS355E, F, F1, F2, and N Helicopters; Docket no. 99–SW–39 [5–22/5–25]]” (RIN2120–AA64 (2000–0273)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9572. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Eurocopter France Model AS350B, BA, B1, B2, B3, and AS355E, F, F1, F2, and N Helicopters; docket no. 99–SW–36 [5–22/5–25]]” (RIN2120–AA64 (2000–0274)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9573. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bell Helicopter Textron Canda Model 222, 222B, 222U, and 230 Helicopters; docket no. 99–SW–43 [5–22/5–25]]” (RIN2120–AA64 (2000–0275)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9574. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Israel Aircraft Industries Ltd Model 1124 and 1124A Westwind Airplanes; docket no. 2000–NM–42 [5–22/5–25]]” (RIN2120–AA64 (2000–0276)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9575. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Model G-159 Series Airplanes; docket no. 99-NM-138 [5-22/5-25]]" (RIN2120-AA64 (2000-0277)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9576. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters Inc Model MD900 Helicopters; docket no. 2000-SW-04 [5-17/5-25]]" (RIN2120-AA64 (2000-0278)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9577. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-10 Series Airplanes; docket no. 99-NM-213 [5-17/5-25]]" (RIN2120-AA64 (2000-0279)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9578. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA365N1, AS365N2, and SA366G1 Helicopters; docket no. 99-SW-34 [5-17/5-25]]" (RIN2120-AA64 (2000-0280)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9579. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland CmbH Model EC 135 Helicopters; docket no. 99-SW-05 [5-17/5-25]]" (RIN2120-AA64 (2000-0281)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9580. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L-1011 385 Airplanes; docket no. 99-NM-221 [5-12/5-25]]" (RIN2120-AA64 (2000-0282)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9581. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300-600 Series Airplanes; docket no. 99-NM-362 [5-12/5-25]]" (RIN2120-AA64 (2000-0283)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9582. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100, -200, 747Sp, & 747SR Series Airplanes Equipped with Pratt & Whitney JT9D-7, -7A, -7F, and -7J Series Engines; docket no. 99-NM-242 [5-12/5-25]]" (RIN2120-AA64 (2000-0284)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9583. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: EMBRAER Model EMB-145 Series Airplanes; docket no. 99-NM-305 [5-12/5-25]]" (RIN2120-AA64 (2000-0285)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9584. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-10-10, -15, -30, -30F, and -40 Series Airplanes and KC-10A Airplanes; docket no. 99-NM-212 [5-12/5-25]]" (RIN2120-AA64 (2000-0286)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9585. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon (Beech) Model 400A and 400T Series Airplanes; docket no. 99-NM-372 [5-12/5-25]]" (RIN2120-AA64 (2000-0287)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9586. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, A321, A330, and A340 Series Airplanes; docket no. 99-NM-103 [5-15/5-25]]" (RIN2120-AA64 (2000-0288)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9587. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Jetstream Model 3201 Airplanes; docket no. 99-CE-72 [5-15/5-25]]" (RIN2120-AA64 (2000-0289)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9588. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace for Rapid City, SD; Rapid City Ellsworth AFB, SD; and Modification of Class E Airspace; Rapid City, SD; docket no. 00-AGL-03 [5-15/5-25]" (RIN2120-AA66 (2000-0118)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9589. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Yankton, SD; docket No. 98-AGL-78 [5-15/5-25]" (RIN2120-AA66 (2000-0119)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9590. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Ely, MN; docket No. 00-AGL-04 [5-25/5-15]" (RIN2120-AA66 (2000-0120)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9591. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification and Establishment of Class D & E Airspace; Belleville, IL; docket No. 00-AGL-01 [5-15/5-25]" (RIN2120-AA66 (2000-0121) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9592. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Hampton, IA, direct final rule, request for comments; docket No. 00-ACE-7 [5-23/5-15]" (RIN2120-AA66 (2000-0122)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9593. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Jackson WY, delay of effective date; docket No. 99-ANM-11 [5-22/5-25]" (RIN2120-AA66 (2000-0123)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9594. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Passenger Facility Charges; Docket No. FAA-2000-7402 [5-30/5-25]" (RIN2120-AH05)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9595. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA-365N, AS-365N1, AS-365N2 and AS-365N3 Helicopters; docket No. 99-SW-86 [5-22/5-25]" (RIN2120-AA64 (2000-0272)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services, with amendments:

S. 2507: An original bill to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 106-325).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 869: A bill for the relief of Mina Vahedi Notash.

S. 2413: A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. Dodd, Mrs. Feinstein, Mr. DeWine, Mr. Kohl, Mr. Feingold, and Mr. Kennedy):

S. 2812. A bill to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 2813. A bill to provide for a land exchange to fulfill the Federal obligation to the State of Arizona under the State's enabling act, and to use certain Federal land in Arizona to acquire by eminent domain State trust land located adjacent to Federal land for the purpose of improving public land management, enhancing the conservation of unique natural areas, and fulfilling the purposes for which State trust land is set aside, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCONNELL:

S. 2814. A bill to amend title XI of the Social Security Act to direct the Commissioner of Social Security to conduct outreach efforts to increase awareness of the availability of medicare cost-sharing assistance to eligible low-income medicare beneficiaries; to the Committee on Finance.

By Mr. CLELAND (for himself and Ms. Snowe):

S. 2815. A bill to provide for the nationwide designation of 2-1-1 as a toll-free telephone number for access to information and referrals on human services, to encourage the deployment of the toll-free telephone number, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself, Mr. Akaka, Mr. L. Chafee, and Mr. McCain):

S. 2816. A bill to provide the financial mechanisms, resource protections, and professional skills necessary for high quality stewardship of the National Park System, to commemorate the heritage of people of the United States to invest in the legacy of the National Park System, and to recognize the importance of high quality outdoor recreational opportunities on federally managed land; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself and Mr. Gorton):

S. 2817. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to establish permanent recreation fee authority; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON:

S. 2818. A bill to amend the Agricultural Market Transition Act to establish a flexible fallow program under which a producer may idle a portion of the total planted acreage of the loan commodities of the producer in exchange for higher loan rates for marketing assistance loans on the remaining acreage of the producer; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REED (for himself and Mr. Jeffords):

S. 2819. To provide for the establishment of an assistance program for health insurance consumers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOLLINGS (by request):

S. 2820. A bill to provide for a public interest determination by the Consumer Product Safety Commission with respect to repair, replacement, or refund actions, and to revise the civil and criminal penalties, under both the Consumer Product Safety Act and the Federal Hazardous Substances Act; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 2821. A bill to amend chapter 84 of title 5, United States Code, to make certain temporary Federal service performed for the Federal Deposit Insurance Corporation creditable for retirement purposes; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN:

S. 2822. A bill for the relief of Denes and Gyorgyi Fulop; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. DeWine, Mr. Moynihan, Mr. Grassley, Mr. Dodd, Mr. Coverdell, and Mr. Biden):

S. 2823. A bill to amend the Andean Trade Preference Act to grant certain benefits with respect to textile and apparel, and for other purposes; to the Committee on Finance.

By Mr. CLELAND (for himself, Mr. Johnson, Mr. Warner, Mr. Kerrey, Mr. Hagel, Mrs. Murray, Mr. McCain, Mr. Robb, Ms. Snowe, Mr. Biden, Mr. Burns, Mr. Graham, Mr. Helms, Mr. Edwards, Mr. Thurmond, Mr. Kohl, Mr. Domenici, Mr. Durbin, Mr. Mack, Mr. Torricelli, Mr. Smith of Oregon, Ms. Landrieu, Mr . Shelby, Mrs. Lincoln, Mr. Grassley, Mr. Reed, Mr. Allard, Mr. Kerry, Mr. Inhofe, Mr. Lautenberg, Mr. Hatch, Mrs. Boxer, Mr. Bennett, Mr. Levin, Mr. Jeffords, Mr. Baucus, Mr. L. Chafee, Mr. Reid, Mr. Smith of New Hampshire, Mr. Daschle, Mr. Coverdell, Mr. Byrd, Mr. Craig, Mr. Wellstone, Mr. Abraham, Mr. Feingold, Mrs. Hutchison, Mr. Schumer, Mr. Campbell, Mr. Dorgan, Mr. Cochran, Mr. Conrad, Ms. Collins, Mr. Hollings, Mr. Kyl, Mr. Rockefeller, Mr. Frist, Ms. Mikulski, Mr. Santorum, Mrs. Feinstein, Mr. Akaka, Mr. Bayh, Mr. Lieberman, Mr. Bryan, Mr. Leahy, Mr. Bingaman, and Mr. Wyden):

S. 2824. A bill to authorize the President to award a gold medal on behalf of Congress to General Wesley K. Clark, United States Army, in recognition of his outstanding leadership and service during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro); to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER (for himself, Mr. Jeffords, and Mr. Breaux):

S. 2825. A bill to strengthen the effectiveness of the earned income tax credit in reducing child poverty and promoting work; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. Rockefeller):

S. 2826. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the medicare program; to the Committee on Finance.

By Mr. ALLARD:

S. 2827. A bill to provide for the conveyance of the Department of Veterans Affairs Medical Center at Ft. Lyon, Colorado, to the State of Colorado, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY (for himself, Mr. Conrad, Mr. Shelby, Mr. Baucus, Mr. Thomas, and Mr. Cochran):

S. 2828. A bill to amend title XVIII of the Social Security Act to require that the Secretary of Health and Human Services wage adjust the actual, rather than the estimated, proportion of a hospital's costs that are attributable to wages and wage-related costs; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. Lott, Mr. Nickles, Mr. Gregg, Mr. Gorton, Mr. Coverdell, and Mr. Inhofe):

S. 2829. A bill to provide of an investigation and audit at the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. Feingold):

S. 2830. A bill to preclude the admissibility of certain confessions in criminal cases; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. Hollings):

S. 2831. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve conservation and management of sharks and establish a consistent national policy toward the practice of shark-finning; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 2832. A bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 2833. A bill to amend the Federal Election Campaign Act of 1971 to improve the enforcement capabilities of the Federal Election Commission, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE:

S. Res. 330. A resolution designating the week beginning September 24, 2000, as "National Amputee Awareness Week"; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. Daschle):

S. Res. 331. A resolution to authorize testimony, document production, and legal representation in United States v. Ellen Rose Hart; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. Dodd, Mrs. Feinstein, Mr. DeWine, Mr. Kohl, Mr. Feingold, and Mr. Kennedy):

S. 2812. A bill to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities; to the Committee on the Judiciary.

WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES

• Mr. HATCH. Mr. President, I rise today with my colleagues, Senator Christopher Dodd and others, to introduce a simple but highly significant bill which will confer the treasured status of American citizenship on individuals with disabilities.

Under current law, the Attorney General possesses the authority to waive certain requirements of naturalization, such as the English and civics test requirements, for disabled applicants. The law, however, has been construed to stop short of granting the Attorney

General authority to waive the requirement for the oath of renunciation and allegiance for disabled adult applicants.

Consequently, even though such persons are able to fulfill all other requirements of naturalization, or it is clear that the Attorney General can waive them, certain individuals with disabilities may never become citizens.

This is the sad situation that a young man from my home state of Utah is facing. Gustavo Galvez Letona, a 27 year-old immigrant from Guatemala, suffers from Down's syndrome. Mr. Letona's entire family are already American citizens. But, while Mr. Letona is otherwise able to become a citizen, despite his developmental disability, the fact that the Attorney General's authority to waive the oath is unclear will prevent Mr. Letona from enjoying the same status as a naturalized American citizen.

Imagine a family in which mother, father, brothers and sisters could become U.S. citizens, but one sibling could not only because of a disability. I believe all my colleagues would agree that this would be a sad and tragic situation. It is discriminatory to boot.

This bill would not affect a large number of people. A recent estimate was that only about 1100 individuals with disabilities would possibly be eligible for such a waiver. Moreover, I used the word "possibly" because the waiver would not be automatic. The waiver would be granted at the discretion of the Attorney General and is not intended to confer citizenship on individuals—regardless of a disability—who would not otherwise qualify for citizenship. It would not apply to every individual with a disability, most of whom would not need such a waiver.

Today's legislation remedies this unfortunate scenario facing Gustavo Letona by extending the Attorney General's authority to waive the taking of the oath if the applicant is unable to understand or communicate an understanding of the oath because of disability. This simple solution allows Mr. Letona and others the privilege of becoming American citizens.

I would like to express my gratitude to Senator DODD for his willingness to make this a bipartisan effort. I would also like to thank my Utah Advisory Committee on Disability Policy, and particularly Ron Gardner, who brought this problem to my attention and who works tirelessly to protect the rights of the disabled.

I ask unanimous consent that the text of the bill be placed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES.

(a) IN GENERAL.—The last sentence of section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended to read as follows: "The Attorney General may waive the taking of the oath if in the opinion of the Attorney General the applicant for naturalization is an individual with a disability, or a child, who is unable to understand or communicate an understanding of the meaning of the oath. If the Attorney General waives the oath for such an individual, the individual shall be considered to have met the requirements of section 316(a)(3) as to attachment to the Constitution and well disposition to the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who applied for naturalization before, on, or after the date of enactment of this Act.●

Mr. DODD. Mr. President, I rise with Senator HATCH, Senator FEINGOLD, Senator KENNEDY, Senator DEWINE, Senator FEINSTEIN, and Senator KOHL to introduce a bill to resolve a rare but serious problem for some American families.

I want to tell you a story about a young man named Mathieu, a resident of Connecticut. Mathieu's family—his mother, his father, and his sister—have all become naturalized U.S. citizens. But Mathieu has not been allowed to become a citizen because he's a 23-year-old low-functioning autistic man who cannot meet a very technical requirement of the naturalization process, namely that he be able to swear an oath of loyalty to the United States. His naturalization request has been in limbo since November of 1996 because Mathieu could not understand some of the questions he was asked by the INS agent processing his application for citizenship. All of the other members of Mathieu's family have become U.S. citizens. Now Mathieu's mother lives with the fear that when she dies her most vulnerable child could be removed from the country and sent to a nation that he hardly knows, and where he has no family and no friends. Mathieu's mother—again, an American citizen—wants what every American wants—she wants to know that her child will be treated fairly by her government even when she's no longer capable of taking care of him herself. Mathieu's life is here. His friends and caregivers are here. His family is here. Mathieu's place is here and but for his disability, he would be allowed to stay here where he belongs. He would be allowed to become a citizen and his mother's fears would be relieved. Mr. President, this is a problem that a compassionate nation can fix. This is a problem that we have the power to solve.

Under current law, a very small subgroup of people with severe mental disabilities cannot become citizens because they lack the capacity to take the oath of renunciation and allegiance. Since the Immigration and Nationality Act (INA) does not contain explicit statutory authority for the Immigration and Naturalization Service (INS) to waive the oath, people with brain injuries and other mental disabilities are routinely denied citizenship—even when the rest of their families are already U.S. citizens.

Congress has previously recognized the injustice of denying citizenship to individuals based on their disabilities and has attempted to resolve the problem. In fact, in 1991 Congress created a procedure for expedited administration of the oath for applicants who have special circumstances, including disabilities, that prevent them from personally appearing at a scheduled ceremony. And in 1994, Congress exempted certain applicants with disabilities who are unable to learn from taking the English and civics tests. Unfortunately, these efforts have not effectively addressed the problem of individuals who are unable to take the oath because of mental incapacity, leaving the oath as the only barrier to citizenship for such individuals.

The legislation we introduce today would amend the Immigration and Nationality Act to give the INS the discretion to waive the oath of allegiance for certain individuals who lack the mental capacity to comprehend the oath.

Waiving the oath is really a technical amendment. There is no indication that Congress ever intended to split up families or cast doubt on the futures of family members not able to utter the oath by virtue of a mental disability.

Waiving the oath does not defeat the purpose of Naturalization or the oath requirement. Individuals with disabilities who receive oath waivers would still have to fulfill the other requirements of naturalization, including good moral character and residency. Remember the main purpose of the oath requirement is to prevent the naturalization of people who are hostile to the government of the United States, or the principles of the Constitution. People with severe disabilities who lack the capacity to understand the oath cannot form the intent to act against the government. Waiving the oath poses no danger and manifests America's best, most compassionate characteristics.

Let me conclude by saying that this is not a problem that faces millions of people—or even many thousands of people, but it is an important issue for the few families that are affected. Mr. President the United States should not force the break up of families. This bill will right an injustice and I urge its passage.

By Mr. MCCAIN:

S. 2813. A bill to provide for a land exchange to fulfill the Federal obligation to the State of Arizona under the

State's enabling act, and to use certain Federal land in Arizona to acquire by eminent domain State trust land located adjacent to Federal land for the purpose of improving public land management, enhancing the conservation of unique natural areas, and fulfilling the purposes for which State trust land is set aside, and for other purposes; to the Committee on Energy and Natural Resources.

THE ARIZONA LAND EXCHANGE FACILITATION ACT OF 2000

Mr. McCAIN. Mr. President, I rise to introduce legislation that authorizes the Secretary of the U.S. Department of Interior and the Governor of Arizona to carry out a federal-state land exchange in order to protect environmentally significant lands in the state and enhance the state education trust fund to benefit Arizona's schoolchildren.

I must first make mention that Interior Secretary Bruce Babbitt and Governor Jane Hull of Arizona are currently involved in negotiating a comprehensive state-federal land exchange agreement. The Secretary and the Governor have been engaged in land exchange negotiations since January of this year, which so far have been very productive and positive. If their negotiations are successful and a land trade is agreed upon, legislation will be necessary to authorize that exchange.

To express my strong support for a potential exchange, I am introducing this bill as a place holder for the necessary authorization to implement any agreement for a land exchange. This legislation is in no way intended to override or influence ongoing negotiations, nor do I intend to force either party to accept a proposal that is not in their best interests.

The purpose of this legislation is two-fold. One, it is simply a framework for a future agreement. It is intended to facilitate discussion to define the necessary legislative authority to implement a state-federal land exchange in Arizona. If the details of a land exchange are agreed upon between the Secretary and the Governor, those specifics can be incorporated into this legislation.

The second purpose is to define the necessary legislative language that will accommodate existing Arizona Constitutional and Arizona Enabling Act restrictions that require state trust lands to be managed for the benefit of education and other public purposes. In addition, the bill recognizes the important goal of resolving the federal government's land "debt" to Arizona as a result of not receiving the state's full allotment at statehood. This legislation proposes to use federal friendly-condemnation authority to effect other aspects of a comprehensive exchange to address the current Arizona constitutional restriction on land trades.

In recent years, the people of Arizona have embraced the idea of promoting conservation as part of the state's land management objectives. Through public referenda and other proposals, the people of Arizona have strongly supported the concept of a state-wide effort to conserve unique natural areas. The federal-state land exchange currently under discussion could ensure that ecologically important state lands are placed under permanent conservation protection as part of an existing federal land management unit. In return, the state would receive parcels currently owned by the federal government that may be more suitable for revenue-generating activity in keeping with the requirements of state law. Such an exchange could accomplish both state conservation and education goals. The opportunity to explore and effect a means of serving these two important purposes should not be missed.

In the past, some of my colleagues and I have evaluated different options to reduce the number of state inholdings on federal property and vice-versa—a situation that complicates resource management and does not serve the public interest. This legislation could be an important step forward in reducing state inholdings in federal land management areas which makes good environmental, economic and administrative sense.

Mr. President, let me make very clear once again, this legislation is a starting point only. It does not represent by any means an endorsement of any particular lands for exchange that are currently under negotiation. Nor is it my intention to fast-track any proposal that does not abide by a fair and strict appraisal process. It is intended to encourage the Secretary and the Governor to forward a serious proposal to the Congress for consideration. Once a proposal is forwarded, I have every intention to consult with affected entities and engage in a thorough process of public input from local citizenry, governments and other interested parties.

I also recognize that such land exchanges do take time and it is very possible that a land exchange proposal may not be finalized this year. My colleagues from Arizona recall as well as I do that it took three years to negotiate and enact the Arizona Desert Wilderness Act of 1990 to preserve over two million acres as designated wilderness. We never would have accomplished that feat without the front-line leadership and vision of Mo Udall who initiated the process by offering a legislative framework. I believe that this opportunity is one that Mo would have supported. I hope that my colleagues and friends in Arizona will agree and that we can all work together on a comprehensive land exchange proposal that will accomplish educational and environmental objectives.

Mr. President, I ask unanimous consent to include the full text of the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arizona Land Exchange Facilitation Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) when the State of Arizona entered the Union, the State was granted more than 9,000,000 acres of State trust land to be held in permanent trust to be managed on behalf of the beneficiaries of the trust, primarily Arizona's schoolchildren;

(2) the State is entitled to select additional land of a value that is approximately equal to the value of 15,234 acres of in lieu base land from vacant, unappropriated, and unreserved Federal land to fulfill the entitlement arising from the Act of June 20, 1910 (36 Stat. 557, chapter 310), and the consent judgment known as the "San Carlos Consent Judgment" entered in State of Arizona v. Rogers C.B. Morton, Court Document 74-696-PHX-WPC (D. Ariz. (1978));

(3) while the State has recognized that certain State trust land is of unique and significant value and ought to be conserved as open space to benefit future generations, while ensuring that there is a higher benefit to public schools and other trust beneficiaries, there is no mechanism currently available to the State to conserve such unique State trust land; and

(4) an exchange of certain Federal and State land in Arizona will provide for improved land management by the Federal and State governments by exchanging certain State trust land that is of significant ecological value for permanent protection for certain Federal land that is suitable for the revenue generation mission of the State and other purposes identified by the State on behalf of its beneficiaries.

(b) PURPOSES.—The purposes of this Act are to improve manageability of Federal public land and State trust land in the State, to promote the conservation of unique natural areas, and to fulfill obligations to the beneficiaries of State trust land by providing for a land conveyance and a land exchange between the Federal and State governments under which—

(1) the Secretary of the Interior shall identify a pool of parcels of land that are vacant, unappropriated, unreserved, and suitable for disposal, so that the State may select Federal land that the Secretary shall convey to the State to fulfill the State's entitlement under the State's enabling act; and

(2) the Secretary shall acquire certain State trust land in the State by eminent domain, with the consent of the State, in exchange for certain Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) IN LIEU BASE LAND.—The term "in lieu base land" means land granted to the State under section 25 of the Act of June 20, 1910 (36 Stat. 573).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Arizona.

(4) State trust land.—The term "State trust land" means all right, title, and interest of the State on the date of enactment of this Act in and to—

(A) land (including the mineral estate) granted by the United States under sections 24 and 25 of the Act of June 20, 1910 (36 Stat. 572, 573, chapter 310); and

(B) land (including the mineral estate) owned by the State on the date of enactment of this Act that, under State law, is required to be managed for the benefit of the public school system or the institutions of the State designated under that Act.

SEC. 4. FULFILLMENT OF ENTITLEMENT UNDER THE ENABLING ACT.

(a) In General.—Not later than 60 days after the date of enactment of this Act, the Secretary shall identify land under the jurisdiction of the Secretary that—

(1) is vacant, unappropriated, and unreserved; and

(2) is suitable for disposal under land management plans in effect on the date of enactment of this Act.

(b) Selection.—Not later than 120 days after the date of enactment of this Act, the State shall select land, identified by the Secretary under subsection (a), of approximately equal value (determined in accordance with section 6) to the 15,234 acres of in lieu base land identified as base land depicted on the map entitled "Arizona State Trust Base Lands Not Compensated by the Federal Government" and dated .

(c) Conveyance.—On final agreement between the Secretary and the State under section 7(a), the Secretary shall convey to the State the land selected by the State under subsection (b).

SEC. 5. LAND EXCHANGE.

(a) Conveyance by the Secretary of Federal Land.—

(1) In general.—In exchange for the State trust land acquired by the Secretary under subsection (b), the Secretary shall convey to the State Federal land described in paragraph (2) that is of a value that is approximately equal to the value of the acquired State trust land, as determined under section 6.

(2) Federal land.—The Federal land referred to in paragraph (1) is land under the jurisdiction of the Secretary and in the State that the Secretary determines is available for exchange under this Act.

(b) Acquisition by the Secretary of State Trust Land.—

(1) In general.—The Secretary shall—

(A) on final agreement between the Secretary and the State under section 7(a), acquire by eminent domain the State designated trust land described in paragraph (2); and

(B) manage the land in accordance with paragraph (3).

(2) State trust land.—The State trust land referred to in paragraph (1) is land under the jurisdiction of the State that the State determines is available for exchange under this Act.

(3) Management of land acquired by the secretary.—

(A) In general.—On acceptance of title by the United States, any land or interest in land acquired by the United States under this section that is located within the boundaries of a unit of the National Park System, the National Wildlife Refuge System, or any other system established by Act of Congress—

(i) shall become a part of the unit; and

(ii) shall be subject to all laws (including regulations) applicable to the unit.

(B) All other land.—Any land or interest in land acquired by the United States under this section (other than land or an interest in land described in subparagraph (A))—

(i) shall be administered by the Bureau of Land Management in accordance with laws (including regulations) applicable to the management of public land under the administration of the Bureau of Land Management; or

(ii) where appropriate to protect land of unique ecological value, may be made subject to special management considerations, including a conservation easement, to—

(I) protect the land or interest in land from development; and

(II) preserve open space.

(4) Withdrawal.—Subject to valid existing rights, all land acquired by the Secretary under this subsection is withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

SEC. 6. DETERMINATION OF VALUE.

(a) In General.—All exchanges authorized under this Act shall be for approximately equal value.

(b) Appraisal Process.—The Secretary and the State shall jointly determine an independent appraisal process, which shall reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions, to estimate values for the categories and groupings of land to be conveyed under section 4 and exchanged under section 5.

(c) Dispute Resolution.—In the case of a dispute concerning an appraisal or appraisal issue that arises in the appraisal process, the appraisal or appraisal issue shall be resolved in accordance with section 206(d)(2) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)(2)).

(d) Adjustment To Achieve Equal Value.—After the values of the parcels of land are determined, the Secretary and the State may—

(1) add or remove parcels to achieve a package of equally valued Federal land and State trust land; and

(2) make public a list of the parcels included in the package.

(e) Effect of Determination.—A determination of the value of a parcel of land under this section shall serve to establish the value of the parcel or interest in land in any eminent domain proceeding.

(f) Costs.—The costs of carrying out this section shall be shared equally by the Secretary and the State.

SEC. 7. CONVEYANCES OF TITLE.

(a) Agreement.—The Secretary and the State shall enter into an agreement that specifies the terms under which land and interests in land shall be conveyed under sections 4 and 5, consistent with this section.

(b) Conveyances by the United States.—All conveyances by the United States to the State under this Act shall be subject to valid existing rights and other interests held by third parties.

(c) Conveyances by the State.—All conveyances by the State to the United States under this Act shall be subject only to such valid existing surface and mineral leases, grazing permits and leases, easements, rights-of-way, and other interests held by third parties as are determined to be acceptable under the title regulations of the Attorney General of the United States.

(d) Timing.—The conveyance of all land and interests in land to be conveyed under this Act shall be made not later than 60 days after final agreement is reached between the Secretary and the State under subsection (a).

(e) Form of Conveyance.—A conveyance of land or an interest in land by the State to the United States under this section shall be in such form as is determined to be acceptable under the title regulations of the Attorney General of the United States.

SEC. 8. GENERAL PROVISIONS.

(a) Hazardous Waste.—

(1) In general.—Notwithstanding the conveyance to the United States of land or an interest in land, the State shall continue to be responsible for all environmental remediation, waste management, and environmental compliance activities arising from ownership and control of the land or interest in land under applicable Federal and State laws with respect to conditions existing on the land on the date of conveyance.

(2) Continuing responsibility.—Notwithstanding the conveyance to the State of land or an interest in land, the United States shall continue to be responsible for all environmental remediation, waste management, and environmental compliance activities arising from ownership and control of the land or interest in land under applicable Federal and State laws with respect to conditions existing on the land on the date of conveyance.

(b) Costs.—The United States and the State shall each bear its own respective costs incurred in the implementation of this Act, except for the costs incurred under section 6.

(c) Maps and Legal Descriptions.—The State and the Secretary shall each provide to the other the legal descriptions and maps of the parcels of land and interests in land under their respective jurisdictions that are to be exchanged under this Act.

SEC. 9. LAS CIENEGAS STUDY.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the State, shall—

(1) conduct a study of land values of all State trust land within the exterior boundaries of the proposed conservation area under the Las Cienegas National Conservation Area Establishment Act of 1999, H.R. 2941, 106th Congress, in Pima County and Santa Cruz County, Arizona; and

(2) submit to Congress a recommendation on whether any such land should be acquired by the Federal Government.

(b) Contents.—The study shall include an examination of possible forms of compensation for the State trust land within the proposed Las Cienegas National Conservation Area, including—

(1) cash payments;

(2) Federal administrative sites under the management of the Administrator of General Services;

(3) water rights; and

(4) relief from debt payment for the Central Arizona Water Conservation District.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 11. EXPIRATION OF AUTHORITY.

The authority of the Secretary to make the land conveyance under section 4 and the land exchange under section 5 expires on the date that is 2 years after the date of enactment of this Act.

By Mr. McCONNELL:

S. 2814. A bill to amend title XI of the social Security Act to direct the Commissioner of Social Security to conduct outreach efforts to increase awareness of the availability of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries, to the Committee on Finance.

THE LOW-INCOME WIDOWS ASSISTANCE ACT OF 2000

• Mr. McCONNELL. Mr. President, I come to the floor today to introduce the Low-Income Widows Assistance Act of 2000. Since 1988, Congress has established several programs to help pay the out of pocket medical costs for low-income Medicare beneficiaries. These programs, commonly referred to as Medicare Buy-in or QMB, SLMB, and QI–1, operate as federal-state partnerships and are funded through state Medicaid programs. Depending on an eligible senior's income level, the programs could cover the cost of Medicare Part B premiums, doctor visits, deductibles, and co-payments.

Despite the availability of these programs, many seniors are not aware that they may be eligible to receive these additional benefits. According to a 1998 Families USA study, there are somewhere between 3.3 and 3.8 million seniors in America who are eligible to receive these benefits, but not currently receiving them. In my home state, the same study estimates that there are somewhere between 49,000 and 58,000 Kentucky seniors who may be eligible for one of these assistance programs but are not enrolled. While the actual task of enrolling eligible seniors is left to the states, there are several important steps the federal government, through the Social Security Administration (SSA), can and should take.

A key component in improving participation in cost-sharing programs is the capacity of federal and state agencies to identify those individuals who experience a reduction in income after they have already enrolled in Social Security and Medicare. One group at particular risk of reduced income in their later years is widowed spouses.

For anyone who has lost a loved one, the experience is often overwhelming both mentally and emotionally. The loss of a spouse leaves many elderly with the difficult task of restructuring their lives in order to regain personal and financial stability. When SSA is informed that a married individual has died, the agency recalculates the benefit to determine the new benefit level. Frequently, the widowed spouse's benefit is lower than the amount the married couple received from Social Security. This sets up a circumstance in which a widow who was not previously eligible to receive QMB/SLMB benefits when she was married, would now be eligible to receive these benefits because her income has fallen.

In an effort to address this serious problem, I am today introducing the Low-Income Widows Assistance Act. This legislation directs Social Security to undertake outreach efforts designed to identify and notify individuals who may be eligible for these expanded benefits. It also addresses the unique challenges facing widowed spouses by requiring that when SSA recalculates the benefits for a recently widowed spouse and finds that he or she might be eligible for these assistance programs, the agency must:

One, notify the beneficiary that he or she may now be eligible for this additional assistance.

Two, notify the beneficiary's state that she may be eligible so that they can begin their own outreach efforts.

In order to help better understand how the Low-Income Widows Assistance Act would work in practical terms, I would like my colleagues to imagine the following scenario. Sally and Bob enjoyed 60 years of marriage, but just last fall, Bob suddenly passed away. Since Bob's death, Sally has been having a hard time making ends meet. She now has a lot of expenses to take care of on her own: making the house payment, buying food and clothes, and paying for doctors' visits and prescriptions—and not to mention the "extras" like birthday and Christmas presents for her many grandchildren. While her expenses remain essentially the same, Sally's Social Security survivors benefit is lower than what she and Bob were receiving.

Under the Low-Income Widows Assistance Act, when SSA recalculates Sally's benefit and finds that her monthly Social Security check has fallen below the $855 threshold for SLMB eligibility, the agency would be required to notify Sally that she may be eligible for SLMB benefits. SSA also would be required to notify Sally's state government that she may be eligible for these additional benefits. It is my hope that the states would then use this information to conduct their own outreach efforts to enroll Sally and others like her.

I look forward to working with my colleagues in the Senate, as well as Congressmen LEWIS and FLETCHER who are introducing similar legislation in the House, to help low-income widows by enacting the Low-Income Widows Assistance Act of 2000.•

By Mr. CLELAND (for himself and Ms. SNOWE):

S. 2815. A bill to provide for the nationwide designation of 2–1–1 as a toll-free telephone number for access to information and referrals on human services, to encourage the deployment of the toll-free telephone number, and for other purposes; to the Committee on Commerce, Science, and Transportation.

• Mr. CLELAND. Mr. President, I rise today to introduce with my colleague, Senator SNOWE, a bill to designate 2–1–1 as the nationwide, toll-free number to access health and human services. Such designation is needed to simplify access to the maze of numbers and service organizations that currently exist. These organizations, which exist to help people, are useless if those in need do not know how to access the services provided.

Imagine a single mother who needs shelter and dinner one night for herself and her children. Although she may know of a shelter providing these services, there may be one closer that better fits her needs by catering to children and women in need. 2–1–1 could provide her with a targeted referral to a shelter specializing in child care and empowering mothers to get back on their feet. Or, visualize an older American on a fixed income, who may need assistance paying her electricity bill during a particularly cold month, can call 2–1–1 for a referral to an agency to assist her with her need. Also, if someone has goods or services she would like to donate to her community, she can call 2–1–1 for a referral to an agency with a specific need for her items or time. All 2–1–1 calls are confidential and unaffiliated with government agencies.

The United Way of Metropolitan Atlanta has implemented 2–1–1 service with much success. Not only has this consolidation of human services referrals provided direction and aid to those in need, it also has helped pool the resources of area charitable organizations. This pooling of resources has eliminated duplication and highlighted gaps in current service, which in turn has improved the delivery of services to the citizens of Metro Atlanta. Because of the great success in Atlanta, the United Way and other non-profit groups are attempting to replicate this service in almost every state in the nation. Petitions to designate 2–1–1 as a referral to health and human services have been approved or are pending in several other states. However, 2–1–1 offers such an important service to communities, that I believe it is time to reserve this number nationwide. Several states have indicated reservations about pending petitions without direction from the appropriate federal agencies that 2–1–1 will not be used for another purpose. Senator SNOWE and I believe it is time to indicate to state and federal regulators Congress's clear support for 2–1–1.

One of the unique aspects of 2–1–1 in Metropolitan Atlanta, which I believe can be replicated in the other states, is the generous support it has received from the community through private donations. This funding model is one of the unique aspects of this legislation. Specifically, the bill stipulates that none of the costs of 2–1–1 service shall be passed on to telephone customers but will be supported by the organizations operating the 2–1–1 service.

Mr. President, I would like to submit a letter endorsing this legislation signed by the United Way of America, the American Red Cross, the Alliance for Children and Families, Girls Scouts of the United States of America, United Jewish Communities, Lutheran Services of America, and Volunteers of America to name only a few. I realize that N–1–1 numbers are finite in availability, but 2–1–1 is a service in the public interest that needs a national designation. I urge my colleagues to support this legislation that will enable Americans, no matter where they are, to obtain the assistance they need through the use of a three digit number.

I ask consent that a copy of the United Way letter and a copy the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONWIDE DESIGNATION OF TOLL-FREE TELEPHONE NUMBER FOR ACCESS TO HUMAN SERVICES INFORMATION AND REFERRAL.

(a) FINDINGS.—Congress makes the following findings:

(1) N–1–1 codes, or 3-digit abbreviated dialing telephone numbers, provide Americans with easy, efficient, nationwide access to emergency and nonemergency information that serves the public interest.

(2) Individuals and families often find it difficult to navigate the complex and ever growing maze of human services agencies and programs and often spend inordinate amounts of time in trying to identify the agency or program that provides a service that may be immediately or urgently required.

(3) Americans desire to volunteer and become involved in their communities, and this desire, together with a desire to donate to organizations which provide human services, are among the reasons to call a center which provides information and referrals on human services.

(4) The number "2–1–1" is easy-to-remember and universally recognizable and would serve well as the designation of a telephone service for linking individuals and families to information and referral centers which could, in turn, make critical connections between individuals and families in need and appropriate human services agencies, including both community-based organizations and government agencies.

(5) United Ways and other non-profit and governmental centers that provide information about and referrals to human services have secured funding for the establishment, implementation, and current operation in the United States of three centers that provide such information and referrals and are accessed through the telephone number 2–1–1.

(6) United Way of Metropolitan Atlanta, Contact Helpline of Columbus, Georgia, and United Way of Connecticut currently utilize the telephone number 2–1–1 for the purpose of access to information about and referral to human services.

(7) Since United Way of Metropolitan Atlanta and United Way of Connecticut switched from 10-digit telephone numbers for access to their centers of information and referral on human services to the telephone number 2–1–1 for access to such centers, the volume of calls received at such centers has increased by approximately 40 percent. The centers of United Way of Metropolitan Atlanta and United Way of Connecticut each handled approximately 200,000 calls in 1999.

(8) Rapid deployment nationwide of the telephone number 2–1–1 as a means of access to information about and referral to human services requires coordination among State governments and the information and referral centers of many localities.

(9) Alabama, Massachusetts, North Carolina, and Utah have approved petitions for the implementation of the telephone number 2–1–1 statewide for that purpose, and implementation of the use of that number for that purpose is underway. Jurisdictions in Louisiana and Tennessee have also designated the use of 2–1–1 for that purpose.

(10) Ohio, South Dakota, Texas, and Wisconsin are considering petitions to designate the telephone number 2–1–1 for that purpose.

(11) Florida and Virginia have developed statewide models for telephone access for that purpose.

(12) The use of 2–1–1 for that purpose is being consider by nearly every other State.

(b) DESIGNATION OF TOLL-FREE HUMAN SERVICES ACCESS TELEPHONE NUMBER.—

(1) IN GENERAL.—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following new paragraph:

"(3) HUMAN SERVICES ACCESS TELEPHONE NUMBER.—

"(A) DESIGNATION.—The Commission, and each commission or other entity to which the Commission has delegated authority under this subsection, shall designate 2–1–1 as a toll-free telephone number within the United States for access to information and referral centers for information about and referral to providers of human services, including information and referrals for purposes of volunteering and making donations.

"(B) APPLICABILITY.—The designation under subparagraph (A) shall apply to wire and wireless telephone service.

"(C) PAYMENT OF COSTS.—The costs of a telecommunications carrier in providing access to a provider of information and referrals through the telephone number designated under this paragraph shall be borne by the provider of such information and referrals.

"(D) CALL LOCATION INFORMATION.—Nothing in this paragraph shall be construed to require any telecommunications carrier to provide call location information to a provider of information or referrals on human services through the telephone number designated under this paragraph.

"(E) DEFINITIONS.—In this paragraph:

"(i) HUMAN SERVICES.—The term 'human services' means services as follows:

"(I) Services that assist individuals in becoming more self-sufficient, in preventing dependency, and in strengthening family relationships.

"(II) Services that support personal and social development.

"(III) Services that help ensure the well-being of individuals, families, and communities.

"(ii) INFORMATION AND REFERRAL CENTER.—The term 'information and referral center' means a center that—

"(I) maintains a database of providers of human services in a State or locality; and

"(II) assists individuals, families, and communities in identifying, understanding, and accessing such providers and the human services offered by such providers.".

(2) TRANSITION.—The Federal Communications Commission shall provide for the implementation within a reasonable period of time of the designation required by paragraph (3) of section 251(e) of the Communications Act of 1934, as added by paragraph (1) of this subsection, throughout the areas of the United States where the designation is not in effect as of the date of the enactment of this Act.

(c) SUPPORT FOR STATE EFFORTS.—

(1) IN GENERAL.—The Commission shall encourage and support efforts by States to develop and implement the use of the toll-free telephone number 2–1–1 for access to providers of information and referrals on human services.

(2) ACTIVITIES.—In providing encouragement and support under paragraph (1), the Commission shall—

(A) consult with appropriate State officials, including State human services agencies, and appropriate representatives of the telecommunications industry, United Ways, Alliance of Information and Referral Systems (AIRS), AIRS affiliates, law enforcement and emergency service providers, and local non-profit and governmental information and referral centers; and

(B) encourage States to coordinate statewide implementation of the use of the telephone number in consultation with such representatives.

(3) PROHIBITION ON IMPOSITION OF OBLIGATIONS OR COSTS.—Nothing in this subsection shall be construed to authorize or require the Commission to impose an obligation or cost on any person.

(d) PROVISION OF CALL INFORMATION.—Section 222(d) of the Communications Act of 1934 (47 U.S.C. 222(d)) is amended—

(1) by striking "or" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; or"; and

(3) by adding at the end the following:

"(4) to provide call information when required by applicable law.".

UNITED WAY OF AMERICA,
Alexandria, VA, June 29, 2000.

DEAR SENATOR: The undersigned organizations support the bill cosponsored by Senators Max Cleland (D–GA) and Olympia Snowe (R–ME) to nationally designate the 211 abbreviated dialing code for access to health and human services information and referral (I&R). 211 is an easy-to-remember and universally recognizable number that makes a critical connection between individuals and families in need and the appropriate community-based organizations and government agencies. Since United Way of Metropolitan Atlanta and United Way of Connecticut switched from 10-digit I&R numbers to 211, the volume of calls received at both has increased by 40 percent, with each handling over 200,000 calls in 1999.

A petition to nationally designate 211 for health and human services I&R submitted by the 211 Collaborative, of which United Way and the Alliance of Information and Referral Systems are members, has awaited action by the Federal Communications Commission (FCC) for well over a year. FCC inaction leaves current and ongoing 211 implementation in state and local jurisdictions in jeopardy. Additionally, some state public utility commissions have indicated they will not take action on 211 petitions before the FCC makes its decision. Further, with 211 being considered or implemented in 45 states, if the

FCC designates the number for a different purpose, all current and future 211 call centers would need to make significant expenditures and do considerable outreach to convert to a new, 10-digit number.

Legislation designating 211 for human services I&R would alleviate these concerns and would bypass a potentially lengthy and uncertain FCC approval process. We urge you to support the Cleland—Snowe bill. Thank you.

Sincerely,

Alliance for Children and Families
Alliance of Information and Referral Systems
American Association of Homes and Services for the Aging
American Red Cross
America's Blood Centers
Association of Jewish Family & Children's Agencies
Camp Fire Boys and Girls
Citizen's Scholarship Foundation of America
Coalition of Human Needs
Coalition of Labor Union Women
Council for Health and Human Service Ministries
Girl Scouts of the USA
Girls Incorporated
Lutheran Services of America
National Association of Child Care Resource and Referral Agencies
National Association of State Units on Aging
National Association of WIC Directors
Service Employees International Union
The Salvation Army
United Jewish Communities
United Neighborhood Houses
United Way of America
Volunteers of America
Women in Community Service●

By Mr. GRAHAM (for himself, Mr. AKAKA, Mr. L. CHAFEE, and Mr. MCCAIN):

S. 2816. A bill to provide the financial mechanisms, resource protections, and professional skills necessary for high quality stewardship of the National Park System, to commemorate the heritage of people of the United States to invest in the legacy of the National Park System, and to recognize the importance of high quality outdoor recreational opportunities on federally managed land; to the Committee on Energy and Natural Resources.

THE NATIONAL PARKS STEWARDSHIP ACT

By Mr. GRAHAM (for himself and Mr. GORTON):

S. 2817. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to establish permanent recreation fee authority; to the Committee on Energy and Natural Resources.

THE RECREATIONAL FEE AUTHORITY ACT OF 2000

Mr. GRAHAM. Mr. President, I come before you to today to discuss one of our nation's most valued assets—our National Parks.

Throughout the history of our country, visionary statesmen have arisen to remind us of the natural resource heritage on which our country rests. As early as 1903, President Theodore Roosevelt, spoke of the challenge at hand:

> We must handle the woods, the water, the grasses so that we will hand them to our children and our children's children in better and not worse shape than we got them.

It is a challenge we still face today, and will into the future, in our role as stewards of the world in which we live.

Our system of National Parks and other public lands is the envy of the world. It serves as a model for other countries, as they also seek to preserve their natural and cultural heritage. No other country has set aside as full a spectrum of public lands—from wilderness to urban parks—for people to use and enjoy. But to just set them aside is, of course, not enough. The feature that makes these lands remarkable—that they are open and accessible to all Americans to enjoy—also threatens their existence in the future.

Mr. President, we face an ironic question: are we loving our national parks to death? The simple answer to that question is yes.

Earlier this year, the National Parks Conservation Association released its list of the Ten Most Endangered National Parks. We should all feel ashamed that they have so many endangered Parks from which to chose. This year's list includes National Parks across the country, from Alaska to Arizona, from Tennessee to Hawaii. It also includes Everglades National Park in my state of Florida, where decades of human manipulation have led to ecosystem destruction.

This list of the 2000 Ten Most Endangered National Parks is unfortunately not comprehensive, but is representative. During the past year I have visited several national parks to get a first hand view of the problem. From personal experience, I can enlarge the list of endangered national parks.

At Ellis Island National Monument, a facade of immaculate buildings hides an inventory of dilapidated historical structures.

At Bandelier National Monument in New Mexico, lack of maintenance and vandalism is leading to the deterioration of historical artifacts.

I recently witnessed a similar deterioration of marine-related artifacts at a park in my own state of Florida.

In April I participated in my 359th work day at Biscayne National Park, a chain of subtropical islands protecting mangrove shoreline, interrelated marine systems and the northernmost coral reef in the United States. This was my 4th workday in a National Park.

At Biscayne National Park, we Americans are in danger of losing a piece of our history. The HMS Fowey, an 18th century British warship, lies submerged in a highly unstable location. This very significant, national register site has been weakened by looting, prop-wash deflection, storms and other forces. The best choice available is to excavate the wreckage and recover whatever of the historical record we can. This kind of operation is well beyond the means of Biscayne National Park's annual operating budget.

My feelings about the National Park System are truly of wonder. The wonder that I feel at the treasures in our park system is only matched by my wonder at how we can take such treasures for granted. The importance of our National Parks should be reflected in our stewardship of the National Park System. We have failed to provide the National Park Service with the tools it needs to be good stewards of our National Parks.

Today, with my colleagues, Senator AKAKA, Senator L. CHAFEE, and Senator MCCAIN, I am introducing the "National Parks Stewardship Act".

I would also like to include for the record a letter from the National Parks Conservation Association expressing that organization's support for this legislation.

This legislation seeks to give the National Park Service the tools it needs to prepare for the next century. It also includes many of the proposals of others who feel strongly about the importance of our National Parks.

This bill gives park managers the protective tools needed to support the stewardship challenges of Theodore Roosevelt. We provide three types of tools: resource protection, financial tools and human resources.

The first element in the resource protection section of my bill deals with activities occurring outside park boundaries.

My inspiration for this was legislation introduced by the late Senator John Chafee who proposed the formation of "park protection areas" in 1986. John Chafee proposed that these areas be formed outside park boundaries to create the "buffer zone" needed for resource protection.

I identified strongly with this concept, having worked since the 1970's on a state-federal partnership for Everglades restoration that focuses heavily on providing a buffer zone for Everglades National Park. Today, the original boundaries of Everglades National Park are surrounded by Big Cypress Preserve, an expanded park boundary, and undeveloped land on the eastern side of the park.

It is as a memorial to John Chafee that I echo his provision in my bill, which I hope will become a permanent component of National Park stewardship. It is an honor to have LINCOLN CHAFEE, a fine statesman in his own right, as a co-sponsor.

The federal government must be unified in its stewardship of the National Parks.

My legislation requires that federal agencies taking action on lands bordering National Park units consult with the Department of the Interior to ensure such actions do not degrade or destroy National Park resources.

It also requires the Secretary of the Interior to prohibit actions on Interior lands that will adversely impact Park resources.

The second action I propose to protect park resources relates to park uses.

The National Park Stewardship Act requires that activities allowed in National Parks pass the test of compatibility with natural, cultural and historical resource protection. As our parks are used and enjoyed by visitors, we must ensure that park resources are not inadvertently damaged. For example, the Park Service recently issued regulations limiting or prohibiting the use of personal water craft in some areas. This action was only taken after the use of these water craft in some areas was allowed at intensities seriously degrading water and air quality, and threatening both park wildlife and other park visitors.

My bill requires the National Park Service to take action to protect these resources before damage occurs. Activities must be analyzed and the impacts understood before they are authorized. It also asks the National Parks to seriously plan for the future, projecting visitation and use trends and identify needed personnel and facilities.

Another resource protection portion of the bill focuses on ensuring that our National Park System fully represents the history of our nation. Each year, a smaller percentage of the American population can trace its ancestry to those who landed at Plymouth rock, settled Jamestown, or fought in the American revolution. Many Americans are descended from people who crossed international boarders from the North or South, or landed at locations from the Florida Keys to the Aleutian Islands, from Ellis Island to the island of Oahu. All those who came to settle write their history alongside, and often atop the history of our country's native peoples.

The bill calls for a comprehensive look at the ethnic and cultural content of our National Park System. It asks the National Park Service to report this review to Congress, and to make recommendations on sites that might round out the American story. It encourages cultural/ethnic groups to nominate sites important to their heritage for inclusion in the System, and to recommend changes in the interpretation of present sites to improve historic accuracy.

America is etched with a rich historical record. I commend those who have succeeded in adding important heritage sites to the National park System. Units like the National Underground Railroad Network to Freedom, authorized by Congress in 1998, and the Juan Bautista de Anza National Historic Trail in California, tracing the path of a party of Spanish colonists in 1776, ensure that these events do not pass from our historical landscape. There are certainly many as equally important sites to consider.

Mr. President, I would like to include in the RECORD letters from the Ambassador of Spain and the Spanish Institute for Military History and Culture. These letters exemplify the willingness of those who contributed to the history of the United States to help in this effort. The Ambassador points out how the Institute's letter, "opens the way for a cooperation between the two institutions that could result in a much better use of the many historical sites, of Spanish origin, on American soil. They could "make the stones speak" to many people in this country who are still unaware of a very rich and common heritage." I am sure other countries will be willing to help illustrate how the history of our country is linked to their own history.

Our National Park System, the treasured sites of American history, must contain the history of all Americans. If not, our National Park System is like a partially woven tapestry, depicting only part of the picture. Instead let our National Park System be woven, whole and beautiful, from the multi-colored threads of history of the people of these United States.

I hope this proposal will move us one step closer to a National Park System where all Americans should be entitled to see the role of their people in the exploration, settlement and development of this country. And I see it as complementing Senator AKAKA's bill, S. 2478, calling for a study on the "Peopling of America," which I am honored to cosponsor.

The second major section of the National Parks Stewardship act deals with financial resources.

Last year, I introduced legislation with Senators REID and MACK, S. 819, the National Park Preservation Act, that would provide dedicated funding to the National Park Service to restore and conserve the natural, cultural and historic resources in our park system. We continue to work toward final passage of S. 819. However, this bill alone does not meet all of the needs in our National Parks.

The need for construction and maintenance in National Parks is great. Backlog estimates range from 2 to 8 billion dollars, depending on the method of calculation.

In order to accommodate many visitors each year, some National Parks have facilities and services that rival those of towns or small cities. Along with these facilities come the problems of infrastructure maintenance and repair that are beyond the reach of annually appropriated budgets.

Even at Yellowstone National Park, certainly a crown jewel of the system, a dilapidated sewer system leaking untreated waste befouls what should be pristine streams and lakes. At Yellowstone, a park visited by over 3 million people a year, certainly we should provide the means for financing a new sewer system.

My colleague Senator McCAIN addressed this need through his bill, S. 831, which would authorize a portion of park entrance fees to be used to secure bonds for these very necessary capital improvements. Bonding would seem to be a workable approach, if we could find an appropriate way for a federal agency to issue revenue bonds.

The National Parks Stewardship Act introduced today calls for the Secretary of the Treasury and the Secretary of the Interior to study and report to Congress how National Parks could issue revenue bonds to meet such large infrastructure needs.

The authority to issue revenue bonds places into the hands of National Park superintendents a tool to generate the funds to make these repairs.

The second revenue provision I propose is to make the recreation fee program in operation as a demonstration since its authorization in 1996 into a permanent park program. The program has demonstrated that park visitors can get a good return on the fees they pay; a return paid out in better maintained facilities, improved visitor services, and all-in-all, a more enjoyable park visit.

To underscore the importance of recreation fee permanence, I, along with Senator GORTON, am introducing today the "Recreation Fee Authority Act of 2000," a stand along piece of legislation containing these provisions.

In fiscal year 1999, the recreation fee demonstration program generated $176.4 million in fee revenue at National Parks, National Forests, National Wildlife Refuges and Bureau of Land Management sites. Even more important than the amount collected is the fact that the large majority of the fees were retained at the site where collected for use in Park operations, maintenance, resource protection and visitor services.

Biscayne National Park, where I worked for a day in April, is one of the units benefitting from the recreation fee demonstration program. Last year, that park collected over $20,000 in recreation fees. At Biscayne, these funds were used to:

replace the broken tables and grills in the picnic area;

restore a historic breeze way trail across Elliott Key; and

renovate the public showers and bathrooms on Elliott Key, improving their accessibility for people with disabilities.

When park visitors see their "fees at work" in the form of improved facilities and services, research has shown that they understand and support the collection of an appropriate and reasonable fee. Over 95 percent of respondents to this year's National Survey on Recreation and the Environment felt reasonable fees were acceptable as a means for funding recreation services on public lands.

The recreation fee demonstration authority is temporary. If it is not extended or made permanent, Biscayne and other National Parks will lose this very necessary means to get the job done. Let's instead make this a permanent tool for National Park Stewardship.

In addition to revenue bonding and the recreation fee program, I propose the expanded use of Challenge Cost Share agreements, which allow the "leveraging" of Park Service appropriations with funds from the private sector and other federal agencies.

The final tool I propose in this legislation focuses on the professional skills of those we employ as the stewards for National Parks. Professionals typically attracted to the Service come from many fields, including education, recreation management, and the biological sciences. Today park managers must also demonstrate fiscal and program accountability and management planning, skills that are not found throughout National Park Service ranks.

I am proposing a pilot program, "Professionals for Parks", to attract needed skilled professionals to National Park Service careers. It will focus on recruiting at business schools across the country, offering talented graduates an entry level professional job within the National Park Service and a student loan buy-back program.

Professionals for Parks will add to National Park Service ranks the business management skills needed for better management, leading to long term stewardship. And we know this can make a difference.

We're looking for people like Nick Hardigg, a recent graduate of the Yale School of Management, who is now working as Chief of Concessions at Denali National Park. His financial analysis of the visitor transportation system in Denali led to a newly negotiated contract with the bus company. This contract allows for a healthy profit for the operator and for the first time in several years does not increase fees to park visitors. It also protects park resources by providing a quality transportation system.

It's a long way from the Ivy League to the Alaskan wilderness. Mr. Hardigg has made that journey, and has put his business skills to good use for National Park stewardship.

Mr. President, the National Park Stewardship Act is not calling for a revolution in the National Park System. It recognizes the value of what we have in the National Park System, recognizes what we stand to lose without immediate attention, and supplies the tools to the right people to tackle the job.

In closing I would like to recall the words of John Chafee, a visionary statesman who helped craft much of the foundation on which our system of environmental protection rests.

In 1994, he reminded us of the importance of our Parks stewardship role:

> I can think of no instance where the Government has designated an area as a park and years later people have looked back, regretted the decision, and tried to reverse it. As we continue to develop and extract resources from the remaining open spaces in our Nation, it is important that we ensure that there will always be places where people can get away and renew their spirits, breathe fresh air, and appreciate nature's gifts.

Mr. President, I ask unanimous consent that additional material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

National Parks
Conservation Association,
Washington, DC, May 23, 2000.

Hon. Bob Graham,
U.S. Senate,
Washington, DC.

Dear Senator Graham: The National Parks and Conservation Association (NPCA) would like to commend you and your cosponsors for the introduction of the National Parks Stewardship Act. This bill includes many provisions that will promote better protection and management of national park resources.

As you know, the beginning of the 21st century is a watershed moment for Americans and our National Park System. One hundred and twenty-eight years after the establishment of Yellowstone, we have a magnificent park system that stretches from the coast of Maine to the tropical reefs of American Samoa. Millions people visit and enjoy these parks every year.

However, the National Park System also is severely troubled. Threats to the health of the National Park System fall into several broad categories: lack of funding; activities that damage park resources from inside and outside park boundaries; and poor management. As a result, basic information about park resources is lacking, much of the infrastructure and visitor services are in poor condition, and parks are increasingly jeopardized by activities around them.

Your National Stewardship Act addresses many of these concerns by:

Facilitating the issuance of national park revenue bonds that would help finance needed improvements at national parks;

Requiring that all activities in national parks be consistent with resource protection and preservation;

Ensuring that other federal government agencies respect the integrity of national park lands;

Promoting the protection of the historical documents in National Park Service collections;

Expanding the opportunities for national park managers to develop public administration and business management skills.

The National Parks Stewardship Act also ensures that the National Park System will better represent the diverse heritage of all people of the United States. Support for the National Park System runs deep in the hearts of millions of Americans. That support, however, will wane if significant numbers of people feel disconnected from the message and meaning of the parks. To ensure continued public support, and historical relevance, the National Parks Stewardship Act requires that the National Park Service review existing sites to determine if there are deficiencies in the accurate representation of all peoples that contributed to the shaping of the United States. We commend you for this farsighted proposal.

Thank you for undertaking this effort to assure the vitality of the National Park System through the 21st century and beyond. We look forward to promoting this legislation with you.

Sincerely,

Thomas C. Kiernan.

El Embajador de España,
Washington, DC, April 27, 2000.

Hon. Bob Graham,
U.S. Senate,
Washington, DC.

Dear Senator, I have read with the utmost interest your proposed legislation on the role of the National Park Service of the United States in conservation and promotion of historic sites in this country.

With respect to the numerous monuments left by Spain in the southern States, we would certainly welcome all possible cooperation with the Park Service to give these venerable ruins a real cultural and educational purpose. We believe that solid support from historians and other experts from Spanish official institutions such as our Ministry of Defense or the Institute for the Protection of Historic Legacy, could make these sites incite the interest of new generations on pages of their past that they might have insufficient knowledge of.

I have written to the two aforementioned Spanish cultural institutions to ensure their willingness to collaborate with the National Park Service on the goals set forth in the draft Resolution.

In the meantime, let me assure you of our enthusiastic support for your initiative that I certainly hope will muster the necessary backing from the rest of the Senate.

Thanking you most warmly for your enlightened defense of the cultural integrity of this great country.

I remain,

Yours very sincerely,

Antonio de Oyarzábal.

El Embajador de España,
Washington, DC, June 9, 2000.

Hon. Bob Graham,
U.S. Senate,
Washington, DC.

Dear Senator, I am pleased to enclose the attached letter from my friend General Peñaranda, the Director of the Institute for Military History and Culture in Madrid, in response to my request for support to your initiative in Congress, on behalf of the "National Park Service."

I think General Peñaranda's very enthusiastic answer opens the way for a cooperation between the two institutions that could result in a much better use of the many historical sites, of Spanish origin, on American soil. They could "make the stones speak" to many young people in this country who are still unaware of a very rich and common heritage.

Embajada de España,
Madrid, May 29, 2000.

His Excellency Ambassador Antonio de Oyarzábal Marchesi,
Ambassador of Spain to the U.S.,
Washington, DC.

Dear Ambassador and Friend: It gives me great pleasure to be able to oblige you with regard to the wishes of the National Park

Service which you refer to in your letter of April 26. I have consulted this Institute's Standing Committee on Historical Studies (Comisión Permanente de Estudios Históricos) regarding the possibility of satisfying the possible American request, and it could not be more favorably disposed to the idea. It is very satisfying to be able to cooperate in some way in the efforts to heighten the historical value of the old Spanish military monuments in the U.S. as well as that of any other collection of documents, books or movables that can be considered part of this important historical legacy.

This institute has a considerable collection of documents and artifacts in its archives relating to the ancient viceroyalty and overseas provinces. Most of the items have already been catalogued (some have even been studied by U.S. specialists). Now we are in the advanced stages of negotiation with Puerto Rico whose Legislative Assembly has already allocated a budget for cataloguing, microfilming and digitizing all the material in our historical military archives about matters related to that island.

In any case, Antonio, you know that you can count on the Institute for Military History and Culture to initiate a collaborative effort with the National Park Service. It would be advisable to establish direct contact between the National Park Service and this Institute so as to define the matters of most interest to them. While we could begin in writing, a trip to Spain by a director or historian of the Park Service so that they might gain an understanding in situ of our capabilities with regard to their projects would be very fruitful. They will be most warmly received.

I am at your service!

With my best regards,

JUAN MA DE PEÑARANDA Y ALGAR.

Mr. GORTON. Mr. President, I am pleased to join my colleague from Florida, Senator GRAHAM, in introducing legislation today that seeks to permanently authorize the recreation fee program for the federal land management agencies. Congress authorized the Recreation Fee Demonstration Program in the FY 1996 Omnibus Consolidated Recissions and Appropriations Act, and has extended the program through the Interior Appropriations bill several times since 1996.

In the Pacific Northwest, the fees collected by the National Park Service and Forest Service have been a tremendous additional resource to provide improved campgrounds, trails, and other visitor facilities. As chairman of the Senate Interior Appropriations Committee, I have consistently provided increases for operations, maintenance, and repair of park, forest, and refuge facilities. Regardless, this country's love affair with recreation and the great outdoors has begun to take its toll on the public lands we enjoy so much.

Since I took over the chairmanship of the Interior Appropriations Subcommittee, I also have been faced with an unending list of federal land acquisition proposals. The demand to increase the federal government's land base cannot be considered in a vacuum, especially when we're faced with at least a $12 billion maintenance backlog on the lands we already own. In fact, the Congressional Budget Office recommended last year that the federal government place a ten-year moratorium on land acquisitions in an effort to address the backlog in maintenance projects.

I don't support taking such an extreme step. Rather, I believe we can have a reasonable level of land acquisitions, but we also need to commit to finding the additional resources to maintain what we already have. I am committed to providing access to our public lands, but this can only happen if we have enough funding to maintain the land and facilities treasured by Americans and visitors from all over the world.

Over the past five years of the fee demonstration project, the federal agencies have tested various types of fees and collection methods in preparation for the possibility of some day establishing a long-term, consistent, and fair fee program. In general terms, the project has been a great success, providing the federal land management agencies nearly $200 million last year in additional revenue for maintenance and repair projects, and resources for improved visitor services.

In 1999, at the Mt. Baker-Snoqualmie Forest in my state, the program allowed this Forest to clear 739.6 miles of trail, hire 22 trail maintenance workers, develop leveraged partnerships with non-profit groups to accomplish maintenance work with volunteers, and maintain 67 trailhead toilets and 136 trailheads. All of this vital work was accomplished by charging $3 for day passes or $25 for an annual pass.

Last week, the Senate Appropriations Committee reported the Interior Appropriations bill, which extends the Recreation Demonstration Fee Program through the end of fiscal year 2002. Despite my resistance to using the Interior bill to continue this program, I felt it was vital to provide the agencies certainty for another year. In fact, recent improvements to the Forest Service fee program in the Northwest, including the new Northwest Forest Pass, would have been jeopardized without the extension.

With that said, I believe the Senate, through the Energy and Natural Resources Committee, deserves the opportunity to fully consider legislation to permanently authorize the recreation fee program. The success stories are abundant, but by no means am I blind to the problems we've seen over the past five years. Most importantly, the public deserves the opportunity to participate, both through hearings and contact with their elected representatives, to provide us the input we need to authorize a permanent program.

That's why I have chosen to join Senator GRAHAM today in introducing a bill to begin the debate over how and whether Congress should permanently authorize the recreation fee program. The bill we've crafted provides the framework for a permanent program that will build upon the successes and correct the problems we've seen so far.

I want to stress that this bill will serve as the starting point for what I hope to be a full and deliberative discourse on recreation fees. I intend to work with the Energy and Natural Resources Committee to hold a series of hearings, including field hearings, so representatives of recreation groups, gateway communities, and other interested parties can air their concerns and suggestions. My staff and I have spent a considerable amount of time meeting and talking with recreation groups based in Washington state. I am certain there will be many ways we can improve the legislation introduced today to address their concerns through the committee process, and I am excited to continue that dialogue.

It goes without saying that no one really wants to pay a fee to recreate on public lands. The key to making a permanent program a success in the future will depend on keeping the fees reasonable and the results tangible. The most important component of the Recreation Fee Demonstration Project is the requirement that 80 percent of the fees remain at the site the fees are collected. The legislation introduced today maintains that requirement. In addition, Congress and the Administration must make a firm commitment to uphold its responsibility to continue to increase appropriations in the future to reduce the maintenance backlog. It's a two-way street, and we must all do our part.

Further, I fully expect to address other issues raised by my friends in the recreation community. Although the situation has improved recently, the multiple fee structures tested by the Forest Service created a confusing and frustrating situation for hikers and rock climbers. In particular, rock climbers have been hit with multiple fees for just one visit to the forest. Many recreationists are calling for multi-agency passes. I find this idea intriguing and would urge further discussion through the committee process. I must note, however, that multi-agency fees may distract from the expectation that fees remain at the facilities and sites where they are collected. Further, some outdoor enthusiasts are concerned the fee program could inspire over-building on our public lands to justify collection of the fees. I, too, am concerned with preserving the integrity of our public lands and avoiding the impulse to provide unnecessary facilities. This legislation directs the agencies to place a priority on deferred maintenance projects. But again, these are topics that deserve thoughtful discussion, and I look forward to addressing them in the near future.

Finally, many active recreationists have made a strong case for developing a recognition program that rewards volunteers for dedicating their time to improving our public lands. Many forests and parks have well-developed volunteer programs, while others do not. I am dedicated to working with recreation groups to provide the agencies appropriate guidelines in the bill to develop a consistent program that provides volunteers reduced or free access to our public lands.

Again, I want to thank my colleague from Florida for being a leader in the protection of the nation's public lands. I look forward to working with him, and the members of the Energy and Natural Resources Committee, to authorize a permanent program that provides necessary resources to maintain and improve these national treasures for generations to come.

By Mr. JOHNSON:

S. 2818. A bill to amend the Agricultural Market Transition Act to establish a flexible fallow program under which a producer may idle a portion of the total planted acreage of the loan commodities of the producer in exchange for higher loan rates for marketing assistance loans on the remaining acreage of the producer; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD SECURITY AND LAND STEWARDSHIP ACT OF 2000

Mr. JOHNSON. Mr. President, I rise to introduce legislation to amend the 1996 farm bill. This legislation is really the culmination of at least two years of work on the part of two agricultural producers from my home State of South Dakota. These two individuals, Craig Blindert of Salem and Phil Cyre of Watertown, have devoted an enormous amount of time and energy refining the proposal I am introducing today and I want to express my thanks and gratitude.

While some policy makers purport to have all the answers to agricultural policy and our current economic disaster in farm country, I am proud that two South Dakota farmers approached me with their plan. Mr. Blindert and Mr. Cyre exhibit a quality inherent to a farmer that most policy makers will never exhibit, something I call "tractor seat common sense." Former President Eisenhower once said, farming looks mighty easy when your plow is a pencil and you're a thousand miles away from a farm. Instead of pretending I have all of the answers, I think it just makes good practical sense to listen to farmers who know their business better than anyone in the world, and that is what I have tried to do with this proposal.

Unfortunately, all of that expertise our farmers demonstrate about the production of crops and livestock, marketing, and risk management means little when our farm policy and agribusinesses minimizes them into mere price takers. The legislation I am introducing today attempts to allow farmers to become price setters in response to the free market, and it attempts to ensure responsibility from agribusiness to finally offer a decent price for commodities.

The current economic setting and commodity price forecast for farmers and ranchers remains disastrous. Crop prices have absolutely collapsed with corn prices at a 12 year low, soybeans prices at a 27 year low, and wheat prices that have not been so low since 1977. Meatpacker concentration and unfair livestock dumping are still crippling livestock producers. Prices paid for livestock have remained low in the pork and lamb sectors while they have recovered, at a very limited and still unprofitable rate, for cattle producers. As a result, net farm income has plummeted to around $40 billion this past year, plunging $9 billion from last year, without government assistance. Agricultural exports are down over $11 billion from 1996, and constricted global demand for our agricultural products restricts exports from boosting prices.

It is clear that once again this disastrous marketplace clouds the landscape of rural America as a woefully inadequate farm bill continues to rip the safety net from beneath farmers and ranchers. If not for government market loss assistance the last three years—a record level of $23 billion in 1999—many hard-working farmers and ranchers might be out of business.

The course of the last few years under the current farm bill has given all of us the opportunity to measure the theories of Freedom to Farm against the practical reality of experience. The measurable results of that practical experience should convince Congress we cannot delay to reform the current farm bill. Some tend to ignore this reality, choosing instead to overlook the flawed farm policy, in hopes that over time our nation's family farmers and ranchers will find themselves enjoying the prosperity of our booming economy. However, most farmers merely read about this prosperity as they face escalating production expenses, eroding equity, and collapsing crop prices.

Delay in reforming farm policy is dangerous to the entire fabric of rural America. The other day a farmer remarked to me, "the best time for Congress to write a better farm bill would have been in 1996, but, the next best time is today." I couldn't agree more.

Congress cannot continue to overlook the link between the current financial stress our family producers face and the 1996 farm bill provisions which eliminated the financial safety net for farmers. Consequently, there should be no higher priority for this Congress to accomplish in farm policy than to restore a fair price from a truly free marketplace.

The legislation I am introducing today is not a radical departure from the current farm bill. We try to reinforce the advantages of Freedom to Farm while improving upon other areas of our farm policy. Coined "Flexible Fallow" by the farmers who developed it, my proposal adds a voluntary, annual, conservation-use feature to the loan rate provisions of the 1996 Farm Bill. Should a farmer desire to operate under current farm bill conditions, my legislation ensures that opportunity. However, should a farmer need greater leverage over crop production and marketing, Flex Fallow guarantees that planting and marketing flexibility.

Neil Harl of Iowa State University, arguably the most respected agricultural economist in the country, has enthusiastically endorsed my Flex Fallow proposal. In a letter to me he describes Flex Fallow as "the missing link to the 1996 farm bill." He believes this proposal will function in a market oriented fashion and ensure that "farmers continue to make production decisions based upon their own operations in a manner that makes economic sense."

Mr. President, farmers electing to devote a portion of their total crop acreage to conservation-use under my bill receive a higher loan rate on their remaining crop production. On an annual and crop-by-crop basis, farmers can choose to conserve up to thirty percent of their total crop acreage.

An adjustable loan rate schedule is a key feature of this proposal. With the exception of wheat and soybeans, the proposed base loan rates for 0 percent participation in Flex Fallow (otherwise known as full production) are set at 2000 levels. Participation in Flex Fallow is directly proportional to increased loan rates. For corn, wheat, and soybeans, loan rates increase by one percent for each one percent increase in conservation-use.

In 1999, the Food and Agricultural Policy Research Institute (FAPRI) completed an analysis of the Flex Fallow proposal. I believe the results were very promising. In years and regions (areas of the country with a wide basis) of low commodity prices, Flex Fallow encourages farmers to voluntarily set-aside land in turn for a higher loan rate. Yet in years of better commodity prices, farmers are inclined to produce for the market, planting most or all of their land to crop production. The reduced plantings in years of poor crop prices, like the last three years, would lead to higher crop prices. More specifically, reduced plantings in the first two years of the program would translate into the following higher crop prices. Corn prices rise 27 cents per bushel over current levels, soybean prices climb 44 cents per bushel, wheat prices recover 29 cents per bushel, and cotton prices rise 9 cents per pound. The FAPRI analysis predicts a commodity price recovery in the long-term, and the analysis found participation in Flex Fallow to decline after 2002.

While I work on this amendment to the current farm bill, I am absolutely open to other ideas and alternatives that revise our farm policy. Unlike the authors of the 1996 farm bill, I do not cling to a pride in authorship in a farm program. So, I want the opportunity to support as many viable alternatives as possible.

In summary, here are a few highlights of the Flex Fallow farm bill amendment I am introducing today. Flex Fallow is flexible and adjustable enough to meet the needs of individual farm operations. Flex Fallow is voluntary. Flex Fallow is market-oriented because it permits farmers the freedom to plant for marketplace conditions. Flex Fallow emphasizes conservation practices. Flex Fallow updates yield data and eliminates current base acres. Flex Fallow targets disaster assistance to producers who suffer from weather-related crop loss and price collapse. Finally, Flex Fallow will result in a modest cost to taxpayers. The FAPRI analysis finds net Commodity Credit Corporation expenditures under Flex Fallow to compare with that of the 1996 farm bill without billion-dollar emergency spending additions.

In the coming months I anticipate a full airing of my Flex Fallow amendment to the farm bill, alongside other pieces of farm bill reform legislation that others in Congress may introduce. I expect to refine this proposal after discussing it further with farmers and farm organizations across South Dakota and the entire country. As a result, it is likely I will introduce another piece of legislation similar to Flex Fallow in the next session of Congress, wherein two other significant issues will be addressed.

First, of critical importance to me is the need to design a farm bill in the future that targets the benefits to family-sized farmers and ranchers. Too often, Congress and the Administration devise tactics to ignore and plow under the existing farm program payment limitations. If we have a limited amount of taxpayer funds in which to devote to price support for farmers, it simply makes sense to target those benefits to small and mid-sized family producers. While the amendment I introduce today does not alter current payments limits under the farm bill, I am a strong supporter of targeting. As such, I will work to place sensible, responsible, payment limitations that provide benefits to all but ensure targeted benefits to the small and mid-sized family farmers and ranchers who need and deserve greater attention from Congress.

Second, I believe Congress will be unable to develop a future farm bill without the support of those in the conservation and wildlife community. I am a strong supporter of conservation programs that protect sensitive soil and water resources, promote wildlife habitat, and provide farmers and landowners with benefits and incentives to conserve land. Flex Fallow can work very well with both short-term and longer-term conservation practices. It is my goal to bring conservation groups together with farm interests in order to develop a well-balanced approach to future farm policy that protects our resources while promoting family-farm agriculture.

Mr. President, I ask unanimous consent that the letter from Dr. Harl be printed in the RECORD at the end of my statement.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

IOWA STATE UNIVERSITY
OF SCIENCE AND TECHNOLOGY,
Ames, IA, April 17, 2000.

Senator TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSON: It is my understanding that legislation based on the "Flexible-Fallow" concept developed and advanced by Craig Blindert and Phil Cyre of South Dakota is being prepared for introduction. I would like to write in strong support of the legislation and do so most enthusiastically.

Mr. Blindert called me in late 1998 with a request for a half day to discuss a farm bill proposal. I was extremely busy at the time but reluctantly agreed to set aside an afternoon in late December. As the proposal was explained, I could see that what Blindert and Cyre had developed was the missing link for the 1996 farm bill. I wrote in strong support of the proposal following that meeting—encouraging an analysis by the Food and Agriculture Policy Research Institute (FAPRI)—and am even more supportive today.

The weak element of the 1996 farm bill was the downside protection in the event of pressure on the supply side for commodities. A series of normal to good weather years, a drop of nearly 20 percent in exports and the relentless effects of technology have combined to produce very low prices for most crops.

What I find so appealing about the Blindert-Dyre proposal is that—(1) the proposal would function in a market-oriented manner; (2) it would be most appealing in the so-called "swing" areas which are expected to shift land use patterns when prices for intensively-produced crops are low and to return to such production when prices recover; (3) the proposal would self-correct when prices rise; (4) it would entail only a modest amount of administrative involvement on a discretionary basis; (5) it would enable producers to continue to make decisions based on their own situation, in a manner that makes economic sense to them; and (6) the cost would be modest to taxpayers and to consumers.

I would be pleased to respond further in support of the proposal. Mr. Blindert and Mr. Cyre are to be commended for developing what I believe would be an enormously helpful adjunct to the 1996 farm bill.

Sincerely,

NEIL E. HARL,
Charles F. Curtiss Distinguished Professor in Agriculture, Professor of Economics and Director, Center for International Agricultural Finance.

By Mr. REED (for himself and Mr. JEFFORDS):

S. 2819. To provide for the establishment of an assistance program for health insurance consumers; to the Committee on Health, Education, Labor, and Pensions.

THE HEALTH CARE CONSUMER ASSISTANCE ACT

Mr. REED. Mr. President, I am pleased to join my colleague Senator JEFFORDS today to introduce the Health Care Consumer Assistance Act. This important legislation seeks to address a significant problem that currently exists in the health insurance market, the lack of a reliable source of information and assistance for health care consumers.

In 1997, President Clinton's Health Quality Commission identified the need for consumer assistance programs that allow consumers access to accurate, easily understood information and get assistance in making informed decisions about health plans and providers. Earlier this month, the Henry J. Kaiser Family Foundation and Consumer Reports magazine released the results of a survey they conducted on consumer satisfaction with their health plans. Their survey is part of a larger project looking at ways to improve how consumers resolve problems with their health insurance plans. The survey found that while most people who experienced a problem with their plan were often able to resolve them, the majority of those surveyed were confused about where to go for information and help if they have a problem with their health plan. Eventhough a growing number of states have taken steps to give patients new rights in dealing with their health insurance plans, most consumers are either unaware or do not know how to exercise those rights.

The legislation I am introducing today with Senator JEFFORDS seeks to remedy this information gap by providing grants to states that wish to establish health care consumer assistance programs. These programs are designed to help consumers understand and act on their health care choices, rights, and responsibilities. Under this bill, the Secretary of Health and Human Services will offer states funds to create or contract with an independent, nonprofit agency to provide a variety of information and support services for health care consumers, including the following: educational materials for health care consumers about strategies to resolve problems and grievances; operate a 1–800 telephone hotline to respond to consumer inquiries; coordinate and make referral to other private and public health care entities when appropriate; conduct education and outreach in the community; and collect and disseminate data about nature of inquiries, problems and grievances handled by the program.

The concept of a health care consumer assistance program has already received considerable support and several states have taken the initiative to create these programs. Governors and state legislatures in many states including, Florida, Georgia, Massachusetts, Maryland, Nebraska, Nevada, Rhode Island, Texas, Vermont, Virginia and Wisconsin have introduced or enacted health care ombudsman legislation. While some states have successfully launched their programs, other state initiatives have faltered due to a lack of sufficient funding.

While important strides are being made to enhance health care consumer information and resources, clearly more needs to be done to expand access to these simple and cost-effective services to all Americans.

Mr. President, I believe that Americans deserve access to the information and assistance they need to be empowered and informed health care consumers. As the health insurance system becomes more confusing and complex, it is critically important that as consumers navigate this system, they have a place where they can go for information, counseling and assistance. As health plan options become more complicated and the web of policies and principles governing those plans becomes more enmeshed, people need a reliable, accessible source of information, and state health care consumer assistance programs have proven their ability to meet this challenge. I look forward to working with my colleague, Senator JEFFORDS, in advancing this important and timely legislation.

Mr. President, I ask unanimous consent to have the text of my bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care Consumer Assistance Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) People with health care insurance or coverage have many more options with respect to coverage of, payment or payments for, items, services or treatments. Also, their health plans, coverages, rights, and providers are frequently being reorganized, expanded, or limited.

(2) All consumers need information and assistance to understand their health insurance choices and to maximize their access to needed health services. Many do not understand their health care rights or how to exercise them, despite the current efforts of both the public and private sectors.

(3) Few people with health care coverage have independent credible sources of information or assistance to guide their decisionmaking or to help resolve problems.

(4) It is important to maintain and strengthen a productive working relationship between all consumers and their health care professionals and health insurance providers.

(5) Federally initiated health care consumer assistance and information programs targeted to consumers of long-term care and to medicare beneficiaries under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) are effective, as are a number of State and local consumer assistance initiatives.

(6) The principles, policies, and practices of health care providers for delivering safe, effective, and accessible health care can be enriched by State-based collaborative, independent education, problem resolution, and feedback programs. Health care consumer assistance programs have proven their ability to meet this challenge.

(7) Health care consumers want and need reliable information about their health care options that integrates data and effective resolution strategies from the full range of available resources. Health care consumer assistance programs can provide that reliable, problem-solving information to help in navigating the health care system.

(8) Health care delivered to individuals and within communities can be improved by collecting and examining consumers' experiences, questions, and problems and the ways in which their questions and problems are resolved. Health care consumer assistance programs can educate and inform consumers to be more effective, self-directed health care consumers.

(9) Many states have created health care consumer assistance programs. The Federal Government can assist the States in developing and maintaining effective health care consumer assistance programs.

SEC. 3. GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the "Secretary") shall award grants to States to enable such States to establish and administer (including the administration of programs established by States prior to the enactment of this Act) consumer assistance programs designed to provide information, assistance, and referrals to consumers of health insurance products.

(b) STATE ELIGIBILITY.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a State plan that describes—

(1) the manner in which the State will establish, or solicit proposals for, and enter into a contract with, an entity eligible under subsection (d) to serve as the health care consumer assistance office for the State;

(2) the manner in which the State will ensure that the health care consumer assistance office will assist health care consumers in accessing needed care by educating and assisting health insurance enrollees to be responsible and informed consumers;

(3) the manner in which the State will coordinate and distinguish the services provided by the health care consumer assistance office with the services provided by the long-term care ombudsman authorized by the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the State health insurance information program authorized under section 4360 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–4), the protection and advocacy program authorized under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), and any other programs that provide information and assistance to health care consumers;

(4) the manner in which the State will coordinate and distinguish the health care consumer assistance office and its services from enrollment services provided under the medicaid and State children's health insurance programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.), and medicare and medicaid health care fraud and abuse activities including those authorized by Federal law under title 11 of the Social Security Act (42 U.S.C. 1301 et seq.);

(5) the manner in which the State will provide services to underserved and minority populations and populations residing in rural areas;

(6) the manner in which the State will establish and implement procedures and protocols to ensure the confidentiality of all information shared by consumers and their health care providers, health plans, or insurers with the office established under subsection (d)(1) and to ensure that no such information is used, released or referred without the express permission of the consumer, except to the extent that the office collects or uses aggregate information as described in section 4(c)(8);

(7) the manner in which the State will provide for the collection of non-Federal contributions for the operations of the office in an amount that is not less than 30 percent of the amount of Federal funds provided under this Act; and

(8) the manner in which the State will ensure that funds made available under this Act will be used to supplement, and not supplant, any other Federal, State, or local funds expended to provide services for programs described under this Act and those described in paragraphs (3) and (4).

(c) AMOUNT OF GRANT.—

(1) IN GENERAL.—From amounts appropriated under section 4 for a fiscal year, the Secretary shall award a grant to a State in an amount that bears the same ratio to such amounts as the number of individuals within the State covered under a health insurance plan (as determined by the Secretary) bears to the total number of individuals covered under a health insurance plan in all States (as determined by the Secretary). Any amounts provided to a State under this section that are not used by the State shall be remitted to the Secretary and reallocated in accordance with this paragraph.

(2) MINIMUM AMOUNT.—In no case shall the amount provided to a State under a grant under this section for a fiscal year be less than an amount equal to .5 percent of the amount appropriated for such fiscal year under section 5.

(d) PROVISION OF FUNDS FOR ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—From amounts provided under a grant under this section, a State shall, directly or through a contract with an independent, nonprofit entity with demonstrated experience in serving the needs of health care consumers, provide for the establishment and operation of a State health care consumer assistance office.

(2) ELIGIBILITY OF ENTITY.—To be eligible to enter into a contract under paragraph (1), an entity shall demonstrate that the entity has the technical, organizational, and professional capacity to deliver the services described in section 4 throughout the State to all public and private health insurance consumers.

SEC. 4. USE OF FUNDS.

(a) BY STATE.—

(1) IN GENERAL.—A State shall use amounts received under a grant under this Act to establish and operate of a health insurance consumer assistance office as provided for in this section and section 3(d).

(2) NONCOMPLIANCE.—If the State fails to enter into or renew a contract for the operation of a State health insurance consumer assistance office, the Secretary shall reallocate amounts to be provided to the State under this Act.

(b) BY ENTITY.—An entity that enters into a contract with a State under section 3(d) shall use amounts received under the contract to establish and operate a health insurance consumer assistance office.

(c) ACTIVITIES OF OFFICE.—A health insurance consumer assistance office established under this Act shall—

(1) operate a toll-free telephone hotline to respond to requests for information and assistance with health care problems and assist all health insurance consumers to navigate the health care system;

(2) acquire or produce and disseminate culturally and language appropriate educational materials concerning health insurance products available within the State, how best to access health care, and the rights and responsibilities of the health care consumer;

(3) educate health care consumers about strategies that such consumers can implement to promptly and efficiently resolve inquiries, problems, and grievances related to health insurance and access to health care;

(4) refer health care consumers to appropriate private and public entities so that inquiries, problems, and grievances with respect to health insurance and access to health care can be handled promptly and efficiently;

(5) coordinate with health organizations in the State, State health-insurance related agencies, and State organizations responsible for administering the programs described listed in paragraphs (3) and (4) of section 3(b) so as to maximize the ability of consumers to resolve health care questions and problems and achieve the best health care outcomes;

(6) conduct education and outreach within the State in partnership with consumers, health plans, health care providers, health care payers and governmental agencies with health oversight responsibilities;

(7) provide information to consumers about an internal, external, or administrative grievance or appeals procedure (in nonlitigative settings) to appeal the denial, termination, or reduction of health care services, or the refusal to pay for such services, under a health insurance plan; and

(8) provide information to State agencies, employers, health plans, insurers, and the general public concerning the kinds of inquiries, problems, and grievances handled by the office.

(d) CONFIDENTIALITY AND ACCESS TO INFORMATION.—The health insurance consumer assistance office of a State shall establish and implement procedures and protocols to ensure the confidentiality of all information shared by consumers and their health care providers, health plans, or insurers with the office and to ensure that no such information is used, released or referred to State agencies or outside entities without the expressed permission of the consumer, except to the extent that the office collects or uses aggregate information described in subsection (c)(8).

(e) AVAILABILITY OF SERVICES.—The health insurance consumer assistance office of a State shall not discriminate in the provision of information and referrals regardless of the source of the individual's health insurance coverage or prospective coverage, including individuals covered under employer-provided insurance, self-funded plans, the medicare or medicaid programs under title XVII or XIX of the Social Security Act (42 U.S.C. 1395 and 1396 et seq.), or under any other Federal or State health care program.

(f) DESIGNATION OF RESPONSIBILITIES.—

(1) WITHIN EXISTING STATE ENTITY.—If the health insurance consumer assistance office of a State is located within an existing State regulatory agency or office of an elected State official, the State shall ensure that—

(A) there is a separate delineation of the funding, activities, and responsibilities of the office as compared to the other funding, activities, and responsibilities of the agency; and

(B) the office establishes and implements procedures and protocols to ensure the confidentiality of all information shared by consumers and their health care providers, health plans, or insurers with the office and to ensure that no information is transferred or released to the State agency or office without the expressed permission of the consumer.

(2) CONTRACT ENTITY.—In the case of an entity that enters into a contract with a State under section 3(d), the entity shall provide assurances that the entity has no real or perceived conflict of interest in providing advice and assistance to consumers regarding health insurance and that the entity is independent of health insurance plans, companies, providers, payers, and regulators of care.

(g) SUBCONTRACTS.—The health insurance consumer assistance office of a State may carry out activities and provide services through contracts entered into with 1 or more nonprofit entities so long as the office can demonstrate that all of the requirements of this Act are complied with by the office.

(i) TRAINING.—

(1) IN GENERAL.—The health insurance consumer assistance office of a State shall ensure that personnel employed by the office possess the skills, expertise, and information necessary to provide the services described in subsection (c).

(2) CONTRACTS.—To meet the requirement of paragraph (1), an office may enter into contracts with 1 or more nonprofit entities for the training (both through technical and educational assistance) of personnel and volunteers. To be eligible to receive a contract under this paragraph, an entity shall be independent of health insurance plans, companies, providers, payers, and regulators of care.

(3) LIMITATION.—An amount not to exceed 7 percent of the amount awarded to an entity under a contract under section 3(d) for a fiscal year may be used for the provision of training under this section.

(j) ADMINISTRATIVE COSTS.—An amount not to exceed 1 percent of the amount of a grant awarded to the State under this Act for a fiscal year may be used by the State for administrative expenses.

(k) TERM.—A contract entered into under this section shall be for a term of 3 years.

SEC. 5. FUNDING.

There are authorized to be appropriated $100,000,000 to carry out this Act.

SEC. 6. REPORT OF THE SECRETARY.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report that contains—

(1) a determination by the Secretary of whether amounts appropriated to carry out this Act for the fiscal year for which the report is being prepared are sufficient to fully fund this Act in such fiscal year;

(2) with respect to a fiscal year for which the Secretary determines under paragraph (1) that sufficient amounts are not appropriated, the recommendations of the Secretary for fully funding this Act through the use of additional funding sources; and

(3) information on States that have been awarded a grant under this Act and a summary of the activities of such States and the data that is produced.

Mr. JEFFORDS. Mr. President, I am here today to join in introducing the Health Care Consumer Assistance Act. This important bill has been crafted to help Americans navigate our increasingly complex and ever changing health care system. I want to recognize the leadership of Senator JACK REED in bringing this issue forward for consideration.

Americans need and want help with their health care. In a recent national survey, Consumers Report and the Kaiser Family Foundation learned that half of all managed care plan members have had a problem with their plan in the last year. The vast majority of those "problems" were minor and successfully resolved in a very short period of time. However, a large number of Americans report significant financial consequences, lost time at work, or actual health declines as a result of these disputes.

The same survey reports that 84% of Americans want "an independent place to turn for help" with their health care rights. In fact, Americans prefer, by a wide margin, an independent source of help, as provided for in the Health Care Consumer Assistance Act, rather than a right to sue.

Three years ago, my own state recognized that Vermonters needed an independent program to help them navigate the complex health care delivery system. The state offices of the Division of Banking and Insurance and the Office of Vermont Health Access (our Medicaid agency) jointly administer the Vermont Ombudsman. It has helped Vermonters find care providers and use appeal procedures.

It is time for the federal government to play a constructive role in aiding states like Vermont that will answer the needs of their citizens for a consumer-focused, consumer-directed health care assistance program. This bill builds on the existing state-based programs to provide an office that provides consumers with the basic and credible information they want and need to make all kinds of important health care decisions.

The bill gives each State the opportunity to design a consumer assistance program that meets local needs. At the same time, the grant program calls upon the state to coordinate this overall health care consumer assistance office's activities with its existing consumer assistance offices such as the long-term care Ombudsman program for long term care consumers and its work in registering children and families for S-CHIP.

Access to quality health care services is a priority for every American family, every state, and this nation. It is clearly time for a federal commitment to help families get the health care information and assistance they want and need.

Once again, I want to thank Senator Reed for this bipartisan effort on such important health legislation. Health care consumers, plans, providers, and states will be well served by enacting our legislation as soon as possible.

By Mr. HOLLINGS (by request):

S. 2820. A bill to provide for a public interest determination by the Consumer Product Safety Commission with respect to repair, replacement, or refund actions, and to revise the civil and criminal penalties, under both the Consumer Product Safety Act and the Federal Hazardous Substances Act; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER PRODUCT SAFETY COMMISSION ENHANCED ENFORCEMENT ACT

Mr. HOLLINGS. Mr. President, I rise to introduce at the request of the Administration and the Consumer Product Safety Commission (CPSC), the Consumer Product Safety Commission Enhanced Enforcement Act of 2000. This legislation is designed to enhance the authority of the CSPC to prevent the manufacture and sale of defective products.

The legislation seeks to accomplish this goal in two significant ways. First, it proposes to remove the cap that exists under current law on the maximum civil penalty that can be assessed to companies that market products in violation of federal consumer product safety regulations. Currently, the maximum civil penalty that can be assessed to companies that violate consumer product safety laws is $1,650,000, a figure that is less than the amount that generally could be assessed by the CPSC. According to the agency, in many instances, it seeks penalties against very large companies, which likely are not deterred by the $1,650,000 cap. Second, the legislation proposes to increase the CPSC's authority over recalls by authorizing the Commission to determine the manner in which a defective product is to be corrected. Currently, a company that has marketed a defective product has the right to determine the remedy that is offered to the public, regardless of whether the selected remedy is the most effective solution. The proposed legislation alters this situation by permitting the CPSC to choose the remedy that is best suited to protect the public as opposed to the company.

For these reasons, Mr. President, I am pleased to introduce this act on behalf of the Administration and the CPSC.

By Mr. GRAHAM (for himself, Mr. DeWine, Mr. Moynihan, Mr. Grassley, Mr. Dodd, Mr. Coverdell, and Mr. Biden):

S. 2823. A bill to amend the Andean Trade Preference Act to grant certain benefits with respect to textile and apparel, and for other purposes; to the Committee on Finance.

THE PLAN COLOMBIA TRADE ACT

• Mr. GRAHAM. Mr. President, I rise today, joined by Senators DeWine, Moynihan, Grassley, Dodd, Coverdell, and Biden, to introduce the Plan Colombia Trade Act, a bill that would provide additional trade benefits to the nations of the Andean Trade Pact, which includes Bolivia, Colombia, Ecuador and Peru.

This bill is an important component of Plan Colombia, which seeks to address not only the nation's crisis with respect to massive narcotrafficking and insurgent and paramilitary forces, but also focuses on Colombia's deep economic recession. The bill is consistent with U.S. policy of promoting trade and combating drugs on a regional basis, thereby ensuring that U.S. benefits and assistance provided to one nation do not adversely affect other nations in the immediate region. Such a strategy is the only way to avoid what is often described as the "balloon effect," which has meant that the drug problem, at best, is displaced from one location to another. Finally, the bill would re-assert our commitment to promote economic growth and regional stability throughout the Andean region, and to provide alternatives to the cultivation and exportation of illegal narcotics.

Passage of this legislation by the Senate will signal the United States' support of the Andean Trade Pact's economic reform efforts, and will boost the confidence of both domestic and international investors in pursuing business opportunities that create jobs and enhance international trade in the Andean region, particularly in Colombia. In addition, this bill would ensure that U.S. trade with these important nations is not adversely affected by the recent passage of the "Trade and Development Act of 2000," which provided significant trade benefits to the Caribbean Basin.

To briefly summarize, the "Plan Colombia Trade Act," would extend, for approximately one year, additional trade benefits to Bolivia, Colombia, Ecuador, and Peru–nations that currently benefit from the Andean Trade Preferences Act of 1991 (commonly known as the ATPA). New trade benefits would include some—but not all—trade benefits extended to the nations of the Caribbean Basin under the "Trade and Development Act of 2000," which was signed by the President on May 18, 2000. Specifically, the bill would extend duty-free, quota-free treatment to apparel articles assembled or cut in ATPA beneficiary nations using yarns and fabric wholly formed in the United States, thereby achieving a measure of parity with the CBI nations, as well as expanding an important source of economic and employment growth for the U.S. textile and apparel industry.

In its March 2000 interim report, "First Steps Toward a Constructive U.S. Policy in Colombia," a Council on Foreign Relations/Inter-American Dialogue Independent Task Force—which I co-chair with Brent Scowcroft—recommended the extension of the ATPA, to include the same benefits as those contained under the Caribbean Basin Initiative. Specifically, we recommended the following:

> Indeed, Colombia's economic well-being is absolutely critical, and in this area the United States can be more helpful. Perhaps even more important than providing increased assistance to the Colombian government to support employment programs is assuring Colombia greater access to U.S. markets for its products. Extending trade-related benefits to Colombia would have a positive impact on the country's prospects for higher growth and employment levels.

Although the bill provides benefits to all ATPA beneficiaries, it is particularly critical to Colombia, which in 1998 exported 59 percent of all textiles and apparel from the Andean region to the U.S., two-thirds of which were assembled and/or cut from U.S. yarns and fabric.

This legislation addresses an important, albeit unintentional, contradiction in U.S. policy towards Colombia. With the recent passage of enhanced trade benefits to the countries of Caribbean Basin Initiative, Colombia stands to lose up to 150,000 jobs in the apparel industry. At least ten (10) U.S.-based companies that purchase apparel from Colombian garment manufacturers have already indicated their near-term intentions to shift production to CBI countries due to the significant cost savings associated with the new trade benefits afforded to the Caribbean basin. Some of these U.S. companies have utilized Colombia as a manufacturing base for over ten (10) years, providing desperately needed legitimate employment in the Colombian economy.

In summary, the immediate reaction of these companies to enhanced Caribbean trade benefits clearly demonstrates the negative effects of the CBI legislation on Colombia. It would be foolish for the Congress to approve a comprehensive aid package for Colombia, while simultaneously implementing legislation that puts tens of thousands of Colombians out of work. This bill will address that critical, unintended contradiction.

On a more comprehensive scale, passage of this legislation is critical to ensure that all nations in the Western Hemisphere can maintain their long-term competitiveness with Asian nations, particularly in the textile industry. At present, the textile products of most Asian nations are subject to quotas imposed by the Multi-Fiber Agreement, now known as the Agreement on Textiles and Clothing. This restriction on Asian textiles has enabled the nations of the Western Hemisphere to remain competitive, and further, the Andean region—specifically Colombia—has become a significant market for fabric woven in U.S. mills from yarn spun in the U.S., originating from U.S. cotton growers.

However, in 2005, these Asian import quotas will be phased out. At that time, textile production in both the Andean region and the Caribbean basin will be placed at a distinct and growing disadvantage. Disinvestment in the region will occur, reducing the incentive to use any material from U.S. textile mills or cotton grown in the United States.

BACKGROUND

Seventeen years ago, the U.S. Congress passed the first legislation to provide trade preferences to the twenty-seven countries of the Caribbean Basin. In 1983, the Caribbean Basin was a region inflamed with violent conflict and rampant drug trafficking that threatened the political and economic stability of our closest neighbors, as well as our own national security. The primary goal of the Caribbean Basin Initiative (CBI) was to stabilize the region by building stronger and more diverse economies, encouraging growth in international trade, developing a strong economic relationship between the U.S. and the region, and creating employment opportunities in the legitimate economy as an alternative to drug trafficking.

Following enactment of CBI, the U.S. trade position with the region improved from a deficit of $3 billion in 1983, to a surplus of nearly $3.5 billion in 1998. Between 1983 and 1998, U.S. exports to the region increased fourfold, while total imports from the region grew by less than 20 percent. On a per capita basis, the U.S. trade surplus with the region has consistently outpaced the U.S. trade surplus with any other region of the world—in fact, since 1995, U.S. exports to the CBI region have increased by almost 32 percent.

In 1991, after 8 years of resounding success in the CBI region, Congress passed the ATPA, providing CBI-like trade benefits to the countries of Bolivia, Colombia, Ecuador and Peru. In the nine years following enactment of ATPA, U.S. exports to the Andean region have more than doubled—from $3.8 billion in 1991 to over $8.6 billion in 1998. U.S. exports to Colombia account for over half of this increase, growing from $2 billion in 1991 to $4.8 billion in 1998. During the same time period, Andean exports to the U.S. increased by almost 80 percent. In addition, in 1998, the U.S. achieved a $309 million trade surplus with the ATPA nations. Under ATPA, Bolivia, Colombia, Ecuador, and Peru enjoyed the same trade benefits that we had extended to the CBI region. However, on May 18, 2000, the President signed the "Trade and Development Act of 2000," which extended additional trade benefits—particularly with respect to textiles and apparel—to the nations of the CBI region. Therefore, our Andean trading partners are now likely to lose significant trade and investment opportunities that will shift to the CBI, given the additional trade benefits included in the "Trade and Development Act of 2000."

NEED FOR THE "PLAN COLOMBIA TRADE ACT"

The United States is at now a critical juncture with its neighbors in the Andean region. As was demonstrated by the recent passage of the "Trade and Development Act of 2000." it is clear that we must continue enhance our trading relationship with our partners in the Caribbean and the Andean region.

In particular, these additional trade benefits should be extended to Colombia, which is currently fighting a war for the survival of its democratic institutions, its free market economy and for the future of its people. Those challenging Colombia's future include drug traffickers, guerilla groups (the FARC and the ELN) and other elements of society who seek to foster instability and fear. A comprehensive strategy in response to the crisis in essential for Colombia.

The government of Colombia, therefore, has formulated Plan Colombia. The United States government, in turn, has responded generously to Columbia's needs by considering a supplemental appropriations package of more than $1.6 billion to help the country in this time of crisis. This will supplement over $4.0 billion being spent by Colombia itself.

Fundamental to Plan Colombia (and to the government's ability to succeed in its efforts to safeguard the country) will be efforts to encourage economic growth and provide jobs to the Colombian people. Today in Colombia more than one million people are displaced, the unemployment rate is nearly 20 percent and Colombia is experiencing the worst recession in 70 years. Without new economic opportunities, more and more Colombians will turn to illicit activities to support their families or seek to join the growing numbers of people who are leaving the country to find a better, safer future for their families.

Measuring both imports and exports, Colombia is by far the most important U.S. trade partner in the ATPA region. In 1998, over 53 percent of U.S. exports to the Andean region went to Colombia, and over 53 percent of U.S. imports from the Andean region originated from Colombia.

Mr. President, to promote economic growth and regional stability, the Congress must consider additional trade measures that benefit the entire Andean region. Therefore, Congress should grant CBI parity to the ATPA beneficiaries, specifically with respect to textiles and apparel. During 1999, Colombia and its Andean neighbors exported approximately $562 million in textiles and apparel to the United States. While insignificant in comparison to the $8.4 billion in textile and apparel exports originating in the CBI region, Andean textile and apparel production sustains more than 200,000 jobs in Colombia alone—valuable jobs in the legitimate economy. Absent CBI parity, the Andean region will find itself at a significant competitive disadvantage with the 27 countries of the CBI region.

Mr. President, upon final passage of CBI enhancement legislation, I stated that we had initiated the process of establishing true "partnership for success" with some of our most important neighbors. Although that legislation was a good start, it was only the beginning. I urge my colleagues to look towards the future by supporting the "Plan Colombia Trade Act," and by taking advantage of the real economic benefits that can be achieved by further enhancing our relationship with all of the nations of the Western Hemisphere.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Plan Colombia Trade Act".

SEC. 2. TEMPORARY EXTENSION OF ADDITIONAL TRADE BENEFITS TO CERTAIN ANDEAN COUNTRIES.

(a) IN GENERAL.—Section 204(b) of the Andean Trade Preference Act (19 U.S.C. 3203(b)) is amended to read as follows:

"(b) EXCEPTIONS TO DUTY-FREE TREATMENT.—

"(1) IN GENERAL.—Subject to paragraphs (2), the duty-free treatment provided under this title shall not apply to—

"(A) textile and apparel articles which are subject to textile agreements;

"(B) footwear not designated at the time of the effective date of this Act as eligible for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

"(C) tuna, prepared or preserved in any manner, in airtight containers;

"(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

“(E) watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply;

“(F) articles to which reduced rates of duty apply under subsection (c);

“(G) sugars, syrups, and molasses classified in subheadings 1701.11.03, 1701.12.02, 1701.99.02, 1702.90.32, 1806.10.42, and 2106.90.12 of the HTS; or

“(H) rum and tafia classified in subheading 2208.40.00 of the HTS.

“(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

“(A) ARTICLES COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following articles:

“(i) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE BENEFICIARY COUNTRIES.—Apparel articles assembled in one or more beneficiary countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States, that are—

“(I) entered under subheading 9802.00.80 of the HTS; or

“(II) entered under chapter 61 or 62 of the HTS, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTS but for the fact that the articles were embroidered or subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.

“(ii) APPAREL ARTICLES CUT AND ASSEMBLED IN ONE OR MORE BENEFICIARY COUNTRIES.—Apparel articles cut in one or more beneficiary countries from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in one or more such countries with thread formed in the United States.

“(iii) SPECIAL RULES.—

“(I) EXCEPTION FOR FINDINGS AND TRIMMINGS.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, ‘bow buds’, decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and are used in the production of brassieres.

“(bb) In the case of an article described in clause (ii) of this subparagraph, sewing thread shall not be treated as findings or trimmings under this subclause.

“(II) CERTAIN INTERLINING.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

“(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, ‘hymo’ piece, or ‘sleeve header’, of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

“(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

“(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this paragraph because the article contains fibers or yarns not wholly formed in the United States or in one or more beneficiary countries shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 7 percent of the total weight of the good. Notwithstanding the preceding sentence, an apparel article containing elastomeric yarns shall be eligible for preferential treatment under this paragraph only if such yarns are wholly formed in the United States.

“(IV) SPECIAL ORIGIN RULE.—An article otherwise eligible for preferential treatment under clause (i) or (ii) of this subparagraph shall not be ineligible for such treatment because the article contains nylon filament yarn (other than elastomeric yarn) that is classifiable under subheading 5402.10.30, 5402.10.60, 5402.31.30, 5402.31.60, 5402.32.30, 5402.32.60, 5402.41.10, 5402.41.90, 5402.51.00, or 5402.61.00 of the HTS duty-free from a country that is a party to an agreement with the United States establishing a free trade area, which entered into force before January 1, 1995.

“(iv) SPECIAL RULE FOR FABRICS NOT FORMED FROM YARNS.—

“(I) APPLICATION TO CLAUSE (i).—An article otherwise eligible for preferential treatment under clause (i) of this subparagraph shall not be ineligible for such treatment because the article is assembled in one or more beneficiary countries from fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States.

“(II) APPLICATION TO CLAUSE (ii).—An article otherwise eligible for preferential treatment under clause (ii) of this subparagraph shall not be ineligible for such treatment because the article is assembled in one or more beneficiary countries from fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States.

“(B) PREFERENTIAL TREATMENT.—During the transition period, the articles to which this paragraph applies shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels.

“(C) TRANSITION PERIOD.—In this paragraph, the term ‘transition period’ means, with respect to a beneficiary country, the period that begins on the date of enactment of the Plan Colombia Trade Act or October 1, 2000, whichever is later, and ends on the date that duty-free treatment ends under this title.”.

(b) FACTORS AFFECTING DESIGNATION.—

(1) IN GENERAL.—Section 203(d) of the Andean Trade Preference Act (19 U.S.C. 3202(d)) is amended—

(A) by striking “and” at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting “; and”; and

(C) by adding at the end the following:

“(13) the extent to which such country adheres to democratic principles and the rule of law.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the earlier of—

(A) October 1, 2000; or

(B) the date of enactment of the Plan Colombia Trade Act.●

Mr. GRASSLEY. Mr. President, I rise today to co-sponsor the Plan Colombia Trade Act along with my colleague, Senator BOB GRAHAM. This important bill will supplement Plan Colombia by expanding trade benefits to the countries of Colombia, Bolivia, Ecuador and Peru.

Plan Colombia is an important package that provides about a billion dollars to the government of Colombia, and other countries in that region. These funds will go to fight drugs, eradicate the crops which create them, and provide for alternative development. Unfortunately, Plan Colombia does not provide for an important measure that we can do to help these countries, that is to stimulate their economy. We can achieve this by passing the Plan Colombia Trade Act, which will provide assistance to develop their textile and apparel industries.

Developing the apparel industry of these countries will encourage global trade, and offer the good people of that region a future filled with prosperity. Additionally, the trade benefits outlined in this bill will enhance peace, stability, and prosperity in that region, which will ultimately yield a better quality of life for all involved. This bill will not only benefit the struggling economies of Colombia, Bolivia, Ecuador, and Peru, but will advance the economy of the United States as well.

As important as the assistance package to Colombia is, most of the money we provide will not reach ordinary Colombians. They also are engaged in the effort to combat illegal drugs. We need to ensure that they are not penalized for doing so. The current bill helps us help Colombians not with cash but with opportunity. It preserves legitimate jobs in a country sorely beset with problems.

Most garments that are produced in Colombia are subject to a 20–30% duty rate upon importation into the U.S. As an example, swimsuits are subject to a duty rate of 33%. By granting duty-free and quota-free benefits to apparel assembled in these countries from U.S. made yarn, and U.S. made fabric, these countries will now be able to compete with other developing countries that currently enjoy duty-free and quota-free benefits. It will also afford them the opportunity to participate in the global economy. This will encourage additional export of U.S. made cotton and yarn, stimulate U.S. investment in the region and create needed jobs as well.

This bill is an opportunity to help rebuild a region which has been plagued by the drug trade. We can assist these countries, not by giving them more money, but by providing these enhanced trade opportunities. By helping our neighbors in the south to maintain political and economic stability, we will in effect be securing the National Security of the United States. This legislation will provide these countries with the opportunity build their industry and their struggling economies and will improve the quality of their everyday lives.

I urge my colleagues to support this important bill which will have a positive effect on the prosperity of our neighbors in Colombia, Ecuador, Bolivia, and Peru.

By Mr. ROCKEFELLER (for himself, Mr. JEFFORDS, and Mr. BREAUX):

S. 2825. A bill to strengthen the effectiveness of the earned income tax credit in reducing child poverty and promoting work; to the Committee on Finance.

THE TAX RELIEF FOR WORKING FAMILIES ACT OF 2000

Mr. ROCKEFELLER. Mr. President, I am proud to be joined by Senators JEFFORDS and BREAUX in introducing the Tax Relief for Working Families Act of 2000. This bipartisan bill is designed to strengthen the effectiveness of the Earned Income Tax Credit (EITC) in reducing child poverty and promoting work.

Our bill will increase the EITC for families with three or more children. Families could qualify for almost an additional $500. Obviously, raising a large family costs more, and these families have a higher poverty rate of 29 percent, more than double the poverty rate of children in smaller families. Nearly three out of every five poor children live in families with three or more children.

A report by the Committee for Economic Development found that the "EITC has become a powerful force in dramatically raising the employment of low-income women in recent years." The report also recommended further expansions of the EITC. Since research shows that larger families have greater problems leaving welfare for work, this legislation should build upon our welfare reform efforts.

But even more compelling than national statistics are the real stories from West Virginia families. One woman in Huntington, West Virginia is struggling to raise five daughters and care for her husband who was disabled in a roofing accident. That family is managing on approximately $13,000 a year. She works the night shift, but must currently rely on the public bus. Her shift begins at midnight, but the last bus is at 9:00 p.m. so she takes the earlier bus, and spends several hours waiting for her shift instead of having time with her family. Last year, she used the EITC to pay her bills, including a winter coat for one of her daughters. With an increase, she hopes to save for a used car.

Another West Virginia mother is recently divorced and struggling to raise four sons, ranging in age from sixteen to seven. Her 16-year-old son has Downs Syndrome. Last year she earned $13,800 and she used her EITC to purchase a used van so she would have reliable transportation for her 50-mile commute to work. Another year, the EITC helped pay for new mattresses for her children's beds. With an increase, she'd like to save a little money in case of an emergency or for better housing.

These are real stories of real families who are working hard to make ends meet but need and deserve more help.

This is a bipartisan bill. We have closely consulted with leading groups like the Center on Budget and Policy Priorities, Catholic Charities U.S.A., the United Way of America, and the Progressive Policy Institute.

In addition to increasing the EITC available to large families, our bill includes several bipartisan provisions to simplify the credit by conforming the definition of earned income and simplifying the definition of a dependent child.

Some may question the cost of expanding the EITC, but I believe, compared to other tax proposals such as providing additional marriage tax relief, investing an additional $8 billion over the next five years is a reasonable investment to help low-wage working families. Most of these families are married. All are struggling, but working hard to do the right thing for their children. In its letter supporting our efforts, Catholic Charities U.S.A. describes our legislation is "pro-family, pro-marriage, and pro-work."

During the 1998 tax year, over 19 million working Americans got $30.5 billion in tax relief, thanks to the EITC. In my state, about 141,000 West Virginians claimed $210.7 million. About nineteen percent of West Virginia taxpayers benefit from the EITC. In my state, 84 percent of taxpayers earn less than $50,000. I believe that this legislation to expand the EITC for families with three or more children will help more West Virginians than many of the other, more expensive provisions under consideration as part of the marriage penalty relief debate.

We know that the EITC works. It encourages work, and it helps lift families out of poverty. I urge my colleagues to join with Senators JEFFORDS and BREAUX to help hard working families raise their children.

Mr. JEFFORDS. Mr. President, I am pleased today to join with Senators ROCKEFELLER and BREAUX to introduce a bill that will provide a third-tier earned income tax credit (EITC) for families with three or more children. I believe that the additional tax credit provided by this bill could be of significant help to working low-income families.

The EITC is a refundable tax credit to low-income families. It is only available to taxpayers who work and earn wages. Indeed, the EITC was enacted to encourage taxpayers to work—even at low-paying jobs—rather than relying on government programs. The EITC has played a key role in reducing the poverty rate for families. By some estimates, it has been the single most important factor in removing children from poverty.

As currently structured, the EITC provides a credit to families with one child, and a higher credit to families that have two or more children. Families with three or four children receive the same EITC as families with two children.

For low-income families of four, we have seen significant progress in reducing the incidence of poverty. The combination of the minimum wage, the EITC, and food stamps can raise a family of four with a full-time year-round minimum wage worker close to the poverty line. But poverty persists in large families where there are more than two children. In families with three or more children, the official poverty rate is 29 percent—twice the rate for families with two children. While children in families with three or more children were 37 percent of all children in the United States in 1998, they comprised 57 percent of the children living in poverty.

It is not surprising that reducing poverty is more problematic in large families. As family size rises, so do family expenses. Welfare benefits increase with family size; wages, however, do not. For a large family, moving from welfare to work may actually mean less money. In addition, with more children, child care is not only more expensive, it is also more complicated.

With surplus projections now reaching $1.7 trillion, there are a whole host of tax reform proposals—many meritorious—circulating on Capitol Hill. In the debate about tax cuts, we must not lose sight of our most vulnerable workers. We should build on the proven success of the EITC to help these workers. I believe a larger earned income tax credit for families with three or more children will help put more low-income families on the path to self-sufficiency, while at the same time helping welfare reform succeed.

By Mr. SANTORUM (for himself and Mr. ROCKEFELLER):

S. 2826. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the Medicare Program; to the Committee on Finance.

THE MEDICARE ADULT DAY SERVICES ALTERNATIVE ACT

Mr. SANTORUM. Mr. President, as this Congress continues to deliberate options of how best to care for our senior population, it is critical to consider, as well, the role that caregivers play in accommodating the delivery of such care to loved ones. Family caregivers are often forced to make difficult sacrifices. By just one measure, it is estimated that the average loss of income to these caregivers is more than $600,000 in wages, pensions and Social Security benefits. This does not have to be the case, though.

It does not have to be the case with the choices afforded by legislation I am pleased to be introducing today along with Senator ROCKEFELLER of West Virginia aimed at reforming Medicare's home health benefit. The Medicare Adult Day Services Alternative Act of 2000 would provide Medicare beneficiaries who qualify for home health benefits the choice to receive those services in qualified adult day care centers, and simultaneously assist family caregivers with the very real difficulties in caring for a homebound family member.

It is with America's Medicare beneficiaries and family caregivers in mind which makes the Medicare Adult Day Services Alternative Act a winner for Medicare, for patients and for their caregivers. First, it would allow patients to receive home health services in a setting that promotes rehabilitation by providing social interaction, meals and therapeutic activities above and beyond the provision of the prescribed home health benefit. Second, caregivers for homebound patients would be able to maintain employment outside of the home because they would know that their family member is in a healthy, protected environment during the day.

With this legislation, patients could elect to receive some, or all, of their home health benefit in a home or an adult day care congregate setting. I think my colleagues would agree with me that the opportunity to interact with others with similar needs can improve patients' mental and physical wellbeing. While not expanding the existing eligibility criteria for home health, this legislation offers Medicare beneficiaries a greater sense of autonomy afforded by receiving necessary care outside of their homes.

The adult day care center would be paid 95% of the rate paid to a home health agency for providing the Medicare-covered service. But within that lump-sum payment, the adult day care center would also be required to cover transportation, medication management, therapeutic activities, and meals.

The Medicare Adult Day Services Alternative Act recognizes the benefit that will come to family members of Medicare recipients of this service. These caregivers will be able to attend to other things in today's fast-paced family life, knowing their loved ones are well cared for. This creative solution to health care delivery also adequately reimburses providers and is designed to be budget neutral.

I hope that members on both sides of the aisle will join me in advancing this important issue for Medicare beneficiaries and their families. As this Congress considers various proposals to improve Medicare's home health benefit, this proposal deserves the serious attention and consideration of my colleagues. I look forward to working with them to enact this pro-beneficiary, potentially cost-saving reform legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Adult Day Services Alternative Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) adult day care offers services, including medical care, rehabilitation therapies, dignified assistance with activities of daily living, social interaction, and stimulating activities, to seniors who are frail, physically challenged, or cognitively impaired;

(2) access to adult day care services provides seniors and their familial caregivers support that is critical to keeping the senior in the family home;

(3) more than 22,000,000 families in the United States serve as caregivers for aging or ailing seniors, nearly 1 in 4 American families, providing close to 80 percent of the care to individuals requiring long-term care;

(4) nearly 75 percent of those actively providing such care are women who also maintain other responsibilities, such as working outside of the home and raising young children;

(5) the average loss of income to these caregivers has been shown to be $659,130 in wages, pension, and Social Security benefits;

(6) the loss in productivity in United States businesses ranges from $11,000,000,000 to $29,000,000,000 annually;

(7) the services offered in adult day care facilities provide continuity of care and an important sense of community for both the senior and the caregiver;

(8) there are adult day care centers in every State in the United States and the District of Columbia;

(9) these centers generally offer transportation, meals, personal care, and counseling in addition to the medical services and socialization benefits offered; and

(10) with the need for quality options in how to best care for our senior population about to dramatically increase with the aging of the baby boomer generation, the time to address these issues is now.

SEC. 3. COVERAGE OF SUBSTITUTE ADULT DAY CARE SERVICES UNDER MEDICARE.

(a) SUBSTITUTE ADULT DAY CARE SERVICES BENEFIT.—

(1) IN GENERAL.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended—

(A) in the matter preceding paragraph (1), by inserting "or (8)" after "paragraph (7)";

(B) in paragraph (6), by striking "and" at the end;

(C) in paragraph (7), by adding "and" at the end; and

(D) by inserting after paragraph (7), the following new paragraph:

"(8) substitute adult day care services (as defined in subsection (uu));".

(2) SUBSTITUTE ADULT DAY CARE SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Substitute Adult Day Care Services; Adult Day Care Facility

"(uu)(1)(A) The term 'substitute adult day care services' means the items and services described in subparagraph (B) that are furnished to an individual by an adult day care facility as a part of a plan under subsection (m) that substitutes such services for a portion of the items and services described in subparagraph (B)(i) furnished by a home health agency under the plan, as determined by the physician establishing the plan.

"(B) The items and services described in this subparagraph are the following items and services:

"(i) Items and services described in paragraphs (1) through (7) of subsection (m).

"(ii) Transportation of the individual to and from the adult day care facility in connection with any such item or service.

"(iii) Meals.

"(iv) A program of supervised activities designed to promote physical and mental health and furnished to the individual by the adult day care facility in a group setting for a period of not fewer than 4 and not greater than 12 hours per day.

"(v) A medication management program (as defined in subparagraph (C)).

"(C) For purposes of subparagraph (B)(v), the term 'medication management program' means a program of services, including medicine screening and patient and health care provider education programs, that provides services to minimize—

"(i) unnecessary or inappropriate use of prescription drugs; and

"(ii) adverse events due to unintended prescription drug-to-drug interactions.

"(2)(A) Except as provided in subparagraphs (B) and (C), the term 'adult day care facility' means a public agency or private organization, or a subdivision of such an agency or organization, that—

"(i) is engaged in providing skilled nursing services and other therapeutic services directly or under arrangement with a home health agency;

"(ii) meets such standards established by the Secretary to ensure quality of care and such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services in the facility;

"(iii) provides the items and services described in paragraph (1)(B); and

"(iv) meets the requirements of paragraphs (2) through (8) of subsection (o).

"(B) Notwithstanding subparagraph (A), the term 'adult day care facility' shall include a home health agency in which the items and services described in clauses (ii) through (v) of paragraph (1)(B) are provided by others under arrangements with them made by such agency.

"(C) The Secretary may waive the requirement of a surety bond under paragraph (7) of subsection (o) in the case of an agency or organization that provides a comparable surety bond under State law.

"(D) For purposes of payment for home health services consisting of substitute adult day care services furnished under this title, any reference to a home health agency is deemed to be a reference to an adult day care facility.".

(3) Conforming amendments.—Sections 1814(a)(2)(C) and 1835(a)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395f(a)(2)(C); 1395n(a)(2)(A)(i)) are each amended by striking "section 1861(m)(7)" and inserting "paragraph (7) or (8) of section 1861(m)".

(b) Payment for Substitute Adult Day Care Services.—Section 1895 of the Social Security Act (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

"(e) Payment Rate for Substitute Adult Day Care Services.—In the case of home health services consisting of substitute adult day care services (as defined in section 1861(uu)), the following rules apply:

"(1) The Secretary shall determine each component (as defined by the Secretary) of substitute adult day care services (under section 1861(uu)(1)(B)(i)) furnished to an individual under the plan of care established under section 1861(m) with respect to such services.

"(2) The Secretary shall estimate the amount that would otherwise be payable under this section for all home health services under that plan of care other than substitute adult day care services for a week or other period specified by the Secretary.

"(3) The total amount payable for home health services consisting of substitute adult day care services under such plan may not exceed 95 percent of the amount estimated to be payable under paragraph (2) furnished under the plan by a home health agency.

"(4) No payment may be made under this title for home health services consisting of substitute adult day care services described in clauses (ii) through (v) of section 1861(uu)(1)(B).".

(c) Adjustment in Case of Overutilization of Substitute Adult Day Care Services.—

(1) Monitoring expenditures.—Beginning with fiscal year 2002, the Secretary of Health and Human Services shall monitor the expenditures made under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for home health services (as defined in section 1861(m) of such Act (42 U.S.C. 1395x(m))) for the fiscal year, including substitute adult day care services under paragraph (8) of such section (as added by subsection (a)), and shall compare such expenditures to expenditures that the Secretary estimates would have been made for home health services for that fiscal year if subsection (a) had not been enacted.

(2) Required reduction in payment rate.—If the Secretary determines, after making the comparison under paragraph (1) and making such adjustments for changes in demographics and age of the medicare beneficiary population as the Secretary determines appropriate, that expenditures for home health services under the medicare program, including such substitute adult day care services, exceed expenditures that would have been made under such program for home health services for a year if subsection (a) had not been enacted, then the Secretary shall adjust the rate of payment to adult day care facilities so that total expenditures for home health services under such program in a fiscal year does not exceed the Secretary's estimate of such expenditures if subsection (a) had not been enacted.

(d) Effective Date.—The amendments made by this section shall apply to items and services furnished on or after the date on which the prospective payment system for home health services furnished under the medicare program under section 1895 of the Social Security Act (42 U.S.C. 1395fff) is established and implemented.

By Mr. ALLARD.

S. 2827. A bill to provide for the conveyance of the Department of Veterans Affairs Medical Center at Ft. Lyon, Colorado, to the State of Colorado, and for other purposes; to the Committee on Veterans' Affairs.

LEGISLATION TO IMPROVE HEALTHCARE OPTIONS FOR VETERANS

Mr. ALLARD. Mr. President, today I am introducing a bill to improve the healthcare options for veterans in southern Colorado. To do this, I am expediting the transfer of the Ft. Lyon facility to the State of Colorado, which will allow the Veterans Administration (VA) to implement their plan to use the annual $8.6 million in savings from the closure of Fort Lyon to provide better service to Colorado's veterans through new outpatient clinics in La Junta, Lamar and Alamosa and a smaller, more efficient nursing home in Pueblo, CO.

Ft. Lyon is a historical building, but it is simply not more important than the needs of those who served us. I would prefer that the money currently used to maintain the facility was instead used to provide medical care for those veterans who need it.

This bill will lead to an improvement in medical services for veterans in several ways. With the estimated $8.6 million in savings to be realized after the Ft. Lyon closure, clinics will be set up in local communities which will be closer and more responsive to their local veteran communities. This bill mandates that the VA must open the replacement clinics before they convey Ft. Lyon to the State of Colorado, to ensure there is no gap in service. This bill will help to ensure that no service-connected veteran's needs are unmet. No veteran will go homeless. Every veteran who needs a nursing home bed due to service connected illness will still be granted one. Those veterans currently in Ft. Lyon will continue to receive nursing home care, at no additional charges to them. The cemetery and historic Kit Carson chapel will remain fully accessible to the public. And the people of the region will also be assisted by the opening of a state facility to replace Ft. Lyon in the local economy. Without this legislation, there are no guarantees any of this would occur.

I hope that this bill will be considered and pass quickly, so that the savings and the improvements in veteran's healthcare can begin as soon as possible.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. GREGG, Mr. GORTON, Mr. COVERDELL, and Mr. INHOFE):

S. 2829. A bill to provide for an investigation and audit at the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

DEPARTMENT OF EDUCATION INVESTIGATION AND AUDIT LEGISLATION

Mr. HUTCHINSON. Mr. President, I rise today to introduce legislation requiring an audit of accounts at the U.S. Department of Education that are susceptible to waste, fraud, and abuse. It is unfortunate that Congress has to be dealing with this issue, but unfortunately, it is all too necessary.

As Members of the Senate have been debating education this year, we have stressed the need for accountability of federal funds. Before we stress accountability at the local level, though, we must ensure that accountability is also occurring at the federal level. It we are going to increase the budget for the Department of Education, as the Fiscal Year 2001 Labor, Health and Human Services, and Education Appropriations bill does, we have the responsibility to determine whether the Department is properly accounting for the funding that they already have.

The U.S. Department of Education is already having problems overseeing the programs that it currently administers. For the second year in a row, the Department of Education has been unable to address its financial management problems. In its last two audits, the Department was unable to account for parts of its $32 billion program budget and the $175 billion owed in student loans. Every year, the Department is required to undergo an independent audit. Unfortunately, for Fiscal years 1998 and 1999, auditors have declared the Department of Education inauditable.

The House Education and the Workforce Committee has been holding hearing on financial problems at the Department of Education, and has found serious instances of duplicate payments to grant winners and an $800 million college loan to a single student. In its 1998 audit, the Department blamed its problems on a faulty new accounting system that cost $5.1 million, in addition to the cost of manpower to try to fix the system. A new accounting system will be the third in five years.

The most recent 1999 audit showed that the Department's financial stewardship remains in the bottom quartile of all major federal agencies. It also sent duplicate payments to 52 schools in 1999 at a cost of more than $6.5 million. In addition, none of the material weaknesses cited in the 1998 audit were corrected.

These instances show that the Department is currently vulnerable to fraud, waste, and abuse. The House of Representatives has already indicated its support for a fraud audit at the Department of Education by passing its own version of this bill on June 13, 2000, by an overwhelming vote of 380–19. Before Congress entrusts the U.S. Department of Education with funding that is so important to our nation's schools and students, we must demand that the funds they already have are well-managed.

By Mr. LEAHY (for himself and Mr. FEINGOLD):

S. 2830. A bill to preclude the admissibility of certain confessions in criminal cases; to the Committee on the Judiciary.

THE MIRANDA REAFFIRMATION ACT OF 2000

Mr. LEAHY. Mr. President, this week, the Supreme Court reaffirmed its landmark decision in Miranda v. Arizona. I applaud that decision. Miranda struck a balance between the needs of law enforcement and the rights of a suspect that has worked well for 34 years. There is no reason to upset that balance now.

Shortly after Miranda was decided in 1966, I became State's Attorney for Chittenden County, Vermont. I remember clearly the immediate impact that this momentous decision had upon law enforcement, prosecutors, criminal defendants and the criminal justice system as a whole. The Supreme Court's pronouncement that all suspects in custody needed to be advised of certain constitutional rights, including the privilege against self-incrimination, before being questioned was as new then as it is familiar today.

The Miranda decision put into place a fair and bright-line rule that both protects the rights of the accused and has proven workable for law enforcement. Statements stemming from custodial interrogation of a suspect are inadmissible at trial unless the police first provide the suspect with a set of four specific warnings: (1) you have the right to remain silent; (2) anything you say may be used as evidence against you; (3) you have the right to an attorney; and (4) if you cannot afford an attorney, one will be appointed for you.

These warnings are necessary to dispel the compulsion inherent in custodial surroundings and so ensure that any statement obtained from the suspect is truly the product of his free choice. As author and former Federal prosecutor Scott Thurow wrote in an opinion article in Wednesday's New York Times: "The requirement to recite Miranda is an important reminder to the police that the war on lawlessness is always subject to the guidance of the law."

Over the last 34 years, the Miranda rule has developed into a bedrock principle of American criminal law. The required issuance of Miranda warnings has been incorporated in local, State and Federal police practice across this nation. Indeed, it is no exaggeration to say, as the Court said this week, that Miranda warnings "have become part of our national culture."

Two years after Miranda was decided, Congress enacted 18 U.S.C. 3501, which laid down a rule that purported to overrule Miranda and to restore the case-by-case, totality-of-the-circumstances test of a confession's "voluntariness" that the Miranda decision found constitutionally inadequate. The validity of section 3501 did not come before the Court until now because no Administration of either party sought to use it, out of concern for its dubious constitutionality. The issue was finally presented only because an organization of conservative activists maneuvered a case before the most conservative Federal appeals court in the country. To her credit, Attorney General Reno declined to argue that Miranda had been invalidated by section 3501. She also declined to ask the Supreme Court to overrule Miranda, on the ground that it has proved to be workable in practice and in many respects beneficial to law enforcement.

The Court's decision this week in Dickerson v. United States—announced by the Chief Justice and joined by six other Justices—erased any doubt that the protections announced in Miranda are constitutionally required and cannot be overruled by an act of Congress. Section 3501's attempt to authorize the admission at trial of statements that would be excluded under Miranda is therefore unconstitutional, as I have long believed.

This week's resounding reaffirmation of the Miranda rule should put to rest the issue of Miranda's continuing vitality. Most law enforcement officers made their peace with Miranda long ago: It is time for the rest to do the same. That is why I am disturbed by Justice Scalia's parting shot in Dickerson. In a dissenting opinion joined by Justice Thomas, Justice Scalia vowed to continue to apply section 3501 until such time as it is repealed.

Mr. President, that time has come. I am introducing a bill today, together with my good friend, Senator FEINGOLD, to repeal section 3501. I can think of no good reason to allow this patently unconstitutional statute to remain on the books. On the contrary, leaving section 3501 on the books is sure to invite more unwarranted attacks on Miranda by the same conservative activists who brought us the Dickerson case. Enough is enough. Whatever you think of Miranda's reasoning and its resulting rule, seven Supreme Court Justices have reaffirmed its constitutional pedigree. I urge my colleagues on both sides of the aisle to uphold their oaths to defend the Constitution by repudiating an unconstitutional statute.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miranda Reaffirmation Act of 2000".

SEC. 2. AMENDMENTS TO TITLE 18.

Section 3501 of title 18, United States Code, is amended—

(1) by striking subsections (a) and (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (a), (b), and (c) respectively.

Mr. FEINGOLD. Mr. President, I am pleased to join with my friend from Vermont to introduce the Miranda Reaffirmation Act, a bill that repeals two sections of the United States Criminal Code because they directly conflict with the constitutional rule set forth by the United States Supreme court in the 1966 landmark decision of Miranda v. Arizona.

This week, nearing the conclusion of a busy term, the United States Supreme Court handed down several very important decisions. In one of the more highly anticipated rulings, Dickerson v. United States, the Court held by a 7–2 majority that the rule announced in Miranda is still the supreme law of this land. As we are all aware, the Miranda rule instructs all law enforcement officers that prior to an in-custody interrogation they must inform suspects of several important constitutional rights: the right to remain silent, the right to counsel, and the right to have counsel appointed if they cannot afford one.

As the Court noted, "Miranda has become embedded in routine police practice to the point where the warning have become part of our national culture." Millions of American children have first learned about their constitutional rights by watching police dramas on television and hearing the famous Miranda warnings given to criminal suspects.

Mr. President, the Supreme Court's reaffirmation of the Miranda rule was extremely important. In the Dickerson case, a private legal foundation and a law professor intervened in a criminal case and questioned whether Miranda warnings are constitutionally required. Relying on 18 U.S.C. §3501, they argued that law enforcement officers should not have to inform suspects of their basic constitutional rights before proceeding with in-custody interrogations as long as any confessions obtained were determined to be voluntary. While every administration since the law was passed in 1968 has refused to make this argument, a lower court in the Dickerson case agreed with it. Section 3501 was enacted in 1968, just two years after the original Miranda decision. It was a clear attempt by Congress to overturn the constitutional rule laid down in that case.

It is a strange quirk of history that the validity of §3501 and Congress's attempt to overrule Miranda was addressed for the first time by the Supreme Court in the Dickerson case. The reason is that a series of Departments of Justice, under both Republican and Democratic Presidents assumed that the statute was unconstitutional and refused to proceed under it. In Dickerson, the Supreme Court agreed with that view.

Writing for a seven justice majority, Chief Justice Rehnquist pointed out that "because of the obvious conflict between our decision in Miranda and §3501 we must address whether Congress has the constitutional authority to thus supercede Miranda." Second, the Chief Justice reiterated the established principle that "Congress may not legislatively supercede our decision[s] interpreting and applying the constitution," and he concluded by ruling that "Miranda announced a constitutional rule that Congress may not supercede legislatively."

Justice Scalia, in dissent, disagreed vehemently with the majority's analysis. In a somewhat curious declaration of defiance he wrote: "[U]ntil §3501 is repealed, [I] will continue to apply it in all cases where there has been a sustainable finding that the defendant's confession was voluntary."

Mr. President, as a result of the Court's unequivocal ruling in Dickerson, we now have a law on the books that the Court has ruled is inconsistent with what the Constitution requires with respect to constitutional in-custody interrogations. That may seem to be a matter of little consequence, but the statement of Justice Scalia that he will continue to apply it in future cases shows that it is not. The bill that we are introducing today eliminates this potential problem by removing the unconstitutional provision from the criminal code.

This repeal will accomplish two things. It will bring our criminal code into line with what the Supreme Court has now firmly established as the law of the land, and it will remove from the books an ineffective law that Justice Rehnquist considered "more difficult than Miranda for law enforcement officers to conform to, and for courts to apply in a consistent manner." The prophylactic rule established by Miranda has worked well and stood the test of time. Law enforcement officers, prosecutors, and defense attorneys have found that it is a far better way to protect the constitutional rights of those accused of crimes than the "voluntariness" standard that was in place before Miranda and that §3501 attempted to keep in place.

Mr. President, it is simply not appropriate for the existing criminal code to conflict with what the Supreme Court has ruled that the Constitution requires. It is our duty to act to repeal a provision that the Department of Justice has refused to apply and that the Supreme Court has held, in any event, cannot be enforced. As the ranking member of the Constitution Subcommittee of the Senate Judiciary Committee, I am proud to join the ranking member of the full Committee, Senator LEAHY, in offering this straightforward and commonsense measure.

By Mr. KERRY (for himself and Mr. HOLLINGS):

S. 2831. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve conservation and management of sharks and establish a consistent national policy toward the practice of shark-finning; to the Committee on Commerce, Science, and Transportation.

THE SHARK CONSERVATION ACT OF 2000

Mr. KERRY. Mr. President, I rise today to introduce the Shark Conservation Act of 2000, legislation that will significantly improve conservation and management of sharks worldwide, and establish a consistent national policy toward the practice of shark-finning. The bill would prohibit the practice of shark finning and transshipment of shark fins by U.S. vessels, set forth a process to encourage foreign governments to end this practice by their own fishing fleets, and authorize badly needed fisheries research on shark populations. I am pleased to be joined in this effort by the Ranking Member of the Commerce Committee, Senator HOLLINGS.

Mr. President, sharks are among the most biologically vulnerable species in the ocean. Their slow growth, late maturity and small number of offspring leave them exceptionally vulnerable to overfishing and slow to recover from depletion. At the same time, sharks, as top predators, are essential to maintaining the balance of life in the sea. While many of our other highly migratory species such as tunas and swordfish are subject to rigorous management regimes, sharks have largely been overlooked until recently.

The bill first amends the Magnuson-Stevens Fishery Conservation and Management Act to prohibit shark finning, which is the practice of removing a shark's fins and returning the remainder of the shark to sea, and provides a rebuttable presumption that shark fins found on board a U.S. vessel were taken by finning, thus closing the transshipment loophole. National Marine Fisheries Service (NMFS) regulations in the Atlantic Ocean prohibit the practice of shark finning, but a nationwide prohibition does not currently exist. Shark fins comprise only a small percentage of the weight of the shark, and yet this is often the only portion of the shark retained. The Magnuson-Stevens Act and international commitments discourage unnecessary waste of fish, and thus I believe this bill ensure our domestic regulations are consistent on this point. Another goal of the Magnuson-Stevens Act—the minimization of bycatch and bycatch mortality—is an issue that I have been particularly committed to over the years. Because most of the sharks caught and finned are incidentally captured in fisheries targeting other species, I believe establishing a domestic ban will help us further reduce this type of shark mortality.

Mr. President, this legislation would also direct the Secretary of Commerce to initiate negotiations with foreign countries in order to encourage those countries to adopt shark finning prohibitions similar to ours. The establishment of a prohibition of shark finning by United States fishermen, or in waters subject to our jurisdiction, will not reduce finning by international fishing fleets or transshipment or landing of fins taken by these fleets. At present, foreign fleets transship or land approximately 180 metric tons of shark fins annually through ports in the Pacific alone. The global shark fin trade involves at least 125 countries, and the demand for shark fins and other shark products has driven dramatic increases in shark fishing and shark mortality around the world.

International measures are an absolutely critical component of achieving effective shark conservation. Under my legislation, the Secretary would be mandated to report to Congress on progress being made domestically and internationally to reduce shark finning. Further, this legislation will establish a procedure for determining whether governments have adopted shark conservation measures which are comparable to ours through import certification procedures for sharks or shark parts. Imports of sharks or shark parts from countries that do not meet these certification procedures are prohibited. I have also included provisions which would provide technical assistance to foreign nations in an attempt to promote compliance.

Finally, my bill would authorize a Western Pacific longline fisheries cooperative research program to provide information for shark stock assessments, identify fishing gear and practices that prevent or minimize incidental catch of sharks and ensure maximum survivorship of released sharks, and provide data on the international shark fin trade.

Mr. President, the United States is a global leader in fisheries conservation and management. I believe this legislation provides us the opportunity to further this role, and take the first step in addressing an international fisheries management issue. In addition, I believe the U.S. should continue to lead efforts at the United Nations and international conventions to achieve coordinated international management of sharks, including an international ban on shark-finning. I look forward to working with Committee members on this important legislation.

Thank you Mr. President.

By Ms. SNOWE:

S. 2832. A bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE MAGNUSON-STEVENS REAUTHORIZATION ACT OF 2000

Ms. SNOWE. I rise today to introduce a bill that will reauthorize the most important Federal fisheries management law, the Magnuson-Stevens Fishery Conservation and Management Act. In 1996, Congress last reauthorized this law through enactment of the Sustainable Fisheries Act (SFA). The SFA contained the most substantial improvements to fisheries conservation since the original passage of the Magnuson Act in 1976.

The SFA made wholesale changes in fisheries management. For the first time, it required the regional fishery management councils and the Secretary of Commerce to prevent and end overfishing, reduce bycatch, protect essential fish habitat, and consider fishing communities in the regulatory decision-making process. These provisions of the SFA have presented a great challenge to the National Marine Fisheries Service the regional councils, and the fishermen who are regulated under this law. While the goals and intent of the SFA were certainly laudable, four years later, we still have a significant amount of work to do in that regard.

Therefore, today, Mr. President, I introduce the Magnuson-Stevens Reauthorization Act of 2000 with several very specific goals in mind. First and foremost, this bill provides for a major increase in funding. While the demands on fisheries managers at the local and federal levels have increased exponentially, funding has essentially remained level. One of the most serious problems in fisheries management is a lack of basic information on the resource. This bill, through increased funding and the establishment of two programs, will go a long way toward filling existing critical gaps in our information databases. For the past several years, Senators KERRY, GREGG, and I have worked to establish a cooperative research program in New England fisheries. This program, which requires federal and local scientists to partner with commercial fishermen in the gathering and development of fisheries data, has proven quite successful. Therefore, this bill would establish a National Cooperative Research and Management program to be administered by the agency in conjunction with the regional councils and local fishermen. In addition, the bill also establishes a National Cooperative Enforcement program. This too is based on existing programs in several states, where state marine law enforcement officers are deputized by their federal counterparts to help enforce conservation and management provisions of the Magnuson-Stevens Act and other marine related laws. Lack of enforcement of fisheries laws has been a constant problem for fishermen and fisheries managers.

This bill also addresses one of the most serious and emotional questions in fisheries management—individual fishing quotas (IFQs). The SFA included a five year moratorium on new IFQ programs and required the National Academy of Sciences (NAS) to study the issue. The NAS report issued a series of recommendations on IFQs. The first recommendation was for Congress to lift the existing moratorium on new IFQ programs and authorize the councils to design and implement new IFQs. The moratorium is set to expire on October 1, 2000.

This recommendation has received a lot of publicity. However, the NAS report contained a number of other recommendations to Congress that were to be considered in conjunction with the authorization of any new IFQ programs. These recommendations concern substantive issues, yet they have not received the level of attention that they fully deserve. For instance, the NAS recommended that Congress should encourage cost recovery and extraction of profits from new IFQ programs through fees, annual taxes, and zero-revenue auctions. The NAS also recommended that the Act be amended to allow the public to capture windfall gains generated from the initial allocation of IFQs. Additional recommendations include requiring accumulation limits and determining rules for foreign ownership.

Mr. President, the NAS report contains important recommendations that should be thoroughly examined by Congress and the public. I understand that in some regions of the country, both commercial and recreational fishermen want to immediately move to the design and implementation of new IFQ programs. However, it is clear that many of the important questions associated with any new IFQ program have not been fully considered and immediate implementation of such programs could have deleterious affects on fisheries and fishing communities. For that reason, the bill I introduce today contains a three year extension of the existing moratorium.

This provision simply recognizes that fisheries conservation and management must be approached from a long-term perspective. Widespread implementation of IFQ programs will drastically alter the face of fishing communities and the way we pursue fisheries conservation measures. If IFQs are indeed the answer that many of their advocates claim, then surely IFQs will still be a viable option in three years. But, a short-term extension of the moratorium, as this bill proposes, will force the Congress and fishing communities to consider the many other necessary questions related to IFQs. The NAS report recommended Congress provide guidance on these issues because they are clearly questions of national concern, and I suggest that we follow that course.

Mr. President, this bill provides a number of other improvements, including increased flexibility to the agency to reaffirm the original intent of Congress that there is no "one-size-fits-all" solution to fisheries management. Moreover, the bill would provide for an expanded national observer program to help collect critical information. It is widely recognized that we need to increase our use of observers to gain data on species composition, age structure, and bycatch. The bill also establishes a pilot program to help fisheries managers begin the move toward ecosystem-based management. While it is clear that we do not currently have sufficient information of resources to make a full shift to ecosystem-based management, it is equally clear that we need to move in this direction and a pilot program can illustrate for us how to do this.

Finally, I would like to say that this bill represents a significant amount of work by the Subcommittee on Oceans and Fisheries. Over the past year, the Subcommittee held six hearings in various parts of the country on the Magnuson Stevens Act. We begin the process in Washington, DC, and then visited fishing communities in New England, The Gulf of Mexico, the North Pacific and the Pacific. In this bill, I have tried to incorporate many of the suggestions we heard from those men and women who fish for a living and who are most affected by the law and its regulations. I view this bill as a basis from which I intend to work with other members of the Subcommittee so that the Commerce Committee can consider it in executive session in July. I look forward to providing our fishing communities with a bill that will improve lives in a meaningful way.

By Mr. DODD:

S. 2833. A bill to amend the Federal Election Campaign Act of 1971 to improve the enforcement capabilities of the Federal Election Commission, and for other purposes; to the Committee on Rules and Administration.

FEDERAL ELECTION CAMPAIGN ACT OF 1971 AMENDMENTS LEGISLATION

Mr. DODD. Mr. President, Today the Senate passed, and sent to the President for signature, the most significant campaign finance reform in the last 2 decades—the so-called section 527 reform. Clearly, our campaign finance system is in need of further comprehensive reform. The McCain-Feingold legislation, I believe, is still the most comprehensive and necessary reform that we could pass in the 106th Congress.

In the meantime, however, we must also strengthen the abilities of the agency charged with enforcing the laws on the books today—and that is the Federal Election Commission. For that reason, I am today introducing legislation to improve the enforcement capabilities of the Federal Election Commission.

Created in the wake of the Watergate scandal, the primary purpose of the Federal Election Commission is to ensure the integrity of federal elections by overseeing federal election disclosure requirements and enforcing the federal campaign finance laws.

Regardless of the views of my colleagues with regard to the need for campaign finance reform, it cannot be argued that Congress intended that this enforcement agency be nothing more than a paper tiger. And yet, that is precisely what many view it to be. The legislation I am introducing today is intended to put some teeth into this enforcement body.

As a long time supporter of comprehensive campaign finance reform, I am not suggesting that my proposal is in any way a substitute for the McCain-Feingold bill or any other comprehensive reform. But sadly, it is clear that a minority in this body will once again prevent a majority of both houses of Congress from enacting meaningful reform this year.

As has been the case for the last several congresses, the 106th Congress will likely come to a close without enacting comprehensive campaign finance reform. In light of that reality, it is all the more important that we ensure that the campaign finance laws that are currently on the books are vigorously enforced. And that requires an agency that is fully armed with all the enforcement tools we can give it.

The legislation I am proposing today would give the Federal Election Commission the tools it needs to ensure compliance with the law. Specifically, this legislation would give the Commission the authority to conduct random audits and investigations to ensure voluntary compliance with the act. The potential of a random audit is a well-recognized deterrent to potential violators and an authority given to many federal enforcement agencies.

Secondly, this legislation would grant the Commission the authority to seek injunctive relief in the event that certain statutory conditions are met, including:

that there is a substantial likelihood that a violation of the act is occurring or about to occur;

that the failure to act expeditiously will result in irreparable harm;

that expeditious action will not cause undue harm or prejudice; and

that the best interest of the public would be served by the issuance of an injunction.

Finally, this legislation would increase the penalties for knowing and willful violations of the act from $10,000 to $15,000 or an amount equal to 300 percent. In order to ensure that the Commission has sufficient resources to carry out its statutory responsibilities, my legislation provides for an authorization of appropriations for FY 2001 at the full amount requested by the Commission, or nearly $41 million.

Enhanced enforcement authority is not a substitute for comprehensive reform. But passage of this legislation should be something every member of this body can support. Not to do so only confirms the critics' views that this agency is a toothless tiger.

I urge my colleagues to give serious consideration to this legislation.

ADDITIONAL COSPONSORS

S. 573

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 573, a bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights.

S. 1066

At the request of Mr. ROBERTS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1066, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1150

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1150, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1155

At the request of Mr. ROBERTS, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1322

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1459

At the request of Mr. MACK, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1459, a bill to amend title XVIII of the Social Security Act to protect the right of a medicare beneficiary enrolled in a Medicare+Choice plan to receive services at a skilled nursing facility selected by that individual.

S. 1759

At the request of Mr. BREAUX, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1759, a bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for taxpayers owning certain commercial power takeoff vehicles.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2061

At the request of Mr. BIDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2062

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2379

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2379, a bill to provide for the protection of children from tobacco.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2463

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2463, a bill to institute a moratorium on the imposition of the death penalty at the Federal and State level until a National Commission on the Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented.

S. 2527

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2527, a bill to amend the Public Health Service Act to provide grant programs to reduce substance abuse, and for other purposes.

S. 2583

At the request of Mr. LIEBERMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2583, a bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527.

S. 2684

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2684, a bill to redesignate and reauthorize as anchorage certain portions of the project for navigation, Narraguagus River, Milbridge, Maine.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2700

At the request of Mr. L. CHAFEE, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2707

At the request of Mr. CRAPO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2707, a bill to help ensure general aviation aircraft access to Federal land and the airspace over that land.

S. 2709

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2709, to establish a Beef Industry Compensation Trust Fund with the duties imposed on products of countries that fail to comply with certain WTO dispute resolution decisions.

S. 2735

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2735, a bill to promote access to health care services in rural areas.

S. 2739

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2791

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2791, a bill instituting a Federal fuels tax suspension.

S. 2793

At the request of Mr. HOLLINGS, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2793, a bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. 2799

At the request of Mr. MURKOWSKI, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2799, a bill to allow a deduction for Federal, State, and local taxes on gasoline, diesel fuel, or other motor fuel purchased by consumers between July 1, 2000, and December 31, 2000.

S. 2811

At the request of Mr. DASCHLE, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2811, a bill to amend the Consolidated Farm and Rural Development Act to make communities with high levels of outmigration or population loss eligible for community facilities grants.

S. RES. 268

At the request of Mr. EDWARDS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 268, a resolution designating July 17 through July 23 as "National Fragile X Awareness Week."

S. RES. 294

At the request of Mr. ABRAHAM, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Utah (Mr. HATCH), the Senator from Maine (Ms. SNOWE), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. GRAHAM), the Senator from Georgia (Mr. CLELAND), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 3648

At the request of Mr. COVERDELL, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of amendment No. 3648 intended to be proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3654

At the request of Mr. KERREY, his name was added as a cosponsor of amendment No. 3654 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3657

At the request of Ms. SNOWE, her name was added as a cosponsor of amendment No. 3657 intended to be proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3681

At the request of Mr. TORRICELLI, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3681 intended to be proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3682

At the request of Mr. TORRICELLI, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3682 intended to be proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

SENATE RESOLUTION 330—DESIGNATING THE WEEK BEGINNING SEPTEMBER 24, 2000, AS "NATIONAL AMPUTEE AWARENESS WEEK"

Mr. INHOFE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 330

Whereas current research indicates that more than 1.5 million Americans, of all ages and of both genders, have had amputations;

Whereas every year 156,000 individuals in the United States lose a limb;

Whereas each month 13,000 individuals lose a limb;

Whereas each week 2,996 individuals lose a limb;

Whereas each day 428 individuals lose a limb;

Whereas becoming an amputee is a lifetime condition, not just a temporary circumstance;

Whereas prosthetic care can range in cost from $8,000 to more than $70,000 depending on the level of care and function of the patient;

Whereas most insurance policies cover prosthetics with the stipulation of one prosthesis per patient for life;

Whereas the average prosthesis lasts between three and five years;

Whereas the general public is unaware of the plight of the amputee community;

Whereas an increased awareness to the issues faced by the amputee community will also bring about increased awareness for further research; and

Whereas establishing "National Amputee Awareness Week" will bring the cause of amputee awareness to the national front: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of September 24, through September 30, 2000, as "National Amputee Awareness Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote the awareness of the amputee community, and to observe the week with appropriate ceremonies and activities.

Mr. INHOFE. Mr. President, I am pleased to come to the Senate floor today to introduce a resolution to declare the week of September 24–30 "National Amputee Awareness Week." When passed, this resolution will designate a specific time around which the Nation's amputee community can rally. Too often, we lose sight of many of those who are right in front of our very eyes. By dedicating this week to their cause, we will make certain that we no longer forget both the accomplishments and problems of the large and diverse amputee community.

The loss of limb can strike anyone, at any time. Each year 156,000 people lose a limb. This equates to 13,000 amputations per month, 2,996 amputations per week, 428 amputations per day and 18 amputations per hour in the United States alone. People from all backgrounds have had to deal with the hardships associated with amputation. Over half of amputations in the United States occur among elderly citizens as a result of vascular deficiencies. From childhood to middle adulthood, the most common cause of limb loss is from traumatic injuries. Other major causes can include primary bone malignancies and congenital limb defects.

Although there have been great strides in prosthetic research, many people are still limited by the financial burdens associated with acquiring an artificial limb. A new prosthetic device can cost between $8,000 and $70,000. These limbs must often be replaced every few years, adding to the burden placed on an amputee. Even when insurance does cover the cost of these new prosthetic devices, it is often a one-time reimbursement. This leaves the amputee to deal with any further care or replacement devices that are necessary.

The prosthetic device is not the only cost incurred by the amputee. There are many secondary factors that must be considered. Over 25,000 people are readmitted to the hospital each year due to complications resulting from their amputation. Amputees must deal with both the physical and emotional consequences of limb loss. Physical therapy must be undertaken to learn how to perform the most basic tasks with a new, foreign limb. They must often also look for alternate occupations once limb loss has made their current occupation infeasible. As a result, amputees must often undergo counseling to help them come to terms emotionally with their altered lifestyle.

According to the Amputee Coalition of America, amputees hope to one day see the elimination of barriers to their full participation in all aspects of life. In addition, they hope to see improvements in artificial limbs and prosthetic research. Finally they hope to see improved outcomes for amputees in the areas of chronic post-amputation pain and depression.

There are countless locally-based organizations in the United States who provide services to amputees with very little recognition. One of those such organizations is located in Oklahoma. The Limbs of Life Foundation is a nationwide non-profit organization established in 1995 in Oklahoma City to meet the needs of the amputee community. They do this in part by providing limbs at a free or discounted rate to individuals who would not normally be able to afford such devices. To date they have provided over 4,700 amputees with a prosthetic limb.

However, Limb for Life's efforts are not limited to limb provision. They also seek to raise awareness of the amputee cause. Each year this foundation holds a bike ride from Oklahoma City to Austin, Texas to raise funds for their efforts. This year's "Project 50-2000" will provide funds to purchase limbs for those in need and will bring national attention to the amputee community. This is the type of effort that National Amputee Awareness Week is designed to spotlight.

Mr. President, declaring the week of September 24–30 "National Amputee Awareness Week" would serve many purposes. At this point in time amputees have only a fragmented network through which to address their concerns. This week would provide them with a point of cohesion during which all amputees can come together in response to and in recognition of their common cause. Not only will amputees benefit from this week, the general population would also have the opportunity to be informed of the unique needs and problems faced by the amputee community. The amputee community and the general population would both gain from increased interaction that this week would bring.

In closing, I hope all of my colleagues will join me in creating this important awareness and outreach opportunity for the amputee community.

SENATE RESOLUTION 331—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN UNITED STATES V. ELLEN ROSE HART

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 331

Whereas, in the case of United States v. Ellen Rose Hart, CR-F 99-5275 AWI, pending in the United States District Court for the Eastern District of California, testimony has been requested from Eric Vizcaino, an employee in the office of Senator Boxer, and Monica Borvice, an employee in the office of Senator Feinstein;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Eric Vizcaino, Monica Borvice, and any other employee of the Senate from whom testimony or document production may be required are authorized to testify and produce documents in the case of United States v. Ellen Rose Hart, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Eric Vizcaino, Monica Borvice, and any Member or employee of the Senate in connection with the testimony and document production authorized in section one of this resolution.

AMENDMENTS SUBMITTED

DEPARTMENT OF LABOR APPROPRIATIONS ACT, 2001

DASCHLE (AND OTHERS) AMENDMENT NO. 3688

Mr. HARKIN (for Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. HARKIN, Mr. DODD, and Mr. ROBB)) proposed an amendment to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 92, between lines 4 and 5, insert the following:

TITLE —GENETIC NONDISCRIMINATION IN HEALTH INSURANCE AND EMPLOYMENT

SEC. 01. SHORT TITLE.

This title may be cited as the "Genetic Nondiscrimination in Health Insurance and Employment Act of 2000".

Subtitle A—Prohibition of Health Insurance Discrimination on the Basis of Predictive Genetic Information

SEC. 11. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) PROHIBITION OF HEALTH INSURANCE DISCRIMINATION ON THE BASIS OF PREDICTIVE GENETIC INFORMATION OR GENETIC SERVICES.—

(A) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 2702(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(1)(F)) is amended by inserting before the period the following: "(or information about a request for or the receipt of genetic services by an individual or a family member of such individual)".

(B) NO DISCRIMINATION IN GROUP RATE BASED ON PREDICTIVE GENETIC INFORMATION.—

(i) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. PROHIBITING DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not deny eligibility to a group or adjust premium or contribution rates for a group on the basis of predictive genetic information concerning an individual in the group (or information about a request for or the receipt of genetic services by such individual or family member of such individual).".

(ii) CONFORMING AMENDMENTS.—

(I) Section 2702(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg-1(b)(2)(A)) is amended to read as follows:

"(A) to restrict the amount that an employer may be charged for coverage under a group health plan, except as provided in section 2707; or".

(II) Section 2721(a) of the Public Health Service Act (42 U.S.C. 300gg-21(a)) is amended by inserting "(other than subsections (a)(1)(F), (b) (with respect to cases relating to genetic information or information about a request or receipt of genetic services by an individual or family member of such individual), (c), (d), (e), (f), or (g) of section 2702 and section 2707)" after "subparts 1 and 3".

(2) LIMITATIONS ON GENETIC TESTING AND ON COLLECTION AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg-1) is amended by adding at the end the following:

"(c) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to limit the authority of a health care professional, who is providing treatment with respect to an individual and who is employed by a group health plan or a health insurance issuer, to request that such individual or family member of such individual undergo a genetic test. Such a health care professional shall not require that such individual or family member undergo a genetic test.

"(d) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Except as provided in subsections (f) and (g), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, collect, or purchase predictive genetic information concerning an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual).

"(e) DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not disclose predictive genetic information about an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual) to—

"(1) any entity that is a member of the same controlled group as such issuer or plan sponsor of such group health plan;

"(2) any other group health plan or health insurance issuer or any insurance agent, third party administrator, or other person subject to regulation under State insurance laws;

"(3) the Medical Information Bureau or any other person that collects, compiles, publishes, or otherwise disseminates insurance information;

"(4) the individual's employer or any plan sponsor; or

"(5) any other person the Secretary may specify in regulations.

"(f) INFORMATION FOR PAYMENT FOR GENETIC SERVICES.—

"(1) IN GENERAL.—With respect to payment for genetic services conducted concerning an individual or the coordination of benefits, a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, may request that the individual provide the plan or issuer with evidence that such services were performed.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to—

"(A) permit a group health plan or health insurance issuer to request (or require) the results of the services referred to in such paragraph; or

"(B) require that a group health plan or health insurance issuer make payment for services described in such paragraph where the individual involved has refused to provide evidence of the performance of such services pursuant to a request by the plan or issuer in accordance with such paragraph.

"(g) INFORMATION FOR PAYMENT OF OTHER CLAIMS.—With respect to the payment of claims for benefits other than genetic services, a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, may request that an individual provide predictive genetic information so long as such information—

"(1) is used solely for the payment of a claim;

"(2) is limited to information that is directly related to and necessary for the payment of such claim and the claim would otherwise be denied but for the predictive genetic information; and

"(3) is used only by an individual (or individuals) within such plan or issuer who needs access to such information for purposes of payment of a claim.

"(h) RULES OF CONSTRUCTION.—

"(1) COLLECTION OR DISCLOSURE AUTHORIZED BY INDIVIDUAL.—The provisions of subsections (d) (regarding collection) and (e) shall not apply to an individual if the individual (or legal representative of the individual) provides prior, knowing, voluntary, and written authorization for the collection or disclosure of predictive genetic information.

"(2) DISCLOSURE FOR HEALTH CARE TREATMENT.—Nothing in this section shall be construed to limit or restrict the disclosure of predictive genetic information from a health care provider to another health care provider for the purpose of providing health care treatment to the individual involved.

"(i) DEFINITIONS.—In this section:

"(1) CONTROLLED GROUP.—The term 'controlled group' means any group treated as a single employer under subsections (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

"(2) GROUP HEALTH PLAN, HEALTH INSURANCE ISSUER.—The terms 'group health plan' and 'health insurance issuer' include a third party administrator or other person acting for or on behalf of such plan or issuer.".

(3) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg-91(d)) is amended by adding at the end the following new paragraphs:

"(15) FAMILY MEMBER.—The term 'family member' means with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(16) GENETIC INFORMATION.—The term 'genetic information' means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member of such individual (including information about a request for or the receipt of genetic services by such individual or family member of such individual).

"(17) GENETIC SERVICES.—The term 'genetic services' means health services, including genetic tests, provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counselling.

"(18) GENETIC TEST.—The term 'genetic test' means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites in order to detect genotypes, mutations, or chromosomal changes.

"(19) PREDICTIVE GENETIC INFORMATION.—

"(A) IN GENERAL.—The term 'predictive genetic information' means—

"(i) information about an individual's genetic tests;

"(ii) information about genetic tests of family members of the individual; or

"(iii) information about the occurrence of a disease or disorder in family members.

"(B) LIMITATIONS.—The term 'predictive genetic information' shall not include—

"(i) information about the sex or age of the individual;

"(ii) information about chemical, blood, or urine analyses of the individual, unless these analyses are genetic tests; or

"(iii) information about physical exams of the individual, and other information relevant to determining the current health status of the individual.".

(b) AMENDMENT RELATING TO THE INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) is amended—

(1) by redesignating such subpart as subpart 2; and

(2) by adding at the end the following:

"SEC. 2753. PROHIBITION OF HEALTH INSURANCE DISCRIMINATION AGAINST INDIVIDUALS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"(a) IN ELIGIBILITY TO ENROLL.—A health insurance issuer offering health insurance coverage in the individual market shall not establish rules for eligibility to enroll in individual health insurance coverage that are based on predictive genetic information concerning the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual).

"(b) IN PREMIUM RATES.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium rates on the basis of predictive genetic information concerning an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual).

"SEC. 2754. LIMITATIONS ON GENETIC TESTING AND ON COLLECTION AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.

"(a) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A health insurance issuer offering health insurance coverage in the individual market shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to limit the authority of a health care professional, who is providing treatment with respect to an individual and who is employed by a group health plan or a health insurance issuer, to request that such individual or family member of such individual undergo a genetic test. Such a health care professional shall not require that such individual or family member undergo a genetic test.

"(b) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Except as provided in subsections (d) and (e), a health insurance issuer offering health insurance coverage in the individual market shall not request, require, collect, or purchase predictive genetic information concerning an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual).

"(c) DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—A health insurance issuer offering health insurance coverage in the individual market shall not disclose predictive genetic information about an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual) to—

"(1) any entity that is a member of the same controlled group as such issuer or plan sponsor of such group health plan;

"(2) any other group health plan or health insurance issuer or any insurance agent, third party administrator, or other person subject to regulation under State insurance laws;

"(3) the Medical Information Bureau or any other person that collects, compiles, publishes, or otherwise disseminates insurance information;

"(4) the individual's employer or any plan sponsor; or

"(5) any other person the Secretary may specify in regulations.

"(d) INFORMATION FOR PAYMENT FOR GENETIC SERVICES.—

"(1) IN GENERAL.—With respect to payment for genetic services conducted concerning an individual or the coordination of benefits, a health insurance issuer offering health insurance coverage in the individual market may request that the individual provide the plan or issuer with evidence that such services were performed.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to—

"(A) permit a health insurance issuer to request (or require) the results of the services referred to in such paragraph; or

"(B) require that a health insurance issuer make payment for services described in such paragraph where the individual involved has refused to provide evidence of the performance of such services pursuant to a request by the plan or issuer in accordance with such paragraph.

"(e) INFORMATION FOR PAYMENT OF OTHER CLAIMS.—With respect to the payment of claims for benefits other than genetic services, a health insurance issuer offering health insurance coverage in the individual market may request that an individual provide predictive genetic information so long as such information—

"(1) is used solely for the payment of a claim;

"(2) is limited to information that is directly related to and necessary for the payment of such claim and the claim would otherwise be denied but for the predictive genetic information; and

"(3) is used only by an individual (or individuals) within such plan or issuer who needs access to such information for purposes of payment of a claim.

"(f) RULES OF CONSTRUCTION.—

"(1) COLLECTION OR DISCLOSURE AUTHORIZED BY INDIVIDUAL.—The provisions of subsections (c) (regarding collection) and (d) shall not apply to an individual if the individual (or legal representative of the individual) provides prior, knowing, voluntary, and written authorization for the collection or disclosure of predictive genetic information.

"(2) DISCLOSURE FOR HEALTH CARE TREATMENT.—Nothing in this section shall be construed to limit or restrict the disclosure of predictive genetic information from a health care provider to another health care provider for the purpose of providing health care treatment to the individual involved.

"(g) DEFINITIONS.—In this section:

"(1) CONTROLLED GROUP.—The term 'controlled group' means any group treated as a single employer under subsections (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

"(2) GROUP HEALTH PLAN, HEALTH INSURANCE ISSUER.—The terms 'group health plan' and 'health insurance issuer' include a third party administrator or other person acting for or on behalf of such plan or issuer.".

(c) ENFORCEMENT.—

(1) GROUP PLANS.—Section 2722 of the Public Health Service Act (42 U.S.C. 300gg-22) is amended by adding at the end the following:

"(c) VIOLATION OF GENETIC DISCRIMINATION OR GENETIC DISCLOSURE PROVISIONS.—In any action under this section against any administrator of a group health plan, or health insurance issuer offering group health insurance coverage in connection with a group health plan (including any third party administrator or other person acting for or on behalf of such plan or issuer) alleging a violation of subsections (a)(1)(F), (b) (with respect to cases relating to genetic information or information about a request or receipt of genetic services by an individual or family member of such individual), (c), (d), (e), (f), or (g) of section 2702 and section 2707 the court may award any appropriate legal or equitable relief. Such relief may include a requirement for the payment of attorney's fees and costs, including the costs of expert witnesses.

"(d) CIVIL PENALTY.—The monetary provisions of section 308(b)(2)(C) of Public Law 101-336 (42 U.S.C. 12188(b)) shall apply for purposes of the Secretary enforcing the provisions referred to in subsection (c), except that any such relief awarded shall be paid only into the general fund of the Treasury.".

(2) INDIVIDUAL PLANS.—Section 2761 of the Public Health Service Act (42 U.S.C. 300gg-45) is amended by adding at the end the following:

"(c) VIOLATION OF GENETIC DISCRIMINATION OR GENETIC DISCLOSURE PROVISIONS.—In any action under this section against any health insurance issuer offering health insurance coverage in the individual market (including any other person acting for or on behalf of such issuer) alleging a violation of section 2753 and 2754 the court in which the action is commenced may award any appropriate legal or equitable relief. Such relief may include a requirement for the payment of attorney's fees and costs, including the costs of expert witnesses.

"(d) CIVIL PENALTY.—The monetary provisions of section 308(b)(2)(C) of Public Law 101–336 (42 U.S.C. 12188(b)) shall apply for purposes of the Secretary enforcing the provisions referred to in subsection (c), except that any such relief awarded shall be paid only into the general fund of the Treasury.".

(d) PREEMPTION.—

(1) GROUP MARKET.—Section 2723 of the Public Health Service Act (42 U.S.C. 300gg-23) is amended—

(A) in subsection (a)(1), by inserting "or (e)" after "subsection (b)"; and

(B) by adding at the end the following:

"(e) SPECIAL RULE IN CASE OF GENETIC INFORMATION.—With respect to group health insurance coverage offered by a health insurance issuer, the provisions of this part relating to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect a standard, requirement, or remedy that more completely—

"(1) protects the confidentiality of genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) or the privacy of an individual or a family member of the individual with respect to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual); or

"(2) prohibits discrimination on the basis of genetic information than does this part.".

(2) INDIVIDUAL MARKET.—Section 2762 of the Public Health Service Act (42 U.S.C. 300gg-46) is amended—

(A) in subsection (a), by inserting "and except as provided in subsection (c)," after "Subject to subsection (b),"; and

(B) by adding at the end the following:

"(c) SPECIAL RULE IN CASE OF GENETIC INFORMATION.—With respect to individual health insurance coverage offered by a health insurance issuer, the provisions of this part (or part C insofar as it applies to this part) relating to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) shall not be construed to supersede any provision of State law (as defined in section 2723(d)) which establishes, implements, or continues in effect a standard, requirement, or remedy that more completely—

"(1) protects the confidentiality of genetic information (including information about a request for or the receipt of genetic services of an individual or a family member of such individual) or the privacy of an individual or a family member of the individual with respect to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) than does this part (or part C insofar as it applies to this part); or

"(2) prohibits discrimination on the basis of genetic information than does this part (or part C insofar as it applies to this part).".

(e) ELIMINATION OF OPTION OF NON-FEDERAL GOVERNMENTAL PLANS TO BE EXCEPTED FROM REQUIREMENTS CONCERNING GENETIC INFORMATION.—Section 2721(b)(2) of the Public Health Service Act (42 U.S. C. 300gg–21(b)(2)) is amended—

(1) in subparagraph (A), by striking "If the plan sponsor" and inserting "Except as provided in subparagraph (D), if the plan sponsor"; and

(2) by adding at the end the following:

"(D) ELECTION NOT APPLICABLE TO REQUIREMENTS CONCERNING GENETIC INFORMATION.—The election described in subparagraph (A) shall not be available with respect to the provisions of subsections (a)(1)(F), (c), (d), (e), (f), and (g) of section 2702 and section 2707, and the provisions of section 2702(b) to the extent that they apply to genetic information (or information about a request for or the receipt of genetic services by an individual or a family member of such individual).".

(f) AMENDMENT CONCERNING SUPPLEMENTAL EXCEPTED BENEFITS.—

(1) GROUP MARKET.—Section 2721(d)(3) of the Public Health Service Act (42 U.S.C. 300gg–23(d)(3)) is amended by inserting ", other than the requirements of subsections (a)(1)(F), (b) (in cases relating to genetic information or information about a request for or the receipt of genetic services by an individual or a family member of such individual)), (c), (d), (e), (f) and (g) of section 2702 and section 2707," after "The requirements of this part".

(2) INDIVIDUAL MARKET.—Section 2763(b) of the Public Health Service Act (42 U.S.C. 300gg–47(b)) is amended—

(A) by striking "The requirements of this part" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the requirements of this part"; and

(B) by adding at the end the following:

"(2) LIMITATION.—The requirements of sections 2753 and 2754 shall apply to excepted benefits described in section 2791(c)(4).".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to—

(A) group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning; and

(B) health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market, after July 1, 2000.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act); or

(B) July 1, 2001.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement of the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 12. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) PROHIBITION OF HEALTH INSURANCE DISCRIMINATION ON THE BASIS OF GENETIC SERVICES OR PREDICTIVE GENETIC INFORMATION.—Subpart B of Part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. PROHIBITING DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"Each group health plan, and health insurance issuer offering group health insurance coverage in connection with a group health plan, shall comply with the genetic nondiscrimination provisions of subsections (a)(1)(F) and (c) through (g) of section 2702, and section 2707 of the Public Health Service Act, and each health insurance issuer shall comply with such provisions with respect to group health insurance coverage it offers, and such provisions shall be deemed to be incorporated into this subsection.".

(b) ENFORCEMENT.—Section 502 (29 U.S.C. 1132) is amended by adding at the end the following:

"(n) VIOLATION OF GENETIC DISCRIMINATION OR GENETIC DISCLOSURE PROVISIONS.—In any action under this section against any administrator of a group health plan, or health insurance issuer offering group health insurance coverage in connection with a group health plan (including any third party administrator or other person acting for or on behalf of such plan or issuer) alleging a violation of section 714, the court may award any appropriate legal or equitable relief. Such relief may include a requirement for the payment of attorney's fees and costs, including the costs of expert witnesses.

"(o) CIVIL PENALTY.—The monetary provisions of section 308(b)(2)(C) of Public Law 101–336 (42 U.S.C. 12188(b)) shall apply for purposes of the Secretary enforcing the provisions referred to in subsection (n), except that any such relief awarded shall be paid only into the general fund of the Treasury.".

(c) PREEMPTION.—Section 731 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191) is amended—

(1) in subsection (a)(1), by inserting "or (e)" after "subsection (b)"; and

(2) by adding at the end the following:

"(e) SPECIAL RULE IN CASE OF GENETIC INFORMATION.—With respect to group health insurance coverage offered by a health insurance issuer, the provisions of this part relating to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect a standard, requirement, or remedy that more completely—

"(1) protects the confidentiality of genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) or the privacy of an individual or a family member of the individual with respect to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) than does this part; or

"(2) prohibits discrimination on the basis of genetic information than does this part.".

(d) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

"(5) Family member.—The term 'family member' means with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(6) Genetic information.—The term 'genetic information' means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member of such individual (including information about a request for or the receipt of genetic services by such individual or family member of such individual).

"(7) Genetic services.—The term 'genetic services' means health services, including genetic tests, provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

"(8) Genetic test.—The term 'genetic test' means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites in order to detect genotypes, mutations, or chromosomal changes.

"(9) Predictive genetic information.—

"(A) In general.—The term 'predictive genetic information' means—

"(i) information about an individual's genetic tests;

"(ii) information about genetic tests of family members of the individual; or

"(iii) information about the occurrence of a disease or disorder in family members.

"(B) Limitations.—The term 'predictive genetic information' shall not include—

"(i) information about the sex or age of the individual;

"(ii) information about chemical, blood, or urine analyses of the individual, unless these analyses are genetic tests; or

"(iii) information about physical exams of the individual, and other information relevant to determining the current health status of the individual.".

(e) Amendment Concerning Supplemental Excepted Benefits.—Section 732(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(c)(3)) is amended by inserting ", other than the requirements of section 714," after "The requirements of this part".

(f) Effective Date.—

(1) In general.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning after July 1, 2001.

(2) Special rule for collective bargaining agreements.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, this section and the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) July 1, 2001.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement of the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 13. AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.

(a) Prohibition of Health Insurance Discrimination on the Basis of Genetic Services or Predictive Genetic Information.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"SEC. 9813. PROHIBITING DISCRIMINATION ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"(a) In General.—Each group health plan shall comply with the genetic nondiscrimination provisions of subsections (a)(1)(F) and (c) through (i) of section 2702, and section 2707 of the Public Health Service Act and such provisions shall be deemed to be incorporated into this subsection.

"(b) Violation of Genetic Discrimination or Genetic Disclosure Provisions.—In any action under this section against any administrator of a group health plan (including any third party administrator or other person acting for or on behalf of such plan) alleging a violation of subsection (a), the court may award any appropriate legal or equitable relief. Such relief may include a requirement for the payment of attorney's fees and costs, including the costs of expert witnesses.

"(c) Civil Penalty.—The monetary provisions of section 308(b)(2)(C) of Public Law 101–336 (42 U.S.C. 12188(b)) shall apply for purposes of the Secretary enforcing the provisions referred to in subsection (b), except that any such relief awarded shall be paid only into the general fund of the Treasury.".

(b) Effective Date.—

(1) In general.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning after July 1, 2001.

(2) Special rule for collective bargaining agreements.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, this section and the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) July 1, 2001.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement of the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

Subtitle B—Prohibition of Employment Discrimination on the Basis of Predictive Genetic Information

SEC. 21. DEFINITIONS.

In this subtitle:

(1) Employee; employer; employment agency; labor organization; member.—The terms "employee", "employer", "employment agency", and "labor organization" have the meanings given such terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e), except that the terms "employee" and "employer" shall also include the meanings given such terms in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16). The terms "employee" and "member" include an applicant for employment and an applicant for membership in a labor organization, respectively.

(2) Family member.—The term "family member" means with respect to an individual—

(A) the spouse of the individual;

(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

(3) Genetic monitoring.—The term "genetic monitoring" means the periodic examination of employees to evaluate acquired modifications to their genetic material, such as chromosomal damage or evidence of increased occurrence of mutations, that may have developed in the course of employment due to exposure to toxic substances in the workplace, in order to identify, evaluate, and respond to the effects of or control adverse environmental exposures in the workplace.

(4) Genetic services.—The term "genetic services" means health services, including genetic tests, provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

(5) Genetic test.—The term "genetic test" means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites in order to detect genotypes, mutations, or chromosomal changes.

(6) Predictive genetic information.—

(A) In general.—The term "predictive genetic information" means—

(i) information about an individual's genetic tests;

(ii) information about genetic tests of family members of the individual; or

(iii) information about the occurrence of a disease or disorder in family members.

(B) Limitations.—The term "predictive genetic information" shall not include—

(i) information about the sex or age of the individual;

(ii) information about chemical, blood, or urine analyses of the individual, unless these analyses are genetic tests; or

(iii) information about physical exams of the individual, and other information relevant to determining the current health status of the individual.

SEC. 22. EMPLOYER PRACTICES.

(a) In General.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual;

(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the status of the individual as an employee, because of predictive genetic information with respect to the individual, or information about a request for or the receipt of genetic services by such individual or family member of such individual; or

(3) to request, require, collect or purchase predictive genetic information with respect to an individual or a family member of the individual except—

(A) where used for genetic monitoring of biological effects of toxic substances in the workplace, but only if—

(i) the employee has provided prior, knowing, voluntary, and written authorization;

(ii) the employee is informed of individual monitoring results;

(iii) the monitoring conforms to any genetic monitoring regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) or the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.); and

(iv) the employer, excluding any licensed health care professional that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific employees; or

(B) where genetic services are offered by the employer and the employee provides prior, knowing, voluntary, and written authorization, and only the employee or family member of such employee receives the results of such services.

(b) LIMITATION.—In the case of predictive genetic information to which subparagraph (A) or (B) of subsection (a)(3) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a).

SEC. 23. EMPLOYMENT AGENCY PRACTICES.

It shall be an unlawful employment practice for an employment agency—

(1) to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(2) to limit, segregate, or classify individuals or fail or refuse to refer for employment any individual in any way that would deprive or tend to deprive any individual of employment opportunities or would limit the employment opportunities or otherwise adversely affect the status of the individual as an employee, because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(3) to request, require, collect or purchase predictive genetic information with respect to an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual); or

(4) to cause or attempt to cause an employer to discriminate against an individual in violation of this subtitle.

SEC. 24. LABOR ORGANIZATION PRACTICES.

It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from the membership of the organization, or otherwise to discriminate against, any individual because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or would limit the employment opportunities or otherwise adversely affect the status of the individual as an employee, because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(3) to request, require, collect or purchase predictive genetic information with respect to an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual); or

(4) to cause or attempt to cause an employer to discriminate against an individual in violation of this subtitle.

SEC. 25. TRAINING PROGRAMS.

It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs—

(1) to discriminate against any individual because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual), in admission to, or employment in, any program established to provide apprenticeship or other training or retraining;

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or would limit the employment opportunities or otherwise adversely affect the status of the individual as an employee, because of predictive genetic information with respect to the individual (or information about a request for or receipt of genetic services by such individual or family member of such individual);

(3) to request, require, collect or purchase predictive genetic information with respect to an individual (or information about a request for or receipt of genetic services by such individual or family member of such individual); or

(4) to cause or attempt to cause an employer to discriminate against an individual in violation of this subtitle.

SEC. 26. MAINTENANCE AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.

(a) MAINTENANCE OF PREDICTIVE GENETIC INFORMATION.—If an employer possesses predictive genetic information about an employee (or information about a request for or receipt of genetic services by such employee or family member of such employee), such information shall be treated or maintained as part of the employee's confidential medical records.

(b) DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—An employer shall not disclose predictive genetic information (or information about a request for or receipt of genetic services by such employee or family member of such employee) except—

(1) to the employee who is the subject of the information at the request of the employee;

(2) to an occupational or other health researcher if the research is conducted in compliance with the regulations and protections provided for under part 46 of title 45, Code of Federal Regulations;

(3) under legal compulsion of a Federal court order, except that if the court order was secured without the knowledge of the individual to whom the information refers, the employer shall provide the individual with adequate notice to challenge the court order unless the court order also imposes confidentiality requirements; and

(4) to government officials who are investigating compliance with this subtitle if the information is relevant to the investigation.

SEC. 27. CIVIL ACTION.

(a) IN GENERAL.—One or more employees, members of a labor organization, or participants in training programs may bring an action in a Federal or State court of competent jurisdiction against an employer, employment agency, labor organization, or joint labor-management committee or training program who commits a violation of this subtitle.

(b) ENFORCEMENT BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.—

(1) IN GENERAL.—The powers, remedies, and procedures set forth in sections 705, 706, 707, 709, 710, and 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4, 2000e-5, 2000e-6, 2000e-8, 2000e-9, and 2000e-16) shall be the powers, remedies, and procedures provided to the Equal Employment Opportunity Commission to enforce this subtitle. The Commission may promulgate regulations to implement these powers, remedies, and procedures.

(2) EXHAUSTION OF REMEDIES.—Nothing in this subsection shall be construed to require that an individual exhaust the administrative remedies available through the Equal Employment Opportunity Commission prior to commencing a civil action under this section, except that if an individual files a charge of discrimination with the Commission that alleges a violation of this subtitle, the individual shall exhaust the administrative remedies available through the Commission prior to commencing a civil action under this section.

(c) REMEDY.—A Federal or State court may award any appropriate legal or equitable relief under this section. Such relief may include a requirement for the payment of attorney's fees and costs, including the costs of experts.

SEC. 28. CONSTRUCTION.

Nothing in this subtitle shall be construed to—

(1) limit the rights or protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), including coverage afforded to individuals under section 102 of such Act;

(2) limit the rights or protections of an individual under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(3) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights accorded under this subtitle;

(4) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains; or

(5) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations.

SEC. 29. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SEC. 30. EFFECTIVE DATE.

This subtitle shall become effective on October 1, 2000.

SEC. 31. NO IMPACT ON SOCIAL SECURITY TRUST FUND.—

(1) IN GENERAL.—Nothing in this title shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(2) TRANSFERS.—

(A) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this title has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(B) TRANSFER OF FUNDS.—If, under subparagraph (A), the Secretary of the Treasury estimates that the enactment of this title has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such title.

SEC. 32. INFORMATION REQUIREMENTS.—

(1) INFORMATION FROM GROUP HEALTH PLANS.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end the following:

"(7) INFORMATION FROM GROUP HEALTH PLANS.—

"(A) PROVISION OF INFORMATION BY GROUP HEALTH PLANS.—The administrator of a group health plan subject to the requirements of paragraph (1) shall provide to the Secretary such of the information elements described in subparagraph (C) as the Secretary specifies, and in such manner and at such times as the Secretary may specify (but not more frequently than 4 times per year), with respect to each individual covered under the plan who is entitled to any benefits under this title.

"(B) PROVISION OF INFORMATION BY EMPLOYERS AND EMPLOYEE ORGANIZATIONS.—An employer (or employee organization) that maintains or participates in a group health plan subject to the requirements of paragraph (1) shall provide to the administrator of the plan such of the information elements required to be provided under subparagraph (A), and in such manner and at such times as the Secretary may specify, at a frequency consistent with that required under subparagraph (A) with respect to each individual described in subparagraph (A) who is covered under the plan by reason of employment with that employer or membership in the organization.

"(C) INFORMATION ELEMENTS.—The information elements described in this subparagraph are the following:

"(i) ELEMENTS CONCERNING THE INDIVIDUAL.—

"(I) The individual's name.

"(II) The individual's date of birth.

"(III) The individual's sex.

"(IV) The individual's social security insurance number.

"(V) The number assigned by the Secretary to the individual for claims under this title.

"(VI) The family relationship of the individual to the person who has or had current or employment status with the employer.

"(ii) ELEMENTS CONCERNING THE FAMILY MEMBER WITH CURRENT OR FORMER EMPLOYMENT STATUS.—

"(I) The name of the person in the individual's family who has current or former employment status with the employer.

"(II) That person's social security insurance number.

"(III) The number or other identifier assigned by the plan to that person.

"(IV) The periods of coverage for that person under the plan.

"(V) The employment status of that person (current or former) during those periods of coverage.

"(VI) The classes (of that person's family members) covered under the plan.

"(iii) PLAN ELEMENTS.—

"(I) The items and services covered under the plan.

"(II) The name and address to which claims under the plan are to be sent.

"(iv) ELEMENTS CONCERNING THE EMPLOYER.—

"(I) The employer's name.

"(II) The employer's address.

"(III) The employer identification number of the employer.

"(D) USE OF IDENTIFIERS.—The administrator of a group health plan shall utilize a unique identifier for the plan in providing information under subparagraph (A) and in other transactions, as may be specified by the Secretary, related to the provisions of this subsection. The Secretary may provide to the administrator the unique identifier described in the preceding sentence.

"(E) PENALTY FOR NONCOMPLIANCE.—Any entity that knowingly and willfully fails to comply with a requirement imposed by the previous subparagraphs shall be subject to a civil money penalty not to exceed $1,000 for each incident of such failure. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as those provisions apply to a penalty or proceeding under section 1128A(a).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 180 days after the date of the enactment of this Act.

SEC. 33. OFFSET.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor and the Department of Health and Human Services shall be reduced on a pro rata basis by $25,000,000.

ASHCROFT (AND OTHERS) AMENDMENT NO. 3689

Mr. ASHCROFT (for himself, Mr. VOINOVICH, Mr. ALLARD, Mr. GRAMS, Mr. ABRAHAM, and Mr. FEINGOLD) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end, insert the following:

SEC. ___. SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 2000.

(a) SHORT TITLE.—This section may be cited as the "Social Security and Medicare Safe Deposit Box Act of 2000".

(b) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—

(1) MEDICARE SURPLUSES OFF-BUDGET.—Notwithstanding any other provision of law, the net surplus of any trust fund for part A of Medicare shall not be counted as a net surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;

(B) the congressional budget; or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) POINTS OF ORDER TO PROTECT SOCIAL SECURITY AND MEDICARE SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(g) POINTS OF ORDER TO PROTECT SOCIAL SECURITY AND MEDICARE SURPLUSES.—

"(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

"(2) SUBSEQUENT LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of that bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of that bill or resolution in the form recommended in that conference report,

would cause or increase an on-budget deficit for any fiscal year.

"(3) DEFINITION.—For purposes of this section, the term 'on-budget deficit', when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.".

(3) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(c) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—

(1) IN GENERAL.—Chapter 11 of subtitle II of title 31, United States Code, is amended by adding before section 1101 the following:

"§ 1100. Protection of social security and medicare surpluses

"The budget of the United States Government submitted by the President under this chapter shall not recommend an on-budget deficit for any fiscal year covered by that budget.".

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 31, United States Code, is amended by inserting before the item for section 1101 the following:

"1100. Protection of social security and medicare surpluses.".

(d) EFFECTIVE DATE.—This section shall take effect upon the date of its enactment and the amendments made by this section shall apply to fiscal year 2001 and subsequent fiscal years.

CONRAD (AND LAUTENBERG) AMENDMENT NO. 3690

Mr. REID (for Mr. CONRAD (for himself, Mr. LAUTENBERG, and Mr. FEINGOLD)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

Strike all after the first word and insert the following:

TITLE ___—SOCIAL SECURITY AND MEDICARE OFF-BUDGET LOCKBOX ACT OF 2000

SEC. ___1. SHORT TITLE.

This title may be cited as the "Social Security and Medicare Off-Budget Lockbox Act of 2000".

SEC. ___2. STRENGTHENING SOCIAL SECURITY POINTS OF ORDER.

(a) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by inserting at the end the following:

"(g) STRENGTHENING SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend section 13301 of the Budget Enforcement Act of 1990.".

(b) Super Majority Requirement.—

(1) Point of order.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(2) Waiver.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(c) Enforcement in Each Fiscal Year.—The Congressional Budget Act of 1974 is amended in—

(1) section 301(a)(7) (2 U.S.C. 632(a)(7)), by striking "for the fiscal year" through the period and inserting "for each fiscal year covered by the resolution"; and

(2) section 311(a)(3) (2 U.S.C. 642(a)(3)), by striking beginning with "for the first fiscal year" through the period and insert the following: "for any of the fiscal years covered by the concurrent resolution.".

SEC. 3. MEDICARE TRUST FUND OFF-BUDGET.

(a) In General.—

(1) General exclusion from all budgets.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"EXCLUSION OF MEDICARE TRUST FUND FROM ALL BUDGETS

"Sec. 316. (a) Exclusion of Medicare Trust Fund From All Budgets.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Hospital Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

"(1) the budget of the United States Government as submitted by the President;

"(2) the congressional budget; or

"(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

"(b) Strengthening Medicare Point of Order.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend this section.".

(2) Super majority requirement.—

(A) Point of Order.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "316," after "313,".

(B) Waiver.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "316," after "313,".

(b) Exclusion of Medicare Trust Fund From Congressional Budget.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the Federal Hospital Insurance Trust Fund in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title."

(c) Budget Totals.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended by inserting after paragraph (7) the following:

"(8) For purposes of Senate enforcement under this title, revenues and outlays of the Federal Hospital Insurance Trust Fund for each fiscal year covered by the budget resolution.".

(d) Budget resolutions.—Section 301(i) of the Congressional Budget Act of 1974 (2 U.S.C. 632(i)) is amended by—

(1) striking "Social Security Point of Order.—It shall" and inserting "Social Security and Medicare Points of Order.—

"(1) Social security.—It shall"; and

(2) inserting at the end the following:

"(2) Medicare.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the excess of the Federal Hospital Insurance Trust Fund revenues over Federal Hospital Insurance Trust Fund outlays in any of the fiscal years covered by the concurrent resolution. This paragraph shall not apply to amounts to be expended from the Hospital Insurance Trust Fund for purposes relating to programs within part A of Medicare as provided in law on the date of enactment of this paragraph.".

(e) Medicare Firewall.—Section 311(a) of the Congressional Budget Act of 1974 (2 U.S.C. 642(a)) is amended by adding after paragraph (3), the following:

"(4) Enforcement of medicare levels in the senate.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in surpluses or an increase in deficits of the Federal Hospital Insurance Trust Fund in any year relative to the levels set forth in the applicable resolution. This paragraph shall not apply to amounts to be expended from the Hospital Insurance Trust Fund for purposes relating to programs within part A of Medicare as provided in law on the date of enactment of this paragraph.".

(f) Baseline To Exclude Hospital Insurance Trust Fund.—Section 257(b)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "shall be included in all" and inserting "shall not be included in any".

(g) Medicare Trust Fund Exempt From Sequesters.—Section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"Medicare as funded through the Federal Hospital Insurance Trust Fund.".

(h) Budgetary Treatment of Hospital Insurance Trust Fund.—Section 710(a) of the Social Security Act (42 U.S.C. 911(a)) is amended—

(1) by striking "and" the second place it appears and inserting a comma; and

(2) by inserting after "Federal Disability Insurance Trust Fund" the following: ", Federal Hospital Insurance Trust Fund".

SEC. 4. PREVENTING ON-BUDGET DEFICITS.

(a) Points of Order To Prevent On-Budget Deficits.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by adding at the end the following:

"(h) Points of Order To Prevent On-Budget Deficits.—

"(1) Concurrent resolutions on the budget.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would cause or increase an on-budget deficit for any fiscal year.

"(2) Subsequent legislation.—Except as provided by paragraph (3), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of that bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of that bill or resolution in the form recommended in that conference report,

would cause or increase an on-budget deficit for any fiscal year.".

(b) Super Majority Requirement.—

(1) Point of order.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(h)," after "312(g),".

(2) Waiver.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(h)," after "312(g),".

JEFFORDS (AND OTHERS) AMENDMENT NO. 3691

Mr. JEFFORDS (for himself, Mr. Frist, Ms. Snowe, Mr. Ashcroft, Mr. Enzi, and Mr. Mack) proposed an amendment to amendment No. 3688 proposed by Mr. Daschle to the bill, H.R. 4577, supra; as follows:

At the end of the bill, add the following:

TITLE GENETIC INFORMATION AND SERVICES

SEC. 01. SHORT TITLE.

This title may be cited as the "Genetic Information Nondiscrimination in Health Insurance Act of 1999".

SEC. 02. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) Prohibition of Health Discrimination on the Basis of Genetic Information or Genetic Services.—

(1) No enrollment restriction for genetic services.—Section 702(a)(1)(F) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)(F)) is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services)".

(2) No discrimination in group premiums based on predictive genetic information.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

"SEC. 714. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"A group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).".

(3) Conforming amendments.—

(A) In general.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended by adding at the end the following:

"(3) Reference to related provision.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or receipt of genetic services), see section 714.".

(B) Table of contents.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Prohibiting premium discrimination against groups on the basis of predictive genetic information.".

(b) Limitation on Collection of Predictive Genetic Information.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

"(c) Collection of Predictive Genetic Information.—

"(1) Limitation on requesting or requiring predictive genetic information.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).

"(2) Information needed for diagnosis, treatment, or payment.—

"(A) In general.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

"(B) Notice of confidentiality practices and description of safeguards.—As a part of a request under subparagraph (A), the group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

"(d) Confidentiality with Respect to Predictive Genetic Information.—

"(1) Notice of confidentiality practices.—

"(A) Preparation of written notice.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan or issuer's confidentiality practices, that shall include—

"(i) a description of an individual's rights with respect to predictive genetic information;

"(ii) the procedures established by the plan or issuer for the exercise of the individual's rights; and

"(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

"(B) Model notice.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

"(2) Establishment of safeguards.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan or issuer.".

(c) Definitions.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

"(5) Family member.—The term 'family member' means with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(6) Genetic information.—The term 'genetic information' means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

"(7) Genetic services.—The term 'genetic services' means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

"(8) Predictive genetic information.—

"(A) In general.—The term 'predictive genetic information' means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

"(i) information about an individual's genetic tests;

"(ii) information about genetic tests of family members of the individual; or

"(iii) information about the occurrence of a disease or disorder in family members.

"(B) Exceptions.—The term 'predictive genetic information' shall not include—

"(i) information about the sex or age of the individual;

"(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

"(iii) information about physical exams of the individual.

"(9) Genetic test.—The term 'genetic test' means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.".

(d) Effective Date.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning 1 year after the date of the enactment of this Act.

SEC. 03. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) Amendments Relating to the Group Market.—

(1) Prohibition of health discrimination on the basis of genetic information in the group market.—

(A) No enrollment restriction for genetic services.—Section 2702(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(1)(F)) is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services)".

(B) No discrimination in premiums based on predictive genetic information.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

"SEC. 2707. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION IN THE GROUP MARKET.

"A group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).".

(C) Conforming amendment.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg-1(b)) is amended by adding at the end the following:

"(3) Reference to related provision.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or receipt of genetic services), see section 2707.".

(D) Limitation on collection and disclosure of predictive genetic information.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg-1) is amended by adding at the end the following:

"(c) Collection of Predictive Genetic Information.—

"(1) Limitation on requesting or requiring predictive genetic information.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

"(2) Information needed for diagnosis, treatment, or payment.—

"(A) In general.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

"(B) Notice of confidentiality practices and description of safeguards.—As a part of a request under subparagraph (A), the group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

"(d) Confidentiality with Respect to Predictive Genetic Information.—

"(1) Notice of confidentiality practices.—

"(A) Preparation of written notice.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan or issuer's confidentiality practices, that shall include—

"(i) a description of an individual's rights with respect to predictive genetic information;

"(ii) the procedures established by the plan or issuer for the exercise of the individual's rights; and

"(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

"(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

"(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan or issuer.".

(2) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg-91(d)) is amended by adding at the end the following:

"(15) FAMILY MEMBER.—The term 'family member' means, with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(16) GENETIC INFORMATION.—The term 'genetic information' means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

"(17) GENETIC SERVICES.—The term 'genetic services' means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

"(18) PREDICTIVE GENETIC INFORMATION.—

"(A) IN GENERAL.—The term 'predictive genetic information' means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

"(i) information about an individual's genetic tests;

"(ii) information about genetic tests of family members of the individual; or

"(iii) information about the occurrence of a disease or disorder in family members.

"(B) EXCEPTIONS.—The term 'predictive genetic information' shall not include—

"(i) information about the sex or age of the individual;

"(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

"(iii) information about physical exams of the individual.

"(19) GENETIC TEST.—The term 'genetic test' means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.".

(e) AMENDMENTS TO PHSA RELATING TO THE INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) (relating to other requirements) (42 U.S.C. 300gg-51 et seq.) is amended by adding at the end the following:

"SEC. 2753. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"(a) PROHIBITION ON PREDICTIVE GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—A health insurance issuer offering health insurance coverage in the individual market may not use predictive genetic information as a condition of eligibility of an individual to enroll in individual health insurance coverage (including information about a request for or receipt of genetic services).

"(b) PROHIBITION ON PREDICTIVE GENETIC INFORMATION IN SETTING PREMIUM RATES.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium rates for individuals on the basis of predictive genetic information concerning such an individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

"(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

"(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a health insurance issuer offering health insurance coverage in the individual market shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

"(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a health insurance issuer offering health insurance coverage in the individual market that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

"(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the health insurance issuer offering health insurance coverage in the individual market shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

"(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

"(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

"(A) PREPARATION OF WRITTEN NOTICE.—A health insurance issuer offering health insurance coverage in the individual market shall post or provide, in writing and in a clear and conspicuous manner, notice of the issuer's confidentiality practices, that shall include—

"(i) a description of an individual's rights with respect to predictive genetic information;

"(ii) the procedures established by the issuer for the exercise of the individual's rights; and

"(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

"(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

"(2) ESTABLISHMENT OF SAFEGUARDS.—A health insurance issuer offering health insurance coverage in the individual market shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such issuer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to—

(1) group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after 1 year after the date of enactment of this Act; and

(2) health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after 1 year after the date of enactment of this Act.

SEC. 04. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 9802(a)(1)(F) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services)".

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—

(A) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is further amended by adding at the end the following:

"SEC. 9813. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"A group health plan shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).".

(B) CONFORMING AMENDMENT.—Section 9802(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or the receipt of genetic services), see section 9813.".

(C) AMENDMENT TO TABLE OF SECTIONS.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Sec. 9813. Prohibiting premium discrimination against groups on the basis of predictive genetic information.".

(b) LIMITATION ON COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Section 9802 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(d) Collection of Predictive Genetic Information.—

"(1) Limitation on requesting or requiring predictive genetic information.—Except as provided in paragraph (2), a group health plan shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

"(2) Information needed for diagnosis, treatment, or payment.—

"(A) In general.—Notwithstanding paragraph (1), a group health plan that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

"(B) Notice of confidentiality practices; description of safeguards.—As a part of a request under subparagraph (A), the group health plan shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (e), of such predictive genetic information.

"(e) Confidentiality with Respect to Predictive Genetic Information.—

"(1) Notice of confidentiality practices.—

"(A) Preparation of written notice.—A group health plan shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan's confidentiality practices, that shall include—

"(i) a description of an individual's rights with respect to predictive genetic information;

"(ii) the procedures established by the plan for the exercise of the individual's rights; and

"(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

"(B) Model notice.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

"(2) Establishment of safeguards.—A group health plan shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan.".

(c) Definitions.—Section 9832(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(6) Family member.—The term 'family member' means, with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(7) Genetic information.—The term 'genetic information' means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

"(8) Genetic services.—The term 'genetic services' means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

"(9) Predictive genetic information.—

"(A) In general.—The term 'predictive genetic information' means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

"(i) information about an individual's genetic tests;

"(ii) information about genetic tests of family members of the individual; or

"(iii) information about the occurrence of a disease or disorder in family members.

"(B) Exceptions.—The term 'predictive genetic information' shall not include—

"(i) information about the sex or age of the individual;

"(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

"(iii) information about physical exams of the individual.

"(10) Genetic test.—The term 'genetic test' means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.".

(d) Effective Date.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning after 1 year after the date of the enactment of this Act.

TORRICELLI (AND REED) AMENDMENT NO. 3692

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. Reed) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 26, line 25, strike "$3,204,496,000, of which" and insert "$3,214,496,000, of which $10,000,000 shall be made available to carry out section 317A of the Public Health Service Act and of which".

On page 92, between lines 4 and 5, insert the following:

Sec. . Amounts made available under this Act for the salaries and expenses of the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis, by a total of $10,000,000.

DORGAN (AND OTHERS) AMENDMENT NO. 3693

Mr. DORGAN (for himself, Mr. Kennedy, Mr. Daschle, Mr. Graham, Ms. Mikulski, Mr. Lautenberg, Mr. Kerry, Mr. Edwards, Mr. Harkin, Mr. Reid, Mr. Rockefeller, and Mr. Robb) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 92, between lines 4 and 5, insert the following:

Sec. . Any Act that is designed to protect patients against the abuses of managed care that is enacted after June 27, 2000, shall, at a minimum—

(1) provide a floor of Federal protection that is applicable to all individuals enrolled in private health plans or private health insurance coverage, including—

(A) individuals enrolled in self-insured and insured health plans that are regulated under the Employee Retirement Income Security Act of 1974;

(B) individuals enrolled in health insurance coverage purchased in the individual market; and

(C) individuals enrolled in health plans offered to State and local government employees;

(2) provide that States may provide patient protections that are equal to or greater than the protections provided under such Act; and

(3) provide the Federal Government with the authority to ensure that the Federal floor referred to in paragraph (1) is being guaranteed and enforced with respect to all individuals described in such paragraph, including determining whether protections provided under State law meet the standards of such Act.

NICKLES AMENDMENT NO. 3694

Mr. NICKLES proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 92, strike line 5, and insert the following:

DIVISION HEALTH CARE ACCESS AND PROTECTIONS FOR CONSUMERS

SEC. 1. SHORT TITLE.

This division may be cited as the "Patients' Bill of Rights Plus Act".

TITLE I—TAX-RELATED HEALTH CARE PROVISIONS

Subtitle A—Health Care and Long-Term Care

SEC. 101. DEDUCTION FOR HEALTH AND LONG-TERM CARE INSURANCE COSTS OF INDIVIDUALS NOT PARTICIPATING IN EMPLOYER-SUBSIDIZED HEALTH PLANS.

(a) In General.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 222 as section 223 and by inserting after section 221 the following new section:

"SEC. 222. HEALTH AND LONG-TERM CARE INSURANCE COSTS.

"(a) In General.—In the case of an individual, there shall be allowed as a deduction an amount equal to the applicable percentage of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.

"(b) Applicable Percentage.—

"(1) In general.—For purposes of subsection (a), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2002 and 2003	25
2004	35
2005	65
2006 and thereafter	100.

"(2) Long-term care insurance for individuals 60 years or older.—In the case of amounts paid for a qualified long-term care insurance contract for an individual who has attained age 60 before the close of the taxable year, the applicable percentage is 100.

"(c) LIMITATION BASED ON OTHER COVERAGE.—

"(1) COVERAGE UNDER CERTAIN SUBSIDIZED EMPLOYER PLANS.—

"(A) IN GENERAL.—Subsection (a) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any health plan maintained by any employer of the taxpayer or of the spouse of the taxpayer if 50 percent or more of the cost of coverage under such plan (determined under section 4980B and without regard to payments made with respect to any coverage described in subsection (e)) is paid or incurred by the employer.

"(B) EMPLOYER CONTRIBUTIONS TO CAFETERIA PLANS, FLEXIBLE SPENDING ARRANGEMENTS, AND MEDICAL SAVINGS ACCOUNTS.—Employer contributions to a cafeteria plan, a flexible spending or similar arrangement, or a medical savings account which are excluded from gross income under section 106 shall be treated for purposes of subparagraph (A) as paid by the employer.

"(C) AGGREGATION OF PLANS OF EMPLOYER.—A health plan which is not otherwise described in subparagraph (A) shall be treated as described in such subparagraph if such plan would be so described if all health plans of persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 were treated as one health plan.

"(D) SEPARATE APPLICATION TO HEALTH INSURANCE AND LONG-TERM CARE INSURANCE.—Subparagraphs (A) and (C) shall be applied separately with respect to—

"(i) plans which include primarily coverage for qualified long-term care services or are qualified long-term care insurance contracts, and

"(ii) plans which do not include such coverage and are not such contracts.

"(2) COVERAGE UNDER CERTAIN FEDERAL PROGRAMS.—

"(A) IN GENERAL.—Subsection (a) shall not apply to any amount paid for any coverage for an individual for any calendar month if, as of the first day of such month, the individual is covered under any medical care program described in—

"(i) title XVIII, XIX, or XXI of the Social Security Act,

"(ii) chapter 55 of title 10, United States Code,

"(iii) chapter 17 of title 38, United States Code,

"(iv) chapter 89 of title 5, United States Code, or

"(v) the Indian Health Care Improvement Act.

"(B) EXCEPTIONS.—

"(i) QUALIFIED LONG-TERM CARE.—Subparagraph (A) shall not apply to amounts paid for coverage under a qualified long-term care insurance contract.

"(ii) CONTINUATION COVERAGE OF FEHBP.—Subparagraph (A)(iv) shall not apply to coverage which is comparable to continuation coverage under section 4980B.

"(d) LONG-TERM CARE DEDUCTION LIMITED TO QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.—In the case of a qualified long-term care insurance contract, only eligible long-term care premiums (as defined in section 213(d)(10)) may be taken into account under subsection (a).

"(e) DEDUCTION NOT AVAILABLE FOR PAYMENT OF ANCILLARY COVERAGE PREMIUMS.—Any amount paid as a premium for insurance which provides for—

"(1) coverage for accidents, disability, dental care, vision care, or a specified illness, or

"(2) making payments of a fixed amount per day (or other period) by reason of being hospitalized,

shall not be taken into account under subsection (a).

"(f) SPECIAL RULES.—

"(1) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—The amount taken into account by the taxpayer in computing the deduction under section 162(l) shall not be taken into account under this section.

"(2) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amount taken into account by the taxpayer in computing the deduction under this section shall not be taken into account under section 213.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations requiring employers to report to their employees and the Secretary such information as the Secretary determines to be appropriate.".

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of such Code is amended by inserting after paragraph (17) the following new item:

"(18) HEALTH AND LONG-TERM CARE INSURANCE COSTS.—The deduction allowed by section 222.".

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 222. Health and long-term care insurance costs.

"Sec. 223. Cross reference.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 102. DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.".

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) of such Code is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 103. LONG-TERM CARE INSURANCE PERMITTED TO BE OFFERED UNDER CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) CAFETERIA PLANS.—

(1) IN GENERAL.—Subsection (f) of section 125 of the Internal Revenue Code of 1986 (defining qualified benefits) is amended by inserting before the period at the end "; except that such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract".

(b) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 of such Code (relating to contributions by employer to accident and health plans) is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 104. ADDITIONAL PERSONAL EXEMPTION FOR TAXPAYER CARING FOR ELDERLY FAMILY MEMBER IN TAXPAYER'S HOME.

(a) IN GENERAL.—Section 151 of the Internal Revenue Code of 1986 (relating to allowance of deductions for personal exemptions) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) ADDITIONAL EXEMPTION FOR CERTAIN ELDERLY FAMILY MEMBERS RESIDING WITH TAXPAYER.—

"(1) IN GENERAL.—An exemption of the exemption amount for each qualified family member of the taxpayer.

"(2) QUALIFIED FAMILY MEMBER.—For purposes of this subsection, the term 'qualified family member' means, with respect to any taxable year, any individual—

"(A) who is an ancestor of the taxpayer or of the taxpayer's spouse or who is the spouse of any such ancestor,

"(B) who is a member for the entire taxable year of a household maintained by the taxpayer, and

"(C) who has been certified, before the due date for filing the return of tax for the taxable year (without extensions), by a physician (as defined in section 1861(r)(1) of the Social Security Act) as being an individual with long-term care needs described in paragraph (3) for a period—

"(i) which is at least 180 consecutive days, and

"(ii) a portion of which occurs within the taxable year.

Such term shall not include any individual otherwise meeting the requirements of the preceding sentence unless within the 39½ month period ending on such due date (or such other period as the Secretary prescribes) a physician (as so defined) has certified that such individual meets such requirements.

"(3) INDIVIDUALS WITH LONG-TERM CARE NEEDS.—An individual is described in this paragraph if the individual—

"(A) is unable to perform (without substantial assistance from another individual) at least two activities of daily living (as defined in section 7702B(c)(2)(B)) due to a loss of functional capacity, or

"(B) requires substantial supervision to protect such individual from threats to health and safety due to severe cognitive impairment and is unable to perform, without reminding or cuing assistance, at least one activity of daily living (as so defined) or to the extent provided in regulations prescribed by the Secretary (in consultation with the Secretary of Health and Human Services), is unable to engage in age appropriate activities.

"(4) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (2), (3), (4), and (5) of section 21(e) shall apply for purposes of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 105. STUDY OF LONG-TERM CARE NEEDS IN THE 21ST CENTURY.

(a) In General.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall on or after October 1, 2001, provide, in accordance with this section, for a study in order to determine—

(1) future demand for long-term health care services (including institutional and home and community-based services) in the United States in order to meet the needs in the 21st century; and

(2) long-term options to finance the provision of such services.

(b) Details.—The study conducted under subsection (a) shall include the following:

(1) An identification of the relevant demographic characteristics affecting demand for long-term health care services, at least through the year 2030.

(2) The viability and capacity of community-based and other long-term health care services under different federal programs, including through the medicare and medicaid programs, grants to States, housing services, and changes in tax policy.

(3) How to improve the quality of long-term health care services.

(4) The integration of long-term health care services for individuals between different classes of health care providers (such as hospitals, nursing facilities, and home care agencies) and different Federal programs (such as the medicare and medicaid programs).

(5) The possibility of expanding private sector initiatives, including long-term care insurance, to meet the need to finance such services.

(6) An examination of the effect of enactment of the Health Insurance Portability and Accountability Act of 1996 on the provision and financing of long-term health care services, including on portability and affordability of private long-term care insurance, the impact of insurance options on low-income older Americans, and the options for eligibility to improve access to such insurance.

(7) The financial impact of the provision of long-term health care services on caregivers and other family members.

(c) Report and Recommendations.—

(1) In general.—October 1, 2002, the Secretary shall provide for a report on the study under this section.

(2) Recommendations.—The report under paragraph (1) shall include findings and recommendations regarding each of the following:

(A) The most effective and efficient manner that the Federal Government may use its resources to educate the public on planning for needs for long-term health care services.

(B) The public, private, and joint public-private strategies for meeting identified needs for long-term health care services.

(C) The role of States and local communities in the financing of long-term health care services.

(3) Inclusion of cost estimates.—The report under paragraph (1) shall include cost estimates of the various options for which recommendations are made.

(d) Conduct of Study.—

(1) Use of institute of medicine.—The Secretary of Health and Human Services shall seek to enter into an appropriate arrangement with the Institute of Medicine of the National Academy of Sciences to conduct the study under this section. If such an arrangement cannot be made, the Secretary may provide for the conduct of the study by any other qualified non-governmental entity.

(2) Consultation.—The study should be conducted under this section in consultation with experts from a wide-range of groups from the public and private sectors.

Subtitle B—Medical Savings Accounts

SEC. 111. EXPANSION OF AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) Repeal of Limitations on Number of Medical Savings Accounts.—

(1) In general.—Subsections (i) and (j) of section 220 of the Internal Revenue Code of 1986 are hereby repealed.

(2) Conforming amendments.—

(A) Paragraph (1) of section 220(c) of such Code is amended by striking subparagraph (D).

(B) Section 138 of such Code is amended by striking subsection (f).

(b) Availability Not Limited to Accounts For Employees of Small Employers and Self-employed Individuals.—

(1) In general.—Section 220(c)(1)(A) of such Code (relating to eligible individual) is amended to read as follows:

"(A) In general.—The term 'eligible individual' means, with respect to any month, any individual if—

"(i) such individual is covered under a high deductible health plan as of the 1st day of such month, and

"(ii) such individual is not, while covered under a high deductible health plan, covered under any health plan—

"(I) which is not a high deductible health plan, and

"(II) which provides coverage for any benefit which is covered under the high deductible health plan.".

(2) Conforming amendments.—

(A) Section 220(c)(1) of such Code is amended by striking subparagraph (C).

(B) Section 220(c) of such Code is amended by striking paragraph (4) (defining small employer) and by redesignating paragraph (5) as paragraph (4).

(C) Section 220(b) of such Code is amended by striking paragraph (4) (relating to deduction limited by compensation) and by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(c) Increase in Amount of Deduction Allowed for Contributions to Medical Savings Accounts.—

(1) In general.—Paragraph (2) of section 220(b) of such Code is amended to read as follows:

"(2) Monthly limitation.—The monthly limitation for any month is the amount equal to 1/12 of the annual deductible (as of the first day of such month) of the individual's coverage under the high deductible health plan.".

(2) Conforming amendment.—Clause (ii) of section 220(d)(1)(A) of such Code is amended by striking "75 percent of".

(d) Both Employers and Employees May Contribute to Medical Savings Accounts.—Paragraph (4) of section 220(b) of such Code (as redesignated by subsection (b)(2)(C)) is amended to read as follows:

"(4) Coordination with exclusion for employer contributions.—The limitation which would (but for this paragraph) apply under this subsection to the taxpayer for any taxable year shall be reduced (but not below zero) by the amount which would (but for section 106(b)) be includible in the taxpayer's gross income for such taxable year.".

(e) Reduction of Permitted Deductibles Under High Deductible Health Plans.—

(1) In general.—Subparagraph (A) of section 220(c)(2) of such Code (defining high deductible health plan) is amended—

(A) by striking "$1,500" in clause (i) and inserting "$1,000";

(B) by striking "$3,000" in clause (ii) and inserting "$2,000"; and

(C) by striking the matter preceding subclause (I) in clause (iii) and inserting "pursuant to which the annual out-of-pocket expenses (including deductibles and co-payments) are required to be paid under the plan (other than for premiums) for covered benefits and may not exceed—".

(2) Conforming amendment.—Subsection (g) of section 220 of such Code is amended to read as follows:

"(g) Cost-of-Living Adjustment.—

"(1) In general.—In the case of any taxable year beginning in a calendar year after 2002, each dollar amount in subsection (c)(2) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) Special rules.—In the case of the $1,000 amount in subsection (c)(2)(A)(i) and the $2,000 amount in subsection (c)(2)(A)(ii), paragraph (1)(B) shall be applied by substituting 'calendar year 2002' for 'calendar year 2001'.

"(3) Rounding.—If any increase under paragraph (1) or (2) is not a multiple of $50, such increase shall be rounded to the nearest multiple of $50.".

(f) Limitation on Additional Tax on Distributions Not Used for Qualified Medical Expenses.—Section 220(f)(4) of such Code (relating to additional tax on distributions not used for qualified medical expenses) is amended by adding at the end the following:

"(D) Exception in case of sufficient account balance.—Subparagraph (A) shall not apply to any payment or distribution in any taxable year, but only to the extent such payment or distribution does not reduce the fair market value of the assets of the medical savings account to an amount less than the annual deductible for the high deductible health plan of the account holder (determined as of the earlier of January 1 of the calendar year in which the taxable year begins or January 1 of the last calendar year in which the account holder is covered under a high deductible health plan).".

(g) Treatment of Network-Based Managed Care Plans.—Section 220(c)(2)(B) of such Code (relating to special rules for high deductible health plans) is amended by adding at the end the following:

"(iii) Treatment of network-based managed care plans.—A plan which provides health care services through a network of contracted or affiliated health care providers, if the benefits provided when services are obtained through network providers meet the requirements of subparagraph (A), shall not fail to be treated as a high deductible health plan by reason of providing benefits for services rendered by providers who are not members of the network, so long as the annual deductible and annual limit on out-of-pocket expenses applicable to services received from non-network providers are not lower than those applicable to services received from the network providers.".

(h) Medical Savings Accounts May Be Offered Under Cafeteria Plans.—Subsection (f) of section 125 of such Code is amended by striking "106(b),".

(i) Effective Date.—

(1) In general.—Except as provided by paragraph (2), the amendments made by this

section shall apply to taxable years beginning after December 31, 2001.

(2) LIMITATION ON ADDITIONAL TAX ON DISTRIBUTIONS NOT USED FOR QUALIFIED MEDICAL EXPENSES.—The amendment made by subsection (f) shall apply to taxable years beginning after December 31, 2005.

SEC. 112. AMENDMENTS TO TITLE 5, UNITED STATES CODE, RELATING TO MEDICAL SAVINGS ACCOUNTS AND HIGH DEDUCTIBLE HEALTH PLANS UNDER FEHBP.

(a) MEDICAL SAVINGS ACCOUNTS.—

(1) CONTRIBUTIONS.—Title 5, United States Code, is amended by redesignating section 8906a as section 8906c and by inserting after section 8906 the following:

"§ 8906a. Government contributions to medical savings accounts

"(a) An employee or annuitant enrolled in a high deductible health plan is entitled, in addition to the Government contribution under section 8906(b) toward the subscription charge for such plan, to have a Government contribution made, in accordance with succeeding provisions of this section, to a medical savings account of such employee or annuitant.

"(b)(1) The biweekly Government contribution under this section shall, in the case of any such employee or annuitant, be equal to the amount (if any) by which—

"(A) the biweekly equivalent of the maximum Government contribution for the contract year involved (as defined by paragraph (2)), exceeds

"(B) the amount of the biweekly Government contribution payable on such employee's or annuitant's behalf under section 8906(b) for the period involved.

"(2) For purposes of this section, the term 'maximum Government contribution' means, with respect to a contract year, the maximum Government contribution that could be made for health benefits for an employee or annuitant for such contract year, as determined under section 8906(b) (disregarding paragraph (2) thereof).

"(3) Notwithstanding any other provision of this section, no contribution under this section shall be payable to any medical savings account of an employee or annuitant for any period—

"(A) if, as of the first day of the month before the month in which such period commences, such employee or annuitant (or the spouse of such employee or annuitant, if coverage is for self and family) is entitled to benefits under part A of title XVIII of the Social Security Act;

"(B) to the extent that such contribution, when added to previous contributions made under this section for that same year with respect to such employee or annuitant, would cause the total to exceed—

"(i) the limitation under paragraph (1) of section 220(b) of the Internal Revenue Code of 1986 (determined without regard to paragraph (3) thereof) which is applicable to such employee or annuitant for the calendar year in which such period commences; or

"(ii) such lower amount as the employee or annuitant may specify in accordance with regulations of the Office, including an election not to receive contributions under this section for a year or the remainder of a year; or

"(C) for which any information (or documentation) under subsection (d) that is needed in order to make such contribution has not been timely submitted.

"(4) Notwithstanding any other provision of this section, no contribution under this section shall be payable to any medical savings account of an employee for any period in a contract year unless that employee was enrolled in a health benefits plan under this chapter as an employee for not less than—

"(A) the 1 year of service immediately before the start of such contract year, or

"(B) the full period or periods of service between the last day of the first period, as prescribed by regulations of the Office of Personnel Management, in which he is eligible to enroll in the plan and the day before the start of such contract year,

whichever is shorter.

"(5) The Office shall provide for the conversion of biweekly rates of contributions specified by paragraph (1) to rates for employees and annuitants whose pay or annuity is provided on other than a biweekly basis, and for this purpose may provide for the adjustment of the converted rate to the nearest cent.

"(c) A Government contribution under this section—

"(1) shall be made at the same time that, and the same frequency with which, Government contributions under section 8906(b) are made for the benefit of the employee or annuitant involved; and

"(2) shall be payable from the same appropriation, fund, account, or other source as would any Government contributions under section 8906(b) with respect to the employee or annuitant involved.

"(d) The Office shall by regulation prescribe the time, form, and manner in which an employee or annuitant shall submit any information (and supporting documentation) necessary to identify any medical savings account to which contributions under this section are requested to be made.

"(e) Nothing in this section shall be considered to entitle an employee or annuitant to any Government contribution under this section with respect to any period for which such employee or annuitant is ineligible for a Government contribution under section 8906(b).

"§ 8906b. Individual contributions to medical savings accounts

"(a) Upon the written request of an employee or annuitant enrolled in a high deductible health plan, there shall be withheld from the pay or annuity of such employee or annuitant and contributed to the medical savings account identified by such employee or annuitant in accordance with applicable regulations under subsection (c) such amount as the employee or annuitant may specify.

"(b) Notwithstanding subsection (a), no withholding under this section may be made from the pay or annuity of an employee or annuitant for any period—

"(1) if, or to the extent that, a Government contribution for such period under section 8906a would not be allowable by reason of subparagraph (A) or (B)(i) of subsection (b)(3) thereof;

"(2) for which any information (or documentation) that is needed in order to make such contribution has not been timely submitted; or

"(3) if the employee or annuitant submits a request for termination of withholdings, beginning on or after the effective date of the request and before the end of the year.

"(c) The Office of Personnel Management shall prescribe any regulations necessary to carry out this section, including provisions relating to the time, form, and manner in which any request for withholdings under this section may be made, changed, or terminated.".

(2) RULES OF CONSTRUCTION.—Nothing in this section or in any amendment made by this section shall be considered—

(A) to permit or require that any contributions to a medical savings account (whether by the Government or through withholdings from pay or annuity) be paid into the Employees Health Benefits Fund; or

(B) to affect any authority under section 1005(f) of title 39, United States Code, to vary, add to, or substitute for any provision of chapter 89 of title 5, United States Code, as amended by this section.

(3) CONFORMING AMENDMENTS.—

(A) The table of sections at the beginning of chapter 89 of title 5, United States Code, is amended by striking the item relating to section 8906a and inserting the following:

"8906a. Government contributions to medical savings accounts.
"8906b. Individual contributions to medical savings accounts.
"8906c. Temporary employees.".

(B) Section 8913(b)(4) of title 5, United States Code, is amended by striking "8906a(a)" and inserting "8906c(a)".

(b) INFORMATIONAL REQUIREMENTS.—Section 8907 of title 5, United States Code, is amended by adding at the end the following:

"(c) In addition to any information otherwise required under this section, the Office shall make available to all employees and annuitants eligible to enroll in a high deductible health plan, information relating to—

"(1) the conditions under which Government contributions under section 8906a shall be made to a medical savings account;

"(2) the amount of any Government contributions under section 8906a to which an employee or annuitant may be entitled (or how such amount may be ascertained);

"(3) the conditions under which contributions to a medical savings account may be made under section 8906b through withholdings from pay or annuity; and

"(4) any other matter the Office considers appropriate in connection with medical savings accounts.".

(c) HIGH DEDUCTIBLE HEALTH PLAN AND MEDICAL SAVINGS ACCOUNT DEFINED.—Section 8901 of title 5, United States Code, is amended—

(1) in paragraph (10) by striking "and" after the semicolon;

(2) in paragraph (11) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(12) the term 'high deductible health plan' means a plan described by section 8903(5) or section 8903a(d); and

"(13) the term 'medical savings account' has the meaning given such term by section 220(d) of the Internal Revenue Code of 1986.".

(d) AUTHORITY TO CONTRACT FOR HIGH DEDUCTIBLE HEALTH PLANS, ETC.—

(1) CONTRACTS FOR HIGH DEDUCTIBLE HEALTH PLANS.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

"(p)(1) The Office shall contract under this chapter for a high deductible health plan with any qualified carrier that offers such a plan and, as of the date of enactment of this subsection, offers a health benefits plan under this chapter.

"(2) The Office may contract under this chapter for a high deductible health plan with any qualified carrier that offers such a plan, but does not, as of the date of enactment of this subsection, offer a health benefits plan under this chapter.".

(2) COMPUTATION OF GOVERNMENT CONTRIBUTIONS TO PLANS UNDER CHAPTER 89 NOT AFFECTED BY HIGH DEDUCTIBLE HEALTH PLANS.—

Paragraph (2) of section 8906(a) of title 5, United States Code, is amended by striking “(2)” and inserting “(2)(A)”, and adding at the end the following:

“(B) Notwithstanding any other provision of this section, the subscription charges for, and the number of enrollees enrolled in, high deductible health plans shall be disregarded for purposes of determining any weighted average under paragraph (1).”.

(e) DESCRIPTION OF HIGH DEDUCTIBLE HEALTH PLANS AND BENEFITS TO BE PROVIDED THEREUNDER.—

(1) IN GENERAL.—Section 8903 of title 5, United States Code, is amended by adding at the end the following:

“(5) HIGH DEDUCTIBLE HEALTH PLANS.—(A) One or more plans described by paragraph (1), (2), (3), or (4), which—

“(i) are high deductible health plans (as defined by section 220(c)(2) of the Internal Revenue Code of 1986); and

“(ii) provide benefits of the types referred to by section 8904(a)(5).

“(B) Nothing in this section shall be considered—

“(i) to prevent a carrier from simultaneously offering a plan described by subparagraph (A) and a plan described by paragraph (1) or (2); or

“(ii) to require that a high deductible health plan offer two levels of benefits.”.

(2) TYPES OF BENEFITS.—Section 8904(a) of title 5, United States Code, is amended by inserting after paragraph (4) the following:

“(5) HIGH DEDUCTIBLE HEALTH PLANS.—Benefits of the types named under paragraph (1) or (2) of this subsection or both.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 8903a of title 5, United States Code, is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

“(d) The plans under this section may include one or more plans, otherwise allowable under this section, that satisfy the requirements of clauses (i) and (ii) of section 8903(5)(A).”.

(B) Section 8909(d) of title 5, United States Code, is amended by striking “8903a(d)” and inserting “8903a(e)”.

(4) REFERENCES.—Section 8903 of title 5, United States Code, is amended by adding after paragraph (5) (as added by paragraph (1) of this subsection) as a flush left sentence, the following:

“The Office shall prescribe regulations in accordance with which the requirements of section 8902(c), 8902(n), 8909(e), and any other provision of this chapter that applies with respect to a plan described by paragraph (1), (2), (3), or (4) of this section shall apply with respect to the corresponding plan under paragraph (5) of this section. Similar regulations shall be prescribed with respect to any plan under section 8903a(d).”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contract years beginning on or after October 1, 2001. The Office of Personnel Management shall take appropriate measures to ensure that coverage under a high deductible health plan under chapter 89 of title 5, United States Code (as amended by this section) shall be available as of the beginning of the first contract year described in the preceding sentence.

SEC. 113. RULE WITH RESPECT TO CERTAIN PLANS.

(a) IN GENERAL.—Notwithstanding any other provision of law, health insurance issuers may offer, and eligible individuals may purchase, high deductible health plans described in section 220(c)(2)(A) of the Internal Revenue Code of 1986. Effective for the 5-year period beginning on October 1, 2001, such health plans shall not be required to provide payment for any health care items or services that are exempt from the plan's deductible.

(b) EXISTING STATE LAWS.—A State law relating to payment for health care items and services in effect on the date of enactment of this Act that is preempted under paragraph (1), shall not apply to high deductible health plans after the expiration of the 5-year period described in such paragraph unless the State reenacts such law after such period.

Subtitle C—Other Health-Related Provisions

SEC. 121. EXPANDED HUMAN CLINICAL TRIALS QUALIFYING FOR ORPHAN DRUG CREDIT.

(a) IN GENERAL.—Subclause (I) of section 45C(b)(2)(A)(ii) of the Internal Revenue Code of 1986 is amended to read as follows:

“(I) after the date that the application is filed for designation under such section 526, and”.

(b) CONFORMING AMENDMENT.—Clause (i) of section 45C(b)(2)(A) of such Code is amended by inserting “which is” before “being” and by inserting before the comma at the end “and which is designated under section 526 of such Act”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2001.

SEC. 122. CARRYOVER OF UNUSED BENEFITS FROM CAFETERIA PLANS, FLEXIBLE SPENDING ARRANGEMENTS, AND HEALTH FLEXIBLE SPENDING ACCOUNTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j) and by inserting after subsection (g) the following new subsection:

“(h) ALLOWANCE OF CARRYOVERS OF UNUSED BENEFITS TO LATER TAXABLE YEARS.—

“(1) IN GENERAL.—For purposes of this title—

“(A) notwithstanding subsection (d)(2), a plan or other arrangement shall not fail to be treated as a cafeteria plan or flexible spending or similar arrangement, and

“(B) no amount shall be required to be included in gross income by reason of this section or any other provision of this chapter,

solely because under such plan or other arrangement any nontaxable benefit which is unused as of the close of a taxable year may be carried forward to 1 or more succeeding taxable years.

“(2) LIMITATION.—Paragraph (1) shall not apply to amounts carried from a plan to the extent such amounts exceed $500 (applied on an annual basis). For purposes of this paragraph, all plans and arrangements maintained by an employer or any related person shall be treated as 1 plan.

“(3) ALLOWANCE OF ROLLOVER.—

“(A) IN GENERAL.—In the case of any unused benefit described in paragraph (1) which consists of amounts in a health flexible spending account or dependent care flexible spending account, the plan or arrangement shall provide that a participant may elect, in lieu of such carryover, to have such amounts distributed to the participant.

“(B) AMOUNTS NOT INCLUDED IN INCOME.—Any distribution under subparagraph (A) shall not be included in gross income to the extent that such amount is transferred in a trustee-to-trustee transfer, or is contributed within 60 days of the date of the distribution, to—

“(i) a qualified cash or deferred arrangement described in section 401(k),

“(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

“(iii) an eligible deferred compensation plan described in section 457, or

“(iv) a medical savings account (within the meaning of section 220).

Any amount rolled over under this subparagraph shall be treated as a rollover contribution for the taxable year from which the unused amount would otherwise be carried.

“(C) TREATMENT OF ROLLOVER.—Any amount rolled over under subparagraph (B) shall be treated as an eligible rollover under section 220, 401(k), 403(b), or 457, whichever is applicable, and shall be taken into account in applying any limitation (or participation requirement) on employer or employee contributions under such section or any other provision of this chapter for the taxable year of the rollover.

“(4) COST-OF-LIVING ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2002, the $500 amount under paragraph (2) shall be adjusted at the same time and in the same manner as under section 415(d)(2), except that the base period taken into account shall be the calendar quarter beginning October 1, 2001, and any increase which is not a multiple of $50 shall be rounded to the next lowest multiple of $50.

“(5) APPLICABILITY.—This subsection shall apply to taxable years beginning after December 31, 2001.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 123. REDUCTION IN TAX ON VACCINES.

(a) IN GENERAL.—Paragraph (1) of section 4131(b) of the Internal Revenue Code of 1986 (relating to amount of tax) is amended by striking “75 cents” and inserting “50 cents”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2002.

Subtitle D—Miscellaneous Provisions

SEC. 131. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this division (or an amendment made by this division) shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this division has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this division has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such division.

SEC. 132. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking “2003” and inserting “2010”.

SEC. 133. ESTABLISHMENT OF MEDICARE ADMINISTRATIVE FEE FOR SUBMISSION OF PAPER CLAIMS.

(a) IMPOSITION OF FEE.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Health and Human Services shall establish (in the form of a separate fee or reduction of payment otherwise made under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) an administrative fee of $1 for the submission of a claim in a paper or non-electronic form for items or services for which payment is sought under such title.

(b) Exception Authority.—The Secretary of Health and Human Services shall waive the imposition of the fee under subsection (a)—

(1) in cases in which there is no method available for the submission of claims other than in a paper or non-electronic form; and

(2) for rural providers and small providers that the Secretary determines, under procedures established by the Secretary, are unable to purchase the necessary hardware in order to submit claims electronically.

(c) Treatment of Fees for Purposes of Cost Reports.—An entity may not include a fee assessed pursuant to this section as an allowable item on a cost report under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or title XIX of such Act (42 U.S.C. 1396 et seq.).

(d) Effective Date.—The provisions of this section apply to claims submitted on or after January 1, 2002.

SEC. 134. ESTABLISHMENT OF MEDICARE ADMINISTRATIVE FEE FOR SUBMISSION OF DUPLICATE AND UNPROCESSABLE CLAIMS.

(a) Imposition of Fee.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall establish (in the form of a separate fee or reduction of payment otherwise made under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) an administrative fee of $2 for the submission of a claim described in subsection (b).

(b) Claims Subject to Fee.—A claim described in this subsection is a claim that—

(1) is submitted by an individual or entity for items or services for which payment is sought under title XVIII of the Social Security Act; and

(2) either—

(A) duplicates, in whole or in part, another claim submitted by the same individual or entity; or

(B) is a claim that cannot be processed and must, in accordance with the Secretary of Health and Human Service's instructions, be returned by the fiscal intermediary or carrier to the individual or entity for completion.

(c) Treatment of Fees for Purposes of Cost Reports.—An entity may not include a fee assessed pursuant to this section as an allowable item on a cost report under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or title XIX of such Act (42 U.S.C. 1396 et seq.).

(d) Effective Date.—The provisions of this section apply to claims submitted on or after January 1, 2002.

TITLE II—PATIENTS' BILL OF RIGHTS

Subtitle A—Right to Advice and Care

SEC. 201. PATIENT RIGHT TO MEDICAL ADVICE AND CARE.

(a) In General.—Part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181 et seq.) is amended—

(1) by redesignating subpart C as subpart D; and

(2) by inserting after subpart B the following:

"Subpart C—Patient Right to Medical Advice and Care

"SEC. 721. ACCESS TO EMERGENCY MEDICAL CARE.

"(a) Coverage of Emergency Services.—If a group health plan (other than a fully insured group health plan) provides coverage for any benefits consisting of emergency medical care, except for items or services specifically excluded from coverage, the plan shall, without regard to prior authorization or provider participation—

"(1) provide coverage for emergency medical screening examinations to the extent that a prudent layperson, who possesses an average knowledge of health and medicine, would determine such examinations to be necessary; and

"(2) provide coverage for additional emergency medical care to stabilize an emergency medical condition following an emergency medical screening examination (if determined necessary), pursuant to the definition of stabilize under section 1867(e)(3) of the Social Security Act (42 U.S.C. 1395dd(e)(3)).

"(b) Coverage of Emergency Ambulance Services.—If a group health plan (other than a fully insured group health plan) provides coverage for any benefits consisting of emergency ambulance services, except for items or services specifically excluded from coverage, the plan shall, without regard to prior authorization or provider participation, provide coverage for emergency ambulance services to the extent that a prudent layperson, who possesses an average knowledge of health and medicine, would determine such emergency ambulance services to be necessary.

"(c) Care After Stabilization.—

"(1) In general.—In the case of medically necessary and appropriate items or services related to the emergency medical condition that may be provided to a participant or beneficiary by a nonparticipating provider after the participant or beneficiary is stabilized, the nonparticipating provider shall contact the plan as soon as practicable, but not later than 2 hours after stabilization occurs, with respect to whether—

"(A) the provision of items or services is approved;

"(B) the participant or beneficiary will be transferred; or

"(C) other arrangements will be made concerning the care and treatment of the participant or beneficiary.

"(2) Failure to respond and make arrangements.—If a group health plan fails to respond and make arrangements within 2 hours of being contacted in accordance with paragraph (1), then the plan shall be responsible for the cost of any additional items or services provided by the nonparticipating provider if—

"(A) coverage for items or services of the type furnished by the nonparticipating provider is available under the plan;

"(B) the items or services are medically necessary and appropriate and related to the emergency medical condition involved; and

"(C) the timely provision of the items or services is medically necessary and appropriate.

"(3) Rule of construction.—Nothing in this subsection shall be construed to apply to a group health plan that does not require prior authorization for items or services provided to a participant or beneficiary after the participant or beneficiary is stabilized.

"(d) Reimbursement to a Non-Participating Provider.—The responsibility of a group health plan to provide reimbursement to a nonparticipating provider under this section shall cease accruing upon the earlier of—

"(1) the transfer or discharge of the participant or beneficiary; or

"(2) the completion of other arrangements made by the plan and the nonparticipating provider.

"(e) Responsibility of Participant.—With respect to items or services provided by a nonparticipating provider under this section, the participant or beneficiary shall not be responsible for amounts that exceed the amounts (including co-insurance, co-payments, deductibles or any other form of cost-sharing) that would be incurred if the care was provided by a participating health care provider with prior authorization.

"(f) Rule of Construction.—Nothing in this section shall be construed to prohibit a group health plan from negotiating reimbursement rates with a nonparticipating provider for items or services provided under this section.

"(g) Definitions.—In this section:

"(1) Emergency ambulance services.—The term 'emergency ambulance services' means, with respect to a participant or beneficiary under a group health plan (other than a fully insured group health plan), ambulance services furnished to transport an individual who has an emergency medical condition to a treating facility for receipt of emergency medical care if—

"(A) the emergency services are covered under the group health plan (other than a fully insured group health plan) involved; and

"(B) a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of such transport to result in placing the health of the participant or beneficiary (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

"(2) Emergency medical care.—The term 'emergency medical care' means, with respect to a participant or beneficiary under a group health plan (other than a fully insured group health plan), covered inpatient and outpatient items or services that—

"(A) are furnished by any provider, including a nonparticipating provider, that is qualified to furnish such items or services; and

"(B) are needed to evaluate or stabilize (as such term is defined in section 1867(e)(3) of the Social Security Act (42 U.S.C. 1395dd(e)(3)) an emergency medical condition.

"(3) Emergency medical condition.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the health of the participant or beneficiary (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

"SEC. 722. OFFERING OF CHOICE OF COVERAGE OPTIONS.

"(a) Requirement.—If a group health plan (other than a fully insured group health plan) provides coverage for benefits only through a defined set of participating health care professionals, the plan shall offer the participant the option to purchase point-of-service coverage (as defined in subsection (b)) for all such benefits for which coverage is otherwise so limited. Such option shall be made available to the participant at the time of enrollment under the plan and at such other times as the plan offers the participant a choice of coverage options.

"(b) POINT-OF-SERVICE COVERAGE DEFINED.—In this section, the term 'point-of-service coverage' means, with respect to benefits covered under a group health plan (other than a fully insured group health plan), coverage of such benefits when provided by a nonparticipating health care professional.

"(c) SMALL EMPLOYER EXEMPTION.—

"(1) IN GENERAL.—This section shall not apply to any group health plan (other than a fully insured group health plan) of a small employer.

"(2) SMALL EMPLOYER.—For purposes of paragraph (1), the term 'small employer' means, in connection with a group health plan (other than a fully insured group health plan) with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year. For purposes of this paragraph, the provisions of subparagraph (C) of section 712(c)(1) shall apply in determining employer size.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) as requiring coverage for benefits for a particular type of health care professional;

"(2) as requiring an employer to pay any costs as a result of this section or to make equal contributions with respect to different health coverage options;

"(3) as preventing a group health plan (other than a fully insured group health plan) from imposing higher premiums or cost-sharing on a participant for the exercise of a point-of-service coverage option; or

"(4) to require that a group health plan (other than a fully insured group health plan) include coverage of health care professionals that the plan excludes because of fraud, quality of care, or other similar reasons with respect to such professionals.

"SEC. 723. PATIENT ACCESS TO OBSTETRIC AND GYNECOLOGICAL CARE.

"(a) GENERAL RIGHTS.—

"(1) DIRECT ACCESS.—A group health plan described in subsection (b) may not require authorization or referral by the primary care provider described in subsection (b)(2) in the case of a female participant or beneficiary who seeks coverage for obstetrical or gynecological care provided by a participating physician who specializes in obstetrics or gynecology.

"(2) OBSTETRICAL AND GYNECOLOGICAL CARE.—A group health plan described in subsection (b) shall treat the provision of obstetrical and gynecological care, and the ordering of related obstetrical and gynecological items and services, pursuant to the direct access described under paragraph (1), by a participating health care professional who specializes in obstetrics or gynecology as the authorization of the primary care provider.

"(b) APPLICATION OF SECTION.—A group health plan described in this subsection is a group health plan (other than a fully insured group health plan), that—

"(1) provides coverage for obstetric or gynecologic care; and

"(2) requires the designation by a participant or beneficiary of a participating primary care provider other than a physician who specializes in obstetrics or gynecology.

"(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to require that a group health plan approve or provide coverage for—

"(A) any items or services that are not covered under the terms and conditions of the group health plan;

"(B) any items or services that are not medically necessary and appropriate; or

"(C) any items or services that are provided, ordered, or otherwise authorized under subsection (a)(2) by a physician unless such items or services are related to obstetric or gynecologic care;

"(2) to preclude a group health plan from requiring that the physician described in subsection (a) notify the designated primary care professional or case manager of treatment decisions in accordance with a process implemented by the plan, except that the group health plan shall not impose such a notification requirement on the participant or beneficiary involved in the treatment decision;

"(3) to preclude a group health plan from requiring authorization, including prior authorization, for certain items and services from the physician described in subsection (a) who specializes in obstetrics and gynecology if the designated primary care provider of the participant or beneficiary would otherwise be required to obtain authorization for such items or services;

"(4) to require that the participant or beneficiary described in subsection (a)(1) obtain authorization or a referral from a primary care provider in order to obtain obstetrical or gynecological care from a health care professional other than a physician if the provision of obstetrical or gynecological care by such professional is permitted by the group health plan and consistent with State licensure, credentialing, and scope of practice laws and regulations; or

"(5) to preclude the participant or beneficiary described in subsection (a)(1) from designating a health care professional other than a physician as a primary care provider if such designation is permitted by the group health plan and the treatment by such professional is consistent with State licensure, credentialing, and scope of practice laws and regulations.

"SEC. 724. ACCESS TO PEDIATRIC CARE.

"(a) PEDIATRIC CARE.—If a group health plan (other than a fully insured group health plan) requires or provides for a participant or beneficiary to designate a participating primary care provider for a child of such participant or beneficiary, the plan shall permit the participant or beneficiary to designate a physician who specializes in pediatrics as the child's primary care provider if such provider participates in the network of the plan.

"(b) RULES OF CONSTRUCTION.—With respect to the child of a participant or beneficiary, nothing in subsection (a) shall be construed to—

"(1) require that the participant or beneficiary obtain prior authorization or a referral from a primary care provider in order to obtain pediatric care from a health care professional other than a physician if the provision of pediatric care by such professional is permitted by the plan and consistent with State licensure, credentialing, and scope of practice laws and regulations; or

"(2) preclude the participant or beneficiary from designating a health care professional other than a physician as a primary care provider for the child if such designation is permitted by the plan and the treatment by such professional is consistent with State licensure, credentialing, and scope of practice laws.

"SEC. 725. TIMELY ACCESS TO SPECIALISTS.

"(a) TIMELY ACCESS.—

"(1) IN GENERAL.—A group health plan (other than a fully insured group health plan) shall ensure that participants and beneficiaries receive timely coverage for access to specialists who are appropriate to the medical condition of the participant or beneficiary, when such specialty care is a covered benefit under the plan.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

"(A) to require the coverage under a group health plan (other than a fully insured group health plan) of benefits or services;

"(B) to prohibit a plan from including providers in the network only to the extent necessary to meet the needs of the plan's participants and beneficiaries;

"(C) to prohibit a plan from establishing measures designed to maintain quality and control costs consistent with the responsibilities of the plan; or

"(D) to override any State licensure or scope-of-practice law.

"(3) ACCESS TO CERTAIN PROVIDERS.—

"(A) PARTICIPATING PROVIDERS.—Nothing in this section shall be construed to prohibit a group health plan (other than a fully insured group health plan) from requiring that a participant or beneficiary obtain specialty care from a participating specialist.

"(B) NONPARTICIPATING PROVIDERS.—

"(i) IN GENERAL.—With respect to specialty care under this section, if a group health plan (other than a fully insured group health plan) determines that a participating specialist is not available to provide such care to the participant or beneficiary, the plan shall provide for coverage of such care by a nonparticipating specialist.

"(ii) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a group health plan (other than a fully insured group health plan) refers a participant or beneficiary to a nonparticipating specialist pursuant to clause (i), such specialty care shall be provided at no additional cost to the participant or beneficiary beyond what the participant or beneficiary would otherwise pay for such specialty care if provided by a participating specialist.

"(b) REFERRALS.—

"(1) AUTHORIZATION.—Nothing in this section shall be construed to prohibit a group health plan (other than a fully insured group health plan) from requiring an authorization in order to obtain coverage for specialty services so long as such authorization is for an appropriate duration or number of referrals.

"(2) REFERRALS FOR ONGOING SPECIAL CONDITIONS.—

"(A) IN GENERAL.—A group health plan (other than a fully insured group health plan) shall permit a participant or beneficiary who has an ongoing special condition (as defined in subparagraph (B)) to receive a referral to a specialist for the treatment of such condition and such specialist may authorize such referrals, procedures, tests, and other medical services with respect to such condition, or coordinate the care for such condition, subject to the terms of a treatment plan referred to in subsection (c) with respect to the condition.

"(B) ONGOING SPECIAL CONDITION DEFINED.—In this subsection, the term 'ongoing special condition' means a condition or disease that—

"(i) is life-threatening, degenerative, or disabling; and

"(ii) requires specialized medical care over a prolonged period of time.

"(c) Treatment Plans.—

"(1) In general.—Nothing in this section shall be construed to prohibit a group health plan (other than a fully insured group health plan) from requiring that specialty care be provided pursuant to a treatment plan so long as the treatment plan is—

"(A) developed by the specialist, in consultation with the case manager or primary care provider, and the participant or beneficiary;

"(B) approved by the plan in a timely manner if the plan requires such approval; and

"(C) in accordance with the applicable quality assurance and utilization review standards of the plan.

"(2) Notification.—Nothing in paragraph (1) shall be construed as prohibiting a plan from requiring the specialist to provide the plan with regular updates on the specialty care provided, as well as all other necessary medical information.

"(d) Specialist Defined.—For purposes of this section, the term 'specialist' means, with respect to the medical condition of the participant or beneficiary, a health care professional, facility, or center (such as a center of excellence) that has adequate expertise (including age-appropriate expertise) through appropriate training and experience.

"(e) Right to External Review.—Pursuant to the requirements of section 503B, a participant or beneficiary shall have the right to an independent external review if the denial of an item or service or condition that is required to be covered under this section is eligible for such review.

"SEC. 726. CONTINUITY OF CARE.

"(a) Termination of Provider.—If a contract between a group health plan (other than a fully insured group health plan) and a treating health care provider is terminated (as defined in paragraph (e)(4)), or benefits or coverage provided by a health care provider are terminated because of a change in the terms of provider participation in such plan, and an individual who is a participant or beneficiary in the plan is undergoing an active course of treatment for a serious and complex condition, institutional care, pregnancy, or terminal illness from the provider at the time the plan receives or provides notice of such termination, the plan shall—

"(1) notify the individual, or arrange to have the individual notified pursuant to subsection (d)(2), on a timely basis of such termination;

"(2) provide the individual with an opportunity to notify the plan of the individual's need for transitional care; and

"(3) subject to subsection (c), permit the individual to elect to continue to be covered with respect to the active course of treatment with the provider's consent during a transitional period (as provided for under subsection (b)).

"(b) Transitional Period.—

"(1) Serious and complex conditions.—The transitional period under this section with respect to a serious and complex condition shall extend for up to 90 days from the date of the notice described in subsection (a)(1) of the provider's termination.

"(2) Institutional or inpatient care.—

"(A) In general.—The transitional period under this section for institutional or nonelective inpatient care from a provider shall extend until the earlier of—

"(i) the expiration of the 90-day period beginning on the date on which the notice described in subsection (a)(1) of the provider's termination is provided; or

"(ii) the date of discharge of the individual from such care or the termination of the period of institutionalization.

"(B) Scheduled care.—The 90 day limitation described in subparagraph (A)(i) shall include post-surgical follow-up care relating to non-elective surgery that has been scheduled before the date of the notice of the termination of the provider under subsection (a)(1).

"(3) Pregnancy.—If—

"(A) a participant or beneficiary has entered the second trimester of pregnancy at the time of a provider's termination of participation; and

"(B) the provider was treating the pregnancy before the date of the termination;
the transitional period under this subsection with respect to provider's treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

"(4) Terminal illness.—If—

"(A) a participant or beneficiary was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation; and

"(B) the provider was treating the terminal illness before the date of termination;
the transitional period under this subsection shall extend for the remainder of the individual's life for care that is directly related to the treatment of the terminal illness.

"(c) Permissible Terms and Conditions.—A group health plan (other than a fully insured group health plan) may condition coverage of continued treatment by a provider under this section upon the provider agreeing to the following terms and conditions:

"(1) The treating health care provider agrees to accept reimbursement from the plan and individual involved (with respect to cost-sharing) at the rates applicable prior to the start of the transitional period as payment in full (or at the rates applicable under the replacement plan after the date of the termination of the contract with the group health plan) and not to impose cost-sharing with respect to the individual in an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in this section had not been terminated.

"(2) The treating health care provider agrees to adhere to the quality assurance standards of the plan responsible for payment under paragraph (1) and to provide to such plan necessary medical information related to the care provided.

"(3) The treating health care provider agrees otherwise to adhere to such plan's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan.

"(d) Rules of Construction.—Nothing in this section shall be construed—

"(1) to require the coverage of benefits which would not have been covered if the provider involved remained a participating provider; or

"(2) with respect to the termination of a contract under subsection (a) to prevent a group health plan from requiring that the health care provider—

"(A) notify participants or beneficiaries of their rights under this section; or

"(B) provide the plan with the name of each participant or beneficiary who the provider believes is eligible for transitional care under this section.

"(e) Definitions.—In this section:

"(1) Contract.—The term 'contract between a plan and a treating health care provider' shall include a contract between such a plan and an organized network of providers.

"(2) Health care provider.—The term 'health care provider' or 'provider' means—

"(A) any individual who is engaged in the delivery of health care services in a State and who is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State; and

"(B) any entity that is engaged in the delivery of health care services in a State and that, if it is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State, is so licensed.

"(3) Serious and complex condition.—The term 'serious and complex condition' means, with respect to a participant or beneficiary under the plan, a condition that is medically determinable and—

"(A) in the case of an acute illness, is a condition serious enough to require specialized medical treatment to avoid the reasonable possibility of death or permanent harm; or

"(B) in the case of a chronic illness or condition, is an illness or condition that—

"(i) is complex and difficult to manage;

"(ii) is disabling or life- threatening; and

"(iii) requires—

"(I) frequent monitoring over a prolonged period of time and requires substantial ongoing specialized medical care; or

"(II) frequent ongoing specialized medical care across a variety of domains of care.

"(4) Terminated.—The term 'terminated' includes, with respect to a contract (as defined in paragraph (1)), the expiration or nonrenewal of the contract by the group health plan, but does not include a termination of the contract by the plan for failure to meet applicable quality standards or for fraud.

"(f) Right to External Review.—Pursuant to the requirements of section 503B, a participant or beneficiary shall have the right to an independent external review if the denial of an item or service or condition that is required to be covered under this section is eligible for such review.

"SEC. 727. PROTECTION OF PATIENT-PROVIDER COMMUNICATIONS.

"(a) In General.—Subject to subsection (b), a group health plan (other than a fully insured group health plan and in relation to a participant or beneficiary) shall not prohibit or otherwise restrict a health care professional from advising such a participant or beneficiary who is a patient of the professional about the health status of the participant or beneficiary or medical care or treatment for the condition or disease of the participant or beneficiary, regardless of whether coverage for such care or treatment are provided under the contract, if the professional is acting within the lawful scope of practice.

"(b) Rule of Construction.—Nothing in this section shall be construed as requiring a group health plan (other than a fully insured group health plan) to provide specific benefits under the terms of such plan.

"SEC. 728. PATIENT'S RIGHT TO PRESCRIPTION DRUGS.

"(a) In General.—To the extent that a group health plan (other than a fully insured group health plan) provides coverage for benefits with respect to prescription drugs, and limits such coverage to drugs included in a formulary, the plan shall—

“(1) ensure the participation of physicians and pharmacists in developing and reviewing such formulary; and

“(2) in accordance with the applicable quality assurance and utilization review standards of the plan, provide for exceptions from the formulary limitation when a non-formulary alternative is medically necessary and appropriate.

“(b) Right to External Review.—Pursuant to the requirements of section 503B, a participant or beneficiary shall have the right to an independent external review if the denial of an item or service or condition that is required to be covered under this section is eligible for such review.

“SEC. 729. SELF-PAYMENT FOR BEHAVIORAL HEALTH CARE SERVICES.

“(a) In General.—A group health plan (other than a fully insured group health plan) may not—

“(1) prohibit or otherwise discourage a participant or beneficiary from self-paying for behavioral health care services once the plan has denied coverage for such services; or

“(2) terminate a health care provider because such provider permits participants or beneficiaries to self-pay for behavioral health care services—

“(A) that are not otherwise covered under the plan; or

“(B) for which the group health plan provides limited coverage, to the extent that the group health plan denies coverage of the services.

“(b) Rule of Construction.—Nothing in subsection (a)(2)(B) shall be construed as prohibiting a group health plan from terminating a contract with a health care provider for failure to meet applicable quality standards or for fraud.

“SEC. 730. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CANCER CLINICAL TRIALS.

“(a) Coverage.—

“(1) In general.—If a group health plan (other than a fully insured group health plan) provides coverage to a qualified individual (as defined in subsection (b)), the plan—

“(A) may not deny the individual participation in the clinical trial referred to in subsection (b)(2);

“(B) subject to subsections (b), (c), and (d) may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

“(C) may not discriminate against the individual on the basis of the participant's or beneficiaries participation in such trial.

“(2) Exclusion of certain costs.—For purposes of paragraph (1)(B), routine patient costs do not include the cost of the tests or measurements conducted primarily for the purpose of the clinical trial involved.

“(3) Use of in-network providers.—If one or more participating providers is participating in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan from requiring that a qualified individual participate in the trial through such a participating provider if the provider will accept the individual as a participant in the trial.

“(b) Qualified Individual Defined.—For purposes of subsection (a), the term ‘qualified individual’ means an individual who is a participant or beneficiary in a group health plan and who meets the following conditions:

“(1)(A) The individual has been diagnosed with cancer for which no standard treatment is effective.

“(B) The individual is eligible to participate in an approved clinical trial according to the trial protocol with respect to treatment of such illness.

“(C) The individual's participation in the trial offers meaningful potential for significant clinical benefit for the individual.

“(2) Either—

“(A) the referring physician is a participating health care professional and has concluded that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1); or

“(B) the participant or beneficiary provides medical and scientific information establishing that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1).

“(c) Payment.—

“(1) In general.—Under this section a group health plan (other than a fully insured group health plan) shall provide for payment for routine patient costs described in subsection (a)(2) but is not required to pay for costs of items and services that are reasonably expected to be paid for by the sponsors of an approved clinical trial.

“(2) Standards for determining routine patient costs associated with clinical trial participation.—

“(A) In general.—The Secretary shall, in accordance with this paragraph, establish standards relating to the coverage of routine patient costs for individuals participating in clinical trials that group health plans must meet under this section.

“(B) Factors.—In establishing routine patient cost standards under subparagraph (A), the Secretary shall consult with interested parties and take into account —

“(i) quality of patient care;

“(ii) routine patient care costs versus costs associated with the conduct of clinical trials, including unanticipated patient care costs as a result of participation in clinical trials; and

“(iii) previous and on-going studies relating to patient care costs associated with participation in clinical trials.

“(C) Appointment and meetings of negotiated rulemaking committee.—

“(i) Publication of notice.—Not later than November 15, 2000, the Secretary shall publish notice of the establishment of a negotiated rulemaking committee, as provided for under section 564(a) of title 5, United States Code, to develop the standards described in subparagraph (A), which shall include—

“(I) the proposed scope of the committee;

“(II) the interests that may be impacted by the standards;

“(iii) a list of the proposed membership of the committee;

“(iv) the proposed meeting schedule of the committee;

“(v) a solicitation for public comment on the committee; and

“(vi) the procedures under which an individual may apply for membership on the committee.

“(ii) Comment period.—Notwithstanding section 564(c) of title 5, United States Code, the Secretary shall provide for a period, beginning on the date on which the notice is published under clause (i) and ending on November 30, 2000, for the submission of public comments on the committee under this subparagraph.

“(iii) Appointment of committee.—Not later than December 30, 2000, the Secretary shall appoint the members of the negotiated rulemaking committee under this subparagraph.

“(iv) Facilitator.—Not later than January 10, 2001, the negotiated rulemaking committee shall nominate a facilitator under section 566(c) of title 5, United States Code, to carry out the activities described in subsection (d) of such section.

“(v) Meetings.—During the period beginning on the date on which the facilitator is nominated under clause (iv) and ending on March 30, 2001, the negotiated rulemaking committee shall meet to develop the standards described in subparagraph (A).

“(D) Preliminary committee report.—

“(i) In general.—The negotiated rulemaking committee appointed under subparagraph (C) shall report to the Secretary, by not later than March 30, 2001, regarding the committee's progress on achieving a consensus with regard to the rulemaking proceedings and whether such consensus is likely to occur before the target date described in subsection (F).

“(ii) Termination of process and publication of rule by secretary.—If the committee reports under clause (i) that the committee has failed to make significant progress towards such consensus or is unlikely to reach such consensus by the target date described in subsection (F), the Secretary shall terminate such process and provide for the publication in the Federal Register, by not later than June 30, 2001, of a rule under this paragraph through such other methods as the Secretary may provide.

“(E) Final committee report and publication or rule by secretary.—

“(i) In general.—If the rulemaking committee is not terminated under subparagraph (D)(ii), the committee shall submit to the Secretary, by not later than May 30, 2001, a report containing a proposed rule.

“(ii) Publication of rule.—If the Secretary receives a report under clause (i), the Secretary shall provide for the publication in the Federal Register, by not later than June 30, 2001, of the proposed rule.

“(F) Target date for publication of rule.—As part of the notice under subparagraph (C)(i), and for purposes of this paragraph, the ‘target date for publication’ (referred to in section 564(a)(5) of title 5, United States Code) shall be June 30, 2001.

“(G) Effective date.—The provisions of this paragraph shall apply to group health plans (other than a fully insured group health plan) for plan years beginning on or after January 1, 2002.

“(3) Payment rate.—In the case of covered items and services provided by—

“(A) a participating provider, the payment rate shall be at the agreed upon rate, or

“(B) a nonparticipating provider, the payment rate shall be at the rate the plan would normally pay for comparable services under subparagraph (A).

“(d) Approved Clinical Trial Defined.—

“(1) In general.—In this section, the term ‘approved clinical trial’ means a cancer clinical research study or cancer clinical investigation approved or funded (which may include funding through in-kind contributions) by one or more of the following:

“(A) The National Institutes of Health.

“(B) A cooperative group or center of the National Institutes of Health.

“(C) The Food and Drug Administration.

“(D) Either of the following if the conditions described in paragraph (2) are met:

“(i) The Department of Veterans Affairs.

“(ii) The Department of Defense.

“(2) Conditions for departments.—The conditions described in this paragraph, for a study or investigation conducted by a Department, are that the study or investigation has been reviewed and approved through a system of peer review that the Secretary determines—

"(A) to be comparable to the system of peer review of studies and investigations used by the National Institutes of Health, and

"(B) assures unbiased review of the highest scientific standards by qualified individuals who have no interest in the outcome of the review.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to limit a plan's coverage with respect to clinical trials.

"(f) PLAN SATISFACTION OF CERTAIN REQUIREMENTS; RESPONSIBILITIES OF FIDUCIARIES.—

"(1) IN GENERAL.—For purposes of this section, insofar as a group health plan provides benefits in the form of health insurance coverage through a health insurance issuer, the plan shall be treated as meeting the requirements of this section with respect to such benefits and not be considered as failing to meet such requirements because of a failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer.

"(2) CONSTRUCTION.—Nothing in this section shall be construed to affect or modify the responsibilities of the fiduciaries of a group health plan under part 4 of subtitle B.

"(g) STUDY AND REPORT.—

"(1) STUDY.—The Secretary shall study the impact on group health plans for covering routine patient care costs for individuals who are entitled to benefits under this section and who are enrolled in an approved cancer clinical trial program.

"(2) REPORT TO CONGRESS.—Not later than January 1, 2005, the Secretary shall submit a report to Congress that contains an assessment of—

"(A) any incremental cost to group health plans resulting from the provisions of this section;

"(B) a projection of expenditures to such plans resulting from this section; and

"(C) any impact on premiums resulting from this section.

"(h) RIGHT TO EXTERNAL REVIEW.—Pursuant to the requirements of section 503B, a participant or beneficiary shall have the right to an independent external review if the denial of an item or service or condition that is required to be covered under this section is eligible for such review.

"SEC. 730A. PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS BASED ON LICENSURE.

"(a) IN GENERAL.—A group health plan (other than a fully insured group health plan) shall not discriminate with respect to participation or indemnification as to any provider who is acting within the scope of the provider's license or certification under applicable State law, solely on the basis of such license or certification.

"(b) CONSTRUCTION.—Subsection (a) shall not be construed—

"(1) as requiring the coverage under a group health plan of a particular benefit or service or to prohibit a plan from including providers only to the extent necessary to meet the needs of the plan's participants or beneficiaries or from establishing any measure designed to maintain quality and control costs consistent with the responsibilities of the plan;

"(2) to override any State licensure or scope-of-practice law; or

"(3) as requiring a plan that offers network coverage to include for participation every willing provider who meets the terms and conditions of the plan.

"SEC. 730B. GENERALLY APPLICABLE PROVISION.

"In the case of a group health plan that provides benefits under 2 or more coverage options, the requirements of this subpart shall apply separately with respect to each coverage option.".

(b) RULE WITH RESPECT TO CERTAIN PLANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, health insurance issuers may offer, and eligible individuals may purchase, high deductible health plans described in section 220(c)(2)(A) of the Internal Revenue Code of 1986. Effective for the 5-year period beginning on the date of the enactment of this Act, such health plans shall not be required to provide payment for any health care items or services that are exempt from the plan's deductible.

(2) EXISTING STATE LAWS.—A State law relating to payment for health care items and services in effect on the date of enactment of this Act that is preempted under paragraph (1), shall not apply to high deductible health plans after the expiration of the 5-year period described in such paragraph unless the State reenacts such law after such period.

(c) DEFINITION.—Section 733(a) of the Employee Retirement Income Security Act of 1974 (42 U.S.C. 1191(a)) is amended by adding at the end the following:

"(3) FULLY INSURED GROUP HEALTH PLAN.—The term 'fully insured group health plan' means a group health plan where benefits under the plan are provided pursuant to the terms of an arrangement between a group health plan and a health insurance issuer and are guaranteed by the health insurance issuer under a contract or policy of insurance.".

(d) CONFORMING AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended—

(1) in the item relating to subpart C of part 7 of subtitle B of title I, by striking "Subpart C" and inserting "Subpart D"; and

(2) by adding at the end of the items relating to subpart B of part 7 of subtitle B of title I, the following:

"SUBPART C—PATIENT RIGHT TO MEDICAL ADVICE AND CARE

"Sec. 721. Access to emergency medical care.
"Sec. 722. Offering of choice of coverage options.
"Sec. 723. Patient access to obstetric and gynecological care.
"Sec. 724. Access to pediatric care.
"Sec. 725. Timely access to specialists.
"Sec. 726. Continuity of care.
"Sec. 727. Protection of patient-provider communications.
"Sec. 728. Patient's right to prescription drugs.
"Sec. 729. Self-payment for behavioral health care services.
"Sec. 730. Coverage for individuals participating in approved cancer clinical trials.
"Sec. 730A. Prohibition of discrimination against providers based on licensure.
"Sec. 730C. Generally applicable provision.".

SEC. 202. CONFORMING AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.

Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Standard relating to patient's bill of rights.";

and

(2) by inserting after section 9812 the following:

"SEC. 9813. STANDARD RELATING TO PATIENTS' BILL OF RIGHTS.

"A group health plan (other than a fully insured group health plan) shall comply with the requirements of subpart C of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as added by section 201 of the Patients' Bill of Rights Plus Act, and such requirements shall be deemed to be incorporated into this section.".

SEC. 203. EFFECTIVE DATE AND RELATED RULES.

(a) IN GENERAL.—The amendments made by this subtitle shall apply with respect to plan years beginning on or after January 1 of the second calendar year following the date of the enactment of this Act. The Secretary shall issue all regulations necessary to carry out the amendments made by this section before the effective date thereof.

(b) LIMITATION ON ENFORCEMENT ACTIONS.—No enforcement action shall be taken, pursuant to the amendments made by this subtitle, against a group health plan with respect to a violation of a requirement imposed by such amendments before the date of issuance of regulations issued in connection with such requirement, if the plan has sought to comply in good faith with such requirement.

Subtitle B—Right to Information About Plans and Providers

SEC. 211. INFORMATION ABOUT PLANS.

(a) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. HEALTH PLAN INFORMATION.

"(a) REQUIREMENT—

"(1) DISCLOSURE.—

"(A) IN GENERAL.—A group health plan, and a health insurance issuer that provides coverage in connection with group health insurance coverage, shall provide for the disclosure of the information described in subsection (b) to participants and beneficiaries—

"(i) at the time of the initial enrollment of the participant or beneficiary under the plan or coverage;

"(ii) on an annual basis after enrollment—

"(I) in conjunction with the election period of the plan or coverage if the plan or coverage has such an election period; or

"(II) in the case of a plan or coverage that does not have an election period, in conjunction with the beginning of the plan or coverage year; and

"(iii) in the case of any material reduction to the benefits or information described in paragraphs (1), (2) and (3) of subsection (b), in the form of a summary notice provided not later than the date on which the reduction takes effect.

"(B) PARTICIPANTS AND BENEFICIARIES.—The disclosure required under subparagraph (A) shall be provided—

"(i) jointly to each participant and beneficiary who reside at the same address; or

"(ii) in the case of a beneficiary who does not reside at the same address as the participant, separately to the participant and such beneficiary.

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent a group health plan sponsor and health insurance issuer from entering into an agreement under which either the plan sponsor or the issuer agrees to assume responsibility for compliance with the requirements of this section, in whole or in part, and the party delegating such responsibility is released from liability for compliance with the requirements that are assumed by the other party, to the extent the party delegating such responsibility did not cause such noncompliance.

"(3) PROVISION OF INFORMATION.—Information shall be provided to participants and beneficiaries under this section at the last known address maintained by the plan or issuer with respect to such participants or beneficiaries, to the extent that such information is provided to participants or beneficiaries via the United States Postal Service or other private delivery service.

"(b) REQUIRED INFORMATION.—The informational materials to be distributed under this section shall include for each option available under the group health plan or health insurance coverage the following:

"(1) BENEFITS.—A description of the covered benefits, including—

"(A) any in- and out-of-network benefits;

"(B) specific preventative services covered under the plan or coverage if such services are covered;

"(C) any benefit limitations, including any annual or lifetime benefit limits and any monetary limits or limits on the number of visits, days, or services, and any specific coverage exclusions; and

"(D) any definition of medical necessity used in making coverage determinations by the plan, issuer, or claims administrator.

"(2) COST SHARING.—A description of any cost-sharing requirements, including—

"(A) any premiums, deductibles, coinsurance, copayment amounts, and liability for balance billing above any reasonable and customary charges, for which the participant or beneficiary will be responsible under each option available under the plan;

"(B) any maximum out-of-pocket expense for which the participant or beneficiary may be liable;

"(C) any cost-sharing requirements for out-of-network benefits or services received from nonparticipating providers; and

"(D) any additional cost-sharing or charges for benefits and services that are furnished without meeting applicable plan or coverage requirements, such as prior authorization or precertification.

"(3) SERVICE AREA.—A description of the plan or issuer's service area, including the provision of any out-of-area coverage.

"(4) PARTICIPATING PROVIDERS.—A directory of participating providers (to the extent a plan or issuer provides coverage through a network of providers) that includes, at a minimum, the name, address, and telephone number of each participating provider, and information about how to inquire whether a participating provider is currently accepting new patients.

"(5) CHOICE OF PRIMARY CARE PROVIDER.—A description of any requirements and procedures to be used by participants and beneficiaries in selecting, accessing, or changing their primary care provider, including providers both within and outside of the network (if the plan or issuer permits out-of-network services), and the right to select a pediatrician as a primary care provider under section 724 for a participant or beneficiary who is a child if such section applies.

"(6) PREAUTHORIZATION REQUIREMENTS.—A description of the requirements and procedures to be used to obtain preauthorization for health services, if such preauthorization is required.

"(7) EXPERIMENTAL AND INVESTIGATIONAL TREATMENTS.—A description of the process for determining whether a particular item, service, or treatment is considered experimental or investigational, and the circumstances under which such treatments are covered by the plan or issuer.

"(8) SPECIALTY CARE.—A description of the requirements and procedures to be used by participants and beneficiaries in accessing specialty care and obtaining referrals to participating and nonparticipating specialists, including the right to timely coverage for access to specialists care under section 725 if such section applies.

"(9) CLINICAL TRIALS.—A description the circumstances and conditions under which participation in clinical trials is covered under the terms and conditions of the plan or coverage, and the right to obtain coverage for approved cancer clinical trials under section 729 if such section applies.

"(10) PRESCRIPTION DRUGS.—To the extent the plan or issuer provides coverage for prescription drugs, a statement of whether such coverage is limited to drugs included in a formulary, a description of any provisions and cost-sharing required for obtaining on- and off-formulary medications, and a description of the rights of participants and beneficiaries in obtaining access to access to prescription drugs under section 727 if such section applies.

"(11) EMERGENCY SERVICES.—A summary of the rules and procedures for accessing emergency services, including the right of a participant or beneficiary to obtain emergency services under the prudent layperson standard under section 721, if such section applies, and any educational information that the plan or issuer may provide regarding the appropriate use of emergency services.

"(12) CLAIMS AND APPEALS.—A description of the plan or issuer's rules and procedures pertaining to claims and appeals, a description of the rights of participants and beneficiaries under sections 503, 503A and 503B in obtaining covered benefits, filing a claim for benefits, and appealing coverage decisions internally and externally (including telephone numbers and mailing addresses of the appropriate authority), and a description of any additional legal rights and remedies available under section 502.

"(13) ADVANCE DIRECTIVES AND ORGAN DONATION.—A description of procedures for advance directives and organ donation decisions if the plan or issuer maintains such procedures.

"(14) INFORMATION ON PLANS AND ISSUERS.—The name, mailing address, and telephone number or numbers of the plan administrator and the issuer to be used by participants and beneficiaries seeking information about plan or coverage benefits and services, payment of a claim, or authorization for services and treatment. The name of the designated decision-maker (or decision-makers) appointed under section 502(n)(2) for purposes of making final determinations under section 503A and approving coverage pursuant to the written determination of an independent medical reviewer under section 503B. Notice of whether the benefits under the plan are provided under a contract or policy of insurance issued by an issuer, or whether benefits are provided directly by the plan sponsor who bears the insurance risk.

"(15) TRANSLATION SERVICES.—A summary description of any translation or interpretation services (including the availability of printed information in languages other than English, audio tapes, or information in Braille) that are available for non-English speakers and participants and beneficiaries with communication disabilities and a description of how to access these items or services.

"(16) ACCREDITATION INFORMATION.—Any information that is made public by accrediting organizations in the process of accreditation if the plan or issuer is accredited, or any additional quality indicators (such as the results of enrollee satisfaction surveys) that the plan or issuer makes public or makes available to participants and beneficiaries.

"(17) NOTICE OF REQUIREMENTS.—A description of any rights of participants and beneficiaries that are established by the Patients' Bill of Rights Plus Act (excluding those described in paragraphs (1) through (16)) if such sections apply. The description required under this paragraph may be combined with the notices required under sections 711(d), 713(b), or 606(a)(1), and with any other notice provision that the Secretary determines may be combined.

"(18) AVAILABILITY OF ADDITIONAL INFORMATION.—A statement that the information described in subsection (c), and instructions on obtaining such information (including telephone numbers and, if available, Internet websites), shall be made available upon request.

"(c) ADDITIONAL INFORMATION.—The informational materials to be provided upon the request of a participant or beneficiary shall include for each option available under a group health plan or health insurance coverage the following:

"(1) STATUS OF PROVIDERS.—The State licensure status of the plan or issuer's participating health care professionals and participating health care facilities, and, if available, the education, training, specialty qualifications or certifications of such professionals.

"(2) COMPENSATION METHODS.—A summary description of the methods (such as capitation, fee-for-service, salary, bundled payments, per diem, or a combination thereof) used for compensating participating health care professionals (including primary care providers and specialists) and facilities in connection with the provision of health care under the plan or coverage. The requirement of this paragraph shall not be construed as requiring plans or issuers to provide information concerning proprietary payment methodology.

"(3) PRESCRIPTION DRUGS.—Information about whether a specific prescription medication is included in the formulary of the plan or issuer, if the plan or issuer uses a defined formulary.

"(4) EXTERNAL APPEALS INFORMATION.—Aggregate information on the number and outcomes of external medical reviews, relative to the sample size (such as the number of covered lives) determined for the plan or issuer's book of business.

"(d) MANNER OF DISCLOSURE.—The information described in this section shall be disclosed in an accessible medium and format that is calculated to be understood by the average participant.

"(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a group health plan, or a health insurance issuer in connection with group health insurance coverage, from—

"(1) distributing any other additional information determined by the plan or issuer to be important or necessary in assisting participants and beneficiaries in the selection of a health plan; and

"(2) complying with the provisions of this section by providing information in brochures, through the Internet or other electronic media, or through other similar means, so long as participants and beneficiaries are provided with an opportunity to request that informational materials be provided in printed form.

"(f) CONFORMING REGULATIONS.—The Secretary shall issue regulations to coordinate the requirements on group health plans and health insurance issuers under this section with the requirements imposed under part 1, to reduce duplication with respect to any information that is required to be provided under any such requirements.

"(g) SECRETARIAL ENFORCEMENT AUTHORITY.—

"(1) IN GENERAL.—The Secretary may assess a civil monetary penalty against the administrator of a plan or issuer in connection with the failure of the plan or issuer to comply with the requirements of this section.

"(2) AMOUNT OF PENALTY.—

"(A) IN GENERAL.—The amount of the penalty to be imposed under paragraph (1) shall not exceed $100 for each day for each participant and beneficiary with respect to which the failure to comply with the requirements of this section occurs.

"(B) INCREASE IN AMOUNT.—The amount referred to in subparagraph (A) shall be increased or decreased, for each calendar year that ends after December 31, 2000, by the same percentage as the percentage by which the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, for September of the preceding calendar year has increased or decreased from the such Index for September of 2000.

"(3) FAILURE DEFINED.—For purposes of this subsection, a plan or issuer shall have failed to comply with the requirements of this section with respect to a participant or beneficiary if the plan or issuer failed or refused to comply with the requirements of this section within 30 days—

"(A) of the date described in subsection (a)(1)(A)(i);

"(B) of the date described in subsection (a)(1)(A)(ii); or

"(C) of the date on which additional information was requested under subsection (c).".

(b) CONFORMING AMENDMENTS.—

(1) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking "section 711" and inserting "sections 711 and 714".

(2) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713, the following:

"Sec 714. Health plan comparative information.".

(3) Section 502(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(b)(3)) is amended by striking "733(a)(1))" and inserting "733(a)(1)), except with respect to the requirements of section 714".

SEC. 212. INFORMATION ABOUT PROVIDERS.

(a) STUDY.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study, and the submission to the Secretary of a report, that includes—

(1) an analysis of information concerning health care professionals that is currently available to patients, consumers, States, and professional societies, nationally and on a State-by-State basis, including patient preferences with respect to information about such professionals and their competencies;

(2) an evaluation of the legal and other barriers to the sharing of information concerning health care professionals; and

(3) recommendations for the disclosure of information on health care professionals, including the competencies and professional qualifications of such practitioners, to better facilitate patient choice, quality improvement, and market competition.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall forward to the appropriate committees of Congress a copy of the report and study conducted under subsection (a).

Subtitle C—Right to Hold Health Plans Accountable

SEC. 221. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 503 (29 U.S.C. 1133) the following:

"SEC. 503A. CLAIMS AND INTERNAL APPEALS PROCEDURES FOR GROUP HEALTH PLANS.

"(a) INITIAL CLAIM FOR BENEFITS UNDER GROUP HEALTH PLANS.—

"(1) PROCEDURES.—

"(A) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall ensure that procedures are in place for—

"(i) making a determination on an initial claim for benefits by a participant or beneficiary (or authorized representative) regarding payment or coverage for items or services under the terms and conditions of the plan or coverage involved, including any cost-sharing amount that the participant or beneficiary is required to pay with respect to such claim for benefits; and

"(ii) notifying a participant or beneficiary (or authorized representative) and the treating health care professional involved regarding a determination on an initial claim for benefits made under the terms and conditions of the plan or coverage, including any cost-sharing amounts that the participant or beneficiary may be required to make with respect to such claim for benefits, and of the right of the participant or beneficiary to an internal appeal under subsection (b).

"(B) ACCESS TO INFORMATION.—With respect to an initial claim for benefits, the participant or beneficiary (or authorized representative) and the treating health care professional (if any) shall provide the plan or issuer with access to information necessary to make a determination relating to the claim, not later than 5 business days after the date on which the claim is filed or to meet the applicable timelines under clauses (ii) and (iii) of paragraph (2)(A).

"(C) ORAL REQUESTS.—In the case of a claim for benefits involving an expedited or concurrent determination, a participant or beneficiary (or authorized representative) may make an initial claim for benefits orally, but a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, may require that the participant or beneficiary (or authorized representative) provide written confirmation of such request in a timely manner.

"(2) TIMELINE FOR MAKING DETERMINATIONS.—

"(A) PRIOR AUTHORIZATION DETERMINATION.—

"(i) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a prior authorization determination on a claim for benefits is made within 14 business days from the date on which the plan or issuer receives information that is reasonably necessary to enable the plan or issuer to make a determination on the request for prior authorization, but in no case shall such determination be made later than 28 business days after the receipt of the claim for benefits.

"(ii) EXPEDITED DETERMINATION.—Notwithstanding clause (i), a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures for expediting a prior authorization determination on a claim for benefits described in such clause when a request for such an expedited determination is made by a participant or beneficiary (or authorized representative) at any time during the process for making a determination and the treating health care professional substantiates, with the request, that a determination under the procedures described in clause (i) would seriously jeopardize the life or health of the participant or beneficiary. Such determination shall be made within 72 hours after a request is received by the plan or issuer under this clause.

"(iii) CONCURRENT DETERMINATIONS.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a concurrent determination on a claim for benefits that results in a discontinuation of inpatient care is made within 24 hours after the receipt of the claim for benefits.

"(B) RETROSPECTIVE DETERMINATION.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a retrospective determination on a claim for benefits is made within 30 business days of the date on which the plan or issuer receives information that is reasonably necessary to enable the plan or issuer to make a determination on the claim, but in no case shall such determination be made later than 60 business days after the receipt of the claim for benefits.

"(3) NOTICE OF A DENIAL OF A CLAIM FOR BENEFITS.—Written notice of a denial made under an initial claim for benefits shall be issued to the participant or beneficiary (or authorized representative) and the treating health care professional not later than 2 business days after the determination (or within the 72-hour or 24-hour period referred to in clauses (ii) and (iii) of paragraph (2)(A) if applicable).

"(4) REQUIREMENTS OF NOTICE OF DETERMINATIONS.—The written notice of a denial of a claim for benefits determination under paragraph (3) shall include—

"(A) the reasons for the determination (including a summary of the clinical or scientific-evidence based rationale used in making the determination and instruction on obtaining a more complete description written in a manner calculated to be understood by the average participant);

"(B) the procedures for obtaining additional information concerning the determination; and

"(C) notification of the right to appeal the determination and instructions on how to initiate an appeal in accordance with subsection (b).

"(b) INTERNAL APPEAL OF A DENIAL OF A CLAIM FOR BENEFITS.—

"(1) RIGHT TO INTERNAL APPEAL.—

"(A) IN GENERAL.—A participant or beneficiary (or authorized representative) may appeal any denial of a claim for benefits under subsection (a) under the procedures described in this subsection.

"(B) TIME FOR APPEAL.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall ensure that a participant or beneficiary (or authorized representative) has a period of not less than 60 days beginning on the date of a denial of a claim for benefits under subsection (a) in which to appeal such denial under this subsection.

"(C) FAILURE TO ACT.—The failure of a plan or issuer to issue a determination on a claim for benefits under subsection (a) within the applicable timeline established for such a determination under such subsection shall be treated as a denial of a claim for benefits for purposes of proceeding to internal review under this subsection.

"(D) PLAN WAIVER OF INTERNAL REVIEW.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, may waive the internal review process under this subsection and permit a participant or beneficiary (or authorized representative) to proceed directly to external review under section 503B.

"(2) TIMELINES FOR MAKING DETERMINATIONS.—

"(A) ORAL REQUESTS.—In the case of an appeal of a denial of a claim for benefits under this subsection that involves an expedited or concurrent determination, a participant or beneficiary (or authorized representative) may request such appeal orally, but a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, may require that the participant or beneficiary (or authorized representative) provide written confirmation of such request in a timely manner.

"(B) ACCESS TO INFORMATION.—With respect to an appeal of a denial of a claim for benefits, the participant or beneficiary (or authorized representative) and the treating health care professional (if any) shall provide the plan or issuer with access to information necessary to make a determination relating to the appeal, not later than 5 business days after the date on which the request for the appeal is filed or to meet the applicable timelines under clauses (ii) and (iii) of subparagraph (C).

"(C) PRIOR AUTHORIZATION DETERMINATIONS.—

"(i) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a determination on an appeal of a denial of a claim for benefits under this subsection is made within 14 business days after the date on which the plan or issuer receives information that is reasonably necessary to enable the plan or issuer to make a determination on the appeal, but in no case shall such determination be made later than 28 business days after the receipt of the request for the appeal.

"(ii) EXPEDITED DETERMINATION.—Notwithstanding clause (i), a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures for expediting a prior authorization determination on an appeal of a denial of a claim for benefits described in clause (i), when a request for such an expedited determination is made by a participant or beneficiary (or authorized representative) at any time during the process for making a determination and the treating health care professional substantiates, with the request, that a determination under the procedures described in clause (i) would seriously jeopardize the life or health of the participant or beneficiary. Such determination shall be made not later than 72 hours after the request for such appeal is received by the plan or issuer under this clause.

"(iii) CONCURRENT DETERMINATIONS.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a concurrent determination on an appeal of a denial of a claim for benefits that results in a discontinuation of inpatient care is made within 24 hours after the receipt of the request for appeal.

"(B) RETROSPECTIVE DETERMINATION.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a retrospective determination on an appeal of a claim for benefits is made within 30 business days of the date on which the plan or issuer receives necessary information that is reasonably required by the plan or issuer to make a determination on the appeal, but in no case shall such determination be made later than 60 business days after the receipt of the request for the appeal.

"(3) CONDUCT OF REVIEW.—

"(A) IN GENERAL.—A review of a denial of a claim for benefits under this subsection shall be conducted by an individual with appropriate expertise who was not directly involved in the initial determination.

"(B) REVIEW OF MEDICAL DECISIONS BY PHYSICIANS.—A review of an appeal of a denial of a claim for benefits that is based on a lack of medical necessity and appropriateness, or based on an experimental or investigational treatment, or requires an evaluation of medical facts, shall be made by a physician with appropriate expertise, including age-appropriate expertise, who was not involved in the initial determination.

"(4) NOTICE OF DETERMINATION.—

"(A) IN GENERAL.—Written notice of a determination made under an internal appeal of a denial of a claim for benefits shall be issued to the participant or beneficiary (or authorized representative) and the treating health care professional not later than 2 business days after the completion of the review (or within the 72-hour or 24-hour period referred to in paragraph (2) if applicable).

"(B) FINAL DETERMINATION.—The decision by a plan or issuer under this subsection shall be treated as the final determination of the plan or issuer on a denial of a claim for benefits. The failure of a plan or issuer to issue a determination on an appeal of a denial of a claim for benefits under this subsection within the applicable timeline established for such a determination shall be treated as a final determination on an appeal of a denial of a claim for benefits for purposes of proceeding to external review under section 503B.

"(C) REQUIREMENTS OF NOTICE.—With respect to a determination made under this subsection, the notice described in subparagraph (A) shall include—

"(i) the reasons for the determination (including a summary of the clinical or scientific-evidence based rationale used in making the determination and instruction on obtaining a more complete description written in a manner calculated to be understood by the average participant);

"(ii) the procedures for obtaining additional information concerning the determination; and

"(iii) notification of the right to an independent external review under section 503B and instructions on how to initiate such a review.

"(c) DEFINITIONS.—The definitions contained in section 503B(i) shall apply for purposes of this section.

"SEC. 503B. INDEPENDENT EXTERNAL APPEALS PROCEDURES FOR GROUP HEALTH PLANS.

"(a) RIGHT TO EXTERNAL APPEAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide in accordance with this section participants and beneficiaries (or authorized representatives) with access to an independent external review for any denial of a claim for benefits.

"(b) INITIATION OF THE INDEPENDENT EXTERNAL REVIEW PROCESS.—

"(1) TIME TO FILE.—A request for an independent external review under this section shall be filed with the plan or issuer not later than 60 business days after the date on which the participant or beneficiary receives notice of the denial under section 503A(b)(4) or the date on which the internal review is waived by the plan or issuer under section 503A(b)(1)(D).

"(2) FILING OF REQUEST.—

"(A) IN GENERAL.—Subject to the succeeding provisions of this subsection, a group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, may—

"(i) except as provided in subparagraph (B)(i), require that a request for review be in writing;

"(ii) limit the filing of such a request to the participant or beneficiary involved (or an authorized representative);

"(iii) except if waived by the plan or issuer under section 503A(b)(1)(D), condition access to an independent external review under this section upon a final determination of a denial of a claim for benefits under the internal review procedure under section 503A;

"(iv) except as provided in subparagraph (B)(ii), require payment of a filing fee to the plan or issuer of a sum that does not exceed $50; and

"(v) require that a request for review include the consent of the participant or beneficiary (or authorized representative) for the release of medical information or records of the participant or beneficiary to the qualified external review entity for purposes of conducting external review activities.

"(B) REQUIREMENTS AND EXCEPTION RELATING TO GENERAL RULE.—

"(i) ORAL REQUESTS PERMITTED IN EXPEDITED OR CONCURRENT CASES.—In the case of an expedited or concurrent external review as provided for under subsection (e), the request may be made orally. In such case a written confirmation of such request shall be made in a timely manner. Such written confirmation shall be treated as a consent for purposes of subparagraph (A)(v).

"(ii) EXCEPTION TO FILING FEE REQUIREMENT.—

"(I) INDIGENCY.—Payment of a filing fee shall not be required under subparagraph (A)(iv) where there is a certification (in a form and manner specified in guidelines established by the Secretary) that the participant or beneficiary is indigent (as defined in such guidelines). In establishing guidelines under this subclause, the Secretary shall ensure that the guidelines relating to indigency are consistent with the poverty guidelines used by the Secretary of Health and Human Services under title XIX of the Social Security Act.

"(II) FEE NOT REQUIRED.—Payment of a filing fee shall not be required under subparagraph (A)(iv) if the plan or issuer waives the internal appeals process under section 503A(b)(1)(D).

"(III) REFUNDING OF FEE.—The filing fee paid under subparagraph (A)(iv) shall be refunded if the determination under the independent external review is to reverse the denial which is the subject of the review.

"(IV) INCREASE IN AMOUNT.—The amount referred to in subclause (I) shall be increased or decreased, for each calendar year that ends after December 31, 2001, by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, for September of the preceding calendar year has increased or decreased from the such Index for September of 2001.

"(c) REFERRAL TO QUALIFIED EXTERNAL REVIEW ENTITY UPON REQUEST.—

"(1) IN GENERAL.—Upon the filing of a request for independent external review with the group health plan, or health insurance issuer offering coverage in connection with a group health plan, the plan or issuer shall refer such request to a qualified external review entity selected in accordance with this section.

"(2) ACCESS TO PLAN OR ISSUER AND HEALTH PROFESSIONAL INFORMATION.—With respect to an independent external review conducted under this section, the participant or beneficiary (or authorized representative), the plan or issuer, and the treating health care professional (if any) shall provide the external review entity with access to information that is necessary to conduct a review under this section, as determined by the entity, not later than 5 business days after the date on which a request is referred to the qualified external review entity under paragraph (1), or earlier as determined appropriate by the entity to meet the applicable timelines under clauses (ii) and (iii) of subsection (e)(1)(A).

"(3) SCREENING OF REQUESTS BY QUALIFIED EXTERNAL REVIEW ENTITIES.—

"(A) IN GENERAL.—With respect to a request referred to a qualified external review entity under paragraph (1) relating to a denial of a claim for benefits, the entity shall refer such request for the conduct of an independent medical review unless the entity determines that—

"(i) any of the conditions described in subsection (b)(2)(A) have not been met;

"(ii) the thresholds described in subparagraph (B) have not been met;

"(iii) the denial of the claim for benefits does not involve a medically reviewable decision under subsection (d)(2);

"(iv) the denial of the claim for benefits relates to a decision regarding whether an individual is a participant or beneficiary who is enrolled under the terms of the plan or coverage (including the applicability of any waiting period under the plan or coverage); or

"(v) the denial of the claim for benefits is a decision as to the application of cost-sharing requirements or the application of a specific exclusion or express limitation on the amount, duration, or scope of coverage of items or services under the terms and conditions of the plan or coverage unless the decision is a denial described in subsection (d)(2)(C);

Upon making a determination that any of clauses (i) through (v) applies with respect to the request, the entity shall determine that the denial of a claim for benefits involved is not eligible for independent medical review under subsection (d), and shall provide notice in accordance with subparagraph (D).

"(B) THRESHOLDS.—

"(i) IN GENERAL.—The thresholds described in this subparagraph are that—

"(I) the total amount payable under the plan or coverage for the item or service that was the subject of such denial exceeds a significant financial threshold (as determined under guidelines established by the Secretary); or

"(II) a physician has asserted in writing that there is a significant risk of placing the life, health, or development of the participant or beneficiary in jeopardy if the denial of the claim for benefits is sustained.

"(ii) THRESHOLDS NOT APPLIED.—The thresholds described in this subparagraph shall not apply if the plan or issuer involved waives the internal appeals process with respect to the denial of a claim for benefits involved under section 503A(b)(1)(D).

"(C) PROCESS FOR MAKING DETERMINATIONS.—

"(i) NO DEFERENCE TO PRIOR DETERMINATIONS.—In making determinations under subparagraph (A), there shall be no deference given to determinations made by the plan or issuer under section 503A or the recommendation of a treating health care professional (if any).

"(ii) USE OF APPROPRIATE PERSONNEL.—A qualified external review entity shall use appropriately qualified personnel to make determinations under this section.

"(D) NOTICES AND GENERAL TIMELINES FOR DETERMINATION.—

"(i) NOTICE IN CASE OF DENIAL OF REFERRAL.—If the entity under this paragraph does not make a referral to an independent medical reviewer, the entity shall provide notice to the plan or issuer, the participant or beneficiary (or authorized representative) filing the request, and the treating health care professional (if any) that the denial is not subject to independent medical review. Such notice—

"(I) shall be written (and, in addition, may be provided orally) in a manner calculated to be understood by an average participant;

"(II) shall include the reasons for the determination; and

"(III) include any relevant terms and conditions of the plan or coverage.

"(ii) GENERAL TIMELINE FOR DETERMINATIONS.—Upon receipt of information under paragraph (2), the qualified external review entity, and if required the independent medical reviewer, shall make a determination within the overall timeline that is applicable to the case under review as described in subsection (e), except that if the entity determines that a referral to an independent medical reviewer is not required, the entity shall provide notice of such determination to the participant or beneficiary (or authorized representative) within 2 business days of such determination.

"(d) INDEPENDENT MEDICAL REVIEW.—

"(1) IN GENERAL.—If a qualified external review entity determines under subsection (c) that a denial of a claim for benefits is eligible for independent medical review, the entity shall refer the denial involved to an independent medical reviewer for the conduct of an independent medical review under this subsection.

"(2) MEDICALLY REVIEWABLE DECISIONS.—A denial described in this paragraph is one for which the item or service that is the subject of the denial would be a covered benefit under the terms and conditions of the plan or coverage but for one (or more) of the following determinations:

"(A) DENIALS BASED ON MEDICAL NECESSITY AND APPROPRIATENESS.—The basis of the determination is that the item or service is not medically necessary and appropriate.

"(B) DENIALS BASED ON EXPERIMENTAL OR INVESTIGATIONAL TREATMENT.—The basis of the determination is that the item or service is experimental or investigational.

"(C) DENIALS OTHERWISE BASED ON AN EVALUATION OF MEDICAL FACTS.—A determination that the item or service or condition is not covered but an evaluation of the medical facts by a health care professional in the specific case involved is necessary to determine whether the item or service or condition is required to be provided under the terms and conditions of the plan or coverage.

"(3) INDEPENDENT MEDICAL REVIEW DETERMINATION.—

"(A) IN GENERAL.—An independent medical reviewer under this section shall make a new independent determination with respect to—

"(i) whether the item or service or condition that is the subject of the denial is covered under the terms and conditions of the plan or coverage; and

"(ii) based upon an affirmative determination under clause (i), whether or not the denial of a claim for a benefit that is the subject of the review should be upheld or reversed.

"(B) STANDARD FOR DETERMINATION.—The independent medical reviewer's determination relating to the medical necessity and appropriateness, or the experimental or investigation nature, or the evaluation of the medical facts of the item, service, or condition shall be based on the medical condition of the participant or beneficiary (including the medical records of the participant or beneficiary) and the valid, relevant scientific evidence and clinical evidence, including peer-reviewed medical literature or findings and including expert consensus.

"(C) NO COVERAGE FOR EXCLUDED BENEFITS.—Nothing in this subsection shall be construed to permit an independent medical reviewer to require that a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, provide coverage for items or services that are specifically excluded or expressly limited under the plan or coverage and that are not covered regardless of any determination relating to medical necessity and appropriateness, experimental or investigational nature of the treatment, or an evaluation of the medical facts in the case involved.

"(D) EVIDENCE AND INFORMATION TO BE USED IN MEDICAL REVIEWS.—In making a determination under this subsection, the independent medical reviewer shall also consider appropriate and available evidence and information, including the following:

"(i) The determination made by the plan or issuer with respect to the claim upon internal review and the evidence or guidelines used by the plan or issuer in reaching such determination.

"(ii) The recommendation of the treating health care professional and the evidence, guidelines, and rationale used by the treating health care professional in reaching such recommendation.

"(iii) Additional evidence or information obtained by the reviewer or submitted by the plan, issuer, participant or beneficiary (or an authorized representative), or treating health care professional.

"(iv) The plan or coverage document.

"(E) INDEPENDENT DETERMINATION.—In making the determination, the independent medical reviewer shall—

"(i) consider the claim under review without deference to the determinations made by the plan or issuer under section 503A or the recommendation of the treating health care professional (if any);

"(ii) consider, but not be bound by the definition used by the plan or issuer of 'medically necessary and appropriate', or 'experimental or investigational', or other equivalent terms that are used by the plan or issuer to describe medical necessity and appropriateness or experimental or investigational nature of the treatment; and

"(iii) notwithstanding clause (ii), adhere to the definition used by the plan or issuer of 'medically necessary and appropriate', or 'experimental or investigational' if such definition is the same as the definition of such term—

"(I) that has been adopted pursuant to a State statute or regulation; or

"(II) that is used for purposes of the program established under titles XVIII or XIX of the Social Security Act or under chapter 89 of title 5, United States Code.

"(F) DETERMINATION OF INDEPENDENT MEDICAL REVIEWER.—An independent medical reviewer shall, in accordance with the deadlines described in subsection (e), prepare a written determination to uphold or reverse the denial under review. Such written determination shall include the specific reasons of the reviewer for such determination, including a summary of the clinical or scientific-evidence based rationale used in making the determination. The reviewer may provide the plan or issuer and the treating health care professional with additional recommendations in connection with such a determination, but any such recommendations shall not be treated as part of the determination.

"(e) TIMELINES AND NOTIFICATIONS.—

"(1) TIMELINES FOR INDEPENDENT MEDICAL REVIEW.—

"(A) PRIOR AUTHORIZATION DETERMINATION.—

"(i) IN GENERAL.—The independent medical reviewer (or reviewers) shall make a determination on a denial of a claim for benefits that is referred to the reviewer under subsection (c)(3) not later than 14 business days after the receipt of information under subsection (c)(2) if the review involves a prior authorization of items or services.

"(ii) EXPEDITED DETERMINATION.—Notwithstanding clause (i), the independent medical reviewer (or reviewers) shall make an expedited determination on a denial of a claim for benefits described in clause (i), when a request for such an expedited determination is made by a participant or beneficiary (or authorized representative) at any time during the process for making a determination, and the treating health care professional substantiates, with the request, that a determination under the timeline described in clause (i) would seriously jeopardize the life or health of the participant or beneficiary. Such determination shall be made not later than 72 hours after the receipt of information under subsection (c)(2).

"(iii) CONCURRENT DETERMINATION.—Notwithstanding clause (i), a review described in such subclause shall be completed not later than 24 hours after the receipt of information under subsection (c)(2) if the review involves a discontinuation of inpatient care.

"(B) RETROSPECTIVE DETERMINATION.—The independent medical reviewer (or reviewers) shall complete a review in the case of a retrospective determination on an appeal of a denial of a claim for benefits that is referred to the reviewer under subsection (c)(3) not later than 30 business days after the receipt of information under subsection (c)(2).

"(2) NOTIFICATION OF DETERMINATION.—The external review entity shall ensure that the plan or issuer, the participant or beneficiary (or authorized representative) and the treating health care professional (if any) receives a copy of the written determination of the independent medical reviewer prepared under subsection (d)(3)(F). Nothing in this paragraph shall be construed as preventing an entity or reviewer from providing an initial oral notice of the reviewer's determination.

"(3) FORM OF NOTICES.—Determinations and notices under this subsection shall be written in a manner calculated to be understood by an average participant.

"(4) TERMINATION OF EXTERNAL REVIEW PROCESS IF APPROVAL OF A CLAIM FOR BENEFITS DURING PROCESS.—

"(A) IN GENERAL.—If a plan or issuer—

"(i) reverses a determination on a denial of a claim for benefits that is the subject of an external review under this section and authorizes coverage for the claim or provides payment of the claim; and

"(ii) provides notice of such reversal to the participant or beneficiary (or authorized representative) and the treating health care professional (if any), and the external review entity responsible for such review,

the external review process shall be terminated with respect to such denial and any filing fee paid under subsection (b)(2)(A)(iv) shall be refunded.

"(B) TREATMENT OF TERMINATION.—An authorization of coverage under subparagraph (A) by the plan or issuer shall be treated as a written determination to reverse a denial under section (d)(3)(F) for purposes of liability under section 502(n)(1)(B).

"(f) COMPLIANCE.—

"(1) APPLICATION OF DETERMINATIONS.—

"(A) EXTERNAL REVIEW DETERMINATIONS BINDING ON PLAN.—The determinations of an external review entity and an independent medical reviewer under this section shall be binding upon the plan or issuer involved.

"(B) COMPLIANCE WITH DETERMINATION.—If the determination of an independent medical reviewer is to reverse the denial, the plan or issuer, upon the receipt of such determination, shall authorize coverage to comply with the medical reviewer's determination in accordance with the timeframe established by the medical reviewer.

"(2) FAILURE TO COMPLY.—If a plan or issuer fails to comply with the timeframe established under paragraph (1)(B)(i) with respect to a participant or beneficiary, where such failure to comply is caused by the plan or issuer, the participant or beneficiary may obtain the items or services involved (in a manner consistent with the determination of the independent external reviewer) from any provider regardless of whether such provider is a participating provider under the plan or coverage.

"(3) REIMBURSEMENT.—

"(A) IN GENERAL.—Where a participant or beneficiary obtains items or services in accordance with paragraph (2), the plan or issuer involved shall provide for reimbursement of the costs of such items of services. Such reimbursement shall be made to the treating health care professional or to the participant or beneficiary (in the case of a participant or beneficiary who pays for the costs of such items or services).

"(B) AMOUNT.—The plan or issuer shall fully reimburse a professional, participant or beneficiary under subparagraph (A) for the total costs of the items or services provided (regardless of any plan limitations that may apply to the coverage of such items of services) so long as—

"(i) the items or services would have been covered under the terms of the plan or coverage if provided by the plan or issuer; and

"(ii) the items or services were provided in a manner consistent with the determination of the independent medical reviewer.

"(4) FAILURE TO REIMBURSE.—Where a plan or issuer fails to provide reimbursement to a professional, participant or beneficiary in accordance with this subsection, the professional, participant or beneficiary may commence a civil action (or utilize other remedies available under law) to recover only the amount of any such reimbursement that is unpaid and any necessary legal costs or expenses (including attorneys' fees) incurred in recovering such reimbursement.

"(g) QUALIFICATIONS OF INDEPENDENT MEDICAL REVIEWERS.—

"(1) IN GENERAL.—In referring a denial to 1 or more individuals to conduct independent medical review under subsection (c), the qualified external review entity shall ensure that—

"(A) each independent medical reviewer meets the qualifications described in paragraphs (2) and (3);

"(B) with respect to each review at least 1 such reviewer meets the requirements described in paragraphs (4) and (5); and

"(C) compensation provided by the entity to the reviewer is consistent with paragraph (6).

"(2) LICENSURE AND EXPERTISE.—Each independent medical reviewer shall be a physician or health care professional who—

"(A) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

"(B) typically treats the diagnosis or condition or provides the type or treatment under review.

"(3) INDEPENDENCE.—

"(A) IN GENERAL.—Subject to subparagraph (B), each independent medical reviewer in a case shall—

"(i) not be a related party (as defined in paragraph (7));

"(ii) not have a material familial, financial, or professional relationship with such a party; and

"(iii) not otherwise have a conflict of interest with such a party (as determined under regulations).

"(B) EXCEPTION.—Nothing in this subparagraph (A) shall be construed to—

"(i) prohibit an individual, solely on the basis of affiliation with the plan or issuer, from serving as an independent medical reviewer if—

"(I) a non-affiliated individual is not reasonably available;

"(II) the affiliated individual is not involved in the provision of items or services in the case under review; and

"(III) the fact of such an affiliation is disclosed to the plan or issuer and the participant or beneficiary (or authorized representative) and neither party objects;

"(ii) prohibit an individual who has staff privileges at the institution where the treatment involved takes place from serving as an independent medical reviewer if the affiliation is disclosed to the plan or issuer and the participant or beneficiary (or authorized representative), and neither party objects;

"(iii) permit an employee of a plan or issuer, or an individual who provides services exclusively or primarily to or on behalf of a plan or issuer, from serving as an independent medical reviewer; or

"(iv) prohibit receipt of compensation by an independent medical reviewer from an entity if the compensation is provided consistent with paragraph (6).

"(4) Practicing health care professional in same field.—

"(A) In general.—The requirement of this paragraph with respect to a reviewer in a case involving treatment, or the provision of items or services, by—

"(i) a physician, is that the reviewer be a practicing physician of the same or similar specialty, when reasonably available, as a physician who typically treats the diagnosis or condition or provides such treatment in the case under review; or

"(ii) a health care professional (other than a physician), is that the reviewer be a practicing physician or, if determined appropriate by the qualified external review entity, a health care professional (other than a physician), of the same or similar specialty as the health care professional who typically treats the diagnosis or condition or provides the treatment in the case under review.

"(B) Practicing defined.—For purposes of this paragraph, the term 'practicing' means, with respect to an individual who is a physician or other health care professional that the individual provides health care services to individual patients on average at least 1 day per week.

"(5) Age-appropriate expertise.—The independent medical reviewer shall have expertise under paragraph (2) that is age-appropriate to the participant or beneficiary involved.

"(6) Limitations on reviewer compensation.—Compensation provided by a qualified external review entity to an independent medical reviewer in connection with a review under this section shall—

"(A) not exceed a reasonable level; and

"(B) not be contingent on the decision rendered by the reviewer.

"(7) Related party defined.—For purposes of this section, the term 'related party' means, with respect to a denial of a claim under a plan or coverage relating to a participant or beneficiary, any of the following:

"(A) The plan, plan sponsor, or issuer involved, or any fiduciary, officer, director, or employee of such plan, plan sponsor, or issuer.

"(B) The participant or beneficiary (or authorized representative).

"(C) The health care professional that provides the items of services involved in the denial.

"(D) The institution at which the items or services (or treatment) involved in the denial are provided.

"(E) The manufacturer of any drug or other item that is included in the items or services involved in the denial.

"(F) Any other party determined under any regulations to have a substantial interest in the denial involved.

"(h) Qualified External Review Entities.— .

"(1) Selection of qualified external review entities.—

"(A) Limitation on plan or issuer selection.—The Secretary shall implement procedures with respect to the selection of qualified external review entities by a plan or issuer to assure that the selection process among qualified external review entities will not create any incentives for external review entities to make a decision in a biased manner.

"(B) State authority with respect to qualified external review entities for health insurance issuers.—With respect to health insurance issuers offering health insurance coverage in connection with a group health plan in a State, the State may, pursuant to a State law that is enacted after the date of enactment of the Patients' Bill of Rights Plus Act, provide for the designation or selection of qualified external review entities in a manner determined by the State to assure an unbiased determination in conducting external review activities. In conducting reviews under this section, an entity designated or selected under this subparagraph shall comply with the provision of this section.

"(2) Contract with qualified external review entity.—Except as provided in paragraph (1)(B), the external review process of a plan or issuer under this section shall be conducted under a contract between the plan or issuer and 1 or more qualified external review entities (as defined in paragraph (4)(A)).

"(3) Terms and conditions of contract.—The terms and conditions of a contract under paragraph (2) shall—

"(A) be consistent with the standards the Secretary shall establish to assure there is no real or apparent conflict of interest in the conduct of external review activities; and

"(B) provide that the costs of the external review process shall be borne by the plan or issuer.

Subparagraph (B) shall not be construed as applying to the imposition of a filing fee under subsection (b)(2)(A)(iv) or costs incurred by the participant or beneficiary (or authorized representative) or treating health care professional (if any) in support of the review, including the provision of additional evidence or information.

"(4) Qualifications.—

"(A) In general.—In this section, the term 'qualified external review entity' means, in relation to a plan or issuer, an entity that is initially certified (and periodically recertified) under subparagraph (C) as meeting the following requirements:

"(i) The entity has (directly or through contracts or other arrangements) sufficient medical, legal, and other expertise and sufficient staffing to carry out duties of a qualified external review entity under this section on a timely basis, including making determinations under subsection (b)(2)(A) and providing for independent medical reviews under subsection (d).

"(ii) The entity is not a plan or issuer or an affiliate or a subsidiary of a plan or issuer, and is not an affiliate or subsidiary of a professional or trade association of plans or issuers or of health care providers.

"(iii) The entity has provided assurances that it will conduct external review activities consistent with the applicable requirements of this section and standards specified in subparagraph (C), including that it will not conduct any external review activities in a case unless the independence requirements of subparagraph (B) are met with respect to the case.

"(iv) The entity has provided assurances that it will provide information in a timely manner under subparagraph (D).

"(v) The entity meets such other requirements as the Secretary provides by regulation.

"(B) Independence requirements.—

"(i) In general.—Subject to clause (ii), an entity meets the independence requirements of this subparagraph with respect to any case if the entity—

"(I) is not a related party (as defined in subsection (g)(7));

"(II) does not have a material familial, financial, or professional relationship with such a party; and

"(III) does not otherwise have a conflict of interest with such a party (as determined under regulations).

"(ii) Exception for reasonable compensation.—Nothing in clause (i) shall be construed to prohibit receipt by a qualified external review entity of compensation from a plan or issuer for the conduct of external review activities under this section if the compensation is provided consistent with clause (iii).

"(iii) Limitations on entity compensation.—Compensation provided by a plan or issuer to a qualified external review entity in connection with reviews under this section shall—

"(I) not exceed a reasonable level; and

"(II) not be contingent on the decision rendered by the entity or by any independent medical reviewer.

"(C) Certification and recertification process.—

"(i) In general.—The initial certification and recertification of a qualified external review entity shall be made—

"(I) under a process that is recognized or approved by the Secretary; or

"(II) by a qualified private standard-setting organization that is approved by the Secretary under clause (iii).

"(ii) Process.—The Secretary shall not recognize or approve a process under clause (i)(I) unless the process applies standards (as promulgated in regulations) that ensure that a qualified external review entity—

"(I) will carry out (and has carried out, in the case of recertification) the responsibilities of such an entity in accordance with this section, including meeting applicable deadlines;

"(II) will meet (and has met, in the case of recertification) appropriate indicators of fiscal integrity;

"(III) will maintain (and has maintained, in the case of recertification) appropriate confidentiality with respect to individually identifiable health information obtained in the course of conducting external review activities; and

"(IV) in the case recertification, shall review the matters described in clause (iv).

"(iii) Approval of qualified private standard-setting organizations.—For purposes of clause (i)(II), the Secretary may approve a qualified private standard-setting organization if the Secretary finds that the organization only certifies (or recertifies) external review entities that meet at least the standards required for the certification (or recertification) of external review entities under clause (ii).

"(iv) Considerations in recertifications.—In conducting recertifications of a qualified external review entity under this paragraph, the Secretary or organization conducting the recertification shall review compliance of the entity with the requirements for conducting external review activities under this section, including the following:

"(I) Provision of information under subparagraph (D).

"(II) Adherence to applicable deadlines (both by the entity and by independent medical reviewers it refers cases to).

"(III) Compliance with limitations on compensation (with respect to both the entity and independent medical reviewers it refers cases to).

"(IV) Compliance with applicable independence requirements.

"(v) PERIOD OF CERTIFICATION OR RECERTIFICATION.—A certification or recertification provided under this paragraph shall extend for a period not to exceed 5 years.

"(vi) REVOCATION.—A certification or recertification under this paragraph may be revoked by the Secretary or by the organization providing such certification upon a showing of cause.

"(D) PROVISION OF INFORMATION.—

"(i) IN GENERAL.—A qualified external review entity shall provide to the Secretary, in such manner and at such times as the Secretary may require, such information (relating to the denials which have been referred to the entity for the conduct of external review under this section) as the Secretary determines appropriate to assure compliance with the independence and other requirements of this section to monitor and assess the quality of its external review activities and lack of bias in making determinations. Such information shall include information described in clause (ii) but shall not include individually identifiable medical information.

"(ii) INFORMATION TO BE INCLUDED.—The information described in this subclause with respect to an entity is as follows:

"(I) The number and types of denials for which a request for review has been received by the entity.

"(II) The disposition by the entity of such denials, including the number referred to a independent medical reviewer and the reasons for such dispositions (including the application of exclusions), on a plan or issuer-specific basis and on a health care specialty-specific basis.

"(III) The length of time in making determinations with respect to such denials.

"(IV) Updated information on the information required to be submitted as a condition of certification with respect to the entity's performance of external review activities.

"(iii) INFORMATION TO BE PROVIDED TO CERTIFYING ORGANIZATION.—

"(I) IN GENERAL.—In the case of a qualified external review entity which is certified (or recertified) under this subsection by a qualified private standard-setting organization, at the request of the organization, the entity shall provide the organization with the information provided to the Secretary under clause (i).

"(II) ADDITIONAL INFORMATION.—Nothing in this subparagraph shall be construed as preventing such an organization from requiring additional information as a condition of certification or recertification of an entity.

"(iv) USE OF INFORMATION.—Information provided under this subparagraph may be used by the Secretary and qualified private standard-setting organizations to conduct oversight of qualified external review entities, including recertification of such entities, and shall be made available to the public in an appropriate manner.

"(E) LIMITATION ON LIABILITY.—No qualified external review entity having a contract with a plan or issuer, and no person who is employed by any such entity or who furnishes professional services to such entity (including as an independent medical reviewer), shall be held by reason of the performance of any duty, function, or activity required or authorized pursuant to this section, to be civilly liable under any law of the United States or of any State (or political subdivision thereof) if there was no actual malice or gross misconduct in the performance of such duty, function, or activity.

"(i) DEFINITIONS.—In this section:

"(1) AUTHORIZED REPRESENTATIVE.—The term 'authorized representative' means, with respect to a participant or beneficiary—

"(A) a person to whom a participant or beneficiary has given express written consent to represent the participant or beneficiary in any proceeding under this section;

"(B) a person authorized by law to provide substituted consent for the participant or beneficiary; or

"(C) a family member of the participant or beneficiary (or the estate of the participant or beneficiary) or the participant's or beneficiary's treating health care professional when the participant or beneficiary is unable to provide consent.

"(2) CLAIM FOR BENEFITS.—The term 'claim for benefits' means any request by a participant or beneficiary (or authorized representative) for benefits (including requests that are subject to authorization of coverage or utilization review), for eligibility, or for payment in whole or in part, for an item or service under a group health plan or health insurance coverage offered by a health insurance issuer in connection with a group health plan.

"(3) GROUP HEALTH PLAN.—The term 'group health plan' shall have the meaning given such term in section 733(a). In applying this paragraph, excepted benefits described in section 733(c) shall not be treated as benefits consisting of medical care.

"(4) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term in section 733(b)(1). In applying this paragraph, excepted benefits described in section 733(c) shall not be treated as benefits consisting of medical care.

"(5) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term in section 733(b)(2).

"(6) PRIOR AUTHORIZATION DETERMINATION.—The term 'prior authorization determination' means a determination by the group health plan or health insurance issuer offering health insurance coverage in connection with a group health plan prior to the provision of the items and services as a condition of coverage of the items and services under the terms and conditions of the plan or coverage.

"(7) TREATING HEALTH CARE PROFESSIONAL.—The term 'treating health care professional' with respect to a group health plan, health insurance issuer or provider sponsored organization means a physician (medical doctor or doctor of osteopathy) or other health care practitioner who is acting within the scope of his or her State licensure or certification for the delivery of health care services and who is primarily responsible for delivering those services to the participant or beneficiary.

"(8) UTILIZATION REVIEW.—The term 'utilization review' with respect to a group health plan or health insurance coverage means procedures used in the determination of coverage for a participant or beneficiary, such as procedures to evaluate the medical necessity, appropriateness, efficacy, quality, or efficiency of health care services, procedures or settings, and includes prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 503 the following:

"Sec. 503A. Claims and internal appeals procedures for group health plans.

"Sec. 503B. Independent external appeals procedures for group health plans.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after 2 years after the date of enactment of this Act. The Secretary shall issue all regulations necessary to carry out the amendments made by this section before the effective date thereof.

SEC. 222. ENFORCEMENT.

Section 502(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)) is amended by adding at the end the following:

"(8) The Secretary may assess a civil penalty against any plan of up to $10,000 for the plan's failure or refusal to comply with any deadline applicable under section 503B or any determination under such section, except that in any case in which treatment was not commenced by the plan in accordance with the determination of an independent external reviewer, the Secretary shall assess a civil penalty of $10,000 against the plan and the plan shall pay such penalty to the participant or beneficiary involved.".

Subtitle D—Remedies

SEC. 231. AVAILABILITY OF COURT REMEDIES.

(a) IN GENERAL.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended by adding at the end the following:

"(n) CAUSE OF ACTION RELATING TO DENIAL OF A CLAIM FOR HEALTH BENEFITS.—

"(1) IN GENERAL.—

"(A) FAILURE TO COMPLY WITH EXTERNAL MEDICAL REVIEW.—In any case in which—

"(i) a designated decision-maker described in paragraph (2) fails to exercise ordinary care in approving coverage pursuant to the written determination of an independent medical reviewer under section 503B(d)(3)(F) that reverses a denial of a claim for benefits; and

"(ii) the failure described in clause (i) is the proximate cause of substantial harm to, or the wrongful death of, the participant or beneficiary;

such designated decision-maker shall be liable to the participant or beneficiary (or the estate of such participant or beneficiary) for economic and noneconomic damages in connection with such failure and such injury or death (subject to paragraph (4)).

"(B) WRONGFUL DETERMINATION RESULTING IN DELAY IN PROVIDING BENEFITS.—In any case in which—

"(i) a designated decision-maker described in paragraph (2) acts in bad faith in making a final determination denying a claim for benefits under section 503A(b);

"(ii) the denial described in clause (i) is reversed by an independent medical reviewer under section 503B(d); and

"(iii) the delay attributable to the failure described in clause (i) is the proximate cause of substantial harm to, or the wrongful death of, the participant or beneficiary;

such designated decision-maker shall be liable to the participant or beneficiary (or the estate of such participant or beneficiary) for economic and noneconomic damages in connection with such failure and such injury or death (subject to paragraph (4)).

"(2) DESIGNATED DECISION-MAKERS FOR PURPOSES OF LIABILITY.—An employer or plan sponsor shall not be liable under any cause of action described in paragraph (1) if the employer or plan sponsor complies with the following provisions:

"(A) APPOINTMENT.—A group health plan may designate one or more persons to serve as the designated decision-maker for purposes of paragraph (1). Such designated decision-makers shall have the exclusive authority under the group health plan (or under the health insurance coverage in the case of a health insurance issuer offering coverage in connection with a group health plan) to make determinations described in section 503A with respect to claims for benefits and determination to approve coverage pursuant to written determination of independent medical reviewers under section 503B, except that the plan documents may expressly provide that the designated decision-maker is subject to the direction of a named fiduciary.

"(B) PROCEDURES.—A designated decision-maker shall—

"(i) be a person who is named in the plan or coverage documents, or who, pursuant to procedures specified in the plan or coverage documents, is identified as the designated decision-maker by—

"(I) a person who is an employer or employee organization with respect to the plan or issuer;

"(II) a person who is such an employer and such an employee organization acting jointly; or

"(III) a person who is a named fiduciary;

"(ii) agree to accept appointment as a designated decision-maker; and

"(iii) be identified in the plan or coverage documents as required under section 714(b)(14).

"(C) QUALIFICATIONS.—To be appointed as a designated decision-maker under this paragraph, a person shall be—

"(i) a plan sponsor;

"(ii) a group health plan;

"(iii) a health insurance issuer; or

"(iv) any other person who can provide adequate evidence, in accordance with regulations promulgated by the Secretary, of the ability of the person to—

"(I) carry out the responsibilities set forth in the plan or coverage documents;

"(II) carry out the applicable requirements of this subsection; and

"(III) meet other applicable requirements under this Act, including any financial obligation for liability under this subsection.

"(D) FLEXIBILITY IN ADMINISTRATION.—A group health plan, or health insurance issuer offering coverage in connection with a group health plan, may provide—

"(i) that any person or group of persons may serve in more than one capacity with respect to the plan or coverage (including service as a designated decision-maker, administrator, and named fiduciary); or

"(ii) that a designated decision-maker may employ one or more persons to provide advice with respect to any responsibility of such decision-maker under the plan or coverage.

"(E) FAILURE TO DESIGNATE.—In any case in which a designated decision-maker is not appointed under this paragraph, the group health plan (or health insurance issuer offering coverage in connection with the group health plan), the administrator, or the party or parties that bears the sole responsibility for making the final determination under section 503A(b) (with respect to an internal review), or for approving coverage pursuant to the written determination of an independent medical reviewer under section 503B, with respect to a denial of a claim for benefits shall be treated as the designated decision-maker for purposes of liability under this section.

"(3) REQUIREMENT OF EXHAUSTION OF INDEPENDENT MEDICAL REVIEW.—Paragraph (1) shall apply only if a final determination denying a claim for benefits under section 503A(b) has been referred for independent medical review under section 503B(d) and a written determination by an independent medical reviewer to reverse such final determination has been issued with respect to such review.

"(4) LIMITATIONS ON RECOVERY OF DAMAGES.—

"(A) MAXIMUM AWARD OF NONECONOMIC DAMAGES.—The aggregate amount of liability for noneconomic loss in an action under paragraph (1) may not exceed $350,000.

"(B) INCREASE IN AMOUNT.—The amount referred to in subparagraph (A) shall be increased or decreased, for each calendar year that ends after December 31, 2001, by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, for September of the preceding calendar year has increased or decreased from the such Index for September of 2001.

"(C) JOINT AND SEVERAL LIABILITY.—In the case of any action commenced pursuant to paragraph (1), the defendant shall be liable only for the amount of noneconomic damages attributable to such defendant in direct proportion to such defendant's share of fault or responsibility for the injury suffered by the participant or beneficiary. In all such cases, the liability of a defendant for noneconomic damages shall be several and not joint.

"(D) TREATMENT OF COLLATERAL SOURCE PAYMENTS.—

"(i) IN GENERAL.—In the case of any action commenced pursuant to paragraph (1), the total amount of damages received by a participant or beneficiary under such action shall be reduced, in accordance with clause (ii), by any other payment that has been, or will be, made to such participant or beneficiary to compensate such participant or beneficiary for the injury that was the subject of such action.

"(ii) AMOUNT OF REDUCTION.—The amount by which an award of damages to a participant or beneficiary for an injury shall be reduced under clause (i) shall be—

"(I) the total amount of any payments (other than such award) that have been made or that will be made to such participant or beneficiary to pay costs of or compensate such participant or beneficiary for the injury that was the subject of the action; less

"(II) the amount paid by such participant or beneficiary (or by the spouse, parent, or legal guardian of such participant or beneficiary) to secure the payments described in subclause (I).

"(iii) DETERMINATION OF AMOUNTS FROM COLLATERAL SOURCES.—The reduction required under clause (ii) shall be determined by the court in a pretrial proceeding. At the subsequent trial no evidence shall be admitted as to the amount of any charge, payments, or damage for which a participant or beneficiary—

"(I) has received payment from a collateral source or the obligation for which has been assured by a third party; or

"(II) is, or with reasonable certainty, will be eligible to receive from a collateral source which will, with reasonable certainty, be assumed by a third party.

"(5) AFFIRMATIVE DEFENSES.—In the case of any cause of action under paragraph (1), it shall be an affirmative defense that—

"(A) the group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, involved did not receive from the participant or beneficiary (or authorized representative) or the treating health care professional (if any), sufficient information regarding the medical condition of the participant or beneficiary that was necessary to make a final determination on a claim for benefits under section 503A(b);

"(B) the participant or beneficiary (or authorized representative)—

"(i) was in possession of facts that were sufficient to enable the participant or beneficiary (or authorized representative) to know that an expedited review under section 503A or 503B would have prevented the harm that is the subject of the action; and

"(ii) failed to notify the plan or issuer of the need for such an expedited review; or

"(C) the cause of action is based solely on the failure of a qualified external review entity or an independent medical reviewer to meet the timelines applicable under section 503B.

Nothing in this paragraph shall be construed to limit the application of any other affirmative defense that may be applicable to the cause of action involved.

"(6) WAIVER OF INTERNAL REVIEW.—In the case of any cause of action under paragraph (1), the waiver or nonwaiver of internal review under section 503A(b)(1)(D) by the group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall not be used in determining liability.

"(7) LIMITATIONS ON ACTIONS.—Paragraph (1) shall not apply in connection with any action that is commenced more than 1 year after—

"(A) the date on which the last act occurred which constituted a part of the failure referred to in such paragraph; or

"(B) in the case of an omission, the last date on which the decision-maker could have cured the failure.

"(8) LIMITATION ON RELIEF WHERE DEFENDANT'S POSITION PREVIOUSLY SUPPORTED UPON EXTERNAL REVIEW.—In any case in which the court finds the defendant to be liable in an action under this subsection, to the extent that such liability is based on a finding by the court of a particular failure described in paragraph (1) and such finding is contrary to a previous determination by an independent medical reviewer under section 503B(d) with respect to such defendant, no relief shall be available under this subsection in addition to the relief otherwise available under subsection (a)(1)(B).

"(9) CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing a cause of action under paragraph (1) for—

"(A) the failure of a group health plan or health insurance issuer to provide an item or service that is specifically excluded under the plan or coverage; or

"(B) any denial of a claim for benefits that was not eligible for independent medical review under section 503B(d).

"(10) FEDERAL JURISDICTION.—In the case of any action commenced pursuant to paragraph (1) the district courts of the United States shall have exclusive jurisdiction.

"(11) DEFINITIONS.—In this subsection:

"(A) AUTHORIZED REPRESENTATIVE.—The term 'authorized representative' has the meaning given such term in section 503B(i).

"(B) CLAIM FOR BENEFITS.—The term 'claim for benefits' shall have the meaning given such term in section 503B(i), except that such term shall only include claims for prior authorization determinations (as such term is defined in section 503B(i)).

"(C) GROUP HEALTH PLAN.—The term 'group health plan' shall have the meaning given such term in section 733(a).

"(D) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term in section 733(b)(1).

"(E) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term in section 733(b)(2) (including health maintenance organizations as defined in section 733(b)(3)).

"(F) ORDINARY CARE.—The term 'ordinary care' means the care, skill, prudence, and diligence under the circumstances prevailing at the time the care is provided that a prudent individual acting in a like capacity and familiar with the care being provided would use in providing care of a similar character.

"(G) SUBSTANTIAL HARM.—The term 'substantial harm' means the loss of life, loss or significant impairment of limb or bodily function, significant disfigurement, or severe and chronic physical pain.

"(12) EFFECTIVE DATE.—The provisions of this subsection shall apply to acts and omissions occurring on or after the date of enactment of this subsection.".

(b) IMMUNITY FROM LIABILITY FOR PROVISION OF INSURANCE OPTIONS.—

(1) IN GENERAL.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132), as amended by subsection (a), is further amended by adding at the end the following:

"(o) IMMUNITY FROM LIABILITY FOR PROVISION OF INSURANCE OPTIONS.—

"(1) IN GENERAL.—No liability shall arise under subsection (n) with respect to a participant or beneficiary against a group health plan (other than a fully insured group health plan) if such plan offers the participant or beneficiary the coverage option described in paragraph (2).

"(2) COVERAGE OPTION.—The coverage option described in this paragraph is one under which the group health plan (other than a fully insured group health plan), at the time of enrollment or as provided for in paragraph (3), provides the participant or beneficiary with the option to—

"(A) enroll for coverage under a fully insured health plan; or

"(B) receive an individual benefit payment, in an amount equal to the amount that would be contributed on behalf of the participant or beneficiary by the plan sponsor for enrollment in the group health plan, for use by the participant or beneficiary in obtaining health insurance coverage in the individual market.

"(3) TIME OF OFFERING OF OPTION.—The coverage option described in paragraph (2) shall be offered to a participant or beneficiary—

"(A) during the first period in which the individual is eligible to enroll under the group health plan; or

"(B) during any special enrollment period provided by the group health plan after the date of enactment of the Patients' Bill of Rights Plus Act for purposes of offering such coverage option.".

(2) AMENDMENTS TO INTERNAL REVENUE CODE.—

(A) EXCLUSION FROM INCOME.—Section 106 of the Internal Revenue Code of 1986 (relating to contributions by employer to accident and health plans) is amended by adding at the end the following:

"(d) TREATMENT OF CERTAIN COVERAGE OPTION UNDER SELF-INSURED PLANS.—No amount shall be included in the gross income of an individual by reason of—

"(1) the individual's right to elect a coverage option described in section 502(o)(2) of the Employee Retirement Income Security Act of 1974, or

"(2) the receipt by the individual of an individual benefit payment described in section 502(o)(2)(A) of such Act."

(B) NONDISCRIMINATION RULES.—Section 105(h) of such Code (relating to self-insured medical expense reimbursement plans) is amended by adding at the end the following:

"(11) TREATMENT OF CERTAIN COVERAGE OPTIONS.—If a self-insured medical reimbursement plan offers the coverage option described in section 502(o)(2) of the Employee Retirement Income Security Act of 1974, employees who elect such option shall be treated as eligible to benefit under the plan and the plan shall be treated as benefiting such employees."

(c) CONFORMING AMENDMENT.—Section 502(a)(1)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)(1)(A)) is amended by inserting "or (n)" after "subsection (c)".

SEC. 232. LIMITATION ON CERTAIN CLASS ACTION LITIGATION.

(a) ERISA.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132), as amended by section 231, is further amended by adding at the end the following:

"(p) LIMITATION ON CLASS ACTION LITIGATION.—A claim or cause of action under section 502(n) may not be maintained as a class action.".

(b) RICO.—Section 1964(c) of title 18, United States Code, is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following:

"(2) No action may be brought under this subsection, or alleging any violation of section 1962, against any person where the action seeks relief for which a remedy may be provided under section 502 of the Employee Retirement Income Security Act of 1974.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to all civil actions that are filed on or after the date of enactment of this Act.

(2) PENDING CIVIL ACTIONS.—Notwithstanding section 502(p) of the Employee Retirement Income Security Act of 1974 and section 1964(c)(2) of title 18, United States Code, such sections 502(p) and 1964(c)(2) shall apply to civil actions that are pending and have not been finally determined by judgment or settlement prior to the date of enactment of this Act if such actions are substantially similar in nature to the claims or causes of actions referred to in such sections 502(p) and 1964(c)(2).

SEC. 233. SEVERABILITY.

If any provision of this subtitle, an amendment made by this subtitle, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this subtitle, the amendments made by this subtitle, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE III—WOMEN'S HEALTH AND CANCER RIGHTS

SEC. 301. WOMEN'S HEALTH AND CANCER RIGHTS.

(a) SHORT TITLE.—This section may be cited as the "Women's Health and Cancer Rights Act of 2000".

(b) FINDINGS.—Congress finds that—

(1) the offering and operation of health plans affect commerce among the States;

(2) health care providers located in a State serve patients who reside in the State and patients who reside in other States; and

(3) in order to provide for uniform treatment of health care providers and patients among the States, it is necessary to cover health plans operating in 1 State as well as health plans operating among the several States.

(c) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 211(a), is further amended by adding at the end the following:

"SEC. 715. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) INPATIENT CARE.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically necessary and appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a).

"(c) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

"(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 2001;

whichever is earlier.

"(d) SECONDARY CONSULTATIONS.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

"(2) Exception.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

"(e) Prohibition on Penalties or Incentives.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

"(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

"(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (d).".

(2) Clerical amendment.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 714 the following new item:

"Sec. 715. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer and coverage for secondary consultations.".

(d) Amendments to PHSA Relating to the Group Market.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

"SEC. 2707. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) Inpatient Care.—

"(1) In general.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically necessary and appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) Exception.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) Prohibition on Certain Modifications.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a).

"(c) Notice.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

"(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 2001;

whichever is earlier.

"(d) Secondary Consultations.—

"(1) In general.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

"(2) Exception.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

"(e) Prohibition on Penalties or Incentives.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

"(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

"(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (d).".

(e) Amendments to PHSA Relating to the Individual Market.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–51 et seq.) (relating to other requirements) (42 U.S.C. 300gg-51 et seq.) is amended—

(1) by redesignating such subpart as subpart 2; and

(2) by adding at the end the following:

"SEC. 2753. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND SECONDARY CONSULTATIONS.

"The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(f) Amendments to the IRC.—

(1) In general.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 202, is further amended by inserting after section 9813 the following:

"SEC. 9814. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) Inpatient Care.—

"(1) In general.—A group health plan that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically necessary and appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) Exception.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) Prohibition on Certain Modifications.—In implementing the requirements of this section, a group health plan may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a).

"(c) Notice.—A group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan and shall be transmitted—

"(1) in the next mailing made by the plan to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 2000;

whichever is earlier.

"(d) Secondary Consultations.—

"(1) In general.—A group health plan that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

“(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

“(e) PROHIBITION ON PENALTIES.—A group health plan may not—

“(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

“(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

“(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan involved under subsection (d).”.

(2) CLERICAL AMENDMENT.—The table of contents for chapter 100 of such Code is amended by inserting after the item relating to section 9813 the following new item:

“Sec. 9814. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer and coverage for secondary consultations.”.

TITLE IV—GENETIC INFORMATION AND SERVICES

SEC. 401. SHORT TITLE.

This title may be cited as the “Genetic Information Nondiscrimination in Health Insurance Act of 1999”.

SEC. 402. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 702(a)(1)(F) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)(F)) is amended by inserting before the period the following: “(including information about a request for or receipt of genetic services)”.

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 301(c), is further amended by adding at the end the following:

“SEC. 716. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“A group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).”.

(3) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended by adding at the end the following:

“(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or receipt of genetic services), see section 716.”.

(B) TABLE OF CONTENTS.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974, as amended by section 301, is further amended by inserting after the item relating to section 715 the following new item:

“Sec. 716. Prohibiting premium discrimination against groups on the basis of predictive genetic information.”.

(b) LIMITATION ON COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

“(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

“(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan or issuer's confidentiality practices, that shall include—

“(i) a description of an individual's rights with respect to predictive genetic information;

“(ii) the procedures established by the plan or issuer for the exercise of the individual's rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan or issuer.”.

(c) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

“(5) FAMILY MEMBER.—The term ‘family member’ means with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(6) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

“(7) GENETIC SERVICES.—The term ‘genetic services’ means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

“(8) PREDICTIVE GENETIC INFORMATION.—

“(A) IN GENERAL.—The term ‘predictive genetic information’ means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

“(i) information about an individual's genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) EXCEPTIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

"(iii) information about physical exams of the individual.

"(9) GENETIC TEST.—The term 'genetic test' means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.".

(d) EFFECTIVE DATE.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning 1 year after the date of the enactment of this Act.

SEC. 403. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION IN THE GROUP MARKET.—

(A) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 2702(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(1)(F)) is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services)".

(B) NO DISCRIMINATION IN PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.), as amended by section 301(d), is amended by adding at the end the following new section:

"SEC. 2708. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION IN THE GROUP MARKET.

"A group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).".

(C) CONFORMING AMENDMENT.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg-1(b)) is amended by adding at the end the following:

"(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or receipt of genetic services), see section 2708.".

(D) LIMITATION ON COLLECTION AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg-1) is amended by adding at the end the following:

"(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

"(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

"(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

"(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

"(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

"(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

"(A) PREPARATION OF WRITTEN NOTICE.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan or issuer's confidentiality practices, that shall include—

"(i) a description of an individual's rights with respect to predictive genetic information;

"(ii) the procedures established by the plan or issuer for the exercise of the individual's rights; and

"(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

"(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

"(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan or issuer.".

(2) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg-91(d)) is amended by adding at the end the following:

"(15) FAMILY MEMBER.—The term 'family member' means, with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(16) GENETIC INFORMATION.—The term 'genetic information' means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

"(17) GENETIC SERVICES.—The term 'genetic services' means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

"(18) PREDICTIVE GENETIC INFORMATION.—

"(A) IN GENERAL.—The term 'predictive genetic information' means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

"(i) information about an individual's genetic tests;

"(ii) information about genetic tests of family members of the individual; or

"(iii) information about the occurrence of a disease or disorder in family members.

"(B) EXCEPTIONS.—The term 'predictive genetic information' shall not include—

"(i) information about the sex or age of the individual;

"(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

"(iii) information about physical exams of the individual.

"(19) GENETIC TEST.—The term 'genetic test' means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.".

(e) AMENDMENTS TO PHSA RELATING TO THE INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) (relating to other requirements) (42 U.S.C. 300gg-51 et seq.), as amended by section 301(e), is further amended by adding at the end the following:

"SEC. 2754. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"(a) PROHIBITION ON PREDICTIVE GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—A health insurance issuer offering health insurance coverage in the individual market may not use predictive genetic information as a condition of eligibility of an individual to enroll in individual health insurance coverage (including information about a request for or receipt of genetic services).

"(b) PROHIBITION ON PREDICTIVE GENETIC INFORMATION IN SETTING PREMIUM RATES.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium rates for individuals on the basis of predictive genetic information concerning such an individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

"(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

"(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a health insurance issuer offering health insurance coverage in the individual market shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

"(2) Information needed for diagnosis, treatment, or payment.—

"(A) In general.—Notwithstanding paragraph (1), a health insurance issuer offering health insurance coverage in the individual market that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

"(B) Notice of confidentiality practices and description of safeguards.—As a part of a request under subparagraph (A), the health insurance issuer offering health insurance coverage in the individual market shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

"(d) Confidentiality With Respect to Predictive Genetic Information.—

"(1) Notice of confidentiality practices.—

"(A) Preparation of written notice.—A health insurance issuer offering health insurance coverage in the individual market shall post or provide, in writing and in a clear and conspicuous manner, notice of the issuer's confidentiality practices, that shall include—

"(i) a description of an individual's rights with respect to predictive genetic information;

"(ii) the procedures established by the issuer for the exercise of the individual's rights; and

"(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

"(B) Model notice.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

"(2) Establishment of safeguards.—A health insurance issuer offering health insurance coverage in the individual market shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such issuer.".

(c) Effective Date.—The amendments made by this section shall apply with respect to—

(1) group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after 1 year after the date of enactment of this Act; and

(2) health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after 1 year after the date of enactment of this Act.

SEC. 404. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) Prohibition of Health Discrimination on the Basis of Genetic Information or Genetic Services.—

(1) No enrollment restriction for genetic services.—Section 9802(a)(1)(F) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services)".

(2) No discrimination in group premiums based on predictive genetic information.—

(A) In general.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 301(f), is further amended by adding at the end the following:

"SEC. 9815. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"A group health plan shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).".

(B) Conforming amendment.—Section 9802(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(3) Reference to related provision.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or the receipt of genetic services), see section 9815.".

(C) Amendment to table of sections.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 301(f), is further amended by adding at the end the following:

"Sec. 9815. Prohibiting premium discrimination against groups on the basis of predictive genetic information.".

(b) Limitation on Collection of Predictive Genetic Information.—Section 9802 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(d) Collection of Predictive Genetic Information.—

"(1) Limitation on requesting or requiring predictive genetic information.—Except as provided in paragraph (2), a group health plan shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

"(2) Information needed for diagnosis, treatment, or payment.—

"(A) In general.—Notwithstanding paragraph (1), a group health plan that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

"(B) Notice of confidentiality practices; description of safeguards.—As a part of a request under subparagraph (A), the group health plan shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (e), of such predictive genetic information.

"(e) Confidentiality With Respect to Predictive Genetic Information.—

"(1) Notice of confidentiality practices.—

"(A) Preparation of written notice.—A group health plan shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan's confidentiality practices, that shall include—

"(i) a description of an individual's rights with respect to predictive genetic information;

"(ii) the procedures established by the plan for the exercise of the individual's rights; and

"(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

"(B) Model notice.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

"(2) Establishment of safeguards.—A group health plan shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan.".

(c) Definitions.—Section 9832(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(6) Family member.—The term 'family member' means, with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(7) Genetic information.—The term 'genetic information' means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

"(8) Genetic services.—The term 'genetic services' means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

"(9) Predictive genetic information.—

"(A) In general.—The term 'predictive genetic information' means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

"(i) information about an individual's genetic tests;

"(ii) information about genetic tests of family members of the individual; or

"(iii) information about the occurrence of a disease or disorder in family members.

"(B) Exceptions.—The term 'predictive genetic information' shall not include—

"(i) information about the sex or age of the individual;

"(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

"(iii) information about physical exams of the individual.

"(10) Genetic test.—The term 'genetic test' means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.".

(d) Effective Date.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning after 1 year after the date of the enactment of this Act.

TITLE V—PATIENT SAFETY AND ERRORS REDUCTION

SEC. 501. SHORT TITLE.

This title may be cited as the "Patient Safety and Errors Reduction Act".

SEC. 502. PURPOSES.

It is the purpose of this title to—

(1) promote the identification, evaluation, and reporting of medical errors;

(2) raise standards and expectations for improvements in patient safety;

(3) reduce deaths, serious injuries, and other medical errors through the implementation of safe practices at the delivery level;

(4) develop error reduction systems with legal protections to support the collection of information under such systems;

(5) extend existing confidentiality and peer review protections to the reports relating to medical errors that are reported under such systems that are developed for safety and quality improvement purposes; and

(6) provide for the establishment of systems of information collection, analysis, and dissemination to enhance the knowledge base concerning patient safety.

SEC. 503. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) by redesignating part C as part D;

(2) by redesignating sections 921 through 928, as sections 931 through 938, respectively;

(3) in section 938(1) (as so redesignated), by striking "921" and inserting "931"; and

(4) by inserting after part B the following:

"PART C—REDUCING ERRORS IN HEALTH CARE

"SEC. 921. DEFINITIONS.

"In this part:

"(1) Adverse event.—The term 'adverse event' means, with respect to the patient of a provider of services, an untoward incident, therapeutic misadventure, or iatrogenic injury directly associated with the provision of health care items and services by a health care provider or provider of services.

"(2) Center.—The term 'Center' means the Center for Quality Improvement and Patient Safety established under section 922(b).

"(3) Close call.—The term 'close call' means, with respect to the patient of a provider of services, any event or situation that—

"(A) but for chance or a timely intervention, could have resulted in an accident, injury, or illness; and

"(B) is directly associated with the provision of health care items and services by a provider of services.

"(4) Expert organization.—The term 'expert organization' means a third party acting on behalf of, or in conjunction with, a provider of services to collect information about, or evaluate, a medical event.

"(5) Health care oversight agency.—The term 'health care oversight agency' means an agency, entity, or person, including the employees and agents thereof, that performs or oversees the performance of any activities necessary to ensure the safety of the health care system.

"(6) Health care provider.—The term 'health care provider' means—

"(A) any provider of services (as defined in section 1861(u) of the Social Security Act); and

"(B) any person furnishing any medical or other health care services as defined in section 1861(s)(1) and (2) of such Act through, or under the authority of, a provider of services described in subparagraph (A).

"(7) Provider of services.—The term 'provider of services' means a hospital, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, renal dialysis facility, ambulatory surgical center, or hospice program, and any other entity specified in regulations promulgated by the Secretary after public notice and comment.

"(8) Public health authority.—The term 'public health authority' means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, and an Indian tribe that is responsible for public health matters as part of its official mandate.

"(9) Medical event.—The term 'medical event' means, with respect to the patient of a provider of services, any sentinel event, adverse event, or close call.

"(10) Medical event analysis entity.—The term 'medical event analysis entity' means an entity certified under section 923(a).

"(11) Root cause analysis.—

"(A) In general.—The term 'root cause analysis' means a process for identifying the basic or contributing causal factors that underlie variation in performance associated with medical events that—

"(i) has the characteristics described in subparagraph (B);

"(ii) includes participation by the leadership of the provider of services and individuals most closely involved in the processes and systems under review;

"(iii) is internally consistent; and

"(iv) includes the consideration of relevant literature.

"(B) Characteristics.—The characteristics described in this subparagraph include the following:

"(i) The analysis is interdisciplinary in nature and involves those individuals who are responsible for administering the reporting systems.

"(ii) The analysis focuses primarily on systems and processes rather than individual performance.

"(iii) The analysis involves a thorough review of all aspects of the process and all contributing factors involved.

"(iv) The analysis identifies changes that could be made in systems and processes, through either redesign or development of new processes or systems, that would improve performance and reduce the risk of medical events.

"(12) Sentinel event.—The term 'sentinel event' means, with respect to the patient of a provider of services, an unexpected occurrence that—

"(A) involves death or serious physical or psychological injury (including loss of a limb); and

"(B) is directly associated with the provision of health care items and services by a health care provider or provider of services.

"SEC. 922. RESEARCH TO IMPROVE THE QUALITY AND SAFETY OF PATIENT CARE.

"(a) In General.—To improve the quality and safety of patient care, the Director shall—

"(1) conduct and support research, evaluations and training, support demonstration projects, provide technical assistance, and develop and support partnerships that will identify and determine the causes of medical errors and other threats to the quality and safety of patient care;

"(2) identify and evaluate interventions and strategies for preventing or reducing medical errors and threats to the quality and safety of patient care;

"(3) identify, in collaboration with experts from the public and private sector, reporting parameters to provide consistency throughout the errors reporting system;

"(4) identify approaches for the clinical management of complications from medical errors; and

"(5) establish mechanisms for the rapid dissemination of interventions and strategies identified under this section for which there is scientific evidence of effectiveness.

"(b) Center for Quality Improvement and Patient Safety.—

"(1) Establishment.—The Director shall establish a center to be known as the Center for Quality Improvement and Patient Safety to assist the Director in carrying out the requirements of subsection (a).

"(2) Mission.—The Center shall—

"(A) provide national leadership for research and other initiatives to improve the quality and safety of patient care;

"(B) build public-private sector partnerships to improve the quality and safety of patient care; and

"(C) serve as a national resource for research and learning from medical errors.

"(3) Duties.—

"(A) In general.—In carrying out this section, the Director, acting through the Center, shall consult and build partnerships, as appropriate, with all segments of the health care industry, including health care practitioners and patients, those who manage health care facilities, systems and plans, peer review organizations, health care purchasers and policymakers, and other users of health care research.

"(B) Required duties.—In addition to the broad responsibilities that the Director may assign to the Center for research and related activities that are designed to improve the quality of health care, the Director shall ensure that the Center—

"(i) builds scientific knowledge and understanding of the causes of medical errors in all health care settings and identifies or develops and validates effective interventions and strategies to reduce errors and improve the safety and quality of patient care;

"(ii) promotes public and private sector research on patient safety by—

"(I) developing a national patient safety research agenda;

"(II) identifying promising opportunities for preventing or reducing medical errors; and

"(III) tracking the progress made in addressing the highest priority research questions with respect to patient safety;

"(iii) facilitates the development of voluntary national patient safety goals by convening all segments of the health care industry and tracks the progress made in meeting those goals;

"(iv) analyzes national patient safety data for inclusion in the annual report on the quality of health care required under section 913(b)(2);

"(v) strengthens the ability of the United States to learn from medical errors by—

"(I) developing the necessary tools and advancing the scientific techniques for analysis of errors;

"(II) providing technical assistance as appropriate to reporting systems; and

"(III) entering into contracts to receive and analyze aggregate data from public and private sector reporting systems;

"(vi) supports dissemination and communication activities to improve patient safety, including the development of tools and methods for educating consumers about patient safety; and

"(vii) undertakes related activities that the Director determines are necessary to enable the Center to fulfill its mission.

"(C) LIMITATION.—Aggregate data gathered for the purposes described in this section shall not include specific patient, health care provider, or provider of service identifiers.

"(c) LEARNING FROM MEDICAL ERRORS.—

"(1) IN GENERAL.—To enhance the ability of the health care community in the United States to learn from medical events, the Director shall—

"(A) carry out activities to increase scientific knowledge and understanding regarding medical error reporting systems;

"(B) carry out activities to advance the scientific knowledge regarding the tools and techniques for analyzing medical events and determining their root causes;

"(C) carry out activities in partnership with experts in the field to increase the capacity of the health care community in the United States to analyze patient safety data;

"(D) develop a confidential national safety database of medical event reports;

"(E) conduct and support research, using the database developed under subparagraph (D), into the causes and potential interventions to decrease the incidence of medical errors and close calls; and

"(F) ensure that information contained in the national database developed under subparagraph (D) does not include specific patient, health care provider, or provider of service identifiers.

"(2) NATIONAL PATIENT SAFETY DATABASE.—The Director shall, in accordance with paragraph (1)(D), establish a confidential national safety database (to be known as the National Patient Safety Database) of reports of medical events that can be used only for research to improve the quality and safety of patient care. In developing and managing the National Patient Safety Database, the Director shall—

"(A) ensure that the database is only used for its intended purpose;

"(B) ensure that the database is only used by the Agency, medical event analysis entities, and other qualified entities or individuals as determined appropriate by the Director and in accordance with paragraph (3) or other criteria applied by the Director;

"(C) ensure that the database is as comprehensive as possible by aggregating data from Federal, State, and private sector patient safety reporting systems;

"(D) conduct and support research on the most common medical errors and close calls, their causes, and potential interventions to reduce medical errors and improve the quality and safety of patient care;

"(E) disseminate findings made by the Director, based on the data in the database, to clinicians, individuals who manage health care facilities, systems, and plans, patients, and other individuals who can act appropriately to improve patient safety; and

"(F) develop a rapid response capacity to provide alerts when specific health care practices pose an imminent threat to patients or health care practitioners, or other providers of health care items or services.

"(3) CONFIDENTIALITY AND PEER REVIEW PROTECTIONS.—Notwithstanding any other provision of law any information (including any data, reports, records, memoranda, analyses, statements, and other communications) developed by or on behalf of a health care provider or provider of services with respect to a medical event, that is contained in the National Patient Safety Database shall be confidential in accordance with section 925.

"(4) PATIENT SAFETY REPORTING SYSTEMS.—The Director shall identify public and private sector patient safety reporting systems and build scientific knowledge and understanding regarding the most effective—

"(A) components of patient safety reporting systems;

"(B) incentives intended to increase the rate of error reporting;

"(C) approaches for undertaking root cause analyses;

"(D) ways to provide feedback to those filing error reports;

"(E) techniques and tools for collecting, integrating, and analyzing patient safety data; and

"(F) ways to provide meaningful information to patients, consumers, and purchasers that will enhance their understanding of patient safety issues.

"(5) TRAINING.—The Director shall support training initiatives to build the capacity of the health care community in the United States to analyze patient safety data and to act on that data to improve patient safety.

"(d) EVALUATION.—The Director shall recommend strategies for measuring and evaluating the national progress made in implementing safe practices identified by the Center through the research and analysis required under subsection (b) and through the voluntary reporting system established under subsection (c).

"(e) IMPLEMENTATION.—In implementing strategies to carry out the functions described in subsections (b), (c), and (d), the Director may contract with public or private entities on a national or local level with appropriate expertise.

"SEC. 923. MEDICAL EVENT ANALYSIS ENTITIES.

"(a) IN GENERAL.—The Director, based on information collected under section 922(c), shall provide for the certification of entities to collect and analyze information on medical errors, and to collaborate with health care providers or providers of services in collecting information about, or evaluating, certain medical events.

"(b) COMPATIBILITY OF COLLECTED DATA.—To ensure that data reported to the National Patient Safety Database under section 922(c)(2) concerning medical errors and close calls are comparable and useful on an analytic basis, the Director shall require that the entities described in subsection (c) follow the recommendations regarding a common set of core measures for reporting that are developed by the National Forum for Health Care Quality Measurement and Reporting, or other voluntary private standard-setting organization that is designated by the Director taking into account existing measurement systems and in collaboration with experts from the public and private sector.

"(c) DUTIES OF CERTIFIED ENTITIES.—

"(1) IN GENERAL.—An entity that is certified under subsection (a) shall collect and analyze information, consistent with the requirement of subsection (b), provided to the entity under section 924(a)(4) to improve patient safety.

"(2) INFORMATION TO BE REPORTED TO THE ENTITY.—A medical event analysis entity shall, on a periodic basis and in a format that is specified by the Director, submit to the Director a report that contains—

"(A) a description of the medical events that were reported to the entity during the period covered under the report;

"(B) a description of any corrective action taken by providers of services with respect to such medical events or any other measures that are necessary to prevent similar events from occurring in the future; and

"(C) a description of the systemic changes that entities have identified, through an analysis of the medical events included in the report, as being needed to improve patient safety.

"(3) COLLABORATION.—A medical event analysis entity that is collaborating with a health care provider or provider of services to address close calls and adverse events may, at the request of the health care provider or provider of services—

"(A) provide expertise in the development of root cause analyses and corrective action plan relating to such close calls and adverse events; or

"(B) collaborate with such provider of services to identify on-going risk reduction activities that may enhance patient safety.

"(d) CONFIDENTIALITY AND PEER REVIEW PROTECTIONS.—Notwithstanding any other provision of law, any information (including any data, reports, records, memoranda, analyses, statements, and other communications) collected by a medical event analysis entity or developed by or on behalf of such an entity under this part shall be confidential in accordance with section 925.

"(e) TERMINATION AND RENEWAL.—

"(1) IN GENERAL.—The certification of an entity under this section shall terminate on the date that is 3 years after the date on which such certification was provided. Such certification may be renewed at the discretion of the Director.

"(2) NONCOMPLIANCE.—The Director may terminate the certification of a medical event analysis entity if the Director determines that such entity has failed to comply with this section.

"(f) IMPLEMENTATION.—In implementing strategies to carry out the functions described in subsection (c), the Director may contract with public or private entities on a national or local level with appropriate expertise.

"SEC. 924. PROVIDER OF SERVICES SYSTEMS FOR REPORTING MEDICAL EVENTS.

"(a) INTERNAL MEDICAL EVENT REPORTING SYSTEMS.—Each provider of services that elects to participate in a medical error reporting system under this part shall—

"(1) establish a system for—

"(A) identifying, collecting information about, and evaluating medical events that occur with respect to a patient in the care of the provider of services or a practitioner employed by the provider of services, that may include—

"(i) the provision of a medically coherent description of each event so identified;

"(ii) the provision of a clear and thorough accounting of the results of the investigation of such event under the system; and

"(iii) a description of all corrective measures taken in response to the event; and

"(B) determining appropriate follow-up actions to be taken with respect to such events;

"(2) establish policies and procedures with respect to when and to whom such events are to be reported;

"(3) take appropriate follow-up action with respect to such events; and

"(4) submit to the appropriate medical event analysis entity information that contains descriptions of the medical events identified under paragraph (1)(A).

"(b) Promoting Identification, Evaluation, and Reporting of Certain Medical Events.—

"(1) In general.—Notwithstanding any other provision of law any information (including any data, reports, records, memoranda, analyses, statements, and other communications) developed by or on behalf of a provider of services with respect to a medical event pursuant to a system established under subsection (a) shall be privileged in accordance with section 925.

"(2) Rules of construction.—Nothing in this subsection shall be construed as prohibiting—

"(A) disclosure of a patient's medical record to the patient;

"(B) a provider of services from complying with the requirements of a health care oversight agency or public health authority; or

"(C) such an agency or authority from disclosing information transferred by a provider of services to the public in a form that does not identify or permit the identification of the health care provider or provider of services or patient.

"SEC. 925. CONFIDENTIALITY.

"(a) Confidentiality and Peer Review Protections.—Notwithstanding any other provision of law—

"(1) any information (including any data, reports, records, memoranda, analyses, statements, and other communications) developed by or on behalf of a health care provider or provider of services with respect to a medical event, that is contained in the National Patient Safety Database, collected by a medical event analysis entity, or developed by or on behalf of such an entity, or collected by a health care provider or provider or services for use under systems that are developed for safety and quality improvement purposes under this part—

"(A) shall be privileged, strictly confidential, and may not be disclosed by any other person to which such information is transferred without the authorization of the health care provider or provider of services; and

"(B) shall—

"(i) be protected from disclosure by civil, criminal, or administrative subpoena;

"(ii) not be subject to discovery or otherwise discoverable in connection with a civil, criminal, or administrative proceeding;

"(iii) not be subject to disclosure pursuant to section 552 of title 5, United States Code (the Freedom of Information Act) and any other similar Federal or State statute or regulation; and

"(iv) not be admissible as evidence in any civil, criminal, or administrative proceeding; without regard to whether such information is held by the provider or by another person to which such information was transferred;

"(2) the transfer of any such information by a provider of services to a health care oversight agency, an expert organization, a medical event analysis entity, or a public health authority, shall not be treated as a waiver of any privilege or protection established under paragraph (1) or established under State law.

"(b) Penalty.—It shall be unlawful for any person to disclose any information described in subsection (a) other than for the purposes provided in such subsection. Any person violating the provisions of this section shall, upon conviction, be fined in accordance with title 18, United States Code, and imprisoned for not more than 6 months, or both.

"(c) Application of provisions.—The protections provided under subsection (a) and the penalty provided for under subsection (b) shall apply to any information (including any data, reports, memoranda, analyses, statements, and other communications) collected or developed pursuant to research, including demonstration projects, with respect to medical error reporting supported by the Director under this part.

"SEC. 926. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this part, $50,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.".

SEC. 504. EFFECTIVE DATE.

The amendments made by section 503 shall become effective on the date of the enactment of this Act.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001.".

SCHUMER AMENDMENT NO. 3695

(Ordered to lie on the table.)

Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 27, line 24, before the period insert the following: ": *Provided further*, That in addition to amounts made available under this heading for the National Program of Cancer Registries, an additional $15,000,000 shall be made available for such Program and special emphasis in carrying out such Program shall be given to States with the highest number of the leading causes of cancer mortality: *Provided further*, That amounts made available under this Act for the administrative and related expenses of the Centers for Disease Control and Prevention shall be reduced by $15,000,000".

BINGAMAN AMENDMENT NO. 3696

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. Daschle, Mr. Johnson, Mr. McCain, Mr. Conrad, Mrs. Murray, Mr. Leahy, and Mrs. Boxer) submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. . CONSTRUCTION AND RENOVATION PROJECTS.

Notwithstanding any other provision of this Act—

(1) the amount made available under this title under the heading "Office of Postsecondary Education" under the heading "higher education" to carry out section 316 of the Higher Education Act of 1965 is increased by $6,000,000, which increase shall be used for construction and renovation projects under such section; and

(2) the amount made available under this title under the heading "Office of Postsecondary Education" under the heading "higher education" to carry out part B of title VII of the Higher Education Act of 1965 is decreased by $5,000,000.

HELMS AMENDMENT NO. 3697

Mr. HELMS proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the appropriate place, insert the following:

Sec. . (a) None of the funds appropriated under this Act to carry out section 330 or title X of the Public Health Service Act (42 U.S.C. 254b, 300 et seq.), title V or XIX of the Social Security Act (42 U.S.C. 701 et seq., 1396 et seq.), or any other provision of law, shall be used for the distribution or provision of postcoital emergency contraception, or the provision of a prescription for postcoital emergency contraception, to an unemancipated minor, on the premises or in the facilities of any elementary school or secondary school.

(b) This section takes effect 1 day after the date of enactment of this Act.

(c) In this section:

(1) The terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) The term "unemancipated minor" means an unmarried individual who is 17 years of age or younger and is a dependent, as defined in section 152(a) of the Internal Revenue Code of 1986.

WELLSTONE (AND JOHNSON) AMENDMENT NO. 3698

Mr. WELLSTONE (for himself and Mr. Johnson) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 92, between lines 4 and 5, insert the following:

Sec. . (a) Limitation on Use of Funds for Certain Agreements.—Except as provided in subsection (b), none of the funds made available under this Act may be used by the Secretary of Health and Human Services to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or on another exclusive right to a drug;

(2) an agreement on the use of information derived from animal tests or human clinical trials that are conducted by the Department of Health and Human Services with respect to a drug, including an agreement under which such information is provided by the Department to another Federal agency on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug, excluding cooperative research and development agreements between the Department of Health and Human Services and a college or university.

(b) Exceptions.—Subsection (a) shall not apply to an agreement where—

(1) the sale of the drug involved is subject to a price agreement that is reasonable (as defined by the Secretary of Health and Human Services); or

(2) a reasonable price agreement with respect to the sale of the drug involved is not required by the public interest (as defined by such Secretary).

(c) Rule of Construction.—Nothing in this section shall be construed to apply to any agreement entered into by a college or university and any entity other than the Secretary of Health and Human Services or an entity within the Department of Health and Human Services.

HARKIN (AND WELLSTONE) AMENDMENT NO. 3699

Mr. HARKIN (for himself and Mr. Wellstone) proposed an amendment to the bill, H.R. 4577, as follows:

On page 60, line 16, strike "$7,352,341,000" and insert "$15,800,000,000."

On page 60, line 19, strike "$4,624,000,000" and insert "$13,071,659,000."

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 2294, a bill to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, and for other purposes; S. 2331, a bill to direct the Secretary of the Interior to recalculate the franchise fee owned by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument, South Carolina; S. 2598, a bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes; and S. Con. Res. 106, a resolution recognizing the Hermann Monument and Herman Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

The hearing will take place on Thursday, July 13, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364, Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, June 29, 2000. The purpose of this meeting will be to mark up new legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 29, 2000, at 9:15 a.m., in closed session to mark up the Fiscal Year 2001 Intelligence Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 29, 2000, at 10 a.m., in open and closed session to receive testimony on the report of the National Missile Defense Independent Review Team.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, June 29, 2000, at 1 p.m., for a hearing regarding Oversight of Rising Oil Prices and the Efficiency and Effectiveness of Executive Branch Response—Part II.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 29, 2000, at 10 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet during the session of the Senate on Thursday, June 29, at 9:30 a.m., to conduct a hearing to receive testimony on pending issues in the implementation of the Safe Drinking Water Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands be authorized to meet during the session of the Senate on Thursday, June 29, at 10 a.m., to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's Draft Environmental Impact Statement for the Sierra Nevada Forest Plan Amendment, and Draft Supplemental Environmental Impact Statement for the Interior Columbia Basin Ecosystem Management Plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet during the session of the Senate on Thursday, June 29, 2000, 9:30 a.m., for a hearing entitled "HUD's Government Insured Mortgages: The Problem of Property 'Flipping.'"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS HISTORIC PRESERVATION AND RECREATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation be authorized to meet during the session of the Senate on Thursday, June 29, at 2:30 p.m., to conduct a hearing. The subcommittee will receive testimony on S. 134, a bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; S. 2051, a bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes; S. 2279, a bill to authorize the addition of land to Sequoia National Park, and for other purposes; S. 2512, a bill to convey certain Federal properties on Governors Island, New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be authorized to meet during the session of the Senate on Thursday, June 29, at 2 p.m., to conduct a hearing to receive testimony on S. 2700, the Brownfields Revitalization and Environmental Restoration Act of 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. JOHNSON. Mr. President, I ask unanimous consent that Sharon Boysen of my office be granted floor privileges for the remainder of the day.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar, nominations en bloc: 560 through 563.

I further ask unanimous consent the nominations be confirmed, the motion to consider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Daniel G. Webber, Jr., of Oklahoma, to be United States Attorney for the Western District of Oklahoma.

James L. Whigham, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

Russell John Qualliotine, of New York, to be United States marshal for the Southern

District of New York for the term of four years.

Julio F. Mercado, of Texas, to be Deputy Administrator of Drug Enforcement.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

Mr. STEVENS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 148), to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 148) entitled "An Act to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Neotropical Migratory Bird Conservation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) of the nearly 800 bird species known to occur in the United States, approximately 500 migrate among countries, and the large majority of those species, the neotropical migrants, winter in Latin America and the Caribbean;

(2) neotropical migratory bird species provide invaluable environmental, economic, recreational, and aesthetic benefits to the United States, as well as to the Western Hemisphere;

(3)(A) many neotropical migratory bird populations, once considered common, are in decline, and some have declined to the point that their long-term survival in the wild is in jeopardy; and

(B) the primary reason for the decline in the populations of those species is habitat loss and degradation (including pollution and contamination) across the species' range; and

(4)(A) because neotropical migratory birds range across numerous international borders each year, their conservation requires the commitment and effort of all countries along their migration routes; and

(B) although numerous initiatives exist to conserve migratory birds and their habitat, those initiatives can be significantly strengthened and enhanced by increased coordination.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of neotropical migratory birds;

(2) to assist in the conservation of neotropical migratory birds by supporting conservation initiatives in the United States, Latin America, and the Caribbean; and

(3) to provide financial resources and to foster international cooperation for those initiatives.

SEC. 4. DEFINITIONS.

In this Act:

(1) ACCOUNT.—The term "Account" means the Neotropical Migratory Bird Conservation Account established by section 9(a).

(2) CONSERVATION.—The term "conservation" means the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

(A) protection and management of neotropical migratory bird populations;

(B) maintenance, management, protection, and restoration of neotropical migratory bird habitat;

(C) research and monitoring;

(D) law enforcement; and

(E) community outreach and education.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 5. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds.

(b) PROJECT APPLICANTS.—A project proposal may be submitted by—

(1) an individual, corporation, partnership, trust, association, or other private entity;

(2) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;

(3) a State, municipality, or political subdivision of a State;

(4) any other entity subject to the jurisdiction of the United States or of any foreign country; and

(5) an international organization (as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288)).

(c) PROJECT PROPOSALS.—To be considered for financial assistance for a project under this Act, an applicant shall submit a project proposal that—

(1) includes—

(A) the name of the individual responsible for the project;

(B) a succinct statement of the purposes of the project;

(C) a description of the qualifications of individuals conducting the project; and

(D) an estimate of the funds and time necessary to complete the project, including sources and amounts of matching funds;

(2) demonstrates that the project will enhance the conservation of neotropical migratory bird species in the United States, Latin America, or the Caribbean;

(3) includes mechanisms to ensure adequate local public participation in project development and implementation;

(4) contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;

(5) demonstrates sensitivity to local historic and cultural resources and complies with applicable laws;

(6) describes how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds; and

(7) provides any other information that the Secretary considers to be necessary for evaluating the proposal.

(d) PROJECT REPORTING.—Each recipient of assistance for a project under this Act shall submit to the Secretary such periodic reports as the Secretary considers to be necessary. Each report shall include all information required by the Secretary for evaluating the progress and outcome of the project.

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of each project shall be not greater than 25 percent.

(2) NON-FEDERAL SHARE.—

(A) SOURCE.—The non-Federal share required to be paid for a project shall not be derived from any Federal grant program.

(B) FORM OF PAYMENT.—

(i) PROJECTS IN THE UNITED STATES.—The non-Federal share required to be paid for a project carried out in the United States shall be paid in cash.

(ii) PROJECTS IN FOREIGN COUNTRIES.—The non-Federal share required to be paid for a project carried out in a foreign country may be paid in cash or in kind.

SEC. 6. DUTIES OF THE SECRETARY.

In carrying out this Act, the Secretary shall—

(1) develop guidelines for the solicitation of proposals for projects eligible for financial assistance under section 5;

(2) encourage submission of proposals for projects eligible for financial assistance under section 5, particularly proposals from relevant wildlife management authorities;

(3) select proposals for financial assistance that satisfy the requirements of section 5, giving preference to proposals that address conservation needs not adequately addressed by existing efforts and that are supported by relevant wildlife management authorities; and

(4) generally implement this Act in accordance with its purposes.

SEC. 7. COOPERATION.

(a) IN GENERAL.—In carrying out this Act, the Secretary shall—

(1) support and coordinate existing efforts to conserve neotropical migratory bird species, through—

(A) facilitating meetings among persons involved in such efforts;

(B) promoting the exchange of information among such persons;

(C) developing and entering into agreements with other Federal agencies, foreign, State, and local governmental agencies, and nongovernmental organizations; and

(D) conducting such other activities as the Secretary considers to be appropriate; and

(2) coordinate activities and projects under this Act with existing efforts in order to enhance conservation of neotropical migratory bird species.

(b) ADVISORY GROUP.—

(1) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds.

(2) PUBLIC PARTICIPATION.—

(A) MEETINGS.—The advisory group shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(C) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(3) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 8. REPORT TO CONGRESS.

Not later than October 1, 2002, the Secretary shall submit to Congress a report on the results and effectiveness of the program carried out under this Act, including recommendations concerning how the Act might be improved and whether the program should be continued.

SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund of

the Treasury a separate account to be known as the "Neotropical Migratory Bird Conservation Account", which shall consist of amounts deposited into the Account by the Secretary of the Treasury under subsection (b).

(b) DEPOSITS INTO THE ACCOUNT.—The Secretary of the Treasury shall deposit into the Account—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Account.

(c) USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use amounts in the Account, without further Act of appropriation, to carry out this Act.

(2) ADMINISTRATIVE EXPENSES.—Of amounts in the Account available for each fiscal year, the Secretary may expend not more than 3 percent or up to $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to carry out this Act. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Account.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Account to carry out this Act $5,000,000 for each of fiscal years 2001 through 2005, to remain available until expended, of which not less than 75 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

Mr. ABRAHAM. Mr. President, the Migratory Bird Conservation Act which I introduced with the Minority Leader, Senator DASCHLE, and our late colleague Senator Chafee, is designed to protect the habitat of the over 90 endangered species of migratory birds which spend the spring and summer months in the United States and the winter months in other Western Hemisphere nations.

This will be the third time this bill has passed the Senate. It previously cleared the Senate in 1998 and early 1999, but, until Monday's 384–22 House vote, the legislation was stalled in the other chamber.

Despite taking almost three years, this legislation remains very timely. Many bird species of birds are threatened despite the growing popularity of birdwatching.

Every year approximately 25 million Americans travel to observe birds, and 60 million American adults watch and feed birds at home. According to the Fish and Wildlife Service, bird watching and feeding generates fully $20 billion every year in revenue across America.

Protecting the various species of birds benefits the nation in a variety of ways. The increased popularity of birdwatching is increasingly reflected in the new tourist dollars being spent in small, rural communities. Healthy bird communities also prevent crop failures and infestations by controlling insect populations, thus saving hundreds of millions of dollars in economic losses each year to farming and timber interests. And yet, despite the enormous benefits we derive from our bird populations, many of them are struggling to survive.

In my own State we are working to bring the Kirtland's Warbler back from the brink of extinction. A few years ago, the population of this distinctive bird has been estimated at approximately 200 nesting pairs. Since then, a great deal of work has been done by Michigan DNR employees to preserve the Kirtland's Warbler habitat in the Bahamas, where they winter. Thanks in large part to this effort, the number of breeding pairs has recently increased to an estimated 800.

The problem we face in Michigan is simple. Since the entire species spends half of the year in the Bahamas, the significant efforts made by Michigan's Department of Natural Resources and concerned residents of Michigan will not be enough to save this bird if its winter habitat is destroyed. The same story is likely true for at least one bird species in every other state.

Because migratory birds range across a number of international borders every year, we must work to establish safeguards at both ends of their migration routes, as well as at critical stopover areas along their way. Only in this case can conservation efforts prove successful.

That is why Senator DASCHLE, Senator Chafee, and I introduced the Neotropical Migratory Bird Conservation Act. This legislation will protect bird habitats across international boundaries by teaming businesses with conservation groups, thus combining capital with know-how.

These entities will then partner with local organizations in countries where bird habitat is endangered to help teach the local people how to preserve and maintain their critical natural habitat.

The 5 year demonstration project created by this Act will provide $5 million each year to help establish cost-sharing, habitat conservation programs in the United States, Latin America and the Caribbean.

This legislation is proactive, avoids complicated and expensive bureaucratic structures and will bring needed focus and expertise to areas now receiving relatively little attention in the area of environmental degradation. And it has wide support in the environmental and conservation communities.

This legislation is endorsed by the National Audubon Society, Ducks Unlimited, the Nature Conservancy, the American Bird Conservancy, Defenders of Wildlife, the American Forest and Paper Association and the Conservation Fund. These organizations agree that establishing partnerships between business, government and nongovernmental organizations both here and abroad can greatly enhance the protection of migratory bird habitat.

I want to thank the distinguished minority leader, my original partner for the past two and one half years, for his hard work and efforts on behalf of this legislation. His involvement and perserverance—long with those of Peter Hanson and Eric Washburn of his staff—helped us overcome a variety of obstacles and pave the way for this bill to become law.

I also want to thank Senator BOB SMITH, Chairman of the Environment and Public Works Committee, for his efforts to move this legislation forward. The continuing commitment of the Senate Environment Committee was essential to bringing this bill to the finish line.

And let me recognize the efforts of Kevin Kolevar of my staff, who began the work on this bill back in February of 1998.

Finally, Mr. President, I want to recognize the efforts of our former colleague and friend, Senator John Chafee, who passed away earlier this year. As chairman of the Environmental Committee, Senator Chafee was a driving force behind this legislation. Senator Chafee and his committee staffer, Jason Patlis, shepherded this bill through the Senate twice.

This legislation is yet another addition to the long list of contributions made by Senator John Chafee to protect our natural resources for generations.

I can think of no better tribute to Senator Chafee than to send this bill to the President with a resounding bipartisan vote by the Senate.

Mr. STEVENS. I ask unanimous consent the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN UNITED STATES V. ELLEN ROSE HART

Mr. STEVENS. Mr. President, I now ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 331, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 331), to authorize testimony, document production, and legal representation in United States v. Ellen Rose Hart.

The Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a criminal action in the United States District Court for the Eastern District of California. In a federal indictment, the defendant has been charged with making a false statement on a passport application and possessing a false identification document in violation of federal law.

In connection with the passport application that is the subject of the indictment, the defendant sought constituent casework assistance from the offices of Senator BARBARA BOXER and Senator DIANE FEINSTEIN. At the request of the U.S. attorney who is prosecuting this case, this resolution authorizes employees in both Senators' offices who worked on this constituent casework matter to testify and produce documents at trial, with representation by the Senate Legal Counsel.

Mr. STEVENS. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 331) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 331

Whereas, in the case of United States v. Ellen Rose Hart, CR-F 99-5275 AWI, pending in the United States District Court for the Eastern District of California, testimony has been requested from Eric Vizcaino, an employee in the office of Senator Boxer, and Monica Borvice, an employee in the office of Senator Feinstein;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Eric Vizcaino, Monica Borvice, and any other employee of the Senate from whom testimony or document production may be required are authorized to testify and produce documents in the case of United States v. Ellen Rose Hart, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Eric Vizcaino, Monica Borvice, and any Member or employee of the Senate in connection with the testimony and document production authorized in section 1 of this resolution.

MEASURE READ THE FIRST TIME—H.R. 4680

Mr. STEVENS. Mr. President, I understand H.R. 4680 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4680) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes.

Mr. STEVENS. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the following legislative day.

ORDERS FOR FRIDAY, JUNE 30, 2000

Mr. STEVENS. I now ask unanimous consent when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Friday, June 30, 2000. I further ask that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4577, the Labor, Health and Human Services, and Education appropriations bill under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I further ask consent that following the votes, Senator DOMENICI be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. For the information of all Senators, on Friday the Senate will resume consideration of the Labor, Health and Human Services, and Education bill at 9:30 a.m. Under the previous order, there will be several votes on the remaining amendments, which include the Wellstone amendment regarding drug pricing, the Helms amendment regarding school facilities, the Harkin amendment regarding IDEA, the Baucus amendment regarding the impact aid, any amendment that is not cleared within the managers' package, disposition of the point of order that is pending, final passage of the Labor, Health and Human Services, and Education appropriations bill, and possibly a vote on adoption of the conference report to accompany the military construction appropriations bill.

Mr. President, I hope that "possibly" is not possibly but it is a fact tomorrow.

I do want to say on my own behalf that the enactment of this bill that we have just brought out of conference is absolutely essential to the well-being of the men and women of the armed services of this country. If it is not passed tomorrow and signed by the President before the Fourth of July, there will be severe repercussions in the military services of this country. We have worked day and night to get this bill done, and I congratulate the Members of the House in accomplishing passage of it earlier this evening. I do encourage our colleagues to remain in the Chamber during the series of votes that will come about in the morning hours tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:30 p.m., adjourned until Friday, June 30, 2000, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 29, 2000:

DEPARTMENT OF JUSTICE

DANIEL G. WEBBER, JR., OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA.

JAMES L. WHIGHAM, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

RUSSELL JOHN QUALLIOTINE, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

JULIO F. MERCADO, OF TEXAS, TO BE DEPUTY ADMINISTRATOR OF DRUG ENFORCEMENT.

HOUSE OF REPRESENTATIVES—*Thursday, June 29, 2000*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As Independence Day approaches this Millennium Year, we praise You and bless You, Lord God, for the birth, life, and continuing development of this great Nation, the United States of America.

Whenever and wherever in the course of human events courage and commitment cause a people to take a stand on self-evident truths, we rejoice. Before You and in You, the Creator, all are created equal.

Endowed by You, the Creator, with certain unalienable rights; we as a people accept as well certain responsibilities to protect and defend always for ourselves and for others life, liberty and the pursuit of happiness.

With a firm reliance on the protection of Your Divine Providence, we renew our pledge today to serve this Nation, knowing full well that the power of this assembly is derived from the consent of the governed.

In You we place our solemn trust, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. TURNER) come forward and lead the House in the Pledge of Allegiance.

Mr. TURNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill and concurrent resolutions of the House of the following titles:

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

H. Con. Res. 333. Concurrent resolution providing for the acceptance of a statue of Chief Washakie, presented by the people of Wyoming, for placement in National Statuary Hall, and for other purposes.

H. Con. Res. 344. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to present the Congressional Gold Medal to Father Theodore Hesburgh.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. Con. Res. 125. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1515) "An Act to amend the Radiation Exposure Compensation Act, and for other purposes.".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER. The Chair will entertain 10 one-minutes on each side.

PARTIAL BIRTH ABORTION DECISION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, yesterday the Supreme Court, by the narrowest of margins, ruled that the Nebraska law banning partial birth abortion was unconstitutional. Actually, partial birth abortion is not an abortion. It is a pre-term delivery that results in infanticide.

Partial-birth abortion is so gruesome and barbaric that it is beyond the pale of any nation wishing to be known as civilized. It is in every case unjustifiable. It is in no case the lesser of two evils. It violates every principle of dignity, morality, ethics, and law that this Nation has stood for since its founding.

The Supreme Court, acting as an oligarchy of five, has imposed infanticide on a decent nation. Sadly, it is declared the murder of innocent, healthy newborns to be within the bounds of the law.

The court used Roe v. Wade as the basis for their decision, showing how radical the Roe decision really was. This ruling, like the Dredd Scott decision, has excluded a whole class of human beings from constitutional protection.

Shame on the court. This is a dark day for America.

SENIOR CITIZENS SUFFERED BIG LOSS YESTERDAY

(Mr. TURNER asked and was given permission to address the House for 1 minute.)

Mr. TURNER. Mr. Speaker, last night on this floor, the big drug manufacturers won a big victory, and our senior citizens suffered a big loss.

The big drug companies spent $100 million on a lobbying campaign that paid dividends, but only by a margin of three votes, and only after the rules were manipulated to deny the House Democrats the opportunity to vote on a real plan providing real relief for our seniors who are paying the high cost of prescription drugs.

Looking out for the big drug manufacturers instead of our seniors led our Republican leadership to pass a plan that will funnel hundreds of millions of dollars into the hands of big insurance companies rather than help our seniors afford to pay their medicines.

Even the big insurance companies say it will not work. In fact, the President of Blue Cross/Blue Shield said, and I quote, "This idea of a private sector drug benefit provides false hope to America's seniors because it is neither workable nor affordable." We can do better. Let us work together to be sure we do better. Our seniors deserve no less.

CONGRESS ANSWERED PLEAS OF NEVADA'S SENIORS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, let us come back to reality for a minute. For months now, our seniors have been asking, even begging, for relief from the high cost of prescription drugs that they have to take.

Mr. Speaker, I am proud to stand here in this well and announce that this Republican Congress heard and answered the calls of those senior citizens.

Yesterday, the Republicans passed the Bipartisan Medicare Prescription Drug Benefit plan that will benefit

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

every Medicare senior. Our bipartisan plan provides for a voluntary, affordable, and available prescription drug benefit to all Medicare beneficiaries in need.

We have created a much-needed entitlement for every Medicare beneficiary, which, at the same time, allows seniors to choose the plan they want, and yet keeps Washington out of their medicine cabinets.

While the Democrats took a walk on our seniors yesterday, Republicans are lowering drug prices and providing real prescription drug relief and benefits and yet fighting for our seniors at the same time.

"ROGUE STATES" NOW CALLED "STATES OF CONCERN"

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I have heard it all. The State Department is doing away with the term "rogue states" for Libya and Iran. They are now called "states of concern".

Now if that is not enough to confuse Henny Youngman, a State Department spokesman said, and I quote, "If these states of concern continue to be of concern because they have no concern about the concerns that concern America, then we are prepared to go beyond concern."

Beam me up. These double-speaking, bric-a-bracking, ratch-a-fratching, pantaloonicists need their brain examined by a concerned proctologist.

I yield back the concerns for any common sense left at the State Department.

JEWISH PRISONERS IN IRAN

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I condemn the government of Iran for its actions against 13 imprisoned Jews.

The official crime that these men have been charged with is espionage on behalf of the United States and Israel, but their real crime was being Jewish in a country that does not tolerate freedom of religion.

The Iranian mullahs have concocted a "show trial" that Joseph Stalin would be proud of, void of any evidence or legitimate legal proceedings.

During this scripted play, nine of the accused were coerced into a nationally televised confession. This staged trial has been running since April without any tangible evidence.

Kept out of the trial are the families of the accused, the press, human rights advocates, and the general public.

These brave and devout men have been in prison for over a year, almost entirely bereft of any kind of legal representation. While this masquerade of a trial will soon conclude, these 13 may soon be executed. The world will be watching and praying that these courageous men will be released.

SHIRAZ 13 VERDICT TO COME ANY DAY

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, on this Independence Day, Americans should keep the Shiraz 13 in our thoughts and prayers. Since March of 1999, the government of Iran has held these people simply because of their religion.

The trial is over, and it looked more like a kangaroo court. The investigator, the prosecutor, and the judge were the same person, someone who is affectionately known in Iran as the butcher.

The verdict will come any day now, and we are all watching. Will this new so-called moderate government of Iran free the Shiraz 13?

Until we know, we should not loosen our import restrictions on Iran on rugs, nuts and caviar which have been authorized to be imported here as of the end of 1999.

This 4th of July, we should send a strong message about where the U.S. Congress stands. Today in the Agriculture Appropriations bill, the gentleman from California (Mr. SHERMAN) and I will be offering an amendment to cut the funding from the Agriculture import budget that it takes to implement these loosening of these export quotas. Let us send a message this 4th of July.

TOP TEN REASONS TO VOTE FOR H.R. 1304, QUALITY HEALTH-CARE COALITION ACT OF 2000

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, when the doctor cartel bill comes up this afternoon, I will give my colleagues 10 reasons to vote for it.

First, they like what OPEC has done to oil prices.

Second, they think that too many low-income children have health insurance.

They think Americans pay too little for health insurance.

They would like to increase the number of uninsured Americans to a nice round number, say, like 50 million.

They would like to reduce prescription drug coverage among seniors.

They would like to increase out-of-pocket health care cost.

They think that the best way to spend the surplus is on doctors' fees.

They think that people's wages and fringe benefits are just too high and they would like to reduce them.

They think doctors should change patients' medications for political reasons and not for medication.

Finally, they think that the most pressing problem in our health care system today is that doctors make too little money.

I ask my colleagues to watch how they vote on this.

13 JEWISH CITIZENS ARRESTED SOLELY BECAUSE OF RELIGION

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, in March of 1999, Iran arrested 13 of its Jewish citizens solely because of their religion. The trial has just concluded, and it was a show trial worthy of Joseph Stalin: no evidence, but confessions, not showing the guilt of the accused, but showing their justified fear.

The prosecutor is also the judge, is also the jury. Of course no one is allowed to view the trial.

□ 1015

These men have been in prison, most of them, for a year and a half, and it is time for Iran to let them go. The charges against them are ridiculous, because in Iran's discriminatory society no one of the Jewish faith would be allowed near anything of national security significance. So certainly the CIA would not hire from this minority group in any search for spies.

The verdict will be issued on Saturday. We in this House must take a stand. The agricultural appropriations bill comes up, and I will have an amendment to deny the use of funds to allow the importation of agricultural products from Iran and, thus, reinstitute the policy of Ronald Reagan to prevent those goods from coming in at this time.

PORKER OF THE WEEK AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, imagine how many single family homes and apartment buildings could be built for $1 billion. That is the amount the Inspector General at the Department of Housing and Urban Development reports has been wastefully spent.

In several different reports, the Inspector General details wasteful spending ranging from overpayments to pure abuse. One report identified $935 million in Federal housing subsidy overpayments during 1998 in HUD's assisted living programs. The overpayments resulted from the HUD's inability to accurately know if recipients qualified based on income or housing benefits. It has been estimated that $935 million could provide housing assistance to 150,000 needy families.

Another report on a Bronx, New York, housing project uncovered ineligible and unnecessary expenses totaling $258,000. The audit uncovered expenses totaling $26,000 that was either unnecessary for the project's operation or not supported by adequate documentation, including $13,000 for unnecessary telephone charges and $10,000 for unnecessary cab fares.

The Department of Housing and Urban Development gets my porker of the week award.

PLIGHT OF THE IRAN 13

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise today to call attention to the plight of the 13 Iranian Jews that have been held for over a year on trumped-up charges of spying for Israel and the United States. After months of incarceration, coerced confessions and show trials, the fate of these 13 will be decided this weekend by a revolutionary court judge who alone will make a decision whether these 13 will live or die.

The arrest of these innocent people was in itself an outrage, but the Iranian government has doggedly pursued these false charges, denying the defendants representation and visitation from their families, and using them as a pawn in the ongoing ideological tug-of-war of Iran's future.

We have read and heard that the so-called moderates are slowly eroding the power base of Iran's hard line clerical leadership, but I do not see the evidence. There is no religious freedom in Iran, there is no respect for human rights and due process in Iran, and anti-Semitic, anti-Western scapegoating persists in Iran.

A country like this has no place among the community of nations; and the United States, as the premiere defender of democracy around the world, should make no overtures to welcome Iran. I join my colleagues telling Iran that we are watching.

PRESCRIPTION DRUGS

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, as co-chairman of the Generic Drug Equity Caucus, I would like to talk about generic drugs and how they make prescription drugs more affordable.

Currently, generics fill over 40 percent of all prescriptions in the United States and are extremely affordable, at only 10 to 15 cents per dollar spent on brand names. The Congressional Budget Office reported in 1994 that generic drug competition results in a cost savings to consumers of $8 to $10 billion annually, while meeting the FDA's requirement on bioequivalence, meaning that generics have the exact same effect on the human body as brand names.

Too many of the brand name companies seek to extend their patents, thereby restricting prompt market access by generics and raising drug costs. Americans have a right to be concerned about the high cost of prescription drugs. The solution could be as simple as encouraging the use of generic substitutes and providing co-pay differentials between brand name and generic drugs, and preventing abusive marketing and regulatory practices.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, today I want to talk about Marcus Farina, one of the 10,000 American children who have been abducted to foreign countries. Marcus was abducted when he was 5½ years old by his noncustodial father, Sergio Farina. It is believed he was taken to South America.

Mr. Farina picked up Marcus on December 6, 1991, for his first court-ordered unsupervised visit and never returned. Marcus's mother, Patricia Rose Diggs, has been working diligently on this case since his abduction. Evidence came to light that Mr. Farina went to Brazil before he went to Uruguay. It is believed Mr. Farina left Marcus in South America and has traveled without him. He still has family who live in Uruguay, and they have all been interviewed by law enforcement to no avail.

The National Center for Missing and Exploited Children has created a poster on the child, and it now includes an age-progressed picture of Mr. Farina. Mr. Farina is fluent in English, Spanish, and Portuguese and has many friends and contacts throughout South America.

Mr. Speaker, Marcus's mother and others like her need our help. Children deserve and need to grow up with both parents in their lives. I hope that my colleagues will continue to work with me to bring our children home.

GAS CRISIS

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the first summer of the new millennium is well under way. Americans have been looking forward to summer vacations with their families all year. Unfortunately, they are discovering that the temperature is not the only thing rising this summer. Across the Nation, gas prices are shooting through the roof; and American families are feeling the pinch in their wallets.

But since the beginning of the gas crisis, the Clinton-Gore administration has been missing in action. In fact, Energy Secretary Bill Richardson even admitted that "we were caught napping." The response of the President's spokesman, Joe Lockhart, to the high prices was, "Prices tend to go up a bit this time of year."

Well, Mr. Speaker, it is high time that Secretary Richardson and the rest of the administration woke up. The Vice President, AL GORE, has long tried to increase gas prices and taxes on gas as a way to get us out of our cars and supposedly to clean up the environment. Well, he is getting his way.

Let us face it, we are not being gouged at the gas pumps, we are being gored.

PRESCRIPTION DRUGS NEEDED

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, yesterday we witnessed one of the biggest legislative shams of the 106th Congress. This Congress did not pass a prescription drug benefit to help our seniors; we passed an insurance policy.

From the Patient's Bill of Rights to education funding, my colleagues have used Democratic rhetoric to masquerade their bad ideas. They are using the same old strategy, watered-down legislation to ultimately secure its failure.

We did not even get a vote on an alternative. The Republican bill costs seniors more each year, but it gives them less. It was either their way or the highway. Well, our seniors see through this sham, and maybe in November they will give them the highway.

Today, I have seniors from my own district, from my home, visiting D.C. They are from the Magnolia Multipurpose Center in Houston. And I have to tell them that, yes, they now have a benefit; but only if their insurance policy decides to give it to them. And who knows how much it will cost.

Mr. Speaker, we should be providing lifesaving pharmaceuticals to seniors, not an insurance policy. We should be providing a secure, stable and reliable benefit instead of creating a bureaucratic nightmare. And we should be building up Medicare, not tearing it down. Our seniors deserve more than a voucher.

TRUCKERS SUFFERING DUE TO GAS CRISIS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, America's truckers are a vital part of our economy. Truckers deliver the food we eat, the clothes we wear, and the materials we use to build our homes.

Unfortunately, for the past several months truckers have been hit particularly hard by rising fuel prices. These outrageous fuel prices are threatening the livelihood of thousands of truckers across the United States. When truckers cannot afford to fill their tanks, they will be forced off the road. Without trucking, commerce in our Nation would grind to a halt. With gas prices continuing their steep rise this summer, an even greater number of truckers are being threatened.

Energy Secretary Bill Richardson has admitted that the Clinton-Gore administration was "caught napping" when it comes to fuel prices. And now the American people are forced to foot the bill for the Clinton-Gore failure. How unfair.

CONDEMNING ACTIONS OF IRANIAN GOVERNMENT

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, I rise today to condemn the actions of the Iranian government against 13 members of that Nation's Jewish community. The citizens arrested over a year ago have been accused of spying for Israel. Ten of the 13 have been in prison since their arrest last year. All have been brought before a court with no jury, in which the judge also serves as the prosecutor, to face accusations that they have not heard, without the assistance of a lawyer or any contact with their families or friends.

This would, unfortunately, not be the first time a show trial in Iran resulted in the deaths of members of the Jewish community. Since the Islamic revolution in 1979, 17 Jews have been executed in Iran. I say it is time for this to stop.

I call on those in Iran who represent reason and reform to intervene and prevent a brutal outcome to this trial.

GAS PRICES SOARING OUT OF CONTROL

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, Americans are taking to the roads for summer vacations. At least that is what they would like to do.

Regrettably, rising gallons prices may keep many Americans from taking summer vacations this year. Gasoline prices are soaring out of control. In the Midwest, those prices are nearing $2.50 a gallon.

Americans across the Nation are paying for the failed energy policy of the Clinton-Gore administration. Thanks to them, our Nation is more dependent on foreign oil today than it was during the gas crisis of the Carter administration. Worst of all, the President famous for saying "I feel your pain" has an Energy Secretary who admitted he was "caught napping" when the energy crisis hit our Nation.

Well, Secretary Richardson should wake up and pay attention. Americans cannot afford much more of these outrageous gas prices. Americans are tired of getting gored at the pump.

REPEAL GAS TAX DURING GAS CRISIS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, we have a Vice President who wants to do away with the internal combustion engine. And I guess that is fine, for the inventor of the Internet, who thinks all the world should go to the office on the information highway.

But with that information in mind, for the past 7 years we have had an administration that has locked up the strategic oil petroleum reserves in America, choking off our own domestic supply. We have had an administration who has taken great pride in blowing up dams out West, even though we get 10 percent of our energy from hydropower. And we have an administration who has closed off our oil pipelines in Alaska.

As a result, today Americans are paying anywhere from 50 cents to 75 cents to $1 a gallon higher at the pump. It does not have to be this way. We need to have a coherent, cohesive energy policy that says if we need to be weaned from this evil internal combustion engine, let us do it so we do not have the hardships that we have at the pump for the American middle-class family.

I think we should repeal the 18 cents per-gallon gas tax and give Americans some relief.

GOLDEN OPPORTUNITY FOR PRESCRIPTION DRUG COVERAGE MISSED

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday we missed a golden opportunity to make prescription drugs more affordable for America's seniors. We passed a sham Republican leadership bill that fails to give all the seniors the Medicare prescription drug coverage that they so richly deserve.

We need to have a prescription drug benefit that is affordable, that gives doctors the right to prescribe medications, that addresses soaring costs; and yet the proposal yesterday does not accomplish any of those goals. It does not cover all seniors, it does not give doctors and seniors the right to choose the best medications, and it does nothing to address the skyrocketing prices of prescription drugs.

The Democratic plan would provide American seniors with an affordable, voluntary, and reliable prescription drug coverage. The plan is firmly rooted in the Medicare program that seniors know and that they trust. In contrast, the Republican plan is complex, and it is built on an already failing HMO system.

The Republican leadership forced through this plan that gives seniors false promises and false hopes. It might be the right remedy for the insurance companies, but it certainly is the wrong remedy for America's seniors.

□ 1030

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.R. 4461.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 538 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4461

□ 1031

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, with Mr. NUSSLE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring before the House today the fiscal year 2001 appropriations bill for Agriculture, Rural Development, Food and Drug Administration and Related Agencies.

The subcommittee began work on this bill in early February when the administration produced its budget. We have had 11 public hearings, beginning on February 16; and the transcripts of these hearings, the administration's official statements, the detailed budget request, and several thousand questions for the record and the statement of Members and the public are all available in seven hearing volumes.

The subcommittee and full committee marked up the bill on May 4 and May 10 respectfully.

In the allocation process, our discretionary 302(b) allocation and budget authority will be $14.548 billion and we are exactly at that level. The allocation for outlays will be $15.025 billion, and we are slightly below that level.

We have tried very hard to accommodate the requests of Members and to provide increases for critical programs. From all Members of the House, we received about 350 letters with more than 2,900 individual requests for more spending.

I am pleased to inform my colleagues that the interest in additional spending in this bill is completely bipartisan. In spite of a very tight budget situation, we have managed to provide increases over fiscal year 2000 to several important programs. Some of those increases include the Animal and Plant Health Inspection Service, $32 million; the Food Safety and Inspection Service, $24.7 million; the Farm Service Agency, $34 million; the Natural Resources Conservation Service, $8.6 million; the Rural Community Advancement Program, $82 million; WIC, $35 million dollars; and the Food and Drug Administration, a net increase of $57 million.

Most accounts have been frozen at the previous year's level, and many of those accounts have been at the same level for several years.

Mr. Chairman, we all refer to this bill as an agriculture bill, but it does far more than assisting basic agriculture. It also supports human nutrition; the environment; and food, drug, and medical safety. This is a bill that will deliver benefits to every one of our constituents every day no matter what kind of district they represent.

I would say to all Members that they can support this bill and tell all their constituents that they voted to improve their lives while maintaining fiscal responsibility.

The bill is a bipartisan product with a lot of hard work and input from both sides of the aisle. I would like to thank all my subcommittee colleagues: the gentleman from New York (Mr. WALSH); the gentleman from Arkansas (Mr. DICKEY); the gentleman from Georgia (Mr. KINGSTON); the gentleman from Washington (Mr. NETHERCUTT); the gentleman from Texas (Mr. BONILLA); the gentleman from Iowa (Mr. LATHAM); the gentlewoman from Missouri (Mrs. EMERSON); the chairman of the full committee, the gentleman from Florida (Mr. YOUNG); the gentlewoman from Connecticut (Ms. DELAURO); the gentleman from New York (Mr. HINCHEY); the gentleman from California (Mr. FARR); the gentleman from Florida (Mr. BOYD); and the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the full committee.

In particular, I want to thank my good friend the gentlewoman from Ohio (Ms. KAPTUR), the distinguished ranking member of the subcommittee, for all her good work on this bill this year and the years in the past.

Mr. Chairman, I include the following chart for the RECORD:

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	15,435	2,914	2,836	-12,599	-78
Executive Operations:					
Chief Economist	6,408	8,612	6,408	....	-2,204
National Appeals Division	11,707	12,610	11,718	+11	-892
Office of Budget and Program Analysis	6,581	6,765	6,581	....	-184
Office of the Chief Information Officer	6,046	14,680	10,051	+4,005	-4,629
Office of the Chief Financial Officer	4,783	6,465	4,783	....	-1,682
Common computing environment	....	75,000	25,000	+25,000	-50,000
Total, Executive Operations	35,525	124,132	64,541	+29,016	-59,591
Office of the Assistant Secretary for Administration	613	629	613	....	-16
Agriculture buildings and facilities and rental payments	140,343	182,747	150,343	+10,000	-32,404
Payments to GSA	(115,542)	(125,542)	(125,542)	(+10,000)	....
Building operations and maintenance	(24,801)	(31,205)	(24,801)	....	(-6,404)
Repairs, renovations, and construction	....	(26,000)	....	....	(-26,000)
Hazardous materials management	15,700	30,073	15,700	....	-14,373
Departmental administration	34,708	40,740	34,708	....	-6,032
Outreach for socially disadvantaged farmers	3,000	10,000	3,000	....	-7,000
Office of the Assistant Secretary for Congressional Relations	3,568	3,778	3,568	....	-210
Office of Communications	8,138	9,031	8,138	....	-893
Office of the Inspector General	65,097	70,214	65,097	....	-5,117
Office of the General Counsel	29,194	32,881	29,194	....	-3,687
Office of the Under Secretary for Research, Education and Economics	540	1,356	540	....	-816
Economic Research Service	65,363	55,424	66,419	+1,056	+10,995
National Agricultural Statistics Service	99,333	100,615	100,851	+1,518	+236
Census of Agriculture	(16,490)	(15,000)	(15,000)	(-1,490)	....
Agricultural Research Service	830,384	894,258	850,384	+20,000	-43,874
Buildings and facilities	52,500	39,300	39,300	-13,200	....
Total, Agricultural Research Service	882,884	933,558	889,684	+6,800	-43,874
Cooperative State Research, Education, and Extension Service:					
Research and education activities	481,881	460,865	477,551	-4,330	+16,686
Native American Institutions Endowment Fund	(4,600)	(7,100)	(7,100)	(+2,500)	....
Extension activities	424,174	428,236	428,740	+4,566	+504
Integrated activities	39,541	76,194	39,541	....	-36,653
Total, Cooperative State Research, Education, and Extension Service	945,596	965,295	945,832	+236	-19,463
Office of the Under Secretary for Marketing and Regulatory Programs	618	635	618	....	-17
Animal and Plant Health Inspection Service:					
Salaries and expenses	437,768	512,444	470,000	+32,232	-42,444
AQI user fees	(87,000)	(87,000)	(87,000)	....	....
Buildings and facilities	5,200	5,200	5,200	....	....
Total, Animal and Plant Health Inspection Service	442,968	517,644	475,200	+32,232	-42,444
Agricultural Marketing Service:					
Marketing Services	51,497	66,572	56,326	+4,829	-10,246
Standardization user fees	(4,000)	(4,000)	(4,000)	....	....
(Limitation on administrative expenses, from fees collected)	(60,730)	(60,730)	(60,730)	....	....
Funds for strengthening markets, income, and supply (transfer from section 32)	12,428	13,438	13,438	+1,010	....
Payments to states and possessions	1,200	1,500	1,500	+300	....
Total, Agricultural Marketing Service	65,125	81,510	71,264	+6,139	-10,246
Grain Inspection, Packers and Stockyards Administration:					
Salaries and expenses	26,433	33,549	27,801	+1,368	-5,748
Limitation on inspection and weighing services	(42,557)	(42,557)	(42,557)	....	....
Office of the Under Secretary for Food Safety	446	560	446	....	-114
Food Safety and Inspection Service	649,119	688,204	673,790	+24,671	-14,414
Lab accreditation fees 1/	(1,000)	(1,000)	(1,000)	....	....
Total, Food Safety and Inspection Service	649,119	688,204	673,790	+24,671	-14,414
Total, Production, Processing, and Marketing	3,529,746	3,885,489	3,630,183	+100,437	-255,306
Farm Assistance Programs					
Office of the Under Secretary for Farm and Foreign Agricultural Services	572	589	572	....	-17
Farm Service Agency:					
Salaries and expenses	794,394	828,385	828,385	+33,991	....
(Transfer from export loans)	(589)	(589)	(589)	....	....
(Transfer from P.L. 480)	(815)	(815)	(815)	....	....
(Transfer from ACIF)	(209,861)	(265,315)	(265,315)	(+55,454)	....
Subtotal, Transfers from program accounts	(211,265)	(266,719)	(266,719)	(+55,454)	....
Total, salaries and expenses	(1,005,659)	(1,095,104)	(1,095,104)	(+89,445)	....
State mediation grants	3,000	4,000	3,000	....	-1,000
Dairy indemnity program	450	450	450	....	....
Subtotal, Farm Service Agency	797,844	832,835	831,835	+33,991	-1,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct	(128,049)	(128,000)	(128,000)	(-49)	
Guaranteed	(431,373)	(1,000,000)	(1,000,000)	(+568,627)	
Subtotal	(559,422)	(1,128,000)	(1,128,000)	(+568,578)	
Farm operating loans:					
Direct	(500,000)	(700,000)	(700,000)	(+200,000)	
Guaranteed unsubsidized	(1,697,842)	(2,000,000)	(2,000,000)	(+302,158)	
Guaranteed subsidized	(200,000)	(477,868)	(477,868)	(+277,868)	
Subtotal	(2,397,842)	(3,177,868)	(3,177,868)	(+780,026)	
Indian tribe land acquisition loans	(1,028)	(2,006)	(2,006)	(+978)	
Emergency disaster loans	(25,000)	(150,064)	(150,064)	(+125,064)	
Boll weevil eradication loans	(100,000)	(100,000)	(100,000)		
Total, Loan authorizations	(3,083,292)	(4,557,938)	(4,557,938)	(+1,474,646)	
Loan subsidies:					
Farm ownership loans:					
Direct	4,827	13,786	13,786	+8,959	
Guaranteed	2,416	5,100	5,100	+2,684	
Subtotal	7,243	18,886	18,886	+11,643	
Farm operating loans:					
Direct	29,300	63,140	63,140	+33,840	
Guaranteed unsubsidized	23,940	27,400	27,400	+3,460	
Guaranteed subsidized	17,620	38,994	38,994	+21,374	
Subtotal	70,860	129,534	129,534	+58,674	
Indian tribe land acquisition	21	323	323	+302	
Emergency disaster loans	3,882	36,811	36,811	+32,929	
Total, Loan subsidies	82,006	185,554	185,554	+103,548	
ACIF expenses:					
Salaries and expense (transfer to FSA)	209,861	265,315	265,315	+55,454	
Administrative expenses	4,300	4,139	4,139	-161	
Total, ACIF expenses	214,161	269,454	269,454	+55,293	
Total, Agricultural Credit Insurance Fund	296,167	455,008	455,008	+158,841	
(Loan authorization)	(3,083,292)	(4,557,938)	(4,557,938)	(+1,474,646)	
Total, Farm Service Agency	1,094,011	1,287,843	1,286,843	+192,832	-1,000
Risk Management Agency	63,983	67,700	67,700	+3,717	
Total, Farm Assistance Programs	1,158,566	1,356,132	1,355,115	+196,549	-1,017
Corporations					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund	710,857	1,727,671	1,727,671	+1,016,814	
Commodity Credit Corporation Fund:					
Reimbursement for net realized losses	30,037,136	27,771,007	27,771,007	-2,266,129	
Operations and maintenance for hazardous waste management (limitation on administrative expenses)	(5,000)	(5,000)	(5,000)		
Total, Corporations	30,747,993	29,498,678	29,498,678	-1,249,315	
Total, title I, Agricultural Programs	35,436,305	34,740,299	34,483,976	952,329	-256,323
(By transfer)	(211,265)	(266,719)	(266,719)	(+55,454)	
(Loan authorization)	(3,083,292)	(4,557,938)	(4,557,938)	(+1,474,646)	
(Limitation on administrative expenses)	(108,267)	(108,267)	(108,267)		
TITLE II - CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment	693	711	693		-18

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Natural Resources Conservation Service:					
Conservation operations	660,812	747,243	676,812	+16,000	-70,431
Watershed surveys and planning	10,368	10,368	10,868	+500	+500
Watershed and flood prevention operations	91,643	83,423	83,423	-8,220	
Resource conservation and development	35,265	36,265	41,015	+5,750	+4,750
Forestry incentives program	5,377			-5,377	
Total, Natural Resources Conservation Service	803,465	877,299	812,118	+8,653	-65,181
Total, title II, Conservation Programs	804,158	878,010	812,811	+8,653	-65,199
TITLE III - RURAL DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Development	588	605	588		-17
Rural Development:					
Rural community advancement program	693,637	762,542	775,837	+82,200	+13,295
RD expenses:					
Salaries and expenses		130,371	120,270	+120,270	-10,101
(Transfer from RHIF)		(409,233)	(375,879)	(+375,879)	(-33,354)
(Transfer from RDLFP)		(3,640)	(3,337)	(+3,337)	(-303)
(Transfer from RETLP)		(34,716)	(31,046)	(+31,046)	(-3,670)
(Transfer from RTP)		(3,000)	(3,000)	(+3,000)	
Total, RD expenses		(580,960)	(533,532)	(+533,532)	(-47,428)
Total, Rural Development	693,637	892,913	896,107	+202,470	+3,194
Rural Housing Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Single family (sec. 502)	(1,100,000)	(1,300,000)	(1,100,000)		(-200,000)
Unsubsidized guaranteed	(3,200,000)	(3,700,000)	(3,700,000)	(+500,000)	
Housing repair (sec. 504)	(32,396)	(40,000)	(32,396)		(-7,604)
Farm labor (sec. 514)	(25,001)			(-25,001)	
Rental housing (sec. 515)	(114,321)	(120,000)	(114,321)		(-5,679)
Multifamily housing guarantees (sec. 538)	(100,000)	(200,000)	(100,000)		(-100,000)
Site loans (sec. 524)	(5,152)	(5,000)	(5,000)	(-152)	
Multifamily housing credit sales	(1,250)	(5,000)	(1,780)	(+530)	(-3,220)
Single family housing credit sales	(6,253)	(10,000)	(15,000)	(+8,747)	(+5,000)
Self-help housing land development fund	(5,000)	(5,009)	(5,000)		(-9)
Total, Loan authorizations	(4,589,373)	(5,385,009)	(5,073,497)	(+484,124)	(-311,512)
Loan subsidies:					
Single family (sec. 502)	93,830	208,780	176,760	+82,930	-32,020
Unsubsidized guaranteed	19,520	44,400	7,400	-12,120	-37,000
Housing repair (sec. 504)	9,900	14,176	11,481	+1,581	-2,695
Farm labor (sec. 514)	11,308			-11,308	
Rental housing (sec. 515)	45,363	59,124	56,326	+10,963	-2,798
Multifamily housing guarantees (sec. 538)	480	3,040	1,520	+1,040	-1,520
Site loans (sec. 524)	4			-4	
Multifamily housing credit sales	494	2,452	874	+380	-1,578
Single family housing credit sales	380			-380	
Self-help housing land development fund	281	279	279	-2	
Total, Loan subsidies	181,560	332,251	254,640	+73,080	-77,611
RHIF administrative expenses (transfer to RHS)	375,879			-375,879	
RHIF administrative expenses (transfer to RD)		409,233	375,879	+375,879	-33,354
Rental assistance program:					
(Sec. 521)	634,100	674,100	650,000	+15,900	-24,100
(Sec. 502(c)(5)(D))	5,900	5,900	5,900		
Total, Rental assistance program	640,000	680,000	655,900	+15,900	-24,100
Total, Rural Housing Insurance Fund	1,197,439	1,421,484	1,286,419	+88,980	-135,065
(Loan authorization)	(4,589,373)	(5,385,009)	(5,073,497)	(+484,124)	(-311,512)
Mutual and self-help housing grants	28,000	40,000	28,000		-12,000
Rural housing assistance grants	45,000	39,000	39,000	-6,000	
Farm labor program account		35,777	30,000	+30,000	-5,777
Subtotal, grants and payments	73,000	114,777	97,000	+24,000	-17,777
RHS expenses:					
Salaries and expenses	61,551			-61,551	
(Transfer from RHIF)	(375,879)			(-375,879)	
Total, RHS expenses	(437,430)			(-437,430)	
Total, Rural Housing Service	1,331,990	1,536,261	1,383,419	+51,429	-152,842
(Loan authorization)	(4,589,373)	(5,385,009)	(5,073,497)	(+484,124)	(-311,512)

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rural Business-Cooperative Service:					
Rural Development Loan Fund Program Account:					
(Loan authorization)	(38,256)	(64,495)	(38,256)		(-26,239)
Loan subsidy	16,615	32,834	19,476	+2,861	-13,358
Administrative expenses (transfer to RBCS)	3,337			-3,337	
Administrative expenses (transfer to RD)		3,640	3,337	+3,337	-303
Total, Rural Development Loan Fund	19,952	36,474	22,813	+2,861	-13,661
Rural Economic Development Loans Program Account:					
(Loan authorization)	(15,000)	(15,000)	(15,000)		
Direct subsidy	3,453	3,911	3,911	+458	
Rural cooperative development grants	6,000	11,500	6,500	+500	-5,000
National sheep industry improvement center revolving fund		5,000	5,000	+5,000	
RBCS expenses:					
Salaries and expenses	24,612			-24,612	
(Transfer from RDLFP)	(3,337)			(-3,337)	
Total, RBCS expenses	(27,949)			(-27,949)	
Total, Rural Business-Cooperative Service	54,017	56,885	38,224	-15,793	-18,661
(By transfer)	(3,337)			(-3,337)	
(Loan authorization)	(53,256)	(79,495)	(53,256)		(-26,239)
Rural Utilities Service:					
Rural Electrification and Telecommunications Loans Program Account:					
Loan authorizations:					
Electric:					
Direct, 5%	(121,500)	(50,000)	(50,000)	(-71,500)	
Direct, Municipal rate	(295,000)	(300,000)	(295,000)		(-5,000)
Direct, FFB	(1,700,000)	(800,000)	(800,000)	(-900,000)	
Guaranteed		(400,000)	(400,000)	(+400,000)	
Subtotal	(2,116,500)	(1,550,000)	(1,545,000)	(-571,500)	(-5,000)
Telecommunications:					
Direct, 5%	(75,000)	(75,000)	(75,000)		
Direct, Treasury rate	(300,000)	(300,000)	(300,000)		
Direct, FFB	(120,000)	(120,000)	(120,000)		
Subtotal	(495,000)	(495,000)	(495,000)		
Total, Loan authorizations	(2,611,500)	(2,045,000)	(2,040,000)	(-571,500)	(-5,000)
Loan subsidies:					
Electric:					
Direct, 5%	1,095	4,980	4,980	+3,885	
Direct, Municipal rate	10,827	20,850	20,480	+9,653	-370
Direct, FFB					
Guaranteed		40	40	+40	
Subtotal	11,922	25,870	25,500	+13,578	-370
Telecommunications:					
Direct, 5%	840	7,770	7,770	+6,930	
Direct, Treasury rate	2,370			-2,370	
Direct, FFB					
Subtotal	3,210	7,770	7,770	+4,560	
Total, Loan subsidies	15,132	33,640	33,270	+18,138	-370
RETLP administrative expenses (transfer to RUS)	31,046			-31,046	
RETLP administrative expenses (transfer to RD)		34,716	31,046	+31,046	-3,670
Total, Rural Electrification and Telecommunications Loans Program Account	46,178	68,356	64,316	+18,138	-4,040
(Loan authorization)	(2,611,500)	(2,045,000)	(2,040,000)	(-571,500)	(-5,000)
Rural Telephone Bank Program Account:					
(Loan authorization)	(175,000)	(175,000)	(175,000)		
Direct loan subsidy	3,290	2,590	2,590	-700	
RTP administrative expenses (transfer to RUS)	3,000			-3,000	
RTP administrative expenses (transfer to RD)		3,000	3,000	+3,000	
Total	6,290	5,590	5,590	-700	
Distance learning and telemedicine program:					
(Loan authorization)	(200,000)	(400,000)	(400,000)	(+200,000)	
Direct loan subsidy	700			-700	
Grants	20,000	27,000	19,500	-500	-7,500
Total	20,700	27,000	19,500	-1,200	-7,500

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
RUS expenses:					
Salaries and expenses	34,107			-34,107	
(Transfer from RETLP)	(31,046)			(-31,046)	
(Transfer from RTP)	(3,000)			(-3,000)	
Total, RUS expenses	(68,153)			(-68,153)	
Total, Rural Utilities Service	107,275	100,946	89,406	-17,869	-11,540
(By transfer)	(34,046)			(-34,046)	
(Loan authorization)	(2,986,500)	(2,620,000)	(2,615,000)	(-371,500)	(-5,000)
Total, title III, Rural Economic and Community Development Programs	2,187,507	2,587,610	2,407,744	+220,237	-179,866
(By transfer)	(413,262)	(450,589)	(413,262)		(-37,327)
(Loan authorization)	(7,629,129)	(8,084,504)	(7,741,753)	(+112,624)	(-342,751)
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services	554	570	554		-16
Food and Nutrition Service:					
Child nutrition programs	4,611,829	4,570,482	4,407,460	-204,369	-163,022
Transfer from section 32	4,935,199	4,967,574	5,127,579	+192,380	+160,005
Discretionary spending	7,000	8,000		-7,000	-8,000
Total, Child nutrition programs	9,554,028	9,546,056	9,535,039	-18,989	-11,017
Special supplemental nutrition program for women, infants, and children (WIC)	4,032,000	4,148,100	4,067,000	+35,000	-81,100
Food stamp program:					
Expenses	19,605,751	19,730,993	19,730,993	+125,242	
Reserve	100,000	1,000,000	100,000		-900,000
Nutrition assistance for Puerto Rico	1,268,000	1,301,000	1,301,000	+33,000	
The emergency food assistance program	98,000	100,000	100,000	+2,000	
Total, Food stamp program	21,071,751	22,131,993	21,231,993	+160,242	-900,000
Commodity assistance program	133,300	158,300	138,300	+5,000	-20,000
Food donations programs:					
Needy family program	1,081	1,081	1,081		
Elderly feeding program	140,000	150,000	140,000		-10,000
Total, Food donations programs	141,081	151,081	141,081		-10,000
Food program administration	111,392	128,558	116,392	+5,000	-12,166
Total, Food and Nutrition Service	35,043,552	36,264,088	35,229,805	+186,253	-1,034,283
Total, title IV, Domestic Food Programs	35,044,106	36,264,658	35,230,359	+186,253	-1,034,299
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service and General Sales Manager:					
Direct appropriation	109,186	113,587	109,186		-4,401
(Transfer from export loans)	(3,231)	(3,231)	(3,231)		
(Transfer from P.L. 480)	(1,035)	(1,035)	(1,035)		
Total, Program level	(113,452)	(117,853)	(113,452)		(-4,401)
Public Law 480 Program and Grant Accounts:					
Title I - Credit sales:					
Program level	(176,000)	(180,000)	(180,000)	(+4,000)	
Direct loans	(145,298)	(159,678)	(159,678)	(+14,380)	
Ocean freight differential	21,000	20,322	20,322	-678	
Title II - Commodities for disposition abroad:					
Program level	(800,000)	(837,000)	(800,000)		(-37,000)
Appropriation	800,000	837,000	800,000		-37,000
Loan subsidies	119,813	114,186	114,186	-5,627	
Salaries and expenses:					
General Sales Manager (transfer to FAS)	1,035	1,035	1,035		
Farm Service Agency (transfer to FSA)	815	815	815		
Subtotal	1,850	1,850	1,850		
Total, Public Law 480:					
Program level	(976,000)	(1,017,000)	(980,000)	(+4,000)	(-37,000)
Appropriation	942,663	973,358	936,358	-6,305	-37,000
CCC Export Loans Program Account (administrative expenses):					
Salaries and expenses (Export Loans):					
General Sales Manager (transfer to FAS)	3,231	3,231	3,231		
Farm Service Agency (transfer to FSA)	589	589	589		
Total, CCC Export Loans Program Account	3,820	3,820	3,820		
Total, title V, Foreign Assistance and Related Programs	1,055,669	1,090,765	1,049,364	-6,305	-41,401
(By transfer)	(4,266)	(4,266)	(4,266)		

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VI - FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	1,037,661	1,156,905	1,117,905	+80,244	-39,000
Prescription drug user fee act	(145,434)	(149,273)	(149,273)	(+3,839)	
Subtotal	(1,183,095)	(1,306,178)	(1,267,178)	(+84,083)	(-39,000)
Rescission			-27,000	-27,000	-27,000
Total, Salaries and expenses (net)	(1,183,095)	(1,306,178)	(1,240,178)	(+57,083)	(-66,000)
Export and certification	(4,907)	(5,992)	(5,992)	(+1,085)	
Limitation on payments to GSA	(99,954)	(104,954)	(104,954)	(+5,000)	
Buildings and facilities	11,350	31,350	11,350		-20,000
Advance appropriations, FY 2002		23,000			-23,000
Total, Food and Drug Administration	1,049,011	1,211,255	1,102,255	+53,244	-109,000
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission	63,000	72,000	69,000	+6,000	-3,000
Farm Credit Administration (limitation on administrative expenses)	(35,800)		(36,800)	(+1,000)	(+36,800)
Total, title VI, Related Agencies and Food and Drug Administration	1,112,011	1,283,255	1,171,255	+59,244	-112,000
TITLE VII - GENERAL PROVISIONS					
Hunger fellowships	2,000		4,000	+2,000	+4,000
Loss assistance for apples and potatoes (contingent emergency appropriations)			115,000	+115,000	+115,000
Sec. 388 Fair Act - NH	250			-250	
Total, title VII, General provisions	2,250		119,000	+116,750	+119,000
TITLE VIII					
DEPARTMENT OF AGRICULTURE					
Commodity Credit Corporation					
Crop loss (contingent emergency appropriations)	1,200,000			-1,200,000	
Market loss (contingent emergency appropriations)	5,520,351			-5,520,351	
Specialty Crops:					
Peanuts (contingent emergency appropriations)	42,000			-42,000	
Suspend sugar assessments (contingent emergency appropriations)	42,000			-42,000	
Tobacco (contingent emergency appropriations)	326,601			-326,601	
Subtotal, Specialty crops	410,601			-410,601	
Oilseeds (contingent emergency appropriations)	467,974			-467,974	
Livestock and dairy (contingent emergency appropriations)	320,614			-320,614	
Upland cotton competitiveness (contingent emergency appropriations)	201,000			-201,000	
Extend milk price supports (contingent emergency appropriations)	-102,000			+102,000	
Crop insurance (contingent emergency appropriations)	400,000			-400,000	
Crop insurance discount associated costs (contingent emergency appropriations)	250,000			-250,000	
Water and waste loan forgiveness (contingent emergency appropriations)	2,000			-2,000	
Trade sanctions reform and export enhancement					
Total, title VIII	8,670,540			-8,670,540	
Grand total:					
New budget (obligational) authority	84,312,546	76,844,597	75,274,509	-9,038,037	-1,570,088
Appropriations	(75,642,006)	(76,821,597)	(75,186,509)	(-455,497)	(-1,635,088)
Rescission			(-27,000)	(-27,000)	(-27,000)
Contingent emergency appropriations	(8,670,540)		(115,000)	(-8,555,540)	(+115,000)
Advance appropriations		(23,000)			(-23,000)
(By transfer)	(628,793)	(721,574)	(684,247)	(+55,454)	(-37,327)
(Loan authorization)	(10,712,421)	(12,642,442)	(12,299,691)	(+1,587,270)	(-342,751)
(Limitation on administrative expenses)	(144,087)	(108,287)	(145,087)	(+1,000)	(+36,800)

1/ In addition to appropriation.

NOTE: FY 2000 Enacted budget authority includes the impact of 0.38 percent reduction pursuant to P.L. 106-113.

Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the chairman for yielding me the time. I want to say that it is a great pleasure for me to rise today as we bring our bill to the floor, the fiscal year 2001 appropriation for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

I want to also begin by saying that this is the last bill that will be managed by my dear friend and colleague, the gentleman from New Mexico (Mr. SKEEN), as chairman of the subcommittee because his limited subcommittee chairmanship has been reached under current House rules, which I certainly would like to change.

He is and has been such a leader, a fine gentleman in the true sense of the word, a caring chairman, an advocate for America's farmers and ranchers, and a true friend to every single Member of this institution. So I wanted to acknowledge his hard work on this bill. It has been a joy to work with him, and I number these days and years among the most memorable of my own life.

I also want to thank the subcommittee staff: Hank Moore, Martin Delgado, John Ziolkowski, Joanne Orndorf; and our detailees: Anne DuBey and Maureen Holohan; and to the minority staff leader David Reich; and Roger Szemraj of my own staff, for all the hard work that has gone into putting this bill together.

Let me begin by saying that I come to the floor rather conflicted this morning. This is a very, very important bill and one that we will focus on today. But we have just learned that, contrary to an agreement that was reached yesterday, the majority has chosen to place the sanctions language dealing with Cuba and Libya, the issue that we debated for hours here yesterday, into the supplemental appropriation bill, contrary to an agreement that had been reached with the minority.

This is creating a great disarray that I think threatens not just this bill but the supplemental and its ability to move through the Congress and, also, to be signed by the President. There are many programs in there, such as firefighting and so forth, that are needed immediately in the western part of the country.

I would just urge the Majority to remove that sanctions provision from the supplemental legislation. This is a violation of an accord that had been reached with the minority, and it truly places us in a most difficult position as we proceed forward with this bill today.

Now, let me say that this bill deals with the basics of life that touch every American every day, have already touched every one of us as we awakened this morning, the food that we have eaten, the fiber that we wear, the fuel that we use to move vehicles and in industry, and forest production, all the land and water conservation programs that cover the vast majority of private lands in this country, the stewardship of those lands and the help that goes to those landholders is contained in this legislation.

The food that we ate this morning no doubt was influenced in millions of different ways by the research that has been supported over the years through the U.S. Department of Agriculture. All the marketing programs, the safety that we felt when we ate that food, that the milk was okay and that it was very healthy to eat, the various medicines that we take, our certainty that that medication will do what it says and if there is a side effect that it is labeled. All of the Food and Drug Administration programs come within our jurisdiction.

So this is a very important bill that goes to the center of life in America. And we hope by our example that we can influence the world's people as well.

The bill's spending level is at about a level of $75.3 billion. Nearly a little more than 80 percent of that, or $60 billion, is what we call mandatory spending, money that we have for important programs like the Commodity Credit Corporation reimbursements that are central to the operation of our farm assistance programs to those who produce that food, fiber, and forest product. So there is $27.7 billion in the bill that goes to that major segment of this proposal.

The Food Stamp program, which helps those who cannot afford to feed themselves in this country, $21.2 billion contained in this bill. An even more important program as Welfare to Work locks in across this country and our feeding kitchens and elderly feeding programs and so forth become short changed.

Our School Lunch program, $5.4 billion, so that every child in this country will have decent food at least during the week while they are in school, $5.4 billion, and $1.5 billion for the School Breakfast program so those little urchins out there, their brains grow and, as they go to school, they are able to lead healthy lives and that they grow properly.

Our conservation programs, nearly a billion dollars here, working with all the private owners of America to make sure that the land and the water and the ditches and the runoff is handled properly. We are making progress there, but we certainly have a long way to go.

This is an incredible piece of legislation. Of the total amount of spending, $75.3 billion, the discretionary amount, the part our committee struggles with so greatly, $14.5 billion is, unfortunately, $400 million below the spending of the current fiscal year.

This is a very tight bill, hard choices had to be made. In fact, the entire bill is $400 million below this year's spending when we discount the nearly $8.7 billion that was provided in emergency assistance last year.

Now, I said that this bill came forward under difficult circumstances. The most recent nick, however, being the fact that the sanctions language was put into the supplemental against the will of the minority and against the agreement that was reached.

The allocation we were given by the Committee on the Budget makes it difficult to detail with responsible priorities submitted by the administration.

We are at least $1.6 billion in this proposal under the administration's request for all programs and, as I mentioned, $400 million under last year.

If we look at what was done in the supplemental, which is linked to this bill directly, there was nearly $400 million in the supplemental that we were expecting to help cushion the cuts and the lack of full support in this bill, and we were told yesterday that that has now been reduced by $204 million, which means that there is only about $195 million left in the supplemental, which absolutely underfunds these programs at a time when rural America is just caving under the continuing low price situation, the drought, the high water levels in other parts of the country.

To be underfunding agriculture at a time when rural America is in recession makes absolutely no sense to this Member.

Now, the bill, as best as we were able to try to fund programs that are so necessary, does have some additional problems. For example, in the Animal and Plant Health Inspection Service, we do not provide the resources requested by the President. In fact, we are $53 million below his request for funds to deal with the growing infestation in this country by invasive species, other pests, and viruses.

For example, in the area of citrus canker in Florida where entire orange and lime crops are threatened, we do not have funding sufficient to deal with the eradication nor with trying to prevent further spread of that particular problem.

The same is true with Pierce's disease in California. The Administration released about $12 million this past week, but that is not sufficient to deal with the vineyard problems all throughout California. Plum pox in States like Pennsylvania, which are affecting our fruit crops, all of these dollars that were proposed by the minority to try to deal with the Animal and Plant Health Inspection Service have not been fully provided.

I can tell my colleagues that failure to deal with these pests and failure to deal with prevention will mean costs in the future of billions and billions and billions of dollars to deal with something like the Asian Longhorn Beetle, which is destroying our hardwoods in Chicago and in New York. This is not an insignificant issue. It has long-term consequences.

There are cuts in this bill, unfortunately, for the Food for Peace program $37 million below the President's request.

□ 1045

We keep saying that access to foreign markets is what will help our farmers recover from low prices, but at the same time we disarm ourselves by failing to provide the level of resources we need to get the job done and move our product into other markets, certainly when we have a surplus, to those people in our country and around the world who remain hungry and in fact in many quarters of the world that are starving.

In this bill also we fail to adequately fund or place restrictions on the use of funds to deal with the problems faced by the most needy and the most powerless people in our country. For example, there are insufficient funds in this bill for the 1890 colleges, those colleges that have been dealing with those historically discriminated against in our society, as we try to spread the knowledge of the Department of Agriculture in all of its different aspects throughout the university and college systems of this country.

Further, the bill prohibits further expansion of the Colonias initiative to deal with the tremendous pollution at the southwestern border of Mexico with Texas, New Mexico, and Arizona.

So there is no additional funding in the bill for that important effort.

Finally, if we think about our food programs in general, the underfunding is largely in the area of food programs, certainly food stamps, our school breakfast, our school lunch, our elderly feeding programs, the Women Infants and Children feeding program.

Totally, the funding in this bill is about a billion dollars under the administration's request.

On the conservation front, which is so important to us, as the most productive land on Earth, the conservation programs are $65 million below the President's request in what we were able to provide in this bill. With the significant erosion problems, the drought problems and in my part of the country the significant water runoff problems right now, they are having a real impact on our ability to hold soil and prevent leaching into our ditches, rivers and ultimately lakes. These conservation programs are more important than ever.

Now, in terms of the overall bill, while we do not provide all prudent increases that I have just talked about, we do not cut most programs under current operating levels, and we do provide some modest increases in rural economic and community development programs, and we have provided vital support for the Food and Drug Administration.

I would be remiss if I stood on this floor, however, and I did not remind Members that in this supplemental bill, however, there were severe cuts made in important agriculture programs such as the replacement of our Food and Drug Administration building in Los Angeles. That was cut from the supplemental, and we do not cover it in this bill. We did not provide sufficient funding for our technical assistance providers for our natural resource and conservation programs to help people apply for the Conservation Reserve and Enhancement program, the Wetlands Reserve program, the Conservation Reserve program. This bill, and the supplemental, are underfunded in those areas.

The supplemental, and this bill does not replace the funding for the renovation of the south building here in Washington, D.C. Our own Department of Agriculture, which is very old, gets lots of tourists, lots of visitors and needs to be repaired. Neither in this bill nor in the supplemental are those kinds of concerns taken care of.

We have dozens and dozens of amendments we will be considering today, and I will just end with the request, respectful request of the majority, please do not violate the agreement that was reached with the minority to remove the sanctions language from the supplemental bill. This is going to cause us havoc on the floor here. It is going to cause havoc on the floor of the other body. It was our understanding that the sanctions language for Cuba, for Libya, for North Korea, for Sudan, for Iran, would not be put in the supplemental bill. That was done last night, violating an agreement that Members of the minority party had signed, and I would just beg the leadership of this institution to reconsider that very ill-timed decision.

This bill is too important to be hung up in a partisan war over the sanctions issue on the supplemental bill, and this bill will be held hostage to that debate.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM), a member of the subcommittee.

Mr. LATHAM. Mr. Chairman, I very much appreciate the opportunity to stand here in support of this bill. I think this is an effort that obviously under very tight budget constraints the gentleman from New Mexico (Mr. SKEEN) has done an outstanding job, and I want to commend the chairman, a great leader in agriculture, a good friend to all farmers and ranchers and someone who I admire very much personally, and the gentlewoman from Ohio (Ms. KAPTUR), who I have had the pleasure in working with on various issues.

This bill, I think, does a lot of very, very good things as far as the farm service agencies. The people in our county offices are under tremendous stress today. The workload is unbelievable that they are having to deal with, and they are on the front line of service to our farmers. I am very pleased that the committee has funded to the President's request, and I think we always have to look at additional funding and directing that funding to the local offices rather than the bureaucracy here in Washington.

Agricultural credit programs, $1.475 billion over last year, and this, I think, is very, very positive; rural housing loan authorizations increased by $484 million over last year. As far as Iowa, this is very, very good news for us; and I in particular want to thank the chairman for including $9 million for the National Animal Disease Center to be built in Ames, Iowa.

This is a first step to what I think is an extraordinarily important project as far as animal health, as far as disease research, and really as far as protecting our food supply for the public. This is going to go a long ways. The current facility was built back in the '60s. This is a very, very important project for the whole country but in particular for Iowa. To have this centered in Iowa I think is very, very important, which is obviously the center of livestock production, especially in the pork industry.

One item, it is a small item, but I think very important to a lot of farmers out there to keep them in agriculture, the AgrAbility program we continue to fund at $3 million. This helps handicapped farmers be able to stay on the farm, be productive, a small program that does so much good for a lot of people who love agriculture, want to stay there. I think this is a very good example of our dollars being used in a very positive way.

In closing, again I want to thank the chairman, the ranking member, the gentlewoman from Ohio (Ms. KAPTUR). The staff has done an outstanding job.

Ms. KAPTUR. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), a very distinguished member of the subcommittee.

Ms. DELAURO. Mr. Chairman, I would like to extend my deep thanks and appreciation to our chairman, the gentleman from New Mexico (Mr. SKEEN), our ranking member, the gentlewoman from Ohio (Ms. KAPTUR), for all of their hard work in crafting this bill. It is a tough job to balance the important priorities that the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies needs to address each and every year. As my colleague, the gentlewoman from Ohio (Ms. KAPTUR) pointed out, this bill really does deal with the basic sustenance of life for folks in our country.

I might add that the unrealistic budget constraints that have been placed on the subcommittee made our work even more difficult, made their work more difficult this year. As always, there was the effort to work together in a bipartisan fashion to try to do what is best for American farmers and for all of America's families. So I think that that, in fact, is a tribute to the chairman and to the ranking member.

Let me add my voice to that of my colleague, the gentlewoman from Ohio (Ms. KAPTUR), and encourage the majority to please remove the sanctions legislation from the supplemental bill, because it in fact violates the agreement with the minority, and it places enormous restrictions on both this bill and on the supplemental bill.

We did not come here to do harm, especially in light of having an agreement that was made and just willy-nilly violated last evening. That is wrong. We are going to hold up the process in both of these pieces of legislation which contain basic relief and help to farmers in the United States, plus people who are waiting to see what is happening in here for relief of all kinds in both of these two bills.

We have tried to work together under the constraints, as I said, of the budget forces to shortchange a number of important priorities.

The subcommittee has been denied the opportunity to meet America's priorities and reflect the values, to provide a strong safety net for farmers in crisis, to ensure safe foods on America's dinner tables, and to guarantee the proper nutrition for the children and the elderly.

We could have better provided for these priorities if we had a budget resolution that did not put tax cuts for the wealthy above the needs of hard-working, middle-class American families across this country.

Each year contaminated food causes up to 81 million cases of food-borne illnesses, as many as 9,000 deaths. It costs Americans over $8 billion a year in lost work and medical care. The situation requires decisive action. This bill undermines progress by underfunding the Food Safety and Inspection Service by more than $14 million. When one wants to take their youngsters out to dinner, they want to know that they are going to go some place and they are going to be safe and sound with whatever they are eating on those tables.

The WIC program guarantees women and children receive solid nutrition and health advice. We could have covered more people if we increased the allocation for the WIC program.

My final comment is that there is a great crisis facing farmers today. They are begging Congress to do something. We must. It is our responsibility. The allocation dealt the subcommittee prevents it from fully addressing the depression-level prices our farmers face.

We need to emphasize Congress' responsibility to ensure the long-term safety and security of all Americans and their families. People deserve our highest commitment to these goals.

Mr. SKEEN. Mr. Chairman, I yield 8 minutes to the gentleman from Georgia (Mr. KINGSTON), a member of our subcommittee.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN) for yielding me the time to speak.

Mr. Chairman, I stand in strong support of this bill. I think this bill is philosophically in line with the objectives of this Congress in that it has common sense fiscal responsibility and balances social needs, agriculture-business needs.

This Congress, on a bipartisan basis in 1997, signed off on a budget that said these will be our priorities. We are going to protect and preserve the Social Security system, and we have done that. We now have a surplus in Social Security.

We said, number two, we are going to protect and preserve Medicare, and we have done that. Many of us remember working very hard in somewhat shock after the 1995 Medicare trustee's report came out saying Medicare would be bankrupt in 3 years if we did not act to do something on it.

Well, this Congress on a bipartisan basis did do something, and now we have protected and preserved Medicare.

The next priority is to pay down the debt, and this Congress has paid down over $350 billion in debt relief. As a result of this fiscal responsibility, this common sense approach to governing, we now have a budget surplus. This surplus, Mr. Chairman, should not be squandered on more government expansion and political initiatives designed to corral in another constituency group. It should be very careful to keep in mind that the money that we spend here in this Chamber does not belong to us. The Government has no money. The money belongs to the people, the hard-working taxpayers. So with that approach in mind, we have a budget here on agriculture and related agencies of about $76 billion.

Now, half of that money goes to feeding programs, nutrition programs, funding for the poor feeding-type programs, nutrition for the poor, people who are socially disadvantaged. Half the money goes to that.

□ 1100

I make that point, because so many people look at agriculture from the cities and they sneer and they say, $76 billion for farmers. Guess what? It does not go to farmers. Half of the money goes to children in inner cities, and they need it; the other balance of that goes to, among other agencies, the Food and Drug Administration, very careful, each one of us take medicines, have a loved one that takes medicines. This bill funds that.

Farm service agencies, conservation reserves and also research gets the balance of that money; very few dollars go directly to the farmers.

Let me say something on behalf of America's farmers. We have less than 2 percent of our population today who are directly farming. We have maybe a little bit more, if we count the romantic farmer, and I would say that would be somebody who works in the city and has a 40-hour-a-week job, but they have inherited some land or they have that gnawing that we all have, they want to have a piece of property and they want to work with their hands. They are part-time farmers. They often skew the statistics of who is out there actually farming and who is not. Certainly if they have some acres under cultivation, it goes into food, it is part of food production.

The true farmers, Mr. Chairman, are less than 2 percent these days and, yet, that small sector of our population feeds 100 percent of us and a great portion of the rest of the world, and we can feed more of the world.

I think that our farmers need eight things as we debate agriculture policy: Number one, they need good credit; number two, they need a crop insurance program that works; number three, they need good conservation programs; number four, they need good specialty programs; number five, they need market relief, international market relief; number six, they reed regulatory relief; number seven, they need tax relief; and number eight, they need good basic research.

Mr. Chairman, I wanted to just elaborate a little bit more on this, and I will try to go quickly. We on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies are limited as to what we can do with need number one, credit. But we can work with institutions, and we can work through our other committees.

We can work with the private sector to try to say one of the big things we hear day in and day out from our farmers is the need for long-term credit. Just like any other business, they are at risk. They invest money. The return comes when they harvest, sometimes the return is not there because of disaster, but they need long-term and short-term credit.

Number two, they need a good crop insurance program. A crop insurance program that is based on the cost of production, a crop insurance program that rewards them for good farming practices which reduce losses, and crop insurance that would serve them the same way a commercial business is served by commercial and fire insurance; something that is understandable.

Number three, conservation programs. Just think how much money we could save during a farm disaster, during the time of a drought if we had money available for irrigation systems, smart farming systems, and for building dams. If farmers could get water on a regular basis and get it abundantly and inexpensively, it would truly reduce the costs of farm disasters.

Number four, as I said before, we need specialty programs, good specialty programs. I come from peanut country. It is amazing the number of people that say well, the peanut program is a strange ag program; that is not unusual. A lot of ag programs are very hard and complex to understand. I can say this, do we know what it does? It makes it possible for the young couple to stay on the farm and not move off to Atlanta, Georgia and sell real estate or not to move to Savannah and become a medical doctor, but it makes it possible for them to have a steady cash flow and stay on the farm.

It makes it possible for the consumers of America to have a cheap and abundant supply of peanuts; the same is true with all the other myriad of specialty programs.

Number five, they need market relief. When we can buy oats at the Port of Brunswick, Georgia cheaper than we can raise them in Millen, Georgia, we have a problem. Even with all the greatest of farm technology, we should be able to grow oats cheaper domestically than importing them. Because some of our international ag competition subsidizes their farmers heavily, it makes our farmers have a disadvantage in the marketplace.

We do need to have market relief. Market promotion is part of that. I love the idea that my district's vidalia onion can be eaten and bought all over the world because they are the best and most delicious onions that have ever been made. We all know that. The folks all over the globe ought to be eating them. We need to have a program that promotes them and lets our farmers develop markets overseas.

Number six, regulatory relief. It is not fair for our farmers to be restricted in what kind of fertilizer, what kind of pesticides they can use when farmers south of the border in Mexico or north of the border in Canada or wherever else can use the same fertilizers that are banned here. We need to work with our international partners. If a fertilizer is bad here, it ought to be bad anywhere in the globe; and we should be protected from those markets dumping on our farmers.

Number seven, tax relief. If we do not have estate or a death tax relief, that farm cannot be passed on to the next generation. It is economically prohibitive.

Number eight, we need good research. This bill will always catch a lot of grief. Oh, they are spending millions or thousands of dollars to study the mating habits of some obscure fly or a worm. That makes a good little press hit and a good humorous article in Reader's Digest or a great one-liner for Jay Leno, but the reality is a lot of the times ag research can save American consumers millions of dollars in lowering the cost of production.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) has 16 minutes remaining and the gentlewoman from Ohio (Ms. KAPTUR) has 12½ minutes remaining.

Ms. KAPTUR. Mr. Chairman, I reserve the balance of our time, if the gentleman from New Mexico (Mr. SKEEN) would like to call on another speaker so that we are more balanced in our time.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. EWING), the chairman of the Subcommittee on Risk Management, Research and Specialty Crop.

Mr. EWING. Mr. Chairman, I thank the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies for yielding me the time.

Mr. Chairman, I rise today in support of this appropriations bill, H.R. 4461. This committee, the Committee on Appropriations, this Congress, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies have recognized the tremendous problems in American agriculture over the last 3 years.

This bill goes along and provides the additional money which we need in discretionary spending for the year 2001. The bill also provides important funding for initiatives dealing with biotechnology, soybean diseases and aflatoxin and corn; particularly, biotechnology, an issue of critical importance to our farmers in America and our trading partners in Europe.

This is a good piece of legislation which will go a long way in assisting our struggling agricultural economy.

Mr. Chairman, I ask the rest of my colleagues to help American farmers and ranchers by voting yes on H.R. 4461.

Ms. KAPTUR. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the full committee.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, we have had one of the wonders of congressional history plaguing every farmer in this country the past few years; it has been called the Freedom to Farm Act. And under that act, farmers have had the freedom to experience record lows in the prices they are getting for their products.

Dairy farmers, for instance, are getting about 40 percent less than they were getting just a few years ago for every hundred pounds of milk they sell, and you have lots of other commodities where farm prices are in the tank. You have suicide rates in farm-dominated counties at very high levels, and one would think that a Congress, which is supposedly dedicated to the free market to letting the "wondrous" market forces work, would insist that you have really true markets.

Mr. Chairman, but if you look at the adequacy of this budget in terms of enabling the U.S. Department of Agriculture to assure that we have the tools to prevent undue market concentration so that you can maintain real markets, you see this bill is woefully inadequate.

One of the great Supreme Court justices in our history noted once that a free market is the most essential ingredient in our capitalist system for any legitimate business to function, and yet you see four companies now control 81 percent of the cattle purchases, beef processing, and wholesale marketing.

You see that four companies now control 56 percent of the pork market, and you see the same concentration in other areas; poultry, for instance. And this bill is grossly inadequate to prevent that problem from getting worse.

We also have seen in the supplemental all efforts to help our farmers on the commodity price front have been stripped from that bill, so at this point that bill does not do anything for farmers. It pretends to do something on allowing additional exports. But in reality, it is a drop in the bucket, because of loopholes in the provision which was put in the conference report last night after the conference report had been signed, which is why I had to remove my name from that conference report, regrettably, because I had intended to try to support that bill.

I do not believe in keeping my name on an agreement after that agreement has been unilaterally altered. I think that practice is offensive or ought to be to this House.

I am going to ask Members, when the time comes, to vote against this bill, because this bill certainly is not adequate to our challenges on the farm front. It is not adequate with respect to pest control. It is not adequate with respect to agricultural research. It is not adequate with respect to rural development.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would just commend the gentleman from New Mexico (Mr.

SKEEN) for his work on this bill. I just wanted to add basically one editorial comment and, that is, that I do have one reservation on this bill that I would like to touch on, and; that is, I think that what was worked out with Cuba has a fatal flaw, and that is, if we propose to offer food and medicine without the ability to travel, I think we are making a real mistake.

I would say that for a couple of different reasons. First of all, the present policy in Cuba has not worked. We changed welfare, because it supposedly did not work. Here we have a policy that has been in place for 40 years that has not worked, and we are not going to change it. That, to me, does not make common sense.

Mr. Chairman, I would say also it does not make common sense from the standpoint of history, which interesting thing is, that one of the tools that Ronald Reagan used in changing things behind the Berlin Wall was travel, allowing young kids with backpacks to travel in the international community, in South Africa, apartheid South Africa, allowed people to travel, actually promoted the exchanges with young kids coming to America or American kids going there, so we had one-on-one personal diplomacy. It was key to changing things down there.

Mr. Chairman, the other reason I do not think the present policy works and, therefore, I think it was tragic that it was incorporated in this bill, I think that Americans have a constitutional right to travel. We can travel anywhere in the globe with the exception of Sudan and Iraq and Cuba, that makes no sense to me.

We can travel to North Korea. They are developing nuclear weapons. They are sending bombs over to the top of Japan. We can travel to Serbia. We just bombed the place, but we cannot travel to Cuba. That makes no sense to me. In fact, Zemel v. Rusk, which was a Supreme Court decision back in the 1960s, said Americans have the right to travel unless there are overwhelming military reasons not to do so.

□ 1115

The Defense Intelligence Agency in 1998 said, there is no military threat from Cuba, so Americans ought to be able to travel there from a constitutional right.

Finally, it is inconsistent with the notion of engagement. Engagement is what this body proposed. China engagement is what this body has proposed in many places around the globe, but for some reason we will not do that with Cuba, and that is inconsistent with what I heard when I traveled down there myself from political dissidents and independent journalists who said, if we want to change things in Cuba, we need to change the embargo.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR), who is such a hardworking, able member of the subcommittee.

Mr. FARR of California. Mr. Chairman, I rise as a very proud member of the Subcommittee on Agriculture of the Committee on Appropriations, and I have to say that it is an incredible joy to serve under the chairmanship of the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member. I think the camaraderie on this committee is one of the most outstanding in all of the House.

The underlying bill that we are debating today is about appropriating money for the U.S. Department of Food and Agriculture. The difficulty with this bill is the allocation that was given to the committee is far less than it was last year, so we have to squeeze a lot of funds; and in the end, we squeeze a lot of programs that probably should not be squeezed.

We squeeze funding shortfalls for food safety. This bill underfunds the budget request for USDA by about $14 million. They inspect meat and poultry. I am not sure that people want us to have shortfalls and an inability to inspect meat and poultry.

It shortfalls the resources to deal with market concentration and abusive practices. One of the biggest problems in America is that we are finding that the consolidation of markets is making the prices stay low. It is good for the consumers, but it is also putting a lot of restraints on the ability to get the best price for a farmer's crop. In addition to that, there are all kinds of slotting fees and other things. They underfund the request from the President, which was about $7 million; and they only gave them $1 million, a little over $1 million.

It falls short by $53 million for new and the spreading diseases that we have in agriculture and pests.

On conservation programs, the bill falls short $70 million from the budget request for conservation operations at the Natural Resources Conservation Service.

The list goes on and on, and probably one of the most difficult or hardest hit is the rural areas of the United States.

Speaking of the rural areas, I would just like to say, this bill is not about the sanctions that were lifted by this committee. It is about the fact that the sanctions were taken out by a rule. That greatly disturbs us.

The CHAIRMAN. The gentleman's time has expired.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. FARR).

Mr. FARR of California. I thank the gentleman.

The concern here is that in a bipartisan fashion, we funded the farmers of this country who grow the food that feeds the people, that feeds the children through school lunch programs and school breakfast programs and infants and newborns, and feeds the elderly through Second Harvest and Meals-on-Wheels; but we cannot sell that food to countries like Sudan, Libya, North Korea, Iran, and Cuba. We voted to lift those sanctions to allow that food to flow to those countries.

That is what the concern is here, that the rule was adopted last night which does not allow this. The promise was made that it would be in another committee report, but it was not there. It was not there last night when I checked. I am very concerned about this.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BOYD), a member of the subcommittee.

Mr. BOYD. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to thank the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) for their wonderful leadership on getting us to this point where we have this legislation on the floor today.

Mr. Chairman, 4 years ago, in 1996, when we changed, significantly changed, this Congress changed the agricultural policy of this country with the so-called Freedom to Farm bill, that was a very drastic change and a move in the opposite direction of the way we had managed our agricultural policy in this country for the last 60 or 70 previous years.

At that time, our farmers were promised that in exchange for the support program that had been in place for that 60 or 70 years, that the farmers would be given two things, as I recall. One was they would be given access to worldwide markets which would assist us in keeping a price at a level where our farmers could make a profit. The other was some decline in the excessive regulation that exists at the farm level.

Now, it is obvious after 4 years that neither one of these promises have been delivered upon. I think we should have known back in 1996 that the regulation that is in place is put there in many cases for a good purpose, and we are not going back on that. Meanwhile, we have been unable to deliver the worldwide markets that we promised in 1996.

What we are experiencing today is worldwide low commodity prices at levels where our farmers really are not able to make a profit in the long term. If that is the only source they had, they would not be able to sustain themselves and stay in business. As a result, this United States Congress comes in every year with an ad hoc disaster assistance program.

The CHAIRMAN. The time of the gentleman from Florida (Mr. BOYD) has expired.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. So, Mr. Chairman, we have a situation where the current agricultural policy is costing this Treasury more than it ever has in the past. As a matter of fact, in the 4 years since we have had Freedom to Farm, we have spent more money out of the Treasury trying to sustain our agricultural industry. Mr. Chairman, it is a national security issue. We should not allow this agricultural industry to be weakened, because we never want to rely upon another country for our food supply.

Mr. Chairman, this bill I think is the best that we can do, given the limited resources that we have. I am concerned about the fact that the subcommittee worked its will, the full committee worked its will, it went to the Committee on Rules, and now all of the rules have been changed, some of the sanctions language that was put in there will now be removed, and I do not think that is the way we should operate.

So I do have some concerns about that, however. But my larger concern is about the national agricultural policy we have in place today.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY), a very able and distinguished member of the subcommittee.

Mr. HINCHEY. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR), my leader, for yielding me this time.

First of all, I want to express my appreciation to our chairman. I have never met a more affable man, nor a better gentleman, and to say it has been a pleasure to serve under his leadership for the past 2 years on this subcommittee is, frankly, an understatement. It has been more than that, and it has been a learning experience as well.

I particularly want to thank our chairman for the help and consideration that he and his staff provided in recognizing some of the agricultural problems that exist in the northeastern part of the country and elsewhere as well. Particularly with regard to apples and, to some extent potatoes, as a result of that cooperation, we were able to obtain in this bill $115 million, which will provide assistance for applegrowers in New England and New York and elsewhere around the country whose crop has been hard hit, first of all, by economic circumstances and secondly, by weather, hurricanes, and hail over the course of the last couple of years.

I can tell my colleagues that the apple farmers in New York are going to be very grateful for this assistance. It is modest assistance. Yes, it is. Nevertheless, it is assistance that is very desperately needed and will be very greatly appreciated.

In addition to that, we have another amendment in this bill which I was able to pass through the subcommittee again, with the blessings of my chairman and the help of the staff to provide $57 million for additional rural development. I think that that is very important. The bill itself underfunded rural development, not because of deficiencies in the approach by our Chairman, but by the fact that the allocation was so low. Now with his assistance, we have been able to provide an additional $57 million in rural development assistance in various places across the country.

So for these two measures particularly, I want to express my appreciation to the chairman for this legislation. I do not want to give the impression that that is perfect by any means. There are certain aspects of the bill which need improving which we will point out as we go through the debate, but I do want to again express my appreciation to the chairman for his leadership and for the pleasure it has been working with him through this process.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), who is such an able representative of rural America, and certainly all of the agricultural facilities and interests in Beltsville, probably the most important research station in the world.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding me this time and for her comments with reference to the Beltsville Agricultural Research Center.

I rise not to talk about the substance; I know there is some concern expressed by the gentlewoman from Ohio and the gentleman from Florida and others about exactly where this bill is now; but I do want to say to the gentleman from New Mexico (Mr. SKEEN) that I echo the remarks of the gentleman from New York (Mr. HINCHEY). There is no more affable individual nor better friend to any of us in this House than the gentleman from New Mexico (Mr. SKEEN), an honorable, decent and good legislator; and I thank him for his help.

I rise simply to say that we do have a lot of interests in my district in farming and agriculture. We have a lot of interest obviously in the Beltsville Agricultural Research Center, and I want to thank the gentleman from New Mexico for his focus on those concerns and certainly the gentlewoman from Ohio, who does such an extraordinary job on behalf of the agriculture community, not just in Ohio, but throughout this country. I thank both of them for their leadership. Very frankly, it is unfortunate that we do not work together as collegially in every instance as I know these two do and we do on our committee.

I might say in closing that I trust that we can get back at some point in time during this process to where we were when we came out of committee.

Mr. SKEEN. Mr. Chairman, I reserve the balance of our time.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI), who is, by the way, a very involved member of the authorizing Committee on Agriculture, and we are very pleased that he is down here on an appropriation bill.

Mr. BALDACCI. Mr. Chairman, I would like to thank the gentlewoman, the ranking member, for her leadership on agricultural issues in making sure that agricultural energy issues are addressed on a national stage. So we appreciate her leadership.

I want to thank the chairman of the committee also for his leadership in being able to recognize the needs of the Northeast in developing this legislation. We certainly do appreciate the focus that has been given to apples and potatoes. We also appreciate the focus that has been given to value-added in research, recognizing, as we get to a global economy, that we have to be able to give our farmers the latest research and technology and the opportunities to add values for farmers and farmer-owned cooperatives, and to be able to market those goods around the world.

I rise also to thank the appropriators for doing the best that they can under trying circumstances with a very important spending bill. This bill impacts the lives of more than farmers. There are programs for the hungry, for food safety initiatives and economic development proposals which all get funded through this bill. I want to say it has been a pleasure to work with the appropriators, the chairman of the subcommittee and the ranking member, and the members of the committee. Working with the gentleman from New York (Mr. HINCHEY), the gentleman from New York (Mr. WALSH), and the gentleman from New Mexico (Mr. SKEEN) and others on the committee has been a very rewarding process.

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And recognizing that Rome was not built in a day and rocky roads lead to the Promised Land, I want to thank the gentleman and use this as a very good first step.

Ms. KAPTUR. Mr. Chairman, could I ask, what is the remaining time on both sides, please.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) has 9½ minutes remaining; the gentlewoman from Ohio (Ms. KAPTUR) has 2 minutes remaining.

Ms. KAPTUR. Mr. Chairman, I yield our remaining 2 minutes to the gentleman from Minnesota (Mr. PETERSON), one of the most active and insightful members of the authorizing committee from the State of Minnesota, which has weathered such difficulties in the agricultural sector.

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me this time.

Mr. Chairman, I rise today first of all to compliment the gentleman from New Mexico (Chairman SKEEN) and the gentlewoman from Ohio, our ranking member, for all the hard work they do for us in the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, as well as all the members of the committee. They have a tough job and by and large they do a pretty good job.

As the gentlewoman said, I represent an area that has had a lot of difficulties the last number of years. This year we had probably the best crop coming that we ever had, and about a week ago we got 7 inches of rain. Now I have one county that is pretty much under water. What I wanted to talk about today a little bit is the situation that we are in.

In the 1996 bill, we eliminated the disaster programs with the idea that we were going to fix crop insurance. The foreign markets were going to help us keep the prices up where they needed to be. We finally got a pretty good crop insurance bill through; the problem is that it does not really take effect until next year.

So in 1998 and 1999, we passed ad hoc disaster programs that helped out a lot of people. We did not fund them completely, but it made a big difference. We have had the extra AMTA payments which have helped people. But I have an area now that these folks have lost their crop now. This is the seventh year in a row for these people that are under water now.

Mr. Chairman, my plea is that for these people, and any others around the country that are having these kinds of problems that are of no fault of their own, that we look at doing another disaster program for the year 2000, because the crop insurance fixes that would have helped some of these people, as I said, are not going to take effect until next year. Frankly, if we are going to keep these people in business, and it is literally one whole county, they need a Federal disaster program to underpin the crop insurance that they are going to get that is not going to cover the cost of production.

So I would ask the chairman and the ranking member of the subcommittee, as we go through this process that they remain open to the possibility of having a disaster program for the year 2000 for some of these folks that have had this problem.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON) a member of the subcommittee.

Mrs. EMERSON. Mr. Chairman, I want to rise in support of this bill today and thank the gentleman from New Mexico (Mr. SKEEN) for his strong leadership on issues of importance to America's farmers and ranchers.

My friend, the gentleman from New Mexico, has been a great champion of agriculture as chairman of this subcommittee, and it has been an honor for me to serve with him, as it is for me to serve with the gentlewoman from Ohio (Ms. KAPTUR), our ranking member. She has done an extraordinary job as well, and that not only shows in her dedication to the support of American agriculture.

Mr. Chairman, this is an extraordinarily difficult time for America's farmers and ranchers, as everyone who has spoken today has said. We are in the midst of our third straight year of low commodity prices and third year of financial hardship on the farm. And when we factor in the other challenges that our producers are facing, agricultural embargoes, consolidation of big agribusiness companies, punitive and heavy-handed overregulation by the Environmental Protection Agency and Fish and Wildlife, it is really very clear that farmers and ranchers have their backs up against the wall.

Mr. Chairman, I think the gentleman from New Mexico (Chairman SKEEN) recognizes the problems in farm country and the legislation that is before us today represents a lot of hard work by the entire committee. But it does not do everything I like. I particularly want to associate myself with the words of the gentlewoman from Ohio (Ms. KAPTUR) with regard to the issue of agriculture embargoes which the gentleman from Washington (Mr. NETHERCUTT) has championed so well. I just pray that our leaders follow through on their commitment to us, all of us, to make sure that that part of lifting of sanctions gets put into legislation and gets passed by the Congress this week.

I do have to say, though, I think that this bill is an important step forward and it does a pretty good job of balancing all of the different needs of agriculture. I am particularly pleased that the bill fully funds the TEFAP program. It increases funding for rural America through the Rural Community Advancement Program, so very, very important for rural America. It also maintains a firm commitment to agriculture research, which obviously is very, very important to the long-term productivity and profitability of our producers.

Mr. Chairman, in short, I have to say, while we all would like additional funds for our agriculture programs, and I include myself among that, this bill does do a lot of good for American agriculture and moves the process forward. So, I would urge a "yes" vote on the legislation.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I appreciate the gentleman from New Mexico (Mr. SKEEN) yielding me this time for the purposes of a colloquy with the gentleman from Florida (Mr. BOYD).

Mr. Chairman, last year, the House Committee on Appropriations and the final conference committee on the Agricultural Appropriations bill approved language giving special consideration for funding for a joint aquaculture distance learning/education and research project through Harbor Branch Oceanographic Institution in my district and Florida State University in Tallahassee. The original request for the project called for $470,000 for the work to be carried out in fiscal year 2000.

Mr. BOYD. Mr. Chairman, if the gentleman will yield, as a Member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, I appreciate the support of the gentleman from New Mexico (Chairman SKEEN) for this project that the gentleman from Florida is speaking of. It is of high priority to the Florida State University in the Second Congressional District of Florida.

Mr. FOLEY. Mr. Chairman, however, now, despite the strong support of the House, and by reference the conference committee, the Rural Utilities Service of the Department of Agriculture has ignored the intent of Congress and refused to fund the Harbor Branch-FSU aquaculture project. In fact, it is my understanding that the agency rejected the congressional language as "nonbinding" and made fundamental errors in analyzing the proposal that was submitted to the Department for funding.

Mr. Chairman, was it the intent of the committee and the Congress that the proposed Harbor Branch-Florida State University project be fully funded by the Rural Utilities Service in fiscal 2000?

Mr. SKEEN. Mr. Chairman, if the gentleman will yield, the gentleman from Florida (Mr. FOLEY) is absolutely correct. Traditionally, we have given special priority to projects such as this one through the committee report language; and we fully expect the agency to fully fund those proposals. I expect the Rural Utilities Service to make appropriated funds available in fiscal year 2000 to fully fund the Harbor Branch-FSU aquaculture distance learning project.

Mr. FOLEY. Mr. Chairman, I yield to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Chairman, I thank the gentleman from Florida (Mr. FOLEY), my friend, and distinguished gentleman from New Mexico (Chairman SKEEN), who knows very well that the committee report language is taken very seriously on the Committee on Appropriations. I share the gentleman's concern that the Department has not complied with the clear intent of the committee and Congress.

Mr. FOLEY. Mr. Chairman, reclaiming my time, I thank both the gentleman from New Mexico and the gentleman from Florida who serve on the subcommittee, and commend them both for their bipartisan support for this project. I am especially grateful for the leadership that the chairman of the subcommittee provides on agricultural issues facing the Congress.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa (Mr. LATHAM), a member of the subcommittee.

The CHAIRMAN. The gentleman from Iowa (Mr. LATHAM) is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, I thank the gentleman from New Mexico for yielding me this time, and I will not use all of the available time. I just wanted to emphasize the importance of the trade discussion that has been going on here. The gentleman from Florida (Mr. BOYD) brought up in his statement the idea and the concern that we have as far as opening up trade around the world and relating that to the farm bill.

He is correct in exactly that we anticipated some cooperation with the administration when we passed the Freedom to Farm to open up markets. The reality is just the opposite, however. In the past 80 years, there have been 120 sanctions put on other countries. Sanctions is a nice word for an embargo. The fact of the matter is over half of those embargoes have been put on in this last administration.

So while we have fought to open up markets, to make sales available to our farmers overseas, it has flown in the face of the administration's policy of continuing and expanding the number of sanctions. I will say again, over half of the sanctions in the last 80 years have been put on in the last 7 years, and it is very, very unfortunate.

That is why opening up trade today for Cuba, for North Korea, for Sudan, for Iran, Libya, is so very, very important to change the dynamics of the whole debate here. I think it is imperative that we move forward, that we make sure that we do crack open the door and allow us to sell our products, food and medicine, to these countries who are so much in need.

Mr. BOYD. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Florida.

Mr. BOYD. Mr. Chairman, I just would like to say that I did not invoke a partisan tint to my comments. And I would like to remind the gentleman that it is the administration who has worked very hard on Fast Track, and it is the administration that worked very hard on PNTR and these other trade agreements. I would like to remind the gentleman that those are divisive issues on this floor. Many Republicans and many Democrats both were against them, but it was not the administration that was against them.

Mr. Chairman, I would just like to remind the gentleman of that.

Mr. LATHAM. Mr. Chairman, reclaiming my time, sure, and I very much appreciate the statement of the gentleman from Florida. I agree, as far as trade relations with China. The administration worked very hard, and I think that is very, very positive.

And Congress is not beyond blame, also, in some of the sanctions that were put on. There is no question about that. But the reality is it is more difficult today in many parts of the world to sell our products than it was even 10 years ago. And if we have learned anything in the past decades, it is that using food and medicine as a weapon in foreign policy has never worked. All it does is punish our farmers here. It does not help the people in the countries that we are supposedly punishing. I think the gentleman's point is well taken.

Mr. BOYD. Mr. Chairman, if the gentleman would continue to yield, I would like to remind the gentleman, and the Congress also, that we, the subcommittee and the full committee, addressed those issues in our bill and that language has been stricken when it arrived at the Committee on Rules by the majority leadership of this Congress. And so I just wanted to remind the gentleman; I want to be certain he is aware of that.

Mr. LATHAM. Mr. Chairman, again reclaiming my time, I certainly am.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Ohio.

MR. BOEHNER. Mr. Chairman, let me congratulate the gentleman from Iowa (Mr. LATHAM), my colleague, who well knows that more than half of what U.S. farmers and ranchers produce every year is exported somewhere around the world. Without more markets for our farmers to participate in around the world, price improvement in the domestic market is not likely to happen.

I appreciate the gentleman's defense of our current farm policy. As we did hearings around the country all spring, members of the Committee on Agriculture from both sides of the aisle, we all heard the same thing from every farmer and rancher in all parts of the country. No one wants to go back to the old farm policy, the old command and control system that we had in this country for some 60 years where the Government decided what we needed and what we did not need. And the fact is farmers like the freedom and the flexibility they have to make decisions about what markets they want to enter and what crops they want to plant on their land.

Mr. Chairman, when we started this program some 4 years ago now, no one had the idea that this was going to be an easy transition away from 60 years of the Government making the determination about what ought to be planted and this transition to a more open and more competitive marketplace. And so I congratulate the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, reclaiming my time just in closing, I think there is a consensus with all of us in trade policy, and it is the debate that we should have. And just in closing, also, I would certainly hope that everyone would support this bill on final passage.

Mr. Chairman, I yield back the balance of my time.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 4461, the Agriculture Appropriations bill for fiscal year 2001.

This Member would like to commend the distinguished gentleman from New Mexico (Mr. SKEEN), the Chairman of the Agriculture Appropriations Subcommittee, and the distinguished gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee for their hard work in bringing this bill to the Floor.

Mr. Chairman, this Member certainly recognizes the severe budget constraints under which the full Appropriations Committee and the Agriculture Appropriations Subcommittee operated. In light of these constraints, this Member is grateful and pleased that this legislation includes funding for several important projects of interest to the State of Nebraska.

First, this Member is pleased that H.R. 4461 provides $500,000 for the Midwest Advanced Food Manufacturing Alliance (MAFMA). The Alliance is an association of twelve leading research universities and corporate partners. Its purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

The MAFMA awards grants for research projects on a peer review basis. These awards must be supported by an industry partner willing to provide matching funds. In the first six years of funding, MAFMA has directed $2,142,317 toward a research competition at the 12 universities. Projects must receive matching funds. Over the first six years, matching funds of $2,666,129 plus in-kind contributions of $625,407 were received for MAFMA funded projects from 105 companies or organizations. These figures convincingly demonstrate how successful the Alliance has been in leveraging support from the food manufacturing and processing industries.

Mr. Chairman, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to increasing world-wide demands for U.S. exports of intermediate and consumer good exports. In order to meet these changing world-wide demands, agricultural research must also adapt to provide more emphasis on adding value to our basic farm commodities. The Midwest Advanced Food Manufacturing Alliance can provide the necessary cooperative link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the United States agricultural industry remains competitive in a increasingly competitive global economy.

This Member is also pleased that this bill includes $200,00 to fund the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln. This project is in its fourth year and has assisted numerous states and cities in developing drought plans and developing drought response teams. Given the nearly unprecedented levels of drought in several parts of our country, this effort is obviously important.

On March 13, 2000, the Federal Government issued its first-ever spring drought forecast. It anticipates drought across the southern U.S. and in the central part of the nation. These drought conditions clearly pose a threat to individuals, agriculture and industry throughout the nation. As the drought continues, the NDMC will play an increasingly important role in helping people and institutions develop and implement measures to reduce societal vulnerability to this danger. Most of the NDMC's services are directed to state, Federal, regional and tribal governments that are involved in drought and water supply planning.

Another important project funded by this bill is the Alliance for Food Protection, a joint project between the University of Nebraska and the University of Georgia. The mission of this Alliance is to assist the development and modification of food processing and preservation technologies. This technology will help ensure that Americans continue to receive the safest and highest quality food possible.

This Member is also pleased that the legislation has agreed to fund the following ongoing Cooperative State Research, Education, and Extension Service (CSREES) projects at the University of Nebraska-Lincoln:

Food Processing Center	$42,000
Non-food agricultural products ...	64,000
Sustainable agricultural systems	59,000
Rural Policy Research Institute (RUPRI) (a joint effort with Iowa State University and the University of Missouri)	1,000,000

Also, this Member is pleased that H.R. 4461 includes $100 million for the Section 538, the rural rental multi-family housing loan guarantee program. The program provides a Federal guarantee on loans made to eligible persons by private lenders. Developers will bring ten percent of the cost of the project to the table, and private lenders will make loans for the balance. The lenders will be given a 100% Federal guarantee on the loans they make. Unlike the current Section 515 direct loan Program, where the full costs are borne by the Federal Government, the only costs to the Federal Government under the 538 Guarantee Program will be for administrative costs and potential defaults.

Mr. Chairman, this Member appreciates the Subcommittee's support for the Department of Agriculture's 502 Unsubsidized Loan Guarantee Program. The program has been very effective in rural communities by guaranteeing loans made by approved lenders to eligible income households in small communities of up to 20,000 residents in non-metropolitan areas and in rural areas. The program provides guarantees for 30 year fixed-rate mortgages for the purchase of an existing home or the construction of a new home.

Mr. Chairman, in conclusion, this Member supports H.R. 4461 and urges my colleagues to approve it.

Mr. WATTS of Oklahoma. Mr. Chairman, today the House will consider H.R. 4461, the FY2001 Agriculture Appropriations Act. I would like to thank Chairman SKEEN and the members of the Subcommittee for their leadership in drafting this legislation and I rise in strong support of its passage.

Included in this legislation is funding for the Retired Educators for Agricultural Programs, or REAP. REAP is an organization which was established in 1994 to address the diminishing numbers of African American agricultural education teachers in Oklahoma and the scarcity of African American youth enrolled in vocational agriculture and programs such as the Future Farmers of America. Initially, REAP was operating in five counties in Oklahoma. It has since begun to operate in other areas throughout the State.

The mission of REAP is to build a foundation that promotes personal and economic opportunities in agriculture for African American youth through project development and partnerships with educational and other community resources. One of the primary goals of REAP is to emphasize citizenship, economic development, leadership and scholarship to the African American youth involved in the program.

REAP extends its outreach to the parents and community members by means of programs, forums and opportunities to chaperone student activities. The program encourages this participation in the hope that the adults will become better informed, more involved and more supportive of the reasonable and achievable aspirations of their young people.

REAP exemplifies a model that can be easily replicated. It is a program of vision, partnerships and commitment that is timeless in focus and limited only by the parameters of the imagination. Field trips to areas in my district in Southwest Oklahoma have ignited great interest in expanding the program into this area of our state. Parents and teachers in Lawton, Altus, Frederick and Tipton, assure me that there is a great need for REAP in our area of the State where limited financial resources have precluded service.

Mr. Chairman, REAP is an important program which could be used as a model for similar programs in other states. This program is vital to the further development of rural America. I am honored to have the opportunity to play a role in furthering the efforts of this very important program. I would like to urge my colleagues in the House to join me in support of REAP and the development of programs like it elsewhere by casting their vote in favor of H.R. 4461.

Mr. COLLINS. Mr. Chairman, I am pleased to note that the Committee has recognized the vital role the College of Agricultural and Environmental Sciences in Griffin, Georgia plays in improving and sustaining the Southeast's food supply. I would like to specifically thank Chairman SKEEN for his efforts in assessing the merits of this facility and am gratified he recognizes the importance of providing farmers and scientists with safe and accessible plant genetic resources.

The Griffin campus is the headquarters of the Plant Genetic Resources Conservation Unit (PGRCU). As one of four working collections in the National Plant Germplasm System, the PGRCU conducts research critical to the national effort to develop plant varieties resistant to insects, diseases, and other pests. The work done at Griffin is especially important when one considers that many of the edible plants we take for granted in this nation have countries of origin outside the United States. The PGRCU stores and reproduces the genetic materials of these plants, in the form of seeds and vegetative tissue, for use in domestic food production and scientific research.

The PGRCU was established in 1949 as a cooperative effort of the USDA Agricultural Research Service (ARS) and the Southern State Agricultural Experiment Stations. Significant advances in genetic technology have been made over the last decade, and the PGRCU's collection of genetic resources has expanded. However, since 1989, funding from USDA has remained essentially constant at approximately $1,500,000. An increase in the operational budget is urgently needed to bring the genetic resource collection to an acceptable level of quality, and to provide the expected and necessary germplasm quality to users of the collection. As we continue consideration of Fiscal Year 2001 funding levels, I urge my colleagues to recognize the importance of the Griffin Agriculture Experiment Station to agriculture in the Southeastern United States. I hope we will be able to ensure the full funding request, as it is necessary to continue the Griffin facility's vital work.

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The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and title VIII shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 4461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, namely:

Mr. BOYD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the 5 minutes. But I want to continue the discussion between the gentleman from Iowa (Mr. LATHAM) and the gentleman from Ohio (Mr. BOEHNER). It is a very important discussion.

I would just like to say that I think there is agreement in the agricultural community all across this Nation that our rural markets are very critical to us to agriculture being successful.

But where there is not agreement, and I would dispute what the gentleman from Ohio (Mr. BOEHNER) said, the farm policy that was put in place by this Congress, the 104th Congress in 1996, is not working. It is not working in many parts of the country. It may be working in certain parts of the country. But it is important for the future national security of this country that our agriculture industry stays strong, and it will not stay strong under this current farm policy without huge influxes of cash from the Federal Treasury. That is what we want to avoid.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,836,000: *Provided*, That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: *Provided further*, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to follow on the comments on Freedom to Farm of the gentleman from Florida (Mr. BOYD), my good colleague from the subcommittee, and just set the record straight here. We are now spending more money to prop up rural America in this country than we ever did prior to Freedom to Farm. It is into the multibillions. In the year of 1999, in the regular appropriation and the supplemental, over $7 billion. Then in the year 2000, $8.7 billion. In the Crop Insurance bill that just moved through here like lightening speed a few weeks ago and signed by the administration, $5.5 billion.

Prior to Freedom to Farm being passed, about 8 cents of every dollar that a farmer in this country made came through the government. It is now 43 cents on average.

The tragedy in Freedom to Farm is we are paying people who do not produce. This is an amazing program. This is freedom not to farm. We are spending more than we ever spent in the entire history of our farm programs. We are all for exports, but we are all for people here at home making money off their production.

There are some that are really doing very well under this program, and I just wanted to set the record straight. Because if one adds up the gargantuan amounts of money that we are having to use to prop up this system, something is fundamentally wrong with the architecture of the basic programs.

So those gentlemen that stood up there who have now left the floor, I wished they were down here. But take a look at the accounts. One of the reasons we are so stretched in this bill is simply because we are having to, on an emergency basis, prop up a system that is sick from coast to coast complicated further by bad weather and disasters.

So that Freedom to Farm program has to be revisited quickly, and we need a new farm policy in this country that rewards production, not lack of production.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,408,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $11,718,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,581,000.

Mr. KIND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise out of serious concern about what is taking place throughout rural America, especially the adverse impact that low commodity prices are having on family farmers today, not just in my district, but this is true from East Coast to West Coast and virtually every region throughout the country.

The bill that the House is considering today is woefully inadequate for those family farmers throughout rural America. As we all know, the current situation in the countryside today is dire, but the price of nearly every commodity across the board is at or near record lows.

In my western Wisconsin district, dairy farm families are experiencing some of the lowest prices in more than two decades. Wisconsin dairy farmers currently receive less than $10 per hundred weight for milk that sells for over $35 or more at the grocery store. With such market inequities, roughly five to six dairy families are going out of business in the State of Wisconsin alone. That is intolerable. That is inexcusable. We need to do better.

Unfortunately, on this issue, Congress has been asleep at the wheel. In short, the 1996 farm bill is failing our family farmers, while in fact, as the ranking member just pointed out, we are spending more money today than we ever did prior to the farm bill being passed back in 1996, and sending money to nonproducing land owners.

We are providing only lip service and no relief to those actually working and toiling on the farms and what they require. One month ago, this body literally tripped over itself to push out the door a $15 billion crop insurance bill which contained $8 billion in emergency farm relief funding. As is too often the case, that bill primarily assists larger agribusiness at the expense of mid-size dairy, beef, and hog producers.

This Congress needs to take swift action to stop the hemorrhaging that is occurring in rural America. Despite the best intentions of the chairman and the ranking member, this bill falls woefully short. While this package takes care of many other farm commodities such as sugar and mohair and cotton, it fails to acknowledge the problems plaguing America's dairy farm families.

Because this Congress remains stuck in neutral, I decided to take some proactive steps to address the major issues affecting America's dairy farm families. Later this week, I plan to introduce legislation that mandates accurate price reporting for all manufactured dairy products throughout the country.

I am also working with dairy groups across the nation to develop a comprehensive dairy package which provides a price safety net when the market falls apart on our farmers. The need for these proactive steps is long past due, and I am hopeful that the House and my colleagues will look upon these measures favorably and support them when they are introduced.

Mr. Chairman, the time for action is now. We cannot lose any more farmers because of shortsighted, narrowly conceived farm policy supported by some here in this Chamber. I am disappointed that this bill does not do more to assist the hard-working men and women who labor daily to produce our Nation's milk, cheese, butter and yogurt.

The farmers back home are not looking for any special privileges or any special advantages compared to other farmers throughout the country. What they are asking for is the recognition that we, as a nation, cannot afford to lose family farmers and see further consolidation of the agriculture industry that is taking place with a greater emphasis on larger and larger agribusiness operations who are starting to dominate more and more of our food supply throughout the country.

This is a very serious and I believe a very dangerous trend in the long run because we may find ourselves waking up some morning in this country, realizing that our entire food supply needs as a nation is dependent upon a few very large corporate elites producing our entire food needs. Then we are quickly talking about a national security crisis at that point.

Hopefully, this body will recognize the true crisis that exists right now and have the courage to take action, which is long overdue, of opening up a farm bill that obviously is not working for producers from Coast to Coast and finally do right by our family farmers, who are struggling day in and day out, many holding on by their fingernails just to stay in business. We cannot afford to see the greater and greater consolidation taking place throughout the country and us becoming more and more dependent on fewer and fewer hands for our food supply.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $10,051,000.

Mr. SHOWS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today we are debating voting on one of the most important bills of the year, Agriculture Appropriations.

America's farmers have entered the 21st century as they did the 20th century, as the most productive, efficient, and successful farm community in the history of the planet.

With this record of success, how can so many farmers be struggling? This question must be addressed because when the American farmer is in crisis, so is America. We must seek the proper direction to sustain our farm system and set a positive pace for years to come.

While facing some of the lowest prices for their work, the farm community is facing a sustained and severe drought. Drought conditions have caused speculation of 100 percent crop losses in corn and grazing crops in Pike County in my district.

People in the business of digging wells are busier than ever, and many farmers in the fourth district simply do not know if they can continue.

The USDA Disaster Assistance Program, NAP, continues to operate as though the Pony Express is bringing them news from the farm. While satellite imaging and knowledge of global weather patterns are available, the USDA seems tied to old methods of policy that make the delivery system of disaster payments too little too late.

We must address these problems. In the meantime, we must pass this bill today. Thanks to the work of Senator COCHRAN in the Senate, we have an opportunity to provide added assistance to the Livestock Assistance Program. We must act and we must create a mechanism that provides this assistance in lightning fashion.

Mr. Chairman, back in 1977, I was one of the farmers who came to Washington during the American agriculture movement to protest what was happening to our family farmers. I have not seen a lot changed since 1977 because there are a lot of farmers going out of business today just like they did in the late 1970s.

If we do not do something about the small farmer and family farms while we have a budget surplus to do something about it, I do not know when we are ever going to answer this question.

But our farmers provide the food we eat and clothes we wear. They provide the foundation of our communities all across America. Economically, our farmers are crucial. The total market value of our farmers production in my congressional district is over a half a billion dollars. That is a lot of economy and a lot of jobs in my area, and we certainly do not need to lose them. We certainly do not need to lose our family farms.

Mr. SHERMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to address the House on two amendments that will come up in this bill, both dealing with the importation of agricultural and fishery products from the Islamic Republic of Iran.

The first will be offered by the gentleman from New York (Mr. WEINER) and myself, and it simply cuts $15,000 from APHIS. That is a small and symbolic amount. It is the minimum amount that we believe would be necessary in order to inspect goods coming from Iran and make sure that they were eligible for importation into the United States. Those goods would include caviar, dried fruit, and nuts.

So I hope that the House, without undue time delay, could simply adopt that amendment. I realize, though, that that amendment by itself does not control how the Department of Agriculture spends its money, it simply reduces by $15,000 the amount of money the Department would have.

So a second amendment will be offered by myself and perhaps others at the end of the bill, and that amendment would say that no money provided by the Agriculture Appropriations bill can be used to allow for the importation, basically the inspection of these agricultural products coming from Iran.

So one amendment saves us an extremely small amount of money, and the other amendment eliminates the need and prohibits the expenditure of that money.

We would hope that both these amendments could pass by a voice vote, because we were here late last night, late the night before, and I know how unpopular I am likely to be in asking 400 some of our colleagues to walk across the street to vote, not on one, but on two amendments.

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What I would also hope is that the government in Iran would give us just verdicts. Now, there cannot be justice for the 13 Jews who have been subjected to show trials over the last several months. They were arrested in March of 1999. Most of them have been in prison since then, all on the ridiculous charge of spying for the United States. In Iran, no Jew is allowed near anything of military significance, so to think that the CIA would turn to this small minority to hire our spies would be to allege a level of negligence to the CIA that not even the Chinese ambassador to Yugoslavia has asserted.

Ronald Reagan instituted a ban on the importation of agricultural products from Iran. This amendment, or pair of amendments, would restore that ban. We could then, in the months to come, evaluate the behavior of the Iranian government. And if, later on, the conference committee decided that these provisions were unnecessary, if there was justice for the 13 Jews being tried in southern Iran, we could modify our behavior as the Iranian government modifies its behavior.

For now, all we see in southern Iran is injustice and religious persecution. And the correct response of this House at this time is to prohibit the U.S. tax dollars that we control from being used to facilitate the importation of these products to the United States to compete with the products of American agriculture, when, instead, we should send the message to Teheran: no justice, no caviar.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. SHERMAN. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I will be brief. I just want to reiterate one element of my colleague's remarks, and that is that wherever we may stand on whether or not we should be liberalizing our import and export policies with regard to Iran, this is an amendment that simply speaks to the timing.

And the timing is extraordinarily precarious. Although no one knows for sure, there is some speculation that this weekend, the 4th of July weekend, Independence Day weekend, is when the verdicts for the Shiraz 13 are going to be coming down. I am concerned that the statement of this House should be that we are watching, at the very least.

Even if this language is changed in conference, even if we choose to say to the President at a later date to release this money, to broaden our exchange with them because the moderate Iranian government is indeed that, more moderate and more committed to human rights, my concern is that if we do not act in this bill this is our last opportunity to send a message to the Iranian government that we are watching.

Regardless of where we may stand, if we think we should be harder than hard line, or we think we should start to moderate a little in response to their new government, these amendments are simply a chance for us as a body to take a symbolic deep breath and wait and see what happens with those verdicts, and to make it clear that this show trial that has been conducted in private has been and is being watched by the United States Congress.

Mr. SHERMAN. Reclaiming my time, Mr. Chairman, and in closing, I would hope people would accept these amendments and send a message to Iran.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,783,000: *Provided*, That the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas, $25,000,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: *Provided*, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based Agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $613,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, improvement, and repair of Agriculture buildings, $150,343,000, to remain available until expended: *Provided*, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 9601 et seq., $15,700,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $34,708,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

AMENDMENT OFFERED BY MR. METCALF

Mr. METCALF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. METCALF:

Page 6, line 16, insert after the dollar amount "(decreased by $40,000)".

Page 57, line 24, insert after the second dollar amount "(increased by $40,000)".

Mr. METCALF. Mr. Chairman, in March 1999, following an investigation into reports that researchers at Tulane Medical School had developed a test that demonstrated a direct correlation between Gulf War illnesses and antibodies to squalene, the GAO recommended that the DOD immediately replicate the independent research results that revealed the presence of squalene antibodies in the blood of ill Gulf War veterans.

Unfortunately, the DOD, Department of Defense, has chosen to ignore this recommendation. Instead, it has embarked on an attempt to change the format of the test rather than validating the research data.

Because of the urgent need to determine if this test can be used as a diagnostic tool for those suffering from Gulf War illnesses, funding is needed for a review to build on the published science. This amendment will provide the money to validate the Tulane test. A mere $40,000 will be shifted from the administrative budget of the Agriculture Department to the Food and Drug Administration. If this test is validated, it will give hope to thousands of Gulf War veterans who still suffer from their service in the Gulf War.

This amendment will allow FDA to convene a panel of three to four immunologists to visit Tulane Medical School to review the data concerning the anti-squalene antibody assay and familiarize themselves with the test procedures. Subsequent to the visit, the panel will submit blinded samples from 50 Gulf War illnesses patients and 50 gender-matched healthy individuals for analysis of the assay. The results from the blinded test will then be submitted to the panel for unblinding and analysis. If the results are favorable to the FDA panel, then the test will be considered validated. This will fulfill the recommendation made by GAO more than 1 year ago.

The House-passed version of fiscal year 2000 defense appropriations bill included report language instructing the DOD to develop and/or validate the test for the presence of squalene antibodies. On January 31 of this year, 10 Members of this House sent a letter to Secretary of Defense Cohen requesting that he answer one question, and this is the question: "If the Tulane test is a good test, based on solid science, shouldn't we be using it to help sick Gulf War veterans?"

I would like to commend my colleagues, the gentleman from Washington (Mr. DICKS), the gentleman from North Carolina (Mr. JONES), the gentleman from California (Mr. FILNER), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Illinois (Mr. EVANS), the gentleman from Texas (Mr. PAUL), the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from Vermont (Mr. SANDERS), and the gentleman from Indiana (Mr. BURTON) for their concern about this issue and for signing on to that January 31 letter.

I would also like to thank my colleagues, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Washington (Mr. NETHERCUTT) for their consistent support of the Gulf War veterans.

Congress is entrusted to take care of the veterans who sacrifice their lives to protect American freedoms. Thousands of veterans are suffering from Gulf War illnesses. This is one small thing Congress can do to give these veterans hope that one day effective treatments and cures will be found.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The gentleman's intention is to take $40,000 from the Department of Agriculture and add it to the Food and Drug Administration so that FDA can validate a test, and this test does not fall within FDA's mission area. Let me quickly review the agency's mission regarding biological products, such as the test the gentleman has mentioned.

FDA reviews applications from a sponsor both at the investigation and clinical stages. FDA scientists evaluate laboratory tests and patient data. Inspectors visit manufacturing facilities and analyze data on medical errors. FDA's scientists would not themselves validate a test for a product under review but would analyze the validation data presented by the drug's sponsor.

The sponsor of the drug or biological product must initiate the review process by submitting an application with the agency. There is no fee for investigating new drug applications, the first phase of the process. For those products covered by the Prescription Drug User Fee Act, there is a fee for the new drug application review. However, waivers of the fee are available in case of need. And I would hope that the sponsor of this test, which I understand is Tulane University, would develop an application and submit it to FDA so that the test could be evaluated and approved.

I hope this information is helpful to the gentleman, and I repeat that I oppose the amendment since the request is outside the mission area of the Food and Drug Administration. I urge my colleagues to vote "no" on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. METCALF).

The amendment was rejected.

AMENDMENT NO. 18 OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. NEY:

H.R. 4461

OFFERED BY: MR. NEY

Page 6, line 16, insert "(reduced by $34,000)" after "$34,708,000".

Page 8, line 3, insert "(reduced by $33,000)" after "$8,138,000".

Page 8, line 14, insert "(reduced by $33,000)" after "$65,097,000".

Page 10, line 23, insert "(increased by $100,000)" after "$850,384,000".

Mr. NEY. Mr. Chairman, I rise to offer an amendment to this bill. However, first I would like to congratulate the chairman of the subcommittee, the gentleman from Arizona (Mr. SKEEN) and the ranking member, the gentlewoman from Ohio (Ms. KAPTUR), for their hard work and a job well done on this piece of legislation.

Mr. Chairman, my amendment holds enormous significance for the researchers who will be affected by it and for the Nation as a whole, so I want to make it clear this is not just something specific to the 18th district that I represent, but the fact that this is something that is very specific to the entire country.

The North Appalachian Experimental Watershed, known as NAEW, located in Coshocton, Ohio, is a nationally significant research facility whose mission is to conduct research on hydrology, surface runoff, groundwater quality and erosion in an agricultural context. It was established in 1935, and the research center has provided over 60 years of historic long-term data on small watersheds which has helped to develop a knowledge of basic water sediment and chemical movement. I personally have been to the facility, and I can tell my colleagues that people come from all over the world, not just all over the United States, to look at the facility and the data.

This 60-year database of measurements has been collected from rain gauges, watershed flumes, and monolith lysimeters. Lysimeters, one of the facility's most unique features, measures surface runoff and percolating water, and provides the data necessary to understand the intricacies of land and water management as applied to agriculture.

Soon after the facility went into full operation, it garnered the attention of scientists from all over the world who came to view this "first-of-its-kind" large-scale watershed hydrology research program in soil and water conservation. Today, the NAEW maintains a total of 11 large monolithic lysimeters and is one of the few lysimeter sites in the U.S. that is located in rain-fed agriculture.

Having collected data from lysimeters since the 1930s, the NAEW has the longest water balance record of any U.S. weighing lysimeter site, the longest in the history of our country. The data collected from the lysimeters allow researchers to track nutrient movement.

Mr. Chairman, I am aware much of this information I am speaking about may not jump out and grab my colleagues, but let me give some practical ways in which the NAEW provides our country with valuable information on land and water conservation practices and general land uses.

One example is drought-risk assessment. The economic and environmental impacts of drought can be costly, as we all know, with billions of dollars spent during a drought. The National Drought Policy Commission, formed by Congress through the National Drought Policy Act of 1998, released its report and recommendations regarding the preparedness and response of drought. The overall recommendation of the Commission was for Congress to pass a national drought preparedness act.

An element of the Commission's recommendations was research into different aspects of drought. Research is needed on science-based methods of determining the risks and probabilities of drought at a given location and under different climates. Research is also needed on environmental consequences of and preparedness for drought with respect to land management, water quality, and erosion.

The NAEW has an archive of runoff, weather, soil moisture, lysimeter, and water quality data with which this research can be conducted. Some records, as I previously mentioned, are as old as 60-plus years. The existing runoff and weather monitoring infrastructure of the NAEW is invaluable for conducting watershed and weather-related research into these high-priority areas.

Another area of research done at the facility applies to food safety. The importance of assessing the risks in plant and animal food safety and quality with respect to poisonous and carcinogenic substances has been acknowledged. As an example, the fungus producing aflatoxin grows in improperly stored nuts and grains, and thrives in crops such as peanuts during drought conditions, as well as from being under stress from prolonged wet periods.

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Risk assessments must incorporate both climate and physical conditions at a location, and long climate records are not available at most U.S. locations. Therefore, science-based models using existing weather records need to be developed for these kinds of food-safety-climate-variations risk assessments.

The NAEW has a long-term weather database to collect this information and can provide the necessary research to assist in advancing food safety initiatives.

Data and research collected at the site also provide information on other topics such as how pesticide runoff affects groundwater, how runoff for Midwestern farms produces "dead zones" in the Gulf of Mexico, the environmental impacts of grazing systems, flood mitigation studies, and the environmentally friendly land application of animal waste.

Unfortunately, because of a flat-lined budget over the last several years, the facility has suffered severe setbacks in its ability to do research. Over 90 percent of its current funding goes to pay salaries and expenses at the station leaving very little money to fund the research that benefits the entire Nation. Several employees have already been forced to leave their jobs, and further layoffs are expected without this much needed increase.

These employees who have a longstanding relationship with the center will be lost, and along with their loss will be many years of expertise on the subject.

As if the loss of these employees' jobs were not enough, the fact is that valuable research opportunities will also be lost. And that is for the entire country. Portions of the NAEW research efforts will need to be terminated. Simply put, lost employees means lost research.

Although I am aware that there are other facilities around the Nation that are facing the same funding situations, I believe that the unique nature of this facility for the good of our country and the invaluable research it provides warrants the small increase for which I am asking.

I ask my colleagues to join me in supporting this small but important amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SKEEN. Reluctantly, Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the purpose of the amendment of the gentleman is commendable. He is trying to support an Agricultural Research Service laboratory in his district, the Northern Appalachian Experimental Watershed Research Station at Coshocton, Ohio.

I know that this research station does good work. That is not the question. The problem is that there are 103 other research stations within the Agricultural Research Service and they all do good work. If each of these locations had more money, they could do even more good work. This particular lab is funded at $957,000 in the current fiscal year, and this amendment will increase that amount by about 10 percent.

In putting together this bill, we have had to balance the needs of all such locations. I think that we have done a good job.

So I must reluctantly oppose the amendment of the gentleman. I need to ask that his amendment be defeated and that we maintain the balance among all research stations.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. NEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 538, further proceedings on the amendment offered by the gentleman from Ohio (Mr. NEY) will be postponed.

Mr. FARR of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. It is not that the gentleman does not have a good idea. The problem is that the ARS, which is doing a tremendous job, was underfunded in the budget by $44 million under their request.

What the gentleman wants to do in his amendment, which I oppose, is he wants to take money from the Department of Agriculture's administration account, from the Office Communication account, and from the Office of Inspector General. Each of those accounts is way below, $6 million for the Department of Administration account below what they requested; $800,000 below the Office of Communication, what they requested; and $5.1 million below the administration.

So, in robbing Peter to pay Paul, they are just squeezing and squeezing and squeezing. What we really need to do is to have more money in the ARS account. Unfortunately, if the gentleman had not supported the small allocation figure given to the committee, we probably could have funded it. It is a project that I would support on merit if the money was there.

I think that we need to work, perhaps, in conference that we get higher figures on projects like that, but I do not think that his amendment is proper at this time because of the lack of funding.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,000,000, to remain available until expended.

Office of the Assistant Secretary for Congressional Relations

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,568,000: *Provided*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations: *Provided further*, That not less than $2,241,000 shall be transferred to agencies funded by this Act to maintain personnel at the agency level.

Office of Communications

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,138,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $65,097,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed $50,000 for employment under 5 U.S.C. 3109; and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

Office of the General Counsel

For necessary expenses of the Office of the General Counsel, $29,194,000.

Mr. WU. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise as a strong supporter of all the good agriculture work that is going on across America. But I am taking this moment to recognize that we have reached another milestone in American history, a milestone that we should celebrate as a people and a milestone for one person in particular, a former Member of this body.

The President has just announced the nomination of the first Asian-American to ever serve in the United States Cabinet. Former Congressman Norman Mineta has been nominated to be Secretary of Commerce. I think that is an important milestone for Mr. Mineta, as an individual, for this body, and for us as a people.

Mr. Mineta was an honored Member of this body; as well as chair of an important committee; the former Mayor of San Jose; and an executive in a private corporation; and, I might add, a fine mentor to me, someone who is brand new to elected office in this body.

In the words of the tech industry in the San Jose area, Congressman Mineta is fully plug and play. He is ready to go, ready to work, ready to work and lead and serve. I wanted to take a moment of this body's time to recognize this honor which has come to one of our own and another milestone in American history.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of the Under Secretary for Research, Education and Economics

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $540,000.

Economic Research Service

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C.

1621–1627) and other laws, $66,419,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

National Agricultural Statistics Service

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627, Public Law 105–113, and other laws, $100,851,000, of which up to $15,000,000 shall be available until expended for the Census of Agriculture: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

Agricultural Research Service

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $850,384,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations on purchase of land shall not apply to the purchase of land at Corvallis, Oregon; Parlier, California; and Florence, South Carolina: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

AMENDMENT NO. 57 OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 57 offered by Mrs. CLAYTON:

H.R. 4461

OFFERED BY: MS. JACKSON-LEE OF TEXAS

Page 10, line 23, insert after the aggregate dollar amount the following: "(reduced by $6,800,000)".

Page 13, line 17, insert after the dollar amount the following: "(increased by $4,000,000)".

Page 13, line 23, insert after the dollar amount the following: "(increased by $4,000,000)".

Page 15, line 22, insert after the dollar amount the following: "(increased by $2,800,000)".

Page 17, line 5, insert after the dollar amount the following: "(increased by $2,800,000)".

Mrs. CLAYTON. Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Mississippi (Mr. THOMPSON), and myself.

Several weeks ago, members of the Congressional Black Caucus and I introduced the USDA Accountability and Equity Act of 2000, which focuses on eliminating discrimination towards black farmers, black employees of USDA, and the 1890 Land Grant Institutions.

Our 1890 Land Grant Institutions continue to face discrimination. These institutions have been a prominent feature of the American higher education for more than 130 years. They continue to accomplish much with, at best, a modest level of financial support, while producing quality teachers, scientists, community leaders, businessmen, and women.

Statistics prove that although these institutions play a vital role in strengthening competitive agricultural systems, conducting research, and providing training opportunities and technical assistance in environmental science, the funding authorized under USDA Food and Agriculture Act of 1977 for research and extension continues to erode for these institutions, the very funding these institutions and universities depend on for their food and agriculture research programs.

The proposed appropriation of $30.6 million for research and the $26.8 million is the same amount appropriated to these institutions last year and the previous year. This amount continues to put these institutions in a position where their programs suffer, making it difficult for them to maintain an optimal level of program activity in advancing their land-grant mission.

Our amendment would bring the 1890 institutions closer to the level of funding they so desperately need and deserve to continue to provide quality education to millions of students and the intensive research nationally and internationally that has served so many over the years.

This amendment provides us with the opportunity to take one more step towards eliminating discrimination by leveling the financial playing field.

I urge, Mr. Chairman, a vote in favor of this amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise today in support of the Jackson-Lee, Thompson, Clayton amendment to H.R. 4461, Agriculture Appropriations for FY 2001. Mr. Chairman, my congressional district is the home of Alcorn State University, the oldest Historically Black Land-Grant College in the country. For years Alcorn, along with other 1890 Historically Black Land Grant Colleges and Universities, have faced an uphill battle in acquiring adequate funding to provide research, technical assistance in environmental sciences, improve the production and preservation of safe food supplies, and train new generations of scientists in mathematics, engineering, food and agricultural sciences.

Although these schools have traditionally functioned with the status quo, over the past few years they have received less of the minimum amount of the federal and state funds they usually receive. Many of the 1890 HBCU's across the country are equipped with the experience to carry out the necessary research that is granted to larger 1862 Colleges and Universities, if given the financial support by the federal government.

The Jackson-Lee, Clayton and Thompson amendment will address this loss in federal support for 1890 universities. Specifically, this amendment will increase by $6.8 million the formula funds (i.e., Evans Allen Research & Extension Activities for the 1890 Land Grant Institutions) for the 1890 land grant institutions. The amendment will increase research activities by four million and extension activities by $2.8 million for the 1890's land grant institutions. This $6.8 million increase will be deducted from the Agricultural Research Service (ARS) funding included in the bill. The bill currently includes $889.7 million for ARS related activities.

Mr. Chairman, lets work together to provide a lift for our 1890 Historically Black Land Grant Colleges and Universities.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to urge the house to adopt the Jackson-Lee, Clayton, Thompson amendment to H.R. 4461, Appropriations for the Department of Agriculture for FY 2001. This amendment will ensure the economic viability of 105 1890 Historically Black Land Grant Colleges and Universities.

These 1890 HBCUs are a part of a land grant system of 105 state-assisted universities that link new science and technological developments directly to the needs and interests of the United States and the world. In addition, to strengthening agriculture, the 1890 HBCUs conduct research, provide technical assistance in environmental sciences, improve the production and preservation of safe food supplies, train new generations of scientists in mathematics, engineering, food and agriculture sciences and promote access to new sources of information to improve conservation of natural resources.

Although these institutions have been able to operate from minimum federal and state funds in the past, over the last couple of decades these institutions have received less than adequate support to continue their historical mission of strengthening agriculture. I think this is a clear travesty and congress must do everything their power to address this oversight now.

These institutions have consistently requested additional federal support for several decades and they have been traditionally disapportionately funded. For instance, in my state of Texas, Prairie View A&M University (1890) receives about $2.3 million in federal land grant funds, while Texas A&M (1862) receives an astonishing $100 million annually. I make this point not to discredit Texas A&M, but to illustrate the clear disparity in funding for these Institutions. Furthermore, while Congress continues to increase appropriations for many agriculture programs in general, they have consistently failed to provide even marginal increases to these vital institutions.

The Jackson-Lee, Clayton and Thompson amendment will address this loss in federal support for 1890 universities. Significantly, this amendment will increase by only $6.8 million the most critical funds for these universities. This slight increase will be historic, given the fact that these institutions did not receive any land grant funding prior to 1967 and have been level funded for the last several years. This amendment will be offset by deducting this $6.8 million from the Agricultural Research Service. Currently, the bill includes $889.7 million for ARS related activities.

Again, I urge you to support the Jackson-Lee, Clayton, Thompson amendment to H.R. 4461, and assist these institutions in their historic mission of strengthening agriculture in our Nation.

Mrs. CLAYTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Mrs. CLAYTON).

The amendment was agreed to.

Mr. BOSWELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wonder if the gentleman from New Mexico (Chairman SKEEN) might join me in a brief colloquy.

Mr. SKEEN. Mr. Chairman, I will be happy to.

Mr. BOSWELL. Mr. Chairman, I would like to bring to the attention of the chairman a very significant emergency taking place right now in my home State of Iowa, and perhaps most prevalently in my district. I know our chairman is most certainly aware of it, as he also is a colleague from Iowa. But right now hundreds of farmers are suffering from a severe drought.

According to the National Weather Service, it has been 45 years since the Midwest has been in such a serious drought at this point in the year. According to weather service data, this past April was the fifth driest in Iowa in more than a century of record keeping.

Iowa, like most agriculture States, depends on abundant rainfall levels in April to help grow a bountiful crop during the summer. However, during this past April, rainfall was significantly below normal. This sustained lack of rainfall is devastating to farmers. The subsoil moisture levels are nonexistent or very low.

As a fellow farmer, my colleague might understand. I recently dug a post hole trying to repair a fence in a lot and it was powdery dry as far down as we went, and we went down about four feet.

Iowa's State climatologist has stated the 8-month period between September 1 and May 1 was the second driest on record in Iowa.

Although the National Weather Service says there is a slight chance of relief, soaring summer temperatures will increase evaporation and will bring a quick return to dry conditions.

I would like to call to the chairman's attention a provision drafted by Senator HARKIN and Senator BYRD in the Senate version of the Agriculture Appropriations bill. This provision will provide $50 million for rural water needs to help farmers and those who live in the surrounding town to make it through this extremely dry time.

I would have liked to have offered a similar amendment on today's Agriculture Appropriation bill, but because this would be considered emergency spending, I understand it will not be allowed. So I would like to express my support for the Harkin-Byrd provision in the Senate appropriations bill and hope that we could work together to get relief for farmers who are struggling through this incredibly tough time.

□ 1230

Mr. SKEEN. Mr. Chairman, I understand the gentleman's concerns and assure him that this measure will be adequately considered when we enter conference committee with the Senate and having been subjected to the kind of drought that is being talked about, where we have 12-year-old kids that have never seen a rain in New Mexico. So we have a real problem.

I do not know how else that we can do it, but we are going to take in and go after it.

Mr. BOSWELL. Mr. Chairman, I do know that the gentleman from New Mexico (Mr. SKEEN) understands this, and I appreciate his concern. I look forward to working with him in any way that we can to bring relief to the farmers throughout the Nation, in my area, as well as his, that are suffering from drought.

I thank the gentleman from New Mexico (Mr. SKEEN) again for his kind consideration and his hard work on this bill.

The CHAIRMAN. Are there additional amendments to this section?

The Clerk will read.

The Clerk read as follows:

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In the current fiscal year, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account and shall remain available until expended for authorized purposes.

AMENDMENT NO. 22 OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. TIERNEY:

Page 12, after line 24, insert the following:

Of the funds made available by this Act for the Agricultural Research Service, $500,000 shall be available for the report required under this paragraph. Not later than September 30, 2001, the Secretary, acting through the National Academy of Sciences, shall complete and transmit to Congress a report that includes recommendations for the following:

(1) The type of data and tests that are needed to sufficiently assess and evaluate human health risks from the consumption of genetically engineered foods.

(2) The type of Federal monitoring system that should be created to assess any future human health consequences from long-term consumption of genetically engineered foods.

(3) A Federal regulatory structure to approve genetically engineered foods that are safe for human consumption.

Mr. SKEEN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) reserves a point of order.

Mr. TIERNEY. Mr. Chairman, this amendment seeks a National Academy of Sciences study to examine three things: if the tests being performed on genetically engineered foods to ensure their safety is adequate and relevant; what type of monitoring system is needed to assess future health consequences from genetically engineered foods; and what type of regulatory structure should be in place to approve GE foods for human consumption.

The reason for this amendment is simple. The growing public awareness of genetically engineered food has led to questions about their long-term health and safety. We have seen in Europe an example of what happens when the public loses confidence in the safety of food products. In Great Britain there has been a massive backlash which has effectively eliminated the use of GE ingredients in foods sold in grocery stores and restaurants there.

There are significant differences, of course, between the situations in the United States and Great Britain. Due to past outbreaks of food-borne illnesses, consumers there lack faith in the regulatory abilities of their government when it comes to food safety. In the United States, we have maintained public confidence in our food regulatory system because we have been able to avoid and prevent such disasters from occurring.

However, GE ingredients can be found in many of the foods that we commonly eat, including potato chips, oils, corn, soda and baby food.

The Grocery Manufacturers of America estimate that 70 percent of the grocery store food may have been made with biotechnology crops.

We cannot afford to coast on the past success of our regulatory system. We need to feel confident about the safety of GE products.

The current system of testing GE products for their health and safety is overseen by the Food and Drug Administration. The FDA does not conduct its own testing of GE products. Instead, the FDA provides guidelines and then relies heavily on the companies that produce GE products to test their safety.

Until last month, that was a voluntary compliance where the company shared the results with the Food and Drug Administration. Under new rules proposed in May by the administration, companies will now have to give 120 days notice to the FDA before introducing a new GE product into the market.

Even with these new rules, it remains the responsibility of the companies that create the market for those products to be tested for safety.

To make a compelling argument for the safety of GE foods, we need to be sure that the tests required of new products are adequate and appropriate. To assure the public that these foods are safe to eat, this is the least that we should be doing.

In addition to ensuring that our testing methods are adequate, we need to ensure that our regulatory system is also adequate. The current system is based on the 1986 coordinated framework for the regulation of biotechnology under which the United States Department of Agriculture, the Environmental Protection Agency, and the Food and Drug Administration share oversight of GE products.

The National Academy of Sciences in a recently released report on genetically modified pest-protected plants said simply, a solid regulatory system and scientific base are important for acceptance and safe adoption of agricultural biotechnology, as well as for protecting the environment and the public health.

We need to ensure that the current framework is still the best regulatory system to ensure the safety of GE products.

Mr. Chairman, we are already seeing the effects of a lack of confidence in GE foods in the United States. Gerber and Heinz have announced that they will not be using GE products in their baby foods. McDonald's has even requested that suppliers not use GE potatoes, and Frito-Lay will not be using GE ingredients in its corn chips.

This reasonable amendment seeks nothing more, Mr. Chairman, than a study to ensure that we are properly examining GE products, in terms of testing and in terms of regulatory oversight. We do that in order that we can adequately address the concerns of the public and the concerns of the food producers about these genetically engineered foods.

The CHAIRMAN. Does the gentleman from New Mexico (Mr. SKEEN) continue to reserve a point of order?

Mr. SKEEN. Yes, Mr. Chairman, I reserve a point of order.

Mr. SMITH of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as chairman of the Subcommittee on Basic Research, we have spent the last year and a half examining the safety of the new biotech foods. Safety is extremely important. In our final report, called "Seeds of opportunity" we concluded that not only a great positive benefit to consumers all over the world, but they are safe.

Our regulatory system in the United States is the strictest in the world. Between USDA, the Food and Drug Administration, as well as EPA, the Environmental Protection Agency, we have the kind of regulatory review and testing of these biotech products that has been acclaimed by many in the scientific community as being over adequate.

There are strong suggestions that we are over regulating and therefore stifling the development of products that have so much potential to safely help people.

There are now over 1,000 GMO products, genetically modified products, that have been approved that are on the market. The consequences of stifling this innovation by overregulation, and scare tactics is real and serious.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I just want to make the point that this is not overregulation. This is simply asking the National Academy of Sciences to determine what the best process would be. I do not think there is any doubt that there is a lot of skepticism out there in the American public and that we need confidence in these GE foods if we are really going to have them, have all the advantages that the gentleman speaks to.

Mr. SMITH of Michigan. Reclaiming my time, the National Academy of Sciences has just released a very intensive report where they come to the conclusion, as we did in our report from the Subcommittee on Basic Research, that essentially the food products that are derived by the new genetic modification are as safe, if not safer, than the traditional products and plant products that are derived from cross-pollination and cross-breeding.

There are approximately 25,000 genes in a plant. When two such plants are crossed, what one ends up with is unknown offsprings because they do not know what genes are going to mutate in the process of that cross-breeding and which genes end up in the new plant.

With genetic modification, one can pick out and isolate one or two genes and know their characteristics. The results of that kind of biotech alteration can be predicted and the advantages and the safety are attested by the scientific community.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. What this does is to say that the Academy of Sciences would do a study. This is for a study for three things, whether or not the tests are being performed.

Mr. SMITH of Michigan. Reclaiming my time. Did the gentleman have a chance to see the study that just came out in April?

Mr. TIERNEY. In fact, I quoted from it in my report; and it also talks about the need to make sure that our regulatory system is, in fact, adequate to give confidence to these foods that are coming out and to make sure that the public has confidence. All this does is say that the National Academy of Sciences would help us by reviewing what would lift that level of confidence, what types of studies would be adequate, who should do the studies and how should they be conducted and what type of regulatory system should we have, because whether we like it or not there is a large part of our population out there and a great part of our market who do not have confidence in the current regulatory scheme.

It either needs to be reaffirmed, or it needs to have some proposal out there that will allow everybody, not just the scientists, not just us and everybody else, but to have confidence in the system.

Mr. SMITH of Michigan. Reclaiming my time, the National Academy of Sciences in their report did say that proper oversight is good, but they also said, and I quote;

"In general, the current U.S. coordinated frame work has been operating effectively for over a decade." For your information that is on page 19 of this report.

Biotechnology has been used safely for many years to develop new and useful products used in a variety of industries. More than a thousand products have now been approved for marketing, and many more now being developed. They include human insulin for diabetics, growth factors used in bone marrow transplants, products for treating heart attacks, hundreds of diagnostic test for infectious and other agents, including AIDS and hepatitis, enzymes used in food production, such as those used for cheese, and many others.

And this is just the beginning. In agriculture, new plant varieties created with this technique will offer more foods with better taste, more nutrition, and longer shelf life, and farmers will be able to grow these improved varieties more efficiently, leading to lower costs for consumers and greater environmental protection.

As you are aware, agricultural biotechnology has come under attack recently by well-financed activist groups determined to stop it in its tracks. The controversy resolves around three basic questions: Are agricultural biotechnology and classical breeding methods conceptually the same? Are these products safe to eat? And are they safe for the environment? I have concluded that the answer to all three questions is a resounding "Yes." In fact, modern biotechnology is so precise, and so much more is known about the changes being made, that plants produced using this technology may be even safer than traditionally-bred plants.

Far from causing environment problems, agricultural biotechnology has tremendous potential to reduce the environmental impact of farming. Crops designed to resist pests and to tolerate herbicides and environmental stresses, such as freezing temperatures, drought, and high salinity, will make agriculture more efficient and sustainable.

Biotechnology will be a key element in the fight against worldwide malnutrition. Deficiencies of vitamin A and iron, for example, are very serious health issues in many regions of the developing world. Biotechnology has been used to produce a new strain of rice—Golden Rice—that contains both vitamin A and iron.

The merging of medical and agricultural biotechnology has opened up new ways to develop plant varieties with characteristics to enhance health. Work is underway that could deliver medicines and edible vaccines through common foods that could be used to immunize individuals against a wide variety of enteric and other infectious diseases. These developments will potentially save millions of children in the poorest areas of the world.

I oppose actions that would stifle this technology based on unfounded fears. To deny its benefits to our Nation and to those who need it most, the children of the developing world who are concerned about where their next meal will come from.

The CHAIRMAN. Does the gentleman from New Mexico continue to reserve a point of order?

Mr. SKEEN. Mr. Chairman, I reserve a point of order.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to just stand and to commend the gentleman from Massachusetts (Mr. TIERNEY) for his concern, genuine concern, about genetically modified foods. As a result of his initiatives and his constant prodding of the committee, I want to just put on the record that in the report that accompanies this bill we are calling for the U.S. Department of Agriculture and the Food and Drug Administration to work together to improve the methods of testing and reviewing genetically modified foods, as well as providing more information to consumers.

We think that it is important that these two major agencies work together and though we probably have not done enough to completely satisfy the gentleman, I want to reassure him and the people of the State of Massachusetts that he represents, that there could be no more vigilant leader here on trying to protect the public's safety in food consumption with adequate information. I wanted to publicly state that and to thank the gentleman for coming to us and for leading us forward in our own efforts.

Mr. TIERNEY. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR) for her kind remarks and for her interest, as well as the committee's interest, in this matter, the subcommittee also.

I think the problem I am trying to get at here is that there are a large number of people, and some producers and end users, who are not sure that the method by which we are testing right now, allowing the companies to test and having that then reviewed by the governmental agencies, is enough to give them a level of confidence. I think if NAS did a study to determine that that, in fact, was the best way to proceed, it might lift the level of confidence.

If it decided that it was not the best way to proceed and set up a different type of regulatory structure, decided what was going to be the monitoring system that was used to assess the health ramifications, people would have a higher comfort level on that.

I note that what the report really said about it was that there was a priority that should be given to the development of improved methods for identifying potential allergens and pest-protected plants, specifically the development of tests with human immune systems end points and of more reliable animal models.

So the NAS really does think that there has to be some improvement of the methods. I think this kind of review would be healthy. I think this particular motion does not take it as a friend or an enemy of the system, but says, look, let this group that I think most people will trust come in and determine what we should do on a regulatory matter, either confirm what is going on or where they have raised questions, go after it and set up a structure that people have confidence in.

Mr. SMITH of Michigan. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. My concern is the implication that the review process is not adequate and the implication that somehow there is some kind of danger with genetically modified products. That is totally incorrect. I think you heard the quote from the National Academy of Sciences suggesting that USDA, EPA and FDA have a good coordinated system to review and regulate agricultural products. The potential scare, from un-scientific accusations does a great disservice not only to the scientific community but to the agricultural producers of this country.

Ms. KAPTUR. I thank the gentleman from Michigan (Mr. SMITH) for staying within the 30 seconds and would just say that the Academy of Sciences report issued on June 14 did state that more awareness of the regulatory process is needed, maybe not necessarily of what happens after that. But that is why we have tried to get USDA, as well as the Food and Drug Administration, to come up with a unified approach.

I think the gentleman is pushing us in the proper direction, and I just wanted to state that publicly for the record. I do have a bit of a concern about an across-the-board, an unspecified cut in the agricultural research service because we have so much trouble in that account anyway.

I think that the gentleman is obviously one of the leaders in this Congress on this whole question of giving the public absolute certainty about the food that they are eating and having some light shone on the regulatory process itself, and I think the gentleman has moved us along as a committee and is moving the country along. I wanted to commend the gentleman publicly for that.

□ 1245

POINT OF ORDER

Mr. SKEEN. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY). The amendment violates clause 2(c) of rule XXI of the House, in that it proposes the inclusion of legislative or authorizing language in an appropriations bill.

Specifically, the amendment proposes to use funds made available under the act to require and fund a new study not currently authorized by law.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. TIERNEY. Mr. Chairman, just on that point of order. I recognize and appreciate the point of order that is made and just say this was not about scare tactics, this was just the opposite about that; that is, trying to alleviate the concern that is out there and provide a mechanism by which that could be done so that everybody could have confidence in the process and eventually confidence that we all hope will be something that we can all benefit from.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that the amendment proposes new duties on the Secretary of Agriculture, and, as such, it constitutes legislation in violation of clause 2(c) of rule XXI. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $39,300,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For necessary payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $477,551,000, of which the following amounts shall be available: to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–i), $180,545,000; for grants for cooperative forestry research (16 U.S.C. 582a–a7), $21,932,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), $30,676,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $74,354,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $13,721,000; for competitive research grants (7 U.S.C. 450i(b)), $96,934,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,109,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $750,000; for the 1994 research program (7 U.S.C. 301 note), $1,000,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,000,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $4,350,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $1,000,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $3,500,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(h)), $600,000; for aquaculture grants (7 U.S.C. 3322), $4,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), $9,000,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, $9,500,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382, $1,552,000; and for necessary expenses of Research and Education Activities, $16,028,000, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109.

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HEFLEY:

Page 13, line 17, insert "(reduced by $200,000)" before ", of which".

Page 13, line 24, insert "(reduced by $200,000)" before "; for".

Mr. HEFLEY. Mr. Chairman, this amendment would cut $200,000 for International Asparagus Competitiveness from the special research grants. Before I get bombarded with the asparagus contingent like George Bush did with broccoli, let me say this, I am not saying I do not eat asparagus, and I am not saying asparagus does not have the right to be competitive in a national market. In fact, I like asparagus. Mr. Chairman, I want to stand on that here today.

I am saying the Federal Government should not be paying for specialized pork projects like this. Money would go towards building a harvesting machine for asparagus, it is currently picked by hand, and various other research projects.

The asparagus industry is far from beleaguered. They earned $43 million in the first half of 1999. In 1998, U.S. exports of fresh asparagus totaled 15,601 tons at a value of $46 million. In May 1999, fresh asparagus exports to Japan were up to 422 percent from the previous year.

As the industry is doing very well, why should the Government pay to build them a harvesting machine? While I highlighted this section of the bill, let us look at some of the other wasteful projects which are included in this bill. There is $400,000 for an agriculture-based industrial lubricant research, $5 million for research into citrus canker, $150,000 for blueberry research, $500,000 for peanut allergy reduction, and it goes on and on, Mr. Chairman.

The asparagus issue is simply an indication of what we get in this bill. All industries listed above, including asparagus, make enough money to subsidize their own research and development. Congress should be working to solve farmers' problems with the drought, the industrial farm competition, the estate taxes, but these small pork projects like this really do add up.

Mr. Chairman, total special research grants for this year would be $74,354,000. The gentleman from New Mexico (Mr. SKEEN) and I had a very good friend, still have a very good friend, Dan Schaefer, who was a Congressman from Colorado, and I remember one year when Dan did have legitimate competition in his congressional race, the opponent used his support of this type of asparagus program.

I remember the brochure she used, and she had asparagus sprouts all wrapped in a little ribbon on the front page of this brochure showing this is the kind of thing that Congress does and it needs to be stopped. Of course, she was going to come here and stop that kind of thing that Dan supposedly supported.

This is something that it is a minor thing, it is not a big deal, but illustrative, I think, of some of the things that we do in here. I give a porker of the week award every week for some kind of government foolish spending, and I have to tell my colleagues, the Agriculture Department gets the porker of the week award more than its share. It gets it for things just like this.

Mr. Chairman, I would encourage support of the amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to ask the gentleman from Colorado (Mr. HEFLEY) a question, the proponent of the amendment, and ask in whose congressional district does this project lie?

Mr. HEFLEY. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I have no idea.

Ms. KAPTUR. Reclaiming my time, Mr. Chairman, in which State?

Mr. HEFLEY. Mr. Chairman, I have no idea. That is not a point with this at all.

Ms. KAPTUR. It is our understanding that this is the State of Washington? I do not know if there are any Members that would like to comment, but I just thought for the record we ought to state that.

Mr. HEFLEY. Will the gentlewoman continue to yield?

Ms. KAPTUR. Yes, I continue to yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I think the gentlewoman makes my point for me, which State does this lie? Is there a Member from that State here who wants to defend this project? That should not be the reason we make these decisions. We should make those decisions based on real issues.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, I am stating we do not know whether it is at a research station, whether it is in cooperation with the land grant university. The gentleman from Colorado is offering sort of an unspecified cut. We have many, many worthy research projects that occur across this country that try to save crops, that try to produce better crops.

I just thought it would be important for the offerer of the amendment to place on the record exactly where this is. And USDA conducts many activities; I think it is very important for us to understand the full impact of what the gentleman is proposing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 538, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

The point of no quorum is considered withdrawn.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time and ask for the indulgence of the gentleman from New Mexico (Mr. SKEEN) to enter into a colloquy. I would like to bring a very serious matter to the attention of my colleagues, which is the devastating effect the drought is having on Texas and its residents.

We are well aware of the economic impact it has had on agriculture production. Our colleague, the gentleman from Iowa (Mr. BOSWELL) was speaking in terms of what was happening in his State and other parts of the country. The prolonged drought is now threatening an essential human need, drinking water.

Let me give my colleagues a few examples: Sylvester, McCaulley, West Odessa, Rhineland, Mirando City, and Bruni's water supply comes from wells. Because of the drought, the water tables have dropped and the water quality is poor. In addition, they face the real potential of their wells running dry.

Stamford, Texas has about a 1-year supply of water. The water quality is poor. Solutions have been delayed by bureaucratic indifference. Without assistance to divert water into the lake, any rainfall will be lost.

Throckmorton, Texas, a population of 1,036 whose sole source of water is a lake, has approximately 117 days of water left. They are working with State and Federal agencies for resources to fund a pipeline to a neighboring community about 30 miles away. This is an emergency situation.

Mr. Chairman, within USDA, there are rural utility programs that are designed to address problems such as these. Section 381E(d)(2) of the Consolidated Farm and Rural Development Act describes several programs that can alleviate the dire circumstances that these small rural communities face.

For example, the Emergency Community Rural Water Assistance Program provides grants for communities in these dire situations. Unfortunately, the program has not been funded since fiscal year 1996.

I would like to ask for the help of the gentleman from New Mexico (Mr. SKEEN) and to work with the gentleman and others on this committee as this bill moves through the legislative process to find funding for these programs so these communities can receive the critical assistance that they need.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I would like to assure my colleague that I will work with him to identify the funding sources for these programs and get these communities the help that they need either as this bill moves through the conference or other legislative vehicles arise. It is a very serious problem in that part of the country, and I understand that.

Mr. STENHOLM. Reclaiming my time, I thank the gentleman from New Mexico (Mr. SKEEN) for his help, and I look forward to working with him and the ranking minority Member, the gentlewoman from Ohio (Ms. KAPTUR) on this issue of gravest circumstance.

Mr. Chairman, I would take the remaining part of my time, and again, highlight something that I said a couple of nights ago when the HUD bill was on the floor. The bureaucratic indifference to the problems of these communities is becoming a very, very real problem, so I would hope that all of the committees, the authorizing committees of jurisdiction, would work with us as we attempt to work with the various agencies in order that we might have a little common sense applied to these emergencies and not have projects delayed needlessly as we continue to dot every "I" and cross every "T" on many of the myriad of hindrances that Congress has put in the way of dealing with emergency situations.

I would hope that as we work through this difficult situation in all communities, all over the United States, that we might have the kind of sympathetic, common sense concern to address the problems.

AMENDMENT NO. 49 OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 49 offered by Mr. SANFORD:

Page 13, line 17, insert after the dollar amount the following: "(reduced by $14,406,000)".

Page 13, line 24, insert after the dollar amount the following: "(reduced by $14,406,000)".

Mr. SANFORD. Mr. Chairman, this amendment would simply hold at the fiscal 2000 year level special research grants. The reason I think that this is important is because there has been basically a $14 million increase in overall research grants, which represents a 24 percent increase in this category of spending within this bill, and that is significant, because that is about eight times the rate of growth in inflation. It is about eight times the rate of growth in overall government expenditure.

Mr. Chairman, one of the reasons that this occurred was that there are $15 million in new research grants over the last year. They were not part of the fiscal year 2000 budget. They were not requested by the President. They were not appropriated by the Senate. In short, they were simply pork for Members within the agricultural committee.

I do not blame them one bit for doing this. They were watching out for their district, but if my colleagues look at the last component of cooperative State research education extension grants, they are to be focused on a national mission. This just flat out is not the case as we look down to these grants. What I see is $1.25 million for efficient irrigation in New Mexico and Texas. I see $300,000 fish and shellfish technologies in Virginia. I see $300,000 for nursery, greenhouse and turf specialties in Alabama. I see $200,000 for International Asparagus Competitiveness in Washington that was just recently talked about. In fact, I see a number of increases on all kinds of different things, red snapper research up by 37 percent. Vidalia onions up by 200 percent. Wood utilization, I think this is just plain crazy one, if we look at wood utilization research, it is there to help in speeding the process from timbers' exit from the forest to the mill. Yet there is nothing more efficient than a redneck out in the woods of South Carolina with a chain saw. He is getting bit up by ticks and mosquitoes and red bugs. He is going to find the most efficient way to move the tree from the stump to the mill. He does not need a Federal Government grant to teach him how to do that.

It is with that in mind that the USDA only requested $6.3 million of this type of research, because they, in fact, wanted broader research, research that was national in nature.

□ 1300

In fact, on this very front, if we look, competitive research grants were cut by about $23 million while these noncompetitive grants have been added to. It is for this reason that I think this amendment makes sense, because not to have competitive grants means that Oklahoma, Vermont, South Dakota, Delaware got zero in research grants. In fact, two big farm States, Indiana and Tennessee, got one each.

So I urge this amendment's adoption.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Special research grants do not represent "pork barrel spending." Special research grants have strong constituent support and provide the Nation with vital research alternatives to critical issues facing the American agricultural endeavor.

Freezing special research grants at last year's level or eliminating new projects, as the gentleman's amendment proposes, will have a devastating consequence on vital research needed for eradicating citrus canker, preventing inventive species, combating exotic pests such as the glassy-winged sharpshooter that carries Pierce's disease, and improving agricultural and environmental technologies.

The following three new projects highlight the significant nature of the special research grants funded in this year's appropriation bill:

Citrus canker currently threatens the $8.5 billion citrus industry in Florida. $5 million is provided for much needed research on citrus canker and invasive species prevention and detection and eradication methods.

Two, exotic pests are introduced into California at a rate of 1 every 60 days. The bill provides $2 million to establish a research center devoted to the study of short- and long-term alternatives in combating exotic pests.

Number three, Pierce's disease, carried by the glassy-winged sharpshooter, currently threatens the $12 billion wine industry in California. $2 million is provided for short- and long-term research on Pierce's disease and the glassy-winged sharpshooter.

Historically, special research projects sponsored by Members of Congress have made significant contributions to American agriculture and have provided an opportunity for special oversight. Each year, the Cooperative State Research, Education and Extension Service is required to report to the appropriations subcommittee on the national, regional, and local needs for the projects and the goals and the accomplishments to date. This year's detailed description for special research grants begins on page 513 of part 4 of the subcommittee's hearing record and concludes on page 775. Research conducted through the competitive grant process does not receive the same detailed oversight by Congress because the USDA does the selection process.

Individual Members have submitted nearly 800 requests in support of the special research grants funded through this appropriation bill. Although we are not able to fund every request, we did evaluate the benefits of each project before we included it in the appropriation.

The process associated with the appropriation process is long and includes oversight hearings and evaluations of many proposals. The funding presented in the special research grant proposal represents the combination of many months of work by the subcommittee, and the gentleman has not been specifically involved in the process. Furthermore, the gentleman's amendment moves to arbitrarily cut or freeze funding without any consideration to the merit or value of the research needs facing American agriculture. This approach ignores the methodical process the committee used to fund the specific projects, and it brings into question the sentiment of where the gentleman's support actually lies.

Does the gentleman support American agriculture or foreign imports? Because if vital research such as those related to citrus canker and Pierce's disease is not performed, then the American citrus and wine industries and other agricultural industries supported by special research grants are in serious jeopardy.

Mr. Chairman, I urge my colleagues to defeat the gentleman's amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, along with our very able chairman, the gentleman from New Mexico (Mr. SKEEN), I rise in opposition to this amendment in the area of research. One of the great gifts that America has given the world is our agricultural research. There is no more productive Nation agriculturally on Earth than our own. This has not happened by accident. When the country was founded and we tried to master the plains and people moved westward and so forth, even until today, we try to understand the ecosystem and its function; and we know we could never really control it, but we try to live in harmony with it.

I am always someone who is a very strong supporter of research for the Nation, whether it is medical research, whether it is research related to space science, or certainly in the area of living tissue, whether that be plant tissue or, in fact, human tissue research. My record is very clear on that.

The gentleman has picked one set of accounts called Special Research Grants, and for the record, I just wanted to point out that if we look at all research within the U.S. Department of Agriculture and all agriculture programs, there is, indeed, a prejudice toward row crop production, corn, wheat, feed grains, that runs through the general performance of the U.S. Department of Agriculture. There are many, many crops and many issues that are left out of that general prejudice, and these include many of our vegetable crops and they include many of our fruit crops; many items that would be smaller in terms of actual presence in the economy.

Take maple sugar production, for example. This is an area that is covered under special research. The area of molluskan shellfish, granted, it is not something that everyone in America thinks about; but on the other hand, we have all managed to indulge at dinners and so forth in some of the products produced in that research. If we look at peanuts, it sounds like a simple thing to do, produce peanuts. One has to have the right climate, the right fertilizers, the right soils.

What happens with peanut research? We have discovered, that, my goodness, there are allergens associated with peanuts and some people can die from eating peanuts. My district does not produce peanuts. I certainly do not want anyone to die, and yet with the general research, it is important that we as a country understand what is going on there and that food safety and investment in research related to peanuts occurs.

Citrus canker. I do not have oranges and limes in my district in Ohio, although I certainly buy them at the grocery store. My heart goes out to all of the producers in Florida that are losing their shirts because of citrus canker. It is important for the Nation, if we are going to have citrus crops, to find answers to controlling, if we can, the devastation that is going on in those groves.

On behalf of my own State I have to say, with tomato production, it seems that we can all grow a tomato plant, but how do we grow enough tomatoes to feed a Nation to make sure that we can move it from field to shelf.

So I oppose the gentleman's amendment simply because it really throws a dagger at the heart of our special research grants which do not have the kind of support that we get in the major feed grains but, nonetheless, are very important to integrated production in this country. I think the gentleman has a worthy objective, but I really do not think he has chosen the right place to express himself.

Mr. SANFORD. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentlewoman, and I understand completely what she is saying.

I guess my only question about this is those very needs that the gentlewoman is talking about could be addressed through a competitive basis. My problem with the special grants is that they are on a noncompetitive basis so that many States are left out and some of the very needs that the gentlewoman is talking about are not addressed because they are not on a competitive basis.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, if I might say to the gentleman, he knows the problem with the Small Business Administration, why do we even have one? It is simply because so many people fall between the cracks because we as a country are more able to deal with large institutions. It is no different than smaller producers, for example. Most farmers who might raise something like asparagus or tomatoes, they do not know how to apply for competitive research grants. Oftentimes this is done in conjunction with our land grant universities who do work with many of our smaller producers; raspberry producers, for example, who have to worry with viruses on their crops. We have a lot of internal review that is done by the academic institutions working with these crops and with the individuals who grow them. Also, the USDA Cooperative Research Service works and makes sure that we are getting our money's worth.

So I think the gentleman is trying to do something worthy, but I think he has chosen the wrong vehicle to do it, and I oppose the amendment.

Mr. BOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment. I want to remind the Members, Mr. Chairman, that the reason this money is in there is because we, because of our trade policy and the opening of our markets and our ports, we have many very serious invasive pest issues that we are dealing with in this country. I will give a couple of specific examples.

In Florida right now we are under severe attack from citrus canker. The source was a tree that was brought in through the Miami airport. Right now, this Federal Government is going to be spending millions and millions and millions of dollars to try to eradicate this disease. The only way that we can get rid of it is destroy the tree. It is spreading in at a very rapid pace. In the process, it is destroying the citrus industry in Florida and bankrupting many of the folks who have been in the citrus business down there for hundreds and hundreds of years.

There are other examples, as I am sure have been referenced in this debate. Pierce's disease in the grape industry, plum pox in the Northeast, the African hot water tick is another example of an invasive pest which has been found in this country which has the capability of destroying totally the livestock industry, including the wild deer population.

I need to remind the gentleman that we did not become the world's greatest economy, including agriculture and other industries, by sitting on our hands when it comes to research; and this basic research to solve these problems has to be done by the Government. One of the things that we have done in the last 5 years that has not served us very well is to cut back in many of these areas within the Department of Agriculture and its funding.

So I would very strongly oppose the amendment.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. BOYD. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I commend the gentleman for the way he has been a consistent advocate for farmers in general and farmers specifically within his district.

However, my concern here is that people have mentioned a lot of strange diseases, canker sores on the sides of citrus trees and whatnot; but again, based on the research grants themselves, if we actually break them out, what they are correlated to is not the diseases on the citrus trees, but they are correlated to who sits on the Committee on Agriculture.

So while these are interesting points, that is not where the research grants are going, and that is why I think they ought to be made on a competitive versus not-competitive basis.

Mr. BOYD. Mr. Chairman, reclaiming my time, I thank the gentleman, and I would remind the gentleman and others who have the same interest that this is one Member who sits on that committee and would be glad to work with anybody from any part of the country if they have a specific problem. We intend to earmark a lot of this money, and rightfully so; and we have taken into consideration those folks, like the gentleman, who have specific problems.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. BOYD. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, on that point, I fully recognize the fact that while this particular Member may well do that with farmers from anywhere across the Nation, as a whole, at the end of the day, what comes out of this process is not that happening. In fact, again, we see a direct correlation between simply sitting on that committee and the research grants.

Mr. BOYD. Mr. Chairman, reclaiming my time, I would like to say that unfortunately, Mr. Chairman, I do not control the whole process. I would be glad to work with the gentleman to solve his specific problem.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. BOYD. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I would just like to say, as ranking member of this committee, our responsibility is to serve the country; and we have Members that come to us, for example, from New York City and from Chicago who are not on the Committee on Agriculture who are suffering under the Asian long-horn beetle infestation where all of those hardwoods are having to be cut down. We serve the country. We try to provide answers through this section of research in special grants and special research efforts all across this country. We do not just serve people on the agriculture committees. Our job is to serve the membership and, through them, serve the Nation.

So I would object a little bit to the way the gentleman characterized the performance of the committee. We are very proud of the work we do in serving the Nation.

Mr. CALVERT. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong opposition to this amendment.

□ 1315

I come from Southern California. We are being attacked by what is called the glassy-winged sharpshooter, which is capable of totally destroying the wine industry.

I want to make one point, Mr. Chairman: Insects do not wait. They do not wait for a competitive grant, they do not wait for a competitive investigation of whether one insect is more deserving of investigation or research than another. We do not have time. When an insect first hits the ground, it starts reproducing at a rapid rate. They become endemic very quickly.

We have found in California if we do not respond, for instance, to the fire ant that was found recently, or the Formosa termite, which was literally eating its way across San Diego, or the Medfly, and continue to have research on that most destructive insect, I think everyone would agree in the United States, which totally destroyed, by the way, the citrus industry in Florida many years ago, that these research grants need to be responded to immediately. They cannot wait. We do not have the time. We have to give the responsibility to people to make those types of decisions.

I would say that I join my friends on both sides of the aisle in opposition to this amendment. I would hope for the sake of the produce industry, certainly something very important in California, that this amendment is voted down.

We do not get subsidies on our crops in Southern California. We are produce farmers: strawberries, fruits and vegetables. Our farmers really have to succeed on the price of their produce. The only thing that we have to get us in some kind of a competitive advantage is good research. I want to stand for research and in opposition to this amendment.

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. CALVERT. I yield to the gentleman from Washington.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding.

I just think the gentleman makes some good points. I have great respect for my friend, the gentleman from South Carolina. But coming from a farm State and being part of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations, we do look carefully at the problems that come up in different parts of the country and try to address the needs where they can best be addressed, at the universities or land grant universities who have an ongoing research program.

It is popular to say, "This has a funny name, jointed goat grass research," for example, "Let us try to strike it;" or asparagus research, like my friend from Colorado had an amendment which I opposed.

But it really, I think, diminishes a bit the work of the members of the subcommittee on the Committee on Appropriations who look at all of these challenges in agriculture research and try to use their best judgment to make sure that problems are addressed for farmers, so we can sell crops and grow them, and grow them healthfully.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. CALVERT. I yield to the gentleman from South Carolina.

Mr. SANFORD. I would just make the point that the gentleman raises some areas of acute need. I would recognize those acute needs. The problem is, the money is not being spent here. I see $5.5 million on wood utilization research; $3 million on vidalia onions, we do not have a crisis there; red snapper research, I do not see a crisis there.

Mr. CALVERT. Reclaiming my time, Mr. Chairman, I do not know the instances in these various products, but I have confidence that the appropriators have looked into this.

I have confidence that the USDA does not have time to look sometimes into the minutiae of what the gentleman is trying to do. They must respond immediately, not only with research but with dollars to back up that research, or we are going to have an epidemic on our hands with various produce and products in this country.

I would like to say one thing, produce is extremely important to this country. Fresh vegetables are important to this country, not just to the farmers but to the people who consume them. We need to have the research and the response as quickly as possible in this country to make sure that we continue to have the best produce at the best possible price for the consumers in this country.

In that sense, I would absolutely oppose the gentleman's amendment, and would urge all our Members to vote against it.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are a lot of problems with this bill, but I want to take just a moment to question the presumption that somehow the public interest is served if the Congress never exercises its own judgment about where a dime of taxpayers' money ought to go.

There are a lot of occasions on which I oppose individual requests of Members to add items to appropriation bills. Many times I oppose them because essentially those requests have been marred by lobby groups in this town. I think Members ought to be able to represent their own districts without having to be plagued by a middleman who is simply trying to make money off the deal.

But the gentleman from Washington said something which I wanted to emphasize when he talked about the tendency of some people in this institution to sometimes go after projects just because they "sound funny."

I remember about 15 years ago when a research project at the National Science Foundation was ridiculed on this House floor, on the Senate floor, and in most of the newspapers across the country because it was a research project involving Polish pigs. Everybody had a big laugh about the research that was being done on Polish pigs.

The fact is that out of that research came one of the new, modern drugs for control of blood pressure.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding. I just want to make a point of clarification. The gentleman suggested that I thought Congress should never be involved in this decision-making.

Mr. OBEY. I did not mention the gentleman.

Mr. SANFORD. Not me, but I am just saying generally. What is interesting is, I leave in place $60 million for special research grants. All this amendment goes after is the increase of $14 million, so Congress would very much be involved in the process of making special research grants.

Mr. OBEY. I would simply say this, we have an economy that is second to none in the world. We have an agricultural community which is second to none in the world. We did not get that way by putting green eyeshades ahead of our own judgment.

Sometimes the Congress has the temerity to think that there ought to be an increase in a program because there is some other value that is served by investing that money.

I would simply say that it is very easy for one Member who has not sat through hearings, who has not gone over the individual Member requests, who has not weighed the requests of one Member versus another, given the very tight squeeze on money that we have around here, it is very easy for a Member to come to the floor and just say, knock off the increase in this program, or knock off that category of grants.

The reason Congress has survived as the strongest legislative body in the world is because Congress specializes, and Members are expected to learn their trade. They are expected to learn about the subject matter under the jurisdiction of their committee.

If we cannot have some expectation that that committee is to be trusted to use good judgment, then we become a zoo where the amendments are adopted on the basis of what some staffer in some Member's office thinks is a clever tack. I do not think that serves the interests of the taxpaying public.

Mr. SANFORD. If the gentleman will continue to yield, Mr. Chairman, I want to be clear, this is not about a green eyeshades analysis or nonspecialization. In other words, when I look at the wood utilization grants, I will bet I am the only Member of Congress who raises pine trees. I have been out there in the woods with a McCullough chain saw cutting timber, watching loggers do the same.

It is based on that experience that says to me that the wood utilization program is a waste of money.

Mr. OBEY. That is fine, but this is an institution that makes collective judgments. With all due respect to the gentleman, I think the committee spent more time examining this problem than the gentleman has.

Mr. SANFORD. The question is how much time Members have spent in the woods.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

I just wanted to express opposition to this amendment. As someone who is not on the subcommittee and someone who has not necessarily been advocating, although I certainly advocate for special projects research, but I have seen the value of these projects, whether I have advocated for them or not, in not only responding to special projects that someone else, not understanding it, may see it as something completely beyond what is practical and reasonable.

Part of the ingenuity of research is to begin to not only speak to crises but speak to opportunities for research, opportunities for greater production, opportunities for enhancing the quality of food and the products that we grow. Having this and the judgment to respond both to crisis and opportunity is a unique value that we should not lose in the austere position of balancing the budget.

If we are going to err, we ought to err on the side of looking at research in the sense that research really is a searching for the unknown, searching for the possibilities. I want to suggest that if we are to be practical, we also ought to have a future. Research is about the future. Sometimes we do not know all the practical crises of those situations.

I urge that we vote against this amendment.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hesitate to get in this debate, but one of the things I heard that really bothered me is an assumption that the American people should not take as fact. There is no shortage of money. Discretionary spending from this Congress last year rose almost 9 percent, three times the rate of inflation in this country.

So dare we not make the case that money is tight. Our pocketbooks that we are spending of taxpayers' money is growing three times the rate most of them are seeing increases in their own budget.

The second contention that I would make is that it is okay to fund research that is not necessarily legitimate, because sometimes something positive comes out of it. I am reminded of the research that was appropriated when the gentleman from Wisconsin (Mr. OBEY) was chairman of the committee that studied the flatulence of cows. There has been nothing positive that has come out of that approach.

It is ironic that we would be so resistent to a lessening of programs that are not necessarily cogent and reasonable that are necessarily related to regional politics and reelection.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, since the gentleman from South Carolina (Mr. SANFORD) is indiscriminately attacking important programs in this bill without much discussion about the impact of the proposed cuts, I want to take a minute to talk about the program that he is attacking with this amendment.

The Cornell University program on breast cancer and environmental risk factors was launched in 1995 in response to the abnormally high incidence of breast cancer in New York. The program investigates the link between risk factors in the environment, like chemicals and pesticides, and breast cancer.

The BCERF program takes scientific research on breast cancer and translates it into plain English materials that are easy to understand, and disseminates this information to the public. They have a web site that is filled with information on BCERF's activities, breast cancer statistics, scientific analyses of environmental risk factors, and links to other sources of information. They sponsor discussion groups that provide a public forum to discuss breast cancer.

This amendment would destroy our ability to bring the important work of the BCERF program to more people around New York and around the country.

Let me make this very simple. If Members oppose efforts to educate the public about breast cancer, and if they think we have done enough to prevent breast cancer in this country, then vote for this amendment. But if Members agree with me that we need to do more about stopping the terrible scourge of breast cancer, if Members agree with me that we cannot sit by while one in eight women are diagnosed with breast cancer over the course of their lifetimes, if it outrages Members that approximately 43,000 women will die from breast cancer, and 175,000 women will be diagnosed with breast cancer this year alone, then join me in voting no on this terribly misguided amendment.

Mr. SANFORD. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from South Carolina.

□ 1330

Mr. SANFORD. Mr. Chairman, I just I want to make very clear that this amendment simply gets at the overall funding category, the 24 percent increase in funding. It in no way goes specifically after your very worthy research project.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I wanted to point out the importance of this use of that source of funds. Because I think we have to be very careful in this body about indiscriminately cutting back on an account that may have very important uses for those dollars, and I wanted to point out one of the very important uses of these dollars so that I think we have to be careful.

I am just stressing this to the gentleman that to cut out a whole account, we could put a program like this in danger.

Mr. SANFORD. Mr. Chairman, if the gentlewoman would continue to yield, I would simply say on that point, that is why I think it is so important to go after some of the others that I think have far less merit, like the wood utilization program.

Mrs. LOWEY. Mr. Chairman, again reclaiming my time, I would like to state again to my colleagues that I think we all have to be careful in this body about cutting money from a general account when, frankly, the impact of those cuts could impact a very important program such as this one.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding me this time. The gentleman from Oklahoma (Mr. COBURN) just said that there were some Members standing on this floor who were saying it was okay to use taxpayers' money for research which is of no value. Nobody is saying that. I mean, the gentleman's comments I think simply do not accurately reflect what Members have said.

What we are saying is that it is nice if there are people in this place who recognize the value of something as well as its cost. That goes to the very essence of research. We do not know ahead of time what value there will be, but we do know that there will be a very large cost if we do not engage in that research, whether it is in the case of human disease or even, I might add, if it is in the case of bovine flatulence which produces methane which has an impact on atmospheric gases.

Mr. Chairman, I see nothing against the national interest in trying to determine whether an adjustment in bovine diet can lead to less impact on the Earth's atmosphere, so that we do not have to focus all of the squeeze in creating a cleaner environment on industry which has a negative impact on jobs.

Mrs. LOWEY. Mr. Chairman, again reclaiming my time, and in conclusion, I think that points out once again that the reason that I am using this as an example is to explain to the gentleman from South Carolina (Mr. SANFORD), my good friend, that the impact of his cuts, although it may be unintentioned, could severely affect very important programs such as I have mentioned here.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I rise in opposition precisely because of the nature of the amendment in which the gentleman from South Carolina, my good friend, reduces arbitrarily the amount of money set aside. And I do so without apology on spending or defense of this particular category.

When we look at the total amount of money that is being invested in agriculture on food, then it should be relatively easy to oppose an amendment that arbitrarily strikes $16 million without saying where we will strike it. I trust the judgment of the committee that has spent literally hours in determining the priority of projects. And I say that as one who has had some of my own requests turned down this year because there was not sufficient money available to fund all of the projects.

Mr. Chairman, I respect that, as much as it hurts me to say that, because I happen to believe some needs that we were supporting in Texas and in other areas should have been considered, but were not able to be considered under the tight budget restraints. But to come in and arbitrarily cut an additional $16 million seems to me to be a little harsh, because when we look at things like bovine tuberculosis in Michigan, a very, very serious problem that we do need to have a special rifleshot attention being done for it.

We have already heard about the citrus canker in Florida. Designing foods for health, very important. Potentially, something might be wasted, but by the same token, trying to find answers through our food supply of dealing with the very serious disease of cancer.

I can list others. We have already heard the California problem in the wine industry, et cetera. But I remember not too many years ago in which, on this floor I am sure, but I heard it on talk shows, radio hosts who ridiculed a program that this Congress had appropriated dollars for, to study the sex life of a fly. If we let our mind wander for a moment, anyone who would hear that as we were spending taxpayer dollars and suggest what fun one could have with that.

But, Mr. Chairman, it turns out that program was the Screw Worm Eradication program. That was a program that has now successfully eradicated the screw worm not only from the livestock industry in the United States, but also in Mexico. We are hoping to continue to move it completely off the face of this Earth. It has also benefited the wildlife industry tremendously. How many fawns have lived because there was no screw worm to take their life?

So I would ask the indulgence of the body to stick with the committee. They have done a good job. I can criticize the $74 million as not being enough, but that is not what we are here today to do. But I would respectfully say to the gentleman from South Carolina, I know his intent, and he and I have joined on many occasions to reduce spending. But I would use this opportunity to point out to the entire House, we have done a pretty darned good job. We are now down to where we are going to be discretionary spending something like less than 17 percent of the available funds.

At some point in time we who call ourselves conservatives have got to acknowledge that and begin to look seriously at whether or not additional cuts are going to do real harm. I respectfully oppose the amendment, because when we look at the 16 million, if some of these projects would come out, we could do some real harm that I know the gentleman from South Carolina, my friend, would not want to do.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentleman from Texas for yielding to me.

Mr. Chairman, I would make two comments. One would be the semantics between "cut" and "freeze." And we might say this differently. I would view this as more of a freeze at last year's level, rather than a cut from a proposed increase.

Secondly, I would make the point that if there is anything arbitrary about what is in here, it is the degree of correlation between not the diseases that are being talked about but the degree of correlation between the grants themselves and membership on the Committee on Agriculture.

Mr. STENHOLM. Mr. Chairman, I appreciate that. But from the standpoint of freeze, I would hope the gentleman would look at it from the total perspective of agriculture, not a particular program. Because if we look at it from the total and the needs that we have, and those needs that were not able to be funded, I believe perhaps the gentleman would have some sympathy for those of us who say it is a cut.

Mr. SANFORD. Mr. Chairman, if the gentleman would again yield, that is fair enough and a point well taken.

Mr. BALDACCI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand in opposition to this amendment. While I have enjoyed the company and support on other measures with the gentleman from South Carolina (Mr. SANFORD), I have to stand in opposition to this amendment. I feel that it is important for me to be here to probably tell the rest of the story.

The funds for the wood utilization research go to land-grant institutions in nine States. Maine is one of them. The money does not go to teach loggers how to cut trees more efficiently. Money is used to generate the new knowledge and technologies that are necessary to balance the sustainable use of our timberlands and forest resources with the need to maintain a vigorous forest products industry.

The quality of the science performed with the help of these funds can be shown by the patent applications, the research awards, and the use of the awards by the industry itself.

A couple of examples: it has helped with the environmental improvements in the pulp and paper industry, which I am sure has a presence in the State of the gentleman from South Carolina. The funds have been used to assist in the development of pulping and bleaching technologies that use oxygen delignification instead of chlorine. It is the use of chlorine in the process that creates dioxin.

Last year, the University of Maine received about $890,000 in Federal funds, matched that with $500,000 in program support and industry provided in-kind support of over $250,000. This ongoing research has helped, because as we try to make sure that we are having a sustainable forest program, that we are able to use less-valued timber to be able to make sure that we could create a wood composite so that it would have the same strength and value of a higher grade of timber that could be used in the home construction industry to keep houses affordable and construction costs affordable for small businesses and working families, and at the same time to be able to better create a balanced, sustainable forestry program.

Mr. Chairman, this research is necessary to do that. I do not remember or recall people talking about reducing the research that the NIH was doing that was providing the basic elemental science for the pharmaceutical industry to create drugs which are going to help people with MS and other diseases to better cope with it. I do not remember anybody proposing an amendment to cut those dollars that are providing that research that is going on in the pharmaceutical industry.

But I notice as it pertains to agriculture, and I notice as it pertains to land-grant institutions and the research that is going on there that is helping industry provide and support alternative approaches to creating the opportunities for more economic development and jobs, I see the attacks coming in those directions.

So as a member of the Committee on Agriculture, as a member of the Committee on Agriculture who represents the largest physical district east of the Mississippi, I stand here to defend these programs and the research that has gone on.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. BALDACCI. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, the gentleman raises very valid points in terms of the overall net effect of what is done in terms of research. My question would be on some of the things that the gentleman mentioned. On the New York Stock Exchange we find Boise Cascade and International Paper and Westvaco. And given the fact that these are multimillion-dollar corporations, and given the gentleman's advocacy for people in need, and given the fact that there are scarce dollars in Washington, all I am suggesting by this amendment is given the fact that we have publicly traded companies that can do this basic research, why not let them do it, rather than having them subsidized by people who frankly are not so well off in these research projects?

Mr. BALDACCI. Mr. Chairman, reclaiming my time, the gentleman makes a very good point. But the research is not being done. The resources are being either clear-cut or overharvested, which is creating ripple impacts, which I know the gentleman cares about, in natural resources and in the quality of the environment. In order for us to be protective of our natural resources, creating a sustainable forestry program that is balanced, we need to publicly do the research. And by the ability to enfranchise and have the support of private industry with private dollars, we are able to use a public-private partnership to both protect our public resources and at the same time provide an opportunity for business and industry to create the jobs and opportunities here in this country. So I think it goes hand in hand.

I appreciate the direction that the gentleman is coming from, but I think it is very important that this research go on.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The amendment was rejected.

Mr. HASTINGS of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to speak briefly on the amendment previously offered by the gentleman from Colorado (Mr. HEFLEY), which was defeated by a voice vote. I urge my colleagues to also vote "no" on that amendment when it comes before us later on.

Mr. Chairman, I want to speak specifically because the asparagus industry, while it is a small specialty crop, is very important in my district.

Let me briefly walk through the asparagus industry. It is a small specialty crop. They assess themselves somewhere around a million dollars for research and market promotion and those monies are obviously spent wisely. But the problem they are having overall is that the foreign competition from other countries comes at a price to our domestic growers, because in large part they are subsidized by their governments.

That has a negative impact on our asparagus industry, because harvesting asparagus is very, very labor intensive, and therein lies the crux of the problem.

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Now, I have talked to my growers in my district a number of times, and they said just give us a level playing field and we will compete with anybody because of the quality of their product. And I believe them.

But one of the problems within the asparagus industry that is not new just this year, but going on some 20, 25 years and probably longer than that, is how one can harvest asparagus mechanically because it is very, very labor intensive.

Part of this modest appropriation that was made to this industry was to find ways to reduce the cost of production through alternative production and harvesting. The key word here being harvesting.

So this industry, simply being a specialty industry, is simply not large enough to fund the needed research, and this is a start to try to find what I tell my growers is the elusive automatic asparagus harvester.

So I would hope that my colleagues would join me in voting no on the Hefley amendment, because this is the start where I think ultimately will be, and I cannot tell my colleagues whether it is going to be 1 year, 5 years or 10 years down the line, but with our ability to create technology in this country, I think we will find the means to find a way to harvest asparagus mechanically rather on a manual basis.

So I urge my colleagues to vote no on the Hefley amendment when it comes to the floor later on when we come back to rolled votes.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, just to reinforce the Hefley amendment that takes the research money away from asparagus, I mean, I do not know how many people in this Chamber like asparagus, but have my colleagues noticed the increased quality of that asparagus?

Right now our asparagus farmers throughout this country are facing the competition of losing their ability to produce because of the imports coming in.

Vote against the Hefley amendment. Keep the research going for asparagus. This is a very, very small start.

Additionally, let me say that Michigan is third in the nation in asparagus production, growing on over 16,000 acres at an average annual value of over $20 million.

The asparagus industry is a small farm specialty crop with an average farm size of 65 acres. Asparagus is a very labor intensive crop as it must still be harvested by hand. During the growing season asparagus must be picked by hand daily with the selection of ripe shoots done by hand labor.

When Peru was allowed to export asparagus into the U.S. as a result of the Andean Trade Pact, the U.S. asparagus industry was put at an unfair competitive advantage. While U.S. growers pay at least minimum wage, Peru's average wage is $4 a day. The U.S. industry needs a mechanical harvester to reduce the costs of harvest so they can be competitive with foreign competition. Because asparagus is a minor crop, there is little interest or incentive for private industry to develop a mechanical harvesters.

Until the U.S. asparagus industry can find a way to reduce its dependence on hand labor, it is in danger of surviving due to competition from foreign markets. With cooperative assistance from Washington State University and Michigan State University, this funding will help develop mechanical harvesting technology to succeed in a very competitive marketplace.

Without our assistance, this small but essential industry could disappear from the United States.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from New Mexico (Mr. SKEEN), chairman of the subcommittee, and the gentleman from Florida (Mr. YOUNG), chairman of the full committee.

In the Supplemental Appropriations bill that the House passed in March, $393,193,000 was included in programs within the jurisdiction of this subcommittee. The Supplemental Appropriations bill, which is coming to the floor sometime this evening apparently, or whenever the final differences of the House and the Senate can be resolved, contains only about $56 million of that amount.

It is my understanding that those items were deleted without prejudice in order that the two bodies might reach agreement on urgently needed funds for the Army and for firefighting in the Western States before the July 4th district work period.

I ask the gentleman from Florida (Mr. YOUNG), is that the correct intent of where we stand?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me. I thank the gentleman for his question.

As he knows, the House did pass this bill with the agricultural interests included in March, and it has taken us this long to reach some kind of a conclusion with the other body. We are prepared with a bill, a supplemental bill that has been scaled down somewhat.

But I would say to the gentleman from Wisconsin, he is exactly correct. We have to move the supplemental as early as possible. The money has already been spent for the Defense Department in Kosovo and other parts of the world. So it is essential that we move the supplemental quickly.

I would say to the gentleman, in response to his question, that I agree with his interpretation. I agree with his intent. There are agricultural matters of interest that were in the supplemental that are of great interest to the State of Florida. We do intend to make sure that we meet those obligations as we go through the further process.

Mr. OBEY. Mr. Chairman, I would like to ask the gentleman from New Mexico (Mr. SKEEN), chairman of the subcommittee, if he can assure the Members of the House that the agriculture items contained in the supplemental will represent the House position when we take the regular fiscal year 2001 appropriation bill to conference with the other body?

Mr. Chairman, I yield to the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me, and I would assure him that we worked very hard in developing these priorities in the agriculture section of the supplemental. We recognize that the need for these items is still great. We will make certain that they are addressed in the conference with the Senate.

Mr. OBEY. Mr. Chairman, I am happy to yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me.

Mr. Chairman, I am very grateful for the gentleman from Florida (Mr. YOUNG), the chairman of full committee, for coming to the floor and trying to clarify what is happening here.

As my colleagues know, when our bill was sent to the Senate and we were later called to become conferees, though we were appointed as conferees, we never met as conferees. We never had a chance to sit together. We were not even allowed to work our will on the bill, and many House items fell out as the Senate worked its will. We could not represent the interests of this House and our Members.

I would just like to state for the record that funding for some important programs like Conservation Technical Assistance under the Natural Resources and Conservation Service that help our farmers apply for necessary programs like Wetlands Reserve, Conservation Reserve Program, Conservation Reserve Enhancement Program were dropped. Hopefully, we will be able to restore that so we can get people to apply and to meet the deadlines necessary. One cannot do that without field people out there helping farmers across the country.

Remediating citrus canker, which we had put in the House bill, at nearly $40 million for tree replacement and compensation to growers, was eliminated for some reason; the funds for APHIS to address Pierce's Disease, that is affecting the grape crop in California; were dropped; funds were also removed for the Inspector General, one part of USDA that brings in money as we arrest thieves around the Nation and those who are cheating and committing fraud in these various programs. Further, money was eliminated for our water and waste water grants. We have got people lined up all over the country applying for USDA utilities programs, unable to be served. Through the conference committee that we were not allowed to participate in, over 28 million more dollars removed from that program.

Homeownership loans, resulting in a loss of loan volume of over $296 million, were dropped from the bill. Our mutual and self-help housing grants, assistance to migrant and seasonal farm workers, the replacement of our FDA, Food and Drug Administration, building in Los Angeles—all were dropped out, sometime in the dead of night. We in the House did not have a chance to work our will. Many emergency conservation authorities were removed.

I guess I would just say that I will place in the RECORD a statement that has come to us today from the Clinton administration, the Executive Office of the President and the Office of Management and Budget, that if we do not fix the Supplemental bill, the President's advisors have recommended vetoing this bill. Thus, I am so grateful for the chairman of the full committee and the chairman of the subcommittee standing here today and entering into this colloquy with the gentleman from Wisconsin (Mr. OBEY), the ranking member. It is absolutely essential that these items be restored.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, I yield to the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Chairman, we will address all of the items contained in the agricultural section of the supplemental which passed the House.

Mr. OBEY. Mr. Chairman, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me.

Mr. Chairman, I just want to add that the position that the gentleman from Wisconsin (Mr. OBEY) and others, as well as the gentlewoman from Ohio (Ms. KAPTUR), indicated that we want the position of the House to prevail.

I appreciate the support and the strong leadership that the chairmen, both of the committee and of the subcommittee, have given to maintain the crisis in which we found ourselves in Eastern North Carolina, and we find that the drainage in Princeville has been eliminated.

I am very appreciative that they are willing to consider that and to maintain that position, because the House voted on that. In the colloquy we had with the gentleman from New Mexico (Mr. SKEEN), he said he would work with us to maintain that at least the drainage that is so desperately needed in a town which was completely flooded would be provided.

This was not new monies. These were just the ability to use monies already appropriated. So the emergency was not creating new drain on the Treasury, it was just giving the authorization for them to use the money that had been appropriated years in the past.

So I want to express both my appreciation to everyone who understand that this is a crisis, and we should do the right thing by responding to it.

Mr. OBEY. Mr. Chairman, I think it is important to recapitulate that what occurred on the supplemental is that the majority party at the staff level had determined that there was a very large amount of money that both the Senate and the House were asking to be included in this bill for everything from citrus canker to dairy supplemental payments to you name it on the agriculture side.

The decision was made by the majority negotiators to eliminate all of those items before anyone else was even brought into the conversation.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 30 additional seconds.)

Mr. OBEY. Mr. Chairman, at this point, I think it is important for people to understand that we consider those items to be merely deferred, not eliminated, because people are smoking something that is not legal if they think we are going to be able to get out of here without dealing with these problems, because the collapse in farm prices is simply not going to go away, and the Congress is going to have to respond to that.

Ms. KAPTUR. Mr. Chairman, will the gentleman kindly yield?

Mr. OBEY. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I want to reexpress my appreciation to the gentleman from Florida (Chairman YOUNG) and the gentleman from New Mexico (Chairman SKEEN) for trying to restore regular order in this House and permitting the Members to exercise their will. The legislative will of the House and its membership must be retained both here on the floor and in the conference committee, and no special set of leaders who may have a higher title than any Member that stands on this floor should have a right to write our conference bill.

We thank them for restoring the power back to the membership where it belongs and to the regular order of the committee process.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 103–382 (7 U.S.C. 301 note), $7,100,000: *Provided*, That hereafter, any distribution of the adjusted income from the Native American institutions endowment fund is authorized to be used for facility renovation, repair, construction, and maintenance, in addition to other authorized purposes.

EXTENSION ACTIVITIES

For necessary payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $428,740,000, of which the following amounts shall be available: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $276,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,060,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,695,000; payments for the pest management program under section 3(d) of the Act, $10,783,000; payments for the farm safety program under section 3(d) of the Act, $4,000,000; payments for pesticide applicator training under section 3(d) of the Act, $1,500,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $12,000,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $908,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,000,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $1,000,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,192,000; payments for Indian reservation agents under section 3(d) of the Act, $1,714,000; payments for sustainable agriculture programs under section 3(d) of the Act, $3,309,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $26,843,000; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $16,188,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, $39,541,000, as follows: payments for the water quality program, $12,000,000; payments for the food safety program, $15,000,000; payments for the national agriculture pesticide impact assessment program, $4,541,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $4,000,000; payments for the crops affected by Food Quality Protection Act implementation, $1,000,000; payments for the methyl bromide transition program, $2,000,000; and payments for the organic transition program $1,000,000, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626).

Office of the Under Secretary for Marketing and Regulatory Programs

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

Animal and Plant Health Inspection Service

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $470,000,000, of which $8,065,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

AMENDMENT NO. 65 OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 65 offered by Mr. WEINER: Page 19, line 4, insert after the first dollar amount the following: "(reduced by $15,510)".

Mr. WEINER. Mr. Chairman, I do not expect to take the full 5 minutes. First, I want to thank the gentleman from Ohio (Mr. SKEEN), chairman, and the gentlewoman from Ohio (Ms. KAPTUR), ranking member, of the subcommittee and their staffs for their commitment to our sound agriculture policy.

But this is an opportunity with this amendment to use the matrix between agricultural policies and our human rights policies in how we deal with other countries to have, hopefully, a positive impact on a very important matter.

As we speak, and, frankly, since March of 1999, 13 prisoners have been held on charges of spying by the Iranian government. There has been a trial that has consisted mainly of a kangaroo court where the prosecutor was the same person as the judge who was the same person as the appeals court, et cetera. It is expected that this weekend, there will be a verdict coming down in that case.

What my amendment does is very simple. It strikes a small amount, $15,510 from this section of the bill from the over $400 million, I believe, section of the bill that is APHIS, that is used to deal with imports and imports only from Iran.

What we are saying with this amendment is that Members are watching very closely what happens with those 13 prisoners. What we are saying is that, regardless of how we feel about the policies of Iran, whether we think they are moderating or not, that this case is one that we are watching very closely. We are withholding, albeit temporarily, we are withholding additional benefits for Iranian imports.

I would encourage my colleagues to support this amendment. This is an opportunity for us to, frankly, say the right thing and do the right thing in a symbolic way.

I want to thank the gentleman from New Mexico (Mr. SKEEN), the subcommittee chair, and his staff for his assistance in preparing this amendment.

As I said, I do not anticipate taking my entire 5 minutes. This is an amendment that I have offered.

Mr. Chairman, I yield to the gentleman from New York (Mr. CROWLEY) in the interest of preserving time.

Mr. CROWLEY. Mr. Chairman, I rise in strong support for the Weiner amendment to cut $15,510 from the Animal and Plant Inspection Service, APHIS.

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This symbolic cut represents the amount that has been spent over the last 10 years on the importation of Iranian goods. While only a small cut, this will help send a message to the Iranian government in protest of the sham trial of the 13 Iranian Jews.

Numerous Members of this body and the international community have come forward to express their outrage at this travesty of justice. I join them in their anger. These 13 Jews have been wrongfully imprisoned, and some have been forced to confess to the imagined crime of spying for Israel.

When the president of Iran was elected, it was on a platform of moderation and reform supported by the Iranian people. In response to his election, the United States made good will overtures towards Iran, including the lifting of restrictions on Iranian foodstuffs, like pistachios and carpets, as well as easing the travel restrictions on Iranians. Yet despite the rejection of hard-liners in the last election, the leaders of Iran are still on the wrong track.

At a time when the U.S. has sought to improve relations with the Iranian people, the government of Iran must reciprocate and respect fundamental human rights and act as responsible member of the world community. When travesties such as this trial continue, it should concern all of us as to our policy towards Iran.

While the State Department pursues its pistachio diplomacy, innocent people in Iran are suffering. The Iranian government must put an end to this sham trial, free the 13, and let them and their families live in peace. Unless they do this, our policy towards Iran will have to change.

Mr. Chairman, I urge my colleagues to support this amendment and keep pressure on Iran. The Jewish community in Iran, especially the 13 Iranian Jews, must know that the United States Congress supports them in their time of need.

Mr. SHERMAN. Mr. Chairman, will the gentleman yield?

Mr. WEINER. I yield to the gentleman from California.

Mr. SHERMAN. Mr. Chairman, the trials are going on now. The 13 Jews charged with spying for the CIA may hear their verdicts on the 4th of July.

This amendment sends a strong message that America is watching. No justice, no caviar. Or at least no caviar imported from Iran.

I want to thank the distinguished subcommittee Chair for, as I understand, his willingness to accept the amendment.

Mr. NEY. Mr. Chairman, I move to strike the last word, and I rise not in opposition to the amendment, but I just wanted to note that as well as these 13 Jews there are also Muslims. There are also Muslims on trial, and I think we should note that.

I am not standing to say I am opposing this amendment, but standing to offer just a few words. I lived in Iran during the last year when the Shah was in power in Iran. If we look back at the history of the two countries, we have to also realize that the United States of America, after Dr. Mossadeq was in charge in Iran, the United States of America pulled a coup on Dr. Mossadeq. The United States, through the CIA, pulled a coup on Iran; and, in fact, we reinstalled the government of our choice. The Iranian people had a revolution, of course, of the Shah, and that can be debated for the next 20 years. But since that period of time, we have had zero contact.

Now, I am not saying this is not a bad move to do, but I will tell my colleagues that we only fool ourselves in this U.S. House of Representatives and the United States Senate when we continuously pass other resolutions and we talk about strictly sanctioning Iran. Iran now has a freely elected parliament, where 78 percent of the people that were running were reform-minded. It has a freely elected president.

We talk about doing business with China, where they hold Catholic priests and bishops in prison; yet we extend every option of trade avenue, and we are told we can reform them by engaging. All I am saying in regard to this amendment is not that I am opposing this amendment, but I am just simply saying that the day shall come when we wake up and realize that there are sins on our side, meaning the U.S., towards years of policy in Iran, and there are some sins on the Iranian side, obviously. At some point in time these two countries have to communicate, and then I think we can change each other's thinking in the sense of how we think towards each other. But maybe also we can change behavior through engagement.

I have also seen and heard talk about the fact that if someone wants to talk to Iran, something is wrong with them. I think there are people on both sides of the aisle that realize the time has long come. We can hopefully help a lot of people on a humanitarian basis if we keep in mind that we need to communicate. So I think this amendment is done in that particular spirit.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. NEY. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I commend the gentleman's words. I think that there is legitimate disagreement about how to encourage these moderate voices that we have heard about to emerge.

One thing we do have to keep in mind, though, as the gentleman points out, is that there are people whose lives quite literally hang in the balance at this moment in time. But I certainly think that being in support of this amendment someone can legitimately hold a position on either side.

We are just saying let us take a symbolic deep breath, step back, and hope we can encourage the behavior we would like.

Mr. NEY. Reclaiming my time, Mr. Chairman, that is the thrust of my point. This amendment, in fact, does not mean that we are necessarily not going to open up avenues someday of communicating so all the Iranian people and all the American people can share a peaceful world.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman has raised a serious issue which all Americans should be aware of, and I congratulate him for it. I would prefer that this cut would come from the budgets of other Federal agencies which are responsible for our import policy. APHIS, of course, is bound by law to inspect cargo wherever it comes from. However, I understand the extreme importance of this issue, and urge all my colleagues to consider the gentleman's words.

Mr. WEXLER. Mr. Chairman, I strongly support the amendment offered today by Mr. WEINER that will reduce funding for the Animal and Plant Health Inspection Service by over 15,000. This amount is more significant than its number, because it represents the APHIS budget that is used to administer Iranian agricultural imports to the United States.

Mr. Chairman, thirteen Iranian Jews were arbitrarily arrested in March, 1999, and are about to be sentenced and condemned by the Iranian Revolutionary Court for crimes they did not commit. Now is not the time to send Iran symbolic victories. Not while the Iranian Court prepares to sentence the thirteen Iranian Jews who are on trial for their religious beliefs, not for anything they have done wrong.

As my colleagues have pointed out, this sham trial was orchestrated by the Iranian government which refused to allow members of the Jewish community, diplomats, or human rights activists to be present in the courtroom and observe the trial. This sham trial undermines the progress we have been anticipating as a result of the recent Iranian elections—which raised our hopes and led to our lifting of sanctions on carpets, caviar, nuts, and dried fruits. Now is not the time to go further.

We must not reward Iran for persecuting religious minorities including Jews, Bahai's and Christians. We must not reward the Iranian government for being the world's leading sponsor of terrorism. We must not reward them for doing everything in their power to destroy the Middle East peace process. And we must not reward the Iranian government for their intensive effort to build weapons of mass destruction. Now is the time for Iran to send the world a positive message.

Mr. Chairman, we have an opportunity right now on the Floor of the House to send a clear message to the Iranian government that their treatment of the thirteen Iranian Jews is unacceptable and will not be rewarded.

If Iran is to become a respected member of the international community, she must immediately end this show trial, release the Iranian Jews, and begin protecting the religious rights of all of her citizens. Until such time, Iran will remain a pariah nation. I urge my colleagues to join me in supporting this important amendment.

Mrs. LOWEY. Mr. Chairman, I urge my colleagues to support this amendment, which will send a strong message to the government of Iran and the world that the United States Congress will not tolerate Iran's blatant disregard for basic human rights.

We have heard about the so-called "moderation" of Iran, about the power struggle between the hard-line clerics and the reformists led by President Khatemi. I invite my colleagues to examine carefully the face of this moderation:

13 Iranian Jews are currently awaiting sentencing on charges of spying for the United States and Israel. These 13 have been denied

due process, were coerced into confessing on Iranian TV, and are being prosecuted, judged, and sentenced by the same Revolutionary Court judge.

Since late May, over 20 newspapers and magazines associated with the reformists have been shut down by the Iranian government, silencing the voices of the independent press in that country.

And just yesterday, two prominent human rights lawyers in Iran were sent to prison, without trial, on charges of insulting public officials.

No reasonable person could call this "moderation."

Mr. Chairman, Iran is not ready to join the community of nations. Each day, Iran produces more and more evidence that the terms of membership in this community—including respect for basic human rights, due process, and freedom, are not terms it can accept. Each day, Iran sends unmistakable messages to the world that it is not willing to embrace the mores of reasonable society. Each day, Iran continues to threaten its neighbors and pursue the development of weapons of mass destruction.

We have heard these messages loud and clear. And we should react accordingly. This is not the time to make concessions to Iran. This is not the time to open up our markets to Iran, to allow the government to fill its coffers with dollars from the sale of Iranian goods to the United States. This is not the time to give Iran one iota of legitimacy in the international community. Legitimacy must be earned, and Iran has earned nothing.

I urge my colleagues strongly to support the Weiner amendment, which would deny funding for the importation of agricultural products from Iran. We owe this to ourselves, as the premiere defenders of democracy throughout the world. And we owe it to the Iran 13, the independent journalists, the human rights lawyers, and all the people of Iran who are still not free.

Mr. PORTER. Mr. Chairman, I rise today to join with my colleagues to condemn Iran for the arrest, imprisonment and current trial of thirteen Iranian Jews on charges of spying for Israel and the United States. These thirteen rabbis, teachers, students and other citizens were arbitrarily arrested in March of last year and held for seventy days without any charges filed against them. In June of 1999, Iran charged them with spying for Israel and the United States.

Finally, in April of this year, the trial of these thirteen Jews began. However, what is currently taking place in Iran is not what any American would recognize as a trial. The judge is acting not only as the judge but also as the prosecutor. The accused were not allowed access to any attorney, court-appointed or otherwise, until just hours before their trial started. Finally, access to the courtroom has been denied to the press, human rights workers and most importantly, to the families of the accused.

The Iranian government has a long history of mistreatment of several of its minorities including the Baha'is, Sunni Muslims, Christians and Jews. More than half the Jews in Iran have fled the country since the Islamic Revolution in 1979, due to the intense religious persecution. Numerous written and unwritten laws exist in Iran limiting the activities of all minorities. Forbidding Iranians to visit Israel and denying the Baha'is access to higher education, government employment and pensions are just two examples of the discrimination which is commonplace throughout Iran.

I am extremely concerned that the Iranian government is treating the thirteen Jews currently being tried with the same disregard for human rights and due process that it has treated so many minorities in the past. Our administration and the international community must do all it can to see that this does not continue. The time for Iran to begin to live up to the principles of the Universal Declaration of Human Rights, including religious freedom, has come.

I commend the gentleman from California (Mr. SHERMAN) for the leadership he has taken on this issue and the gentleman from New York (Mr. WEINER) for his amendment to the Agriculture Appropriations Bill today. The U.S. government should not be lifting any restrictions on trade with Iran until these men are free, and Iran shows the international arena that it is serious about living under that rule of law and respecting basic human rights. I hope and pray that soon we can celebrate the release of these thirteen individuals.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In the current fiscal year, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in the current fiscal year, $87,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

Mr. CROWLEY. Mr. Chairman, I move to strike the last word for purposes of entering into a colloquy with the distinguished chairman and ranking member of the subcommittee, as well as the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. Chairman, I would like to begin by praising the leadership and bipartisan spirit brought to this subcommittee by the gentleman from New Mexico (Mr. SKEEN). His work in promoting the needs of agriculture, forestry, and domestic nutrition programs will be long hailed in this Chamber and throughout our Nation well into the future.

As the Chairman and ranking member know, the Asian Longhorned Beetle has done tremendous damage to trees and parkland areas throughout both New York City and the Chicago metropolitan areas. In my congressional district, which is comprised of a diverse swath of middle- and working-class neighborhoods in Queens and the Bronx, New York, many of the few trees we do enjoy have either fallen victim to or remain seriously threatened by the Asian Longhorned Beetle.

Specifically, the neighborhood of Ridgewood, Queens, in my congressional district has seen a virtual destruction of many of their trees, very treasured trees, from this unwelcome pest. Therefore, it is of great concern to my constituents that the adequate resources are allocated for the elimination of this invasive species before it strips our entire city bare of its trees and greenery.

Last year, this subcommittee, under the leadership of the chairman, the gentleman from New Mexico (Mr. SKEEN), and ranking member, the gentlewoman from Ohio (Ms. KAPTUR), provided both a direct appropriation to the Animal and Plant Health Inspection Service, otherwise known as APHIS, to combat the Asian Longhorned Beetle, as well as language granting the Secretary of Agriculture the authority to use Commodity Credit Corporation emergency funds and Emerging Plant Pest funds to address this issue.

These funds serve as an important investment in my congressional district, and I am extremely grateful that the subcommittee has again included similar language in this bill regarding CCC and Emerging Plant Pest funds for New York City.

Having stated that, I would like to request the assistance of the chairman and the ranking member in conference to work for an increase in direct funding for APHIS for its Asian Longhorned Beetle project so that they may continue their efforts in working to rid America of this destructive invasive species.

Additionally, I have grave concerns about the pace at which the Office of Management and Budget is releasing these emergency CCC funds for invasive species emergencies throughout the United States when the Secretary has already requested them. I recognize and appreciate the fact that the House report accompanying this measure addresses this problem. I am hopeful that working with both the Senate and the administration we will be able to rectify the situation.

Mr. BLAGOJEVICH. Mr. Chairman, will the gentleman yield?

Mr. CROWLEY. I yield to the gentleman from Illinois.

Mr. BLAGOJEVICH. Mr. Chairman, I thank the gentleman for yielding to me, and I want to commend the gentleman on his leadership. New York and Chicago have a great deal of things in common. Unfortunately, this is another thing that New York City and Chicago have in common.

Chicago, Mr. Chairman, is a great city. We have great trees, we have great parks; and the last time I checked, we still had Sammy Sosa. But 2 years ago in Chicago, residents of the Ravenswood community, in my congressional district, discovered that the trees in their neighborhood had fallen pry not to the New York Yankees but to the Asian Longhorned Beetle.

This Asian Longhorned Beetle, Mr. Chairman, is a pest which destroys trees by burrowing into their trunks. Within weeks many of the trees which had shaded neighborhoods for years had to be removed to stop the spread of the Asian Longhorned Beetle.

The Asian Longhorned Beetles are not natives to the United States. They are stowaways who came here in packing crates from Asia. These beetles infest our trees by burrowing inside and hatching larvae. This destroys the tree's structure from inside out. And once the tree is infected, Mr. Chairman, there is no way to save it except that it must be destroyed in order to prevent it from infecting other trees.

Mr. Chairman, I would urge the gentleman from New Mexico (Mr. SKEEN) to recognize that the Congress has in the past provided funding to contain the Asian Longhorned Beetle, and I would hope that the chairman's leadership can secure funding again this time around.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. CROWLEY. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I thank the gentleman from New York and the gentleman from Illinois for their comments and would like to take a moment to recognize them for their work on behalf of their constituents to address the problem of the Asian Longhorned Beetle and work for its eradication. That is why the gentlewoman from Ohio (Ms. KAPTUR) and I have included language, both this year and last year, stating the destructive nature of the Asian Longhorned Beetle, as well as directing the Secretary to use CCC emergency and Emerging Plant Pest funds to address this situation.

I will make my best effort in conference for the inclusion of additional resources for the Animal and Plant Health Inspection Service, known as APHIS, as they have done good work in addressing not only the problem of the Asian Longhorned Beetles but with a variety of other invasive species as well.

Additionally, I will work for increased resources to assist the Asian Longhorned Beetles project at APHIS. I recognize that if left unchecked the destruction of our Nation's trees, parks, and forests by the Asian Longhorned Beetle could cost tens of billions of dollars. Furthermore, I will continue the work the committee began to seek redress in the procedures used by the Office of Management and Budget in releasing emergency CCC funds requested by the Secretary.

Again, I thank the gentleman from New York and the gentleman from Illinois for their comments.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word, and want to continue a bit on this colloquy on the Asian Longhorned Beetle.

I, too, would like to join with the chairman of our subcommittee, the gentleman from New Mexico (Mr. SKEEN), and state that I will work in conference for increased funding for the Animal and Plant Health Inspection Service so it has the resources to effectively battle such invasive species as the Asian Longhorned Beetle, the citrus canker, and the Glassy-Winged Sharpshooter, among others.

And I want to say to our colleagues, the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. BLAGOJEVICH), that we know what leadership they have taken here in the Congress in bringing our attention to the problems that their home communities are facing. I hear that in New York City this week there have been additional sightings of the beetles near Central Park. And having traveled to New York and Chicago, I can only imagine your park directors and what they are going through, because we have no known predator for this creature. The only solution we have is to basically cut down the trees and burn them.

Of course, we know that these creatures came in in packing crates from China, both in the wood and in the cardboard inside, unfortunately; and we are now trying to take more precautions to fumigate those crates when they come in here, but this is a very, very serious problem. And because there is no known predator, adjacent States that have agricultural production, for example in maple sugar and maple syrup, those forests are threatened, those groves and stands of trees are threatened by this very same insect.

So we hear the concerns of both the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. BLAGOJEVICH), and we will absolutely be bringing this to the attention of the conferees.

Mr. CROWLEY. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, the one thing I would like to say, and the gentlewoman just made reference to it, I would like to put in people's minds the picture of Central Park. It is one of the treasures of not only New York City, New York State, but really of this country. It is probably one of the most famous parks in all the world. Imagine what it would look like without any hard wood trees. Unimaginable.

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But the threat does exist and it is there.

I want to thank the gentlewoman and the gentleman for their work and I want to thank them in advance for their efforts very, very much.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, we thank both the gentlemen for coming down and leading the entire Congress and country in trying to resolve a problem that may have started in their community but is spreading just as the gypsy moth did many, many years ago.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. HASTINGS of Washington) assumed the Chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

The SPEAKER pro tempore. The Committee will resume its sitting.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The Committee resumed its sitting.

AMENDMENT NO. 14 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Ms. KAPTUR:

Page 21, after line 4, insert the following new paragraph:

For an additional amount to prevent, control, and eradicate pests and plant and animal diseases, $53,100,000, to remain available until expended: *Provided*, That the entire amount under this paragraph shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount under this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. SKEEN. Mr. Chairman, I reserve a point of order.

Ms. KAPTUR. Mr. Chairman, the amendment we are proposing today would provide an additional $53.1 million in emergency appropriations to the Department of Agriculture's Animal and Plant Health Inspection Service to deal with emergency situations we have been talking about today dealing with pests and diseases.

The additional amounts would bring total funding up to what the President's 2001 budget request had asked for in four critical lines within what we call APHIS, the Animal and Plant Health Inspection Service, budget. These include emerging plant pests, invasive species, fruitfly exclusion and detection, and the contingency fund itself.

The bill, as reported by the subcommittee, provides $57.1 million less than requested for the first items listed and very partially offsets this shortfall by providing $4 million more than requested for the contingency fund. Our amendment eliminates the $53.1 million shortfall in this very, very important account.

Now, these budget items are used by the Department of Agriculture to combat serious outbreaks of pests and diseases. People should think about their communities and some of the little green and yellow boxes that are put up on trees to detect what is happening across this country. We have just heard from two very distinguished Members from Illinois and from New York on the Asian longhorned beetle infestation which started in New York City and Chicago, Illinois.

We have heard other Members this morning, including the gentleman from Florida (Mr. BOYD), a member of our committee from Florida, talking about citrus canker and the removal of entire groves of limes and of orange trees in Florida.

We heard from the Members of the Pennsylvania delegation about plum pox in Pennsylvania and the impact on fruit trees and the spread of that pox across the fruit regions of our country.

Members from California have spoken with us about Pierce's disease, which affects grapes in California and threatens our entire wine industry. Though these creatures may be small and we can hold them in our hands and some of the viruses and cankers we cannot even see but under a microscope, their economic devastation is gigantic, mounting to billions and billions of dollars annually.

In the State of Michigan, the unfortunate incidence of bovine tuberculosis which can spread across that State and has spread to where now animals cannot leave that State unless inspected also would be covered by these accounts.

Mediterranean fruitflies that threaten agriculture in wide sections of the South.

These truly are emergencies. The report references the fact that these are situations that create havoc across the country. We believe they are important enough in a multibillion-dollar bill that we should restore the full account to the $53.1 million net additional dollars needed to truly meet the national need.

Now the subcommittee's report acknowledges that the administration, by using its powers under the Commodity Credit Corporation, might be able to deal with some of these emergencies. But the administration maintains that the use of these powers is not appropriate for the kind of ongoing remediation that these difficulties cause.

So this amendment simply provides the emergency funding that everyone agrees is necessary, and we should certainly restore these dollars in the bill as will be finally reported out of the House, hopefully today.

Mr. Chairman, I ask the membership for a favorable vote on this. I would hope that the objection might be withdrawn and that we could include these dollars that are so much, very much needed to help preserve our production and our ecosystems across our Nation coast to coast.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from New Mexico (Mr. SKEEN) insist on his point of order?

Mr. SKEEN. Mr. Chairman, I reserve my point of order.

Mr. CROWLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Kaptur amendment. This language will increase the funding for the Animal and Plant Health Inspection Service, otherwise known as APHIS, by $53 million.

I believe the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, has been extremely eloquent on why we need these funds and why they should be designated as emergency funds.

This Congress repeatedly spends billions of taxpayer dollars overseas and abroad to foreign nations and certifies those expenditures as emergencies so that no offsets are needed to be found to fund those expenditures. But whenever we have a real crisis here in the U.S., we always need to find offsets. This Congress can never seem to find the resources we need to help Americans when Americans need that help.

We have a crisis evolving with invasive species. These are real emergencies. The Citrus Canker is destroying the Florida orange crop. The Glassy-Winged Sharpshooter is ruining our domestic wine stocks. And the Asian longhorned beetle is downing thousands of hardwood trees throughout New York City, Chicago, and now in Vermont.

Let us help Americans today and provide these emergency funds to APHIS to eradicate these invasive species in our country. This is an emergency, and this Congress should recognize it as such.

I want to thank the gentlewoman from Ohio (Ms. KAPTUR) for all her efforts on behalf of this emergency funding.

Mr. Chairman, I yield back the balance of my time.

Mr. BOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all I want to again compliment my friend, the gentleman from New Mexico (Mr. SKEEN) in the way that he handles the committee. He and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, do a wonderful job of trying to address the issues and deal with the priorities that the Federal Government and this specific subcommittee should deal with.

I want the Members, Mr. Chairman, to understand where our priorities should be in terms of the work of this subcommittee.

The people of this Nation and the businesses of this Nation, specifically the agriculture business, expect the Federal Government to protect its borders. That is a basic criteria or basic function of the Federal Government, to protect its borders.

These invasive species that we have been talking about this morning, we need to understand they are called invasive species because they come from other places, they are not indigenous to this country. They come into this country through the ports. They might be brought in in a commercial business transaction, or they might be brought in by a tourist that is visiting from another country or somebody who has left this country to go and then comes back.

The species that we have heard about, the Asian longhorned beetle, the Glassy-Winged Sharpshooter, plum pox, Citrus Canker, the African hardwater tick all have come from other countries through our borders, through our ports. It is the obligation, the responsibility, of this Federal Government to protect those borders; and we are not doing a very good job of it right now. That is what the amendment of the gentlewoman attempts to do is to find more money so we could do a better job.

We just dealt with the research side. We know that we have to continue to do the research to find preventive measures or cures for these problems. But right now we are working on the APHIS part, the Animal and Plant Health Inspection Service.

So I would encourage the body to let us find this additional money. I know it is not the wish of the gentleman from New Mexico (Mr. SKEEN), the kind chairman, that we do not have more money here. It was not his decision. But that was the allocation that he was given, and so he is having to work with what he has. But I think this body can express its will and come up with more money to protect its borders, and that is very important.

Again, Mr. Chairman, the American people and its businesses, particularly the agricultural industry, we expect a good and clean and safe food supply; and it is under attack right now.

I know more about the Citrus Canker issue than I do about any others. We have an $8 billion industry in Florida that is being threatened. It just so happens that the lime industry has already been wiped out, 3,000 acres of limes in Florida. There is a very small number of lime trees in California. But if we eat a lime or use a lime wedge in our martini from now on, we will get it from some other country because the lime industry in this country has been wiped out by Citrus Canker. And we have allowed that to happen because we have not protected our borders.

That is what the amendment of the gentlewoman is trying to do, provide the funds and resources to protect our borders. I would encourage the body, this House of Representatives, to recognize that and find the money to do what she is trying to do.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from New Mexico (Mr. SKEEN) insist on his point of order?

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the past week, USDA has announced the release of more than $70 million in CCC funds to combat plant and pest infestations.

OMB had tried to shift funding for these large programs into appropriated accounts this year. But given the dimensions of the problem, there is no way that we can afford to use the appropriated dollars.

I believe OMB has finally come to its senses with the release of the CCC funds this past week. This is how it should be done.

I would ask the gentlewoman from Ohio (Ms. KAPTUR) to withdraw her amendment. And if she cannot, I regret I must insist on my point of order.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. Mr. Chairman, I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I would hope that as we move toward conference we might try to find an accommodation. I hesitate to withdraw the amendment because I think it speaks for itself. But I respect the opinion of the gentleman and would hope that as we move forward we might be able to meet these needs across our country.

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Kaptur amendment and would like to thank her for offering this language today.

This language will increase funding for the Animal and Plant Health Inspection Service (APHIS) by $53 million.

Congresswoman KAPTUR was very eloquent in her remarks on our nation's need for these funds and the importance of designating them as an emergency appropriation.

Time and time again, this Congress has sent billions of taxpayer dollars abroad and certifies it as emergency spending, requiring no offsets for these expenditures.

But whenever we have a real crisis in America, Congress always demands the need to find offsets—this Congress can never seem to find the resources to help Americans when we need it.

We have a crisis involving invasive species and it is a real emergency.

The citrus canker is destroying the Florida orange and lime crop; the glassy-winged sharp-shooter is ruining our domestic wine stocks and the Asian Longhorned Beetle is downing thousands of hardwood trees throughout NYC, Chicago and threatening the maple syrup industry in Vermont.

Let us help Americans today and provide these emergency funds to APHIS to eradicate these invasive species in our country.

This is an emergency and this Congress should recognize it.

I thank the Gentle Lady from Ohio for her steadfast dedication to the people of this country who are concerned about plant and pest diseases.

You are a true leader and a representative for all of the people.

The CHAIRMAN. Does the gentlewoman from Ohio (Ms. KAPTUR) ask unanimous consent to withdraw her amendment?

Ms. KAPTUR. Mr. Chairman, I did not ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Does the gentleman from New Mexico (Mr. SKEEN) insist on his point of order?

POINT OF ORDER

Mr. SKEEN. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of Rule XXI.

The Rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law. . ."

The CHAIRMAN. Does the gentlewoman from Ohio (Ms. KAPTUR) wish to be heard on the point of order?

Ms. KAPTUR. Mr. Chairman, yes, I would like to be heard.

Mr. Chairman, I point out again how our country is currently dealing with a number of very serious new or resurgent agricultural pest and disease problems that threaten crops and trees and animals in many different parts of our country. We seem to be able to find funds to do many things in this legislation, as well as in the supplement, to fund counternarcotics programs in Colombia. Well, I would very much like to be able to fund needs in our country, especially those that threaten so very much damage.

Just to summarize, in Florida, Citrus Canker is threatening Florida citrus groves. In Chicago and New York and in those States of New York and Illinois the Asian longhorned beetle, with no known predator. Bovine tuberculosis, which was thought to be eradicated in our country but is now spreading in Michigan, imposing heavy costs on that State's dairy and cattle industries.

□ 1430

Plum pox, a disease of peaches and plums and cherries and other stone fruits normally found only in Europe and Asia first detected in Pennsylvania last year and now threatening fruit growers in that State and likely to spread. Mediterranean fruit flies which appear only sporadically in our country but when they do they cause great damage; and should that infestation reach the southern United States, we would experience disastrous losses to fruit and vegetable industries.

Now, I think that the appropriate way to handle this is to directly place the dollars in the account, not expect that an ongoing eradication program should be done through the Commodity Credit Corporation, which is generally used for emergencies only.

So I would just say that it is vital we stop these pests and disease outbreaks from spreading and failure to do so is extremely costly. I do not think we should be burdening USDA's Commodity Credit Corporation authority with having these ongoing responsibilities.

I think it is far more reasonable to provide the resources needed to stop these pests, and I would urge the membership to pay attention to this particular debate.

I am sorry that the gentleman has to exercise his point of order.

I would be pleased to yield to the gentlewoman from New York (Mrs. MALONEY) if she seeks time on the issue.

The CHAIRMAN. The Chair is prepared to rule on the point of order and would ask that the comments be directed toward the question of whether or not this amendment is in order.

Ms. KAPTUR. Would I be able to yield time to the gentlewoman from New York (Mrs. MALONEY) on the point of order?

The CHAIRMAN. Not on the point of order.

Does the gentlewoman from New York (Mrs. MALONEY) wish to be heard on the point of order?

Mrs. MALONEY of New York. I really feel that there is not a point of order to this because it really is an incredibly important crisis in our country, and I would like to have the opportunity to compliment the gentlewoman from Ohio (Ms. KAPTUR) for her leadership and for bringing this to the floor. The increase for the animal and plant and health inspection service is absolutely critical. With trade has come an influx of many invasive species that if we do not adequately control them can literally destroy forests, as they have in my district in New York with the Asian Longhorn beetle, for which there is no known way to stop it except to chop down the tree and everything else around the vicinity.

I feel that this is an incredibly important appropriations she is talking about, and I really support it completely, and that it is important to the health and safety and well-being of Americans and of our vegetable life and our plant life and our other areas that she mentioned.

So I am here strongly in support of her amendment and strongly suggest that the rule of order not be put in place because this is so critical, really, to the concerns of this Nation.

Ms. KAPTUR. Mr. Chairman, I would like to appeal to the Chair and ask unanimous consent of the membership for an additional minute and a half, if I might, in addressing the point of order.

The CHAIRMAN. The Chair would request that the Members confine their arguments to whether or not this amendment is in order.

The Members may strike the last word at an appropriate time and debate and make comments about this particular amendment, but at this point the Chair is prepared to rule on the point of order, unless there is further arguments as to whether or not this amendment is in order.

Ms. KAPTUR. Mr. Chairman, I would ask unanimous consent for an additional minute and a half to address the point of order issue.

The CHAIRMAN. The Chair cannot entertain a unanimous consent request at this point because the point of order is pending.

Are there further arguments on whether this amendment is in order?

At this time, the Chair is prepared to rule. The Chair finds that the amendment includes an emergency designation under Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in regard to the proposal on the amendment dealing with the Animal Plant Health Inspection Service, I just wanted to read into the RECORD a statement of policy that I think is important to be appended to this debate today, and it comes in the form of a letter from the Office of Management and Budget dated June 29, 2000, from the Executive Office of the President concerning plant pests and diseases.

It says: "The administration places a high priority on fighting plant pests and diseases, especially when there are invasive species that may be eradicated before becoming an established threat. To combat sudden outbreaks of invasive species, the administration has used emergency transfers through the Commodity Credit Corporation at a level that is much higher than the two previous administrations combined, and we continue to support the use of Commodity Credit Corporation funds in cases of unforeseen emergencies. However, where eradication efforts extend over several seasons, costs are predictable and should be incorporated into the discretionary appropriations process. Therefore, to address ongoing plant pest and disease outbreaks, the administration has proposed substantial appropriations in the 2001 budget. The Committee bill has not provided these appropriations, thereby requiring a corresponding increase in emergency spending from the CCC for activities that can no longer be considered unforeseen."

The issue of proper compensation to producers for losses due to invasive plant pests and disease has grown more complex recently as the variety and complexity of outbreaks have increased. Legislative and administrative actions to provide compensation for invasive species losses would be better guided by a policy that distinguishes between compensation as part of eradication efforts and compensation as reimbursement for natural disaster losses due to infestations rather than through event-specific supplementals.

The administration believes there should be a more systematic approach to making these decisions and will be sending to Congress a set of recommendations that it hopes can be used as a framework for discussion with Congress on this issue.

I reiterate, in the President's cover letter it says he would recommend that this bill be vetoed if it were presented to him in its current form.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the gentleman from Iowa (Mr. LATHAM), a member of the committee.

As the gentleman knows, in the Taxpayer Relief Act of 1997, Congress enacted a 3-year income averaging provision to protect farmers and ranchers from excessive tax rates in profitable years. Unfortunately, a ruling by the Internal Revenue Service late last year could potentially cost farmers and ranchers thousands more in taxes each year and is inconsistent with the intent of Congress.

Mr. LATHAM. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentleman from Iowa.

Mr. LATHAM. Yes, that is correct.

Mr. GREEN of Wisconsin. Last October, the IRS proposed final regulations for income averaging failed to clarify that taxable income in the income averaging formula could in fact include a negative number. Current instructions that accompany schedule J of Form 1040 require that taxable income cannot be less than zero. Earlier this year, I introduced H.R. 4381 to address this unfortunate situation. This legislation simply amends the Internal Revenue Service code of 1986 by permanently taking into account negative taxable income during the base 3-year period.

I believe this legislation, once passed, will codify Congress' original intent and ensure that farmers and ranchers receive the protection they deserve. Unfortunately, I understand that introducing H.R. 4381 as an amendment to this appropriations bill would violate House rules that prohibit legislating on an appropriations bill.

As a result, I would ask for the gentleman's assistance and the assistance of the committee in working with me to present this legislation to the Committee on Ways and Means.

Mr. Chairman, I thank the gentleman from Iowa (Mr. LATHAM) for his efforts on this subject. I know the gentleman from New Mexico (Mr. SKEEN) and I also believe the IRS's interpretation needs to be changed and regret that it cannot be done at this time.

I have also seen the rapid and dramatic price fluctuations that farmers and ranchers are so often subject to. The goal of the Taxpayer Relief Act of 1997 was to help reduce the tax effect of these large fluctuations. I agree with the gentleman that the IRS's interpretation will dramatically impair the effectiveness of this legislation. I look forward to working with the gentleman on this important matter, as does the chairman.

Mr. GREEN of Wisconsin. I thank the gentleman and the chairman for their help and their attention to this matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $5,200,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $56,326,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: *Provided further*, That, only after promulgation of a final rule on a National Organic Standards Program, $639,000 of this amount shall be available for the Expenses and Refunds, Inspection and Grading of Farm Products fund account for the cost of the National Organic Standards Program and such funds shall remain available until expended.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES LEVEL

Not to exceed $60,730,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $13,438,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,500,000.

Grain Inspection, Packers and Stockyards Administration

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $27,801,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,557,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

Office of the Under Secretary for Food Safety

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $446,000.

Food Safety and Inspection Service

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, $673,790,000, of which no less than $585,258,000 shall be available for Federal food inspection, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: *Provided further*, That the Food Safety and Inspection Service may expend funds appropriated for, or otherwise made available during fiscal year 2001 to liquidate overobligations and overexpenditures incurred in fiscal years 1997 and 1998.

Office of the Under Secretary for Farm and Foreign Agricultural Services

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $572,000.

Farm Service Agency

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $828,385,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $3,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $450,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,128,000,000, of which $1,000,000,000 shall be for guaranteed loans; operating loans, $3,177,868,000, of which $2,000,000,000 shall be for unsubsidized guaranteed loans and $477,868,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $2,006,000; for emergency insured loans, $150,064,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $18,886,000, of which $5,100,000, shall be for guaranteed loans; operating loans, $129,534,000, of which $27,400,000 shall be for unsubsidized guaranteed loans and $38,994,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $323,000; and for emergency insured loans, $36,811,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $269,454,000, of which $265,315,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the House and Senate Committees on Appropriations.

Risk Management Agency

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $67,700,000: *Provided*, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2001, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $27,771,007,000 in the President's fiscal year 2001 Budget Request (H. Doc. 106-162)), but not to exceed $27,771,007,000, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 2001, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961.

AMENDMENT OFFERED BY MR. HAYES

Mr. HAYES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAYES:

Page 31, after line 5, insert the following:

ADMINISTRATIVE PROVISION

Any limitation established in this title on funds to carry out research related to the production, processing, or marketing of tobacco or tobacco products shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

Mr. HAYES. Mr. Chairman, I rise to offer an amendment which is about existing benefits resulting from research. It is also about badly needed health breakthroughs which are dependent on future research using the tobacco plant.

Recently I, along with the senior Senator from North Carolina and the senior Senator from Indiana, sponsored an appropriation for $3 million for North Carolina State University and Georgetown University Medical School to conduct cervical cancer research using the tobacco plant. There are high hopes and optimism that a preventive vaccine and ultimately a cure can soon be produced.

These institutions have written letters outlining the goal of this research, which is to develop a preventive vaccine for this terrible cancer.

In addition, other institutions, such as Virginia Tech, are conducting similar health and pharmaceutical-related research on such diseases as Parkinson's, Gaucher's disease, providing clot dissolving drugs and even preventing tooth decay, all uses from tobacco plants.

□ 1445

The potential benefits to medicine, health and industry are limitless.

Mr. Chairman, I am going to ask that letters from these institutions, as well as a letter of support from the North Carolina Farm Bureau, a press statement from the Campaign for Tobacco-Free Kids, who are supporting this type of research, be placed into the RECORD at the appropriate time.

We are on the verge of a number of critical breakthroughs which are so vital to our Nation's health. There is language in the present bill that prohibits money from being spent on tobacco research. Although possibly well-intentioned, this language prevents medical, agricultural, and industrial research that is vital to our Nation's health and the economic health of our farm families.

I want to make clear the types of research that I am speaking of are new breakthroughs. Research that can affect the lives of millions of Americans and provide life-saving vaccines and countless other medical, scientific, and economic benefits.

The tobacco plant has unique characteristics which allow it to produce large volumes of high-quality proteins which are vital to medical, pharmaceutical and scientific research.

The potential for new pharmaceuticals is unlimited. The ability to reduce the costs of new and existing drugs is also unlimited. It is this type of research I seek to preserve and expand with this amendment.

Mr. Chairman, I urge my colleagues' support.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman from North Carolina (Mr. HAYES) for yielding to me and thank the gentleman for introducing the amendment.

I want to join in support of this and say this is an opportunity to see how we can use tobacco for something other than for recreational use. It also is an excellent opportunity for medicinal and production goods, for enhancing the protein content for feeding of livestock, and I think it has potential economic advantage for the farmers in our areas who are really trying to find a quality value for tobacco other than being challenged as they have been about the health issues.

I think this is a worthwhile issue, and I urge my colleagues not to apply any predisposition to this and see this in a very positive way and to support the amendment.

Mr. HAYES. Reclaiming my time, Mr. Chairman, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for her very thoughtful comments. I also have supporting comments from the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. CUNNINGHAM), which I will ask them to insert in the RECORD later.

Mr. Chairman, I urge my colleagues' support.

GEORGETOWN UNIVERSITY
MEDICAL CENTER,
Washington, DC, June 27, 2000.

Hon. C.W. BILL YOUNG,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing in support of Congressman Hayes' amendment to the agriculture appropriations bill that would allow money to be spent on research for alternative uses for tobacco. Your support of this amendment will allow funding for an alternative use of a genetically modified version of the tobacco plant capable of producing a vaccine for the potentially prevention and cure cervical cancer.

Cervical cancer is the most common cause of cancer-related death among women worldwide. Every year in the United States, approximately 15,000 women are diagnosed with cervical cancer and 5,000 women die of this disease. Worldwide, cervical cancer affects 500,000 women annually, and, after breast cancer, it is the second most common malignancy found in women.

Clinical studies have confirmed that the human papillomavirus, or HPV, is the primary cause of cervical cancer. In order to develop a vaccine, large quantities of HPV fragments are required. Unfortunately, this virus does not grow under normal laboratory conditions. The tobacco plant, however, shows tremendous promise to serve as a vessel in which an HPV fragment could be cultivated.

Recently, it has become feasible to biologically engineer tobacco to produce high-value foreign proteins, including a potential vaccine for the papillomavirus. Once developed, this detoxified version of HPV fragments can then be injected into the human body. These genetically engineered proteins would trigger our natural immunization defense system and create a resistance to the harmful strain of HPV. This treatment could also serve as a cure for existing HPV.

We greatly appreciate the recent appropriation of $3 million funding for this study that will permit North Carolina State University (NCSU) and Georgetown to explore this promising new vaccine. While this appropriation was not included in the FY '01 agriculture appropriations, we appreciate your attention to this matter and appreciate your support. Your support is critical for finding a cure to cervical cancer. Thank you.

Sincerely,

KENNETH L. DRETCHEN, Ph.D.

NC STATE UNIVERSITY,
Raleigh, NC, June 29, 2000.

Hon. BILL YOUNG,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN YOUNG, thank you for your leadership in supporting the research of scientists at North Carolina State University and Georgetown University Medical Center in their quest to develop a vaccine against cervical cancer. Working together, our researchers aim to grow the vaccine in tobacco. However, a critical obstacle must be overcome in order for our important work to proceed: the research project needs Congressional authorization to grow the vaccine in tobacco. To this end we urge you to support Congressman Robin Hayes' amendment to the agricultural appropriations bill to allow this valuable research to proceed.

Our researchers propose to engineer tobacco plants so that the plants produce a vaccine that can be used to immunize women against Human Papilloma Virus (HPV). We hope you agree that research using genetically engineered tobacco to produce vaccines and other valuable products is inherently different from earlier work intended to produced improved tobacco varieties for the benefit of growers. Therefore, this type of work should be exempt from any regulations that seek to limit federal support for tobacco research. Indeed, it is in the best interest of the country as a whole to foster such efforts wherever possible, both to produce valuable and desperately needed commodities, and to develop wholly new market opportunities for American farmers.

This joint North Carolina State University-Georgetown University Medical Center is an excellent example of this type of research. Genetic engineering of tobacco can result in production of the HPV vaccine. Currently there is no economical method for producing this vaccine. Tobacco was chosen for this work because it is relatively easy to engineer so that it will produce the vaccine. Further, tobacco products more green biomass per acre than any other crop, thus containing input costs and reducing the ultimate cost of the vaccine.

Developing a cost-effective means to reduce the incidence of MPV infection is critically important because this virus causes virtually all cervical cancers. Cervical cancer is the leading cause of cancer-related deaths in women worldwide. The disease typically manifests during a time of life when women are rearing their children, thus putting at risk both the women who succumb to the disease and the children they leave behind.

A peripheral goal of the research is to identify other potentially useful products that can be derived from green biomass, and develop efficient methods for their purification. Already several compounds have been identified that have potential use in formulating both medical and consumer products. Recovery of such compounds will generate additional product streams that could be derived from the same plants that are making the HPV vaccine. Each of these products represents a potential new market that could help to keep farming profitable during this difficult time of transition and competition in the global marketplace.

I strongly urge you to support this amendment to encourage these valuable research efforts.

Sincerely,

MARYE ANNE FOX,
Chancellor.

VIRGINIA TECH,
Blacksburg, VA, June 29, 2000.

Hon. RICK BOUCHER,
House of Representatives,
Washington, DC.

DEAR RICK: Virginia Tech is a leader in the development of technology that uses tobacco plants for the purpose of producing human pharmaceutical products. Two years ago, a team of Virginia Tech scientists demonstrated the feasibility of producing human therapeutic proteins in genetically engineered "transgenic" tobacco plants. The Virginia General Assembly has provided significant funding to the University for transgenic biotech research involving the tobacco plant and Tech's scientists are hard at work to exploit new biomedical uses of this plant.

As you know, a team of Virginia Tech scientists, working with CropTech of Blacksburg, has introduced segments of human DNA into the genes of tobacco. Those segments instruct the plant to produce human protein, which can then be extracted from the leaves and used to create drugs. Among their achievements so far are tobacco plants that produce a human protein that is part of blood clotting/anticlotting chemistry. This protein is presently extracted from human blood plasma for testing by hospitals.

Just last month another team of our scientists announced the discovery of a compound found in the tobacco plant that inhibits the growth of an enzyme that may be a significant causative factor in Parkinson's Disease in humans.

I understand that an amendment may be offered to the Agriculture Appropriations bill (HR. 4461) that would remove existing limitations on the use of funds that restrict the use of agricultural research funding for research on medical, biotechnical, and other uses of tobacco. Such a modification in existing agricultural research policy appears to be appropriate in order to encourage the many promising uses of tobacco that are being developed at Virginia Tech and elsewhere.

I ask that you give such an amendment every appropriate consideration.

Sincerely,

CHARLES W. STEGER,
President.

NORTH CAROLINA
FARM BUREAU FEDERATION,
Raleigh, NC, June 29, 2000.

Hon. BILL YOUNG,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN YOUNG, the North Carolina Farm Bureau supports the effort to include legislative language in the FY 2001 Agriculture Appropriations bill providing enhanced research alternatives to produce a vaccine that could potentially prevent and cure the human papillomavirus, or HPV, a primary cause of cervical cancer.

Recently, it has become feasible to biologically engineer tobacco to produce high-value foreign proteins, including a potential vaccine for the papillomavirus. Once developed, this detoxified version of these HPV protein fragments can then be injected into the human body. These genetically engineered proteins would trigger our natural immunization defense system and create a resistance to the harmful strain of HPV. This treatment could also serve as a cure for existing HPV.

Cervical cancer is the most common cause of cancer-related death among women worldwide. Every year in the United States, approximately 15,000 women are diagnosed with cervical cancer and 5,000 women die of this disease. Worldwide, cervical cancer affects 500,000 women annually, and, after breast cancer, it is second most common malignancy found in women.

Again, we applaud your efforts in supporting the use of tobacco plants in genetic research benefiting many Americans.

Sincerely,

LARRY B. WOOTEN,
President.

CAMPAIGN FOR TOBACCO-FREE KIDS

STATEMENT OF THE CAMPAIGN FOR TOBACCO-FREE KIDS CONCERNING RESEARCH ON GENETICALLY MODIFIED TOBACCO FOR NONHARMFUL PURPOSES

In the last several years and because of advances in the area of biotechnology, some researchers believe that it may be possible that the tobacco plant, long known to cause serious disease and addiction, may be genetically altered to produce medicines that may be beneficial. These developments may present new opportunities for public health as well as for tobacco producing communities.

The Campaign for Tobacco-Free Kids encourages continued research into the use of genetically modified tobacco for nonharmful and non-traditional uses, in particular uses that may help treat disease rather than causing it.

We wish to emphasize that these products like all products that contain tobacco, whether used for smoking purposes, chewing purposes, or in this case pharmaceutical purposes, should be fully regulated by the Food and Drug Administration.

[From the Virginia Tech Spectrum, June 9, 2000]

CASTAGNOLI'S DISCOVERY MAY PROTECT AGAINST PARKINSON'S DISEASE

(By Sally Harris)

In a discovery that opens an important direction in the study of Parkinson's disease, Virginia Tech scientists have identified a compound in tobacco that inhibits an enzyme that breaks down key brain chemicals.

Parkinson's disease, a central-nervous-system disorder, causes the gradual deterioration of neurons in the section of the brain that controls movement. The brains of patients with Parkinson's disease typically have less of a neurotransmitter called dopamine. Studies have shown that smokers are 50 percent less likely to get Parkinson's than non-smokers, but no one has isolated a particular substance in tobacco that may be responsible for that phenomenon.

Neal Castagnoli, director, and Kay Castagnoli, senior research associate, at Virginia Tech's Harvey W. Peters Center in the chemistry department, located in the College of Arts and Sciences, conducted research that has led to the isolation of a compound in tobacco that protects against the loss of dopamine in mice and thereby may protect against the development of Parkinson's Disease.

"Joanna Fowler, a scientist at Brookhaven National Laboratory in New York, found by positron emission tomography (PET) imaging that smokers' brains have 30 to 40 percent lower levels of monoamine oxidase (MAO)," Kay Castagnoli said. MAO normally breaks down neurotransmitters such as dopamine, serotonin, and norepinephrine. Since the Castagnolis had already been conducting research involving MAO and neuroprotection, "We thought about the connection," Castagnoli said.

They decided to examine if there was a substance in tobacco that inhibits MAO. Ashraf Khalil, a post-doctoral fellow in the group, was able to separate and characterize a compound called 2,3,6-trimethyl-1,4-napthoquinone, or TMN, which was also known to be present in tobacco smoke and proved to be an inhibitor of MAO.

Using mice, the Castagnolis first administered TMN and then a potent neurotoxin, MPTP, a contaminant that had been discovered in a street drug sold in the early 1980s.

The drug was meant to mimic the effects of heroin, but addicts who took large doses of the synthetic heroin suffered severe Parkinsonian symptoms. Neal Castagnoli, then working at the University of California at San Francisco, was one of the scientists who determined what caused the brain to turn the contaminant into a toxin that caused many of its users to develop the Parkinsonian symptoms.

In the recent tobacco study, the Castagnolis discovered that TMN, found in tobacco smoke as well as leaves, did in fact interfere with MAO and protected the rodents against the toxic effects of the synthetic-herion contaminant.

Although this discovery opens up the possibility of new avenues of research, "No one should start smoking based on these results," Kay Castagnoli said, "and people should continue to stop smoking. There's no evidence that the benefits of smoking will ever outweigh the risks."

"The finding that smoking decreases the risk for Parkinson's disease raises the question of identifying the actual neuro-protective agent among the hundreds of compounds present in cigarette smoke," said Donato Di Monte, director of Basic Research at the Parkinson's Institute in Sunnyvale, Cal. The discovery in the Castagnolis' lab, he said, "provides a critical clue for the development of drugs that may directly reproduce the neuro-protective action of smoking without exposing people to its other harmful health effects."

The results of the Castagnolis' research, which has included a second study of mice that confirmed their initial findings, is an important step in the study of Parkinson's disease, he said. "This compound may be the one involved in neuro-protection, but there may be others that, by acting on the enzyme, may have neuro-protective effects." Also, Kay Castagnoli said, it could be possible, in pharmaceutical industries, that this basic structure could be used as a template for the development of neuro-protective compounds.

This summer, the Castagnolis, along with Ashraf Khalil, will look for other neuro-protective agents in tobacco.

Castagnolis Discover Compound in Tobacco May Protect Against Parkinson's Disease

BLACKSBURG, MAY 15, 2000.—In a discovery that opens an important direction in the study of Parkinson's disease, Virginia Tech scientists have identified a compound in tobacco that inhibits an enzyme that breaks down key brain chemicals.

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This summer, the Castagnolis, along with Ashraf Khalil, will look for other neuroprotective agents in tobacco.

Commercial Scale Cultivation of Pharmaceutical-Producing Tobacco Possible, Virginia Tech Scientists Find

BLACKSBURG, NOV. 11, 1998.—The results from a summer of research show that pharmaceutical-producing tobacco can be grown on a commercial scale, according to Virginia Tech scientists.

Carole Cramer, professor of plant pathology, physiology and weed science, said additional field trials next summer are expected to confirm and extend the findings from this year.

Jim Jones, an agronomist and director of Virginia Tech's Southern Piedmont Agricultural Research and Extension Center in Blackstone, said the summer's field tests produced encouraging data as well as experience in managing tobacco grown for medical uses.

"We're not looking at growing tobacco in the way its been grown in the past," Jones said. "In fact, what we've got is really a new crop."

Jones said the field research included increasing the population of tobacco plants from about 6,000 plants per acre in traditional tobacco growing practices to as much as 100,000 plants per acre.

The growing pattern of tobacco to produce leaf for tobacco companies is well established, he said. What Cramer is looking for, however, is the optimum cultural practices to produce protein. With that in mind, the transgenic tobacco was harvested multiple times during the summer at a point far earlier than tobacco is harvested for traditional uses.

In 1995, a team consisting of Cramer and her associates at Virginia Tech and CropTech, a biotechnology company located in Blacksburg, was the first to induce a plant to express a human protein with enzymatic activity. That achievement has opened the possibility of using plants as factories to produce human proteins that can be used in pharmaceuticals.

The tobacco planted at Virginia Tech's agricultural research and extension centers in Blackstone and in Glade Spring last summer used a "marker" gene rather than the human genes. The marker gene allowed scientists to evaluate that ability of tobacco grown in different densities to produce a target protein, Cramer said.

So successful have been the results that Cramer hopes that next summer's field trials will include limited quantities of plants with target proteins that CropTech hopes eventually to convert into pharmaceuticals on a commercial scale.

CropTech has genetically engineered tobacco plants so far grown only in greenhouses. The genes inserted into the tobacco DNA orders the production of human enzymes, which can be extracted, purified and used to develop pharmaceuticals.

The gene that produces the protein cannot be "turned on" until scientists give it a specific signal or inducer. Thus, the process can be controlled so that drugs will be made only after the leaves have been harvested and taken to a regulated a manufacturing facility, Cramer said.

Some tobacco plants have been modified to produce an enzyme that can be used to treat Gaucher Diseases, a rare and often fatal condition. Other plants have been modified to produce human Protein C, which is used to prevent blood clots. Both tobacco-based products are still in development and have not undergone clinical trials.

Cramer said tobacco has the potential to serve as the host for many other pharmaceutical proteins as well. Tobacco is exceptionally suited for use in producing pharmaceuticals because it is one of the most productive crops in growing leaf biomass quickly and efficiently, she said. It is also one of the easiest plants to genetically modify. As a very prolific seed producer, it will allow production to be scaled up very rapidly.

The field trials indicated that flue-cured tobacco is the best variety for producing the target proteins in the quantities needed for commercial production. However, both burley and oriental varieties of tobacco also performed well in protein production.

"That means it looks as though we have great flexibility in regard to varieties," she said, "That, in turn, means that we won't necessarily be limited to any particular growing region in Virginia. The results have shown that we can grow this tobacco at very high densities. In fact, the higher the density the better, from the viewpoint of extracting proteins."

With the support of state Sen. William Wampler Jr. of Bristol, former Gov. George Allen and Gov. Jim Gilmore included $554,000 in the state budget over the biennium for transgenic medicinal-tobacco research. During the 1998 legislative session Wampler sponsored an amendment which earmarked an additional $2000,000 specifically for the field trials. That funding was in part provided to help develop a new, high-value use to hundreds of acres of tobacco land statewide.

Virginia Tech Begins Field Trials of Genetically Engineered Tobacco Plants Producing Pharmaceuticals

GENERAL ASSEMBLY INVESTS IN NEW INDUSTRY FOR VIRGINIA

BLACKSBURG, JUNE 22, 1998.—Virginia Tech will soon begin the first phase of a $754,000 state-funded research project that could lead to a tobacco-based industry for growing human pharmaceuticals in fields across Virginia.

A team of Virginia Tech scientists has demonstrated the feasibility of producing human therapeutic proteins in genetically engineered "transgenic" tobacco plants. Now, researchers will develop the special methods required to grow the transgenic tobacco that could bring new, high-value use to hundreds of acres of tobacco land statewide. "This investment in biotech research will help lay the foundation for a whole new tobacco-based industry for Virginia," said Carole Cramer, project director and professor of plant pathology and physiology at the Fralin Biotechnology Center of Virginia Tech.

Planning began in early May for the first phase of a multi-year field trial. Researchers will eventually plant tens of thousands of transgenic tobacco seedlings in fields at the university's agricultural research stations at Blackstone and Glade Springs. These studies will also include greenhouse experiments and laboratory analyses at the Virginia Tech campus in Blacksburg.

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"The General Assembly was pleased to add an additional $200,000 to assist in the expansion of research in the pharmaceutical uses of tobacco," said Wampler. "We look forward to reviewing the results of the practical application of transgenic tobacco research, and we are hopeful that this research will result in new, viable economic opportunities for growing tobacco in our region."

Cooperating in the studies are scientists at Crop Tech Corporation, a plant biotechnology company located in Blacksburg. CropTech will contribute its proprietary know-how and transgenic tobacco lines, as well as laboratory facilities and financial resources from federal and private sources.

CropTech recently won a multi-year $8.8 million contract from the Advanced Technology Program of the U.S. Department of Commerce. That contract will allow CropTech to further develop technologies to support commercialization of transgenic tobacco for bioproduction of pharmaceutics. A portion of the contract funds will support research at Virginia Tech and will match the support from the legislature.

Cramer pointed out that the tobacco biotechnology being developed at Virginia Tech is uniquely suited for pharmaceutical production. The plants are modified to contain a human gene—a tiny piece of human DNA with the information to build a human protein—but the gene cannot be "turned on" until the scientists give it a specific signal or inducer. Thus, the process can be controlled so that drugs will be made only after the leaves have been harvested and taken to a regulated manufacturing facility.

This summer's field tests are designed to begin designing methods farmers will eventually use to grow the transgenic pharmaceutical tobacco plants for commercial sale. Among the issues being investigated are optimal plant density, planting and harvest methods and timing, nutritional requirements and pest protection, Cramer said. Also being studied are conditions that could help maximize pharmaceutical production and maximize the extraction of the target compounds from the leaves of the plant.

Cramer said tobacco is exceptionally suited for use in producing pharmaceuticals because it is one of the most productive crops in growing leaf biomass quickly and efficiently. It is also one of the easiest plants to genetically modify. As a very prolific seed producer, it will allow production to be scaled up very rapidly.

Although greenhouse studies during this year will include drug-producing plants, the field tests for these lines will not begin until next year, Cramer said. This year's field tests will incorporate a "reporter gene" to enable scientists to rapidly assess the performance of transgenic tobacco under various growing conditions.

The trials will also explore the potential of using floating-bed greenhouse systems for producing transgenic tobacco.

"This technology has tremendous potential as a win-win situation for both tobacco producers and drug companies," Cramer said. "People will surprised at how fast this new industry will be growing and the impact that it will have."

[From the Richmond Times-Dispatch, Sept. 24, 1997]

In This Case, Tobacco Could Be a Lifesaver

(By A.J. Hostetler)

WASHINGTON.—Tobacco may serve as a source of a new medicine for a rare and life-threatening genetic disease under patents being awarded this week for research at Virginia Tech.

The patents cover the processes involved in setting up a new biochemical Trojan horse: a bacterium which carries a human gene into a tobacco plant, from which scientists later extract a human enzyme. The tobacco-produced enzyme could eventually be turned into a drug.

"It's an incredibly effective delivery system," said Virginia Tech plant physiologist Carole Cramer.

She conducted the tobacco experiments at Virginia Tech and at Croptech Development Corp., a private biotech company she started with her husband, David Radin, a former Tech plant cell geneticist.

One patent for the genetic engineering was awarded yesterday and another will be awarded tomorrow, according to Radin. Both patents go to Virginia Tech and are licensed to CropTech. A third patent, which awaits federal approval, will be awarded to CropTech, with a small share of the patents, and any resulting profits, awarded to Virginia Tech, Radin said.

The research was financed by grants from the National Institutes of Health and the Department of Defense.

At a biology conference yesterday in Washington, Cramer described the research and how it could lead to a cheaper treatment for Gaucher disease.

Gaucher patients have a defective enzyme, called human glucocerebrosidase or hGC, which prevents them from processing fatting substances called complex lipids. The lipids accumulate in the body to toxic levels, causing bone deformities, liver and spleen problems and other complications that can lead to death at an early age.

Gaucher disease strikes mostly Jews, but others are also at risk. About one in every 40,000 people in the United States has the disease, according to one estimate, but that jumps to one out of every 450 to 600 among Jews of Eastern European descent.

There are only two drugs approved in this country to treat Gaucher disease. Both attempt to replace the missing enzyme.

Patients typically take a single dose of Ceredase, or its cousin, Cerezyme, every two weeks for their entire lives. The average annual cost of either drug is about $160,000, according to Cramer. A single dose of Ceredase is made from as many as 2,000 human placentas, Cerezyme, made from hamster ovaries, is similarly difficult and expensive to make, Cramer said. But a single tobacco plant can be genetically engineered to produce the same amount of enzyme far more cheaply and easily.

The Virginia research could offer Gaucher patients another alternative if a drug produced from transgenic tobacco works, said Rhonda Buyers, executive director of the National Gaucher Foundation.

The scientist who pioneered enzyme replacement therapy for the disease, Dr. Roscoe Brady, says he regrets the high cost of the current treatment and "fervently" hopes Cramer's work succeeds.

"I want this to happen," said Brady, now chief of the Developmental and Metabolic Neurology Branch at the National Institute of Neurological Disorders and Strokes.

"I'd like everybody who needs it to get it. Even if (hGC) comes from a tobacco plant, it's not going to be cheap."

Researchers are also developing gene therapy treatments that could "teach" the human body to make the enzyme. But that process is several years from general use. In the meantime, CropTech's work is "a good step forward" for patients with the crippling disease, Brady says.

Cramer began her research on genetically engineered tobacco in 1992 as she sought to understand how plants protect themselves from disease. After learning how to transfer genes from tomatoes into tobacco plants, she sought a more challenging—and show-stopping—project.

As the Clinton administration held hearings on health care in the early 1990s, Cramer and her team heard about Ceredase, which was being touted as one of the world's most expensive drugs.

Cramer said the researchers chose to study ways to produce the Gaucher enzyme after wondering, "What could we do that would make a big splash" in the scientific community?

"We wanted a dramatic example," she explained.

[From the Virginia Tech Edge, January 1999]

REMOTE SENSING CENTER ESTABLISHED

NASA will provide $419,256 to establish the Virginia Tech Center for Environmental Applications of Remote Sensing (CEARS). The center will provide maps and spatial data at all levels—land and water, above ground and underground, including such details as soil types, watersheds, and wildlife habitats—to help place major developments with the least impact, for instance. The center will be able to offer better-detailed geographic information than currently available, as well as data on the broad landscapes and inter-relationships.

Spearheading CEARS is Randy Wynne of forestry, who specialized in applying small satellite technology to natural resources, and James Campbell of geography. "CEARS will focus on the environmental applications of remote sensing," Wynne says.

A remote sensing laboratory will be equipped with 25 networked (100 Mbs) Windows NT workstations, an NT server, printers, and image processing and associated software (e.g., compilers, spatial statistical packages, and GIS).

"We intend to augment our capability for measuring and integrating data with a Sun photometer and PAR sensor, a field spectroradiometer, and a roving GPS base station, and will build an electric, remotely piloted vehicle capable of carrying small sensor payloads."

Additional laboratories located in the geography department and the Fish and Wildlife Information Exchange will support the project.

For more information, see the entire proposal for the center or contact Dr. Wynn at 540-231-7811.

TOBACCO PRODUCES HUMAN PHARMACEUTICALS

Scientists at Virginia Tech and CropTech Corporation of Blacksburg, VA, are using tobacco to produce human proteins.

Carole Cramer, professor of plant pathology and physiology, and colleagues have introduced snippets of human DNA into the genes of tobacco. Those snippets instruct the plant to produce human protein, which can then be extracted from the leaves and used to create drugs.

Among their achievements so far are tobacco plants that produce:

- Human Protein C, part of blood clotting/anticlotting chemistry. This protein is presently extracted from human blood plasma for use by hospitals. Human Protein C from tobacco has yet to be tested on humans.
- Glucocerebrosidase, a human lysosomal enzyme that may eventually be used to treat a rare, life-threatening genetic disease affecting the body's ability to break down fats. This enzyme is now purified from human placenta.

Contact: Dr. Cramer at 540-231-6757.

SORTING THE BUILDING BLOCKS OF LIFE

A university DNA sequencing facility has been established in the Virginia-Maryland Regional College of Veterinary Medicine's Center for Molecular Medicine and Infectious Diseases.

Funded by Virginia Tech Research and Graduate Studies, the college, and the Fralin Biotechnology Center, the laboratory is staffed and equipped to provide reliable and prompt DNA sequencing services for researchers, according to Stephen Boyle, professor in biomedical sciences and pathobiology.

To develop genetically engineered improvements in everything from food products to medicine, scientists must first acquire an accurate profile of a substance's molecular structure. The new lab allows them to do precisely that, Boyle says. Plus, the laboratory offers cost-effective, high-throughput services.

The laboratory includes twin Pharmacia Biotech ALFexpress sequencers. A computer-based control runs each unit independently. Laboratory manager Lee Weigt has 10 years of experience managing DNA sequencing facilities for the Smithsonian's Tropical Research Institute in Panama and the Field Museum of Natural History in Chicago, and has been specially trained by Pharmacia on the equipment.

Gaucher disease results when the body's enzyme storage system goes awry. Plants have a similar storage process, and Cramer thought she could prod a tobacco plant to grow hGC.

She did it by inserting the human gene for hGC into a common tobacco bacterium and allows it to infect a piece of leaf.

When the bacterium infects the leaf, it carries along with it the human gene. It transfers the gene into the plant and then dies, felled by antibiotics given to the tobacco plant.

Cramer has dozens of these genetically altered tobacco plants in various pots and petri dishes in her laboratory. The green leaves look like any normal tobacco plant.

While the plants grow, they show no signs of the human gene. The tobacco cells know how to make the enzyme, but don't do anything about it until they are activated by the researchers in a secret process that is part of the patent application. That helps control the quality of the enzyme produced because weather conditions and the timing of the harvest can affect the amount of hGC in the plant, Cramer said.

The harvested leaves are incubated for about a day before they are ground up and the enzyme is extracted.

The tobacco-produced hGC functions just like the human enzyme, she said, giving CropTech hope that federal approval for clinical trials may come in three to five years. When CropTech wins that approval, it would work with a drug manufacturer to produce the tobacco and enzyme in mass quantities, Cramer said.

[From the New York Times, May 14, 2000]

NEW VENTURES AIM TO PUT FARMS IN VANGUARD OF DRUG PRODUCTION—ALTERING GENE STRUCTURE TO "GROW" MEDICINES IN COMMON CROPS

(By Andrew Pollack)

Joe Williams, a Virginia tobacco farmer, has been forced to cut his production nearly in half over the last three years as people have kicked the smoking habit. But he is hoping that a small experimental plot he just planted will hold the key to his staying on the farm. That tobacco has been genetically engineered to produce not cigarettes but pharmaceuticals.

Plants containing drugs could, indeed, represent a new high-priced crop. "If we can actually find a medical use for tobacco that saves lives, what a turnaround for the much-maligned tobacco plant," said Christopher Cook, chief executive of ToBio, a company recently formed by Virginia tobacco farmers like Mr. Williams to grow drugs in cooperation with the CropTech Corporation of Blacksburg, Va.

The production of drugs in genetically altered plants—called molecular farming or biopharming—seems poised to represent the next waive in agricultural biotechnology. Until now, efforts have mainly been directed at protecting crops from pests and improving the taste and nutrition of food.

But just as the production of bio-engineered foods has been controversial, molecular farming is already raising some safety and environmental concerns. Chief among them is that drugs might end up in the general food supply, either because crops or seeds are misrouted during processing or because pollen from a drug-containing crop in an open field fertilizes a nearby food crop. What if insects eat the drug-containing plants or if the drug leaks into the soil from the roots?

About 20 companies worldwide are working on producing pharmaceuticals in plants, according to the Bow-ditch Group, a Boston consulting firm. A handful of such drugs are already being tested in human clinical trials, including vaccines for hepatitis B and an antibody to prevent tooth decay.

There have been dozens of field tests like the one on Mr. Williams's farm, aimed at seeing if products ranging from hemoglobin to urokilnase, a clot-dissolving drug, can be grown in crops like corn, tobacco or rice. In a closely related effort, companies are also trying to use plants to produce industrial chemicals.

Proponents say that farming for pharmaceutical proteins would be far cheaper than the current practice of producing these drugs in genetically modified mammalian cells grown in vats. That could lower the price of drugs produced by biotechnology, some of which now cost tens or even hundreds of thousands of dollars a year per patient.

In some cases, the drugs would not even have to be extracted from the plant. Scientists are testing edible vaccines in which people would be protected from diseases by eating genetically engineered foods.

As these crops get closer to market, regulators are trying to figure out how to ensure their safety. Last month, the Food and Drug Administration and the Agriculture Department held a public meeting in Ames, Iowa, to discuss the issue.

The regulators say some safeguards are already in place. To minimize environmental risks, all field tests of drug-producing plants must receive government permits, while some field tests of other modified crops require only that the government be notified, said Michael Schechtman, biotechnology coordinator for the Agriculture Department. In addition, the distance by which the drug-bearing plants must be isolated from other plants to prevent cross-pollination is double the usual distance used by seed companies to assure purity of their seeds, he said. And although genetically modified food crops are often deregulated after the product becomes commercial, he added, the planting of drug containing crops is likely to be regulated forever.

But Norman C. Ellstand, a professor of genetics at the University of California at Riverside and an expert on pollen flow, said that long-distance pollen flow is poorly understood and that the appropriate isolation distance for drug-producing plants would depend on the particular crop and drug. "It's just not clear that setting a double distance is going to solve everything," he said.

Indeed, biopharming lies on the border of medical biotechnology, which has been largely free of controversy, and food biotechnology, which has been beset by protests.

Some executives in the fledgling industry say that because medicines clearly help people, their activity is not generating this same kind of resistance as the production of genetically modified food crops. In addition, they say, drugs are tested and regulated far more stringently than biofoods. "It's being received entirely differently," said William S. White, president of Integrated Protein Technologies, a unit of the Monsanto Company that is trying to grow drugs in corn.

But critics of agricultural biotechnology say that such companies, which underestimated the public reaction to bioengineered foods, are repeating the mistake. Michael Hansen of Consumers Union, for one, said the public had no idea about the work being done to produce drugs in plants. "Once they have an idea, the thought of putting drugs in plants, is not going to go over well," he said.

Some companies producing drugs in plants are already being hit. Axis Genetics of Britain went out of business a few months ago, saying the protests over bioengineered food had scared off investors. Groupe Limagrain, a French seed company, says it has been conducting its field tests in the United States because the dispute over modified crops is greater in Europe. And Planet Biotechnology Inc. of Mountain View, Calif., keeps the location of its greenhouses secret to prevent vandalism by protesters, as has happened to companies growing modified food products.

Companies are considering various techniques to keep drug-producing crops from accidentally entering the food supply, including the implanting of a gene to turn drug-producing crops a different color from other crops.

Techniques are also being developed to prevent cross-pollination. CropTech, for instance, said its tobacco would be harvested before sexual maturity. Some drugs needed in small quantities might be grown only in greenhouses, rather than open fields.

Just as with food, biocrops should be able to produce large quantities of drugs at low cost, advocates say. The newest factories now used to produce pharmaceutical proteins in genetically modified mammalian cells can cost $100 million or more and can produce a few hundred kilograms a year at most. Drugs made in such factories can cost thousands of dollars per gram to produce.

For many biotechnology drugs already on the market, this is not a problem because prices are high and only minuscule amounts are needed. But some drugs under development, like an antibody-containing cream for herpes, are likely to require much larger quantities and not be able to command high prices.

"They cannot make these drugs using the old technologies," said Mr. White of Monsanto's Integrated Protein Technologies. "It's just not going to be cost effective to do so." Mr. White said his company could produce 300 kilograms of a purified drug for a $10 million capital investment and a cost of $200 a gram.

Planet Biotechnology is in clinical trials of an antibody, produced in genetically altered tobacco, that blocks the bacteria that cause tooth decay. Elliott L. Fineman, the chief executive, said it would be impossible to use mammalian cells to produce the 600 kilograms a year that might be needed in a cost-effective way. But the entire supply could be affordably produced on a single large tobacco farm.

Still, the companies wanting to grow drugs have found the going somewhat rough. The Large Scale Biology Corporation, formerly Bio-source Technologies, did the first field test of a drug produced by a plant in 1991 but still does not have a drug in clinical trials.

Drug companies are hesitant to depart from existing technology. And some industry experts are not convinced that plants would be cheaper when the cost of extracting the drug from the plant is considered. "With respect to purifying it and isolating it, a plant can pose challenges," said Norbert G. Riedel, president of the Baxter Healthcare Corporation's recombinant DNA business.

Moreover, the production of drugs in plants faces competition from production in the milk of genetically modified animals. This also offers potentially high volumes at low costs, and the animal milk companies are closer to bringing products to market. Some already have deals signed with major drug companies.

The plant-drug companies say their technique is safe because mammalian cells and animal milk can introduce harmful viruses into the drug, while plant viruses are not known to infect people.

There could be other problems, however, including contamination by pesticides and plant chemicals like nicotine. The F.D.A., which is preparing draft guidelines for production of such drugs, is considering such issues as assuring that the pharmaceutical protein does not change form during plant growth, harvesting and storage.

Yet another issue is that the sugars attached to proteins by plants are different from those attached by animals. This could prevent the plant-derived drug from working and could cause allergies, said Dr. Gary A. Bannon, professor of biochemistry and molecular biology at the University of Arkansas medical school.

Molecular farming might not prove to be the salvation of vast numbers of farmers since the acreage needed will probably be small. Mr. White of Monsanto said even a drug needed in large quantities could be produced on a few thousand acres of corn, a mere blip compared with the roughly 77 million acres of corn grown in the United States.

But Brandon J. Price, chief executive officer of CropTech, which is working with the Virginia farmers, said 45,000 acres would be needed to satisfy the entire worldwide demand for human serum albumin, a blood product that his company wants to produce in tobacco.

Said Mr. Williams, the Virginia farmer, "we're looking at thousands and thousands of acres it takes off and goes."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. HAYES).

The amendment was agreed to.

AMENDMENT NO. 43 OFFERED BY MR. MILLER OF FLORIDA

Mr. MILLER of Florida. Mr. Chairman, I offer an amendment.

Mr. LATHAM. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore (Mr. HEFLEY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 43 offered by Mr. MILLER of Florida:

Page 31, after line 5, insert the following:

PURCHASES OF RAW OR REFINED SUGAR

For fiscal year 2001, the Commodity Credit Corporation shall not expend more than $54,000,000 for purchases of raw or refined sugar from sugarcane or sugar beets.

Mr. MILLER of Florida. Mr. Chairman, this amendment is very simple. It is to say let us stop wasting taxpayers' dollars on the sugar program.

Last month, the Secretary of Agriculture bought $54 million worth of sugar and does not know what to do with it. We have too much sugar in this country. We cannot even give it away around the world, but we bought $54 million worth of sugar. We cannot use it for the ethynyl program. What are we going to do?

We are going to store it, and the media reports saying we are going to have another $500 million worth of sugar in the next 90 days, and we do not now have any use for it.

This is a waste, and it is an embarrassment to this Congress that we allow this program to be authorized in the farm bill back in 1996. In fact, during the past month, national television has been making fun of us, The Fleecing of America on NBC news made fun of Congress for wasting money on this program.

It's Your Money on ABC did the same, because it is a program that makes no sense. It hurts consumers. It hurts the environment. It hurts the jobs, and it is just bad simple economics.

Let me briefly describe what the program is. We have a Federal Government program through a loan program and limits on imports to prop up the price of sugar at about three times the world price. That is right, here in the United States, we pay three times the price of sugar as they pay in Canada or Mexico or Australia. What does that mean? It means our consumers get hurt.

In fact, the General Accounting Office, which is a nonpartisan organization that supports Congress, it is not supported by the agriculture or the business sector, it is nonpartisan, nonbias, their most recent study last month said $1.9 billion that it costs us. The taxpayers are being hit, $54 million last month alone and it can go as much as $500 million.

The environment, I come from Florida, and the Florida Everglades is a real national treasure, and what are we doing is, because of the high price of sugar, we are overproducing sugar, which has all that runoff that flows into the Everglades down into Florida Bay and the Florida Keys, and it is causing environmental damage. That is the reason we get strong support from the environmental community on this issue.

And when we get to trade, it is amazing. How can we go to Seattle and talk about trade issues and say we will talk about everything but sugar, because we do not want to talk about sugar. It makes it difficult for us to be advocating free trade when we have to protect sugar.

Finally on jobs, we can go program after program, where the jobs are impacted in this country. We are losing jobs.

Let me give my colleagues an illustration. Bobs Candies in Georgia makes candy canes. They use a lot of sugar in candy canes. It is a third generation company. What is happening is in Canada where the sugar is only a third of the price or in the Caribbean where they get sugar for a third of the price, they can shift their production. Why would they want to manufacture in the United States to pay that high price for sugar?

This makes zero economic sense. It has zero economic sense, because it has all negatives. The only people supporting the program are the sugar growers, and the sugar growers love it.

In fact, they love it so much they increased the production of sugar by 25 percent in the last 3 years because they are just making a killing off of sugar. Next year, they are predicting even more sugar protection and instead of buying $500 million worth of sugar, we can see a billion dollar a year cost.

We were told back there 1996 oh, no, it does not cost us anything. It does not cost anything. In fact, they told us back in 1996, sugar is going to pay a support program part of this, like $40 million. Well, they got rid of that a couple of years ago. Now, we do not even make money on the sugar program, we just spend money. We just waste money.

For my colleagues, I hope they will support me as we get rid of this program. If my colleagues are conservative, this is bad big government. If my colleagues are pro consumer. If my colleagues are concerned about the lower-income people that spend so much money on their income on food, my colleagues should support this. If my colleagues are an environmentalist, this is definitely one to support, because we want to protect the Everglades.

It is just a bad big government program, and I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore. Does the gentleman from Iowa (Mr. Latham) continue to reserve a point of order?

Mr. LATHAM. Mr. Chairman, I continue to reserve my point of order.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman for Iowa (Mr. LATHAM) for his indulgence; and I want to express my admiration for the diligent crusade the gentleman from Florida (Mr. MILLER) has been conducting on behalf of consumers, taxpayers, and other farmers.

In support of the gentleman from Florida's amendment, I want to address its negative impact on other hard-working honest unsubsidized farmers. I agree with what the gentleman from Florida (Mr. MILLER) has said about the taxpayers and about the consumers.

I represent a large number of people who are in the cranberry business. They grow cranberries. Cranberries have been a non-program crop, that is, unsubsidized.

As my colleagues know, this Chamber is full of people who are the world's most ardent advocates of free enterprise, of standing on your own two feet, of not having the government get involved, except it turns out that in all of the great conservative economic texts, there is a footnote that is written that says, except agriculture. Members have to come from a farm State to be able to read it. It is in invisible ink and one has to apply certain substances garnered on farms to be able to bring out that footnote so we can read it, because the part of the American economy which is the most heavily subsidized, the most heavily regulated, the most anti free market is, in fact, agriculture.

I represent some people who are in agriculture without much of that. The cranberry growers do a very good job of producing a very important crop, until recently, without any kind of government entanglement. They are trying to continue that. But they find themselves in a great dilemma. Cranberries are very tart. They are nourishing. They are tasty, but they require sugar in many of the forms in which they are prepared.

If Members want to come by my office, we have some very good dried cranberries, a very healthy snack, but they have a high percentage of sugar. The problem is that because of the sugar program, American cranberry growers and processors are at a significant competitive disadvantage vis-a-vis Canada.

Thanks to NAFTA, we now have one market embracing both Canada and the United States for cranberries. Cranberries are grown in both places. American processors are significantly disadvantaged because of the price of the sugar they must use to deal with their cranberry products is so much higher than the price that our Canadian competitors pay.

This is a case where the unsubsidized farmers and the cranberries farmers are seeking some help. They are seeking the one thing that I most support, a government purchase of surplus cranberries for use in various programs; but their dilemma has been exacerbated by the sugar program.

The cranberry growers come to the government for help, because the government has helped cause their problem; and it has helped cause their problem by putting them at a significant competitive disadvantage in some respects because of the high price of sugar they have to pay compared to the price of sugar paid by the Canadians.

I have, I guess, a very novel question, maybe it is naivete on my part. If we can, in fact, rely on a free market in oil, and we are told that the oil prices go up, well, that is tough, that is the free market. If we can have a free market in the most sophisticated telecommunications equipment, if we can have a free market in automobiles, in legal services, in shoe repair, in virtually every other commodity, what is it about the growing of sugar that repels the free market ethic?

What is it about sugar growing that makes it entitled to be an exception from the free market principles to which so many of my colleagues, especially on that side of the aisle, profess allegiance? Is sugar some alien substance that repels the concepts of demand and supply?

Are the people who grow sugar somehow mutants who are not subject to the same economic incentives and disincentives as others. So the sugar program is, of course, one of the great violations of principle that many on the other side profess, but we get used to a little principle slippage particularly late in the year when election time is coming up. But it hurts consumers, and sugar is consumed by lower-income people. It hurts the taxpayer considerably, the millions that we spent on sugar could well be used for other purposes; and, in particular, thought I want to stress here, it even hurts other parts of agriculture. That is one of the things about the free market, once we begin to tinker with it in such a substantial form, the effects of that tinkering cannot be confined, and the aid that is given by the taxpayers at the expense of consumers to sugar growers redounds to the significant disadvantage of people who grow cranberries.

I would hope that we would adopt the gentleman's amendment and proceed in the earliest time frame next year to abolish the program and bring that radical subversive unknown doctrine known as free enterprise into another area of the American economy.

The CHAIRMAN. Does the gentleman from Iowa (Mr. LATHAM) continue to reserve his point of order?

Mr. LATHAM. Mr. Chairman, I continue to reserve a point of order.

Mr. ROYCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the new GAO report says it all, the GAO report is entitled "supporting sugar prices has increased users costs, while benefiting producers."

According to this new report by our Federal Government, the sugar program costs consumers $1.9 billion each year in higher costs.

Secretary Glickman has announced that the Department of Agriculture would spend $54 million of taxpayers' money to purchase 130,000 tons of surplus sugar to prop up domestic prices. Every time an American goes to a vending machine to buy a candy bar or goes to the supermarket to buy ice cream, it can cost more because of the sugar program. Every time he tries to buy cranberry juice, it costs more, because of this program.

The sugar program acts as nearly a $2 billion hidden tax to our consumers, but this tax does not go to the government to pay for the national defense or for some other program. It goes into the pockets of the big sugar lobby.

The Freedom to Farm Act of 1996 began to phase out income supports for nearly every agricultural commodity, and tried to set them down the path toward free market competition, tried to set them towards free enterprise; however, the government continues to subsidize sugar producers by maintaining high sugar prices.

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Well, this amendment will limit the Commodity Credit Corporation from extending any more than the $54 million, the amount they have already purchased this year, on the purchase of additional sugar with taxpayers' dollars during fiscal year 2001. And to let the Commodity Credit Corporation continue to bail out sugar producers only continues the cycle of welfare to sugar producers and higher prices for consumers.

Mr. EWING. Mr. Chairman, will the gentleman yield?

Mr. ROYCE. I yield to the gentleman from Illinois.

Mr. EWING. Mr. Chairman, the gentleman knows, I am sure, that sugar prices are at an all-time low; they have not been this low in years.

Mr. ROYCE. Mr. Chairman, reclaiming my time, I know that the sugar prices are low, and I also know that the Federal Government, in its GAO report, has extrapolated the costs to consumers at $1.9 billion a year.

Mr. EWING. Mr. Chairman, if the gentleman will continue to yield, I understand that is what the GAO report said; but sugar prices are low, and I have not, and I just wonder if the gentleman has, seen any reduction in candy bars or soda pop or any other commodity that the gentleman claims will be such a windfall to American consumers. Has the gentleman seen any?

Mr. ROYCE. Mr. Chairman, again reclaiming my time, we have not repealed the laws of supply and demand, and to the extent that we have these types of programs that force higher prices on the consumer, yes, that is ultimately reflected in pricing. I believe that the market works.

Mr. EWING. Mr. Chairman, if the gentleman will again continue to yield, with all due respect to the gentleman's opinion on this, I think it is faulty, because prices are low, and nothing is happening to the cost of the products with sugar in them.

Mr. Chairman, when I look at this amendment, I recall the failed amendments that have been offered in the past on the Agricultural Appropriations bills. Regardless of how exactly the language reads, it all boils down to this: my colleague wants to eliminate the sugar program.

Each time sugar opponents have offered such an amendment on the Ag Appropriations bill, the House has rejected their efforts. This in itself says a great deal. The House has stood by its agreement made with farmers in the 1996 Farm Bill.

In the Farm Bill, Congress agreed to a sugar program that would stay intact for seven years. My colleague wishes to break this contract with farmers.

My colleague has made reference to a recently-released GAO report on the sugar program. There are a number of problems with this report, which both USDA and the sugar industry have highlighted. USDA, the agency that administers the federal sugar program, concluded: "GAO has not attempted to realistically model the U.S. sugar industry. The validity of the results are, therefore, suspect and should not be quoted authoritatively."

By agreeing to purchase sugar, USDA made an economic decision within the parameters of the program for the benefit of the taxpayer. In early June, USDA bought 132,000 short tons of refined sugar in an effort to avoid forfeitures of sugar under loan and to reduce the potential cost to the taxpayer. According to USDA, this purchase serves as a $6 million cost savings compared to potential forfeiture costs of the same tonnage.

To kill or impede the program today, nearly a year before we begin to authorize a new farm bill, especially without review by the authorizing committee, would be very unwise. The mechanics, operations, and success of the sugar program over the past five years should be evaluated more closely and carefully before a hasty vote on an appropriations bill hinders the current operations.

Join me in supporting the taxpayer, the American farmer and the contract made in the 1996 Farm Bill. Vote No on this amendment.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. ROYCE. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, the gentleman from Illinois is talking about how low the prices are. The price of sugar in the United States is about three times the world price. Look in today's Wall Street Journal; look in the financial pages. We see two prices: one for the United States, one for the rest of the world. And it is three times the world price.

So what are we supposed to be feeling sorry for when we are paying three times the price that Australia pays for sugar and Canada pays for sugar. And, yes, anybody who has had economics 101 knows that cost influences prices. So yes, it does have a direct effect. That is the reason the GAO did the study. That is the reason we have a nonpartisan, unbiased source that did the study; and that is the reason we need to trust that $1.9 billion. That is real money that costs real consumers real dollars.

Mr. LATHAM. Mr. Chairman, I continue to reserve my point of order.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. We go through this debate every year, and sugar becomes the culprit for all that is bad and all that is evil.

We hear about the world's sugar price being so much less everywhere else. It is interesting that when we travel abroad, candy is very, very expensive. Maybe they access the world market, but their prices are the same. Sugar is the lowest it has been in years; candy bars are higher than ever. Some Members say it is for the big sugar lobby. Well, what about the big candy lobby? Only the bad actors are on the other side of the amendments. Yesterday, it was the big pharmaceutical lobby when we talked about prescription drugs. Today, it is the big sugar lobby.

Nobody comes down to Clewiston and sees the small family farmers. And yes, there are some big farmers; we acknowledge that. Like everywhere else in America, there are small farmers and big farmers. But once again, we kick farmers when they are down. Some of the most difficult times we are experiencing in this Nation in farming are occurring today, and people always complain about programs done by the Department of Agriculture, and then they rush off out of this Chamber and have a big meal; and they eat a lot of food, and they fill up their bellies and think how wonderful it is that I had this delectable meal. Then they rush right back, full, their appetites satiated; and they immediately begin to attack farmers and the farm programs and the Agricultural Department and this runaway program that is being sponsored by Congress.

I say, if we complain about farmers, do not do so with our mouths full. This program has been reformed; it has been changed.

Mr. EWING. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois.

Mr. EWING. Mr. Chairman, I thank the gentleman for yielding. I would just point out to my colleagues, they refer to this GAO report, which I have seen thoroughly, and there are a number of problems with this report. Both the USDA and the sugar industry have highlighted: "USDA, the agency that administers the Federal sugar program, concluded," and this is important, "the GAO has not attempted to realistically model the U.S. sugar industry. The validity of the results are, therefore, suspect and should not be quoted authoritatively."

So the gentleman from Florida (Mr. MILLER) is using it incorrectly.

The gentleman from Florida (Mr. FOLEY) knows that they talk about the sugar price, but what is the sugar price, the world dump price?

Mr. FOLEY. Mr. Chairman, reclaiming my time, the sugar price, as the gentleman well knows, it is 125,000 metric tons, so nobody runs out to the Publix and buys 125,000 tons. In addition to that, it is left-over excess capacity. It is not first-run sugar; it is floating around there looking for a buyer. It is like the end-of-the-year car sales when people are trying to get the cars off their lots. This is sugar that is sitting, waiting, looking for a purchaser; it is not first-run sugar. So they misrepresent.

Mr. EWING. Mr. Chairman, if the gentleman would yield once again, most of that sugar comes from programs around the world that are subsidized much higher than we do in this country. They cannot use it; they cannot keep sugar. They dump it on the world market and take pennies on the dollar.

Mr. FOLEY. Mr. Chairman, reclaiming my time, the gentleman from Massachusetts made a big thing about the free market system. Well, I think we are spending about $14 billion on the big dig in Massachusetts for a tunnel. So all I will say to the gentleman is that we are spending money on projects throughout the country, and we are trying to help the farmers in America. We are trying to keep domestic production, and I think it is vitally important.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, first, I would say that 25 years ago I was opposed to that highway construction project. I thought it was not a good use of money.

Secondly, I would say this. Even at my most critical, I have never suggested that we should have the free market build a highway. If we are going to build a highway, then the Government has to do it. But I would say that I was against building the highway.

Mr. FOLEY. Mr. Chairman, I thank the gentleman very much. Reclaiming my time, the Government, once again, did build a highway; and it is $14 billion, probably about $8 billion overspending.

All I can say is listen to the amendment; look at what is occurring. Defeat the amendment. I support the gentleman as he reserves his point of order against the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the amendment offered by the gentlemen from Florida and California to reduce funding for the U.S. Department of Agriculture's Commodity Credit Corporation by $54 million—the amount of money made available last year for sugar producers.

Mr. Chairman, there is virtually no disagreement that the nation's sugar programs are flawed. In fact, an article which appeared last month in the Palm Beach Post quoted two sugar growers who admitted that the program has problems, and as one said, "some new policy is going to have to be developed."

Until then, we should not continue to pour taxpayer dollars into the sugar sinkhole. The sugar market is glutted, yet producers continue to grow more sugar, and as a result, grow fat off these sweet Federal subsidies.

While sugar producers get all the treats, the taxpayers wind up picking up the tab for all these tricks. Consumers are stuck paying higher prices for foods made with sugar, after already being forced to contribute tax dollars to pay for these subsidies. That doesn't sound like a sweet deal to me!

Frankly, the USDA's sugar policies have left a bitter taste in my mouth. We should stop subsidizing sugar growers, and instead start spending that money on more deserving programs, such as child nutrition programs, WIC, and agricultural research.

Mr. Chairman, let's get the sugar industry's hands out of the Federal cookie jar, and stop subsidizing Big Sugar. Support the Miller/Miller Amendment.

Mr. HOEFFEL. Mr. Chairman, I rise in support of the Miller amendment to the Agriculture Appropriations bill. This amendment limits expenditures by the Department of Agriculture for the purchase of sugar.

During consideration of my legislation, H.R. 3221, the Corporate Welfare Reform Commission Act, the Budget Committee heard testimony from members of Congress and budget experts about rooting out wasteful spending. The sugar program is high on the list of corporate welfare items that private groups and fiscal watchdogs have targeted for elimination.

The sugar program guarantees domestic cane and beet sugar producers a minimum price for sugar. It does this by offering loans to sugar processors at a rate which is written into law. This program has an unusual feature of allowing sugar processors to forfeit their sugar to the federal government instead of paying back their loans. In order to avoid the result of a direct expenditure from the federal government, the program restricts the amount of sugar that can be imported under a low tariff rate.

It's not surprising that producers are all eagerly seeking to participate in this program. The amount of sugar under government loan has nearly doubled since 1997.

It's also not surprising that there is currently a problem of sugar overproduction and now the sugar industry is not content with the government's subsidies in the form of restrictions on imports and direct payouts. They now are going directly to the Agriculture Department and selling their sugar that no one else wants to buy. The Department of Agriculture recently purchased 150 tons of sugar which cost American taxpayers more than $60 million.

This is the height of absurdity. We encourage overproduction of sugar through subsidies and trade restrictions and then when sugar is overproduced, we buy it and then give it away to a third country for free. This amendment puts an end to these purchases.

Proponents of this subsidy argue that the program does not cost the taxpayer anything. This argument is especially hollow considering the recent government purchases. But even putting those purchases aside, GAO has estimated that the cost of this program to consumers is nearly $2 billion a year. Every American that drinks a soda, eats a cookie or bakes a cake pays more than they should at the checkout line.

This "tax" to pay for the sugar program doesn't go toward some public purpose. It goes into the pockets of a few large corporate farmers with an average farm size of 2,800 acres. According to a Time magazine article, one family which Time dubbed "the first family of corporate welfare" received $65 million in federally subsidized revenues from the sugar program.

Mr. Chairman it is time we put an end to this shell game which always ends with the taxpayers losing. I urge my colleagues to support Mr. MILLER's amendment.

Mr. BARCIA. Mr. Chairman, Sugar Producers have been helping pay down our deficit for many years now.

In fact the Congressional Budget Office estimates that sugar producers will have actually paid $288 million into the federal treasury by the end of 2002.

So the recent $54 million sugar purchase by the USDA represents only a fraction of what sugar producers have already given to the government.

As lawmakers, when we committed ourselves to helping farmers, we committed ourselves to helping all farmers.

That's why I oppose the Miller amendment—because it singles out 2,880 farmers and more than 23,000 beet-sugar related jobs in Michigan alone. But Michigan is not alone—the whole country profits from the sugar industry. Sugar related employment represents 420,000 jobs in 40 states and over $26 billion in economic activity.

Sugar farmers and workers need our help. Please don't abandon them in their time of need. This amendment has already been struck down on a point of order, but I urge my colleagues to vote no in the future on any anti-farmer amendment like this one.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in strong opposition to this amendment.

I can understand some of the criticism of the sugar program, especially from those that are true free traders. I, too, wish we had an open market for sugar. But what I don't understand is the continual, thinly veiled attack against U.S. sugar growers.

This program protects American sugar growers, including the 23,000 growers and sugar industry employees in my district, from a truly unfair, highly subsidized, and distorted world sugar market. American sugarbeet growers are the most efficient—the best—in the world. They wouldn't need our help, except that their competitors are foreign governments trying to prop up much less than the best.

Also, please hold the arguments that the sugar program has hurt consumers. Wholesale sugar prices have fallen nearly 26 percent since 1996, while consumer prices have risen. Cereal prices are up by more than six percent. Ice cream is up more than nine percent. Candy prices have risen nearly eight percent. If producer prices are down, but consumer prices are up, who is benefiting? You know the answer.

Unilateral disarmament is not a fair or reasonable policy for American sugar growers. And an appropriations bill is not the place to even be discussing it. Reject this broadside against U.S. sugar. Oppose this amendment.

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, while not everyone has said it yet, I think everything that needs to be said on the subject has been said. So at this point I will make a point of order against the amendment offered by the gentleman from Florida.

The amendment violates clause 2, section C of rule XXI of the House in that it proposes the inclusion of legislative or authorizing language on an appropriation bill.

Specifically, the amendment proposes to limit certain expenditures made by the Commodity Credit Corporation where no such limitation exists in current law, instead of confining the amendment's proposed limitation to the scope of funds made available under this act. Additionally, the amendment of the gentleman from Florida contains "shall not" language that, on its face, imposes a legislative directive.

The CHAIRMAN. The gentleman has stated a point of order. Does the gentleman from Florida (Mr. MILLER) wish to be heard on the point of order?

Mr. MILLER of Florida. Mr. Chairman, as a member of the Committee on Appropriations, I feel very disappointed that we are cutting off debate like this. My cosponsor of the Miller and Miller amendment is not even allowed to speak on this bill. This is not the way we should treat our colleagues, to have the cosponsor being cut off from speaking.

Mr. LATHAM. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Iowa.

Mr. LATHAM. Certainly, after the chairman has ruled, any Member has the opportunity to strike the last word.

Mr. MILLER of Florida. Mr. Chairman, I would encourage the Members to do so, because there are a lot of people on the floor that want to talk to this issue.

Mr. Chairman, with respect to the point of order, we were told back in 1996 when the sugar program was developed and we authorized it that it was a no net-cost program; it will not cost the Government anything. We have already spent $54 million last month, and we are getting ready to spend $500 million more, so we were kind of misled in 1996 to have been told that it was a no net-cost program; so because of the change is the reason I think we should not have a point of order raised.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order on the question of whether or not this amendment is in order?

Mr. MILLER of California. Mr. Chairman, if I might, in response to reserving the point of order, if I could speak through the Chair to the gentleman that made the point of order, might it not be possible, if the gentleman insists upon his point of order, and I know we have the right to strike the last word later, but might it not be possible to ask unanimous consent so that at least our written statements could appear in the RECORD at this point so it is part of this joint debate?

The CHAIRMAN. Unanimous consent has already been authorized for that purpose for all Members.

Mr. MILLER of California. To be put into the RECORD at this point in the debate?

The CHAIRMAN. That is correct, yes.

Mr. MILLER of California. I thank the Chair.

The CHAIRMAN. Are there any other Members that wish to speak on the point of order?

The Chair is prepared to rule.

The Chair finds that the amendment offered by the gentleman from Florida (Mr. MILLER) includes language limiting the Commodity Credit Corporation purchasing authority; and, therefore, the amendment constitutes legislation in violation of clause 2 of rule XXI, and the point of order is, therefore, sustained.

The amendment is not in order.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have heard a lot of misstatements today about the sugar program, not only today, but in the discussions that have been held over the years. I think it is really unfortunate that so much of this comes from a theoretical discussion, which is purported to be a government report called the GAO Study.

I think that it is important when we look at these studies to look at the response the Department made with respect to each one of the assumptions that were propounded by the GAO report. The most significant of it is this use of the words, "world price." Anyone who has studied this particular issue will know that the world price is nothing more than a dump price. There is no such thing as buying sugar at 8 cents or 9 cents a pound. It is only where the excesses, the surpluses of all of these government programs all over the world have no internal domestic source to sell, then they go out to the world market and they dump it. It is absolutely unfair to talk about our sugar program and relate it to the world dump price.

If we are talking about the cost of sugar to an ordinary family in the United States, let us look at the chart here. Let us look and see what the world price is for sugar in the developed countries. We see all of these countries here, Norway, Belgium, Denmark, Austria, Italy, Sweden, Switzerland, Ireland, France, all of these other countries, and way down at the bottom here, the United States, retail price at 43 cents. At the top here, 86 cents. That is what we are talking about when we talk about the cranberry production and the cranberry juice that we were supposed to feel sympathetic about in an earlier discussion.

Mr. Chairman, we are talking about a retail price in the United States which is significantly lower than what the price is in other countries throughout the world. Mr. Chairman, 8 cent, 9 cent sugar is unreal in terms of our own domestic market.

What are we talking about? We are talking about killing an industry. I cannot think of anybody interested in fairness and support of our farmers, in support of agriculture, wanting to kill a whole industry in order to somehow fall prey to this mythological idea that they could buy 8 cent sugar in the world dump market. It is just not happening.

I think the real way to look at this situation is what is happening to the sugar prices today. We who have sugar production in our districts know that the price has catapulted from about half of what they were perhaps 10 or 15 years ago. Our farmers are struggling. They are in despair. I have one sugar company on the island of Kauai that is about to close if we do not find a resolution to this problem.

None of the Hawaii sugar is in this commodity market. I am not here because we are in that market where we are going to benefit 1 penny from any loan. We are restricted from that program. But I am here talking about sugar as fundamental industry in this country that has a right to exist, to be a part of our economy as any other farm product in this the United States. Why kill off this industry on a myth? Prices have gone down over the last year to maybe 18 cents for the people who are producing it, but what happens to all of the other products that are using sugar, the cakes and the cookies and the Cokes? All the prices have gone up 15, 20 percent. There is no economist worth his salt or her salt that can argue that the price of sugar being low is a good thing for America because it is going to lower the prices of the commodities. It has not.

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The prices of all of these commodities have gone up, So the argument that the GAO makes that the consumers are paying through their nose because sugar is such an expensive item has absolutely no substance in terms of the rationale for their argument.

If their argument were true, then the prices for all of these commodities, cakes, cookies, and whatever, would have gone down. There is not one item that we can find on the shelf today in the grocery stores where the prices have gone down that uses sugar as a substance for their production.

So it seems to me that we have to be together in this discussion about agriculture. We cannot pick out one particular farmer. We do not have any multibillionaire sugar producers in my State. They are all small hard-working farmers who are just making a living.

So let us stand for the agricultural industry in this country and not kill sugar because somebody does not like the law that we passed in 1996 that was designed to benefit all commodities.

Mr. Chairman, we have heard a lot of misinformation today about the U.S. sugar program. I want to present a few facts.

During the 1990s, wholesale refined sugar prices fell 11 percent. During the same period, the retail price of refined sugar increased by 1 percent and the prices of manufactured food products with sugar as a major ingredient—candy, baked goods, cereal, and ice cream—rose by 23 to 32 percent. Since the start of the 1996 Farm Bill, wholesale refined sugar prices are down 26 percent, but retail sugar prices have not dropped at all and sweetened products prices are up 7 to 9 percent. It is clear that it someone is making a killing, it is not the sugar farmers.

American sugar farmers are in crisis. In my state of Hawaii, only three sugar companies are still operating. In 1986, 13 operating factories were operating and sugar was grown on all of the four major islands. Today, sugar is produced only on the islands of Maui and Kauai—and the survival of these companies and the fragile rural economies of these islands are severely threatened by historically low prices. This year, Hawaii sugar farmers are receiving the lowest prices in 18 years for their sugar.

Those who would like to kill the U.S. sugar program cite the so-called "world price" of sugar of 8¢ a pound. No one—not even countries that use child labor—produces raw sugar for 8¢ a pound. This "world price" is in fact a dump price for excess sugar that bears no relationship to the actual cost of producing sugar. The dump market represents the subsidized surpluses that countries dump on the world market for whatever price that surplus sugar will bring.

A study by LMC International estimated the weighted world average cost of producing sugar during the 11-year period of 1983/84 through 1994/95 to be 18.04¢ a pound. The actual level is almost certainly higher now because of inflation since that time. Even though U.S. sugar growers are among the most efficient in the world, they cannot survive when they receive prices on the order of 17¢ to 19¢ a pound.

Two-thirds of the world's sugar is produced at a higher cost than in the United States, even though American producers adhere to the world's highest government standards and costs for labor and environmental protections. U.S. beet sugar producers are the most efficient beet sugar producers in the world, and American cane producers rank 28th lowest cost among 62 countries—almost all of which are developing countries with deplorable labor and environmental practices.

U.S. consumers pay 20 percent less for sugar than the average for developed countries. Our average retail price for a pound of sugar—43¢—is far below the more than 80¢ paid by consumers in Norway, Japan, and Finland. The average price paid by consumers in the European Union is 52¢. Of course, U.S. prices would be even lower if the retailers and manufacturers did not absorb all of the benefit of the lower prices producers have been receiving over the past three years.

Is the price of sugar a problem for the average American family? I don't think so. Sugar is so cheap that you can pick up packages of it in restaurants and no one cares. The average American works 2.3 minutes to purchase a pound of sugar. Are the opponents of the U.S. sugar program responding to concerns of consumers? Clearly not. They are responding to pressure from big businesses that want to increase their profits further still at the expense of American farmers. The Dan Miller amendments use consumer cost as an issue to mask the primary motive, which is allow cheap foreign sugar into the U.S. market so that the mega food-conglomerates can make more money.

The U.S. sugar and corn sweetener producing industry accounts, directly and indirectly, for an estimated 420,000 American jobs in 42 states an for more than $26 billion per year in economic activity. Defeat the Miller amendments that seek to destroy the U.S. sugar industry.

I also wan tot respond specifically to the contention by Mr. MILLER that the U.S. sugar program costs consumers $1.9 billion per year. First, the deeply flawed study by the GAO has been thoroughly discredited by the USDA. Economists at the USDA have "serious concerns" about the GAO report, which "suffers in a numbers of regards relative to both the analytical approach and . . . the resulting conclusions." USDA concluded: "GAO has not attempted to realistically model the U.S. sugar industry. The validity of the results are, therefore, suspect and should not be quoted authoritatively." As with the 1993 version of this report, the GAO assumes that food retailers and manufacturers would pass every cent of savings along to consumers—we have convincing evidence that this will not happen.

Mr. MILLER is also very critical of the moves by the USDA to remove excess sugar from the domestic market in order to stabilize the price of sugar and thereby avoid very expensive forfeitures. Several factors account for the excess of sugar on the market: good yields due to favorable weather, increased imports, and schemes that undercut the foundation of the sugar import quota such as importation of stuffed molasses (a product with a high sugar content, which is made into refined sugar) and importation of dumped sugar via Mexico under the reduced NAFTA tariffs. The Miller amendments to prevent the USDA from making purchases to reduce the supply of sugar and to avoid forfeitures will cost the government money, Purchases cost less per ton and will avoid a much larger volume of forfeited sugar. Purchases instead of forfeitures for the 132,000 tons the government purchased this year will save taxpayers $6 million in avoided forfeitures.

Sugar farmers—like other farmers—are suffering. Prices for most crops are at or near all-time lows. The government has stepped in to avert a disaster in rural America by providing over $70 billion in payments to other farmers since 1996—but no assistance has been given to sugar farmers. Moreover, sugar farmers have contributed $288 million in marketing assessments to reduce the deficit and, prior to the recent sugar purchase, the sugar program has operated at no cost to the U.S. Treasury.

It angers me to hear Members talk about the sugar program benefitting only a few wealthy sugar barons. I can tell you that the small growers who supplied the now defunct Hilo Coast Processing Company were not and are not sugar barons. Now many are not even farmers—they are unemployed. And the thousands of people who work for or whose jobs depend on the remaining sugar companies in Hawaii are not rich. They work hard at their jobs and have to pay their mortgages and save to send their children to college.

In Hawaii, we have over 6,000 jobs dependent on the sugar industry. These are good jobs that pay a living wage, include health benefits, retirement and other benefits. U.S. sugar producers are providing these jobs while complying with U.S. labor and environmental law.

Mr. Chairman, U.S. consumers benefit from the U.S. sugar program. They benefit from the stability it ensures, and the access it provides to quality sugar produced by U.S. companies. A strong domestic sugar industry contributes to our economy by producing jobs.

The demise of the U.S. sugar industry would mean the loss of these jobs to sugar producers overseas that do not have labor or environmental protections and in documented cases use child labor to produce cheap sugar.

Are we willing to forsake our own sugar producers so that the international food cartels can buy cheap sugar produced by twelve year-olds in Brazil or Guatemala? I hope not.

In Hawaii, the decline in sugar prices has been ruinous. These prices threaten the survival of our remaining sugar companies and the livelihood of workers in our rural areas. Sugar production ended on the island of Hawaii several years ago. Nothing has replaced sugar as a viable agricultural crop and the former cane lands remain idle. Unemployment is high and drug problems have increased as have the social costs of dealing with these issues. The islands of Maui and Kauai—where the sugar industry is a major source of employment—will face the same devastating consequences if we do not give sugar farmers a fair price.

I urge my colleagues to reject the false consumer cost argument based on the GAO report, and vote today for a U.S. sugar industry that will continue to provide jobs here in America. Defeat the Miller amendments.

Mr. HILL of Montana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to carry on the debate and discussion about the issue of sugar.

I made note when the gentleman from Florida (Mr. MILLER) was on the floor. He said when the agreement was reached in 1996, taxpayers were promised that this would not cost the taxpayers any money. I want to remind the people in this room that this program has not cost the taxpayers any money.

Some people will point to the recent purchase of sugar that the administration has concluded for about $200 million. But I want to remind the Members in this Chamber that as part of this agreement in 1996, that the sugar producers agreed to pay over $288 million towards deficit reduction during the 7-year life of this program. So the taxpayers, even with the purchase of sugar, even if that sugar is never resold, still will be beneficiaries to the extent of $288 million.

The people who are advocating the change in the sugar program mostly come from districts where there are candy manufacturers. They come to the floor and argue that consumers have been hurt by this sugar program.

Let me tell the Members, sugar cane prices have gone down 17 percent since this program went into place, and sugar beet has gone down 26 percent. During that period of time, while the producers' share of the dollar has gone dramatically, the price of refined sugar has gone up 1.1 percent.

Guess what, the price of candy, cookies, and ice cream have gone up 27 percent. So somebody is taking money from the pockets of consumers. It is not the sugar producers that are taking it out of the pockets of consumers, it is the candy manufacturers.

If we kill this program, who will benefit? The candy manufacturers, among the wealthiest, most successful companies in the world. Who is going to get hurt? Family farmers and family ranchers who are out here struggling, trying to make a living.

I want to also address, Mr. Chairman, this issue of the world price of sugar. People suggest that U.S. consumers are paying more for sugar because they compare our domestic sugar price with the world price. But there is not a world price. There are not two prices, as it has been represented. There are multiple prices. Every country has its own price based upon its own market.

All the sugar that is on the world market is excess production. It comes from subsidized producers. What happens is our competitor nations subsidize their producers. They have quotas that they have to produce to. In order to get their subsidized price, which is way above our U.S. price, they have to overproduce. If they do not meet their quota of production, their quota gets cut back.

What do they do? They overproduce and dump that sugar on the market. If they had to give it away, they would not care. It does not come close to covering the cost of production because it is excess production. It is a relatively small market. To suggest to U.S. consumers that the price of sugar in this country would go down if we started buying sugar on the world market is a manifest misrepresentation of the situation.

Mr. Chairman, this has been a good program. It has helped in our area, given people alternative crops at a time when they very much need it. This is the first time this program has been triggered. In order for the program to be triggered, we have to have imports that exceed the quotas and we have to have a price that falls below the market price and the cost of production.

We need to keep this program. The amendment of the gentleman from Florida (Mr. MILLER) is really misguided and misdirected. I do not think that we should be further hurting our farmers, particularly at times when they are struggling so much.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank my colleague, the gentleman from Florida (Mr. MILLER), for introducing this amendment. I rise in support of this amendment, unfortunately, it was struck on a point of order, to limit the purchases of sugar to $54 million.

The U.S. sugar program represents Congress at its worst. It takes precious resources held by the U.S. taxpayer and funnels them to private businessmen who are multimillionaires. The sugar program is nothing but corporate welfare that has survived solely due to the generous financial contributions from a very narrow interest groups.

My colleague knows the sugar program props up the price of sugar by restricting imports and guaranteeing the repayment of sugar loans if the price falls too low. But the sugar program is a failure. Prices keep falling. The government is spending our money in a desperate attempt to salvage its own mess. Taxpayers should not be asked to support this.

Twice taxpayers were robbed under the sugar program. First the program inflates the price of sugar. That means consumers pay more. In fact, the Government Accounting Office has been reported here as paying almost $2 billion more than they would otherwise.

Then, because the price support actually creates an incentive to grow too much sugar, the price of sugar goes down from oversupply, and the taxpayers pay directly to buy up sugar stored in an effort to prop up the price again. I think the average American understands the program quite well and they do not like it.

My office got a call the other day from a man down in Donaldsonville, Louisiana, an area where they grow a lot of sugar. The man says he owns a small dry cleaning business. He said, "Wouldn't it be nice if the government guaranteed me a steady price during slow times? With sugar, the richest farmers in this country are getting bailed out by the government. It just isn't right."

That man in Donaldsonville, Louisiana, understands sugar. He does not need a GAO report or USDA analysis. He lives in sugar country. He sees how it works.

Who benefits from the sugar program? The GAO has said that only two industries benefit, sugar beet growers and sugar cane growers. But the benefit handsomely is tuned to $1 billion in additional profits, $1 billion extra, thanks to the program.

Consider some of these allegedly needy farmers. One of the largest beneficiaries is the sugar family of the Fanjuls, estimated to be worth hundreds of millions of dollars, and who own extensive properties in Florida and the Dominican Republic. They also contribute vast sums to both political parties to ensure that this program stays alive.

The Fanjul family Members and business executives alone have contributed over $2 million in the past three election cycles, but they have figured out how this program works. They have figured out how it works twice. First, they grow sugar in Florida and sell it at inflated prices guaranteed by the government. They earn an additional $50 to $65 million per year from the sugar production of Florida, thanks to this program.

Next, on top of that, they also grow sugar in the Dominican Republic, one of the countries with a guaranteed contract to export sugar to the United States, because of a treaty obligation. But the import comes to the U.S. at inflated U.S. prices, not at the lower prices on the world.

Therefore, the Fanjuls, the biggest growers of Dominican Republic sugar, sell the sugar to the U.S. under the import quota and are estimated to earn an additional $80 million than they would otherwise earn because of the inflated prices under this program.

It is very smart business for them and it could only happen because of the U.S. Government and the Congress' complacency in this program.

Mr. Chairman, the sugar program is making a number of sugar growers very rich, but it is a failure as a policy. That is why the USDA had to take an unprecedented step earlier this year for the direct purchase of 130,000 tons of sugar this spring for $54 million, 130,000 tons of sugar they do not know what to do with. They cannot put it on the market, sell it overseas, they cannot give it away. It is just $54 million that is sitting in a dark warehouse somewhere, taxpayer dollars, taxpayer dollars to buy sugar that nobody wants and nobody can let them put on the market, because if they put it on the market, the price would go lower and we would have to buy more sugar. If we put that on the market, the price would go lower and we would have to buy more sugar.

Do Members see why this is important? The $54 million was just the opening bid for sugar in this country. But if we have the U.S. taxpayers' purse, if we have open access to that, we can put down another $54 million in a couple of months, and then when the Mexicans import 250,000 tons of sugar, we can put another $54 million.

Do Members get the idea? Do Members get the idea that maybe the U.S. taxpayer is being robbed to prop up the sugar industry that is failing? It is failing because of this support program. Refiners are going out of business, farmers are going out of business. Yet, we are keeping a very narrow band of these farmers in business.

We ought to stop this program now. My colleague, the gentleman from Florida (Mr. MILLER), is quite right in offering this amendment.

Mr. ENGLISH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I heard this debate, I felt the need to come down to the floor and participate because I think the amendment offered by the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. MILLER), which unfortunately we will not be considering today, addresses an issue that we are going to have to address as part of our trade policy, whether we enjoy doing it or not.

The fact is, Mr. Chairman, the sugar program has harmed U.S. trade policy. The United States has had a goal and policy of knocking down barriers to fair and open trade, such as tariffs, quotas, and subsidies. This policy clearly benefits domestic agriculture and domestic manufacturing.

Our trade representatives have taken a message to the world that subsidies and tariffs are bad, and we need to allow free trade to work and we need to allow markets to be opened up.

The U.S. economy is essentially free of subsidies and high tariffs, yet, despite that high ground, when our trade representatives go forth and meet with their counterparts, our trade representatives are forced to passionately defend the sugar subsidy and tariff, defend the indefensible.

Sugar protectionism in America harms our efforts to open up world markets to more important U.S. commodities and sell U.S. corn, wheat, livestock, cotton, rice, and other products overseas. It also hurts the competitiveness of American food products that are made with sugar.

We have heard some speeches on the floor about candy manufacturers, but they are not given a subsidy. They are invited to compete in a free market.

Mr. Chairman, during the recent Seattle round our trade negotiator in the agriculture discussions was trying to lower foreign protections of corn, grain, and cattle. This job was made all the more difficult because other nations could point to our absurdly generous support of sugar and call us hypocritical.

We cannot allow the sugar program to continue to be a black eye on our efforts at knocking down trade barriers for our most important products. The U.S. Trade Representative's testimony to the Subcommittee on Commerce, Justice, State and Judiciary conceded the trade negotiations relating to sugar are some of the most contentious she has had to deal with, despite sugar's relatively small share of our economy.

Because of her concession, that appropriations bill contains report language for the USTR to prepare a report on how sugar complicates U.S. efforts to discuss trade policy with other countries.

I have heard the world price of sugar described as the dump price, but the fact remains, we have in place antidumping laws to provide protection for our markets against those kinds of practices. That is the appropriate remedy, not sugar protectionism. Our trade policy should be to open up markets overseas first, not defend outdated, environmentally unsound corporate welfare benefiting a very small segment of our economy, the domestic sugar industry.

To elaborate on this, I yield to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, let me correct a few statements made earlier. The gentleman from Montana talked about the fact that with sugar, we were told in 1996 there was going to be an assessment of about $40 million a year for sugar, generating $280 million over the 7 years.

Guess what? They got rid of it in an appropriation bill 2 years ago. We are not collecting that money anymore, so there is no income for deficit reduction in the sugar program.

This GAO report that everybody wants to discredit, remember, the GAO is an agency for Congress, a nonpartisan, unbiased agency. This is a very complex issue. As I met with the GAO people, they brought in four distinguished academicians who specialize in agricultural economics to review this program to come up with the best type of report.

When we talk about the world trade, the world market, he is right, we have antidumping. So if France subsidizes their sugar, they cannot come in the United States. Australia, the largest grower of sugar, does not subsidize. There are growers around the world that sell at the world price that are not subsidized.

Some talk about jobs. Look at all the jobs we are losing in this country. The gentleman from Massachusetts (Mr. FRANK) talked about the cranberry growers. They cannot compete with Canadian cranberry growers. There are jobs in this country in the candy business that are moving offshore because they cannot buy candy cheaper, in Canada or the Caribbean. That is unfair competition and it is destroying jobs.

So I think this report is fully justifiable to defend the full $1.9 billion cost of the program.

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I know the Agriculture Department and the sugar people will hire their own economists and try to dispute that, but that is the reason we have a GAO, nonpartisan, unbiased.

Mr. POMEROY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find it somewhat ironic that the gentleman from Pennsylvania (Mr. ENGLISH) would stand up and say there is something wrong about supporting domestic production and that the cheapest foreign price is the thing that we should pay attention to. I have heard the same individual speak eloquently in an exactly opposite way when it comes to steel. When it comes to steel, he is all about protecting domestic capacity and resisting dumped steel subsidized by foreign governments.

Mr. Chairman, I think he is right on steel, but he is dead wrong on sugar. He ought to be a little consistent. The same problem with exposing our domestic production to dumped subsidized exports apply in sugar just like they do in steel.

Let us just talk for a moment about what is happening in the farm economy. We all know that our farmers are facing very serious distress. In North Dakota, the value of wheat has dropped 33 percent, 33 percent. Barley, 30 percent. Sugar prices are at a 20-year low. So it is a bit depressing to have to come and fight for the area where our farmers have at least some price protection, when everything else about family farming is so under stress.

Some have suggested that this is about Big Sugar lobbyists and Big Sugar refineries. In the situation in North Dakota, it is about family farmers struggling to hang on.

Here is the deal with sugar: it is one product where domestic consumption exceeds production. For the most part, we grow more than we possibly could eat, and we have to fight for exports and the competition has driven down prices. Sugar, we actually consume more than we produce.

Now, much of the world wants access to this market and the governments are prepared to subsidize their exports to get it. And if it was allowed just to go without any restriction, without protection of the sugar program, we would not have a domestic sugar industry in this country. We would not have any significant domestic sugar capacity in this country. It would all be foreign sugar.

Sugar is linked directly to the pricing of food. If we would be completely dependent on foreign sugar, our food prices, grocery store prices in this country would swing very dramatically depending on where the world price for sugar has been. So we have had a sugar program for many years now and have struck a bargain. Farmers have a price that gives them some reasonable return; consumers have food price stability and some of the lowest-priced sugar in the industrialized world.

The result is stable food pricing. The consequence of this amendment would be great volatility in grocery store prices. We have seen what has happened with gasoline just over the last year, the howls we are hearing from consumers at the gas pump this year. Last year, there was an unbelievable bargain at the pump. Unfortunately, what we have come to realize is the greatest disservice to the consuming price is volatility. Very low prices one day; extraordinarily high prices the next day, destroying household budgets, never leaving anyone knowing where they are at.

We want the price of groceries for American families to have price stability, and that is what the sugar program is all about.

Now, let us not think for a moment that the only Federal resources expended in this country is to help support sugar. Just weeks ago, my colleagues joined me in passing about $7.5 billion in economic relief to farmers because prices have collapsed, and under Freedom to Farm there is no price support protecting our farmers in these times of price collapse. Compared to commodity support, the support offered for sugar, with the much-maligned sugar purchase discussed on the floor, is very modest and, in fact, very modest indeed.

Let me give a couple of reasons why our domestic farmers growing sugar beets or sugar cane are under such threat. Number one, Canada is cheating. Canada is stuffing molasses supersaturated, full of sugar, and shipping it into our market for manufacturers who are pulling the sugar out of the molasses and getting around the ban on Canadian sugar imports in that fashion. In an absolutely ludicrous court ruling, the judge held that that was okay. It is under appeal, and I believe it is a flat violation of the Canadian trade commitments to us.

We are about to see, thanks to NAFTA, something I voted against, a very significant increase in Mexican sugar as well. It is vital to our farmers we keep the sugar program in place.

Mr. SANFORD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment because I think it makes a whole lot of common sense. I would say that for a couple of different reasons. I would say this amendment is important first and primarily because I think that this present program in its present configuration is just plain evil. I would go so far as to say that I think this program is the equivalent of a crack cocaine of corporate welfare, because we have been talking about family farms. What we do not see with this program are family farms.

Mr. Chairman, 42 percent of all the benefits that come as a result of this program go to 150 sugar producers in the United States. That is to say if we take about these two sets of chairs over there, and every person in each of those chairs would get about $6 million per chair. That is not a family farm.

Then we look at some of the egregious examples: the Fanjul family living down in Palm Beach are not exactly family farmers. Are they a family farm if they have a Gulfstream jet, which is a $35 million jet? Are they a family farmer if they have a yacht, which they happen to have? Are they a family farmer if they own their own resort in the Dominican Republic called Casa de Campo? Are they a family farmer if they have a mansion in Palm Beach? I don't think so.

Mr. Chairman, I do not think this debate is about family farmers, which is to a degree what we have been talking about.

I would say secondly, that this amendment is about simply the idea of watching out for the taxpayer, as the author of this amendment has pointed out. Mr. Chairman, $54 million of taxpayer money will go to buy sugar that will be used for nothing. Does that make common sense? In fact, if we look at the overall cost to the consumer based on the GAO reports, based on a number of different studies, $1.9 billion is the aggregate cost to American consumers in this program. That comes to about $15 per family in America that go to the likes of the Fanjul family who lives the lifestyle of the rich and famous down in Palm Beach. That, too, does not make common sense to me.

Thirdly, I would mention that this amendment makes sense because we have to ask a larger philosophical question. This is especially the case for Republicans. That is: Why are we here? I heard conversations about "dump price." We do not want to see the dump price. Every time I turn on the television back home there is talk about we are moving to 2001 models with Ford or Chevrolet or other cars and we are dumping them down at the local car lot. "Come on and get yourself a bargain." Nobody complains about those ads.

So I look at other products out there, whether we are talking about cars, whether we are talking about homes, whether we are talking about computers or shoe repair or dry cleaning. The dump price is the market price, and so it seems to me that none of that is complained about.

Mr. Chairman, all we are talking about is the market price. I live on the coast of South Carolina; and if we look at the, quote, "dump price" with watermelons, with cucumbers, with tomatoes, all of those are similar. Whatever the market will bear, that is what the consumer pays for. That, to me, seems to be a very Republican idea of standing on one's own two feet and working through markets.

So I think that this amendment makes a whole lot of sense for a number of different reasons.

Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. MILLER), the author of the amendment.

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SANFORD) for yielding me this time. He was here in 1996, as most of the people who are participating in this debate, where we debated the issue under the authorization bill. We were told back then by Member after Member, no net cost. It will not cost the taxpayers a penny.

Last month, the reason we have this amendment, $54 million worth of sugar was purchased by the Department of Agriculture. $54 million worth of sugar, and there is no use for it. We cannot give it away around the world. Nobody wants it. They will not let us use it for ethanol. What are we going to do with it? We will find a warehouse and the Federal Government will pay money to the warehouse to store it.

Mr. Chairman, this is just the tip of the iceberg. We are on a slippery slope, because we have had the price of sugar so high. More and more people are growing sugar. Production is up 20 percent and will be higher next year, and we will buy more and more sugar. Media reports say it could have been as much as $500 million worth of sugar in the next 90 days alone. There is going to be a problem finding enough warehouses in this country to store all the sugar from the overproduction.

We have created ourselves a mess in 1996; and we need to get a handle on it, because it is taxpayers' dollars. The $54 million, plus all of that storage, plus hundreds of millions more worth of sugar that we are stuck into buying and again having to store. This is real dollars for real consumers, and I hope we can get rid of this program in a hurry.

Mr. MINGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are having a rather bizarre debate this afternoon. It is on a subject which has already been ruled out of order; and as a consequence, it is hard to understand why we need to continue to consume time here on the floor.

But I think in terms of trying to bring closure to this, it is probably useful to observe that the U.S. Trade Representative has not done a good job by the American sugar farmers in the sense that we have stuffed molasses coming into this country. I looked in my cupboard at home at the molasses and wondered how do you stuff this stuff? I learned that there are tremendous quantities of foreign sugar coming in in the form of molasses, and it is refined and the sucrose is extracted and there it is as granular sugar. This product is then sent back up to Canada.

Mr. Chairman, we had a hearing this morning in the Committee on Agriculture, and we had the chemical companies explaining to us why they charge less in Canada and Australia for farm chemicals than they do in the United States and saying that we ought to feel blessed that we can purchase these chemicals at a higher price.

We talk about fair trade. We talk about international markets and open markets. The fact of the matter is that we do not have fair trade in this world. We have all different types of devices that exist out there to protect discrete sectors of the economy. I looked at the appropriation bill this afternoon. I noticed that we have a humble amount in there for GIPSA, the Grain Inspectors, Packers and Stockyards Administration, to try to ensure America's farmers raising livestock that we indeed have a competitive marketplace when it comes to the sale of their livestock. They are very suspicious that we do not and, as a consequence, they would like to see stronger enforcement. We learned that we just have a very small staff for a national program.

We are not devoting our resources to ensure competition in the American marketplace. Far more, we are limiting the resources that would assure us of that. And then we sit on the floor, and we talk about whether America's farmers, who are being forced out of business, many of them, including those raising sugar beets and sugar cane, ought to receive even less.

The American consumers are paying billions of dollars for petroleum products this spring and summer. We have seen the world price of oil, the per-barrel price, go from $8 to $33, $34 a barrel. We have a world market in oil and look at the consequences. Tremendous volatility. Tremendous dislocation. Look at sugar, and we have a stable price in the United States. We do not have this tremendous volatility.

The claim that the American consumer is being fleeced, it is certainly not by the sugar producer. The prices of refined sugar have gone up 1.1 percent during the period of time since 1996, in the last 4 years. Compare that to the price of crude oil. During the period of time in the 1990s, the price of products made out of sugar have gone up 27 percent. The problems that we are experiencing I think are very unfairly being laid at the feet of the farmers and a program which has, at least over the years, usually worked for the farmers.

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It is not appropriate.

I submit that the time has come to move on with our deliberations on this bill. Hopefully we could have put more money into GIPSA to assure that we had adequate enforcement of that program.

Mr. Chairman, I yield to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I would just like to give my colleagues an example of what will happen if we get rid of this program. The truth of the matter is this world market is a dump market. The Europeans are the biggest people that dump into the world market.

I had a chance to go to Romania last year where they had a huge sugar beet industry, 12,000 farmers, 36 plants. What happened, they needed some money from the World Bank, so they forced them to give up their tariffs, which they did. The Europeans came in and destroyed their industry by dumping into their market. They now have no sugar beet farmers left in Romania. They only have 11 of the 36 plants that are operating, and they are owned by the West Europeans.

If we get rid of this sugar program under the current way that we are operating in the world, we will have the West Europeans owning the United States sugar industry in this country exactly as they have done in Romania, because we are not on a fair playing field. We have got this dump market.

We are there subsidizing higher than my colleagues claim that we are, and then they are taking their excess production, using their $10 billion of export subsidies, and dumping it into the world market. This is not a free market. It is not a fair market. My colleagues that are trying to take this apart really do not understand how this works.

Mr. MILLER of Florida. Mr. Chairman, if the gentleman from Minnesota (Mr. MINGE) will yield, I agree, we should not have a dump price.

Mr. MINGE. Mr. Chairman, I reclaim my time. In summary, I urge that we move on to other portions of this bill and recognize that the sugar program has been authorized by Congress. It is a program that is scheduled to continue to the year 2003.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, We are going to start rewriting the farm bill next year, and we have already started hearings. Sugar review is going to be part of that effort.

Some of the gentlemen that favor this amendment make a point about a lot of the money and benefits going to a few producers. Maybe we should restructure to assure that the distribution of benefits is equitable. I will research the possibility of an allocation that benefits individual producers, with possible payment limits, like we do on other commodity producers.

It would be possible for the non-recourse loan benefits to go to all producers. It may be possible to prorate the loan and limit the payments.

But here is the situation that we are faced with, not only in sugar, but in almost all farm commodities. We have other countries, for example Europe, that are subsidizing five times as much as we subsidize in this country. Again they are subsidizing their farmers up to five times the amount we subsidize in this country, and then, as has been suggested, they overproduce and their extra production, is dumped into what otherwise might be our markets or the world market.

Consumers and this body have to face a decision of whether we want parts of our agricultural industry to diminish or if we want to establish the kind of farm policy with support and help that will allow producers in this country to survive. Produced in this country where we can examine how they are grown, and assure the safety of those products.

If we don't support agriculture, here is what is going to happen. If we ruin some of our farm industries, we are going to be more dependent on imports. Eventually those imports and those people selling that product, like OPEC, will start charging whatever price they think they can get and we will be forced to accept the quality available.

I think it is in our long-term interest, for our and our farmers that we maintain our agricultural production, including sugar. As we start rewriting our 5-year farm bill next year, we do not dismantle current programs with these kinds of amendments in an appropriation.

Mr. FARR of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, obviously there have not been enough words stricken on this issue, and we need to continue talking about it.

This debate comes up every year. It is really a debate between those who support the candy industry and the soft drink industry who would like to have lower sugar prices, they buy a lot of sugar, and those of us that support agriculture. We hear, well, there is a different policy here for sugar than there is for anything else, which is not true. This is not part of the AMTA payments. We do not pay the farmers directly.

What we do in America is we limit the number of imports, and we give preference to countries that we are trying to help, particularly in the Caribbean Basin and Central America, allow their sugar products to come in, mostly cane sugar. What do we do? We pay the price that we get for sugar in America, which is a better price than they get on the world market. So it is really part of our foreign policy, this program.

Also my colleagues make it sound like we do not do anything for any other agriculture. In the last year, we have had the largest wheat purchase ever in the United States. We made another wheat purchase last April right after that for another $93 million. Then we assisted, went and purchased small hog operators, we helped them out. We assisted dairy farmers who were suffering low prices. Then in May of last year, we did the disaster assistance funds for farmers.

In June, we put $70 million into livestock assistance. In July, we put another $100 to hog farmers. In December, we assisted tobacco farmers. In January, we assisted sheep and lamb farmers. In January, we also assisted other dairy farmers; in February, the cotton farmers; also in February, the oil seed farmers; in March, the livestock production; in March, the cheese production; in March of this year, another $231 million for drought relief. Then we have done crop disaster payments totally $1.9 billion.

So America does help its farmer, and we ought to. We ought to make sure that they have a market that they can sell their product. For after all, if this all goes away, we all come here talking about what happens with urban sprawl and what is happening to rural America, I mean, rural America is our history, our culture. What we are really about is a people and where still our number one industry in this country is agriculture.

We have got to be here as representatives of districts of agriculture, supporting agriculture. This program does it without spending taxpayer dollars. I urge that we continue to support the sugar program in the United States.

Mr. SUNUNU. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is inappropriate to suggest that this is a debate between soft drink manufacturers and even sugar growers for that matter. This is a question of taxpayer interests. I think there is no question, this program just does not serve the interests of the taxpayer and the interests of the consumer.

I have heard two particular points made in the recent debate that I would like to address. One is the argument that, well, this is really about fair trade and that somehow, because other countries are penalizing their consumers or subsidizing their farmers to the disadvantage of taxpayers, that it is all right for us to do the same. I do not think that argument ever holds water.

Just because another country is engaged in a policy that makes no economic sense or that penalizes consumers or that distorts markets does not mean that the United States should engage in that same foolhardy policy.

Fair trade is about lowering barriers to imports and exports. We do that in order to benefit our own consumers, American consumers that should have every right and opportunity to purchase products on the world market that improve their quality of life, that enable them to be healthy, to be successful and to live the kind of existence they want for themselves and their families.

The second argument that was made suggests that this is somehow protecting one class versus another. I think that that is wrong as well.

There was a suggestion that this is about price volatility. The importance of the program is to maintain price stability. How is it ever in the interests of any American to maintain prices at an artificially high level and to then go back to the consumer and say, you see, we are protecting you from changes in price by keeping it really high so that you are penalized every time you go to the supermarket, every time you buy a product, but you are penalized at a very consistent level. I think that is a foolish argument to make and one that most Americans are going to see through.

We accept the fact that prices are going to go up at times; they are going to go down at times. But the key to true economic productivity is a fair and open competitive market, and that is what America is known for. That is at the heart and soul of the strength of our economy.

$1.9 billion in overpayments that consumers are being forced to handle every year, that is bad for the consumer. $100 million or more in direct taxpayer subsidies this year alone.

The gentleman from Florida (Mr. MILLER) has suggested that may go as high as $500 million in direct taxpayer payments, the bulk of which are going to very large, very successful, very profitable agricultural concerns.

I do not think the sponsors of this amendment bear those concerns any ill will. This is not about penalizing an industry. It is about being fair to taxpayers and consumers.

Last, but certainly not least, our environment. Do we really want to perpetuate a program that does such tremendous damage to the environment? Whether it is the Everglades in Florida or sensitive environmental lands in Hawaii or anywhere else in this country, we certainly should not engage in policies that damage the environment all the while distorting markets and taking money from both consumers and taxpayers.

I applaud the work of the gentleman from Florida (Mr. MILLER).

Mr. Chairman, I am pleased to yield to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman from New Hampshire for speaking in opposition to the sugar program.

One of the strange things of the sugar program is the way they control the prices. They control imports. What they have is a quota to different countries.

People talk about this world price. Well, I agree we should have antidumping laws. I think it is wrong if France subsidizes their sugar, they should not be allowed to sell their sugar in the United States. We have laws to protect that. I fully support those.

But places like Australia have a free market. They do not get subsidized. New Zealand does not get subsidized. They sell their sugar on the world market every day at about a third of the price of the United States. So there is a world price for sugar.

One of the other strange things about this corporate welfare issue is this foreign aid corporate welfare. Now, Australia sells their sugar around the world for 9 cents a pound, whatever the world price is. But what do we do in the United States when we buy sugar from Australia. We do not pay the same world price, we pay the high U.S. price of 27-some cents a pound. That is amazing.

Australia, New Zealand, Jamaica, you name the country, the Dominican Republic, they sell it around the world for the world price; but the United States pays this high price to these countries. Now justify that one.

Mr. SUNUNU. Mr. Chairman, reclaiming my time just to be clear, that is a direct transfer of money from the American consumers to foreign corporations.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I intend to say things that have not been said to this point. I think it is very important, we hear all the crocodile tears for consumers. I am speaking as someone from Hawaii associated in people's minds, people who are listening to us and people back in their offices, associated in people's minds with sugar.

Well, the policies that we have pursued in this country supposedly about fair and impartial and open trade have destroyed sugar in Hawaii. My colleagues will not have to worry about it. The gentlewoman from Hawaii (Mrs. MINK) has already come down here and said that we are not going to be affected by this. I am here to say the same thing.

Sugar is effectively destroyed in Hawaii. I hope everybody is happy with that. Because what we have all around the world is wage slavery and child labor producing the sugar. Now, if that is determined to be and defined as free and open markets and free markets seeking their profit level as well as their price, then one can define it that way, but I do not.

If one wants to define it as having other countries environment be degraded while ours is somehow upraised in the process and call that fair, one can do that.

The fact of the matter is that child labor, what amounts in my mind to slavery, is used all over the world to produce its sugar. Yes, there are subsidies and oligarchy existing in the rest of the world where sugar is concerned that ought to make us weep with shame to think that we would import that sugar and say that that is some net advantage to the consumer.

It has been said already, and I want to emphasize that, that none of this imported sugar, where there are no health standards, where there are no environmental standards, where there are no labor standards, none of that sugar that is imported at that price is going to be reflected in any product that is sold in this country that will be taken as profit.

□ 1600

Maybe people will applaud that. If my colleagues feel that it is a good idea to make a lot of money off of other people's pain and suffering, then I suppose that that is something that my colleagues would welcome. I do not. I think we set standards.

The great irony, Mr. Chairman, for me, coming from Hawaii, is that the people who would lose their jobs, not these rich people in Florida, if my colleagues do not like these rich people in Florida or they disapprove of the way they live, then find a way to tax them or put them out of business or do whatever; but do not tell me that somebody working on a plantation in Kauai with his or her hands, working in the fields all their lives by the sweat of their brow, is on the same plane and should be treated the same as someone who my colleagues think is getting undeserved riches from what happens with a program that we passed.

Fix the program. Do not attack the people who are the victims of my colleagues' self-righteousness. If my colleagues want to come down on this floor and attack sugar, then they are attacking people who are working for a living and who came from countries who are now being subsidized, who are dumping sugar into this country, whose ancestors came here looking for just an opportunity for justice, looking for just an opportunity for equity, looking for just an opportunity to earn a decent and fair living. Those people are being put out of business. Those people are losing their jobs because of the programs that my colleagues support to import wage slave sugar in this country.

As long as I am on this floor, and as long as I am in this country, and I am in this Congress, believe me, I am going to be standing up for working people against those who would take advantage of them.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all persons in the gallery that they are here as the guests of the House and that any manifestation of approval or disapproval of the proceedings and other audible conversation is in violation of the rules.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the last word.

I will not be as passionate as the previous speaker. I was just sitting here listening to that speech and the other speeches thinking about what a wonderful place this is, because last night, I should not even say last night, earlier this morning the gentleman from Florida and I were here on this floor, and we were on the same side of an issue.

We do not grow a single sugar beet in my district in Minnesota, but we do grow a lot of sugar beets in Minnesota. In fact, in Minnesota it is a $2 billion industry. It is a very important industry, and particularly in northwestern Minnesota, again, very nonpartisan areas represented on both sides of the Red River by Democrats.

I want to talk about the sugar program just briefly, if I can, both from the perspective of agriculture policy and for budget policy, because I think it is interesting how people of good will, people who may agree or disagree on different issues, can look at the same set of facts and come to such incredibly different conclusions on them. Let me just share with my colleagues my conclusion.

If we look at the sugar title in the farm bill, it does not cost the American taxpayer a penny. We make money on the sugar title. I would invite any of my colleagues to come to my office, and we will go through that with them.

Another thing that has been said is that American consumers are paying more. In the first 3 years of the 1996 farm bill, and I have a small chart here which we did not have time to make into a big chart, but if we look at these red bars here, the price paid to the farmers for raw cane sugar and wholesale refined sugar dropped by 23 percent. But what happened for the consumer? Well, the retail price of sugar did go up, 1.2 percent; the price of candy went up 4.6 percent; and the price of cereal went up 5.8 percent. So a lot of the things we are talking about here today, the farmer is getting less for his sugar; but we are paying more for candy and some of the things sugar goes into.

Let me just say that this really gets at the very core of why we have farm policy at all. Why do we have a farm policy at the Federal level? I think the reason we have a farm policy is to ensure that Americans have an adequate supply of safe food, and we have a farm policy to act as a shock absorber for some of the ups and downs in the market and some of the things that happen in terms of Mother Nature and floods and pestilence, and all the other things that can affect agriculture and farmers.

And if we look at the sugar title, I think it really is the example we ought to use for all of our farm programs, because we do not subsidize sugar, although it is supply management to a certain degree; but at the end of the day what we have done is guaranteed an adequate supply of a very basic commodity for American consumers at very reasonable prices.

I do not think that is too much to ask. I think it is a good program. And, frankly, I respect the gentlemen who are bringing this; but again I have to say that we look at the same set of facts and come to completely different conclusions.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Florida.

Mr. MILLER of Florida. There has been a change since the program was approved back in 1996. In 1996, we were told no net cost, and there was going to be this assessment of about $40 million a year that would flow into the Government.

First of all, that assessment has been done away with in an appropriation bill, I think, 2 years ago. The other thing is that because we are trying to keep that price high enough, we are having to buy sugar. Last month, in May, for the very first time since 1985, we bought $54 million worth of sugar in order to prop up the price, and we have no use for that sugar. And according to media reports, between now and the end of September, we could buy another $500 million worth of sugar.

That is where it is going to start costing us money. We have $54 million worth of sugar now, and we have nothing to do but to put it in storage. No one will take it around the world. So things have changed in the past 45 days.

Mr. GUTKNECHT. Reclaiming my time, I think the gentleman is generally correct in that. Right now no one would buy it. But when is the best time to buy a commodity? When the price is low. We should be buying sugar right now, and we should sell it when the price starts to go back up. That makes sense. That is supply management.

At the end of the day, this program will cost the taxpayers nothing. It will save future taxpayers and consumers a great deal. We need a strong sugar industry in this country, and they are forced to compete every day against heavily subsidized sugar from around the rest of the world. I support open and free trade. We had that debate last night. But we do not have free trade, we do not have fair trade in the sugar industry, and, frankly, I think I would have to rise in opposition to the motion that the gentleman is trying to propose.

Mr. SUNUNU. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. I want to address the point that somehow the new farm policy is to buy and sell to manipulate the price of the commodity sugar in the market. I think that is a very dangerous precedent to set.

We should not be manipulating prices in the sugar market or candy or grain or beef or oil for that matter. Price controls do not work.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is about this time of year that I think about my colleague from Florida, who I am certain, along with a lot of Members of this House, find former President Reagan to be one of their heroes. Now, most of my colleagues know that I was not the biggest fan of the former President; but he sure did know how to turn a phrase, and one that keeps coming to my mind, and that we use often here on the floor is, "There you go again."

It is summertime and we are debating the agriculture appropriations bill and the opponents of this Nation's hard-working sugar farmers are at it again. It seems each year at about this same time, we have to have this vote. It is a waste of time and of this body's attention. Let me explain why, Mr. Chairman, in a very simple way.

Let us look at the real issue here. The price of sugar in the United States is at a 20-year low, 30 percent lower than when we passed the farm bill. Yet all the things that have sugar in them in the supermarket have increased in price. Why is it, Mr. Chairman, sugar prices are down for growers and up for consumers?

What we really should be doing here is taking a hard look at the big food companies who, in the final analysis, cause this amendment to come before us. The real truth is they just want sugar cheaper so they can pad their already fat pockets.

Now, I ask the Members of this House if they have, in the last week, received in their offices e-mails and calls regarding the price of oil? My bet is that they have. As yesterday and on into the night last night we discussed the price of medicine, have my colleagues received e-mails and calls from their constituents around this great country of ours regarding that? I am certain that every man and woman in this House has received such a call. I ask any of my colleagues to tell me if they have received a call because sugar prices are too high.

Now then, I would like to address specifically my colleague, my good friend, the gentleman from the west coast of Florida (Mr. MILLER), who earlier in his comments made the statement that the price of sugar elsewhere around the world is cheaper. Well, I just want to use two countries, and I got this price today before coming to the floor, in Winn-Dixie and Publix, major supermarkets in my district and the district of my colleague in the State of Florida, the cost of a pound of sugar today is 32 cents. In England, it is 50 cents. In Germany, it is 50 cents. I have difficulty understanding how it is that we are going to gain this particular cheapness that I hear the proponents of this amendment offer.

Now, I would like to say something else for purposes of the edification of the body. The United States Agriculture Department, USDA, has denounced the GAO report that has been continuously paraded here. I have also heard talk about who these farmers are. Let me say proudly that I represent many of the sugar farmers, along with my colleague across the aisle, the gentleman from Florida (Mr. FOLEY). We represent in this country 75 percent of all the sugar cane grown in the United States of America. And that includes the much-maligned Fanjul family, who have done a considerable amount of good that has not been paid attention to in that area, and that includes United States sugar industry representatives as well.

What I believe my colleague does know is that there is a United States cooperative that has 54 family farmers involved in the production and farming of sugar. Those farmers help in our State alone to produce good jobs. I am not talking about jobs for the average kind of wage that we think of when we think of the stoop labor that used to be directly involved in cane sugar growing. I am talking about jobs for machinists that start at $60,000 a year, I am talking about jobs for people who drive trucks, black and white people, that make $40,000 and $50,000 and $60,000 a year. We are talking about good jobs.

So when we put a human face on this thing, if my colleagues come with me to Clewiston and to Belle Glade, and to Pahokee, they would see people who are working in this industry. And while it was one thing for my colleagues to offer $50 billion phased in for estate taxes, somehow or another they find it difficult to find $54 million for growth in jobs.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have listened to the debate over the course of the last hour with great interest. I think it is an example of how we have a tremendous capacity on the floor of this Chamber to talk past one another. It is an example here of one of many items where people get involved in a vicious cycle of subsidization that ends up savaging the markets, disadvantaging consumers, and posing great risks to the environment.

We could have had this same conversation about what happens with products in the fisheries industry. Estimates have been made that it costs about $1.33 in total cost and government subsidies to deliver $1 of product that is harvested from our oceans.

There is no doubt in my mind that the sugar industry around the world is subsidized in many areas and produces distorting effects. But I do not think that the answer here is for us to step back and try to somehow imagine away the distorting effects in our country.

We have heard on this floor that there is a disproportionately few number of people who benefit from this. If people want to step back and provide benefits for small family farms, I will be the first to look at ways that we can, in fact, do that in a cooperative fashion. But this program does not do that. It is not targeted. And, sadly, that is the case with many of our other agricultural subsidies that we spend billions of dollars on. Precious little gets to the small family farm, and they continue to go out of business each and every year.

□ 1615

I think we have had people back away from the myth that somehow this is paid for by magic, that there is no risk to the consumer or to the taxpayer. And I thank my colleague the gentleman from Florida (Mr. MILLER) for talking about that; and, if time permits, I would like to discuss it further with him.

The notion somehow that prices here are too low, well, what is happening in the face of prices being too low and a worldwide glut, the evidence is that every year since 1996 production has increased in terms of the acreage in the United States, every year since 1996; and the estimation for the year 2000, with the terrible prices, the threat of world dumping, all of the things that we have heard, the estimates are that we are going to plant at least as much as we did last year.

But my particular interest has to do with the vicious cycle we are in in terms of the environment. We heard our colleague the gentleman from California (Mr. GEORGE MILLER) talk about the cycle that we are in in terms of subsidization, more imports at lower prices, having to subsidize and purchase more, stockpiling sugar, at least at this point that we do not need and we have no market for.

But I am concerned with the cycle that we are involved with in terms of the Everglades this Congress is involved with, and I commend the effort to try and repair decades of damage to that fragile ecosystem. It is a situation in south Florida where people are going to end up having to desalinate water in the foreseeable future, a product that is going to cost them more than petroleum and that is going to taste about as good.

Yet, what are we doing in this Congress to deal with the serious problems that are associated with it? The sugar program is clearly harmful to the environment in south Florida. The subsidized production of sugar in Florida results in this phosphorus-laden agricultural runoff flowing into the Everglades, contributing to the destruction of the ecosystem. And we do not have enough money to fix that.

But, amazingly, the Government continues to support the sugar program in south Florida even as we are asking to put up more money to repair the destruction. And, in fact, according to the information I have received, the production in Florida for cane sugar has gone up every year since 1996 and this last year was an estimated 10,000 more acres, compounding the problem.

Mr. Chairman, I yield to my colleague, the gentleman from Florida (Mr. MILLER), to see if I understand correctly the dilemma that we are facing in this Congress.

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman for his support for the Everglades.

The Everglades is a national treasure, just like the Grand Canyon is, the Everglades National Park down there. My colleague has been to the Everglades, I know, and is very supportive.

The Senate recently passed a bill that is going to cost $8 billion to restore the Everglades. Because of Government problems, we lost land in the Everglades. Half the Everglades is gone, and sugar is causing even more destruction.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to speak about sugar beet farmers in Michigan and Minnesota and North Dakota in the area of the country that I come from. And the question that they must be asking now is, why on Earth, when we are providing billions and billions in emergency support for family farmers, would we want say to the SDA that they cannot buy surplus sugar from a group of growers who have been among the hardest hit in the country?

The message that we send these families and these farmers is that their sweat and their toil and their hard work is not worth a dime, that their labor is not valued, and that their product should just be thrown to the wind.

This amendment, if offered, would have driven a number of beet and cane growers out of the business, ensuring that sugar loan forfeitures actually occur at great cost to the U.S. taxpayer.

Let me put some perspective on this issue. We heard this debate rage on now for a while on the floor. And as the gentleman from Oregon (Mr. BLUMENAUER) has just said, other nations provide huge subsidies to their sugar growers and then they try to flood our market with cheap foreign sugar.

Yet, how do some people in this institution respond to that? They want the USDA to turn their backs on our growers and even purchase the excess sugar for the established food programs that we already have.

Now, that is not a level playing field. It is a slippery slope toward eliminating that part of the agricultural sector of our economy.

On top of all of this, to make matters worse, when we passed the North American Free Trade Agreement back in 1993, it had a provision in there, and we warned people about this, and it said that Mexico will be able to increase their export sugar to the United States from 25,000 metric tons to 250,000 metric tons later this year, a ten-fold increase.

So now we are having not only domestic problems, we are going to have a surge coming in as a result of this treaty from Mexico. We are not to be surprised by this because, of course, when we did that very same treaty, we, basically, put those people in our country who produced tomatoes out of business.

If my colleagues go to south Florida, the State of the gentleman from Florida (Mr. MILLER) that had just spoken, or if they go to the Eastern Shore of Maryland today, they do not grow the tomatoes anymore. The reason they do not grow them is because that treaty provided provisions where a child of 10, 11, and 12 could pick the tomatoes, they could have pesticides sprayed on those tomatoes that are not allowed here, and they are undercut and forced those workers and those farms out of business.

So, in an era of budget surpluses, Mr. Chairman, one can only conclude that this is a concerted attempt to drive these farmers out of business. And it needs to be stopped, because they are not only the backbone of their communities, but they provide a valuable commodity to the people of this country.

I hope that this amendment will indeed not be offered and that the people that toil on our Earth to provide us with the food at such a reasonable cost will be provided with the opportunity to provide a living for themselves and their families.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $693,000.

AMENDMENT OFFERED BY MR. BERRY

Mr. BERRY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BERRY:

On page 31, line 14, strike "693,000" and insert $0; and on page 36, line 13, strike "41,015,000" and replace with "41,708,000".

Mr. BERRY. Mr. Chairman, my amendment cuts $693,000 out of the salaries and expenses of the office of the Undersecretary for Natural Resources and the Environment at the Department of Agriculture. It puts this money in the Resource Conservation and Development Account.

My intent is to point out that farmers are tired of being abused by the bureaucracy. This money would be much better used to assist our producers in the field.

Enough is enough. It is time to draw the line.

Just yesterday, in the Committee on Agriculture, we had a hearing on EPA's proposed rules on total maximum daily load. This rule would devastate farmers by requiring permits for normal, everyday farming practices.

Sadly enough, it was quite clear by the performance of the gentleman from EPA and USDA that their interest is in regulating, let us just regulate.

EPA has overstepped its bounds with this rule and many other rules that they have proposed. We might as well not have an Undersecretary for Natural Resources and the Environment. This money would be better spent, as I have said, in technical assistance for our farmers in the field.

We can no longer stand by and allow more and more regulations to be placed on America's farmers that benefit no one or nothing.

One concrete example is a survey that I have here with me that is proposed by the Administrator of EPA which would go to every aquaculture producer in this country. This survey would require farmers, under penalty of law, to turn over their income statements and balance sheets.

What does confidential financial information have to do with water quality? Nothing.

The USDA should stand up for America's farmers and prevent such misdirected Government regulation from going forward. This has not happened. This is part of the job of the Undersecretary for Natural Resources and the Environment.

In the past 9 months, the administration has proposed at least 10 new regulations to be imposed on agriculture. Most of these regulations have come from EPA. With each regulation, EPA has failed to follow a transparent process and use good science in an effort to show the need for what they are trying to do.

This problem has not been the goal to clean the environment. The problem has been with the process and principles used to make regulatory decisions and the collusion between the Natural Resources and Environment Agency and EPA.

The USDA must stand up to these bureaucratic, unscientific, and impractical efforts of EPA. Our farmers are faced daily with overwhelming bureaucratic rules that they can no longer tolerate. The USDA should be representing this viewpoint. They have not, as I have said. This includes the regulations on total maximum daily load proposals.

Let me be clear. Farmers need an advocate in the decision-making process. We must have an advocate at USDA, and they should be fulfilling this role. I hope that in the future the USDA will stand up for agriculture in this process.

My amendment is intended to highlight the need for an advocate. Producers must be represented as these decisions are being made. I would hope that this amendment would bring attention not only from USDA and EPA, the Fish and Wildlife Services and all the other Federal agencies that seem determined to tell every farmer and landowner in this country exactly what they can do and how they can do it.

Agriculture deserves to have a voice and especially when regulations are being developed.

Mr. Chairman, I urge the Congress to stand up for America's farmers and approve this amendment.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment and commend my colleague, the gentleman from Arkansas (Mr. BERRY), for offering this.

On the Subcommittee on Appropriations, as well, we have had great difficulty in dealing with the specific item that the gentleman from Arkansas (Mr. BERRY) has mentioned.

This office is, quite frankly, a loose cannon. It is not standing up for the rights of farmers. The USDA is supposed to look after the interests of American agriculture; and in this particular case, with this particular office, it is not.

The issue of the total daily maximum load that would impose onerous regulations on American agriculture is out there, and this office is supposed to be looking after the interests of agriculture and rejecting these costly, onerous regulations that are pending out there for American farmers.

Also, this office has been audited by the Inspector General, who discovered that $21 million in this budget that is overseen by this office was not used appropriately. These are dollars that could go to American farmers and ranchers who are interested in conservation programs. And instead, throughout the years, it has spent money, misappropriated money, misspent money on crazy ideas like wall murals and civil lawsuits and are working on an agenda that is out there that no one even knows for sure what they are doing.

This is the United States Department of Agriculture. Again, it is supposed to be looking after the interests of our farmers and ranchers. Money contributed directly to the Sierra Club. It does not matter what interest group is out there advocating or fighting for whatever the cause that they are interested in, this office should not be giving this money away when farmers and ranchers are in desperate need of it, and for field trips for some of these groups for goodness sake. That is not what the American taxpayers should be spending.

I questioned the head of this office, as well as the gentleman from Arkansas (Mr. BERRY) did in the authorizing committee yesterday, questioned him extensively on why is all of this going on. What is this, a rogue operation out there, a mission that no one is authorizing or interested in pushing? And somehow someone has given this office the authority to work on these interests that, again, have nothing to do with the well-being of American agriculture.

□ 1630

So I commend the gentleman from Arkansas (Mr. BERRY) for offering this amendment, will strongly support it. We have to put a stop and rein this loose cannon in.

Mr STENHOLM. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I must say that it saddens me somewhat to have to rise in support of the amendment of the gentleman from Arkansas (Mr. BERRY). However, I have been tremendously disappointed with the leadership shown, or lack of leadership shown, by the U.S. Department of Agriculture during the entire process that has led up to the publishing of the TMDL rule, the Total Maximum Daily Load.

During the entire process, there has been much, much to be faulted. There are serious questions about the science and financial analysis underlying these new water quality regulations proposed by EPA. Recent reports by the General Accounting Office, the Society of American Foresters, and other respected experts have questioned the wisdom of EPA's proposed rules.

Our colleagues on the Committee on Transportation and Infrastructure have called on the EPA to withdraw this rule, as have a number of agricultural and environmental groups.

Even USDA, in their own testimony before the Committee on Appropriations, took strong exception to some of what EPA proposed in their TMDL rule, although they seem to have tempered that concern somewhat.

This House has already spoken on this issue with a provision passed by the House in the VA–HUD appropriation bill that does not allow EPA to implement the proposed rule in FY 2001.

Now, USDA has the technical and scientific expertise to review the actions of EPA and help guide them toward a reasonable solution that might actually work in the field, and that is why the gentleman from Arkansas (Mr. BERRY) offers this amendment today and why it is very pertinent to the discussion today.

If the Department of Agriculture is not willing to use their resources to stand up to EPA for the benefit of farmers and ranchers and the environment, then we should spend their money helping those same landowners that are already trying to preserve their soil and protect water quality. That is the simplistics of this amendment.

Now I find it very frustrating, because I happen to have been chairman of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry when we reorganized USDA in 1992 and one of the things we agreed to in this Congress and with the administration was that we wanted to improve the ability of USDA to be a coequal with other branches of government when it comes to dealing with environmental and food safety issues.

The problem is that we do not have a coequal when one part of the coequal does not stand up for that which is in their own testimony and also in which they have said we agree. So the purpose of this amendment today is pretty simple. It is delivering what we hope will be a very strong message to both EPA and to USDA that common sense must apply, and to all of those groups that keep pounding on EPA to do things that do not make common sense, to require our farmers and ranchers to spend unlimited amounts of money fixing a problem that may not be fixable with any amount of money.

If we could just come back, just come back to a common sense approach in which we recognize that farmers and ranchers want to solve the TMDL problem, I certainly in my district have some very serious problems in which all farmers and ranchers are willing to work with reasonable people to come up with a reasonable solution that will solve the problem.

Therefore, I am not here today saying we should do nothing, but many times doing something is very, very detrimental to the very cause in which we are talking and today it is clean water.

When there is someone within a bureaucracy that so believes they are right, that they are completely, completely willing to ignore all common sense and forge ahead with requiring paperwork burdens and things that absolutely will not solve the problem in the opinion of everybody but them, there is a problem.

So this amendment is very serious. Let us put the money where there is an indication that we will have a willingness to solve the problem. Hopefully, though, we will have the kind of common sense approach to this question that will lead us to a solution that can be embraced by all. Certainly that is the desire of farmers and ranchers that I represent in my district, in my State and the other 49 States.

To those out there in EPA land, listen carefully. We want to work with them. We do not agree with those of them who believe that the only solution is theirs and they want to do it in the quiet of the night. We want to work with them. Let us work with them. Quit demanding that it be done only their way.

Mr. COMBEST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Arkansas (Mr. BERRY), and I recognize and understand the frustration that has driven the gentleman to this fairly serious amendment.

As I am sure it is in the district of the gentleman and all of the districts of the other Members, it is not the common sense regulation approach of the Federal Government that concerns people. It is the approach and the regulations that simply do not pass the logic of the stupid test. This subject is one that has gained the attention of agriculture all across this country, and it has gained their attention in a very negative way.

As the gentleman from Texas, my colleague, mentioned, we felt somewhat excited about the fact that the U.S. Department of Agriculture, the agency that we look to to speak in behalf of the American farmers, not as a rubber stamp but those who understand the problems of agriculture, as well as any other agency of government, was going to have a more equal role in making the decisions that were going to affect farmers, with other agencies of government.

When the total maximum daily load issue arose sometime back, we felt that USDA would be there to explain what the benefits or what the costs would be to agriculture, in fact, felt quite heartened by a letter that was written that talked about the hundreds of millions, even possibly billions of dollars of expense that this was going to impose upon agriculture, and without having the scientific basis on which to base these regulations that are proposed, whether or not it would even accomplish the good that EPA was trying to accomplish.

Well, subsequent to that time, I will describe the actions of USDA as we would back in Texas. They have basically tucked tail and run and now have become almost a rubber stamp for the EPA. Well, this concerns us a great deal because this is moving forward in an area that we do not believe is scientifically based. It is moving forward in an area that we believe is going to be extremely detrimental, and it is moving forward in an area that we do not believe is going to do the most good.

The gentleman from Texas (Mr. STENHOLM) and I and 92 of our colleagues have introduced a bill that would stop the implementation of the regulations. There are several other bills in both the House and the Senate, and totally there is almost half of the Congress that is supporting at least one or a variety of these bills.

I think that if nothing else that this should send a strong signal to USDA and hopefully to EPA as well that they have in the past run roughshod over the American farmer. We do not intend to let them run roughshod over the U.S. Congress.

Mr. CHAMBLISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment. Agriculture is the number one industry in our great country, always has been and it always will be, because our folks depend on a good quality supply of food to feed themselves and their family, and we are very blessed and we are very lucky here.

Agriculture all across the United States today is in some very, very difficult times. Particularly from a commodity price standpoint and from a weather standpoint, we have been through some tough years; but we have survived, and we have survived in part because we have had some policies in part that have been adopted here and some policies that have been carried out of USDA that have been beneficial to agriculture.

There is a current mindset at USDA that in my opinion is anti-agriculture, and that mindset has been no more appropriately displayed than has been the case with the issuance of the TMDL ruling and the failure on the part of the United States Department of Agriculture to stand up for farmers and forestry landowners in opposition to this unfair, capricious, and arbitrary rule that was promulgated by EPA.

This amendment strikes at the heart of establishing common sense at USDA because what it does is remove some people at USDA who very honestly do not have common sense. I do not care whether one talks to them in a hearing setting that we had yesterday or whether one talks to them just standing on the side of the road discussing agriculture with them. This amendment, in my opinion, is a very important amendment; and it does more than send a message. This amendment helps to establish the fact that we in Congress are going to continue to work to establish common sense in this town, and the folks in the various agencies around better get the message because we are going to do it.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also want to acknowledge that this is a real issue in my part of the country because indeed those people who are affected feel that the system has not worked simply because the bureaucracy has not understood nor taken the time to find all the information based on science.

I just feel that they have not been fair in listening to both sides of the issue. I for one stand as a person who believes in the environment, so I do not take shortcuts. I embrace this issue as an issue that we should wait imprudently for economic development. I take as a part of my faith that actually the environment is God's creation and we should do everything to preserve it and certainly, as we move into this area of trying to balance and have clean water, it is equally important that we are fair in that.

The tree farmers and those affected, they also honor the land not only because that is where they get their livelihood, but they love the land. To find that they are put in this kind of situation of having to determine that they are not polluters or they are not doing all they want to do to preserve the land is grossly unfair, and it is not based on science.

Mr. STENHOLM. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for yielding to me.

Just to make sure that our colleagues understand this amendment, what we are saying is there is a process in which most folks in USDA and EPA have agreed to from time to time, and that is to allow the participation of all interests in this case, those groups concerned solely with conservation, but also not only those individual groups but also producers. There is a mistaken belief among some that farmers and ranchers are always on the opposite or other side of conservation, clean water and clean air; and nothing could be further from the truth.

What we are saying and have been trying to say and have been almost totally ignored thus far by EPA is that we want to be included. We want to have them decide and discuss sound science and the rationale behind their proposal in this rulemaking and do it in the sunshine so everyone can see their rationale and can hear those who disagree, and then reasonable people can come together and can come up with a solution that accomplishes what we all want to accomplish.

That has not been followed. That is the frustration that we have had not only on this issue but also on the Food Quality Protection Act. We are simply saying very strongly, as we know how, USDA, if they choose not to exercise their authority, as they stated to the

Committee on Appropriations when they said in a letter that they take strong exception to what EPA is doing, if they took strong exception to what USDA is doing, why have they now decided to go along with what EPA is doing?

□ 1645

That is the message today, and I urge my colleagues to support the Berry amendment.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to make a couple of points. I guess, first of all, as a farmer myself and someone who grew up on a family farm now and in the fifth generation over 110 years, the idea that somehow farmers are not concerned about the environment, about maintaining the land and the quality of their environment is simply outrageous, and to me is very, very offensive.

We are the ones who, in my family, drink out of the well where the water, where the runoff is going to go. We are the ones who have to live in this environment, and it is the most important. It is our biggest asset as farmers to maintain the quality and the land itself and the clean environment.

It is very personal and very real to anyone who lives on a farm like I do. I will also tell my colleagues as someone who strongly believes in trying to preserve the family farm that these new regulations are not going to harm the big mega hog lot producers, the big mega cattle producers, chicken producers, those folks are already in compliance with every new regulation that is being proposed. It is not going to cost them one more dime to comply with these regulations.

What it is going to do, Mr. Chairman, is bust the small family farmer out there who cannot afford to comply with these regulations. We talk about concentration in agriculture, about doing away with the family farm, then we have bureaucrats here in Washington who want to put regulations who are only going to hurt the little guy.

Let us not forget about what this is about. The big mega hog lots are already in compliance with these regulations. It is not going to hurt them a bit, but it is going to kill the family farmer out there. That is what is so outrageous about this whole idea and about the USDA basically backing off and saying okay, you go ahead, put mandates on small family farmers, let the other folks go as they are.

Mr. SMITH of Michigan. Mr. Chairman, in light of the June 27, 2000 hearing on water pollution and the impact of EPA's proposed Total Maximum Daily Load (TMDL) rules on agriculture and silviculture, I would like to express my disappointment with the EPA approach to this problem and voice my support for Representative BERRY's amendment to cut funding from the office of the Undersecretary for Natural Resources and the Environment. In recent years, public concerns about surface water contamination by nutrients, in particular nitrogen and phosphorus, has intensified as agricultural practices have been identified as a significant contributor to non-point source pollution. While we have made great progress in the past 30 years at cleaning up our waterways through addressing both point and nonpoint source pollution, much room for improvement still remains. The EPA idea of Total Maximum Daily Loading was introduced to address these problems directly, but unfortunately calls for unreasonable and unrealistic changes in our current pollution prevention programs.

Though I have long recognized the importance of managing agricultural nutrients in a manner that both sustains agricultural profitability while protecting the environment, I am strongly opposed to EPA's TMDL plan, and equally disappointed with the extreme lack of communication, consistency, and straightforwardness by the Department of Agriculture on behalf of American farmers. It has become evident that the EPA overstepped their bounds in the development of their TMDL proposal, avoiding communication with farm groups and Congress, picking and choosing data to support their own regulatory agenda, and underestimating the cost of this program to our states and farmers. Though I am thoroughly disappointed by the EPA's actions, I am even more disappointed that our own Department of Agriculture has stood behind this questionable proposal and turned its back on our farmers. For these reasons I applaud Mr. BERRY for his amendment transferring $693,000 to the Department of Resource Conservation and Development so farmers can be assured that the USDA is in fact working for them, not against them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. BERRY).

So the amendment was agreed to.

The Clerk will read.

The Clerk read as follows:

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $676,812,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $5,990,000 is for snow survey and water forecasting and not less than $9,125,000 is for operation and establishment of the plant materials centers: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That none of the funds appropriated or otherwise made available by this Act shall be used to carry out any activity related to urban resources partnership or the American heritage rivers initiative: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

AMENDMENT NO. 8 OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. KELLY:

Page 32, line 20, strike "or" through "the American heritage rivers initiatve" on line 21.

Mrs. KELLY. Mr. Chairman, I offer today an amendment to strike language from this bill which prohibits funding from being used for the American Heritage Rivers Initiative. I feel this prohibition is inappropriate, as it imposes a serious detriment to river communities in 25 States, which have chosen to be a part of this initiative.

American Heritage Rivers Initiative began in 1997, the purpose behind it being to refocus and improve our efforts to preserve the cultural, economic and historic values of rivers throughout the country. Since then, the initiative has served as an effective tool in supporting voluntary community efforts to restore rivers and revitalize river fronts.

Despite the potential it holds for some of our Nation's treasured resources, the communities which have accepted designations under this initiative have been subjected to repeated efforts to undermine their intentions, primarily through the placement of funding restrictions on various agencies involved in this enterprise.

The bill being considered today continues this effort by prohibiting funding for the National Resource Conservation Service from being used for purposes under the initiative.

I realize that these restrictions have been spawned in part by an undercurrent of concern among those who feel the initiative represents some sort of Federal intrusion into local matters.

To this point, let me say this is simply not the case. Throughout the process, proponents of the initiative have gone to great lengths to ensure that local control is not circumvented. In fact, it should be argued that local control is not only preserved, but enhanced by an increased awareness of the options that are available through already existing programs.

It should be made clear that the American Heritage Rivers Initiative involves no new mandates. It involves no new money, and it is entirely voluntary. Those communities which are on designated rivers but choose not to be involved are under no obligation to do so. Those which do choose to be involved are subject to no new regulations.

I further understand that some object to this initiative because of its origins, and because of the way in which the administration has worked with and responded to Congress in their effort to implement it. When it comes to reports of opposite-minded and uncooperative officials in the administration, I am not without sympathy for my colleagues.

Nevertheless, I rise today with this proposal for the simple fact that the restriction in this bill affects stubborn actions not nearly so much as it does the river communities in 25 States across the country which made a conscious choice to be a part of the initiative. I should emphasize that I am not on the floor today with some proposal to force this initiative on communities that do not wish to be a part of it. Nor do I come here today with a proposal to take away a Member's right to preclude communities in their district from being eligible for the initiative.

I am here because I object to the practice of placing these restrictions on communities which have made a choice to be a part of the initiative. Members representing those communities should not be forced to go from bill to bill to bill to ferret out these kinds of restrictions simply so they can try to protect their constituents from being penalized for their decision to be a part of this initiative.

If there are objections to the American Heritage Rivers Initiatives, I believe there are more appropriate and reasonable approaches than to simply tack restrictions onto a spending bill.

I believe that Members of this House who represent communities which have chosen to benefit from the American Heritage Rivers Initiative and Members who believe that these communities should not be penalized for making this decision ought not to sit idly by to watch its gradual deconstruction through appropriations processes.

Mr. Chairman, I encourage my colleagues to support this amendment.

Mr. KANJORSKI. Mr. Chairman, I rise in support of the amendment of the gentlewoman from New York (Mrs. KELLY), which would eliminate language in the Agriculture Appropriations bill that would prohibit funds in the bill from being used on activities related to the American Heritage River Initiative.

The language currently in the bill would bar most USDA funds from being used to support and coordinate the American Heritage River Initiative. This broad language could be interpreted to prohibit most USDA agencies from undertaking community-oriented service or environmental projects related to the American Heritage Rivers. This could selectively put at a disadvantage 25 States that contain all or portions of the current 14 American Heritage Rivers.

I would like to compliment my colleague from New York (Mr. HINCHEY) who at the full committee was successful in having language inserted in the bill. The bill language would not affect the Hudson River, which the gentlewoman from New York (Mrs. KELLY) represents, and the Susquehanna River which I represent, but it would still not remove the bar and the effect on the other 12 Heritage Rivers in the country.

The fact of the matter is that this initiative, although sometimes attacked, sometimes understood and sometimes misunderstood by some of our colleagues is not a threat of the American government to the American people. It is, in fact, reinventing government at its best. It says basically that each community along the river or groups of communities have and are encouraged to put together comprehensive programs to celebrate the historical significance of their community to protect that, to add and think about the economic development elements that their river affects in their community and to provide for historical preservation.

Mr. Chairman, the essence of the success of this program was really set out when the initial applications were made when 126 rivers across America competed for designation as an American Heritage River in the first round, and that competition was some of the stiffest competition I have seen since I am a Member of Congress.

There were 14 that won the initial round, 14 rivers. I think to use the appropriation process to bar Federal funds to move to this program would be wrong from this standpoint. This is a creature of reinventing government.

Some of the very basic problems in our governmental structure is that funds flow down through the departments and agencies of government in a very narrow focused way. What this initiative calls for across government is to come together in an agreement and agencies and departments and bureaus of the Federal Government to cooperate with those communities that have set out a comprehensive plan, that plan has been reviewed and thought to have great merit and then these agencies to cooperate in this comprehensive effort to be more efficient and effective in expending Federal funds to further the plans of those local communities.

Mr. Chairman, I cannot think of anything that is more American, more supportive of community activity and that should not be inhibited, either in the appropriation processes here or by the nature in which this program was originally established.

I want to compliment my colleagues, the gentleman from New York (Mr. HINCHEY) for the process itself, protecting the Hudson and Susquehanna Rivers, but I want to compliment the gentlewoman from New York (Mrs. KELLY) to carry that protection to all 14 rivers of the American Heritage River Designation and Initiative.

With that, Mr. Chairman, I wish to urge all my colleagues on the Democratic side, together with my colleagues on the Republican side, that this is indeed good policy. It is something that is starting to show areas of success, and we should not prohibit or inhibit the American communities from participating in honoring and preserving and forwarding the success and effort of the American Heritage Initiative.

Mr. NEAL of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to begin by congratulating the gentlewoman from New York (Mrs. KELLY). I was very lucky when this competition began, because I have two of those 14 rivers designated in my congressional district as American Heritage Rivers. I think it is important to recall what the objectives were as we began down this course. First, natural resource and environmental protection, something we certainly can all rally to. Second, the question of tasteful growth and economic revitalization. Third, and perhaps the most important, historic and culture preservation.

This initiative involves the coordination of a number of agencies, as well as the cooperation of local leaders, but the main initiative here is to help people who live near these rivers effectively coordinate their efforts to preserve, protect and revitalize the watershed areas.

What is significant about the Blackstone River, where much of our industrial heritage grew from or certainly the Connecticut River, which is New England's mightiest river, is that virtually everything that occurred in the Pioneer Valley began because of the Connecticut River.

There are few words in American history or, for that matter, world history, that are more powerful than the word river. The success of these initiatives not only are underway but the navigators have been put in place. The catalyst that these rivers offer I think for further tasteful growth and development are very important to all of us.

Let me, if I can, take one moment to congratulate the late Senator John Chafee, who was a great champion of this initiative and, indeed, much of the growth in the Blackstone Valley and the success that we have had with that proposal stems from the commitment of former Senator Chafee, the navigators have been entrusted with the revitalization of these two rivers and they have done a tremendous job in a very, very short period of time.

These proposals represent no threat to local property owners, indeed, if anything, they have enhanced the property values of those who live along these waterways. Let us not deny the hard-working residents and business leaders of the river valleys of the Connecticut and Blackstone our support.

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. NEAL of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I know that we have had a lot of time spent on this, so that we can proceed, I urge a vote on the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, the American Heritage Rivers Initiative is a popular, effective and completely voluntary program.

Claims that the program somehow violates property rights have been rejected by this Congress, the courts and the communities who participate in the Initiative.

Having failed to abolish this program outright, the anti-river forces are now attempting to starve the program to death through a series of small funding cuts.

These attacks are unwarranted, unwise and should be defeated.

BACKGROUND

The American Heritage Rivers Initiative (AHRI) was first proposed during President Clinton's 1997 State of the Union Address.

The program was actually established in September, 1997 through Executive Order, after an extensive notice and comment period. The notice and comment period included a series of public meetings held around the country.

One hundred and twenty-six rivers in 46 states were nominated for designation and, in 1998, President Clinton selected 14 of those rivers, running through portions of 25 states, for designation.

The rivers selected in the first round include some of the most vital waterways in America including the Hudson, Mississippi, Rio Grande, and Potomac Rivers.

Contrary to the claims of opponents of the program, AHRI remains extremely popular. Nearly 200 Members of Congress, more than 500 mayors, and 21 Governors have expressed support for the AHRI. CEQ receives new nominations, in addition to the 126 received in the first round, regularly.

WHAT AHRI DOES

The program allows local communities to voluntarily nominate a river in their area for designation as an American Heritage River.

For those rivers selected, a "River Navigator" is appointed to help coordinate federal, state and local efforts to protect the qualities which made the river eligible for designation in the first place.

Anyone who has attempted to navigate the sea of federal, state and local grant and technical assistance programs understands why a river navigator working on behalf of each of these rivers is necessary.

AHRI is designed to identify some of the most important waterways in this nation and make certain that any and all efforts to protect those rivers are as targeted and well coordinated as possible.

The program is about achieving managerial efficiency and using federal resources to leverage private funds.

WHAT AHRI DOES NOT DO

The American Heritage Rivers Program is in no way a federal "land grab." The program involves no land acquisition or condemnation authority.

AHRI is not an attempt to limit the use of private property. The program involves no new regulatory authority of any kind.

The AHRI does not waste a single tax dollar. The program does not involve the expenditure of any new funds. Rather, the program takes money that likely would have been spent on general water quality programs or other environmental protection efforts and attempts to focus and leverage those funds more effectively.

The program has no international component. Claims that this initiative is somehow part of a U.N. conspiracy to control America, a claim which has been made regarding this program, simply have no basis in fact.

EFFECTS OF THE LIMITATION IN THE BASE BILL

Language inserted in the base bill would prohibit any funds in the bill from being used to carry out the American Heritage Rivers Initiative.

Specifically, this would prohibit the Natural Resources Conservation Service (NRCS) within the Department of Agriculture from participating in the program.

The effect would be two-fold. First, the NRCS is the conservation assistance arm of the Agriculture Department. This limitation would prohibit NRCS experts from working with local communities, which have requested assistance, to improve water quality, prevent soil erosion, re-vegetate eroded areas, restore habitat and wetlands and help create economic development opportunities.

The limitation leaves the AHRI program standing but robs the program, and the 14 rivers and 25 states included in the program, of expertise critical to achieving the goals of the program.

A second effect is even more devastating. A representative of the NRCS happens to be co-chair of the Interagency Task Force which coordinates the AHRI. If the language stays in the bill, it would cripple the entire initiative by removing one of its current leaders.

Rather than address the program on its merits, this funding limitation, another like it in at least we other appropriations bills, seeks to weaken the program by robbing it of crucial know-how and manpower.

CONCLUSION

Attempts to abolish the American Heritage Rivers Initiative are based on misunderstanding of the program and, in some cases, purposeful mischaracterizations.

Legislation to end the program never made it to the floor and a lawsuit challenging the program failed.

AHRI is fiscally and environmentally responsible, which is why it is so popular. This attempt to strip the program of the tools it needs to continue succeeding should be defeated.

Mr. BLUMENAUER. Mr. Chairman, my community has been working hard to restore the water quality in the Willamette River. We recognized that the American Heritage River program would make the federal government a better partner in this effort and spent years working to get the Willamette River so designated.

The Heritage River program has funded a river navigator who works full-time on behalf of our local governments and watershed groups. The River Navigator provides an important link between the river communities and the appropriate federal agencies and programs to clean the river. The local Heritage river communities have already dedicated an enormous amount of time and effort to this program without any additional funding, and we are committed to seeing this program develop to its full potential.

I am concerned, however, that the bill as written undermines our efforts. The bill's restrictions on heritage funding do not represent the type of support that was promised when the Willamette River and her sister rivers were designated. Since current federal participation in water resource management is poorly coordinated, we should not be stepping back from this commitment. I urge my colleagues to join with me in supporting the Kelly/Kanjorski amendment.

Mr. KIND. Mr. Chairman, I rise in support of the Kelly-Kanjorski amendment and ask that the House support its adoption. This amendment recognizes that inclusion of language to prohibit funding for the American Rivers Heritage Initiative into the Agriculture Appropriations Act is short-sighted and ignores the tremendous benefits of this important program.

Since its inception, the American Heritage Rivers Initiative has been extremely popular with communities and local government officials. Currently, there are over 50 communities that are included in the Upper Mississippi River American Heritage River Initiative. Four (4) river communities within my district participate in this program.

"River towns" are some of our nation's oldest and have rich cultural, social and natural histories. In the past, many of these towns were forced to turn their backs on the river because the costs associated with redevelopment were too large and the planning process too cumbersome. Today, however, as a result of this initiative, people are returning to the river and seeking to integrate it into their daily lives. The communities in my district are working to invest in riverfront development projects that share the story of their communities' pasts while also stimulating much-needed economic development.

With help from the "River Navigator," these communities are better able to identify and utilize Federal programs and services that assist them in meeting the objectives of natural resources and environmental protection, economic revitalization, and historic and cultural preservation.

Mr. Chairman, the American Heritage Rivers Initiative is a successful program and should not be eliminated as a result of the shortsightedness, misinformation, and false allegations by those who seek the initiative's demise.

I urge adoption of this amendment.

Mr. HOEFFEL. Mr. Chairman, I rise in support of the Kelly/Kanjorski amendment to strike language in the Agriculture Appropriations bill which prohibits conservation funds included in the bill from being used for purposes related to the American Heritage Rivers Initiative.

The Initiative was created to insure that all local efforts to protect rivers were coordinated and targeted. No new federal funds were obligated, no new regulatory authority was created, and there was no provision for federal land acquisition. When President Clinton created this Initiative, forty-six states voluntarily took part by submitting applications for 126 rivers to be designated as a Heritage River. Fourteen were selected including the Upper Susquehanna-Lackawanna River in PA.

Even though the Initiative is completely voluntary, there have been detractors which continue to attack it. Efforts to abolish it have failed and a lawsuit designed to eliminate it has been dismissed. In this legislation there is another effort to disable this very successful program.

The Agriculture Appropriations bill contains an anti-environmental rider which prohibits any conservation funds under the bill from being used for the Heritage Rivers Initiative. This would prevent the USDA from sharing information with other agencies to benefit all river communities. While there is a partial exemption for the Upper Susquehanna, other river communities are denied the benefits of this initiative.

Today, the Schuylkill River is a key focal point for Southeastern Pennsylvania. A major community and economic development project is underway in Montgomery County bringing new attention and energy to the river and its surrounding communities.

There will be hiking, biking, and equestrian trails as well as other recreational paths in a linear park along the riverbank. There will be a water trail for canoe paddlers, kayakers, fisherman and other boaters. There will be a fish ladder constructed at flat Rock Dam to make the river passable for fish with the hope of restoring the once plentiful American Shad to the waters upstream.

While the Schuylkill River is not a designated Heritage River, the river has benefited from this initiative. The Council on Environmental Quality disseminates information to local communities like those in Southeastern Pennsylvania on how to coordinate efforts and where to look for federal resources.

There are the benefits that the America Heritage River program can offer to all communities across the country not just the fourteen designated rivers. The American River Heritage Initiative is a program that deserves our support. Vote to strike this unfortunate anti-environmental rider by supporting the Kelly/Kanjorski amendment.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this amendment, which would remove an unnecessary and counterproductive spending limitation from the bill.

The spending limitation is an attempt to cripple the American Heritage Rivers program. Yet the benefits of this program are visible and real, the alleged problems are unproven and imaginary.

The American Heritage Rivers program is voluntary, communities apply to win the designation. And the competition for the program is intense. Communities of all sizes from all regions of the country have been applying to the program. So unless all these communities are delusional, there must be a real benefit to the program.

And there is. The program helps communities to focus on economic development programs along the rivers and gives them greater access to a wider and better coordinate assortment of federal agencies for help. Sounds like a good idea to me.

What this program does not do is impose any additional regulatory burdens or coerce anyone into participating.

So why would we shut down a program that localities want, that improves the targeting and coordination of federal programs, and that comes with no federal mandates? I can't think of any reason. And indeed there is no reason unless one believes that paranoia should prevail over common sense and that imaginary fears should triumph over proven, practical benefits.

Let's show that common sense can prevail. Vote for the Kelly amendment and help communities around the country redevelop their riverfronts.

Mr. GEJDENSON. Mr. Chairman, I rise in strong support of this amendment which would strike the restrictive language in the Agriculture Appropriations bill that prevents any funds from being used for the American Heritage Rivers Initiative (AHRI).

This initiative has received and continues to receive unprecedented support from the residents in my district; including residents of the Connecticut River Valley, business owners, Chambers of Commerce, environmental leaders and local-elected officials. This initiative is not being forced on the American people by their government. It is and has always been a voluntary initiative. The community involvement is voluntary and they can terminate their participation at anytime.

The people who live along the Connecticut Rivers and other Heritage Rivers realize the value of these great natural resources. They have come together with a deep resolve to not only clean up their rivers, but to promote economic revitalization in their communities. The partnership created by the residents, environmentalists and business owners will create a clean, healthy environment while boosting a thriving tourism industry.

There has also been tremendous bipartisan support for this initiative within Congress. Over 200 Senators and Representatives wrote letters of support for one or more Heritage River applications. There should be no opposition to this program simply because it does not create any new rules or regulations for state and local governments. Furthermore, it does not create additional costs because funding comes from programs authorized for river restoration.

The detestable language used to prevent the use of funds on any of the 14 Heritage Rivers is just another attack on the environment. It is another effort by so-called private property advocates to derail local initiatives.

I urge my colleagues to join me in voting in support of the Kelly/Kanjorski amendment to the Agriculture Appropriations bill (H.R. 4661).

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The amendment was agreed to.

The Clerk will read.

The Clerk read as follows:

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), $10,868,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

□ 1700

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

I want to say a word with regard to the amendment that just passed.

The American Heritage Rivers program is one of the proud initiatives of the Clinton administration. I think that as the years go by, it will be increasingly recognized as such. A decade from now, indeed, 100 years from now, people will recognize that the American Heritage Rivers initiative coming from the Clinton administration was one of the important environmental initiatives, among many, that the Clinton administration has been responsible for. I am very proud to be a supporter of that initiative, and I am also very proud that New York contains two of the rivers that have been designated in this initiative, the Hudson River and the Upper Susquehanna, Lackawanna Rivers.

I want to say also with regard to the amendment that just passed, although it is an amendment that does absolutely no harm, it is also an amendment that was, in fact, unnecessary, because as a result of the cooperation of the gentleman from New Mexico (Mr. SKEEN), the chairman of the Subcommittee on Agriculture of the Committee on Appropriations, we were able to place language in the bill which removed any ambiguity whatsoever with regard to the Department of Agriculture's ability to fund the Upper Susquehanna and Lackawanna River and the Hudson River American Heritage Rivers. It is a fact that these are the only two rivers that are funded in any way by the Department of Agriculture. The other American Heritage Rivers are funded through other appropriations bills and are under the auspices of other agencies.

So with the cooperation of our chairman, the gentleman from New Mexico (Mr. SKEEN), we were able to take care of any problem that may have been foreseen to have existed with regard to these heritage rivers; and the language in the bill makes it clear that the Department of Agriculture may, in fact, and will, in fact, continue to fund the Hudson River navigators and the Susquehanna, Upper Susquehanna/Lackawanna Rivers and other aspects that relate to the American Heritage Rivers program of these two rivers, these two rivers being the only two rivers that, in the American Heritage Rivers initiative, are funded through the Department of Agriculture and, therefore, under the jurisdiction of this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WATERSHED AND FLOOD PREVENTION OPERATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $83,423,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $12,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): *Provided*, That not to exceed $44,423,000 of this appropriation shall be available for technical assistance: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: *Provided further*, That notwithstanding any other provision of law, of the funds available for Emergency Watershed Protection activities, $1,045,000 shall be available for DuPage County, Illinois for financial and technical assistance: *Provided further*, That up to $4,170,000 is for the costs of loans, as authorized by the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a), for rehabilitation of small, upstream dams built under the Watershed Protection and Flood Prevention Act (16 U.S.C. et seq.), section 13 of the Act of December 22, 1944 (Public Law 78–534, 58 Stat. 905), and the pilot watershed program authorized under the heading "Flood Prevention" of the Department of Agriculture Appropriations Act, 1954 (Public Law 83–156, 67 Stat. 214): *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the costs for such rehabilitation activities (including any technical assistance costs such as planning, design, and engineering costs) shall be borne by the Department of Agriculture: *Provided further*, That the Department may provide technical assistance for such rehabilitation projects to the extent that the costs of such assistance shall be reimbursed by the borrower, and such reimbursements shall be deposited into the accounts that incurred such costs and shall be available until expended without further appropriation. In addition, for expenses necessary to administer the loans, such sums as may be necessary shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607), the Act of April 27, 1935 (16 U.S.C. 590a–f), and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $41,015,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $588,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H, 381N, and 381O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), $775,837,000, to remain available until expended, of which $33,150,000, shall be for rural community programs described in section 381E(d)(1) of such Act; of which $668,988,000, shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $73,699,000, shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, $12,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes: *Provided further*, That of the total amount appropriated for Federally Recognized Native American Tribes, $250,000 shall be set aside and made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development for federally recognized tribes: *Provided further*, That of the total amount appropriated in the Rural Community Advancement Program account, $2,000,000 shall be for an agri-tourism program: *Provided further*, That of the amount appropriated for rural community programs, $6,000,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, and low-income rural communities to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private and public (including tribal) intermediary organizations proposing to carry out a program of technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources in an amount not less than funds provided: *Provided further*, That of the amount appropriated for rural community programs not to exceed $5,000,000 shall be for hazardous weather early warning systems: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $5,000,000 shall be for rural partnership technical assistance grants; $2,000,000 shall be for grants to Mississippi Delta Region counties; and not to exceed $2,000,000 may be for loans to firms that market and process biobased products: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed $20,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, of which one percent may be transferred to and merged with "Rural Development, Salaries and Expenses" to administer the program; not to exceed $18,515,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $9,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed $42,574,650 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $30,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; and of which $8,435,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HEFLEY:

Page 37, line 10, insert "(reduced by $2,000,000)" before ", to remain available".

Page 37, line 11, insert "(reduced by $2,000,000)" before ", shall be for".

Page 38, line 3, insert "(reduced by $2,000,000)" before "shall".

Mr. HEFLEY. Mr. Chairman, this amendment cuts what I think is questionable government spending by $2 million. The money was dedicated to agritourism in the Rural Community Advancement Program.

Now, on the television program "20/20" John Stossel has a segment at the end every time that is called "Give Me a Break." I guess I would say to this program, give me a break. Agritourism. This program just does not meet the laugh test, it seems to me.

Congress should provide real solutions for America's embattled farmers instead of creating wasteful spending programs. The number of small farms in America has fallen from over 300,000 in 1978 to 170,000 today. Last year, 260,000 American farmers were hit by natural disasters, claiming $1.3 billion in damages. The number of farmers has dropped from 6 million in 1933 to less than 2 million today. We all know of the terrible drought conditions being faced this year by farmers in the Southeast.

Agritourism is not a bad idea, because look what some of the examples are: cut your own Christmas tree, pick a pumpkin out of a pumpkin patch, roadside produce stands where people can meet the farmers who grow their food, pick and process grapes in a vineyard. All of these programs are a great way for American farmers to raise money. But all of these programs are for profit. Farmers make money on these programs. Why should the Federal Government subsidize them?

Congress should not create wasteful programs that will only benefit a few. We need real solutions, real progress, real programs in Congress to help our farmers. This amendment is a good way for Congressmen to stand up against government waste in the agriculture appropriation bill, which is often known as a vehicle for pork barrel spending.

Mr. Chairman, I would encourage support of this agritourism amendment.

Mr. LATHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, on behalf of the committee, I think we can all agree that people in rural America are going through some very hard times. The purpose of the agritourism program is to offer our rural communities another way of developing their economic potential. This bill supports a number of economic development programs in rural America. It offers loans and grants for cooperatives and small businesses, and it supports basic infrastructure that rural communities need to survive. The money for agritourism is just one more part of that effort.

Mr. Chairman, this program has strong bipartisan support on the committee. It does not earmark the money for any particular State or community. All rural areas are eligible for the funding.

I ask my colleagues for their support for economic opportunity for rural America and to vote no on this amendment.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I want to identify with the remarks of the gentleman from Iowa (Mr. LATHAM), because this is a very modest amount to invest in some hope and some opportunity in an area of the country where people are really hurting, rural America. Family farms are struggling to make ends meet; and constantly, we in Washington say, do not come to Washington and expect us to write a blank check for all sorts of subsidies and everything, we are reducing those. We want you to diversify and come up with new opportunities so you can stay on the farm and yet make a decent, livable income.

So a lot of farms are just trying to do something like this, and I think it makes so much sense. It is an innovative program, and I want to compliment the committee for addressing this program in such a prudent, responsible manner.

Mr. LATHAM. Mr. Chairman, reclaiming my time, I thank the gentleman from New York. I would really like to associate myself with his remarks and remember that we are trying to encourage our farmers to diversify, to find new crops, new ways of generating income in rural America; and also, I will tell my colleagues as a member of the Commerce-Justice-State subcommittee, I find it interesting that we give microloans all over the world; and yet we will not help our local rural communities to develop small businesses just like we do all across the world.

So I would hope that while I understand the gentleman's concern from Colorado, I would certainly hope that this very small program, which I think does some good and will do some good, would be able to continue. I urge a no vote.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment and support the Vermont agritourism initiative. I do so because first of all, the committee and the House have approved this initiative. I want to commend the gentleman from Vermont (Mr. SANDERS) for his leadership on this. We all know what is happening to farms, especially small and medium-sized farms across our country.

The name of this subcommittee is Agriculture and Rural Development, and this is one of those activities that falls in the area of rural development. For all of the other Members here who have supported this in the past, it is very interesting to think about some of the articles we read in the newspapers today, about people getting shot on the freeways in California. Just the stress of being on those roads every day and to have to commute hours a day. People are looking for relief from the stress of modern society. Then we read other articles about a place like Lancaster, Pennsylvania, which is known to have a number of people of Amish heritage and which also has benefited from agritourism over the years. There are so many visitors to Lancaster county, 7 million visitors. It is one of the most key destinations in Pennsylvania for tourists. They cannot even handle it.

The American people and visitors from abroad are looking for the experience that rural America can provide. We do not really have a very well-coordinated set of initiatives across this country to help people move through the rural countryside. I remember when I was traveling in Europe years ago and they had a whole system of bed and breakfasts, one could go to the main tourist bureau in the town and they would give you a list of where to stay. America is beginning to catch up. But we are far from where other countries in the world are in this regard. There are a few tour books. I know in Michigan I picked up one in a bookstore about some of the places one could visit in the State of Michigan.

Mr. Chairman, as rural incomes decline and prices decline in terms of commodities, and we are going through this extremely difficult period in rural America right now, people in rural America are looking for ways to enhance their income. They are not asking for a handout, they are asking to use the assets they have, which include their farmland, their barns, their communities, their community activities, in order to bring in people from the outside who have extra dollars to spend and invest.

So I really think agritourism is a vital element for economic growth. It is one of the answers for us in terms of restoring vitality to rural America. Really, we need to celebrate the natural wonders and educational opportunities that rural areas and the people there offer to all of us.

Perhaps the gentleman has a good intention of trying to be fiscally responsible; but I think that this is not a forward-looking amendment, because many parts of the country, including Vermont which does not have the highest income in the country, that is for sure, sagging incomes and a very precarious rural situation, this is really part of the answer for the future for Vermont as well as many other places.

Mr. Chairman, I would just like to commend the gentleman from Vermont (Mr. SANDERS). I apologize if I have not listed all of the cosponsors of this proposal. I would be pleased to yield to the gentleman any remaining time that I might have in order to further discuss the gentleman's opposition to this amendment.

Mr. SANDERS. I thank the gentlewoman.

Let me just associate myself with the remarks of the gentleman from Iowa and thank him for his support, and I thank the gentleman from New York and the gentlewoman from Ohio. I also want to thank the gentleman from New Mexico (Mr. SKEEN) for his support of the concept of agritourism.

The gentleman is aware that agritourism has worked very, very well in New Mexico and in many other parts of this country; and we should all be clear that what we are talking about now is a national program. Vermont is experimenting, getting into it, New Mexico is in it, Ohio is in it, Massachusetts, New York. But this is a national program which will accept competitive applications from people all over this country.

I should say that as the gentlewoman from Ohio (Ms. KAPTUR) has already indicated, there is strong bipartisan support for the concept of agritourism and an understanding that it would really be very unfair to family farmers all over this country who, as the gentleman from Iowa pointed out, are looking for alternative sources of revenue.

The CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

The point here is that as commodity prices decline, and that is true for dairy, it is true for many other commodities, family farmers are looking for alternative sources of revenue. One of the sources of alternative revenue that they are looking at is agritourism. What we are looking at here is a $2 million program that would help family farmers all across this country.

□ 1715

The key issue here, which is an interesting concept, is that, as the gentlewoman from Ohio (Ms. KAPTUR) just said, people from cities all over the country go to rural areas in order to enjoy the peace and beauty that exists in rural areas.

One of the reasons that the rural landscape is beautiful is because our family farmers keep that land open. It seems to me what we have to try to do is make sure that family farmers get a fair shake, get a fair return in terms of the agritourism money that is spent in their States; that it is not just the ski areas, that it is not just the fancy hotels, but that some of that money goes out into the rural countryside and helps the family farmers who need it the most.

Let me just give a few examples of what farmers in Vermont and throughout this country are doing, and why we need additional help for family farmers to get involved in what is a growing national concept.

Family farmers throughout this country are converting their guest rooms into small bed and breakfast operations. That means that on the weekend and maybe a few days a week they have a room available for a tourist to stay in.

But in order to do that, in many instances, they might need a loan to convert the guest room into a bed and breakfast. They might need some help in learning how they can market what they are developing. It is not so easy for farmers suddenly to get on the Internet and to know how to bring guests into their home.

Farmers are now encouraging tour buses to stop by and learn what family agriculture is about. But in order to be successful, they might need a loan or a small grant to build a restroom. If you are going to have a busload of people coming by, you might need a restroom there, improved parking facilities.

Farmers might want to build snowmobile trails through their fields and woods so people can come and use the snowmobiles. It might cost a little money in order to maintain those trails and in order to advertise what they have available.

In some instances, people who own apple orchards might want to do some value-added work. I know of an instance where somebody, instead of just doing apple picking in the fall, what they are doing is baking apple pies, selling them to tourists. They might need a few bucks to build or buy a new oven, a commercial-sized oven, and to deal with the health regulations in order to do it.

The list goes on and on and on. And the gentleman from Iowa made a good point about we give out these microloans all over the world, and they are good loans, they are successful, but a few thousand, a few hundred dollars to a family farmer could literally make the difference, if that money is converted into $5,000 in additional revenue stream. It is the difference between whether that farm stays up or goes under.

I happen to think that we are going to see is that agritourism is going to be spreading all over. It is good for the urban folks who want to get out and have the kids see what farming is about.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank my colleague for his remarks.

Mr. Chairman, there is an environmental aspect to this because urban sprawl is a concept that concerns us all. One of the reasons we have urban sprawl is that so many family farms are so hard-pressed that they have no choice but to sell their land for development. That is not good for them, that is not good for us. It just adds to urban sprawl.

If we have something like this, the microenterprise, small assistance package, we can help them and help increase the family farm income. That is an objective worthy of our best effort. I thank my colleague for yielding.

Mr. SANDERS. Just in conclusion, Mr. Chairman, there is no argument that family farmers all over the country are losing their farms. This is a national tragedy.

I do not claim that this $2 million is going to save the world, but I think what it will do is add energy to a growing concept by which farmers can gain the greater share of the tourist dollar that they deserve. Tourists come to their areas because they keep the land open.

I would urge strong opposition to the Hefley amendment.

Mrs. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. HEFLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I thank the gentlewoman for yielding.

Most of the things that have been said I agree with. It is great to have farms there. That is good for the environment, there is no question about that. It is a matter of whether this program makes any difference or makes any sense. The gentleman from Vermont (Mr. SANDERS) said this program is doing well. Great, let it do well, but why does the Federal government have to participate in it?

When we talk about building bed and breakfasts, people build small businesses every single day without a special program like this. If they need help for it, if they need small business loans, we have a Small Business Administration. We have a small business loan program for that. If they need guidance in how to make a small business thrive, then they have small business guidance programs to train them in how to make a small business thrive.

If they need to build a restroom, by gosh, the lumberyard on the corner that gets started, it does not have a farm loan to build its restroom. It figures out how to build a restroom as part of its small business.

To me, Mr. Chairman, this seems to me to be the perfect example of the classic farming of the Federal government, rather than farming of the land. It just makes no sense to me at all. If people want to go watch people milk cows, watch corn grow, I think that is great. I think it is great. You have a tourism industry to do that. I do not know why the taxpayers of the whole Nation need to subsidize that.

Mrs. EMERSON. Mr. Chairman, let me close by commenting on the remarks of our colleague, the gentleman from Colorado.

As the cochairman of the Rural Caucus with my very dear friend, the gentlewoman from North Carolina (Mrs. CLAYTON), I am a little taken aback. It strikes me as something that is very important to say, because everywhere I go in rural America, it does not matter, in my district, which is 26 counties of very, very rural and somewhat remote areas, the economic prosperity that seems to be pervasive in the suburbs and in some of the cities is nowhere to be found.

The Federal government reimburses our hospitals for Medicare at a fraction of what the cities get. We have hospitals closing right and left. We have folks in my district who cannot get local TV, who cannot get cable TV, who have no means by which to find out what happens in an emergency. Education funds are lacking, infrastructure funds are lacking.

Everything that we want to do to preserve our heritage, to preserve the very heart and soul of the country, is what my colleagues are all talking about.

I would ask our colleagues to please make sure that we defeat the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to say a word about the amendment offered by the gentleman from Colorado, because I think that it is important that the full dimensions of the effect of his amendment be more clearly understood by the Members of the House.

One of the strengths of American agriculture is its diversity. We grow enormous amounts of food and fiber in this country. We do it in very diverse ways under very diverse circumstances. I suppose that some people living on the edge of the Great Plains may not have an appreciation for the small farms that exist in other parts of the country.

The gentleman from Vermont (Mr. SANDERS) told us quite a bit about the circumstances of family farming in Vermont. Those circumstances are very similar to those that exist in New York and other places in New England and in the central States, as well; I think on the West Coast, in many instances, also, as well as many parts of the South. As we have heard from some of our colleagues, that occurs in the Midwest, also.

In many areas, particularly in areas where farmers are trying to survive on the edge of metropolitan centers, there is great pressure coming out of those metropolitan centers for the land on which agriculture now is carried out.

We have a great interest in this country, I think, in keeping that land in agriculture and supporting those farmers who live near metropolitan centers and doing everything we can to help them continue in agriculture. That is, first of all, because the products that they produce are important to us. The food and fiber that comes out of those farms is important to those metropolitan areas and to other places all across the country. So we have an interest in keeping those farms viable, successful, economically strong, allowing those family farms to make a living and helping them to do so.

We perform in a variety of ways here in this Congress to support agriculture. Just earlier this year we provided $5.5 billion, $5.5 billion in supplemental crop payments for farmers who needed assistance in the Great Plains and elsewhere.

I live far away from the Great Plains, but I understand the problems of agriculture in the Great Plains. I supported that $5.5 billion of supplemental payments and crop insurance in that bill. I did so because I have an appreciation for the problems that those farmers are facing out in the Great Plains and elsewhere who would benefit from that kind of support from the Federal government.

The Federal government has a strong and long history of providing support for agriculture here in the United States. That I think is appropriate, and we should continue to do so.

What we are asking for here today, the gentleman from Vermont (Mr. SANDERS) and myself and the others who sponsor this small amount of money in the agriculture appropriations bill, is simply this, a recognition of the kind of circumstances under which agriculture on small farms, in orchards, in vegetable farms, in vineyards and other similar circumstances around the country, have to operate in order to survive.

Agricultural tourism is increasingly becoming a very important part of that, a very important part of their economics, the economics that allows them to continue operating their farms, feeding their families, providing the produce from those farms that are so highly valued by the other Americans who consume them.

This is an important program. Yes, it is relatively new, but it is very important. I hope that the vast majority of the Members of this House will join all of the rest of us who have spoken on this bill this afternoon in showing that we appreciate agriculture in its great diversity. We appreciate the small vegetable farms, we appreciate the orchards that grow apples and other fruits. We appreciate the vineyards that grow vines for the production of wine and other agricultural products from those vines.

We want to do what we can to sustain those farmers in agriculture; keep that land out of other less appropriate, less environmentally sound, less ecologically healthy development, keep it in agriculture.

The way to do that in large measure, Mr. Chairman, is by supporting agricultural tourism and this small amount of money that is asked for in this appropriations bill.

Mr. WALSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the concept of the gentleman from Vermont (Mr. SANDERS) in the bill. I think the idea of agritourism is essential to a changing agricultural landscape in my State.

When people think of New York State, they do not necessarily think of agriculture. I remember when I first came down here as a candidate, I went to see Frank Horton, who was then the dean of the New York delegation. I sat down and we talked. He said, if you get elected, what committee do you want to be on? I said, I want to be on Agriculture. He said, Well, we will do the best we can, but it is a very competitive situation. The first thing you have to do is get elected. So I was elected. Little did I know that he was just dying to get somebody from New York on Agriculture.

Again, New York State's number one industry is agriculture, but it is a changing scene. The dairy farms that are spread across New York, as they are across most of the northern tier of the country, are relatively small: a lot of woodlots and streams and rivers and gullies. A lot of it is not suitable to large-scale agriculture, so dairy farms are what have been what populates it.

But what the farmers are doing, because the prices are difficult in dairy, they are trying to diversify. They want to stay on the land. They want their children to stay on the land, so they try to find other ideas.

There is one farmer in my district in upstate New York near Syracuse who turned a corn lot into a maze; planted the corn according to a map and planted it in the form of a maze, and advertised. He made ten times as much money on that small plot, several acres, ten times as much money on that acreage as he did prior when he was just planting corn.

□ 1730

There are vegetable farms and truck farms, fruit farms all around central New York that encourage the city dwellers to come out from Syracuse, Albany, even the folks who come from New York City. And you can always tell them. They have a dress shirt on opened at the top with a T-shirt, black pants and black shoes. We love to see them come; they usually have lots of money in their wallet. And they love to come upstate and see us rubes, and we like to take their money.

One of the ways we can do that is by supporting agritourism. It is an opportunity for our small family farmers to stay on the land, to make some money, and improve their lot. And nobody husbands that land better than those farmers; nobody takes care of that land better than those farmers. They are protecting the environment. They are keeping the streams clean. They are rotating their crops properly. They are working the wood lots. But they need this extra incentive to provide them the ability, the cash income. Think of it as a new cash crop to sustain their livelihood.

So I strongly support the gentleman's idea. I hope we would reject the amendment offered by the gentleman from Colorado (Mr. HEFLEY). I know he feels strongly about rural development, but I would say to the gentleman we have a lot of rural areas in upstate New York. But this is true rural development for us.

Mr. KIND. Mr. Chairman, I rise in opposition to the Hefley amendment that eliminates the bill's funding for USDA's Agri-Tourism program.

In the last twenty years, my state of Wisconsin has lost over one half of its dairy farms—decreasing from 46,000 in 1980 to less than 21,000 today. At the same time, the average age of the Wisconsin dairy farm has increased to 58 years. The family dairy farm is struggling with many pressures; unstable commodity pricing, unpredictable trade policies, and the growing pressures of sprawl.

Adapting to change and taking advantage of emerging traveler interests in agriculture and rural places is a wonderful opportunity for Wisconsin's farms and rural communities. Wisconsin's natural scenery of rolling hills, bluffs, coulees, valleys, lakes, and rivers are tourist destinations for many outside visitors. In addition, it is often times important to families that they are able see cows, pigs, goats, and sheep in their natural settings instead of in picture books and on television. Many visitors have never been on a farm and seek bed and breakfasts that are in rural farming communities. Unfortunately, there currently is little effort to link our family farmers with tourists.

For these reason, programs such as USDA's Agri-Tourism provide important steps in linking tourists with farming communities. In addition to providing important recreational opportunities for tourists, agri-tourism can provide needed financial assistance to our farm families. It would be short-sighted for Congress to eliminate this important program.

I urge my opponents to oppose this misguided amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 538 further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,800,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,700,000,000 shall be for unsubsidized guaranteed loans; $32,396,000 for section 504 housing repair loans; $100,000,000 for section 538 guaranteed multi-family housing loans; $114,321,000 for section 515 rental housing; $5,000,000 for section 524 site loans; $16,780,000 for credit sales of acquired property, of which up to $1,780,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

AMENDMENT OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CLAYTON:

Page 40, line 23, before the period insert the following:

: *Provided*, That of the total amount made available for loans to section 502 borrowers, up to $5,400,000 shall be available for use under a demonstration program to be carried out by the Secretary of Agriculture in North Carolina to determine the timeliness, quality, suitability, efficiency, and cost of utilizing modular housing to re-house low- and very low-income elderly families who (1) have lost their housing because of a major disaster (as so declared by the President pursuant to The Robert T. Stafford Disaster Relief and Emergency Assistance Act), and (2)(A) do not have homeowner's insurance, or (B) can not repay a direct loan that is provided under section 502 of the Housing Act of 1949 with the maximum subsidy allowed for such loans: *Provided further*, That, of the amounts made available for such demonstration program, $5,000,000 shall be for grants and $400,000 shall be for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of loans, for such families to acquire modular housing.

Mrs. CLAYTON. Mr. Chairman, this amendment will not require any new spending, but it can provide new hope. More than 8 months ago, Hurricane Floyd struck eastern North Carolina and left a path of death and destruction that was unprecedented in the history of our State. Millions of our citizens were affected; 60,000 homes were left in disrepair; 11,000 homes were completely destroyed.

Since that time, thousands have been left in a state of virtual homelessness. Many have moved in with their relatives and friends; others have been placed in temporary housing.

Mr. Chairman, my colleagues may recall The Washington Post article which described the typical day of these families who have found themselves without a home. They may recall that there was a young girl living in a trailer park near Tarboro, North Carolina, who was forced to do her homework outside in the snow because a trailer housing six family members was too crowded and stuffy.

Many of those families are still in trailers, trailers that did not provide sufficient warmth in the winter, trailers that must be unbearable as we face drought-producing heat this summer.

Imagine, Mr. Chairman, having to do without those things that we take for granted: the ease of transportation, the pleasure of recreation, the convenience of communication. For many of the flood victims in North Carolina, those things are incidental to us, but they are a luxury to them. That is because they have no permanent place to live; no expectation of a permanent place to live in the future.

This amendment will not require any new spending, but it will provide new hope. It does not require any new spending because it makes use of the funds already available through the Department of Agriculture for housing. It provides new hope because, through a pilot demonstration program, it will provide the use of modular housing to rehouse low- and very low-income elderly families who have lost their homes because of a major disaster.

Mr. Chairman, what is modular housing? Modular housing is no different from site-built housing. Modular housing is highly engineered; however, it is built offsite and then moved on-site. In the end, a modular house looks no different than a site-built home. Modular housing can be constructed very quickly and affordably. Modular housing can be constructed in less than a month in some times. Site-built homes take at least 3 months.

The reasonable cost of a modular house is as low as $45,000. On the other hand, a reasonable cost for a comparable site-built house would be at least $100,000 or more. Modular housing is of equal and sometimes even better quality than site-built housing.

At the end of this demonstration project, we will be able to determine the timeliness, the quality, the suitability, the efficiency, and the cost of utilizing modular housing in disaster-affected areas.

In April, this House passed H.R. 1776 by a vote of 417 to 8. Title XI of that bill contains the Manufactured Housing Improvement Act. Under that act, every State is required to have a comprehensive installation program within 5 years.

Mr. Chairman, modular housing is the wave of the future. But for the flood victims in eastern North Carolina, it is a hope for the present. Eastern North Carolina is in crisis. The destruction has been enormous. The needs are great. The situation is urgent.

This amendment will not solve every problem for all in North Carolina as a result of the flooding, but it will help to normalize the housing situation for some of our elderly citizens. More importantly, it provides hope and it will indeed provide the housing that thousands of our citizens need. I urge the acceptance of this amendment.

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentlewoman from North Carolina for her interest in rural housing and her continued strong support for rural development programs. And on behalf of the gentleman from New Mexico (Chairman SKEEN), our side will accept this amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

First of all, I would like to thank the gentleman from Iowa (Mr. LATHAM) and the majority, along with the gentleman from New Mexico (Mr. SKEEN), chairman of the subcommittee, for accepting this very worthy amendment offered by the gentlewoman from North Carolina (Mrs. CLAYTON).

I cannot think of another Member who comes up to me as much as the gentlewoman from North Carolina does to carry the plight of those from North Carolina who have been suffering from this hurricane, from floods, from low prices. We need more Members like the gentlewoman in this Congress.

Mr. Chairman, I want to say to the people of North Carolina who sent her here, they have really gotten their money's worth. This woman works every day, 24 hours a day for her constituents and for this country. And this particular initiative to try to provide modular housing to people who have been very damaged by disasters in North Carolina is but another example of the kind of work that she does here.

So my compliments to the gentlewoman for her leadership and her absolute devotion to her State and to her people. And I think that this amendment offers an innovative way to help people who have lost their homes through no fault of their own. And without question, it is the responsibility of the people of the United States to help our fellow brothers and sisters around this country who are trying to live under the weight of natural disasters over which they have had no control.

Mr. Chairman, I commend the gentlewoman for her real leadership coming to this committee, both sides of the aisle, and crafting a very worthy amendment like this. She obviously has the support of both sides of the aisle. I extend to her my congratulations.

Mrs. MYRICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment because, as my colleagues are probably aware, last fall Hurricane Floyd left a devastating path of destruction in my State of North Carolina. In the days and the months afterwards, thousands of families spent endless nights in temporary shelters.

The sad reality is that many of these families are still living in those same temporary shelters, and they have no reason to believe that they are ever going to get a permanent home. Unfortunately, the elderly are more likely to never leave these temporary homes which tend to be dirty, overcrowded and insufficient. These unbearable conditions harm seniors' well-being and health, and there is very little they can do to change their situation.

But, Mr. Chairman, this amendment could change all of that. It is aimed at helping those low-income elderly families in North Carolina who are facing this crisis; and it will allow, through this pilot program, the use of modular housing for these low-income seniors who lost their homes and their livelihoods during Hurricane Floyd.

The good news is the modular homes can be assembled quickly and they are extremely low cost, compared to building a regular site-built home. And further, the amendment requires no new spending, but will go extremely far in helping these victims of this natural disaster.

This amendment is going to be a good first step toward the goal of helping all low-income seniors nationwide who are left homeless after any major natural disaster. I urge support of this amendment in order to help this urgent situation.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Mrs. CLAYTON).

The amendment was agreed to.

Ms. HOOLEY of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the gentlewoman from Ohio (Ms. KAPTUR), my good friend and a friend of rural America who does a wonderful job.

The Rural Development section of this bill includes language concerning a region of importance not only to the State, but certainly to the county of Tillamook County. In 1996, floods wiped out the rail link from Tillamook County to the largest population center in Portland, which is 75 miles away.

Last year, Congress provided $5 million from Rural Development to reimburse the port for money that they already spent for the 1996 floods, as well as to make improvements to the rail right-of-way that also serves as Alaska's fiber optic corridor to the lower 48 States.

I am currently working with USDA to ensure that the entire $5 million is released to the port. Next year, a diverse route will be constructed from Nedonna Beach terminal along 20 miles of railroad right-of-way south of Tillamook, and then east along Highway 6 to Portland.

This section of rail bed was not included in the portion repaired following the 1996 floods and needs immediate upgrades to reduce the risk of service interruption for all users.

The Port of Tillamook Bay needs $3 million from Rural Development to upgrade the railroad infrastructure and protect the fiber optic telecommunication network. Now, not only does this corridor serve Alaska, but it also serves as a landing for MCI WorldCom's Southern Cross that crosses the Pacific from Australia. There will be two more cable landings next year. Within a short time, Tillamook's communication corridor has become a strategic location for the telecommunication world.

Mr. Chairman, we need to create a diverse route, a redundant loop, to make sure that we guarantee connectivity; and I ask for the committee's assistance in securing this badly needed funding from USDA.

Ms. KAPTUR. Mr. Chairman, will the gentlewoman yield?

Ms. HOOLEY of Oregon. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentlewoman for bringing this important economic project to our attention. The committee in our report identified this project as one that should be given special consideration by the Department, and I am certainly willing and prepared to work with the gentlewoman to be certain the Department is supportive of this very worthy project.

□ 1745

Ms. HOOLEY of Oregon. Mr. Chairman, I thank the gentlewoman for her leadership and her commitment to Tillamook County.

Ms. BROWN of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the committee for accepting the amendment pertaining to the American Heritage River Initiative. I want to add my support because it is very important initiative. It is an initiative that put decision making in the hands of local officials. It is an initiative that requires no new funding and no new mandate. This is the kind of partnership that we should encourage, not discourage.

The St. Johns River is an American Heritage River because of the grassroots efforts of Republican and Democratic mayors, city council people, and other people throughout the river community. From Jacksonville to Orlando, there is overwhelming support for this designation. This initiative is a great example of how government should work.

We should encourage our Federal agencies to work together and target the kinds of resources available to these river communities.

Florida's St. Johns River runs through the middle of Jacksonville and spans 325 miles of the third district. Republican Mayors John Delaney of

Jacksonville and Glenda Hood of Orlando supported this designation and have formed advisory committees to set priorities for the river.

Later today I plan to submit a newspaper article to the RECORD that ran in the Daytona Beach News-Journal last week. In this article, the reporter talks about how the local officials in Volusia County want the politicians in Washington to stop interfering with their plans.

"This is a real grassroots, community-driven program that is working to bring awareness to the designated rivers," said Pat Northey, Volusia Council member and chair of the river task force for Orange, Seminole, and Volusia County.

She says that the river has already benefited from this designation by giving a small grant to mark the historical elements. This is just one of the many benefits. In Jacksonville, the community has come together behind a plan called the Preservation Project, which would help preserve the sensitive ecosystem in north Florida.

In a letter from Jacksonville Mayor John Delaney, he says "This program has enabled cities and counties in the St. Johns River Basin to identify priority projects and align the projects with existing Federal funding sources. Because of this designation, local governments along the river have worked cooperatively toward the goal of restoring the river and improving their communities."

Mayor Delaney said that, with restricted language, the City of Jacksonville may be limited from obtaining these funds on a competitive basis because Federal agencies would be reluctant to fund any project, regardless of the merit, that could be associated with the Heritage River designation.

He goes on to say that the effect of these riders would punish areas like north Florida for trying to improve the river and surrounding communities.

Mr. Chairman, this amendment was supported by all of the local mayors, city council members, and I am very happy that this committee uses common sense in supporting this amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $184,160,000 of which $7,400,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $11,481,000; section 538 multi-family housing guaranteed loans, $1,520,000; section 515 rental housing, $56,326,000; multi-family credit sales of acquired property, $874,000; and section 523 self-help housing land development loans, $279,000: *Provided*, That of the total amount appropriated in this paragraph, $11,180,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $375,879,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $655,900,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during the current fiscal year shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $28,000,000, to remain available until expended (7 U.S.C. 2209b) of which $1,000,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $39,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $27,000,000, to remain available until expended for direct farm labor housing loans and domestic farm labor housing grants and contracts. In addition, for grants to assist low-income migrant and seasonal farmworkers, as authorized by 42 U.S.C. 5177a, $3,000,000, to remain available until expended.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of administering Rural Development programs authorized by the Rural Electrification Act of 1936; the Consolidated Farm and Rural Development Act; title V of the Housing Act of 1949; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities related to marketing aspects of cooperatives, including economic research findings, authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives: $120,270,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 may be used for employment under 5 U.S.C. 3109: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available for the Rural Utilities Service, the Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this account.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $19,476,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $38,256,000: *Provided further*, That of the total amount appropriated, $3,216,000 shall be available through June 30, 2001, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $3,337,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $15,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,911,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2001, as authorized by section 313 of the Rural Electrification Act of 1936, $3,911,000 shall not be obligated and $3,911,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $6,500,000, of which $2,000,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program.

NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER REVOLVING FUND

For the National Sheep Industry Improvement Center Revolving Fund authorized under section 375 of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 2008j), $5,000,000, to remain available until expended.

Rural Utilities Service

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $50,000,000; 5 percent rural telecommunications loans, $75,000,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $295,000,000; and loans made pursuant to section 306 of that Act, rural electric, $1,200,000,000 and rural telecommunications, $120,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $25,500,000, and the cost of telecommunication loans, $7,770,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $31,046,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2001 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $2,590,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, $3,000,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $18,100,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas; in addition, for the cost of direct loans and grants, for a pilot program to finance broadband transmission and local dial-up Internet service $1,400,000, to remain available until expended: *Provided*, That the definition of "rural area" contained in section 203(b) of the Rural Electrification Act (7 U.S.C. 924(b)) shall be applicable in carrying out this pilot program: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE IV

DOMESTIC FOOD PROGRAMS

Office of the Under Secretary for Food, Nutrition and Consumer Services

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $554,000.

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $9,535,039,000, to remain available through September 30, 2002, of which $4,407,460,000 is hereby appropriated and $5,127,579,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That, except as specifically provided under this heading, none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of any funds made available under this heading by transfer from the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), up to $6,000,000 shall be for school breakfast pilot projects, including the evaluation required under section 18(e) of the National School Lunch Act: *Provided further*, That up to $4,511,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,067,000,000, to remain available through September 30, 2001: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the total amount available, the Secretary shall obligate $10,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional $5,000,000 for the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided further*, That notwithstanding section 17(h)(10)(A) of such Act, up to $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B), no less than $6,000,000 of which shall be used for the development of electronic benefit transfer systems: *Provided further*, That once the amount for fiscal year 2000 carryover funds has been determined by the Secretary, any funds in excess of $100,000,000 may be transferred and made available as follows: $6,000,000 to programs under the heading "CHILD NUTRITION PROGRAMS", $5,000,000 to programs under the heading "COMMODITY ASSISTANCE PROGRAM", and $10,000,000 to programs under the heading "FOOD DONATIONS PROGRAM": *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $21,231,993,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That not more than $194,000,000 may be reserved by the Secretary, notwithstanding section 16(h)(1)(A)(vi) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)(A)(vi)), for allocation to State agencies under section 16(h)(1) of such Act to carry out Employment and Training programs: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, $138,300,000, to remain available through September 30, 2002: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding section 5(a)(2) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note), $20,781,000 of this amount shall be available for administrative expenses of the commodity supplemental food program.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, $141,081,000, to remain available through September 30, 2002.

AMENDMENT NO. 21 OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. STUPAK:

Page 53, line 9, insert "(increased by $20,000,000)" after the dollar amount.

Page 56, line 13, insert "(reduced by $30,000,000)" after the dollar amount.

Mr. STUPAK. Mr. Chairman, I am pleased to offer this important bipartisan amendment with the gentleman from New York (Mr. BOEHLERT). Our amendment adds $20 million to the USDA's nutrition programs for the elderly meal reimbursement programs; in other words, senior center meals and Meals on Wheels, and offsets this additional spending by reducing international commodity aid. I wish there were some other offset that we could look to, but this was the most logical offset.

Our amendment has the support of the Meals on Wheels Association of

America, the National Association of Nutrition and Aging Services Programs, the TREA Senior Citizens League, the National Council of Senior Citizens, and the National Association of State Units on Aging.

I am sure that all the Members have met and spoken with seniors in their districts, and they have told my colleagues how much they depend on the senior meal assistance that they receive, be it Meals on Wheels or meals at the senior centers.

Senior meal providers receive funding for the meals through three avenues, private donations, Department of Health and Human Services, and USDA meal reimbursements.

Let me explain why the funding increase to the USDA reimbursements is so necessary. Unlike funding from HHS, which is channeled to the States and local providers based on certain formulas, our amendment here through the USDA reimbursements go directly to every senior meal provider for every meal that they prepare.

This amendment is the best way and it is the only way to ensure that there is direct and immediate aid to senior meal providers and the seniors they serve.

Every senior, every meal provider in every district in every city, in every town will get their money, whether they are up in Calumet in the Keewanaw Peninsula or in Traverse City or Alpena in the Lower Peninsula, which makes up my district.

Why do we need this money? Why does this amendment go above the President's request.

The funding for USDA reimbursements has remained fairly constant since 1992. But look at what has happened since 1992 as this chart demonstrates. The amounts, when translated into today's dollars, have steadily been dropping due to inflation. For example, in fiscal year 2000, we allocated $140 million. In fiscal year 1992, we allocated $151 million. But in real dollars, what has happened since 1992, it has gone down. We have lost $40 million from this program in real dollars. It used to be 62 cents they would get for every meal. It is now down to 54 cents. Funding has stayed constant, but the rate of inflation and everything else to prepare those meals have gone up. I do not know how they can do it, but they manage to get by right now at 54 cents per meal.

It is for this reason that the senior meals across the country are suffering, from 62 cents to 54 cents. Pennies per meal but, nationwide, it has effects of millions of millions of meals. If we pass the Stupak-Boehlert amendment, we will go from 54 cents up to 57 cents. We can stop this downhill spiral that we have been on.

Our amendment will allow reimbursements to finally increase. It may only be 3 cents, but it means a lot to our seniors. I offer this amendment because, like all of my colleagues, I go to senior centers, I talk to my seniors, I talk to my senior meal providers.

Bill Dubord and Sally Kidd of the Community Action Agency in Excanaba, Michigan, they told me their agency is having a tougher and tougher time just trying to keep their head above water to provide their seniors meals. I am sure many of my colleagues have heard the same stories and hardships when they go home.

The bottom line is this, our senior meal providers need more money to provide senior meals. An increase in USDA reimbursements will give them more money, from 54 cents to 57 cents. They will be able to provide more meals. More meals mean more help for the seniors. It is really that simple.

Now, again, to pay for this amendment, we have taken less than 3 percent from an $800 million program, the international commodity aid. I fully recognize the legitimate need for these funds by people of other nations, but before we provide to needy persons in other countries, let us ensure that our own seniors are provided for and protected.

When my colleagues are casting their vote, I hope all the Members will think of the seniors they have met back home, the senior meal providers they have spoken with. Cast a vote for them and support the Stupak-Boehlert amendment.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Michigan (Mr. STUPAK).

I am sure that the amendment was offered with good intentions, but, Mr. Chairman, if this amendment passes, not a single additional meal would be served to anyone. Allow me to explain why.

The USDA role in this program is to supplement the Department of Health and Human Services with cash and commodities on a per-meal basis for each meal served to an elderly person. The amount reimbursed at the current year level is about 54 cents per meal for 259 million meals. There was an increase of $10 million in the budget request for an additional 20 million meals to be served.

This bill contains language that allows the Department of Agriculture to transfer $10 million out of excess WIC carryover funds, that is money that the WIC program cannot spend, and to allow the reimbursement of 54 cents to be maintained in fiscal year 2001. If we add $20 million to this account, as this amendment seeks to do, all we will be doing is increasing the reimbursement per meal from 54 cents to about 57 cents. But HHS will still serve the same number of meals. Furthermore, the corresponding budget request from HHS did not request an increase in their budget.

Now, the gentleman's amendment seeks to cut $30 million out of the P.L. 480, Title II program. Some may take this amendment to mean that the choice we are being asked to make is between a domestic feeding program versus an international feeding program. Just for the information of my colleagues, the commodities shipped abroad through the P.L. 480 program are grown all across America, such as wheat from Kansas, Nebraska, Montana, Washington, Iowa, and Texas; rice from Missouri, Arkansas, Mississippi and California; dried beans and peas and lentils from Michigan, Montana, and Idaho; and other commodities like feed grains, vegetable oil and corn and soy meal. This amendment would cut funds to purchase these commodities and would hurt farmers who are already financially strapped.

□ 1800

In addition, this cut would reduce the amount of funds to private voluntary organizations that help to oversee this program to ensure that food gets to where it is needed most, and this amendment would also cut funds to shipping companies that transport these commodities.

Mr. Chairman, I understand what the gentleman's intent is, but this amendment does not do what the gentleman intends, and I oppose the amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in very reluctant opposition to this amendment, mainly because of the offset and not because of the worthiness of the gentleman's objective here in trying to lessen the burden on seniors who participate in our elderly feeding programs.

I have to say to the gentleman from Michigan (Mr. STUPAK) that I have the highest regard for him and for his trying to be a voice here so ably for all the seniors of our country and their nutrition needs. But for the record I do want to point out that our subcommittee, under great strain, was able to meet the administration's request for all feeding programs, including the elderly feeding program. And, in fact, because we were able to transfer funds, $10 million from other accounts, we were able to increase the amount of funds available in this account from $141 million that is being spent this year to $151 million next year. So that is an increase, and that would help tick up the amount of funds available across our country.

Since 1993, the program that the gentleman wants to take the money from, the PL-480 program, has been cut by nearly half, and for this coming fiscal year, even in the bill we are presenting today, we are $37 million below the administration's request in an account that has been reduced by 42 percent over the decade of the 1990s. So I would beg of the gentleman to find another offset.

I think I sort of feel he is doing half right and half wrong here. Because with the crisis we have in rural America, one of the ways that we are able to help is to use the PL–480 program, as underfunded as it is, to move these commodities around the world. We are certainly moving commodities around our country to our feeding kitchens, to our pantries around the Nation, and through our humanitarian programs; but to take the money from this account really is almost like taking the money from programs that feed starving people and putting it into programs for those who are participating in nutrition programs here in our country that will be funded at the administration's request.

So I am very torn by the gentleman's amendment. I would only encourage him to, as we move toward conference, to work with us on the subcommittee to see if we cannot find other offsets for the gentleman's very worthy request. I would also mention that his amendment might result in increasing the reimbursement rates for senior meals from 54 cents to 57 cents. While local program operators might have legitimate expenses, I guess one could question the real value of this amendment in terms of actual dollars that would be available at the various feeding sites.

So, please, recognize our objection to this is stated very reluctantly only because of the account that it is being taken from, which is not only underfunded for this next year, and does not meet the administration request, but which has been cut by 42 percent since 1993. I would just encourage the author to seriously look at other offsets.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have the greatest respect for the gentleman from Michigan, and like the gentleman was talking about, I, too, visit a lot of senior citizen centers. And also one complicating factor is that my mother attends these on a regular basis, so it becomes quite personal. But I would really like to associate myself with the words of the gentlewoman from Ohio, and her point is exactly right.

In the bill this year we do have the flexibility to increase funding for this program by $10 million, which fully funds the President's request for this program. And I think everyone in the House is in full agreement that we need to fund the seniors' feeding programs to the full amount. I think we have done that in the bill. And like the gentlewoman from Ohio, my big problem is that we are taking funds out of an account that is already reduced by $37 million this year. So to cut another $30 million out of this would be extremely harmful, I believe.

When we look at PL–480 and the benefits it gives around the world to people who are starving to death, I think it is very, very important. And I think if we talked to most senior citizens, if it meant the difference between 2 or 3 cents a meal, they would also say that people who are dying of starvation probably need as much help as possible, and they would be willing to possibly even forfeit the 2 or 3 cents a meal to make sure that does not happen.

Also, I think it is very important that the Members are aware of the people who stand in opposition to this amendment, like The Coalition for Food Aid, and groups such as Catholic Relief Services, Save the Children, World Vision, and CARE. All very much oppose this amendment because of the devastating effect it would have as far as their feeding programs around the world.

So, Mr. Chairman, while I have great empathy and concern for the seniors' feeding programs, I think with the facts as they are, that we are fully funding the feeding program at the request of the administration for this program, and the detrimental effect this amendment will have as far as our PL–480 programs, food for peace around the world, I must strongly oppose this amendment.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Stupak-Boehlert amendment to increase funding for the USDA's nutrition program for the elderly by $20 million. This vital program helps provide over 3 million senior citizens with nutritionally-sound meals in their homes through the Meals-on-Wheels program, or the senior centers, churches, and fire halls, through the congregate meals program. These programs are facing financial hardships, and a smaller percentage of needy seniors are being fed.

Quite frankly, the President's request is not adequate. This program has been flat funded since 1997. With the number of seniors growing, the demand for Meals-on-Wheels funding has continued to increase. The National Association of Nutrition and Aging Service programs recently testified before the subcommittee that 34 percent of their member programs indicate they have a waiting list for home-delivered meals. It is only sensible that if they have more money, they are going to be able to serve more seniors.

The increase provided by this amendment is long overdue, and the need for this program is quite real. Participants in this program are disproportionately poor. Thirty-three percent of congregate meal participants and 50 percent of home-delivered meal participants have incomes below the poverty level. A majority of Meals-on-Wheels participants live alone and have twice as many physical impairments as the average elderly person.

The nutrition program not only feeds seniors in need, but also allows these seniors to remain connected to their communities. Congregate meal sites give participating seniors the opportunity to socialize with members of the community, and Meals-on-Wheels volunteers deliver meals to frail and sick and home-bound seniors who are in greatest need of assistance.

This amendment offsets the urgently needed seniors meal program by reducing funding for a foreign assistance program. I do not doubt the need for these funds by people of other countries, but I want to ensure that our seniors are given the highest priority. The fact of the matter is that the foreign assistance program would still receive $770 million after our amendment passes.

But I have a deal. I agree with the distinguished gentlewoman from Ohio, who was rather eloquent in stating that she likes this program, the congregate meals program, the Meals-on-Wheels program, but she also likes the foreign assistance program. We have great confidence in the good judgment of our distinguished chairman and our ranking minority member. There is flexibility as they go into conference. So I would suggest that we pass this amendment, give them the flexibility, and they know better than we do, so maybe they can find some other offset.

The Stupak-Boehlert amendment is endorsed by the National Council of Senior Citizens, the Meals-on-Wheels Association of America, the Senior Citizens League, the National Association of Nutrition and Aging Services Programs, and the National Association of State Units on Aging. This amendment represents a small investment in a program that helps to fight the malnutrition and isolation far too many of our seniors face.

Mr. STUPAK. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding to me.

With regard to some of the concerns about our amendment, and I have the utmost respect for the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR), but this program here, after being flat for so many years and actually losing money in real dollar amounts, we cannot just turn our backs and continue to pretend it is not happening.

To put the issue in proper perspective, the Meals-on-Wheels Association has endorsed our legislation, the Stupak-Boehlert amendment, and they have said, "Because America's elderly population continues to be the fastest growing segment of the population, demands on nutrition programs for the elderly are increasing." So what are we doing? Our funding is staying flat and actually losing in real dollar amounts every year.

The most comprehensive national studies to be conducted in recent years found that 41 percent of home-delivered meals had waiting lists. The relatively small investment, and as they said, what would three pennies mean, three pennies in meal programs that our amendment would provide would pay substantial dividends in helping to target malnutrition and isolation in the elderly, improving their nutritional and health status, and enabling many seniors to be able to stay in their home because they got a good meal.

While I appreciate the increase of $10 million that the administration has put in, that only puts us even with last year. Throw in inflation, and we are behind the 8-ball again. Let us pass the Boehlert-Stupak amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the gentleman from Michigan and the gentleman from New York for this amendment, and I rise in support of the Meals-on-Wheels amendment to counter skyrocketing gas prices.

The gentleman from Michigan (Mr. STUPAK) is right, when we look at this chart, at how our senior citizens really are beginning to suffer from the gradual decrease in constant dollars that are spent for this important program. Currently, Meals-on-Wheels reimbursements have been steadily dwindling to the current rate of about 50 cents per meal. Consequently, Meals-on-Wheels is suffering from a severe loss of food purchasing power and funds to cover mileage reimbursements.

Our Nation's elderly are lifetime taxpayers, and it is our duty to provide our elderly citizens the basic human services which they are entitled to. However, high gasoline prices are straining the budgets of the Meals-on-Wheels program and destroying the volunteer delivery networks the program depends on.

People in the Midwest are very familiar with this, because last week we had gas prices over $2 a gallon and now it is over $1.80 a gallon. We are now in a condition where many people who would deliver the Meals-on-Wheels are finding that they cannot afford to do it. Now, think about what that means. We have this great program, and yet people are finding they cannot participate in it.

In light of the recent increases in gas prices, volunteers cannot afford to provide their services and meals cannot be delivered. The Meals-on-Wheels program is in danger of losing both its volunteer and paid labor base.

Now, this is not a hypothetical situation. Again, back to the Cleveland area and a city called Westlake, which is in my district. I received a letter from the director for the Department of Senior and Community Services for the City of Westlake. Here is what she has told me in part.

□ 1815

"As you know, many of the volunteers for Meals on Wheels are themselves older adults on fixed incomes. One such couple travels almost 100 miles in a rural area to deliver meals. They are considering resigning because they cannot afford to volunteer."

Think of what that means. People who want to help their fellow human beings who get a good feeling out of delivering meals to the elderly and suddenly, because of these high costs of fuel, gasoline, they are suddenly in danger of not being able to afford to do it.

Now, this amendment offered by the gentleman from Michigan (Mr. STUPAK) would offset, under Title III of the Older Americans Act, monetary donations made to the program to cover increasingly high fuel costs by providing more food purchasing power and mileage reimbursement funds.

In increasing the program's reimbursements, the amendment will alleviate the enormous burden faced by many volunteers who are increasingly unavailable to aid in the delivery of meals to millions of senior citizens through the high fuel cost.

If funding through the USDA adequately covers the Meals on Wheels program, then their food purchasing power will be strengthened and their labor base will be secured.

Mr. Chairman, if the gentleman from Michigan (Mr. STUPAK) would like to comment in the time that remains, I would be happy to yield to him because I know the work that he is doing on this is so important. I know the elderly in my district are very concerned about what is going to happen to the Meals on Wheels program.

Mr. Chairman, I yield to my good friend, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Ohio for yielding.

Mr. Chairman, again, this is a good discussion we are having because we have got valuable programs here that we are trying to save. But as the chart clearly shows, in real dollars we keep going backwards; and while we may have put $10 million in, that just made us even with last year.

Throw in the rate of inflation. Throw in the point that my colleague made about the increase of gas for Meals on Wheels just to deliver and we are going further and further behind.

With the largest increasing part of our population being senior citizens, they cannot stay even, they cannot regress. We have to move forward with this funding.

Again, we are taking 3 percent from a $800 million program. There is still $770 million left in that program, and we are at $140 million for senior meals. We are saying just give us a little extra.

Now, they say bring up all their offsets. The gentleman from Ohio (Mr. KUCINICH), the gentleman from New York (Mr. BOEHLERT), myself, the authors of this amendment, we will sit on the Committee on Appropriations. If they want to turn over the power to us and make the offsets, we will be happy to. We would love to.

But, in all seriousness, we tried to work on this one. And amongst friends there has to be disagreements. We feel we have to take care of our senior citizens here at home first and make sure that their nutrition needs are met so there is not the malnutrition we see with senior citizens, especially in rural areas, the inner city areas, and the isolation of seniors, bring them to the senior centers and bring that meal in to them.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Stupak-Boehlert amendment to H.R. 4461, because I believe the Congregate and Meals on Wheels programs are in need of additional funds.

There are few communities within the country where a senior nutrition program does not exist, and the demands on nutrition programs for the elderly is increasing.

Few programs can boast the importance to the elderly and overwhelming success as the senior nutrition programs.

I became deeply involved in this issue last November, when I became aware that the Agency on Aging in my district began cutting back the Congregate Meals program after having exhausted their reserve funds.

In the face of a potential crisis, the State of Connecticut and local governments agreed to make up the financial shortfall for this year. The additional State and local funds are allowing the Agency to temporarily overcome the financial shortfall and enabling providers to serve the same number of meals this year as were served in 1999.

While this financial contribution is significant and speaks volumes about the importance of the Congregate Meal program to seniors in Connecticut, it does nothing to prevent similar funding shortfall from occurring next year and the year after that.

This body has an obligation to ensure that senior nutrition programs are adequately funded. I hope we can all recognize that Congregate and home delivered meals programs need assistance, and that this House has the good sense to act favorably on this amendment.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Stupak-Boehlert bill to add $20 million to the Meals on Wheels Program.

This amendment adds much needed funds to a program that truly plays such a vital role in communities across this country. Meals on Wheels improves the physical and the mental health of seniors in our communities. It provides them with a balanced, nutritious, and appealing diet.

Last year the program brought over 1.9 million meals to almost 10,000 seniors and the disabled in Connecticut alone.

The West Haven center in my district distributed 1,000 meals a day to homebound citizens of 15 towns throughout south central Connecticut, 200,000 per year.

I might add that Mayor Borer, the mayor of West Haven, Connecticut, and myself last year went on the Meals on Wheels truck, went place by place and helped to deliver the meals. And it was amazing. This program is a lifeline for people. It is one of the most remarkable experiences that I have had in being a Member of this House.

Meals on Wheels helps those elderly who find themselves homebound, unable to go out and shop for their own food. It allows seniors who would have been forced into a nursing home to stay in their home and maintain their dignity and their independence. It helps to lower health care costs while allowing seniors to retain that independence.

It also fills an important need in the community for the preservation of ties with our elders. By providing seniors with essential food every day of the week, sometimes, I might add, the only hot meal an elderly citizen receives, it builds important links and relationships between the men and women who deliver the meals and the seniors who take advantage of the program. In some cases, these people are the only visitors that seniors get all day.

Meals on Wheels is truly an example of neighbors helping neighbors.

I call on my colleagues, support the Stupak-Boehlert amendment, support a program that provides an essential safety net to millions of seniors and strengthens the community ties between generations.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Is there objection to the gentlewoman speaking for an additional 5 minutes?

There was no objection.

Ms. KAPTUR. Mr. Chairman, I probably will not take the full 5 minutes. But I did want to commend our colleagues, the gentleman from Michigan (Mr. STUPAK) and the gentleman from New York (Mr. BOEHLERT) for bringing that chart to the floor that shows the discretionary cuts that have affected all programs, including elderly feeding programs, across this country.

As we look at the revenues that the Government of the United States is receiving now and the work of all of our committees, without question, every single American sacrificed in order to put the accounts of this Nation in order. These programs got hurt just as much as many other programs in our country. So these decisions to move us toward a surplus position have not been easy decisions.

We are now at the point where we can more openly look at ways to expand worthy programs. And this certainly is one that has gotten the attention of the subcommittee. And believe me, I give my word to the gentleman from Michigan (Mr. STUPAK) and to the gentleman from New York (Mr. BOEHLERT), who have worked so diligently to bring this to the attention of the membership, that, but for the offset, I certainly would be one Member who would be working 150 percent of my energy in trying to help them find a way to expand these worthy programs for feeding our senior citizens.

I thank the gentlemen for their respective leadership on this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $116,392,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $3,000,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That none of the funds appropriated or otherwise made available by this Act or any other Act shall be available to carry out a Colonias initiative without the prior approval of the Committee on Appropriations.

AMENDMENT NO. 62 OFFERED BY MR. REYES

Mr. REYES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. REYES:

Page 53, beginning line 25, strike ": *Provided further*, That none of the funds appropriated or otherwise made available by this Act or any other Act shall be available to carry out a Colonias initiative without the prior approval of the Committee on Appropriations".

Mr. REYES. Mr. Chairman, I offer an amendment to bring much needed assistance to some of the poorest communities in our Nation. My amendment will strike the provision in the bill that prohibits funding in the bill or any other bill from being available to carry out a colonias initiative without prior approval of the Committee on Appropriations.

"Colonia" is a Spanish term for "community." Along our Southwest border, it is the name for U.S. communities that lack basic water and sewer systems, power, paved roads, safe and sanitary housing, health care, and adequate educational, recreational, and employment opportunities.

There are more than 1,500 of these third-world-like communities in our Nation, with more than half a million people in California, Texas, New Mexico, and Arizona. These communities sprung up because of a lack of affordable housing, unscrupulous land development, and neglect of our border region.

Because of a lack of basic service, poverty is extreme in our colonias. Fifty percent of the residents are below the poverty level, with average family income of about $12,675. Moreover, 40 percent of colonia residents have less than a ninth grade education and unemployment exceeds 40 percent.

The health of these citizens is terrible due to contaminated wells, poorly constructed septic tanks, and the difficulty in buying water from private vendors.

This situation is a tragedy that has never been properly addressed. Eighty-five percent of colonia residents, Mr. Chairman, are United States citizens, and 40 percent of those residing in our colonias are children. Devastating diseases are prevalent in the colonias, with hepatitis and tuberculosis at rates of between 30 and 50 percent.

Colonia residents are part of our Nation, and we have a moral obligation to give them the basic essentials we expect for all of America's children.

The need to allow USDA to implement programs and initiatives to help address the severe problems of colonia residents is very critical.

One such program is the Partnership for Change-Colonias Initiative, which was a pilot program which began in Texas bringing together Federal, State and local governmental entities and nonprofit groups to create a unified colonia strategy.

This strategy called "Partnership for Change" addresses the multitude of colonias issues including housing, health, nutrition, and employment issues. The "Partnership for Change" uses innovative approaches to ensure that food and nutrition services reach colonia residents. Because colonias are remotely located without proper roads, colonia residents are simply unable to retain these kinds of services.

In response, the "Partnership for Change" built an additional seven WIC clinics directly in the colonias serving an additional 5,200 residents. It has also purchased vans to transport clients to assistance centers and coordinated traveling food pantries.

My amendment will allow strategies such as this to go forward without the continuous need to obtain committee approval.

If the committee has problems with the way programs like this are administered, the proper approach is to have the committee discuss the various aspects with the USDA rather than continually require this prohibitive requirement before colonia initiatives can go forward.

Every American family, regardless of where they live, should have the basic essentials of water, roads, housing, and a health environment. Otherwise, we allow a cycle of poverty and disease to continue despite having the resources to make an enormous difference.

While the rest of our Nation is reaping the benefits of a booming economy and budget surpluses, colonia residents are struggling barely to survive. This is unacceptable, and we can do much better as Americans.

I, therefore, ask all Members to support my amendment and to show their commitment to our fellow Americans who are having to overcome unbelievable obstacles and to give the USDA flexibility to use innovative approaches to provide additional outreach and coordinated efforts to colonia residents.

I ask all Members to vote yes on my amendment.

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Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I accept the gentleman's amendment. I have always enjoyed working with the gentleman from Texas (Mr. REYES), my compadre, and will continue to do so on this important issue.

Mr. REYES. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Texas.

Mr. REYES. Mr. Chairman, I just want to say that I appreciate the hard work. We have always worked together, and I appreciate the opportunity to work through this very critical issue. I thank the gentleman, as well as the rest of us who understand the necessities that Colonias have, and I really appreciate the gentleman working with us on this.

Mr. SKEEN. We have done a whole lot of hard work on it, particularly under the leadership of the gentleman from Texas (Mr. REYES), and I am glad to work with him.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to take 5 minutes. I just want to thank the gentleman from Texas (Mr. REYES) on his efforts and all the congressmen, the representatives from California, New Mexico, Arizona, and Texas. I want to just emphasize the importance of the amendment that the gentleman from Texas (Mr. REYES) had, and I want to put it in perspective in terms of an analogy.

The particular language that it would prohibit the Colonias initiatives unless the appropriations funded it, I want the gentlemen to think about the way it was, and I am real pleased that it has been eliminated because if that same kind of language was there, say, that was in the Department of Commerce, and a chamber of commerce or a particular corporation was prohibited, it would be said that it was discriminatory. If that same kind of language was in the Committee on Veterans' Affairs, and it would be said that funding would be prohibited from the veterans to go to specific veterans, it would be said that that was discriminatory.

If that same kind of language was in the Department of Transportation and it said that particular resources would not be able to be spent in a specific community, it would said that that was discriminatory.

So I want to thank the gentleman for agreeing and being able to remove that language from there because there is no doubt that the Colonias need a lot of help, and I know everyone on the border recognizes the importance of providing resources and access just like anyone would have those opportunities.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to thank the chairman of the subcommittee, the gentleman from New Mexico (Mr. SKEEN), for his sympathy to this proposal in support of the Colonias initiative. I wanted to also thank very deeply the members of the Hispanic Caucus, and Shirley Watkins at Food and Nutrition Service at the U.S. Department of Agriculture for really helping us to begin to carve out a new initiative that would reach some of the most forgotten people in America.

I want to commend the gentleman from Texas (Mr. REYES), the gentleman from Texas (Mr. ORTIZ), and the gentleman from Texas (Mr. RODRIGUEZ) for their strong leadership on this proposal and to say that we look forward to working with them as we move toward conference to really make sure that this Colonias initiative is not forgotten.

Some of the aspects of this proposal involve such initiatives as piloting breakfast and after-school snack programs right on the bus, as children are being driven to and from school because it is so difficult sometimes to reach many of the children who live in these areas, and also taking a look at how we could use traveling food pantries to reach some of the more isolated individuals of all ages who live in the Colonias.

The proposals also take a look at organizing farmers markets, which is a real strong interest of my own, to make sure that good, fresh produce and farm-grown products from the State of Texas or New Mexico or wherever the Colonias are located are organized near where the people live; and to make sure that locally grown produce, some of it perhaps raised by local farmers, would be able to be used in the school programs in those areas responding to some of the ethnic preferences for food that may differ in different parts of the country, depending on people's preferences; and working with USDA to look at an interactive Web site to link various partners and Colonias advocates and others to share success stories and communicate accomplishments of the existing projects in Texas.

So there are so many aspects to this, and we are at the very beginning of it; but I think it is such a wonderful proposal and one that we are going to take step by step and really try to reach among some of the lowest-income people in America. I never like to say poorest because there is a richness of heritage there and a richness of hope in every community in America, but if we can help people have better nutrition for their children, where their children can learn and they can have a better way of life, food is one of the most basic needs, and certainly contribute to better health.

This is such an exceptional opportunity to reach many of these families. The proposals for refrigerated trucks, for example, even finding trucks that have been used perhaps in business and are not brand new but even used trucks, almost like we put book mobiles in some of the underserved rural areas of America before, to do this in the Colonias is just so practical and so achievable.

We want to thank Shirley Watkins from the Department of Agriculture for working with our Hispanic Caucus, with the Congressmen and women who have supported this here.

Mr. HINOJOSA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to be here joining my good friend in support of the second amendment of the gentleman from Texas (Mr. REYES) on Colonias, and delighted to see that our good friend, the gentleman from New Mexico (Mr. SKEEN), has been so supportive of the work that we are all trying to do to improve life in Las Colonias.

Mr. Chairman, I rise today to bring awareness to a very important issue to my district in south Texas and all along the United States-Mexico border. The continuing plight of Colonias is what I wish to speak on. As my good friend, the gentleman from Texas (Mr. REYES), noted, Colonias are substandard housing developments in America, with many homes which have no water, sewer or utility hook-ups. United States citizens are forced to buy property without these essential services because of chronic housing shortages in high-poverty areas.

For example, in the fifteenth district of Texas, my own district, we have the third fastest growing metropolitan statistical area in the Nation. We also have the third highest rate of poverty.

This unique situation creates a hardship on the children and families that live in Colonias.

A group in Texas called the Las Colonias Project has worked to bring national awareness to this vital issue but more, much, much more must be done.

If we will look at this chart, we will see the numbers that are staggering. There are more than 1,500 Colonias along the United States border with Mexico with more than 400,000 residents. All these facts is the type of national awareness that we are trying to bring to the House floor today and in a bipartisan way be able to bring resources to be able to correct the deficiencies that exist in these Colonias.

While I cannot support getting money for this program at the expense of the USDA Wildlife Services program, an absolutely worthwhile program, I do urge Members to support funding for the serious problem of Colonias.

I know we can find both a way and the money to do this.

Mr. ORTIZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to compliment the gentleman from Texas (Mr. REYES) for bringing this issue not only to the floor today but before, when he was able to bring some young children from Colonias to testify before Members of Congress. I would like to also thank my good friend, the gentleman from New Mexico (Mr. SKEEN), for doing a great job, him and his staff; the gentlewoman from Ohio (Ms. KAPTUR), from our class of 1983; and the staff, thank them for being able to understand the seriousness of the problem that we have.

I do not want to continue to belabor the issue, but it is a very, very serious issue along the border.

These children have tremendous potential. With all the obstacles and pitfalls that they face on a daily basis, some of them make the national honor roll. They make the Boy Scout troops, with all these obstacles.

So we do have tremendous potential if we can help them by providing all these services so that they will never lose sight of the fact that they can become productive citizens. Again, I would like to thank my colleagues, the gentleman from New Mexico (Mr. SKEEN), members of his staff, my good friend, the gentlewoman from Ohio (Ms. KAPTUR), for all they have done in bringing this issue to the floor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $150,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $109,186,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit arrangements under said Acts, $114,186,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 83–480 are utilized, $1,850,000, of which not to exceed $1,035,000 may be transferred to and merged with "Salaries and Expenses", Foreign Agricultural Service, and of which not to exceed $815,000 may be transferred to and merged with "Salaries and Expenses", Farm Service Agency.

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended, $20,322,000, to remain available until expended, for ocean freight differential costs for the shipment of agricultural commodities under title I of said Act: *Provided*, That funds made available for the cost of title I agreements and for title I ocean freight differential may be used interchangeably between the two accounts.

PUBLIC LAW 480 GRANTS—TITLES II AND III

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended, $800,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act, of which up to 15 percent may be used for commodities supplied in connection with dispositions abroad under title III of said Act.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

Page 56, line 17, insert before the period the following: ", and of which $1,850,000 may be used for administrative expenses of the United States Agency for International Development, including expenses incurred to employ personal services contractors, to carry out title II of such Act (and this amount is in addition to amounts otherwise available for such purposes)".

Ms. KAPTUR. Mr. Chairman, I rise to offer this amendment which has to do with the way in which our Food for Peace commodities are delivered in other countries. Essentially, what this does is it allows the U.S. Agency for International Development, which is a part of the Department of State, to hire contractors in-country for this work on PL–480, title II commodities, just as the U.S. Department of Agriculture does.

During hearings on these important humanitarian programs, it became very clear to us on the committee that the U.S. Agency for International Development does not have the same ability to hire contractors in-country to work on the Food for Peace program that USDA has.

I know this sounds like kind of a technical bureaucratic problem but, in fact, it is; and we worked with AID and the chairman to identify the best way to correct this problem.

I want to thank the chairman deeply for his support. We want to make sure that when wheat or soy meal or any product is delivered to a very needy country that the private voluntary organizations that are there and AID contractors are able to find the most efficient way to get food into the villages, to the people, maybe refugees, living very far from the point where the food actually comes to port.

AID is having particular problems with this, we think simply because the legislation was written in a way that AID and USDA are under different committees here in the House.

Truly, with many of the private voluntary organizations doing this work in-country, which is one of the most risky jobs in the world, because they go into areas sometimes that are war torn, deep in-country. It is not easy work. We have had plane crashes around the world where many of these volunteers are going. All we are trying to do is to find a more efficient way to help them do the job that all of us want to do and that is to bring food to hungry people.

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No bureaucratic snafu should prevent that kind of person-to-person assistance from occurring. We still want to find a way to allow greater authority for the Department of Agriculture, to use administrative funds in countries to provide and monitor food assistance in needy areas of the world. Essentially, this would provide additional contracting latitude to the U.S. Agency for International Development, so it parallels what USDA is able to do in moving these commodities to people that truly need them.

Mr. Chairman, I want to thank the gentleman from New Mexico (Mr. SKEEN) very, very much for his cooperation and participation in this.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment will help provide more effective and more efficient administration of our food aid programs overseas. I thank the gentlewoman for taking this initiative and recommend to the House that it be accepted.

Ms. KAPTUR. Mr. Chairman, if the gentleman from New Mexico (Mr. SKEEN) will yield, I thank him truly on behalf of all the people that this will help.

Mr. SKEEN. Mr. Chairman, it is a pleasure doing business with the gentlewoman from Ohio.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,231,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service" and $589,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,267,178,000, of which not to exceed $149,273,000 in prescription drug user fees authorized by 21 U.S.C. 379(h) may be credited to this appropriation and remain available until expended: *Provided*, That no more than $104,954,000 shall be for payments to the General Services Administration for rent and related costs: *Provided further*, That of the funds appropriated for "Food and Drug Administration Salaries and Expenses" under Public Law 106–78, $27,000,000 is hereby rescinded upon enactment of this Act.

AMENDMENT NO. 42 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

Mr. SKEEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 42 offered by Mr. KUCINICH:

Page 58, line 4, insert after the colon the following: "*Provided further*, That $500,000 is available for the purpose of drafting guidance for industry on how to assess genetically engineered food products for allergenicity until a predictive testing methodology is developed, and reporting to the Congress on the status of the guidance by September 1, 2001; for the purpose of making it a high agency priority to develop a predictive testing methodology for potential food allergens in genetically engineered foods; and for the purpose of reporting to the Congress by April 30, 2001, on research being conducted by the Food and Drug Administration and other Federal agencies concerning both the basic science of food allergy and testing methodology for food allergens, including a prioritized description of research needed to develop a predictive testing methodology for the allergenicity of proteins added to foods via genetic engineering and what steps the Food and Drug Administration is taking or plans to take to address these needs:".

Mr. KUCINICH. Mr. Chairman, food allergies are a serious health concern, 2.5 to 5 million Americans have food allergies. Common food allergies include milk, eggs, fish, seafood, tree nuts, wheat, peanuts, soybeans.

The health impacts of a food allergy range from itching to potentially fatal anaphylactic shock. We all know people who have food allergies. People learn about their food allergies by way of the trial and error method. If they eat a food a few times and react to it, each time they know they are allergic to it.

Now, with respect to genetically-engineered foods and known allergens, things get much trickier with foods that have been genetically engineered.

Scientists at the University of Nebraska inserted a Brazilian nut gene into a soybean. The study showed that people allergic to Brazil nuts, which is a common allergy, are also allergic to soybeans that have been modified by the Brazilian nut gene.

The scientists concluded that allergens from one food can pass to another and harm anyone with that allergy who unsuspectingly eats genetically-engineered foods.

Genetically-engineered foods have this problem with unknown allergens. The problem is very complicated. Most biotech crops on the market today were inserted with genes from things we have never digested before. Now, here is a picture of bacteria.

Most crops engineered today are engineered with genes from bacteria. Are we allergic to this? Scientists do not know. Are we allergic to these new foods? The huge genetic pool of possibilities to engineer in the world have not been tested for allergies.

As a matter of fact, it may surprise my colleagues to know that over a 100 million acres of crops last year in the United States were genetically engineered.

There are huge challenges with allergy testing. Allergy testing for unknown allergens is difficult if not impossible. Here is a report from the National Academy of Sciences.

The National Academy of Sciences states in this report, allergenicity is difficult to test. They go on to say that tests for possible allergenicity either are indirect, do not involve adverse effects, or are otherwise problematic for testing of novel proteins that have not previously been components of the food supply.

Researchers from the Clinical Immunology and Allergy Section of Tulane University Medical Center state, and I quote, "The most difficult issue regarding transgenic food allergenicity is the effect of transfer of proteins of unknown allergenicity."

In other words, if we are allergic to Brazil nuts, the Brazil nuts gene is in soybeans, we respond to the soybean; and we do not even know that it has a Brazil gene in it. The challenge is to determine whether these proteins are allergenic as there is no generally accepted, established, definitive procedure to define or predict a protein's allergenicity.

We all know that old saying, what you do not know cannot hurt you. We have all heard that. What we do not know cannot hurt you. But in this case, what you do not know can, what you do not know can hurt you.

The FDA is unfortunately failing to protect Americans. Unfortunately, the Food and Drug Administration admittedly having taken a pro-biotech position have completely dropped the ball on the serious issue of unknown and untestable allergens.

In my hand, this is a 700-page transcript of an FDA conference on this very topic from 1994. The document clearly acknowledges that unknown allergens are difficult to test for. My amendment instructs the FDA to continue the scientific research on this topic and draft guidance from the industry on how to assess genetically engineered food products for allergenicity until a predictive testing methodology is developed and report to Congress on the status of this issue.

The CHAIRMAN. Does the gentleman from New Mexico reserve his point of order?

Mr. SKEEN. Yes, I do, Mr. Chairman.

Mr. SMITH of Michigan. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Ohio (Mr. KUCINICH).

Mr. Chairman, I would just like to call to the body's attention and to the attention of the gentleman from Ohio (Mr. KUCINICH) that the Brazil nut gene within that soybean and its potential danger was discovered through premarket testing meeting the requirements of FDA and USDA. The product never got to market.

I rise in strong opposition to the amendment, because the mandate of food labeling which is part of the sponsor's goal, would send dangerous signals. Let me review a little bit of what we did in our Subcommittee on Basic Research.

On April 13, I issued a chairman's report on plant genomics and agricultural biotechnology. This report was a culmination of three hearings that we held in Washington and meetings throughout the United States with scientists.

The Subcommittee on Basic Research had some of the Nation's leading scientists testify, one of the issues that we dealt with in some detail in the report was the mandatory labeling provision. What we found is that there is no scientific justification for labeling food based on the method by which they are produced. Labeling of agricultural biotechnology products would, as suggested by the industry and by some of the scientists, confuse, not inform, consumers and send a misleading message on safety.

The Food and Drug Administration has more than 15 years of experience in evaluating food-based products of biotechnology, more than 20 years of experience with medical products of biotechnology. FDA's decision not to require labeling is consistent both with the law and with FDA's "statement of policy" More to the point, consumers have a lifetime of direct personal experience with foods genetically modified through hybridization and cross breeding should have the same regulations scrutiny as those modified by the new technology.

FDA bases labeling decisions on whether there are material differences between the new plant-based food and its traditional counterpart. These material differences include changes in the new plant that are significant enough that the common or usual name of the plant no longer applies or if the safety or use at issue exists that warrants consumer notification.

Despite this sensible policy, biotechnology's critics, including the sponsor of this amendment, continue to argue that foods created using recombinant DNA techniques should bear a label revealing that fact. This view is based, in large part, on the faulty supposition that the potential for unintended and undetected differences between these foods and those produced through conventional means is cause for a label based solely on the method of production of the plant.

I would urge our three regulatory agencies that are overlooking, not only the biotech, but all products produced through traditional cross breeding, to thoroughly evaluate, all plants and seeds regardless of the process of development.

Mr. Chairman, I mean we have had products developed through cross breeding that ended up poisonous. So the regulatory bodies that we have with USDA, Food and Drug, as well as EPA is the best in the world right now. They are doing a good job.

What I am concerned with, I say to the gentleman from Ohio (Mr. KUCINICH), because of emotion, and miss information, labeling is going to be like putting a skull and cross bones on the food product. If we were to define a biotech-produced food the way Food and Drug defines a biotech-produced food, then it would require labeling of everything except a few brands of fish. Essentially all food today has been genetically modified.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, although this specific amendment does not speak to our labeling bill directly, I would like to say that the labeling bill that the gentleman is speaking of serves to give the public the right to know what is in the food they are eating, that is really the basic concept.

Mr. SMITH of Michigan. Mr. Chairman, this amendment, as well as the sponsors goal of mandatory labels would be extremely confusing, and of little relevance, or service to consumers. FDA's current policy on labeling has been scientifically and legally sound and should be maintained. I urge my colleagues to oppose this amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio, which would mandate labeling of foods derived from biotechnology.

Mr. Chairman, the risks for potentially unintended effects of agricultural biotechnology on the safety of new plant-based foods are conceptually no different than the risks for those plants derived from conventional breeding. As described in FDA's Statement of Policy, "The agency is not aware of any information showing that foods derived by these new methods differ from other food in any meaningful or uniform way, or that, as a class, foods developed by the new techniques present any different or greater safety concern than foods developed by traditional plant breeding." This view was echoed by the research scientists who testified before the Subcommittee on the subject.

Indeed, there is a genuine fear that labeling biotech foods based on their method of production would be the equivalent of a "skull and crossbones"—that the very presence of a label would indicate to the average consumer that safety risks exist, when the scientific evidence shows that they do not. Labeling advocates who argue otherwise are being disingenuous. The United Kingdom's new mandatory labeling law, for example, was put forward ostensibly to enhance consumer choice. Instead, it has prompted British food producers and retailers to remove all recombinant DNA constituents from the products they sell to avoid labeling.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the last word and rise in support of the Kucinich amendment, and I believe it is a forward thinking measure that deserves this Chamber's full support. If passed, the amendment would earmark $500,000 in the FDA portion of the budget to study guidelines for industry on how to assess genetically-engineered food products for allergenicity or for the potential food allergens and report back to Congress by the end of fiscal year 2001. If all that the prior speaker, the gentleman from Michigan (Mr. SMITH), says is true, it seems the gentleman would be supportive of the Kucinich amendment because everything that FDA has done in support of these issues would be met by a study.

As was previously stated, it is estimated that 2.5 million to 5 million Americans are allergic to foods such as milk, eggs, fish, seafood, tree nuts, wheat, peanut and soybean, and of all the millions already diagnosed, there are still countless others who do not know they are allergic to foods until they have a reaction which sometimes can be deadly.

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We must act now to ensure that we understand not only what we eat, but what effect the food we eat has upon us.

Again, I rise in support of my colleague's amendment.

Mr. KUCINICH. Mr. Chairman, will the gentlewoman yield?

Mrs. JONES of Ohio. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I thank the gentlewoman from Ohio (Mrs. JONES), my colleague. The gentlewoman and I both represent the people of the Cleveland area.

Mr. Chairman, we have to remember what this amendment is about: it is to get $500,000 for the purpose of drafting guidance for the industry on how to assess genetically engineered food products for allergenicity. We are not voting on a labeling bill here. Some day we hope to bring such a bill to the floor so that the people of America will have a right to know what is in the food they are eating.

But with respect to this and the comments of the previous speaker, the gentleman from Michigan (Mr. SMITH), Brazil nuts are a known allergen. What we are speaking about here is testing for unknown allergens. I want everyone here to know that I am pleased to report that the FDA just informed me that they support the concepts within this amendment. I have pledged to work with them to find a compromise that all the parties can support.

So I want to let the chairman and the ranking member know that I am going to withdraw this amendment with an understanding that the chairman, the ranking member, the Food and Drug Administration, the gentlewoman from Ohio (Mrs. JONES), and other Members of the Congress who are working on this, that we could all work together to include acceptable language in a conference report.

Mr. Chairman, I would like to ask the gentleman from New Mexico (Mr. SKEEN) if that would be acceptable if the gentleman, that is, if I withdraw this amendment, could the gentleman give me some help with the FDA in encouraging them to go ahead and work to find a compromise so that the concepts in this amendment could be supported.

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Mrs. JONES of Ohio. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I am sure I will do my best to give the gentleman from Ohio (Mr. KUCINICH) that kind of help.

Mrs. JONES of Ohio. Mr. Chairman, I again yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentlewoman, and I want to thank the gentleman from New Mexico (Mr. SKEEN) for his indulgence, and I also want to say that this issue of genetically engineered food is an issue all over this world. People in Europe are demanding labeling all throughout the European Union. People in Japan, people in Australia, people in New Zealand, demanding labeling. Why? Because people want to know what is in the food they eat. People have a right to know that. That is why years ago the Food and Drug Administration passed a regime so people could learn the ingredients on the food that they buy.

Imagine today if we did not even know the ingredients on the food that we were eating. Suppose someone did not want too much fat content or one was concerned about their protein intake. That is why Americans have become more sophisticated on dietary matters because of that law.

Americans are going to have the opportunity in the future, hopefully, to be able to know what is in the food they are eating. If it is genetically engineered, it will have to be labeled.

Mr. SMITH of Michigan. Mr. Chairman, will the gentlewoman yield?

Mrs. JONES of Ohio. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, it is very important that we move ahead, that we give the assurance of safety. It has to be done. We cannot go ahead like Europe has gone ahead, based on unscientific evidence.

Mr. METCALF. Mr. Chairman, I rise in support of Mr. KUCINICH's efforts to secure funding for more study on the allergenic effects of genetically modified foods. I believe that bioengineered foods hold the potential for great benefit to the consumer. However, studies indicate that allergens from one food may pass to another through genetic engineering, and more research is required before families can be comfortable buying them at the grocery store.

Americans need to be able to make informed decisions about the food they buy. I understand that funding for an FDA study is not included in the bill we are debating today, but I hope that it can be inserted in conference.

Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 538, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 18 by Mr. NEY of Ohio; amendment No. 1 by Mr. HEFLEY of Colorado; and amendment No. 2 by Mr. HEFLEY of Colorado.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 18 OFFERED BY MR. NEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 18 offered by the gentleman from Ohio (Mr. Ney) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 94, noes 326, nct voting 14, as follows:

[Roll No. 359]

AYES—94

Aderholt
Armey
Bachus
Ballenger
Barr
Bartlett
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bryant
Burr
Buyer
Campbell
Chabot
Collins
Crane
DeLay
DeMint
Duncan
Ehlers
Ehrlich
English
Fattah
Foley
Ford
Fossella
Fowler
Franks (NJ)
Gallegly
Gilchrest
Gillmor
Hall (OH)
Hastings (WA)
Hayworth
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Isakson
Jackson (IL)
Johnson (CT)
Kasich
Kelly
King (NY)
Kingston
Kucinich
Kuykendall
LaTourette
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Miller (FL)
Mollohan
Nethercutt
Ney
Oxley
Peterson (PA)
Portman
Pryce (OH)
Quinn
Rahall
Regula
Riley
Ros-Lehtinen
Sawyer
Scarborough
Sensenbrenner
Shaw
Shimkus
Shuster
Stearns
Strickland
Sununu
Sweeney
Tauzin
Taylor (MS)
Thomas
Traficant
Upton
Vitter
Wamp
Weller
Whitfield
Wise

NOES—326

Abercrombie
Ackerman
Allen
Andrews
Archer
Baca
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Forbes
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Radanovich
Ramstad
Rangel
Reyes
Reynolds
Rivers

Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shows

Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stump
Stupak
Talent
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman

Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Wicker
Wilson
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—14

Bishop
Clay
Cook
Filner
Goodling

Klink
Lazio
Lofgren
Markey
McIntosh

McNulty
Vento
Wynn
Young (AK)

☐ 1925

Messrs. ROTHMAN, RADANOVICH, SHAYS, BATEMAN, RYAN of Wisconsin, CUNNINGHAM, and CONYERS changed their vote from "aye" to "no."

Messrs. STRICKLAND, SHAW, HILLEARY, ADERHOLT, and SAWYER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 538, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 1 offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 132, noes 287, not voting 15, as follows:

[Roll No. 360]

AYES—132

Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Bilirakis
Bliley
Blunt
Brady (TX)
Bryant
Burr
Callahan
Campbell
Cannon
Chabot
Coble
Coburn
Costello
Cox
Crane
Davis (VA)
DeGette
DeMint
Diaz-Balart
Dickey
Doggett
Dreier
Duncan
Edwards
Ehrlich
English
Ewing
Forbes
Fossella
Frank (MA)

Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gilchrest
Goode
Goodlatte
Goss
Graham
Green (WI)
Greenwood
Hall (TX)
Hayworth
Hefley
Hilleary
Hobson
Horn
Hostettler
Hutchinson
Inslee
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
Kingston
Largent
Leach
Linder
LoBiondo
Luther
Manzullo
Martinez
McCarthy (NY)
McCollum
McInnis
Meehan
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Morella

Myrick
Oxley
Pascrell
Paul
Pickering
Porter
Portman
Ramstad
Rogan
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shows
Sisisky
Smith (NJ)
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Tiahrt
Toomey
Udall (CO)
Udall (NM)
Vitter
Wamp
Weldon (PA)
Weller
Wilson

NOES—287

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Becerra
Bentsen
Berman
Berry
Biggert
Bilbray
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Buyer
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Collins

Combest
Condit
Conyers
Cooksey
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dunn
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Ford
Fowler
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez

Gordon
Granger
Green (TX)
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich

Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar

Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Sherwood
Shimkus
Shuster
Simpson

Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—15

Bishop
Clay
Cook
Cubin
Filner

Goodling
Klink
Lazio
Lofgren
Markey

McIntosh
McNulty
Vento
Wynn
Young (AK)

☐ 1934

Mr. WISE changed his vote from "aye" to "no."

Mrs. ROUKEMA and Messrs. INSLEE, COX and MINGE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 2 offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 94, noes 319, not voting 21, as follows:

[Roll No. 361]

AYES—94

Archer
Armey
Baker
Ballenger
Barr
Barton
Berkley
Bilbray
Brady (TX)
Bryant
Burr
Campbell
Cannon
Chabot
Coburn
Cox
Crane
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Dreier
Duncan
Ehlers
Ehrlich
Ewing
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gibbons
Goss
Hansen
Hayworth
Hefley
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Inslee
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Largent
Leach
Linder
LoBiondo
McInnis
Meehan
Menendez
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Paul
Petri
Pickering
Portman
Ramstad
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shows
Smith (WA)
Souder
Stearns
Stump
Sununu
Taylor (MS)
Taylor (NC)
Terry
Tierney
Toomey
Traficant
Udall (NM)
Vitter
Wamp

NOES—319

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dunn
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hayes
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
Meek (FL)
Meeks (NY)
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rilev
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Towns
Turner
Udall (CO)
Upton
Velazquez
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—21

Bishop
Bonilla
Clay
Cook
Coyne
Filner
Goodling
Hastings (WA)
Klink
Lazio
Lipinski
Lofgren
Manzullo
Markey
Matsui
McIntosh
McNulty
Vento
Weygand
Wynn
Young (AK)

☐ 1942

Mr. ENGLISH changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MANZULLO. Mr. Chairman, on rollcall No. 361, I was inadvertently detained. Had I been present, I would have voted "aye."

☐ 1945

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I want to thank the gentleman for yielding.

Mr. Chairman, I just would like to wish the gentleman from New Mexico (Chairman SKEEN), a happy birthday. Tomorrow is his birthday, and I wish him a happy birthday.

Mr. SKEEN. Mr. Chairman, reclaiming my time, my colleagues make me feel a lot younger, and I thank all of my colleagues.

Mr. Speaker, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Happy birthday.

Mr. Speaker, I also want to tell my colleagues, Mr. Speaker, I had intended to offer an amendment that would have added $5 million to the Food and Nutrition Service for a program that would target outreach to expand the feeding programs in the colonia areas of the Southwest.

I will not offer the amendment, but I would like to request a commitment from the chairman that, as the agriculture bill moves to conference committee, that he will do what he can to secure the funds for this much-needed targeted assistance in the colonias.

Mr. SKEEN. Mr. Speaker, reclaiming my time, I thank the gentleman from Texas for his involvement in this issue. The plight of the people living in the colonias is serious. The USDA spends about $350 million per year on this type of outreach. I commit to the gentleman that I will work in conference to direct that adequate funds be targeted to this program in the southwest.

Mr. REYES. Mr. Speaker, if the gentleman will yield, I want to thank the chairman. I also want to thank the staff for helping us work out this commitment. I look forward to working with him.

Mr. SKEEN. Mr. Speaker, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. NUSSLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I would like to discuss the evening's schedule.

Mr. Speaker, we have just risen from the Agricultural Appropriations bill. We will come back to that at a later time.

I should tell the Members we have kind of got good news and bad news for them. Let me start with the good news. The good news is that there is a high probability that we can complete our work some time this evening or early tomorrow morning, depending on how well things go.

The bad news is that, in order to do that and have tomorrow off, we would have to be willing to work late and work our way through this.

Mr. Speaker, in just a few minutes, the distinguished chairman of the Committee on Appropriations will be filing the MILCON conference report and be asking unanimous consent to take it up. Assuming that his unanimous consent request is agreed to, then go directly in that bill and complete that bill as time requires.

Then following the completion of that work, we would take up the doctors' collective bargaining rule and then move right on to that bill; and upon the completion of that bill, our work would be completed.

It is, of course, my fondest hope and my expectation that the unanimous consent will be agreed to. If for some reason that is not the case, we would then go to the doctors' collective bargaining rule and continue to work on our best effort to get the MILCON conference report to the floor right after we complete the rule. We would then, of course, finish up the evening with the collective bargaining.

The urgency here is that we need to complete the MILCON conference report, make it available for the other body for their consideration in the morning. So we will build our remaining schedule to the evening around the fate of that unanimous consent. That is the announcement.

CONFERENCE REPORT ON H.R. 4425, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–710)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4425) "making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

DIVISION A—FISCAL YEAR 2001 MILITARY CONSTRUCTION APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2001, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $909,245,000, to remain available until September 30, 2005: Provided, That of this amount, not to exceed $109,306,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $928,273,000, to remain available until September 30, 2005: Provided, That of this amount, not to exceed $73,335,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $870,208,000, to remain available until September 30, 2005: Provided, That of this amount, not to exceed $74,628,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $814,647,000, to remain available until September 30, 2005: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $77,505,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $281,717,000, to remain available until September 30, 2005.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $203,829,000, to remain available until September 30, 2005.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $108,738,000, to remain available until September 30, 2005.

MILITARY CONSTRUCTION, NAVAL RESERVE

(INCLUDING RESCISSIONS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $64,473,000, to remain available until September 30, 2005: Provided further, That the funds appropriated for "Military Construction, Naval Reserve" under Public Law 105–45, $2,400,000 is hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $36,591,000, to remain available until September 30, 2005.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, $172,000,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $235,956,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, $951,793,000; in all $1,187,749,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $418,155,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, $881,567,000; in all $1,299,722,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $251,982,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, $820,879,000; in all $1,072,861,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, for Operation and Maintenance, $44,886,000.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $1,024,369,000, to remain available until expended: Provided, That not more than $865,318,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. (a) No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to *the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.*

SEC. 124. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 125. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 126. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 127. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including flag and general officer quarters: Provided, That not more than $25,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification of the appropriate committees of Congress: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual flag and general officer quarters for the prior fiscal year.

SEC. 128. The Army, Navy, Marine Corps, and Air Force are directed to submit to the appropriate committees of the Congress by July 1, 2001, a Family Housing Master Plan demonstrating how they plan to meet the year 2010 housing goals with traditional construction, operation and maintenance support, as well as privatization initiative proposals. Each plan shall include projected life cycle costs for family housing construction, basic allowance for housing, operation and maintenance, other associated costs, and a time line for housing completions each year.

(RESCISSION OF FUNDS)

SEC. 129. Of the funds provided in previous Military Construction Appropriations Acts, $100,000,000 is hereby rescinded as of the date of the enactment of this Act.

(TRANSFER OF FUNDS)

SEC. 130. During fiscal year 2001, in addition to any other transfer authority available to the Department of Defense, funds appropriated in the Military Construction Appropriations Act, 2000 (Public Law 106–52; 113 Stat. 259) under the heading "MILITARY CONSTRUCTION, NAVAL RESERVE" and still unobligated may be transferred to the account for "MILITARY CONSTRUCTION, NAVY". Amounts transferred under this section shall be merged with, and be available for the same period as, the amounts in the account to which transferred and shall be available to construct, under the authority of section 2805 of title 10, United States Code, an elevated water storage tank at the Naval Support Activity Midsouth, Millington, Tennessee.

SEC. 131. (a) The Secretary of the Army may accept funds from the Federal Highway Administration, or the State of Kentucky, and credit them to the appropriate Department of the Army accounts for the purpose of funding all costs associated with the realignment, requested by the State of Kentucky, of the military construction project involving a rail connector located at Fort Campbell, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2763).

(b) The Secretary may use the funds accepted for the realignment, in addition to funds authorized and appropriated for the rail connector project, notwithstanding the amount authorized in section 2101(a) of Public Law 104–201. The funds accepted shall remain available until expended.

(c) The costs associated with the realignment of the rail connector project include but are not limited to redesign costs, additional construction costs, additional costs due to construction delays related to the realignment, and additional real estate costs.

(d) The authority provided in this section shall be effective upon the date of the enactment of this Act.

(RESCISSION OF FUNDS)

SEC. 132. Of the funds available to the Secretary of Defense in the "Foreign Currency Fluctuations, Construction, Defense" account, $83,000,000 is hereby rescinded.

(TRANSFER OF FUNDS)

SEC. 133. AMENDMENTS.—Section 131 of the Military Construction Appropriations Act, 1988 (Public Law 100–202), is amended—

(1) by striking subsection (c)(1), and inserting the following:

"(c)(1) The Secretary shall use amounts paid to the Secretary under subsection (b) for the acquisition of suitable sites for military family housing; or, the acquisition, construction, or revitalization of military family housing in the San Diego region, either through conventional military construction or through use of any of the alternative authorities contained in subchapter IV, chapter 169 of title 10, United States Code.".

(2) by adding after subsection (c)(2) the following new subparagraph:

"(3) Any funds received by the Secretary under subsection (b) and not deposited into the general fund of the Treasury under subsection (c)(2) may be transferred into the Department of Defense Family Housing Improvement Fund in accordance with section 2883 in subchapter IV, chapter 169 of title 10, United States Code.".

SEC. 134. Section 412(c) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (112 Stat. 160) is amended by inserting before the period at the end of the sentence the following: ", and up to $170,000,000 for dredging and foundation activities for construction": Provided, That this section becomes effective immediately upon enactment of this Act.

SEC. 135. Notwithstanding any other provision of law, the Secretary of the Navy is authorized to use funds received pursuant to section 2601 of title 10, United States Code, for the construction, improvement, repair, and maintenance of the historic residences located at Marine Corps Barracks, 8th and I Streets, Washington, D.C.: Provided, That the Secretary notifies the appropriate committees of Congress 30 days in advance of the intended use of such funds: Provided further, That this section becomes effective immediately upon enactment of this Act.

BROOKS AIR FORCE BASE DEVELOPMENT DEMONSTRATION PROJECT

SEC. 136. (a) PURPOSE.—The purpose of this section is to evaluate and demonstrate methods for more efficient operation of military installations through improved capital asset management and greater reliance on the public or private sector for less-costly base support services, where available. The section supersedes, and shall be used in lieu of the authority provided in, section 8168 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1277).

(b) AUTHORITY.—(1) Subject to paragraph (4), the Secretary of the Air Force may carry out at Brooks Air Force Base, Texas, a demonstration project to be known as the "Base Efficiency Project" to improve mission effectiveness and reduce the cost of providing quality installation support at Brooks Air Force Base.

(2) The Secretary may carry out the Project in consultation with the Community to the extent the Secretary determines such consultation is necessary and appropriate.

(3) The authority provided in this section is in addition to any other authority vested in or delegated to the Secretary, and the Secretary may exercise any authority or combination of authorities provided under this section or elsewhere to carry out the purposes of the Project.

(4) The Secretary may not exercise any authority under this section until after the end of the 30-day period beginning on the date the Secretary submits to the appropriate committees of the Congress a master plan for the development of the Base.

(c) EFFICIENT PRACTICES.—(1) The Secretary may convert services at or for the benefit of the Base from accomplishment by military personnel or by Department civilian employees (appropriated fund or non-appropriated fund), to services performed by contract or provided as consideration for the lease, sale, or other conveyance or transfer of property.

(2) Notwithstanding section 2462 of title 10, United States Code, a contract for services may be awarded based on "best value" if the Secretary determines that the award will advance the purposes of a joint activity conducted under the project and is in the best interest of the Department.

(3) Notwithstanding that such services are generally funded by local and State taxes and provided without specific charge to the public at large, the Secretary may contract for public services at or for the benefit of the Base in exchange for such consideration, if any, the Secretary determines to be appropriate.

(4)(A) The Secretary may conduct joint activities with the Community, the State, and any private parties or entities on or for the benefit of the Base.

(B) Payments or reimbursements received from participants for their share of direct and indirect costs of joint activities, including the costs of providing, operating, and maintaining facilities, shall be in an amount and type determined to be adequate and appropriate by the Secretary.

(C) Such payments or reimbursements received by the Department shall be deposited into the Project Fund.

(d) LEASE AUTHORITY.—(1) The Secretary may lease real or personal property located on the Base and not required at other Air Force installations to any lessee upon such terms and conditions as the Secretary considers appropriate and in the interest of the United States, if the Secretary determines that the lease would facilitate the purposes of the Project.

(2) Consideration for a lease under this subsection shall be determined in accordance with subsection (g).

(3) A lease under this subsection—

(A) may be for such period as the Secretary determines is necessary to accomplish the goals of the Project; and

(B) may give the lessee the first right to purchase the property at fair market value if the lease is terminated to allow the United States to sell the property under any other provision of law.

(4)(A) The interest of a lessee of property leased under this subsection may be taxed by the State or the Community.

(B) A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State governments or local governments under Federal law, the lease shall be renegotiated.

(5) The Department may furnish a lessee with utilities, custodial services, and other base operation, maintenance, or support services performed by Department civilian or contract employees, in exchange for such consideration, payment, or reimbursement as the Secretary determines appropriate.

(6) All amounts received from leases under this subsection shall be deposited into the Project Fund.

(7) A lease under this subsection shall not be subject to the following provisions of law:

(A) Section 2667 of title 10, United States Code, other than subsection (b)(1) of that section.

(B) Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(C) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(e) PROPERTY DISPOSAL.—(1) The Secretary may sell or otherwise convey or transfer real and personal property located at the Base to the Community or to another public or private party during the Project, upon such terms and conditions as the Secretary considers appropriate for purposes of the Project.

(2) Consideration for a sale or other conveyance or transfer of property under this subsection shall be determined in accordance with subsection (g).

(3) The sale or other conveyance or transfer of property under this subsection shall not be subject to the following provisions of law:

(A) Section 2693 of title 10, United States Code.

(B) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(4) Cash payments received as consideration for the sale or other conveyance or transfer of property under this subsection shall be deposited into the Project Fund.

(f) LEASEBACK OF PROPERTY LEASED OR DISPOSED.—(1) The Secretary may lease, sell, or otherwise convey or transfer real property at the Base under subsections (b) and (e), as applicable, which will be retained for use by the Department or by another military department or other Federal agency, if the lessee, purchaser, or other grantee or transferee of the property agrees to enter into a leaseback to the Department in connection with the lease, sale, or other conveyance or transfer of one or more portions or all of the property leased, sold, or otherwise conveyed or transferred, as applicable.

(2) A leaseback of real property under this subsection shall be an operating lease for no more than 20 years unless the Secretary of the Air Force determines that a longer term is appropriate.

(3)(A) Consideration, if any, for real property leased under a leaseback entered into under this subsection shall be in such form and amount as the Secretary considers appropriate.

(B) The Secretary may use funds in the Project Fund or other funds appropriated or otherwise available to the Department for use at the Base for payment of any such cash rent.

(4) Notwithstanding any other provision of law, the Department or other military department or other Federal agency using the real property leased under a leaseback entered into under this subsection may construct and erect facilities on or otherwise improve the leased property using funds appropriated or otherwise available to the Department or other military department or other Federal agency for such purpose.

(g) CONSIDERATION.—(1) The Secretary shall determine the nature, value, and adequacy of consideration required or offered in exchange for a lease, sale, or other conveyance or transfer of real or personal property or for other actions taken under the Project.

(2) Consideration may be in cash or in-kind or any combination thereof. In-kind consideration may include the following:

(A) Real property.

(B) Personal property.

(C) Goods or services, including operation, maintenance, protection, repair, or restoration (including environmental restoration) of any property or facilities (including non-appropriated fund facilities).

(D) Base operating support services.

(E) Improvement of Department facilities.

(F) Provision of facilities, including office, storage, or other usable space, for use by the Department on or off the Base.

(G) Public services.

(3) Consideration may not be for less than the fair market value.

(h) PROJECT FUND.—(1) There is established on the books of the Treasury a fund to be known as the "Base Efficiency Project Fund" into which all cash rents, proceeds, payments, reimbursements, and other amounts from leases, sales, or other conveyances or transfers, joint activities, and all other actions taken under the Project shall be deposited. Subject to paragraph (2), amounts deposited into the Project Fund shall be available without fiscal year limitation.

(2) To the extent provided in advance in appropriations Acts, amounts in the Project Fund shall be available to the Secretary for use at the base only for operation, base operating support services, maintenance, repair, or improvement of Department facilities, payment of consideration for acquisitions of interests in real property (including payment of rentals for leasebacks), and environmental protection or restoration. The use of such amounts may be in addition to or in combination with other amounts appropriated for these purposes.

(3) Subject to generally prescribed financial management regulations, the Secretary shall establish the structure of the Project Fund and such administrative policies and procedures as the Secretary considers necessary to account for and control deposits into and disbursements from the Project Fund effectively.

(i) FEDERAL AGENCIES.—(1)(A) Any Federal agency, its contractors, or its grantees shall pay rent, in cash or services, for the use of facilities or property at the Base, in an amount and type determined to be adequate by the Secretary.

(B) Such rent shall generally be the fair market rental of the property provided, but in any case shall be sufficient to compensate the Base for the direct and overhead costs incurred by the Base due to the presence of the tenant agency on the Base.

(2) Transfers of real or personal property at the Base to other Federal agencies shall be at fair market value consideration. Such consideration may be paid in cash, by appropriation transfer, or in property, goods, or services.

(3) Amounts received from other Federal agencies, their contractors, or grantees, including any amounts paid by appropriation transfer, shall be deposited in the Project Fund.

(j) REPORTS TO CONGRESS.—(1) Section 2662 of title 10, United States Code, shall apply to transactions at the Base during the Project.

(k) LIMITATION.—None of the authorities in this section shall create any legal rights in any person or entity except rights embodied in leases, deeds, or contracts.

(l) EXPIRATION OF AUTHORITY.—The authority to enter into a lease, deed, permit, license, contract, or other agreement under this section shall expire on June 1, 2005.

(m) DEFINITIONS.—In this section:

(1) The term "Project" means the Base Efficiency Project authorized by this section.

(2) The term "Base" means Brooks Air Force Base, Texas.

(3) The term "Community" means the City of San Antonio, Texas.

(4) The term "Department" means the Department of the Air Force.

(5) The term "facility" means a building, structure, or other improvement to real property (except a military family housing unit as that term is used in subchapter IV of chapter 169 of title 10, United States Code).

(6) The term "joint activity" means an activity conducted on or for the benefit of the Base by the Department, jointly with the Community, the State, or any private entity, or any combination thereof.

(7) The term "Project Fund" means the Base Efficiency Project Fund established by subsection (h).

(8) The term "public services" means public services (except public schools, fire protection, and police protection) that are funded by local and State taxes and provided without specific charge to the public at large.

(9) The term "Secretary" means the Secretary of the Air Force or the Secretary's designee, who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate.

(10) The term "State" means the State of Texas.

(n) This section becomes effective immediately upon enactment of this Act.

SEC. 137. Of the funds made available in the Military Construction Appropriations Act, 1999 (Public Law 105–237) under the heading "Military Construction, Defense-Wide" for planning and design, not less than $1,000,000 shall be available for the design of an elementary school for the Central Kitsap School District to meet the educational needs of military dependents at the Naval Submarine Base, Bangor, Washington: Provided, That this section becomes effective immediately upon enactment of this Act.

SEC. 138. The total amount of appropriated funds that may be expended for the military construction project at the Military Academy at West Point, New York, to construct and renovate the Cadet Physical Development Center shall not exceed $77,500,000, regardless of the fiscal year for which the funds were or are appropriated: Provided, That this section becomes effective immediately upon enactment of this Act.

SEC. 139. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on construction, security and operation of Forward Operating Locations (FOL) in Manta, Ecuador, Aruba, Curacao, and El Salvador.

(b) The report required by subsection (a) shall address the following: (1) a schedule for making each Forward Operating Location (FOL) fully operational, including cost estimates, time line of contracting and construction with completion dates, a description of the potential capabilities for each proposed location and an explanation of how the FOL architecture fits into the overall counter-drug strategy; (2) a plan that identifies the operating requirements at FOL for the United States Coast Guard, United States Customs Service, Drug Enforcement Administration, Intelligence community and the Department of Defense and how these requirements will be addressed; (3) a security plan to ensure that FOL facilities and personnel working at these sites are safeguarded from outside threats; and (4) a safety plan to ensure operations conducted at FOLs are in accordance with standard operating procedures.

This division may be cited as the "Military Construction Appropriations Act, 2001".

DIVISION B

FISCAL YEAR 2000 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—KOSOVO AND OTHER NATIONAL SECURITY MATTERS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $23,883,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $20,565,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $37,155,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $38,065,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of the funds appropriated under this heading, $8,000,000 shall be made available only for use in federally owned educational facilities located on military installations for the purpose of transferring title of such facilities to the local educational authorities.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to provide assistance to Vieques, Puerto Rico, $40,000,000, to remain available until September 30, 2003: Provided, That such funds shall be in addition to amounts otherwise available for such purposes: Provided further, That the Secretary of Defense may transfer funds to any agency or office of the United States Government in order to implement the projects for which funds are provided under this heading 30 days after the Director of the Office of Management and Budget notifies the House and Senate Committees on Appropriations of each proposed transfer: Provided further, That each notification transmitted to the Committees shall identify the specific amount, recipient agency and purpose for which such transfer is proposed: Provided further, That appropriations made available under this heading may be transferred and obligated for the following purposes: a study of the health of Vieques residents; fire-fighting related equipment and facilities at Antonio Rivera Rodriguez Airport; construction or refurbishment of a commercial ferry pier and terminal and associated navigational improvements; establishment and construction of an artificial reef; reef conservation, restoration, and management activities; payments to registered Vieques commercial fishermen of an amount determined by the National Marine Fisheries Service for each day they are unable to use existing waters because the Navy is conducting training; expansion and improvement of major cross-island roadways and bridges; an apprenticeship/training program for young adults; preservation and protection of natural resources; an economic development office and economic development activities; and conducting a referendum among the residents of Vieques regarding further use of the island for military training programs: Provided further, That for purposes of providing assistance to Vieques, any agency or office of the United States Government to which these funds are transferred may utilize, in addition to any authorities available in this paragraph, any authorities available to that agency or office for carrying out related activities, including utilization of such funds for administrative expenses: Provided further, That any amounts transferred to the Department of Housing and Urban Development, "Community development block grants", shall be available only for assistance to Vieques, notwithstanding section 106 of the Housing and Community Development Act of 1974: Provided further, That the Department of Commerce may make direct payments to registered Vieques commercial fishermen: Provided further, That the Department of the Navy may provide fire-fighting training and funds provided in this paragraph may be used to provide fire-fighting related facilities at the Antonio Rivera Rodriguez Airport: Provided further, That funds made available under this heading may be transferred to the Army Corps of Engineers to construct or modify a commercial ferry pier and terminal and associated navigational improvements: Provided further, That except for amounts provided for the health study, fire-fighting related equipment and facilities, and certain activities in furtherance of the preservation and protection of natural resources, funds provided in this paragraph shall not become available until 30 days after the Secretary of the Navy has certified to the congressional defense committees that the integrity and accessibility of the training range is uninterrupted, and trespassing and other intrusions on the range have ceased: Provided further, That the Secretary of the Navy shall recertify to the congressional defense committees the status of the range 90 days after the initial certification, and each 90 days thereafter: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $2,174,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $2,851,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Overseas Contingency Operations Transfer Fund", $2,050,400,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance, including Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; the Defense Health Program; and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $73,000,000, to remain available for obligation until September 30, 2001: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $5,700,000, to remain available for obligation until September 30, 2001, only for continued test activities under the Tactical High Energy Laser (THEL) program.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $3,533,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section

251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. (a) MINIMUM RATES OF BASIC ALLOWANCE FOR HOUSING FOR MEMBERS OF THE UNIFORMED SERVICES.—During the period beginning on January 1, 2000, and ending on September 30, 2001 (or such earlier date as the Secretary of Defense considers appropriate), a member of the uniformed services entitled to a basic allowance for housing for a military housing area in the United States shall be paid the allowance at a monthly rate not less than the rate in effect on December 31, 1999, in that area for members serving in the same pay grade and with the same dependency status as the member.

(b) ANNUAL LIMITATION ON ALLOWANCE.—In light of the rates for the basic allowance for housing authorized by subsection (a), the Secretary of Defense may exceed the limitation on the total amount paid during fiscal year 2000 and 2001 for the basic allowance for housing in the United States otherwise applicable under section 403(b)(3) of title 37, United States Code.

(c) SENSE OF THE CONGRESS REGARDING MILITARY FAMILIES ON FOOD STAMPS.—It is the sense of the Congress that members of the Armed Forces and their dependents should not have to rely on the food stamp program, and the President and the Congress should take action to ensure that the income level of members of the Armed Forces is sufficient so that no member meets the income standards of eligibility in effect under the food stamp program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 102. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), $1,556,200,000 is hereby appropriated to the Department of Defense for the "Defense-Wide Working Capital Fund" and shall remain available until expended, for price increases resulting from worldwide increases in the price of petroleum: Provided, That the Secretary of Defense shall transfer $1,556,200,000 in excess collections from the "Defense-Wide Working Capital Fund" not later than September 30, 2001 to the operation and maintenance; research, development, test and evaluation; and working capital funds: Provided further, That the transfer authority provided in this section is in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 103. In addition to the amounts provided elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), $90,000,000 is hereby appropriated for "Aircraft Procurement, Air Force", only for F–15 aircraft or associated components, systems, or subsystems.

SEC. 104. In addition to the amounts provided elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), $163,700,000 is hereby appropriated for "Procurement of Weapons and Tracked Combat Vehicles, Army", only for procurement, advance procurement, or economic order quantity procurement of Abrams M1A2 SEP Upgrades under multiyear contract authority provided under section 8008 of the Department of Defense Appropriations Act, 2000: Provided, That none of the funds under this section shall be obligated until the Secretary of the Army certifies to the congressional defense committees that these funds will be used to upgrade vehicles for an average unit cost (for 307 vehicles) that does not exceed $5,900,000.

SEC. 105. In addition to the amounts provided in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), $615,600,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until September 30, 2001: Provided, That such funds shall be available only for the purposes described and in accordance with section 106 of this chapter: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 106. (a) Of the amounts provided in section 105 of this chapter for "Defense Health Program"—

(1) not to exceed $90,300,000 shall be available for obligations and adjustments to obligations required to cover unanticipated increases in TRICARE contract costs that (but for insufficient funds) would have been properly chargeable to the Defense Health Program account for fiscal year 1998 or fiscal year 1999; and

(2) not to exceed $525,300,000 shall be available for obligations and adjustments to obligations required to cover unanticipated increases in TRICARE contract costs that are properly chargeable to the Defense Health Program account for fiscal year 2000 or fiscal year 2001.

(b) The Secretary of Defense shall notify the congressional defense committees before charging an obligation or an adjustment to obligations under this section.

(c) The Secretary of Defense shall submit to the congressional defense committees a report on obligations made under this section no later than 30 days after the end of fiscal year 2000.

SEC. 107. In addition to the amounts provided in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), $695,900,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until September 30, 2002: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 108. In addition to the amounts appropriated or otherwise made available in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), $27,000,000 is hereby appropriated to the Department of Defense and is available only for the Basic Allowance for Housing Program: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 109. (a) MILITARY RECRUITING, ADVERTISING, AND RETENTION PROGRAMS.—In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), there is hereby appropriated to the Department of Defense, to remain available for obligation until September 30, 2001, and to be available only for military personnel (to include full-time manning), recruiting, advertising, and retention programs, $357,288,000, as follows:

For military personnel accounts, $204,226,000, as follows:

"Military Personnel, Army", $99,900,000;

"Military Personnel, Navy", $23,500,000;

"Military Personnel, Marine Corps", $4,000,000;

"Military Personnel, Air Force", $7,500,000;

"Reserve Personnel, Army", $32,500,000; and

"National Guard Personnel, Army", $36,826,000.

For operation and maintenance accounts, $153,062,000, as follows:

"Operation and Maintenance, Army", $38,110,000;

"Operation and Maintenance, Navy", $29,222,000;

"Operation and Maintenance, Marine Corps", $8,100,000;

"Operation and Maintenance, Air Force", $29,040,000;

"Operation and Maintenance, Army Reserve", $18,890,000;

"Operation and Maintenance, Navy Reserve", $6,700,000;

"Operation and Maintenance, Marine Corps Reserve", $2,000,000;

"Operation and Maintenance, Air Force Reserve", $4,000,000;

"Operation and Maintenance, Army National Guard", $12,000,000; and

"Operation and Maintenance, Air National Guard", $5,000,000.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 110. (a) DEPOT-LEVEL MAINTENANCE AND REPAIR.—In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), $220,000,000 is hereby appropriated for "Operation and Maintenance, Navy", to remain available for obligation until September 30, 2001, only for ship depot maintenance.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 111. (a) HIGH PRIORITY SUPPORT TO DEPLOYED FORCES.—In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), there is hereby appropriated to the Department of Defense, to support deployed United States forces, $503,900,000, as follows:

(1) For operation and maintenance accounts, to remain available for obligation until September 30, 2001, $96,000,000 as follows:

"Operation and Maintenance, Navy", $20,000,000;

"Operation and Maintenance, Air Force", $41,900,000;

"Operation and Maintenance, Defense-Wide", $10,000,000; and

"Operation and Maintenance, Air National Guard", $24,100,000.

(2) For procurement accounts, to remain available for obligation until September 30, 2003, $344,900,000, as follows:

"Aircraft Procurement, Army", $25,000,000 (for Apache helicopter safety and reliability modifications);

"Aircraft Procurement, Navy", $52,800,000 (of which $27,000,000 is for CH–46 helicopter engine safety procurement and $25,800,000 for EP–3 sensor improvement modifications);

"Aircraft Procurement, Air Force", $212,700,000 (of which $111,600,000 is for U–2 reconnaissance aircraft sensor improvements and modifications, and $101,100,000 is for flight and mission trainers and simulators);

"Other Procurement, Air Force", $41,400,000; and

"Procurement, Defense-Wide", $13,000,000.

(3) For research, development, test and evaluation accounts, to remain available for obligation until September 30, 2002, $63,000,000, as follows:

"Research, Development, Test and Evaluation, Army", $5,000,000 (for the WARSIMS program); and

"Research, Development, Test and Evaluation, Defense-Wide", $58,000,000.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 112. To ensure the availability of biometrics technologies in the Department of Defense, the Secretary of the Army shall be the Executive Agent to lead, consolidate, and coordinate all biometrics information assurance programs of the Department of Defense: Provided, That there is hereby appropriated for fiscal year 2000, in addition to other amounts appropriated for such fiscal year by other provisions of this Act, $5,000,000 for Operation and Maintenance, Army, for carrying out the biometrics assurance programs and for continuing the biometrics information assurance programs of the Information System Security Program: Provided further, That there is hereby appropriated for fiscal year 2000, in addition to other amounts appropriated for such fiscal year by other provisions of this Act, $1,000,000 for Operation and Maintenance, Navy, and $1,000,000 for Operation and Maintenance, Air Force, for carrying out the biometrics assurance programs with the Army, as Executive Agent, to lead, consolidate, and coordinate such programs.

SEC. 113. In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), $125,000,000 is hereby appropriated to the Department of Defense to remain available until September 30, 2002, to be available only for the Patriot missile program: Provided, That not later than 30 days after the enactment of this Act the Department shall submit a revised Patriot missile program plan to the congressional defense committees: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 114. In addition to amounts provided elsewhere in this Act for the Department of Defense, $300,000 is hereby appropriated to be available only for Operation Walking Shield for technical assistance and transportation of excess housing to Indian tribes located in the States of North Dakota, South Dakota, Montana and Minnesota, in accordance with section 8155 of Public Law 106–79.

SEC. 115. In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), there is hereby appropriated to the Department of Defense, for the cost of peacekeeping and humanitarian assistance operations in East Timor and Mozambique, $61,500,000, to be distributed as follows:

"Operation and Maintenance, Navy", $6,400,000;

"Operation and Maintenance, Marine Corps", $8,100,000; and

"Operation and Maintenance, Air Force", $47,000,000:

Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(TRANSFER OF FUNDS)

SEC. 116. (a) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, of the funds appropriated by title II of the Department of Defense Appropriations Act, 2000 (Public Law 106–79) under the heading "Operation and Maintenance, Defense-Wide", $9,642,000 shall be transferred to the Macalloy Special Account administered by the Administrator of the Environmental Protection Agency to pay for response actions by, or on behalf of, the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at the Macalloy site in Charleston, South Carolina.

(b) TREATMENT OF FUNDS.—Any of the funds transferred pursuant to subsection (a) that are used to pay for response actions at the Macalloy site shall be credited against any liability of the United States with respect to the site under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

SEC. 117. Notwithstanding any other provision of law, there is appropriated to the Department of Defense $8,000,000 for communications, communications infrastructure, logistical support, resources and operational assistance required by the Salt Lake Organizing Committee to stage the 2002 Olympic and Paralympic Winter Games, such sums to remain available until expended.

SEC. 118. The Ballistic Missile Defense Organization and its subordinate offices and associated contractors, including the Lead Systems Integrator, shall notify the congressional defense committees 15 days prior to issuing any type of information or proposal solicitation under the NMD Program with a potential annual contract value greater than $5,000,000 or a total contract value greater than $30,000,000.

SEC. 119. (a) REQUIREMENT FOR SALE OF NAVY DRYDOCK NO. 9.—Notwithstanding any other provision of law, the Secretary of the Navy shall sell Navy Drydock No. 9 (AFDM–3), located in Mobile, Alabama, to the Bender Shipbuilding and Repair Company, Inc., which is the current lessee of the drydock from the Navy.

(b) CONSIDERATION.—As consideration for the sale of the drydock under subsection (a), the Secretary shall receive an amount equal to the fair market value of the drydock at the time of the sale, as determined by the Secretary.

SEC. 120. Subsection (b) of section 509 of title 32, United States Code, is amended by striking "Federal" and inserting "Department of Defense".

SEC. 121. USE OF DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall not prohibit the designation or use of any Department of Defense facility, currently designated by a State or local election official, or used since January 1, 1996, as an official polling place in connection with a local, State, or Federal election, as such official polling place.

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to any election occurring on or after the date of the enactment of this section and before December 31, 2000.

SEC. 122. Section 8114 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2326), is amended—

(1) in the matter preceding the first proviso, by striking "$20,000,000" and inserting "$30,000,000"; and

(2) in the second proviso, by inserting after "property damages" the following: ", and for other claims under applicable Status-of-Forces Agreements,".

(RESCISSIONS)

SEC. 123. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act, from the following accounts in the specified amounts:

Under the heading "Shipbuilding and Conversion, Navy, 1989/1993":

DDG–51 destroyer program, $9,100,000;

T–AO fleet oiler program, $6,645,000;

T–AGOS surveillance ship program, $3,420,000;

Outfitting and post delivery, $1.293,000;

"Research, Development, Test and Evaluation, Air Force, 1999/2000", $7,000,000;

"Military Personnel, Army, 2000", $98,700,000;

"Military Personnel, Navy, 2000", $49,127,000;

"Military Personnel, Air Force, 2000", $82,000,000;

"Reserve Personnel, Air Force, 2000", $4,500,000; and

"National Guard Personnel, Army, 2000", $24,826,000.

SEC. 124. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 125. The following provisions of law are repealed: sections 8175 and 8176 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79), as amended by sections 214 and 215, respectively, of H.R. 3425 of the 106th Congress (113 Stat. 1501A–297), as enacted into law by section 1000(a)(5) of Public Law 106–113.

SEC. 126. Any amount appropriated in this chapter that is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not be available for obligation unless all such amounts are designated by the President, upon enactment of this Act, as emergency requirements pursuant to such section.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

For an additional amount for "General Investigations", $3,500,000, to remain available until expended, of which $1,500,000 shall be for a feasibility study and report of a project to provide flood damage reduction for the town of Princeville, North Carolina, and of which $2,000,000 shall be for preconstruction engineering and design of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, GENERAL

For an additional amount for "Construction, General", $3,000,000, to remain available until expended, for the Johnson Creek, Arlington, Texas, project authorized by section 101(b)(14) of Public Law 106–53: Provided, That the entire amount shall be available only to the extent an official budget request for $3,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", $200,000, to remain available until expended, for dredging of the authorized navigation project at Saxon Harbor, Wisconsin: Provided, That the entire amount shall be available only to the extent an official budget request for $200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the

Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", $600,000, to remain available until expended, to carry out the provisions of the Lewis and Clark Rural Water System Act of 2000: Provided, That the entire amount shall be available only to the extent an official budget request for $600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For an additional amount for "Weapons activities", $96,500,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for $96,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other defense activities", $38,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for $38,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the Department is authorized to initiate design of the Highly Enriched Uranium Blend Down Project.

ENERGY PROGRAMS

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for "Uranium enrichment decontamination and decommissioning fund", $58,000,000, to be derived from the Fund, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for $58,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 201. Funds appropriated in this or any other Act and hereafter may not be used to pay on behalf of the United States or a contractor or subcontractor of the United States for posting a bond or fulfilling any other financial responsibility requirement relating to closure or post-closure care and monitoring of the Waste Isolation Pilot Plant. The State of New Mexico or any other entity may not enforce against the United States or a contractor or subcontractor of the United States, in this or any subsequent fiscal year, a requirement to post bond or any other financial responsibility requirement relating to closure or post-closure care and monitoring of the Waste Isolation Pilot Plant. Any financial responsibility requirement in a permit or license for the Waste Isolation Pilot Plant on the date of the enactment of this section may not be enforced against the United States or its contractors or subcontractors at the Plant.

SEC. 202. Notwithstanding any other provision of law, no funds provided in this or any other Act may be used to further reallocate Central Arizona Project water or to prepare an Environmental Assessment, Environmental Impact Statement, or Record of Decision providing for a reallocation of Central Arizona Project water until further Act of Congress authorizing and directing the Secretary of the Interior to make allocations and enter into contracts for delivery of Central Arizona Project water.

SEC. 203. Of the funds provided in Public Laws 106–60 and 105–245 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading "Science", $1,000,000 shall be made available for the design, planning and construction of the interdisciplinary science facility at the University of Alabama at Tuscaloosa.

SEC. 204. Of the funds provided in Public Law 106–60 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading "Energy Supply", $1,000,000 shall be made available for the Nome diesel upgrade.

SEC. 205. Of the funds provided in Public Law 106–60 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading "Weapons Activities", $5,000,000 shall be made available to move the Atlas pulsed power experimental facility to the Nevada Test Site.

SEC. 206. Of the funds provided in Public Law 106–60 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading "Science", $2,500,000 shall be made available for the Natural Energy Laboratory of Hawaii.

SEC. 207. Of the funds provided in Public Law 106–60 for the Department of Energy under the heading "Science", $1,000,000 shall be made available for the Burbank Hospital Regional Center in Fitchburg, Massachusetts.

SEC. 208. Of the funds provided in Public Law 106–60 for the Department of Energy under the heading "Science", $1,000,000 shall be made available for the Center for Research on Aging at Rush-Presbyterian-St. Luke's Medical Center in Chicago, Illinois.

SEC. 209. Of the funds provided in Public Law 106–60 for the Department of Energy under the heading "Science", $1,000,000 shall be made available for the North Shore-Long Island Jewish Health System.

SEC. 210. Of the funds provided in Public Law 106–60 for the Department of Energy under the heading "Energy Supply", $1,000,000 shall be made available for the Materials Science Center in Tempe, Arizona.

SEC. 211. No funds appropriated to the Nuclear Regulatory Commission for fiscal years 2000 and 2001 may be used to relocate, or to plan or prepare for the relocation of, the functions or personnel of the Technical Training Center from its location at Chattanooga, Tennessee.

CHAPTER 3

MILITARY CONSTRUCTION

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. In addition to amounts appropriated or otherwise made available in the Military Construction Appropriations Act, 2000, the following amounts are hereby appropriated as authorized by section 2854 of title 10, United States Code, as follows:

"Military Construction, Army Reserve", $12,348,000;

"Family Housing, Army", $2,000,000;

"Family Housing, Navy and Marine Corps", $3,000,000; and

"Family Housing, Air Force", $1,700,000:

Provided, That the funds in this section remain available until September 30, 2004: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $19,048,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 302. Notwithstanding any other provision of law, in addition to amounts appropriated or otherwise made available in the Military Construction Appropriations Act, 2000, $1,000,000 is hereby appropriated to the "Military Construction, Defense-Wide" account, to remain available until September 30, 2004: Provided, That such amount shall be available for study, planning, design, architect and engineer services, as authorized by law: Provided further, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for $1,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(INCLUDING RESCISSION)

SEC. 303. (a) In addition to the amounts provided in Public Law 106–52, $35,000,000 is appropriated under the heading "Military Construction, Navy" to remain available until September 30, 2004: Provided, That such funds are authorized and shall be available for the acquisition of land at Blount Island, Florida.

(b) Of the funds provided in the Military Construction Appropriations Act, 1996 (Public Law 104–32), $35,000,000 is hereby rescinded as of the date of the enactment of this Act.

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $77,000,000, to remain available until September 30, 2001; of which $5,000,000 shall be available for military basic pay; $18,000,000 shall be available for costs related to the delivery of health care to Coast Guard personnel, retirees, and their dependents; $15,000,000 shall be available for basic allowance for housing; $2,000,000 shall be available for the military housing areas cost of living adjustment; $15,000,000 shall be available for recruiting and retention bonuses; $1,000,000 shall be available for fixed wing aviator retention bonuses; $8,000,000 shall be available for the clean up and repair of shore facilities from hurricane damage; and, $13,000,000 shall be available for operational fuel and unit level operational readiness: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

Provided further, That the entire amount provided shall be available only to the extent an official budget request for $77,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements", $578,000,000, to remain available until expended; of which $110,000,000 shall be available for the Great Lakes Icebreaker replacement; and of which $468,000,000 shall be available for acquisition and conversion of six C–130J maritime patrol aircraft, as authorized under section 812(b)(1)(G) of the Western Hemisphere Drug Elimination Act: Provided, That the procurement of maritime patrol aircraft funded under this heading shall not, in any way, influence the procurement strategy, program requirements, or down-select decision pertaining to the Coast Guard's Deepwater Capability Replacement Project: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request for $578,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 5

GENERAL PROVISIONS—THIS TITLE

SEC. 501. For an additional amount for the Agency for International Development, "International Disaster Assistance", $25,000,000, for rehabilitation and reconstruction assistance for Mozambique, Madagascar, and southern Africa, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 502. For an additional amount for "Assistance for Eastern Europe and the Baltic States", $50,000,000, to remain available until September 30, 2001: Provided, That this amount shall only be available for assistance for Montenegro and Croatia, and not to exceed $12,400,000 for assistance for Kosova: Provided further, That the amount specified in the previous proviso for assistance for Kosova may be made available only for police activities: Provided further, That funds made available in the preceding provisos shall be available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II

NATURAL DISASTER ASSISTANCE AND OTHER SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For an additional amount for necessary expenses to carry out title IX of Public Law 106–78, $1,350,000: Provided, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request for $1,350,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $77,560,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for $77,560,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct loans as authorized by title V of the Housing Act of 1949 for section 515 rental housing to be available from funds in the rural housing insurance fund to meet needs resulting from Hurricane Dennis, Floyd, or Irene, $40,000,000.

For the additional cost of direct loans for section 515 rental housing, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, $15,872,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RENTAL ASSISTANCE PROGRAM

For an additional amount for rental assistance agreements entered into or renewed pursuant to section 521(a)(2) of the Housing Act of 1949 for emergency needs resulting from Hurricane Dennis, Floyd, or Irene, $13,600,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2101. With respect to any 1999 crop year loan made by the Commodity Credit Corporation to a cooperative marketing association established under the laws of North Carolina, and to any person or entity in North Carolina obtaining a 1999 crop upland cotton marketing assistance loan, the Corporation shall reduce the amount of such outstanding loan indebtedness in an amount up to 75 percent of the amount of the loan applicable to any collateral (in the case of cooperative marketing associations of upland cotton producers and upland cotton producers, not to exceed $5,000,000 for benefits to such associations and such producers for up to 75 percent of the loss incurred by such associations and such producers with respect to upland cotton that had been placed under loan) that was produced in a county in which either the Secretary of Agriculture or the President of the United States declared a major disaster or emergency due to the occurrence of Hurricane Dennis, Floyd, or Irene if the Corporation determines that such collateral suffered any quality loss as a result of said hurricane: Provided, That if a person or entity obtains a benefit under this section with respect to a quantity of a commodity, no marketing loan gain or loan deficiency payment shall be made available under the Federal Agricultural Improvement and Reform Act of 1996 with respect to such quantity: Provided further, That no more than $81,000,000 of the funds of the Corporation shall be available to carry out this section: Provided further, That the entire amount shall be available only to the extent an official budget request for $81,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 2102. In lieu of imposing, where applicable, the assessment for producers provided for in subsection (d)(8) of 7 U.S.C. 7271 (section 155 of the Agricultural Market Transition Act), the Secretary shall, as necessary to offset remaining loan losses for the 1999 crop of peanuts, borrow such amounts as would have been collected under 7 U.S.C. 7271(d)(8) from the Commodity Credit Corporation. Such borrowing shall be against all excess assessments to be collected under 7 U.S.C. 7271(g) for crop year 2000 and subsequent years. For purposes of the preceding sentence, an assessment shall be considered to be an "excess" assessment to the extent that it is not used, or will not be used, under the provisions of 7 U.S.C. 7271(d), to offset losses on peanuts for the crop year in which the assessment is collected. The Commodity Credit Corporation shall retain in its own account sums collected under 7 U.S.C. 7271(g) as needed to recover the borrowing provided for in this section to the extent that such collections are not used under 7 U.S.C. 7271(d) to cover losses on peanuts: Provided, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CHAPTER 2

DEPARTMENT OF JUSTICE

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $12,000,000, to remain available until expended, to be divided equally between the States of Texas, New Mexico, Arizona, and California, to reimburse county and municipal governments only for Federal costs associated with the handling and processing of illegal immigration and drug and alien smuggling cases. The use of these funds is limited to: court costs, courtroom technology, the building of holding spaces, administrative staff, and indigent defense costs: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $181,000,000, to remain available until expended, which shall be deposited in the Telecommunications Carrier Compliance Fund: Provided, That, hereafter, in the discretion of the Attorney General, any expenditures from the Fund to pay or reimburse pursuant to sections 104(e) and 109(a) of Public Law 103–414, may be made directly to any parties specified in section 401(a) thereof, and may be made either pursuant to the regulations promulgated under such section 109, or pursuant to firm fixed-price agreements, upon provision of such information as the Attorney General may require: Provided further, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice Assistance" for grants to counties with populations of less than 150,000, and Indian reservations, in Arizona that are adjacent to the United States-Mexico border, $2,000,000: Provided, That such grants shall be allocated in proportion to the population of each such county and Indian reservation: Provided further, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs", $55,800,000, to remain available until expended, for planning, public works grants and revolving loan funds for communities affected by Hurricane Floyd and other recent hurricanes and disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research and Facilities", $30,700,000, to remain available until expended, to provide disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation Management Act, including compensation to fishermen for losses and equipment damage, resulting from Hurricane Floyd and other recent hurricanes and fishery disasters in the Long Island Sound lobster fishery and the west coast groundfish fishery, and for the repair of the National Oceanic and Atmospheric Administration hurricane reconnaissance aircraft: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of such amount, $13,300,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF STATE

INTERNATIONAL COMMISSIONS

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission, as authorized by treaties between the United States and Canada or Great Britain, $2,150,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $2,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $15,500,000, to remain available until expended to subsidize additional gross obligations for the principal amount of direct loans: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; and for direct administrative expenses to carry out the disaster loan program, an additional $25,400,000, to remain available until expended, which may be transferred to and merged with appropriations for "Salaries and Expenses": Provided further, That no funds shall be transferred to and merged with appropriations for "Salaries and Expenses" for indirect administrative expenses: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2201. For an additional amount for "Operations, Research, and Facilities", for emergency expenses for fisheries disaster relief pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended, for the Pribilof Island and East Aleutian area of the Bering Sea, $10,000,000 to remain available until expended: Provided, That in implementing this section, the Secretary of Commerce shall make $7,000,000 available for disaster assistance and $3,000,000 for Bering Sea ecosystem research including $1,000,000 for the State of Alaska to develop a cooperative research plan to restore the crab fishery: Provided further, That the Secretary of Commerce declares a fisheries failure pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for $10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2202. For an additional amount for "Operations, Research, and Facilities", $10,000,000 to provide emergency disaster assistance for the commercial fishery failure determined under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)(1)) with respect to the Northeast multispecies fishery, which shall be used to support a voluntary fishing capacity reduction program in the Northeast multispecies fishery that permanently revokes multispecies, limited access fishing permits so as to obtain the maximum sustained reduction in fishing capacity at the least cost and in the minimum period of time and to prevent the replacement of fishing capacity removed by the program: Provided, That the entire amount made available in this section is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for $10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2203. For an additional amount for the account entitled "Operations, Research, and Facilities", to remain available until expended, $7,000,000, of which $2,000,000 shall be for studies relating to long-line interactions with sea turtles in the North Pacific and commercial fishing activities in the Northwest Hawaiian Islands, and of which $5,000,000 shall be for observer coverage for the Hawaiian long-line fishery: Provided, That the entire amount in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for $7,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2204. NORTH PACIFIC MARINE RESEARCH INSTITUTE.—Public Law 101–380, as amended, is further amended by—

(a) inserting after section 5007 the following new section:

"SEC. 5008. NORTH PACIFIC MARINE RESEARCH INSTITUTE.

"(a) INSTITUTE ESTABLISHED.—The Secretary of Commerce shall establish a North Pacific Marine Research Institute (hereafter in this section referred to as the 'Institute') to be administered at the Alaska SeaLife Center by the North Pacific Research Board.

"(b) FUNCTIONS.—The Institute shall—

"(1) conduct research and carry out education and demonstration projects on or relating to the North Pacific marine ecosystem with particular emphasis on marine mammal, sea bird, fish, and shellfish populations in the Bering Sea and Gulf of Alaska including populations located in or near Kenai Fjords National Park and the Alaska Maritime National Wildlife Refuge; and

"(2) lease, maintain, operate, and upgrade the necessary research equipment and related facilities necessary to conduct such research at the Alaska SeaLife Center.

"(c) EVALUATION AND AUDIT.—The Secretary of Commerce may periodically evaluate the activities of the Institute to ensure that funds received by the Institute are used in a manner consistent with this section. The Comptroller General of the United States, and any of his or her duly authorized representatives, shall have access, for purposes of audit and examination, to any books, documents, papers, and records of the Institute that are pertinent to the funds received and expended by the Institute.

"(d) STATUS OF EMPLOYEES.—Employees of the Institute shall not, by reason of such employment, be considered to be employees of the Federal Government for any purpose.

"(e) USE OF FUNDS.—No funds made available to carry out this section may be used to initiate litigation, or for the acquisition of real property (other than facilities leased at the Alaska SeaLife Center). No more than 10 percent of the funds made available to carry out subsection (b)(1) may be used to administer the Institute.

"(f) AVAILABILITY OF RESEARCH.—The Institute shall publish and make available to any person on request the results of all research, educational, and demonstration projects conducted by the Institute. The Institute shall provide a copy of all research, educational, and demonstration projects conducted by the Institute to the National Park Service, the United States Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration."; and

(b) in section 5006 by inserting at the end the following new subsection:

"(c) SECTION 5008.—Amounts in the Fund shall be available, without further appropriation and without fiscal year limitation, to carry out section 5008(b), in an amount not to exceed $5,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.".

CHAPTER 3

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", $200,000,000, to remain available until expended, for emergency rehabilitation and wildfire suppression activities: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $100,000,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

LAND ACQUISITION

For an additional amount for "Land Acquisition", $2,000,000, to remain available until expended, for acquisition of additional lands known as the Douglas Tract on the Potomac River in the State of Maryland, to be derived from the Land and Water Conservation Fund: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $2,000,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For an additional amount for "Regulation and Technology", $9,821,000, to remain available until expended for the regulatory program of the State of West Virginia, of which $6,222,000, not subject to section 705(a) of the Surface Mining Control and Reclamation Act, shall be available for regulatory program enhancements for the surface mining regulatory program of the State of West Virginia: Provided, That the balance of the funds shall be made available to the State to augment staffing and provide relative support expenses for the State's regulatory program: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for $9,821,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for emergency expenses resulting from damages from wind storms, $2,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", $150,000,000, to remain available until expended, for emergency rehabilitation, presuppression, and wildfire suppression: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. Notwithstanding any other provision of law, the Indian Health Service is authorized to improve municipal, private or tribal lands with respect to the new construction of the clinic for the community of King Cove, Alaska authorized under section 353 of Public Law 105–277 (112 Stat. 2681–303).

SEC. 2302. From funds previously appropriated in Public Law 105–277 or other Interior and Related Agencies Appropriations Acts under the heading "Department of Energy, Fossil Energy Research and Development", the Secretary of Energy shall make available within 30 days after enactment of this Act $750,000 for the purpose of executing proposal No. FT40770.

SEC. 2303. (a) Using funds appropriated by section 501(d) of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31), the Secretary shall provide interim compensation within 60 days of the date of the enactment of this Act to—

(1) Dungeness fishing vessel crew members eligible for interim compensation under the existing National Park Service program (64 Fed. Reg. 145);

(2) United States fish processors which have been negatively affected by restrictions on fishing for Dungeness crab in Glacier Bay National Park and which previously received interim compensation; and

(3) Buy N Pack Seafoods, a United States fish processor located in Hoonah, Alaska and which has been severely and negatively impacted by restrictions on fishing in Glacier Bay National Park, for estimated 1999 and 2000 losses based on an average net income derived from processing product harvested from Glacier Bay fisheries from 1995 through 1998.

Payments made to processors under paragraph (2) are intended to compensate recipients for losses incurred in 2000 and shall not exceed compensation provided for losses incurred in 1999. The Park Service shall not delay the scheduled public involvement process for the Glacier Bay compensation plan.

(b) The amount of final compensation paid to any entity shall be reduced by the total dollar

amount of any interim compensation payments received.

(c) Funds appropriated for the purpose of making payments authorized by section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277, as amended) shall also be available for making payments authorized in subsection (c) of that section.

CHAPTER 4

DEPARTMENT OF LABOR

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is amended by striking "including not to exceed $750,000 may be collected by the National Mine Health and Safety Academy" and inserting "and, in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For "Health Resources and Services" for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, $20,000,000, which shall become available on October 1, 2000, and shall remain available until September 30, 2001: Provided, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: Provided further, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grant: Provided further, That such grants shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: Provided further, That the funds expended for such evaluations may not exceed 2.5 percent of such amount.

For an additional amount for "Health Resources and Services", $3,000,000 to remain available until September 30, 2001, for renovation and construction of a children's psychiatric services facility in Wading River, New York: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disease Control, Research, and Training", $12,000,000 for international HIV/AIDS programs, to remain available until September 30, 2001: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Disease Control, Research, and Training", $460,000, to be derived by transfer from the amount made available for fiscal year 2000 for "Health Resources and Services Administration-Health Resources and Services" for construction and renovation of health care and other facilities.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For an additional amount for "Payments to States for Foster Care and Adoption Assistance" for payments for fiscal year 2000, $35,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low Income Home Energy Assistance" for emergency assistance under section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), $600,000,000, to remain available until expended: Provided, That the entire amount is hereby designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent an official budget request for a specific dollar amount that includes designations of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

REFUGEE AND ENTRANT ASSISTANCE

Funds appropriated under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) for fiscal year 2000, pursuant to section 414(a) of the Immigration and Nationality Act, shall be available for the costs of assistance provided and other activities through September 30, 2002.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is amended by inserting after "$934,285,000" the following: ", of which $2,200,000 shall be for the Anchorage, Alaska Senior Center, and shall remain available until expended".

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

(RESCISSION)

Of the amounts appropriated under this heading in title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113), $20,000,000 is rescinded: Provided, That the amount rescinded is from the amount designated to become available on October 1, 2000, and to remain available until September 30, 2001.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING RESCISSION)

For an additional amount for "Public Health and Social Services Emergency Fund", $31,200,000, to remain available until expended for the National Pharmaceutical Stockpile: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, $43,200,000 of the funds appropriated under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is hereby rescinded: Provided, That of such rescission, $12,000,000 shall be derived from the amount specified under such heading for international HIV/AIDS programs; and $31,200,000 shall be derived from the amount specified under such heading for activities related to countering potential biological, disease and chemical threats to civilian populations.

GENERAL PROVISION—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 2401. Section 206 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is amended by inserting before the period at the end the following: ": Provided further, That this section shall not apply to funds appropriated under the heading 'Centers for Disease Control and Prevention—Disease Control, Research, and Training', funds made available to the Centers for Disease Control and Prevention under the heading 'Public Health and Social Services Emergency Fund', or any other funds made available in this Act to the Centers for Disease Control and Prevention".

DEPARTMENT OF EDUCATION

SPECIAL EDUCATION

The matter under this heading in the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113 is amended by inserting after the words "Salt Lake City Organizing Committee" the words ", or a governmental agency or not-for-profit organization designated by the Salt Lake City Organizing Committee".

VOCATIONAL AND ADULT EDUCATION

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is amended by striking "$858,150,000" and inserting "$882,650,000", and by striking the last proviso, and inserting "Provided further, That of the funds provided to become available on July 1, 2000, $19,000,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220.".

HIGHER EDUCATION

Funds appropriated under this heading in Public Law 105–78 to carry out title X–E of the Higher Education Act shall be available for obligation by the states through September 30, 2000, and funds appropriated under this heading in Public Law 105–277 to carry out title VIII–D of the Higher Education Amendments of 1998 shall be available for obligation by the states through September 30, 2001.

For an additional amount for "Higher Education" for carrying out part B of title VII of the Higher Education Act of 1965, $750,000, to remain available until expended, which shall be awarded to the College of New Jersey, in Ewing, New Jersey, for creation of a center for inquiry and design-based learning in mathematics, science and technology education: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(INCLUDING TRANSFER OF FUNDS)

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is amended—

(1) by striking "North Babylon Community Youth Services for an educational program" and inserting "Town of Babylon Youth Bureau for an educational program";

(2) by striking "to promote participation among youth in the United States democratic process" and inserting "to expand access to and improve advanced education";

(3) by striking "$500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education/exposure programs for local elementary school students" and inserting "$500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education programs for local school students";

(4) by striking "Oakland Unified School District in California for an African American Literacy and Culture Project" and inserting "California State University, Hayward, for an African-American Literacy and Culture Project carried out in partnership with the Oakland Unified School District in California"; and

(5) by striking "$900,000 shall be awarded to the Boston Music Education Collaborative comprehensive interdisciplinary music program and teacher resource center in Boston, Massachusetts" and inserting "$462,000 shall be awarded to the Boston Symphony Orchestra for the teacher resource center and $370,000 shall be awarded to the Boston Music Education Collaborative for an interdisciplinary music program, in Boston, Massachusetts".

For an additional amount for "Education Research, Statistics, and Improvement" to carry out part A of title X of the Elementary and Secondary Education Act of 1965, $368,000, to be derived by transfer from the amount made available for fiscal year 2000 for "Health Resources and Services Administration—Health Resources and Services" for construction and renovation of health care and other facilities: Provided, That such amount shall be awarded to the George Mason University Center for Services to Families and Schools to expand a program for schools and families of children suffering from attentional, cognitive, and behavioral disorders.

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for "Limitation on Administrative Expenses", $35,000,000, to be available through September 30, 2001: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2402. Section 513 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is amended by inserting before the period at the end the following: ": Provided further, That the provisions of this section shall not apply to any funds appropriated to the Centers for Disease Control and Prevention or to the Department of Education".

SEC. 2403. Section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)), as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is amended—

(1) in subparagraph (F), by striking "$1,500,000" and inserting "$15,000,000";

(2) in subparagraph (G), by striking "$900,000" and inserting "$9,000,000"; and

(3) in subparagraph (H), by striking "$300,000" and inserting "$3,000,000".

SEC. 2404. (a) The Workforce Investment Act of 1998 (20 U.S.C. 2841) is amended—

(1) in section 503—

(A) by striking "under Public Law 88–210 (as amended; 20 U.S.C. 2301 et seq.)" each place it appears and inserting "under Public Law 105–332 (20 U.S.C. 2301 et seq.)"; and

(B) by adding at the end the following:

"(d) Notwithstanding any other provision of this section, for fiscal year 2000, the Secretary shall not consider the expected levels of performance under Public Law 105–332 (20 U.S.C. 2301 et seq.) and shall not award a grant under subsection (a) based on the levels of performance for that Act.".

(b) Section 111 (a)(1)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2321) is amended by striking "fiscal years 2000" and inserting "fiscal years 2001".

SEC. 2405. Of the funds made available in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) for section 10105 of part A of title X of the Elementary and Secondary Education Act of 1965, $2,250,000 of the amount appropriated shall be available October 1, 1999 for evaluation, technical assistance, and school networking activities, and up to 1 percent of the amount appropriated shall be available October 1, 1999, for peer review of applications.

SEC. 2406. Section 508(f)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(f)(1)) is amended—

(1) in subparagraph (A), by striking "Effective" and all that follows through "1998," and inserting "Effective 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2)."; and

(2) in subparagraph (B), by striking "2 years" and all that follows and inserting "6 months after the date of publication by the Access Board of final standards described in subsection (a)(2).".

SEC. 2407. For an additional amount for "Health Resources and Services Administration, Health Resources and Services", $3,500,000, for the Saint John's Lutheran Hospital in Libby, Montana, for construction and renovation of health care and other facilities and an additional amount for the "Economic Development Administration", $8,000,000, only for a grant to the City of Libby, Montana, such amount to be transferred to the City upon its request, notwithstanding the provisions of any other law and without any local matching share or award conditions: Provided, That the entire amounts in this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amounts provided within this section shall be available only to the extent an official budget request that includes designation of the entire amounts of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 5

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

FIRE SAFETY

For an additional amount for the Architect of the Capitol for expenses for fire safety, $17,480,000, to remain available until expended, of which $7,039,000 shall be for "Capitol Buildings and Grounds—Capitol Buildings—Salaries and Expenses"; $2,314,000 shall be for "Senate Office Buildings"; $4,213,000 shall be for "House Office Buildings"; $3,000 shall be for "Capitol Power Plant"; $26,000 shall be for "Botanic Garden—Salaries and Expenses"; and $3,885,000 shall be for "Architect of the Capitol—Library Buildings and Grounds—Structural and Mechanical Care": Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. Section 127(e)(1) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 19 U.S.C. 2213 note) is amended by striking "12 months" and insert "15 months".

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Acquisition, construction, and improvements", $45,000,000 shall be available until expended for acquisition of one C–37A command and control aircraft: Provided, That the Commandant of the Coast Guard shall sell the current VC–11A command and control aircraft and credit the proceeds from that sale as offsetting collections to the appropriation under this heading: Provided further, That such proceeds may not be obligated without further appropriation: Provided further, That of the available balances under this heading from previous appropriations Acts, $11,400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Operations", $75,000,000, to be derived from the Airport and Airway Trust Fund and to be available until September 30, 2001: Provided, That the entire amount under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $75,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $19,739,000, for emergency expenses associated with the investigation of the Egypt Air 990 and Alaska Air 261 accidents, to remain available until expended: Provided, That such funds shall be available for wreckage location and recovery facilities, technical support, testing, and wreckage mock-up: Provided further, That in the event the Arab Republic of Egypt reimburses the National Transportation Safety Board for wreckage location and recovery, family assistance, and interagency expenses, the Secretary of the Treasury shall reduce the appropriation under this heading by an amount equal to the reimbursement, less $5,000,000: Provided further, That the Secretary of the Treasury shall not credit the appropriation under this heading with a reimbursement in excess of $8,983,000: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. Notwithstanding any other provision of law, of the funds available under section 104(a) of title 23, United States Code, $1,200,000 shall be available for the Paso Del Norte International Bridge in the state of Texas; $9,000,000 shall be available for the US 82 Mississippi River Bridge in the state of Mississippi; $2,000,000 shall be available for the Union Village/Cambridge Junction bridges in the state of Vermont; $5,000,000 shall be available for the Naheola Bridge in the state of Alabama; $3,000,000 shall be available for the Hoover Dam Bypass in the states of Arizona and Nevada; $3,000,000 shall be available for the Witt-Penn Bridge in the state of New Jersey; and $12,000,000 shall be available for the Florida Memorial Bridge in the state of Florida.

SEC. 2602. Of the funds transferred to the Department of Transportation for Year 2000 conversion of Federal information technology systems and related expenses pursuant to Public Law 105–277, $26,600,000 of the unobligated balance are hereby rescinded: Provided, That the Department of Transportation shall allocate this rescission among the appropriate accounts within the Department and report such allocation to the House and Senate Committees on Appropriations.

SEC. 2603. (a) The Administrator of the Environmental Protection Agency shall make a grant for the purpose of carrying out the first year of a 2-year program to implement in five metropolitan areas pilot design programs developed under section 365(a)(2) of the Department of Transportation and Related Agencies Appropriations Act, 2000 (113 Stat. 1028–1029).

(b) The Administrator shall ensure that each pilot design program is implemented in accordance with recommendations developed by the National Telecommuting and Air Quality Steering Committee, in consultation with the local design teams.

(c) Grants received under subsection (a) may be used for—

(1) protocol development in the five metropolitan areas;

(2) marketing of the telecommute, emissions reduction, pollution credits strategy and recruitment of participating employers; and

(3) data gathering on emissions reductions.

(d) In addition to the grant under subsection (a), for the purpose of carrying out the second year of the 2-year program referred to in subsection (a), the Administrator shall—

(1) make a grant of $750,000 to the National Environmental Policy Institute (a nonprofit private entity incorporated under the laws of and located in the District of Columbia); and

(2) make grants totaling $1,250,000 to local agencies within the five metropolitan areas referred to in subsection (a).

(e) Not later than 360 days from first day of the second year of the 2-year program referred to in subsection (a), the Administrator shall transmit to Congress a report on the results of the program.

(f) The Administrator shall carry out this section in collaboration with the Secretary of Transportation.

(g) There is appropriated to the Department of Transportation, "Office of the Assistant Secretary for Policy", $2,000,000 to carry out this section. Such amounts shall be transferred to and administered by the Environmental Protection Agency and shall remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2604. Notwithstanding any other provision of law, hereafter, funds apportioned under section 104(b)(3) of title 23 which are applied to projects involving the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may have a Federal share up to 100 percent of the cost of construction.

SEC. 2605. Notwithstanding any other provision of law, for necessary expenses for planning, preliminary engineering and design of the Metro-North Danbury to Norwalk commuter rail line re-electrification project, $2,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2606. Notwithstanding any other provision of law, for necessary expenses for the Second Avenue Subway in New York City, New York, $3,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2607. Notwithstanding any other provision of law, for necessary expenses relating to a study of improvements to Highway 8, from the Minnesota border to Highway 51 in the state of Wisconsin, $500,000, to be derived from the Highway Account of the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2608. Notwithstanding any other provision of law, for necessary expenses relating to construction of, and improvements to, Halls Mill Road in Monmouth County, New Jersey, $1,000,000, to be derived from the Highway Account of the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount, $24,900,000 for the Secretary of the Treasury to establish and operate an in-service firearms training facility for the United States Customs Service and other agencies, to remain available until expended: Provided, That the Secretary is authorized to designate a lead agency to oversee the development, implementation and operation of the facility and to conduct training: Provided further, That the land identified as the Sleepy Hollow Partnership and Marcus Enterprises tract (44,-R), Harpers Ferry Magisterial District, Jefferson County, West Virginia, together with a forty-five foot right-of-way over the lands of Valley Blox, Inc. as described in the deed from Joel T. Broyhill Enterprises, Inc. to Sleepy Hollow Partnership, et al., in a Deed dated March 29, 1989, and recorded in the Jefferson County Clerk's Office in Deed Book 627, Page 494, originally acquired by the United States Fish and Wildlife Service as a proposed site for a training center but not selected for that purpose and presently held by the United States Fish and Wildlife Service in an administrative capacity, shall be managed by the National Park Service pursuant to a cooperative management agreement between the United States Fish and Wildlife Service and the National Park Service, consistent with the laws (including regulations) generally applicable to the National Park Service: Provided further, That administrative jurisdiction of a suitable portion of said land that is *necessary for the creation of a Department of the Treasury training facility, to be identified by the National Park Service, shall be transferred under a lease-type arrangement at no cost within 120-days of the date of the enactment of this Act to the Department of the Treasury for such time as required by the Department of the Treasury: Provided further, That the training to be conducted at the facility shall be configured in a manner so that it does not duplicate or displace any Federal law enforcement program of the Federal Law Enforcement Training Center: Provided further, That training currently being conducted at a Federal Law Enforcement Training Center facility shall not be moved to the new training facility: Provided further, That at such time as the land is no longer required for training purposes, administrative jurisdiction shall be transferred back to the Department of the Interior in a manner and condition acceptable to the Department of the Interior: Provided further, That the total amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.*

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $4,000,000,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" related to planning, coordination and implementation of security for national special security and major protective events, $10,000,000: Provided, That the entire amount in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF ADMINISTRATION

INFORMATION TECHNOLOGY

For necessary expenses of the Office of Administration for restoration and reconstruction of certain electronic mail messages and for inclusion of such messages in the Automated Records Management System, $8,400,000, which shall remain available until September 30, 2002: Provided, That such funds may not be obligated until the Office of Administration submits to the Committees on Appropriations an independent verification and validation of the initial and projected costs of the tape restoration and reconstruction project: Provided further, That such submission shall include the final report prepared by the independent verification and validation contractor to the Office of Administration relating to the initial and projected cost estimates: Provided further, That the entire amount in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

POLICY AND OPERATIONS

For an additional amount, $3,300,000 to remain available until expended for the Salt Lake 2002 Winter Olympic and Paralympic Games doping control program: Provided, That the entire amount in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the Presdient to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2701. Notwithstanding section 1345 of title 31, United States Code, or section 610 of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58; 113 Stat. 467), funds made available for fiscal year 2000 for any other department or agency of the Federal Government with authority to conduct counterdrug intelligence activities may be available to finance an appropriate share of the administrative costs incurred by the Department of Justice for the Counterdrug Intelligence Executive Secretariat authorized by the General Counterdrug Intelligence Plan of February 12, 2000, except that the total amount that may be used under this section for such purpose shall not exceed $1,100,000.

SEC. 2702. (a) The unobligated balance as of September 30, 2000, of funds appropriated under the heading "Internal Revenue Service, Information Technology Investments" in the Treasury Department Appropriations Act, 1998, title I of Public Law 105–61, is rescinded.

(b) Subsection (a) shall be effective September 30, 2000.

(c) The amount rescinded pursuant to subsection (a) is appropriated for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109, which shall be available through September 30, 2001: Provided, That none of these funds shall be obligated until the Internal Revenue Service submits to Congress and Congress approves a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

SEC. 2703. RESTORATION OF MEDICARE TRUST FUNDS. (a) CORRECTION OF TRUST FUND HOLDINGS.—

(1) IN GENERAL.—Within 120 days after the effective date of this Act, the Secretary of the Treasury shall take the actions described in paragraph (2) with respect to each trust fund with the goal being that, after the actions are taken, the holdings of the trust fund will replicate, to the extent practicable in the judgement of the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, the obligations that would have been held by the trust fund if the clerical error had not occurred.

(2) OBLIGATIONS ISSUED AND REDEEMED.—The Secretary of the Treasury shall—

(A) issue to each trust fund obligations under chapter 31 of title 31, United States Code, that bear issue dates, interest rates, and maturity dates as the obligations that—

(i) would have been issued to the trust fund if the clerical error had not occurred; or

(ii) were issued to the trust fund and were redeemed by reason of the clerical error; and

(B) redeem from each trust fund obligations that—

(i) would not have been issued to the trust fund if the clerical error had not occurred; or

(ii) would have been redeemed from the trust fund if the clerical error had not occurred.

(b) CORRECTION OF INTEREST INCOME.—

(1) TRANSFER OF EXCESS INTEREST INCOME.—Within 120 days after the effective date of this Act, the Secretary of the Treasury shall transfer from the Federal Hospital Insurance Trust Fund to the Federal Supplementary Medical Insurance Trust Fund an amount determined by the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, to be equal to the amount of interest income that was credited to the Federal Hospital Insurance Trust Fund that would not have been credited if the clerical error had not occurred.

(2) CREDIT OF LOST INTEREST INCOME.—Within 120 days after the effective date of this Act, there is hereby appropriated to the Federal Supplementary Medical Insurance Trust Fund, out of any money in the Treasury not otherwise appropriated, an amount determined by the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, to be equal to the difference between—

(A) the interest income lost by that trust fund through the date of credit by reason of the clerical error; and

(B) the amount transferred to that trust fund under paragraph (1).

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CLERICAL ERROR.—The term "clerical error" means the erroneous transfers of moneys between the investment accounts and uninvested transfer accounts of the trust funds that occurred in the fiscal year ending September 30, 1999, as described in the Department of Health and Human Services' "Accountability Report for Fiscal Year 1999: Federal Managers Financial Integrity Act Report on Systems and Controls".

(2) TRUST FUND.—The term "trust fund" means either the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund.

SEC. 2704. (a) IN GENERAL.—Of the amounts provided to the Office of National Drug Control Policy for fiscal year 2000, pursuant to section

237 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113, the Director of such Office shall make a direct payment of $3,000,000 to the United States Olympic Committee for the conduct of anti-doping activities through the United States Anti-Doping Agency.

(b) DIRECT PAYMENTS.—Effective on the date of the enactment of this Act, the Director of the Office of National Drug Control Policy is authorized and directed to make a direct payment to the United States Olympic Committee for the conduct of anti-doping activities through the United States Anti-Doping Agency.

SEC. 2705. (a) The unobligated balance as of September 30, 2000, of funds transferred to the United States Secret Service pursuant to the second sentence of section 240 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113, is rescinded.

(b) Subsection (a) shall be effective September 30, 2000.

(c) The amount rescinded pursuant to subsection (a) is appropriated to the United States Secret Service for salaries and expenses, to remain available until September 30, 2001.

SEC. 2706. Of the amounts provided in Public Law 106–58 in the Policy and Operations account, the General Services Administration is hereby authorized to provide $225,000, to remain available until expended, for the Nebraska State Patrol Digital Distance Learning project.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

The referenced statement of the managers in the sixth undesignated paragraph under this heading in title II of Public Law 106–74 is deemed to be amended by striking "Montgomery" in reference to the planning and construction of a regional learning center at Spring Hill College, and inserting "Mobile".

The referenced statement of the managers in the fourth undesignated paragraph under this heading in title II of Public Law 106–74 for neighborhood initiatives for specified grants to the City of Yankton, South Dakota, for the restoration of the downtown area and the development of the Fox Run Industrial Park is deemed to be amended by adding after the word "Park" the following: "and for activities to facilitate economic development, including infrastructure improvements".

For an additional amount for targeted economic development initiatives under the Community Development Block Grants program, $27,500,000: Provided, That the statement of the managers accompanying Public Law 106–74 is deemed to be amended to include in the description of targeted economic development initiatives the following:

"—$1,300,000 to the City of Park Falls, Wisconsin for economic development, including purchase of municipal equipment and infrastructure improvements in industrial parks and the City of Park Falls;

"—$250,000 to the Lake Superior BTC cultural center in Washburn, Wisconsin for restoration of facilities and equipment destroyed by fire;

"—$900,000 to the City of Hatley, Wisconsin for the cost of water, wastewater and sewer system improvements;

"—$50,000 to the City of Hamlet, North Carolina for demolition and removal of buildings and equipment destroyed by fire; and

"—$25,000,000 to the City of Youngstown, Ohio for site acquisition, planning, architectural design, and construction of a convocation and community center.":

Provided, That the entire amount under this paragraph shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $36,000,000: Provided, That of said amount, $11,000,000 shall be provided to the New Jersey Department of Community Affairs and $25,000,000 shall be provided to the North Carolina Housing Finance Agency for the purpose of providing temporary assistance in obtaining rental housing, and for construction of affordable replacement housing: Provided further, That assistance provided under this paragraph shall be for very low-income families displaced by flooding caused by Hurricane Floyd and surrounding events: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

HOMELESS ASSISTANCE GRANTS

Of the amounts made available under this heading in title II of Public Law 106–74, the Secretary of Housing and Urban Development shall, for each request described in the following proviso, make a 1-year grant to the entity making the request in the amount under the second proviso: Provided, That a request described in this proviso is a request for a grant under subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11381 et seq.) for permanent housing for homeless persons with disabilities or subtitle F of such title (42 U.S.C. 11403 et seq.) that: (1) was submitted in accordance with the eligibility requirements established by the Secretary and pursuant to the notice of funding availability for fiscal year 1999 covering such programs, but was not approved; (2) was made by an entity that received such a grant pursuant to the notice of funding availability for a previous fiscal year; and (3) requested renewal of funding made under such previous grant for use for eligible activities because funding under such previous grant expires during calendar year 2000: Provided further, That the amount under this proviso is the amount necessary, as determined by the Secretary, to renew funding for the eligible activities under the grant request for a period of only 1 year, taking into consideration the amount of funding requested for the first year of funding under the grant request: Provided further, That in the third proviso under this heading in Public Law 106–74, insert "and management and information systems" after "technical assistance".

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

The Secretary of Housing and Urban Development is prohibited from using any funds in Public Law 106–74 or any other Act to employ more than 9,100 full-time equivalent employees at the Department of Housing and Urban Development in fiscal year 2000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING RESCISSION OF FUNDS)

Of the amounts made available under this heading in Public Law 106–74, $6,000,000 provided for the "Office of Inspector General" is rescinded. For an additional amount for the "Office of Inspector General", $6,000,000, to remain available until September 30, 2001: Provided, That these funds shall be made available under the same terms and conditions as authorized for the funds under this heading in Public Law 106–74.

INDEPENDENT AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(RESCISSION OF FUNDS)

Of the amounts available in the National Service Trust account from previous appropriations Acts, $1,000,000 shall be rescinded.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the "Office of Inspector General" for reviews and audits of the State Commissions on National and Community Service (including alternative administrative entities) established under section 178 of the National and Community Service Act of 1990 (42 U.S.C. 12638), $1,000,000, to remain available until September 30, 2001.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

Of the amount appropriated under this heading in title III of Public Law 106–74, $2,374,900, in addition to amounts made available for the following in prior Acts, shall be and have been available to award grants for work on the Buffalo Creek and other New York watersheds and for aquifer protection work in and around Cortland County, New York, including work on the Upper Susquehanna watershed.

Of the amount appropriated under this heading in title III of Public Law 105–276 to establish a regional environmental data center and to develop an integrated, automated water quality monitoring and information system for watersheds impacting Chesapeake Bay, $2,600,000 shall be transferred to the "State and tribal assistance grants" account to remain available until expended for grants for wastewater and sewer infrastructure improvements for Smithfield Township, Monroe County ($800,000); the Municipal Authority of the Borough of Milford, Pike County ($800,000); the City of Carbondale, Lackawanna County ($200,000); Throop Borough, Lackawanna County ($200,000); and Dickson City, Lackawanna County ($600,000), Pennsylvania.

None of the funds made available for fiscal years 2000 and 2001 for the Environmental Protection Agency may be used to make a final determination on or implement any new rule relative to the Proposed Revisions to the National Pollutant Discharge Elimination System Program and Federal Antidegradation Policy and the Proposed Revisions to the Water Quality Planning and Management Regulations Concerning Total Maximum Daily Load, published in the Federal Register on August 23, 1999.

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74), is deemed to be amended by striking "in the town of Waynesville" in reference to water and wastewater infrastructure improvements as identified in project number 102, and by inserting "Haywood County"; by adding the words *"for the Fourpole Pumping Station" after the word "improvements" in reference to water and wastewater infrastructure improvements as identified in project number 135; and by striking the words "at the West County Wastewater Treatment Plant" in reference to wastewater infrastructure improvements within the Metropolitan Sewer District at Louisville, Kentucky as identified in project number 50.*

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

Of the unobligated balances made available under the second paragraph under this heading in Public Law 106–74, in addition to other amounts made available, up to $50,000,000 may be used by the Director of the Federal Emergency Management Agency for the buyout or elevation of properties which are principal residences that have been made uninhabitable by floods in areas which were declared Federal disasters in fiscal years 1999 and 2000: Provided, That such properties are located in a 100-year floodplain: Provided further, That no homeowner may receive any assistance for buyouts in excess of the pre-flood fair market value of the residence (reduced by any proceeds from insurance or any other source paid or owed as a result of the flood damage to the residence): Provided further, That each state shall ensure that there is a contribution from non-Federal sources of not less than 25 percent in matching funds (other than administrative costs) for any funds allocated to the State for buyout assistance: Provided further, That all buyouts under this section shall be subject to the terms and conditions specified under 42 U.S.C. 5170c(b)(2)(B): Provided further, That none of the funds made available for buyouts under this paragraph may be used in any calculation of a State's section 404 allocation: Provided further, That the Director shall report quarterly to the House and Senate Committees on Appropriations on the use of all funds allocated under this paragraph and certify that the use of all funds are consistent with all applicable laws and requirements: Provided further, That no funds shall be allocated for buyouts under this paragraph except in accordance with regulations promulgated by the Director: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

For an additional amount for "Science, aeronautics and technology", $1,500,000, to remain available until September 30, 2001: Provided, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2801. Title V, subtitle C, section 538 of Public Law 106–74, is amended by striking "during any period that the assisted family continues residing in the same project in which the family was residing on the date of the eligibility event for the project, if" and inserting the following: "the assisted family may elect to remain in the same project in which the family was residing on the date of the eligibility event for the project, and if, during any period the family makes such an election and continues to so reside,".

SEC. 2802. Section 175 of Public Law 106–113 is amended by striking "as a grant for Special Olympics in Anchorage, Alaska to develop the Ben Boeke Arena and Hilltop Ski Area," and inserting the following "to the Organizing Committee for the 2001 Special Olympics World Winter games to be used in support of related activities in Alaska,".

SEC. 2803. (a) TECHNICAL REVISION TO PUBLIC LAW 106–74.—Title II of Public Law 106–74 is amended—

(1) under the heading "Urban Empowerment Zones", by striking "$3,666,000" and inserting "$3,666,666"; and

(2) under the heading "Community Development Block Grants" under the fourth undesignated paragraph, by striking "$23,000,000" and inserting "$22,750,000".

(b) TECHNICAL REVISION TO PUBLIC LAW 106–113.—Section 242(a) of Appendix E of Public Law 106–113 is amended—

(1) by striking "seventh" and inserting "sixth"; and

(2) by striking "$250,175,000" and inserting "$250,900,000".

(c) EFFECTIVE DATES.—The amendments made by—

(1) subsection (a) shall be construed to have taken effect on October 20, 1999; and

(2) subsection (b) shall be construed to have taken effect on November 29, 1999.

SEC. 2804. SECTION 235 RESCISSION. Section 208(3) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 is amended—

(1) by striking "235(r)" and inserting "235";

(2) by inserting after "104 Stat. 2305)" the following: "for payments under section 235(r) of the National Housing Act"; and

(3) by striking "for such purposes".

CHAPTER 9

GENERAL PROVISION—THIS TITLE

SEC. 2901. For an additional amount for the District of Columbia Metropolitan Police Department, $4,485,000 for the reimbursement of certain costs incurred by the District of Columbia as host of the International Monetary Fund and World Bank Organization Spring Conference in April 2000: Provided, That the entire amount shall be available only to the extent an official budget request for $4,485,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

TITLE III—COUNTERNARCOTICS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $30,000,000, to remain available for obligation until September 30, 2002: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $154,059,000, to remain available for obligation until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That no funds made available under this heading may be obligated or expended for training, logistics support, planning or assistance contracts for any overseas activity until 15 days after the Assistant Secretary of Defense, Special Operations and Low-Intensity Conflict reports to the congressional defense committees on the value, duration and purpose of such contracts.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3101. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated in this Act for the Department of Defense, not to exceed $45,000,000 shall be available for the provision of support for counter-drug activities of the Government of Colombia. The support provided under this section shall be in addition to support provided for counter-drug activities of the Government of Colombia under any other provision of law.

(b) TYPES OF SUPPORT.—The support that may be provided using this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1882). In addition, using unobligated balances from the Department of Defense Appropriations Act, 1999 (Public Law 105–262), the Secretary of Defense may transfer one light observation aircraft to Colombia for counter-drug activities.

(c) CONDITIONS ON PROVISION OF SUPPORT.—(1) The Secretary of Defense may not obligate or expend funds appropriated in this Act to provide support under this section for counter-drug activities of the Government of Colombia until the end of the 15-day period beginning on the date on which the Secretary submits the written certification for fiscal year 2000 pursuant to section 1033(f)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1882).

(2) The elements of the written certification submitted for fiscal year 2000 described in section 1033(g) of that Act shall apply to, and the written certification shall address, the support provided under this section for counter-drug activities of the Government of Colombia.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

ASSISTANCE FOR COUNTERNARCOTICS ACTIVITIES

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support Central and South America and Caribbean counternarcotics activities, $1,018,500,000, to remain available until expended: Provided, That of the funds appropriated under this heading, not less than $110,000,000 shall be made available for assistance for Bolivia, of which not less than $85,000,000 may be made available for alternative development and other economic activities: Provided further, That of the funds appropriated under this heading, not less than $20,000,000 may be made available for assistance for Ecuador, of which not less than $8,000,000 may be made available for alternative development and other economic activities: Provided further, That of the funds appropriated under this heading, not less than $18,000,000 shall be made available for assistance for other countries in South and Central America and the Caribbean which are cooperating with United States counternarcotics objectives: Provided further, That of the funds appropriated under this heading not less than $60,000,000 shall be made available for the procurement, refurbishing, and support for UH–1H Huey II helicopters for the Colombian Army: Provided further, That of the funds appropriated under this heading, not less than $234,000,000 shall be made available for the procurement of and support for UH–60 Blackhawk helicopters for use by the Colombian Army and the Colombian National Police: Provided further, That procurement of UH–60 Blackhawk helicopters from funds made available under this heading shall be managed by the United States Defense Security Cooperation Agency: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of an illegal self-defense group or illegal security cooperative, then such helicopter shall be immediately returned to the United States: Provided further, That of the amount appropriated under this heading, $2,500,000 shall be available for a program for the demobilization and rehabilitation of child soldiers in Colombia: Provided further, That funds made available under this heading shall be in addition to amounts otherwise available for such purposes: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 30 days after the date of the enactment of this Act and prior to the initial obligation of any funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project or activity: Provided further, That at least 20 days prior to the obligation of funds made available under this heading the Secretary of State shall inform the Committees on Appropriations: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3201. CONDITIONS ON ASSISTANCE FOR COLOMBIA. (a) CONDITIONS.—

(1) CERTIFICATION REQUIRED.—Assistance provided under this heading may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees prior to the initial obligation of such assistance in each such fiscal year, that—

(A)(i) the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional court regarding civilian court jurisdiction in human rights cases; and

(ii) the Commander General of the Colombian Armed Forces is promptly suspending from duty any Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups; and

(iii) the Colombian Armed Forces and its Commander General are fully complying with (A)(i) and (ii); and

(B) the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights; and

(C) the Government of Colombia is vigorously prosecuting in the civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups.

(D) the Government of Colombia has agreed to and is implementing a strategy to eliminate Colombia's total coca and opium poppy production by 2005 through a mix of alternative development programs; manual eradication; aerial spraying of chemical herbicides; tested, environmentally safe mycoherbicides; and the destruction of illicit narcotics laboratories on Colombian territory;

(E) the Colombian Armed Forces are developing and deploying in their field units a Judge Advocate General Corps to investigate Colombian Armed Forces personnel for misconduct.

(2) CONSULTATIVE PROCESS.—The Secretary of State shall consult with internationally recognized human rights organizations regarding the Government of Colombia's progress in meeting the conditions contained in paragraph (1), prior to issuing the certification required under paragraph (1).

(3) APPLICATION OF EXISTING LAWS.—The same restrictions contained in section 564 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (Public Law 106–113) and section 8098 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79) shall apply to the availability of funds under this heading.

(4) WAIVER.—Assistance may be furnished without regard to this section if the President determines and certifies to the appropriate Committees that to do so is in the national security interest.

(b) DEFINITIONS.—In this section:

(1) AIDING OR ABETTING.—The term "aiding or abetting" means direct and indirect support to paramilitary groups, including conspiracy to allow, facilitate, or promote the activities of paramilitary groups.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(3) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

(4) ASSISTANCE.—The term "assistance" means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90–629); relating to credit sales.

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87–195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87–195; relating to emergency drawdown authority).

SEC. 3202. REGIONAL STRATEGY. (a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, the Committee on International Relations and the Committee on Appropriations of the House of Representatives, a report on the current United States policy and strategy regarding United States counternarcotics assistance for Colombia and neighboring countries.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The key objectives of the United States' counternarcotics strategy in Colombia and neighboring countries and a detailed description of benchmarks by which to measure progress toward those objectives.

(2) The actions required of the United States to support and achieve these objectives, and a schedule and cost estimates for implementing such actions.

(3) The role of the United States in the efforts of the Government of Colombia to deal with illegal drug production in Colombia.

(4) The role of the United States in the efforts of the Government of Colombia to deal with the insurgency and paramilitary forces in Colombia.

(5) How the strategy with respect to Colombia relates to and affects the United States' strategy in the neighboring countries.

(6) How the strategy with respect to Colombia relates to and affects the United States' strategy for fulfilling global counternarcotics goals.

(7) A strategy and schedule for providing material, technical, and logistical support to Colombia and neighboring countries in order to defend the rule of law and to more effectively impede the cultivation, production, transit, and sale of illicit narcotics.

(8) A schedule for making Forward Operating Locations (FOL) fully operational, including cost estimates and a description of the potential capabilities for each proposed location and an explanation of how the FOL architecture fits into the overall the Strategy.

SEC. 3203. REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS. (a) Not later than 6 months after the date of the enactment of this title, and every 6 months thereafter, during the period Plan Colombia resources are made available, the Secretary of State shall submit to the Committee on Foreign Relations, the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives a report setting forth—

(1) a list of the persons whose extradition has been requested from any country receiving

counter narcotics assistance from the United States, indicating those persons who—

(A) have been surrendered to the custody of United States authorities;

(B) have been detained by the authorities and who are being processed for extradition;

(C) have been detained by the authorities and who are not yet being processed for extradition; or

(D) are at large;

(2) a determination whether authorities of each country receiving counternarcotics assistance from the United States are making good faith efforts to ensure the prompt extradition of each of the persons sought by United States authorities; and

(3) an analysis of—

(A) any legal obstacles in the laws of each country receiving counternarcotics assistance from the United States regarding prompt extradition of persons sought by United States authorities; and

(B) the steps taken by authorities of the United States and the authorities of each country receiving counternarcotics assistance from the United States to overcome such obstacles.

Sec. 3204. Limitations on Support for Plan Colombia and on the Assignment of United States Personnel in Colombia. (a) Limitation on Support for Plan Colombia.—

(1) Limitation.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by any Act shall be available for support of Plan Colombia unless and until—

(A) the President submits a report to Congress requesting the availability of such funds; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(2) Exceptions.—The limitation in paragraph (1) does not apply to—

(A) appropriations made by this Act, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, the Military Construction Appropriations Act, 2001, the Commerce, Justice, State and the Judiciary Appropriations Act, 2001, the Treasury and General Government Appropriations Act, 2001, or the Department of Defense Appropriations Act, 2001, for the purpose of support of Plan Colombia; or

(B) the unobligated balances from any other program used for their originally appropriated purpose to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform in the countries covered by Plan Colombia.

(3) Waiver.—The limitations in subsection (a) may be waived by an Act of Congress.

(b) Limitation on Assignment of United States Personnel in Colombia.—

(1) Limitation.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by this or any other Act (including funds described in subsection (c)) may be available for—

(A) the assignment of any United States military personnel for temporary or permanent duty in Colombia in connection with support of Plan Colombia if that assignment would cause the number of United States military personnel so assigned in Colombia to exceed 500; or

(B) the employment of any United States individual civilian retained as a contractor in Colombia if that employment would cause the total number of United States individual civilian contractors employed in Colombia in support of Plan Colombia who are funded by Federal funds to exceed 300.

(2) Exception.—The limitation contained in paragraph (1) shall not apply if—

(A) the President submits a report to Congress requesting that the limitation not apply; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(c) Waiver.—The President may waive the limitation in subsection (b)(1) for a single period of up to 90 days in the event that the Armed Forces of the United States are involved in hostilities or that imminent involvement by the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

(d) Statutory Construction.—Nothing in this section may be construed to affect the authority of the President to carry out any emergency evacuation of United States citizens or any search or rescue operation for United States military personnel or other United States citizens.

(e) Report on Support for Plan Colombia.—Not later than June 1, 2001, and not later than June 1 and December 1 of each of the succeeding four fiscal years, the President shall submit a report to Congress setting forth any costs (including incremental costs incurred by the Department of Defense) incurred by any department, agency, or other entity of the Executive branch of Government during the two previous fiscal quarters in support of Plan Colombia. Each such report shall provide an itemization of expenditures by each such department, agency, or entity.

(f) Bimonthly Reports.—Beginning within 90 days of the date of the enactment of this joint resolution, and every 60 days thereafter, the President shall submit a report to Congress that shall include the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent United States military personnel and United States individual civilians retained as contractors involved in the antinarcotics campaign in Colombia.

(g) Congressional Priority Procedures.—

(1) Joint resolutions defined.—

(A) For purposes of subsection (a)(1)(B), the term "joint resolution" means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the request of the President for additional funds for Plan Colombia contained in the report submitted by the President under section 3204(a)(1) of the 2000 Emergency Supplemental Appropriations Act.".

(B) For purposes of subsection (b)(2)(B), the term "joint resolution" means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the request of the President for exemption from the limitation applicable to the assignment of personnel in Colombia contained in the report submitted by the President under section 3204(b)(2)(B) of the 2000 Emergency Supplemental Appropriations Act.".

(2) Procedures.—Except as provided in subparagraph (B), a joint resolution described in paragraph (1)(A) or (1)(B) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473; 98 Stat. 1936).

(h) Plan Colombia Defined.—In this section, the term "Plan Colombia" means the plan of the Government of Colombia instituted by the administration of President Pastrana to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform.

Sec. 3205. (a) Denial of Visas for Persons Credibly Alleged To Have Aided and Abetted Colombian Insurgent and Paramilitary Groups.—None of the funds appropriated or otherwise made available in this Act for any fiscal year for the Department of State may be used to issue visas to any person who has been credibly alleged to have provided direct or indirect support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense organization (AUC), including conspiracy to allow, facilitate, or promote the illegal activities of such groups.

(b) Exemption.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons, or to permit the prosecution of such person in the United States, or the person has cooperated fully with the investigation of crimes committed by individuals associated with the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense organization (AUC).

(c) Waiver.—The President may waive the limitation in subsection (a) if the President determines that the waiver is in the national interest.

Sec. 3206. Limitation on Supplemental Funds for Population Planning.—Amounts appropriated under this division or under any other provision of law for fiscal year 2000 that are in addition to the funds made available under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106–113) shall be deemed to have been appropriated under title II of such Act and shall be subject to all limitations and restrictions contained in section 599D of such Act, notwithstanding section 543 of such Act.

Sec. 3207. Declaration of Support. (a) Certification Required.—Assistance may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees, before the initial obligation of such assistance in each such fiscal year, that the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights conditions in section 3101, necessary to effectively resolve the conflicts with the guerrillas and paramilitaries that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

(b) Definitions.—In this section:

(1) Appropriate committees of congress.—The term "appropriate committees of Congress" means the following:

(A) The Committees on Appropriations and Foreign Relations of the Senate.

(B) The Committees on Appropriations and International Relations of the House of Representatives.

(2) Assistance.—The term "assistance" means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90–629; relating to credit sales).

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87–195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87–195; relating to emergency drawdown authority).

CHAPTER 3

MILITARY CONSTRUCTION, DEFENSE-WIDE

Notwithstanding any other provision of law, for an additional amount for "Military Construction, Defense-Wide", $116,523,000, to remain available until September 30, 2004: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $116,523,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

TITLE IV—LEWIS AND CLARK RURAL WATER SYSTEM

SEC. 4101. SHORT TITLE.

This title may be cited as the "Lewis and Clark Rural Water System Act of 2000".

SEC. 4102. DEFINITIONS.

In this title:

(1) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Feasibility Level Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota", dated September 1993, that includes a water conservation plan, environmental report, and environmental enhancement component.

(2) INCREMENTAL COST.—The term "incremental cost" means the cost of the savings to the project were the City of Sioux Falls not to participate in the water supply system.

(3) MEMBER ENTITY.—The term "member entity" means a rural water system or municipality that meets the requirements for membership as defined by the Lewis and Clark Rural Water System, Inc. bylaws, dated September 6, 1990.

(4) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds needed for the construction of the water supply project, as contained in the feasibility study.

(5) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are necessary for the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the water supply system to each member entity that distributes water at retail to individual users.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) WATER SUPPLY PROJECT.—

(A) IN GENERAL.—The term "water supply project" means the physical components of the Lewis and Clark Rural Water Project.

(B) INCLUSIONS.—The term "water supply project" includes—

(i) necessary pumping, treatment, and distribution facilities;

(ii) pipelines;

(iii) appurtenant buildings and property rights;

(iv) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

(v) such other pipelines, pumping plants, and facilities as the Secretary considers necessary and appropriate to meet the water supply, economic, public health, and environment needs of the member entities (including water storage tanks, water lines, and other facilities for the member entities).

(8) WATER SUPPLY SYSTEM.—The term "water supply system" means the Lewis and Clark Rural Water System, Inc., a nonprofit corporation established and operated substantially in accordance with the feasibility study.

SEC. 4103. FEDERAL ASSISTANCE FOR THE WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the planning and construction of the water supply project.

(b) SERVICE AREA.—The water supply system shall provide for the member entities safe and adequate municipal, rural, and industrial water supplies, mitigation of wetland areas, and water conservation in—

(1) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;

(2) Rock County and Nobles County, in southwestern Minnesota; and

(3) Lyon County, Sioux County, Osceola County, O'Brien County, Dickinson County, and Clay County, in northwestern Iowa.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the water supply system shall not exceed the amount of funds authorized under section 4108.

(d) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply project until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met; and

(2) a final engineering report and a plan for a water conservation program are prepared and submitted to the Congress not less than 90 days before the commencement of construction of the water supply project.

SEC. 4104. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water supply project shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 4105. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available, at the firm power rate, the capacity and energy required to meet the pumping and incidental operational requirements of the water supply project during the period beginning on May 1 and ending on October 31 of each year.

(b) QUALIFICATION TO USE PICK-SLOAN POWER.—For operation during the period beginning May 1 and ending October 31 of each year, for as long as the water supply system operates on a not-for-profit basis, the portions of the water supply project constructed with assistance under this title shall be eligible to receive firm power from the Pick-Sloan Missouri Basin program established by section 9 of the Act of December 22, 1944 (chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

SEC. 4106. NO LIMITATION ON WATER PROJECTS IN STATES.

This title does not limit the authorization for water projects in the States of South Dakota, Iowa, and Minnesota under law in effect on or after the date of the enactment of this Act.

SEC. 4107. WATER RIGHTS.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 4108. COST SHARING.

(a) FEDERAL COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide funds equal to 80 percent of—

(A) the amount allocated in the total project construction budget for planning and construction of the water supply project under section 4103; and

(B) such amounts as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after September 1, 1993.

(2) SIOUX FALLS.—The Secretary shall provide funds for the City of Sioux Falls, South Dakota, in an amount equal to 50 percent of the incremental cost to the city of participation in the project.

(b) NON-FEDERAL COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the non-Federal share of the costs allocated to the water supply system shall be 20 percent of the amounts described in subsection (a)(1).

(2) SIOUX FALLS.—The non-Federal cost-share for the City of Sioux Falls, South Dakota, shall be 50 percent of the incremental cost to the city of participation in the project.

SEC. 4109. BUREAU OF RECLAMATION.

(a) AUTHORIZATION.—At the request of the water supply system, the Secretary may allow the Commissioner of Reclamation to provide project construction oversight to the water supply project for the service area of the water supply system described in section 4103(b).

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Commissioner of Reclamation for oversight described in subsection (a) shall not exceed the amount that is equal to 1 percent of the amount provided in the total project construction budget for the entire project construction period.

SEC. 4110. PROJECT OWNERSHIP AND RESPONSIBILITY.

The water supply system shall retain title to all project facilities during and after construction, and shall be responsible for all operation, maintenance, repair, and rehabilitation costs of the project.

SEC. 4111. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $213,887,700, to remain available until expended.

TITLE V—GENERAL PROVISIONS THIS DIVISION

SEC. 5101. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 5102. Sections 305 and 306 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113, are hereby repealed.

REPEAL OF UNOBLIGATED BALANCE RESTRICTIONS

SEC. 5103. The final proviso under the heading "Foreign Military Financing Program" in title VI of the Foreign Operations, Export Financing, and Related Programs as enacted into law by section 1000(a)(2) of division B of Public Law 106–113 (113 Stat. 1501A–133), is null and void.

SEC. 5104. Section 216 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is repealed.

SEC. 5105. Section 5527 of Public Law 105–33, The Balanced Budget Act of 1997, is repealed.

SEC. 5106. Section 9305 of Public Law 105–33 (111 Stat. 677) is repealed.

SEC. 5107. Notwithstanding section 251(a) of the Balanced Budget and Emergency Deficit Control Act of 1985, there shall be no sequestration under that section to eliminate a fiscal year

2000 breach or no reductions in discretionary spending limits for fiscal year 2001 that might be caused by the appropriations or other provisions in this Act.

SEC. 5108. (a) The enactment of this Act shall be deemed to fulfill the requirements for enactment of a law for purposes of section 206(b) of H. Con. Res. 290 (106th Congress).

(b) Section 312(b) of the Congressional Budget Act of 1974 shall not apply in the Senate with respect to fiscal year 2001.

SEC. 5109. Section 207 of H. Con. Res. 290 (106th Congress) is amended as follows:

(a) by reducing the limit on outlays set forth in subsection (a)(1) by $2,000,000,000; and

(b) by increasing the limit on outlays set forth in subsection (a)(2) by $2,000,000,000.

This division may be cited as the "Emergency Supplemental Act, 2000".

DIVISION C

CERRO GRANDE FIRE

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—CERRO GRANDE FIRE ASSISTANCE ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Cerro Grande Fire Assistance Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on May 4, 2000, the National Park Service initiated a prescribed burn on Federal land at Bandelier National Monument in New Mexico during the peak of the fire season in the Southwest;

(2) on May 5, 2000, the prescribed burn, which became known as the "Cerro Grande Prescribed Fire", exceeded the containment capabilities of the National Park Service, was reclassified as a wildland burn, and spread to other Federal and non-Federal land, quickly becoming characterized as a wildfire;

(3) by May 7, 2000, the fire had grown in size and caused evacuations in and around Los Alamos, New Mexico, including the Los Alamos National Laboratory, one of the leading national research laboratories in the United States and the birthplace of the atomic bomb;

(4) on May 13, 2000, the President issued a major disaster declaration for the counties of Bernalillo, Cibola, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, and Torrance, New Mexico;

(5) the fire resulted in the loss of Federal, State, local, tribal, and private property;

(6) the Secretary of the Interior and the National Park Service have assumed responsibility for the fire and subsequent losses of property; and

(7) the United States should compensate the victims of the Cerro Grande fire.

(b) PURPOSES.—The purposes of this title are—

(1) to compensate victims of the fire at Cerro Grande, New Mexico, for injuries resulting from the fire; and

(2) to provide for the expeditious consideration and settlement of claims for those injuries.

SEC. 103. DEFINITIONS.

In this title:

(1) CERRO GRANDE FIRE.—The term "Cerro Grande fire" means the fire resulting from the initiation by the National Park Service of a prescribed burn at Bandelier National Monument, New Mexico, on May 4, 2000.

(2) DIRECTOR.—The term "Director" means—

(A) the Director of the Federal Emergency Management Agency; or

(B) if a Manager is appointed under section 104(a)(3), the Manager.

(3) INJURED PERSON.—The term "injured person" means—

(A) an individual, regardless of the citizenship or alien status of the individual; or

(B) an Indian tribe, corporation, tribal corporation, partnership, company, association, insurer, county, township, city, State, school district, or other non-Federal entity (including a legal representative);

that suffered injury resulting from the Cerro Grande fire.

(4) INJURY.—The term "injury" has the same meaning as the term "injury or loss of property, or personal injury or death" as used in section 1346(b)(1) of title 28, United States Code.

(5) MANAGER.—The term "Manager" means an Independent Claims Manager appointed under section 104(a)(3).

(6) OFFICE.—The term "Office" means the Office of Cerro Grande Fire Claims established by section 104(a)(2).

SEC. 104. COMPENSATION FOR VICTIMS OF CERRO GRANDE FIRE.

(a) IN GENERAL.—

(1) COMPENSATION.—Each injured person shall be entitled to receive from the United States—

(A) compensation for injury suffered by the injured person as a result of the Cerro Grande fire; and

(B) damages described in subsection (d)(4), as determined by the Director.

(2) OFFICE OF CERRO GRANDE FIRE CLAIMS.—

(A) IN GENERAL.—There is established within the Federal Emergency Management Agency an Office of Cerro Grande Fire Claims.

(B) PURPOSE.—The Office shall receive, process, and pay claims in accordance with this title.

(C) FUNDING.—The Office—

(i) shall be funded from funds made available to the Director under this title;

(ii) may reimburse other Federal agencies for claims processing support and assistance;

(iii) may appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service;

(iv) upon the request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Federal Emergency Management Agency to assist it in carrying out its duties under this title; and

(v) shall not diminish the ability of the Director to carry out the responsibilities of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including the timely provision of disaster assistance to a State or territory, an area of which is the subject of a major disaster or emergency declaration made by the President during the period in which the Director carries out this Act.

(3) OPTION TO APPOINT INDEPENDENT CLAIMS MANAGER.—The Director may appoint an Independent Claims Manager to—

(A) head the Office; and

(B) assume the duties of the Director under this title.

(b) SUBMISSION OF CLAIMS.—Not later than 2 years after the date on which regulations are first promulgated under subsection (f), an injured person may submit to the Director a written claim for one or more injuries suffered by the injured person in accordance with such requirements as the Director determines to be appropriate.

(c) INVESTIGATION OF CLAIMS.—

(1) IN GENERAL.—The Director shall, on behalf of the United States, investigate, consider, ascertain, adjust, determine, grant, deny, or settle any claim for money damages asserted under subsection (b).

(2) APPLICABILITY OF STATE LAW.—Except as otherwise provided in this title, the laws of the State of New Mexico shall apply to the calculation of damages under subsection (d)(4).

(3) EXTENT OF DAMAGES.—Any payment under this title—

(A) shall be limited to actual compensatory damages measured by injuries suffered; and

(B) shall not include—

(i) interest before settlement or payment of a claim; or

(ii) punitive damages.

(d) PAYMENT OF CLAIMS.—

(1) DETERMINATION AND PAYMENT OF AMOUNT.—

(A) IN GENERAL.—

(i) PAYMENT.—Not later than 180 days after the date on which a claim is submitted under this title, the Director shall determine and fix the amount, if any, to be paid for the claim.

(ii) PRIORITY.—The Director, to the maximum extent practicable, shall pay subrogation claims submitted under this title only after paying claims submitted by injured parties that are not insurance companies seeking payment as subrogees.

(B) PARAMETERS OF DETERMINATION.—In determining and settling a claim under this title, the Director shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from the fire;

(iii) the amount, if any, to be allowed and paid under this title; and

(iv) the person or persons entitled to receive the amount.

(C) INSURANCE AND OTHER BENEFITS.—

(i) IN GENERAL.—In determining the amount of, and paying, a claim under this title, to prevent recovery by a claimant in excess of actual compensatory damages, the Director shall reduce the amount to be paid for the claim by an amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature that were paid, or will be paid, with respect to the claim.

(ii) GOVERNMENT LOANS.—This subparagraph shall not apply to the receipt by a claimant of any government loan that is required to be repaid by the claimant.

(2) PARTIAL PAYMENT.—

(A) IN GENERAL.—At the request of a claimant, the Director may make one or more advance or partial payments before the final settlement of a claim, including final settlement on any portion or aspect of a claim that is determined to be severable.

(B) JUDICIAL DECISION.—If a claimant receives a partial payment on a claim under this title, but further payment on the claim is subsequently denied by the Director, the claimant may—

(i) seek judicial review under subsection (i); and

(ii) keep any partial payment that the claimant received, unless the Director determines that the claimant—

(I) was not eligible to receive the compensation; or

(II) fraudulently procured the compensation.

(3) RIGHTS OF INSURER OR OTHER THIRD PARTY.—If an insurer or other third party pays any amount to a claimant to compensate for an injury described in subsection (a), the insurer or other third party shall be subrogated to any right that the claimant has to receive any payment under this title or any other law.

(4) ALLOWABLE DAMAGES.—

(A) LOSS OF PROPERTY.—A claim that is paid for loss of property under this title may include otherwise uncompensated damages resulting from the Cerro Grande fire for—

(i) an uninsured or underinsured property loss;

(ii) a decrease in the value of real property;

(iii) damage to physical infrastructure;

(iv) a cost resulting from lost tribal subsistence from hunting, fishing, firewood gathering, timbering, grazing, or agricultural activities conducted on land damaged by the Cerro Grande fire;

(v) a cost of reforestation or revegetation on tribal or non-Federal land, to the extent that the cost of reforestation or revegetation is not covered by any other Federal program; and

(vi) any other loss that the Director determines to be appropriate for inclusion as loss of property.

(B) BUSINESS LOSS.—A claim that is paid for injury under this title may include damages resulting from the Cerro Grande fire for the following types of otherwise uncompensated business loss:

(i) Damage to tangible assets or inventory.

(ii) Business interruption losses.

(iii) Overhead costs.

(iv) Employee wages for work not performed.

(v) Any other loss that the Director determines to be appropriate for inclusion as business loss.

(C) FINANCIAL LOSS.—A claim that is paid for injury under this title may include damages resulting from the Cerro Grande fire for the following types of otherwise uncompensated financial loss:

(i) Increased mortgage interest costs.

(ii) An insurance deductible.

(iii) A temporary living or relocation expense.

(iv) Lost wages or personal income.

(v) Emergency staffing expenses.

(vi) Debris removal and other cleanup costs.

(vii) Costs of reasonable efforts, as determined by the Director, to reduce the risk of wildfire, flood, or other natural disaster in the counties specified in section 102(a)(4), to risk levels prevailing in those counties before the Cerro Grande fire, that are incurred not later than the date that is 3 years after the date on which the regulations under subsection (f) are first promulgated.

(viii) A premium for flood insurance that is required to be paid on or before May 12, 2002, if, as a result of the Cerro Grande fire, a person that was not required to purchase flood insurance before the Cerro Grande fire is required to purchase flood insurance.

(ix) Any other loss that the Director determines to be appropriate for inclusion as financial loss.

(e) ACCEPTANCE OF AWARD.—The acceptance by a claimant of any payment under this title, except an advance or partial payment made under subsection (d)(2), shall—

(1) be final and conclusive on the claimant (but not on any subrogee of the claimant), with respect to all claims arising out of or relating to the same subject matter;

(2) constitute a complete release of all claims against the United States (including any agency or employee of the United States) under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"), or any other Federal or State law, arising out of or relating to the same subject matter; and

(3) shall include a certification by the claimant, made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code, that such claim is true and correct.

(f) REGULATIONS AND PUBLIC INFORMATION.—

(1) REGULATIONS.—Notwithstanding any other provision of law, not later than 45 days after the date of the enactment of this Act, the Director shall promulgate and publish in the Federal Register interim final regulations for the processing and payment of claims under this title.

(2) PUBLIC INFORMATION.—

(A) IN GENERAL.—At the time at which the Director promulgates regulations under paragraph (1), the Director shall publish, in newspapers of general circulation in the State of New Mexico, a clear, concise, and easily understandable explanation, in English and Spanish, of—

(i) the rights conferred under this title; and

(ii) the procedural and other requirements of the regulations promulgated under paragraph (1).

(B) DISSEMINATION THROUGH OTHER MEDIA.—The Director shall disseminate the explanation published under subparagraph (A) through brochures, pamphlets, radio, television, and other media that the Director determines are likely to reach prospective claimants.

(g) CONSULTATION.—In administering this title, the Director shall consult with the Secretary of the Interior, the Secretary of Energy, the Secretary of Agriculture, the Administrator of the Small Business Administration, other Federal agencies, and State, local, and tribal authorities, as determined to be necessary by the Director to—

(1) ensure the efficient administration of the claims process; and

(2) provide for local concerns.

(h) ELECTION OF REMEDY.—

(1) IN GENERAL.—An injured person may elect to seek compensation from the United States for one or more injuries resulting from the Cerro Grande fire by—

(A) submitting a claim under this title;

(B) filing a claim or bringing a civil action under chapter 171 of title 28, United States Code; or

(C) bringing an authorized civil action under any other provision of law.

(2) EFFECT OF ELECTION.—An election by an injured person to seek compensation in any manner described in paragraph (1) shall be final and conclusive on the claimant with respect to all injuries resulting from the Cerro Grande fire that are suffered by the claimant.

(3) ARBITRATION.—

(A) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Director shall establish by regulation procedures under which a dispute regarding a claim submitted under this title may be settled by arbitration.

(B) ARBITRATION AS REMEDY.—On establishment of arbitration procedures under subparagraph (A), an injured person that submits a disputed claim under this title may elect to settle the claim through arbitration.

(C) BINDING EFFECT.—An election by an injured person to settle a claim through arbitration under this paragraph shall—

(i) be binding; and

(ii) preclude any exercise by the injured person of the right to judicial review of a claim described in subsection (i).

(4) NO EFFECT ON ENTITLEMENTS.—Nothing in this title affects any right of a claimant to file a claim for benefits under any Federal entitlement program.

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Any claimant aggrieved by a final decision of the Director under this title may, not later than 60 days after the date on which the decision is issued, bring a civil action in the United States District Court for the District of New Mexico, to modify or set aside the decision, in whole or in part.

(2) RECORD.—The court shall hear a civil action under paragraph (1) on the record made before the Director.

(3) STANDARD.—The decision of the Director incorporating the findings of the Director shall be upheld if the decision is supported by substantial evidence on the record considered as a whole.

(j) ATTORNEY'S AND AGENT'S FEES.—

(1) IN GENERAL.—No attorney or agent, acting alone or in combination with any other attorney or agent, shall charge, demand, receive, or collect, for services rendered in connection with a claim submitted under this title, fees in excess of 10 percent of the amount of any payment on the claim.

(2) VIOLATION.—An attorney or agent who violates paragraph (1) shall be fined not more than $10,000.

(k) WAIVER OF REQUIREMENT FOR MATCHING FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State or local project that is determined by the Director to be carried out in response to the Cerro Grande fire under any Federal program that applies to an area affected by the Cerro Grande fire shall not be subject to any requirement for State or local matching funds to pay the cost of the project under the Federal program.

(2) FEDERAL SHARE.—The Federal share of the costs of a project described in paragraph (1) shall be 100 percent.

(l) APPLICABILITY OF DEBT COLLECTION REQUIREMENTS.—Section 3716 of title 31, United States Code, shall not apply to any payment under this title.

(m) INDIAN COMPENSATION.—Notwithstanding any other provision of law, in the case of an Indian tribe, a tribal entity, or a member of an Indian tribe that submits a claim under this title—

(1) the Bureau of Indian Affairs shall have no authority over, or any trust obligation regarding, any aspect of the submission of, or any payment received for, the claim;

(2) the Indian tribe, tribal entity, or member of an Indian tribe shall be entitled to proceed under this title in the same manner and to the same extent as any other injured person; and

(3) except with respect to land damaged by the Cerro Grande fire that is the subject of the claim, the Bureau of Indian Affairs shall have no responsibility to restore land damaged by the Cerro Grande fire.

(n) REPORT.—Not later than 1 year after the date of promulgation of regulations under subsection (f)(1), and annually thereafter, the Director shall submit to Congress a report that describes the claims submitted under this title during the year preceding the date of submission of the report, including, for each claim—

(1) the amount claimed;

(2) a brief description of the nature of the claim;

(3) the status or disposition of the claim, including the amount of any payment under this title; and

(4) the Comptroller General shall conduct an annual audit on the payment of all claims made under this title and shall report to the Congress on the results of this audit beginning not later than the expiration of the 1-year period beginning on the date of the enactment of this Act. This report shall include a review of all subrogation claims for which insurance companies have been paid or are seeking payment as subrogees under this title.

(o) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, there are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

(2) FEMA FUNDS.—None of the funds provided to the Federal Emergency Management Agency for the administration of disaster relief shall be used to carry out this Act.

SEC. 105. APPROPRIATION OF FUNDS.

(a) CERRO GRANDE FIRE ASSISTANCE CLAIMS OFFICE.—

(1) IN GENERAL.—There is appropriated for the Office for administration of the compensation process under this title up to $45,000,000, to remain available until expended.

(2) EMERGENCY REQUIREMENT.—The entire amount made available under subparagraph (A)—

(A) shall be available only to the extent that the President submits to Congress an official budget request for up to $45,000,000 that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(B) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) Cerro Grande Fire Assistance.—

(1) In general.—There is appropriated for the payment of claims in accordance with this title up to $455,000,000, to remain available until expended.

(2) Emergency requirement.—The entire amount made available under subparagraph (A)—

(A) shall be available only to the extent that the President submits to Congress an official budget request for up to $455,000,000 that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(B) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SEC. 106. PERIOD OF EFFECTIVENESS.

This title shall apply on and after the date of the enactment of this Act, without regard to any fiscal year.

TITLE II—CERRO GRANDE FIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF AGRICULTURE

Farm Service Agency

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency Conservation Program", $10,000,000: Provided, That notwithstanding any other provision of law, these funds shall be available to rehabilitate farmland damaged from fires which resulted from prescribed burnings conducted by the Federal Government which subsequently resulted in unintended damage to farmlands and other lands: Provided further, That requirements for cost-sharing by landowners shall not apply to funds provided pursuant to this section: Provided further, That the entire amount shall be available only to the extent that an official budget request for $10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Natural Resources Conservation Service

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", for the Emergency Watershed Protection Program, to repair damages to the waterways and watersheds resulting from fires which resulted from prescribed burnings conducted by the Federal Government, and other natural occurrences, $4,000,000, to remain available until expended: Provided, That requirements for cost-sharing by project sponsors shall not apply to funds provided under this provision: Provided further, That the entire amount shall be available only to the extent an official budget request for $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

CERRO GRANDE FIRE ACTIVITIES

For necessary expenses to remediate damaged Department of Energy facilities and for other expenses associated with the Cerro Grande fire, $138,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request for $138,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $8,982,000, to remain available until expended, for emergency restoration, rehabilitation, and reforestation of tribal lands and facilities of the Pueblo of Santa Clara and the Pueblo of San Ildefonso damaged by the Cerro Grande Fire in New Mexico: Provided, That the entire amount shall be available only to the extent an official budget request for $8,982,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISION—THIS TITLE

Sec. 2101. The Secretary of the Interior shall allow enrolled members of the Pueblo of San Ildefonso and the Pueblo of Santa Clara to collect plants, including the parts or products thereof, and mineral resources within the Bandelier National Monument for traditional and cultural uses. All collection activity, except quantity limitations in current regulations of the National Park Service, shall be consistent with applicable laws, and shall be subject to such conditions as the Secretary deems necessary to protect the resources and values of the Monument.

This division may be cited as the "Cerro Grande Fire Supplemental".

And the Senate agree to the same.

For the consideration of the House bill and Division A of the Senate amendment, and modifications committed to conference:

David L. Hobson,
John Edward Porter,
Todd Tiahrt,
James T. Walsh,
Dan Miller,
Robert B. Aderholt,
Kay Granger,
Virgil Goode, Jr.,
C.W. Bill Young,
John W. Olver,
Chet Edwards,
Sam Farr,
Allen Boyd,
Norman D. Dicks,
David Obey,

For the consideration of Division B of the Senate amendment and modifications committed to conference:

C.W. Bill Young,
Ralph Regula,
Jerry Lewis,
Harold Rogers,
Joe Skeen,
Sonny Callahan,
David Obey,
John Murtha,
Managers on the Part of the House.

Conrad Burns,
Kay Bailey Hutchison,
Larry Craig,
Jon Kyl,
Ted Stevens,
Patty Murray,
Harry Reid,
Daniel K. Inouye,
Robert C. Byrd,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference report includes fiscal year 2000 supplemental appropriations, as included in the Senate amendment, in addition to military construction appropriations for fiscal year 2001. The conference report is organized with Division A containing fiscal year 2001 military construction appropriations, Division B containing fiscal year 2000 supplemental appropriations, and Division C containing fiscal year 2000 supplemental appropriations and authorization for Cerro Grande Fire recovery activities necessitated by this devastating fire that occurred recently near Los Alamos, New Mexico.

This conference agreement addresses some activities that were not technically in conference. The House had passed H.R. 3908 that included its version of supplemental appropriations. The Senate reported S. 2536, which included several other supplemental appropriations in addition to the ones included in the amendment to this bill. The Senate also has taken action on S. 2522, which includes additional supplemental appropriations. The conferees have attempted to address many of the fiscal year 2000 supplemental appropriations in this conference.

DIVISION A—FISCAL YEAR 2001 MILITARY CONSTRUCTION APPROPRIATIONS

Items of General Interest

Matters Addressed by Only One Committee.—The language and allocations set forth in House Report 106-614 and Senate Report 106-290 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases in which the House or the Senate has directed the submission of a report from the Department of Defense, such report is to be submitted to both House and Senate Committees on Appropriations.

Contingency Funding.—The Department of Defense requested no contingency funding for military construction and family housing projects in the fiscal year 2001 budget request. The conferees believe that some level of contingency funding is essential for the efficient and cost-effective completion of these projects. If the Department loses this funding flexibility, it will be incapable of supporting requirements generated by unforeseen needs, such as environmental and regulatory requirements, unanticipated subsurface conditions and changes in bid climate. As a result, the conferees direct the Department to include 5 percent contingency funding when requesting construction funds in the fiscal year 2002 budget submission and for future year projects.

Financial Management.—The conferees agree that the rescission of funds included in the conference agreement are based on large prior year unobligated balances and such factors as savings through favorable bids, reduced overhead costs, downsizing or cancellation due to force structure changes (if any), other administrative cost reduction initiatives, revised economic assumptions, and inflation re-estimates. The conferees direct that no project for which funds were previously appropriated, or for which funds are appropriated in this bill, may be canceled as a result of the reductions included in the conference agreement.

Foreign Currency Fluctuations, Construction, Defense.—Due to the U.S. dollar significantly improving over prior fiscal years and for other reasons, the amounts available in the "Foreign Currency Fluctuations, Construction, Defense" account exceed those necessary to eliminate losses due to unfavorable fluctuations in foreign currency exchange rates. Accordingly, the conferees include a provision (Section 132) which rescinds $83,000,000 from this account. The conferees also include a total reduction of $43,852,000 to the following appropriations because the U.S. dollar has significantly improved against most foreign currencies than the Department of Defense predicted when it submitted its fiscal year 2001 budget:

Account	*Amount*
Military Construction, Army	−$635,000
Military Construction, Navy	−2,889,000
Military Construction, Defense-Wide	−7,115,000
Family Housing, Army	−19,911,000
Family Housing, Navy and Marine Corps	−1,071,000
Family Housing, Air Force	−12,231,000
Total	−43,852,000

Joint Use Facilities.—The conferees support joint use of facilities between the various components of the Defense Department. Joint use facilities can optimize military construction and operation and maintenance funds while enhancing joint training and the total force concept. Beginning with the fiscal year 2003 budget submission, the conferees direct that any Form 1390/1391, which is presented as justification material, shall include certification by the originating installation commander. The certification will include information that the project has been considered and reviewed for joint use potential, a recommendation for either joint use or unilateral construction, and the reason(s) for that recommendation if joint use is not recommended. This certification is to be reviewed by the Under Secretary of Defense (Comptroller) during the budget review to ensure impartial review.

Proposed Financing of Current Year Programs Via Prior Year Savings.—The budget request for fiscal year 2001 proposed partial financing of current year programs via prior year savings, as follows:

Account/Location	Project description	Authorization	Appropriation
Military Construction, Navy:			
District of Columbia: Naval Research Lab	Nano-Science Research Facility	$12,390,000	0
Texas: Kingsville Naval Air Station	Aircraft Parking Apron	2,670,000	0
North Carolina: Camp Lejuene MCB	Armories	14,000,000	$10,000,000
Italy: Sigonella Naval Air Station	Community Facilities	32,969,000	32,029,000
Total		62,029,000	42,029,000

If program execution has resulted in identifiable prior year savings within individual projects, the correct financing method is to detail such savings and to request rescissions of funds by account and by fiscal year. The conferees direct the Under Secretary of Defense (Comptroller) to follow the conventional rescission procedure in future budget submissions.

Quadrennial Defense Review.—The conferees are concerned with the Defense Department's declining investments in the construction, replacement, and revitalization of facilities. Therefore, the conferees strongly support the language included in House Report 106-614 on the Quadrennial Defense Review. The conferees expect the Congressionally mandated Quadrennial Defense Review to include a thorough review of the Defense Department's basing capacity, outsourcing strategy, and military construction requirements and related facilities restoration and modernization programs.

Real Property Maintenance: Reporting Requirement.—The conferees agree to the following general rules for repairing a facility under Operation and Maintenance funding:

Components of the facility may be repaired by replacement, and such replacement can be up to current standards or code.

Interior arrangements and restorations may be included as repair, but additions, new facilities, and functional conversions must be performed as military construction projects.

Such projects may be done concurrent with repair projects, as long as the final conjunctively funded project is a complete and usable facility.

The appropriate Service Secretary shall submit a 21-day notification prior to carrying out any repair project with an estimated cost in excess of $7,500,000.

Reprogramming Criteria.—The conferees believe there is a need to clarify the rules for military construction and family housing reprogrammings. A project or account (including the sub-elements of an account) which has been specifically reduced by the Congress in acting on the appropriation request is considered to be a congressional interest item. A prior approval reprogramming is required for any increase to an item that has been specifically reduced by the Congress. Consequently, there can be no below threshold reprogrammings to an item specifically reduced by the Congress.

Furthermore, in instances here a prior approval reprogramming request for a project or account has been approved becomes the new base for any future increase or decrease via a below threshold reprogramming (provided that the project or account is not a congressional interest item).

Alkali Silica Reactivity.—The conferees continue to be concerned about the effects of Alkali Silica Reactivity (ASR) on Department of Defense concrete facilities including aprons, taxiways, runways and tarmacs. The conferees direct the Under Secretary of Defense for Acquisition, Technology and Logistics to assess the overall condition of Department of Defense facilities and infrastructure with respect to ASR. This review should also address the Department's long-term strategy and recommendations to manage this issue. These findings should be provided to the congressional defense committees not later than May 1, 2001.

MILITARY CONSTRUCTION, ARMY

The conference agreement appropriates $909,245,000 for Military Construction, Army, instead of $869,950,000 as proposed by the House, and $823,503,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $109,306,000 for study, planning, design, architect and engineer services, and host nation support instead of $99,961,000 as proposed by the House and $84,706,000 as proposed by the Senate.

Kansas—Fort Leavenworth: Bell Hall.—The conferees note the deteriorating condition of Bell Hall, the central academic and instructional facility of the Army's Command and General Staff College. The cost to maintain the current physical plant is no longer cost effective and its communications capabilities are significantly constrained. The conferees encourage the Army to include this replacement in the fiscal year 2002 budget submission.

New York—U.S. Military Academy: Multimedia Learning Centers.—Within funds provided for unspecified minor construction, the conferees direct the Army to execute a project in the amount of $500,000 to provide Multimedia Learning Centers at the United States Military Academy in New York.

Pennsylvania—Letterkenny Army Depot: Missile Igloo Modifications.—Of the additional funding provided for planning and design, the conferees direct that not less than $112,000 be made available for the design of this facility.

Virginia—Fort Belvoir: Potomac Heritage National Scenic Trail.—Within the additional funds provided for unspecified minor construction, the conferees direct the Army to provide not less than $500,000 for the multi-use trail system at Fort Belvoir in Virginia.

Washington-Fort Lewis: Vancouver Barracks.—Within the additional funds provided for unspecified minor construction, the conferees direct the Army to provide not less than $1,500,000 for the protection of historic facilities at the Vancouver Barracks at Fort Lewis in Washington.

MILITARY CONSTRUCTION, NAVY

The conference agreement appropriates $928,273,000 for Military Construction, Navy, instead of $891,380,000 as proposed by the House, and $828,278,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $73,335,000 for study, planning, design, architect and engineer services instead of $67,502,000 as proposed by the House and $71,000,000 as proposed by the Senate.

California—North Island Naval Air Station: Transportation Infrastructure.—The conferees do not expect the Navy to begin design of a project to alleviate traffic flow problems at North Island Naval Air Station. The scope of the project is far reaching and involves traffic considerations that fall beyond the Navy mission. Therefore, planning and design funds are not the proper source of funds to determine the project requirements (10 U.S.C. 2807).

MILITARY CONSTRUCTION, AIR FORCE

The conference agreement appropriates $870,208,000 for Military Construction, Air Force, instead of $703,903,00 as proposed by the House, and $777,793,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $74,628,000 for study, planning, design, architect and engineer services instead of $56,949,000 as proposed by the House and $69,337,000 as proposed by the Senate.

Air Force Electronic Warfare Evaluation Simulator.—The conferees are aware of an Air Force effort to develop a plan to relocate the Air Force Electronic Warfare Evaluation Simulator (AFEWES) from Air Force Plant 4 to the Air Force Flight Test Center. Government studies, including the 1995 Base Realignment and Closure Commission and a 1997 GAO report, all highlight the absence of cost/capability rationale to justify such a relocation. For these reasons, and to ensure that prudent future expenditure of military construction funds, the conferees encourage the Air Force to include a comprehensive cost/benefit analysis and standard return on investment criteria in the relocation study now being performed. Because AFEWES specialized test capabilities are a vital element of our national defense posture, study findings should also demonstrate the technical and cost merits of relocation to the Air Force Flight Test Center. The Secretary of the Air Force is to review this matter and report to the House and Senate Appropriations Committees no later than February 28, 2001.

Delaware—Dover AFB: Control Tower.—The conferees note that the control tower at Dover AFB is antiquated, inadequately sited, and lacks modern air traffic control equipment. Given the activity level and mission critical nature of this base, the project appears to be an excellent candidate for the President's fiscal year 2002 budget. Accordingly, the conferees urge the Secretary of the Air Force to review this project, and to expedite its advancement into the fiscal year 2002 budget.

MILITARY CONSTRUCTION, DEFENSE-WIDE

The conference agreement appropriates $814,647,000 for Military Construction, Defense-wide, instead of $800,314,000 as proposed by the House, and $801,098,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $77,505,000 for study, planning, design, architect and engineer services as proposed by the House instead of $163,700,000 as proposed by the Senate.

Chemical Demilitarization Program.—The budget request proposes funding the construction of chemical weapon demilitarization facilities under the "Military Construction, Army" account. As in prior years, the conferees recommend that this funding be appropriated under the "Military Construction, Defense-wide" account, in order to facilitate the tracking of expenses for the Chemical Demilitarization Program, and to avoid distorting the size of the Army's military construction program.

The conference agreement provides $175,400,000 for the chemical demilitarization program to fully fund all requested projects for fiscal year 2001. However, the conferees continue to be concerned over the extremely slow obligation and expenditures rates for the program due to significant delays at most of the sites that are currently being constructed. Therefore, the conferees include a general reduction of $20,000,000 against the entire program.

Department of Defense Education Activity (DODEA).—The conferees strongly support DODEA initiatives to increase the half-day kindergarten program to full day in overseas schools and reduce class size in grades 1-3 to an average of 18 students to 1 teacher. These educational initiatives are valued and supported by the military community as a critical element of its quality of life and readiness. Because these initiatives require substantial funding to modernize school facilities, the conference agreement provides an additional $11,852,000 for the DODEA military construction program. Additional funding is provided for the following projects:

Location	Project title	Request	Recommendation
Germany: Hanau	Elementary School Classroom Addition	$1,026,000	$2,030,000
Germany: Schweinfurt	Elementary School Classroom Addition	1,444,000	1,750,000
Germany: Wuerzburg	Elementary School Classroom Addition	1,798,000	2,635,000
Italy: Signonella	Elementary/High School Classroom Addition	971,000	3,450,000
Korea: Osan	Elementary School Classroom Addition		892,000
Korea: Seoul	Elementary School Classroom Addition		2,451,000
Korea: Taegu	Elementary School Classroom Addition		806,000
United Kingdom: RAF Feltwell	Elementary School Classroom Addition	1,287,000	1,800,000
United Kingdom: RAF Lakenheath	Elementary School Classroom Addition	3,086,000	5,650,000
Total		9,612,000	21,464,000

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conference agreement appropriates $281,717,000 for military Construction, Army National Guard, instead of $137,603,000 as proposed by the House, and $233,675,000 as proposed by the Senate.

California-Bakersfield: Readiness Center.—Of the additional funding provided for planning and design, the conferees direct that not less than $500,000 be made available for the design of this facility.

California-Los Alamitos: Joint Headquarters Building.—House Report 106-614 included language directing the Army Reserve to accelerate the design of this facility and include the required construction funding in its fiscal year 2002 budget request. The Army National Guard should be the lead proponent for the facility. Therefore, the conferees direct the Army National Guard to accelerate the design of the Joint Headquarters Building in Los Alamitos, California and to include the required construction funding in its fiscal year 2002 budget request.

California-National Guard Facilities.—The Army National Guard requested nine location changes to the budget submission for the state of California. The changes will provide a more centralized vehicle maintenance management system. After design of the budgeted projects began, the Army National Guard realized the existing locations were unsuitable and further facility investment would prove unwise. Accordingly, the conferees recommend the following location changes:

(1) The project titles budgeted for Bakersfield, Escondido, Richmond, San Jose, San Mateo, and Santa Barbara are moved to Camp Parks.

(2) The project titles budgeted for Colton, Fresno, and Los Alamitos are moved to Fresno.

Iowa-Fairfield: Readiness Center Addition.—Within the additional funds provided for unspecified minor construction, the conferees direct the Army National Guard to provide not less than $1,066,000 for an addition to the readiness center at Fairfield, Iowa.

Missouri—Fort Leonard Wood: Army Aviation Support Center.—In the Senate report 106-290, the Army Aviation Support Center at Fort Leonard Wood was incorrectly identified as an unspecified minor construction project. This project should be executed with funds made available for planning and design.

Nevada—Carson City: Readiness Center.—The conferees are concerned that the cost of the Readness Center in Carson City, Nevada has increased due to changes in criteria directed by the National Guard Bureau. Funding for this project was appropriated in fiscal year 1999. The conferees direct the National Guard Bureau to ensure that adequate additional funding is provided to the Nevada National Guard to complete this project.

Oregon—Eugene: Armed Forces Reserve Center Complex.—The number one priority for the Oregon National Guard is to replace a 66-year-old facility in Eugene which is considered undersized by Naval Reserve/Marine Corps standards. The buildings have deteriorated extensively and are substandard with respect to size and level of serviceability of the building. The consolidation will provide savings of about $1,400,000 in direct construction costs and will reduce the operations and maintenance burden by at least 20 percent annually. The conferees encourage the National Guard to complete the design and to include this project in its fiscal year 2002 budget request.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conference agreement appropriates $203,829,000 for Military Construction, Air National Guard, instead of $110,585,000 as proposed by the House, and $183,029,000 as proposed by the Senate.

Connecticut—Orange Air National Guard Station: Air Control Squadron Complex.—Although the conferees were unable to fund this project due to funding constraints, the conferees strongly urge the Air National Guard to include this project in its fiscal year 2002 budget submission.

MILITARY CONSTRUCTION, ARMY RESERVE

The conference agreement appropriates $108,738,000 for Military Construction, Army Reserve, instead of $115,854,000 as proposed by the House, and $99,888,000 as proposed by the Senate.

New Jersey—Fort Dix: Barracks.—Of the $11,900,000 provided for planning and design within the "Army Reserve" amount, the conferees direct that not less than $900,000 be made available for the design of this facility.

Utah—S.A. Douglas Armed Forces Reserve Center: Parking and Site Improvements.—The conferees direct the Army Reserve to execute a project to provide parking and site improvements at the S.A. Douglas Armed Forces Reserve Center in Utah using funds available for unspecified minor construction. The estimated cost of this project is $700,000.

MILITARY CONSTRUCTION, NAVAL RESERVE

The conference agreement appropriates $64,473,000 for Military Construction, Naval Reserve, instead of $53,004,000 as proposed by the House, and $38,532,000 as proposed by the Senate.

Rescission of Funds.—The conferees rescind $2,400,000 appropriated under the "Military Construction, Naval Reserve" account in the fiscal year 1998 Military Construction Appropriations Act (Public Law 105-45). These are funds which remain unobligated from the renovation of Building 1900 at the Westover Air Force Reserve Base in Massachusetts. The project was halted due to escalating costs in connection with asbestos and other environmental problems.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

The conference agreement appropriates $36,591,000 for Military Construction, Air Force Reserve, instead of $43,748,000 as proposed by the House, and $25,533,000 as proposed by the Senate.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The conference agreement appropriates $172,000,000 for the North Atlantic Treaty Organization Security Investment Program (NSIP), instead of $177,500,000 as proposed by the House, and $175,000,000 as proposed by the Senate.

FAMILY HOUSING, ARMY

The conference agreement appropriates $235,956,000 for Construction, Family Housing Army, instead of $198,505,000 as proposed by the House and $221,106,000 as proposed by the Senate.

The conference agreement appropriates $951,793,000 for Operation and Maintenance, Family Housing, Army, instead of $953,744,000 as proposed by the House and $958,364,000 as proposed by the Senate.

The conference agreement appropriates a total of $1,187,749,000 for Family Housing, Army, instead of $1,152,249,000 as proposed by the House and $1,179,470,000 as proposed by the Senate.

FAMILY HOUSING, NAVY AND MARINE CORPS

The conference agreement appropriates $418,155,000 for Construction, Family Housing, Navy and Marine Corps, instead of $419,584,000 as proposed by the House and $392,765,000 as proposed by the Senate.

The conferees direct that the following projects are to be accomplished within the increased amount provided for construction improvements:

California—Camp Pendelton (98 units)	$9,030,000
District of Columbia: 8th and I Marine Barracks (1 unit)	500,000

The conference agreement appropriates $881,567,000 for Operation and Maintenance, Family Housing, Navy and Marine Corps, as proposed by the Senate instead of $879,208,000 as proposed by the House.

The conference agreement appropriates a total of $1,299,722,000 for Family Housing, Navy and Marine Corps, instead of $1,298,792,000 as proposed by the House and $1,274,332,000 as proposed by the Senate.

California—Mission Trails Regional Park.—The conferees include a new provision (Section 133) which amends Section 131 of the fiscal year 1988 Military Construction Appropriations Act (Public Law 100-202). The new provision allows the Secretary of the Navy to use proceeds from the conveyance of real property in the Mission Trails Regional Park area, for the acquisition of military family housing in the San Diego area through the use of privatization authorities contained in subchapter IV of chapter 169 of title 10. In addition, the new provision permits the transfer of proceeds into the Department of Defense Family Housing Improvement Fund.

FAMILY HOUSING, AIR FORCE

The conference agreement appropriates $251,982,000 for Construction, Family Housing, Air Force, instead of $241,384,000 as proposed by the House and $227,242,000 as proposed by the Senate.

The conference agreement appropriates $820,879,000 for Operation and Maintenance, Family Housing, Air Force, as proposed by the House and Senate.

The conference agreement appropriates a total of $1,072,861,000 for Family Housing, Air Force, instead of $1,062,263,000 as proposed by the House and $1,048,121,000 as proposed by the Senate.

FAMILY HOUSING, DEFENSE-WIDE

The conference agreement appropriates $44,886,000 for Construction, Family Housing, Defense-wide, as proposed by the House and Senate.

DEPARTMENT OF DEFENSE FAMILY IMPROVEMENT FUND

The conference agreement provides no appropriation for the Department of Defense Family Housing Improvement Fund, as proposed by the House and Senate. Transfer authority is provided for the execution of any qualifying project under privatization authority, which resides in the Fund.

Contractor Support for Family Housing Privatization.—The conferees are concerned about the Army spending excessive amounts on contractor support to evaluate and develop family housing privatization proposals. Therefore, the Deputy Under Secretary of Defense (Installations) is to review quarterly, and report to the appropriate Committees of Congress, the expenses of each component to ensure excessive amounts are not being spent on contractor support.

In the future, amounts appropriated into the Family Housing Improvement Fund will be the sole source of funds to finance the operation of the former Housing Revitalization Support Office. It is the conferees' intent that Family Housing funds will be the sole source of funds to develop, evaluate, and oversee privatization deals. The conferees direct the Under Secretary of Defense (Comptroller) to determine if these funds are best appropriated out of Family Housing Operation and Maintenance or Family Housing Planning and Design and to provide consistency among the Services in the fiscal year 2002 budget submission. In addition, these funds will be separately identified and justified as a sub-element account. This sub-element is considered a congressional interest item and may not be increased from the amount enacted without the prior approval of the Committees on Appropriations.

Reporting Requirements.—The conferees are concerned that the 21-day period of review prior to entering a privatization contract is too limited, and is extending this review period to a 45-day period. The Service Secretary concerned may not enter into any contract until after the end of the 45-day period beginning on the date the Secretary concerned submits written notice of the nature and terms of the contract to the appropriate committees of Congress.

To clarify existing reporting requirements, this 45-day notification requirement applies to any project, regardless of whether it is financed entirely by transfer of funds into the Family Housing Improvement Fund, or it is fully financed within funds available in the Family Housing Improvement Fund, or it is funded by combining transferred funds with funds available in the Family Housing Improvement Fund.

In addition, no transfer of appropriated funds into the account may take place until after the end of the 45-day period beginning on the date the Secretary of Defense submits written notice and justification for the transfer to the appropriate committees of Congress. The House and Senate Appropriations Committees expect to receive prior notification of all such transfers of funds.

The Department is to continue its quarterly reports on the status of privatization projects.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

The conference agreement appropriates $1,024,369,000 for the Base Realignment and Closure Account, Part IV, instead of $1,174,369,000 as proposed by the House and Senate.

Unliquidated Obligations.—The conferees recommend a reduction of $150,000,000 to the Base Realignment and Closure Account, Part IV. This reduction is based on slow budget execution and large amounts of unliquidated obligations. At the time the fiscal year 2001 budget estimate was being developed, the department had $1,600,000,000 in reported unliquidated obligations in the Base Realignment and Closure account. Of this amount, $115,000,000 was appropriated prior to fiscal year 1995. The majority of the unliquidated funds resulted from environmental cleanup activities that were carried out more slowly than planned or determined not to be necessary.

California—Fort Ord: Thermochemical Conversion.—The conferees are concerned about the environmental challenges associated with the base closure re-use issues at Fort Ord in California and the disposal of asbestos, PCB, impregnated asbestos, lead-based paint and other hazardous construction material. The conferees are aware of a cost-competitive environmentally safe process that offers great potential for addressing the unique problems at Fort Ord. This thermochemical conversion process, which changes asbestos and other construction material to a non-hazardous mineral, has been demonstrated by the Department of Energy, validated by the Navy at the Puget Sound Naval Shipyard in Washington and approved by the Environmental Protection Agency. Accordingly, the conferees direct the Department of the Army to develop and operate a thermochemical conversion pilot plant at Fort Ord for remediation of hazardous material generated by the activities of the Fort Ord Re-use Authority.

Construction Projects: Administrative Provision.—The conferees agree that any transfer of funds which exceeds reprogramming thresholds for any construction project financed by any Base Realignment and Closure Account shall be subject to a 21-day notification to the Committees, and shall not be subject to reprogramming procedure.

GENERAL PROVISIONS

The conference agreement includes general provisions that were not amended by either the House or Senate in their versions of the bill.

The conference agreement includes a provision, Section 121, as proposed by the House, which prohibits the expenditure of funds except in compliance with the Buy American Act. The Senate bill contained no similar provision.

The conference agreement includes a provision, Section 122, as proposed by the House, which states the Sense of the Congress that recipients of equipment or products authorized to be purchased with financial assistance provided in this Division are to be notified that they must purchase American-made equipment and products. The Senate bill contained no similar provision.

The conference agreement includes a provision, Section 123, as proposed by the House, permitting the transfer of funds from Family Housing, Construction accounts to the DOD Family Housing Improvement Fund. The Senate bill contained no similar provision.

The conference agreement includes a provision renumbered Section 124, as proposed by the House and the Senate, to prohibit the use of funds in this Division to be obligated for Partnership for Peace programs in the New Independent States of the former Soviet Union.

The conference agreement includes a provision renumbered Section 125, as proposed by the House and the Senate, which requires the Secretary of Defense to notify Congressional Committees sixty days prior to issuing a solicitation for a contract with the private sector for military family housing.

The conference agreement includes a provision renumbered Section 126, as proposed by the House and the Senate, which provides transfer authority to the Homeowners Assistance Program.

The conference agreement includes a provision, Section 127, as proposed by the House, regarding funding for general officers quarters and maintenance. The Senate bill contained a similar provision.

The conference agreement includes a provision, Section 128, as proposed by the House, regarding family housing master plans. The Senate bill contained no similar provision.

The conference agreement includes a provision, renumbered Section 129, as proposed by the Senate amended to reduce previous Acts by $100,000,000. The House bill contained no similar provision.

The conference agreement includes a provision, renumbered Section 130, as proposed by the House which allows the transfer of funds appropriated in Public Law 106–52 under the heading "Military Construction, Naval Reserve" or "Military Construction, Navy." The Senate bill contained a similar provision.

The conference agreement includes a provision, renumbered Section 131, as proposed by the Senate, which allows the Army to accept funds from the Federal Highway Administration for a military construction project involving a rail connector at Fort Campbell in Kentucky. The House bill contained no similar provision.

The conference agreement includes a provision, Section 132 which rescinds $83,000,000 from the "Foreign Currency Fluctuations, Construction, Defense" account. The House and Senate bill contained no similar provision.

The conference agreement includes a provision, Section 133, which amends Section 131 of the Military Construction Appropriations Act, 1988 (Public Law 100–202). The House and Senate bill contained no similar provision.

The conference agreement includes a provision, Section 134, amending the Woodrow Wilson Memorial Bridge Authority Act of 1995 (112 Stat. 160). The House and Senate bill contained no similar provision.

The conference agreement includes a provision, Section 135, authorizing the use of private donations for the purpose of renovating the Marine Corps' historic residences. This provision requires a thirty-day notification to the appropriate committees of the Congress prior to the use of such funds.

The conference agreement includes a provision, Section 136, revising Section 8168 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79) to clarify reporting requirements placed on the Department of the Air Force. This provision was included in Division B of the Senate bill. The House bill contained no similar provision.

The conference agreement includes a provision, Section 137, providing further guidance to the Department of Defense concerning planning and design impacting the Naval Submarine Base, Bangor, Washington. This provision was included in Division B of the Senate Bill. The House bill contained no similar provision.

The conference agreement includes a provision, Section 138, limiting appropriations for the Cadet Physical Development Center at the Military Academy, West Point, New York to $77,500,000. The conferees direct that any further requirements be funded though private donations. The Secretary of the Army is directed to notify the appropriate committees of Congress thirty days prior to the use of private donations for this project. The House and Senate bills contained no similar provision.

The conference agreement includes a provision, Section 139, requiring the Secretary of Defense to report on the construction, security and operations of the Forward Operating Locations (FOL's) in Manta, Ecuador, Aruba, Curacao and El Salvador. The Senate bill contained a similar provision in Division B. The House bill contained no similiar provision.

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ALABAMA		
ARMY		
REDSTONE ARSENAL		
SPACE AND MISSILE DEFENSE COMMAND BUILDING	23,400	39,000
AIR FORCE		
MAXWELL AFB		
OFFICER TRAINING SCHOOL ACADEMIC FACILITY	3,825	3,825
TOTAL, ALABAMA	27,225	42,825
ALASKA		
ARMY		
FORT RICHARDSON		
CENTRAL VEHICLE WASH FACILITY	3,000	3,000
AIR FORCE		
CAPE ROMANZOV LONG RANGE RADAR SITE		
GENERATOR FUEL STORAGE	3,900	3,900
EIELSON AFB		
DORMITORY	14,540	14,540
HAZARDOUS MATERIAL STORAGE	1,450	1,450
JOINT MOBILITY COMPLEX	---	25,000
ELMENDORF AFB		
CHILD DEVELOPMENT CENTER	---	7,666
DORMITORY	15,920	15,920
UPGRADE HANGAR COMPLEX	11,600	11,600
AIR NATIONAL GUARD		
KULIS ANGB		
CORRISION CONTROL FACILITY	---	12,000
DEFENSE-WIDE		
FORT WAINWRIGHT		
HOSPITAL REPLACEMENT (PHASE II)	44,000	44,000
NAVY RESERVE		
ELMENDORF AFB		
MARINE CORPS RESERVE TRAINING CENTER	6,403	6,403
TOTAL, ALASKA	100,813	145,479
ARIZONA		
ARMY		
FORT HUACHUCA		
CHILD DEVELOPMENT CENTER	---	3,350
FIELD OPERATIONS FACILITY	1,250	1,250
NAVY		
CAMP NAVAJO NAVY DETACHMENT		
MAGAZINE MODERNIZATION	2,940	2,940

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
YUMA MARINE CORPS AIR STATION		
COMBAT AIRCRAFT LOADING APRON	8,200	8,200
AIR FORCE		
DAVIS MONTHAN AFB		
FITNESS CENTER	7,900	7,900
ARMY NATIONAL GUARD		
PAPAGO MILITARY RESERVATION		
ADD/ALTER READINESS CENTER	---	2,265
YUMA		
READINESS CENTER	---	1,598
TOTAL, ARIZONA	20,290	27,503
ARKANSAS		
ARMY		
PINE BLUFF ARSENAL		
AMMUNITION DEMILITARIZATION FACILITY (PHASE V)	43,600	---
CHEMICAL DEFENSE QUALIFICATION FACILITY	15,500	18,000
CHILD DEVELOPMENT CENTER	---	2,750
AIR FORCE		
LITTLE ROCK AFB		
ADD TO C-130 DROP ZONE	---	1,259
C-130 SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT	7,960	7,960
FITNESS CENTER	9,100	9,100
DEFENSE-WIDE		
PINE BLUFF ARSENAL		
AMMUNITION DEMILITARIZATION FACILITY (PHASE V)	---	43,600
AIR NATIONAL GUARD		
FORT SMITH MUNICIPAL AIRPORT		
REGIONAL FIRE TRAINING FACILITY	1,760	1,760
TOTAL, ARKANSAS	77,920	84,429
CALIFORNIA		
ARMY		
FORT IRWIN		
BARRACKS COMPLEX - NORTH	31,000	31,000
PRESIDIO OF MONTEREY		
BARRACKS ADDITION	---	2,600
NAVY		
BARSTOW MARINE CORPS LOGISTICS BASE		
PAINT AND UNDERCOAT FACILITY	---	6,660
CAMP PENDLETON MARINE CORPS BASE		
ARMOR/ANTI-ARMOR TRACKING RANGE	4,100	4,100
INFANTRY SQUADRON BATTLE COURSE	4,000	4,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
LEMOORE NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS	8,260	8,260
CHILD DEVELOPMENT CENTER EXPANSION	---	3,790
MIRAMAR MARINE CORPS AIR STATION		
GROUND COMBAT TRAINING RANGE	7,350	7,350
PHYSICAL FITNESS CENTER	---	6,390
MONTEREY NAVAL POSTGRADUATE SCHOOL		
BUILDING 245 EXTENSION (PHASE I)	---	5,280
NORTH ISLAND NAVAL AIR STATION		
BERTHING WHARF (PHASE II)	12,800	12,800
NORTH ISLAND NAVAL AVIATION DEPOT		
COMPONENT REPAIR CLEAN ROOM FACILITY	4,340	4,340
PORT HUEMEME NAVAL SURFACE WARFARE CENTER		
WEAPON/COMBAT SYSTEM INTEG LAB	10,200	10,200
POINT MUGU NAVAL AIR WARFARE CTR WPNS DIV		
ADD/ALTER RANGE OPERATIONS CENTER	11,400	11,400
SAN CLEMENTE ISLAND NAVAL FACILITY		
AIRCRAFT OPERATIONS BUILDING	8,860	8,860
SAN DIEGO NAVAL STATION		
BERTHING PIER (PHASE I)	35,700	35,700
TWENTYNINE PALMS		
BACHELOR ENLISTED QUARTERS	---	21,770
URBAN ASSAULT COURSE	2,100	2,100
AIR FORCE		
BEALE AFB		
CONTROL TOWER	---	6,299
WATER TREATMENT PLANT AND DISTRIBUTION LINE	3,800	3,800
LOS ANGELES AFB		
FITNESS CENTER	6,580	6,580
VANDENBERG AFB		
UPGRADE WATER DISTRIBUTION SYSTEM	4,650	4,650
DEFENSE-WIDE		
CAMP PENDLETON MARINE CORPS BASE		
FLEET HOSPITAL OPS/TRAINING COMMAND SUPPORT FAC	2,900	2,900
MEDICAL/DENTAL CLINIC REPLACEMENT (HORNO)	3,950	3,950
MEDICAL/DENTAL CLINIC REPLACEMENT (LAS FLORES)	3,550	3,550
MEDICAL/DENTAL CLINIC REPLACEMENT (LAS PULGAS)	3,750	3,750
CORONADO NAVAL AMPHIBIOUS BASE		
APPLIED INSTRUCTION FACILITY	4,300	4,300
NORTH ISLAND NAVAL AIR STATION		
REPLACE FUEL STORAGE TANKS	5,900	5,900
SMALL CRAFT BERTHING FACILITY	1,350	1,350
TWENTYNINE PALMS MARINE CORPS AIR STATION		
FUEL STORAGE FACILITY	2,200	2,200
EDWARDS AFB		
MEDICAL CLINIC ADDITION/DENTAL CLINIC ALTERATION	17,900	17,900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ARMY NATIONAL GUARD		
BAKERSFIELD		
ORGANIZATIONAL MAINTENANCE SHOP	1,380	---
COLTON		
ORGANIZATIONAL MAINTENANCE SHOP	489	---
ESCONDIDO		
ORGANIZATIONAL MAINTENANCE SHOP	1,380	---
FRESNO		
ORGANIZATIONAL MAINTENANCE SHOP	1,869	2,847
LOS ALAMITOS		
ORGANIZATIONAL MAINTENANCE SHOP	489	---
PARKS		
ORGANIZATIONAL MAINTENANCE SHOP	---	6,062
RICHMOND		
ORGANIZATIONAL MAINTENANCE SHOP	489	---
SAN JOSE		
ORGANIZATIONAL MAINTENANCE SHOP	1,869	---
SAN MATEO		
ORGANIZATIONAL MAINTENANCE SHOP	461	---
SANTA BARBARA		
ORGANIZATIONAL MAINTENANCE SHOP	483	---
NAVY RESERVE		
ALAMEDA NAVAL AIR STATION		
SEAWALL	950	950
TOTAL, CALIFORNIA	210,799	263,588
COLORADO		
ARMY		
PUEBLO DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)	10,700	---
AIR FORCE		
BUCKLEY ANGB		
SPACE BASED INFRARED SYSTEM POWER CONNECTION	2,750	2,750
PETERSON AFB		
COMPUTER NETWORK DEFENSE FACILITY	---	6,826
DORMITORY	11,000	11,000
OPERATIONS SUPPORT FACILITY	2,260	2,260
MAINTAIN MAIN ACCESS GATE	---	2,310
SCHRIEVER AFB		
ADD TO OPERATIONAL SUPPORT FACILITY	8,450	8,450
US AIR FORCE ACADEMY		
ADD TO ATHLETIC FACILITY	18,960	18,960
ARMY NATIONAL GUARD		
FORT CARSON		
MOBILIZATION AND TRAINING EQUIPMENT SITE (PHASE I)	---	15,100

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
BUCKLEY ANGB		
REPLACE JOINT MUNITIONS MAINT AND STORAGE COMPLEX.	---	6,000
DEFENSE-WIDE		
PUEBLO DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)...	---	10,700
TOTAL, COLORADO....................................	54,120	84,356
CONNECTICUT		
NAVY		
NEW LONDON NAVAL SUBMARINE BASE		
DRYDOCK SUPPORT FACILITY...........................	3,100	3,100
DELAWARE		
ARMY NATIONAL GUARD		
SMYRNA		
READINESS CENTER...................................	---	7,020
DISTRICT OF COLUMBIA		
NAVY		
WASHINGTON COMMANDANT NAVAL DISTRICT		
NAVY MUSEUM ANNEX..................................	2,450	2,450
WASHINGTON MARINE BARRACKS, 8TH & I		
BACHELOR ENLISTED QUARTERS.........................	17,197	17,197
SITE IMPROVEMENTS..................................	---	7,400
WASHINGTON NAVAL RESEARCH LABORATORY		
NANO-SCIENCE RESEARCH FACILITY.....................	---	12,390
AIR FORCE		
BOLLING AFB		
CHILD DEVELOPMENT CENTER...........................	4,520	4,520
TOTAL, DISTRICT OF COLUMBIA........................	24,167	43,957
FLORIDA		
NAVY		
FORT LAUDERDALE NAVAL SURFACE WARFARE CTR DETACHMENT		
SEAWALL AND SHIP BERTHING FACILITY.................	3,570	3,570
MAYPORT NAVAL STATION		
AIRCRAFT CARRIER WHARF IMPROVEMENTS................	---	6,830
PANAMA CITY NAVAL COASTAL SYSTEM CENTER		
AMPHIBIOUS WARFARE INTEGRATION FACILITY............	---	9,960
WHITING FIELD NAVAL AIR STATION		
JPATS T-6A GSE SUPPORT/PAINT FACILITY..............	3,900	3,900
JPATS T-6A OPERATIONS/MAINTENANCE FACILITY.........	1,230	1,230

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE		
EGLIN AFB		
PRECISION GUIDED MUNITIONS MAINTENANCE FACILITY...	3,340	3,340
UPGRADE DORMITORY..................................	5,600	5,600
EGLIN AUXILIARY FIELD 9		
DEFENSE ACCESS ROAD................................	2,360	2,360
UPGRADE ACCESS ROADS...............................	5,600	5,600
PATRICK AFB		
DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE FAC	12,970	12,970
TYNDALL AFB		
F-22 ADD/ALTER MAINTENANCE FACILITY................	18,500	18,500
F-22 OPERATIONS FACILITY...........................	6,800	6,800
WEAPONS CONTROLLER TRAINING SCHOOL.................	---	6,195
DEFENSE-WIDE		
EGLIN AFB		
ADD/ALTER HOSPITAL/LIFE SAFETY UPGRADE.............	37,600	37,600
EGLIN AUXILIARY FIELD 9		
AGE MAINTENANCE DISPATCH COMPLEX...................	4,750	4,750
AIRFIELD READINESS IMPROVEMENTS....................	3,000	3,000
CORROSION CONTROL FACILITY.........................	8,100	8,100
HOT CARGO PAD......................................	7,354	7,354
MACDILL AFB		
REPLACE HYDRANT FUEL SYSTEM........................	16,956	16,956
PATRICK AFB		
MEDICAL CLINIC.....................................	2,700	2,700
TYNDALL AFB		
ADD/ALTER MEDICAL CLINIC...........................	7,700	7,700
ARMY RESERVE		
CLEARWATER		
ARMY AVIATION SUPPORT FACILITY.....................	---	17,800
ORLANDO		
ADD/ALTER RESERVE CENTER/ORGANIZATIONAL MAINT SHOP	17,953	17,953
ST PETERSBURG		
ARMED FORCES RESERVE CENTER (PHASE I)..............	---	10,000
AIR FORCE RESERVE		
HOMESTEAD AFRB		
ADD/ALTER FIRE STATION (PHASE II)..................	---	2,000
TOTAL, FLORIDA.....................................	169,983	222,768
GEORGIA		
ARMY		
FORT BENNING		
BARRACKS COMPLEX (KELLEY HILL) (PHASE III-B)......	24,000	24,000
FIXED WING AIRCRAFT PARKING APRON..................	15,800	15,800

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FORT GORDON		
CONSOLIDATED FIRE STATION	---	2,600
FORT STEWART		
BARRACKS COMPLEX (HUNTER AAF) (PHASE I-C)	26,000	26,000
NAVY		
ALBANY MARINE CORPS LOGISTICS BASE		
RENOVATE VEHICLE STORAGE FACILITY	1,100	1,100
ATHENS NAVAL SUPPLY CORPS SCHOOL		
FITNESS CENTER	---	2,950
KINGS BAY TRIDENT REFIT FACILITY		
CONSOLIDATED SANDBLAST/PAINT FACILITY	5,200	5,200
AIR FORCE		
FORT STEWART		
AIR SUPPORT OPERATIONS SQUADRON FACILITY	4,920	4,920
MOODY AFB		
DORMITORY	---	8,818
WATER TREATMENT PLANT	2,500	2,500
ROBINS AFB		
ADD/ALTER STORM DRAINAGE SYSTEM	---	11,762
AIRMEN DINING FACILITY	---	4,095
AIR NATIONAL GUARD		
ROBINS AFB		
B-1 MUNITIONS MAINTENANCE AND TRAINING COMPLEX	8,500	8,500
NAVY RESERVE		
ATLANTA NAVAL AIR STATION		
FITNESS CENTER ADDITION	2,650	2,650
RESERVE TRAINING BUILDING ADDITION	1,769	1,769
AIR FORCE RESERVE		
DOBBINS AFB		
C-130 ASSAULT STRIP	6,032	6,032
TOTAL, GEORGIA	98,471	128,696
HAWAII		
ARMY		
POHAKULOA TRAINING RANGE		
SADDLE ACCESS ROAD	---	12,000
SCHOFIELD BARRACKS		
BARRACKS COMPLEX (WILSON STREET) (PHASE I-B)	46,400	46,400
WHEELER ARMY AIR FIELD		
BARRACKS COMPLEX	43,800	43,800
NAVY		
CAMP SMITH		
CINCPAC HEADQUARTERS (PHASE II)	35,600	35,600
FORD ISLAND		
SEWER FORCE MAIN	---	6,900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
KANEOHE BAY MARINE CORPS BASE		
BACHELOR ENLISTED QUARTERS	18,400	18,400
LUALUALEI NAVAL UNDERSEA WARFARE DETACHMENT		
CONSOLIDATED FLEET TEST SUPPORT FACILITY	2,100	2,100
PEARL HARBOR FLEET AND INDUSTRIAL SUPPLY CENTER		
WHARF UPGRADE	12,000	12,000
PEARL HARBOR NAVAL STATION		
BACHELOR ENLISTED QUARTERS	16,500	16,500
RELOCATE SEAL DELIVERY VEHICLE TEAM	14,200	14,200
AIR FORCE		
HICKAM AFB		
UPGRADE HANGAR COMPLEX	4,620	4,620
DEFENSE-WIDE		
PEARL HARBOR		
SPECIAL DELIVERY DRYDECK FACILITY	---	9,900
ARMY NATIONAL GUARD		
MAUI		
READINESS CENTER	---	11,592
TOTAL, HAWAII	193,620	234,012
IDAHO		
AIR FORCE		
MOUNTAIN HOME AFB		
ENHANCED TRAINING RANGE (PHASE III)	10,125	10,125
AIR NATIONAL GUARD		
GOWEN FIELD		
C-130 ASSAULT STRIP	---	9,000
TOTAL, IDAHO	10,125	19,125
ILLINOIS		
NAVY		
GREAT LAKES NAVAL TRAINING CENTER		
PHYSICIAL TRAINING FACILITY	35,000	35,000
RECRUIT BARRACKS	37,000	37,000
RECRUIT BARRACKS	37,700	37,700
REPLACE TRAINING DRILL HALL	11,700	11,700
AIR FORCE		
SCOTT AFB		
MUNITIONS STORAGE/LAND ACQUISITION	3,830	3,830
ARMY NATIONAL GUARD		
AURORA		
READINESS CENTER	---	2,871
DANVILLE		
READINESS CENTER	---	2,435

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
SCOTT AFB		
KC-135E FLIGHT TRAINING FACILITY..................	1,500	1,500
TOTAL, ILLINOIS................................	126,730	132,036
INDIANA		
ARMY		
NEWPORT ARMY AMMUNITION PLANT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE III)..	54,400	---
DEFENSE-WIDE		
NEWPORT ARMY AMMUNITION PLANT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE III)..	---	54,400
ARMY NATIONAL GUARD		
DELPHI		
ORGANIZATIONAL MAINTENANCE SHOP..................	1,563	1,563
ELKHART		
ORGANIZATIONAL MAINTENANCE SHOP..................	2,322	2,322
LOGANSPORT		
ORGANIZATIONAL MAINTENANCE SHOP..................	739	739
PLYMOUTH		
ORGANIZATIONAL MAINTENANCE SHOP..................	951	951
SOUTH BEND		
ORGANIZATIONAL MAINTENANCE SHOP..................	951	951
AIR NATIONAL GUARD		
FORT WAYNE INTERNATIONAL AIRPORT		
REPLACE FUEL CELL AND CORROSION CONTROL FACILITY..	---	7,000
AIR FORCE RESERVE		
GRISSOM AFRB		
SERVICES COMPLEX (PHASE II)......................	---	11,290
NAVY RESERVE		
GRISSOM AFRB		
RESERVE TRAINING FACILITY........................	---	4,730
TOTAL, INDIANA.................................	60,926	83,946
KANSAS		
ARMY		
FORT RILEY		
ADVANCE WASTE WATER TREATMENT FACILITY............	---	22,000
BARRACKS COMPLEX (INFANTRY DRIVE) (PHASE I-C).....	15,000	15,000
AIR FORCE		
MCCONNELL AFB		
APPROACH LIGHTING SYSTEM.........................	---	2,100
KC-135 SQUAD OPS/AIRCRAFT MAINTENANCE UNIT........	---	9,764

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
MCCONNELL AFB		
HYDRANT FUEL SYSTEM	11,000	11,000
ARMY NATIONAL GUARD		
KANSAS CITY		
ORGANIZATIONAL MAINTENANCE SHOP	641	641
AIR NATIONAL GUARD		
MCCONNELL AFB		
B-1 POWER CHECK PAD WITH SOUND SUPPRESSOR	---	1,550
TOTAL, KANSAS	26,641	62,055
KENTUCKY		
ARMY		
BLUEGRASS ARMY DEPOT		
AMMUNITION DEMILITARIZATION SUPPORT (PHASE II)	8,500	---
FORT CAMPBELL		
BARRACKS COMPLEX (MARKET GARDEN RD) (PHASE II-C)	9,400	9,400
FORT KNOX		
MULTI-PURPOSE DIGITAL TRAINING RANGE (PHASE III)	8,450	9,000
DEFENSE-WIDE		
BLUEGRASS ARMY DEPOT		
AMMUNITION DEMILITARIZATION SUPPORT (PHASE II)	---	8,500
FORT CAMPBELL		
EQUIPMENT MAINTENANCE COMPLEX	4,500	4,500
FLIGHT SIMULATOR FACILITY	5,400	5,400
TACTICAL EQUIPMENT COMPLEX	6,400	6,400
ARMY NATIONAL GUARD		
FORT KNOX		
PARKING AT MATES	---	3,929
TOTAL, KENTUCKY	42,650	47,129
LOUISIANA		
AIR FORCE		
BARKSDALE AFB		
B-52H FUEL CELL MAINTENANCE DOCK	---	14,074
DORMITORY	6,390	6,390
ARMY RESERVE		
FORT POLK		
ADD/ALTER RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/EQUIPMENT CONCENTRATION SITE	9,912	9,912
NEW ORLEANS		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/ UNHEATED STORAGE	10,375	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NAVY RESERVE		
NEW ORLEANS NAVAL SUPPORT ACTIVITY		
PHYSICAL FITNESS/RECREATION AREA	---	1,670
NEW ORLEANS NAVAL AIR STATION		
AIR PASSENGER TERMINAL	590	590
JOINT RESERVE CENTER (PHASE I)	---	7,000
WAREHOUSE ADDITION	800	800
TOTAL, LOUISIANA	28,067	40,436
MAINE		
NAVY		
BRUNSWICK NAVAL AIR STATION		
AIRCRAFT DE-ICING/RINSE FACILITY	2,450	2,450
PORTSMOUTH NAVAL SHIPYARD		
WATERFRONT CRANE RAIL SYSTEM	---	4,960
TOTAL, MAINE	2,450	7,410
MARYLAND		
ARMY		
ABERDEEN PROVING GROUND		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)	45,700	---
MUNITIONS ASSESSMENT/PROCESSING SYSTEMS FACILITY	3,100	---
FORT MEADE		
BARRACKS	---	19,000
NAVY		
INDIAN HEAD NAVAL EXPLOSIVE ORDNANCE CENTER		
JOINT SERVICE EOD EQUIPMENT SUPPORT FACILITY	6,430	6,430
PATUXENT RIVER NAVAL AIR STATION		
ENVIRONMENTAL NOISE REDUCTION WALL	---	1,670
RESEARCH AND TEST EVALUATION SUPPORT FACILITY	---	6,570
DEFENSE-WIDE		
ABERDEEN PROVING GROUND		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)	---	45,700
MUNITIONS ASSESSMENT/PROCESSING SYSTEMS FACILITY	---	3,100
PATUXENT RIVER NAVAL AIR STATION		
REPLACE OPERATING FUEL TANKS	8,300	8,300
FORT MEADE		
CRITICAL UTILITY CONTROL (PHASE II)	769	769
ROUTE 32	3,459	3,459
TOTAL, MARYLAND	67,758	94,998
MASSACHUSETTS		
AIR FORCE		
HANSCOM AFB		
RENOVATE ACQUISITION MGMT FACILITY (PHASE II)	---	12,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
BARNES MUNICIPAL AIRPORT		
RELOCATE TAXIWAY	---	4,000
OTIS ANGB		
UPGRADE AIRFIELD STORM WATER SYSTEM	---	2,000
NAVY RESERVE		
WESTOVER AFRB		
MARINE RESERVE TRAINING FACILITY	---	9,100
RESCISSION, FISCAL YEAR 1998	---	-2,400
AIR FORCE RESERVE		
WESTOVER AFRB		
REPAIR/ALTER AIRMEN QUARTERS	---	7,450
TOTAL, MASSACHUSETTS	---	32,150
MICHIGAN		
ARMY NATIONAL GUARD		
LANSING		
COMBINED MAINTENANCE SHOP (PHASE I)	---	17,000
AUGUSTA		
ORGANIZATIONAL MAINTENANCE SHOP	---	3,600
MIDLAND		
ORGANIZATIONAL MAINTENANCE SHOP	3,600	---
AIR NATIONAL GUARD		
ALPENA COUNTY REGIONAL AIRPORT		
REPLACE OPERATIONS AND TRAINING COMPLEX	4,500	4,500
SELFRIDGE ANGB		
UPGRADE RUNWAY	---	18,000
TOTAL, MICHIGAN	8,100	43,100
MINNESOTA		
ARMY NATIONAL GUARD		
CAMP RIPLEY		
COMBINED SUPPORT MAINTENANCE SHOP (PHASE II)	---	10,368
MANKATO		
READINESS CENTER	4,681	4,681
TOTAL, MINNESOTA	4,681	15,049
MISSISSIPPI		
NAVY		
MERIDIAN NAVAL AIR STATION		
T-45 AIRCRAFT SUPPORT FACILITIES	4,700	4,700
STENNIS SPACE CENTER		
WARFIGHTING CENTER	---	6,950

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE		
COLUMBUS AFB		
CORROSION CONTROL FACILITY	---	4,828
KEESLER AFB		
TECHNICAL TRAINING FACILITY	15,040	15,040
ARMY NATIONAL GUARD		
CAMP MCCAIN		
MODIFIED RECORD FIRE RANGE	---	2,000
OXFORD		
READINESS CENTER	---	3,348
AIR NATIONAL GUARD		
JACKSON INTERNATIONAL AIRPORT		
C-17 CORROSION CONTROL/MAINTENANCE HANGAR	10,500	12,200
TOTAL, MISSISSIPPI	30,240	49,066
MISSOURI		
ARMY		
FORT LEONARD WOOD		
AIRFIELD IMPROVEMENTS	---	4,200
BASIC TRAINING COMPLEX (PHASE I-A)	38,600	38,600
AIR FORCE		
WHITEMAN AFB		
B-2 CONVENTIONAL MUNITIONS IGLOOS	4,150	4,150
B-2 MUNITIONS ASSEMBLY AREA	7,900	7,900
ARMY NATIONAL GUARD		
MARYVILLE		
READINESS CENTER	---	4,225
NAVY RESERVE		
WHITEMAN AFB		
LITTORAL SURVEILLANCE SYSTEM	---	3,570
TOTAL, MISSOURI	50,650	62,645
MONTANA		
AIR FORCE		
MALMSTROM AFB		
CONVERT COMMERCIAL GATE	---	3,517
HELICOPTER OPERATIONS FACILITY	---	2,362
MINUTEMAN III MISSILE SERVICE FACILITY	5,300	5,300
ARMY NATIONAL GUARD		
BOZEMAN		
READINESS CENTER	---	4,916
HAVRE		
ORGANIZATIONAL MAINTENANCE SHOP	461	461

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
KALISPELL		
ORGANIZATIONAL MAINTENANCE SHOP	493	493
LIBBY		
ORGANIZATIONAL MAINTENANCE SHOP	463	463
TOTAL, MONTANA	6,717	17,512
NEBRASKA		
ARMY NATIONAL GUARD		
GERING		
ORGANIZATIONAL MAINTENANCE SHOP	657	657
MEAD		
ORGANIZATIONAL MAINTENANCE SHOP	714	714
NORTH PLATTE		
ORGANIZATIONAL MAINTENANCE SHOP	508	508
TOTAL, NEBRASKA	1,879	1,879
NEVADA		
NAVY		
FALLON NAVAL AIR STATION		
CORROSION CONTROL HANGAR	---	6,280
ARMY NATIONAL GUARD		
CARSON CITY USP&FO		
ADMINISTRATION BUILDING	---	4,472
AIR NATIONAL GUARD		
RENO-TAHOE INTERNATIONAL AIRPORT		
FUEL STORAGE COMPLEX	---	5,000
DEFENSE-WIDE		
FALLON NAVAL AIR STATION		
REPLACE OPERATING FUEL TANKS	5,000	5,000
TOTAL, NEVADA	5,000	20,752
NEW HAMPSHIRE		
AIR NATIONAL GUARD		
PEASE INTERNATIONAL TRADE PORT		
MEDICAL TRAINING FACILITY	---	4,000
ARMY RESERVE		
ROCHESTER		
LAND ACQUISITION	980	980
TOTAL, NEW HAMPSHIRE	980	4,980
NEW JERSEY		
ARMY		
PICATINNY ARSENAL		
ARMAMENT SOFTWARE ENGINEERING CENTER (PHASE II)	---	5,600

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NAVY		
EARLE NAVAL WEAPONS STATION		
RECREATION CENTER................................	2,420	2,420
AIR FORCE		
MCGUIRE AFB		
AIR FREIGHT TERMINAL/BASE SUPPLY COMPLEX (PHASE I)	---	10,600
FITNESS CENTER....................................	9,772	9,772
TOTAL, NEW JERSEY................................	12,192	28,392
NEW MEXICO		
AIR FORCE		
CANNON AFB		
CONTROL TOWER.....................................	---	4,934
HOLLOMAN AFB		
REPAIR BONITO PIPELINE............................	---	18,380
KIRTLAND AFB		
FIRE/CRASH RESCUE STATION.........................	---	7,350
TOTAL, NEW MEXICO................................	---	30,664
NEW YORK		
ARMY		
FORT DRUM		
BATTLE SIMULATION CENTER (PHASE I)................	---	12,000
CONSOLIDATED SOLDIER SUPPORT CENTER (PHASE II)....	10,300	10,300
U S MILITARY ACADEMY		
CADET PHYSICAL DEVELOPMENT CENTER (PHASE II-A)....	13,600	13,600
DEFENSE-WIDE		
FORT DRUM		
VETERINARY TREATMENT FACILITY.....................	1,400	1,400
ARMY NATIONAL GUARD		
HANCOCK FIELD		
READINESS CENTER..................................	5,376	5,376
AIR NATIONAL GUARD		
HANCOCK FIELD		
SMALL ARMS RANGE TRAINING FACILITY................	---	1,250
UPGRADE AIRCRAFT MAINTENANCE SHOPS................	---	9,100
NIAGRA FALLS INTERNATIONAL AIRPORT		
UPGRADE OVERRUN AND RUNWAY........................	---	4,100
TOTAL, NEW YORK..................................	30,676	57,126
NORTH CAROLINA		
ARMY		
FORT BRAGG		
AMMUNITION HOLDING AREA...........................	12,600	12,600

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
BARRACKS COMPLEX (BUTNER ROAD) (PHASE I)	26,000	26,000
BARRACKS COMPLEX (LONGSTREET ROAD) (PHASE I)	45,600	45,600
BARRACKS COMPLEX (TAGAYTAY STREET) (PHASE II-B)	38,600	38,600
SUNNY POINT MILITARY OCEAN TERMINAL		
RAILROAD EQUIPMENT MAINTENANCE FACILITY	2,300	2,300
NAVY		
CAMP LEJEUNE MARINE CORPS BASE		
AMPHIB OPERATION/MAINTENANCE STORAGE COMPLEX	9,500	9,500
ARMORIES	10,000	14,000
BACHELOR ENLISTED QUARTERS	14,300	14,300
CHILD DEVELOPMENT CENTER	4,420	4,420
OPERATIONS/MAINTENANCE/STORAGE FACILITY	3,650	3,650
CHERRY POINT MARINE CORPS AIR STATION		
AIRCRAFT HANGAR IMPROVEMENTS	8,480	8,480
CHERRY POINT NAVAL AVIATION DEPOT		
AIRCRAFT STRIPPING FACILITY ADDITION	7,540	7,540
NEW RIVER MARINE CORPS AIR STATION		
AIRCRAFT RINSE FACILITY	800	800
AIR TRAFFIC CONTROL TOWER	2,600	2,600
AIR FORCE		
POPE AFB		
DANGEROUS CARGO PADS	24,570	24,570
SEYMOUR JOHNSON AFB		
REPAIR AIRFIELD PAVEMENTS	---	7,141
DEFENSE-WIDE		
CAMP LEJEUNE MARINE CORPS BASE		
RUSSELL ELEMENTARY SCHOOL	5,914	5,914
CHERRY POINT MARINE CORPS AIR STATION		
REPLACE FUEL STORAGE TANKS	5,700	5,700
FORT BRAGG		
MEDIA OPERATIONS COMPLEX	8,600	8,600
ARMY NATIONAL GUARD		
FORT BRAGG		
MILITARY EDUCATION FACILITY (PHASE I)	8,709	8,709
AIR NATIONAL GUARD		
CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT		
REPLACE SUPPLY WAREHOUSE	---	6,300
TOTAL, NORTH CAROLINA	239,883	257,324
NORTH DAKOTA		
ARMY NATIONAL GUARD		
WAHPETON		
ARMED FORCES READINESS CENTER	---	10,960
OHIO		
ARMY		
COLUMBUS DEFENSE SUPPLY CENTER		
MILITARY ENTRANCE PROCESSING STATION	1,832	1,832

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE		
WRIGHT-PATTERSON AFB		
CONSOLIDATED TOXICS HAZARDS LAB	---	14,908
REPLACE WEST RAMP (PHASE I)	22,600	22,600
AIR NATIONAL GUARD		
MANSFIELD-LAHM AIRPORT		
REPLACE SQUADRON OPERATIONS AND COMMUNICATIONS	---	7,700
SPRINGFIELD-BUCKLEY MUNICIPAL AIRPORT		
RELOCATE POWER CHK PAD AND ARM/DEARM PAD (PHASE I)	---	4,000
NAVY RESERVE		
COLUMBUS NAVAL AND MARINE CORPS RESERVE CENTER		
CONSOLIDATED NAVY AND MARINE CORPS AIR RESERVE CTR	---	7,080
TOTAL, OHIO	24,432	58,120
OKLAHOMA		
ARMY		
FORT SILL		
TACTICAL EQUIPMENT SHOP (PHASE II)	---	10,100
AIR FORCE		
ALTUS AFB		
C-17 CARGO COMPARTMENT TRAINER	---	2,939
TINKER AFB		
DEPOT CORROSION CONTROL STRIP FACILITY	12,380	12,380
DORMITORY	---	8,715
DORMITORY	5,800	5,800
VANCE AFB		
MAINTENANCE HANGAR	---	10,504
ARMY NATIONAL GUARD		
SAND SPRINGS		
ARMED FORCES RESERVE CENTER	---	13,530
TOTAL, OKLAHOMA	18,180	63,968
OREGON		
ARMY		
UMATILLA DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY (PHASE VI)	9,400	---
DEFENSE-WIDE		
UMATILLA DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY (PHASE VI)	---	9,400
ARMY NATIONAL GUARD		
BAKER CITY		
READINESS CENTER	3,122	3,122
CAMP RILEA		
TRAINING SIMULATION CENTER	---	1,470

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NAVY RESERVE		
PORTLAND INTERNATIONAL AIRPORT		
ALTER RESERVE CENTER/VEHICLE MAINTENANCE FACILITY.	1,420	1,420
TOTAL, OREGON	13,942	15,412
PENNSYLVANIA		
ARMY		
CARLISLE BARRACKS		
ACADEMIC RESEARCH FACILITY	10,500	10,500
NEW CUMBERLAND DEFENSE DISTRIBUTION CENTER		
MILITARY ENTRANCE PROCESSING STATION	3,700	3,700
NAVY		
PHILADEPHIA NAVAL SURFACE WARFARE CENTER		
GAS TURBINE TEST FACILITY	---	10,680
DEFENSE-WIDE		
SUSQUEHANNA DEFENSE DISTRIBUTION DEPOT		
REPLACE CHILD DEVELOPMENT CENTER	4,700	4,700
REPLACE CONTROLLED HUMIDITY WAREHOUSE	13,000	13,000
ARMY NATIONAL GUARD		
FORT INDIANTOWN GAP		
REPAIR WASTE TREATMENT PLANT/SEWAGE LINE REPLACEMENT (PHASE I)	---	8,518
JOHNSTOWN		
REGIONAL MAINTENANCE SHOP	---	4,500
MANSFIELD		
READINESS CENTER	---	3,100
NEW MILFORD		
READINESS CENTER	---	2,675
AIR FORCE RESERVE		
WILLOW GROVE ARS		
ALTER HANGAR AND FIRE SUPPRESSION	2,400	2,400
TOTAL, PENNSYLVANIA	34,300	63,773
RHODE ISLAND		
NAVY		
NEWPORT NAVAL UNDERSEA WARFARE CENTER		
SHORE BASED LAUNCH FACILITY	4,150	4,150
AIR NATIONAL GUARD		
QUONSET STATE AIRPORT		
MAINTENANCE HANGAR AND SHOPS (PHASE I)	---	8,900
TOTAL, RHODE ISLAND	4,150	13,050
SOUTH CAROLINA		
NAVY		
BEAUFORT MARINE CORPS AIR STATION		
FLIGHTLINE FIRE SAFETY IMPROVEMENTS	3,140	3,140

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
PARRIS ISLAND MARINE CORPS RECRUIT DEPOT		
FIELD TRAINING COMPLEX	2,660	2,660
AIR FORCE		
CHARLESTON AFB		
BASE MOBILITY WAREHOUSE	---	9,449
C-17 ADD TO FLIGHT SIMULATOR FACILITY	2,500	2,500
RUNWAY REPAIR	---	10,289
SHAW AFB		
DINING FACILITY	---	5,252
USCENTAF OPERATIONS WEATHER SQUADRON FACILITY	2,850	2,850
DEFENSE-WIDE		
BEAUFORT MARINE CORPS AIR STATION		
LAUREL BAY PRIMARY SCHOOL CLASSROOM ADDITION	804	804
ARMY NATIONAL GUARD		
BEAUFORT MARINE CORPS AIR STATION		
READINESS CENTER	---	4,870
LEESBURG TRAINING CENTER		
INFRASTRUCTURE UPGRADES	---	5,682
NAVY RESERVE		
FORT JACKSON		
NAVAL RESERVE ARMORY	---	5,200
TOTAL, SOUTH CAROLINA	11,954	52,696
SOUTH DAKOTA		
AIR FORCE		
ELLSWORTH AFB		
BASE CIVIL ENGINEER COMPLEX (PHASE I)	---	10,290
ARMY NATIONAL GUARD		
SIOUX FALLS		
CONSOLIDATED BARRACKS/EDUCATION FACILITY	---	4,955
TOTAL, SOUTH DAKOTA	---	15,245
TENNESSEE		
ARMY NATIONAL GUARD		
HENDERSON		
READINESS CENTER	---	5,165
NEW TAZWELL		
READINESS CENTER	---	3,510
TOTAL, TENNESSEE	---	8,675
TEXAS		
ARMY		
FORT BLISS		
RAILYARD INFRASTRUCTURE	26,000	26,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FORT HOOD		
COMMAND AND CONTROL FACILITIES (PHASE I)	---	4,000
FIRE STATION/TRANSPORTATION MOTOR POOL	---	6,492
MULTI-PURPOSE DIGITAL TRAINING RANGE (PHASE I)	16,000	16,000
RAILHEAD FACILITY (PHASE III)	9,800	9,800
RED RIVER ARMY DEPOT		
AMMUNITION CONTAINER COMPLEX	800	800
NAVY		
CORPUS CHRISTI NAVAL AIR STATION		
PARKING APRON EXPANSION	---	4,850
INGLESIDE NAVAL STATION		
MOBILE MINE ASSEMBLY UNIT FACILITY	---	2,420
KINGSVILLE NAVAL AIR STATION		
AIRCRAFT PARKING APRON	---	2,670
AIR FORCE		
DYESS AFB		
FITNESS CENTER	---	12,813
REALISTIC BOMBER TRAINING INITIATIVE	12,175	12,175
LACKLAND AFB		
CHILD DEVELOPMENT CENTER	---	4,830
DORMITORY	5,500	5,500
SHEPPARD AFB		
DINING FACILITY	---	6,450
LAUGHLIN AFB		
VISITORS QUARTERS	---	11,973
DEFENSE-WIDE		
FORT BLISS		
LABORATORY RENOVATION	---	4,200
ARMY RESERVE		
CAMP BULLIS		
RESERVE CENTER/UNHEATED STORAGE	1,464	1,464
FORT SAM HOUSTON		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/ EQUIPMENT CONCENTRATION SITE	13,678	13,678
AIR NATIONAL GUARD		
ELLINGTON FIELD		
REPLACE BASE SUPPLY AND CIVIL ENGINEER COMPLEX	---	10,000
NAVY RESERVE		
FORT WORTH NAVAL AIR STATION		
INDOOR RIFLE RANGE	---	3,490
RELIGIOUS MINISTRY FACILITY	---	1,830
TOTAL, TEXAS	85,417	164,945
UTAH		
AIR FORCE		
HILL AFB		
C-130 CORROSION CONTROL FACILITY	16,500	16,500

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DORMITORY	---	11,550
AIR NATIONAL GUARD		
SALT LAKE CITY INTERNATIONAL AIRPORT		
UPGRADE AIRCRAFT MAINTENANCE COMPLEX	10,300	10,300
TOTAL, UTAH	26,800	38,350
VERMONT		
AIR NATIONAL GUARD		
BURLINGTON INTERNATIONAL AIRPORT		
AIRCRAFT MAINTENANCE COMPLEX	---	9,300
VIRGINIA		
ARMY		
FORT EUSTIS		
AIRCRAFT MAINTENANCE INSTRUCTION BUILDING	---	4,450
NAVY		
DAHLGREN NAVAL SURFACE WARFARE CENTER		
INNOVATIVE TECHNOLOGY AND INFRASTRUCTURE	11,300	11,300
JOINT WARFARE ANALYSIS CENTER	---	19,400
LITTLE CREEK NAVAL AMPHIBIOUS BASE		
WATERFRONT OPERATIONS BUILDING	2,830	2,830
NORFOLK NAVAL AIR STATION		
AIRCRAFT MAINTENANCE HANGAR	13,300	13,300
AIRCRAFT MAINTENANCE HANGAR	11,800	11,800
TAXIWAY EXTENSION AND LIGHTS	6,350	6,350
NORFOLK NAVAL STATION		
PIER ENHANCEMENTS	4,700	4,700
NORFOLK NAVAL SHIPYARD		
BACHELOR ENLISTED QUARTERS	16,100	16,100
OCEANA NAVAL AIR STATION		
AIRFIELD IMPROVEMENTS	5,250	5,250
QUANTICO MARINE CORPS COMBAT DEV COMMAND		
PHYSICAL TRAINING FACILITY	8,590	8,590
WALLOPS ISLAND AEGIS COMBAT SYSTEMS CENTER		
SPY-1D TEST AND EVALUATION FACILITY ADDITION	3,300	3,300
AIR FORCE		
LANGLEY AFB		
DORMITORY	7,470	7,470
FITNESS CENTER	---	12,180
DEFENSE-WIDE		
DAM NECK FLEET COMBAT TRAINING CENTER		
OPERATIONAL SUPPORT FACILITY	5,500	5,500
RICHMOND DEFENSE SUPPLY CENTER		
EMERGENCY SERVICES FACILITY	4,500	4,500

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
LITTLE CREEK NAVAL AMPHIBIOUS BASE		
AIR OPERATIONS FACILITY	5,400	5,400
OCEANA NAVAL AIR STATION		
OPERATIONS SUPPORT FACILITY	3,400	3,400
REPLACE FUEL STORAGE TANK	2,000	2,000
ARMY RESERVE		
FORT A P HILL		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/ AREA MAINTENANCE SUPPORT ACTIVITY	4,275	4,275
ARMY NATIONAL GUARD		
RICHLANDS		
ORGANIZATIONAL MAINTENANCE SHOP	---	1,175
TOTAL, VIRGINIA	116,065	153,270
WASHINGTON		
NAVY		
BANGOR NAVAL SUBMARINE BASE		
EXPLOSIVE HANDLING WHARF MODIFICATIONS	1,400	1,400
STRATEGIC SECURITY SUPPORT FACILITY	---	4,600
BREMERTON NAVAL STATION		
FLEET RECREATION FACILITY	---	1,930
PIER REPLACEMENT (PHASE I)	38,000	38,000
EVERETT NAVAL STATION		
AQUATIC COMBAT TRAINING FACILITY	---	5,500
PUGET SOUND NAVAL SHIPYARD		
CHEMICAL METALLURGICAL LABORATORY	9,400	9,400
INDUSTRIAL SKILLS CENTER (PHASE I)	---	10,000
OILY WASTEWATER COLLECTION	6,600	6,600
AIR FORCE		
FAIRCHILD AFB		
JOINT PERSONNEL RECOVERY TRAINING FACILITY	---	5,880
RUNWAY CENTERLINE LIGHTING	---	2,046
MCCHORD AFB		
C-17 ADD/ALTER NOSE DOCKS	3,750	3,750
C-17 SQUADRON OPERATIONS/AIRCRAFT MAINTENANCE UNIT	6,500	6,500
ARMY NATIONAL GUARD		
BREMERTON		
READINESS CENTER	2,639	4,341
YAKIMA		
READINESS CENTER	5,104	6,713
ARMY RESERVE		
FORT LAWTON		
SITE IMPROVEMENTS	---	3,400
TACOMA		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/ AREA MAINTENANCE SUPPORT ACTIVITY MARINE	14,759	14,759

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TOTAL, WASHINGTON	88,152	124,819
WEST VIRGINIA		
AIR NATIONAL GUARD		
YEAGER ANGB		
UPGRADE PARKING APRON/TAXIWAY	---	6,000
NAVY RESERVE		
ELEANOR		
RESERVE CENTER	---	2,500
TOTAL, WEST VIRGINIA	---	8,500
WYOMING		
AIR FORCE		
FE WARREN AFB		
COMMAND AND CONTROL SUPPORT FACILITY	10,200	10,200
MINUTEMAN III MISSILE SERVICE COMPLEX	15,520	15,520
AIR NATIONAL GUARD		
CHEYENNE INTERNATIONAL AIRPORT		
CONTROL TOWER	---	1,450
TOTAL, WYOMING	25,720	27,170
CONUS CLASSIFIED		
AIR FORCE		
CLASSIFIED LOCATION		
SPECIAL TACTICAL UNIT DETACHMENT FACILITY	1,810	1,810
CONUS VARIOUS		
NAVY		
CONUS VARIOUS		
BACHELOR ENLISTED QUARTERS/DINING FACILITY	11,500	11,500
BAHRAIN ISLAND		
NAVY		
SOUTHWEST NAVAL ADMINISTRATIVE SUPPORT UNIT		
OPERATIONS CENTER	19,400	19,400
CURACAO/ARUBA		
DEFENSE-WIDE		
REINA BEATRIX INTERNATIONAL AIRPORT (ARUBA)		
AIRFIELD PAVEMENT/RINSE FACILITY	8,800	---
SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT/STORAGE	860	---
SMALL AIRCRAFT MAINTENANCE HANGAR/APRON	590	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
HATO INTERNATIONAL AIRPORT (CURACAO)		
AIRCRAFT MAINTENANCE HANGAR/NOSE/DOCK/APRON	9,200	---
AIRFIELD PAVEMENT/RINSE FACILITY	29,500	---
MAINTENANCE FACILITIES	3,000	---
SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT/STORAGE	2,200	---
TOTAL, CURACAO/ARUBA	54,150	---
DIEGO GARCIA		
AIR FORCE		
DIEGO GARCIA		
MUNITIONS STORAGE IGLOOS	5,475	5,475
ECUADOR		
DEFENSE-WIDE		
MANTA AIR BASE		
AIRCRAFT MAINTENANCE HANGAR/NOSE/DOCK/APRON	6,723	---
MAINTENANCE FACILITIES	4,900	---
RESCUE STATION	2,200	---
SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT/STORAGE	2,600	---
VISITING AIRMEN QUARTERS/DINING FACILITY	4,650	---
VISITING OFFICER QUARTERS	1,600	---
TOTAL, ECUADOR	22,673	---
GERMANY		
ARMY		
BAMBERG		
BARRACKS COMPLEX	7,800	7,800
BARRACKS COMPLEX	3,850	3,850
DARMSTADT		
BARRACKS COMPLEX	5,700	5,700
BARRACKS COMPLEX	5,600	5,600
KAISERSLAUTERN		
CHILD DEVELOPMENT CENTER	3,400	3,400
MANNHEIM		
BARRACKS COMPLEX	4,050	4,050
DEFENSE-WIDE		
DARMSTADT		
RENOVATE ADMINISTRATIVE FACILITY	2,450	2,450
HANAU		
ELEMENTARY SCHOOL CLASSROOM ADDITION	1,026	2,030
HOHENFELS		
CONSTRUCT MIDDLE SCHOOL/HIGH SCHOOL	13,774	13,774
KITZINGEN		
HEALTH/DENTAL CLINIC LIFE SAFETY UPGRADE	1,400	1,400

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
KLEBER KASERNE		
REGIONAL FINANCE CENTER	7,500	7,500
SCHWEINFURT		
ELEMENTARY SCHOOL CLASSROOM ADDITION	1,444	1,750
WIESBADEN		
ADD/ALTER HEALTH/DENTAL CLINIC	7,187	7,187
WUERZBURG		
ELEMENTARY SCHOOL CLASSROOM ADDITION	1,798	2,635
TOTAL, GERMANY	66,979	69,126
GUAM		
DEFENSE-WIDE		
ANDERSEN AFB		
REPLACE FUEL STORAGE TANKS	16,000	16,000
REPLACE HYDRANT FUEL SYSTEM	20,000	20,000
TOTAL, GUAM	36,000	36,000
ITALY		
NAVY		
NAPLES NAVAL SUPPORT ACTIVITY		
BACHELOR ENLISTED QUARTERS	15,000	15,000
SIGONELLA NAVAL AIR STATION		
COMMUNITY FACILITIES	32,029	32,969
AIR FORCE		
AVIANO AIR BASE		
DORMITORY	8,000	8,000
DEFENSE-WIDE		
SIGONELLA NAVAL AIR STATION		
REPLACE BULK FUEL STORAGE FACILITY	16,300	16,300
NAPLES NAVAL SUPPORT ACTIVITY		
MEDICAL/DENTAL FACILITY REPLACEMENT	43,850	---
SIGONELLA		
ELEMENTARY/HIGH SCHOOL CLASSROOM ADDITION	971	3,450
TOTAL, ITALY	116,150	75,719
JAPAN		
DEFENSE-WIDE		
IWAKUNI MARINE CORPS AIR STATION		
BULK FUEL STORAGE TANKS	22,400	22,400
MISAWA AIR BASE		
BULK FUEL STORAGE TANKS	26,400	26,400
TOTAL, JAPAN	48,800	48,800
KOREA		
ARMY		
CAMP CARROLL		
WHOLE BARRACKS RENEWAL	---	10,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
CAMP HOVEY		
DINING FACILITY	---	4,200
WHOLE BARRACKS RENEWAL	---	26,000
CAMP HUMPHREYS		
BARRACKS COMPLEX	14,200	14,200
CAMP PAGE		
BARRACKS COMPLEX	19,500	19,500
YONGPYONG		
MOUT COLLECTIVE TRAINING FACILITY	---	11,850
AIR FORCE		
KUNSAN AIR BASE		
UPGRADE WATER DISTRIBUTION SYSTEM	6,400	6,400
OSAN AIR BASE		
DORMITORY	11,348	11,348
UPGRADE WATER DISTRIBUTION SYSTEM	10,600	10,600
DEFENSE-WIDE		
OSAN		
ELEMENTARY SCHOOL CLASSROOM ADDITION	---	892
SEOUL		
ELEMENTARY SCHOOL CLASSROOM ADDITION	---	2,451
TAEGU AB		
ELEMENTARY SCHOOL/HIGH SCHOOL CLASSROOM ADDITION	---	806
TACTICAL EQUIPMENT MAINTENANCE COMPLEX	1,450	1,450
TOTAL, KOREA	63,498	119,697
KWAJALEIN		
ARMY		
KWAJALEIN ATOLL		
UNACCOMPANIED PERSONNEL HOUSING RENOVATION	18,000	---
PUERTO RICO		
ARMY		
FORT BUCHANAN		
CHILD DEVELOPMENT CENTER	---	3,700
DEFENSE-WIDE		
ROOSEVELT ROADS NAVAL STATION		
BOAT MAINTENANCE FACILITY	1,241	1,241
TOTAL, PUERTO RICO	1,241	4,941
SPAIN		
AIR FORCE		
ROTA		
ENHANCE ROTA, VARIOUS FACILITIES	5,052	5,052

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TURKEY		
AIR FORCE		
INCIRLIK AIR BASE		
FIRE TRAINING FACILITY	1,000	1,000
UNITED KINGDOM		
DEFENSE-WIDE		
ROYAL AIR FORCE MILDENHALL		
REPLACE HYDRANT FUEL SYSTEM	10,000	10,000
ROYAL AIR FORCE FELTWELL		
ELEMENTARY SCHOOL CLASSROOM ADDITION	1,287	1,800
ROYAL AIR FORCE LAKENHEATH		
ELEMENTARY SCHOOL CLASSROOM ADDITION	3,086	5,650
TOTAL, UNITED KINGDOM	14,373	17,450
NATO		
NATO SECURITY INVESTMENT PROGRAM	190,000	172,000
WORLDWIDE UNSPECIFIED		
ARMY		
UNSPECIFIED WORLDWIDE LOCATIONS		
HOST NATION	22,600	22,600
UNSPECIFIED MINOR CONSTRUCTION	15,000	20,700
PLANNING AND DESIGN	72,106	86,706
CLASSIFIED PROJECT	11,500	11,000
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT	---	-635
NAVY		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	63,335	73,335
UNSPECIFIED MINOR CONSTRUCTION	7,659	11,659
GENERAL REDUCTION	---	-20,000
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT	---	-2,889
AIR FORCE		
UNSPECIFIED WORLDWIDE LOCATIONS		
UNSPECIFIED MINOR CONSTRUCTION	9,850	11,350
PLANNING AND DESIGN	54,237	74,628
DEFENSE-WIDE		
UNSPECIFIED WORLDWIDE LOCATIONS		
ENERGY CONSERVATION IMPROVEMENT PROGRAM	33,570	15,000
CONTINGENCY CONSTRUCTION	10,000	6,000
GENERAL REDUCTION (CHEMICAL DEMILITARIZATION)	---	-20,000
NMD INITIAL DEPLOYMENT FACILITIES (PHASE I)	85,095	85,095

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, ARMY		
ALASKA		
FORT WAINWRIGHT (75 UNITS)	---	24,000
ARIZONA		
FORT HUACHUCA (110 UNITS)	16,224	16,224
CALIFORNIA		
FORT IRWIN (24 UNITS)	---	4,700
HAWAII		
SCHOFIELD BARRACKS (72 UNITS)	15,500	15,500
KENTUCKY		
FORT CAMPBELL (56 UNITS)	7,800	7,800
FORT CAMPBELL (128 UNITS)	---	20,000
MARYLAND		
FORT DETRICK (48 UNITS)	5,600	5,600
MISSOURI		
FORT LEONARD WOOD (24 UNITS)	---	4,150
NORTH CAROLINA		
FORT BRAGG (112 UNITS)	14,600	14,600
FORT BRAGG (48 UNITS)	---	7,400
SOUTH CAROLINA		
FORT JACKSON (1 UNIT)	250	250
TEXAS		
FORT BLISS (64 UNITS)	10,200	10,200
VIRGINIA		
FORT LEE (52 UNITS)	---	8,600
KOREA		
CAMP HUMPHREYS (60 UNITS)	21,800	21,800
PUERTO RICO		
FORT BUCHANAN (31 UNITS)	---	5,000
CONSTRUCTION IMPROVEMENTS	63,590	63,590
PLANNING AND DESIGN	6,542	6,542
SUBTOTAL, CONSTRUCTION	162,106	235,956
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	44,374	44,374
MANAGEMENT ACCOUNT	90,286	83,715
SERVICES ACCOUNT	44,855	44,855
UTILITIES	198,101	198,101
MISCELLANEOUS	855	855
LEASING	202,011	202,011
MAINTENANCE	397,792	397,792
INTEREST PAYMENT	1	1
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT	---	-19,911
SUBTOTAL, OPERATION AND MAINTENANCE	978,275	951,793
TOTAL, FAMILY HOUSING, ARMY	1,140,381	1,187,749

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT	---	-7,115
PLANNING AND DESIGN		
TRI-CARE MANAGEMENT ACTIVITY	22,000	22,000
DEFENSE INTELLIGENCE AGENCY	6,786	6,786
DEFENSE LEVEL ACTIVITIES	24,000	24,000
OFFICE OF SECRETARY OF DEFENSE	2,900	1,800
SPECIAL OPERATIONS COMMAND	3,790	3,790
BALLISTIC MISSILE DEFENSE ORGANIZATION	14,729	14,729
DEFENSE THREAT REDUCTION AGENCY	2,600	2,600
DEFENSE LOGISTICS AGENCY	1,800	1,800
SUBTOTAL, PLANNING AND DESIGN	78,605	77,505
UNSPECIFIED MINOR CONSTRUCTION		
TRI-CARE MANAGEMENT ACTIVITY	3,000	3,000
BALLISTIC MISSILE DEFENSE ORGANIZATION	3,694	3,694
DEFENSE FINANCE AND ACCOUNTING SERVICE	1,500	1,500
JOINT CHIEFS OF STAFF	6,196	6,196
DEFENSE LEVEL ACTIVITIES	3,000	3,000
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION	17,390	17,390
ARMY NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	4,232	24,779
UNSPECIFIED MINOR CONSTRUCTION	2,295	12,775
UNSPECIFIED MINOR-WMDCST	---	25,000
AIR NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
UNSPECIFIED MINOR CONSTRUCTION	4,000	8,000
PLANNING AND DESIGN	5,119	20,419
ARMY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	6,400	11,900
UNSPECIFIED MINOR CONSTRUCTION	1,917	2,617
NAVY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	1,521	3,721
AIR FORCE RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	2,304	3,304
UNSPECIFIED MINOR CONSTRUCTION	4,115	4,115
TOTAL, WORLDWIDE UNSPECIFIED	516,850	578,959
WORLDWIDE VARIOUS		
NAVY		
VARIOUS LOCATIONS		
HOST NATION INFRASTRUCTURE SUPPORT	142	142

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, NAVY AND MARINE CORPS		
CALIFORNIA		
LEMOORE NAVAL AIR STATION (160 UNITS)	27,768	27,768
LEMOORE NAVAL AIR STATION (100 UNITS)	---	20,103
TWENTYNINE PALMS (79 UNITS)	13,923	13,923
HAWAII		
PEARL HARBOR NAVAL COMPLEX (98 UNITS)	22,230	22,230
PEARL HARBOR NAVAL COMPLEX (62 UNITS)	14,237	14,237
PEARL HARBOR NAVAL COMPLEX (112 UNITS)	23,654	23,654
KANEOHE BAY MARINE CORPS BASE (84 UNITS)	21,910	21,910
LOUISIANA		
NEW ORLEANS NAVAL COMPLEX (100 UNITS)	---	5,000
MAINE		
BRUNSWICK NAVAL AIR STATION (168 UNITS)	18,722	18,722
MISSISSIPPI		
GULFPORT NAVAL CONSTR BATTALION CENTER (157 UNITS)	---	20,700
WASHINGTON		
WHIDBEY ISLAND NAVAL AIR STATION (98 UNITS)	16,873	16,873
CONSTRUCTION IMPROVEMENTS	183,547	193,077
PLANNING AND DESIGN	19,958	19,958
SUBTOTAL, CONSTRUCTION	362,822	418,155
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	30,884	30,884
MANAGEMENT ACCOUNT	84,914	84,914
SERVICES ACCOUNT	63,953	63,953
UTILITIES	165,057	165,057
MISCELLANEOUS	1,239	1,239
LEASING	142,690	142,690
MAINTENANCE	393,830	393,830
MORTGAGE INSURANCE PREMIUMS	71	71
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT	---	-1,071
SUBTOTAL, OPERATION AND MAINTENANCE	882,638	881,567
TOTAL, FAMILY HOUSING, NAVY AND MARINE CORPS	1,245,460	1,299,722

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, AIR FORCE		
CALIFORNIA		
EDWARDS AFB (57 UNITS)	---	9,870
TRAVIS AFB (64 UNITS)	---	9,870
DISTRICT OF COLUMBIA		
BOLLING AFB (136 UNITS)	17,137	17,137
IDAHO		
MOUNTAIN HOME AFB (46 UNITS)	---	10,598
NEVADA		
NELLIS AFB (26 UNITS)	---	5,000
NORTH DAKOTA		
CAVALIER (2 UNITS)	443	443
MINOT AFB (134 UNITS)	19,097	19,097
CONSTRUCTION IMPROVEMENTS	174,046	174,046
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT	---	-6,839
PLANNING AND DESIGN	12,760	12,760
SUBTOTAL, CONSTRUCTION	223,483	251,982
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	38,180	38,180
MANAGEMENT ACCOUNT	55,685	55,685
SERVICES ACCOUNT	27,997	27,997
UTILITIES	158,959	158,959
MISCELLANEOUS	2,332	2,332
LEASING	114,628	114,628
MAINTENANCE	428,456	428,456
MORTGAGE INSURANCE PREMIUMS	34	34
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT	---	-5,392
SUBTOTAL, OPERATION AND MAINTENANCE	826,271	820,879
TOTAL, FAMILY HOUSING, AIR FORCE	1,049,754	1,072,861

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, DEFENSE-WIDE		
OPERATION AND MAINTENANCE		
SERVICES ACCOUNT (NSA)	415	415
SERVICES ACCOUNT (DLA)	77	77
LEASING (NSA)	12,554	12,554
LEASING (DIA)	25,924	25,924
MAINTENANCE OF REAL PROPERTY (NSA)	653	653
MAINTENANCE OF REAL PROPERTY (DLA)	316	316
FURNISHINGS ACCOUNT (NSA)	146	146
FURNISHINGS ACCOUNT (DIA)	3,564	3,564
FURNISHINGS ACCOUNT (DLA)	22	22
UTILITIES ACCOUNT (NSA)	444	444
UTILITIES ACCOUNT (DLA)	421	421
MANAGEMENT ACCOUNT (NSA)	15	15
MANAGEMENT ACCOUNT (DLA)	271	271
MISCELLANEOUS (NSA)	64	64
TOTAL, FAMILY HOUSING, DEFENSE-WIDE	44,886	44,886
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV		
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV	1,174,369	1,024,369
GENERAL PROVISIONS		
GENERAL PROVISION (SEC. 125)	---	-100,000
GENERAL PROVISION (SEC. 132)	---	-83,000
GRAND TOTAL	8,033,908	8,833,908

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2000	$8,374,000
Budget estimates of new (obligational) authority, fiscal year 2001	8,033,908
House bill, fiscal year 2001	8,634,000
Senate bill, fiscal year 2001	8,634,000
Conference agreement, fiscal year 2001	8,833,908
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	+459,908
Budget estimates of new (obligational) authority, fiscal year 2001	+800,000
House bill, fiscal year 2001	+199,908
Senate bill, fiscal year 2001	+199,908

DIVISION B—FISCAL YEAR 2000 SUPPLEMENTAL APPROPRIATIONS

Report language included by the House in the report accompanying H.R. 3908 (H. Rept. 106–521) which is not changed by the Senate in the report accompanying S. 2522 (S. Rept. 106–291), and the report accompanying S. 2536 (S. Rept. 106–288), and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of managers while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

TITLE I—KOSOVO AND OTHER NATIONAL SECURITY MATTERS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

CONTINGENCY OPERATIONS AND OTHER REQUESTED FUNDING

The President requested $2,190,800,000 in emergency supplemental appropriations for the unfunded fiscal year 2000 costs of overseas contingency operations, damages sustained at Department of Defense facilities resulting from natural disasters, and other requirements. The conferees recommend $2,291,626,000 in emergency supplemental appropriations to meet these needs, as detailed by category and the applicable appropriations accounts in the following table.

[In thousands of dollars]

	Request	House	Senate	Conference
Natural Disaster Damage:				
Operation and Maintenance, Army	0	19,532	23,883	23,883
Operation and Maintenance, Navy	0	20,565	20,565	20,565
Operation and Maintenance, Marine Corps	0	37,155	37,155	37,155
Operation and Maintenance, Air Force	0	30,065	38,065	38,065
Operation and Maintenance, Defense-Wide	27,400	0	0	0
Operation and Maintenance, Army Reserve	0	2,174	2,174	2,174
Operation and Maintenance, Army National Guard	0	2,851	2,851	2,851
Defense Health Program	0	3,533	3,533	3,533
Total	27,400	115,875	128,226	128,226
Overseas Contingency Operations and other requirements:				
Operation and Maintenance, Defense-Wide	40,000	40,000	40,000	40,000
Overseas Contingency Operations Transfer Fund	2,050,400	2,050,400	1,850,400	2,050,400
Aircraft Procurement, Air Force	73,000	73,000	73,000	73,000
Total	2,163,400	2,163,400	1,963,400	2,163,400
Grand Total	2,190,800	2,279,275	2,091,626	2,291,626

CLASSIFIED PROGRAMS

In conjunction with the submission of the fiscal year 2001 budget request, the President requested fiscal year 2000 emergency supplemental appropriations for a number of classified activities. In addition, on May 18, 2000, the Director of the Office of Management and Budget forwarded to the Congress a classified request regarding proposed fiscal year 2000 funding adjustments in support of counter-terrorism activities. The conferees' recommendations regarding these requests are summarized in a classified annex to this statement of managers.

SHARED RECONNAISSANCE POD (SHARP)

The conferees agree with the House language concerning the synthetic aperture radar (SAR) project within the SHARP program. The conferees do not agree to the House language regarding enhancements to the TARPS–CD system to meet future fleet operational requirements.

GENERAL PROVISIONS, THIS CHAPTER

The conferees agree to retain section 101, as proposed by the House, which provides the Department of Defense authority to pay service members Basic Allowance for Housing at the rates in effect on December 31, 1999 during fiscal year 2000.

The conferees agree to retain section 102, as proposed by the House, which provides $1,556,200,000 in emergency appropriations for the "Defense-Wide Working Capital Fund" due to increases in the price of bulk fuel.

The conferees agree to retain and amend section 103, as proposed by the House, and provide $90,000,000 in new appropriations for tactical aviation shortfalls identified by the Air Force during execution of the fiscal year 2000 budget. These funds are fully offset by rescissions in section 123 of this chapter.

The conferees agree to retain and amend section 104, as proposed by the House, and provide $163,700,000 in new appropriations for procurement of M1A2 tank upgrades. This amount includes $125,000,000 as recommended in the House-passed bill and an additional $38,700,000 as proposed in DoD reprogramming request FY 00–21PA. The reprogramming request is hereby denied as it has been obviated by this Act. These funds are fully offset by rescissions in section 123 of this chapter.

The conferees agree to retain and amend section 105 and 106, as proposed by the House, and recommend $615,600,000 in emergency appropriations and requisite legal authority to cover unfunded requirements of the Defense Health Program, including TRICARE claims for fiscal years 1998, 1999, and 2000. The conferees also agree to retain section 107, as proposed by the Senate, which provides $695,900,000 in emergency appropriations for additional unfunded requirements of the Defense Health Program.

[In thousands of dollars]

DHP funding	House	Senate	Conference
TRICARE:			
Claims	854.5	....	615.6
FY 98	(34.6)	....	(34.6)
FY 99	(55.7)	....	(55.7)
FY 00	(297.3)	....	(297.3)
FY 01	(238.9)	....	....
Other Requirements	(228.0)	....	(228.0)
Additional DHP Requirements	750.0	695.9	695.9
Total, Defense Health Program	1,604.5	695.9	1,311.5

The conferees continue to be concerned about violations of the Department's financial regulations and potential violations of the Anti-Deficiency Act in the administration and execution of the TRICARE program. Therefore, the conferees direct the DoD Inspector General, in coordination with the General Accounting Office (GAO), to conduct an investigation into the execution and administration of DHP funds. The investigation should examine: possible violations of the Anti-Deficiency Act; evasion of DoD financial regulations; and the overall management of the TRICARE program. The conferees further direct the Department to provide a report to the congressional defense committees within sixty days after the enactment of this Act regarding the extent and scope of any violations of fiscal law or departmental regulations.

The conferees agree to retain and amend section 108, as proposed by the House, which provides $27,000,000 in emergency appropriations for the Basic Allowance for Housing program.

The conferees agree to retain and amend section 109, as proposed by the House, which provides $357,288,000 in emergency appropriations to address shortfalls in military personnel, recruiting, advertising, and retention programs. The conferees direct that of the amount provided in this section, $73,826,000 in the military personnel accounts and $80,062,000 in the operation and maintenance accounts shall be immediately available for obligation to meet requirements identified by the Under Secretary of Defense (Comptroller) in his June 12, 2000 submission of DD Form 1415-1 to the congressional defense committees. The remaining funds, shown below by appropriations account, shall be withheld from obligation until 30 days following written notification to the Committees on Appropriations regarding the proposed specific distribution of funds by the Department:

Military Personnel, Army	$71,000,000
Military Personnel, Navy	23,500,000
Military Personnel, Marine Corps	4,000,000
Military Personnel, Air Force	7,500,000
Reserve Personnel, Army	12,400,000
National Guard Personnel, Army	12,000,000
Operation and Maintenance, Army	15,000,000
Operation and Maintenance, Marine Corps	8,100,000
Operation and Maintenance, Air Force	8,200,000
Operation and Maintenance, Army Reserve	12,000,000
Operation and Maintenance, Navy Reserve	6,700,000
Operation and Maintenance, Marine Corps Reserve	2,000,000
Operation and Maintenance, Air Force Reserve	4,000,000
Operation and Maintenance, Army National Guard	12,000,000
Operation and Maintenance, Air National Guard	5,000,000

The conferees agree to retain and amend section 110, as proposed by the House (and by the Senate in an appropriations paragraph), which provides $220,000,000 in emergency appropriations for "Operation and Maintenance, Navy", only for the unfunded backlog of ship depot maintenance that has emerged in execution of the fiscal year 2000 ship depot maintenance program.

The conferees agree to retain and amend section 111, as proposed by the House, which provides $503,900,000 in emergency appropriations to meet urgent, unfunded requirements in support of deployed forces, as follows:

[In thousands of dollars]

Operation and Maintenance, Navy (emergent costs in aircraft operations and maintenance	20,000
Operation and Maintenance, Air Force (emergent logistics support shortfalls)	41,900
Operation and Maintenance, Defense-Wide (classified)	10,000
Operation and Maintenance, Air National Guard (emergent DLR shortage-Model Fly)	24,100
Aircraft Procurement, Army (Apache safety modifications)	25,000
Aircraft Procurement, Navy	52,800
(CH-46 engine safety modifications: $27,000)	
(EP-3 sensor improvements and modifications: 25,800)	
Aircraft Procurement, Air Force	212,700
(U-2 aircraft sensor improvements and modifications: $111,600)	
(U-2 trainer: 14,000)	
(RC-135 Rivet Joint flight aircrew and mission trainers: 37,500)	
(Compass Call mission crew trainer: 23,700)	
(C-17 weapon system trainer: 14,900)	
(C-17 maintenance system trainer: 11,000)	
Other Procurement, Air Force (classified)	41,400
Procurement, Defense-Wide (classified)	13,000
Research, Development, Test and Evaluation, Army (WARSIMS)	5,000
Research, Development, Test and Evaluation, Defense-Wide (classified)	58,000

The conferees agree to retain and amend section 112, as proposed by the Senate, which provides $7,000,000 in new appropriations for biometrics information assurance programs. These funds are fully offset by rescissions in section 123 of this chapter.

The conferees agree to retain and amend section 113, as proposed by the Senate, which provides $125,000,000 in emergency appropriations to meet unfunded requirements for the Patriot missile program. Of this amount, not less than $50,000,000 shall be available for the Patriot Reliability Enhancement Program and $75,000,000 shall be made available only for the Patriot Advanced Capability—3 (PAC-3) program. The conferees believe that completing the full qualification of the PAC-3 missile against air breathing targets is essential. The conferees direct that the $75,000,000 provided for the PAC-3 program may be transferred to the appropriate account to complete testing against aircraft and cruise missile targets, to maintain a robust countermeasure capability, to improve the producibility of the missile, and to purchase additional missiles.

The conferees agree to retain and amend section 114, as proposed by the Senate, which appropriates $300,000 only for the Walking Shield program. These funds are fully offset by rescissions in section 123 of this chapter.

The conferees agree to retain and amend section 115, as proposed by the Senate, which provides $61,500,000 in emergency appropriations for operations in East Timor and Mozambique.

The conferees agree to retain section 116, as proposed by the Senate, which transfers previously-appropriated "Operation and Maintenance, Defense-Wide" funds for environmental response actions.

The conferees agree to retain and amend section 117, as proposed by the Senate, which provides $8,000,000 in new appropriations in support of the 2002 Olympic and Paralympic Winter Games. These funds are fully offset by rescissions in section 123 of this chapter.

The conferees agree to retain and amend section 118, as proposed by the Senate, which directs the Ballistic Missile Defense Organization to notify the congressional defense committees prior to issuing certain types of information or proposal solicitation under the National Missile Defense program.

The conferees agree to retain section 119, as proposed by the Senate, regarding the disposition of a Navy drydock.

The conferees agree to retain section 120, as proposed by the Senate, which amends United States Code concerning the Challenge Youth Program.

The conferees to retain section 121, as proposed by the Senate, regarding the use of DoD facilities as official polling places.

The conferees agree to retain and amend section 122, as proposed by the Senate, which amends Section 8114 of the Department of Defense Appropriations Act, 1999 concerning the Marine Corps aircraft accident near Cavalese, Italy, and makes funding provided in that Act applicable to SOFA claims.

The conferees agree to a new general provision, section 123, which rescinds $286,611,000 of prior year appropriations, comprised of programs whose obligational authority will lapse at the end of the current fiscal year. The specific programs and the amounts rescinded are as follows:

Fiscal year and account	Program	Amount
1989—Shipbuilding and Conversion, Navy	DDG-51 destroyer	$9,100,000
1989—Shipbuilding and Conversion, Navy	T-AO fleet oiler	6,645,000
1989—Shipbuilding and Conversion, Navy	T-AGOS surveillance ship	3,420,000
1989—Shipbuilding and Conversion, Navy	Outfitting and Post Delivery	1,293,000
1999—Research, Development, Test and Evaluation, Air Force	Darkstar UAV	7,000,000
2000—Military Personnel, Army	Pay and Allowances of Enlisted	98,700,000
2000—Military Personnel, Navy	Pay and Allowances of Officers	23,527,000
2000—Military Personnel, Navy	Pay and Allowances of Enlisted	25,600,000
2000—Military Personnel, Air Force	Pay and Allowances of Officers	12,000,000
2000—Military Personnel, Air Force	Pay and Allowances of Enlisted	44,000,000
2000—Military Personnel, Air Force	PCS Travel	26,000,000
2000—Reserve Personnel, Air Force	Unit and Individual Training	4,500,000
2000—National Guard Personnel, Army	Unit and Individual Training	24,826,000
Total		286,611,000

The conferees agree to retain section 124, as proposed by the House and the Senate, which provides authorization for certain intelligence related activities.

The conferees agree to retain section 125, as proposed by the House and the Senate, which repeals sections 8175 and 8176 of the

Fiscal Year 2000 Department of Defense Appropriations Act (as amended by Public Law 106-113) concerning prompt payments and progress payments.

The conferees agree to a new general provision, section 126, concerning the designation of emergency appropriations in this chapter by the Congress and the President.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

The conference agreement includes $1,500,000 for the Corps of Engineers to conduct a study of the need for additional flood protection in Princeville, North Carolina, and $2,000,000 for the Corps of Engineers to resume engineering and design of an outlet at Devils Lake, North Dakota.

The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, GENERAL

The conferees have provided $3,000,000 to initiate construction of the Johnson Creek, Arlington, Texas, project substantially in accordance with the Interim Feasibility Report dated March 1999. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

The conferees have included $200,000 to carry out dredging of Saxon Harbor, Wisconsin, necessitated by low water levels in the Great Lakes. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

The conference agreement includes $600,000 for the Lewis and Clark Rural Water System project in South Dakota. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

The conference agreement appropriates $96,500,000 for Weapons Activities instead of $55,000,000 as proposed by the House and $221,000,000 as proposed by the Senate. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Production plants.—The conference agreement includes $25,000,000 for the Y-12 Plant in Oak Ridge Tennessee; $11,000,000 for the Kansas City Plant in Missouri; and $7,500,000 for the Pantex Plant in Amarillo, Texas. This funding will be used to address critical workforce and required infrastructure improvements at the three production facilities.

Weapons laboratories.—The conference agreement includes $5,000,000 for the Los Alamos National Laboratory and $14,000,000 for the Sandia National Laboratory to address workforce issues and infrastructure improvements.

Transportation Safeguards Division.—The conference agreement includes $10,000,000 for the Transportation Safeguards Division for fleet upgrades.

Other weapons sites.—The conference agreement includes $1,500,000 for the Savannah River Site for infrastructure improvements and $2,500,000 for construction of the U1h shaft to enhance worker safety at the Nevada Test Site.

Cyber Security.—The conference agreement includes $20,000,000 for cyber security upgrades at the nuclear weapons complex. The conferees direct the National Nuclear Security Administration (NNSA) to perform planning, analysis, testing and evaluation necessary to develop the highest value alternatives for improving cyber security throughout the nuclear weapons complex. The NNSA should submit to Congress by January 15, 2001, a detailed plan with estimated costs and schedules for a reasonable program that defends the highest value targets.

OTHER DEFENSE ACTIVITIES

The conference agreement appropriates $38,000,000 for Other Defense Activities instead of $63,000,000 as proposed by the House and $12,000,000 as proposed by the Senate. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balance Budget and Emergency Deficit Control Act of 1985, as amended.

Highly Enriched UnranimBlend Down Project.—The conference agreement includes statutory language proposed by the House authorizing the Department to initiate design of the Highly Enriched Uranium Blend Down Project at the Savannah River Site.

Office of Security and Emergency Operations.—The conference agreement provides $3,000,000 to support critical staffing needs in the office of security and emergency operations.

Cyber Security.—The conference agreement provides $25,000,000 for cyber security needs under the direction of the Chief Information Officer. Funding of $20,000,000 is to address unclassified cyber security systems and security needs in the corporate management information systems. Funding of $5,000,000 has been provided for the Office of Intelligence/Special Technologies Program to develop and enhance unique capabilities and technologies within the Department's laboratory complex for the protection and exploitation of information and related infrastructure systems for the Department and other critical, national-level missions.

Environment, Safety and Health.—The conference agreement includes $10,000,000 to accelerate projects which have been initiated to address worker health and safety concerns at the Paducah, Kentucky, and Portsmouth, Ohio, gaseous diffusion plants.

ENERGY PROGRAMS

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement appropriates $58,000,000 for the Uranium Enrichment Decontamination and Decommissioning Fund as proposed by the Senate instead of $16,000,000 as proposed by the House. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The conference agreement includes $16,000,000 as proposed by the Administration to accelerate environmental cleanup at the Paducah, Kentucky, and Portsmouth, Ohio, gaseous diffusion plants.

The conference agreement includes $42,000,000 as proposed by the Senate for reimbursements to uranium and thorium licensees under Title X of the Energy Policy Act of 1992.

SCIENCE

The conference agreement includes report language proposed by the House directing the Department to develop a plan outlining the cost, scope, and schedule for decontaminating and decommissioning the High Flux Beam Reactor at the Brookhaven National Laboratory in New York.

GENERAL PROVISIONS—THIS CHAPTER

Corps of Engineers Reorganization.—The conference agreement does not include language proposed by the Senate regarding management reforms of the U.S. Army Corps of Engineers. However, the conferees are extremely concerned about the management reforms initially imposed upon the Corps of Engineers in March of this year by the Secretary of the Army and subsequently suspended due to lack of adequate and appropriate coordination and consultation with the Congress. It is the conferees' strong conviction and expectation that any such management reforms, if yet contemplated by the Administration, will have full benefit of consultation with the Congress in developmental stages and prior to implementation.

In recent months, actions by Administration officials, as manifested by the proposed management reforms and other public pronouncements, suggest premature conclusions and findings may have been reached regarding as yet unsubstantiated allegations of wrong-doing by Corps of Engineers officials related to studies and initiatives for maintaining and providing the Nation's water resources infrastructure. Results of on-going investigations related to these charges must be made available and considered before any reforms are contemplated. Any actions carried out by the Administration to change the existing management and oversight structure and existing delegations and functions involving the Corps of Engineers without prior and satisfactory coordination with the Congress will not be received favorably and may cause the Congress to revisit this issue and undertake an appropriate response.

Waste Isolation Pilot Plan.—The conference agreement includes statutory language proposed by the Senate providing that funds in this or any other Act and hereafter may not be used to pay on behalf of the United States or a contractor or subcontractor of the United States for posting a bond or fulfilling any other financial responsibility requirement relating to the closure or post-closure care and monitoring of the Waste Isolation Pilot Plant in New Mexico.

Central Arizona Project.—The conference agreement includes a provision proposed by the Senate which states none of the funds provided in this or any other Act may be used to further reallocate Central Arizona Project water or to prepare an Environmental Assessment, Environmental Impact Statement, or Record of Decision providing for a reallocation of Central Arizona Project water until Congress enacts legislation authorizing and directing the Secretary of the Interior to make allocations and enter into contracts for delivery of Central Arizona Project water.

Congressional Direction.—The conference agreement includes statutory language directing that funds provided in Public Law

106–60 and prior Energy and Water Development Appropriations Acts be made available for the specified institutions and purposes.

Nuclear Regulatory Commission.—The conference agreement includes statutory language proposed by the House providing that no funds appropriated in fiscal year 2000 to the Nuclear Regulatory Commission (NRC) may be used to relocate, or to plan or prepare for the relocation of, the functions or personnel of the Technical Training Center from its location in Chattanooga, Tennessee. The conference agreement extends the language to fiscal year 2001.

CHAPTER 3

MILITARY CONSTRUCTION

GENERAL PROVISIONS, THIS CHAPTER

Section 301. Recommends $19,048,000 as a contingent emergency for military construction and family housing due to storm related damage.

Section 302. Recommends $1,000,000 as a contingent emergency for Military Construction, Defense-wide, to augment the Corps of Engineers' planning and design work associated with the National Missile Defense system.

Section 303. Provides $35,000,000 for the acquisition of land at Blount Island, Florida and rescinds $35,000,000 of funds provided in the Military Construction Appropriations Act, 1996 (Public Law 104–32).

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

COAST GUARD

The conference agreement provides $700,000,000 in supplemental appropriations for the U.S. Coast Guard, including $655,000,000 designated as contingent emergency funding. The conference agreement requires a Presidential declaration before any of the emergency funding is available for obligation.

OPERATING EXPENSES

The conference agreement includes an emergency appropriation of $77,000,000 for Coast Guard "Operating expenses", instead of $264,446,000 as proposed by the Senate and $37,000,000 as proposed by the House. The funds are made available until September 30, 2001, and are only available upon designation by the President of an emergency requirement. The conference agreement allocates these funds in the manner recommended by the Secretary of Transportation and the Commandant of the Coast Guard, as shown below:

Activity	*Amount*
Health care	$18,000,000
Basic allowance for housing	15,000,000
Military pay	5,000,000
Cost of living increases in high cost areas	2,000,000
Recruiting/retention bonuses	15,000,000
Hurricane-damaged facilities	8,000,000
Operational fuel/unit level readiness	13,000,000
Fixed wing aviator retention bonuses	1,000,000
Total	77,000,000

The conferees note that some of these funding requirements relate to changed military personnel entitlements enacted in the fiscal year 2000 National Defense Authorization Act. The Coast Guard had adequate time to advise the Appropriations Committees of these costs prior to conference on the fiscal year 2000 Department of Transportation and Related Agencies Appropriations Bill, and to include them in the fiscal year 2001 budget estimate. In the future, the conferees expect the Coast Guard to ensure timely update of its budget estimates, to avoid the need for supplemental appropriations.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes an emergency appropriation of $578,000,000 for acquisition of Coast Guard capital assets. The funding is to remain available until expended and is to be distributed as follows:

Project	*Amount*
C–130J long range maritime patrol aircraft	$468,000,000
Great Lakes icebreaker replacement	110,000,000
Total	578,000,000

C–130 aircraft.—The conference agreement includes $468,000,000, as proposed by the Senate, for acquisition of six C–130J long-range maritime patrol aircraft as authorized under section 812(b) of the Western Hemisphere Drug Elimination Act (P.L. 105–277). These aircraft are capable of defense requirements and other Coast Guard missions. The conference agreement specifies that this acquisition shall not influence the procurement strategy, program requirements, or downselect decision pertaining to the Deepwater Capability Replacement Project, as proposed by the Senate.

Great Lakes icebreaker replacement.—The conference agreement includes $110,000,000 for the Great Lakes icebreaker replacement. These funds will support the costs of design, construction, inspection, validation, testing and project administration associated with acquisition of a new multi-purpose icebreaker to replace the USCGC *Mackinaw*. After 55 years of service, the *Mackinaw* has escalating operating and maintenance costs and declining reliability, and is scheduled to be decommissioned in 2006. New construction of a vessel designed to perform heavy icebreaking and maintain floating aids-to-navigation will expand the efficiency and reliability of Coast Guard operations in the Great Lakes.

CHAPTER 5

GENERAL PROVISIONS—THIS TITLE

Section 501. The conference agreement appropriates $25,000,000 for the Agency for International Development, "International Disaster Assistance" for rehabilitation and reconstruction assistance for Mozambique, Madagascar, and southern Africa, to remain available until expended. The entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only to the extent an official budget request that includes designation of the entire amount as an emergency requirement is transmitted by the President to the Congress.

Section 502. The conference agreement appropriates $50,000,000 for "Assistance for Eastern Europe and the Baltic States" to remain available until September 30, 2001. These funds shall only be available for assistance for Montenegro and Croatia, and not to exceed $12,400,000 for assistance for Kosovo for police activities. The entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and is subject to the regular notification procedures of the Committees on Appropriations.

TITLE II—NATURAL DISASTER ASSISTANCE AND OTHER SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

The conference agreement includes an additional $1,350,000 for implementation of the Livestock Mandatory Price Reporting Act of 1999. This amount will offset additional costs to USDA agencies to implement this Act. Unfunded agency requirements include: $550,000 for the Economic Research Service; $200,000 for the Foreign Agricultural Service; $400,000 for the National Agricultural Statistics Service; and $200,000 for the Grain Inspection, Packers and Stockyards Administration. Although the $4,700,000 in implementation funding sought by the Administration for fiscal year 2000 was provided by Public Law 106–113, these funds have not been distributed among all agencies responsible for administration of this Act.

The conferees note that language contained in Public Law 106–78 requires that the Department of Agriculture obtain Congressional approval before funds for the common computing environment can be spent. The conferees hereby approve those funds for obligation.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement includes an additional $77,560,000, to remain available until expended, as proposed by the House, instead of $39,000,000 as proposed by the Senate. Of this amount, $26,237,000 is to support temporary staff; $12,865,000 is for Pigford consent decree expenses; and $38,458,000 is for information technology expenses requirements.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUNDS PROGRAM ACCOUNT

The conference agreement includes an additional $15,872,000 in budget authority for an estimated loan level of $40,000,000 for Section 515 rental housing, as proposed by the House and Senate.

RENTAL ASSISTANCE PROGRAM

The conference agreement includes an additional $13,600,000 for the Rental Assistance Program, as proposed by the House and Senate.

GENERAL PROVISIONS—THIS CHAPTER

Section 2101. The conference agreement includes language that makes up to $81,000,000 of Commodity Credit Corporation funds available to be used to forgive loans to producer-owned associations or producers that suffered losses from natural disasters, as proposed by the House and Senate.

Section 2102. The conference agreement provides authority for the Secretary of Agriculture to use Commodity Credit Corporation funds to offset the assessment on peanut producers for losses from 1999, as proposed by the Senate.

CHAPTER 2

DEPARTMENT OF JUSTICE

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $112,000,000, to remain available until expended, as a contingent emergency appropriation, to be divided equally between the States of Texas, New Mexico, Arizona, and California to reimburse county and municipal governments only for Federal costs associated with the handling and processing of illegal immigration and drug and alien smuggling cases. The use of these funds is limited to court costs, courtroom technology, the building of holding spaces, administrative expenses, and indigent defense costs.

Drug Enforcement Administration

SALARIES AND EXPENSES

The conference agreement includes $181,000,000, to remain available until expended, as a contingent emergency appropriation, to be deposited into the Telecommunications Carrier Compliance Fund for implementation of the Communications Assistance for Law Enforcement Act (CALEA). The conferees note that narcotics trafficking investigations are increasingly dependent on the use of intercepted communications, accounting for 72% of all court-authorized electronic surveillance actions. As criminal organizations utilize advanced technologies to elude law enforcement, U.S. law enforcement's current drug intelligence and investigative capabilities have been eroded. Therefore, the conference agreement includes funding to implement CALEA to correct this problem to ensure these capabilities are maintained in accordance with current statutory requirements and deadlines.

Office of Justice Programs

JUSTICE ASSISTANCE

The conference agreement includes $2,000,000, as a contingent emergency appropriation, for grants to Indian reservations and counties with populations under 150,000 that are located in Arizona and are adjacent to the United States-Mexico border. Funds are to be allocated in proportion to the population of each eligible county and Indian reservation.

DEPARTMENT OF COMMERCE

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $55,800,000, as an emergency appropriation, to remain available until expended. This amount provides for planning assistance, public works grants, and capitalization of revolving loan funds to assist in the recovery efforts of communities impacted by Hurricane Floyd and other recent disasters. Of this amount, $30,000,000 is provided as a contingent emergency to be provided to assist communities in New Jersey impacted by Hurricane Floyd. The conferees direct EDA to submit a spending plan for the amounts provided prior to the release of these funds.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $30,700,000, as an emergency appropriation, to remain available until expended, of which $13,300,000 is provided as a contingent emergency appropriation. Of this amount, $10,800,000 is provided as an emergency appropriation to assist fishermen impacted by Hurricanes Floyd, Dennis, George, and Mitch. In addition, a total of $13,900,000 is included to provide relief from the recent disaster in the Long Island Sound lobster fishery, of which $7,300,000 is provided as a contingent emergency to be divided equally between the States of New York and Connecticut, not less than $3,650,000 for each State, for the following purposes: (1) to pay compensation to individuals for reductions in the number of lobsters caught in the Long Island lobster fishery in the 1999 fishing season, as compared to such catch in the 1998 fishing season as a result of the lobster fishery disaster; (2) to provide direct sustaining aid to fishermen; and (3) to provide assistance to communities that are dependent on such fishery and have suffered losses from such disaster. The remaining funds provided for the Long Island Sound lobster fishery disaster are available for research into the causes of the disaster. The conferees expect NOAA to submit a spending plan prior to release of these funds.

The conference agreement also includes $5,000,000 as a contingent emergency to provide relief from disaster in the West Coast groundfish fishery. The conferees expect that this amount shall be divided between the States of California, Oregon, and Washington in proportion to the impact of the disaster in each State. The amounts provided to these States shall be available for the following purposes: (1) to pay compensation to individuals who have suffered a direct negative impact from the West Coast groundfish fisheries disaster, (2) to provide direct sustaining aid to such fishermen, and (3) to provide assistance to communities that are dependent on the West Coast groundfish fisheries and have suffered losses from such disaster. The conferees direct NOAA to submit a spending plan prior to the release of these funds. The conference agreement also includes $1,000,000 as a contingent emergency appropriation for repairs to the NOAA hurricane reconnaissance aircraft.

DEPARTMENT OF STATE

International Commissions

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes $2,150,000, to remain available until expended, as a contingent emergency appropriation under this account for International Joint Commission activities related to levels and flows of Lake Ontario and the St. Lawrence River.

OTHER

United States Commission on International Religious Freedom

The conference agreement includes $2,000,000, to remain available until expended, as a contingent emergency appropriation for the activities of the Commission.

RELATED AGENCY

Small Business Administration

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes an additional $15,500,000 in emergency fiscal year 2000 subsidy appropriations for disaster loans for recovery efforts related to Hurricane Floyd, and other natural disasters.

The conference agreement also includes an additional $25,400,000 in emergency fiscal year 2000 appropriations for direct administrative expenses associated with disaster loan making and servicing activities necessary to carry out the disaster loan program related to Hurricane Floyd and other natural disasters. The conference agreement includes language prohibiting the use of funds for indirect administrative expenses. The conferees note that this additional amount results in a total appropriation of $141,400,000 for the direct administrative costs of the fiscal year 2000 disaster loan program.

Language is included designating the amounts provided as an emergency requirement, and making these amounts available only to the extent that an official budget request is submitted requesting that these specific amounts be designated as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

General Provisions—This Chapter

Section 2201. The conference agreement includes emergency assistance for the Pribilof Island and East Aleutian area of the Bering Sea crab fishery for payment of direct assistance to Oregon, Washington, and Alaska fishermen. The conference agreement includes $10,000,000 as a contingent emergency for the following: (1) $7,000,000 to allow disaster assistance payments to affected states; (2) $2,000,000 to determine the cause of the fisheries disaster through a cooperative research effort between the National Marine Fisheries Service and the State of Alaska; and (3) $1,000,000 for the State of Alaska to develop a plan to restore the crab population.

Section 2202. The conference agreement includes $10,000,000 as a contingent emergency appropriation for assistance for the Northeast multispecies fishery failure to support a voluntary fishing capacity reduction program.

Section 2203. The conference agreement includes $7,000,000 as a contingent emergency appropriation to study the long-line interactions with sea turtles in the North Pacific and commercial fishing activities in the Northwest Hawaiian Islands, and provide observer coverage for the Hawaiian long-line fishery.

Section 2204. The conference agreement amends Public Law 101-380, as amended, and inserts a new section 5007 to provide $5,000,000 as a contingent emergency appropriation to create a new North Pacific Marine Research Institute at the Alaska SeaLife Center to be administered by the North Pacific Research Board.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WILDLAND FIRE MANAGEMENT

The conference agreement provides $200,000,000 in emergency funding for wildland fire management instead of $100,000,000 as proposed by the House and by the Senate. Of the amount provided, $100,000,000 is contingent on receipt of a budget request that includes a Presidential designation of the amount requested as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LAND ACQUISITION

The conference agreement provides $2,000,000 in emergency funding for land acquisition for the Douglas Tract along the Potomac River in Southern Maryland. Approximately 1,000 acres of undeveloped riverfront land is available from a willing seller. This land is of significant historic value with Native American and Civil War sites. Preservation of the land will also help preserve wildlife habitat and unique wetland areas. The President's budget request for fiscal year 2001 included $3,000,000 for this purchase. The entire amount is contingent on receipt of a budget request that includes a Presidential designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Office of Surface Mining Reclamation and Enforcement

REGULATION AND TECHNOLOGY

The conference agreement provides $9,821,000 in emergency funding for regulation and technology as proposed by the Senate instead of no funding as proposed by the House. The funds are for the surface mining regulatory program of the State of West Virginia. The entire amount is contingent on receipt of a budget request that includes a

Presidential designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The managers are concerned that the State of West Virginia lacks sufficient funding and staffing resources to regulate the effects of surface coal mining operations within the State pursuant to the Surface Mining Control and Reclamation Act (SMCRA). Recent litigation and the commencement of a formal review by the office of Surface Mining related to the State's regulatory program demonstrate that unless additional funds and provided immediately, a Federal takeover of these responsibilities may be imminent. If a takeover occurs it will increase the costs to the Federal Government for regulating coal mining in West Virginia and cause major disruptions on the ground. With the additional resources provided in this Act, the State will have the capability to administer an adequate regulatory program to enforce environmental laws and have the necessary tools to perform technical reviews of permit applications effectively and efficiently.

Accordingly, the managers are providing a total of $9,821,000 to the Office of Surface Mining Reclamation and Enforcement to ensure that the State has adequate funds to carry out its regulatory responsibilities under SMCRA. Of this amount, $6,222,000 is for the Office of Surface Mining to enter into a cooperative agreement with the West Virginia Division of Environmental Protection to enhance program capabilities, including developing a geospatial database to ensure appropriate geologic and hydrologic sampling, performing watershed modeling, and other programmatic improvements to ensure the State is able to meet its regulatory requirements under SMCRA.

A total of $3,599,000 is provided to address the West Virginia Office's staffing deficiencies. These funds are subject to the 50 percent matching requirement of section 705(a) of SMCRA. The managers note that West Virginia operates its program with fewer staff and a smaller budget than surrounding States with similar workloads. The controversy over mountaintop removal mining has been a catalyst for demonstrating weaknesses in the West Virginia regulatory program.

THe managers appreciate that the Office of Surface Mining and the State of West Virginia have worked together closely to characterize the deficiencies in the State's regulatory program. The managers expect this close cooperation to continue as the parties address and resolve program deficiencies. The managers direct the Office of Surface Mining, in conjunction with the State, to keep the House and Senate Committees on Appropriations apprised of the efforts made to correct these problems in the State's regulatory program.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

The conference agreement provides $2,000,000 in emergency funding for the national forest system instead of $5,759,000 as proposed by the Senate and no funding as proposed by the House. The funds are for storm damage repairs in National Forests in Minnesota and Wisconsin. The entire amount is contingent on receipt of a budget request that includes a Presidential designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $150,000,000 in emergency funding for wildland fire management as proposed by the House instead of $1,620,000 as proposed by the Senate. The entire amount it contingent on receipt of a budget request that includes a Presidential designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

Section 230. Provides authority for the Indian Health Service to release funds appropriated in fiscal year 1999 for construction of a clinic in King Cove, Alaska as proposed by the Senate. Land owned by the city has been designated for the facility and this language is needed to permit IHS to use that site.

Section 2302. Requires the Secretary of Energy to fund a particulate monitoring program as directed by the Congress in a report accompanying a previous appropriations Act. Funds were made available for this purpose in Public Law 105–277 unde the Fossil Energy Research and Development account. The Secretary of Energy has instituted a policy wherein he has to approve any Congressionally identified project prior to the release of funds. This policy has resulted in a bureaucratic morass and prevented the timely initiation of important research. The Secretary of Energy is urged to reexamine this policy.

The conference agreement does not include language proposed by the Senate addressing the designation of land for a jetty and sand transfer system for the Oregon Inlet in North Carolina. The managers will continue to examine this issue and consider it within the context of the fiscal year 2001 appropriations bill for the Department of the Interior and Related Agencies.

Section 2303. Modifies language proposed by the Senate to provide interim compensation for fishermen, crew members, and processors affected by restrictions on Dungeness crab fishing in Glacier Bay National Park, AK. The modification limits these payments to losses incurred in 2000 except for Buy N Pack Seafoods which is eligible for compensation for 1999 and 2000.

CHAPTER 4

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement does not include $40,000,000 earmarked for Summer Youth Employment as proposed by the Senate and requested by the President.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes a technical change proposed by both the House and Senate to clarify that funds collected by the National Mine Health and Safety Academy for tuition, room, board, and other authorized activities are in addition to the annual appropriation amount.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement provides $20,000,000 for abstinence education within "Special projects of regional and national significance;" part of the maternal and child health block grant as proposed by the House. The Senate bill contains no similar provision. The conference agreement also includes a rescission of $20,000,000 for abstinence education in the Adolescent Family Life program in the Office of the Secretary as proposed by the House. The Senate bill contains no similar provision.

The conference agreement does not include $100,000,000 in supplemental funding for the Ricky Ray Hemophilia Relief Fund as requested by the Administration.

The conference agreement includes $3,000,000 within Health Care Facilities and Construction for Little Flower Children's Services in Wading River, New York, for renovation and construction of a children's psychiatric services facility. The agreement designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement transfers $460,000 provided under Health Resources and Services Administration health care facilities construction to the CDC chronic and environmental disease prevention program for a comprehensive cancer control program at the MD Anderson Cancer Center in Houston, TX to address minority and medically underserved populations.

The conference agreement includes $12,000,000 for international HIV/AIDS funding, available until September 30, 2001, and designated as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. The same amount is rescinded under the Public Health and Social Services Emergency Fund, which was originally made available for one year in the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 2000.

ADMINISTRATION ON CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

The conference agreement provides $35,000,000 for payments to States for foster care and adoption assistance as proposed by both the House and Senate.

LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement includes $600,000,000 for the Low Income Home Energy Assistance Program (LIHEAP) emergency fund as proposed by both the House and Senate. The conference agreement also makes these funds available until expended as proposed by the Senate. The House bill makes these funds available for obligation through September 30, 2000. The conference agreement also designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement includes a provision extending the availability of Refugee and Entrant Assistance funding from two years to three years as proposed by the House. The Senate bill contains no similar provision.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement includes a provision to extend the availability of funds for the Anchorage, Alaska Senior Citizen's Center as proposed by both the House and Senate.

Office of The Secretary

GENERAL DEPARTMENTAL MANAGEMENT

(RESCISSION)

The conference agreement includes a rescission of $20,000,000 for abstinence education in the Adolescent Family Life program in the Office of the Secretary. $20,000,000 in additional Abstinence Education Funding is provided in the Health Resources and Services Administration.

Public Health and Social Service Emergency Fund

(RESCISSION)

The conference agreement does not include a rescission of $163,752,000 as proposed by the President.

The conference agreement rescinds $31,200,000 in bioterriorism funding made available for one year in the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 2000 and reappropriates the same amount, making it available until expended. Both the amount rescinded and the reappropriation are designated as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The conference agreement rescinds $12,000,000 in Centers for Disease Control and Prevention funding made available for one year in the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 2000 and reappropriates the same amount, making it available until September 30, 2001. Both the amount rescinded and the reappropriation are designated as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

General Provision—Department of Health and Human Services

Section 2401. The conference agreement includes a provision to remove the authority to transfer funds among accounts from the Centers for Disease Control and Prevention as proposed by both the House and Senate.

DEPARTMENT OF EDUCATION

Special Education

The agreement includes a provision that allows funds presently appropriated in F00 for the Paralympic Winter Games to be awarded to a designee of the Salt Lake Organizing Committee for expenditure on their behalf.

Vocational and Adult Education

The conference agreement includes a provision to place the Youth Offender Grants program on a forward-funded basis. This provision was not included in either the House or the Senate bills.

The conference agreement includes a technical correction to the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 2000 which changes the forward funded portion of the appropriation from $858,150,000 to $882,650,000.

Higher Education

The conference agreement includes a provision to extend the availability of State Grants for Incarcerated Youth appropriated in fiscal years 1998 and 1999 for an additional year as proposed by the Senate. The House bill contains no similar provision.

The conference agreement includes an additional $750,000 for the Fund for the Improvement of Postsecondary Education for creation of a center for inquiry and design-based learning in mathematics, science and technology education at the College of New Jersey, in Ewing, New Jersey. The agreement designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Education Research, Statistics, and Improvement

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a provision to make several technical corrections as proposed by both the House and the Senate. The conference agreement also includes technical corrections that were not included in either the House or the Senate bills.

The conference agreement also transfers $368,000 provided under Health Resources and Services Administration, health care facilities construction and renovation to Education Research, Statistics, and Improvement for the George Mason University Center for Services to Families and Schools to expand a program for schools and families of children suffering from attentional, cognitive, and behavioral disorders.

RELATED AGENCIES

Social Security Administration

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes $35,000,000, available through September 30, 2001, for the Social Security Administration for additional workload generated by the "Senior Citizens' Freedom to Work Act of 2000 (P.L. 106–182) as proposed by the Senate. This level is the same amount as requested by the President and $15,000,000 below the amount in the Senate bill. The House bill contains no similar provision. The conference agreement also designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

General Provisions—This Chapter

Section 2402. The conference agreement includes a provision as proposed by the House to remove from the Department of Education and the Centers for Disease Control and Prevention the ability to carry over salary and expense funds for an additional quarter. The Senate bill contains no similar provision.

Section 2403. The conference agreement includes technical corrections in the conforming amendments on the set-asides in the Welfare-to-Work Amendments of 1999 as proposed by both the House and Senate.

Section 2404. The conference agreement includes technical corrections to the Workforce Investment Act of 1998 and the Carl D. Perkins Vocational and Technical Assistance Act of 1998 as proposed by the Senate. The House bill contains no similar provision.

Section 2405. The conference agreement includes a provision not proposed by either the House or Senate to make funds for certain technical assistance activities related to school reform available at an earlier date.

Section 2406. The conference agreement includes a provision, as proposed by the Senate in the Military Construction Appropriations Act, 2001, amending section 508(f)(1) of the Rehabilitation Act of 1973 to extend the date that the Federal government must provide equal access to disabled federal employees and disabled members of the public seeking information or services. The House bill contains no similar provision.

Section 2407. The conference agreement provides $3,500,000 for the improvement and modernization of Saint John's Lutheran Hospital, Libby, Montana. It also includes $8,000,000 for an Economic Development Administration grant to the city of Libby, Montana. The conference agreement also designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHAPTER 5

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

Capitol Buildings and Grounds

FIRE SAFETY

The conference agreement appropriates $17,480,000 to the Architect of the Capitol for fire safety projects as proposed by the Senate instead of $15,166,000 as proposed by the House. The funds are designated as emergency requirements as proposed by the Senate.

General Provisions—This Chapter

Section 2501. The conferees have amended language proposed by the Senate regarding the Trade Deficit Review Commission. The 3-month extension in the due date of the final report has been agreed to; the new subparagraph contained in subsection (a) of the provision in the Senate bill has been dropped without prejudice.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

Coast Guard

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes $45,000,000, to remain available until expended, for acquisition of one C–37A command and control aircraft for use by the U.S. Coast Guard, as authorized under section 812(b) of the Western Hemisphere Drug Elimination Act (P.L. 105–277). The existing command and control aircraft is sixteen years old and experiencing significant reliability and maintenance problems. In addition, with an average flight cost of $1,500 per hour (40 percent higher than current models), this aged aircraft unnecessarily diverts needed funds from other Coast Guard operating missions. The conference agreement fully offsets this appropriation through sale of the current aircraft (estimated by the Coast Guard at $7,000,000) and rescission of other funds totaling $38,000,000. The conferees assume that sale of the VC–11A will first be offered to the vendor of the replacement aircraft. Rescinded funds include $26,600,000 in unobligated balances appropriated to the Office of Management and Budget to resolve Year 2000 computer problems, as proposed by the House, and $11,400,000 from unobligated balances of Coast Guard "Acquisition, construction, and improvements".

The conference agreement includes a rescission of $11,400,000 in available balances from previous appropriations Acts under "Acquisition, construction, and improvements". As of May 31, 2000, the Coast Guard had an unobligated balance of $327,404,000 in this appropriation, including regular funds, leftover disaster relief funds, and no-year emergency supplemental appropriations. The conferees believe a fraction of these unused funds can be used to offset higher priority requirements in the conference agreement without adversely impacting the service's missions. The conferees direct that none of these funds be taken from the Great Lakes icebreaker replacement project, and that the Coast Guard submit information on proposed rescissions to the House and Senate Committees on Appropriations prior to implementation.

Federal Aviation Administration

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes a contingent emergency appropriation of $75,000,000 for additional operating and maintenance costs of the Federal Aviation Administration, available until September 30, 2001, instead of $77,000,000 as proposed by the Senate. The first priority for these additional funds should be the hiring of aviation safety inspectors and medical certification personnel.

RELATED AGENCY

National Transportation Safety Board

SALARIES AND EXPENSES

The conference agreement provides $19,739,000 for the National Transportation Safety Board for emergency expenses associated with the investigation of Egypt Air Flight 990 and Alaska Air Flight 261 accidents. These funds will compensate wreckage location and recovery facilities, technical support, testing, and wreckage mock-up. Both the House and the Senate bills provided $24,739,000 for investigative costs. Since enactment of each bill, the Arab Republic of Egypt has agreed to reimburse the National Transportation Safety Board $5,000,000 for Egypt Air Flight 990 wreckage location and recovery, decreasing the supplemental needs of the NTSB. The conference agreement requires the Secretary of the Treasury to reduce this appropriation by an amount equal to any subsequent reimbursement by the Arab Republic of Egypt for wreckage location and recovery, family assistance, and interagency agreements for up to $3,983,000. The Egyptian government currently is reviewing the additional expenses.

Within the funds provided, up to $10,000 shall be made available for the location and recovery of wreckage of N41078, as proposed in the Senate report.

General Provisions—This Chapter

Section 2601. The conferees have included a provision that makes available a total of $35,200,000 for seven bridge projects from funds previously made available to the department under section 104(a) of title 23, U.S.C. These projects were earlier identified in the conference agreement accompanying H.R. 2084, the fiscal year 2000 Department of Transportation and Related Agencies Appropriations bill, which directed the Federal Highway Administration (FHWA) to distribute discretionary bridge program funds for certain specified projects and activities. The office of the secretary and the FHWA, without consulting or notifying the House and Senate Committees on Appropriations, released all discretionary bridge funding for fiscal year 2000 and did not consider fully the projects specified in the accompanying report. These actions were unconscionable and remain unacceptable. The conferees assert that the department, particularly the office of the secretary, must comply with both the letter and the spirit of the law, which requires the department to notify the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the Department or its modal administrations from: (1) any discretionary program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs.

Section 2602. The conference agreement rescinds $26,600,000 in unobligated balances of funds appropriated to the Office of Management and Budget pursuant to Pubic Law 105-277 and subsequently transferred to the Department of Transportation for Year 2000 conversion of Federal information technology systems and related expenses, as proposed by the House. These funds are no longer needed for their original purpose and are available to offset higher priority Coast Guard capital needs.

Section 2603. The conference agreement includes an emergency appropriation of $2,000,000 to the Office of the Assistant Secretary for Policy, U.S. Department of Transportation, to be transferred to the Environmental Protection Agency to carry out a telecommuting pilot program.

Section 2604. The conference agreement includes a provision that amends the allowable federal share requirement for projects for the elimination of hazards of railway-highway crossings funded under the surface transportation program.

Section 2605. The conference agreement includes $2,000,000 for planning, preliminary engineering and design of the Metro-North Danbury to Norwalk commuter rail line reelectrification project in Connecticut.

Section 2606. The conference agreement includes $3,000,000 for the Second Avenue Subway in New York City, New York

Section 2607. The conference agreement includes $500,000 for a study of improvements to Highway 8, from the Minnesota border to Highway 51, in the state of Wisconsin.

Section 2608. The conference agreement includes $1,000,000 for reconstruction of, and improvements to, Halls Mill Road in Monmouth County, New Jersey.

General Provision—This Title

Section 2101 allows members of the Pueblo of San Ildefonso and the Pueblo of Santa Clara to collect plants and minerals in the Bandelier National Monument. The extensive areas burned by the Cerro Grande fire have severely reduced the availability of local plants, clays and soils traditionally used by these Pueblos. To allow their traditional ceremonies to continue uninterrupted, it is necessary to allow enrolled members of both Pueblos access to plant and mineral resources that are available in the Bandelier National Monument at quantities greater than allowed by current regulations of the National Park Service. These activities would be consistent with applicable laws governing the Monument.

CHAPTER 7

DEPARTMENT OF THE TREASURY

Departmental Offices

SALARIES AND EXPENSES

The conferees agree to include $24,900,000 as a contingent emergency appropriation for the establishment of an in-service firearms training facility.

FIREARMS TRAINING FACILITY

The conferees direct that the Secretary of the Treasury undertake the establishment of an in-service firearms training facility in West Virginia for use by U.S. Customs Service and other law enforcement agencies. The conferees note with grave concern the serious threats that have arisen at U.S. borders with respect to attempted terrorist infiltrations and the increasing complexity of the interdiction of illegal drugs into this country. The Treasury Department has approximately 20,000 armed officers engaged in a wide variety of dangerous law enforcement activities. Because of the need to provide in-service firearms training for armed Treasury personnel, the conferees have included $24,900,000 to accelerate the design and construction of a firearms complex on land currently owned by the Fish and Wildlife Service. The Secretary of the Treasury is authorized to designate a lead agency to oversee the development, implementation and operation of the facility and the conduct of training. The complex would also be available for use by the Fish and Wildlife Service, the National Park Service, certain other law enforcement personnel and selected State and local enforcement personnel. The conferees have also included language to designate the National Park Service to manage the entire tract of land and to make available a suitable portion of the land for use for the training facility, and language to assure that the training to be conducted at the new training firearms facility will be configured in such a way as to not duplicate or displace any federal law enforcement programs of the Federal Law Enforcement Training Center (FLETC). Likewise, no training currently being conducted at a FLETC facility will be moved to the West Virginia site. The entire amount is contingent upon receipt of a budget request that includes a Presidential designation of the amount requested as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

United States Secret Service

SALARIES AND EXPENSES

The conferees agree to include $10,000,000 as a contingent emergency appropriation for the United States Secret Service's costs related to planning, coordination and implementation of security for national special security and major protective events.

NATIONAL SECURITY SPECIAL EVENTS

The conferees are extremely concerned that the Administration has failed to request funding for the Secret Service to provide protective services for PDD 62, National Security Special Events (NSSE), causing significant budget shortfalls for the Secret Service. For example, the conferees are aware that the 2002 Winter Olympics in Salt Lake City has long been officially designated as a NSSE but the Administration provided no funding and implementing overall security. The conferees note however, that the Administration did fund the FBI and FEMA for their role in the Winter Olympics. In order to address fiscal year 2000 shortfalls, the conferees provide $10,000,000 for costs associated with planning, coordination and implementation of security at the following major protective events. The World Trade Organization Meeting, the International Monetary Fund meeting, Operation Sail 2000, the Republican and Democratic National Conventions, the UN General Assembly 55-Millennium Assembly, and fiscal year 2000 costs related to the 2002 Winter Olympics. The conferees direct the Department of the Treasury to submit to the Committees on Appropriations, a budgeting plan for the Secret Service in regard to anticipated and unanticipated National Special Security Events for fiscal year 2001 no later than September 1, 2000.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Office of Administration

INFORMATION TECHNOLOGY

The conferees agree to establish a new account within the Office of Administration and include $8,400,000 as a contingent emergency appropriation for the costs associated with the restoration and reconstruction of certain electronic mail messages and for inclusion of such messages in the Automated Records Management System. These funds were proposed by the President to be funded within the Office of Administration's Salaries and Expenses appropriation. Neither the House nor the Senate bills included these funds as the President's request was received after House and Senate consideration of the supplemental appropriations bills.

TAPE RESTORATION PROJECT

The conferees have established a new account for the necessary expenses of ongoing activities associated with the restoration and reconstruction of certain electronic mail messages and for inclusion in the Automated Records Management System, providing $8,400,000, to remain available until September 30, 2002. The conferees prohibit the obligation of these funds until the Office of Administration submits an independent verification and validation of the estimated costs of this project.

The conferees are concerned by the escalation in estimated costs of this project, which have ranged from $3,000,000 to levels well in excess of that amount. To date, $4,800,000 has been provided to support ongoing work; combined with this supplemental appropriation, the total federal appropriation is $13,200,000. The conferees are concerned that, to date, estimates of total project costs have not been finalized and that an independent verification and validation of both the costs of specific phases of the reconstruction effort and the total project are not available. The conferees have included bill language prohibiting the obligation of funds until the Office of Administration submits to the Committees on Appropriations an independent verification and validation of the costs of the restoration project, including the final report prepared by the independent verification and validation contractor for both initial and projects cost estimates.

It is not the intent of the conferees to delay or impede the ongoing restoration work; nonetheless, the conferees believe it is critical that all costs related to this project undergo an independent verification and validation process and that the findings of this process be reported to the Committees on Appropriations as expeditiously as possible. The conferees note the current monthly reporting requirements imposed by the House Committee on Appropriations in regards to the obligation of funds as well as other project analysis. Should it be necessary, and in order to satisfy the requirements of the bill language without impeding ongoing work, the conferees are willing to consider releasing a portion of the funds upon receipt of interim verification and validation documents until the final report is prepared. These interim reports would be in addition to the monthly reports required by the House Committee on Appropriations. Should these interim reports become necessary, the Office of Administration is directed to establish, in consultation with the Committees on Appropriations, a schedule of milestones for the completion of the final report and the total release of funds.

AUTOMATED RECORDS MANAGEMENT SYSTEM

The conferees are concerned that contractor error may be a causal factor in the White House e-mails not being properly archived into the Automated Records Management System (ARMS), resulting in the present supplemental appropriation for reconstruction and restoration costs. The conferees fully expect the Executive Office of the President (EOP) to diligently pursue reimbursement from contractors if it is determined that their errors and/or negligence led to the present additional funding requirement. The conferees believe that the EOP should review contractor performance beginning with the ARMS project of 1994 and including all contractors responsible for operating and maintaining the information technology system for the EOP. The conferees direct the Office of Administration to report back within 6 months of the date of enactment of this Act to the Committees on Appropriations on the performance of the contractors responsible for operating and maintaining the information technology systems. The performance report should include an evaluation of whether or not the contractor has legally defaulted and on any actions to be taken by the EOP to recoup the costs associated with the reconstruction and restoration effort currently underway.

INDEPENDENT AGENCIES

General Services Administration

POLICY AND OPERATIONS

The conferees agree to include $3,300,000 as a contingent emergency appropriation for the Salt Lake 2002 Winter Olympic and Paralympic Game doping control program.

General Provisions—This Chapter

Section 2701. The conferees agree to include a provision waiving anti-pooling provisions for the fiscal year 2000 administrative costs of the Counterdrug Intelligence Executive Secretariat.

Section 2702. The conferees agree to include a provision to rescind and reappropriate certain unobligated balances with the Internal Revenue Service's Information Technology Investments account.

Section 2703. The conferees agree to include a provision authorizing the Secretary of the Treasury to address clerical errors in fiscal year 1999 which resulted in the Hospital Insurance (HI) Trust Fund being over-invested while the Supplementary Medical Insurance (SMI) Trust Fund was under-invested. The conferees understand that the principal amount of the bookkeeping errors has been corrected, but that the over-investment resulted in the HI Trust Fund being credited with excess interest earnings, while the under-investment resulted in the SMI Trust Fund being deprived of interest earnings. The conferees further understand that these bookkeeping errors have not affected Medicare payments in any way, nor did the errors result in any moneys being erroneously paid out by the Government. Nevertheless, the conferees believe that the errors should be corrected in full to ensure the correct allocation of funds among the HI Trust Funds, the SMI Trust Fund, and the Treasury General Fund.

Section 2704. The conferees agree to include a technical modification to Public Law 106–113 to make a direct payment to the United States Olympic Committee through the United States Anti-Doping Agency from funds appropriated for fiscal year 2000.

Section 2705. The conferees agree to include a provision to rescind and reappropriate certain unobligated balances within the Salaries and Expenses account of the U.S. Secret Service.

Section 2706. The conferees agree to include a technical modification to Public Law 106–58 clarifying language in Senate Report 106–87 on the Treasury and General Government Appropriations Act, 2000, to authorize the General Services Administration to provide funds appropriated in fiscal year 2000 for the Nebraska State Patrol Digital Distance Learning project.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development

COMMUNITY DEVELOPMENT BLOCK GRANTS

Inserts language as proposed by the House making a technical correction on a specific economic development initiative grant provided under title II of Public Law 106–74.

Inserts language proposed by the Senate and modified by the conferees making a technical correction on a specific neighborhood initiative grant provided under title II of Public Law 106–74.

Inserts new language providing $27,500,000 for five targeted economic development initiatives.

HOME INVESTMENT PARTNERSHIPS PROGRAM

Inserts language proposed by the House which provides $11,000,000 to the New Jersey Department of Community Affairs and $25,000,000 to the North Carolina Housing Finance Agency. This funding is for temporary rental assistance to very low-income families displaced by the floods spawned by Hurricane Floyd. The conferees direct HUD to provide these funds to the aforementioned State agencies within two weeks of enactment of this Act.

HOMELESS ASSISTANCE GRANTS

Inserts language proposed by the Senate and modified by the House authorizing HUD to spend funds from this account to renew for one year those expiring Shelter Plus Care and Supportive Housing grants covered by the 1999 Notice of Funding Availability (NOFA).

The conferees note their increasing concern about how priorities for this program are set. It is the understanding of the conferees that the McKinney program leaves the decision to renew expiring grants with local authorities. Thus, there is a fundamental mismatch between a results-oriented program that creates a supply of permanent housing that ends homelessness among chronically ill persons, and HUD's commitment to operating the program through local decision-making. In addition, the conferees are concerned about the long-term implications of automatically renewing all permanent housing commitments. By including this compromise, the conferees are merely resolving the immediate issue and deferring a more comprehensive decision to a more appropriate vehicle or to a later date. Any comprehensive approach should include data and management systems that can measure progress toward the goal of ending chronic homelessness.

Inserts language proposed by the House authorizing HUD to make technical assistance funds available for management and information systems.

Management and Administration

SALARIES AND EXPENSES

Inserts new language limiting HUD from spending funds to employ more than 9,100 full time equivalent (FTE) employees during fiscal year 2000. Additionally, HUD is directed to develop an employee resource management plan that: (1) bases estimates and allocations on the level of work and where it is to be performed; (2) includes all departmental responsibilities in the work definition and resource estimation system; (3) identifies what work can be done with current human resource levels, and what tasks must be done less often, not done, or contracted out if they are to be accomplished; and (4) includes a resource validation component that accurately measures what staff do. The Department is directed to brief the Committees on Appropriations every six months on the progress made in developing this plan until it is implemented.

HUD's lack of an adequate staff plan begs the question of why HUD is apparently racing to hire more than 764 employees by the end of July, 2000. Though the limitation agreed to by the conferees does not preclude HUD from continuing down this course, it should be considered a warning that HUD cannot assume that funds to cover more than 9,100 FTEs in fiscal year 2001 will be forthcoming.

This assumption, in addition to being reckless, is further jeopardized because HUD's 2001 budget estimates about salary requirements are simply incorrect. The newest information from HUD shows that rather than needing $78,800 per FTE for salaries, HUD actually needs $82,000. This increase is due to HUD's insistence to hire community builder fellows at grade and salary levels that far out-strip career civil servants. In order to stave off employee complaints about the community builder program and to boost the moral of the civil servants, HUD recently promoted 200 career civil servants and provided more than 3,000 quality step increases to career civil servants. These increases, though likely well-deserved, were not built into the fiscal year 2001 budget estimate. The conferees believe that this decision, coupled with HUD's insistence on hiring 764 new staff, constitutes serious mismanagement and could create a crisis that may not be averted unless prompt responsible action is taken.

Thus, the conferees direct HUD to reconsider hiring to this staff level until the Committees, along with the Office of Management and Budget (OMB), can undertake a review of HUD's staffing needs and relate them to a realistic budget proposal.

OFFICE OF INSPECTOR GENERAL

(INCLUDING RESCISSION OF FUNDS)

Inserts technical language proposed by the Senate and modified by the House rescinding and re-appropriating $6,000,000 for the "Office of Inspector General" for the Housing Fraud Initiative.

INDEPENDENT AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(RESCISSION OF FUNDS)

Inserts new language rescinding $1,000,000 from the National Service Trust instead of transferring such amount as proposed by the House. The conferees have included this rescission as part of the appropriation of additional funds for the Office of Inspector General.

OFFICE OF INSPECTOR GENERAL

Inserts $1,000,000 for the Office of Inspector General, as proposed by the House. The amount provided shall be for the purpose of expanding the number of audits of State Commissions on National and Community Service. The conferees, recognizing the lateness of the additional funds, have agreed to make these funds available until September 30, 2001.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

Inserts language as proposed by the House clarifying Congressional intent with respect to a specific grant made available in Public Law 106–74 and in prior Acts; and which transfer funds provided for a specific grant in Public Law 105–276 to the "State and tribal assistance grant" account for specific water and wastewater infrastructure projects.

New language has also been included which prohibits the Environmental Protection Agency from spending any funds available for expenditure in fiscal years 2000 and 2001 to make a final determination on or implement any new rule relative to the Proposed Revisions to the National Pollutant Discharge Elimination System Program and Federal Antidegradation Policy and the Proposed Revisions to the Water Quality Planning and Management Regulations Concerning Total Maximum Daily Load, published in the Federal Register on August 23, 1999.

STATE AND TRIBAL ASSISTANCE GRANTS

Inserts language as proposed by the House making a technical correction to a specific grant identified in project number 102 provided in Public Law 106–74; and inserts new language making further technical corrections with respect to specific grants identified in project numbers 135 and 50 provided in Public Law 106–74.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

The conferees have agreed to provide $50,000,000, in addition to other amounts made available, to be derived from unobligated balances made available under "Disaster Relief" in Public Law 106–74, as proposed by the Senate. The House has proposed an additional $77,400,000 for buyout of properties made uninhabitable by Hurricane Floyd and surrounding events, under regulations promulgated in response to passage of Public Law 106–113. Both the House and Senate bills had designated the funding as emergency funding.

The conferees have agreed to include up to $50,000,000 within available disaster relief funds for buyouts and elevations of properties in the 100-year floodplain in areas which have had Presidential disaster declarations in fiscal years 1999 or 2000. FEMA is to give priority consideration to grant proposals for buyouts or elevations of repetitive loss properties. The fact the conferees have provide additional funds for buyouts reflects a recognition of significant demand for these funds in numerous states throughout the country and the need for actions to reduce potential losses for future flood events. The action of the conferees is not a positive reflection, however, on how FEMA has executed this program to date. The conferees are deeply troubled with FEMA's implementation of the buyout program as the agency has failed to meet statutory requirements to issue interim regulations by December 31, 1999, failed to provide States with clearly defined guidance to apply eligibility criteria, failed to develop a standard method for assessing fair market value and estimated costs per structure, and made an interim allocation based on inaccurate State submissions resulting in inequitable distribution of funds to the States. The conferees expect FEMAS will address these major shortcomings, and those expected to be identified by the Inspector General shortly, and issue a final rule in a timely manner. Without stronger oversight and accountability for these funds than has been exhibited to date, additional funds will be provided.

The conferees are aware of a disaster declaration request submitted June 26, 2000 by the Governor of North Dakota for areas in the eastern portion of the state affected by severe, unexpected rainfall, and understand there likely will be a formal Presidential declaration made shortly. The conferees recognize and applaud the professional and dedicated response to this disaster, as well as the initial damage assessments already performed by State and local disaster officials and representatives of the Federal Emergency Management Agency (FEMA). The conferees urge FEMA and other Federal agencies involved in responding to these floods to act expeditiously in processing claims submitted by State and local officials and affected residents upon the formal emergency declaration.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

The conferees have provide an additional $1,000,000 for the Independent Verification and Validation Facility to perform software IV&V work for future Mars missions, and an additional $500,000 for the expansion of the Self Adaptive Vehicular Equipment (SAVE) project's "Online Learning Flight Control for Intelligent Flight Controls Systems" initiative at the Dryden Flight Research Center.

GENERAL PROVISIONS—THIS CHAPTER

Section 2801. Inserts language as proposed by the House and the Senate clarifying the intent of title V, subtitle C, section 538 of Public Law 106–74.

Section 2802. Inserts language as proposed by the Senate clarifying the intent of a specific grant provided in Public Law 106–113.

Sections 2803 and 2804. Inserts language as proposed by the Senate making several technical corrections in title II of Public Law 106–74.

CHAPTER 9

GENERAL PROVISION—THIS TITLE

DISTRICT OF COLUMBIA

Section 2901 appropriates $4,485,000 in Federal funds as proposed by the Senate to reimburse the District of Columbia for certain costs incurred in connection with the International Monetary Fund and World Bank Organization Spring Conference held in the District in April 2000. The conference agreement includes language proposed by the Senate that designates this appropriation as an emergency requirement available only to the extent that an official budget request is received by the Congress.

TITLE III—COUNTER NARCOTICS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

Chapter 1 of the conference agreement provides a total of $184,059,000 in emergency supplemental appropriations for the Department of Defense, instead of $185,800,000 as proposed by the House and $115,700,000 as proposed by the Senate, to support Plan Colombia goals and for the procurement of one Airborne Reconnaissance Low aircraft.

The following table provides details of the emergency supplemental appropriations in this chapter.

[In thousands of dollars]

Program	FY 2000 request	FY 2001 request	House	Senate	Conference
Counter-narcotics battalion support	18,200	3,000	21,200	18,200	21,200
Counter-narcotics brigade headquarters	1,000	0	1,000	1,000	1,000
Army aviation infrastructure support	8,200	5,000	13,200	8,200	13,200
Military reform	3,000	3,000	6,000	3,000	6,000
Organic intelligence capability	0	5,000	5,000	0	5,000
Senior Scout	0	5,000	5,000	0	5,000
Tracker aircraft modifications	7,000	3,000	10,000	7,000	10,000
AC–47 aircraft modifications	1,000	6,400	7,400	1,000	7,400
Ground based radar	13,000	7,000	20,000	0	13,000
Radar command and control	5,000	0	5,000	5,000	5,000
Andean ridge intelligence collection	3,000	4,000	7,000	3,000	7,000
Colombian ground interdiction	5,000	0	5,000	5,000	5,000
Classified	34,000	21,000	80,000	34,300	55,259
Airborne Reconnaissance Low aircraft	0	0	0	30,000	30,000

AIRCRAFT PROCUREMENT, ARMY

The conferees agree to provide $30,000,000 for the procurement of one Airborne Reconnaissance Low (ARL) aircraft, as proposed by the Senate. This aircraft will replace the ARL aircraft lost in the tragic crash during a counter-narcotics mission in Colombia last year. The conferees are concerned that more ARL aircraft have not been available on a regular basis to U.S. Southern Command, and strongly urge the Department of Defense and the Army to provide more ARL mission aircraft for missions in the U.S. Southern Command area of responsibility.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conferees agree to provide $154,059,000 in support of Plan Colombia. The conferees direct the Secretary of Defense to provide to the Committees on Appropriations, not later than 30 days following enactment of this Act, a report on the proposed uses of all funds under this heading. This report shall describe steps taken to ensure the maximum force protection of U.S. personnel while deployed in Colombia, including their rules of engagement. The conferees have provided funding for specific activities, as described in the budget request, and direct the Under Secretary of Defense (Comptroller) to notify the Committees on Appropriations 15 session days prior to any obligation or transfer of funds which is not consistent with the specific purposes contained in the request and delineated in this statement of managers.

Additionally, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict is directed to provide a monthly report to the congressional defense committees, which shall include the following information for the preceding month: Identification of private sector firms providing support to Plan Colombia in any capacity, the number of American citizens located overseas in execution of supporting contracts, and the number of military personnel and U.S. government employees operating in Colombia and the surrounding region in support of Plan Colombia.

CLASSIFIED PROGRAMS

The conference agreement regarding classified programs is summarized in a classified annex accompanying this statement of managers.

GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to retain and amend section 3101, as proposed by the House and amended by the Senate, which places limits on the funds made available in this Act to the Department of Defense for the provision of support for counter-drug activities of the Government of Colombia.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

ASSISTANCE FOR COUNTERNARCOTICS ACTIVITIES

The conference agreement recommends $1,018,500,000 in emergency supplemental appropriations to reduce the supply of narcotics to the United States from Colombia and Southern and Central America and the Caribbean. The House bill recommended $1,099,000,000 and the Senate amendment recommended $934,100,000.

The President requested that $818,000,000 be designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. In addition, the President requested $256,000,000 in fiscal year 2001 to support Plan Colombia. These funds shall only be available to the extent that an official budget request that designates the entire amount as an emergency requirement is transmitted to the Congress. The conference agreement provides that these funds be available until expended, as requested by the Administration.

The conference agreement provides a waiver of section 482(b) of the Foreign Assistance Act of 1961, regarding the procurement of weapons and ammunition, for funds under this heading. Also the conference agreement requires that funds under this title shall be subject to all limitations and restrictions contained in section 599D of section 1000(a)(2) of Public Law 106–113, regarding funds for population planning.

The conference agreement directs the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the Agency for International Development, to provide to the Speaker of the House of Representatives and to the Committees on Appropriations not later than 30 days after enactment of this Act, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project or activity. The conferees direct the Administration's report to reflect the priorities as provided in the following funding columns. The conferees note that the report by the Secretary of State must be received prior to the initial obligation of any of these emergency supplemental funds. The conferees expect this report to serve as the basis for any future reprogramming of funds by the Executive Branch. Further, at least 20 days prior to the obligation of funds under this title, the Secretary of State shall inform the Committees on Appropriations.

ASSISTANCE FOR PLAN COLOMBIA

The assistance for Plan Colombia is designed to support the five objectives of the Colombian government's effort to gain control of the drug producing regions in southern Colombia; to increase drug interdiction efforts; to provide additional assistance to the Colombian National Police; to increase alternative economic development programs, and to strengthen human rights and justice and anti-crime programs.

SUPPORT FOR THE PUSH INTO SOUTHERN COLOMBIA

The conference agreement recommends $390,500,000 to support the Government of Colombia's objective to gain control of the drug producing regions of southern Colombia. These funds will support certain aspects of training and equipping the second and third Colombian Army counternarcotics battalions. Central to this entire effort is providing reliable airlift for these counternarcotics battalions. The conference agreement directs that funds will be utilized to: procure and support 16 UH–60 Black Hawk helicopters; procure, refurbish, and support 30 UH–1H Huey II helicopters; and support 15 UH–1N helicopters for use by the Colombian Army. The conference agreement directs that UH–60 Black Hawk procurement be managed by the U.S. Defense Security Cooperation Agency. The conference agreement includes language, as contained in the House bill, requiring that if any helicopter procured with funds under this heading is used to aid or abet the operations of an illegal self-defense group or security cooperative, then such helicopter shall be immediately returned to the United States. The conferees recognize that significant resources under this title are dedicated to procurement and sustainment of various aircraft for use by the Colombia government and, therefore, support funds for defensive systems to provide protection for these aircraft. As requested by the Administration, the conference agreement recommends $9,000,000 to procure Schweizer SA 2–37A organize intelligence aircraft with forward looking infrared (FLIR) to support the counternarcotics battalions' counter-drug surveillance. The conference agreement directs funds for the following programs:

SUPPORT FOR THE PUSH INTO SOUTHERN COLOMBIA

	House	Senate	Conference
Train and equip Colombian Army counternarcotics battalions	$7,000,000	$7,000,000	$7,000,000
Army Counternarcotics battalion UH–1N program	64,000,000	64,000,000	60,000,000
Army Counternarcotics battalion UH–60 Black Hawk program	362,000,000		208,000,000
Army Counternarcotics battalion UH–1H Huey II program		118,500,000	60,000,000

SUPPORT FOR THE PUSH INTO SOUTHERN COLOMBIA—Continued

	House	Senate	Conference
Sustain Army counternarcotics battalion	6,000,000	6,000,000	6,000,000
Forward infrastructure development	3,000,000	5,000,000	3,000,000
Force protection enhancements	4,000,000	7,000,000	4,000,000
Logistical Support	4,400,000	8,000,000	4,400,000
Army Counternarcotics battalion organic intelligence	9,000,000	9,000,000	9,000,000
Training for senior commanders	1,100,000	1,100,000	1,100,000
Army Counternarcotics battalion communications	3,000,000	....	3,000,000
Other infrastructure and sustainment	6,500,000	....	....
Alternative development in southern Colombia	16,000,000	10,000,000	10,000,000
Temporary emergency resettlement and employment	15,000,000	15,000,000	15,000,000
Total	501,000,000	250,600,000	390,500,000

SUPPORT FOR INTERDICTION EFFORTS

The conference agreement recommends $129,400,000 to enhance United States and Colombian narcotics interdiction efforts. The majority of these funds are dedicated to upgrading the radar systems in four U.S. Customs Service P-3 airborne early warning interdiction aircraft. The U.S. Customs Service aircraft are dedicated to missions to detect and monitor suspect targets destined for the United States from cocaine source zones, primarily Colombia. Additionally, the Committee directs funds U.S. and Colombian air, land, and sea interdiction programs as follows:

SUPPORT FOR INTERDICTION EFFORTS

	House	Senate	Conference
Upgrade Colombian Air Force OV–10 aircraft	$15,000,000	$15,000,000	$15,000,000
Upgrade aircraft for night operations	1,900,000	1,500,000	1,900,000
Airfield upgrades	8,000,000	8,000,000	8,000,000
Upgrade U.S. Customs Service P–3 aircraft radar systems	68,000,000	68,000,000	68,000,000
Support for Colombian air interdiction program	19,500,000	19,500,000	19,500,000
Support for Colombian riverine interdiction program	12,000,000	12,000,000	12,000,000
Ammunition for Colombian riverine interdiction program	2,000,000	2,000,000	2,000,000
Colombian Navy operations infrastructure support	1,000,000	1,000,000	1,000,000
U.S. ONDCP Counternarcotics intelligence architecture	1,000,000	500,000	....
U.S. Treasury/OFAC sanctions support	2,100,000	2,000,000	2,000,000
Civil beacons	....	2,000,000	....
Go Fast Boat	....	1,000,000	....
Total	130,500,000	132,500,000	129,400,000

SUPPORT FOR THE COLOMBIAN NATIONAL POLICE

The conference agreement recommends $115,600,000 to support the Colombian National Police (CNP). The conferees note that the CNP has for years been at the forefront of the Colombian National Police (CNP). The conferees note that the CNP has for years been at the forefront of the Colombian government's counter-narcotics efforts and has received significant United States support in recent years. The conference agreement recommends three significant programs to enhance the CNP's eradication efforts. These include: $2,600,000 for procurement, training and support for two UH-60 Black Hawk helicopters; $20,600,000 for twelve UH-1H Huey II helicopters; and $20,000,000 for the purchase of Ayers S2R T-65 agricultural spray aircraft and OV-10 aircraft. The conference agreement recommends additional funds be provided for communications, ammunition, spare parts, training and logistical support. The conference agreement directs funds for the following programs:

SUPPORT FOR THE COLOMBIAN NATIONAL POLICE

	House	Senate	Conference
Secure communications	$3,000,000	$3,000,000	$3,000,000
Weapons and ammunition	3,000,000	3,000,000	3,000,000
UH–60 Black Hawk procurement and support	26,000,000	....	26,000,000
Enhanced Logistical Support	2,000,000	2,000,000	2,000,000
CNP forward operating capability and force protection	5,000,000	5,000,000	5,000,000
CNP border bases construction	5,000,000	5,000,000	5,000,000
Additional CNP airmobile units	2,000,000	2,000,000	2,000,000
Upgrade CNP aviation facilities	8,000,000	8,000,000	8,000,000
Additional spray aircraft	20,000,000	20,000,000	20,000,000
Upgrade existing CNP airplanes (including FLIR)	5,000,000	5,000,000	5,000,000
Upgrade 12 UH–1H helicopters to Huey II configuration	20,600,000	24,000,000	20,600,000
Sustainment and operations	5,000,000	5,000,000	5,000,000
Training for pilots and mechanics	1,900,000	2,500,000	2,000,000
Airfield security	2,000,000	2,000,000	2,000,000
Enhanced eradication	4,000,000	4,000,000	4,000,000
Spare parts	3,000,000	3,000,000	3,000,000
Total	115,500,000	93,500,000	115,600,000

SUPPORT FOR ALTERNATIVE AND ECONOMIC DEVELOPMENT IN COLOMBIA

The conference agreement recommends $81,000,000 to support alternative and economic development programs in Colombia. These funds are in addition to funds provided for alternative development associated with the Colombian government's objective to "Push into Southern Colombia". The conferees recommend funding levels for these programs at levels below the House and Senate bills since these supplemental funds are not expected to reach Colombia until the last quarter of fiscal year 2000. The conferees believe that additional funding for these programs can be made available during the regular fiscal year 2001 appropriations process. The conference agreement recommends $4,000,000 for operating expenses for the Agency for International Development to effectively manage this program. The conferees direct funds for the following programs:

SUPPORT FOR ALTERNATIVE AND ECONOMIC DEVELOPMENT IN COLOMBIA

	House	Senate	Conference
Environmental programs	$5,000,000	$2,500,000	$2,500,000
Voluntary eradication programs	46,000,000	46,000,000	30,000,000
Assistance to local governments	15,000,000	12,000,000	12,000,000
Assistance for internally displaced persons	24,500,000	24,500,000	22,500,000
AID Operating Expenses in Colombia	6,000,000	4,500,000	4,000,000
Community-level alternative development	20,000,000	20,000,000	10,000,000
Total	116,500,000	109,500,000	81,000,000

SUPPORT FOR HUMAN RIGHTS AND JUDICIAL REFORM IN COLOMBIA

The conference agreement recommends $122,000,000 for a broad range of human rights, judicial reform, and other programs designed to support the peace process and to strengthen democracy and rule of law in Colombia. The conferees strongly support funding for these programs and recognize that protecting human rights and rule of law are central to the overall goals of Plan Colombia. The conferees note that the recommended level for these important programs is $29,000,000 more than requested by the Administration. The conference agreement includes $2,500,000 to support the rehabilitation of child soldiers instead of $5,000,000 as proposed by the Senate. The House bill did not address this matters. The conference agreement directs funds for the following programs:

SUPPORT FOR HUMAN RIGHTS AND JUDICIAL REFORM IN COLOMBIA

	House	Senate	Conference
Protection of human rights workers	$4,500,000	$4,000,000	$4,000,000
Strengthen human rights institutions	8,500,000	7,000,000	7,000,000
Establish CNP/Fiscalia human rights units	4,000,000	25,000,000	25,000,000
Judicial system policy reform	2,500,000	1,500,000	1,000,000
Criminial code reform	3,500,000	3,500,000	1,500,000
Prosecutor training	4,500,000	4,000,000	4,000,000
Judges training	4,000,000	4,000,000	3,500,000
Casa de Justicia judicial program	6,500,000	3,000,000	1,000,000
Public defender program	2,500,000	2,000,000	2,000,000
Asset forfeiture-money laundering task force	4,000,000	[1] 15,000,000	15,000,000
Counternarcotics investigative units	4,000,000		
Anti-corruption program	6,000,000	(1)	
Asset management program	1,000,000	(1)	
Anti-kidnapping program	2,000,000	2,000,000	1,000,000
Financial crime program	3,000,000	(1)	
Judicial Police training program	4,000,000	4,000,000	3,000,000
Witness and judicial security	5,000,000	5,000,000	5,000,000
Armed Forces human rights and legal reform	1,500,000		1,500,000
Army JAG School	1,000,000		1,000,000
Training for Customs police	6,000,000	6,000,000	2,000,000
Maritime enforcement and port security	4,000,000	4,000,000	2,500,000
Multilateral case initiative	4,500,000	4,500,000	3,000,000
Prison security program	8,000,000	8,000,000	4,500,000
Banking supervision assistance	1,000,000	1,000,000	1,000,000
Revenue enhancement assistance	1,000,000	1,000,000	500,000
Customs training assistance	1,000,000	1,000,000	1,000,000
Conflict management and peace process	1,000,000	5,000,000	3,000,000
U.N. Office of Human Rights		1,000,000	1,000,000
U.S. Government monitoring		1,500,000	1,500,000
Orgaized financial crime		[1] 15,000,000	14,000,000
Rehabilitationn of Child Soldiers		5,000,000	2,500,000
Witness/Judicial Security Human Rights Cases		10,000,000	10,000,000
Total	98,500,000	143,000,000	122,000,000

[1] Designates a combination of accounts.

REGIONAL ASSISTANCE

The conferees recognize the unique narcotics crisis affecting Colombia and the United States and has, therefore, responded to the President's request that the overwhelming majority of these emergency funds be provided in direct support of Plan Colombia. However, this effort requires a greater regional emphasis so that the problems associated with the cultivation, processing and trafficking of illegal narcotics are not simply relocated elsewhere in the region. Therefore, the conference agreement recommends $180,000,000 for assistance for other countries in the region. Of these funds, the conferees recommend that up to $32,000,000 be made available to procure American-made KMAX helicopters and to provide initial training, logistics, and technical support for four years. The conference agreement recommends not less than $18,000,000 for interdiction programs in other countries in South and Central America and the Caribbean. The conferees are aware of the significant interdiction requirements in Panama, Costa Rica, Brazil, The Bahamas, and Venezuela. The conferees direct that the Secretary of State, when reporting to the Committees on Appropriations as required by this Act, provide recommendations and justifications for the use of these funds on a country-by-country basis.

The conference agreement provides that not less than $110,000,000 be made available for assistance for Bolivia, including $85,000,000 which may be made available for alternative development and other economic activities. The conferees strongly support the efforts of the Bolivian government, through its "Dignity Plan", to terminate coca production in Bolivia.

The conference agreement recommends that no less than $20,000,000 may be made available for assistance for Ecuador, including $8,000,000 which may be made available for alternative development and other economic activities.

The conference agreement includes bill language regarding conditions on assistance for Colombia which is similar to language contained in the House bill and the Senate bill. This bill language requires the Secretary of State to certify that a number of conditions have been met by the Government of Colombia prior to the initial obligation of funds under this heading.

The conference agreement includes language regarding limitations on the use of appropriated funds in support of Plan Colombia and the assignment of United States military personnel in Colombia which is similar to language contained in the Senate bill. The House bill contained a similar provision. The conferees note that this provision places a limitation on the assignment of any United States military personnel in Colombia in connection with support of Plan Colombia and does not apply to other United States military personnel in Colombia not directly supporting of Plan Colombia.

The conference agreement does not include bill language requiring certain reporting requirements regarding conditions on assistance to Colombia as proposed by the Senate. However, the conferees expect that beginning 60 days after the date of enactment of this Act, and every 180 days thereafter for the duration of the provision of resources administered under this Act, the Secretary of State shall submit a report to the Appropriations Committees and other congressional committees as appropriate which contains:

A description of the extent to which the Colombian Armed Forces have suspended from duty Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights, and the extent to which such personnel have been brought to justice in Colombia's civilian courts, including a description of the charges brought and the disposition of such cases.

An assessment of efforts made by the Colombian Armed Forces, National Police, and Attorney General to disband paramilitary groups, including the names of Colombian Armed Forces personnel brought to justice for aiding or abetting paramilitary groups and the names of paramilitary leaders and members who were indicted, arrested and prosecuted.

A description of the extent to which the Colombian Armed Forces cooperate with civilian authorities in investigating and prosecuting gross violations of human rights allegedly committed by its personnel, including the number of such personnel being investigated for gross violations of human rights who are suspended from duty.

A description of the extent to which attacks against human rights defenders, government prosecutors and investigators, and officials of the civilian judicial system in Colombia, are being investigated and the alleged perpetrators brought to justice.

An estimate of the number of Colombian civilians displaced as a result of the "push into southern Colombia", and actions taken to address the social and economic needs of these people.

A description of actions taken by the United States and the Government of Colombia to promote and support a negotiated settlement of the conflict in Colombia.

The conference agreement includes bill language, identical to the House bill, regarding the denial of visas for persons credibly alleged to have aided or abetted Colombian insurgent and paramilitary groups. Further, the conference agreement includes bill language, as proposed by the Senate, requiring a report by the President on the current United States policy and strategy regarding

United States counter narcotics assistance for Colombia and neighboring countries.

The conferees direct that not later than 60 days after the enactment of this Act, the Secretary of State, in consultation with the heads of other relevant United States federal agencies, report to the Committees on Appropriations regarding the effects on human health and the safety of herbicides utilized under this title. The House bill did not address this matter.

The conference agreement does not include bill language regarding certain counter narcotics measures, as proposed by the Senate. The conferees believe that the Government of Colombia should commit itself immediately to the urgent development and application of naturally occurring and ecologically sound methods for eradicating illicit crops, which could reduce significantly the loss of life in Colombia and the United States.

Further, the conferees believe that the effectiveness of United States counter narcotics assistance to Colombia depends on law enforcement officials in Colombia having full access to all areas of Colombian national territory. Also, the conferees believe that the governments of the countries receiving assistance under this title should take steps to bring to justice narcotics traffickers and, if requested, extradite these traffickers to the United States.

The conference agreement includes bill language, as proposed by the Senate, requiring a detailed report by the Secretary of State regarding the extradition of narcotics traffickers to the United States. The House bill did not address this matter.

The conference agreement includes bill language, as proposed by the Senate, requiring the Secretary of State to make a certification regarding the United States Government's public support for the military and political efforts of the Government of Colombia. The House bill did not address this matter.

The conference agreement does not include bill language, as proposed by the Senate amendment, regarding United States citizens held hostage in Colombia. The House bill did not address this matter. The conferees are deeply concerned that three American citizens, David Mankins, Mark Rich, and Rick Tenenoff, have been held hostage by Revolutionary Armed Forces of Colombia (FARC) guerrillas since January 31, 1993. These men were engaged in humanitarian and religious work when they were taken hostage. The conferees condemn these kidnappings and urge the Administration and the United Nations to work to gain the prompt release of these Americans.

CHAPTER 3

MILITARY CONSTRUCTION, DEFENSE-WIDE

The conferees recommend $116,523,000 for Military Construction, Defense-wide, as proposed by the House and Senate. These amounts are provided as a contingent emergency appropriation for the construction of three Forward Operation Locations to support the Colombia Anti-Drug Program, as follows:

Location/Facility	*Cost*
Ecuador:	
Airfield Pavement/Rinse Facility	$38,600,000
Aircraft Maintenance Hangar/Nose/Dock Apron	6,723,000
Expeditionary Maintenance Facilities	4,900,000
Expeditionary Rescue Station	2,200,000
Expeditionary Squadron Ops/AMU/Storage	2,600,000
Expeditionary Visiting Airmen Quarters/Dining Facility	4,650,000
Expeditionary Visiting Officer Quarters	1,600,000
Subtotal, Ecuador	61,273,000
Aruba:	
Airfield Pavement/Rinse Facility	8,800,000
Expeditionary Maintenance Facilities	860,000
Small Exped. Aircraft Maintenance Hangar/Apron	590,000
Subtotal, Aruba	10,250,000
Curacao:	
Airfield Pavement/Rinse Facility	29,500,000
Aircraft Maintenance Hangar/Nose/Dock Apron	9,200,000
Expeditionary Maintenance Facilities	3,000,000
Expeditionary Squadron Ops/AMU/Storage	2,200,000
Subtotal, Curacao	43,900,000
Various: Planning and Design	1,100,000
Subtotal, Various	1,100,000
Total	116,523,000

TITLE IV—LEWIS AND CLARK RURAL WATER SYSTEM

Lewis and Clark Rural Water System Project.—The conference agreement includes language authorizing the Lewis and Clark Rural Water System project in South Dakota. Both the House and Senate versions of the Lewis and Clark Rural Water System legislation contained provisions to make Pick-Sloan power that had been reserved for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin Program available at the firm power rate during the irrigation season, May 1 through October 31 each year, so long as the system is operated on a not-for-profit basis. Pick-Sloan capacity and energy will be provided by the Western Area Power Administration to the rural water system at the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by Western to the qualified preference power supplier, which will be responsible for delivery of Pick-Sloan power. The conferees understand that the qualified preference entity is entitled to include in its charges to the rural water system its other usual and customary charges. Additional power supply for the water supply project shall be provided in accordance with state law.

TITLE V—GENERAL PROVISIONS THIS DIVISION

Section 5102. The conference agreement includes a provision that repeals certain pay date shifts that were included in the Fiscal Year 2000 Consolidated Appropriations Act. That Act provided that when military members were to be paid on September 30, 2000, or when civilian employees were to be paid on September 29, 2000, or on September 30, 2000, these groups were to be paid on October 1, 2000.

Section 5103. The conference agreement includes a new provision that nullifies the final proviso of title VI of the fiscal year 2000 Foreign Operations, Export Financing, and Related Programs Appropriations Act.

Section 5104. The conference agreement includes a House provision that repeals Section 216 of the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2000. This section provides for the delayed obligation of funds within a number of accounts. As a result of this action, the department and agencies funded by this Act will be able to obligate funds in the normal pattern.

Section 5105. The conference agreement includes a new provision, which was requested in the fiscal year 2001 budget submission, that restores Supplemental Security Income payments to the appropriate year, so that all payments are made consistent with the normal rules for making SSI payments which come due on a weekend or non-banking day.

Section 5106. The conference agreement includes a new provision, which was requested in the fiscal year 2001 budget submission, that moves the pay date for veterans' compensation and pensions from fiscal year 2001 to fiscal year 2000.

Section 5107. The conference agreement includes a provision waiving sequestration for fiscal year 2000 for any of the supplemental funding included.

Section 5108. The conference agreement includes a provision that permits the Senate to consider fiscal year 2001 appropriations bills at the level of the fiscal year 2001 budget resolution.

Section 5109. The conference agreement includes a provision that shifts $2,000,000,000 in outlays only from the defense category to the non-defense category without changing the aggregate totals. The provision affects the defense/non-defense firewall applicable to the Senate only under the terms of the fiscal year 2001 budget resolution.

DIVISION C

CERRO GRANDE FIRE

TITLE I—CERRO GRANDE FIRE ASSISTANCE ACT

COMPENSATION FOR VICTIMS OF CERRO GRANDE FIRE

FEDERAL EMERGENCY MANAGEMENT AGENCY

CERRO GRANDE FIRE ASSISTANCE FUND AND CLAIMS OFFICE

The conferees have agreed to provide an appropriation of $500,000,000 for the Federal Emergency Agency to carry out the provisions of the Cerro Grande Fire Assistance Act.

The Cerro Grande Fire Assistance Act ("the Act") provides a comprehensive and expeditious process for the settlement of claims resulting from the Cerro Grande Fire, which was caused by the prescribed burn initiated by the National Park Service on Federal land at Bandelier National Monument in New Mexico. The claims process will be administered through a new Office of Cerro Grande Fire Claims at the Federal Emergency Management Agency (FEMA).

On May 4, 2000, the National Park Service initiated a prescribed burn on Federal land at Bandelier National Monument in New Mexico during the peak of the southwest fire season. One day later, the prescribed burn exceeded the containment capabilities of the National Park Service, was reclassified as a wildland burn, and quickly spread to other Federal and non-Federal lands. By May 7, 2000, the fire had grown in size, spreading to residential areas and causing the evacuation of several communities in northern New Mexico, including Los Alamos.

The Cerro Grande Fire was the largest forest fire in the state of New Mexico's history. The fire damaged or destroyed more than 48,000 acres of forest, 37 million trees, 439 homes, caused injuries, property damages and personal injuries to more than 1,000 families, countless businesses, the County of Los Alamos, the State of New Mexico, two Indian tribes and several other Federal and non-Federal entities. The Secretary of Interior and the National Park Service have assumed responsibility for the fire and the subsequent injuries which resulted from it.

The Act provides full compensation for injuries resulting from the Cerro Grande Fire. The term "injury" is given the same meaning as in the Federal Tort Claims Act. However, the Act contains an instructive list of allowable damages for injuries which constitute losses of property, business losses or financial losses. The conferees intend that FEMA compensate fully all injured parties for these enumerated damages if the damages resulted from the Cerro Grande Fire. The Act also gives FEMA the discretion to compensate fully injured parties for any other damages resulting from the fire which FEMA deems appropriate.

Those eligible for compensation through the claims process include all entities which suffered injuries resulting from the fire, including individuals, Indian tribes, corporations, tribal corporations, partnerships, companies, school districts, other state and local governmental entities and insurance companies. The conferees are aware that certain members of the Los Alamos community injured by the fire are non-citizens lawfully present in the United States who are otherwise ineligible for certain assistance from FEMA and other governmental agencies. The Act intends that these individuals be compensated for their losses in the same manner as any other injured party.

The Act requires that FEMA also compensate insurance companies as subrogees for claims paid to insureds for damages resulting from the fire. However, the Act makes clear that, to the maximum extent practicable, insurance companies should receive payment for their claims only after those claims submitted by other injured parties are satisfied.

The Act requires FEMA within 45 days of enactment of the Act to promulgate interim final regulations for the processing and payment of claims. Injured parties must file their claims within 2 years from the date on which such regulations are promulgated. FEMA must determine and fix the amount of payment of each claim within 180 days of its filing.

The conferees are concerned that injured parties only be compensated once for injuries resulting from the fire. To prevent double recoveries and to maintain an orderly claims process, the Act requires that injured parties elect to pursue damages for their injuries either by submitting a claim to the Cerro Grande Fire Claims Office or by filing a claim in the courts under the Federal Tort Claims Act or any other provision of law. If a party elects to file a claim with the Cerro Grande Fire Claims office, the party may not subsequently file a claim in court for the same damages. Conversely, parties who choose to pursue damages in a court of law may not file a claim under this Act.

The conferees recognize that disputes may arise over claims submitted under this Act. The Act preserves the rights of individuals to request judicial review of their final claims awards in the Federal District Court for the District of New Mexico. The Act also allows aggrieved claimants in lieu of Federal court to elect binding arbitration of their claims award by a neutral third party under a process to be determined by FEMA.

The conferees note that the responsibility given to FEMA under this Act is outside the scope of the work FEMA normally performs in managing disasters. The conferees have confidence that FEMA and its Director will manage the claims process in accordance with the intent of this Act, and that this new, temporary responsibility will not diminish FEMA's ability to manage other current and future disasters under the Stafford Act. The conferees also intend that no funds to administer this Act or pay claims will be derived from the Disaster Relief Fund.

TITLE II—CERRO GRANDE FIRE EMERGENCY

SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF AGRICULTURE

Farm Service Agency

EMERGENCY CONSERVATION PROGRAM

The conference agreement provides an additional $10,000,000 for the emergency conservation program (ECP), to remain available until expended. The conferees include language that allows ECP funds to be used to rehabilitate farmland damaged from fires that resulted from prescribed buring conducted by the Federal government, and exempts these funds from certain cost-share requirements.

Natural Resources Conservation Service

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement recommends an additional $4,000,000, to remain available until expended, to repair damages as a result of the Los Alamos, New Mexico fires.

DEPARTMENT OF ENERGY

Atomic Energy Defense Activities

CERRO GRANDE FIRE ACTIVITIES

The conference agreement appropriates $138,000,000 for the Department of Energy for damage sustained by the Los Alamos National Laboratory in the Cerro Grande fire. The entire amounts has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The conference agreement provides $53,340,000 for physical damage, destruction repair and risk mitigation; $27,260,000 for restoring services; $39,400,000 for emergency response; and $18,000,000 for resuming laboratory operations.

The Department is directed to provide a monthly report showing the estimated costs for each activity, the actual costs incurred, and a brief description of the activities performed. The Department should work with the House and Senate Committees on Appropriations on the format for this report.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $8,982,000 in emergency funding for operation of Indian programs for the Pueblo of Santa Clara and the Pueblo of San Ildefonso for restoration, rehabilitation and reforestation of tribal lands and facilities damaged by the Cerro Grande fire in New Mexico. The entire amount is contingent on receipt of a budget request that includes a Presidential designation of the entire amount as a emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

General Provision—This Title

Section 2101 allows members of the Pueblo of San Ildefonso and the Pueblo of Santa Clara to collect plants and minerals in the Bandelier National Monument. The extensive areas burned by the Cerro Grande fire have severely reduced the availability of local plants, clays and soils traditionally used by these Pueblos. To allow their traditional ceremonies to continue uninterrupted, it is necessary to allow enrolled members of both Pueblos access to plant and mineral resources that are available in the Bandelier National Monument at quantities greater than allowed by current regulations of the National Park Service. These activities would be consistent with applicable laws governing the Monument.

For the consideration of the House bill and Division A of the Senate amendment and modifications committed to conference:

David L. Hobson,
John Edward Porter,
Todd Tiahrt,
James T. Walsh,
Dan Miller,
Robert B. Aderholt,
Kay Granger,
Virgil Goode, Jr.,
C.W. Bill Young,
John W. Olver,
Chet Edwards,
Sam Farr,
Allen Boyd,
Norman D. Dicks,
David Obey,

For the consideration of Division B of the Senate amendment and modifications committed to conference:

C.W. Bill Young,
Ralph Regula,
Jerry Lewis,
Harold Rogers,
Joe Skeen,
Sonny Callahan,
David Obey,
John Murtha,
Managers on the Part of the House.

Conrad Burns,
Kay Bailey Hutchison,
Larry Craig,
Jon Kyl,
Ted Stevens,
Patty Murray,
Harry Reid,
Daniel K. Inouye,
Robert C. Byrd,
Managers on the Part of the Senate.

MAKING IN ORDER ON OR BEFORE FRIDAY, JUNE 30, 2000 CONSIDERATION OF CONFERENCE REPORT ON H.R. 4425, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it be in order at any time on or before the legislative day of Friday, June 30, 2000, to consider the conference report to accompany H.R. 4425; that all points of order against the conference report and against its consideration be waived; that the conference report be considered as read when called up; and that H. Res. 540 be laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida (Mr. Young) so that he may briefly explain to the Members what this is all about.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding to me. The purpose of the unanimous consent is to expedite the business of this House. We passed in this body the supplemental on the 30th day of March, and it has been hanging out there now until today. It has been a work in progress. We have been working diligently to cover every possible issue that we could with a limitation on the amount of money available.

Now, here is the problem, and here is why we need to expedite this. We are recessing for the 4th of July recess. The Army, as well as the other services, has the biggest problem because its money for the fourth quarter has been spent in Kosovo and other deployments.

It is essential that this money be replaced before the Army has to stop driving its trucks or the Navy has to tie up its ships or the Air Force and the Marine Corps have to stop flying their airplanes.

It is essential that we move this conference report through the House tonight in order for the Senate to take it up tomorrow before we all get home for our 4th of July activities. That is the reason that we are trying to expedite this through a unanimous consent request.

Now, there probably will be some parts of this bill that someone does not like, but that is always the case. We need to move this conference agreement. I hope that no one will object to us taking it up so we can debate it and move it on to the Senate.

Mr. OBEY. Mr. Speaker, further reserving the right to object, let me simply say that there are large portions of this bill to which I am strongly opposed, as the gentleman from Florida knows, including the Colombia aid package. I have expressed my view through my votes as this has gone through the process.

I feel it is my institutional obligation, even though I continue to be opposed to large sections of this, to at least facilitate the House's ability to work its will. There will be, I am sure, a rollcall vote on final passage so Members will express themselves.

So in the interest of moving the House forward more quickly, I do not intend to object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. COBURN. Mr. Speaker, reserving the right to object, I think we need to ask ourselves, there is no question there are significant needs in this bill. But we are getting ready to vote on a bill that is $2.7 billion larger than the bill we voted on before. Nobody in this body outside of those in the appropriations process is going to be privy to what is in this.

The question will be, do we know what we are voting on? The answer to that is no. If my colleagues feel very comfortable in spending $11.2 billion and not knowing where the money is going, then we should take that up.

I will not object, but I think we are doing a disservice to the people of this country. I also might note that in this appropriation bill is $105 million in both the Senate and the House to sprinkle around for us, just $105 million each; $105 million for pork projects or otherwise. My colleagues are not going to know where it is, but they are going to vote for it whether they agree with it or not.

So I will withdraw my reservation, but I think the process, even though well-intended, will create major problems for us here forward.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 4425 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 2000

CONFERENCE REPORT ON H.R. 4425, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, this conference report deals with the military construction appropriations bill. The conference report contains two parts, one is the conference report on the military construction appropriation bill, as I said, and the other part is the conference report on the supplemental for the Defense Department and other items that were passed on March 30 in the House of Representatives.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. HOBSON), the very distinguished chairman of the Subcommittee on Military Construction, to explain what is in that part of the bill.

(Mr. HOBSON asked and was given permission to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, Division A of the conference report we present to the House today recommends a total appropriation of $8.8 billion for military construction, family housing, and base closure. Overall, the agreement recommends $3.6 billion for items related to family housing, $4.2 billion for military construction, and $1 billion for the implementation of base realignments and closures.

As always, I want to express my appreciation to all members of the subcommittee, as well as expressing to our ranking member, the gentleman from Massachusetts (Mr. OLVER), for his cooperation in crafting this agreement.

These funds represent an investment program that has significant payback in economic terms and in better living and working conditions for our military personnel and their families.

Mr. Speaker, I also want to congratulate the big chairman and all the other chairmen that worked on Division B. This has not been an easy process for them to go through, but it is an essential process to maintaining our defense posture in this country. I hope that when we complete our work tonight we will have passed this bill in support of our troops, in support of their living conditions, and I want to express my sincere thanks to everyone who worked very hard to make this a reality this evening.

Mr. Speaker, I submit for the RECORD data relating to Division A of the Military Construction Appropriations Bill.

DIVISION A - MILITARY CONSTRUCTION APPROPRIATIONS BILL, 2001 (H.R. 4425)

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Military construction, Army	1,042,033	897,938	870,585	824,138	909,880	-132,153
Foreign currency fluctuation adjustment			-635	-635	-635	-635
Total	1,042,033	897,938	869,950	823,503	909,245	-132,788
Military construction, Navy	901,531	753,422	894,269	831,167	931,162	+29,631
Foreign currency fluctuation adjustment			-2,889	-2,889	-2,889	-2,889
Total	901,531	753,422	891,380	828,278	928,273	+26,742
Military construction, Air Force	777,238	530,969	703,903	777,793	870,208	+92,970
Military construction, Defense-wide	593,615	784,753	807,429	808,213	821,762	+228,147
Foreign currency fluctuation adjustment			-7,115	-7,115	-7,115	-7,115
Total	593,615	784,753	800,314	801,098	814,647	+221,032
Total, Active components	3,314,417	2,967,082	3,265,547	3,230,672	3,522,373	+207,956
Military construction, Army National Guard	227,456	59,130	137,603	233,875	281,717	+54,261
Military construction, Air National Guard	263,724	50,179	110,585	183,029	203,829	-59,895
Military construction, Army Reserve	111,340	81,713	115,854	99,888	108,738	-2,602
Military construction, Naval Reserve	28,457	16,103	53,004	38,532	64,473	+36,016
Rescission			-2,400		-2,400	-2,400
Total	28,457	16,103	50,604	38,532	62,073	+33,616
Military construction, Air Force Reserve	64,404	14,851	43,748	25,533	36,591	-27,813
Total, Reserve components	695,381	221,976	458,394	580,857	692,948	-2,433
Total, Military construction	4,009,798	3,189,058	3,723,941	3,811,329	4,215,321	+205,523
Appropriations	(4,009,798)	(3,189,058)	(3,726,341)	(3,811,329)	(4,217,721)	(+207,923)
Rescissions			(-2,400)		(-2,400)	(-2,400)
NATO Security Investment Program	81,000	190,000	177,500	175,000	172,000	+91,000
Family housing, Army:						
New construction	41,000	91,974	115,974	150,974	165,824	+124,824
Construction improvements	35,400	63,590	77,940	63,590	63,590	+28,190
Planning and design	4,300	6,542	6,542	6,542	6,542	+2,242
Foreign currency fluctuation adjustment			-1,951			
Subtotal, construction	80,700	162,106	198,505	221,106	235,956	+155,256
Operation and maintenance	1,086,312	978,275	971,704	978,275	971,704	-114,608
Foreign currency fluctuation adjustment			-17,960	-19,911	-19,911	-19,911
Subtotal, operation and maintenance	1,086,312	978,275	953,744	958,364	951,793	-134,519
Total, Family housing, Army	1,167,012	1,140,381	1,152,249	1,179,470	1,187,749	+20,737
Family housing, Navy and Marine Corps:						
New construction	134,674	159,317	213,720	188,760	205,120	+70,446
Construction improvements	189,682	183,547	183,547	184,047	193,077	+3,395
Planning and design	17,715	19,958	19,958	19,958	19,958	+2,243
Foreign currency fluctuation adjustment			2,359			
General reduction and revised economic assumptions	-1,000					+1,000
Subtotal, construction	341,071	362,822	419,584	392,765	418,155	+77,084
Operation and maintenance	891,470	882,638	882,638	882,638	882,638	-8,832
Foreign currency fluctuation adjustment			-3,430	-1,071	-1,071	-1,071
Subtotal, operation and maintenance	891,470	882,638	879,208	881,567	881,567	-9,903
Total, Family housing, Navy and Marine Corps	1,232,541	1,245,460	1,298,792	1,274,332	1,299,722	+67,181
Family housing, Air Force:						
New construction	203,411	38,677	61,417	47,275	72,015	-131,396
Construction improvements	129,952	174,046	174,046	174,046	174,046	+44,094
Planning and design	17,083	12,760	12,760	12,760	12,760	-4,333
Foreign currency fluctuation adjustment			-6,839	-6,839	-6,839	-6,839
General reduction and revised economic assumptions	-1,000					+1,000
Subtotal, construction	349,456	223,483	241,384	227,242	251,982	-97,474
Operation and maintenance	818,392	826,271	826,271	826,271	826,271	+7,879
Foreign currency fluctuation adjustment			-5,392	-5,392	-5,392	-5,392
Subtotal, operation and maintenance	818,392	826,271	820,879	820,879	820,879	+2,487
Total, Family housing, Air Force	1,167,848	1,049,754	1,062,263	1,048,121	1,072,861	-94,987

DIVISION A - MILITARY CONSTRUCTION APPROPRIATIONS BILL, 2001 (H.R. 4425) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Family housing, Defense-wide:						
Construction improvements	50					-50
Operation and maintenance	41,440	44,886	44,886	44,886	44,886	+3,446
Total, Family housing, Defense-wide	41,490	44,886	44,886	44,886	44,886	+3,396
Department of Defense Family Housing Improvement Fund	2,000					-2,000
Total, Family housing	3,610,891	3,460,481	3,558,190	3,546,809	3,605,218	-5,673
New construction	(379,085)	(287,968)	(391,111)	(387,009)	(442,959)	(+63,874)
Construction improvements	(355,084)	(421,183)	(435,533)	(421,883)	(430,713)	(+75,629)
Foreign currency fluctuation adjustment			(-6,431)	(-6,838)	(-6,839)	(-6,839)
Planning and design	(39,108)	(39,260)	(39,260)	(39,260)	(39,260)	(+152)
General reduction	(-2,000)					(+2,000)
Operation and maintenance	(2,837,614)	(2,732,070)	(2,725,499)	(2,732,070)	(2,725,499)	(-112,115)
Foreign currency fluctuation adjustment			(-26,782)	(-26,374)	(-26,374)	(-26,374)
Family Housing Improvement Fund	(2,000)					(-2,000)
Base realignment and closure accounts:						
Part IV	672,311	1,174,369	1,174,369	1,174,369	1,024,369	+352,058
GENERAL PROVISIONS						
General provision (sec. 129)				-73,507	-100,000	-100,000
Foreign currency account (sec. 132)					-83,000	-83,000
Grand total:						
New budget (obligational) authority	8,374,000	8,033,908	8,634,000	8,634,000	8,833,908	+459,908
Appropriations	(8,374,000)	(8,033,908)	(8,636,400)	(8,634,000)	(8,836,308)	(+462,308)
Rescissions			(-2,400)		(-2,400)	(-2,400)

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to object to the anti-environmental provision of this conference report. That provision is a direct assault on the Clean Water Act. It prevents the EPA from proceeding with a final rulemaking on the Total Minimum Daily Load proposed rule which has been under consideration for several years and which is important to addressing the last frontier of the Clean Water Act: discharges from open spaces, runoff from land that gets into our waters through our creeks and streams, into lakes and rivers, and into estuaries.

The EPA was proceeding in proper fashion with this rulemaking. It has removed from the final rule any reference to and effect upon silviculture, forestry, in order to deal more comprehensively, effectively and thoroughly with the fundamental issue of runoff from nonpoint sources. It is regrettable that language was inserted in conference in this bill to prevent EPA from moving ahead to improve the quality of the Nation's waters.

Mr. Speaker, just a few short weeks ago, the majority, with much fanfare, claimed to have adopted a policy of no antienvironmental riders in appropriations bills. That policy did not last until even the first conference report—which does contain language preventing EPA from improving the quality of the Nation's waters.

Mr. Speaker, the provisions in the conference report which prevents EPA from proceeding with the TMDL rule is a direct attack on the Clean Water Act—preventing EPA from spending any money to advance the process of developing and implementing the program for Total Maximum Daily Loads.

The TMDL program is the final phase of the Clean Water Act. It is the mechanism by which we will fulfill the promise made to the American public in 1972 to make the Nation's waters fishable and swimmable.

The opposition to the TMDL rule is badly misguided and fueled by an unwillingness to achieve water quality in a fair and timely manner. The TMDL process is an effective, rational, and defensible process by which to achieve the water quality goals of The Clean Water Act.

This is how the process works: First, states identify those waters where the water quality standards which the states have developed are not being met.

Second, states identify the pollutants that are causing the water quality impairment.

Third, states identify the sources of those pollutants.

Finally, states assign responsibility for reducing those pollutants so that the waters can meet the uses that the states have established.

We have made great improvements in water quality through the treatment of municipal waste and industrial discharges. Thanks to billions of dollars invested by industries and municipalities, these point sources are no longer the greatest source of impairment. Nationally, the greatest problem is nonpoint sources. Now, nearly 30 years after the Clean Water Act, it is time for the states to get all sources of pollution to be part of the solution.

I have heard the arguments that the TMDL rule is not based on science. In my considered judgment, the TMDL rule is not only based on science, it is also based upon the facts.

Just this week, EPA published its biennial report entitled "National Water Quality." This report provides Congress with information developed by the states, and the states tell us that there are still major water quality problems to be addressed. Further, the states tell Congress that for rivers, streams, lakes, reservoirs, and ponds, the leading source of water quality impairment, by far, is runoff from urban lands under development and from those agricultural lands that are not properly managed to contain runoff.

Mr. Speaker, the TMDL process is the most fair and efficient way to clean up the Nation's waters. The TMDL rule is not perfect. Many have criticized it, including some in the environmental community, and EPA has responded by making adjustments.

EPA has changed the TMDL rule to make it clearer and more responsive to the concerns of the agricultural community. EPA has also in its entirety withdrawn that part of the rule which addresses forestry, and has promised to work with stakeholders to develop a new rule.

The vast majority of the environmental community supports going forward. The Department of Agriculture supports going forward. The Association of Metropolitan Sewerage Agencies supports going forward.

I hope that EPA does in fact move forward, and that this inappropriate, unnecessary rider will be reversed in subsequent legislation.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I rise today really to offer my thanks to the chairman and the ranking member for including in this supplemental claims for the Cerro Grande fire in New Mexico. It was less than 2 months ago now when the National Park Service lit a fire that destroyed the homes of over 400 families in the town of Los Alamos in northern New Mexico. And in less than 2 months, some folks working very hard here have come up with a way to compensate the victims and try to get them on the path to rebuilding their homes and their lives.

I particularly wanted to thank Senator DOMENICI and Senator BINGAMAN for their leadership. I wanted to thank the gentleman from Florida (Mr. YOUNG); the Speaker, the gentleman from Illinois (Mr. HASTERT); the gentleman from California (Mr. LEWIS); and the gentleman from Ohio (Mr. HOBSON) for their hard work and their willingness to include this claims language and the compensation in this bill.

From the people of New Mexico, we thank you very much.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, my comments will refer to the military construction part of this legislation, and I want to start by saying that it is a great pleasure to work with the chairman of this Subcommittee on Military Construction, the gentleman from Ohio (Mr. HOBSON). It is also a pleasure to work with the staff, both the majority and minority staff, the majority clerk, Liz Dawson, and our minority staff, Tom Forhan.

Mr. Speaker, this agreement, negotiated in a fair and bipartisan spirit under the leadership of subcommittee chairman deserves our support. It was not an easy negotiation. The bills produced by the two parties were miles apart. Therefore, to reach agreement, there were worthy construction projects that had to be reduced or dropped. So not everyone is happy with the result in either branch or from either side of the aisle.

I am not pleased with giving up the $20 million deferral of construction funding for national missile defense that the House-passed bill included. It is very clear to me that the appropriations in this bill for national missile defense represents a head-long rush toward a goal that exceeds our grasp.

Supporting material for the budget request was thin and vague. Cost estimates were based on the most expensive options in every case. The prevalent presumption is that the site of the facility will be Alaska, which would break the ABM Treaty. With the leadership of the gentleman from Ohio (Mr. HOBSON), the House tried to apply reality to this program; but the Senate was obdurate.

However, looking at the good in the rest of this bill, I support its passage. The agreement provides for better workplaces and housing for the men and women that serve our Nation in the military, along with their families and, as such, will help us to retain our well-trained people.

The appropriation for military construction is 5 percent higher than last year, so we are not losing ground in dealing with our facilities and housing backlog. At least half of the dollars of the appropriated dollars go to family and bachelor housing, both new and for improvements to existing housing. And several hundred million additional dollars are for child development centers, hospitals and health clinics, and schools. So I think we are on the road to improving the quality of life for our military families.

I want to thank the subcommittee chairman particularly for the bipartisan spirit behind this bill. And again I want to recognize both the minority and majority staff on this bill. They are dedicated professionals who put the time and effort into making this agreement real. I urge my colleagues to support the military construction conference report.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. CALLAHAN. Mr. Speaker, I rise in support of the conference agreement, which will, as far as the Subcommittee on Foreign Operations, Export Financing and Related Programs is concerned, will provide $1.3 billion in assistance for Plan Colombia.

There are some in this body and some who question whether or not this is the right direction; but this is the direction that the President of Colombia, the President of the United States, and our drug czar, General McCaffrey, has requested that we submit to the Colombians, this necessary ingredient to help them stop the flow of drugs into the United States. It is imperative that we do this tonight, and it is imperative that my colleagues join with us.

To satisfy some who are concerned about some of the human rights and justice program, we have included an additional $29 million above the President's request to make certain that human rights and justice are provided for all citizens. And I certainly encourage the Members of Congress to vote for it.

On that note, let us not send any doubt that the U.S. Congress is not behind this plan that has been developed to help eradicate this tremendous problem for the United States and for the world. Even though we have gone through all of the debate and all of the negotiations and all of the discussions about whether or not this is the right direction, in my opinion this is the right direction at this time. I think that if we are going to do anything to combat drugs, we must respond to those people who have pledged to eradicate this tremendous plague on the people of the United States and the people of the world and, at the same time, to provide the Colombian government with the necessary resources.

We are not giving direct cash to the Colombian government. Most of the money that we are providing will go in vehicles that are manufactured by American workers. Most all of this $1.3 billion will be spent here in the United States providing the artillery and providing the necessary vehicles that the Colombians need to win this war against drugs.

So this is the time when we should support our President, support the Colombian plan, support the other allies throughout the world who are contributing nearly $5 billion towards this program. Our share is only $1.3 billion of the $7.5 billion plan. So I think it is the right direction for our country to take, and I would encourage all Members to vote for this conference report which includes these very vital provisions.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise tonight on the supplemental as a former Peace Corps volunteer who lived 2 years in Colombia. I am very concerned about the issues that the chairman of the subcommittee just talked about, Plan Colombia.

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We are sending $1.185 billion in aid to Colombia and, as the chairman said, not directly to Colombia but in many different ways.

My message tonight is that with this funding comes a message from the American people to Colombia, and that is that we want to help the good, honest people of that beautiful country to end the violence in Colombia. With the money comes our voice. Our voice joins their voice in "no mas," "no more," no more drugs, no more corruption in their politics, no more violence in the campo, no more kidnappings, no more insurgence by political rebels who do not want to participate in the Democratic process that their Government guarantees.

We are sending them helicopters but not troops, we are sending them professional training of their National Police and Army, but only if they assure us that they will not violate human rights and only if they assure us that they will prosecute such violators in civil court.

If they use our helicopters to assist anybody that is not fighting the drug war, if they use them to assist the paramilitary, they lose it. If they use them to assist insurgence, they lose those helicopters.

Let it be known to anyone who aids and abets Colombian insurgence or the paramilitary that they will lose any visas that they apply for or will lose any if they already have them, any member of FARC, any member of ELAN, any member of the AUC. They will also lose any deposit or investment of any illegally obtained monies. It will be impounded.

Yes, we are aiding Colombia tonight in Plan Colombia. We send them a message. We send them a message that this aid is to help them out of violence, to help them become the democracy that they can be.

We hope that it will work. If it does not, we will make sure that they do not get any more.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time for closing.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I think it is important for the House to understand that all the agriculture commodity issues have been deferred so that they will be dealt with on the regular Agriculture Appropriations bill.

With respect to the Colombia provision that the gentleman from California (Mr. FARR) just mentioned, I think that is a profound mistake. I voted against it. I lost.

I do think that we are in better shape in the conference report than we were in the original bill because we now do have the Byrd language, which will require a new authorization for that operation if new funds are asked for the year 2002 or beyond.

We also have the human rights language that Senator LEAHY pushed in this bill. This bill does contain the disaster assistance, which cannot be delayed any longer.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time I may consume.

Mr. Speaker, an earlier speaker had mentioned that this bill was $2 billion over the original House bill. I think there was a mistake in addition or subtraction. Because the House bill that we passed on March 30 was $12.7 billion. This conference report is $11.2 billion. So that is less than the House-passed bill.

Now, that is unusual because normally when we come back from conference we have a bill that is much larger than either the House or the Senate.

Now, there is one reason that this bill might appear to be higher is because of a provision that sets aside $4 billion to be used exclusively to pay down on the national debt. If we add that $4 billion, then, of course, the number gets higher. But that $4 billion is not spent. It is reserved and it is set aside to pay down the debt.

Mr. COBURN. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Speaker, is it not true that the original House-passed bill had $4 billion in defense spending in it which is not in this bill that was moved to the Defense Appropriations bill?

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, the gentleman is correct. There was some adjustment on that issue, yes.

Mr. Speaker, I ask our Members to support this conference report and move it on to the other body.

Before I yield back my time, I want to thank the principals who worked so hard in making this bill as good a bill as it is today. It is a good bill. There are some things that Members want that did not get in there. There were some things that I had in the original bill that were of importance to my State that are not in the bill tonight. And quite a few of us have had that experience. But it is a good bill, and it is a clean bill.

I want to compliment the gentleman from Ohio (Mr. HOBSON), the chairman of the Subcommittee on Military Construction, and the ranking member, the gentleman from Massachusetts (Mr. OLVER), who worked diligently to get the military construction section of this bill concluded in a very expeditious manner; and the gentleman from California (Mr. LEWIS), the gentleman from Ohio (Mr. REGULA), the gentleman from Alabama (Mr. CALLAHAN), the gentleman from Kentucky (Mr. ROGERS), the gentlewoman from Ohio (Ms. KAPTUR), the gentlewoman from California (Ms. PELOSI), and the gentleman from Pennsylvania (Mr. MURTHA); and then my colleague, the gentleman from Wisconsin (Mr. OBEY), who is the ranking member on the full committee.

I must tell my colleagues that it has been a difficult procedure. But we have worked together. We have had some strong differences of opinion, and we have worked them out.

There are still some areas where the gentleman from Wisconsin (Mr. OBEY) is not satisfied and where I am not satisfied, but this is as good a bill as we could produce for this supplemental.

I want to pay tribute, also, to the many members of our staff, subcommittee staff and the full committee staff, who worked many, many long and hard hours to help us put together the mechanical parts of this bill. To do the adding and subtracting has been a tremendous effort.

Mr. Speaker, I ask for a yes vote on the conference report.

At this point in the RECORD I would like to insert a table providing the details of the conference agreement.

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)
(Amounts in thousands)

	Conference
DIVISION B - FY 2000 SUPPLEMENTAL APPROPRIATIONS	
TITLE I - KOSOVO AND OTHER NATIONAL SECURITY MATTERS	
CHAPTER 1	
DEPARTMENT OF DEFENSE - MILITARY	
Operation and Maintenance	
Operation and maintenance, Army (emergency appropriations)	23,883
Operation and maintenance, Navy (emergency appropriations)	20,565
Operation and maintenance, Marine Corps (emergency appropriations)	37,155
Operation and maintenance, Air Force (emergency appropriations)	38,065
Operation and maintenance, Defense-wide (emergency appropriations)	40,000
Operation and maintenance, Army Reserve (emergency appropriations)	2,174
Operation and maintenance, Army National Guard (emergency appropriations)	2,851
Overseas contingency operations transfer fund (emergency appropriations)	2,050,400
Total, Operation and Maintenance	2,215,093
Procurement	
Aircraft procurement, Air Force (emergency appropriations)	73,000
Research, Development, Test and Evaluation	
Research, development, test and evaluation, Army	5,700
Other Department of Defense Programs	
Defense health program (emergency appropriations)	3,533
General Provisions	
Defense-wide working capital fund (emergency appropriations) (sec. 102)	1,556,200
Aircraft procurement, Air Force (sec. 103)	90,000
Procurement of weapons and tracked combat vehicles, Army (sec. 104)	163,700
Defense health program (emergency appropriations) (sec. 105)	615,600
Defense health program (emergency appropriations) (sec. 107)	695,900
Quality of life (emergency appropriations) (sec. 108)	27,000
Military recruiting, advertising, and retention (emergency appropriations) (sec. 109)	357,288
Depot-level maintenance and repair (emergency appropriations) (sec. 110)	220,000
High priority support to deployed forces (emergency appropriations) (sec. 111)	503,900
Biometrics (sec. 112)	7,000
Patriot mods (emergency appropriations) (sec. 113)	125,000
Operation Walking Shield (sec. 114)	300
East Timor and Mozambique humanitarian assistance (emergency appropriations) (sec. 115)	61,500
Macalloy (by transfer) (sec. 116)	(9,642)
Olympic Games support (sec. 117)	8,000
Cavalese (sec. 122)	10,000
Rescissions (sec. 123)	-286,611
Total, Chapter 1:	
New budget (obligational) authority	6,452,103
Appropriations	(284,700)
Rescissions	(-286,611)
Emergency appropriations	(6,454,014)
(By transfer)	(9,642)
CHAPTER 2	
DEPARTMENT OF DEFENSE - CIVIL	
DEPARTMENT OF THE ARMY	
Corps of Engineers - Civil	
General investigations (emergency appropriations)	3,500
Construction, general (contingent emergency appropriations)	3,000
Operation and maintenance, general (contingent emergency appropriations)	200
Total, Corps of Engineers - Civil	6,700
DEPARTMENT OF THE INTERIOR	
Bureau of Reclamation	
Water and related resources (contingent emergency appropriations)	600
DEPARTMENT OF ENERGY	
Energy Programs	
Uranium enrichment decontamination and decommissioning fund (contingent emergency appropriations)	58,000
Atomic Energy Defense Activities	
Weapons activities (contingent emergency appropriations)	96,500
Other defense activities (contingent emergency appropriations)	38,000
Total, Atomic Energy Defense Activities	134,500
Total, Department of Energy	192,500
Total, Chapter 2:	
New budget (obligational) authority	199,800
Emergency appropriations	(3,500)
Contingent emergency appropriations	(196,300)

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued (Amounts in thousands)

	Conference
CHAPTER 3	
DEPARTMENT OF DEFENSE - MILITARY	
MILITARY CONSTRUCTION	
General Provisions	
Military construction, Navy (sec. 303)	35,000
Rescission (sec. 303)	-35,000
Military construction, Defense-wide (contingent emergency appropriations) (sec. 302)	1,000
Military construction, Army Reserve (contingent emergency appropriations) (sec. 301)	12,348
Family housing, Army (contingent emergency appropriations) (sec. 301)	2,000
Family housing, Navy and Marine Corps (contingent emergency appropriations) (sec. 301)	3,000
Family housing, Air Force (contingent emergency appropriations) (sec. 301)	1,700
Total, Chapter 3:	
New budget (obligational) authority	20,048
Appropriations	(35,000)
Rescissions	(-35,000)
Contingent emergency appropriations	(20,048)
CHAPTER 4	
DEPARTMENT OF TRANSPORTATION	
Coast Guard	
Operating expenses (contingent emergency appropriations)	77,000
Acquisition, construction, and improvements (contingent emergency appropriations)	578,000
Total, Chapter 4:	
New budget (obligational) authority	655,000
CHAPTER 5	
BILATERAL ECONOMIC ASSISTANCE	
General Provisions	
International disaster assistance (contingent emergency appropriations) (sec. 501)	25,000
Assistance for Eastern Europe and the Baltic States (emergency appropriations) (sec. 502)	50,000
Total, Chapter 5:	
New budget (obligational) authority	730,000
Emergency appropriations	(50,000)
Contingent emergency appropriations	(680,000)
Total, title I:	
New budget (obligational) authority	7,401,951
Appropriations	(319,700)
Rescissions	(-321,611)
Emergency appropriations	(6,507,514)
Contingent emergency appropriations	(896,348)
(By transfer)	(9,642)
TITLE II - NATURAL DISASTER ASSISTANCE AND OTHER SUPPLEMENTAL APPROPRIATIONS	
CHAPTER 1	
DEPARTMENT OF AGRICULTURE	
Office of the Secretary (contingent emergency appropriations)	1,350
Farm Service Agency	
Salaries and expenses (contingent emergency appropriations)	77,560
Rural Housing Service	
Rural Housing Insurance Fund Program Account:	
Rental housing (sec. 515):	
Loan subsidy (emergency appropriations)	15,872
Loan authorization	(40,000)
Rental assistance program (sec. 521) (emergency appropriations)	13,600
Total, Rural Housing Service	29,472
General Provisions	
Commodity Credit Corporation:	
Marketing associations loan forgiveness (contingent emergency appropriations) (sec. 2101)	81,000
Peanut assessments (contingent emergency appropriations) (sec. 2102)	7,000
Total, Chapter 1:	
New budget (obligational) authority	196,382
Emergency appropriations	(29,472)
Contingent emergency appropriations	(166,910)
(Loan authorizations)	(40,000)
CHAPTER 2	
DEPARTMENT OF JUSTICE	
Legal Activities	
Salaries and expenses, United States Attorneys (contingent emergency appropriations)	12,000

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued
(Amounts in thousands)

	Conference
Drug Enforcement Administration	
Salaries and expenses (contingent emergency appropriations)	181,000
Office of Justice Programs	
Justice assistance (contingent emergency appropriations)	2,000
Total, Department of Justice	195,000
DEPARTMENT OF COMMERCE	
Economic Development Administration	
Economic development assistance programs (contingent emergency appropriations)	55,800
National Oceanic and Atmospheric Administration	
Operations, research, and facilities (emergency appropriations)	17,400
Contingent emergency appropriations	13,300
DEPARTMENT OF STATE	
International Commissions	
American sections, international commissions (contingent emergency appropriations)	2,150
RELATED AGENCIES	
Small Business Administration	
Disaster Loans Program Account:	
Direct loans subsidy (contingent emergency appropriations)	15,500
Administrative expenses (contingent emergency appropriations)	25,400
Total, Small Business Administration	40,900
United States Commission on International Religious Freedom	
Salaries and expenses (contingent emergency appropriations)	2,000
General Provisions	
Crab fishery failure (contingent emergency appropriations) (sec. 2201)	10,000
Northeast multispecies fishery failure (contingent emergency appropriations) (sec. 2202)	10,000
Northwest Hawaiian Islands (contingent emergency appropriations) (sec. 2203)	7,000
North Pacific Marine Research Institute (contingent emergency appropriations) (sec. 2204)	5,000
Total, Chapter 2:	
New budget (obligational) authority	358,550
Emergency appropriations	(17,400)
Contingent emergency appropriations	(341,150)
CHAPTER 3	
DEPARTMENT OF THE INTERIOR	
Bureau of Land Management	
Wildland fire management (emergency appropriations)	100,000
Contingent emergency appropriations	100,000
Land acquisition (contingent emergency appropriations)	2,000
Total, Bureau of Land Management	202,000
Office of Surface Mining Reclamation and Enforcement	
Regulation and technology (contingent emergency appropriations)	9,821
Total, Department of the Interior	211,821
DEPARTMENT OF AGRICULTURE	
Forest Service	
National forest system (contingent emergency appropriations)	2,000
Wildland fire management (contingent emergency appropriations)	150,000
Total, Forest Service	152,000
Total, Chapter 3:	
New budget (obligational) authority	363,821
Emergency appropriations	(100,000)
Contingent emergency appropriations	(263,821)
CHAPTER 4	
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
Health Resources and Services Administration	
Health resources and services (contingent emergency appropriations)	3,000
Advance appropriation	20,000
Centers for Disease Control and Prevention	
Disease control, research, and training (contingent emergency appropriation)	12,000
(By transfer)	(460)

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued
(Amounts in thousands)

	Conference
Administration for Children and Families	
Low income home energy assistance (contingent emergency appropriations)	600,000
Payments to States for foster care and adoption assistance	35,000
Total, Administration for Children and Families	635,000
Office of the Secretary	
General departmental management (rescission of advance appropriations)	-20,000
Public health and social services emergency fund (contingent emergency appropriations)	31,200
Rescission	-43,200
Total, Office of the Secretary	-32,000
Total, Department of Health and Human Services	638,000
DEPARTMENT OF EDUCATION	
Higher education (contingent emergency appropriations)	750
Education research, statistics, and improvement (by transfer)	(368)
RELATED AGENCY	
Social Security Administration	
Limitation on administrative expenses: Trust funds (contingent emergency appropriations)	35,000
General Provisions	
Libby, Montana (contingent emergency appropriations) (sec. 2407)	11,500
Total, Chapter 4:	
New budget (obligational) authority	685,250
Appropriations	(35,000)
Rescissions	(-43,200)
Advance appropriations	(20,000)
Contingent emergency appropriations	(693,450)
Rescission of advance appropriations	(-20,000)
(By transfer)	(628)
CHAPTER 5	
CONGRESSIONAL OPERATIONS	
ARCHITECT OF THE CAPITOL	
Capitol Buildings and Grounds	
Capitol buildings, salaries and expenses (emergency appropriations)	7,039
Senate office buildings (emergency appropriations)	2,314
House office buildings (emergency appropriations)	4,213
Capitol power plant (emergency appropriations)	3
Total, Architect of the Capitol	13,569
OTHER AGENCIES	
BOTANIC GARDENS	
Salaries and expenses (emergency appropriations)	26
ARCHITECT OF THE CAPITOL	
Library Buildings and Grounds	
Structural and mechanical care (emergency appropriations)	3,885
Total, Chapter 5:	
New budget (obligational) authority	17,480
CHAPTER 6	
DEPARTMENT OF TRANSPORTATION	
Coast Guard	
Acquisition, construction, and improvements	45,000
Rescission	-11,400
Federal Aviation Administration	
Operations (Airport and Airway Trust Fund) (contingent emergency appropriations)	75,000
Total, Department of Transportation	108,600
RELATED AGENCY	
National Transportation Safety Board	
Salaries and expenses (emergency appropriations)	19,739
General Provisions	
Y2K funds, Department of Transportation (rescission of emergency appropriations) (sec. 2602)	-26,600
Office of the Assistant Secretary for Policy, Department of Transportation (contingent emergency appropriations) (sec. 2603)	2,000
Highway Trust Fund (contingent emergency appropriations) (sec. 2605)	2,000
Highway Trust Fund (contingent emergency appropriations) (sec. 2606)	3,000

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued (Amounts in thousands)

	Conference
Highway Trust Fund (contingent emergency appropriations) (sec. 2607)	500
Highway Trust Fund (contingent emergency appropriations) (sec. 2608)	1,000
Total, Chapter 6:	
New budget (obligational) authority	110,239
Appropriations	(45,000)
Rescissions	(-11,400)
Emergency appropriations	(19,739)
Contingent emergency appropriations	(83,500)
Rescission of emergency appropriations	(-26,600)
CHAPTER 7	
DEPARTMENT OF THE TREASURY	
Departmental offices (contingent emergency appropriations)	24,900
Gifts to the United States for reduction of the public debt (contingent emergency appropriations)	
United States Secret Service:	
Salaries and expenses (contingent emergency appropriations)	10,000
Total, Department of the Treasury	34,900
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT	
Office of Administration (contingent emergency appropriations)	8,400
INDEPENDENT AGENCY	
General Services Administration	
Policy and operations (contingent emergency appropriations)	3,300
Total, Chapter 7:	
New budget (obligational) authority	46,600
CHAPTER 8	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
Community Planning and Development	
Community development block grants (contingent emergency appropriations)	27,500
HOME investment partnership program (contingent emergency appropriations)	36,000
Total, Community planning and development	63,500
Office of Inspector General	6,000
Rescission	-6,000
Total, Department of Housing and Urban Development	63,500
INDEPENDENT AGENCIES	
Corporation for National and Community Service	
National and community service programs operating expenses (rescission)	-1,000
Office of Inspector General	1,000
National Aeronautics and Space Administration	
Science, aeronautics and technology (contingent emergency appropriations)	1,500
Total, Chapter 8:	
New budget (obligational) authority	65,000
Appropriations	(7,000)
Rescissions	(-7,000)
Contingent emergency appropriations	(65,000)
CHAPTER 9	
GENERAL PROVISIONS - TITLE II	
District of Columbia Metropolitan Police Department (contingent emergency appropriations) (sec. 2901)	4,485
Total, title II:	
New budget (obligational) authority	1,847,807
Appropriations	(87,000)
Rescissions	(-61,600)
Advance appropriations	(20,000)
Emergency appropriations	(184,091)
Contingent emergency appropriations	(1,664,916)
Rescission of emergency appropriations	(-26,600)
Rescission of advance appropriations	(-20,000)
(By transfer)	(828)
(Loan authorizations)	(40,000)
TITLE III - COUNTERNARCOTICS	
CHAPTER 1	
DEPARTMENT OF DEFENSE - MILITARY	
Procurement	
Aircraft procurement, Army (contingent emergency appropriations)	30,000

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued
(Amounts in thousands)

	Conference
Other Department of Defense Programs	
Drug interdiction and counter-drug activities, Defense (emergency appropriations)	154,059
Total, Chapter 1:	
New budget (obligational) authority	184,059
Emergency appropriations	(154,059)
Contingent emergency appropriations	(30,000)
CHAPTER 2	
BILATERAL ECONOMIC ASSISTANCE	
Department of State	
Assistance for counternarcotics activities (contingent emergency appropriations)	1,018,500
CHAPTER 3	
DEPARTMENT OF DEFENSE - MILITARY	
MILITARY CONSTRUCTION	
Military construction, Defense-wide (contingent emergency appropriations)	116,523
Total, title III:	
New budget (obligational) authority	1,319,082
Emergency appropriations	(154,059)
Contingent emergency appropriations	(1,165,023)
TITLE V - GENERAL PROVISIONS, DIVISION B	
Repeal of military pay date shift (sec. 5102)	-23,000
Repeal of civilian pay date shift (sec. 5102)	-273,000
SSI benefits date shift (sec. 5105)	2,410,000
Repeal of VA benefits (sec. 5106)	1,832,000
Total, title V:	
New budget (obligational) authority	3,946,000
Total, Division B:	
New budget (obligational) authority	14,514,840
Appropriations	(4,352,700)
Rescissions	(-383,211)
Advance appropriations	(20,000)
Emergency appropriations	(6,845,664)
Contingent emergency appropriations	(3,726,287)
Rescission of emergency appropriations	(-26,800)
Rescission of advance appropriations	(-20,000)
(By transfer)	(10,470)
(Loan authorizations)	(40,000)

DIVISION C - CERRO GRANDE FIRE SUPPLEMENTAL (H.R. 4425)
(Amounts in thousands)

	Conference
DIVISION C - CERRO GRANDE FIRE	
TITLE I - CERRO GRANDE FIRE ASSISTANCE ACT	
Federal Emergency Management Agency	
Cerro Grande fire assistance claims office (contingent appropriations) (sec. 105(a))	45,000
Cerro Grande fire assistance (contingent emergency appropriations) (sec. 105(b))	455,000
Total, title I:	
New budget (obligational) authority	500,000
TITLE II - CERRO GRANDE FIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS	
DEPARTMENT OF AGRICULTURE	
Farm Service Agency	
Emergency conservation program (contingent emergency appropriations)	10,000
Natural Resources Conservation Service	
Watershed and flood prevention operations (contingent emergency appropriations)	4,000
Total, Department of Agriculture	14,000
DEPARTMENT OF ENERGY	
Atomic Energy Defense Activities	
Cerro Grande fire activities (contingent emergency appropriations)	138,000
DEPARTMENT OF THE INTERIOR	
Bureau of Indian Affairs	
Operation of Indian programs (contingent emergency appropriations)	8,982
Total, title II:	
New budget (obligational) authority	160,982
Total, Division C:	
New budget (obligational) authority	660,982

Mr. GILMAN. Mr. Speaker, I compliment all those who worked so hard to bring this Military Construction bill which contains an emergency antidrug aid package to the floor today. Passage of this bill affects every school, hospital, courtroom, neighborhood, in all of our communities throughout America.

This bill will provide sorely needed assistance to our allies in Colombia who are all on the front lines in the war against illegal drugs. The numbers have been shocking. Eighty percent of the cocaine, 75 percent of the heroin consumed in our Nation comes from Colombia. Illegal drugs have been costing our society more than $100 billion per year, costing also 15,000 young American lives each year.

As a result of inattention from the administration, the civil war in Colombia is going badly for that government. This past weekend alone, 26 antidrug police were killed by the narcoterrorists in Colombia. The specter of a consolidated narcostate only 3 hours by plane from Miami has made it patently clear that our Nation's vital security interests are at stake.

As the sun begins to set on his administration, President Clinton is finally facing the reality of the Colombian drug-fueled crisis with this emergency supplemental request. As former Supreme Court Justice Felix Frankfurter eloquently noted, and I quote, "wisdom too often never comes, and so one ought not to reject it merely because it comes late."

Heroes like Colombia's antidrug leader General Jose Serrano want our Nation to stand with them in their fight against the drug lords, including the right-wing paramilitaries. This legislation provides more assistance where it can do the most good with the Colombian antidrug police. Colombia is not asking for nor should we offer American troops in that war. Investing American aid dollars now in Colombia to stem the hundredfold cost to our society only makes common sense. It is a proper role for our government. We at the Federal level have the responsibility to help eradicate those drugs at their source.

Accordingly, I am urging our colleagues to support this package. Colombia's survival as a democracy and our own national security interests are at stake here.

Mr. CROWLEY. Mr. Speaker, I speak today to express my strong opposition to the back room deal that resulted in the FY 2000 Supplemental package being attached to the FY 2001 Military Construction Appropriations bill.

As with H.R. 3908, the original House version of the FY 2000 Supplemental Bill, a major concern of mine regarding this legislation is that no authorization language was passed to allow Members the opportunity to argue for funding for projects important to them. As a Member of the Committee on International Relations and the Representative of the largest Colombian-American community in the U.S., I wanted to be involved in the development of our policy on Colombia.

We should have developed a bill that would strike a balance between the needs of international concerns, such as Colombia, human rights and Kosova, and domestic spending priorities. I would have supported such a bill. Unfortunately, despite the passage of much improved legislation in the Senate; this bill does not appear to do that.

Mr. Speaker, I say appear because I have not had the opportunity to read the Conference Report on the FY 2000 Supplemental. The backroom deal that negotiated this legislation circumvented the normal appropriations process and brought it directly to the floor without providing Members the opportunity to read and digest the legislation. I find this very troubling. This legislation provides billions of U.S. taxpayer dollars without real Congressional oversight.

Additionally, as with the original House Supplemental, this legislation may also lack the necessary human rights conditions on our assistance to Colombia.

As with the first House Supplemental, the provisions in this legislation dealing with civil society programs are woefully under funded, especially when compared to the vast funding levels for counter-narcotics assistance.

Now, I will say that I have had the opportunity to review the funding levels in this legislation and I am happy about the modest increase for human rights and justice programs in Colombia and the region. In fact, these programs are funded at $29 million more than the President requested for a total of $122 million. This is a positive step, but a relatively small one when compared to the high level of military assistance for Colombia and the region.

Finally, on the Colombia portion, no money was included for domestic prevention and treatment. Interdiction plays a role, but it is next to useless without prevention and treatment programs. Demand will always find supply. I am sorry the Republican leadership will not acknowledge this simple truth.

As I said during the debate on the previous supplemental, I have met with Colombian leaders in Washington, D.C., in my Congressional District and in Colombia. I have traveled to Colombia and seen the need for U.S. assistance. I know the problems of the Colombian people and I am especially supportive of judicial reform efforts, but this supplemental is not going to provide the right kind of assistance.

Mr. Speaker, in addition to the Colombia portion of this Supplemental, I am also concerned that the President's request for Kosova was under funded by almost $334 million and that the Administration's request for debt relief funds for poor countries was not included at all.

I find the failure to include funding for debt relief for the Highly Indebted Poor Countries (HIPC) especially troubling because the international agreement on debt relief requires U.S. participation in order for other countries to contribute their pledges. At a time when many countries in Sub-Saharan Africa are facing an epidemic of biblical proportions with the AIDS crisis, failure to provide for debt relief is bad policy.

Mr. Speaker, I am glad that the Supplemental retained important provisions for the Low Income Heating and Energy Assistance Program (LIHEAP). I am also glad that it included $35 million for the Social Security Administration to respond to the increased workload resulting from the recent repeal of the Social Security earnings limit and $2 million for Commission on International Religious Freedom. However, this Supplemental and the backroom deal that brought it to the floor without a review period troubles me greatly.

Mr. Speaker, I urge my colleagues to oppose the supplemental and I request that the relevant committees be asked to deal with these funding increases through the normal budget process.

Mr. BENTSEN. Mr. Speaker, I rise in support of this Conference Report, which includes $8.8 billion for military construction and family housing for Fiscal Year 2001, while also providing $11.3 billion in supplemental appropriations for FY 2000.

I am particularly pleased that this Conference Report includes $10 million in military construction funding for the construction of an Air National Guard supply complex at Ellington Field in Texas, home of the 147th Fighter Group. The Base Supply and Civil Engineering Complex project was the number one FY 2001 funding priority for Ellington Field and the Texas Air National Guard. I am particularly pleased that this project obtained funding this year, as it was originally included in the Future Years Defense Plan for FY 2002. Since this project is of critical importance to the Air National Guard, I am grateful that my colleagues, including CHET EDWARDS in the House and KAY BAILEY HUTCHINSON in the Senate worked to include this critical project in the FY 2001 budget.

In recent years, the 147th Fighter Group has successfully converted from an Air Defense Mission to include a General Purpose Tasking. This new combined mission requires properly sized and adequately configured support complexes for the operations and training of the F–16 squadron and a 24-hour CONUS Air Defense Mission. The current facilities have substandard utilities, are inadequately sized, and require unnecessarily large amounts of operations and maintenance funds to operate. As the roles and missions for the Air National Guard grow, it is imperative that the Air Guard be provided with funding to construct and maintain facilities to meet these growing needs.

I am pleased that the funding levels contained in the FY 2001 Military Construction Conference Report will provide the 147th Fighter Group with the necessary facilities to successfully carry out its missions. As the Air National Guard is increasingly taking on the responsibilities of our nation's active duty forces, maintaining the quality of its operational facilities are critical. With approval of this Conference Report, Congress is helping to make the Air National Guard more mission-efficient and ready to serve.

I support the funding contained in this Conference Report, and I encourage my colleagues to vote for its passage.

Ms. SCHAKOWSKY. Mr. Speaker, when the House passes the Conference Report on H.R. 4425, the Military Construction Authorization bill, we will also be voting on a massive supplemental bill that has been attached. Unfortunately, members have not even been given the courtesy of an opportunity to review the contents of the conference report. So, we can not possibly know in detail what we are considering.

However, I do know that the Military Construction bill authorizes billions of dollars' worth of unnecessary, irresponsible, and dangerous equipment and programs. Two provisions included in this measure are particularly troubling to me.

The first is $60 billion for construction of national missile defense facilities in Alaska. I believe that the decision to go forward with construction for this plan is misguided, extremely premature, and actually risks the welfare of our nation. We have already spent billions of dollars on development of this system and it still has not been proven to work. I do not believe that it ever will. Leaders in the scientific community and even the Pentagon's own experts have raised serious questions about NMD. Moreover, it is clear to me that moving forward with construction of this system will undermine diplomatic efforts to curb the threat of weapons of mass destruction to our nation. I believe that the United States should be investing in peace with at least as much vigor as we continue to fund our wasteful military agenda. I believe that the deployment of a national missile defense system will in fact bring this nation closer to war.

Another misguided, and extremely troubling provision in the legislation we are considering tonight is the more than $1 billion in aid for Colombia. I have spoken out against this plan on numerous occasions and I want to go on the record in strong opposition to this Colombian aid package tonight. If we really want to help the Colombian people, as I do, we should not be escalating military conflict in that nation. We should not be giving over $1 billion in military aid to a government with one of the worst human rights records in this hemisphere for a mission that promises to bring further suffering and violence to a country that has already endured so much.

I want to share with my colleagues a report by the Heartland Alliance that evaluates both the House bill as it relates to Colombia and the version passed by the other body and submit it in the RECORD. I believe the report is well done and commend it to the attention of all members. The text of the report follows:

Heartland Alliance's Midwest Immigrant & Human Rights Center Summary Response to Senate Bill and House Bill Relating to Aid to Colombia and Recommendations

I. Principles relating to aid to Colombia

1. Rather than focusing on the expressed aims of the Colombia government and armed forces, first and foremost U.S. aid should address the grave humanitarian needs of the hundreds of thousands of refugees and internally displaced persons as a result of forty years of civil war in Colombia.
2. Work against the consumption rather than the production of narcotics.
3. Develop and support viable, long-term agricultural alternatives to drug production rather than pursuing ineffective short-term measures such as crop destruction.
4. Suspend and/or condition aid packages to Colombia until an effective peace agreement between internal combatants is secured, thereby providing an incentive for peace rather than prolonging violence.

These principles define a clear role for the U.S. as a defender of peace, prosperity and human rights in the Americas rather than a supporter of impunity and armed conflict.

II. Senate bill S. 2522

A. Evaluations

1. Demobilization and rehabilitation of child soldiers.
2. Conditions on the aid: certifications from the Department of State regarding the following areas:

a. Investigation, prosecution, and adjudication of Colombian Armed Forces personnel by civilian courts in cases of human rights violations;

b. Suspension of members of the Colombian Armed Forces who are alleged to have committed violations of human rights;

c. Full cooperation of Colombian Armed Forces with civilian authorities and courts in the investigation, prosecution and punishment of members of the armed forces for human rights violations;

d. Prosecution of leaders and members of the paramilitary groups and members of the Colombian Armed Forces aiding or abetting such groups.

3. Consultative process between the Department of State and human rights organizations.

B. Recommendations

1. Support child soldier aid.
2. Establish adequate monitoring procedures that effectively ensure:

a. The investigation and prosecution of human rights violators in the military;

b. The suspension of military personnel involved in violations of human rights;

c. The cooperation of military personnel with civilian authorities and courts and;

d. The investigation, prosecution and punishment of members and leaders of the paramilitary and military personnel aiding or abetting such groups.

3. Establish a formal consultative process with clear monitoring procedures between the Department of State and human rights organizations.

III. House bill H.R. 3908

A. Evaluations

1. Limitations on the use of helicopters
2. Assistance to internally displaced persons
3. Humanitarian training and support for investigations on human rights violations by the Colombian Armed Forces
4. Enhancement of U.S. Embassy capabilities to monitor the assistance and to investigate human rights violations
5. Monitoring actions of the guerrilla groups and the paramilitary groups against U.S. citizens
6. Presidential waiver power on the conditions on military assistance

B. Recommendations

1. Direct aid to support and improve the investigation capabilities of the Prosecutor General in Colombia
2. Create the physical and technical capability for the U.S. to systematically monitor the effects of the aid
3. Support the aid for internally displaced persons
4. Eliminate presidential waiver power, which may contribute to the escalation of the conflict and ignores the monitoring functions of the U.S.

I. Senate Bill S. 2522

1. Demobilization and rehabilitation of child soldiers.—The Senate Bill includes a provision that no less than $5,000,000 shall be made available for demobilizing and rehabilitating activities for child soldiers.

This is an important issue considering that both guerrillas and paramilitary forces voluntarily and forcibly recruit minors. Furthermore, it is important to insist that the government should not voluntarily recruit minors, as it does presently in spite of various public announcements and actions.

2. Conditions on the aid: certification by the Department of State.—The Senate Bill conditions the disbursement of aid to certification from the Department of State. The detailed and specific conditions of the Senate Bill need to be outlined, and the following considerations need to be applied.

a. Investigation, prosecution and adjudication of Colombian Armed Forces personnel by civilian courts in cases of human rights violations.—The Senate Bill requires a statement from the President of Colombia to the Secretary of State that members of the Colombian Armed Forces personnel who are alleged to have committed human rights violations will be brought to civilian courts in accordance with the 1997 ruling of Colombia's Constitutional Court.

However, a recently adopted Military Penal Code will enter into force as soon as a statutory law on the administrative structure for the military courts is adopted. This new code did not take into account all the elements established on the aforementioned decision of the Constitutional Court, specifically in relation to the concept of "service-related crimes". Concretely, the only crimes expressly excluded are torture, genocide and forced disappearance. Other human rights violations, international humanitarian law breaches, and common crimes such as rape will be brought to the military courts. Additionally, obeying orders can be argued to avoid responsibility.

b. Suspension of members of the Colombian Armed Forces who are alleged to have committed violations of human rights.—The Senate Bill establishes that the Department of State should certify that the Commander General of the Colombian Armed Forces is promptly suspending from duty any armed forces personnel who are alleged to have committed violations of human rights or to have aided or abetted paramilitary groups.

It is important to establish the meaning and effect of such suspension. Presently such suspension has no punitive effects.

c. Full cooperation of Colombian Armed Forces with civilian authorities and courts in investigation, prosecution and punishment of members of the armed forces for human rights violations.—The Senate Bill requires a certification that the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting and punishing in the civilian courts, members of the Armed Forces who are alleged to have committed violations of human rights.

Even though the general idea of such a requirement is positive it is necessary to make it as concrete as possible so that more than a general statement, it would require individual cases to be examined and aid conditioned accordingly.

d. Prosecution of leaders and members of the paramilitary groups and members of the Colombian Armed Forces aiding or abetting such groups.—The last certification requirement refers to the prosecution of leaders and members of paramilitary groups and members of the Colombian Armed Forces who are aiding or abetting such groups.

Again, more than a general statement is required for effective enforcement. Evidence should be submitted to Congress demonstrating that effective actions are being carried out and that the impunity described in the U.S. Department of State Country Report has been overturned.

3. Consultative process between the Department of State and human rights organizations.—The consultative process between the Department of State and human rights organizations is a positive aspect of the Senate Bill. It acknowledges the experience and professionalism of these organizations and also contributes to improving the human rights information in a country in which the

United States is investing a considerable amount of resources.

It can be concluded that a certification from the President of Colombia to the Department of State is not a sufficient condition. It is essential that adequate monitoring procedures be established to effectively determine that U.S. aid is not contributing to or sustaining human rights violations.

Conditions placed on the aid could compel the Colombian authorities and armed forces to respect and protect human rights. The creation of a formalized consultative process would contribute to the production of reliable and complete reports on a complex country enmeshed in an internal armed conflict.

II. House bill H.R. 3908

1. Limitations on the use of helicopters.—The House Bill specifically conditions that helicopters only be utilized by the Colombian National Police for counter-narcotics operations in southern Colombia.

The Senate Bill, regrettably, does not establish any limitations on the use of the helicopters. This is a positive aspect in the sense that the helicopters would not be used for the general development of the armed conflict but exclusively for counter-narcotics operations.

2. Assistance to internally displaced persons.—The House Bill specifically indicates that not less than $50,000,000 of the funds appropriated, shall be made available for assistance for internally displaced persons in Colombia.

No specific mention of internally displaced persons is mentioned by the Senate Bill, in spite of the considerable number of victims, as mentioned above, and their special vulnerability as victims of complex and continuous human rights violations.

3. Humanitarian training and support for investigations on human rights violations by the Colombian Armed Forces.—The House Bill establishes that up to $1,500,000 shall be made available to provide comprehensive humanitarian law training and to support the development of a judge advocate general to investigate human rights violations by Colombian Armed Forces.

The Senate Bill, regrettably, does not include such important provisions.

4. Enhancement of U.S. Embassy capabilities to monitor the assistance and to investigate human rights violations.—The House Bill establishes that up to $250,000 shall be made available to enhance the U.S. Embassy's capabilities to monitor U.S. assistance to the Colombian Armed Forces and to investigate reports of human rights violations related to such assistance.

These resources would be particularly useful to train U.S. officials and to develop the capacity to fund specific evidentiary tests through a joint program with the Colombian judiciary.

5. Monitoring actions of the guerrilla groups and the paramilitary groups against U.S. citizens.—An equal amount of funding is established to monitor the actions of the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN) and the United Colombian Self-Defense Organization (AUC) relative to criminal actions against U.S. citizens.

In summary, the House of Representatives was expressly concerned with obtaining reliable information on Colombia. The Senate disregarded these initiatives and supported a certification procedure.

The House Bill provides for the possibility to use aid to support and improve the investigation capabilities of the Prosecutor General's Office in Colombia. Empowering Colombian judicial authorities to prosecute cases of human rights violations would contribute to a general improvement in the human rights situation in Colombia.

An effective monitoring procedure would contribute to providing the U.S. Congress with tools to evaluate the impact and effect of the U.S. aid in Colombia.

Moreover, restrictions on the use of military equipment would help to ensure that U.S. aid is for anti-narcotics purposes and not to foment civil conflict or arbitrary violence. Finally, establishing a minimum amount of aid for internationally displaced persons would help to mitigate the adverse effects of the aid package on many different social groups in Colombia, particularly those who have been forcibly displaced.

6. Presidential waiver power on the conditions on military assistance.—An especially negative aspect of the House bill is endowing the U.S. President with waiver power regarding the conditions of military assistance.

Such a waiver weakens the conditions established by the House of Representatives, which are more vague than those contained in the Senate Bill.

We hope that you find this information useful and if you have further questions, concerns or would like to further discuss these issues, we will be more than happy to meet with you, or your staff or to draft any documents regarding U.S. aid to Colombia.

Thank you again for your concern and interest on this important issue.

MARY MEG MCCARTHY,
Director, Midwest Immigrant &
Human Rights Center.
HELENA OLEA,
Legal intern.

Mr. UDALL of Colorado. Mr. Speaker, I rise to express my opposition to this conference report. I cannot approve of the process that has brought us to this point or of the result. A good bill was hijacked to produce what I think is a problematic package.

This is called a conference report on the military construction bill. But in reality it is much more, and includes both money for many other purposes and provisions dealing with other subjects. And we are considering it without anyone except the conferees having even had a chance to review its contents.

I supported the Military Construction Appropriations bill when we considered it on the floor in May. I supported it because it funds military construction projects, family housing, base realignment, environmental cleanup, and other programs. I supported it in particular because it funds a number of important projects for Colorado, namely funds for a training site at Fort Carson, for a munitions storage and maintenance site at Buckley Air National Guard Air Force Base, and for upgrading facilities at Peterson Air Force Base.

If that were all that was in this conference report, I could support it as well.

However, this conference report also includes many items that were originally part of a separate measure, a supplemental appropriations bill for the current fiscal year.

As I noted when the House originally considered that bill, there are other good things in it that I support. For example, some parts of the bill truly concern "emergencies"—funding to help low-income families cope with sharply rising home heating oil bills; funding to repair damaged roads and bridges and to develop affordable housing for those dislocated by recent floods, tornadoes, and other natural disasters; disaster loans for small businesses, farm aid, and rural economic and community development grants to meet needs arising from natural disasters. These are all important and worthwhile and appropriate purposes for an "emergency" spending bill. Also important is funding that the bill provides for NASA's Space Shuttle upgrades, security at our nation's three nuclear weapons laboratories, and funds to accelerate environmental cleanup of DOE facilities.

But these good things are far outweighed by what I consider to be some very problematic provisions.

One of the most troublesome is the "anti-drug" package for Colombia. I don't doubt the magnitude of the problem that the proposal attempts to address. Indeed, there is much cause for alarm. Colombia produces 80 percent of the world's cocaine and about two-thirds of the heroin consumed in this country, and new estimates show that cocaine production in Colombia is up 126 percent in the last five years. That said, I am not convinced that a costly military approach is the best response to the problem. I believe we should be considering other ways to address the source of the problem—the U.S. demand for drugs—by funding additional treatment and education programs right here at home.

There is very little about the Colombia package that has been shown to merit our support. Think for a moment about the dismal human rights record of the Colombian military. The military would itself be the recipient of the billions of dollars in U.S. aid. Human rights organizations have linked right-wing paramilitary groups to the Colombian military and to drug trafficking and atrocities against civilians. How can we be content to pass a bill that could well make this situation worse?

We should also think about the lack of clear objectives for this program. There is no "exit" strategy spelled out. There is no way to ensure farmers won't resume cultivating drug crops once this billion-dollar assistance package dries up. None of these questions about the long-term goals for this program have been adequately answered. Still, we're being asked to support a program that could draw U.S. troops into a protracted counter-insurgency struggle—and one that may ultimately have little effect on the drug trade.

In addition, the conference report reportedly includes at least one anti-environmental rider that would block EPA from taking certain actions to enforce the Clean Water Act—and there may be more. I would have problems with that even if we had had a chance to review the language before voting. Since we can't even do that, I have no choice but to oppose the conference report for that reason as well.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of the conference report on the Military Construction Appropriations bill.

This important legislation contains critically necessary relief assistance to North Carolina's victims of Hurricane Floyd. I want to thank Chairman YOUNG and Ranking Member OBEY for their leadership in securing these funds to help in the recovery effort from this devastating storm.

Hurricane Floyd ripped into my State last September with rains of historic proportion. The massive flooding that resulted was of a magnitude not seen since before Christopher Columbus landed in the New World.

Most folks think of a hurricane as winds ripping into beach houses. But Floyd's greatest damage occurred some 150 miles inland from the coast. Last September we endured the most devastating storm in my State's history.

Three months ago, this House passed a supplemental appropriations bill to aid Floyd's victims. Earlier this month, another hurricane season began with predictions of more destruction to come.

Mr. Speaker, I thank my colleagues for helping my constituents, many of whom are still in travel trailers. I urge support for this bill.

Mr. COSTELLO. Mr. Speaker, I rise today in strong opposition to the Military Construction Appropriations for Fiscal Year 2001 and the Emergency Supplemental bill.

I supported the Military Construction Appropriation's bill when it came to the House floor for a vote last month and would have supported the bill again had the Republican leadership followed traditional procedures and allowed the two bills to be considered separately.

Mr. Speaker, I am opposed to giving the Colombian Government use of our military, supplies and additional cash reserves rather than using these funds for a number of important domestic programs. At a time when the Leadership of this Congress is proposing to eliminate funding for the Summer Youth Program, which allow tens of thousands of kids job opportunities in our home communities, this Congress is providing $1.3 billion to the Colombian Government for anti-drug efforts. A better solution would be to give additional funds to local law enforcement officials to fight drugs in our communities and to our border patrol to stop drugs from coming into our country.

I urge my colleagues to oppose this misuse of allocations included in the Emergency Supplemental bill. Vote no on final passage.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, the vote on the motion to suspend the rules and agree to H. Res. 535 immediately following the vote on final passage will be 5 minutes.

The vote was taken by electronic device, and there were—yeas 306, nays 110, not voting 19, as follows:

[Roll No. 362]

YEAS—306

Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brady (PA)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Condit
Cooksey
Cramer
Crane
Cubin
Cummings
Cunningham
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (PA)
Pickering
Pickett
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—110

Abercrombie
Ackerman
Baird
Baldwin
Barrett (WI)
Barton
Blumenauer
Boswell
Boyd
Brady (TX)
Brown (OH)
Campbell
Capuano
Chabot
Chenoweth-Hage
Coburn
Combest
Conyers
Costello
Cox
Coyne
Crowley
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeMint
Deutsch
Doggett
Doolittle
Duncan
Dunn
Ehlers
Eshoo
Frank (MA)
Ganske
Gekas
Goode
Goodlatte
Green (WI)
Gutierrez
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hoekstra
Hostettler
Hulshof
Jackson (IL)
Kaptur
Kasich
Kind (WI)
Kingston
Kleczka
Kucinich
Largent
Lee
Lewis (GA)
Lofgren
Luther
Manzullo
McDermott
McKinney
Meehan
Miller, George
Minge
Moran (KS)
Nadler
Nussle
Owens
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pitts
Pombo
Porter
Ramstad
Rangel
Rivers
Roemer
Rohrabacher
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sanford
Schakowsky
Sensenbrenner
Shadegg
Slaughter
Smith (MI)
Stark
Terry
Thurman
Tierney
Towns
Udall (CO)
Upton
Velazquez
Visclosky
Wexler
Wicker
Woolsey
Wu

NOT VOTING—19

Bishop
Canady
Clay
Cook
Ewing
Filner
Hastings (WA)
Jones (OH)
Klink
Lazio
Markey
Martinez
McIntosh
McNulty
Mollohan
Shuster
Strickland
Vento
Wynn

□ 2042

Ms. MCKINNEY, and Messrs. TERRY, PHELPS, OWENS, COX, GANSKE and SMITH of Michigan changed their vote from "yea" to "nay."

Mrs. MEEK of Florida, and Messrs. HALL of Texas, TOOMEY, SUNUNU, SERRANO and PASTOR changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CANADY of Florida. Mr. Speaker, on rollcall No. 362, I was unavoidably detained and did not cast a vote. Had I been present, I would have voted "yea."

SENSE OF HOUSE CONCERNING USE OF ADDITIONAL PROJECTED SURPLUS FUNDS TO SUPPLEMENT MEDICARE FUNDING

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 535.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr.

THOMAS) that the House suspend the rules and agree to the resolution, H. Res. 535, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 8, not voting 22, as follows:

[Roll No. 363]

YEAS—404

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—8

Cannon
Ehlers
Frank (MA)
Paul
Rangel
Sanford
Stark
Towns

NOT VOTING—22

Bishop
Clay
Conyers
Cook
Filner
Goodling
Hastings (WA)
Jones (OH)
Kleczka
Klink
Lazio
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Shuster
Strickland
Taylor (NC)
Vento
Watt (NC)
Wynn

□ 2050

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST FOR REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1304

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1304.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman's statement will be in the RECORD, but because the bill is reported, his name cannot be removed from the bill at this time.

PROVIDING FOR CONSIDERATION OF H.R. 1304, QUALITY HEALTH-CARE COALITION ACT OF 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 542 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 542

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole on the state of the Union for consideration of the bill (H.R. 1304) to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a fair and appropriately structured rule for debate on this matter. We have made six amendments in order on a bipartisan basis. These amendments cover a full range of topics concerned with the underlying bill.

The Committee on Rules has clearly erred on the side of inclusion to ensure a full, yet I believe efficient debate on this very important subject, which has caught the attention of Members.

We are here today because doctors have become disillusioned with some aspects of our modern healthcare delivery system. They rightly assert that some HMOs are interfering too much in the doctor-patient relationship undermining their ability to effectively do their job. Their complaints are understandable, and they do need to be addressed.

H.R. 1304 seeks to level the playing field between insurers and doctors. While HMOs should not be able to dictate to physicians because of their size, it is equally wrong for doctors to collude and force the hand of insurers and employers. If we get it wrong, the end result could be higher health care prices and more uninsured Americans without improving patient quality of care which concerns all of us.

Those are the things we need to avoid, so we have to get it right. We have to find the correct balance, and this rule fairly provides for meaningful debate on how to proceed.

H.R. 1304 is a simple, straightforward bill. It proposes to give doctors and other health care professionals a limited exemption from antitrust laws when bargaining with health plans conferring on them the same rights afforded to unions operated under the National Labor Relations Act.

But based on testimony from some colleagues, there may be a hitch, unlike traditional unions, these doctor cartels, as they are called, would exist without any real regulatory oversight.

□ 2100

Doctors could refuse to negotiate in good faith and even engage in selective boycotts. Obviously, this is a problem that needs a remedy. We all know that Congress does have a role in curtailing HMO abuse. I am very proud to be one of many House Members and Senators who have been serving on the conference, working on a bipartisan basis, to finalize the details of the Patient's Bill of Rights. But while we still have some work to do on it, it is no secret that we are pretty well agreed to the need for an independent, binding review process where doctors' decisions will be evaluated by other physicians. In other words, meaningful and appropriate oversight.

We also understand that HMOs should be held accountable when they interfere in the doctor-patient relationship and harm occurs. But as encouraged as I am by this, I have reservations about H.R. 1304. It appears to be a necessary, simple solution to a tough problem, but as a wide range of experts have stated from the Congressional Budget Office to the Federal Trade Commission, the costs could outweigh any potential benefits. In fact, the CBO's projection put the cost at well over $3 billion over 10 years, not an insignificant amount of money, even around here; and that is worrisome to me.

I am hopeful that my colleagues will support this rule so that we can get on with deliberation of these and other issues and weigh the potential costs and benefits. That is, after all, why we are here and what a deliberative body does. America's doctors and patients do deserve relief from bad HMOs. Indeed, Congress is addressing HMO reform in a tough and serious manner; I am a firsthand witness to that. The gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. CONYERS) and some others urge that H.R. 1304 is the right direction we should pursue as part of congressional consideration. As our colleagues, they deserve respect for bringing this forward, and I urge a yes vote on this fair rule and look forward to a fair exchange on the underlying bill after everybody has the chance to hear all sides. However, we do not get that chance if we do not approve this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Florida for yielding me this time.

This is a restricted rule. It will allow for the consideration of H.R. 1304, which is the Quality Health Care Coalition Act. As my colleague from Florida has explained, this rule provides for 1 hour of general debate. It will be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order only six amendments. No other amendment may be offered.

This bill provides limited antitrust exemptions for doctors who negotiate contracts with health plans and insurance companies. Other workers enjoy a similar exemption under collective bargaining laws.

In recent years, health maintenance organizations and insurance companies, not doctors, have dictated the terms of health care for most Americans. Antitrust laws have prevented doctors from organizing to counterbalance the influence of the health care managers. Many people believe that this legislation is needed now more than ever because growth and consolidations among the HMOs and the insurance companies have only increased the bargaining power of the health care industry against the doctors. Obviously, the purpose of the bill is to swing the balance of power back in favor of the doctors.

The House sometimes uses restrictive rules like this, but it should only do it in sparing ways. However, as with some bills reported from the Committee on the Judiciary, it can be appropriate in the case to limit amendments. The few amendments that may be offered will give opponents of the current bill an opportunity to further debate and perfect it.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I am happy to yield 3 minutes to the distinguished gentleman from California (Mr. CAMPBELL), the author on this side.

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman from Florida for all of his kindness and hard work in this field.

I wish to say that the rule is critical. The rule is critical. There will be no other means to address H.R. 1304. To those who have sponsored this bill, and I have a list of all of them, please, if they think that they might vote against the rule but have a chance to vote for the bill again, they are wrong. It is not going to come back. So this is the issue, this is the moment, this is the time to vote in favor of patients if we believe that they are not being adequately taken care of under today's medical system, because there is not a balance between the doctors and the HMOs.

The focus of the controversy is on the amendment by the gentleman from Oklahoma (Mr. COBURN). I understand that there is concern that his amendment was made in order, but the second degree amendment of the gentleman from Pennsylvania (Mr. GREENWOOD) was not.

Let me address this directly. I have a 100 percent pro-choice voting record. I am second to none in my support of a woman's right to choose. My record stands for that. The Coburn amendment says, "Nothing in this section shall apply to negotiations specifically relating to requiring a health plan to cover abortion or abortion services."

Whereas I would not have singled out abortion, I would not have treated this in any manner different than any other medical procedure, I emphasize to my colleagues that the Coburn amendment is a null set. There is no evidence of any health care plan, any HMO, requiring doctors to perform abortion or abortion services. I draw to the attention of all of the cosponsors of this bill that the amendment by the gentleman from Oklahoma (Mr. COBURN) uses the word "requiring," not "permitting."

This amendment, in other words, is, in my judgment, an effort to introduce the topic of abortion into an area where it has no place. It is not a substantive amendment. Mr. Speaker, let me repeat, it deals with a case that has not been shown to exist—where an HMO requires a doctor to perform an abortion.

In conclusion, the gentleman from Florida (Mr. GOSS) noted two things with which I would like to take respectful disagreement. First of all, the concern he expressed for a boycott was addressed by an amendment by the gentleman from New York (Mr. NADLER), accepted in the Committee on the Judiciary, so that a boycott is not possible under this bill. Secondly, the cost estimate that the vice chairman of the Committee on Rules gave was for 10 years, but we adopted a 3-year sunset for the bill, so the cost is substantially less, actually, it's less than one third of the cost that the gentleman from Florida estimated.

With that, I conclude with one last request. For those who care about this bill, for those who care about the 3½ years those of us have put into it, this is the moment. Do not let the rule keep us from the merits of this bill. It is not a perfect rule. I did not wish everything to go into it that has, but we will have no other chance.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in opposition to the rule on H.R. 1304.

I rise in opposition primarily because I think it is irresponsible for us to exempt this legislation from the budget rules, and this bill I think clearly violates the budget rules.

Mr. Speaker, the original bill was scored by CBO as costing in excess of $11 billion. Even with the modifications that were added in the Committee on the Judiciary, it is still estimated to have significant cost in reduced Federal tax revenues of almost $11 billion if this was made permanent for the 10-year period. Obviously, it would be less if it only survives for the 3-year sunset period.

But it also is projected to have costs not only to the government in terms of increased cost to Medicare, Medicaid, and the Federal employee health benefit plans, but it is also estimated to cost consumers, as we will see an increase in health care premiums as a result of this, which are estimated to be on average of almost 2 percent by the third year of the enactment of this bill.

If we are going to maintain consistency with the budget rules that are to guide the legislation in this House, we should not exempt this legislation. We should not exempt legislation that is going to have budgetary impacts in the billions of dollars. I think anyone that prides themselves on being a fiscal conservative should not support this rule; they should send this bill back to the Committee on Rules where we will have the opportunity to bring this bill up when we can give adequate consideration to the fiscal and the revenue impacts they will have to the Federal Government and to the taxpayers of America.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I want to, first of all, say that as a practicing physician I am extremely frustrated with the position physicians are placed in in this country in not being able to make decisions to care for their patients. I think the problem that the gentleman from California (Mr. CAMPBELL) is trying to address with this bill is a real problem, but I think this is the wrong fix. I do want to take exception to what he said about the position as to certain organizations wanting to require people to have to perform abortion services or to offer them. In his own State, in the California legislature this year, by a very narrow margin, a bill that would have forced Catholic hospitals in his own State was offered and barely defeated. It is the position of the California Medical Association that, in fact, that be the policy in California. That position was offered in the House of Delegates at the AMA this year.

So to claim that this is not an intent is not true; it is an intent in the long run to limit the conscious objection of health care providers and the hospitals to not provide abortion services.

I am leaving this House at the end of this session, and I will be in practice; and I will tell my colleagues that if the Campbell bill becomes law, I will utilize it vigorously. But it will not be, in the long term, the best thing for medicine. Because the prices would rise exorbitantly; and after that has happened, then the focus of the health care problems that we have in the country then will be on the doctors, and we are not the ones to blame. But through our frustration, through the lack of fees to keep pace, through our inability to care for our patients, we are bound to do the wrong thing.

So I adamantly oppose the Campbell bill. I was originally a cosponsor of this bill, and my first thought was, I thought this was a good idea. Thinking through of what I want the profession of medicine to be 10 years from now, I think this is a terrible bill. I think the rule is fair.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I want to talk about the rule. I am not going to talk about the underlying bill, except what the rule provides for in the underlying bill.

It is interesting what a difference a day makes. We have a rule before us today that waives all points of order against the bill pursuant to the budget resolution, because the underlying bill would exceed the discretionary spending caps in the fiscal year 2001 budget resolution. In addition, it would violate the pay-go rules per the fiscal year 2001 budget resolution.

Now, why is that so significant in this context? It is significant because yesterday, Democrats were told and, in fact, a number of Republicans as it turned out, were told that we could not offer a broad-based, voluntary, universal prescription drug program under Medicare because the fiscal year 2001 budget resolution did not provide for it. But today, barely 24 hours later, as I and others predicted, the Republican leadership has decided that the paper that the budget resolution is written on is not worth very much.

So, we have before us a rule that shows the true hypocrisy of the Republican leadership when it comes to the question of providing true prescription, affordable prescription drug coverage for America's senior citizens. That is what this rule tells us today. We can debate the underlying bill later; but the sad fact of it is, there was a sham put upon the American people yesterday, 39 million senior citizens, under some phoney rule about what could be considered in the House and, today, we have thrown that out the window with a rule that waives points of order regarding the budget resolution. I think that is a real shame, and I would imagine that our friends will have something to answer about come this fall.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding me this time.

First, I would like to say antitrust exemption will not improve health care quality at all. Proponents of this bill say that it will level the playing field between doctors and health plans. But what happens to the consumer when the providers get together and collectively negotiate with insurers?

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Although such behavior violates Federal and State law, it is not at all that unusual. Federal antitrust regulators have dealt with more than 50 such cases over the past number of years, and none of these cases, not one, involved collective efforts to improve the health care quality. Every case involved efforts by the providers to raise their fees to anticompetitive levels at the expense of the consumers, employers, and taxpayers who finance programs for seniors, the disabled and the poor.

Testifying before the Committee on the Judiciary last year, Assistant Attorney General of the Department of Justice Antitrust Division Joel Klein stated:

"Our history of investigations, including our recent cases against two federations of competing doctors involving group boycotts and price-fixing conspiracies, leads us to have concerns because the proposed bill provides no assurance that health care professionals would direct their collective negotiating efforts to improving quality of care, rather than their own financial circumstances."

Klein went on to cite a case in which "Twenty-nine otherwise competing surgeons who made up the vast majority of general and vascular surgeons with operating privileges at five hospitals in Tampa formed a corporation solely for the purpose of negotiating jointly with managed care plans to obtain higher fees. Their strategy was a success. Each of the 29 surgeons gained, on average, over $14,000 in annual revenues in just the few months of joint negotiations before they learned that the Antitrust Division was investigating the conduct. The participants in that scheme did not take any collective action that improved the quality of care."

This case is typical of what happens when physicians illegally engage in collective negotiations with health care plans.

In April of this year, the Federal Trade Commission announced a settlement with a group of surgeons in Austin, Texas, who used collective negotiations with health plans to win handsome increases in their fees. If we were to pass H.R. 1304, the antitrust exemption would make all of what I just read legal, it is now illegal, and with no oversight at all. At least labor unions must obey the NLRB.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I wish all of us could be honest. This rule is maybe the most disingenuous rule I have seen in my 8 years in the United States Congress.

The fact that this rule allows the Coburn amendment on the bill is a convoluted attempt to, I do not know, kill the bill, or put the Democrats in a politically disadvantageous position.

The vast majority of Democrats who are pro-choice, and the majority of Democrats who support this bill, have a Hobson's choice under this rule. If the rule is passed, and then the Coburn amendment with similar things that have passed this floor is then on the bill, then where do Democrats vote?

The reality is that the Coburn amendment is an awful amendment from a policy perspective. It is a gag rule. Let me read what the American College of Obstetricians and Surgeons said about it: "We must pass a bill that allows health providers to effectively advocate for the care of their patients, not gag providers in an attempt to limit women's access to needed reproductive health services."

This is a gag rule. It is incredible, the scope of it. It would prevent those physicians who benefit from the Campbell rule from even talking to providers about providing reproductive or family planning services, a complete ban. They could not even talk about that in terms of their negotiation. It is an extremely large attempt to limit women's choices in America.

For the Members, and again, I know this has been a very difficult afternoon for many Members as they have looked at it, because there are many Members who are cosponsors of this; again, a majority of Democrats who want to see changes in health care, who support what the gentleman from California (Mr. CAMPBELL) is trying to do.

But the leadership on the Republican side has created this disingenuous rule. If the rule is defeated, which I urge its defeat, if the rule is defeated the choice clearly falls upon those who created the rule, which is the majority, the Republican leadership.

I urge the gentleman from California (Mr. CAMPBELL) to once again threaten to leave this Congress if his leadership does not give him a true rule and a true vote on the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, this House is demonstrating that it cannot competently and fairly deal with difficult health policy questions. Reference yesterday, a long, contentious day debating one of the most important issues before this country: whether we can give our seniors prescription drug coverage.

All of that debate and much of the venom generated within that debate concerned an unfair rule cooked up in the Committee on Rules at 2:30 in the morning the morning of the debate. I guess it was not the last bad rule we were going to see on important health policy coming out of the Committee on Rules this week.

So here we are, late in an absolutely exhausting week, considering another vital health policy question under another unfair rule.

Take, for example, the issue of allowing the Coburn amendment and striking the Greenwood amendment. I do not care whether within this body Members are pro-choice, whether they are pro-life, or anywhere in between. The fact of the matter is to allow one side their amendment and not allow the other side their amendment is unfair and speaks to what a skewed, unfortunate rule this is that brings this bill to the floor.

That is not the end of the problems within this bill. Allowing physician collusion on fee structures has obvious consequences for Medicare that pays the bills, for Medicaid. But Members do not see any offsets. We do not see any pay-fors in this legislation. There would surely be a budget point of order that could be raised against this bill, but guess what, they shred the budget rules and waive all points of order. Do not even think about trying to point out that we are spending money we have not offset in the Federal budget, it is waived under this rule.

Mr. Speaker, the Committee on the Judiciary has ruled on this bill, but the Committee on Commerce has not ruled, the Committee on Ways and Means has not ruled. This is an unfair rule. It should be voted down.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, the Republican leadership is truly offering us a Hobson's choice here. I am a cosponsor of this bill and proud to be one, but I am standing here to urge defeat of this rule because of the Coburn amendment.

The Coburn amendment could gag physicians and other providers in two ways. First, providers who have a medical and ethical responsibility to promote the well-being of their patients could be unable to advocate with health plans on their patient's behalf for comprehensive reproductive health care.

Second, providers could not negotiate against any onerous restrictions that appear in their contracts.

Why did the Republican leadership do this? They did this because they know pro-choice Members like myself, who also are cosponsors of the bill, will never support legislation with provisions that could be construed as gag rules.

The gentleman from Pennsylvania (Mr. GREENWOOD) was denied the opportunity to offer a second degree amendment that would have clarified and improved the bill. Was this allowed? No, it was not. Tragically, we have to defeat this rule. We have to send it back, and we have to say, let us pass a bill that is free of poison pills.

We have sadly, in my view, reached a point in this Congress where virtually no health care legislation can be passed. The Committee on Commerce, on which I sit, has repeatedly failed to mark anything up, including a children's health bill, because of repeated and ill-fated efforts to impose abortion language.

The National Institutes of Health has not been reauthorized for years because of the threat of anti-abortion riders. We have reached a virtual gridlock over abortion riders in every form imaginable. The American public needs to know this, and they need to know how wrong it is.

So let us defeat this bill. Let us send it back to the Committee on Rules. Let us write a clean bill. Let us allow the Greenwood amendment to go forward, and let us pass legislation that will allow doctors to organize, just as my colleague, the gentleman from California (Mr. CAMPBELL), wants to have happen.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to my colleague and friend, the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, tonight I rise in strong support of the rule and even stronger support for the bill of the gentleman from California, H.R. 1304. I do so as a strong advocate of market-related solutions to meet many of today's challenges. This is a market-based solution.

Ours is a multi-layered system of competing interests and checks and balances. America's health care is part of that system, but yet, it is an area today where we see justified concern and even perhaps alarm.

Our citizens feel out of control. The HMO revolution that brought costs under control has brought with it new problems and new complications and new frustrations. New checks and balances have not emerged to see that the power vested in this new power, the HMOs, the new power that is vested in them and the authority that they have is not abused or that the cost controls do not go too far.

The gentleman from California (Mr. CAMPBELL) is, as I said, offering a market-based approach to this challenge, instead of just strengthening government or putting new regulations in place. H.R. 1304 empowers health care professionals to balance the new power of the business managers who make policy decisions for America's health care, health care that is so vital to our families and the American people.

Doctors should be able to act together as a unit if they choose to do so, just as investors, managers, and other voluntary associates join together to form HMOs and other businesses.

The Campbell bill would result in a new balance that will well serve the families and people of our country. This system of competing interests has worked very well in other industries. It has worked to make us the most effective system in the world at providing good care and good products for our people, services for people. It can work in the health care industry, as well.

The gentleman from California (Mr. CAMPBELL) is to be applauded for his creativity and his innovative approach. Rather than just trying to offer simplistic answers of giving more regulations or having more government that costs money, he is empowering people to do a better job and to work together to provide health care for America.

Let us make sure that we use the power of the market. Let us make sure we use voluntary association, just as we have in every other industry, to provide quality health care to our people, and health care that we can ensure will not be abused because there is too much power just in the hands of the managers. This is true in every other industry, it will be true in health care as well.

I rise in strong support of the rule and the Campbell amendment.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise with great reluctance in opposition to this rule. I say "reluctance" because I do support the bill. We need to strengthen the ability of physicians to be effective advocates for the health care needs of their patients.

However, by choosing once again to bring legislation to this floor that attempts to limit a woman's right to choose, the Committee on Rules has undermined the spirit of this legislation. This bill seeks to assure patient safety and increase the quality of health care by allowing physicians to collectively have a greater say in negotiations on the terms of a health plan.

The intent is to clearly empower physicians in their relationship with HMO administrators, some of whom attempt sometimes to put profits over patient care when making decisions about medical care.

Mr. Speaker, reproductive health services are an essential component of primary care for women. To my male colleagues, I say this again, gentlemen, reproductive health services are an essential component of primary care for women.

Although this amendment has been framed as a conscience clause for religious health care entities, it does in fact prevent physicians, regardless of their religion, from even mentioning abortion in their negotiations with health plans.

I repeat some of the points that have been made earlier. The result is that providers who have a medical and ethical responsibility to promote the well-being of their patients would be unable to advocate with health plans on their patients' behalf for comprehensive reproductive health care.

In addition, providers could not negotiate any onerous restrictions that appear in their contracts concerning the provision of abortion services. Such restrictions could include a ban on referring clients for abortion elsewhere, or from even discussing abortion as a medically appropriate and legal option for patients.

Mr. Speaker, reproductive health services are an essential component of primary care for women and must be part of all negotiations. I urge my colleagues to vote no.

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Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking minority member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I want to admit that we are now on the horns of a dilemma in terms of the rule. We have a rule that presents an obstacle course of poison pills designed to drag the bill down. Virtually all of the amendments that have been allowed by the Committee on Rules are hostile, in many cases unrelated, amendments.

For example, the Coburn amendment is an anti-choice amendment that would prevent doctors from making referrals for abortion-related services for victims of rape and incest. The Cox amendment is an insult to the collective bargaining idea and would constitute the first-ever Federal right-to-work mandate on the States.

Neither of these amendments have anything to do with the underlying bill, of course, and the Committee on Rules have waived all points of order to leave these poison bills intact. We know the game. It is to split 220 cosponsors of a very important and fine bill.

And so my solution that I propose to my colleagues tonight is that since we have been gamed, I am going to oppose the previous question on the adoption of the rule and ask the Members to support me in opposition to the previous question so that I can offer an amendment that would remove the Cox amendment and also make in order the amendment submitted by the gentleman from Pennsylvania (Mr. GREENWOOD) to the Committee on Rules.

This would allow us to have a clean debate on the underlying legislation, free of the poison pill amendments. And my amendment is supported by NARAL, the Pro-Choice Caucus, the AFL–CIO, and AFSCME. So a vote to defeat the previous question may well be the only chance Members have in this Congress to vote for the right of health care professionals to collectively bargain on behalf of their patients. It is a tough choice. We have been split on this, but I hope it will bring us back together again.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, well, here we are again with a difficult rule. We will see whether we can work this out. I think I need to spend a couple of minutes talking about why this bill should pass.

Blue Cross/Blue Shield of Iowa controls the health care of 98 percent of the hospitals and 90 percent of the doctors. One insurance company controls the access and health costs of 60 percent of insured Oregonians. Market competition in Texas is all but gone. Twenty-four competing companies have compressed into four mega-managed care companies.

Sixty percent of the Pittsburgh market is controlled by one plan. More than 50 percent of the Philadelphia market is controlled by one plan. Each plan has maintained its dominance by virtue of an agreement not to compete in each other's territory.

One insurance company dictates health care in over half of Washington State. Since I came to Congress and closed my practice in 1994, there have been 275 mergers and acquisitions of health plans. There are now seven managed health care plans and Blues control the cost and access of the majority of people in this country.

What does that mean? That means if one is a provider, a doctor, and that HMO controls 50 or 60 percent of their patients and they present a contract and say take it or leave it, and that doctor has a child in college, they are making mortgage payments, how do they turn them down when they have a contract clause that says medical necessity means the shortest, least expensive or least intense level of care as defined by us? Or maybe they say like this Blue Cross/Blue Shield contract of Iowa, where the health plan shifts responsibility to physicians for the health plan's breaches of confidentiality that they release any liability for disclosure made by the company.

Or how about the gag clauses that companies want providers to sign on to? A lot of providers just do not have a choice. I have had a lot of Republican colleagues, when we have had our managed care debate, say just let the market work. If we get to a vote on this, vote "yes" because this will let the market work.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, many of the physicians I know in my community need this legislation. Frankly, the physicians are put at a disadvantage with the HMOs and the conglomerates that are now taking over health care. The gentleman from California (Mr. CAMPBELL) had the right idea. But unfortunately, the legislation that we had in the Committee on the Judiciary, I would say to the gentleman from Michigan (Mr. CONYERS), with all the good work that we did, is not here today.

Frankly, we have the complete opposite picture from what we wanted to bring to the floor of the House. First of all, about a year ago, doctors at the AMA convention indicated they wanted to organize; they wanted to have the opportunity to be stronger and negotiate on behalf of their patients. Minority doctors in particular have been shut out from HMOs and so inner-city physician many times cannot serve the patient needs of their base.

Frankly, I think we have a responsibility to put this bill forward. But the Committee on Rules, the Republican Committee on Rules knew what they were doing when they added the Coburn amendment and the Cox amendment to prevent something the bill doesn't do anyhow—force a physician to join a union. That is not in the Bill—plain and simple. The Supreme Court just 48 hours ago just indicated to this Congress that the right to an abortion is the law of this Nation however the Coburn brings up unnecessary anti-choice provisions. Why we have this legislation in this way in order to undermine the very good bill offered by the gentleman from California (Mr. CAMPBELL), of which I am a cosponsor, I do not know.

Mr. Speaker, I support the ranking member's proposal that we defeat the previous question and allow a redrafting of this rule to eliminate the Cox amendment and to offer the Greenwood amendment, to get on with the business that health care providers need to serve the people of America's health needs.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I rise in strong support of the rule. It is an imperfect rule, but this bill needs to be brought to the floor.

H.R. 1304 is the only bill that I have seen in the last 3 years, probably in the last 30 years, that would move us in a proper direction for health care in this country. For 30 years now we have moved in the direction, not toward socialized medicine, we do not have socialized medicine, we have a mess. We have a monster we created called "medical management." But we have moved toward corporate medicine.

Who are the greatest opponents of H.R. 1304? The HMOs and the insurance companies.

All we are asking for here is a little bit of return of freedom to the physician, that is, for the right of the physician to freedom of contract, to associate. We are giving no special powers, no special privileges. Trying to balance just to a small degree the artificial power given to the corporations who now run medicine, who mismanage medicine, who destroyed the doctor-patient relationship.

Mr. Speaker, this has given me a small bit of hope. I am thankful the leadership was willing to bring this bill to the floor tonight. We should go through, get the rule passed, and vote on this. This is the only thing that has offered any hope to preserve and to restore the doctor-patient relationship.

We need this desperately. We do not need to support the special corporate interests who get the money. The patient does not get the care. The doctors are unhappy. The hospitals are unhappy. And who lobbies against this? Corporate interests. This is total destruction of the doctor-patient relationship.

All we want to ask for is the freedom to associate and the freedom to contract. If they do not want to become a union, doctors do not have to. They had the power to become unions in the 19th century, but under ethical conditions they did not. Nobody tells doctors that they have to, if we remove this obstacle.

Mr. HALL of Ohio. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this bill is one of the most essential pieces of legislation I have seen in the last several years, and I commend the gentleman from California (Mr. CAMPBELL) for the work he has done to bring it to the floor, and I condemn the underhanded actions of the Republican leadership of this House in allowing poison pill amendments to put those of us who think this bill essential in a quandary in supporting it.

Mr. Speaker, I will talk more during the general debate about why this bill is essential, but the gentleman from Texas (Mr. PAUL) hit it on the head. An HMO comes into town, signs up the employers, controls all the health care, controls all the patients, and says to the doctors: sign on the bottom line. Take it or leave it.

If they do not want to have to treat 20 patients an hour, 5 minutes apiece, if they think it requires more time to give them decent treatment, too bad. They do not have to sign up with us; we will get plenty of doctors who will not have such scruples.

The bill authored by the gentleman from California will enable the doctors to get together and say: no, we need time to talk to our patients and we need time to do proper services.

Mr. Speaker, this is profoundly in the interests of the patients of the United States. This is easily as important as the Patients' Bill of Rights in destroying the tyranny the HMOs have taken over the doctors and patients in this country.

But then we have the Coburn amendment made in order as a poison pill with one purpose and one purpose only. Nothing to do with abortion. That is the fig leaf. The real purpose of this amendment is to get people to vote against the rule and vote against the bill who otherwise would vote for it.

The real purpose of this amendment is to get people who would vote against the insurance interests and for patients' rights, which is what this bill is about, to put them in a quandary so they cannot do it.

Mr. Speaker, I urge that Members vote against the previous question so that we can rewrite the rule. If the previous question motion is passed, I will reluctantly vote for the rule and hope that we can then defeat the Coburn amendment. Because this bill is as important a bill as any bill we have seen on this floor; and we should not allow a leadership that does not dare get up and say its real purpose, that we are beholden to the insurance companies and we do not want to serve the patients of the United States, we want doctors to be slaves to the insurance companies, so let us hide behind the fig leaf of an extraneous issue. We should not hide behind that issue.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume only to point out to the gentleman that the real purpose of me being here is to pass this rule, and I appreciate his help.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), the chairman of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me this time.

Mr. Speaker, we all know this is a very difficult bill. I congratulate my colleagues on the Committee on Rules for doing the best they could with a difficult situation. But I say to you, Mr. Speaker, you can put lipstick on a pig, but it is still a pig.

We have problems in our health care system, and I think all of us know it. There are ways to address these problems, such as the Patients' Bill of Rights that we are working on in conference today. There are other things that we can do. But this, I would argue, will destroy our health care system.

What protection are we giving our Nation's patients when we take away their health insurance because of increasing costs? What other group of Americans have we ever exempted from our antitrust laws that were created over 100 years ago to stop the big steel trusts, to stop the big oil trusts? We put those antitrust laws in place to prevent consumers from being harmed.

What we are doing here is we are exempting one group of Americans in our health care system, one group of Americans to go out and to negotiate on whose behalf? Come on, they will be negotiating on their own behalf. That is why the Congressional Budget Office and others have talked about the tremendous increase in cost that will result if this bill is passed.

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So, Mr. Speaker, let us quit kidding ourselves. This is a bad solution to a problem that does exist. There are better solutions. Let us defeat the rule, send this bill back to committee and go home and visit with our constituents over the next week.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from Ohio for yielding.

Mr. Speaker, I rise reluctantly in support of the rule. I regret that the amendment of the gentleman from Pennsylvania (Mr. GREENWOOD) was not placed in order. He should have the right to bring his amendment to the floor and have it fully debated.

I am very much opposed to the Coburn amendment. The Coburn amendment is a transparent and deceptive attempt to politicize the debate on the underlying bill. The Coburn amendment is not just an anti-choice amendment, which I believe would be defeated in this House, would be definitely defeated in the Senate, and vetoed by the President, it is unconstitutional according to the court decision yesterday. But its real role in this debate is to bring down the rule so that this body does not have a chance to debate and vote for and hopefully pass the very thoughtful Quality Health Care Coalition Act of the gentleman from California (Mr. CAMPBELL).

The bill of the gentleman from California (Mr. CAMPBELL) deserves to be debated on this floor; therefore, I support this resolution. The bill is a very creative attempt to empower doctors to make medical decisions for their patients.

This bill has been before this Congress for 3 years. It has over 220 cosponsors. There have been hearings on it, markups. The committee voted favorably by a vote of 26 to 2. Time and time again, this leadership has brought bills before this body on which there have been no hearings, no committee, and no amendments allowed.

This time, the gentleman from Oklahoma (Mr. COBURN) and this body have played by the rules, and we deserve a vote on his bill before this House.

My colleagues do not have to support the bill. If they do not like the bill, then do not vote for it. But to be fair to our colleague, let us pass this rule and allow a vote on his bill.

If we do not vote for this bill, this rule, it will not get to the floor for a vote. Patients, doctors, and the health care system are depending on it. Let us bring the Campbell bill to the floor and fully debate it fairly.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman for the time; and as a cosponsor of the bill, I stand here in support of the bill and support of the rule. We need to pass this rule tonight because it is the only way that we are going to get a chance to vote on this bill.

Now, this is surely a controversial issue. Should doctors be able to bargain collectively on an equal footing with the insurance companies. I happen to think they should.

An earlier Speaker said we have never exempted anybody else from anti-trust laws. But the truth of the matter is we did. When we passed McCarran-Ferguson, we gave special provisions to the insurance industry that they use today.

Now, we have been debating HMO reform for over 2 years. Everybody says doctors, not bureaucrats, doctors, not adjusters, but doctors ought to be making medical decisions that impact their patients. Well, tonight, here is my colleagues' chance to empower doctors to be making those kind of medical decisions. But the only way we are going to do this is to pass this rule.

Now, if my colleagues oppose the amendments, defeat the amendments. Let the House work its will. But let us pass this rule, let us give the bill a chance, and let us support the rule and support the bill.

Mr. HALL of Ohio. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Ohio (Mr. HALL) has 6 minutes remaining. The gentleman from Florida (Mr. GOSS) has 9 minutes remaining.

Mr. GOSS. Mr. Speaker, I am totally ambivalent about the rotation here. We are prepared to go.

Mr. HALL of Ohio. That would be fine, Mr. Speaker.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. WELDON), a distinguished doctor.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Florida for yielding to me, and I rise in support of the rule and support of the underlying piece of legislation.

I, too, am an original cosponsor of this bill. In the general debate, I hope to be able to elaborate further on my experience in this particular arena. I do have some real experience, and it is underlying my strong support for the bill.

But one thing I want to just amplify on, and the gentleman from Montana (Mr. HILL) really covered this very nicely, but he was very, very pressed for time, there are some people going around saying this is going to unfairly tip the playing field, this Campbell legislation.

Mr. Speaker, the field is not level. The gentleman from Montana just explained that to us. This Congress passed legislation that tilts the negotiations and strengthens the hand, I think, excessively of insurance companies. This legislation I believe is going to take a situation that is like this and level it out.

Regarding the issue of the amendment of the gentleman from Oklahoma (Mr. COBURN), I happen to personally feel that the gentleman from Oklahoma is very well intentioned, and his concerns, I think, are legitimate. I happen to personally believe his concerns are most likely not necessary, but the language in his amendment I find to be acceptable. I intend on supporting his amendment.

I would encourage all of my colleagues on both sides of the aisle to support the rule. We have amendments allowed under the rule that would allow people on both sides of this issue to cast their vote in good faith and then ultimately get the final product up for a vote.

Support the rule and, of course, support the underlying bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, I rise in strong support of the Campbell bill and, accordingly, in strong support of motion to defeat the previous question by the gentleman from Michigan (Mr. CONYERS).

The gentleman from Michigan (Mr. CONYERS) would allow us to avoid this outrageously rigged rule that is designed certainly to scuttle the Campbell bill. The Campbell bill is desperately needed. We have a situation where doctors are put into a very unfair situation, unable to negotiate on a level playing field with the large HMOs and managed care companies.

The Campbell bill will stop the arbitrary, unfair, one-sided contracts that the managed care companies are offering to doctors.

I listened intently to the gentleman from Iowa (Mr. GANSKE) a few minutes ago. He got one fact wrong. He said that the largest managed care company in Philadelphia is controlling 50 percent of the market. They are actually controlling 62 percent of the market, growing every day. That large managed care company recently offered orthopedic surgeons in the Philadelphia area a 40 percent pay cut. That kind of arbitrary activity is unacceptable.

The Campbell bill will allow collective bargaining and allow doctors a level playing field, not just to improve their fee agreements, but to avoid the kinds of changes in their medical practices that managed care companies often demand.

They want to impose gag rules on doctors so they cannot discuss their treatment options. They want to discourage appropriate referrals. Companies want frequently to block appropriate tests and delay care. They want to grant financial rewards to doctors for not giving care.

Those things must be stopped. They can be stopped through appropriate negotiations. But first we must pass the Conyers motion to defeat the previous question.

Mr. Speaker, I urge a yes vote on that motion.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am very conflicted by the vote on this rule.

As has been referenced, I took to the Committee on Rules last night an amendment to amend the amendment of the gentleman from Oklahoma (Mr. COBURN) because I have a difference of opinion with him with regard to the policy. The gentleman from Oklahoma (Mr. COBURN); and I tried to work out our differences last night and cooperate, so we decided that what we would do is each have our opportunity to debate on the floor.

The Committee on Rules denied me the opportunity to bring my amendment to the floor this evening, and I do not like that. My normal inclination when the Committee on Rules denies me one of the few amendments that I take to the Committee on Rules is to oppose the rule. That was my inclination.

However, the gentleman from California (Mr. CAMPBELL) has been made a promise, and that promise is that his bill would be debated on the floor. I think he deserves it. He worked hard to have his day, his night on the floor, and I think he is deserving of that.

More importantly, there are thousands and thousands of physicians across this country who have felt frustrated by the present situation and whether we agree with their position or not, whether we agree with the position of the gentleman from California (Mr. CAMPBELL) or not, they went to the United States Congress, and they said, "Please debate this issue. We think it is deserving of the greatest deliberative body on earth. Please take our issue to the Congress and have a debate." If this rule is defeated, imagine all of those physicians all over the country saying the Congress does not work.

We are frustrated. We get a bill. We get over 220 cosponsors on the bill; and for something to do with abortion, we are not even allowed to have our issue debated after all of these years.

I think it would be a tremendous disservice to those advocates of those bills and, frankly, those opponents of the bill to deny the opportunity for this Congress to do its work, to take these issues important to our times, and to debate them.

Ms. DEGETTE. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Speaker, I really agree with a lot of what the gentleman of Pennsylvania (Mr. GREENWOOD) is saying. My concern is, what happens with all of these physicians if we go to debate, if the Coburn amendment passes, and then the bill, then we all have to vote on the bill, and how will those physicians feel if we vote against a bill we support because of this?

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. REYNOLDS), a highly valued member of the Committee on Rules. We only have highly valued members in the Committee on Rules.

Mr. REYNOLDS. Mr. Speaker, I thank the gentleman from Florida. Today, as I have listened to this debate, we have people supporting this rule, some not in love with it, but in support of it from the most liberal perspective of our viewpoints in this House to some of the most conservative.

Today, as we have this rule before us, it is an appropriately structured rule. The proposed legislation makes dramatic changes in current law. The rule provides for comprehensive debate. Six amendments of the 12 submitted were included. Everyone but the gentleman from Pennsylvania (Mr. GREENWOOD) was granted an amendment. He was not granted an amendment, and he supports the rule this evening.

The amendments offered cover most of the contentious parts of debate throughout this legislation. I urge my colleagues to support the rule and let the debate begin.

Mr. GOSS. Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding, and I appreciate the fact that he said that all members of the Committee on Rules are doing a reasonably decent job. I hope it will include me along with the gentleman from New York (Mr. REYNOLDS) in that group.

Mr. Speaker, I rise in strong support of this rule. There are 220 Members, Mr. Speaker, who are cosponsors of the legislation of the gentleman from California (Mr. CAMPBELL), and a commitment was made that we would move ahead with this bill.

I know that there are some people who are not ecstatic with the way that this rule has been structured. But the fact of the matter is we have done what we could to move this legislation forward.

So it sounds like we are going to have a vote on the previous question that the gentleman from Michigan (Mr. CONYERS) will be pursuing. I hope very much that we will defeat the previous question and move ahead and pass this rule. We have a responsibility to move legislation.

The Speaker has said that he hopes very much that Members will vote in support of this rule so that we can move the package forward. Arguments have been made on both sides of the aisle by a number of our colleagues that if one is a supporter of this rule, do not stand behind the procedure and cast a no vote on the rule, because this is the opportunity that we have to move ahead with this legislation.

So I would also say to Members on both sides regardless of one's position on the issue, even if one is not a supporter of the legislation of the gentleman from California (Mr. CAMPBELL). Let us have a debate on the measure and then allow the House to work its will.

So I urge my colleagues to vote in favor of the previous question, and I urge my colleagues to vote in favor of the rule so that we can have the opportunity here to have what the gentleman from South Carolina (Mr. SPRATT) likes to describe as a full, wholesome, and hard-hitting debate.

□ 2200

The SPEAKER pro tempore (Mr. SHIMKUS). For clarification, the gentleman from Ohio (Mr. HALL) has 4 minutes remaining, and the gentleman from Florida (Mr. GOSS) has 2 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased to rise as a cosponsor and in support of H.R. 1304, the Quality Health Care Coalition Act.

We are here today to restore a sense of balance to a health care system that is now dominated by the health care insurance companies. H.R. 1304 will put doctors on a level playing field with the giant health care companies. Specifically, it will allow doctors to join together and negotiate the terms and conditions of their HMO contracts without violating the antitrust laws. With the power to bargain collectively, doctors will then have the clout to negotiate for fair terms for their services and for their patients rights.

When large HMOs dictate all the terms to individual doctors, patients suffer. To make up for low HMO payments, doctors are forced to see more patients each day. When doctors see more patients daily, they are not able to spend the kind of time they want to and need to spend with each patient. Their offices often look like assembly lines because the HMOs and the health insurance companies dictate to the doctors how quickly they must move those patients in and out.

Doctors and other health care professionals need to be able to negotiate health care service contracts with HMOs and health insurance companies on a level playing field so that their patients can receive the quality health care treatment they deserve.

Freedom of assembly and freedom of speech are rights guaranteed in the first amendment for all Americans. How about for doctors? Defeat the previous question; support H.R. 1304.

Mr. GOSS. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. CAMPBELL), the distinguished author of the bill.

Mr. CAMPBELL. Mr. Speaker, I rise for two purposes. Although colleagues have referred to this as the Campbell bill, this is the Campbell-Conyers bill. There is no one who has fought as hard as the gentleman from Michigan (Mr. CONYERS) for this bill, and that includes me from the very start. I understand shorthand and that people say the Campbell bill, but this is the Campbell-Conyers bill. I am proud of my colleague and proud to stand with him. Both of our names are in this effort.

Lastly, to the fellow pro-choice Members of this body, NARAL, NARAL, has said that the rule is not a key vote. NARAL has said the rule is not a key vote. NARAL has said final passage is not a key vote. NARAL has said final passage is not a key vote. The Coburn amendment is a key vote, but not the rule. Please support the rule.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, this bill is clearly well-intended. It attempts to address an imbalance that exists because HMOs are too powerful. I have many HMOs in my State of Arizona. Indeed, more HMOs percentage-wise than perhaps any State in the Nation, and I have fought HMOs and I will continue to fight them through the fight on the Patients' Bill of Rights. But this bill is tragically misguided.

The discussion we have heard here tonight has been about the power of HMOs and the lack of power of doctors. The reality is that there is an omitted party. The omitted party is the patients. If we empower doctors to unionize, there will be one thing that will happen, mark my words. The cost of health care will go up.

I love doctors, and they will try to protect patients, but their number one motivation will be to negotiate increased fees for them. The cost of care will go up, and patients will not be protected.

Many of us on the Patients' Bill of Rights Task Force, many of my colleagues on the other side who fought for patients' rights and this side who fought for patients' rights have fought this battle. We need to empower patients by giving them choice, not unionizing doctors and causing prices to go up.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time.

My colleagues, this bill is so incredibly important that enough Members are cosponsors that could normally pass the bill, 220 Members.

We have a rule that is laden with poison pills. Solution: defeat the previous question and vote "no." I have an amendment that will cure the problem, I think quite well, but this will give those of us who are definitely pro-choice a way out to get this measure to the floor. Believe me, if this bill does not come up tonight, my colleagues will not see this measure again in the 106th Congress.

So I urge all of my colleagues, the cosponsors and the friends of Campbell-Conyers, to vote "no" on the previous question.

Mr. GOSS. Mr. Speaker, I yield myself the balance of my time.

As Members can tell from the debate, this was a hard rule to write. There are many interested in this. The guiding principle was to try to get this matter to the floor for debate because we think there is a compelling need to have this debate. We have heard many facets of it.

I heard the distinguished gentleman from Michigan (Mr. CONYERS) speak of an obstacle course. Authors of bills often refer to amendments to their legislation as obstacles. Obviously, we all understand why.

The Committee on Rules made a very fair, I think valiant effort to try to make in order all the amendments that came forward, and we did all but one. The gentleman has spoken to that, and that gentleman is going to support this rule tonight.

I would suggest that it is very important that we pass this rule. I urge we vote "yes" on the previous question.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 241, nays 174, answered "present" 3, not voting 17, as follows:

[Roll No. 364]

YEAS—241

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert

Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stark
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NAYS—174

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moore
Moran (VA)
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—3

Ganske
Greenwood
Kucinich

NOT VOTING—17

Barcia
Bishop
Clay
Cook
Filner
Hastings (WA)
Klink
Lewis (CA)
Markey
McIntosh
McNulty
Shuster
Taylor (NC)
Thomas
Vento
Weldon (PA)
Young (FL)

□ 2226

Mr. HINOJOSA changed his vote from "yea to "nay".

Messrs. LAHOOD, QUINN, BERRY, BURTON of Indiana, GILLMOR, and FORBES changed their vote from "nay to "yea".

Mr. KUCINICH changed his vote from "nay" to "present."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GOSS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 197, not voting 13, as follows:

[Roll No. 365]

AYES—225

Abercrombie
Aderholt
Andrews
Armey
Baca
Bachus
Baker
Barcia
Barr
Bartlett
Bass
Berkley
Berry
Bilbray
Bilirakis
Blumenauer
Blunt
Bonior
Boswell
Boucher
Brady (TX)
Bryant
Callahan
Calvert
Campbell
Canady
Cardin
Castle
Chabot
Chenoweth-Hage
Coble
Coburn
Collins
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
English
Everett
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastert
Hayes
Herger
Hill (MT)
Hilleary
Hinchey
Hoeffel
Holden
Holt
Horn
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jenkins
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Knollenberg
Kuykendall
LaFalce
Lampson
LaTourette
Lazio
Leach
Levin
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (NY)
McCollum
McIntyre
McKeon
McKinney
Meehan
Metcalf
Mica
Miller (FL)
Moakley
Mollohan
Moran (KS)
Morella
Myrick
Nadler
Neal
Ney
Norwood
Oberstar
Obey
Ortiz
Ose
Pallone
Pascrell
Paul
Payne
Peterson (PA)
Petri
Phelps
Pickering
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Scott
Sessions
Shaw
Sherwood
Shimkus
Shows
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Toomey
Traficant
Turner
Upton
Vitter
Walden
Wamp
Waters
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wilson
Wise
Wolf

NOES—197

Ackerman
Allen
Archer
Baird
Baldacci
Baldwin
Ballenger
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Biggert
Blagojevich
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Buyer
Camp
Cannon
Capps
Capuano
Carson
Chambliss
Clayton
Clement
Clyburn
Combest
Condit
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dixon
Dooley
Dunn
Ehrlich
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Ford
Gejdenson
Gekas
Gonzalez
Goodling
Green (WI)
Gutierrez
Gutknecht
Hastings (FL)
Hayworth
Hefley
Hill (IN)
Hilliard
Hinojosa

Hobson
Hoekstra
Hooley
Hostettler
Houghton
Hoyer
Hunter
Inslee
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kind (WI)
Kingston
Kolbe
Kucinich
LaHood
Lantos
Largent
Larson
Latham
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lofgren
Lowey
Luther
Martinez
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McInnis
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (VA)
Murtha
Napolitano
Nethercutt
Northup
Nussle
Olver
Owens
Oxley
Packard
Pastor
Pease
Pelosi
Peterson (MN)
Pickett
Pitts
Pomeroy
Price (NC)
Quinn
Ramstad
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Schaffer
Schakowsky
Sensenbrenner
Serrano
Shadegg
Shays
Sherman
Sisisky
Skeen
Skelton
Slaughter
Smith (WA)
Spence
Stabenow
Stark
Sununu
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Watkins
Watt (NC)
Waxman
Wexler
Wicker
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—13

Bishop
Clay
Cook
Filner
Hastings (WA)
Klink
Markey
McIntosh
McNulty
Shuster
Taylor (NC)
Vento
Young (FL)

□ 1038

Ms. CARSON, and Messrs. OWENS, BLAGOJEVICH, HEFLEY, SPENCE and PACKARD changed their vote from "aye" to "no."

Ms. WATERS, Mrs. KELLY, Ms. BERKLEY, Ms. PRYCE of Ohio, and Messrs. BLUMENAUER, WEINER, HINCHEY, KENNEDY of Rhode Island, SCOTT, KILPATRICK, BILIRAKIS, LEVIN, FOSSELLA, and BACA changed their vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. LAHOOD. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CAMPBELL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 135, noes 279, not voting 21, as follows:

[Roll No. 366]

AYES—135

Abercrombie
Allen
Archer
Baker
Ballenger
Barrett (NE)
Barton
Bentsen
Bereuter
Berkley
Blagojevich
Boehner
Bono
Borski
Boyd
Brady (PA)
Brown (FL)
Burton
Buyer
Camp
Carson
Chabot
Chambliss
Clyburn
Coburn
Condit
Conyers
Danner
Davis (FL)
Delahunt
DeMint
Dicks
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Forbes
Ford
Fossella
Frank (MA)
Gephardt
Gonzalez
Green (WI)
Gutknecht
Hall (OH)
Hastings (FL)
Hefley
Hill (IN)
Hinchey
Hobson
Hoekstra
Hostettler
Houghton
Hoyer
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, Sam
Kaptur
Kennedy
Kilpatrick
Kingston
LaFalce
LaHood
Lampson
Lantos
Larson
Lewis (KY)
Lipinski
Lowey
Maloney (NY)
Matsui
McCarthy (MO)
McDermott
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Miller, Gary
Minge
Mink
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Northup
Olver
Oxley
Payne
Pelosi
Peterson (MN)
Pickett
Pitts
Pomeroy
Porter
Quinn
Radanovich
Rivers
Rodriguez
Ryan (WI)
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Sensenbrenner
Serrano
Shadegg
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Towns
Udall (CO)
Visclosky
Watt (NC)
Waxman
Weiner
Young (AK)

NOES—279

Ackerman
Aderholt
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Boswell
Boucher
Brady (TX)
Brown (OH)
Bryant
Burr
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chenoweth-Hage
Clayton
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Hall (TX)
Hansen
Hastert
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
McKinney
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Moakley
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pombo
Portman
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaffer
Scott
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn

NOT VOTING—21

Berman
Callahan
Clay
Cook
Filner
Goodling
Hastings (WA)
Holden
Jenkins
Klink
Markey
Martinez
McIntosh
McNulty
Shuster
Taylor (NC)
Vento
Waters
Weldon (PA)
Woolsey
Young (FL)

□ 2255

Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CLAYTON, and Messrs. DEUTSCH, McGOVERN, and HILLIARD changed their vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REDUCING TIME FOR GENERAL DEBATE AND CONSIDERATION OF AMENDMENTS ON H.R. 1304, QUALITY HEALTH-CARE COALITION ACT OF 2000

Mr. CONYERS. Mr. Speaker, I ask unanimous consent during consideration of H.R. 1304 to reduce the time for general debate to 10 minutes on each side, and I ask unanimous consent to reduce the time for debate on each amendment to 5 minutes for the proponent and 5 minutes for the opponents, except for the Coburn amendment, I ask for 7½ minutes on each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. CONYERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. NUSSLE). The gentleman will state his parliamentary inquiry.

Mr. CONYERS. Does the Speaker have the authority to roll the votes in the interest of saving time tonight?

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House will have the authority to postpone and cluster votes on amendments.

QUALITY HEALTH-CARE COALITION ACT OF 2000

The SPEAKER pro tempore. Pursuant to House Resolution 542 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1304.

☐ 2259

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union, for the consideration of the bill (H.R. 1304) to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Pursuant to the order of the House, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

☐ 2300

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CAMPBELL) and 5 minutes to the gentleman from Ohio (Mr. BOEHNER), and I ask unanimous consent that they be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CAMPBELL. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in support of the bill, and I wanted to relate to my colleagues in the Chamber my experience on this issue, the very issue we are discussing today.

Many years before I got elected to the U.S. House, and as most of my colleagues know, I am a physician; we had an insurance company come to the community offering a product, they called it a PPO, Preferred Provider Organization, or network; and it had a fee schedule in it that was substantially below what was the prevailing rates in the communities. So a whole bunch of the providers, the doctors in the community, were concerned about this because this was a big company, it insured a lot of people. So we all agreed to gather together in a hotel ballroom to discuss this issue, and we invited an attorney to join us and asked him to get up first and explain to us the antitrust laws so that we would not run afoul of antitrust.

So we allowed him to speak, and he got up and he said, if you want to stay out of trouble, go home. You can't talk about this. If you discuss it at all, you can be prosecuted. So we all went home.

Now, back in those days there was one group that had about 20 doctors, a few other small groups, and then a lot of solo practitioners. Now, in that community there are four large groups, my group, which had 20 doctors, has 100 doctors, and there is virtually no solo practitioners left. That is really what this bill is about.

We are talking about the solo pediatrician, the two-man group, the family practitioner who operates alone, being able to negotiate with these insurance companies.

There are some people who will argue against this bill and say it is going to tip the playing field. The playing field is overwhelmingly in the favor of the insurance companies. We have provided them antitrust exemptions. They can trade information amongst each other. They can trade information about providers, their pricing, but the doctors cannot talk amongst themselves at all.

So what we are really talking about here is evening out the playing field, and I think it is the right thing to do. I commend the gentleman from California for moving this legislation and the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

In the spirit of us moving as rapidly as we can, is it correct that the Chair is now going to roll the votes? Has that been arrived at?

The CHAIRMAN. When we get into the amendment process, the Chair will exercise that discretion.

Mr. CONYERS. I thank the Chair.

Mr. Chairman, we are dealing with a trinity of health care bills, the Prescription Drug bill, the Patients' Bill of Rights, and this modest antitrust exemption for doctors.

Now, please remember, this is a labor exemption. The antitrust legislation was written for capital corrections and guidance. But what we are doing here is doing what the doctors need to be able to discuss how between HMO administrators and other professionals that they are now being restricted in their ability to make decisions for their patients.

We all know about this problem. We now have the opportunity to deal with this question, and all I would like my colleagues to keep in mind is that the time has come. For several years now we have brought this measure forward. We are now debating it.

Most Americans receive their health insurance coverage through managed care plans, but we have seen the massive coalitions and consolidations of the managed care market to just a dozen health insurance competitors. As a result of this market concentration, we need to give some relief to these doctors. They are really feeling the pinch. They are depending on us. And, by the way, so are the patients. The decisions that the doctors make in the patient-doctor relationship are under a severe test at this present point.

So we respond to this problem by allowing medical professionals to jointly negotiate the terms of their contract with health care plans. There is a 3-year sunset on the bill. Please support it.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, every doctor in this country, unless they work for an HMO firm as a company doctor judging other doctors, is frustrated in this country. What the gentleman from Florida (Mr. WELDON) just described to you is a situation that does, in fact, occur. One of the things that happens is the doctor is consolidated into a group. That group as a group can decide whether or not they will or will not take an HMO contract.

The problem is that in urban areas, we have way too many doctors, and the only way an HMO or an insurance company can take advantage of that is when there is an excess of physicians. So the real answer to this problem is to, in fact, allow the marketplace to work. The problem is the former bill of the gentleman from California (Mr. CAMPBELL), which we should be voting on, which takes away the exemption from the insurance companies rather than giving it to the physicians.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. DINGELL), the Dean of the House of Representatives.

Mr. DINGELL. Mr. Chairman, I thank my old friend for yielding to me.

Mr. Chairman, this is a good piece of legislation. It shifts the balance back to the point where it is fair to the doctors and to the HMOs by whom they are employed. I think it is time that we do this. It is simple justice and simple equity, and it will improve a situation which has grown increasingly intolerable from the standpoints of doctors, of patients, and, very frankly, if they were smart enough to know, also the HMOs.

Mr. Chairman, managed care has dramatically changed health insurance in the past 30 years. Once upon a time,it actually managed the care a patient received and because that was more efficient, it actually saving some money. But, managed care has taken this cost-saving ability to new levels and as a result has made the relationship between doctors, patients, and insurers more complicated. The balance of power has tilted away from the doctor and the patient to the insurer.

Insurance companies hold supreme power over both payment decisions and treatment decisions, potentially compromising the quality of care along the way. The Quality Health Care Coalition Act addresses providers' concerns with their unequal bargaining position with insurers—a problem which hurts the quality of care patients receive. For that reason, Congress should act to restore balance to the provider-insurer relationship.

However, passing H.R. 1304 does not relieve us of our responsibility to restore the balance to the patient-insurer relationship by enacting a meaningful, enforceable Patients' Bill of Rights that covers all Americans. The House of Representatives passed such a bill on a bipartisan basis last October. The Norwood-Dingell bill provides a fair, independent, and expeditious appeals process, and guarantees that doctors, not accountants, are making medical decisions. The bill ensures that patients have basic rights such as access to specialists, access to emergency care, access to ob-gyn care, and access to needed drugs. It also ensures that patients can hold their HMO accountable for acting irresponsibly, if those actions cause injury or death. More than nine months have passed, the conference has failed, and Congress still has not delivered a bill to the President.

The Quality Health Care Coalition Act is one step toward leveling the playing field for doctors, but Congress must finish its work for patients and get a meaningful, enforceable Patients' Bill of Rights to the President. I hope that we will see both bills signed into law this year.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Michigan (Mr. BONIOR).

□ 2310

Mr. BONIOR. Mr. Chairman, let me just say that I want to commend the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. CAMPBELL) on crafting this legislation. Not only is this good for doctors and patients, but it reinforces the idea that collective bargaining and workers coming together and being able to bargain for their work is a valuable, valuable asset in our society today.

It is not just blue collar workers or technical workers or clerical workers. We are finding more and more teachers and scientists and people of professional status involved in this kind of collective bargaining and organization. I commend them for giving this opportunity to the doctors.

Mr. Chairman, one of history's most enduring lessons is that collective bargaining is the only institution that offers Americans the voice they need to win fairness in the workplace.

Most of us understand how that's worked for blue-collar workers and clerical and technical employees—but it's just as true for professionals.

That's why, over the years, we've seen teachers, journalists and even scientists organize.

That's why I was proud to join a union when I was an adoption caseworker.

And that's why health care professionals are organizing today.

They're organizing because they understand what every family in this country knows: that American health care today is big business.

And it's a business where, all too often, the quality of patient care has taken a back seat to the demand for profit.

By passing H.R. 1304, we're giving health professionals an important new tool to fight back.

Through collective bargaining, they'll have the added clout they need to talk back to the health plans that dominate American medicine.

That's not just good for health providers—it's good for the patients who depend on them.

Because when health professionals negotiate they won't only be speaking out for themselves, they'll be bargaining for better care.

The bottom line is that joining a union doesn't undermine professionalism—it only bolsters it.

I'm proud to salute the leadership of my colleagues, TOM CAMPBELL and JOHN CONYERS, in crafting this measure.

And I'm proud to join with them in voting for H.R. 1304 today.

But, like other supporters of this bill I strongly oppose the Cox amendment to H.R. 1304.

The Cox amendment is a shameless attempt to undermine the ability of health professionals both to organize and to bargain. It will render this legislation virtually useless.

Vote "no" on the Cox amendment, and, once it's defeated, vote "yes" on H.R. 1304.

Mr. CAMPBELL. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I rise in support of H.R. 1304, because it is a bill that is simple in concept and based on fundamental principles of fair market, and the freedom and right to contract fairly as equals on a level playing field.

This legislation does nothing except remove the current artificial barriers that prevent doctors from doing what every other citizen has the right to do, and that is to bargain as equals in good faith and on a level playing field.

It is not giving them any special advantage. It is simply saying to the doctors of America as they try and practice medicine with the best interests of their patients in mind that they can negotiate as equals on behalf of their patients. That is all this bill does. It does no more and no less. That is why it enjoys the support on both sides of the aisle of a majority of Members of this House.

I urge Members to vote in support of H.R. 1304.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it is true that doctors are not on a level playing field. I have immense sympathy for their situation. But as well-intended as this legislation is, we have to look beyond what it says to what it will do. What it will do is drive up the cost of health care.

What we have done in America is we have disempowered patients. The reality is patients in America today cannot pick their own doctor because they are trapped in a health care plan selected by their employer.

We need to create a marketplace in health care in America today by empowering patients. Let us ask ourselves, are doctors not powerful enough, are HMOs not powerful enough, or are patients not powerful enough? The answer is that it is the patient that has been left out of this equation. They are trapped in the health care plan. They cannot get to the doctor they want.

Rather than empowering patients to go hire the doctor they want and bring down the cost of health care and get the care they need, what we are going to do is we are going to allow doctors to collectively bargain.

The net effect of that will be to increase the cost of health care and, mark my words, we will have Hillary care. We will have a single-payer system within 5 years when this bill becomes law.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from New York (Mr. NADLER), a member of the committee.

Mr. NADLER. Mr. Chairman, today's health care marketplace is dominated by six large companies who enjoy monopoly or near monopoly power in certain areas of the country. These companies possess unchallenged power in their negotiations with health care providers because providers are restricted by antitrust laws from bargaining collectively for more favorable terms.

We hear from critics of this legislation that the bill is just about helping doctors get rich, but I say it is about helping patients get quality care. When a doctor is told they may only provide the cheapest treatment available, it is the patient who suffers. When a doctor is told he may not even discuss alternative treatments not covered by the insurance plan, it is the patient who suffers. When a doctor is told he must see a dozen patients in an hour in order to make the reimbursement rates viable, it is the patient who inevitably suffers.

This bill is not about lining the pocketbooks of doctors, it is about allowing doctors to stand up to the insurance companies and say, we will not accept conditions that harm our patients or put them in jeopardy.

Opponents argue that this bill would significantly raise costs in the health care industry because doctors will be able to extract exorbitant reimbursement rates from insurance companies if they were able to negotiate collectively. But to suggest that doctors will have these monolithic, multibillion dollar companies at their mercy defies logic and credulity.

What this bill would do, all this bill would do, is to place doctors on a somewhat less tilted, a somewhat more level playing field on which to negotiate decent rates and decent conditions for their patients.

This may be the most important bill we could pass this year. I urge its adoption.

Mr. Chairman, I rise in strong support of H.R. 1304, the Quality Health Care Coalition Act of 1999. This is a very important piece of legislation that will immensely improve the quality of patient care in this Nation.

Mr. Chairman, the health care landscape is increasingly being controlled by just a few large insurance companies. Today's health care marketplace is dominated by six large companies, who enjoy monopolies or near monopolies in certain areas of the country. These companies possess unchallenged power in their negotiations with health care providers because providers are restricted by antitrust laws from bargaining collectively for more favorable terms. It has gotten to the point where insurance companies are effectively dictating the terms of an agreement to the providers.

We hear from critics of this legislation that this bill is just about helping doctors get rich, but I say that it's about helping patients get quality care. When a doctor is told he may only provide the cheapest treatment available, it's the patient who suffers. When a doctor is told he may not even discuss alternative treatments not covered by the insurance plan, it's the patient who suffers. And when a doctor is told that he must see a dozen patients an hour in order to receive viable reimbursement rates, it's the patient who inevitably suffers.

This bill is not about lining the pocketbooks of doctors. It's about allowing doctors to stand up to insurance companies and say, "We will not accept conditions that harm our patients or put them in jeopardy." We must once again place medical decisions in the hands of doctors rather than an HMO bureaucrat who is not involved in our care.

Opponents argue that this bill would significantly raise costs in the health care industry because doctors would be able to extract exorbitant reimbursement rates from insurance companies if they were able to negotiate collectively. But to suggest that doctors will have these monolithic, multibillion dollar companies at their mercy defies credulity. What this bill would do is place doctors on a somewhat more level playing field on which to negotiate. We do not tip the scales in their favor.

Let me also mention another criticism of this bill raised by nonphysician providers such as nurse midwives and nurse practitioners. When the Judiciary Committee held hearings on this bill, these groups, among others, expressed in important concern over H.R. 1304, namely that doctors would be able to use the collective bargaining power granted under the bill to effectively exclude them from the field or severely limit their ability to practice. That is certainly not the intent of the bill.

The purpose of this bill is to ensure that no member of the health care profession has the terms of his or her practice dictated to them. This includes all of the licensed nonphysician providers who have worked alongside doctors to provide quality care to patients. We do not want to provide a tool for one class of health care professionals to squeeze out another.

That is why I worked with Representatives FRANK and JACKSON-LEE to amend the bill in the Judiciary Committee to specifically bar doctors, or any other provider, from entering into an agreement or conspiracy which would exclude, limit the participation or reimbursement of, or otherwise limit the scope of services to be provided by any other health care professional or group of professionals.

Under this language, no member of the health care field can have the terms of their practice dictated to them by insurance companies, doctors, or anyone else. All terms will be worked out by negotiation, exactly as this bill intends. I am confident that this language fully protects all nurses and other nonphysician providers from attempts by doctors to limit their ability to practice.

Mr. Chairman, this is responsible legislation that will release doctors from the grip of insurance companies and help them negotiate terms that best serve their patients. I believe this bill will help restore confidence in the doctor-patient relationship and ensure that it is only doctors and other licensed professionals who practice medicine. I urge my colleagues to support H.R. 1304 so that all providers will be free to practice in the best interests of their patients.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Since 1974, there have been 275 mergers and acquisitions of health plans. That is why I support the work of the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. CAMPBELL). With this wave of consolidation, seven giant health care insurers have come to dominate the marketplace, and 80 percent of all Americans get their coverage through managed care.

The enormous size of these companies allows insurers to not only control the costs of but also the quality and access to health care. The health care system has become David and Goliath. We have to give David something to fight with.

In my State of Texas, although we already passed legislation that allows health care professionals to jointly negotiate, this is limited only to physicians in Texas. So national or regional health plans still have a stronger negotiating power, whereas a Federal law would help address this imbalance.

Any amendments on this bill, unfortunately, are driven by the insurance companies to destroy the bill, so I hope my colleagues will vote down these poison pill amendments. This legislation would enable medical professionals to serve their patients in the way their best medical judgment indicates. To do that, they will occasionally have to present a united front to the giant HMOs.

Mr. Chairman, this is a key vote for medicine. Therefore, I urge my colleagues to support this legislation by the Committee on the Judiciary.

Mr. CAMPBELL. Mr. Chairman, may I inquire how much time is left on each side? I have only one more speaker in the general debate, myself, and I intend to close.

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) has 3 minutes remaining, the gentleman from California (Mr. CAMPBELL) has 1½ minutes remaining, the gentleman from Michigan (Mr. CONYERS) has 4½ minutes remaining.

Closing comments will be in this order: The gentleman from Ohio will start first, the gentleman from Michigan will go second, and the gentleman from California has the right to close.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in strong support of the Campbell-Conyers Quality Health Care Coalition Act, and congratulate both of them on their really thoughtful and creative legislation.

Mr. Chairman, what this bill is really about is who do we want in charge of our health care decisions, an HMO accountant bean counter, or our doctor who knows our health needs?

This bill will level the playing field between enormous health care plans and physicians and patients, allowing physicians to come together to negotiate with health care plans over contract provisions. Patients' interests should be at the bargaining table, and this bill allows it.

Many doctors in my district tell me that insurers are imposing greatly unfair contract terms on them. They say they have no choice but to sign the contracts unless they want to risk losing many of their patients.

The choice is very clear. The patients want it, the doctors want it. The only opposition is the HMO accountants. I urge a yes vote.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in opposition to this bill. I have been sitting listening to this debate. It is most unusual. I hear my friends, the Democrats, my friend, the gentleman from Michigan, talk about those poor doctors feeling the pinch. We need to help those poor doctors. Yet, when Republicans bring tax cuts to the floor, they holler no, no, those are tax cuts for the wealthy. We cannot give them a break on their taxes.

What the Democrats want to do to help those poor doctors is to let them form a union. That is how we level the playing field, let them form a union.

I have finally figured out and was able to put together the pieces of the puzzle, because when those proverbial union thugs go out to break knees, they will have the doctors there to fix them. It all makes perfect sense.

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Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time. I rise in strong support of the Campbell-Conyers bill, a bill that would allow collective bargaining, not unions I would say to the previous speaker, but collective bargaining, so that doctors can deal with the one-sided, unfair arbitrary contracts that are forced upon them by the big managed care companies. Contracts that impose gag rules so that doctors cannot discuss all of their treatment options with their patients. Contracts that discourage referrals to specialists. Contracts that block appropriate tests and delay care to patients. Contracts that give financial rewards for denying care.

Mr. Chairman, in southeastern Pennsylvania where one managed care company controls 62 percent of the marketplace, they not only have offered orthopedic surgeons, as one example, a 40 percent cut in compensation, but they have also required that all doctors sign confidentiality agreements before negotiations begin as a precondition of negotiations one-on-one with the doctors. These agreements are unfair. They deny rights that doctors ought to have.

Mr. Chairman, I support the bill.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think we all know that we are going through major changes in the delivery of health care in America. Those issues have been fought out on this floor over the 10 years that I have been a Member and all of the changes are disconcerting to all involved.

First, the patients, doctors, hospitals, employers who pay the costs, insurance companies, everyone is in turmoil trying to find the right balance making sure the patients get what they need and trying to hold costs under control.

Every year that I have been here, we have debated Medicare and the tremendous increases in the costs of Medicare. We have been through all types of changes trying to what? Give the patients what they need while controlling the costs.

And so as we look at the situation in managed care today, we have a number of those groups in the middle with their lobbyists coming to Washington wanting us to level the playing field. Now, leveling the playing field is like beauty. It is in the eye of the beholder. Of course, they all want it level as long as it is slightly tilted toward them.

Mr. Chairman, this bill is no exception, except one small little exception. This is a big tilt, A big tilt to one group at the expense of all others that are locked into this system.

Why would we provide an antitrust exemption to one group in the medical profession with no oversight, no regulatory body overseeing their actions? Every time we have provided an antitrust exemption in the law, there has been some Federal regulatory body that has the responsibility to provide oversight. The National Labor Relations Act allows for collective bargaining. That is why we have the National Labor Relations Board to oversee these activities between labor and management.

To allow any group of Americans to go out and to form a cartel to prey on America's consumers is not good for our country. We know what happened with the OPEC cartel; we have higher prices at the gas pump today. What we are doing here is we are creating another cartel. It is a bad bill.

Mr. CONYERS. Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I must correct the statement made a moment ago. This bill does not grant any privilege to one group. I presume the gentleman meant doctors. The bill refers to "all health care professionals," doctors, nurses, physical therapists, everybody in the field. It is not a cartel of one group. It is simply a mistaken fact and a misquote of the bill.

Mr. ANDREWS. Mr. Chairman, reclaiming my time, I thank the gentleman from New York, my friend.

In our economy, actors are regulated either by litigation, regulation or competition. None of those three things applies to the oligarchs of the managed care industry.

This Congress, I am confident, is going to take a step to impose the quality control of litigation through the Patients' Bill of Rights. This bill is a very important step in imposing some competition in the health care market for the first time in a long time.

This really is about leveling the playing field. It is about reining in the conduct of the oligarchs of managed care. For that reason, I strongly support the legislation and commend the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. CONYERS), my friend, for offering it.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 1 minute and 15 seconds remaining. The gentleman from California (Mr. CAMPBELL) has 1½ minutes remaining. The gentleman from California has the right to close.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this Quality Health Care Coalition Act is an important antitrust exemption for doctors. I want to begin my closing remarks in general debate by merely commending the gentleman from California (Mr. CAMPBELL) for all the work that he has done on this measure and for allowing me to work with him.

Mr. Chairman, we would not be here today if we were not concerned about the doctor-patient relationship which is in crisis. We are giving an exemption that the labor movement already has. This is not ground-breaking legislation. It sunsets in 3 years. The original costs were based on a 10-year basis; and of course, it is only going to run for 3 years.

The managed care market has consolidated. Some of my colleagues may know that some doctors are in very dire circumstances. Private practices are in decline.

Mr. Chairman, I urge my colleagues to support the antitrust exemption for doctors.

Mr. CAMPBELL. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, I also compliment the gentleman from California (Mr. CAMPBELL) for bringing this forward. The American health care system has many players, but doctors and health care providers are essential. They are the essential players. They are on the frontline making life and death decisions every day, and they are being picked apart.

Fees are cut unilaterally. Their medical advice that they are giving to patients is being countermanded by non-doctors, and they have no say in this situation the way it has come today. We have come to this that if we do not make these changes today, we are jeopardizing the best health care system in the world. People who want to enter and stay in the medical profession are looking outward at other options because, frankly, not only is the remuneration not there, and the respect is not there, but they are not able to carry out their advice to patients because they are being countermanded.

Mr. Chairman, that is what makes this legislation essential. I commend the gentleman from California (Mr. CAMPBELL) for bringing this to the floor tonight. I hope we will give it a resounding "yes" for American health care, for doctors, the providers, and the patients.

Mr. CAMPBELL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the key point I want to stress in closing is that this does not create a union of doctors. The words "collective bargaining" only occur in the statute with reference to an antitrust exemption already in law for unions. We do not use the words "collective bargaining" at all with regard to health care professionals.

We explicitly say "there shall be no right to strike," in case somebody thought there might be. No right to cease work that does not already exist. The bill has a 3-year sunset, and it explicitly provides the right for individuals not to be choosing an exclusive bargaining agent; and hence there is no need for the regulatory oversight such as the NLRB provides.

Ms. DELAURO. Mr. Chairman, today I cast my vote in support of the Quality Health Care Coalition Act, because I believe that physicians and other health care professionals should be on an equal playing ground when they negotiate contracts with health plans. The Quality Health Care Coalition Act would provide limited relief from the antitrust laws by allowing self-employed physicians to negotiate collectively with large managed care organizations regarding contract terms that protect patient confidentiality, increase patient choice and improve quality of care. It would restore balance in the market by increasing physicians' power to negotiate for their patients with large managed care organizations. It would not force health plans to accept terms and conditions sought by health care professionals, it would simply allow physicians to band together as a bargaining unit for purposes of negotiation.

Unfortunately, this bill has been plagued by "poison pill" amendments, designed to divide and conquer the long-time supporters of this legislation. Representative TOM COBURN, authored a poison pill amendment that attempts to limit access to legal abortions. Mr. COBURN's amendment would restrict health care professionals from discussing health insurance coverage for abortions. Many fear that this restriction could prevent physicians not only from negotiating coverage for legal abortions, but also prevent them from discussing methods and procedures for providing referrals elsewhere. I joined my pro-choice colleagues in voting against this amendment. However, this amendment passed.

As was the intention of this poison pill, this left me and my pro-choice colleagues with a Hobson's choice—an affirmative vote for physicians and patients tied to a restriction on choice or a negative vote against physicians and patients to prevent an anti-choice measure from going forward.

I voted for final passage of this legislation with the hope that the Coburn amendment will be struck when this bill reaches conference with the Senate. If this legislation proceeds through conference and reaches the President's desk with the anti-choice Coburn amendment intact, I urge the President to veto the bill.

Mr. POMEROY. Mr. Chairman, H.R. 13204, which provides a broad exemption from federal anti-trust laws for health care professionals, is intended to restore parity between providers and third-party payers. I believe that this is a good intention, and I agree that in some markets, third-party payers have taken a hold so strong as to be able to dictate health care fees and standards.

As a former state insurance commissioner, however, I know that the answer is not to completely tilt the scales in the opposite direction. No other organization or segment of our economy, except for Major League Baseball, enjoys such a broad, federal anti-trust exemption. Even the Business of Insurance is regulated under the McCarran Ferguson Act.

Unfortunately, some proponents of this legislation have misinterpreted that McCarran Ferguson Act. They have stated that this act gives the insurance industry an exemption from anti-trust laws, and that H.R. 1304 simply levels the playing field for health care providers. Mr. Chairman, I want to emphasize something for my colleagues: the McCarran Ferguson Act creates a partial exemption for the business of insurance that is regulated by state law. Activities that do not relate to the business of insurance—such as a health plan's negotiations with health care providers—are still subject to federal antitrust laws.

As a representative of rural America, I am also concerned about the effect this legislation will have on quality of care. H.R. 1304 would allow unrestrained, unregulated price fixing by all of the health care providers in a given market. Such price-fixing schemes would give physicians a monopoly within their market, permitting physicians to raise their own salaries, through higher reimbursement rates, at the expense of consumers, employers and taxpayers.

Again, let me say that I know this is not the intent of the legislation or the plan of my respected colleagues and the professional organizations who support H.R. 1304. We probably do not need antitrust consumer protections for the leading, most ethical participants in the health care market. Unfortunately, in an industry as vast as health care, there will inevitably be those of other, less reputable intentions.

For those well-intentioned physicians, legitimate antitrust mechanisms already exist under which physicians and other health care providers who have formed legitimate legal entities can collaborate and negotiate with health plans. Physicians do not need exemptions from the antitrust laws to collectively discuss quality of care issues among themselves or with these plans.

Mr. Chairman, I would be inclined to support a more moderate measure. I understand that my colleagues on the Judiciary Committee adopted an amendment that would allow H.R. 1304 to sunset in three years. In my opinion, however, three years is enough time to increase both private and public health care costs and decrease quality of care. In fact, the CBO has estimated that a three-year exemption will raise insurance premiums by 1.5% by 2003 and cost the government $1.7 billion over 5 years.

Instead I suggest that if we really want to level the playing field, we regulate these medical providers in their bargaining groups, subjecting them to oversight as we have with other organizations, from trading companies to newspaper operations.

Mr. Chairman, while well-intended, this is flawed policy. I urge my colleagues to think seriously about the effects this legislation may have on consumers, providers and payers alike. Please vote no.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of H.R. 1304, The Quality Health Care Coalition Act of 1999. As we consider this bill, let us remember what a truly bipartisan piece of legislation it has been thus far. In fact, H.R. 1304 passed the Judiciary Committee by a vote of 26–2. With that in mind, I wish to applaud Congressman CAMPBELL and Congressman CONYERS for their genuinely bipartisan efforts respecting this bill.

H.R. 1304 would modify the anti-trust laws and would apply only to conduct in conjunction with good faith negotiations. The modifications would allow health care professionals to collectively settle the terms of their contracts with health care plans. I support this legislation because I believe that health care providers should be allowed to bargain collectively with health plans and insurance providers.

In my state of Texas, although we already passed legislation that allow health care professionals to jointly negotiate, this is limited only to physicians in Texas. So, national or regional health plans still have a stronger negotiating power whereas a federal law would help address this imbalance.

Since 1994, there have been 275 mergers and acquisitions of health plans. With this recent wave of consolidations, seven giant health care insurers have come to dominate the marketplace and 80% of all Americans get their coverage through managed care.

The enormous size of these companies allows insurers to not only control the cost of, but also the quality and access to health care. These powerful health plans intimidate and threaten physicians with antitrust violations in order to bar them from talking to one another and to insurers about patient care. As a result, the decisions of health care professionals have been compromised.

With the increased level of market concentration, HMOs have been practically setting the terms of contracts with health care providers, including forcing patients to accept the least expensive care and preventing patients from being fully informed of all available treatment options. Insurers should not make decisions such as these.

We rely upon health care professionals to advocate for our care. No one is comfortable with the idea of a physician who withholds treatment information! In cases where doctors are prohibited from discussing all available treatment options, it could be a matter of life or death. Health care professionals need decision-making power to determine what is best for their patients.

H.R. 1304 would provide guarantees that patients are protected from bureaucratic abuses. There is no way to predict what kind of healthcare quality issues will arise in the future. H.R. 1304 would enable healthcare providers to address managed care abuses and other patient care issues as they arise through contract negotiations.

For doctors who provide specialty services, this bill will assist them in negotiating contracts with the health care plan to make their services more readily accessible. African-American physicians especially need this bill because they face special barriers that impede their full participation in managed care networks.

African-American doctors are more likely to serve minority communities that are disproportionately low-income and severely ill. Because of these patients' special needs, African-American doctors often face the constant threat of being excluded from health plans because their patients are exceedingly sick and too costly to treat.

In my district in Houston, Texas, where 70% of the people in the 5th Ward are infected with HIV/AIDS, these patients are often poverty stricken and need special care that most managed care networks will not provide. Physicians are often forced to pay out of pocket for the cost of prescription drugs for their patients if the cost is excessive. Thus, caring for any patient with AIDS is a money-losing endeavor.

In California, a 1999 Price Waterhouse Cooper's study indicated that physicians there are filing for bankruptcy at an alarming rate because they cannot afford to provide quality care when they receive less than 50% of the cost it takes to care for a patient! These health care providers should not be punished for living up to their pledge to faithfully care for the people of America to the best of their ability.

Despite what critics may say, this bill does not allow doctors to fix the prices of their services. Price-fixing is illegal and will remain illegal under H.R. 1304. Health care professionals support this legislation because they want the ability to negotiate with HMOs in order to do their jobs and provide quality care for their patients. Although doctors will be able to join together to negotiate the terms of their contracts, they will not be able to determine the actual prices for services.

This bill simply places doctors on the same level of market power as the health care plans. In fact, the oversight currently exercised by the Department of Justice and the Federal Trade Commission would remain intact so that H.R. 1304 would not decrease their authority to prosecute health care professionals for illegal activities such as exclusive dealing or price-fixing.

Critics claim that allowing health care professionals the right to collectively bargain would permit professionals like nurse practitioners and chiropractors to be discriminated against. I continue to be approached by organizations like the Academy of Nurse Practitioners, The Texas Chiropractic Association and the American Chiropractic Association who are sincerely concerned about the negative effect this legislation will have on their ability to continually serve their patients.

As a result of their concerns I introduced an amendment, along with Representative Nadler that clarifies our objective to not sanction discriminatory practices between physicians and health insurers.

This amendment, which is included in H.R. 1304 includes several important safeguards. The bill would prohibit any group of health care professionals from negotiating contract language which limits any other group of professionals from doing work that they are licensed to do under applicable scope of practice acts and regulations. In addition, Medicaid managed care plans, Medicare+Care plans and plans covering federal employees are excluded from the legislation. Finally, the bill sunsets after three years, unless re-approved by Congress.

If the insurance industry is allowed a special exemption under the antitrust laws, physicians who act on behalf of their patients should also be able to ensure that the contracts they enter are not detrimental to patient care.

Currently, the bargaining power of managed care organizations dwarfs the bargaining power of individual physicians and other professionals. As a result, insurers are able to impose contracts on a take-it-or-leave-it basis, no matter how egregious the contract terms. Physicians often have no choice but to sign the contracts offered. Otherwise, they run the risk of losing a large share of their patients and being force out of business. These one-sided contracts often violate professional and ethical standards and prevent practitioners from providing adequate care.

Of course, the health insurers claim the bill would drive up costs. But note what they are really saying is if they take a hit in their own profits, they will seek to make up for the loss by charging patients more for the same services. With this in mind, we know that any resulting increases in medical cost will not be due to the passage of H.R. 1304, but will be the direct result of greed.

Because this bill has already been through an intense amendment process in the Judiciary committee where four amendments were adopted by a vote of 26–2, I ask my colleagues not to allow additional amendments to this important legislation. There has been a bipartisan effort to work with professional health care organizations and we should respect the work that has been done to develop this bill.

Any amendments at this point would be purely insurance driven attempts to destroy the bill. As reported by the judiciary, the bill would ensure that Congress could address any potential concerns that may arise before the legislation is re-authorized. Adding unnecessary and burdensome requirements would harm patients and effectively gut the bill.

This legislation would enable medical professionals to serve their patients in the way their best medical judgement indicates. And to do that, they will occasionally have to present a united front to a group of HMOs. Mr. Speaker, this is a key vote for medicine and therefore, I urge my colleagues to support this legislation as presented by the Judiciary.

Mr. GOODLING. Mr. Chairman, I rise in opposition to H.R. 1304. I have many concerns regarding this bill, but I wish first to focus on one: is cost. The bill before the House costs $6.1 billion in mandatory federal funds, yet does not include a single penny to pay for it. Ordinarily, legislation like this would be subject to several Budget Act points of order for this failure, but the rule waived all those points of order. For what does this bill spend federal money? It increases doctors' incomes!

Since the bill doesn't spell out how to pay for this $6.1 billion benefit to doctors, the money will have to come out of the existing federal budget. My colleagues know that the federal budget includes the National School Lunch Act, a program that provides a healthy nutritious meal to millions of school age children across this country. If I had $6 billion to spend, I think I would use some of that money for school lunches, rather than for forming doctor cartels.

My colleagues know that the federal budget includes the Individuals with Disabilities Education Act, a program ensuring that children with disabilities will received an education. This is a program that is woefully underfunded, where we have never met our 40 percent of funding commitment. If I had $6 billion to spend, I think I would use some of that money for educating children with disabilities instead of for hiking the net worth of doctors.

The federal budget also includes student aid programs in the Higher Education Act—programs that help students across this country attend college. If I had $6 billion to spend, I think I would use some of that money for student aid instead of for increasing doctors' incomes. The federal budget includes healthcare; it includes Social Security; it includes aid for farmers, including crop insurance; it includes our national defense; it includes programs for literacy. If I had $6 billion to spend, I think I would use some of that money for these worthy purposes, rather than for lining the pockets of doctors.

As a matter of fact, I can't think of a single current program, issues, or concern that should receive a lower priority than this bill.

On the issue jurisdiction, Mr. Chairman, I want the record to reflect that I have been making the point—repeatedly—for the past year that H.R. 1304 is a labor bill that should have been referred to the Workforce Committee.

I am going to include in the record a memorandum prepared by the American Law Division of the Congressional Research Service, discussing case law and House precedent in support of the Workforce Committee's jurisdiction over H.R. 1304.

I know that sometimes issues do not lend themselves to easy sound bites. Sometimes they require a bit of patience to understand. I want members to understand that this bill is a labor bill—and a very bad labor bill at that.

If this bill becomes law, health care costs will skyrocket, and Congress will have granted a group of professionals the rights of collective bargaining without any corresponding responsibilities.

H.R. 1304 allows doctors and other health care professionals to band together and collectively bargain. This is done by exempting them from the antitrust laws. The Supreme Court has held that the "nonstatutory labor exemption" which this bill extends to doctors is a concept arising in labor law, and is applicable only in the context of labor law. Simply put, H.R. 1304 is about collective bargaining, and it is a labor bill. It is a flawed labor bill because it grants rights similar to those contained in the National Labor Relations Act, but fails to provide any mechanism to make sure those rights are effective, or fair.

Mr. Chairman, on all counts this six billion dollar special interest gift is misguided, irresponsible, and unnecessary. I urge my colleagues to vote against this legislation.

The aforementioned memorandum follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, July 12, 1999.

MEMORANDUM

To: Honorable Bill Goodling, Chairman House Committee on Education and the Workforce

From: Morton Rosenberg, Specialist in American Public Law, American Law Division

Subject: Jurisdictional Basis for Referral of H.R. 1304, the Quality Health-Care Coalition Act of 1999 to the Committee on Education and the Workforce

On March 25, 1999, Representative Campbell, for himself and 27 co-sponsors, introduced H.R. 1304, the Quality Health-Care Coalition Act of 1999, which was referred to the House Judiciary Committee. The purpose of the bill is stated in its preamble to be "[t]o ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relation Act." The bill makes a congressional finding that "[p]ermitting health care professionals to negotiate collectively with health care plans will create a more equal balance of negotiating power, will promote competition, and will enhance the quality of patient care." Section 2(4). The purpose of the bill is to be accomplished by treating health care professionals who are engaged in bargaining with health care plans and health insurance issuers as if they were employees in collective bargaining units under the National Labor Relation Act (NLRA) and by entitling all parties to such negotiations "to the same treatment under the antitrust laws as the treatment to which bargaining units which are recognized under the National Labor Relation Act are entitled in connection with such collective bargaining." Section 3(a). Health care professionals are denied any right to strike "not otherwise permitted by law." The proposed legislation is silent with respect to mechanisms for resolving disputes that may occur during the collective bargaining process or as to the establishment and enforcement of a legal "duty to bargain."

You inquire whether your Committee has a substantial claim to jurisdiction over H.R. 1304. From our review, it would seem that the broad authority delegated to the Committee under House Rule X(g)(6) over labor matters generally, its long history of legislative action and oversight with respect to subject matter that is the same or closely analogous to that of H.R. 1304, and the essentially labor-related nature and orientation of the bill's core operational provision, which imparts antitrust immunity to bargaining decisions over wages, hours and conditions of employment, establish a substantial basis for arguing for sequential referral of the bill to your committee.

The courts have provided significant guidance in determining the appropriate jurisdiction and authority of legislative committees. A congressional committee is a creation of its parent House and only has the power to inquire into matters within the scope of the authority that has been delegated to it by that body. Therefore, the enabling rule or resolution which gives the committee life or particular direction is the charter which defines the grant and the limitations of the committee's power. *United States* v. *Rumely*, 345 U.S. 41, 44 (1953); *Watkins* v. *United States*, 354 U.S. 178, 201 (1957); *Gojak* v. *United States*, 384 U.S. 702, 708 (1966). In construing the scope of a committee's authorizing rule or resolution, the Supreme Court has adopted a mode of analysis not unlike that ordinarily followed in determining the meaning of a statute: it looks first to the words of the resolution itself, and then, if necessary, to the usual sources of legislative history. As explained by the Court in *Barenblatt* v. *United States*, 360 U.S. 109, 117 (1959), "Just as legislation is often given meaning by the gloss of legislative reports, administrative interpretation, and long usage, so the proper meaning of an authorization to a congressional committee is not to be derived alone from its abstract terms unrelated to the definite content furnished them by the course of congressional actions."

Thus, the starting point for analysis is the House's delegation of jurisdictional authority under Rule X. Under Rule X (g) (6) and (7) the Committee on Education and the Workforce is currently vested with jurisdiction over matters relating to "education and labor generally" and "mediation and arbitration of labor disputes," and has been so vested with the same authority for at least 30 years. In addition, Rule X(2)(b)(1) directs each standing committee to:

"Review and study on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee and the organization and operation of the Federal agencies or entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed or eliminated. In addition, each such committee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee."

In turn, this oversight obligation of standing committees is buttressed by the express grant under Rule XI (1)(B)(1) to each committee of authority "at any time to conduct such investigations and studies as it may consider necessary and appropriate in the exercise of its responsibilities under Rule X." Thus, on its face, your Committee has been vested with broad legislative and oversight jurisdiction over laws, proposals and activities that implicate labor relations generally and collective bargaining particularly, and in the past the Committee and its immediate predecessor, the Committee on Education and Labor, has dealt with subject matter and issues directly analogous to those found in H.R. 1304.

In the 92d Congress, the Special Subcommittee on Labor of the Committee on Education and Labor held hearings on H.R. 11357, a bill to repeal the NLRA's exemption for coverage of employees of private nonprofit hospitals which was added by the Taft-Hartley Amendments of 1947. A critical issue was whether affording NLRA coverage for health care institutions would result in increased strikes which could endanger patient care. The Committee's hearings revealed that, in fact, recognition strikes and labor unrest had increased at the exempt hospitals in contrast with the situation at covered proprietary hospitals. The bill, which was unanimously reported by the full Committee and passed the House on August 7, 1972, contained a number of special provisions designed to facilitate bargaining settlements (i.e., a 90 day notice requirement of termination or expiration of a contract, a 60 day notice of termination or expiration to the Federal Mediation and Conciliation Service (FMCS), and a requirement that a health care institution and a labor organization had to participate in mediation if so directed by the FMCS), and that a health care institution had to be given a 10 day notice by a labor organization before any picketing or strike could take place. No action was taken by the Senate on that bill. An identical bill was re-introduced in the 93d Congress, H.R. 1236, and hearings were held by the Special Subcommittee in Labor on April 12 and 19, 1973. A new modified bill, H.R. 13678, was subsequently introduced, reported by the full Committee, passed the House on July 11, 1974, and was signed by the President on July 26, 1974. The new law contained the Committee proposed bargaining facilitation and picketing and strike notification provisions.

The Committee's interest in the bargaining rights of health care professionals in non-proprietary hospitals continued after the 1974 health care amendments. In the 94th Congress the Committee held a hearing to consider a National Labor Relations Board (Board) decision denying coverage of the NLRA to hospital interns, residents and follows (housestaff) on the grounds that they were students and not employees. In the 95th and 96th Congress's the Committee held hearings on legislation to amend the NLRA to expand the definition of professional employees covered under collective bargaining provisions to include hospital interns, residents and housestaff. In the 98th Congress Committee held oversight hearings on two NLRB decisions in 1982 and 1984 involving St. Francis Hospital that adhered to earlier Board decisions with respect to NLRA coverage of housestaff employees.

In the 97th Congress the Committee held hearings to consider Health Care Financing Administration (HCFA) guidelines permitting medical reimbursement to hospitals and nursing houses for the costs of influencing employee organizing activities conducted under the NLRA.

In the 103d Congress the Committee held hearings on H.R. 226, The Live Performing Artist Labor Relations Act, a bill that would have amended the NLRA to define the employer-employee relationship between musicians and purchasers of musical services, permitted employers to enter into pre-hire agreements with unions representing live performing artists, and allowed for the establishment of employee collective bargaining rights in the performing arts industry.

In the 101st, 102d, and 103d Congresses the Committee held hearings on proposed legislation to extend coverage of the NLRA and the Fair Labor Standards Act to seamen working on foreign flag, U.S.-owned cargo vessels regularly engaged in U.S. foreign trade or on foreign flag passenger ships operating primarily from U.S. ports. The bills were intended to address alleged problems with union organization, wages, and working conditions aboard foreign flag cruise ships whose contact with the U.S. is central to their business, and aboard U.S.-owned vessels registered with so-called flag of convenience countries allegedly for the purpose of exempting the vessels from U.S. labor laws.

Finally, reference may be made to evidence of your Committee's historic interest in the so-called nonstatutory labor exemption to the antitrust laws which is incorporated as the key operational provision of H.R. 1304. See Section 3(a). The nonstatutory labor exemption is a creation of the Supreme Court founded on its recognition that the antitrust laws could not be applied with full force to the parties to a collective bargaining relationship if the compulsory collective bargaining policies of the labor laws were to be successfully realized. To "accommodate . . . the congressional policy favoring collective bargaining under the [NLRA] and the congressional policy favoring free competition business markets," the Court recognized an implicit exemption to the antitrust laws applicable to certain conduct by unions and employers alike. *Connel Construction Co.* v. *Plumbers and Steamfitters, Local Union No. 100*, 421 U.S. 616, 622 (1975); *See also*, Local No. 189, *Amalgamated Meat Cutters* v. *Jewel Tea Co.*, 381 U.S. 676 (1965); *United Mine Workers* v. *Pennington*, 381 U.S. 657 (1965). The Supreme Court has explained that the nonstatutory exemption is a labor law concept and is part of the broad, independent body of law that encourages and protects the collective organizational and bargaining processes:

"Federal policy as . . . developed not only a broad labor exemption from the antitrust laws, but also a separate body of labor law specifically designed to protect and encourage the organizational and representational activities of labor unions. Set against his background, a union, in its capacity as bargaining representative, will frequently not be part of the class the Sherman Act was designed to project, especially in disputes with whom it bargains."

Association Gen. Contractors of California, Inc. v. *California State Council of Carpenters*, 459 U.S. 519, 339-40 (1983).

The rationale of the nonstatutory exemption as enunciated by the High Court mandates that concerted conduct by management or by labor organizations in a collective bargaining relationship is exempt from antitrust attack as long as it principally affects the employees' terms and conditions of employment. Labor market restraints reached through the collective bargaining process are immune from antitrust scrutiny when three conditions are met: (1) the restraints primarily affect only the parties to the collective bargaining agreement; (2) the restraints concern mandatory subjects of bargaining; and (3) agreement on the restraints was the product of bona fide armslength bargaining or the restraints were implemented during on ongoing collective bargaining relationship.

The most recent Supreme Court articulation of these precepts and understandings was in *Brown et al.* v. *Pro Football, Inc.*, 518 U.S. 231 (1996). That case involved an antitrust suit by professional football players against team owners of the National Football League charging that the unilateral imposition of a salary cap on "developmental squad" players after a collective bargaining contract had expired and after an impasse in bargaining had been reached, was a violation of the antitrust laws. The Court held that employers may lawfully form multiemployer bargaining groups and agree amongst themselves to impose controls on a labor market as long as those actions "grew out of" and were "directly related to" a multiemployer bargaining process, did not offend the federal labor laws that sanction and regulate that process, affected terms of employment subject to compulsory bargaining, and directly concerned only parties to the collective bargaining relationship. *Brown*, 518 at U.S. at 250. Neither the expiration of a collective bargaining agreement nor the reaching of an impasse serves to terminate the bargaining relationship. Thus lawful unilateral actions taken by the multiemployer group were held immune from antitrust scrutiny. In the course of its opinion, the Court reviewed the development of the implicit labor exemption, noting that it finds its support in both the history of and logic of the *federal labor laws:*

"The immunity before us rests upon what this Court has called the 'nonstatutory' labor exemption from the antitrust laws. . . . The Court has implied this exemption from federal labor statutes, which set forth a national labor policy favoring free and private collective bargaining, see 29 U.S.C. §151; *Teamsters* v. *Oliver*, 358 U.S. 283, 295 (1959); which require good-faith bargaining over wages, hours, and working conditions, see 29 U.S.C. §§158(a)(5), 158(d); *NLRB* v. *Wooster Div. of Borg-Warner Corp.*, 356 U.S. 342, 348–349 (1958); and which delegate related rulemaking and interpretive authority to the National Labor Relations Board (Board), see 29 U.S.C. §153; *San Diego Building Trades Council* v. *Garmon*, 359 U.S. 236, 242–245 (1959).

"This implicit exemption reflects both history and logic. As a matter of history, Congress intended the labor statutes (from which the Court has implied the exemption) in part to adopt the views of dissenting Justices in *Duplex Printing Press Co.* v. *Deering*, 254 U.S. 443 (1921), which Justices had urged the Court to interpret broadly a different *explicit* 'statutory' labor exemption that Congress earlier (in 1914) had written directly into the antitrust laws. *Id.*, at 483–488 (Brandeis, J., joined by Holmes and Clarke, JJ., dissenting) (interpreting §20 of the Clayton Act, 38 Stat. 738, 29 U.S.C. §52); see also *United States* v. *Hucheson*, 312 U.S. 219, 230–236 (1941) (discussing congressional reaction to *Duplex*). In the 1930's, when it subsequently enacted the labor statutes Congress, as in 1914, hoped to prevent judicial use of antitrust law to resolve labor disputes—a kind of dispute normally inappropriate for antitrust law resolution. See *Jewel Tea, supra*, at 700-709 (opinion of Goldberg, J.); *Marine Cooks* v. *Panama* S. S. Co., 362 U.S. 365, 370, n. 7(1960); A. Cox, Law and the National Labor Policy 3–8 (1960); cf. *Duplex, supra*, at 485 (Brandeis, J., dissenting) (explicit 'statutory' labor exemption reflected view that 'Congress, not the judges, was the body which should declare what public, policy in regard to the industrial struggle demands'). The implicit ('nonstatutory') exemption interprets the labor statutes in accordance with this intent namely, as limiting an antitrust court's authority to determine, in the area of industrial conflict, what is or is not a 'reasonable' practice. It thereby substitutes legislative and administrative labor-related determinations for judicial antitrust-related determinations as to the appropriate legal limits of industrial conflict. See *Jewel Tea, supra*, at 709–710.

"As a matter of logic, it would be difficult, if not impossible, to require groups of employers and employees to bargain together, but at the same time to forbid them to make among themselves or with each other *any* of the competition-restricting agreements potentially necessary to make the process work or its results mutually acceptable. Thus, the implicit exemption recognizes that, to give effect to federal labor laws and policies and to allow meaningful collective bargaining to take place, some restraints on competition imposed through the bargaining process must be shielded from antitrust sanctions. See *Connell, supra*, at 622 (federal labor law's 'goals' could 'never' be achieved if ordinary anti-competitive effects of collective bargaining were held to violate the antitrust laws); *Jewel Tea, supra*, at 711 (national labor law scheme would be 'virtually destroyed' by the routine imposition of antitrust penalties upon parties engaged in collective bargaining); *Pennington, supra*, at 665 (implicit exemption necessary to harmonize Sherman Act with 'national policy . . . of promoting 'the peaceful settlement of industrial disputes by subjecting labor-management controversies to the mediatory influence of negotiation) (quoting *Fibreboard Paper Products Corp.* v. *NLRB*, 379 U.S. 203, 211 (1964)."

518 U.S. at 235–37 (emphasis in original).

Your committee's most recent opportunity to address the implications of the nonstatutory exemption was in the context of the 1994 Major League Baseball labor-management dispute which resulted in the cancellation of part of that years regular season as well as the World Series. The Committee's Subcommittee on Labor-Management Relations had before it for consideration H.R. 5095, the Major League Play Ball Act of 1995, which would have required mandatory binding arbitration of the baseball strike if the strike was not resolved by the players and owners by February 1, 1995; and H.R. 4994, which would have partially created antitrust law exemption for major league baseball. The crucial issue before the Subcommittee was whether baseball's unique antitrust exemption was the cause of the sport's seemingly endemic labor unrest, and whether repeal of the exemption would be proper resolution. Uncontradicted testimony elicited at the hearing made it clear that even if baseball's judicial exemption were eliminated, the nonstatutory labor exemption would remain.

ANALYSIS AND CONCLUSION

The Committee on Education and the Workforce (and its predecessor) has been vested by the House with plenary legislative and oversight jurisdiction over matters relating to "labor generally" as well as the "mediation and arbitration of labor disputes," and over the years has engaged in legislative and oversight actions encompassing the fullest range of activities directly or indirectly within the broad purview of that assigned subject matter. H.R. 1304 attempts to deal with emerging difficulties of the key actors in the health care industry.—health care professionals, health plans, and health insurance issuers—to reconcile their divergent interests and concerns with respect to HMO's. Court decisions have raised antitrust issues with respect to certain resolutions. Also, a recent unit determination decision by a regional office of the NLRB found that a group of doctors seeking to be certified by the Board as the exclusive bargaining representative at an HMO were independent contractors and therefore not employees eligible to be covered by the NLRA.

H.R. 1304 proposes to overcome these legal difficulties by legally deeming health care professionals who wish to bargain with HMO's or insurance companies as employees in collective bargaining units under the

NLRA, and then cloaking the products of negotiations with the equivalent of the nonstatutory labor exemption to the antitrust laws. Perhaps because on the face of the bill it appears to be primarily concerned with traditional antitrust law issues—Section 3 (d)(1) defines the term "antitrust laws" as referencing provisions in the Clayton Act and the Federal Trade Commission Act—it was referred to the Judiciary Committee. But in fact the principal thrust of the bill is to import a judicial construct—the implied labor antitrust exemption—that is well understood as applicable exclusively in the context of labor law. As indicated in the discussion of the Supreme Court decisions in this area, the implied exemption emanates from the national labor laws alone and when applicable displaces the antitrust laws. Also key in H.R. 1304 is the notion that health care professionals should bargain collectively with HMO's and insurers, again a concept rooted firmly in labor relations. Thus the two essential concepts of the proposal are labor relations—related. They may be also be seen as "incomplete." For example, though collective bargaining appears contemplated, there is no definition or requirement of a "duty to bargain," no mechanism to resolve disputes that might arise during the bargaining process, not any enforcement mechanism to ensure good faith bargaining, which presumably is the ultimate goal of the execise.

This is not say that any such provisions are necessary. But given the strong labor orientation of the bill, the Committee's labor expertise and perspective could be brought to bear on the issues. As has been catalogued above, the Committee in the past has dealt with legislative proposals and engaged in oversight of activities comparable to the subject matter and concerns raised by H.R. 1304. The 1974 private non-proprietary health care institutions amendments to the NLRA and 1994 hearings on legislation dealing with the antitrust implications of the baseball strike are among the prominent and analogous examples which evidence the Committee's past concerns in this area.

Mr. TIAHRT. Mr. Chairman, I arise today in opposition to H.R. 1304, the Quality Health Care Coalition Act. This may surprise some as I became a cosponsor of this bill last summer. I strongly believe that we need to improve the quality of and access to our nation's health care system and support measures to do so. I originally felt that exempting negotiations between groups of health care professionals and health from antitrust laws would be an important step towards fostering continued patient safety and quality of care. Upon further reflection, however, I have changed my opinion. Despite its name, I believe that this bill has nothing to do with health care quality and will only impede efforts to improve access and quality.

This legislation will be a major burden to employers and employees—the exact people we should be trying to help. A CBO study shows that the increased costs to health insurance companies as a result of physician collective bargaining will surely be passed on to employers who provide health care coverage to their employees. This will either result in less employers providing coverage or less overall wages and benefits for employees. Neither of these is an acceptable outcome. The costs will not go towards patient care but towards sustaining doctor unionization and salary hikes. This bill also allows for physician boycotts of health plans, an outcome that could have a devastating effect on insurance plans in rural areas that already struggle to survive. I do not see how these effects will improve the quality of our health care.

Additionally, I am disturbed by CBO's finding that if enacted H.R. 1304 will costs the taxpayers $3.6 billion dollars in lost revenue over the next ten years. We all know where these lost revenues will be made up—through Social Security and Medicare. We have made a pledge to protect the Social Security surplus and shore up Medicare, a pledge we must honor. We cannot support the so-called doctor cartels at the expense of our senior citizens.

I have carefully considered this bill over the last two months. Since April, as this bill approached the floor, I have not received any support for H.R. 1304 from physicians in my district. Without their urging and upon realizing the devastating effect H.R. 1304 could have on our health care system, I decided to vote against the Quality Health Care Coalition Act.

I consider my vote today a vote for increased access to health care and to move affordable health care for everyone. We all owe a debt of gratitude to the lengths physicians must go to be ready to serve our health care needs. I honor their dedication and am proud that the very highest quality health care in the world is within our borders. While I want and encourage our best and brightest to become doctors, I do not think this bill will be helpful in the long run. Therefore, I urge my colleagues, even those who at first blush might have been favorably disposed to this, to vote against H.R. 1304.

Mr. CROWLEY. Mr. Chairman, today, most American families receive their health coverage from managed care providers. In recent years, physician and patients have lost control over this market due to the rapid consolidation of managed care organizations.

I am a proud co-sponsor of the Quality Health-Care Coalition Act, which would allow health care professionals to collectively bargain the terms of patient car with Health Care Organizations. Currently, physicians are forced to accept contracts, which often contain provisions that threaten the quality of patient care. In addition, many health plans impose gag rules on physicians that force them to accept arbitrary reimbursement rates with no thought to the quality of care being provided to the patient. These days, dominant health plans are not just managing costs, they are also determining the level, type, frequency and hoops patients most jump through in order to receive their health care.

Being married to a nurse has helped me recognize the issues many health care professionals encounter each day. H.R. 1304 would help physicians and other health care professionals fight for better patient care by beginning to level the playing field between enormous, controlling managed care plans and individual physicians and other health care professionals. H.R. 1304 would provide physicians enough leverage to effectively negotiate the terms of patient care with Managed Care Organizations. In essence, this bill would restore a physician's ability to provide quality care to patients without any interference from an HMO. Additionally, H.R. 1304 would promote the fairness and balance the health care marketplace needs and lacks today.

Those who oppose this legislation argue that patients would not be protected under this bill. However, that is a false satement. H.R. 1304 guarantees the protection of patients by requiring the U.S. General Accounting Office to study the impact of this bill over a three-year trial period before Congress would be allowed to reauthorize the bill.

The Quality Health Care Coalition Act is an important piece of legislation that would ensure the provisions of optimal health care to all patients in New York City and the rest of the country. I urge you to support this bill because all patients and their health care providers should have the right to make informed decision about their health care needs—without being subjected to the rules of an HMO.

Mr. PALLONE. Mr. Chairman, I rise in support of the Quality Health Care Coalition Act. It is a good piece of legislation and I urge all of my colleagues to join me in supporting it.

As you know, Mr. Chairman, current antitrust law prohibits health care professionals, including doctors, dentists, pharmacists, and nurses from banding together to negotiate with managed care organizations. Although this prohibition alone has stacked the deck against health care professionals seeking to protect both themselves and their patients from managed care abuse, consolidations in the health insurance industry have exacerbated this imbalance even further over the last several years.

To complement the enhanced negotiating power they have accrued through mergers and acquisitions, managed care organizations also use exclusionary contracting practices to bully health care professionals into accepting terms they surely would not accept if they were able to negotiate on a level playing field. These trends have enabled insurers to employ a "take it or leave it" approach when negotiating with health care professionals. As a result, the doctor-patient relationship has been compromised and the quality of care for all patients has suffered.

I have heard many first hand accounts of these abusive practices from the New Jersey Medical Society, the New Jersey Pharmacists Association, and countless other physicians with whom I have met over the last several years. We must put an end to them.

The Quality Health Care Coalition Act would correct this problem by giving health professionals the tools they need to band together when negotiating with managed care organizations. This enhanced negotiating power will level the playing field and allow health professionals to stand up for what's right and make medical judgments based on patients' medical needs rather than the managed care industry's financial motivations.

Vote "yes" on final passage.

Mr. PAUL. Mr. Chairman, I am pleased to take this opportunity to lend my support to H.R. 1304, the Quality Health Care Coalition Act, which takes a first step towards restoring a true free-market in health care by restoring the rights of freedom of contract and association to health care professionals. Over the past few years, we have had much debate in Congress about the difficulties medical professionals and patients are having with Health Maintenance Organizations (HMOs). HMOs are devices used by insurance industries to ration health care. While it is politically popular for members of Congress to bash the HMOs and the insurance industry, the growth of the HMOs are rooted in past government interventions in the health care market though the tax code, the Employment Retirement Security Act (ERSIA), and the federal anti-trust laws. These interventions took control of the health care dollar away from individual patients and providers, thus making it inevitable that something like the HMOs would emerge as a means to control costs.

Many of my well-meaning colleagues would deal with the problems created by the HMOs by expanding the federal government's control over the health care market. These interventions will inevitably drive up the cost of health care and further erode the ability of patents and providers to determine the best health treatments free of government and third-party interference. In contrast, the Quality Health Care Coalition Act addresses the problems associated with HMOs by restoring medical professionals' freedom to form voluntary organizations for the purpose of negotiating contracts with an HMO or an insurance company.

As an OB–GYN with over 30 years in practice, I am well aware of how young physicians coming out of medical school feel compelled to sign contracts with HMOs that may contain clauses that compromise their professional integrity. For example, many physicians are contractually forbidden from discussing all available treatment options with their patients because the HMO gatekeeper has deemed certain treatment options too expensive. In my own practice, I have tried hard not to sign contracts with any health insurance company that infringed on my ability to practice medicine in the best interests of my patients and I have always counseled my professional colleagues to do the same. Unfortunately, because of the dominance of the HMO in today's health care market, many health care professionals cannot sustain a medical practice unless they agree to conform their practice to the dictates of some HMO.

One way health care professionals could counter the power of the HMOs would be to form a voluntary association for the purpose of negotiating with an HMO or an insurance company. However, health care professionals who attempt to form such a group run the risk of persecution under federal anti-trust laws. This not only reduces the ability of health care professionals to negotiate with HMOs on a level playing field, it, like existing antitrust laws, are an unconstitutional violation of medical professionals' freedom of contract and association.

Under the United States Constitution, the federal government has no authority to interfere with the private contracts of American citizens. Furthermore, the prohibitions on contracting contained in the Sherman antitrust laws are based on a flawed economic theory: that federal regulators can improve upon market outcomes by restricting the rights of certain market participants deemed too powerful by the government. In fact, anti-trust laws harm consumers by preventing the operation of the free-market, causing prices to rise, quality to suffer, and, as is certainly the case with the relationship between the HMOs and medical professionals, favoring certain industries over others. In fact, Mr. Speaker, I would hope that my colleagues would see the folly of antitrust laws and support my Market Process Restoration Act (H.R. 1789), which repeals all federal antitrust laws.

By restoring the freedom of medical professionals to voluntarily come together to negotiate as a group with HMOs and insurance companies, this bill removes a government-imposed barrier to a true free market in health care. I am quite pleased that this bill does not infringe on the rights of health care professionals by forcing them to join a bargaining organization against their will. Contrary to the claims of some of its opponents, H.R. 1304 in no way extends the scourge of federally-mandated compulsory unionism to the health care professions. While Congress should protect the right of all Americans to join organizations for the purpose of bargaining collectively, Congress also has a moral responsibility to ensure that no worker is forced by law to join or financially support such an organization.

Mr. Chairman, it is my hope that Congress will follow up on its action today by empowering patients to control their health care by providing all Americans with access to Medical Saving Accounts (MSAs) and large tax credits for their health care expenses. Putting individuals back in charge of their own health care decisions will enable patients to work with providers to ensure they receive the best possible health care at the lowest possible price. If providers and patients have the ability to form the contractual arrangements that they found most beneficial to them, the HMO monster would wither on the vine without the imposition of new federal regulations on the insurance industry.

In conclusion, Mr. Chairman, I urge my colleagues to support the Quality Health Care Coalition Act and restore the freedom of contract and association to American's health care professionals. Antitrust laws are no more legitimate or constitutional in the health care market than they are on the software market. Therefore, I hope my colleagues will not just pass this bill but will also support my Market Process Restoration Act and exempt all Americans from antitrust laws. I also urge my colleagues to join me in working to promote a true free-market in health care by putting patients back in charge of the health care dollar through means such as Medical Savings Accounts (MSAs) and individual health care tax credits.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as the original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quality Health-Care Coalition Act of 2000".

SEC. 2. APPLICATION OF THE ANTITRUST LAWS TO HEALTH CARE PROFESSIONALS NEGOTIATING WITH HEALTH PLANS.

(a) IN GENERAL.—Any health care professionals who are engaged in negotiations with a health plan regarding the terms of any contract under which the professionals provide health care items or services for which benefits are provided under such plan shall, in connection with such negotiations, be entitled to the same treatment under the antitrust laws as the treatment to which bargaining units which are recognized under the National Labor Relations Act are entitled in connection with such collective bargaining. Such a professional shall, only in connection with such negotiations, be treated as an employee engaged in concerted activities and shall not be regarded as having the status of an employer, independent contractor, managerial employee, or supervisor.

(b) PROTECTION FOR GOOD FAITH ACTIONS.—Actions taken in good faith reliance on subsection (a) shall not be the subject under the antitrust laws of criminal sanctions nor of any civil damages, fees, or penalties beyond actual damages incurred.

(c) LIMITATION.—

(1) NO NEW RIGHT FOR COLLECTIVE CESSATION OF SERVICE.—The exemption provided in subsection (a) shall not confer any new right to participate in any collective cessation of service to patients not already permitted by existing law.

(2) NO CHANGE IN NATIONAL LABOR RELATIONS ACT.— This section applies only to health care professionals excluded from the National Labor Relations Act. Nothing in this section shall be construed as changing or amending any provision of the National Labor Relations Act, or as affecting the status of any group of persons under that Act.

(d) 3-YEAR SUNSET.—The exemption provided in subsection (a) shall only apply to conduct occurring during the 3-year period beginning on the date of the enactment of this Act and shall continue to apply for 1 year after the end of such period to contracts entered into before the end of such period.

(e) LIMITATION ON EXEMPTION.—Nothing in this section shall exempt from the application of the antitrust laws any agreement or otherwise unlawful conspiracy that excludes, limits the participation or reimbursement of, or otherwise limits the scope of services to be provided by any health care professional or group of health care professionals with respect to the performance of services that are within their scope of practice as defined or permitted by relevant law or regulation.

(f) NO EFFECT ON TITLE VI OF CIVIL RIGHTS ACT OF 1964.—Nothing in this section shall be construed to affect the application of title VI of the Civil Rights Act of 1964.

(g) NO APPLICATION TO FEDERAL PROGRAMS.—Nothing in this section shall apply to negotiations between health care professionals and health plans pertaining to benefits provided under any of the following:

(1) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) The medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) The SCHIP program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(4) Chapter 55 of title 10, United States Code (relating to medical and dental care for members of the uniformed services).

(5) Chapter 17 of title 38, United States Code (relating to Veterans' medical care).

(6) Chapter 89 of title 5, United States Code (relating to the Federal employees' health benefits program).

(7) The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(h) GENERAL ACCOUNTING OFFICE STUDY AND REPORT.—The Comptroller General of the

United States shall conduct a study on the impact of enactment of this section during the 6-month period beginning with the third year of the 3-year period described in subsection (d). Not later than the end of such 6-month period the Comptroller General shall submit to Congress a report on such study and shall include in the report such recommendations on the extension of this section (and changes that should be made in making such extension) as the Comptroller General deems appropriate.

(i) DEFINITIONS.—For purposes of this section:

(1) ANTITRUST LAWS.—The term "antitrust laws"—

(A) has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition, and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) HEALTH PLAN AND RELATED TERMS.—

(A) IN GENERAL.—The term "health plan" means a group health plan or a health insurance issuer that is offering health insurance coverage.

(B) HEALTH INSURANCE COVERAGE; HEALTH INSURANCE ISSUER.—The terms "health insurance coverage" and "health insurance issuer" have the meanings given such terms under paragraphs (1) and (2), respectively, of section 733(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(b)).

(C) GROUP HEALTH PLAN.—The term "group health plan" has the meaning given that term in section 733(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(a)(1)).

(3) HEALTH CARE PROFESSIONAL.—The term "health care professional" means an individual who provides health care items or services, treatment, assistance with activities of daily living, or medications to patients and who, to the extent required by State or Federal law, possesses specialized training that confers expertise in the provision of such items or services, treatment, assistance, or medications.

The CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 106–709. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the order of the House, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

□ 2330

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in the House Report 106–709.

AMENDMENT NO. 1 OFFERED BY MR. BALLENGER

Mr. BALLENGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BALLENGER:

Page 3, line 9, strike "Any" and insert "Except as provided in paragraph (3) of subsection (c), any".

Page 4, after line 20 insert the following:

(3) APPLICATION.—The exemption provided in subsection (a) shall not apply to the following:

(A) Any negotiations with a health plan regarding or relating to fees, payments, or reimbursement, including the methodology of such fees, payments, or reimbursement between health care professionals and health plans.

(B) Any negotiations with a health plan to permit health care professionals to balance bill patients.

(C) Any health care professional who has not submitted to and received approval from the Secretary of Health and Human Services for a plan that specifies policies and procedures to identify and reduce the incidence of medical errors.

(D) Any health care professional who has not disclosed to patients and prospective patients information regarding the professional's participation in such negotiations.

(E) Any acts by health care professionals to engage in boycotts.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from North Carolina (Mr. BALLENGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I still do not understand why this bill is not under the Fair Labor Standards Act. We all know that there has been a great expansion of HMOs. Large insurance companies seem to care more about the bottom line than the patients that they are supposed to serve.

These issues should be addressed. However, allowing doctors to unionize without a governing body or any enforcement mechanism is not the way to solve this problem.

This bill would create many opportunities for patients to be harmed by boycotts and other union tactics but would do nothing for patients. This means that, as presently written, there is absolutely nothing in this bill for patients.

Simply put, my amendment would guarantee that doctors are using their exempt status for quality care for their patients, not negotiating higher fees, which would lead to higher fees and raise health care costs, which would increase the present uninsured group in this country from 40 million to 50 million people in a very short period of time

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment of the gentleman simply very effectively prevents negotiations over the quality of healthcare, which is what we are all about here tonight.

Among other things, it would prohibit negotiations between doctors and health plans regarding fees, payments, or reimbursement.

Why? It is not always possible to separate costs from quality. And so, by forcing physicians to refrain from negotiating fees, payments, and reimbursements, this amendment cleverly forces physicians to provide less quality health care and, thus, potentially harms patients. The result is more health plan profits and more unfair tactics.

Mr. Chairman, I hope the amendment will be rejected.

Mr. Chairman, I reserve the balance of my time.

Mr. BALLENGER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I tell my friend the gentleman from Michigan (Mr. CONYERS) this amendment is not very clever at all. It is very straightforward.

The gentleman from New York was very concerned about the precise language used over here, and maybe he did not hear himself talk, because he used the term "collective bargaining." He said doctors need collective bargaining.

Now, if this was about moving doctors under the National Labor Relations Act, where they would get collective bargaining, where there are rights associated with responsibilities, we would not have this problem.

That is not the case. What we have got are giving people the rights without the responsibilities.

Federal Trade Commission Chairman Robert Pitofsky has said, "In every case we have brought, it is really related to doctors' income and not to patients' welfare."

I think my colleagues can call this amendment "trust but verify." If, in fact, the doctors are really needing this suspension of antitrust to help patients, then this amendment is exactly what it will do. Trust but verify.

One: Do not negotiate regarding fees. Do not tell us that is about patients and care. It is about money.

Two: Do not cost shift. Do not cut a deal in which the patient has to bear the extra cost in balanced billing.

Three: Hey, we got a 100,000 deaths every year. How about getting some medical error structure in place before they turn them loose in terms of the "collective bargaining."

Let us have some truth in packaging.

And finally, this amendment says that any acts by health care professionals engaging in boycotts is not allowed.

We have all read The New York Times story about a doctor bragging about withholding medicines because the company that made the medicines was not supporting the legislation. That is about patients' care?

Very simple. Let us help doctors help patients, but we should not let doctors help doctors without this amendment to trust but verify. That is what this is all about.

We have heard slips of the tongue over here about collective bargaining, doctors should have the right to bargain collectively. It is under the guise of patients' rights.

If they want doctors to bargain collectively, put them under the National Labor Relations Act. That gives them rights and it gives them responsibilities. This legislation does not do that.

If they believe that they get a right and they have a responsibility to go with it, then the Ballenger amendment is the trust but verify. Let them have the right, but make sure they do not abuse it, not for fees, not for patient-balanced billing, not for boycotting.

If my colleagues want it for patients, everyone should vote for the Ballenger amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

It is so instructive that the previous speaker is from California and is talking about preventing negotiations over the quality of health care.

In California, pediatricians receive as little as $10 per month for each patient, while the average monthly cost to care for a child in the State is $24.

Now, how can a physician provide quality care for a child when he or she cannot afford to keep their practice open and then we would add this debilitating amendment?

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, let us be very clear. This is not a unionization bill. My friend and colleague the gentleman from California (Mr. THOMAS) misperceives the bill.

First of all, the bill itself has explicitly in it section 2(e), a prohibition on boycott.

Secondly, the question about putting them under the NLRA and an NLRB is appropriate only if we were creating exclusive bargaining units. That is to say that the doctors would have no one else to represent them.

We are not doing that. We are simply removing the effect of a Supreme Court opinion, which, 84 years after the passage of the Sherman Act, in my judgment, erroneously applied antitrust to what is a profession. And so, we do not need the National Labor Relations Act because we are not creating exclusive bargaining units.

Furthermore, the National Labor Relations Board does not investigate the content of contracts. It never does. It exists merely to create the fair election process to determine the sole exclusive bargaining agent. Since we do not have an exclusive bargaining agent, there is no need for the labor model.

My friend the gentleman from California (Mr. THOMAS) misapprehends the purpose and effect and indeed the very words of the statute that we are proposing tonight.

As to the fundamental amendment by my friend the gentleman from North Carolina (Mr. BALLENGER) I simply put this, and it is as simple as can be said I think: If they want better quality of medicine, it might be that they have to pay for it.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I think it is very important for my Republican colleagues to understand that the Campbell-Conyers bill is not a bill that will make physicians join unions. It is just the opposite.

Under current law, the only way that they can negotiate a contract is if they are salaried and then they can join a union.

Under the Campbell-Conyers bill, individual practitioners can get together, negotiate on behalf of their patients without being salaried, without being in a union.

□ 2340

This is a fundamental point to this bill that my Republican colleagues need to understand. If they are worried about physicians, ultimately all of them becoming members of a union, then vote against this bill because that is ultimately what will happen if we do not establish some level of competition.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has the right to close.

Mr. CAMPBELL. Mr. Chairman, could the Chair inform me, unless I am mistaken, I have not used any of my time. The gentleman from Michigan (Mr. CONYERS) yielded to me.

The CHAIRMAN. The time is controlled by the gentleman from Michigan (Mr. CONYERS).

Mr. CAMPBELL. Mr. Chairman, I apologize. I misunderstood. Then I would ask my colleague, the gentleman from Michigan (Mr. CONYERS), to yield me 30 seconds.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has the right to close and the gentleman from Michigan (Mr. CONYERS) has 30 seconds remaining. The gentleman from North Carolina (Mr. BALLENGER) has 1 minute remaining.

Mr. BALLENGER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, let us listen to what people say who have to enforce the law. Federal Trade Commission Chairman Robert Pitofsky again says, the stated goal of this bill is to promote quality of patient care. The labor exemption, however, was not created to solve issues regarding the ultimate quality of products or services consumers receive. Collective bargaining rights are designed to raise the incomes and improve working conditions of union members. We do not rely on the United Auto Workers to bargain for safer cars. Joe Klein, assistant Attorney General of the Justice Department's Antitrust Division, says this about 1304: The AMA could pull every single doctor together or its local doctors and go to each and every HMO or managed care program and say we will not work for you unless you pay us X. That is unprecedented, irrational economic power.

That is all the doctors are asking for.

Mr. BALLENGER. Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, this amendment effectively prevents negotiations over the quality of health care. It would prohibit negotiations regarding fees, payments or reimbursements, and therefore undercuts the whole bill. We do not want a bill or an amendment that forces physicians to provide, quote, "the least costly," unquote, care, or a bill that denies payments to health professionals for care already provided.

Mr. Chairman, I am strongly opposed to this amendment, which would require pre-approval from the FTC or the Department of Justice to health care groups which comprise 20 percent or more of a given specialty area for a particular market area before they can engage in collective negotiations. This amendment would gut the bill and decimate the beneficial aspects of the legislation.

We have never required a labor union to obtain antitrust pre-approval to have the right to collectively bargain, and there is no reason to require it in the context of health care negotiations. As a matter of fact, such a requirement would be in many respects even more onerous than current law for health care professionals. Unlike Hart-Scott-Rodino, the bill has no time frames or deadlines, so the approval process could go on indefinitely. Delays would be compounded by the provisions allowing for public comment on each application. The amendment could also necessitate large filing fees, which would in essence serve as a tax on health care.

The limitation raises several very serious concerns.

First, there is no guidance as to the meaning of what a particular specialty or subspecialty is or how the market is to be determined. Is gynecology different than fertility? Are these the same field or two separate fields? And how would the bill apply if two separate subgroups of health care providers sought to form a collective bargaining group? Would you add up the numbers for each specialty or would this create a whole new field?

Second, under the amendment, it is up to the group of health care providers to determine if the 20 percent threshold applies. How is the group supposed to have any idea what the relevant market is or what their market share is? Only the government is in a position to make these types of complex market share determinations. By placing the burden on the group of health care providers, this amendment will force every collective bargaining unit to file with the government, subjecting them all to long and expensive delays.

Third, even if these issues could be worked out—and that could take years of litigation—the bill's percentage limitation cannot be justified. Why is 20 percent the threshold? Supreme Court legal precedent says that a company or group of companies does not have market power unless they have 70 percent or more of the market. Determining market power is very much facts and circumstances based, which is why the antitrust laws have intentionally avoided arbitrary cutoffs. This bill creates an artificially low threshold, and threatens to undercut more than a century of settled antitrust law.

I would remind the proponents of this amendment that the bill provides for a three year sunset with a report by the GAO. In my opinion this negates the need for any further oversight amendment because it would be foolish for health care professionals to engage in anti-consumer conduct given that it could cause them to lose their rights under this legislation.

I urge the Members to oppose this dangerous amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BALLENGER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. THOMAS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 542, further proceedings on the amendment offered by the gentleman from North Carolina (Mr. BALLENGER) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 106–709.

AMENDMENT NO. 2 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. STEARNS:

Page 3, line 17, insert before the period the following: ", but only if such health care professionals have received prior approval for such negotiations from the Federal Trade Commission or the Assistant Attorney General pursuant to subsection (i).".

Page 6, after line 21, insert the following new subsection (and redesignate the succeeding subsection accordingly):

(i) PRIOR APPROVAL.—

(1) IN GENERAL.—Health care professionals who seek to engage in negotiations with a health plan as provided in subsection (a) must obtain approval from the Commission or the Assistant Attorney General prior to commencing such negotiations. The Commission or the Assistant Attorney General shall grant such approval if the Commission or Assistant Attorney General has determined that recognition under subsection (a) of the group of health care professionals for the purpose of engaging in collective negotiations with the health plan will promote competition and enhance the quality of patient care. The approval that is granted under this subsection may be limited in time or scope to ensure that these criteria are met. The Commission and the Assistant Attorney General shall make a determination regarding a request for approval under this paragraph within 30 days after the date it is received, if the request contains the information specified in regulations issued under paragraph (2). Failure by the Commission or Assistant Attorney General to make such determination within such 30-day period will be deemed to be an approval of the request by the Commission or the Assistant Attorney General.

(2) REGULATIONS.—The Commission, in consultation with the Assistant Attorney General, shall publish regulations implementing this subsection within six months of the effective date of this Act. Such regulations shall include the following:

(A) A description of the information that must be submitted by health care professionals who seek to obtain approval to engage in collective negotiations.

(B) Provisions for the opportunity for the public to submit comments to the Commission or the Assistant Attorney General for consideration in reviewing any request for approval by health care professionals to engage in collective negotiations under this section.

(C) Provision for a filing fee in an amount reasonable and necessary to cover the costs of the Commission and the Assistant Attorney General to implement this subsection. On an annual basis, this fee shall be updated to reflect any increases or decreases determined to be necessary to cover such costs.

(3) COORDINATION.—The Commission and the Assistant Attorney General shall coordinate so that an application is reviewed under this subsection by either the Commission or the Assistant Attorney General, but not both.

(4) EXEMPTION FOR SMALL GROUPS.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection (other than subparagraph (B)), no prior approval is required under this subsection in the case of a group of health care professionals who are acting collectively with respect to a negotiation if such group constitutes less than 20 percent of the health care professionals in a specialty (or subspecialty) in the market area involved, as determined under regulations of the Commission.

(B) OVERSIGHT.—The Commission shall establish a process under which, if it receives a bona fide request that alleges that the negotiations of a group described in subparagraph (A) has not promoted competition or has not enhanced the quality of patient care, the Commission will review the request and may take such action as the Commission determines to be appropriate. Such action may include ordering that the results of the negotiations be vitiated and that the exemption under subparagraph (A) not apply to such group for such period as the Commission may specify.

Page 8, after line 8, insert the following:

(4) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(5) ASSISTANT ATTORNEY GENERAL.—The term "Assistant Attorney General" means the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

Mr. CAMPBELL. Mr. Chairman, just a point of procedure, if I might. How may I go about claiming the time in opposition?

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) may claim the time.

Mr. CAMPBELL. With the consent of my colleague, the gentleman from Michigan (Mr. CONYERS), I claim the time in opposition.

Mr. CONYERS. Mr. Chairman, I am pleased to give the control of the time to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I appreciate that, Mr. Chairman. How much time is that, Mr. Chairman?

The CHAIRMAN. The time in opposition will be 5 minutes.

Pursuant to the order of the House of today, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. THOMAS. Mr. Chairman, is there a motion available to object to the use of the chart on the floor?

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my colleague, the gentleman from California (Mr. THOMAS), for allowing me to have the charts here on the House floor.

Mr. Chairman, my amendment is pretty simple. It is basically asking for oversight on the Conyers-Campbell, Campbell-Conyers amendment. When we look across the landscape at different groups that have been exempted, labor unions, of course, as mentioned earlier, go to the National Labor Relations Board. If one developed a cooperative, a farming cooperative, they would have to go to the Secretary of Agriculture to certify that they did not have any monopoly practices and that they were not restraining trade.

If one were an export association or a trading company or even a fishing association, even a fishing association, they would have to go to the Secretary of the Interior or to the Federal Trade Commission.

If one is an insurance company and they tried to meet different people, insurance companies tried to meet, they would also have to be governed by antitrust laws.

Newspapers, national defense contractors, throughout all of America, everybody has some oversight, but not in the Campbell-Conyers bill.

Now, in Texas, Governor George Bush passed a bill which had similar language to the Campbell-Conyers bill, but it had oversight. In fact, when one looked at it, and many other States are adopting this language, provided for the doctors to be able to get together and to negotiate with HMOs; but it had oversight.

One had to go to the State attorney general to certify that their plan and what they were doing were not antitrust, was not developing a monopoly.

So basically my amendment, which is very simple, adds a few words. It says that when they go to the HMOs and when they develop their collective strategy, that it will be certified by the Federal Trade Commission or the Justice Department. So it is very simple. It brings in that trust but verify.

So I ask my colleagues to say if they support the Campbell amendment, the Conyers amendment, why not have a little bit of trust but verify by having this group of doctors, much like everybody else in America, have some oversight; and they would have to go to the Federal Trade Commission or to the Justice Department to get certified for what they are doing?

Mr. Chairman, I reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I thank the gentleman from California (Mr. CAMPBELL) for yielding me this time.

Mr. Chairman, I rise to strongly oppose the Stearns amendment. I am not going to spend much time talking about it. It simply guts the bill. Do not vote for it.

I do want to go back and refer to the Ballenger amendment for just a moment which basically says that, okay, we will let the docs actually get together and have a discussion about this great big insurance company that comes to town, is going to take over all their practices; and we will actually let them get in a room and talk about it without prosecuting them, except they cannot talk about fees.

Now, I assure everyone that is part of the discussion. After having practiced dentistry for 25 years and fooled around a few years experimenting with this managed care environment, I can say absolutely that it is not possible to negotiate with HMOs without bringing up fees and payments.

Some HMOs have contracts that require doctors to spend no more than 12 minutes with a patient. Other HMOs pay doctors bonuses to provide the cheapest possible care, even when another treatment is more appropriate. The list goes on, such as bonuses for using HMO facilities and suppliers even when they are inferior.

Mr. Chairman, those who support this amendment, and I am talking about the Ballenger amendment, are technically correct when they say that doctors could negotiate over spending more time with patients, providing appropriate treatments with patients, or which facility to use without specifically bringing up cost issues. But if that is all the doctor can question in this negotiation, we will see every HMO in this country switch to one of their other options, which is straight capitation.

I have actually tried to practice dentistry under these conditions, in which one is assigned a flat fee per person. Some years ago I think it was $3.00, not $10.00 as the gentleman from Michigan (Mr. CONYERS) said, but $3.00. The plan does not put any standards in the contract, but the fee received is based on the same 12-minute per patient, cheapest care possible and the use of HMO facilities only.

If one does not do all of these things, they just simply go broke.

Now, the playing field out there is tilted. The gentleman from Ohio (Mr. BOEHNER) mentioned it. It is tilted. It is tilted way out of line. We have turned health care in this country over to the insurance industries. We have said, you run it, we cannot. The Federal Government will be solid about it. The States have all of their laws preempted, and by the way let us give the insurance companies an exemption from antitrust.

□ 2350

That is what we have going on out there. Health care is not better off for it. Now, we need to, if we cannot get a patient's protections bill, at least level the playing field, so these men and women who care for your bodies every day can come together in a room and actually discuss their life.

Mr. STEARNS. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Florida (Mr. STEARNS) has 2 minutes and 45 seconds remaining.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Georgia (Mr. NORWOOD) just finished a very eloquent, emotional speech. The point is that a lot of the States are already enacting these protections for the physicians, and we do not need the Federal Government to go ahead and do it. For example, Texas passed, as I mentioned earlier, an antitrust bill that exempted physicians but had oversight with the Attorney General there in the State.

Why not let the States throughout this country do what we are trying to do and let them be first? Negotiations in the States will proceed on an orderly manner, and in those States where it is not required, it will not go forward.

Mr. Chairman, I have these charts that I want to show here briefly. The myth, the bill would grant doctors the same type of labor protections afforded other workers. Other workers can obtain a labor exemption only, only if they are employees, not independent contractors. Two, physicians who are employees are already entitled to the exemption under existing law, and, third, under H.R. 1304, physicians' collective bargaining would not be subject to the NLRA or any other NLRB oversight.

I ask my colleagues, do we want to have them have that carte blanche ability? Myth, doctors cannot organize without the exemption. Antitrust laws permit physicians to perform large group practices and IPAs now. In many areas, these groups have considerable leverage over plans, particularly when they are organized around specialities. Three, doctors already can discuss qualities and other contractual terms with each other and with health care plans.

My colleagues, let us have some oversight. They did it in the State of Texas. This bill would supersede Texas and all other States that are moving forward. So I ask you to vote for the Stearns amendment and let us have trust, but verify.

Mr. Chairman, I reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I have no further speakers, except to close.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me tell my colleagues on tonight's vote, whether you are a Democrat or a Republican, we know how controversial this is. We know that a lot of the people that went on the Campbell bill decided they wanted to get off but they could not get off, and they are hoping tonight that somehow this amendment would not be brought to the floor or possibly there would be some way that they would have to vote for it.

My colleagues if we want a fair compromise to this bill and still retain our loyalty to it, then vote for the Stearns bill, because it allows you to have oversight of these doctors, without it, everything we heard from the other speakers could occur.

It does not hurt to have some verification through the antitrust measures that are in this amendment, much like even the Fishery Association has, so I urge passage of the Stearns bill.

Mr. CAMPBELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, of 228 cosponsors, three have asked to come off the bill. We have 225. I do not know where my good friend, the gentleman from Florida (Mr. STEARNS), believes that people have been asking to get off the bill. Let me say eight have joined since our bill was postponed a month ago, eight new sponsors have joined.

The capitation rate can be so low in some instances that quality of health care suffers, that is just a fact. When people say that they would try to limit negotiations only to matters unrelated to fees, they miss the fact.

If your capitation rate requires you as a general practitioner to see 10 patients per hour, then they are not providing quality care. The gentleman from Florida (Mr. STEARNS) suggests that we get the Federal Trade Commission to oversee.

Let me tell my colleagues what the Stearns amendment does. It gives the FTC the power. The gentleman did not discuss it but at page 4 in his amendment, and it is in my handout so those colleagues that come on the floor will see it, the FTC is given the authority and, I quote, to determine whether the terms are appropriate and then take such action as they think as appropriate, including the results of the negotiations be vitiated. I am not kidding. The FTC has plenary authority under the Stearns amendment to vitiate the bill, and all of its amendments. Furthermore, the FTC does not want this authority.

In testimony before the Committee on the Judiciary, the chairman of the FTC said they did not have the manpower, personpower to handle this. Furthermore, the Stearns amendment says that there is an exemption if you are 20 percent or less of a market. How is the FTC to determine if we have 20 percent or less of a market?

Mr. Chairman, I used to be in charge of the Bureau of Competition at the FTC, and we were doing mergers in 45 days with compulsory process. How do we determine whether anybody has 20 percent of a market within 30 days? That is why the chairman of the FTC testified that it could not be done, not without a huge increase in his budget.

Lastly that the doctors have existing authority; only if they integrate, that is just the point. Some doctors do not choose to be business people. They never choose to become in an IPA or an IPO, they chose to be professional doctors, we should let them be professional doctors.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 542, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider Amendment No. 3 printed in House Report 106–709.

AMENDMENT NO. 3 OFFERED BY MR. COX

Mr. COX. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. COX:

Page 4, after line 20, insert the following new paragraph:

(3) PHYSICIANS' RIGHT TO CHOOSE WHETHER TO JOIN A LABOR ORGANIZATION.—Nothing in this Act shall impair the right of any health care professional to refrain from self-organizing, from forming, joining or assisting a labor organization (including an organization of other health care professionals), from bargaining collectively, or from engaging in concerted activities, and no agreement with a health care plan may require membership by a health care professional (who under existing law prior to the enactment of this Act would not have been treated as an employee) in a labor organization, including any organization of other health care professionals, as a condition of employment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. COX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

The physicians who support this bill do so for one reason, they wish to negotiate with HMOs and other managed care organizations in order to improve the quality of the patient care. They do not seek this legislation in order to force other doctors into a labor union if those doctors do not wish to join one. America's physicians deserve the fundamental right to choose whether to join a union or not, whether to belong to a union and whether to pay dues to it.

This amendment states clearly that even as they are gaining the right to collectively bargain, America's doctors will also be protected in their right to join a labor organization or to choose not to.

It is necessary, because this bill states that doctors will henceforth be treated as, this is the language of the bill, quote, bargaining units, which are recognized under the National Labor Relations Act in connection with such collective bargaining, but the National Labor Relations Act says that workers can be compelled to join a union as a condition of employment.

This would happen if, for example, some doctors under this bill collectively bargain with an HMO and negotiated a contract that required membership in a union as a condition of working for that HMO.

Without this amendment, a physician could be shut out from participating in a health care plan were such a collective bargain agreement negotiated with an HMO. That physician could be shut out of the health care plan simply because he or she chose not to join a union, simply because, for example, a physician exercised her right to choose not to become a member of a union.

Unfortunately, forced unionization is a very real and very unfair fact of life under the National Labor Relations Act. This amendment makes clear the original intent of the bill's author, to allow physicians to collectively bargain and leave them free to choose whether or not to join a union.

If this bill is enacted, doctors will collectively bargain with HMOs. Doctors and HMOs will undoubtedly enter into collective bargain agreements. Under the National Labor Relations Act, those collective bargaining agreements could legally require that in order for a doctor to work at the HMO he or she must join a union.

□ 2400

This amendment will protect doctors from such compulsory unionism that is nowhere forced on them today.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I rise in opposition, and I yield myself 1 minute.

Mr. Chairman, this may be one of the most incredible amendments of the evening, because we are now talking about mandating a Federal right-to-work law with respect to health care professionals. I say to my colleagues, we have never considered that before in any particular field, and the practical impact of the amendment would be to harm the ability of health care professionals to collectively bargain and protect patients' rights.

This is an amendment that would seek to turn pro-labor Members against H.R. 1306.

Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. BONIOR), our distinguished whip.

Mr. BONIOR. Mr. Chairman, most of us live in communities where we pay taxes for the cost of operating schools, for paving the streets, for picking up the garbage, and we each pay our share, so do our neighbors. Everyone does their part, everyone reaps benefits. But imagine for a moment if it were different. Imagine if our neighbors could each decide to opt out of paying their fair share. They would still get the benefits, they just would not pay for them. Well, I think it would be pretty obvious it would not take long for that system to fall apart because we could not afford a system like that.

That is exactly the kind of system that the Cox amendment would force on to the health professionals. It says you can organize, you can bargain, but you have to provide the same services for the freeloaders, those who do not want to pay, as you do to provide for those who pay their fair share.

Mr. Chairman, no one here would ever argue that individuals have a right not to pay their taxes if they do not want to, yet this amendment tells health care professionals they would have the right not to pay their fair share of the cost of collective bargaining.

So I say to my colleagues, this amendment may not stop professionals from organizing, but make no mistake about it, this amendment will prevent them from succeeding. It is, as the gentleman from Michigan (Mr. CONYERS) has stated, an amendment that would kill the bill from the perspective of many people in this Chamber, and I hope Members will vote no on it.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the Cox amendment.

Those who are sympathetic and in support of the underlying purpose of this bill will surely see their intention defeated if this amendment is adopted. Because no rational-thinking physician would proceed to try to organize and bargain collectively if this amendment became law, because those leaders in the collective bargaining process would bear all the risk, and there is considerable risk of going up against the managed care companies, considerable risk of being ostracized, considerable risk of being leveraged in the marketplace, considerable risk of suffering professional and economic harm. Those who would be the first to step forward would bear all the risk, and then those who sat and waited to see how it turned out would yield all the benefit if they so chose.

No one, Mr. Chairman, would embark on that kind of risky venture if he or she was not assured that those who would benefit from the hard-won bargain would have to pay to support the process of winning the hard-won bargain.

So this is an amendment that if it became law would act as a significant disincentive for anyone ever stepping forward and taking advantage of the rights that are contemplated in the underlying bill.

If one is sympathetic to the principles of the underlying bill, one should oppose this amendment.

Mr. COX. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this amendment and to debunk some of the allegations made on the other side.

We have 21 States that have right-to-work laws now, and in all of those States we have unions that are organized. To deny the right to members of a health care organization to choose for themselves whether or not to engage in collective bargaining is a fundamental principle that every American should have. In fact, we should not just be voting on this issue on this particular group of people; we should be bringing the legislation that I have introduced and has been cosponsored by more than 140 members for a national right-to-work law to be voted on here in the Congress.

Mr. Chairman, I strongly support this provision being added to this bill, to give people the right to choose for themselves whether or not they want to participate in something. They should not be made involuntarily to participate in collective bargaining if they choose not to do so. So this is something that has worked well for a great many people in a great many places, and to require somebody to do this against their will is tyranny. We should support this amendment.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER), my distinguished colleague.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of H.R. 1304, and I want to note that I was an original cosponsor of H.R. 1304. Many of us who feel strongly about this also strongly support the Cox amendment.

Mr. Chairman, this bill, the base bill, is about voluntary association, the right of people to gather to work together and to form unions if they want to, yes, but to have voluntary associations, if they want to do so. It is also about the right to choose. The Supreme Court recently had two decisions based on freedom of association, the Boy Scout decision and the political parties decision.

The Cox amendment will ensure that this bill's lofty goals are actually achieved. The lofty goals of making sure that doctors are working for the benefit of the public and that the medical profession is not taken over by labor union bosses or anybody else, or managers of HMOs, but instead, the freedom of association will ensure that doctors can gather together and that they will remain true to the ideals that brought them together in the first place. Support the Cox amendment.

Mr. CONYERS. Mr. Chairman, I yield 15 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to this amendment. I wish the discussion was accurate. There is no coercion in this bill whatsoever. There is no requirement to unionize, to organize; there is perfect freedom in this legislation. I oppose this amendment, because there is no need for clarification.

Mr. Chairman, I stand in opposition to the amendment offered by Congressman Cox to "clarify that a health care plan may not force a physician to join a union as a condition of employment."

H.R. 1304 would exempt health care professional from antitrust laws when they negotiate with health plans over fees and other terms of any contract under which they provide health care items of service. Professionals who form coalitions for that purpose would receive the same treatment under antitrust laws that labor organizations receive for collective bargaining activities under the National Labor Relations Act.

To this point, H.R. 1304 has truly been a piece of legislation formed through the combined efforts of my colleagues who sit on the Judiciary Committee, both on the left and the right. Now, our combined efforts seem to be traveling down that destructive road called "partisanship." Let us be careful not to be divided at this point.

As it stands, H.R. 1304 makes clear its objectives. There is no ambiguity in this legislation. Hence, there is no need for clarification! This amendment is proffered to "reaffirm the right of any health care professional to refrain from self-organizing, from forming, joining, or assisting a labor organization, from bargaining collectively, or from engaging in concerted activity."

There is no language in H.R. 1304 that would minutely suggest that collective bargaining, organization, or unionization is, or may be required. Independent practitioners who wish to remain private in practice and in negotiations with health care plans may do so. This legislation would only give independent practitioners protection should they "choose" to engage in collective bargaining.

For care givers who provide speciality services, this bill will assist them in negotiating contracts with the health care plans to make their services more readily accessible. This legislation is clear in that it provides a benefit to health care providers and does not impose any requirements.

H.R. 1304 has already been through an intense amendment process in the Judiciary Committee and adopted by a vote of 26–2, I urge my colleagues not to allow additional amendments to legislation that is already crystal clear.

There has been a bipartisan effort to work with professional health care organizations and we should respect the work that has been done to develop this bill.

Any amendments at this point would be hidden attempts to destroy a very simple and important piece of legislation. As reported by the judiciary, the bill would ensure that Congress could address any potential concerns that may arise before the legislation is re-authorized. Adding unneeded language would only harm patients by delaying passage and ultimately destroying the bill.

Mr. Chairman, this legislation is clear and I press upon my colleagues the need to oppose all amendments at this point and to support the passage H.R. 1304 so the American people may begin to receive the best health care possible.

Mr. CONYERS. Mr. Chairman, I yield myself the remaining time.

The Cox amendment is nothing less than a last-minute attack on the rights of health care professionals and patients in particular. Now, notice, this is a nongermane amendment that had the rule prescribed that all points of order had not been waived would not even be in order. It is a last-grasp effort on the part of the opponents of the bill to change the subject matter of the bill and turn pro-labor Members against the measure.

The practical impact of the amendment would be devastating to the ability of health care professionals to collectively bargain and protect patients' rights. Let us not pass tonight inadvertently the first Federal right-to-work law in our country's history.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, June 29, 2000.

Hon. JOHN CONYERS, JR.,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN CONYERS: The AFL–CIO opposes the Cox amendment to H.R. 1304, Quality Health Care Coalition Act. This amendment is clearly an attempt at passing a federal "right to work" law for doctors and health professionals.

We strenuously oppose this amendment and urge Members to vote against it.

Sincerely,

PEGGY TAYLOR,
Director, Department of Legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. COX).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 542, further proceedings on the amendment offered by the gentleman from California (Mr. COX) will be postponed.

It is now in order to consider Amendment No. 4 printed in House report 106–709.

AMENDMENT NO. 4 OFFERED BY MR. TERRY

Mr. TERRY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TERRY:

Page 4, after line 20, insert the following:

(3) NO NEGOTIATION OVER FEES.—The exemption provided in subsection (a) shall not apply to negotiations over fees.

□ 0010

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment is really rather simple. This Terry-Coburn amendment states rather simply that this broad antitrust exemption should be provided, not for fees, but only for the protection of patients.

The AMA in our discussions has assured me that this bill that they support and want is not about money. In fact, they sent around a flier today to all of us saying it is about the patient, not dollars. So, in theory, they should support this type of an amendment that still protects their rights to negotiate the quality of patients' care, but not to collaborate on fees and increase the cost.

I have met with several of the doctors back in my home district. They have shared with me that they want the ability to communicate and balance the table, to talk to the insurance companies about the quality of care, that they are concerned about being gagged in what they can and cannot talk to their patients about, or gatekeeper provisions, or medical necessity definitions. These are the types of things they would like to sit down and negotiate.

I think we should allow them that type of opportunity, because that does go to the heart of the quality of patient care. So why are they against this amendment? Maybe it is about the money. Providing quality care should never take a back seat to cost or treatment. This amendment will assure that this bill remains focused on what we all want, and that is quality of care, and is not simply increasing the cost of that care.

I urge my colleagues to vote for this simple solution that splits the difference.

Mr. CAMPBELL. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Chairman, I urge my colleagues on both sides of the aisle to reject this amendment. Here is why: The Terry amendment would prevent negotiations over quality of care. It addresses costs.

Let me give an example of how costs can affect quality of care. As a reconstructive surgeon, if somebody has their hand cut off, I can take that patient to the operating room and under microsurgical repair sew back all the tendons, the blood vessels, put the nerves back together. That is probably a 10-hour operation, an 8- to 10-hour operation.

That HMO that I may be contracted with can determine that the payment to the surgeon for that procedure would be $200, or maybe $150. By their pricing, they can effectively, despite their promises to their patients, prevent those patients from getting the services paid for, covered by their plans, by simply making it impossible for that patient to get that type of care that they need. They can price a product, a health care product, so low that we effectively are not providing the service.

Yes, if that patient comes in, under medical ethics I would take the patient to the operating room and fix their hand, but I would be essentially doing it for free.

Mr. CAMPBELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Nebraska. I have the utmost respect for him, but happen to disagree with him on this issue.

I think the gentleman from Iowa (Mr. GANSKE) was fairly eloquent on this issue. He presupposes that there is no correlation between reimbursement and quality. When I talk to a lot of the physicians in my community about their experiences on this issue, many of them share with me the same thing, that the lower and lower the reimbursement schemes that the insurance companies are essentially ramming down their throats, the way they cope is they see more and more patients in a given amount of time.

There has been some very good research out of Canada to show that physicians spend very little time seeing patients because the reimbursement is so bad that patients have to go to a doctor two, three, or four times before they finally get properly diagnosed, and the essential problem is the doctors are not spending any time with the patients.

While this bill passed with the gentleman's exception would be better than no bill, I think the gentleman's amendment does serious injury to the fundamental issue.

There are 220 cosponsors of the underlying bill. I would encourage all of them to vote no on the Terry amendment.

Mr. TERRY. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, this is an ironic twist that I am against my doctor friends in the House. I do so not without risk to myself. I was castigated at the AMA when they had the House of Delegates because I opposed the bill.

I voted for the Patients' Bill of Rights. I have worked hard to try to see that we get a bill for patients. I understand the motivation, severely, behind this bill. I think the motivation is pure.

But I do think that our obligation, and as the gentleman from Iowa (Mr. GANSKE) said, if a patient came to him, he would do it whether he got paid or not. How is it we have a health care system where we have to make a consideration about whether we get paid or not, whether or not there is a question about adequate remuneration?

The fact is that this is about money, unfortunately. To say it is about patient care is really not true, because everything I have heard from the doctors that I have talked about has been about money. Money is associated with patient care.

The question has been raised about low monthly payments for patients in an HMO, but the only way an HMO can force a doctor to accept $10 a month for pediatric care is if there are way too many doctors in that market. So although the goals and the desires of my friends from the AMA are good, what they want to do is continue to perpetrate the maldistribution of physicians in this country.

The other thing to think about is if this bill becomes law and Members live in a rural district, half of their doctors will no longer be in the rural district because we will have set up a system where they can come to the urban areas, where many of them would rather be, and get the same treatment because we can negotiate the fees higher. So we are going to disrupt further the distribution of physicians in the country.

I am with my brothers and sisters in the medicine field. I believe this is the wrong way to solve our problem. The right way to solve our problem is the Patients' Bill of Rights. If this amendment is accepted and my amendment is accepted, I will be voting for this bill.

Mr. CAMPBELL. Mr. Chairman, I yield the balance of our time to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to say to my dear friend, and I mean that, the gentleman from Oklahoma (Mr. COBURN), I simply do not agree with him. I think we ought to vote this amendment down.

Is this about money? Of course it is about money. People who are going broke are concerned about that. I have been involved in managed care a few years. I can tell the Members right now it is a lot easier to stay home and go fishing than go broke, because their choice is to go broke or give bad care. That is the choices they give us.

I have always wanted to tell this story. I hate to tell it when nobody is awake. It is a story basically about what this is all about. It has occurred since I have been in Congress.

In 1996, Concordia Dental Insurance Company won the bid from the United States government to care for all the dependent personnel for our military across the country, a $1 billion contract. There is a little town in eastern North Carolina called Jacksonville, North Carolina. One hundred thousand people live there. Thirty thousand are civilians, 70,000 belong to the Marines.

□ 0020

Now, there are only 30 dentists there, and Concordia comes to town and says, Guys, we are going to take two-thirds of your practice. We are go to cut everything that you are paid in half, your fees are cut in half. You do not have to take this contract. The gentleman from Oklahoma (Mr. COBURN) says they could just walk away. How can they walk away? They are taking two-thirds of their practice.

They are simply saying, We want you to treat these people with quality care as long as you can. You may be out of business in a year, you may even last 2 years. These people said, No. We are not going to do this. These 30 dentists said, No, we cannot do this. We will go broke. We cannot feed our families or take care of our children's education.

What do my colleagues think happened to these people? The next thing they get is the big arm of the Federal Government from the Federal Trade Commission slamming down on their door saying, We know you are in collusion. You have got to be, because none of you will come to work for this insurance company and go broke. Something has got to be wrong. You are talking to each other. Sure you are. We are going to prosecute you.

Do my colleagues know what happened? A classmate from Harvard who was a lawyer from Concordia just happened to know a classmate of his at the Federal Trade Commission and he calls him up and he says, John, I cannot get these people to work for nothing. You need to help me do something about that. So our great Federal Trade Commission puts all of these 30 people under the threat of jail because they will not work for nothing.

Mr. Chairman, I urge my colleagues, do not pass this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TERRY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 542, further proceedings on the amendment offered by the gentleman from Nebraska (Mr. TERRY) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 106–709.

AMENDMENT NO. 5 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. COBURN:

Page 6, after line 10, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(h) EXEMPTION OF ABORTION AND ABORTION SERVICES.—Nothing in this section shall apply to negotiations specifically relating to requiring a health plan to cover abortion or abortion services.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. COBURN) and a Member opposed each will control 7½ minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, first of all let me begin by saying that the gentlewoman from Texas (Ms. JACKSON-LEE), my friend and colleague, misstated—was in error—when she suggested that any amendment to H.R. 1304, constituted a poison pill crafted by the insurance industry to destroy the bill.

As a strong and longstanding cosponsor of the Campbell bill, and as one speaking in favor of the pro-life Coburn amendment, nothing could be further from the truth. Our only intent in proposing this amendment is to protect innocent babies and their mothers from the violence of abortion. Abortion isn't health care—it is the dismembering and poisoning of fragile children.

Mr. Chairman, let us make no mistake about it, pro-abortion groups have long had as their goal complete assimilation of abortion into the Nation's health care system. It is clear that absent Coburn abortion providers could certainly use the exemption created by H.R. 1304 to pressure private group health plans to cover abortion. It is appropriate then, and I think it is a vital duty of this Congress, to adopt the Coburn abortion-neutral amendment if we are going to grant physicians the significant leverage in negotiations over benefits and other important issues permitted under the legislation. But we certainly should not, however unwittingly or inadvertently, permit more abortions as a consequence of this measure.

The Coburn amendment, which would simply maintain the status quo, would only exclude negotiations over abortions. That is all it would do. In other words, current antitrust law would remain in place if organizations and health care providers tried to leverage expansive abortion coverage from insurers.

Opposition to the Coburn amendment could only come from those who want abortion advocates to use this special antitrust exemption granted by H.R. 1304 to expand coverage of abortion. That is why the National Right to Life is in favor of Coburn. That is why NARAL and other pro-abortion organizations are against it. It could not be clearer.

Mr. Chairman, I strongly urge a positive vote in favor of the Coburn amendment.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 7½ minutes.

Mr. CONYERS. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, this is another example of the kind of gamesmanship that we have been subjected to. The bill says nothing about abortion. This anti-choice gag rule is a poison pill designed only to kill another bill to provide quality health care to all Americans.

How many Members have told me on the floor tonight if this amendment passes, they will vote against the bill? It is very simple. It is very obvious. To talk about leaving a rape victim without medical guidance.

Mr. Chairman, I reserve the balance of my time.

Mr. COBURN. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, the gentleman from Michigan (Mr. CONYERS), my colleague on the other side, said point blank that the bill says nothing about abortion. He is simply wrong. The language of the bill clearly provides that physicians cannot negotiate in order to preclude people from providing abortion, but in fact they can negotiate to force them.

The language of the bill is right here. I invite the gentleman to read it. It simply says if a doctor is licensed to perform an abortion, negotiations may not be held to preclude him from performing abortions, in plain language of the bill. I invite the gentleman to read it.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I have been a cosponsor of this bill for nearly a year. But the amendment before us strips physicians of their right to speak about their medical, religious, and moral beliefs; and it says doctors can collectively bargain on any subject except those related to abortion and abortion services.

Every single time the anti-choice majority in this House can interfere with a women's right to access family planning or choose a legal abortion, they do. It is never enough. This bill contains no mention of any specific health service. It offers no directive about specific benefits or services that must be covered. But here we are debating women's reproductive health care once again.

We need not fear that it will be covered because this amendment would ensure it cannot even be discussed. I hope that Americans who are watching this debate will think carefully about the kind of Congress they want to elect in November. We can have a Congress that encourages responsible decision-making and access to quality reproductive health care. We can have a Congress that works to prevent the need for abortion by increasing access to effective family planning methods. Or we can continue to have a Congress like this where nearly every day it seems there is another amendment, another bill to make the right to choose obsolete.

This is what it is all about. We are gagging our doctors. We are not giving them the right to negotiate.

Mr. Chairman, I urge my colleagues to fight for quality health care for their constituents and oppose this amendment.

Mr. COBURN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me quote from the bill:

> Nothing in this section shall exempt from the application of the antitrust laws any agreement or otherwise unlawful conspiracy that excludes, limits, the participation or reimbursement or other otherwise limits the scope of services to be provided by any health care professional, or group of health care professionals, with respect to the performance of services that are within their scope of practice as defined by permitted relevant law or regulation.

Well, let me tell my colleagues what that very slickly says. What that says is that health care providers have the right to retain services, but no right to exemption from antitrust laws to reduce services. So if a group, if a Catholic hospital buys a hospital that is presently performing abortions and under their conscience do not additionally want to offer that service, then in fact they will not be able to do that.

□ 0030

So that is not the intention of this author, and I understand that. That was never his intention. But that is the result and the effect is that those hospitals in this country who consciously object to the taking of unborn life can in fact be forced to perform that.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 45 seconds to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, actually, I am sure that what I will say has already been said, but it needs to be repeated.

Actually, first of all, I am very pleased that this bill is coming to the floor. It is a good bill. It is supported by 220 Members of Congress and a myriad of associations and organizations. With the ever increasing consolidation within managed care, it is essential.

Actually, the bill does not mandate any benefit of service, nor does it force insurance companies to provide abortion coverage. So I am dismayed that the very distinguished gentleman from Oklahoma (Mr. COBURN) has offered this amendment because it drags the abortion issue into this discussion.

But what is happening with this amendment is we are dragging the abortion issue into this discussion when our debate should pivot on whether or not giving doctors the right to collectively bargain will have a beneficial or adverse consequence on the health care industry.

This should not be a discussion on the specific conscience of a doctor or a health care, but the Coburn amendment would do just that. And so, I urge defeat of the amendment.

Mr. COBURN. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 45 seconds to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, those of my colleagues who are supporters of this measure really have to vote against the Coburn amendment, and they have to do it for a reason of substance and a reason of process.

The substantive reason is that if they argue that this is all about freeing doctors, freeing doctors to use their individual liberty to go and negotiate with their plans, then they cannot have it both ways, they cannot say except in this one instance and be consistent.

Secondly, if they are for the bill, they cannot vote for the Coburn amendment. Because if we look at the people who voted for the rule to allow this to happen at all, nearly half of them are pro-choice Members and they will kill the bill with the Coburn amendment.

So to be consistent and support the right of doctors to individually and collectively argue for good care for their patients and to be consistent and say they want the bill to pass, they must vote against the Coburn amendment unless they are going to go home to their doctors and let them know they tried to have it both ways.

Mr. COBURN. Mr. Chairman, I yield myself 1 minute just to answer the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. Chairman, what the bill says is that they can negotiate for abortion rights but they cannot negotiate for life. That is the ultimate result of this language. And in fact, it puts in jeopardy every Catholic hospital in this country.

What it also does, to say that this is not happening is the California Medical Association has already tried to introduce this law. It is through the State of California to mandate that every health care provider and every health care organization offer abortion services.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I was going to use my minute to talk about how this is a total red herring and this debate should not be about abortion because the bill does not talk about abortions.

Then the amendment that I wrote and negotiated over a period of 6 months with doctors and nurses is cited by the gentleman on the other side as an abortion amendment. It has nothing to do with abortion.

The purpose of section (e) is to say that a group of doctors cannot negotiate with the HMO an agreement that says they may not pay nurses more than x dollars an hour. It is to prevent one group of professionals, doctors generally, from saying that nurses may not do certain things that the law says they may do.

That fear was expressed by the nurses, the physical therapists, the chiropractors; and we carefully negotiated language in this section with the doctors, the nurses, the chiropractors and the physical therapists to prevent the bill from being used by one group of health care practitioners to exclude or limit the reimbursement of another group of health care practitioners.

It has nothing whatsoever to do with abortion, period. It is just completely irrelevant to it. This bill says nothing about abortion pro or con.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if, in fact, the gentleman is correct, then there is nothing wrong with my amendment. If, in fact, he is incorrect, and I believe he is, that the unintended consequence is exactly as I described, we will, in fact, have the situation as I described.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I respect the differences that my friends have who are against abortion. I do again reaffirm that the Supreme Court has said the right to choose is the law of the land.

The Coburn amendment makes this bill more difficult and untenable than it is or may be. By preventing any negotiations between health care plans and doctors about abortion, the Coburn amendment could leave an incest victim stranded on an island of despair. Even her own psychiatrist could be prevented by an HMO to referring her to an obstetrician to exercise her constitutional protected right to choose.

It could also leave a rape victim without any medical guidance, or an emergency room doctor could be forbidden from ensuring that a health plan allows a referral to an appropriate reproductive health clinic.

By preventing any negotiations between health care plans and doctors about any abortion-related service, this extreme anti-choice amendment could prevent a physician from ensuring that an HMO provides ultrasound to mothers. It is not in this bill.

We should not vote for this amendment. We should allow the right to choose to stand on its own.

Mr. Chairman, I rise in opposition to this amendment offered by Representative COBURN to exclude "negotiations specifically relating to requiring a health plan to cover abortion or abortion services."

H.R. 1304, the Quality Health Care Coalition Act is about controlling health costs and quality and access to health care, not about limiting health care services because of a mention of abortion. It does so by amending the antitrust laws to allow health care professionals to jointly negotiate the terms of their contracts with health care plans.

This bill is not about abortion rights. That debate has already been decided in the Supreme Court in 1973 in the landmark ruling of *Roe* v. *Wade*. Furthermore, just yesterday, once again the Supreme Court upheld a woman's right to choose whether or not an abortion is right for her, without the State enacting undue restrictions. By ruling the Nebraska "partial-birth" ban unconstitutional, the Court reiterated that *Roe* v. *Wade* is still the law of the land and cannot be undermined with ambiguous anti-abortion language.

Under the Coburn amendment, providers could not negotiate against any oppressive restrictions that appear in their contracts concerning abortion services. Such restrictions could include a ban on referring clients for abortions elsewhere, or from discussing abortion as a medically appropriate and legal option with patients.

The amendment runs counter to the spirit of the underlying legislation—the goal of which is to empower health-care providers in their negotiations with large health plans. This amendment is merely another attempt to stigmatize abortion by separating it from other medical care.

Contrary to what the amendment sponsors will argue, H.R. 1304 would not force insurance companies to provide abortion coverage. In fact, specific benefits are not usually outlined in contracts between health plans and providers. Rather, they are contained in contracts between health plans and patients or groups of patients or employers on their behalf.

H.R. 1304 would not alter this practice. The Coburn amendment, however, would silence physicians and other providers. Those who have a medical and ethical responsibility to promote the well being of their patients would be unable to advocate with health plans on their patients' behalf for comprehensive reproductive health care.

Physicians would be precluded from negotiating on their patient's behalf with hospitals to provide abortions in cases of medical emergency, or even mentioning that an abortion does not meet an adequate standard of care. Although today's Coburn amendment is limited to abortion or abortion services, it is very likely that those who seek to gag doctors from discussing abortion with their patients would soon target other reproductive health services, such as tubal ligations, sterilization, or contraception!

H.R. 1304 gives health care professionals the power to jointly negotiate contract terms to promote quality health care for their patients. H.R. 1304 would provide guarantees that patients are protected from bureaucratic abuses and help pave the way for such assurances.

Mr. Chairman, this amendment is strongly opposed by the American College of Obstetricians and Gynecologists and the American Medical Women's Association because this is an inappropriate amendment designed to kill support for this bill.

Personalized attention is what most Americans desire from their doctors, social workers and other care providers. H.R. 1304 encourages doctors to focus on the care they give to their patients. It allows us to return to an era when physicians were able to act on behalf of their patients and not for the benefit of the bottom line for an insurance company.

I ask my colleagues not to support such outlandish tactics and to rise above this so that we might approve this most significant piece of legislation.

Mr. COBURN. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, my point is said by this chart, is that, in fact, the rule of the land is that they do not provide good health care unless they are willing to terminate an unborn child. That is NARAL's position. That is where we are headed with the language as it is written in this bill.

This bill has great intention. The authors never intended this quirk of availability to be there. That was not the intention of the gentleman from California (Mr. CAMPBELL). But it is there. And unless it is fixed, what will happen is NARAL's position that they are not providing health care unless they are terminating unborn children in every health plan, every Catholic hospital in this country that are on health insurance or extended facility will be at the mercy of NARAL.

Seventy-five percent of the people in this country, the latest poll, believes it is murder to kill an unborn child. Twenty-five percent of the people in this country are wrong. They are wrong.

There is a God in heaven, and we will pay a price for what we are doing to unborn children.

Do not let this bill go out of this House without this amendment. My colleagues will doom not only those organizations that are there for life, but they will doom some of the best health care organizations in the country.

Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield the balance of the time to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, the word "abortion" does not appear. I wrote this with the gentleman from California (Mr. CAMPBELL). We can assure our colleagues that in no place does the word "abortion" appear.

I just want to emphasize that.

□ 0040

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for his leadership.

Mr. Chairman, I rise against the amendment of the gentleman from Oklahoma (Mr. COBURN). No HMO has ever required a doctor to perform an abortion. They have never required a doctor to perform an abortion. This amendment is totally unnecessary. Come on, we all know what this is about.

The Campbell-Conyers amendment, the underlying bill, is not about abortion. The Coburn amendment is irrelevant, deceptive, and transparent. Its goal has nothing to do with abortion. Its goal is to try to undermine a very thoughtful and important bill. I urge a no vote on the Coburn amendment and a yes vote for Campbell-Conyers.

Mr. Chairman, I yield to the gentlewoman from New York (Mrs. LOWEY), my good friend.

Mrs. LOWEY. Mr. Chairman, I would like to clarify the statement from my good friend, the gentleman from Oklahoma (Mr. COBURN), who said that unless someone is willing to terminate an unborn child they cannot practice medicine. Look at what the Greenwood amendment says, that the Committee on Rules and the gentleman would not accept. It clearly says and provides for a religious exception.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 542, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 6 printed in House Report 106-709.

AMENDMENT NO. 6 OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. DAVIS of Illinois:

Add at the end the following new subsection:

(j) SENSE OF CONGRESS.—It is the sense of Congress that decisions regarding medical care and treatment should be made by the physician or health care professional in consultation with the patient.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Illinois (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. DAVIS).

PARLIAMENTARY INQUIRY

Mr. CAMPBELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) may inquire.

Mr. CAMPBELL. In the absence of anyone opposed, may I claim the time for additional speakers on our side?

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) may claim the time in opposition, by unanimous consent.

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, that I like and support.

The CHAIRMAN. Is there objection to the unanimous consent request of the gentleman from California?

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to commend and congratulate the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. CONYERS) on the introduction of a necessity whose time has come, that is, the Quality Health-Care Coalition Act.

I also want to thank the Committee on Rules for making my amendment in order. The amendment that I offer today enhances the underlying bill by expressing a sense of Congress relative to decisions regarding medical care and treatment. This amendment simply states that it is the sense of this body that decisions regarding medical care and treatment should be made primarily by the physician or health care professional in consultation with the patient.

In my congressional district I have 22 hospitals and a vast a array of other health and medical research institutions and many residents with serious health and medical needs. Oftentimes health providers and patients will agree on a course of action, a course of treatment, that they consider best.

However, the HMO or insurer will have, in some cases, drafted guidelines and rules that will not allow payment for the suggested treatment prescribed by the doctor.

That leads to a situation where the doctor may have to forego his or her prescribed recommendation in order to get the patient's bill paid. In some instances, this has led to tragic consequences for patients. Quality health care is not only found in providing access. It is also found in the ability of doctors and other health providers to find remedies that may be outside the box. In other words, clinicians working for HMOs who draw guidelines to suggest that one size fits all, limit medical potential and the use of modern medical technology and does not allow for unique individual differences that patients may have.

The power of insurers to determine coverage potentially gives them the power to dictate professional standards of care for all but the wealthiest of patients. That is not appropriate. It is not good care, and it is not right.

Too many patients are suffering because HMOs have put profits ahead of patient care. This House cannot stand silently by while insurance company decisions are superseding the recommendations of health experts and doctors.

It is time that we strengthen the doctor-patient relationship. Therefore, I would urge support for this important amendment and urge its passage. I would also suggest that on the eve of July 4, I believe that it is time that we pass a declaration of independence for this Nation's doctors, nurses and other health care providers who along with their patients ought to be able to determine the best and most appropriate course of action.

Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. OSE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. OSE. Mr. Chairman, wishing to speak in favor of the gentleman's amendment, how would I go about requesting time?

The CHAIRMAN. The gentleman would proceed by asking unanimous consent for additional time, which would be granted on both sides.

Mr. OSE. Mr. Chairman, I ask unanimous consent to address the House for 2 minutes in favor of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California? Objection is heard.

Is any Member in the Chamber seeking to control time in opposition?

Mr. DAVIS of Illinois. Mr. Chairman, could I inquire of the Chair how much time I have left?

The CHAIRMAN. The gentleman from Illinois (Mr. DAVIS) has 1 minute remaining.

Mr. DAVIS of Illinois. Mr. Chairman, then I would be pleased to yield the 1 minute that I have remaining to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I thank the gentleman from Illinois (Mr. DAVIS) for his very cordial provision of time.

Mr. Chairman, I rise in support of the gentleman's amendment, and I just wish to relate the impact in my district of the lack of available physician or health care professional assistance within the Medicare HMO sector of the health care market. The consequence that I am referring to is HCFA's interpretive nature on reimbursement rates that are allowed to Medicare HMOs and the like, and the consequence on doctors for providing service.

I saw a study today that estimates that HCFA has exacted over $50 billion over congressional intent by virtue of BBA-97. To the extent that we can return control of these decisions to a doctor and the patient, this is a step in the right direction, and I heartily endorse it.

The CHAIRMAN. Is there any Member seeking time in opposition?

Mr. THOMAS. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN. The gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do so to enter into a colloquy with my colleague, the gentleman from Illinois (Mr. DAVIS), only for clarification purposes.

I do believe that the sense of this resolution is to make sure that medical decisions are made by the medical professionals, but I do have some concern about the wording because it says that it is the sense of Congress that decisions regarding medical care and treatment should be made by the physician or, and here is my concern, health care professional. We had heard some discussion earlier on another amendment that this legislation was not just about physicians; that it was about other health care professionals as well.

□ 0050

I am concerned about the class that would be covered by the term health care professional, because it is possible that some of those categories may, in fact, be jobs that we would not want to have the decision making and treatment recommendation in their hands. So was the intent of the gentleman from Illinois (Mr. DAVIS) in terms of expanding beyond physicians the decision-making capability regarding medical care and treatment?

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, the intent is oftentimes medical providers work as a team. The physician is generally the lead person on the team, and so the language is not restricted to a physician in a situation where only he or she is working alone, but also as they work as members of a team who might be working on a particular problem.

Mr. THOMAS. Reclaiming my time, I thank the gentleman for the clarification. I still have difficulty with the language, because the word between physician and health care professional is not "and," it is "or." So that it could be the physician or the health care professional, and the health care professional, depending on the way we define it, could be the candy striper in the hospital, and the candy striper in the hospital is the health care professional, and they make decisions regarding medical care and treatment.

Does Congress want to go on record that it is the sense of Congress that the orderly, that the cook, that the person who is doing menial tasks but is classified as the health care professional is going to make decisions regarding medical care and treatment. Is that what we are doing it?

Mr. DAVIS of Illinois. If the gentleman would continue to yield, the definition of health care professional reads in the bill: The term health care professional means an individual who provides health care items or services, treatment, assistance with activities of daily living or medications to patients and who to the extent required by State or Federal law possesses specialized training that confers expertise in the provision of such items or services, treatment, assistance, or medications.

Mr. THOMAS. Reclaiming my time, Mr. Chairman, that means that somebody who is trained in giving someone a bath, because they are incapable of doing that is one of the activities of daily living that would be classified as the health care professional and, therefore, Congress believes that they should make medical care and treatment decisions; that is what the sense of Congress says.

I think it is fairly early in the morning, and we are getting a little carried away in terms of what we want to do. If we want to say as a Congress, people who give people baths ought to be able to make medical decisions about their care and treatment, vote yes on this sense of Congress.

Mr. GANSKE. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Iowa.

Mr. GANSKE. I say to the gentleman from California (Mr. THOMAS) maybe one way to resolve this at this late hour is simply that it sounds as if basically these people, health professionals, this is covered within the extent of the duties that are described generally within their job.

Mr. THOMAS. Reclaiming my time, Mr. Chairman, I think the gentleman from Iowa (Mr. GANSKE) will find that is about the all-inclusive description of health care professionals I have heard, including people who give people baths.

Mr. GANSKE. If the gentleman will continue to yield. Again, I would not have a problem with a person whose job it is to give a patient a bath, if that is the only thing we are talking about.

Mr. THOMAS. I understand that, but this says the sense of Congress is that decisions regarding medical care and treatment, it does not say how we take a bath.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The amendment was agreed to.

Mr. THOMAS. No, no, I was on my feet.

The CHAIRMAN. The gentleman will suspend.

Mr. THOMAS. I was on my feet.

The CHAIRMAN. The gentleman from California (Mr. THOMAS) did not call for a recorded vote. The Chair moved the further proceedings.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 542, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 1 by Mr. BALLENGER of North Carolina;

Amendment No. 2 by Mr. STEARNS of Florida;

Amendment No. 3 by Mr. COX of California;

Amendment No. 4 by Mr. TERRY of Nebraska; and,

Amendment No. 5 by Mr. COBURN of Oklahoma.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. BALLENGER

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 1 offered by the gentleman from North Carolina (Mr. BALLENGER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 71, noes 345, not voting 19, as follows:

[Roll No. 367]

AYES—71

Armey
Ballenger
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bliley
Blunt
Boehner
Bonilla
Bono
Burton
Buyer
Cannon
Castle
Chabot
Coble
Coburn
Combest
Cunningham
DeLay
DeMint
Dreier
Dunn
Ewing
Gekas
Goodling
Goss
Gutknecht
Hastert
Hayworth
Hoekstra
Hostettler
Houghton
Hulshof
Johnson (CT)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Lewis (KY)
Linder
McCrery
McKeon
Miller, Gary
Myrick
Nussle
Packard
Pease
Pitts
Pomeroy
Pryce (OH)
Radanovich
Ramstad
Rogers
Ryan (WI)
Ryun (KS)
Sanford
Schaffer
Sensenbrenner
Shadegg
Stump
Sununu
Terry
Thomas
Tiahrt
Watkins
Watt (NC)

NOES—345

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Chenoweth-Hage

Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
Meehan
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Porter
Portman
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—19

Archer
Clay
Cook
Filner
Fowler
Hastings (WA)
Johnson, Sam
Klink
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Meeks (NY)
Shuster
Stark
Taylor (NC)
Vento
Young (FL)

□ 0113

Messrs. LARSEN, BARCIA, GOODLATTE, GREEN of Wisconsin, LATHAM, and SHAYS changed their vote from "aye" to "no."

Mr. HOEKSTRA and Mr. LINDER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 542, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 2 OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 94, noes 320, not voting 21, as follows:

[Roll No. 368]

AYES—94

Armey
Ballenger
Barton
Bass
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Burton
Buyer
Cannon
Castle
Chabot
Coble
Coburn
Combest
Crane
Cunningham
Davis (FL)
DeLay
DeMint
Dooley
Dreier
Ehlers
Ehrlich
Gekas
Goodlatte
Goodling
Goss
Green (WI)
Hansen
Hastert
Hayworth
Hefley
Herger
Hill (IN)
Hoekstra
Hostettler
Hulshof
Hutchinson
Johnson (CT)
Kingston
Knollenberg
Kolbe
Largent
Larson
Latham
Lewis (KY)
Lucas (OK)
Luther
McCrery
McInnis
McKeon
Mica
Miller, Gary
Mink
Moran (KS)
Myrick
Northup
Nussle
Oxley
Packard
Pease
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Radanovich
Ramstad
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Sensenbrenner
Shadegg
Shays
Souder
Spence
Stearns
Stump
Sununu
Terry
Thomas
Tiahrt
Toomey
Watkins
Wicker
Young (AK)

NOES—320

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Gordon
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hayes
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-
McDonald
Miller (FL)
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Porter
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw

Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn

NOT VOTING—21

Archer
Clay
Cook
Filner
Fowler
Hastings (WA)
Houghton
Johnson, Sam
Klink
Lee
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Scarborough
Shuster
Stark
Taylor (NC)
Vento
Young (FL)

□ 0120

Mr. ROGAN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. COX

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. COX) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 214, not voting 20, as follows:

[Roll No. 369]

AYES—201

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Etheridge
Everett
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—214

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Emerson
Engel
English
Eshoo
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Shows
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Strickland
Stupak
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—20

Archer
Clay
Cook
Filner
Fowler
Hastings (WA)
Johnson, Sam
Klink
Linder
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Rush
Shuster
Stark
Taylor (NC)
Vento
Young (FL)

□ 0126

Mr. TANNER and Mr. MORAN of Virginia changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. TERRY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 4 offered by the gentleman from Nebraska (Mr. TERRY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 78, noes 338, not voting 19, as follows:

[Roll No. 370]

AYES—78

Armey
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Burton
Buyer
Cannon
Castle
Chabot
Coble
Coburn
Combest
Cox
Crane
DeLay
DeMint
Dreier
Dunn
Ewing
Gekas
Goodlatte
Goodling
Goss
Green (WI)
Hastert
Hayworth
Hoekstra
Hostettler
Hulshof
Johnson (CT)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (KY)
McCrery
McKeon
Miller, Gary
Myrick
Nussle
Oxley
Packard
Pease
Pitts
Pomeroy
Pryce (OH)
Radanovich
Ramstad
Rogers
Ryan (WI)
Ryun (KS)
Sanford
Schaffer
Sensenbrenner
Shadegg
Skeen
Souder
Stump
Sununu
Tancredo

Terry
Thomas
Tiahrt
Toomey
Walden
Watkins

NOES—338

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Gordon
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Porter
Portman
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—19

Archer
Clay
Cook
Filner
Fowler
Hastings (WA)
Johnson, Sam
Klink
Linder
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Shuster
Stark
Taylor (NC)
Vento
Young (FL)

□ 0133

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. COBURN

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentleman from Oklahoma (Mr. COBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 202, answered "present" 1, not voting 19, as follows:

[Roll No. 371]

AYES—213

Aderholt
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Gallegly
Gekas
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Foley
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kuykendall
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal

Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Strickland
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Paul

NOT VOTING—19

Archer
Clay
Cook
Filner
Fowler
Ganske
Hastings (WA)
Johnson, Sam
Klink
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Shuster
Stark
Taylor (NC)
Vento
Young (FL)

☐ 0139

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. CONYERS. Mr. Chairman, I will not offer a motion to recommit. As the lead cosponsor of the bill, I wish that the Coburn amendment had been defeated but notwithstanding its adoption I am asking everyone to vote aye on final passage.

This vote is not being scored by the pro choice community.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. SHIMKUS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1304) to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act, pursuant to House Resolution 542, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 136, answered "present" 2, not voting 20, as follows:

[Roll No. 372]

AYES—276

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baker
Baldacci
Barcia
Barr
Bartlett
Bentsen
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Capuano
Cardin
Carson
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Doyle
Duncan
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hayes
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
Meehan
Menendez
Mica
Miller (FL)
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Porter
Price (NC)
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Salmon
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Scott
Serrano
Sessions
Shaw
Shimkus
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Wamp
Weiner
Weldon (FL)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn

NOES—136

Armey
Baird
Baldwin
Ballenger
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Burton
Buyer
Cannon
Capps
Castle
Chabot
Coble
Coburn
Combest
Cox
Crane
Cunningham
DeGette
DeLay
DeMint
Deutsch
Dixon
Doggett
Dooley
Dreier
Dunn
Ehlers
Eshoo
Ewing
Gekas
Goodling
Goss
Gutierrez
Gutknecht
Hastings (FL)
Hayworth
Herger
Hobson
Hoekstra
Holt
Hostettler
Houghton
Inslee
Jackson (IL)
Johnson (CT)
Jones (OH)
Kilpatrick
Kingston
Knollenberg
LaHood
Largent
Larson
Latham
Lee
Lewis (GA)
Lofgren
Lowey
Luther
McCarthy (MO)
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Myrick
Northup
Nussle
Oxley
Packard
Pease
Pelosi
Pitts
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Rogers
Roybal-Allard
Ryun (KS)
Sabo
Sanchez
Sanford
Schaffer
Schakowsky
Sensenbrenner
Shadegg
Shays
Sherman
Sherwood
Skeen
Smith (WA)
Stearns
Stump
Sununu
Terry
Thomas
Thurman
Tiahrt
Toomey
Towns
Velazquez
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Wexler
Woolsey
Young (AK)

ANSWERED "PRESENT"—2

Becerra
Owens

NOT VOTING—20

Archer
Clay
Cook
Filner
Fowler
Hastings (WA)
Johnson, Sam
Klink
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Metcalf
Shuster
Spence
Stark
Taylor (NC)
Vento
Young (FL)

☐ 0157

Mr. THOMAS changed his vote from "aye" to "no."

Mr. ROYCE and Mr. PORTER changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONCURRENT RESOLUTION PROVIDING FOR ADJOURNMENT OF THE HOUSE AND SENATE FOR INDEPENDENCE DAY DISTRICT WORK PERIOD

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 541 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 541

Resolved, That upon the adoption of this resolution is shall be in order, any rule of the House to the contrary notwithstanding, to consider a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period.

SEC. 2. House Resolutions 469 and 482 are laid on the table.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND CONDITIONAL ADJOURNMENT OF THE HOUSE

Mr. REYNOLDS. Mr. Speaker, pursuant to the rule, I call up from the Speaker's table the Senate concurrent resolution (S. Con. Res. 125) and ask for its immediate consideration in the House.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 125

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, June 29, 2000, Friday, June 30, 2000, or on Saturday, July 1, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 10, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 29, 2000, or Friday, June 30, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, July 10, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The Senate concurrent resolution is not debatable.

Without objection, the previous question is ordered.

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF HON. CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JULY 10, 2000

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 29, 2000.

I hereby appoint the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 10, 2000.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 12, 2000

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 12, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, July 10, 2000, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT AS MEMBERS TO ABRAHAM LINCOLN BICENTENNIAL COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act, the Chair announces the Speaker's appointment of the following Member of the House to the Abraham Lincoln Bicentennial Commission:

Mr. LAHOOD, Illinois, and in addition,

Ms. Joan Flinspach, Fort Wayne, Indiana;

Mr. James R. Thompson, Chicago, Illinois.

COMMUNICATION FROM THE HON. RICHARD A. GEPHARDT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Member of Congress:

WASHINGTON, DC,
June 29, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (P.L. 106–173), I hereby appoint the following individuals to the Abraham Lincoln Bicentennial Commission: Mr. David Phelps, IL, and Ms. Louise, Taper, CA.

Yours Very Truly,
RICHARD A. GEPHARDT.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today and June 30 on account of a graduation in the family.

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of family illness.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) for today after 11:15 p.m. on account of illness.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and June 30 on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. SHERMAN) to revise and extend their remarks and include extraneous material:

Mr. PALLONE, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

The following Members (at the request of Mr. REYNOLDS) to revise and extend their remarks and include extraneous material:

Mr. BEREUTER, for 5 minutes, June 30.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported and that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache reservation in the State of New Mexico; and for other purposes.

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, pursuant to Senate Concurrent Resolution 125, 106th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 125, 106th Congress, the House stands adjourned until 12:30 p.m. on Monday, July 10, 2000, for morning hour debates.

Thereupon, (at 2 o'clock and 6 minutes a.m.), pursuant to Senate Concurrent Resolution 125, the House adjourned until Monday, July 10, 2000 for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8429. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period of October 1, 1999, through March 31, 2000, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

8430. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Response Plans for Marine Transportation-Related Facilities Handling Non-Petroleum Oils [USCG–1999–5149] (RIN: 2115–AF79) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8431. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fireworks Display, Pier 54, Hudson River, New York [CGD01–00–145] (RIN: 2115–AA97) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8432. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Acushnet River, Annisqualm River, Fore River and Tauton River, MA [CGD01–00–135] (RIN: 2115–AE47) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8433. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations Regulations; Columbia River, OR [CGD13–00–008] (RIN: 2115–AE47) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8434. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Atlantic Ocean, Virginia Beach, VA [CGD05–00–015] (RIN: 2115–AA97) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8435. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; York River, VA [CGD05–00–019] (RIN: 2115–AA97) [CGD05–00–019] received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8436. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Temporary Regulations: SAIL BOSTON 2000, Port of Boston, MA [CGD01–99–191] (RIN: 2115–AA97, AA98, AE46) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOBSON: Committee of Conference. Conference report on H.R. 4425. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–710). Ordered to be printed.

Mr. COMBEST: Committee on Agriculture. H.R. 4541. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; with an amendment (Rept. 106–711 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4541. Referral to the Committees on Banking and Financial Services and Commerce extended for a period ending not later than September 6, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CRANE:

H.R. 4782. A bill to provide for the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the Republic of Georgia; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. THOMAS, Mrs. BONO, Mr. THOMPSON of California, Mr. RADANOVICH, Mr. HERGER, Mr. FOLEY, and Mr. PACKARD):

H.R. 4783. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of crops destroyed by casualty; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. GREEN of Wisconsin, and Mr. LAHOOD):

H.R. 4784. A bill to provide for the establishment of a Midwest Clean Air Gasoline Reserve to ensure the availablity of gasoline in the Midwest; to the Committee on Commerce.

By Mrs. KELLY:

H.R. 4785. A bill to amend title 38, United States Code, to revise the provisions of law relating to the payment of accrued benefits by the Department of Veterans Affairs in the case of the death of a veteran with a pending claim for an increase in service-connected disability rating; to the Committee on Veterans' Affairs.

By Mr. BARR of Georgia (for himself, Mr. ISAKSON, Mr. KINGSTON, Mr. COLLINS, Mr. LINDER, Mr. NORWOOD, Mr. CHAMBLISS, Mr. DEAL of Georgia, Mr. BISHOP, and Mr. LEWIS of Georgia):

H.R. 4786. A bill to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the "Samuel P. ROBERTS Post Office Building"; to the Committee on Government Reform.

By Mr. BARR of Georgia (for himself, Mr. ISAKSON, Mr. KINGSTON, Mr. COLLINS, Mr. LINDER, Mr. NORWOOD, Mr. CHAMBLISS, Mr. DEAL of Georgia, Mr. BISHOP, and Mr. LEWIS of Georgia):

H.R. 4787. A bill to designate the Federal building located at 600 East First Street in Rome, Georgia, as the "Lawrence Patton McDonald Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. BARRETT of Nebraska (for himself and Mr. Minge):

H.R. 4788. A bill to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization ofappropriations for the Act, and to improve the administration of the Act; to the Committee on Agriculture.

By Mr. CARDIN (for himself, Mr. Hoyer, Mr. Cummings, Mr. Wynn, Mr. Ehrlich, and Mr. Gilchrest):

H.R. 4789. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to revise and enhance authories, and to authorize appropriations, for the Chesapeake Bay Office, and for other purposes; to the Committee on Resources.

By Mr. CHAMBLISS (for himself, Mr. Young of Alaska, Mr. Peterson of Minnesota, Mr. Cunningham, Mr. Pickering, Mr. Green of Wisconsin, Mr. Thune, and Mr. Hansen):

H.R. 4790. A bill to recognize hunting heritage and provide opportunities for continued hunting on public lands; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. Gibbons, and Mr. Quinn):

H.R. 4791. A bill to amend title 38, United States Code, to establish a presumption of service connection for the occurrence of hepatitis C in certain veterans; to the Committee on Veterans' Affairs.

By Mr. INSLEE (for himself, Mr. Pallone, Mr. Pascrell, Mr. Baird, Mr. Smith of Washington, Mr. Dicks, Mr. McDermott, and Mr. Holt):

H.R. 4792. A bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINGSTON (for himself, Mr. Deal of Georgia, Mr. Linder, Mr. Norwood, Mr. Chambliss, Mr. Collins, Mr. Lewis of Kentucky, Mr. Coble, Mr. Spence, Mr. Tauzin, Mr. Duncan, Mr. Doolittle, Mr. Horn, Mr. Holden, Mrs. Mink of Hawaii, Mr. Peterson of Minnesota, Mr. Riley, Mr. Gutknecht, Mr. Sherwood, Mr. Foley, Mr. Dickey, Mr. Shows, Mr. Gibbons, Mr. Sessions, Mr. Ehrlich, Mr. Combest, Mr. Pickering, Mr. Paul, Mr. Bishop, Mr. Baker, Mr. Wamp, Mr. Barr of Georgia, Mr. Goode, Mr. Cannon, Mr. Hilleary, Mr. Schaffer, Mr. Campbell, Mr. Wise, Mr. Kind, Mr. Latham, and Ms. Danner):

H.R. 4793. A bill to amend title XIX of the Social Security Act to waive the obstetrician requirement insofar as it prevents DSH designation in the case of certain rural hospitals; to the Committee on Commerce.

By Mr. LARSON (for himself, Mr. Gilchrest, Mr. Maloney of Connecticut, Mr. Skelton, Mrs. Morella, Mr. Weiner, Mr. Hinchey, Mr. Borski, Mr. Weygand, Mr. Gilman, Mr. Kennedy of Rhode Island, Mr. Smith of New Jersey, Mr. Brady of Pennsylvania, Mr. Gejdenson, Mr. Shays, Mrs. Johnson of Connecticut, Mr. Moakley, Mr. Moran of Virginia, Mrs. Kelly, Mr. Boucher, Mr. Wynn, Mr. Abercrombie, Mr. Cardin, Mr. Davis of Virginia, Mr. McGovern, Mr. Hoyer, Mr. Oberstar, Mr. Castle, Mr. Sweeney, Mr. Ehrlich, Mr. Frelinghuysen, Mr. Holt, and Mr. Cummings):

H.R. 4794. A bill to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War; to the Committee on Resources.

By Mr. LAZIO:

H.R. 4795. A bill to amend the National Housing Act to require partial rebates of FHA mortgage insurance premiums to certain mortgagors upon payment of their FHA-insured mortgages; to the Committee on Banking and Financial Services.

By Mr. LAZIO:

H.R. 4796. A bill to extend the Stamp Out Breast Cancer Act; to the Committee on Government Reform, and in addition to the Committees on Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky (for himself and Mr. Fletcher):

H.R. 4797. A bill to amend title XI of the Social Security Act to direct the Commissioner of Social Security to conduct outreach efforts to increase awareness of the availability of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN (for herself, Mr. McCollum, Mr. Conyers, Ms. Ros-Lehtinen, Mr. Menendez, Mr. King, Ms. Pelosi, Mr. Horn, Mr. Serrano, Mrs. Bono, Mr. Farr of California, Ms. Schakowsky, Mr. Berman, Mr. Meehan, Ms. Velázquez, Mr. Delahunt, Mr. Dooley of California, Mrs. Thurman, Mr. Thompson of California, Mr. Condit, Mr. Weiner, Mrs. Capps, Mr. Waxman, Mr. Matsui, Mr. Moran of Virginia, Mrs. Mink of Hawaii, Mrs. McCarthy of New York, Ms. Sanchez, Ms. McCarthy of Missouri, Ms. Rivers, Ms. Woolsey, Mr. Payne, and Mrs. Napolitano):

H.R. 4798. A bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 4799. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for medical expenses for dependents; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. Hansen, and Mr. DeLay):

H.R. 4800. A bill to require the Secretary of the Interior to identify appropriate lands within the area designated as Section 1 of the Mall in Washington, D.C., as the location of a future memorial to former President Ronald Reagan, to identify a suitable location, to select a suitable design, to raise private-sector donations for such a memorial, to create a Commission to assist in these activities, and for other purposes; to the Committee on Resources.

By Mr. PETERSON of Minnesota (for himself and Mr. Pombo):

H.R. 4801. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself, Mr. Sessions, Mr. Norwood, Mrs. Myrick, Mr. Foley, Mr. Baker, Mr. Gilman, Mr. McCollum, and Mr. Mica):

H.R. 4802. A bill to clarify Congressional intent regarding the relationship between State and Federal law governing controlled substances; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 4803. A bill to amend the National Flood Insurance Act of 1968 to ensure homeowners are provided adequate notice of flood map changes and a fair opportunity to appeal such changes; to the Committee on Banking and Financial Services.

By Mr. STUPAK:

H.R. 4804. A bill to require that fines paid to the United States as a result of motor fuel price investigations shall be rebated to consumers in the form of reductions in Federal motor fuel excise taxes; to the Committee on Ways and Means.

By Mr. WATKINS (for himself, Mr. Thornberry, Mr. Skeen, Mr. Sessions, Mr. Smith of Texas, Mr. Combest, and Mr. Young of Alaska):

H.R. 4805. A bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and elderly, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Resources, Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT:

H.R. 4806. A bill to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. COBURN (for himself, Mr. Waxman, Mr. Bilirakis, Mr. Greenwood, Mr. Brown of Ohio, Mr. Stupak, Mr. Armey, Mr. Bilbray, Mr. Norwood, Mr. Cox, Mr. Rogan, Mr. Barrett of Wisconsin, Mrs. Bono, Mr. Foley, Mr. Shays, Mr. Hinchey, Mr. Weygand, Mr. Deutsch, Mr. Burr of North Carolina, Mrs. Morella, Mr. Weldon of Florida, Mr. Shadegg, and Mr. Stearns):

H.R. 4807. A bill to amend the Public Health Service Act to revise and extend programs established under the Ryan White

Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes; to the Committee on Commerce.

By Mr. LaFALCE:

H.R. 4808. A bill to establish the New York Canal National Heritage Corridor as an affiliated unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. PETRI (for himself, Mr. George Miller of California, Mr. Skeen, Mr. Boehlert, Ms. Slaughter, and Mr. Martinez):

H. Con. Res. 366. Concurrent resolution expressing the sense of the Congress regarding the importance and value of education in United States history; to the Committee on Education and the Workforce.

By Mr. SHIMKUS (for himself, Mr. Kucinich, Mr. Lantos, Mr. Hobson, Mr. Bilbray, Ms. Slaughter, Mr. Larson, Mr. McNulty, Mr. Menendez, Mr. Knollenberg, Mr. Smith of New Jersey, Mr. Borski, Mr. Kolbe, Mr. King, Mr. Pallone, and Mr. Doyle):

H. Con. Res. 367. Concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania and calling for positive steps to promote a peaceful and democratic future for the Baltic region; to the Committee on International Relations.

By Mr. WATTS of Oklahoma (for himself and Mr. Lewis of Georgia):

H. Con. Res. 368. Concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol; to the Committee on House Administration.

By Mr. HASTINGS of Florida:

H. Res. 543. A resolution expressing the sense of the House of Representatives regarding the recent summit held by the Presidents of South Korea and North Korea; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

360. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 37 memorializing the Twentieth Legislature of the State of Hawaii for the responsible use of agricultural biotechnology for the benefit of Hawaii's people; to the Committee on Agriculture.

361. Also, a memorial of the Legislature of the State of Georgia, relative to Senate Resolution No. 478 memorializing the Congress of the United States to address potential federal monetary assessments that could be placed on southeastern peanut growers, including Georgia peanut growers, when the 2000 peanut crop is harvested; and for other purposes; to the Committee on Agriculture.

362. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 207 memorializing the Congress of the United States to establish the national United States Military Museum at Fort Belvoir, Virginia; to the Committee on Armed Services.

363. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 310 memorializing the Congress of the United States to amend the Fair Credit Reporting Act to prohibit credit reporting agencies from using information related to the number of inquiries in a consumer's credit report to determine the consumer's overall rating; to the Committee on Banking and Financial Services.

364. Also, a memorial of the Legislature of the State of New Mexico, relative to Senate Memorial No. 5 urging the Congress of the United States to amend the employee retirement income security act of 1974 to grant authority to all individual states to monitor and regulate self-funded employer-based health plans in order to provide greater consumer protection and effect health care reform; to the Committee on Education and the Workforce.

365. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 385 memorializing the Congress of the United States to enact the Solid Waste Interstate Transportation and Local Authority Act of 1999 (HR 1190) that gives state and local governments additional authority to regulate the importation of muncipal solid waste into their jurisdictions; to the Committee on Commerce.

366. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 30 urging the Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as orginally proposed, and to adopt a second phase of emission standards for heavy duty vehicles and reductions in the sulfur content of highway diesel fuel; to the Committee on Commerce.

367. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 111 memorializing the Congress of the United States to pursue the establishment of a State-Province relations of friendship between the State of Hawaii of the United States of America and the Province of Thua Thien-Hue of the Socialist Republic of Vietnam; to the Committee on International Relations.

368. Also, a memorial of the Legislature of the State of Maine, relative to Joint Resolution memorializing the Congress of the United States to work toward a solution to the problem in Cyprus; to the Committee on International Relations.

369. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 123 memorializing the United States House of Representatives to speedily pass S. 1052 relating to the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

370. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 41 memorializing the federal government to recognize an official political relationship between the United States government and the Native Hawaiian people; further memorializing the United States Congress and President to articulate and implement a federal policy of Native Hawaiian self-government with a distinct, unique, and special trust relationship and to implement reconciliation pursuant to Public Law 103–150; to the Committee on Resources.

371. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 71 memorializing the Congress of the United States to propose an amendment to the Constitution of the United States to allow for voluntary school prayer; to the Committee on the Judiciary.

372. Also, a memorial of the Legislature of the State of Kansas, relative to House Concurrent Resolution No. 5059 memorializing the Congress of the United States to propose submission to the states an amendment to the Constitution of the United States of America restricting the ability of the federal judiciary to mandate any state or subdivision thereof to levy or increase taxes; to the Committee on the Judiciary.

373. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 36 requesting Exxon Mobil Corporation to pay claimants for court-ordered damages resulting from the Exxon Valdez oil spill; to the Committee on the Judiciary.

374. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 103 memorializing the Congress of the United States to provide federal funding for expansion of certain highway rest stops; to the Committee on Transportation and Infrastructure.

375. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 284 memorializing the Congress of the United States to amend that portion of the Trade Act of 1974 establishing the North American Free Trade Agreement Transitional Adjustment Assistance Program to extend the maximum time period for receipt of benefits from 52 weeks to 78 weeks; to the Committee on Ways and Means.

376. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 283 memorializing the Congress of the United States to enhance the benefits for individuals eligible for North American Free Trade Agreement (NAFTA) transitional adjustment assistance; to the Committee on Ways and Means.

377. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Resolutions urging the Congress to enact legislation to increase the per capita allocation of private activity bonds from 50 to 75 dollars and the housing tax credit cap from $1.25 to $1.75; to the Committee on Ways and Means.

378. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 158 memorializing the Congress of the United States regarding voluntary, individual, unorganized, and non-mandatory prayer in public schools; jointly to the Committees on Education and the Workforce and the Judiciary.

379. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 28 memorializing the United States Congress to support legislation to extend medicare coverage to prescription drugs for the elderly and disabled; jointly to the Committees on Ways and Means and Commerce.

380. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Concurrent Resolution No. 73 memorializing the United States Congress to support legislation to extend medicare coverage to prescription drugs for the elderly and disabled; jointly to the Committees on Ways and Means and Commerce.

381. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Resolution No. 6 memorializing the President of the United States and the Congress to work together to reform the financial structure of the Coal Industry Retiree Health Benefit Act; jointly to the Committees on Ways and Means and Education and the Workforce.

382. Also, a memorial of the General Assembly of the Commonwealth of Virginia,

relative to House Joint Resolution No. 168 memorializing the Congress of the United States to protect senior assets from liquidation to meet eligibility requirements for federal medical and long-term care benefits; jointly to the Committees on Ways and Means and Commerce.

383. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 163 memorializing the the Congress of the United States to protect senior assets from liquidation to meet the eligibility requirements for federal medical and long-term care benefits; jointly to the Committees on Ways and Means and Commerce.

384. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 7 memorializing the Congress of the United States to adopt a program which will provide prescription drug coverage to Medicare beneficiaries; jointly to the Committees on Ways and Means and Commerce.

385. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 374 memorializing the President and the Congress of the United States to work together to reform the financial structure of the Coal Act to ensure that retired coal miners continue to receive the health care benefits they were promissed and rightly deserve; jointly to the Committees on Ways and Means and Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. KELLY introduced a bill (H.R. 4809) for the relief of Thomas J. Sansone, Jr.; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. KOLBE and Mr. LoBIONDO.

H.R. 123: Mr. JONES of North Carolina and Mr. HULSHOF.

H.R. 141: Mr. PAYNE, Mr. GEORGE MILLER of California, and Mr. ROTHMAN.

H.R. 148: Mr. SCARBOROUGH.

H.R. 175: Mr. EDWARDS

H.R. 531: Mr. PASTOR.

H.R. 534: Mrs. MORELLA and Mr. PETERSON of Minnesota.

H.R. 755: Mr. GEORGE MILLER of California.

H.R. 870: Mr. COOK.

H.R. 1102: Mr. GALLEGLY.

H.R. 1129: Mr. HOLT.

H.R. 1217: Mr. DEAL of Georgia.

H.R. 1229: Mr. MASCARA.

H.R. 1248: Mr. HOLDEN.

H.R. 1275: Mr. JACKSON of Illinois, Mr. BRADY of Pennsylvania, Mr. NADLER, Mr. LaHOOD, Mr. UPTON, Mr. CHABOT, Ms. LOFGREN, Mr. CARDIN, Mr. BLAGOJEVICH, and Mr. BILIRAKIS.

H.R. 1387: Mr. BLUMENAUER.

H.R. 1452: Mr. COSTELLO.

H.R. 1590: Ms. McKINNEY.

H.R. 1595: Mr. PAYNE.

H.R. 1621: Ms. McCARTHY of Missouri and Mr. MOORE..

H.R. 1795: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TIERNEY, Mr. CAMPBELL, and Mr. ANDREWS.

H.R. 1824: Mr. FLETCHER.

H.R. 1837: Mr. BORSKI.

H.R. 1885: Mr. VISCLOSKY.

H.R. 2121: Mr. BALDACCI, Ms. VALÁZQUEZ, and Ms. McCARTHY of Missouri.

H.R. 2129: Mr. BORSKI, Mr. HEFLEY, Mr. McCRERY, Mr. TANCREDO, Mr. HILL of Montana, Mr. SCARBOROUGH, Mr. PETRI, Mrs. EMERSON, Mr. GRAHAM, and Mr. DUNCAN.

H.R. 2308: Mr. BLAGOJEVICH.

H.R. 2341: Mr. WALSH, Mr. ENGEL, Mr. LAMPSON, and Mr. SERRANO.

H.R. 2362: Mr. DAVIS of Virginia.

H.R. 2594: Mr. FILNER and Ms. CARSON.

H.R. 2702: Mr. RANGEL.

H.R. 2870: Mr. HOLT.

H.R. 2906: Mr. SCHAFFER and Mr. EVANS.

H.R. 3003: Mr. COYNE.

H.R. 3082: Mr. HOBSON.

H.R. 3091: Mr. ORTIZ.

H.R. 3100: Mr. HOBSON.

H.R. 3180: Ms. LEE.

H.R. 3192: Mr. MALONEY of Connecticut and Ms. KILPATRICK.

H.R. 3195: Mrs. CHRISTENSEN.

H.R. 3225: Mr. DUNCAN.

H.R. 3301: Mr. POMBO.

H.R. 3308: Mr. PETERSON of Minnesota.

H.R. 3327: Mr. RADANOVICH.

H.R. 3433: Mr. TOWNS, Mr. SANDERS, and Mr. GALLEGLY.

H.R. 3514: Mr. MALONEY of Connecitcut, Mr. ANDREWS, and Mr. BLAGOJEVICH.

H.R. 3570: Mr. McGOVERN.

H.R. 3580: Mr. PAYNE, Mr. WICKER, Mr. ISAKSON, Mr. CAMPBELL, Ms. ROYBAL-ALLARD, Mr. MENENDEZ, Mr. WATT of North Carolina, and Mr. ETHERIDGE.

H.R. 3625: Mr. COSTELLO, Mr. McINTYRE, Mr. PHELPS, and Ms. PRYCE of Ohio.

H.R. 3650: Ms. LEE.

H.R. 3667: Mr. MEEHAN.

H.R. 3676: Mr. GONZALEZ, Mr. DeMINT, Ms. SANCHEZ, Mr. BOYD, Mr. BACA Ms. WOOLSEY, Mrs. NORTHUP, Mr. ENGLISH, Mr. SNYDER, Mr. JENKINS, Mr. WELDON of Pennsylvania, Mr. LaHOOD, and Mr. McHUGH.

H.R. 3677: Mr. WALSH.

H.R. 3698: Mr. LAMPSON, Mr. STRICKLAND, Mr. HINOJOSA, Mr. ISAKSON, Mr. PICKERING, Mr. WICKER, and Mr. SHERWOOD.

H.R. 3826: Mr. PAYNE.

H.R. 3842: Mr. ENGEL, Mr. RODRIGUEZ, Mr. DOOLEY of California, Ms. HOOLEY of Oregon, Mr. ROGERS, Mr. CAPUANO, Mr. WYNN, and Mr. ROTHMAN.

H.R. 3875: Mr. RAMSTAD.

H.R. 3896: Mr. LoBIONDO.

H.R. 3915: Mr. PITTS, Mr. BAKER, Mr. BAIRD, Mr. HOBSON, and Mr. MOAKLEY.

H.R. 4004: Mr. CLEMENT, Mr. KENNEDY of Rhode Island, and Mr. BARRETT of Wisconsin.

H.R. 4011: Ms. SCHAKOWSKY.

H.R. 4049: Mr. RYAN of Wisconsin.

H.R. 4057: Ms. WATERS, Mr. FRANK of Massachusetts, Mr. SMITH of New Jersey, Mr. GUTIERREZ, Mrs. MALONEY of New York, Mr. McGOVERN, Mr. KILDEE, Mr. GEJDENSON, Mr. LaFALCE, and Mr. SPENCE.

H.R. 4077: Mrs. MYRICK.

H.R. 4082: Mr. CLEMENT.

H.R. 4094: Mr. EDWARDS, Mr. WISE, Mr. STUPAK, Mr. HILLIARD, Mr. LUCAS of Kentucky, Ms. STABENOW, Mr. UNDERWOOD, Mr. HILL of Indiana, Mr. BERRY, Mr. WATT of North Carolina, and Mr. LaTOURETTE.

H.R. 4106: Mrs. EMERSON.

H.R. 4113: Mr. BAKER, Mr. TANCREDO, Mr. KOLBE, Mr. RYUN of Kansas, and Mr. PITTS.

H.R. 4143: Mr. WATT of North Carolina.

H.R. 4157: Ms. SANCHEZ.

H.R. 4167: Ms. DANNER, Mr. FATTAH, Mr. PAYNE, Mrs. MEEK of Florida, and Ms. BROWN of Florida.

H.R. 4207: Ms. MILLENDER-McDONALD and Mr. UDALL of New Mexico.

H.R. 4215: Mr. GOODE.

H.R. 4239: Mr. MEEHAN, Mr. ENGEL, and Mr. HINCHEY.

H.R. 4259: Mr. DIAZ-BALART.

H.R. 4277: Mr. JONES of North Carolina and Mr. DEUTSCH.

H.R. 4278: Mr. PALLONE.

H.R. 4328: Mr. WATTS of Oklahoma and Mr. HOBSON.

H.R. 4359: Ms. McKINNEY and Mr. RANGEL.

H.R. 4366: Mr. HINCHEY, Mr. BLUMENAUER, Mr. PAYNE, Mr. DeFAZIO, Mr. SAXTON, Mr. JOHN, Mr. COOK, Mr. LEVIN, Mr. PASCRELL, and Mr. FILNER.

H.R. 4384: Mr. BONILLA, Mr. SHAYS, Mr. BONIOR, Mr. KINGSTON, Mr. MINGE, and Mr. BACA.

H.R. 4393: Mrs. TAUSCHER.

H.R. 4441: Mr. CUMMINGS.

H.R. 4481: Mr. MOLLOHAN and Mr. KIND.

H.R. 4483: Mr. BRADY of Pennsylvania.

H.R. 4495: Mr. CANADY of Florida, Mr. HINCHEY, Mrs. MORELLA, Mr. ROMERO-BARCELO, and Mr. WAMP.

H.R. 4502: Mr. CANADY of Florida, Mr. OSE, Mr. FLETCHER, Mr. SMITH of Michigan, and Mr. SCHAFFER.

H.R. 4511: Mr. BUYER, Mr. CANADY of Florida, Mr. DUNCAN, Mr. TAUZIN, Mr. FLETCHER, Mr. ISAKSON, and Mr. WATKINS.

H.R. 4539: Mr. KENNEDY of Rhode Island, Mr. ROMERO-BARCELO, Mr. EVANS, Mr. STENHOLM, Mr. SANDERS, and Ms. CARSON.

H.R. 4550: Mr. BISHOP.

H.R. 4560: Mr. HASTINGS of Washington.

H.R. 4565: Mr. BOYD, Mr. HYDE, Mr. WALDEN of Oregon, and Mr. EHLERS.

H.R. 4571: Mr. FRANK of Massachusetts, Mr. DEUTSCH, Mr. WEXLER, Ms. BERKLEY, Mr. FORBES, Mr. GILMAN, and Mr. FOLEY.

H.R. 4593: Ms. KAPTUR and Mr. WATT of North Carolina.

H.R. 4652: Mr. KLECZKA, Mr. GOODLING, and Mr. PASTOR.

H.R. 4654: Mr. ROGAN and Mr. HOSTETTLER.

H.R. 4655: Mr. BARRETT of Wisconsin.

H.R. 4659: Mr. BARTLETT of Maryland, Mr. WOLF, Mrs. WILSON, Mr. RUSH, and Mrs. ROUKEMA.

H.R. 4660: Mr. REYES.

H.R. 4669: Mr. CAMP.

H.R. 4675: Ms. KAPTUR and Mr. WATT of North Carolina.

H.R. 4677: Mr. OBERSTAR.

H.R. 4712: Mrs. CUBIN.

H.R. 4719: Mr. CARDIN and Mr. CUNNINGHAM.

H.R. 4734: Mr. ROMERO-BARCELO.

H.R. 4739: Ms. NORTON.

H.R. 4750: Mrs. BONO, Mrs. KELLY, and Mr. RAMSTAD.

H.R. 4759: Mr. WELDON of Florida, Mr. JENKINS, and Mr. HANSEN.

H.R. 4770: Mr. BORSKI.

H.R. 4776: Mr. RILEY, Mr. WHITFIELD, and Mr. JONES of North Carolina.

H.J. Res. 102: Mr. OWENS, Ms. LEE, Mr. PAYNE, Mr. TIERNEY, Ms. MILLENDER-McDONALD, Ms. NORTON, Mrs. JONES of Ohio, Mr. CLAY, Mr. THOMPSON of Mississippi, Mr. FATTAH, Ms. CARSON, Mrs. CHRISTENSEN, Ms. BROWN of Florida, Mr. TOWNS, Mr. JEFFERSON, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Ms. McKINNEY, Mr. MEEKS of New York, Mr. WYNN, Mr. SHAYS, Mr. PORTMAN, Mr. MICA, Mr. QUINN, Mrs. FOWLER, Mr. GIBBONS, Mr. GILCHREST, Mr. PETRI, Mr. LARGENT, Mr. TAUZIN, Mr. HERGER, Mr. GANSKE, Mr. HOBSON, Mr. HILL of Montana, and Mr. THOMAS.

H. Con. Res. 74: Ms. BALDWIN.

H. Con. Res. 177: Mr. MINGE.

H. Con. Res. 319: Mr. BEREUTER.

H. Con. Res. 321: Mr. DeFAZIO, Mr. NUSSLE, Mr. GIBBONS, and Mr. BALDACCI.

H. Con. Res. 340: Mr. BONIOR.

H. Con. Res. 357: Mr. BLUNT.

H. Con. Res. 363: Ms. GRANGER.

H. Res. 536: Mr. BONIOR.

H. Res. 537: Ms. MCCARTHY of Missouri, Mr. TANNER, Mr. LATOURETTE, and Mr. NEAL of Massachusetts.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Ms. SLAUGHTER on House Resolution 520: Chaka Fattah, Robert A. Brady, Bill Pascrell, Jr., David D. Phelps, Ed Pastor, Jesse L. Jackson, Jr., Robert Wexler, Lucille Roybal-Allard, Albert Russell Wynn, Stephanie Tubbs-Jones, Peter Deutsch, David Wu, James E. Clyburn, Charles B. Rangel, Norman Sisisky, and Bart Stupak.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1304

OFFERED BY: MR. STEARNS

AMENDMENT NO. 2: Page 3, line 17, insert before the period the following: ", but only if such health care professionals have received prior approval for such negotiations from the Federal Trade Commission or the Assistant Attorney General pursuant to subsection (i).".

Page 6, after line 21, insert the following new subsection (and redesignate the succeeding subsection accordingly):

(i) PRIOR APPROVAL.—

(1) IN GENERAL.—Health care professionals who seek to engage in negotiations with a health plan as provided in subsection (a) must obtain approval from the Commission or the Assistant Attorney General prior to commencing such negotiations. The Commission or the Assistant Attorney General shall grant such approval if the Commission or Assistant Attorney General has determined that recognition under subsection (a) of the group of health care professionals for the purpose of engaging in collective negotiations with the health plan will promote competition and enhance the quality of patient care. The approval that is granted under this subsection may be limited in time or scope to ensure that these criteria are met. The Commission and the Assistant Attorney General shall make a determination regarding a request for approval under this paragraph within 30 days after the date it is received, if the request contains the information specified in regulations issued under paragraph (2). Failure by the Commission or Assistant Attorney General to make such determination within such 30-day period will be deemed to be an approval of the request by the Commission or the Assistant Attorney General.

(2) REGULATIONS.—The Commission, in consultation with the Assistant Attorney General, shall publish regulations implementing this subsection within six months of the effective date of this Act. Such regulations shall include the following:

(A) A description of the information that must be submitted by health care professionals who seek to obtain approval to engage in collective negotiations.

(B) Provisions for the opportunity for the public to submit comments to the Commission or the Assistant Attorney General for consideration in reviewing any request for approval by health care professionals to engage in collective negotiations under this section.

(C) Provision for a filing fee in an amount reasonable and necessary to cover the costs of the Commission and the Assistant Attorney General to implement this subsection. On an annual basis, this fee shall be updated to reflect any increases or decreases determined to be necessary to cover such costs.

(3) COORDINATION.—The Commission and the Assistant Attorney General shall coordinate so that an application is reviewed under this subsection by either the Commission or the Assistant Attorney General, but not both.

(4) EXEMPTION FOR SMALL GROUPS.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection (other than subparagraph (B)), no prior approval is required under this subsection in the case of a group of health care professionals who are acting collectively with respect to a negotiation if such group constitutes less than 20 percent of the health care professionals in a specialty (or subspecialty) in the market area involved, as determined under regulations of the Commission.

(B) OVERSIGHT.—The Commission shall establish a process under which, if it receives a bona fide request that alleges that the negotiations of a group described in subparagraph (A) has not promoted competition or has not enhanced the quality of patient care, the Commission will review the request and may take such action as the Commission determines to be appropriate. Such action may include ordering that the results of the negotiations be vitiated and that the exemption under subparagraph (A) not apply to such group for such period as the Commission may specify.

Page 8, after line 8, insert the following:

(4) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(5) ASSISTANT ATTORNEY GENERAL.—The term "Assistant Attorney General" means the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

H.R. 4461

OFFERED BY: MR. BERRY

AMENDMENT NO. 66: On page 31, line 14, strike "$693,000"; and on page 36, line 13, strike "41,015,000" and replace with "41,708,000".

H.R. 4461

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 67: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in the Act may be expended for vaccine-related Federal advisory committees (Vaccines and Related Biological Products Advisory Committee, Advisory Committee on Immunization Practices, and the National Vaccine Advisory Committee) that grants waivers on applicable conflicts of interest rules pursuant to the Federal Advisory Committee Act and sections 202 through 209 of title 18, United States Code, and regulations issued thereunder.

H.R. 4461

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 68: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in the Act may be expended for a vaccine-related Federal advisory committees (Vaccines and Related Biological Products Advisory Committee) that grants waivers on applicable conflicts of interest rules pursuant to the Federal Advisory Committee Act and sections 202 through 209 of title 18, United States Code, and regulations issued thereunder.

H.R. 4461

OFFERED BY: MR. COBURN

AMENDMENT NO. 69: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may, with respect to enforcement under the Federal Food, Drug, and Cosmetic Act, be expended to provide to any person a warning notice regarding the importation into the United States of a drug that is legally available in the United States.

H.R. 4461

OFFERED BY: MR. GILMAN

AMENDMENT NO. 70: Page 85, after line 15, insert the following new section:

SEC. ___. The Secretary of Agriculture shall use $15,000,000 of the funds of the Commodity Credit Corporation to provide compensation to producers of onions whose farming operations are located in a county designated by the Secretary as a disaster area for drought in 1999 and who suffered quality losses to their 1999 onion production due to, or related to, drought. Payments shall be made on a per hundredweight basis on each qualifying producer's pre-1996 production of onions, based on the 5-year average market price for yellow onions.

H.R. 4461

OFFERED BY: MR. HAYES

AMENDMENT NO. 71: Page 31, after line 5, insert the following:

ADMINISTRATIVE PROVISION

Any limitation established in this title on funds to carry out research related to the production, processing, or marketing of tobacco or tobacco products shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

H.R. 4461

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 72: Page 85, after line 15, insert the following new section:

SEC. ___. Within available funds, the Secretary of Agriculture is urged to use ethanol, biodiesel, and other alternative fuels to the maximum extent practicable in meeting the fuel needs of the Department of Agriculture.

H.R. 4461

OFFERED BY: MR. METCALF

AMENDMENT NO. 73: Page 6, line 16, insert after the dollar amount "(decreased by $40,000)".

Page 57, line 24, insert after the second dollar amount "(increased by $40,000)".

H.R. 4461

OFFERED BY: MR. VISCLOSKY

AMENDMENT NO. 74: Strike Section 734 and insert as Section 734:

None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol. *Provided further*, the limitation established in this section shall not apply to any activity otherwise authorized by law.

EXTENSIONS OF REMARKS

A TRIBUTE TO DEPUTY SHERIFF JAMES HUNT

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. MCINTYRE. Mr. Speaker, I rise today I pay tribute to Deputy Sheriff James Hunt of my home county—Robeson County—in the great state of North Carolina. Deputy Hunt was recently named National Deputy Sheriff of the Year. Deputy Hunt is the first North Carolinian to receive this award and was chosen from among thousands of applicants. He proudly serves under the outstanding leadership of my friend and my sheriff, Sheriff Glenn Maynor.

On September 23, 1998, Hunt was monitoring traffic on Interstate 95 with two other officers. After clocking a car at excessive speed, Deputy Hunt and others chased the vehicle several miles until it stopped. Upon this, one of the officers proceeded to get in the vehicle and a scuffle ensued. Deputy Hunt then ran to the car and pulled the suspect out of the car. At that time, the suspect proceeded to stick a .357 Magnum into Deputy Hunt's chest and pulled the trigger. This bullet proceeded through Hunt and struck one of his colleagues in the thigh. Seconds later, another shot went into Deputy Hunt's chest. At that time, Hunt fell to the ground and crawled to cover his colleague who had been wounded. The suspect was then apprehended.

Fighting for his life every second of the way, Deputy Hunt was taken to the local hospital where he underwent surgery for four hours. After staying in the hospital for three weeks and losing half of his colon and six feet of his small intestines, Deputy Hunt returned home to be with his wife, Lisa.

Mr. Speaker, after such an ordeal, most folks in this situation would probably look for another career or desk job. But not Deputy Sheriff James Hunt. He now works the same beat as he did on that night of September 23, 1998.

President John F. Kennedy once said, "For those to whom much is given, much is required. And when at some future date when history judges us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage . . . Second, were we truly men of judgment . . . Third, were we truly men of integrity . . . Finally, were we truly men of dedication?"

Robeson County Sheriff Deputy James Hunt will truthfully be able to answer each of these questions in the affirmative! He is indeed a man of courage, judgment, integrity, and dedication. Deputy Hunt, may God's strength, joy, and peace be with you and your family as you continue your service and commitment to your fellow citizens.

IN MEMORY OF MY PERSONAL FRIEND—PATRICIA KRONGARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. MCINNIS. Mr. Speaker, it is with profound sadness that I now rise to honor the life and memory of an outstanding American, my friend Patricia Krongard. Sadly, Pat succumbed to lung disease earlier this month after a prolonged medical battle. As family and friends mourn her passing, I would like to pay tribute to this beloved wife, mother and friend. She was a great American who will be missed by many. Even so, her life was a remarkable one that is most deserving of both the recognition and praise of this body.

Since her birth in 1940, Pat has been a fixture of the Baltimore community. Along with her late husband Buzzy Krongard—who amongst other things once served as a counselor to the director of the Central Intelligence Agency—Pat gave generously of her time and energies to the Baltimore community. Her service included founding the Mounted Patrol Foundation to support the mounted patrol of the Baltimore Police Department, organizing the Peabody Institute's springtime fair, serving on the Advisory Board of the State Juvenile Service Administration, and finally, working right up until the time of her death to create a Board of Visitors for the University of Maryland Hospital for Children. These, it turns out, are only a few of the many causes that Pat devoted herself to during her accomplished life. Still, each point to the underlying generosity that marked the life of this humanitarian.

In addition to her distinguished service to the Baltimore community, Pat was also a renowned photographer. Pat traveled around the world, from Afghanistan, Nepal, Russia and China, taking striking pictures of foreign places and people. According to a beautifully written obituary that recently ran in the Baltimore Sun, Pat's photographs "reflected a sympathetic curiosity, with a portfolio of portraits of law enforcement officers across the country and artists around the world." Many of her photographs were displayed at the Johns Hopkins Hospital. In addition, Pat worked closely by my side on the campaign trail on many occasions over the years, shooting an assortment of photographs of me and my family. In every case, her work was the highest quality. Pat's photographic skills brought her great distinction and were rightly a source of pride.

While her accomplishments as a photographer and humanitarian are many, Pat's lasting legacy rests in her family. Pat was the mother of two—Alexander Lion Krongard and Randall Harris Krongard—and the proud grandmother of two more. In her sons and grandchildren, Pat's love and generosity will unquestionably endure.

As you can see, Mr. Speaker, Pat was a beautiful human being who lived an accomplished life. Although friends and family are profoundly saddened by her premature passing, each can take solace in the wonderful life that she led.

I know I speak for everyone who knew Pat well when I say she will be greatly missed.

TRIBUTE TO COMMANDER JOHN C. SCORBY—HONORING HIM ON HIS CHANGE-OF-COMMAND

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. MCINNIS. Mr. Speaker, it is a privilege and an honor to have this opportunity to pay tribute to one of the Navy's most well-loved and admired skippers, Commander Jack Scorby, as he celebrates his Change-Of-Command. Commander Scorby has been the embodiment of service, success and sacrifice during his time as the Commanding Officer of Fleet Air Reconnaissance Squadron TWO. He clearly deserves the praise and recognition of this body as he, his officers and squadron celebrate his Change-Of-Command.

If ever there were a person who embodied the spirit and values that make America great, it is Commander Jack Scorby. The Commander has distinguished himself by his exceptional leadership and service to his country as the Commanding Officer of Fleet Air Reconnaissance Squadron TWO from July 1999 to July 2000. The Commander was responsible for the overseas-based reconnaissance squadron comprised of over 450 sailors and 8 aircraft. His squadron was placed on the tip of the spear, providing continuous deployed reconnaissance support to all our U.S. assets. In fact, his area of responsibility covered half the world.

Under his leadership, the VQ–2 flew over 4000 flight hours from sites supporting multiple operations. These include combat flights during Operations Allied Force and Northern Watch, as well as numerous flights during Operations Joint Guardian, Deliberate Forge and Joint Forge. Commander Scorby not only prepared the squadron to be ready to fly the next generation of reconnaissance planes, but also the Commander's forward-thinking game plan put the VQ–2 well-ahead of the power curve, ensuring no interruptions to the nation's reconnaissance support.

As a result of his compassionate and people-oriented leadership, the VQ–2 enlisted retention rate during his tour was 20% above

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Navy standard and advancement was one of the highest, at 41%. The VQ–2 also received the top three awards that a command can receive during his command tour. They include: the Battle "E" for overall command excellence, the Golden Wrench Award for maintenance excellence and the Safety "S" for safety excellence. Perhaps one of the most telling effects about the Commander's leadership is how well-respected he is by his squadron; officers and enlisted personnel alike. At the squadron Christmas dinner, all-hands spontaneously gave him a standing ovation that lasted over 5 minutes.

As Commander Scorby celebrates his Change of Command, Mr. Speaker, I wanted to take this opportunity to say thank you and congratulations on behalf of the United States Congress. In every sense, Commander Scorby is a great American who deserves the praise and admiration of us all. The Commander is one of the nation's best and an officer we can all be proud of. My thanks to him for a job well done.

THE MOODY TROJANS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. ORTIZ. Mr. Speaker, today I pay tribute to the Moody Trojans, runners-up in the 2000 Texas High School Class 5–A Baseball Championship. While not taking the top spot in the state, this season for "Moody Magic" has been one for the record books.

While the prize proved elusive, the Trojans marched impressively on their journey to the championship game. The team completed the season with a 38–4–1 record, were ranked number one in the state poll, and reached the third highest ranking in the nation.

Moody's fans were as relentless as their team. They cheered the players on, chanting "Moody Magic," blowing horns, yelling, clapping and stomping their feet. Like the Trojans of old, they didn't give up until the battle was done.

Logistics proved to be a part of the game, with rain delays holding up the game from Friday until Monday. The burden of the delays fell directly on the Moody players since their opponents could drive home after each delay, while the Trojans wandered around their Austin hotel.

The season brought forth twin themes for Moody, one of spirituality, and one of inspiration. They drew inspiration from a movie, The Gladiator. The certainty that Trojans were warriors and that warriors fought the good fight marked the last three weeks of the season. The foremost theme for the Trojans, however, was one of spirituality. These are warriors with a deep faith.

"Si quieres puedes" (If you want to, you can) was written underneath the bill of a player's cap. This team did indeed want to win. They prayed silently on the field and in the dugout, and looked to a tiny laminated drawing of Jesus Christ in the dugout for motivation.

The Moody Magic was part inspiration and part spirituality that drew this team close. They rose to number three in the nation and number one in the state. They prayed together, won together and lost together; but through it all they kept their faith. While their opponent was awarded gold medals for the championship, they prayed that the experience will make them better people.

These young people have learned the very best lessons sports can teach. They learned that winning is great, but winners on the field are made from teamwork and faith; and winners in life are those who master the fundamentals, never lose their faith, and put their whole effort into every endeavor.

All these young men have learned this lesson, and eight of Moody's seniors will leave for college soon where they will play ball and employ the lessons they learned in the Moody dugout and on the ballfields of Corpus Christi.

I want to include the leadership of the school and the coaches in this victory: Interim Superintendent Sandra Lanier-Lerma, Principal Conrado Garcia, Athletic Director Richard Avilia, and coaches Steve Castillo, Gene Flores, Corky Gallegos, and Allan Lynch.

I ask the House to join me today in commending this outstanding group of young champions from "Moody Magic" who have learned the most important lessons of competition, faith and dignity.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. MORAN of Virginia. Mr. Chairman, I rise reluctantly to oppose this bill and the shortsighted cuts it makes to the budgets of the agencies and employees under the Subcommittee's jurisdiction.

This bill shortchanges many of the agencies responsible for local law enforcement, patent and trademarks, advanced technology programs, international peacekeeping, and trade monitoring and compliance. In particular, it severely constrains the operations of the Patent and Trademark Office, which safeguards our nation's intellectual property rights.

At a time when inventions in the fields of science and technology have driven our nation's economy, we should not be cutting back funding for this critical mission. Maintaining a sufficient investment in the PTO is absolutely vital to the future of our economic growth and prosperity.

The Committee's bill also provides insufficient funding to combat the threat of terrorism and withholds $100 million of our assessments for participation in the United Nations and other international organizations. It cuts the Administration's request for the COPS program by half It also fails to provide sufficient funding for the Commission on Civil Rights and the Small Business Administration.

In addition, this bill contains some hidden riders that undermine our nation's gun enforcement laws and language undermining the Justice Department's current lawsuit to recover funds from the tobacco industry.

The bill includes a provision for the second straight year that would place a moratorium on using funds in the bill to pay overtime to Justice Department attorneys. The attorneys who work for the Justice Department are some of the most dedicated civil servants anywhere on earth. They must often leave their homes and families for weeks at a time to try cases in distant parts of the country. They are involved in stressful cases, often involving serious organized crime or complex litigation.

By denying these lawyers compensation for their overtime hours, we are denying them what other attorneys in the Federal government rightfully earn. It is clearly a hypocrisy to have the Justice Department, the very agency tasked with enforcing our laws, attempt to bypass the law to avoid paying overtime compensation to its lawyers who carry out the laws of our nation.

This bill also fails to provide funding for anti-gun violence media campaigns that replicate Richmond's "Project Exile," and does not appropriate money to expand research into "smart gun" technology.

Mr. Chairman, for all these reasons, I urge my colleagues to reject this bill and look for a better approach to funding the agencies in this bill.

IN RECOGNITION OF THE B.B. COMER MEMORIAL LIBRARY, ON RECEIPT OF THE NATIONAL AWARD FOR LIBRARY SERVICES

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. RILEY. Mr. Speaker, it is with great pride and a sense of duty that I rise today to recognize one of the finest institutions in the State of Alabama, and in the United States.

The National Institute of Museum and Library Services has established an annual Award for Library Services. In this, the first such year of this award, only four Libraries from across the United States have been selected. One of the Libraries chosen to receive this distinguished award is the B.B. Comer Memorial Library. This Library is located in one of the most viable, vibrant areas in East Central Alabama, a community known as the City of Sylacauga.

The B.B. Comer Memorial Library is a product of the Great Depression in 1936. It has evolved from 250 donated books in the back room of a local bank to a free public library that serves parts of four counties and partners with over thirty organizations.

Libraries are learning centers. They are places where families can seek and find vital information. They are the necessary centerpiece of any public educational system. They are a place where friends meet, greet, and engage in dialogue. Libraries address the educational, medical, and entertainment needs of the communities they serve.

It is with a feeling of honor and pleasure that I stand here today and salute the B.B. Comer Memorial Library. I commend its director, Ms. Shirley Spears, for her dedicated service. I recognize the board members for the leadership they have provided. In addition, I want to tip my hat to the library staff and all the volunteers and thank each one of them for the job they have done. Sylacauga should be proud of what they have built. For what they have built is an award winning Library Institution.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Ms. VELÁZQUEZ. Mr. Speaker, due to an error by the House Tally Clerk, I was incorrectly shown as voting "no" on Rollcall No. 103, and "not voting" on Rollcall No. 104. I was present during both Rollcall votes and during voting for Rollcall No. 103, I voted "yes", and during Rollcall No. 104, I voted "no". I ask that this statement be entered into the RECORD.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mrs. MYRICK. Mr. Speaker, due to other commitments, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

June 22, 2000: Rollcall vote 315, on the Campbell amendment to H.R. 4690, I would have voted nay; rollcall vote 316, on the Hinchey amendment to H.R. 4690, I would have voted nay; rollcall vote 317, on the Scott of Virginia amendment to H.R. 4690, I would have voted nay; and rollcall vote 318, on the DeGette amendment to H.R. 4690, I would have voted nay.

June 23, 2000: Rollcall vote 319, on the Waxman amendment to H.R. 4690, I would have voted nay; rollcall vote 320, on the Davis of Virginia amendment to H.R. 4690, I would have voted nay; and rollcall vote 321, on the Coble amendment to H.R. 4690, I would have voted aye.

INTRODUCING THE RONALD REAGAN RECOGNITION ACT OF 2000

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce the Ronald Reagan Recognition Act of 2000.

Recent news reports indicate that the Interior Department is moving toward a complete moratorium on future memorials in the area known as the Mall in Washington, DC.

Mr. Speaker, we can argue the merits of that proposal, but one thing is clear: Under Article IV of the U.S. Constitution, Congress, not the Interior Department, has the authority to dispose of federal lands. A decision this important, about how, whether, and where American heros are memorialized on federal lands, should be made by, and in consultation with, Congress.

One other thing is very clear: One such American hero, who is deserving of recognition among our great American statesmen, is Ronald Wilson Reagan, 40th President of the United States.

Although President Reagan is, thankfully, still very much alive, he is not well. The scourges of Alzheimer's disease have greatly diminished his once tremendous mind. I am sure all my colleagues join me in wishing President and Mrs. Reagan long lives and good health. But tomorrow is promised to no one.

We must not stand idly by and wait while the Interior Department eliminates the possibility of a future memorial to President Reagan, robbing future generations of Americans of the opportunity to recognize the tremendous contributions of this great American, and to do so in the midst of the other great Presidents and heros memorialized on the Mall.

We must not stand by and deprive this generation of Americans of the opportunity to honor President Reagan themselves, in this small way.

Mr. Speaker, the Washington Mall is the family album of the American people. It is where their heros are remembered, and where great accomplishments are celebrated. President Reagan is deserving of both honors.

Ronald Reagan is an American hero deserving of recognition by this and future generations of Americans and visitors to the Mall from around the world.

Future visitors to a Ronald Reagan Memorial on the Mall should be reminded that as President, Ronald Reagan initiated policies that won the cold war, protected and restored freedom and Democracy around the globe, lowered taxes on American citizens, tamed the economic threats of inflation and economic stagnation, and ushered in an unprecedented era of peace and prosperity across the nation, and his contributions merit permanent memorialization.

Future visitors to a Ronald Reagan Memorial on the Mall should be reminded that the legacies of President Reagan include restoring faith in our system of Democracy and capitalism, returning pride in being an American, and renewing the honor and decency of the American Presidency, and are deserving of national recognition.

Future visitors to a Ronald Reagan Memorial on the Mall should be reminded that the contributions of former President Reagan, and his status as a pre-eminent twentieth-century American statesman and one of the greatest American Presidents, merit and require a permanent memorialization alongside the other great American leaders memorialized on the Mall in Washington, DC.

To accomplish these goals, this bill requires the Secretary of the Interior to identify appropriate lands within the area designated as section 1 of the Mall in Washington, DC, as the location of a future memorial to former President Reagan, requires identification of a suitable location, and selection of a suitable design, authorizes raising private-sector donations for such a memorial, and creates a commission to assist in these activities.

Money spent on the memorial would be raised from private sector donors. A commission would be created to oversee the process. And a suitable site on the Mall would be selected, and marked as the "Future Site of the Ronald Reagan Memorial."

By statute, the memorial to President Reagan on the Mall will still not occur until 25 years after his death—hopefully long, long in the future. But we must begin the process now, while it is still possible.

Remembering that the policies of President Reagan are responsible for the peace and prosperity we now enjoy is especially fitting now, while some national political figures are running around the country trying to take credit for the results. I find it a little like the rooster taking credit for the sunrise.

The many benefits of Ronald Reagan's policies of limited government, lower taxes, and a strong national defense are still very evident today. Those policies are why this nation is in the good shape we're in today.

The fact that some people seem to have forgotten this is the strongest argument yet to begin the steps toward creating this memorial.

I can think of no greater tribute, and no more fitting tribute, to a man who has done so much for his nation.

Quite frankly, Mr. Speaker, it is the least we can do.

THE CALALLEN WILDCATS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. ORTIZ. Mr. Speaker, today I pay tribute to the Calallen Wildcats, the 2000 Texas High School Class 4–A Baseball Champions. In a herculean effort in the sixth inning of the final game they came from behind, sending the game into extra innings to win.

In the championship game, they fell behind, rallying to a tie in the sixth inning, sending the game into extra innings before winning the state championship. The young men who won this championship deserve great credit for holding together to bring home this important win. Some of the seniors on this winning team have been playing together since they were 5 years old, so they have been a team longer than most baseball teams have played together.

I am proud of the 4–A champs; these players kissed medals and fought back tears as they savored their win. This was the sixth time in the past eight years that the Wildcats made it to the state's final four teams, but this was the first to come home with the state Class 4–A title.

These young players played and enjoyed this series for themselves, the perfect ending to a season in which the Wildcats first won 38 games, then earned the No. 1 ranking in Texas and finally won a state championship. Calallen is the first South Texas team to win a state championship since Orange Grove claimed the 3–A title in 1994.

These young men didn't just play ball well. They had to be patient for years. They fell short of the title in 1998 and again in 1999, but the third time was a charm. Their game was canceled due to rain Friday. We have had a drought for years in South Texas, and the two other rain delays they sat through seemed pretty cruel. But they never gave up.

But when an opposing hitter grounded out, the Calallen Wildcats at long last became Class 4–A state champions in extra innings. Nothing, including the rain, could dampen the Wildcats fans' excitement. They waited through two rain delays. They stood and cheered the team on, even as rain poured down on the field and stadium.

When the Wildcats won, the joy was palatable as far away as the players' hometown. A WalMart employee got the call that Calallen had won from a Kingsville manager who attended the game. She immediately made an announcement over the store loudspeaker and shoppers stopped to cheer, clap and wipe tears from their eyes. It was a beautiful moment.

This victory belongs to the entire community. They all pulled together, hoped together, and prayed together and the Calallen Wildcats came back to Corpus Christi as the State Champions. These guys learned the important lesson of knowing that champions must have patience, skill, and heart. They learned that victory comes from within.

I want to include the leadership of the school and the coaches in this victory: Superintendent Dr. James Warlick, Principal Mike Sandroussi, Athletic Director Phil Danaher, and Coaches Steve Chapman, Danny Fogg, Dough Edwards, and Mark Soto.

I ask my colleagues to join me today in offering our congratulations to a team of outstanding young men and outstanding young ball players, the 2000 Texas High School Class 4–A Baseball Champions.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes:

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong opposition to this bill and the short-sighted cuts it makes to the budgets of the agencies and employees under the Subcommittee's jurisdiction.

There is a lot of smoke and mirrors in this bill. Even with the funding restored by the Manager's amendment, this bill is deficient in many critical areas. The bill's total appropriation is still $9.8 million less than the current year's appropriation.

It would still leave the Congressional Research Service, an office that every Member of Congress relies upon to serve our constituents, underfunded and ill-equipped to fulfill its mission.

I spoke in strong opposition to this bill when we considered it in the Appropriations Committee because it would have gutted the agencies funded in this bill and resulted in up to 1,700 employees being laid off.

This would mean RIFs and lay-offs of the hardworking men and women who work for the Capitol Police, the Library of Congress, GAO, GPO and the other agencies in this bill. To many of you, these are faceless individuals whose work may not be directly felt.

However, to me, not only are many of these individuals my constituents, but they are also devoted Federal employees who have foregone higher paying jobs in the private sector because they believe in public service. They have families and mortgages and do good work. They have been subjected to possible RIFs because this Congress wants to provide a tax cut rather than maintain the current funding and cost-of-living adjustment for these agencies.

On another matter, the proposed amendment to establish a lockbox on this bill is a budgetary gimmick. It has the gloss of sounding fiscally responsible, but it actually ties the hands of this Committee and forces irresponsible cuts in order to provide a large tax cut.

Mr. Chairman, I urge my colleagues to reject this bill and look for a better approach to funding the agencies in this bill.

IN RECOGNITION OF THE EXCELLENCE OF ANDERSON HIGH SCHOOL'S NATIONAL ENERGY EDUCATION DEVELOPMENT PROJECT TEAM

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PORTMAN. Mr. Speaker, I rise today to honor Anderson High School's NEED (National Energy Education Development) Project Team. Anderson High School is in Ohio's Second Congressional District, and its team was recognized as the Senior Level School of the Year by the NEED Project at the 2000 Youth Awards Program for Energy Achievement. The NEED Project is a nonprofit education association dedicated to developing and distributing comprehensive, hands-on energy education programs to schools nationwide. NEED encourages and rewards student leadership by sponsoring a Youth Awards Program for Energy Achievement.

Anderson High School's NEED Project Team was chosen as the Senior Level School of the Year for its outstanding work to promote energy awareness through the design and delivery of objective, multi-sided energy education programs. The team participants are Jayne Everson, Steve Grindle, Matt Radcliffe, David Drabousky, Mike Jurek, and David Zitt. Also fundamental to the team's success are student webmasters William Hawkins III and Martine Lamy and student game designer Brian Huneke. The team, led by its dedicated faculty advisor, Jeff Rodriguez, traveled to Washington, D.C. to receive its award on June 26, 2000.

The work of Anderson High School's NEED Project Team includes: evaluation of energy conservation improvements at its school; research of scientific applications for solar energy; and the presentation of energy education workshops and carnivals at local elementary schools, middle schools, high schools, and colleges and universities.

The team also developed and implemented an outstanding website (www.LearnAboutEnergy.org) to raise energy awareness to thousands of students, educators, and others around the world in classrooms ranging from Australia to Switzerland. The material on its website focuses on objective energy related education for students in middle school. It features games that teach the fundamentals of energy, including "Energy Jeopardy" and "What's My Name?"; an energy fact of the day; energy discussion boards; greeting cards about energy; and Internet broadcasts.

The website also provides valuable tools for teachers. It offers links to online energy facts and information on how to conserve energy at home; an online textbook; energy lesson plans; quizzes to test students' knowledge of different types of energy; PowerPoint presentations about energy; and contact information for additional teaching resources.

We are very proud of the accomplishments of Anderson High School's NEED Project Team. All of us in the Cincinnati area congratulate these students and their advisor on receiving the Senior Level School of the Year award.

IN SUPPORT OF PASSAGE OF MEDICARE COVERAGE OF VISION REHABILITATION SERVICES (H.R. 2870)

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. CAPUANO. Mr. Speaker, I rise today in support of passage of my bill, H.R. 2870, the Medicare Vision Rehabilitation Coverage Act. As Congress considers its health care initiatives, I would like to highlight a proposal that would help over 6 million seniors in the United States receive services necessary for maintaining their independence. The Medicare Vision Rehabilitation Coverage Act would provide access to vision rehabilitation services for Medicare beneficiaries who report some level of vision impairment and would end up saving Medicare funds.

H.R. 2870 would extend Medicare coverage to orientation and mobility specialists, rehabilitation teachers and low vision therapists. These professionals provide critical specialized rehabilitation services to help people with a vision impairment to be able to adjust the loss of sight and carry out normal daily activities. These services can restore a person's independence, improve their quality of life and save unnecessary suffering and expense by preventing injuries.

Vision loss has a powerful impact on one's daily life. It affects an individual's ability to communicate through reading and writing, manage simple household tasks, move around safely and handle medication. In addition, vision that cannot be corrected by medical or surgical intervention or corrective lenses, is a major contributing factor to falls among older adults which can cause hip fractures and other injuries.

The Framingham Eye Study reports that 18 percent of all hip fractures in the elderly are a result of vision impairment. This year alone, it is estimated that 63,000 hip fractures will occur due to vision loss. The cost incurred for the medical treatment of a hip fracture is $35,000. Therefore, the total estimated cost of medical treatment for hip fractures this year alone is $2.2 billion. Conservative estimates illustrate that 20% of these hip fractures could have been prevented if elderly persons suffering from vision impairment had access to vision rehabilitation services. This would save $441 million annually for the federal government.

Savings to Medicare also occur by reducing the need for in-home and nursing home care By providing the skills and services to those with vision impairment, Medicare promotes quality of life and independence for the individual. I know first-hand, the cost factors and emotional strain related to the loss of independence and need for additional health care services due to vision impairment. My mother, who suffers from vision impairment, benefited tremendously from the rehabilitation services provided by the Greater Boston Aid to the Blind.

Studies by the National Center for Health Statistics and others find age-related visual impairment to be second only to arthritis/rheumatism as a cause of disability. In addition, the Alliance for Aging Research found visual impairment as one of four conditions leading older citizens to lose their independence. Medicare must provide its beneficiaries with the ability to live a normal life. Please join me and nearly 80 other cosponsors in this effort by including vision rehabilitation professionals in Medicare reform legislation.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. ABERCROMBIE. Mr. Chairman, I would like to thank Chairman YOUNG, Ranking Member OBEY, Subcommittee Chairman REGULA, Ranking Member SERRANO, and the other Members of the Commerce, Justice, State, and the Judiciary Appropriations Subcommittee and Appropriations Committee for their obvious hard efforts in producing H.R. 4690. I have strong reservations about the funding cuts that the bill imposes on the National Oceanographic and Atmospheric Administration. The bill funds NOAA at a level 61 percent below the Administration's request and could result in the elimination of 1,000 NOAA jobs. If this happens, it will have a devastating effect on the critical research, fisheries management, water quality, and community-based educational programs which are absolutely necessary to our country's vitality and continued strength.

Mr. Chairman, this country is witnessing the largest federal government surplus in history. I believe that part of this money should be returned to the American people. I believe that we should be investing part of the surplus in America's future. NOAA plays an essential role in the lives of all Americans. From issuing weather forecasts to managing our nation's ocean and living marine resources, NOAA contributes significantly to the nation's economic and environmental health. Nearly one out of every six jobs is marine-related and one-third of our Gross Domestic Product is produced in ocean and coastal areas.

I am particularly upset that the Committee has chosen to cut all funding, $16 million requested by the Administration, for coral reef research and conservation efforts. Coral reefs truly are the "rainforests of the oceans." There have been many concerted efforts by the Administration, Congress, states, and local communities to protect and safely manage corals. Since the release by the Coral Reef Task Force of its National Action Plan in March, NOAA and its Federal, state, territorial, and local partners have moved forward to improve our protection of these valuable and fragile areas. I am presently involved in bipartisan legislation that will contribute to the effective stewardship of coral reefs. NOAA is an important partner in the process, since many corals fall within its purview. All of the efforts supported by NOAA will be terminated at the proposed funding level, and threaten to harm the ecological and economic stability in our nation's waters where corals reside.

Mr. Chairman, some may ask whether we can afford, or even need, all the services that NOAA provides. However, at a time when there is an even greater need for accurate weather information to protect the lives of our people and the well-being of our agricultural communities, at a time when our fisheries are at risk, at a time when development is booming in coastal communities, and at a time when we have the additional financial resources, I ask, how can we afford not to provide the Administration's request for NOAA, which has the capability to provide the expertise which is so vitally important to the continued stewardship of our marine resources? NOAA has been a valuable federal partner in contributing to our nation's economic potency by providing the knowledge required for effective stewardship of our coastal resources. Investing in NOAA will ensure we can continue to safely conserve our coastal and oceanic resources for generations to come. I sincerely hope that these concerns will receive consideration when the House goes to conference with the Senate on H.R. 4690.

LEHIGH VALLEY HERO JOHN FINNEGAN, JR.

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. TOOMEY. Mr. Speaker, today I rise to pay tribute to one of my constituents, Mr. John Finnegan, Jr. Mr. Finnegan, who only moved to the Lehigh Valley four years ago, has displayed an extraordinary dedication to the people of his community. The Director of Consulting Services at Dun and Bradstreet, Mr. Finnegan serves as a member of the Board of Supervisors of Hanover Township, Northampton County. He has served as the chief fund-raiser for the township's bicentennial committee, and on its parks and recreation board. His hard work and diligence have made a tremendous difference in the life of his community.

In addition to his civic and corporate involvement, Mr. Finnegan's personal actions also serve as a model for others to follow. He has been a coach for Little League baseball and hockey leagues, serving as a role model and mentor to the youth of the Lehigh Valley. Coordinator for his neighborhood crime watch, Mr. Finnegan has become an invaluable resource to the constituents of my district in the short time he has lived there. I applaud Mr. Finnegan for his devotion to the Lehigh Valley community. John Finnegan is a Lehigh Valley Hero.

HONORING WILLIAM G. TERRELL—NEW JERSEY UAW CAP DIRECTOR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PALLONE. Mr. Speaker, it is my great pleasure to rise today to honor a man who has spent the last 35 years of his life representing the interests of working men and women in the State of New Jersey.

William G. Terrell, Friday, retires as UAW International Representative Community Action Programs (CAP) Director for the State of New Jersey.

For the last several decades, Bill Terrell has spent a majority of his time improving the quality of life for thousands of workers in the State of New Jersey. Throughout his career in organized labor, Mr. Terrell has held numerous positions within the UAW, culminating with his current position as CAP Director since 1985.

Bill Terrell has been a tireless advocate on behalf of autoworkers throughout the State of New Jersey, as well as the nation as a whole. He has played an active role in UAW contract negotiations, workplace safety and ensuring

New Jersey's automobile plants continue production in our State. He is a constant supporter of organized labor and works extremely hard to ensure that all workers have a voice.

With Bill Terrell's retirement, the NJ UAW is losing a worker, a family man, and a leader. I want to offer Mr. Terrell my congratulations and thanks for his outstanding career of service. It is with men like Bill Terrell that our nation's labor movement is such a huge success. He will be sorely missed.

THE HISTORIC SUMMIT OF THE TWO KOREAS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. GILMAN. Mr. Speaker, today I congratulate South Korean President Kim Dae-jung in the aftermath of the historic summit. This is an historic moment and holds a glimmer of promise for the Korean people and for peace and stability in Northeast Asia. This is a watershed event in the history of Korea and will hopefully lead to a significant reduction in tensions on the peninsula.

According to media coverage, the summit has already produced potentially significant results. The two leaders reportedly have reached an understanding in the following four areas:

Social and economic cooperation, including South Korean investment in North Korea;

The easing tensions between the two Koreas;

Steps toward the reunification of families; and

The eventual reunification of the peninsula.

I look forward, as we all should, to viewing the details that accompany these understandings with real hope that the two Koreas are on a path toward true and lasting peace. While this summit is only a first step, I am pleased and encouraged by its apparent success. I urge the leaders of North and South Korea to remain committed to this historic process that they have initiated.

Finally, Mr. Speaker, let me close by quoting from President Kim's airport speech in Seoul. Before he boarded the plane for Pyongyang, he said:

> I want to embark on the trip with a heart burning with love for our people and a calm attitude so that I can look straight at reality. I hope that it will be a turning point in efforts to remove threats to war and terminate the Cold War . . . so that 70 million Korean people in the north and south can live in peace.

Mr. Speaker, we hope that President Kim is correct and I invite my colleagues to join in wishing him success in this important endeavor.

RECOGNIZING WORLD IMPACT, INC.

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Fresno Chapter of World Impact, Inc. for their effect on the Fresno Community.

World Impact is a nationwide, interdenominational, Christian discipling and church-planting ministry dedicated to ministering God's love in the inner cities of America. The organization nurtures urban disciples who will join in teaching others the gospel. World Impact, Inc. also develops indigenous disciples of Christ in the inner city through ministry to children, teenagers and adults who are committed to Christ and to making Him known to others.

Currently, the Fresno Chapter shares the gospel of Jesus Christ in five ministry areas in Fresno, California. They minister to about 250 children and 40 teenagers weekly from these areas and also hold Bible studies for adults. In addition to their five ministry areas, they also have a community center, which includes a gymnasium, recreation rooms, a kitchen, offices, and classrooms. The community center offers Bible classes year round, as well as other community activities.

Mr. Speaker, I want to recognize the Fresno chapter of World Impact, Inc. for their contributions to the community, and I urge my colleagues to join me in wishing the organization many more years of continued success.

CONGRATULATIONS TO GAIL NAUGHTON, PH.D., INVENTOR OF THE YEAR

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. CUNNINGHAM. Mr. Speaker, today I congratulate my constituent, Gail Naughton. Today, the Intellectual Property Owner's Association will name Dr. Naughton Inventor of the Year. As the first individual woman to win this award, Dr. Naughton is being honored for the process she invented to produce human tissues and organs outside the human body.

Traditionally, growing cells in a laboratory consisted of placing cells on a flat surface with a growth medium. In this process, cells behaved differently than their natural counterparts. Dr. Naughton's invention utilizes stroma cells, which are the cells that form the surrounding matrix of the tissue. Using a three-dimensional scaffolding, which is placed in a specially designed "bioreactor", Dr. Naughton was able to simulate the body making it possible for cells to form a tissue matrix that was virtually undistinguishable from those found in nature. Dr. Naughton's pioneering work in tissue engineering has defined a new industry dedicated to helping the millions of people who suffer tissue loss or end-stage organ failure. In addition, cartilage, heart tissue and other organs can be bioengineed with this unique human-based technology, which has the potential of addressing the significant shortage of world wide donor organs.

Dr. Naughton is the co-founder and President and Chief Operating Officer of Advanced Tissue Sciences, Inc. in La Jolla, California were she has developed product technology to help patients and to respond to the growing need for transplant tissues and organs. A mother of three, she received her MS in histology in 1978 and Ph.D. in 1981, both from NYU. She has been published extensively in the field of tissue engineering and is the holder or 26 U.S. patents. Through the Advanced Tissue Sciences, Dr. Naughton has produced various therapeutic products such as Transcyte™, which is used to treat second and third degree burns, and Dermagraft®, which is used for the treatment of diabetic foot ulcers. These products represent advancements in bioengineering, manufacturing, and cytopreservation in an emerging industry.

Dr. Naughton is also on the advisory boards of the Department of Bioengineering at Johns Hopkins University and Georgia Institute of Technology, and is a member of the industrial liaison board at the University of California, San Diego, the Georgia Institute of Technology, MIT, and the University of Washington. She is also a member of the board of Directors of Scripps Bank in La Jolla, California, the San Diego Burn Institute and the Charles H. and Anna S. Stern Foundation. In 1999, she received a "Woman Who Mean Business" award from the San Diego Business Journal.

Gail Naughton deserves our congratulations for this tremendous achievement. I know that she is proud of her accomplishments, and I am proud to have her as my constituent.

SEVERE SHORTAGE OF APPROVED ANIMAL DRUGS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PICKERING. Mr. Speaker, I rise today in order to bring attention to a problem faced by livestock and food animal producers, animal and pet owners, zoo and wildlife biologists, and the animals themselves, which unfortunately goes largely unnoticed except by those who are directly affected.

There currently exists a severe shortage of approved animal drugs for use in minor animal species. These minor animal species include animals other than cattle, horses, chickens, turkeys, dogs, and cats. In addition, there also exists a similar shortage of drugs and medicines for major animal species for diseases that occur infrequently or which occur in limited geographic areas. Due to the lack of availability of these minor use drugs, millions of animals go either untreated or treatment is delayed. This results not only in unnecessary animal physical and human emotional suffering but may threaten human health as well.

Because of limited market opportunity, low profit margins involved, and enormous capital investment required, it is generally not economically feasible for drug manufacturers to pursue research and development and then approval for drugs used in treating minor species and infrequent conditions and diseases.

In addition to the animals themselves, without access to these necessary minor use drugs, farmers and ranchers also suffer. An unhealthy animal that is left untreated can spread disease throughout an entire stock of its fellow specie causing severe economic hardship to struggling ranchers and farmers.

For example, Mr. Speaker, sheep ranchers lost nearly $45 million worth of livestock alone in 1999. The sheep industry estimates that if it had access to effective and necessary drugs, growers' reproduction costs for their animals would be cut by up to 15%. In addition, feedlot deaths would be reduced to 1–2% adding approximately $8 million of revenue to the industry.

The catfish industry, a top agriculture industry in my home state of Mississippi generating enormous economic opportunity in the State, especially in the impoverished Mississippi Delta, estimates its losses at $60 million per year attributable to diseases for which drugs are not available. The U.S. aquaculture industry overall, including food as well as ornamental fish, produces and raises over 800 different species. Unfortunately, this industry has only 5 drugs approved for use in treating aquaculture diseases resulting in tremendous economic hardship and animal suffering.

Mr. Speaker, joined with my colleagues Mr. HALL of Texas, Mr. COMBEST of Texas, Mr. STENHOLM of Texas, and Mr. POMBO of California, I resolve to correct this unfortunate situation by introducing the Minor Animal Species Health and Welfare Act of 2000. This legislation will allow pharmaceutical companies the opportunity to develop and approve minor use drugs which are vitally needed by a plethora of animal industries. Our legislation incorporates the major proposals of the FDA's Center for Veterinary Medicine to increase the availability of drugs for minor animal species and rare diseases in all animals. The Animal Drug Availability Act of 1996 required the Food and Drug Administration (FDA) to provide Congress with a report, describing administrative and legislative proposals to improve and enhance the animal drug approval process for minor uses and minor species of new animal drugs. This report by FDA, delivered to Congress in December 1998, laid out nine proposals. Eight of FDA's proposals required statutory changes. The bill my colleagues and I introduce today reflects the changes called for in FDA's minor species/minor use report. The Act creates incentives for animal drug manufacturers to invest in product development and obtain FDA marketing approvals. Furthermore, it creates a program very similar to the successful Human Orphan Drug Program that has, over the past 20 years, dramatically increased the availability of drugs to treat rare human diseases. Mr. Speaker, besides providing benefits to livestock producers and animal owners, this measure will develop incentives and sanctioning programs for the pharmaceutical industry while maintaining and ensuring public health.

The Minor Animal Species Health and Welfare Act is supported by the Food and Drug Administration, the American Farm Bureau Federation, the Animal Health Institute, the American Veterinary Medical Association, and virtually every organization representing all genres of minor animal species. Mr. Speaker, this is vital legislation which is needed now. This Act will alleviate much animal suffering, it will promote the health of minor animal species while protecting and promoting human health, it will benefit pets and promote the emotional security of their owners, benefit various endangered species of aquatic animals, and will reduce economic risks and hardships to farmers and ranchers. This is commonsense legislation which will benefit millions of Americans from farmers and ranchers to pet owners. I call on all my colleagues in this House to support the Minor Animal Species Health and Welfare Act of 2000.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. SMITH of Washington. Mr. Speaker, on Friday, June 23, I was unable to vote because of family issues. Had I been present, I would have voted: "Aye" on the Waxman amendment to H.R. 4690; "Aye" on the Davis amendment to H.R. 4690; "Aye" on the Coble amendment to H.R. 4690.

EARTHQUAKE IN TURKEY

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. SENSENBRENNER. Mr. Speaker, on June 6, the citizens of Turkey were once again reminded that the ground beneath them is not always stable. An earthquake, which registered 5.9 on the Richter scale, shook the Cankiri province in Central Anatolia, but its reverberations were felt in Ankara, Bolu, Duzce, Kirikkale, Corum and Kastamonu. There were at least three casualties, and 81 people injured, and considerable damage to buildings nearby.

I visited Turkey last January, after it had experienced significant, earthquakes in August and November of 1999 resulting in the death of more than 17,000 people and the estimated loss of property of $40 billion. The Turkish people impressed me with their resilience and strength. Individuals from all walks of life rallied to assist those that had been less fortunate.

This latest earthquake is another example of the difficult task ahead for the Turkish Government and its people. The good news is that some of the world's foremost scientists in both Turkey and the U.S. have been studying the Anatolian fault, which runs east to west along the length of Turkey. This cooperation between our two nations has not only led to an increased understanding of the potential earthquake dangers in Turkey but also in the United States.

Unfortunately, most earthquake experts suspect that another severe earthquake will hit Turkey in the next two decades. The earthquake is likely to hit near Istanbul along the Anatolian fault. Such a quake is likely to be devastating. More needs to be done to prepare for this eventuality.

The Turkish Daily News reported that the Turkish government, which was criticized for being late to take measures after the 1999 earthquakes, was prompt to reacting to the June 6 quake. Officials said that with the lessons they had learned from the previous disaster, they were well organized and fulfilled their promise to send immediate help to the region.

I hope this portends well for the future. Dealing with the destructive power of earthquakes—as Turkey and so much of the World has discovered—is something that requires immense advance planning.

By continuing to work together, U.S. and Turkish scientists can help by increasing our understanding of the phenomena, enabling generalized predictions and improved building design. I look forward to continuing this close working relationship between U.S. and Turkish scientists.

During this difficult and challenging period, our hearts and thoughts are with the citizens of Turkey. Working together, I hope we can reduce the pain of these terrible earthquake tragedies.

IN TRIBUTE TO R. LEE TAYLOR

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. WOLF. Mr. Speaker, today I honor a man whose genius has touched many people in the Shenandoah Valley of Virginia and who, with the establishment of the Glass-Glen Burnie Museum, will continue to touch the lives of all Americans for centuries to come.

In 1952, R. Lee Taylor was brought to Winchester, Virginia by his friend and employer Julian Wood Glass, Jr. to assess the state of Glass's ancestral home, Glen Burnie, which had been built by Winchester's founder, Colonel James Wood. Lee Taylor was charged with the restoration of the historic house and the creation of a landscape plan to enhance the site. By the time of his death in May, the landscape plan had been realized. Today, the 25 acres of expansive lawns and 14 individual gardens surrounding the 18th century house stand as testimony to Lee Taylor's vision, determination and hard work.

For the last three years of his life, Lee Taylor participated in the transition of Glen Burnie from private home to public institution. Since opening in 1997, tens of thousands of people have visited the site now known as "Glen Burnie, Historic House, Gardens & Julian Wood Glass, Jr. Collection." In the last days of his life, Mr. Taylor participated in the selection of renowned architect Michael Graves to design a new museum to be built on the property in celebration of the Shenandoah Valley. Called the "Museum of the Shenandoah Valley," the new facility will interpret the region's history, art and culture and tell how, over three centuries, people have made their home in the

Shenandoah Valley scheduled to open in 2003.

Lee Taylor's talents were not limited to horticulture. He was nationally known as the creator of miniature houses and rooms. His genius had been recognized in articles in Nutshell News and Treasures in Miniature. Mr. Taylor bequeathed more than one dozen miniatures to the new Museum of the Shenandoah Valley.

Mr. Taylor was a champion of preservation in the northern Shenandoah Valley. He served on the governing board of Belle Grove, the National Trust for Historic Preservation site in Middletown, Virginia. He was a charter board member of Preservation of Historic Winchester. Both of these organizations recognized Mr. Taylor's contributions with special awards. Mr. Taylor also served on the Winchester-Frederick County Historic Resources Advisory Board as well as the Community History Advisory Board of Shenandoah University.

Lee Taylor will be remembered as a truly gentle man. When not helping others, he could generally be found in his garden. He was always generous with his time and horticultural knowledge—encouraging even the most timid novice gardener to turn the first spade of dirt, to plant the first seed.

Today, because of Lee Taylor's vision, Glen Burnie is a peaceful refuge for all who visit.

Mr. Speaker, today I pay tribute to R. Lee Taylor as Glen Burnie's first Curator of Gardens and creator of an experience of uncommon beauty. Lee Taylor took a seed and planted it, and all that has grown will enrich our lives for many years to come. In his honor, I encourage all to go to Glen Burnie in Winchester, Virginia and to discover the magic of the gardens that Lee Taylor created.

TRIBUTE TO FBI SPECIAL AGENTS RONALD A. WILLIAMS AND JACK R. COLER

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. OXLEY. Mr. Speaker, twenty-five years ago last Monday, FBI Special Agents Ronald A. Williams and Jack R. Coler were mercilessly gunned down on South Dakota's Pine Ridge Reservation. The agents were pursuing a fugitive on June 26, 1975; one of the three people in the vehicle the agents were tracking was Leonard Peltier. A fugitive from justice wanted for attempted murder, Peltier and his associates abruptly emerged from their vehicle and opened fire on the agents. Williams and Coler were shot point blank in the head, and died instantly. Peltier was captured after several months, and now serves two consecutive life sentences at Leavenworth.

Time and again, Peltier rightly has been denied parole for his heinous crimes, most recently just two weeks ago. Each of his appeals has failed. Even after a quarter century, and amid the constant barrage of liberal Hollywood actors glorifying this murderer, the American people have not forgotten Peltier's fatal assaults. Leonard Peltier slaughtered two young FBI special agents at the beginning of their careers, for which he deserves to spend the remainder of his life in prison.

As a fellow former FBI special agent, I am honored today to recognize the supreme sacrifice of Ronald A. Williams, age 27, and Jack R. Coler, age 28. These slain heroes gave their lives in defense of justice for all. I join law enforcement officers throughout the nation in saluting their memories on this day. Their fidelity, bravery, and integrity live on in their comrades.

I commend to my colleagues' attention the following statement by FBI Director Louis Freeh.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC June 26, 2000.

STATEMENT OF FBI DIRECTOR LOUIS J. FREEH

On behalf of the men and women of the FBI, and in memory of all who have lost their lives in the line of duty, I would like to observe the 25th anniversary of the brutal slaying of Special Agents Ronald A. Williams and Jack R. Coler.

Twenty-five years ago today, these two outstanding Special Agents of the FBI were summarily executed by a gunman in South Dakota. Ron Williams and Jack Coler had been searching for a robbery suspect near Pine Ridge on 6/26/75 when they were shot from a distance of 250 yards. They were grievously wounded and on the ground when the killer approached and shot them, one after the other, at point blank range, through their faces.

The FBI cannot forget this cold blooded crime, nor should the American people. I was a new Special Agent, still in training school, when this horrific crime was enacted. Its cold blooded disregard for law and order ensured that it would never be forgotten, its criminal nature never obscured.

In February 1976, Leonard Peltier was arrested and charged with the murder of these two agents. The evidence was unarguable and conclusive. On 4/18/77, he was found guilty of the first-degree murders of Williams and Cofer and sentenced on 6/1/77 to two consecutive life terms. All his many appeals to the U.S. Court of Appeals for the Eighth Circuit have failed. The Supreme Court of the United States has twice denied Peltier's petitions for review of his case. Most recently, on 6/12/2000, his parole board held its regular 2-year statutory review of the case, pending the full hearing it is required to hold in 2008. Once again, parole for Leonard Peltier was not recommended. It is a testament to the American judicial system and the American people that 25 years have not been able to erase or soften the facts of the case. The rule of law has continued to prevail over the emotion of the moment, the cornerstone attribute of our criminal justice system.

The men and women of the FBI—and law enforcement officers everywhere—put their lives on the line on a daily basis to protect the American people. They, with me, would like to remind the nation of the fidelity, bravery, and integrity of Agents Williams and Coler who 25 years ago today lost their lives but not their places in our hearts.

A TRIBUTE TO CONANT HALSEY FOR 47 YEARS OF MUSICAL EXCELLENCE AT THE REDLANDS BOWL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. LEWIS of California. Mr. Speaker, I would like today to call your attention to nearly five decades of dedication to music and love of community by Mr. Conant K. Halsey, who has guided the Summer Music Festival of the Redlands Bowl through decades when many local concert series declined—and has helped make it into a regional event attended by 100,000 people each year.

The Redlands Bowl Summer Music Festival was created in 1924 by founder Grace Stewart Mullen, and is the nation's oldest continuing outdoor concert series that has never charged admission. Thanks in large part to the financial expertise of Conant Halsey, the festival has also never asked for government funding for operations—it has survived and prospered entirely on the donations and volunteer work from those who love good music in the surrounding communities.

Halsey, a stockbroker who came West for his health, joined the board of the Redlands Community Music Association in 1953, and took over as chairman when Grace Mullen died in 1967. Under his guidance, the association created an endowment fund that is now self-sustaining—the festival only uses income, not principal. When he joined the board, the annual budget was $50,000—now it is $317,000.

In a white dinner jacket and bow tie, Conant Halsey has been a fixture at many of the 940 concerts he has helped stage in the past 47 years. He has made the announcements, led children in the Pledge of Allegiance, and greeted visitors from other states and foreign countries.

Mr. Chairman, the City of Redlands is known for its grace and appreciation of culture in no small part because of the continuing success of the Redlands Bowl summer concerts. After 47 years of helping guide that dedication to excellent music, Conant Halsey is retiring from the board on June 30 at the bowl's first concert of the 21st Century. I ask you and my colleagues to please join me in offering our congratulations on this tremendous accomplishment, and wish Mr. Halsey well in years to come.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

Mr. WELLER. Mr. Chairman, I rise today to give my strong support to H.R. 4733, the Energy and Water Development Appropriations Act of 2001. The legislation supports two important priorites, the restoration of the Kankakee River and the construction of the Tunnel and River Project.

The Energy and Water Development Appropriations Act of 2001 provides resources to continue environmental cleanup and restoration of the Kankakee River, a critical habitat for wildlife and one of Illinois' greatest treasures. For years, the Kankakee River has been choked by sand and sedimentation. This legislation continues the funding of studies to cleanup the River and solve its problems.

Mr. Chairman, I am especially pleased that the Appropriations Committee has provided $600,000 for the ongoing Army Corps of Engineers Feasibility Study of the Kankakee River and $300,000 for the State Line Sand Removal Project. The goals of these projects will be to restore the natural hydrology and aquatic habitat back to the river, the removal of excessive sand buildup, the restoration of adjacent wetlands, and the reintroduction of native mussels into their natural habitat. The cleanup and restoration of the Kankakee River deserves high priority; the legislation before us today recognizes the importance of this project.

Additionally, the Committee awarded $7.8 million for the construction funding for the McCook and Thornton Reservoir projects of the Metropolitan Water Reclamation District of Greater Chicago. The McCook and Thornton Reservoirs are part of the Chicago Underflow Plan, a comprehensive flood protection and water quality protection plan for the Chicago metropolitan area.

Mr. Chairman, this system has been enormously effective in achieving its goals as evidenced by the elimination of 86 percent of combined sewage pollution in a 325 square mile area. The result of this progress is the dramatic increase in water quality of the Chicagoland waterways and the protection of Lake Michigan, our drinking water source. 131,000 home owners rely on the continued construction of the "Deep Tunnel" flood relief and clean water project. This appropriation will add to the $30 million already appropriated for flood relief in the South Suburbs and will eventually produce $104 million in savings and benefits annually.

Mr. Chairman, I commend the hard work of Chairman PACKARD and Chairman YOUNG and urge my colleagues to support this good legislation.

AMENDING INTERNAL REVENUE CODE TO REQUIRE 527 ORGANIZATIONS TO DISCLOSE POLITICAL ACTIVITIES

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. CASTLE. Mr. Speaker, tonight the House of Representatives has the opportunity to ensure that meaningful campaign finance reform is passed in time for this year's election. H.R. 4762 is the campaign finance bill with the best chance to pass both Chambers and be signed into law that has reached the floor in years. Last week, when I testified before the Ways and Means Committee, I said that I would help lead the fight to pass legislation that would rein in the section 527 groups if the House could not pass more comprehensive disclosure legislation. I will do so tonight. In this case, we cannot afford to make the perfect the enemy of the good.

Section 527 organizations, set up under section 527 of the Tax Code, are established to engage in political activities, which influence our political process by funding election-related communications without having to disclose their donors. H.R. 4762 is needed because current campaign laws are wholly unable to adequately regulate the torrent of political advertising by groups exploiting this loophole in both our tax and election laws. Huge sums of money are being spent to influence the election system. While spending by individuals has been protected by Supreme Court rulings and the problem of soft money continues because a lack of will by Congress to address it, we now have a troubling new trend in campaign finance spending by groups operating under unique designations in our tax code such as section 527.

While I would have liked to cover more groups engaging in electioneering communications, I am pleased that we will have the opportunity to pass significant legislation that will tackle the 527 stealth political organization problem. I worked very hard with my colleagues in both the House and Senate to develop broader legislation. I extend my thanks to Senators MCCAIN, SNOWE, LIEBERMAN, and FEINGOLD, and Representatives HOUGHTON, SHAYS, GRAHAM, MEEHAN, and DOGGETT for their efforts. We explored many possible alternatives, and I believe that we have laid the groundwork for further legislation in this area.

Tonight we will vote on H.R. 4762, language taken from Senator JOHN MCCAIN's legislation, which has already passed the Senate. This legislation requires section 527 organizations, that have gross receipts of more than $25,000 dollars, to disclose their top donors. Whether or not we agree with the message of any advertisement campaign, I hope we can agree that voters have the right to know who is paying for any campaign-related ad and who is trying to influence their vote. Our Constitution protects every American's right to be heard. Yet today, more than ever, voters are faced with new-style political organizations, operating free from coverage by Federal election law, that are spending millions on campaign ads without having to disclose their donors. The 2000 general election cycle is fast approaching and section 527 political groups are expanding at a rapid pace and could be a dominant force in the 2000 election.

I am convinced this bill will curb some of the most blatant abuses, and will allow the public to know who is supporting these groups that are now operating behind a veil of secrecy. I urge you to join me in supporting H.R. 4762 in an effort to restore integrity to our election process and return the election process to the American people. It is a real step forward, and we should take it.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES/APPROPRIATIONS ACT, 2001

SPEECH OF

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. NETHERCUTT. Mr. Chairman, I have discussed with the gentleman from Kentucky the fact that the National Marine Fisheries Service (NMFS) is conducting an economic mitigation study associated with the Lower Snake River in my congressional district. In addition, NMFS may direct the Corps of Engineers to conduct an engineering study on how to breach the dams.

Language addressing Corps funding for such a study is included in H. Rept. 106–693, the report accompanying the Fiscal Year 2001 Energy and Water Development Appropriations Bill (H.R. 4733). The report states, "The amount provided for the Columbia River Fish Mitigation program does not include funds for engineering and design, or other post-feasibility phase activities, associated with breaching Lower Snake River dams." It is my understanding that it is the intent of the Commerce, Justice, and State, the Judiciary, and Related Agencies subcommittee that no funds are included for NMFS for engineering and design, or other post-feasibility phase activities including economic mitigation studies associated with breaching the Lower Snake River dams.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. ROGERS. Mr. Chairman, the National Marine Fisheries Service (NMFS) has yet to release its biological opinion for the Lower Snake River. Ultimately, it will be the Congress that decides whether to breach the Snake River dams. The amount provided in H.R. 4690 does not include funding for engineering and design, or other post-feasibility phase activities including economic mitigation studies, associated with breaching the Lower Snake River dams. I appreciate the Gentleman's concerns on this matter, and thank him for bringing this issue to my attention.

SUPPORT FOR GAMBIA

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, today I show of friendship and support for the African continent. During the December recess, I visited the West African nation of the Gambia with several of my colleagues and discovered a country full of hope and motivation for advancing their country's welfare and future potential. In light of this body's efforts to pass legislation that would increase and better our economic relationship with the African continent, I was deeply impressed and my hope for Africa buoyed by the dynamism I saw in Gambia's duty-free import zone and its booming tourist industry.

In this regard, I would like to submit into the record a recent Editorial in The Journal of Commerce newspaper by Viola Herms Drath "Emphasis should be on Africa's role models" that praises Gambia, as one of a handful of African nations, that is developing systems for its own internal development seeking trade and not aid. While much work remains to be done in terms of ameliorating the country's transportation and technological infrastructure, the Gambia is well on its way toward developing constructive partnerships that will enable them to sustain and increase their development potential. I am happy to draw attention to the Gambia's very positive achievements and look forward to lending them this chamber's continued support and encouragement.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

Mr. NADLER. Mr. Chairman, I rise to offer an amendment to increase the appropriation for the Housing Opportunities for Persons With AIDS, or HOPWA, program by $18 million. This is $10 million less than the President requested, and far less than is truly needed to adequately fund this vital program, but represents the amount necessary to ensure that those already in the program do not receive a cut in service. I am delighted by the bipartisan nature of this amendment and I would like to thank Mr. SHAYS, Mr. CROWLEY, Mr. HORN, Mr. FOLEY, and Mr. CUMMINGS for joining me in offering this amendment and demonstrating the bipartisan support that this program enjoys.

Mr. Chairman, at any given time, one-third to one-half of all Americans living with AIDS are either homeless or in imminent danger of losing their homes. These are people who face discrimination, or have lost their jobs due to illness or, most cruelly, must choose between expensive, life-saving medications and other necessities such as shelter.

This is where HOPWA comes in. HOPWA is the only federal housing program that specifically provides cities and states with the resources to address the housing crisis facing people living with AIDS. Among the services HOPWA delivers are rental assistance, help with utility payments, and information on low-income housing opportunities.

It is also a crucial element in the effective treatment of HIV and AIDS. There is a clear link between stable housing and the ability of individuals living with HIV to live long and healthy lives. Some people have responded so well to new therapies that they have been able to go back to work after years on disability. However, these treatments require a stable living environment to be effective. To deny individuals the means to get healthy would be a terrible cruelty.

HOPWA is a locally controlled program that provides communities the flexibility to implement the strategies that best respond to local housing needs. It also supplies a low-cost alternative to acute-care hospital beds, typically paid for with Medicaid dollars, which are often the only available shelter for people living with AIDS. In fact, whereas an acute-care facility would cost, on average, between $1,085 a day under Medicaid, assistance under HOPWA averages just $55 to $110 a day. So, HOPWA is not just compassionate, it is cost-effective. Currently, FY 2000 funds are serving thousands of people in 67 communities and 34 states. This is a well-run, far-reaching and successful program.

But as the success of HOPWA grows, so too does the need for funding. As a result of recent advances in care and treatment, the people currently being housed are living longer and the waiting lists for these programs are growing even longer. HOPWA would require an increase just to keep up with inflation, but on top of these strains on the progam, 4 new cities will qualify for funds this year, stretching resources even thinner. The $18 million we ask for in this amendment, $10 million less than the President requested, is the bare minimum required if we are to ensure that those currently in the program are not threatened with a cut in service.

As for the offset, let me be clear. This is not an attack on polar research. I am a very strong supporter of scientific research and I am disappointed that more money was not provided for it throughout the bill. However, under the budget rules, we must find an offset and a slight cut to the Polar and Antarctic research program, which receives a significant increase in this bill over last year, will do minimal harm to our research programs while providing very significant benefits to the HOPWA program and the people it serves. I would also add that there are eleven other agencies that supplement the work of NSF in the arctic, spending roughly $150 million a year, so this slight decrease will not damage our long-term research goals.

Unfortunately, under these budget rules we are forced to pit one program against another. If we were not locked into the unrealistic caps placed on us by the Budget Resolution, I would advocate a large increase in both HOPWA and polar research. However, this is the hand we have been dealt and we must select our priorities.

The housing crisis facing people living with HIV/AIDS exacts an enormous toll on individuals, their families, and communities across the country. HOPWA dollars help lessen this toll. Without proper funding for HOPWA, people with HIV and AIDS will continue to die prematurely in hospital rooms, shelters, and on the streets of our cities. I urge the adoption of this amendment.

INTRODUCTION OF THE NATIONAL AND COMMUNITY SERVICE AMENDMENTS ACT OF 2000

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. LARSON. Mr. Speaker, I rise today in support of The National and Community Service Amendments Act of 2000, of which I am a proud original co-sponsor, was introduced last week in the House by two of my distinguished colleagues, Mr. SHAYS of Connecticut and Mr. ANDREWS of New Jersey. The bill would reauthorize the Corporation for National Service and the programs it administers: the National Senior Service Corps, AmeriCorps, and Learn and Serve America. The bill has been drafted in close consultation with more than 200 community service groups.

This legislation is a simple extension of the existing program with a few improvements:

Codifies the cost-cutting agreement reached with Senator GRASSLEY in 1996. The Corporation for National Service has lowered its cost per-member to $15,000 for FY 99, including a $4,725 education award to finance college or repay student loans; and a mere $7,421 for a living allowance.

Expands the cost-cutting "Education Award Only" model, where the Corporation provides only the education award, and the sponsoring organization provides all other support.

Eliminates controversial AmeriCorps grants to other federal agencies.

AmeriCorps, the domestic Peace Corps, engages more than 40,000 Americans in intensive, results-driven service each year. AmeriCorps members are tackling critical problems like illiteracy, crime and poverty. They have taught, tutored or mentored more than 2.6 million children, served 564,000 at-risk youth in after-school programs, operated 40,500 safety patrols, rehabilitated 25,179 homes, aided more than 2.4 million homeless individuals, and immunized 419,000 people.

In Connecticut, more than 1,200 residents have served their communities through AmeriCorps.

AmeriCorps helps solve critical problems in an effective way. It creates $1.66 worth of benefits for each $1.00 spent. And for every full-time AmeriCorps member, 12 regular and occasional unpaid volunteers are recruited and mobilized. AmeriCorps is, indeed, effectively preparing young people for the future and strengthening local communities.

Furthermore, AmeriCorps also funds a great number of important projects that foster involvement and learning in technology by children and adults. One of these is Project FIRST (Fostering Instructional Reform through Service and Technology Initiatives), whose role it is to increase access to technology and its educational benefits in the nation's least-served schools. Another way AmeriCorps is involved with technology is through TechCorps, a national non-profit organization that is driven and staffed primarily with technologically proficient volunteers.

I believe these programs are important, because even though American technology is propelling the nation's economy to unprecedented heights, growing concern remains for those who are not benefiting from this prosperity. For those left behind by the advancing technology, the divide growing between the "haves" and "have-nots" is increasing at an alarming rate, as demonstrated by the Department of Commerce in its July 1999 report, "Falling through the Net."

These AmeriCorps programs bring technology to underserved populations and address weaknesses in our economy, such as unequal access to technology, teacher training, and evaluation.

However, I do not believe AmeriCorps is essential just because it can help close the "digital divide." It is essential because it exposes young people to the ideal of serving their community and their nation. Collin Powell has succinctly captured this idea of community service by stating, "For some of our young people, preserving our democratic way of life means shouldering a rifle or climbing into a cockpit or weighing anchor and setting out to sea. For others, it means helping a child to read or helping that child to secure needed vaccinations or it means building a park or helping bring peace to a troubled neighborhood or helping communities recover from natural disasters or reclaiming the environment."

Harris Wofford, former United States Senator and now head of the Corporation for National Service, echoes Powell's thoughts, "Our country needs more . . . patriotism. AmeriCorps encourages and inspires this patriotism on the home front."

Finally, a quote by Vaclav Havel, I believe, explains the need to have an AmeriCorps, "The dormant goodwill in people needs to be stirred. People need to hear that it makes sense to behave decently or to help others, to place common interest above their own, to respect the elementary rules of human coexistence. Goodwill longs to be recognized and cultivated."

This, I believe, is the essential value of national service, and by extension, of AmeriCorps. Serving is as important and rewarding as being served. Therefore, I urge my colleagues to support this bill and hope that the House Leadership allows us to act quickly on this critical legislation.

HONORING MICHAEL JOSEPH BOWLER OF CALIFORNIA

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. CONDIT. Mr. Speaker, today I call attention to the extraordinary work of the Big Brothers and Big Sisters of America and to an exceptional individual from my state of California—Mr. Michael Joseph Bowler, winner of the 2000 Caring Hands Gold Award as the National Big Brother of the year.

Mike has served our community and the Catholic Big Brothers for more than 17 years—providing leadership and mentoring services to dozens of youths in the greater Los Angeles area.

Mike is dedicated to community service. He is a high school teacher and full time volunteer at a variety of youth centers and detention facilities. His accessibility, guidance, and commitment have helped many at risk young people see that others do in fact care.

Mike has accomplished much in his career as a Big Brother. He did so despite being born with a severe hearing impairment which resulted in a childhood full of loneliness.

He is a great example for all of us—representing the best in overcoming personal challenges and in giving to others.

Please join me in recognizing America's Big Brother of the year Michael Joseph Bowler.

PUERTO RICO AND THE DEMOCRATIC PROCESS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, today I speak about an important development that I strongly support to enable Puerto Rico to have the chance to choose their future status through a fully democratic process.

As we all know, Puerto Rico became a territory of the United States in 1898 as a consequence of the Spanish-American War. Since then, the Federal Government has never formally consulted the disenfranchised American citizens of Puerto Rico on the Island's political status. Over a hundred years have passed and Puerto Rico's permanent status has yet to be determined. In addition, the American citizens residing in Puerto Rico have no vote in the government that determines their national laws.

While almost all other American citizens are given a democratic means of expressing themselves through two Senators and representation in the House of Representatives, the American citizens residing in Puerto Rico lack voting congressional representation, and their voices are essentially left unheard.

Three local inconclusive referenda (1967, 1993 and 1998) have been held in Puerto Rico with regard to the Island's political status. However, the major flaw of these local processes was that local political parties were allowed to submit their own political status definitions, a situation not consistent with Federal law.

Mr. Speaker, one thing we did learn from the 1998 local referenda held in Puerto Rico was that over fifty percent of voters cast their ballot for an option that read "none of the above." This had the effect of providing, at best, an ambiguous result and no clear basis upon which to continue the process of ensuring that the governing arrangement enjoys consensus. But more tellingly, and more importantly, the vast majority of the voters, over 95 percent, did not support the status quo.

Much of Puerto Rico's status debate concerns what the Federal Government would implement. To that end, President Clinton invited the leaders of Puerto Rico's three major political parties, the Governor, our Colleague CARLOS ROMERO-BARCELÓ, and the Chairmen and Ranking Members of the House Resources Committee and the Senate Committee on Energy and Natural Resources, to an unprecedented summit at the White House on Wednesday, June 28, 2000.

The purpose of this summit is to further the work of the federal Executive and Legislative branches of government to begin a process. This process would clarify the options available regarding the governing arrangement that should apply to Puerto Rico, consistent with the Constitution and International law. This process will also define how federal economic and social policies should apply to the Island.

President Clinton has specified that he has no status preference, but that he is committed to agreeing on a process that will enable the American citizens of Puerto Rico to make an informed judgement.

Fellow Colleagues, the Congress has been committed to the Self-Determination process in Puerto Rico, as well as to providing a constructive response to the 1998 referenda held on the territory. We can all agree that the bipartisan nature of the White House meeting will provide a foundation upon which to consider a process to resolve fundamental questions regarding Puerto Rico's relationship with the Federal Government.

If it is appropriate for the President to help resolve disputes in the Middle East, Bosnia and Northern Ireland, is it not in the interest of our Nation to focus our efforts on the future of a territory of the United States and the four million Hispanic Americans that reside there?

Mr. Speaker, I urge you to support our fellow American citizens in Puerto Rico in order to enable them to choose a viable option. I urge you to support this effort and the decisions that may result from this summit.

CONGRATULATIONS TO C.W. "CHUCK" PLUNKETT FOR HIS OUTSTANDING SERVICE TO THE CITY OF LEBANON, MO, AND TO FORT LEONARD WOOD, MO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. SKELTON. Mr. Speaker, let me take this means to honor Mr. Chuck Plunkett of Lebanon, MO, for his outstanding service to his community.

Mr. Plunkett has served the Lebanon community as the president of both the Lebanon Chamber of Commerce and the Fort Leonard Wood Committee of the Chamber. He has indeed been a community leader and an ambassador to Fort Leonard Wood. In fact, Chuck has spent nearly twenty years of his life working on behalf of better community relations between Lebanon and Fort Wood.

Throughout the years, Chuck, along with his wife Lil, have worked tirelessly on behalf of service members and their families who live and work at Fort Leonard Wood, MO. They have organized tours of Lebanon and the surrounding area to showcase the people of Missouri and the scenic Ozark hills that surround the fort. They have regularly attended events at Fort Leonard Wood and passed out hundreds of buttons declaring "Lebanon Loves Fort Wood." In addition, when the U.S. Army was considering moving the Army Engineer School to Fort Leonard Wood, Lil and Chuck played an instrumental role in promoting the outstanding community relations that America's young soldiers would experience in Missouri. This good will gesture was important to the Army's decision to move the school to Missouri in 1989.

Chuck Plunkett has received many awards because of his dedication to Fort Leonard Wood. He has been given a certificate of appreciation while serving as the Chairman of the Fort Leonard Wood Committee, and he received the TRADOC Certificate of Appreciation for International Student Support. Additionally, Chuck and his wife, Lil, have been awarded a certificate of appreciation for their generous contribution and support to the soldiers of the 10th Infantry Regiment during the 1990 holiday season, and in 1991, Chuck was presented an award commending his public service during the gulf war. One accolade that Mr. Plunkett is especially proud of is from the families of the 55th Engineer Company, which included photographs of service members' families.

In addition to the various awards presented to Chuck Plunkett over the years, he has been named a Charter Member of the Engineer Regimental Association of the United States Army. He has also been officially designated as a member of the Army Engineer Association.

Chuck, who served his nation in the U.S. Air Force from 1943 to 1946 as a ball turret gunner on a B–17, came to the Lebanon community in 1972. He owned and operated Commercial Quality Feed Center, Inc., until 1983 where he engineered and constructed a feed mill and retail store.

Mr. Speaker, in a time when the gap between civilian America and military America is growing, Chuck Plunkett has worked long and hard to bridge that gap. A World War II veteran, a small business owner, and a community leader, it is right that the Members of the House of Representatives join me in honoring this role model for all Americans.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber on Monday, June 26, when rollcall votes 322 through 330 were taken. I want the RECORD to show that had I been present in this Chamber at the time these votes were cast, I would have voted "no" on rollcall vote 322, "yes" on rollcall vote 323, "no" on rollcall vote 324, "yes" on rollcall vote 325, "no" on rollcall vote 326, "yes" on rollcall vote 327, "yes" on rollcall vote 328, "yes" on rollcall vote 329 and "yes" on rollcall vote 330.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. SHOWS. Mr. Speaker, I was away from the floor of the House on Monday, June 26, 2000, to attend to official business in my congressional district. I was unable to cast recorded votes on Rollcalls 322 through 326, relating to Commerce, Justice, State and Judiciary Appropriations for Fiscal Year 2001, and on Rollcalls 327 through 330.

Mr. Speaker, I regret not being able to vote on any of these rollcalls, but I particularly regret being unable to cast my vote in favor of Final Passage of the Commerce Appropriations Bill, H.R. 4690. This bill includes funds, which I requested, to repair the National Weather Service Melba Warning Tower in Jefferson Davis County.

Tornadoes and hurricanes are a constant threat and have caused serious damage in our area. I have been working to repair the Melba National Weather Service emergency warning tower, which serves Jones, Covington, Jefferson Davis, Simpson, Lawrence, Marion, Walthall, Lamar & Forrest counties. I am pleased that the Appropriations Committee and the full House recognized the urgent need to repair the Melba Tower.

Mr. Speaker, had I been present for Rollcalls 322 through 330, 1 would have cast the following votes:

Rollcall 322: "Aye" on the Sanford Amendment to H.R. 4690, to strike the $8.2 million appropriation for the Asia Foundation in the Department of State.

Rollcall 323: "No" on the Olver Amendment to H.R. 4690, to add a new proviso into the bill (relating to the Kyoto Protocols) which clarifies that the limitations on funds shall not apply to activities which are otherwise authorized by law.

Rollcall 324: "Aye" on the Hostettler Amendment to H.R. 4690, to add a new section which provides that no funds in the bill may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith and Wesson and the Department of the Treasury.

Rollcall 325: "Aye" on the Vitter Amendment to H.R. 4690, to add language to the bill prohibiting the use of funds by the State Department to approve the purchase of property in Arlington, VA by the Xinhua News Agency.

Rollcall 326: "Yea" on Passage of H.R. 4690, Commerce, Justice, State and Judiciary Appropriations for Fiscal Year 2001.

Rollcall 327: "Yea" on the Motion to Suspend the Rules and Pass, as Amended, H.R. 3417, the Pribilof Islands Transition Act.

Rollcall 328: "Yea" on the Motion to Suspend the Rules and Pass, as Amended, S. 148, the Neotropical Migratory Bird Conservation Act.

Rollcall 329: "Yea" on the Motion to Suspend the Rules and Pass, as Amended, H.R. 4408, a bill to reauthorize the Atlantic Striped Bass Conservation Act.

Rollcall 330: "Yea" on the Motion to Suspend the Rules and Pass, as Amended, H.R. 3023, a bill to authorize the Secretary of the Interior to convey property to the Greater Yuma Port Authority of Yuma County, Arizona for use as an international port of entry.

HONORING WARREN BELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. TOWNS. Mr. Speaker, it is with great pleasure that I recognize Warren Bell for his incredible success in small business and his continued involvement in his community.

Warren first came to work for the family business, Bell's Bialys and Bagels, 20 years ago, under his father Martin, a distinguished businessman. Ten years ago, Warren assumed primary responsibility for operations at Bell's Bialys and Bagels. Under his talent and care the business has expanded tremendously. The company expanded its facilities, added new products and flavors to the supreme "Bell" quality and now ships his products to Japan on a regular basis. Warren has truly perfected the art of small business.

Perhaps Warren's greatest and most commendable success is that despite all the time and energy he has put into his business, he still found time to devote to the finer things in life. His devotion to his community and family is one of a true role model. His years of work with his local school board, temple, neighborhood and borough-wide small business organizations and networking groups provides a great service to the community. Warren currently serves on the Executive Council of "Brooklyn Goes Global" and is an active member of N.A.S.F.T. and the Brooklyn Chamber of Commerce.

In 1989, the Democratic Club of Brooklyn honored Warren and in 1994 he won the Borough President's "Mom and Pop" Award for achievement as a small business. This year Bell's Bialys and Bagels has been awarded the prestigious Small Business Administration's Exporter of the Year Award and the Borough President's Ron Brown Award for commitment to international commerce.

Warren has proven that in business and in public service that he is a man to emulate. He has helped to create jobs and played a major role in the economic growth and development of Brooklyn. I want to take this opportunity to recognize the achievements of Warren Bell, one of Brooklyn's finest residents and entrepreneurs.

PRIBILOF ISLANDS TRANSITION ACT

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I'm pleased to rise in support of this important legislation, sponsored by the gentleman from Alaska. As Members of this body know, the Chairman of the Committee on Resources is a forceful advocate for his Alaska constituents.

The bill before the House today has improved in numerous respects from the version reported by the Committee last April. As a result of changes made to accommodate NOAA's concerns, it is my understanding that the Administration supports the bill as amended.

The history of our involvement in the Pribilof Islands, as is the case with many Alaska matters, is long and complex. Prior to the purchase of Alaska in 1867, Aleut Natives had been enslaved by the Russians to exploit fur seals. In 1910, Congress passed a law which regulated the seal harvest and provided federal support for the Native residents of the islands of St. Paul and St. George. With the Fur Seal Act of 1965, and substantial amendments to that Act in 1983, Congress has attempted to provide for a transition from federal management to local control and self-sufficiency on these remote islands.

Clearly, it is vital that the government meet its obligations to the people of the Pribilofs, including the timely completion of environmental cleanup of contaminated federal property. With the changes that have been incorporated, this legislation is intended to responsibly close out the U.S. obligations and liabilities on the Pribilof Islands as established under the Fur Seal Act.

In an attempt to strike a responsible balance in this bill, there are now caps on the amounts authorized for the economic assistance grants to the Native entities and local governments. At the request of the Minority, auditing and reporting requirements have been included for these grants. Minority concerns have also been addressed by language stating that funds authorized by this bill should not supplant NOAA appropriations as enacted in FY 2000. NOAA programs such as severe weather forecasting and the management of commercial fisheries benefit every region of the country. This language affirms the intent of Congress that funding for concluding the transition in the Pribilofs should not come at the expense of other important NOAA programs.

Mr. Speaker, I again commend the gentleman from Alaska and his staff for working with all interested parties to improve this legislation. I urge my colleagues to support H.R. 3417 as amended.

CLEVELAND POLICE OFFICER WAYNE ALLAN LEON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. KUCINICH. Mr. Speaker, today I honor the memory of Cleveland Police Officer Wayne Allan Leon, badge number 1338. Officer Leon was tragically killed in the line of duty on Sunday, June 25. He was just 32 years old.

Wayne Allen Leon was appointed to the Cleveland Police Department in the 110th Academy Class, February 1, 1994. He graduated from the police academy on June 9, 1994, and was assigned to the Third District, basic patrol. He soon distinguished himself as a police officer, going well beyond the call of duty to serve the public, in ways that were recognized by his peers and superiors. As an officer of the law, he dedicated his life to serve and protect the citizens of the state of Ohio and of this great nation. Quick with a smile, earnest, honest, sincere and extremely dedicated are but a few of the qualities that distinguished Officer Leon. He held his office with great professionalism, bravery and dignity, earning the respect and love of his colleagues and the community he served. He was awarded the Department's highest award—the Medal of Honor—after he and his former partner broke up a drug buy on November 1, 1998. The community mourns the death of a great role model.

As a committed man of faith and family, Officer Leon will be greatly missed by his wife Grace, their children Justin, age 5, Gabrielle, age 4, and Nicholas, age 2. His father, retired Cleveland Police Lieutenant Duane "Jake" Leon, brothers Dean, Tony, and Jake, and his parents-in-law Sam and Maryann Scampitilla, also survive him. I take this opportunity to express my deepest condolences to the family.

It is a terrible tragedy when a police officer falls in the line of duty protecting the public and serving his or her country. Officer Wayne Leon exemplified the very best police departments have to offer. He will be missed by all.

I ask the House to join me in commemorating this model public servant and dedicated family man. The State of Ohio and the Nation owe him a great debt of gratitude. My fellow colleagues, please join me in honoring Officer Wayne Allen Leon.

INTRODUCTION OF THE FUEL EXCISE TAX RELIEF ACT (FETRA)

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. COLLINS. Mr. Speaker, today I am introducing the Fuel Excise Tax Relief Act (FETRA), for a moratorium on Federal fuel excise taxes until March 31, 2001.

Fuel is not a luxury, it is a necessity for Americans. It is necessary for a dad commuting to his job or a soccer mom picking up her children. Higher fuel costs don't stop at the pump because the cost of shipping is built into the price of every product purchased by families and businesses across the country.

There is not one Member in this Chamber whose constituents are not daily suffering sticker shock when they go to the gas pump, and wondering why, for the past 6 months, nothing has been done about gas prices.

A few months, ago, Secretary of Energy Bill Richardson admitted he had been asleep at the switch, and promised Americans that prices would soon decline, thanks to his arm-twisting of OPEC.

Perhaps we should be asking if Mr. Richardson was twisting OPEC's arm the wrong direction and convincing the oil states to restrict production. Certainly, 3 months later, gas prices did not go lower, but went higher.

These skyrocketing fuel prices are borne on the backs of working families across this country, because they have an impact on the cost of every product or service that depends upon transportation.

I am concerned that high fuel prices could affect the economy, just as they did after the oil shocks of 1973 and 1979. Both resulted in higher interest rates and recessions.

Congress must take both short-term and long-term action now.

Presently, the United States is dangerously dependent upon foreign oil. We must work more aggressively with OPEC to increase supply. We must explore the use of the Strategic Petroleum Reserve to temporarily increase the supply. We should allow environmentally responsible oil drilling to increase domestic supply.

We should also take steps to ensure that our environmental regulations protect the environment without driving independent producers and refiners out of business. When they are gone, competition decreases, and prices rise.

We can also encourage the use of mass transit and build new systems. Tax and investment incentives will help further develop technology for fuel cells, electric cars, hybrid cars, and alternative fuel vehicles.

All of these responses take a while to affect prices at the pump. But there is one act Congress can take to provide immediate relief to America's working families.

This would be to pass the Fuel Excise Tax Relief Act (FETRA) which imposes a moratorium on Federal fuel excise taxes until March 31, 2001. I will shortly be introducing this legislation with several colleagues, and I invite your support.

FETRA would provide relief to every American of every income strata. It would reduce transportation costs which affect the price of every good or service purchased by consumers. It imposes a moratorium on the federal fuel excise taxes: cutting 18.3 cents per gallon on gasoline, 24.3 cents per gallon on diesel, and 4.3 cents per gallon on aviation jet fuel.

The FETRA tax moratorium will be effective upon enactment and end March 31, 2001. This will give the new administration and new Congress time to draw up something that has been lacking the past 8 years—a coherent energy policy.

FETRA also holds the transportation trust funds harmless from any revenue shortfalls, and will make up the difference out of general funds. None of our infrastructure projects will be affected by FETRA.

This tax relief is long overdue for American consumers. To ensure they get the benefit of this tax relief, FETRA directs the Comptroller of the United States to report to Congress on whether the tax cut is being passed through to consumers. Additionally, the act requires the Administration to prepare a report on changes in the prices of gasoline, diesel and other fuels over the previous 12 months, and the impact on prices of the reformulated gasoline mandate, and the feasibility and appropriateness of maintaining the reformulated fuel mandate.

Mr. Speaker, The American people are looking toward Congress for leadership on this issue. I agree that we must work on long-term and medium-term solutions to high fuel prices, but FETRA is where we should start.

AMENDING INTERNAL REVENUE CODE TO REQUIRE 527 ORGANIZATIONS TO DISCLOSE POLITICAL ACTIVITIES

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. BLUMENAUER. Mr. Speaker, the House has finally done something about the shadowy political action committees organized under Section 527 of the tax code which can hide their donors, activities, and even their existence from public view. Sunshine is the best disinfectant and now some light will be shed on these stealth PACs that have been flying under the radar to avoid detection.

Very early this morning, we voted to require these tax-exempt groups to disclose their activities. The Senate adopted very similar legislation earlier this month. It has been perfectly within the rights of anyone to give unlimited sums of money aimed at influencing American elections with no limits, no restrictions, and complete anonymity.

Here's how the loophole worked: You set up a bank account, collected as many millions as you could, ran ads under whatever innocuous name you chose—Americans for a Decent Society or whatever—and attacked or supported any candidate you chose. All you had to do was refrain from using the "magic words" like "vote for," "vote against," elect," "defeat," etc. in reference to a particular candidate. You could mention the candidates by name. You could show their unflattering visage against a backdrop of belching smokestacks. And then you could disappear from the face of the earth.

That unique combination—unlimited funds with total anonymity—was the beautiful thing about the 527s, if you were a clever political fundraiser, or a billionaire with a private agenda.

But that is changing now. The Campaign for America, a group of well-respected business leaders founded by Jerome Kohlberg, recently stated, "Tax-exempt status is a subsidy, not an entitlement. Accordingly, organizations obtaining this subsidy have obligations and responsibilities to the public that provides this benefit. Every other nonprofit involved in electioneering such as parties, PACs and campaign committees discloses to the Federal Election Commission. There is no justification for making an exception for these 527 organizations. In return for the public's largesse, these organizations should at least be required to disclose their existence, substantial contributors and substantial expenditures."

The legislation we passed requires "527" groups to disclose who they are, where they get their money, and how they spend it. It does not adequately cover political activities during this election cycle, but it is a good start.

By closing this loophole, we are beginning to repair the damage that our current campaign system has done to public trust in government. This could be the first meaningful campaign finance reform passed in Congress in many years. Let's lift this curtain of secrecy that has shrouded elections for too long.

TRIBUTE TO AARON HALPERN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention to the deeds of a person I was proud to call my friend, Aaron Halpern of Clifton, New Jersey, who was remembered on Thursday, June 1, 2000 because of his many years of service and leadership. He is deserving of this memorial, for he had a long history of caring, generosity and commitment to others.

Aaron was recognized for his many years of leadership in Clifton, which I have been honored to represent in Congress since 1997, and so it is only fitting that these words are immortalized in the annals of this greatest of all freely elected bodies.

Mr. Halpern worked for the Clifton School System for 43 years, beginning as a high school teacher and guidance counselor. He became the principal of School 7 in 1959 and of Woodrow Wilson Middle School in 1962. A year later he became the principal of Clifton High School. He served that post for 25 years until his retirement on November 1, 1988.

During his tenure at Clifton High School, Aaron implemented many educational innovations including computer technology, student counseling and placement services. When he retired in 1988, it was estimated that more than 20,000 students had passed through the school in the years that he was in charge.

Aaron received the New Jersey Principals Supervisors Association's Distinguished Service Award in 1993, and the Clifton Parents Football Boosters named him 1982–83 Man of the Year. He also had a wing at Clifton High School named after him in 1997.

Principal Halpern was a member of the Executive Committee of the New Jersey State Interscholastic Athletic Association, where he was responsible for many athletic rule changes. He was a life member of the National Education Association and the New Jersey Congress of Parents and Teachers.

An Army Air Corps veteran of World War II, Principal Halpern was a member of the Clifton Jewish Center and its Men's Club, the B'nai B'rith and Humboldt-Ezra Masonic Lodge 114, all in Clifton.

A graduate of Passaic High School in 1938, Aaron received a Bachelor of Science Degree in Education from Newark State College, and Master's degrees in Administration and Supervision from Montclair State College (now University), in Guidance from Rutgers University, and in Secondary School Administration from Teachers College at Columbia University.

Aaron is survived by his wife, the former Dorothy Leibowitz, a daughter, Doretta Halpern of Cedar Grove and his nephew Jack Birnberg, Chairman of the Board of Waldorf Group, Inc. of Little Falls, New Jersey.

Mr. Speaker, I ask that you join our colleagues, Aaron's family and friends, Clifton High School, the Clifton Board of Education, the City of Clifton and me in recognizing the outstanding and invaluable service to the community of Aaron Halpern.

ELECTRIC UTILITY INDUSTRY

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. BRYANT. Mr. Speaker, at a time when this Congress is beginning the debate over the future of our electric utility industry, I call to the attention of my colleagues an article in the current edition of Forum For Applied Research and Public Policy. The article is entitled "Electricity: Lifeline or Bottom Line?", and it is by Terry Boston, Executive Vice President of the Tennessee Valley Authority's Transmission and Power Supply Group. Mr. Boston oversees TVA's 17,000 miles of transmission lines, one of the largest transmission systems in the country.

The article largely embodies information I received from Mr. Boston in a briefing earlier this month. The news media has given considerable coverage recently to the expected demands on our electric utility grid this summer and how those demands will almost certainly strain the system. Mr. Boston makes the point that more is being invested in generation and marketing than in transmission, distribution and reliability, and that until these two different facets of the business are brought more into balance, the strains on the system will continue.

All in all, the article will enhance Member's understanding of the problems we face this summer and the challenges that are before us as we confront the complex issue of electric utility restructuring.

[From Forum for Applied Research and Public Policy, Summer 2000]

ELECTRICITY: LIFELINE OR BOTTOM LINE?

(By Terry Boston)

On a blistering day last July, two large cables at a Chicago substation failed, triggering a local blackout that sent hundreds of air-conditioning deprived residents to hospitals and a few, tragically, to cemeteries. At its worst, the blackout left more than 100,000 people without electricity, and thousands remained that way for the better part of three days.

This was only one in a string of blackouts during the summer of 1999 that afflicted hundreds of thousands in New York City, Long Island, New Jersey, the Delmarva Peninsula, and four Gulf states. And the problems were not confined to local power companies; several high-voltage transmission systems—designed to deliver vast amounts of power over great distances in all sorts of weather—strained to keep up with demand. Over the course of five tense weeks, two other blackouts hit Chicago while other electric systems suffered with voltage problems and a few teetered on the brink of collapse.

What's happening here? Why is the world's strongest, most reliable electric grid scrambling to keep up with hot, but not unprecedented, summer weather? And why is it hard for some transmission operators to make eye contact when asked about the prospects for this summer? The reasons are complex, and agreement is lacking, but many point to the pressures competition is placing on an industry still learning how to compete. In short, the move to restructure the electric utility industry has the industry sprinting toward competition before it can walk. As a consequence, the long-sacred focus on reliability is beginning to blur. Instead of filling its traditional role as a lifeline, electricity is in danger of becoming just a bottom line.

LIGHTS OUT

Blackouts—small or large—are nothing new; but the reasons for some of last summer's blackouts and near misses are disturbing. For example, the U.S. Department of Energy cited Chicago's Commonwealth Edison for scrimping on its substation maintenance budget—which went from a high of $47 million in 1991 to just $15 million in 1998—as it shifted money into its nuclear program and preparations for competition. Other systems, including TVA's, were threatened when operators were unable to predict the massive amounts of power flowing across their systems from eager new sellers on one side to eager new buyers on the other.

Unless transmission operators understand exactly where and when power will flow across their system, lines that are already overboundened by severe weather can fail, triggering widespread disruptions. Looking at the blackouts of 1999. DOE concluded that "* * * the necessary operating practices, regulatory policies and technologies tools for dealing with the changes [resulting from a restructured environment] are not yet in place to assure an acceptable level of reliability."

Energy Secretary Bill Richardson and Federal Energy Regulatory Commission Chairman James Hoecker have warned of more blackouts this summer, and Richardson criticized policymakers who "haven't kept pace with the rapid changes in the electric utility industry." While many would welcome legislation to ensure reliability, the industry desperately needs something more—time. Unless the industry has time to strengthen the grid, time to understand the new pressures that competitive pricing brings, and time to develop the complex computer modeling and analytical tools needed to safely manage the phenomenal increase in electricity transactions, many fear the grid may be headed for the most severe outages since the New York blackout of 1965. The Electric Power Research Institute estimates that power failures in the United States cost the economy approximately $50 billion per year.

THE WORLD'S LARGEST MACHINE

Someone once called the North American electric grid—the massive conglomeration of generators, wires, switches, breakers, and related equipment that produces and moves electricity to almost every point on the continent—the world's largest machine. It's an apt description.

Originally, utilities were built to serve specific geographic regions and were physically isolated from one another. America literally had islands of electricity haves and seas of electricity have-nots. In fact, where TVA was created in 1933, only 3 percent of farms in the Tennessee Valley had electricity. As technology improved and power plants increased in size, these islands grew and began to connect with one another. Many of the connections were established to promote reliability in the wake of the 1965 New York blackout, allowing power to be routed in any number of ways to circumvent local problems.

Today, a single massive, interconnected grid serves the eastern United States and eastern Canada, while two other grids serve Texas and the western half of the continent. On that grid, large transmission lines—some operating at up to 765 thousand volts—move electricity from generators to lower-voltage local distribution systems where smaller lines take it to individual consumers.

Transmission is critical because electricity cannot to stored. Natural gas can be kept in tanks and pork bellies can be stored in freezers, but electricity is consumed the moment it is produced. The challenge then is to make electricity instantly available in the exact amounts demanded 24 hours a day, seven day a week. If the amount of power delivered equals the amount consumed—every second of every day—and if power plants, lines, switches, breakers, and insulators all do their jobs properly, we have reliability. If any part of the machine fails, however, power is interrupted. Interruptions can range from a few milliseconds, unnoticed except by sensitive computer equipment and VCRs, to outages that plunge a single street or entire regions into darkness.

Balance between neighboring power systems is also critical. If one system undergenerates—either deliberately to exchange power, or accidentally because a power plant shuts down—imbalance results and electricity flows in from other systems like water through a breached levee. When that happens, systems can overload, and because they are designed to prevent problems from spreading, they automatically shut down. In the most extreme conditions—when weather forces heavy demand for electricity, and equipment over a wide area gets loaded to the maximum—losing a line many shift the burden to other lines, overloading them and causing them to fail. In those cases, power systems can begin to resemble a row of dominoes, which is what caused the West Coast blackout of 1996.

ENTER COMPETITION

Changes in national energy policy have encouraged the growth of independent power producers, electricity marketers, and brokers—all of whom differ fundamentally from existing utilities: they don't own their own lines. Consequently, these new entrants to the industry must rely on established transmission owners to provide the critical trade routes that move their product to market—even though at times they compete with those same transmission owners for capacity to serve native load customers. In fact, to promote competition, the Energy Policy Act of 1992 required utilities to provide these new players with transmission service virtually identical to the service they provide their own generators.

Traditionally, nature has posed the major threats to a reliable power delivery system. Tornadoes and ice destroy transmission structures. Lightning knocks out equipment. Trees grow and fall into power lines. And while those hazards still exist, competition challenges reliability in ways that we are just beginning to recognize and address.

PLANNING IN A VACUUM

Location is always a key consideration in building a new generating plant. Historically, plants were built where the transmission system could handle, or could be made to handle, the added power. In short, planning for new power plants always occurred in lockstep with planning for transmission. Plants were built where it made the most electrical sense, often near large concentration of customers to minimize transmission problems.

Today, however, power plants are built wherever it makes the most economic sense for the growing number of new players. The most attractive locations seem to be where natural gas pipelines converge with transmission interconnections between utilities. The pipelines provide fuel for the plants; the interconnections allow quick access to market. However, the existing transmission facilities may not be adequate or may be used up by the introduction of more generators, exposing everyone who depends on the transmission system to greater risk of interruptions.

And we are not talking about a handful of new power plants. Gulf States near natural gas wellheads are seeing hundreds of requests to connect from independent power producers with a combined generating capacity that the existing grid cannot possibly accommodate. At the same time, due to environmental and land-use concerns, building new lines has never been more difficult.

And while new plant owners must pay for any transmission upgrades necessary to connect to the grid, homeowners question the need for improvements and others complain that utilities may be using the connection process to restrict access.

OPERATING CONFLICTS

Adopting the mindset of blue-water sailors—always assume that the boat is trying to sink and do your best to keep it afloat—transmission operators are doing their best to ensure reliability. Doing so is no easy task. Each day on the TVA system alone, hundreds of thousands of calculations are made to determine the demand for power, which plants to run, which to keep on backup, and which to shut down for maintenance. Operators also need to know which lines, substations, and switching equipment must be available at any given time, and which they can afford to take out of service temporarily for maintenance. Finally, they must know how much power will be flowing across their systems from producers on one side to consumers on the other. Without all that detailed information, the transmission system is extremely vulnerable, and ensuring reliability is simply not possible. And even with it, better tools are needed to instantly analyze the data and enable us to provide relief to the right place at the right time.

Competition means that more and more power is flowing in more and more directions on the grid as the number of deals between suppliers and customers grows exponentially. While TVA had about 20,000 interchange transactions with other utilities and marketers in 1996, it had nearly 300,000 in 1999. Since electricity follows the path of least resistance and respects no political or system boundaries, utilities sometimes find their lines clogged with power that they neither generated nor planned for. Because of the limited ability to predict how power actually will flow from moment to moment, power from most utilities—including TVA—sometimes inadvertently flows into or through neighboring systems.

In times of crisis, the added traffic can confound the efforts of operators to prevent a calamity. On a hot day last August, 10,000 megawatts—an output equivalent to that of eight large nuclear plants—flowed through the TVA system, three-quarters of it unplanned. The result: TVA—despite all its efforts—was one thin mishap away from a widespread blackout. In the future, as dozens of new plants are added to the grid, these inadvertent power flows—and the problems they cause—will only increase.

There is also concern about the ways some new merchant power plants—which are built to sell power to a particular buyer, rather than to serve a specific area—are being used. One marketer that owns merchant plants in TVA's region, aided by a puzzling interpretation of the rules by the National Electric Reliability Council—a utility-sponsored organization that promotes reliability—determined that its power plants can serve as transmission control areas and points of delivery for power transactions. Normally, a transmission control area contains generators and consumers of electricity and a control center responsible for ensuring that both the supply and demand for electricity are kept in balance. As a control area, the marketer would have the right to reserve space on TVA's transmission system, ostensibly to have large quantities of electricity delivered to its power plants.

Since a power plant consumes only minuscule amounts of electricity, however, delivering large amounts of power to one is physically impossible; and in fact, this marketer has no intention of receiving electricity at its plant. Instead, the arrangement serves the marketer by securing a needed path into TVA's transmission system. Later, when the marketer finds a buyer, it can inform TVA—with as little as 20 minutes' notice—that thousands of megawatts will be flowing across the transmission system, ready or not. We consider this a dangerous misuse of the transmission system and have determined that we will accommodate the marketer's transmissions only if reliability can be protected.

Established electric utilities don't always wear the white hat. Competitive pressures can bring out rogue behavior in many organizations. Last summer, for example, one midwestern utility had more demand for electricity than it could supply. Normally in such circumstances, the price of power rises when demand exceeds the supply. If a utility cannot meet its contractual requirement, it should interrupt noncritical and keep critical loads, like hospitals, from being at risk. Instead of interrupting lucrative sales when power prices were exorbitantly high, however, the utility simply allowed its system to become a "black hole" on the grid. Because electricity flows to where it is needed, the utility sucked in power from other utilities without paying the high prices for it and increased the risk of blacking out its neighbors.

BUILD IT AND THEY WILL COME

What would happen if, with air travel booming, there were suddenly a freeze on building new airports or expanding old ones? Air travel would likely peak according to the number of planes that airports could safely handle, and then level off. That is not what's happening in the electric utility industry. Nationally, electricity sales are growing at a rate of about 2 percent annually, closer to 3 percent in the southeastern region. To meet this growth and possibly make large profits during periods of extreme demand, new generating plants are being built at an unprecedented rate. At the same time, investment in transmission systems nationally has almost bottomed out. In airline terms, we are building planes and sending them from the gate with hoards of travelers onboard, even though we are dangerously short of runways. To make matters worse, those planes take off and land without talking to the control tower about their flight plan.

Most of the nation's extra-high-voltage transmission lines were built after the infamous blackouts of the mid-60s. They were intended to enable bulk deliveries of power over long distances in the event of emergency—thus ensuring reliability. Today, however, those lines are largely used for day-to-day commerce. New players in the market

The societal cost of having too much transmission capacity is small compared to the societal cost of having too little. Yet industrywide transmission is not being built to support the new market. In 1990, utilities' 10-year plans called for a total of 13,000 miles of new transmission lines. After passage of the Energy Policy Act in 1992, those plans began to nose-dive. By 1999, only 5,600 miles were still planned. TVA, I'm pleased to note has not followed this trend. While the miles of panned transmission lines in the United States have been halved, TVA has doubled its transmission capital budget. We built more than 160 miles of transmission line last year and will build a comparable amount this year to enhance reliability within the region.

THE PUBLIC GOOD

Handled properly, competition can bring genuine benefits to society. Regions that have been plagued with high power costs may one day see lower rates. New participants in the industry may play an important role in bringing about this parity, and they should be encouraged to take part. Obstacles to a fair, open, and diverse marketplace should be removed, but carefully and for the right reasons. The public has far too much at stake to allow competition to jeopardize reliability. Already, the pendulum has swung so far in the direction of open competition that reliability is being compromised.

New participants in the industry tend to think of electricity as a commodity, to be bought and sold like any other. They are fond of comparing electricity to natural gas and seek an industry structure in which they can trade electricity without limits. But as long as electricity is dependent upon instantaneous tranmission—until it can be stored efficiently for later use—we cannot afford to treat it as a simple commodity. The risk are far too great to permit this mindset to govern energy policy. New players, policymakers, and even many established utilities must come to realize that electric system reliability doesn't happen by itself. It takes planning, resources, and time to ensure that the nation's electric grid will continue to operate smoothly.

The North American grid can become a balanced playing field—accessible to all, supportive of open competition, and robust enough to withstand the worst that nature and growth can throw at it. Or it can decline into a choked and inefficient war zone where interruptions are commonplace, as industry players try to outdo each other in search of short-term profit. Restructuring can help create that balanced field by encouraging new generators to enter the market and relieve the current shortage of electricity production. Without comparable improvements in transmission, however, we may be putting out the fire with gasoline.

TRIBUTE TO ADAM GRAVES

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the exploits of a remarkable athlete and humanitarian, Adam Graves of Tucumseh, Ontario, Canada. On Wednesday, June 14, 2000, he was feted at the Brownstone House in Paterson, NJ, because of his selfless dedication to the community and children by the Boys & Girls Club of Passaic, NJ, at the Annual Sportsman of the Year Dinner. It is only fitting that Adam be honored, for he has a long history of caring, generosity and commitment to others.

The road to Adam's professional career took him through the minor leagues. He made his AHL debut in the 1987 playoffs. In 1989, he helped Adirondack win the Calder Cup and notched 11 goals and 7 assists.

In an All-Star Junior career, Adam totaled 100 goals and 124 assists in two and a half seasons with Windsor of the OHL. He led the team in playoff goals in all three seasons. Adam also captained the Spitfires to the OHL Championship in 1988. In addition, he led the OHL in playoff scoring with 32 points.

Adam Graves also has a stellar international record. As a member of the Gold Medal-winning Canadian Junior team at the World Junior Championships in 1988, he notched five goals. He also served as captain of Team Canada at the 1993 World Championships in Munich, Germany, tallying six points. Additionally, he garnered seven points representing Team Canada at the 1999 World Championships in Norway.

Selected by the Detroit Red Wings in the second round, Adam was the 22nd overall pick of the 1986 NHL Entry Draft. After 3 years he was traded to the Edmonton Oilers, where he helped the team win the Stanley Cup. Adam was signed by the New York Rangers as a free agent on September 2, 1991, and clinched his second Stanley Cup in 1994.

In total, Adam has appeared in 907 career NHL games, registered 293 goals and 248 assists for 541 points, along with 61 post-season points. He played in his first NHL All-Star Game on January 22, 1994, at Madison Square Garden in New York.

Born April 12, in Toronto, Ontario, Adam Graves wears number nine on the New York Rangers. He plays left wing, is 6 feet tall and weights 205 pounds. His teammates often call him "Gravy." Interestingly, in 1998, he appeared in an episode of "Spin City" starring Michael J. Fox. Adam also captured the "Good Guy" award, presented by the New York chapter of the Professional Hockey Writers' Association, for cooperation with the media. In addition, he is a four-time winner of the "Players' Player" award, given annually to the best "team player" as voted by the players.

As a concerned member of the community, Adam serves as a celebrity chairman for Family Dynamics, a New York City child abuse agency. He helped raise more than $80,000 at the agency's annual Family Dynamics event. "Gravy" makes several appearances with many charitable organizations during the season, including the annual Toys for Tots collection during the holiday season. He was the recipient of the "Crumb Bum" award in 1992–1993 for his work with New York youngsters. Along with four other professional athletes, he was awarded the USA Weekend "Most Caring Athlete" Award for his charitable efforts and community service.

Over the years, Adam has made a significant impact in the NHL and beyond through his commitment to charity. He is a four-time winner of the Steven McDonald Award, given to the Rangers player who "goes above and beyond the call of duty," as voted by the fans. In 1993–1994, he received the NHL's prestigious King Clancy Memorial Trophy. This award is given to a player that best exemplifies leadership on and off the ice and has made a noteworthy humanitarian contribution in his community. He is the first Rangers player to be so honored.

Mr. Speaker, I ask that you join our colleagues, Adam's family and friends, the Boys & Girls Club of Passaic, the New York Rangers, the National Hockey League and me in recognizing the outstanding and invaluable service to the community of Adam Graves.

IN RECOGNITION OF HUGH M. "LALLY" BATES

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. RILEY. Mr. Speaker, I rise today to recognize one of Alabama's finest, Mr. Hugh "Lally" Bates. On June 30, 2000, Mr. Bates will retire, ending his distinguished 38-year public service career. Speaking about leadership, Winston Churchill once said "I have nothing to offer but blood, toil, tears, and sweat." After a career marked by blood, toil, perhaps tears, and a great deal of sweat, Mr. Lally Bates will soon be retiring from public service.

Ever since enlisting in the U.S. Marine Corps on his 18th birthday, Mr. Bates has served his country, his state, and his community with nothing less than the utmost integrity and professionalism. Today we honor this distinguished man and publicly thank him for his sacrifices.

While serving in the Marine Corps, Mr. Bates was stationed in Korea with the First Marine Division, Fifth Marine Regiment. During his service, he was wounded on three separate occasions. He was awarded three Purple Hearts, and the Bronze Star with combat "V" for valor in personally destroying a North Korean machine gun emplacement and with it, four North Korean soldiers.

President Lyndon Johnson appointed Mr. Bates to the position of Postmaster of Clanton in 1965. His distinguished service in this capacity earned him the respect and admiration of his fellow Postmasters who twice elected him to serve as the National President of the National Association of Postmasters of the United States (NAPUS). In fact, Lally Bates is one of only two Postmasters ever elected to serve twice as the National President of NAPUS.

Aside from his professional duties, Mr. Bates has served Chilton County in a number of civic leadership capacities. He has twice been named the president of the Chilton County Chamber of Commerce, and been honored for his service as president of this organization that further honored him by naming him its Citizen of the Year this past January.

He further served as the president of the Clanton Quarterback Club, the Clanton Dixie Youth Baseball League, and the Civil Defense Rescue Squad. Additionally, his concern for others led him to serve as the Chairman of the Board of Directors for Chilton County Hospitals. Always selfless, Lally Bates has continued to serve his fellow veterans as commander of American Legion Post No. 6.

While Mr. Bates may be known by many as the Postmaster of Clanton, others may recognize his voice. For 41 years, Mr. Bates has been the Voice of the Chilton County Tigers football team on WEZZ radio, representing his alma matter.

Today I want commend Mr. Bates for his years of service. As an Alabamian, I am grateful for all that he has done to serve his community. I thank Mr. Bates, and the Bates family, for sharing time with the community. Today, I thank him for all of your blood, toil, tears, and sweat.

MANAGEMENT OF NATIONAL FORESTS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. DUNCAN. Mr. Speaker, Matt Bennett, who is a very good friend of mine, wrote an editorial today in the Knoxville News-Sentinel about the management of our national forests.

This Administration has proposed a plan to manage our national forests which many people believe could actually end up harming our forests by preventing access to areas in danger of fire. I agree that we should be preserving our existing wilderness areas and national parks. However, the federal government already owns 30 percent of all the land in the U.S. If we keep locking up more and more land, we will just end up hurting the middle- and lower-income families by driving up the cost of forest products.

Mr. Speaker, I believe that Mr. Bennett's column does an excellent job describing the dangers of this proposal put forth by the Administration. I have included a copy of the editorial that appears in today's edition of the Knoxville News-Sentinel and would like to call it to the attention of my colleagues and other readers of the CONGRESSIONAL RECORD.

[From the Knoxville News-Sentinel, June 28, 2000]

PRESIDENT'S ROADLESS PLAN TOO CONFINING FOR FUTURE GENERATIONS

(By Matt Bennett)

In the legal parlance of estate planning, the term "dead-hand control" refers to one generation's attempt to control the future of another from the grave. For the obvious reason that we can never know what circumstances future generations might face, most attorneys advise against it.

Yet in preparing to designate another 60 million acres of our national forests as permanently roadless, this is precisely what the Clinton administration is preparing to do, and it should not be allowed to succeed.

Seeking support, the administration has argued (as it has on every issue from higher taxes to gun control) that we need to set aside these roadless areas for the children. Likewise, environmentalists often cite the seven-generations concept of the Iroquois nation, asking that we consider the implications of our actions seven generations removed.

These environmentalists, convinced that our generation lives at the expense of the next, hope that trans-generational guilt will lead to policies more to their liking.

No matter how charming the notion, if we reverse the exercise and think backward seven generations, we can see the obvious shortcomings of the idea.

If policies common 150 years ago had been perpetuated until today, slavery would still exist, women would not be allowed to vote and forests would be cut as fast as possible to clear the land for farming.

And, while environmentalists point to polls that indicate the public's support of the roadless policy, I suspect polls taken 150 years ago would have shown support for the above policies too: policies that now seem terribly inappropriate.

The truth these examples illustrate is that our ancestors could not see the future, and neither can we. We can know neither the demands nor the emergencies future generations may face.

Setting aside these lands as permanently roadless would be a terrible mistake, tying the hands of future generations and denying them the freedom and the choice to make their own decisions. In other words, we would be controlling them from the grave.

Today, experts point out that as many as 65 million acres of our national forest are at risk from wildfire and disease. They also point to wildlife and plant species at risk due to the aging of our forests. Consequently, most reject the notion that public forests should be left unmanaged.

Yet, the president's plan makes that naive idea a virtual certainty. For that reason, the wildlife directors of five southern states, Tennessee included, have publicly expressed their concerns about the plan.

Because flexibility is the most necessary tribute of long-range planning, the lack of it in the president's roadless plan makes it woefully inadequate to meet the needs of future generations.

What we need is management that requires the U.S. Forest Service to develop a plan every 10–15 years for each national forest that will meet the public's needs while protecting the long-term health and condition of the forests.

Incorporating local input and sound science, these plans would recognize that both forests and society are dynamic and changing over time. Most of all, these plans would refrain from giving the current generation irrevocable control over subsequent ones. Their legacy would be their flexibility.

This may sound too good to be true, but actually it is pretty much the way the forest service does it now. The president's new plan actually excludes the public from the decision-making process, not just this generation but for all those that follow.

If you believe that each generation deserves the right to make its own decision, then please contact the forest service at the address below. Tell them that you oppose the president's roadless plan and support instead Alternative 1, which preserves the current planning process.

Tell them that future generations should have the freedom to choose their options instead of being forced to accept one mandated by Bill Clinton and Al Gore.

The address for comment: USDA Forest Service-CAET; Attn: Roadless Area Proposed Rule; P.O. Box 221090; Salt Lake City, Utah 84122. The fax number is 1-877-703-2494, and the e-mail address is www.roadless. fa.fed.us.

TRIBUTE TO MONTCLAIR STATE UNIVERSITY RED HAWKS NCAA DIVISION III WORLD SERIES CHAMPIONS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a phenomenal college baseball team from my district, the Montclair State University Red Hawks. On Tuesday, May 30, 2000 the baseball team won the NCAA Division III World Series Championship in Appleton, Wisconsin. It is only fitting that this group is honored, for it concluded the season with the most wins in school history, and became a three-time Division III World Series title-holder.

The team became champions after beating St. Thomas, a school from Minnesota, 6–2 at Fox Cities Stadium, Wisconsin. That game included a one-hour, two-minute lightning delay.

The team is the first to win the tournament after losing its opener since the series expanded from four to eight teams in 1991.

The entire team played outstanding. Corey Hamman, who allowed only two runs and seven hits, gave a great performance. Corey's skills earned him the honor of being named the tournament's Most Valuable Player. Junior center fielder Frank Longo went three-for-four with three RBIs and a run scored by the Red Hawks.

Montclair State University Baseball Coach Norm Schoenig has always been an active and involved leader. It was the small steps in the beginning of his career that taught him the fundamentals that would make him a role model to the student athletes he now inspires. The 13-year, low-key coach was the architect that helped bring this latest glory to Montclair State. His past successes include steering the team to a 1993 national title and a runner-up finish in 1998.

The outstanding season record, which stands as the most wins accrued by the Red Hawks ball club, was 42–7–1. The Red Hawks enjoyed a terrific campaign, reaching number two in the national rankings, before suffering two losses in the New Jersey Athletic Conference Tournament. Their overall stellar record earned them a bid to the Mid-Atlantic Regional.

At the Regional, Montclair State overcame a 10–0 deficit in its opener against Allentown; eventually rallying for a 14–11 victory in a game that was delayed for two days by rain. Montclair State then won the rain-shortened regional the following day by beating Rowan and the College of New Jersey. The loss to SUNY-Cortland in the World Series opener might have demoralized a lesser team. The Red Hawks, however, made a remarkable turnaround and won five straight games in four days. The team beat Emory 5–0, Wartburg 7–2 and Allegheny 10–3.

As a former educator and collegiate baseball player, Mr. Speaker, I can think of no other team who works harder or loves the game more than the Red Hawks. I ask that you join our colleagues, Montclair State University, its faculty, administration, students, alumni, supporters and me in recognizing the outstanding and invaluable achievements of the Montclair State University Red Hawks, the NCAA Division III World Series champions.

SENATE—*Friday, June 30, 2000*

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Spirit of the living God, fall afresh on this Senate Chamber, enter the mind and heart of each Senator, and reign as Sovereign over all that is said and done this day. We confess that it is sometimes easier to use pious words to pray about Your presence and power than it is to turn over the control of our lives and our work to You. We are strong willed people, we want things done our way, and often we are better at manipulation than meditation and mediation. Built right into our two party system is the potential for discord and the lack of civility. It is so easy for us to get suited up like mountain climbers and then scramble over molehills. Procedures can become more important than progress and winning more crucial than being willing to work together. Now at the beginning of this day remind the Senators and all of us who serve with them that this is Your Senate, that we are accountable to You, and that we could not breathe our next breath without Your permission. Keep our attention on what needs to be done now rather than on how what is said and done now will impact the November election. In our mind's eye we picture a day in which we put You and our Nation first. We humble ourselves lest we be humiliated by missing the call to greatness. In Your all powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Pennsylvania.

SCHEDULE

Mr. SPECTER. Mr. President, on behalf of the majority leader, I have been asked to announce, as manager of the bill, that the Senate will immediately resume consideration of H.R. 4577, the Labor, Health and Human Services, and Education appropriations bill. Under the previous order, there are several votes remaining on amendments to the bill, including the Wellstone amendment regarding drug pricing, the Helms amendment regarding school facilities, the Harkin amendment regarding IDEA, and any amendment that is not cleared within the managers' package, and disposition of the point of order, along with a vote on final passage of the Labor-HHS appropriations bill, and possibly a vote on the adoption of the conference report to accompany the military construction appropriations bill.

The leader has asked that I pass on his message to urge Senators to remain in the Chamber during votes in order to expedite the conclusion of the proceedings.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MEASURE PLACED ON CALENDAR—H.R. 4680

Mr. SPECTER. Mr. President, before we proceed to the Wellstone amendment, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4680) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes.

Mr. SPECTER. Mr. President, on behalf of the majority leader, I object to further proceedings on that bill at this time.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

(Action taken on June 29, 2000 but not printed in that edition of the RECORD.)

MEASURE PLACED ON CALENDAR—S. 2808

Mr. FRIST. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (S. 2808) to amend the Internal Revenue Code of 1986 to temporarily suspend the Federal fuels tax.

Mr. FRIST. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4577, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

> Helms amendment No. 3697, to prohibit the expenditure of certain appropriated funds for the distribution or provision of, or the provision of a prescription for, postcoital emergency contraception.
>
> Wellstone amendment No. 3698, to provide for a limitation on the use of funds for certain agreements involving the conveyance of licensing of a drug.
>
> Harkin amendment No. 3699, to fully fund the programs of the Individuals with Disabilities Education Act.

Mr. SPECTER. Mr. President, one item came up in the course of the consideration of the bill on which I commented I would respond to regarding the increase in this bill over last year's bill.

This year's bill contains a program level of $104.5 billion for fiscal year 2001. This is a $7.9 billion increase over fiscal year 2000, which had a program level of $96.6 billion. When assertions have been made that the bill has grown by 20.4 percent—that is over 20 percent—that is not correct. That calculation is made by comparing the fiscal year 2001 program level of $104.5 billion with the fiscal year 2000 budget authority level of $86.5 billion. That is not an accurate comparison.

When you compare the 2001 actual program level to the 2000 program level, the real increase is 8.2 percent.

This question has come up with some frequency. I thought it would be useful to make that explanation.

Mr. President, I think we are now prepared to proceed to the Wellstone amendment.

Mr. WELLSTONE. Mr. President, before we proceed, could I ask my colleague, is it 2 minutes equally divided or 4 minutes equally divided on each amendment?

Mr. SPECTER. Mr. President, the Senator from Minnesota is correct. Each side has 1 minute, and then we go to the vote.

Mr. WELLSTONE. I thank the Senator.

AMENDMENT NO. 3698

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for explanation prior to a vote on Wellstone amendment No. 3698.

Mr. WELLSTONE. Mr. President, this amendment reinstates the Bush administration's policy of requiring a reasonable pricing clause in the NIH drug patent licensing agreements and cooperative research agreements with pharmaceutical companies unless waived on public interest grounds. It does not apply to universities. A very similar amendment passed by a 2-to-1 margin in the House of Representatives.

All this says is, when it is our public dollars—taxpayer money, our constituents' money—we expect that the drug companies, when they benefit from all this, will agree to charge our constituents a reasonable price.

I think this is an amendment that should command widespread support. I have offered this amendment with Senator JOHNSON. It has support from the National Council of Senior Citizens, Families USA, and the Committee to Preserve Social Security and Medicare.

I also want to say that I think Senator LEVIN, last night, hit the nail on the head when he said: It is bad enough that we have exorbitant prices. It is worse when we actually subsidize the research, and then we do not ask anything in return from these companies.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the objective of the Wellstone amendment is laudable in trying to have reasonable prices. The difficulty is that this was tried 7 or 8 years ago and was found to be very counterproductive. Instead of encouraging tests and development of pharmaceutical products, it discouraged them. We have already adopted the Wyden amendment which provides for a study on this issue.

There are some very important matters raised by the Senator from Minnesota. Our subcommittee will hold hearings on this subject shortly upon our return in July to try to find out whether the NIH ought to have a share of the patents or what would be a fair approach. There has been substantial experience with what the Senator from Minnesota suggests in the 1992, 1993, 1994 range, and it was counterproductive. That is why, although the objective is laudable, I am forced to oppose the amendment.

I move to table the Wellstone amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the Wellstone amendment No. 3698. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), is necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH), would vote "yes."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

The result was announced—yeas 56, nays 39, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—56

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Dodd
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kerrey
Kyl
Landrieu
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—39

Akaka
Baucus
Bayh
Bingaman
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Grassley
Gregg
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Levin
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Voinovich
Wellstone
Wyden

NOT VOTING—5

Boxer
Hatch
Inouye
Leahy
Moynihan

The motion to table was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3697

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for explanation prior to the vote on the Helms amendment No. 3697.

Mr. SPECTER. Mr. President, I ask unanimous consent that the next votes in this series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order. There are a considerable number of votes to come.

Mr. BYRD. Mr. President, I thank the Chair for trying to get order. Will Senators please respect the Chair.

Mr. ROBB. Mr. President, lest there be any confusion on the vote we are about to cast, it is my understanding that minors who seek a prescription drug from a school-based health clinic can do so only after receiving consent from a parent or guardian. Given that this standard is already in place, I don't believe it is the place of the federal government to instruct states and localities what specific services can or cannot be offered in these clinics—I trust communities to decide for themselves what services should be offered in their school-based clinics, based on their values and priorities.

The PRESIDING OFFICER. When the conversations in the well have concluded, we will be able to continue.

The Senator from North Carolina is recognized for 1 minute.

Mr. HELMS. Mr. President, I thank the Chair.

I ask unanimous consent that it be in order for me to make my remarks from my chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. President, a basic question—and I think a significant one—pending with this amendment is: Should the taxpayers be required to pay for the controversial "morning-after pill"—which is identified as an abortifacient—to be distributed to schoolgirls on school property? The answer, Mr. President, is absolutely not.

But as CRS reported to me, federal law does, indeed, permit the "morning-after pill" to be distributed at school-health clinics.

I urge my colleagues to prohibit funds from the Labor, HHS, and Education appropriations bill to be used to distribute the "morning-after pill" on school property.

The PRESIDING OFFICER. All time has expired. Who seeks recognition in opposition? The Senator from Iowa.

Mr. HARKIN. How much time remains?

The PRESIDING OFFICER. One minute.

Mr. HARKIN. Mr. President, let's make it clear. We are not talking about an abortion bill. What we are talking about is a contraceptive pill a young woman would get, the morning after she may have been the victim of rape or incest. This amendment does not deal with RU-486, it clearly states it is about denying contraceptive services, and it has no exception for young victims of rape or incest.

Right now, under existing law, some localities have chosen to provide minors access to contraceptive pills through community health centers and other programs that are based in the school. The decision to provide school-based contraceptive services is a local decision under current law. A local decision. Not a federal one. But this amendment would change that.

This amendment says if a young woman has unprotected sex, or even if she is the victim of rape or incest, and is panic stricken the next morning, she cannot take a contraceptive pill the next morning, not knowing whether she is pregnant or not, in order to prevent a pregnancy from occurring.

That is what this is about.

And I want to reiterate that the Helms amendment has no exception for the victims of rape or incest.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. SPECTER. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to table the Helms amendment (No. 3697). The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote "no."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

The result was announced—yeas 41, nays 54, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—41

Akaka
Baucus
Bayh
Biden
Bingaman
Bryan
Byrd
Campbell
Chafee, L.
Cleland
Collins
Daschle
Dodd
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Jeffords
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Torricelli
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Cochran
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Dorgan
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—5

Boxer
Hatch
Inouye
Leahy
Moynihan

The motion was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, on behalf of Senator HELMS, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 3697.

The amendment (No. 3697) was agreed to.

Mr. SANTORUM. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3699

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes for explanation prior to a vote on Harkin amendment No. 3699. The Senator from Iowa is recognized for 1 minute.

Mr. HARKIN. Mr. President, this is a simple amendment. It fully funds the Individuals With Disabilities Education Act. As far as I know, this is the first time we in the Senate have had a chance to vote directly on whether to take the action to fully fund IDEA.

I cannot say it any better than our colleague from Vermont, Senator JEFFORDS, said it Wednesday night:

> This body has gone on record in vote after vote that we should fully fund IDEA. If we can't fully fund IDEA now with the budget surpluses and the economy we have, when will we do it? I do not believe anyone can rationally argue that this is not the time to fulfill that promise.

I could not have said it any better. This is the first time I know of the Senate has ever gone on record. This is the vote to fully fund IDEA. We have the surpluses. We have the money. Let's meet our goal.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the education budget now is $4.5 billion over last year. We have increased IDEA by $1.3 billion. Sometimes we talk about big spenders. Adding $8.75 billion is going to put a burden on the biggest spenders in this Chamber to support this kind of an increase. I want to see a lot more funding in a lot more places, including IDEA, but this is just over the top. I say that with great respect for my esteemed colleague.

Mr. President, I raise a point of order under 302(f) of the Budget Act that this amendment would exceed the subcommittee's 302(b) allocation and is not in order.

Mr. HARKIN. Mr. President, I move to waive the applicable sections of that act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that if present and voting, the Senator from Utah (Mr. HATCH) would vote "no."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY), and the Senator from New York (Mr. MOYNIHAN), are necessarily absent.

The yeas and nays resulted—yeas 40, nays 55, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—40

Akaka
Baucus
Bayh
Biden
Bingaman
Breaux
Bryan
Chafee, L.
Cleland
Collins
Daschle
Dodd
Dorgan
Durbin
Edwards
Feinstein
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Torricelli
Wellstone
Wyden

NAYS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—5

Boxer
Hatch
Inouye
Leahy
Moynihan

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senate will be in order.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator will be recognized when the well is cleared.

The Senator from Pennsylvania.

AMENDMENTS NOS. 3700 THROUGH 3731, EN BLOC

Mr. SPECTER. Mr. President, I now ask for the adoption of the managers' package which has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. HARKIN, proposes amendments numbered 3700 through 3731, en bloc.

The amendments Nos. 3700 through 3731, en bloc, are as follows:

AMENDMENT NO. 3700

(Purpose: To provide grants to develop and expand substance abuse services programs for homeless individuals)

On page 34, on line 13, before the colon, insert the following: ", $10,000,000 shall be used to provide grants to local non-profit private and public entities to enable such entities to develop and expand activities to provide substance abuse services to homeless individuals.".

Ms. COLLINS. Mr. President, I rise today in support of the Collins-Reed amendment to the Labor HHS Appropriations bill which will increase the availability of funds to provide substance abuse treatment services for our Nation's homeless men and women.

I would like to extend my thanks to Senator JACK REED who has joined as a cosponsor of this amendment and who has made increased funding for services to benefit the homeless one of his highest priorities. I would also like to extend my thanks to Senators DOMENICI, FEINSTEIN, MIKULSKI, SARBANES, JEFFORDS, KENNEDY, BINGAMAN, WELLSTONE, LINCOLN CHAFEE, DODD, LEAHY, DURBIN, SNOWE, EDWARDS and MOYNIHAN, all of whom cosigned a letter to appropriators which I and Senator REED sent earlier this year calling for an increase in funding for mental health and substance abuse treatment for the homeless.

Like all Americans, homeless men and women need decent shelter, but in many cases, homeless people also need treatment to address the underlying problem which has kept them on the street. An estimated 25 percent to 40 percent of homeless people need programs to help them recover from drug and alcohol abuse illnesses. Despite the prevalence of these illnesses among our nation's homeless, very limited funds are available to serve their specific treatment needs.

For a variety of reasons, addicted homeless people often have difficulty accessing mainstream treatment services. For example, many substance abuse service providers are not equipped to handle the complex social and health issues that homeless persons present, and may reject them or provide ineffective care. In addition, the reality of life on the street may significantly complicate the receipt of effective treatment. For example, homeless men and women may have difficulty in adhering to treatment schedules or may lack transportation to and from outpatient services.

Comprehensive programs which link treatment to other health, housing, social and maintenance services often provide the best opportunity for the homeless to adhere to treatment programs and ultimately achieve stability in their lives. The funding addressed in my amendment will provide grants which will assist communities in providing treatment services tailored to best serve the needs of their own homeless population.

I thank the Chairman of the Committee, who has been tireless in his efforts to increase substance abuse treatment services for all Americans in need, and who has been so receptive to this amendment and the needs of our Nation's homeless men and women.

Thank you, Mr. President. I yield the floor.

AMENDMENT NO. 3701

(Purpose: To provide funds for the Web-Based Education Commission)

On Page 68, line 23 before the colon, insert the following: ", of which $250,000 shall be for the Web-Based Education Commission".

AMENDMENT NO. 3702

(Purpose: To provide funds for the purchase of automated external defibrillators and the training of individuals in basic cardiac life support)

On page 24, line 1, strike "and".

On page 24, line 7, insert before the colon the following: ", and of which $4,000,000 shall be provided to the Rural Health Outreach Office of the Health Resources and Services Administration for the awarding of grants to community partnerships in rural areas for the purchase of automated external defibrillators and the training of individuals in basic cardiac life support".

Ms. COLLINS. Mr. President, I am pleased that the managers have accepted the amendment that I introduced with my colleague from Wisconsin. I thank the distinguished Chairman and Ranking Member of the Labor-HHS Appropriations Subcommittee for their assistance and support. Our amendment will improve access to automated external defibrillators, or AEDs, in rural areas, where they are sorely needed to increase the chance that individuals in these communities who suffer cardiac arrest will survive. Joining us in cosponsoring this amendment are Senators JEFFORDS, BIDEN, ENZI, MURRAY, ABRAHAM, WELLSTONE, BINGAMAN, ROBB, KERRY and REED.

Heart disease is the leading cause of death both in the State of Maine and the United States. According to the American Heart Association, an estimated 250,000 Americans die each year from cardiac arrest. Many of these deaths could be prevented if automated external defibrillators were more accessible. AEDs are computerized devices that can shock a heart back into normal rhythm and restore life to a cardiac arrest victim. They must, however, be used promptly. For every minute that passes before a victim's normal heart rhythm is restored, his or her chance of survival falls by as much as 10 percent.

According to the American Heart Association, making AEDs standard equipment in police cars, fire trucks, ambulances and other emergency vehicles and getting these devices into more public places could save more than 50,000 lives a year. Cities across America have begun to recognize the value of fast access to AEDs and are making them available to emergency responders. In many small rural communities, however, limited budgets and the fact that so many rely on volunteer organizations for emergency services can make acquisition and appropriate training in the use of these life-saving devices problematic. Our amendment will increase access to AEDs and trained local responders for smaller towns and rural areas in Maine and elsewhere where those first on the scene may not be paramedics or others who would normally have AEDs.

I am pleased to be joined by my colleague from Wisconsin who has led this effort to increase access to AEDs in rural areas.

Mr. FEINGOLD. Thank you. I would like to commend my friend and colleague from Maine for her leadership in passing this amendment that will help improve cardiac arrest survival rates across rural America by making AEDs more accessible.

I recently visited DeForest, Wisconsin, where the area's citizens and businesses recently finished a fundraising effort that resulted in the purchase of three new defibrillators. When I visited with the DeForest police department, they provided a real life example of why we must increase the availability of defibrillators: since they were purchased just three months ago, two people have been saved by these devices.

They helped show me that cardiac arrest victims are in a race against time, and unfortunately, for those in many rural areas, Emergency Medical Services have simply too far to go to reach people in need, and time runs out for victims of cardiac arrest. It is simply not possible to have EMS units next to every farm and small town across the nation. This amendment will begin to address this problem.

Just so my colleagues are aware, I would like to ask my friend from Maine to describe how these grants will be made.

Ms. COLLINS. These grants will be awarded on a competitive basis by the Health Resources and Services Administration to community partnerships in rural areas that are composed of local emergency response entities, such as community training facilities, local emergency responders, fire and rescue departments, police, community hospitals, and local non-profit entities and for-profit entities concerned about cardiac arrest survival rates. Our amendment will provide $4 million through the Health Resources and Services Administration for the awarding of grants to community partnerships in rural areas to purchase automated external defibrillators and to train individuals in basic cardiac life support. These rural partnerships will also be required to evaluate the local community emergency response times to assess whether they meet the standards established by national public health organizations such as the American Heart Association and the American Red Cross. They must also submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require. I would like to ask my colleague from Wisconsin if he would like to add any additional comments.

Mr. FEINGOLD. Thank you. I would also like to stress that these grants are intended for community partnerships in rural areas, as determined by the Secretary of Health and Human Services. This amendment has been endorsed by both the American Heart Association and the American Red Cross as a means of expanding access to these lifesaving devices across rural America, and I join my colleague from Maine in thanking the managers of the bill for their cooperation and support.

AMENDMENT NO. 3703

(Purpose: To support medication management for seniors)

On page 43, line 9, before the colon, insert the following: ", of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions".

AMENDMENT NO. 3704

On page 50, line 20, after the dash insert the following: "Except as provided by subsection (e)".

On page 51, line 1 strike "December 15, 2000" and insert in lieu thereof: "March 1, 2001".

On page 52, line 2, strike "2000" and insert in lieu thereof "2001".

On page 52, after line 2, insert the following new section

"(e) TERRITORIES.—None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000."

AMENDMENT NO. 3705

(Purpose: To provide for the conduct of a study and report on unreimbursed health care provided to foreign nationals)

On page 54, between lines 10 and 11, insert the following:

SEC. . (a) STUDY.—The Secretary of Health and Human Services shall conduct a study to examine—

(1) the experiences of hospitals in the United States in obtaining reimbursement from foreign health insurance companies whose enrollees receive medical treatment in the United States;

(2) the identity of the foreign health insurance companies that do not cooperate with or reimburse (in whole or in part) United States health care providers for medical services rendered in the United States to enrollees who are foreign nationals;

(3) the amount of unreimbursed services that hospitals in the United States provide to foreign nationals described in paragraph (2); and

(4) solutions to the problems identified in the study.

(b) REPORT.—Not later than March 31, 2001, the Secretary of Health and Human Services shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations, a report concerning the results of the study conducted under subsection (a), including the recommendations described in paragraph (4) of such subsection.

Mr. GRAHAM. Mr. President, last year, on October 7, during the consideration of the FY 2000 Labor-HHS-Education Appropriations bill, Senators RON WYDEN, GORDON SMITH and I offered an amendment which was accepted as part of the legislation that passed.

It directed the Department of Labor to send to Congress its suggestions, or a plan, to improve the day-to-day lives of farmworkers.

We are here again. The Labor-HHS Appropriations bill is being debated, and we are still awaiting answers to concerns raised in the last debate.

In fairness, I should mention that the Secretary of Labor has indicated that this report is underway and that we can expect it later this year. But yet another year has slipped by without the Administration designing a plan to improve the lives of those who do so much to provide for us.

The purpose of our amendment and speech last year was to outline the three previous years of frustration in our efforts to secure this plan from the Department of Labor. We sought legislatively what we had not been able to obtain in personal meetings and phone calls. Now, we are here again, on this same bill, asking for the same assistance.

For the past several years I have worked with several of our colleagues to develop a comprehensive strategy to improve the lives of our Nation's farmworkers.

Almost everyone agrees that the status quo is unacceptable. GAO estimates that at least 50 percent of agricultural workers in the United States do not have documented status. This is a conservative estimate since these are workers who have admitted their illegal status, the actual number without work authorization is likely much higher.

I respect the fact that the Department of Labor has concerns about our bipartisan legislation. What we have asked, year after year, is that they improve it, modify it, or offer their own alternate comprehensive plan.

I commend the work that the Department has done up to this point to respond to us, but I urge Secretary Herman to finish work on this proposal and submit it to Congress at the earliest possible opportunity. The legislative calendar is short this year, and we have no time to waste.

Mr. WYDEN. Mr. President, in October, 1999, I came to the Senate floor to speak about an important amendment to the Labor, Health and Human Services Appropriations Bill for Fiscal Year 2000 concerning farm workers. I have worked on this issue for over three years. I worked with my friend, Senator SMITH of Oregon, as well as my colleague Senator GRAHAM of Florida, to have our bipartisan amendment adopted by the managers of the bill, Senator SPECTER and Senator HARKIN.

I come to the floor today as the Senate completes debate on the Labor, Health and Human Services appropriations bill for fiscal year 2001 to again ask the administration to get serious about addressing the very real problems in the current farm worker system.

The amendment that was adopted into last year's Labor HHS appropriations bill required the Department of Labor to report to Congress with plans to improve compensation, working conditions, and other benefits for farm workers in the United States. The adopted amendment became report language in the Labor HHS Conference Report directing the Department of Labor to deliver the administration's farm worker plan to Congress as soon as possible.

It is almost ten months since that directive was adopted by the entire Congress—and almost three years since I was first promised by Secretary of Labor Herman that such a plan was being devised—and still the administration has delivered no plan. As we enter the busiest time of the year for American farms, once again I am forced to point out the ineptitude of the Administration in dealing with this critical issue.

The General Accounting Office completed a report in 1997 on the farm worker situation in our country. They said there are enough farm workers. But they came to that conclusion only by counting illegal farm workers.

Today's agricultural labor program is a disaster for both farm workers and farmers. Estimates are that well over half of the farm workers in this country are here illegally. They are smuggled into the United States by people called "coyotes." Because they are here illegally, these farm workers have no power—they cannot vote. The illegal, but much needed, farm worker is often subjected to the worst possible living and working conditions imaginable. This situation is nothing short of immoral.

At the same time, the growers, who need a dependable supply of workers to pick our crops, are also in a completely untenable situation. Senator SMITH and I represent Oregon farmers who literally have no where to turn to find legal farm workers. The current situation turns those farmers who want to do the right thing into people who have to make a Hobbesian choice: do they become felons by hiring illegal farm workers or do they go bankrupt.

It bears repeating: Well over half of the farm workers in the United States are illegal immigrants.

Oregon farmers have told me that in meetings, with the Immigration and Naturalization Service and the Department of Justice, the Administration has admitted that they know farmers must become felons by hiring illegal workers. It is deplorable that farmers are greeted by the Administration with winks and nods—not a legal farm worker system.

In 1998, in the second session of the 105th Congress, Senator GRAHAM, Senator SMITH, and I put together a bipartisan proposal to change this wholly unacceptable system. We tried to create a new system for dealing with agricultural labor that would be in the interest of both the farm worker and the farmer. Under our bill, workers who were legal would get a significant increase in their benefits and farmers would be assured a consistent, legal work force.

But after 67 Senators passed our bill, the administration refused to work with us to hammer out badly needed H2A reform legislation.

At that point, Senators GRAHAM, SMITH, and I started alternatively waiting for and asking for the Administration to produce their plan for a new agricultural worker system that would address the legitimate concerns of both farm workers and farmers.

In the spirit of comity and a desire to reach agreement with the executive branch, we have been waiting to see the Administration's plan. Mr. President, to date, after meetings, phone calls and congressional directives, we have been kept waiting for more than three years to see the administration's proposal.

By its inaction, the Administration is perpetuating a system that is a disaster for both the farm-worker and the farmer. It is a system that is totally broken—a system that has condemned the vast majority of farm workers to some of the most terrible and immoral conditions imaginable. It is a system that has made it impossible for farmers who want to do the right thing.

Our bipartisan effort was not a good enough solution for the administration. Well, the administration's inaction is not a good enough solution for me.

All of us—farm workers and growers, Senators GRAHAM, SMITH, and I—continue to wait. It is time for the administration to get off the sidelines. They should do what they promised to do well over two years ago and what we, as Congress, required them to do over 10 months ago.

AMENDMENT NO. 3706

(Purpose: To ensure that those students at risk of dropping out of school receive appropriate attention and to ensure that all students are given the support necessary to graduate from high school)

On Page 59, line 12, before the period insert the following: ": *Provided further*, That of the amount made available under this heading for activities carried out through the Fund for the Improvement of Education under part A of title X, $10,000,000 shall be made available to enable the Secretary of Education to award grants to develop and implement school dropout prevention programs.".

Mr. BINGAMAN. Mr. President, I want to take a moment to thank Senators SPECTER and HARKIN for agreeing to include my amendment dedicating $10,000,000 from the Fund for the Improvement of Education to support proven dropout prevention programs in the managers' package. As my colleagues know, I filed an amendment on behalf of myself and Senators REID, COLLINS, and DEWINE seeking $20 million for this purpose. While both of these amounts fall short of the $150,000,000 level authorized in an amendment passed by the Health, Education, Labor, and Pensions Committee to the ending ESEA reauthorization bill, this $10,000,000 is an important first step in supporting local efforts to develop, implement, and disseminate effective dropout prevention programs. It is my hope that in future years we will be able to grow the funds for this crucial effort in order to ensure that all schools with high dropout rates have the resources and information that they need to curb the high incidence of students dropping out of school.

Today, the lack of a high school education is a greater barrier than ever to employment, income, and advancement opportunities; though we frequently talk about how strong the economy is in the United States, we simply cannot overlook the fact that there are millions of working Americans who have never finished high school, and they earn less than a third of what their peers with a college degress earn.

High school completion rates remain distressingly low in many locales around the country—over 3,000 young people drop out of our high schools and middle schools each school day. Not surprisingly, the problem is disproportionately great along racial, ethnic and socioeconomic lines; Hispanic youth for instance, are nearly three times more likely to drop out than their white classmates, and African American students are still dropping out at a rate higher than their white peers as well. As The Hispanic Dropout Project found, widespread misunderstandings of the underlying causes of dropouts, combined with a lack of familiarity with effective programs, has prevented increased school completion for some groups.

It is my hope that when ESEA is reauthorized, we will be able to further extend the critical support that is needed to help our at-risk students complete high school with the skills necessary for the workplace or continued education. In the meantime, this commitment to funding is an important step towards ensuring that all students who are at risk of dropping out of school receive the appropriate attention and support they need to further their learning and graduate from high school. I thank my colleagues for working with me on this important effort.

Mr. REID. Mr. President, those who drop out of high school are at a greater risk of being unemployed or holding a position with no career advancement opportunities. These individuals also earn less, are more likely to be poverty stricken, and received public assistance.

To address the dropout problem, the Department of Education administers 11 programs. These programs resulted in a downward trend in the national dropout rate. Nonetheless, we have what we could call the "dropout divide"—dropout rates in 1998 were higher for Hispanic (9.4%) than blacks (5.2%) and whites (3.9%).

This holds true in Nevada, where Hispanic students dropped out of school at a higher rate than other racial/ethnic groups. In the 1996–97 school year, the Hispanic dropout rate is 15.7 percent while White and Asian/Pacific Islander students had the lowest dropout rates at 8.3% each.

It is unacceptable that we allow students—of any race—to dropout. In our new high-tech economy, education is more important than ever. It is the key to a happy and secure future, and we must work harder to make sure that our children don't lose this valuable chance to get an education. We must convince them to stay in school.

For Nevada, the latest numbers show that 17 percent of our school students will drop out before they get their degrees. Almost one in five students in the 12th grade (19.4%) dropped out of school during the 1996–97 school year, compared with a dropout rate for 9th grade students of 3.5 percent.

As a member of the HELP Committee, Senator BINGAMAN has been a strong advocate for dropout prevention programs and funding. I am pleased that the Bingaman/Reid amendment—adding $10 million of funding for dropout program grants—was accepted.

Our role is to provide needed resources to carry out innovate programs tailored to the specific circumstances encountered. This money goes to states and local school districts, in grants, to finance new dropout prevention programs.

Dropout prevention programs must remain a priority for educators, parents, and policymakers. All students deserve an opportunity to receive a quality and complete education.

AMENDMENT NO. 3707

(Purpose: To revise the purpose of the National Institute of Child Health and Human Development relating to gynecologic health)

At the appropriate place, insert the following:

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

SEC. . Section 448 of the Public Health Service Act (42 U.S.C. 285g) is amended by inserting "gynecologic health," after "with respect to".

AMENDMENT NO. 3708

(Purpose: To increase funding for children's asthma programs administered by the Centers for Disease Control and Prevention)

On page 26, line 25, before "of which" insert the following: "of which $20,000,000 shall be made available to carry out children's asthma programs and $4,000,000 of such $20,000,000 shall be utilized to carry out improved asthma surveillance and tracking systems and the remainder shall be used to carry out diverse community-based childhood asthma programs including both school- and community-based grant programs, except that not to exceed 5 percent of such funds may be used by the Centers for Disease Control and Prevention for administrative costs or reprogramming, and".

Mr. DURBIN. Mr. President, I rise today today with my colleagues, Senators DEWINE, FITZGERALD, KERRY, BINGAMAN, SCHUMER and ABRAHAM to offer this critical amendment to increase funding for childhood asthma programs at the Centers for Disease Control and Prevention.

For the next 15 minutes imagine breathing through a tiny straw the size of a coffee stirrer, never getting enough air. Now imagine suffering through the process three to six times a day. This is asthma.

"America is in the middle of an asthma epidemic—an epidemic that is getting worse, not better." So says the PEW environmental Health Commission in its most recent report on asthma.

The prevalence of asthma continues to rise at astounding rates—every region of the country and across all demographic groups, whether measured by age, race or sex. In America today, no chronic disease is increasing faster than asthma. And asthma is considered the worst chronic health problem plaguing this nation's children. Among those four years old, it has mushroomed by 160 percent over the last 2 decades.

Asthma affects nearly 15 million Americans. That figure includes more than 700,000 Illinoisans, of whom 213,000 are children under the age of 18. Chicago has the dubious distinction of having the second highest rate of childhood asthma in the country. According to a study published by the Annals of Allergy, Asthma & Immunology, of inner-city school children in Chicago, researchers found that the prevalence of diagnosed asthma was 10.8 percent, or twice the 5.8 percent the federal Centers for Disease Control and Prevention estimates in that age group nationally. The study also found that most of the children with diagnosed asthma were receiving medical care, but it may not be consistent with what asthma care guidelines recommend.

If rates continue unchecked, a child born a generation from now will be twice as likely to develop asthma as a child born today. By the end of this decade, if no action is taken to reverse this trend and it continues at its current pace, the PEW Commission calculates that 22 million Americans will suffer from asthma—eight million more than at present. That's one in 14 Americans and one in every five families forced to live with the disease. By 2020, the Commission estimates that the number could increase to 29 million—more than twice the current number.

These figures are staggering. At the current rate of growth, that means that the number of asthma cases in 2020 will exceed the projected population of New York and New Jersey combined. If by chance all asthma suffers lived in one state, it would be the second most populous in the country. Put another way, if all those with asthma stood side by side, they would stretch the distance between LA, California and Washington DC, over four times.

If general rates of asthma are high and getting higher, the rates are even worse for society's most vulnerable. Asthma disproportionately attacks them. A recent New York Times article described a study in the Brooklyn area where it was found that an astounding 38 percent of homeless children suffer from asthma. Some of the factors known to contribute to asthma such as poor living circumstances, exposure to cockroach feces, stress, exposure to dampness and mold are all experienced by homeless children. They are also experienced by children living in poor housing or exposed to urban violence. There are other factors such as exposure to second hand smoke and smog that also exacerbate or trigger asthma attacks.

Not only is asthma itself on the rise but it is becoming more deadly. For minorities, asthma is particularly deadly. The asthma death rate for African-Americans is more than twice as high as it is for other segments of the population. Nationwide, the childhood asthma-related death rate in 1993, was 3 to 4 times higher for African-Americans compared to Caucasian Americans. The hospitalization rate for asthma is almost three times as high among African-American children under the age of 5 compared to their white counterparts. Illinois has the highest asthma related deaths in the country for African-American men. The increased disparity between death rates compared to prevalence rates has been partially explained by decreased access to health care services for minority children.

However, even though asthma rates are particularly high for children in poverty, they are also rising substantially for suburban children. Overall the rates are increasing for all groups. Everyone of us knows a child whether our own, a relatives' or a friends' who suffers from asthma.

In an effort to stem the tide of this epidemic, Senator DEWINE and I along with 23 other Senators submitted a request to the Labor HHS appropriators to ask for $50 million for childhood asthma programs at CDC. One fifth of the money would be available for improved tracking and surveillance efforts for asthma, as suggested by the PEW commission for environmental health. Currently, the bill does mention a specific allocation for asthma.

The amendment, which has been agreed to, provides $20 million for state and community-based organizations to support asthma screening, treatment, education and prevention programs and for a new surveillance and tracking system as called for recently by the PEW Environmental Health Commission in their report "Attack Asthma." Again, one fifth of the amount, in this case $4 million would be available for new surveillance and tracking.

The amendment also states that these community funds may be used by both health and school-based services. Many school districts, including the Chicago Public Schools are involved in screening children for asthma and for seeing to it that they get treatment and management to deal with their asthma. CDC should see to it that these new funds are used to coordinate local efforts and to link both school based and health facility based asthma programs. With additional resources, CDC should diversify the types of programs that they fund, so that evaluations can be done to measure the effectiveness of these different programs. Furthermore, programs need to be tailored to the individual needs of localities with coordination of local services and local efforts to combat childhood asthma.

The amendment also includes a restriction on the amount that CDC may use for administration or reprogramming including the 1 percent Public Health Service evaluation. Both Senator DEWINE and I believe that asthma should be a high priority for CDC and that CDC should not seek to reprogram this money or use it for other purposes. Last year, CDC chose to disproportionately allocate rescissions to the asthma program. We strongly object to that decision. At a time of an asthma epidemic, we believe that this program should be protected from such cuts. Therefore, this year we have included language that states that only 5 percent of the total amount allocated for childhood asthma programs may be used for administration, evaluations, or other activities.

Let me tell you why we need this money. Despite the best efforts of the health community, childhood asthma is becoming more common, more deadly and more expensive and the effects of asthma on society are widespread.

Most children who have asthma develop it in their first year, but it often goes undiagnosed. Many of you may be surprised to learn that asthma is the single most common reason for school absenteeism. Parents miss work while caring for children with asthma. Beyond those missed days at school and parents missing work, there is the huge emotional stress suffered by asthmatic children. It is a very frightening event for a small child to be unable to breathe. A recent US News article quoted an 8-yr old Virginian farm girl, Madison Benner who described her experience with asthma. She said "It feels like something was standing on my chest when I have an asthma attack." This little girl had drawn a picture of a floppy-eared, big footed elephant crushing a frowning girl into her bed.

In many urban centers, over 60 percent of childhood admissions to the emergency room are for asthma. There are 1.8 million emergency room visits each year for asthma. Yet the emergency room is hardly a place where a child and the child's parents can be educated in managing their asthma.

During a recent visit to Children's Memorial Hospital in Chicago, I met a wonderful little boy whose life is a daily fight against asthma. He told me he can't always participate in gym class or even join his friends on the playground. Fortunately, Nicholas is receiving the medical attention necessary to manage his asthma. Yet for millions of children, this is not the case. Their asthma goes undiagnosed and untreated, making trips to the emergency room as common as trips to the grocery store.

However, we do have treatments that work for most people. Early diagnosis, treatment and management are key to preventing serious illness and death. The National Institutes of Health is home to the National Asthma Education and Prevention board. This is a large group of experts from all across the fields involved in health care and asthma. They have developed guidelines on both treating asthma and educating children and their parents in prevention. It is very important that when we spend money on developing such guidelines that they actually get out of communities so that they can take advantage of this research.

CDC has been working in collaboration with NIH to make sure that health professionals and others get the most up to date information. My amendment could further help this effort by providing grantees with this information.

One interesting new model that appears to work is the "breathmobile' program in Los Angeles that was started 2 years ago. This program provides a van that is equipped with medical personnel, asthma education materials, and asthma treatment supplies. It goes out to areas that are known to have a high incidence of childhood asthma and screens children in those areas. Children are also enrolled in the Children's Health Program if they are income eligible. We have all heard of how slow enrollment in the children's health program has been and anything that we can do to speed enrollment up, I think it vitally important. This "Breathmobile" program has reduced trips to the emergency room by 17 percent in the first year of operation. I hope that we can be as successful in Illinois and other parts of the country.

In Illinois, the Mobile CARE Foundation is setting up a program in Chicago based on the Los Angeles initiative. In addition, the American Association of Chest Physicians has joined with other groups to form the Chicago Asthma Consortium to provide asthma screening and treatment. Efforts like these need our amendment.

In West Virginia, a Medicaid "disease management" program which seeks to coordinate children with asthma's care so that they get the very best care has been found to be very cost effective. It has reduced trips to the emergency room by 30 percent.

This Childhood Asthma Amendment would expand these programs to help ensure that no child goes undiagnosed and every asthmatic child gets the treatment he or she needs.

Last year, an additional $10 million was dedicated to start this program for a total of $11.3 million. CDC will be putting out a request for proposals this summer. The $20 million agreed to here today is a good start and I hope that we will be able to do better by increasing it to $50 million in conference. This $50 million level of funding is supported by the American Lung Association, the Asthma and Allergy Foundation, Mothers of Asthmatics, the National Association for Children's Hospitals and Research Institutions, the Academy of Pediatrics, the Asthma and Allergy Foundation of America and others who support children's health.

No child should die from asthma. We need to make sure that people understand the signs of asthma and that all asthmatic children have access to treatment and information on how to lessen their exposure to things that trigger asthma attacks. Funding for this program is critical.

I am delighted that my colleague Senator SPECTER has agreed to accept this amendment to nearly double the funding level for this important public health effort. I hope that he will work with me in conference to increase this level of funding to as close as possible to the $50 million originally requested by myself and 23 of my Senate colleagues. Again I thank my colleagues SPECTER and HARKIN for recognizing the importance of this issue to the nation's children.

AMENDMENT NO. 3709

(Purpose: To increase funding for the Centers for Disease Control and Prevention to provide for the adequate funding of State and local immunization infrastructure and operations activities)

On page 54, between lines 10 and 11, insert the following:

SEC.   . In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, $37,500,000, to be utilized to provide grants to States and political subdivisions of States under section 317 of the Public Health Service Act to enable such States and political subdivisions to carry out immunization infrastructure and operations activities: *Provided*, That of the total amount made available in this Act for infrastructure funding for the Centers for Disease Control and Prevention, not less than 10 percent shall be used for immunization projects in areas with low or declining immunization rates or areas that are particularly susceptible to disease outbreaks, and not more than 14 percent shall be used to carry out the incentive bonus program: *Provided*, That amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro rata basis by $37,500,000.

Mr. DURBIN. Mr. President, I rise today to offer an amendment regarding childhood immunization. Remarkable advances in the science of vaccine development and widespread immunization efforts have led to a substantial reduction in the incidence of infectious disease. Today, as you know, national vaccination coverage is at record high levels. Smallpox has been eradicated; polio has been eliminated from the Western Hemisphere; and cases of measles have been reduced to record lows.

Still, the job is not done and it is important that we remain vigilant. Every day, nearly 11,000 infants are born and each baby will need up to 22 doses of vaccine by age two. New vaccines continue to enter the market. And although a significant proportion of the general population may be fully immunized at a given time, coverage rates in the United States are uneven and life-threatening disease outbreaks do occur. In fact, recent data from the CDC indicate that coverage rates may be leveling off and that in many areas of the country, including Chicago, Houston, Delaware, North Dakota, South Dakota and New Mexico, they are actually declining.

At the same time, funding to states and localities for immunization delivery activities has also been dramatically reduced over the past five years. States are now struggling to maintain immunization rates and have implemented severe cuts to immunization activities. Many have already reduced clinic hours, canceled contracts with providers, suspended registry development and implementation, limited outreach efforts and discontinued performance monitoring.

Last week, the Institute of Medicine issued a landmark report on the state of our Nation's immunization infrastructure. This report confirmed that the situation requires immediate attention. The IOM in its report stated:

> The combination of new challenges and reduced resources has led to instability in the public health infrastructure that supports the U.S. immunization system. Many states have reduced the scale of their immunization programs and currently lack adequate strength in areas such as data collection among at-risk populations, strategic planning, program coordination, and assessment of immunization status in communities that are served by multiple health care providers. If unmet immunization needs are not identified and addressed, states will have difficulty in achieving the national goal of 90 percent coverage by year 2010 for completion of childhood vaccination series for young children. Furthermore, state and national coverage rates, which reached record levels for vaccines in widespread use (79 percent in 1998), can be expected to decline and preventable disease outbreaks may occur as a result, particularly among persons who are vulnerable to vaccine-preventable disease because of their undervaccination status.

The amendment I am offering today with my colleagues Senator KAY BAILEY HUTCHISON, Senator JACK REED, Senator PATTY MURRAY, and Senator JOHN KERRY addresses the recommendations of the IOM and responds to the issues raised by state and local immunization program administrators who are struggling to reach underserved children. The provision does three things: First, it provides a $37.5 million increase in immunization grant funding to state and local programs for immunization infrastructure activities in FY 2001, bringing the total funding for infrastructure up from $139 million to $176.5 million. Second, it limits to 14 percent the amount of the total that can be spent for incentive grants to states. Third, it targets 10 percent of the total infrastructure funding to areas with low or declining immunization rates and areas susceptible to outbreaks.

While $37.5 million is a good start, additional funding is needed. The IOM recommends a $75 million increase in the annual federal share of funding to states for immunization programs. This number was derived from 3 calculations: (1) annual state expenditure levels during the mid-1990's; (2) the level of spending necessary to provide additional resources to states with high levels of need without reducing current award levels for each state; and (3) additional infrastructure requirements associated with adjusting to anticipated changes and increased complexity in the immunization schedule. Dozens of organizations support this level of funding, including Research. America, the American Academy of Pediatrics, the March of Dimes, the Children's Defense Fund, the Association of State and Territorial Health Officials, Every Child by Two, and many others.

I intend to work with my colleagues on the Committee and in the Senate to increase this funding level by an additional $37.5 million in FY 2002 in order to reach the level recommended by the IOM.

The 317 immunization grant program to states and localities for "infrastructure and operations" is the sole source of Federal support for many critical activities, including: immunization registries; outreach efforts to educate parents about the value and importance of vaccines as well as the risks and possible side effects; training and education of providers to ensure timely vaccinations and keep them updated about the routine schedule including changes resulting from the addition of new vaccines; outbreak control and monitoring and investigating disease occurrence; identifying under immunized children and development of strategies to overcome barriers to vaccination; linking immunization activities with other public health services such as the WIC program; and evaluations of immunization strategies to determine what works.

While overall funding to the Centers for Disease Control's immunization program has actually seen slight increases, the grant program to States and localities has dramatically declined over the past 5 years. Actual appropriations levels have gone from $271 million in FY1995 to $208 million in FY 96 to $139 million in FY2000. But the story is even worse. The measles outbreak of the late 1980's and early 1990's prompted Congress to give states hefty funding increases. Unfortunately, the states were not immediately prepared for the influx of funds. Money was "carried over" from one year to the next as they worked through barriers such as computer acquisitions, legislative approvals and hiring freezes. This carryover has compensated for the dramatic reductions in funding that followed. Now there is no more carryover money to pick up the slack. So while actual appropriations have declined by about $68 million since 1996, states are experiencing reductions of 50 percent or more in the same time period. As a result, states are struggling to maintain immunization rates and have implemented severe cuts to immunization activities. Many have already reduced clinic hours, canceled contracts with providers, suspended registry development and implementation, limited outreach efforts and discontinued performance monitoring. An increase of $75 million will barely get states back up to the funding levels they were experiencing in 1998.

The amendment also limits the amount that can be allocated for incentive grants to 14 percent of the total infrastructure funding. Historically, Senate report language has included a formula to reward areas that achieved high coverage levels and set aside $33 million out of the state infrastructure money to pay for this incentive. When this was first put in place in 1994, this amount represented approximately 14 percent of all grant funding available. Now, because the total funding has decreased, the percentage is equal to about 25 percent of the total. Because the overall base funding has decreased (from $271 million in FY95 to $139 million), the incentive allocation is eating up a greater share of total infrastructure funding pulling money away from project areas that have lower immunization rates. In addition, because immunization rates have gone up, nearly every state gets some incentive money—but it is no longer considered an "incentive" by the states. Rather, states use the money to offset recent decreases in 317 federal grant funding. As a result, this "incentive" that has historically been included in the Senate Appropriations report is no longer achieving its intended effect. Quite simply, the advantage of awarding funds as incentives, rewarding successful immunization programs, has decreased as total funding has decreased. Those grantees with the lowest coverage levels and most in need are receiving less funding than those who have already achieved high coverage levels.

To address this issue, this amendment would limit the percentage of total funding that can be used for incentive money to the percentage it represented when it was first implemented. No state will experience a reduction in funds.

I also want to note that the House Labor-HHS-Education Appropriations report included language, which I strongly support, asking the CDC to report back to Congress regarding the utility of this incentive program and recommending a mechanism to phase it out if it is not found to be achieving its intended purpose. It is my hope that the Senate will agree to this language in conference.

The amendment also targets 10 percent of total infrastructure funding to areas of the country with low or declining immunization rates. Even with significant gains in national immunization rates, subpopulations of underimmunized children still exist. Rates in many of the Nation's urban areas, including Chicago and Houston, are unacceptably low and getting lower. These pockets of need create pools of susceptible children and increase the risk of dangerous disease outbreaks. The IOM report highlights the fact that disparities in levels of immunization coverage still exist. National surveys reveal a gap of 9 percentage points between children above and below the federal poverty level. Targeting just 10 percent of the total amount, as IOM recommends, will help CDC respond to unexpected outbreaks, gaps in immunization coverage, or other exceptional circumstances within the states.

I urge my colleagues to support this amendment. It will provide additional funds to every single state. No state loses money. In this day and age, it is simply not acceptable that more than one million children have not been adequately vaccinated. Vaccines are one of the most cost-effective tools we have in preventing disease. For every dollar spent on vaccines, society saves up to $24 in medical and societal costs. Controlling vaccine-preventable disease has been one of the most significant public health accomplishments of the 20th Century. But current success does not guarantee future success. And there is still much work to be done.

Mr. REED. Mr. President, I am pleased to join my colleague Senator DURBIN on an amendment to restore funding to one of our most accomplished public health initiatives, our national immunization program.

The purpose of the amendment is quite simple—it seeks to strengthen and enhance the operations and infrastructure grants administered by the Centers for Disease Control and Prevention's Section 317 immunization program.

These monies fund a variety of essential programs and services within the immunization program for children, including outreach efforts to educate parents about the immunization schedule, training and education of providers about new vaccines and outbreak control when cases of infectious diseases arise. The CDC's operation and infrastructure grants also support vital initiatives to identify under-immunized children, provide resources necessary to implement and maintain state-based immunization registries and allow the state immunization program to forge linkages with other public health services, such as WIC and Head Start, since these places are often points of entry for low-income children who may lack all or some of the recommended vaccinations.

Originally, Senator DURBIN and I had intended to offer an amendment that would add a total of $75 million for the CDC Section 317 operations and infrastructure grant program. We have modified our amendment so that it now calls for a $37.5 million increase in funding for these grants this year with the understanding that Chairman SPECTER has agreed to work to provide additional $37.5 million in FY 2002 for this grant program. I would thank the Chairman and the Ranking Member for agreeing to accept this important amendment.

Numerous public health and provider groups including the National Association of County and City Health Officials (NACCHO), the Association of State and Territorial Health Officials (ASTHO), the American Academy of Pediatrics and every Child by Two, just to name a few support our amendment.

Since the advent of the polio vaccine in 1955, the United States has invested in a national immunization campaign to rid the population of devastating diseases such as smallpox, polio, diphtheria and measles.

The CDC Section 317 program has been an integral part of our national immunization initiative. The Section 317 program can be broken down into two main categories—(1) vaccine purchase and (2) infrastructure to facilitate the delivery and monitoring of vaccines. The Section 317 program is the only source of critical federal funding to support the infrastructure necessary to administer immunizations to children in communities throughout the country.

A little over a week ago, the Institute of Medicine released their report on immunization finance policies and practices. This report was conducted at the request of the Senate Appropriations Committee and more specifically by our colleague Senator Dale Bumpers, a long-time champion of the immunization program.

This landmark report offers us many important insights into the complex federal-state-local partnership that makes up our national immunization initiative. The report found that although average immunization coverage levels are at record highs, several problems continue to plague the program, while even greater challenges lie ahead. The issues threaten the great success we have achieved in essentially eradicating deadly and debilitating diseases that were prevalent in this country a relatively short time ago. Many of these same diseases continue to strike children in developing nations throughout the world.

According to the IOM report, one of the greatest challenges currently facing our immunization program is the persistent disparities in coverage that exist among and within states, as well as within major cities.

The 1998 National Immunization Survey (NIS) found a gap of between 7 and 8.6 percent between the immunization rates for non-Hispanic white children and those of Hispanic and African-American children for one of the most important series of immunizations. Disparities in immunization levels also fall along the poverty line. For the same series, National Immunization Survey found a 9 percentage point difference between the immunization rates for children living below the poverty level compared to those at or above the poverty line.

These disparities in coverage are often found in concentrations of un-immunized and under-immunized children who typically reside in urban areas as well as in certain rural areas. These areas are also referred to as 'pockets of need'.

Our investments in the immunization program thus far have yielded great benefits in terms of improving the health of children, as well as producing significant health care cost savings. For example, for every dollar spent on the Measles, Mumps, Rubella (MMR) vaccine, $10.30 in savings were captured in terms of direct medical costs and $13.50 in indirect societal costs, such as lost work time, disability and death.

While great progress has been made in boosting immunization coverage nationally, we are at a point where it will require additional resources in order to reach those remaining children who have not been immunized. In other words, reaching these remaining unimmunized and under-immunized children in 'pockets of need' areas, will require more effort and more resources.

Another significant problem outlined in the IOM report is the, "The repetitive ebb and flow cycles in the distribution of public resources for immunization programs . . ." Federal funding for the immunization program has been volatile, particularly over the past decade.

To give my colleagues some background, the federal government began to pay greater attention to the need to support and strengthen our immunization program after a measles outbreak struck several parts of the U.S. in 1989–1990. Following the epidemic, the CDC launched a national initiative designed to strengthen state immunization programs and provide resources for a broad array of direct services and outreach. The goal of this effort was to strengthen and enhance our capacity to monitor immunization levels and improve our ability to respond to disease outbreaks.

During that period, federal funding for infrastructure grants increased seven-fold from a total of $37 million in 1990 to $271 million in 1995. However, states were not immediately prepared for the dramatic funding increases and the expansion of immunization delivery systems at the state level took time. As a result, funds were "carried over" from one year to the next as states prepared to make the capital investments necessary to strengthen critical areas of their immunization program, such as vaccine delivery, outreach into underserved areas and improvements in monitoring through the development of state-based immunization registries.

However, as the threat of another disease outbreak faded, carry-over fund balances grew and pressure to reduce federal discretionary spending intensified here in Congress. What happened as a result was an almost 50 percent decline in funding, and for the past two years, the CDC infrastructure grant program has been level funded at $139 million.

For the past few years, states have been using remaining carry-over funds to cover expenses that could not be met by their new award. The estimated FY 2001 figures indicate that most states have exhausted their carry-over funding and must rely solely on their new grant award to finance their operations.

This cut has seriously eroded states' ability to develop and implement program innovations and threatened their capacity to administer vaccines. These reductions over the past several years have also forced states to scale back on other important activities such as community outreach, parental and physician education and the development and operation of registries.

This reduction in the operations and infrastructure grant awards has had a significant impact on my home state of Rhode Island. My state has gone from a high of approximately $3 million to a low of $500,000 in just four years. These kinds of swings in funding make it virtually impossible for a state to administer its program, let alone plan ahead for the future.

And these dramatic declines have not only happened in my state—they have happened in virtually every state in the country.

Fortunately, my state has been extremely successful thus far in expanding immunization coverage rates in the nation (89%). However, continued vigilance is necessary to maintain coverage rates in states like Rhode Island, while additional effort and resources are required to bring up immunization rates in areas like Chicago (69%) and Houston (56%).

Mr. President, we must remain diligent and focused on our immunization goals and invest in the tools necessary to protect our children. This additional funding will help to achieve that end by restoring immunization grant awards to a level that will enable states to carry out critical program activities. As I mentioned before, our amendment would add $37.5 million over two years to the CDC operations and infrastructure grant program.

The IOM report makes clear that our immunization system is at a critical juncture, and I am pleased that Chairman SPECTER and Ranking Member HARKIN have agreed to accept our amendment because we should not wait for a serious outbreak to a vaccine-preventable disease to address the shortfall in the CDC immunization program.

AMENDMENT NO. 3710

(Purpose: To require that contracts for the care of research NIH chimpanzees be awarded to contractors that comply with the Animal Welfare Act)

At the appropriate place, add the following: "None of the funds appropriated under this Act shall be expended by the National Institutes of Health on a contract for the care of the 288 chimpanzees acquired by the National Institutes of Health from the Coulston Foundation, unless the contractor is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International or has a Public Health Services assurance, and has not been charged multiple times with egregious violations of the Animal Welfare Act.".

Mr. SMITH of New Hampshire. Mr. President, I thank the Senate managers for including my amendment in the managers' package. This amendment relates to the Request for Proposals (RFP) recently issued by the National Institutes of Health for the care of 288 chimpanzees recently acquired by NIH from The Coulston Foundation. The Coulston Foundation, an animal research facility in Alamogordo, New Mexico, has a very troubling record of animal care, and has been investigated and charged by the U.S. Department of Agriculture numerous times for egregious violations of the Animal Welfare Act relating to the deaths of several chimpanzees and other primates. At least 14 chimpanzees and 4 monkeys have died at the lab in the past seven years, due to negligence and a lack of appropriate veterinary care.

Last August, following the deaths of several chimpanzees at Coulston, USDA ordered the lab to halve its chimpanzee colony, leading to the transfer of 288 chimps to NIH. However, the transfer was in title only. For the time being, the chimpanzees will remain in Coulston's physical possession, in direct defiance of the spirit and intent of the USDA order.

I am eager, therefore, for NIH to proceed with its RFP to secure the services of an entity that can provide high quality care for the 288 chimpanzees. The easiest way to ensure this is to insist that bidders for the contract be accredited by the Association for the Assessment and Accreditation for Laboratory Animal Care, International, or AAALAC. AAALAC is a private, internationally recognized accrediting body. Its stamp of approval guarantees that a laboratory provides high standards of care to its animals. AAALAC accreditation is often required in Public Health Service (PHS) contracts and, in fact, is strongly based on strict compliance with NIH's own Guide for the Care and Use of Laboratory Animals. In 1994, NIH made a site visit to The Coulston Foundation, and recommended that Coulston achieve AAALAC accreditation within 3-5 years. That was six years ago, and Coulston is still not accredited by this international organization, despite applying.

Although I would expect that any entity selected by NIH to receive this contract would be highly qualified and therefore AAALAC-accredited, bidders for the contract that are not accredited may demonstrate their qualifications by holding a valid PHS Animal Welfare Assurance. In theory, an Animal Welfare Assurance shows that a laboratory is compliant with the federal Animal Welfare Act and PHS policy on animal care. Sometimes these assurances are restricted. For instance, Coulston's assurance is restricted because of its poor animal care record. However, it is still considered valid.

I think it is important to stress that the recipient of NIH's contract should have a good record of animal welfare and should be compliant with federal animal welfare laws. As such, I have included language in my amendment which states that NIH cannot give its contract to a facility that has been charged multiple times with egregious violations of the Animal Welfare Act, as is tne case with The Coulston Foundation. These animals can live to 50, even 60 years of age, and are very similar to humans in many ways. We should make certain that they receive the level of care appropriate to them. The amendment which I am offering will address these concerns. I would like to thank the managers for working out this language and for supporting my amendment.

AMENDMENT NO. 3711

(Purpose: To Provide an additional $800,000 for technology and media services and to provide an offset)

At the end of title III, insert the following:

SEC. ____ . TECHNOLOGY AND MEDIA SERVICES.

Notwithstanding any other provision of this Act—

(1) the total amount appropriated under this title under the heading "OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES" under the heading "SPECIAL EDUCATION" to carry out the Individuals with Disabilities Education Act shall be $7,353,141,000, of which $35,323,000 shall be available for technology and media services; and

(2) the total amount appropriated under this title under the heading "DEPARTMENTAL MANAGEMENT" under the heading "PROGRAM ADMINISTRATION" shall be further reduced by $800,000.

Mr. DODD. Mr. President, I thank the chairman, Senator SPECTOR, and the Ranking member, Senator HARKIN, for accepting an amendment I have proposed to S. 2553, the Labor, Health and Human Services, and Education, and related agencies appropriation bill for fiscal year 2001. This amendment provides an additional $800,000 for the Technology and Media Services section of the Department of Education appropriation. The funds allocated to Technology and Media Services are crucially important because they are used to make competitive awards to support the development, demonstration, and use of technology and education media activities of value to children with disabilities.

In that regard, the National Theatre of the Deaf (NTD) has a long and worthy history as an organization dedicated to helping deaf and hard-of-hearing children and adults achieve their fullest potential. In 1967, the NTD was created with the assistance of the Department of Education to support educational and artistic programs for the deaf community. With strong and enduring support from the Congress, the NTD has developed an innovative training program and seasonal workshop series to foster the growth of a unique form of theater. Presented in both American Sign Language and spoken English, NTD performance have expanded the boundaries of theatrical expression and made an original contribution to professional theater while simultaneously building bridges between the hearing and non-hearing communities. The NTD has repeatedly won recognition for it's work over the last 33 years, including a Tony Award. The NTD has touched over 3.5 million people through local, national and international live performances, and millions more through televised specials. As a result of the massive success of the NTD , more than 40 similar Theaters of the Deaf have sprung up worldwide.

Unfortunately, in fiscal year 2000, the NTD was not funded by the Department of Education, an unintended consequence of modifications made by Congress to the Individuals with Disabilities Education Act in 1997. I have no reason to believe that the Congress is any less supportive of the National Theater of the Deaf today than it has been for the last 33 years. It is the intent of the amendment that I offer today to provide the Department of Education with sufficient means to fund an additional competitive grant from the Special Education Technology and Media Services program.

Once again, I am grateful to the Chairman and Ranking Member for accepting this amendment and, I think I speak for our colleagues in thanking them for their continued support for the deaf and hard-of-hearing community in our country.

Mr. SPECTER. I would like to commend the Senator from Connecticut for bringing this amendment to our attention. While the amount requested in this amendment is a modest sum, it will make a major difference to an important community in this country. I look forward to working with the Senator from Connecticut as this matter moves to conference.

Mr. HARKIN. I would like to associate myself with the remarks of my Chairman and that of the Senator from Connecticut, particularly with regard to the important role that the National Theater of the Deaf has played over the last 33 years. I pledge to do what I can to ensure the conference agreement carriers out the intent of the Senator from Connecticut.

AMENDMENT NO. 3712

In amendment No. 3633, as modified, strike "$78,200,000" and insert "$35,000,000" in lieu thereof.

AMENDMENT NO. 3713

(Purpose: To provide grants to states for high schools to improve academic performance and provide technical skills training and grants to elementary and secondary schools to provide physical education and improve physical fitness)

On page 69, line 2, after the colon insert the following proviso: "*Provided further*, That of the funds appropriated $5,000,000 shall be made available for a high school state grant program to improve academic performance and provide technical skills training, $5,000,000 shall be made available to provide grants to enable elementary and secondary schools to provide physical education and improve physical fitness".

AMENDMENT NO. 3714

(Purpose: To provide grants to states and local government for early childhood learning for young children)

On page 41, at the beginning of line 12 insert the following: "$5,000,000 shall be made available to provide grants for early childhood learning for young children, of which".

AMENDMENT NO. 3715

(Purpose: To increase funding for the Office of Civil Rights of the Department of Health and Human Services)

On page 45, line 4, insert before the period the following: ": *Provided*, That an additional $2,500,000 shall be made available for the Office for Civil Rights: *Provided further*, That amounts made available under this title for the administrative and related expenses of the Department of Health and Human Services shall be reduced by $2,500,000".

• Mr. LEAHY. Mr. President, I want to thank my colleagues Senator SPECTER and Senator HARKIN for including an amendment I have offered to increase funding for the Office of Civil Rights (OCR) at the Department of Health and Human Services (HHS) as part of the managers' package. My amendment would provide an increase of $2.5 million for the Office of Civil Rights to protect the civil rights of Americans. I want to take a moment to explain why I believe this funding increase is so important.

The Office of Civil Rights at HHS has the responsibility to enforce civil rights laws in the health and human service setting throughout the United States. What does this mean? Essentially, the Office of Civil Rights oversees anyone who receives funding from HHS—hospitals, managed care organizations, nursing homes, and social service agencies among others—to ensure they are complying with civil rights statutes. Although it enforces a wide array of civil right laws, the bulk of OCR's efforts center around enforcement of Title VI of the Civil Rights Act of 1964, which addresses discrimination in federally funded programs, and the Americans with Disabilities Act.

The civil rights challenges that confront OCR continue to grow. A few of the issues the office is focusing on include racial and ethnic disparities in health; ensuring that individuals with disabilities avoid unnecessary institutionalization and can live in their communities; and fighting discrimination among minorities and individuals with disabilities in managed care.

It seems to me that this office already has a pretty big workload. Well, it is about to become much larger. In addition to the important efforts the OCR currently works on, this office will soon be responsible for implementing and enforcing the proposed medical privacy regulations. The administration has been required to establish safeguards to protect personal medical information of Americans because this Congress missed its own self-imposed deadline. If we're not going to do our job in Congress, we should at least support the Office that will have to do it for us.

In 1996, Congress passed the Health Insurance Portability and Accountability Act (HIPAA). This legislation set a self-imposed deadline for Congress to pass comprehensive medical privacy legislation by August 1999. If Congress was unable to meet the deadline, the Secretary of the Department of Health and Human Services was required by law to establish medical privacy protection through regulation. Secretary Shalala issued her draft regulations last fall and there was a public comment period that extended until this past February. Currently, HHS is working to finalize the draft regulations which should be issued later this year.

I have been on this Senate floor countless times to talk about the need to establish privacy protections for personal medical information. It angers me that this Congress could not even move privacy protections through the committee process, let alone, to actually have a debate on this critical issue before the full Senate. We couldn't do the job on our own and we have instead shifted the responsibility to the administration. This Congress has the responsibility to protect the privacy of Americans—and that includes the protection of their medical records. The place for these protections is in legislation—not regulation. But that's not the issue right now. The issue before us is the need to adequately fund the office that will have the sole responsibility for enforcing these essential privacy protections.

The FY 2000 Budget for the Office of Civil Rights is $22 million. This figure has remained unchanged since 1980. I find this hard to believe. The Office has seen its enforcement responsibilities increase dramatically with the passage of the Americans with Disabilities Act and other major legislation. Add the impending implementation of the medical records privacy regulation and it becomes clear that this budget must come in line with the current times and allow the Office to do what they must—protect the civil rights of Americans.

This additional funding provided in this amendment will help the Office of Civil Rights do the job we have asked them to do. I do not think this increase is nearly enough. However, I recognize that we have limited funds for a wide range of important programs. I am hopeful that this will be the first of many steps to increase the resources for this office. Again, I want to thank my colleagues for their support of this amendment and for their support of the important work of this office.•

Mr. HARKIN. Mr. President, I rise to support the increase in funding for the Office of Civil Rights at the Department of Health and Human Services. The Office of Civil Rights (OCR) enforces civil rights laws in health and human services settings. OCR oversees hospitals, managed care organizations, nursing homes, social service agencies—literally any state, local, or private agency that receives HHS funding, to ensure compliance with civil rights laws.

In the next year, OCR will be responsible for enforcing several initiatives of real importance to me and to health care consumers across America. First, OCR will be responsible for enforcing the landmark health information privacy regulations. These regulations will provide consumers with protections against the inappropriate disclosure of their health information. Indeed, Americans are concerned about who gets to see and use their personal medical information. Privacy is the first defense against discrimination on the basis of health status—an issue I know a lot about through my work on the Americans with Disabilities Act.

One of OCR'S other top priorities in the coming year is to enforce the Americans with Disabilities Act (ADA) by working with states and advocates to develop programs to enable people with disabilities to live in community-based settings, as required by the Supreme Court's Olmstead decision. Just last year, in L.C. v. Olmstead, the Supreme Court held that state Medicaid programs must comply with the ADA's integration mandate. The Court held that under the ADA, people with disabilities have the right to be included in our communities, not segregated behind the closed doors of institutions and excluded from the mainstream. This decision means that unjustified isolation now properly is regarded as discrimination when it is based on disability.

The Department of Health and Human Services has already taken steps to ensure that states comply with the Supreme Court's decision. The Department sent a letter to state Medicaid directors and others emphasizing the Court's suggestion that states develop a comprehensive plan for placing qualified individuals with disabilities in less restrictive settings and ensure that their waiting lists for community-based services move at a reasonable pace that is not controlled by the state's endeavors to keep its institutions fully populated.

This so-called "Olmstead Letter" is a great first step. However, a law is only as effective as its enforcement, and that is why OCR is so important to the civil rights of people with disabilities. This new funding will help OCR to ensure that as we approach the ADA's 10th anniversary next month, the ADA will continue to have a very real effect on the daily lives of people with disabilities and their ability to live and participate in their communities.

AMENDMENT NO. 3716

(Purpose: To increase the amount of funds made available for activities that improve the quality of infant and toddler child care)

On page 40, line 5, strike "$60,000,000" and insert "$100,000,000".

AMENDMENT NO. 3717

(Purpose: To increase funding to provide assistance for poison prevention and to stabilize the funding of regional poison control centers)

On page 54, between lines 10 and 11, insert the following:

SEC. ____. (a) In addition to amounts made available under the heading "Health Resources and Services Administration-Health Resources and Services" for poison prevention and poison control center activities, there shall be available an additional $20,000,000 to provide assistance for such activities and to stabilize the funding of regional poison control centers as provided for pursuant to the Poison Control Center Enhancement and Awareness Act (Public Law 106-174).

(b) Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be reduced further on a pro rata basis by $20,000,000.

Mr. DEWINE. Mr. President, I rise today to thank the Chairman of the Labor, Health, and Education Appropriations Subcommittee, Senator SPECTER, and the Ranking Member, Senator HARKIN, for their support of our Nation's poison control centers. Because of their help, the appropriations bill we pass will contain a sound investment in these centers.

Mr. President, many of us—as parents—have experienced the terrifying situation when a child accidently swallows something potentially toxic. Fortunately, poison control centers are in place to field poison-related phone calls and to offer parents and everyone valuable medical advice when these types of emergencies arise. Additionally, the professionals at the centers provide education and training to the public to help prevent poisonings. Without a doubt, poison control centers offer vital health services.

Earlier this year, Congress passed legislation that I sponsored along with 34 of my colleagues—and the President signed it into law—which authorizes $27.6 million to be used to fund a national toll-free number to ensure access to poison control center services; a nationwide media campaign to educate the public and health care providers about poison prevention; and a grant program to: (1) Help certified regional poison control centers achieve financial stability; (2) Prevent poisonings; (3) Provide treatment recommendations for poisonings; and (4) Improve poison control center services.

Last year, I worked with Senator SPECTER, to include $3 million in FY2000 for the Health Resources and Services Administration (HRSA) and Centers for Disease Control and Prevention (CDC) to initiate planning for the national toll-free number and to begin assisting the local poison control centers' other efforts. Because of that initial investment, the national toll-free number will be fully operational by September 30th of this year. The new toll-free number will provide easy access to poison control services no matter where you are in the country by directing calls to the local poison control center closest to you.

To ensure that the local centers can maintain current operations and handle increases in calls resulting from the new toll-free number, the centers must be funded at an adequate level. The investment this bill makes will help poison control centers continue providing essential services to parents and to the public now and in the future.

Investing in poison control centers just makes good economic sense. Do you realize that for every dollar spent on poison control center services, we can save $7 dollars in medical costs? The average cost of a poisoning exposure call to a poison control center is $31.28. The average cost of using other health care system options, like emergency room services, for example, is $932 dollars.

Each year, the Central Ohio Poison Center handles more than 66,000 calls, and the Cincinnati Poison Center handles about 78,000 calls. According to Dr. Marcel Casavant—medical director for the Central Ohio Poison Center and emergency department physician at Columbus Children's Hospital—the Central Ohio Poison Center refers callers to their doctors or to an emergency department about 10 percent of the time. The other 90 percent of cases don't usually require a trip to the emergency room and can be treated and monitored right at home with treatment advice provided by poison control professionals. Poison control centers save lives and save money by offering immediate treatment advice. They help keep patients from calling 911 or going to emergency rooms unnecessarily, while offering immediate treatment advice to callers.

Throughout the United States each year, more than two million poisonings are reported to poison control centers. More than 90 percent of these poisonings happen in the home, and over 50 percent of poisoning victims are children younger than six years of age. My own personal experience with poison control centers occurred two years ago, when our granddaughter, Isabelle, who was two years old at the time, fell into a bucket of bubble solution as we were wrapping up our annual Ice Cream Social at our home in Cedarville, Ohio. We feared that Isabelle may have swallowed some of the solution, since she was covered with it from head to toe.

My sister-in-law, who is a nurse, immediately called the poison control center to determine whether Isabelle had swallowed a poisonous substance. We were very lucky. The professional at the local poison control center told us immediately what to do and explained that we needed to rinse Isabelle off and have her drink several glasses of water to flush the solution through her system. But for the quick response of that local poison control center, we would probably have ended up taking Isabelle to the emergency room needlessly.

My friend and colleague from Michigan, Senator ABRAHAM, also had his own personal experience with a poison center. In 1999, he and his wife were at home and spotted their toddler son, Spencer, with an open bottle of allergy medicine. They immediately called the poison center. The Abrahams, too, were very lucky. As it turned out, little Spencer hadn't swallowed more than an ounce, so the poison center staff recommended that his parents just monitor him at home through the night.

While poisonings very often affect children, adults also face situations necessitating information and help from poison control centers. The centers provide services for adults who have been exposed to potentially poisonous or toxic substances. Take the example of what occurred in Marysville, Ohio. Thirty workers in a manufacturing plant in Marysville were victims of gas exposure. Twenty of these workers went to Union Memorial Hospital. The hospital contacted the poison center, after which these patients were given oxygen and later discharged that same day. Ten others went to a different hospital which did not call a poison center. These patients were not released until the next day, even though their symptoms did not differ from the other 20 workers.

Because the local poison centers cover a lot of area and handle a large number of exposure cases, they can help identify trends and patterns of exposure which might not otherwise be recognized by individual health care providers. The organized network of poison centers facilitates instant communication of public health concerns, as well as effective methods of treatment. For example, in 1993, an Oregon Poison Center staff member noticed a cluster of symptomatic callers who had all used an aerosol leather protector. Subsequent investigation revealed similar cases in the preceding four days. Immediate notification of other centers confirmed cases in other states. Contact with the manufacturer and subsequent product removal occurred within only four hours.

Here's another example: On January 28, 1998, there was a nationwide recall of a popular snack cake due to possible asbestos contamination. This recall resulted in about 1000 calls to one poison center in Ohio, with similar numbers of calls to poison centers in Illinois, Indiana, and Missouri. The poison centers were able to reassure callers about the low toxicity of small oral ingestion of asbestos and referred callers to the company's customer service number.

Despite their obvious value, poison control centers have been seriously under-funded. The centers have been financed through unstable arrangements from a variety of public and private sources. Over the last two decades, there has been a steady decline in the number of poison control centers in the United States. In 1978, there were more than 600 poison control centers nationwide. Today, there are fewer than 75—of which, only 53 are certified. Since 1991, six centers in Ohio have closed, leaving only three in current operation.

This trend has jeopardized the ability of the remaining poison control centers nationwide to provide immediate, around-the-clock service to all Americans. As a result, more emergency rooms are likely to be visited by anxious parents who fear their children were accidentally poisoned. This is a trend that is increasing the total cost of treating poisonings and increasing the risk of accidental injury or death.

Mr. President, I am pleased that my colleagues have agreed to take things to the next level and are providing a substantial investment in these centers. This investment will help bring stability to our nation's poison control centers and bring peace of mind to parents.

I thank the Chair and yield the floor.

AMENDMENT NO. 3718

(Purpose: To increase funds for the National Program of Cancer Registries)

On page 27, line 24, before the period insert the following: '': *Provided further*, That in addition to amounts made available under this heading for the National Program of Cancer Registries, an additional $15,000,000 shall be made available for such Program and special emphasis in carrying out such Program shall be given to States with the highest number of the leading causes of cancer mortality: *Provided further*, That amounts made available under this Act for the administrative and related expenses of the Centers for Disease Control and Prevention shall be reduced by $15,000,000''.

AMENDMENT NO. 3719

(Purpose: To protect the rights of residents of certain health care facilities)

On page 92, between lines 4 and 5, insert the following:

SEC. . Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"PART G—REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES

"SEC. 581. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES.

''(a) IN GENERAL.—A public or private general hospital, nursing facility, intermediate care facility, residential treatment center, or other health care facility, that receives support in any form from any program supported in whole or in part with funds appropriated to any Federal department or agency shall protect and promote the rights of each resident of the facility, including the right to be free from physical or mental abuse, corporal punishment, and any restraints or involuntary seclusions imposed for purposes of discipline or convenience.

''(b) REQUIREMENTS.—Restraints and seclusion may only be imposed on a resident of a facility described in subsection (a) if—

''(1) the restraints or seclusion are imposed to ensure the physical safety of the resident, a staff member, or others; and

''(2) the restraints or seclusion are imposed only upon the written order of a physician, or other licensed independent practitioner permitted by the State and the facility to order such restraint or seclusion, that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained).

''(c) DEFINITIONS.—In this section:

''(1) RESTRAINTS.—The term 'restraints' means—

''(A) any physical restraint that is a mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely, not including devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, or any other methods that involves the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the resident from falling out of bed or to permit the resident to participate in activities without the risk of physical harm to the resident; and

''(B) a drug or medication that is used as a restraint to control behavior or restrict the resident's freedom of movement that is not a standard treatment for the resident's medical or psychiatric condition.

''(2) SECLUSION.—The term 'seclusion' means any separation of the resident from the general population of the facility that prevents the resident from returning to such population if he or she desires.

"SEC. 582. REPORTING REQUIREMENT.

''(a) IN GENERAL.— Each facility to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 applies shall notify the appropriate agency, as determined by the Secretary, of each death that occurs at each such facility while a patient is restrained or in seclusion, of each death occurring within 24 hours after the patient has been removed from restraints and seclusion, or where it is reasonable to assume that a patient's death is a result of such seclusion or restraint. A notification under this section shall include the name of the resident and shall be provided not later than 7 days after the date of the death of the individual involved.

''(b) FACILITY.—In this section, the term 'facility' has the meaning given the term 'facilities' in section 102(3) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10802(3)).''.

"SEC. 583. REGULATIONS AND ENFORCEMENT.

''(a) TRAINING.—Not later than 1 year after the date of enactment of this part, the Secretary, after consultation with appropriate State and local protection and advocacy organizations, physicians, facilities, and other health care professionals and patients, shall promulgate regulations that require facilities to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) applies, to meet the requirements of subsection (b).

"(b) Requirements.—The regulations promulgated under subsection (a) shall require that—

"(1) facilities described in subsection (a) ensure that there is an adequate number of qualified professional and supportive staff to evaluate patients, formulate written individualized, comprehensive treatment plans, and to provide active treatment measures;

"(2) appropriate training be provided for the staff of such facilities in the use of restraints and any alternatives to the use of restraints; and

"(3) such facilities provide complete and accurate notification of deaths, as required under section 582(a).

"(c) Enforcement.—A facility to which this part applies that fails to comply with any requirement of this part, including a failure to provide appropriate training, shall not be eligible for participation in any program supported in whole or in part by funds appropriated to any Federal department or agency.".

AMENDMENT NO. 3720

(Purpose: To provide funding for certain activities of the Occupational Safety and Health Administration with respect to all employers)

On page 13, line 20, strike "*Provided*" and insert the following: ": *Provided*, That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 2000, at least $22,200,000 shall be used to carry out education, training, and consultation activities as described in subsections (c) and (d) of section 21 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670(c) and (d)): *Provided further*,".

AMENDMENT NO. 3721

(Purpose: To express the sense of the Senate that the Health Care Financing Administration should consider current systems that provide better, more cost-effective emergency transport before promulgating any final rule regarding the delivery of emergency medical services)

On page 54, between lines 10 and 11, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING THE DELIVERY OF EMERGENCY MEDICAL SERVICES.

(a) Findings.—The Senate finds the following:

(1) Several States have developed and implemented a unique 2-tiered emergency medical services system that effectively provides services to the residents of those States.

(2) These 2-tiered systems include volunteer and for-profit emergency medical technicians who provide basic life support and hospital-based paramedics who provide advanced life support.

(3) These 2-tiered systems have provided universal access for residents of those States to affordable emergency services, while simultaneously ensuring that those persons in need of the most advanced care receive such care from the proper authorities.

(4) One State's 2-tiered system currently has an estimated 20,000 emergency medical technicians providing ambulance transportation for basic life support and advanced life support emergencies, over 80 percent of which are handled by volunteers who are not reimbursed under the medicare program under title XVIII of the Social Security Act.

(5) The hospital-based paramedics, also known as mobile intensive care units, are reimbursed under the medicare program when they respond to advanced life support emergencies.

(6) These 2-tiered State health systems save the lives of thousands of residents of those States each year, while saving the medicare program, in some instances, as much as $39,000,000 in reimbursement fees.

(7) When Congress requested that the Health Care Financing Administration enact changes to the emergency medical services fee schedule as a result of the Balanced Budget Act of 1997, including a general overhaul of reimbursement rates and administrative costs, it was in the spirit of streamlining the agency, controlling skyrocketing health care costs, and lengthening the solvency of the medicare program.

(8) The Health Care Financing Administration is considering implementing new emergency medical services reimbursement guidelines that would destabilize or eliminate the 2-tier system that have developed in these States.

(b) Sense of the Senate.—It is the sense of the Senate that the Health Care Financing Administration should—

(1) consider the unique nature of 2-tiered emergency medical services delivery systems when implementing new reimbursement guidelines for paramedics and hospitals under the medicare program under title XVIII of the Social Security Act; and

(2) promote innovative emergency medical service systems enacted by States that reduce reimbursement costs to the medicare program while ensuring that all residents receive quick and appropriate emergency care when needed.

AMENDMENT NO. 3722

(Purpose: To provide additional funds for the Perkin's loan cancellation program, with an offset)

On page 71, after line 25, add the following:

Sec. ____. (a) In addition to any amounts appropriated under this title for the Perkin's loan cancellation program under section 465 of the Higher Education Act of 1965 (20 U.S.C. 1087ee), an additional $30,000,000 is appropriated to carry out such program.

(b) Notwithstanding any other provision of this Act, amounts made available under titles I and II, and this title, for salaries and expenses at the Departments of Labor, Health and Human Services, and Education, respectively, shall be further reduced on a pro rata basis by $15,000,000.

AMENDMENT NO. 3723

(Purpose: To provide for a study evaluating the extent to which funds made available under part A of title I of the Elementary and Secondary Education Act of 1965 are targeted to schools and local educational agencies with the greatest concentrations of school-age children from low-income families)

On page 71, after line 25, insert the following:

Sec. 305. The Comptroller General of the United States, shall evaluate the extent to which funds made available under part A of title I of the Elementary and Secondary Education Act of 1965 are allocated to schools and local educational agencies with the greatest concentrations of school-age children from low-income families, the extent to which allocations of such funds adjust to shifts in concentrations of pupils from low-income families in different regions, States, and substate areas, the extent to which the allocation of such funds encourage the targeting of state funds to areas with higher concentrations of children from low-income families, the implications of current distribution methods for such funds, and formula and other policy recommendations to improve the targeting of such funds to more effectively serve low-income children in both rural and urban areas, and for preparing interim and final reports based on the results of the study, to be submitted to Congress not later than February 1, 2001, and April 1, 2001.

On page 70, line 7, strike "$396,672,000" and insert "$396,671,000".

AMENDMENT NO. 3724

(Purpose: To provide assistance to Tribal Colleges or Universities for construction and renovation projects under section 316 of the Higher Education Act of 1965, with an offset)

At the end of title III, insert the following:

SEC. ____.

The amount made available under this title under the heading "Office of Postsecondary Education" under the heading "higher education" to carry out section 316 of the Higher Education Act of 1965 is increased by $5,000,000, which increase shall be used for construction and renovation projects under such section; and the amount made available under this title under the heading "Office of Postsecondary Education" under the heading "higher education" to carry out part B of title VII of the Higher Education Act of 1965 is decreased by $5,000,000.

Mr. BINGAMAN. Mr. President, on behalf of the cosponsors of this amendment I thank Senators Specter and Harkin for dedicating $5,000,000 from the Fund for the improvement of Postsecondary Education for desperately-needed construction and renovation projects at the 32 Tribal Colleges and Universities that comprise the American Indian Higher Education Consortium.

These institutions serve students from over 250 federally recognized Tribes in some of the most impoverished parts of the country. Anyone who has ever visited one has seen the overcrowding and the poor condition of the facilities; crumbling foundations, leaky roofs, exposed wiring, and many other safety hazards were in fact recently estimated to require $120 million in repairs.

The $5,000,000 supplemental to the Title III Strengthening Tribal Colleges and Universities funding recommended by the committee will provide some relief to the inadequate and unsafe conditions at many of the Tribal Colleges and Universities and hopefully will help the institutions leverage additional private funds. However, we know the needs are extremely great, and hope that the Congress will sustain and expand this commitment of federal resources to aid these schools which play such a key role in the education of our Native American populations.

AMENDMENT NO. 3725

(Purpose: To express the sense of the Senate regarding the impacts of the Balanced Budget Act of 1997)

On page 54, between lines 10 and 11, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING IMPACTS OF THE BALANCED BUDGET ACT OF 1997.

(a) FINDINGS.—The Senate makes the following findings:

(1) Since its passage in 1997, the Balanced Budget Act of 1997 has drastically cut payments under the medicare program under title XVIII of the Social Security Act in the areas of hospital, home health, and skilled nursing care, among others. While Congress intended to cut approximately $100,000,000,000 from the medicare program over 5 years, recent estimates put the actual cut at over $200,000,000,000.

(2) A recent study on home health care found that nearly 70 percent of hospital discharge planners surveyed reported a greater difficulty obtaining home health services for medicare beneficiaries as a result of the Balanced Budget Act of 1997.

(3) According to the Medicare Payment Advisory Commission, rural hospitals were disproportionately affected by the Balanced Budget Act of 1997, dropping the inpatient margins of such hospitals over 4 percentage points in 1998.

(b) SENSE OF SENATE.—It is the sense of the Senate that Congress and the President should act expeditiously to alleviate the adverse impacts of the Balanced Budget Act of 1997 on beneficiaries under the medicare program under title XVIII of the Social Security Act and health care providers participating in such program.

AMENDMENT NO. 3726

(Purpose: To state the sense of the Senate regarding funds for programs for early detection and treatment regarding childhood lead poisoning at sites providing Early Head Start programs)

At the end of title V, add the following:

SEC. ___. It is the sense of the Senate that each entity carrying out an Early Head Start program under the Head Start Act should—

(1) determine whether a child eligible to participate in the Early Head Start program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program; and

(2) in the case of an child who has not received such a blood lead screening test, ensure that each enrolled child receives such a test either by referral or by performing the test (under contract or otherwise).

AMENDMENT NO. 3727

(Purpose: To allocate appropriated funds for programs for early detection and treatment regarding childhood lead poisoning at sites providing Early Head Start programs)

On page 27, line 24, strike the period and insert the following: ": *Provided further*, That the funds made available under this heading for section 317A of the Public Health Service Act may be made available for programs operated in accordance with a strategy (developed and implemented by the Director for the Centers for Disease Control and Prevention) to identify and target resources for childhood lead poisoning prevention to high-risk populations, including ensuring that any individual or entity that receives a grant under that section to carry out activities relating to childhood lead poisoning prevention may use a portion of the grant funds awarded for the purpose of funding screening assessments and referrals at sites of operation of the Early Head Start programs under the Head Start Act.".

AMENDMENT NO. 3728

(Purpose: To provide for a study into sexual abuse in schools)

At the appropriate place add the following:

(a) Whereas sexual abuse in schools between a student and a member of the school staff or a student and another student is a cause for concern in America;

(b) Whereas relatively few studies have been conducted on sexual abuse in schools and the extent of this problem is unknown;

(c) Whereas according to the Child Abuse and Neglect Reporting Act, a school administrator is required to report any allegation of sexual abuse to the appropriate authorities;

(d) Whereas an individual who is falsely accused of sexual misconduct with a student deserves appropriate legal and professional protections;

(e) Whereas it is estimated that many causes of sexual abuse in schools are not reported;

(f) Whereas many of the accused staff quietly resign at their present school district and are then rehired at a new district which has no knowledge of their alleged abuse;

(g) Therefore, it is the Sense of the Senate that the Secretary of Education should initiate a study and make recommendations to Congress and state and local governments on the issue of sexual abuse in schools.".

AMENDMENT NO. 3729

(Purpose: To provide increased funding for school construction under the Impact Act program, with an offset)

On page 58, line 3, strike "25,000,000" and insert "35,000,000".

Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro rata basis by $10,000,000.

AMENDMENT NO. 3730

(Purpose: To increase funding for adoption incentives)

On page 41, lines 11 and 12, strike "$7,881,586,000, of which $41,791,000" and insert "$7,895,723,000, of which $55,928,000".

Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro-rata basis by $14,137,000.

AMENDMENT NO. 3731

On page 69 on line 24 insert the following: "*Provided further*, That of the amount made available under this heading for activities carried out through the Fund of the Improvement of Education under part A of title X, $50,000,000 shall be made available to enable the Secretary of Education to award grants to develop, implement and strengthen programs to teach American history (not social studies) as a separate subject within school curricula".

LOSS OF AMERICA'S CIVIC MEMORY

Mr. LIEBERMAN. Mr. President, I come today to the floor of this Chamber, which is so rich with history, which has been the setting of some of the most determinative moments for our democracy, to talk about the state of our civic memory.

Thomas Jefferson once famously said, "If a nation expects to be ignorant and free, it expects what never was and never will be." I am saddened to say that this Nation, the guardian of the Jeffersonian ethic, seems well on the way today to testing his proposition.

Or so the findings of a recent survey of America's college graduates would suggest. That survey reveals that our next generation of leaders and citizens is leaving college with a stunning lack of knowledge of their heritage and the democratic values that have long sustained our country.

The University of Connecticut's Roper Center found that 81 percent of seniors from America's elite institutions of higher education received a grade of D or F on history questions drawn from a basic high school examination. Many seniors could not identify Valley Forge, words from the Gettysburg Address, or even the basic principles of the U.S. Constitution. By comparison, 99 percent of them knew who Beavis and Butthead were and 98 percent knew who the rapper Snoop Doggy Dogg was.

The Roper survey also shows that most major colleges no longer require their students to study history, which helps to explain why historical illiteracy is growing in this country. Students can now graduate from 100 percent of the top colleges and universities without taking a single course in American history. And students at 78 percent of those institutions are not required to take any form of history at all.

The American Council of Trustees and Alumni, a nonprofit group dedicated to the pursuit of academic freedom, has compiled and analyzed these findings in a provocative report entitled "Losing America's Memory: Historical Illiteracy in the 21st Century." I would encourage my colleagues to examine this report, a copy of which has been sent to every Member's office. I ask unanimous consent to have the report printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LIEBERMAN. I do so because I believe all of us—elected officials, educators, parents, the whole of our citizenry—should be alarmed by findings, by the Nation's growing ignorance of our past and what it implies for America's future. When we lose the memory of our past, when we lose our understanding of the remarkable individuals, events, and values that have shaped this Nation, we are losing much of what it means to be an American. We are losing touch with the civic glue that binds our diverse Nation into a single people with a common purpose. And, I fear, we are losing sight of the lessons our history teaches us and the fundamental responsibilities we share as citizens in a free democracy.

Earlier this week I had the privilege of joining with my colleague from Washington, Senator GORTON, Congressman TOM PETRI of Wisconsin, the leaders of the ACTA, and assemblage of distinguished historians at a press conference to underscore the import of this report. With the Fourth of July in the offing, we wanted to seize the opportunity of this moment of patriotism to in a sense play Paul Revere, and to begin ringing the alarm bells about the growing ignorance of the contributions that Revere and many other great men and women made to this Nation.

Among the scholars who attended were: Gordon Wood, Professor of History at Brown University; John Patrick Diggins, Distinguished Professor of History, The Graduate Center, City University of New York; James Rees, Director of George Washington's Mount Vernon; Jeffrey Wallin, president, American Academy for Liberal Education; and Paul Reber, Executive Director of Decatur House, National Trust for Historic Preservation. With us, in spirit if not in body, were David McCullough, the prize-winning author of the illuminative biography of Harry Truman, and the great Oscar Handlin, Professor Emeritus at Harvard.

Each of these historians, as well as several others, issued statements expressing their concerns about the consequences of losing America's memory. I ask unanimous consent to have a collection of these statements printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LIEBERMAN. I will read a few excerpts, because I think they uniquely speak to the ramifications of the problem.

Gordon Wood explained: "We Americans have a special need to understand our history, for our history is what makes us a nation and gives us our sense of nationality. A people like us, made up of every conceivable race, ethnicity, and religion in the world, can never be a nation in the usual sense of the term. . . . Up until recently almost every American, even those who were new immigrants possessed some sense of America's past, however rudimentary and unsophisticated. Without some such sense of history, the citizens of the United States can scarcely long exist as a united people."

Theodore Rabb, Professor of History at Princeton, and Chairman of the National Council for History Education, quoting historian Kenneth T. Jackson, added: "'Our binding heritage is a democratic vision of liberty, equality, and justice. If Americans are to preserve that heritage and bring it to daily practice, it is imperative that all citizens understand how it was shaped in the past . . .' Indeed, the office of citizen cannot be properly filled in today's democratic society without an understanding of American history."

Stephen H. Balch, President of the National Association of Scholars, concluded: "More than most nations, America is defined by shared memories. Great deeds, stirring moments, inspiring heroes, hard-won victories, occasional defeats, and, most significantly, lofty ideals—declared, attacked, and ultimately vindicated—map our collective identity. ACTA's study, 'Losing America's Memory,' thus strongly suggests that were also in danger of losing America itself. Its findings should be a wake-up call for our educators who have been clearly shirking their responsibilities."

And David McCullough issued this succinct condemnation: "The place given to history in our schools is a disgrace, and the dreadful truth is very few of those responsible for curriculum seem to care, even at the highest level of education."

These wise men have more than convinced me that this is a national problem deserving national attention. In that spirit, Senator GORTON and I today are introducing a resolution that we hope will help call public attention to America's growing historical illiteracy and ideally begin to mobilize a national response. This bipartisan resolution, which is cosponsored by Senators BYRD, GORDON SMITH, and CLELAND, reaffirms the value we place on our truly exceptional history and makes an appeal to begin work immediately on rebuilding our historical literacy.

Our call goes out primarily to America's colleges and universities to recommit themselves to the teaching of history, particularly America's national history. Specifically, it urges college trustees, administrators, and State higher education officials around the country to review their curricula and reinstate requirements in U.S. history. It also encourages students to select colleges with history requirements and to take college courses in history whether required or not.

We also cannot ignore the role of our public schools in contributing to this historical ignorance, so we must ask educators at all levels to redouble their efforts to bolster our children's knowledge of U.S. history and help us restore the vitality of our civic memory. This point was reinforced at our press conference by Mount Vernon Director James Rees, who noted with despair that George Washington's presence in elementary school curricula has been gradually disappearing. As an example, he related that the textbook being used today at the elementary school he attended contained 10 times fewer references to the father of our country than the textbook he used in his youth.

Mr. President, I hope our colleagues will join us in supporting and adopting this resolution and making an unequivocal statement. As we prepare to celebrate the Fourth, I can think of no finer birthday present to the Nation, no better way to honor the anniversary of America's independence, than for us first to remember what moved that determined band of patriots to lay down all for liberty, what has sustained our democracy for these many years, and for us to act so that our children and those who follow them will never forget.

Exhibit 1

Losing America's Memory—Historical Illiteracy in the 21st Century

[Issued for Presidents' Day, February 21, 2000—Prepared by Anne D. Neal and Jerry L. Martin, American Council of Trustees and Alumni]

"*If a nation expects to be ignorant and free, it expects what never was and never will be.*"—Thomas Jefferson.

"*[W]e cannot escape history.*"—Abraham Lincoln.

INTRODUCTION

Who are we? What is our past? Upon what principles was American democracy founded? And how can we sustain them?—These are the questions that have inspired, motivated, perplexed since the beginning. And they are questions which still elude our full understanding. Yet they underscore a belief that a shared understanding, a shared knowledge, of the nation's past unifies a people and ensures a common civic identity. Indeed, the American system is uniquely premised on the need for an educated citizenry. Embarking on the experiment of a democratic republic, the founders viewed public education as central to the ability to sustain a participatory form of government. "If a nation expects to be ignorant and free," Thomas Jefferson said, "it expects what never was and never will be."

But the importance of a shared memory appears to have lost its foothold in American higher education. As we move forward into the 21st century, our future leaders are graduating with an alarming ignorance of their heritage—a kind of collective amnesia—and a profound historical illiteracy which bodes ill for the future of the republic.

There is a widespread, though unspoken assumption that, if not all citizens, at least college graduates—certainly those from the elite institutions—have a basic understanding of this country's history and founding principles. Colleges themselves rarely, if ever, test this assumption. The American Council of trustees and Alumni (ACTA) decided to do so. What do seniors at the nation's best colleges and universities know and not know about the history of this nation? What grade would they receive if tested?

ACTA commissioned the Roper organization—The Center for Survey Research and Analysis at the University of Connecticut—to survey college seniors from the nation's best colleges and universities as identified by the U.S. News & World Reports annual college rankings. The top 55 liberal arts colleges and research universities were sampled during December 1999. (For a list, see Appendix A.)

The questions were drawn from a basic high school curriculum. In fact, many of the questions had been used in the National Assessment of Educational Progress (NAEP) tests given to high school students.

How did seniors from our nation's top colleges and universities do? They flunked. Four out of five—18%—of seniors from the top 55 colleges and universities in the United States received a grade of D or F. They could not identify Valley Forge, or words from the Gettysburg Address, or even the basic principles of the U.S. Constitution.

Scarcely more than half knew general information about American democracy and the Constitution.

Only 34% of the students surveyed could identify George Washington as an American general at the battle of Yorktown, the culminating battle of the American Revolution.

Only 42% were able to identify George Washington as "First in war, first in peace, first in the hearts of his countrymen."

Less than one quarter (23%) correctly identified James Madison as the "father of the Constitution."

Even fewer—22% of the college seniors—were able to identify "Government of the people, by the people, and for the people" as a line from the Gettysburg Address—arguably one of the three most important documents underlying the American system of government.

Over one-third were unable to identify the U.S. Constitution as establishing the division of power in American government.

Little more than half (52%) knew George Washington's Farewell Address warned against permanent alliances with foreign governments.

What do they know? They get an A+ in contemporary popular culture.

99% know who the cartoon characters Beavis and Butthead are.

98% can identify the rap singer Snoop Doggy Dogg.

Beavis and Butthead instead of Washington and Madison; Snoop Doggy Dogg instead of Lincoln? How did it come to this? Students and parents are paying $30,000 a year at elite institutions. For what?

What Happened to American History?

To find out what our nation's top colleges and universities demand of students in the area of American history, ACTCA conducted a study of graduation requirements at the same 55 colleges and universities surveyed by the Roper organization. These are the institutions, such as Harvard and Amherst, which set the standard for all the rest. (See Appendix B.)

For each school, the most recent undergraduate course catalog or Internet course listing was used to define the graduation requirements and to determine what history or American history courses are required of students before they graduate.

The results are worse than could have been imagined. Students can now graduate from 100% of the top colleges without taking a single course in American history.

Novelist Milan Kundera once said that, if you want to destroy a country, destroy its memory. If a hostile power wanted to erase America's civic heritage, it could hardly do a better job—short of actually prohibiting the study of American history—than America's elite colleges and universities are doing.

More shocking still is that, at 78% of the institutions, students are not required to take any history at all. The best that can be said is that they are permitted to take history to satisfy other requirements in such areas as social sciences or diversity. Only the fact that many students find history useful and interesting saves the subject from extinction.

It is not surprising that college seniors know little American history. Few students leave high school with an adequate knowledge of American history and even the best colleges and universities do nothing to close the "knowledge gap."

The abandonment of history requirements is part of a national trend. In 1988, the National Endowment for the Humanities publicized the first troubling indication that America was losing its historic memory. NEH issued a report concluding that more than 80% of colleges and universities permitted students to graduate without taking a course in American history while 37% of those institutions allowed students to avoid history altogether. Now, thirteen years later, as outlined in Appendix B, standards have fallen further—100% do not require American history, and 78% require no history at all.

The problem is not limited to history. In 1996, the National Association of Scholars issued another seminal report, The Dissolution of General Education, which concluded that, during the last thirty years, the commitment of American higher education to providing students with a broad and rigorous exposure to major areas of knowledge has virtually vanished. In its stead, students pick and choose from a smorgasbord of courses that are too often on narrow, specialized topics. As the widely-acclaimed study by the Association of American Colleges, Integrity in the College Curriculum, concluded in 1990: "As far as what passes as college curriculum, almost anything goes." Is it any wonder that students end up with an understanding that is equally narrow, fragmented, and less than the sum of its parts?

In the country that gave birth to Jefferson's conception of an educated citizenry, colleges and universities are failing to provide the kind of general education that is needed for graduates to be involved and educated citizens.

Why Does American History Matter?

Other than our schools, no institutions bear greater responsibility for the transmission of our heritage than colleges and universities. They educate almost two-thirds of our citizens, including all our school teachers, lawyers, doctors, journalists, and public leaders. They set the admissions and curricular requirements that signal to students, teachers, parents, and the public what every educated citizen in a democracy must know.

What happens in higher education thus relates directly to what happens in K–12. If colleges and universities no longer require their students to have a basic knowledge of American civilization and its heritage, we are all in danger of losing a common frame of reference that has sustained our free society for so many generations.

As ACTA chairman and former NEH chairman Lynne V. Cheney observes, in Telling the Truth, "[I]t is from our colleges and universities that messages radiate—or fail to radiate to schools, to legal institutions, to popular culture, and to politics about the importance of reason, of trying to overcome bias, of seeking truth through evidence and verification." If our graduates leave school without knowing the foundations of American society, children they teach will certainly do no better.

It is sometimes said that historical facts do not matter. But citizens who fail to know basic landmarks of history and civics are unlikely to be able to reflect on their meaning. They fail to recognize the unique nature of our society, and the importance of preserving it. They lack an understanding of the very principles which bind our society—namely, liberty, justice, government by the consent of the governed, and equality under the law.

As Lynne Cheney has also written, "Knowledge of the ideas that have molded us and the ideals that have mattered to us functions as a kind of civic glue. Our history and literature give us symbols to share; they help us all, no matter how diverse our backgrounds, feel part of a common undertaking."

What Should Be Done?

Immediate steps must be taken to ensure that the memory of our great nation and its remarkable past is passed on to the next generation. The following actions should be taken by colleges and universities, students and their families, alumni and donors, state and federal governments, and accrediting agencies.

By colleges and universities

Colleges and universities should make improving students' historical memory and civic competence an urgent priority. Boards of trustees and state agencies with higher education oversight should take steps to ensure that institutions of higher education have adequate requirements in American history and history in general. Faculty, whose personal interest often draws them to specialized topics, should teach what students need to know, not what faculty desire to teach.

The most direct solution is a strong core curriculum, with a broad-based, rigorous course on American history required of all students. The course should include the breadth of American history from the colonial period to the present, and the long struggle to defend liberty against all foes domestic and foreign and to expand democratic rights at home and abroad. Students should be required to study the great civic documents of the nation, beginning with the Declaration of Independence, Constitution, the Bill of Rights, the Federalist papers, and the Gettysburg Address. Such a course gives students a sense not only of where the country has been, but what it has meant.

By students and their families

The first challenge for students and their families is selecting a college. Some colleges have strong core curricula that ensure that every graduate will be well-grounded in the full range of basic subjects, including American history. Most have loose cafeteria-style requirements that let the students choose for themselves. Some no longer even offer traditional, broad-based courses in American history.

Before selecting a college, students and their families should look at catalogues, examining requirements and course descriptions and ideally accessing course syllabi on the web. College is a big investment, and it deserves as much research as any other major purchase. A hot reputation and fancy student center are no guarantee of a solid academic program.

Students who are already attending a college can make up for colleges' deficiencies by selecting for themselves those courses, including American history, that will prepare them for successful participation in our civic as well as economic life. Parents should help their students understand that trendy courses that may strike their short-term fancy will not well serve their long-term needs.

By alumni and donors

Alumni should take an active interest in whether their alma maters have strong requirements in American history and other basic subjects. They should not allow their degrees to be devalued by a decline in college standards.

Those who give can be especially helpful, since it is possible to target gifts to outstanding programs and projects in American history and civic understanding. The American Council of Trustees and Alumni has established a program, the Fund for Academic Renewal (FAR), that assists donors, free of charge, in identifying outstanding programs and directing their gifts to support them.

By State and Federal Governments and accrediting agencies

Consumers in the higher education market cannot make wise choices if they have no information. Most college guides and rankings give little or no information about the curriculum. The U.S. Department of Education—and state government for institutions in their states—should publish and disseminate a national report on collegiate standards, listing which colleges require such basic subjects as English, history, mathematics, and science, and which do not.

Federal and state governments should target some of the funds from existing grant programs to support outstanding core curricula that include American history and civics.

Accrediting agencies, which have so often neglected issues of academic quality, should include adequate requirements in American history and other basic disciplines among their criteria for assessing colleges and universities.

CONCLUSION

On this Presidents' Day 2000, it is indeed ironic that many—if not most—of our college seniors are unfamiliar with and ignorant about the individuals we celebrate. The time is ripe for citizens, parents, families and policymakers to demand a renewed exploration and examination of our history. It is not too late to restore America's memory.

EXHIBIT 2

STATEMENTS SUBMITTED IN CONJUNCTION WITH THE CONGRESSIONAL PRESS CONFERENCE ON HISTORICAL ILLITERACY IN AMERICA—JUNE 27, 2000

David McCullough, Historian, West Tisbury, MA:

The place given to history in our schools is a disgrace, and the dreadful truth is very few of those responsible for curriculum seem to care, even at the highest level of education. Anyone who doubts that we are raising a generation of young Americans who are historically illiterate needs only to read Losing America's Memory.

Oscar Handlin, University Professor Emeritus, Harvard University:

History is a discipline in decline. There is a profound ignorance not only among students but among their teachers as well. This study [Losing America's Memory] confirms that.

Lynne V. Cheney, Former Chairman, National Endowment for the Humanities:

It is regrettable that over the last decade we have seen a continuing decline in emphasis at the college level on core subjects such as literature, math, and history. ACTA's recent report, "Losing America's Memory: Historical Illiteracy in the 21st Century," confirms this disturbing trend and underscores a profound historical illiteracy amongst our future leaders that bodes ill for the future of the Republic. Sen. Lieberman and Cong. Petri deserve our praise for raising this important issue. We must begin to restore America's memory. If our best and brightest are graduating without a grounding in the past, we are on our way to losing the understanding that makes us all feel part of a common undertaking, no matter how diverse our backgrounds.

John Patrick Diggins, Distinguished Professor of History, The Graduate Center, City University of New York:

"We cannot escape history," Abraham Lincoln warned Americans more than a century ago. According to the American Council of Trustees and Alumni report, students have escaped it and remain happily ignorant of their own ignorance in an educational establishment that has surrendered its mission to popular culture.

Gordon Wood, Professor of History, Brown University:

We Americans have a special need to understand our history, for our history is what makes us a nation and gives us our sense of nationality. A people like us, made up of every conceivable race, ethnicity, and religion in the world, can never be a nation in the usual sense of the term. Instead, we have only our history to hold us together; McDonald's can never do it. It's our history, our heritage, that makes us a single people. Up until recently almost every American, even those who were new immigrants, possessed some sense of America's past, however rudimentary and unsophisticated. Without some such sense of history, the citizens of the United States can scarcely long exist as a united people.

Theodore K. Rabb, Chairman, National Council for History Education, Professor of History, Princeton University:

Since the focus of the National Council for History Education (NCHE) is on the improvement of history education in the schools—indeed, our one postsecondary initiative has been to recommend that teachers of history be certified only if they have a college major or at least a minor in the subject—we are not in a position to comment on the findings of Losing America's Memory except to add our voice to those who are concerned about the growing problem of historical illiteracy in the United States. We have long argued that history should occupy a large and vital place in the education of both the private person and the public citizen. As historian Kenneth T. Jackson has written, "Unlike many people of other nations, Americans are not bound together by a common religion or a common ethnicity. Instead, our binding heritage is a democratic vision of liberty, equality and justice. If Americans are to preserve that vision and bring it to daily practice, it is imperative that all citizens understand how it was shaped in the past, what events and forces either helped or obstructed it, and how it has evolved down to the circumstances and political discourse of our time." Indeed, the office of citizen cannot be filled property in today's democratic society without an understanding of American history, nor can students afford to go into the twenty-first century ignorant of the history and culture of other nations.

Eugene W. Hickock, Secretary of Education, Commonwealth of Pennsylvania:

ACTA's recent study, Losing America's Memory, is deeply troubling for many reasons. The findings suggest to me that the teaching of our nation's history has taken a back seat in our elementary and secondary schools, likely replaced by failed fads or trends that have permeated our education system for decades. But, we cannot expect K-12 education to take full responsibility; our higher education institutions often have replaced the study of our American culture with watered down programs and curricula that focus more on our popular culture. It is time for Americans from all walks of life—parents, educators, students, and local, state, and national leaders—to step up their efforts to reverse this disturbing trend and to make sure our nation's history is a key part of the curriculum at every level. I applaud Senator LIEBERMAN and Congressman PETRI for their strong commitment and bold efforts to reverse this trend and to make sure every student knows and appreciates our Republic's rich history.

James C. Rees, Executive Director, Historic Mount Vernon:

With each year that passes, it becomes more and more evident that the people entering our gates at Mount Vernon know next to nothing about the real George Washington. They usually recognize his image from the dollar bill, and sometimes they're familiar with the age-old myths about the cherry tree and the silver dollar toss across the Rappahannock River. But when it comes to even the most rudimentary facts—what war he was in and when he was president—it is incredible how many people draw a blank. And it's not just the kids in grade school who have somehow lost touch with George Washington. It is their parents as well. This most recent survey of college students confirms our worst fear: that the next generation of parents will continue this trend of ignorance. To put it as simply as possible, it would be naive to think that George Washington could be first in the hearts of this generation, because it simply doesn't know and appreciate his remarkable leadership and character.

Walter A. McDougall, Pulitzer prize-winning professor of history, University of Pennsylvania:

The findings of this excellent ACTA report are deemed "shocking." In fact, they are all too predictable, which is why they deserve the widest dissemination. Americans simply cannot expect rigorous history instruction in their K-12 schools so long as the nation's elite colleges and universities delete history from their curricula.

Thomas Egan, Chairman of the Board, State University of New York:

ACTA's recent report "Losing America's Memory," is alarming proof that our graduates are failing to receive a strong grounding in their past. At SUNY, we are pleased to be among the vanguard of university boards to require U.S. history as part of a core curriculum demanded of our graduates. Congressional action today confirms what we have already concluded: students must be familiar with their history in order to be engaged participants in the civic life of our nation.

Stephen H. Balch, President, National Association of Scholars:

More than most nations, America is defined by shared memories. Great deeds, stirring moments, inspiring heroes, hard-won victories, occasional defeats, and, most significantly, lofty ideals—declared, attacked, and ultimately vindicated—map our collective identity. ACTA's study, "Losing America's Memory," thus strongly suggests that we are also in danger of losing America itself. Its findings should be a wake-up call for our educators who have been clearly shirking their responsibilities.

Candace de Russy, Member of the Board, Chairman, Academic Standards Committee, State University of New York:

As part of their duty to ensure the academic excellence of their institutions, the nation's higher-education governing boards are beginning to promote U.S. history requirements. We trustees of the State University of New York have accomplished this by mandating the study of American history as part of a larger core curriculum which all SUNY undergraduates must now pursue. This mandate is consonant with our determination to raise academic standards. It also reflects our commitment to help ground students in the fundamental norms and ideals we as citizens need to hold in common in order that this free society endures.

Dr. Balint Vazsonyi, Founder and Director, Center for the American Founding:

Having grown up in Hungary, in turn under German National Socialist and Russian International Socialist terror, I have learned the absolute need of socialists to erase the national memory as a precondition for disseminating their own fictitious history. The so-called National Standards for U.S. History demonstrate that the second stage of this process is already under way. Alone clear identification of the ideology that mandates the erasure of national memory can provide a meaningful response to the crisis. It is then up to the advocates of that ideology whether they desire continued identification with it. Incorporating more of the current, mostly fraudulent histories in the curriculum only serves those who have created the crisis in the first place.

Marc Berley, President, Foundation for Academic Standards & Tradition:

While students may not know as much as they should about American history, they do know what they're missing. And they want their colleges to do exactly what Senator Joseph I. Lieberman and Congressman Thomas E. Petri are urging. In "Student Life," a national survey of 1005 randomly selected college students conducted by Zogby International and released last week by the Foundation for Academic Standards and Tradition, 8 out of 10 college students said their schools need to "do a better job teaching students the basic principles of freedom in America."

Michael C. Quinn, Executive Director, James Madison's Montpelier:

America is forgetting its heritage, and it does matter. The American Council of Trustees and Alumni has recently taken a survey of college seniors, and has exposed the failure of our universities to teach our nation's history. Only 23 percent of the college seniors surveyed could correctly identify James Madison as the "Father of the Constitution." Why does this matter? It matters because the American nation exists through its heritage. Americans have only one thing that unites them as citizens: a shared vision of democracy. Citizens of almost every other country are united by a shared language, a shared religion, a shared geography, or a shared ethnicity. In America, we join together as a people because of nothing more than an idea. Yet the idea we share as a people—the constitutional democracy pioneered by James Madison and other founding fathers—is one of the most powerful ideas on earth. No other form of government has guaranteed so much individual liberty and economic opportunity to its citizens. The failure to teach American history, with its lessons of struggle and idealism, of inspiring leaders like James Madison, is failing our nation. Each generation has an obligation to instill the shared idea of democracy into the next generation. And American history—the story of the birth and success of that vision of democracy—makes our shared idea a lasting, meaningful part of every new citizen's life.

The PRESIDING OFFICER. The question is on agreeing to the managers' amendments Nos. 3700 through 3731.

The amendments (Nos. 3700 through 3731), en bloc, were agreed to.

Mr. SPECTER. Mr. President, if there is any issue about the pendency of the Baucus amendment, I think it is in the managers' package. I ask unanimous consent to vitiate the request for the yeas and nays on the Baucus amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, parliamentary inquiry. Are we now ready for third reading?

Mr. GRAMM. Mr. President, I renew my point of order.

The PRESIDING OFFICER. The Senator from Texas raises his point of order. The point of order is sustained.

TRAINING NEEDS FOR APPROPRIATE USE OF SECLUSION AND RESTRAINT

Mr. LIEBERMAN. Will the Chairman of the Labor Health and Human Services Appropriations Subcommittee yield for a question?

Mr. SPECTER. I will be pleased to yield for a question from the Senator from Connecticut.

Mr. LIEBERMAN. First, I want to compliment the chairman and the ranking member, Mr. HARKIN for bringing this bill to the Senate in a very timely way and for the committee's attention to the several health programs funded by this Bill that very broadly benefit the entire Nation.

I also want to compliment the chairman and the ranking member for the committee's report language from last year that urged the Department of Health and Human Services to address the inappropriate use of seclusion and restraint in mental health facilities across the Nation that has resulted in tragic and unnecessary deaths and injuries. The committee's language has helped focus attention on this matter and progress has been made. For example, the Health Care Financing Administration (HCFA) has issued interim "conditions of participation" rules governing the use of restraints and seclusion in facilities receiving Medicare and Medicaid reimbursement. I thank the committee for its assistance in making progress on this matter.

Mr. President, what we have learned from the National Mental Health Association, the Child Welfare League, and my own states Klingberg Center is that a significant obstacle to making further progress is the high turnover rate in many of the mental health facilities across the country and the recurring need to provide training to new personnel in these facilities on the appropriate use of seclusion and restraint. To address this national problem, would the Chairman support funding a demonstration project for model training and education programs for the appropriate use of restraints?

Mr. SPECTER. I thank both Senators DODD and LIEBERMAN for their work in bringing this matter to our attention and I would certainly support such a demonstration.

Mr. LIEBERMAN. I thank the Chairman for his continuing leadership on this matter.

Mr. DODD. I would like to also thank the Chairman and the Ranking Member for their assistance on this issue which has been of particular concern in my state. In fact, I worked to develop legislation last year, S. 976, the Compassionate Care Act, cosponsored by Senator LIEBERMAN, that recognizes the critical need for adequate training in restraint use and alternatives to their use. The Compassionate Care Act was passed by the Senate unanimously last year as part of the reauthorization of the Substance Abuse and Mental Health Services Administration (SAMHSA) legislation and it is my hope that the House of Representatives will soon act on this important legislation.

Meanwhile, however, it would appear to me that there are nationally based consumer organizations that could make an important contribution to the development of model training and education programs that could effectively serve to lessen the inappropriate use of restraint and seclusion.

Mr. SPECTER. Yes. It seems to me that such groups would be strong competitors for an education and training demonstration grant.

MEDICARE CONTRACTOR FUNDING

Mr. CRAIG. I am concerned about the funding level for Medicare contractors. The Senate committee mark reduces the FY 2001 funding level by $57 million below the President's Budget recommendation. I believe that this funding reduction will adversely impact fee-for-service claims processing activities and the ability of contractors to provide critical beneficiary and providers services.

In the recent past, we have seen the effect inadequate funding levels can have on services. In 1998 payments were slowed down, and beneficiaries and providers were forced to deal with more voice mail rather than human beings when they called their contractors with questions about claims. We need to fund this program adequately to ensure beneficiaries get the service they deserve.

Mr. DORGAN. I want to make it clear that funding to assure the timely and accurate processing of Medicare claims also is a high priority for me and the beneficiaries in my state.

I am concerned that HCFA projects a 3.5 percent increase in claims volume next year and yet our budget flatlined funding for Medicare contractors. However, I am even more concerned that the House has cut the Medicare contractor budget by $79 million from current levels. The Senate, at the very least, must assure that this important program is not cut. Additionally, I would like to work with Senator CRAIG to secure additional funding for the Medicare contractors, if funds become available.

Mr. SPECTER. I understand the issues both Senators are raising and the importance of adequately funding the Medicare contractor program. I will work with my two colleagues to try to keep the Senate funding level is kept intact and that no funding cut is made to the Medicare contractor program.

HCFA COVERAGE CHANGE

Mr. HOLLINGS. Mr. President, I rise today to discuss an issue of importance to the people of South Carolina with my colleagues from Pennsylvania and Iowa.

In January of 1999, South Carolina enhanced its Medicaid drug program to provide eligible adults with four prescriptions a month instead of three. This was a much needed change that HCFA had encouraged South Carolina to make over a number of years. Unfortunately, South Carolina improperly notified HCFA of the coverage change. Instead of filing a State Plan amendment, South Carolina distributed a Medicaid Bulletin to relevant parties—including three officials at HCFA's Atlanta regional office, believing that to be sufficient. The South Carolina Department of Health and Human Services brought their oversight to HCFA's attention. South Carolina and HCFA are currently involved in discussions regarding whether South Carolina should receive federal funds for 4th prescription expenditures that occurred between January 1, 1999 and September 30, 1999.

At this time, a legislative remedy does not appear necessary to allow HCFA to impose suitable fines on states that provide notice of Medicaid coverage changes but do not properly file State Plan amendments. I am encouraged by the response officials in South Carolina have received from HCFA and hopeful that a resolution can be reached in a manner agreeable to all parties. Nevertheless, I wanted to bring this matter to the attention of the distinguished chairman and ranking member of the subcommittee and inform them that I may revisit this issue at a later date if necessary.

Mr. SPECTER. I thank my colleague from South Carolina for bringing this matter to my attention. I too hope that South Carolina and HCFA can resolve their difference, but would be willing to discuss the matter in the future if an agreement cannot be reached.

Mr. HARKIN. I agree with the comments of the chairman.

Mr. HOLLINGS. I thank the distinguished chairman and ranking member of the subcommittee for their attention to this matter and will keep them appraised of future developments.

MEDICARE INTEGRITY PROGRAM

Mr. HARKIN. I am very concerned about the proposed $50 million funding cut to the Medicare Integrity Program (MIP) approved by the House Appropriations LHHS Subcommittee. The Senate has recommended that MIP be funded at $680 million, the amount authorized in HIPAA.

In 1999, Medicare contractors saved the Medicare Trust Funds nearly $10 billion in inappropriate payments—about $18 for every dollar invested. Any funding cut to MIP is tantamount to the government throwing money out a window. In fact, I believe, because of the tremendous need to reduce an estimated $14 billion in Medicare waste, we should increase MIP funding. Therefore, I will work hard to ensure that the Senate funding level for this important program is not compromised. It should be higher, not lower.

Mr. GRASSLEY. I've long been committed to the effective and efficient management of the Medicare program, specifically the detection of fraud and abuse. I supported the creation of the MIP program, established under HIPAA, to provide a stable and increasing funding source for fraud and abuse detection efforts. Prior to MIP, Medicare contractor funding for anti-fraud and abuse activities was often reduced because of other spending priorities in the annual appropriations process. MIP was created to prevent that from happening again. The House Appropriations Committee recommendation is in clear disregard of congressional intent.

Additionally, I am concerned about the Senate Appropriations Committee recommendation to flatline the Medicare contractor budget. HCFA requested a $57 million increase to the Medicare contractor budget, in part to ensure implementation of certain balanced budget amendment provisions. Without this money, I am told by HCFA, that the final provisions of BBA will not be implemented. It doesn't make much sense to pass laws, if we don't provide the funding to ensure their implementation.

Mr. SPECTER. Please rest assured that during conference, I will try to keep MIP funding at the Senate recommended level of $680 million. I understand the importance of the MIP program to the integrity of the Medicare Trust Funds and will work with my colleagues to ensure full funding of this program.

Regarding the Medicare contractor budget, I am committed to the Senate Appropriations Committee funding recommendation of $1.244 billion and will work in conference to keep the Senate's funding level.

OUTREACH SERVICES

Mr. DEWINE. Mr. President, as Chairman of the Aging Subcommittee I would like to take this opportunity to compliment the Chairman of the Labor, Health and Human Services, Education Appropriations Subcommittee, Senator SPECTER, for his efforts to address the needs of America's aging population. At this time, I would like to engage the distinguished chairman in a colloquy.

Mr. President, there is a lack of understanding of what constitutes the best outreach and professional services for our elderly population. I am pleased to report that Ohio is taking the lead in providing quality health care professionals to the provider community. In particular, the Geriatric Nursing Program at the University of Akron has been recognized as the top such program in the United States. They are most interested in identifying and developing best practices in elder care that can be disseminated nationally for use by other institutions and health care providers. Would you agree that such a program would help improve the overall quality of care of our elderly population?

Mr. SPECTER. Mr. President, I would like to thank the Senator from Ohio for his kind remarks and his dedication on this most important matter. I, too, would agree that such an initiative would be most valuable.

Mr. DEWINE. Mr. President, I appreciate the comments from the gentleman from Pennsylvania and would ask that the Chair support the program in the upcoming conference with the House of Representatives.

Mr. SPECTER. Mr. President, I consider the interests of older Americans, particularly the issue of ensuring quality health care, to be among the most important matters that come before the subcommittee. The gentleman from Ohio has my commitment to support the project in conference.

HUNTINGTON'S DISEASE

Ms. MIKULSKI. Mr. President, I rise today with the Chairman of the Senate Appropriations Subcommittee on the Departments of Labor, Health and Human Services, and Education to discuss a fatal brain disorder called Huntington's disease. This genetic ailment, which has no cure, has afflicted approximately 30,000 Americans, and over 150,000 more people in our country are at risk. In my state alone, it is estimated that over 500 people have Huntington's, and another 4,742 are at risk. Also known as "HD," the illness is like a cross between Alzheimer's disease and Parkinson's disease. Everybody with the defective gene will become ill, slowly losing the ability to walk, talk, eat, and reason and eventually dying from choking, infection, or heart failure. HD strikes both sexes, all ethnicities, and sometimes even children. In addition, each child of a parent with HD has a 50/50 chance of inheriting the gene.

One family that has been struck by the terrible realities of Huntington's disease is the Mason family of Baltimore, Maryland. Troy Mason was once the agile quarterback on his high school football team. Today at age 36, Mr. Mason uses a wheelchair and can only walk a bit and speak some words. His wife, Rosemary, is his full time caregiver. Troy and Rosemary's two children have a 50/50 chance of inheriting the HD gene. Not only does Mrs. Mason care for her husband, but she also cares for her mother who suffers from HD. This means that Mrs. Mason also has a 50/50 chance of inheriting the HD gene. Mrs. Mason not only has to face the incredible daily stresses and strains of caregiving, but must also face the possibility that she and her children may someday have Huntington's disease themselves. This Baltimore family is courageously fighting Huntington's disease, but they need our help.

Mr. SPECTER. I am familiar with the horrible effects of Huntington's disease. In my state, 1,200 people are affected. But I am optimistic about a cure. HD research is advancing rapidly and could be the Rosetta stone to treatments for Alzheimer's Parkinson's, and other neurodegenerative disorders that together strike millions of people and their families.

I am also hopeful that through public and private medical research funding, we will soon approach a better understanding of, and perhaps even a cure for, this terrible disease. Researchers at the University of Pennsylvania are part of this effort. The federal government clearly has a significant role to play in this struggle. In Fiscal Year 1999, the National Institute of Neurological Disorders and Stroke at the National Institutes of Health (NIH) dedicated $62.5 million to Huntington's Disease research. Also commendable is the commitment of the Huntington's Disease Society of America (HDSA), which this year will allocate an estimated $2.8 million to research in this area.

Ms. MIKULSKI. The people of Maryland appreciate this support by the NIH and laud your and Senator HARKIN's leadership in doubling the NIH budget over five years. I am very pleased to join you in this worthy endeavor. We are proud to have an HDSA Center of Excellence in Maryland, at Johns Hopkins University and Johns Hopkins Hospital. Johns Hopkins also receives funding from NIH to conduct Huntington's disease research. However, I believe additional resources are needed to fund important HD research. I am concerned that the current health appropriations bill does not provide guidance to the NIH on HD funding and research priorities.

Mr. SPECTER. I understand the Senator's concerns. The Committee has included nearly $1.2 billion in this year's appropriations bill for the National Institute of Neurological Disorders and Stroke, NINDS. This is a significant increase over the FY00 level. I believe that the NINDS, and the NIH generally, devote additional resources to Huntington's disease research in FY 2001. I also believe that the NINDS could increase support for the centers of excellence and other programs developed by the Huntington's Disease Society for the care of HD patients.

Ms. MIKULSKI. I thank the Chairman for his attention to Huntington's disease. To eliminate this horrible illness and others like it we must build and strengthen the partnership between the federal government, academia, and private organizations. I wish to thank the Distinguished Senator from Pennsylvania for his assistance. I yield the floor.

STRATEGIC PLAN FOR PKD

Mr. SANTORUM. Mr. President, I wonder if my distinguished colleague, the senior senator from Pennsylvania, would answer a few questions on funding for research regarding polycystic kidney disease?

Mr. SPECTER. I would be happy to answer questions on this issue.

Mr. SANTORUM. I thank the Chairman. I know that you are very much aware of the devastation caused by polycystic kidney disease, better known as PKD. Our colleagues may be interested to know that this disease afflicts over 600,000 Americans, which is more than the combined total of cystic fibrosis, Huntington's disease, sickle cell anemia, hemophilia, muscular dystrophy and Down's syndrome. That translates into an average of almost 1400 sufferers in each congressional district, or 12,000 in each state.

PKD is the most prevalent life-threatening genetic disease, and is the third leading cause of kidney failure, resulting in almost $2 billion spent every year to treat end-stage renal disease requiring dialysis or transplantation. End-Stage Renal Disease is the fastest growing part of Medicare, and I know we are all looking for ways to strengthen that important program.

Mr. President, I would like to ask the Chairman if, in the context of the funding provided to the National Institutes of Health in this bill, could he tell us your intentions with regard to PKD research?

Mr. SPECTER. As the Senator knows, we are entering the third year of a bipartisan effort to double funding for the NIH. Within that budget, we have been able to provide significant increases in the budget for the National Institute of Diabetes and Digestive and Kidney Diseases.

It is my hope and intention that, with these additional funds, NIDDK will fully implement the Strategic Plan for PKD put forward by a panel of blue-ribbon experts which they convened in 1998. These expert scientists and doctors have stated that, with a total PKD research budget of $20 million, which we provide in this bill, they are confident that a treatment for PKD can be achieved in the very near future. In fact, I am very heartened by recent reports indicating that a drug currently used to treat cancer has been shown to actually stop the progression of PKD in laboratory animals. This discovery, coupled with statements from our leading genetic researchers to the effect that PKD is the most rapidly advancing area of genetic research, convinces me that the additional funds provided in this bill will allow NIDDK to produce a treatment and eventual cure for this devastating disease.

May I say to my colleague that I intend to do everything in my power to ensure that NIDDK implements the Strategic Plan for PKD. This bill provides the budgetary means to do that, and I will be following up with NIDDK on the disposition of those funds.

Mr. SANTORUM. I thank my esteemed colleague for his help in this matter.

OCULAR ALBINISM

Mr. BROWNBACK. I rise today to bring to the attention of the senate the serious disease Ocular Albinism. Ocular Albinism is an x-linked genetic disorder affecting 1 in 50,000 American children, mostly males. Affected patients show photophobia, nystagmus, strabimus, a loss of three dimensional vision and a severe reduction in visual acuity, due to the abnormal development of the retina and optic pathways. There are five diseases relating to Ocular Albinism including Fundus Hypopigmentations, Macular Hypoplasia, Iris Transillumination, Visual Pathway Misrouting and Nystagmus

Mr. SPECTER. Ocular Albinism is one of the many diseases being researched by the NIH. This is why I have been pressing for a doubling of funding for NIH and have included a $2.7 billion increase in funding in this bill.

Mr. BROWNBACK. In consideration of the severity of this disease and the paucity of current NIH sponsored research I would certainly hope that the NIH will develop and fund a research initiative in cooperation with the National Eye Institute in to the causes of the treatments for Ocular Albinism and related Disorders.

Mr. SPECTER. I agree with my colleague and thank him for brining it to the attention of the Senate.

Mr. BROWNBACK. I thank the Chairman of the Subcommittee and commend him for his understanding of the importance of this issue.

FEDERAL FAMILY STATISTICS

Mr. BROWNBACK. Mr. President, I rise today to engage in a brief, but important colloquy with the distinguished chairman of the Labor-HHs subcommittee of the Appropriations Committee, Senator SPECTER. I appreciate his willingness to engage in this colloquy, and his commitment to ensuring that the federal government does the best possible job in gathering vital information on family structure and function.

It has been said that the family is the cornerstone of civilization. Certainly, the evidence we have suggests that family structure is one of the most fundamental indicators of child health and well-being. Strong families are positively linked to child physical, emotional and psychological health, social adjustment, academic competence, and positive behavior. In fact, the more we study family structure and function, the more information we glean about children's health risks, and challenges to their well-being and development.

Unfortunately, there is vital data that is not currently being gathered relating to family structure and function. This is not merely my opinion, but the statement of the Federal Inter-Agency Forum on Child and Family Statistics, which declares that important information on child living arrangements, family structure, and family interaction, is falling through the cracks, and recommends expanded and enhanced data-gathering in these areas. Without such data, we are at a disadvantage in determining the root causes of both youth well-being, and youth challenges, and addressing them effectively.

It is therefore vital that we encourage the National Center of Health Statistics, the Agency for Health Care Policy and Research, the National Institute of Child Health and Human Development, Administration for Children and Families, Maternal and Child Health Bureau, Office of the Assistant Secretary for Planning and Evaluation, and Bureau of Labor Statistics to enhance research in this area. According to the Inter-Agency Forum on Child and Family Statistics, of which all these agencies are a member of, regularly collected data are needed that describe children's living arrangements, and interactions with parents and guardians, including non-residential parents. In addition, regularly-collected data are needed on how many children live with biological parents, step-parents, and adoptive parents, or with no parent or guardian.

Mr. SPECTER. Senator Brownback, I appreciate the work that you have put into this, and look forward to working with you on appropriate language which may be included in the Labor-HHS conference report.

Mr. BROWNBACK. I thank the subcommittee chairman. Mr. Chairman, I should add that there are many sources of information that only the federal government has the means and resources to tap effectively. Gathering this data may also prove helpful in reducing health care costs, strengthening families, and improving the health and well-being of children.

Mr. SPECTER. I thank my colleague from Kansas for his work on this issue.

Mr. BROWNBACK. I thank the Chairman.

STRENGTHEN OUR SISTERS

Mr. TORRICELLI. Mr. President, I rise to ask the distinguished managers of the bill if they would consider a request I have concerning the conference.

Mr. SPECTER. I would be happy to consider a request from by colleague from New Jersey.

Mr. TORRICELLI. I rise in support of Strengthen Our Sisters, a non-profit, tax-exempt shelter in West Milford, New Jersey that has provided homeless and battered women and children with safe shelter and supportive services since 1988. The mission of Strengthen Our Sisters is to help women and children break the cycle of domestic violence and homelessness, which, if unchecked, is passed from one generation to the next. To date, Strengthen Our Sisters has experienced great success in fulfilling its mission as evidenced by its remarkable growth. While in 1988, Strengthen Our Sisters started with an annual budget of less than $36,000, this year's budget stands at $1.3 million. Strengthen Our Sister's continued growth is a result of their demonstrated expertise in management and dedicated and knowledgeable staff.

As a way to help more women, Strengthen Our Sisters would like to expand the service their program offers for older women. In 1998, Strengthen Our Sisters served four women over age fifty-five, a number that jumped to fourteen in the span of less than a year. The older women they serve often arrive with long histories of abuse that requires special services related to domestic violence, drug and alcohol addictions, unemployment and mental health. Indeed, the need for assistance naturally increases as we grow older. And, adding life changing circumstances such as abuse, homelessness and physical challenges to the equation increases the need for assistance exponentially. Thus, Strengthen Our Sisters would like to expand the services its program offers to address the needs of senior women in a comprehensive and integrative manner that focuses on helping them attain appropriate shelter, resources and advocacy services.

The work of Strengthen Our Sisters is an appropriate focus for the Committee because domestic violence is a national epidemic. Expanding the Strengthen Our Sisters program to help senior women could be a model for shelters across the country that are confronting similar problems and population trends.

Mr. SPECTER. In the past, we have faced difficult choices in making a determination of funding priorities and this year promises to be no exception. We are aware of the request by Strengthen Our Sisters and commend their efforts toward expanding its program to serve more women in need. In conference, we will keep in mind your request as well as those with similar meritorious characteristics and goals.

Mr. TORRICELLI. I thank my distinguished colleague for his assistance with this matter. I am thankful for the Committee's acknowledgment of the expertise and dedication that Strengthen Our Sisters brings to helping our most vulnerable population and I hope that funding for this important organization can be found in conference.

COMPREHENSIVE SCHOOL REFORM FUNDING IN LABOR HHS APPROPRIATIONS BILL

Mr. BINGAMAN. Senator Lugar, I know you're aware of the tremendous good that the Comprehensive School Reform program (CSRD) has introduced to many struggling schools with high proportions of disadvantaged students, and the potential that the program offers for the numerous schools that desire to implement comprehensive reform in their buildings. While I recognize the considerable task of Chairman Spector and Ranking Member Harkin in accommodating the great number of priorities funded in the FY'01 Labor-HHS-Education appropriations bill, it concerns me that the bill before us provides no funds for the CSRD—a tremendously popular and effective program.

Mr. LUGAR. I agree that few areas of our education funding can have a more positive impact on education in America than the CSRD. This program is a key tool for helping struggling schools adopt important reforms. Good reform programs are a bargain for our schools and our children when we compare their costs to that of retention, special education and illiteracy. In fact, I filed an amendment to S. 2, legislation crafted to reauthorize the Elementary and Secondary Education Act, that would have more than doubled funding for this important program. Unfortunately, this bill has been set aside.

Mr. BINGAMAN. The notion of systematic, comprehensive reform is inherently appealing because rather than piecing together discordant or incompatible pieces of change, these approaches provide a holistic and coordinated plan of action to improve student achievement and outcomes. I know that a number of research-based models of comprehensive school reform have been developed in recent years, and one that I am familiar with and which has spurred great progress across New Mexico is the Success for All program.

Success for All is serving about 1550 elementary schools in 48 states, and is also assisting related projects in five other countries. Fifty schools in New Mexico have adopted this program with great results.

Mr. LUGAR. Success for All is an exemplary research-based reform program. I have spent time with Dr. Slavin, who developed this program at

Johns Hopkins, and I have been visiting Success for All schools in Indiana. The results in these schools are so promising that I have written to every superintendent in Indiana urging them to take a look at the program.

The discipline and accountability of Success for All greatly reduce the possibility that students will fail. By teaching children to read in the early grades, our schools can avoid holding students back, promoting them with insufficient ability or transferring them out of the normal curriculum to special education courses. Referrals to special education in Success for All schools have been shown to decrease by approximately 50 percent. In schools where Success for All is taught, students learn to read by the end of the third grade. By the fifth grade, students in these schools are often testing a full grade level ahead of students in other schools.

Mr. BINGAMAN. It is clear that as we seek ways to assist resource-poor and failing schools, we should increase support for research-based proven programs like Success for All. The House bill included the amount requested by the Administration—$240,000,000—for this program and I know that Senators SPECTER and HARKIN are supporters of the program. So, I'd like to encourage the Senators to include funding for it as the bill moves to conference. Funding at this level would allow approximately 2,250 schools to receive new grants and continue support for 1,025 schools currently using such funds to carry out research-based school reforms. It is my hope that we can work together as the bill moves through the appropriations process to fund this successful program.

Mr. SPECTER. Senators LUGAR and BINGAMAN make some very valid points with respect to the comprehensive school reform program. In conference with the House, I will make every effort to work with the Conferees to provide adequate resources for the CSRD.

Mr. HARKIN. I agree that the comprehensive school reform program has had a positive impact in many of our schools. As the bill moves to conference, I will work with Chairman SPECTER to restore funding for this program.

RELIEF FOR DISPLACED COAL WORKERS IN INDIANA COUNTY, PENNSYLVANIA

Mr. SANTORUM. Mr. President, I have sought recognition to discuss with Chairman SPECTER the plight of nearly 1,000 displaced coal workers in southwestern Pennsylvania. As Senator SPECTER is aware, these employees of Consol Coal have recently lost their jobs and have sought federal assistance to provide a wide variety of adjustment assistance services including occupational skills training, career plan development, and job search assistance.

As my colleague knows, the Commonwealth of Pennsylvania had requested over $12 million in an emergency grant application that was submitted to the U.S. Department of Labor. In addition to the services already mentioned, needs-related payments were requested in order to provide income support to workers who participated in retraining activities. These payments are essential as they provide a modest source of income for the workers while they are pursuing additional skills and education in order to prepare for a new vocation. Unfortunately, the Department of Labor only funded a portion of the request, indicating that needs-related payments could not exceed 25 percent of the total application. However, in the past the Department has not held similar applications to the same standard. In fact, I have been made aware of a grant award for mine workers who requested needs-related payments in excess of 70 percent of the total grant application.

Knowing of the need of these displaced coal workers and the inconsistency of the Department of Labor in awarding funds, I ask that Chairman SPECTER work with me in the coming weeks to identify appropriate funds in the Department of Labor's budget to support these workers as they prepare for new careers.

Mr. SPECTER. Mr. President, I want to thank my friend, the Senator from Pennsylvania, for his comments. He has been a tireless advocate of the coal workers in Indiana County, and I applaud his efforts on their behalf.

I, too, am well aware of the situation being faced by the former employees of Consol Coal and wrote to the Department of Labor on January 31, 2000 to urge that federal retraining funds be made available. As my colleagues are aware, we face tight budget constraints in this legislation. I will continue working with my colleague from Pennsylvania in the coming weeks in an effort to identify sources of funding that may be available for this purpose.

GRADUATE MEDICAL EDUCATION PROGRAM

Mr. MACK. Will the Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee yield for a question?

Mr. SPECTER. I will be pleased to yield to the Senator from Florida for a question.

Mr. MACK. I was most pleased to see that the Senate report accompanying this bill urged the Department to act in a timely manner to issue a Notice of Proposed Rule Making to include psychology into the Graduate Medical Education program. As you know, the Senate Finance Committee and the House Ways & Means Committee have been working with the Department of Health and Human Services on this matter since 1997. Both the Conference Report on the Balanced Budget Act of 1997 (Report 105-217 issued on July 30, 1997) and the Conference Report on last year's Omnibus bill (Report 106-479 issued on November 18, 1999) urged the Department to act favorably on this matter. In fact last year's Conference Report urged the Secretary to issue Notice of Rule Making to accomplish this modification before June 1, 2000.

Mr. President, we thank you for including language in your report—Report 106-292—to further support this effort. I am saddened to report that the advice the Appropriations Committee has given the Secretary is being given little notice, just like all the previous requests to her on this matter. Mr. President, at this point, I would request unanimous consent that a letter I wrote to Secretary Shalala, along with Senator GRAHAM, Congressman SHAW, and Congresswoman THURMAN on April 27, 1998 be published in the RECORD, following this colloquy.

Mr. President, many letters have been written to the Secretary and Nancy Ann Min DeParle, the Administrator of the Health Care Financing Administration, on this subject. Language has been included in two Finance/Ways & Means Conference Reports on this subject. Language has been included in the L-HHS Report. Despite all of these urgings, the desired result has not been produced. Would the Chairman of the Subcommittee consider including bill language in the final bill mandating this action if the Department has not issued the Notice of Proposed Rule Making by the time the Subcommittee goes to Conference with the House.

Mr. SPECTER. I would be pleased to look at this matter between now and the time of Conference.

Mr. GRAHAM. I understand that the Health Care Financing Administration has now cleared the NPRM, but there are other Departmental Agencies who now have questions about issuing the NPRM. I also concur with my colleague Senator MACK, that this issue has remained unresolved for too long, and I also believe it would be appropriate to include language to mandate this change.

Mr. MACK. I thank the Chairman for his response to our inquiry.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 27, 1998.

Hon. DONNA SHALALA,
Secretary of Health and Human Services,
Washington, DC.

DEAR SECRETARY SHALALA: The purpose of this letter is to bring to your attention report language included in the Balanced Budget Act of 1997 (P.L. 105-33) and to request implementation of the language at the earliest possible date. The language stated: "With regard to graduate medical education payments, the Committee also notes that the Secretary reimburses for the training of certain allied health professionals, and urges the Secretary to include physician assistants and psychologists under such authority."

The Graduate Medical Education (GME) program currently supports the training of

13 allied health professions including hospital administration, medical records, x-ray technology, dietetic internships and inhalation therapy. We believe the cost of including two additional health professions in the GME program, as recommended by the Senate Finance Committee and the House Ways and Means Committee, would be small and offset by the additional benefits to patient care.

In our view, including psychologists and physicians assistants in the GME program would be of significant benefit to Medicare patients. For example, there is an excellent program at the University of Florida where clinical psychologists, working in Shands Teaching Hospital, treat a variety of individuals with medical and psychological disorders. This program operated at and supported financially by Shands University Hospital contributes significantly to patient care and is the kind of program the Conference Committee considered appropriate for GME reimbursement.

We look forward to hearing from you regarding early implementation of the Conference language.

Sincerely,

Hon. CONNIE MACK,
U.S. Senator.
Hon. BOB GRAHAM,
U.S. Senator.
Hon. E. CLAY SHAW,
Member of Congress.
Hon. KAREN L. THURMAN,
Member of Congress.

CHILD HEALTH INSTITUTE OF THE UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY-ROBERT WOOD JOHNSON MEDICAL SCHOOL

Mr. TORRICELLI. I rise for the purpose of engaging the Chairman, Mr. SPECTER, in a colloquy.

Mr. SPECTER. I'd be happy to join my colleague from New Jersey in a colloquy.

Mr. TORRICELLI. I would like to take this opportunity to express my support for a very important initiative to both myself, the State of New Jersey, and the Nation. The University of Medicine and Dentistry of New Jersey (UMDNJ)-Robert Wood Johnson Medical School has developed the Child Health Institute (CHI) of New Jersey—a comprehensive biomedical research center focused on the development, growth and maturation of children. The mission of the Institute is to improve the health and quality of life of children by fostering scientific research that will produce new discoveries about the causes of many childhood diseases as well as the treatments for these diseases. Researchers will direct their efforts toward the prevention and cure of environmental, genetic and cellular diseases of infants and children.

The hospitals in central New Jersey birth nearly 20,000 babies each year. The founding of the Child Health Institute has created an extraordinary health care resource for these hospitals and the patients they serve. The new Children's Hospital at Robert Wood Johnson University Hospital is scheduled to open in 2000 and the Child Health Institute in 2001. Together these institutions will provide state of the art clinical and scientific research and treatment complex to serve children and their families, not only in New Jersey, but throughout the nation with cutting edge care and the latest scientific developments.

At maturity, the Child Health Institute is also expected to attract between $7 and $9 million of new research funding annually with the total economic impact on the New Brunswick area estimated to be $50 to $60 million per year. This facility has also already attracted the private funding of two endowed professorships designed to allow recruitment of world-class faculty.

Mr. President, funding for the University of Medicine and Dentistry's Child Health Institute in this bill would be entirely appropriate under the Health Resources and Services Administration account. It would be money well spent. I ask the Chairman to consider providing $5 million for the completion of the Child Health Institute.

Mr. SPECTER. I thank my colleague for his comments. We have received numerous requests for funding of health facilities. In the past, we have faced difficult choices in making a determination of funding priorities and this year promises to be no exception. We are aware of the request by the Child Health Institute and commend their efforts toward enhancing its research and service capacity. In Conference, we will keep in mind your request as well as those with similar meritorious characteristics and goals.

ANTIMICROBIAL RESISTANCE

Mr. COCHRAN. It is my understanding that, in view of the pressing need to deal with both infectious diseases and antimicrobial resistant diseases, the Chairman will agree that in conference there will be a total of at least $25 million in new funds to deal with the problem of antimicrobial resistance and that the total to deal with other infectious diseases will be at least at the level included in the Senate bill prior to the amendment.

Mr. SPECTER. That is correct.

Mr. KENNEDY. I commend my colleagues, Senator SPECTER and Senator COCHRAN, for their leadership in having reached agreement on this important issue. The resources provided under this agreement are an important first step in addressing the critical problem of antimicrobial resistance. I look forward to continuing to work with my colleagues on this important issue as the Senate considers the legislation on infectious diseases, antimicrobial resistance and bioterrorism that I have introduced with my colleague, Senator FRIST.

LEAST TOXIC PESTICIDES POLICIES

• Mrs. BOXER. Mr. President, last March, the Senate passed an amendment I offered to the Education Savings Accounts bill that said schools receiving federal funds must notify parents prior to the application of toxic pesticides on school buildings and grounds. It also required the distribution of the Environmental Protection Agency's manual that guides schools in establishing a least toxic pesticide policy.

I offered that amendment for a simple reason. Toxic pesticides hurt our kids, and that hurts the education of our kids. The National Academy of Sciences has found that up to 25 percent of childhood learning disabilities may be attributable to a combination of exposure to toxic chemicals like pesticides and genetic factors. Yet, current EPA pesticide standards are not protective of children, and schools across America—where our children spend 6 or 7 or more hours a day—routinely use toxic pesticides. My amendment sought to lessen the impact of toxic pesticides on our children by urging schools to use the kinds of products that will harm children the least and to let parents know when toxic pesticides are going to be used.

Again, my amendment was added to the Education Savings Accounts bill. However, that bill has not gone anywhere since the Senate passed it on March 2. I could offer my amendment to the Elementary and Secondary Education Act bill, but it, too, appears dead.

So, I drafted an amendment to the Labor-HHS Appropriations bill to provide $100,000 for the Department of Education, in conjunction with the Environmental Protection Agency, to encourage school districts across the country to establish a least toxic pesticide policy—which is the policy in several school districts in California—and to notify parents prior to the use on school grounds of pesticides that the EPA has identified as a known or probable carcinogen, a category I or II acute nerve toxin, or a pesticide of the organophosphate, carbamate, or organochlorine class.

At the suggestion of my friend from Iowa, the Ranking Member of the Labor-HHS Appropriations Subcommittee, I will not offer that amendment because I understand that the managers will work to add language in the conference report that would accomplish the same thing. May I ask the Chairman and Ranking Member if that is correct?

Mr. HARKIN. Mr. President, I thank the Senator from California for bringing this issue before the Senate. I support what she is trying to do, and I think we can accomplish it through language in the conference report rather than as an amendment to the bill itself. I assure her that I will work to include such language in the report.

Mr. SPECTER. Mr. President, I will also work to see that language is included in the conference report encouraging the Department of Education to urge schools to adopt a least toxic pesticide policy and to provide the information and support necessary to do so.

Mrs. BOXER. I thank my collegues.●

EMPLOYMENT AND TRAINING GRANTS FOR DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES

Mr. DOMENICI. Mr. President, I would like to raise the issue of how the United States Department of Labor is administering Grants for Dislocated Worker Employment and Training Activities.

Both the FY 1999 and 2000 Labor-HHS Appropriations Bill contained earmarks critically important to New Mexico's economic well-being. The earmarks were directed toward training workers for the State's rapidly growing technology-based call center industry.

In fact, the industry is generating in excess of 450 jobs per month that pay approximately $11 per hour with substantial benefits in New Mexico. These grants would allow for the continued expansion of this industry by allowing the New Mexico Consortium to create a training curriculum that will lead to employment in the call center industry with an emphasis on the placement of hard-to-employ individuals.

However, the Department of Labor's actions regarding these earmarks has left me deeply distressed by the ill treatment New Mexico has received, especially in light of the priority placed on this issue by not only me but, the Committee as well.

It is also my understanding the current program year for the Department of Labor ends this Friday, June 30th and that there may be unobligated funds left over at that time. It is also my further understanding that in the event there are such unobligated funds the Department could provide some of these funds to a deserving program, like the training program in New Mexico.

Mr. SPECTER. I understand the concerns raised by the distinguished Senator from New Mexico in ensuring the Department of Labor properly funds the projects specified by this Committee.

I would concur with my colleague from New Mexico in the importance of funding the program to train workers for the State's rapidly growing technology-based call center industry. In the event there are unobligated funds left over at the end of the Department's current program year, I would also urge the Secretary of Labor to consider allocating funding for the training program in New Mexico.

Mr. DOMENICI. I thank the distinguished Chairman for his consideration and support for this important matter.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. WELLSTONE. I rise in hope that Chairman SPECTER and Ranking Member HARKIN of the Labor-HHS Appropriation Subcommittee will engage in a colloquy with myself and Senator JEFFORDS, Chairman of the Health, Education, Labor and Pensions Committee, on the importance of advance funding for the Low Income Home Energy Assistance Program (LIHEAP).

I had initially planned to offer an amendment, with Senators JEFFORDS, KOHL, LIEBERMAN, LEVIN, SCHUMER, REED, DODD, KENNEDY, and LEAHY, that would restore advance funding for this essential program. However, since it is my understanding that my colleagues will work in the conference to ensure that the House provision for advance LIHEAP funding is included in the final appropriation bill, I will withdraw my amendment.

As my colleagues know, there is broad bipartisan, multi-regional support for LIHEAP. This year, 46 Senators signed a letter in support of the program. Specifically, we asked for $1.4 billion in regular LIHEAP funding, along with $300 million in emergency funding. In addition, we urged $1.5 billion in advance LIHEAP funding for fiscal year 2002. It is the lack of this advance funding in the Senate Labor-HHS appropriation bill that causes me great concern.

As many of my colleagues know, Minnesota is often called the ice-box of the nation, where bitterly cold weather is the norm. In fact, Minnesota is the third coldest state, in terms of heating degree days, in the country, after Alaska and North Dakota. Especially in cold-weather states like Minnesota, funding for LIHEAP is critical to families with children and vulnerable low-income elderly persons, who without it could be forced to choose between food and heat.

As we saw several years ago, when the Federal government shut down, piecemeal funding approved for LIHEAP had an extremely disruptive effect on the operation of the energy programs in the states. Congressional delay and enactment of appropriations bills after October 1 severely hampers states abilities to effectively plan their energy assistance programs. States operating year-round programs or those that begin in September are particularly threatened. Therefore, advance appropriations enable the creation of administrative systems for more efficient program management, allowing for orderly planning of state LIHEAP programs.

Will the Chairman work in conference to include this critical advance funding appropriation in the final Labor-HHS appropriation bill?

Mr. SPECTER. As you know, this is a very difficult year for appropriators. The budget caps are very tight, and this bill contains many valuable programs. I recognize and appreciate that the House-passed Labor-HHS bill provides $1.1 billion in FY2002 advance LIHEAP funding. I have been a strong supporter of the LIHEAP program, and will work in conference to attempt to include the House provision for advance LIHEAP funding in the final appropriation bill.

Mr. JEFFORDS. First, Mr. Chairman, let me thank you for your hard work on this appropriation bill, and your dedication to the LIHEAP program. Next, I would just like to emphasize the importance of the forward funding provision contained in the 1990 reauthorization statute—the Augustus F. Hawkins Human Services Reauthorization Act.

This provision responds to the states' need to budget and plan their LIHEAP programs in advance of the fall/winter heating season, allowing them to effectively meet their obligations under the law. Timely energy assistance in the form of consistent advance LIHEAP funding is critical to the success of LIHEAP. For planning purposes, the states have come to rely on the predictability that your advance funding mark provides them.

Our Northeast-Midwest region has experienced extreme fuel price spikes during the last six months, highlighting the vulnerability of our low income energy consumers. With fuel prices projected to be even higher this winter than last, we need an effective LIHEAP program more now than ever. It is the most effective tool we have to ensure the safety of our low income households during severe weather conditions.

Mr. HARKIN. I agree that the importance of LIHEAP advance funding has been demonstrated this past year as many states have faced extreme temperatures and high fuel costs. LIHEAP advance funding is an effective tool that allows states to determine eligibility, establish the size of the benefits, determine the parameters of the crisis programs and enable the states to properly budget for staffing needs. I will work with Chairman SPECTER to attempt to include the House provision for $1.1 billion in FY2002 advance LIHEAP funding in the final appropriation bill.

Mr. WELLSTONE. Thank you, Mr. Chairman, Ranking Member HARKIN and Senator JEFFORDS. I appreciate your commitment to work in conference on behalf of LIHEAP, and I withdraw the amendment.

CENTERS FOR INDEPENDENT LIVING

Mr. BENNETT. I would like to thank the subcommittee chairman for including a $10 million increase for Centers for Independent Living, part C. However, because of the formula in current law, eighteen states do not receive any increase in funding. I understand that many of the smaller states have not received an increase since 1992. It is not my intention to change the funding formula in an appropriations bill, but I believe this problem needs to be addressed.

Mr. SPECTER. I appreciate the Senator bringing this to my attention, and am willing to hear the solution the Senator from Utah proposes.

Mr. BENNETT. The National Council on Independent Living and individuals in my own state of Utah, are concerned about individuals with disabilities who reside in underserved areas. NCIL has proposed changing the formula for Centers for Independent Living, part C. Under their proposal, fifty percent of funding will be distributed equally among the states, and fifty percent will be divided among the states based on population.

Instead of amending the Rehabilitation Act in this bill to permanently change the formula on this appropriations bill, I propose $5 million of the $10 million increase included in H.R. 4577, be divided equally among the states. The remaining $5 million would be distributed based on current law. Thus every state will receive a funding increase. In small states, this small amount translates to roughly $94,000. Based on letters and phone calls I have received, it appears that the coalition of Independent Living Centers across the country are amenable to this proposal—even the larger states.

Mr. SPECTER. I thank the Senator. I appreciate the Senator's sensitivity to changing authorizing language in this bill. I also share his concerns about the needs of individuals with disabilities in underserved areas, and I will address this issue as we proceed through the appropriations process.

Mr. BENNETT. I appreciate the chairman's consideration. It is my hope that we can reach an agreement that will increase the ability for Centers for Independent Living to serve the needs of individuals with disabilities not only in large states, but in smaller, underserved area.

VOCATIONAL REHABILITATION

Mr. SCHUMER. First, Mr. President, I would like to thank Senator SPECTER and Senator HARKIN for their leadership and continued funding of the Vocational Rehabilitation program, which is so important to the disabled men and women in New York State and across the country.

I would like to take a moment to engage my colleague in a colloquy.

Mr. HARKIN. I thank the Senator for his kind words and would be happy to engage in a colloquy with him.

Mr. SCHUMER. In Fiscal Year 2000, Congress provided a 1.2 percent inflationary increase to the Vocational Rehabilitation State Grants program, which is distributed through a statutory formula using population and per capita income data. In October of 1999, the Bureau of Economic Analysis released new estimates of per capita income resulting in a drastic change in the funding allocation to states. Under these comprehensive revisions, New York, Massachusetts, Colorado, Minnesota, Texas, and the District of Columbia lost funding to a level below that of their Fiscal Year 1999 funding. This shift was both unexpected and severe, leaving these states' agencies unable to assist hundreds of physically or mentally disabled men and women needing assistance toward gainful employment. In my own state of New York, we lost $1.6 million from our initially expected amount.

Mr. President, I wish to thank Senator HARKIN for committing to add report language during the conference committee negotiations of the Departments of Labor, Health and Human Services, and Education Bill for Fiscal Year 2001 that will enable the Department of Education to give priority status under Fiscal Year 2000 re-allotment funds to States who received less under the formula in Fiscal Year 2000 than in Fiscal Year 1999, and who are able to meet the criteria outlined in Section 110(b)(2) of the Rehabilitation Act.

Mr. HARKIN. I am pleased to help the Senator from New York and his colleagues from the other affected states and the District of Columbia.

Mr. SPECTER. I thank the Senator from New York for his effort on this issue and will do my best to resolve this situation in conference.

Mr. SCHUMER. I thank the Chair.

ADVANCED PLACEMENT FUNDING

Mr. BINGAMAN. Senators SPECTER and HARKIN, I'd like to express my appreciation to you and your committee members for agreeing on the importance of the Advanced Placement (AP) Incentive Program by recommending that it be funded at $20,000,000—a $5,000,000 increase over last year's appropriation. As you know, the AP program provides rigorous instruction to high school students by teachers who have had additional, intensive professional development. While historically it was the well-to-do elite that had access to these courses—which not only cover advanced material but enable students to gain college credit and advanced standing—today the AP program continues to expand its reach, so that over half of all high schools in the nation offer AP courses in a variety of subject areas. The fact of the matter is that in this era of focus on high standards and improving student achievement, the AP program offers proven impact on student outcomes in high school, and there is even research that shows that regardless of the grade attained, a student who has access to more rigorous course work in high school is more likely to complete college.

As you know, the AP Incentive Program helps ensure that AP classes are within reach of low income students by subsidizing the cost of taking the AP test. These tests cost about $100 and many low income students would have to pass up the opportunity to take it due to expense. The program also supports activities designed to expand access to AP courses, particularly in low income areas. Many schools do not yet have AP programs and schools with large minority and low income populations are less likely to offer AP courses. This can be tragic for many students, as many colleges and universities consider whether a student has taken AP classes when making admissions decisions. Every student—regardless of socioeconomic background—should have the opportunity to attend college and to take challenging curriculum in high school. This program helps to ensure both.

Mr. HARKIN. I agree wholeheartedly with you on the importance of ensuring that all students are exposed to challenging courses that lead them on a positive track towards further education, and that teach critical skills that can be practically applied even if the student does not continue their education immediately. While it is certainly just one piece of the puzzle when it comes to strengthening the academic offerings and outcomes for all students, including disadvantaged students, the AP program is something I think we should all be able to agree on supporting.

Mr. BINGAMAN. I also want to share my thanks for the Committee's attention to the benefits of Internet-based AP programs, particularly in rural and Native American areas of the country. As technological capacities at schools increase, there is every reason to utilize such tools to deliver high-quality programs like AP courses through distance methods, especially in schools where the student population is too small or location is too remote to sustain a great deal of variety on-site. I look forward to working with you and the Administration to expand support for these kinds of innovative means of advanced instructional delivery to our rural and Native American schools.

Mr. SPECTER. I agree that Advanced Placement programs can be extremely valuable in raising standards in high schools and helping high school students to be better prepared for postsecondary education. I am glad that we were able to provide an increase in funding for this program and, in conference with the House, I will make every effort to work with the Conferees to maintain funding for this program.

SMALLER LEARNING COMMUNITIES FUNDING IN LABOR HHS APPROPRIATIONS BILL

Mr. BINGAMAN. Mr. President, I wanted to take a moment to reiterate my hope that the conferees on the Appropriations Committee will consider restoring funding for the Smaller Learning Communities program under the Fund for the Improvement of Education. Last 7ear $45 million was appropriated for what has been a very important initiative an the President has requested $120 million for FY2001. I strongly believe that we must continue—and indeed increase—our support for this program. As this appropriations bill goes to conference, I hope that you and your fellow committee members will decide to meet the President's request.

A number of research studies in recent years have documented the value of small schools and smaller learning communities, and the Bank Street College of Education just last week release a new study called "Small Schools: Great Strides," which unequivocally confirms what we knew from earlier research—namely, that small schools help students succeed. This particular study examined the 150 or so small schools that were founded between 1990 and 1997 in Chicago, and tracks their progress through 1999. In these elementary schools of fewer than 350 students and these high schools of fewer than 400 students, the positive trends encompass everything from diminished violence to higher grade point averages and attendance rates. Of course, small size alone does not translate into these positive changes, but it certainly does foster the atmosphere of closeness and community that is conducive to the kinds of progress that our parents, teachers, and students are seeking.

Based on studies of high school violence, researchers have concluded that the first step in ending school violence must be to break through the impersonal atmosphere of large high schools by creating smaller communities of learning within larger structures, where teachers and students can come to know each other well. We really cannot wait for more tragedies of students shooting students or teachers before we act to fix the situation.

And just as important, particularly in our search for what works to improve student achievement, is that smaller school size also positively impacts learning. Research demonstrates that small schools outperform large schools on every measure of student outcomes, including grades, test scores, attendance, and graduation rates. In the Bank Street study, nearly twice as many students enrolled in smaller learning communities contained within larger high schools scored at or above national norms in reading compared to their peers. This impact is even greater for ethnic minority and low-income students.

In addition, smaller learning communities enhance the school experience for both teachers and students—research shows that smaller schools generate greater community and parental involvement, and a more engaged and enthusiastic staff. Research also shows that students at smaller schools are more likely to participate in extracurricular activities, and in a greater variety of activities—because everyone is needed to fill out the teams, clubs, and offices, even shy and less able students are more likely to participate and develop a sense of belonging.

Furthermore, contrary to what some may think, small schools can be created cost effectively. Larger schools can be more expensive because their sheer size requires more administrative support, and because small schools have higher graduation rates, the actual cost per graduating student is lower than at large schools.

I certainly hope that we do not turn our backs on this initiative, which we already know from research is a worthwhile investment that has real impact on school climate and student safety, as well as on student morale and achievement.

Mr. HARKIN. I thank the Senator for sharing your knowledge on this research-proven method of educational reform. As we make the difficult decisions about what should be funding priorities for the Federal government in the vast expanse of options, we certainly do need to be acutely aware of what has been demonstrated as having measurable positive impact on real students. As we move to conference on this appropriations bill, I will encourage everyone to consider the good that smaller learning communities can do for all students, including those for whom just a little extra attention and sense of belonging can mean the difference between violent outbursts as a cry for help and successful completion of high school with goals for the future.

Mr. SPECTER. Senator BINGAMAN has made some very valid points with respect to the research on small schools. In conference with the House, I will make every effort to work with the Conferees to provide adequate resources for the smaller learning communities program.

RURAL HEALTHCARE NEEDS

Mr. BURNS. I would like to engage my colleagues from Pennsylvania and Iowa on a couple of issues relating to the Fiscal Year 2001 Labor, Health and Human Services, and Education Appropriations bill. Access to healthcare in Montana is often inadequate. I would like to focus on a couple of projects that must be addressed in the state in order to address some immediate rural healthcare needs. The first is a mobile health clinic. St. Vincent Hospital in Billings has partnered with Ronald McDonald House Charities to operate a mobile health clinic in Eastern Montana. They hope to begin operating this clinic later this year. This mobile health clinic will focus on providing preventive health care to children at no cost in small rural communities. These communities are in dire need of medical services. Mr. Chairman, Mr. HARKIN, this is no small matter—31 Montana counties are designated as "medically underserved" by the Health Resources Services Administration (HRSA). Twenty-three percent of Montanans lack access to a primary health care provider.

Mr. SPECTER. I understand the Senator's concerns and agree with him about the unique healthcare needs and problems with access in rural areas.

Mr. HARKIN. As a Senator from Iowa, I understand quite well the challenges to access to care posed in rural states.

Mr. BURNS. The second concern is the fact that there is a need for additional dental hygienists, but Montana is the only state without a dental hygiene education program. There are currently 333 active licensed dental hygienists in Montana. A survey of all Montana dentists and dental hygienists was conducted late in 1996 which indicated a need for additional hygienists to fill current and future vacancies. The lack of a dental hygienist in a practice reduces the number of hours the dentist is available to deliver care only he or she is able to perform. Licensure as a registered dental hygienist in Montana requires graduation from an accredited dental hygiene program of either two or four years. Montana's only dental hygiene education program was closed in 1989 at Carroll College. Since that time efforts to open a new program have been unsuccessful, but are ongoing. Montana students desiring hygiene degrees must travel out of State. Of the current 28 students at Sheridan Community College in Wyoming, half are from Montana. Montana has fewer dentists per capita than the U.S. average. Many communities, especially rural areas, are losing dentists (to retirements and other factors). A large percentage of Montana dentists are expected to retire in the coming decade, while the number of available dental school graduates has been declining. With two-thirds of Montana's active dentists age 45 years or older and more than a quarter over age 55, concerns over the effect of retirement in coming years has grown. If a dental hygiene program were established in Montana, hygiene graduates would be available to perform hygiene tasks which presently are being performed by dentists. This would free the dentists to perform diagnosis and treatment services which only the dentist is trained to provide. The establishment of this program would be of vital importance to eliminating the strong prevalence of under-served areas in Montana.

Mr. SPECTER. We have rural states in need of programs which improve both access and quality of care. I believe these projects are worthy, and I will consider them during the conference agreement. I appreciate your bringing these issues of my attention.

Mr. HARKIN. I understand the nature of the problem in Montana requires attention. I thank the Senator for bringing these issues to my attention. Chairman SPECTER and I will give them consideration during conference.

LEAP FUNDING

Mr. REED. Mr. President, I rise to engage Senators SPECTER and HARKIN in a colloquy regarding funding for the Leveraging Educational Assistance Partnership (LEAP) program.

First, I want to commend Senators SPECTER and HARKIN for numerous education funding increases in the Labor, Health and Human Services, and Education Appropriations bill. There are tough budget pressures facing Senators SPECTER and HARKIN, and they have done tremendous work on this bill. In particular, I am pleased that they have increased funding for the Leveraging Educational Assistance Partnership (LEAP) program to $70 million.

LEAP, a federal-state partnership, is vital to our efforts to help needy students attend and graduate from college. In fact, without this important federal incentive, many states would never have established or maintained their need-based financial aid programs.

Over the past three years, I have worked with Senator COLLINS and others in the Senate to restore, revamp, and increase funding for LEAP. This year, the Senate Labor, Health and Human Services, and Education Appropriations bill provides $70 million for LEAP. While this funding level is less than the bipartisan request that I submitted with 32 of my colleagues, it is a significant increase over current funding and the President's request. This would be the biggest boost for the program in some time, and, as such, I decided not to offer an amendment to further increase funding for LEAP.

However, I am concerned that during Conference with the House, which has once again zero-funded the program, LEAP will not remain at the Senate's $70 million funding level. This concern is also shared by the higher education community, which strongly supports the Senate's $70 million for LEAP. Would the Chairman yield for a question?

Mr. SPECTER. I would yield to the Senator from Rhode Island.

Mr. REED. I thank the Senator. Does the Senator share my concern about maintaining the Senate's $70 million for LEAP and is the Senator's intent to fight for this level in Conference?

Mr. SPECTER. I share the Senator's support for our Subcommittee's funding level for LEAP and will work during Conference to preserve it.

Mr. HARKIN. I would also like to voice my support for preserving the Subcommittee's funding level for LEAP.

Mr. REED. I thank my colleagues, and I yield the floor.

THE ROLE OF HUMAN FACTORS RESEARCH IN REDUCING MEDICAL ERRORS

Mr. BINGAMAN. Mr. President, will the Chairman yield for a question?

Mr. SPECTER. I will be pleased to yield.

Mr. BINGAMAN. First, I want to compliment the Chairman and the Ranking Member of the Subcommittee on their hard work in producing this bill for the consideration of the Senate. I would also compliment the Committee for addressing the medical errors issue. Medical errors account for as many as 98,000 deaths each year making it the 5th leading cause of death in America. It is therefore appropriate that the Committee has recommended an allocation of $50 million to the Agency for Healthcare Research and Quality (AHRQ) to focus on ways to reduce medical errors.

Mr. REID. Mr. President, I also want to express my support for the efforts outlined in this bill to reduce medical errors. It is my hope that these measures will set us on the path of constructively addressing this troubling issue.

Mr. BINGAMAN. In hearings before the Health, Education, Labor and Pensions Committee we heard expert testimony regarding the contribution to increased safety made by human factors research in industries such as defense and aviation. This field of research maximizes the efficiency and accuracy of the interface of humans with equipment, technology and the workplace environment.

Does the Chairman view human factors as a field of research that could make an important contribution toward reducing medical errors?

Mr. SPECTER. I thank the Senator from New Mexico and the Senator from Nevada for highlighting this matter. Yes, the field of human factors research clearly is a field that can make an important contribution toward reducing medical errors. I am also aware that the National Academy of Sciences has developed an expertise in this field and I would urge the Agency for Healthcare Research and Quality to call on the expertise of the National Academy of Sciences as it addresses the medical errors issue.

Mr. BINGAMAN. I thank the Chairman for his response.

Mr. KENNEDY. Mr. President, I know that Senators SPECTER and HARKIN worked diligently to craft a bill that could gain broad support. But during the floor debate, Republicans weakened this bill in critical ways that shortchange children in their education, subject hundreds of thousands of American workers to ergonomic injuries, and promote a sham patients' bill of rights.

I urge the Senate to reject this bill, and I urge the President to veto it if it reaches his desk. America's schoolchildren, workers, seniors, and everyone with health needs deserve a much better bill.

Republicans' very first order of business in debating this bill was to delay the Department of Labor's proposed protections against ergonomic injuries. Hundreds of thousands of American workers will continue to suffer these injuries if this bill is enacted. The companies that Republicans are helping in this bill have had years to study and respond to the overwhelming evidence that ergonomic standards improve worker safety. Yet these special interests continue to oppose these protections. This is unacceptable, and it alone warrants a veto of this bill.

Debate on many other parts of this bill fell into a regrettable pattern. Time and again Democrats came to the floor with proposals to improve schools, improve health care, or improve conditions in the workplace. Republicans rejected the amendments, because the amendments didn't allow room for the massive tax breaks they want, and the amendments were defeated.

Republicans think they've already done enough for the health and education of the American people. Democrats insist that more can be done and should be done. That is a fundamental difference between the two parties.

The amendments that Democrats proposed to this bill highlight the obvious needs that the nation should be meeting.

The health of senior citizens is needlessly at risk, because they don't have affordable and dependable prescription drug coverage under Medicare.

Public schools across the country are literally falling apart. They need help in repairing their crumbling facilities and modernizing their classrooms.

One of every five children in the nation still lives in poverty. They lack educational opportunities at every step of the way from birth through college. They deserve a fair chance to do well in school—to go to college—to have a productive life and career.

The high-technology training needed to prepare the nation's workforce for the future economy is out of reach for millions of Americans.

Democrats want to do more to solve these problems. But again and again, our Republican colleagues refuse to act. Their refusal raises a fundamental question of priorities that the American people will decide in November if this impasse continues.

We have a budget surplus of $1.9 trillion over the next ten years. We can afford more than token efforts to improve education, health care, and working conditions for the nation's families. We need major improvements in current law—and we can afford them. They should be a high priority.

How long will we ignore the 20 percent of the nation's children who live in poverty? How long will we ignore the third of senior citizens who have no prescription drug coverage? How long will we send children to crumbling schools? How long will we refuse to address the hundreds of thousands of ergonomic injuries suffered by workers each year? Now is the time to deal with these festering problems.

In fiscal year 2001 alone, a $49 billion surplus is now projected. All of the priorities I have described can be accommodated for a small fraction of this amount—and they should be accommodated. If we are ever going to make serious investments in the education of the nation's children, now is the time.

The record prosperity we are now enjoying also gives us an opportunity to save many more lives through better access to health care. It gives us an opportunity to modernize Medicare by adding a life-saving prescription drug benefit for senior citizens. It gives us an opportunity to provide many more children with a decent education and enable them to become full participants in the new economy. It gives us an opportunity to make every workplace safer, and to provide millions of workers with the skills they need in this rapidly growing high tech economy.

We can do all this, and also provide responsible tax relief for the vast majority of our citizens. Democrats support targeted tax relief for the nation's families, not the excessive and irresponsible tax breaks for the wealthy that our Republican colleagues insist on.

The Republican estate tax relief bill alone would cost $105 billion in the first ten years, and $50 billion a year after that. It's the ultimate tax break for the wealthy. Its relief goes to the wealthiest 2 percent of Americans—those who have prospered most in our record-breaking economy—those who have no trouble affording education for their children, health care for their families, or the prescription drugs they need.

Other Republican tax breaks now pending in the Senate would cost a total of $711 billion over the next ten years, exploding to even higher costs in the following years. George W. Bush has proposed tax cuts that would consume the entire $1.9 trillion budget surplus projected over the next ten years.

If Republicans are willing to give even slightly less to those who already have the most, we will have more than enough resources to dramatically improve education and health care for all Americans.

The American people should be very clear on this issue. The Republican tax breaks are too extreme. They are keeping the nation from meeting its high priority needs in education, heath care, the workplace and other vital areas. These needs can be met, if Congress has the will to meet them. As we head into the final weeks of this year's session, I urge my colleagues to do a better job of meeting these all-important priorities.

The anti-labor rider that Republicans attached to this bill on ergonomics, combined with the failure to fund education priorities in class size and school construction, would be enough alone for me to vote against this bill. But yesterday, Republicans added yet another offensive provision—a sham patients' bill of rights.

Republicans went on record in favor of weak health care protections for Americans. And even those weak protections cover only a small fraction of the number of people who need protection. The Republican plan contains ineffective appeal procedures. These defects are the reason why the GOP plan is strongly opposed by all medical and nursing organizations and hundreds of patient groups and consumer groups across the country. Only the insurance industry supports the Republican plan, because it's a plan that only an HMO could love.

This flawed bill should be defeated. The American people deserve far better than this.

• Mr. MOYNIHAN. Mr. President, I am pleased to see the New-York Historical Society mentioned in the Committee Report to the Labor-HHS Appropriations bill. The Society is a wonderful New York institution that has outstanding collections and runs outstanding educational programs. One such program would soon bring to the general public one of the nation's most extensive collections of Revolutionary War materials; documents, manuscripts, artifacts, and works of art. Tied to the collection will be a program that will tie in with social studies and history classes across the nation.

The key components of this effort are digitization of primary documents and museum objects to make them available on the World Wide Web and workshops for teachers to be held at the Historical Society to show creative approaches to interpreting history using documents and artifacts. Video conferencing will make teacher workshops available around the country as well.

Published school curricula and resources kits based on the Society's Revolutionary collections will be available to teachers as well. There will also be an interactive web site for teachers and students, a linkage of the Society's library and museum collection databases, providing one unified source of information on the collections. The Society also hopes to develop a 30 minute interactive video in English and Spanish available in the Society headquarters and on the web. Finally, hand held scanners will give visitors instant electronic access to information about the collections as they are viewed and access to related websites.

Mr. President, the Historical Society has wonderful plans for its future. I hope we are able to assist with what is truly a project of national scope when we finalize this bill during the coming months.•

Mr. McCAIN. Mr. President, this appropriation bill contains funding for many critical and quite frankly, essential programs benefitting many segments of our society. This appropriation vehicle supplies important funding directly benefiting American families and senior citizens while also providing important assistance to our most important resource, our children.

This appropriation bill provides funding for helping states and local communities educate our children. Additionally, it provides the necessary funds for supporting our scientists dedicated to finding treatments, if not cures, for many of the illnesses which plague our nation. This bill also provides funds for ensuring our nation's most vulnerable—our children, seniors and disabled have access to quality health care. In addition, it provides the monetary support for important programs assisting working families needing assistance with child care, adult day care for elderly seniors and Meals on Wheels.

These are many important programs funded through this bill that help so many vulnerable citizens that I am even more frustrated to find this bill laden with directives and accounting gimmicks. I am particularly disappointed that this bill redirects $1.9 billion from the State Children's Health Insurance Program, S-CHIP, to assist in funding other programs and projects. This is simply wrong and is nothing more than an accounting gimmick at the expense of the health of America's children. In addition, I am concerned about the significant reduction in Social Services Block Grant, SSBG.

I applaud the committee for including very few specific funding earmarks but am distressed about the extensive list of directives that have been included. It is apparent that the plethora of directives and strong committee language are intended to camouflage the number of specific projects that are being provided special consideration and bypassing the appropriate competitive funding process. The list of set asides contained in this bill are so extensive that I will not burden the chamber with listening to me list each one individually. Instead, I will highlight just a few of the violations of the appropriate budgetary review process. These include:

Language encouraging consideration of efforts by the University of Pittsburgh Medical Center Health System, UPMC-HS, to implement a state-of-the-art Health System wide project to electronically store and provide all clinical and administrative information in a secure and automated manner.

Language encouraging additional funds for the Pine Ridge Indian Reservation in the southwestern corner of South Dakota which has a high incidence of alcohol addition.

Language encouraging consideration of a program at the Center Point, Inc. which provides low-cost, comprehensive drug and alcohol services to high risk families and individuals in the San Francisco Bay area.

Language directing consideration of sufficient funds to continue West Virginia's Injury Control Training and Demonstration Center at the same level as last year.

Language directing consideration of the Lewis and Clark College's Life of the Mind Education initiative that develop an educational programming celebrating the 200th anniversary of the Lewis and Clark expedition and the Louisiana purchase.

The Committee is aware of the following projects that it encourages the Department of Labor to consider supporting:

Workforce Training and Retraining for dislocated and incumbent workers in real manufacturing environment—University of Albany, NY.

Workforce Development project to retain older incumbent workers for Montana workforce—Montana State University, Billings.

University of Alaska/Ketchikan Shipyards training program for shipyard workers.

State of New Mexico—telecommunications job training for dislocated workers.

Clemson University, retraining of tobacco farmers.

While each of these programs may be just and deserving of funding it is appalable that these funds are specifically earmarked and not subject to the appropriate competitive grant process. I am confident that there are many facilities, health organizations, and educational sites around the nation needing financial assistance for their particular programs who are not fortunate enough to have an advocate in the Appropriation process to ensure that their funding is earmarked in this funding bill. This is wrong and does a disservice to all Americans.

Mr. President, so many important programs including those impacting the health and education of our nation depends on the support provided through this bill and yet, we have diluted the positive impact of these programs by siphoning away funds for specific projects or communities which are fortunate enough to have representation on the Appropriation committee.

We must find the courage to discard the spending gimmicks and earmarks contained in this bill during conference and provide the much needed financial support for education, work training, children, health care, research and senior programs.

Mrs. MURRAY. Mr. President, the Labor, Health and Human Services appropriations bill is meant to address the needs of our nation's most precious resource, our people. When a Labor, HHS bill is properly funded, it ensures the health of our families, the education of our children and the safety of our workers. Unfortunately, the bill before us falls short and I will vote against it.

In March, I expressed my concerns that the Congressional Majority was not sufficiently funding this part of the budget.

Today, in June, we can see specifically how those shortcomings will impact the American people. While this bill does make some specific gains in key public health programs, the overall picture is lacking.

While I am pleased with some parts of this bill, I am voting against it because it does not make the necessary commitments to public health, worker safety, and reducing class sizes. We have a surplus and we can invest in key programs like education, health care, job training, and work place, but instead we are guided by a spending plan that places a greater emphasis on irresponsible tax cuts.

Before I outline the specific reasons for my vote, I do want to thank the Chairman for his hard work on this bill. He has been given an impossible task, and he has still been able to make some key investments in vital health initiatives like the National Institutes of Health, NIH, our efforts to reduce medical mistakes, and efforts to expand medical services in rural areas through the use of telemedicine.

When it comes to funding the NIH, the additional $2.7 billion allocated in this bill is clearly a sound and wise investment. Unfortunately, we have not made the same investment in other important health care access and prevention programs, but I am committed to working with the Chairman to maintain this level for NIH.

We also need to ensure that all public health agencies receive the same level of commitment and support. Without the work and programs of CDC, HRSA, and FDA, research funded from NIH will never make it to patients.

We also need to show the same commitment to prevention programs and health care access programs that we have shown to NIH. What we sometimes forget is the number one killer in this country is cardiovascular disease, a disease that we can do more to prevent.

Another highlight of this bill is its support for innovative solutions to prevent medical errors. The $50 million to fund new projects to reduce medical mistakes is essential if we hope to implement effective, constructive solutions. I believe this new funding will provide support to hospitals and clinics to automate drug dispensing to reduce fatal errors from prescription drugs not administered correctly. It will ensure that we utilize "best practice" standards when implementing automation into hospitals and will allow the expansion of current efforts at the Veterans Administration to reduce medical mistakes. The Institute of Medicine's report on medical errors clearly illustrated what was wrong in our health care delivery system. Fortunately, this Appropriations bill provides the funding to help us avoid medical mistakes.

I also want to thank the Chairman for his support of telemedicine efforts. For rural communities in Washington state, expanding and enhancing telemedicine is an important part of ensuring access to quality, affordable health care. I appreciate the Chairman's support of my request for Children's Hospital in Seattle to support a telemedicine project.

I would be remiss if I did not congratulate the Chairman and Ranking member for their efforts on behalf of women's health care. The pending LHHS Appropriations bill does address many of the gender inequities in research and access. The Chairman has also provided an increase for the CDC Breast and Cervical Cancer Treatment Act to expand the Wise Women program to additional states, including Washington state. This important screening program would allow for the screening of breast and cervical cancer as well as heart disease. It builds on the success of the breast and cervical cancer screening program to offer greater access for low income women.

Clearly, there are some good elements of this bill. Unfortunately, the lack of overall investment in public health undermines these provisions. The bottom line is that the overall commitment made to the LHHS and Education programs has been short changed in order to provide massive tax cuts for the few. The priorities of the FY01 Budget Resolution simply do not reflect the priorities of working families.

Another problem with this bill is it does not protect America's workers. Today, we have one of the lowest unemployment rates in our nation's postwar economy. We have jobs that cannot be filled, but we also have workers who cannot find jobs because they lack the training and necessary skills. Dislocated workers are a resource we simply have not tapped and the funding levels in this bill do not allow for the necessary investment in these programs.

This bill also does not allow OSHA to issue an ergonomics standard, even though ergonomic injuries are the single-largest occupational health crisis faced by men and women in our work force today.

I am also disappointed that this bill does not fund the President's efforts to ensure pay equity. This bill does not give the Department of Labor and the Equal Employment Opportunity Commission the tools it needs to enforce wage discrimination rules.

In addition, this bill does not guarantee that classrooms across America will be less crowded next year. While I appreciate the Chairman's efforts, the funding level is not adequate to meet our goal of hiring 100,000 new teachers to reduce classroom overcrowding. In addition, the structure of the funding does not guarantee that the funds will be used to reduce classroom overcrowding.

This is a national priority, and we should direct this investment to reducing class size. If we do not continue to honor our commitment to classroom overcrowding, we will have failed to give students the tools to learn the basics in disciplined environment.

I also am concerned that we have doomed this bill to failure if we reject the President's education agenda, which includes a targeted class size reduction program. Not simply throwing more money at the problem, but using limited resources to invest in our children. I will continue to work with the Chairman as I do believe he is trying to work with difficult spending limitations, but we need to improve our commitment to reducing class sizes. This bill does not get the job done.

Finally, Mr. President, I want to express my strong opposition to the Helms Amendment, which would override the choices of thousands of communities and would endanger America's students.

Currently, 23 states allow minors access to confidential family planning and contraceptives. The Helms amendment would override those laws and—in effect—create a new federal parental consent law. Access to safe, confidential reproductive health care services for minors is a major health concern, and various communities have found their own ways to address it.

This is not just about preventing pregnancy. It's about preventing fatalities. AIDS and HIV threaten students today. Unfortunately, this amendment jeopardizes a public health effort to protect these students.

I do want to mention that I was surprised to hear the sponsor of this amendment talk about access to RU-486 in school-based clinics. I would remind my colleague that RU-486 has still not been approved for use in this country. The real issue here is our ability to protect the health of students across America, and the Helms amendment stands in the way of that important priority.

When I look at the Labor, HHS bill, I see a bill that fails America's workers and students. Because this bill does not make the necessary investments in public health, worker safety and education, I am voting against it.

Mr. BYRD. Mr. President, I support the Fiscal Year 2001 appropriations bill for the Departments of Labor, Health and Human Services, Education, and Related Agencies.

This measure increases funding for education programs by $4.6 billion from $37,924,569,000 to $42,594,646,000. This increase includes funds to provide for a $350 dollar increase in the maximum Pell Grant award, up to a maximum of $3,650 dollars. The bill also includes an increase of $1.3 billion for special education programs, raising the total appropriations for such purposes from $6,036,196,000 to $7,352,341,000. Furthermore, for the first time, this bill enables local education agencies to use Title VI funds for school modernization and class-size reduction efforts, if they so choose.

I am pleased that the bill contains over $40 million in funding for the Robert C. Byrd Honors Scholarship program. As the only merit-based scholarship program funded by the Department of Education, this program awards scholarships to high school graduates who demonstrate outstanding academic achievement and have been accepted to attend an institution of higher learning.

The bill includes nearly a million dollars for the continuation of a program to identify and provide models of alcohol prevention and education in higher education. Alcohol abuse is a devastating problem on college campuses across America, and I hope that this program will provide incentives and form the basis for colleges and universities to better address the problem of alcohol abuse on their campuses.

I note that the bill includes a $1.2 billion initiative to address the problem of youth violence, which is also a major national concern. This spring, at West Virginia University, I convened a Youth Summit on Violence that was designed to give young people an opportunity to put forth their ideas on how to reduce violence among their peers. In response to the question, "What would best prevent violence in the schools?"—the number one response from these young people was to create safe places where they can gather for social activities after school. In that regard, I am pleased that the bill includes $600 million for the 21st Century Learning Centers Program. That very important program supports grants to local education agencies for the purpose of establishing after-school programs.

The bill contains nearly $250 million for the Mine Safety and Health Administration, and an increase of $2.5 million above the President's request for the Mine Health and Safety Academy. This agency is vital when it comes to protecting the health and safety of our nation's miners. The measure also contains $6 million for black lung clinics, which play a critical role in providing medical treatment to coal miners suffering from black lung disease.

Further, the bill includes more than $200 million for the National Institute for Occupational Safety and Health (NIOSH). Important research conducted at NIOSH adds to our understanding of occupation-related ailments and diseases.

In conclusion, Mr. President, I express my appreciation to the Chairman and Ranking Member, Senators SPECTER and HARKIN, for their efforts in putting together this very important funding bill. These two Senators are vastly experienced and knowledgeable when it comes to matters under the jurisdiction of the Labor, Health and Human Services and Education Subcommittee. They have worked on a bipartisan basis splendidly, as is always the case, preparing this Fiscal Year 2001 appropriations bill.

I also wish to express my appreciation to Senators SPECTER and HARKIN for facilitating the inclusion of my amendment into the managers' package. My amendment provides $50 million to the Secretary of Education to award grants to states to develop, implement, and strengthen programs that teach American history as a separate subject within school curricula. The importance of America history is too often undervalued in our nation's classrooms. Poll after poll in recent years has alerted us to huge gaps in historical knowledge among our nation's schoolchildren. It is my hope that this amendment will encourage teachers and students to take a deeper look at the importance of our nation's past.

Again, I wish to compliment the two fine managers of the bill and the Appropriations staff who have assisted them with preparing the bill. I urge my colleagues to support the bill.

Mr. KOHL. Mr. President, I rise in support of final passage of the FY 2001 Labor, Health and Human Services, Education and Related Agencies Appropriations bill. Although I have concerns with the funding levels in some areas, I want to commend Senator SPECTER and Senator HARKIN for again working under difficult budget constraints to put together a good bill that addresses many of our nation's needs.

I am pleased that the bill includes significant increases for many vital health and education programs. We've invested in our youngest children, by increasing the Child Care & Development Block Grant by $817 million, and by increasing Head Start by $1 billion. The bill also provides much-needed increases for elementary and secondary education, including Title I, Special Education, After-School programs, and Impact Aid. And the bill ensures that more students will have the opportunity to go to college by increasing funding for Pell Grants, Work-Study, and TRIO programs. It is my hope that when we go to conference, we can find more funds to make an even stronger investment in our children's education.

I am also pleased that the bill makes great strides in ensuring access to quality health care. The bill includes a $150 million increase for Community Health Centers, which provide care to many low-income, uninsured Americans. The bill includes a modest increase for nursing home inspections to ensure that elderly and disabled patients receive the highest quality care. And clearly, all Americans will benefit from the $2 billion increase for the National Institutes of Health. This increase in funding for biomedical research will lead us down the path to new treatments and cures for disease.

Despite these important provisions, I have several concerns with the bill that I believe must be addressed in conference. First, I am deeply troubled by the cut in the Social Services Block Grant. My State and counties rely on these funds to provide home care, services for the disabled, and child welfare programs. In Wisconsin, the vast majority of SSBG money goes straight to the county level. Without SSBG funds, our counties have no guarantee they will receive enough money to provide these critical services. I am heartened that Senator STEVENS, Chairman of the Appropriations Committee, has made a commitment to restore these funds in conference, and I look forward to working with him to make that happen.

Second, I believe we must make a stronger investment in programs that serve our nation's seniors. I am very concerned that programs under the Older Americans Act—including Supportive Services and Centers and Nutrition programs—are inadequately funded. I also support the inclusion of $125 million for the Family Caregiver Support Network, which provides support and respite to family members caring for a relative in long-term care. In addition, we must include larger increases for programs that utilize the unique talents of our nation's older citizens, such as the Foster Grandparents and Senior Companions programs. I hope that the conference committee will do what's right and make the necessary investments in programs that serve the elderly.

Finally, I was also disappointed that a provision blocking OSHA from pursuing a rule on ergonomics was included in the bill. This move to include legislative riders on appropriations bills has become a common effort to circumvent the rule making process. In this case, opponents wanted to stop the process before we had a chance to see what the final rule would look like. I believe this effort to halt the rule is premature. There are almost 1.8 million ergonomic injuries every year with 300,000 resulting in lost work days. Workers are suffering through painful injuries every day, and we must do something. OSHA has been working on this issue for ten years, and we should delay it no longer.

Overall, Mr. President, I believe the Chairman and Ranking Member of the Appropriations Committee have done an outstanding job in putting together this bill under difficult circumstances. I am voting for the bill at this point, despite the concerns I have just outlined, because I believe we must move this bill through the Appropriations process. However, let me make clear that these concerns must be addressed before the bill emerges from Conference. I look forward to working with all of my colleagues to improve the bill as the process continues.

Mr. SPECTER. Mr. President, I rise today to raise a very important issue concerning the vital safety-net hospitals in my state of Pennsylvania. As my colleagues are aware, the Medicare Disproportionate Share Hospital program consists of special supplemental payments made to hospitals to offset the costs for providing uncompensated care. I worked closely over the last few years with Pennsylvania hospitals and the Health Care Financing Administration to resolve a dispute concerning the inclusion of a State's General Assistance population as a part of its Medicare Disproportionate Share Hospital (DSH) payment calculation. In August 1998, HCFA asserted that Pennsylvania hospitals were incorrectly including General Assistance (GA) days in their Medicare DSH calculation, and claimed that they should only have included Medicaid days. These payments represent a significant portion of many hospitals' revenues, and any proposed reduction puts the Commonwealth's neediest populations at risk.

The dispute raised further concerns about how HCFA interpreted its own rules and regulations. Medicare fiscal intermediaries had been reimbursing hospitals with the GA days included for the past twelve years. Yet, beginning in mid-1998, HCFA reversed its own intermediaries' interpretation and began recouping the so-called overpayments for certain years, as far back as fiscal year 1993. The impact to Pennsylvania's hospitals would have totaled in the hundreds of millions of dollars.

Indeed, I was encouraged when Secretary Shalala and Administrator DeParle were able to work out a retroactive solution regarding the DSH calculations. As of October 1, 1998, Pennsylvania hospitals stopped including the GA days in their DSH calculations, but since the law was unclear enough for the fiscal intermediaries to have been confused for twelve years, they did not have to give back any reimbursements. I understand that 35 other States had been including General Assistance days in their Medicare DSH calculations, thus the resolution of this dispute was critical for many safety-net hospitals across the nation.

However, Mr. President, it now appears that Pennsylvania hospitals are once again at a disadvantage with regard to their Medicare DSH reimbursements, as HCFA is graying the regulatory area we thought had been clarified last year.

I understand from Pennsylvania hospitals that HCFA is unfairly applying the GA days and Medicare DSH calculation policy across States. Beginning in January of 2000, HCFA began allowing some States which operate under Medicaid Section 1115 waivers to include the GA population in the Medicare DSH calculation, thus significantly increasing those States' DSH reimbursements. Since Pennsylvania hospitals operate under a Section 1915 waiver rather than Section 1115, it has been made clear to them that they cannot count GA populations in their calculations.

I urge my colleagues to join me in my commitment to ensure that HCFA clarifies once and for all how the GA population should be treated under the Medicare DSH program, thus assuring that Pennsylvania and all States will be treated fairly under one uniform and understandable policy.

Mr. SANTORUM. Mr. President, I rise today to address an issue that Senator SPECTER and I have been working on with Pennsylvania hospitals and the Health Care Financing Administration. Since 1998, we have been trying to resolve a dispute concerning the inclusion of a state's General Assistance population as a part of its Medicare Disproportionate Share Hospital (DSH) payment calculation. HCFA asserted in 1998 that Pennsylvania hospitals were including General Assistance (GA) days in their Medicare DSH calculation, when they should only have included Medicaid days. This issue at the time was an enormous concern to the hospitals which provide care to the neediest populations in my state, and this issue remains unresolved today.

Mr. President, this is a matter of fairness and applying the rules and interpretations equally. Medicare fiscal intermediaries had been reimbursing hospitals with GA days included for the past twelve years. In 1998, HCFA reversed its own intermediaries' interpretation and began recouping the so-called overpayments as far back as fiscal year 1993. Since then, Pennsylvania hospitals stopped including the GA days in their DSH calculations.

I now understand that thirty-five other States had been including General Assistance days in their Medicare DSH calculations, and that since January of this year, HCFA began allowing some states which operate under Section 1115 Medicaid waivers to include the GA population in the Medicare DSH calculation. Pennsylvania hospitals operate under a Section 1915 waiver, and it has been made clear to them that they cannot count GA populations in their calculations.

Mr. President, HCFA appears to be unfairly applying GA days and Medicare DSH calculations across states. I am very concerned that hospitals in Pennsylvania remain at a disadvantage, and I remain committed to working with HCFA to clarify once and for all how the GA population should be treated under the Medicare DSH program.

I appreciate the diligence that my colleague from Pennsylvania, Senator SPECTER, has shown on this matter, and I will continue to work with him toward a satisfactory resolution.

Mr. KENNEDY. Mr. President, I strongly support advanced appropriations for the Low Income Home Energy Assistance Program. Senator WELLSTONE'S amendment continues the funding practice that has existed for years in this program. It enables states to plan ahead for the energy assistance they provide to needy families.

The bill as now written unfortunately ends this current practice. It introduces needless uncertainty into the funding outlook for the future. At this time of high energy prices and budget surpluses, we should strengthen the protection we provide low-income families, not weaken it.

A third of Massachusetts families rely on home heating oil, which nearly doubled in price last winter because inventories were too low to meet the sudden surge in need for heating oil when unseasonably cold weather suddenly arrived. Many families could not deal with this expense. But because heat is a basic necessity for families in New England, they had no choice but to make room in their limited budgets for the soaring cost of heat.

This year, all indications are that once again, heating oil inventories are dangerously low throughout the Northeast. The coming winter may bring price spikes that are even higher than last winter. Natural gas prices are unusually high this year as well, which may well increase demand for heating oil.

We should do more to ensure that adequate inventories of heating oil are maintained in the Northeast. Early in this year, I introduced legislation to do so. But the Energy Committee has not acted on this proposal, and the industry steadfastly refuses regulation as a means of protecting families that rely on oil heat. So we need to focus on other ways to address the problem.

The best defense for families that need reliable, economical heat to survive is to plan ahead to meet their needs. Secretary Richardson has urged consumers to fill their heating oil tanks this summer, while prices are stable, and I join him in strongly recommending this action.

State governments which distribute LIHEAP funds also need to plan ahead, but they need an entire fiscal year to properly plan. They need to plan to set eligibility limits and to distribute benefits. They need to know what level of federal assistance will be available, so they can budget their state assistance accordingly. They also need advance notice so that they can do what most companies do when they buy commodities that are subject to volatile prices—hedge against price surges by purchasing options contracts.

The decision to include advanced appropriations in LIHEAP was made years ago and has been faithfully followed. The current uncertainty in energy markets is the wrong time to inject further uncertainty in LIHEAP funding. That is why I join my colleagues from both sides of the aisle in calling for advance appropriations for this program.

The support made available by this program is literally a matter of life and death for millions of families in Massachusetts and New England. Congress should do everything possible to encourage planning that avoids the supply and price problems that left so many families in the cold last winter, and that threaten our region's economic health.

Mr. DOMENICI. Mr. President, I rise today to discuss the critical importance of mental health research.

The human brain is the organ of the mind and just like the other organs of our body, it is subject to illness. And just as illnesses to our other organs require treatment, so too do illnesses of the brain.

With this in mind, I think that it is appropriate to be discussing the benefits of mental health research as we have just concluded the "Decade of the Brain." During this time we witnessed breakthrough achievements like new medications and brain imaging techniques that have provided innumerable benefits for so many Americans.

Just last year, I dedicated the National Foundation for Functional Brain Imaging at the University of New Mexico. The Foundation's purpose is to advance the development of magneto-encephalography, or MEG, technology that provides real-time imagery of neurons as they operate within the human brain.

As we explore functions of "normal" brains, as well as brains of individuals suffering from severe illnesses, we may well be on the brink of exciting breakthroughs for mental illness treatment.

Moreover, one only needs to look at the amazing research being done by the National Institute of Mental Health to realize how far we have really come over the past decade. And finally, the close of the decade gave us the first ever Surgeon General's Report on Mental Health entitled, "Mental Health: A Report of the Surgeon General."

However, even with these fabulous advances we must still maintain our vigilance and continue our support for research so even newer and better breakthroughs are made by our nation's researchers.

For instance, about 5 million individuals in the United State suffer from a severe and persistent mental illness. Nearly 7.5. million children and adolescents suffer from one or more types of mental disorders.

There is a final area I would like to touch upon and that is children. While researchers have already made fantastic breakthroughs in the area of mental illness, research for children still remains incomplete.

We must continue the excellent work already being done, like studies seeking to understand the basic mechanisms of brain development and comparisons of effective treatments for specific illnesses.

Additionally, scientists have already established preventive steps that can be taken that are effective: Genes are identified to see if a child has a predisposition to a certain illness and if so monitoring begins. In conjunction with that, a calm environment is sought for the child and early stage drugs are administered if appropriate.

I would submit the key for not only children, but adults is the continuation of research that will allow us to realize even greater breakthroughs that will enable earlier and more accurate diagnoses of a mental illness. And I firmly believe the key to ensuring continued discoveries through our research is to continue providing our nation's researchers with adequate funding.

Mr. KYL. Mr. President, today the Senate is voting on final passage of the FY2001 Labor, Health and Human Services, and Education appropriations bill, H.R. 4577.

This measure includes funding for many good and worthwhile programs: medical research conducted by the National Institutes of Health, a drug-demand reduction initiative, efforts to combat bioterrorism, Pell Grants, Impact Aid, and services for older Americans, to name a few.

The amount of funding allocated to this bill is very generous: $97.8 billion in discretionary appropriations, or about 12 percent over last year's level.

There are very substantial increases provided for particular programs. For example, there is a 12 percent increase for the Occupational Safety and Health Administration, a 13 percent increase for the Ricky Ray Hemophilia Relief Fund, a 15 percent increase for the National Institutes of Health, a 19 percent increase for Head Start, and a 13 percent increase for education.

I believe the OSHA increase, for one, is something that can and should be cut back in conference. If we want to maintain the other large increases, though, we need to find other programs, of lesser priority, to cut in order to moderate the total cost of the bill.

My concern is, as we get to conference, there will be pressure to increase spending even more. We are going to hear a lot, for example, about the need for more funding for the Social Services Block Grant program. If the amount in the bill for SSBG is going to be increased, we are going to have to find somewhere else to cut. I hope proponents of these increases will keep that in mind as we proceed to conference.

The sky is not the limit here. I am going to support this bill today to get it to conference, but I am not inclined to support a dollar more in the conference report. We have got to do a better job of prioritizing, or we will soon find Congress once again raiding the Social Security surpluses to pay for other government programs.

We just put a stop to that two years ago. We have to honor our commitment to preserve Social Security surpluses for Social Security.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. SPECTER. Mr. President, before moving to final passage, I thank my distinguished colleague, Senator HARKIN, for his cooperation, and our devoted staffs: Bettilou Taylor, Jim Sourwine, Mary Deitrich, Kevin Johnson, Mark Laisch, Jon Retzlaff, Ellen Murray, Lisa Bernhardt, and Allison DeKosky.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "no."

The PRESIDING OFFICER (Mr. FRIST). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—52

Abraham
Ashcroft
Bennett
Bond
Breaux
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Grassley
Gregg
Hagel
Harkin
Hollings
Hutchison
Hutchison
Inhofe
Jeffords
Kerrey
Kohl
Kyl
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Roberts
Roth
Santorum
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Allard
Baucus
Bayh
Biden
Bingaman
Brownback
Bryan
Bunning
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Gramm
Grams
Helms
Johnson
Kennedy
Kerry
Landrieu
Lautenberg
Levin
Lieberman
Mikulski
Murray
Nickles
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Sessions
Smith (NH)
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—5

Boxer
Hatch
Inouye
Leahy
Moynihan

The bill (H.R. 4577), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to say a public thank you to our chairman, Senator SPECTER.

The PRESIDING OFFICER. May we have order in the Chamber. Conversations will please be taken to the back of the Chamber or to the Cloakroom.

The Senator from Iowa.

Mr. HARKIN. Mr. President, in all the years I have been on this committee and also on the subcommittee, which now numbers 16, this is the earliest we have ever gotten this bill finished. If I am not mistaken, this may be the first time that this was not the last bill to be acted on, whether it has been Republican leadership or Democratic leadership.

I thank Senator SPECTER for his great leadership. I thank him for working in such an open and bipartisan fashion with us on this side. I have never had a case where something was done on the Republican side that I didn't know about and that we weren't consulted with every step of the way. I want Senator SPECTER to know how much we really appreciate that.

The working relationship has been great with our staff: Bettilou Taylor, Jim Sourwine, Mark Laisch, Mary Dietrich, Jon Retzlaff, Kevin Johnson, Ellen Murray, and Lisa Bernhardt. Our staff has a great working relationship.

Again, as we now go into conference with the House, I make a commitment to my chairman that we will continue to work in a bipartisan fashion, as we have always, to make sure we can bring back a strong bill.

I think we can be proud of the amount of money we have in education. We have more money in this bill for education than asked for by President Clinton. I believe we are making moves in the right direction. Maybe we vote and disagree here and there in little bits and pieces, but, by and large, what is in the bill for education I think should be a mark and a source of pride for all of us.

I thank Senator SPECTER for his leadership on that side.

The PRESIDING OFFICER. Does the Senator from New Mexico yield time?

Mr. DOMENICI. I would be glad to yield a minute to Senator SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Iowa for those very generous comments. We have a close working relationship. I learned a long time ago that if you want to get something done in this town, you have to be willing to cross party lines.

This bill involving education funding, health funding, and the Department of Labor with job training and worker safety is a good bipartisan result.

Mr. HARKIN. Mr. President, if the Senator will yield, I was remiss. Someone else we have to thank is the chairman of our committee, Senator STEVENS, who worked very hard to get the allocations. When we ran into some problems, he was able to find ways so we could move ahead with this bill, and disregarding some of the problems we had so we could get to conference.

I thank Senator STEVENS for his support of this subcommittee.

Mr. SPECTER. Senator STEVENS did an extraordinary job as we moved through this very tough process. Our distinguished ranking member of the full committee, Senator BYRD, has been a strong stalwart throughout the entire process.

Other Senators are waiting to speak. I have already enumerated the great work done by our staff. I pay special tribute to the staff. Bettilou Taylor has been a very real stalwart.

Mr. STEVENS. Mr. President, I congratulate Senator SPECTER and Senator HARKIN, on my own behalf, and I am sure I speak for Senator BYRD also.

The Senate should know this is the largest health services bill in history. It represents a magnificent contribution and commitment to increasing funding for medical research in particular, and so many other things in general. Both of these Senators have done tremendous work in getting this bill where it is and getting it to the House. I think they really deserve our total congratulations for keeping our commitment to doubling the amount of money available for medical research within 5 years.

Mr. DODD. Mr. President, I rise to express my regret that I was unable to support the Labor/HHS Appropriation bill that was passed by the Senate today. I was initially prepared to offer my support when we began debate on this legislation, however the addition of a number of troubling amendments during consideration of this bill compels me to oppose this bill.

Before I discuss the provisions that caused me to vote against the legislation, I would like to recognize Senators SPECTER and HARKIN as well as the rest of the Labor, Health and Human Services, and Education Appropriations Subcommittee, for their efforts to increase our nation's investments in a number of critical programs that serve our nation's children and families. First, this legislation includes an increase of $817 million for the Child Care and Development Block Grant, bringing total funding for this program to $2 billion and allowing an additional 220,000 children to be served. In my opinion, this new investment in child care represents a significant victory for American families and it is my sincere hope that this provision is retained in conference. I am also pleased that this legislation provides $4.9 billion for the Head Start program, as the President had requested. This funding represents a funding increase of $1 billion over FY 2000.

I also commend Senators SPECTER and HARKIN for providing a $2.7 billion increase for the National Institutes of Health, the largest increase in history. This increase, coupled with a $2 billion increase last year, put Congress on the path toward the goal of doubling our nation's investment in the search for medical breakthroughs over the next five years.

I also applaud the Appropriations Committee's bipartisan education funding increase of $4.6 billion, including a record $1.3 billion increase for special education, as well as increases for Title I grants to schools, teacher technology training, Impact Aid, Reading Excellence, vocational education, school counseling, Pell grants, and other student financial aid programs.

Mr. President, I am particularly pleased that this legislation includes an initiative I worked to advance last year that will serve to protect individuals with mental illnesses from the inappropriate use of seclusion and restraint. I first became aware of the problem surrounding the misuse of seclusion and restraints in 1998 when the Hartford Courant published a five-part investigative series outlining the tragic practice. This series documented 142 deaths over the last decade nationally that were determined to be directly attributable to the inappropriate use of restraint and seclusion. Additionally, the Harvard Center for Risk Analysis estimates that between 50 and 150 restraint-related deaths occur each year nationally, with more than 26 percent of those deaths occurring in children. This initiative will ensure that physical restraints are no longer used for discipline or for the convenience of mental health facility staff by extending to the mental health population a standard that has been shown to be effective in reducing the use of restraints and seclusion in nursing homes. Further, this legislation will require that all restraint and seclusion related deaths be reported to an appropriate oversight agency. In addition, this legislation would require adequate staffing levels and appropriate training for staff of facilities that serve the mentally ill. These safeguards will hopefully prevent further harm to individuals who may be unable to protect themselves from abuse by those entrusted with their care.

Yet, while I recommend the overall increase in education funding, I am concerned about the elimination of funds for critical programs. For instance, the bill ends the bipartisan commitment to reduce class size that has now been funded for two years. S. 2553 transfers the class size funds to Title VI, which eliminates any guarantee that the funds will be used for this purpose, greatly diluting targeting to high poverty schools, and severely weakening accountability for how money is spent. I am also concerned that this bill fails to guarantee funds for the critical area of school modernization. Instead, it increases the Title VI program by $1.3 billion, adding renovation and construction of school facilities as an allowable use of funds. I am pleased that the bill acknowledges the need for federal assistance in helping states and schools with their school modernization needs; however, this block grant approach fails to guarantee that funds will be used for school modernization, and fails to target funds to schools with the greatest needs. I also believe this bill does not go far enough to fund Title I—an important program that provides supplemental programs to enable educationally disadvantaged children. This bill would only increase last year's $8 billion appropriation by $400 million. It is estimated that it would take $24 billion to fully fund this program.

Another area of this bill that is of some concern to me is the investment in after-school programs. The bill's funding level for 21st Century Community Learning Centers is $400 million below the President's request denying 1.6 million children access to before- and after-school programs in safe, drug-free environments. I am disappointed that my amendment to increase spending on this crucial area to $1 billion was not adopted. It is time our funding reflects the importance that parents place on this national priority. With 5 million children home alone each week, after-school programs must not be an afterthought.

I am also very troubled that this legislation now includes a patients bill of rights proposal that offers only the illusion of patient protections. This amendment fails to cover all Americans with private health insurance and fails to offer patients a true right to seek legal redress when they are harmed by an HMO's refusal to provide care. I am also disappointed that the majority refused to support an amendment offered by Senator DORGAN which would have required that any patient protection legislation passed by the Senate cover all 191 million privately insured Americans.

Lastly, I am disappointed that this legislation would delay a proposed ergonomics standard to protect workers from work-related musculoskeletal disorders. Each year more than 600,000 workers suffer serious injuries, such as back injuries, carpal tunnel syndrome and tendinitis as a result of ergonomic hazards. The proposed ergonomics rule promulgated by OSHA can go a long way toward keeping our workers productive and our businesses profitable. I hope that common sense will prevail in conference, and that this and other counter-productive measures will be remedied.

Mr. ABRAHAM. Mr. President, during the debate on the Labor-Health & Human Services-Education appropriations bill for Fiscal Year 2001, Senator DASCHLE offered an amendment relating to genetic testing and the potential for genetics-based discrimination in the workplace.

I was thrilled at the recent announcement of the completion of the human genetic map, and with it, the possibility of the full identification of the more than three billion nucleotide bases that comprise the genome. This knowledge will bring with it limitless possibilities, vastly improving our quality of life and health.

Yet with this knowledge comes great responsibility. For all the good this information can do for us, there is also the potential of great harm and misuse. One of the challenges that faces us even now, is to ensure that genetic information about an individual is not used against him or herself.

Despite my strong conviction that genetic information must never be used to discriminate against an individual, I was unable to support the amendment offered by Senator DASCHLE relating to genetic discrimination in the workplace.

Senator DASCHLE's amendment is, in reality, much more than simply a technical amendment to an appropriations bill. It is a 5-page, far-reaching, broadly written, piece of legislation, which would create an entirely new class of discrimination law, creating inequalities and conflicting with existing law.

This legislation would usurp the jurisdiction of the Equal Employment Opportunity Commission and allow genetic discrimination suits to go directly to the court system. This is highly unusual for discrimination suits and would afford this form of discrimination preferential treatment over any other form of discrimination.

In addition, this bill comes into direct conflict with the Americans with Disabilities Act, ADA. The ADA already captures genetic discrimination—this has been affirmed by the Secretary of the EEOC and the Supreme Court. If we pass a separate bill that preempts the protections already provided for in the ADA, we could potentially be undermining our support for the people covered by those protections. Just to highlight the possible inequalities—the Daschle amendment would give a genetic marker greater protection than a paraplegic.

Given the drastic and over-reaching changes which would be brought about by the Daschle amendment, especially in a new area such as genetic testing, consideration of this legislation must be deliberate and well-informed.

Yet, there has not been a single hearing on this legislation. In fact, the amendment language was not available for review until only an hour or so before the vote. I believe it would be wrong and even negligent to pass legislation without knowing exactly how it would affect Americans' lives, now and far into the future.

The Senate Health, Education, Labor and Pensions Committee has already planned the first hearing on this matter in July. I am confident, that with careful deliberation and thorough debate, we will succeed in finding the most effective and appropriate way to ensure that no one will have their genetic-information used against them. I am looking forward to the challenge.

• Mr. HATCH. Mr. President, today the Senate passed H.R. 4577, the Labor-HHS-Education Appropriations Act. I would like to congratulate my colleagues, Senator SPECTER, Senator STEVENS, and Senator HARKIN for working together to pass one of the more contentious of the annual appropriations bills.

I appreciate the comity and courtesy displayed by the managers of this bill. I realize that most of my colleagues have specific priorities they wish to highlight in this measure. I appreciate the managers' support of the Inhofe amendment regarding the Impact Aid program. As I have stated in the past, this is a vital program for Utah.

I also appreciate the fact that the subcommittee has once again included a provision which would allow school districts adversely affected by a recalculation of the census to keep their Title I concentration funds.

According to Utahns who live and work and educate our children in these districts, this cut would do a huge disservice to Title I students in these districts. These hardworking Utahns have informed me that they believe that the census calculations do not adequately reflect the pockets of poverty that exist in these districts. Some of the schools in these districts have a poverty rate, when calculated based on school lunch data, at over 70 percent. I am pleased that the subcommittee has accepted the recommendation to hold these districts harmless.

I intend to vote in favor of the Labor-HHS-Education Appropriations bill, but I would be remiss if I did not take this opportunity to note, once again, that a crucial provision in the Title I formula remains unfunded. The Education Finance Incentive Grant Program was authorized in the 1994 Elementary and Secondary Education Act and is included in S. 2, the ESEA reauthorization, currently pending before the Congress.

I recently detailed the merits of this program when I spoke about my intention to offer an amendment to S. 2 that would make EFIG a mandatory component of Title I. I will briefly review those arguments here:

EFIG has, as a principal component, an equity factor, which measures how states distribute resources among school districts. As policy, equalizing resources among school districts has merit well documented in academic literature.

Moreover, many States are being compelled by the courts to equalize resources among school districts. Over 30 states have been taken to court on the basis of an unequal distribution of resources. My amendment would provide some relief to states that are currently required by the courts to equalize resources among school districts by increasing their share of Title I funds. My amendment would also provide the incentive to equalize resources to states which may not have already done so.

The Education Finance Incentive Grant program would be the only part of the Title I formula that does not use the per-pupil expenditure as a proxy for a state's commitment to education. There are many ways to measure a State's commitment to education—the per-pupil expenditure is merely one. Indeed, one of the most damaging aspects of the Title I formula is that it is replicated as a means to distribute Federal money to the states in other programs that have no relation to Title I. The insertion of another measure of a state's commitment to education is appropriate.

When EFIG is a factor in the Title I formula, more states do better than under current law. This was a key factor in the debate over the 1994 reauthorization of the Elementary and Secondary Education Act and why it was the intent during the enactment of the 1994 reauthorization that any additional funds directed to Title I go out through the EFIG. Indeed, it was the reason why a number of Senators voted for the conference report. It is my strongly held conviction that the intention of the 1994 act should be realized, and I will continue to pursue this goal.

I do not believe that the Senate should authorize on an appropriations measure, which is why I did not offer my amendment during consideration of this bill. However, I join with many of my colleagues who have expressed concerns over the possibility that, for the first time in nearly 30 years, the Congress will fail to reauthorize vital elementary and secondary education programs. I sincerely hope that those who have obstructed enactment of S. 2 will reconsider their position and allow the bill to go forward.•

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized to speak as if in morning business.

The Senator from New Mexico.

HAPPY FORESTS

Mr. DOMENICI. Mr. President, I want to speak for a few minutes about a pending national disaster.

Mr. President, I want to discuss something that is unfortunately not part of this fire package. For over a month, I have been working intensely with other Members and the Clinton Administration trying to begin to address a serious problem that in the West has been highlighted in stark terms by the events that happened to the community of Los Alamos in my state, as just one example. What happened to the homes and families of Los Alamos is unfortunately going to happen again unless we, as a Congress, can convince the Clinton Administration to join us in bold and deliberate actions. Throughout the United States there is an increasing amount of land in what natural resource scientists and firefighting experts call the "wildland/urban interface." With more people moving into the West, and more homes being built in communities surrounded by federal lands, neighborhoods like those that burned in Los Alamos are becoming more numerous.

At the same time, as a consequence of decades of fire suppression as well as years of increasing drought, many millions of acres—by the General Accounting Office's estimate, 39 million or more acres—of national forests are at high risk of wildfires. They are in this situation because fuel loads have risen to dangerous levels and forest management has been dramatically curtailed at the same time. The escape of the prescribed fire in Bandelier National Monument, and its subsequent effect on the town of Los Alamos make it clear, as Secretary Babbitt has already conceded, that in many places prescribed fire is not a viable management tool to reduce fuel loads. It is particularly risky to use in the wildland/urban interface because of the presence of homes and families.

Therefore, joined by others Members on both sides of the aisle, I worked over the last few weeks to provide the Administration with both the resources and the tools to begin an accelerated program of fuel reduction in wildland/urban interface areas for communities that are at risk throughout the West. We suggested a number of proposals that the Administration found too hot to handle. For instance, we asked whether the Council on Environmental Quality would designate this an emergency situation and expedite NEPA compliance for hazard fuel reduction activities in the wildland/urban interface. The Administration representatives said no. They felt that this would be too controversial with national environmental special interest groups. They pleaded with us not to pursue this option.

We asked whether they could suspend administrative appeals for these hazard fuel reduction projects. That would eliminate one source of delay. Anyone who wanted to stop one of these projects could still go directly to federal court. Here again, the Administration said no. They urged us not to propose suspending appeals because it would be met with opposition by national environmental special interest groups.

We suggested the use of stewardship contracts to do fuel reduction work. A stewardship contract is one where the government can trade the value of any merchantable material removed through a fuel reduction project against the cost to the government of the fuel reduction activity. This is an authority that would be very useful, but that the federal government presently lacks. Here again, the Administration felt that there was too much national environmental special interest group opposition to stewardship contracting. They urged us not to pursue this option.

Throughout this discussion we told the Administration that we would be sensitive to their concerns, as long as they would commit to us that they would not treat this crisis in a "business as usual" fashion. We weren't simply going to give them more money and say we had resolved the problem when we know that isn't true.

Finally, Senator BINGAMAN and I came to an agreement on the additional tools and resources that we would provide the Administration while being sensitive to their concerns. We wanted to increase fuel reduction activity by $240 million. In the course of doing that, we were going to direct the Secretary of the Interior and Agriculture to use all available contracting and hiring authorities under existing law to do this work. We were also going to provide the Secretaries with authority which they now lack to do some of this work using grants and cooperative agreements. We asked the Secretaries, at their sole discretion, to do this work in a way that would provide jobs to local people, opportunities to private, non-profit, or cooperating entities, such as youth conservation corps, and opportunities for small and micro businesses.

We must begin a serious dialogue throughout the West about the severity of the problem that we face. In order to accomplish this, we directed the Secretaries by September 30 of this year to produce a list of all of the urban/wildland interface communities, within the vicinity of federal lands that are at risk from wildfire. In that list, we asked the Secretaries to identify those communities where hazard reduction activities were already underway, or could be commenced by the end of the calendar year. We further asked the Secretaries to describe by May of next year, the roadblocks to beginning hazardous fuel reduction work in the remaining communities on the list.

It was our view that this would provide an opportunity to commence a very necessary dialogue: (1) among communities at risk, and (2) between the affected communities and the federal land management agencies to gain some consensus on approaching this problem. That was the intent of directing the Secretaries to produce these lists.

It was also our hope that, as communities recognized the degree of risk, they would match some of the federal contributions with their own money and effort. This would get the work done even more quickly.

Regrettably, I must inform the Senate, including Members from western states who have communities at risk, and some burning now, that the Administration rejected our proposal because they thought that "it might encourage logging." Now remember we weren't talking about wilderness areas. And we weren't talking about roadless areas either. Nor were we talking about areas of special significance for ecological or wildlife values. We were just talking about the federal lands adjacent to communities. We were talking about the woods next to subdivisions. We were talking about places like the city of Los Alamos, or people burned out of the Lincoln National Forest in New Mexico. We could have easily have been talking about Santa Fe, New Mexico, or Bend, Oregon, or Sedona, Arizona, or Missoula, Montana. We could have been talking about neighborhoods in each of those cities, and many dozen more scattered throughout the semi-arid, western states.

Even though we were talking about these kinds of areas, the Administration was much too concerned with offending environmental special interest groups to move aggressively and effectively to reduce fire risks because it might involve encouraging logging.

Well this is a tragedy. And it's a tragedy that will be repeated as the summer progresses. It is a tragedy that will probably occur each week until the snow falls later this year.

I want to advise the Senate that when you next look at footage of forest fires on CNN, just remember that the Administration didn't want to address this problem because they were afraid it might encourage logging. When you look at footage on CNN of burned out forests, dead and dying wildlife, and devastated watersheds, just remember that the Administration didn't want to address this problem because they were afraid it might encourage logging. When you see footage on CNN of burned-out neighborhoods, destroyed homes, devastated families and ruined lives, just remember that the Administration didn't want to prevent this problem because they were afraid that by doing so they might encourage logging. And next winter, when you see the first CNN footage of dramatic flash floods in watersheds that were burned-over the previous summer, and you see homes buried in the mud, just remember that the Administration didn't want to prevent that problem because they were afraid it might encourage logging.

And finally, when you're forced to see it up close, when it affects a community in your state, when you're not just watching it on TV, but actually meeting with the citizens of your state who have been burned out of their homes and their neighborhoods—just tell them that the Administration didn't want to prevent the problem from occurring because they were afraid it might encourage too much logging. Just tell them that the Administration didn't want to prevent the problem from occurring because they were afraid of the national environmental groups who claim to want to save the environment. Maybe then the Administration will realize that they should have been afraid of what would happen if they did listen to the national environmental special interest groups.

The publicly owned forests of America are not very happy today. I intended to put on the supplemental bill a provision that I was going to call "happy forests." That is a strange name. But it is either happy forests or it is what we have today. What we have today is a philosophy that seems to say to the forests of our land: Burn, baby, burn. That is the theme.

The administration fears logging and it is frightened to death when anyone suggests something that might sound like "logging." It is all right if they keep their policy not to cut anything going, but it is not all right where the forests of America come in contact with communities. The interface between communities, buildings, churches, and the forests of America is just crying out while waiting for a forest fire that will devour communities and burn down buildings.

I have a city in my state called Santa Fe. Everybody knows of Santa Fe because it is a great place to go. The mayor recently has taken many people to see the forests around Santa Fe and the community. Santa Fe is frightened that their watershed is going to burn down. It is right up against the community and provides its water. That watershed will burn down while the U.S. Government sits in its ivory tower and says don't do a thing that might look like logging, might smell like logging.

Even on this bill that we have before the Senate, which provides emergency fire relief, the administration ended up rejecting, after negotiating for weeks, language that would have helped thin forests to protect communities. This was a small, but very necessary, program. Before we are finished this year, the American people are going to have such a fear about the forests burning down they will support a policy across this land of thinning these forests in the interface with communities and buildings.

We had a fire that cost the Government over $1 billion in Los Alamos, affecting our laboratory and the people that work there, because the Interior Department started a fire, a "controlled burn", on a national monument right next to Los Alamos. They didn't follow the right rules, didn't have the right weather; they did everything wrong. The little fire got to be a big fire and the U.S. Government burned down 48,000 acres, put 400-plus families out of their homes by burning them to the ground. The Cerro Grande fire burned almost $200 million worth of Los Alamos scientific buildings. We are lucky that the whole community didn't burn to the ground.

Sooner or later, we are going to have to get serious and pass the kind of legislation which would have been on this bill. The administration called it a rider. The distinguished newspaper, the Washington Post, today argues against riders on this pending bill. They said one of riders removed encouraged "timbering." I ask the editors to read the language. It did not encourage timbering. It said thin the dangerous forests where communities are at risk, and it provided great limitations. It encourages the use of locals in rural communities, and give jobs to their young people, to clean out the forests in the summer.

This committee of appropriations is willing to get it the program started. This administration said we will veto this whole bill, even as far as defense of our Nation goes, if you put something in that changes the way we are doing things on federal land.

A panel of experts recently visited the watershed of Santa Fe, NM. They made a statement. They are frightened that watershed will burn down because the area hasn't been thinned and nothing is being done to the forest land to keep it from turning into a tinderbox.

I ask unanimous consent to have printed in the RECORD an editorial from the Washington Post and an article from the Santa Fe New Mexican.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 30, 2000]

A DIRTY WATER RIDER

Senior congressional Republicans slid a provision into the supplemental appropriations bill late Wednesday night that would have the effect of blocking a major new clean water regulation. The notion was that the president would have to accept the provision, since the alternative would be to veto a long-delayed bill that he badly wants. The supplemental request, which he sent to Congress last winter, includes the administration's proposed aid to Colombia, support for the military operation in Kosovo and a backlog of domestic disaster relief, including help for victims of Hurricane Floyd, which occurred a year ago.

But our sense is that, if the offending language can't be removed—discussions were continuing last night—the president should veto the bill. Let the onus for the delay in these funds—for support of U.S. troops abroad, for people who have been waiting in line for up to a year for disaster aid—be placed where it belongs, at the doorstep of members of Congress who would hold the money hostage to a furtive cause. The president can make that speech—and should. The administration made a big thing last year of the clean water step it was taking, and it's the right step. In recent days, administration negotiators have knocked four other retrograde environmental riders out of the supplemental bill, having to do with hardrock mining, timbering, reform of the Corps of Engineers and the opening of a wildlife refuge to development. Four for four is nifty. Make it five.

The regulation in question involves something called total maximum daily loads, or TMDLs. The Clean Water Act has mainly been enforced over the years through a permit system that has reduced pollution from particular major sources—factories, sewage treatment plants, etc. The permitting effort has been a success, but many bodies of water in the country are still dirty—too dirty to fish or swim in, for example. They either have too many sources of pollution nearby or are afflicted by generalized urban and agricultural runoff, which up to now the government has done little to regulate and which is said to account for the majority of remaining pollution.

Where bodies of water are still too dirty, states would be instructed to determine the maximum daily loads they can tolerate and develop plans to ratchet down pollution accordingly. The process would be gradual, and indeed, until recently, some environmental groups were fighting the proposed regulation on grounds it was too weak. Democrats on the Senate Environment and Public Works Committee sent a letter to Senate leaders of both parties yesterday, protesting the late-night insertion of the rider and urging instead an open debate "in clear public view." That's just what ought to happen.

[From the Sante Fe New Mexican, June 28, 2000]

EXPERTS URGE IMMEDIATE ACTION TO EASE FIRE THREAT IN WATERSHED

(Ben Neary)

The federal government should act fast to try to avert catastrophic fire on the watershed that provides nearly half of Santa Fe's city's water supply, a panel of experts reported on Tuesday.

"We've got the fuels, we've got the topography and we've got the ignition sources. It's just a matter of them coming together at the same time," Bill Armstrong of the Santa Fe National Forest told a packed auditorium at the State Land Office on Tuesday night.

Armstrong escorted a panel of watershed experts to inspect the 18,000-acre watershed Tuesday. The group ten reported their findings.

"There's nothing like a couple of large clouds of smoke to make everyone scurry around," Armstrong said. "I feel like a rodent on amphetamines here."

Armstrong had just finished preparing an environmental study calling for thinning the forest in the Jemez Mountains before the catastrophic Cerro Grande fire burned through the area last month and went on to destroy hundreds of homes in Los Alamos.

The Cerro Grande fire was followed closely by the Viveash fire, which narrowly missed burning the Gallinas River watershed, which supplies the city of Las Vegas, N.M., with the bulk of its water supply.

Those fires, with their huge smoke columns visible from Santa Fe, have sparked both city and Forest Service officials to try to step up action on a plan to reduce the danger of fire destroying the Santa Fe watershed.

The Forest Service and the city are working together on a study of how thinning work should proceed.

Actual thinning of trees probably couldn't start until next year at the earliest and likely will continue for five to 10 years, Armstrong said.

Thomas W. Swetnam, director of the Laboratory of Tree-Ring Research at the University of Arizona, was among those who toured the watershed.

Studies of three rings over the past 400 years or so show that fires of low intensity used to burn every 10 years or so. With flames only a few feet high, such fires burned away the grass and underbrush without harming the large trees.

In the 20th century, however, Swetnam said, a new pattern emerged. Heavy grazing by domesticated animals reduced the grass cover in the forests so low-intensity fires no longer were common.

The Santa Fe watershed probably hasn't burned in the past 150 to 200 years, Swetnam said. Such lack of fire has led to unnaturally heavy buildup of dead trees and other material in the forest.

When such an overgrown forest burns—such as in the Cerro Grande fire—the huge flames travel through the tops of the trees, killing them and leaving the landscape denuded.

"The Santa Fe watershed may not burn up tomorrow, or next year or the next five years or so," Swetnam said. "But the Santa Fe watershed is one of the places on the landscape of the Southwest where there is a fairly high urgency."

Daniel Neary, a soil scientist with the U.S. Forest Service, said catastrophic fire results in soil that for the first year or so won't absorb water. This causes heavy runoff and erosion—both of which would likely hurt the city's water supply and possibly threaten flooding downstream.

Mark Dubois, an assistant professor of Forestry and Wildlife Sciences at Auburn University, said conditions in the Santa Fe watershed are such that it will take a combined approach of carefully controlled burns, thinning and other means to try to reduce the fire danger.

"The central observation I walked away with today is there is not one-size-fits-all," Dubois said of the watershed.

Regis Cassidy of the Sante Fe National Forest said there would probably be enough work in thinning the watershed to keep contractors employed for five to 10 years. He said there are perhaps 600 acres where trees could be easily cut, another 2,000 acres where extremely steep terrain would make work difficult and perhaps another 4,500 acres where the terrain is too steep to cut at all.

Some local environmental groups have said they intend to fight the Forest Service plan to thin the watershed, saying they believe the plan amounts to an inappropriate plan to log in sensitive areas along the river. No representative from such groups spoke at Tuesday's meeting, although officials said they had been invited.

Mr. CRAIG. Will the Senator yield?

Mr. DOMENICI. I yield.

Mr. CRAIG. I thank Senator DOMENICI for spelling out so clearly the crisis on the Nation's public lands today.

Yesterday, I held a hearing and I had two regional foresters: A regional forester that largely is in charge of all the forests in Montana, Idaho, Oregon, and Washington; the other forester in charge of all the forests along the Sierra Nevada in California. They admitted yesterday that this President's roadless policy is going to jeopardize 21 million acres of forested lands that are now at high risk to catastrophic wildfires, the very thing the Senator is talking about. Yet this President's policy is to lock it up, walk away, and hope it doesn't burn.

We are talking, as the Senator so clearly spelled out, about thinning and cleaning—not extensive logging—but clearly changing the environment in a way that fire would not be as destructive as it has been at Los Alamos.

I cannot forget the picture on television, the DA Cat rolling along the fire line in the forests of New Mexico, rolling along the dirt, right down through a riparian area. Why? To put out the fire.

Now, if the proper action had happened the way the Senator spelled it out, that would never have occurred at Los Alamos, with 21 million acres now at risk of catastrophic wildfires as a result of this President's policy.

Mr. KYL. Mr. President, I, too, want to comment briefly on the comments of the Senator from New Mexico. We will have a lot more to say about this in the future because this is a national crisis.

For today, let me simply acknowledge that what Senator DOMENICI and Senator CRAIG have said represents a huge challenge to this Nation. According to the GAO, 38 million acres of forests in the United States are in jeopardy of either dying or burning unless they are quickly treated. We have less than 20 years to accomplish this treatment. It is not only the risk of catastrophic forest fires, including the danger to communities around which these forests are located, but also the prospect that they will die of disease or malnutrition because they are so crowded together that they are competing for the nutrients and the water which, at least in the Southwest, are so scarce.

In the area of Arizona where there has been research into this—now at least half a dozen years of experience—we find that when the areas are thinned and then prescribed burning is introduced, you don't get the catastrophic fire. You do get much better tree growth, more pitch content, so that they are not subject to the beetle infestation, for example, and higher protein content so the grasses can grow on the floor. This brings in more mammals and birds into the area. And the forest returns to the park-like condition that existed at the turn of the century.

There have been a lot of bad policies since then, and a century of activity which resulted in the destruction of the national forests of this country.

The task is huge. We need to get started. I will be supporting the efforts of the Senator from New Mexico and others in trying to ensure that we can literally save our beautiful national forests.

I thank the Senator.

Mr. STEVENS. Will the Senator yield?

Mr. DOMENICI. I am happy to yield to the Senator.

Mr. STEVENS. The Senator from New Mexico is not only speaking about the forests, but people forget that the forests contaminate the private lands nearby. We warned the Forest Service about the beetle infestation in Alaska and urged that the areas be sprayed and be thinned to prevent that from spreading. I regret to tell the Senate just yesterday I had to have people come and cut down two of our beautiful spruce trees on the little lot I own because I and my neighbors, who are adjacent to the national forest, are totally infested—the trees are totally invested by beetles. The beetles are killing the trees.

All of this could have been prevented. This is the same as wildfires. In fact, beetle kill is worse than wildfires because it totally consumes the future, and it is very difficult to remove these trees.

I commend the Senator. I hope he will reinitiate his proposal. He is correct. Because of the basic problem, all the editorial backlash that was built up against his legislation, we were unable to include that in this bill. But I look forward to working with him this year on this subject to try to force this administration to recognize their responsibility in protecting these national forests and, in doing so, to protect the private property owners nearby.

Mr. DOMENICI. Mr. President, I want to have printed in the RECORD the statutory language Senator BINGAMAN and I worked on that we wanted to incorporate here to get started, which language was denied by threat of the veto. I am not suggesting Senator BINGAMAN agrees with every statement I made on the floor, but one can read the proposed legislation and see that it is very reasonable.

I ask unanimous consent that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Fuels Reduction

At the appropriate place, insert the following new section:

SEC. . PROTECTING COMMUNITIES FROM RISK OF WILDLAND FIRE.

(a) In expending the emergency funds provided in any Act with respect to any fiscal year for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may hereafter conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries. Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may hereafter, at their sole discretion, limit competition for any contracts, with respect to any fiscal year, including contracts for monitoring activities, to:

(1) local private, non-profit, or cooperative entities;

(2) Youth Conservation Corps crews or related partnerships with state, local, and non-profit youth groups;

(3) Small or micro-businesses; or

(4) other entities that will hire or train a significant percentage of local people to complete such contracts.

(b) Prior to September 30, 2000, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands that are at risk from wildfire. This list shall include:

(1) an identification of communities around which hazardous fuel reduction treatments are ongoing; and

(2) an identification of communities around which the Secretaries are preparing to begin treatments in calendar year 2000.

(c) Prior to May 1, 2001, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands and at risk from wildfire that are included in the list published pursuant to subsection (b) but that are not included in paragraphs (b)(1) and (b)(2), along with an identification of reasons, not limited to lack of available funds, why there are not treatments ongoing or being prepared for these communities.

(d) Within 30 days after enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register the Forest Service's Cohesive Strategy for Protecting People and Sustaining Resources in Fire-Adapted Ecosystems, and an explanation of any differences between the Cohesive Strategy and other related ongoing policymaking activities including: proposed regulations revising the National Forest System transportation policy; proposed roadless area protection regulations; the Interior Columbia Basin Draft Supplemental Environmental Impact Statement; and the Sierra Nevada Framework/Sierra Nevada Forest Plan Draft Environmental Impact Statement. The Secretary shall also provide 30 days for public comment on the Cohesive Strategy and the accompanying explanation.

Mr. DOMENICI. Mr. President, I say to my friends who have spoken to this, there is a novel position in this legislation I think you will like. I am not sure it was not what brought certain environmentalists to the White House, along with some others. There are so many people such as mayors and councilmen in communities who ask us: Look. Right over there are all these dead trees, thousands of dead trees. They say: Why do we leave them there dead? The longer we leave them in that position, they are going to turn more and more into additional fodder for fires. What good do we get out of dead trees, just sitting there?

Actually, what we are going to say when we finally get around to passing this is that the U.S. Government, which owns that property has to, in writing, tell that community why they cannot thin that forest, and what is holding up action. It is going to be interesting. This should become law because, sooner or later, I am going to ask the Senate to vote on it. We ask something that is very understandable and makes common sense.

But you see, if you are holding fuel reduction up for a year and a half for a NEPA statement on land that just has dead trees on it, somebody is going to say: Why don't we hurry up? Why does it take so long?

Getting that information is going to be part of this process of trying to get action. We should be saying to our forests and the communities abutting them: We want you to live together. We don't want one to burn the other one out. And you cannot promise them that if you do not thin those forests.

With that, I am finished, and I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum in the absence of a leader. He has asked for a quorum until he returns. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. I ask unanimous consent the order for the quorum call be rescinded so I may simply make a statement as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded so that I may speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINA NONPROLIFERATION ACT

Mr. LOTT. Mr. President, we have talked a great deal about the need to find a way to consider the China trade bill and also to consider the problem of China nuclear weapons proliferation. Senator THOMPSON has done a lot of work in this area, as have others. He has a bill that he would like to have considered and has agreed for it to be considered freestanding, separate from the China PNTR legislation, and that he would not feel a need—if I could speak for him just momentarily—to offer it as an amendment to the China bill, if we can get it considered freestanding.

So we have worked through that. I have discussed this with a number of interested parties, including Senator DASCHLE, and other members on both sides of the aisle.

Mr. President, I ask unanimous consent that on Monday, July 10, at a time to be determined by the majority leader, after consultation with the minority leader, that the Senate proceed to the consideration of Calendar No. 583, S. 2645, the China Nonproliferation Act. I further ask consent that the bill be limited to relevant amendments. I finally ask consent that not later than 12:30 on Tuesday, July 11, the Senate proceed to vote on passage of the bill, with no intervening action or debate.

Before the Chair rules, I would like to announce that it is my intention, as I have reiterated to the Armed Services Committee, that I will give them the opportunity to consider and, hopefully, conclude the DOD authorization bill. In fact, I am going to try to do a unanimous consent request on that next. We will try to get that Department of Defense authorization bill done—a very important bill—before the August recess.

We are now working on a consent that was outlined last night by the chairman and ranking member. It is my hope that we could get an agreement on that time. If there is a problem with it, we will continue to work to find an agreement where we can remove the nongermane amendments, deal with the Defense amendments, and complete that very important legislation.

So that is my request that I propound at this time.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

Mr. SHELBY. Reserving the right to object.

Mr. REID. Mr. President, I will have to object until Senator BAUCUS arrives. He is on his way. Hopefully, this matter can be resolved very quickly.

He has just walked in the Chamber. Senator BAUCUS is here. He can speak for himself. So until Senator BAUCUS has a chance to——

Mr. LOTT. Others might seek to be recognized on this on their reservation.

Mr. REID. I have my reservation.

Mr. DOMENICI. Reserving the right to object, might I ask the leader a question?

Mr. LOTT. Certainly.

Mr. DOMENICI. I ask the majority leader, you said something about a freestanding nonproliferation bill?

Mr. LOTT. Yes.

Mr. DOMENICI. What is that?

Mr. LOTT. Mr. President, in answer to the question of the Senator from New Mexico, this is legislation that has been developed by Senator THOMPSON. It is the China Nonproliferation Act. Perhaps under the Senator's reservation, he would like to yield to Senator THOMPSON so he could give a brief response to that question.

Mr. THOMPSON. Mr. President, if I might please respond to my colleague.

Mr. DOMENICI. Please.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I say to Senator DOMENICI, this is a piece of legislation that is in response to the continuing array of reports and information that we have concerning the continued proliferation of weapons of mass destruction in which the Chinese are engaged.

As you know, we are in the process of having an extensive national missile defense system debate in this country. Much of the reason for that need is what the rogue nations are doing. Much of what the rogue nations are being supplied with is coming from the Chinese Government and Chinese governmental entities.

What this bill does is provide for an annual assessment. It is China specific. It is an annual assessment as to their level of proliferation activities. If any entities are engaged in those activities, there are certain responses in which our country engages to cut off those entities with regard to dual-use trade, munitions trade, access to our capital market. There is an array of things the President has to choose from to respond to that.

Mr. DOMENICI. I say to the majority leader, I have no objection. I withdraw my reservation.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I have a reservation that maybe the majority leader can clarify, if he will yield for a question.

Mr. LOTT. Mr. President, I would be glad to yield under the Senator's reservation and respond to the question.

Mr. SHELBY. Does this only relate to bringing up the THOMPSON bill and nothing else?

Mr. LOTT. This unanimous consent request only deals with the bill S. 2645, the China Nonproliferation Act. No other issue, no other bill is included in it.

Mr. SHELBY. I have no objection.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I arrived on the floor a little late.

What is the pending business?

The PRESIDING OFFICER. A unanimous consent request by the majority leader is pending.

Mr. BAUCUS. Mr. President, reserving the right to object, my concern is that we are setting the July schedule, albeit part of the July schedule, but without inclusion of a date or time for PNTR. I am very concerned that as we start taking up matters in July—even though it is the THOMPSON amendment—who knows what might intervene. You have reconciliation; you have appropriations bills, and whatnot. Because we do not have a date certain on the request for PNTR, it could very easily slip into September or even a later date.

I know it is very much the intention of the majority leader to bring up the PNTR in July. He has said that many times. And I very much appreciate that. But as I have said personally to the majority leader, I am not so certain that, despite his best intentions, he can totally control whether or not PNTR actually does come up in July.

In addition, the merits of the bill that would otherwise be scheduled to come up after the July recess is very dangerous. I do not think Senators have really had the time to look at the provisions of that bill, to think through the implications of that bill. It has unilateral sanctions, mandatory—not discretionary—sanctions against China. It is very overdrawn. American companies doing business in China could be sanctioned. It has extraterritorial provisions which are way beyond the ordinary rules of international law. I think it would cause a tremendous strain in the context of PNTR.

My concern is that we are setting the schedule for July, albeit just a part of July, that does not include probably the most important vote that this Senate is going to take up this Congress; that is, passage of PNTR. And until there is a date set for PNTR, I must respectfully object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, we will continue to work with both sides of the aisle to see if this matter can be dealt with in an acceptable way, aside from it being offered as an amendment to the China PNTR bill. I think that would be potentially a large problem because if it were adopted, certainly then that legislation would have to go back to the House, and there is a lot of concern about that.

As far as a time to consider the major bill, the China PNTR, this is an important part of the process in a move in that direction. And until we get this resolved, then it is going to be very hard to focus on exactly what date we could get a vote on the bill.

I must also add that it is true we have a lot of important work to do in July. We have to deal with the very unfair death penalty. We have to deal with eliminating the marriage penalty tax. We have to pass the agriculture appropriations bill. We have to pass the Interior appropriations bill. We have to pass the Housing and Veterans Affairs appropriations bill. We have to pass the Commerce-State-Justice appropriations bill. We have to pass the Treasury-Postal Service appropriations bill. We have a lot of work to do, and none of it is insignificant.

The people's business needs to be taken care of. This is just a part of that process. But I understand the Senator's objection. We will keep working to see if we can find a time and a way to do it.

DEPARTMENT OF DEFENSE AUTHORIZATION

Mr. LOTT. Mr. President, I now have a unanimous consent request that the only first-degree amendments remaining in order to the Department of Defense authorization bill, S. 2549, be limited to amendments that are relevant to the provisions of the bill, and on the finite list of amendments in order to the bill; that these first-degree amendments be subject to relevant second-degree amendments; provided further that the first-degree amendments must be filed at the desk by the close of business on Friday, June 30, 2000.

The PRESIDING OFFICER. Is there objection?

The PRESIDING OFFICER (Mr. BENNETT). The Democratic leader.

Mr. DASCHLE. Mr. President, I will just say, as I indicated last night, we want to work with the majority, with the leader, to accommodate his desire to bring this bill to closure. We are just about there. We are not quite there. I have been talking with one of my colleagues in regard to that particular request. We are not there yet. Unfortunately, I will object.

Mr. LOTT. Before the Senator objects, in the spirit of cooperation that we are working under, I would like to withdraw the request so we can keep working and see if we can get this agreed to today.

Mr. DASCHLE. That would be preferable.

The PRESIDING OFFICER. The request is withdrawn.

Mr. WARNER. Mr. President, this is precisely what I and Senator LEVIN and Senator REID and others have been working on. On our side, as best I can assess, there is one remaining understandable discussion that must take place between Chairman ROTH of the Finance Committee and the distinguished senior Senator from West Virginia, Mr. BYRD. I believe other indications on our side have been fulfilled. I have worked through the morning. I believe they are fulfilled. So if that one remaining issue can hopefully be resolved, we might be able to readdress this today.

Mr. LOTT. Mr. President, it looks as if we are going to be here for quite some time. I believe we will have an opportunity later on in the day to try again. We will certainly do our very best to get this agreed to. It is an important issue. We will do everything we can to come up with a fair agreement.

Mr. BYRD. Mr. President, reserving the right to object, until some understanding is agreed to on the amendment to which Mr. WARNER has alluded, I will object.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. LOTT. Mr. President, if I could turn to the military construction appropriations conference report, that is a very good bill that passed way back in May, I think it was May 18. This important military construction conference report passed the Senate under the leadership of Senator CONRAD BURNS, but from the very beginning, it was a bill that did have some emergency provisions attached to it. We did have the funds for the costs, the money that has been already spent for the defense for Kosovo, and some additional funds for costs associated with that.

Over a period now of almost 6 weeks, there has been a process underway between the House and the Senate on both sides of the aisle to get an agreement on this conference report that included a title II that had the emergency funds for the Kosovo situation, for the Colombia drug war, and also for emergencies associated with Hurricane Floyd, the fires, and other issues.

During the process of the conference, other issues were added. Some issues that were in were taken out. That is the way a conference works. I must confess that I didn't get a look at the final product myself until this morning. I think we actually had access to it last night. We did get access to it. Senators had an opportunity to review that. If points of order need to be made, they can be made. But this is for military construction and for emergencies. We need to get this done. It is already late. There are a lot of people, there are a lot of different reasons for how that happened, but here we are. As majority leader, I have a responsibility to try to bring it to a conclusion and take whatever time that requires.

I will shortly ask unanimous consent that the military construction appropriations conference report come up. I need to inform all Members that if the agreement is not agreed to or a similar version to this that can—if we cannot come up with something that could be entered into by the full Senate, then it would be my intention to call up the conference report and Senators McCAIN and GRAMM will ask, as I understand it, that it be read. If that is done, it would take some 6 hours, I am told by the staff, to read the conference report. I still hope we can avoid that. If there are problems with the conference report, let's talk about it. If points of order are going to be made, let's do them. We will have time to understand exactly what is in the bill.

I am sure we will hear from Senator STEVENS and Senator BYRD and others who are familiar with the details. That is what it is all about. I realize it is Friday afternoon, but Members have been told for weeks that we would be in session on this Friday and would be having votes.

This is an important vote. All we can do is try to come up with a way that we can have a good debate, but if there is objection to proceeding and insistence that it be read, then we will have to do that. After that there could be a series of votes on points of order and hopefully on final passage.

I want to outline the situation as it now stands. I ask unanimous consent that the Senate now proceed to the conference report and it be considered as having been read. I further ask unanimous consent that following 10 minutes for debate between the two managers, and the chairman and ranking member, Senator GRAMM be recognized to raise a point of order. I further ask unanimous consent Senators STEVENS and BYRD be immediately recognized to make a motion to waive and, following 10 minutes equally divided on the motion to waive, the Senate proceed to a vote on that motion with or without any intervening action or debate. By the way, if we need more time for debate, I would be glad to accommodate that.

Finally, I ask unanimous consent that if the motion to waive is agreed to, the Senate proceed to an immediate vote on the conference report without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, the conference report before us, I am unhappy to say, makes a mockery out of the budget. In fact, if we adopt this conference report, I think there is no need that we should ever adopt another budget.

This conference report violates every tenet of the budget we adopted. This conference report has two major phony spending shifts where we shift payments from the fiscal year we are appropriating for backwards into year 2000 so that we can spend an additional $4 billion in clear violation of the budget. I am sure you will hear Senator STEVENS saying that the defense of the Nation will be imperiled if we don't pass this bill. Yet while we are providing money to defense through this bill on an emergency basis, this bill takes $2 billion out of defense and gives it to nondefense, a total violation of the budget agreement that we struck.

It is Friday. My wife is waiting at the corner of First and C. But if we look the other way on this bill, then there is no budget, and we are going to totally lose control of spending.

Mr. LOTT. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. LOTT. First of all, the greatest argument I have heard for bringing this to conclusion is the fact that the Senator's lovely wife is waiting for his presence to join him in other activities. I am genuinely concerned about that. If we have to read this bill, I would like to urge the Senator to stay here; I will go see Mrs. GRAMM. That is the corner of First and C Streets, I believe? I will meet her, and I will provide her with a very lovely lunch in the Senate dining room.

Mr. GRAMM. I appreciate that. If my wife were a liberal, I would really be nervous.

When she figures out that I am here doing God's work, she is going to figure that the time is better spent than with her.

Mr. LOTT. Speaking of the Lord's work, I suggest that the Lord's work here would be to analyze this legislation. Let's engage in discussion; let's point out where there are problems, if any. Let's hear the other side. If necessary, let's vote. To spend 6 hours reading the bill is not going to advance the cause. I am glad for the Senator to engage in this.

Mr. McCAIN. I ask the majority leader to yield to me for a comment.

The PRESIDING OFFICER. A unanimous consent agreement is pending. Is the Senator from Arizona reserving the right to object?

Mr. McCAIN. Yes, I do.

Mr. LOTT. I am glad to respond to a question.

Mr. McCAIN. Mr. President, I say to the majority leader, we are now doing what we usually do when a pork barrel bill is before us; that is, that national defense and national security are at risk; we will have to withdraw from Kosovo; it will be the end of Western civilization as we know it. We already have something from the Pentagon that says we will have to shut down unit training during the month of September, blah, blah, blah.

So even though in this bill we have, for example, under Kosovo and other national security, Olympic Games support; and even though in the name of "emergency" we have a Coast Guard acquisition of a $45 million Gulfstream for the Commandant of the Coast Guard—and I would be glad to pay for his first-class airfare while he awaits that emergency, to help him ride out the emergency situation, even though we have $10 million for the Bering Sea crab disaster, $10 million for a Northeast fishery, $7 million for a Hawaii fishery, and $5 million for an Alaska Sea Life Center. We have covered a good part of those for senior members of the Appropriations Committee who have a coastline.

These are all done in the name of an emergency. I will ask unanimous consent that we take up and pass without objection all of those, including this "dire emergency" concerning the Olympic Games support and what is contained in the Kosovo and other national security portions of this bill—I would agree to a unanimous consent agreement that it be taken up and passed, and that the rest of this bill, which is incredibly full of unnecessary, unwanted, unauthorized, unmitigated pork be debated.

There are 47 points of order that can be lodged under this appropriations bill. What do we want to do? We want to take a $19 billion appropriations bill and pass it by voice vote just because we want to go home for the Fourth of July.

I ask unanimous consent that we take the fiscal year 2000 appropriations title I on Kosovo and other national security defense and pass it, and that we take up the rest of this bill for debate on points of order when we return after the recess.

The PRESIDING OFFICER. There is a unanimous consent agreement pending.

Mr. McCAIN. At the appropriate parliamentary point, I will propound that request.

Mr. GRAMM. Mr. President, reserving the right to object, I will be brief.

If we weren't at the end of the session with people on the way to the airport, I think we could have a debate on this issue and we could begin to raise 47 points of order against this bill.

The problem is that people would come in wanting to leave for the recess and basically understand that if they vote to override the points of order, they could go home for a week. Whereas, if they sustain the point of order, they could end up being here for further debate. So I urge my colleagues to allow us to agree that we will allow the bill to come up, waive all of our rights to have it read, and to delay it by other motions, have it come up the day we get back and we will have a debate. If we stay here and ruin everybody's week, we are going to harden hearts. When we get back to this bill—and it will not pass today. This bill is not going to pass today. If we harden hearts, we are going to come back here and spend a week when we might have a chance to work some of these things out, basically, in a strong-worded debate that will serve no interest.

I urge my colleagues to let us step aside, let the bill be brought up, waive reading it, but have it be brought up on Monday when we come back so we have an opportunity to legitimately make our case. If these were little trivial matters, then I would look the other way, swallow hard, and let it go. But these are not trivial matters. This is basically eliminating the entire budget that we adopted. I think if we do that, we are making a mockery out of the whole process. I am not going to do it. So I object.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I have two things. There is one clarification I wish to make on what Senator GRAMM said. If one of the points of order should be sustained, or if a major one was made and sustained, we would not necessarily have to continue this. This bill then would go back to the House when they return. They would have to take it up and consider it further. I realize there may be multiple points of order. If one were sustained, there might be others.

Look, I understand what Senator GRAMM is saying. I certainly feel very strongly that our budget process should be protected and, if it is violated, there should be an opportunity to address those points of order. I have no problem with that. All I say is I think to read the bill doesn't help anybody's cause. I think we would be better off if we get into a discussion and talk about what is in the bill.

So, again, I am sympathetic with all sides concerned, and I would like to get out from the middle of the crossfire of the ammunition being employed here. At this point, since there is objection, I have no——

Mr. STEVENS. Reserving the right to object.

Mr. LOTT. Mr. President, am I proceeding under leader time?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. STEVENS. Mr. President, I regret deeply that there is a dispute over these items. It is true that there is some money in the bill, and all of the items the Senator from Arizona mentioned, but one, were in the Senate-passed bill. The Sea Life Center is the only new one. It is a provision to pay a rent for a Sea Life Center, which will close in August unless that can be done. It is a Sea Life Center that has Federal money in it that opened it. If somebody doesn't believe that is an emergency, the right thing is to allow us to vote on it. I am perfectly prepared to muster up 60 votes for that Sea Life Center. I am proud of that Sea Life Center.

I say this to the Members of the Senate. There is not one amendment in this bill that was not presented by a Member who is here. I assume the Members are prepared to vote for the items they told us were emergencies. The Senator from Arizona is well known to be the watchdog of the Treasury and I admire that. I believe we should get on with this business and let's test the votes.

The Senator is right. If there are not 60 votes to establish the emergency designation on this bill, it will be returned to the Senate. But that is going to be the same, whether it is now or 6 hours from now.

I remember so well when one of my former colleagues killed a bill, which we worked on for 7 years, in the last few minutes of a Congress by asking that the bill be read. I have always thought that bills don't have to be read if they are available to Members of the Senate. That used to be the understanding, that they would be read if the bill was not physically on the Members' desks. I will be pleased to put it on every Member's desk now. It has been available since last night. But to have us now go into a reading of the bill—the Senator from Texas says his wife is waiting on the corner. My wife is already in Alaska. I am due there tonight. But the sad thing is that the last plane I could take to make it left at 10 o'clock. I am prepared to stay here all week, if it is necessary.

I have put before the Members of the Senate—and I will ask unanimous consent to print this in the RECORD. It is not fake or a manufactured thing. We have been telling the Senate for days and months that this money had been taken from the operation and maintenance account—the President's action employing troops in Kosovo. He has the right to do that under the act. And the money runs out. On July 5, this new order must go into effect that reduces the actions of our people during the period of maximum training in the summertime. It is not fake. I don't know why anyone would question the statements of the Chief of Staff of the Army.

The bill may not pass today, but it is going to pass before July 5. That is my commitment. If the Senator wants to make a commitment that it doesn't pass today, I will make a commitment that it passes by July 5. I believe we have the capacity to do that. It is the desire to have this bill passed and to have the people of the armed services know the Senate is behind the people in the armed services. It is still a military construction bill, an emergency bill to replace money spent for the operation and maintenance account.

It is a must-pass bill before July 5.

Mr. LOTT. Mr. President, I move that the Senate turn to the conference report to accompany the military construction appropriations conference report.

Mr. GRAMM. Mr. President, I ask that the bill be read.

The PRESIDING OFFICER. The clerk will read.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I make a point of order that I don't think the bill has to be read. The bill is available to all Members of the Senate.

The PRESIDING OFFICER. The point of order is not sustained.

Mr. STEVENS. I appeal the ruling of the Chair.

The PRESIDING OFFICER. The question is, Shall the ruling of the Chair be upheld?

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the Senator from Texas has raised a question about the pay shifts that are assumed in this bill.

The PRESIDING OFFICER. The appeal of the ruling of the Chair is not debatable.

Mr. STEVENS. I withdraw my appeal.

The PRESIDING OFFICER. The motion to proceed is not debatable.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be able to make a statement at this point and that the Senator from Texas be able to speak prior to taking action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the Senator from Texas has asked that we remove from the bill the pay shifts which we assumed were available to our committee in order to increase the amount of budget authority and outlays that would be used by our committee. The Senator can name them and make sure we are naming them correctly.

Mr. GRAMM. An SSI pay shift of $2.4 billion; a VA compensation pay shift for $1.9 billion; and the third item is moving the defense firewall, which would transfer $2 billion from defense to nondefense.

Mr. STEVENS. Mr. President, at a later date I will explain in full what that means.

But I make the commitment to the Senator from Texas that on the first available vehicle to the Appropriations Committee we will rescind the action that is in this bill adjusting those pay shifts and taking them into account for future use. They were mechanisms to make available funds that would be used in the 2001 bill, and we can and we will have to make adjustments in other ways in the future. But these shifts have been objected to, and they will not be used this year. I can't say they won't be available in another year. They will not be used in connection with fiscal year 2001.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the conference report be dispensed with and that a vote occur on adoption of the conference report immediately.

Mr. MCCAIN. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Alaska.

I obviously am disturbed about much that was put into this legislation. But I see a $6 billion savings here. So I think it is a reasonable compromise. I intend to put in the RECORD as well as on my web site and many other places some of the really egregious projects that are in this bill. At the same time, this significant savings I think is a very important move.

I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4425) "making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment and the Senate agree to the same. Signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report

The conference report is printed in the RECORD of Thursday, June 29, 2000.

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the Military Construction Conference Report for fiscal year 2001.

The Senate and the House went into conference with very different recommendations for projects and unfortunately, not enough money to go around.

We have worked hard with our House colleagues to bring the Military Construction Conference to a successful conclusion.

This agreement represents a tremendous amount of work and great deal of cooperation between the House and Senate.

Mr. President, the military construction portion of this bill has some points I want to highlight.

We have sought to recommend a balanced bill that addresses key, military construction requirements for readiness, family housing, barracks, quality of life and funding for the reserve components.

In the final conference agreement relating to military construction, we met our goals of protecting quality of life and enhancing mission readiness throughout the Department of Defense.

It provides a total of $8.8 billion in spending, an increase of $200 million over the levels recommended by both the House and Senate, and an increase of $800 million over the President's budget request.

It is my hope that we can move this bill forward very quickly and send it to the President.

Mr. STEVENS. Mr. President, late Thursday, the conference concluded on H.R. 4425, the Fiscal Year 2001 Military Construction Appropriations Act.

When the appropriations committee in the Senate reported that bill, we included a second division, Division B, that provided a series of emergency supplemental appropriations for the Department of Defense, the Coast Guard, and other national defense related activities.

The conferees on this bill, led by the subcommittee chairman, Senator BURNS, addressed both the underlying military construction bill, and an expanded range of emergency supplementary needs.

Upon completing work on the military construction portion, an amendment was offered by myself, Senator BYRD, the House committee chairman, BILL YOUNG, and the House ranking Member, DAVID OBEY.

The amendment addressed fiscal year 2000 funding needs for the Department of Defense, the Coast Guard, wildfire fighting, recovery from hurricanes Floyd and Irene, the Cerro Grande fire in New Mexico, Liheap, and Plain Colombia.

At several critical points, the personal involvement of the Speaker on the House and the Majority Leader in the Senate were invaluable to breaking through disagreements, and achieving completion of our work.

While Senator BURNS will address the military construction portion of the bill, I want to highlight the defense emergency needs addressed in this conference report.

Once again, the President mortgaged the readiness of our Armed Forces by committing troops abroad, without the prior authorization and funding from Congress.

If this bill did not pass this week, the Army faced a genuine calamity, as training, base operations and other critical functions would have ground to a halt.

These funds, provided to sustain the Army through the remainder of this fiscal year, will prevent any interruption or degradation of our Armed Forces.

In addition, the conferees, under the leadership of Representative JERRY LEWIS, chairman of the House Defense Appropriations Subcommittee, responded to several vital defense needs.

The amendment, offered by the four Members I named, provides a total of $11.23 billion in emergency spending for fiscal year 2000.

The amendment also makes several technical changes, pursuant to the budget resolution for fiscal year 2001 adopted earlier this year, concerning changes to pay days, delayed obligations, progress payments, prompt payment, and other matters.

In addition, the amendment permits the Senate Appropriations Committee to allocate the full amount provided in the 302(a) allocation for discretionary spending in the budget resolution. This is the same amount now available to the House Committee.

The amendment also adjusts the Function 050 outlay firewall included in the budget resolution to reflect the actual outlay levels in the Function 050 related bills reported by the House and Senate committees.

I want to especially commend the Chairman of the House Military Construction Subcommittee, Representative HOBSON, and the Chairman of the House Committee, BILL YOUNG, for their cooperation and leadership in presenting this conference report to the House and Senate.

Critical funding shortfalls for fuel, medical care, contract liabilities for Tricare, depot maintenance and intelligence were addressed in the House passed version of the supplemental, and included in this conference report.

Chairman LEWIS' initiative ensured that the readiness and quality of life for our military personnel will be truly enhanced by these initiatives, and provide the right starting point for our work on the conference for the FY 2001 Defense Appropriations Bill when we return from the July 4th recess.

A second important need met in this conference report is for Western wildfire fighting. As we meet here in Washington, fires are burning in several

Western States, especially Washington State and my own State of Alaska.

The $350 million provided in this conference report will ensure the Bureau of Land Management and the Forest Service will be able to respond to any challenges we face during what promises to be a dry and hot summer—a truly dangerous situation.

Last month, at the request of the senior Senator from New Mexico, I traveled to the Los Alamos National Laboratories during the terrible fire that afflicted that area.

I saw firsthand the devastation to that community, and the federal facilities, caused by that fire.

Senator DOMENICI has included in this bill a comprehensive authorization bill that provides a claims settlement mechanism for the families and businesses who lost so much in that tragedy.

In addition, this conference report provides $661 million to initiate the claims settlement process and restoration of the federal facilities. These provisions brought to the conference by Senator DOMENICI will start the long recovery process, reflecting the Federal Government's liability for this disaster.

In this conference report, there are also several matters of great importance to my State. I appreciate the willingness of the conferees to consider these items.

Finally, I want to again thank the distinguished Ranking Member of our Committee, Senator BYRD, for his work to complete work on this bill. All the conferees met and worked in a spirit of bipartisan compromise, which is reflected in the conference report before the Senate.

I urge the Senate to adopt this conference report today, so that it can go immediately to the President.

Mr. BYRD. Mr. President, the Senate will soon take up the FY 2001 Military Construction Conference Report. In addition to meeting the military construction needs of the nation, Divisions B & C contain emergency supplemental appropriations for FY 2000 totaling some $11.2 billion.

The supplemental portion of the bill funds a broad array of urgently needed programs. More than $6 billion is provided for the emergency needs of the military. Of that amount, some $2 billion is to cover the cost of our peacekeeping operations in Kosovo; $1.6 billion is to recover increased fuel costs to the military; and $1.3 billion is for health benefits for the military. For the victims of natural disasters, particularly those who suffered the ravages of Hurricane Floyd, some $300 million is provided. And, $350 million is provided in emergency funds to replenish the fire management accounts of the Department of the Interior and U.S. Forest Service. Those firefighting accounts are totally depleted and must be replenished immediately. The bill also provides $600 million in Low Income Home Energy Assistance grants, and more than $600 million is provided to address the costs related to the disastrous fire at Los Alamos, New Mexico.

One of the biggest pieces of the supplemental package is $1.3 billion to fully fund the President's request in support of Plan Colombia. The President's anti-drug initiative is an ambitious effort in support of Plan Colombia, a massive undertaking by the Colombian government to fight the alarming rise of heroin and cocaine production and trafficking in Colombia.

The intent of the President's aid package to Colombia is laudable; but at this point, there remain more questions than answers as to what the impact of this assistance will be. Our efforts in the past have done little, if anything, to deter Colombia's drug lords. The production of cocaine and heroin has skyrocketed. Some analysts are concerned that increased U.S. involvement in Colombia's drug wars will fuel an all-out civil war in a country already ravaged by guerrilla warfare and paramilitary abuses.

For those reasons, I am pleased that this conference report preserves a provision that I originally added in the Senate Appropriations Committee to place restrictions on future funding for U.S. assistance to Plan Colombia, and to limit the number of U.S. military personnel and U.S. civilian contractors that can be deployed in Colombia to support the counter-narcotics effort.

The Byrd provision requires the Administration to seek and receive congressional authorization before spending any money on U.S. support for Plan Colombia beyond the funding contained in this supplemental package and other relevant funding bills. The President's request for Plan Colombia is fully funded. This provision simply ensures that, if additional funding is requested to prolong or expand U.S. involvement in Colombia's anti-drug campaign, Congress will have the opportunity to review and evaluate the entire program before green-lighting more money.

The goal of my provision is to prevent an incremental and possibly unintended escalation of U.S. involvement in Colombia's war on drugs to the point that the United States, over time, finds itself entangled beyond extraction in the internal politics of Colombia. We cannot ignore the fact that Colombia is embroiled in a civil war, and that narco-guerrillas, who are better-trained, better-financed, and better-equipped than the Colombian army, control much of the country. The government of Colombia is fighting a just, but uphill battle. The United States, in this funding package, is making a major commitment to help Colombia. With the Byrd provision, we are also making a commitment to the people of the United States that Congress will stand guard against this nation's being unwittingly drawn too deeply into Colombia's internal problems.

Mr. President, this Administration has, in the past, registered strong opposition to the Byrd provision. I assure the Senate that we have listened to the concerns expressed by the Administration, and have addressed them. We doubled the cap on U.S. military personnel to 500, as requested by the Pentagon, and tripled the allowable number of U.S. civilian contractors to 300. We exempted funding for on-going counter-narcotics programs covered in other appropriations bills, as requested by the Administration. We addressed virtually every issue raised by the Administration, and I hope that the President is ready to endorse this language.

It is my opinion that the Administration should welcome the spotlight that this provision will shine on the level of U.S. participation in Plan Colombia. The Administration should also welcome the additional safeguards that this language provides to reduce the possibility of unbridled mission creep and unforeseen consequences.

There are some who have expressed concern that this language is too restrictive, and that it will impose too difficult a process to allow the United States to continue its efforts to fight drug production and drug trafficking in Colombia and throughout the region. I believe the process should be restrictive. I do not believe that U.S. assistance to Plan Colombia should be handled on a business-as-usual basis. The political situation in Colombia is too unstable, and the risks to American citizens involved in the counter-narcotics campaign are too high.

That said, my provision is not intended to slam the door on future counter-narcotics assistance to Colombia or to other countries in the region, if such assistance is needed and warranted. The war on drugs must be waged aggressively, both at home and abroad. At this point, the President has requested a specific level of funding, $1.3 billion, to finance a specific program. Congress is providing that funding in this appropriations measure. If this President, or a future President, seeks more money, or seeks to broaden or prolong U.S. involvement in Plan Colombia, we merely ask him to present that request to Congress, and to give Congress the opportunity to review, assess, and authorize the entire program. What we do not want to see is U.S. assistance to Plan Colombia quietly ramped up through regular or supplemental funding bills until we suddenly reach the point of having thousands of U.S. citizens deployed to Colombia, and billions of U.S. tax dollars invested in Colombia's drug war, and no way to extricate the United States from Colombia.

Mr. President, Congress has a responsibility to exercise oversight over programs such as U.S. participation in Plan Colombia. This provision ensures that we will have the opportunity to exercise that oversight, and to make an informed and deliberate decision on future funding for Plan Colombia. It is a wise precaution to include in a package that will underwrite a costly, complicated, and unprecedented assault on a dangerous and determined enemy.

Mr. KENNEDY. Mr. President, the bill before us provides over $1 billion in assistance to Colombia and represents a major increase in our political and financial commitment to the Colombian Government and the Colombian Armed Forces.

Many of us have been deeply concerned about the potential impact of this substantial increase in U.S. military assistance on human rights in Colombia. We have worked with the Senate Foreign Operations Appropriations Subcommittee to include human rights conditions on the aid. I commend Senators McCONNELL and LEAHY for their leadership on this issue and for preserving the human rights conditions in the final version of the bill. The conditions are fully consistent with the laws and stated policies of the Colombian Government. They are also vital to ensuring that U.S. military aid does not contribute to human rights abuses in Colombia. We look forward to working with the Administration to achieve the Colombian Government's compliance with them.

The first condition requires that armed forces personnel alleged to have committed gross violations of human rights be suspended from duty and brought to justice in the civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional Court. The Colombian Ministry of National Defense has stated that, "the Commander General of the Military Forces will separate from active service, by discretionary decision, members of the various Military Forces for inefficiency or for unsatisfactory performance in the fight against illegal armed groups." Unfortunately, this policy has not been implemented, and there is no automatic process for suspending a member of the Colombian Armed Forces alleged to have violated human rights.

The Colombian Ministry of National Defense has expressed its support for the 1997 ruling of the Constitutional Court. In its March 2000 publication entitled "Public Force and Human Rights in Colombia," the Colombian Ministry of National Defense stated that, "Colombia has taken very important steps in limiting the jurisdiction of the military justice system. In effect, in 1997 the Constitutional Court concluded that crimes against humanity do not fall under its jurisdiction because it does not relate to the service provided by the Public Force. Such crimes constitute a serious violation of human rights and transgress the duties of armed services. Consequently, the Constitutional Court decided that such crimes be heard by the Ordinary Criminal Courts."

Unfortunately, the Colombian Armed Forces have grossly misrepresented their record of compliance with this Constitutional Court ruling. They have claimed that 576 human rights cases involving Armed Forces personnel were transferred to civilian courts when, in fact, only 39 cases of human rights violations were transferred—and those cases involved low level officials.

The human rights conditions contained in the bill also require the Colombian Government to prosecute in the civilian courts the leaders and members of paramilitary groups and armed forces personnel who aid or abet them. This provision is also fully consistent with the stated policies of the Colombian Government. In its publication entitled "Human Rights and International Humanitarian Law Policies," the Colombian Ministry of National Defense stated that illegal self-defense groups "are one of the main offenders of human rights and international humanitarian law." In its publication entitled "Public Force and Human Rights in Colombia," the Ministry further stated that the Public Force confronts and combats guerrilla and illegal self-defense groups "with the same rigor." President Pastrana's "Plan Colombia" is quite clear on this issue, stating that "the Government will not tolerate ties of any kind between any member of the military forces or the police and any illegal armed group or force."

Regrettably, the State Department, the United Nations, and human rights groups have documented continuing links between the Colombian Armed Forces and paramilitary groups. The State Department Human Rights Report for 1999 stated that the Armed Forces and National Police sometimes "tacitly tolerated" or "aided and abetted" the activities of paramilitary groups. According to the report, "in some instances, individual members of the security forces actively collaborated with members of paramilitary groups by passing them through roadblocks, sharing intelligence, and providing them with ammunition. Paramilitary forces find a ready support base within the military and police." The report also concluded that "security forces regularly failed to confront paramilitary groups." Human Rights Watch has documented links between military and paramilitary groups, not only in isolated, rural areas but in Colombia's principal cities, and these links involve half of Colombia's 18 brigade-level units.

The Colombian Armed Forces have resisted investigating these links. Instead of investigating a credible allegation of military collaboration with paramilitary groups in a civilian massacre that occurred in the town of San Jose de Apartado on February 19, the Commander of the 17th Brigade filed suit against the non-governmental organization that made these allegations, charging that it had "impugned" the honor of the military.

The human rights conditions contained in the bill reflect the Colombian Government's laws and policies and underscore the importance of human rights as a fundamental principle of U.S. foreign policy. Compliance with these conditions is essential if we are to ensure that U.S. military aid does not contribute to human rights abuses in Colombia.

I am disappointed that the conference agreement permits the President to waive the conditions in the interest of national security. However, the inclusion of this waiver authority does not exempt the Administration from responsibility for seeking the Colombian Government's compliance with these human rights conditions. Nor is the waiver an excuse for the Colombian Government not to address the continuing human rights problems in Colombia. I look forward to the good faith application of these important human rights provisions in the implementation of this legislation.

Mr. DEWINE. Mr. President, I rise today to commend my colleagues on the Appropriations Committee who have worked with me, the Senator from Georgia, Senator COVERDELL; the Senator from Florida, Senator GRAHAM; the Senator from Iowa, Senator GRASSLEY; and so many others on the emergency supplemental provisions contained in the Conference Report to the Fiscal Year 2001 Military Construction Appropriations bill. I am especially pleased that the Conference Report contains essential funds to begin correcting resource and funding shortfalls in the U.S. Coast Guard, and vital assistance needed to reverse the deteriorating situation in Colombia—a situation I would like to discuss in just a few minutes.

First, though, let me say a few words about the Coast Guard's current—and precarious—budget situation and how this Conference Report will help keep it afloat—at least for the remainder of this fiscal year. The reality is that our Coast Guard has been forced to cut back on its current services this year and could be forced to cut back even more next year. These reductions make it far more difficult for the Coast Guard to meet its many missions. They put at risk the sustainability of valuable fish stocks in the North Atlantic and Pacific Northwest. They reduce the Coast Guard's capability to stem the flow of illicit drugs and illegal immigration into the United States. And they can work against the Coast Guard's ability to respond quickly to search and rescue situations, which often in fishing grounds and high traffic migrant areas.

As early as last February, the Coast Guard began reducing its operating hours in the air and at sea. In some parts of the country, operating hours have been reduced as much as 20 to 30 percent.

Fortunately, Mr. President, the Conference Report we passed today will carry the Coast Guard through the current fiscal year. In total, more than $700 million is provided to help restore the Coast Guard's aircraft and vessel spare parts supply; cover the cost of rising fuel prices; pay for rising health care costs and quality of life improvements for Coast Guard personnel; and increase by six its fleet of C–130 aircraft—assets critical to the Coast Guard's counter-drug and search and rescue capabilities.

Additionally, the Conference Report includes funding for the replacement of the Great Lakes Ice Breaking vessel—the Mackinaw. As my colleagues from the Great Lakes region know, this replacement vessel is invaluable to avoid disruption of winter-time commerce on the Great Lakes.

This legislation is a step in the right direction, but it is only a step. Our Coast Guard still remains seriously underfunded. We must still address the overall funding problems facing the Coast Guard, which is the task that awaits the conferees to the Transportation Appropriations bill. Unless we address this funding crisis, our Coast Guard will be in the exact same boat—no pun intended—year after year. Ultimately, unless we put the Coast Guard under a far more sound financial footing, we risk compromising the entire Coast Guard apparatus, its routine and emergency operations, training and maintenance functions, and even its safety and commercial missions along our coasts and Great Lakes.

Not long ago, the Senate approved a Transportation Appropriations bill for the next fiscal year that would fund the Coast Guard's operating expenses at a level $159 million less than what it needs to conduct its missions. Mr. President, I understand the Chairman and Ranking Member of the Transportation Subcommittee had to make some tough choices. They had a smaller budget to work with than their counterparts in the House. In fact, the House had $1.6 billion more in its allocation for the Transportation Appropriations Bill than the Senate. This funding disparity needs to be resolved in the upcoming conference.

Mr. President, let me remind my colleagues about the unique importance of the Coast Guard. They are called "the rescue experts," and for good reason. Each year, the Coast Guard responds to 40,000 search and rescue cases and saves 3,800 lives. During the devastation of Hurricane Floyd, the Coast Guard conducted search and rescue missions and delivered drinking water and critical supplies to citizens along the Eastern seaboard. And, following the dramatic floods in North Carolina that resulted from the hurricane, Coast Guard helicopters came in right behind the storm and pulled stranded survivors from rooftops and trees surrounded by the swollen rivers.

The Coast Guard's rescue and response missions are often front page news, but often the untold stories are the emergencies prevented by the Coast Guard. Few people realize that before any cruise ship ever touches the ocean, Coast Guard ship inspectors from its Marine Safety Offices inspect each ship to ensure they are built not just for beauty and recreation, but for safety as well. That's good news for the approximately seven million Americans who embark on cruise ships every year. In fact, the Coast Guard doesn't just inspect cruise ships—the Coast Guard inspects all commercial ships, including cargo ships and tankers.

Of course, I have spoken on the Senate floor on several occasions to highlight the Coast Guard's extraordinary contributions to keep illegal drugs from ever reaching our shores. The scourge of drugs is the primary security threat within this hemisphere. It is a cancer that destroys civil institutions and erodes the sovereignty of nations in the Caribbean and South and Central America.

That is why a number of us here in the Senate and the House worked to provide additional funding in 1998 for the Coast Guard's counter-drug efforts, and that investment has paid off. The following year, the Coast Guard seized 57 tons of cocaine with a street value of $4 billion—that's more than the total operating cost of the Coast Guard.

The Coast Guard's law enforcement skills extends as far as the Middle East, where Coast Guard cutters and tactical law enforcement teams enforce the continuing U.N. embargo against Iraq.

Perhaps one of the Coast Guard's toughest jobs is the day to day enforcement of U.S. immigration law. It is an emotional and gut wrenching mission. It challenges Coast Guard men and women daily to carry out their responsibilities with due regard for the law, human dignity and, above all, safety of human life. It is a tough job. But, day in and day out, the Coast Guard continues to carry out its duties with professionalism and a never-ending commitment to the people it serves.

These are just some of the vital missions that would be undermined if the Coast Guard is not given the resources to sustain its daily operations. In some respects, we have passed that point already. The Coast Guard is at a point that it is essentially cannibalizing equipment for parts, deferring maintenance, and working their people overtime—and this is just to sustain daily operations. This doesn't even take into account the rapidly rising fuel costs, which are exacerbating problems this fiscal year.

At the same time, the Coast Guard has to invest in its future. When compared to 41 other maritime agencies around the world, the ships that make up our Coast Guard fleet of cutters are the 38th oldest. Over the past four years, the Coast Guard has had to spend twice as much money to fix equipment and hull problems. This is not surprising because the older the equipment becomes, the harder it is to maintain. As the need for equipment maintenance increases, so too does the cost of operations. This is a problem that is not the result of mismanagement, but from insufficient funding. And that fact is reflected by this Congress having to use emergency supplemental funding for the Coast Guard two straight years just to sustain normal operations. I think you would agree, Mr. President, that this kind of stop-gap funding process is not the best way to keep an organization running—particularly one of such vital importance to our nation.

I urge the conferees to the Transportation Appropriations bill, in both the House and Senate, to keep these facts in mind as they proceed to conference. Again, the bill we have passed today is a good first step, but it is only that—a step.

Today, the United States Congress took a very important and necessary step toward bringing stability to countries in our hemisphere, and communities in our own country that are caught in the death grip of drug trafficking.

Today, we are sending to the President more than just an assistance package to Colombia—we are sending a blueprint of a partnership with Colombia and other countries in the hemisphere to reduce illegal drug production and distribution. This is partnership among democracies in our hemisphere.

No one denies that an emergency exists in Colombia. The country is embroiled in a destabilizing and brutal civil war—a civil war that has gone on for decades with a death toll estimated at 35,000. The once promising democracy is now a war zone. Human rights abuses abound and rule of law is practically non-existent.

The situation in Colombia today bears little resemblance to a nation once considered to be a democratic success story. But today, the drug trade has threatened the sovereignty of the Colombian democracy and the continued prosperity and security of our entire hemisphere. And, tragically, America's drug habit is what's fueling this threat in our hemisphere. It is our own country's drug use that is causing the instability and violence in Colombia and in the Andean region. When drug deals are made on the streets of our country, they represent a contribution to continued violence in Colombia and in the Andean region.

The sad fact is that the cultivation of coca in Colombia has doubled from over 126,000 acres in 1995 to 300,000 in 1999. Not surprisingly, as drug availability has increased in the United States, drug use among adolescents also has increased. To make matters worse, the Colombian insurgents see the drug traffickers as a financial partner who will sustain their illicit cause, which only makes the FARC and the ELN grow stronger.

A synergistic relationship has evolved between the drug dealers and the guerrillas—a relationship bonded by the money made selling drugs here in the United States. Each one benefits from the other. Each one takes care of the other. This is not a crisis internal to Colombia. It is a crisis driven by those who consume drugs in our country, and a crisis that directly impacts all of us right here in the United States.

It is a crisis that has flourished in part because the current Administration made a significant and unwise policy change in its drug control strategy in 1993. When President George Bush left the White House, we were spending approximately one-quarter of our total federal anti-drug budget on international drug interdiction—spending it either on law enforcement in other countries, on Customs, on the DEA, on crop eradication—basically on stopping drugs from ever reaching our shores.

After six years of the Clinton presidency, that one-quarter was reduced to approximately 13 to 14 percent, a dramatic reduction in the percentage of money we were spending on international drug interdiction.

Fortunately, in the last few years, Congress has had the foresight to recognize the escalating threats in Colombia, and has worked to restore our drug fighting capability outside our borders. In 1998, Congress passed the Western Hemisphere Drug Elimination Act (WHDEA), which not only has begun to restore our international eradication, interdiction and crop alternative development capabilities, it contained the first substantial investment in Colombia for counter-narcotics activities in almost a decade.

Today, we are building on that effort with a more focused plan to eliminate drugs at the source and to reduce the financial influence of drug trafficking organizations on the paramilitaries and insurgents within Colombia. In short, Mr. President, we are reversing the direction of our drug policy for the better. Congress saw what the Administration was doing. We said the policy has to change; we need to put more money into interdiction and source country programs; and that's exactly what we did.

We must not lose sight of why we are providing this assistance. The bottom line is this: The assistance package we put together because Colombia is our neighbor—and what affects our neighbors affects us too. We have a very real interest in stabilizing Colombia and keeping it democratic and keeping it as a trading partner, and keeping its drugs off our streets.

As we consider the great human tragedy that Colombia is today, we must not lose sight of the fact that the resources we are providing to Colombia now are an effort to stop drugs from ever coming into our country in the future. And ultimately, the emergency aid package is in the best interest of the Colombia-Andean region. It is in the best interest of the United States. And, it is clearly something we had to do.

Mr. LEAHY. Mr. President, I want to associate myself with the remarks of the senior Senator from Massachusetts, Senator KENNEDY, who has taken a strong, personal interest in the human rights conditions in the Colombia aid portion of this bill.

Senator KENNEDY and I, with the support of other Senators, both Democrats and Republicans, including some strong supporters of this Colombia aid package, wrote these conditions which passed the Senate on June 22. The Senate version, which passed overwhelmingly, did not contain the presidential waiver that was included by the conferees. There was virtually no meaningful opportunity for most Senators, especially Democrats, to participate in the Conference on the Colombia aid package, and I am disappointed that the waiver was included.

If the Administration had a history of giving the protection of human rights in Colombia the attention it deserves there would be no need for these conditions. Unfortunately, the Administration, as well as the Colombian Government, have consistently misrepresented, and overstated, the Colombian Government's efforts to punish human rights violators. This causes me great concern. There is no need for the waiver and no justification for waiving these conditions.

Senator KENNEDY has described the situation in detail so I will not repeat what he has said. However, I do want to respond to a couple of the State Department's claims:

The State Department has said that "dramatic steps have been taken [by the Colombian Government] to deal with the legacy of human rights abuses." It cites a change in Colombian law, such that "military officers responsible for human rights violations are tried in civilian courts." That is a gross misrepresentation of what actually occurs. The Colombian Armed Forces have systematically, and successfully, sought to avoid civilian court jurisdiction of human rights crimes by many of its members.

The State Department has also said that "President Pastrana has stated repeatedly that he will not tolerate collaboration, by commission or omission, between security force members and paramilitaries." I am sure President Pastrana, who I greatly admire, has said that. But the reality is that this collaboration has existed for years, and virtually nothing has been done about it. In fact, it is only recently, when pressed, that the Administration and the Colombian Government even acknowledged that it was going on. To date, little has been done to stop it.

This is not to say that the Colombian Government has done nothing to address the human rights problems. It has, and I want to recognize that. But that is no argument for waiving these conditions. Far more needs to be done, especially to punish those who violate human rights.

There is no doubt that the Administration believes that supporting "Plan Colombia" is in our national security interests. However, the Administration has also said, repeatedly, that promoting human rights is a key goal of "Plan Colombia." The Colombian Government has said the same thing. If those pronouncements means anything, they mean that it is not in our national interests to provide assistance to the Colombian Armed Forces if the basic human rights conditions in this bill are not met, particularly when the Colombian Government has said these conditions are fully consistent with its own policies. This is not asking too much. These are not unreasonable conditions. To the contrary, they are the minimum that should be done to ensure that our aid does not go to forces that violate human rights. There is no reason whatsoever that the Administration cannot use the leverage of this aid package to ensure that these conditions are met, and I fully expect the Administration to do so.

Mr. WELLSTONE. Mr. President, I rise in strong opposition to the changes that were made to "Plan Colombia" in the military construction conference report. As if this body did not originally give enough to the military "Push into Southern Colombia" with $250 million, this conference report increases that amount by $140 million, to fund a 390 million dollar first-time offensive military action in southern Colombia.

"Plan Colombia" has been added to this conference report as an emergency supplemental. We are moving it through this Congress quickly under the guise of a "drug emergency." But, if there is truly a drug emergency in this country, and I believe there is, why are there no resources in this plan targeted to where they will do the most good: providing funding for drug treatment programs at home? And, honestly, if the purpose of this military aid is to stop the supply of drugs, shouldn't some of that aid target the North as well? Something strange and dishonest is going on here.

During our debate over "Plan Colombia" I heard over and over again not only how much the Colombian government needed this assistance, but also how urgently it had to have it. I heard over and over again how if Colombia did not get this money now all hope for democracy would be lost, not only in Colombia but also for many other Latin and South American countries as well. This, my colleagues, is a far cry from stopping the flow of drugs into the United States. This, my colleagues, is choosing sides in a civil war that has raged for more than thirty years. And I think the American people deserve to know this.

This massive increase in counternarcotics aid for Colombia this year puts the U.S. at a crossroads—do we back a major escalation in military aid to Colombia that may worsen a civil war that has already raged for decades, or do we pursue a more effective policy of stabilizing Colombia by promoting sustainable development, strengthening civilian democratic institutions, and attacking the drug market by investing in prevention and treatment at home? I see today that we have chosen the former.

We are choosing to align ourselves with a military that is known to have close contacts with paramilitary organizations. Paramilitary groups operating with acquiescence or open support of the military account for most of the political violence in Colombia today. In its annual report for 1999, Human Rights Watch reports: "in 1999 paramilitary were considered responsible for 78% of the total number of human rights and international humanitarian law violations" in Colombia. Our own 1999 State Department Country Reports on Human Rights notes that "at times the security forces collaborated with paramilitary groups that committed abuses."

We should support Colombia during this crisis. Being tough on drugs is important, but we need to be smart about the tactics we employ. This conference report decreases by $29 million the aid this Chamber gave to support alternative development programs in Colombia. It cuts by $21 million support for human rights and judicial reform. It also cuts support for interdiction by $3.1 million. Yet, it increases by $140 million funding for the military "Push into Southern Colombia." What are we doing here? Guns never have and never will solve Colombia's ills, nor will they address our drug problem here in the United States.

I reiterate how unbalanced "Plan Colombia" is in this conference report. It cuts the good and increases the bad. A more sensible approach would have been to permit extensive assistance to Colombia in the form of promoting sustainable development and strengthening civilian democratic institutions. This would have safeguarded U.S. interests in avoiding entanglement in a decades-old civil conflict, and partnership with an army implicated in severe human rights abuses. Instead, we are funding a military offensive into southern Colombia and denying resources where they would be the most effective: drug treatment programs at home. I am appalled at this strategy.

Mr. GORTON. Mr. President, I oppose the billions of dollars of emergency Fiscal Year 2000 supplemental funding included in the Fiscal Year 2001 Military Construction bill to continue our involvement in Kosovo, and to dramatically escalate our military's involvement in Colombia. While I support the Military Construction provisions in the bill, particularly the worthy Washington state projects specified in the bill, I cannot vote for passage of this measure.

I did not support the President's decision to intervene in the 600-year-old civil war in the Republic of Yugoslavia, and do not support the spending of another $2 billion on this open-ended commitment of our nation's armed forces and taxpayer dollars.

Last week, I actively opposed the President's effort to entangle us in yet another civil war, this time in Colombia. I unsuccessfully sought to reduce the proposed $934 million in funding to $200 million, which would amount to a four-fold increase in spending on our fight against drug-trafficking between Colombia and the United States. This supplemental spending bill now includes even more for Colombia, a total of $1.3 billion. I am afraid this is a mere down payment on the billions more we will be asked to spend in coming years. I refuse to support this launching of yet another never-ending commitment—especially one that the President can neither justify nor guarantee will have even the slightest positive impact on drug trafficking.

The billions included in this bill for Kosovo and Colombia are not only an irresponsible waste of taxpayer funds, they are a dangerous gamble that we will exit involvement in these civil wars with less damage to our fighting men and women, and national dignity than we have in the past.

EB–52 OPTION

Mr. CONRAD. Mr. President, as my colleagues may be aware, in recent years there has been discussion within the military about modifying or equipping B–52 aircraft with advanced electronic jamming equipment that would allow them to perform a dedicated electronic warfare, or EW, mission. I joined Senator DORGAN in filing amendments calling for a thorough study of an "EB–52" option.

Mr. DORGAN. I think it should be noted that operation Allied Force demonstrated that our nation is short jamming assets for even one major war. An "EB" version of the B–52 would be a cost-effective solution to the problem, since the aircraft are already paid for. As a matter of fact, I understand that during Operation Allied Force, General Wesley Clark asked if any other platforms could be equipped with offensive electronic gear to augment the over-tasked EA–6Bs against Serbia's air defense system, and that an "EB–52" variant was under consideration. That concept warrants full consideration, as a supplement to the EA–6B aircraft now in service with the Navy.

Mr. CONRAD. I wonder if the distinguished Chairman and Ranking Member share our interest in the idea of an EW mission for the B–52 and belief that it should be carefully studied?

Mr. WARNER. I certainly do. Our Nation requires additional dedicated EW assets and the B–52 offers great potential in this area. I would bring to the attention of my colleagues that the Defense Authorization Act for fiscal year 2000 called for a study of potential additional EW platforms to supplement the EA–6B. The B–52 warrants careful and thorough analysis, and I have been assured by the Defense Department that it is, in fact, being studied. Senator LEVIN, would you care to comment?

Mr. LEVIN. I appreciate the interest of my friends from North Dakota in the EB–52 and share the sentiments of the distinguished Chairman on this matter. The B–52 is a viable candidate for the EW mission in light of its large payload, intercontinental range, reliability, and airframe maintainability beyond 2040. It is my understanding that it is being studied as a dedicated EW platform candidate and must receive full consideration.

Mr. CONRAD. I greatly appreciate the comments of the Armed Services Committee's distinguished leadership. I am willing to withdraw my amendment in light of assurances that the study is underway and will continue to accord the B–52 full, fair, and thorough consideration as a potential dedicated EW platform.

Mr. DORGAN. I also thank the distinguished Chairman and Ranking Member for their attention to this important matter. In light of their assurances, I, too, will withdraw my amendment, and look forward to working with them to ensure that the B–52 is given a close look for the EW mission during the ongoing study.

Mrs. LINCOLN. Mr. President, with the passage of the emergency supplemental appropriations bill, I want to talk about an important issue to all of my constituents in Arkansas and to private property owners across this country. I thank the appropriators for including language in the bill that will prohibit the Environmental Protection Agency from promulgating or implementing its proposed Total Maximum Daily Load regulations.

In issuing its August 1999 Total Maximum Daily Load regulation, the EPA overstepped its congressionally mandated authority. Congress authorized the EPA to regulate point sources and left it up to the states to regulate non-point sources and develop and implement TMDL plans. In its proposed TMDL regulation, the EPA granted itself authority to regulate these specific items and clearly overstepped its regulatory authority. These changes, while seemingly innocuous, represent a major shift in Clean Water Act authority from the States to the Federal Government at the hands of the Environmental Protection Agency. Congress has the authority to set clean water laws of this country, not the EPA.

I reiterate something I have been saying as often as anyone will listen—these new regulations can easily be summed up in two words—unreasonable and unnecessary.

I understand some of my distinguished colleagues' objections to what seems like legislating on an appropriations bill, but I want to let my colleagues know that I have attempted to use all other avenues to fix this regulation. I completely agree with the EPA's objective of cleaning up our Nation's rivers, lakes, and streams, but firmly believe that this regulation oversteps congressional mandated authority and intent for the implementation of the Clean Water Act.

I assure my colleagues that I have done all that I could to encourage the EPA to back down before we got to this point. I have personally met with the President. I have personally met with EPA Administrator Carol Browner. I have introduced legislation to reassert congressional intent regarding the Clean Water Act. My colleagues and I have held ten congressional Committee hearings, introduced six pieces of legislation on this matter, and held over 20 public meetings around the country that were attended by thousands of property owners.

In Arkansas alone, we have held three public meetings and two congressional field hearings. In El Dorado over 1,000 attended; in Texarkana over 4,000 attended; in Fayetteville over 2,000 attended; and over 1,000 attended in Hot Springs and in Lonoke to learn how this new TMDL regulation would affect their private property and to protest the reach of the EPA into traditional non-point source activities.

We have attempted all available avenues to right this wrong. It was never congressional intent for the EPA to regulate non-point sources or to interfere with States' implementation of TMDLs on its rivers, lakes, and streams.

After all of our efforts to curb this regulation and bring it back into line with congressional intent have failed, we have been left with no other recourse but to restrict the EPA's funding for this TMDL regulation.

This emergency supplemental appropriations bill is a good bill, and it rightly delays implementation of any new, unnecessary and unreasonable EPA regulations until Congress and the States have adequate time to address this issue properly and completely. I urge my colleagues to support this bill.

Mr. BINGAMAN. Mr. President, I would like to thank my colleagues for voting for final passage of H.R. 4425 and for supporting the funding for the Cerro Grande Fire Assistance Act contained in this bill. By working together with Senator DOMENICI and his staff, we were able to quickly put together a piece of legislation that will compensate the many New Mexicans injured by the Cerro Grande fire that raged through Los Alamos and the surrounding forests in early May. Because of the federal government's role in setting what began as a controlled burn in the Bandelier National Park, this legislation was a necessary response from the federal government.

The intensity of the Cerro Grande fire resulted in extraordinary losses for both the residents of Los Alamos and the surrounding pueblos. I am pleased that a compensation fund will now be available for those who lost their homes in the fire, those who were forced to close down their business and those who provided emergency relief to the threatened community. The compensation fund will also be made available for those who suffered other kinds of losses as a result of the fire. This would include aid to the Santa Clara Pueblo to help them restore the thousands of acres they lost to the Cerro Grande blaze. It would also include assistance to the members of the San Ildefonso Pueblo who have suffered economically due to the fire closing down the roads and cutting off the tourist traffic that frequents the pueblo. I'm also glad that we were able to provide funding for the Los Alamos National Laboratory so it can begin to address the damages it sustained as a result of the Cerro Grande fire.

I am very pleased that the Cerro Grande compensation fund will be available shortly so people can get on with their lives and start rebuilding their communities. Once this legislation is signed by the President, FEMA will have 45 days to draft regulations that govern this claims process. I would like to thank FEMA, and especially Director James Lee Witt, for taking on this very large responsibility of handling the fire claims process. He has worked tirelessly to aid disaster victims across this country and I know he will devote the resources necessary to aid the victims of the Cerro Grande fire. We hope that the regulations governing the claims process will be in place shortly and the victims of the fire can begin settling their claims with the federal government by late summer.

As I thank my colleagues for their support, I would like to particularly thank Senator DOMENICI for his hard work in fighting for this money in the appropriations process. The initial appropriation of $455 million for this compensation fund will hopefully address most, if not all, of the damage caused by the Cerro Grande fire. The amount appropriated is a significant commitment by the federal government and by passing this legislation today, Congress has committed itself to compensating the victims of the Cerro Grande fire for the losses they incurred.

Mrs. MURRAY. Mr. President, I am pleased and relieved that after weeks of uncertainty we have finally reached this point, and that we are ready to act on the Military Construction Bill.

As always, I thank Senator BURNS, the Chairman of the Military Construction Subcommittee for his leadership and bipartisan cooperation. I also want to thank Chairman STEVENS and Senator BYRD for their work in producing this bill. They set an excellent example for all of us to follow.

The FY 2001 Military Construction Appropriations Bill provides $8.8 billion dollars in spending. This agreement also represents a tremendous amount of work and a great deal of cooperation between the House and Senate.

We went into conference with very different recommendations for projects, and simply not enough money to go around. We came out with a bipartisan package that is fair and balanced and, most importantly, addresses some of our most pressing military construction needs. I wish we could have done more because the needs are so significant.

As our nation continues to tally up ever-larger budget surpluses, I hope that the Defense Department will channel more resources into military construction. We simply cannot continue to balance the best military in the world on the back of a crumbling infrastructure. We ask tremendous sacrifices from our military families, and this bill is an opportunity to address their pressing needs.

Mr. President, I would also like to acknowledge the excellent contributions of the Military Construction Subcommittee staff for their many hours of hard work in crafting this agreement.

I also want to make a few brief comments regarding the supplemental appropriations that have been attached to this legislation. I will vote for the conference report but I do so with serious reservations about numerous provisions in the supplemental. It is important to note that the package before the Senate today does not represent the work of the entire conference committee. The conference committee did not meet to consider the supplemental items.

This has not been an ideal process. While this bill provides funding for needed projects and disaster relief, many needs were left unaddressed. Other projects were added that were not part of either the President's supplemental request or the Senate's supplemental provisions.

I am particularly disappointed that this conference report does not include the Senate's language to provide Seattle and other local governments in Washington state with the needed reimbursement funding for last year's WTO meeting. The federal government has not been a true partner is sharing the costs for this event.

I am particularly disappointed with the Congressional Majority, which promised to include this language. Unfortunately, when they met behind closed doors, they chose to neglect our obligation to Seattle. I will demand that the Senate act on this matter before we adjourn this year.

In addition, I continue to have serious reservations about the assistance package to Columbia for counter narcotics activities. I have worked with Senator LEAHY to strengthen the human rights provisions within the bill, and I did vote for both amendments to limit funding to Columbia during the Senate's consideration of the issue. If the Columbia funding were attached to a bill other than Military Construction where I serve as ranking member, I would give serious consideration to voting against the bill.

I also want to note for my colleagues that this legislation provides significant disaster assistance for New Mexico to aid the Los Alamos area in dealing with the recent devastating fire. Senator DOMENICI and Senator BINGAMAN have been very diligent in working with the Senate on this issue.

At this moment, fire crews in Washington state have finally gotten control of another significant fire near one of our country's nuclear weapons facilities. More than 200,000 acres were destroyed by a fast-moving fire on and around the Hanford Nuclear Reservation.

Secretary Richardson is at Hanford today to assess the damage. I have been in contact with Governor Gary Locke and various federal officials to follow the fire developments. While it is too soon to know the extent of the damage, I do want my colleagues to be aware of this serious situation.

Mr. KERRY. Mr. President, I am deeply concerned that the supplemental appropriations contained in this Military Construction Appropriations conference report (accompanying H.R. 4425) do not provide for essential funding for SBA's popular 7(a) guaranteed business loan program.

For nearly 50 years, SBA's 7(a) loan program has provided loans to start and grow small business across the country when they could not access financing in the commercial marketplace. SBA provides this assistance in the form of guaranties for loans made by a network of more than 5,000 private sector lenders. Currently, SBA's 7(a) portfolio includes nearly $40 billion in 7(a) loans representing as many as 150,000 small businesses that might not be in business today were it not for their SBA guaranteed loans. The 7(a) program is funded by user fees and a modest appropriation intended to offset any potential losses on the SBA guaranteed loans. For fiscal year 2000, the taxpayers' cost for a 7(a) loan is only $1.16 for every $1000 guaranteed. And for each $10,000 loaned, at least one job is created.

Despite the tremendous benefits provided by the 7(a) loan program, however, this year the available program level will not be adequate to meet the needs of the eligible, credit-worthy small businesses that will seek assistance from SBA. This means that by the end of the fiscal year the Agency will have to turn away some of the small entrepreneurs that are relying on SBA-guaranteed loans to finance the growth of their businesses. In an environment where small business is responsible for much of the growth in the American economy and most of the new job opportunities, this is penny-wise and pound-foolish.

SBA has funds available that could be transferred to the 7(a) program to help to make sure that every eligible, credit-worthy small business that seeks SBA's loan assistance is able to access the loans that they need. The simple request would allow SBA to use funds that have been previously appropriated to it for the 7(a) program. If any of us were asked whether we support the small businesses in our States—in our districts, we would answer with a resounding "yes." By including language to allow SBA to use existing funds for 7(a) program loans, we will be demonstrating in a very tangible way that our local small businesses can really count on this support.

I don't understand why we, the Congress, continue to deny this simple request that means so much to so many and costs so little. This is nothing unanticipated or given to the Congress at the last minute:

In SBA's FY 2000 request, SBA asked for a program level of $10.5 billion for this program. The SBA only received a program level of $9.75 billion.

The President's supplemental request letter of February 25, 2000 included SBA's request for authority to transfer money to the 7(a) program to raise the program level to the requested $10.5 billion.

When the Administrator testified on the FY 2001 budget in March of this year, she stated that SBA would need the $10.5 billion program level for FY 2000 at the then current demand level.

On May 22, SBA Administrator Alvarez sent letters to Chairmen STEVENS and GREGG expressing her concern that the transfer was not included in S. 2536.

In a letter from Jacob Lew, director of OMB, to Chairman Young, Director Lew mentioned the concern by the Administration of the transfer ability.

Now I am expressing my concern that it is not in H.R. 4425.

Mr. KYL. Mr. President, the Senate is today considering the conference report to accompany the FY2001 military construction appropriations bill, H.R. 4425. The bill includes funding for military facilities and infrastructure, including base improvements, operation and training facilities, barracks and family housing, and environmental compliance.

Attached to the military construction bill is a supplemental spending package for FY2000 that includes funding for anti-drug efforts, including in Colombia, funds to replenish defense accounts that have been drawn down by the Clinton administration to pay for military operations in Kosovo and Bosnia, and funds for disaster assistance, wildland firefighting activities, and administrative expenses associated with repeal of the Social Security earnings limitation earlier this year.

I am pleased that the total cost of the supplemental package was reduced from the original $13 billion proposed by the House to about $11 billion. I want to commend the Majority Leader, Senator LOTT, and the Chairman of the Appropriations Committee, Senator STEVENS, for working to limit the cost of the supplemental package.

I think we could have gone further, though. The bill includes about $600 million for the Low Income Home Energy Assistance Program. I question the need to include that money here. There is $7 million for peanut assessments. There is language in the bill that lifts the firewall that would prevent defense funds from being diverted to certain domestic programs. These are things I would omit from the bill, if I could.

The fact is, though, that the bulk of the supplemental spending is urgently needed, even though some provisions of questionable merit have been included. More than half of the supplemental—$6.5 billion—is required to replenish defense operations and maintenance accounts that President Clinton has tapped to cover the cost of unauthorized military missions around the globe, including in Bosnia and Kosovo. Because O&M accounts have been seriously depleted, we find that we are now on the brink of serious readiness problems in our military if we do not replenish these accounts, and do so quickly.

Mr. President, the firefighting money in this bill—$350 million—like the defense money—is an urgent matter. The Los Alamos, New Mexico, fires have dominated the news, but wildfires this year have consumed more than 25,000 acres in Arizona, as well. Nationwide, over one million acres have burned this year, and we still have several months remaining in our fire season. The money in this bill will reimburse the Bureau of Land Management and the Forest Service for costs incurred in connection with firefighting efforts on the Grand Canyon rim and elsewhere around the country. The firefighting funds have to be allocated.

The bill allots $1.3 billion for counternarcotics activities, including Plan Colombia. That is a start, but we are likely going to have to do even more to help gain control of drug production and distribution from Colombia.

There are several items of particular importance to the state of Arizona that I would like to highlight at this point. First and foremost is language to prevent the Secretary of the Interior from moving forward with a unilateral reallocation of Central Arizona Project (CAP) water. This language is defensive in nature—that is, it is intended only to counter a threat by the Interior Secretary to reallocate CAP water by the end of the calendar year contrary to the terms of Indian water settlements now being negotiated. Water is a precious and scarce resource, and the allocation of CAP water is one of the most important decisions affecting the future of my state. Arizona simply cannot allow the Secretary to reallocate its water merely because he is about to leave office.

The bill includes a $12 million one-time appropriation to be split equally between Arizona, Texas, California, and New Mexico to help cover the overwhelming costs associated with processing criminal illegal immigrants and the significant number of border-related drug cases.

It also includes a one-time, $2 million appropriation for Arizona to assist Cochise County and other affected jurisdictions along the U.S.-Mexican border that are incurring significant costs for local law enforcement and criminal justice processing because of record-breaking levels of illegal immigration and smuggling of drugs and people into the state.

Dr. Tanis Salant, a professor at the University of Arizona, is close to completing a study on unreimbursed costs that occur as a result of increased illegal immigration in the area. He estimates that Arizona's border counties collectively spend $15.5 million to bring criminal illegal aliens to justice. Cochise County spends 33 percent of its overall local criminal justice budget to process criminal illegal immigrants. This does not even include incarceration costs, which are also severe.

Finally, the bill funds important military construction projects in the state:

$2.265 million to improve the readiness center at the Army National Guard's Papago Military Reservation;

$1.598 million for the readiness center at the Guard's Yuma installation; and

$3.35 million for the child-development center at Fort Huachuca.

These were projects that were not identified in the President's budget, but which are important priorities in the state.

As I said early on, there are some things in this bill that I do not support. There is questionable need for some of the military construction projects that are funded. The LIHEAP money should not be included here. Peanut assessments. The breaching of the defense firewall. But it seems to me that the good in the bill outweighs the bad.

Mr. President, I will vote for this bill. We have no choice but to replenish our defense accounts and pay for emergency items, like firefighting and disaster relief.

Mr. L. CHAFEE. Mr. President, I would like to share with my colleagues my views on several items contained within this conference report.

Shortly after becoming a Senator, I was named chairman of the Foreign Relations Subcommittee on Western Hemisphere Affairs. One of the most important matters before our subcommittee this year is the Administration's proposed anti-drug aid package for Colombia. The conference report before the Senate today includes $1.3 billion for this plan.

On February 25, I called the first hearing of my subcommittee to consider the many facets of this package. I must say that at first, I was quite skeptical of providing such a dramatic increase in anti-drug military aid to Colombia. My concerns centered on whether the United States had a comprehensive long-term strategy for this plan, whether this swift and dramatic infusion of military hardware would result in a worsening of the human rights record of the Colombian military, and whether there were assurances that these funds would not be wasted due to corruption.

At our hearing, our subcommittee explored a number of questions about this plan. Key among our witnesses was José Miguel Vivanco, Executive Director of the Americas Division of Human Rights Watch. Mr. Vivanco outlined a report he had just authored documenting the continued links between the Colombian military to the paramilitaries that have been implicated in countless human rights abuses in Colombia. He also touched on the lack of progress in prosecution in Colombia's civilian courts of military personnel accused of human rights abuses.

Two months later, I chaired a meeting of the Foreign Relations Committee with the President of Colombia, Andrés Pastrana. At this meeting, several members of the Committee and other interested Senators were able to discuss in depth with Mr. Pastrana our concerns about this plan. I came away from our meeting fully convinced that President Pastrana is a courageous, reform-minded leader who is committed not only to ending drug trafficking in Colombia, but also to bringing stability, ending violence, and promoting human rights there as well.

I am gratified that concerns such as those raised at our subcommittee hearing and our meeting with President Pastrana received attention as the House and Senate have considered the Administration's plan. In that regard, the conference report before the Senate today includes several stringent requirements, including a series of conditions on the progress of Colombia's military in addressing human rights abuses; $29 million more than the President's request for human rights and justice programs; a requirement that the U.S. President develop a comprehensive strategy with benchmarks; and additional anti-drug funding to neighboring nations so that this problem is not simply exported out of Colombia.

Although there remain numerous critics who do not support this plan, I would attest that the provisions in this bill are far better than simply appropriating the funds without condition. With these strong provisions included, I support passage of this anti-drug package for Colombia.

However, let's be clear that passage of this plan today is not the end of Congress' consideration of this critical issue. As chairman of the Subcommittee on Western Hemisphere Affairs, I will closely monitor implementation of this aid package to ensure that the conditions enacted by Congress today are carried out responsibly and thoroughly by the Administration.

I would also like to mention a rider inserted by the Conference Committee that would prohibit the Environmental Protection Agency from finishing work on a proposed rule revising the Total Maximum Daily Load (TMDL) program under the Clean Water Act. The TMDL issue is an important policy matter, one with significant consequences for public use of our Nation's surface waters and for many businesses, farmers and others who will be affected by the rule. No doubt, this issue is controversial and merits careful consideration and debate. However, the TMDL provision inserted into the Military Construction and Supplemental Appropriations bill inappropriately transfers the decision regarding the TMDL rule from the Environmental Protection Agency to the Senate and House Appropriations Committees.

This rider is not germane to the underlying bill, was inserted into the Conference Report without any public debate, and cannot be amended. In my view, important decisions regarding environmental policy should not be made behind closed doors and out of public view. This type of backdoor legislating circumvents the legislative process of debate and amendment, and abuses the public trust. By including this language in a conference report that cannot be amended, Senators must either accept the offensive provision, or vote down an appropriations bill containing important funds for disaster relief, humanitarian aid, and national defense.

Since the bill provides critical assistance to people that need help, I reluctantly support its passage.

Mr. McCAIN. Mr. President, I appreciate the opportunity to address the Senate once again on the subject of military construction projects added to an appropriations bill that were not requested by the Department of Defense. This bill contains more than $1.5 billion in unrequested military construction projects. More importantly, I would like to spend a few minutes discussing the thorough perversion of the budget process by Congress in its relentless pursuit of the other white meat. There is $4.5 billion in pork-barrel spending in this bill, $3.3 billion of that total in the so-called "emergency supplemental."

Webster's, Mr. President, defines "emergency" as "a sudden, generally unexpected occurrence or set of circumstances demanding immediate action." What we have here is the antithesis of that concept. It is ironic that the emergency spending bill before us today includes $20 million for abstinence education, because the taxpayers are really getting screwed. For months the leadership of this body made a deliberate decision not to act quickly and deliberately with regard to legitimate spending issues involving military readiness and the crisis in Colombia. The decision was made not to treat these essential and time-sensitive activities as expeditiously as possible. Now, after many months and a legislative trail more complicated and illogical than any Rube Goldberg contraption, we are presented with an $11 billion bill replete with earmarks that under no credible criteria should be categorized as "emergency"—and this is in addition to the over $1.5 billion added to the underlying military construction appropriations bill for strictly parochial reasons.

Mr. President, as everyone here is aware, I regularly review spending bills for items that were not requested by the Administration, constitute earmarks designed to benefit specific projects or localities, and did not go through a competitive, merit-based selection process. I submit lists of such items to the CONGRESSIONAL RECORD, generally prior to final passage of the spending bill in question. In the case of the Military Construction bill for fiscal year 2001, I submitted such a list, along with a statement critical of the process by which that bill was put together, particularly the over $700 million worth of military construction projects added to that bill that were not requested by the Department of Defense—an amount, I reiterate, that was doubled in conference with the rarely fiscally responsible other Body.

This is an institution that has proven itself incapable of passing legislation on an expedited basis that genuinely warrants the categorization of "emergency." Funding for ongoing military operations that strains readiness accounts is a case in point. The one thing, Mr. President, we can pass without hesitation and consideration is money for pork-barrel projects. Just prior to final passage back in May of the Military Construction appropriations bill, the Appropriations Committee pushed through $460 million for six new C–130J aircraft for the Coast Guard—the very aircraft that we throw money at with wanton abandon as though our very existence as an institution is dependent upon the continued acquisition of that aircraft.

That funding and those aircraft are in the bill that emerged from conference with the House. A consensus exists, apparently, that we must have six more C-13OJs in addition to the ones added to the defense appropriations bill despite a surplus in the Department of Defense of C–130 airframes that should see us through to the next millennium and beyond. Message to parents saving up for little junior's college education: invest in the stock of the company that makes C–130s; the United States Congress will ensure your offspring never need student loans.

Compared to the $460 million for the C–130s, it hardly seems worth it to mention the $25 million added to this emergency spending measure for yet another Gulfstream jet, other than to point out that it is manufactured in the same state as the C–130s.

It was reassuring that a compromise was reached on the issue of helicopters for Colombia. It is extremely unfortunate, however, that an issue of life and death for Colombian soldiers being sent into combat to fight well-armed drug traffickers and the 15,000-strong guerrilla army that protects them was predicated upon parochial considerations. Valid operational reasons existed for the decision by the Department of Defense and the Colombian Government to request Blackhawk helicopters, and the Senate's decision to substitute those Blackhawks for Huey IIs was among the more morally reprehensible actions I have witnessed within the narrow realm of budgetary decision-making by Congress.

Specific to the Military Construction Appropriations Act for Fiscal Year 2001, it continues to strain credibility to peruse this legislation and believe that considerations other than pork were at play. How else to explain the millions of dollars added to this bill for National Guard Armories, which, in a typically Orwellian gesture, are now referred to as "Readiness Centers?" Whether the $6.4 million added for a new dining facility at Sheppard Air Force Base: the $12 million for a new fitness center at Langley Air Force Base; the $5.8 million for a joint personnel training center at Fairchild Air Force Base, Alaska; the $3.5 million added for an indoor rifle range and $1.8 million for a religious ministry facility at the Naval Reserve Station in Fort Worth, Texas; the $4 million added for the New Hampshire Air National Guard Pease International Trade Port; the $4 million for a Kentucky National Guard parking structure; and the $14 million added for New York National Guard facilities all constitute vital spending initiatives is highly questionable.

Mr. President, there are one-and-a-half billion dollars worth of projects added to this bill at member request. Not all of them, in particular family housing projects warrant criticism or skepticism. There are important quality of life issues involved here. The public should be under no illusions, however, that over a billion dollars was added to this bill solely as a manifestation of Congress' naked pursuit of pork.

As mentioned, far more disturbing than the pork added to the military construction bill is the damage done to the integrity of the budget process by the abuse of the concept of emergency spending. Permit me to quote from the opening sentence from the Washington Post of June 29 with regard to this bill: "Republicans are trying to grease the skids for passage of a large emergency spending bill for Colombia and Kosovo with $200 million of 'special projects' for members, and one of the biggest winners is a renegade Democrat being courted by the GOP."

That, Mr. President, summarizes the process pretty well. Military readiness and the situation in Colombia are not in and of themselves important enough to warrant support for this spending bill; we must have our pork. We must have our $25 million for a Customs Service training facility at Harpers Ferry, West Virginia, a site most certainly chosen for its bucolic charm and operational attributes rather than for parochial reasons. We must have our $225,000 for the Nebraska State Patrol Digital Distance Learning project. We must have over $3 million earmarked for anti-doping activities at the 2002 Olympics, in addition to the $8 million for Defense Department support of these essential national security activities on the ski slopes of Utah. We must have $300,000 for Indian tribes in North Dakota, South Dakota, Montana and Minnesota.

Those of us who had the misfortune of witnessing one of the most disgraceful and blatant explosions of pork-barrel spending in the annals of modern

American parliamentary history, the ISTEA bill of 1998, should be astounded to see the projects funded in this emergency spending bill:

$1.2 million for the Paso Del Norte International Bridge in Texas;

$9 million for the US 82 Mississippi River Bridge in Mississippi;

$2 million for the Union Village/Cambridge Junction bridges in Vermont;

$5 million for the Naheola Bridge in Alabama;

$3 million for the Hoover Dam Bypass in Arizona and Nevada;

$3 million for the Witt-Penn Bridge in New Jersey; and

$12 million for the Florida Memorial Bridge in Florida.

These, Mr. President, are but a tip of the iceberg—an iceberg that shall not stand in the way of the icebreaker added to this bill, albeit for more credible reasons than the vast majority of member-adds.

As I stated earlier, tracking the process by which this bill comes before us today has been a truly Byzantine experience. The addition of $600,000 for the Lewis and Clark Rural Water System in South Dakota serves as sort of a tribute to the unusual path down which this legislation has traveled. The most skilled legislative adventurers would be hard pressed to follow the trail this bill followed before arriving at its destination here today.

I cannot emphasize the significance of piling billions of dollars in pork and unrequested earmarks into a bill that we have categorized for budgetary purposes as "emergency." Consider the distinction between emergency spending essential for the preservation of liberty and to deal with genuine emergencies that cannot wait for the usual annual appropriations process, and the manner in which Congress abuses that concept and undermines the integrity of the budgeting process. When I review an emergency spending measure and read earmarks like $2.2 million for the Anchorage, Alaska Senior Center; $500,000 for the Shedd Aquarium/Brookfield Zoo for science education programs for local school students; $1 million for the North Shore-Long Island Jewish Health System in Long Island, New York; $1 million for the Center for Research on Aging at Rush-Presbyterian—St. Luke's Medical Center in Chicago; and $8 million for the City of Libby in Montana, plus another $3.5 million for the Saint John's Lutheran Hospital in Libby, I am more than a little perplexed about the propriety of our actions here.

Is the American public expected to believe that what the chairman of the Appropriations Committee calls a "must-pass bill" essential for national security should include emergency funding for Dungeness fishing vessel crew members, U.S. fish processors in Alaska, and the Buy N Pack Seafoods—how do you, Mr. President, even write that bill language with a straight face—processor in Hoonah, Alaska, research and education relating to the North Pacific marine ecosystem, and the lease, operation and upgrading of facilities at the Alaska SeaLife Center, and the $7 million for observer coverage for the Hawaiian long-line fishery and to study interaction with sea turtles in the North Pacific. Finally, and not to belabor the point, is the $1 million for the State of Alaska to develop a cooperative research plan to restore the crab fishery truly a national security imperative?

My friend and colleague from Texas, Senator GRAMM, has referred to the sadly typical smoke and mirrors budgeting gimmickrey pervasive in this bill. I am disturbed by these budgeting gimmicks designed to prevent Congress from complying with the revenue and spending levels agreed to in the Budget Resolution. This bill is a betrayal of our responsibility to spend the taxpayers' dollars responsibly and enact laws and policies that reflect the best interests of all Americans.

For example, this bill waives the budget caps to allow for more discretionary spending. This bill also waived the firewall in the budget resolution between defense and nondefense spending on outlays. The end result is that this gives the Senate Appropriations Committee the freedom to move the $2.6 billion the Defense Appropriations Subcommittee did not spend on much-needed readiness into non-defense spending.

This bill further changes current law and shifts the payment date for SSI, the Supplemental Security Income program, from October back to September. What that does is shift money into fiscal year 2000. In the process, it allows $2.4 billion more be spent in fiscal year 2001 by spending that same amount of money in the previous year. This bill also uses the gimmick of moving the pay date for veterans' compensation and pensions from fiscal year 2001 to fiscal year 2000. Both of these provisions are further examples of the irresponsible budget gimmickry that allows the Congress to spend more without any accountability.

Mr. President, to conclude, this bill is a travesty, a thorough slap in the face of all Americans concerned about fiscal responsibility, national security, the scourge of drugs on our streets, and the integrity of the representation they send to Congress. We should be ashamed of ourselves for passing this bill—a bill that members of the Senate had no time to review despite misleading statements to the contrary voiced on the floor of the Senate. Unfortunately, shame continues to elude us, and the country is poorer for that flaw in our collective character.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of unrequested items.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 4225 FY01 conference MILCON and supplemental add-ons, increases & earmarks

	[In millions of dollars]
M1A2 Tank Upgrades	163.7
Patriot Missile Program	125
Walking Shield Program	0.3
2002 Olympic and Paralympic Winter Games	8
Sale of a Navy Drydock to Bender Shipbuilding, Mobile, AL.	
Corps of Engineers Flood Protection, Devils Lake, North Dakota	2
Corps of Engineers Flood Protection, Princeville, North Carolina	1.5
Corps of Engineers improvements, Johnson Creek, Arlington, TX	3
Corps of Engineers dredging, Saxon Harbor, Wisconsin	0.2
DoE Oak Ridge, Tennessee	25
DoE Kansas City Plant, Missouri	11
DoE Pantex Plant in Amarillo, Texas	7.5
DoE Los Alamos, NM	5
DoE Sandia Lab, NM	14
DoE Transportation/Fleet Upgrades	10
DoE Savannah River Site	1.5
DoE Nevada Test Site Ulh Shaft improvements	2.5
DoE Office of Security Staffing	3
DoE Worker Health Concerns Paducah, KY & Portsmouth, OH	10
DoE Uranium Enrichment Decontam. and Decommission. Fund	58
DoE Environmental Cleanup at Paducah, KY & Portsmouth, OH	16
DoE Uranium and Thorium licensee reimbursements	42
Land acquisition at Blount Island, Florida	35
Implementation of the 1999 Livestock Mand. Price Reporting Act	1.35
Farm Service Agency Salaries and Expenses	77.56
Commodity Credit Corporation (CCC)	81
Authorizes Sec. of Agriculture to use CCC funds to offset the assessment on peanut producers for losses from 1999.	
DoJ Funds to reimburse Texas, New Mexico, Arizona and California municipal governments for federal costs associated with handling and processing of illegal immigrants	12
DoJ Communications Assistance for Law Enforcement (CALEA)	181
Hurricane(s) assistance to fishermen	10.8
Long Island Lobster Fishery Compensation for New York/Conn.	7.3
West Coast Groundfish fishery disaster relief (CA, OR & WA)	5
U.S. Commission on International Religious Freedom	2
Bering Sea Crag Fishery for Oregon, Washington, and Alaskans	10
Voluntary Fishing Capacity reduction program (NE U.S.)	10
Hawaiian Long-line fishing/Sea Turtle interaction/observers	7

H.R. 4225 FY01 conference MILCON and supplemental add-ons, increases & earmarks—Continued

	[In millions of dollars]
North Pacific/Alaska SeaLife Center emergency appropriation	5
BLM Wildland Fire Management funding	200
BLM Land Acquisition—Douglas Tract in Southern Maryland	2
Storm Damage Repairs in National Forests in Minnesota & Wisc	2
Authorizes Const. of Indian Health Service Clinic in King Cove, AK.	
Authorizes compensation to Buy N Pack Seafoods in 1999 and 2000 for losses in Dungeness crab fishing in Glacier Bay Park, AK.	
DoL—Abstinence Education—Maternal and Child Health Grant	20
Const. of Little Flower Children's Services Clinic, Wading River, NY	3
International HIV/AIDS funding	12
CDC Chronic and Environmental Disease Prevention, Houston, TX	0.46
Payment to States for Foster Care and Adoption Assistance	35
Auth. extension of funds to Anchorage, AK Senior Citizen's Center.	
Improvement in Postsecondary Education, College of New Jersey	0.75
Education Research, Statistics Center, George Mason Univ., VA	0.368
Improvements to St. John's Lutheran Hospital, Libby, Montana	3.5
Economic Development Administration Grant to Libby, Montana	8
Arch. of the Capitol—Capitol Fire Safety Improvements	17.48
NTSB Alaska Air/Egypt Air Investigation Costs	19.739
DOT Paso Del Norte International Bridge, TX	1.2
DOT US 82 Mississippi River Bridge	9
DOT Union Village/Cambridge Junction in Vermont	2
DOT Naheola Bridge, Alabama	5
DOT Hoover Dam Bypass in Arizona and Nevada	3
DOT Witt-Penn Bridge in New Jersey	3
DOT Florida Memorial Bridge	12
National Environmental Policy Institute, Washignton, DC	0.75
DOT Woodrow Wilson Bridge, VA/MD	170
DOT transfer to EPA for telecommuting pilot program	2
DOT Metro-North Danbury to Norwalk, CT commuter rail project	2
DOT Second Avenue Subway improvements, NYC, NY	3
DOT Improvements to the Halls Mill Road, Monmouth County, NJ	1
Treasury in-service firearms training facility, WV	24.9
Treasury—Secret Service funds for National Security Special Events	10
White House—EOP funds for restoration/reconstruction of e-mail	8.4
Winter Olympics/Paralympic Games Doping Control Program	3.3
Provide FY00 funds for the nebraska State Patrol Digital Distance learning project.	
5 HUD Economic Develop. Initiatives Comm. Dev. Block Grants:	
City of Park Falls, Wisconsin	1.3
Lake Superior BTC Cultural Center, Washburn, Wisconsin	0.25
Hatley, Wisconsin for water, wastewater, and sewer system imp	0.9
Hamlet, North Carolina for demolition and removal of buildings	0.05
Youngstown, Ohio for design and constr. of a Community Center	25
Home Investment Partnership Program, New Jersey	11
Home Investment Partnership Program, North Carolina Housing Finance Agency	25
FEMA Buyout of properties in flood plains	50
NASA Software work for future Mars Missions	1
NASA Online "Learning Flight Control for Intell. Fl. Cont. Sys." proj.	0.5
DC reimbursement for IMF and world Bank Demonstration	4.485
DOT Study, HWY 8 from Minnesota Border thru Wisconsin.	
6 C–130Js for the Coast Guard	468
1 Gulfstream V (C–37A) for the Commandant of the Coast Guard	45
LIHEAP (Low Income Home Energy Assistance Program)	600
Military Construction, Blount Island, FL	35
Washington, DC Police Department Funding	4.5
Lewis & Clark Rural Water Project in South Dakota	0.6
Airborne Reconnaissance Low (ARL) aircraft	30
Colombia—Substitutes 30 Blackhawk helos requested by the administration and the Colombian Government for a total of 60 Huey II helicopters.	
Cerro Grande/Los Alamos Fire Emergency Conservation Program	10
Cerro Grande, Watershed and Flood Prevention Ops, Los Alamos	4
Dept. of Int. BIA Operation of Indian Programs, Cerro Grande NM	8.982
Buy America Provisions, Arabian Gulf, Kwajalein Atoll.	
Authorizes Purchase of an elevated Water Tank, Millington, TN.	
Authorizes Light Rail Connector, Ft. Campbell, Kentucky.	
Authorizes SECAF to conduct milcon dem. project, Brooks, AFB, TX	
Elementary School for the Central Kitsap District, Bangor, WA	1
Study the Health of Vieques, Puerto Rico Residents	40
Purchase Tactical High Energy Laser for the Army	5.7
Purchase F–15 Eagle Fighters for the Air Force	90
CH–46 Helicopter engine Procurement	27
EP–3 Sensor Improvements for the Navy	25.8
Dam Construction, West Virginina	11
U.S. Customs Service Training Center, Harpers Ferry, WV	25
U–2 Reconnaissance aircraft improvements	212.7
WARSIMS for the Army	5
Biometrics Assurance Program	7
EPA Macalloy Special Account, Charleston, SC	9.7
Atlas Pulsed Power Experimental Facility, Nevada Tst Site	5
DoE Science Programs, Natural Energy Lab, Hawaii	2.5
DoE Science Programs, Burbank Hospital, Fitchburg, MA	1
DoE, St. Luke's Medical Center, Chicago, IL	1
DoE Science Program, North-Shore, Jewish Hlth. Sys., Long Island	1
DoE Supply Programs to Meterials Science Center, Tempe, AZ	1
Prohibits the use of federal funds to the Nuclear Regulatory Commission for FY00 and 01, Chattanooga, TN Tech Trng Ctr.	
West Virginia, Dept. of the Interior, Surface Mining Reg. Program	9.821
HHS Projects for the Health Resources and Services/SSA	20
Youth Offender Grants	19
Shedd Aquarium/Brookfield Zoo Science Programs	0.5
Boston Music/Symphony Education Collaboration (Dept. of Educ.)	0.832
Ben Booke Arena and Hilltop Ski Area Grant, Anchorage, AK.	

Total Plus-Ups for the Supplemental Portion Only: $3,386,177,000.00.

MILCON portion of the bill

	[In millions of dollars]
Alabama:	
Redstone Arsenal Space & Msl Def Command Bldg	15.6
Alaska:	
Eielson AFB, Joint Mobility Complex	25
Elmendorf AFB, Child Development Center	7.666
Arizona:	
Ft. Huachuca, Child Develop. Center	3.35
Army National Guard, Papago Mil. Reserv. Readiness Center	2.265
Yuma Readiness Center	1.598
Arkansas:	
Pine Bluff Arsenal, Chemical Defense Qual. Facility	2.5
Little Rock AFB, C–130 Drop Zone	1.259
California:	
Ft. Irwin, Presidio of Monterey Barracks Addition	2.6

MILCON portion of the bill—Continued

	[In millions of dollars]
Barstow USMC Log. Base, Paint & Undercoat Facility	6.66
Lemoore NAS, Child Dev. Center Expansion	3.79
Miramar USMC Physical Fitness Center	6.39
Monterey USN PostGrad. Building Extension	5.28
TwentyNine Palms, Bach. Enlisted Quarters	21.77
Beal AFB, Control Tower	6.299
Fresno, Organiz. Maintenance Shop	0.978
Parks. Organiz. Maintenance Shop	6.062
Bakersfield Readiness Center	0.5
Fort Ord Thermochemical Conversion—Direct the Army to develop and operate a thermochemical conversion pilot plant at Fort Ord.	
Colorado:	
Peterson AFB, Computer Network Defense Facility	6.826
Peterson AFB, Maintain Main Access Gate	2.31
Army Natl. Guard, Ft. Carson, Mobiliz. & Train. Equip. Site	15.1
Air Natl. Guard, Buckley ANGB, Replace Joint Munitions Complex	6
Connecticut:	
Orange Air National Guard Station Air Control Squadron Complex should be considered in FY 2002.	
Delaware:	
Army Natl. Guard, Smyrna Readiness Center	7.02
Dover AFB Control Tower highlight funding req. for FY 2002.	
District of Columbia:	
Washington USMC Barracks, Site Improvements	7.4
Washington USN Research Lab. Nano-Science Center	12.39
8th and I Marine Barracks (1 Unit)	0.5
Florida:	
NS Mayport, Aircraft Carrier Wharf Improvements	6.83
Panama City USN Coastal System Center, Amphib. War. Facil	9.96
Tyndall AFB, Weapons Controller Train. School	6.195
Army Reserve, Clearwater Aviation Support Facil	17.8
Army Reserve, St. Petersburg Arm. For. Res. Center	10
USAF Reserve, Homestead, Fire Station	2
Georgia:	
Ft. Gordon, Consolidated Fire Station	2.6
Athens USN Supply Corps School, Fitness Center	2.95
Moody AFB, Dormitory	8.818
Robins AFB, Storm Drainage System	11.762
Robbins AFB, Airmen Dining Facil	4.095
Hawaii:	
USA Pokakuloa Train. Range	12
USN Ford Island, Sewer Force Main	6.9
Defense Wide, Pearl Harbor, Special Deliv. Drydeck Facil	9.9
Maui Readiness Center	11.592
Idaho:	
Air Natl. Guard, Gowen Field, C–130 Assault Strip	9
Illinois:	
Natl. Guard, Aurora Readiness Center	2.871
Natl. Guard, Danville Readiness Center	2.435
Indiana:	
ANG, Ft. Wayne Int'l Airport, Replace Fuel Cell & Corrosion Facility	7
Grissom AFRB, Services Complex	11.29
USNR, Grissom AFRB, Reserve Train. Facil	4.73
Iowa:	
Fairfield Readiness Center	1.066
Kansas:	
Ft. Riley, Adv. Waste Water Treatment Facil	22
McConnel AFB, Approach Lighting System	2.1
McConnel AFB, KC–135 Squad Ops/Aircraft Main. Unit	9.764
Air Natl. Guard, McConnell AFB, B–1 Power Check Pad	1.55
Ft. Leavenworth—Bell Hall Refurbishment earmark for FY 2002.	
Kentucky:	
Ft. Knox Multi-Purpose Digital Training Range	0.55
Natl. Guard, Ft. Knox, Parking	3.929
Louisiana:	
Barksdale AFB, B–52H Fuel Cell Main. Dock	14.074
USNR, New Orleans Naval Support Activity	1.67
New Orleans NAS, Joint Reserve Center	7
Maine:	
Portsmouth Naval Shipyard, Waterfront Crane Rail System	4.96
Maryland:	
Ft. Meade, Barracks	19
Patuxent River NAS, Environmental Noise Reduction Wall	1.67
Patuxent River NAS, Research & Test Eval. Support Facil	6.57
Aberdeen Proving Ground, Munitions Assessment/Processing Sys	3.1
Massachusetts:	
Hanscom AFB, Renovate Acquisition MGMT Facility	12
Air Natl. Guard, Barnes Municipal Airport, Relocate Taxiway	4
ANG, OTIS ANGB, Upgrade Airfield Storm Water System	2
Westover AFB, USMC Reserve Training Facility	9.1
Westover AFB, USAF Reserve, Repair Airmen Quarters	7.45
Michigan:	
Natl. Guard, Lansing Combined Main. Shop	17
Natl. Guard, Augusta Organ. Main. Shop	3.6
Air Natl. Guard, Selfridge ANGB, Upgrade Runway	18
Minnesota:	
Natl. Guard, Camp Riley, combined Support Main. Shop	10.368
Mississippi:	
USN Stennis Space Center, Warfighting Center	6.95
Columbus AFB, Corrosion Control Facil	4.828
Natl. Guard, Camp McCain, Modified Record Fire Range	2
Natl. Guard, Oxford Readiness Center	3.348
ANG, Jackson Int'l Airport, C–17 Corr. Control/Main. Hangar	1.7
Family Housing, Gulfport Naval Con. Battalion Center (157 Units)	20.7
Missouri:	
Ft. Leonard Wood, Airfield Improvements	4.2
Natl. Guard, Maryville Readiness Center	4.225
USNR, Whiteman AFB, Littoral Surveillance System	3.57
Family Housing, Ft. Leonard Wood (24 units)	4.15
Montana:	
Malstrom AFB, Convert Commercial Gate	3.517
Malstrom AFB, Helicopter Ops Facil	2.362
Natl. Guard, Bozeman Readiness Center	4.916
Nevada:	
Fallon NAS, Corrosion Control Hangar	6.28
Natl. Guard, Carson City USP&FO, Admin. Building	4.472
Air Natl. Guard, Reno-Tahoe Int'l Airport, Fuel Storage Complex	5
Family Housing, Nellis AFB (26 units)	5
Carson City Readiness Center—direct National Guard Bureau to insure additional funding is provided.	
New Hampshire:	
Air Natl. Guard, Pease Int'l. Trade Port, Med. Train. Facil	4
New Jersey:	
Picatinny Arsenal, Armament Software Eng. Center	5.6
McGuire AFB, Air Freight Terminal/Base Supply Complex	10.6
Fort Dix Barracks $900,000 for the design of the facility	0.9
New Mexico:	
Cannon AFB, Control Tower	4.934
Holloman AFB, Repair Bonito Pipeline	18.38
Kirtland AFB, Fire/Crash Rescue Station	7.35
New York:	
Ft. Drum, Battle Simulation Center	12
Air Natl. Guard, Hancock Field, Small Arms Train. Facil	1.25
Air Natl. Guard, Hancock Field, Upgrade Aircraft Main. Shops	9.1
ANG, Niagara Falls Int'l. Airport, Upgrade Overrun & Runup	4.1
West Point Multi-media Learning Center	0.5
North Carolina:	
USMC Camp Lejeune, Armories	4
Seymour Johnson AFB, Repair Airfield Pavements	7.141
Air Natl. Guard, Charlotte/Dgls. Airport, Replace Supply Whare	6.3
North Dakota:	
Natl. Guard, Wahpeton Arm. For. Readiness Center	10.96
Ohio:	
Wright-Patterson AFB, Consolidated Toxics Hazards Lab	14.908
Air Natl. Guard, Mansfield-Lahm Airport, Squad. Ops & Commun	7.7
Air Natl. Guard, Springfield Airport, Power Chk/De-arm pad	4

MILCON portion of the bill—Continued

	[In millions of dollars]
Columbus Naval & Marine Reserve Center, Consolidated Air Res.	7.08
Oklahoma:	
Ft. Sill, Tactical Equip. Shop	10.1
Altus AFB, C–17 Cargo Compartment Trainer	2.939
Tinker AFB, Dormitory	8.715
Vance AFB, Main. Hangar	10.504
Natl. Guard, Sand Springs, Arm. For. Res. Center	13.53
Oregon:	
Camp Rilea Train. Simulation Center	1.47
Eugene Armed Forces Reserve Center Complex consideration for FY 2002.	
Pennsylvania:	
Philadelphia Naval Surface Warfare Cent., Gas Turbine Test Fac	10.68
Ft. Indiantown Gap, Repair Waste Treatment Plant/Sewage	8.518
Johnstown Regional Main. Shop	4.5
Mansfield Readiness Center	3.1
New Milford Readiness Center	2.675
Letterkenny Army Depot, Missile Igloo Modifications	0.112
Rhode Island:	
Air Natl. Guard, Quonset State Airport, Main. Hangar & Shops	8.9
South Carolina:	
Charleston AFB, Base Mobility Warehouse	9.449
Charleston AFB, Runway Repair	10.289
Shaw AFB, Dining Facil	5.252
Beaufort USMCAS, Readiness Center	4.87
Leesburg Training Center, Infrastructure Upgrades	5.682
USN, Ft. Jackson Naval Reserve Armory	5.2
South Dakota:	
Ellsworth AFB, Base Civil Eng. Complex	10.29
Natl. Guard, Sioux Falls, Consolidated Barracks/Edu. Facil	4.955
Tennessee:	
Natl. Guard, Henderson Readiness Center	5.165
Natl. Guard, Tazwell Readiness Center	3.51
Texas:	
Ft. Hood, Command & Control Facil	4
Ft. Hood, Fire Station/Transportation Motor Pool	6.492
Corpus Christi NAS, Parking Apron Expansion	4.85
Ingleside USN Station, Mobile Mine Assembly Unit Facil	2.42
Kingsville NAS, Aircraft Parking Apron	2.67
Dyess AFB, Fitness Center	12.813
Lackland AFB, Child Dev. Center	4.83
Sheppard AFB, Dining Facil	6.45
Laughlin AFB, Visitors Quarters	11.973
Ft. Bliss, Lab. Renovation	4.2
Air Natl. Guard, Ellington Field, Replace Base Supply/Civil Eng. Co	10
USNR, NAS, Ft. Worth, Indoor Rifle Range	3.49
USNR NAS, Ft. Worth, Religious Ministry Facil	1.83
Utah:	
Hill AFB, Dormitory	11.55
S.A. Douglas Armed Forces Reserve Center Parking & Site Improv	0.7
Vermont:	
Air Natl. Guard, Burlington Int'l. Airport, Main. Complex	9.3
Virginia:	
Ft. Eustis, Aircraft Main. Instruction Building	4.45
USN Dahlgren Naval Surf. Warfare Center, Joint Warf. Analysis C	19.4
Langley AFB, Fitness Center	12.18
Natl. Guard, Richlands Org. Main. Shop	1.175
Family Housing, Ft. Lee (52 units)	8.6
Fort Belvoir, Potomac Heritage National Scenic Trail	0.5
Washington:	
Bangor Naval Sub. Base, Strategic Sec. Support Facil	4.6
Bremerton Naval Station, Fleet Recreation Facil	1.93
Everett Naval Station, Aquatic Combat Training Facil	5.5
Puget Sound Naval Shipyd., Industrial Skills Center	10
Fairchild AFB, Joint Personnel Training Center	5.88
Fairchild AFB, Runway Centerline Lighting	2.046
Natl. Guard, Bremerton Readiness Center	4.341
Natl. Guard, Yakima Readiness Center	1.6
Ft. Lawton, Site Improvements	3.4
Ft. Lewis Vancouver Barracks Historic Facilities	1.5
West Virginia:	
Air Natl. Guard, Yeager ANGB, Upgrade parking Apron	6
USNR, Eleanor Res. Center	2.5
Wyoming:	
Air Natl. Guard, Cheyenne Int'l. Airport, Control Tower	1.45
Puerto Rico:	
Ft. Buchanan, Child Dev.	3.7
WorldWide Unspecified:	
USA Unspecified Minor Construction	5.7
USA Planning & Design	17.6
USA Classified Project	0.5
USN Planning & Design	10
USN Unspecified Minor Construction	4
USAF Unspecified Minor Construction	1.5
USAF Planning & Design	20.391
Natl. Guard Planning & Design	20.547
Natl. Guard Unspecified Minor Construction	10.48
Natl. Guard Unspecified Minor-WMDCST	25
Air Natl. Guard Unspecified Minor Construction	4
USA Reserve Planning & Design	5.5
USA Reserve Unspecified Minor Construction	0.7
USNR Planning & Design	2.2
USAFR Planning & Design	1

Total MILCON only: $1,226,226,000.00.

Total MILCON Plus Supplemental: $4,612,403,000,00.

ADD-ONS, INCREASES AND EARMARKS HIGHLIGHTED BY SECTION AND DESIGNATED AS EMERGENCY REQUIREMENTS

Section 111. Any military construction projects, including architect and engineer contracts, estimated to exceed more than $500,000 to be accomplished in Japan, in any NATO country, or in countries bordering the Arabian Gulf are to be awarded to United States firms or U.S. firms in joint venture with host nation firms.

Section 112. Any military construction project in U.S. territories and possessions in the Pacific and on Kwajalein Atoll, or in the Arabian Gulf, estimated to exceed $1 million may be awarded to a foreign contractor only if the foreign contractor bid exceeds a U.S. contractor bid by 20% or more. Furthermore, for contract awards for military construction on the Kwajalein Atoll this requirement is suspended for Marshallese contractors.

Section 124. Department of Defense funds may be transferred for the purpose of funding programs of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C.) to pay for expenses associated with the Homeowners Assistance Program.

Section 130. Critical military construction funds may be transferred from the Naval Reserve account to the Active Duty Navy account for funding an elevated water storage tank at the Naval Support Activity Midsouth, Millington, Tennessee.

Section 131. Department of Defense military construction funding may be used for the light rail connector located at Fort Campbell, Kentucky and if funds become available, the Secretary of the Army may later accept funds from the Federal Highway Administration or the State of Kentucky.

Section 133. Directs the Secretary of Defense to prioritize military housing projects in San Diego over military housing projects in cities in other communities where there are bases.

Section 134. $170 million is provided for the purposes of dredging and foundation repairs for the Woodrow Wilson Memorial Bridge in Virginia.

Section 135. Provides $0.5 million in funds for the Secretary of the Navy to improve and repair Marine Corps Officer Quarters Number 6 belonging to the Commandant of the Marine Corps, at the 8th and I Barracks, in Washington, D.C. This is odd especially since elsewhere in this bill there is restrictive language that prohibits more than $25,000 per unit may be spent annually for maintenance and repair of ANY general or flag officer quarters.

Section 136. Authorizes the Secretary of the Air Force to conduct a logistics, maintenance, and military construction demonstration project at Brooks Air Force Base, Texas.

Section 137. Directs the Secretary of Defense to provide not less than $1 million for the design of an elementary school for the Central Kitsap School District in Bangor, Washington. Putting this funding requirement in the emergency supplemental bill is an end run around the normal authorization and appropriations process. Now that design work is obligated, then next year funding will become available for the construction of the school through the military construction authorization and appropriation bills. Both Committees turned down this project because the Department of Defense had not put any design money funding in their budget.

Chapter 1—Operation and Maintenance, Defense-Wide

Provides $40 million in emergency funding to Vieques, Puerto Rico for the study of health or Vieques residents, airport firefighting equipment, pier improvements at a commercial ferry pier and terminal, construction of an artificial reef and reef conservation, special payments for Vieques commercial fisherman for lost days of fishing because Navy training, roadways and bridge improvements in Puerto Rico, adult training and reeducation programs, natural resources preservation, protection and conservation, and economic development programs.

Research, Development, Test and Evaluation, Army

Provides $5.7 million for the purchase of Tactical High Energy Laser (THEL) for the Army.

Section 103. Provides $90 million for the purchase of F-15 Eagles for the Air Force.

Section 104. Provides $163.7 million for the purchase of Abrams tank M1A2 SEP Upgrades for the Army.

Section 111. Provides $27 million for the purchase of engines for the CH-46 and $25.8 million for the purchase of EP-3 sensor improvement modifications for the Navy. Provides $212.7 million for the purchase of U-2 reconnaissance aircraft sensor improvements and flight simulators for the Air Force. Provides $5 million for the development of WARSIMS for the Army.

Section 112. Provides $7 million total for biometrics information assurance programs for the Army, probably at Walter Reed Hospital in Maryland.

Section 113. Provides $125 million for the purchase of Patriot missile equipment for the Army.

Section 114. Provides $300 thousand for Walking Shield for the technical assistance and transportation of excess housing to Indian Tribes in the States of North Dakota, South Dakota, Montana and Minnesota.

Section 116. Provides for the transfer of $9.7 million from Department of Defense readiness funding to the Environmental Protection Agency Macalloy Special Account for environmental response funding in Charleston, South Carolina.

Section 117. Provides $8 million to the Department of Defense for communications, communications infrastructure, logistical support, resources, and operational assistance required by the Salt Lake Utah Organizing Committee to stage the 2002 Olympic and Paralympic Winter Games.

Section 119. Provides for the sale of Navy Drydock No. 9 (AFDM-3) located in Mobile, Alabama, to the private shipbuilder Bender Shipbuilding and Repair Company, Inc. without competitive bidding by other contractors.

Section 205. Provides $5 million from the Department of Energy Weapons Activities programs to move the Atlas pulsed power experimental facility to the Nevada Test Site.

Section 206. Provides $2.5 million from the Department of Energy Science programs to the Natural Energy Laboratory in Hawaii.

Section 207. Provides $1 million from the Department of Energy Science programs to the Burbank Hospital Regional Center in Fitchburg, Massachusetts.

Section 208. Provides $1 million from the Department of Energy Science programs to the Center for Research on Aging at Rush-Presbyterian-St Luke's Medical Center in Chicago, Illinois.

Section 209. Provides $1 million from the Department of Energy Science programs to the North Shore-Long Island Jewish Health System in Long Island, New York.

Section 210. Provides $1 million from the Department of Energy Supply programs to the Materials Science Center in Tempe, Arizona.

Section 211. Prohibits the use of federal funds appropriated to the Nuclear Regulatory Commission for fiscal year 2000 and 2001 to relocate or prepare for the relocation of personnel or functions from the Chattanooga Tennessee Technical Training Center.

Chapter 3—Military Construction

Section 303. Provides $35 million from the Department of Defense Military Construction Navy account for the purchase of land at Blount Island, Florida.

Chapter 4—Department of Transportation, Coast Guard

Provides $468 million for the purchase of 6C-130J Hercules aircraft for the Coast Guard and the funding of these aircraft as an emergency requirement and therefore is not subject to the budget caps.

Chapter 2—National Oceanic and Atmospheric Administration

Provides $30.7 million for compensation of fisherman for losses and equipment damage resulting from Hurricane Floyd and other recent hurricanes and fishery disasters in the Long Island Sound lobster fishery and west coast groundfish fishery, and for the repair of the National Oceanic and Atmospheric Administration hurricane reconnaissance aircraft and designated as an emergency requirement and therefore is not subject to the budget caps.

United States Commission on International Religious Freedom

Provides $2 million for the United States Commission on International Religious Freedom and designates this funding as emergency funding.

GENERAL PROVISIONS

Section 2201. Provides $10 million for the Pribilof Island and East Aleutian area of the Bering Sea for emergency expenses for fisheries disaster relief and $7 million for other disaster assistance, $3 million for Bering Sea ecosystem research, and $1 million for the State of Alaska to develop a cooperative research plan to restore the crab fishery in Alaska and to designate this funding as emergency funding and therefore the funding is not subject to the budget caps.

Section 2202. Provides $10 million for Northeast multi species fishery to support a voluntary fishing capacity program and designates this funding as emergency and therefore not subject to the budget caps.

Section 2203. Provides $2 million for studies relating to the long-line interactions with sea turtles in the North Pacific and $5 million for the commercial fishing industry in the Northwest Hawaiian Islands for the Hawaiian Long-line fishery and to designate this funding as emergency and therefore is not subject to the budget caps.

Section 2204. Provides $5 million in funding for and directs the Secretary of Commerce to establish a North Pacific Marine Research Institute at the Alaska SeaLife Center by the North Pacific Research Board for the purpose of carrying out education projects relating to the North Pacific marine ecosystem with particular emphasis on marine mammal, sea bird, fish, and shellfish populations in the Bering Sea and Gulf of Alaska including populations located in or near Kenai Fjords National Park and the Alaska Maritime National Wildlife Refuge. This $5 million in funding is designated as emergency funding and therefore is not subject to the budget caps.

Section 2303. Provides emergency status funding for United States fish processors which have been negatively affected by restrictions on fishing for Dungeness crab in Glacier Bay National Park and which previously received interim compensation and specifically "Buy-N-Pack Seafoods Inc., a United States fish processor in Hoonah, Alaska which has been most severely impacted by these fishing restrictions.

GENERAL PROVISIONS

Language stating that notwithstanding any other provision of law, no funds provided in this or any other Act may be used to further reallocate the Central Arizona Project water or to prepare an Environmental Assessment, Environmental Impact Statement, or Record of Decision providing for the reallocation of the Central Arizona Project water until further act of Congress authorizing and directing the Secretary of the Interior to make allocations and enter into contracts for delivery of the Central Arizona Project water.

Language stating that notwithstanding any other provision of law, the Indian Health Service is authorized to improve municipal, private or tribal lands with respect to the new construction of the clinic for the community of King Cove, Alaska.

Language which provides for compensation to Dungeness fishing vessel crew members, fish processors which have been negatively affected by restriction on fishing and Dungeness Crab in Glacier Bay National Park; and, the Buy N Pack Seafoods in Hoonah, Alaska which have been negatively affected by restrictions on fishing in Glacier Bay National Park.

INDEPENDENT AGENCIES

$2,374,900 in addition to amounts made available for the following in prior Acts, shall be and have been made available to award grants for work on the Buffalo Creek and other New York watersheds and for aquifer protection work in and around Cortland County, New York, including work on the Upper Susquehanna watershed.

$2,600,000 shall be transferred to the "State and Tribal assistance grants" account to remain available until expended for grants for wastewater and sewer infrastructure improvements for Smithfield Township, Monroe County ($800,000); the Municipal Authority of the Borough of Milford, Pike County ($800,000); the city of Carbonadale, Lackawanna County ($200,000); Throop Borough, Lackawanna County ($200,000); and Dickson City, Lackawanna County ($600,000), Pennsylvania.

Language which redirects funding appropriated in title III of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, by striking "in the town of Waynesville" in reference to water and wastewater infrastructure improvements as identified in project number 102, and by inserting "Haywood County"; Fourpole Pumping Station" in reference to water and wastewater infrastructure improvements as identified in project number 135; and by striking the words "at the West County Wastewater Treatment Plant."

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Earmarking $20,000,000 for Health Resources and Services for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall become available on October 1, 2000, and shall remain available until September 30, 2001.

ADMINISTRATION ON AGING

Earmarking $3,000,000 as an additional amount for Health Resources and Services, to remain available until September 30, 2001, for renovation and construction of a children's psychiatric services facility in Wading River, New York.

Earmarking $2,200,000 for the Anchorage, Alaska Senior Center, and shall remain available until expended.

DEPARTMENT OF EDUCATION

Amended by inserting after the words "Salt Lake City Organizing Committee" the words "or a governmental agency or not-for-profit organization designated by the Salt Lake City Organizing Committee."

Earmarking $19,000,000 provided to become available on July 1, 2000, for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102-73 as that section was in effect prior to the enactment of Public Law 105-220.

Earmarking $750,000 to remain available until expended, which shall be awarded to the College of New Jersey, in Ewing, New Jersey, for creation of a center for inquiry and design-based learning in mathematics, science and technology education.

Inserting "Town of Babylon Youth Bureau for an educational program."

By striking "$500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education/exposure programs for local elementary schools students" and inserting "$500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education programs for local school students.

By striking "Oakland Unified School District in California for an African American Literacy and Culture Project" and inserting "California State University, Hayward, for an African-American Literacy and Culture Project carried out in partnership with the Oakland Unified School District in California.

By striking "$900,000 for the Boston Music Education Collaborative comprehensive interdisciplinary music program and teacher resource center in Boston, Massachusetts" and inserting an earmark for "$462,000 to the Boston Symphony Orchestra for the teacher resource center and $370,000 shall be awarded to the Boston Music Education Collaborative for an interdisciplinary music program, in Boston, Massachusetts.

Earmarking $368,000 to be derived by transfer from the amount made available for fiscal year 2000 for Health Resources and Services Administration—Health Resources and Services for construction and renovation of health care and other facilities: Provided that such amount shall be awarded to the George Mason University Center for Services to Families and Schools to expand a program for schools and families of children suffering from attentional, cognitive, and behavioral disorders.

GENERAL PROVISIONS

Earmarking $3,500,000 for the Saint John's Lutheran Hospital in Libby, Montana for construction and renovation of health care and other facilities and an additional amount for the Economic Development Administration.

Earmarking $8,000,000 only for a grant to the City of Libby, Montana, such amount to be transferred to the City upon its request notwithstanding the provisions of any other law and without any local matching share of award conditions.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I use my leader time to make some announcements about the schedule.

I, too, commend Senator BURNS from Montana, the chairman of the Appropriations Military Construction Subcommittee, and his ranking member, Senator MURRAY of Washington State, for their work on this legislation. It is important. It has a lot of projects that are very important for our defense and the underlying military construction appropriations bill. I also extended to them my sympathy and appreciation for the fact that their bill had to carry a title II which brought a lot of emergency legislation, but it needed to be done. Their bill became the catalyst to move this emergency legislation through. It was not easy for them to have to deal with all the conflicting problems not in their jurisdiction. I thank them for what they did on this legislation.

I thank Senator GRAMM, Senator MCCAIN, Senator STEVENS, and Senator BYRD for their usual brilliance and innovation. What looked like 6 hours of readings, multiple votes on points of order, and a contested final passage sometime tonight, Saturday, or Sunday, was resolved in a matter of minutes. It is a miracle.

I know there will be objections to various parts and a lot of speeches will be made. That is great. There will be time for that later. I appreciate the help of Senator DASCHLE and all involved. We needed this bill. We needed this emergency legislation.

Senator STEVENS did the right thing. I thank him. I wanted to express my appreciation to all.

Mr. DASCHLE. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. DASCHLE. I also express my congratulations to Senator STEVENS and Senator BYRD for their masterful effort in getting the Senate to this point, and for the managers of the bill itself. As Senator LOTT has indicated, this was not an easy task. All the way to the very last moment it looked as if this could have been derailed. It wasn't, in part because of leadership and in part because of cooperation.

I think we have done a good thing today, an important thing. It is important we finish this work prior to the time we leave. This bill will now go to the President, as it should. I know he will sign it. I think we are ending the way we should have ended, on a high note with a good deal accomplished.

I thank the Senator.

Mr. BYRD. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. BYRD. Mr. President, having been the Senate Democratic leader, I know that there comes a moment in time when leaders have to step in and act. Our two leaders did that at the critical moment. It is through their leadership that we have reached an understanding in this matter. I thank both leaders. I congratulate them on having done a great service. I say this: Every Senator is in their debt.

I also thank my colleague and friend, Senator STEVENS, for the leadership he has shown in these appropriations matters.

I hope that both of our leaders, in particular, and all of our colleagues will have a very safe and enjoyable Fourth of July.

Mr. LOTT. Thank you, Senator BYRD, for your comments and for your inspiration and for talking about the history of this great country and this special celebration of the Fourth of July, 2000, with family and friends. It is a special time for our country and in our lives. I look forward to it.

Senator BYRD, I will have the presence of my very fine grandson that you spoke so beautifully about just 2 years ago on his birth date. I look forward to that moment.

Mr. BYRD. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. BYRD. Please tell your handsome grandson, who has been blessed with a multitude of talents, I am sure, that this year is not the beginning of the 21st century. Tell him it is not the beginning of the third millennium. This is the last year of the 20th century. Regardless of what the media say and many politicians say, this is the last year of the 20th century and the last year of the second millennium.

Let him know that, so that he will be raised in truth and will always seek truth.

Mr. LOTT. Thank you, again.

Senator BYRD, I want to note, when you enter my young grandson's room, on the wall to the left, in a beautifully framed device is the fantastic speech that you gave on the floor. It will always be there. What you had to say was so beautiful to say about our grandchildren, and about his birth, and quotes from the Bible, quotes from history.

Anybody who thinks there is not a bipartisan spirit around here needs to know that there is no quote from the Republican majority leader in my grandson's room. The only speech in his room is the speech from that great Democrat of West Virginia, ROBERT BYRD.

Mr. REID. Will the Senator yield?

Mr. LOTT. I yield to Senator REID.

Mr. REID. Having listened and watched what went on and having served in government most of my adult life, it is not often we see such leadership in action close up. We have seen it here today. This is remarkable.

I want to publicly express my appreciation for the work done by our leader. The burdens he bears I see close up. I see your burdens, Mr. Majority Leader, but not as up close and personal as I see Senator DASCHLE's. What he does for us, the minority, is extraordinary.

as evidenced by the very quick, instantaneous decisions he made in conjunction with you today. You are both to be applauded. This is democracy in action. It is what is good about government.

I also extend accolades to the two of you. I have no military service in my background, but with the love and appreciation and dedication that Senators STEVENS and INOUYE have for the military, and Senator WARNER and others who work for the defense of this country, they see it from a little different perspective than a lot of us because they have seen military action. I think they deserve a great deal of credit.

Senator INOUYE has been ill and has not been here this week, but his spirit has been here. He was awarded the Congressional Medal of Honor. He and Senator STEVENS have guided the military of this country for the last decade as no one in the history of this country, in my opinion. I express appreciation for everyone on our side of the aisle for what these two men do for the military. Senator STEVENS and Senator INOUYE have personally felt the need for this military construction bill, and every word they speak indicates that.

Mr. LOTT. Mr. President, I thank Senator REID, for his comments.

ORDER OF BUSINESS

Mr. LOTT. I want the Senate to be on notice when we return on Monday, July 10, since there was objection to, at least at this time, taking up the Thompson bill freestanding, we will go to the Interior appropriations bill. There will be a vote or votes on that Monday sometime between 5 and 6, presumably around 5:30.

Later today, we hope to still be able to propound some unanimous consent requests. We are still working to see if we can get the Department of Defense authorization bill worked out with an agreement, and conclude that, and Senator DASCHLE and I are continuing to work to see if we can get an agreement on how to take up the estate tax issue. We may still have some more business yet this afternoon. Of course, we are going to also wrap up with some confirmations from the Executive Calendar; specifically, judges that are pending before we conclude our business today.

MORNING BUSINESS

Mr. LOTT. I ask unanimous consent the Senate now proceed to a period of morning business, with Senators permitted to speak up to 10 minutes each.

Mr. WARNER. Reserving the right to object, could that include, Mr. Leader, the ability of the Armed Services Committee to bring up a package of cleared amendments?

Mr. LOTT. I believe it would.

Mr. WARNER. Could I have that exception written into the distinguished leader's unanimous consent?

Mr. LOTT. I don't believe it is necessary, but I amend my request to that effect.

Mr. WARNER. I wish to advise you, Mr. Leader, working with your staff on this side, working with the Judiciary Committee, that is the only remaining item, together with Senator ROTH and Senator BYRD, who are working on a matter which if we can resolve those two, I believe I can indicate to my distinguished leaders that we could get the unanimous consent.

Mr. LOTT. Thank you very much. I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana

MILCON CONFERENCE REPORT: CLEAN WATER ACT PROVISION

Mr. BAUCUS. Mr. President, I rise to express my strong opposition to a provision, which has been included in the military construction conference report, that prevents EPA from using any funds to implement a new rule to clean up our nation's streams, rivers, and lakes.

Let me explain why this rule is important.

Since 1972, when the Clean Water Act became law, we've made a lot of progress in cleaning up our water, especially with respect to so-called "point sources" like sewage treatment plants and industrial plants; the pipe that come out of plants and go into lakes and streams.

But we still are far from reaching our goal of fishable, swimmable waters. That is the standard in the act.

That's where the new rule comes in. It relates to something called "total maximum daily loads," or TMDLS. It is a long, technical-sounding label. But it's a pretty simple concept. A TMDL is really a pollution budget for a watershed. It's like the Clean Water Act version of a State implementation plan under the Clean Air Act.

The TMDL program was actually enacted as part of the original Clean Water Act, way back in 1972. For a long time, it was dormant. But, in recent years, environmental groups have lawsuits requiring EPA and states to implement the program. In virtually every single case, they have won.

In light of this, EPA decided to revise its rules for the TMDL program, to bring them up to date. To begin with, it convened a group of stakeholders, who worked for two years to make recommendations. Then, last August, EPA proposed new rules.

Make no mistake about it. These rules have been controversial.

Like many others, I have been particularly concerned about the proposal to require many forestry operations to get Clean Water Act permits. I thought EPA was taking a long, winding road that didn't end up in the right place.

But EPA has been listening. In response to Congressional hearings and public comments, it has made changes. For example, it dropped the forestry proposal and made other parts of the rule more workable.

As I understand it, the rule has gone to OMB for review, and should be published, in final form, soon.

But then we get this conference report. Out of the blue, it provides that none of the funds appropriated to EPA for 2000 and 2001 can be used to implement the new rule.

I have two major problems with this provision. The first problem is the process by which the provision has been included in the conference report. The process is, in a word, outrageous. Clearly, there are differences of opinion about the TMDL rule. But there are several opportunities for those differences to be debated.

The Environment and Public Works Committee is considering a bill, introduced by Subcommittee Chairman CRAPO and Committee Chairman SMITH, that would, among other things, delay the final rule. The House HUD/VA/Independent Agencies Appropriations bill contains a provision that also would delay the rule.

Of course, there is the regulatory review process we enacted in 1996, that allows Congress to disapprove a final rule.

In each case, we would have a debate. The merits would be discussed. Senators could explain why they believe that the rule should be delayed; others could respond. Then we would have a vote, and the public could judge our actions.

That's not what's going on here. Instead, opponents of the rule have slipped the provision into an unrelated conference report that cannot be amended—no debate, no sunshine, no public knowledge of what is going on. And they have done it on a bill that provides emergency funding for many urgent national needs, so that the President is under strong pressure to sign the bill.

Frankly, I wonder why they have taken this approach. Why not debate, in clear public view? What are they afraid of?

Another thing, by using conference reports this way, we further weaken the bonds that bind this institution together, and reduce public confidence in our deliberative process. This is no way to run a railroad.

The second problem with the provision is substantive. Despite significant progress since 1972, too many of our rivers, streams, and lakes do not meet water quality standards.

EPA's proposed rule makes some important improvements. At the heart of it, the rule clarifies the operation of the TMDL program and requires implementation plans, so that the program becomes more than a paperwork exercise. At the same time, the rule gives

States more time to complete their lists, allocations, and plans—a lot more time.

That is a pretty good tradeoff.

By blocking the rule, we will simply delay the tough decisions about how to make the program work. We will perpetuate the current outdated, fragmented, litigious system.

Most important of all, we will delay, once again, the day when our nation finally has clean streams, rivers, and lakes, from sea to shining sea.

I regret that this provision has been included in the conference report and I will work to reverse the decision at the earliest opportunity.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NATIONAL ENERGY POLICY

Mr. AKAKA. Mr. President, for most of the 1990s, the average gasoline prices in Honolulu hovered at roughly 25 cents to 50 cents above the national average. In June 1999, only 1 year ago, Hawaii's price of $1.51 per gallon ranked above Oregon's at $1.44 and the national average of $1.14.

As late as last month, according to the Automobile Association of America, Hawaii topped the Nation with an average per gallon price of $1.85, compared to the next highest state, Nevada, at $1.67 and a U.S. average of $1.51.

This month, according to AAA, Hawaii ranked fourth highest with an average price for regular unleaded of $1.86 per gallon. That fell below Illinois with an average of $1.98, Michigan at $1.96, and Wisconsin at $1.91. Still, Hawaii's price was well above the U.S. average of $1.63.

It is no pleasure to say that Hawaii has lost this dubious distinction as the State with the Nation's highest gasoline prices. The pocketbooks of Americans are hurting all over the country.

There has been no shortage of blame—short supplies, pipeline problems, cleaner gasoline requirements, too much driving and gas guzzlers, oil company manipulations, even an esoteric patent dispute, to name a few. So far, the initial examination of the causes of the dramatic increase of prices in some areas of the Midwest has provided no clear picture. The Clinton administration has asked the Federal Trade Commission to investigate if there were any illegal price manipulations in the Midwest leading to such dramatic price increases.

This problem of dependence on imported oil has been in the making for many years. Our import dependence has been rising for the past 2 decades. The combination of lower domestic production and increased demand has led to imports making up a larger share of total oil consumed in the United States. In 1992, crude oil imports accounted for approximately 45 percent of our domestic demand. Last year crude oil imports accounted for 58 percent. The Energy Information Administration's Short-Term Outlook forecasts that oil imports will exceed 60 percent of total demand this year. EIA's long-term forecasts have oil imports constituting 66 percent of U.S. supply by 2010, and more than 71 percent by 2020.

Continued reliance on such large quantities of imported oil will frustrate our efforts to develop a national energy policy and set the stage for energy emergencies in the future.

For months now, we have watched the price of gasoline and fuel oil rise at breakneck speed. All across America, families have suffered ever-escalating prices.

We have not had a coherent and comprehensive energy policy for a long time. Additionally, we have not had a commitment to address our dependence on foreign sources of oil. Absence of an effective policy and a visible commitment to addressing our energy dependence have made us hostage to OPEC's production decision. It has also encouraged Mexico, our NAFTA partner, to join OPEC in limiting oil supplies.

We all understand that there is no overnight solution to America's energy problems. We can't turn this trend around overnight. Tax repeals and other such short-term actions may appear appealing, given the political climate, and may even provide limited relief in the short run, but they do not provide a solution to our energy problem. They do not provide a sound basis for a national energy policy. Their unintended consequences may be other problems such as deficits in highway and transit funds.

The only way to reverse our energy problem is to have a multifaceted energy strategy and remain committed to that strategy. In my judgment, you need both of these in equal portions. This will send a clear message to OPEC and their partners about America's resolve.

The way to improve our energy outlook is to adopt energy conservation, encourage energy efficiency, and support renewable energy programs. Above all, we must develop energy resources that diversify our energy mix and strengthen our energy security. Natural gas appears to be the most attractive fuel to form the cornerstone of our energy policy. It is the right fuel to bridge the energy and environmental issues facing us.

If we are to have a comprehensive energy policy that strengthens our economy and serves the real needs of Americans, then we need to dismantle our dependence on foreign oil as soon as possible. And the way to do this is to begin using more natural gas—a domestically abundant fuel—that is safe and reliable to deliver, more environmentally friendly than oil, and over three times as energy-efficient as electricity from the point of origin to point of use.

Let me state those facts again: Natural gas is plentiful, efficient, environmentally friendly, and it is a domestic fuel source.

Natural gas offers itself as a good choice for the fuel of the future. It offers us many advantages that other fuels do not. About 85 percent of the natural gas consumed in America each year is produced domestically. The balance is imported almost entirely from Canada. We have a large domestic natural gas resource base and advances in exploration and production technologies are allowing increased production. We also have potentially vast resources in the form of methane hydrates. This resource base is yet to be explored.

Natural gas is the cleanest fossil fuel. Wider use of natural gas will be more benign to the environment compared to some other fuel sources. Natural gas would emit reduced levels of greenhouse gas emissions, and would not contribute to acid rain, smog, solid waste, or water pollution.

We must invest in technologies that help facilitate wider application of natural gas. New technologies such as micro turbines, fuel cells, and other onsite power systems are environmentally attractive. Wider use of these technologies in the private and public sectors must be facilitated. All Federal research and development programs should be reevaluated to provide them with a clear direction. We must boost support for those programs that help replace imported oil.

Transportation demands on imported oil remain as strong as ever. Since the oil shock of the 1970s, all major energy consuming sectors of our economy with the exception of transportation have significantly reduced their dependence on oil. The transportation sector remains almost totally dependent on oil-based motor fuels. The fuel efficiency of our vehicles needs to be improved. At the same time, we must make a concerted effort to encourage development and use of alternative vehicle fuels. Natural gas vehicles should be made an integral part of our transportation sector.

If coal was the energy source of the nineteenth century, and oil was the energy source of the twentieth century, then I submit natural gas can and should be America's source of energy for the twenty-first century.

Americans are demanding an energy system that will guarantee adequate energy for future needs, protect the environment, and protect consumers from exploitation.

We are facing numerous problems related to energy such as runaway prices, shortages, increases in pollution, self-sufficiency, and the effect of energy on our economy. While not a panacea, it is clear to this Senator that increased use of natural gas must be the center of America's energy strategy.

The American people deserve better than the status quo. Natural gas is America's energy solution.

REMEMBERING THE SACRIFICES MADE FOR FREEDOM

Mr. THURMOND. Mr. President, too often we take our independence for granted, forgetting that countless individuals paid high prices for the privilege of living in a free Nation. Many lost their lives and their families, not to mention their way of life. Recently I received some information from Major George Fisher, Georgia National Guard, regarding the men who signed the Declaration of Independence. Upon having the Congressional Research Service obtain the entire article, I was informed that it had previously been entered in the RECORD by Congressman William L. Springer, Illinois, in July of 1965. The original article was written by T. R. Fehrenbach, an American historian.

In light of the upcoming anniversary of the signing of the Declaration of Independence, I believe that this article is worthy of printing again as a reminder of the sacrifices made for our freedom.

I ask unanimous consent to have printed in the RECORD, "What Happened to the Men Who Signed the Declaration of Independence."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Congressional Research Service]

WHAT HAPPENED TO THE MEN WHO SIGNED THE DECLARATION OF INDEPENDENCE?

(By T. R. Fehrenbach)

On the 7th of June 1776, a slender, keen-eyed Virginia aristocrat named Richard Henry Lee rose to place a resolution before the Second Continental Congress of the United Colonies of North America, meeting in State House off Chestnut Street, in Philadelphia. Lee had his instructions from the Virginia Assembly, and he would fulfill them, but this was one of the hardest days of his life. The 13 British Colonies of America were already far gone in rebellion against what they considered the tyranny of the English Parliament. The shots heard round the world had been fired at Lexington and Concord; blood had flowed at Breed's Hill in Boston.

Lee still believed there was time to compromise with the British Government. But, acting on instructions of his State, he stood and proposed: "That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved."

This was no longer opposition to Parliament. It was revolution against the Crown.

American histories sometimes gloss over the fact that passage of the Declaration of Independence was by no means assured. Many of the men assembled in Philadelphia were at best reluctant rebels. There were many moderates among them, men desperately aware of, and fearful of, the fruits of war. Immediately after Lee made his proposal, a majority of the Congress stood against it. It took 4 days of the passion and brilliance of the Adamses of Massachusetts and other patriots such as Virginian Thomas Jefferson to secure a bare majority of one—and then, on a South Carolina resolution, the matter was postponed until the 1st of July.

Many men hoped it had been postponed forever. But John Adams shrewdly gave Thomas Jefferson—unquestionably the best writer in Congress, and perhaps the man with the fewest political enemies—the task of drafting a declaration of independence, and, meanwhile with his fellow Massachusetts man, John Hancock, set to work. What happened between then and the evening of July 4, 1776, when a vote for adoption of one of the world's great documents was carried unanimously, has filled many books. Some of the story—the quarrels, compromises, controversies, and backroom conferences—as Adams admitted, would never be told.

What happened was that in the course of human events the hour had grown later than many of the gentlemen sitting in Philadelphia had realized. State after State instructed delegates to stand for independence, even though some States held back to the last, and finally four delegates resigned rather than approve such a move.

After 4 world-shaking days in July, Thomas Jefferson's shining document was adopted without a dissenting vote, and on July 4 John Hancock signed it as President of Congress, Charles Thomson, Secretary, attesting. Four days later, July 8, "freedom was proclaimed throughout the land."

The Declaration of Independence was ordered engrossed on parchment, and August 2, 1776, was set for its formal signing by the 56 Members of Congress. The actual signing of such a document, under British or any other law of the time, was a formal act of treason against the Crown. But every Member eventually—some were absent on August 2—signed.

What sort of men were these, who pledged their "lives, fortunes, and sacred honor," with a British fleet already at anchor in New York Harbor?

For rebels, they were a strange breed. Almost all of them had a great deal of all three things they pledged. Ben Franklin was the only really old man among them; 18 were still under 40, and three still in their twenties. Twenty-four were jurists or lawyers. Eleven were merchants, and nine were landowners or rich farmers. The rest were doctors, ministers, or politicians. With only a very few exceptions, like Samuel Adams of Massachusetts, whom well-wishers furnished a new suit so he might be presentable in Congress, they were men of substantial property. All but two had families, and the vast majority were men of education and standing. In general, each came from what would now be called the "power structure" of his home State. They had security as few men had it in the 18th century.

Each man had far more to lose from revolution than he had to gain from it—except where principle and honor were concerned. It was principle, not property, that brought these men to Philadelphia. In no other light can the American Revolution be understood.

John Hancock, who had inherited a great fortune and who already had a price of 500 pounds on his head, signed in enormous letters, so "that His Majesty could now read his name without glasses, and could now double the reward." There was more than one reference to gallows humor that day in August.

Ben Franklin said, "Indeed we must all hang together. Otherwise we shall most assuredly hang separately."

And fat Benjamin Harrison, of Virginia, told tiny Elbridge Gerry of Massachusetts, "With me it will all be over in a minute. But you, you'll be dancing on air an hour after I'm gone." These men knew what they risked. The penalty for treason was death by hanging.

William Ellery, of Rhode Island, was curious to see the signers' faces as they committed this supreme act of courage. He inched his way close to the secretary who held the parchment and watched intently. He saw some men sign quickly, to get it done with, and others dramatically draw the moment out. But in no face, as he said, was he able to discern real fear. Stephen Hopkins, Ellery's colleague from Rhode Island, was a man past 60 and signed with a shaking hand. But he snapped, "My hand trembles, but my heart does not."

These men were all human, and therefore fallible. The regionalism, backbiting, worries, nepotism, and controversies among this Congress have all had their chroniclers. Perhaps, as Charles Thomson once admitted, the new nation was "wholly indebted to the agency at Providence for its successful issue." But whether America was made by Providence or men, these 56, each in his own way, represented the genius of the American people, already making something new upon this continent.

Whatever else they did, they formalized what had been a brush-popping revolt and gave it life and meaning, and created a new nation, through one supreme act of courage. Everyone knows what came of the Nation they set in motion that day. Ironically, not many Americans know what became of these men, or even who they were.

Some prospered. Thomas Jefferson and John Adams went on to become Presidents. Samuel Adams, John Hancock, Josiah Bartlett, Oliver Wolcott, Edward Rutledge, Benjamin Harrison and Elbridge Gerry lived to become State Governors. Gerry died in office as Monroe's Vice President. Charles Carroll, of Carrollton, Md., who was the richest man in Congress in 1776, and who risked the most, founded the Baltimore & Ohio Railroad in 1828. Most Americans have heard these names.

Other signers were not so fortunate.

The British even before the list was published, marked down all Members of Congress suspected of having put their names to treason. They all became the objects of vicious manhunts. Some were taken; some, like Jefferson, had narrow escapes. All of those who had families or property in areas where British power flowed during the war which followed, suffered.

None actually was hanged. There were too many Britons, like William Pitt, the old

Earl of Chatham, who even during a vicious and brutal war would not have stood for that. But in 1776, the war had almost 8 grueling years to run, and the signers suffered. Their fortunes were caught up in the fortunes of war.

The four delegates from New York State were all men of vast property, and they signed the Declaration with a British fleet standing only miles from their homes. By August 2, 1776, the government of New York had already evacuated New York City for White Plains. When they put their names to the Declaration, the four from New York must have known that they were in effect signing their property away.

The British landed three divisions on Long Island on August 27. In a bloody battle, Washington's untrained militia was driven back to Harlem Heights. British and Hessian soldiers now plundered the mansion of signer Francis Lewis at Whitestone; they set it afire and carried his wife way. Mrs. Lewis was treated with great brutality. Though she was exchanged for two British prisoners through the efforts of Congress, she died from the effects of what had been done to her.

British troops next occupied the extensive estate of William Floyd, though his wife and children were able to escape across Long Island Sound to Connecticut. Here they lived as refugees for 7 years. Without income, and eventually came home to find a devastated ruin "despoiled of almost everything but the naked soil."

Signer Philip Livingston came from a baronial New York family, and Livingston himself had built up an immensely lucrative import business. All his business property in New York City was seized as Washington retreated south to Jersey, and Livingston's town house on Duke street and his country estate on Brooklyn Heights were confiscated. Livingston's family was driven out, becoming homeless refugees, while he himself continued to sell off his remaining property in an effort to maintain the United States credit. Livingstone died in 1778, still working in Congress for the cause.

The fourth New Yorker, Lewis Morris, of Westchester County, saw all his timber, crops and livestock taken, and he was barred from his home for 7 years. He continued fighting as a brigadier general in the New York militia.

As Washington's men commenced their painful retreat across New Jersey, it began to seem that the Revolution would fall. Now American Tories or Loyalists to the Crown began to make themselves known, helping the advancing British and Hessians to ferret out the property and families of the Jersey signers. When John Hart of Trenton risked coming to the bedside of his dying wife, he was betrayed.

Hessians rode after Hart. He escaped into the woods, but the soldiers rampaged over his large farm, tearing down his grist mills, wrecking his house, while Mrs. Hart lay on her deathbed. Hart, a man of 65, was hunted down across the countryside and slept in caves and woods, accompanied only by a dog.

At last, emaciated by hardship and worry, he was able to sneak home. He found his wife long-buried. His 13 children had been taken away. A broken man, John Hart died in 1779 without ever finding his family.

Another New Jersey signer, Abraham Clark, a self-made man, gave two officer sons to the Revolutionary Army. They were captured and sent to the British prison hulk in New York Harbor—the hellship *Jersey*, where 11,000 American captives were to die. The younger Clarks were treated with especial brutality because of their father. One was put in solitary and given no food. The British authorities offered the elder Clark their lives if he would recant and come out for King and Parliament. Over the dry dust of two centuries, Abraham Clark's anguish can only be guessed at as he refused.

When they occupied Princeton, N.J., the British billeted troops in the College of New Jersey's Nassau Hall. Signer Dr. John Witherspoon was president of the college, later called Princeton. The soldiers trampled and burned Witherspoon's fine college library, much of which had been brought from Scotland.

But Witherspoon's good friend, signer Richard Stockton, suffered far worse. Stockton, a State supreme court justice, had rushed back to his estate, Morven, near Princeton, in an effort to evacuate his wife and children. The Stockton family found refuge with friends—but a Tory sympathizer betrayed them. Judge Stockton was pulled from bed in the night and brutally beaten by the arresting soldiers. Then he was thrown into a common jail, where he was deliberately starved.

A horrified Congress finally arranged for Stockton's parole, but not before his health was ruined. Finally the judge was released as an invalid who could no longer harm the British cause. He went back to Morven. He found the estate looted, his furniture and all his personal possessions burned, his library, the finest private library in America, destroyed. His horses had been stolen, and even the hiding place of the family silver had been bullied out of the servants. The house itself still stood; eventually it was to become the official residence of New Jersey's Governors.

Richard Stockton did not live to see the triumph of the Revolution. He soon died, and his family was forced to live off charity.

About this same time, the British sent a party to the home of New Jersey signer Francis Hopkinson at Bordentown, and looted it, also.

By December 1776, Washington's dwindling band of patriots had been pushed across the Delaware, into Pennsylvania. The Revolution had entered its first great period of crisis. One by one, the important people of Philadelphia were mouthing Loyalist sentiments, or concocting private ways of making their peace with the Crown. But signer Robert Morris, the merchant prince of Philadelphia, was not among these. Morris, who had honestly and sincerely opposed the Declaration of Independence because he felt the colonies were unready but who had signed in the end, was working his heart and his credit out for the Revolution. Washington's troops were unprovisioned and unpaid; the United Colonies' credit, such as it was, had collapsed.

Morris used all his great personal wealth and prestige to keep the finances of the Revolution going. More than once he was to be almost solely responsible for keeping Washington in the field, and in December 1776, Morris raised the arms and provisions which made it possible for Washington to cross the Delaware and surprise the Hessian Colonel Rall at Trenton. This first victory, and Washington's subsequent success at Princeton, were probably all that kept the colonies in business.

Morris was to meet Washington's appeals and pleas year after year. In the process, he was to lose 150 ships at sea, and bleed his own fortune and credit almost dry.

In the summer of 1777 the British, who were seemingly always near the point of victory and yet were seemingly always dilatory, landed troops south of Philadelphia, on Chesapeake Bay. These marched north, to defeat Washington at Brandywine and again at Germantown. Congress fled to Baltimore, and Lord Howe took Philadelphia on September 27. On the way, his men despoiled the home of Pennsylvania signer George Clymer in Chester County. Clymer and his family, however, made good their escape.

The family of another signer, Dr. Benjamin Rush, was also forced to flee to Maryland, though Rush himself stayed on as a surgeon with the Army. Rush had several narrow escapes.

Signer John Morton who had long been a Tory in his views, lived in a strongly Loyalist area of the State. When Morton had come out for independence, it turned his neighbors, most of his friends, and even his relatives against him, and these people, who were closest to Morton, ostracized him. He was a sensitive, troubled man, and many observers believed this action killed him. John Morton died in 1777. His last words to his tormentors were, "Tell them that they will live to see the hour when they shall acknowledge it [the signing] to have been the most glorious service that I ever rendered to my country."

On the same day Washington retook Trenton, the British captured Newport, R.I. Here, they wantonly destroyed all of Signer William Ellery's property and burned his fine home to the ground.

The grand scheme to separate New England by General Burgoyne's march from Canada was foiled at Saratoga in 1777; this victory eventually brought the French into the war on the American side. But after desultory fighting here and there, by 1779 the British seemed to have the war well in hand. Washington had held a small, professional Continental Army intact, and with European instructors like von Steuben and Lafayette it was being drilled into a compact, disciplined force. Washington was seemingly too weak, however, openly to challenge the heavily armed British forces again. The seaports were captured or blockaded, and American shipping driven from the seas. The northern colonies seemed neutralized, and the British turned their main effort south.

Like the men from New York, the South Carolina signers were all landed aristocrats. They had, as a body, reflected Carolina's luke-warm attitude toward independence. The Carolinians were all young—average age, 29—and all had studied in England. But in the end they had joined the majority in the interest of solidarity, and after signing they had all entered military service.

While serving as a company commander, Thomas Lynch, Jr.'s health broke from privation and exposure. His doctors ordered him to seek a cure in Europe, and on the voyage he and his young wife were drowned at sea.

The other three South Carolina signers, Edward Rutledge, Arthur Middleton, and Thomas Heyward, Jr., were taken by the British in the siege of Charleston. They were carried as prisoners of war to St. Augustine, Fla., and here they were singled out for indignities until they were exchanged at the end of the war. Meanwhile, the British roaming through the southern countryside had made a point of devastating the vast properties and plantations of the Rutledge and Middleton families.

The 2 years beginning in 1779 were the ugliest period of the war. There was sharp fighting in the South, which sometimes devolved into skirmishes and mutual atrocities between Americans for independence and

Americans who still stood with the Crown. There had always been strong Loyalist sentiment in the South, as in the Middle Atlantic States; plantations and homes on either side were raided and burned, and women, children, and even slaves were driven into the woods or swamps to die.

The British soon conquered all the thin coastal strip which was 18th century Georgia. Signer Button Gwinnett was killed in a duel in 1777, and Col George Walton, fighting for Savannah, was severely wounded and captured when that city fell. The home of the third Georgia signer, Lyman Hall, was burned and his rice plantation confiscated in the name of the Crown.

One of the North Carolina signers, Joseph Howes, died in Philadelphia while still in Congress, some said from worry and overwork. The home of another, William Hooper, was occupied by the enemy, and his family was driven into hiding.

By 1780 the fortunes of war had begun to change. Local American militia forces defeated the King's men at King's Mountain. Realizing that the war was to be decided in the South, Washington sent Nathanael Greene dance, as the saying went, with Lt. Gen. Lord Cornwallis, the British commander. Cornwallis did not like the dance at all, and slowly retreated northward toward the Chesapeake. At Yorktown, a Virginia village surrounded on three sides by water, Cornwallis established what he thought was an impregnable base. No matter what happened on land, Cornwallis felt he could always be supplied and rescued, if need be, by sea. It never occurred to the British staff that Britannia might not always rule the waves.

Now began the crucial action of the war, the time Washington had been waiting for with exquisite patience. A powerful French squadron under Admiral de Grasse arrived at the mouth of the Chesapeake from Haiti and gained temporary naval superiority off the Virginia coast. Under carefully coordinated plans, Washington and the French General Rochambeau marched south from New York to Annapolis, where De Grasse transported the allied army across Chesapeake Bay. At the same time, General the Marquis de Lafayette was ordered to march upon Yorktown from his position at Richmond.

By September 1781, Cornwallis and the main British forces in North America found themselves in a trap. French warships were at their rear. Regular forces—not the badly armed and untrained militia the British had pushed around on the battlefield for years—closed in on them from the front. By October 9, Washington's and Rochambeau's armies had dug extensive siege works all around Yorktown, so there could be no escape. Now the bombardment began. The greatest guerrilla war in history was coming to a classic close.

Murderous fire from 70 heavy guns began to destroy Yorktown, piece by piece.

As the bombardment commenced, signer Thomas Nelson of Virginia was at the front in command of the Virginia militia forces. In 1776 Nelson had been an immensely wealthy tobacco planter and merchant in partnership with a man named Reynolds. His home, a stately Georgian mansion, was in Yorktown. As the Revolution began, Nelson said, "I am a merchant of Yorktown, but I am a Virginian first. Let my trade perish. I call God to witness that if any British troops are landed in the County of York, of which I am lieutenant, I will wait for no orders, but will summon the militia and drive the invaders into the seas." Nelson succeeded Thomas Jefferson as Governor of Virginia, and was still Governor in 1781.

Lord Cornwallis and his staff had moved their headquarters into Nelson's home. This was reported by a relative who was allowed to pass through the lines. And while American cannon balls were making a shambles of the town, leaving the mangled bodies of British grenadiers and horses lying bleeding in the streets, the house of Governor Nelson remained untouched.

Nelson asked the gunners: "Why do you spare my house?"

"Sir, out of respect to you," a gunner replied.

"Give me the cannon," Nelson roared. At his insistence, the cannon fired on his magnificent house and smashed it.

After 8 days of horrendous bombardment, a British drummer boy and an officer in scarlet coats appeared behind a flag of truce on the British breastplates. The drum began to beat "The Parley."

Cornwallis was asking General Washington's terms.

On October 19, the British regulars marched out of Yorktown, their fifes wailing "The World Turned Upside Down." They marched through a mile-long column of French and Americans, stacked their arms, and marched on. It was, as Lord North was to say in England when he heard the news, all over.

But for Thomas Nelson the sacrifice was not quite over. He had raised $2 million for the Revolutionary cause by pledging his own estates. The loans came due; a newer peacetime Congress refused to honor them, and Nelson's property was forfeit. He was never reimbursed.

He died a few years later at the age of 50 living with his large family in a small and modest house.

Another Virginia signer, Carter Braxton, was also ruined. His property, mainly consisting of sailing ships, was seized and never recovered.

These were the men who were later to be called "reluctant" rebels. Most of them had not wanted trouble with the Crown. But when they were caught up in it, they had willingly pledged their lives, their fortunes, and their sacred honor for the sake of their country.

It was no idle pledge. Of the 56 who signed the Declaration of Independence, 9 died of wounds or hardships during the war

Five were captured and imprisoned, in each case with brutal treatment.

Several lost wives, sons, or family. One lost his thirteen children. All were, at one time or another, the victims of manhunts, and driven from their homes.

Twelve signers had their houses burned. Seventeen lost everything they owned.

Not one defected or went back on his pledged word.

There honor and the Nation they did so much to create, is still intact.

But freedom, on that first Fourth of July, came high.

ELECTIONS IN ZIMBABWE

Mr. FEINGOLD. Mr. President, I rise to congratulate the people of Zimbabwe on their participation in the historic elections that took place over the weekend. So often, events in Africa are only mentioned on this floor and in the press only in the event of crisis or tragedy. But only days ago, the people of Zimbabwe seized control of their collective destiny and gave the international community a reason to celebrate rather than lament conditions in Africa.

For twenty years, politics in Zimbabwe had been dominated by one party and indeed one man. President Mugabe had the support of all but three members of the 150-seat Parliament. Changes to Zimbabwe's constitution, even when rejected by voters as they were in February, could still be passed through this compliant legislature, enabling the executive to continue to shore up power and ignore the growing chorus of protest from citizens disgusted by corruption and distressed by mismanagement. But this week, the tide turned in Zimbabwe. Without access to the state-run media and without significant financing, opposition candidates still managed to win fifty-eight parliamentary seats and end the ruling party's stranglehold on the state.

Mr. President, the world's attention was focused on Zimbabwe over the weekend because of the disturbing events that led up to the balloting. Opposition candidates and supporters have been intimidated, beaten, and even, in more than 25 cases, killed. International assessment teams have indicated that given this violent preface, these elections were not free and fair.

But as we acknowledge these flaws, even as we recognize the poisoned environment in which citizens of Zimbabwe were called upon to make their choice, we must also appreciate the courage of the voters and the historic changes they have brought to their country. Zimbabwe is still, without question, a country in crisis. But the people of Zimbabwe themselves have taken a decisive step toward resolving that crisis. In the face of violence and intimidation, a remarkable number of voters chose a peaceful and rule-governed expression of their will, and the power in their statement has fundamentally changed the nature of governance in Zimbabwe and silenced the pessimists who claimed that Zimbabwe was already hopeless and lost.

In the wake of these elections, many challenges remain in Zimbabwe. The next round of presidential elections must be conducted in a free, fair, and democratic manner. Genuine, rule-governed land reform must move forward. The economy must be repaired, step by step. Zimbabwe, along with the other African states that have troops in the Democratic Republic of the Congo, must extricate itself from the costly conflict. And perhaps most importantly, government and civil society alike must address the devastating AIDS crisis head-on.

International support and assistance will be critical to these efforts. The Zimbabwe Democracy Act, a bill introduced by Senator FRIST and of which I was an original co-sponsor, recognizes both the obvious need for more progress toward democracy and the rule of law in Zimbabwe, and the need for international support. I hope that the conditions laid out in that bill for resumption of a complete program of bilateral assistance will be met expeditiously. And I am glad that, in the meantime, the bill ensures that U.S. assistance will continue to bolster democratic governance and the rule of law, humanitarian efforts, and land reform programs being conducted outside the auspices of the government of Zimbabwe. This bill has passed the Senate, and I hope that the House will pass it soon, as it contains particularly timely provisions which will assist individuals and institutions who accrue costs of penalties in the pursuit of elective office or democratic reforms.

So again, I extend my congratulations to the people of Zimbabwe on their historic vote, and I urge my colleagues to take note of the potential for real change and real progress that exists within Zimbabwean society and indeed within many of the countries of Africa. Africa is not a hopeless continent. One cannot paint the entire region in the same depressing and fatalistic shades. And Mr. President, I intend to come to this floor to highlight the promise and the achievements of the diverse region in the remaining weeks of this session, in an effort to counter the lazy, misguided analysis that suggests we should wash our hands of engagement with this remarkable part of the world.

THE MICROSOFT CASE

Mr. CRAIG. Mr. President, Judge Learned Hand once observed: "The successful competitor, having been urged to compete, must not be turned upon when he wins."

For Microsoft and the rest of our domestic high-tech industry, it may be too late to heed Judge Hand's warning.

Whatever justification the Justice Department used for its actions against Microsoft, the real measure of success in the Microsoft case is how it affects American consumers and the American economy.

From their perspective, the verdict is clear: The Justice Department's suit against Microsoft is bad for consumers, bad for high-tech markets, and bad for the country.

Mr. President, our anti-trust laws are unlike health and safety regulations. Their purpose isn't to protect the physical well being of citizens, but rather their pocketbooks.

Like other forms of economic regulation, a successful effort requires two conditions. First, there must exist a market failure. Second, the government must be in a position to fix that market failure.

The case against Microsoft fails both conditions. Our domestic computer markets are working just fine. For thirty years, they have been characterized by falling prices, rising performance, and increased choice:

According to the Commerce Department, quality-adjusted prices for computer memory chips have declined 20 percent per year since 1985;

A chip that sold for $1778 in 1974 cost just 47 cents in 1996; and according to the CBO, software prices have been falling between 3 and 15 percent per year on average.

Meanwhile, new products are being introduced every day. There are currently over 25,000 applications designed to run on Windows, yet the fastest growing segment of the market includes so-called "Microsoft-Free" applications.

Mr. President, I am one of the most computer illiterate members of the United States Senate, but I can pull airline flight information off the internet faster than anybody here. I use my Palm Pilot to do it. The Palm Pilot doesn't have any Microsoft products in it. You can browse the internet with your cell phone too. Again, no Microsoft.

And just recently, Linux-based software writer Red Hat announced a partnership with Dell Computer to accelerate the commercial adoption of the Linux operating system. This new system would compete directly with Windows-based computers.

Lower prices, better performance, increased choice—Mr. President, there is no market failure in our domestic computer industry. To suggest otherwise doesn't pass the laugh test.

Nor does the suggestion that consumers are better off following Judge Jackson's ruling. All the evidence suggests just the opposite.

One unique aspect of today's economy is that America's consumers are also America's owners. Fully one-half of American families own stock in American companies. Those families have been hurt by the Microsoft case.

On April 3, Judge Jackson issued his finding of law. That day, the Nasdaq stock index crashed. It fell a record 349 points. That's a loss to Americans of about $450 billion—or about 5 percent of our national income.

Gone, in one day.

Mr. President, a basic premise of anti-trust action is to defend consumers. We want to protect competition, not competitors.

Yet, in the Microsoft case, it was the competition that pointed the finger. Actual consumers were notably absent. So how did the markets treat Microsoft's competition following Judge Jackson's ruling? Poorly.

Of the companies that testified against Microsoft—Intel, IBM, Compaq, Oracle, AOL, Sun Microsystems, Intuit, Apple, and Gateway—only one saw its stock rise in the month following the Judge's ruling. Every other stock had dropped, some by as much as 30 percent.

This decline is no coincidence. According to a study recently published in the Journal of Financial Economics, whenever the government's antitrust suit has scored a victory against Microsoft, an index of non-Microsoft computer stocks falls. When Microsoft wins a round, those computer stocks rise.

Judge Jackson may have ruled against Microsoft, but the markets have ruled against government interference in the New Economy.

Mr. President, the only monopoly consumers need to worry about in the Microsoft case is the monopoly government regulation has over private industry.

Having stood on the sidelines while American's high-tech community led the American economy into the twenty-first century, the government is now stepping in and telling those same corporations how to run their business.

Economic regulation used to be popular in Washington, DC. At one point in the late 1970s, the federal government controlled the pricing and market access of all our transportation industries—trucking, airlines, rail, and pipeline—as well as the energy industry.

Today, those regulations are gone, and we are all better off. The last twenty years of economic growth and prosperity demonstrates that those regulations did the economy more harm than good.

In many ways, our anti-trust laws are the last toe-hold of economic regulation in the federal code.

Unfortunately, it's a growing toe-hold. The number of investigations by the Justice Department under our anti-trust laws has exploded in recent years, rising from 134 in 1995 to 276 in 1997.

Which begs the question, who's next?

Now that the Justice Department has been turned loose, who are the other innovative companies that might want to ensure that their lawyer's retainers are fully paid?

Intel: With a market share of 80 percent, Intel is by far the leader in sales of the microprocessor market for PCs. While this lead seems reasonable, since Intel invented the first microprocessor in 1971, innovation isn't a defense in anti-trust law. Intel's profit margins have exceeded 20 percent for the past five years.

AOL: With almost 25 million online subscribers, AOL is the clear worldwide leader in online services. Investor Research says: "The service has continued to make significant gains in the number of customers, despite charging a monthly fee of $21.95 that is higher than the industry's standard fee of $19.95." Do higher fees indicate monopoly rents?

Cisco: Cisco Systems is the world's largest supplier of high performance computer internetworking systems. It supplies the majority of networking gear used for the internet. According to Investor Research: "Demand for switches is being driven by a need for greater bandwidth by corporate users: Cisco dominates this market." Mr. President, the term dominates is bad in the anti-trust world.

EBAY: EBAY operates the world's largest person-to-person online trading community, with more than 10 million registered users and 3 million items listed for sale. You can purchase antiques, coins, collectibles, computers, memorabilia, stamps, and toys on EBAY from other individuals. Profit Margins: 70 percent plus. Seven Zero.

One irony in the Microsoft case is that Netscape, the frequently cited "victim" in the case against Microsoft, was in 1996 clearly a monopoly player in its own right, with over 80 percent of the browser market. Now, Netscape is owned by AOL, another monopoly-sized player.

America's high tech community used to shun government interference. They would be smart to continue to do so. The companies that encouraged the Microsoft lawsuit made a Faustian bargain. Now that the government has focused on this industry, it may be difficult to turn its attention elsewhere.

That's too bad. The case against Microsoft has hurt the high tech community where it counts—in its pocketbook. But the full cost of this ill-advised attack remains to be seen. Right now, America stands alone atop the New Economy. Increased government intervention is a good way to ensure that dominance doesn't last.

THE TRUTHFULNESS, RESPONSIBILITY AND ACCOUNTABILITY IN CONTRACTING ACT

Mr. ROBB. Mr. President, I am pleased to be joined by several of my colleagues in support of the Truthfulness, Responsibility and Accountability in Contracting Act, or the TRAC Act. We look forward to dropping our bill when the Senate returns from the July 4th recess.

The TRAC Act simply stated, seeks the best value for the federal dollar. Its main objectives are instituting public-private competition and tracking costs. My colleagues and I agree that improvements to service contracting should be made, and this bill is one way to achieve that.

Our bill directs federal agency certification before entering into new contracts. These standards include establishing agency-wide reporting systems to report contracting efforts; requiring public-private competition; and reviewing contractor work and recompeting that work if appropriate.

Why the new standards? So we can better ascertain what the federal government is spending for government services. David Walker, Comptroller General for the General Accounting Office, stated recently in a June 1st Washington Post piece by David Broder that ". . . it is not clear that the remaining federal employees are capable of monitoring the cost and quality of the outsourced activities." The ability to monitor costs is essential if the Congress is to exercise proper oversight of federal funds spent to carry out services by either contractors or federal employees.

We also want to ensure an even playing field between contractors and federal employees when competing for work. The public-private competitions required by the TRAC Act will determine how best the federal government can save money on its many critical services. Our bill doesn't guarantee any pre-determined outcome in a public-private competition, but rather ensures that these competitions occur.

Contractors have historically played a role in delivering government services and will continue to do so. Therefore, our bill will allow the federal agencies to see who completes work most effectively, regardless of who delivers the service.

EXPIRATION OF CHAPTER 12 OF THE BANKRUPTCY CODE

Mr. GRASSLEY. Mr. President, at this time, I am seeking recognition in order to call to my colleagues' attention something that will happen today. At midnight today, bankruptcy protections for family farmers will disappear. Chapter 12 of the Bankruptcy Code will expire. And America's family farming operation will be exposed to foreclosure and possible forced auctions. I think this will be a clear failure on the part of the Congress and the President to do their duty. How did we get here? After all, the Senate and House have passed bankruptcy reform bills which made chapter 12 permanent. But a small minority of Senators who oppose bankruptcy reform have apparently decided that they would rather see America's family farmers with no last-ditch safety net than let the House and Senate even convene a conference committee in order to get the two bills reconciled.

But even with these stall tactics, the House and Senate have met informally to resolve the bankruptcy bills. The informal agreement, of course, will make chapter 12 permanent. If we were allowed to pass this bill, America's family farmers would never again face the prospect of having no bankruptcy protections.

That's right Mr. President, we have the power right now to give family farmers last-ditch protection against foreclosures and forced sales. But, some of our more liberal friends won't let that happen. Some members of this body have just decided to play political chess games with bankruptcy reform, and they're willing to use family farmers as pawns to be expended in pursuit of some larger goal.

Mr. President, with the sluggishness we have in the farm sector, I think it's just plain wrong to play games with family farmers. Senator LOTT and the Republican leadership have tried to move the bankruptcy bill repeatedly and have been stymied every step of the way. We need to help our family farmers, not play games with their futures. The opponents of bankruptcy reform have resorted to tactics which are morally bankrupt.

Mr. President, back in the mid-1980's when Iowa was in the midst of another devastating farm crisis, I wrote chapter 12 to make sure that family farmers would receive a fair shake when dealing with the banks and the Federal Government. At that time, I didn't know if chapter 12 was going to work or not, so it was only enacted on a temporary basis.

Chapter 12 has been an unmitigated success. As a result of chapter 12, many farmers who once faced total financial ruin are still farming and contributing to America's economy. As was the case in the dark days of the mid-1980s, some are again predicting that farming operations should be consolidated and we should turn to corporate farming to supply our food and agricultural products. As with the 1980s, some people seem to think that family farms are inefficient relics which should be allowed to go out of business. This would mean the end of an important part of our Nation's heritage. And it would put many hard working American families—those who farm and those whose jobs depend on a healthy agricultural sector—out of work.

But the family farm didn't disappear in the 1980s, and I believe that chapter 12 is a major reason for the survival of many financially troubled family farms. An Iowa State University study prepared by professor Neil Harl found that 85 percent of the Iowa farmers who used chapter 12 were able to continue farming. That's real jobs for all sorts of Iowans in agriculture and in industries which depend on agriculture. According to the same study, 63 percent of the farmers who used chapter 12 found it helpful in getting them back on their feet. In short, I think it's fair to say that chapter 12 worked in the mid 1980s, and it should be made permanent so that family farmers in trouble today can get breathing room and a fresh start if that's what they need to make it. It's shameful that some Senators who know better are continuing to play politics and deny a fresh start to family farmers.

But the bankruptcy reform bill doesn't just make chapter 12 permanent. Instead, the bill makes improvements to chapter 12 so it will be more accessible and helpful for farmers.

First, the definition of family farmers is widened so that more farmers can qualify for chapter 12 bankruptcy protections. Second, and perhaps most importantly, the House and Senate agreed to reduce the priority of capital gains tax liabilities for farm assets sold as a part of a chapter 12 reorganization plan. This will have the beneficial effect of allowing cash-strapped farmers to sell livestock, grain and other farm assets to generate cash flow when liquidity is essential to maintaining a farming operation. Together, these reforms will make chapter 12 even more effective in protecting America's family farms during this difficult period.

Mr. President, it's imperative that we keep chapter 12 alive. Before we had chapter 12, banks held a veto over reorganization plans. They wouldn't negotiate with farmers, and the farmer would be forced to auction off the farm, even if the farm had been in the family for generations. Now, because of chapter 12, the banks are willing to come to terms. We must pass the bankruptcy reform bill to make sure that America's family farms have a fighting chance to reorganize their financial affairs.

DISCLOSURE BY SECTION 527 ORGANIZATIONS

Mr. MURKOWSKI. Mr. President, throughout the rancorous campaign finance reform debate I have consistently argued that the only reasonable solution rests in increased disclosure and the active enforcement of current laws. For this reason, I voted in support of H.R. 4762—legislation requiring 527 organizations to disclose their political activities and supporters.

I want to unequivocally state, however, that I believe this bill is only the first step towards complete disclosure and accountability in campaign financing. Financing laws must be fair, and they must be universal. Disclosure requirements must be extended to other tax-free organizations as well, namely Internal Revenue Code 501(c) groups that have actively participated in local and national elections.

What is the benefit of disclosure laws if they do not apply to all? I suggest that unbalanced and incomplete restrictions will only enhance efforts to manipulate campaign financing laws. 527 groups will, essentially, be encouraged to pack up shop and re-emerge as 501(c) groups. Quickly, they will be able to continue their efforts to influence elections with limited disclosure requirements. Clearly, more reform must be done.

For this reason, I urge this body to move forward and extend disclosure requirements to 501(c) organizations. I doubt anyone would suggest that 501(c)(4) civic groups have not made efforts to express a political message. Earlier this year, one 501(c)(5) labor union openly professed its intention to spend tens of millions of dollars to influence House elections. And our nation's media has been awash with efforts by 501(c)(6) corporations to convey their political messages. Yet, our financing system fails to require these groups to provide expenditure and donor information. This is wrong.

Recently, I cast a vote that would seem to be in conflict with my support of H.R. 4762. I voted against similar language in an amendment to the Department of Defense Authorization bill. It is important to note, however, that my vote was on a constitutional point of order. If the Section 527 amendment was included in the Defense bill, it would have converted the bill into a revenue measure originating in the Senate and caused the defense authorization bill to be blue-slipped—essentially killed—when it is sent to the House. This is not a matter of mere semantics, it is mandated by the Constitution. Regardless of the legislation's merits, as a senator I must uphold the Constitution. My vote reflects this duty.

But with H.R. 4762, the procedural obstructions were removed. I support active disclosure in our campaign financing system. By making contributions public, the American people can decide for themselves who they want to support. When issue ads from supposedly public interest groups are aired, the American public can now find out who is funding these ads. For example, we may now be able to learn whether ads for so-called environmental causes are actually being financed by members of OPEC who want to maintain their monopoly and prevent us from exploring for oil in the U.S.

I hope that we will soon extend the disclosure requirements to other organizations so that the American public can truly know who finances the public relations campaigns that influence our modern elections.

Mr. President, a word of caution is in order. I am sensitive to the legitimate needs of private citizens to criticize government without fear of retaliation. We must never forget that we are the nation of Alexander Hamilton, John Jay, and James Madison. The very men who wrote under the anonymous name of "Publius," shaping our government through the Federalist Papers. Would such thought and expression have survived if the cloak of anonymity was removed? Political speech is free speech, and private citizens who have not sought preferred tax status should not be limited in their rights of expression, their freedom to associate, or their right to privacy.

Somewhere, the proper balance between complete disclosure and the right to free expression resides. I believe H.R. 4762 is a good first step in striking this balance. Clearly, those who expect tax preferred status to advocate their political message are within the grasp of disclosure laws. I reiterate my support for full disclosure, and once again call for quick action upon more comprehensive disclosure legislation.

NOMINATION OF DONALD MANCUSO

Mr. GRASSLEY. Mr. President, I would like to take a moment today to tell my colleagues why I oppose the nomination of Mr. Donald Mancuso.

I would like my colleagues to understand why I have placed a hold on Mr. Mancuso's nomination.

Mr. Mancuso has been nominated to be the Inspector General (IG) at the Department of Defense (DOD).

Mr. President, over the years, I have made a habit out of watching the watchdogs. I have tried hard to make sure the IG's do their job. I want the IG's to be a bunch of junk yard dogs when it comes to overseeing their respective departments.

In doing this oversight work, I have learned one important lesson: the IG's must be beyond reproach.

Now that Mr. Mancuso's nomination has been submitted to the Senate for confirmation, this is the question we—in this body—must wrestle with:

Does Mr. Mancuso meet that standard?

Is Mr. Mancuso beyond reproach?

That's the question now before the Senate.

I have to ask myself that question because of something that happened a year ago.

In June 1999, a former agent from the Defense Criminal Investigative Service or DCIS walked into my office. He made a number of very serious allegations of misconduct about senior DCIS officials, including Mr. Mancuso.

And he had a huge bag full of documents to back them up.

Mr. Mancuso was the Director of DCIS from 1988 until 1997 when he became the Deputy DOD IG.

Mr. Mancuso was the Pentagon's top cop. He was in charge of the DOD IG's criminal investigative bureau. He was a senior federal law enforcement officer.

The allegations were very serious.

Many concerned Mr. Mancuso's internal affairs unit.

It was alleged that an agent assigned to the internal affairs unit had a history of falsifying reports to damage the reputation of fellow agents.

It was further alleged that Mr. Mancuso was aware of this problem yet failed to take appropriate corrective action.

It was alleged that Mr. Mancuso personally approved a series actions to protect a senior deputy who was under investigation for passport fraud.

It was alleged that Mr. Mancuso and the senior deputy were close personal friends.

The senior deputy happened to be in charge of the internal affairs unit.

While head of that unit, this person is suspected of committing about 12 overt acts of fraud. He was eventually convicted and sent to jail.

Mr. Mancuso allegedly took extraordinary measures to shield this individual from the full weight of the law and departmental regulations.

It was also alleged that Mr. Mancuso engaged in retaliation and other prohibited personnel practices.

The Majority Staff on my Judiciary Subcommittee on Administrative Oversight and the Courts conducted a very careful examination of the allegations.

The results of this investigation were presented in a Majority Staff Report issued in October 1999.

Mr. President, I came to the floor on November 2, 1999 to discuss the contents of the report.

All supporting documentation—and there was a mountain of material—was simultaneously placed on the Judiciary Committee's web site.

The Majority Staff Report substantiated some of the allegations involving DCIS officials, including Mr. Mancuso.

I also sent a copy of the report and supporting documentation to Secretary of Defense Cohen.

Mr. President, I also wanted to be certain that my friend, Senator WARNER, Chairman of the Armed Services Committee, and my friend Senator THOMPSON, Chairman of the Governmental Affairs Committee, were up to speed on this issue.

I have continued sending them material as the case has developed.

I want them to be informed about what I am doing and where I am headed with Mr. Mancuso's nomination.

Mr. President, after the staff report was issued, my office was inundated with phone calls from current and former DCIS agents with new allegations of misconduct by Mr. Mancuso and others.

The Majority Staff has investigated some of the new allegations, as well. Some have been substantiated and some have not.

The new findings have been summarized in letter reports.

Those have been shared with Secretary Cohen.

And I met with the new Deputy Secretary, Mr. Rudy de Leon, on May 24th to express my concerns about the allegations involving Mr. Mancuso.

Mr. President, I am not alone in raising questions about Mr. Mancuso's conduct.

At least six other government entities believe that the allegations are serious enough to warrant further investigation. These include:

Chief of the Criminal Division, Eastern District of Virginia

Integrity Committee of the President's Council on Integrity and Efficiency

Public Integrity Section at the Justice Department

Inspector General, Department of the Treasury

U.S. Office of Special Counsel

Inspector General, General Services Administration

Most of these investigations are ongoing. However, at least one has been completed.

The Inspector General at the Treasury Department has corroborated some of the facts and conclusions in the Majority Staff Report.

I also know that the U.S. Attorney, who prosecuted Mr. Mancuso's senior deputy for passport fraud, is very unhappy with Mr. Mancuso's conduct in that case.

The U.S. Attorney has characterized Mr. Mancuso's conduct in that case as: "egregious and unethical."

Mr. President, at this point, there are just too many unanswered and unresolved questions bearing on the allegations.

I think it would be accurate to say the case against Mr. Mancuso would not stand up in a court of law.

Successfully meeting that test, however, does not mean that Mr. Mancuso is ready to be the Pentagon's Inspector General.

The IG's must meet a much higher standard.

The IG must be beyond reproach.

Having questions about judgment and appearance—like in Mr. Mancuso's case—is not beyond reproach.

Mr. President, I will have much more to say about this at a later date.

I yield the floor.

THE MINNESOTA FLOODS OF 2000

Mr. GRAMS. Mr. President, I rise today to discuss the devastating storms of last week that are affecting much of northwestern Minnesota. We are experiencing some of the worst flash flooding in over 100 years. These storms dumped more than 7 inches of rain in the Moorhead, Minnesota and Fargo, North Dakota area in an eight-hour period, swamping hundreds of basements, and streets, and acres of farm land.

This past weekend, I had the opportunity to see first hand the effects of the storm when I visited the communities of Ada, Borup, Perley, Hendrum, and Moorhead. Actually, I had originally planned before the storm on being in the area to celebrate the grand opening of the Ada Hospital following its destruction during the Floods of 1997. Just three short years ago, Ada was hit with the worst flooding in 500 years. They are still recovering from that flood.

How do you explain floods like these? They don't just happen once in a while contrary to reports of 100 or even 500-year floods, they've been happening every year in northwestern Minnesota. Last year, Ada experienced severe hail storms and a Labor Day flood. In 1998, there were three floods in February, May and June. In 1997, of course, there was the huge flood in the Red River Valley.

Swollen from the heavy rains, the Wild Rice River became a huge pool of water 25 miles wide and 30 miles long that flowed steadily overland through northwestern Minnesota, drowning millions of dollars worth of crops in its path. The pool developed as heavy run-off collected at higher elevations in Becker and Mahnomen counties, then flowed into the Red River Valley toward Ada. You have to realize that this land is very flat, dropping only about one foot per mile, so the water moves slowly, but causes severe crop damage. Several rivers converge and flood prevention measures have failed to funnel excess water into the Red River. I intend to work with representatives from the watershed districts, and the Army Corps of Engineers to see whether past flood control measures have resulted in what has become constant flooding in this area of northwest Minnesota and what can be done to alleviate this problem in the future. I saw fields with three or four feet of water that had been planted with wheat, soybeans, and sugar beets earlier this year. Now, these crops are all destroyed, and the stench of rotting crops has begun.

Earlier this week, Governor Ventura declared this area a state of emergency so that federal, state and local emergency management officials can work together to assess the damage and see whether federal assistance will be required. As if this wasn't enough, eight counties in southeastern Minnesota were declared emergency areas and Governor Ventura has asked the federal government for money to help with their recovery following rainstorms of May 17th. I was happy to support the Governor's request and to learn that President Clinton has declared this region a disaster so that they are eligible for federal funding. This region of Minnesota received 5 to 7 inches of rain on May 17th, followed by another heavy storm May 31. Since then, even small rainfalls have resulted in overflows and drainage problems.

It's too early to tell the extent of the damage in northwestern Minnesota. Preliminary estimates include damage to 430 houses, primarily in the Moorhead area, and $10 million damage to crops in Becker and Mahnomen counties.

But losses will go much higher. The greatest crop damage appears to be in Clay and Norman counties. There, crops have been damaged or destroyed on more than 500 square miles of land, according to county officials. That could mean $50 million in lost crops, and half that again in out-of-pocket planting costs.

Flooding remains a serious blow to farmers in Minnesota. There are about 300 commercial farmers left in Norman County in northwestern Minnesota. They've been losing 20 or 30 farms every year recently. It's too late to plant any cash crops in that part of the state. Some farmers will plant a "cover crop" to control erosion; others simply will try to control weeds and start planning for next year.

As in every disaster that my state has faced, I've been inspired once again by the people of Minnesota, who rally together for their communities when tragedy strikes. It's during critical times such as these that we finally understand the importance of neighbor helping neighbor. At a time when we all too often fail to make the effort to get to know and appreciate our neighbors, Minnesotans in a great many of our communities have formed lasting bonds over this past week and found their civic spirit has been restored.

Mr. President, I intend to work with Governor Ventura to examine the need for federal funding to help those Minnesotans devastated by this most recent flooding. I also want to work with the Governor, the Farm Services Administration, and the Department of Agriculture in anticipation of federal funding needs for farmers who have had severe crop losses. I stand together with my colleagues in the Minnesota delegation, and with our colleagues from North Dakota who are facing destruction in their states equal to our own. When disaster strikes, we are not Republicans or Democrats. We are representatives of the people, and we will do whatever we must to protect our citizens when their lives, homes and property are threatened.

THE PRESIDENT'S ROADLESS INITIATIVE

Mr. SMITH of Oregon. Mr. President, I come to the floor of the Senate this week as the Forest Service has launched a series of meetings in my state and around the country to solicit comments on the Administration's proposed roadless initiative. I want to encourage Oregonians to send in their comments and attend these meetings to make their voices heard.

I am concerned that so many of my constituents will not take part in this comment period in part because they believe that this roadless policy is a foregone conclusion. Frankly, I don't think the Forest Service did much to change those feelings by including language in its draft Environmental Impact Statement (EIS), which characterized loggers, mill workers, and people in the timber products industry in general as uneducated, opportunistic, and unable to adapt to change. Many Oregonians, not just those in resource industries, were offended by this.

I understand that the Administration has subsequently apologized, but I am afraid this incident only added to the feeling held by many Oregonians that the decisions about this roadless plan have already been made. So I want to take this opportunity today to outline some of my concerns about this roadless initiative and to encourage other Oregonians to take advantage of the remaining weeks of this public comment period to do the same.

Mr. President, the management of the roadless areas in our National Forest System has been the subject of debate for many years. We had the RARE I (Roadless Area Review and Evaluation) process in the early 1970s leading to inventories and analysis of the large roadless areas in our National Forests. Then we had RARE II under the Carter Administration.

That process was followed by a number of state-specific bills, such as the Oregon Wilderness Act of 1984, where roadless areas that were suitable for wilderness protection were so designated and other roadless areas were to be released for multiple uses. Despite the growth of the wilderness system in this country, the management of other roadless areas has remained controversial.

Now this Administration has proposed a roadless initiative that would permanently ban road construction from some 43 million acres of inventoried roadless areas. In addition, this draft EIS calls for each Forest, upon its periodic Forest Plan revision, to protect additional roadless areas, often referred to as uninventoried roadless areas. No one, not even the Forest Service, seems to know how many millions of acres that may ultimately be. So the President is proposing setting aside an additional 45 to 60 million acres of the National Forest system on top of the 35 million acres that are already designated as wilderness areas. Let me remind my colleagues that the entire National Forest System is 192 million acres and that there are numerous riparian areas and wildlife buffer zones that are also off limits to road construction. So we may well have more than half of our National Forest System permanently set aside and inaccessible to most of the public by the time this Administration is through.

What is even more alarming to me is the position of the Vice President on this issue. In a speech to the League of Conservation Voters last month, AL GORE said the Administration's preferred alternative does not go far enough. Perhaps Mr. GORE's "Progress and Prosperity" tour should make a few stops in rural Oregon so he can see first-hand the results of eight years of passive management of our federal lands—double digit unemployment and four day school weeks. As part of the Administration that is writing this rule and is supposedly keeping an open mind while taking comments from the public this month, it seems a bit premature for the Vice President to speak so favorably of an alternative that is ostensibly still being reviewed. I know the Chairman of the Senate Energy Committee and the Chairman of the House Resources Committee have requested the Vice President recuse himself from the rest of this rule-making process. I agree with the Chairmen and hope the Vice President will try to restore the public's confidence that this rule-making is not predetermined and that it is open, as required by law, to the comments and suggestions of the public.

Mr. President, some of my colleagues may ask why new roads may be needed in the National Forest System. There are many reasons, but perhaps the most urgent purpose is forest health.

A century of fire suppression followed by years of inactive forest management under this Administration have left our National Forest System overstocked with underbrush and unnaturally dense tree stands that are now at risk of catastrophic wildfire. The GAO recently found that at least 39 million acres of the National Forest System are at high risk for catastrophic fire. According to the Forest Service, 26 million acres are at risk from insects and disease infestations as well. The built up fuel loads in these forests create abnormally hot wildfires that are extremely difficult to control. This year's fires in New Mexico have given us a preview of what is to come throughout our National Forest System if we continue this Administration's policy of passive forest management.

To prevent catastrophic fire and widespread insect infestation and disease outbreaks, these forests need to be treated. The underbrush needs to be removed. The forests must be thinned to allow the remaining trees to grow more rapidly and more naturally. While some of this work can be done without roads, roads are many times required in order to carry out this necessary work. Yet this Administration apparently wants to make it more difficult to address these problems, more difficult to stop fires like those in New Mexico before they start. And the Vice President wants to go even further than that.

Why else are roads needed in the National Forest System? Forest roads provide millions of Americans with access to the National Forests for recreational purposes. With the Forest Service predicting tremendous increases in recreational visits to the National Forest System in the coming years, shouldn't there at least be a thorough examination of how this roadless plan will affect the remaining areas of our National Forests, which will apparently have to absorb most of these new visitors? And what about the needs of seniors and disabled visitors? Compounding the problem, this Administration will be decommissioning many roads currently used by recreational visitors. In its rush to complete this sweeping rule, this Administration does not seem to have the time to examine seriously the impacts of steering more and more recreational visitors to a smaller percentage of the Forest System.

Mr. President, I am also concerned about how this roadless initiative is supposed to interact with the Northwest Forest Plan. Last year, I came to the floor of the Senate and I expressed concerns about this Administration's forestry policies and its weak implementation of its own plan that was supposed to lay the groundwork for a cooperative resolution to the timber disputes of the early 1990s. Unfortunately, as our federal agencies scour the forests to survey for mosses, we continue to have gridlock in the Northwest, with none of the promised sustainable and predictable timber harvests in sight. So how much confidence does this Administration have in its own Northwest Forest Plan? By reading its roadless proposal, the answer is "not much." Clinton's Northwest Forest Plan has thorough standards and guidelines for activities in the forests covered by the plan, including roadbuilding. This Administration had previously exempted the Northwest Forest Plan forests from its road building moratoriums because it was still clinging to the notion that its plan was the model for forestry policy in the future. Unlike those temporary moratoria, however, the Administration's roadless initiative makes no exception for the forests covered by the Northwest Forest Plan. To me, this suggests that even this Administration is acknowledging what many in the Northwest have said for some time: The Clinton Forest Plan is a failure. Rural Oregon already knew that. Now with this roadless proposal, this Administration will only make it harder for any future Administration to keep its promises under the Northwest Forest Plan. This fact is most obvious in the town of Klamath Falls in southern Oregon. Like many towns in the Northwest surrounded by federal lands, Klamath Falls was encouraged by this Administration to create jobs and economic growth through recreation and ecotourism in order to compensate for the loss of the timber jobs. Of course, it is difficult to find substitutes for the family wage jobs that the timber industry once provided for these towns. Nevertheless, rural Oregon has tried to diversify its economy.

More than three years ago, developers and community leaders in Klamath Falls embarked upon the arduous process of obtaining a special use permit to launch a winter recreation area at Pelican Butte in the nearby Winema National Forest. Millions of dollars were spent and countless hours were invested by everyone from the local forest service, to the developers, to the local government and the community as a whole. A final Environmental Impact Statement and Record of Decision are due next year. Now, due to the fact that Pelican Butte will require three miles of road in a currently inventoried roadless area, the Administration's roadless initiative will effectively kill the plan. In its zeal to complete this plan before leaving office, this Administration apparently does not want to take the time to make reasonable accommodations for proposals that have been in the pipeline for years. Never mind the fact that the Pelican Butte project will result in a net decrease in road mileage on National Forest lands. Never mind the fact that Oregonians were told by this Administration to go and find other means to develop their economy outside of timber. The message to Oregonians is clear: If the roadless plan is to be concluded before President Clinton leaves office, there is no time to spare to consider the effort and good will invested by the people of Klamath Falls in the Pelican Butte proposal. The fact is that this Administration doesn't care how many rural communities are left in the dust by this regulatory juggernaut.

Mr. President, all of this is very discouraging for Oregonians who have a sense this Administration has already made up its mind on this roadless initiative. It is my understanding that many of my constituents have just received copies of this draft EIS in the last few days—with half of the brief comment period already expired. Nevertheless, from the floor of the Senate today, I am pleading with my constituents to get out there during this comment period and make their voices heard. This rulemaking is too significant for Oregonians to be silent.

Mr. President, I agree with this Administration that we need a long-term resolution to the management of our roadless areas. But common sense tells us that what is needed and appropriate for one area may not be sound stewardship for another. With this roadless initiative, this Administration is talking about setting aside in one broad stroke millions of acres that are supposed to be held in trust for all Americans. Even worse, this plan is being rushed through a truncated public comment process in order to accommodate an artificial political deadline. This isn't the way to manage our precious natural resources and this isn't the way to treat our rural communities. The management of these roadless areas is a complicated question, and it deserves more than the simple answer being force-fed to us by this Administration.

PRESCRIPTION DRUGS UNDER MEDICARE

Mr. GRAMS. Mr. President, I come to the floor today to discuss an issue that has become increasingly important to many in Congress. As an early sponsor of legislation to provide prescription drug coverage under Medicare, I am pleased there has been progress in reaching an agreement among many proposals to provide prescription drug benefits to seniors.

Medicare recently celebrated its 35th anniversary. As with most things in life this program is now starting to show its age. Still being administered under a model developed in 1965, Medicare is quickly becoming antiquated and blind to the many advances in modern medicine. We all know prescription drugs play an increasingly important role in the health of our nation.

There are countless examples of drugs which now allow us to live longer, more productive lives. Drugs to control blood pressure, lower cholesterol, or mitigate the effects of a stroke are a few which demonstrate the measurable impact research and development can have on improving our lives. Unfortunately, the Medicare program has not progressed as rapidly as medicine.

To that end, I introduced the Medicare Ensuring Prescription Drugs for Seniors Act, or MEDS. My bill was an early attempt to heighten the debate surrounding prescription drugs, and at the same time provide a plan that would address the needs of the nearly one third of senior citizens in this country who currently lack any form of prescription coverage. We have all heard the frightening stories of the choices that many seniors are forced to make when it comes to paying for prescription drugs. Unfortunately, many of these stories have been politicized and used to stir the political cauldron over the past several months. But the reality is that decisions between food, shelter, and medicine are all too common among our neediest seniors. MEDS was introduced to help these people.

My plan would add a prescription benefit under the already existing Part B of Medicare, without creating or adding any new overly bureaucratic component to the Medicare program. It works like this: The part B beneficiary would have the opportunity to access the benefit as long as they were Medicare eligible. Those with incomes below 135 percent of the nation's poverty level would be provided the benefit without a deductible and would only be responsible for a 25 percent copayment for all approved medications.

My bill also provides relief for seniors above the 135 percent income threshold who may face overwhelming drug costs because of the number of prescriptions they take or the relative costs of them, by paying for 75 percent of the costs after a $150 monthly deductible is met. Most importantly, this voluntary benefit does not have a treatment cap. Unlike both the President's plan and others currently being debated in Congress, MEDS covers all participating beneficiaries no matter what level of monthly or annual drug expenditure they incur and does not abandon seniors when they need help the most.

The House of Representatives narrowly passed a prescription drug bill that subsidizes the insurance industry and attempts to ensure coverage in all areas of the country—a difficult if not impossible task. The biggest problem with this approach is that the insurance industry has stated that it wouldn't be able or willing to provide these types of "stand alone" policies no matter how much of a subsidy they receive. Trying to establish an enormously expensive and administratively difficult plan built on the mere hope that the insurance industry will change its mind, is simply too big a risk to take when it comes to our nations seniors.

The House bill would establish a new outside agency through the Department of Health and Human Services to administer the plan. Not only will this compound the problem of administration, implementation and increasing federal bureaucracy, but it also actually delays benefits that will help our seniors today. There is no way a major new bureaucracy can be created and become effective in time to provide the help our seniors need now. At a minimum, based on similar initiatives in the past, it would take two years to gear up this kind of new government agency, which again, only duplicates existing federal bureaucracy and slows progress toward meaningful reform.

It's important these facts are understood as we continue discussing emerging plans for a prescription drug benefit under Medicare. How a plan is structured could have dramatic consequences for future innovations in treatments which can enhance quality of life and in some cases save lives. If done right, we'll enable all senior citizens to access the best health care system in the world and receive the latest technology and treatment for their conditions—and do it in a way that is both responsible and expedient. MEDS accomplishes both of these goals.

In closing Mr. President, let me say, as I have in the past, the challenge before us today is to enable Medicare to shape and adapt itself to reflect the realities of an ever changing health care system. After 35 years of endless tinkering, we have a real opportunity to make it more responsive, more helpful, and more attuned to the needs of current and future retirees and disabled persons in this country through the provision of a prescription drug benefit. This is a goal to which I am wholly committed.

NEOTROPICAL MIGRATORY BIRD ACT

Mr. L. CHAFEE. Mr. President, yesterday, the Senate approved S. 148, the Neotropical Migratory Bird Conservation Act. I would like to thank Senator ABRAHAM and Senator SMITH for their work on this important environmental issue, and also offer my family's appreciation for Senator ABRAHAM's kind words regarding my father. Senator John Chafee was a strong proponent of this legislation, and I am proud to follow his lead in cosponsoring this bill.

Now, what is a neotropical migratory bird? Simply put, it's a bird that breeds in North America, and migrates each year to tropical habitats in Central and South America. While the name sounds technical and complicated, many of these birds are well-known and well-loved by Americans. Plovers, sandpipers, hummingbirds, woodpeckers, orioles, blackbirds, and many species of raptor and songbird are all neotropical migratory birds. Some of these birds, such as the Ruby-throated Hummingbird and the Killdeer, cover amazing distances as they travel between their summer and winter habitats.

In Rhode Island, we are fortunate to be visited by many neotropical migrants including one species of hummingbird, over ten species of raptor, over 30 species of shorebirds, eight species of flycatcher, six species of thrush, and 35 species of warblers. Rhode Island's location makes it a key stopover spot for many neotropical migrants to refuel and rehydrate.

In addition to an excellent location, Rhode Island has important habitat for migratory birds. Its combination of fruit-bearing shrubs and forest provide ample cover and food for these birds to take a break during their migration. The many wetlands found in the state also provide excellent areas to rehydrate, one of the most important needs on a bird's trip north or south.

Even with high quality habitat still available in parts of the United States, tragically, many of these species are in real danger. The greatest human threat to neotropical migratory birds is the loss of habitat, particularly in the Caribbean and Latin America. Many neotropical migratory birds stop to rest and feed at several relatively small patches of habitat along their long migrations between continents. Destruction of these stopover areas can have a devastating impact on a species. In addition, overharvesting of timber, loss of wetlands and heavy use of pesticides exact a heavy toll on the habitats on which neotropical migrants depend. As noted in the Committee Report, 90 species of migratory birds are listed as threatened or endangered under the Endangered Species Act, and approximately 210 species in the United States are in serious decline.

The challenge of protecting migratory birds is complicated by the reality that many of the most effective conservation measures must be implemented overseas. Migratory birds cross oceans, time zones, and national boundaries. Preservation of these species must involve close partnerships and cooperation with our Caribbean and South American neighbors.

Senator ABRAHAM's bill will help address the multitude of threats facing migratory birds by encouraging partnerships between private and public entities and across international boundaries to help protect and restore habitat of neotropical migrants. Importantly, there are ongoing efforts aimed at stopping the decline in migratory bird species; however, these efforts could be enhanced through better coordination and increased funding. S. 148 furthers both goals. Under the bill, the Secretary of the Interior is directed to facilitate the exchange of information among the various groups, and to coordinate existing conservation efforts. The bill also authorizes $25 million over five years in grants for projects to conserve neotropical migratory bird populations. Three-quarters of this funding must be used for projects in other countries to ensure that scarce resources will be focused where they are needed most.

In closing, I would like to relate a story that my father used to tell about a family friend traveling in China. This fellow noticed that his surroundings there were strangely silent. Upon reflection, he attributed the ominous quiet to the total lack of birds in the environment. Apparently, in parts of China the destruction of habitat and the commercial bird market have resulted in the virtual elimination of songbirds. What a terrible loss. We must work together to prevent such tragedy from occurring in the Western Hemisphere. And, Senator ABRAHAM's bill is a good step in the right direction. I applaud my colleagues for supporting this measure to help prevent the further decline in our neotropical migratory birds. And, I hope the President will act swiftly to enact the Neotropical Migratory Bird Conservation Act.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, June 29, 2000, the Federal debt stood at $5,645,427,846,938.37 (Five trillion, six hundred forty-five billion, four hundred twenty-seven million, eight hundred forty-six thousand, nine hundred thirty-eight dollars and thirty-seven cents).

One year ago, June 29, 1999, the Federal debt stood at $5,640,577,000,000 (Five trillion, six hundred forty billion, five hundred seventy-seven million).

Fifteen years ago, June 29, 1985, the Federal debt stood at $1,798,529,000,000 (One trillion, seven hundred ninety-eight billion, five hundred twenty-nine million).

Twenty-five years ago, June 29, 1975, the Federal debt stood at

$536,081,000,000 (Five hundred thirty-six billion, eighty-one million) which reflects a debt increase of more than $5 trillion—$5,109,346,846,938.37 (Five trillion, one hundred nine billion, three hundred forty-six million, eight hundred forty-six thousand, nine hundred thirty-eight dollars and thirty-seven cents) during the past 25 years.

ADDITIONAL STATEMENTS

TRINIDAD STATE JUNIOR COLLEGE

• Mr. ALLARD. Mr. President, Trinidad State Junior College, the oldest two-year college in Colorado, is celebrating 75 years of excellence. Established in 1925 by the Colorado Legislature, the College can look back with pride over its 75 years of service to its community, the State of Colorado, and the Nation.

Throughout its history, Trinidad State Junior College has attracted students from across Colorado, from many areas of the United States, and from numerous foreign countries. The result has been the creation of an environment that is significantly more cosmopolitan than is found in other rural two-year colleges.

Trinidad State Junior College will carry forth its strong tradition of scholastic excellence into the new century and will continue to provide its students with the knowledge, skills, and experiences necessary to meet their educational and personal goals.

Congratulations to Trinidad State Junior College on its seventy-fifth anniversary.•

OCCASION OF THE 2000 PARALYMPIC TRIALS

• Mr. DODD. Mr. President, this past week, culminating on Saturday, June 24th, the 2000 Paralympic Trials for track and field were held on the campus of Connecticut College in New London, Connecticut.

Almost 150 athletes competed in a dozen events including the 100 meter race, 10,000 meter race, shot put, long jump and high jump. Seventy-one athletes earned the right to represent the United States at the 2000 Sydney Paralympic Games, which will be held October 18th–29th.

The Paralympic movement is relatively young, but in recent years it has grown rapidly. In 1948, Sir Ludwig Guttmann staged the first International Wheelchair Games to coincide with the 1948 London Olympic Games. These first Games focused on World War II veterans with spinal cord-related injuries. Later, other disability groups established international sports organizations which arranged various competitions. As time went by, multi-disability competitions developed. These events were brought together for the first time under the banner of the Paralympic Games in 1960 in Rome.

Since then, the games have grown in success and popularity. Always held in tandem with the Olympic Games, the Paralympic athletes move into the Olympic village shortly after the Olympic athletes move out and many times compete at the same venues as their Olympic counterparts.

From Seoul to Barcelona and most recently in Atlanta, the Paralympic Games have blossomed into a major international sporting event. This year's Games in Sydney will continue the momentum generated over the last decade. In fact, more athletes will compete at the Sydney 2000 Summer Paralympics (4,000 athletes from 125 nations) than in the 1972 Munich Olympics.

To those who competed last week in Connecticut, I think I speak for all of our colleagues in applauding their efforts. Like all athletes, they remind us of the timely and timeless virtues that sports teach us—virtues like self-reliance, discipline, cooperation, and modesty in victory as well as defeat. In striving to do their best, they inspire others to do their best, as well—be they disabled or not.

To those who will represent the United States in Sydney, we wish them luck. And we are confident that they will do our nation proud.

I ask that the names of these athletes be printed in the RECORD.

ATHLETES NOMINATED TO THE 2000 PARALYMPIC ATHLETICS TEAM

Rodney Anderson, Daniel Andrews, Ken Bair, Bob Balk, Lisa Banta, Jennifer Barrett, Cheri Beccerra, Thomas Becke, Trent Blair, Cheri Blauwet, John Brewer, Ted Bridis, Shawn Brown, Jeremy Burleson, Bert Burns, Lynne K. Carlton, Joesph Christmas, Wiley Clark, Ed Cockrell, Shea Cowart, Keith Davis, Ross Davis, Troy Davis, Gabriel Diaz DeLeon, Barton Dodson, Jean Driscoll, Rob Evans, Mark Fenn, Brian Frasure, Jessica Galli, Roderick Green, Deborah Hearn, Jacob Heilveil, Doug Heir, Scott Hollonbeck, and Larry Hughes.

Tony Iniguez, Val Jacobson, Eric Kaiser, Michael Keohane, Dave Larson, Jeff Lauterbach, Cheryl Leitner, Joseph LeMar, Arthur Lewis, Kenneth Marshall, Vince Martin, Pan McGonigle, Asya Miller, Royal Mitchell, Nancy Moloff, Edward Munro, Lindsay Nielsen, Paul Nitz, Albert Reed, Freeman Register, John Register, Ian Rice, Rich Ruffalo, Payam Saadat, William Schneider, Marlon Shirley, Judy Siegle, Matthew Smith, Amie Stanton, Laura Terry, Tony Volpentesf, Lynn Wachtell, Chris Waddell, Tim Willis, and Dana Zimmerman.•

FARGO-MOORHEAD, ALL-AMERICAN CITY

• Mr. CONRAD. Mr. President, I rise to congratulate the City of Fargo, North Dakota, on its recent selection with neighboring Moorhead, Minnesota, as an All-American City by the National Civic League.

This is a prestigious but well deserved honor. The Fargo-Moorhead metro area is one of the most vital and fastest growing in the Upper Great Plains. The region is home to three highly respected colleges and universities. It is a major medical and commercial center. And in recent years, the area has seen remarkable growth in high technology.

But modern infrastructure and economic vitality are only part of the story of this award. Fargo was recently ranked the best medium-sized city in America in which to raise children. It offers the sort of civil society with safe streets, strong families, and functioning and responsive government that comes to mind when people all over this country think of what it means to live in America's heartland.

It was pleasant news but no surprise that Fargo-Moorhead was one of 10 communities that were winners in the national All-America City competition, hosted by the National Civic League. The league could not have chosen better.

As I have discussed on the Senate floor, recent storms dumped over seven inches of rain on Fargo in just over seven hours, inundating the city and causing hundreds of millions of dollars of damage. These torrential rains have also meant something else, however—another chance for the area's residents to show their resilience, compassion, and community spirit. Already, Fargo-Moorhead is coming back, stronger than ever.

Mr. President, I would like to pay special tribute to the cooperation between Fargo and its sister city to the east, Moorhead. Rather than a basis for rivalry, the proximity and common experience of Fargo and Moorhead have proven compelling rationales for cooperation. The joint award to Fargo and Moorhead of All-America City honors recognizes the daily cooperation and friendship that characterizes relations between these neighboring communities.

Numerous volunteers invested thousands of hours of work in preparations for the recent competition, and deserve sincere thanks. Let me make special note of the efforts of Fargo Mayor Bruce Furness and Moorhead Mayor Morris Lanning for their leadership and vision. In helping to make this award a reality, they are allowing the nation to see what we in North Dakota and Minnesota have known for years—that Fargo-Moorhead is shining example of the American dream made reality, a truly All-America City.

Again, on behalf of the United States Senate, I offer my most sincere congratulations to Fargo and Moorhead for being recognized as an All-America City.•

HONORING ARDYCE HABEGER SAMP

• Mr. JOHNSON. Mr. President, I rise today to publicly commend Ardyce

Habeger Samp of Flandreau, South Dakota on being named for the prestigious 2000 Dakota Conference Award for Distinguished Contribution to the Preservation of Cultural Heritage of South Dakota and the Northern Plains.

Ms. Samp is a freelance writer, with more than 125 published short stories and two books, entitled "When Coffee Was a Nickel" and "Penny Candy Days." She is an active member of her community, serving on various boards, clubs and church organizations.

This past May, Governor Bill Janklow issued an honorary executive proclamation, declaring May 26, 2000 "Ardyce Habeger Samp Day." Also recently, Ms. Samp received the prestigious 2000 Dakota Conference Award for Distinguished Contribution to the Preservation of Cultural Heritage of South Dakota and the Northern Plains.

Mr. President, Ardyce Samp's scholarship and literary talents have enhanced the lives of South Dakotans. Her role in community leadership serves as a model for other South Dakotans to emulate. We are grateful for her continued work to tell the story of the Northern Plains. I am pleased to be able to share her story with my colleagues and to be able to publicly commend her work.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1304. An act to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act.

The message also announced that the House of Representatives has passed the following concurrent resolutions, without amendment:

S. Con. Res. 125. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The message further announced that pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note), the Speaker has appointed the following Member of the House of Representatives to the Abraham Lincoln Bicentennial Commission: Mr. LAHOOD of Illinois and, in addition, Ms. Joan Flinspach of Indiana and Mr. James R. Thompson of Illinois.

The message also announced that pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note), the Minority Leader appoints the following individuals to the Abraham Lincoln Bicentennial Commission: Mr. David Phelps of Illinois and Ms. Louise Taper of California.

ENROLLED BILLS SIGNED

At 2:30 p.m., a message from the House of Representatives announced that the Speaker has signed the following enrolled bill:

H.R. 4425. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4680. An act to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 30, 2000, he had presented to the President of the United States the following enrolled bill:

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9596. A communication from the Secretary of Defense, transmitting, pursuant to law, the report entitled "The Military Power of the People's Republic of China"; to the Committee on Armed Services.

EC–9597. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of June 1, 2000; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committees on Appropriations; Foreign Relations; the Budget; Banking, Housing, and Urban Affairs; Environment and Public Works; and Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1755: A bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones (Rept. No. 106–326).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2102: A bill to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes (Rept. No. 106–327).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 3646: A bill for the relief of certain Persian Gulf evacuees.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment and with a preamble:

S. Con. Res. 113: A concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 124: A concurrent resolution expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment with a preamble:

S. Con. Res. 126: An original concurrent resolution expressing the sense of Congress that the President should support free and fair elections and respect for democracy in Haiti.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted.

By Mr. HELMS for the Committee on Foreign Relations:

Treaty Doc. 105–39 Inter-American Convention Against Corruption (Exec. Rept. 106–15).

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

SENATE OF THE UNITED STATES

IN EXECUTIVE SESSION

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Inter-American Convention Against Corruption, adopted and opened for signature at the Specialized Conference of the Organization of American States (OAS) at Caracas, Venezuela, on March 29, 1996, (Treaty Doc. 105–39); referred to in this resolution of ratification as "The Convention", subject to the understandings of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the Convention and shall be binding on the President:

(1) APPLICATION OF ARTICLE I.—The United States of America understands that the phrase "at any level of its hierarchy" in the first and second subparagraphs of Article I of the Convention refers, in the case of the United States, to all levels of the hierarchy of the Federal Government of the United States, and that the Convention does not impose obligations with respect to the conduct of officials other than Federal officials.

(2) ARTICLE VII ("DOMESTIC LAW").—

(A) Article VII of the Convention sets forth an obligation to adopt legislative measures to establish as criminal offenses the acts of corruption described in Article VI(1). There is an extensive network of laws already in place in the United States that criminalize a wide range of corrupt acts. Although United States laws may not in all cases be defined in terms or elements identical to those used in the Convention, it is the understanding of the United States, with the caveat set forth in subparagraph (B), that the kinds of official corruption which are intended under the Convention to be criminalized would in fact be criminal offenses under U.S. law. Accordingly, the United States does not intend to enact new legislation to implement Article VII of the Convention.

(B) There is no general "attempt" statute in U.S. federal criminal law. Nevertheless, federal statues make "attempts" criminal in connection with specific crimes. This is of particular relevance with respect to Article VI(1)(c) of the Convention, which by its literal terms would embrace a single preparatory act done with the requisite "purpose" of profiting illicitly at some future time, even though the course of conduct is neither pursued, nor in any sense consummated. The United States will not criminalize such conduct per se, although significant acts of corruption in this regard would be generally subject to prosecution in the context of one or more other crimes.

(3) TRANSNATIONAL BRIBERY.—Current United States law provides criminal sanctions for transnational bribery. Therefore, it is the understanding of the United States of America that no additional legislation is needed for the United States to comply with the obligation imposed in Article VIII of the Convention.

(4) ILLICIT ENRICHMENT.—The United States of America intends to assist and cooperate with other States Parties pursuant to paragraph 3 of Article IX of the Convention to the extent permitted by its domestic law. The United States recognizes the importance of combating improper financial gains by public officials, and has criminal statutes to deter or punish such conduct. These statutes obligate senior-level officials in the Federal Government to file truthful financial disclosure statements, subject to criminal penalties. They also permit prosecution of federal public officials who evade taxes on wealth that is acquired illicitly. The offense of illicit enrichment as set forth in Article IX of the Convention, however, places the burden of proof on the defendant, which is inconsistent with the United States Constitution and fundamental principles of the United States legal system. Therefore, the United States understands that it is not obligated to establish a new crminal offense of illicit enrichmnent under Article IX of the Convention.

(5) EXTRADITION.—The United States of America shall not consider this Convention as the legal basis for extradition to any country with which the United States has no bilateral extradition treaty in force. In such cases where the United States does have a bilateral extradition treaty shall serve as the legal basis for extradition for offenses that are extraditable in accordance with this Convention.

(6) PROHIBITION OF ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States of America shall exercise its rights to limit the use of assistance it provides under the Convention so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) ENFORCEMENT AND MONITORING.—Not later than April 1, 2001, and annually thereafter for five years, unless extended by an Act of Congress, the President shall submit to the Committee on Foreign Relations of the Senate, and the Speaker of the House of Representatives, a report that sets out:

(A) RATIFICATION.—A list of the countries that have ratified the Convention, the dates of ratification and entry into force for each country, and a detailed account of U.S. efforts to encourage other nations that are signatories to the Convention to ratify and implement it.

(B) DOMESTIC LEGISLATION IMPLEMENTING THE CONVENTION AND ACTIONS TO ADVANCE ITS OBJECT AND PURPOSE.—A description of the domestic laws enacted by each Party to the Convention that implement commitments under the Convention and actions taken by each Party during the previous year, including domestic law enforcement measures, to advance the object and purpose of the Convention.

(C) PROGRESS AT THE ORGANIZATION OF AMERICAN STATES ON A MONITORING PROCESS.—An assessment of progress in the Organization of American States (OAS) toward creation of an effective, transparent, and viable Convention compliance monitoring process which includes input from the private sector and non-governmental organizations.

(D) FUTURE NEGOTIATIONS.—A description of the anticipated future work of the Parties to the Convention to expand its scope and assess other areas where the Convention could be amended to decrease corrupt activities.

(2) MUTUAL LEGAL ASSISTANCE.—When the United States receives a request for assistance under Article XIV of the Convention from a country with which it has in force a bilateral treaty for mutual legal assistance in criminal matters, the bilateral treaty will provide the legal basis for responding to that request. In any case of assistance sought from the United States under Article XIV of the Convention, the United States shall, consistent with U.S. laws, relevant treaties and arrangements, deny assistance where granting the assistance sought would prejudice its essential public policy interest, including cases where the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under the Convention is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KYL:

S. 2834. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 2835. A bill to provide an appropriate transition from the interim payment system for home health services to the prospective payment system for such services under the medicare program; to the Committee on Finance.

By Mr. HAGEL (for himself, Mr. ABRAHAM, Mr. HUTCHINSON, Mr. BURNS, Mr. COVERDELL, Mr. MCCAIN, Mr. ASHCROFT, and Mr. KYL):

S. 2836. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with access to affordable outpatient prescription drugs; to the Committee on Finance.

By Mr. CRAIG:

S. 2837. A bill to amend the Fair Debt Collection Practices Act to reduce the cost of credit, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HUTCHINSON:

S. 2838. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide for a program to provide information to the public on the use of biotechnology to produce food for human consumption, to support additional research regarding the potential economic and environmental risks and benefits of using biotechnology to produce food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mr. DODD, Mr. LEAHY, and Mr. MACK):

S. Res. 332. A resolution expressing the sense of the Senate with respect to the peace process in Northern Ireland; to the Committee on Foreign Relations.

By Mr. COLLINS (for himself, Mr. MOYNIHAN, Mr. KYL, Mr. GREGG, Mr. LEAHY, and Mr. HUTCHINSON):

S. Res. 333. A resolution expressing the sense of the Senate that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residence, and for other purposes; to the Committee on Finance.

By Mr. HELMS:

S. Con. Res. 126. An original concurrent resolution expressing the sense of Congress that the President should support free and fair elections and respect for democracy in Haiti; placed on the calendar.

By Mr. FITZGERALD:

S. Con. Res. 127. A concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on Foreign Relations.

By Mr. SANTORUM:

S. Con. Res. 128. A concurrent resolution to urge the Nobel Commission to award the Nobel Prize for Peace to His Holiness, Pope John Paul II, for his dedication to fostering peace throughout the world; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself, Mr. GORTON, Mr. SMITH of Oregon, Mr. CLELAND, Mr. BYRD, Mr. CONRAD, Mr. BENNETT, and Mr. GRAMS):

S. Con. Res. 129. A concurrent resolution expressing the sense of Congress regarding the importance and value of education in United States history; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL:

S. 2834. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; to the Committee on Energy and Natural Resources.

LEGISLATION TO CONVEY LAND TO THE GREATER YUMA PORT AUTHORITY FOR CONSTRUCTION OF A SECOND COMMERCIAL PORT OF ENTRY FOR THE YUMA AREA

Mr. KYL. Mr. President, I introduce a bill today to facilitate the construction of a secondary port of entry in Yuma County. I introduce this measure in collaboration with Representative ED PASTOR, who has taken the lead on this issue in the House of Representatives and has seen his bill H.R. 3023, through to passage just this week by a vote of 404 to 1.

The identical bill I introduce today will convey to the Greater Yuma Port Authority an area of land currently controlled by the Bureau of Reclamation for the purpose of constructing a commercial port of entry on approximately 330 acres of land just east of the city of San Luis.

Anyone who has ever been to the U.S. port of entry in San Luis, Arizona, knows that traffic congestion there causes such bad delays that oftentimes individuals attempting to conduct cross-border trade there, bring goods across the border, or simply visit relatives and friends, are discouraged from crossing the border or are faced with spending two to four hours to cross. The port of entry at San Luis has become one of the busiest ports-of-crossing in the nation.

After months of negotiation, all of the local principals involved in this effort, from the city of Yuma to Yuma County, the city of San Luis and Somerton and the Cocopah Indian Nation, and the Bureau of Reclamation, now fully support this effort. The bill will facilitate the construction of an additional commercial port of entry just east of San Luis, to be conveyed to the Greater Yuma Port Authority (YMPO) for fair market value.

Mr. President, this legislation will make a difference to the people of Arizona, particularly to the people of Yuma and surrounding areas. It will help increase cross-border trade in the area, and will help to spur economic development for an Arizona region in need. I urge expeditious consideration of this legislation.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 2835. A bill to provide an appropriate transition from the interim payment system for home health services to the prospective payment system for such services under the medicare program; to the Committee on Finance.

MEDICARE HOME HEALTH REFINEMENT ACT OF 2000

Mr. GRASSLEY. Mr. President, today I am joining Senator FEINGOLD of Wisconsin in introducing the Medicare Home Health Refinement Act of 2000. I want to thank my colleague for inviting me to join him in this effort to preserve our nation's home health providers.

In my work as Chairman of the Senate Special Committee on Aging, of which Senator FEINGOLD is a member, I have been monitoring our nation's critical home health care system closely. In 1997, we investigated distressing examples of fraud and abuse among a few home health agencies (HHAs). In 1998, I chaired a hearing on the devastating effects of the Interim Payment System (IPS) for home health. Unfortunately, my legislative efforts to improve the payment system that year were blocked. Last year, the Aging Committee held a hearing on the new OASIS information collection instrument, and on the burden it imposed on home care providers.

At this point in 2000, the main challenge facing our system of home care is the new Prospective Payment System (PPS), which will take effect on October 1 of this year. We've been working toward this for many years, and I am gratified that it will finally happen. The Health Care Financing Administration (HCFA) published the final PPS rule on June 28, and I was pleased to hear that many home health providers consider it an improvement over the proposed rule. After the trauma of the Interim Payment System, I have high hopes that the PPS will be great news for our Medicare beneficiaries who need home care.

Even so, the new PPS will pose major transitional challenges for home health agencies, and this bill seeks to ease that transition so that the PPS will succeed. The bill does the following:

1. Emergency cash flow assistance. The bill provides one-time advance payments to home health agencies during transition from IPS to PPS. Eligible agencies either have low cash reserves, have negative cash flow under PPS as defined by the Secretary of HHS, or were eligible to receive funds from the Periodic Interim Payment (PIP) system on September 30, 2000. Payments equal the average total Medicare costs incurred by the agency in a three-month period as reported on the agency's most recently settled cost report. Payments would be available for six months and repaid within twelve months.

Agencies would also receive 80 percent of the 60-day episode payment rate after notifying HCFA of admission, with the remaining 20 percent coming after submission of final episode claim, instead of 60/40 under the rule published on June 28, 2000. HCFA would also be prohibited from imposing conditions on a claim based on the status of an earlier claim for the same beneficiary.

The rationale for this is that PIP, which largely serves nonprofit, community-based agencies with minimal cash reserve, will be discontinued as of October 1. If PPS delays a substantial portion of payment until after termination of patient episode, providers will have significant cash flow problems. Many agencies are unable to secure lines of credit or other loans because of the effect of IPS on cash reserves.

2. Reimbursement for unfunded PPS-related costs. The bill reimburses agencies for technology costs required for PPS compliance, up to $10 per beneficiary. Payments would be authorized for Fiscal Years 2001 through 2003.

The rationale for this item: agencies have had to purchase new hardware, software, and other technology to comply with new rules. These costs are not reimbursed by Medicare.

3. Reimbursement for OASIS labor costs. It reimburses agencies for labor costs associated with OASIS assessments, up to $30 per beneficiary annually. Payments are authorized for FY 2001–2003.

This is needed because the final rule provides for only a modest payment per episode, despite an estimated hour of time needed for a skilled clinician to collect information at admission, plus time for data quality review and follow-up.

4. Creation of a fee schedule for non-routine medical supplies. The bill develops a separate fee schedule for medical supplies under prospective payment.

This is essential because PPS rates include the average medical supply cost, but some agencies' patient populations have greater or lesser medical supply needs. The original rates would underpay agencies that treat these vulnerable populations and overpay agencies that treat patients with low medical supply needs. This provision has no budget impact.

Mr. President, I recognize that there are other issues that pose a major threat to our home care system, including the 15 percent cut scheduled for October 2001. This bill does not address that issue, though it is obvious that Congress will have to do so. But this bill will help make the new PPS a success, so home care providers can use their resources to see patients, which is what they do best. I will seek the inclusion of this bill in any Finance Committee Medicare provider package we put together this year.

Mr. FEINGOLD. Mr. President, I am pleased to join Senator GRASSLEY in introducing the Medicare Home Health Refinement Act of 2000. This legislation will provide a measure of financial relief for cost efficient home health agencies that are making the transition from the Interim Payment System to the soon to be implemented Prospective Payment System.

Since the enactment of the Balanced Budget Act of 1997, many cost-effective home health agencies have experienced financial hardship, which has forced agencies to divert funds away from patient care.

We must ensure that home health care agencies can continue to provide their invaluable service to the elderly and the disabled.

As I travel to each of Wisconsin's 72 counties each year, I have heard countless stories from home health agencies that a number of burdensome new regulations imposed by the Health Care Financing Administration have hindered their ability to do what they do best—provide quality care.

Our legislation addresses many of these concerns. In fact, a number of the provisions come directly from the providers in Wisconsin.

Our bill offers a combination of emergency cash flow assistance, reimbursement for transition costs, and a system to separate medical supply costs from other home health expenses as home health agencies switch to a new payment system.

Home health care provides compassionate, at-home care to seniors and people with disabilities in cities and towns throughout Wisconsin. Without it, many patients have no choice but to go to a nursing home, or even an emergency room, to get the care they need. For too many home health patients in Wisconsin, that day has arrived.

Home health agencies around my state have closed their doors due to massive changes in Medicare, and seniors and the disabled have been forced to go elsewhere for care.

THE BALANCED BUDGET ACT

As my colleagues know, the Balanced Budget Act of 1997 contained a number of measures that were intended to slow home health care spending. Congress targeted home health spending due to the fact that prior to the Balanced Budget Act, home health care had become the fastest growing component of Medicare spending.

Unfortunately, the cuts went deeper than anyone anticipated, and have left many Medicare beneficiaries without access to the services they need.

These unintended consequences of the Balanced Budget Act of 1997 have been severe indeed. Instead of the $100 billion in five-year savings that we targeted, present projections indicate that actual Medicare reductions have been in the area of $200 billion. Home health care spending, which the Congressional Budget Office expected to rise by $2 billion in the last two years even after factoring in the Balanced Budget Act cuts, has instead fallen by nearly 8 billion, or 45 percent.

These painful cuts have forced more than 40 home health care agencies in 22 Wisconsin counties to close their doors, in just two years.

Mr. President, I stand by my vote in favor of the Balanced Budget Act. And, like many of my colleagues, I believe that it contained meaningful provisions to balance the budget. I want to emphasize that the goal was to balance the budget—it was not to punish home health agencies, and certainly not to deny Medicare beneficiaries access to the home health services they need.

The Balanced Budget Act also included a number of burdensome administration changes, and a new reimbursement system for home health care agencies. It required the creation of a Prospective Payment System, and, until that system was developed an interim payment system.

These new rules are forcing agencies to overhaul their computer systems, purchase new software, and fill out more and more forms. Many of these agencies already face major cash-flow problems, and are rightly concerned that any delays in payments could hurt their ability to properly care for beneficiaries.

With all of the changes, Congress must ensure that these home health agencies, which have already been hit hard by payment cuts, have the resources they need to provide quality home care to the American public in a cost-effective manner.

RDF'S HOME HEALTH CARE LEGISLATION

My legislation provides for some common sense provisions to ease the transition to the new PPS system

Under the first provision, the Health Care Financing Administration would be able to provide one-time advance payments to home health agencies which have been experiencing cash-flow problems. These payments are temporary: agencies would be required to repay them within twelve months.

It also provides some relief to agencies for their compliance with the new regulations and rules. Across the country, home health agencies have had to spend millions of dollars buying new computers and software which can handle the new PPS. This provision also targets those small agencies with a lesser cash flow and are relatively more affected by the burdensome regulations.

My bill also includes compensation for agencies who must perform patient outcome assessments under the new rules. We should recognize that physicians' time is precious, and that we cannot expect them to provide accurate, helpful data if every hour they spend filling out forms is an hour less treatment that the agency can afford to provide.

Finally, the bill carves out funding for non-routine medical supplies from the PPS, so that agencies who treat patients with complex medical needs are not punished with low payments. We must ensure that all beneficiaries have the choice to receive care at home, and not be turned down or shut out of the market because agencies are afraid that they'll be too costly to assist.

These are sensible changes which go a long way to alleviate the burden that the change to the Prospective Payment System has imposed on the agencies. These changes will allow agencies to focus their care on Medicare beneficiaries, and reduce their burden as they transition to PPS.

ACCESS TO CARE

In Wisconsin, over 46 Medicare home health providers have shut down since the implementation of Interim Payment System. Still more have shrunken their service areas, stopped accepting Medicare patients, or refused assignment for high cost patients because the payments are simply too low.

So, what do these changes mean for Medicare beneficiaries? Well, quite frankly, in many parts of Wisconsin, beneficiaries in certain areas or with certain diagnoses simply don't have access to home health care. The Interim Payment System has created disincentives to treat patients with expensive medical diagnoses. Few agencies, if any, can afford to care for patients with expensive medical diagnosis.

CONCLUSION

I believe that Congress must take a serious look at what refinements need to occur to ensure that our home bound elderly and disabled constituents—among the frailest and most vulnerable people we serve—can receive the services they need.

Without that fine-tuning, I am quite certain that more home health agencies in Wisconsin and across our country will close, leaving some of our frailest Medicare beneficiaries without the choice to receive care at home. Again, I think Seniors need and deserve that choice, and I hope my colleagues will join us in supporting this legislation.

ADDITIONAL COSPONSORS

S. 740

At the request of Mr. CRAIG, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 740, a bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes.

S. 1066

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1066, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

S. 1074

At the request of Mr. TORRICELLI, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1128

At the request of Mr. KYL, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1874

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1941

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2330

At the request of Mr. ROTH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2527

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 2527, a bill to amend the Public Health Service Act to provide grant programs to reduce substance abuse, and for other purposes.

S. 2528

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2528, a bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

S. 2612

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 2612, a bill to combat Ecstasy trafficking, distribution, and abuse in the United States, and for other purposes.

S. 2644

At the request of Mr. GORTON, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2644, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 2645

At the request of Mr. THOMPSON, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 2645, a bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

S. 2739

At the request of Mr. LAUTENBERG, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2769

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 2769, a bill to authorize funding for National Instant Criminal Background Check System improvements.

S. RES. 268

At the request of Mr. EDWARDS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 268, a resolution designating July 17 through July 23 as "National Fragile X Awareness Week."

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

S. RES. 329

At the request of Mr. L. CHAFEE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. Res. 329, a resolution urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina.

SENATE CONCURRENT RESOLUTION 127—EXPRESSING THE SENSE OF THE CONGRESS THAT THE PARTHENON MARBLES SHOULD BE RETURNED TO GREECE; TO THE COMMITTEE ON FOREIGN RELATIONS

Mr. FITZGERALD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 127

Whereas the Parthenon was built on the hill of the Acropolis at Athens, Greece in the mid-fifth century B.C. under the direction of the Athenian statesman Pericles and the design of the sculptor Phidias.

Whereas the Parthenon is the ultimate expression of the artistic genius of Greece, the preeminent symbol of the Greek cultural heritage—its art, architecture, and democracy—and of the contributions that modern Greeks and their forefathers have made to civilization;

Whereas over 100 pieces of the Parthenon's sculptures—now known as the Parthenon Marbles—were removed from the Parthenon under questionable circumstances between 1801 and 1816, while Greece was still under Ottoman rule;

Whereas the removal of the Parthenon Marbles, including their perilous voyage to Great Britain and their careless storage there for many years, greatly endangered the Marbles;

Whereas the Parthenon Marbles were removed to grace the private home of Lord Elgin, who transferred the Marbles to the British Museum only after severe personal economic misfortunes;

Whereas the sculptures of the Parthenon were designed as an integral part of the structure of the Parthenon temple; the carvings of the friezes, pediments, and metopes are not merely statuary, movable decorative art, but are integral parts of the Parthenon, which can best be appreciated if all the Parthenon Marbles are reunified;

Whereas the Parthenon has served as a place of worship for ancient Greeks, Orthodox Christians, Roman Catholics, and Muslims;

Whereas the Parthenon has been adopted by imitation by the United States in many preeminent public buildings, including the Lincoln Memorial;

Whereas the Parthenon is a universal symbol of culture, democracy, and freedom, making the Parthenon Marbles of concern not only to Greece but to all the world;

Whereas, since obtaining independence in 1830, Greece has sought the return of the Parthenon Marbles;

Whereas the return of the Parthenon Marbles would be a profound demonstration by the United Kingdom of its appreciation and respect for the Parthenon and classical art;

Whereas, even without considering the legal issues surrounding the removal of the Parthenon Marbles, the United Kingdom should return them in recognition that the Parthenon is part of the cultural heritage of the entire world and, as such, should be made whole;

Whereas Greece would provide care for the Parthenon Marbles equal or superior to the care provided by the British Museum, especially considering the irreparable harm caused by attempts by the museum to remove the original color and patina of the marbles with abrasive cleaners;

Whereas Greece is constructing a new, permanent museum to house all the Marbles, protected from the elements and in full view of the Acropolis;

Whereas Greece and various international committees have pledged to work with the British government to negotiate mutually agreeable conditions for the return of the Parthenon Marbles;

Whereas the people of the United Kingdom do not have an ancient bond to the Parthenon Marbles, given that the Marbles have been in London for less than 200 years of the over 2,430 year history of the Parthenon was built, and as evidenced by a 1998 poll in which only 15 percent of the Britons polled recalled having seen the Marbles in the British Museum;

Whereas the British people support the return of the Parthenon Marbles, as reflected in several recent polls;

Whereas a resolution signed by a majority of members of the European Parliament urged the British government to return the Parthenon Marbles to their natural setting in Greece;

Whereas the British House of Commons Select Committee on Culture, Media and Sport is to be commended for examining the issue of the disposition of the Parthenon Marbles in hearings held this year;

Whereas returning the Parthenon Marbles to Greece would be a gesture of good will on the part of the British Parliament, and would in no way affect the disposition of other objects in museums around the world; and

Whereas in 2004 the Olympics will return to Greece, where the Olympics began, and the Parthenon Marbles should be returned to their home in Athens by that time: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Government of the United Kingdom should enter into negotiations with the Government of Greece as soon as possible to facilitate the return of the Parthenon Marbles to Greece before the Olympics in 2004.

CONCURRENT RESOLUTION 128—URGING THE NOBEL COMMISSION TO AWARD THE NOBEL PRIZE FOR PEACE TO HIS HOLINESS, POPE JOHN PAUL II, FOR HIS DEDICATION TO FOSTERING PEACE THROUGHOUT THE WORLD

Mr. SANTORUM submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 128

Whereas His Holiness, Pope John Paul II, has worked tirelessly and as much as any other world leader to bring peace to regions of the world which have known strife, intolerance, and violence for far too long;

Whereas His Holiness, Pope John Paul II, knows the persecution of oppression, having studied for the priesthood in secrecy and having seen those he grew up with killed and victimized due to the Nazi Occupation, and later witnessing firsthand the communist subjugation of his native Poland;

Whereas His Holiness, Pope John Paul II, since his installment as Cardinal of the Church, has traveled more extensively throughout the world than any predecessor, spreading his message of peace, religious freedom, and human dignity;

Whereas His Holiness, Pope John Paul II, was instrumental in the demise of communism in his native Poland, which in turn fostered the spread of democracy throughout the world;

Whereas His Holiness, Pope John Paul II, has reached out in an unprecedented manner to people of other beliefs and religions to establish a dialog which may lead to greater understanding, healing, and harmony, including praying for unity among Christian churches, reaching out towards a reconciliation with the Jewish people, and specifically acknowledging those times the Catholic Church has failed to act in accordance with its teachings;

Whereas in March of this year, His Holiness, Pope John Paul II, led a historic pilgrimage to the Middle East, including Jordan, Israel, and the Palestinian territories, preaching coexistence, peace, tolerance, and goodwill throughout this historically conflicted territory; and

Whereas His Holiness, Pope John Paul II, has used his position as a world leader to become the foremost voice to foster ties of brotherhood and for the promotion of peace and reconciliation in the world today: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress urges the Nobel Commission to award the Nobel Prize for Peace to His Holiness, Pope John Paul II.

SENATE CONCURRENT RESOLUTION 129—EXPRESSING THE SENSE OF CONGRESS REGARDING THE IMPORTANCE AND VALUE OF EDUCATION IN UNITED STATES HISTORY

Mr. LIEBERMAN (for himself, Mr. GORTON, Mr. SMITH of Oregon, Mr. CLELAND, Mr. BYRD, Mr. CONRAD, Mr. BENNETT, and Mr. GRAMS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 129

Whereas basic knowledge of United States history is essential to full and informed participation in civic life and to the larger vibrancy of the American experiment in self-government;

Whereas basic knowledge of the past serves as a civic glue, binding together a diverse people into a single Nation with a common purpose;

Whereas citizens who lack knowledge of United States history will also lack an understanding and appreciation of the democratic principles that define and sustain the Nation as a free people, such as liberty, justice, tolerance, government by the consent of the governed, and equality under the law;

Whereas a recent Roper survey done for the American Council of Trustees and Alumni reveals that the next generation of American leaders and citizens is in danger of losing America's civic memory;

Whereas the Roper survey found that 81 percent of seniors at elite colleges and universities could not answer basic high school level questions concerning United States history, that scarcely more than half knew general information about American democracy and the Constitution, and that only 22 percent could identify the source of the most famous line of the Gettysburg Address;

Whereas many of the Nation's colleges and universities no longer require United States history as a prerequisite to graduation, including 100 percent of the top institutions of higher education;

Whereas 78 percent of the Nation's top colleges and universities no longer require the study of any form of history;

Whereas America's colleges and universities are leading bellwethers of national priorities and values, setting standards for the whole of the United States' education system and sending signals to students, teachers, parents, and public schools about what every educated citizen in a democracy must know;

Whereas many of America's most distinguished historians and intellectuals have expressed alarm about the growing historical illiteracy of college and university graduates and the consequences for the Nation; and

Whereas the distinguished historians and intellectuals fear that without a common civic memory and a common understanding of the remarkable individuals, events, and ideals that have shaped the Nation, people in the United States risk losing much of what it means to be an American, as well as the ability to fulfill the fundamental responsibilities of citizens in a democracy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the historical illiteracy of America's college and university graduates is a serious problem that should be addressed by the Nation's higher education community;

(2) boards of trustees and administrators at institutions of higher education in the United States should review their curricula and add requirements in United States history;

(3) State officials responsible for higher education should review public college and university curricula in their States and promote requirements in United States history;

(4) parents should encourage their children to select institutions of higher education with substantial history requirements and students should take courses in United States history whether required or not; and

(5) history teachers and educators at all levels should redouble their efforts to bolster the knowledge of United States history among students of all ages and to restore the vitality of America's civic memory.

SENATE RESOLUTION 332—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE PEACE PROCESS IN NORTHERN IRELAND

Mr. KENNEDY (for himself, Mr. DODD, Mr. LEAHY, and Mr. MACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 332

Whereas the April 10, 1998 Good Friday Agreement established a framework for the peaceful settlement of the conflict in Northern Ireland;

Whereas the Good Friday Agreement stated that it provided "the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole";

Whereas the Good Friday Agreement provided for the establishment of an Independent Commission on Policing to make "recommendations for future policing arrangements in Northern Ireland including means of encouraging widespread community support for these arrangements";

Whereas the Independent Commission on Policing, led by Sir Christopher Patten, concluded its work on September 9, 1999 and proposed 175 recommendations in its final report to ensure a new beginning to policing, consistent with the requirements in the Good Friday Agreement;

Whereas the Patten report explicitly "warned in the strongest terms against cherry-picking from this report or trying to implement some major elements of it in isolation from others";

Whereas section 405 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as contained in H.R. 3427, as enacted by section 1000(a)(7) of Public Law 106–113, and as contained in appendix G to such Public Law) requires President Clinton to certify, among other things, that the Governments of the United Kingdom and Ireland are committed to assisting in the full implementation of the recommendations contained in the Patten Commission report issued on September 9, 1999 before the Federal Bureau of Investigation or any other Federal law enforcement agency can provide training for the Royal Ulster Constabulary;

Whereas a May 5, 2000, joint letter by the British Prime Minister and the Irish Prime Minister stated that "legislation to implement the Patten report will, subject to Parliament, be enacted by November 2000";

Whereas on May 16, 2000 the British Government published the proposed Police (Northern Ireland) bill, which purports to implement in law the Patten report;

Whereas many of the signatories to the Good Friday Agreement have stated that the draft bill does not live up to the letter or spirit of the Patten report and dilutes or does not implement many key recommendations of the Patten Commission;

Whereas Northern Ireland's main nationalist parties have indicated that they will not participate or encourage participation in the new policing structures unless the Patten report is fully implemented; and

Whereas on June 15, 2000, British Secretary of State for Northern Ireland Peter Mandelson said, "I remain absolutely determined to implement the Patten recommendations and to achieve the effective and representative policing service, accepted in every part of Northern Ireland, that his report aimed to secure": Now, therefore, be it

Resolved, That the Senate—

(1) commends the parties for progress to date in implementing all aspects of the Good Friday Agreement and urges them to move expeditiously to complete the implementation;

(2) believes that the full and speedy implementation of the recommendations of the Independent Commission on Policing for Northern Ireland holds the promise of ensuring that the police service in Northern Ireland will gain the support of both nationalists and unionists and that "policing structures and arrangements are such that the police service is fair and impartial, free from partisan political control, accountable . . . to the community it serves, representative of the society that it polices . . . [and] complies with human rights norms", as mandated by the Good Friday Agreement; and

(3) calls upon the British Government to fully and faithfully implement the recommendations contained in the September 9, 1999, Patten Commission report on policing.

Mr. KENNEDY. Mr. President, today Senators DODD, LEAHY, MACK, and I are introducing a resolution on police reform in Northern Ireland.

Policing has long been a contentious issue in Northern Ireland. The deep historical divisions in Northern Ireland have, according to the April 19, 1998 Good Friday Agreement, made policing "highly emotive, with great hurt suffered and sacrifices made by many individuals and their families."

The Good Friday Agreement presented an historic opportunity to create a new police service that is accountable, impartial, representative, based on respect for human rights, and that works in constructive partnership with the entire community. It provided for the establishment of an Independent Commission on Policing to make recommendations for Northern Ireland, including ways to encourage widespread community support for the police. The Commission, chaired by Sir Christopher Patten, concluded its work on September 9, 1999, and issued a final report with 175 recommendations to ensure a new beginning for policing in Northern Ireland.

On May 5, a joint letter by the British Prime Minister and the Irish Prime Minister stated that "legislation to implement the Patten report will, subject to Parliament, be enacted by November 2000." On May 16, the British Government published its proposed legislation to implement in law the Patten report.

Unfortunately, the draft bill does not live up to the letter or spirit of the Patten report. It dilutes or does not implement many of its key recommendations. Northern Ireland's main nationalist parties and representatives of the Catholic Church are deeply concerned about the proposed legislation, and they have indicated that they will not participate or encourage participation in the new policing structures unless the Patten report is fully implemented. I ask unanimous consent that documents outlining concerns with the draft legislation may be included in the RECORD at the end of my remarks.

British Secretary of State for Northern Ireland, Peter Mandelson, has recognized that the bill "will need fine tuning" as it proceeds through the Parliament. On June 15, he said, "I remain absolutely determined to implement the Patten recommendations and to achieve the effective and representative policing service—accepted in every part of Northern Ireland—that his report aimed to secure."

The resolution we are introducing today expresses the Sense of the Senate that the full and speedy implementation of the recommendations of the Independent Commission on Policing for Northern Ireland holds the best hope of ensuring that the police service in Northern Ireland will gain the support of both nationalists and unionists and that "policing structures and arrangements are such that the police service is fair and impartial, free from partisan political control, accountable . . . to the community it serves, representative of the society that it polices . . . [and] complies with human rights norms," as mandated by the Good Friday Agreement. It calls upon the British Government to fully and faithfully implement the recommendations contained in the Patten Commission report.

The Patten report explicitly "warned in the strongest terms against cherry-picking from this report or trying to implement some major elements of it in isolation from others." Section 405 of the Foreign Relations Authorization Act (as enacted in the Consolidated Appropriations Act for FY2000, P.L. 106-

113) requires President Clinton to certify that the British and Irish governments are committed to assisting in the full implementation of the Patten recommendations before the Federal Bureau of Investigation or any other federal law enforcement agency can provide training for the Royal Ulster Constabulary. It would be extremely unfortunate if the shortcomings in the policing bill prevent President Clinton from making this certification.

Police reform is essential in Northern Ireland to ensure fairness and to strengthen the peace process. The Patten report has the potential to create a genuine new police service that will have and deserve the trust of all the people in Northern Ireland. It would be a tragedy if this opportunity to achieve a new beginning in policing is lost. I urge the Senate to approve this resolution.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT A TRAVESTY—POLICE BILL IS JUST A PARODY OF PATTEN

(By Brendan O'Leary)

There are two ways in which the Police (Northern Ireland) Bill before Parliament should be read. The first is to check whether as promised by the Prime Minister, the Secretary of State, and the accompanying Explanatory Notes issued by the Northern Ireland Office it effectively implements the report of the Independent Commission on Policing for Northern Ireland, and thereby is consistent with the terms of the Belfast Agreement. The second is to assess whether the Bill will provide policing arrangements that are appropriate to a democratic state, and that will stabilize Northern Ireland.

My assessment is negative on both counts. The Bill therefore requires radical amendment by the friends of the Belfast Agreement in Parliament, and if these radical amendments are not made I believe it is essential that genuine supporters of the Agreement should vote against this Bill becoming law. It does not implement the Patten Report: What it implements is a slightly re-worked version of the Police (Northern Ireland) Act of 1998, with half-hearted nods in the direction of Patten. It is not just not good enough; in some respects it is worse than the status quo.

The Patten Report, by contrast, met its terms of reference under the Belfast Agreement. Eight criteria were either explicitly or implicitly mandated for the commissioner, I shall compare these directly with what is offered in the Bill before Parliament.

IMPARTIALITY

The first term of reference for Patten and his commissioners was to recommend how to create a widely acceptable "impartial" service. The Commission chose to avoid proposing an explicitly bi-national or bi-cultural police. Instead it plumped for neutral impartiality between unionism/localism and nationalism/republicanism. Its preference, the Northern Ireland Police Service (NIPS), was a neutral title, not least because nationalists in the 1998 referendum, North and South, overwhelmingly accepted the current status of Northern Ireland as part of the UK, as long as a majority so determine. The RUC was not a neutral title, so it was recommended to go, period. The codes of police officers and their future training were to reflect a commitment to impartiality and respect for democratic unionism/loyalism and democratic nationalism/republicanism. The display of the Union flag and the portrait of the Queen at police stations were recommended to go to dissociate the police from identification with the Union, the Crown and the British nation. In Patten's words symbols should be "free from association with the British or Irish states".

Patten's recommendations for a territory that is primarily divided into two communities that are of almost equal size but that have rival national allegiances were entirely sensible. They flowed straightforwardly from the Belfast Agreement's commitment to establishing "parity of esteem" between the national traditions, and the British government's commitment to "rigorous impartiality" in its administration.

The Bill proposes that the Secretary of State be given the power to decide on the issues of name and emblems at some point in the future, not a stay of execution, but a stay of decision. The Bill does not deal with these matters as Patten recommended, and this must be corrected as the Bill makes its way through Parliament. It would not be a recipe for re-igniting conflict, and a gift to republican dissidents, if the Secretary of State were to opt, when he makes his decision, to retain the name of the RUC as part of the reformed police's working title.

A title such as the "Police Service of Northern Ireland incorporating the RUC whose long-serving members are not required to take the new oath of service", would be a mockery, replacing the virtues of political compromise with surrender to blackmail.

"REPRESENTATIVE" POLICE SERVICE

Patten's second term of reference was to establish a "representative" police service. The commissioners proposed recruiting Catholics and non-Catholics in a 50:50 ratio from the pool of qualified candidates for the next ten years. This matches the population ratios in the younger age-cohorts. On their model—given early and scheduled retirements of serving officers—this policy would ensure that 30 percent of the service would be of Catholic origin by year 10, and between 17 percent and 19 percent within four years (above the critical mass of 15 percent that they claimed is necessary to change the police's character). This is a significantly slower pace of change than some of us advocated, but the commissioners justified it because they wished to avoid a service that would have non-Catholic Chiefs and Catholic Indians. By intending to make each successive cohort religiously representative now, and by ensuring that the new service would be seen as impartial, the commissioners had an arguable case. Steps would, of course, still need to be taken to ensure that the new Catholics are broadly representative of the Catholic community—i.e. mostly nationalist or republican in political opinion. There would also need to be sufficient secondments from the Garda Siochana and elsewhere to ensure a representative array of senior police of Catholic origin.

The Police Bill makes a mockery of these recommendations. The period in which the police are to be recruited on a 50:50 basis has been reduced to three years, with any extension requiring a decision by the Secretary of State.

The Bill is completely silent on aggregation, the policy proposed by Patten for dealing with years in which there might be a shortfall in the recruitment of suitably qualified cultural Catholics, and it is also dangerously silent on targeting. The Bill does not even make clear whether the Government will explicitly do what is necessary to meet the "critical mass" identified by Patten.

As drafted it is a recipe for minute change, that on current demographic trends will ensure that a shrinking minority of men of unionist disposition will police a growing minority of nationalist disposition.

FREE FROM PARTISAN POLITICAL CONTROL

A third term of reference required Patten to propose policing arrangements "free from partisan control."

The Commission's task was to ensure democratic accountability of policing "at all levels" while preventing any dominant political party from being able to direct the police to their advantage. The proposed Policing Board was to meet this objective. On Patten's model it would represent members from political parties present in the Executive, according to the d'Hondt rule of proportional allocation. The District Policing Partnership Boards (DPPBs) should also have met this objective—twenty out of twenty six local government districts now have office-rotation or power-sharing agreements.

Those seeking to amend the Bill should consider formally extending the d'Hondt principle to party representatives on the DPPBs a step entirely consistent with the Agreement.

The Bill thwarts Patten on the criterion of avoiding partisan control. By introducing a requirement that the Policing Board operate according to a weighted majority when recommending an inquiry it effectively re-establishes partisan unionist control. On Patten's model, ten members of the Policing Board would come from the parties in the current Executive—currently five nationalists and five unionists, and the other nine would have been nominated by the First Minister and Deputy First Ministers, which would likely and reasonably imply a slight majority broadly of unionist disposition—a reflection of Northern Ireland society. Under the model proposed in the Bill, the nine appointed members will, in the first instance, be appointed by the Secretary of State, not foreseen by Patten. But even if this produces the same outcomes as joint nominations from the First and Deputy First Ministers the Bill's proposed weighted majority rule will give unionists and unionist approved members a blocking minority on matters as fundamental as pursuing reasonable inquiries into allegations about police misconduct or incompetence.

This is a direct violation of the terms of reference of the Agreement.

EFFICIENT AND EFFECTIVE POLICING

A fourth criterion set for Patten was to promote "efficient and effective" policing arrangements. Here the commissioners scored highly. They deliberately avoided false economies. Generous severance and early retirement packages were to ease quite fast changes in the composition and ethos of the current personnel. They reasoned that an over-sized police service could fulfill the following tasks:

Begin a novel and far-reaching experiment in community policing;

Deter hard-line paramilitaries opposed to the Agreement, and those tempted to return to active combat;

Manage large-scale public order functions (mostly occasioned by the Loyal Orders); and

Facilitate faster changes in the services' religious and gender composition than might otherwise be possible.

The provisions enabling local governments to experiment and out-source policing services were also designed to "market-test" effectiveness, while the steps recommended to produce greater "civilianisation" were to free personnel for mainstream policing tasks and deliver long-run savings.

The Bill is multiply at odds with Patten on efficiency and effectiveness. It fails to provide a clearly effective system of accountability, which means that existing inefficiencies will continue to flourish, and ineffectiveness will be overlooked. The Secretary of State is, bizarrely, empowered to prevent an inquiry by the Policing Board if it is deemed not to be in the interests of efficiency and the effectiveness of the police as if the prime activity of a Board which requires a weighted majority to start an enquiry will be to embark on wasteful investigations! The Secretary of State, and not the Policing Board, is charged with setting targets and performance indicators for the police a recipe for producing an ineffective Board, 'not the strong independent and powerful Board' that Patten recommended. The full-time reserve, which Patten recommended should be disbanded, in the interests of efficiency and promoting fast changes in composition, is, so far as I can tell, left on a statutory basis in the Bill. And the District Policing Partnership Boards have been eviscerated because of propaganda about paramilitaries on the rates. It is simply amazing that grown-up people could accuse Christopher Patten, an intelligent Tory, of signing a report to subsidize paramilitarism; but it is perhaps more amazing that the Government can present this Bill as a text to implement the Patten Report.

HUMAN RIGHTS CULTURE

A fifth term of reference which Patten had to meet was policing arrangements infused with a human rights culture. Patten's commissioners did their job. It is proposed that new and serving officers would have knowledge of human rights built into their training and re-training (provided by non-police personnel) and their codes of practice. The astonishing absence of legal personnel within the RUC with expertise in human rights was singled out for remedy. The incorporation of the European Convention into UK public law, and Northern Ireland's own forthcoming special provisions to strengthen the rights of national, religious and cultural minorities, were welcomed as likely to ensure that policing and legal arrangements have to perform to higher standards than in the past, but other international norms were also held out as benchmarks: 'compliance * * * with international human rights standards and norms are * * * an important safeguard both to the public and to police officers carrying out their duties' (Patten, para: 5.17). Patten, para: 5.17). Patten's proposed steps for normalizing the police dissolving the special branch into criminal investigations, and demilitarising the police in step with hoped-for decommissioning, also met the human rights objectives of the Agreement.

The Police Bill on this criterion, as in others is almost a parody of the Patten Report. The Bill restricts the new oath, which includes a commitment to human rights to new officers. It incorporates no standards of rights protection higher than that in the European Convention. It places responsibility for a Code of Ethics not with the Policing Board, but with the Chief Constable, who is not obligated to consult the new Human Rights Commission on its content. The Bill explicitly excludes Patten's proposed requirement that an oath of service 'respect the traditions and beliefs' of people. The Policing Board cannot inquire into past police misconduct, and the Secretary of State is empowered to prevent the Ombudsman from so doing.

This was a sixth criterion that Patten had a meet; the Commission's terms of reference included 'at all levels'. Accountable decentralisation was proposed through giving directly elected local governments opportunities to influence the policy formulation of the Policing Board though their own District Policing Partnership Boards. The latter would not merely have had the power to question police district commanders but would have the ability to use their own resources to 'purchase additional services from the police or statutory agencies, or from the private sector'.

The Patten Report sensibly also commended significant internal decentralisation within the police, stripping away redundant layers of management to free up district commanders to deliver sensitive policing according to local needs. Better still, Patten recommended matching police internal management units to local government districts.

The Bill maintains centralisation in three ways. First, it gives power to the Secretary of State that Patten intended should be immediately devolved to the First and Deputy First Ministers. Secondly, the Bill weakens Patten's recommendations regarding decentralisation to district councils and gives the Secretary of State the right to issue instructions to the DPPBs.

Patten recommended that these be able to contribute up to the 'equivalent of a rate of 3p in the pound' to pay for extra policing services to meet their distinctive needs. This provision is not in the Bill. Thirdly, Patten was committed to the establishment of neighborhood policing: that every neighborhood should have a dedicated policing team, that its officers have their names and the names of their neighborhood displayed on their uniforms, and that they should serve 3-5 years in the same neighborhood. The Bill contains no such provisions.

DEMOCRATIC ACCOUNTABILITY

The seventh and perhaps the most important criterion that Patten and his commissioners had to meet was 'democratic accountability'.

Patten's subject was 'policing Northern Ireland' not 'the police in Northern Ireland'. Policing should not be the monopoly of a police force, as it is called throughout this Bill, or indeed of a service, as Patten commended. Policing should be organized in a self-governing democratic society by a plurality of agents and organizations, indeed by a network of such organisations. It should not be exclusively the responsibility of a monolithic, centralised, line-hierarchy, detached and apart from the rest of society. Ultimate responsibility for the security of persons and property in society should remain with citizens and their representatives. This logic was apparent in the title and proposed organisation of the proposed 'Policing Board' that was recommended to replace the present entirely unelected Police Authority which, despite its name, has no authority and even less legitimacy. The Board, as emphasised, was to bring together ten elected politicians drawn in proportion to their representative strength in seats, from the parties that comprise the new Executive with nine appointed members, representative of a range of sectors of civil society, 'business, trade unions, voluntary organisations, community groups and the legal profession'.

The elected members cannot be ministerial office-holders. The unelected members (under a devolved government) were to be appointed by the First and Deputy Ministers.

The Board was therefore envisaged as broadly representative, in both its elected and unelected members, and at one remove from direct executive power so that it was less likely to become the mere instrument of ministers.

A similar logic lay behind Patten's proposal to give the Board responsibility for negotiating the annual policing budget with the Northern Ireland Office, or with the appropriate successor body after devolution'.

The Report, contrary to what scaremongers and the right-wing press suggested, was not intended to destroy the operational responsibility of the police, or indeed to party-politicise its management. It was intended to let police managers manage, but to hold them, *post-factum*, to account for their implementation of the Policing Board's general policing policy, and to enhance the audit and investigative capacities of the Board in holding the police to account for their implementation, financial and otherwise, of the Board's policy.

In the Patten Report's vision the police should become fully part of a self-governing democratic society, transparently accountable to its representatives, rather than a potentially self-serving, unaccountable group of budget maximisers, mission-committed to their own conceptions of good policing. The new service would have 'operational responsibility' but would have to justify its uses of its managerial discretion.

What, by comparison with the Patten Report, is in the Bill? Proposals to strengthen the Secretary of State, to strengthen the powers of the Chief Constable, to weaken the new Policing Board from its inception, and to return policing to the police rather than have policing pressurised by and organized by a network of mutually supportive agencies.

The Chief Constable has powers of refusal to respond to reasonable requests by the Board. The Secretary of State, not the Board, sets targets and performance indicators. The Board cannot inquire into the past, and is more or less prevented from making into inquiries into police misconduct or incompetence in the future. The Board's role in budgetary planning is, so far as I can tell, downgraded into that of being a lobbying group for the Chief Constable.

The Board is in fact so weakened that the old Policing Authority has quite correctly condemned the Bill—a response no one would have predicted when the Prime Minister and the Secretary of State welcomed the Patten Report.

The Ombudsman, the Equality Commission and the Human Rights Commission have no appropriate free-ranging rights of access to policing documentation. The Chief Constable is not even required as a measure of transparency to declare his staff's individual participation in secret societies.

MEETING THE AGREEMENT?

Lastly, the Patten Report and the Bill were supposed to be consistent with the letter and the spirit of the Belfast Agreement. Patten's Report definitely met its terms of reference. The Bill does not. It is incompatible with 'parity of esteem', 'rigorous impartiality' by the UK government, and the objectives set for policing in the Agreement. The Bill does not in its unamended form represent the promised 'new beginning'. It does not 'recognise the full and equal legitimacy and worth of the identities, senses of allegiance and ethos of all sections of the community'. It will not produce a 'service [that] is effective and efficient, fair and impartial, free from partisan political control; accountable . . . representative of the society it polices . . . which conforms with human rights norms'. It will not encourage 'widespread community support' (all quotations from the text of the Agreement). It has been seen through and condemned by the SDLP, the Women's Coalition, the Catholic Church in Ireland, the Committee on the Administration of Justice, the Ombudsman, the existing Police Authority, the Irish Government, and President Clinton, as well as by Sinn Fein. The Bill is a provocation, a fundamental breach of faith, perfidious Britannia in caricature.

So what does the Bill represent? It represents Old Britain. It has been drafted by the forces of conservatism, for the forces of conservatism. It is a slightly smudged and fudged facsimile of the 1998 Act. Unamended it will ensure that neither the SDLP of Sinn Fein will sit on the Policing Board, or recommend their constituents * * *

CRUCIAL ROLE FOR THE CHURCH ON POLICING

(By Fr. Tim Bartlett)

The Catholic Church has a crucial role to play in the debate about policing. On the one hand it represents the religious tradition of those who are most under-represented in the current provision of policing while at the same time, as a specifically religious institution, it exists and operates outside the confines of constitutional politics. As the trustee of Catholic schools and of numerous youth organisations it is also in a unique position to influence that specific group which will have to be encouraged to join the police service if the huge religious and cultural imbalance within policing is to be redressed, that is—young Catholics.

The Independent Commission on Policing openly acknowledged this pivotal role of the Church in regard to recruitment. It appealed directly to bishops, priests and school teachers to . . . take steps to remove all discouragements to members of their communities applying to join the police, and make it a priority to encourage them to apply. (15.2)

While acknowledging that they did have a role to play, the Catholic bishops were equally clear in their response. The responsibility for removing those things which discourage Catholics from joining the police service rests, first and foremost, with the police service itself and not with the Church or community leaders.

Drawing on their consultations with young Catholics in schools, with school principals and clergy, with lay people and legal professionals, the Catholic bishops were crystal clear about what this would require—an end to the partisan political and cultural domination of policing by one side of the community, greater accountability and a clear commitment to human rights in all aspects of policing. This in turn would require the removal of all those things which are not essential to effective, professional policing but which continue to present a serious obstacle to recruitment among the vast majority of young Catholics. This included those aspects of current policing, such as the name and badge, which require most young Catholics to forego their legitimate political and cultural allegiances and to submit to an ethos and a culture which is not only unfamiliar but also frequently hostile. As one young Catholic put it, "How would a young Conservative in England feel if, in order to pursue a career in the police, they had to join new Labour?".

As a result of their consultations, the bishops concluded, and made clear to the government, that the only way of encouraging a sufficient number of young Catholics to join the police service was to implement the Patten Report in full.

Many people who wanted no change to the cultural domination of policing by unionism were quick to accuse the bishops of promoting 'green agenda', or of joining a 'pan-nationalist front', totally ignoring the fact that no one, including the bishops, had suggested that the unionist domination of policing should be exchanged for a nationalist one. What was being proposed was a vision of a pluralist police service for a pluralist society. The issue was not one of religious affiliation as such, but of the right of all citizens to a neutral working environment, to pursue a career in the noble profession of policing without having to subjugate legitimate political, cultural or religious convictions to an exaggerated Unionist ethos which has nothing to do with professional policing.

Those unionist spokesmen on policing who were disappointed with the Catholic Church's position decided to react by employing an offensive distinction in their public statements between what they now call "reasonable" Catholics and "unreasonable" Catholics, the latter of course referring to that overwhelming majority of Catholics who do not subscribe to a unionist point of view. Apart from labelling the vast majority of Catholics, including the Catholic bishops as "unreasonable", something which affirms the presence of an underlying ethnic superiority within unionism, those who support a continued unionist possession of policing also decided to "spin" a number of statistical findings about Catholics and policing.

The rate of Catholic applications we were told had risen to 20 percent since the ceasefires. This was heralded as proof that the main obstacle to Catholic recruitment to the RUC had been the existence of a paramilitary threat. What was conveniently ignored, however, was the fact that a 20 percent application rate was merely a return to the level of application which had existed prior to the troubles. Even then, without the existence of a paramilitary threat for almost 50 years, the maximum level of participation in policing by Catholics for any sustained period was never more than 12 percent.

We were also told the results of a survey by the Police Authority on issues such as the name and the badge. Interestingly the Police Authority Report itself points out that we must always be cautious about the way in which we interpret and use opinion survey findings (p. 42). Even more interestingly, several important aspects of this survey have been conveniently ignored by those who oppose a pluralist ethos in policing. One is the fact that in regard to the proposed change of name the survey did not ask Catholics whether they agreed or disagreed with a change of name—it simply asked if this would lead to an increase in support for policing. This question was asked, however, in relation to the slightly less contentious issue of the badge. Here, when asked whether they agreed or disagreed with a change of the symbolism associated with the badge over 71% of Catholics agreed that the badge should be changed. This did not include the additional 19% who neither agreed nor disagreed. What this indicated clearly, but which is not admitted by those who published the report, is that there was overwhelming evidence of support in the Catholic community for a change to the symbols and ethos of the RUC.

The second major weakness of the survey was that it did not focus on the opinions of those who are most relevant to the issue of recruitment. that is—young Catholics—most notably those between 14 and 26 years of age. Principals of Catholic schools, leaders of Catholic youth clubs and clergy who were asked by the bishops about these issues were very clear about the opinion of this age group, in regard to the sectarian bias of the RUC and the need to change the name and symbols if the recruitment of young Catholics in sufficient numbers was to become a possibility. The Police Authority survey did not take account of the views of this important group.

At the end of the day the proverbial "dogs in the street" know that the most serious obstacle to the recruitment of young Catholics remains the unapologetic and ongoing effort of the unionist community to dominate policing and to obstruct the pluralist and community based ethos proposed by the Patten Report. The failure of the secretary of state to remain faithful to key elements of the Patten Report in the current Policing Bill and his willingness to subject a fundamental issue of cycle justice—the right to representative policing—to the "spin and win" of politics, has provided one of the greatest "obstacles to encouragement" for young Catholics to have emerged in recent years. In this context any appeal to the Catholic Church to '. . . make it a priority to encourage Catholics to join' is unlikely to be taken up by Church leaders. If the government and the unionist community does have the recruitment of young Catholics as a priority, what hope has the Catholic Church?

If we are to achieve the new beginning to policing made possible through the independent adjudication of this issue by an independent commission, then it is time for the unionist tradition to let go of its cultural possession of policing and to acknowledge the real pain, suffering and sectarian bias which many Catholics have experienced, and continue to experience, at the hands of the RUC. It is time for the British government to acknowledge that most Catholics have been "locked out" of policing for the last 80 years because of their legitimately held political and cultural beliefs and that in a pluralist society this cannot continue to be the case.

The Catholic Church as gone to great lengths, in recent months, to pay tribute to the RUC and to acknowledge the great price that RUC officers have paid in the effort to maintain stability and peace. Apart from their various public statements, the decision by Archbishop Brady to attend the George Cross award ceremony was a courageous and public acknowledgement by the Catholic bishops that the future of policing, indeed of our whole society depends on giving due recognition to the suffering and sacrifice which has been part of our collective past. What a pity then that, as yet, Protestant Church leaders, unionist politicians and the British government in the current Policing Bill, have not found it possible to offer any similar reassurance to the Catholic community about the commitment of the Unionist-British tradition to the "new beginning to policing" promised by the Belfast agreement. Such reassurances, from such voices, while surprising, would certainly be a welcome change.

• Mr. LEAHY. Mr. President, I am pleased to join Senators KENNEDY, DODD, and MACK in introducing this resolution on police reform in Northern Ireland.

Police reform is necessary in Northern Ireland to guarantee fairness and to advance the peace process.

Our resolution expresses the Sense of the Senate that the full and speedy implementation of the Patten Commission's recommendations on reforming the police service in Northern Ireland holds the promise of ensuring that the police service will gain the support of both nationalists and unionists. It calls on the British Government to fully and faithfully implement the recommendations included in the Patten Commission report. It also commends the parties to the Good Friday Agreement for progress to date in implementing all aspects of the Good Friday Agreement and urges them to move expeditiously to complete the implementation.

Mr. President, I ask unanimous consent that documents which raise concerns about police reform legislation be included at the end of my remarks. I urge my colleagues to approve this resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LAWYERS COMMITTEE
FOR HUMAN RIGHTS,
New York, NY, June 16, 2000.

Re Northern Ireland police bill.

The Rt. Hon. PETER MANDELSON,
Secretary of State for Northern Ireland, Northern Ireland Office, Stormont Castle, Belfast, Northern Ireland.

DEAR MR. MANDELSON: We are writing to you to convey our continued concern about the proposed Northern Ireland Police Bill. We recognise the difficult choices you face in implementing a comprehensive program of police reform in Northern Ireland. We are aware also of the deep sensitivities surrounding the police issues that cut across religious, racial and political lines. We commend you for the time and attention you have directed to this highly important subject. It is precisely because it is so important that we write to you again following our letter on May 26, to register concerns that arise out of the debate at the Second Reading of the Bill.

At the Reading, you emphasised the need to concentrate on "detail" and to move away from "rhetoric" and "hyperbole". We agree, and recognise that this is a critical time to ensure that the legislation accurately embodies the recommendations made by the Patten Commission. However, we take strong exception to your assertion that the "spirit as well as the letter" of the Bill you are proposing fully implements the Patten Commission's recommendations. To the contrary, we are greatly concerned that the proposed legislation fails to implement key elements of the Patten Commission's Recommendations especially relating to Police accountability.

POLICE OMBUDSMAN AND POLICING BOARD

In particular, the legislation significantly curtails the powers of the Police Ombudsman and the Policing Board. In fact, as it now stands, the legislation appears to undermine the very mechanism that the Patten Commission envisaged as necessary for holding the police force and its Chief accountable.

a. Police Ombudsman

With respect to the power of the Police Ombudsman, the Patten Commission recommended that:

"[The Ombudsman] should exercise the power to initiate inquiries and investigations even if no specific complaint has been received . . . (and) should exercise the right to investigate and comment on police policies and practices, where these are perceived to give rise to difficulties." (Recommendation 38).

In rejecting both the spirit and the letter of this recommendation, you indicated at the Second Reading that you believed you were right "to resist the suggestion that the Ombudsman should also have powers to review the policies and practices of the police service." You proposed, instead, that she would be able to raise wider issues only in the course of investigating individual complaints.

The government's proposal, if accepted, will create a system that would allow the Ombudsman to only address patterns of misconduct by chance. Such an inquiry would only be triggered if a person happens to come forward with an individual complaint that also reveals a wider issue. This is contrary to the Patten Commission's recommendation, and does not seem the most effective way to monitoring police adherence to human rights standards.

b. Policing Board

In proposing the creation of a police board, the Patten Commission recognised that the Board could only be effective if it were independent and powerful. (see Patten Report, paragraph 6.23). The Commission proposed that the Policing Board have power to initiate inquiries so that it had an alternative mechanisms to ensure accountability, and not be limited to the extreme remedy of calling upon the Chief Constable to retire.

In rejecting this recommendation, the proposed legislation bars the Policing Board's ability to inquire into past misconduct and gives the Secretary of State the power to prevent the Ombudsman from doing so. Although we are pleased that you have indicated your initial proposal has "probably gone too far in the limitations" imposed on the Policing Board's powers, we are concerned that you appear to still believe that the power to initiate inquiries is 'extreme'.

We urge you to ensure that the legislation reflects the Patten Commission's major emphasis on the centrality of human rights by granting these monitoring bodies the power proposed by the Commission.

OVERSIGHT COMMISSIONER

The new Oversight Commissioner, Mr. Constantine, will have a critically important role in implementing police reform and restructuring. The Patten Commission's Report proposed wide powers and latitude for the Oversight Commissioner. We are pleased that the Commissioner's terms of reference will have a statutory basis, and we look forward to studying the amendments brought forward on this point. We consider it vital that the Oversight Commissioner's mandate relates to his responsibility for overseeing the implementation of the breadth of change envisaged in the Patten Commission's recommendations, and not simply the Implementation Plan. From a cursory reading of the Implementation Plan, it is clear that it rests considerable discretion in the Chief Constable, a constraint that is at odds with the overall approach envisioned by the Patten Report. We strongly urge that the Commission's written terms of reference give him the broadest scope, latitude and independence possible to enable him to effectively carry out his essential mission.

HUMAN RIGHTS STANDARDS

Finally, we are concerned that the Bill fails to establish adequate means for incorporating a human rights culture into policing in Northern Ireland. Members of the Patten Commission understood that international norms are important safeguards to both "the public and to the police officers carrying out their duties." (Recommendation 5.17). The Police Bill should reflect this principle at every opportunity—in defining the function of the Police Board, the role of the police, and organising principles of the Code of Ethics.

Official accountability is an essential key to building public confidence in a new policing institution in Northern Ireland. I am sure you can appreciate that without this public credibility, all reform efforts will be seriously undermined. You have been presented with a unique opportunity to institute effective and lasting reforms within the police in Northern Ireland which puts a premium on respect for human rights. If successful, the Northern Ireland experience could become a model for other countries around the world embarking on their own path to reform. But success must be built on a legislative framework that ensures the fullest official accountability.

We will continue to closely monitor the development of this legislation. We look forward to hearing from you and would welcome the opportunity to meet with you or your representatives to discuss these issues further.

Respectfully,

MICHAEL POSNER,
Executive Director.

POLICE BILL LOOKS SET TO RENDER POLICING BOARD INEFFECTIVE

The Police Authority today expressed "deep concern" about the new Police (NI) Bill 2000.

Authority Chairman Pat Armstrong stressed that although the body was reluctant to criticise new legislation it felt it had no alternative.

"The Police Authority hoped to have been able to give the same broad welcome to this Bill which it gave to the Patten report when it was published.

"We want to see policing in Northern Ireland move forward. Although the main public focus on this legislation so far has been about the name and symbols of the police service, we feel that damaging limitations on the powers of the new Policing Board represent the real meat of the debate.

"The Police Authority has worked vigilantly for the last thirty years to ensure police accountability to the people of Northern Ireland and to protect the police service from political intervention. In doing so we have made no secret of the fact that our powers have always been severely limited by the restrictions imposed on us by successive Secretaries of State.

"We therefore welcomed Patten's proposal and believed it would at long last create a strong, independent and powerful Policing Board for the community at large.

"Worryingly, the early signs in this Bill are that the Secretary of State is trying to curb the powers of this new Board and substantially weaken its credibility before it even gets off the ground.

"While we haven't had the opportunity to analyze the full impact of the Secretary of State's proposals, it seems that if the legislation goes through as it stands, the new Policing Board could actually have less power then the current Police Authority—a situation we find ludicrous and totally unacceptable.”

“Police planning and financial control are two key areas where it seems the new Board will have a reduced role, while the Secretary of State enjoys greater influence.

“And where the Board was supposed to get new powers, it seems rigid restrictions have been imposed. On the power to initiate enquiries for example, it is difficult to see how the Board could ever satisfy all the conditions required by the Secretary of State.”

“This is not the first time that Government has attempted to control policing in Northern Ireland. In our original submission to the Patten Commission we catalogued consistent attempts by the Government over the years to suppress the powers of the Police Authority.

“Successive Authorities have resisted such attempts by Government to directly influence policing and we will continue to do so in guarding against any weakening of the powers envisaged by Patten for the new Policing Board. The Patten report itself stated, ‘we do not believe the Secretary of State . . . should ever appear to have the power to direct the police.’—this obviously signalled a clear intention on the Commission's part to curtail the powers of Government—not enhance them as the proposed legislation seems set to do.”

Mr. Armstrong however said the Authority supported much of the legislation including the apparent safeguards put in place to prevent District Policing Partnerships raising money for ‘freelance’ police services. He added that more time would be needed to examine all the issues in detail.

The Authority will shortly publish an indepth analysis of the Government's proposed Patten legislation and implementation plan.●

SENATE RESOLUTION 333—EXPRESSING THE SENSE OF THE SENATE THAT THERE SHOULD BE PARITY AMONG THE COUNTRIES THAT ARE PARTIES TO THE NORTH AMERICAN FREE TRADE AGREEMENT WITH RESPECT TO THE PERSONAL EXEMPTION ALLOWANCE FOR MERCHANDISE PURCHASED ABROAD BY RETURNING RESIDENTS, AND FOR OTHER PURPOSES

Ms. COLLINS (for herself, Mr. MOYNIHAN, Mr. KYL, Mr. GREGG, Mr. LEAHY, and Mrs. HUTCHISON), submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 333

Whereas the personal exemption allowance is a vital component of trade and tourism;

Whereas many border communities and retailers depend on customers from both sides of the border;

Whereas a United States citizen traveling to Canada or Mexico for less than 24 hours is exempt from paying duties on the equivalent of $200 worth of merchandise on return to the United States, and for trips over 48 hours United States citizens have an exemption of up to $400 worth of merchandise;

Whereas a Canadian traveling in the United States is allowed a duty-free personal exemption allowance of only $50 worth of merchandise for a 24-hour visit, the equivalent of $200 worth of merchandise for a 48-hour visit, and the equivalent of $750 worth of merchandise for a visit of over 7 days;

Whereas Mexico has a 2-tiered personal exemption allowance for its returning residents, set at the equivalent of $50 worth of merchandise for residents returning by car and the equivalent of $300 worth of merchandise for residents returning by plane;

Whereas Canadian and Mexican retail businesses have an unfair competitive advantage over many American businesses because of the disparity between the personal exemption allowances among the 3 countries;

Whereas the State of Maine legislature passed a resolution urging action on this matter;

Whereas the disparity in personal exemption allowances creates a trade barrier by making it difficult for Canadians and Mexicans to shop in American-owned stores without facing high additional costs;

Whereas the United States entered into the North American Free Trade Agreement with Canada and Mexico with the intent of phasing out tariff barriers among the 3 countries; and

Whereas it violates the spirit of the North American Free Trade Agreement for Canada and Mexico to maintain restrictive personal exemption allowance policies that are not reciprocal: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, should initiate discussions with officials of the Governments of Canada and Mexico to achieve parity by harmonizing the personal exemption allowance structure of the 3 NAFTA countries at or above United States exemption levels; and

(2) in the event that parity with respect to the personal exemption allowance of the 3 countries is not reached within 1 year after the date of the adoption of this resolution, the United States Trade Representative and the Secretary of the Treasury should submit recommendations to Congress on whether legislative changes are necessary to lower the United States personal exemption allowance to conform to the allowance levels established in the other countries that are parties to the North American Free Trade Agreement.

AMENDMENTS SUBMITTED

DEPARTMENT OF LABOR APPROPRIATIONS ACT, 2001

COLLINS (AND REED) AMENDMENT NO. 3700

Mr. SPECTER (for Ms. COLLINS (for herself and Mr. REED)) proposed an amendment to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 34, on line 13, before the colon, insert the following: “, of which $10,000,000 shall be used to provide grants to local nonprofit private and public entities to enable such entities to develop and expand activities to provide substance abuse services to homeless individuals”.

KERREY (AND OTHERS) AMENDMENT NO. 3701

Mr. HARKIN (for Mr. KERREY (for himself, Mr. BINGAMAN and Mr. ENZI)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 68, line 2, before the colon, insert the following: “, of which $250,000 shall be for the Web-Based Education Commission”.

COLLINS (AND OTHERS) AMENDMENT NO. 3702

Mr. SPECTER (for Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. JEFFORDS, Mr. BIDEN, Mrs. MURRAY, Mr. ENZI, Mr. WELLSTONE, Mr. BINGAMAN, Mr. ROBB, Mr. KERRY, Mr. ABRAHAM, and Mr. REED)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 24, line 1, strike “and”.

On page 24 line 7, insert before the colon the following; “, and of which $4,000,000 shall be provided to the Rural Health Outreach Office of the Health Resources and Services Administration for the awarding of grants to community partnerships in rural areas for the purchase of automated external defibrillators and the training of individuals in basic cardiac life support”.

JEFFORDS AMENDMENT NO. 3703

Mr. SPECTER (for Mr. JEFFORDS) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 43, line 9, before the colon, insert the follow: “, of which 5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions”.

SPECTER AMENDMENT NO. 3704

Mr. SPECTER proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 50, line 20, after the dash insert the following: “Except as provided by subsection (e)”.

On page 51, line 1 strike “December 15, 2000” and insert in lieu thereof: “March 1, 2001”.

On page 52, line 2, strike “2000” and insert in lieu thereof “2001”.

On page 52, after line 2, insert the following new section

“(e) TERRITORIES.—None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.”

GRAHAM AMENDMENT NO. 3705

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. GRAHAM) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . (a) STUDY.—The Secretary of Health and Human Services shall conduct a study to examine—

(1) the experiences of hospitals in the United States in obtaining reimbursement from foreign health insurance companies whose enrollees receive medical treatment in the United States;

(2) the identity of the foreign health insurance companies that do not cooperate with or reimburse (in whole or in part) United States health care providers for medical services rendered in the United States to enrollees who are foreign nationals;

(3) the amount of unreimbursed services that hospitals in the United States provide to foreign nationals described in paragraph (2); and

(4) solutions to the problems identified in the study.

(b) REPORT.—Not later than March 31, 2001, the Secretary of Health and Human Services shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations, a report concerning the results of the study conducted under subsection (a), including the recommendations described in paragraph (4) of such subsection.

BINGAMAN (AND OTHERS) AMENDMENT NO. 3706

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. BINGAMAN (for himself, Mr. REID, Ms. COLLINS, and Mr. DEWINE)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 59, line 12, before the period insert the following: ": *Provided further*, That of the amount made available under this heading for activities carried out through the Fund for the Improvement of Education under part A of title X, $10,000,000 shall be made available to enable the Secretary of Education to award grants to develop and implement school dropout prevention programs".

REID AMENDMENT NO. 3707

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. REID) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the appropriate place, insert the following:

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

SEC. . Section 448 of the Public Health Service Act (42 U.S.C. 285g) is amended by inserting "gynecologic health," after "with respect to".

DURBIN (AND OTHERS) AMENDMENT NO. 3708

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. DURBIN (for himself, Mr. DEWINE, Mr. BINGAMAN, Mr. SCHUMER, Mr. KERRY, Mr. FITZGERALD, and Mr. ABRAHAM)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 26, line 25, before "of which" insert the following: "of which $20,000,000 shall be made available to carry out children's asthma programs and $4,000,000 of such $20,000,000 shall be utilized to carry out improved asthma surveillance and tracking systems and the remainder shall be used to carry out diverse community-based childhood asthma programs including both school- and community-based grant programs, except that not to exceed 5 percent of such funds may be used by the Centers for Disease Control and Prevention for administrative costs or reprogramming, and".

DURBIN (AND OTHERS) AMENDMENT NO. 3709

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. DURBIN (for himself, Mr. REED, Mrs. MURRAY, Mr. KERRY, Mrs. HUTCHISON, and Mrs. FEINSTEIN)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, $37,500,000, to be utilized to provide grants to States and political subdivisions of States under section 317 of the Public Health Service Act to enable such States and political subdivisions to carry out immunization infrastructure and operations activities: *Provided*, That of the total amount made available in this Act for infrastructure funding for the Centers for Disease Control and Prevention, not less than 10 percent shall be used for immunization projects in areas with low or declining immunization rates or areas that are particularly susceptible to disease outbreaks, and not more than 14 percent shall be used to carry out the incentive bonus program: *Provided*, That amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro rata basis by $37,500,000.

SMITH OF NEW HAMPSHIRE (AND OTHERS) AMENDMENT NO. 3710

Mr. SPECTER (for Mr. SMITH of New Hampshire (for himself, Ms. LANDRIEU, and Mr. DURBIN)) proposed an amendment to the bill H.R. 4577, supra; as follows:

At the appropriate place, add the following: "None of the funds appropriated under this Act shall be expended by the National Institutes of Health on a contract for the care of the 288 chimpanzees acquired by the National Institutes of Health from the Coulston Foundation, unless the contractor is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International or has a Public Health Services assurance, and has not been charged multiple times with egregious violations of the Animal Welfare Act.".

DODD AMENDMENT NO. 3711

Mr. HARKIN (for Mr. DODD) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. . TECHNOLOGY AND MEDIA SERVICES.

Notwithstanding any other provision of this Act—

(1) the total amount appropriated under this title under the heading "OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES" under the heading "SPECIAL EDUCATION" to carry out the Individuals with Disabilities Education Act shall be $7,353,141,000, of which $35,323,000 shall be available for technology and media services; and

(2) the total amount appropriated under this title under the heading "DEPARTMENTAL MANAGEMENT" under the heading "PROGRAM ADMINISTRATION" shall be further reduced by $800,000.

SPECTER AMENDMENT NO. 3712

Mr. SPECTER proposed an amendment to the bill, H.R. 4577, supra; as follows:

In amendment #3633, as modified, strike "$78,200,000" and insert "$35,000,000" in lieu thereof.

STEVENS (AND OTHERS) AMENDMENTS NOS. 3713–3714

Mr. SPECTER (for Mr. STEVENS (for himself, Mr. JEFFORDS, and Mr. KENNEDY)) proposed two amendments to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3713

On page 69, line 2, after the colon insert the following proviso: "*Provided further*, That of the funds appropriated $5,000,000 shall be made available for a high school state grant program to improve academic performance and provide technical skills training, $5,000,000 shall be made available to provide grants to enable elementary and secondary schools to provide physical education and improve physical fitness".

AMENDMENT NO. 3714

On page 41, at the beginning of line 12 insert the following: "$5,000,000 shall be made available to provide grants for early childhood learning for young children, of which".

LEAHY AMENDMENT NO. 3715

Mr. HARKIN (for Mr. LEAHY) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 45, line 4, insert before the period the following: ": *Provided*, That an additional $2,500,000 shall be made available for the Office for Civil Rights: *Provided further*, That amounts made available under this title for the administrative and related expenses of the Department of Health and Human Services shall be reduced by $2,500,000.

HARKIN AMENDMENT NO. 3716

Mr. HARKIN proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 40, line 5, strike "$60,000,000" and insert "$100,000,000".

DeWINE (AND OTHERS) AMENDMENT NO. 3717

Mr. SPECTER (for Mr. DEWINE (for himself, Mrs. MURRAY, Mr. GRASSLEY, Mr. DURBIN, Mrs. LINCOLN, Mr. HAGEL, and Mr. DODD)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . (a) In addition to amounts made available under the heading "Health Resources and Services Administration-Health Resources and Services" for poison prevention and poison control center activities, there shall be available an additional $20,000,000 to provide assistance for such activities and to stabilize the funding of regional poison control centers as provided for pursuant to the Poison Control Center Enhancement and Awareness Act (Public Law 106-174).

(b) Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro rata basis by $20,000,000.

SCHUMER AMENDMENT NO. 3718

Mr. HARKIN (for Mr. SCHUMER) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 27, line 24, before the period insert the following: ": *Provided further*, That in addition to amounts made available under this heading for the National Program of Cancer Registries, an additional $15,000,000 shall be made available for such Program and special emphasis in carrying out such Program shall be given to States with the highest number of the leading causes of cancer mortality: *Provided further*, That amounts made available under this Act for the administrative and related expenses of the Centers for Disease Control and Prevention shall be reduced by $15,000,000".

DODD AMENDMENT NO. 3719

Mr. HARKIN (for Mr. DODD) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 92, between lines 4 and 5, insert the following:

SEC. ___. Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"PART G—REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES

"SEC. 581. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES.

"(a) IN GENERAL.—A public or private general hospital, nursing facility, intermediate care facility, residential treatment center, or other health care facility, that receives support in any form from any program supported in whole or in part with funds appropriated to any Federal department or agency shall protect and promote the rights of each resident of the facility, including the right to be free from physical or mental abuse, corporal punishment, and any restraints or involuntary seclusions imposed for purposes of discipline or convenience.

"(b) REQUIREMENTS.—Restraints and seclusion may only be imposed on a resident of a facility described in subsection (a) if—

"(1) the restraints or seclusion are imposed to ensure the physical safety of the resident, a staff member, or others; and

"(2) the restraints or seclusion are imposed only upon the written order of a physician, or other licensed independent practitioner permitted by the State and the facility to order such restraint or seclusion, that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained).

"(c) DEFINITIONS.—In this section:

"(1) RESTRAINTS.—The term 'restraints' means—

"(A) any physical restraint that is a mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely, not including devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, or any other methods that involves the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the resident from falling out of bed or to permit the resident to participate in activities without the risk of physical harm to the resident; and

"(B) a drug or medication that is used as a restraint to control behavior or restrict the resident's freedom of movement that is not a standard treatment for the resident's medical or psychiatric condition.

"(2) SECLUSION.—The term 'seclusion' means any separation of the resident from the general population of the facility that prevents the resident from returning to such population if he or she desires.

"SEC. 582. REPORTING REQUIREMENT.

"(a) IN GENERAL.— Each facility to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 applies shall notify the appropriate agency, as determined by the Secretary, of each death that occurs at each such facility while a patient is restrained or in seclusion, of each death occurring within 24 hours after the patient has been removed from restraints and seclusion, or where it is reasonable to assume that a patient's death is a result of such seclusion or restraint. A notification under this section shall include the name of the resident and shall be provided not later than 7 days after the date of the death of the individual involved.

"(b) FACILITY.—In this section, the term 'facility' has the meaning given the term 'facilities' in section 102(3) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10802(3)).".

"SEC. 583. REGULATIONS AND ENFORCEMENT.

"(a) TRAINING.—Not later than 1 year after the date of enactment of this part, the Secretary, after consultation with appropriate State and local protection and advocacy organizations, physicians, facilities, and other health care professionals and patients, shall promulgate regulations that require facilities to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) applies, to meet the requirements of subsection (b).

"(b) REQUIREMENTS.—The regulations promulgated under subsection (a) shall require that—

"(1) facilities described in subsection (a) ensure that there is an adequate number of qualified professional and supportive staff to evaluate patients, formulate written individualized, comprehensive treatment plans, and to provide active treatment measures;

"(2) appropriate training be provided for the staff of such facilities in the use of restraints and any alternatives to the use of restraints; and

"(3) such facilities provide complete and accurate notification of deaths, as required under section 582(a).

"(c) ENFORCEMENT.—A facility to which this part applies that fails to comply with any requirement of this part, including a failure to provide appropriate training, shall not be eligible for participation in any program supported in whole or in part by funds appropriated to any Federal department or agency.".

ENZI AMENDMENT NO. 3720

Mr. SPECTER (for Mr. ENZI) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 13, line 20, strike "*Provided*" and insert the following: ": *Provided*, That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 2000, at least $22,200,000 shall be used to carry out education, training, and consultation activities as described in subsections (c) and (d) of section 21 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670(c) and (d)): *Provided further*,".

TORRICELLI AMENDMENT NO. 3721

Mr. HARKIN (for Mr. TORRICELLI) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE DELIVERY OF EMERGENCY MEDICAL SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) Several States have developed and implemented a unique 2-tiered emergency medical services system that effectively provides services to the residents of those States.

(2) These 2-tiered systems include volunteer and for-profit emergency medical technicians who provide basic life support and hospital-based paramedics who provide advanced life support.

(3) These 2-tiered systems have provided universal access for residents of those States to affordable emergency services, while simultaneously ensuring that those persons in need of the most advanced care receive such care from the proper authorities.

(4) One State's 2-tiered system currently has an estimated 20,000 emergency medical technicians providing ambulance transportation for basic life support and advanced life support emergencies, over 80 percent of which are handled by volunteers who are not reimbursed under the medicare program under title XVIII of the Social Security Act.

(5) The hospital-based paramedics, also known as mobile intensive care units, are reimbursed under the medicare program when they respond to advanced life support emergencies.

(6) These 2-tiered State health systems save the lives of thousands of residents of those States each year, while saving the medicare program, in some instances, as much as $39,000,000 in reimbursement fees.

(7) When Congress requested that the Health Care Financing Administration enact changes to the emergency medical services fee schedule as a result of the Balanced Budget Act of 1997, including a general overhaul of reimbursement rates and administrative costs, it was in the spirit of streamlining the agency, controlling skyrocketing health care costs, and lengthening the solvency of the medicare program.

(8) The Health Care Financing Administration is considering implementing new emergency medical services reimbursement guidelines that may destabilize the 2-tier system that have developed in these States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Health Care Financing Administration should—

(1) consider the unique nature of 2-tiered emergency medical services delivery systems when implementing new reimbursement guidelines for paramedics and hospitals under the medicare program under title XVIII of the Social Security Act; and

(2) promote innovative emergency medical service systems enacted by States that reduce reimbursement costs to the medicare program while ensuring that all residents receive quick and appropriate emergency care when needed.

WELLSTONE AMENDMENT NO. 3722

Mr. HARKIN (for Mr. WELLSTONE) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 71, after line 25, add the following:

SEC. ___. (a) In addition to any amounts appropriated under this title for the Perkin's loan cancellation program under section 465 of the Higher Education Act of 1965 (20 U.S.C. 1087ee), an additional **$15,000,000** is appropriated to carry out such program.

(b) Notwithstanding any other provision of this Act, amounts made available under titles I and II, and this title, for salaries and expenses at the Departments of Labor, Health and Human Services, and Education, respectively, shall be further reduced on a pro rata basis by **$15,000,000**.

LIEBERMAN (AND OTHERS) AMENDMENT NO. 3723

Mr. HARKIN (for Mr. LIEBERMAN (for himself, Mr. GORTON, Mr. BAYH, Mr. BRYAN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. ROBB, and Mr. BREAUX)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 71, after line 25, insert the following:

SEC. 305. The Comptroller General of the United States, shall evaluate the extent to which funds made available under part A of title I of the Elementary and Secondary Education Act of 1965 are allocated to schools and local educational agencies with the greatest concentrations of school-age children from low-income families, the extent to which allocations of such funds adjust to shifts in concentrations of pupils from low-income families in different regions, States, and substate areas, the extent to which the allocation of such funds encourage the targeting of State funds to areas with higher concentrations of children from low-income families; the implications of current distribution methods for such funds, and formula and other policy recommendations to improve the targeting of such funds to more effectively serve low-income children in both rural and urban areas, and for preparing interim and final reports based on the results of the study, to be submitted to Congress not later than February 1, 2001, and April 1, 2001.

On page 70, line 7, strike "**$396,672,000**" and insert "**$396,671,000**".

BINGAMAN (AND OTHERS) AMENDMENT NO. 3724

Mr. HARKIN (for Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. JOHNSON, Mr. MCCAIN, Ms. CONRAD, Mrs. MURRAY, Mr. LEAHY, and Mrs. BOXER)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. 306.

The amount made available under this title under the heading "OFFICE OF POSTSECONDARY EDUCATION" under the heading "HIGHER EDUCATION" to carry out section 316 of the Higher Education Act of 1965 is increased by **$5,000,000**, which increase shall be used for construction and renovation projects under such section; and the amount made available under this title under the heading "OFFICE OF POSTSECONDARY EDUCATION" under the heading "HIGHER EDUCATION" to carry out part B of title VII of the Higher Education Act of 1965 is decreased by **$5,000,000**.

BAUCUS (AND JEFFORDS) AMENDMENT NO. 3725

Mr. HARKIN (for Mr. BAUCUS (for himself and Mr. JEFFORDS)) proposed an amendment to the bill, H.R 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . SENSE OF THE SENATE REGARDING IMPACTS OF THE BALANCED BUDGET ACT OF 1997.

(a) FINDINGS.—The Senate makes the following findings:

(1) Since its passage in 1997, the Balanced Budget Act of 1997 has drastically cut payments under the medicare program under title XVIII of the Social Security Act in the areas of hospital, home health, and skilled nursing care, among others. While Congress intended to cut approximately **$100,000,000,000** from the medicare program over 5 years, recent estimates put the actual cut at over **$200,000,000,000**.

(2) A recent study on home health care found that nearly 70 percent of hospital discharge planners surveyed reported a greater difficulty obtaining home health services for medicare beneficiaries as a result of the Balanced Budget Act of 1997.

(3) According to the Medicare Payment Advisory Commission, rural hospitals were disproportionately affected by the Balanced Budget Act of 1997, dropping the inpatient margins of such hospitals over 4 percentage points in 1998.

(b) SENSE OF SENATE.—It is the sense of the Senate that Congress and the President should act expeditiously to alleviate the adverse impacts of the Balanced Budget Act of 1997 on beneficiaries under the medicare program under title XVIII of the Social Security Act and health care providers participating in such program.

TORRICELLI (AND REED) AMENDMENT NO. 3726

Mr. HARKIN (for Mr. TORRICELLI (for himself and Mr. REED)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end of title V, add the following:

SEC. . It is the sense of the Senate that each entity carrying out an Early Head Start program under the Head Start Act should—

(1) determine whether a child eligible to participate in the Early Head Start program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program; and

(2) in the case of an child who has not received such a blood lead screening test, ensure that each enrolled child receives such a test either by referral or by performing the test (under contract or otherwise).

TORRICELLI AMENDMENT NO. 3727

Mr. HARKIN (for Mr. TORRICELLI) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 27, line 24, strike the period and insert the following: ": *Provided further*, That the funds made available under this heading for section 317A of the Public Health Service Act may be made available for programs operated in accordance with a strategy (developed and implemented by the Director for the Centers for Disease Control and Prevention) to identify and target resources for childhood lead poisoning prevention to high-risk populations, including ensuring that any individual or entity that receives a grant under that section to carry out activities relating to childhood lead poisoning prevention may use a portion of the grant funds awarded for the purpose of funding screening assessments and referrals at sites of operation of the Early Head Start programs under the Head Start Act.".

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 3728

Mr. SPECTER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the appropriate place add the following:

(a) Whereas sexual abuse in schools between a student and a member of the school staff or a student and another student is a cause for concern in America;

(b) Whereas relatively few studies have been conducted on sexual abuse in schools and the extent of this problem is unknown;

(c) Whereas according to the Child Abuse and Neglect Reporting Act, a school administrator is required to report any allegation of sexual abuse to the appropriate authorities;

(d) Whereas an individual who is falsely accused of sexual misconduct with a student deserves appropriate legal and professional protections;

(e) Whereas it is estimated that many cases of sexual abuse in schools are not reported;

(f) Whereas many of the accused staff quietly resign at their present school district and are then rehired at a new district which has no knowledge of their alleged abuse;

(g) Therefore, it is the Sense of the Senate that the Secretary of Education should initiate a study and make recommendations to Congress and state and local governments on the issue of sexual abuse in schools.".

BAUCUS (AND OTHERS) AMENDMENT NO. 3729

Mr. HARKIN (for Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mrs. HUTCHISON)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 58, line 3, strike **$25,000,000** and insert **$350,000,000**.

Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro rata basis by **$10,000,000**.

LANDRIEU (AND OTHERS) AMENDMENT NO. 3730

Mr. HARKIN (for Ms. LANDRIEU (for herself, Mr. DEWINE, Mrs. LINCOLN, Mr. GRASSLEY, and Mr. CRAIG)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 41, lines 11 and 12, strike "**$7,881,586,000**, of which **$41,791,000**" and insert "**$7,895,723,000**, of which **$55,928,000**".

Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro rata basis by **$14,137,000**.

BYRD AMENDMENT NO. 3731

Mr. HARKIN (for Mr. BYRD) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 69 on line 24 insert the following: "*Provided further*, That of the amount made available under this heading for activities carried out through the Fund for the Improvement of Education under part A of title X, $50,000,000 shall be made available to enable the Secretary of Education to award grants to develop, implement, and strengthen programs to teach American history (not social studies) as a separate subject within the school curricula''.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

DURBIN (AND OTHERS) AMENDMENT NO. 3732

(Ordered to lie on the table.)

Mr. DURBIN (for himself, Mr. WELLSTONE, Mr. BINGAMAN, Mr. JOHNSON, Mr. KERRY, Mr. KENNEDY, Mr. HARKIN, and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 53, after line 23, insert the following:

SEC. 243. OPERATIONALLY-REALISTIC TESTING AGAINST COUNTERMEASURES FOR NATIONAL MISSILE DEFENSE.

(a) TESTING REQUIREMENTS.—The Secretary of Defense shall direct the Ballistic Missile Defense Organization—

(1) to include in the ground and flight testing of the National Missile Defense system that is conducted before the system becomes operational any countermeasures (including decoys) that—

(A) are likely, or at least realistically possible, to be used against the system; and

(B) are chosen for testing on the basis of what countermeasure capabilities a long-range missile could have and is likely to have, taking into consideration the technology that the country deploying the missile would have or could likely acquire; and

(2) to determine the extent to which the exoatmospheric kill vehicle and the National Missile Defense system can reliably discriminate between warheads and such countermeasures.

(b) FUTURE FUNDING REQUIREMENTS.—The Secretary, in consultation with the Director of the Ballistic Missile Defense Organization shall—

(1) determine what additional funding, if any, may be necessary for fulfilling the testing requirements set forth in subsection (a) in fiscal years after fiscal year 2001; and

(2) submit the determination to the congressional defense committees at the same time that the President submits the budget for fiscal year 2002 to Congress under section 1105(a) of title 31, United States Code.

(c) REPORT BY SECRETARY OF DEFENSE.—(1) The Secretary of Defense shall, except as provided in paragraph (4), submit to Congress an annual report on the Department's efforts to establish a program for operationally realistic testing of the National Missile Defense system against countermeasures. The report shall be in both classified and unclassified forms.

(2) The report shall include the Secretary's assessment of the following:

(A) The countermeasures available to foreign countries with ballistic missiles that the National Missile Defense system could encounter in a launch of such missiles against the United States.

(B) The ability of the National Missile Defense system to defeat such countermeasures, including the ability of the system to discriminate between countermeasures and reentry vehicles.

(C) The plans to demonstrate the capability of the National Missile Defense system to defeat such countermeasures and the adequacy of the ground and flight testing to demonstrate that capability.

(3) The report shall be submitted not later than January 15 of each year. The first report shall be submitted not later than January 15, 2001.

(4) No annual report is required under this section after the National Missile Defense system becomes operational.

(d) INDEPENDENT REVIEW PANEL.—(1) The Secretary of Defense shall reconvene the Panel on Reducing Risk in Ballistic Missile Defense Flight Test Programs.

(2) The Panel shall assess the following:

(A) The countermeasures available for use against the United States National Missile Defense system.

(B) The operational effectiveness of that system against those countermeasures.

(C) The adequacy of the National Missile Defense flight testing program to demonstrate the capability of the system to defeat the countermeasures.

(3) After conducting the assessment required under paragraph (2), the Panel shall evaluate—

(A) whether sufficient ground and flight testing of the system will have been conducted before the system becomes operational to support the making of a determination, with a justifiably high level of confidence, regarding the operational effectiveness of the system;

(B) whether adequate ground and flight testing of the system will have been conducted, before the system becomes operational, against the countermeasures that are likely, or at least realistically possible, to be used against the system and that other countries have or likely could acquire; and

(C) whether the exoatmospheric kill vehicle and the rest of the National Missile Defense system can reliably discriminate between warheads and such countermeasures.

(4) Not later than March 15, 2001, the Panel shall submit a report on its assessments and evaluations to the Secretary of Defense and to Congress. The report shall include any recommendations for improving the flight testing program for the National Missile Defense system or the operational capability of the system to defeat countermeasures that the Panel determines appropriate.

(e) COUNTERMEASURE DEFINED.—In this section, the term "countermeasure"—

(1) means any deliberate action taken by a country with long-range ballistic missiles to defeat or otherwise counter a United States National Missile Defense system; and

(2) includes, among other actions—

(A) use of a submunition released by a ballistic missile soon after the boost phase of the missile;

(B) use of anti-simulation, together with such decoys as Mylar balloons, to disguise the signature of the warhead; and

(C) use of a shroud cooled with liquid nitrogen to reduce the infrared signature of the warhead.

HUTCHISON (AND OTHERS) AMENDMENT NO. 3733

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. DORGAN, Mr. BROWNBACK, and Mr. EDWARDS) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 123, between lines 12 and 13, insert the following:

SEC. 377. ASSISTANCE FOR MAINTENANCE, REPAIR, AND RENOVATION OF SCHOOL FACILITIES THAT SERVE DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) GRANTS AUTHORIZED.—Chapter 111 of title 10, United States Code, is amended—

(1) by redesignating section 2199 as section 2199a; and

(2) by inserting after section 2198 the following new section:

"§ 2199. Quality of life education facilities grants

"(a) REPAIR AND RENOVATION ASSISTANCE.—(1) The Secretary of Defense may make a grant to an eligible local educational agency to assist the agency to repair and renovate—

"(A) an impacted school facility that is used by significant numbers of military dependent students; or

"(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school.

"(2) Authorized repair and renovation projects may include repairs and improvements to an impacted school facility (including the grounds of the facility) designed to ensure compliance with the requirements of the Americans with Disabilities Act or local health and safety ordinances, to meet classroom size requirements, or to accommodate school population increases.

"(3) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed $5,000,000 during any period of two fiscal years.

"(b) MAINTENANCE ASSISTANCE.—(1) The Secretary of Defense may make a grant to an eligible local educational agency whose boundaries are the same as a military installation to assist the agency to maintain an impacted school facility, including the grounds of such a facility.

"(2) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed $250,000 during any fiscal year.

"(c) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—(1) A local educational agency is an eligible local educational agency under this section only if the Secretary of Defense determines that the local educational agency has—

"(A) one or more federally impacted school facilities and satisfies at least one of the additional eligibility requirements specified in paragraph (2); or

"(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school, but assistance provided under this subparagraph may only be used to repair and renovate that facility.

"(2) The additional eligibility requirements referred to in paragraph (1) are the following:

"(A) The local educational agency is eligible to receive assistance under subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) and at least 10 percent of the students who were in average daily attendance in the schools of such agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

"(B) At least 35 percent of the students who were in average daily attendance in the schools of the local educational agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

"(C) The State education system and the local educational agency are one and the same.

"(d) Notification of Eligibility.—Not later than June 30 of each fiscal year, the Secretary of Defense shall notify each local educational agency identified under subsection (c) that the local educational agency is eligible during that fiscal year to apply for a grant under subsection (a), subsection (b), or both subsections.

"(e) Relation to Impact Aid Construction Assistance.—A local education agency that receives a grant under subsection (a) to repair and renovate a school facility may not also receive a payment for school construction under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for the same fiscal year.

"(f) Grant Considerations.—In determining which eligible local educational agencies will receive a grant under this section for a fiscal year, the Secretary of Defense shall take into consideration the following conditions and needs at impacted school facilities of eligible local educational agencies:

"(1) The repair or renovation of facilities is needed to meet State mandated class size requirements, including student-teacher ratios and instructional space size requirements.

"(2) There is a increase in the number of military dependent students in facilities of the agency due to increases in unit strength as part of military readiness.

"(3) There are unhoused students on a military installation due to other strength adjustments at military installations.

"(4) The repair or renovation of facilities is needed to address any of the following conditions:

"(A) The condition of the facility poses a threat to the safety and well-being of students.

"(B) The requirements of the Americans with Disabilities Act.

"(C) The cost associated with asbestos removal, energy conservation, or technology upgrades.

"(D) Overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment.

"(5) The repair or renovation of facilities is needed to meet any other Federal or State mandate.

"(6) The number of military dependent students as a percentage of the total student population in the particular school facility.

"(7) The age of facility to be repaired or renovated.

"(g) Definitions.—In this section:

"(1) Local educational agency.—The term 'local educational agency' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

"(2) Impacted school facility.—The term 'impacted school facility' means a facility of a local educational agency—

"(A) that is used to provide elementary or secondary education at or near a military installation; and

"(B) at which the average annual enrollment of military dependent students is a high percentage of the total student enrollment at the facility, as determined by the Secretary of Defense.

"(3) Military dependent students.—The term 'military dependent students' means students who are dependents of members of the armed forces or Department of Defense civilian employees.

"(4) Military installation.—The term 'military installation' has the meaning given that term in section 2687(e) of this title.".

(b) Amendments to Chapter Heading and Tables of Contents.—(1) The heading of chapter 111 of title 10, United States Code, is amended to read as follows:

"CHAPTER 111—SUPPORT OF EDUCATION".

(2) The table of sections at the beginning of such chapter is amended by striking the item relating to section 2199 and inserting the following new items:

"2199. Quality of life education facilities grants.
"2199a. Definitions.".

(3) The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of such title are amended by striking the item relating to chapter 111 and inserting the following:

"111. Support of Education .... 2191".

(c) Funding for Fiscal Year 2001.—Amounts appropriated in the Department of Defense Appropriations Act, 2001, under the heading "Quality of Life Enhancements, Defense" may be used by the Secretary of Defense to make grants under section 2199 of title 10, United States Code, as added by subsection (a).

WARNER AMENDMENT NO. 3734

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 123, between lines 12 and 13, insert the following:

SEC. 377. POSTPONEMENT OF IMPLEMENTATION OF DEFENSE JOINT ACCOUNTING SYSTEM (DJAS) PENDING ANALYSIS OF THE SYSTEM.

(a) Postponement.—The Secretary of Defense may not grant a Milestone III decision for the Defense Joint Accounting System (DJAS) until the Secretary—

(1) conducts, with the participation of the Inspector General of the Department of Defense and the inspectors general of the military departments, an analysis of alternatives to the system to determine whether the system warrants deployment; and

(2) if the Secretary determines that the system warrants deployment, submits to the congressional defense committees a report certifying that the system meets Milestone I and Milestone II requirements and applicable requirements of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106).

(b) Deadline for Report.—The report referred to in subsection (a)(2) shall be submitted, if at all, not later than March 30, 2001.

DOMENICI AMENDMENT NO. 3735

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 353, between lines 15 and 16, insert the following:

SEC. 914. COORDINATION AND FACILITATION OF DEVELOPMENT OF DIRECTED ENERGY TECHNOLOGIES, SYSTEMS, AND WEAPONS.

(a) Findings.—Congress makes the following findings:

(1) Directed energy systems are available to address many current challenges with respect to military weapons, including offensive weapons and defensive weapons.

(2) Directed energy weapons offer the potential to maintain an asymmetrical technological edge over adversaries of the United States for the foreseeable future.

(3) It is in the national interest that funding for directed energy science and technology programs be increased in order to support priority acquisition programs and to develop new technologies for future applications.

(4) It is in the national interest that the level of funding for directed energy science and technology programs correspond to the level of funding for large-scale demonstration programs in order to ensure the growth of directed energy science and technology programs and to ensure the successful development of other weapons systems utilizing directed energy systems.

(5) The industrial base for several critical directed energy technologies is in fragile condition and lacks appropriate incentives to make the large-scale investments that are necessary to address current and anticipated Department of Defense requirements for such technologies.

(6) It is in the national interest that the Department of Defense utilize and expand upon directed energy research currently being conducted by the Department of Energy, other Federal agencies, the private sector, and academia.

(7) It is increasingly difficult for the Federal Government to recruit and retain personnel with skills critical to directed energy technology development.

(8) The implementation of the recommendations contained in the High Energy Laser Master Plan of the Department of Defense is in the national interest.

(9) Implementation of the management structure outlined in the Master Plan will facilitate the development of revolutionary capabilities in directed energy weapons by achieving a coordinated and focused investment strategy under a new management structure featuring a joint technology office with senior-level oversight provided by a technology council and a board of directors.

(b) Coordination and Oversight Under High Energy Laser Master Plan.—(1) Subchapter II of Chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 204. Joint Technology Office

"(a) Establishment.—(1) There is in the Department of Defense a Joint Technology Office (in this section referred to as the 'Office'). The Office shall be considered an independent office within the Office of the Secretary of Defense.

"(2) The Secretary of Defense may delegate responsibility for authority, direction, and control of the Office to the Deputy Under Secretary of Defense for Science and Technology.

"(b) Director.—(1) The head of the Office shall be a civilian employee of the Department of Defense in the Senior Executive Service who is designated by the Secretary of Defense for that purpose. The head of the Office shall be known as the 'Director of the Joint Technology Office'.

"(2) The Director shall report directly to the Deputy Under Secretary of Defense for Science and Technology.

"(c) Other Staff.—The Secretary of Defense shall provide the Office such civilian and military personnel and other resources as are necessary to permit the Office to carry out its duties under this section.

"(d) Duties.—The duties of the Office shall be to—

"(1) develop and oversee the management of a Department of Defense-wide program of science and technology relating to directed energy technologies, systems, and weapons;

"(2) serve as a point of coordination for initiatives for science and technology relating to directed energy technologies, systems, and weapons from throughout the Department of Defense;

"(3) develop and promote a program (to be known as the 'National Directed Energy Technology Alliance') to foster the exchange of information and cooperative activities on directed energy technologies, systems, and weapons between and among the Department of Defense, other Federal agencies, institutions of higher education, and the private sector;

"(4) initiate and oversee the coordination of the high-energy laser and high power microwave programs and offices of the military departments; and

"(5) carry out such other activities relating to directed energy technologies, systems, and weapons as the Deputy Under Secretary of Defense for Science and Technology considers appropriate.

"(e) Coordination Within Department of Defense.—(1) The Director of the Office shall assign to appropriate personnel of the Office the performance of liaison functions with the other Defense Agencies and with the military departments.

"(2) The head of each military department and Defense Agency having an interest in the activities of the Office shall assign personnel of such department or Defense Agency to assist the Office in carrying out its duties. In providing such assistance, such personnel shall be known collectively as 'Technology Area Working Groups'.

"(f) Joint Technology Board of Directors.—(1) There is established in the Department of Defense a board to be known as the 'Joint Technology Board of Directors' (in this section referred to as the 'Board').

"(2) The Board shall be composed of 9 members as follows:

"(A) The Under Secretary of Defense for Acquisition and Technology, who shall serve as chairperson of the Board.

"(B) The Director of Defense Research and Engineering, who shall serve as vice-chairperson of the Board.

"(C) The senior acquisition executive of the Department of the Army.

"(D) The senior acquisition executive of the Department of the Navy.

"(E) The senior acquisition executive of the Department of the Air Force.

"(F) The senior acquisition executive of the Marine Corps.

"(G) The Director of the Defense Advanced Research Projects Agency.

"(H) The Director of the Ballistic Missile Defense Organization.

"(I) The Director of the Defense Threat Reduction Agency.

"(3) The duties of the Board shall be—

"(A) to review and comment on recommendations made and issues raised by the Council under this section; and

"(B) to review and oversee the activities of the Office under this section.

"(g) Joint Technology Council.—(1) There is established in the Department of Defense a council to be known as the 'Joint Technology Council' (in this section referred to as the 'Council').

"(2) The Council shall be composed of 8 members as follows:

"(A) The Deputy Under Secretary of Defense for Science and Technology, who shall be chairperson of the Council.

"(B) The senior science and technology executive of the Department of the Army.

"(C) The senior science and technology executive of the Department of the Navy.

"(D) The senior science and technology executive of the Department of the Air Force.

"(E) The senior science and technology executive of the Marine Corps.

"(F) The senior science and technology executive of the Defense Advanced Research Projects Agency.

"(G) The senior science and technology executive of the Ballistic Missile Defense Organization.

"(H) The senior science and technology executive of the Defense Threat Reduction Agency.

"(3) The duties of the Council shall be—

"(A) to review and recommend priorities among programs, projects, and activities proposed and evaluated by the Office under this section;

"(B) to make recommendations to the Board regarding funding for such programs, projects, and activities; and

"(C) to otherwise review and oversee the activities of the Office under this section.".

(2) The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by adding at the end the following new section:

"204. Joint Technology Office.".

(3)(A) The Secretary of Defense shall locate the Joint Technology Office under section 204 of title 10, United States Code (as added by this subsection), at a location determined appropriate by the Secretary, not later than October 1, 2000.

(B) In determining the location of the Office, the Secretary shall, in consultation with the Deputy Under Secretary of Defense for Science and Technology, evaluate whether to locate the Office at a site at which occur a substantial proportion of the directed energy research, development, test, and evaluation activities of the Department of Defense.

(c) Technology Area Working Groups under High Energy Laser Master Plan.—The Secretary of Defense shall provide for the implementation of the portion of the High Energy Laser Master Plan relating to technology area working groups.

(d) Enhancement of Industrial Base.—(1) The Secretary of Defense shall develop and undertake initiatives, including investment initiatives, for purposes of enhancing the industrial base for directed energy technologies and systems.

(2) Initiatives under paragraph (1) shall be designed to—

(A) stimulate the development by institutions of higher education and the private sector of promising directed energy technologies and systems; and

(B) stimulate the development of a workforce skilled in such technologies and systems.

(e) Enhancement of Test and Evaluation Capabilities.—The Secretary of Defense shall consider modernizing the High Energy Laser Test Facility at White Sands Missile Range, New Mexico, in order to enhance the test and evaluation capabilities of the Department of Defense with respect to directed energy weapons.

(f) Cooperative Programs and Activities.—(1) The Secretary of Defense shall evaluate the feasibility and advisability of entering into cooperative programs or activities with other Federal agencies, institutions of higher education, and the private sector, including the national laboratories of the Department of Energy, for the purpose of enhancing the programs, projects, and activities of the Department of Defense relating to directed energy technologies, systems, and weapons. The Secretary shall carry out the evaluation in consultation with the Joint Technology Board of Directors established by section 204 of title 10, United States Code (as added by subsection (b) of this section).

(2) The Secretary shall enter into any cooperative program or activity determined under the evaluation under paragraph (1) to be feasible and advisable for the purpose set forth in that paragraph.

(g) Participation of Joint Technology Council in Activities.—The Secretary of Defense shall, to the maximum extent practicable, carry out activities under subsections (c), (d), (e), and (f), through the Joint Technology Council established pursuant to section 204 of title 10, United States Code.

(h) Funding for Fiscal Year 2001.—(1) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, up to $50,000,000 may be available for science and technology activities relating to directed energy technologies, systems, and weapons.

(2) The Director of the Joint Technology Office established pursuant to section 204 of title 10, United States Code, shall allocate amounts available under paragraph (1) among appropriate program elements of the Department of Defense, and among cooperative programs and activities under this section, in accordance with such procedures as the Director shall establish.

(3) In establishing procedures for purposes of the allocation of funds under paragraph (2), the Director shall provide for the competitive selection of programs, projects, and activities to be the recipients of such funds.

(i) Directed Energy Defined.—In this section, the term "directed energy", with respect to technologies, systems, or weapons, means technologies, systems, or weapons that provide for the directed transmission of energies across the energy and frequency spectrum, including high energy lasers and high power microwaves.

HUTCHISON (AND CLELAND) AMENDMENT NO. 3736

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. Cleland) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. . ALLOCATION OF FUNDS FOR THE PLANNING AND EXECUTION OF A BALKANS STABILIZATION CONFERENCE.

(a) Short Title.—This section may be cited as the "Balkans Peace and Prosperity Act of 2000".

(b) Findings.—Congress makes the following findings:

(1) The Dayton Peace Accords and the cease-fire agreement that concluded Operation Allied Force in Kosovo halted Serbian aggression toward its neighbors and its own people.

(2) Efforts to restore the economy and political structure in Bosnia and Herzegovina have achieved limited success in accordance with the Dayton Agreement.

(3) Similar efforts in Kosovo continue with very limited success one year after the conclusion of Operation Allied Force in June 1999.

(4) The Dayton Agreement explicitly left certain issues unresolved, including but not limited to the status of the city of Breko and other matters.

(5) Progress toward democratization and economic prosperity in both Bosnia and Kosovo is often hampered by continuing disputes among local authorities and between local authorities and the international community.

(6) Other issues which are fundamental to the future stability of the Balkan region remain unresolved, including but not limited to the future status of Kosovo, the desire of other Serb provinces for greater autonomy, and the status of displaced persons who cannot return to prewar homes.

(7) The current position of the United States and its NATO allies as to the final status of Kosovo and Yugoslavia calls for an autonomous, multiethnic, democratic Kosovo which would remain as part of Serbia, and such an outcome is not supported by any of the parties directly involved, including the Governments of Yugoslavia and Serbia, representatives of the Kosovar Albanians, and the people of Yugoslavia, Serbia, and Kosovo.

(8) There has been no final political settlement in Bosnia-Herzegovina, where the Armed Forces of the United States, its NATO allies, and other non-Balkan nations have been enforcing an uneasy peace since 1996, at a cost to the United States alone of more than $10,000,000,000 with no clear end in sight to such enforcement.

(9) An effective exit strategy for the withdrawal from the Balkans of foreign military forces is contingent upon the achievement of a lasting political settlement for the region, and only such a settlement, acceptable to all parties involved, can ensure the fundamental goals of the United States of peace, stability, and human rights in the Balkans.

(c) SENSE OF CONGRESS REGARDING THE NEED FOR A BALKANS STABILIZATION CONFERENCE.—It is the sense of Congress that—

(1) the United States should take the lead in convening a Balkans Stabilization Conference to evaluate progress on implementation of the Dayton Peace Accords regarding Bosnia and the cease-fire agreement with Serbia that ended Operation Allied Force;

(2) a Balkans Stabilization Conference would serve a critical purpose of reviewing progress to date and considering such modifications to those agreements as may be appropriate to foster stability, self-sustained peace, improved self-determination by the inhabitants of the region, and the eventual reduction in the levels of outside peacekeepers;

(3) the potential for a successful review conference would be maximized if it included the parties to the Dayton and Operation Allied Force peace agreements, including representatives of NATO, the Balkans "Contact Group", and other affected regional parties; and

(4) in order to produce a lasting political settlement in the Balkans acceptable to all parties, which can lead to the departure from the Balkans in a timely fashion of all foreign military forces, including those of the United States, the international conference should have the authority to consider any and all of the following:

(A) Political boundaries.

(B) Humanitarian and reconstruction assistance for all nations in the Balkans.

(C) The stationing of United Nations peacekeeping forces along international boundaries.

(D) Security arrangements and guarantees for all of the nations of the Balkans.

(E) Tangible, enforceable, and verifiable human rights guarantees for the individuals and peoples of the Balkans.

(d) AUTHORIZATION OF FUNDS FOR A BALKANS STABILIZATION CONFERENCE.—Of the amounts authorized to be appropriated by this Act for operations in the Balkans, there are authorized to be available such sums as may be necessary not to exceed **$1,000,000** for the planning and execution of the conference described in subsection (c).

McCAIN AMENDMENT NO. 3737

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 32, after line 24, add the following:

SEC. 142. REPEAL OF PROHIBITION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR PROCUREMENT OF NUCLEAR-CAPABLE SHIPYARD CRANE FROM A FOREIGN SOURCE.

Section 8093 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1253) is amended by striking subsection (d), relating to a prohibition on the use of Department of Defense funds to procure a nuclear-capable shipyard crane from a foreign source.

WARNER (AND BYRD) AMENDMENT NO. 3738

(Ordered to lie on the table.)

Mr. WARNER (for himself and Mr. BYRD) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 586, after line 20, add the following:

SEC. 3138. NATIONAL COMMISSION ON NUCLEAR SECURITY.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "National Commission on Nuclear Security" (in this section referred to as the "Commission").

(b) ORGANIZATIONAL MATTERS.—(1)(A) Subject to subparagraph (B), the Commission shall be composed of 14 members appointed from among individuals in the public and private sectors who have recognized experience in matters related to nuclear weapons and materials, safeguards and security, counterintelligence, and organizational management, as follows:

(i) Three shall be appointed by the Majority Leader of the Senate.

(ii) Two shall be appointed by the Minority Leader of the Senate.

(iii) Three shall be appointed by the Speaker of the House of Representatives.

(iv) Two shall be appointed by the Minority Leader of the House of Representatives.

(v) One shall be appointed by the Chairman of the Committee on Armed Services of the Senate.

(vi) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate.

(vii) One shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives.

(viii) One shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives.

(B) The members of the Commission may not include a sitting Member of Congress.

(C) Members of the Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(2) Any vacancies in the Commission shall be filled in the same manner as the original appointment, and shall not affect the powers of the Commission.

(3)(A) Subject to subparagraph (B), the chairman of the Commission shall be designated by the Majority Leader of the Senate, in consultation with the Speaker of the House of Representatives, from among the members of the Commission appointed under paragraph (1)(A).

(B) The chairman of the Commission may not be designated under subparagraph (A) until seven members of the Commission have been appointed under paragraph (1).

(4) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (3).

(5) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(c) DUTIES.—The Commission shall review the efficacy of the organization of the National Nuclear Security Administration, and the appropriate organization and management of the nuclear weapons programs of the United States, including—

(1) whether the national security functions of the Department of Energy, including the National Nuclear Security Administration, should—

(A) be transferred to the Department of Defense;

(B) be established as a semiautonomous agency within the Department of Defense;

(C) be established as an independent agency; or

(D) remain as a semiautonomous agency within the Department of Energy (as provided for under the provisions of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65));

(2) whether the requirements and objectives of the National Nuclear Security Administration Act are being fully implemented by the Secretary of Energy and Administrator of the National Nuclear Security Administration;

(3) the feasibility and advisability of various means of improving the security and counterintelligence posture of the programs of the National Nuclear Security Administration; and

(4) the feasibility and advisability of various modifications of existing management and operating contracts for the laboratories under the jurisdiction of the National Nuclear Security Administration.

(d) REPORT.—(1) Not later than May 1, 2001, the Commission shall submit to the Secretary of Defense and the Secretary of Energy, and to Congress, a report containing the findings and recommendations of the Commission as a result of the review under subsection (c).

(2) The report shall include any pertinent comments by an individual serving as Secretary of Energy during the duration of the review that such individual considers appropriate for the report.

(3) The report may include recommendations for legislation and administrative action.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including traveltime) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) Any officer or employee of the United States may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) INAPPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) TERMINATION.—The Commission shall terminate not later than 90 days after the date on which the Commission submits its report under subsection (d).

(h) FUNDING.—Of the amounts authorized to be appropriated by sections 3101 and 3103, not more than $975,000 shall be available for the activities of the Commission under this section. Amounts available to the Commission under this section shall remain available until expended.

WARNER (AND OTHERS) AMENDMENT NO. 3739

(Ordered to lie on the table.)

Mr. WARNER (for himself, Mr. SHELBY, and Mr. BRYAN) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 595, strike line 23 and all that follows through page 597, line 3, and insert the following:

"(2) Subject to paragraph (3), the Secretary may waive the applicability of paragraph (1) to a covered person—

"(A) if—

"(i) the Secretary determines that the waiver is important to the national security interests of the United States;

"(ii) the covered person has a current security clearance; and

"(iii) the covered person acknowledges in a signed writing that the capacity of the covered person to perform duties under a high-risk program after the expiration of the waiver is conditional upon meeting the requirements of paragraph (1) within the effective period of the waiver;

"(B) if another Federal agency certifies to the Secretary that the covered person has completed successfully a full-scope or counterintelligence-scope polygraph examination during the 5-year period ending on the date of the certification; or

"(C) if the Secretary determines, after consultation with the covered person and appropriate medical personnel and security personnel, that the treatment of a medical or psychological condition of the covered person should preclude the administration of the examination.

"(3)(A) The Secretary may not commence the exercise of the authority under paragraph (2) to waive the applicability of paragraph (1) to any covered persons until 15 days after the date on which the Secretary submits to the appropriate committees of Congress a report setting forth the criteria to be utilized by the Secretary for determining when a waiver under paragraph (2)(A) is important to the national security interests of the United States. The criteria shall include an assessment of counterintelligence risks and programmatic impacts.

"(B) Any waiver under paragraph (2)(A) shall be effective for not more than 120 days.

"(C) Any waiver under paragraph (2)(C) shall be effective for the duration of the treatment on which such waiver is based.

"(4) The Secretary shall submit to the appropriate committees of Congress on a semi-annual basis a report on any determinations made under paragraph (2)(A) during the 6-month period ending on the date of such report. The report shall include a national security justification for each waiver resulting from such determinations.

"(5) In this subsection, the term 'appropriate committees of Congress' means the following:

"(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

"(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

"(6) It is the sense of Congress that the waiver authority in paragraph (2) not be used by the Secretary to exempt from the applicability of paragraph (1) any covered persons in the highest risk categories, such as persons who have access to the most sensitive weapons design information and other highly sensitive programs, including special access programs.

"(7) The authority under paragraph (2) to waive the applicability of paragraph (1) to a covered person shall expire on September 30, 2002.".

INHOFE (AND NICKLES) AMENDMENT NO. 3740

Mr. WARNER (for Mr. INHOFE (for himself and Mr. NICKLES) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. INDUSTRIAL MOBILIZATION CAPACITY AT GOVERNMENT-OWNED, GOVERNMENT-OPERATED ARMY AMMUNITION FACILITIES AND ARSENALS.

Of the amount authorized to be appropriated under section 301(1), $51,280,000 shall be available for funding the industrial mobilization capacity at Army ammunition facilities and arsenals that are government owned, government operated.

DORGAN (AND CONRAD) AMENDMENT NO. 3741

Mr. LEVIN (for Mr. DORGAN (for himself and Mr. CONRAD)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE RESOLUTION ON THE MODERNIZATION OF AIR NATIONAL GUARD F-16A UNITS.

(a) FINDINGS.—Congress finds that—

(1) Certain U.S. Air Force Air National Guard fighter units are flying some of the world's oldest and least capable F-16A aircraft which are approaching the end of their service lives.

(2) The aircraft are generally incompatible with those flown by the active force and therefore cannot be effectively deployed to theaters of operation to support contingencies and to relieve the high operations tempo of active duty units.

(3) The Air Force has specified no plans to replace these obsolescent aircraft before the year 2007 at the earliest.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings—

(1) The Air Force should, by February 1, 2001, provide Congress with a plan to modernize and upgrade the combat capabilities of those Air National Guard units that are now flying F-16As so they can deploy as part of Air Expeditionary Forces and assist in relieving the high operations tempo of active duty units.

WARNER AMENDMENT NO. 3742

Mr. WARNER proposed an amendment to amendment No. 3420 proposed by him (for Mr. INHOFE) to the bill, S. 2459, supra; as follows:

Strike the matter proposed to be inserted and insert the following:

SEC. 1061. DEPARTMENT OF DEFENSE PROCESS FOR DECISIONMAKING IN CASES OF FALSE CLAIMS.

Not later than February 1, 2001, the Secretary of Defense shall submit to Congress a report describing the policies and procedures for Department of Defense decisionmaking on issues arising under sections 3729 through 3733 of title 31, United States Code, in cases of claims submitted to the Department of Defense that are suspected or alleged to be false. The report shall include a discussion of any changes that have been made in the policies and procedures since January 1, 2000.

WARNER AMENDMENT NO. 3743

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 380, strike line 4 and all that follows through page 385, line 8, and insert the following:

SEC. 1042. INFORMATION SECURITY SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—(1) Part III of subtitle A of title 10, United States Code, is amended by adding at the end the following:

"CHAPTER 112—INFORMATION SECURITY SCHOLARSHIP PROGRAM

"Sec.
"2200. Programs; purpose.
"2200a. Scholarship program.
"2200b. Grant program.
"2200c. Centers of Academic Excellence in Information Assurance Education.
"2200d. Regulations.
"2200e. Definitions.
"2200f. Inapplicability to Coast Guard.

"§ 2200. Programs; purpose

"(a) IN GENERAL.—To encourage the recruitment and retention of Department of Defense personnel who have the computer and network security skills necessary to meet Department of Defense information assurance requirements, the Secretary of Defense may carry out programs in accordance with this chapter to provide financial support for education in disciplines relevant to those requirements at institutions of higher education.

"(b) TYPES OF PROGRAMS.—The programs authorized under this chapter are as follows:

"(1) Scholarships for pursuit of programs of education in information assurance at institutions of higher education.

"(2) Grants to institutions of higher education.

"§ 2200a. Scholarship program

"(a) AUTHORITY.—The Secretary of Defense may, subject to subsection (g), provide financial assistance in accordance with this section to a person pursuing a baccalaureate or advanced degree in an information assurance discipline referred to in section 2200(a) of this title at an institution of higher education who enters into an agreement with the Secretary as described in subsection (b).

"(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—(1) To receive financial assistance under this section—

"(A) a member of the armed forces shall enter into an agreement to serve on active duty in the member's armed force for the period of obligated service determined under paragraph (2);

"(B) an employee of the Department of Defense shall enter into an agreement to continue in the employment of the department for the period of obligated service determined under paragraph (2); and

"(C) a person not referred to in subparagraph (A) or (B) shall enter into an agreement—

"(i) to enlist or accept a commission in one of the armed forces and to serve on active duty in that armed force for the period of obligated service determined under paragraph (2); or

"(ii) to accept and continue employment in the Department of Defense for the period of obligated service determined under paragraph (2).

"(2) For the purposes of this subsection, the period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for the financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title. In no event may the period of service required of a recipient be less than the period equal to ¾ of the total period of pursuit of a degree for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty or in the civil service, as the case may be.

"(3) An agreement entered into under this section by a person pursuing an academic degree shall include clauses that provide the following:

"(A) That the period of obligated service begins on a date after the award of the degree that is determined under the regulations prescribed under section 2200d of this title.

"(B) That the person will maintain satisfactory academic progress, as determined in accordance with those regulations, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the person under this section.

"(C) Any other terms and conditions that the Secretary of Defense determines appropriate for carrying out this section.

"(c) AMOUNT OF ASSISTANCE.—The amount of the financial assistance provided for a person under this section shall be the amount determined by the Secretary of Defense as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

"(d) USE OF ASSISTANCE FOR SUPPORT OF INTERNSHIPS.—The financial assistance for a person under this section may also be provided to support internship activities of the person at the Department of Defense in periods between the academic years leading to the degree for which assistance is provided the person under this section.

"(e) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) A person who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (b) shall refund to the United States an amount determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary of Defense may waive, in whole or in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(f) EFFECT OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under subsection (e).

"(g) ALLOCATION OF FUNDING.—Not less than 50 percent of the amount available for financial assistance under this section for a fiscal year shall be available only for providing financial assistance for the pursuit of degrees referred to in subsection (a) at institutions of higher education that have established, improved, or are administering programs of education in information assurance under the grant program established in section 2200b of this title, as determined by the Secretary of Defense.

"§ 2200b. Grant program

"(a) AUTHORITY.—The Secretary of Defense may provide grants of financial assistance to institutions of higher education to support the establishment, improvement, or administration of programs of education in information assurance disciplines referred to in section 2200(a) of this title.

"(b) PURPOSES.—The proceeds of grants under this section may be used by an institution of higher education for the following purposes:

"(1) Faculty development.

"(2) Curriculum development.

"(3) Laboratory improvements.

"(4) Faculty research in information security.

"§ 2200c. Centers of Academic Excellence in Information Assurance Education

"In the selection of a recipient for the award of a scholarship or grant under this chapter, consideration shall be given to whether—

"(1) in the case of a scholarship, the institution at which the recipient pursues a degree is a Center of Academic Excellence in Information Assurance Education; and

"(2) in the case of a grant, the recipient is a Center of Academic Excellence in Information Assurance Education.

"§ 2200d. Regulations

"The Secretary of Defense shall prescribe regulations for the administration of this chapter.

"§ 2200e. Definitions

"In this chapter:

"(1) The term 'information assurance' includes the following:

"(A) Computer security.

"(B) Network security.

"(C) Any other information technology that the Secretary of Defense considers related to information assurance.

"(2) The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(3) The term 'Center of Academic Excellence in Information Assurance Education' means an institution of higher education that is designated as a Center of Academic Excellence in Information Assurance Education by the Director of the National Security Agency.

"§ 2200f. Inapplicability to Coast Guard

"This chapter does not apply to the Coast Guard when it is not operating as a service in the Navy.".

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 111 the following:

"112. Information Security Scholarship Program .... 2200".

(b) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $20,000,000 shall be available for carrying out chapter 112 of title 10, United States Code (as added by subsection (a)).

(c) REPORT.—Not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a plan for implementing the programs under chapter 112 of title 10, United States Code.

ROBERTS AMENDMENT NO. 3744

Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 610, between lines 13 and 14, insert the following:

SEC. 3178. ADJUSTMENT OF THRESHOLD REQUIREMENT FOR SUBMISSION OF REPORTS ON ADVANCED COMPUTER SALES TO TIER III FOREIGN COUNTRIES.

Section 3157 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2045) is amended by adding at the end the following:

"(e) ADJUSTMENT OF PERFORMANCE LEVELS.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for purposes of subsection (a) of this section in lieu of the level set forth in subsection (a).".

LEVIN (AND OTHERS) AMENDMENT NO. 3745

Mr. LEVIN (for himself, Mr. LIEBERMAN, and Mr. CLELAND) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 18, line 4, strike "$2,184,608,000" and insert "$2,203,508,000".

On page 16, line 22, strike "$4,068,570,000" and insert "$4,049,670,000".

WARNER (AND OTHERS) AMENDMENT NO. 3746

Mr. WARNER (for himself, Mr. SANTORUM, and Mr. LIEBERMAN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 33, line 10, strike "$5,461,946,000" and insert "$5,501,946,000".

On page 33, line 12, strike "$13,927,836,000" and insert "$13,887,836,000".

On page 48, between lines 20 and 21, insert the following:

SEC. 222. FUNDING FOR COMPARISONS OF MEDIUM ARMORED COMBAT VEHICLES.

Of the amount authorized to be appropriated under section 201(1), $40,000,000 shall be available for the advanced tank armament system program for the development and execution of the plan for comparing costs and operational effectiveness of medium armored combat vehicles required under section 112(b).

WARNER AMENDMENT NO. 3747

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended in the second sentence by striking "December 31, 2000" and inserting "December 31, 2002".

DOMENICI (AND OTHERS) AMENDMENT NO. 3748

Mr. WARNER (for Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mrs. MURRAY)) proposed an amendment to the bill, S 2549, supra; as follows:

On page 546, after line 13, add the following:

SEC. 2882. SENSE OF CONGRESS REGARDING LAND TRANSFERS AT MELROSE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of the Air Force seeks the transfer of 6,713 acres of public domain land within the Melrose Range, New Mexico, from the Department of the Interior to the Department of the Air Force for the continued use of these lands as a military range.

(2) The Secretary of the Army seeks the transfer of 6,640 acres of public domain land within the Yakima Training Center, Washington, from the Department of the Interior to the Department of the Army for military training purposes.

(3) The transfers provide the Department of the Air Force and the Department of the Army with complete land management control of these public domain lands to allow for effective land management, minimize safety concerns, and ensure meaningful training.

(4) The Department of the Interior concurs with the land transfers at Melrose Range and Yakima Training Center.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the land transfers at Melrose Range, New Mexico, and Yakima Training Center, Washington, will support military training, safety, and land management concerns on the lands subject to transfer.

BINGAMAN AMENDMENT NO. 3749

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 586, following line 20, add the following:

SEC. 3138. CONSTRUCTION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION OPERATIONS OFFICE COMPLEX.

(a) AUTHORITY FOR DESIGN AND CONSTRUCTION.—Subject to subsection (b), the Administrator of the National Nuclear Security Administration may provide for the design and construction of a new operations office complex for the National Nuclear Security Administration in accordance with the feasibility study regarding such operations office complex conducted under the National Defense Authorization Act for Fiscal Year 2000.

(b) LIMITATION.—The Administrator may not exercise the authority in subsection (a) until the later of—

(1) 30 days after the date on which the plan required by section 3135(a) is submitted to the Committees on Armed Services of the Senate and House of Representatives under that section; or

(2) the date on which the Administrator certifies to Congress that the design and construction of the complex in accordance with the feasibility study is consistent with the plan required by section 3135(i).

(c) BASIS OF AUTHORITY.—The design and construction of the operations office complex authorized by subsection (a) shall be carried out through one or more energy savings performance contracts (ESPC) entered into under this section and in accordance with the provisions of title VIII of the National Energy Policy Conservation Act (42 U.S.C. 8287 et seq.).

(d) PAYMENT OF COSTS.—Amounts for payments of costs associated with the construction of the operations office complex authorized by subsection (a) shall be derived from energy savings and ancillary operation and maintenance savings that result from the replacement of a current Department of Energy operations office complex (as identified in the feasibility study referred to in subsection (a)) with the operations office complex authorized by subsection (a).

CRAPO AMENDMENT NO. 3750

Mr. WARNER (for Mr. CRAPO) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 603, between lines 18 and 19, insert the following:

SEC. . CONCEPTUAL DESIGN FOR SUBSURFACE GEOSCIENCES LABORATORY AT IDAHO NATIONAL ENGINEERING AND ENVIRONMENTAL LABORATORY, IDAHO FALLS, IDAHO.

(a) AUTHORIZATION.—Of the amounts authorized to be appropriated by paragraphs (2) and (3) of section 3102(a), not more than $400,000 shall be available to the Secretary of Energy for purposes of carrying out a conceptual design for a Subsurface Geosciences Laboratory, Idaho Falls, Idaho.

(b) LIMITATION.—None of the funds authorized to be appropriated by section (a) may be obligated until 60 days after the Secretary submits the report required by section (c).

(c) REPORT.—The Secretary of Energy shall submit to the congressional defense committees a report on the proposed Subsurface Geosciences Laboratory, including the following:

(1) The need to conduct mesoscale experiments to meet long-term clean-up requirements at Department of Energy sites.

(2) The possibility of utilizing or modifying an existing structure or facility to house a new mesoscale experimental capability.

(3) The estimated construction cost of the facility.

(4) The estimated annual operating cost of the facility.

(5) How the facility will utilize, integrate, and support the technical expertise, capabilities, and requirements at other Department of Energy and non-Department of Energy facilities.

(6) An analysis of costs, savings, and benefits which are unique to the Idaho National Engineering and Environmental Laboratory.

BENNETT AMENDMENT NO. 3751

Mr. WARNER (for Mr. BENNETT) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 611, after line 21, add the following:

SEC. 3202. LAND TRANSFER AND RESTORATION.

(a) SHORT TITLE.—This section may be cited as the "Ute-Moab Land Restoration Act".

(b) TRANSFER OF OIL SHALE RESERVE.—Section 3405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105-261) is amended to read as follows:

"SEC. 3405. TRANSFER OF OIL SHALE RESERVE NUMBERED 2.

"(a) DEFINITIONS.—In this section:

"(1) MAP.—The term "map" means the map depicting the boundaries of NOSR-2, to be kept on file and available for public inspection in the offices of the Department of the Interior.

"(2) MOAB SITE.—The term 'Moab site' means the Moab uranium milling site located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917.

"(3) NOSR-2.—The term 'NOSR-2' means Oil Shale Reserve Numbered 2, as identified on a map on file in the Office of the Secretary of the Interior.

"(4) TRIBE.—The term 'Tribe' means the Ute Indian Tribe of the Uintah and Ouray Indian Reservation.

"(b) CONVEYANCE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the United States conveys to the Tribe, subject to valid existing rights in effect on the day before the date of enactment of this section, all Federal land within the exterior boundaries of NOSR-2 in fee simple (including surface and mineral rights).

"(2) RESERVATIONS.—The conveyance under paragraph (1) shall not include the following reservations of the United States:

"(A) A 9 percent royalty interest in the value of any oil, gas, other hydrocarbons, and all other minerals from the conveyed land that are produced, saved, and sold, the payments for which shall be made by the Tribe or its designee to the Secretary of Energy during the period that the oil, gas, hydrocarbons, or minerals are being produced, saved, sold, or extracted.

"(B) The portion of the bed of Green River contained entirely within NOSR-2, as depicted on the map.

"(C) The land (including surface and mineral rights) to the west of the Green River within NOSR–2, as depicted on the map.

"(D) A ¼ mile scenic easement on the east side of the Green River within NOSR–2.

"(3) CONDITIONS.—

"(A) MANAGEMENT AUTHORITY.—On completion of the conveyance under paragraph (1), the United States relinquishes all management authority over the conveyed land (including tribal activities conducted on the land).

"(B) NO REVERSION.—The land conveyed to the Tribe under this subsection shall not revert to the United States for management in trust status.

"(C) USE OF EASEMENT.—The reservation of the easement under paragraph (2)(D) shall not affect the right of the Tribe to obtain, use, and maintain access to, the Green River through the use of the road within the easement, as depicted on the map.

"(c) WITHDRAWALS.—Each withdrawal that applies to NOSR–2 and that is in effect on the date of enactment of this section is revoked to the extent that the withdrawal applies to NOSR–2.

"(d) ADMINISTRATION OF RESERVED LAND AND INTERESTS IN LAND.—

"(1) IN GENERAL.—The Secretary of the Interior shall administer the land and interests in land reserved from conveyance under subparagraphs (B) and (C) of subsection (b)(2) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

"(2) MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a land use plan for the management of the land and interests in land referred to in paragraph (1).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection.

"(e) ROYALTY.—

"(1) PAYMENT OF ROYALTY.—

"(A) IN GENERAL.—The royalty interest reserved from conveyance in subsection (b)(2)(A) that is required to be paid by the Tribe shall not include any development, production, marketing, and operating expenses.

"(B) FEDERAL TAX RESPONSIBILITY.—The United States shall bear responsibility for and pay—

"(i) gross production taxes;

"(ii) pipeline taxes; and

"(iii) allocation taxes assessed against the gross production.

"(2) REPORT.—The Tribe shall submit to the Secretary of Energy and to Congress an annual report on resource development and other activities of the Tribe concerning the conveyance under subsection (b).

"(3) FINANCIAL AUDIT.—

"(A) IN GENERAL.—Not later than 5 years after the date of enactment of this section, and every 5 years thereafter, the Tribe shall obtain an audit of all resource development activities of the Tribe concerning the conveyance under subsection (b), as provided under chapter 75 of title 31, United States Code.

"(B) INCLUSION OF RESULTS.—The results of each audit under this paragraph shall be included in the next annual report submitted after the date of completion of the audit.

"(f) RIVER MANAGEMENT.—

"(1) IN GENERAL.—The Tribe shall manage, under Tribal jurisdiction and in accordance with ordinances adopted by the Tribe, land of the Tribe that is adjacent to, and within ¼ mile of, the Green River in a manner that—

"(A) maintains the protected status of the land; and

"(B) is consistent with the government-to-government agreement and in the memorandum of understanding dated February 11, 2000, as agreed to by the Tribe and the Secretary.

"(2) NO MANAGEMENT RESTRICTIONS.—An ordinance referred to in paragraph (1) shall not impair, limit, or otherwise restrict the management and use of any land that is not owned, controlled, or subject to the jurisdiction of the Tribe.

"(3) REPEAL OR AMENDMENT.—An ordinance adopted by the Tribe and referenced in the government-to-government agreement may not be repealed or amended without the written approval of—

"(A) the Tribe; and

"(B) the Secretary.

"(g) PLANT SPECIES.—

"(1) IN GENERAL.—In accordance with a government-to-government agreement between the Tribe and the Secretary, in a manner consistent with levels of legal protection in effect on the date of enactment of this section, the Tribe shall protect, under ordinances adopted by the Tribe, any plant species that is—

"(A) listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

"(B) located or found on the NOSR–2 land conveyed to the Tribe.

"(2) TRIBAL JURISDICTION.—The protection described in paragraph (1) shall be performed solely under tribal jurisdiction

"(h) HORSES.—

"(1) IN GENERAL.—The Tribe shall manage, protect, and assert control over any horse not owned by the Tribe or tribal members that is located or found on the NOSR–2 land conveyed to the Tribe in a manner that is consistent with Federal law governing the management, protection, and control of horses in effect on the date of enactment of this section.

"(2) TRIBAL JURISDICTION.—The management, control, and protection of horses described in paragraph (1) shall be performed solely—

"(A) under tribal jurisdiction; and

"(B) in accordance with a government-to-government agreement between the Tribe and the Secretary.

"(i) REMEDIAL ACTION AT MOAB SITE.—

"(1) INTERIM REMEDIAL ACTION.—

"(A) PLAN.—Not later than 1 year after the date of enactment of this section, the Secretary of Energy shall prepare a plan for remedial action, including ground water restoration, at the uranium milling site near Moab, Utah, under section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)).

"(B) COMMENCEMENT OF REMEDIAL ACTION.—The Secretary of Energy shall commence remedial action as soon as practicable after the preparation of the plan.

"(C) TERMINATION OF LICENSE.—The license for the materials at the site issued by the Nuclear Regulatory Commission shall terminate 1 year from the date of enactment of this section, unless the Secretary of Energy determines that the license may be terminated earlier.

"(D) ACTIVITIES OF THE TRUSTEE OF THE MOAB RECLAMATION TRUST.— Until the license referred to in subparagraph (C) terminates, the Trustee of the Moab Reclamation Trust (referred to in this paragraph as the 'Trustee'), subject to the availability of funds appropriated specifically for a purpose described in clauses (i) through (iii) or made available by the Trustee from the Moab Reclamation Trust, may carry out—

"(i) interim measures to reduce or eliminate localized high ammonia concentrations identified by the United States Geological Survey in a report dated March 27, 2000, in the Colorado River;

"(ii) activities to dewater the mill tailings; and

"(iii) other activities, subject to the authority of the Secretary of Energy and the Nuclear Regulatory Commission.

"(E) TITLE; CARETAKING.—Until the date on which the Moab site is sold under paragraph (4), the Trustee—

"(i) shall maintain title to the site; and

"(ii) shall act as a caretaker of the property and in that capacity exercise measures of physical safety consistent with past practice, until the Secretary of Energy relieves the Trustee of that responsibility.

"(2) LIMIT ON EXPENDITURES.—The Secretary shall limit the amounts expended in carrying out the remedial action under paragraph (1) to—

"(A) amounts specifically appropriated for the remedial action in an Act of appropriation; and

"(B) other amounts made available for the remedial action under this subsection.

"(3) RETENTION OF ROYALTIES.—

"(A) IN GENERAL.—The Secretary of Energy shall retain the amounts received as royalties under subsection (e)(1).

"(B) AVAILABILITY.—Amounts referred to in subparagraph (A) shall be available, without further Act of appropriation, to carry out the remedial action under paragraph (1).

"(C) EXCESS AMOUNTS.—On completion of the remedial action under paragraph (1), all remaining royalty amounts shall be deposited in the General Fund of the Treasury.

"(D) EXCLUSION OF NATIONAL SECURITY ACTIVITIES FUNDING.—The Secretary shall not use any funds made available to the Department of Energy for national security activities to carry out the remedial action under paragraph (1).

"(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out the remedial action under paragraph (1) such sums as are necessary.

"(4) SALE OF MOAB SITE.—

"(A) IN GENERAL.—If the Moab site is sold after the date on which the Secretary of Energy completes the remedial action under paragraph (1), the seller shall pay to the Secretary of Energy, for deposit in the miscellaneous receipts account of the Treasury, the portion of the sale price that the Secretary determines resulted from the enhancement of the value of the Moab site that is attributable to the completion of the remedial action, as determined in accordance with subparagraph (B).

"(B) DETERMINATION OF ENHANCED VALUE.—The enhanced value of the Moab site referred to in subparagraph (A) shall be equal to the difference between—

"(i) the fair market value of the Moab site on the date of enactment of this section, based on information available on that date; and

"(ii) the fair market value of the Moab site, as appraised on completion of the remedial action.".

(c) URANIUM MILL TAILINGS.—Section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)) is amended by inserting after paragraph (3) the following:

"(4) Designation as processing site.—

"(A) In general.—Notwithstanding any other provision of law, the Moab uranium milling site (referred to in this paragraph as the 'Moab Site') located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917, is designated as a processing site.

"(B) Applicability.—This title applies to the Moab Site in the same manner and to the same extent as to other processing sites designated under this subsection, except that—

"(i) sections 103, 107(a), 112(a), and 115(a) of this title shall not apply;

"(ii) a reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of enactment of this paragraph; and

"(iii) the Secretary, subject to the availability of appropriations and without regard to section 104(b), shall conduct remediation at the Moab site in a safe and environmentally sound manner, including—

"(I) ground water restoration; and

"(II) the removal, to at a site in the State of Utah, for permanent disposition and any necessary stabilization, of residual radioactive material and other contaminated material from the Moab Site and the floodplain of the Colorado River.".

(d) Conforming Amendment.—Section 3406 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105-261) is amended by inserting after subsection (e) the following:

"(f) Oil Shale Reserve Numbered 2.—This section does not apply to the transfer of Oil Shale Reserve Numbered 2 under section 3405.".

WARNER AMENDMENT NO. 3752

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 17, line 17, strike "$496,749,000" and insert "$500,749,000".

On page 31, between lines 18 and 19, insert the following:

SEC. 126. ANTI-PERSONNEL OBSTACLE BREACHING SYSTEM.

Of the total amount authorized to be appropriated under section 102(c), $4,000,000 is available only for the procurement of the anti-personnel obstacle breaching system.

On page 54, line 16, strike "$11,973,569,000" and insert "$11,969,569,000".

DODD (AND OTHERS) AMENDMENT NO. 3753

Mr. LEVIN (for Mr. Dodd, Mr. Burns, Mrs. Boxer, Mr. DeWine, Mr. Kerry, Ms. Snowe, Mr. Leahy, Ms. Mikulski, Mr. Biden, Mr. Bingaman, Mr. Sarbanes, Mr. Schumer, Mr. Reid, Mr. Lautenberg, Mr. Moynihan, and Mr. Kennedy) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"SEC. 33. FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT.

"(a) Definition of Firefighting Personnel.—In this section, the term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

"(b) Assistance Program.—

"(1) Authority.—In accordance with this section, the Director may—

"(A) make grants on a competitive basis to fire departments for the purpose of protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards; and

"(B) provide assistance for fire prevention programs in accordance with paragraph (4).

"(2) Establishment of office for administration of assistance.—Before providing assistance under paragraph (1), the Director shall establish an office in the Federal Emergency Management Agency that shall have the duties of establishing specific criteria for the selection of recipients of the assistance, and administering the assistance, under this section.

"(3) Use of fire department grant funds.—The Director may make a grant under paragraph (1)(A) only if the applicant for the grant agrees to use the grant funds—

"(A) to hire additional firefighting personnel;

"(B) to train firefighting personnel in firefighting, emergency response, arson prevention and detection, or the handling of hazardous materials, or to train firefighting personnel to provide any of the training described in this subparagraph;

"(C) to fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies;

"(D) to certify fire inspectors;

"(E) to establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel can carry out their duties;

"(F) to fund emergency medical services provided by fire departments;

"(G) to acquire additional firefighting vehicles, including fire trucks;

"(H) to acquire additional firefighting equipment, including equipment for communications and monitoring;

"(I) to acquire personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration, and other personal protective equipment for firefighting personnel;

"(J) to modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel;

"(K) to enforce fire codes;

"(L) to fund fire prevention programs; or

"(M) to educate the public about arson prevention and detection.

"(4) Fire prevention programs.—

"(A) In general.—For each fiscal year, the Director shall use not less than 10 percent of the funds made available under subsection (c)—

"(i) to make grants to fire departments for the purpose described in paragraph (3)(L); and

"(ii) to make grants to, or enter into contracts or cooperative agreements with, national, State, local, or community organizations that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities, for the purpose of carrying out fire prevention programs.

"(B) Priority.—In selecting organizations described in subparagraph (A)(ii) to receive assistance under this paragraph, the Director shall give priority to organizations that focus on prevention of injuries to children from fire.

"(5) Application.—The Director may provide assistance to a fire department or organization under this subsection only if the fire department or organization seeking the assistance submits to the Director an application in such form and containing such information as the Director may require.

"(6) Matching requirement.—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to match with an equal amount of non-Federal funds 10 percent of the assistance received under this subsection for any fiscal year.

"(7) Maintenance of expenditures—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to maintain in the fiscal year for which the assistance will be received the applicant's aggregate expenditures for the uses described in paragraph (3) or (4) at or above the average level of such expenditures in the 2 fiscal years preceding the fiscal year for which the assistance will be received.

"(8) Report to the director.—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to submit to the Director a report, including a description of how the assistance was used, with respect to each fiscal year for which the assistance was received.

"(9) Variety of fire department grant recipients.—The Director shall ensure that grants under paragraph (1)(A) for a fiscal year are made to a variety of fire departments, including, to the extent that there are eligible applicants—

"(A) paid, volunteer, and combination fire departments;

"(B) fire departments located in communities of varying sizes; and

"(C) fire departments located in urban, suburban, and rural communities.

"(10) Limitation on expenditures for firefighting vehicles.—The Director shall ensure that not more than 25 percent of the assistance made available under this subsection for a fiscal year is used for the use described in paragraph (3)(G).

"(c) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated to the Director—

"(A) $100,000,000 for fiscal year 2001;

"(B) $200,000,000 for fiscal year 2002;

"(C) $400,000,000 for fiscal year 2003;

"(D) $600,000,000 for fiscal year 2004;

"(E) $800,000,000 for fiscal year 2005; and

"(F) $1,000,000,000 for fiscal year 2006.

"(2) Limitation on administrative costs.—Of the amounts made available under paragraph (1) for a fiscal year, the Director may use not more than 10 percent for the administrative costs of carrying out this section.".

WARNER AMENDMENT NO. 3754

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. CLOSE-IN WEAPON SYSTEM OVERHAULS.

Of the total amount authorized to be appropriated by section 301(2), $391,806,000 is available for weapons maintenance.

The total amount authorized to be appropriated by section 301(5) for Spectrum data base upgrades is reduced by $10 million.

GORTON AMENDMENT NO. 3755

Mr. WARNER (for Mr. GORTON) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 556, line 24, strike “$5,501,824,000” and insert “$5,651,824,000”.

On page 559, line 8, strike “$3,028,457,000” and insert “$3,178,457,000”.

On page 559, line 11, strike “$2,533,725,000” and insert “$2,683,725,000”.

On page 564, line 8, strike “$540,092,000” and insert “$390,092,000”.

On page 564, line 13, strike “$450,000,000” and insert “$300,000,000”.

On page 603, between lines 18 and 19, insert the following:

SEC. 3156. TANK WASTE REMEDIATION SYSTEM, HANFORD RESERVATION, RICHLAND, WASHINGTON.

(a) FUNDS AVAILABLE.—Of the amount authorized to be appropriated by section 3102, $150,000,000 shall be available to carry out an accelerated cleanup and waste management program at the Department of Energy Hanford Site in Richland, Washington.

(b) REPORT.—Not later than December 15, 2000, the Secretary of Energy shall submit to Congress a report on the Tank Waste Remediation System Project at the Hanford Site. The report shall include the following:

(1) A proposed plan for processing and stabilizing all nuclear waste located in the Hanford Tank Farm.

(2) A proposed schedule for carrying out the plan.

(3) The total estimated cost of carrying out the plan.

(4) A description of any alternative options to the proposed plan and a description of the costs and benefits of each such option.

KYL AMENDMENT NO. 3756

Mr. WARNER (for Mr. KYL) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 547, line 16, strike “$6,214,835,000” and insert “$6,289,835,000”.

On page 547, line 19, strike $4,672,800,000” and insert “$4,747,800,000”.

On page 547, line 24, strike “$3,887,383,000” and insert “$3,822,383,000”.

On page 548, line 3, strike “$1,496,982,000” and insert “$1,471,982,000”.

On page 548, line 5, strike “$1,547,798,000” and insert “$1,507,798,000”.

On page 549, line 2, strike “$448,173,000” and insert “$588,173,000”.

On page 552, line 7, strike “$74,100,000” and insert “$214,100,000”.

On page 560, line 23, strike “$141,317,000” and insert “$216,317,000”.

On page 603, between lines 18 and 19, insert the following:

SEC. 3156. REPORT ON NATIONAL IGNITION FACILITY, LAWRENCE LIVERMORE NATIONAL LABORATORY, LIVERMORE, CALIFORNIA.

(a) NEW BASELINE.—(1) Not more than 50 percent of the funds available for the national ignition facility (Project 96–D–111) may be obligated or expended until the Secretary of Energy submits to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a new baseline plan for the completion of the national ignition facility.

(2) The report shall include a detailed, year-by-year breakdown of the funding required for completion of the facility, as well as projected dates for the completion of program milestones, including the date on which the first laser beams are expected to become operational.

(b) COMPTROLLER GENERAL REVIEW OF NIF PROGRAM.—(1) The Comptroller General shall conduct a thorough review of the national ignition facility program.

(2) Not later than March 31, 2001, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review conducted under paragraph (1). The report shall include—

(A) an analysis of—

(i) the relationship of the national ignition facility program to other key components of the Stockpile Stewardship Program; and

(ii) the potential impact of delays in the national ignition facility program, and of a failure to complete key program objectives of the program, on the other key components of the Stockpile Stewardship Program, such as the Advanced Strategic Computing Initiative Program;

(B) a detailed description and analysis of the funds spent as of the date of the report on the national ignition facility program; and

(C) an assessment whether Lawrence Livermore National Laboratory has established a new baseline plan for the national ignition facility program with clear goals and achievable milestones for that program.

FEINSTEIN AMENDMENT NO. 3757

Mr. LEVIN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . BREAST CANCER STAMP EXTENSION.

Section 414(g) of title 39, United States Code, is amended by striking “2-year” and inserting “4-year”.

KERRY AMENDMENT NO. 3758

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 85, strike line 1 and all that follows through page 87, line 13.

FEINGOLD (AND OTHERS) AMENDMENT NO. 3759

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself, Mr. HARKIN, and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 31, between lines 18 and 19, insert the following:

SEC. 126. D5 SUBMARINE-LAUNCHED BALLISTIC MISSILE PROGRAM.

(a) REDUCTION OF AMOUNT FOR PROGRAM.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by this Act is reduced by $462,733,000.

(b) PROHIBITION.—None of the remaining funds authorized to be appropriated by this Act after the reduction made by subsection (a) may be used for the procurement of D5 submarine-launched ballistic missiles or components for D5 missiles.

(c) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate production of D5 submarine ballistic missiles under the D5 submarine-launched ballistic missile program after fiscal year 2001.

(d) PAYMENT OF TERMINATION COSTS.—Funds available on or after the date of the enactment of this Act for obligation for the D5 submarine-launched ballistic missile program may be obligated for production under that program only for payment of the costs associated with the termination of production under this Act.

(e) INAPPLICABILITY TO MISSILES IN PRODUCTION.—Subsections (c) and (d) do not apply to missiles in production on the date of the enactment of this Act.

DOMENICI (AND OTHERS) AMENDMENT NO. 3760

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. LEVIN, Mr. LUGAR, Mr. BIDEN, Mr. BINGAMAN, Mr. CRAIG, Mr. THOMPSON, and Mr. HAGEL) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 610, between lines 13 and 14, insert the following:

Subtitle F—Russian Nuclear Complex Conversion

SEC. 3191. SHORT TITLE.

This subtitle may be cited as the “Russian Nuclear Weapons Complex Conversion Act of 2000”.

SEC. 3192. FINDINGS.

Congress makes the following findings:

(1) The Russian nuclear weapons complex has begun closure and complete reconfiguration of certain weapons complex plants and productions lines. However, this work is at an early stage. The major impediments to downsizing have been economic and social conditions in Russia. Little information about this complex is shared, and 10 of its most sensitive cities remain closed. These cities house 750,000 people and employ approximately 150,000 people in nuclear military facilities. Although the Russian Federation Ministry of Atomic Energy has announced the need to significantly downsize its workforce, perhaps by as much as 50 percent, it has been very slow in accomplishing this goal. Information on the extent of any progress is very closely held.

(2) The United States, on the other hand, has significantly downsized its nuclear weapons complex in an open and transparent manner. As a result, an enormous asymmetry now exists between the United States and Russia in nuclear weapon production capacities and in transparency of such capacities. It is in the national security interest of the United States to assist the Russian Federation in accomplishing significant reductions in its nuclear military complex and in helping it to protect its nuclear weapons, nuclear materials, and nuclear secrets during such reductions. Such assistance will accomplish critical nonproliferation objectives and provide essential support towards future arms reduction agreements. The Russian Federation's program to close and reconfigure weapons complex plants and production lines will address, if it is implemented in a significant and transparent manner, concerns about the Russian Federation's ability to quickly reconstitute its arsenal.

(3) Several current programs address portions of the downsizing and nuclear security concerns. The Nuclear Cities Initiative was established to assist Russia in creating job opportunities for employees who are not required to support realistic Russian nuclear security requirements. Its focus has been on creating commercial ventures that can provide self-sustaining jobs in three of the closed cities. The current scope and funding

of the program are not commensurate with the scale of the threats to the United States sought to be addressed by the program.

(4) To effectively address threats to United States national security interests, progress with respect to the nuclear cities must be expanded and accelerated. The Nuclear Cities Initiative has laid the groundwork for an immediate increase in investment which offers the potential for prompt risk reduction in the cities of Sarov, Snezhinsk, and Zheleznogorsk, which house four key Russian nuclear facilities. Furthermore, the Nuclear Cities Initiative has made considerable progress with the limited funding available. However, to gain sufficient advocacy for additional support, the program must demonstrate—

(A) rapid progress in conversion and restructuring; and

(B) an ability for the United States to track progress against verifiable milestones that support a Russian nuclear complex consistent with their future national security requirements.

(5) Reductions in the nuclear weapons-grade material stocks in the United States and Russia enhance prospects for future arms control agreements and reduce concerns that these materials could lead to proliferation risks. Confidence in both nations will be enhanced by knowledge of the extent of each nation's stockpiles of weapons-grade materials. The United States already makes this information public.

(6) Many current programs contribute to the goals stated herein. However, the lack of programmatic coordination within and among United States Government agencies impedes the capability of the United States to make rapid progress. A formal single point of coordination is essential to ensure that all United States programs directed at cooperative threat reduction, nuclear materials reduction and protection, and the downsizing, transparency, and nonproliferation of the nuclear weapons complex effectively mitigate the risks inherent in the Russian Federation's military complex.

(7) Specialists in the United States and the former Soviet Union trained in nonproliferation studies can significantly assist in the downsizing process while minimizing the threat presented by potential proliferation of weapons materials or expertise.

SEC. 3193. EXPANSION AND ENHANCEMENT OF NUCLEAR CITIES INITIATIVE.

(a) In General.—The Secretary of Energy shall, in accordance with the provisions of this section, take appropriate actions to expand and enhance the activities under the Nuclear Cities Initiative in order to—

(1) assist the Russian Federation in the downsizing of the Russian Nuclear Complex; and

(2) coordinate the downsizing of the Russian Nuclear Complex under the Initiative with other United States nonproliferation programs.

(b) Enhanced Use of MINATOM Technology and Research and Development Services.—In carrying out actions under this section, the Secretary shall facilitate the enhanced use of the technology, and the research and development services, of the Russia Ministry of Atomic Energy (MINATOM) by—

(1) fostering the commercialization of peaceful, non-threatening advanced technologies of the Ministry through the development of projects to commercialize research and development services for industry and industrial entities; and

(2) authorizing the Department of Energy, and encouraging other departments and agencies of the United States Government, to utilize such research and development services for activities appropriate to the mission of the Department, and such departments and agencies, including activities relating to—

(A) nonproliferation (including the detection and identification of weapons of mass destruction and verification of treaty compliance);

(B) global energy and environmental matters; and

(C) basic scientific research of benefit to the United States.

(c) Acceleration of Nuclear Cities Initiative.—(1) In carrying out actions under this section, the Secretary shall accelerate the Nuclear Cities Initiative by implementing, as soon as practicable after the date of the enactment of this Act, programs at the nuclear cities referred to in paragraph (2) in order to convert significant portions of the activities carried out at such nuclear cities from military activities to civilian activities.

(2) The nuclear cities referred to in this paragraph are the following:

(A) Sarov (Arzamas-16).

(B) Snezhinsk (Chelyabinsk-70).

(C) Zheleznogorsk (Krasnoyarsk-26).

(3) To advance nonproliferation and arms control objectives, the Nuclear Cities Initiative is encouraged to begin planning for accelerated conversion, commensurate with available resources, in the remaining nuclear cities.

(4) Before implementing a program under paragraph (1), the Secretary shall establish appropriate, measurable milestones for the activities to be carried out in fiscal year 2001.

(d) Plan for Restructuring the Russian Nuclear Complex.—(1) The President, acting through the Secretary of Energy, is urged to enter into negotiations with the Russian Federation for purposes of the development by the Russian Federation of a plan to restructure the Russian Nuclear Complex in order to meet changes in the national security requirements of Russia by 2010.

(2) The plan under paragraph (1) should include the following:

(A) Mechanisms to achieve a nuclear weapons production capacity in Russia that is consistent with the obligations of Russia under current and future arms control agreements.

(B) Mechanisms to increase transparency regarding the restructuring of the nuclear weapons complex and weapons-surplus nuclear materials inventories in Russia to the levels of transparency for such matters in the United States, including the participation of Department of Energy officials with expertise in transparency of such matters.

(C) Measurable milestones that will permit the United States and the Russian Federation to monitor progress under the plan.

(e) Encouragement of Careers in Nonproliferation.—(1) In carrying out actions under this section, the Secretary shall carry out a program to encourage students in the United States and in the Russian Federation to pursue a career in an area relating to nonproliferation.

(2) Of the amounts under subsection (f), up to $2,000,000 shall be available for purposes of the program under paragraph (1).

(f) Funding for Fiscal Year 2001.—(1) There is hereby authorized to be appropriated for the Department of Energy for fiscal year 2001, $40,000,000 for purposes of the Nuclear Cities Initiative, including activities under this section.

(2) The amount authorized to be appropriated by section 101(5) for other procurement for the Army is hereby reduced by $22,500,000, with the amount of the reduction to be allocated to the Close Combat Tactical Trainer.

(g) Sense of Congress Regarding Funding for Fiscal Years After Fiscal Year 2001.—It is the sense of Congress that the availability of funds for the Nuclear Cities Initiative in fiscal years after fiscal year 2001 should be contingent upon—

(1) demonstrable progress in the programs carried out under subsection (c), as determined utilizing the milestones required under paragraph (4) of that subsection; and

(2) the development and implementation of the plan required by subsection (d).

SEC. 3194. SENSE OF CONGRESS ON THE ESTABLISHMENT OF A NATIONAL COORDINATOR FOR NONPROLIFERATION MATTERS.

It is the sense of Congress that—

(1) there should be a National Coordinator for Nonproliferation Matters to coordinate—

(A) the Nuclear Cities Initiative;

(B) the Initiatives for Proliferation Prevention program;

(C) the Cooperative Threat Reduction programs;

(D) the materials protection, control, and accounting programs; and

(E) the International Science and Technology Center; and

(2) the position of National Coordinator for Nonproliferation Matters should be similar, regarding nonproliferation matters, to the position filled by designation of the President under section 1441(a) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 110 Stat. 2727; 50 U.S.C. 2351(a)).

SEC. 3195. DEFINITIONS.

In this subtitle:

(1) Nuclear city.—The term "nuclear city" means any of the closed nuclear cities within the complex of the Russia Ministry of Atomic Energy (MINATOM) as follows:

(A) Sarov (Arzamas-16).

(B) Zarechnyy (Penza-19).

(C) Novoural'sk (Sverdlovsk-44).

(D) Lesnoy (Sverdlovsk-45).

(E) Ozersk (Chelyabinsk-65).

(F) Snezhinsk (Chelyabinsk-70).

(G) Trechgornyy (Zlatoust-36).

(H) Seversk (Tomsk-7).

(I) Zhelenznogorsk (Krasnoyarsk-26).

(J) Zelenogorsk (Krasnoyarsk-45).

(2) Russian nuclear complex.—The term "Russian Nuclear Complex" refers to all of the nuclear cities.

BRYAN (AND ROBB) AMENDMENT NO. 3761

(Ordered to lie on the table.)

Mr. BRYAN (for himself and Mr. Robb) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 236, between lines 6 and 7, insert the following:

SEC. 646. CONCURRENT PAYMENT TO SURVIVING SPOUSES OF DISABILITY AND INDEMNITY COMPENSATION AND ANNUITIES UNDER SURVIVOR BENEFIT PLAN.

(a) Concurrent Payment.—Section 1450 of title 10, United States Code, is amended by striking subsection (c).

(b) Conforming Amendments.—That section is further amended by striking subsections (e) and (k).

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to the payment of annuities under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, for months beginning on or after that date.

(d) RECOMPUTATION OF ANNUITIES.—The Secretary of Defense shall provide for the readjustment of any annuities to which subsection (c) of section 1450 of title 10, United States Code, applies as of the date before the date of the enactment of this Act, as if the adjustment otherwise provided for under such subsection (c) had never been made.

(e) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of the amendments made by this section for any period before the effective date of the amendments as specified in subsection (c).

HARKIN AMENDMENT NO. 3762

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. SECRECY POLICIES AND WORKER HEALTH.

(a) FINDINGS.—Congress makes the following findings:

(1) Workers at some nuclear weapons production facilities in the United States have been exposed to radioactive and other hazardous substances that could harm their health.

(2) Some workers at the nuclear weapons facility at the Iowa Army Ammunition Plant from 1947-1975 also worked for a United States Army plant at the same site and under the same contractor.

(3) The policy of the Department of Defense to neither confirm nor deny the presence of nuclear weapons at any site has prevented the Department from even acknowledging the reason for some worker exposures to radioactive or other hazardous substances, and secrecy oaths have discouraged some workers from discussing possible exposures with their health care providers and other appropriate officials.

(4) The policy of the Department to neither confirm nor deny has been applied to sites where nuclear weapons are widely known to have been present, where the past presence of nuclear weapons were last present more than 25 years ago.

(5) The Department has, in the past, varied from its policy by publicly acknowledging that the United States had nuclear weapons in Alaska, Cuba, Guam, Hawaii, Johnston Islands, Midway, Puerto Rico, the United Kingdom, and West Germany, and has denied having weapons in Iceland.

(6) It is critical to maintain national secrets regarding nuclear weapons, but more openness on nuclear weapons activities now consigned to history is needed to protect the health of former workers and the public.

(b) REVIEW OF SECRECY POLICIES.—The Secretary of Defense is directed to change Department secrecy oaths and policies, within appropriate national security constraints, to ensure that such policies do not prevent or discourage current and former workers at nuclear weapons facilities who may have been exposed to radioactive and other hazardous substances from discussing those exposures with their health care providers and with other appropriate officials. The policies amended should include the policy to neither confirm nor deny the presence of nuclear weapons as it is applied to former U.S. nuclear weapons facilities that no longer contain nuclear weapons or materials.

(c) NOTIFICATION OF POTENTIAL VICTIMS.—The Secretary of Defense is directed to notify people who are or were bound by Department secrecy oaths or policies, and who may have been exposed to radioactive or hazardous substances at nuclear weapons facilities, of any likely health risks and of how they can discuss the exposures with their health care providers and other appropriate officials without violating secrecy oaths or policies.

BINGAMAN AMENDMENT NO. 3763

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 239, strike lines 3 through 8 and insert the following:

SEC. 655. PAYMENT OF GRATUITY TO CERTAIN VETERANS OF BATAAN AND CORREGIDOR.

(a) PAYMENT.—The Secretary of Veterans Affairs shall pay a gratuity to each covered veteran, or to the surviving spouse of such covered veteran, in the amount of $20,000.

CRAPO AMENDMENT NO. 3764

(Ordered to lie on the table.)

Mr. CRAPO submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 603, between lines 18 and 19, insert the following:

SEC. . CONCEPTUAL DESIGN FOR SUBSURFACE GEOSCIENCES LABORATORY AT IDAHO NATIONAL ENGINEERING AND ENVIRONMENTAL LABORATORY, IDAHO FALLS, IDAHO.

(a) AUTHORIZATION.—Of the amounts to be appropriated by paragraphs (2) and (3) of section 3102(a), not more than $400,000 shall be available to the Secretary of Energy for purposes of carrying out a conceptual design for a Subsurface Geosciences Laboratory at Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho.

(b) LIMITATION.—None of the funds authorized to be appropriated by section (a) may be obligated until 60 days after the Secretary submits the report required by section (c).

(c) REPORT.—The Secretary of Energy shall submit to the congressional defense committees a report on the proposed Subsurface Geosciences Laboratory, including the following:

(1) The need to conduct mesoscale experiments to meet long-term clean-up requirements at Department of Energy sites.

(2) The possibility of utilizing or modifying an existing structure or facility to house a new mesoscale experimental capability.

(3) The estimated construction cost of the facility.

(4) The estimated annual operating cost of the facility.

(5) How the facility will utilize, integrate, and support the technical expertise, capabilities, and requirements at other Department of Energy and non-Department of Energy facilities.

(6) An analysis of costs, savings, and benefits which are unique to the Idaho National Engineering and Environmental Laboratory.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 3765

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. ADDITIONAL MATTERS FOR ANNUAL REPORT ON TRANSFERS OF MILITARILY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.

Section 1402(B) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 798) is amended by adding at the end the following:

"(4) The status of the implementation or other disposition of recommendations included in reports of audits by Inspectors General that have been set forth in previous annual reports under this section.".

HARKIN AMENDMENT NO. 3766

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. SECRECY POLICIES AND WORKER HEALTH.

(a) FINDINGS.—Congress makes the following findings:

(1) Workers at some nuclear weapons production facilities in the United States have been exposed to radioactive and other hazardous substances that could harm their health.

(2) Some workers at the nuclear weapons facility at the Iowa Army Ammunition Plant from 1947-1975 also worked for a United States Army plant at the same site and under the same contractor.

(3) The policy of the Department of Defense to neither confirm nor deny the presence of nuclear weapons at any site has prevented the Department from even acknowledging the reason for some worker exposures to radioactive or other hazardous substances, and secrecy oaths have discouraged some workers from discussing possible exposures with their health care providers and other appropriate officials.

(4) The policy of the Department to neither confirm nor deny has been applied to sites where nuclear weapons are widely known to have been present, where the past presence of nuclear weapons has been publicly discussed by other federal agencies, and where the nuclear weapons were last present more than 25 years ago.

(5) The Department has, in the past, varied from its policy by publicly acknowledging that the United States had nuclear weapons in Alaska, Cuba, Guam, Hawaii, Johnston Islands, Midway, Puerto Rico, the United Kingdom, and West Germany, and has denied having weapons in Iceland.

(6) It is critical to maintain national secrets regarding nuclear weapons, but more openness on nuclear weapons activities now consigned to history is needed to protect the health of former workers and the public.

(b) REVIEW OF SECRECY POLICIES.—The Secretary of Defense is directed to change Department secrecy oaths and policies, within appropriate national security constraints, to ensure that such policies do not prevent or discourage current and former workers at nuclear weapons facilities who may have been exposed to radioactive and other hazardous substances from discussing those exposures with their health care providers and with other appropriate officials. The policies amended should include the policy to neither confirm nor deny the presence of nuclear weapons as it is applied to former U.S. nuclear weapons facilities that no longer contain nuclear weapons or materials.

(c) NOTIFICATION OF POTENTIAL VICTIMS.—The Secretary of Defense is directed to notify people who are or were bound by Department secrecy oaths or policies, and who may have been exposed to radioactive or hazardous substances at nuclear weapons facilities, of any likely health risks and of how they can discuss the exposures with their health care providers and other appropriate officials without violating secrecy oaths or policies.

BYRD (AND OTHERS) AMENDMENT NO. 3767

(Ordered to lie on the table.)

Mr. BYRD (for himself, Mr. WARNER, Mr. LEVIN, Mr. HOLLINGS, Mr. HELMS, Mr. BREAUX, Mr. HATCH, and Mr. CAMPBELL) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. ANNUAL REPORT ON NATIONAL SECURITY IMPLICATIONS OF UNITED STATES-CHINA TRADE RELATIONSHIP.

(a) IN GENERAL.—Section 127(k) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note) is amended to read as follows:

"(k) UNITED STATES-CHINA NATIONAL SECURITY IMPLICATIONS.—

"(1) IN GENERAL.—Upon submission of the report described in subsection (e), the Commission shall continue for the purpose of monitoring, investigating, and reporting to Congress on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China.

"(2) ANNUAL REPORT.—Not later than March 1, 2001, and annually thereafter, the Commission shall submit a report to Congress, in both unclassified and classified form, regarding the national security implications and impact of the bilateral trade and economic relationship between the United States and the People's Republic of China. The report shall include a full analysis, along with conclusions and recommendations for legislative and administrative actions, of the national security implications for the United States of the trade and current balances with the People's Republic of China in goods and services, financial transactions, and technology transfers. The Commission shall also take into account patterns of trade and transfers through third countries to the extent practicable.

"(3) CONTENTS OF REPORT.—The report described in paragraph (2) shall include, at a minimum, a full discussion of the following:

"(A) The portion of trade in goods and services that the People's Republic of China dedicates to military systems or systems of a dual nature that could be used for military purposes.

"(B) An analysis of the statements and writing of the People's Republic of China officials and officially-sanctioned writings that bear on the intentions of the Government of the People's Republic of China regarding the pursuit of military competition with, and leverage over, the United States and the Asian allies of the United States.

"(C) The military actions taken by the Government of the People's Republic of China during the preceding year that bear on the national security of the United States and the Asian allies of the United States.

"(D) The acquisition by the Government of the People's Republic of China and entities controlled by the Government of advanced military technologies through United States trade and technology transfers.

"(E) Any transfers, other than those identified under subparagraph (D), to the military systems of the People's Republic of China made by United States firms and United States-based multinational corporations.

"(F) The use of financial transactions, capital flow, and currency manipulations that affect the national security interests of the United States.

"(G) Any action taken by the Government of the People's Republic of China in the context of the World Trade Organization that is adverse to the United States national security interests.

"(H) Patterns of trade and investment between the People's Republic of China and its major trading partners, other than the United States, that appear to be substantively different from trade and investment patterns with the United States and whether the differences constitute a security problem for the United States.

"(I) The extent to which the trade surplus of the People's Republic of China with the United States is dedicated to enhancing the military budget of the People's Republic of China.

"(J) The overall assessment of the state of the security challenges presented by the People's Republic of China to the United States and whether the security challenges are increasing or decreasing from previous years.

"(3) NATIONAL DEFENSE WAIVER.—The report described in paragraph (2) shall include recommendations for action by Congress or the President, or both, including specific recommendations for the United States to invoke Article XXI (relating to security exceptions) of the General Agreement on Tariffs and Trade Act of 1994 with respect to the People's Republic of China, as a result of any adverse impact on the national security interests of the United States.".

(b) CONFORMING AMENDMENTS.—

(1) NAME OF COMMISSION.—Section 127(c)(1) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note) is amended by striking "Trade Deficit Review Commission" and inserting "United States-China Security Review Commission".

(2) QUALIFICATIONS OF MEMBERS.—Section 127(c)(3) of such Act (19 U.S.C. 2213 note) is amended by adding at the end the following new subparagraph:

"(C) SPECIAL CONSIDERATIONS.—For the period beginning after December 1, 2000, consideration shall also be given to the appointment of persons with expertise and experience in national security matters and United States-China relations.".

(3) PERIOD OF APPOINTMENT.—Section 127(c)(3)(A) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

"(A) IN GENERAL.—

"(i) APPOINTMENT BEGINNING WITH 107th CONGRESS.—Beginning with the 107th Congress and each new Congress thereafter, members shall be appointed not later than 30 days after the date on which Congress convenes. Members may be reappointed for additional terms of service.

"(ii) TRANSITION.—Members serving on the Commission shall continue to serve until such time as new members are appointed.".

(4) TERMINOLOGY.—

(A) Section 127(c)(6) of such Act (19 U.S.C. 2213 note) is amended by striking "Chairperson" and inserting "Chairman".

(B) Section 127(g) of such Act (19 U.S.C. 2213 note) is amended by striking "Chairperson" each place it appears and inserting "Chairman".

(5) CHAIRMAN AND VICE CHAIRMAN.—Section 127(c)(7) of such Act (19 U.S.C. 2213 note) is amended—

(A) by striking "Chairperson" and "vice chairperson" in the heading and inserting "Chairman" and "vice chairman";

(B) by striking "chairperson" and "vice chairperson" in the text and inserting "Chairman" and "Vice Chairman"; and

(C) by inserting "at the beginning of each new Congress" before the end period.

(6) HEARINGS.—Section 127(f)(1) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

"(1) HEARINGS.—

"(A) IN GENERAL.—The Commission or, at its direction, any panel or member of the Commission, may for the purpose of carrying out the provisions of this Act, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

"(B) INFORMATION.—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this Act.".

"(C) SECURITY.—The Office of Senate Security shall provide classified storage and meeting and hearing spaces, when necessary, for the Commission.

"(D) SECURITY CLEARANCES.—All members of the Commission and appropriate staff shall be sworn and hold appropriate security clearances.".

(7) APPROPRIATIONS.—Section 127(i) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

"(i) AUTHORIZATION.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Commission for fiscal year 2001, and each fiscal year thereafter, such sums as may be necessary to enable it to carry out its functions. Appropriations to the Commission are authorized to remain available until expended.

"(2) FOREIGN TRAVEL FOR OFFICIAL PURPOSES.—Foreign travel for official purposes by members and staff of the Commission may be authorized by either the Chairman or the Vice Chairman.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2000.

COLLINS AMENDMENT NO. 3768

(Ordered to lie on the table.)

Ms. COLLINS submitted an amendment intended to be proposed by her to the bill, S. 2549, supra; as follows:

On page 32, after line 24, add the following:

SEC. 142. AGLI/STRIKER WEAPONS FOR SPECIAL OPERATIONS FORCES.

(a) INCREASE IN AUTHORIZATION FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated by section 104 for procurement, Defense-wide is hereby increased by $6,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 104, as increased by subsection (a), $6,000,000 shall be available for SOF Small Arms & Weapons for procurement of low rate initial production units (LRIP units) of the AGLI/STRIKER weapon in order to facilitate the early fielding of AGLI/STRIKER weapons to Special Operations Forces (SOF).

BYRD AMENDMENT NO. 3769

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

Strike section 910.

BINGAMAN (AND OTHERS) AMENDMENT NO. 3770

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. DOMENICI, Mrs. MURRAY, Mr. GORTON, Mr. THOMPSON, Mr. FRIST, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the appropriate place in Title XXXI, add the following subtitle:

Subtitle —National Laboratories Partnership Improvement Act

SEC. 31 1. SHORT TITLE.

This subtitle may be cited as the "National Laboratories Partnership Improvement Act of 2000".

SEC. 31 2. DEFINITIONS.

For purposes of this subtitle—

(1) the term "Department" means the Department of Energy;

(2) the term "departmental mission" means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law;

(3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "National Laboratory" means any of the following institutions owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) National Renewable Energy laboratory;

(H) Oak Ridge National Laboratory;

(I) Pacific Northwest National Laboratory; or

(J) Sandia National Laboratory;

(5) the term "facility" means any of the following institutions owned by the Department of Energy—

(A) Ames Laboratory;

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Kansas City Plant;

(F) National Energy Technology Laboratory;

(G) Nevada Test Site;

(H) Princeton Plasma Physics Laboratory;

(I) Savannah River Technology Center;

(J) Stanford Linear Accelerator Center;

(K) Thomas Jefferson National Accelerator Facility;

(L) Waste Isolation Pilot Plant;

(M) Y-12 facility at Oak Ridge National Laboratory; or

(N) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities;

(6) the term "nonprofit institution" has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(5));

(7) the term "Secretary" means the Secretary of Energy;

(8) the term "small business concern" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term "technology-related business concern" means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufactures products based on new technologies, or

(D) performs technological services;

(10) the term "technology cluster" means a geographic concentration of—

(A) technology-related business concerns;

(B) institutions of higher education; or

(C) other nonprofit institutions

that reinforce each other's performance though formal or informal relationships;

(11) the term "socially and economically disadvantaged small business concerns" has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)); and

(12) the term "NNSA" means the National Nuclear Security Administration established by Title XXXII of National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

SEC. 31 3. TECHNOLOGY INFRASTRUCTURE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the appropriate officials of the Department, shall establish a Technology Infrastructure Pilot Program in accordance with this section

(b) PURPOSE.—The purpose of the program shall be to improve the ability of National Laboratories or facilities to support departmental missions by—

(1) stimulating the development of technology clusters in the vicinity of National Laboratories or facilities;

(2) improving the ability of National Laboratories or facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions, and

(D) agencies of state, tribal, or local governments—

that are located in the vicinity of a National Laboratory or facility.

(c) PILOT PROGRAM.—In each of the first three fiscal years after the date of enactment of this section, the Secretary may provide up to $10,000,000, divided equally, among no more than ten National Laboratories or facilities selected by the Secretary to conduct Technology Infrastructure Program Pilot Programs.

(d) PROJECTS.—The Secretary shall authorize the Director of each National Laboratory or facility designated under subsection (c) to implement the Technology Infrastructure Pilot Program at such National Laboratory or facility through projects that meet the requirements of subsections (e) and (f).

(e) PROGRAM REQUIREMENTS.—Each project funded under this section shall meet the following requirements:

(1) MINIMUM PARTICIPANTS.—Each project shall at a minimum include—

(A) a National Laboratory or facility; and

(B) one of the following entities—

(i) a business,

(ii) an institution of higher education,

(iii) a nonprofit institution, or

(iv) an agency of a state, local, or tribal government.

(2) COST SHARING—

(A) MINIMUM AMOUNT.—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-federal sources.

(B) QUALIFIED FUNDING AND RESOURCES.—

(i) The calculation of costs paid by the non-federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31-205-18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this section or outside the project's scope of work shall be credited toward the costs paid by the non-federal sources to the project.

(3) COMPETITIVE SELECTION.—All projects where a party other than the Department or a National Laboratory or facility receives funding under this section shall, to the extent practicable, be competitively selected by the National Laboratory or facility using procedures determined to be appropriate by the Secretary or his designee.

(4) ACCOUNTING STANDARDS.—Any participant receiving funding under this section, other than a National Laboratory or facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) LIMITATIONS.—No federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(f) SELECTION CRITERIA.—

(1) THRESHOLD FUNDING CRITERIA.—The Secretary shall authorize the provision of federal funds for projects under this section only when the Director of the National Laboratory or facility managing such a project determines that the project is likely to improve the participating National Laboratory or facility's ability to achieve technical success in meeting departmental missions.

(2) ADDITIONAL CRITERIA.—The Secretary shall also require the Director of the National Laboratory or facility managing a project under this section to consider the following criteria in selecting a project to receive federal funds—

(A) the potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan;

(B) the potential of the project to promote the development of a commercially sustainable technology cluster, one that will derive most of the demand for its products or services from the private sector, in the vicinity of the participating National Laboratory or facility;

(C) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or facility to achieve its departmental mission or the commercial development of technological innovations made at the participating National Laboratory or facility;

(D) the commitment shown by non-federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project;

(E) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns located in the vicinity of the participating National Laboratory or facility that will make substantive contributions to achieving the goals of the project;

(F) the extent of participation in the project by agencies of state, tribal, or local governments that will make substantive contributions to achieving the goals of the project;

(G) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns located in the vicinity of the National Laboratory or facility or involves such small business concerns substantively in the project.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall limit the Secretary from requiring the consideration of other criteria, as appropriate, in determining whether projects should be funded under this section.

(g) REPORT TO CONGRESS ON FULL IMPLEMENTATION.—Not later than 120 days after the start of the third fiscal year after the date of enactment of this section, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued beyond the pilot stage, and, if so how the fully implemented program should be managed. This report shall take into consideration the results of the pilot program to date and the views of the relevant Directors of the National laboratories and facilities. The report shall include any proposals for legislation considered necessary by the Secretary to fully implement the program.

SEC. 31 4. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) ADVOCACY FUNCTION.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a small business advocacy function that is organizationally independent of the procurement function at the National Laboratory or facility. The person or office vested with the small business advocacy function shall—

(1) work to increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurements, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or facility;

(2) report to the Director of the National Laboratory or facility on the actual participation of small business concerns in procurements and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurements and collaborative research, including how to submit effective proposals;

(4) increase the awareness inside the National Laboratory or facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern's products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

SEC. 31 5. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding each laboratory's policies and actions with respect to technology partnerships (including cooperative research and development agreement), patents, and technology licensing. Each ombudsman shall—

(1) be a senior official of the National Laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory, function as such a senior official; and

(2) have direct access to the Director of the National Laboratory or facility.

(b) DUTIES.—Each ombudsman shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the laboratory regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report, through the Director of the National Laboratory or facility, to the Department annually on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information.

(c) DUAL APPOINTMENT.—A person vested with the small business advocacy function of section 31 4 may also serve as the technology partnership ombudsman.

SEC. 31 6. STUDIES RELATED TO IMPROVING MISSION EFFECTIVENESS, PARTNERSHIPS, AND TECHNOLOGY TRANSFER AT NATIONAL LABORATORIES.

(a) STUDIES.—The Secretary shall direct the Laboratory Operations Board to study and report to him, not later than one year after the date of enactment of this section, on the following topics:

(1) the possible benefits from and need for policies and procedures to facilitate the transfer of scientific, technical, and professional personnel among National Laboratories and facilities; and:

(2) the possible benefits from and need for changes in—

(A) the indemnification requirements for patents or other intellectual property licensed from a National Laboratory or facility;

(B) the royalty and fee schedules and types of compensation that may be used for patents or other intellectual property licensed to a small business concern from a National Laboratory or facility;

(C) the licensing procedures and requirements for patents and other intellectual property, including allowing a preference for a small business concern started by a former employee of a National Laboratory or facility who invented the patented technology or other intellectual property;

(D) the rights given to a small business concern that has licensed a patent or other intellectual property from a National Laboratory or facility to bring suit against third parties infringing such intellectual property;

(E) the advance funding requirements for a small business concern funding a project at a National Laboratory or facility through a Funds-In-Agreement;

(F) the intellectual property rights allocated to a business when it is funding a project at a National Laboratory or facility through a Funds-In-Agreement; and

(G) policies on royalty payments to inventors employed by a contractor-operated National Laboratory or facility, including those for inventions made under a Funds-In-Agreement.

(b) DEFINITION.—For the purposes of this section, the term "Funds-In-Agreement" means a contract between the Department and a non-federal organization where that organization pays the Department to provide a service or material not otherwise available in the domestic private sector.

(c) REPORT TO CONGRESS.—Not later than one month after receiving the report under subsection (a), the Secretary shall transmit the report, along with his recommendations for action and proposals for legislation to implement the recommendations, to Congress.

SEC. 31 7. OTHER TRANSACTIONS AUTHORITY.

(a) NEW AUTHORITY.—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following new subsection:

"(g) OTHER TRANSACTIONS AUTHORITY.—(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research functions now or hereafter vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

"(2)(A) The Secretary of Energy shall ensure that—

"(i) to the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research being conducted under existing programs carried out by the Department of Energy; and

"(ii) to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

"(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

"(3)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-federal entity under paragraph (1) that is privileged and confidential.

"(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

"(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a federal agency.".

(b) IMPLEMENTATION.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions. Other transactions shall be made available, if needed, in order to implement projects funded under section 31 3.

SEC. 31 8. CONFORMANCE WITH NNSA ORGANIZATIONAL STRUCTURE.

All actions taken by the Secretary in carrying out this subtitle with respect to National Laboratories and facilities that are part of the NNSA shall be through the Administrator for Nuclear Security in accordance with the requirements of Title XXXII of National Defense Authorization Act for Fiscal Year 2000.

SEC. 31 9. ARCTIC ENERGY.

(a) ESTABLISHMENT.—There is hereby established within the Department of Energy an Office of Arctic Energy. The Director of the Office shall report to the Secretary of Energy.

(b) PURPOSE.—The purposes of the Office of Arctic Energy are—

(1) to promote research, development and deployment of electric power technology that is cost-effective and especially well suited to meet the needs of rural and remote regions of the United States, especially where permafrost is present or located nearby; and

(2) to promote research, development and deployment in such regions of—

(A) enhanced oil recovery technology, including heavy oil recovery, reinjection of carbon and extended reach drilling technologies;

(B) gas-to-liquids technology and liquefied natural gas (including associated transportation systems);

(C) small hydroelectric facilities, river turbines and tidal power;

(D) natural gas hydrates, coal bed methane, and shallow bed natural gas; and

(E) alternative energy, including wind, geothermal, and fuel cells.

(c) LOCATION.—The Secretary shall locate the Office of Arctic Energy at a university with special expertise and unique experience in the matters specified in paragraphs 1 and 2 of subsection b.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out activities under this section—

(1) $1,000,000 for the first fiscal year after the date of enactment of this section; and

(2) such sums as may be necessary for each fiscal year thereafter.

AUTHORITY FOR COMMITTEES TO MEET

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet during the session of the Senate on Friday, June 30, 2000, 9:30 a.m., for a hearing entitled "HUD's Government Insured Mortgages: The Problem of Property 'Flipping.' "

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2832—REAUTHORIZING THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

On June 29, 2000, Ms. SNOWE introduced S. 2832. The text of the bill follows:

S. 2832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Magnuson-Stevens Reauthorization Act of 2000".

TITLE I—REAUTHORIZATION AND REVISION

SEC. 101. AMENDMENT OF THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 4 (16 U.S.C. 1803) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) $400,000,000 for fiscal year 2000;

"(2) $415,000,000 for fiscal year 2001;

"(3) $430,000,000 for fiscal year 2002;

"(4) $445,000,000 for fiscal year 2003;

"(5) $460,000,000 for fiscal year 2004; and

"(6) $475,000,000 for fiscal year 2005.".

SEC. 103. POLICY.

Section 2(c) (16 U.S.C. 1081(c)) is amended—

(1) by striking "and" after the semicolon in paragraph (6);

(2) by striking "States." in paragraph (7) and inserting "States; and; and

(3) by adding at the end thereof the following:

"(8) to use the best scientific information available when making fisheries management and conservation decisions, meaning information that is collected and analyzed by a process that, to the extent practicable—

"(A) is directly related to the specific issue under consideration;

"(B) is based on a statistically sufficient sample such that any conclusions drawn are reasonably supported;

"(C) has been independently peer-reviewed;

"(D) has been collected within a time frame that is reasonably related to the specific issue under consideration; and

"(E) incorporates a broad base of available sources.".

SEC. 104. DEFINITIONS; NEW TERMS.

(a) NEW TERMS.—Section 3 (16 U.S.C. 1802) is amended as follows:

(1) HABITAT AREA OF PARTICULAR CONCERN.—After paragraph (18), insert the following:

"() The term 'habitat area of particular concern' means those waters and submerged substrate that form a discrete vulnerable subunit of essential fish habitat that is required for a stock to sustain itself and which is designated through a specified set of national criteria which includes, at a minimum, a requirement that designation be based on the best scientific information available regarding habitat-specific density of that fish stock, growth, reproduction, and survival rates of that stock within the designated area.".

(2) MAXIMUM SUSTAINABLE YIELD.—After paragraph (23), insert the following:

"() The term 'maximum sustainable yield' means the largest long-term average catch or yield in terms of weight of fish caught for commercial and recreational purposes that can be continuously taken from a stock under existing environmental conditions, and which is adjusted as environmental conditions change.".

(b) NUMERATION AND REDESIGNATION.—Section 3 (16 U.S.C. 1802), as amended by subsection (a), is amended—

(1) by moving paragraph (35) to follow paragraph (36); and

(2) by renumbering all paragraphs in numerical order from (1) through (47).

(c) REFERENCES IN OTHER LAW.—Whenever any other provision of law refers to a term defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) by its paragraph number and that paragraph was renumbered by subsection (b) of this section, the reference shall be considered to be a reference to the paragraph number given that paragraph under subsection (b) or subsequent amendment of that Act.

SEC. 105. ADVISORY COMMITTEE REFORM AND PEER REVIEW.

(a) REFORM.—Section 302(g) (16 U.S.C. 1852(g)) is amended—

(1) by adding at the end of paragraph (3) the following:

"(C) For each committee established under subparagraph (A), each Council shall establish standard operating procedures relating to time, place, and frequency of meetings, a description of the type and format of information to be provided under subparagraph (A), a description of how recommendations under subparagraph (A) will be used, and other relevant factors.";

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

"(5) Each Council shall establish standard operating procedures relating to the relevant scientific review committee or committees that are responsible for conducting peer reviews of all stock assessments and economic and social analyses prepared for fisheries under the Council's jurisdiction. Committees under this paragraph shall consist of members from the committee established under paragraph (1) of this subsection and, to the extent practicable, independent scientists qualified to peer review such assessments and analyses.".

(b) PEER REVIEW.—Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

"(6) to the extent practicable conduct a peer review of any stock assessments and economic and social analyses prepared for a fishery under its jurisdiction, utilizing the procedures established under subsection (g)(5); and".

SEC. 106. OVERFISHING AND REBUILDING.

(a) Rebuilding Overfished Fisheries.—Section 304(e) (16 U.S.C. 1854(e)) is amended—

(1) by striking "(1) The Secretary" in paragraph (1) and inserting "(1)(A) The Secretary";

(2) by inserting after "overfished." the following:

"The Secretary shall also identify which fisheries are managed under a fishery management plan or international agreement, and the estimated percentage of the total volume of all species in United States waters that are manged under a fishery management plan or international agreement."

(3) by striking the last sentence of paragraph (1) and inserting the following: "A fishery shall be classified as approaching a condition of being overfished if, based on the best scientific information available trends in fishing effort and fishery resource size and other appropriate factors, the Secretary estimates that the fishery will become overfished within 2 years.";

(4) by adding at the end of paragraph (1) the following:

"(B) If the Secretary determines that insufficient information is available on which to conclude that a fishery is approaching a condition of being overfished, the Secretary shall immediately notify the appropriate Council and within six months of such notification implement a research program, including cooperative research, designed to provide the information needed to determine whether or not the fishery is approaching a condition of being overfished.";

(5) by striking paragraph (2) and inserting the following:

"(2)(A) If the Secretary determines at any time that a fishery is overfished, the Secretary shall immediately notify the appropriate Council and request that action be taken to end overfishing and to implement conservation and management measures to rebuild the stock of fish.

"(B) If a fishery harvests more than one stock of fish, the fishery shall be managed as a unit and considered as a unit for purposes of this Act, and the conservation and management targets of this Act do not require that the fishery be managed on a stock-by-stock basis.

"(C) The Secretary shall publish each notice under this paragraph in the Federal Register.";

(6) striking clauses (i) and (ii) of paragraph (4) and inserting the following:

"(i) be as short as possible, taking into account the status and biology of any overfished stocks of fish, the need to minimize adverse social and economic impacts, including the cumulative impact of conservation and management measures on fishing communities, oceanographic and other environmental conditions that affect the stocks of fish, the interaction of the overfished stock of fish within the marine ecosystem, and be consistent with conservation and management measures adopted by an international organization in which the United States participates; and

"(ii) not exceed 10 years, except in cases where the biology of the stock of fish, or other environmental conditions dictate otherwise, or in cases where conservation and management measures adopted by an international organization in which the United States participates recommend otherwise."; and

(7) by striking "United States." in paragraph (4)(C) and inserting the following: "United States, and provide fair and equitable sharing of the management and conservation requirements among all contracting harvesters under such an agreement.".

(b) Atlantic Highly Migratory Species.—Section 304(g)(1) (16 U.S.C. 1854(g)(1)) is amended—

(1) by redesignating subparagraphs (A) through (G) as subparagraphs (B) through (H), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following:

"(A) consult with the commissioners appointed under section 971a of the Atlantic Tunas Convention Act (16 U.S.C. 971) during the preparation of plans, plan amendments, and regulations that implement recommendations of the International Commission for the Conservation of Atlantic Tunas to ensure that the implementation of such plans, plan amendments, and regulations is consistent with such recommendations.";

(3) by striking "commissioners and" in subparagraph (B), as so redesignated;

(4) by redesignating clauses (iii) and (iv) in subparagraph (H), as so redesignated, as clauses (v) and (vi), respectively, and inserting after clause (ii) the following:

"(iii) do not have the effect of increasing or decreasing any allocation or quota of fish or fishing mortality level to the United States agreed to pursuant to a recommendation of the International Commission for the Conservation of Atlantic Tunas;

"(iv) require comparable permitting, reporting, monitoring, and enforcement for all commercial and recreational fisheries;"; and

(5) by striking "species;" in subparagraph (G), as redesignated, and inserting "species and maintain the conservation leadership role of the United States through such measures;".

SEC. 107. OBSERVERS.

(a) In General.—Section 303 (16 U.S.C. 1853) is amended by adding at the end thereof the following:

"(e) Observer Programs.—

"(1) When establishing any new program under this Act which utilizes observers deployed on United States fishing vessels or in United States fish processing plants for purposes of monitoring the harvesting of fish and collecting scientific information, the Council with jurisdiction over the fishery (or in the case of a highly migratory species fishery, the Secretary) in which the observers will be deployed shall establish a set of goals and objectives, an implementation schedule for the program, and a statistically reliable method for achieving the goals and objectives.

"(2) The goals and objectives required under paragraph (1) shall take into account—

"(A) equity among the various harvesting and processing sectors in the fishery;

"(B) fair and equitable sharing of the costs of the program among participants in the fishery; and

"(C) that those fishing vessels and processing plants where observers are deployed are not put at a disadvantage with respect to other harvesters or processors in that fishery or in other fisheries.

"(3) Any system of fees established under this section shall provide that the total amount of fees collected under this section not exceed the combined cost of—

"(A) stationing observers on board fishing vessels and United States fish processors;

"(B) the actual cost of inputting collected data; and

"(C) less any amount received for such purpose from another source, including Federal funds.".

(b) Plan Requirement.—Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) by striking "and" at the end of paragraph (13);

(2) by striking "fishery." in paragraph (14) and inserting"fishery; and"; and

(3) by adding at the end thereof the following:

"(15) to the extent that observers are deployed on board United States fishing vessels or in United States fish processing plants under the provisions of a fishery management plan or regulations implementing a fishery management plan, comply with the goals and objectives required under subsection (e).".

SEC. 108. CUMULATIVE IMPACTS.

(a) National Standards.—Section 301(a)(8) (16 U.S.C. 1851(a)(8)) is amended to read as follows:

"(8) Conservation and management measures shall, consistent with the conservation requirements of this Act, take into account the importance of fishery resources to fishing communities, and the individual and cumulative economic and social impact of fishery conservation and management measures on such communities, in order to—

"(A) provide for the sustained participation of such communities; and

"(B) to the extent practicable, minimize adverse social and economic impacts on such communities.".

(b) Contents of Plans.—Section 303(a)(9) (16 U.S.C. 1853(a)(9)) is amended by striking "describe the likely effects, if any, of the conservation and management measures on—" and inserting "describe in detail the likely effects, including the individual and cumulative economic and social impacts, of the conservation and management measures on—".

SEC. 109. ESSENTIAL FISH HABITAT.

(a) Fishery Management Plans.—Section 303(a)(7) (16 U.S.C. 1853(a)(7)) is amended to read as follows:

"(7) describe and identify essential fish habitat and habitat areas of particular concern for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), and minimize to the extent practicable adverse effects on habitat areas of particular concern caused by fishing and identify other actions to encourage the conservation and enhancement of such habitat.".

(b) Fish Habitat Requirement.—Section 305(b)(1) (16 U.S.C. 1855) is amended by inserting "and habitat areas of particular concern" following "essential fish habitat" each time it appears in subparagraphs (A) and (B).

SEC. 110. REGIONAL FISHERY MANAGEMENT COUNCILS.

Section 302 (16 U.S.C. 1852) is amended—

(1) by inserting "and of the commonwealths, territories, and possessions of the United States in the Caribbean Sea" in subsection (a)(1)(D) after "States";

(2) by inserting "or disseminated by any other means that will result in wide publicity" in subsection (i)(2)(C) after "fishery)"; and

(3) by inserting "or notify the public through any other means that will result in wide publicity" in subsection (i)(3)(B) after "ports)".

SEC. 111. CONTENTS OF FISHERY MANAGEMENT PLANS.

Section 303(b)(7) (16 U.S.C. 1853(b)(7)) is amended by striking “(other than economic data)”.

SEC. 112. ACTION BY THE SECRETARY.

Section 304 (16 U.S.C. 1854) is amended—

(1) by inserting “and any proposed implementing regulations prepared under section 303(c)(1),” in subsection (a)(1) after “plan amendment,”;

(2) by redesignating subparagraphs (A) and (B) of subsection (a)(1) as subparagraphs (B) and (C), respectively;

(3) by inserting before subparagraph (B), as so redesignated, of subsection (a)(1) the following:

“(A) immediately make a preliminary evaluation of the management plan or amendment for purposes of deciding if it is consistent with the national standards and sufficient in scope and substance to warrant review under this subsection, and

“(i) if that decision is affirmative, implement subparagraphs (B) and (C) with respect to the plan or amendment; or

“(ii) if that decision is negative, disapprove the plan or amendment and notify the Council, in writing, of the disapproval and of those matters specified in paragraph (3)(A), (B), and (C) as they relate to the plan or amendment;”;

(4) striking subparagraph (C), as so redesignated, of subsection (a)(1) and inserting the following:

“(C) by the 15th day following transmittal of the plan and proposed implementing regulations, publish in the Federal Register—

“(i) a notice stating that the plan or amendment is available and that written data, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 50-day period beginning on the date the notice is published; and

“(ii) any proposed implementing regulations that are consistent with the fishery management plan or amendment, this Act, and other applicable law, for a comment period of 50 days (incorporating any technical changes to the Council's proposed regulations the Secretary believes to be necessary for clarity, together with an explanation of those changes).”;

(5) by striking “section 303(c),” in subsection (b)(1) and inserting “section 303(c)(2),”;

(6) by striking “if that determination is affirmative, the Secretary shall” in subsection (b)(1)(A) and inserting “if the Secretary determines that the regulations are consistent, the Secretary shall, within 15 days of transmittal,”;

(7) by striking “if that determination is negative, the Secretary shall” in subsection (b)(1)(B) and inserting “if the Secretary determines that the regulations are not consistent, the Secretary shall, within 15 days of transmittal,”; and

(8) by striking “paragraph (1)(A).” in subsection (b)(3) and inserting “paragraph (1)(A), and within 45 days after the end of the comment period under subsection (a)(1)(C).”.

SEC. 113. INFORMATION COLLECTION.

Section 402 (16 U.S.C. 1881a) is amended—

(1) by striking “(other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations)” each place it appears in subsection (a);

(2) by striking “under this Act shall be confidential and shall not be disclosed,” in subsection (b)(1) and inserting “under this Act, and that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations, shall be kept confidential and not disclosed for a period of 20 years following the year of submission to the Secretary,”; and

(3) by striking “under this Act,” in subsection (b)(2) and inserting “under this Act, and that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations,”.

SEC. 114. COOPERATIVE RESEARCH AND MANAGEMENT.

The Act is amended by adding at the end thereof the following:

“TITLE V—COOPERATIVE RESEARCH AND MANAGEMENT

“SEC. 501. ESTABLISHMENT OF PROGRAM.

“(a) IN GENERAL.—The Secretary shall establish a national cooperative research and management program to be administered by the National Marine Fisheries Service, based on recommendations by the Councils. The program shall consist of cooperative research and management activities between fishing industry participants, the affected States, and the Service.

“(b) RESEARCH AWARDS.—Each research project under this program shall be awarded on a standard competitive basis established by the Service, in consultation with the Councils. Each Council shall establish a research steering committee to carry out this subsection.

“(c) GUIDELINES.—The Secretary, in consultation with the appropriate Council and the fishing industry, shall create guidelines so that participants in this program are not penalized for loss of catch history or unexpended days-at-sea as part of a limited entry system.”.

“SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the National Marine Fisheries Service, in addition to amounts otherwise authorized by this Act, the following amounts, to remain available until expended, for the conduct of this program:

“(1) $15,000,000 for fiscal year 2001.

“(2) $20,000,000 for fiscal year 2002.

“(3) $25,000,000 for fiscal year 2003.

“(4) $30,000,000 for fiscal year 2004.

“(5) $35,000,000 for fiscal year 2005.”.

SEC. 115. INDIVIDUAL FISHING QUOTAS.

Section 303(d)(1)(A) is amended by striking “before October 1, 2000,” and inserting “before October 1, 2003,”.

SEC. 116. COOPERATIVE ENFORCEMENT AGREEMENTS.

Titile III is amended by adding at the end thereof the following:

“SEC. 315. COOPERATIVE ENFORCEMENT USES.

“(a) IN GENERAL.—The Governor of a State represented on an Interstate Fisheries Commission may apply to the Secretary for execution of a cooperative enforcement agreement with the Secretary that will authorize the deputization of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary relating to law enforcement provisions under this Act or any other marine resource laws enforced by the Secretary. Upon receiving an application meeting the requirements of this section, the Secretary shall enter into the cooperative enforcement agreement with the requesting State.

“(b) REQUIREMENTS.—Cooperative enforcement agreements executed under subsection (a)—

“(1) shall be consistent with the purposes and intent of section 311(a) of this Act, to the extent applicable to the regulated activities; and

“(2) may include specifications for joint management responsibilities as provided by the first section of Public Law 91-412 (15 U.S.C. 1525).

“(c) AUTHORIZATION AND ALLOCATION OF FUNDS.—There are authorized to be appropriated to the Secretary for the purposes of carrying out this section $10,000,000 in each of fiscal years 2001 through 2005. The Secretary shall include in each cooperative enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be equitably distributed among all States participating in cooperative enforcement agreements under this subsection, based upon consideration of the specific marine conservation enforcement needs of each participating State. Such agreement may provide for amounts to be withheld by the Secretary for the cost of any technical or other assistance provided to the State by the Secretary under the agreement.”.

SEC. 117. STATEMENT OF POLICY REGARDING DELEGATION.

Section 2(c) (16 U.S.C. 1801(c)) is amended—

(1) by striking “and” after the semicolon in paragraph (6);

(2) by striking “States.” in paragraph (7) and inserting “States; and”; and

(3) by adding at the end thereof the following:

“(8) to ensure that, notwithstanding any other provision of law, the Secretary has exclusive authority in the Federal Government for managing fishery resources (as defined in this Act), but the Secretary may delegate such authority to any other Federal official.”.

SEC. 118. SCIENTIFIC AND STATISTICAL COMMITTEES REPORT ON ECOSYSTEM RESEARCH PRIORITIES; PILOT PROGRAM FOR FISHERY ECOSYSTEM PLANS.

Section 406 (16 U.S.C. 1882) is amended by adding at the end thereof the following:

“(f) RESEARCH.—

“(1) REPORT REQUIRED.—Within 12 months after the date of enactment of the Magnuson-Stevens Reauthorization Act of 2000 the Scientific and Statistical Committees of each regional fishery management council shall identify and submit a report to the Secretary outlining prioritized information or research needs to support ecosystem based management of the fisheries within its jurisdiction. In determining what factors to consider, the Committees may consider the recommendations outlined in the report under section (d).

“(2) ASSISTANCE.—The Secretary shall provide assistance to the regional councils to obtain the prioritized information and conduct research identified in the reports under paragraph (1). These efforts shall not displace existing research efforts and priorities identified by the regional councils or the Secretary.

“(g) PILOT PROGRAM.—

“(1) IN GENERAL.—Within 18 months after the date of enactment of the Magnuson-Stevens Reauthorization Act of 2000, the Secretary, in consultation with the 8 regional fishery management council Chairs and affected stakeholders, shall identify at least one fishery or complex of interacting fisheries suitable for the development of a pilot Fishery Ecosystem Plan. The Secretary shall consider the reports submitted under subsection (f) when selecting the pilot program.

“(2) COORDINATION WITH APPROPRIATE COUNCIL.—After identifying the pilot Fishery Ecosystem Plan, the Secretary shall coordinate with the appropriate regional fishery management council to identify any information or conduct any research that may be needed to complete such a plan including a model of the food web, habitat needs of organisms identified in the food web, rates of mortality, identification of indicator species, and any other relevant data and monitoring needs.

"(3) FISHERY ECOSYSTEM PLAN.—Within 30 months after identification of the pilot fishery or complex of interacting fisheries, the appropriate regional fishery management council shall submit to the Secretary for approval a Fishery Ecosystem Plan. In creating such plan, the council may consider the recommendations outlined in the report under section (d).".

TITLE II—SHARK CONSERVATION

SEC. 201. PROHIBITION ON SHARK-FINNING AND THE LANDING OF SHARK FINS TAKEN BY SHARK-FINNING.

(a) IN GENERAL.—Section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) is amended—

(1) by inserting "(a) IN GENERAL.—" before "It is unlawful—";

(2) by striking "or" after the semicolon in subparagraph (N);

(3) by striking the period in subparagraph (O) and inserting a semicolon and "or"; and

(4) by adding at the end the following:

"(P) to engage in shark-finning, or to land the fins of a shark that were taken by shark-finning.

"(b) SHARK-FINNING PRESUMPTION.—For purposes of subsection (a)(1)(P), there is a rebuttable presumption that shark fins landed from a fishing vessel or found on board a fishing vessel were taken by shark-finning.".

(b) DEFINITION ADDED TO ACT.—Section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802), as amended by section 103, is amended—

(1) by redesignating paragraphs (38) through (48), and any reference to any such paragraph elsewhere in that Act, as paragraphs (39) through (49); and

(2) by inserting after paragraph (37) the following:

"(38) The term 'shark-finning' means the taking of a shark, removing the fin or fins (whether or not including the tail), and returning the remainder of the shark to the sea.".

SEC. 202. REGULATIONS.

No later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall promulgate regulations implementing the prohibition set forth in section 307(a)(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(a)(1)(P)) that—

(1) establish shark fin landing requirements that consider species identification needs, shark processing methods, and the nature and availability of markets for shark products in the region in which the shark fins are landed;

(2) contain procedures governing release of sharks caught but not retained by a fishing vessel that will ensure maximum probability of survival of sharks after release;

(3) contain documentation and other requirements necessary to assure the timely and adequate collection of data to support shark stock assessments and conservation enforcement efforts; and

(4) set forth the facts and circumstances under which a person may rebut the presumption established by section 307(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(b), including the use of documentation provided through applicable fisheries observer programs and dockside inspection.

SEC. 203. INTERNATIONAL NEGOTIATIONS.

The Secretary of Commerce, acting through the Secretary of State, may with respect to the fishing practices on highly migratory sharks governed by regulations promulgated by the Secretary of Commerce pursuant to section 202 of this title—

(1) notify other nations whose vessels engage in fishing on highly migratory sharks, as soon as possible, about the import certification procedures and regulations under section of this title, as well as the international cooperation and assistance provisions of section 204;

(2) initiate discussions as soon as possible for purpose of developing bilateral or multilateral agreements with other nations to conserve and manage highly migratory sharks, which should include provisions prohibiting shark-finning and minimizing adverse effects of commercial fishing operations on species of highly migratory sharks;

(3) provide to the Congress, by not later than 1 year after the date of enactment of this Act, and every year thereafter, a full report which—

(A) includes a list of nations whose vessels conduct shark-finning or commercial fishing operations which may adversely affect highly migratory shark species;

(B) describes the efforts taken to carry out this title and evaluates the progress of those efforts;

(C) includes a determination as to whether the importation into the United States of sharks and shark products (including fins) is adversely affecting the effectiveness of national and international measures for the conservation of highly migratory sharks; and

(D) includes recommendations for measures to ensure that United States actions are consistent with national, international, and regional obligations relating to highly migratory shark populations, including those listed under the Convention on the International Trade in Endangered Species.

SEC. 204. IMPORT CERTIFICATION.

(a) IN GENERAL.—If the Secretary of Commerce, after consultation with the Secretary of State, determines that the importation of sharks or shark products into the United States is adversely affecting the effectiveness of national and international measures for the conservation of highly migratory sharks, then the Secretary shall report that determination to the Congress and establish a procedure, consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, and including notice and an opportunity for comment by the governments of nations listed by the Secretary under paragraph (6) of section 203, for determining whether those governments—

(1) have adopted regulatory programs governing shark-finning and other harvesting practices adversely affecting highly migratory sharks that are comparable, taking into account different conditions, to those of the United States;

(2) have established management plans governing release of highly migratory species of sharks caught but not retained by fishing vessels that ensure maximum probability of survival after release; and

(3) have established a management plan containing requirements that will assist in gathering species-specific data to support international and regional shark stock assessments and conservation enforcement efforts.

(b) CERTIFICATION PROCEDURE.—

(1) IN GENERAL.—The Secretary shall determine, on the basis of the procedure under subsection (a), and certify to the Congress not later than 90 days after promulgation of the regulations under section 202, and annually thereafter whether the government of each harvesting nation—

(A) has provided documentary evidence of the adoption of a regulatory program governing shark-finning and the conservation of highly migratory sharks that is comparable, taking into account different conditions, to that of the United States;

(B) has established a management plan governing release of highly migratory species of sharks caught but not retained by a fishing vessel that will ensure maximum probability of survival of after release; and

(C) has established a management plan containing requirements that will assist in gathering species-specific data to support international and regional shark stock assessments and conservation enforcement efforts.

(2) ALTERNATIVE PROCEDURE.—The Secretary shall establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of imports of highly migratory sharks or products (including fins) from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that such imports were harvested by practices that—

(A) do not adversely affect highly migratory sharks;

(B) include release of highly migratory species of sharks caught but not retained by such vessel in a manner that ensures maximum probability of survival after release;

(C) include the gathering of species-specific data that can be used to support international and regional shark stock assessments and conservation efforts; or

(D) are consistent with harvesting practices comparable, taking into account the circumstances, to those of the United States.

(c) UNCERTIFIED IMPORTS.—It is unlawful to import highly migratory sharks or products (including fins) which have been harvested by the practice of shark-finning or other commercial fishing practices that may affect adversely such populations of sharks more than 90 days after promulgation of the regulations under section 202 if such sharks or products were harvested by a vessel of a harvesting nation not certified under subsection (b)(1) unless that vessel is certified under subsection (b)(2).

(d) REINSTATEMENT OF UNCERTIFIED COUNTRY STATUS.—If the Secretary fails to make the annual certification required by subsection (b)(1) with respect to a country previously certified under that subsection, and except as provided in subsection (b)(2), then subsection (c) shall apply to imports of highly migratory sharks or products (including fins) harvested by vessels of that nation beginning 90 days after the date in any year on which the Secretary fails to make the scheduled annual certification required by subsection (b).

SEC. 205. SHARK-FINNING DEFINED.

For the purposes of this title, the term "shark-finning" means the taking of a shark, removing the fin or fins (whether or not including the tail), and returning the remainder of the shark to the sea.

SEC. 206. INTERNATIONAL COOPERATION AND ASSISTANCE.

To the greatest extent possible consistent with existing authority and the availability of funds, the Secretary of Commerce shall—

(1) provide appropriate technological and other assistance to nations listed under paragraph (6) of section 203 and regional or international organizations of which those

nations are members to assist those nations in qualifying for certification under section 204(b)(1);

(2) undertake, where appropriate, cooperative research activities on species statistics and improved harvesting techniques, with those nations or organizations;

(3) encourage and facilitate the transfer of appropriate technology to those nations or organizations to assist those nations in qualifying for certification under section 204(b)(1); and

(4) provide assistance to those nations or organizations in designing and implementing appropriate shark harvesting plans.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENTS NOS. 3740 THROUGH 3757, AND NO. 3624, EN BLOC

Mr. WARNER. Mr. President, the distinguished colleague, Mr. LEVIN, and I have been working with our leadership, and we now have cleared amendments.

I send a series of amendments to the desk which have been cleared by the ranking member and myself. Therefore, I ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid upon the table, and, finally, that any statements relating to any of these individual amendments be printed in the RECORD.

Mr. LEVIN. Mr. President, we have no objection to this package. We support it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3740 through 3757, and No. 3624) were agreed to en bloc, as follows:

AMENDMENT NO. 3740

(Purpose: To set aside funds for the industrial mobilization capacity at Army ammunition facilities and arsenals that are government owned, government operated)

On page 58, between lines 7 and 8, insert the following:

SEC. 313. INDUSTRIAL MOBILIZATION CAPACITY AT GOVERNMENT-OWNED, GOVERNMENT-OPERATED ARMY AMMUNITION FACILITIES AND ARSENALS.

Of the amount authorized to be appropriated under section 301(1), $51,280,000 shall be available for funding the industrial mobilization capacity at Army ammunition facilities and arsenals that are government owned, government operated.

AMENDMENT NO. 3741

(Purpose: To express the Sense of the Senate on the modernization of Air National Guard F-16A units)

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE RESOLUTION ON THE MODERNIZATION OF AIR NATIONAL GUARD F-16A UNITS

(a) FINDINGS.—Congress finds that—

(1) Certain U.S. Air Force Air National Guard fighter units are flying some of the world's oldest and least capable F-16A aircraft which are approaching the end of their service lives.

(2) The aircraft are generally incompatible with those flown by the active force and therefore cannot be effectively deployed to theaters of operation to support contingencies and to relieve the high operations tempo of active duty units.

(3) The Air Force has specified no plans to replace these obsolescent aircraft before the year 2007 at the earliest.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings—

(1) The Air Force should, by February 1, 2001, provide Congress with a plan to modernize and upgrade the combat capabilities of those Air National Guard units that are now flying F-16As so they can deploy as part of Air Expeditionary Forces and assist in relieving the high operations tempo of active duty units.

AMENDMENT NO. 3742

(Purpose: To substitute a requirement for a report on the Department of Defense process for decisionmaking in cases of false claims)

Strike the matter proposed to be inserted and insert the following:

SEC. 1061. DEPARTMENT OF DEFENSE PROCESS FOR DECISIONMAKING IN CASES OF FALSE CLAIMS.

Not later than February 1, 2001, the Secretary of Defense shall submit to Congress a report describing the policies and procedures for Department of Defense decisionmaking on issues arising under sections 3729 through 3733 of title 31, United States Code, in cases of claims submitted to the Department of Defense that are suspected or alleged to be false. The report shall include a discussion of any changes that have been made in the policies and procedures since January 1, 2000.

AMENDMENT NO. 3743

(Purpose: To modify the authority relating to the information security scholarship program)

On page 380, strike line 4 and all that follows through page 385, line 8, and insert the following:

SEC. 1042. INFORMATION SECURITY SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—(1) Part III of subtitle A of title 10, United States Code, is amended by adding at the end the following:

"CHAPTER 112—INFORMATION SECURITY SCHOLARSHIP PROGRAM

"Sec.
"2200. Programs; purpose.
"2200a. Scholarship program.
"2200b. Grant program.
"2200c. Centers of Academic Excellence in Information Assurance Education.
"2200d. Regulations.
"2200e. Definitions.
"2200f. Inapplicability to Coast Guard.

"§ 2200. Programs; purpose

"(a) IN GENERAL.—To encourage the recruitment and retention of Department of Defense personnel who have the computer and network security skills necessary to meet Department of Defense information assurance requirements, the Secretary of Defense may carry out programs in accordance with this chapter to provide financial support for education in disciplines relevant to those requirements at institutions of higher education.

"(b) TYPES OF PROGRAMS.—The programs authorized under this chapter are as follows:

"(1) Scholarships for pursuit of programs of education in information assurance at institutions of higher education.

"(2) Grants to institutions of higher education.

"§ 2200a. Scholarship program

"(a) AUTHORITY.—The Secretary of Defense may, subject to subsection (g), provide financial assistance in accordance with this section to a person pursuing a baccalaureate or advanced degree in an information assurance discipline referred to in section 2200(a) of this title at an institution of higher education who enters into an agreement with the Secretary as described in subsection (b).

"(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—(1) To receive financial assistance under this section—

"(A) a member of the armed forces shall enter into an agreement to serve on active duty in the member's armed force for the period of obligated service determined under paragraph (2);

"(B) an employee of the Department of Defense shall enter into an agreement to continue in the employment of the department for the period of obligated service determined under paragraph (2); and

"(C) a person not referred to in subparagraph (A) or (B) shall enter into an agreement—

"(i) to enlist or accept a commission in one of the armed forces and to serve on active duty in that armed force for the period of obligated service determined under paragraph (2); or

"(ii) to accept and continue employment in the Department of Defense for the period of obligated service determined under paragraph (2).

"(2) For the purposes of this subsection, the period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for the financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title. In no event may the period of service required of a recipient be less than the period equal to ¾ of the total period of pursuit of a degree for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty or in the civil service, as the case may be.

"(3) An agreement entered into under this section by a person pursuing an academic degree shall include clauses that provide the following:

"(A) That the period of obligated service begins on a date after the award of the degree that is determined under the regulations prescribed under section 2200d of this title.

"(B) That the person will maintain satisfactory academic progress, as determined in accordance with those regulations, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the person under this section.

"(C) Any other terms and conditions that the Secretary of Defense determines appropriate for carrying out this section.

"(c) AMOUNT OF ASSISTANCE.—The amount of the financial assistance provided for a person under this section shall be the amount determined by the Secretary of Defense as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

"(d) USE OF ASSISTANCE FOR SUPPORT OF INTERNSHIPS.—The financial assistance for a person under this section may also be provided to support internship activities of the person at the Department of Defense in periods between the academic years leading to the degree for which assistance is provided the person under this section.

"(e) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) A person who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (b) shall refund to the United States an amount determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary of Defense may waive, in whole or in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(f) EFFECT OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under subsection (e).

"(g) ALLOCATION OF FUNDING.—Not less than 50 percent of the amount available for financial assistance under this section for a fiscal year shall be available only for providing financial assistance for the pursuit of degrees referred to in subsection (a) at institutions of higher education that have established, improved, or are administering programs of education in information assurance under the grant program established in section 2200b of this title, as determined by the Secretary of Defense.

"§ 2200b. Grant program

"(a) AUTHORITY.—The Secretary of Defense may provide grants of financial assistance to institutions of higher education to support the establishment, improvement, or administration of programs of education in information assurance disciplines referred to in section 2200(a) of this title.

"(b) PURPOSES.—The proceeds of grants under this section may be used by an institution of higher education for the following purposes:

"(1) Faculty development.

"(2) Curriculum development.

"(3) Laboratory improvements.

"(4) Faculty research in information security.

"§ 2200c. Centers of Academic Excellence in Information Assurance Education

"In the selection of a recipient for the award of a scholarship or grant under this chapter, consideration shall be given to whether—

"(1) in the case of a scholarship, the institution at which the recipient pursues a degree is a Center of Academic Excellence in Information Assurance Education; and

"(2) in the case of a grant, the recipient is a Center of Academic Excellence in Information Assurance Education.

"§ 2200d. Regulations

"The Secretary of Defense shall prescribe regulations for the administration of this chapter.

"§ 2200e. Definitions

"In this chapter:

"(1) The term 'information assurance' includes the following:

"(A) Computer security.

"(B) Network security.

"(C) Any other information technology that the Secretary of Defense considers related to information assurance.

"(2) The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(3) The term 'Center of Academic Excellence in Information Assurance Education' means an institution of higher education that is designated as a Center of Academic Excellence in Information Assurance Education by the Director of the National Security Agency.

"§ 2200f. Inapplicability to Coast Guard

"This chapter does not apply to the Coast Guard when it is not operating as a service in the Navy.".

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 111 the following:

"112. Information Security Scholarship Program .... 2200".

(b) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $20,000,000 shall be available for carrying out chapter 112 of title 10, United States Code (as added by subsection (a)).

(c) REPORT.—Not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a plan for implementing the programs under chapter 112 of title 10, United States Code.

AMENDMENT NO. 3744

(Purpose: To provide for adjustments in the threshold requirement for the submission of a reports on exports of computers to Tier III countries)

On page 610, between lines 13 and 14, insert the following:

SEC. 3178. ADJUSTMENT OF THRESHOLD REQUIREMENT FOR SUBMISSION OF REPORTS ON ADVANCED COMPUTER SALES TO TIER III FOREIGN COUNTRIES.

Section 3157 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2045) is amended by adding at the end the following:

"(e) ADJUSTMENT OF PERFORMANCE LEVELS.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for purposes of subsection (a) of this section in lieu of the level set forth in subsection (a).".

AMENDMENT NO. 3745

(Purpose: To add $18,900,000 for Defense-wide procurement for the procurement of probes for aerial refueling of, and for the procurement and integration of internal, auxiliary, 200-gallon fuel tanks for, MH–60 aircraft for the United States Special Operations Command; and to offset that increase by reducing by $18,900,000 the amount for the Army for other procurement for the family of medium tactical vehicles)

On page 18, line 4, strike "$2,184,608,000" and insert "$2,203,508,000".

On page 16, line 22, strike "$4,068,570,000" and insert "$4,049,670,000".

AMENDMENT NO. 3746

(Purpose: To increase the authorization of appropriation for the Army for RDT&E by $40,000,000 in order to fund the development and execution of the plan for comparing costs and operational effectiveness of medium armored combat vehicles; and to offset that amount by reducing the authorization of appropriation for the Air Force for RDT&E for the extended range cruise missile by $40,000,000)

On page 33, line 10, strike "$5,461,946,000" and insert "$5,501,946,000".

On page 33, line 12, strike "$13,927,836,000" and insert "$13,887,836,000".

On page 48, between lines 20 and 21, insert the following:

SEC. 222. FUNDING FOR COMPARISONS OF MEDIUM ARMORED COMBAT VEHICLES.

Of the amount authorized to be appropriated under section 201(1), $40,000,000 shall be available for the advanced tank armament system program for the development and execution of the plan for comparing costs and operational effectiveness of medium armored combat vehicles required under section 112(b).

AMENDMENT NO. 3747

(Purpose: To provide a two-year extension in the authority to engage in commercial activities as security for intelligence collection activities)

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended in the second sentence by striking "December 31, 2000" and inserting "December 31, 2002".

AMENDMENT NO. 3624

(Purpose: To state the sense of Congress regarding land transfers at Melrose Range, New Mexico, and Yakima Training Center, Washington)

On page 546, after line 13, add the following:

SEC. 2882. SENSE OF CONGRESS REGARDING LAND TRANSFERS AT MELROSE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of the Air Force seeks the transfer of 6,713 acres of public domain land within the Melrose Range, New Mexico, from the Department of the Interior to the Department of the Air Force for the continued use of these lands as a military range.

(2) The Secretary of the Army seeks the transfer of 6,640 acres of public domain land within the Yakima Training Center, Washington, from the Department of the Interior to the Department of the Army for military training purposes.

(3) The transfers provide the Department of the Air Force and the Department of the Army with complete land management control of these public domain lands to allow for effective land management, minimize safety concerns, and ensure meaningful training.

(4) The Department of the Interior concurs with the land transfers at Melrose Range and Yakima Training Center.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the land transfers at Melrose

Range, New Mexico, and Yakima Training Center, Washington, will support military training, safety, and land management concerns on the lands subject to transfer.

AMENDMENT NO. 3749

(Purpose: To provide for the construction of an operations office complex for the National Nuclear Security Administration)

On page 586, following line 20, add the following:

SEC. 3138. CONSTRUCTION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION OPERATIONS OFFICE COMPLEX.

(a) AUTHORITY FOR DESIGN AND CONSTRUCTION.—Subject to subsection (b), the Administrator of the National Nuclear Security Administration may provide for the design and construction of a new operations office complex for the National Nuclear Security Administration in accordance with the feasibility study regarding such operations office complex conducted under the National Defense Authorization Act for Fiscal Year 2000.

(b) LIMITATION.—The Administrator may not exercise the authority in subsection (a) until the later of—

(1) 30 days after the date on which the plan required by section 3135(a) is submitted to the Committees on Armed Services of the Senate and House of Representatives under that section; or

(2) the date on which the Administrator certifies to Congress that the design and construction of the complex in accordance with the feasibility study is consistent with the plan required by section 3135(a).

(c) BASIS OF AUTHORITY.—The design and construction of the operations office complex authorized by subsection (a) shall be carried out through one or more energy savings performance contracts (ESPC) entered into under this section and in accordance with the provisions of title VIII of the National Energy Policy Conservation Act (42 U.S.C. 8287 et seq.).

(d) PAYMENT OF COSTS.—Amounts for payments of costs associated with the construction of the operations office complex authorized by subsection (a) shall be derived from energy savings and ancillary operation and maintenance savings that result from the replacement of a current Department of Energy operations office complex (as identified in the feasibility study referred to in subsection (a)) with the operations office complex authorized by subsection (a).

AMENDMENT NO. 3750

(Purpose: To make available $400,000 for a conceptual design for a Subsurface Geosciences Laboratory at Idaho National Engineering Laboratory, Idaho Falls, Idaho)

On page 603, between lines 18 and 19, insert the following:

SEC. . CONCEPTUAL DESIGN FOR SUBSURFACE GEOSCIENCES LABORATORY AT IDAHO NATIONAL ENGINEERING AND ENVIRONMENTAL LABORATORY, IDAHO FALLS, IDAHO.

(a) AUTHORIZATION.—Of the amounts authorized to be appropriated by paragraphs (2) and (3) of section 3102(a), not more than $400,000 shall be available to the Secretary of Energy for purposes of carrying out a conceptual design for a Subsurface Geosciences Laboratory at Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho.

(b) LIMITATION.—None of the funds authorized to be appropriated by section (a) may be obligated until 60 days after the Secretary submits the report required by section (c).

(c) REPORT.—The Secretary of Energy shall submit to the congressional defense committees a report on the proposed Subsurface Geosciences Laboratory, including the following:

(1) The need to conduct mesoscale experiments to meet long-term clean-up requirements at Department of Energy sites.

(2) The possibility of utilizing or modifying an existing structure or facility to house a new mesoscale experimental capability.

(3) The estimated construction cost of the facility.

(4) The estimated annual operating cost of the facility.

(5) How the facility will utilize, integrate, and support the technical expertise, capabilities, and requirements at other Department of Energy and non-Department of Energy facilities.

(6) An analysis of costs, savings, and benefits which are unique to the Idaho National Engineering and Environmental Laboratory.

Mr. CRAPO. Mr. President, I rise today to offer an amendment to the Fiscal Year 2001 Defense Authorization Act to authorize the conceptual design of a Subsurface Geoscience Laboratory at the Idaho National Engineering and Environmental Laboratory. As many of my colleagues know, money for environmental cleanup is in short supply. The options for addressing cleanup funding shortfalls are limited to taking funds from other programs to support environmental cleanup, not doing the cleanup, or putting money into research, development, science, and technology to make environmental cleanup cheaper and more efficient. This amendment and the Subsurface Geoscience Laboratory addresses the latter of these options.

The Subsurface Geoscience Laboratory would be located at the INEEL which, as the load laboratory for the Environmental Management program within DOE, is the natural location for this facility. In addition, the capabilities and core competencies of the INEEL are a good fit with the subsurface science needs of the nation. I say the nation because, although this facility would be located in Idaho, the solution developed would be applicable to DOE sites across the nation. The solutions developed would also be applicable outside of the DOE, in fact, anywhere environmental contaminants threaten subsurface water supplies. The $400,000 authorized by this amendment for conceptual design of the Subsurface Geoscience Laboratory is an important first step to developing the scientific and technical tools needed to solve environmental cleanup problems. I urge my colleagues to support this amendment.

AMENDMENT NO. 3751

(Purpose: To assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes)

(The amendment is printed in Today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 3752

(Purpose: To add funds for the procurement of the anti-personnel obstacle breaching system; and to provide an offset)

On page 17, line 17, strike "$496,749,000" and insert "$500,749,000".

On page 31, between lines 18 and 19, insert the following:

SEC. 126. ANTI-PERSONNEL OBSTACLE BREACHING SYSTEM.

Of the total amount authorized to be appropriated under section 102(c), $4,000,000 is available only for the procurement of the anti-personnel obstacle breaching system.

On page 54, line 16, strike "$11,973,569,000" and insert "$11,969,569,000".

AMENDMENT NO. 3753

(Purpose: To authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards)

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"SEC. 33. FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT.

"(a) DEFINITION OF FIREFIGHTING PERSONNEL.—In this section, the term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

"(b) ASSISTANCE PROGRAM.—

"(1) AUTHORITY.—In accordance with this section, the Director may—

"(A) make grants on a competitive basis to fire departments for the purpose of protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards; and

"(B) provide assistance for fire prevention programs in accordance with paragraph (4).

"(2) ESTABLISHMENT OF OFFICE FOR ADMINISTRATION OF ASSISTANCE.—Before providing assistance under paragraph (1), the Director shall establish an office in the Federal Emergency Management Agency that shall have the duties of establishing specific criteria for the selection of recipients of the assistance, and administering the assistance, under this section.

"(3) USE OF FIRE DEPARTMENT GRANT FUNDS.—The Director may make a grant under paragraph (1)(A) only if the applicant for the grant agrees to use the grant funds—

"(A) to hire additional firefighting personnel;

"(B) to train firefighting personnel in firefighting, emergency response, arson prevention and detection, or the handling of hazardous materials, or to train firefighting personnel to provide any of the training described in this subparagraph;

"(C) to fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies;

"(D) to certify fire inspectors;

"(E) to establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel can carry out their duties;

"(F) to fund emergency medical services provided by fire departments;

"(G) to acquire additional firefighting vehicles, including fire trucks;

“(H) to acquire additional firefighting equipment, including equipment for communications and monitoring;

“(I) to acquire personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration, and other personal protective equipment for firefighting personnel;

“(J) to modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel;

“(K) to enforce fire codes;

“(L) to fund fire prevention programs; or

“(M) to educate the public about arson prevention and detection.

“(4) FIRE PREVENTION PROGRAMS.—

“(A) IN GENERAL.—For each fiscal year, the Director shall use not less than 10 percent of the funds made available under subsection (c)—

“(i) to make grants to fire departments for the purpose described in paragraph (3)(L); and

“(ii) to make grants to, or enter into contracts or cooperative agreements with, national, State, local, or community organizations that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities, for the purpose of carrying out fire prevention programs.

“(B) PRIORITY.—In selecting organizations described in subparagraph (A)(ii) to receive assistance under this paragraph, the Director shall give priority to organizations that focus on prevention of injuries to children from fire.

“(5) APPLICATION.—The Director may provide assistance to a fire department or organization under this subsection only if the fire department or organization seeking the assistance submits to the Director an application in such form and containing such information as the Director may require.

“(6) MATCHING REQUIREMENT.—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to match with an equal amount of non-Federal funds 10 percent of the assistance received under this subsection for any fiscal year.

“(7) MAINTENANCE OF EXPENDITURES—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to maintain in the fiscal year for which the assistance will be received the applicant's aggregate expenditures for the uses described in paragraph (3) or (4) at or above the average level of such expenditures in the 2 fiscal years preceding the fiscal year for which the assistance will be received.

“(8) REPORT TO THE DIRECTOR.—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to submit to the Director a report, including a description of how the assistance was used, with respect to each fiscal year for which the assistance was received.

“(9) VARIETY OF FIRE DEPARTMENT GRANT RECIPIENTS.—The Director shall ensure that grants under paragraph (1)(A) for a fiscal year are made to a variety of fire departments, including, to the extent that there are eligible applicants—

“(A) paid, volunteer, and combination fire departments;

“(B) fire departments located in communities of varying sizes; and

“(C) fire departments located in urban, suburban, and rural communities.

“(10) LIMITATION ON EXPENDITURES FOR FIREFIGHTING VEHICLES.—The Director shall ensure that not more than 25 percent of the assistance made available under this subsection for a fiscal year is used for the use described in paragraph (3)(G).

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Director—

“(A) $100,000,000 for fiscal year 2001;

“(B) $200,000,000 for fiscal year 2002;

“(C) $400,000,000 for fiscal year 2003;

“(D) $600,000,000 for fiscal year 2004;

“(E) $800,000,000 for fiscal year 2005; and

“(F) $1,000,000,000 for fiscal year 2006.

“(2) LIMITATION ON ADMINISTRATIVE COSTS.—Of the amounts made available under paragraph (1) for a fiscal year, the Director may use not more than 10 percent for the administrative costs of carrying out this section.”.

AMENDMENT NO. 3754

(Purpose: To increase the amount available for close-in weapon system overhauls by $10,000,000)

On page 58, between lines 7 and 8, insert the following:

SEC. 313. CLOSE-IN WEAPON SYSTEM OVERHAULS.

Of the total amount authorized to be appropriated by section 301(2), $391,806,000 is available.for weapons maintenance.

The total amount authorized to be appropriated by section 301(5) for spectrum data base upgrades is reduced by $10 million.

AMENDMENT NO. 3755

(Purpose: To make available, with an offset, $150,000,000 for additional cleanup activities at the Hanford Nuclear Reservation, Richland, Washington)

On page 556, line 24, strike “$5,501,824,000” and insert “$5,651,824,000”.

On page 559, line 8, strike “$3,028,457,000” and insert “$3,178,457,000”.

On page 559, line 11, strike “$2,533,725,000” and insert “$2,683,725,000”.

On page 564, line 8, strike “$540,092,000” and insert “$390,092,000”.

On page 564, line 13, strike “$450,000,000” and insert “$300,000,000”.

On page 603, between lines 18 and 19, insert the following:

SEC. 3156. TANK WASTE REMEDIATION SYSTEM, HANFORD RESERVATION, RICHLAND, WASHINGTON.

(a) FUNDS AVAILABLE.—Of the amount authorized to be appropriated by section 3102, $150,000,000 shall be available to carry out an accelerated cleanup and waste management program at the Department of Energy Hanford Site in Richland, Washington.

(b) REPORT.—Not later than December 15, 2000, the Secretary of Energy shall submit to Congress a report on the Tank Waste Remediation System Project at the Hanford Site. The report shall include the following:

(1) A proposed plan for processing and stabilizing all nuclear waste located in the Hanford Tank Farm.

(2) A proposed schedule for carrying out the plan.

(3) The total estimated cost of carrying out the plan.

(4) A description of any alternative options to the proposed plan and a description of the costs and benefits of each such option.

AMENDMENT NO. 3756

(Purpose: To increase funds for the national ignition facility (NIF) at Lawrence Livermore National Laboratory, Livermore, California)

On page 547, line 16, strike “$6,214,835,000” and insert “$6,289,835,000”.

On page 547, line 19, strike $4,672,800,000” and insert “$4,747,800,000”.

On page 547, line 24, strike “$3,887,383,000” and insert “$3,822,383,000”.

On page 548, line 3, strike “$1,496,982,000” and insert “$1,471,982,000”.

On page 548, line 5, strike “$1,547,798.000” and insert “$1,507,798,000”.

On page 549, line 2, strike “$448,173,000” and insert “$588,173,000”.

On page 552, line 7, strike “$74,100,000” and insert “$214,100,000”.

On page 560, line 23, strike “$141,317,000” and insert “$216,317,000”.

On page 603, between lines 18 and 19, insert the following:

SEC. 3156. REPORT ON NATIONAL IGNITION FACILITY, LAWRENCE LIVERMORE NATIONAL LABORATORY, LIVERMORE, CALIFORNIA.

(a) NEW BASELINE.—(1) Not more than 50 percent of the funds available for the national ignition facility (Project 96–D–111) may be obligated or expended until the Secretary of Energy submits to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a new baseline plan for the completion of the national ignition facility.

(2) The report shall include a detailed, year-by-year breakdown of the funding required for completion of the facility, as well as projected dates for the completion of program milestones, including the date on which the first laser beams are expected to become operational.

(b) COMPTROLLER GENERAL REVIEW OF NIF PROGRAM.—(1) The Comptroller General shall conduct a thorough review of the national ignition facility program.

(2) Not later than March 31, 2001, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review conducted under paragraph (1). The report shall include—

(A) an analysis of—

(i) the relationship of the national ignition facility program to other key components of the Stockpile Stewardship Program; and

(ii) the potential impact of delays in the national ignition facility program, and of a failure to complete key program objectives of the program, on the other key components of the Stockpile Stewardship Program, such as the Advanced Strategic Computing Initiative Program;

(B) a detailed description and analysis of the funds spent as of the date of the report on the national ignition facility program; and

(C) an assessment whether Lawrence Livermore National Laboratory has established a new baseline plan for the national ignition facility program with clear goals and achievable milestones for that program.

AMENDMENT NO. 3755

At the appropriate place, insert the following:

SEC. . BREAST CANCER STAMP EXTENSION.

Section 414(g) of title 39, United States Code, is amended by striking “2-year” and inserting “4-year”.

AMENDMENT NO. 3624

(Purpose: Relating to the greenbelt at Fallon Naval Air Station, Nevada)

On page 546, after line 13, add the following:

SEC. 2882. ACTIVITIES RELATING TO THE GREENBELT AT FALLON NAVAL AIR STATION, NEVADA.

(a) IN GENERAL.—The Secretary of the Navy shall, in consultation with the Secretary of the Army acting through the Chief of Engineers, carry out appropriate activities after examination of the potential environmental and flight safety ramifications for irrigation that has been eliminated, or will be eliminated, for the greenbelt at Fallon Naval Air Station, Nevada. Any activities carried out under the preceding sentence shall be consistent with aircrew safety at Fallon Naval Air Station.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for operation and maintenance for the Navy such sums as may be necessary to carry out the activities required by subsection (a).

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRATEGIC NUCLEAR WEAPONS POLICY

Mr. KERREY. Mr. President, a few weeks ago the Senate convened a joint meeting between Democrats and Republicans to receive a classified nuclear briefing from the Department of Defense. The purpose of this bipartisan meeting was for the members of the Senate to get a better understanding of our strategic nuclear weapons policy.

Our briefers, which included Admiral Richard Mies, Commander of STRATCOM, had been invited to the Senate to explain the details of the Single Integrated Operational Plan—or SIOP. The SIOP is the highly-classified nuclear blueprint of targets and targeting assignments for our strategic nuclear weapons arsenal, and is the driving force behind our strategic nuclear force levels. While the SIOP is a military document, it is based on guidance given to the Department of Defense by the President.

As elected representatives of the people, and with a Constitutional role in determining national security policy, Congress should have an understanding of the principles underpinning our nuclear policy. Both the guidance provided by the President and the details of the SIOP are necessary for us to make informed national security decisions.

With this in mind, we gathered in an interior room in the Capitol to get a full briefing on the SIOP. But when we asked the DoD briefers precise questions about the SIOP, we did not get the information we were seeking. The briefers were unable, or unwilling, to give us the kind of specific information about our nuclear forces and plans we need to make the decisions required as elected representatives of the people. In fact, when asked for detailed targeting information we were given three different answers. First, we were told that they did not bring that kind of information. Then, we were told there were people in the room who were not cleared to receive that kind of information. Finally, we were told that kind of information is only provided to the Senate leadership and members of the Armed Services Committee. Because members of the leadership and the Senate Armed Services Committee indicated they had never received such information, I can only surmise there must be a fourth answer.

We find ourselves in an uncomfortable and counter-productive Catch-22. Until we as civilians provide better guidance to our military leaders, we are unlikely to affect the kind of changes needed to update our nuclear policies to reflect the realities of the post-cold-war world. Yet, providing improved guidance is difficult when we are unable to learn the basic components of the SIOP. Given this, I followed up our meeting with a letter to Senate Minority Leader Tom DASCHLE requesting that he schedule another briefing so that we could get the information our first briefers would not provide.

While I still believe this briefing is needed, we need not wait for a briefing on the details of the SIOP to answer the question of how many nuclear weapons are needed to deter potential aggressors. In truth, it is important for citizens, armed only with common sense and open-source information, to reach sound conclusions about our nuclear posture and force levels.

To illustrate, we should ask experts to describe the deterrent capability of a single Trident submarine—our most survivable and reliable delivery platform. Within an hour of receiving an order to launch, a Trident could deliver and detonate 192 nuclear weapons on their targets. The minimum size of the detonations would 100 kilotons; the maximum would be 300 kilotons. By comparison, the Hiroshima detonation that caused Japan to sue for unconditional peace in August 1945 was only 15 kilotons. In the open, we should assess what damage 192 of these weapons would cause and determine whether this would deter most, if not all of the threats we face.

Mr. President, I have made no secret of my strongly-held belief that we can and we should make dramatic reductions in our strategic nuclear arsenals. I believe that by keeping such a large arsenal of strategic nuclear weapons we are decreasing rather than enhancing our security. By keeping such a large arsenal we are forcing the Russians to keep more weapons than they can safely control. By keeping such a large arsenal we are increasing the chance of accidental or unauthorized launch. By keeping such a large arsenal we are increasing the likelihood of the proliferation of these weapons. By keeping such a large arsenal we are encouraging nations like India, Pakistan, Iran, and North Korea to pursue a nuclear weapons option. And finally, by keeping such a large arsenal we are diverting budgetary resources away from our conventional forces—the forces that are vital to protecting our interests around the globe.

In the near future, I will return to the Senate floor to discuss this issue further. I will return with non-classified information—information that comes not from briefings in secret rooms, but information all citizens can access through a simple search on Yahoo—in an attempt to better understand our nuclear policy and the changing definition of deterrence in the post-Cold War world.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. LOTT. Mr. President, I do have some Executive Calendar matters and other unanimous consent agreements that have already been worked out. I will proceed to those. However, I do note I want to offer a unanimous consent request with regard to the estate tax matter. I want the Democratic leader to be here when I make that request. I am hoping within the next few minutes we will also be able to conclude an agreement with regard to the Department of Defense authorization bill. Discussions are still underway, but I thought I would take advantage of this time.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 567 through 570. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Paul C. Huck, of Florida, to be United States District Judge for the Southern District of Florida, vice Kenneth L. Ryskamp, retired.

John W. Darrah, of Illinois, to be United States District Judge for the Northern District of Illinois, vice George M. Marovich, retired.

Joan Humphrey Lefkow, of Illinois, to be United States District Judge for the Northern District of Illinois, vice Ann C. Williams, elevated.

George Z. Singal, of Maine, to be United States District Judge for the District of Maine, vice Morton A. Brody, deceased.

CONFIRMATION OF GEORGE SINGAL

Ms. SNOWE. Mr. President, I am pleased that the Senate has confirmed George Singal, the President's nominee for a seat on the U.S. District Court for the District of Maine, and rise to express my strong unequivocal support for his nomination.

In advance, I would like to thank the Chairman of the Judiciary Committee, Senator HATCH, for proceeding so expeditiously on Mr. Singal's nomination—especially when considering his nomination was transmitted to the Senate just six weeks ago. In addition, I would like to thank the Majority Leader for bringing his nomination to the floor so rapidly—just three days after being reported by the Judiciary Committee.

George Singal immigrated along with his family to the United States at a very young age, and has become a living embodiment of the American dream. He possesses a superior legal mind, has distinguished himself within the legal profession, and is deeply committed to upholding the very highest standards of our nation's judicial system.

Moreover, Mr. Singal has a wide range of experience serving as both a prosecutor and as a defense attorney—a deep understanding and appreciation for the constitutionally mandated roles of the three branches of government—and the enormous respect of his colleagues, a number of whom have contacted me in support of his nomination. Finally, and just as telling, he enjoys bipartisan support across the State of Maine.

Consider what George's background says about his character and qualifications. Born in a refugee camp in Italy after his family fled before the German invasion of his native Poland, he arrived in Bangor along with his sister and widowed mother in 1949.

After graduating summa cum laude from my alma mater, the University of Maine in 1967, and becoming only the second recipient of the highly respected Root-Tilden Scholarship in the history of the university, George briefly left our state to receive his law degree from Harvard University three years later.

Indeed, not one to forget his roots, George immediately returned to Maine to begin his legal career in Bangor, serving as the Assistant County Attorney for Penobscot County from 1971 to 1973, even as he worked his way to a partnership in the respected law firm of Gross, Minsky, Mogul, & Singal—the firm in which he has remained to this day.

Having served on a wide variety of professional committees—including the advisory committee for the District of Maine that was assembled pursuant to the Civil Justice Reform Act—George's impeccable credentials and reputation for impartiality led to his appointment in 1993 to the Governor's Judicial Selection Committee by my husband, Governor McKernan.

That appointment, and the fact that he now chairs this prestigious committee that assists in the appointment of judges across the state under Independent Governor Angus King, is why it's a special pleasure for me to speak on his behalf today.

Of note, the enthusiastic support George has received from both sides of the aisle in Maine speaks volumes about Mr. Singal's talents and work ethic, as well as the universal respect he has earned over his years of work in the Maine judicial system.

Throughout his career, Mr. Singal displayed remarkable legal acumen, thanks in large part to his thorough, reflective and balanced approach to his work. This approach has justifiably earned him accolades throughout his career, including his selection to the American College of Trial Lawyers—an award given to less than one percent of trial lawyers nationwide—and his naming to the Best Lawyers in America, a designation that is made by his colleagues in the legal profession.

Mr. Singal possesses precisely the kind of judicial temperament and experience I think we should expect from all our judicial nominees. I am certain this is due, in no small part, to his family's background and the perseverance and work ethic they instilled in him as an immigrant brought to the United States by the ravages of World War II.

Further, his work during the late-1960s in the office of then-Congressman Bill Hathaway undoubtedly impressed upon him the need for balance between the three branches of government. In fact, it is his broad range of experiences that has undoubtedly instilled in Mr. Singal a proper perspective on the appropriate role and appropriate constitutional limitations of each branch of our government.

Clearly, George Singal has not only the professional qualifications to serve us well on the federal circuit, but also the personal credentials to match.

My work with George over the past few weeks has only confirmed what I had already heard—this is a man of the highest integrity and personal character.

In conclusion, I am most proud to be able to express my support for Mr. George Singal. He has the qualifications, the intellect, the experience, the perspective, and the integrity to be an outstanding judge. Accordingly, I am pleased that my colleagues support his confirmation to the U.S. District Court for the District of Maine.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MEASURE INDEFINITELY POSTPONED—S. 2553

Mr. LOTT. Mr. President, I ask unanimous consent that S. 2553 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR COMMITTEES TO FILE LEGISLATIVE MATTERS

Mr. LOTT. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, committees have from 11 a.m. until 1 p.m. on Wednesday, July 5, in order to file legislative matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING SENSE OF CONGRESS REGARDING VALUE OF EDUCATION IN U.S. HISTORY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 129, submitted earlier today by Senators LIEBERMAN, SMITH of Oregon, CLELAND, and others.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 129) expressing the sense of Congress regarding the importance and value of education in United States history.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution and the preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 129) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 129

Whereas basic knowledge of United States history is essential to full and informed participation in civic life and to the larger vibrancy of the American experiment in self-government;

Whereas basic knowledge of the past serves as a civic glue, binding together a diverse people into a single Nation with a common purpose;

Whereas citizens who lack knowledge of United States history will also lack an understanding and appreciation of the democratic principles that define and sustain the Nation as a free people, such as liberty, justice, tolerance, government by the consent of the governed, and equality under the law;

Whereas a recent Roper survey done for the American Council of Trustees and Alumni reveals that the next generation of American leaders and citizens is in danger of losing America's civic memory;

Whereas the Roper survey found that 81 percent of seniors at elite colleges and universities could not answer basic high school level questions concerning United States history, that scarcely more than half knew general information about American democracy and the Constitution, and that only 22 percent could identify the source of the most famous line of the Gettysburg Address;

Whereas many of the Nation's colleges and universities no longer require United States history as a prerequisite to graduation, including 100 percent of the top institutions of higher education;

Whereas 78 percent of the Nation's top colleges and universities no longer require the study of any form of history;

Whereas America's colleges and universities are leading bellwethers of national priorities and values, setting standards for the whole of the United States' education system and sending signals to students, teachers, parents, and public schools about what every educated citizen in a democracy must know;

Whereas many of America's most distinguished historians and intellectuals have expressed alarm about the growing historical illiteracy of college and university graduates and the consequences for the Nation; and

Whereas the distinguished historians and intellectuals fear that without a common civic memory and a common understanding of the remarkable individuals, events, and ideals that have shaped the Nation, people in the United States risk losing much of what it means to be an American, as well as the ability to fulfill the fundamental responsibilities of citizens in a democracy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the historical illiteracy of America's college and university graduates is a serious problem that should be addressed by the Nation's higher education community;

(2) boards of trustees and administrators at institutions of higher education in the United States should review their curricula and add requirements in United States history;

(3) State officials responsible for higher education should review public college and university curricula in their States and promote requirements in United States history;

(4) parents should encourage their children to select institutions of higher education with substantial history requirements and students should take courses in United States history whether required or not; and

(5) history teachers and educators at all levels should redouble their efforts to bolster the knowledge of United States history among students of all ages and to restore the vitality of America's civic memory.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. LOTT. I will be happy to yield.

Mr. BYRD. Mr. President, parliamentary inquiry. Is my name on the matter that was just acted on?

The PRESIDING OFFICER. It is.

Mr. BYRD. I thank the Chair.

ELECTRIC RELIABILITY 2000 ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 642, S. 2071.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2071) to benefit electricity consumers by promoting the reliability of the bulk-power system.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with an amendment, as follows:

(The amendment will be printed in a future edition of the RECORD.)

Mr. GORTON. Mr. President, today I urge the Senate to unanimously adopt S. 2071, my bill also known as "the Electric Reliability 2000 Act." The bill consists of a striking amendment adopted in the Energy Committee and sponsored by Senators MURKOWSKI, BINGAMAN, and myself. It includes the original legislation and compromise language that addresses the concerns of the States on this issue.

We should be pro-active in addressing electricity reliability, and S. 2071 is the correct approach at this time. The language has been endorsed by all of the major groups associated with the electricity industry, including investor-owned utilities, public power, rural cooperatives, states groups, reliability groups, power producers, and consumer organizations. Not only does this bill provide a long-term solution to electricity reliability by creating a national reliability organization—modeled loosely on the Securities and Exchange Commission—it will give the Federal Energy Regulatory Commission immediate authority to prevent blackouts this summer.

Enacting S. 2071 is critical for all electricity consumers in the United States. This Nation's interstate electric transmission system is an extremely complex network that connects with Canada and Mexico. It developed over decades with various voluntary agreements that allow areas to work together depending on changing power needs that vary from minute to minute. Yet a fundamental change has made this voluntary system unworkable. The system of buying and selling wholesale power is now many times more complex than it was just a decade ago. With a stronger economy, electricity usage and its importance to the economy has increased. Due to the uncertain nature of evolving retail and wholesale electricity markets, many utilities have cut investment that traditionally enhanced the reliability of the nation's grid.

The fact is that the voluntary agreements just do not work any longer because there is no enforcement. With the beginning of competition, we need a referee on the bulk-power system. A multitude of studies and incidents over the past several years show that the Nation's reliability is at its lowest point in decades. Certain entities can "game" the transmission system—with potential of causing brownouts and blackouts within a region—and suffer no consequences for such actions. With continued extreme heat predicted for this summer, the problem will continue. Blackouts hit the San Francisco area and Detroit in the past month, and even the Northwest is facing shortages this summer.

As I said in February when I introduced this bill, reliability is more than creating legally-enforceable rules on the electricity transmission grid. It also includes cost-effective conservation and demand-side management. Reliability will be enhanced with open-access transmission policies and with more generation distributed throughout the grid, whether it is small fuel cells or larger plants with clean technology. Sending the right signals to the investment community will be aided by passage of a truly comprehensive bill next year that allows all regions of the country—including the Northwest—the ability to benefit from a truly open and competitive marketplace. All of these factors, along with S. 2071, contribute to electricity reliability.

The Electric Reliability 2000 Act is not a total solution to the electricity reliability problem in this nation, but it is a solid start. Enacting this legislation will have immediate benefits for American consumers and the economy of the United States.

Mr. MURKOWSKI. Mr. President, I rise in support of S. 2071.

S. 2071 will promote the reliability of our electric power grid.

I strongly support the enactment of this legislation, but there should be no misunderstanding that it does only part of the job of protecting consumers.

It establishes enforceable rules for the use of the interstate transmission grid, but it does not stimulate the construction of new generation and transmission.

New transmission and generation are essential if we are going to avoid electricity shortages this summer and in the future.

While it is too late to avoid the problems this summer, if we start now it is not too late for the future.

The best way to ensure that consumers have a reliable and reasonably-priced supply of electricity is through comprehensive legislation—which addresses other impediments to competition.

Along with provisions to stimulate construction of new generation and transmission, it is essential that we repeal both the Public Utility Holding Company Act, PUHCA, and the Public Utility Regulatory Policies Act, PURPA.

Both PUHCA and PURPA have long out-lived their usefulness, and they are now hurting both consumers and competition.

PUHCA prevents electric utilities and others from fully competing in the electric power market, and that hurts competition.

PUHCA is an archaic 65-year-old law that has long outlived its usefulness.

Sixty five years ago PUHCA was needed to protect consumers, but other laws and Federal agencies now fully protect consumers.

Thus, repeal of PUHCA would benefit consumers by enhancing competition without any loss of any needed consumer protections.

Legislation to repeal PUHCA is on the Senate Calendar, S. 313, Calendar No. 23, and I would urge that the Senate move to its consideration.

Turning now to PURPA, it also harms consumers, and thus deserves to be repealed.

PURPA makes electric utilities purchase power whether or not they need it, and to pay so-called "full avoided cost" for that power whether or not that price is above true market price. And these costs are just passed on to consumers through higher electricity prices.

It is estimated that as a result of PURPA consumers are today paying $8 billion per year extra for their electricity.

I would have liked to bring to the floor comprehensive legislation, such as the bill which I introduced, S. 2098, but I could not reach agreement with my Democratic colleagues on the Committee.

As a result, we were able to report only this more limited measure to create rules of the road for our interstate electricity transmission grid.

I will now discuss the background and need for this legislation.

The Nation's interstate electric transmission grid is an extremely complex network that is also interconnected with the transmission grids of Canada and Mexico.

It has developed over decades with various voluntary agreements between utilities and others that allow areas to work together to respond to changing power needs that vary from day-to-day, hour-to-hour and even minute-to-minute.

Many of these voluntary agreements were developed after a disastrous event in 1965 that led to a major blackout in New York City and throughout other parts of the Northeast.

While this voluntary system has worked well for the past 35 years, fundamental changes in the electric power industry are making this voluntary system less workable for the future.

With the expansion of competition in the wholesale electric power market—starting with the 1992 Energy Policy Act—the system of buying and selling wholesale power is now many times more complex than it was less than a decade ago.

With a stronger economy, electricity usage has increased while thousands of new electricity marketers and buyers have created new stresses on the system.

Moreover, the emergence of competition in the wholesale power market has changed the ability and willingness of market participants to act voluntarily, particularly when it is not in their economic interest to do so.

As a result, the existing scheme of voluntary compliance with voluntary industry reliability rules is simply no longer adequate.

There has been a marked increase in the number and seriousness of violations of voluntary reliability rules.

Under a voluntary system, there is no penalty for violating a reliability standard.

The users and operators of the system, who used to cooperate voluntarily on reliability matters, are now competitors without the same incentives to cooperate with each other or comply with voluntary reliability rules.

For example, last summer during an extremely hot period one Midwest utility took without any penalty electric power from the grid that it was not entitled to.

It did so without even informing other utilities on the grid what it was doing.

This action came close to jeopardizing power reliability in several States.

This legislation will prevent that kind of inappropriate activity in the future.

In order to maintain grid reliability, rules must be made mandatory and enforceable, and fairly applied to all participants in the electricity market.

To address this need, more than a year ago a group of electricity industry officials began meeting to develop legislative language.

As a result of this effort, the North American Electric Reliability Council and a broad coalition of industry organizations have jointly proposed the language which is embodied in S. 2071.

The legislation is supported by virtually all aspects of the electric power industry, including: the American Public Power Association, the Edison Electric Institute, the Electric Power Supply Association, the Electricity Consumers Resource Council, the National Rural Electric Cooperative Association, and the Canadian Electricity Association.

The proposal follows the model of the Securities and Exchange Commission in its oversight of the securities industry's self-regulatory organizations—the stock exchanges and the National Association of Securities Dealers.

Let me now describe the key elements of S. 2071.

S. 2071 helps protect grid reliability by creating an industry-run, FERC overseen, organization that sets enforceable rules for the use of the interstate transmission grid.

It also has provisions to ensure that States have an appropriate role in promoting reliability.

S. 2071 authorizes the establishment of a self-regulating Electric Reliability Organization.

Both the establishment of the Electric Reliability Organization and the reliability rules it establishes are subject to approval and oversight by the FERC.

The legislation spells out specific criteria required for the new Electric Reliability Organization. In essence, the requirements are that the Organization be independent and fair.

The Electric Reliability Organization would establish, monitor and enforce compliance with reliability standards for the interstate bulk power system.

The legislation does not give the Electric Reliability Organization or any affiliated regional reliability entity any authority to build or to pay for the building of any transmission or other facility necessary for a bulk power user to comply with a reliability requirement.

The reliability standards established by the Electric Reliability Organization would be mandatory on all owners, users and operators of the interstate bulk power system.

The cost of complying with a reliability requirement is the responsibility of bulk power users, not the Electric Reliability Organization or any affiliated regional reliability entity.

The reliability standards only concern the operational security of the bulk power system. They do not deal with generation adequacy, reserve margins; distribution system reliability; safety; transmission siting; or retail customer choice plans.

Activities conducted in compliance with the statutory requirements receive a rebuttable presumption of compliance with the Federal antitrust laws.

Until the new Electric Reliability Organization is up and running, the existing North American Electric Reliability Council and its individual regional reliability councils may file with FERC those existing reliability standards they propose to be mandatory in the interim.

The Electric Reliability Organization may delegate authority to implement and enforce regional standards to an Affiliated Regional Reliability Entity, which can enforce reliability standards and take disciplinary action against system operators and users.

As I said before, the real way to prevent brownouts and blackouts is through comprehensive legislation that stimulates the construction of new generation and transmission.

This legislation will help, but much, much more needs to be done.

I urge my colleagues to support this legislation and to pass it without amendment.

Mr. SMITH of New Hampshire. Mr. President, I commend the chairman of the Committee on Energy and Natural Resources on this important piece of legislation. I believe that this legislation, and the electric reliability organizations created by this legislation, will significantly improve the reliability of our transmission system. I understand that a question has been raised, however, about the potential scope of authority of these electric reliability organizations and specifically their authority to waive environmental requirements. I would like to seek clarification of this issue. It is my understanding that nothing in this legislation in any way waives or modifies any environmental requirements, or exempts any facilities covered by the bill from any otherwise applicable federal or State environmental law or regulations, including the requirements of the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Endangered Species Act, or any other environmental law.

Mr. BAUCUS. Mr. President, I share the concerns that have been raised about the potential scope of authority of the electric reliability organizations and would also seek clarification on this point. It is my understanding that in addition to not diminishing or affecting any environmental obligations, this legislation does not authorize the electric reliability organizations to direct or authorize any covered facility to violate or disregard the requirements of any Federal or State environmental law or regulation.

Mr. MURKOWSKI. Mr. President, the chairman and ranking member of the Committee on Environment and Public Works are both correct that the legislation will not affect or modify any requirements of our important environmental laws or authorize the electric reliability organizations to waive or modify those requirements.

Mr. BINGAMAN. Mr. President, I concur with the clarification by the chairman.

Mr. SMITH of New Hampshire. I thank the chairman for this important clarification.

Mr. BAUCUS. I also thank the chairman for his clarification.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to.

The committee amendment in the nature of a substitute was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2071), as amended, was read the third time and passed.

DEATH TAX ELIMINATION ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the estate tax repeal bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object. In fact, I should object. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that when the Senate considers the estate tax bill, it be considered under the following limitation: That the bill be limited to relevant amendments, with the following exemptions of the minority: estate taxes and tuition tax deductibility; second, estate taxes and Medicare prescription drug benefit; third, estate taxes and long-term care tax credit; next, estate taxes and Medicare off budget; next, estate taxes and retirement savings tax incentives; and, finally, estate taxes and kid savings accounts; that all first-degree amendments be subject to relevant second-degree amendments, and that there be a time limitation of 1 hour for debate, equally divided in the usual form, on all amendments.

I also say, just taking another brief minute, that at least one of our Members believes it would be appropriate that we should not be able to bring this estate tax legislation forward until we dispose of the China PNTR legislation.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, Senator DASCHLE and I have been discussing this matter in the hope that we could work out an agreement as to how we could proceed. We had discussed the possibility of certainly a substitute being in order on the estate tax legislation. I believe the Senator from New York, Mr. MOYNIHAN, had a substitute, or others, perhaps, joining with him would have a substitute, and other related or germane amendments to that issue. We even offered the possibility of having two nongermane amendments on each side.

Our problem gets to be when you go to five or six—I don't know how many were included in that list.

Mr. REID. Six.

Mr. LOTT. Plus, if you have a substitute and then you have, let's just say, one or two related germane amendments, then you have five amendments on each side—that is 10 amendments—and even if we got a time agreement, you are talking about 12, or more, or 14 hours, which would be a minimum of 2 days.

The problem we have in July is that we now have completed six appropriations bills, meaning there are still seven we have to get done.

I hope that, at a minimum, we get five or six more done in July because they are very important bills that need to get completed so they can get in conference with the House, so they can be sent to the President, so hopefully he can sign them.

We are talking about Agriculture; Interior; Housing and Urban Development; Treasury-Postal Service; Commerce-State-Justice—these are big, important appropriations bills. We have all those we have to do in July—a 3-week period—plus we have to do the marriage penalty tax elimination.

I think there is an overwhelming desire to get that done, on both sides of the aisle, although we still disagree on how to get it done. But the Finance Committee has reported that out in a reconciliation bill. And there is a desire to do the China PNTR.

I know we don't have the time to set aside 2 whole days in the midst of all that for the death tax. If we could just agree to a substitute and germane amendments—this is a bill that passed the House overwhelmingly. Sixty-five Democrats voted for it. Members in the House, regardless of region or race or sex, voted for it. Why does the Senate need to get into all these other nonrelated matters?

But I understand there are Senators on the Democratic side who wish to have a debate and votes on these other matters. I believe they will probably have an opportunity to come up on other bills before the session is out. But that is why I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Will the Senator yield?

Mr. LOTT. Under my reservation, I yield to Senator REID.

Mr. REID. I say to my friend, I think what we have done these last 4 days shows we can move through things very quickly. There were over 150 amendments after we worked on the bill a couple days. So we probably resolved over 200 amendments in the Labor-HHS bill.

But I also say, in the short time I have been in the Senate, we have had some tax bills with hundreds of amendments and we have been able to work our way through those in some way.

As with the leader, we on this side of the aisle think there should be some change in the estate taxes. We want to do that. We are getting the same calls you are.

But I say to my friend, we would be willing to take time agreements on these amendments. I am certain we could finish the amendments in one good, long day. We would take time agreements on these amendments.

On tax bills that have traditionally been brought up in the Senate, we have not had any restrictions on them. We will agree to have some restrictions, but we think this would be appropriate.

We will be happy to have our staffs work on this during the break, and as soon as we get back, the two leaders can again talk about this. We do want to bring up the estate taxes.

Mr. BAUCUS addressed the Chair.

Mr. LOTT. Mr. President, if I may respond to that, just briefly.

After the good work that has been done, in a bipartisan way, this past week, and after having participated in the effort that was just made to complete action on the military construction appropriations conference report, it has restored my faith that anything is possible in the Senate. I hope we can continue to work to find a way to resolve this and get it considered other than through the cloture process. I am going to hold out hope until the very last minute that we can get that done.

So we will continue to work. Our staffs have been exchanging proposals, and we will continue to do that right up until the time we need to begin voting, which would be, I guess, Tuesday or Wednesday of the week we return.

Under my reservation, I yield to the Senator from Montana.

Mr. BAUCUS. I thank the majority leader very much. I assure him, as a member of the Finance Committee, we definitely plan to take up some form of estate tax reform. I don't know what version it would be, but clearly that has to pass this year.

In addition, however, I do believe there is one other matter that is even more important than estate tax reform, and that is PNTR for China. It far transcends appropriations bills, marriage penalty relief, bankruptcy reform. Getting PNTR passed in July, I think, is of such urgency and is so important that I am constrained to object to any unanimous consent request that sets the schedule for July unless it also includes a time when we are going to take up PNTR. I know the leader knows that is my view. I just hope that in working with the leader, we can work out some accommodation to reach that objective.

MOTION TO PROCEED—H.R. 8

CLOTURE MOTION

Mr. LOTT. Mr. President, in light of the objections—and I do object—I now move to proceed to H.R. 8 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 608, H.R. 8, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period:

Trent Lott, Bill Roth, Charles Grassley, Larry E. Craig, Chuck Hagel, Jeff Sessions, Pete Domenici, Strom Thurmond, Jon Kyl, Thad Cochran, Jim Bunning, Craig Thomas, Kay Bailey Hutchison, Susan M. Collins, Don Nickles, and Wayne Allard.

Mr. LOTT. Mr. President, this cloture vote will occur on Tuesday, July 11. I will notify all Members as to the time of the vote. In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I would say there is a strong possibility we may not need a vote on this motion to proceed.

Mr. LOTT. If I may respond, I hope we can work through that. I thought maybe that would be the case. I want to say, again, I am still hoping we can come to an agreement to have some limited number of amendments that would be offered. Then we would be able to vitiate this whole thing.

In view of the time in July, I felt I needed to go ahead and get the process moving. And we still would have that option right up until Tuesday when we come back.

Mr. REID. Under my reservation, Mr. President, I also say we have worked very closely with Senator BAUCUS and Senator MOYNIHAN in trying to come up with an alternative, and some other matters that we believe should be brought up with this piece of legislation.

For example, in 1992, under a tax bill that came before the Senate, we, on the 25th, started considering that. We had 105 amendments, and a day and a half later it was all done. That legislation was totally passed. We had a number of amendments that were even offered by our majority leader on that important legislation. There was a wide range of amendments offered dealing with dental schools, tractors, and all kinds of things.

So we can work out a way through this. I think the proposal by the minority that we take up six amendments, with time limits, is something the majority leader should take another look at.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

ORDERS FOR MONDAY, JULY 10, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Monday, July 10, under the provisions of S. Con. Res. 125. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that then the Senate proceed to the consideration of H.R. 4578.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN

Mr. LOTT. Further, I ask unanimous consent that the RECORD remain open until 3:30 p.m. today for the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, on Monday, July 10, the Senate will begin consideration of the Interior appropriations bill. We will be looking forward to having the Presiding Officer on the floor managing that important legislation. I am sure it will move expeditiously. Opening statements will be made and amendments will be offered during the day. Senators who intend to offer amendments are encouraged to contact the bill managers during the recess in preparation for consideration of the bill. Senators should be aware that the next rollcall vote will occur on Monday, July 10, at approximately 5:30 p.m.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the provisions of S. Con. Res. 125, following the remarks of Senators BYRD, WARNER, and LEVIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. WARNER. Before our distinguished leader departs the floor—momentarily I will propound a unanimous consent request which takes us another step forward in the authorization bill for the Armed Forces—I wish to thank the distinguished leader and, indeed, the minority leader for their tireless assistance, and that of Senator REID, and of course, Senator LEVIN. They have enabled us to move this another important step forward. I thank them on that.

VITIATION OF THE ADOPTION OF AMENDMENT NOS. 3231 AND 3418

Mr. WARNER. Mr. President, I ask unanimous consent that the adoption of amendment Nos. 3231 and 3418 of the Defense authorization bill be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. To explain this, these were two gold medals. Unintentionally, the proponents of those amendments did not recognize that the Banking Committee had an important role to play. Both proponents are now working with the chairman and ranking member of the Banking Committee. In the case of Senator CLELAND, he has over 68 signatures on a gold medal for the distinguished former NATO Supreme Allied Commander, General Clark, including the signature of the Senators from Virginia and from Michigan. That request has been granted?

The PRESIDING OFFICER. It has.

UNANIMOUS CONSENT AGREEMENT—S. 2549

Mr. WARNER. Mr. President, I ask unanimous consent that the only first-degree amendments remaining in order to the Department of Defense authorization bill, S. 2549, be limited to amendments that are relevant to the provisions of the bill and on the finite list of amendments in order to the bill, that these first-degree amendments be subject to relevant second-degree amendments, provided further that the first-degree amendments must be filed at the desk by close of business Friday, June 30, 2000.

I further ask unanimous consent that it be in order for the two managers to send to the desk any packages of amendments that are relevant and from the finite list of amendments in order to the bill and that these amendments be cleared by both managers of the legislation.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, we do not object. Quite the contrary; we thank the distinguished chairman of our committee and the leaders, both majority and minority, for their good work, and also Senator REID, who has worked so hard on this, and all the other Senators who have cooperated to make this unanimous consent agreement possible. I also thank Senator BYRD, who has been waiting very patiently, so we could dispose of this important measure.

Mr. WARNER. Mr. President, we thank Senator BYRD. He has been an integral part of these negotiations, together with Senator ROTH and others. I am hopeful that matter can be resolved in the future.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank my distinguished colleague, Senator LEVIN, who has worked with me throughout on this bill. For 22 years we have been together, and our respective chiefs of staff. It has been entirely separate, but we have achieved another milestone. Now it appears to me that we will be able to come to the Senate at a time convenient to our leadership and complete action on the annual Defense authorization bill. I believe this will be 42 consecutive times the Senate has passed this wide piece of legislation for the men and women in the Armed Forces and, indeed, the security of the Nation. I yield the floor.

Mr. LEVIN. Mr. President, I notice our staffs are smiling as well because this has been a big effort on their part. With all the years we have put in together, we will not be able to catch up to Senator BYRD, but we are going to keep using him as our role model.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the chairman and ranking member of the Armed Services Committee for the excellent work they have consistently given to this legislation, the many times they have brought it to the floor of the Senate. The distinguished Senator from Virginia, Mr. WARNER, and I worked together on several amendments. I am always happy to have his cooperation and his cosponsorship. He is a man whose heart is as stout as an Irish oak and as pure as the Lakes of Killarney.

As to the distinguished ranking member, the Bible says: Seest thou a man diligent in his business? He shall stand before Kings. Senator LEVIN has already stood before Kings and will probably stand before more if there are any left.

Mr. WARNER. We thank our distinguished former majority leader and a member of the Armed Services Committee for his kind remarks.

Mr. BYRD. I thank both of my colleagues.

THE FOURTH OF JULY

Mr. BYRD. Mr. President, in a few short days, our Nation will celebrate for the 224th time the signing of the Declaration of Independence. For some, the occasion will take on an unwarranted special significance because there are people who have been led to believe—in some cases misled, I would say—that this is the first Independence Day of the new millennium. For them, the celebration requires extra fanfare, even more spectacular displays of fireworks, and an even bigger party, akin to the gala bashes of last New Year's Eve. However, in reality, the millennial Independence Day celebration coincides with the 225th anniversary of the signing next year, in 2001. So I, at least, will reserve my extra sparklers and Roman candles for next year.

I will not, however, let any confusion over the new century/new millennium stand in the way of one of my favorite holidays. The Fourth of July is a standout. It is one of the few holidays still celebrated on the actual anniversary of the day, as opposed to being appended to a weekend for convenience's sake. Though sales may beckon from nearby shopping malls, the holiday is not obscured beneath any major sporting event.

There are no 4th of July college football championships, no basketball finals, no baseball World Series games to divide families into the camps of the spectators and the ignored. The 4th of July is instead, typically, celebrated by families and friends in the great beauty of the outdoors.

Some years, the weather is perfect, with blue skies, moderate temperatures and low humidity, when the American flags are fanned by gentle breezes—the kind of a day that fills me with a sense of exhilaration and anticipation. Other years, the weather is almost unbearably hot and sticky, the flag hangs limply from the pole, and sun screen mingles with sweat to turn picnickers into melting human popsicles. But even these sweltering days can be relieved by mimicking childrens' refreshing runs through a water sprinkler arcing manmade rainbows across the yard, or by dousing the heat with gallons of tart lemonade and sweet watermelon chilled in a tub of ice. On summer days like these, people still resort to rocking chairs on porches and paper fans waved lazily before faces, much as they did when I was a boy in the days before air conditioning.

The highlight of the day, is, of course, the fireworks. My favorite time of this holiday comes as the temperatures cool and the skies darken, and the fireflies' display hints of the light show to come. I cannot wait to see my little great-granddaughter Caroline's expression as she is presented with the mysteries of smoke worms, sparklers, and Roman candles. I hope that she will not be so afraid of the explosive booms of the big fireworks that she cannot enjoy the fiery display, the cascades of red, blue, green, and golden sparks drifting down over our heads.

It is alright for her to be afraid, of course. After all, those fireworks, so festive now, recall the great battles fought by our young nation to gain its independence from mighty Britain. Two-hundred and twenty-four years ago, on a similar hot summer night, little Caroline's patriotic forbearers might have feared for their lives as the cannons boomed and the flintlocks cracked. The parades we watch today are a faint reminder of the lines of troops that may have tramped with grim faces through colonial towns on their way to battle with the redcoats. So it is, perhaps, good to be a little afraid when watching 4th of July fireworks. It may be the closest many of our children come to reliving this important time in the history of our Republic.

Probably most children watching 4th of July fireworks do not fully understand the link between the holiday and this day in our nation's past. That our children know little about history is not news. Poll after poll in recent years has alerted us to huge gaps in historical knowledge among our nation's schoolchildren. Once again, a recent test of young peoples' knowledge of history, in this case, the history of our own nation, has demonstrated a sorry—and if I may add—scandalous ignorance. What is disconcerting about this most recent report is that it reflects the knowledge base of college seniors from some of the best colleges and universities in the nation, not younger children with many years of learning still ahead of them. If those who do not learn from history are truly doomed to repeat it, then I shudder to think how much our future might resemble that silly movie, "Groundhog Day."

The test, sponsored by the American Council of Trustees and Alumni, and administered by the University of Connecticut, consisted of asking college seniors at 55 top colleges and universities some 34 questions from a high school-level American history test. I was very sorry to read that nearly 80 percent of those tested earned only a "D" or an "F." A mere 23 percent could identify James Madison as the principal framer of the Constitution. More than a third did not know that the Constitution established the division of powers in American government. Just 60 percent could correctly select the 50-year period in which the Civil War occurred.

Imagine that. Just 60 percent could correctly select—in other words, 40 percent could not correctly select—the 50-year period in which the Civil War occurred—not the correct years, or even the correct decade, but the correct half century! A scant 35 percent could correctly name the President in office at the start of the Korean War. It was, for the record, President Truman.

But, 99 percent of these college seniors correctly identified Beavis and Butthead as television cartoon characters. That is a sorry commentary, indeed. Years of experts advising parents to limit and monitor their children's time in front of the television, and to encourage their children to stretch their minds by reading or their muscles by playing outdoors, have come to this—a nation of increasingly overweight children who spend increasing numbers of hours watching moronic and scatological so-called humor on television and who do not learn the history behind some of the most fundamental tenets underlying our system of government. It is a disgrace—a colossal disgrace. Perhaps we should attempt to restrict books and learning, in order to make them more desirable "forbidden fruits" in our children's eyes.

I do not want to put the blame for this sad state of affairs entirely on parents or even on our lowest-common-denominator-seeking entertainment industry. Another recent review, this time, of high school textbooks by the American Association for the Advancement of Science, slammed biology and science textbooks, in particular, as missing the big picture behind the four basic ideas driving today's cutting edge research. Not one of the two dozen biology texts reviewed by the group, which are aimed at grades 9–12, were considered excellent or satisfactory. Other reviews in the past of history books have illustrated similar deficiencies. I fear that we are nowhere close to answering the century-plus old prayer by Charles Kingsley—"I hope that my children, at least, if not I myself, will see the day when ignorance of the primary laws and facts of science will be looked upon as a defect only second to ignorance of the primary laws of religion and morality." We are, instead, closer to fulfilling the prediction by Robert A. Heinlein that "A generation which ignores history has no past—and no future."

In light of this dismal knowledge of our national history, I have today offered an amendment to the Labor, Health and Human Services Appropriations Bill to provide $50 million—just a little seed corn—to the Secretary of Education to award grants to states to develop, implement, and strengthen programs that teach American history as a separate subject within school curricula.

It doesn't mean social studies. That is about all they have today. Some people look upon social studies and claim that is history. I have nothing against social studies, except it is not history. What I am suggesting here by way of this $50 million amendment is that the Secretary of Education award grants to States to develop, implement, and strengthen programs that teach American history—not social studies. The schools may, if they wish, teach social studies. But this is American history as a separate subject within the school curriculum. The importance of American history is too often undervalued in our nation's classrooms. As I have already indicated, poll after poll in recent years has alerted us to huge gaps in historical knowledge among our nation's schoolchildren. It is my hope that this amendment will encourage teachers and students to take a deeper look at the importance of our nation's past.

A Supreme Court ruling just a few days ago would take prayer out of our school functions, about which I will have more to say on a future day. It seems that knowledge is already in short supply there. The early patriots who established our great nation, and who inscribed on the Liberty Bell a quotation from Leviticus 25:10, "Proclaim liberty throughout all the land to all the inhabitants thereof," would surely be surprised at this sad turn of events. Trained in the classics, steeped in history as surely as that tea was steeped in Boston Harbor's waters, they readily mingled faith and learning, and valued both.

I hope that on this 4th of July, some few imaginative parents might encourage their children to see, not the smoke of the backyard grill, but the smoke of battle; to hear, not the explosions of fireworks but the percussive thunder of cannons; and to spark in these young minds not a taste for firecrackers but a taste for history.

Our Founding Fathers gambled so much for our freedom. They invested their lives, their families, their fortunes, and the best of their intellects, in winning our freedom and then protecting it with a marvelously thought-out system of government. For 224 years, it has withstood the tests of history. Our Constitution, our government, our nation, has bested every effort to bring it down. It has proved capable of stretching to cover millions more acres, millions more people, and millions of new circumstances, the likes of which Thomas Jefferson, James Madison, John Adams, George Washington, Benjamin Franklin, and their peers could not have dreamed. If we are to appreciate their gift, if we are to carry on their legacy, we must learn about it, care about it, and share it with our children. I would not wish to visit upon our children, through ignorance, the fate of the protagonist Philip Nolan in "Man Without a Country."

I believe it was written by Edward Everett Hale. I read it many years ago. It would be well if our schoolchildren and even our adults would read it today.

Philip Nolan's sentence in "Man Without a Country," for wanting to renounce his country, was to forever sail upon the high seas never again hearing news from home, not even the name of the homeland that he finally comes to realize that he loves. Our children should recognize the gift that is their birthright, and they deserve sufficient knowledge of their history to appreciate and protect the liberties that they enjoy.

I know that my knowledge of our Nation's history, and my study of the documents and lives that shaped it, only deepen my love for my Nation. I have been fortunate. I have been blessed by the Creator, blessed by the God who reigns over the destinies of nations—blessed to live a full life with many opportunities for travel, but always, I share the sentiments in the poem by Henry Van Dyke, "America for Me."

America for Me

'Tis fine to see the Old World, and travel up and down
Among the famous palaces and cities of renown,
To admire the crumbly castles and the statues of the kings,-
But now I think I've had enough of antiquated things.
So it's home again, and home again, America for me!
My heart is turning home again, and there I long to be,
In the land of youth and freedom beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.
Oh, London is a man's town, there's power in the air;
And Paris is a woman's town, with flowers in her hair;
And it's sweet to dream in Venice, and it's great to study in Rome
But when it comes to living there is just no place like home.
I like the German fir-woods, in green battalions drilled;
I like the gardens of Versailles with flashing fountains filled;
But, oh, to take your hand, my dear, and [travel] for a day
In friendly [West Virginia hills] where Nature has her way!
I know that Europe's wonderful, yet something seems to lack:
The Past is too much with her, and the people looking back.
But the glory of the Present is to make the Future free,-
We love our land for what she is and what she is to be.
Oh, it's home again, and home again, America for me!
I want a ship that's westward bound to plough the rolling sea,
To the blessed Land of Room Enough beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 1 P.M. MONDAY, JULY 10, 2000

The PRESIDING OFFICER. The Senate stands adjourned under the provisions of S. Con. Res. 125.

Thereupon, the Senate, at 2:44 p.m., adjourned until July, 10, 2000, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate June 30, 2000:

AGENCY FOR INTERNATIONAL DEVELOPMENT

EVERETT L. MOSLEY, OF VIRGINIA, TO BE INSPECTOR GENERAL, AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JEFFREY RUSH, JR.

THE JUDICIARY

ROGER L. GREGORY, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF COMMERCE

MARJORY E. SEARING, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE, VICE AWILDA R. MARQUEZ, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FREDDY E. MCFARREN, 8271

CONFIRMATIONS

Executive nominations confirmed by the Senate June 30, 2000:

THE JUDICIARY

PAUL C. HUCK, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

JOHN W. DARRAH, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

JOAN HUMPHREY LEFKOW, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

GEORGE Z. SINGAL, OF MAINE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE.

EXTENSIONS OF REMARKS

SPECIAL 80TH BIRTHDAY TRIBUTE TO SYLVIA ENGEL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. ENGEL. Mr. Speaker, of the many things I've put into the CONGRESSIONAL RECORD, this one gives me the most pleasure. Today, on June 29, 2000, my mother is celebrating her 80th birthday.

My mother, Sylvia Engel, or SeRoy as everyone calls her, has always been the proverbial "live wire." When I was a little boy, she would take me to see her roller skate in the roller derby practices. She also is an accomplished actress, and would perform on stage in community and off-Broadway shows. I always say that my ability to speak in front of groups stems from watching my mother do the same, since I was a little boy. She was always very outgoing and to this day goes bowling every week, and until just a few years ago directed the singing and dancing shows at her condominium in Florida.

My mother has always been a very kind person, loving and caring to her family, one, who along with my father always taught me right from wrong, and stressed education as the key to elevating oneself in helping to gain a better future.

My mother and my father, Phil, had the benefit of 47 wonderful years of marriage together, where they worked hard and struggled to provide a good life for me and my sister, Dori. Today, my mother is grandmother to 11 children. Pat and I have given my mother 3 grandchildren: Julia, Jonathan and Philip, and Dori and Jordan have given my mother 8: David, Rachel, Yosef, Yacov, Naomi, Malky, Esty, and Ricky.

My mother was born in New York City as the second child of Eastern European Jewish immigrants, Yudis or Julia and Joe, who came to this country, like so many others, for a better life. Her mother, my grandmother, Julia, lived with us when I was growing up and raised my mother and her sister Bea and brother Irving, because she was widowed at an early age. My mother, who they tell me was a "tomboy" growing up, learned to be self-reliant and resilient at an early age, traits which she still manifests today.

Mr. Speaker, I want to tell my mother how very much I love her and what a tremendous inspiration she is to me today and has been so my whole life. I hesitated entering this into the CONGRESSIONAL RECORD and giving her a surprise party, because she doesn't look her age, and doesn't want too many people to know. But having achieved this milestone is something of which to be proud, especially after two heart surgeries and a lifetime of giving herself to family, friends, and everyone with whom she's come into contact. With my mother, one can certainly say she may be one year older than last year, but she'll never be old.

Congratulations, and Mazel Tov, mom. May you have many, many more years of life's pleasures, and may you continue to brighten the lives of all those you touch.

MEDICARE RX 2000 ACT

SPEECH OF

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. ISTOOK. Mr. Speaker, I want prescription drugs to be available and affordable, but this is not the way to do it. If something is overpriced, it's nonsense to have government step in and agree to pay that inflated price. That is not good stewardship of public money.

Congress should be holding hearings about price-fixing allegations, and about whether there is price-gouging of American patients, to subsidize overseas sales of prescription drugs. But if costs are exorbitant, it's wrong-headed to use tax dollars to pay those inflated prices. That will not bring the prices down.

Instead, there is a stampede to buy the votes of senior citizens, by spending enormous amounts of taxpayers' money on a new entitlement. I'm not joining that stampede to buy votes with taxpayers' money. I'm disappointed that fellow Republicans would abandon principles to buy votes with promises of a huge new government program. Yet the Democrat plan is worse; its cost is about double. Both sides are in a bidding war, and both are bidding with taxpayers' money.

The cost of the GOP plan is not "only" $8 billion a year. The official projection says it soon will be $28 billion a year and probably it will be even higher. It would be automatic spending, which would go on forever. This is how our national debt was created, and why it's so tough to balance the budget and pay down the debt.

Medicare is already in major financial trouble. You don't fix it by adding more spending, when it's already costing too much and delivering too little.

For example, if the foundation of your house is crumbling, you don't build a new third story. Instead, you fix the foundation before you consider adding on. That's what we should do with Medicare.

Medicare's government bureaucracy doesn't even pay hospitals (especially rural hospitals) the cost of the care they provide. That drives up medical costs for everyone who is not on Medicare. This is part of what we should fix first, before promising an new expensive benefit.

CELEBRATING THE HISTORY OF THE MOTHER ROAD: BARSTOW OPENS A ROUTE 66 MUSEUM

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. LEWIS of California. Mr. Speaker, this will be a very special Independence Day in Barstow, California where we will celebrate the opening of a museum commemorating Route 66, the Mother Road that led millions of Americans west to the promise of unlimited dreams and horizons in the Golden State.

The opening of the museum on July 4 will provide a delightful reminder that the towns and cities of my district provided the hospitality and welcome to most of those Americans making the long drive West. Barstow was—and remains—a friendly oasis from the hours-long drive across the great Mojave Desert.

Visitors will have a chance to remember the exciting early days of driving America's highways with old photographs, road signs and a vintage 1926 Dodge touring sedan. The museum has visionary plans of returning Barstow to its status as a way station along the desert highways.

It is especially commendable that this museum will be an anchor for another older reminder of the history of Western travel: The Casa del Desierto Harvey House, a historic stop opened for travelers in 1911 on the Santa Fe Railway's trains to and from California. Thousands of train travelers each year stopped to marvel at this towering adobe palace and be served food by the famous Harvey Girls in its elegant dining rooms. This magnificent depot and hotel, which has been placed on the National Register of Historic Places, has been fully restored and returned to use through the efforts of Barstow's civic leaders and volunteers.

The location of the Route 66 Museum in this historic railroad structure will provide modern travelers with a fascinating window into the past, and should make Barstow even more of a popular stopover along desert highways.

This new museum will add to the reputation of San Bernardino County as one of the top destinations for those who are fans of Route 66 history. It joins another fine museum in Victorville, another historic Mojave Desert way-station, and the San Bernardino Route 66 Rendezvous classic car festival, which draws 600,000 visitors each September in one of the nation's largest free-admission events.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Barstow and its citizens for renewing their city's rightful place as one of the welcoming points to California, and one of the highlights along Route 66, the Mother Road.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RENAMING THE JANESVILLE, WISCONSIN POST OFFICE THE LES ASPIN POST OFFICE BUILDING

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, I appreciate the opportunity to share with my colleagues my great pride and respect for former colleague and friend, Les Aspin. I wholeheartedly support renaming the Janesville, Wisconsin Post Office as the Les Aspin Post Office.

Les Aspin was born in Milwaukee, Wisconsin in 1938. He graduated summa cum laude from Yale University, and later received a degree in politics, philosophy and economics from Oxford University. He completed his doctorate in economics at the Massachusetts Institute of Technology. From 1969 to 1971, Aspin was distinguished professor of international policy at Marquette University in Milwaukee, Wisconsin.

In 1971, Aspin was first elected to the United States House of Representatives from the First Congressional District of Wisconsin. During his 22 years in the House, his interest and dedication to international security, defense and arms control earned him Chairmanship on the House Armed Services Committee from 1985 to 1993. Following his tenure in Congress, he served as Secretary of Defense from 1993–1994 in the cabinet of President William J. Clinton. His unparalleled expertise and influence on Department of Defense issues have guided the development of a comprehensive defense policy for the United States.

In 1994, the Marquette University Les Aspin Center for Government was founded in his honor. The Aspin Center was established under the same ideals and integrity with which Dr. Aspin conducted his political career. The Aspin Center is designed to educate future leaders by giving students an opportunity to participate in the American political process through Congressional internships.

On May 21, 1995, our dear friend and esteemed colleague passed away at the age of 57. It is my honor to have served Wisconsin with the distinguished Dr. Les Aspin, and I believe that it is fitting for his memory to be honored in the district in which he served.

LEGISLATION TO HELP VETERANS INFECTED WITH THE HEPATITIS C VIRUS

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. HAYWORTH. Mr. Speaker, I am pleased to join my good friends from New York and Nevada, Chairman JACK QUINN and Congressman JIM GIBBONS, on introducing this important legislation that will help veterans infected with the hepatitis C virus to be treated and compensated by the Veterans Administration.

Hepatitis C is a potentially life-threatening disease that can affect the liver and lead to cirrhosis, liver cancer, and death. It is a slow, progressive disease that advances over 10 to 30 years. It is no wonder that hepatitis C wasn't identified until 1989. Hepatitis C is a blood-borne disease that is transmitted through blood contact. Those at high risk include patients who had hemodialysis, patients who had blood transfusions or organ transplants, and healthcare professionals (such as health care workers or medics) who may have come in contact with infected blood, instruments or needles.

Another high-risk population is our nation's military veterans. In fact, hepatitis C continues to be diagnosed at an alarming rate among our veteran population. The Veterans Administration estimates that 6.6 percent of veterans are infected with hepatitis C, a rate more than 3 times that of the general population. Of all of the military veteran populations who tested positive for hepatitis C throughout VA medical facilities nationwide in March 1999, Vietnamera veterans accounted for 64 percent of the cases.

What prevents the VA from treating and compensating these infected veterans is the slow progression of the disease and the recent discovery of it. In most cases, more than a decade has passed from infection to discovery. For example, a medic treating a wounded comrade in Vietnam in 1967 could have been infected with the virus, but not tested positive nor shown symptoms until some 10 to 30 years later. The 1973 fire at the National Personnel Records Center in St. Louis and less-than-stellar military personnel record keeping only compounded the problem.

Our legislation gives presumptive service connection to hepatitis C infected veterans who most likely contracted it through handling blood, blood transfusions or hemodialysis. These criteria will cover combat field medics, doctors or medical personnel who handled blood, and soldiers who gave blood to save a buddy's life or received blood to save their own. Studies show that 365,000 blood transfusions were performed among U.S. personnel in Vietnam between 1967 and 1969 alone. At the same time, blood supplies shipped to Vietnam in the late 1960s and early 1970s had a high rate of infection. An NIH study at this time showed that 7 to 10 percent of all patients who received a blood transfusion during surgery developed hepatitis C.

Chairman QUINN, Mr. GIBBONS and I applaud the VA for its outreach program to identify and treat veterans. We also commend the VA's attempt to address the hepatitis C problem through regulation, but we believe statutory relief may be the only remedy that will truly help thousands of veterans. While regulations are a good start, the VA is not mandated to ensure that these veterans are treated and compensated. It can, at any time, change the regulations or refuse treatment if it runs low on discretionary funds. Only through statutory relief will we ensure that the VA has the dedicated resources and funding to handle all of these claims. Also, having a statutory requirement will put this major disease on par with other major presumptive diseases. Finally, at the April 13th Veterans' Benefit Subcommittee hearing, several veteran service organizations, including the American Legion and the VFW, complained that the VA has already denied too many service connection claims by veterans with hepatitis C. In their testimony, AMVET stated that, among its members, the number of veterans being diagnosed with hepatitis C by the VA has increased, but the number being treated by the VA has not risen at all.

While Chairman QUINN, Mr. GIBBONS and I offer this bill as a remedy, we also offer it as a working document. We are willing to work with members of the Veterans Affairs Committee and our colleagues in this body as well as the Veterans Administration and veteran service organizations to produce a consensus bill. I am hopeful that we will be able to work out any differences and pass this legislation for our veterans.

In the heat of combat, we ask our young servicemen and women to risk exposure to unknown danger to save others with the understanding that we, as a nation, will take care of them in the future should they become sick. Mr. Speaker, the time has come to fulfill that promise.

RECOGNIZING ROBERT MONDAVI, RECIPIENT OF WINEVISION'S FIRST ANNUAL "VISIONARY AWARD"

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of Robert Mondavi receiving WineVision's first annual Visionary Award—recognizing the person whose insight and foresight contributed in myriad ways to the U.S. wine community's overall betterment in the year 2000.

Robert Mondavi and employees of Robert Mondavi Corp. were instrumental in the past year in assuring the initiation of the WineVision process—an effort to develop an industry-wide strategic plan for the U.S. wine business. The winery, notably Michael Mondavi and Herbert Schmidt, was key in offering support, including becoming one of the first companies to contribute seed money.

All through the process, Robert Mondavi has provided inspiration, human resources and funding. As well, he has encouraged participation from other wineries and growers.

Robert Mondavi is known throughout the wine industry as the man whose vision of a successful American premium wine industry started America's wine renaissance in the 1960s. WineVision is proud to acknowledge his role in our community and recognize his contributions, those of his family and those of his winery.

Robert Mondavi began his success in the wine business in the 1940's when his father purchased the Charles Krug Winery. In the 1950's and 1960's, Robert became the first Napa Valley vintner to use cold fermentation extensively and popularized new styles of wine such as Chenin Blanc and Fume Blanc.

Robert Mondavi's winery is a culmination of a vision that he shared with his family. From its inception in 1966, the winery has stood as both an example of their innovation in winemaking and a monument to persistence in the pursuit of excellence.

In addition to serving as chairman of the board of the winery, Robert was and continues to be active in a number of activities promoting wine and food. In 1988, he launched the Robert Mondavi Mission program that was designed to educate Americans about wine and its role in American culture and society. This program illustrates the benefits of moderate consumption as well as the detriments of abuse.

Robert is currently in the process of founding the American Center for Wine, Food, and the Arts, in Napa, CA. This center will serve as a culmination of his dream to celebrate the role of wine, food, and arts in American culture. In addition, he is the founding co-chairman of the American Institute of Wine and Food with Julia Child, and a member of the American Wine Society, the Brotherhood of the Knights of the Vine and many other groups.

In 1997, Robert was inducted into the Educational Foundation of the National Restaurant Association's College of Diplomats for his support of education in the food industry. He has been named "Man of the Year" by numerous magazines and foundations and has received such honors as the Lifetime Achievement Award and the Torch of Liberty Award.

Throughout the years, Robert Mondavi has developed world-class, fine wines. As one of the world's top producers, Mr. Speaker, it is appropriate at this time that we acknowledge Robert Mondavi's great accomplishments in the wine and food industry and his receiving WineVision's first annual Visionary Award. Congratulations to Robert Mondavi and the Mondavi family.

THE ZIMBABWE PARLIAMENTARY ELECTIONS

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. GEPHARDT. Mr. Speaker, just this past December, I visited Zimbabwe with a bipartisan group of members of Congress that was co-led by Amo Houghton, a long-time friend of the Zimbabwean people, and included Donald Payne, the ranking member of the International Relations Subcommittee on Africa. The purpose of our visit was to examine Zimbabwe's efforts to combat the AIDS pandemic, revitalize economic development and strengthen its democracy. In doing so, we dedicated a U.S. Agency for International Development-funded AIDS clinic in Hwange and met with political leaders including President Robert Mugabe and Morgan Tsvangirai, the leader of the then-fledgling opposition party, the Movement for Democratic Change (M.D.C.). Little did we know at the time that Zimbabwe was on the cusp of its most fundamental political change since gaining independence in 1980.

I applaud the people of Zimbabwe for their efforts to make the June 25 and 26 parliamentary elections generally peaceful as opposition parties gained an unprecedented 58 seats, 57 of which went to the M.D.C. The relative calm of the election was particularly significant in the wake of the intimidation and violence that preceded the historic vote. The approximately 60 percent turnout of registered voters for the election was a level of participation that we in the United States can envy.

Now, with a meaningful opposition party firmly in place, the challenge for President Mugabe will be to work with the new Parliament to solve the social and economic problems that face his nation in a manner that seeks to unite rather than divide. I was pleased to see President Mugabe recognize this challenge in his speech following the election, in which he spoke of his desire to work with the new Parliament. It is my hope that President Mugabe's future actions will mirror this rhetoric.

Finally, I would like to recognize the work of American representatives in Zimbabwe—both governmental and nongovernmental—whose on-the-ground efforts contributed to this important milestone in Zimbabwe's political evolution: the American Embassy, lead by Ambassador Tom McDonald and Political Officer Makila James; the United States Agency for International Development; and the National Democratic Institute and its Zimbabwe-based staff of Peter Manikas, Richard Klein, David Kovick, Dawn Del Rio, Kate Allen and Scott France.

SUPPORT OF INCARCERATED IRANIAN JEWS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Ms. LEE. Mr. Speaker, today I address the issue of the 13 Jews being held in the city of Shiraz in Iran and on trial on charges of espionage.

The World Bank is currently reviewing a proposal to transfer $230 million in loans to Iran. In light of the circumstances, it is inappropriate to consider these loans while the staged trial of the 13 Iranian Jews continues. It would send a dangerous message that the international community disregards the Iranian government's serious human rights violations against its citizens.

This group, which includes a Rabbi, teachers, and students, has been detained for over a year although no formal charges have been filed against them. Contrary to Iranian law, they have been denied the right to choose their own legal representation.

Additionally, serious legitimacy concerns arise when we consider that the trial is being held behind the closed curtains of the Revolutionary Court where the judge is also the chief prosecutor.

The defendants' "confessions," on which the prosecution's case is built, were all offered without the presence of their lawyers. These minute-long sound-bites have been widely aired on State-run television.

Clearly justice is not being served for these Iranian Jews.

The question is what will the world do about it? The key is for the U.S., Germany, and Japan to stand up at the World Bank and say human rights do matter and to vote to delay any World Bank loan to the Republic of Iran. Until justice is served for these 13 Iranian Jews, the World Bank should not hide behind claims that somehow its loans are only being used for a particular purpose. Money is Fungible.

Recent history has shown that at least 17 Jews in Iran have been executed for spying after similar "confessions" were offered. We must stand up for human rights. The World Bank is where this trial will be on trial.

ANNOUNCEMENT OF THE VICE PRESIDENT REGARDING PLUM POX VIRUS FUNDING IN PENNSYLVANIA BY THE U.S. DEPARTMENT OF AGRICULTURE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. GOODLING. Mr. Speaker, I was pleased today when the administration announced that $13.2 million would be made available to compensate fruit growers in my district affected by plum pox. I am very pleased that my constituents who have seen their livelihoods put under the bulldozer and set afire in the last 3 months will finally receive just compensation. However Mr. Speaker, I am enraged that this announcement came from the Office of the Vice President and that the administration would play election year politics with a stone fruit industry that its own press release values at $1.8 billion.

Mr. Speaker I became aware of the plum pox outbreak in my district in early October. Since that time, I and Pennsylvania's Members of the other body have met with the growers affected by this crisis and worked on legislative remedies to address the growers' loss. I first wrote Secretary Glickman about plum pox in early November, a letter signed by 18 other Members of the House. In the intervening 8 months I have pursued every legislative option available and worked with Secretary Glickman and officials from the Commonwealth of Pennsylvania to indemnify the affected growers.

I ask the Vice President, where have you been for the nearly 6 months while the Office of Management and Budget acted as a roadblock to allowing these funds to be released. Secretary Glickman is to be commended for his actions in this crisis. As soon as the Secretary had the relevant information it was presented to the OMB along with his recommendation to declare this crisis an "Extraordinary Emergency," thereby making plum pox one of the Department's highest priorities.

Where was the Vice President on March 2, 2000, when the Secretary declared an Extraordinary Emergency and the OMB refused to release the funding for the Emergency. Where was the Vice President?

If the Vice President was as concerned about this crisis as he seems to be today, why didn't he request OMB Director Lew release these funds in March, before the growers had to be put through the worries they faced this spring.

Where was the Vice President when those growers, my constituents, came to Washington and met with an OMB official and were insulted and belittled as if they were beggars asking for a hand out. Mr. Speaker, I understand the Vice President is well versed on tobacco growing, but I wonder if he understands the workday of a fruit grower?

The fruit growers in my district do not sit on their porches and rock, as they were told in a insulting response by Director Lew's subordinate in April. Fruit growers work from sun up to sundown and spend their lives praying that the weather and insects do not make them bankrupt. I wonder where the Vice President was Mr. Speaker.

Mr. Speaker as I said, I am pleased that those growers in my district who accepted the risk and obeyed the destruction orders they received from the USDA will be finally compensated, I might add one month after the Congress voted to do the same, but I find it very sad that this Administration chooses to release this compensation only after the Vice President finds himself sagging in the polls and needing help in a swing State.

MEDICARE RX 2000 ACT

SPEECH OF

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. RUSH. Mr. Speaker, I rise in opposition to H.R. 4680 and to say that today we have seen a clear example of legislating at its worst.

The Republican leadership of this House has denied the Democrats the opportunity to offer a meaningful prescription drug plan which would guarantee our senior citizens access to this important benefit under Medicare.

The Republican leadership has issued a "gag order" rule, which prevents the Democratic members of this institution from offering a clear alternative to the legislation which they are calling Medicare Prescription Medicine. I say, the bill before us is not that: it is less than that.

Last year, I visited with a number of Senior Citizens centers in the First Congressional District in Illinois. Secretary Donna Shalala was gracious enough to join me in August in a visit to the senior citizens residence at Montgomery Place.

At every opportunity, the seniors in my district asked me—Is Congress going to do something about Medicare, and especially about prescription drugs?

It was abundantly clear from these questions that the senior citizens in Chicago's First District—many of whom are living on income below the poverty line—that this is an issue of critical importance, to be dealt with seriously by this institution. Seriously and deliberately: not through political gamesmanship.

Last year, we were told that the prescription drug issue would have to wait until the Republican-initiated tax cut was resolved. And we waited. And the senior citizens in our Congressional districts waited.

Last week, when President Clinton proposed an end to the waiting and offered a sound and financially responsible entitlement program to provide senior citizens with the prescription drug benefits that they need and want, the Republican leadership in the House said "No." They said we will consider a minimal proposal that does not even guarantee a prescription drug benefit to Medicare recipients.

Mr. Speaker, I will say again what I said last fall: that the Republican majority must give up this ill-conceived plan and give us the opportunity to consider a real legislative proposal which will give our senior citizens the prescription drug benefits that they need—and want.

MEDICARE RX 2000 ACT

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to H.R. 4680, The Medicare Rx 2000 Act. Today, instead of helping seniors with their prescription drug bills, the Republicans sold seniors a bill of goods. Their bill is a multi-billion dollar giveaway to insurance companies and fails to guarantee that seniors will be able to afford the medicines their doctors tell them they need to take to stay healthy.

For the past year, seniors in my district have been telling me about how much they spend on their monthly prescription bills. I released a study in April 1999 which shows that seniors in my district who have no prescription drug coverage pay twice as much as those who have coverage. Some seniors are faced with the decision of paying for food or paying for medicine. This is an outrage. No senior should be faced with that kind of decision.

On the other hand, the Republican leadership in the House recently became interested in this issue because their pollster told them that they needed to pass a drug plan—any plan—no matter how flawed it is. And they won't let the Democrats offer a substitute plan on the floor because they know it is a good plan and could pass.

We need a Medicare prescription drug benefit that is voluntary, that provides coverage to all seniors who need it, and that secures the financial future of Medicare. I will continue to work for a plan that helps seniors fill their cabinets with life-saving medications, not one that lines the pockets of the drug companies.

JUSTICE FOR SHIRAZ THIRTEEN

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. LUCAS of Kentucky. Mr. Speaker, in Iran today, thirteen Jews are awaiting judgement in a trial that I suspect is no trial at all. Although the thirteen Jews in question are accused of espionage, they have been imprisoned for over a year without being formally charged and have been denied the right to choose legal counsel. They have also been denied access to family members, fellow members of the Jewish community, and human rights workers. It is deplorable to put these thirteen people on trial, possibly with their lives at stake, then shut the courtroom doors to the world. Diplomats, members of the media, human rights activists, and even the accuseds' fellow Iranian citizens are barred from attending the court proceedings. In short, these thirteen persons are being denied even what limited due process of law is regularly available to the Iranian people.

In March of this year, Secretary of State Albright announced that the U.S. ban on certain Iranian imports would be lifted. This move was designed to encourage ongoing political reform in Iran. However, as Iran works to improve its relations with the international community, I urge my fellow members of Congress to keep a watchful eye on the developments in this case. Judge Sadiq Nourani, better known to his countrymen as "the butcher," will soon decide whether or not these thirteen Jews indeed committed acts of espionage against Iran. I am deeply troubled by the shroud of secrecy under which this trial proceeds, bringing into question the integrity of any guilty verdict. My colleagues in Congress should view Judge Nourani's decision, and any subsequent sentencing, as a strong indication as to the sincerity of Iran's attempts to reform.

Omid Tefillin, a 25 year-old man whose brother has already been condemned, said, "I am innocent, and I believe the court is just. God willing, I will be acquitted." Mr. Speaker, I wish I shared Mr. Tefillin's faith in the Iranian judicial system. Based on the proceedings I have observed thus far, I am doubtful the thirteen Jews can receive a just verdict.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

SPEECH OF

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

Mr. GEKAS. Mr. Chairman, I would like to take a moment to discuss an amendment that has the potential to address a matter that is of the utmost importance to our nation. First I want to commend the Chairman for his hard and diligent work on this bill.

The cost of gasoline has skyrocketed and America is once again forced to kneel at the feet of OPEC, groveling to oil barons, begging for more oil. It is disgraceful that this administration has let America, the home of the free, become subservient to foreign powers. I cannot stress enough the importance of the

United States becoming an energy self-sufficient nation and the positive effects this would have on our national security and economic prosperity.

As you know, the price of oil in the United States has dramatically increased over the last year. Over the winter we saw the first spike in oil prices, and this administrations' response was simply to beg OPEC to produce more oil, in the hopes that higher supply would cause prices to go down. Yet, prices have skyrocketed in the last few weeks, with some Americans having to pay well over $2.00 for a gallon of gas. The impact of escalating oil costs affects prices for essential utility and municipal services, the distribution of vital supplies and other goods and services, and could threaten many American jobs. Clearly, our current economic prosperity is put at risk as a result of the dramatic increase in oil prices. It is time to take action before we are completely at the mercy of this oil cartel.

Beyond any short term fixes we may soon address in the Congress, we must adopt a long-term energy policy that will emphasize the U.S. position of being energy self-sufficient in the 21st century. With the vast amount of untapped resources in this country and technological advances which have made it easier, cheaper, and safer to develop and discover new domestic sources of energy, the goal of becoming energy self-sufficient can be a reality.

That is why I have introduced H.R. 4035, the National Resource Governance Act, which I am now offering as an amendment to the Energy and Water Development Appropriations Act. This amendment calls on Congress to officially commit to the concept that the United States can be energy self-sufficient by the end of the decade.

This commitment would take the form of a bipartisan blue ribbon commission to investigate all possible methods to make the country energy self-sufficient. How can we become self-sufficient? We can start by utilizing the oil reserves that already exist in our great land. We should also explore and encourage alternative resource production such as solar, wind, hydrogen, natural gas, gas hydrates, or other resources, as well as better fuel efficiency for our nation's transportation infrastructure.

At the dawn of the 21st Century, the resources and ingenuity to make America self-sufficient for its fuel needs exist. We need to focus our attention on this very important issue, because the ramifications of becoming more dependent on these foreign powers threatens not only our economy, but our very existence as a world power. How many more times must we be put through an energy crisis and the outrageous costs associated with it before we commit ourselves to energy self-sufficiency? It's time to get the power back.

I urge the House to accept my amendment and give our nation an energy policy that will ensure our future.

HONORING DR. JEAN CLAUDE COMPAS

HON. EDOLPHUS TOWNS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. TOWNS. Mr. Speaker, today I am proud to honor Dr. Jean Claude Compas a radiant example of what a premiere physician in this country should hope to be.

Dr. Compas was born in Port-au-Prince, Haiti. After completing his primary education, he traveled to France to attend the University of Lille, where he received his medical degree. After earning his degree, he migrated to the United States to set up his own practice in Brooklyn.

He is the founder of one of the largest Haitian owned and operated medical clinics in Brooklyn. In addition to his successful medical practice, Dr. Compas has dedicated his life to advancing social justice. He has led several marches protesting blatant discrimination and prejudice against Haitians in the United States, including the plight of Haitian refugees. Through his research and publications with the Center for Disease Control in Washington, DC, he helped reverse the unjustified wholesale labeling of Haitians as a high-risk group for AIDS by the CDC and the FDA. He also was a major activist on the Abner Louima case, organizing a legion of protests against police brutality.

Jean Claude Compas serves on several boards of nonprofit organizations, including the New York Aids Foundation, the Haitian Coalition on AIDS, and the Haitian American Alliance of New York. He was also a past-vice president of Haitian Medical Association abroad.

Dr. Compas is a prime example of what every citizen should aspire to be. He has made a difference in many lives in Brooklyn. He remains a dedicated advocate for the Caribbean community. Dr. Compas' contributions to his community never stop, and hopefully he will continue good deeds to make Brooklyn a better community. Dr. Compas ultimately believes that "it's better to give than receive" and he demonstrated it through his many contributions. Please join me in recognizing the accomplishments of Dr. Jean Claude Compas.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

Mr. MOORE. Mr. Chairman, I rise today in opposition to H.R. 4516, the FY2001 Legislative Branch Appropriations Act, which would slash funding to the Government Printing Office's Federal Depository Library Program (FDLP). Rather, I support the bipartisan manager's amendment that restores funding to this important public resource.

The goal of the FDLP is to assure current and permanent public access to information published by the federal government of the United States. The FDLP, under the auspices of the Government Printing Office (GPO), provides public documents free of charge to approximately 1,350 libraries in the United States and its territories. Depository libraries receive all government publications of public interest and/or educational value, with the exception of classified materials.

The FY2001 Legislative Branch Appropriations Act would cut the FDLP's budget by 61 percent, from $29.9 million in FY2000 to $11.6 million in FY2001. By contrast, the Senate's version of this bill would actually increase the library program's budget by 4 percent.

The manager's amendment, sponsored by Representatives TAYLOR and PASTOR, would restore $95.8 million to this spending bill, including $14.1 million to the FDLP. This amendment would bring the total FDLP appropriation to $25.7 million, or $4.2 million less than the FY2000 appropriation. While this funding cut is still unacceptable, the manager's amendment would, at the very least, allow the FDLP to continue operating into 2001.

Mr. Chairman, the University of Kansas Government Documents and Map Library is the only regional depository library in the entire state of Kansas. Though other depository libraries exist in my home state, they receive only a small percentage of the documents that the Government Documents and Map Library receives annually. At a regional depository library like the one at KU, individuals can read a wide range of government documents dating from 1789, such as the first Census report for the United States, which the government completed in 1790.

Though the government documents are made available to the public at no cost, there is a cost to the libraries that maintain them. As a regional depository library, KU is required by federal law to maintain the information in perpetuity. The cost of storing a total collection of more than 2 million government documents can run into the tens of thousands of dollars annually, not counting salaries for a staff to catalog and maintain the information. Without federal funding, the Government Documents and Map Library would be forced to close its doors and end its years of service to the Kansas public.

Mr. Chairman, though anyone can access documents supplied under the auspices of the FDLP, the people who rely upon this information the most are small-business owners. Small business men and women in Johnson County and other areas in Kansas' Third District frequently utilize the Federal Register, which lists proposed regulations and information on upcoming government contracts. Small businesses have a right to access the Federal Register and other federal documents, and the federal government has the responsibility to make sure that America's small business people have access to them.

I urge my colleagues to vote for the vitally important manager's amendment, which will restore the public's access to taxpayer-funded government documents. The public has an inherent right to obtain information contained in government documents that have been published at public expense. Above all, Mr. Chairman, a well-informed citizenry, cognizant of the policies and activities of its representative government, is essential for the proper functioning of democracy.

IN HONOR OF COACH ANTHONY FEDERICO

HON. DENNIS J. KUCINICH

OF OHIO

HON. STEPHANIE TUBBS JONES

OF OHIO

HON. STEVEN C. LaTOURETTE

OF OHIO

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. KUCINICH. Mr. Speaker, today I honor Mr. Anthony Federico ("Coach") for his tireless dedication to youth and his outstanding service to his community.

Coach Federico received his B.S.S degree from John Carroll University, where he later received his masters in counseling and masters in administration. He also received his Ph.D. from the American College of Metaphysical Theology in 1997. Coach Federico most recently has served as the head football coach at Maple Heights High School. Throughout his career, Coach Federico has taken initiative and transformed the coaching profession. His unique approach to coaching inspires and enriches the lives of the young people he comes in contact with. His unyielding devotion to his students is a reflection of his admirable character. Coach Federico has been the assistant football coach and offensive coordinator at Case Western Reserve University. He has also served as the athletic director and head coach at many other schools throughout his career, including Richmond Heights, Chanel High, and Willoughby South. He has been a member of the American Coaches Association for 35 years, and has also received two "Coach of the Year" awards.

In addition to his tremendous coaching abilities, Coach Federico is the president of Effective Goal-Setting Opportunities, Inc., which owns the pending trademark "The Zone Coach," which represents an educational seminar designed to assist in creating a game plan for successful and optimal performance based on a unique combination, nutrition and fitness. He also created the Goal-Getter, a powerful motivational tool built into a standard 12 month calendar. Coach Federico's efforts have been recognized and have resulted in the creation of a federal grant to help underprivileged youths successfully enter the workplace. In addition, he also teaches continuing education classes for the department of insurance and real estate. Coach Federico has taken his profession to new heights. His coaching philosophy reaches beyond the athletic field and reaches into the workplace and personal lives of those who understand the importance of total body wellness. He is not only a talented coach, but has become a role model for all to follow. His tremendous accomplishments as a coach and an educator are truly commendable.

Colleagues, please join me in honoring Mr. Anthony Federico for his generous contributions to youth, both on and off the playing field.

TIGERS CLINCH FIFTH NATIONAL TITLE

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. BAKER. Mr. Speaker, I am honored to have this opportunity to congratulate the LSU Tiger Baseball Team on winning the 2000 College World Series and clinching their fifth NCAA championship in ten years.

The final game of the College World Series promised to be very exciting and to the fans of this series, it lived up to this expectation. Stanford, the College World Series Team of the 80's, fought a hard battle against the LSU Tigers, the College World Series Team of the 90's, to determine who would claim the title in 2000. And with a lot of sweat, hard work and determination, that decision was made in the bottom of ninth inning when the LSU Tigers rallied from a 5–2 deficit to win the NCAA championship, beating the Stanford Cardinals 6–5.

It is with tremendous pride that I congratulate LSU Coach Skip Bertman and all the players of the LSU Baseball Team for a great game. I know that both the coach and the players gave the game their entire heart and demonstrated to baseball fans all around this country what a good baseball game is made of. I salute you and look forward to seeing LSU win more College World Series titles in the future.

HONORING EMMA TIBBS AS A RECIPIENT OF THE DAILY POINTS OF LIGHT AWARDS

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2000

Mr. FLETCHER. Mr. Speaker, today I recognize the accomplishments of Mrs. Emma Tibbs from Lexington, Kentucky. She is currently serving her second year term as President of the Fayette County Neighborhood Council, an umbrella organization of neighborhood associations in the county.

Mrs. Tibbs was awarded the Daily Points of Light Award for her initiative in taking this group and turning it into a positive community force. This award speaks very strongly about both her character and dedication.

We are all proud that the recipient of such a prestigious award has come from the 6th district of Kentucky. Mrs. Tibbs's acts of generosity and community action have set a standard of excellence in service to which people of all ages should aspire.

Congratulations to you Mrs. Tibbs and thank you for your commitment to community service.

1999 FLEOA HEROISM AWARD

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. RODRIGUEZ. Mr. Speaker, in July, in Pleasanton, Texas, the Federal Law Enforcement Officers Association, along with family, friends and members of the community, gather together to present nine individuals, three of whom died in the line of duty, with the 1999 FLEOA Heroism award. The ceremony will memorialize the ultimate sacrifice of those three local Atascosa County lawmen who were tragically killed last October as well as the brave acts of the other officers and civilians. These individuals will be honored for their outstanding courage and bravery in answering the call to duty.

The FLEOA Awards Program is intended to honor its fellow peers not only from across the nation but also from Canada, Mexico, Thailand, Bahamas and Columbia. The following individuals have been selected as recipients of the 1999 Heroism Award, the first three of which are to be awarded posthumously:

Police Officer Thomas Monse—Atascosa County Police
Officer Mark Stephenson—Atascosa County
State Trooper Terry Miller—Texas Department of Public Safety
Police Officer Louis Tudyk—Pleasanton, Texas
Supervisory Deputy David Sligh—San Antonio, Texas
Carl Fisher—Court Security Officer—INS Retired—Pleasanton, Texas
Wendell Munson—Atascosa County
Archie Pena—Retired Police Officer—Atascosa County
Oscar De La Cruz—Pleasanton, Texas

Many national and international nominations for the awards were received. Seven of the awards were given to those officers and civilians who were involved in the sad event that took place on October 12, 1999, in Pleasanton. On that day, three brave officers of the law sacrificed their lives in the line of duty. Atascosa Sheriff's deputies Thomas Monse and Mark Stephenson, along with Texas state trooper Terry Miller, were all gunned down in an ambush by a lone gunman. Two others, City of Pleasanton Police Officer Louis Tudyk, and a retired U.S. Immigration and Naturalization Service agent, Carl Fisher, were also wounded during the ensuing gunfight.

Carl Fisher, along with Archie Pena, a retired local Police Officer, and Wendell Munson, a 56-year-old cattle rancher, earned their Heroism Awards by rising to the occasion and risking life and limb to come to the aid of the fallen police officers. None of them was obligated to do so, yet they decided to make it their duty. The tragic incident served as a grave reminder of the risks that law enforcement officers face every day in guarding the peace of our communities.

This tribute extends to include officers of all stripes for the hard work and sacrifices they make throughout the country. Far too often their presence is taken for granted and the risks that they take for our security are not fully comprehended. I hope that this award can serve as a symbol of our gratitude for all law enforcement officers who fulfill a much-needed task.

HONORING MR. ROBERT SNYDER

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. GARY MILLER of California. Mr. Speaker, today I pay tribute to Mr. Robert Snyder on the occasion of his promotion from the United Parcel Service (UPS) Public Affairs office in Washington, DC to the company's Corporate E-Ventures division in Atlanta, Georgia.

Mr. Snyder began his career with UPS 20 years ago as a project engineer in the southeast region of the United States. In 1997, he was promoted to the public affairs office in Washington, DC where he was responsible for working with Members of Congress on legislative priorities that would affect the freight industry. At the same time, he oversaw UPS's worldwide environmental program and the development of more than 20 facilities across the country. In this capacity, he helped engineer the industry's first recyclable envelope, a product providing economic benefit to UPS and an environmental benefit to the world community.

Part of UPS's global network of trade includes the use of Ontario International Airport in Ontario, California, part of the district I represent. With Mr. Snyder's leadership, the company has expanded its use of the facility, transforming it to the company's western gateway to the world.

Mr. Snyder has been a good friend to many in Washington, DC, including my office. Today, I acknowledge his commitment and achievements and sincerely wish him and his family prosperity and success in the future.

INTRODUCTION OF THE LOW-INCOME WIDOWS ASSISTANCE ACT OF 2000

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today with my colleague Representative ERNIE FLETCHER in introducing the Low-Income Widows Assistance Act of 2000.

You may be as amazed as I was to discover that if a senior has a dramatic drop in income, whether do to the loss of a spouse or other reason, no one in government alerts the senior that they may be eligible for assistance with their Medicare premiums and co-pays.

This means the 82-year-old senior who just lost a spouse and is now responsible, many times for the first time, for taking on the tasks of paying the bills on a drastically lower income may not know they can get much needed help with medical expenses.

It just makes sense to me that Federal Government should seek to aid such seniors when they need the help the most. Especially when the Social Security Administration presently has the ability to identify those who may qualify for assistance.

Since 1988, Congress has provided financial assistance to qualified low-income seniors in covering costs under the Medicare program. Despite the growing number of elderly taking advantage of the assistance, reports have shown some are being left out because they are not aware of the programs.

The Social Security Administration reports that 40 percent of non-married women (a category that includes women) rely on Social Security benefits for 90 percent of their income in comparison to only 18 percent of married couples. Amazingly, one-fourth of non-married women relies on Social Security retirement benefits as their sole source of income.

This legislation seeks to make these seniors aware of the additional benefits they may be entitled to because of their income by directing the Social Security Administration to mail a notification to Social Security recipients it identifies as possibly being eligible. This notification will instruct the beneficiary on whom they can contact to determine whether they qualify for assistance.

It further directs the Social Security Administration to provide the states with a list annually of names it has identified to aid the states in enrolling these deserving seniors.

I hope my colleagues will join with me in making the government more consumer friendly to our seniors who need our help by cosponsoring this legislation. It will be a great comfort to our seniors, many of who are widows, to know they can receive assistance with important and often expensive medical costs.

IN MEMORY OF DWIGHT T. REED

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Dwight Reed, of Jefferson City, MO. He was 85.

He was born on March 13, 1915, in St. Paul, MN, and was the son of Dwight and Ora Woods Reed. Coach Reed grew up in St. Paul and was a football, basketball, and track star at George Washington High School. He attended college at the University of Minnesota, where he received his bachelors and masters degrees and was an All-American member of three national championship football teams. In addition, he was an intramural light-heavyweight boxing champion.

After 3 years of coaching three sports at the high school level, Coach Reed played semi-pro basketball for the Galloping Gophers. Following his basketball career, Reed served a four-year tour of duty in the Army during World War II. He was involved in combat in Italy.

In 1949, Coach Reed moved to Jefferson City and began his coaching career at Lincoln University. Reed was LU's football coach for 23 years and posted a career record of 135–75–6. Reed also served as the athletic director, eight years as women's track coach and three years as men's basketball coach. Among his accomplishments as a football coach were two undefeated seasons in 1952 and 1953 and four league championships. In addition, he produced two NFL All-Pro stars which include current Lincoln assistant Lemar Parrish, and Canadian Football Hall of Famer Leo Lewis. As a tribute to Coach Reed's career, the Lincoln University football stadium and track were named in his honor in 1985. Coach Reed's hard work and dedication throughout his career has impacted the lives of many.

Mr. Speaker, Dwight Reed will be greatly missed by all who knew him. I know the members of the House will join me in extending my heartfelt condolences to his family: his wife of 58 years, Hiawatha; one son, Kenneth L. Reed; one stepson, Marvin Reed, five grandchildren and five great-grandchildren.

HONORING COLVIN W. GRANNUM

HON. EDOLPHUS TOWNS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. TOWNS. Mr. Speaker, I am proud to honor and celebrate the achievements of Colvin W. Grannum, the founding director and the chief executive officer of Bridge Street Development Corporation. Bridge Street Development Corporation is a faith based non-profit organization, affiliated with Bridge Street African Wesleyan Methodist Episcopal Church in Brooklyn, NY.

Mr. Grannum's motto is "Building on Community Strength." His vision is to restore Bedford Stuyvesant to the ranks of the most desirable communities for parenting and doing business. Under Mr. Grannum's leadership, BSDC has grown to over a $2 million operation with 300 units of housing in the development pipeline in only its first four years of experience. BSDC also has obtained preliminary approval for $2 million in start up financing for two locally-owned businesses. Finally, to help begin to close the digital divide, Mr. Grannum has used BSDC to establish a community computer lab and Internet access facility.

In addition to being a community leader, Mr. Grannum has also practiced law for 17 years as a litigation attorney. He started his legal career as a law clerk to a judge of the Superior Court of the District of Columbia. He also has held a variety of positions with the United States Department of Justice, the New York State Attorney General, the NYNEX Corporation, and the New York City Corporation Counsel. During his legal practice, Mr. Grannum was responsible for handling and supervising complex litigation, including trials, appeals, and regulatory proceedings. As a law student, he taught a legal writing and research course at Georgetown University Law Center.

Mr. Speaker, please join me in thanking Colvin W. Grannum for his selfless service to the community of Brooklyn. Also, please join me in wishing him the best in his future endeavors on "Building on community strength."

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. MOORE. Mr. Chairman, I rise today in opposition to H.R. 4690, the FY 2001 Commerce-Justice-State-Judiciary appropriations bill. This bill is more than $2 billion below current funding levels, achieving these reductions by making unacceptable cuts in several key areas.

Among these cuts is the $201 million reduction in the President's gun enforcement initiative request. This initiative would provide funding to hire federal, state, and local prosecutors for gun crimes. As a former district attorney, I know that the unfortunate reality is that our judicial system is seriously lacking the resources it needs to see that each gun crime receives strong legal inquiry. There are existing laws that can be enforced in order to lessen the prevalence of gun violence in our communities. Without the proper tools, adequate manpower, and financial resources, however, these laws will be less likely to serve their intended purpose.

Mr. Chairman, this bill also cuts other critical law enforcement programs, such as the administration's Community Oriented Policing Service (COPS) program. H.R. 4690 provides only $595 million, 55 percent less than the $740 million requested for the COPS program. These deep cuts come at the expense of several important initiatives within the overall COPS program. This bill does not provide funding for a COPS community prosecutors program for which $200 million was requested. It does not fund a new crime prevention program for which $135 million was requested. Finally this bill underfunds, by 37 percent, the request for public safety and community policing grants.

This FY 2001 Commerce-Justice-State appropriations bill also fails to fund the $21 billion authorization to ensure proper monitoring and compliance with international trade agreements. These monies were authorized as part of a bipartisan agreement that this House passed along with PNTR with China just a few weeks ago. While approval of PNTR was in our national interest, this bipartisan proposal was offered to address congressional concerns about Chinese compliance with their WTO obligations, human rights practices in China, and Taiwan's entry into the WTO. I am disappointed that the leadership reneged on its commitment to provide funding for this important monitoring and compliance agreement.

Mr. Chairman, because of these and other funding shortfalls, and because the bill contains objectionable riders, such as preventing the use of funds to move forward on implementing the Kyoto Protocol, I will be voting "no" on H.R. 4690 and urge my colleagues to do so as well.

DOCTOR MAKES POSITIVE IMPACT IN CARVILLE, LA, COMMUNITY

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. BAKER. Mr. Speaker, I am honored to have the opportunity to congratulate Dr. Robert Jacobsen upon his retirement as Director of the National Hansen's Disease Programs and the Gillis W. Long Hansen's Disease Center in Carville, Louisiana. During his distinguished 33-year career at the center, Dr. Jacobsen played an important role in helping to define the evolving leprosy chemotherapeutic regimens that are the key features of the world elimination program for this disease.

Dr. Robert Jacobsen, a native of Austin, Minnesota, received his B.A. in Chemistry and Math from the University of Minnesota in 1954, his Ph.D. in Organic and Physical Chemistry from the University of Wisconsin in 1958 and his M.D. from the University of Minnesota in 1962. Jacobsen started his career with the Public Health Service as Chief of Medicine at the U.S. Public Health Service Hospital, Carville, LA, which later became the Gillis W. Long Hansen's Disease Center; a position that he held until 1992. In addition, Dr. Jacobsen also served as Chief of Clinical Branch from 1978 to 1992.

His numerous awards and recognitions include the Public Health Service's Commendation Medal, Meritorious Service Medal, and Distinguished Service Medal, as well as the Secretary's Award for Distinguished Service. Dr. Jacobsen has also served on numerous international advisory boards including the Tuberculosis Task Force of the Centers for Disease Control and Prevention, the World Health Organization's Working Group on Leprosy Control, the International Leprosy Association, and the World Health Organization's Special Action Projects for the Elimination of Leprosy.

In addition to Dr. Jacobsen's lifelong commitment to leprosy research, treatment and eradication, I would also like to recognize and thank him for his help in making the transition from the Gillis W. Long Hansen's Disease Center to the Carville Academy a smooth one. He can take great pride in knowing that his efforts at the center have not only helped his patients, but will also help thousands of youth for years to come. Again, it is an honor to have this opportunity and I wish Dr. Jacobsen all the best.

IN HONOR OF THE SHAOLIN PERFORMING GROUP

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. KUCINICH. Mr. Speaker, I rise to pay tribute to the Shaolin Performing Group, a group of young children ages 6–18 from China who will be visiting Cleveland to participate in the Wushu Kungfu Extravaganza Weekend on July 8 and 9, 2000. This weekend event is a special cultural, sporting and educational exchange between the East and the West. The Shaolin Performing Group, along with their coach Grandmaster Zhu, will be visiting the United States for the first time.

This impressive group of young athletes train for years under the Shaolin monks in China and demonstrate incredible feats of martial art skills. These children, who attend the Zhengzou Martial Arts Major Institute, represent China in promoting cultural and educational exchange. Their teacher, Grandmaster Tianxi Zhu, is the director of this institute, and is a Chinese Wushu Degree 7. He earned the international outstanding Wushu achievement gold medal and was the first place winner of Shaolin Kungfu in the 7th World Cup Wushu Championships. The children under his tutelage demonstrate amazing speed, discipline, and skill.

My fellow colleagues, please join me in paying tribute to this exceptional group of athletes, the Shaolin Performing Group, and welcoming them to the United States for their performing tour.

HONORING AUDREY LEE JACOBS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. TOWNS. Mr. Speaker, it gives me great pleasure to rise today to honor Audrey Lee Jacobs. She is president and chief executive officer of Lyndon Baines Johnson Health Complex. After years of working throughout the United States for several of the world's largest corporation, Ms. Jacobs is pleased to be returning to serve the Brooklyn community in which she was born. She is a great product of the New York City Public school system, graduating from Andrew Jackson High School as one of the top students in her class. Audrey attended Vassar College on a full scholarship and majored in psychology.

Ms. Jacobs developed a keen interest in business as she watched her entrepreneurial parents establish and run their own small businesses. She began her career in marketing, working for several multi-national corporations, including Mobil Oil Corporation and AT&T. She wanted to broaden her base of skills and knowledge in business, so in 1985, she entered the University of Texas at Austin. In 1988, she was awarded her Masters in Business Administration degree and realized how important education was and went on to law school. She attended Columbia Law School, majoring in corporate law. Afterwards, she joined Mayor N. Dinkins' administration as an assistant to the President of the NYC Health and Hospitals Corporation. That provided an introduction to the field of health care administration for Ms. Jacobs, and she realized from that experience. ". . . how many people in New York were not receiving medical care and how important it was to provide all New Yorkers, regardless of ethnicity, race, or social class, or access to high quality health care." After the Dinkins administration she returned to the practice of law. Throughout the years, Ms. Jacobs has been active in the alumni associations of her college and law school, and she has helped to raise funds for many community and political organizations.

Recently, William F. Green, the Chairman of LBJ's Board of Directors talked with Ms. Jacobs about the changing health care landscape and LBJ's developing role in it. After the meeting Ms. Jacobs reflected on taking the reins of this proud clinic which, for 32 years, has been integral to the health and well being of Bedford-Stuyvesant. She quickly realized that it was the opportunity of a lifetime. And, we are grateful for her ability to seize this opportunity.

Mr. Speaker I ask you and my colleagues to join me in honoring the contributions of Audrey Lee Jacobs. Our community, state, and nation are grateful for her dedicated service.

RIO GRANDE CITY, TX, STUDENTS WIN THE WORLD CHAMPIONSHIP TITLE IN THE ODYSSEY OF THE MIND CONTEST

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. RODRIGUEZ. Mr. Speaker, today I recognize the Odyssey of the Mind world-champion team members, coaches, and parents of Ringgold Elementary School in Rio Grande City, TX. At the Odyssey of the Mind world championship competition for pre-teens, this select group of 5th graders captured the world title. This banner accomplishment reflects the competitors' academic commitment, keen imagination, creativity, and countless hours of preparation.

Odyssey of the Mind, a worldwide creative problem-solving, engages students in exercises that challenge their critical thinking skills. More than 1 million participants in 50 states and 20 countries around the world compete in various age and subject categories. The world-champion Odyssey of the Mind team members, Jessica Chapa, Ashley Escobar, Justin Guzman, Karah Hiles, Leonel Lopez III, Armando R. Vela, and Valerie Villarreal, demonstrated world-class dedication to earn this international recognition.

I join the people of Rio Grande City, TX, and the United States, to commend the trophy winners for capturing the world championship title of the Odyssey of the Mind competition.

HONORING JACQUELINE Y. SMITH AND DEBORAH L. DYOR AS SMALL BUSINESS PEOPLE OF THE YEAR

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. FLETCHER. Mr. Speaker, it's an honor to speak today on behalf of two women from Lexington, KY, who have been named Small Business People of the Year. Jacqueline Y. Smith and Deborah L. Dyor, have within a decade successfully turned their drug-research company, Central Kentucky Research Associates into a million-dollar company.

These two women began their company in 1991 with a mere $50 and by 1999 had netted sales of $1.6 million. It's an honor for me to recognize the determination and commitment these two Central Kentuckians have exhibited over the past 10 years. Their company conducts the tests required before the U.S. Food and Drug Administration approves new drugs or approves new uses for drugs already on the market.

The sacrifices of these two women have been enormous, as they resigned positions and ventured out to begin Central Kentucky Research Associates. Their efforts are most worthy of the Small Business People of the Year Award.

Small businesses are the backbone of a community and epitomize the entrepreneurial spirit that has long existed in our country. The hard work of small businesses owners, such as these two women, have allowed many generations of Americans to achieve the successes and rewards our nation offers to all its citizens. I salute Jacqueline Smith and Deborah Dyor for their dedication and drive, which has and will continue to benefit not only the people of Kentucky, but all of America.

PERSONAL EXPLANATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. ROTHMAN. Mr. Speaker, On June 19, 2000, and on June 23, 2000, because I was attending personal family events, I was not present to record my votes on rollcall votes No. 293 and No. 319. These votes pertained to striking language in the Fiscal Year 2001 VA–HUD and Commerce-Justice-State Judiciary Appropriations bills which prohibited agencies of the Federal Government from using funds to pursue lawsuits against tobacco companies.

Because I strongly believe that the tobacco companies must be held responsible for the millions of dollars in health care expenses that the Federal Government has paid for tobacco related illnesses through federally funded health care programs, had I been present for these votes, I would have voted as follows:

On rollcall vote No. 293, 1 would have voted "aye.".

On rollcall vote No. 319, 1 would have voted "aye".

INTRODUCTION OF LEGISLATION TO RENAME THE POST .OFFICE IN CARROLLTON, GEORGIA AFTER THE HONORABLE SAM ROBERTS

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. BARR of Georgia. Mr. Speaker, I rise today to introduce legislation to rename the post office located in Carrollton, Georgia, after the Honorable Sam Roberts.

Sam Roberts was bom on April 10, 1937, in Rome, Georgia. After obtaining a degree in insurance and risk management from Georgia State University in 1963, Sam Roberts delved into a career of management, heading Roberts Insurance Agency. After many years in this profession, Sam decided to run for the Georgia State Senate. He won his Senate seat to represent District 30 in 1996, and was reelected in 1998. His second term was tragically cut short after his untimely death after a long bout with cancer, on January 3, 2000, in Douglasville, Georgia.

Throughout his life, State Senator Sam Roberts was involved in countless community organizations and civic clubs, including: President of the Sertoma Club and the Douglas County Rotary Club; National Director of the U.S. Jaycees (Government Affairs); and State Vice President of the Georgia Jaycees.

He also served on the Board of Directors of the American Cancer Society and the March of Dimes. He was the Chaplain of the Flint Hill Masonic Lodge. Sam Roberts was a member of the Douglas County Development Authority and the Douglas Chamber of Commerce. He was also a youth football coach for 20 years.

Sam Roberts received numerous community and civic awards, such as Who's Who in Georgia, and Small Business Person of the Year from the Douglas County Chamber of Commerce. He was also Associate of the Year of the Douglas County Home Builders Association. Sam was admitted to the Carrollton Trojan Hall of Fame, and was a Jaycees International Senator.

While serving in the Georgia State Senate, Sam Roberts worked extremely hard for swift and strong punishment of criminals, to improve education for children, and to make our state government more efficient. Before he passed away, he had introduced Senate Bill 69, which was pushed through by lawmakers as a tribute to Sam Roberts. The bill dispels the need to carry an insurance card to prove coverage and allows for computerized records of coverage and renewals.

Sam Roberts was a resident of Douglas County for more than 30 years. He was a member of Heritage Baptist Church, with his wife, Sue. Sam is also survived by three children—Sherrie, Beau, and Amber.

Mr. Speaker, the career of Senator Sam Roberts—as a professional, as a legislator, as a community leader, and as a family man—clearly demonstrates why we should name this Post Office in his community, in his honor. I ask you and my colleagues to join me in renaming the U.S. Post Office in Carrollton, Georgia, after the Honorable Sam Roberts.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT OF 2000

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. LAZIO. Mr. Speaker, I rise to introduce the bill entitled the Breast Cancer Research Stamps Reauthorization Act of 2000.

Breast cancer is the most commonly diagnosed cancer among women in the United States. More than 2 million American women are currently living with the disease, 1 million of whom have yet to be diagnosed. This year alone, 182,800 women will be diagnosed with breast cancer. Over 40,000 of them will lose their battle with this killer.

Breast cancer has taken an awful toll on the people of my home state. New York has the second-highest breast cancer mortality rate in the country. Between 1980 and 1994, the incidence of breast cancer in New York increased nearly 18 percent. Enactment of this bill will go a long way toward helping our effort to increase funding for breast cancer research. Only through the help of continued cancer research have more and more people become cancer survivors in recent years.

Since the issuance of the Breast Cancer Research stamp in the summer of 1998, 164 million Breast Cancer Research stamps have been sold raising over $12 million for breast cancer research. The stamp provides a convenient avenue for participation in the battle against this horrible disease. Unfortunately, without congressional intervention, the stamp will expire on July 28, 2000. Valuable research funds, as well as a mechanism to heighten public awareness of this horrible disease, will be lost.

This bill, The Breast Cancer Research Stamp Reauthorization Act of 2000 would extend the sale of the Breast Cancer Research stamp for an additional two years. The stamp would continue to cost 40 cents and sell as a first class stamp. The additional funds that are raised will go directly to breast cancer research at the National Institutes of Health and the Department of Defense.

I am pleased to report that this reauthorization bill has tremendous support throughout the health community. Supporters of the Breast Cancer Stamp Reauthorization Act of 2000 include the American Cancer Society, the American Medical Association, the Y-Me National Breast Cancer Organization, Leadership America, the National Association of Women's Health, the American Cancer League, the American College of Surgeons, Friends of Cancer Research, and many others.

A Breast Cancer Research Stamp remains just as necessary today as it was when this authority was signed into law two years ago. According to the American Association for Cancer Research, 8 million people are alive today as a result of cancer research. To say that every dollar we continue to raise will save lives, can only underscore the importance of this legislation.

I urge my colleagues to join me in enacting this important legislation.

HONORING DR. ORAN LITTLE'S 12 YEARS OF SERVICE AS THE UNIVERSITY OF KENTUCKY'S DEAN OF AGRICULTURE

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. FLETCHER. Mr. Speaker, it's an honor to speak today on behalf of Dr. Oran Little who is stepping down from his position at The University of Kentucky as the Dean of Agriculture. For twelve years Oran Little, has been not only the Dean of Agriculture at the University of Kentucky but also the Director of the Kentucky Agricultural Experiment Station, the Director of the Kentucky Cooperative Extension Service and a Professor of Animal Science. For Dean Little's commitment to education and his many years of service, I salute him.

Oran Little is a leader in the Lexington community and his dedication to the youth of the University of Kentucky will never be forgotten by the many people he has touched over the years. I commend Dean Little and thank him for his outstanding service to Fayette County. During his tenure, the University of Kentucky's academic, research, and extension programs have provided invaluable services to the Commonwealth of Kentucky and have gained substantially in national and international recognition.

Dean Little's determination to constantly improve the University of Kentucky's facilities has led to many new competitive research and technology capabilities which will eventually result in new opportunities for crop diversification, as well as new science based information on agricultural techniques. I thank you Oran Little for helping to mold and develop the University of Kentucky's Agriculture Department into what it is today.

SILVER ANNIVERSARY OF THE ARMED SERVICES AND VETERANS AFFAIRS MILITARY AWARDS DINNER

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. CUMMINGS. Mr. Speaker, whereas the leaders of America's Revolutionary War ascribed honor, gallantry and patriotism to the performance of military duty reserved for free white men to garner independence, freedom, liberty and equality from the British Crown;

Whereas Crispus Attucks, a black slave, was the first to die while confronting British soldiers in the Boston Massacre; 5,000 of those who fought during the Revolutionary War were black;

Whereas the military heritage of African Americans is as long as the history of a black presence in North America; black participation—in military actions—has not received extensive popular support nor has such participation been undertaken without difficulty;

Whereas in 1917, when America entered World War I, Dr. Joel Spingarn, then-chairman of the Executive Committee of the National Association for the Advancement of Colored People (NAACP), and Dr. W.E.B. Dubois, editor of the Crisis magazine pressured the War Department to establish a training camp that resulted in the commissioning of more than 1,300 black officers;

Whereas today, the NAACP notes significant improvement in the status of African Americans serving in the defense of the Nation; substantial portions of America's working population are directly or indirectly employed by the Department of Defense as uniformed military personnel, Federal employees, or Department of Defense contractors/sub-contractors and African Americans compose significant percentages of this work force; these statistics represent employment, training, and educational opportunities for African American youth;

Whereas July 12, 2000, the Silver Anniversary of the Armed Services and Veterans Affairs Military Awards Dinner marks the untiring efforts of the NAACP to ensure equal opportunity in the Department of Defense through a national recognition program to award individuals within the Department of Defense who have made significant contributions to promoting equal opportunity and civil rights;

Whereas the NAACP does not hesitate to confront the Defense Department whenever issues involving civil rights are in question; the national awards program testifies to the efforts of the Department of Defense and the Uniformed Services to stay the course and improve upon the Department of Defense and the Uniformed Services to become introspective and as equal opportunity-related issues emerge, to remain vigilant and keenly aware of the civil rights implications.

Be it Resolved finally That this NAACP national recognition program continue to culminate in an awards banquet and ceremony with pageantry commensurate with the high honor and dignity bestowed upon the award recipients.

HONORING BRIAN R. MARTINOTTI

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. ROTHMAN. Mr. Speaker, I rise today to offer my congratulations to a remarkable citizen, Brian R. Martinotti of Cliffside Park, New Jersey, who on May 16, 1999 was honored with the "Christopher Columbus Citizenship Award" by the Italian-American Police Society of New Jersey.

I have know Brian for many years and I have always found him to be an outstanding attorney, family man, and a trusted friend. After earning his undergraduate degree in Business Administration from Fordham University, Brian received his Juris Doctor from Seton Hall University School of Law. He is a member of the New Jersey State Bar, and has also been admitted to the United States Supreme Court Bar and the New Jersey Federal District Court Bar.

In addition to being a partner in the law firm of Beattie Padovano, where he specializes in civic litigation, Brian is a tax attorney for the Boroughs of Fairview and Little Ferry and also serves as a public defender in the Borough of Moonachie. Further, Brian has dedicated many hours to civic activities in Bergen County. He is a Councilman in the Borough of Cliffside Park, and is also Vice-President of the Bergen County 200, Trustee to the Greater Pascack Valley Chamber of Commerce, and Legal Counsel for the Italian-American Police Society of New Jersey.

Brian has given much to the State of New Jersey and to his community, and he well deserves the honor of the "Christopher Columbus Citizenship Award" that has been bestowed upon him by the Italian-American Police Society of New Jersey. My congratulations and appreciation go out to Brian and his wonderful family, and I take great pleasure in recognizing him today.

INTRODUCTION OF LEGISLATION TO RENAME THE FEDERAL COURTHOUSE IN ROME, GA, AFTER THE HONORABLE LAWRENCE PATTON McDONALD

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. BARR of Georgia. Mr. Speaker, today I rise to introduce legislation to rename the federal courthouse located in Rome, GA, in the 7th District, after the Honorable Lawrence Patton McDonald. Several members in this Chamber today had the privilege of serving with Congressman McDonald and I have the distinct honor to represent his congressional district.

Lawrence Patton McDonald was born on April 1, 1935, in DeKalb County, GA. After receiving a doctorate in Medicine from Emory University in 1957, Lawrence, or "Larry," McDonald courageously served his country for four years, primarily as an overseas flight surgeon. In 1966, he settled in Cobb County where he practiced medicine. During his medical career he was a member of the State Medical Education Board, the National Historic Society, and the Cobb County Chamber of Commerce.

On January 1, 1975, Larry McDonald began his first term in Congress. Congressman McDonald dedicated his political life to the defense of the United States Constitution.

During his congressional career, Congressman McDonald was presented with the Defender of Individual Rights award by the National Rifle Association. He was also a member of the American Pistol and Revolver Association, Advisory Board of the National Committee for the Right to Keep and Bear Arms, Gun Owners of America, National Advisory Council of the Second Amendment Foundation, and Citizens Committee for the Right to Keep and Bear Arms.

Congressman McDonald was a strong supporter of the right to life. He was an active member of the Georgia Right to Life Committee, Board of Advisors for American Life Lobby, Congressional Advisory Council of Christian Voice, Advisory Council of Birthright of Atlanta, and the National Pro-Life Political Action Committee.

Throughout Congressman McDonald's eight years as a Member of Congress, he received many awards and acknowledgments. In 1977, he was presented with the Bernardo O'Higgins Award by the government of Chile. In 1978, he was given a certificate of appreciation for the National Human Rights Committee for POWs and MIAs. In 1980, the Naval Reserve Association named him "Man of the Year," and presented him with the Distinguished Service Award. In 1981, the Congressional Medal of Honor Society presented him with its distinguished service award for his leadership on national defense issues. He was also honored by the American Security Council for his work in the same area. Congressman McDonald also consistently received the Watchdog of the Treasury Award from the National Federation of Independent Business (NFIB).

Congressman McDonald had a strong interest in foreign affairs. He was one of six lawmakers selected to attend a three-day conference commemorating the 30th anniversary of the United States Mutual Defense Treaty with South Korea. However, he was the only Member of Congress aboard Korea Airlines Flight 007 when it apparently strayed into Soviet airspace and was shot down without provocation, by a Soviet fighter, on August 31, 1983.

Larry McDonald was survived by his wife, Kathy, and his five children, Larry, Lauren, Tryggvi Paul, Callie Grace, and Mary Elizabeth. He is remembered for his distinguished career in Congress and the many lives he touched not only in the Seventh Congressional District of Georgia, but across America and around the world.

Mr. Speaker, Congressman Larry McDonald's career clearly demonstrates why we should name this court house in his honor. I ask you and my colleagues to join me in renaming the federal court house building in Rome, GA, after the Honorable Lawrence Patton McDonald, deceased Member of Congress.

ON THE CONTRIBUTION OF SLAVES TO THE CONSTRUCTION OF THE CAPITOL

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, today I am introducing legislation that I believe to be critically important in highlighting a disturbing but important fact about the history of this magnificent building and symbol of freedom, the U.S. Capitol.

Every day that we are here in session, our debates and legislative activities underscore that this is a living building that embodies America's greatest principles of democracy and liberty. However, one significant historical fact about this building is often forgotten, and that fact is that much of the construction of this Capitol in the 18th and 19th centuries was done by slave labor.

As we all know, slavery was not eliminated across the United States until the ratification of the 13th amendment in 1865. Before that date, slave labor was both legal and common throughout the South including the District of Columbia, Maryland, and Virginia.

Public records attest to the fact that African-American slave labor was used in the construction of the U.S. Capitol. We should remember as well that many slaves at that time were veterans who had fought bravely for independence during the American Revolutionary War.

It is time that we recognize the contributions of these slave laborers, and I am proud today to join with Congressman JOHN LEWIS of Georgia in introducing a resolution to establish a special Congressional Task Force which will recommend an appropriate memorial to the labors of these great Americans to be displayed prominently here in the Capitol.

This year we celebrate the 200th anniversary of the first session of Congress to be held here in this historic building. I think that's a long enough time to go without a public and visible acknowledgement of the incongruous but important historical fact of the significant contribution of slaves to the construction of the world's greatest symbol of freedom.

H.R. 4461, AGRICULTURE APPROPRIATIONS FOR FY 2001

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to oppose the rule to H.R. 4461, Appropriations for the Department of Agriculture for FY 2001. Unfortunately, I must oppose the rule because the legislation severely undercuts major initiatives for the farming community.

The bill reported by committee cuts the funds requested by the President for curbing monopolistic pricing practices in the food industry. These practices are becoming a matter of considerable concern in the agricultural sector and are viewed by many farmers as a major factor in the continued depression of farm commodity prices.

Like my colleagues, I am concerned that we must restore economic health to American farms. To do that, we must curb the rapid expansion of monopolistic practices that plague many sectors of the food industry. A disproportionate amount of companies control cattle purchases, beef processes, and wholesale marketing. And in merely 5 years, we have seen the margin between the price paid by farmers and the wholesale price of beef jump by 24 percent. Don't we owe more to the American farmer?

The administration requested $7.1 million for the U.S. Department of Agriculture's Grain, Inspection, Packers, and Stockyards Administration (GIPSA) to investigate market concentration in agriculture and bring legal actions to stop anti-competitive behavior and other abusive practices. Unfortunately, the Republican leadership on the House Appropriations provided less than 20 percent of the requested funds. Such action casts considerable doubt on the administration's initiative to curb antitrust violations by some companies. We can do better, Mr. Speaker.

Some of my colleagues have already emphasized that the U.S. Department of Justice cannot bring antitrust action against these corporations giants because federal law reserves that responsibility for the Department of Agriculture. At the same time, no one has ever given the Agriculture Department adequate resources to meet its antitrust responsibilities.

In addition, the bill rejects the administration's request for FDA's tobacco program. Unfortunately, some still oppose the FDA's valid jurisdiction to include the regulation of tobacco. This is regrettable and ill-advised at this time. At times, there are those who seek to entangle controversial issues that should not be contained in an appropriations measure. This is one of those times.

Mr. Speaker, I urge my colleagues to oppose the legislation.

VETERANS' HEALTH CARE

SPEECH OF

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. HAYES. Mr. Chairman, I rise today to urge my colleagues to oppose this amendment. This amendment jeopardizes the appropriations authority granted to Congress by the Constitution and will set a precedent that the administration and the President will determine spending instead of the U.S. Congress. I ask my colleagues to consider the precedent that this amendment will set with respect to our authority in Congress to determine spending levels for our country. This amendment is not about tobacco companies, it's about protecting funds for veterans' health care and whether or not you believe in the rule of law. Don't take $20 million from veterans' health care or any other agency to pay for a lawsuit that history and legal precedent say you will not win. That would be a tremendous disservice to our veterans and our taxpayers. In today's Washington Times, Professor Michael Krauss argued the very same thing. "In 1997, Miss Reno herself testified before the Senate that the Federal Government had no legal basis to recover health care expenditures from tobacco companies." The Master Settlement Agreement between the states and the companies was supposed to remedy this situation. Mr. Krauss continues, the "White House had failed to enact its desired 55-cent-per-pack federal cigarette, Miss Reno shamelessly filed the very same lawsuit she had explicitly admitted was groundless."

As Mr. Krauss continues to argue, "the tobacco manufacturers never duped the Federal Government. Washington has known for decades that smoking is dangerous. Since 1964, every pack of cigarettes sold in the United States has carried a federally mandated warning of the health risks of smoking. So Washington has no direct fraud suit against Big Tobacco." In 1997 the Department of Veterans Affairs rejected former soldiers' allegations that they were sickened by cigarettes which were given to them by the government at no cost until 1974; a full ten years after Washington required health warnings. Krauss asserts that the Federal Government cannot assume the rights of individual smokers to sue for damages.

In 1947, the United States Supreme Court, in U.S. v. Standard Oil, concluded that the Federal Government may not, unless it has expressed statutory to do so, sue third parties to recover health care costs. Following the ruling, Congress passed the Medical Care Recovery Act (MCRA), which allows the Government to recover the medical treatment costs given to individual military and federal employees injured by a third party's negligence. MARA, however, does not allow the recovery of general Medicare costs. Since its passage, not once has Washington made claims for costs incurred by Medicare.

The Secondary Payer provisions added to MARA in 1980 and 1984 give the Federal Government authority to recover Medicare costs previously promised to be paid by insurance companies. However, as noted by Krauss, the Secondary Payer provision has never been interpreted to allow the Federal Government to sue alleged wrongdoers, only insurers are allowed. To make recoveries under the Secondary Payer provisions, the Government must be able to prove the sales of tobacco, alone, are responsible for wrongdoing. Considering that Washington has played an active part in regulating, subsidizing, promoting and profiting from tobacco products while completely aware of its health risks, such proof of autonomous wrongdoing is difficult to find. Krauss concludes his article, describing the federal tobacco lawsuit as a "thinly veiled quest for billions in federal revenue," unobtainable through the U.S's constitutional taxing process.

For my friends on the other side who bemoan any kind of reduction in government spending, it's almost amazing they are working to cut funding for veteran health care and for military families, just to advance the political agenda of the administration. I strongly urge my colleagues to vote against this amendment.

COMMEMORATING THE HEROISM OF STANLEY T. ADAMS, RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. WALDEN of Oregon. Mr. Speaker, it is not necessary for me to explain the significance of the Congressional Medal of Honor. Its storied history, and the legend of the heroes who have won it, is well known to most Americans. With this decoration, the nation pays tribute to the bravest among its warriors, the men whose courage serves as a timeless inspiration to their comrades and a reminder of the fierceness of the American people to our enemies.

Among its winners is Stanley T. Adams, a veteran of the Korean war. Serving as a member of Company A, 19th Infantry Regiment, then-Sergeant First Class Adams distinguished himself above and beyond the call of duty in action against an overwhelming hostile force. On February 4, 1951, Adams and his company came under intense attack by an estimated 250 enemy troops. Against this daunting force, Adams led a valiant bayonet charge, supported by only a handful of his own men. Despite sustaining painful wounds, he charged the enemy position and engaged in vicious hand-to-hand combat for more than an hour without rest. Due to the determination of Adams and the men under his charge, the surviving enemy retreated in confusion, removing the threat to the larger American force in the area.

Perhaps no greater testament to his gallant service exists than the freedom Adams and his fellow soldiers bequeathed to the people of South Korea. They remain a free people today because men of courage and principle would not yield to the forces of tyranny.

I will share the pride of his family, his community, and his nation on this Fourth of July, when Stan Adams' widow presents his Medal of Honor to the Oregon Veterans Home in The Dalles, Oregon. There it will remain for posterity, a permanent tribute to the bravery and dedication of one of America's greatest heroes.

THE FAMILY HEALTH TAX CUT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. PAUL. Mr. Speaker, today I attempted to help working Americans provide for their children's health care needs by introducing the Family Health Tax Cut Act. The Family Health Tax Cut Act provides parents with a tax credit of up to $500 for health care expenses of dependent children. Parents caring for a child with a disability, terminal disease, cancer, or any other health condition requiring specialized care would receive a tax credit of up to $3,000 to help cover their child's health care expenses. The tax credit would be available to all citizens regardless of whether or not they itemize their deductions.

The tax credits provided in this bill will be especially helpful to those Americans whose employers cannot afford to provide their employees health insurance. These workers must struggle to meet the medical bills of themselves and their families. This burden is especially heavy on parents whose children have a medical condition, such as cancer or a physical disability, which requires long-term or specialized health care.

As an OB–GYN who has had the privilege of delivering more than four thousand babies, I know how important it is that parents have the resources to provide adequate health care for their children. The inability of many working Americans to provide health care for their children is rooted in one of the great inequities of the tax code: Congress' failure to allow individuals the same ability to deduct health care costs that it grants to businesses. As a direct result of Congress' refusal to provide individuals with health care related tax credits, parents whose employers do not provide health insurance have to struggle to provide health care for their children. Many of these parents work in low-income jobs; oftentimes their only recourse to health care is the local emergency room.

Sometimes parents are forced to delay seeking care for their children until minor health concerns that could have been easily treated become serious problems requiring expensive treatment! If these parents had access to the type of tax credits provided in the Family Health Tax Cut Act they would be better able to provide care for their children and our nation's already overcrowded emergency room facilities would be relieved of the burden of having to provide routine care for people who otherwise cannot afford any other alternative.

According to research on the effects of this bill done by my staff and legislative counsel, the benefit of these tax credits would begin to be felt by joint filers with incomes slightly above 18,000 dollars a year or single income filers with incomes slightly above 15,000 dollars per year. Clearly this bill will be of the most benefit to low-income Americans balancing the demands of taxation with the needs of their children.

Under the Family Health Tax Cut Act, a struggle single mother with an asthmatic child would at last be able to provide for her child's needs; while a working-class family will not have to worry about how they will pay the bills if one of their children requires lengthy hospitalization or some other form of specialized care.

Mr. Speaker, this Congress has a moral responsibility to provide low-income parents struggling to care for a sick child tax relief in order to help them better meet their child's medical expenses. I would ask any of my colleagues who would say that we cannot enact the Family Tax Cut Act because it would cause the government to lose too much revenue, who is more deserving of this money, Congress or the working-class parents of a sick child?

The Family Health Tax Cut Act takes a major step toward helping working Americans meet their health care needs by providing them with generous health care related tax cuts and tax credits. I urge my colleagues to support the pro-family, pro-health care tax cuts contained in the Family Health Tax Cut Act.

INTRODUCTION OF A BILL TO AMEND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1992

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. CARDIN. Mr. Speaker, the legislation which I am introducing, which is a companion bill to the one introduced by Senator SARBANES, would provide NOAA with additional resources and authority necessary to ensure its continued full participation in the Bay's restoration and in meeting with goals and objectives of the recently signed Chesapeake 2000. First, this measure would move administration and oversight of the NOAA Bay Office from the National Marine Fisheries Service (NMFS) to the Office of the Undersecretary to help facilitate the pooling of all of NOAA's talents and take better advantage of NOAA's multiple capabilities. In addition to NMFS there are four other line offices within NOAA with programs and responsibilities critical to the Bay restoration effort—the Office of Oceanic and Atmospheric Research, National Ocean Service, National Weather Service, and National Environmental Satellite, Data and Information Service. Getting these different line offices to pool their resources and coordinate their activities is a serious challenge when they do not have a direct stake or clear line of responsibility to the Chesapeake Bay Program. Placing the NOAA Bay office within the Under Secretary's Office will help assure the coordination of activities across all line organizations of NOAA.

Second, the legislation authorizes and directs NOAA to undertake a special five-year study, in cooperation with the scientific community of the Chesapeake Bay and appropriate other federal agencies, to develop the knowledge base required for understanding multi-species interactions and developing multi-species management plans. To date, fisheries management in Chesapeake Bay and other waters, has been largely based upon single-species plans that often ignore the critical relationships between water and habitat quality, ecosystem health and the food webs that support the Bay's living resources. There is a growing consensus between scientific leaders and managers alike that we must move beyond the single species approach toward a wider, multi-species and ecosystem perspective. Chesapeake 2000 calls for developing multi-species management plans for targeted species by the year 2005 and implementing the plans by 2007. In order to achieve these goals, NOAA must take a leadership role and support a sustained research and monitoring program. The Chesapeake Bay NOAA multi-species plans can, in fact, provide important information to other fisheries programs throughout the United States.

Third, the legislation authorizes NOAA to carry out a small-scale fishery and habitat restoration grant and technical assistance program to help citizens organizations and local governments in the Chesapeake Bay watershed undertake habitat, fish and shellfish restoration projects. Experience has shown that, with the proper tools and training, citizens' groups and local communities can play a tremendous role in fisheries and habitat protection and restoration efforts. The new Bay Agreement has identified a critical need to not only expand and promote community-based programs but to restore historic levels of oyster production, restore living resource habitat and submerged aquatic vegetation. The NOAA small-grants program, which this bill would authorize, would complement EPA's Chesapeake Bay small watershed program, and make "seed" grants available on a competitive, cost-sharing basis to local governments and nonprofit organizations to implement hands-on projects such as improvement of fish passageways, creating artificial or natural reefs, restoring wetlands and sea-grass beds, and producing oysters for restoration projects.

Fourth, the legislation would establish an internet-based Coastal Predictions Center for the Chesapeake Bay. Resource managers and scientists alike agree that we must make better use of the various modeling and monitoring systems and new technologies to improve prediction capabilities and response to physical and chemical events within the Bay and tributary rivers. There are substantial amounts of data collected and compiled by Federal, state and local government agencies and academic institutions including information on weather, tides, currents, circulation, climate, land use, coastal environmental quality, aquatic living resources and habitat conditions. Unfortunately, little of this data is coordinated and organized in a manner that is useful to the wide range of potential users. The Coastal Predictions Center would serve as a knowledge bank for assembling monitoring and modeling data from relevant government agencies and academic institutions, interpreting that data, and organizing it into products that are useful to resource managers, scientists and the public.

Finally, the legislation would increase the authorization for the NOAA Bay Program from the current level of $2.5 million to $6 million per year to enhance current activities and to carry out these new initiatives. For more than a decade, funding for NOAA's Bay Program has remained static at an annual average of $1.9 million. If we are to achieve the ultimate, long-term goal of the Bay Program—protecting, restoring and maintaining the health of the living resources of the Bay—additional financial resources must be provided.

The Chesapeake Bay Program, with the important participation of the NOAA Bay Office, has exhibited leadership utilizing the marine sciences to provide guidance for decision makers in the restoration and protection of this unique natural resource. This bill will not only continue that leadership but will significantly advance the knowledge generated from the additional functions called for in the reauthorization. This bill is supported by a number of Bay organizations and members of the scientific community.

HONORING THE LATE BOB MURDOCH OF TYLER, TX

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. HALL of Texas. Mr. Speaker, it is my privilege today to recognize an exceptional individual, Bob Murdoch, of Tyler, TX, who passed away on May 27 of this year at the age of 81. Bob was well-known throughout Smith County and will be remembered for his leadership and tireless dedication to his community.

In 1951 Bob became general manager of the annual East Texas State Fair and held the position of manager from 1953 to 1995. As a tribute to his phenomenal forty-four years of leadership with the Fair, the office building at the fairgrounds was named the Murdoch Building upon his retirement. At his retirement luncheon, it was said of him that he was a "natural-born leader, dreamer and legend of our time"—a testament to his vision, dedication and commitment to community service.

Bob was a long-time member of the Texas Association of Fairs and Exposition. He served as secretary/treasurer of the Texas Association from 1954 to 1983 and received the Secretary of the Year Award from the national Federation of State and Provincial Association of Fairs.

Bob also was a leader in other community organizations. He served as chief executive director of the East Texas Agriculture Council and as executive secretary/treasurer of the East Texas Farm and Ranch Club, which he organized in 1952. He was the farm editor and broadcaster for radio station KTBB in Tyler from 1951 to 1960 and was a columnist and feature writer for the Tyler Morning Telegraph.

A Dallas native, he was born on December 18, 1918. He received a journalism degree from Hardin Simmons University in 1941 and fulfilled his military duties by serving four years in the Signal Corps and Army Air Corps during World War II. After being discharged, he managed Chambers of Commerce in Bowie and Gainsville.

He is survived by his wife, Jo Ann Murdoch of Tyler; two daughters, Janet Tomlin of Tyler and Dianne Cavazos and her husband, Hector, of Humble; one brother, Russell Murdoch of Dallas; one granddaughter, Melissa, and her husband, Scott Eeds, of Whitehouse; two grandsons, Lance and Evan Cavazos of Humble; and one greatgranddaughter, Emily Eeds, of Whitehouse.

Mr. Speaker, Bob Murdoch's contributions to his community will long be remembered—and he will be missed by his family and many friends in Tyler and Smith County. As we adjourn today, may we do so in celebration of this outstanding citizen from the Fourth District of Texas.

MIDWEST CLEAN AIR GASOLINE RESERVE ACT JUNE 29, 2000

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mrs. BIGGERT. Mr. Speaker, I represent a suburban Chicago district and, as we all know, the Chicago area now faces the highest gas prices in the nation. This is not a distinction of which we are proud or happy.

Today, Governor Ryan of Illinois and the Illinois General Assembly took an important step to provide the residents of Illinois with some relief, and they should be commended for their swift action. In one day, the General Assembly passed and the Governor signed a law that suspends the Illinois gas tax for six months. They were forced to take the extraordinary action of sacrificing badly needed road improvement funds in order to give consumers at the pumps an extra ten or twenty cents per gallon relief.

We cannot allow residents of states like Illinois and Wisconsin to confront this situation again in the future. The burden is just too great on individuals and small businesses in the region.

That's why I rise today to announce the introduction of a bill to help prevent future crises involving the price and supply of gasoline in the Midwest.

The Midwest Clean Air Gasoline Reserve Act would give the Secretary of Energy the authority to establish a Midwest reserve of reformulated gasoline or the petroleum products used to make reformulated gasoline. The President would release this stock of reformulated gasoline in the event of a severe energy supply disruption, a severe price increase, or another emergency affecting the Midwest.

We know now that two factors adversely affected the supply of gasoline in the Midwest, causing prices to rise. In addition to pipeline disruptions, Phase 2 of the Reformulated Gasoline—or RFG—program required the inventory of Phase 1 RFG gasoline to be purged from the supply chain. In this case, supply was interrupted at the same time that inventories were depleted. And in the Midwest in particular, sources of reformulated gasoline are few and far between, and difficult to replace when supply is interrupted. As a result, the price of reformulated gasoline spiked.

With a Midwest, Clean Air Gasoline Reserve in his arsenal, the President may have been able to combat this crisis when it presented itself, at least reducing the initial impact on consumers.

This bill will give any President an important tool with which to respond to energy supply disruptions. I would urge my colleagues to support it.

H.R. 4680—MEDICARE COVERAGE AND PRESCRIPTION DRUGS

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 20000

Mr. UDALL of New Mexico. Mr. Speaker, I speak today about the Democratic alternative for providing prescription coverage to all Americans on Medicare. Before I discuss the proposal I would like to tell you that we have seen great success with the Administration's long-term strategy of fiscal discipline. It is working well. Our economy is strong and we should use this moment of prosperity to lengthen the life and modernize Medicare with a prescription drug benefit plan.

Lack of prescription drug coverage among senior citizens and people with disabilities today is similar to the lack of hospital coverage among senior citizens when Medicare was created. Three out of five lack dependable coverage. Only half of beneficiaries have year-round coverage, and one third have no drug coverage at-all.

It's projected that this year more than half of Medicare beneficiaries will use prescription drugs costing $500 or more, and 38 percent will spend more than $1000. Each year, about 85 percent of Medicare beneficiaries fill at least one prescription. Yet one third of beneficiaries have no coverage for drugs at all. And in 1996, more than half did not have drug coverage for the entire year. In the district that I represent, there are 64,822 seniors aged 65 or older who face the challenge of paying exorbitant prices for prescription drugs.

For the 10 million Medicare beneficiaries living in rural areas, nearly half have no drug coverage. They have less access to employer based retiree health insurance because of the job structure in rural areas.

There is no reason that we in Congress cannot take the necessary steps to ensure that every older American has access to the lifesaving, life enhancing prescription drugs they need.

My Democratic colleagues and I are united in a single strategy to provide these prescription drugs. I don't know how we can deny the fact that with the funds we have, with the obligations we have, with the fact that anybody who lives to be 65 in America today has a life expectancy of 82 or 83 years that their need for life enhancing and life preserving prescription drugs will only increase. Now is the best time to address this issue. We must do it now. The timing is right.

The Republican leaders put forth a plan with a stated goal of providing affordable prescription drugs for seniors, but the policy falls far short of the promise. Their plan fails to guarantee that all seniors who want it will have access to meaningful, affordable, and reliable prescription drug coverage. Their plan also suggests a private insurance benefit that insurers, themselves, say they will not offer and no one will buy if they did offer it because it would be too expensive. Limiting direct financial assistance for prescription drugs to seniors below the $12,500 income will leave out over half the seniors.

In contrast to the Republican proposal, we as Democrats have a sound plan for all of America's seniors. It ensures that all seniors get voluntary, affordable and reliable prescription coverage through Medicare.

Specifically under our plan, Medicare would cover half of a beneficiary's drug costs up to $2,000 a year, beginning in 2002. That would increase to half of $5,000 by 2009. Over that time, monthly premiums would rise from an estimated $24 to about $50. There would be no deductible, and no senior would pay out-of-pocket expenses of more than $4,000 a year.

The issue of providing affordable prescription drugs for every older American is essential. Adding prescription drug coverage to Medicare is not only the right thing to do, it is the smart thing to do. It's about giving people a chance to fight for a happy and productive long life.

HONORING THE LATE PAUL KEAHEY, JR.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. HALL of Texas. Mr. Speaker, it is an honor for me today to pay tribute to the late Paul Keahey, Jr., a native of Bonham, TX, and a long-time resident of Marshall, TX. Paul passed away in April of this year, having lived his life in dedication to his family, his career and to his community.

I feel a kinship to Paul—and all in the Keahey family. I was born in a home built by a Keahey, and I have served as a State Senator and as a U.S. Congressman and have been privileged to get to work with Paul's mom, Florence Keahey, longtime resident of Fannin County. Paul has been an advisor and supporter—and close friend during my years of public service. I will miss him greatly.

Paul was a self-employed geologist who spent 30 years working in the oil and gas fields of East Texas. He was a member of the American Association of Petroleum Geologists, a former chairman of the Business and Economics Department at Jarvis Christian College, a member of the Marshall Historical Society, and a member of the Lighthouse United Pentecostal Church in Marshall. He was a veteran of the United States Army and a lifetime member of the National Rifle Association.

He was born April 8, 1937, in Bonham, TX, the son of Paul R. Keahey, Sr., and Florence Fogle Keahey. He is survived by his wife, Tanya of Marshall; son, Paul "Pauray" Keahey III, of Marshall; sister, Dottie Davis of Garland; uncle, Tim Bruce of Bonham; his mother; and a number of nieces and nephews.

Mr. Speaker, let us take a moment to remember and celebrate the life of Paul Keahey, a good man and good citizen who devoted his life to the area where he was born and raised and chose to live. His memory will live on in the hearts of his family and friends in East Texas.

CALLING FOR THE RELEASE OF AMERICAN CITIZEN EDMOND POPE OF GRANTS PASS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to call attention to a shameful violation of international government of Russia. For three months, an American citizen named Edmond Pope of Grants Pass, Oregon, has been unjustly incarcerated in Russia for the crime of espionage. He has been denied communication with his wife of 30 years and with his parents, who are in ill health. He has been denied legal representation, access to sufficient food and medical treatment and virtually every other right we commonly associate with the justice systems of civilized nations. Indeed, Ed's imprisonment is reminiscent of what used to pass for justice under Soviet communism, when men and women were dragged from their beds in the dark of night, never to be seen again.

Mr. Speaker, Ed Pope is no spy, and he should be returned to his family immediately. We must send a strong message to the government of Russia that now is not the time to return to a system of justice in which human rights are disregarded so indiscriminately.

I urge my colleagues on both sides of the aisle to join our colleague JOHN PETERSON and me in urging the Russian government to send Mr. Pope home.

MEDICARE RX 2000 ACT

SPEECH OF

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. LUTHER. Mr. Speaker, the time is long overdue to develop a truly meaningful voluntary prescription drug benefit for our nation's seniors. But as we ensure affordable prescription drug coverage that is accessible to each and every senior in America, let us also use this opportunity to remedy the serious disparities in the current Medicare+Choice program.

Just this week, one of the remaining HMOs offering a Medicare+Choice plan in my district announced that it would no longer offer its plan. The reason it gave for its withdrawal: Minnesota's appallingly low payment rates to Medicare HMOs. Citizens in Minnesota as well as other parts of the country are today subsidizing a system that unfairly penalizes them for living in areas of the country that have historically provided low-cost and efficient healthcare services.

Many counties in our country receive such low Medicare HMO payments that seniors either have no HMO option, or receive an unacceptably inadequate benefits package. Even the seniors who have the option to enroll in a Medicare+Choice plan pay high premiums for a relatively meager benefit. At the same time seniors in other parts of the country are receiving generous benefits including prescription drugs without having to pay an extra penny towards a premium.

This issue is about fairness and the efficient delivery of health care as care costs consume an ever increasing share of our country's resources. The development of a prescription drug benefit offers us the opportunity to address and correct the current unjust disparity in the Medicare program. No more federal dollars should go to the HMOs that are already offering a plan with a rich benefits package until we achieve fairness. Instead, let's develop a genuine prescription drug benefit that ensures that all seniors have fair and equitable access to healthcare services and prescription medication. Let's develop a Medicare system that rewards efficiency, not waste. We owe this to the citizens of our country, as well as future generations of Americans.

My office and the rest of the Minnesota Congressional Delegation have filed a Congressional amicus brief on behalf of Minnesota Attorney General Mike Hatch and the Minnesota Senior Federation's lawsuit seeking to change the current unfairness in our Medicare system. I insert the brief for the record, and I ask for my colleagues' support on this important issue.

UNITED STATES DISTRICT COURT, DISTRICT OF MINNESOTA

COURT FILE NO. 99–CV–1831 DDA/FLN

State of Minnesota, by its Attorney General, Mike Hatch; Minnesota Senior Federation—Metropolitan Region and Mary Sarno, Plaintiffs

vs.

The United States of America and Donna E. Shalala, Secretary of Health and Human Services, Defendants

STATEMENT OF INTEREST

This memorandum is respectfully submitted by the Members of the Congressional delegation of the State of Minnesota as amici curiae to support each of plaintiffs' constitutional claims. This case involves basic public health issues for senior citizens in Minnesota regarding the cost of and beneficiary access to health benefits.

The amici curiae have an interest in protecting and promoting the health, safety and welfare of their constituents, in ensuring that their constituents are not discriminatorily denied their rightful status within the federal system, and in securing the underlying incentives of the federal Medicare program for their constituents.

With this brief, the amici curiae wish to bring to the Court's attention the policy dimensions of this lawsuit. As legislators in the United States House of Representatives and Senate, the amici curiae have a unique perspective on the substance and political dynamics of the federal Medicare program. It is the hope of the amici curiae that this memorandum assists the Court in adjudicating this matter in favor of their constituents, the citizens of Minnesota. Amici urge the Court to rule in favor of Minnesota senior citizens who, by virtue of nothing else but their geographic residence, continue to suffer from the unequal and disparate treatment of the federal Medicare managed care funding scheme.

INTRODUCTION

This memorandum asserts that the current reimbursement formula for Part C of the federal Medicare Program ("Medicare+Choice") is not rationally related to the program's objective of uniformity, arbitrarily limits beneficiary options through low reimbursements for Medicare+Choice and thus violates equal protection under the law. More specifically, this memorandum asserts the following: (1) the reimbursement system of Medicare+Choice is patently irrational and does not remotely effectuate a key objective of the program; moreover, it does not promote efficiency in the health care system; (2) this irrational reimbursement system has disparate and adverse effects on the citizens of Minnesota and, consequently, has adversely and disproportionately affected their access to and enrollment in Medicare+Choice; and (3) legislative and political solutions to this irrational and unfair reimbursement system have been unsuccessful and leave no recourse but legal action before this Court

(1) Irrationality. One of the key goals of Medicare+Choice, the roots of which stem from Congressional action in 1972 and 1982, is to furnish participating risk plans with uniform incentives to provide non-covered benefits to their beneficiaries. This goal is evident from (a) examining the initial, uniform structure and spirit of Medicare's Parts A and B, established in 1965, that are still in place today; Congress has done nothing since then to indicate a change in that spirit of uniformity; and (b) the utilization of the adjusted community rate ("ACR") mechanism

and the "required benefit value" that gives incentives to provide non-covered benefits. In other words, uniformity plus incentives equals uniform incentives. Under Medicare+Choice, the reimbursement system provides Minnesota with low capitation payments. As a result of static ACRs, the required benefit values for plans in Minnesota are extremely small or nil. Thus, participating plans in Minnesota have no incentive to offer non-covered benefits to their enrollees. As such, Medicare+Choice's reimbursement system is irrational, does not remotely effectuate one of the program's key goals, and cannot justify the unequal, disparate treatment of Minnesota citizens.

(2) Adverse Impact. This irrational system adversely impacts Minnesota citizens by saddling them with high co-payments and extra premiums that carry no extra benefits. Minnesota's burden is not one shared by states like Florida or New York, whose citizens enjoy a panoply of extra benefits at no extra cost. This inequitable treatment adversely affects access to and enrollment in Medicare+Choice plans in Minnesota.

(3) Failed Legislative Efforts. Political reform and legislative remedies have been unsuccessful. Until 1997 and the Balanced Budget Act ("BBA"), Congress was unable even to address the issue in a meaningful fashion. At its inception, the average adjusted per capita cost ("AAPCC") schedule was based on arbitrary tabulations. The BBA's modest reforms were wholly inadequate. Budget neutrality rules kept (and continue to keep) capitation payments low, and the BBA failed to substantively reform the ACR mechanism. Consequently, legal action is Minnesota's only recourse.

I. IRRATIONALITY OF THE MEDICARE+CHOICE REIMBURSEMENT SYSTEM

One of the key purposes of Medicare+Choice is to provide incentives for participating risk plans to offer non-covered benefits (e.g., prescription drug benefits) to beneficiaries at the lowest possible cost to beneficiaries. However, the reimbursement system under Medicare+Choice does not offer such incentives to participating plans in Minnesota. The result is that most participating plans in Minnesota either do not offer any non-covered benefits to beneficiaries, or they offer such non-covered and covered benefits with high premiums and co-payments. Such is not the case in other states. This disparate, unequal, and unfair result is the consequence of an irrational reimbursement system that does not provide the purported incentives of Medicare+Choice in Minnesota, which are provided in other states. Moreover, it is this disconnect that gives the federal government no rational basis for its disparate and unequal treatment of Minnesota senior citizens under Medicare+Choice.

A. PURPOSE

Medicare was established in 1965 as a national insurance program for elderly and disabled people. It is, in fact, the nation's largest health insurance program. Medicare Parts A and B provided covered benefits (e.g., general hospital services) to beneficiaries on a fee-for-service basis. Under Part B, participating beneficiaries partly fund the program with uniform, monthly premiums assessed against participating beneficiaries. This original structure of Medicare under Parts A and B is instructive. At its inception in 1965, Medicare was created to provide uniform health care services at uniform and equal costs to all qualified beneficiaries over the age of 65. There is no reason to suspect that the intent behind Medicare's uniformity of benefits and inherent equality has changed.

In 1972, Congress amended the Social Security Act to incorporate managed care principles into the Medicare system. In so doing, the national legislature allowed health maintenance organizations ("HMOs") to be paid a flat, monthly capitation payment for Parts A and B services on either a cost or risk basis. Such capitation payments were based on an actuarial calculation of the average adjusted per capita cost ("AAPCC") per Medicare beneficiary. Congress set capitation payment rates at 95% of the estimated per capita costs of fee-for-service Medicare beneficiaries. This choice of 95% was purely arbitrary. (See Section III, infra.)

In 1982, Congress again amended the Social Security Act to broaden the scope of participating organizations in Medicare. Specifically, while the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") retained the AAPCC formula and continued to provide participating plans with a monthly capitation payment on a county-by-county basis, TEFRA also incorporated the adjusted community rate mechanism into its reimbursement system. By so doing, Congress intended, inter alia, to provide participating risk plans with incentives to provide non-covered beneficiaries.

In 1997, Congress enacted the Balanced Budget Act of 1997, which modified the payment methodology for the first time and created Medicare Part C or Medicare+Choice. The BBA altered the reimbursement system for participating risk plans in a failed attempt to equalize vastly diverging capitation payments. However, the BBA did little if anything to substantively change or affect the ACR mechanism that determines the scope of non-covered benefits.

In sum, Medicare was established in 1965 to provide uniform medical benefits to all qualified senior citizens regardless of geographic residence. This is evident from the original structure of Parts A and B of the program that is still in place today. Furthermore, the subsequent incorporation of managed care principles into the federal program and the creation of Medicare+Choice did nothing to alter Medicare's spirit of uniformity. Thus, by examining Medicare+Choice within the context of uniformity for covered benefits under Parts A and B, one of the key purposes behind Medicare+Choice and its ACR mechanism becomes clear: Medicare+Choice, through the ACR mechanism, endeavors to give all participating plans relatively uniform incentives to provide their beneficiaries with extra, non-covered benefits at the lowest possible cost.

B. IRRATIONALITY OF THE SYSTEM

Given the above purpose of Medicare+Choice, the reimbursement system for participating plans provides no rational basis for the federal government's unequal and disparate treatment of Minnesota citizens. That is, the reimbursement system fails to effectuate the purpose behind Medicare+Choice—to furnish participating plans with uniform incentives to provide non-covered benefits. More specifically, Minnesota's chronically low, county-based capitation payments, when compared to Minnesota's various county-based ACRs, give absolutely no incentive to participating plans to provide non-covered benefits to qualified Minnesota senior citizens.

Moreover, the underlying and flawed AAPCC formula, upon which current payment rates currently rely, originates from arbitrary tabulations. This arbitrary quality further underpins the irrationality of the reimbursement system. (See Section III, infra.)

The reimbursement system under Part C of Medicare has two components. The first component is an actuarial methodology used to calculate risk plan payment rates each year. This component actually determines the monthly capitation payment to each plan on a county-by-county basis. The second component is the ACR mechanism. This component determines the scope and/or amount of non-covered Medicare benefits and services a beneficiary receives.

Before the Balanced Budget Act of 1997, the capitation payment rate was known as the adjusted average per capita cost ("AAPCC"). The AAPCC was a relatively simple and crude formula whereby Medicare would pay a risk plan 95% of what a beneficiary would have received under a traditional fee-for-service arrangement. This actuarial project was calculated on a county-by-county basis.

Thus, the underlying methodological paradigm of the AAPCC was actuarially based on historical fee-for-service expenditures. This methodology accounted for (and continues to account for) the wild variations in payment rates for participating risk plans (See Section II, infra.) Minnesota counties, in particular, were and continue to be adversely affected by this wide disparity in payment rates from county to county. Minnesota's historically efficient system, including its early development of HMOs, was beneficial to the Medicare program because Minnesota's lower charges relative to the national average saved the program money. However, because Medicare managed care based its capitation amounts on historical charges, Minnesota counties were in effect punished for their efficiency with low capitation amounts. Other states and counties that had high service use patterns and inputs costs were paid generously for their inefficiency. Under current federal law and regulations, these rates are locked in perpetuity. Given the purpose of Medicare+Choice—to provide uniform incentives—this capitation payment methodology, based on data that punished historical efficiency, is irrational.

The BBA replaced the AAPCC methodology and created the current capitation payment methodology, but it retained the old AAPCC rates for its baseline, which are the substantive statistics on which the BBA's new tabulations rely. Specifically, the BBA created a Medicare Part C ("Medicare+Choice"), under which Medicare's monthly capitation payment is the greater of: (a) a blended capitation rate, which is the sum of a percentage of a county-specific rate and a percentage of a price-adjusted national rate, multiplied by a budget neutrality factor designed to ensure that the aggregate payments under this blended rate do not exceed the amount that would have been paid under an AAPCC rate alone; by the year 2003, a maximum blend will consist of a 50% county-based rate and a 50% national capitation rate; (b) a minimum monthly payment level, which in 1998 equaled $367; or (c) a minimum 102% of the previous year's capitation rate.

That is, the BBA failed to jettison AAPCCs altogether and to recalculate plan payments derived from a new statistical baseline. The inherent inequities that result from county-based fee-for-service projections remain in the capitation payment structure. Minnesota continues to suffer from disparate treatment, although Medicare's mission is to provide an equitable entitlement for all American citizens regardless of residency. Even the adoption of the blended-rate rule under the BBA has had no relative, immediate effect, because the combination of the low national growth percentage and the budget-neutrality rule has delayed its application. (See Section III, infra.)

The second component of Medicare's risk program payment methodology is the adjusted community rate mechanism. The ACR mechanism is the process through which health plans determine the minimum amount of Medicare non-covered benefits they provide to enrollees (the "required benefit value") and the premiums they are permitted to charge for those extra benefits. When compared to its low ACRs, Minnesota's low payment rates crystallize the unfair nature of basing capitation payment rates on Medicare fee-for-service data as a means of creating uniform incentives to participating risk plans.

The ACR process requires a plan to use its costs and revenues from its commercial business to estimate the cost of providing services to Medicare enrollees. This cost report is the actual "adjusted community rate." If the monthly capitation payment exceeds the ACR, Medicare requires risk plans do one of three things: (1) receive only the ACR amount from the government; (2) contribute all or a portion of the excess money into a stabilization fund; or (3) provide beneficiaries with additional benefits with a value equal to the difference between the ACR and AAPCC or the "required benefit value." Thus, one of the key purposes behind the ACR mechanism becomes all too clear. Congress created Medicare+Choice and the ACR mechanism to furnish participating plans with incentives to choose option three. If plans could reduce their ACRs, their static capitation payments would enable them to attract Medicare customers with additional non-covered benefits. The magnitude of the capitation payment/ACR difference (or the required benefit value per enrollee) is the crucial determination of the scope and amount of additional benefits one receives under Medicare.

As such, the disparate payment rates when compared with ACRs are evidence of an irrational and unfair reimbursement system that does not give Minnesota participating plans any incentive to provide non-covered benefits. (See Section II, infra.) The capitation payment rate punished Minnesota for efficiencies the state health care system had achieved in the 1970s and 1980s. Because counties outside Minnesota with historically high fee-for-service rates eventually enacted managed-care reforms and instituted cost-effective, efficient measures (as reflected in their continuously decreasing ACRs), the magnitude of their required benefit values are high. This allows risk plans in those counties to offer additional non-covered benefits to their beneficiaries for little or no additional cost. However, Minnesota counties could not undergo a similar evolution towards increased efficiency or cost-effectiveness. Counties in Minnesota had a long history of efficient health care (a legacy of the state's pioneering efforts in managed care). As a result, Minnesota ACRs have been low for decades, and the difference between Minnesota's historically low capitation payments and its ACRs were, and continue to be, extremely small or nil. Consequently, the system is inherently unfair—Minnesota beneficiaries are not entitled to the same non-covered benefits that other citizens in other states' counties enjoy, because participating risk plans in Minnesota have no incentive to provide such services. That is, plans in different states have vastly different required benefit values. (See Section II, infra.)

Under a rational and equitable system, the ACR and the capitation payment rates should almost perfectly correlate, taking into account the differences in costs of commercial and Medicare beneficiaries. That is, the dollar difference between a risk plan's ACR and its capitation payment should have the same purchasing power regardless of the county in which a beneficiary resides. However, this is simply not the case. Instead, the required benefit values vary wildly from county to county, and this translate into inequitable access by senior citizens to non-covered benefits and services. (See Section II, infra.)

C. EFFICIENCY

The current reimbursement system for Medicare+Choice encourages inefficiency in an era when the federal government should be encouraging efficiency. The fact is that States are in effect rewarded for historically inefficient health care systems with high capitation payments, and Medicare+Choice essentially punishes Minnesota for its pioneering efforts in managed care. While Part C currently awards efficiency with large required benefit values (i.e., participating plans are encouraged to reduce their ACRs) the fact that capitation payments remain static perpetuates historical inefficiency built into the system.

Minnesota's unique history precludes the state from reaping the benefits of large required benefit values. Because the BBA shackled capitation payment increases with a budget neutrality rule (see Section III, infra), Minnesota counties continue to receive chronically low and inadequate reimbursement rates. A system that truly encouraged efficiency would take into account Minnesota's pioneering efforts in health care and reward the state with higher capitation payments. This would translate into larger required benefit values for participating plans.

One of the most pressing issues facing the United States today is the enduring trend of rising health care costs. These rising costs prevent the health care system from providing universal coverage; they stifle the expansion of life-saving and life-enhancing benefits, such as prescription drug coverage; and they burden covered beneficiaries with higher premiums and co-payments. Thus, Minnesota's chronically low payments prevent the state from capitalizing on its unique place in history. Minnesota bucked the trend of rising health care costs and actually delivered high quality, affordable care to its citizens. Minnesota's success should be held as a model for the nation and an example of what our country can do to reign in health care costs. However, Medicare+Choice does just the opposite by undermining the drive for greater efficiency.

In sum, by ruling in favor of Minnesota in this lawsuit, the Court has the unique opportunity to accomplish what the United States Congress has to date been unable to do: promote quality health care that is equitably delivered in an era of rising health care costs.

II. CONSEQUENCES OF THE SYSTEM ON MINNESOTA

The effects of this irrational system have been devastating to the state of Minnesota and its citizens. Minnesota counties' capitation payments are alarmingly low when compared with the capitation payment rates of counties in other states, and its ACRs have remained static. As a consequence, access by Minnesota seniors and Minnesota's enrollment rates in Medicare+Choice are adversely and disproportionately affected.

A. DISPARATE CAPITATION PAYMENTS

The disparity of capitation payment rates for Minnesota and other states is striking. In 1997, the reimbursement rate for Dakota County, Minnesota was $379.11; in Hennepin County, Minnesota, the rate was $405.63. In 1997, the reimbursement rate for Richmond County, New York, was $767.35, while in Dade County, Florida, the AAPCC rate was $748.23. In 1997, every county in Minnesota had an AAPCC rate below the national average AAPCC rate. In 1999, despite the BBA reforms, little changed. The capitation payment rate in Dakota County was $394.42, while the payment rate in Broward County, Florida, was $676.64. (See Appendix A; see also Section III, infra.)

B. DISPARATE EFFECTS OF THE ACR MECHANISM

In addition, because of its historic efficiency, Minnesota's ACRs have remained static. Consequently, the difference between Minnesota's low capitation payments and its static ACRs is minimal or non-existent. Conversely, other states with recently improved efficiency have experienced falling ACRs, enabling them to enjoy large required benefit values as a result of their high capitation payments and low ACRs. The result is that different managed care plans in different states have different incentives with regard to non-covered benefits. In Minnesota, seniors face high Medicare premiums and co-pays and receive few or no non-covered benefits, while other states' citizens enjoy a multitude of life-saving and life-improving non-covered benefits with few or no extra payments. Nowhere is this more obvious than in coverage for prescription drugs.

The following chart illustrates the differences between required benefit values in different metropolitan areas:

TABLE 1.—RISK-PLAN BENEFITS AND MONTHLY PREMIUMS BASED ON ADJUSTED COMMUNITY RATE PROPOSALS BY MARKET, 1995

[Dollars per month]

Primary metroplitan statistical area	Number of plans	Required benefit value	Optional benefit value	Premium charged
United States	174	$25.17	$56.67	$22.04
Boston	8	4.09	71.56	47.84
Chicago	3	24.45	38.31	0.00
Los Angeles	13	68.83	37.18	6.08
Miami	8	106.27	20.75	0.00
Minneapolis	3	0.00	75.89	60.97
New York	5	53.37	46.77	8.80
Philadelphia	6	19.30	66.85	10.00

TABLE 1.—RISK-PLAN BENEFITS AND MONTHLY PREMIUMS BASED ON ADJUSTED COMMUNITY RATE PROPOSALS BY MARKET, 1995—Continued

[Dollars per month]

Primary Meroplitan Statistical Area	Number of Plans	Required Benefit Value	Optional Benefit Value	Premium Charged
Portland, OR	7	9.38	64.52	46.00
San Francisco	8	21.50	56.96	20.25
Nonmetroplitan California	6	14.43	60.19	31.08
Nonmetroplitan Florida	5	12.46	73.61	9.80
Nonmetroplitan Pennsylvania	3	6.70	62.18	18.14

Note.—Required benefit values is equal to Medicare savings in the adjusted community rate proposal; opttional benefit value is equal to the maximum monthly premium. Values are unweighted averages of all Medicare risk plans.

Data Source: Physician Payment Review Commission (now Medicare Payment Advisory Commission) analysis of 1995 adjusted community rate proposal data from the Health Care Financing Administration.

Table Source: United States House of Representatives Committee on Ways and Means, 1998 Green Book: Background Material and Data on Programs Within the Jurisdiction of the Committee on Ways and Means Washington, D.C.: U.S. Government Printing Office, May 19,1998. P. 200, Table 2–36.

For example, a Medicare+Choice enrollee in Dakota County, Minnesota may choose the HealthPartners—Standard Option ("Minnesota Plan") by paying—in addition to Medicare Part B's premium—an annual premium of $1,137. By contrast, a similar enrollee in Broward County, Florida pays no additional costs. The Minnesota beneficiary pays a $10 co-pay per visit with his or her personal physician or specialist doctor, while the Florida beneficiary pays no additional co-pay. Except for injectable insulin, the Minnesota beneficiary pays all costs for all outpatient prescription drugs, while the Florida beneficiary pays nothing for a full outpatient prescription drug benefit. The Minnesota beneficiary pays 20% for out-of-area ambulance transportation, while the Florida beneficiary pays nothing for such transportation. The Minnesota beneficiary pays a $10 co-pay for each individual outpatient mental health session, while the Florida beneficiary pays nothing for each session. The Minnesota beneficiary pays a $30 co-pay for emergency services, while the Florida beneficiary pays nothing for such services. The Minnesota beneficiary pays a $30 co-pay for "Urgently Needed Services" in the plan's service area, while the Florida beneficiary pays nothing. (*see* Plaintiffs' Complaint, paragraphs 32–40.)

C. EFFECTS ON ACCESS AND ENROLLMENT

The disparate effects of Medicare+Choice's reimbursement system have adversely affected Minnesotans' access to and enrollment in participating risk payment plans. Minnesota health plans have entirely withdrawn from or declined to participate in the Medicare+Choice program, have withdrawn from offering such plans in various counties in Minnesota, or have suffered a reduction in the available networks of health care providers that provide medical services to enrollees. Currently, only three health plans offer Medicare+Choice plans to seniors in Minnesota—and this figure represents a reduction from the previous figure of four. Such limited Medicare+Choice plans are available almost exclusively in the counties of the Minneapolis-St. Paul metropolitan area and are not generally available to beneficiaries in rural Minnesota counties. (Refer to Table I for a list of the number of participating plans by state or metropolitan area.)

III. POLITICAL AND LEGISLATIVE SOLUTIONS HAVE BEEN INADEQUATE

Legislative and political solutions to Minnesota's low capitation payments have been largely unsuccessful. From its inception, AAPCCs were based on arbitrary tabulations, and early demonstration projects indicated that the payment methodology was problematic. Furthermore, when legislative relief came in 1997, the BBA failed to adequately ameliorate payment disparities.

A. EARLY HISTORY

From the first risk-contracting demonstration projects in the late 1970s, it was clear that the method of reimbursement was flawed for use in rural- and conservative-practice areas. Risk contracting was first authorized in 1972, but due to poor provider participation, the Health Care Financing Administration (HCFA) solicited applications for new models for capitated payments in 1978. Five demonstration projects resulted, one of which, the Greater Marshfield (Wisconsin) Community Health Plan, was located in a rural area.

Reimbursement rates for all five projects were established at 95% of the average FFS costs for the counties involved in the demonstration, a schedule that became known as the AAPCC. This value of 95% of the average FFS was arbitrarily chosen and is not substantiated by research that would show this value represents an expected savings from coordination of care. The formula has failed to provide all Medicare beneficiaries equal access to the Medicare+Choice option.

Though Marshfield succeeded in reducing utilization of services by nearly 10 percent over the course of the demonstration the total loss for the plan and its sponsors was over $3 million. With these losses in mind, the HCFA terminated the Marshfield demonstration. Marshfield responded by requesting experimentation with the AAPCC to see if some alternative or variation could more accurately predict cost. The HCFA rejected this suggestion without explanation.

In the early and mid-1980s, more demonstrations were established. Plans in the Twin Cities of Minnesota provided additional, non-covered benefits, such as outpatient prescription drugs, and competed aggressively for enrollment. Enrollment in risk products grew dramatically, to a peak of 60% of the Twin Cities metro area's senior population by 1986–87. Nationally, in fiscal year 1986, $1.3 billion was reimbursed to 142 risk contractors who provided care to nearly 75,000 beneficiaries.

In response to market interest, several plans expanded their Medicare risk service areas to rural counties, assuming that lower AAPCCs in those counties would correlate with lower cost to serve a rural population. However, the reverse proved to be true and seniors flocked to the plans' comprehensive coverage with significant pent up demand. After a couple years of significant losses, most of the plans withdrew from rural counties, and again, the payment structure failed beneficiaries in rural areas.

The mid- and late-1980s saw several years of no increase in the AAPCCs, with payments actually falling in at least one year. As a result, health maintenance organizations (HMOs) which had long-since pulled out of rural areas began to reduce benefits and significantly raise member premiums. Enrollees began to pay more and more of the cost of the added benefits through their premiums. Increasing numbers of seniors moved to lower option risk products without prescription drug coverage as the higher option products became unaffordable for many. Even with significant member cost-sharing, many of the HMOs experienced marked losses and began exiting the risk contract business.

Analysis by the Physician Payment Review Commission in 1997 shows that in June 1997, 33% of all Medicare beneficiaries lacked access to risk plans. At the same time, some 60% of beneficiaries had a choice of plans, and one-third had five or more available to them.

Patterns of enrollment differ across urban and rural locales, as well as across different regions in the nation. Enrollment in central urban areas was about 24% in June 1997, about twice the level in outlying urban areas. Urban areas with the greatest share of national enrollment growth tend to be those where Medicare payments are high. Enrollment is generally higher in western states and a few specific southern and eastern states. In fact, five states account for over two-thirds of all enrollees. (For statistics regarding access and enrollment rates, see United States House of Representatives Committee on Ways and Means, 1998 Green Book: Background Material and Data on Programs Within the Jurisdiction of the Committee on Ways and Means. Washington, D.C.: U.S. Government Printing Office, May 19, 1998. Section 2: Medicare.)

No actions taken to date have resolved the underlying arbitrary and flawed AAPCC formula, which is responsible for creating all the disparities in reimbursements to plans and benefits to beneficiaries. The old AAPCC formula, and the new configurations which rely upon the AAPCC, were not based on actuarially sound data. Given the discrimination the current system creates across the country and between beneficiaries enrolled in a national, uniform program, there is no reasonable basis for this formula.

B. THE BALANCED BUDGET ACT

The BBA was Congress' first legislative attempt to comprehensively address the issue; however, the BBA failed to ameliorate the inherent deficiencies and irrationality of the reimbursement system. At present, participating risk plans in Minnesota do not have any incentives to offer non-covered benefits to their beneficiaries. This is because the BBA did nothing to substantially reform the ACR mechanism, nor did it adequately address the disparities in capitation payment rates.

The BBA sought to lessen payment disparity by de-linking AAPCC updates from local FFS spending. The BBA established a new mechanism for calculating Medicare's monthly payments to HMOs and other managed care and capitated plan providers. A county's Medicare+Choice payment was the higher of three different rates—a floor payment of $367, a minimum annual increase of 2 percent, or a 50/50 blend of local and national rates that was to be fully phased-in by FY 2003.

Initially, many rural counties in Minnesota received significant reimbursement increases under the new floor payments. For example, Watonwan County saw AAPCC reimbursements increase from $251.05 to $367.00 (a 32 percent increase) in 1998, but this is still a far cry from the nearly $800 rate paid to other counties in other states. Unfortunately, these payments were essentially frozen at these new floor levels, as the local/national blend was difficult to implement because of a budget-neutrality provision. (See Appendix B.)

In both 1998 and 1999, none of Minnesota's counties received a local/national blend rate. This outcome resulted from the budget neutrality provision of the BBA, which requires that Medicare+Choice payments not exceed payments that would have been made if payments were based solely on local rates. According to the House Committee on Ways and Means, a budget neutrality adjustment is "applied as necessary to the blended rates to ensure that the aggregate of payments for all payment areas equals that which would have been made if the payment were based on 100 percent of the areas-specific capitation rates for each payment area. In no case may rates be reduced below the floor or minimum increase amounts for the particular county. In some years, it may not be possible to achieve budget neutrality because no county rate may be reduced below its floor minimum increase. The law makes no provision for achieving budget neutrality after all county rates are at the floor or minimum increase." (see 1998 Green Book, supra.) In other words, if awarding each county the maximum rate (among its floor, blend, or minimum update) results in total payments that exceed the budget neutral target, counties which would otherwise receive the blend rate have their rates reduced to meet the target. The net result in 1998 was that Minnesota's urban counties (e.g. Hennepin and Ramsey Counties) received only a 2% increase and fell even further behind the highest reimbursed counties in other states. (see Appendix A.)

In 1999, the budget neutrality provision reduced Medicare+Choice rates for aged beneficiaries in 1,293 counties. These counties would have received blended-rate amounts if sufficient monies were available to fund all counties at the maximum of the floor, blend, or minimum update. Consequently, as a result of the budget neutrality provision, the gap between high and middle level AAPCC counties, contrary to Congressional intent, actually grew in the first year of BBA. Two years after enactment of the BBA, counties in Minnesota were still 21 percent below the national average reimbursement level for Medicare+Choice.

Essentially, these variations in reimbursements have created a two-tiered system of health care delivery, which is the foundation of the plaintiffs' lawsuit against the federal government. As the lawsuit rightly contends, these payment imbalances have created a geographical class system of Medicare benefits where beneficiaries in high cost areas receive extra benefits at no additional cost, while beneficiaries in low cost areas are denied these benefits.

IV. CONCLUSION

For the forgoing reasons, the undersigned *amici curiae* respectfully request this Court to deny Defendants' Motion to Dismiss.

HONORING FATHER CARL VOGEL OF TEXAS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. HALL of Texas. Mr. Speaker, today I recognize the 50 years of ministry that Father Carl Vogel has given to the Catholic community in Texas. Since 1984, he has been with the St. Michael Parish in McKinney, which is part of the Fourth Congressional District of Texas. Father Vogel celebrated his 50th anniversary of ordination with a Mass on May 28 at St. Michael, followed by a reception attended by his devoted parishioners and many friends.

A list of credentials and milestones of Father Vogel's career would not begin to describe the many ways in which this man has served his parish—embracing not only the trials and troubles of his parishioners, but their joys as well. He is the ever-constant protector and confidant that people seek out in their pastor. He is faithful to the teachings of the church and faithful to his parish, and his service has been imbued with a characteristic sense of humor that has endeared him to all those who know him.

In addition to the May 28 celebration at St. Michael, other celebrations were planned at the Holy Family Mission in Van Alstyne, Texas, where Father Vogel is also pastor, and at Christ the King Church in Dallas, where he celebrated his solemn Mass in 1950.

Father Vogel grew up in the Oak Cliff section of Dallas and attended Blessed Sacrament Church and Our Lady of Good Counsel School. After his graduation from St. Joseph High School, he enrolled in college to study journalism. The calling to the priesthood prevailed, however, and he followed that call at St. John's Seminary in Little Rock, Arkansas. Father Vogel served as a military chaplain for nearly three decades and was a chaplain for the Armed Forces during the Cuban Missile Crisis of the early 1960s. Prior to his assignment at St. Michael, Father Vogel served at Our Lady of Victory in Paris, Good Shepherd in Garland, St. Patrick in Denison, St. Cecilia in Dallas and St. Patrick and St. Rita parishes in Fort Worth.

Mr. Speaker, it is an honor for me to pay tribute to this beloved priest from the Fourth District of Texas. Father Carl Vogel has devoted his life to the ministry. He has helped countless souls in his care and is loved and respected by so many who have known him and whose lives he has blessed. I know and love Father Vogel. I have changed schedules many times just to get to appear with him at public ceremonies. His prayers sustain me and all those who hear him. His devotion to his calling for 50 years warrants our recognition and appreciation today, so as we adjourn, let us do so in honor of Father Carl Vogel.

NARCOTIC DRUGS

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. SOUDER. Mr. Speaker, I rise on behalf of the countless mothers, fathers, families, and individuals whose lives have been devastated by illegal drugs to introduce legislation to federally nullify movements in the states to legalize the use of narcotic drugs illegal under federal law.

It is undisputed that narcotic drugs devastate our families and rot our communities literally to the core through addiction and crime. Earlier this week, we passed the Commerce/Justice/State Appropriations bill that provided literally hundreds of millions of our tax dollars to fight drugs and drug-related crime, and we are finalizing action on $1.3 billion in assistance to our allies in Colombia, where agents of the Colombian National Police are dying in numbers to keep them off of our streets in America.

Directly defying our efforts as a Congress and a nation, a small group of well-funded activists have engaged in deceptive, back door, efforts that pretend to legalize drugs under state law that are banned under federal law. These activists hide behind the myth of so-called "medical" use of marijuana and other drugs, despite the facts that there is no scientific proof that smoked marijuana provides any real medical relief, and that the active ingredient in marijuana is available in pill form. Increasingly, however, they have abandoned even this pretense, and made clear that their goal is the legalization or decriminalization of narcotic drugs.

One activist called it the "leaky bucket strategy . . . legalize it in one area, and sooner or later it will trickle down into the others." The bucket is now leaking faster.

The Governor of Hawaii just signed into law state legislation that purports to allow the "medical" use of marijuana, even though it's still illegal under federal law. Five states have enacted laws by ballot initiative that purport to allow so-called "medical" use of marijuana under state laws: Alaska, California, Maine, Oregon and Washington. In furtherance of that strategy, pro-drug activists are now attempting to pass ballot initiatives for the November elections in six states to virtually decriminalize marijuana by removing criminal penalties for its use in Alaska, Arizona, California, Colorado, Massachusetts, and Michigan.

These initiatives have already given us such Alice-in-Wonderland moments as the "nation's first bed and breakfast inn catering to medical marijuana users" in Santa Cruz, California. This "establishment" was featured in People magazine with a smiling couple holding marijuana plants in front of their home, which is said to contain cannabis-themed tiles on the sidewalk, and hemp curtains and towels. That really sounds like a "medical" facility to me. We've also seen the bizarre decision by the Oakland City Council to declare a "public health emergency" after a court closed the city's medical marijuana club, and the issuance of photo ID cards supposedly allowing marijuana use by the Arcata, California police chief.

But this is all an illusion—states can't permit marijuana use, because it's illegal under federal law. The legalization initiatives mislead the public into breaking federal law and directly counter congressional policies against drug use and the provisions of the federal Controlled Substances Act. Today, I am introducing legislation to stop this charade once and for all, with the support of my colleagues on the Speaker's drug task force and others, including Task Force Co-Chair MCCOLLUM, Chairman MICA of the Drug Policy Subcommittee, Chairman GILMAN, Mr. SESSIONS, Mr. NORWOOD, Mr. MYRICK, Mr. FOLEY and Mr. BAKER.

Federal law is ordinarily assumed to preempt contrary state laws. However, the Federal Controlled Substances Act does not contain an express preemption clause, and currently has language stating that the intent of Congress is not to occupy the entire field of regulation of narcotic drugs. In light of the state initiatives, federal courts could potentially interpret the language of state efforts to regulate narcotics as legally harmonious and proper. In fact, one federal district judge has already argued in non-binding language that Congress intended federal law to regulate drug trafficking, and not "medical" marijuana use.

My bill will remove any potential loophole or ambiguity by clearly declaring that it is the intent of Congress for federal law to supersede any and all laws of states and local governments purporting to authorize the use, growing, manufacture, distribution or importation of any controlled substance which differs from the provisions of the Controlled Substances Act and the Controlled Substances Import and Export Act. It would also expressly declare such state and local enactments as null and void. If enacted, the bill would decisively prohibit federal and state judges from giving any effect to drug legalization initiatives and legislation, and send an equally clear message that Congress will not tolerate backdoor efforts to legalize narcotic drugs.

Mr. Speaker, this bill is not my bill—it belongs to our mothers, fathers, families and our communities. It has strong support from numerous community groups and coalitions, narcotics activists, and tireless anti-drug advocates, who have worked closely with my office in drafting this bill. I would particularly like to acknowledge and thank Joyce Nalepka of America Cares, who first raised this important issue with me. I look forward to working with the anti-drug community to pass this legislation, and I urge my colleagues to join me in supporting and passing it.

[From People Magazine, June 12, 2000]

Joint Venture—When Pot's Prescribed, the High Way Leads to the Compassion Flower Inn

At the Compassion Flower Inn in Santa Cruz, Calif., there are smokers—and there are smokers. Cigarette smokers are banished to the front porch. Smokers, on the other hand, may feel they've died and gone to pot. Cannabisthemed tiles adorn the sidewalk outside. Curtains, linens and towels are made of hemp. And . . . say, what is that funny smell, anyway?

The five-bedroom bed-and-breakfast, just a stoner's throw from the beach, exists as a safe—and perfectly legal—haven for people who smoke marijuana for medical reasons. "Motel 6 guests probably smoke it quietly in their rooms," says Andrea Tischler, 57, who with her partner, Maria Mallek-Tischler, 46, opened the inn in a restored Victorian in April. "This is more out of the closet."

Guests who show up hoping to be provided with marijuana go away disappointed; the Compassion Flower is strictly BYOP. And, as required by California law, a doctor's note is also necessary. Tischler, who grew up in Chicago, and German-born Mallek-Tischler, a couple since 1979, have been pot-legalization activists since the 1980s in San Francisco. "We had a lot of friends with AIDS," says Tischler. "They were taking AZT, and marijuana seemed to bolster their appetite."

Out in the sunshine-soaked "toking area," a new arrival, Scott Byer, 53, of Clearlake, Calif., who smokes to ease spinal pain, has taken out a small porcelain pipe and is filling it. He doesn't even have his room key yet.

A GREAT AMERICAN POINT OF LIGHT, EILEEN D. COOKE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. OWENS. Mr. Speaker, Eileen D. Cooke was first and foremost a librarian, a member of the profession that knows where to find the information about any phenomenon known to human kind. She started her career as a bookmobile librarian for the Minneapolis Public Library. She concluded her career as a well-known Washington lobbyist. Mr. Speaker, I rise to mourn the loss of Eileen Cooke and to salute her as a great American Point of Light.

As a result of Eileen Cooke's efforts the library profession moved into the mainstream of the political process. She demanded that the federal government recognize and respect libraries as universal institutions in our democratic society which deserve greater and more consistent support. Her years as Director of the ALA Washington Office were marked by increases in federal funds for libraries, new initiatives in legislation, and opportunities for library participation in a wide range of federal assistance programs. As a Congressman who is also a professional librarian I became a partner with Ms. Cooke in the drive to achieve priority status for libraries in the overall effort to accomplish a better educated America.

With indefatigable optimism Eileen Cooke worked with Members of Congress, staff assistants, educational and cultural organizations, and all others who supported education and libraries. She brought to ALA and library services greater visibility and understanding. Her exceptional leadership skills enabled her to develop and maintain a small but dedicated, energetic and productive staff. She left a cadre of experienced and skillful followers as a potent and enduring legacy.

After joining the ALA Washington Office, she lectured at several of the library schools and spoke at many of the annual conferences of the state library associations. She served on the boards of several Washington-based organizations; was the first woman president of the Joint Council on Educational Telecommunications; served on the Board of Visitors of the School of Library and Information Service Satellite Consortium; and on the Advisory Council of the Home and School Institute, Inc.

During her tenure in Washington, Eileen Cooke worked on every major piece of library legislation and helped prepare witnesses to testify before Congress. This includes, among other issues, the Library Services and Construction Act, the Higher Education Act, the Elementary and Secondary Education Act, the Medical Library Assistance Act, Copyright Revision Act, the National Commission on Libraries and Information Science, both bills calling for a White House Conference on Library and Information Services, as well as the various annual appropriations bills to fund these programs.

On the occasion of her retirement, former ALA President and Director of the District of Columbia Public Library, Hardy Franklin, described Eileen Cooke as a "51st State Senator on Capitol Hill." She was a fighter capable of hard-nose analysis but always focused and deliberative. She was a coalition builder who won both fear and admiration from her adversaries. Above all she had vision and could see far ahead of the government decision-makers. She understood the nature of the coming "Information Superhighway" and could predict the vital role of libraries and librarians as the traffic signals on this expressway into the cyber-civilization of the future.

Mr. Speaker, the work of Eileen D. Cooke benefits all Americans. She has won the right to be celebrated and saluted as a Great American Point-of-Light.

DEPOSIT INSURANCE INCREASE FEASIBILITY ACT OF 2000

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. GONZALEZ. Mr. Speaker, recently, I introduced H.R. 4603, the "Deposit Insurance Increase Feasibility Act of 2000." I decided to introduce this bill after being contacted by various representatives of the financial services community who are interested in researching the feasibility of increasing the current deposit insurance coverage limit, which has been set at $100,000 since the early 1980s. Several different proposals crossed my desk, but I decided to take the more moderate and prudent approach for the time being. My bill, H.R. 4603, the "Deposit Insurance Increase Feasibility Act of 2000," would, I believe, take the proper approach to this question at this time.

As introduced, H.R. 4603 will require two different studies and reports on the feasibility and potential impact of increasing the maximum amount of deposit insurance under the Federal Deposit Insurance Act and the Federal Credit Union Act from $100,000 to $200,000 per depositor and require the noted U.S. financial services regulatory agencies to recommend an appropriate deposit insurance level for both banks and credit unions but through two separate but equal studies. The bill would also require two separate but equal reports to be submitted to Congress six months after the date of enactment of the legislation.

Congress has often been accused of jumping the gun and failing to thoroughly research an issue prior to acting. Congress has also been accused in the past of failing to move in a timely manner on numerous issues. Case in point is the decades Congress spent reviewing the potential reform of the Glass-Steagall Act before finally enacting financial services reform legislation last year in the form of S. 900, which I supported. For these reasons, I decided to introduce this bill in the form of a study instead of an immediate increase in deposit insurance coverage. The study will hopefully acknowledge that deposit insurance has become an indispensable part of the financial services landscape while promoting consumer trust and confidence in all U.S. financial institutions. More importantly, the two studies will provide Congress with the recommendations it will need by both the banks and credit union regulatory agencies to thoroughly assess all possible ramifications of any change in the level of insurance coverage. In this way, few will attempt and virtually none will be able to say that Congress acted imprudently. The fact that the studies and reports are to be completed and submitted within six months of the date of enactment of my bill provides enough time for a thorough review of the issue while also permitting Congress to access the studies and reports in a timely manner, and hopefully move on the recommendations sooner rather than later. Such studies and reports should serve to permit those regulatory agencies which have recently expressed concern about increasing the deposit insurance limit to $200,000 to participate in the review of the coverage limit and to provide a specific coverage limit recommendation to Congress. I should stress that this bill does not mandate an increase. It calls for two studies and two reports on the subject. It provides for parity by including all the financial institutions regulatory agencies in the deliberations.

I have received a letter of strong support for H.R. 4603 from America's Community Bankers, which represents the nation's community banks of all charter types and sizes, and a letter strongly supporting the bill on behalf of the Credit Union National Association and the 78 million credit union members nationwide. I would ask that both letters be inserted in the CONGRESSIONAL RECORD immediately following this statement. I look forward to the bill's enactment and to receiving the dual reports in Congress sometime in the near future.

CREDIT UNION
NATIONAL ASSOCIATION, INC.,
Madison, WI, June 9, 2000.

Hon. CHARLES GONZALEZ,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN GONZALEZ: On behalf of the Credit Union National Association (CUNA) and the 78 million credit union members nationwide, I am writing to express our support for the legislation you introduced yesterday, H.R. 4603.

CUNA and its member credit unions believe deposit insurance has become an indispensable part of the financial services landscape and has contributed significantly to consumer trust and confidence in all depository institutions. Because of this important role, CUNA strongly urges Congress to thoroughly assess all possible ramifications of any change in the level of insurance coverage, and we are encouraged by your proposed studies.

CUNA also favors the feature of the legislation that calls for a separate study of the National Credit Union Share Insurance Fund (NCUSIF). Operationally and structurally, the NCUSIF is unique among federal insurance funds and merits an appraisal that considers and evaluates its distinctions.

We commend you for the prudent and sound approach you have taken to this important and complex issue. CUNA looks forward to playing a helpful role in the enactment of H.R. 4603, and I encourage you to contact me if I can be of further assistance.

Sincerely,

DANIEL A. MICA,
President and CEO.

AMERICA'S COMMUNITY BANKERS,
Washington, DC, May 26, 2000.

Hon. CHARLES A. GONZALEZ,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GONZALEZ: America's Community Bankers strongly supports your draft bill, the "Deposit Insurance Feasibility Act of 2000." America's Community Bankers represents the nation's community banks of all charter types and sizes. ACB members pursue progressive, entrepreneurial and service-orientated strategies in providing financial services to benefit their customers and communities.

Bankers would welcome an increase in deposit insurance. ACB cautions, however, that bankers need to know first whether they would incur an increase in premiums or other costs. That is why we are particularly pleased that your bill would help answer this important question.

Taking inflation into account, the coverage limit today could be increased and indexed to prevent further erosion. But if an increase in insurance coverage merely resulted in a reshuffling of deposits among banks, a redistribution might be particularly damaging for smaller community banks and their customers.

Again, ACB strongly supports your draft bill, and stands ready to offer any assistance at our disposal.

Sincerely,

ROBERT R. DAVIS,
Managing Director,
Government Relations.

PERSONAL EXPLANATION

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Ms. HOOLEY of Oregon. Mr. Speaker, on Wednesday, June 28, 2000 during the Democratic motion to recommit H.R. 4680, my pager malfunctioned.

As a result, I was not aware of the ongoing vote, and as a result I was prevented from participating.

However, if present I would have voted "yes" on this measure (Vote 356).

COMMENDING THE FIRST BAPTIST CHURCH OF CEDARTOWN YOUTH CHOIR FOR PARTICIPATING IN THE NATIONAL FESTIVAL OF YOUTH CHOIR

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. BARR of Georgia. Mr. Speaker, yesterday I had the opportunity to meet with a very special group of young people from my home district in Georgia. The First Baptist Church Youth Choir, from Cedartown, Georgia, are in Washington to participate in the Fourth Annual Nation's Capital Festival of Youth Choirs.

The festival this year is being hosted by the First Baptist Church of Alexandria, Virginia. The festival, first started as a result of efforts of Randy Edwards, a pastor from Shreveport, Louisiana, who formed "Youth Choirs, Inc.," a non-profit organization. This organization was dedicated to building church youth choirs across denominational lines. The festival choir consists of 300 youth from across the nation.

The festival is limited to 300 singers, and this year is made up of 17 youth choirs from throughout the country. I was honored to spend time with the First Baptist Church of Cedartown Youth Choir. The group consists of high school students who are members of this church and the Second Avenue Baptist Church in Rome, Georgia. They were accompanied on this trip by their church music directors, Mitch Huskison of Cedartown, and Joe Preston of Rome, and several proud parents.

This choir from Georgia, along with those from other parts of the country, will deliver the prelude on Sunday, July 2nd at National Cathedral. The choirs, accompanied by an orchestra, will also present a "grand concert" at the First Baptist Church of Alexandria, Virginia.

In a world in which media attention frequently focuses on reporting youth violence, crime, lack of family values, and problems with our educational systems, it would behoove us all to take a moment to recognize the Christian young people who have worked to pay for this trip; and who have prayed for their leaders, their bus driver, the chaperones, all the kids who are attending, and for themselves, that they might make beautiful music to glorify our Lord.

I salute the membership, staffs, parishioners, and parents of these students of the Cedartown First Baptist Church and the Second Avenue Baptist Church of Rome for supporting this great ministry.

PERSONAL EXPLANATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mrs. EMERSON. Mr. Speaker, I was attending my daughter's high school graduation and missed the following recorded votes. Had I been present, I would have voted, "no" on rollcall vote 292, "no" on rollcall vote 293, "no" on rollcall vote 294, "yes" on rollcall vote 295, "yes" on rollcall vote 296, "yes" on rollcall vote 297.

IN SPECIAL RECOGNITION OF BILL AND HELEN LOTT ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. GILLMOR. Mr. Speaker, today I recognize a very special couple from the state of Ohio. Mr. Speaker, on Friday, June 30, 2000, in the presence of many of their family members, neighbors, and friends, Bill and Helen will celebrate a milestone day in their lives—the celebration of their sixtieth wedding anniversary.

Mr. Speaker, the celebration of the sanctity of marriage is one of our most cherished and time-honored traditions. Throughout the ages, husbands and wives have reaffirmed their trust, faith, and most importantly, love for each other on their wedding anniversaries. On this most treasured day, we, as their friends, neighbors, coworkers, and family members, have the opportunity to recognize them for their commitment, their sharing, and their love for each other.

The day on which two people are united in marriage is much more than simply a ceremony, with wedding vows and the exchanging of rings. It is the true union of two individuals who then become one, inseparable entity. It is the common bond and an unwavering dedication to each other that enabled their marriage to grow and flourish.

Mr. Speaker, for the past 60 years, Bill and Helen have shown how love, compassion, and conviction are the cornerstones of their long and lasting marriage. Their strong commitment to each other is an example for each of us to follow.

Mr. Speaker, at this time, I would ask my colleagues in the 106th Congress to stand and join me in paying very special tribute to Bill and Helen Lott on the occasion of their 60th wedding anniversary. May the love and happiness they have found stay with them far into the future. Again, best wishes and congratulations on sixty wonderful years together.

THE U.S. CAPITOL POLICE DEPARTMENT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Ms. SANCHEZ. Mr. Speaker, today I address on the subject of funding for the U.S. Capitol Police.

The House has now passed legislation ensuring appropriate funding levels for this law enforcement division.

This Congress should take every opportunity possible to salute the police officers of this nation, as I do for those who serve my Congressional District in Orange County.

Our nation loses an officer almost every other day; we've lost three Capitol officers in the line of duty. And that doesn't include the ones who may be assaulted or injured.

The calling to serve in law enforcement comes with bravery and sacrifice.

The thin blue line protecting our homes, our families and our communities—and the foremost symbol of American freedom and democracy—pays a price, and so do the loved ones they leave behind when tragedy strikes.

They shouldn't have to do this dangerous job with inadequate resources.

We have a responsibility to see that law enforcement—particularly those who guard the Capitol—have the resources they need.

I want to recognize my colleagues for their support of necessary funding for the U.S. Capitol Police force.

PRESCRIPTION DRUG COVERAGE FOR SENIORS

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. FORBES, Mr. Speaker, I'd like to submit a letter I received from Adam Zaveski of Southhold, Long Island. Mr. Zaveski describes about his personal situation and the financial strains he and so many other seniors are experiencing.

> DEAR MR. FORBES: I am writing this letter to let you know how some of our Senior Citizens have to live. I am 98 (and 5 months) years old and not able to do any work, blind in one eye, can't hear [any] word[s] hardly at all and can't hardly walk. I have to live on $530.00 a month [from] Social Security and have a small income which, I have with my daughter who I live with. [It is] $140.00 a month [and] she does not take any of it. She gives it all to me to pay for my medicine.
>
> I have 5 prescriptions which cost me $23.00 for one pill and I use 5 every day which runs into $115.00 for 100 pills. I pay $60.00 for EPIC and $130.00 a month for [supplemental insurance through] AARP. Other medicines I pay [for] in cash.
>
> You politicians do not realize that us Old Timers never got into the high wages that they get today. I used to farm for a living [and] only made a living. What money I had I spent on my wife. She had diabetes and had both feet amputated and spent 6 months in [the] hospital. I had no insurance and Medicare paid for 3 months and [I] had to pay the rest.
>
> I think I [have] done some good in the country while I was young. I belonged to [the] Fire Department [for] 60 years and I was a Trusted Lieutenant, Department Chief, and a Fire Commissioner for 9 years. 20 [years as a] School Trustee, 7 years [on the] 4H Executive Board, 40 [years as a] Farm Bureau Trustee and a political Trustee for 25 years.
>
> Thank you,
>
> ADAM ZAVESKI.

There are thousands of Mr. Zaveski's across this Nation who have given so much to make this country great. In their time of need, let's not turn our backs.

Now is the time that this Congress heard the pleas of our seniors and help Mr. Zaveski and others. Now is the time to pass a reliable, affordable and comprehensive Medicare prescription drug plan.

MEDICARE Rx 2000 ACT

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. KOLBE. Mr. Speaker, I believe every senior citizen should have insurance coverage for prescription drugs. Pharmaceuticals are increasingly an important part of modern medicine, and the cost of prescription drugs is rising faster than most seniors can afford. The truth is, however, that most seniors already have drug coverage, and some have excellent coverage. According to the Health Care Financing Administration (HCFA), 65% of Medicare beneficiaries already have prescription drug coverage, either through their former employer, through Medicaid or through the Medicare+Choice program.

Unfortunately, over 13 million remaining seniors have no prescription drug coverage at all. Often, these individuals are low-income seniors or people with large prescription drug costs (due to multiple medications). Sadly, these people often must choose between buying groceries or taking their medication. This travesty must not continue unabated.

I believe we can help low-income seniors while preserving and strengthening Medicare for current beneficiaries and future generations. Moreover, I think we can do this without increasing premiums of jeopardizing the fiscal stability of Medicare.

H.R. 4680, the bipartisan Medicare prescription drug bill accomplishes these goals.

For those seniors who have drug coverage, the bipartisan plan won't change a thing. These seniors would continue to enjoy the benefits of their existing plan, if they choose. For those seniors who do not have coverage, this plan will help them obtain coverage through Medicare. By doing this, the federal government can reduce drug prices for all seniors.

Specifically, H.R. 4680 would:

Lower drug prices and expand access to prescription drugs for all beneficiaries.

Protect seniors against higher drug prices and runaway out-of-pocket costs.

Subsidize insurance premiums and prescription drug purchases for low-income seniors.

Expand an individual's right to choose the coverage that best suits their needs through a voluntary and universally-offered benefit.

Preserve and protect Medicare to keep the program solvent for our children and grandchildren.

Ensure that today's scientific research and medical innovation will continue to find tomorrow's cures.

Invest $40 billion to modernize and strengthen Medicare.

I encourage my colleagues to support this bill.

TOM RYAN: A TRIBUTE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. OBERSTAR. Mr. Speaker, I rise to pay tribute to a truly great American, Thomas J. Ryan, whom the Lord claimed for eternal life earlier this month.

Tom Ryan's 87 years were lived with the joy, wit, humor, intensity, and love of life unique to his Irish ancestry. Tom Ryan was husband twice: to Eileen, who preceded him in death; and to Miriam, with whom he shared 42 glorious years; he was father of 13, grandfather of 42, and great-grandfather of 36 and loved them all equally and dearly.

Tom Ryan served his country in the Navy during World War II; and, again, during the Korean conflict, as Special Assistant U.S. Attorney prosecuting OPS violations. He served the city of St. Paul as assistant city Attorney, the people of the 55th legislative district in the Minnesota House of Representatives, and served the people of Pine, Isanti, and Chisago counties in the Minnesota State Senate, making his mark with important legislation affecting the judiciary, towns and counties, veterans, and highways.

This brief recitation of only the highlights of Tom's professional life shows abundantly that he was a man who, in Justice Oliver Wendell Holmes' words, "lived grandly in the law"—meaning that he was devoted to and an advocate of the law. He was also devoted to public service as a calling and a vocation.

Tom Ryan was my friend, counselor, and role model in his commitment to his family first, and to the people whom he so ably served in both elective and appointive office.

Tom Ryan's life and legacy might best be summed up by a scripture verse I have always loved, from Proverbs, ch. 18, v. 31: "Gray hair is a crown of glory;" it is gained by virtuous living."

I will miss Tom greatly; but he will always be a part of my life and an inspiration to my public service. Tom, and especially Miriam, as well as all their beautiful family, will always be in my prayers.

Mr. Speaker, I submit for the RECORD the following obituary which appeared in numerous newspapers, as well as the beautiful poem, "The Heart of Solid Gold," written by Tom's loving daughter, Gloria Baker.

THOMAS J. RYAN

10/3/12—6/8/00

On October 3, 1912, Irishman, Thomas Joseph Ryan was born in Portland, Oregon. In 1935 he graduated from College of St. Thomas with a BA degree in social and political science. In 1943 he graduated from the William Mitchell School of Law with an LLB degree and was admitted to the practice of law in the state of Minnesota. His personal commitment to the field of law would not allow him to retire and he continued his private practice until the time of his passing.

From 1943 to 1946 he served in the U.S. Navy as Lieutenant J.G. After his discharge he was engaged in the general practice of law in Milaca area. During the Korean war he was appointed Special Assistant U.S. District attorney in the prosecution of OPS violations. Thereafter, he was appointed assistant city attorney for the city of St. Paul, in which capacity he served six years. He had been connected with the Minnesota attorney general's office as special assistant in the trial of jury cases in highway condemnation matters and in writing opinions on municipal law.

His specialty while in the city attorney's office was in research and drafting legislation and in presenting proposals to the legislature.

He served as state representative of the old 55th district. As a member of the legislature he served upon many important committees such as the committees on judiciary, highways, towns and counties, and veterans and military affairs.

He ran for the office of state senator in the new 21st district comprising of Chisago, Isanti and Pine counties in 1962. He served as Pine County Attorney from 1974–1980, until his retirement, at which time he continued his private law practice in the Pine County area.

Thomas was preceded in death by his first wife Eileen (Fitzgerald), his parents, Thomas and Alice (Doyle) Ryan, brother Dr. James Ryan, son, Thomas J. (Ryan) Jr., infant Mary (Ryan), infant grandson Patrick Johnson, and numerous other relatives and friends.

He is survived by and sorely missed by his second wife and best friend of over 42 years, Miriam (Young Mueller), 13 children; Kathleen (Ryan) and Terrance Oakes, Ortonville; Constance (Ryan) and Thomas Oakes, Marine on the St. Croix; Thomas and Phyllis Mueller, Aitken; John Ryan, Astoria, Oregon; Patricia (Ryan) and Denis Paine, Isanti; Paul and Judy Mueller, Apple Valley; Michael Ryan and fiance Helen Bartell, Mora; Carol (Mueller) and Roger Abdella, Pine City; Rosemary (Mueller) and Lawrence Perreault, Pine City; Gloria (Mueller) and Ralph Baker, Pine City; Mary (Mueller) and Dennis Willert, Pine City; Therese (Mueller) and Richard Prihoda, Pine City; Shawn (Ryan) and Douglas Johnson, Pine City, also survived by 42 grandchildren, 36 great grandchildren, many nieces and nephews.

Visitation and prayer service at Swanson Funeral Chapel, Pine City, Sunday, June 11, from 4:00 p.m.–7:30 p.m. Funeral mass celebration and burial will be on Monday, June 12, at 10:30 a.m. at the Immaculate Conception Church in Pine City, with Father Michael Lyons officiating.

His legacy of love for family, involvement and vitality for life will continue to be an inspiration to us all. In life he was teaching us, in his passing he taught us. Rest in the peace and love of the Lord, and meet us at heaven's gate when it is our turn.

Thomas graduated from the College of St. Thomas and William Mitchell School of Law. He served in the U.S. Navy as Lieutenant J.G. 1943 to 1946. After discharge he practiced law in the Milaca area. During the Korean War he was appointed Special Assistant U.S. District Attorney in the prosecution of OPS violations. He was appointed Assistant City Attorney for the city of St. Paul, and served for six years. Through the Minnesota Attorney General's Office he was a special assistant in the trial of jury cases in highway condemnation matters and in writing opinions on municipal law. He was state representative of the old 55th district. In 1962 he ran for the office of state senator in the new 21st district comprising of Chisago, Isanti, and Pine Counties. He served as Pine County Attorney from 1974–1980, until his retirement, at which time he continued his private practice in the Pine County area until his passing.

Preceding him in death are his first wife Eileen (Fitzgerald), parents Thomas and Alice (Doyle) Ryan, brother Dr. James Ryan, son Thomas, infant Mary, grandson Patrick Johnson, and numerous other relatives. Survived by second wife of over 42 years, Miriam, 13 children, 42 grandchildren, 36 great grandchildren.

Visitation and prayer service at Swanson Funeral Chapel, Pine City, Sunday, June 11, 4:00 p.m.–7:30 p.m. Funeral mass and burial are Monday, June 12, 10:30 a.m. at the Immaculate Conception Church.

THE HEART OF SOLID GOLD

By Gloria Baker

Dad was the man with a solid gold heart from other men this set him apart.
A husband, a father, and a dad too, for anyone can be a father but only someone special can be a dad.
He was a friend and teacher and sometimes was even a preacher to this I'll explain.
As a lawyer his love was to keep law and order that was at times so trying for support he could have used a brick wall filled with mortar.
He lived life following his golden rule. His convictions so strong he was stubborn as a mule
"Innocent until proven guilty" Much time spent representing family and friend, defending, prosecuting and closing realty.
An exceptionally special adult generous to a fault.
Many times working gratis whether intended or not, often putting him in a spot.
He'd give away his last dime and the shirt off his back.
Well known for the gift to talk of which one dared not balk.
He once aspired to be a district court judge.
Served the people as he represented us in the days long before politicians toured on bus.
All of his life he remained active
often entering into debate that became reactive.
With a passion for politics
he was staunchly Democratic Farmer Labor, the DFL this was no secret everyone could tell.
Verbally opinionated
carrying on conversations until someone
surrenders or when he would become satiated.
A strong Catholic and love of god
There were Wednesday night family Rosary meetings
first come got the best seating there were no pressures just told to come if you could.
Though we sometimes were too tired, we felt like we should.
Many trips by plane, boat, rail, or in the car with mom they would go far.
The Carribean, Mexico, Canada, Africa, Spain and Ireland.
All over the states in this great big beautiful land
The car was pre-programmed to stop at P.Q.s From this we have all learned to take the cue.
Eating healthy a must
in the banana split he put his trust
Playing cards he was sharp; 500 or bridge
on rotating teams he would play.
His partner of choice was mom

Often a winner he would beam
for they made the best team.

Like a cowboy ready to draw
Sitting in his electronic easy chair he was armed with a remote in each hand with a push of a button it would boost him to stand.

Chocolates or ice cream along side
he surfed the channels with all of his might.
He watched the TV news that kept him in light

For lady luck he did look like searching through the pages of a great new book.
A favorite machine he did have it was the slot called one-eyed jacks.
Like life, it was a gamble bells and whistles sometimes would ramble.

His family his pride and joy as if they were a child's new toy.
He puffed up his chest bigger than the rest.
Filled with love he would always brag.

Like a lion I must boast proudly of this man we called dad, husband and friend. Until the very end a handsome Irish man.
Full of dignity, pride, peace, and grace sometimes as delicate as fine lace, always, and even with his failing health he gave us a wealth of gifts to carry in our hearts.
Numerous wonderful "I Love You's" as if he couldn't tell us enough from this man he who sometimes played tough.
Hand dances, singing the Rose of Tralee, conversations, or just smiles, and those beautiful dancing Irish eyes all never to part.
His golden heart of love stopped beating and with that a part of ours did too, but his legacy of love for family, involvement and vitality for life will continue to be an inspiration to us.
In life he was teaching us in his passing he taught us.
Rest in the peace and love of the Lord, Dad, and meet us at heavens gate when it is our turn.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mrs. JONES of Ohio. Mr. Speaker, on June 22, 23 and 26, 2000, had family commitments and missed rollcall votes 315, 316, 317, 318, 319, 320, 321, 322, 323 and 324. I ask that the record reflect that had I been present, I would have voted "aye" on rollcall votes 315, 316, 317, 318 and 319. Also the record should reflect I would have noted "no" on rollcall votes 320, 321, 322, and "aye" on rollcall vote 323 and "no" on rollcall vote 324.

McNULTY, HIGGINS HONORED FOR OLD KING COAL DAY PROGRAM

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Carol McNulty, a teacher at Edward Mackin Elementary School in Wilkes-Barre, and the Newspaper in Education program of the Citizens' Voice, which is run by Debby Higgins. Carol and Debby will be coming to Washington to receive an award from the Newspaper Association of America for their Old King Coal Day project.

The NAA will present them with one of its Newspaper Innovators in Education Awards on July 14, and they will also be participating in a week-long educational seminar as guests of the NAA. They in turn will present the Old King Coal Day program to Newspapers in Education people from across the country.

This project began as a way to teach a new generation of children about the history of Northeastern Pennsylvania, especially the role that the anthracite coal mining industry played in the region's development. Through the efforts of many people, Old King Coal Day became a reality on Sept. 23, .1999 at Edward Mackin Elementary School.

Students listened to speeches about the Molly Maguires and breaker boys, watched presentations about mining tools and equipment, and learned about the area's coal heritage. The organizers felt the day was a success and are planning a second Old King Coal Day for September at the Pringle Street Elementary School in the Wyoming Valley West School District. This spring, I visited with the students at Mackin elementary and can attest to the enthusiasm Ms. McNulty has generated. Old King Coal Day stimulated the students to seek a postal stamp honoring coal miners. On their behalf, I recently submitted to the Citizens' Stamp Advisory Committee the petitions that the students circulated, bearing more than 2,000 signatures.

One of the fourth-grade students, Stephen Grobinski, whose great-great-grandfather was killed in a coal mine, wrote an especially moving letter to the head of the Citizens' Stamp Advisory Committee explaining why a coal miners stamp would be important to him. I would like to have this letter reprinted in full below

> Dear Dr. Virginia Noelke: We want you to issue the stamp, because we want to honor the dead miners. How would you feel if your dad, grandpa, uncle, and your friends died in a mine? My great, great grandpa died in the mines. How do you think other people feel? I don't feel happy. They probably feel sad that their dads, grandpas and uncles died.
>
> We did lots of projects for "Old King Coal Day." We did it to honor all the miners. I know somewhere in your heart you feel sad. If you don't, I can't understand why. People say that children can make a difference, and that is our goal.
>
> One thing I want to know is why did you say no to all the people that asked you to issue the stamp? I hope you listen to us. If you say yes, I know that all the little people like me can make a difference in our lives. I said little people could make a difference because all my life I gave up, but this time I'm not going to give up! This is one thing that I want to accomplish!. I want a stamp to honor the coal miners. Please, say you will grant my special wish.
>
> Sincerely,
>
> Stephen Grobinski.

The NAA award, which is a monetary prize, will be shared by the Wilkes-Barre Area School District, which participated in the First Old King Coal Day, and the Citizens' Voice NIE program.

Mr. Speaker, I think it is also worth noting that Carol McNulty has been named The Citizens' Voice Teacher of the Year. Both Carol McNulty and Debby Higgins are to be commended for their fine work with our young people and for ensuring that our history is passed on to future generations.

I also congratulate the Newspaper Association of America for creating this program to encourage newspapers to become more actively involved in schools. Our democracy depends on well-informed citizens, and this program helps to develop our young people into the active citizens of tomorrow.

I am pleased to call the service of Carol McNulty and Debby Higgins and their well-deserved honors to the attention of the House of Representatives, and I send my best wishes for continued success.

IMPLEMENTATION OF THE NAZI WAR CRIMES DISCLOSURE ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. LANTOS. Mr. Speaker, earlier this week, the Subcommittee on Government Management, Information, and Technology held a particularly important hearing on the implementation of the Nazi War Crimes Disclosure Act (P.L. 105–246). That hearing was held under the very able leadership of our distinguished colleague from California, STEPHEN HORN. Chairman HORN has shown unwavering support and a deep personal commitment to bring to justice Nazi war criminals through the full declassification of documents in possession of the National Archives and Records Service. His strong leadership was essential in the passage of the Nazi War Crimes Disclosure Act two years ago.

Mr. Speaker, I would also like to thank the current Ranking Member of the Subcommittee, Congressman JIM TURNER, and the former Ranking Member, Congressman DENNIS KUCINICH, for their unwavering commitment to declassification issues in the pursuit of Nazi war criminals and human rights offenders around the world. Special recognition and appreciation should also be given to Congresswoman CAROLYN MALONEY, who introduced the Nazi War Crimes Disclosure Act in the House and who has been a leader on these issues.

Mr. Speaker, the successful implementation of any bill passed by Congress must be measured against the goals we set out to achieve. The goal of the Nazi War Crimes Disclosure Act is to declassify and make public any remaining documents in U.S. possession concerning Nazi crimes, criminals and looted property. At the same time this "right to know" must be balanced against legitimate reasons to continue to withhold certain documents. Since we are dealing with documents that are now half a century old, however, there clearly should be a bias in favor of declassification.

In compliance with Section 2 (b)(1) of the Nazi War Crimes Disclosure Act, President Clinton issued Exec. Order 13110 on January 11, 1999, which created the "Nazi War Criminal Records Interagency Working Group

(IWG)." This organization was established to resolve the conflict between the policy requirement for public disclosure with the need for confidentiality of records and documents because of national security requirements. I want to pay tribute to the members of the IWG. No matter how well intended and carefully crafted legislation is, the people who are chosen to implement it have a great impact upon assuring that the intention of the Congress is met. The efforts of the IWG have been outstanding.

The Members of the IWG are Chairman Michael J. Kurtz of the National Archives and Records Administration (NARA), Thomas H. Baer of Steinhardt Baer Pictures Company, Richard Ben-Veniste of Weil. Gotshal & Manges, John E. Collingwood of the FBI, former Congresswoman Elizabeth Holtzmann, Kenneth J. Levit of the CIA, Harold J. Kwalwasser of the Office of the Secretary of Defense (OSD), William H. Leary of the National Security Council staff, David Marwell of the U.S. Holocaust Memorial Museum, Eli M. Rosenbaum of the Office of Special Investigations at the Department of Justice, and William Z. Slany of the Department of State. In addition, a Historical Advisory Panel composed of seven outstanding historians supports the IWG in their endeavors. Two historians, in particular have played a critical role in the work of the IWG—Dr. Richard Breitman and Dr. Timothy Naftali.

Mr. Speaker, this has been a mammoth undertaking. In its interim report on the implementation of the Nazi War Crimes Disclosure Act—a report which is mandated in Sec. 2 (c)(3) of the Act the IWG reported that all agencies completed a preliminary survey of their records which could potentially be covered by the Act's requirement for declassification review. In the first year of its operations, the IWG has screened over 600 million pages of material to identify potentially applicable files, principally at the CIA, Department of Defense, FBI, and archival records in the National Archives. During this initial screening, some 50 million pages of material meeting the criteria of the legislation has been identified and is being further screened to determine if declassification is covered by terms of the Nazi War Crimes Disclosure Act.

This process is massive and tedious. An enormous amount of material needs to be categorized, catalogued, and systematically searched. In the all too frequent absence of an existing catalogue system responsive to the special focus outlined in the Nazi War Crimes Disclosure Act, a line-by-line review of many, many documents has often been required.

Mr. Speaker, additional problems have occurred when documents are found which were given to the United States by allied foreign intelligence services with the understanding that the United States would not publicly disclose them. Special permission to make such documents public in many cases has required careful negotiation.

Despite these problems, in its short life span, the IWG has released 400,000 pages of documents which are now available to the public at the National Archives and Records Administration. In addition, the IWG has published "finding aids" to the records on Nazi war crimes and Holocaust-era assets which are housed at the National Archives in College Park in order to make the released documents more easily accessible and useable to the general public.

Mr. Speaker, while the Nazi War Crimes Disclosure Act authorizes the funds necessary to conduct all this work (Sec. 2(b)(d)), the IWG did not receive any appropriations for its heroic effort. The Office of Special Investigations (OSI) of the Department of Justice made available $400,000 for IWG support from an appropriation related to the Act. The National Archives, which is charged by the President with the administrative support of the IWG, will provide from its own budget nearly $1 million in staff and other support services by the end of FY 2000. This support falls far short of what is required to satisfy the requirements of the Act.

In addition, the Nazi War Crimes Disclosure Act imposes a "Sunset Provision" of 3 years after enactment of the bill (Sec. 2(b)(1)). Mr. Chairman, I believe that the monumental task we as Members of Congress have given to the IWG cannot be fully completed in this time. Additional time certainly will be required.

Mr. Speaker, let us never forget why these very able people work extremely hard to bring justice to victims and survivors of the Holocaust. It is simply unconscionable that war criminals can escape justice—many times by hiding in the U.S. It is essential that we work so that family members of the victims of Hitler's tyranny can know the fate of their loved ones, and that assets illegally seized from the victims not remain forever hidden.

Mr. Speaker, as this review clearly demonstrates, we have made incredible progress in opening up United States archives to records relating to the war crimes and the crimes against humanity that were perpetrated by the government of Nazi Germany.

The Nazi War Crimes Disclosure Act (Sec. 2(c)(1)) defines Nazi war criminal records as those pertaining to persons who have committed their crimes under the direction of, or in association with the Nazi government of Germany, any government in occupied territories established by military forces, any collaborator government, or any government which was an ally for the German Nazi government. This broad definition clearly includes—and the Congress intended that it include— records relating to the Imperial Japanese government and atrocities that were committed under its responsibility throughout Asia.

I welcome and fully support the decision of the IWG to move now to wartime records relating to Imperial Japan in an effort to bring to light the war crimes that were committed by units of the Imperial Japanese military forces during World War II. The task of dealing with the Japanese records are more difficult. This requires the assembly of a whole new team of scholars and historians, and different language capability is required for these documents than is required for the Nazi German records.

Mr. Speaker, I commend the members of the IWG for their remarkable efforts. I also commend Chairman HORN for holding the hearings to review the implementation of the Nazi War Crimes Disclosure Act. The task which is established in the legislation is an important one as we work to bring a conclusion to this chapter in our history.

SENSE OF THE HOUSE CONCERNING USE OF ADDITIONAL PROJECTED SURPLUS FUNDS TO SUPPLEMENT MEDICARE FUNDING

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. BENTSEN. Mr. Speaker, the Balanced Budget Act of 1997 (BBA) and programmatic changes by the Health Care Financing Administration have resulted in America's health care providers undergoing great fiscal adversities. BBA-compelled reductions to the Medicare program have resulted in cost reductions far greater than anticipated. Mr. Speaker, since the Balanced Budget Act of 1997, which I supported, cuts in payment rates to Medicare health care providers have been far more significant and onerous than anticipated. As a result, many health care plans have withdrawn or are being forced to withdraw from the Medicare+Choice program because of inadequate reimbursement rates, particularly in rural areas.

Since passage of the BBA in 1997, Medicare spending is projected to have been reduced by more than $226 billion—nearly $123 billion more than Congress intended with the passage of the BBA. To alleviate some of these reductions, Congress passed, with my support, the Balanced Budget Refinement Act of 1999 (BBRA). Nevertheless, according to the Congressional Budget Office's (CBO) projections, reductions to the Medicare program are more than four times the $15 billion Congress added as part of the BBRA.

For years, I have been saying we can and must do more to address this healthcare problem. Today, with the CBO estimating that the non-Social Security surplus to the federal budget will exceed $40 billion, the Congress has no excuse but to address this healthcare problem.

This measure expresses the "sense of Congress" that the House of Representatives that, upon receipt of midyear Congressional Budget Office (CBO) re-estimates of the non-Social Security surplus, should promptly assess the budgetary implications of such re-estimates and provide for appropriate adjustments to the Medicare program during this legislative session.

I would note that just last week, President Clinton proposed $21 billion over five years and $40 billion over ten years in restorations for these providers. Regrettably, the flawed Republican prescription drug bill that passed the yesterday failed to include restoration of these BBA cuts, as the President has advanced.

The Democratic Medicare prescription drug plan, that the Republicans were scared to allow this body to vote on yesterday, included these payment restorations. This resolution is a belated recognition by the Republican leadership that the improved budget outlook with larger projected surpluses not only makes these payment adjustments possible, but makes them essential.

Mr. Speaker, in light of economic performance that far surpasses any expectations, I ask my colleagues in the House to join me in further relieving some of the unanticipated effects of the BBA 1997 and join me in supporting H. Res. 535.

INTRODUCTION OF THE NATIONAL FLOOD INSURANCE PROGRAM FAIRNESS ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. STARK. Mr. Speaker, today I am introducing the National Flood Insurance Program Fairness Act of 2000. This February many of my constituents were placed into a special hazard flood zone, a designation which necessitated the purchase of flood insurance. These residents were not notified that they would be required to purchase flood insurance until two months or less before the maps became effective, even though the law is supposed to give them six months notice. This exacerbated an already difficult situation, as residents who had not seen flooding in decades or a lifetime had little notice to purchase costly insurance.

Several residents who did not believe they were in the flood zone hired a surveyor at their own expense. The data provided by this private surveyor resulted in their homes being removed from the special hazard flood zone. While these residents were not required to purchase flood insurance, they did spend over $200 each for the surveyor. They were told by FEMA that they were responsible for that expense, even though the mistaken flood zone classification was made by the county engineers.

Clearly the national flood insurance program needs to be revised to give homeowners more notice and due process. That's why I am proposing this legislation.

The National Flood Insurance Program Fairness Act of 2000 would do the following: Require the FEMA Director to notify by registered mail the Chief Executive Officer of each community affected by changes in Flood Insurance Rate Maps. The Director will be required to provide a copy of the revised map, along with a statement explaining the process of appeal. The director will also provide the affected community sufficient information to identify which homes are affected. Require the Director to notify by registered mail the Chief Executive Officer of each community of FEMA's response to the community's appeal of the flood insurance rate maps. Require the Director to notify by first class mail each owner of property affected by the changes in the flood insurance rate maps. Require FEMA to reimburse a resident for reasonable costs incurred in connection with a surveyor or engineer for an appeal to the Director which is successful. This does not include legal services incurred by the resident.

It is my hope that the legislation will allow communities to better work with FEMA to ensure that residents are given sufficient, fair, and timely notice if they will be required to purchase flood insurance.

TRIBUTE TO THE LATE SERVICEMEN OF USAAF B-17 40-2072

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise today to recognize and honor forty American soldiers killed over fifty-seven years ago in a terrible aviation accident. This mishap occurred in Bakers Creek, Queensland, Australia on 14 June 1943. At the time, it was not only the worst aviation accident in Australia, but also the worst aviation accident of World War II.

The aircraft was operated by the United States Army Air Force 46th Transport Carrier Squadron, 317th Troop Carrier Group (46TCG) of the 5th Air Force, United States Army Air Force, and was one of many B-17 aircraft removed and converted from combat status and placed with the 46th as a transport aircraft. Shortly after takeoff from the Mackay airport in Bakers Creek, Australia, their B-17 flying Fortress lost altitude, falling to the earth in a slow and steady bank and crashed in a ball of flames. In addition to the six crew members, thirty-five soldiers were on board, returning to their posts after being on leave in Mackay. Their names, rank, and units follow:

Crew: 1/Lt. Vern J. Gidcumb, Pilot, 317th Troop Carrier Group, 46th Troop Carrier Squadron; F/O William C. Erb, Co-Pilot, 317th Troop Carrier Group, 46th Troop Carrier Squadron; 2/Lt. Jack A. Ogren, Navigator, 317th Troop Carrier Group, 46th Troop Carrier Squadron; S/Sgt. Lovell Dale Curtis, Crew Chief, 317th Troop Carrier Group, 46th Troop Carrier Squadron; S/Sgt. Frank E. Whelchel, Crew Chief, 374th Troop Carrier Group, 22th Troop Carrier Squadron; Sgt. David E. Tileston, Radio Operator, 317th Troop Carrier Group, 46th Troop Carrier Squadron.

Passengers: Pfc. Arnold Seidel, 5th Air Force, 415th Signal Company; Pvt. Ruben L. Vaughn, 5th Fighter Command, HQ Squadron; T/5 George A. Ehrman, 5th fighter Command, Signal HQ Company; S/Sgt. Roy A. Hatlen, 35th Fighter Group, 40th Fighter Squadron; S/Sgt. John W. Hilsheimer, 35th Fighter Group, 40th Fighter Squadron; Sgt. Dean H. Busse, 35th Fighter Group, 40th Fighter Squadron; Cpl. Raymond H. Smith, 35th Fighter Group, 40th Fighter Squadron; Maj. George N. Powell, 49th Fighter Group, HQ Squadron; Pfc. Jerome Abraham, 49th Fighter Group, Hq Squadron; Pvt. Charles, D. Montgomery, 49th Fighter Group, 7th Fighter Squadron; Capt. John O. Berthold, 49th Fighter Group, 8th Fighter Squadron; Sgt. Carl A. Cunningham, 49th Fighter Group, 8th Fighter Squadron.

Sgt. Charlie O. LaRue, 49th Fighter Group, 8th Fighter Squadron; Sgt Leo. E. Fletcher, 38th Bombardment Group, 405th Bombardment Squadron; Sgt. Donald B. Kyper, 38th Bombardment Group, 405th Bombardment Squadron; Cpl. Franklin F. Smith, 38th Bombardment Group, 405th Bombardment Squadron; T/Sgt. James A. Copeland, 8th Service Group, HQ Squadron; Cpl. Charles W. Sampson, 8th Service Group, 11th Service Squadron; Pfc. Dale Van Fosson, 8th Service Group, 1160th Quartermaster Company; Pfc. Kenneth W. Mann, 36th Service Group, 374th Service Squadron; Pfc. Charles M. Williams, 455th Service Squadron; T/5 William A. Briggs, 478th Service Squadron, 1037th Signals; Cpl. Edward Tenny, 479th Service Squadron.

Pfc. Norman J. Goetz, 480th Service Squadron; Pfc. Frederick C. Sweet, 481st Service Squadron, 46th Ordnance Company; T/Sgt. Alfred H. Frezza, 27th Depot Repair Squadron; Cpl. Jacob O. Skaggs, Jr., 27th Depot Repair Squadron; Pvt. James E. Finney, 27th Depot Repair Squadron; Pvt. Raymond D. Longabaugh, 842nd Aviation Engineer Battalion; Cpl. Marlin D. Metzger, 374th Troop Carrier Group, 6th Troop Carrier Squadron; Pfc. Frank S. Penska, 374th Troop Carrier Group, 6th Troop Carrier Squadron; Sgt. Anthony Rudnick, 565th Signal Battalion, Company A; Pfc. Vernon Johnson, 440th Signal Battalion, Company A; Pfc. John W. Parker, 809th Chemical Company.

Mr. Speaker, although these men came from twenty different states, were from many different walks of life, and served in many different units, their common purpose was one: service to our nation. Until recently, the details of this mishap were classified by the Air Force, but now that the incident is available for public attention, I desire to honor the memory of these fine young men.

I applaud the efforts of people like Mr. Colin Benson, who is a historian for the Mackay chapter of the Returned and Service League (RSL) of Australia. Mr. Benson's devotion to obtaining the records of the incident and seeking recognition for these men has been long and arduous. As an Australian, Mr. Benson's dedication to our American soldiers is commendable. Rarely does a foreign country applaud the efforts and sacrifices of another, and strive so hard to honor their dead. I also applaud Mr. Eugene D. Rossel's commitment and dedication to the disclosure of this terrible mishap. He is that type of American who will not rest until heroes like the men I listed above are recognized for their personal sacrifice.

Mr. Speaker, I ask that we give thanks to all our veterans for the sacrifices they made for our great nation. Unfortunately, we must also live with the knowledge that some of our servicemen and women do not live long enough to become veterans. They give their lives so that ours might be better, and the men of B-17 40-2071 did no less. May we continue to recognize and memorialize our fallen servicemen and women, long into the future.

CONGRATULATING 30 SIXTH GRADERS OF SHADY LANE ELEMENTARY SCHOOL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. ANDREWS. Mr. Speaker, I rise today to commemorate a great day, on which 30 sixth grade students from Shady Lane Elementary School reached all of the appropriate levels on their Terra Nova test. Ms. Pat Campanile's sixth grade class is an outstanding group of young people. I wish the best of luck to the

following group of sixth graders: Pedro Alvarez, Angelica Beltran, Jeffrey Clement, Da Juane Collins, Shannon Costro, Casaundra Davis, Erin Feeney, Julia Fluke, Kalem Francis, Lacey Hall, Matthew Hanratty, Gina Hinchliffe, Darrell Jenkins, Sachi Jonas, Lauren Jordan, Debbie King, Jonathan Lawrence, Robert Murninghan, Brittney Nock, Christopher Perez, Jenna Perez, Andre Robinson, Charmel Sippio, Amanda Smith, Krystle Snyder, Michael Solvibile, Patricia Stout, Prunell Thurman, Philip Washington.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. MANZULLO. Mr. Speaker, on Monday evening, June 26, 2000, there was a series of votes called for the bill providing appropriations for the departments of Commerce, Justice and State, and the Judiciary—H.R. 4690. I was unavoidably delayed due to mechanical problems and personnel issues with not one, but two different, airlines. Consequently, I was delayed to the point of missing several votes.

Had I been present for roll call vote 322, the Sanford Amendment numbered 33 printed in the Congressional Record to strike the $8.2 million appropriation for the Asia Foundation in the Department of State, I would have voted Aye.

Had I been present for roll call vote 323, the Olver Amendment numbered 72 printed in the Congressional Record to add a new proviso into the bill (relating to the Kyoto Protocols) which clarifies that the limitations on funds shall not apply to activities which are otherwise authorized by law, I would have voted Nay.

Had I been present for roll call vote 324, the Hostettler Amendment numbered 23 printed in the Congressional Record to add a new section which provides that no funds in the bill may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith and Wesson and the Department of the Treasury, I would have voted Aye.

Had I been present for roll call vote 325, the Vitte amendment numbered 77 printed in the Congressional Record to add language to the bill prohibiting the use of funds by the State Department to approve the purchase of property in Arlington, Virginia by the Xinhua News Agency, I would have voted Aye.

Finally, had I been present for roll call 326, final passage for the bill, H.R. 4690, I would have voted Aye.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mrs. CLAYTON. Mr. Speaker, I was unavoidably detained and missed rollcall vote No. 319.

Had I been present, I would have voted nay on rollcall No. 319, the Waxman amendment to H.R. 4690—Commerce-Justice-State Appropriations.

HONORING THE CAREER OF SHIRLEY FEIRER, PRESIDENT OF THE DEPARTMENT OF MICHIGAN VETERANS OF FOREIGN WARS AUXILIARY

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Ms. STABENOW. Mr. Speaker, I would like to recognize the years of dedication and service of Shirley Feirer to the Veterans of Foreign Wars Auxiliary. Ms. Feirer will be concluding her year of outstanding service as President of the Department of Michigan VFW Auxiliary on July 1, 2000 at the Department Convention in Dearborn, Michigan.

President Feirer first joined the Auxiliary in October 1983 with her husband Joseph, who served in World War II in Europe. In 1990 she was appointed as District 10 President, which she performed simultaneously with her newly elected position as Washington Township Supervisor. In 1997, she was chosen to serve as all State President. Elected as a Guard with the Department of Michigan in 1994, Ms. Feirer proceeded through the chairs to become State President in 1999.

Over the past year, Shirley has logged many miles to visit the 279 VFW auxiliaries that make up the Michigan Department. She has not only traveled the state of Michigan, she has represented the over 3,000 Michigan auxiliary members at national conventions. She has balanced all of this with her role as Washington Township Supervisor, Mother of three sons, five step-children, twelve grandchildren, one great grandchild and caretaker of her mother.

Today I would like to thank Shirley for her years of service and her dedication to the veterans who have so nobly served our country. The foundation that Ms. Feirer helped to build will remain for future generations. I wish her the very best as she steps down as President. I am sure she will continue to be a valuable asset to the VFW Auxiliary in the future.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. FILNER. Mr. Speaker, on Thursday, June 28, I missed a series of votes due to the death of my father. Had I been here, I would have voted as follows: Rollcall #352—yes, Rollcall #353—yes, Rollcall #354—yes, Rollcall #355—no, Rollcall #356—yes, Rollcall #357—no.

SHEPPARD AIR FORCE BASE AND COMMUNITY FREEDOM FEST COMMEMORATION

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. THORNBERRY. Mr. Speaker, I would like to take this opportunity to commemorate the contributions of the men and women who have served America while stationed at Sheppard Air Force Base, Wichita Falls, Texas and members of the community during their Independence Day celebration.

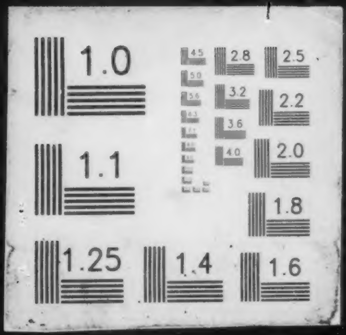
The Sheppard Air Force Base July 4th, 2000 Freedom Fest is a celebration of freedom recognizing the contributions and sacrifices of patriots in the past and celebrating the promise of America's future. In honor of this event and these contributions, I enter the following proclamation into the official record of today.

Whereas the friendship and understanding between the men and women of Sheppard Air Force Base and Wichita Falls, Burkburnett, Iowa Park, and other North Texas communities are indicative of the strong civil-military support so essential to America's strength;

Whereas since its beginnings in 1941 as a training base for B–25 and B–26 aircraft mechanics, Sheppard Air Force Base has continued to play an essential role in training so many of America's sons and daughters in critical skills that enabled us to win the Cold War;

Whereas it should be acknowledged the men and women of Sheppard Air Force Base host Freedom Fest—a day of family fun—in appreciation and gratitude of the military and civilian patriots of the past and present so committed to the preservation of freedom;

Therefore, let it be known that the Sheppard Air Force Base Freedom Fest celebration is a commendable event celebrating freedom, liberty, community support, and friendship.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